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PROCEEDINGS AND DEBATES OF THE 102^{d} CONGRESS, SECOND SESSION

SENATE—*Tuesday, September 8, 1992*

The Senate met at 9 a.m. and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And we know that all things work together for good to them that love God, to them who are the called according to his purpose.—Romans 8:28.

Sovereign Lord of history, Ruler of the nations, this is a remarkable prospect that You make everything work together for good, and we pray that that will be a reality here and now. The Senate faces an impossible task these next 6 weeks: 24 legislative days, 17 for appropriations. You are the God of the macrocosm and of the microcosm. Whether it is a nation rising or a sparrow falling to the ground, You know.

Gracious, all powerful God of love, the Senate goes to work with imponderable crises in the world—Eastern Europe, the Middle East—not to mention unprecedented devastation in Florida and Louisiana. Grant wisdom, discernment, and strength to the Senators and committee staffs, that these next weeks will be the most satisfying, productive of any in their memory. Overrule any unworthy agenda which would frustrate such an achievement.

In the name of the Lord of heaven and earth we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in stating that the Journal of Proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The Senator is correct.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business extending until 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

When morning business closes at 9:30, under a previous unanimous consent agreement, I am to be recognized to move to proceed to S. 640, the product liability legislation.

Once that motion is made, the Senate will, also by previous order, go into executive session for 3 hours to consider the nomination of Edward Carnes.

Consideration of the Carnes nomination will resume at 9 a.m. tomorrow.

The Senate will then stand in recess today from 12:30 p.m. until 2:15 p.m., in order to accommodate the respective party conferences. Upon reconvening, the Senate will then return to the consideration of the motion to proceed to S. 640, the product liability bill.

I anticipate that debate on that motion will continue for about 2 hours, at the end of which time a cloture motion will be filed on the motion to proceed. That cloture vote would occur on Thursday under the rules, unless otherwise specified by unanimous consent.

It is my intention today, once debate has concluded on the motion to proceed to S. 640, to then have the Senate proceed to H.R. 5679, the VA-HUD appropriations bill. Just prior to the Senate's adjournment for the August recess, a unanimous-consent agreement was reached regarding the handling of this appropriations bill. The details of that agreement can be found on page 3 of the Senate Legislative Calendar.

Mr. President, as has been my practice since becoming majority leader, I have tried to provide my colleagues with as much notice as possible regarding the Senate schedule. As I indicated in August, there are a number of important measures we must complete action on prior to final adjournment this year. And I will, in a moment, make a more detailed statement regarding such measures.

Just prior to the adjournment, I said that for the remainder of this year, in order for the Senate to complete action on these important matters, it may be necessary for the Senate to be in session on any of the Saturdays prior to adjournment, with a possibility of rollcall votes occurring at any time when the Senate is in session—Monday through Saturday—with the only exception being Monday, September 28, when there will be no rollcall votes in observance of a religious holiday.

Each of my colleagues should have by now received a copy of my letter to them of August 12 outlining the Senate schedule. I now ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, August 12, 1992.

DEAR COLLEAGUE: I am writing to advise you of the voting schedule from Tuesday, September 8, until *sine die* adjournment of this Congress, which I hope will occur on Saturday, October 3.

In order to achieve an early October adjournment date, it will be necessary to continue the current voting schedule. Rollcall votes may occur at any time that the Senate is in session. *This includes Mondays through Fridays and the possibility of Saturday sessions throughout September. This includes procedural votes to ensure the attendance of Senators. All Senators are hereby placed on notice of the pos-*

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

sibility of votes, at any time the Senate is in session.

The only exception to this announced schedule will be on Monday, September 28. There will be no rollcall votes on that day due to the observance of Rosh Hashana.

In order to achieve *sine die* adjournment by early October, it will be necessary to have long session days, with rollcall votes, throughout the final legislative period. However, with cooperation on the part of all Senators, it is possible to complete the necessary legislative business and adjourn by early October.

Sincerely,

GEORGE J. MITCHELL.

Mr. MITCHELL. Mr. President, therefore, each Senator has received a month's notice on the Senate schedule for the remainder of the year, and I hope I will be able to count upon the cooperation of my colleagues to complete action on the necessary legislation this year.

LEGISLATIVE AGENDA FOR FALL SESSION OF 102D CONGRESS

Mr. MITCHELL. Mr. President, we face a very substantial workload, and limited time within which to accomplish it, if we are to complete our work properly and adjourn the 102d Congress as planned.

Three primary issues face the Nation today, one being essential action in the aftermath of two national emergencies: The devastation of southern Florida and Louisiana by Hurricane Andrew, and the rebuilding of south-central Los Angeles.

Also, prompt action on economic growth. Throughout the summer, the economic news has not been good. Unemployment fell by a scant one-tenth of 1 percent, to 7.6 percent in August, not because of new permanent jobs, but because of an increase in temporary summer jobs. In fact, there was a substantial loss of permanent jobs.

Meantime, durable goods orders fell 3.4 percent in July. The second quarter merchandise trade deficit rose 42 percent over the first quarter. New home sales fell 2.6 percent in July, despite low-mortgage rates and falling prices. And the July index of leading economic indicators rose one-tenth of 1 percent, not enough to offset the decline of the previous month.

In all, it is clear that the economy is stagnant. Meantime, the poverty rate has reached its highest level in almost 10 years. More than 10 percent of Americans today receive food stamp assistance. More than 14 percent cannot earn enough income to lift themselves above the poverty level. Median income continues to fall. Since 1989, median income for working people has fallen by more than 5 percent. Households which in 1991 earned the median income—$31,203—last year saw their real income fall by over $1,000 to $30,126.

All three of these factors demand our attention: Disaster relief, economic growth, and the plight of working families.

That will be the agenda for the closing session of the 102d Congress. The President's generous and appropriate commitment of Federal help to the people of southern Florida and Louisiana will have the support of the Senate. People who have seen the savings of a lifetime devastated by a natural disaster need to know they can count on help to rebuild and start over.

The devastation of businesses and lives in south-central Los Angeles and the needs of our inner cities across the country also deserve prompt and responsive action.

The urban aid and tax package remains unfinished. I hope we can conclude action on that essential legislation promptly. Economic growth is essential. The urban aid tax package is a modest step in the right direction. It deserves to be approved.

We must also complete work on the defense authorization bill. Defense conversion programs in that legislation are important to the future of military service men and women who will face separation from the services, to the communities hard hit by reductions in defense contracts, and to the national economy.

A long awaited and essential energy bill is headed to conference. We need a comprehensive energy policy which encourages increased energy efficiency and proper use of domestic resources. Energy efficiency is one key to raising productivity, a vital factor in raising living standards. So long as our competitors use half the energy to produce products and services as we do, we suffer a competitive disadvantage.

The energy bill alone will not reverse this situation overnight, but it is an important first step in the right direction.

A growing economy will improve the well-being and security of working Americans and their families. Economic expansion, productivity improvement, new jobs, and a growing civilian economy are what working people need today.

The housing reauthorization bill is important to the long-term economic security of working families. Moderate- and low-income housing are essential. Housing sales last year were the lowest since World War II. Despite record low mortgage rates, millions of working families still cannot commit themselves to the long-range goal of home ownership. They are uneasy about their jobs, they know that their incomes are not rising. And the Census Bureau reports that families below the poverty level often must spend more than half their small incomes for shelter.

New home prices are down but so are new homes sales: Too many first-time and moderate-income workers do not have the job security or the income to provide one of the fundamentals of the American dream—their own home. The housing legislation is a step toward changing that.

I hope we will soon take up the conference report on the cable TV bill. It is important consumer legislation. In too many cities and communities around the Nation, cable operators have no meaningful competition. Consumers, accordingly, have no choice but to pay the rates demanded. That is a classic monopoly situation that should be corrected. The cable television bill will correct it.

The Senate passed the family leave legislation. The House will approve it soon. It will provide more practical help for working families in today's work environment than any number of speeches about family values. Why should American workers, alone among all advanced nations, have to fear for their jobs if they decide to have a new baby, or if an elderly parent falls ill? There is no good reason for it. This bill is modest; it provides only unpaid leave; it exempts small business. I hope it will soon become law.

We are moving forward on the elementary and secondary education legislation. The good news is that SAT scores nationally rose 1 point on the verbal score and recovered 2 lost points on the math score. Now is the time to build on that modest gain. The bill before the Congress provides for reform and makes resources for reform available to all schools and all the children attending them.

Shortly before the recess, the House passed the family planning legislation, the bill that does more to deter the need for abortion services than any other. The bill repeals the notorious gag rule, which interferes with the doctor-patient relationship and creates two classes of health care for American women: first-class, fully informed care for the privately insured, and second-class care for the poor women.

The Senate will act on this measure soon. It is a commonsense and important piece of legislation that deserves wide support. I hope it will have broad, bipartisan support in the Senate.

If the House acts on the Freedom of Choice Act, the Senate will take up that legislation as well. The issue presented by the bill is who shall make the choice for American women: Government or women themselves? I believe a majority of the Senate supports the right of women to choose.

We must also make every effort to move forward with meaningful health care legislation that focuses on controlling soaring health care costs to American families. The Census Bureau's report on poverty showed that those below the poverty level are twice as likely as others to have no private health insurance. The costs to the society of curing preventable conditions is soaring, and those costs are helping drive up insurance rates for all Americans.

There is no single factor in our fiscal policy or in our social environment that is more important than the control of health care costs. That will remain a primary agenda item until it is resolved.

The Senate will also attempt an override vote on the Motor Voter Act, a modest bill to ease voter registration which was, regrettably, vetoed. The bill deserves enactment. The experience of States with simplified registration has shown that it does not encourage voter fraud, but it does encourage turnout. The motor-voter bill is intended to make civic duty more compatible with everyday modern life and it deserves to become law.

I also hope we will be able to act on the Older Americans Act before adjournment. This is necessary legislation for our senior citizens.

In addition, we face the vital task of completing action on the appropriations bills.

Appropriations bills are on track for final action by the beginning of the fiscal year, October 1. The House has completed action on all 13 appropriations. The Senate has finished seven of them; one has already been signed into law.

So far in the appropriations process, the House has approved spending that is $12.5 billion less than the President requested. We will conclude these bills promptly. In addition, Congress acted swiftly on the President's request for spending rescissions. In fact, Congress went beyond his request and reduced spending by $8.2 billion.

I hope other legislation can be passed without further delay. Final action on the crime bill remains possible. The bill includes tougher sentences for drug and gun crimes and $3 billion in essential local aid for law enforcement. A majority of Americans agrees that personal safety remains one of the most important elements of a civil society. This bill, which has passed the House, deserves to be passed in the Senate.

We will be voting on product liability reform and judicial nominees. The Equal Remedies Act remains ready for action on the calendar. An assortment of other environmental, copyright, and other legislation may be cleared for action. We may be sure there will be no shortage of legislative work to be done. I hope we are prepared to move on it promptly. I look forward to a busy and productive legislative session.

DEATH OF SENATOR QUENTIN N. BURDICK

Mr. MITCHELL. Mr. President, I have just received very sad news for the Senate and for our country. At 3:05 a.m. this morning in Fargo, ND, Senator QUENTIN BURDICK died.

Senator BURDICK was born on June 19, 1908. He entered the Senate on August 8, 1960, more than 32 years ago. He served as chairman of the Environment and Public Works Committee, a committee on which I was honored to serve under his chairmanship. He served as chairman of the Subcommittee for Agricultural Appropriations; he was a member of the Special Committee on Aging, a member of the Select Committee on Indian Affairs, a cofounder of the Rural Health Caucus.

All of these are impressive public accomplishments, but they do not begin to tell the story of Senator BURDICK's immense contribution to the Senate and to our Nation. He was proud of his father's previous public career and had spoken often of his early days in public office. Those of us who knew him well, who worked with him, who laughed with him, will recall his descriptions of his early campaigns in North Dakota, will recall his struggles to represent the people of his State aggressively and effectively as he did for so many years. He was a beloved figure in the Senate, respected, I think it fair to say, by every Member of the Senate, regardless of political party or region of the country. His accomplishments are many; his integrity, unimpeachable; his character, high. He worked very hard right until the end.

I know that he will be sorely missed by every person in the Senate.

Senator BURDICK was married to Jocelyn Birch Peterson on July 7, 1960, just before he entered the Senate. He and Mrs. Burdick were neighbors of mine, friends of mine. He will be sorely missed.

In behalf of every Member of the Senate, I extend my sympathy and condolences to Mrs. Burdick.

EMPLOYEE RETIREMENT INCOME SECURITY ACT AMENDMENTS

The ACTING PRESIDENT pro tempore. Pursuant to rule XIV, the clerk will read the bill, H.R. 2782, for the second time.

The legislative clerk read as follows:

A bill (H.R. 2782) to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws.

The ACTING PRESIDENT pro tempore. Is there objection to the further consideration of the bill at this time?

Mr. MITCHELL. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the Senate Calendar pursuant to rule XIV.

STATEMENT OF SENATOR SASSER UNDER SECTION 9 OF THE CURRENT RESOLUTION ON THE BUDGET

Mr. SASSER. Mr. President, I hereby submit further revised budget authority and outlay allocations to the Senate Committee on Finance and aggregates under section 9 of the concurrent resolution on the budget, House Concurrent Resolution 287, in connection with H.R. 11, the Revenue Act of 1992.

Section 9 (a) and (b) of the budget resolution states:

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE FOR FAMILY AND ECONOMIC SECURITY INITIATIVES IN ACCORDANCE WITH PROVISIONS OF THE SUMMIT AGREEMENT.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO PROTECT CHILDREN AND STRENGTHEN FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) ECONOMIC GROWTH INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery or growth initiatives, including unemployment compensation or other related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

The Committee on Finance reported H.R. 11, the Revenue Act of 1992, with a committee amendment that it modified on August 11, 1992. The modification appears on pages 22809 through 22810 of the CONGRESSIONAL RECORD for August 11. As reported and modified, H.R. 11 includes, among other things, several provisions that would strengthen foster care, adoption, and child welfare services, would make improvements to the Aid to Families With Dependent Children Program, better known as AFDC, would provide comprehensive substance services to pregnant women, and would modify the earned income tax credit, which benefits families. In the words of section 9(a) of the budget resolution, these provisions would increase "funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families."

As reported and modified by the Finance Committee, H.R. 11 also includes provisions that would temporarily increase matching rates for job opportunities and training programs, would provide for employment demonstration programs, and would expand a targeted jobs wage credit. In the words of section 9(b) of the budget resolution, these provisions would increase "funding for economic recovery or growth initiatives."

H.R. 11, as reported and modified by the Finance Committee, also meets the other requirement of section 9 (a) and (b) of the budget resolution that—

> To the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

H.R. 11, as reported and modified, complies with the conditions set forth in the budget resolution, under the authority of section 9 (a)(2) and (b)(2) of the budget resolution, it is therefore appropriate that I file with the Senate appropriately revised budget authority and outlay allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection.

Note that I have twice submitted similar revisions this summer in connection with the Comprehensive National Energy Policy Act, H.R. 776. Those statements appear on pages 20076 through 20078 of the CONGRESSIONAL RECORD for July 29, 1992, and page 21020 of the CONGRESSIONAL RECORD for August 3, 1992. Even though the Senate passed the Comprehensive National Energy Policy Act on Thursday, July 30, 1992, Congress has not yet completed action on it. Consequently, in keeping with precedent, the Budget Committee has not yet added the Comprehensive National Energy Policy Act into its estimate of the current level of budget authority, outlays and revenues.

The filing that I make today displays revised allocations and aggregates in two ways: with the estimates of the Comprehensive National Energy Policy Act excluded and included. Consistent with the precedent of excluding legislation from the current level of spending and revenues until Congress has completed action, the Budget Committee will compare its estimate of the current level of spending and revenues to the revised allocations and aggregates that exclude the revisions associated with the Comprehensive National Energy Policy Act until Congress completes action on that act. The allocations and aggregates excluding the Comprehensive National Energy Policy Act will govern until Congress submits it to the President. The allocations and aggregates including that act will govern if and when Congress enacts both the Comprehensive National Energy Policy Act and the Revenue Act of 1992 in their current form.

e, further, that at the beginning of consideration of the Revenue Act of 1992, I filed revised allocations and aggregates in connection with that act as it was originally reported. That statement appears at pages 22815 through 22817 of the CONGRESSIONAL RECORD for August 11, 1992. The allocations and aggregates that I now file supersede those allocations and aggregates.

With this explanation, I hereby file with the Senate appropriately revised budget authority and outlay allocations under sections 302(a) and 602(a) and revised functional levels and aggregates in connection with H.R. 11.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

REVISED BUDGET RESOLUTION TOTALS PURSUANT TO SEC. 9 OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993—ASSUMING ENACTMENT OF H.R. 11 AS MODIFIED

[In millions of dollars]

	1993	1993–97
Spending allocations and revenue totals:		
Resolution revenue total	848,672	4,817,372
Reserve fund change—H.R. 11 as modified	438	3,077
Revised revenue total	849,110	4,820,449
Finance Committee budget authority allocations	517,888	3,012,184
Reserve fund change—H.R. 11 as modified	402	2,975
Revised Finance Committee budget authority allocations	518,290	3,015,159
Finance Committee outlay allocations	515,512	2,998,421
Reserve fund change—H.R. 11 as modified	438	3,077
Revised Finance Committee outlay allocations	515,950	3,001,498

REVISED BUDGET RESOLUTION TOTALS PURSUANT TO SEC. 9 OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993—ASSUMING ENACTMENT OF H.R. 11 AS MODIFIED

[In millions of dollars]

	1993	1993–97
Spending allocations and revenue totals:		
Resolution revenue total	848,672	4,817,372
Reserve fund change—H.R. 776	218	1,247
Reserve fund change—H.R. 11 as modified	438	3,077
Revised revenue totals	849,328	4,821,696
Finance Committee budget authority allocations	517,888	3,012,184
Reserve fund change—H.R. 776	218	1,247
Reserve fund change—H.R. 11 as modified	402	2,975
Revised Finance Committee budget authority allocations	518,508	3,016,406
Finance Committee outlay allocations	515,512	2,998,421
Reserve fund change—H.R. 776	218	1,247
Reserve fund change—H.R. 11 as modified	438	3,077
Revised Finance Committee outlay allocations	516,168	3,002,745

REVISED BUDGET RESOLUTION TOTALS PURSUANT TO SEC. 9 OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993—ASSUMING ENACTMENT OF H.R. 11 AS MODIFIED

[In millions of dollars]

	1993	1994	1995	1996	1997
Resolution aggregates:					
Resolution revenue aggregates	848,672	911,920	968,430	1,017,875	1,070,475
Reserve fund change—H.R. 11 as modified	438	602	641	663	733
Revised resolution revenue aggregates	849,110	912,522	969,071	1,018,538	1,071,208
Resolution budget authority total	1,249,772	1,270,020	1,309,930	1,375,175	1,468,775
Reserve fund change—H.R. 11 as modified	402	599	579	654	741

REVISED BUDGET RESOLUTION TOTALS PURSUANT TO SEC. 9 OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993—ASSUMING ENACTMENT OF H.R. 11 AS MODIFIED—Continued

[In millions of dollars]

	1993	1994	1995	1996	1997
Revised resolution budget authority total	1,250,174	1,270,619	1,310,509	1,375,829	1,469,516
Resolution outlay total	1,242,072	1,255,720	1,258,230	1,304,975	1,416,175
Reserve fund change—H.R. 11 as modified	438	602	641	663	733
Revised resolution outlay total	1,242,510	1,256,322	1,258,871	1,305,638	1,416,908

Note.—H.R. 11.—Revenue Act of 1992.

REVISED BUDGET RESOLUTION TOTALS PURSUANT TO SEC. 9 OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993—ASSUMING ENACTMENT OF H.R. 11 AS MODIFIED AND H.R. 776

[In millions of dollars]

	1993	1994	1995	1996	1997
Resolution aggregates:					
Resolution revenue aggregate	848,672	911,920	968,430	1,017,875	1,070,475
Reserve fund change—H.R. 776	218	300	250	243	236
Reserve fund change—H.R. 11 as modified	438	602	641	663	733
Revised resolution revenue aggregates	849,328	912,822	969,321	1,018,781	1,071,444
Resolution budget authority total	1,249,772	1,270,020	1,309,930	1,375,175	1,468,775
Reserve fund change—H.R. 776	218	300	250	243	236
Reserve fund change-H.R. 11 as modified	402	599	579	654	741
Revised resolution budget authority total	1,250,392	1,270,919	1,310,759	1,376,072	1,469,752
Resolution outlay total	1,242,072	1,255,720	1,258,230	1,304,975	1,416,175
Reserve fund change—H.R. 776	218	300	250	243	236
Reserve fund change—H.R. 11 as modified	438	602	641	663	733
Revised resolution outlay total	1,242,728	1,256,622	1,259,121	1,305,881	1,417,144

Note.—H.R. 776—Comprehensive National Energy Policy Act of 1992, H.R. 11—Revenue Act of 1992.

QUENTIN BURDICK

Mr. THURMOND. Mr. President, just before speaking on this subject I want to express my regrets on the death of Senator BURDICK. I understand he passed away over the weekend. Senator BURDICK was a very fine gentleman and I enjoyed his friendship. He made an excellent Senator for his State.

Mrs. Thurmond and I want to express our deepest sympathy to Mrs. Burdick and all members of the Burdick family.

Later, I will be making more detailed remarks on the life of this fine man.

EULOGY FOR SENATOR BURDICK

Mr. BENTSEN. Mr. President, today the Senate mourns the passing of QUENTIN BURDICK, the distinguished son of North Dakota and one of this Chamber's most beloved Members. In the 32 years he served his State through this body, the Senate never knew a gentler spirit. I never knew a man kinder to his colleagues and more concerned and responsive to his constituents. When he spoke about the State he served so well, his affection was so strong that his listeners could scarcely believe he had been a rough-and-tumble former football player. As my friendship with him deepened, I understood that the love he had for North Dakota—and for this Chamber—was borne of his great heart. His was a competitor's heart that loved the contest, was modest in victory, and was large enough to envelop every rival after the fray was decided. Now, a great Member and a fine man represents his home in the highest chamber any of us may know. We honor his life as we grieve for its passing. And the highest tribute we pay is to remember his example as we carry on his work.

SENATOR QUENTIN N. BURDICK

Mr. BAUCUS. Mr. President, it is with great sadness that I learned this morning of the death of our esteemed colleague from North Dakota, the chairman of the Environment and Public Works Committee.

QUENTIN BURDICK set a standard for character and integrity that we would all do well to emulate. He was a man of his word. And when you shook hands with QUENTIN BURDICK on something, that was all the assurance you needed.

And let me tell you, surviving a handshake with QUENTIN was an accomplishment in itself, such was the strength of his grip.

He was fond of telling—and retelling—the story about how he once broke his arm playing high school football against a team from Wolf Point, MT. After the doctors set his arm though, it had a slight bow in it. He often showed it to visitors, and then, apparently to make the point that it did not weaken him, he would give them one of his bone crushing hand shakes.

I always valued my friendship with QUENTIN. We shared many interests, not only because our States had similar concerns, but because we had many of the same values.

He was a great defender of rural America. And at a time when show horses command more public attention, QUENTIN remained a true work horse for his constituents.

He believed in the small businessman, the farmer, the worker, the prairie populist values that are so important to the folks in North Dakota.

But to me he was more than a colleague, more than just my chairman, we was a true friend.

I particularly will miss the twinkle in his eye, his clear thinking, his sense of humor.

QUENTIN never took himself too seriously. He worked assiduously for his people in North Dakota. He did not grandstand. He had his head screwed on straight. His feet were on the ground. He was a true westerner, a true gentleman, a true man of uncommon common sense.

His passing is not only a loss to the Senate and not only a loss to North Dakota, it is a personal loss to me.

REMEMBERING QUENTIN BURDICK

Mr. DOLE. Mr. President, it was with great sadness that we learned today of the death of our friend and colleague QUENTIN BURDICK. It will be difficult to imagine a Senate without him.

QUENTIN BURDICK was one of the Senate's most respected, admired, and trusted members. His word was always his bond, and that means a lot around this place.

I had the honor of working with QUENTIN BURDICK in this body for nearly 24 years. As fellow midwesterners, we often fought shoulder to shoulder for the interests of our Nation's farmers and small-town America. As a tireless fighter for rural America, Senator BURDICK was among the first to recognize the problems of health care delivery to small towns. His commitment led him to organize the Senate rural health caucus to tackle an issue that is absolutely crucial to our small towns and rural communities. No doubt about it, QUENTIN BURDICK always went the distance for the people of North Dakota, the Midwest, and the United States.

In the 32 years that QUENTIN BURDICK represented North Dakota in the Senate, he served on no fewer than 9 different committees, ascending to the chairmanship of the Environment Committee and the Agriculture and Rural Development Appropriations Subcommittee.

Mr. President, out of the 1,799 Americans who have served in the U.S. Senate, only 20 served longer than QUENTIN BURDICK. Being chosen to represent the people of your State six times is among the rarest tributes a public servant can ever receive.

Today, we remember this good man from Fargo, a man who never forgot his roots and the people who sent him here.

Mr. President, I know all my colleagues join me in sending our most heartfelt condolences to QUENTIN BURDICK's wife Jocelyn and to his entire family and many, many friends in the State of North Dakota.

MY BEST FRIEND IN THE SENATE

Mr. WELLSTONE. Mr. President, QUENTIN BURDICK, the Senator from North Dakota, was my best friend in the U.S. Senate. He was my best friend because he was my teacher.

Mr. President, what my father taught me toward the end of his life when he was in declining health is what you need to do is you need to slow up and take the time to talk to someone who is in failing health.

So, Mr. President, I think I was wise enough to take that time and to talk with Senator BURDICK. From Senator BURDICK I learned all about the rich history of North Dakota, from the Nonpartisan League, all the way to today.

Mr. President, QUENTIN BURDICK was an amazing human being. He would ask me, sometimes, whether I thought he should run for reelection. I never answered that question. And he would look at me and he would say, "I don't know if I should. But the thing of it is, if I don't run for reelection, I hate to give up the power." But when Senator BURDICK talked about power, he was not talking about power the way all too many people in politics talk about power today. He was not talking about self-aggrandizement. He was not talking about promoting himself. He meant, "I don't want to give up the power to do well for people in North Dakota. I don't want to give up my power to help people. I don't want to give up my power to serve people."

He did not care at all about a lot of the status. And he was the exact opposite of whatever it is to be pretentious.

Mr. President, one time I was hurrying, Friday afternoon, to catch a plane to go home. And I had a suitcase and I was rushing out in the hall in the Hart Building. Senator BURDICK's office was on the fifth floor. And he called over to me and he said, "Young man"—I always liked it when he said "young man"—he said, "Young man, where are you going?" He had a great sense of humor. And I said, "Well, Senator BURDICK, I am rushing to get home. I have to get home this weekend."

And he looked at me and he said, "You cannot go home. You have to stay here in the Senate and fight for the people."

I do not hear anybody in the U.S. Senate really talk that way anymore. But that is what Senator BURDICK believed. I think other Senators believe that. Many Senators believe that, I am sure. But this was in his heart and soul, that you are in the U.S. Senate to fight for people.

I want to say to the people of North Dakota, I really share your loss. You have lost a great Senator. You have lost just a great person. I want to send to Jocelyn and Senator BURDICK's family all my love. And I want to say to the people of Minnesota, because Senator BURDICK was well known, especially in western and northwestern Minnesota, we have lost a great Senator; a great Senator who was a voice for farmers; a great Senator who was a voice for rural people; a great Senator who was a voice for working people; a great Senator who stood for the very people that the Democratic Party should stand for. I am going to really miss him; I am going to really miss him.

QUENTIN BURDICK: A GREAT SENATOR AND A GREAT PERSON

Mr. CONRAD. Mr. President, I want to thank my colleague from Minnesota. When he talked about the passing of my colleague, Senator BURDICK, the Senator referred to him as a great Senator. QUENTIN BURDICK was also a great person.

As someone who has known him ever since I was a young boy, as someone who grew up with QUENTIN BURDICK at the family dinner table, as someone who grew up with QUENTIN BURDICK not only as a representative of our State, but as someone who was very close to my family, I regret deeply his passing. The Senate will be poorer for it, the country will be poorer for it, and my State will be poorer for it.

QUENTIN BURDICK was a lovely person. He was not only an outstanding Senator, deeply dedicated to my State, but a lovely person, as well; and we will miss him very much.

Mr. President, I rise today to review the record. Every time we headed into a campaign, QUENTIN said: Now is the time to review the record. Mr. President, perhaps this is a good time to review the record of QUENTIN BURDICK.

I know that we will hear many tributes today from my colleagues on QUENTIN BURDICK. Senators will speak of his legislative achievements, of his long list of accomplishments, of his extraordinary commitment. The friends he has known here during his long service will speak of QUENTIN BURDICK's public successes and of their private friendship and respect for him.

Like my colleagues here, I knew QUENTIN BURDICK as a public man. Mr. President, I have known him even longer than my colleagues here, and my perspective on QUENTIN BURDICK's long life of public service is I think, more personal than any other Senator's.

I have known QUENTIN BURDICK since I was a boy growing up in North Dakota. He was already a powerful political figure in our State; already a tried and tested public servant. But to me, he was a favorite guest at family dinners, where we talked long into the night about politics and ideas; where we would debate the future of our country. Many of my early memories of politics in North Dakota go back to those dinners, Mr. President. And my excitement and enthusiasm for public service was in part fostered by QUENTIN BURDICK.

QUENTIN was a tough, two-fisted fighter. Many here did not know QUENTIN in his younger days, but I did. And I tell you, there were none tougher than QUENTIN BURDICK. I can remember the person that assaulted him on the steps of the courthouse. He dispatched him with a quick punch to the solar plexus and left him stumbling down the stairs.

Mr. President, QUENTIN BURDICK stood for something. He stood for something good. He stood for a set of values that many have forgotten, and perhaps have never known.

QUENTIN BURDICK was there every minute of every day, every hour of every day, every moment, to fight for the State of North Dakota, and he knew the odds were long. He knew that North Dakota only had one Representative in the U.S. House of Representatives, and he knew that California is going to have 50. He was acutely aware that North Dakota had a chance only in this Chamber, where every State has two. QUENTIN BURDICK never forgot that.

How well I remember when I was elected to this Chamber. QUENTIN BURDICK called me and said, "KENT, I know this will be a transition period for you. It is going to be difficult. My office is available to you. My staff is available to you. Just work out of there while you engage in this transition." That is the kind of person QUENTIN BURDICK was: thoughtful, caring, and always there to help. And that is why his passing is such a loss.

Mr. President, he was funny, he was feisty, he was shrewd. But above all, he was dedicated. He was dedicated to this country, he was dedicated to the State of North Dakota, and he was dedicated to this institution. He believed in democracy. He was not one of those who went out putting down the institution to make himself look better.

He talked about what really mattered to the future of this country. He believed then, as he did his whole life, that through a life of public service, he could help make North Dakota and the world a better place. And he lived his beliefs.

Mr. President, his life spanned nearly a century—80 years of constant change. His father, Usher, served in the U.S. House for 20 years, and QUENTIN grew up in a political whirlwind.

I can still remember my first meeting with Usher Burdick in the lobby of the old Patterson Hotel in Bismarck, ND. I was with my grandfather, who was a long-time newspaper publisher in our State. He introduced me to Usher Burdick. I was just a young boy at the time.

I can remember leaving, and saying to my grandfather, "Why did Mr. Burdick have two pairs of pants on?" My grandfather said, "Well, KENT, you may not have noticed, but he had a hole in one pair of pants in one place, and a hole in the other pair of pants in a different place. So he was wearing both pairs of pants to cover up that hole." That was Usher Burdick.

I will tell you, there is a little bit of Usher Burdick in QUENTIN BURDICK. QUENTIN was not a clothes horse. I can remember one year that people offered to give him a new suit just before the campaign. QUENTIN would not accept. He was much too modest for that. And he was not a man who believed in self-adornment. You did not see a lot of jewelry hanging off QUENTIN BURDICK. He was not a man who believed in spending a lot of money to make himself look good. Nor did he believe in wasting a lot of time and energy trying to make himself look good, politically or any other way. What he believed in doing was to be here every day, to work hard to help our State and to help this country. That is the kind of person QUENTIN BURDICK was.

As a youth, he was present at the creation of the Non-Partisan League, North Dakota's version of the prairie fire populism that swept the heartland during the early 1900's.

When the League merged with the Democratic Party in 1956, QUENTIN was among the first candidates to run under the new Democratic NPL banner.QUENTIN BURDICK and a handful of stalwarts, was to change the face of politics in North Dakota forever—although few people would have predicted it at the time.

Mr. President, not many people remember now that QUENTIN BURDICK was a perennial candidate in the early part of his political life. QUENTIN BURDICK lost his first six races for elective office. He lost in 1934 and lost six races in all between then and 1956. But QUENTIN BURDICK was a man who would not take no for an answer, a man who simply refused to give up. In 1958, he won election to the United States House. And he never lost again. That was a point of great pride with QUENTIN BURDICK. He would tell you that in 1958 when he won that race and put the Democratic Party on the map in the State of North Dakota, he never lost again.

Many times, Mr. President, it was against long odds. I can remember so well that 1958 race. I was only 10 years old at the time. But it was a race that changed the destiny of our State, and it was a race that stirred the souls of men and women all across North Dakota. There was enormous activity because people knew it was a watershed year. People knew that something new was happening in the political environment in our State. The 1958 race was the first time our party had been successful. QUENTIN BURDICK defeated a very popular former Governor, and his victory gave us new energy and enthusiasm.

That race crystallized what QUENTIN BURDICK stood for and what he would become in North Dakota. It was a crucial moment for our farmers and our rural economy. QUENTIN stood up to fight for the farmers and the people of North Dakota. And he won.

As a young man, I worked for QUENTIN in some of the winning campaigns, and I watched a master at work. In my State, campaigns are still carried out the old-fashioned way, Mr. President. We still go door-to-door. Campaigning is carried out on a very personal level. We shake hands, we sit in the small-town cafes, and we visit over coffee about the future direction of our country.

Mr. President, I was with QUENTIN in 1970. I ran his campaign that year on a day-to-day basis. It was a difficult time for our State and for our Nation. It was the first campaign that brought negative TV advertising into our State, the first time we saw the infamous 30-second spot. Mr. President, Senator BURDICK was the target of many of those nasty ads in 1970. In fact, he was one of five Senators in the country that were selected by the White House for extinction. They made a decision that they were going to take control of the U.S. Senate, and they had five targets. QUENTIN BURDICK was one of the five. We only learned in later years—in the Watergate scandal—that money was being raised in an operation supported by the White House to take care of those five targeted Senators. We did not know that was going on. But I will tell you, we could feel the results in that campaign of the money pouring in from all over the country to try to take QUENTIN BURDICK's seat from him. And I tell you, QUENTIN BURDICK was ready for the fight. We went from town to town and county to county in the toughest campaign I have ever seen.

Mr. President, they tried to smear the good name of QUENTIN BURDICK in 1970, and the people of North Dakota would have none of it. They would have none of it because they knew QUENTIN BURDICK. They knew QUENTIN BURDICK personally. They had seen QUENTIN BURDICK in the neighborhood coffee shop. They had seen QUENTIN BURDICK going up and down the section lines. They had seen QUENTIN BURDICK in every kind of situation. And when people tried to diminish his character, it was not believable to the people of North Dakota.

Mr. President, that was a remarkable year. Those tactics backfired. Over and over, Mr. President, QUENTIN BURDICK stood by the people of our State. That is why, when things got tough, they stood by him. That is the central fact of QUENTIN BURDICK'S career, the reason the people of our State have sent him back to fight for them again, and again, and again.

QUENTIN BURDICK never forgot who sent him here, and why. He liked to say he was a workhorse, not a show horse, and it was true. He never caught Potomac fever. He never got too big for his britches. He never thought he was something special because he was a Member of the U.S. Senate.

He always kept the needs of the people of North Dakota first and foremost, always kept his thoughts on the people back home. His focus has always been on North Dakota and what he could do to make things better for the people of our State.

And that is why the people of our State have such an enduring affection for him. They grew up with him. They know he did not come here to feed his own ego or to represent some special interest. They know he cared about them, their families, and their future.

Mr. President, I am not going to discuss his long list of legislative accomplishments here, or the role he has played in the history of this body. I want to talk about his character.

We hear an awful lot about values these days in Washington, QUENTIN BURDICK did not talk about values; he lived them. There is a real difference. You did not hear QUENTIN BURDICK giving long-winded speeches about the importance of values. He lived them. In more than 30 years of public service, his values never wavered, never changed.

QUENTIN believed that every person ought to be able to go as far as talent and hard work will take them. He believed in knocking down the barriers of discrimination, poverty, hatred, and inequality. He believed everybody ought to have a fair shake at the American dream.

Throughout his long career, he showed a special quality of courage, quietly standing up time after time to represent those values. He was never flashy, never dramatic or theatrical. He never sought the spotlight or the glare of the TV lights. That was not QUENTIN. That was not his style.

Some people lead with words. Others lead by example. For 30 years, QUENTIN BURDICK led this Chamber through quiet integrity, quiet courage, quiet conviction, and quiet effectiveness. The Senate, North Dakota, and the Nation have been the better for it.

Mr. President, I spoke with Jocie, his wife, just moments ago to extend the condolences of my wife and our family to their family. Jocie Burdick is a wonderful, warm person. And she said to me, "Quentin lived a grand life. We had a happy family. And he did what he loved to do."

Mr. President, that is exactly right. QUENTIN BURDICK had a great life. He made a difference for our State and he made a difference for our country, and he did it doing a job that he loved to do. How we will miss him.

I thank the Chair. I yield the floor.

TRIBUTE TO QUENTIN N. BURDICK

Mr. MOYNIHAN. Mr. President, it is with great sadness and regret that I rise today to pay tribute to our departed colleague, QUENTIN N. BURDICK. I have had the privilege of serving with him in this body since 1977, and under his distinguished service as chairman of the Committee on Environment and Public Works since 1987. He became a close friend and was ever a great teacher.

Senator BURDICK was a modest man, but the accomplishments of the Committee on Environment and Public Works under his leadership were far from modest. The Clean Air Act Amendments of 1990 is surely the most important piece of environmental legislation ever enacted. And similarly, the Intermodal Surface Transportation Efficiency Act of 1991 is the most significant change in national transportation policy since the creation of the National System of Interstate and Defense Highways in 1956.

Senator BURDICK was a cherished colleague. He served his State and his country with distinction and honor for 32 years. There will not be his like again. Elizabeth and I offer our humble and heartfelt condolences to his dear wife Jocelyn and to his family.

IN HONOR OF THE LATE QUENTIN BURDICK

Mr. LAUTENBERG. Mr. President, I want to join in paying tribute to our friend and colleague, QUENTIN BURDICK, who passed away early today.

I shared two committee assignments with Senator BURDICK, on the Appropriations and the Environment and Public Works Committees. Although it may appear that our two States have little in common, over the years, we worked together on a number of issues of importance to New Jerseyites and North Dakotans alike. And, Senator BURDICK and I shared a common philosophy: that, in spite of all of the competing demands, you must never forget the people back home. His efforts on behalf of his constituents will be missed by the people of North Dakota.

His accomplishments in the Senate on behalf of the people of North Dakota are a matter of public record. He was a leader in the Senate on agricultural and public works issues. Since 1987, he ably served as chairman of the Environment and Public Works Committee. It was under his chairmanship that the committee developed landmark legislation, such as the Clean Air Act amendments and last year's Intermodal Surface Transportation Efficiency Act, which made the most sweeping changes in Federal surface transportation policy in the last 35 years. His legacy as chairman of the Environment and Public Works Committee is one that will serve his memory well.

But, Mr. President, as significant and numerous as his legislative accomplishments were, it is his character and integrity that I will remember most. Quite simply, QUENTIN BURDICK was one of the nicest people I have had the pleasure of knowing. His integrity was unimpeachable. His sense of humor was unfailing. In the most difficult and tense of times here in the Senate, he maintained his sense of humor and fairness.

But, Senator BURDICK's gentle nature did not mean that he didn't fight for his State. His quiet style worked well for him, and he delivered for his constituents. His work ethic was admired by all. Even in his advancing age, he never neglected his Senate duties. I recall the late night sessions during our conference with the House on the surface transportation bill. As the hours wore on, many conferees would call it a night. But, even when others had left, QUENTIN was still there, protecting North Dakota's interests. In that bill, like so many others, his diligence paid off in the form of benefits for his constituents.

Senator BURDICK's passing marks the end of an era in U.S. politics. His father, Usher Burdick, served in the House of Representatives for 20 years. A Republican, he left office in 1958 to make way for QUENTIN, an unabashed Democrat. QUENTIN BURDICK was the first Democrat elected to serve the people of North Dakota in Congress, and throughout his 34-year tenure, he never wavered in his dedication to the ideals and values that are the heart of our Democratic Party.

Mr. President, I send my heartfelt condolences to Senator BURDICK's wife, Jocelyn, and his family. I hope that they can take comfort in the knowledge that QUENTIN BURDICK was a cherished colleague, and that he will be missed by all of us.

TRIBUTE TO SENATOR QUENTIN BURDICK OF NORTH DAKOTA

Mr. THURMOND. Mr. President, I rise today to mourn the passing of my colleague and good friend, Senator QUENTIN BURDICK of North Dakota. Senator BURDICK was a man of character, courage, and compassion, and he will be sorely missed, both here in Washington and in his home State.

QUENTIN NORTHRUP BURDICK was born in Munich, ND, and raised in Williston. He was popular and active even as a young man, serving as president of his high school class and captain of the football team. He earned both a bachelor of arts degree and a law degree from the University of Minnesota.

Following his graduation from law school, Senator BURDICK practiced law until 1958, when he was elected to the House of Representatives, filling the seat previously held by his father, Usher L. Burdick. After just one term in the House, he was elected to the Senate in 1960.

Senator BURDICK became chairman of the Senate Environment and Public Works Committee in 1986. He also served with distinction as chairman of the Appropriations Subcommittee on Agriculture and Related Agencies. In addition, he was a member of the Special Committee on Aging and the Select Committee on Indian Affairs.

I served with Senator BURDICK during his entire Senate career, and always liked and respected him. He was a kind and courteous man, and his gentlemanly manner endeared him to his colleagues on both sides of the aisle. Even though our political views were quite different, it was always a pleasure to deal with him.

Mr. President, Senator QUENTIN BURDICK was good man and a fine public servant. He will be deeply missed. I would like to take this opportunity to extend my most sincere condolences to his lovely wife, Jocelyn, and his children, Jonathan, Jan Mary, Jennifer, Jessica, Leslie, and Birch.

THE PASSING OF SENATOR QUENTIN BURDICK

Mr. HATFIELD. Mr. President; I rise with a sense of deep sorrow to pay tribute to my recently departed colleague, QUENTIN BURDICK. I know I share the feelings of each Member of this body in wishing the Burdick family, particularly his loving wife, Jocelyn, my heartfelt sympathy for their loss.

Through his 32 years as a Member of this body, QUENTIN BURDICK demonstrated his quiet but compelling resolve on issues that to him mattered most. I came to the Senate in 1967, in part as an outspoken opponent of the war in Vietnam. This issue of great national importance brought me into an early alliance with Senator BURDICK who was also an early opponent of U.S. Government activities in Southeast Asia. I also recall sharing an unwavering alliance with Senator BURDICK as this body has debated and enacted numerous proposals to help ensure that the civil rights of all Americans are guaranteed.

Nothing was more important to QUENTIN BURDICK than serving the needs of his constituents, the people of North Dakota. As one who served with Senator BURDICK on the Appropriations Committee, I found him to be at all times courteous and attentive. As chairman of the Agriculture Appropriation Subcommittee, his actions showed the greatest sensitivity to the needs of his North Dakota constituents and the constituents of his colleagues from other States. This was particularly true for rural States, like North Dakota and Oregon, that are so heavily dependent upon the many agricultural programs that he advanced during his tenure as chairman.

Again, I join others in this body in expressing my grief at the passing of our longtime friend and colleague, QUENTIN BURDICK. For the Burdick family, members of his staff, the citizens of North Dakota, and Members of this body, the passing of QUENTIN BURDICK is a chance to celebrate the life and accomplishments of a caring man and an effective legislator who selflessly devoted his life to public service. He will be missed.

I yield the floor.

TRIBUTE TO SENATOR QUENTIN NORTHRUP BURDICK

Mr. PELL. Mr. President, it was with sadness today that I heard the news that my colleague and friend from North Dakota, QUENTIN BURDICK, died earlier this morning. His presence and straight forward style will be sorely missed both here in the Senate and across rural America.

QUENTIN BURDICK was already here when I arrived 32 years ago practicing the brand of prairie populism which characterized his work here in the U.S. Senate. A tireless advocate for rural America and the common man, he stubbornly refused to let the needs of his constituents get lost amidst the clamor and competing interests here in Washington. Sometimes that would frustrate others who weren't used to having to pay attention to the needs of sparsely populated prairie States but QUENTIN BURDICK understood his role as a Senator from North Dakota and he fought tooth and nail to fulfil that role.

Like myself, QUENTIN BURDICK followed his father, Usher Burdick, himself a U.S. Congressman, into politics. He started his political career by losing the first six elections in which he ran. Never a quitter, however, he finished that career by winning 7 consecutive elections over a span of 34 years. He helped found the Democratic Nonpartisan League Party in North Dakota and was the first to win statewide office for that party. He served on nine different committees in the Senate and finished his career as chairman of the Environment and Public Works Committee. His name stands at the forefront of the most prominent Democrats and public servants ever to serve the State of North Dakota.

But despite all of his historic roles in North Dakota and U.S. politics, QUENTIN BURDICK never became consumed by it all. He maintained his perspective, his integrity, his honesty, and let his accomplishments speak for themselves. It is these qualities about QUENTIN BURDICK that I most admire and respect. I have a favorite saying which has guided me throughout my years in politics and I believe it applies to the way in which QUENTIN BURDICK carried out his philosophy of office. The saying is this: Always let the other man have your way. QUENTIN BURDICK understood this well and it was without fanfare or personal glory that he quietly delivered like no one else ever has for his home State.

With the death of QUENTIN BURDICK the U.S. Senate loses a man of character, decency, and impeccable reputation. We hear almost daily of how the American public is fed up with modern-day politicians. Well, QUENTIN BURDICK was a public servant from the old-fashioned mold and it is his type of individual that brings pride and respect to public office. I will miss him and I wish to extend my heartfelt condolences to his wife, Jocelyn, and his family.

THE DEATH OF SENATOR QUENTIN N. BURDICK

Mr. HEFLIN. Mr. President, I was deeply saddened by the recent death of our dear friend and colleague, Senator BURDICK of North Dakota. He was one of the most honorable, decent, and dedicated Members ever to serve in this body. A fierce defender of the interests of his State and region, he was a true inspiration to me personally and to the entire Senate.

We all recognized the tremendous value of his many years of service—the length of which was among the longest in American history. We were familiar with his quiet but engaging personality and the judicious and straightforward manner with which he tackled the complex and often emotional issues to come before us.

QUENTIN BURDICK attended the University of Minnesota and its law school, practicing law in his hometown of Fargo, ND, for 27 years before coming to the 86th Congress as a Representative in 1959. He was first elected to the Senate in 1960, where he remained until his death. Over the years, he was a member at one time or another of nine different Senate committees.

The people of North Dakota wisely reelected him to his Senate seat five times during this period. Their confidence in his abilities on their behalf and the entire Nation was entirely justified. In recent years, he served as the distinguished chairman of the Environment and Public Works Committee and as a member of the Appropriations Committee.

One might say that public service ran in QUENTIN BURDICK's family. His father was Usher Lloyd Burdick, a longtime Representative from North Dakota. His brother-in-law was Robert Woodrow Levering, a Representative from Ohio. Incredibly, between 1934 and 1990, Senator BURDICK was a candidate for public office a total of 13 times.

Mr. President, it is, indeed, rare that a man of QUENTIN BURDICK's integrity and principles becomes such a success in the public arena, but we all knew him to be just such a person. He was a gentleman whose word was his bond, and he will be sorely missed by his fellow North Dakotans and by his friends in this body. His legacy is one that many who follow him will strive to emulate, and rightfully so. I extend my sincere condolences to QUENTIN's wife, Jocelyn, and to their entire family.

TRIBUTE TO SENATOR QUENTIN BURDICK

Mr. PRESSLER. Mr. President, I rise to pay tribute to a friend and colleague whose absence will be felt for many years to come. The loss of Senator QUENTIN BURDICK has saddened the citizens of North Dakota, all Members of the Senate, and all who had the privilege of knowing and working with him. He will be greatly missed in his home State of North Dakota, and he will be greatly missed here in the U.S. Senate. His passing is truly a national loss.

Very few Senators have served as long as QUENTIN BURDICK. He first came to this body in 1959 and served his State admirably since then. His years of public service clearly demonstrated his dedication and devotion to the people of North Dakota. The work he performed for his country is irreplaceable. His leadership as chairman of the Environment and Public Works Committee will have a permanent impact on North Dakota and the rest of the Nation.

He constantly worked for funding of essential agricultural research. His efforts enhanced agricultural productivity, efficiency, and food safety. He was a champion of American agriculture. He will be remembered as a strong advocate for the agricultural community. He always put the highest priority on helping our farmers and ranchers. The agricultural community always could count on him.

He was an unselfish man. In addition to his countless efforts on behalf of North Dakota, his impact stretched far beyond his home State's boundaries. His work to promote agriculture benefited the entire Nation. He fought for funding to combat diseases such as pseudorabies and brucellosis, which can be devastating to livestock. He made sure that funding was available to research and fight the Russian wheat aphid, which can devastate wheat production.

His support helped to obtain the necessary Federal funding for South Dakota State University's Northern Plains Biostress Laboratory. This state-of-the-art facility, which will greatly benefit South Dakota and all the Plains States, will open next year, thanks to Senator BURDICK's cooperation and leadership.

Senator BURDICK was a good friend to South Dakotans. In fact, all midwesterners could depend on him. I will greatly miss his friendship. My condolences go out to his wife Jocelyn, his family, and the citizens of North Dakota.

TRIBUTE TO THE HONORABLE RYOICHI SASAKAWA

Mr. THURMOND. Mr. President, I rise today to pay tribute to an internationally renowned shipbuilder, philanthropist and goodwill ambassador, the Honorable Ryoichi Sasakawa. Mr. Sasakawa has made tremendous contributions to world peace and the welfare of his fellow man, especially in the area of disaster relief. He has also been an advocate of mutual understanding and cooperation between the people of the United States and the people of Japan.

As the founder of the United States-Japan Foundation, Mr. Sasakawa has been instrumental in many global efforts to promote a better life for all the world's people. The Sasakawa Foundation, established by Mr. Sasakawa in August 1959 as the Japan Shipbuilding Industry Foundation, has expanded its mission to include service, including physical and cultural education and social welfare.

Specifically, the support of the Sasakawa Foundation is directed toward solving the world's medical and environmental problems. By cooperating on an ongoing basis with agencies of the United Nations, including the World Health Organization and UNICEF, this worthy foundation is helping to make substantial progress on many fronts throughout the world. These include famine relief, aid for refugees, support for various educational programs, allocations for pharmaceutical and medical equipment, and international campaigns to eradicate smallpox, leprosy, drug addiction, and AIDS.

It is very fitting that the slogan of the Sasakawa Foundation is "Together to Tomorrow." I commend Mr. Sasakawa for his dedicated and tireless efforts to make the world a better place through service to his fellow man in need.

AM AMBITIOUS AGENDA

Mr. WIRTH. Mr. President, this morning our majority leader outlined a long and daunting list of legislative goals for the Senate—certainly an ambitious agenda for us all.

Included are our national commitments to lead the world in these very challenging and sometimes frightening days. From Bosnia to Somalia we are watching an old world unravel, and the question is: What will come in its place, and what are our responsibilities to help build this new world order?

One of our former colleagues, Gary Hart, has over the years written and spoken eloquently and thoughtfully about new directions for the globe and our Nation. I would like to share with my colleagues a statement Senator Hart recently wrote entitled "Fortune and American Reform." As ever, Senator Hart reminds us that our future requires vision and urgency in action today, and I hope that other Senators pursue and reflect on Senator Hart's essay, as I have.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

FORTUNE AND AMERICAN REFORM

Americans will search their history in vain for any opportunity equaling today's for major progressive changes in economic and social structures. The peaceful shift of power from an adversarial communist Soviet Union to a cooperative democratic Commonwealth of Independent States, marked most dramatically by the failed coup one year ago, is unrivaled in human history. For an America caught up for a half-century in a cold war effort to secure democracy in the West and contain communism throughout the globe, the opportunity and responsibility represented by this historic power shift have emerged so unexpectedly as to leave us hesitant and drifting even so long as a year later.

We now have the human and financial resources to repair and reform neglected human health, education and housing systems, to rebuild decaying transportation, communications and public infrastructures, to invest in new peaceful technologies, and to begin the long process of repaying our debts to future generations. We can convert defense and weapons production to environmental, health and human resources research. We can reform our military institutions to conform to new security challenges and adopt a foreign policy aimed at strengthening democracy in the third world. All this, and more, can be done—but will it?

This is a monumental challenge to our will, our imagination and our leadership. All have yet to respond even after a year of opportunity. But fortune will not smile forever. This period of opportunity will not forever await our response, if for no other reason than that the democratic experiment in Russia and the Commonwealth may fail for want of help.

Too many American politicians and opinion leaders have invested the past year in pandering to the popular notion that we cannot lead a Western effort to stabilize the ruble and supply loans and credits for food, fuel and medicine in Russia while repairing the damage of the Cold War here at home. This is not only demonstrably wrong, it is totally antithetical to U.S. interests. The alternative to democracy in Russia is authoritarianism, a government composed of military and security forces, nationalists, xenophobes and undemocratic interests. But, unlike other dictatorships we have found congenial, this quasi-fascist government will have tens of thousands of nuclear weapons.

Predictably, if our lassitude helps contribute to this result, we can fully expect a renewed crusade for continued American armament and further, indefinite delay in the already long-delayed shift of our nation to a post-Cold War, post-industrial economy, one based increasingly on knowledge and information skills. This is the real revolution offered to America by the historic, unanticipated coup in Moscow a year ago. Because of the wasted year of inaction, however, this urgent outcome is neither guaranteed nor foregone.

Now heading into their second bitter winter since the coup, the people of Russia have seen few benefits of democracy and only capitalism's worst face—inflation and high prices, shortages, corruption and black-markets, unemployment, poverty and homelessness. They are free to criticize their government, but that freedom is no replacement for bread. The Russian people are among the most patient people on earth, but fathers of hungry children have been known to break shop windows to feed them. When this happens, and it could happen very soon, authoritarian forces will have the excuse they need to act. Then our own Cold War forces of confrontation will have the excuse they need to postpone indefinitely the reform and rebuilding of America.

A century and a half ago the brilliant Frenchman Toqueville predicted that America and Russia would emerge as the greatest powers on earth, that "each of them seems marked out by the will of heaven to sway the destinies of half the globe." He could scarcely have known how prescient he was. But he also suggested that the fate of these two nations was inextricably bound together. In this he could only have reflected the judgment of fortune itself.

GARY HART,

KITTREDGE, CO, *August 10, 1992.*

IRRESPONSIBLE CONGRESS? YOU BET! LOOK AT THIS

Mr. HELMS. Mr. President, on February 25 of this year, at the suggestion of a friend in North Carolina, I decided to begin a daily report of the most recent available total of the national debt—down to the penny.

The report has since appeared in the CONGRESSIONAL RECORD every day that the Senate has been in session. It has attracted a great deal of attention, which, of course, I had hoped it might. A number of newspapers around the country published the outrageous spendthrift arithmetic of an irresponsible Congress.

In late May, facing the necessity of having to go to North Carolina for heart surgery, I asked the distinguished Senator from Idaho [Mr. CRAIG] if he would be willing to make this report to the Senate while I was away. LARRY unhesitatingly agreed to do so and I am deeply grateful to him. Senator CRAIG is a fine American and a superb Senator. He recognizes the threat to America's survival as a result of the wasteful conduct of Congress and he has for years spoken out eloquently on this peril, first as a Member of the U.S. House of Representatives and now as a U.S. Senator.

Mr. President, the daily reporting of the Federal debt total will, I hope, serve as a reminder of what has become a national disgrace—the incredible burden Congress is dumping upon our children and grandchildren—a burden, Mr. President, which is constantly growing worse.

Some liberal politicians and news media people have tried to lay the blame for this national disgrace at the doorstep of the White House. This is intellectually dishonest—as anyone familiar with our Constitution knows, no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress.

Mr. President, I made my first boxscore statement on February 25. On that day, the Nation's debt stood at $3,823,909,309,474.57—which amounted to approximately $14,887.19 for every citizen in the Nation.

When Senator CRAIG made his first boxscore statement on my behalf—on June 3, the same day I was having my encounter with the heart surgeons in Raleigh—the Federal debt had increased to $3,942,204,041,144.24.

Today, 97 days later the debt has risen by a whopping $211,477,283,605.26. The American taxpayers, thanks to the irresponsible Congress they elected, now owe a total of $4,035,386,593,079.83. Averaged out on a per capita basis, that comes to $15,710.51 for every man, woman, and child in the Nation. So, over the course of the past 3 months, the average burden imposed on each and every American by reckless Federal spending, authorized and appropriated by Congress, increased by $823.32.

I hope all Americans will give thought to the enormity of the Federal debt as Congress closes out this fiscal year. The road to financial responsibility must begin right here in the Congress which is responsible, under the U.S. Constitution, for our Nation's economic security. The future of tomorrow's stability depends on whether Congress has the courage and the integrity to make hard choices, set priorities, and operate on a balanced budget.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise this morning to address the recently concluded draft of the North American Free-Trade Agreement.

I applaud the efforts of our trade negotiators to negotiate a free-trade agreement with Mexico and Canada. As always, their efforts have been heroic and tireless.

Unfortunately, however, I cannot endorse the fruits of their labor. In my opinion, this is a flawed agreement. But even more troubling than the agreement itself, is the Bush administration's apparent concern with using NAFTA for partisan political advantage rather than getting the best possible market-opening agreement for the United States.

It has become clear to me that the timing of the conclusion of the NAFTA had far more to do with Presidential politics than good trade policy. Although important details remained to be negotiated, the administration rushed the announcement of the NAFTA to coincide with the opening gavel of the Republican National Convention.

And now, President Bush suggests that if his opponent, Governor Clinton—or for that matter, any of us who supported fast track—refuse to endorse the NAFTA, then we all must be protectionists. Mr. President, that could not be further from the truth.

For President Bush to suggest that Governor Clinton, or any of us in this Congress, should endorse a treaty which we have not even had an opportunity to review would be the height of irresponsibility.

The fact is, Mr. President, Bill Clinton has stated repeatedly that he supports the concept of a NAFTA. He joined many of us in Congress in supporting this administration's request for fast-track authority. But none of us whether we are Democrats or Republicans, whether we supported fast track or not, should be expected to give a blanket endorsement sight unseen.

As many in this body know, I have been a long-time supporter of free trade. I voted for both the United States-Canada and the United States-Israel Free-Trade Agreements. I voted to give this administration the fast-track authority to negotiate a free-trade agreement with Mexico and Canada. And I still support the concept of a North American free-trade area.

However, in the rush to conclude this agreement, it is clear that some important provisions have gotten short shrift. Despite strong advice from many of us in Congress, this agreement simply does not pay adequate attention to job displacement or environmental concerns.

And I cannot support this agreement unless additional measures are taken to protect both the environment and the Americans who may lose their jobs as a result of this agreement.

Although Mexico has made great strides on the environmental front, it remains a developing country. A developing country with a highly suspect commitment to environmental protection.

I am not willing to conclude a free-trade agreement with Mexico if it means creating an incentive for United States businesses to move south to exploit low environmental standards. I am not willing to support an agreement that ignores the environmental impacts of free trade. In short, I am not willing to conclude a free-trade agreement at the cost of the environment.

I am saddened because just as I witnessed first hand at the recent Rio Earth summit, the United States has again missed a historic opportunity. With a few relatively simple changes to the agreement, or a parallel understanding, NAFTA could have been turned into a tremendous boon to the environment—instead of the clear threat that it has become.

In fairness, progress has been made on some environmental issues. But in key areas, the environment has been ignored.

If we would have pressed for a dispute settlement procedure to require high environmental standards backed up by meaningful sanctions—as our trading partners had proposed—this agreement could have been a historic step forward for both free trade and environmental protection.

The administration could even have demonstrated a commitment to the environment and worker protection by creating a secure source of funds for these important projects.

But the administration rejected these proposals. Instead, they decided to negotiate a free-trade agreement without adequate environmental protections.

Instead, the administration has chosen to answer environmental critics with rhetoric. Those concerned with the environment are dismissed as "protectionists in environmental clothing."

I am not a protectionist. A large portion of my legislative career has been devoted to promoting free trade. But I will not support a free-trade agreement if it is a clear threat to the environment. Additional measures must be taken to ensure that this agreement promotes both free trade and a strong and healthy environment.

REPORT ON HURRICANE ANDREW

Mr. JOHNSTON. Mr. President, on behalf of the people of Louisiana and particularly the tens of thousands of victims of Hurricane Andrew, I wish to express my gratitude to the citizens, the corporations, and the communities across the country who have contributed so generously to the disaster relief effort.

Forty-eight hours after Hurricane Andrew struck our State, I met with representatives of the Gerber Food Co., which had shipped to Baton Rouge an entire truckload of baby food and juices—96,000 meals and drinks—to be distributed throughout the disaster area.

Last Thursday I met with 44 firefighters from the District of Columbia and from Clinton, MD, who were departing for Morgan City, one of the communities hit hardest by the hurricane. These men were sacrificing their vacation time to come to the aid of hurricane victims, donating their personal skills and personal equipment to help the families of Morgan City recover from the storm.

We have welcomed similar volunteer rescue teams from communities throughout America. Many thousands of others have donated money, food, medicine, and other goods to relieve the suffering and ease the tremendous personal hardships which our citizens have faced. We in Louisiana are deeply grateful for the compassion our fellow Americans have shown in the aftermath of this tragedy.

While television and other media graphically conveyed the news of this unprecedented disaster, there is more to the story. The magnitude of this tragedy is even greater than many Americans realize.

The disaster comes at a time when Louisiana is still struggling to recover from a decade-long depression, a period during which we have experienced some of the most difficult economic problems and most severe unemployment rates in the country.

The Census Bureau reported last week that Louisiana has the third highest poverty rate of all States with 19 percent of our population below the poverty level.

This map depicts the path of Hurricane Andrew. This second map shows the portion of the State included in the Federal disaster designation.

The 36-parish area affected by Hurricane Andrew includes some of our most impoverished communities. The average per capita income in the disaster region is $10,600, 25 percent below the national average. Nearly 20 percent of the families who live in the region are below the poverty level. Average unemployment is more than 7 percent and runs as high as 13.8 percent.

The point of these statistics is that the families and communities in the path of the hurricane were already facing tremendous hardships before this latest tragedy. The State of Louisiana and local governments throughout the region were already facing enormous financial burdens before inheriting the massive additional burdens they now face in the wake of Hurricane Andrew.

The hurricane has crippled industries which are critical to Louisiana's economy. As we can see from this third graphic, agriculture will suffer losses in excess of $250 million. Damage to the fishing industry, highlighted on the next chart, including the destruction of oyster and shrimp habitat, will also exceed $250 million. Timber losses are estimated at $42 million.

The storm has ravaged some of our most fragile environmental resources including our barrier islands and coastal wetlands and marshes, as shown on the next map.

The basic infrastructure of our communities—roads and bridges, schools, and other public buildings—has been damaged along with drainage and flood control systems, parks, wildlife refuges and historic structures. Damage to public property is estimated at $80 million.

Our offshore oil and gas industry also felt the fury of this storm, as the next two graphics show. Roughly 10 percent of our 2,000 offshore structures in the hurricane's path sustained damage.

The Federal disaster assistance we have received to date has been welcome, indeed. But I regret to say that the resources committed to the hurricane relief effort will not be sufficient to address the full scope of this disaster. In the days ahead we will be appealing for support for supplemental appropriations targeted to the emergency needs that will not be met by the current disaster relief measures.

As we ask for additional Federal assistance, and acknowledge the generous outpouring of aid from private citizens across the country, I want to assure my colleagues and the American people that we in Louisiana are also doing everything we can to help ourselves.

In the days following Hurricane Andrew's violent march across our State, I toured many of the areas that were stricken hardest by the storm. I was proud, indeed, of the determined, industrious, generous spirit displayed by our people. I know that others who were visiting our State were impressed by that spirit as well.

Walking along one rubble strewn street in St. Mary Parish, I was approached by a newspaper reporter from the Chicago Tribune. "What is it about the people of Louisiana?" he asked me. "They just don't seem to let anything, even a disaster like this get them down."

He seemed genuinely bewildered by the undaunted, heroic spirit of the people, the countless acts of charity, the scenes of victims ignoring their own troubles to go to the aid of a neighbor, or even a stranger.

Another reporter from outside the State, while surveying storm damage in St. Mary Parish, had an unfortunate introduction to one of the peculiar hazards of this kind of disaster: fire ants. He had suffered numerous stings on his feet and legs. "Just sit right here," a local woman told him, "and I'll go find something to make it feel better." She had to go to a neighbor's home to borrow medicine for the reporter. Her own home had been destroyed. Even in the midst of her own personal disaster, she had found the time to help a stranger.

As a tornado swept toward the Belle Point subdivision of LaPlace, a deputy sheriff heard the roar of the storm and moved his children from the family's living room to the shelter of a bathroom. Moments later the deputy's car was thrown through the wall of the home into the living room where the children had been playing. The deputy sheriff took a few moments to see that his own family was safe and secure, then left the rubble of his home to begin searching for others who might be injured or trapped in the wreckage of neighboring houses.

Looting, so prevalent in disasters of this kind elsewhere, was virtually nonexistent in Louisiana. Local law enforcement and Louisiana National Guard personnel were free to devote all of their resources to disaster relief. Louisiana National Guard Adj. Gen. Ansel "Buddy" Stroud commanded a force of more than 1,300 guardsmen, helping to bring order out of chaos and delivering aid and comfort to thousands of victims. Buddy Stroud was our Norman Schwarzkopf in what might have been called Operation Delta Storm.

Our local government personnel rose to the occasion as well. Arriving at the town of Franklin, I was greeted by Mayor Sam Jones. It was evident from his three-day growth of beard and the weariness in his face that he had been getting by on only three or four hours sleep each night as he supervised local disaster relief efforts. In Morgan City I met with Mayor Cedric LaFleur at his command post in the courthouse. He had not left the post since the hurricane hit, except for several brief visits into the streets of the city where he had gone door to door to check on the needs of his citizens. The story was the same in every community I visited.

A sheriff's deputy from a distant parish in the northeast part of Louisiana was asked how he happened to be so far from home. He answered simply, "I heard they might need help."

Members of my own family personally observed that same generous, caring spirit. In a suburb of Baton Rouge darkened by a power outage, next-door neighbors came to the rescue of a young mother caring for the newborn daughter she and her husband had brought home from the hospital only days before. The neighbors delivered a portable generator so that power could be restored to the young couple's home. The parents will never forget that act of kindness. The grandparents, my wife, Mary and I, are deeply grateful as well.

I cannot recall a time when I have been more proud of my State than when I witnessed the spirit of courage, determination, and boundless generosity the people of Louisiana showed in the face of this disaster. As Americans witnessed the devastating drama of Hurricane Andrew and the grim aftermath, they saw the people of Louisiana in their finest hour.

TRIBUTE TO REAR ADM. WILLIAM A. SULLIVAN, U.S. NAVY

Mr. LAUTENBERG. Mr. President, I rise today to pay honor to Rear Adm. William A. Sullivan, U.S. Navy, who is known as the father of Navy salvage. A recognition ceremony will be held in his honor this month in New York.

Admiral Sullivan was born in Lawrence, MA, and graduated from the Massachusetts Institute of Technology. Upon graduation in 1917, he enlisted in the U.S. Navy. He worked at various ports during his career including the shipyards in Philadelphia, Portsmouth, NH, Bremerton, WA, New York and the Philippine Islands. The early years of his naval career also included service in India and China where he oversaw the procurement of teakwood for naval shipbuilding endeavors and was also supervising constructor.

In 1939, Admiral Sullivan qualified at the Deep Sea Diving School as a deep sea diver and was assigned to California to troubleshoot salvage problems and prepare lectures on salvage operations. In subsequent assignments he oversaw ship salvage in London, England, and was the head of the Salvage Branch, Bureau of Ships.

In 1942, Admiral Sullivan served in Casablanca where he supervised harbor clearance operations. In 1943, he reported to Gen. Dwight Eisenhower in Algiers where he was assigned to the Allied naval forces in the Mediterranean. Admiral Sullivan was named commander of all United States and British salvage ships under General Eisenhower. He commanded the clearing of harbors at Bizerte, Tunis, Ferryville, as well as the firefighting and salvage operations of the Sicilian landings.

Admiral Sullivan went on to provide his leadership and experience as commander of Task Group 122.2 during the landings at Normandy, Omaha and Utah beach. Adm. William Sullivan was also assigned to work with Gen. Douglas MacArthur at San Fernando and Manila.

Admiral Sullivan was awarded the Distinguished Service Medal, Legion of Merit and the Naval Unit Citation. He was named Commander, Order of the British Empire. France honored Admiral Sullivan by naming him Officer of the Legion of Honor Croix de Guerre with Palm and Italy honored him as High Official, Order of the Crown of Italy.

Adm. William Sullivan died in La Jolla, CA, on September 6, 1985, and is interred in Arlington National Cemetery.

During September 1992, the members of the U.S. Navy Salvage Divers Reunited will be memorializing Adm. William Sullivan by dedicating a plaque in his honor on Pier 88 located in New York. I join Admiral Sullivan's family and the members of that organization in saluting his long and illustrious career in the U.S. Navy.

FAREWELL TO A FRIEND

Mr. LIEBERMAN. Mr. President, the Washington diplomatic community is about to lose one of its stars, as Eniko Bollobas, the Deputy Chief of Mission at the Hungarian Embassy, leaves to go back to Budapest. Eniko has served her country exceptionally well. She has been a tireless advocate of her nation's political and economic interests and has made certain that the collapse of the Berlin Wall was only the beginning of the process of opening up her nation to the rest of the world.

Hungary has made significant progress toward achieving a free enterprise system and has largely put in place a thriving democracy. It has attracted foreign investment—much of it from the United States—at a greater rate than any other nation in East-Central Europe. But in a very thoughtful essay she wrote for the Washington Post, Eniko discusses the problems that have yet to be resolved in post-Communist Hungary.

The crisis in what was once Yugoslavia is the most severe and visible in the region, but it is by no means unique. In her Post article, Eniko talks about the morning after syndrome that Hungary and every nation in East-Central Europe must confront. The first blush of freedom has faded and the task of building a modern nation is proving to be more difficult than anticipated.

I am hopeful that the nations of the region are merely going through an adjustment period and that the determination that kept the forces of democracy alive under nearly a half a century of communism will help to sustain the fight to build democracy and a free market system.

As long as people like Eniko remain committed to the process of reform and nation building, there is hope. I am certain that she will be able to do this as effectively from Budapest as she has from Washington, but I can assure you that we will miss her insight and good humor here in Washington.

I ask unanimous consent that a copy of Eniko's article from the Washington Post be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN HUNGARY, POST-LIBERATION BLUES

(By Eniko Bollobas)

Each post-communist society has its own equivalent of the black-Irish mood—a post-liberation, morning-after funk. In Hungary, this formula is made up of melancholy, as much as of the desire to be convinced that there is no reason for melancholy. Foreign visitors to Hungary are baffled by what they often see as Hungarian pessimism. To understand the downturn of Hungary's mood, we have to look at what has happened since communism collapsed.

Both euphoria and melancholy are familiar after the intoxicating days of a revolution. "A terrible beauty is born," William Butler Yeats wrote at the time of Ireland's 1916 Easter Rising. Ours is also a time of such contradiction.

For Hungarians, melancholy is not an alternative to euphoria but a natural corollary to it. Leaving Hungary after several years of diplomatic service, an American friend of mine pointed out that one element of the Hungarian character upset him: the disinclination to see the whole picture, which is especially so when the whole is brighter than the part.

Totalitarian systems required that people suspect everybody outside the tight circle of family and friends. It was a zero-sum game: Communism wanted everyone to believe that one person's gain was in direct correlation to another's loss, so if one got rich, another had to get poor. We are familiar with the parable of what an American and an East European farmer ask from God for happiness: Looking at the neighbor's cow, the American wishes that he could have one as well. The East European asks God to please kill the neighbor's cow.

Pessimism and optimism are relative terms; their substance is defined by their relation to reality. Imagine two people inspecting a vineyard after a devastating late frost. One of them is gloomy about the harvest. The other is filled with joy over the signs of life he finds *in spite of* the frost. Is one the pessimist, the other the optimist? I would rather say that the first refuses to recognize facts or make assessments along lines of predictability; the other knows what to expect and is therefore happy with what exceeds expectation. While they both see the same vineyard, their assessments are different depending upon their view of reality.

Hungary's vineyard *is* devastated, no matter how we look at it. Forty years of wasteful economic practices and political mismanagement cannot be undone without severe budget cutbacks and the removal of subsidies, followed in turn by inflation and unemployment. To those suffering from these changes, democracy and market economy became more and more equated with poverty—and with a lack of moral justice. Those responsible for the reign of Communist terror after 1956 run private security services or own private hunting clubs for Western visitors, while their former victims struggle to cope. For most Hungarians it is hard to digest that the Communists, who supposedly lost in the political game, are in fact winners in the emerging society.

Most of the hardships of the transition could have been predicted, but there was no precedent for this experiment. The old system did everything to control how much the disenfranchised masses understood of the society they lived in. Only a select few were in the know on how political decisions were reached, how much in state subsidies certain industries received, how much the national debt added up to, how many people escaped from the country through the years. Nobody was supposed to know exactly how devastating the frost was; much is still unknown to the public.

Until recently Hungarians and their neighbors thought it was primarily in the interest of the former "privilegentia" to predict gloom and doom and even worse to come; we thought that the worst had come and gone with Hitler and Stalin and their lieutenants. Today we again start to wonder: Is the worst yet to come?

The escalation of the Balkan crisis justifies those who doubted from the start that the community of democratic nations is capable of preventive diplomacy. If "Yugoslavia" is a test of international solidarity and action in the "new order," then there isn't much to cheer.

With the Cold War over, Hungarians had hoped to enter an era when policy would no longer be shaped by experiences of World War II. Until recently we could refuse optimism on psychological grounds: We did not want to be spoon-fed another promise of a bright future. Because we associated contentment with Communist propaganda, many of us were inhibited by our own recollections of the compulsory optimism of communism.

But events seem to have taken a perilous turn. The resignation of President Vaclav Havel might be only the first step in working out a civilized split between the Czech and the Slovak parts of that country. But it intensifies our black-Irish mood in Hungary and Poland.

If it were not for the winning out of unreconstructed Communists hoping that their neighbors drop dead, or even doing the killing themselves, and if it were not for the massacres in Bosnia and the refugees in Croatia, Austria and Hungary, I would ask whether my own dark feelings might not be an example of Hungarian melancholy. I hope my instinct is wrong. The sieges of Dubrovnik and Sarajevo must not become a metaphor for our post-Communist era.

WILLIAM H. YOUNG

Mr. PELL. Mr. President, it is with a great sense of personal loss and grief that I advise the Senate of the sudden death on September 7 of William H. Young who served as my legislative director for the past 24 years.

Bill Young was one of those truly dedicated servants of the Senate who brought to his work a passionate concern for the issues of the day and a constructive view of the role of Government. His thinking, writing, and philosophy of life were like my very own.

He joined my staff in 1968, after serving as chief of the Washington bureau of the Providence Journal-Bulletin, and he brought to his Senate career his journalist's facility for expression and a priceless capacity for critical evaluation of the day's events.

For more than two decades Bill coordinated all legislative and policy activities in my office, and served as my principal adviser on domestic policy issues and Senate procedure. He specialized in tax and economic policy issues and had a special interest in ocean policy. On all of these matters he had a vast reservoir of knowledge on which I continually drew.

As all members of the Senate can appreciate, there develops in such a long relationship a special bond of friendship, mutual respect, and affection. I count myself fortunate in that Bill and I had 24 years of partnership, working together for Rhode Island and our country.

Bill was born November 14, 1932, in Putnam, CT. He was valedictorian of the Killingly High School Class of 1951 and graduated from Wesleyan University in 1955. He served in the U.S. Army, and was stationed in Okinawa and Japan from 1956 to 1958. He graduated from Columbia University's School of Journalism in 1959, and joined the staff of the Providence Journal-Bulletin in 1960, moving to the Washington bureau in 1964.

In addition to his full and often heavy burden of Senate duties, Bill had an abiding interest in musical activities which he shared with his wife Diana. He served as a board member of the D.C. Youth Orchestra Program and assisted in the establishment of the Washington Conservatory of Music and was a member of the conservatory chorus.

Bill also was a skilled craftsman and builder. He personally remodeled his home in Washington, and it somehow seems appropriate that when his life ended so suddenly on Labor Day, he was working on a project in his backyard.

Survivors, besides his wife, include his mother, Myrtice Young of Danielson, CT; two daughters, Amy Alison Young, who is the wife of David A. Malakoff of Shepherdstown, WV, and Rachel Clemens Young of Washington, DC; a son, Jonathan William of Eastport, MD; two brothers, Ralph C. Young of Avon, CT, and Roger P. Young of Granby, CT; and a grandson, Benjamin N. Malakoff of Shepherdstown, WV.

An informal memorial service will be held for Bill in the Mansfield Room, S-207 of the Capitol on Friday morning at 11.

In memory of his love of building and his commitment to social concerns, the family suggests that donations in lieu of flowers may be sent to D.C. Habitat for Humanity, a chapter of President Jimmy Carter's Low-Income Housing Construction Program.

A VISIT TO KAZAKHSTAN, UZBEKISTAN, KYRGYZSTAN, TURKMENISTAN, GEORGIA, MOLDOVA, UKRAINE, BELARUS, RUSSIA, LATVIA, AND THE UNITED KINGDOM TO EXAMINE UNITED STATES ASSISTANCE POLICY IN THE FORMER SOVIET UNION

Mr. PRESSLER. Mr. President, during the July recess, I visited nine of the countries emerging from the former Soviet Union, Latvia, and the United Kingdom. I have prepared a report outlining my impressions and conclusions from that trip. I ask consent that the text of my report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

A Visit to Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Georgia, Moldova, Ukraine, Belarus, Russia, Latvia, and the United Kingdom To Examine United States Assistance Policy in the Former Soviet Union

During the July 1992 Senate recess, I led a delegation to eleven countries: Russia, Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Georgia, Moldova, Ukraine, Belarus, Latvia, and the United Kingdom. I undertook this challenging schedule to learn more about the effect of U.S. assistance programs in former Soviet republics and the Baltic states. In September, the Senate is likely to consider the Conference Report to accompany the "Freedom Support Act," which provides generous U.S. assistance to states of the former Soviet Union and a considerable down payment on new United States' commitments to the International Monetary Fund. As a member of the Foreign Relations Committee, I have been designated a conferee on the "Freedom Support Act." The conferees will meet in early September. This trip was important in preparing me for work as a conferee.

The Senate passed its version of this legislation on July 2nd. I voted against reporting the bill from the Foreign Relations Committee, but joined the 76–20 majority to pass the legislation early in July. However, I supported the legislation with mixed feelings. For example, I reminded the people I met throughout this trip that foreign assistance is doubly difficult to enact during times of enormous Federal deficits in the United States.

In this report, I outlined a few of my own observations and conclusions. Without reasonable, minimal conditions, I fear any assistance will further line the pockets of the former Communist party hacks who all too often remain in control and are in a position to prevent funds from going to essential political and economic reforms in the former Soviet empire.

COUNTRY-BY-COUNTRY OBSERVATIONS

Kazakhstan

My visit to the former Soviet Union began in Kazakhstan after a visit to Moscow. I was delighted to be met at the airport by my old friend Bill Courtney, a top-notch Foreign Service officer and Ambassador-designate. I came to know Bill Courtney when we worked together in the early 1970s at the State Department, where I served as an attorney/adviser in the Legal/Economic Bureau. Mr. Courtney, a distinguished officer, is precisely the kind of envoy the United States should be sending to every former Soviet republic—he is knowledgeable, committed, and astute.

Kazakhstan, like the other Central Asian Republics, could become rich if properly developed. Unfortunately, democratic institutions are lagging behind economic opportunity. Last June, about 5,000 protesters took to the streets of Alma Ata to demand the resignation of the hold-over Communist leadership.

In Alma Ata, I visited the chairman of the Supreme Soviet in Kazakhstan, Mr. Serikvolsyn Abdildin, in his office. This was my first experience with the problem of the one-party 1990 elections. Above Mr. Abdildin's large desk in his spacious office hangs a portrait of Lenin. Mr. Abdildin noted that the current government was elected in a one-party election.

As my conversation with Mr. Abdildin ended, he asked me whether I thought Kazakhstan should have one or two houses in its legislative branch. Presently, they have just one house. This is an intriguing question because many of the communist states had unicameral legislatures. On the other hand, there generally are two houses in most Western democracies—although the upper house in Britain and some other countries are less influential. The fact that he asked me this question indicates how much they are depending on U.S. advice to shape their new democracies.

I explained to Mr. Abdildin that the state of Nebraska has a unicameral legislature, which is supposedly non-partisan, although everybody who runs is known to be a Republican or a Democrat and they do line up as such within the Nebraska legislature. Many successful democracies have unicameral legislatures and others are bicameral. I reminded Mr. Abdildin that it would have been impossible for the United States to ratify its constitution without a bicameral Congress, because the smaller states demanded the protection afforded by the United States Senate. I told him I would send him some studies from American political scientists on this subject.

On my return, I sent Mr. Abdildin and the President of Kazakhstan some political science analyses on Nebraska's unicameral state legislature, which was established in 1937 after a popular initiative. I told them that Nebraska Senator George Norris had advocated unicameralism to save money during the Depression. His position is well outlined in a chapter of his autobiography, *Fighting Liberal* (1945), which I also sent to these officials. Senator Norris also proposed that the one-house legislature be elected on a nonpartisan basis.

For a perspective on the advantages of a bicameral legislative branch, I sent to them the classic text on checks and balances in government, *Government by the States*, by James MacGregor Burns, J.W. Peltason, and Thomas E. Cronin. This book argues that a two-house legislature permits greater scrutiny of all new laws, making it more difficult for rash, arbitrary, or emotional legislation to be enacted; provides for more access, more debate, and more representation of diverse points of view; and makes it more difficult for any one person or interest to dominate state decisionmaking.

I have set forth both sets of arguments and sent them to the leadership of Kazakhstan. This episode indicates the eagerness with which these new emerging democracies are seeking advice from the United States.

That evening in Alma Ata, during a working dinner, I was joined by Mr. Nickolay Akuyev, who chairs the Commission on Law and Order in the Kazakh Supreme Soviet. Mr. Akuyev was very cautious about the prospect for putting CSCE principles and a rule of law into place any time soon.

Following the dinner, the delegation met at our hotel with two local leaders of a free trade union, Valentina Sivrukova and Leonid Solomin. Each asked for more direct U.S. assistance to help them organize their union. In addition, they stated that the government is attempting to close down their access to the media and would like to shut down their movement completely. Both complained that the overwhelming influence of former Communist Party officials and Communist bureaucrats—referred to negatively as "chinovniki"—was stifling the new, free labor movement in Kazakhstan. I urge greater attention to the human rights situation in Kazakhstan, specifically in the areas of free press and political pluralism.

Uzbekistan

The Government of Uzbekistan typifies the problems America and the West face in dealing with the new states of the former Soviet Union. Like so many of the other newly independent states, Uzbekistan claims to support principles of the Commission on Security and Cooperation in Europe, but performance lags behind rhetoric.

The United States should not invite notorious charlatans like President Islam Karimov of Uzbekistan to visit the United States to meet and greet President Bush and high government officials unless and until his regime alters its behavior toward the "Birlik" and "Erk" political movements. I commend the Bush Administration for withdrawing for an indefinite period the invitation for Mr. Karimov to visit this country.

Thugs masquerading as democrats also should not qualify for aid. Deeds must replace words as a standard for U.S. foreign aid. As I told people in the countries I visited, it is hard enough to pass a foreign assistance bill any time, but doubly difficult during an economic downturn with staggering Federal budget deficits. I deeply regret that questionable trials and imprisonments remain the norm for supporters of Uzbek opposition movements.

Visit To Beaten, Hospitalized Dissenter In Uzbekistan

Upon arriving in Tashkent, Uzbekistan, I set about trying to visit two leaders of the "Birlik" political movement who had been brutally beaten and were in the hospital. I was first told they probably would not be able to converse because of severe head wounds and also that it is almost certain that security people would prevent me from visiting if I tried a straightforward embassy request. On July 7, 1991, John Parker, a Foreign Service officer in Tashkent, and fluent in Russian, and I made a sudden, unannounced visit to the local hospital where we believed that Abdurahim Pulatov, the chairman of the popular movement Birlik had received surgery and was being treated. We talked our way past security guards in the filthy hallways of the hospital. When we finally arrived at the room, a commotion ensured to keep us out. Then the head doctor came and said we could go in for a minute, but no pictures.

John Parker had not announced I was a visiting Senator. He had made it seem that we had some message for the beaten victim's family or something such. I do not know who the security guards thought we were, but I am sure they would not have admitted us if they knew our intentions.

Upon entering the hospital room, which was absolutely dirty, we saw two men with black eyes and bandaged wounds on their heads. Both had surgery and had been in the hospital a week to 10 days. They looked much better than they probably had earlier.

I asked Mr. Abdurahim Pulatov, Cochairman of the Birlik, who he thought had beaten him, and he said, unhesitatingly, it was done under the direct orders of President Karimov. He also explained how President Karimov's office carries out such things through a certain part of the Ministry of Justice or Interior, which reports directly to the President's office.

Mr. Pulatov said he had applied for some outdoor public meeting permits and made a speech or two. That was his crime. He was summoned to come into what is the equivalent of our Attorney General's office and was questioned. After leaving the government office, he and his lawyer had been approached by thugs and were beaten up with lead pipes in full view of security people who stood and watched. He was sure the beating was officially ordered by President Karimov, and he was sure it came as a result of his political activity.

We talked to him through our translator, John Parker, for about 10 minutes. Then the doctors came in and said I would have to leave. They asked us to leave a couple of times, as they were nervous about our presence. They did not know exactly who we were and why we were there. At that point, we took John's camera out of his bag and took a picture. The doctors objected, but we took a couple more. I took the camera and put it in my bag in case the security people tried to take the camera away from us, because I might have a better chance of holding on to it. We got out of the hospital without encountering any search or opposition.

Mr. Pulatov was very appreciative of our visit and resolved to continue his political activities if he recovered. His lawyer, Mr. Alimov, was less talkative and seemed to be very sick. I understand that Mr. Pulatov will need more surgery on his head to have plate put in. His eyes were swollen completely shut at first. They are now open, except he may have some damage in his right eye. But he clearly showed the evidence of a very severe beating which was about 8 days old.

Later, I confronted Deputy Minister of Foreign Affairs, Fatih G. Teshabayev, about the matter and he told me this was an internal issue about which a visiting Senator should not be concerned. He would not deny that such a beating had occurred, and he would not discuss whether orders for it came from the President's office, just that it was an internal matter. I told him that I very much wanted to talk to the President about this. The President was away—ironically, attending a CSCE meeting in Helsinki. So I told Mr. Teshabayev that until matter was fully settled I would oppose the double taxation treaty with Uzbekistan unless there was some explanation of this beating, and would oppose President Karimov's visit to the United States.

Mr. Karimov has requested an unofficial visit and a meeting with President Bush. Immediately on our return to Washington, I wrote President Bush, saying in part, "I see no evidence that Uzbekistan is making progress and I believe non-humanitarian assistance should be curtailed until this matter is resolved to the satisfaction of the two parties (U.S. and Uzbekistan)." I also have asked for a CSCE investigation of the beating to determine what connection, if any, the Government had with it.

Help Uzbekistan's Travel Industry When Human Rights Situation Clarifies

Instead of sending more U.S. taxpayer funds in aid programs, we can make a difference in Uzbekistan by showing those people how to build tourist potential in Samarkand. Once the human rights situation is clarified, and we are sure that Uzbekistan is abiding by the CSCE principles, private U.S. firms and retired travel executives can help develop Samarkand's great tourist assets. Registan Square is comparable to the Taj Mahal in its grandeur and historic attraction, but Samarkand has been receiving fewer than 20,000 foreign visitors annually. The lower numbers of tourist visits is explained by poor hotel facilities, costly travel, costly services which must be paid for in hard currency and a lack of tourism knowhow.

The city is located on the ancient silk road to China. It was used by Alexander the Great in the 4th Century B.C. and Tamerlane in the 14th century. In addition to Registan Square, Samarkand contains a number of stunningly beautiful medreses (Muslim religious schools), a marvelous market area that is ancient and yet reflects the emergence of a freer market, and an excellent museum in honor of the 14th century astronomer Ulugbek.

Kyrgyzstan

After Uzbekistan, the delegation journeyed to Kyrgyzstan. During two days of meetings there, we heard even more reformist economic rhetoric than in the first two Central Asian countries. In addition to meeting with Kyrgyz government leaders in Bishkek, we discussed the country's potential with an American businessman, Mr. William R. Wilson of Grynberg Resources. Mr. Wilson is seeking to develop the Kyrgyz mining industry.

We visited a collective farm which was short of spare parts, seeds, and other necessities and a brewery where portraits of Lenin and Marx hung in the office of its director. We visited a collective farm in Kyrgyzstan unannounced during grain harvest and talked with some of the collective's farm leaders. They said it was impossible to convert to free enterprise, and that very little conversion had occurred.

It is possible that bilateral agricultural trade can be developed between our two countries, possibly in the wool industry and possibly with inputs such as improved seed, breeding stock, and agricultural equipment. Of course, any such trade would depend on dramatic moves away from a socialized command economy. Despite economically sensible rhetoric on privatization, even Kyrgyzstan has a long way to go to match minimal conditions for United States assistance.

During my stay in Kyrgyzstan, as in a number of other former Soviet republics, I sought out poets and writers and held a luncheon in their honor. These people are often found among the democratic vanguard in the transition away from Communism. For example, the chairman of the "Erk" political movement in Uzbekistan is a poet. Writers and poets in Kyrgyzstan expressed considerable concern about the future of their country. At each stop, I asked their opinion of one of my friends, Joseph Brodsky, the former Poet Laureate at the Library of Congress. Everyone looked up to him and could not understand why he was not better appreciated during his tenure in that position. I frequently have learned useful information during my morning jogs with local citizens. It is also an excellent way to understand a city's personality. In Bishkek, I ran with a young Kyrgyz of Russian descent. Although he spoke the Kyrgyz language, he expressed concern that some people of Russian background might not be able to adapt easily to post-independence laws, but that they would also feel out of place in Russia itself.

Rights of Jews in Central Asia

During my visit, I met with several Jewish leaders in the Central Asian republics. One illuminating discussion was held late at night with the head of the Jewish community in Bishkek, Kyrgyzstan, Mr. Alexander Katsev, chairman of the Department of Philology of Bishkek University.

Mr. Katsev gave me permission to use his name. He was fearless. Some of the other Jewish leaders we met with in other countries admitted they did not raise the issue of the treatment of Jews with Mrs. James A. Baker during her recent visit for fear there would be reprisals in their communities. Mr. Katsev allowed no such fear to stop him.

He told me there are 9,400 Jews in Kyrgyzstan, of whom 4,700 hold passports identifying them as Jewish. In the Soviet Union, citizens had passports by nationality, and this practice continues. He said the Jewish community is very frightened. "When you do not have enough to eat, you blame someone—usually Jews," he said. He said rumors were being spread that "Americans and Zionists are buying Kyrgyzstan."

Mr. Katsev continued that because 2,000 Jews have left since 1989, people mistrusted Jews and hesitated to do business with them. Around 6,000 individuals identified themselves as having Jewish passports in 1989. Today that number is only 4,700.

The Jews in Kyrgyzstan are Bukhara Jews as opposed to Ashkenazi Jews. That is, they migrated to what is now Bukhara, Uzbekistan in the 10th Century. They are not descendants of an Old Testament "lost tribe." They speak and worship in Farsi rather than Hebrew. Mr. Katsev said that has been a law in the books since 1929 stating that learning Hebrew is illegal.

The Jewish community is fearful of the new Kyrgyzstan Constitution, because it makes Kyrgyz the official language. "Most Jewish people do not speak Kyrgyz and thus will be barred from many jobs," he said. Mr. Katsev asked me, "Can we count on your help?"

I said I would publish any human rights violations in the CONGRESSIONAL RECORD. I ask Mr. Katsev to send me periodic reports, and I said I would publish them in the CONGRESSIONAL RECORD. Mr. Katsev suggested that the American Jewish community establish an "Adopt-a-County" program wherein Jewish or non-Jewish people from the United States would systematically visit the Central Asian countries to monitor and report to the outside world what is really going on. "We are afraid," he concluded.

I said that I would fight in Congress to place human rights conditions on any U.S. aid. I would try to hold up aid if there were more human rights violations. I would write a memorandum to President Bush. I would write a memorandum to the American Jewish community leaders on the Adopt-a-Country proposal. Kyrgyzstan Jews continue to flee to Israel and the United States because they are mistreated.

Turkmenistan

The least politically reformed of any of the Central Asian republics is Turkmenistan. A Stalinesque cult of personality seems to surround the President, Saparmurad Niyazov, whose portrait is in all government offices and who is reverentially referred to as "the President," or "our leader." He was "voted" President with a 99.5% participation rate in a one candidate election. To paraphrase the Chairman of the Mejlis (Parliament), the "people do not want a party other than the Democratic Party of Mr. Niyazov."

The government of Turkmenistan has taken the popular course by coming out against environmental degradation. Much of the harm to Turkmenistan's environment has come through cotton production and the disastrous routing of the Amu Darya River to make the Kara Kum Canal.

Much of the water from the mountains of Turkmenistan is now diverted to Uzbekistan and the Aral Sea. The Turkmen government would like to re-route the water to the benefit of Turkmenistan. Obviously, this could lead to trouble with Uzbekistan. On a personal note, I would add that during my first race for Congress in 1974, I opposed construction of the Oahe Project near the Missouri River in South Dakota and compared its potential for environmental degradation with what had occurred as a result of reckless irrigation project construction in Central Asia.

Turkmenistan is close to the Iranian border. As in other Central Asian republics, there is a lively competition between Turkey and Iran for economic and political influence. The selection of a route for a new oil pipeline will be the deciding factor in determining who will have the most influence on Turkmenistan. There are two alternative routes to get Turkmen oil to port: (1) directly through Iran into Turkey; or (2) across the Caspian Sea, through Georgia, Armenia, and Azerbaijan.

The former option is preferred by the Iranians and, in the short term, would probably be less expensive to build. The latter option is preferred by the Turks, since it would economically help their allies the Azeris, even though it would be more costly. Given the current Armenian-Azeri conflict, running a pipeline through both these states would open the possibility of an economic blockade. The decision likely will be based on where Turkmenistan gets its financing for the canal—either from Iran, Turkey, Pakistan, or Saudi Arabia.

One of Turkmenistan's most abundant exports is natural gas. However, since Turkmenistan and Russia require payment in hard currency, many buyers cannot pay. The United States should monitor the situation to assure the gas is not used as a weapon to reward or punish other states of the former Soviet Union. The Turkmen government works quite closely with the Russian government. In fact, Russian military forces in Turkmenistan will be under both Russian and Turkmen control—an unusual arrangement.

Turkmen government officials claim that visiting American, Turkish, Italian, and German companies are pleased with Turkmenistan's pledge to protect investments. Turkmenistan plans to introduce its own currency and expects it will have enough hard currency reserves to make its currency convertible. Turkmenistan might adopt a Chinese model economic system in which investment is encouraged, but the government will retain, at least for the short term, the ability to monitor investments and exports.

Georgia

I am left with a sense of great unease after my visit to Georgia. Recent events in Abkhazia and elsewhere have confirmed many of my fears. Eduoard Shevardnadze, the former head of the Communist Party and KGB in Georgia and former Foreign Minister of the now defunct Soviet Union, is considered the best hope by those living in the conflict ridden nation of Georgia. Yet he seemed very reluctant to oppose the continuing presence of Russian troops in his country. This was especially surprising since, on the day before I met with Mr. Shevardnadze, the Governor of the Gori Region had told me a frightening tale of being shot at by Russian troops in the streets of his city.

There are really three conflicts in Georgia—within Georgian politics, within Ossetia, and within Abkhazia. Each contributed to the rise to power of Mr. Shevardnadze after a coup in March of this year. There currently is so much instability that a midnight curfew is in effect. This kind of control might easily slide into some form of a police state, imposed by a strong Georgian military force. The U.S. should make every effort to ensure the Georgian military does not get out of control.

Both President Shevardnadze and Prime Minister Sigua told me they believed a coup was the only way to achieve change in Georgia. They cited the paranoia of the elected President, Zviad Gamsakhurdia, as an obstacle to political pluralism in Georgia. Unfortunately, the coup meant that democracy in Georgia died while still in infancy. Despite justified criticism of Gamsakhurdia, he was an elected official who should have been deposed by political means. In the aftermath of the coup, a military council was formed which led to Shevardnadze's return—this time as a democrat.

Elections with international observers are now scheduled for October 11, 1992, according to Shevardnadze. However, the presence of Russia's military, the breakdown of law and order, the stifling of fundamental human rights, and the possibility of a police state frightens opposition forces who wish to participate in such elections.

During my time in Georgia, I was surprised at being unable to find anyone opposed to Mr. Shevardnadze. With his great international connections, most considered him irreplaceable. Most agreed they really had no choice but to hope that Shevardnadze would remain faithful to the ideals he now espouses. However, questions continue to surface about the current Georgian government's commitment to human rights and democratic institutions—such as free press and free association.

Possibilities for bilateral agricultural trade exist in Georgia, assuming a restoration of democratic elections. Georgia is critically short of wheat and other staples, such as butter. During the Soviet era, thousands of acres were devoted to a few crops as part of a centralized control system. Now Georgia must convert to private agriculture if it is to produce sufficient basic foodstuffs to feed its people. Wherever possible the U.S. should look for opportunities to assist in this regard.

Moldova

In Moldova, I was told by President Mircea Snegur that Russian President Yeltsin agreed to negotiate withdrawal of Russian forces from the Transdniestria region, one day after the Senate adopted my amendment calling for immediate withdrawal of the Russian 14th Army from the conflict in Moldova.

Congress can make a difference. If we take a strong stand, U.S. goals can be met. The United States should support international supervision of the ceasefire in Moldova by neutral, Western observers.

Unfortunately, following my departure, President Snegur agreed with Russia on July 22 that Russian, Moldovan, and self-proclaimed "Dniester" officials would monitor the ceasefire. This is incredible. The very forces involved in the fighting will be given equal status to monitor a cease-fire—a formula for failure and continued conflict.

This precarious solution has two costs for Moldovan self-determination. First, Russian separatist elements in the Dniester region will be given a special status within Moldova, permitting the Dniester region the right to leave Moldova if Moldova undergoes a change in sovereignty—that is, reverses the consequences of the Nazi-Soviet Pact by rejoining Romania. Unfortunately, the "peace" document says nothing about a peaceful change in leadership in Transdniestria—including real elections without the specter of Russian Army threats and surveillance. The key to the solution in Moldova is for people to have an opportunity to work out issues themselves without manipulation by the governments involved.

The second cause for concern arising from the agreement is that it seems to have given President Snegur a green light both to push for the Commonwealth of Independent States treaty before his Parliament and to intensify his criticism of opposition leaders and protesters in Moldova.

The root cause of the current conflict in Moldova is not ethnic; rather, it has arisen from the presence and involvement of the Russian Army. While I believe that President Yeltsin would like to remove his armies from foreign lands, thereby reducing needless defense spending, his encouraging rhetoric does not match the bellicose statements of his generals. Addressing a Supreme Soviet session of the rebel "Dniester republic" on July 28th, Major General Aleksandr Lebed, the new commander of Russia's 14th Army in Moldova, stated that his Army cannot withdraw from Moldova for at least another 15 years. I do not understand why a representative of the Russian Army would address a group that encouraged war and insurrection only a week after a so-called ceasefire and peace settlement was reached.

The history of Moldova is complex. Moldova did not exist as an independent state until last year. However, as a nation, the territory of Moldova has existed for centuries. In order to learn more about Romanian and Moldovan history, I met with the Chairman of the Moldovan Parliament, Dr. Alexandru Mosanu. During our meeting, he outlined the incongruity of Moldova becoming too aligned with Russia when its natural, historical inclinations and experience are Western. As the head of Parliament, he has opposed parliamentary consideration of a treaty to join the Commonwealth of Independent States. His comments were echoed by Mr. Valeriu Matei, the Chairman of the Mass Media Committee of the Parliament, who as an historian can document the difficulties imposed on Moldova by outside invaders, including the Ottoman Turks, the Czarists and then Soviet Russians.

I also met with Iurie Rosca, the President of the Executive Committee of the opposition Christian Democratic Popular Front. The participation of the Popular Front of Moldova in the development of human rights and political freedom is vital. Mr. Rosca called for the removal of Russian forces, and release of all prisoners, many from his political party, who remain in captivity on the left bank of the Dniester River. The regime in Tiraspol has waged a no-holds-barred campaign to imprison, harass, or murder Moldovan policemen on the left bank, as well as anyone else considered an enemy of the Transdniester regime.

As an advocate of political pluralism in the states of the former Soviet Union, I believe it is important for the future of democracy in Moldova for groups such as the Christian Democratic Popular Front to continue their good work without harassment. The Popular Front has played a critical role in defining Moldova's freedom from the Soviet Union over the last couple of years. Many of the Front's positions recently have been adopted by new converts to democracy in the Moldovan government.

I also urge full respect by the Moldovan government for freedom of speech. This includes prohibiting censorship of political opinions and permitting time on television for opposition groups.

I also am very concerned by the refugee situation in Moldova. At the time of our trip, 43,370 refugees had fled the left bank and Bendery and now seek shelter in Moldova. As of July 22nd, the number had grown to 50,377. Ms. Ludmilla Scalnyi the President of the women's association, "Dacia," sponsored a roundtable discussion with representatives of Ukrainian, Russian, and Moldovan populations in Transdniestria. The panelists spoke of the devastation in their lands and described how the rebel regime of that region is not working to protect minorities. They said it exploits them in a cynical grab for power, as if it yearned to revive the old Soviet Union. These women of Dacia believe that the true story of devastation at the hands of this regime is not being heard in the West.

I urge international human rights groups to meet with these women to hear their stories of devastation and to investigate the questionable human rights record of the Transdniester regime.

Ukraine

The delegation arrived in Kiev the day after President Kravchuk's dismissal of Volodymyr Lonovoy, the Minister in charge of economic reforms. Sadly, Mr. Lonovoy was dismissed for criticizing President Kravchuk's snail's-pace view of economic change and for moving too quickly on economic reform recommendations made by the IMF and others. Mr. Lonovoy was replaced by Valentine Simonenko, a former Communist and the former economic reform chief for the ex-Soviet Union. Upon assuming office Mr. Simonenko stated, "I am categorically against any help from the West."

Quite frankly, such disdain for economic policy reform assistance is more than a little disappointing. What is Mr. Simonenko complaining about? Does he really not want U.S. help? Or would he prefer the IMF pull out and make American business leaders pack their bags and go home?

The old adage, "what goes around, comes around" appears appropriate to describe the current situation. Last December, the people of Ukraine had a choice among several non-Communist candidates. Instead, Mr. Kravchuk was chosen for his presumed ability to mediate between Russia, Ukraine, and the West. Unfortunately, old habits die hard and current leaders in many former Soviet republics are capable of going only so far.

Whatever the United States does, we should not be in the business of building these leaders up in the estimation of their people. We should call a spade a spade.

Belarus

The people of Belarus long have been misunderstood. During the Soviet period, they were the most assimilated of all—their Slavic dialect has all but disappeared. Belarus officials always were considered the most orthodox of communists, and for this loyalty, Belarus was given a seat at the United Nations. Belarus sovereignty during the Soviet period was more apparent than real.

Following Lithuania's declaration of independence on March 11, 1990, Soviet President Gorbachev stated that Lithuania could not be independent unless it ceded its southern territory to Belarus. Last year, further territorial claims on Lithuania were made by the Belarus foreign minister. Such claims were later withdrawn and Lithuanian-Belarus relations progressed in a more positive direction under non-Communist President Shushkevitch. Nevertheless, there is a great search for national identity within Belarus after years of Russian, Lithuanian, and Polish domination.

Following the Chernobyl disaster of 1986, anti-nuclear organizations flourished. However, as in their Baltic counterparts, these movements had as their real goal national self-determination and the end of bondage to the Soviet Union. The largest of these groups is the Belarus Popular Front.

Shortly before my arrival, the Popular Front of Belarus organized a petition drive which collected almost half a million signatures to force a referendum on new elections. As a visiting U.S. Senator, I endorsed this call while in Belarus because of the urgent need for new elections throughout the former Soviet Union and because I question whether the true will of the people is reflected in the current Belarus government.

During my visit to Belarus, I felt it was especially important to visit one of the few industries in the former Soviet Union that exports to the United States—the Belarus Tractor Factory. This huge, dilapidated factory—using assembly line methods that seem not to differ much from Henry Ford's day—produces a tough, simple tractor that successfully competes in the American market. I have no doubt the factory could be sold to private investors, or even be reorganized as a joint venture.

Meeting with the company's top management, I was struck by the presence of a large bust of Lenin in the hallway and a Lenin photo in the General Manager's office. When I asked about privatization plans, the manager suggested that some of the stock would go to some of the employees, but he implied that state control was the developmental path he still preferred. Given the crying shortage of reliable farm equipment and parts, it occurred to me that this plant—one of the few successful non-military manufacturing efforts in the former Soviet Union—still seems to be mired in the socialist mindset.

Latvia

Despite a Russian pledge to the Latvian government on February 1, 1992, to agree to troop removal and state the number and composition of Russian controlled forces in Latvia, Russian troop levels in that country are not decreasing. At the same time, rhetoric from members of the Russian government, including Defense Minister Pavel Grachev, to the effect that Russia does not rule out the use of force to protect the Russian minority, ominously escalates. Relevant documents and articles on this communique were submitted with my remarks to the Senate on July 22, 1992.

During my visit to Latvia, I met with numerous government officials and representatives of the Russian military. I heard again the questionable Russian argument regarding alleged Latvian mistreatment of minorities. The world is now being told that the Russians are the peacemakers, the peacekeepers and the persecuted. At the same time, it is possible that Latvian magnanimity toward non-military Russian residents of Latvia might begin to heal old wounds. Indeed, throughout Europe there is a desperate need for rivalries to be brought to a peaceful end.

I was the first Westerner allowed to visit the Russian Phased Array Radar facility in Skrunda, Latvia. Although the commanders of the base were courteous and provided a lunch to our party, they claimed they could not get permission from their superiors to allow me to walk through the facility.

I was stuck during my visit by statements from the Russians that it might take 10 to 15 years for them to leave Skrunda. This parallels the statements of General Lebed in occupied Transdniestria. It is my impression these timetables reflect the view of the military high command of Russia. Only Russian political leadership, encouraged by foreign actions, will shorten the time Russian forces are stationed on foreign soil.

Skrunda, according to its Russian commanders, is a defensive facility to protect against incoming missile attacks. But the end of the Cold War surely means, at a minimum, that threat no longer exists—if it ever did. Certainly, Sweden, Norway, and Finland pose no threat to the Russians. Unquestionably, they are no threat to an independent Latvia.

I called on President Bush and Secretary of State Baker to defend the rights of the newly independent states, especially the Baltic states and Moldova. The bottom line in all of these states is that Russian military forces must be removed expeditiously, consistent with the language of amendments I offered and the Senate adopted during consideration of S. 2532, the "Freedom Support Act."

During my discussions with Janis Jurkans, Latvia's Foreign Minister, and Andrejs Krastins, Deputy Chairman of Latvia's Supreme Council, both stated that territorial disputes and claims of ethnic animosity are coordinated disinformation efforts of the Russian KGB. Mr. Jurkans, for example, stated that there are 76 people in the Baltic department of the Russian KGB working to sow seeds of instability there. I believe that most Latvians, and citizens of the other Baltic states, will readily accept citizens of Russian background who invest their loyalty where they live.

However, I am concerned that some Russians in the former Soviet Union and the Baltic states wish to remain Russians, with the special rights they had under Communism. Russian efforts to justify a military presence and protect some Russian imperialist agenda must be opposed. Still, in the current circumstances, I cannot but wonder on a personal level what effect might result from greater magnanimity by independent governments towards resident Russians who are not associated with Russian efforts to control or subvert the Baltic states. I found much good will in the Baltic states. My personal hope is that the collapse of an evil empire will inspire the people of independent nations to negotiate a peaceful accommodation with the ordinary civilians who were sent by the imperialists to colonize their territories. It is tough to turn the other cheek, but economic circumstances in the former Soviet Union and the Baltic States may be improved by altruistic behavior. Just as Russians should not exclude Jews, non-Russians should not exclude Russian civilians who want to play a positive role in their nations' future.

While meeting with Foreign Minister Jurkans, I expressed my personal hope that—when Latvia writes its laws—it will demonstrate magnanimity, tolerance and love towards even Soviet-born residents who are loyal Latvians. This will be much easier after all Russian troops are gone. Mr. Jurkans said he personally believes in a liberal citizenship law—the zero option—similar to that of Lithuania. He has expressed himself publicly on citizenship. My hope is that no loyal Latvian of Russian origin will be excluded from voting or owning property.

Russia

Under provisions of the "Freedom Support Act," Russia is likely to receive the lion's share of American cash and credits. Russia especially should keep in mind how difficult it is for the American people to extend foreign aid with huge Federal budget deficits here at home. I believe that relatively more of our foreign aid and credits should go to some of the other countries of the former Soviet Union.

At the beginning of my visit to the region, I was privileged to share a working dinner with a delegation from the Tax Foundation in Washington. Our hosts, Dan Witt, executive director of the foundation, and David C. Jory, vice president of Citicorp/Citibank, joined other United States business leaders in a seminar with Russians to discuss a fair tax policy emphasizing the following principles: stability, reliability, simplicity, clarity, economic neutrality, the need for open discussions of policy, free and fair taxation of international transactions, moderate tax rates, and uniformity of tax policy at all levels of government. Were Russia to follow the recommendations of the Tax Foundation, it would progress greatly.

Hard working, realistic Americans from the private sector can do more with technical assistance and solid advice than armies of consultants from the State Department or the Agency for International Development. I highly commend the Tax Foundation for its leadership in these efforts. I hope many other principled American business leaders can become active throughout the former Soviet Union in demonstrating how United States know-how and experience with free institutions are the best investment this country could make in overcoming socialism.

United Kingdom

At the end of my trip while traveling back to the United States, I stopped in England to visit Whitehall, the British Foreign Service. For comparative purposes, I wanted to get Britain's point of view on aid to the Soviet Union. I met with a number of officials in Whitehall, including Kevin Tebitt, Head of the Economic Relations Department; David Logan, Assistant Undersecretary; and Rod Lyne, Head of the Eastern Department. They were most interested in analyzing my trip. Great Britain has yet to establish diplomatic posts in most of the former Soviet Union. There are fruitful areas jointly addressing the needs of the new states of the former Soviet Union. On a comparative basis, direct British assistance to the former Soviet Union and the Baltic States, as of January 20, 1992, was about $140 million. Of this, about two-thirds is technical assistance and one-third is medicine and food. All assistance is in the form of grants. However, England also gives about fifteen percent of the total amount contributed by the European Community. As an organization, the European Community had given $3.8 billion as of January 20, 1992.

Individual member states have given $55.5 billion. However, $44.8 billion of this is from Germany. It is very difficult to sort out how much of this is direct aid, how much is business investment, or tied aid—that is aid that must be spent in Germany. The figure represents loan guarantees and credit commitments with some technical assistance.

In comparison, as of January 20, 1992, United States assistance totalled about $4.5 billion. Since then, we have provided roughly another $2 billion, including $1.1 billion in grain credits. It is difficult to compare European and U.S. efforts because there are different ways of calculating what is given. The U.S. tends to give more hard currency and supports real projects, while other countries tend to give credits for purchasing items in their own countries, supplying items built in their own countries, or providing surplus property of one sort or another.

The House and Senate versions of the Freedom Support Act authorize different amounts and programs. The conference report likely will amount to $500 million in assistance, excluding $12 billion for IMF replenishment.

Certain other areas lend themselves to cooperation, as well. For example, the special Baltic initiative, monitoring of human rights violations through CSCE, and the development of democratic institutions in states without a history of such institutions are examples of some of the ways in which the U.S. and Great Britain can work in concert. We must remember that European countries are much closer to the former states of the Soviet Union and will benefit more from expanded trade opportunities. However, I did find an attitude that Europeans expect the United States to do more. However, I pointed out that they are overall, on a per capita basis, just as wealthy, and in some cases, wealthier than we are.

CONCLUSIONS

The major conclusions of my trip include the following:

Conclusion I: Expectations of the United States are extremely high

People in the countries I visited think the United States has more money than it actually does. I found myself opening every meeting by saying that the United States has many domestic problems. We have huge budget deficits. I indicated that it is very hard for Senators to vote for foreign aid in this day and age, but that our country felt obligated to try to help these emerging democracies. I found somewhat of a cynical attitude on the part of many officials who expected more from the United States. There is a belief that we are extremely rich and that we have money to shower around the world.

There also is a belief that the United States has such an interest in seeing these democracies emerge that we should pay many of the bills and extend vast credits without much attention given to whether they will ever be repaid. When I would say, "Why don't you request Europe or Japan do more?," they would shrug their shoulders and say, "Well, the United States is the country we are really looking to." I kept having to repeat that they probably should not expect so much hard currency. We can give surplus food and help out with technical assistance, but in the long run, our taxpayers are going to want us to pay more attention to the problems here at home.

Conclusion II: Ex-Communists Still Hold Power

With the exception of the Baltic States, democratic hopes are far from being fulfilled in most of the former Soviet Union. In country after country, I found that the 1990 one-party elections had done little more than shuffle titles of institutions and shift around a few people who had been Communist Party apparatchiks. In most of the non-Baltic countries I visited, some political opposition exists, but it is treated with disdain and contempt by leaders elected in 1990, or it is aggressively opposed by local governments.

All of the countries of the former Soviet Union have signed the Helsinki Principles of the Commission on Security and Cooperation in Europe (CSCE). But few of the nine former Soviet republics I visited are paying more than lip-service to the CSCE's cornerstone concepts of free press, free association, tolerance of political opponents, and basic rules of fair play.

Conclusion III: Russia should quickly remove its military forces and facilities from foreign territory

I often have called the Senate's attention to the vexing problem created by the continuing presence of Russian forces and facilities in the Baltic states, Moldovia, Georgia and other portions of the former Soviet empire. Russian President Yeltsin made some encouraging comments when he attended the G-7 Summit in Munich in July. However, Russian military commanders and even officials of the Russian Foreign Ministry have failed to embrace his pledges. Russian troops are neither peacemakers nor peacekeepers. Their presence is an intolerable imperialist leftover.

Conclusion IV: The Baltic States deserve special incentives

Arriving in Latvia after visiting nine states of the former Soviet Union was literally a breath of fresh air. Only in Lithuania, Estonia, and Latvia, in my opinion, is there currently a realistic chance that U.S. assistance at this time might succeed. Congress should put special emphasis on expanding effective aid to the Baltic states as soon as possible. Democracy will succeed faster there than in any other part of the former Soviet Union.

Conclusion V: Foreign investors can profit from partnership with former Communists in the former Soviet Union

Americans want to see free enterprise and private property ownership flourish in the former Soviet Union. However, former Communist party functionaries—by virtue of the one-party 1990 elections—have traded privilege based on party loyalty for profiteering based on the national assets of the new republics. Everywhere, raw materials and national assets have somehow come under the control of the former Communist leaders. These leaders use their current positions to generate profit for themselves and their associates. These countries have no conflict of interest laws.

This unusual form of privatization has little to do with the kind of free enterprise most Americans favor and that the former Soviet Union badly needs to promote economic growth and development.

At present, United States and other foreign investors must respond to a rapidly changing legal framework. This framework will become institutionalized only if the United States and other donor nations insist that a rule of law be established before taxpayer assistance is granted. Without such rules, numerous decrepit state enterprises are likely to remain in business, replete with photos of Marx and Lenin in the offices of company leadership. Many unprofitable enterprises must be allowed to die. One of the first tasks facing any investor is to find ways to bring into play Western business practices in the former Soviet Union.

Conclusion VI: Armed conflicts require neutral international observers

Throughout the former Soviet Union a number of armed conflicts exist as Russian troops or surrogate forces attempt to seize and hold territory against the will of newly independent states. As I have already noted, the mere presence of Russian forces is a provocation. In Georgia, Moldova, and the Baltic states, actual or potential conflicts should be resolved by internationally supervised talks.

It is not enough for the Russian-controlled Commonwealth of Independent States (CIS) to supervise talks. It is wishful thinking to believe that CIS observers can impartially monitor withdrawal of foreign troops, cease-fires or negotiated agreements. Only CSCE, UN or other international bodies are impartial enough to be entrusted with these responsibilities.

Conclusion VII: New elections are needed throughout the former Soviet Union

I previously referred to the one-party elections of 1990 that brought sham democracy to most of the former Soviet republics. The U.S. State Department knows that the governments installed by the 1990 elections are essentially illegitimate and undemocratic. Notable abuse of human rights in Uzbekistan and elsewhere, combined with the need for new blood in the leadership of all states, requires that new elections be held as rapidly as possible. Ideally, new elections should occur with international observers present.

Unfortunately, however, new elections alone may not make a great difference. After decades of repression, political opposition has not made headway at the grassroots level. Many people remain afraid of going against the current leadership who were once brutal Communist party leaders. People are intimidated by the current media and leadership arguments that some "good old boy" network is the best way to improve their way of life. Additionally, news does not travel very quickly, especially in agrarian communities. Full and accurate reporting is hard to find and is often stifled by the new governments.

Until a climate conducive to free elections is created, I do not have confidence that U.S. assistance can be spent wisely or that boatloads of IMF credits will be able to make a positive difference.

Conclusion VIII: CSCE signatories must abide by CSCE principles

Much United States policy toward Russia and the rest of the former Soviet Union seems to depend on smoke and mirrors. Russian troops are one example. Another is the willingness of our country to accept rhetoric about freedom and CSCE principles as a substitute for demonstrable action. Freedom and democracy are recognized by practices, not words. Mere lip-service to the principles of free speech, free association, free press, and other key concepts are meaningless if not combined with concrete actions. During consideration of the Freedom Support Act in the Senate, I offered several amendments and participated in a number of debates. These efforts were directed at determining whether U.S. assistance could make a difference and what minimal conditions Congress should add to protect the American taxpayer's investment. Adoption of such conditions in the Senate bill justified my support for the legislation.

Conclusion IX: American Embassy staffs should forcefully advocate human rights and free enterprise priorities

During my visit, I found a wide range of Foreign Service Officers assigned as Ambassadors-designate and staff members. Some highly effective officers such as William Courtney, James Kenney, Jackson McDonald, Tom Niblock and John Parker, impressed me as the kind of people who are able to forcefully articulate American positions on human rights, democratic development, and free enterprise. I regret to report that I found several career officers who seemed resentful of their assignments, others who showed symptoms of "clientitis," and additional officers who seemed to have less than an ideal understanding of the pioneering and important role they could play in these new states.

American embassies and United States Information Service posts must provide the vital link between people suppressed for decades by Communist tyranny and the country many of those citizens admire most—the United States. However, I found some officers who were even concerned when I asked to meet with political opponents of the government in power.

Consistent, aggressive representation of American interests is the key to building fruitful relations with the people of the former Soviet Union. The people of these new states are infinitely more important than their governments.

Conclusion X: United States should encourage realistic commercial relations with new states

After meeting with U.S. businessmen during my trip, my desire to see stronger U.S. business involvement in the new states has been strengthened. This should lead to increased opportunities for agricultural trade, possibly on a barter basis.

For years, Czarist Russia and then the Soviet Union teased foreign investors with prospects of entering their large market. Unfortunately, unless an investor was willing to play by their rules of the game (including crushing taxes, restrictions on profit repatriation, and cozying up to the socialist elite, among others) business as usual meant no business.

Russia will have to make great changes unless it wants to be characterized once again as the big tease of the East—offering the prospect of new markets with vast raw materials and an educated labor force without living up to these promises. I believe in the ability of U.S. business entrepreneurship (especially small and medium-sized businesses) to help transform authoritarian societies into pluralistic societies. Thus, I am convinced the United States should move forward with negotiations on bilateral trade treaties, bilateral investment treaties, and double taxation treaties with the new states. However, perhaps with a few exceptions, ratification of such agreements should be contingent upon significant progress on political, economic, and human rights criteria.

The United States has concentrated most of its efforts in the commercial field in Russia. The United States will have Foreign Commercial Centers in Moscow, St. Petersburg, and Kiev, and will handle commercial inquiries from other states from these posts. It may prove to be difficult to gather and use information from the other states from offices in Russia.

Last year, the United States and the Soviet Union signed a trade agreement granting reciprocal most-favored-nation (MFN) trading status contingent on the enactment of emigration laws by the Supreme Soviet of the Soviet Union. Russia fulfilled the criteria the Soviet Union refused to adopt and has been granted MFN. All other former Soviet republics are eligible for MFN once they adopt similar emigration legislation.

MFN has been granted to Armenia, Moldova, and Ukraine. The Stevenson and Byrd statutory prohibitions on OPIC and Export-Import Bank (EXIM) assistance have been lifted. OPIC benefits have been extended to U.S. businesses operating in Armenia, Belarus, Georgia, Tajikistan, and Turkmenistan. EXIM credits for the purchase of U.S. goods and services have been extended in Armenia, Belarus, Kazakhstan, Russia, and Uzbekistan.

The Baltic states enjoy MFN, GSP, OPIC, and EXIM benefits. I urge ratification of bilateral investment and tax treaties with these three nations. In addition, the United States Trade Representative is negotiating investment agreements with 12 nations of the former Soviet Union. The Senate Foreign Relations Committee marked up the United States-Russia treaty on August 6, 1992, and soon will consider a United States-Kazakhstan treaty.

I must express reservations about these treaties. As I have already stated, rhetoric in the political arena in Russia does not always match reality. The same goes for rhetoric versus reality in economic matters. The investment treaty with Russia permits continuation of its state-planned economic system, with a phased transition to a market economy. The United States should guard against the institutionalization of Russian bad habits.

Several days after my departure from Moscow, the Russian Parliament adopted new tax legislation. Unfortunately, these new tax laws do not go into effect until January 1, 1993. Additionally, U.S. investors continue to face a myriad of complicated, often conflicting, tax laws. Businesses and individuals have to deal with a variety of taxes, including those on individuals, corporations, profits, and exports. The combined tax burden might prove too much to sustain viable foreign investment.

The new Russian tax laws represent some progress. Yet, I continue to feel uneasy over the fact that the leading proponent of reform, Yegor Gaidar, was the first to lobby against a decrease in the Russian VAT tax based on his belief that high taxes help reduce inflation. This questionable assumption seems to be shared by the IMF.

New tax laws in Russia and the other new states might well consider the following suggestions:

(1) Elimination of massive government subsidies to albatross companies and state enterprises.

(2) Enactment of real privatization measures, including privatization of companies that will hold real interest for foreign investors. These measures also should include private ownership of real property.

(3) Establishment of a modern banking system, including laws permitting repatriation of profits, competition, choice of banks for foreign investors, and a convertible ruble with one market exchange rate.

(4) Enactment of conflict of interest laws which separate government officials from their often overwhelming desire to make changes which profit themselves but damage overall economic progress.

(5) Creation of realistic valuation procedures for all types of property that will not be prejudiced against foreign investors.

This list is by no means comprehensive. Above all, tax laws will not matter if there is not enough profit to tax.

Many difficult choices face the Russian government and the Russian people. Governments must balance the need to keep people at work with the need to reconfigure the moribund economic structure and eliminate the parastatal business dinosaurs. People must balance the desire to rely on the old mechanisms which made decisions for them with the often frightening prospect of self-reliance. Failure to take these steps will enhance the deterioration of the current system and may create a 1992/1993 winter of discontent worse than last year's.

Conclusion XI: International law concerning human rights must be observed

I agree with Jeane Kirkpatrick's observation in The Washington Post of August 3, 1992 that, "Building collective security requires abandoning preferred myths and facing the fact that it is not poverty, not ethnicity, not the break-up of empires that cause war. It is violent men and lawless governments."

The United States should help establish the rule of law in the new states of the former Soviet Union. For example, for several years I have advocated an early withdrawal of all Russian armed forces from the new states of the former Soviet Union. The continued presence of these troops represents a provocation and, in my view, a violation of international law. They are poised for action in any trumped up situation.

My observations in some of the former Soviet republics also lead me to believe that Jews and other persecuted groups should work together closely to insist that a rule of law is established. Inevitably, their best allies should be committed personnel at the embassies of the United States. During my trip, I made contact with Jewish leaders and leaders of other identifiable groups. Our embassies should do no less. In fact, groups that can establish that internationally recognized rights are being violated ought to work together. Embassy staff and the U.S. State Department should investigate and document such cases in the annual Human Rights Report and push hard for those who are otherwise powerless. We must not accept the argument that military force is needed to protect "ethnic rights." Under a truly democratic system, groups peacefully oppose each other within the political structure. They do not resort to violence.

Recently, the Russian government has begun to complain about Baltic mistreatment of the Russian minority. It has tied the resolution of this Russian minority question to the removal of Russian troops. Russia has made threatening statements that the Russian Army will be used to protect the rights of ethnic Russians and that sanctions may be employed.

The Baltic governments, on the other hand, know that the majority of the Russian population in the Baltic States are there as a result of an illegal occupation. Therefore, as colonizers, they want the Russians to fulfill citizenship criteria.

The three states have taken different positions. The Lithuanians granted blanket citizenship to all Russians who applied from 1989 to 1991. The Estonians have a short residency requirement and also require demonstration of some language ability. The Latvians have not yet passed a citizenship law.

This matter must be resolved soon. Based on my discussions with both sides, I do not believe that the Russian government should link the issue of troop removal to citizenship for Russian-speaking residents. That only inflames the situation. However, I personally hope the Baltic governments will display magnanimity toward those Russian civilians who clearly desire citizenship in the Baltic States. It may seem idealistic to request such magnanimity after decades of Russian oppression of the Baltic States. Yet I hope the goal of avoiding future disagreements might inspire good faith efforts to achieve an accommodation of historical and contemporary rivalries. These questions must be resolved by negotiations, not threats or violence.

At the end of this trip, I attended what is probably one of the leading popular plays in London at this time, "Death and the Maiden," by Ariel Dorfman. Ironically and coincidentally, the theme of this play could have been a description of the human rights practices in some of the countries I had just visited in Central Asia. The play discusses how one group when it comes to power punishes, tortures or mistreats the last group that had been in power, which previously had mistreated them. And the cycle continues on and on, generation after generation. At one point, one of the leading characters in the play said:

"So we go on and on with violence, always more violence. Yesterday they did terrible things to you and now you do terrible things to me and tomorrow the same cycle will begin all over again. Isn't it time we stopped?"

PROSPECTS FOR PEACE AND DEMOCRACY IN SURINAME

Mr. PRESSLER. Mr. President, I am cautiously optimistic about events that have unfolded in Suriname over the past several weeks. On August 8, a peace treaty was signed between the Government and five guerrilla groups. The treaty is designed to put an end to fighting that has killed at least 200 people in this country of 400,000. More than 10,000 civilians fled to French Guyana and Holland after fighting broke out in 1986.

I am cautiously optimistic because, having visited this small South American country last December, I know the task of rebuilding Suriname is very difficult. One of the greatest threats to the reform efforts of President Ronald Venetiaan remains former dictator of Suriname and commander of that nation's armed forces, Desi Bouterse.

Bouterse ruled Suriname from 1980 to 1987 and overthrew an elected government in December 1990. Free elections later brought Venetiaan to power. As a result of my discussions with President Venetiaan and key cabinet ministers, I am convinced Bouterse will not retire quietly. It will be difficult for the democratically elected government to make real progress so long as Bouterse remains a threat. Indeed, the peace accord itself is threatened. Rebels took up arms in 1986 in an effort to topple the military strongman. Should he reassert his power, I believe these groups will resume their civil war.

I have encouraged President Bush to make it clear another military coup will not be tolerated in Suriname. Should another coup materialize, the United States should respond swiftly by imposing sanctions. This policy should be made clear to Bouterse well before he takes any such actions.

I am pleased that following my letter to President Bush, he met with President Venetiaan to discuss Suriname's plans for economic reform. During that meeting, President Bush underscored our strong support for democratic, civilian government in Suriname. I hope the meeting sent a strong signal to the Surinamese military of our solidarity with President Venetiaan and his government.

The peace treaty was signed by two major rebel groups on behalf of all such organizations in Suriname. The largest guerrilla group, the jungle commando, is led by Ronny Brunswijk—who knows Bouterse well, having served as his bodyguard. At the signing ceremony, Brunswijk stated his "goal has been reached, democracy has returned." The United States should do everything feasible to ensure these are more than mere words.

Under the terms of the treaty, all rebels will be given amnesty in exchange for their weapons. The accord also calls for the rebels' reintegration into Suriname society, the orderly return of refugees from French Guyana and the reconstruction of the country. Roughly $7 million has been set aside for development projects. This money will come out of the annual assistance package given Suriname by the former colonial power, the Netherlands. In addition, many of the rebels will be drafted into an enlarged rural police network.

Mr. President, I also am pleased to note that the disarmament, demobilization and reintegration of the rebel groups will be supervised by officials from other countries in the region under the auspices of the Organization of American States [OAS]. The OAS plan calls for an observer team consisting of three officials each from Brazil and Guyana. This is exactly the approach the United States should support under the new world order that is discussed so frequently these days.

I long have advocated increasing the role of regional organizations in peacekeeping and democracy building activities. Rather than trying to be the world's policeman, the United States should encourage nations to take a more active role in affairs occurring on their doorstep—activities that directly affect their national interests. For instance, I believe the European Community should take the lead role in resolving the violent bloodshed occurring in the former Yugoslavia. The Association of South East Nations should do the same in Cambodia.

I commend the OAS for its plan and the Governments of Brazil and Guyana for putting that plan into action. I also commend the Dutch Government, which over the past decade has played a critical role in restoring democracy to Suriname. The Dutch suspended development aid to Suriname in 1982 after Bouterse had his army assassinate critics of his regime. President Venetiaan enjoys strong support from The Netherlands. The United States has been, and should remain, a major proponent of the Dutch policy agenda.

Mr. President, some may ask why should we care? After all, Suriname is a small State with a population much less than even my home State of South Dakota. How could it possibly affect the interests of the United States? The answer is, quite significantly.

During the Senate's recent consideration of the resolution regarding the use of multilateral action in Bosnia-Hercegovina, I rose to mark the debate as a defining moment in American history. That debate and the resulting resolution marked the first time this body actively considered how America, as the world's sole remaining superpower, will face the new challenges of dealing with a world made up mostly of small states. Rather than just dealing with a single superpower such as the former Soviet Union which, in turn, dealt with each of its republics, we are suddenly faced with the task of dealing individually with more than 10 new countries in that part of the world—each with different needs and concerns.

It is a new order, but in many ways it is more difficult than the old order. We must reconsider our foreign policy if we are to meet successfully the challenges of dealing with a world comprised of small states. If we fail to do so, we will surely lose out on a unique opportunity to remain the leader of a new world.

SOMALIA

Mr. LEAHY. Mr. President, on Sunday, I read a story in the New York Times entitled "Officials Say Somali Famine Is Even Worse Than Feared." I decided to find out how much military aid we gave that country that is now awash in guns and being destroyed by clan violence.

I wonder how many Senators would have any idea? Ten million dollars? Fifty million? A hundred million?

Between 1962 and 1990, when the Congress finally put a stop to it, successive administrations gave Somalia, a country of only 8 million people, most of whom are nomads earning on average $120 per year, over $200 million in military aid.

Most of that aid went to Siad Barre, the ruthless dictator who carried out a 20-year scorched Earth campaign against his countrymen who had the misfortune of belonging to other clans, and in wars of territorial aggression against Ethiopia.

I would guess that the Soviets, who preceded us in supporting Barre's regime, poured in at least as much lethal aid as we did.

Since then the guns and shells and tanks that filled Siad Barre's warehouses have been seized by the clans and subclans that have been trying to destroy each other. In the process, they have destroyed Somalia. The agricultural and commercial fabric of the country are devastated.

Today, an estimated 4 to 5 million people, half of Somalia's population, are facing starvation. Estimates of the number dying of famine each day range from hundreds to thousands.

Much of this was predicted by the relief agencies nearly a year ago.

Unlike the 1985 Ethiopian famine, when the United Nations coordinated a massive effort that saved the lives of a million people, the United Nations, until recently, has been almost invisible in Somalia. But the primary responsibility for this catastrophe rests squarely on those who claim to be Somalia's leaders. General Aideed and Mohammed Ali Mahdi. They have carried on savage fighting while their people starve, and relief agencies have been prevented from getting food to the hungry because of the lack of security.

The International Red Cross, and small private relief organizations like the International Medical Corps, have struggled against impossible odds to save lives. They have kept their fingers in the dike, while the rest of the world's attention has been on Yugoslavia, Iraq, Russia—anywhere but the Horn of Africa.

Perhaps that is understandable. Perhaps there is a limit to the amount of suffering that can hold the world's attention.

But whatever the reason, today the Somali people are paying a terrible price for the incredible callousness of their leaders, and the inaction of the international community. A month ago, faced with pictures on the nightly news of starving children and reports that as many as 1 to 2 million people would die, the President finally announced an airlift of food by United States military forces to Somalia.

I welcomed that step, but anyone familiar with disasters like this knows that an airlift is a sure sign of doing too little, too late. Our planes cannot begin to deliver anything like the 50,000 tons of food per month that is needed.

Two weeks ago I sent a member of my staff to Somalia, to tell me first hand what needs to be done.

We should expand the airlift as rapidly as possible, but the only real hope of averting a far worse disaster is to deliver food by ship, and then on the ground. A single truck can carry the same amount as the C-130's we have flying into Somalia, for a tiny fraction of the cost.

The problem is that convoys of trucks with food have been unable to get out of the port city of Mogadishu, without being diverted and the food stolen by armed gangs. It is a 3-hour drive over paved road from Mogadishu to Baidoa, one of the worst areas, yet no food can get through.

U.N. special envoy Mohammed Sahnoun, who has the respect of virtually all clans in Somalia and the donor countries, reached agreement with the two main factions for the use of 500 U.N. troops to escort food convoys to areas hardest hit by famine.

This is crucial, but that was over a month ago. There is still no date for their arrival, no plan for where they will be stationed, what they will do, what the rules of engagement will be or how long they will stay. Nor has any of this been coordinated with the relief organizations or the Somali clan leaders.

Despite the fact that private relief organizations have been operating in Somalia day in and day out for over a year, the United States still does not have any official representative there. We are trying to orchestrate massive, extraordinarily complex relief operation from Nairobi and Washington.

No one should minimize the dangers there, but the risks are not so great to justify such a timid policy. Last week the British Foreign Secretary, Douglas Hurd, went to Somalia. There is no reason why Assistant Secretary Cohen could not do the same.

We should immediately station adequate State Department and AID personnel there with the authority to speak for the United States and who can regularly consult with the relief organizations and Somali leaders.

They can actively assist in preparing for the arrival of the U.N. troops and coordinate our part of the relief effort.

I know this is being discussed at the State Department, Senator KASSEBAUM has mentioned it, and I want to emphasize that nothing less will do.

This is no typical famine where the problem is simply moving large amounts of food and relief supplies from point A to point B.

In Somalia there are ports where food and fuel can be delivered, there are trucks, and there are roads. But until now the people with the guns have been able to steal the food with impunity. U.N. troops, adequately armed and with orders to shoot back if fired on, are the only hope, and they are long overdue.

In addition, we need to immediately escalate our visible, active involvement in support of U.N. special envoy Sahnoun. He is doing a fine job, but he needs help. We should offer diplomatic personnel of sufficient rank who can assist Sahnoun to impress upon the Somali warlords that in return for our help in saving their people from starvation and rebuilding their country, they have got to stop lamenting that people are dying of hunger while their own troops continue to steal food out of the mouths of the starving. It's time for them to stop the hypocrisy and start talking seriously about ending the fighting.

Mr. President, there is a perception in the world that the United States, the only remaining superpower, can alone solve the world's problems. I am told that in Somalia everyone is looking to the United States to come up with the answer.

We can do a lot. A lot more than we are doing. As chairman of the Foreign Operations Subcommittee I plan to schedule a markup of the 1993 foreign aid bill next week, and I will recommend substantial increases in assistance for famine victims and refugees in Africa.

But at least as important for Somalia, I believe, is dramatically increasing the visibility of our presence in there and our contact with the rival clans. Because it is they, not us, who hold the key to the future of their country. It is they who are responsible for the devastation there, and they who must reconcile if there is to be any future for Somalia in their lifetimes.

Mr. President, 2 weeks ago, I sent a member of my staff to Somalia to tell me first hand what needs to be done. I want to praise the courage of Tim Rieser of the Senate Appropriations Committee staff, who works with me on Foreign Operations. Tim, in what had to be not only a risk to his own life, but a tremendous difficulty, went in there to come back and give me an account of the tragedy that is unfolding in Somalia.

Mr. President, I ask unanimous consent that an article on Somalia in today's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIDEED: WARLORD IN A FAMISHED LAND

(By Keith B. Richburg)

BAARDHEERE, SOMALIA.—Gen. Mohamed Farah Aideed, a warlord wearing a pinstriped shirt and gray slacks, was outlining his country's plight. "The situation of hunger and starvation in Somalia is very big," he said. "So many people are dying every day."

Then the warlord's de facto foreign minister, a former District of Columbia taxicab driver, asked a group of journalists to join Aideed for lunch.

If the invitation seemed out of place in a country wracked by famine, it was, nonetheless, characteristic of Aideed, a man known for contradictions and verbal contortions.

He has talked of the need for peace and development while his troops killed livestock and looted food meant for starving villagers. He has claimed to have "complete control of my forces," but then added that rogue elements in his ranks steal relief supplies because they are hungry.

Since longtime dictator Mohamed Siad Barre fled the capital in January 1991, Aideed, as chairman of the United Somali Congress, has been a central player in this country's slide into anarchy. Many describe him as a brutal regional warlord, although some see him as the only strongman capable of forcing unity on Somalia's warring factions.

Aideed's brutality was demonstrated last year when he began his campaign to wrest control of the capital, Mogadishu, from his rival, President Ali Mahdi Mohamed. His relentless shelling of Ali Mahdi's stronghold of Karan in the northern part of the capital failed to oust Ali Mahdi, but left thousands of civilians dead, tens of thousands wounded and countless homeless. Aideed's forces now control all of southern Mogadishu, including the international airport where most relief flights arrive and the port, considered vital for food supplies. All international relief agencies have their offices on Aideed's side of town, and officials have to negotiate with his aides for landing rights for planes, safe passage for vehicles and security for staffs.

More recently, Aideed's troops have routed the remnants of forces loyal to Siad Barre after weeks of heavy fighting here in southwestern Somalia, driving the ousted dictator's fighters across the border into Kenya.

Aideed has remained in Baardheere since his victory, leading some relief workers to speculate that his hold on this area remains tenuous. But Aideed said his "presence in this area is very important," and he left open the possibility that his troops may have to deal with cross-border attacks by Siad Barre's forces.

With his latest military victory and the merger of his United Somali Congress with three other political groups, Aideed claims to control 11 of 18 provinces, or two-thirds of the country. He noted that his power stretches through key areas, including the coast and the most fertile agricultural land in the south-central region.

As Aideed's power base inside Somalia has expanded, so too, it seems, has his intransigence. After some concessions to Ali Mahdi and the international community—including his agreement in March to a United Nations-brokered truce in the capital that allowed food shipments into the city and his acceptance more recently of the deployment of 500 Pakistani U.N. troops—Aideed has lately sounded more obstructionist.

He has remained opposed to a Security Council decision to dispatch an additional 3,000 U.N. peace-keepers to Somalia. "This has been announced without consultation with us," Aideed said during a recent interview. "Without our consent, we believe it will not be constructive." He added, "What we need is food, not troops."

Aideed did not say specifically that his forces would go on the offensive if additional U.N. troops were deployed without his consent. "We don't want the bloodshed to go on," he said.

But he insisted that his forces were adequate to guarantee the security of food shipments in the areas he controls, and he urged the United Nations to devote more money to rebuilding the old Somali national police force into a security unit of 6,000 men. Whether such a police force would be controlled by the United Nations or placed under Aideed's command is "a technical matter," he said.

An Italian-trained officer, Aideed rose through the ranks of the Somali military until Siad Barre and his Supreme Revolutionary Council seized power in a bloodless coup in October 1969. Aideed claims to have encouraged Siad Barre to hand over power to civilian technocrats—and to have been arrested and imprisoned for six years because of that recommendation.

After his release in 1975, Aideed worked as a civil servant until he was recalled to the military, with a colonel's rank, to help fight Somalia's war with Ethiopia over the disputed Ogaden region. Two years later, Siad Barre appointed Aideed to his rubber-stamp parliament, and in 1984, when he perceived the general as a potential rival, sent him to India as ambassador.

Aideed left the embassy in 1989, returning to Somalia to join the growing opposition to Siad Barre. From base camps near the Somali-Ethiopian border, he began directing the final military offensive of the newly formed United Somali Congress that captured Mogadishu and toppled Siad Barre.

An international conference in Djibouti installed Ali Mahdi, then a little-known, exiled Somali businessman and hotelier, as the country's interim president. Ali Mahdi's critics say he was selected with backing from Italy, the former colonial power, because he could be manipulated. Ali Mahdi is also from Aideed's Hawiye clan, but from a different sub-clan.

The United Somali Congress never accepted Ali Mahdi's appointment and elected Aideed as its chairman, setting the stage for war. The rival forces fought three battles—in May, July and September of 1991—that destroyed most of the capital. A final clash last November demolished what little remained of Mogadishu. The United Nations, which had been absent from Somalia during 1991, finally stepped in and negotiated a truce.

Aideed said his wife now is in Canada and his 12 children are all abroad, including several living in the Los Angeles area where they are employed as engineers.

His new group, the Somali National Alliance, is working toward forming a government of national reconciliation to rebuild the war-torn country, Aideed said, adding that the alliance will soon make "new proposals" to bring about peace and multi-party democracy.

Mr. LEAHY. Mr. President, there are many, many problems throughout the world. We have many problems at home. All should be addressed. But the international community will find it will be forever to their shame if we do not address more forcefully the situation in Somalia.

It is cruel; it is truly inhuman in the greatest sense of the word, to allow so many millions of people to starve, some even while relief food is only a stones-throw away, stolen and hoarded by the same armed gangs that have ruined their country.

I yield the floor.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and all of the leader time of the distinguished Republican leader.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRODUCT LIABILITY FAIRNESS ACT

Mr. MITCHELL. Mr. President, I now move to proceed to Calendar No. 653, that is S. 640, the product liability legislation.

The ACTING PRESIDENT pro tempore. The motion has been made and the motion is pending.

The Senate proceeded to consider the motion.

EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go to executive session to resume consideration of Edward E. Carnes to be U.S. circuit judge for the eleventh circuit for which there will be 3 hours of debate. The clerk will report the nomination.

NOMINATION OF EDWARD E. CARNES, OF ALABAMA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The legislative clerk read the nomination of Edward E. Carnes of Alabama to be the U.S. circuit judge for the eleventh circuit.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to voice my strong support for President Bush's nominee, Mr. Edward Carnes, who was nominated on January 27, 1992, almost 8 months ago, to serve on the U.S. court of appeals for the eleventh circuit. The Judiciary Committee conducted an extensive and thorough review of Mr. Carnes' record. Mr. Carnes' confirmation hearing was held on April 1, 1992, at which time the Judiciary Committee heard testimony from prominent witnesses who support his nomination. The committee considered his nomination quite some time ago, on May 7, and voted 10 to 4 to favorably report the nomination to the Senate for confirmation.

Mr. President, I would like to briefly review Mr. Carnes' background for this important position. He has a distinguished academic record. Mr. Carnes earned his undergraduate degree from the University of Alabama, where he was awarded the Beta Gamma Sigma Scholarship Key for having the highest grade point average in the 1972 graduating class of the School of Commerce and Business Administration. In 1975, Mr. Carnes graduated cum laude from Harvard Law School.

Since that time, he has served in the Alabama attorney general's office as an assistant attorney general. In this capacity, Mr. Carnes has gained extensive experience in appellate work. He has had at least 86 oral arguments as sole or chief counsel in State and Federal appellate courts—that number does not include oral arguments made on issues at the Federal district court or State trial court level.

Throughout his career, Mr. Carnes has received numerous professional awards, such as: In 1984, he became an honorary member for instructional service of the Alabama Judicial College in acknowledgment of the distinguished service he rendered to the judiciary and people of the State of Alabama. In 1988, Mr. Carnes was recognized by the Alabama Crime Victims Compensation Commission as an outstanding victim's advocate, and the Alabama Narcotics Officers Association recognized him for the vital role he played in the fortification of Alabama's drug laws. Also in 1991, he received an award from the Alabama Victims of Crime and Leniency Organization in appreciation for his concern for the plight of the victims of crime and for his dedicated service in capital litigation.

Mr. President, an extensive review of Mr. Carnes' record was conducted by the Judiciary Committee. His confirmation hearing, over which Senator HEFLIN presided, was thorough and comprehensive. Numerous individuals have endorsed his nomination, some of whom testified before the committee at his hearing, and others have written urging his swift confirmation. I would like to mention a few of the individuals who have voiced their overwhelming support and some of the very compelling examples they cite which I believe attest to Mr. Carnes' commitment to the cause of justice:

Mr. Morris Dees, director of the Southern Poverty Law Center, who has been instrumental in defending approximately 75 people who faced the death penalty, testified that he is personally strongly opposed to the death penalty yet he highly recommends Mr. Carnes. Mr. Dees commented on Mr. Carnes' involvement in the Flowers case, in which a 15-year-old was sentenced to death, stating that Mr. Carnes first read about the case in the newspaper. Mr. Carnes contacted the judge and the district attorney and informed them that they could not execute this person because the U.S. Supreme Court had ruled it was unconstitutional. Mr. Dees, referred to a letter which Mr. Carnes wrote to the prosecutor:

> Unless Judge Reed changes the sentence in this case before it reaches the appellate stage, I will confess error in this case in the Court of Criminal Appeals, I will do that in my capacity as an Assistant Attorney General representing the State on appeal, because I believe it is my duty to follow the Constitution as has been interpreted by the Supreme Court, even if that interpretation came in a 5-to-4 decision.

Alabama State Representative Alvin Holmes, chairman of the Black Legislative Caucus, wrote:

> I have known Mr. Carnes for many years and have known him to be fair and impartial toward all citizens without regard to race or color.

Mr. David Bagwell is an attorney who has been an opposing counsel to Mr. Carnes in habeas corpus proceedings. Mr. Bagwell was a law clerk to Judge Johnson, the individual whom Mr. Carnes has been nominated to succeed. Mr. Bagwell, who testified in support of Mr. Carnes' nomination, stated that he was appointed to represent two of the first four people executed in Alabama and in these cases he dealt with Mr. Carnes as an opposing counsel. Mr. Bagwell testified:

> Nobody could have been more fair, nobody could have been more cooperative than Ed Carnes. * * * He was straight. He did not overreach. There was no ex parte conservation. There was no impropriety. He has immense credibility with the judges in Alabama * * *.

As well, Mr. Bagwell addressed Mr. Cranes' involvement in connection with the Alabama Capital Resource Center. Mr. Bagwell commented:

> This business about Ed killing the funding of that center, in whole or in part, is a red herring. * * * Ed Carnes, at considerable personal risk, took it on himself to work with Dennis Balsky to work up a statute which would have adequately or more adequately funded representation by lawyers * * *.

In capital cases. Mr. Bagwell concluded by commenting:

> Mr. Carnes is brilliant, he is fair, he is racially sensitive, he has absolute integrity. He is the kind of man * * * to fill Judge Johnson's slot. * * * I believe he ought to be confirmed.

Mr. Don Siegleman, a Democrat and former Alabama attorney general, who is currently in private practice wrote:

> Ed is one of the brightest lawyers I have ever know. * * * Ed has an unassailable reputation and unimpeachable character. * * * He is known as a tough advocate but one who is completely fair and ethical.

Justice Kenneth F. Ingram, of the Supreme Court of Alabama wrote:

> For eight years I served on the Alabama Judicial Inquiry Commission. During six of those years, I served as Chairman of the Committee * * * which investigates and brings charges against Alabama judges for misconduct in office or violations of the canons of judicial ethics * * * Throughout the entire time I was on the Judicial Inquiry Commission, Ed served as counsel to the Commission * * * As the Commission's attorney, Ed prosecuted eighteen cases against judges charged with misconduct in office or unethical behavior * * * all eighteen judges he prosecuted either resigned from office or were convicted. * * * Ed has been absolutely tenacious in his commitment to and insistence upon the highest level of judicial ethics. I can think of no better attribute for a nominee of a judgeship.

Judge Samuel H. Monk II, presiding judge of the Seventh Circuit of Alabama wrote:

> I am the judge after whom the Alabama Supreme Court case of Ex Parte Monk derives its name. This case commenced upon me entering an * * * order requiring the district attorney to maintain an "open file" policy in a capital case. The D.A. sought mandamus to require me to rescind my order as it greatly expanded the scope of discovery as governed by Alabama procedural rules. While he was under no legal obligation to do so, Mr. Carnes * * * represented me in this action. * * * The Alabama Supreme Court, primarily due to Mr. Carnes' efforts, overturned the intermediate appellate court and held that my order was not an abuse of discretion because of the exceptional circumstances encompassed in capital litigation.

Judge Monk stated that he entered this order after hearing Mr. Carnes ask judges at a seminar to consider such orders in capital cases. Mr. Carnes told the judges about cases in which he had discovered and disclosed exculpatory evidence that prosecutors had kept hidden in their files. Judge Monk concluded by stating:

> Though he is a dedicated advocate, I know him to be a moral, ethical and compassionate individual who is concerned about the rights of all litigants. I seriously doubt that I would have ordered the state to open its file * * * had it not been for the expressed feelings and opinions of Mr. Carnes. A man who subjects himself to the public criticism of his colleagues in doing what he thinks is right, not what he might think is expedient.

Judge Charles Price, a circuit judge for the 15th Judicial Circuit also wrote in strong support. Judge Price is a prominent black leader and is the first black circuit judge in Montgomery County, Alabama. Judge Price submitted written testimony for the record during Mr. Carnes' hearing. Judge Price stated:

> Mr. Carnes is completely fair, and he has an unsurpassed reputation for integrity and candor * * *. He is an excellent attorney, and he is eminently qualified to be on the United States Court of Appeals for the Eleventh Circuit.

Mr. Rick Harris, an attorney currently with the Alabama Department of Health, who was an opposing counsel to Mr. Carnes in the Chick Bush cases testified in support of his nomination. In the statement Mr. Harris submitted to the committee, he stated he is opposed to capital punishment yet he supports Mr. Carnes. Mr. Harris testified that:

> Mr. Carnes again and again told the judge that he should grant the stay of execution so that Mr. Bush would have an opportunity to have his claims heard and decided in Federal court. Finally, just twelve hours before the scheduled execution, Mr. Carnes convinced the Federal judge to issue a stay of execution. In March, Mr. Harris received a telephone call from Mr. Carnes who informed him that he had just discovered a document in the district attorney's file which was plainly exculpatory evidence that had not been used by the defense at the trial. As a result, Mr. Bush got a new trial. Mr. Bush is alive today on Alabama's death row, nine years after Mr. Carnes convinced the federal judge to issue a last-minute stay of execution.

Mr. President, in addition, I received a joint letter from the chief legal officers of each of three States in the eleventh circuit: Alabama Attorney General James Evans, Georgia Attorney General Michael Bowers, and Florida Attorney General Robert Butterworth—all Democrats—strongly endorsing Mr. Carnes' confirmation.

Lastly, I received a joint letter from 31 State attorneys general strongly supporting his confirmation. This letter states in part:

> Mr. Carnes is a highly qualified attorney with in-depth experience in appellate practice and expertise in criminal law, Constitutional law, and federal procedure. His career has been distinguished, and he has displayed a fine sense of principled fairness. Mr. Carnes' record on civil rights is outstanding.

Mr. President, of the 31 State attorneys general who have endorsed Mr. Carnes' nomination, 19 are Democrats and 12 are Republicans, and 24 of the 31 States have capital punishment statutes, and 7 States do not.

Mr. President, I was extremely impressed with the testimony and letters in support of Mr. Carnes. As well, I have reviewed the criticisms which have been leveled against Mr. Carnes. I firmly believe the Judiciary Committee cannot and should not relitigate cases—cases that have been settled by the courts and cases where are currently pending before the courts. I found it to be particularly persuasive that some of Mr. Carnes' most ardent supporters indicated that they were personally opposed to the death penalty but that their personal feelings regarding this issue were overshadowed by Mr. Carnes' fairness in dealing with defense counsel and litigants involved in capital cases.

Mr. President, I have studied Mr. Carnes' record and firmly believe that his outstanding academic and professional credentials will serve him well on the eleventh circuit. All who have endorsed his nomination have praised his intellect, reputation, and character. As well, I am convinced that Mr. Carnes possesses the experience, integrity, and temperament to become an outstanding circuit judge.

Mr. President, I strongly support his nomination and urge my colleagues to do the same.

Mr. President, I reserve the remainder of my time and appoint the able Senator from Alabama [Mr. HEFLIN] to control the time in my absence. It is necessary that I leave the Senate floor for a short period to make some remarks at the opening ceremony for the White House initiative on historical black colleges.

Mr. BIDEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, today and tomorrow, the Senate will debate the nomination of Ed Carnes to serve on the U.S. Court of Appeals for the Eleventh Circuit, a seat being vacated by one of the truly courageous and great judges in recent American history, a man who made his reputation at his own peril by standing up, when he did not necessarily have to, for civil rights and for the rights of African-Americans at a time when they were being blatantly denied and when he, Judge Johnson, found himself in a position that to pursue what he believed the Constitution mandated and fairness dictated put his very person in danger.

Mr. President, before my friend leaves, the Senator from South Carolina indicated that ardent opponents of the death penalty supported Mr. Carnes. I might point out that ardent supporters of the death penalty oppose Mr. Carnes as well.

Mr. President, there is a bit of a red herring here. It is not, as some will suggest today and tomorrow, as some of Mr. Carnes' supporters will suggest, a debate about the death penalty. They will try to make it about the death penalty because they all know full well that the vast majority, or a majority of the Members of this body, as I do, support the death penalty and they will attempt to cast it in the terms of the only reason anyone would oppose Mr. Carnes is because Mr. Carnes, in his professional capacity and in his personal views, supports the death penalty.

We all know that for more than a decade, Mr. Carnes has served as assistant attorney general for the State of Alabama in charge of the State's capital litigation unit, a fancy way to saying he is the fellow who went up on appeal to the higher courts in South Carolina arguing that death penalties which had been handed out, meted out to individual defendants in the lower court cases at the trial level should be upheld.

That is his job. That is what he has done. But those who suggest that the only opposition to Mr. Carnes boils down to opposition to the death penalty are attempting to set up a straw man.

As my colleagues know, I for one believe the death penalty is an appropriate sanction for those most egregious crimes where we have in fact guaranteed the criminal defendant all the safeguards he or she is entitled to under the Constitution. If those safeguards have been afforded, if a fair trial has been had, a fair appeal, habeas corpus has been made available, and the conviction is sustained and upheld, I believe there are circumstances in which the death penalty is appropriate.

As a matter of fact, I am an author of a bill before the Senate, the so-called crime bill, that reinstates the death penalty for literally scores of offenses.

So if the vote for Mr. Carnes' nomination were a referendum on the death penalty, I would vote for Mr. Carnes; I would vote "yes." But the question of Mr. Carnes' nomination is not that simple.

You will hear some oppose Mr. Carnes because of how zealous and ardent he appears to be in support of the death penalty, in what appears to be in most any circumstances. You will hear that argument made.

We must not lose sight of the fact that this is not a debate about the death penalty per se. All of us who oppose Mr. Carnes do not oppose him because he supports the death penalty. Once again, I support the death penalty. Senator BRADLEY supports the death penalty. Others of us who are strongly opposed to the Carnes nomination have supported, do support and vote for the death penalty.

The question raised by this nomination, so I would argue again, is not the propriety of the death penalty. It is a vastly more important question of the integrity of our justice system, of the commitment to those who control the system to justice above all else.

One of the ways our system promotes justice, Mr. President, is through the procedural and constitutional safeguards designed to prevent important factors like race discrimination from infecting the outcome of any jury decision, any court decision. The presence of race discrimination in a courtroom so undermines the promise of justice that we cannot and should not tolerate it in any form, to any degree, at any time.

Those who represent the Government in the courtroom, Mr. President, as judge or as prosecutor, bear in my view a special responsibility not merely to withhold from practicing race discrimination themselves but to work actively to prevent its occurrence and to condemn it presence if and when it occurs.

No. Mr. President, the question before us today is not the merits of the death penalty. The question before us today is the degree of Mr. Carnes' appreciation for the harm done to our system of justice when discrimination infects the process. The question for today is the depth of Mr. Carnes' commitment to a system absolutely intolerant of race discrimination.

In his professional career, Mr. Carnes has had to confront a most unfortunate part of our country's history, and that is purposeful face discrimination in jury selection. Such discrimination has persisted in all States at one time or another—not just in Alabama—despite being denounced by the U.S. Supreme Court as early as 100 years ago.

In 1879, in a case entitled Strauder versus West Virginia, the Court held that a State law prohibiting African-Americans from serving on a jury was unconstitutional. Justice Strong, delivering the opinion for the Court, simply asked:

> How can it be maintained that compelling a colored man to submit to a trial for his life by a jury drawn from a panel from which the State has expressly excluded every man of his race, because of color alone * * * is not a denial to him of equal legal protection?

In 1965, the Supreme Court reaffirmed this fundamental principle: In Swain versus Alabama, the Court held that just as the State may not pass a statute to exclude African-Americans from jury service, it also may not exclude African-Americans from jury service through a trial prosecutor's peremptory challenge.

By peremptory challenges I mean—we, as lawyers, refer to them as peremptory challenges—where a prosecutor or defense attorney, in certain circumstances, can say I do not want that person to serve on the jury just because I do not want them. They do not have to give any reasons. They do not have to say it is because they would be unfair; they do not understand; they are prejudiced. They do not have to say anything. They can, by peremptory challenge, say I do not want that man or woman to serve on this jury.

And so what has happened in Swain, although the Supreme Court, close to 100 years prior to that, came along and said, by the way, a State cannot pass a law saying no black man or black woman can serve on the jury, that was settled.

But then what State prosecutors started to do—again, not only in Alabama but my State as well, Delaware during its history, and many other States—was to come along and say all right, I have a black defendant here. I am prosecuting that black accused person, and I tell you what: Anybody who comes in this jury box who is black, I am going to say, "Out." I do not want a black person on this jury, hearing the facts in the case and the evidence against this black defendant. So they exercised peremptory challenges.

We have found that discrimination is insidious. We all know from our personal experience, regardless of our age, that discrimination is fairly sophisticated. We came along and said there cannot be any statutes in States saying the black folks and white folks cannot go to school together. All of a sudden, we found some States having privately funded public schools, academies for only white folks, and saying this really is not discrimination; these are just different. When they tried that, then we found gerrymandering of school districts to see to it that only white folks ended up in this one school and black folks ended up in another school. We found the same thing in job discrimination. Well, the same thing occurred, everyone should be reminded, in the selection of jurors. And it still occurs in the selection of jurors.

As recently as 1965, the Supreme Court reaffirmed the principle in an Alabama case. I might add that it is just not fair, it is not constitutional to say, without any good reason, I do not want that person on this jury because that person is black.

And then again, in 1986, in Batson versus Kentucky, the Supreme Court put some teeth in the promise it made in the Swain case. It first articulated that promise to rid the jury selection system of discrimination a century earlier. We remember now, in a West Virginia case a century earlier, they said States cannot go out and say black folks cannot be on juries. Then later they found out that States got around that by letting the State prosecutors and district attorneys say, you are black; I am going to challenge you. You cannot sit on that jury.

They said you cannot do that either. Then they came along, as recently as 1986, in Batson versus Kentucky, and they reinforced that promise of nondiscrimination in this fashion, when they said, "The defendant does have the right to be tried by a jury whose members are selected pursuant to a nondiscriminatory criteria."

(Mr. REID assumed the chair.)

Mr. BIDEN. Recognizing that race discrimination would not be eradicated through admonition alone, the court replaced the Swain test with a test relating to burden of proof.

The message of Batson is that discrimination must be fought not merely with words but with actions, and with real sanctions.

So in considering the nomination of Ed Carnes I have looked at how he responded when confronted with race discrimination in the selection of juries, of what he has said, and at what he has done. We listened, I might note parenthetically, in the Judiciary Committee to an awful lot of very fine witnesses. And the distinguished Senator from Alabama, a man who has the trust and confidence of the whole Judiciary Committee, went throughout his State and other environs I assume and sought out opinions about this nominee. Some came, some men whom we respect very much, some people whom we respect very much on both sides of the aisle, and said this man is not a racist; this man does not discriminate; this man has not actively engaged in attempting to discriminate.

That at first, to me, seemed to be fairly persuasive, particularly in light of some of the people who were making that assertion. But then, quite frankly, after the second series of hearings about the nominee and with the nominee, after long hearings with him, and testimony in which he was very cooperative and appeared to be very forthcoming, a pattern emerged that worried me as much as if he in fact had been someone who had, as the head of that department in the State of Alabama, that was to take these death penalty cases on appeal to assure that the death penalty was carried out—it worried me as much as if he had somehow engaged in some pattern to discriminate.

When you go to law school you are required to learn a lot, much of which you do not learn and much of which you do. But there is an expression. "There is a difference between a malfeasor and a nonfeasor." I will never forget a professor explaining that to us in a tort class once and he said, you know the difference between a malfeasor and a nonfeasor is the malfeasor is someone who will walk out to end of a fishing pier, and someone is standing at the end of the pier fishing and, knowing he cannot swim, pushed him of the pier, and he drowns. That is a malfeasor.

He said a nonfeasor is the guy who is standing there with a life preserver in his hand, and he watches the person in the water and he does not throw him the life preserver. He knows he is drowning. He did not push him in. But he does not throw the life preserver. That is a nonfeasor.

I respectfully suggest that our nominee today, in terms of race discrimination is a nonfeasor. I am not suggesting he personally is a racist. I am not suggesting that he personally promotes the notion of saying to his State prosecutor, look, when you have a black defendant, you do not want to have black jurors. It is not a good thing. You have a better chance of convicting a black defendant if you do not have any black women or men on the jury, pick only white folks; do what they did in Los Angeles; find a jury that has no black folks on it. That is the thing to do.

I am not suggesting that is what he did. There is no evidence of that. There is no reason to believe that. I am not trying to be cute here by saying there is no evidence of that, implying that he really did. There is no evidence of that, and there is nothing in his background to suggest he is a man who would do that. But let me tell you what he has done, or more importantly, what he has not done and why I think what he has not done warrants, in this case, his being kept from being on the 11th circuit, replacing one of the heroes, a white man, of the civil rights movement in the South, Judge Frank Johnson.

Let us go through it a little bit here. Let us look at what he said and what he is doing. It is clear that Mr. Carnes has personally condemned race discrimination in the selection of juries. He has called it loathsome and has instructed trial prosecutors that such a practice is unlawful. He has actually gone, in the State of Alabama, to the trial prosecutors and I assume in the context of seminars, meeting with these folks because he is an experienced prosecutor and said look, you have to understand the rules. One of the rules is that you cannot be discriminatory. It is unlawful to be discriminatory in jury selection.

But when asked to defend convictions won by some of these same trial prosecutors who used peremptory challenges to strike African-Americans from a jury, based on a their race alone, Mr. Carnes has complied. Mr. Carnes concedes that he pursued appeals in "a number of cases in which district attorneys, or their assistants, either did not have race-neutral reasons for striking blacks or could not recall them when it was necessary to do so."

Make sure we understand what that means. Here is a man who, as a senior person in the Justice Department of the State of Alabama, calls the selection of jurors based on race loathsome, and there is evidence that he has instructed State attorneys general and prosecutors and district attorneys, that you cannot do that, folks. He said, when you select a jury, do not go out there and challenge someone to sit on the jury. Remember what we call peremptory challenges. You cannot peremptorily challenge someone without a reason. Just because they are black, that is unconstitutional. It is unlawful.

And then he acknowledges on the record that when, notwithstanding his admonition and the Constitution, a State prosecutor has done that or appears at least to have done that in some cases, clearly done it—I will speak to those cases in a few minutes—or when asked why they struck that black person, could not remember why they struck the black person—when faced with those cases that resulted in the conviction, the death penalty for a black man.

Let us make sure we keep this in focus.

A black defendant, a white prosecutor, a jury about to be selected, black folks drawn from that jury pool, white prosecutor says that black person I do not want on the jury. That black person I do not want on the jury. As a matter of fact, I do not want any black persons on the jury. I challenge them all. That is not the wording he used. But that was the effect of the action.

So you end up with a white jury trying a black man or woman, white jury finds black man or woman guilty. white jury or judge or both impose the death penalty, defendant, black defendant, appeals; says, hey wait a minute, I did not get a fair trial. My constitutional rights were violated. That prosecutor in such and such a county would not let any black folks on the jury; only white folks. And I got convicted. I should get a chance to be tried over again, this time with a fair jury selection.

What did Mr. Carnes do in those cases, and I will get into the specific cases? Mr. Carnes said basically—I will quote him in a moment—but basically Mr. Carnes said, hey, look, I work for the State of Alabama. That guy was convicted. He is appealing his conviction. I am going to go ahead and defend the State of Alabama and say we should put that man to death.

Maybe a neutral jury would have found the same way. Arguably, a jury made up of all blacks might have found the person guilty, but that begs the question. The jury was not fairly selected.

What Mr. Carnes should have said in the cases I will mention in a moment is: Hey, wait a minute, on appeal, Judge Smith, or Jones, or Wilson, whatever the name, judge—in layman's language—the State of Alabama made a mistake, judge; we confess that we made a mistake. That prosecutor, in such-and-such a county did not select the jury fairly. We ought to do this thing again, judge.

That is not what he said. He did not do that. He concedes that never once during his tenure with a capital litigation unit did he refuse to defend such a case. Never once did he seek to convince a district attorney—again legal terms—to confess error in such a case. Never once did he challenge the Alabama attorney general's policy that if any technical argument could be used to sustain such a conviction, notwithstanding that the jury might not have been properly selected under the Constitution, the attorney general's policy has been that if there is any technical argument that can be made to sustain the conviction, it should be made.

I appreciate that Mr. Carnes acted as an advocate for the State in these matters, but his duty to the State is to pursue justice, not a conviction at all costs. In my view, Mr. Carnes lost sight of this greater goal. For example, Mr. Carnes argued the Federal collateral appeal in the Jackson case, after the trial prosecutor admitted that he struck African-Americans from the jury based solely on their race, using 12 peremptory strikes to remove all such potential jurors.

Make sure you understand what I am saying, because if you look at this, here is chairman of the Judiciary Committee who says this guy is not a racist, and yet, he is making a big deal trying to keep this guy from taking Judge Frank Johnson's seat on the eleventh circuit. Why? What is the big deal? Well, the big deal is there is a little principle of immense consequence that is essential, in my view, for Federal judges to understand and adhere to.

In the Jackson case, you had a trial prosecutor in a trial court in Alabama having achieved a conviction of a black man, who subsequently gets sentenced to death. In the appeal the defendant says no, no, no, no, do not put me to death, I did not get a fair trial, and you have the prosecutor who tried him saying or admitting that, yes, on 12 occasions when a black juror stood in that box, I said, out, I do not want you sitting on this case. Why? Because you are black. I do not want you on this case. Any other reason? No, you are black. The defendant is black, you are a black person, and I do not want you passing judgment here. I want an all-white jury.

Twelve times he does that; 12 times under Alabama State law, the black prospective juror is bumped out of the box, and a white person is put in their place. Again, maybe had all 12 of those black people—maybe if it had been an all-12-person black jury—I assume it is 12 persons. Some States have six persons. I do not presume to know Alabama law that well. Assuming a 12-person jury, and let us assume they were all black. They may have come along and found—and I do not know any of facts of the case beyond this—Miss Jackson guilty. Maybe.

But guess what? The fix was in at the front end. In the eyes of the Constitution, you are not allowed to do that any more than you can say, when you have a woman defendant to say, hey, by the way, no women on the jury. What would happen in this country if we said no women can serve on a jury in this day and age, where there is a woman defendant? They may be sympathetic to a woman, so I do not want any women on this jury. We would all say that that is outrageous. But guess what, it still happens with black folks, African-Americans.

Here you have the Jackson case, and Miss Jackson gets convicted of murder by a jury, where on 12 occasions the State prosecutor says, yes, I struck—or it was proven—I struck 12 people from the jury, that is, kept them from sitting on the jury. Why? Because they were black.

And what did Mr. Carnes do? Did Mr. Carnes say, I am not going to take that case up on appeal, I am not going to defend the State's position? Did he say that it should go back and get a fair trial? That is not fair?

No. He followed the attorney general of the State of Alabama's guidelines and said, if there is any technical reason upon which you could attempt to sustain a conviction notwithstanding such a blatant violation of somebody's constitutional rights, you should do it. I call that a nonfeasor—someone who has the life raft in their control and possession, and someone is drowning who is innocently pushed over the end of the dock, and does not throw it. He withholds it. As a matter of fact, he goes further. When somebody else tries to throw it to him, he says, no, no, you cannot do that.

The Jackson case is not a close case, a case that could reasonably be argued on the merits either way. This was a case where the Federal district court found that the Swain test described by the Supreme Court as imposing a crippling burden of proof on the defendant was met. The Supreme Court says that the Swain test puts a crippling burden of proof on the defendant. The defendant cannot just say maybe they discriminated against me, maybe that happened, or I think it did. They have the burden of proving that it did. In this case, Miss Jackson's lawyers proved—proved—that the State of Alabama and the local prosecutor prosecuting her violated the Constitution by, for no good reason, saying black folks cannot serve on the jury.

Mr. Carnes personally handled the appeal before the eleventh circuit, arguing that the Federal court should uphold the conviction and sentence, without reviewing the claim of discrimination. Why? In fairness to him, he did not attempt to defend the actions of the prosecutor. He did not say that is a good thing the prosecutor did. Again, the malfeasor. He did not go out and say that is what we should do.

He did not say that. He followed the guidelines of the attorney general of the State. He said, if you can find any technical reason—any technical reason—to uphold a conviction even where it is clear someone's constitutional rights have been violated, as they have been in this case, you should do it.

So what technical objection did he find? He was a very good lawyer. I do not doubt that. No one questions that. The technical objection he found was that the defense counsel, the person representing Miss Jackson, did not raise her constitutional right in a timely way. In other words, she did not have a lawyer who was sharp enough to do it on time, within the time limits required.

Keep in mind, this is not a case where somebody is going to now have to pay $250 for a traffic fine instead of $35. This is not a case that is being appealed where someone is going to go to jail for 7 years instead of 3. This is not a case where someone is going to go to jail instead of get parole. This is a case where someone is going to be put to death and the person's rights have been clearly violated. The prosecutor admits it. Twelve times in selecting the jury, that prosecutor said, "You cannot serve, because you are black," and 12 times that black person had to get up out of the box and walk out of the courtroom and a white person came in and sat down in that seat and ultimately passed judgment.

Again, maybe 12 black people would have found Miss Jackson guilty. I do not know. But it is clear she did not get a fair trial based on what the Supreme Court says is fairness. Under our Constitution you are entitled to a trial by jury, a jury of your peers. For over 100 years, the Supreme Court has said, by definition, it cannot be a jury of your peers if the State in any way jerry-rigs it so someone of your same race or color cannot serve on the jury.

What did Mr. Carnes do? Mr. Carnes said, well, that may be true—I am paraphrasing—that may be true, but her defense counsel—who was an appointed counsel, not getting paid $300 an hour, may be a great counsel, I do not want in any way to besmirch that person's reputation, but one of the things we have before us right now is a bill relating to habeas corpus where I want to see to it that you only get one chance in habeas corpus, but you get one good lawyer when you get your chance, because there is an overwhelming body of evidence that the people who take these cases for criminal defendants are people appointed by the court or public defenders—I was a public defender—who may get, 2, 5, 10, 12 of them or it may be the first case they ever got, because we all know the major senior partners of law firms do not jump in and say, instead of making that $800 or $300 or $500 an hour on this case, let me go down and defend someone accused of an offense who cannot afford a lawyer.

So there is an overwhelming body of evidence, that I am sure he learned about at Harvard Law School, in capital cases, that people who are minorities do not always get the best lawyer.

Now what does he say again? Let us review the bidding here. He says, "Yes, 12 times the State's prosecutor said, 'You are black, you cannot sit in judgment on this African-American defendant,' and that is wrong. But her court-appointed attorney was not sharp enough to have raised that objection quickly enough; therefore, we should put her to death."

Like I said, we are not talking about a purse snatch here, although it would still be denial of constitutional rights. We are not talking about whether or not someone was driving recklessly and going to get their license taken away. We are talking about a very bright, articulate man, who I do not think is a racist, taking his charge from the attorney general of the State of Alabama, his boss, literally, when told that, if there is any technical reason that could sustain the conviction, any technical argument made, make it. He is a very good lawyer, and he made the technical argument, I suspect the only one he could find.

In describing his advocacy in that case, Mr. Carnes told the Judiciary Committee, and I quote from the transcript of his hearing.

> I am not saying that the district attorney in that particular case did not strike all the blacks off the jury for facially discriminatory reasons, and I do not condone that. But my position was not to judge whether or not that was good practice or a permitted practice.
>
> My position in the lawsuit was to advocate the position of the state of Alabama that that conviction should not be overturned with the possibility that someone who was guilty might go free, if there was any legally available basis for doing that.

Now, those are his words, not mine. Let us take a look at them. I think his statement illustrates the flaws in Mr. Carnes' thinking at least at three separate junctures. First, no exercise of judgment was needed here. That is one of his contentions; it was not his responsibility to exercise judgment here. The trial prosecutor admitted using racially discriminatory strikes. In doing so, he deprived the defendant of her constitutional right. This action was clearly illegal, and, under the Supreme Court precedents, was grounds for reversal. And yet he says in his statement that his responsibility was not to exercise any judgment here. It says: "But my position was not to judge whether or not this was a good practice or a permitted ±practice."

I would ask him then, well, why is it not your position as an officer of the court? The court is there to dispense justice. Justice and the procedural ground rules for arriving at it are laid out in the Constitution. When any portion is in doubt, it is argued before the Supreme Court, and the Supreme Court, for over 100 years, has said, "State, you cannot say black folks can't sit in judgment of a black woman." If it is not his responsibility to judge, whose is it? Is he not an officer of the court?

What would happen, by the way, what would happen if he had done—let me double check this. What would be the worst thing that could have happened if he had said we made a mistake under Alabama law and under the Constitution and we deprived her of her rights for a fair jury selection? Well, she would have had to be retried if the State chose to retry her. What a risk. What a risk.

Second, fair process is not a mere nicety to be swept away in the zeal for conviction. Those who represent the Government must not be passive in the face of race discrimination. Mr. Carnes says he does not condone the use of race-based jury strikes, but his statements and actions betray a willingness to tolerate them, if need be, to preserve a guilty verdict.

Third, Mr. Carnes ignores completely the damage caused by the prosecutor's actions—the specific harm in depriving the defendant of her constitutional rights, and the broader harm in undermining the public's trust in our justice system.

Mr. Carnes' discussion of another case handled by his office, though not argued by him personally, is revealing on this last point as well.

Mr. President, how much time is controlled by the Senator from Delaware?

The PRESIDING OFFICER. Forty-six minutes.

Mr. BIDEN. That is what is remaining?

The PRESIDING OFFICER. Yes.

Mr. BIDEN. Mr. President, I will short-circuit the rest of my statement in order to give my friend from Massachusetts and others an opportunity to speak. But just let me briefly mention this other case—and there are others—the Jefferson case.

In the Jefferson case, following a conviction of African-American defendant, defense counsel discovered the trial prosecutor's notes from the jury selection.

He actually found the notes that the prosecutor had when he was selecting the jury, sitting at his or her desk, and writing out, you know, on the table like those tables right there, before a judge sitting there and making notes. And the notes revealed that the trial prosecutor had divided the prospective jurors—they came into the box to be questioned as to whether they could or could not be jurors—into four categories: Strong—and, so if it had Mr. Wilson, it would have behind Mr. Wilson's name and one of the following four words, Mr. Wilson would be in one of the following four categories: Strong—I assume meaning strong for the prosecution in the mind of the prosecutor, which is all right for him to make a judgment about; weak, medium, or black. There was a fourth category he had. Strong, I assume strong for the prosecutor; weak, meaning bad for the State; medium, meaning unsure, I assume; but the fourth one, black.

In response to written questions from me about this case, Mr. Carnes confirmed that neither he nor any one else in his office sought permission to confess error in the case. Instead, though admitting race-based jury selection is wrong, he argued in response to my question that:

> Whether it renders a particular trial fundamentally unfair to the defendant and undermines the relability of a guilty verdict depends upon the facts and circumstances.

Do you have this now? Here is a man who says, OK, even if a prosecutor uses race as a basis of selection, that is not enough for me, the prosecutor, to say I will not appeal that case. I want to look behind it. Because every case is individual. Maybe they did that to an innocent person. That is neat. Or maybe they did that to a guilty person. Maybe they denied the person who did pull the trigger his constitutional rights, in which case, implict in his statement, I would appeal it. But maybe they denied the constitutional rights of someone who did not pull the trigger, then I might use it as a means to not appeal the case. They are my words, not his. But how else can you read that?

Let me read it again:

> Whether it renders a particular trial fundamentally unfair to the defendant and undermines the reliability of a guilty verdict depends upon the facts and the circumstances.

Is it the facts and circumstances of denying a black person the right to sit in the jury? Or is it the facts and circumstances of the case? If it is the first, why do you not find out what the facts and circumstances are? And if it is clearly the circumstance that someone was preemptively challenged because of their race, then do not appeal. If it is the latter, it is totally irrelevant.

This statement contradicts the critical rationale underlying the line of Supreme Court decisions culminating in Batson:

That such a practice is always fundamentally unfair to the defendant, whose life, quite literally, is on the line; and

That such a practice destroys the very notion of a just, fair, and reliable verdict.

Not only criminal defendants pay the price for this illegal practice—all of us do. Race discrimination, when practiced by those who represent the Government itself, feeds a perception that a distinct, recognizable, and significant minority of Americans are treated differently by the criminal justice system.

It creates precisely the result the Batson decision sought to protect against—a loss of public confidence in the system.

This spring, I might add, our Nation again witnessed the real-world consequences of this loss of confidence, as south central Los Angeles burned following the acquittal of the police officers who beat Rodney King—by a jury with no African-American members.

Over the last century, the means used to exclude African-Americans from juries has varied—from laws prohibiting African-Americans from serving on juries; to methods designed to keep African-Americans off jury rolls; to trial attorney's use of racially discriminatory peremptory challenges.

Though the means have differed, the pernicious consequences persist. We must bring this painful history to an end.

We must ensure the integrity of the courts; foster faith in the system; and instill confidence that our system of justice is, indeed, just that—an institution free from bias, committed to equality and protective of all Americans' constitutional rights.

And that cannot possibly be communicated when people are denied the right, specifically denied the right, to have someone of their own skin color sit on a jury when they are being tried.

Some may argue it is unrealistic to think we can eliminate all vestiges of discrimination. But if anybody argues it is silly for us or idealistic for us to think we could eliminate the vestige of discrimination in the selection of juries, they do not understand the consequences for all of us in this Nation when a significant portion of Americans believe, rightly or wrongly, but believe that there are two sets of rules—one for white folks and one for them.

Mr. President, I conclude, for the moment at least, by suggesting that the record of this nomination falls short. I oppose the nomination of Ed Carnes for the Eleventh Circuit Court of Appeals.

I withhold the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield to the Senator from Massachusetts 8 minutes.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Linda Blauhut on September 8 during the pendency of the Carnes nomination and each day following.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I oppose the nomination of Edward Carnes to the U.S. Court of Appeals for the Eleventh Circuit, and I urge the Senate to reject the nomination.

The court to which Mr. Carnes has been nominated is among the most important in the Nation. It has the last word on the vast majority of the civil rights cases in the United States, and many other significant cases come before it as well.

The vacancy to which Mr. Carnes has been nominated is a historic one. It was created by the retirement of one of the most respected judges in the Nation's history—Judge Frank Johnson, a judge of extraordinary courage and commitment to principle who presided over many of the most controversial and important civil rights cases of our times. In a commencement address at Boston University Law School, Judge Johnson once stated:

> The law should be realistic enough to treat certain issues as special; as racism is special in American history. A judiciary that cannot declare that is of little value.

By contrast, the nominee before us to replace Judge Johnson is a man who appears to be remarkably insensitive to racial discrimination. As chief of the capital punishment unit of the Alabama Attorney General's Office, Mr. Carnes oversaw the application of the death penalty in Alabama.

In that State, and in other jurisdictions, too, prosecutors frequently excluded black citizens from juries in death penalty cases involving black citizens defendants. Mr. Carnes personally defended the death sentences in several of those cases. Yet he told the Judiciary Committee:

> I do not believe that capital punishment is applied in a racially discriminatory manner in Alabama or in the Nation.

That is what Ed Carnes said. Here is what Judge Frank Johnson said in McCleskey versus Kemp, a case challenging the imposition of the death penalty in Georgia:

> Warren McCleskey has presented convincing evidence to substantiate his claim that Georgia administered its death penalty in a way that discriminates on the basis of race. * * *
>
> [He] has certainly presented evidence of *intentional racial discrimination* at work in the Georgia system.

In other cases as well, Judge Johnson has authored opinions overturning death sentences because of pervasive racial discrimination in juror selection.

The contrast could not be sharper: Judge Johnson found evidence of racial discrimination in the application of the death penalty; Ed Carnes believes there is no such discrimination in the Nation.

Yet, cases which Ed Carnes defended himself demonstrate flagrant evidence of racial discrimination. In 1986, the Supreme Court's decision in Batson versus Kentucky set new guidelines to prohibit racial discrimination in jury selection, by making it more difficult for prosecutors to exclude Blacks from juries. Yet in more than 20 cases, Mr. Carnes or staff attorneys under his supervision have sought to evade the Court's rule and defend jury selection practices that reek of racial discrimination.

It is important to point out, Mr. President, that there may be during the course of the debate, suggestions that Mr. Carnes really did not know what was going on in these particular cases. He had one responsibility and that was to deal with capital cases. That was his responsibility. And either he understood and he knew what his staff attorneys were talking about, what actions they were taking on small numbers of extremely important issues—he knew what they were doing. They knew what they were doing. And any suggestion that he did not, I think, defies any kind of comprehension.

In the Jefferson case, the prosecutor divided prospective jurors into four categories: strong, medium, weak, and black. And he used all 26 of his peremptory challenges to strike blacks from the jury. The defendant Jefferson was sentenced to death, and he challenged the sentence.

Mr. Carnes' office opposed the challenge, claiming that Jefferson's lawyer had failed to raise the issue in a timely fashion. That was their prerogative as prosecutors, but the evidence of racial discrimination could not be denied by any fair-minded individual. Yet Mr. Carnes told the Senate Judiciary Committee:

> I do not believe that capital punishment is applied in a racially discriminatory manner in Alabama or in the Nation.

Or take the Jackson case, another death penalty case. The prosecutor used 12 peremptory challenges to exclude all black jurors. He testified in the postconviction proceedings that he struck all the black jurors from the panel because "in his judgment, black jurors are less willing to give the State a fair trial and are less likely to convict."

The Federal district court found that the prosecutor's office had a policy of using challenges—"to strike as many blacks as possible * * * in cases involving serious crimes." The court concluded that the prosecutor had engaged in intentional racial discrimination in violation of the equal protection clause of the Constitution.

Mr. Carnes' office opposed Jackson's challenge to his death sentence. Once again, the prosecutor asserted that the challenge was not raised in a timely manner. Once again, that was his prerogative. But the evidence of racism was undeniable. Yet Ed Carnes believes that there is no racial discrimination in the application of the death penalty.

Or take the Floyd case. The prosecutor in that death penalty case used 11 peremptory strikes against black potential jurors to get an all white jury. The Alabama Supreme Court found that the defendant had offered prima facie evidence of purposeful discrimination and ordered a hearing on the issue.

Once again, Mr. Carnes' office argued that the defendant raised the Batson claim too late. That was his prerogative. But the evidence of race discrimination was compelling. Yet Ed Carnes believes that there is no race discrimination in the application of the death penalty.

As a matter of fact, Mr. Carnes has never refused to defend a conviction where racially motivated exclusion of blacks from the jury was at issue. That may be his prerogative as a prosecutor where a technical objection to the claim is available, but time after time, the evidence of race discrimination was compelling. Yet Ed Carnes believes that there is no race discrimination in the application of the death penalty.

In fact, study after study has come to the conclusion that the death penalty is applied in a racially discriminatory manner. Those who murder whites are more likely to be sentenced to death than those who murder blacks. Put another way, the findings are that those who murder blacks do not deserve the same level of serious prosecution as those whose victims are white.

In Alabama, there are more black homicide victims than white victims.

Yet comparatively few of those cases are prosecuted to the fullest extent of Alabama's law.

It is an incredible disparity. Two-thirds of the State's murder victims are black. Yet in more than 85 percent of death penalty cases, the murdered victims were white. Two-thirds of those executed in Alabama have been black.

This pattern is repeated throughout the Nation. In a study required by the 1988 crime bill, the General Accounting Office found a "pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty."

Yet Ed Carnes believes that there is no race discrimination in the application of the death penalty.

Courts throughout America have found such discrimination. The General Accounting Office has found it. But Ed Carnes—who has spent virtually his entire professional career handling death penalty cases—believes that there is no race discrimination in the application of the death penalty.

Death penalty justice in America is separate and unequal. The imposition of the death penalty is rife with racial discrimination, and the Senate should not confirm a nominee who cannot see it.

I am also deeply troubled about other aspects of Mr. Carnes' commitment to basic fairness in death penalty cases. He told an American Bar Association task force on the capital punishment process that defendants in capital cases in Alabama receive "excellent legal representation * * * even more than the Constitution requires."

Let me describe a few examples of this so-called "excellent" representation in Mr. Carnes' jurisdiction:

An attorney showed up drunk to defend a capital case. The judge sent him to jail for a day to sober up.

A defendant's court-appointed counsel submitted a brief to the Alabama Supreme Court with only a single page of argument, raising only a single issue, and citing only one legal precedent.

In another case, the defendant's counsel asked for time between the guilt and penalty phases of the trial. He explained this request, saying he needed to read the Alabama death penalty statute.

We have been told of a case where the imprisoned defendant was visited by his lawyer once in 8 years, and of another where the lawyer never visited in 8 years.

We have received reports of many instances where trial attorneys simply failed to offer evidence or present witnesses. In one case, George Daniel, a man with an IQ in the forties, was convicted and sentenced to death for killing a police officer. On appeal his lawyer said of the trial counsel:

> They did not present any evidence. They did not present any witnesses.
>
> They did not present any defense for Mr. Daniel at his trial.

The trial lawyers admitted as much, and Mr. Daniel eventually won his action for ineffective assistance of counsel.

A trial attorney neglected to mention to the jury that the defendant was mentally retarded. Mental retardation is a mitigating circumstance that can make the difference between being sentenced to life in prison or the electric chair. When the juror at the trial later learned the truth, she said publicly that the jury would have made a different decision if it had known about the defendant's retardation.

Until recently, the maximum compensation available to a trial attorney for out-of-court work in a capital case in Alabama was $1,000. The State has recently raised that limit to $2,000. Lawyers representing defendants in post-conviction collateral proceedings have been limited to $600 in compensation.

These figures are a cap—the most an attorney can get to mount a defense that makes the difference between life and death. Alabama, ranked sixth highest in the Nation in number of executions, still has one of the lowest compensation levels for defending death penalty cases. The State has no public defender system, so an indigent defendant has no choice but to rely on underpaid, court-appointed counsel.

Mr. Carnes effectively blocked funding requests for the Capital Resource Center, the agency that pays private attorneys to handle capital cases, even while he lobbied for funding increases for his own office. The center sought a modest appropriation of $50,000—less than Mr. Carnes' individual salary, and far less than the budget for his death penalty office. Mr. Carnes insisted that the legislature give his office the same additional amount, and the legislature denied funding for both.

Thirty-nine present and former prosecutors recently wrote to the Senate to express their opposition to the Carnes nomination. Their letter states in part:

> We are * * * alarmed at Mr. Carnes' view that indigent capital defendants receive excellent legal representation in Alabama. Only a very cynical advocate could hold such a view.
>
> Alabama has no State-wide defender system, and the funds available for trial counsel in capital cases are grossly inadequate by any measure. * * * Using these criteria alone, Alabama might well be considered one of the very worst providers of legal representation for indigents.

Finally, I urge my colleagues to consider this administration's abysmal record in appointing racial minorities to the Federal courts of appeals. Of President Bush's 52 appeals court nominees, only one is black. By contrast, more than 16 percent of President Carter's appeals court nominees were black.

There are 4.5 million black citizens in the States in the eleventh circuit, more than 19 percent of the population. Yet none of the judges nominated by Presidents Reagan or Bush to that court is black.

All Americans deserve to have confidence in the fairness of the judiciary. The Carnes nomination is a civil rights issue, and the Senate too is on trial. The Eleventh Circuit Court of Appeals has played an historic role in the legal battles to wipe out racial discrimination in America, and so has the Senate. This is no time for us to turn back. I urge the Senate to reject this nomination.

Mr. President, I ask unanimous consent that an editorial from the Tennessean dated September 5, an editorial from the Atlanta Constitution dated September 6, and an article from the New York Times dated September 8, 1992, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nashville Tennessean, Sept. 5, 1992]

SENATE SHOULD REFUSE CARNES' CONFIRMATION

If the U.S. Senate votes to confirm the nomination of Edward Carnes, it will telegraph the message that injustice and racism rule in southern courtrooms.

Carnes, an assistant attorney general in Alabama, has been nominated to the 11th Circuit Court of Appeals, which hears cases from Alabama, Georgia and Florida. Although the nearness of the presidential election is causing the Senate to slow-walk most of President Bush's judicial nominations, Carnes' is being pushed to a vote next week.

The nominee can thank the persuasiveness and power of Alabama Sen. Howell Heflin for getting his name to the Senate floor. But no senator should be so indebted to Heflin that he or she votes to put Carnes in the high judicial seat.

Carnes embodies the worst instincts of the Bush administration in regard to criminal justice. In his appearance before the Senate Judiciary Committee, Carnes insisted that no racial discrimination exists in the criminal justice process in Alabama. He has consistently defended the systematic striking of black jurors in order to get an all-white jury and he asserted before the Judiciary Committee that the exclusion of jurors on the basis of race did not necessarily violate fundamental fairness.

Carnes, who wrote Alabama's death penalty law, has said that death row inmates in Alabama are adequately represented by court-appointed counsel. That assertion files in the face of overwhelming evidence to the contrary. He has also lobbied for limiting the legal rights of those condemned to die by cutting off their right to habeas corpus appeals.

Carnes' nomination would be appalling in any federal circuit in the nation. But it is particularly galling because he is being nominated to fill the seat of Judge Frank Johnson, who at the age of 73 is taking semi-retired status. Johnson, one of this nation's more respected jurists, is a civil rights hero. As a federal district judge appointed by Eisenhower, Johnson forced Alabama's institutions to comply with civil rights laws. He faced down the segregationist policies of Gov. George Wallace. Although Johnson was frequently ostracized in his community, he desegregated Montgomery's transit system and brought racial equality into the state's jury system.

Judging from his professional record and his personal comments, Edward Carnes is simply incapable of dispensing justice. His nomination insults the people of the 11th Circuit. The Senate should deny Carnes the opportunity to succeed Frank Johnson.

[From the Atlanta Constitution Sept. 6, 1992]

KEEP ED CARNES OFF THE BENCH

On Tuesday, the U.S. Senate takes up President Bush's nomination of Alabama assistant attorney general Ed Carnes to the 11th circuit court of appeals. Mr. Carnes is a prosecutorial zealot whose defense of death-penalty convictions has run roughshod over manifest evidence of racial injustice. He has neither judicial experience nor judicial temperament.

In order to kill the nomination, opponents must prevent 60 votes from being cast to terminate debate. It will be a close call.

To his credit, Georgia's Wyche Fowler has become the first senator from the 11th-circuit states to oppose Mr. Carnes publicly. Now Sen. Sam Nunn needs to follow suit.

One reason the opposition has not grown more swiftly is that Mr. Carnes has enjoyed the fervent support of fellow Alabamian Morris Dees, head of the Southern Poverty Law Center and prominent Democratic fund-raiser. In the minds of many, the endorsement of Mr. Dees is sufficient guarantee that someone is a friend of racial justice. Not so.

Since the mid-1980s, Mr. Dees has largely abandoned representing impoverished defendants in order to concentrate on bringing to justice the Ku Klux Klan and other perpetrators of hate crimes. As a result, he has come to depend on prosecutors like Mr. Carnes. They, in turn, have learned they can depend on him.

A few years ago, for example, Mr. Dees lobbied strenuously for Sam Currin, a protege of Sen. Jesse Helms (R-N.C.) whom the Reagan administration had put forward for a federal judgeship. Never mind that the American Bar Association and the North Carolina civil rights community so completely demonstrated Mr. Currin's unfitness to serve that the nomination was withdrawn. As U.S. attorney, the man had once prosecuted a Klansman, and Mr. Dees owed him.

Although Northerners may not realize it, in the South of today the Klan is a pitiful fringe group that even racist prosecutors are ready to haul before the bar of justice. In the criminal justice system nowadays, racial discrimination manifests itself in subtler ways.

It manifests itself through the decisions of prosecutors to systematically strike black jurors in capital cases. It manifests itself through the decisions of prosecutors to seek the death penalty disproportionately when the victim is white and the defendant is black. It manifests itself in the refusal of white authorities to adequately fund indigent defense, and the determination of prosecutors to then prevent defendants from appealing their convictions because of inadequate representation.

Whether or not Ed Carnes is personally a racist is irrelevant. He has been a paladin of this system of racially discriminatory justice. He does not deserve to sit in judgment on the quality of justice in Alabama, Florida and Georgia.

[From the New York Times, Sept. 8, 1992]

THE CARNES NOMINATION: TALK IT DOWN

On its return to work today, the Senate will confront the nomination of Edward Carnes to the U.S. Court of Appeals that hears cases from Georgia, Florida and Alabama. Mr. Carnes, a 41-year-old prosecutor who specializes in enforcing Alabama's death penalty, would replace a giant of the bench, retiring Judge Frank Johnson.

The senators have agreed to a brief debate, then a vote on whether to close debate and proceed to a final tally. The opposition's best hope is to defeat cloture and kill the nomination with a filibuster. Their biggest challenge will be to find enough to say about a lawyer who seems to have chosen a career in executions.

But they will not be wholly bereft of talking points. They might profitably observe, for example, that Judge Johnson, who courageously ruled for civil rights in Alabama despite personal threats, deserves the finest replacement available. They can also clear the record of claims that Judge Johnson endorses Mr. Carnes, since the judge is politely, appropriately neutral.

And they can point out that the nominee's support from the Administration stems from recent political service. He rallied other prosecutors to support both the death penalty and the virtual demolition of Federal habeas corpus, the procedure many condemned prisoners have used to expose the constitutional flaws in their sentences.

Though he applies to his narrow specialty the skills he learned at Harvard Law School, Mr. Carnes reaches odd conclusions. He denies the commonly understood truth that an alarming number of capital cases are poorly defended. And whereas Judge Johnson argued that the race of the victim is an influential factor in a vast number of death penalty cases, Mr. Carnes' expertise tells him otherwise.

Nor has Mr. Carnes ever questioned fellow prosecutors for systematically getting rid of potential jurors in a pattern showing racial bias.

President Bush argues that Mr. Carnes' confirmation is necessary to advance the cause of law and order. It is not. Capital punishment, though ruled constitutional, need not be applied in the discriminatory pattern that Mr. Carnes finds acceptable. It need not be applied against defendants with drunken or slovenly lawyers, or in a manner that undermines confidence that the punishment actually fits the crime.

A fitting disposition to this nomination would be for the Senate to talk it to death.

The PRESIDING OFFICER. The Senator from Delaware controls 28½ minutes; the Senator from Alabama, 73 minutes.

Who yields time? The Senator from Alabama.

Mr. HEFLIN. Mr. President, I have spoken before the Senate previously, as well as making a statement before the Judiciary Committee, outlining the intensive investigation that I undertook pertaining to Ed Carnes. Ed Carnes is a Republican. I have no reason to try to fight a battle for him, although I always try to be fair. The President makes the nomination and I look into their background. Unless there are questions raised that substantially affect the administration of justice, and in particular racial justice, I will normally vote in favor of the President's nomination.

If, on the other hand, if there are questionable matters proven particularly relating to racial justice, I will fight the nomination. My history in the Judiciary Committee has proven that on numerous occasions my vote was the swing vote or one of the swing votes in killing at the committee level nominations that raised serious questions pertaining to equal justice under the law and their temperament as potential judges.

Mr. BIDEN. If the Senator will yield on that point just for a second, I want to make it clear to the Senator from Alabama, I in no way question his judgment on this nomination or his motivation, because it is true, the Senator from Alabama has on numerous occasions cast some very difficult votes that seem to be at odds with what was popular at the moment and on issues of like matter. I think he is wrong in this case, but I would attest to the fact that that is his record.

Mr. HEFLIN. Mr. President, when Ed Carnes' name was submitted, I performed a thorough and intensive investigation. I am not going to go through all of this again, but I found he had strong support in the civil rights community in Alabama. He was hired as a bright young Ivy League-trained attorney by one of the most progressive Attorneys General that the State of Alabama has ever had, a young man named Bill Baxley. Mr. Baxley was elected in 1970 at the height of the racial tension in the State of Alabama. He hired many bright young lawyers, hired a number of African-American lawyers to the attorney general's office, and proceeded to fight for racial justice. He hired Ed Carnes and, as Ed Carnes' history reveals, he was in the forefront of moving the State toward racial justice during these years.

He was in the forefront of battles involving the prohibition of the sale of South African coal into the State; the bombing of the 16th Avenue Church where four black children were killed; and numerous other historic events. He fought the Ku Klux Klan. All of this was outlined in a letter that Morris Dees, a well-known civil rights lawyer in Alabama who heads the Southern Poverty Law Center, wrote pertaining to Ed Carnes' nomination. That letter has been circulated to all of the Members of the Senate in a "Dear Colleague" letter that I and Senator SHELBY have sent out.

Morris Dees has been in the pit; if you will, in the courtroom, in the fight where Ed Carnes was on the other side. It has been my experience, if you want to know an individual, you get into the courtroom and, if he is your adversary, you soon find out a great deal about him or her. You find out about their ethics, you find out whether they follow the law, whether or not they are overzealous in their advocacy, whether they believe in the protection of constitutional rights of individuals, whether they will go too far. And Morris Dees has been in the pit with Mr. Carnes and Morris Dees has high respect for him. The letter he wrote to Dr. Joseph Lowery is one of the most compelling letters that I have ever seen in outlining a position taken by a person who has been on the other side, not on his side, but on the other side, in fighting many, many courtroom battles with the nominee in regard to the capital punishment issue.

Regardless of what people say, this whole debate is a disguised referendum on the death penalty, and it is where the opposition originated and that is its driving force. They have picked up every stone that Ed Carnes had ever walked on by nitpicking and distorting documented facts.

Morris Dees has written another letter, a letter which was addressed to me and addressed to some other Members of the Senate dated September 1, 1992. And for the Senators who have not had the benefit of this letter, I want to read excerpts from it since I think his letter very succinctly answers the various charges and allegations that have been leveled against Ed Carnes.

Let me read this letter:

SOUTHERN POVERTY LAW CENTER,
Montgomery, AL, September 1, 1992.

Sen. HOWELL T. HEFLIN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HEFLIN: Although I have long been active in Democratic Partly affairs, I have strongly supported the Bush administration's nomination of Ed Carnes to a position on the Court of Appeals for the Eleventh Circuit. Because many of those opposed to Ed's nomination have resorted to a vicious and unfair campaign against him, I write to reiterate my support.

Ed has been labelled "racially insensitive." The charge has been made that he has defended numerous cases where African Americans were discriminatorily excluded from jury service. In the wake of the verdict in the Rodney King case, Ed's opponents have tried to make the vote on his nomination a litmus test for the Senate's concern over racial justice.

In today's political climate, it is easy to label someone a racist but hard to defend against the charge. The truth rarely catches up with the lie, and it takes more words to defend against a charge than to level one. A white Albamaian who has worked for the State in the criminal justice system is a particularly easy target for a smear campaign. As one who has always been leery of those quick to call others racists, I feel that it is especially important to explain why I believe that the charge against Ed is so baseless.

To me, the great irony of the smear campaign against Ed is that he has an exemplary record of fighting racial discrimination in jury selection. Before the Supreme Court's decision in *Batson* v. *Kentucky* provided a practical way to stop prosecutors from excluding black jurors, Ed lectured Alabama district attorneys to put an end to the practice. As one district attorney explained in a letter to Senator Biden—

Which I printed in the RECORD previously—

Long before the *Batson* v. *Kentucky* decision ever came down, Mr. Carnes urged Alabama district attorneys, including me, not to strike blacks off juries unless there were race-neutral reasons to do so.

Race neutral means that there are reasons such as a person who does not believe in capital punishment or another example is where a district attorney's office has prosecuted a relative of a prospective juror.

He told us not to strike a black juror unless we would strike a white juror in the same situation. Before the Baston decision came down in 1986, Mr. Carnes admonished us not to use such strikes in a racially discriminatory manner and he felt it was wrong.

It is simply unfair to accuse Mr. Carnes of being insensitive to the problem of racial discrimination in jury selection when he did his very best to end racial discrimination in jury selection long before the Batson decision forced an end to it.

I do not believe that is nonfeasance.

In one murder case involving a black defendant and a white victim, Ed actually advised the Alabama attorney general to try to get the case moved to a county with a larger black population to increase the chances of having African Americans on the jury. In other words, Ed wanted to do exactly the opposite of what was later done in the Rodney King case where the trial of the four policemen was moved to the overwhelmingly white Simi Valley area.

After the Batson decision, Ed led the effort to extend the decision to defense attorneys to prevent them from discriminating against black jurors. In a murder case involving Ku Klux Klansmen who had lynched a young black man, Ed went all the way to the Supreme Court in an effort to prevent the Klansmen from striking all the blacks off the jury. So dedicated was he to that effort that he convinced 45 other states to join a friend of the court brief supporting his position against racial discrimination. The Southern Christian Leadership Conference and the Southern Poverty Law Center filed a brief joining his effort. Although the Supreme Court declined to review that particular case, Ed continued the fight. He convinced the Alabama appellate courts to rule that no one, including defendants and their attorneys, could strike African Americans off juries because of race. Through his efforts, that rule was established in Alabama before the United States Supreme Court reached the same conclusion in 1992.

I am reading from Morris Dees' letter, but as an aside let me say that this particular incident certainly is not nonfeasance.

Instead of acknowledging Ed's strong record in fighting racial discrimination in jury selection, Ed's opponents have sought to hold him responsible for every instance of jury discrimination that has occurred in capital cases in Alabama over the last decade. Although Ed is an appellate lawyer who does not prosecute cases at the trial level or pick juries, his critics claim that he should have confessed error in all those cases where district attorneys exercised a disproportionate number of preemptory strikes against black jurors. By failing to do so, his critics charge, Ed became a kind of "accessory after-the-fact" to discrimination at the trial court level.

In my view, this charge deliberately distorts Ed's role in capital litigation in Alabama. Ed is an assistant attorney general. He does not set policy for the attorney general's office, and he does not control the actions of the various district attorneys. In the typical case to which Ed's critics point, the question of jury discrimination was not even raised at trial or on appeal. Instead, it was raised for the first time in "collateral" proceedings (federal habeas or the state analog to such proceedings). The fact that Ed has argued his client's position that claims of racial discrimination in jury selection should not be heard for the first time in such proceedings does not mean that he is "racially insensitive." United States Supreme Court precedent holds that such claims should not be heard in federal courts unless they have been timely raised and properly presented in state court.

In numerous capital cases, Judge Frank Johnson—the legendary liberal jurist Ed has been nominated to replace—has ruled that constitutional claims of death row inmates should not be considered because the claims were not raised in a timely or proper fashion. It would be absurd to argue that Judge Johnson is insensitive to constitutional concerns because he has followed the law barring such claims in capital cases. Likewise, it is absurd to argue that Ed is insensitive to constitutional concerns because he has argued for the application of the same law that Judge Johnson has applied. Saying that Ed has been "racially insensitive" because he has argued his client's position that Batson claims should not be considered because they were not raised in the trial court is analogous to saying that a criminal defense attorney is "insensitive" to crime because he raised a procedural objection to his client's murder conviction.

In addition to the fact that the issue of jury discrimination was not raised at trial in the typical case to which Ed's critics point, the trial and appeal in those cases often took place before the Batson decision was rendered. The Supreme Court has held that Batson does not even apply to such cases. Justice William Brennan—one of the most liberal jurists ever to sit on the Court—joined in that ruling. If Ed is "racially insensitive" for arguing in line with Supreme Court precedent that Batson does not apply to cases if the direct appeal was over prior to the date of the Batson decision, then Justice Brennan must have been a blatant racist for deciding the relevant precedent in the first place.

Under the yardstick of political correctness used by Ed's opponents, virtually every state attorney general in the country would be disqualified from judicial service because they routinely object when state court convictions are challenged for the first time in collateral proceedings. Recognizing this point, thirty-one state attorneys general—nineteen Democrats and twelve Republicans—have expressed their alarm at the nature of the opposition to Ed's nomination. As they explained in a letter to Senators Mitchell and Dole, the arguments being made by Ed's detractors "would threaten the confirmation prospects of every government attorney who has ever fulfilled his ethical duty to advocate the state's position on appeal in a criminal case. Someone will always be able to charge that by doing so the government attorney has condoned or defended some violation of the Constitution that the prosecutor allegedly committed."

So reckless are some of Ed's opponents that they have misrepresented his written answers to questions submitted by the Chairman of the Judiciary Committee. Ed, we are told, stated that racial discrimination in jury selection is not necessarily fundamentally unfair. What Ed actually said was as follows:

"Question: In your view, would racial discrimination in jury selection affect the fundamental fairness of a trial and conviction?

"Answer: Racial discrimination in jury selection is a loathsome practice which is always fundamentally unfair to the excluded jurors who are victims of it and to society at large. Whether it renders a particular trial fundamentally unfair to the defendant and undermines the reliability of a guilty verdict depends upon the facts and circumstances. For example, if a Ku Klux Klansman is being tried for a crime against a black victim and all the black veniremembers are struck off the jury because of their race, that is wrong, but it is not a wrong which would undermine confidence in a guilty verdict. We should not make the race-based assumption that any particular race is invariably more favorable to the defense in a criminal case. Whether it affects the outcome of a particular case or not, racial discrimination against jurors is wrong because racial discrimination is wrong."

Besides distorting Ed's role in the capital case process and failing to give him credit for his work against racial discrimination in jury selection, Ed's critics have failed to acknowledge other aspects of Ed's professional and personal life that demonstrate a commitment to equal justice. Early in his career, Ed worked to bar the importation of coal from South Africa. He personally prosecuted disciplinary charges against two racist judges and succeeded in having both removed from the bench. As chief counsel for the state on appeal, he preserved the conviction of a Klansman responsible for murdering four young black girls in the notorious bombing of the Sixteenth Street Baptist Church in Birmingham.

Ed's stand against discrimination in the courtroom has been matched by his stand in the community. When he learned several years ago that a racially insensitive remark had appeared in the student newspaper at his daughter's school, he immediately wrote the principal and expressed his outrage in this way: "Racial discrimination is wrong. Racially hostile and denigrating comments are wrong. Publishing or condoning such comments is wrong."

Ed's sentiments were not the product of a "confirmation conversion." Unlike many other nominees, Ed has never been a member of an organization that discriminated on the basis of race or sex. He has long attended an integrated church.

I have spent over 32 years as a lawyer fighting for the underdog in courts from Alabama to Oregon. I don't choose sides based on public opinion or an appeal to special interests. I represented the Klan's right to march and sued the Klan when they lynched Michael Donald. I used to integrate the Alabama State Police and defended law enforcement officers falsely charged with abuse. I hope that you will join with me in supporting Ed and not be swayed by cheap, unfair attacks on this good man's legal career and character.

Please feel free to call me if I can answer any questions.

Sincerely,

MORRIS DEES,
Chief Trial Counsel.

I quote that again. "He has long attended an integrated church."

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Please feel free to call me if I can answer any questions.

Sincerely,

MORRIS DEES,
Chief Trial Counsel.

Mr. President, there have been questions raised pertaining to the Jefferson case. That is a case where the court found categories for jurors—"strong, medium, weak, black." This case has been used against Ed Carnes. Yet, the facts of the case are that Ed Carnes has never participated in any issue whatsoever dealing with the jury selection. The only thing in that case that he ever did was, after a trial judge died, attend, along with several other attorneys general, a scheduling conference to determine the timing of the case. That is all that he ever did in this case. Still, this case has been publicized, put in newspapers, and used throughout this process to try to denigrate Ed Carnes.

This is a case which is not hard to remember. It is known as the Jefferson case, but you can remember it because the opposition always raise the four categories—"strong, medium, weak, black." I think this is distortion. This case serves as an example of what I said earlier. This debate is a disguised referendum on capital punishment. There are people who feel strongly about the death penalty, they have this right, and they are very emotional about it. They feel very strongly that we should not have capital punishment. I disagree. Ed Carnes disagrees. But when they are faced with a situation where a person they know had participated in a capital case or capital punishment cases, they will start—unfairly nitpicking, by examining under the microscope every word that the nominee ever said. That is what has been done here.

Using distortion as a tool, the opposition referred to Jefferson where these jurors' case notes referred to the jurors as "strong, medium, weak, and black." But don't forget, Mr. Carnes never participated, and never had anything to do with that case other than attend a scheduling conference.

He has been criticized for his role in the Jackson case. This case involved an African-American woman who was convicted of murdering another African-American woman. Because it was the second murder that the defendant had committed and the first had involved an African-American victim, under the Alabama law it was a capital offense, and, therefore, it was tried as a capital punishment case.

At the trial in 1981, long before the Batson decision was rendered, the assistant district general used his 22 strikes against 12 blacks and 10 whites. In that particular case, no objection was made about the jury strikes—and no issue was raised about it on an appeal. The jury strike issue was raised for the first time in a Federal habeas corpus proceeding in 1987, over 5 years after the murder.

Ed Carnes did not participate in that Federal habeas corpus trial proceeding. The charge was made by Mr. Carnes' opponent in the Jackson case that he should have confessed error when it came to the appeal stage in regard to jury selection.

Mr. Carnes did not handle this case before the Federal district court. He did file a notice of appeal and write the State's brief to the Eleventh Circuit Court of Appeals. But under the policies and requirements of the Alabama attorney general, who is his boss, he had no choice. The Alabama attorney general wrote the Judiciary Committee a letter making all of this quite clear.

He stated in no uncertain terms that when there was any colorable arguments for upholding a State court conviction on any grounds, his assistants are required to make those arguments. There is a policy against confessing error, and no assistant attorney general has any authority to waive that policy. As the Alabama attorney general stated when he wrote the Judiciary Committee, "no assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all our defense of State court judgments."

The Judiciary Committee received a letter from the district attorney who was involved in this case, and he clearly says, "First and foremost, Mr. Carnes did not make the decision to appeal the Federal district court order in this case. It was not his role. I know, because I am the one who decided the order should be appealed." The district attorney said that he insisted that the case be appealed on all available grounds for overturning the lower court's decision. Under the policy of the attorney general which Mr. Carnes did not create, the district attorney's insistence meant that there would be an appeal.

It is also interesting in that letter from the district attorney to the Judiciary Committee to note the following. His letter tells how Mr. Carnes worked hard to settle the appeal so that the defendant would receive a life without parole sentence instead of a death sentence.

Here is a case in which Batson was not the law. Because the case was tried before Batson came along. Jury selection issues were not raised until the case to the Federal district court on a habeas corpus after exhausting all State trial and appellate post-conviction procedures.

Interestingly, Carnes is working all along to say that the State ought to let this woman have a life sentence instead of capital punishment. He persuaded the district attorney and the attorney general to go along with this deal. But the defendant herself turned it down. Dismissing, the offer of a settlement which would have been a life sentence instead of a death penalty.

So I think the Dees letter is about an succinct and strong as possible pointing out the argument that have been made as clearly as anyone could possibly present. I comment him for such an excellent letter. I feel that what we have here is a great deal of distorted facts. I believe that when you get down to the true facts, read the history, his personal life, as well as his professional life, you will find that Ed Carnes is not racially insensitive.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield 18 minutes to my friend from Ohio.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, before addressing myself to this entire issue, a considerable amount of time has been spent quoting the Morris Dees letter. I have a lot of respect for Morris Dees. However, Julius Chambers, Director of the NAACP Legal Defense and Educational Fund of New York, has sent in a very strong response to the Dees letter.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, I rise in opposition to the nomination of Ed Carnes. He has been chosen for a seat on the Eleventh Circuit Court of Appeals. Mr. Carnes was nominated to replace Judge Frank Johnson, an extraordinary jurist whose courage, fairness, and commitment to equal justice helped to strengthen the public's faith in our judicial system.

The violent outburst in Los Angeles which resulted after the Rodney King verdict underscored the importance of ensuring public confidence in the fairness and impartially of the criminal justice system.

There were no Afro-Americans on the jury which acquitted the officers accused of beating Rodney King. Their absence from that jury reminded many Americans, both black and white, that racial bias can still infect our criminal justice system. One poll taken after the Rodney King verdict shows that half of all Americans, including 89 percent of African-Americans, believe that blacks and other minorities do not receive equal treatment from the criminal justice system. The lesson of the Rodney King verdict is that racial exclusion in our judicial system cannot and must not be tolerated.

I fear that the confirmation of Ed Carnes would signal that the Senate has failed to grasp this reality. Mr. Carnes' record and his statements suggest that he simply does not understand the fundamental importance of ensuring that the criminal justice system must be impartial and untainted by racial bias.

For over a decade, Mr. Carnes has been head of the Alabama capital litigation unit, which defends death sentences imposed by Alabama State courts. In at least a dozen cases, Ed Carnes and the attorneys he supervises have defended death sentences imposed upon African-American defendants, even though there was strong evidence showing that the prosecution had deliberately excluded blacks from the jury.

Mr. Carnes has stated repeatedly, in the face of ample evidence to the contrary, that there is no racial discrimination in the administration of the death penalty in this country. Who does he think he is kidding? Mr. Carnes denies that defendants in death penalty cases, who are almost always poor, disproportionately black, and often illiterate or mentally disturbed, face problems obtaining adequate legal representation.

Let me be clear, Mr. President. I do not oppose Mr. Carnes because he and I have different positions on the death penalty. I have voted for hundreds of Reagan-Bush nominees whose views on the death penalty differ from mine. The issue before us is not whether Senators support or oppose the death penalty. Many Senators who support the death penalty oppose this nominee. But we cannot assess the merits of the nomination without examining his record as Alabama's chief legal advocate for the death penalty. In order to evaluate his temperament, his sense of fairness and justice, his commitment to the Constitution, we have to focus on his record in that position.

Two years ago, Mr. Carnes told the National Law Journal that—

> The problem defendants have is 99.9 percent of them are guilty as hell. I don't care what kind of defense strategy you have, the jury that hears the facts is going to give a death sentence.

Can you believe it that any lawyer, forgetting about his being a member of the circuit court of appeals which he aspires to would say that—

> The problem the defendants have is that 99.9 percent of them are guilty as hell. I don't care what kind of defense strategy you have, the jury that hears the facts is going to give the death sentence.

If there were no other reason, Mr. Carnes should not be confirmed for this position for having made that statement alone. But there are so many other reasons.

It is a judge's duty to respect the presumption of innocence that is the foundation of our criminal justice system. Imagine for a moment that you have been falsely accused of capital murder, which has happened all too many times in this country. Would that statement by Mr. Carnes produce some doubt in your mind as to whether or not he could or would hear your case impartially?

Would it not bother you to know that Mr. Carnes believes that capital punishment trials are "tilted in favor of the damn defendant", which is what he said to the Philadelphia Inquirer in 1984.

Would it not unnerve you to hear Mr. Carnes state that—

> Under Alabama law you cannot execute someone who is insane. You have to send him to an asylum, cure him up real good, and then execute him?

That was the statement he made to the UPI 1983. Is that the man we should be confirming tomorrow to be a circuit court of appeals judge for Alabama, Florida, and Georgia, where appellate cases are taken?

Mr. Carnes also has denied that defendants in capital cases—who are uniformly poor and often illiterate or mentally disturbed—face problems in obtaining adequate legal representation. In 1989, Mr. Carnes testified before that American Bar Association's task force on death penalty cases that—

> Capital defendants receive excellent representation and I would take strong exception to anyone who contends to the contrary.

In what world is Mr. Carnes living?

I practiced law before I came to the U.S. Senate. I know what happens in capital punishment cases even in a northern city like Cleveland. And in Southern States certainly anyone who would claim that they get good and adequate legal representation just is absolutely denying the facts.

Mr. President, I would consider the statement of Mr. Carnes a joke if it were not such a serious matter. A broad spectrum of experts, ranging from former Justice Lewis Powell, to the American Bar Association, to prosecutors and judges around the country agree that the poor quality of counsel in death penalty cases is a critical problem. Mr. Carnes does not think so. The ABA concluded that the principal failing of our capital punishment review process is the inability of capital defendants to secure competent and adequately compensated counsel. Mr. Carnes does not think so.

In Mr. Carnes' own State of Alabama, there is no public defender program, and strict ceilings are imposed upon the compensation paid to the court-appointed attorneys who handle capital cases. If ever I heard an absurd statement with respect to the payment of lawyers who defend individuals in capital punishment cases one need only look at the amount of pay that attorneys receive for defending those accused of capital punishment.

Under the Alabama law in the part of Carnes' tour, the limit on compensation for court-appointed lawyers in capital cases was $1,000 per case. Now, the rate of compensation is all of $20 per hour for out-of-court time, up to a limit of $2,000 per case, and $40 per hour for in-court time. Alabama still limits compensation to $600 per case for representation of indigents in postconviction review cases.

Does anyone think you can get a lawyer to do a decent job for $20 an hour, or $40 an hour, or a maximum of $600 for the review process when the lawyer has to go back and read the record, figure out what the law is, study the law and gets all of $600?

In Mr. Carnes own State of Alabama, there is no public defender program, that says that lawyers are adequately compensated in capital punishment cases in Alabama and the defendants receive adequate compensation.

The Judiciary Committee heard numerous examples of the poor representation received by death row defendants in Alabama. An Alabama defendant earlier this year was represented by a court-appointed lawyer who filed a one-page brief to the Alabama Supreme Court which cited only one case. Another defendant who was executed in 1986 had his case handled by a lawyer who made no opening statement at trial or at the sentencing phase, offered no evidence about the defendant at the penalty phase, and gave no closing argument during the penalty phase. In another case, a capital defendant was represented by a lawyer who appeared drunk in court.

Mr. Carnes would argue that capital offense defendants are adequately represented by counsel in Alabama. It is not true. The reality is that defendants in death penalty cases often receive terrible, abominable legal representation. Mr. Carnes' inability to acknowledge this plain fact raises serious doubts about both his level of compassion and common sense. It also raises questions about his candor since Mr. Carnes frequently exploits poor lawyering by defense counsel. Time and again his office has urged judges to ignore the merits of serious constitutional claims because of technical procedural errors by incompetent defense attorneys.

Then there is the issue of racial discrimination and the application of the death penalty. The administration of the death penalty in this country is infected by racial bias. Numerous studies have shown that those who kill whites are far more likely to be executed than those who kill blacks. A General Accounting Office report found that since 1972 there has been—

> A pattern of evidence indicating racial disparities in the charging, sentencing and imposition of the death penalty.

But Mr. Carnes does not believe it.

In Alabama the death penalty is far more likely to be applied when the victim is white than when the victim is black. Indeed, the head of the Alabama NAACP testified that while murder cases involving African-American offenders and white victims constitute less than 4 percent of all homicides in Alabama, the death penalty is most frequently applied in these so-called black-on-white killings.

Despite all this evidence, Mr. Carnes denies the existence of any racial bias in the administration of the death penalty. He testified that:

> I do not believe that capital punishment is applied in a racially discriminatory manner in Alabama or in the Nation.

That statement simply defies reality, Mr. President the man who Mr. Carnes hopes to replace—Judge Frank Johnson—was well aware that the death penalty is being carried out in a racially discriminatory manner. Judge Johnson wrote from the bench about the critical need to remedy this problem. But Ed Carnes does not even recognize the existence of a problem which Frank Johnson stood ready to correct.

By far the most disturbing aspect of Mr. Carnes' record is his willingness to defend death sentences imposed upon African-American defendants in cases where blacks were systematically excluded from the jury by prosecutors.

The Supreme Court has long held that discrimination in jury selection is unconstitutional. When prosecutors exclude Americans from juries on the basis of race, they fatally taint the fairness of a defendant's trial, they implicate the Government in the perpetuation of racial stereotypes, and they damage the public's trust in our judicial system. As the head of the Alabama NAACP stated to the Judiciary Committee:

> How can African-Americans have any respect for a criminal justice system that does not even trust them to participate as jurors?

During this hearing in the Judiciary Committee, Mr. Carnes admitted that:

> There have been a number of cases in which district attorneys, or their assistants, either did not have race-neutral reasons for striking blacks or could not recall them when it was necessary to do so.

Nevertheless, Mr. Carnes' office has never refused to defend the validity of a death sentence imposed by a jury whose selection was tainted by a prosecutor's racial discrimination.

Mr. President, a number of these cases involved clearcut instances of prosecutors attempting to rig juries on the basis of race. In one case, previously mentioned, Jefferson versus State, the prosecution divided potential jurors into four categories: Strong, medium, weak, and black. The prosecution used 26 peremptory jury strikes in that case; each one was used to strike a black. Despite this clear evidence that racial considerations infected the fairness of Mr. Jefferson's trial, Mr. Carnes' office is vigorously opposing his efforts to obtain a new trial free of racial animus.

Then there is the case of Jackson versus Thigpen, which involved an African-American woman who was sentenced to death by an all-white jury in Tuscaloosa. The prosecutor used 12 of his peremptory strikes to eliminate all qualified African-Americans from the Jackson jury.

In 1990, a Federal district court found that the exclusion of blacks from juries in serious criminal cases was the "standard operating procedure of the Tuscaloosa County district attorney's office."

The lead prosecutor in Jackson's case testified that he struck all blacks because he felt that "black jurors are less willing to give the State a fair trial and are less likely to convict." He also testified that black jurors "tend to be more forgiving and more willing to give a defendant a second or third chance than are white jurors." The Federal district court found that the prosecution's use of racial considerations to exclude potential jurors "compelled a conclusion" that Ms. Jackson's constitutional rights were violated.

Mr. President, this is another appalling example of a case in which a prosecutor's racial misconduct denied an African-American defendant a fair trial free of any racial animus. But instead of confessing error in this case—or at least attempting to persuade the attorney general to confess error—Mr. Carnes has written an appellate brief opposing the district court's order that Ms. Jackson be granted a new trial.

In both the Jefferson and Jackson cases—and in other cases as well—Mr. Carnes' office argued that the appellate courts should not even review the merits of these outrageous racial exclusion claims because of technical, procedural errors by defense counsel. As for the merits of the issue, Mr. Carnes has taken the position—both in court and before the Judiciary Committee—that a prosecutor who rigs a jury on the basis of race does not necessarily violate a defendant's constitutional rights. That is absurd. That position flies in the face of the Supreme Court's holdings on this issue, eleventh circuit precedent, and basic notions of fairness and common sense. And this is a man we are being asked to confirm for the appellate court for the eleventh district.

Some say that when Mr. Carnes defended death sentences imposed in cases where the prosecution had deliberately excluded blacks, he was simply doing his job as head of the Alabama capital litigation unit. I cannot accept that, Mr. President, and neither can 38 former Government prosecutors who have written a letter in opposition to this nomination.

I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. METZENBAUM. A Government prosecutor always has an obligation to ensure that justice is done. The duty to serve justice supersedes a prosecutor's desire to obtain or defend a conviction in a particular case.

Mr. President, justice is not served when African-Americans are sentenced to death by juries selected on the basis of race. But Mr. Carnes' record shows that he sees nothing unfair or unjust about allowing an African-American to be executed even though the jury which imposed the death sentence was rigged by the prosecutor on the basis of race. That is a view of justice which does not belong on the Federal bench. And that is a view of justice which would, if it prevailed, weaken the public's faith in the integrity and legitimacy of our judicial system.

If you believe that the Federal judiciary should be composed of men and women who have the capacity to recognize—and the commitment to remedy—racial discrimination, then you cannot support this nomination. If you believe in equal justice and the supremacy of the Constitution, then you cannot support this nomination. And if you believe that the public deserves Federal judges whose impartiality and even handedness is beyond question, then you cannot support this nomination. There is simply too much in Mr. Carnes' record to raise doubts about his impartiality, his sense of fairness, his commitment to the Constitution, and his dedication to extinguishing race discrimination.

I urge my colleagues to reject this nomination.

EXHIBIT 1

NAACP LEGAL DEFENSE
AND EDUCATIONAL FUND, INC.,
New York, NY, September 4, 1992.

Re nomination of Edward E. Carnes to United States Court of Appeals for the Eleventh Circuit.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. BOB DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: I am writing in response to a letter Morris Dees of the Southern Poverty Law Center circulated on September 1, 1992 concerning the Carnes nomination. I am concerned because Mr. Dees alleges that many of the groups and distinguished individuals who oppose this nomination are engaging in a "vicious," "unfair," "cheap," smear campaign that distorts Mr. Carnes' views.

With all due respect to Mr. Dees, those of us who have opposed this nomination have asserted from the beginning that the Senate should look at Mr. Carnes' entire record, and not embrace the contrived, selective version Mr. Dees has repeatedly advanced. Because I believe the Senate debate on the merits of this nominee will be aided more by facts than by innuendo, I shall proceed directly to the facts.

Mr. Dees' central assertion is that those opposed to this nominee have distorted Mr. Carnes' true views on racial discrimination as it affects jury selection. In Mr. Dees' opinion, Mr. Carnes "has an exemplary record of fighting racial discrimination in jury selection." He asserts this primarily because prior to the Supreme Court's decision in *Batson* v. *Kentucky*, 476 U.S. 79(1986), Mr. Carnes told some Alabama prosecutors they should not strike blacks from juries, and because after its announcement, Mr. Carnes aggressively sought extension of the Batson rule to defense attorneys. These few acts do not constitute an exemplary record, or even a satisfactory one, when viewed in context. Moreover, they are far outweighed by Mr. Carnes' record of impeding the elimination of racism in the jury selection process.

The Supreme Court in Batson sought to deal with a very serious problem that has long plagued our criminal justice system—the exclusion of large numbers of African-American and other minority jurors from the jury box in criminal cases by the prosecution. The root of the problem has been the deeply held view that blacks and other minorities cannot be trusted to convict, particularly in serious cases, and even more so when the victim is white and the defendant is a minority.

While prosecutors throughout the country have held these views, I know of no state where the exclusion of African-American jurors by the prosecution has been and continues to be a greater problem than in Alabama. And I am not talking about the 1930's or 1940's. For example, federal courts have recently found that during the early 1980's, just prior to Batson, prosecutors were systematically excluding blacks, regardless of their qualifications in case after case, in Madison, Mobile, and Tuscaloosa Counties.[1]

Further, while Batson has had some effect, African-Americans continue to be struck in large numbers in many parts of Alabama. There are scores of cases in which prosecutors have excluded 10, 15, or even 20 or more blacks in one case. This context is essential to any meaningful appraisal of Mr. Dees' claim that Mr. Carnes' has an "exemplary record of fighting racial discrimination in jury selection."

With regard to Mr. Carnes' pre-Batson "discussions" with some prosecutors not to strike blacks, I think this hardly rates as "fighting racial discrimination." Rather, it seems to me that Mr. Carnes was doing the very least that was incumbent upon him as an assistant attorney general sworn to uphold the Constitution. If discrimination could be eradicated with nothing more than casual admonitions to obey the law, we would have seen its end decades ago.[2] And while several Supreme Court justices had invited the states to propose solutions to the recurring problem of minority exclusion, Mr. Carnes made no suggestions and continued to defend the status quo.[3]

Indeed, Mr. Dees' reference to Talladega County District Attorney Robert L. Rumsey's letter wherein Mr. Rumsey recalls that Mr. Carnes urged him years ago not to strike blacks, and that he and his staff "follow strictly race-neutral strike policy," makes my point, not his.[4] Just two weeks ago, a capital case Mr. Rumsey tried was reversed because of *Batson* error.[5] The record showed that he personally used 11 of 15 strikes against blacks in that case, and had struck large numbers of blacks in 45 other capital and felony cases. As we all know, "frank discussions" have never deterred those bent on discriminating, and simply cannot be characterized as "fighting racial discrimination."

Moreover, it is disingenuous for Mr. Dees to characterize Mr. Carnes' post-*Batson* efforts as ones designed to diminish in any real sense the continuing exclusion of large numbers of blacks from jury service. While Mr. Carnes sought *Batson*'s extension to defense lawyers, no one seriously contends that such expansion will lead to significantly greater African-American participation on criminal trial juries. Quite simply, his effort was aimed at the wrong target. Prosecutors, not defense counsel, are responsible for the overwhelming number of African-American jurors denied a seat in the jury box. If anything, Mr. Carnes' efforts were self-serving, doing more to increase convictions than to increase minority participation on Alabama juries.

A more accurate description of Mr. Carnes' post-*Batson* activities would be a systematic effort to *limit dramatically its application. For example, on the question of whether the Batson* decision would apply to cases tried prior to its announcement but which were not yet final, Mr. Carnes argued that the rule should not apply.[6] Both the state court and the U.S. Supreme Court rejected Mr. Carnes' argument. On the question of whether white or non-black defendants had standing to assert to claim under *Batson*, Mr. Carnes and his staff argued that *Batson* addressed only black defendant cases.[7] In one case, Mr. Carnes' office argued that the Supreme Court would not apply *Batson* to white defendants because Justice Brennan has just retired.[8] This argument was also rejected by the Supreme Court.[9] And in a case in which counsel raised a *Batson* issue for the first time on certiorari shortly after *Batson* was announced, Mr. Carnes and his staff argued that the state courts should give the claim no review. The state court disagreed and ordered the claim heard on its merits.[10]

It is this systemic attempt to limit *Batson*, *inter alia*, that led many to reject Mr. Dees' claim that Mr. Carnes has displayed a commitment to ending the extraordinary role that race continues to play in jury selection. As Mr. Dees offers nothing new to alter this record, the Senate should reject his view as well.

Because Mr. Dees fails to address this record, he instead distorts the case against Mr. Carnes. He asserts that Mr. Carnes has been unfairly held responsible for the conduct of every district attorney in Alabama. This is simply not so; the focus has always been on Mr. Carnes and his own record. Moreover, he claims that we have erected an impossible standard that few attorneys who have served in government can satisfy. This is also plainly mistaken. There is no new standard. There have been a considerable number of recent judicial nominations involving lawyers who have served in government. I am aware of no effort to defeat any of them on this or any other related basis.

This nomination is unique because, contrary to Mr. Dees' assertions, Mr. Carnes has confronted numerous cases involving meritorious race discrimination claims in which, although the stakes could not be higher, he has used every conceivable argument to insure that no court would ever review the merits of the claim. In the process, in a number of particularly egregious cases, he has ignored his duty as a government attorney to see that justice is done so that convictions and sentences stained by racial prejudice were not disturbed.[11]

In my testimony in April, I mentioned two such cases in which Mr. Carnes urged a court to permit execution of the offender even though the conviction was brought about by naked, egregious, discrimination. In the *Jackson v. Thigpen* case,[12] a federal judge found that the prosecutor used 12 strikes to remove all the black jurors, and did so pursuant to a systematic, longstanding docket manipulation scheme "to preserve the racial purity of criminal juries." That court found the evidence of discrimination to be so strong that it granted relief under the nearly insurmountable *Swain v. Alabama* standard.[13]

In *Jefferson v. State*,[14] it is now known that the prosecutor used 26 of 26 strikes against African-American jurors, and did so pursuant to a list which divided the jurors into four categories: "Strong," "medium," "weak," and "black." Contrary to Mr. Dees' suggestion, this evidence was uncovered by Jefferson's counsel during state collateral proceedings in which the state was represented by Mr. Carnes and his office.[15]

In each case, Mr. Carnes argued vigourously—not for a remedy—but that the courts should not even review the claim. He argued that justice demanded that the courts not reach the egregious state conduct because defense counsel failed to lodge a timely objection. Yet in each, much of the evidence showing the scope and extent of the intent to discriminate was unknown to the defense until long after the trial. In such circumstances, the Supreme Court has plainly held that the merits of such claims should be reached.[16]

Mr. Carnes' persistence to preserve these convictions, in the face of such outrageous *and* illegal conduct, demonstrates, not a commitment to ending racial discrimination in jury selection, but an excessive willingness to defend such conduct, regardless of its character. It is no wonder that trial prosecutors, like Mr. Rumsey, continue to strike large numbers of African-Americans, since they know that, even in capital cases, Mr. Carnes will aggressively defend the convictions and sentences.

Mr. Dees strains in attempting to show that Judge Frank Johnson approves of Mr. Carnes' tactics. While Judge Johnson has enforced the procedural default rule when the record contained no adequate excuse for the absence of a timely objection, he has repeatedly rejected such technical arguments in cases where the showing of racial discrimination was far less egregious than in *Jackson* and *Jefferson*, and in many of the other cases Mr. Carnes has defended.

For example, in one Georgia capital case, Judge Johnson held that a state court's finding of default on a jury discrimination claim should not be accepted where state law was not clear when the objection had to be made, and where the record showed considerable evidence of racial discrimination.[17] In another, he joined in dissenting from the unwillingness of the full court to review a panel decision that had refused to review a meritorious defaulted jury discrimination claim.[18]

And where claims alleging racial discrimination have been properly presented, Judge Johnson has unhesitatingly provided a remedy. In *Horton v. Zant*,[19] in a case very similar to the *Jackson* case that Mr. Carnes is defending, he found the evidence of intentional discrimination so strong that he held the prosecutor's long-standing practice of striking blacks from capital juries violated *Swain v. Alabama*. In *Gibson v. Zant*,[20] he wrote the opinion for the court overturning a capital conviction and sentence after finding that African-Americans had long been significantly underrepresented on the jury pools. In this opinion, he noted that "the importance of non-discriminatory jury composition is magnified in capital cases, ..."[21]

Mr. Dees' also faults us for not acknowledging other aspects of Mr. Carnes' career and life in which he has worked for fairness and even-handed justice. We have acknowledged these incidents.[22] Again, it is Mr. Dees who ignores highly relevant indicators.

Before the Judiciary Committee, Mr. Carnes testified that he did not believe that racial discrimination influences the administration of capital punishment in Alabama or elsewhere. This is truly a remarkable statement given the following: while African Americans comprise only a quarter of Alabama's population, and constitute more than 60% of the State's homicide victims, more than 80% of the cases that result in death sentences are white victim cases; only five of the 128 circuit and appellate judges in Alabama are African-American; all of the elected District Attorneys are white, and the long history of Alabama prosecutors using large numbers of strikes to exclude blacks from jury service in capital cases. While I do not claim for a moment that any of this is Mr. Carnes' fault, it is truly difficult for me to understand how he can honestly believe that race simply is not a factor, and that it wields no influence in the criminal justice system when a capital case is being considered or tried.

Moreover, Mr. Dees is silent on the conclusion we should draw from Mr. Carnes' assertion that indigent defendants in Alabama facing capital trials receive "excellent" representation. Supporters and opponents of the death penalty, conservatives and liberals, Republicans and Democrats agree, with very few exceptions, that the quality of representation in these cases is inadequate and detrimental to the fair administration of justice.[23]

Mr. Carnes' statement is particularly distressing because the general quality of representation provided to capital defendants in his own state of Alabama is among the worst in the nation.[24] In light of his extensive involvement in many of these cases, Mr. Carnes' view cannot be attributed to lack of experience or exposure to the issue. Rather, it evinces either an alarming lack of candor, or a deep insensitivity to pervasive injustice. Either quality suggests still additional reasons to conclude that consent should be withheld from this nomination.

I hope these observations set the record straight.

Respectfully submitted,
JULIUS L. CHAMBERS,
Director-Counsel

FOOTNOTES

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[1] See *Love v. Jones*, 923 F.2d 816 (11th Cir. 1991)(Madison County); *Jones v. Davis*, 906 F.2d 552 (11th Cir. 1990)(Mobile County); *Jackson v. Thigpen*, 752 F.Supp. 1551 (N.D.Ala. 1990)(Tuscaloosa County).

[2] It is important to remember that Batson did not impose any new obligation upon prosecutors: for more than 100 years, striking jurors because of their race has constituted unconstitutional behavior, and can also constitute illegal conduct. Reminding prosecutors of their duty to uphold, and not subvert, the law does not, in my mind, constitute "fighting racial discrimination."

[3] See *McCray v. New York*, 461 U.S. 961 (1983)(opinion of Justice Stevens, joined by Justice Blackmun and Justice Powell respecting denial of certiorari)("In my judgment it is a sound exercise of discretion for the Court to allow the various States to serve as laboratories in which the issue receives further study before it is addressed by this Court.")

[4] See Cong. Rec. S11913 (daily ed. August 7, 1992).

[5] See *Walker v. State*, —— So.2d —— (Ala.Cr.App. August 21, 1992).

[6] See Ex parte *Jackson*, 516 So.2d 768 (Ala. 1986). Here, the prosecutor used ten peremptory strikes to exclude all qualified blacks. Thus, an all-white jury was empaneled to try a black male charged with the rape and murder of a white female. Counsel raised the Batson issue shortly after that decision was handed down while the case was pending on direct appeal.

[7] See Ex parte *Quang Ngoc Bui*, 1991 Ala. Lexis 688 (Ala. 1991)(9 out of 13 blacks struck by prosecution; state claimed Asian defendant lacked standing); Ex parte *Bankhead*, 585 So.2d 112 (Ala. 1991)(8 of 10 strikes used to remove blacks; state argued white defendant lacked standing).

[8] See State's Brief and Argument in Support of Certiorari filed in Ex parte Duncan, Alabama Supreme Court, September 14, 1990.

[9] See *Powers v. Ohio*, 111 S.Ct. 1364 (1991).

[10] See Ex parte *Floyd*, 571 So.2d 1234 (Ala. 1990).

[11] Mr. Dees' argument that Mr. Carnes lacked authority to confess error is a red herring. As head of the capital litigation division, he had considerable authority to make policy decisions. The record before the Senate surely established that Mr. Carnes exerted considerable influence over numerous policy matter affecting the administration of justice in capital cases. The ABA Code of Professional Responsibility states that "[a] government lawyer who had discretionary power relative to litigation should refrain from instituting or continuing litigation that is obviously unfair." Ethical Consideration 7-14, ABA Code of Professional Responsibility (1987). And surely if he lacked any authority, in the face of the egregious discrimination he saw in some of the cases, he had a duty to seek authority to settle the case. "A government lawyer not having such discretionary power who believes there is lack of merit in a controversy submitted to him should so advise his superiors and recommended avoidance of unfair litigation. "*Id.*, Ethical Consideration 7-14.

[12] 752 F.Supp. 1551 (N.D.Ala. 1990).

[13] 380 U.S. 202 (1965).

[14] Circuit Court of Chambers County, No. CC-81-77.

[15] Mr. Carnes' office has just indicated that documents like the one uncovered in *Jefferson* explaining the prosecutor's reasons for excluding jurors will no longer be discoverable.

[16] See *Amadeo v. Zant*, 486 U.S. 214 (1988).

[17] *Spencer v. Zant*, 715 F.2d 1562 (11th Cir. 1983), *aff'd*, *Spencer v. Zant*, 781 F.2d 1458 (11th Cir. 1986) (en banc).

[18] *Gates v. Zant*, 880 F.2d 293 (11th Cir. 1989) ("At the core of effective trial advocacy is the duty of trial counsel to know the legal rights of the client and to explore the possible factual underpinnings that would support an effort to secure those rights. Yet it appears that this court finds reasonable an attorney's unresearched decision to forego a challenge to the racial composition of the jury based substantially upon the attorney's belief that such a challenge could only alienate the jurors that would try the defendant.")

[19] 944 F.2d 1449 (11th Cir. 1991).

[20] 705 F.2d 1543 (11th Cir. 1983).

[21] *Id.*, at 1546.

[22] See Statement of Julius L. Chambers before Committee on the Judiciary, United States Senate, April 1, 1992 at 2-3.

[23] See e.g., American Bar Association, Toward a More Just and Effective System of Review in State Death Penalty Cases 56 (August 1990)(citing near unanimity of support for improving the quality of representation for defendants in capital cases).

[24] I list the numerous cases where counsel provided hapless representation in the attached memo.

EXHIBIT 2

SEPTEMBER 4, 1992.

Re: Nomination of Edward E. Carnes to United States Court of Appeals for the Eleventh Circuit.

Hon. GEORGE J. MITCHELL,
Majority Leader, United States Senate, SR-176 Russell Office Building, Washington, DC.
Hon. BOB DOLE,
Minority Leader, United States Senate, SH-142 Hart Senate Office Building, Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: We are 38 former prosecuting attorneys, and one current prosecuting attorney. Some of us have represented the interests of the federal government as the appointed United States Attorney or have served in a United States Attorney's office. Others have served as an elected state's Attorney General or District Attorney, or have served as assistant attorneys general or assistant district attorneys in states throughout our country. We are Republicans and Democrats. Many of us support the death penalty while others oppose its use.

Today, we speak with one voice in urging the Senate to withhold its consent to President Bush's nomination of Edward Carnes to take the seat previously occupied by Frank Johnson on the United States Court of Appeals for the eleventh Circuit. Few of us have ever weighed in on the fitness of a nominee for a seat on the federal court. Even fewer have opposed for public service one who, like us, has served as a prosecutor. Yet we feel compelled to do so in this instance.

It has been said that few legal positions prepare one better for the bench than service as prosecutor. This is so because the prosecutor, unlike private counsel, must always keep an eye on what is right and just, and not act solely upon what is best for his or her client. As the Supreme Court noted nearly 60 years ago:

"The [prosecutor] is the representative not of an ordinary party to a controversy but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice is done * * *"[1]

Accordingly, it is not the role of the prosecutor to win at any cost. Possessing extensive power and discretion, government attorneys are obliged at all times to seek not only to convict, but to do so in a manner that is compatible with their duty to see that justice is done. Put another way, "it is [the prosecutor's] duty to recall that his sword, though not forged in the flame heat of zeal, is alloyed with the iron of restraint."[2]

After reviewing Mr. Carnes' record as an assistant attorney general, we are convinced that while he has represented the state's interests with great zeal, he has too often failed to show sufficient concern that the end result be fair and just. Our concerns flow chiefly from his handling of the numerous cases where claims alleging racial discrimination in jury selection have been raised, and from his views on the quality of representation that many Alabama indigent defendants receive.

1. *The Race Discrimination Cases*—During the past several years, Mr. Carnes, or attorneys under his supervision, have represented the interests of the State of Alabama in a considerable number of cases where state trial prosecutors have used large numbers of peremptory strikes to remove African-Americans from jury service.[3] In some of these cases, the trial prosecutors have used more than 15 strikes to remove African-American jurors.

Racial discrimination in the selection of a jury is reprehensible whenever it occurs, but it is particularly egregious when its source is the prosecutor.[4] Few acts can destroy the integrity of the judicial system more quickly and more thoroughly than when citizens perceive that state officials extend special treatment to whites, or blacks, or to others, at the courthouse.

Several reasons for concern about Mr. Carnes' sense of fair play emerge from his involvement in these cases. First, whenever possible, he has sought to avoid defending the prosecutor's conduct on the merits by asserting technical, procedural arguments. These arguments have often prevailed, and have succeeded in preventing the reviewing court from deciding whether the prosecutor's actions were illegal and amounted to discrimination.

Second, even in cases where there is no doubt the trial prosecutor engaged in intentional racial discrimination in exercising his peremptory strikes, Mr. Carnes has refused to confess error, and in so doing, has cast a blind eye to his duty to see that justice be done.[5] Neither the State, nor the ends of justice win when a judgment brought about by such disgraceful conduct is allowed to stand. In these cases, Mr. Carnes never once exercised his discretion to acknowledge racial discrimination; instead, and without exception, he has elected to defend the conduct, regardless of its character, to preserve the tainted conviction and sentence.

Equally disturbing, however, is Mr. Carnes' assertion before the Judiciary Committee that racial discrimination does not taint capital cases in Alabama or elsewhere. This is simply not the case. The Supreme Court has recognized that discrimination continues to influence the administration of justice,[6] and in capital cases.[7] This is one reason the Court adopted a far less demanding standard of proof concerning the prosecution's use of peremptory strikes in *Batson* v. *Kentucky*, 476 U.S. 79 (1986). Indeed, the volume and character of the *Batson* cases alone in Alabama show that some prosecutors continue to believe that all-white, or nearly all-white, juries are necessary to secure capital sentences.

After the Simi Valley trial last spring, we learned once again that our judicial system cannot deliver just results, or ones that will be credited as fair by the community, when actors in the criminal justice system arbitrarily exclude from the process distinct groups in the community.[8] Perhaps at no time in our history have we more needed judges, prosecutors, defense lawyers and jurors who understand our history of racial intolerance and injustice, and who possess a resolute commitment to apply the law in a truly even-handed manner. Mr. Carnes' record and public views give us little confidence that he possesses these essential qualities.

2. *The Quality of Counsel Issue*—We are also alarmed at Mr. Carnes' view that indigent capital defendants receive excellent legal representation in Alabama. Only a very cynical advocate could hold such a view.

Alabama has no state-wide defender system, and the funds available for trial counsel appointed in capital cases are grossly inadequate by any measure. Appointed counsel are compensated only a few thousand dollars for a case; not long ago, compensation was limited to $1000. Using these criteria alone, Alabama might well be considered one of the very worst providers of legal representation for indigents.

Moreover, it is now well known that in a considerable number of Alabama cases, lawyers appointed to represent indigent capital defendants have provided clearly unacceptable representation. Some have been extremely inexperienced. One did not even read the death statute until after the guilt phase had ended. Another came to court intoxicated. Others have failed to present any mitigating evidence at the sentencing phase of trial. Others have filed shockingly inadequate briefs in the state appellate courts and in the Supreme Court. Mr. Carnes is plainly aware of these instances as he and members of his staff have represented the state's interests in appeals in each case.

By no measure have many of these defendants received "excellent" representation. Candor from Mr. Carnes would have caused him to describe such representation instead as wholly inadequate for most cases, and unacceptable in capital cases.

Like his approach in the race cases, Mr. Carnes unwillingness here to recognize the obvious reveals a profound lack of a sense of fair play, and of a commitment to every prosecutor's duty to see that justice is done. Without able counsel, not only is an indigent defendant unlikely to receive the kind of defense the Bill of Rights guarantees, but the capacity of the adversarial process to deliver a just result is seriously jeopardized. Perhaps that is why numerous other prosecutors who have commented on the quality of indigent representation have remarked that our indigent defense systems nationwide are in need of much improvement, and rarely are able to provide "excellent" representation in capital cases. Mr. Carnes' assertion simply flies in the face of these facts.

Our system bestows few honors more coveted than appointment to the federal bench. As we understand it, the Senate's role is to ensure that the President's choice is bestowed appropriately, and only upon those who have demonstrated the skill, the temperament, and the strong sense of fair play that is essential to even-handed judging. Our informed view is that Mr. Carnes' record shows him to be undeserving of such honor.

For the sake of our law, and of respect to our criminal justice system, we strongly urge each Senator to withhold consent on the nomination of Edward Carnes to replace Frank Johnson on the Eleventh Circuit.

Respectfully yours,

Stephen H. Sachs, Attorney General of Maryland, 1979–87, United States Attorney, District of Maryland, 1967–70, Assistant United States Attorney, District of Maryland, 1961–64; Stephanie Tubbs Jones, Current Cuyahoga County, Ohio Prosecuting Attorney, Former Judge, Court of Common Pleas, Cuyahoga County, 1982–91, Former Assistant Prosecuting Attorney, 1976–79.

for

Gary Abramson, Assistant Attorney General, New York, 1978–80; William I. Aronwald, Former Assistant United States Attorney, Federal Strike Force, Southern District New York; James C. Banks, Former Assistant State Attorney, Second Judicial Circuit, Leon County, Florida; R. Vinson Barrett, Jr., Division Chief, State Attorney's Office, 2nd Judicial Circuit, Leon County, Florida;

Richard C. Bicki, Assistant United States Attorney, District of Columbia, 1977–82, Rhode Island, 1982; Thomas M.

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[1] *Berger* v. *United States*, 295 U.S. 78, 88 (1935).

[2] *Houston* v. *Estelle*, 569 F.2d 372, 384 (5th Cir. 1978).

[3] *See* Statement of Julius L. Chambers, Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc., to the Committee on the Judiciary, United States Senate, April 1, 1992 at 2–12; Statement of Stephen B. Bright, Director, Southern Center for Human Rights, to the Committee on the Judiciary, United States Senate, April 1, 1992 at 20–25.

[4] It can also constitute illegal and criminal conduct. See 18 U.S.C. 243 (federal crime for a state officer "charged with any duty in the selection * * * of jurors" to exclude any citizen "on account of race").

[5] "The government is, as the Supreme Court has reminded us, not an ordinary party litigation. [footnote omitted] It has an obligation to govern fairly, and to be seen to do so. It should not evaluate every case from the perspective "can this be won," but with some sense of whether the government deserves to win." Tigar, *Federal Appeals: Jurisdiction and Practice*, McGraw-Hill, 1987 at 153–54.

[6] See *Rose* v. *Mitchell*, 443 U.S. 545 (1979).

[7] See *Amadeo* v. *Zant*, 486 U.S. 214 (1988) (prosecutor ordered jury commissioners to rig jury lists to underrepresent African-Americans and women); *Turner* v. *Murray*, 476 U.S. 28 (1986)(voir dire on racial prejudice constitutionally required in black defendant/white victim capital case because some whites continue to embrace stereotypical views of blacks).

[8] In that case, it was the trial court's decision to move the case to the nearly all-white community that virtually guaranteed that all the decision-makers would be white. In numerous capital appeals that Mr. Carnes has handled over the years, it was the prosecutor, via the peremptory strike, who guaranteed the exclusion of African-Americans from the process.

Breen, Assistant States Attorney, Cook County, Illinois 1972–78; A. Bates Butler, III, Deputy Pima County Attorney, Arizona, 1970–77, First Assistant United States Attorney, District of Arizona, 1977–80, United States Attorney, District of Arizona, 1980–81;

Jerome D. Carter, Assistant Commonwealth Attorney; Jefferson County, Kentucky, 1979–84; Martin Cirincione, Deputy Chief Assistant District Attorney, Schenectady County, New York, 1977–79; Scott Fein, Assistant District Attorney, Nassau County, New York, 1976–80.

Bennett L. Gershman, Assistant District Attorney, Manhattan, New York, 1966–72, Special Assistant Attorney General, New York State, 1972–76; Terence P. Gillespie, Former Assistant State's Attorney, Cook County, Illinois, 7 years; Stanley Greenberg, Assistant United States Attorney, Los Angeles, California, 1971–74; Hal D. Hardin, United States Attorney, Middle District, Tennessee, 1977–81, Assistant District Attorney, Nashville, Tennessee, 1969–70;

Sanders Heller, District Attorney, St. Lawrence County, New York, 1961–64, Special Assistant, 1984; Nicholas A. Lotito, Assistant United States Attorney, Northern District of Georgia, 1976–1982; Bruce Lyons, Supervisor, County Solicitor's Office, Broward County, Florida, 1967–71; Seth Kirschenbaum, Assistant United States Attorney, Northern District of Georgia, 1978–84;

Michael J. Malkewicz, Deputy Attorney General, Delaware, 1981–86; Royal B. Martin, Jr., Assistant United States Attorney, Northern District, Illinois, 1970–75; William Martin, Chief of Special Prosecutions, Cook County, Illinois, 1966–68, Assistant State Attorney, Cook County, Illinois, 1962–68; Dan McClain, Former Assistant State Attorney, 13th Judicial Circuit, Hillsborough County—Tampa, Florida, 1983–1989;

James J. McGinnis, Assistant District Attorney, Cordele and Macon Judicial Circuits, State of Georgia, 1982–1985; Tom McNamara, United States Attorney, Eastern District, North Carolina, 1972–76, Assistant United States Attorney, Eastern District, North Carolina, 1969–72; L. William Porter II, Former Special Assistant State Attorney, 5th Judicial Circuit/7th Judicial Circuit, Florida, Police Officer for 12 years;

Robert A. Rand, Former Assistant State's Attorney, 2nd Judicial Circuit of Florida, Former Special Prosecutor, Florida Statewide Grand Jury, Former Prosecutor, Office of State Prosecution; Donald Rehkopf, Jr., United States Air Force Prosecutor, 1976–81 and 1973–75; J. Randolph Randy, District Attorney, 10th Prosecutorial District of North Carolina, 1977–86, Prosecutor, Wake County, North Carolina, 1971–76; James Rizzo, Assistant District Attorney, Monroe County, New York, 1986–88;

J. Stephen Salter, Assistant United States Attorney, District of South Dakota, 1971–73, Northern District, Alabama, 1973–76; Richard Scanlan, Assistant Attorney General, New York, 1970–73; Benjamin Sender, Assistant United States Attorney, District of Columbia, 1979–82; Norman Shapiro, Special Deputy Attorney General, New York, 7 years, District Attorney, Orange County, New York, 1975;

Carl Silverstein, Assistant District Attorney, Sullivan County, New York, 1965–73; Neal R. Sonnett, Assistant United States Attorney, Chief of Criminal Division, Southern District, Florida, 1967–72; Patrick Tuite, State Attorney's Office, Chief, Criminal Division, 1967–69, Cook County, Illinois, 1962–69; Henry Wykowski, Assistant United States Attorney, Northern District, California, 1980–82, Trial Attorney, Department of Justice, Criminal Division, 1977–80.

The PRESIDING OFFICER. The Senator's time has expired.

CLOTURE MOTION

Mr. THURMOND. Mr. President, under the previous agreed-upon unanimous consent, I send a cloture motion to the desk.

I now yield 12 minutes to the distinguished Senator from Alabama.

Mr. BIDEN. Will the Senator yield to me for a unanimous-consent request?

Mr. SHELBY. I yield to the Senator.

The PRESIDING OFFICER. Will the Senator withhold so the clerk may read the cloture motion?

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Edward Carnes nomination:

Strom Thurmond, Frank H. Murkowski, Bob Dole, Larry Pressler, Thad Cochran, Larry E. Craig, Bob Kasten, Mitch McConnell, Ted Stevens, Conrad Burns, Slade Gorton, Alfonse D'Amato, J. Warner, Al Simpson, Trent Lott, Malcolm Wallop.

The PRESIDING OFFICER. Under the previous order, the vote on the cloture will occur on tomorrow.

NOMINATION OF ED CARNES

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that instead of the debate on the Carnes nomination ceasing at 12:30 today, that we be able to have another 20 minutes, equally divided, today, on that nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

It is the Chair's understanding that the Senator from South Carolina yielded 12 minutes to the Senator from Alabama [Mr. SHELBY].

Mr. THURMOND. Mr. President, that is correct.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I listened with some amazement to some of the arguments made by my distinguished friend from Ohio. I do not believe that he knows Ed Carnes, the Ed Carnes that I know from Alabama that I have known since 1973 when he graduated from Harvard Law School and came back to his home State to work in the attorney general's office. I was amazed at some of the statements because I believe, if he really knew him and knew what he stood for, what he believed in, that he would not be arguing against him—at least I would hope not—here on the Senate floor today.

Mr. President, I am proud to have an opportunity today to speak on behalf of Ed Carnes. Mr. Carnes was nominated to the Eleventh Circuit Court of Appeals many months ago. Unfortunately, since his nomination, there have been many inaccurate statements made about this fine lawyer. I am glad to have an opportunity to set the record straight.

Several weeks ago, I addressed the Senate on Mr. Carnes' background and qualifications, which are quite impeccable. There is no doubt that he is qualified for this important position. He excelled as a student at the University of Alabama and at Harvard Law School. He has served with distinction for 17 years as an assistant attorney general. During these 17 years, he has served the people of Alabama—young and old, black and white—with honor, respect, and sensitivity. He has more trial experience than the majority of nominees I have seen in my years in the Senate who have come before us for confirmation.

One of the arguments used against Mr. Carnes' nomination is that he is racially insensitive. This argument is based on his work as an assistant attorney general in those cases in which he argued that convictions should be affirmed even where there was evidence that the prosecutor at trial engaged in racial discrimination in selecting a jury. Let us talk about that for just a minute.

First, Ed Carnes is not racially insensitive. He has a strong civil rights record. The only thing Ed Carnes is guilty of is carrying out his ethical duty to defend his client—the State of Alabama. As an assistant attorney general, Ed Carnes has had the duty and responsibility to represent the State of Alabama in post conviction proceedings and appeals involving criminal convictions and sentences, including capital sentences. Through its elected attorney general, the State of Alabama has insisted upon its rights to have criminal convictions and sentences upheld on appeal if there is any legal basis for doing so. Mr. Carnes' instructions and orders as an assistant attorney general are to make available every legal argument to sustain a conviction and sentence after it has been imposed by a jury and judge. His instructions are like those given to all assistant attorney generals in the 50 States.

The American Bar Association's model code of professional responsibility provides that every lawyer owes the same duty to both his client and to our system of justice: "A lawyer should represent a client zealously within the bounds of the law." Canon 7 and Ethical Consideration 7-13.

Charges have been leveled against Ed Carnes that he opposed claims of racial discrimination in jury selection in a few of the many cases he handled on appeal. In the 17 years he has served as an assistant attorney general, for the State of Alabama, and out of the hundreds of cases he has personally handled on appeal, only about six cases have involved claims of racial discrimination in jury selection. The arguments made by Mr. Carnes in these cases were based upon law announced by the Supreme Court and Federal appeals courts.

The decision that a lot of people are familiar with here in *Batson* v. *Kentucky*, 476 U.S. 79 (1986), a Supreme Court case, radically changed the law relating to racially discriminatory use of peremptory challenges in jury selections. Under Batson, the law became much more favorable for criminal defendants. Under Batson, a defendant could have his conviction overturned based solely on a prosecutor's discriminatory actions in his own trial. The previous law gave the defendant the onerous burden of proving a systematic pattern of excluding blacks from juries in case after case over a period of time. However, the Supreme Court has also established as law three defenses to Batson claims, all of which attorneys representing the State of Alabama or any State on appeal are expected to raise, and do raise, if applicable.

The first defense is nonretroactivity. In *Allen* v. *Hardy*, 478 U.S. 255 (1986) a case decided 2 months after Batson, the Supreme Court said that the Batson decision did not apply to cases that has already finished the direct appeal stage when Batson was announced in April 1986. It is interesting to note that Justice Brennan, one of the most liberal Justices to ever serve on the Supreme Court, joined in the opinion establishing this defense.

The second defense to a Batson claim is procedural default. This means if the defense did not raise a Batson claim by objecting at trial and on appeal in State court, the defense cannot raise the claim for the first time in the Federal court review of the case.

The third defense to a Batson claim exists if the prosecutor's reasons for striking some of all of the blacks off the jury were race neutral. The Batson decision itself establishes this defense. This defense often comes down to the prosecutor testifying why he exercised his peremptory strikes as he did, and the Court passing judgment on the credibility of the prosecutor and his reasons.

However much one may disagree with these defenses, they are the law of the land. I believe that it is unfair to oppose any nominee on the basis of racial insensitivity for arguing any of the above defenses. An attorney representing any client—whether a State or individual—has an ethical obligation to put forward every available argument in support of his clients' position.

Furthermore, if it is racially insensitive for an attorney to argue such defenses, then it is certainly racially insensitive for courts to establish and apply such defenses to bar claims of racial discrimination. Justice Brennan was one of the Justices who joined in the Supreme Court decision establishing nonretroactivity defenses to Batson claims. Moreover, many fine Federal judges, both liberal and conservative, including Judge Frank M. Johnson, have applied nonretroactivity defenses to bar Batson claims. No one can truly say that Justice Brennan or Judge Johnson are racially insensitive and neither can it be fairly said that Mr. Carnes is racially insensitive.

Therefore, it is a fact that in the few cases where Batson claims arose, Mr. Carnes used only defenses that are established in law. Mr. Carnes would not have served his State or the bar well had he not so acted.

Mr. President, I think it is important to note for the record some facts about Ed Carnes that totally refute any ideas of racial insensitivity.

First of all, even before the Batson decision, Ed Carnes strongly urged prosecutors not to discriminate against black prospective jurors.

Second, Ed Carnes worked within the system to extend the Batson decision to protect more black citizens from being discriminated against in jury selection. Mr. Carnes was a leader in the national effort to apply Batson to defense attorneys to prevent them from discriminating against blacks.

Third, before it became politically correct to do so in Alabama, Ed Carnes represented black public officials sued by whites.

Fourth, Ed Carnes worked to ban the importation of South African coal that had been mined by indentured black labor under penal sanction.

Fifth, and this is important, he had fought the Ku Klux Klan. In the infamous Birmingham church bombing case, he was the chief counsel for the State on appeal and convinced the court to affirm the conviction of the klansman who murdered four young black girls by blowing up the church.

Sixth, in two separate cases—Ed Carnes prosecuted charges against two State judges who made racially derogatory remarks or engaged in racist behavior. Ed Carnes successfully obtained the removal of both judges from the bench, in my home State of Alabama.

Mr. Carnes does not have a bad civil rights record—in fact it is just the opposite—he has a strong civil rights record. I would not support him if this were not the case.

Mr. President, I believe that it is important to note that the majority of the opposition to Mr. Carnes is based on opposition to the death penalty.

Make no mistake about it. This vote is a referendum on the death penalty here in the Senate. People will tell you otherwise, but look under the veil.

I base this on the fact that all of the witnesses who opposed Ed Carnes at his hearing opposed the dealth penalty. Furthermore, all of the groups opposing Ed Carnes also oppose the death penalty. Mr. President, the death penalty is not unconstitutional. Mr. Carnes was merely doing his job by enforcing Alabama's death penalty law, which I applaud.

Last, Mr. President, Ed Carnes has the strong support of the State Attorneys General of Alabama, Florida, and Georgia. They are all Democrats, not Republicans. He also has the strong support of the top elected Democratic officials in Alabama. Mr. President, I urge all of my colleagues to closely examine the fabrications and smokescreens thrown up about Ed Carnes. I honestly do not know how anyone who closely examines Ed Carnes' record can vote against him. He has the intellect, experience, and compassion to make a fine court of appeals judge. I believe that it would be a tragedy if we do not vote to invoke cloture on this nomination and then vote for the nominee.

Mr. President, I have a list of people, elected officials in my State of Alabama and around the country, who support the nomination of Ed Carnes. I urge the confirmation of Ed Carnes. I yield the remainder of my time, and ask unanimous consent to have the list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS AND INDIVIDUALS SUPPORTING THE NOMINATION OF ED CARNES TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

National:

Charles E. Cole, Alaska Attorney General.

Daniel E. Lungren, California Attorney General.

Charles M. Oberly, III, Delaware Attorney General.

Michael J. Bowers, Georgia Attorney General.

Larry EchoHawk, Idaho Attorney General.

Chris Gorman, Kentucky Attorney General.

Frank J. Kelley, Michigan Attorney General.

Don Stenberg, Nebraska Attorney General.

John P. Arnold, New Hampshire Attorney General.

Lacy H. Thornberg, North Carolina Attorney General.

Lee Fisher, Ohio Attorney General.

Ernest D. Preate, Jr., Pennsylvania Attorney General.

Grant Woods, Arizona Attorney General.

Gale A. Norton, Colorado Attorney General.

Robert A. Butterworth, Florida Attorney General.

Warren Price, III, Hawaii Attorney General.

Robert T. Stephen, Kansas Attorney General.

Richard P. Ieyoub, Louisiana Attorney General.

Mike Moore, Mississippi Attorney General.

Frankie Sue Del Papa, Nevada Attorney General.

Robert J. Del Tufo, New Jersey Attorney General.

Nicholas J. Spaeth, North Dakota Attorney General.

Susan B. Loving, Oklahoma Attorney General.

James E. O'Neal, Rhode Island Attorney General.

Mark Barnett, South Dakota Attorney General.

Paul Van Dam, Utah Attorney General.

Ken Eikenberry, Washington Attorney General.

Robert Macy, President, National District Attorney's Association.

Norman S. Early, Jr., District Attorney, Denver, Colorado.

John M. Mamoulides, District Attorney, Gretna, Louisiana.

Bruce Walker, Oklahoma District Attorneys Association.

Paul B. Ebert, Commonwealth's Attorney, County of Prince William, Commonwealth of Virginia.

Robert J. Humphreys, Commonwealth's Attorney, City of Virginia Beach, Commonwealth of Virginia.

Arkansas Sheriffs Association.

Dan Moralas, Texas Attorney General.

Jeffery L. Amestoy, Vermont Attorney General.

Joseph B. Meyer, Wyoming Attorney General.

Thomas Charron, Chairman of the Board, National District Attorneys Association.

Spencer Lawton, Jr., District Attorney, Savannah, Georgia.

Stephen D. Neely, District Attorney, Tucson, Arizona.

Michael C. Redman, Washington Association of Prosecuting Attorneys.

John M. White-Hurst, Commonwealth's Attorney, County of Mecklenburg, Commonwealth of Virginia.

John R. Doyle, III, Commonwealth's Attorney, County of Norfolk, Commonwealth of Virginia.

Alabama (Judges, Lawyers, Officials & Civil Rights Activists):

Alabama State Bar Board of Commissioners.

Alabama District Attorneys Association.

Alabama Sheriffs Association.

James H. Evans, Alabama Attorney General.

Miriam Shehane, President, Victims of Crime and Leniency.

Morris Dees, Executive Director, Southern Poverty Law Center.

Richard Cohen, Legal Director, Southern Poverty Law Center.

Justice Oscar Adams.

Justice Kenneth F. Ingram.

Judge William M. Bowen.

Judge H. Ward McMillan, Jr.

Judge Sam W. Taylor.

Judge Mark Montiel.

Judge James H. Hard.

Judge Michael E. Zoghby.

Judge William C. Sullivan.

Judge Samuel H. Monk, II.

Judge Herman Thomas.

State Representative Alvin Holmes, Chairman, Affirmative Action Committee of the Alabama Black Legislative Caucus.

William B. Blount, Chairman, Alabama Democratic Party.

James E. Folsom, Jr., Lieutenant Governor.

George C. Wallace, Jr., State Treasurer.

Billy Joe Camp, Secretary of State.

Tom Bevill, Democratic Member of Congress.

Ben Erdreich, Democratic Member of Congress.

Glen Browder, Democratic Member of Congress.

Bud Cramer, Democratic Member of Congress.

Claude Harris, Jr., Democratic Member of Congress.

Jimmy Clark, Speaker of the Alabama House of Representatives.

Ryan deGraffenreid, President Pro-Tem of the Alabama Senate.

Frank McDaniel, Chairman, Small Business Committee of the Alabama House of Representatives.

James M. Campbell, Speaker Pro-Tem of the Alabama House of Representatives.

Hinton Mitchem, Chairman, Business and Labor Committee of the Alabama Senate.

State Senator Doug Ghee.

Professor Albert P. Brewer.

Professor W. James Ellison.

William J. Baxley.

Don Siegelman.

Gerrilyn V. Grant.

Tori Adams-Burks.

Fred Bell.

Robert Ward.

Courtney W. Tarver.

James Prude.

Joseph A. Fawal.

William M. Dawson.

Rick Harris.

Robert S. Vance, Jr.

David A. Bagwell.

J. Don Foster.

Francis H. Hare, Jr.

Lee E. Bains, Jr.

NEWSPAPERS AND COLUMNISTS SUPPORTING THE NOMINATION OF ED CARNES TO THE ELEVENTH CIRCUIT COURT OF APPEALS

James Kilpatrick, "Carnes Life Illustrates Racial Progress."

The Alabama Journal.

The Birmingham News.

The Birmingham Post-Herald.

The Daily Oklahoman.

The Dothan Eagle.

The Mobile Press.

The Mobile Register.

The Montgomery Advertiser.

The Selma Times-Journal.

The Tuscaloosa News.

The Wall Street Journal.

The Washington Times.

Patrick McGuigan, "Edward E. Carnes & His Enemies."

Terry Eastland, "Pursuit of New Quarry."

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield 8 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I rise in opposition to the nomination of Edward Carnes to the U.S. Court of Appeals for the Eleventh Circuit. I cannot support a judicial appointment of someone who would send a dangerous message to the American people that not only is race discrimination OK, but is rewarded.

I am joined in my opposition to this nomination with a stellar group of individuals and organization which includes the Southern Christian Leadership Conference, the NAACP, Coretta Scott King, the Congressional Black Caucus, the Leadership Conference on Civil Rights, the Alliance for Justice, Rev. Joseph Lowery, and more than 45 law school deans and professors and nearly 40 former and current prosecuting attorneys from across the country.

The Senate should not be giving its consent to a nominee who has shown such an extreme lack of commitment to equal justice and constitutional rights. It is the role of the courts to protect the rights of the minority against the will of the majority. We should not be giving our vote of approval to a nominee who is not sensitive to this role, especially when it is to replace a long-time champion of civil rights such as Judge Johnson.

While Mr. Carnes is undoubtedly a skilled and intelligent lawyer, there were so many things in his record that I found disturbing, I cannot in good conscious support his nomination.

Let me just focus on a few of the most glaring incidents that raise grave concerns about Mr. Carnes' fitness to serve a lifetime appointment to the federal bench.

MR. CARNES LACKS A COMMITMENT TO EQUAL JUSTICE AND CONSTITUTIONAL RIGHTS

In case after case, Mr. Carnes has played a major role in protecting prosecutors use of preemptors strikes to remove African-Americans from trial juries. In one instance, and the chair of the Judiciary Committee already mentioned this, Mr. Carnes defended a case on appeal in which the prosecutor divided a potential juror list into strong, medium, weak, and black. He argued that this classification did not constitute a violation of the defendants constitutional rights. Mr. Carnes testified before the Senate Judiciary Committee that selecting a jury in this manner would not necessarily violate fundamental fairness.

In another capital case, Mr. Carnes defended a prosecutor's action to strike 12 potential African-American jurors to get an all-white jury. In this case, Mr. Carnes conceded that there was racial discrimination in selecting the jury. But when he argued the case he said that this racial discrimination should be ignored because of a procedural technicality. In the case of Jesse Morrison, Mr. Carnes defended the prosecutors use of jury strikes against African-American citizens in 20 of 21 strikes. Again Mr. Carnes argued that this discrimination should be ignored on appeal because of a technicality.

Racial discrimination in jury selection is unconstitutional yet, Mr. Carnes never questioned his office's defense of even the most egregious instances of illegal racial discrimination by prosecutors. I think the Atlanta Constitution said it best in an editorial on July 31, 1992.

The paper writes that Mr. Carnes has—

> Turned a singularly blind eye toward evidence of racial bias and constitutional violations in the criminal justice system. In defending capital cases on appeal, Mr. Carnes has steadfastly ignored manifest evidence of bias by local prosecutors.

Mr. Carnes has testified he does not believe there is any racial bias in the judicial system. I find that to be just an outrageously insensitive statement.

In testimony to the Senate Judiciary Committee and the American Bar Association task force, Mr. Carnes stated that he believes that people charged with capital crimes receive "excellent representation." Not underpaid, inexperienced court-appointed lawyers, which is the reality all across this land, but excellent representation.

And despite the overwhelming evidence to the contrary, including a report by the GAO, Mr. Carnes testified before the Judiciary Committee in April, that he does "not believe that capital punishment is applied in a racially discriminatory manner in Alabama or in the Nation." For me these statements raise a question not only about his sensitivity to issues of discrimination and equal justice but also about his honesty.

Instead of working to eradicate the legal justice system of inadequate representation of indigent defendants, Mr. Carnes has exploited it. Indeed, Mr. Carnes has lobbied hard to prevent additional funding for programs to aid representation of indigent persons charged with capital crimes. He helped block State funding for the Alabama Capital Representation Resource Center. He insisted that if the center were to receive any State funds an equal amount should be given to his division of the attorney general's office.

At another time, Mr. Carnes lobbied against a bill in Congress that would have required any State that receives Federal funds to support court cases involving capital punishment to appropriate an equal amount of funds to capital resource centers to help indigent defendants. Mr. Carnes actions to frustrate funding efforts only acts to further perpetuate a system in which lawyers are paid only a paltry sum to represent a defendant in a capital case.

In addition, Mr. Carnes organized national support of State attorneys general for an unsuccessful White House effort to cut back on Federal habeas corpus protection, the means by which defendants can bring alleged violations of their constitutional rights to Federal court.

LACKS EXPERIENCE

Mr. Carnes, currently the chief of the capital litigation division of the Alabama Attorney General's Office, has spent his entire career prosecuting death penalty cases and opposing efforts in habeas corpus proceedings to set aside death sentences because they were obtained in violation of the Constitution. His only legal experience is in the narrow areas of death penalty habeas corpus cases and judicial discipline. As indicated from his record, he has spent a lot of his time defending racial discrimination by which African-Americans are tried by all-white juries.

CONCLUSION

Many of Mr. Carnes supporters claim that people who are opposed to his nomination are only opposed because of Mr. Carnes' position on the death penalty. That is simply not the case. My opposition to this nomination is not based on Mr. Carnes' philosophical support of the death penalty. Rather, after thoroughly examining Mr. Carnes' record, I strongly believe that his lack of commitment to, or understanding of, the principle of equal justice under law, his failure to acknowledge the prevalent problems of racial discrimination and inadequate legal representation of indigent defendants, and his lack of experience should disqualify him for a lifetime appointment to the second highest court in the country. I, therefore, intend to vote against cloture and against the nomination. I strongly urge my colleagues to do the same.

Mr. President, it has been stated by some that this vote is all about capital punishment. I do not believe that is true. I do not think this vote has anything to do with positions on capital punishment, with various philosophical positions that all of us take, that each and every one of us take. But rather, after examining Mr. Carnes' record—and I received many calls from people on different sites of this question—it seems to me that the real principle is that Edward Carnes does not understand or is not committed to the principle of equal justice under the law; that he refuses to acknowledged patterns of racial discrimination; that he does not understand the inadequate legal representation of indigent defendants. And on those counts, it strikes me that his nomination should not be confirmed.

Mr. President, let me just read from a letter that was sent to Senators on September 1, 1992, addressed to the majority leader, by Dennis Sweet III:

> African Americans have much to fear from hateful, misguided people in white robes. I know because I grew up in Mississippi fearing "white robe justice." When I was a child, my neighbor, Medgar Evers, was shot and killed by a sniper as he returned home one evening from work. However, some of us overcame racial bigotry and I am a lawyer today because of courageous federal judges in black robes who understood that both overt and subtle racism are cancers in our democracy.
>
> While I am concerned about the threat of racial violence, I am even more concerned about whether African Americans can continue to look to the federal judiciary for protection from racial prejudice and discrimination not only in the courts, but in housing, employment, and so many other areas of life. Ed Carnes would bring to the Court of Appeals a narrowness of experience and outlook that would diminish the court and the quality of its adjudications. His confirmation would be a major step backward toward an earlier era when the courts played no role in the business of ensuring equality. That would be tragic not only for African Americans, but all Americans.
>
> Thirty years of justice is at stake. I urge the Senate to withhold confirmation.

Mr. President, I urge the Senate to vote against cloture. I urge the Senate to withhold confirmation.

Mr. GRASSLEY addressed the Chair.

Mr. THURMOND. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have had an opportunity to sit here for quite a while and listen to this debate. Obviously, this has been and is continuing to be one of the most controversial nominees to the circuit courts of appeals.

In the process of this very controversial nomination, Mr. President, I have decided to support the nomination. I supported the nomination in the Judiciary Committee. I was one of the 10 votes, bipartisan—both bipartisan Republican-Democrat; and bipartisan philosophically, liberal and conservative—of the 10-to-4 vote by which this nominee was voted out of the committee.

So I want it made very clear that even today I still support the nomination of Edward Carnes. And I do this because I believe that his credentials are impeccable. Not only is he very intelligent, but he has a distinguished record of service. At the University of Alabama, he had an outstanding academic record, receiving straight A's. More importantly, as it relates directly to the study of law and his profession, he graduated cum laude from Harvard Law School.

And then, in his work in that profession of the law, he has a distinguished record of more than 15 years of service in the attorney general's office in Alabama.

Not unexpectedly, as I suppose was true when the White House first decided on Mr. Carnes' nomination, his road to the bench was considered to be and has turned out to be a very bumpy road. Opponents to his nomination make claims that he is racially prejudiced. That is horseradish. The facts demonstrate otherwise.

Mr. Carnes' record is unblemished. Just a few examples from his professional life clearly show this. Mr. Carnes' record is full of examples of how he has fought against discrimination. Mr. Carnes led the removal of two Alabama judges for racist conduct. How is that for a record of fighting prejudice?

He also successfully represented the State on appeal against a Klansman convicted of killing four young black girls in a 1963 Birmingham bombing. He worked to stop the importation of South African coal.

Mr. Carnes' opponents rely on just one line of argument for their claim of racial prejudice. In the performance of his job as assistant attorney general, Mr. Carnes argued to sustain the imposition of death penalty sentences on appeal. It is important to understand that he was arguing these cases when they were on appeal. In some of these appeals, it was argued that the trial prosecutor had used peremptory challenges to strike black jurors for no reason other than race. On appeal now, Mr. Carnes had to argue that the peremptory challenges were based on other lawful reasons. That was his duty. His opponents are blaming him, then, for simply performing that duty, representing the State on these appeals.

Although I am not a lawyer, I know that under our advocacy system of law, the attorney general and his staff are under an obligation to represent the State's interest in sustaining a conviction on appeal, and to do it very zealously, and to do it within the bounds of the law.

We cannot fault him for doing what the law requires. Furthermore, in private, Mr. Carnes has repeatedly advised district attorneys in Alabama not to use peremptory challenges based solely on a racial basis.

Not only does Mr. Carnes' record show a total absence of racial prejudice, civil rights champions have lined up in support of him. Morris Dees, the executive director and chief trial counsel at the Southern Poverty Law Center, has ardently supported Mr. Carnes' nomination. This is not because the two have similar opinions or that they are friends. The two have opposed each other in court many times.

Instead Mr. Dees supports Edward Carnes because of his temperament and intellect; the qualities my colleagues ought to be looking at. Even the man that Mr. Carnes is to replace, Judge Frank Johnson, a person held highly in the eyes of all civil rights groups, has said that Mr. Carnes is a very good choice.

It is apparent that Mr. Carnes is extremely well qualified for the Federal bench. What this debate has turned into is political posturing. Some people, especially certain interest groups and the media, have complained for years about the alleged use of divisive racial politics by the Reagan and Bush administrations. Beside the fact that that is untrue, that's what these attacks boil down to. Interest groups are fabricating these claims to pit the races against one another. It is a sad approach, and I would hope my colleagues do not let this despicable type of politics prevent Mr. Carnes from being confirmed.

Mr. BIDEN. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, no judge has done more to promote racial justice in Alabama than Frank M. Johnson. Appointed by Republican President Dwight Eisenhower, he has presided over some of the most important cases involving civil rights and civil liberties in this country. Along with our distinguished colleague, a former judge, Senator HEFLIN, he stands at the top of the rollcall in Alabama history in terms of standing up for civil rights in the judicial system.

In 1955, Johnson joined another judge in declaring Montgomery, Alabama's bus segregation ordinances unconstitutional, the first application of the Brown versus The Board of Education decision to a nonschool setting. This decision cleared the way for the eventual desegregation of public facilities throughout the South.

Another Johnson decision permitting civil rights advocates to march 50 miles from Selma to Montgomery has been credited by many people with promoting the passage of the 1965 Voting Rights Act.

During his 36 years on the Federal bench, Judge Johnson has handed down landmark decisions in voting rights, civil liberties, and civil rights. Martin Luther King once called him, "the man that I know in the United States, who gives true meaning to the word justice."

Shortly after Judge Johnson announced he would take senior status, another Republican President, George Bush, nominated Ed Carnes to replace him on the eleventh circuit. The most prominent feature of this nominee, Mr. President, is that he has spent the last 10 years heading Alabama's capital litigation unit, representing the State in death penalty cases.

Like any good lawyer, Ed Carnes has argued zealously on behalf of his client, the State of Alabama. Unfortunately, Mr. President, his representation of the State has often led him to argue in favor of upholding death sentences which are tainted by racial discrimination. The most disturbing thing about Ed Carnes is that he does not seem to appreciate the importance of ensuring that racial discrimination not undermine our system of justice. His willingness to defend death penalty sentences despite obvious constitutional violations at trial suggests that he might be insensitive to racial discrimination in the criminal justice system and civil rights concerns in general as a judge.

It has long been a violation of the 14th amendment's equal protection clause for the State to discriminate based on race in jury selection. In its 1986 decision in Batson versus Kentucky, the Supreme Court reaffirmed this important holding, prohibiting the discriminatory use of peremptory challenges by criminal prosecutors.

During Judiciary Committee hearings on his nomination, Ed Carnes admitted that he pursued appeals on behalf of the State of Alabama where racially discriminatory jury strikes had been used at trial. He conceded that in several cases which he handled on appeal, district attorneys and assistant district attorneys had struck potential black jurors at trial solely on the basis of their skin color. Yet, despite knowledge of this racial discrimination, Carnes could not recall any instance in which he refused to pursue an appeal or sought permission from his superiors to admit error. Although he personally abhors discrimination, it did not seem to occur to him to raise the possibility of admitting error with his superiors so that the persons suffering from this racial discrimination could receive fair trials.

A couple of egregious examples are worth mentioning, Mr. President. In the Federal habeas corpus proceeding of Patricia Jackson, the petitioner proved by overwhelming evidence in Federal district court that race was improperly used at trial to strike all blacks from the all-white jury that sentenced her to death. Jackson's claim was bolstered by testimony from the lead prosecutor, who said that every strike of black jurors was based upon the notion that "blacks are less willing to give the State a fair trial, less willing to convict, and tend to be more forgiving and more willing to give a defendant a second or third chance than are white jurors."

Although Carnes now concedes that the State's actions were discriminatory, he nonetheless argued before the court of appeals that Jackson should not receive a new trial because her claim lacked merit and she had failed to raise the issue in a timely manner. He even requested that the State be permitted to submit new evidence directly to the court of appeals to enchance the prospects for reversal of the district court. He admitted during the Judiciary Committee hearings that he failed to ask the Alabama attorney general for permission not to appeal the Jackson decision, even though he was convinced that racial discrimination had taken place in jury selection. Explaining his decision, Ed Carnes stated:

> I am not saying that the District Attorney in that particular case did not strike all the blacks off the jury for racially discriminatory reasons, and I do not condone that. But my position was not to judge whether or not that was good practice or a permitted practice. My position in the lawsuit—

He told Senator HEFLIN in Judiciary Committee hearings—

> was to advocate the position of the State of Alabama that the conviction should not be overturned with the possibility that someone who was guilty might go free, if there was any legally available basis for doing that.

In the case of Albert Jefferson, the prosecuting attorney used 26 strikes to remove 26 blacks from the jury over the course of three trials, and divided prospective jurors into four categories: strong, medium, weak, and black. Despite knowing of this blatant discrimination, Carnes once again worked zealously to support the conviction and sentence, arguing that Jefferson's attorney had failed to raise the issue of racial discrimination in a timely fashion.

Racial discrimination in jury selection in Alabama does not just occur in isolated cases, Mr. President. The NAACP legal defense fund reviewed four death penalty cases during the last year for the use of peremptory challenges at trial. In those four cases, Alabama prosecutors used 60 of 77 strikes to exclude blacks from juries. It is fairly clear that the systematic exclusion of blacks from capital juries continues in Alabama, supported or at least acquiesced in by Ed Carnes. As Julius Chambers of the NAACP legal defense fund stated in testimony against Mr. Carnes:

> We find disturbing evidence of a stubborn and persistent willingness to tolerate and condone even egregious instances of discriminatory conduct by state officials.

Is there any wonder, Mr. President, why many in our country believe a dual system of justice exists along racial lines exists from place to place? How can we reverse this trend if we reward indifference to racial discrimination with judicial appointments?

His indifference to racially discriminatory jury strikes is not the only thing that troubles me about Ed Carnes. In his Judiciary Committee testimony, Carnes said, "there is no racial discrimination in the application of the death penalty in Alabama." This assertion goes against the prevailing evidence which shows that the race of the victim has a lot to do with who receives the death penalty. Over 65 percent of the murder victims in Alabama are black, yet over 80 percent of the cases in which the death penalty has been imposed in the State have involved victims who were white. Murder cases involving black offenders and white victims constitute less than 4 percent of all homicides in Alabama. However, these cases are the ones most likely to receive the death penalty. Perhaps these statistics can be explained. But to dismiss racial discrimination as an explanation without confronting the statistical disparity between African Americans and white Americans is negligent at best and reckless at worst. The message this statement conveys is that certain lives are more important than others, and nothing need be done to change that fact. I think the eleventh circuit deserves better.

Mr. President, I am not opposed to the death penalty. Unlike many of my colleagues, I believe that certain crimes are so heinous as to deserve society's ultimate act of retribution. My support for the death penalty stops, however, at the point where it is meted out in a racially discriminatory manner or without adequate constitutional protections. I would hope that a nominee for a Federal judgeship would be particularly sensitive to these concerns. Americans have decided that the death penalty is appropriate in certain situations. However, I do not think most Americans would tolerate maneuverings which would result in a patently unfair process of delivering that penalty.

In nominating Ed Carnes, President Bush has made a very important statement about his vision for the Federal judiciary. The legacy of Frank Johnson, the need for an experienced, balanced, and well-rounded jurist on the eleventh circuit—these issues were not considered important by George Bush. Instead, he nominated a man who has spent his entire legal career on a single issue and, in the process, arguing that racial discrimination and other civil rights violations should not be confronted.

Instead of promoting someone from the lower courts or nominating an attorney with a wide range of experiences, President Bush nominated a man who could effectively symbolize what is increasingly becoming his mantra about crime. For months, we have heard from the President that all our problems with crime will be solved by extending the death penalty and federalizing traditional state crimes. Now we have a judicial nominee who symbolizes that claim. Once again, we have to settle for the nominee best qualified to send a political message, instead of the nominee best qualified to interpret Federal law.

Mr. President, racial discrimination stigmatizes its victims and saps the moral vigor of those who practice it. It is not essential to our nature, but is learned, inculcated, and propagated through social interaction. Racial discrimination is arbitrary and dehumanizing. It diverts our attention away from the characteristics which we share with others on the basis of our common humanity, and focuses our attention on the characteristics beyond our control which set us apart. Racial discrimination interferes disastrously with our ability to recognize that our destiny as a multi-ethnic people is bound together, that each race's strength is inseparable from the well-being of the Nation as a whole, and that each race is in need of the others' contributions to create a common whole.

In a shocking example of indifference to the poisonous effect of racial discrimination in our judicial system, Ed Carnes testified before the Judiciary Committee that:

> Whether [the discriminatory use of jury strikes] renders a particular trial fundamentally unfair to the defendant and undermines the reliability of a guilty verdict depends on the facts and circumstances.

In contrast, Justice Powell's opinion for the majority in Batson echoed the feeling of what I believe to be the majority of people in this country by declaring:

> The harm from discriminatory jury selection extends beyond that inflicted on the defendant and the excluded juror to touch the entire community. Selection procedures that purposely exclude black persons from juries undermine public confidence in the fairness of our system of justice.

Mr. President, most Americans would not approve of excluding people from a jury solely on the basis of their race. Just as it would be difficult to convince them that a person should not be punished for a crime he or she committed, so would it be difficult to justify a trial tainted by racial discrimination. Every American wants to believe in the legitimacy of our judicial system. We only need to remember the outrage over the Rodney King verdict to understand that. To say to Americans that a person would be justified in not admitting the fundamental unfairness of a trial tainted by racial discrimination—a trial that literally decided life or death for the defendant—would be to speak against much of what this country has proudly stood for throughout its history. As an advocate for the State of Alabama, Ed Carnes was charged with defending its capital sentences. Yet this charge did not give him the right to turn a blind eye to activity which calls into question the very legitimacy of the legal system itself.

A recent Atlanta Constitution editorial warns that:

> The 13 U.S. Courts of Appeals are effectively courts of last appeal for 99 percent of Federal litigants. While the Supreme Court heard some 100 cases last term, the appeals courts decided 41,000.

Mr. President, almost 4,500 appeals were handled by the eleventh circuit in 1991. Of those cases, only 20 were reviewed by the U.S. Supreme Court. Given the eleventh circuit's importance in ensuring that the rights of Federal litigants in Alabama, Georgia, and Florida are protected, why, Mr. President, should we confirm a man to that court whose statements and actions raise doubts about his sensitivity to issues of basic fairness? When strong doubts exist about a judicial nominee's ability to recognize the importance of ensuring basic fairness in our judicial system, I see no choice but to oppose his confirmation.

Mr. President, when future generations look back on this period they will wonder about the society we created for ourselves. They will want to know what our values were, how we treated each other, and what our vision was for the future. When future generation's look back on this period they will no doubt wonder about our system of justice. In recent years, we have seen key American values ignored by our courts. We have allowed a Federal judiciary to emerge which is now squarely to the right of the American mainstream. We have a clear majority on the Supreme Court which is willing to narrow the freedom of privacy so much as to put into serious jeopardy a woman's right to reproductive freedom. Less than 1 year ago we confirmed a Justice to the Supreme Court who wrote in a decision last term that the eighth amendment's prohibition against cruel and unusual punishment did not apply to physical beatings by prison guards. And now we could be on the verge of confirming a man to the court of appeals for the eleventh circuit who has turned a blind eye to the systematic use of peremptory challenges to prevent blacks from serving on juries in Alabama. When future generations see this about us, Mr. President, I am not sure that they will believe that we stood for justice and basic fairness. When future generations learn this and learn about the despair, hopelessness, and indifference which plagues our society, I do not think they are going to be proud of the legacy we left them. When future generations assess our actions against the backdrop of alienation, discontent, confusion, and resentment that many of our citizens now feel toward our government institutions, including our courts, they will not think we acted wisely or in the best interest of this Nation.

As U.S. Senators we have been asked to play an important role in defining our Federal judiciary. We have the right to consult with the President about Federal judicial nominees and grant or withhold our consent depending on how our judgment or conscience directs us.

We have a duty to insure that the men and women who serve on the Federal bench are not zealots, Mr. President. We have a duty to insure that they are sensitive to ideals of basic fairness, share the values which made this country great, and have not already made up their minds about a defendant before they see the evidence. We have a duty to insure that our judges place a very high value on procedural fairness and do not try to change the tenor and breadth of the protections built into our system in order to ensure that a particular result they deem just is achieved. We have a duty to insure that the judges we appoint appreciate the importance of demonstrating to the people that our courts are not morally bankrupt or biased against a particular segment of society.

We should not regard this as a vote for or against the death penalty, but a vote for or against justice. If we are not convinced that this nominee respects the concept of basic fairness we should reject him and demand another. Ed Carnes is 41 years old. He could sit on the eleventh circuit—a circuit which handles a disproportionate number of important racial discrimination cases—for generations. His decisions will likely affect the lives of thousands of people. If we have doubts about Ed Carnes, we should not confirm him to a lifetime appointment. I urge my colleagues to examine the record and reject this nominee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, we are expecting further speakers in a minute. In the meantime, I will take a few minutes.

Mr. President, in my 38 years in the Senate I have never seen a nominee that has more commendations than the nominee here.

I just want to mention a few people who have endorsed this man, Carnes. The joint letter from 31 State attorneys general, 31 State attorneys general, 19 of whom are Democrats, 12 Republicans; a joint letter here from six African-American attorneys. They talk about racial matters. These are black attorneys who have endorsed this man.

There is an endorsement here by Catherine Gallagher Smith, executive director, North Carolina Victim Assistance Network. They say he is not sensitive. He must be if he is endorsed by these victim assistance groups.

Dane Gillette, Deputy Attorney General, president of Association of Government Attorneys in Capital Litigation.

Joseph A. Fawal, attorney for the law firm of Fawal & Spina, who opposed Mr. Carnes in two capital murder cases. They say he is not fair in those. Here are attorneys on the other side of the case, who opposed him. Here they endorse him as being fair, and as being just.

Rick Harris, another attorney who opposed him in the Chick Bush case, who says he is fair and he is just.

Morris Dees, executive director of the Southern Poverty Law Center of Montgomery, AL, a poverty center. And they say he is not sensitive, not fair. Here is a poverty center attorney who endorses him.

Then here are the circuit judges; thirteenth circuit, the fifteenth circuit and the seventh circuit—judges. He has to work with them, judges, and they have endorsed him.

Professor of law at Stanford University. And here is a justice of the Supreme Court of Alabama who has endorsed him.

Here is a State representative, Alvin Holmes, chairman of the affirmative action committee of the Alabama black legislative caucus. I will repeat that. Here is a man, chairman of the affirmative action committee of the Alabama black legislative caucus. How can he be unfair to blacks when all these black lawyers are coming in here, even the chairman of the affirmative action committee, and endorsing Mr. Carnes? They would not do that. They would not stick their necks out and do this if it was not the fair and honest thing to do.

Alabama State Bar Board of Commissioners; Alabama District Attorneys Association; Alabama Sheriffs Association; Alabama attorney general; president of Victims of Crime and Leniency; a legal director, Southern Poverty Law Center. Do you think they would endorse this man if he was not sympathetic and sensitive to racial matters? Of course not.

And then Justice Oscar Adams, Judge William M. Bowen. And here are Judges McMillan, Taylor, Montiel, Hard, Sullivan, and Thomas. All these judges would not do that and take the risk if it was the unfair thing to do and where people could jump on him.

Chairman of the Alabama Democratic Party. He has been nominated here by the Republican President, here is the chairman of the Alabama Democratic Party. Would he endorse him and stick his neck out if it was dangerous to do so? You know he would not.

Lieutenant Governor of Alabama, Jim Folsom; State treasurer of Alabama, George Wallace, Jr.; secretary of state, Billy Joe Camp.

And here are six Members of Congress from Alabama who have endorsed him: TOM BEVILL, BEN ERDREICH, GLEN BROWDER, BUD CRAMER, CLAUDE HARRIS. These are Members of Congress who have to run before the people, and they have a large black population down there in Alabama.

Here is Jimmy Clark, speaker of the house of representatives down there; Ryan deGraffenreid, the president pro tempore of the Alabama Senate. Here is Frank McDaniel, the chairman of the small business committee of the Alabama House of Representatives; James M. Campbell, speaker pro tempore of the Alabama House of Representatives; Hinton Mitchem, chairman of the business and labor committee of the Alabama Senate; Robert Macy, president, National District Attorney Association; Thomas Charron, chairman of the board of the National District Attorneys Association. I can go on and on.

These people have endorsed this man Ed Carnes. Why did they do it? Because they think he is honest. They think he is a man of integrity. They think he is fair. They think he is just. Yet they come around and try to say he is racially insensitive. There is no sense in that when the black people endorsed him, the white people endorsed him, the officials endorsed him, the chairman of the Democratic Party of Alabama endorsed him.

Mr. President, it does not make sense. This man ought to be confirmed, and I predict he will be confirmed. I do not think this Senate would turn down a good man like this. Who knows this man best, the Senator from Massachusetts, or the Senator from Minnesota, or somebody else, or the two Senators from Alabama? You are a Senator from your State. Do not you know people in your State better than others do? I ask the Chair, I ask every Senator here. The Senator from Delaware is a good man, friend of mine; he does not know this man like the two Senators from Alabama. The two Senators from Alabama know this man better than anybody here, and they both favor him, and they both want him. Mr. President, he ought to be confirmed.

BATSON ISSUE

Mr. THURMOND. Mr. President, I would like to comment on the Batson issue that was raised in connection with Mr. Carnes' nomination.

I received a copy of a letter from six African-American attorneys who work in the Alabama Attorney General's Office, and know Mr. Carnes personally. I would like to read a portion of that letter that addresses the Batson issue. This letter states, and I quote:

> As African-Americans, we regret that there has been an attempt at racial polarization by a handful of people whose opposition to this nomination is motivated by their opposition to capital punishment. Some of us are strongly opposed to capital punishment. Some of us support it, and some of us have ambivalent feelings about it. But we all recognize that Ed Carnes is an excellent lawyer, he is fair, and he is opposed to racial discrimination.
>
> We have heard that a few people are contending that Mr. Carnes has condoned racial discrimination because as an attorney assigned to advocate the State's position in post-conviction proceedings he has argued, where there is a legal basis for doing so, that a conviction should be affirmed even though the defendant raises a Batson claim on appeal. That contention is absurd, and it is offensive to those African-American attorneys who as advocates have argued the same positions Ed Carnes has. * * * It is the ethical duty of every government attorney to raise in a post-conviction proceeding any and all available arguments on behalf of sustaining a conviction. * * * Some of us, as part of our duty as attorneys representing the State in post-conviction proceedings, have also argued that convictions should be upheld even where Batson claims are raised, if there is any legal basis for doing so. We are not condoning racism when we do that, nor is Mr. Carnes. * * * Ed Carnes has a strong record of achievement in the area of minority rights. During his career, he has worked to ban the importation of South African coal into Alabama; he has defended black public officials who were sued by whites; he has personally prosecuted misconduct charges against two judges for racist conduct and got both of them removed from the bench; and on more than one occasion he has gone into court against white racists, including Ku Klux Klansmen, who had committed violent crimes against African-American citizens * * * we support Ed Carnes and urge the confirmation of his nomination.

The letter was signed by the following individuals: Gerrilyn Grant, Tori Adams-Burke, Fred Bell, Robert Ward, Courtney Tarver, and James Prude. Mr. President, I agree with these individuals that Mr. Carnes' record reflects that he is strongly opposed to racial discrimination. I support his nomination and urge my colleagues to do the same.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 16, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: We the undersigned attorneys in the Alabama Attorney General's Office are writing to express our support for Ed Carnes and to urge the confirmation of his nomination to the United States Court of Appeals for the Eleventh Circuit.

As African-Americans, we regret that there has been an attempt at racial polarization by a handful of people whose opposition to this nomination is motivated by their opposition to capital punishment. Some of us are strongly opposed to capital punishment. Some of us support it, and some of us have ambivalent feelings about it. But we all recognize that Ed Carnes is an excellent lawyer, he is fair, and he is opposed to racial discrimination.

We have heard that a few people are contending that Mr. Carnes has condoned racial discrimination because as an attorney assigned to advocate the State's position in post-conviction proceedings he has argued, where there is a legal basis for doing so, that a conviction should be affirmed even though the defendant raises a Batson claim on appeal. That contention is absurd, and it is offensive to those African-American attorneys who as advocates have argued the same positions Ed Carnes has.

The Code of Professional Responsibility requires that every attorney represent his client "zealously within the bounds of the law." It is the ethical duty of every government attorney to raise in a post-conviction proceeding any and all available arguments on behalf of sustaining a conviction. That duty is a necessary part of our adversary system. Some of us, as part of our duty as attorneys representing the State in post-conviction proceedings, have also argued that convictions should be upheld even where Batson claims are raised, if there is any legal basis for doing so. We are not condoning racism when we do that, nor is Mr. Carnes. To say that a government attorney who carries out his ethical duty to advocate in favor of sustaining convictions is condoning racism is like saying that criminal defense attorneys who advocate on behalf of their clients are condoning crime.

Far from supporting racial discrimination, Ed Carnes has a strong record of achievement in the area of minority rights. During his career, he has worked to ban the importation of South African coal into Alabama; he has defended black public officials who were sued by whites; he has personally prosecuted misconduct charges against two judges for racist conduct and got both of them removed from the bench; and on more than one occasion he has gone into court against white racists, including Ku Klux Klansmen, who had committed violent crimes against African-American citizens.

We are all independent of the supervision of Mr. Carnes. We hold various political views. However, we know Ed Carnes. Based upon our knowledge of him and his record, we endorse his nomination and urge his confirmation.

Sincerely,

GERRILYN V. GRANT.
TORI ADAMS-BURKS.
ROBERT WARD.
JAMES PRUDE.
FRED BELL.
COURTNEY W. TARVER.

Mr. THURMOND. Mr. President, I would like to insert into the RECORD several letters regarding Mr. Carnes and the policy of the attorney general involving Batson claims raised in postconviction proceedings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Montgomery, AL, April 6, 1992.

Senator HANK BROWN,
Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BROWN: I am writing in connection with your request to be informed of policies I have followed in connection with litigation involving claims that trial prosecutors used peremptory strikes against blacks in violation of Batson v. Kentucky, 476 U.S. 79 (1986), and related decisions.

The primary role of the Alabama Attorney General in connection with criminal cases is to represent the State of Alabama in the post-conviction review process in state and federal court. Very rarely does the Alabama Attorney General or his staff actually prosecute cases at the trial level. On the relatively few occasions when I have done jury trial work, I have never struck black veniremembers off the jury because of their race. I have never done that and would never do that, because I believe that racial discrimination is wrong.

At the appellate level, the Attorney General's Office receives a record and an opposing brief that the Attorney General and his staff did not create. Nonetheless, under our adversary system it is the Attorney General's responsibility to vigorously defend the validity of that conviction on any and all legally permissible grounds. The Attorney General's Office does not impartially decide the merits of any claims, because that is not the duty of an advocate. Instead, it is the ethical responsibility of the Attorney General and his staff to represent the State's interest in sustaining a conviction on appeal "zealously within the bounds of the law." Ethical Canon 7-1 Model Code of Professional Responsibility. That means arguing, if there is any basis for doing so, that a Batson claim lacks merit under the facts, e.g., peremptory strikes were based upon race-neutral reasons; or that the claim was not properly raised and presented for decision as the law requires; or that the Batson rule is inapplicable to the case because the Supreme Court has held that it does not apply retroactively to cases that finished the direct appeal process before the Batson decision was announced.

The policy that all Assistant Alabama Attorney Generals follow of being advocates for sustaining the validity of conviction if there is any legally permissible basis for doing so, even where a *Batson* type claim is involved, is a necessary product of the adversary system; it is reflected in the ethical constraints that require each attorney to advocate his client's case "zealously within the bounds of the law;" and it has also been the firmly established policy of each Attorney General under whom I have served.

Each Alabama Attorney General under whom I have served has had a strict policy against confessing error in a conviction unless there is no arguable way to defend the validity of that conviction. Even in those rare cases, no assistant attorney general has the authority to decide not to defend the validity of a conviction on appeal. Under the practicable of each Attorney General under whom I have served, the Attorney General himself decides if and when there will be a confession of error.

Because I personally loathe racial discrimination, where I have been able to do so consistent with my adversarial duty to advocate the convictions be sustained, I have taken every step I can to fight racial discrimination. I assisted with a civil action filed to ban the importation of South African coal. I was chief counsel for the State in the successful effort to sustain the conviction of the Ku Klux Klansman who bombed the Sixteenth Street Baptist Church and murdered four young black girls. I successfully prosecuted two judges who engaged in racist conduct and got both of them removed from the bench. I also personally initiated and led the successful effort to have Alabama courts extend the *Batson* decision to defense counsel, so that now both sides are prohibited from racial discrimination in jury selection.

I hope that this letter answers your concerns, and please let me know if you have any further questions.

Sincerely,

ED CARNES.

OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, April 6, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I understand that in connection with the nomination of Edward Carnes, some question has arisen about the policies of the Alabama Attorney General's Office concerning appeals from orders overturning convictions or sentences.

I know those policies, because in addition to being the present Attorney General, for eighteen continuous years before assuming my present position, I was District Attorney of Montgomery County, and in that capacity I worked very closely with the three previous Alabama Attorneys General.

It is and always has been the policy of this Office to vigorously represent the interest of the people of this state in sustaining state court convictions. Towards that end, we do not forego appeals. We do not confess error, and we do not waive procedural bars. The only exception is where I am absolutely convinced that no colorable argument at all can be made in favor of sustaining the judgment of the state court that convicted and sentenced the criminal defendant. Both the district attorney who prosecuted the case and I have to be convinced of that. No assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all out defense of state court judgments.

This has been my policy, and the policy of my predecessors in this Office, because we are elected to represent the people of this state as vigorously as we can. That is our authority and our duty.

In very rare instances no argument can be made and a confession of error occurs. Even then, I have insisted that all assistants in this office receive the express permission of the district attorney involved before that is done. That policy of mine applies to Mr. Carnes, as well as to others. In fact, I made sure that was the policy because I strongly disagreed with predecessor's permitting Mr. Carnes to litigate against the district attorney's position on open file discovery in the *Ex Parte Monk* case.

The case of *Clayton Joel Flowers V. State* is the only time during my administration that an assistant attorney general has been allowed to take a position contrary to that of a district attorney in the appeal of a criminal case. Ed Carnes convinced me to allow him to argue that the death sentence in that case should be reduced even though the district attorney disagreed. After Ed made that argument, I changed my mind and the position of this office in the case agree with the district attorney. The Court of Criminal Appeals sided with Carnes, anyway. I then assigned another assistant to handle the remainder of the appeal and to advocate the district attorney's position.

To reiterate, as I have had occasion to tell assistants in this Office, including Mr. Carnes, I am the Attorney General. They are not.

Sincerely,

JAMES H. EVANS,
Alabama Attorney General.

LAW OFFICES OF CHERRY, GIVENS, TARVER, PETERS, LOCKETT & DIAZ, P.C.,
Mobile, AL, May 11, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Washington, DC.

DEAR SENATOR BIDEN: I understand that in discussing Ed Carnes' nomination in last Thursday's Judiciary Committee meeting, you mentioned in a complimentary fashion that prosecutors in a Miami case were seeking a change of venue to ensure that there would be blacks on the jury at a retrial. I wanted you to know that Ed Carnes had done a similar thing which was even more praiseworthy.

While I was Alabama Attorney General, my office was considering the retrial of a case involving a black defendant charged with the brutal murder of a white victim. The two prior trials of the defendant, which produced convictions, had been before all-white juries. Even though Ed Carnes had had nothing to do with those prior trials, I asked him to look over the files and give me his advice.

He did so. Mr. Carnes told me that he thought it essential to fairness and to public acceptance of the result that any retrial of the case be before a jury which contained a substantial number of black citizens. He also advised me that if there was a retrial we should seek a change of venue to a county with a higher black population so that we could guarantee that there would be a balanced, multi-racial jury. I accepted his advice and intended to do just that.

As it turned out, that case was never retried. However, I thought you would find it interesting that Mr. Carnes had done several years ago what you complimented some Miami prosecutors for doing recently. Indeed, Mr. Carnes' actions are even more praiseworthy than that of the Miami prosecutors. In the Miami case, it was within the prosecutorial interest to have more blacks on the jury because the victims were black and the defendant is not. In our case, the opposite was true. The defendant was black and the victim was white. Mr. Carnes took the position that we should act to ensure more blacks on the jury not because of any interest in obtaining a conviction, but out of a sense of fairness.

I hope that after you consider this new information about Mr. Carnes' racial sensitivity, you will support his nomination.

Sincerely,

DON SIEGELMAN.

OFFICE OF THE DISTRICT ATTORNEY,
Birmingham, AL, May 8, 1992.

Chairman JOSEPH R. BIDEN, Jr.,
Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am District Attorney of Jefferson County, the most populous judicial circuit in Alabama, and I have been a prosecutor for twenty years. I have known Ed Carnes for over fifteen years. I know his attitudes about many subjects, including racial discrimination. He is adamantly opposed to it.

I have been told that his nomination to the federal appeals court is being opposed because some people say he did not do enough to stop racial discrimination in jury selection. That is not true.

At least as early as the early to mid-1980's, Mr. Carnes in talking with district attorneys, including me, spoke out against the use of peremptory strikes in a racially discriminatory way. In that pre-Batson era, there were very few practical restrictions on the way a prosecutor could use his peremptory strikes, and as a practical matter, there was no effective remedy for a defendant if a prosecutor removed blacks from the jury because they were black. Still, Mr. Carnes, on more than one occasion, told Alabama district attorneys not to do that. I personally heard him say that. It was before the 1986 Batson decision.

Those opposing Mr. Carnes' nomination seem to be concerned only with the possibility of racially discriminatory strikes by prosecutors. I can tell you that defense attorneys, particularly those representing white defendants charged with crimes against black victims, often strike all the blacks off a jury just because of their race. That is wrong, and no one in this entire country has done as much to stop that pernicious practice as Ed Carnes has.

Mr. Carnes drafted legislation to extend the prohibition against racial discrimination in jury selection that already applies to prosecutors to defense counsel as well. The purpose of that legislation was to ensure that neither side removed black citizens from jury service because of race. Mr. Carnes' bill, which was supported by the Alabama Black Legislative Caucus, did not pass the Alabama Legislature. Mr. Carnes did succeed in getting the Alabama appellate courts to adopt the rule of law that criminal defense attorneys, like prosecutors, could not strike black jurors because of their race. That success came only after Mr. Carnes had raised and argued the issue on a number of different occasions. Once he took the issue all the way to the Supreme Court in a case involving the Ku Klux Klan lynching of a black man. So tenacious was Mr. Carnes in his fight against racial discrimination in jury selection that he convinced forty-five other states to join his effort in that case. The Southern Christian Leadership Conference and the Southern Poverty Law Center also joined him.

The Rodney King case, and its aftermath, shows the wisdom of Mr. Carnes' years of efforts to ensure that white defendants accused of crimes against blacks are not permitted to arrange an all-white jury. What Mr. Carnes has spent much effort doing is obtaining a rule of law to prevent any white defendants, including white policemen, from striking all the blacks off their jury because of race. That rule, which he has almost single-handedly established as the law of Alabama, will help reduce the number of all-white juries like those in the Rodney King case. That case vindicates Mr. Carnes' efforts. It is evidence that his nomination should be confirmed.

I do not know anyone else who has done nearly as much as Ed Carnes to fight racial discrimination in jury selection. To say that Ed Carnes has not done enough to end racial discrimination in jury selection does a grave injustice not only to Mr. Carnes but also to the truth.

Very truly yours,

DAVID BARBER,
District Attorney.

TALLADEGA, AL,
May 7, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am writing in response to what I understand to be some accusations that Ed Carnes has been insensitive to the problem of black prospective jurors being struck from juries for racially discriminatory reasons. Let me tell you why such accusations are completely unfair.

Long before the *Batson* v. *Kentucky* decision ever came down, Mr. Carnes urged Alabama district attorneys, including me, not to strike blacks off juries unless there were race-neutral reasons to do so. He told us not to strike a black juror unless we would strike a white juror in the same situation. Before the Batson decision came down in 1986, Mr. Carnes admonished us not to use such strikes in a racially discriminatory manner and he felt it was wrong.

I, for one, followed Mr. Carnes's advice. I also order every assistant district attorney in my office to follow a strictly race-neutral jury strike policy even before the Batson decision came out.

It is simply unfair to accuse Mr. Carnes of being insensitive to the problem of race discrimination in jury selection when he did his very best to end racial discrimination in jury selection long before the Batson decision forced an end to it.

Please see the Mr. Carnes gets credit for the extraordinary action he took in trying to end racial discrimination in jury selection.

With every good wish, I am

Yours very truly,
ROBERT L. RUMSEY,
District Attorney,
28th Judicial Circuit of Alabama.

SOUTHERN POVERTY LAW CENTER,
Montgomery, AL, September 1, 1992.
Senator HOWELL T. HEFLIN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HEFLIN: Although I have long been active in Democratic Party affairs, I have strongly supported the Bush administration's nomination of Ed Carnes to a position on the Court of Appeals for the Eleventh Circuit. Because many of those opposed to Ed's nomination have resorted to a vicious and unfair campaign against him, I write to reiterate my support.

Ed has been labelled "racially insensitive." The charge has been made that he has defended numerous cases where African Americans were discriminatorily excluded from jury service. In wake of the verdict in the Rodney King case, Ed's opponents have tried to make the vote on his nomination a litmus test for the Senate's concern over racial justice.

In today's political climate, it is easy to label someone a racist but hard to defend against the charge. The truth rarely catches up with the lie, and it takes more words to defend against a charge then to level one. A white Alabamian who has worked for the State in the criminal justice system is a particularly easy target for a smear campaign. As one who has always been leery of those quick to call others racists, I feel that it is especially important to explain why I believe that the charge against Ed is so baseless.

To me the great irony of the smear campaign against Ed is that he has an exemplary record of fighting racial discrimination in jury selection. Before the Supreme Court's decision in *Batson* v. *Kentucky* provided a practical way to stop prosecutors from excluding black jurors, Ed lectured Alabama district attorneys to put an end to the practice. As one district attorney explained in a letter to Senator Biden,

"Long before the Batson v. Kentucky decision ever came down, Mr. Carnes urged Alabama district attorneys, including me, not to strike blacks off juries unless there were race-neutral reasons to do so. He told us not to strike a black juror unless we would strike a white juror in the same situation. Before the Batson decision came down in 1986, Mr. Carnes admonished us not to use such strikes in a racially discriminatory manner and he felt it was wrong.

"It is simply unfair to accuse Mr. Carnes of being insensitive to the problem of racial discrimination in jury selection when he did his very best to end racial discrimination in jury selection long before the Batson decision forced an end to it."

In one murder case involving a black defendant and a white victim, Ed actually advised the Alabama attorney general to try to get the case moved to a county with a larger black population to increase the chances of having African Americans on the jury. In other words, Ed wanted to do exactly the opposite of what was later done in the Rodney King case where the trial of the four policemen was moved to the overwhelmingly white Simi Valley area.

After the Batson decision, Ed led the effort to extend the decision to defense attorneys to prevent them from discriminating against black jurors. In a murder case involving Ku Klux Klansmen who had lynched a young black man, Ed went all the way to the Supreme Court in an effort to prevent the Klansmen from striking all the blacks off the jury. So dedicated was he to that effort that he convinced 45 other states to join a friend of the court brief supporting his position against racial discrimination. The Southern Christian Leadership Conference and the Southern Poverty Law Center filed a brief joining his effort. Although the Supreme Court declined to review that particular case, Ed continued the fight. He convinced the Alabama appellate courts to rule that no one, including defendants and their attorneys, could strike African Americans off juries because of race. Through his efforts, that rule was established in Alabama before the United States Supreme Court reached the same conclusion in 1992.

Instead of acknowledging Ed's strong record in fighting racial discrimination in jury selection, Ed's opponents have sought to hold him responsible for every instance of jury discrimination that has occurred in capital cases in Alabama over the last decade. Although Ed is an appellate lawyer who does not prosecute cases at the trial level or pick juries, his critics claim that he should have confessed error in all those cases where district attorneys exercised a disproportionate number of peremptory strikes against black jurors. By failing to do so, his critics charge, Ed became a kind of "accessory after-the-fact" to discrimination at the trial court level.

In my view, this charge deliberately distorts Ed's role in capital litigation in Alabama. Ed is an assistant attorney general. He does not set policy for the attorney general's office, and he does not control the actions of the various district attorneys. In the typical case to which Ed's critics point, the question of jury discrimination was not even raised at trial or on appeal. Instead, it was raised for the first time in "collateral" proceedings (federal habeas or the state analog to such proceedings). The fact that Ed has argued his client's position that claims of racial discrimination in jury selection should not be heard for the first time in such proceedings does not mean that he is "racially insensitive." United States Supreme Court precedent holds that such claims should not be heard in federal courts unless they have been timely raised and properly presented in state court.

In numerous capital cases, Judge Frank Johnson—the legendary liberal jurist Ed has been nominated to replace—has ruled that constitutional claims of death row inmates should not be considered because the claims were not raised in a timely or proper fashion. It would be absurd to argue that Judge Johnson is insensitive to constitutional concerns because he has followed the law barring such claims in capital cases. Likewise, it is absurd to argue that Ed is insensitive to constitutional concerns because he has argued for the application of the same law that Judge Johnson has applied. Saying that Ed has been "racially insensitive" because he has argued his client's position that Batson claims should not be considered because they were not raised in the trial court is analogous to saying that a criminal defense attorney is "insensitive" to crime because he raised a procedural objection to his client's murder conviction.

In addition to the fact that the issue of jury discrimination was not raised at trial in the typical case to which Ed's critics point, the trial and appeal in those cases often took place before the Batson decision was rendered. The Supreme Court has held that Batson does not even apply to such cases. Justice William Brennan—one of the most liberal jurists ever to sit on the Court—joined in that ruling. If Ed is "radically insensitive" for arguing in line with Supreme Court precedent that Batson does not apply to cases if the direct appeal was over prior to the date of the Batson decision, then Justice Brennan must have been a blatant racist for deciding the relevant precedent in the first place.

Under the yardstick of political correctness used by Ed's opponents, virtually every state attorney general in the country would be disqualified from judicial service because they routinely object when state court convictions are challenged for the first time in collateral proceedings. Recognizing this point, thirty-one state attorneys general—nineteen Democrats and twelve Republicans—have expressed their alarm at the nature of the opposition to Ed's nomination. As they explained in a letter to Senators Mitchell and Dole, the arguments being made by Ed's detractors "would threaten the confirmation prospects of every government attorney who has ever fulfilled his ethical duty to advocate the state's position on appeal in a criminal case. Someone will always be able to charge that by doing so the government attorney has condoned or defended some violation of the Constitution that the prosecutor allegedly committed."

So reckless are some of Ed's opponents that they have misrepresented his written answers to questions submitted by the Chairman of the Judiciary Committee. Ed, we are told, stated that racial discrimination in jury selection is not necessarily fundamentally unfair. What Ed actually said was as follows:

Question: In your view, would racial discrimination in jury selection affect the fundamental fairness of a trial and conviction?

Answer: Racial discrimination in jury selection is a loathsome practice which is always fundamentally unfair to the excluded jurors who are victims of it and to society at large. Whether it renders a particular trial fundamentally unfair to the defendant and undermines the reliability of a guilty verdict depends upon the facts and circumstances. For example, if a Ku Klux Klansman is being tried for a crime against a black victim and all the black veniremembers are struck off the jury because of their race, that is wrong, but it is not a wrong which would undermine confidence in a guilty verdict. We should not make the race-based assumption that any particular race is invariably more favorable to the defense in a criminal case. Whether it affects the outcome of a particular case or not, racial discrimination against jurors is wrong because racial discrimination is wrong.

Besides distorting Ed's role in the capital case process and failing to give him credit for his work against racial discrimination in jury selection, Ed's critics have failed to acknowledge other aspects of Ed's professional and personal life that demonstrate a commitment to equal justice. Early in his career, Ed worked to bar the importation of coal from South Africa. He personally prosecuted disciplinary charges against two racist judges and succeeded in having both removed from the bench. As chief counsel for the state on appeal, he preserved the conviction of a Klansman responsible for murdering four young black girls in the notorious bombing of the Sixteenth Street Baptist Church in Birmingham.

Ed's stand against discrimination in the courtroom has been matched by his stand in the community. When he learned several years ago that a racially insensitive remark had appeared in the student newspaper at his daughter's school, he immediately wrote the principal and expressed his outrage in this way: "Racial discrimination is wrong. Racially hostile and denigrating comments are wrong. Publishing or condoning such comments is wrong."

Ed's sentiments were not the product of a "confirmation conversion." Unlike many other nominees, Ed has never been a member of an organization that discriminated on the basis of race or sex. He has long attended an integrated church.

I have spent over 32 years as a lawyer fighting for the underdog in courts from Alabama to Oregon. I don't choose sides based on public opinion or an appeal to special interests. I represented the Klan's right to march and sued the Klan when they lynched Michael Donald. I sued to integrate the Alabama State Police and defended law enforcement officers falsely charged with abuse. I hope that you will join with me in supporting Ed and not be swayed by cheap, unfair attacks on this good man's legal career and character.

Please feel free to call me if I can answer any questions.

Sincerely,
MORRIS DEES,
Chief Trial Counsel.

OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, August 13, 1992.
Letters to the Editor,
The Washington Post,
Washington, DC.

DEAR EDITOR: As African-American attorneys who have worked with Ed Carnes, we know Nat Hentoff's latest column against his nomination is misleading and unfair.

Mr. Carnes has never condoned or defended the exclusion of blacks from juries. He has carried out his duty as an attorney to argue his client's position that convictions of violent criminals should be affirmed on appeal if there is any legal basis for doing so. Those of us who represent the State in criminal appeals have made the same arguments as Mr. Carnes, and we are certainly not racially insensitive. It makes no more sense to say that we have condoned racial discrimination by arguing for murder convictions to be affirmed than it does to say that defense attorneys condone murder when they argue for convictions to be reversed.

Mr. Carnes has worked hard to prevent racial discrimination in jury selection. For years he has urged prosecutors not to discriminate against black jurors. He advised the Attorney General to transfer a case involving a black defendant to a county with a greater black population to increase the number of blacks on the jury. He led the fight for the rule of law that now prohibits defendants from striking black jurors because of race.

Mr. Carnes' civil rights record is also impressive in other respects. He worked to ban importation of South African coal. He has defended black officials sued by whites and fought the KKK in a number of cases. In two separate cases, he personally prosecuted judges for making racist comments, and he got both of them removed from office. He has never belonged to an all-white club.

The real basis of the opposition is capital punishment. It is a shame the opponents have felt compelled to smear with phony racial discrimination charges a man with such a strong record on civil rights. His nomination should be confirmed.

Sincerely,

Gerrilyn V. Grant, Assistant Attorney General; Fred Bell, Assistant Attorney General; Courtney W. Tarver, Deputy Attorney General; Tori Adams-Burks, Assistant Attorney General; Robert C. Ward, Jr., Assistant Attorney General; James Prude, Assistant Attorney General.

Mr. THURMOND. Mr. President, I now yield 7 minutes to the distinguished Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized for 7 minutes.

Mr. HATCH. Mr. President, I just came from out in the hall where I spent some time with Morris Dees. Morris Dees is one of the leading civil rights advocates in America. He is a person I have inestimable respect for. We may differ on some applications of the law but there is no question he is one of the best lawyers in the country. He deserves a great deal of respect from everybody. And he is with the Southern Poverty Law Center and has fought many, many civil rights cases through the years. He has a great reputation. He is fighting as hard as he can for Ed Carnes, and the reason he is is because Ed Carnes has a reputation for standing up for people's rights. He has a reputation for standing up for civil rights.

There is only one reason why Ed Carnes is being given a difficult time here and that is because of some in this body who believe that he is just too tough on capital punishment. He is one of the leading authorities in the world on capital punishment.

So, Mr. President, I urge my colleagues to vote for the confirmation of Ed Carnes of Alabama to the position of judge of the U.S. Court of Appeals for the Eleventh Circuit.

Mr. Carnes has a distinguished professional record, and not one of his detractors has even suggested that he lacks the professional fitness for this job. For good reason, I might add, because there is not a good argument against him.

Mr. Carnes is eminently qualified for the position to which he has been nominated. He is an honors graduate of the University of Alabama and of the Harvard law school. He has litigated hundreds of jury and bench trials as assistant attorney general of the State of Alabama.

In the Alabama Attorney General's Office, Mr. Carnes has for over 10 years served as the chief of the capital litigation division. Does anybody here realize how difficult it is to bring capital cases and to try them? It is takes a special nerve, a special capacity, a special constitution. In that capacity he has overseen all of Alabama's responses to postconviction death penalty appeals. And this is in my judgment why Mr. Carnes is facing the opposition he is: He was a vigorous advocate for his client, the State of Alabama, in capital cases. And make no mistake, the campaign against Mr. Carnes is simply an extension of the campaign against the death penalty.

What I would like to do for the next 2 minutes is respond to some of the more egregious distortions we heard about Mr. Carnes' record.

Some of our colleagues argued that Mr. Carnes has "failed to demonstrate an appreciation for the fundamental unfairness of race-based jury selection." With all due respect, Mr. President, these colleagues have their facts wrong. Long before the Supreme Court in Batson versus Kentucky in 1986 struck down the use of race-based peremptory challenges by prosecutors, Mr. Carnes repeatedly urged prosecutors not to use race-based peremptory challenges. Moreover, Mr. Carnes even argued that defendants should not have the right to use race-based peremptory challenges. In a case involving klansmen accused of murdering a black man, Mr. Carnes went all the way to the U.S. Supreme Court to block the klansmen defendants from using their peremptory challenges to keep blacks off their jury. Although the Supreme Court declined to review this particular case, Mr. Carnes was successful in persuading the Alabama appellate courts to extend the rationale of Batson to the exercise of peremptory challenges by criminal defendants.

And I should add parenthetically here I hope my liberal colleagues are not now making fealty to the rationale of Batson their latest litmus test for confirmation for judicial nominees. First, this most recent litmus test would clash with their old litmus test of unswerving fealty to the doctrine of stare decisis, because Batson overruled an earlier decision of the Supreme Court, Swain versus Alabama, which was decided 21 years before the Batson case. Second, while Mr. Carnes advocated the substance of Batson before it was decided, some respectable legal scholars believe that Batson represented a case of judicial overreaching. Reasonable people can disagree about Batson, and Mr. Carnes happens to believe it was correctly decided.

Some of our colleagues have charged that "Mr. Carnes appears to be remarkably insensitive to the existence of racial discrimination." Yet, some of these, even some on the Judiciary Committee, said that "Mr. Carnes is not a racist. On a number of occasions in both his professional career and private life he has demonstrated opposition to such discrimination."

Some Senators have made it quite clear they are opposing Mr. Carnes because Mr. Carnes does not share their view that the death penalty is meted out in a racially discriminatory fashion in this country, and on whether—as a matter of policy—the current Federal habeas corpus laws ought to be reviewed to end endless appears.

Neither does a majority of the Senate share their views on those questions.

In taking this position, those Senators are telling us they will vote to deny confirmation to any judicial nominee who does not share their personal views on various controversial policy issues. This, of course, demonstrates a misunderstanding of the role of the judge, which is to apply the written law as he finds it, rather than making policy. Mr. Carnes has not been nominated to a policymaking position, notwithstanding the great efforts of some, both on and off the courts, to turn the judiciary into a policymaking institution.

I should note here my colleagues who hold the view that the death penalty is applied in a discriminatory manner refer to various statistical studies of the question. To be sure, there are just as many statistical studies that rebut the studies upon which they rely. But the reliance on statistics, I think, demonstrates two other points that ought to be made.

First, it demonstrates that in some quarters nothing less than a wholly quota society is acceptable. In this vision, any deviation from statistical proportionality in outcomes or results must be attributable to racism, regardless of neutral factors that might well account for difference. This vision would have us extend the quota regime to the administration of criminal justice, and mete out punishment according to statistical proportionality.

Second, this mindset also betrays a misunderstanding of the rule of law and the role of the judiciary. This mindset assumes one can reach sweeping conclusions about judicial performance by making statistical studies which turn on how whole classes of litigants fare, statistically speaking, rather than by analyzing whether the written law was fairly applied to particular litigants in individual cases. In short, under this vision, we stand not as individual citizens before the law, but rather as members of particular groups queuing up for our proportional share of benefits and disadvantages.

Mr. President, I will close by commending to my colleagues who are undecided the remarks made by Senator HEFLIN shortly before the Judiciary Committee voted on Mr. Carnes' nomination. Senator HEFLIN thoroughly and persuasively made the case for Mr. Carnes, and no one has made it better. Mr. President, I ask unanimous consent that Senator HEFLIN'S remarks be inserted into the RECORD.

After reading Senator HEFLIN'S remarks, I believe that my undecided colleagues will agree with him that the charges against Mr. Carnes are unfair or inaccurate or both, and that Mr. Carnes will make a fine addition to the court of appeals. Mr. President, I urge the prompt confirmation of Mr. Carnes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HOWELL HEFLIN BEFORE THE SENATE JUDICIARY COMMITTEE REGARDING THE NOMINATION OF EDWARD CARNES, U.S. COURT OF APPEALS, 11TH CIRCUIT, MAY 7, 1992

Mr. Chairman and members of this committee, I support the nomination of Ed Carnes to the U.S. Court of Appeals for the 11th Circuit which includes my home State of Alabama as well as the States of Georgia and Florida. I would like to review the record before the committee and cite to you the basis for that support.

As the head of the Capital Litigation Division of the Attorney General's Office for the State of Alabama, it has been Mr. Carnes' responsibility for representing the state in capital litigation at the post-conviction stage—on direct appeal as well as state and federal collateral litigation. Mr. Carnes has extensive litigation experience at both trial and appellate levels in federal and state courts and he will, therefore, be no stranger to the federal appellate bench.

This committee has conducted an extensive investigation of the nominee's background and held a hearing where witnesses were heard both in support of and in opposition to his nomination. Further, the committee has submitted additional questions to which the nominee has fully responded, and we have before us an extensive record upon which to base our judgment.

When the President submitted Mr. Carnes' nomination, I did an extensive investigation into his background, as I endeavor to do relative to all judicial nominations that affect my state and region, on the issues of integrity, qualifications, judicial temperament, civil rights and general philosophy. I knew Mr. Carnes' nomination would be controversial because of his background in representing the State of Alabama in capital punishment cases.

I was surprised to learn of his strong support from the civil rights community in Alabama. I heard from or discussed this nomination with most of the leaders of the civil rights community in my state. Among those with which I discussed Mr. Carnes' nomination or heard from are the following:

Judge Frank M. Johnson, Jr.

Leaders of the Southern Poverty Law Center, including Morris Dees and Richard Cohen.

John Carroll, former Associate Director of the Southern Poverty Law Center and now a U.S. Magistrate Judge.

Justice Oscar Adams, an African-American member of the Alabama Supreme Court.

Judge Charles Price, an African-American trial judge of the Circuit Court bench in Montgomery.

State Representative Alvin Holmes, Chairman of the Affirmative Action Committee of the Black Caucus of the Alabama State Legislature.

Bill Dawson, a civil rights attorney of Birmingham.

David Bagwell, former law clerk to Judge Frank M. Johnson and former U.S. Magistrate.

Steve Glassworth, a Montgomery criminal defense attorney.

Rick Harris, a Montgomery criminal defense attorney.

Other civil rights and political leaders whose names I hold in confidence at their request.

The answer that I got was that Ed Carnes was a highly intelligent, competent lawyer, a tenacious advocate, but an individual of the highest integrity and who at all times practiced fairness and ethical conduct. I became convinced that he was a tough battler, but an honorable battler. Most of these individuals told me that personally they opposed capital punishment, but they realize that a potential judge should not be evaluated on a one issue basis, but should be viewed on a much broader spectrum, particularly on issues that will affect the future of the Eleventh Circuit Court of Appeals on civil and human rights.

In reviewing the opposition that has been generated against Mr. Carnes, one can conclude that his opponents view this confirmation as being a referendum on capital punishment, although they deny it. There is strong evidence that most of the opposition to Mr. Carnes has originated from one individual who vehemently opposes capital punishment. This is Steve Bright, who is Director of Southern Center for Human Rights in Atlanta. Mr. Bright has marshalled considerable forces to oppose Mr. Carnes' nomination. I have only observed Mr. Bright as a witness before the Judiciary Committee so therefore I will not attempt to personally evaluate Mr. Bright's nomination, but I direct your attention to the words of Morris Dees, the Director of the Southern Poverty Law Center, which was contained in a letter to Dr. Joseph Lowery, President, Southern Christian Leadership Conference, a portion of which follows:

"Dear Joe: I would like to reply to Steve Bright's sixteen page letter opposing Ed Carnes for the Eleventh Circuit Court of Appeals. My copy of Steve's letter did not arrive until ten days after it was dated. I had no way to reply earlier.

"First let me say that I sympathize with Steve for opposing anyone for a judgeship who favors capital punishment. Steve is a one-issue person because of the work he does. I also oppose the death penalty, but view a potential judge on a much broader range of issues that are important to civil and human rights.

"Ed Carnes has an outstanding record on civil rights and this is the reason I support him so strongly. I'd like to take a few pages and point to the more obvious omissions and misstatements in Steve's letter.

* * * * *

"Steve compares Ed unfavorably to Judge Johnson. Everyone, including Steve himself, compares unfavorably to Judge Johnson who is on of the greatest jurists of our time. However, Steve neglected to tell you what Judge Johnson himself thinks about Ed. Judge Johnson has sat on many of Ed's cases, and he knows Ed's true record better than Steve does. That is why Judge Johnson stated publicly in a *Birmingham News* article that Ed was a "very good" choice of the position. * * * I hope that you will trust Judge Johnson's judgment.

* * * * *

"In discussing capital punishment in Alabama, Steve neglected to tell you about a case involving a client of his who was scheduled for execution at the time of Steve's letter, and whose sentence has since been carried out. The man, whom Steve defended, was white. He hired two African American men to kill his wife, who was nine months pregnant, so he could marry another women to who he was secretly engaged. Both of the African American men who actually carried out the murder got life sentences in Alabama. Steve's client, who is white got a death sentence which was carried out last week. I am surprised Steve did not use that case to argue that Ed is prejudiced against whites.

"I can understand that Steve is upset because his client was executed. But it is simply unfair for Steve not to admit that Ed has by far the strongest record on civil rights, of any federal judicial nominee in the state in at least the past decade. * * *

"Steve Bright cannot tell you the name of any other recent federal judicial nominee in Alabama who has prosecuted state judges for racist misconduct and gotten them thrown off the bench, as Ed has done. Steve cannot tell you the name of any other recent federal judicial nominee in Alabama who, as early as the 70's, defended black public officials who were being sued by whites, as Ed did. Steve cannot tell you the name of any other recent federal nominee who has gone to the United States Supreme Court in an attempt to prevent members of the Ku Klux Klan from discriminating against blacks, as Ed did. Steve cannot tell you the name of any other recent federal judicial nominee who has been joined by the SCLC in one of his efforts to fight racial discrimination, as Ed was.

"Ed has been successful in getting the Alabama Court of Criminal Appeals to rule in two cases that white criminal defendants cannot practice racial discrimination against African-American members of the jury. Steve omitted these two important cases.

"Judge Frank Johnson is the epitome of a courageous jurist whose decisions on the bench have done much to advance the cause of civil rights. But, before he was first appointed to the federal bench Frank Johnson had no public record for civil rights. He was a prosecutor who had been active in Republican politics. Ed, too, is a prosecutor, but he has a stronger record on civil rights than Frank Johnson had when he was first appointed to the federal bench. What the two of them have in common is integrity and a devotion to the rule of law. That is why Judge Johnson has said that Ed Carnes is a "very good" choice for this judgeship.

"Steve says you should oppose Ed because he supports Bill Baxley's opponent in the Alabama gubernatorial race in 1986. The irony of Steve's argument is that Bill Baxley strongly supports Ed's nomination. Bill recalls the hard work Ed did to ensure that the murder conviction of Klansman Robert Chambliss was upheld in the Birmingham Church bombing case, which involved the murder of four young African American girls. Bill also recalls that Ed assisted him in the mid 1970's in a legal action to prevent Alabama Power Company from importing South African coal. That legal action that Bill and Ed took so threatened the economy of South Africa that it was forced to change its laws involving use of indentured black labor. I invite you to call Bill Baxley (phone number) about Ed.

"Steve lists the names of others he says would be better nominees. It was ironic that he includes Justice Oscar Adams in that list, because Justice Adams strongly supports Ed's nomination. He has sat on a number of Ed's cases. I invite you to call Justice Adams (phone number) about Ed * * *.

"The facts are that Ed Carnes drafted legislation to increase money paid to attorneys to represent indigent capital defendants; he wrote an official advisory opinion of the Attorney General which doubled the amount of money to be paid for out-of-court work in such cases; and he succeeded in having the Legislature appropriate thousands of dollars for use in paying litigation expenses of indigent defendants under capital sentences. Ed Carnes has done more than virtually any other attorney in Alabama to increase state funding for indigent capital defendants.

"Steve ignores the fact that, in case after case, Ed Carnes has been fair to defendants even when doing so angered district attorneys. In one case Ed went into the appellate courts and argued that a death sentence was unconstitutional and should be reversed, while the district attorney argued to the contrary. In another case Ed argued to the Alabama Supreme Court that trial judges should have authority to order district attorneys to open their files to capital defendants. The entire Alabama District Attorneys Association argued against Ed's position, but he won. As a result, Alabama has one of the most liberal discovery rules in capital cases of any state in this country.

"Steve also chooses to ignore the fact that Ed Carnes has exposed attempts of district attorneys to hide evidence favorable to capital defendants. In at least two cases involving African Americans under sentence of death, Ed discovered and disclosed evidence favorable to them that the prosecutors had not divulged at trial. As a result of Ed's efforts, and his integrity and sense of fairness, both those African American defendants won new trials. * * *

"The SCLC should not oppose this nomination. For once, we have a nominee who is not a country club lawyer who has served corporate interests. For once, we have a nominee who has fought the Klan and who has fought racist judges. For once, we have a nominee with a strong record of fairness.

"Sincerely,

"MORRIS DEES.

"cc: Stephen Bright."

In making up my mind to support Mr. Carnes, I gave much more credence and weight to the opinions of Morris Dees, Richard Cohen, John Carroll, and other criminal defense attorneys who have been in court with Ed Carnes far more times than Mr. Bright. I am also persuaded by fair-minded jurists who have observed the abilities, ethics, and integrity of Mr. Carnes in court on far more numerous occasions than Mr. Bright.

It appears that the second paragraph of Morris Dees' letter to Joseph Lowery sums up this issue in a succinct manner:

"First let me say that I sympathize with Steve for opposing anyone for a judgeship who favors capital punishment. Steve is a one-issue person because of the work he does. I also oppose the death penalty, but view a potential judge on a much broader range of issues that are important to civil and human rights."

I have reviewed the evidence for and against Ed Carnes with care. One must realize the emotional atmosphere that capital cases bring to a courtroom. They are messy * * * passions are aroused * * * frequently lawyers explode at each other. If a lawyer loses at the appellate level he usually blames the opposing counsel or the judge. It is remarkable how many loosing lawyers nevertheless praise the fairness and ethical conduct of Ed Carnes. The entire record supports the conclusion that Ed Carnes' conduct has been fair, ethical and within the bounds of existing law.

I am convinced that Mr. Carnes' background, intelligence, integrity, and record qualify him for a position on the U.S. Court of Appeals, Eleventh Circuit. I urge his confirmation.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I reserve the remainder of my time.

I yield to the Senator from Alabama if he would like to say any more.

Mr. HEFLIN. I shall yield to the Senator from Montana. He wanted time in morning business.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I respond to the Senator Alabama saying I wish to speak on another matter but not on the Carnes nomination. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I ask unanimous consent that a series of letters, statements, articles, be placed into the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 22, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary,
Washington, DC.

DEAR SENATOR BIDEN: We are the Attorneys General of the three states of the Eleventh Circuit, and we are writing to wholeheartedly urge the Senate to confirm the nomination of Edward Carnes to the United States Court of Appeals for the Eleventh Circuit.

As you know, the American Bar Association Standing Committee for the Judiciary unanimously rated him qualified for the position. Mr. Carnes is of the highest character, and he has a reputation for ethical propriety that is unsurpassed. Many attorneys who have litigated against him over the years have stated publicly that he has always been fair and straightforward with opposing counsel and with the courts. He has earned and enjoys a reputation as one of the finest attorneys in the Eleventh Circuit.

As the chief legal officers for our states, we are disturbed by the tactics being employed by those who are opposing confirmation of Mr. Carnes' nomination. While the opposition obviously springs from the capital punishment issue, the opponents are unfairly attacking Mr. Carnes because of the role he has had as an advocate for his client, the State of Alabama, in post-conviction review of convictions and sentences. It is the duty of state attorneys general and their assistants to advocate that convictions be sustained when there is any legally appropriate basis for doing so. All attorneys, including government attorneys, have a duty to represent their clients to the utmost of their abilities. It is only if that duty of advocacy is carried out that our criminal justice system, which relies upon a vigorous presentation of competing arguments by opposing advocates, can work.

It is preposterous for those opposing Mr. Carnes' nomination to suggest that rather than doing his duty as an advocate he should have taken it upon himself to decide the merits of each case or argument and acted accordingly. That is not the role of an attorney in our system, as you know. Any attorney who modifies his representation of a client based upon his personal feelings about how a case should come out is not carrying out his ethical duty to represent his client zealously within the law. If the position of those opposing this nomination is adopted, then no government attorney who has carried out the ethical duty of being an advocate can be confirmed to the federal bench.

We have also heard that Mr. Carnes' nomination is being opposed by some because he supported the version of federal habeas corpus reform that passed the Senate last year. Fifty-eight Senators voted for that measure, and each of us supported it. Mr. Carnes' views on habeas reform are certainly not outside the mainstream.

The Eleventh Circuit is the busiest federal appeals court in the nation. It has been two-and-a-half years since the Court had a full complement of active judges, and it is currently operating with only seventy-five percent of its judgeships filled. We fear that there may soon be serious delay in the decision of cases if the vacancies are not filled promptly. We would appreciate anything you and the Senate could do to expedite the confirmation process for all three pending appointments to the Eleventh Circuit.

JAMES H. EVANS,
Alabama Attorney General.
ROBERT A. BUTTERWORTH,
Florida Attorney General.
MICHAEL J. BOWERS,
Georgia Attorney General.

June 9, 1992.

Senator GEORGE J. MITCHELL,
Majority Leader, U.S. Capitol, Washington, DC.
Senator ROBERT DOLE,
Republican Leader, U.S. Capitol, Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: We, the undersigned state attorneys general, are writing to urge a prompt and affirmative vote on confirmation of the nomination of Ed Carnes to the United States Court of Appeals for the Eleventh Circuit.

Mr. Carnes is a highly qualified attorney with in-depth experience in appellate practice and expertise in criminal law, constitutional law, and federal procedure. His career has been distinguished, and he has displayed a fine sense of principled fairness. Mr. Carnes' record on civil rights is outstanding.

We are concerned that some of the groups opposing Mr. Carnes' nomination are not only distorting his record but are also taking a position that threatens to undermine our adversary system. Every attorney, including every government attorney, has an ethical duty to his client and to the legal system as a whole, to represent his client "zealously within the bounds of the law." See, Model Code of Professional Responsibility, Canon 7-1.

When a state attorney general, or his assistants, represent his state in a criminal case after conviction, it is his duty as an advocate to argue available factual or legal bases for affirming the conviction and to leave it up to the courts to decide the outcome. When we do that we are not condoning any alleged misconduct or misbehavior on the part of the prosecutor or any others. Instead, we are fulfilling our ethical duty as advocates, something that our justice system depends upon and the Code of Professional Responsibility demands.

Mr. Carnes should not be criticized because he has been a vigorous and effective advocate. That has been his duty, and it is to his credit that he has discharged that duty well. Because he discharged his duty as an appellate advocate, he should not be accused of condoning what some prosecutors are alleged to have done, any more than criminal defense attorneys should be accused of condoning crime when they act in their role as advocates.

We view with alarm this tactic of those opposing Mr. Carnes' nomination, because its success would threaten the confirmation prospects of every government attorney who has ever fulfilled his ethical duty to advocate a state's position on appeal in a criminal case. Someone will always be able to charge that by doing so the government attorney has condoned or defended some violation of the Constitution that the prosecutor allegedly committed.

A few opposing this nomination have even alleged that Mr. Carnes should somehow be held responsible for the Rodney King case and its aftermath. Mr. Carnes had nothing to do with that case, and he certainly was not responsible for the fact that it was tried before a jury which contained no African-Americans. The attempt of those opposing Mr. Carnes to exploit the Rodney King case is particularly unjust, because Mr. Carnes has been a leader of the effort to establish a rule of law that would prevent white defendants from using racial discrimination to remove African-American citizens from juries.

Four years ago, Mr. Carnes filed a petition in the Supreme Court to prevent Ku Klux Klan murder defendants from striking all the African-Americans off their jury in a case involving an African-American victim. We are well aware of Mr. Carnes' efforts in that case, because he persuaded forty-five states to join an amicus curiae brief supporting his position. The Southern Christian Leadership Conference and the Southern Poverty Law Center also filed a brief supporting Mr. Carnes' position.

After the Supreme Court declined to decide the issue in that case, Mr. Carnes persevered. He succeeded in getting an Alabama appellate court to hold that both the federal Constitution and state law prohibited defendants from engaging in the racially discriminatory use of peremptory strikes. Such a holding will make it far more difficult for white defendants charged with crimes against African-Americans to obtain an all-white jury. Therefore, the Rodney King case illustrates the wisdom of Mr. Carnes' efforts, which argues strongly in favor of confirming his nomination.

Consideration of this nomination is not and should not be a partisan matter. While Mr. Carnes is the nominee of a Republican President, he has served under four Alabama Attorneys General, all of whom were Democrats and all of whom strongly support his nomination. The Judiciary Committee vote in favor of his nomination came from both Democrats and Republicans. Some of us are Democrats and some of us are Republicans, but we are united in asking you to use your influence to secure prompt confirmation of this nomination.

Sincerely,

James H. Evans, Alabama Attorney General; Grant Woods, Arizona Attorney General; Charles E. Cole, Alaska Attorney General; Daniel E. Lungren, California Attorney General; Gale A Norton, Colorado Attorney General; Robert A. Butterworth, Florida Attorney General; Larry Echohawk, Idaho Attorney General; Chris Gorman, Kentucky Attorney General; Frank J. Kelley, Michigan Attorney General; Don Stenberg, Nebraska Attorney General; Robert J. Del Tufo, New Jersey Attorney General; Nicholas J. Spaeth, North Dakota Attorney General; Charles M. Oberly III, Delaware Attorney General; Michael J. Bowers, Georgia Attorney General; Robert T. Stephen, Kansas Attorney General.

Richard P. Ieyoub, Louisiana Attorney General; Mike Moore, Mississippi Attorney General; Frankie Sue Del Papa, Nevada Attorney General; Lacy H. Thornburg, North Carolina Attorney General; Susan B. Loving, Oklahoma Attorney General; Ernest D. Preate, Jr., Pennsylvania Attorney General; Dan Morales, Texas Attorney General; Jeffrey L. Amestoy, Vermont Attorney General; Joseph B. Meyer, Wyoming Attorney General; Lee Fisher, Ohio Attorney General; John P. Arnold, New Hampshire Attorney General; Mark Barnett, South Dakota Attorney General; Paul Van Dam, Utah Attorney General; Ken Eikenberry, Washington Attorney General; Warren Price III, Hawaii Attorney General; James E. O'Neil, Rhode Island Attorney General.

DISTRICT COURT OF ALABAMA,
Mobile, AL, August 28, 1992.

Hon. HOWELL HEFLIN,
Dirksen Senate Office Building, Washington, DC

DEAR SENATOR HEFLIN: I have had the pleasure of working and associating with Mr. Carnes since I relocated my law practice back to Mobile in 1987. As an Assistant District Attorney in Mobile, I had regular contact with Mr. Carnes and found him to be an enthusiastic, competent attorney and a pleasant person.

I have no reservations about supporting Mr. Carnes for the United States Court of Appeal for the Eleventh Circuit. If I can be of any further assistance, please do not hesitate to contact me.

Highest personal regards, I am.

Yours very truly,

HERMAN THOMAS,
Judge.

ALABAMA DEMOCRATIC PARTY,
Birmingham, AL, August 19, 1992.

Senator GEORGE J. MITCHELL,
Majority Leader, U.S. Capitol, Washington, DC.

DEAR SENATOR MITCHELL: We, the undersigned elected Democratic officials in Alabama, are writing to urge the Senate to confirm the nomination of Ed Carnes to the United States Court of Appeals for the Eleventh Circuit.

Mr. Carnes is an excellent attorney with expertise in constitutional law, criminal law, federal habeas corpus, and federal litigation. He has more experience before the court to which he has been appointed than virtually any other attorney in Alabama. As you know, the American Bar Association's fifteen-member Standing Committee on the Federal Judiciary unanimously rated him qualified for the position.

Mr. Carnes has a strong civil rights record and the support of a number of Alabama's civil rights leaders and African-American attorneys, judges, and officials. In addition, he has an unsurpassed record of fairness. Many of the attorneys who have litigated against him in the courtroom have come forward to support him and to attest to the fine sense of fairness he has displayed through his career.

The Alabama Bar's Board of Commissioners, which is the fifty-seven member governing body of Alabama's attorneys, has issued a resolution strongly supporting confirmation of this nomination. In that statement, the Bar condemns the opposition to Mr. Carnes' nomination which it correctly points out stems from his having done his duty as an attorney for his client, the State of Alabama.

We agree with Senators Heflin and Shelby that, although they deny it, the opponents to this nomination are motivated by their opposition to capital punishment. In representing the State of Alabama and post-conviction capital punishment litigation, Mr. Carnes has carried out his duty as an assistant attorney general to enforce the laws of this State. The overwhelming majority of Americans support capital punishment, it has been upheld by the Supreme Court, and it is the law of this and many other states. It is unfair and simply wrong for the opponents of this nomination to attempt to punish Mr. Carnes for his involvement as an attorney general representing the State in capital punishment cases.

This matter should not be a partisan affair. Although nominated by a Republican President, Mr. Carnes has not been active in politics, and he has broad bipartisan support throughout this entire state. His nomination should be confirmed.

William B. Blount, Chairman, Alabama Democratic Party; James E. Folsom, Jr., Lieutenant Governor; George C. Wallace, Jr., State Treasurer; Tom Bevill, Member of Congress; Ben Erdreich, Member of Congress; James. H. Evans, Attorney General; Billy Joe Camp, Secretary of State.

Glen Browder, Member of Congress; Bud Cramer, Member of Congress; Claude Harris, Jr., Member of Congress; Jimmy Clark, Speaker of the Alabama, House of Representatives; Ryan deGraffenreid, President Pro-Tem of the Alabama Senate; Frank McDaniel, Chairman, Small Business Committee of the Alabama House of Representatives; James M. Campbell, Speaker Pro-Tem of the Alabama House of Representatives; Hinton Mitchem, Chairman, Business and Labor Committee of the Alabama Senate.

THE SOUTHERN POVERTY LAW CENTER,
Montgomery, AL, March 25, 1992.

Dr. JOSEPH LOWERY,
President, Southern Christian Leadership Conference, Atlanta, GA.

DEAR JOE: I would like to reply to Steve Bright's sixteen page letter opposing Ed Carnes for the Eleventh Circuit Court of Appeals. My copy of Steve's letter did not arrive until ten days after it was dated. I had no way to reply earlier.

First let me say that I sympathize with Steve for opposing anyone for a judgeship who favors capital punishment. Steve is a one-issue person because of the work he does. I also oppose the death penalty but view a potential judge on a much broader range of issues that are important to civil and human rights.

Ed Carnes has an outstanding record on civil rights and this is the reason I support him so strongly. I'd like to take a few pages and point some of this out to you and to also refute some of the more obvious omissions and misstatements in Steve's letter.

Steve lambasts Ed because he has participated, as an attorney in eight legal proceedings (now nine) that led to executions in Alabama. What Steve fails to mention is that Judge Frank Johnson, whom Steve so rightly praises, has voted as a judge on the Eleventh Circuit to uphold the death sentence in at least twelve legal proceedings in which defendants were executed. At least six of those twelve defendants whom Judge Johnson let be executed were African Americans. Using Steve's "logic," Steve would have to say of Judge Johnson, as Steve has said of Ed: "he has brought about the deaths of six African Americans." Neither Judge Johnson, nor Ed, has acted out of racial prejudice. They both have followed the law.

Steve compares Ed unfavorably to Judge Johnson. Everyone, including Steve himself, compares unfavorably to Judge Johnson who is one of the greatest jurists of our time. However, Steve neglected to tell you what Johnson himself thinks about Ed. Judge Johnson has sat on many of Ed's cases, and he knows Ed's true record better than Steve does. That is why Judge Johnson stated publicly in a Birmingham News articles that Ed was a "very good" choice for the position. (A copy of that article is enclosed.) I hope that you will trust Judge Johnson's judgment.

The American Bar Association agrees with Judge Johnson's opinion of Ed Carnes. Steve says that Ed is unqualified. What Steve did not tell you is that the ABA Standing Committee on the Federal Judiciary, after conducting an exhaustive investigation into Ed and his record, unanimously rated Ed qualified. That fifteen member ABA committee is composed of attorneys from all over the country. There are no prosecutors on the committees, and several members are criminal defense attorneys. They talked to Steve Bright. Still, every single member of the ABA Committee rated Ed Carnes qualified for the judgeship.

In discussing capital punishment in Alabama, Steve neglected to tell you about a case involving a client of his who was scheduled for execution at the time of Steve's letter, and whose sentence has since been carried out. The man, whom Steve defended, was white. He hired two African American men to kill his wife, who was nine months pregnant, so he could marry another woman to whom he was secretly engaged. Both of the African American men who actually carried out the murder got life sentences in Alabama. Steve's client, who is white, got a death sentence which was carried out last week. I am surprised Steve did not use that case to argue that Ed is prejudiced against whites.

I can understand that Steve is upset because his client was executed. But it is simply unfair for Steve not to admit that Ed has by far the strongest record on civil rights, of any federal judicial nominee in this state in at least the past decade. For one thing, Ed is one of the few, if not the only, federal judicial nominees in Alabama in the past decade who has never in his life belonged to a country club or other racially exclusive organization. Just last week the Senate confirmed the nomination of an Alabama judicial nominee who had been a member of the Montgomery Country Club and resigned only so he could be confirmed. Steve Bright did not utter one peep against that nominee from the Country Club set.

Steve Bright cannot tell you the name of any other recent federal judicial nominee in Alabama who has prosecuted state judges for racist misconduct and gotten them thrown off the bench, as Ed has done. Steve cannot tell you the name of any other recent federal judicial nominee in Alabama who, as early as the 1970's, defended black public officials who were being sued by whites, as Ed did. Steve cannot tell you the name of any other recent federal judicial nominee who has gone to the United States Supreme Court in an attempt to prevent members of the Ku Klux Klan from discriminating against blacks, as Ed did. Steve cannot tell you the name of any other recent federal judicial nominee who has been joined by the SCLC in one of his efforts to fight racial discrimination, as Ed was.

Ed has been successful in getting the Alabama Court of Criminal Appeals to rule in two cases that white criminal defendants cannot practice racial discrimination against African American members of the jury. Steve omitted these two important cases.

Judge Frank Johnson is the epitome of a courageous jurist whose decisions on the bench have done much to advance the cause of civil rights. But, before he was first appointed to the federal district court bench Frank Johnson had no public record for civil rights. He was a prosecutor who had been active in Republican politics. Ed, too, is a prosecutor, but he has a stronger record on civil rights than Frank Johnson had when he was first appointed to the federal bench. What the two of them have in common is integrity and a devotion to the rule of law. That is why Judge Johnson has said that Ed Carnes is a "very good" choice for this judgeship.

Steven says you should oppose Ed because he supported Bill Baxley's opponent in the Alabama gubernatorial race in 1986. The irony of Steven's argument is that Bill Baxley strongly supports Ed's nomination. Bill recalls the hard work Ed did to ensure that the murder conviction of Klansman Robert Chambliss was upheld in the Birmingham Church bombing case, which involved the murder of four young African American girls. Bill also recalls that Ed assisted him in the mid 1970's in a legal action to prevent Alabama Power Company from importing South African coal. That legal action that Bill and Ed took so threatened the economy of South Africa that it was forced to change its laws involving use of indentured black labor. I invite you to call Bill Baxley (205-939-0995) about Ed.

Steve lists the names of others he says would be better nominees. It is ironic that he includes Justice Oscar Adams in that list, because Justice Adams strongly supports Ed's nomination. He has sat on a number of Ed's cases. I invite you to call Justice Adams (205-325-5086 or 205-242-4584) about Ed.

Contrary to what Steve says, Ed has *never* blocked capital resource funds. The person who best knows Ed's record in this regard is former Governor Albert Brewer who headed the Alabama Bar task force that set up Alabama's resource center. He was also the first chairperson of its Board of Directors and is still on the Board. Governor Brewer has written that Ed "participated actively in the establishment of the resource center," and that "many defendants were protected by Mr. Carnes concern for, and commitment to, fairness in the criminal justice system."

The facts are that Ed Carnes drafted legislation to increase money paid to attorneys to represent indigent capital defendants; he wrote an official advisory opinion of the Attorney General which doubled the amount of money to be paid for out-of-court work in such cases; and he succeeded in having the Legislature appropriate thousands of dollars for use in paying litigation expenses of indigent defendants under capital sentences. Ed Carnes has done more than virtually any other attorney in Alabama to increase state funding for indigent capital defendants.

Steve ignores the fact that, in case after case, Ed Carnes has been fair to defendants even when doing so angered district attorneys. In one case Ed went into the appellate courts and argued that a death sentence was unconstitutional and should be reversed, while the district attorney argued to the contrary. Ed won, and the appellate court reversed the death sentence. In another case Ed argued to the Alabama Supreme Court that trial judges should have authority to order district attorneys to open their files to capital defendants. The entire Alabama District Attorneys Association argued against Ed's position, but he won. As a result, Alabama has one of the most liberal discovery rules in capital cases of any state in this country.

Steve also chooses to ignore the fact that Ed Carnes has exposed attempts of district attorneys to hide evidence favorable to capital defendants. In at least two cases involving African Americans under sentence of death, Ed discovered and disclosed evidence favorable to them that the prosecutors had not divulged at trial. As as result of Ed's efforts, and his integrity and sense of fairness, both those African American defendants won new trails. The lawyer for one of them has recently written that:

"Ed Carnes could have pretended to overlook the evidence he found in the district attorney's file. He had no reason to doubt the defendant's actual guilt. He could have justified it to himself, telling himself that the failure of this evidence to appear at trial was harmless error. By turning over the evidence he aroused considerable ire from the local district attorney. . . . If Ed had not confessed error in that case, there is no way that we possibly could have discovered the additional exculpatory evidence on our own. [The defendant] would not be alive today."

It is disingenuous of Steve to cite The Atlanta Constitution editorial in support of his opinion about Ed, because Steve himself procured that editorial, and an op ed piece, and they simply repeat what Steve himself is saying.

The SCLC should not oppose this nomination. For once, we have a nominee who is not a country club lawyer who has served corporate interests. For once, we have a nominee who has fought the Klan and who has fought racist judges. For once, we have a nominee with a strong record of fairness.

Sincerely,

MORRIS DEES.

KENNETH F. INGRAM,
Montgomery, AL, January 30, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am writing to urge your committee to confirm the nomination of Ed Carnes to the Eleventh Circuit Court of Appeals.

During the past twenty-nine years, I have been a practicing attorney, a judge on a state trial court of general jurisdiction, a judge on an intermediate level state appellate court, and a Justice on the Alabama Supreme Court. I am familiar with the work and reputation of the top attorneys in Alabama, and I know from personal observation that Ed Carnes is one of the very best attorneys in this state. He has a sterling reputation and is known throughout the bench and bar as a tough advocate but one who is fair and whose ethics are above reproach. He has skillfully handled cases of mind-boggling complexity and has shown a gift for analyzing, organizing, and solving difficult problems.

Let me also tell you about Ed Carnes' dedication to the cause of judicial ethics. For eight years I served on the Alabama Judicial Inquiry Commission. During six of those years, I served as chairman of the Commission, which is the body the Alabama Constitution gives the authority and responsibility to investigate and bring charges against Alabama judges for misconduct in office or violation of the canons of judicial ethics. Any charges the Commission brings are tried in the Alabama Court of the Judiciary. Throughout the entire time I was on the Judicial Inquiry Commission, Ed served as counsel to the Commission. He not only met with us each month, and advised us on legal matters, but he also litigated in the Alabama Court of the Judiciary the charges we brought against judges.

As the Commission's attorney, Ed prosecuted eighteen cases against judges charged with misconduct in office or unethical behavior. In every single case, he was successful—all eighteen judges he prosecuted either resigned from office or were convicted after a trial and received sanctions, ranging from a public censure to removal from office. Ed has been absolutely tenacious in his commitment to and insistence upon the highest level of judicial ethics. I can think of no better attribute for a nominee to a judgeship.

Every judge and lawyer I have spoken with concerning this nomination is absolutely delighted that one who is so well qualified and who has such high moral character and dedication to public service has been chosen.

Sincerely,

KENNETH F. INGRAM.

FIFTEENTH JUDICIAL CIRCUIT,
Montgomery, AL, March 12, 1992.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am writing in support of Ed Carnes who has been nominated to a position on the United States Court of Appeals for the Eleventh Circuit.

I am particularly qualified to speak about Mr. Carnes, because I have known him for over fifteen years, and I have observed his work from three different perspectives. I first came to know Ed when he and I were both employed by the Alabama Attorney General's Office in the 1970's. Later, I knew and worked with him after I became an assistant district attorney. Finally, I have had an opportunity to observe Ed as an attorney in my court during the nine years I have been a state trial court judge in Montgomery, Alabama.

Without reservation, I can say that Ed Carnes is an excellent attorney who is eminently qualified to be on the Eleventh Circuit Court of Appeals. He is one of the leading criminal law experts in this state.

More importantly, Ed is completely fair and has an excellent reputation for integrity and candor. On occasion, when a particularly thorny legal issue has arisen in a criminal case, some of the judges in this state, including me, have called upon Ed to join a conference and offer his views to the court and counsel for both sides. We have done that because we know that no one knows more about the criminal law than Ed Carnes does, and we also know that if the law is against the State's position Ed will not hesitate to tell us that. In fact, on more than one occasion when his advice was solicited, he informed the court and counsel for both sides that the prosecutor was wrong and defense counsel was right.

For these and other reasons, Ed Carnes has an unsurpassed reputation for fairness. I urge your committee to confirm him.

Sincerely,

CHARLES PRICE,
Circuit Judge.

[Telegram]

BIRMINGHAM, AL,
March 31, 1992.

Senator HOWELL HEFLIN,
Senate Judiciary Committee, Capitol One DC.

I recommend attorney Ed Carnes to be selected to fill the vacancy on the 11th Circuit Court of Appeals. I have known Attorney Carnes for approximately thirteen years. I know that he has represented the State in death penalty cases. However, he is competent, capable and fair and will make an excellent appointment.

Justice OSCAR W. ADAMS,
Associate Justice.

MONTGOMERY, AL,
March 2, 1992.

Hon. JOSEPH R. BIDEN, Chairman,
Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I write in support of the President's nomination of Ed Carnes to fill a vacancy on the Eleventh Circuit Court of Appeals. My support does not come because I am a death penalty advocate or because I am pro-prosecution. I am neither.

I initially came to Montgomery, Alabama in 1980, to work for Legal Services Corporation of Alabama, where I represented indigent people in civil matters. Subsequently, I entered the private practice of law. A substantial portion of that practice consisted of representing indigent criminal defendants. In 1989, I left private practice to accept a position with the Alabama Department of Public Health. While I hold a commission as an assistant attorney general, I do not prosecute criminal cases; I neither draw a salary from nor report to the Attorney General of Alabama. The small amount of litigation I now handle is entirely civil in nature and concerns licensure of health care facilities. My relationship with Mr. Carnes has been exclusively as a fellow professional and opposing counsel. I am not in favor of the death penalty and certainly entertain no bias in favor of criminal prosecutors.

While in private practice, I handled some capital murder cases, both as appointed, reimbursed counsel in trials and direct appeals and a volunteer in collateral appeals. In 1985, I was privileged to be the first recipient of the Alabama State Bar's annual Clarence Barrow Award, which is given for volunteer work in capital murder cases. I received this award in recognition of work I did on behalf of William "Chick" Bush. Ed Carnes was my opponent on that case. He proved his integrity and honesty. I want to share the story.

In late 1983, I was recruited by the Alabama Prison Project to assist Chick Bush. He had been convicted of capital murder in late 1981 and sentenced to die. His trial attorney had handled direct appeals as far as the Alabama Supreme Court, for which he was reimbursed. The same attorney filed a certiorari petition to the U.S. Supreme Court without compensation. When the petition was denied, he told his client that he would not handle any further appeals. The Alabama Supreme Court set a December 30 execution date.

I had never handled a capital murder case. I was relatively inexperienced and very reluctant to get involved. I did so only on condition that another, experienced attorney be recruited to help me. Eventually, the NAACP Legal Defense and Education Fund, Inc., volunteered Mr. Deval Patrick, a very able lawyer working in their New York City office. By December 22, I was able to file in state court papers that had been prepared by Mr. Patrick. This was a collateral appeal of Mr. Bush's conviction and a request for stay of execution pending the collateral appeal.

In late 1983, pending executions were page five news as they are today. There had been only one execution under Alabama's latest death penalty statute: Alabama's prior statute had been held unconstitutional several years before. The first man executed under the new statute, John Louis Evans, had for all intents and purposes withdrawn his appeal a few months prior to his execution date. Chick Bush's execution would be fully contested, and as the date grew near, there was a considerable amount of publicity, much more than is drawn by an execution today.

The state court judge hearing the case scheduled a hearing for Saturday, December 24. I will never forget that day. I was all alone, the only person seated at the petitioner's counsel table. The judge was extremely upset with me because my application for writ of error and application for stay of execution were filed at such a late date (eight days before the execution). Ed Carnes was opposing counsel. He did not try to take advantage of the judge's anger nor did he inflame the situation. Instead, he very calmly explained to the judge that I was entitled to a full round of collateral remedy hearings in federal court, that I would almost certainly receive a prompt stay of execution from a federal court judge, that it was necessary for me to have that stay denied by a state court judge before going to federal court, that the judge should simply deny my state court applications so that the case could proceed to federal court where we all agreed it belonged, and that I was merely doing my job.

The following Monday, December 26, I filed a habeas corpus petition and an application for stay of execution in federal court. The execution was still scheduled for 12:01 a.m., Friday, December 30. Mr. Carnes, Mr. Patrick, and I held repeated telephone conferences with the judge during that week. That judge repeatedly expressed reluctance to grant the stay, to my growing consternation. Mr. Carnes again and again told the judge that he should grant the stay. Finally, at noon, on Thursday, December 29, twelve hours before the execution, the judge issued a stay which stopped execution.

The largest radio station in Montgomery broadcast an editorial that night criticizing the judge's decision and castigating me by name. Mr. Carnes again did not make any inappropriate or inflammatory comments. I am sure that he had ample opportunity to do so, judging from the dozens of calls and inquiries that I received from reporters.

As discovery progressed in the case, Mr. Patrick and I became increasingly pessimistic about our chanves. Our lynchpin arguments concerned the disproportionate number of death sentences given in Alabama to those convicted of murdering white victims rather than black victims. We had held out great hopes for the *McClesky* v. *Zant* case, which was then pending in U.S. District Court in Georgia and which raised the same issue about the death penalty there. During the course of our preparation, the district court there ruled against Mr. McClesky, and as you may be aware, this ruling was later affirmed by the Eleventh Circuit Court of Appeals and the U.S. Supreme Court. Mr. McClesky was recently executed.

In March, I received a phone call from Ed Carnes. While preparing his case, he had discovered a document in the district attorney's file. It was a piece of plainly exculpatory evidence that had not been elicited by the defense at trial. Ed told me that this meant that the evidence either had not been provided to the defense, a clear violation of the defendant's constitutional rights, or that its non-use by the defense made out a case of ineffective assistance of counsel. Either way, the defendant was entitled to a new trial and he intended to let the judge know that.

Chick Bush got his new trial. I'm sorry to say that he was convicted again, but the state did have some rather impressive evidence against him, including a taped confession to the murder. That conviction was also overturned on appeal, on which he received a third trial where he was again convicted. That conviction is presently on appeal. Chick Bush is alive today on Alabama's death row, more than nine years after his last-minute stay of execution.

Ed Carnes could have pretended to overlook the evidence he found in the district attorney's file. He had no reason to doubt the defendant's actual guilt. He could have justified it to himself, telling himself that the failure of this evidence to appear at trial was harmless error. By turning over the evidence he aroused considerable ire from the local district attorney. He must have been tempted to save the state endless additional appeals and expense. If Ed Carnes had not confessed error in that case, there is no way that we possibly could have discovered the additional exculpatory evidence on our own. Chick Bush would not be alive today.

What Ed Carnes did in the Bush case was fundamentally honest and courageous. I am impressed, as is everyone who has opposed him, with his intelligence and legal ability. But I am most impressed with his integrity. If he could be a fair and impartial prosecutor in the atmosphere that surrounded the Bush case in 1983, then I have no doubt that he will easily do the same as a federal judge. I would be comfortable arguing any kind of case before him. I whole-heartedly support his nomination.

Sincerely,

RICK HARRIS.

HOUSE OF REPRESENTATIVES,
ALABAMA STATE HOUSE,
Montgomery, AL, March 6, 1992.

Hon. JOSEPH BIDEN,
Chairman, Senate Judiciary Committee, Russell Senate Building, Washington, DC.

DEAR SENATOR BIDEN: It is my understanding that Edward E. Carnes, an Assistant Alabama Attorney General, has been nominated to be a United States District Judge in the Middle District of Alabama.

This letter comes to highly recommend Mr. Carnes for said position. I have known Mr. Carnes for many years and have known him to be fair and impartial toward all citizens without regard to race or color.

s Chairman of the Affirmative Action Committee of the Alabama Black Legislative Caucus, one of my responsibilities is to observe public officials and others in their actions toward minorities in the state of Alabama and I have found nothing that is negative in regards to Mr. Carnes' record in this matter.

Please give Mr. Carnes your great consideration.

Sincerely,

ALVIN HOLMES,
State Representative.

OFFICE OF THE DISTRICT ATTORNEY,
Denver, CO, August 6, 1992.

Senator GEORGE J. MITCHELL,
Majority Leader, S-221, U.S. Capitol, Washington, DC.

DEAR SENATOR MITCHELL: As a Black man who has worked in the criminal justice system as a prosecutor for almost 20 years, I have had the opportunity to test long standing assumptions which I had made about the criminal justice system. Always having been concerned about the disparity between minorities and whites in the criminal justice system, I was uncertain as to whether I would feel comfortable as a prosecutor. I fully recognize that justice is not meted out the same in all parts of this country and that there are many procedural safeguards which could be extended to give defendants a greater amount of security. However, through the years I have not only been concerned with protecting the rights of defendants but have become an ardent supporter of the rights of victims of crime. It seems to me that the true measure of the criminal justice system will be whether it is able to strike a balance between these competing rights and, eventually resolve criminal conflicts in a manner which holds those accountable for the wrongs they commit.

Because of my concerns about bringing diversity to this system from a prosecutorial perspective, I founded the National Black Prosecutor's Association. Our organization attempts to provide a support system for those who are already in the field of prosecution while at the same time attempting to recruit and retain individuals who respect the rights of victims as well as defendants.

While I do not know Ed Carnes personally, I'm very aware of the kinds of assignments he has had in the Alabama Attorney General's Office. I'm also aware of the fact that he has attacked these assignments with passion and diligence. It appears that his penchant for doing a good job has caused some to question whether his zealousness is a result of genuine work ethic or the result of the latent racism which protects vestiges of our legal system which often inure to the detriment of minorities. I have read with interest Mr. Carnes' background as well as the comments made by individuals whom I trust concerning their support for Mr. Carnes. I have been impressed by the wide array of individuals who have come to his defense and we both know the sense of morality and justice that many of them have brought to this system.

Your decision is a difficult one. It is made especially difficult since you do not know Mr. Carnes personally. However, if the representatives of such a diverse group of individuals who know him well is not persuasive, the message you send is that prosecutors should not be on the cutting edge of the issues that impact victims of crime. I have served as the President of the National Organization For Victim Assistance and, have, like Mr. Carnes, been on the front lines of many of these issues. Mr. Carnes is a change agent. Those who do not fully embrace concepts arising from the victim's movement may find them to be somewhat offensive. However, no one should be penalized for doing their job and doing it to the best of their ability. This is what Mr. Carnes has done and I would heartily encourage you to support his nomination.

Thank you very much for your consideration. If you should have any questions, please contact me personally at the above numbers or address.

Very truly yours,

NORMAN S. EARLY, Jr.

OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, April 6, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I understand that in connection with the nomination of Edward Carnes, some question has arisen about the policies of the Alabama Attorney General's Office concerning appeals from orders overturning convictions or sentences.

I know those policies, because in addition to being the present Attorney General, for eighteen continuous years before assuming my present position I was District Attorney of Montgomery County, and in that capacity I worked very closely with the three previous Alabama Attorneys General.

It is and always has been the policy of this Office to vigorously represent the interest of the people of this state in sustaining state court convictions. Towards that end, we do not forego appeals. We do not confess error, and we do not waive procedural bars. The only exception is where I am absolutely convinced that no colorable argument at all can be made in favor of sustaining the judgment of the state court that convicted and sentenced the criminal defendant. Both the district attorney who prosecuted the case and I have to be convinced of that. No assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all out defense of state court judgments.

This has been my policy, and the policy of my predecessors in this Office, because we are elected to represent the people of this state as vigorously as we can. That is our authority and our duty.

In very rare instances no argument can be made and a confession of error occurs. Even then, I have insisted that all assistants in this office receive the express permission of the district attorney involved before that is done. That policy of mine applies to Mr. Carnes, as well as to others. In fact, I made sure that was the policy because I strongly disagreed with my predecessor's permitting Mr. Carnes to litigate against the district attorney's position on open file discovery in the *Ex parte Monk* case.

The case of *Clayton Joel Flowers* v. *State* is the only time during my administration that an assistant attorney general has been allowed to take a position contrary to that of a district attorney in the appeal of a criminal case. Ed Carnes convinced me to allow him to argue that the death sentence in that case should be reduced even though the district attorney disagreed. After Ed made that argument, I changed my mind and the position of this office in the case to agree with the district attorney. The Court of Criminal Appeals sided with Carnes, anyway. I then assigned another assistant to handle the remainder of the appeal and to advocate the district attorney's position.

To reiterate, as I have had occasion to tell assistants in this office, including Mr. Carnes, I am the Attorney General. They are not.

Sincerely,

JAMES H. EVANS,
Alabama Attorney General.

OFFICE OF THE DISTRICT ATTORNEY,
Birmingham, AL, May 8, 1992.

Chairman JOSEPH R. BIDEN, Jr.,
Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am District Attorney of Jefferson County, the most populous judicial circuit in Alabama, and I have been a prosecutor for twenty years. I have known Ed Carnes for over fifteen years. I know his attitudes about many subjects, including racial discrimination. He is adamantly opposed to it.

I have been told that his nomination to the federal appeals court is being opposed because some people say he did not do enough to stop racial discrimination in jury selection. That is not true.

At least as early as the early to mid-1980's, Mr. Carnes in talking with district attorneys, including me, spoke out against the use of peremptory strikes in a racially discriminatory way. In that pre-*Batson* era, there were very few practical restrictions on the way a prosecutor could use his peremptory strikes, and as a practical matter, there was no effective remedy for a defendant if a prosecutor removed blacks from the jury because they were black. Still, Mr. Carnes, on more than one occasion, told Alabama district attorneys not to do that. I personally heard him say that. It was before the 1986 *Batson* decision.

Those opposing Mr. Carnes' nomination seem to be concerned only with the possibility of racially discriminatory strikes by prosecutors. I can tell you that defense attorneys, particularly those representing white defendants charged with crimes against black victims, often strike all the blacks off a jury just because of their race. That is wrong, and no one in this entire country has done as much to stop that pernicious practice as Ed Carnes has.

Mr. Carnes drafted legislation to extend the prohibition against racial discrimination in jury selection that already applies to prosecutors to defense counsel as well. The purpose of that legislation was to ensure that neither side removed black citizens from jury service because of race. Mr. Carnes' bill, which was supported by the Alabama Black Legislative Caucus, did not pass the Alabama Legislature. Mr. Carnes did succeed in getting the Alabama appellate courts to adopt the rule of law that criminal defense attorneys, like prosecutors, could not strike black jurors because of their race. That success came only after Mr. Carnes had raised and argued the issue on a number of different occasions. Once he took the issue all the way to the Supreme Court in a case involving the Ku Klux Klan lynching of a black man. So tenacious was Mr. Carnes in his fight against racial discrimination in jury selection that he convinced forty-five other states to join his effort in that case. The Southern Christian Leadership Conference and the Southern Poverty Law Center also joined him.

The Rodney King case, and its aftermath, shows the wisdom of Mr. Carnes' years of efforts to ensure that white defendants accused of crimes against blacks are not permitted to arrange an all-white jury. What Mr. Carnes has spent much effort doing is obtaining a rule of law to prevent any white defendants, including white policemen, from striking all the blacks off their jury because of race. That race, which he has almost single-handedly established as the law of Alabama, will help reduce the number of all-white juries like those in the Rodney King case. That case vindicates Mr. Carnes' efforts. It is evidence that his nomination should be confirmed.

I do not know anyone else who has done nearly as much as Ed Carnes to fight racial discrimination in jury selection. To say that Ed Carnes has not done enough to end racial discrimination in jury selection does a grave injustice not only to Mr. Carnes but also to the truth.

Very truly yours,

DAVID BARBER,
District Attorney.

TALLADEGA, AL,
May 7, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am writing in response to what I understand to be some accusations that Ed Carnes has been insensitive to the problem of black prospective jurors being struck from juries for racially discriminatory reasons. Let me tell you why such accusations are completely unfair.

Long before the *Batson* v. *Kentucky* decision ever came down, Mr. Carnes urged Alabama district attorneys, including me, not to strike blacks off juries unless there were race-neutral reasons be do so. He told us not to strike a black juror unless we would strike a white juror in the same situation. Before the *Batson* decision came down in 1986, Mr. Carnes admonished us not to use such strikes in a racially discriminatory manner and he felt it was wrong.

I, for one, followed Mr. Carnes' advice. I also ordered every assistant district attorney in my office to follow a strictly race-neutral jury strike policy even even before the *Batson* decision came out.

It is simply unfair to accuse Mr. Carnes of being insensitive to the problem of race discrimination in jury selection when he did his very best to end racial discrimination in jury selection long before the *Batson* decision forced an end to it.

Please see that Mr. Carnes gets credit for the extraordinary action he took in trying to end racial discrimination in jury selection.

With every good wish, I am

Yours very truly,

ROBERT L. RUMSEY,
District Attorney,
29th Judicial Circuit of Alabama.

OFFICE OF DISTRICT ATTORNEY,
SIXTH JUDICIAL CIRCUIT OF ALABAMA,
Tuscaloosa, AL, April 6, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: For eleven years, I have been District Attorney of the Sixth Judicial Circuit of Alabama. Although I did not personally prosecute the Patricia Jackson capital murder case, an Assistant District Attorney, who is no longer a member of my office, did. I am personally familiar with the post-conviction events in the case and with Mr. Ed Carnes' role in them.

I have been furnished a copy of the written statement of Stephen Bright in opposition to Mr. Carnes' nomination, and I want to correct the grossly false impression that Mr. Bright is attempting to create concerning that case and Mr. Carnes' role in it.

First and foremost, Mr. Carnes did not make the decision to appeal the federal district court's order granting relief in the Jackson case. That was not his role in the case. I know, because I am the one who decided that that order should be appealed.

In Alabama, District Attorneys prosecute criminal cases, and the Alabama Attorney General's Office handles litigation at the appellate stage including any federal habeas corpus proceedings and appeals therefrom. There are dozens of Assistant Attorneys General. They do not decide which cases will be pursued on appeal and which ones will not be. That authority belongs in a strict sense to the Alabama Attorney General himself, but as a practical matter the decision is actually made by the District Attorney who will have to retry the case if an order setting aside the conviction is not appealed. During the entire eleven years I have been a District Attorney, the Attorney General's Office has never failed to appeal an order setting aside a conviction without my express consent. That has always been the policy of the Alabama Attorney General. It is not a policy of Mr. Carnes.

After the Federal District Court set aside the conviction and sentence in the Jackson case, I received a copy of the decision and order in that case. Although Mr. Carnes did not personally handle that capital case in the state collateral or Federal District Court stages, I talked to him about the appeal of the decision to the Eleventh Circuit, and I told him in absolutely no uncertain terms that decision had to be appealed and that all available grounds for reversing it should be asserted. I made that decision. He did not. If Mr. Carnes had declined to appeal the decision in the Jackson case, I would have contacted the Alabama Attorney General and insisted that he either order Mr. Carnes to appeal it or assign someone else to do it. I felt very strongly about the matter, and I know I could have convinced the Attorney General to appeal if it had been necessary for me to go to him.

The reason I felt so strongly about the necessity of an all-out appeal on all available grounds is that the Federal District Court made some findings and holdings about my office as a whole that were wrong and that falsely branded my entire office with having followed race-based policies. Whatever may have been the actions and motivation of the single prosecutor who tried the Jackson case—and who is no longer employed in my office—the office as a whole has certainly not engaged in the practice of excluding black citizens from jury service. I consider the District Court's contrary finding to be wrong and to be an unfair mark against me and my entire office. I do not want that erroneous holding to stand.

Moreover, there are some more specific fact findings that the Federal District Court made that are simply wrong and that must be corrected. As just one example, the District Court held that my office had manipulated the trial docket in a racially discriminatory way. That is blatantly false. The evidence, and all the evidence, was that that had happened in the administration of a prior District Attorney. It had not taken place at all during my administration, and it did not occur during the Jackson trial. I hope you can understand why I could not simply stand aside and let the erroneous finding that my office had engaged in such conduct become final.

Moreover, if the District Court's broadly sweeping language stands, it could possibly invalidate scores, or even hundreds of older convictions, even though the Defendants were guilty and clearly dangerous. Because of the great difficulty of retrying old cases, the decision in the Jackson case could lead to large numbers of guilty, violent criminals going free. That is especially true because the District Court effectively "repealed" Alabama's contemporaneous objection rule. If procedural default doctrine is going to be abandoned and hundreds of cases jeopardized, it should not be because of the opinion of a single District Court judge.

All of these reasons are why I decided an appeal must be pursued in the Jackson case. I still feel that way.

Mr. Bright also conveniently omits from his statement the fact that Mr. Carnes tried to get Patricia Jackson out from under a death sentence. After the District Court decision, Mr. Carnes contacted me and asked that I agree to a settlement whereby Jackson would receive a life imprisonment without parole sentence instead of a death sentence in return for not contesting the validity of her conviction. I was reluctant at first, because Ms. Jackson has murdered two people in cold blood several years apart. Nonetheless, Mr. Carnes persisted, and I agreed to the proposal provided the District Court opinion with its erroneous findings would be vacated. I did tell Mr. Carnes in no uncertain terms that I would take nothing less than a life imprisonment without parole sentence. I was later informed that Jackson's attorney favored the sentence reduction proposal, but Jackson vetoed it. In any event, Mr. Carnes tried to get her sentence reduced.

For these reasons, and others, Mr. Bright's criticisms of Mr. Carnes' role in the Jackson case is completely off base. Mr. Carnes did not decide to appeal the order granting relief. I did. Mr. Carnes, after some resistance on my part, got me to agree to a reduction in sentence proposal for Jackson but she rejected it. Jackson's present situation is not the result of anything Mr. Carnes did. Instead, it is the product of my decision to have the case appealed and her decision to reject a reduction in sentence offer.

I would like to point out in closing that Jackson's two murder victims were not white. Each one was a black or African-American citizen. If she gets out and kills again, in all probability, her next victim will also be the same. It seems clear to me who has the most to lose from Jackson ever being released.

Respectfully submitted,

CHARLES FREEMAN,
District Attorney.

APRIL 16, 1992.

Senator JOSEPH R. BIDEN, Jr.,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: We the undersigned attorneys in the Alabama Attorney General's Office are writing to express our support for Ed Carnes and to urge the confirmation of his nomination to the United States Court of Appeals for the Eleventh Circuit.

As African-Americans, we regret that there has been an attempt at racial polarization by a handful of people whose opposition to this nomination is motivated by their opposition to capital punishment. Some of us are strongly opposed to capital punishment. Some of us support it, and some of us have ambivalent feelings about it. But we all recognize that Ed Carnes is an excellent lawyer, he is fair and he is opposed to racial discrimation.

We have heard that a few people are contending that Mr. Carnes has condoned racial discrimination because as an attorney assigned to advocate the State's position in post-conviction proceedings he has argued, where there is a legal basis for doing so, that a conviction should be affirmed even though the defendant raises a Batson claim on appeal. That contention is absurd, and it is offensive to those African-American attorneys who as advocates have argued the same positions Ed Carnes has.

The Code of Professional Responsibility requires that every attorney represent his client "zealously within the bounds of the law." It is the ethical duty of every government attorney to raise in a post-conviction proceeding any and all available arguments on behalf of sustaining a conviction. That duty is a necessary part of our adversary system. Some of us, as part of our duty as attorneys representing the State in post-conviction proceedings, have also argued that convictions should be upheld even where Batson claims are raised, if there is any legal basis for doing so. We are not condoning racism when we do that, nor is Mr. Carnes. To say that a government attorney who carries out his ethical duty to advocate in favor of sustaining convictions is condoning racism is like saying that criminal defense attorneys who advocate on behalf of their clients are condoning crime.

Far from supporting racial discrimination, Ed Carnes has a strong record of achievement in the area of minority rights. During his career he has worked to ban the importation of South African coal into Alabama; he has defended black public officials who were sued by whites; he has personally prosecuted misconduct charges against two judges for racist conduct and got both of them removed from the bench; and on more than one occasion he has gone into court against white racists, including a Ku Klux Klansman, who had committed violent crimes against African-American citizens.

We are all independent of the supervision of Mr. Carnes. We hold various political views. However, we know Ed Carnes. Based upon our knowledge of him and his record, we endorse his nomination and urge his confirmation.

Sincerely

GERRILYN V. GRANT.
TORI ADAMS-BURKS.
FRED BELL.
ROBERT WARD.
COURTNEY W. TARVER.
JAMES PRUDE.

STATEMENT OF SENATOR HOWELL HEFLIN BEFORE THE SENATE JUDICIARY COMMITTEE REGARDING THE NOMINATION OF EDWARD CARNES, U.S. COURT OF APPEALS, 11TH CIRCUIT, MAY 7, 1992

Mr. Chairman, and members of this committee, I support the nomination of Ed Carnes to the U.S. Court of Appeals for the 11th Circuit which includes my home State of Alabama as well as the States of Georgia and Florida. I would like to review the record before the committee and cite to you the basis for that support.

As the head of the Capital Litigation Division of the Attorney General's Office for the State of Alabama, it has been Mr. Carnes' responsibility for representing the state in capital litigation at the post-conviction stage—on direct appeal as well as state and federal collateral litigation. Mr. Carnes has extensive litigation experience at both trial and appellate levels in federal and state courts and he will, therefore, be no stranger to the federal appellate bench.

This committee has conducted an extensive investigation of the nominee's background and held a hearing where witnesses were heard both in support of and in opposition to his nomination. Further, the committee has submitted additional questions to which the nominee has fully responded, and we have before us an extensive record upon which to base our judgment.

When the President submitted Mr. Carnes' nomination, I did an extensive investigation into his background, as I endeavor to do relative to all judicial nominations that affect my state and region, on the issues of integrity, qualifications, judicial temperament, civil rights and general philosophy. I knew Mr. Carnes' nomination would be controversial because of this background in representing the State of Alabama in capital punishment cases.

I was surprised to learn of his strong support from the civil rights community in Alabama. I heard from or discussed this nomination with most of the leaders of the civil rights community in my state. Among those with which I discussed Mr. Carnes' nomination or heard from are the following:

Judge Frank M. Johnson, Jr.

Leaders of the Southern Poverty Law Center, including Morris Dees and Richard Cohen.

John Carroll, former Associate Director of the Southern Poverty Law Center and now a U.S. Magistrate Judge.

Justice Oscar Adams, an African-American member of the Alabama Supreme Court.

Judge Charles Price, an African-American trial judge of the Circuit Court bench in Montgomery.

State Representative Alvin Holmes, Chairman of the Affirmative Action Committee of the Black Caucus of the Alabama State Legislature.

Bill Dawson, a civil rights attorney of Birmingham.

David Bagwell, former law clerk to Judge Frank M. Johnson and former U.S. Magistrate.

Steven Glassworth, a Montgomery criminal defense attorney.

Rick Harris, a Montgomery criminal defense attorney.

Other civil rights and political leaders whose names I hold in confidence at their request.

The answer that I got was that Ed Carnes was a highly intelligent, competent lawyer, a tenacious advocate, but an individual of the highest integrity and who at all times practiced fairness and ethical conduct. I became convinced that he was a tough battler, but an honorable battler. Most of these individuals told me that personally they opposed capital punishment, but they realize that a potential judge should not be evaluated on a one issue basis, but should be viewed on a much broader spectrum, particularly on issues that will affect the future of the Eleventh Circuit Court of Appeals on civil and human rights.

In reviewing the opposition that has been generated against Mr. Carnes, one can conclude that his opponents view this confirmation as being a referendum on capital punishment, although they deny it. There is strong evidence that most of the opposition to Mr. Carnes has originated from one individual who vehemently opposes capital punishment. This is Steven Bright, who is Director of Southern Center for Human Rights in Atlanta. Mr. Bright has marshalled considerable forces to oppose Mr. Carnes' nomination. I have only observed Mr. Bright as a witness before the Judiciary Committee so therefore I will not attempt to personally evaluate Mr. Bright's motivation, but I direct your attention to the words of Morris Dees, the Director of the Southern Poverty Law Center, which are contained in a letter to Dr. Joseph Lowery, President, Southern Christian Leadership Conference, a portion of which follows:

"Dear Joe: I would like to reply to Steven Bright's sixteen page letter opposing Ed Carnes for the Eleventh Circuit Court of Appeals. My copy of Steven's letter did not arrive until ten days after it was dated. I had no way to reply earlier.

"First let me say that I sympathize with Steve for opposing anyone for a judgeship who favors capital punishment. Steve is a one-issue person because of the work he does. I also oppose the death penalty, but view a potential judge on a much broader range of issues that are important to civil and human rights.

"Ed Carnes has an outstanding record on civil rights and this is the reason I support him so strongly. I'd like to take a few pages and point to the more obvious omissions and misstatements in Steve's letter.

* * * * *

"Steve compares Ed unfavorably to Judge Johnson. Everyone, including Steve himself, compares unfavorably to Judge Johnson who is one of the greatest jurists of our time. However, Steve neglected to tell you what Judge Johnson himself thinks about Ed. Judge Johnson has sat on many of Ed's cases, and he knows Ed's true record better than Steve does. That is why Judge Johnson stated publicly in a Birmingham News article that Ed was a "very good" choice for the position. * * * I hope that you will trust Judge Johnson's judgment.

* * * * *

"In discussing capital punishment in Alabama, Steve neglected to tell you about a case involving a client of his who was scheduled for execution at the time of Steve's letter, and whose sentence has since been carried out. The man, whom Steve defended, was white. He hired two African American men to kill his wife, who was nine months pregnant, so he could marry another woman to whom he was secretly engaged. Both of the African American men who actually carried out the murder got life sentences in Alabama. Steve's client, who is white got a death sentence which was carried out last week. I am surprised Steve did not use that case to argue that Ed is prejudiced against whites.

"I can understand that Steve is upset because his client was executed. But it is simply unfair for Steve not to admit that Ed has by far the strongest record on civil rights, of any federal judicial nominee in the state in at least the past decade. * * *

"Steve Bright cannot tell you the name of any other recent federal judicial nominee in Alabama who has prosecuted state judges for racist misconduct and gotten them thrown off the bench, as Ed has done. Steve cannot tell you the name of any other recent federal judicial nominee in Alabama who, as early as the 70's, defended black public officials who were being sued by whites, as Ed did. Steve cannot tell you the name of any other recent federal nominee who has gone to the United States Supreme Court in an attempt to prevent members of the Klu Klux Klan from discriminating against blacks, as Ed did. Steve cannot tell you the name of any other recent federal judicial nominee who has been joined by the SCLC in one of his efforts to fight racial discrimination, as Ed was.

"Ed has been successful in getting the Alabama Court of Criminal Appeals to rule in two cases that white criminal defendants cannot practice racial discrimination against African American members of the jury. Steve omitted these two important cases.

"Judge Frank Johnson is the epitome of a courageous jurist whose decisions on the bench have done much to advance the cause of civil rights. But, before he was first appointed to the federal bench Frank Johnson had no public record for civil rights. He was a prosecutor who had been active in Republican politics. Ed, too, is a prosecutor, but he has a stronger record on civil rights than Frank Johnson had when he was first appointed to the federal bench. What the two of them have in common is integrity and a devotion to the rule of law. That is why Judge Johnson has said that Ed Carnes is a "very good" choice for this judgeship.

"Steve says you should oppose Ed because he supports Bill Baxley's opponent in the Alabama gubernatorial race in 1986. The irony of Steve's argument is that Bill Baxley strongly supports Ed's nomination. Bill recalls the hard work Ed did to ensure that the murder conviction of Klansman Robert Chambliss was upheld in the Birmingham Church bombing case, which involved the murder of four young African American girls. Bill also recalls that Ed assisted him in the mid 1970's in a legal action to prevent Alabama Power Company from importing South African coal. That legal action that Bill and Ed took so threatened the economy of South Africa that it was forced to change its laws involving use of indentured black labor. I invite you to call Bill Baxley (phone number) about Ed.

"Steve lists the names of others he says would be better nominees. It was ironic that he includes Justice Oscar Adams in that list, because Justice Adams strongly supports Ed's nomination. He has sat on a number of Ed's cases. I invite you to call Justice Adams (phone number) about Ed * * *.

"The facts are that Ed Carnes drafted legislation to increase money paid to attorneys to represent indigent capital defendants; he wrote an official advisory opinion of the Attorney General which doubled the amount of money to be paid for out-of-court work in such cases; and he succeeded in having the Legislature appropriate thousands of dollars for use in paying litigation expenses of indigent defendants under capital sentences. Ed Carnes has done more than virtually any other attorney in Alabama to increase state funding for indigent capital defendants.

"Steve ignores the fact that, in case after case, Ed Carnes has been fair to defendants even when doing so angered district attorneys. In one case Ed went into the appellate courts and argued that a death sentence was unconstitutional and should be reversed, while the district attorney argued to the contrary. In another case Ed argued to the Alabama Supreme Court that trial judges should have authority to order district attorneys to open their files to capital defendants. The entire Alabama District Attorneys Association argued against Ed's position, but he won. As a result, Alabama has one of the most liberal discovery rules in capital cases of any state in this country.

"Steve also chooses to ignore the fact that Ed Carnes has exposed attempts of district attorneys to hide evidence favorable to capital defendants. In at least two cases involving African Americans under sentence of death, Ed discovered and disclosed evidence favorable to them that the prosecutors had not divulged at trial. As a result of Ed's efforts, and his integrity and sense of fairness, both those African American defendants won new trials.* * *

"The SCLC should not oppose this nomination. For once, we have a nominee who is not a country club lawyer who has served corporate interests. For once, we have a nominee who has fought the Klan and who has fought racist judges. For once, we have at nominee with a strong record of fairness.

"Sincerely,

"MORRIS DEES.

"cc: Stephen Bright."

In making up my mind to support Mr. Carnes, I gave much more credence and weight to the opinions of Morris Dees, Richard Cohen, John Carroll, and other criminal defense attorneys who have been in court with Ed Carnes far more times than Mr. Bright. I am also persuaded by fair-minded jurists who have observed the abilities, ethics, and integrity of Mr. Carnes in court on far more numerous occasions than Mr. Bright.

It appears that the second paragraph of Morris Dees' letter to Joseph Lowery sums up this issue in a succinct manner:

"First let me say that I sympathize with Steve for opposing anyone for a judgeship who favors capital punishment. Steve is a one-issue person because of the work he does. I also oppose the death penalty, but view a potential judge on a much broader range of issues that are important to civil and human rights."

I have reviewed the evidence for and against Ed Carnes with care. One must realize the emotional atmosphere that capital cases bring to a courtroom. They are messy * * * passions are aroused * * * frequently lawyers explode at each other. If a lawyer loses at the appellate level he usually blames the opposing counsel or the judge. It is remarkable how many loosing lawyers nevertheless praise the fairness and ethical conduct of Ed Carnes. The entire record supports the conclusion that Ed Carnes' conduct has been fair, ethical and within the bounds of existing law.

I am convinced that Mr. Carnes' background, intelligence, integrity, and record qualify him for a position on the U.S. Court of Appeals, Eleventh Circuit. I urge his confirmation.

BRIEF ON EDWARD CARNES

A. Actions taken by Carnes to end discrimination in jury selection

1. Long before the U.S. Supreme Court (Batson vs. Kentucky) provided a way to prevent prosecutors from using peremptory strikes in a racially discriminatory way (i.e. remove blacks from juries because of their race), Carnes urged Alabama district attorneys not to strike blacks from juries for racial reasons.

"At least as early as the early to mid-1980s, Mr. Carnes, in talking with district attorneys, including me, spoke out against the use of peremptory strikes in a racially discriminatory way * * * it was before the 1986 Batson case."—David Barber, Alabama District Attorney.

"Long before the Batson vs. Kentucky decision ever came down, Mr. Carnes urged Alabama district attorneys, including me, not to strike blacks off juries unless there were race neutral reasons to do so. He told us not to strike a black juror unless we would strike a white juror in the same situation * * * Carnes admonished us not to use such strikes in a racially discriminatory manner, and he felt it was wrong."—Robert L. Rumsey, Alabama District Attorney.

2. Carnes drafted legislation to extend the prohibition against racial discrimination in jury selection that applies to prosecutors to defense counsel as well.

"The purpose of this legislation was to ensure that neither side removed black citizens from jury service because of race. Mr. Carnes' bill, which was supported by the Alabama Black Legislative Caucus, did not pass the Alabama Legislature."—David Barber, Alabama District Attorney.

3. Carnes also initiated litigation in three separate cases to prohibit criminal defense attorneys from using peremptory challenges in a racially discriminatory manner (Alabama vs. Cox and Hays; Alabama vs. Hanvey; Alabama vs. Pilot).

In all three cases, counsel for white defendants in murder cases involving crimes against blacks struck black jurors from the juries. In the Hanvey case, as a result of a brief that Carnes wrote, the judge restored six black jurors that the defense had struck. The trial ended with the jury deadlocked at 9-3 for conviction. On a subsequent trial, 12 white jurors voted to acquit. In the Pilot case, Carnes convinced the Alabama appellate courts to establish as law a rule prohibiting defense counsel from discriminating against jurors based on race.

"Mr. Carnes did succeed in getting the Alabama appellate courts to adopt the rule of law that criminal defense attorneys, like prosecutors, could not strike black jurors because of their race. That success came only after Mr. Carnes had raised and argued the issue on a number of different occasions. Once he took the issue all the way to the Supreme Court in a case involving the Ku Klux Klan lynching of a black man. . . . The Rodney King case, and its aftermath, shows the wisdom of Mr. Carnes' years of efforts to ensure that white defendants accused of crimes against blacks are not permitted to arrange an all-white jury."—David Barber, Alabama district Attorney.

"Mr. Carnes is known to be a fierce foe of racial discrimination. In a case in my court, he argued passionately for an innovative holding that would have prohibited some white defendants, who were accused of violent crimes against a black man, from using their peremptory strikes against black jury veniremembers. . . . Even though I ruled against Mr. Carnes on that point, I was very impressed with his argument and with the obvious feeling he had against racial discrimination in any form or context."—Michael E. Zoughby, Alabama Trial Court Judge.

4. Carnes drafted the Alabama law to require appellate review to ensure the absence of prejudice in all capital cases.

"Carnes is responsible for writing into law a provision requiring Alabama appellate courts to review a death sentence to insure that it is not tainted by 'passion, prejudice or other arbitrary factor.' "—Joan Byers, Associate Attorney General, North Carolina.

5. Carnes recommended moving a trial of a black defendant to a venue where more black people would be on the jury.

"Ed advised the Alabama Attorney General to move the trial of a black defendant to a venue where it was more likely that black persons would serve on the jury—precisely the reverse of what occurred in the Rodney King case."—Morris Dees.

"While I was Alabama Attorney General, my office was considering the retrial of a case involving a black defendant charged with the brutal murder of a white victim. The two prior trials of the defendant, which produced convictions, had been before all white juries * * * Mr. Carnes told me he thought it was essential to fairness * * * that any retrial should be before a jury which contained a substantial number of black citizens. He also advised me that if there was retrial we should seek a change of venue to a county with a higher black population * * *"—Don Siegelman, Former Alabama Attorney General.

B. Other actions taken by Carnes to fight racism

1. Carnes successfully prosecuted two judges for engaging in racist conduct and got both of them removed from the bench.

"An Alabama judge, Wilson Hayes, tried a divorce case involving a black husband who asked to be awarded the homestead he had brought into the marriage. The husband had fathered a number of children, some of them illegitimate. Judge Hayes offered to award him the property if the man would undergo a vasectomy * * * Carnes prosecuted charges against the judge that led to his removal from office. In another case, a judge publicly used a racial epithet. After an investigation, Carnes had him removed also."—James J. Kilpatrick, Columnist.

2. He successfully fought against the appeal of a white man convicted of murder in the 1963 bombing of 16th Street Baptist Church in Birmingham in which four black girls were killed.

"* * * (in 1977) after we obtained conviction * * * for the bombing of the church back in 1963, where the four little girls were tragically killed * * * I wanted (the case) assigned to my brightest person, and I assigned the appeal of that case to Ed Carnes * * * and he got that conviction upheld. It was a difficult case to get upheld because, frankly, we had a lot of hurdles to overcome."—Bill Baxley, Former Alabama Attorney General.

3. Carnes represented a black sheriff and his three black deputies who were sued by white plaintiffs.

" 'In 1976, it was noteworthy,' said Carnes, putting the matter mildly, 'to find two white lawyers employed by Alabama to defend four black citizens.' Noteworthy? In my day, it would have been unheard of."—James J. Kilpatrick, Columnist.

4. Carnes successfully worked to ban the importation of South African coal mined by black indentured labor under penal sanction.

This action in the 1970s resulted in the South African Parliament changing its laws to remove the penal sanction for breach of indentured servitude contracts.

"When the decision was made on the South African case, I asked Bill Stevens * * * and Ed Carnes to do the work on that. That was not something that was met with a great amount of public acceptance in Alabama and other parts of the country, but it resulted in South African laws being changed * * *"—Bill Baxley, Former Alabama Attorney General.

5. Carnes protested denigrating racial comments appearing in a high school newspaper.

"When Carnes learned that a racially insensitive remark had appeared in the student newspaper at his daughter's school, he immediately wrote the principal and expressed his outrage in this way: 'Racial discrimination is wrong. Racially hostile and denigrating comments are wrong. Publishing or condoning such remarks is wrong.' "—Morris Dees.

6. Carnes has never belonged to any club or organization that discriminated against minorities.

C. Actions taken by Ed Carnes to protect the rights of capital murder defendants

1. Carnes successfully stopped the execution of a 15-year-old sentenced to death. (Flowers vs. Alabama).

A 15-year old was convicted of murder and was sentenced to die in Alabama's electric chair. Ed Carnes successfully argued that legal error was committed in imposing the death penalty. Carnes' view ultimately prevailed.

"In 1990 * * * a district attorney convinced a judge to sentence to death a defendant who was only 15 years of age at the time of the murder. The murder was especially brutal and depraved, but Ed (Carnes) was adamant that a Supreme Court decision precluded the death penalty for anyone who was 15 years old at the time (of the crime). The case generated a great amount of publicity * * * and there was some public pressure for the Attorney General's office to argue on appeal that the death sentence should be upheld. Ed refused * * * (arguing) that it would be unethical to argue that the Alabama appellate courts should ignore the law of the land. Representing the State of Alabama on appeal, Ed confessed that there was error in the judgement * * * The district attorney argued to the contrary, but he lost. The court reduced the sentence to life imprisonment."—Don Siegelman, Former Alabama Attorney General

2. During an appeal, Carnes uncovered, then voluntarily and immediately disclosed to defense counsel and the court, exculpatory evidence that the prosecution had not disclosed at trial. Defense counsel used this evidence to ask for a new trial, and the court granted one (Raines vs. Smith).

Two defendants were charged with capital robbery-murder crimes and separate trials were held. Chastine Lee Raines was the non-trigger man in the case. The trigger man in the case was Darryl Watkins. Raines was tried before Watkins. During the direct appeal of Watkins' case, Mr. Carnes discovered a police investigation report with exculpatory evidence that had not been disclosed by the district attorney prosecuting the Raines case.

"Mr. Carnes immediately informed me of the existence of the police report * * * Mr.

Raines' petition for Habeas Corpus relief was granted by the * * * court as the direct result of information provided to me by Mr. Carnes."—Joseph Fawal, Defense Counsel for Chastine Raines.

3. Carnes provided to defense counsel information beneficial to the convicted capital murder defendant. (Coulter vs. Smith; Coulter vs. Thigpen).

"In the more recent (capital murder) case of David Lee Coulter * * * during my representation of Mr. Coulter, there were numerous instances when Mr. Carnes cooperated in obtaining information and facts beneficial to Mr. Coulter."—Joseph Fawal, Defense Counsel for David Coulter.

4. Carnes interceded on behalf of defense counsel in a capital murder case to stay the execution of a defendant. Later, Carnes found exculpatory evidence and disclosed it to defense counsel. That evidence resulted in a new trial.

William "Chick" Bush was convicted of capital murder and sentenced to die. Defense counsel unsuccessfully appealed the conviction to the Alabama Supreme Court. The court affirmed the conviction and sentence and set a December 30 execution date.

Rick Harris was retained to handle further appeals for Bush. He applied to the courts for a stay of execution. The state court judge scheduled the hearing for the appeal on Saturday, December 24th. Here is Harris' account of what happened:

"I will never forget that day. I was all alone (in representing Mr. Bush). The judge was extremely upset with me because my application for writ of error and application for stay of execution was filed at such a late date (eight days before the execution). Ed Carnes was opposing counsel. He did not try to take advantage of the judge's anger nor did he inflame the situation. Instead, he very calmly explained to the judge that I was entitled to * * * collateral remedy hearings in federal court, that I would almost certainly receive a prompt stay of execution from a federal court judge * * * that it was necessary for me to have the stay denied by a state court judge before going to federal court, that the judge should simply deny my state court application so that the case could proceed to federal court where we all agreed it belonged, and that I was merely doing my job.

"The following Monday, I filed a habeas court petition and an application for stay of execution in federal court. The execution was still scheduled for 12:01 am Friday, December 30. Mr. Carnes * * * and I held repeated telephone conversations with the judge during the week. That judge repeatedly expressed reluctance to grant the stay to my growing consternation. Mr. Carnes again ad again told the judge that he should grant the stay. Finally at noon on Thursday, December 29th, twelve hours before the execution, the judge issued a stay which stopped execution.

"The largest radio station in Montgomery broadcast an editorial that night criticizing the judge's decision and castigating me by name. Mr. Carnes again did not make any inappropriate or inflammatory comments. I am sure that he had ample opportunity to do so.

"In March, I received a phone call from Ed Carnes. While preparing his case, he had discovered a document in the district attorney's file (that was) plainly exculpatory evidence that had not been elicited by the defense at trial. Ed told me that * * * the defendant was entitled to a new trial and he intended to let the judge know that.

"If Ed Carnes had not confessed error in that case, there is no way that we possibly could have discovered the exculpatory evidence on our own. Chick Bush would not be alive toady * * * What Ed Carnes did * * * was fundamentally honest and courageous * * * If he could be a fair and impartial prosecutor in the Bush case in 1983, then I would have no doubt that he will easily do the same as a federal judge * * * I wholeheartedly support his nomination."—Rick Harris, Defense Counsel for Chick Bush.

5. Carnes successfully argued that Alabama state judges trying death penalty cases should order prosecuting attorneys to open their files to the defense even through the Constitution does not require it. As a result, Alabama has one of the nation's most liberal discovery procedures in capital cases (Ex parte Monk).

Based upon advice Ed Carnes had given to all state judges, Alabama Trial Judge Samuel Monk in a capital murder case ordered the district attorney to maintain an open file (i.e. allow defense attorneys to see all evidence the state had in the case). The district attorney filed an appeal of the Judge's order. The Alabama Supreme Court upheld the judge's order.

"I am the trial judge after whom the Alabama Supreme Court case of Ex Parte Monk derives its name * * * I entered the discovery order under review in Ex Parte Monk after attending a judicial seminar * * * at which Mr. Carnes asked the assembled judges to consider such orders in capital cases. He told us about some capital cases in which he had discovered and disclosed exculpatory evidence that the prosecutor had kept hidden in his files. While he discussed the practical benefits of maintaining an open file policy for all those involved in the criminal justice system, the principal thrust of Mr. Carnes remarks' was that fairness dictated such a policy * * *.

"While he was under no legal obligation to do so, Mr. Carnes * * * represented me (after the district attorney challenged my order). The Alabama Supreme Court, primarily due to Mr. Carnes' efforts, overturned the intermediate appellate court and held that my order was not an abuse of discretion because of the exceptional circumstances encompassed in capital litigation * * * Were it not for Mr. Carnes, the more limited discovery provisions of our rules governing criminal procedure would prevail in Alabama."—Judge Samuel H. Monk II, Alabama Trial Judge.

"He has consistently refused to knuckle under to political pressure from state prosecutors bent on upholding death sentences at any cost. He has argued against the prosecution position taken by district attorneys in capital cases. Ed also has promptly disclosed exculpatory material he has found, (resulting) in convicted murderers being given new trials. He has embarrassed local prosecutors and incurred their wrath in an effort to ensure fair trials."—Morris Dees, Executive Director, Southern Poverty Law Center, and attorney in 50 death penalty cases.

"(Carnes) is the only assistant attorney general in the history of Alabama to have taken a position in court opposed to that of a district attorney."—Rosa Davis, Chief, Criminal Appeals Division, Alabama Attorney General's Office.

"I'm pretty critical of other lawyers—generally very skeptical of prosecutors. But the genuine sense of fairness (Carnes) exudes, I found to be refreshing."—Bill Dawson, Defense Counsel.

"Ed Carnes would not have been fairer. In my 19 years since law school, no opponent has been fairer to me. None has been more willing to signal in advance what he was sending my way next. None has been more willing to help."—David Bagwell, Defense Counsel in two capital cases.

"I think he's absolutely principled. I don't think he ever misleads the counsel or the court."—Steve Glassroth, Defense Counsel in five capital cases.

6. Carnes has repeatedly worked to increase funds available for defense of indigent capital defendants in Alabama.

Carnes co-authored, with the Chairperson of the Alabama State Bar's Indigent Defense Committee, legislation to increase funds for capital defense. The legislation would have raised the cap on payments for out-of-court work in defending capital cases; and would have provided substantially more payment to attorneys representing capital defendants in post-conviction proceedings. In 1990, Carnes wrote and signed an advisory opinion to a circuit judge which resulted in the doubling of the amount of payment to appointed attorneys for out-of-court work in capital cases.

After the direct appeal of a death sentence has been decided, Alabama law does not authorize reimbursement for expenses incurred in representing an indigent defendant, even a capital defendant, in a state court collateral proceeding. For the past three years, Carnes helped secure enactment of appropriations to reimburse expenses incurred in representation of indigent capital defendants in state court collateral proceedings (another stage of appeals.

"Carnes actually was singlehandedly responsible for doubling the compensation available to appointed counsel in capital cases * * *. He also drafted legislation to increase compensation for appointed counsel in capital cases at trial and in state collateral proceedings * * * and he pushed through a provision that appropriated funds to pay litigation expenses for capital post-conviction proceedings. In explaining Carnes' role in encouraging judges to authorize more funds for indigent capital defense, the presiding criminal court judge in Alabama's largest circuit told the Judiciary Committee that 'Carnes has preached for years (about the need) to treat indigent defendants as first class citizens.'"—Morris Dees

"Because of Ed Carnes' counsel we trial judges have learned to authorize expenditures of state monies in appointed cases that place Alabama in a class of enlightened jurisdictions in the manner that our indigent defendants are represented.

7. Carnes helped establish the Alabama Capital Representation Resource Center designed to recruit attorneys to represent indigent defendants in post conviction death penalty cases.

"Mr. Carnes participated actively in the establishment of the Resource Center * * * he demonstrated his commitment to the principle of adequate and effective representation for these defendants."-Albert P. Brewer, Chairman, Alabama State Bar Association Task Force on Representation in Post-Conviction Capital Cases.

II. ED CARNES ADVOCACY ON BEHALF OF THE PEOPLE AND STATE OF ALABAMA

Ed Carnes is Assistant Alabama Attorney General and is the Chief of the state's appellate capital punishment division. Alabama state law provides the death penalty in aggravated murder cases. This constitutionality of capital punishment is part of the law of the land.

Ed Carnes' client is the people and the State of Alabama. The Attorney General who has the authority to set the policy and to direct his assistants has determined that his office will seek to have convictions upheld by the courts if there is any legal basis to do so. According to the American Bar Association's Code of Professional Ethics, "The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law * * * the professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws not of men, each member of our Society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means and to present for adjudication any lawful claim, issue or defense."

In carrying out the policy of his client to have courts uphold death penalty convictions where there is a legal basis for doing so, Carnes has properly and ethically defended his client's interests.

"As African-American attorneys (in the Alabama Attorney General's Office) * * * we have heard that a few people are contending that Mr. Carnes has condoned racial discrimination because as an attorney assigned to advocate the State's position in post-conviction proceedings he has argued, where there is a legal basis for doing so, that a conviction should be affirmed even though the defendant raises a Batson claim on appeal. That contention is absurd, and it is offensive to those African-American attorneys who as advocates have argued the same positions Ed Carnes has.

"It is the ethical duty of every government attorney to raise * * * any and all available arguments on behalf of sustaining a conviction. That duty is a necessary part of our adversary system. Some of us * * * represent the State in post-conviction proceedings, have argued that convictions should be upheld even where Batson claims are raised, if there is any legal basis for doing so. We are not condoning racism when we do that, nor is Mr. Carnes

"To say that a government attorney who carries out his ethical duty to advocate in favor of sustaining convictions is condoning racism is like saying that criminal defense attorneys who advocate on behalf of their clients are condoning crime."—Gerrilyn V. Grant, Tori Adams-Burks, Robert Ward, James Prude, Fred Bell, Courtney W. Tarver, Alabama Attorney General's Office.

"As a black man who has worked in the criminal justice system as a prosecutor for almost 20 years * * * it appears that (Carnes') penchant for doing a good job has caused some to question whether his zealousness is a result of genuine work ethic or the result of the latent racism which protects vestiges of our legal system which often inure to the detriment of minorities. I have read with interest Mr. Carnes' background as well as the comments made by individuals whom I trust concerning their support for Mr. Carnes. I have been impressed by the wide array of individuals who have come to his defense and we both know the sense of morality and justice that many of them have brought to this system * * * No one should be penalized for doing their job and doing it to the best of their ability. This is what Mr. Carnes has done and I would heartily encourage you to support his nomination."—Norman Early, Denver District Attorney and Founder, National Black Prosecutors Association.

"In addition to being the present Attorney General, for eighteen years before assuming my present position * * * I worked very closely with three previous Attorneys General.

"It is and always has been the policy of this office to vigorously represent the interests of the people of this in sustaining court convictions. Toward that end, we do not forgo appeals. But do not confess error and we do not waive procedural bars. The only exception is where I am absolutely convinced that no colorable argument at all can be made in favor of sustaining the judgement of the state court that convicted and sentenced the criminal defendant. Both the district attorney who prosecuted the case and I have to be convinced of that. No assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all-out defense of state court judgments.

"This has been my policy, and the policy of my predecessors in this Office, because we are elected to represent the people of this state as vigorously as we can. That is our authority and duty."—James H. Evans, Alabama Attorney General.

Ed Carnes has testified before Congress that the death penalty "ought to be reserved for only the most terrible crimes." He added "* * * capital punishment should be reserved for those kinds of aggravated murder which constitute a brutal afront to humanity, which endanger innocent life the most, and which are heinous, atrocious, and cruel in the ordinary sense of those words. In short, a death sentence ought to be imposed and carried out in those types of * * * cases exemplified by the cases which have resulted in Alabama's * * * executions."

The facts in each of the nine capital cases where the death sentence was carried out show defendants participated in brutal crimes. In all nine cases—even in cases where the defendant confessed the crime and asked to be executed—defendants had their cases heard in at least one trial court, by two appellate courts on direct appeal, by at least three levels of courts in state collateral review proceedings (if requested) and in at least two and as many as four federal habeas review proceedings through all three levels of the federal judiciary. The average length of time that transpired between the crime being committed to the date of execution was nine and a half years, three months longer than the national average.

The following briefly summarizes the facts of each case:

The Richardson Case. Richardson was angry because a woman refused to continue dating him after she discovered that he was married. He built an anti-personnel bomb and left it on the porch of the family's house which was full of adults and children. An eleven-year-old niece of the woman Richardson had been dating picked up the bomb. The bomb exploded, killing the girl. Parts of her body were found more than 100 feet from the explosion.

Before Richardson's sentence was carried out, the mother of the young black girl he had murdered said: "So long as he's alive there's a chance he may get out and get the rest of us. I can't rest until he gets the chair." She also pointed out that instead of saying that he was sorry that he had killed the little girl, Richardson said he was sorry he didn't kill the whole family.

It took twelve years after the murder before Richardson's death sentence was carried out. After Richardson's trial, he had one direct appeal; three entire state collateral review proceedings and appeals; and four federal habeas corpus review proceedings and appeal.

The Julius Case. Julius was serving a life sentence for a prior murder he had committed. He was in a work release program and received an eight-hour pass for free time. Julius used his free time to go to his cousin's house and rape, sodomize and murder her. As the Court of Criminal Appeals said, the facts showed "acts of grotesque sexual abuse. Her home was made a shambles by her futile attempts to escape."

The five-year-old daughter who discovered her mother's brutalized and dead body was 17 years old when Julius was executed for the crime. Her only complaint was that it had taken twelve years to carry out the sentence. She said that she would have pulled the switch herself.

Before the death sentence was finally carried out, Julius had his sentence and conviction reviewed on direct appeal, in two separate state collateral review proceedings and appeals, and in four federal habeas review proceedings and appeals. This litigation took 12 years to complete.

The Dunkins Case. Dunkins and his co-defendant forced their way into the victim's house, pushed her onto the couch, and raped her while her three children were in the house. A gloved pot holder which Dunkins had brought from his house was stuffed into the victim's mouth to stifle her screams. Then, with her hands bound, and while she was trying to plead for her life, the young woman was stabbed with a kitchen knife. She was stabbed 66 times. At trial, the pathologist testified that the victim was alive when the sixty-sixth stab wound was inflicted, but she bled to death thereafter. When her husband came home from work he found his wife's naked and lifeless body with her hands still bound behind her back and around a tree out in the woods.

Dunkins' conviction and death sentence were upheld on direct appeal, through two separate state collateral proceedings and appeals, and through two federal habeas corpus proceedings and appeals.

The Heath Case. Heath, a married man whose wife was nine months pregnant, was secretly engaged to marry another woman. He wanted to get out of his marriage so he hired some men to kill his wife. To get the funds to have his wife killed, Heath took out a "home improvement" loan which he duped his wife into co-signing.

Heath took his young son along with his girlfriend to point out the house where the hit men lived that he had hired to kill his wife. They abducted and murdered her. Heath never denied his guilt. From the very beginning he confessed. Nonetheless, it still took over ten years to have the sentence carried out.

The Thomas Case. The victim was a college coed. Five days before Christmas in 1976, she was abducted outside a convenience store by Thomas and two co-defendants. They raped her, took her to an isolated spot, abused her, then shot her with a small caliber pistol. She did not die immediately. Though it was an extremely cold night, she tried to crawl to safety. She died from exposure and loss of blood. After shooting the victim, Thomas and his co-defendants stole Christmas gifts from her car.

When Thomas was arrested while committing another robbery, he had in his possession the pistol which he had used to murder his victim. Some of the property stolen from the victim was traced to Thomas.

The victim's family was forced to go through seven separate trials involving Thomas and his two co-defendants. Following his retrial and resentencing, Thomas' conviction and death sentence were upheld on direct appeal and in multiple state and federal collateral review proceedings.

The mother of the victim in the Thomas case stated publicly that only after Thomas was executed did she feel that she could truly put her daughter to rest. A memorial service for her daughter was held on the day of the execution.

The Evans Case. Evans was a parolee from a robbery sentence who, along with his co-defendant, went on a cross-country crime spree during which he committed approximately 30 armed robberies and nine kidnappings.

One crime Evans committed was the murder of a small businessman whom he shot in the back while the man was down on his hands and knees. The murder occurred in full view of the victim's two young daughters who were in the room. Evans bragged about the crime and boasted that he wanted to be executed. During his trial he took the stand and testified against himself and demanded that he be convicted and sentenced to death. Nonetheless, it took more than six years to have the sentence carried out. During that six years, Evans received the benefit of a direct appeal and three federal habeas corpus proceedings and appeals.

The Ritter Case. Ritter was the co-defendant of Evans, whose case has been described above. Although Ritter did not actually pull the trigger during the murder, Ritter testified that if Evans had not shot the victim, he would have.

Like Evans, Ritter also boasted about his guilt and demanded to be executed. During the trial Ritter took the stand and told the jury that if they did not sentence him to death that he would eventually get out of prison and come back and harm the jurors.

Notwithstanding all that, the case still involved a direct appeal and multiple federal court habeas review proceedings and appeals. Only after ten-and-one-half years of appeals and review was the State of Alabama permitted to carry out the death sentence which Ritter himself had demanded at his trial.

The Jones Case. Jones had a long string of violent felonies on his record before he committed two capital murders. As a result of convictions for burglary, assault, arson, and murder, Jones has received a life sentence, but was paroled after ten years. Thereafter, he returned to robbery and murder.

Jones received two death sentences for two entirely separate robbery-murders he committed (in different counties). The death sentence that was actually carried out was in the case in which Jones murdered a seventy-one year old cab driver.

Jones' conviction and death sentence were upheld on direct appeal, in two state collateral review proceedings and appeals, and in two federal habeas corpus proceedings and appeals.

The Lindsey Case. Lindsey broke into the home of an elderly widow and savagely beat and stabbed her to death. He stole some of her personal belongings.

Lindsey was tried, convicted, and sentenced to death twice. The second conviction and death sentence were upheld on direct appeal, in three separate state collateral review proceedings and appeals, and in four federal habeas corpus review proceedings and appeals.

III. ENDORSEMENTS OF THE CARNES NOMINATION

"I have been active in opposing the death penalty. As the Chief Trial Counsel for the Southern Poverty Law Center, I have represented approximately 50 criminal defendants in capital cases.

"Given my background, I can assure you that I would not be actively supporting Ed Carnes—a Bush nominee who has represented the state in death penalty prosecutions—unless I was convinced he was an exceptional candidate. Ed is one of the few judicial nominees that I can support without reservation. In both his personal and professional life, Mr. Carnes has a strong record against discrimination."—Morris Dees.

"We are the Attorneys General of the three states of the Eleventh Circuit, and we are writing to wholeheartedly urge the Senate to confirm the nomination of Ed Carnes. * * * Mr. Carnes is of the highest character, and he has a reputation for ethical propriety that is unsurpassed."—James H. Evans, Alabama Attorney General; Robert A. Butterworth, Florida Attorney General; Michael J. Bowers, Georgia Attorney General.

"We the undersigned attorneys in the Alabama Attorney General's office are writing to express our support for Ed Carnes * * * As African-Americans, we regret that there has been an attempt at racial polarization by a handful of people whose opposition to this nomination is motivated by their opposition to capital punishment. Some of us are strongly opposed to capital punishment. Some of us support it, and some of us have ambivalent feelings about it. But we all recognize that Ed Carnes is an excellent lawyer, he is fair and he is opposed to racial discrimination. * * * Far from supporting racial discrimination, Ed Carnes has a strong record of achievement in the area of minority rights."—Gerrilyn V. Grant, Tori Adams-Burks, Robert Ward, James Prude, Fred Bell, Courtney W. Tarver—Alabama Attorney General's Office.

"(Carnes) has an unsurpassed reputation for integrity * * *"—Charles Price, Alabama State Circuit Court Judge (The first black judge elected in Montgomery County in modern times).

"Mr. Carnes has a strong civil rights record. Indeed he is supported by a number of civil rights leaders and African-American attorneys, myself included."—W. James Ellison, Professor, Cumberland Law School.

"This letter comes to highly recommend Mr. Carnes * * * I have known Mr. Carnes for many years and have known him to be fair and impartial toward all citizens without regard to race or color. As Chairman of the Affirmative Action Committee of the Black Legislative Caucus, one of my responsibilities is to observe public officials and others in their actions toward minorities in the state of Alabama and I have found nothing that is negative in regards to Mr. Carnes' record in this matter."—Alvin Holmes, Alabama State Representative.

"Carnes is an honest and bright legal scholar who has spent most of his legal career helping victims instead of criminals."—The Birmingham News.

"(Carnes) has the reputation of being a brilliant attorney and has demonstrated integrity and compassion during his 16 years in the Attorney General's office."—The Decatur Daily.

"Carnes has been widely praised, even by those who have opposed him in the courtroom, for his fairness, integrity, skills, intelligence and hard work."—The Mobile Press.

"Mr. Carnes does not appear to have been the sort of mad-dog prosecutor that opponents seek to portray. Indeed on several occasions he has gone to court to correct errors made by local prosecutors which harmed the cases of defendants. Surely that indicates a commitment to having cases decided on the basis of the law properly applied."—The Alabama Journal.

"Mr. Carnes' career in the law is distinguished by fairness. He has urged courts to reduce death sentences when wrongly imposed, and he has disclosed material favorable to the defense secreted away in prosecutors' files."—The Washington Times.

"* * * Morris Dees, director of the Southern Poverty Law Center and founder of the Klanwatch civil rights group, says Mr. Carnes 'is a person of integrity, competence, and outstanding character. He will make a fine judge.' The attorney general of the three states of the circuit * * * have put in writing their view that Mr. Carnes is 'one of the finest attorneys in the 11th circuit.'"—The Wall Street Journal.

"What Mr. Carnes has been doing in his dozen years as Assistant Attorney General of Alabama is carry out the law of his state."—The Wall Street Journal.

"* * * He is an excellent choice."—Oklahoman & Times.

"The Senate Judiciary Committee was right on target Thursday when it gave Ed Carnes' nomination to the 11th Circuit Court of Appeals in Atlanta its strong endorsement. Senator Howell Heflin did a good job of keeping the Committee focused on Carnes' qualification, not petty politics."—The Birmingham News.

"The Senate Judiciary Committee showed uncommon good sense the other day in voting to confirm Alabama Assistant Attorney General Ed Carnes for the Federal appeals seat held by retiring Judge Frank M. Johnson."—Mobile Register.

"* * * Despite extensive investigations of Carnes' background, no critic was able to produce anything to harm the nomination, other than his strong record as a defender of the public rights * * *"—The Selma Times-Journal.

"Carnes is likely to make his mark as a judge in areas of law other than capital punishment."—Birmingham Post-Herald.

"The world goes round and round. In the 1930s, as a teenager, I would have scoffed at the notion that Alabama ever would have black mayors, black sheriffs, black judges. Today Ed Carnes numbers among his supporters Justice Oscar Adams, who sits on the Alabama Supreme Court, and Judge Charles Price, who sits on the circuit bench in Montgomery."—James Kilpatrick.

"Civil rights lobbyists have not done their homework in opposing Ed Carnes' nomination to the 11th U.S. Circuit Court of Appeals * * * Mr. Carnes has been an active foe of the Ku Klux Klan. He has opposed the routine striking of black jurors from jury lists because of their race. He represented black defendants who were being sued by whites when it wasn't politically correct."—The Decatur Daily.

"* * * Carnes has worked to ban the importation of South African coal mined by indentured labor, represented black public officials sued by whites and got two judges removed from the bench for engaging in racist behavior."—Mobile Press Register.

"Basically, groups strongly opposed to the death penalty are opposed to Carnes regardless of his ability. And that's wrong. Consideration of a judicial nomination isn't the place for a debate on the death penalty."—The Birmingham News.

"Among Carnes supporters are a number of Alabamians who have worked with him in the judicial process and know him as a man of integrity, even when displaying integrity doesn't help his court case. There are people like Morris Dees, director of the Southern Poverty Law Center in Montgomery, and state civil rights leaders. These people know Carnes."—The Birmingham News.

"* * * nobody else has done more to stop white criminal defendants from excluding blacks from juries. In a case in my hometown, some Ku Klux Klansmen were charged with lynching a young black man. Mr. Carnes went all the way to the Supreme Court to stop those klansmen from striking blacks from the jury. He was joined in that effort by the Southern Christian Leadership

Conference and the Southern Poverty Law Center."—David Bagwell, Letter to the Editor, New York Times.

Others supporting Ed Carnes Nomination: Attorneys General in 31 states; Robert Macy, President, National District Attorneys Association; Norman S. Early, Denver District Attorney and President, National Black Prosecutor's Association; District Attorneys for Tuscon, Savannah, and Prince William, Mecklenburg, Norfolk, and Virginia Beach counties in Virginia.

Alabama (Judges, Lawyers, Officials and Civil Rights Activists)

Alabama State Bar Board of Commissioners; Alabama District Attorneys Association; Alabama Sheriffs Association; James H. Evans, Alabama Attorney General; Miriam Shehane, President, Victims of Crime and Leniency; Morris Dees, Executive Director, Southern Poverty Law Center; Richard Cohen, Legal Director, Southern Poverty Law Center; Justice Oscar Adams; Justice Kenneth F. Ingram; Judge H. Ward McMillan, Jr.; Judge Sam W. Taylor; Judge Mark Montiel; Judge James H. Hard; Judge Michael E. Zoghby; Judge William C. Sullivan; Judge Samuel H. Monk, II; Judge Herman Thomas; State Representative Alvin Holmes, Chairman, Affirmative Action Committee of the Alabama Black Legislative Caucus. William B. Blount, Chairman, Alabama Democratic Party; James E. Folsom, Jr., Lieutenant Governor; George C. Wallace, Jr., State Treasurer; Billy Joe Camp, Secretary of State; Tom Bevill, Democratic Member of Congress; Ben Erdreich, Democratic Member of Congress; Glen Browder, Democratic Member of Congress; Bud Cramer, Democratic Member of Congress; Claude Harris, Jr., Democratic Member of Congress; Jimmy Clark, Speaker of the Alabama House of Representatives; Ryan deGraffenreid, President Pro-Tem of the Alabama Senate; Frank McDaniel, Chairman, Small Business Committee of the Alabama House of Representatives; James M. Campbell, Speaker Pro-Tem of the Alabama House of Representatives; Hinton Mitchem, Chairman, Business and Labor Committee of the Alabama Senate; State Senator Doug Ghee; Professor Albert P. Brewer; Professor W. James Ellison; William J. Baxley, Former Alabama Attorney General; Don Siegelman, Former Alabama Attorney General; Gerrilyn V. Grant, Tori Adams-Burks, Fred Bell, Robert Ward, Courtney W. Tarver, James Prude, Alabama Assistant Attorney Generals; Joseph A. Fawal, William M. Dawson, Rick Harris, Robert S. Vance, Jr., David A. Bagwell, J. Don Foster, Francis H. Hare, Jr., Lee E. Baines, Jr., Private Sector Attorneys.

Mr. HEFLIN. Mr. President, much has been said about the qualifications of Mr. Edward Carnes, who has been nominated for a seat on the U.S. Court of Appeals for the Eleventh Circuit, but less attention has perhaps been focused on his background as a graduate of Harvard Law School and the beginnings of his legal career in the State attorney general's office.

At the start of the early seventies, Alabama was emerging from a long decade of racial tension and division, and a young attorney general, Bill Baxley of Dothan, AL, was elected to office where he served two terms, from 1971 to 1979.

Attorney General Baxley's tenure may be fairly characterized as perhaps the most progressive tenure of any attorney general as to racial justice who had held that office up until that time. He was the first attorney general to hire black lawyers, and the first to hire significant numbers of women lawyers. His chief assistant attorney general was Walter Turner, a former law clerk to Judge Frank Johnson. He hired Yale law school graduate Myron Thompson, whom I had the privilege of recommending to President Jimmy Carter for a seat on the U.S. District Court for the Middle District of Alabama. He hired Harvard law graduate Henry Caddell and Yale law graduate Frederick Middleton to serve in his environmental division. He hired Virginia law graduate Thomas Zieman to serve in his antitrust section.

Attorney General Baxley hired former Alabama Supreme Court law clerks Rosa Hamlett Davis and Carol Jean Smith to be a part of his team, as well as Sally Greenhaw, who now serves as State district court judge, and Vanzetta Penn McPherson, who now serves as a U.S. magistrate judge.

He hired black attorneys Milton Davis, now a distinguished practicing attorney in Tuskegee, Charles Price, now a State circuit judge and Winston Lelt, who serves ably as chief counsel for the Subcommittee on Courts and Administrative Practice here in the Senate. The list could go on and on, but these names are illustrative of the bright, young, diverse talent that Attorney General Baxley brought to his staff. They reflected credit upon his leadership and administration in a State that desperately needed a beacon of hope, optimism, and courage.

And, Attorney General Baxley hired Edward Carnes. He, too, was motivated by the young attorney general's desire to see change in the State, to see a brighter future for its citizens, old and young, rural and urban, black and white. Quite obviously as a graduate of one of this Nation's leading law schools, Mr. Carnes could have taken the easier route—and undoubtedly more lucrative route—by practicing with a large law firm in Birmingham, Montgomery, Mobile, Huntsville, or most any other city in America. But he did not.

Attorney General Baxley testified before the Senate Judiciary Committee at his former employee's confirmation hearing and he stated, "Most importantly, I know that (Ed Carnes) doesn't have an ounce of prejudice or bigotry in his body." In his hiring interview with the young law student, Attorney General Baxley related to the Judiciary Committee how impressed he was with regard to Mr. Carnes' vision of how to build a better Alabama, an Alabama free of racial division and prejudice, and free from narrow thinking which had held the State back for so long.

All of the assistants that Attorney General Baxley hired had tough and controversial cases. I know because I was chief justice of the Alabama Supreme Court. Mr. Carnes had his fair share of such cases including handling the appellate work on behalf of the State's prosecution of Robert Chambliss for the murder of four young black girls in the infamous 1963 bombing of the 16th Street Baptist Church. Mr. Carnes also handled a lawsuit banning the importation into the United States of South African coal which was mined by indentured labor. He defended a black sheriff and three of his black deputies in a Federal court civil law suit brought by two white men against these black officials. Mr. Carnes attends an integrated church and socializes with black friends in his time off from the pressures of work. This is hardly the stuff of which bigots or those who are racially prejudiced are made.

These were exciting times in Alabama during the 1970's and none of those who served on the staff of Attorney General Baxley considered themselves a bigot or racist. Quite to the contrary, they were in the vanguard of change which was beginning to sweep the State. They remember the passion with which they embarked on their budding legal careers, and they also remember a quote from Dante which hung on the wall over the attorney general's desk: "The hottest places in Hell are reserved for those, who in times of great crisis, maintain their neutrality." Edward Carnes embarked on such a promising legal career and has displayed great courage in helping to bring about a new attitude among young lawyers seeking to enter public service. He will, in my judgment, continue a distinguished career of public service when he is confirmed to the U.S. Court of Appeals.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I yield the remainder of my time to the distinguished Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, I understand we are supposed to adjourn at 12:50?

The PRESIDING OFFICER. The order is when all the time has expired.

Mr. DOLE. Mr. President, shortly before we adjourned last August, I spoke on this floor and criticized a Senator from my side of the aisle for standing in the way of confirmation of a number of judicial nominees.

My point was simple: Why should the most qualified men and women consent to be nominated to a Federal judgeship or any position requiring Senate confirmation, if they know that nomination means they will become political pawns, and that their lives will be put on hold for month after month?

Far more disturbing than simply delaying the nomination process, however, is a practice that some of my friends on the other side of the aisle have become quite expert in over the years: The practice of turning the confirmation process into character assassination.

And that is what we have in the case of Ed Carnes.

There can be no doubt that Ed Carnes is eminently qualified to serve on the Eleventh Circuit Court of Appeals.

After graduating from Harvard law school, Ed has served for 16 years as an assistant attorney general for the State of Alabama. And he has done an outstanding job.

All four attorneys general under which he served—all, Democrats—support his nomination.

All the attorneys general in the eleventh circuit—most of them Democrats—support his nomination.

Senators HEFLIN and SHELBY—both Democrats—strongly support his nomination.

Morris Dees, one of America's preeminent civil rights leaders, and director of the Southern Poverty Law Center, says Mr. Carnes is "a person of integrity, competence, and outstanding character. He will make a fine judge."

So, what is the problem? Why the month after month of endless delay? Why are we here today?

We are here because Mr. Carnes does his job too well.

Part of his responsibilities have been to argue death penalty cases for the State of Alabama. He also helped to rewrite Alabama's death penalty statute, to ensure that it was constitutional.

Despite the fact that the overwhelming majority of Americans favor the death penalty and despite the fact that the Supreme Court has ruled the death penalty is constitutional, there are those in the Senate who think that Mr. Carnes should be disqualified for this reason.

But opponents of the death penalty know they could not defeat Mr. Carnes on that reason alone. So they had to find another reason.

They searched in every corner, and under every rock.

And they discovered that sometimes—as was his job as a lawyer for the State of Alabama—Mr. Carnes argued against those who wanted their convictions overturned on the grounds that the local prosecutor used preemptory challenges to remove minorities from the jury.

And it did not take long for some of my friends to use this to make the most poisonous of charges—that Mr. Carnes is racially prejudiced.

And the liberal special interest groups—who were in need of a new fundraising cause—quickly picked up the refrain.

And for the past months, Mr. Carnes has had to listen to this disgusting charge from those who do not know him, and who do not know the facts.

And the fact is that Mr. Carnes led the fight to establish a rule that would prevent a white defendant from excluding blacks in order to obtain an all-white jury.

The fact is that Mr. Carnes personally defended black public officials sued by whites.

The fact is that he personally prosecuted two judges for racist conduct, which resulted in their removal from the bench.

And the fact is that Mr. Carnes successfully represented the State on appeal against a Klansman convicted of killing four young black girls in a Birmingham church in 1963.

Mr. President, it is time to put an end to this character assassination.

But even if Mr. Carnes is deservedly confirmed, the liberal special interest groups will have won a victory.

They have justified their existence and their salaries, by proving they can still rattle their sabers, and raise their money.

And they have proven that they can engage in the most reprehensible type of character assassination without facing any real responsibility for their actions.

And the sad fact is that the real loser in this process is the American people, who will see outstanding men and women turn down the chance to serve the public, because they have seen what happened to Ed Carnes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Does the Senator from Delaware have 1 minute remaining?

The PRESIDING OFFICER. The Senator has 40 seconds.

Mr. BIDEN. I yield the remainder of my time to myself at this moment.

Mr. President, while the minority leader is here, let me just say, to the best of my knowledge, I have heard of no one assassinating the character of Mr. Carnes. To the best of my knowledge, not a word has been raised about his personal behavior, his inclinations, his likes and dislikes. This is a simple but severe disagreement about whether or not he fully understands and is fully sensitive to how to deal with the prejudice that takes place in the courtroom today; particularly in the case of the Senator from Delaware and others, in the way in which he has appealed death cases when it has been clear on the record that the prosecutors have used peremptory challenges to keep blacks off of juries, which is unconstitutional. I thank the Chair.

Mr. CRANSTON. Mr. President, today we debate the nomination of Ed Carnes for the Eleventh Circuit Court of Appeals. If confirmed, Mr. Carnes would receive a lifetime appointment and participate in hundreds of life and death decisions involving the citizens of Alabama, Florida, and Georgia. For the past 12 years he has headed the Alabama Capital Litigation Division of the Attorney General's office, and serious questions have been raised regarding his handling of death penalty appeals.

It is my opinion that we should reject this nominee because in doing so we will affirm our vigilance toward ensuring basic decency in our criminal justice system.

I believe that Prof. Michael Radelet is correct in stating that—

> [P]eople are sentenced to death not so much for what they do but for who they are. And who they are becomes a function of social distance between jurors in terms of whether or not the defendant is a local or an outsider, in terms of appearance, and in terms of whether or not you look right and look like one of their kids. In most cases if a juror thinks that the defendant is like them, he or she won't vote for death. If the defendant has killed people who are not like them, poor people or black people, the defendant won't be sentenced to death. But if he kills people who could easily have been the juror's friends or neighbors, the defendant is in big trouble.

For me, this confirmation debate regarding Mr. Ed Carnes is not about whether he favors the death penalty. Clearly, he does. But this debate is about whether, in his official capacity, Mr. Carnes has been more concerned with shuttling defendants toward the electric chair rather than defending the integrity of due process.

The U.S. Supreme Court, in the Batson case, made it clear that a State "denies a black defendant equal protection of the laws when it puts him on trial before a jury from which members of his race have been purposefully excluded." Fair selection of a jury is at the heart of our belief that, while a jury need not exclusively reflect the particular characteristics of the defendant, jurors should not be excluded solely because they share certain characteristics with the defendant.

Yet Mr. Carnes has sought to uphold convictions where black jurors were excluded from trials purely because of their race.

There are several examples illustrating this point, but I will briefly discuss only one. In this case, the prosecutor used 26 strikes to remove all black jurors in three trials involving the same defendant. The prosecutor arranged jury lists under the categories of strong, medium, weak, and black. Though these lists were illegal, Mr. Carnes responded to the defendant's appeal by vigorously arguing—not for a remedy—but that the court should not even review the appeal.

Mr. President, I do not know of any other area of American life today—housing, employment, entitlements, for example—where we would tolerate a government official who divided people into classifications and eliminated all black Americans from consideration. Nor would we accept a subordinate's excuse that he or she was merely following orders in creating such a list.

Mr. Carnes has never refused to pursue a case where discriminatory strikes were at issue. Before the Judiciary Committee, though given more than adequate opportunity, he refused to say that cases involving discriminatory strikes should not be pursued on appeal. He never said that if he were in charge a different policy would be pursued. Mr. Carnes seeks refuge in the position that he is simply performing the role of a zealous advocate. We should remember, Mr. President, that if the appeal is in favor of the defendant the State merely faces the inconvenience of repeating the trial and ensuring that it is conducted fairly. The defendant still faces the possibility of death.

Perhaps Mr. Carnes does not challenge the policy and practice of his office because he does not believe capital punishment is applied in a racially discriminatory manner in Alabama or in the Nation, and he believes that capital defendants do receive excellent legal representation.

I find it difficult to accept that Mr. Carnes could make these statements given the numerous studies which have confirmed the presence of racial bias and lack of adequate representation at the trial level. No one can deny the historical link between the death penalty, race, and class. Those with the means to secure competent representation very rarely receive the death penalty while the not-so-fortunate are judged with State-sanctioned righteousness. These imperfections in our system, these imperfections in ourselves, make adherence to due process all the more compelling.

No one doubts the intelligence of the nominee before us, but some of our Nation's most outrageous and insensitive court decisions have been rendered by very intelligent and accomplished jurists. All judges bring their values to interpreting the Constitution and the law. Mr. Carnes has failed to convince me that he values fairness over procedure. For that reason, Mr. President, I oppose the nomination of Mr. Ed Carnes.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, as I understand it the time is up and that completes debate on this nomination, does it?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. THURMOND. I yield that back, Mr. President, so it is now complete.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:20 p.m., recessed until the hour of 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer Mr. KOHL.

PRODUCT LIABILITY FAIRNESS ACT

MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will return to legislative session.

The pending question is the motion to proceed to S. 640.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, is the leader time reserved?

The PRESIDING OFFICER. Yes, leader time is reserved.

TRUST, CONFIDENCE, AND CREDIBILITY

Mr. DOLE. Mr. President, there are 8 weeks left before Americans go to the voting booths to decide who will be their President for the next 4 years.

For the next 8 weeks Americans will begin tuning in to the messages coming from the campaign trail, trying to determine who indeed is the best man to sit in the Oval Office as America's Commander in Chief and the leader of the free world.

The stakes could not be any higher, which is why the campaign boils down to a few critical words—trust, confidence and credibility: which candidate can you trust, which candidate will earn your confidence, and which candidate has the kind of credibility it takes to be the President of the United States.

That is why the continuing confusion and inconsistencies surrounding candidate Bill Clinton's draft history is an issue he just cannot duck anymore. Despite the candidate's declaration that he has "spoken the truth" and has "nothing further to say," the American people deserve better—they deserve the truth.

Now, let me be clear: the fact that Bill Clinton avoided military service and did not go to Vietnam are not the issues here. The real issues now are trust, confidence, and credibility—and on these critical standards Bill Clinton is flunking the test.

If anyone has any doubts, just review the candidate's own statements—they do not add up. In fact, they continue to raise more and more questions—questions the candidate is apparently unwilling to answer. The harder he tries to put this issue behind him, the harder he tries to talk around it, the deeper and deeper he sinks into a campaign tar pit. And the harder he tries to suppress the questions about his credibility, more questions are raised. And if the candidate doesn't like the fact that the American people are not buying his tall tales, and that they continue to insist on the truth, then he has no one to blame but himself.

That is why I am introducing into the RECORD today, and releasing to the media, a document prepared by the Bush/Quayle campaign compiling direct quotes from Bill Clinton on his draft status, along with press reports about his zig-zagging on the draft issue, reports that include conflicting testimony from some of the people who know exactly what happened, and what did not happen in 1968.

For example, in 1978, Bill Clinton said he was never "deferred". Then, 14 years later, he said he "gave up a deferment." In 1991, Bill Clinton said he was never called up, and that not getting called was "a fluke". One year later, he told us he "received a draft notice; it was delayed."

Those are his quotes not my quotes.

Two months ago, Bill Clinton said he never was opposed to the draft. In 1969, he called it illegitimate and that he opposed it.

In February of this year, Bill Clinton told a press conference that "I certainly had no leverage to get special treatment from the draft board." But then there are listed in this comprehensive document direct quotes from several persons who dispute the Clinton spin, persons—friends—who went all out to get Bill Clinton out.

There is plenty more, including the latest chapter in the Bill Clinton draft saga, a report from the Boston Globe this weekend revealing that Bill Clinton actually received two draft notices. Two. Remember, this is about a man who claimed never to have received a single draft notice. Now we know better.

Let us not forget, 5 months ago Bill Clinton promised "to share" information with us. And he added, "I have asked for more records because I don't want to be in a position of where somebody says, you didn't give us all of it."

That is his quote, not mine. His quote.

Well, Governor, where is it? Where are the documents? Where is all the information—the records, the letters, the notices, the files, the memos? Prior to your appearance before the American Legion convention, you teased the press and the American people that full information was coming. We are still waiting.

Oh, yes, you have had your own staff review some of the official documents. But why not the media? Why not come clean by releasing every shred of evidence related to your draft history? If you truly want to speak the truth about your draft status, release the information, and do it now.

But if you continue to reject this kind of openness, this kind of truth in campaigning, then you leave the American voter no choice.

That is why I urge the voters, I urge the media, to closely examine the document I am releasing today. It is made up entirely of Bill Clinton's own statements and media reports, not mine. It is all public information.

So, I have some advice for Governor Clinton: Tell the truth. Release the information—even if it hurts. It is all about trust, confidence, and credibility. If, in this time of personal political crisis, it amounts to making your own "Checkers Speech," so be it. And if it means holding a no-holds-barred news conference, so be it.

If you will not come clean about your draft status, the American people will have no choice but to judge for themselves. And based on the information we have, Governor, you will not like what they decide.

Mr. President, I ask unanimous consent to have printed in the RECORD various compilations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISSUES REGARDING CLINTON DRAFT STATUS

Issue	Compare	With
1. The Second Draft Notice	Clinton: "In 1969 while studying at Oxford on a Rhodes Scholarship, I received a draft notice which arrived late." (American Legion Speech, 8/25/92). Clinton: "I received a draft notice; it was delayed." (NBC, "Brokaw Report: 58 Days," 9/6/92)..	"Jackson said he asked aides to Arkansas' Republican governor, Winthrop Rockefeller, to help Clinton avoid a second draft notice, which Jackson said gave him a July 28 induction date. . . . The lobbying in early summer 1969, Jackson said, was to relieve Clinton of the second draft order." (Boston Globe, 9/6/92).
2. Deferment	"Clinton said the agreement [with ROTC] was never sent to Washington and he was not deferred." (The Arkansas Gazette, 10/28/78). "[Clinton] says that, because of his willingness to be drafted, he never enjoyed a ROTC deferment." (Pine Bluff Commercial, 10/29/78).	Clinton: "[M]y deferment was withdrawn in October, I was put back in the draft pool." (Nightline, 2/12/92). Clinton: "I gave up a deferment and put myself back into the draft." (Nightline, 2/12/92).
3. Induction Notice	"Question: 'How was it you didn't get called? Clinton: "[A]s it happened, I told the [draft board] I expected to be called while I was over there [in England] the first year, but they never did." (Washington Post, 4/16/92) quoting interview from December 1991). "When asked why he was never called up for service after being eligible for the draft for more than a year, Clinton said [in February 1992], 'It was simply a fluke I wasn't called and there are no facts to the contrary.'" (Los Angeles Times, 4/5/92)	"Bill Clinton, friend and Rhodes [Scholar] from Hot Springs, Ark., received an induction notice last week." (Cliff Jackson in May 1969 letter, as quoted in Los Angeles Times, 4/5/82). Clinton: "In 1969 while studying at Oxford on a Rhodes Scholarship, I received a draft notice which arrived late." (Speech to American Legion, 8/25/92). Clinton: "I received a draft notice; it wad delayed." (NBC, "Brokaw Report: 58 Days," 9/6/92).
4. Opposition to the Draft	"Clinton said that he never was opposed to the draft." (The Arkansas Democrat, 6/8/82).	"From my work [at Georgetown] I came to believe that the draft system itself is illegitimate." (Clinton letter to Holmes, 12/3/69). ". . . my opposition to the draft. . . ." (Clinton letter to Holmes, 12/3/69).
5. Unusual or Favorable Treatment	Clinton: "[I] never received any unusual or favorable treatment." (Los Angeles Times, 9/2/92). "[Clinton] told a press conference [in February 1992]: 'I certainly had no leverage to get special treatment from the draft board.'" (Los Angeles Times, 9/2/92)	Opal Ellis (Executive Secretary of the Hot Springs Draft Board): "[Clinton] went in and told me he was too well educated to go [and] he was going to fix my wagon and pull every string he could think of." (Wall St. J., 2/6/92). "I have had several of my friends in influential positions try to pull strings on Bill's behalf. . . ." (Cliff Jackson letter dated 7/1/69, quoted in Los Angeles Times, 4/5/92). Cliff Jackson: "I aided Bill Clinton in implementing a plan, concocted by him to avoid the draft notice issued to him. . . . I was the critical cog in his scheme." (AP, 9/7/92). "The Times found that the future Arkansas Governor was the only man of his prime-draft age whose preinduction physical was put off for 10 and 1/2 months . . . more than twice as long as anyone else and more than five times more than most men of comparable eligibility." (Los Angeles Times, 9/2/92).
6. Uncle Raymond	"Yesterday, Gov. Clinton said he had been unaware of any maneuvering by his uncle [Raymond] . . ." (Wall St. J., 9/3/92).	"Of course Billy knew about it." (Henry M. Britt, Raymond Clinton's attorney, quoted by Los Angeles Times, 9/2/92).
7. Naval Reserve Billet	Clinton: "It's all news to me . . . [Stories about the Naval Reserve billet are] absolutely untrue." (Washington Times, 9/4/92).	"Bill Cinton today confirmed a newspaper report that he had known for months that his late uncle tried to get him a Navy Reserve assignment during the Vietnam war . . . 'I did not know of any efforts to secure a Naval Reserve assignment before Mr. Ellis mentioned it to me in Hot Springs.'" (AP, 9/4/92).
8. Relinquishment of Deferment	"Clinton said he decided to back out of the ROTC arrangement before he knew the Selective Service System was to be changed dramatically in December 1969, with implementation of the draft lottery." (Spectrum Weekly, 12/4–10/91).	"[Retired Army Lt. Col. Clinton Jones, a former Arkansas ROTC official] said that Clinton didn't withdraw from the ROTC until Dec. 3—after he got a 'safe' number of 311 in the lottery, which was held Dec. 1. . . . Clinton was protected from the draft until his official Dec. 3 withdrawal from the ROTC—even though his draft board had re-classified him 1–A in October, Jones told The Post. 'We could have stopped any drafting of him up til we released him from [ROTC] after the Dc. 3 letter,' Jones said." (N.Y. Post, 4/6/92).
9. Other Options	"Mr. Clinton says he decided to go, in his words, 'look around' for another option. . . . He took the Air Force officer's exam, but failed because of a vision defect. He also took the Naval officer's test, but failed because of a hearing problem." (Wall St. J., 2/6/92).	Clinton: "I've told you the only military options that I considered or was offered was the one I had reported to you." (Los Angeles Times, 9/2/92).
10. Discussion With Lt. Col. Clinton Jones	"Stephanopolous said Clinton told him he had never interviewed with [Lt. Col. Clinton] Jones." (Los Angeles Times, Orange County Edition, 4/6/92).	"Had Clinton disclosed the fact that he had already received a draft notice, Jones said, he would have urged rejection of his application for ROTC at the University of Arkansas Law School. Jones said he first learned about Clinton's induction letter while watching television Sunday morning." (Los Angeles, Orange County Edition, 4/6/92). Retired Army Lt. Col. Clinton Jones: "If Bill Clinton said he did not talk to me, that's a flat lie. . . ." (Wall St. J., 4/6/92).
11. Willingness to Serve	Clinton: "If my number had been 3 or if that high number had been called, I would have served and would have gone to Vietnam if I had been so ordered." (American Legion speech, 8/25/92).	Opal Ellis, Executive Secretary of Hot Springs Draft Board: "He was trying to get into everything rather than have me send him [a letter] of induction. . . . He just thought he was too good to go." (Washington Post, 4/6/92). "I . . . would have been at Arkansas Law School because there is nothing else I can do." (Clinton letter to Holmes, 12/3/92).
12. Disclosure of Personal Files	Clinton: "I have found some things that I want to share with you. . . . But I have asked for some more records because I don't want to be in a position of where somebody says, you didn't give us everything you had." (AP, 4/17/92).	"On Saturday, [Betsey Wright of Clinton-Gore] released correspondence between the campaign and public agencies in an attempt to show Clinton came up empty-handed in his effort to confirm his account of the events in 1969. She did not release any documents found in his search of personal records, and refused Tuesday to comment about what Clinton found, if anything." (AP, 9/2/92). Betsey Wright: "I've read five years worth of letters and papers . . . searching for things throughout the draft and there were a couple of mentions. . . . One, I remember, about having met Cliff Jackson and maybe one other mention of having visited him. . . ." (Boston Globe, 9/6/92). "[Clinton] will not say whether he still has the notice that would confirm the dates in his account." (AP, 9/7/92).
13. Senator Fulbright	"Clinton was emphatic when asked if he'd ever written a letter asking Fulbright or his staff for help to avoid the draft. 'I am positive I never did that,' he said. 'I am positive that I never asked anyone for that. No. Never, never.'" (Spectrum Weekly, 12/4–10/92).	Randall B. Woods (researching a book on Senator Fulbright): "I did run across . . . correspondence between Clinton and one of Fulbright's aides. It dated from the summer of 1969. Clinton, in his letter, restated his opposition to the Vietnam war and then went on to ask for help in finding a job on 'the Hill' upon his return from Oxford that fall. [A report that the letter was 'lost' was] a euphemism for my not being willing to give it to [reporters]." (Washington Post, 2/16/92).

Speech by Gov. Bill Clinton to American Legion, August 25, 1992	Statements before 1992	Clinton statements in 1992 campaign	Contemporaneous documentation	Recollection of witnesses	Unanswered questions
Although I have discussed my conduct during the Vietnam era in great detail, I feel out of respect to you I owe you one final statement to set the record straight.	"[So] many fine people have come to find themselves still loving their country but loathing the military. . . ." (Clinton letter to Holmes, 12/3/69).				"I have found some things that I want to share with you . . . But I have asked for some more records because I don't want to be in a position of where somebody says, you didn't give us everything you had." (Clinton as quoted by AP, 4/17/92). "On Saturday, [Betsey Wright of Clinton-Gore] released correspondence between the campaign and public agencies in an attempt to show Clinton came up empty-handed in his effort to confirm his account of the events in 1969. She did not release any documents found in his search of personal records, and refused Tuesday to comment about what Clinton found, if anything." (AP, 9/2/92). "(Clinton) will not say whether he still has the [induction] notice that would confirm the dates in his account." (AP, 9/7/92). Betsey Wright: "I've read five years worth of letters and papers . . . searching for things throughout the draft and there were a couple of mentions. . . One, I remember, about having met Cliff Jackson and maybe one other mention of having visited him, but certainly never any integral part of the ramblings about draft options." (Boston Globe, 9/6/92).
[March 1968 through April 1969].			On March 20, 1968, Clinton "was reclassified 1–A, ready for induction." "Customarily, men classified 1–A at that time were called for a pre-induction physical within 45 to 60 days. . . . Almost six months after getting his 1–A classification, Clinton left for Oxford. In February 1969, he passed his pre-induction physical examination at a military base in England. In April he was notified he was to be inducted." (Los Angeles Times 9/2/92, based on Selective Service records). "The Times found that the future Arkansas governor was the only man of his prime draft age classified 1–A by that board in 1968 whose pre-induction physical was put off for 10½ months—more than twice as long as anyone else and more than five times longer than most men of comparable eligibility." (Los Angeles Times, 9/2/92).		
		Uncle Raymond: "(I) never received any unusual or favorable treatment." (Clinton, as quoted in Los Angeles Times, 9/2/92). "When he graduated from Georgetown University in the spring of 1968, Clinton said his draft board in Arkansas told him he could attend Oxford University for the first year of a two-year Rhodes scholarship and then report for service." (National Journal, 1/18/92). "Yesterday, Governor Clinton said he had been unaware of any maneuvering by his uncle, although Mr. Britt contends he had." (Wall Street Journal, 9/3/92). Clinton: "I've known the guy [Britt] for 30 years. He's never said anything about it to me, ever." (AP, 9/2/92).		"Raymond [Clinton] went to [the chairman of the draft board] and said 'why don't you give the boy a chance to get in the Navy. . . . 'And that's why [Bill Clinton] never was called for his physical' during the summer of 1968, [Henry M. Britt, Raymond Clinton's attorney] said." (Los Angeles Times, 9/2/9). "According to [Henry M. Britt, Raymond Clinton's attorney], Raymond Clinton also personally lobbied Armstrong, the head of Hot Springs Draft Board #26, and Lt. Cmdr. Trice Ellis, Jr., commanding officer of the local Navy reserve unit . . . Ellis confirmed in a recent interview that he persuaded officials of the Eighth Naval District in New Orleans to create a billet, or enlistment slot, especially for Bill Clinton." (Los Angeles Times, 9/2/92). "Of course Billy knew about it [his uncle's lobbying efforts to prevent him from being drafted]". (Henry M. Britt, Raymond Clinton's attorney quoted by Los Angeles Times, 9/2/92). "Asked if Bill Clinton was aware of the maneuvering, Britt said 'You know whether you are going to get drafted or not.'" (Boston Globe, 9/6/92).	
		Lt. Commander Ellis:			

Speech by Gov. Bill Clinton to American Legion, August 25, 1992	Statements before 1992	Clinton statements in 1992 campaign	Contemporaneous documentation	Recollection of witnesses	Unanswered questions
		Clinton: "It's all news to me . . . [stories about the Naval Reserve billet are] absolutely untrue." (Washington Times, 9/4/92). "Bill Clinton today confirmed a newspaper report that he had known for months that his late uncle tried to get him a Navy Reserve assignment during the Vietnam War . . . Clinton acknowledged that Ellis had told him about his uncle's efforts. The Democrat said that does not contradict his statement earlier this week that the lobbying effort was 'all news to me.' He said the statement was meant to convey that he had not been aware of the lobbying effort campaign at the time it occurred. 'I think it was just a misunderstanding," Clinton said. 'I did not know of any efforts to secure a naval reserve assignment before Mr. Ellis mentioned it to me in Hot Springs.'" (AP, 9/4/92, 1:30 pm). Clinton: This is a story that was made up by the press. The press described the Los Angeles Times story to me in a totally different way. They never mentioned this issue. I said the story you're telling is news to me. They did not tell me that was in the story. Later, the people who read the story said something entirely different. So that is just not true." (NBC, "Brokaw Report: 58 Days," 9/6/92).		Trice Ellis: "[In a March 20, 1992 conversation with Clinton] I said, "I thought you were going Navy. I was surprised you didn't show up for your Navy exams," Ellis said he told Clinton, 'He looked at me and said, "What do you mean?" and I told him the story. I told him, "Your uncle Raymond called me and told me you wanted in the Navy. I called up to see if there was a billet . . ." He said, "That was the first time I had heard the story." He told me it was news to him." (AP, 9/2/92).	
In 1969 while studying at Oxford on a Rhodes Scholarship, I received a draft notice which arrived late.	"Clinton said he knew in the summer of 1969 that he was likely to be drafted and agreed in July to go into Army ROTC after he finished his Rhodes Scholarship studies at Oxford University, England." (Pine Bluff Commercial, 10/29/78). Clinton: "[I was] prepared to leave" Oxford if called. (Arkansas Gazette, 8/25/88). "During dozens of interviews on the [draft] toplo for state races and the presidential campaign, the induction notice was never mentioned by Clinton until February of this year." (AP, 9/2/92). "Clinton routinely said he was on a four-year deferment, made himself available for the draft, got a high lottery number and was never called." (Los Angeles Times, 9/2/92).	Clinton: "[T]he draft was the law and if I'd been called, I was ready to go and do the best I could." (Weekly Spectrum, 12/4–10/91). "Question: 'How was it you didn't get called? "Clinton: . . . [A]s it happened, I told the [draft board] I expected to be called while I was over there [in England] the first year, but they never did." (Washington Post, 4/16/92, quoting interview from December 1991). Clinton: "It was simply a fluke that I wasn't called. And there are no facts to the contrary." (Witchita Eagle, 2/7/92). "When asked why he was never called up for service after being eligible for the draft for more than a year, Clinton said [in February 1992]. 'It was simply a fluke I wasn't called and there are no facts to the contrary.'" (Los Angeles Times, 4/5/92). "Faced with disclosure of the [Jackson] letters, the Clinton campaign acknowledged late Saturday that Clinton received a draft induction notice in 1969 before he joined the ROTC program at the University of Arkansas." (Los Angeles Times, 4/5/92). "'They sent me something that made it clear that I would be called into the service soon, Clinton said." (AP 4/7/92). Clinton: "I received a draft notice; it was delayed." (NBC, "Brokaw Report: 58 Days" 9/6/92). "The board said, 'You'll probably be called in the fall, September or October [of 1969].'" (Wall Street Journal 2/6/92).	"Bill Clinton, friend and Rhodes [scholar] from Hot Springs, Ark., received an induction notice last week." (Cliff Jackson in May 1969 letter, as quoted in Los Angeles Times, 4/5/82). Opal Ellis: "I know damn good and well he didn't get one [a draft-induction notice]." (AP, 4/7/92). Second Draft Notice: "Jackson said he asked aides to Arkansas' Republican governor, Winthrop Rockefeller, to help Clinton avoid a second draft notice, which Jackson said gave him a July 28 induction date. Jackson said others sought assistance from the staff of Democratic Sen. J. William Fulbright, for whom Clinton had worked on Capitol Hill." (Boston Globe, 9/6/92).		

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My draft board postponed my induction date to give me time to finish my first year of study.		[Clinton] says the board told him [in 1969] that he wouldn't be drafted until the fall of 1969, a year and a half after being designated 1–A. (Wall Street Journal, 2/6/92). "Returning home in the summer of 1969, Clinton said, 'I took an Air Force officer's test, which I couldn't pass because I don't have fusion vision. . . . Clinton said that he took a Navy physical, 'and my hearing wasn't good enough.' After that, Clinton said he decided to sign up for Army ROTC." (National Journal, 1/18/92). "Mr. Clinton says he decided to go, in his words, 'look around' for another option . . . He took the Air Force officer's exam, but failed because of a vision defect. He also took the naval officer's test, but failed because of a hearing problem." (Wall Street Journal, 2/6/92). Clinton: "I've told you the only military options that I considered or was offered was the one I had reported to you." (Los Angeles Time, 9/2/92). Clinton: "The only military option I was offered and considered was the ROTC." (AP, 9/4/92).		Opal Ellis (Executive Secretary of the draft board): "[Clinton] went in and told me he was too well educated to go [and] he was going to fix my wagon and pull every string he could think of." (Wall Street Journal, 2/6/92).	
		No unusual or favorable treatment: "(I) never received any unusual or favorable treatment." (Clinton, as quoted in L.A. Times, 9/2/92). "(Clinton) told a press conference (in February 1992): 'I certainly had no leverage to get special treatment from the draft board.'" (Los Angeles Times 9/2/92). "(Betsey) Wright said she 'wouldn't be surprised' if Clinton had asked Jackson for help." (Boston Globe, 9/6/92).	"I have had several of my friends in influential positions trying to pull strings on Bill's behalf. . . ." (Cliff Jackson letter of 7/11/69, quoted in Los Angeles Times, 4/5/92).	Cliff Jackson: "I aided Bill Clinton in implementing a plan, concocted by him to avoid the draft notice issued to him . . . was the critical cog in the scheme." (AP 9/7/92). "Jackson said he asked aides to Arkansas' Republican governor, Winthrop Rockefeller, to help Clinton avoid a second draft notice, which Jackson said gave him a July 28 induction date. Jackson said others sought assistance from the staff of Democratic Sen. J. William Fulbright, for whom Clinton had worked on Capitol Hill." (Boston Globe, 9/6/92).	
		Senator Fulbright: "Clinton was emphatic when asked if he'd ever written a letter asking Fulbright or his staff for help to avoid the draft. 'I am positive I never did that,' he said, 'I am positive I never asked anyone for that. No. Never, never.'" (Spectrum Weekly, 12/4–10/92). "'I didn't do that. . . .'" (Clinton quoted by Washington Post, 1/18/92).	Memo on Senate stationery by Lee Williams, an aide to Senator Fulbright, listing Clinton's telephone number, indicating Clinton "must have first year ROTC (deferment)," and stating "(Colonel Eugene) Holmes to call me Wed. (July) 16th (1969)" (New York Post, Mar. 6, 1992).	Randall Woods recalled a letter from Clinton to Lee Williams of Senator Fulbright's staff "attempt(ing) . . . to see if he could find a government job that might protect him from the draft." (Spectrum Weekly, 12/9–10/92). Randall P. Woods: "I did run across . . . correspondence between Clinton and one of Fulbright's aides. It dated from the summer of 1969. Clinton, in his letter, restated his opposition to the Vietnam War and then went on to ask for help in finding a job on 'the Hill' upon his return from Oxford that fall. (A report that the letter was 'lost' was) a euphemism for my not being willing to give it to (reporters)." (Washington Post, 2/16/92). "Among those approached for help by Raymond Clinton while the Navy reserve request was pending, according to (Henry M. Britt, Raymond Clinton's attorney), was (Sen.) Fulbright." (Los Angeles Times, 9/2/92). "(Robert Corrado, the only surviving member of the Hot Springs draft board) also complained that he was called by an aide to then-Sen. Fulbright urging him and his fellow board members to 'give every consideration to keep Clinton out of the draft so he could attend Oxford." (Los Angeles Times, 9/2/92).	

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That summer I agreed to join an ROTC program and attend the University of Arkansas School of Law.	"Clinton said the agreement [with ROTC] was never sent to Washington and he was not deferred." (The Arkansas Gazette, 10/28/78). "[Clinton] says that, because of his willingness to be drafted, he never enjoyed a ROTC deferment." (Pine Bluff Commercial, 10/29/78). "Clinton . . . said later that the accusation was baseless because he never received a draft deferment." (Arkansas Gazette, 10/28/78). "Clinton said that during his postgraduate studies, he did have a modified or reduced student deferment that meant 'you didn't have a deferment, but if you were called, you got to complete the term you were in.'" (Arkansas Gazette 8/25/88). "[Clinton] also explained that his Rhodes Scholarship in 1969 exempted him for a time from serving in Vietnam." (Pine Bluff Commercial, 10/7/91).	"Mr. Clinton says he decided to go, in his words, 'look around' for another option . . . He took the Air Force officer's exam, but failed because of a vision defect. He also took the naval officer's test, but failed because of a hearing problem." (Wall Street Journal, 2/6/92). "Returning home in the summer of 1969, Clinton said, 'I took an Air Force officer's test, which I couldn't pass because I don't have fusion vision. . . . Clinton said that he took a Navy physical, 'and my hearing wasn't good enough. After that, Clinton said he decided to sign up for Army ROTC." (National Journal, 1/1/92). Clinton: "I've told you the only military options that I considered or was offered was the one I had reported to you." (Los Angeles Times, 9/2/92). "The only military option I was offered and considered was the ROTC." (Clinton statement quoted by AP, 9/4/92). Clinton: "I entered the ROTC." (NBC, "Brokaw Report: 58 Days" 9/6/92).	"[Bill Clinton] is feverishly trying to find a way to avoid entering the Army as a drafted private." (Cliff Jackson letter dated July 11, 1969, quoted in Los Angeles Times, 4/5/92). "ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance." (Clinton letter to Holmes, 12/3/69). "[A]fter we had made our agreement [regarding the ROTC program] and you had sent my 1–A deferment letter to my draft board. . . ." (Clinton letter to Holmes, 12/3/69).	Virginia Kelly (Clinton's mother): "'That's very strange. . . . I was under the impression when he came home from Oxford that he was going to go to Yale.'" (Wall Street Journal, 2/6/92). "A spokesman for the Selective Service System in Washington said last week [that Clinton] received a deferment later in the year through the ROTC program at the University of Arkansas law school." (Los Angeles Times, 4/5/92). "[R]ecords show [Clinton's deferment] was granted Aug. 7, 1969. The deferment put him out of the reach of the draft during the following two months, when officials say his age would have made him a likely subject to be called for military service." (Los Angeles Times, 4/5/92).	
		Discussion with Col. Jones:	"[T]here is a law prohibiting a draftee from enlisting in [the Army Reserve or the National Guard]." (Cliff Jackson letter dated 7/11/69, quoted in Los Angeles Times, 4/5/92).	"Retired Army Lt. Col. Clinton Jones, a former Arkansas ROTC official, said the Arkansas Governor 'did not tell us' that he already had received a draft induction when he applied to join the ROTC." (New York Post 4/6/92). "Had Clinton disclosed the fact that he had already received a draft notice, Jones said, he would have urged rejection of his application for ROTC at the University of Arkansas Law School, Jones said he first learned about Clinton's induction letter, while watching television Sunday morning." (Los Angeles Times, Orange County edition, 4/6/92).	
		"Stephanopoulous said Clinton told him he had never interviewed with [Lt. Col. Clinton] Jones" (Los Angeles Times, Orange County edition, 4/6/92).		Retired Army Lt. Col. Clinton Jones: "If Bill Clinton said he did not talk to me, that's a flat lie. . . ." (Los Angeles Times, Orange County edition, 4/6/92).	
			Representations to Col. Holmes: "[Bill Clinton] is feverishly trying to find a way to avoid entering the Army as a drafted private." (Cliff Jackson letter dated July 11, 1969, quoted in Los Angeles Times, 4/5/92). "Going on with my education . . . played no part in my decision to join ROTC." (Clinton letter to Holmes, 12/3/69). "I began to think I had deceived you . . . by failing to tell you all the things I'm writing now." (Clinton letter to Holmes, 12/3/69).	Col. Holmes: "'I thought he was going to finish a month or two in England and then come back to the University of Arkansas . . . I couldn't have done it [the 1-D deferment] for a year. That wouldn't have been ethical . . . Bill Clinton was able to manipulate things so that he didn't have to go in.'" (Wall Street Journal, 2/6/92).	
But a few weeks later I changed my mind and decided I should take my chances by submitting myself to the draft.			May 13, 1969: Nixon proposes draft lottery bill in which only 19 year olds would be eligible; Clinton was 22. (New York Times, 5/14/69). August 7, 1969: Clinton receives ROTC deferment. September 19, 1969: Nixon suspends the draft for November and December 1969, and says if Congress does not pass lottery quickly he will implement by Executive Order. (New York Times, 9/20/69). October 1, 1969: Nixon declares that graduate students can complete their year in progress. (New York Times, 10/2/69). October 30, 1969: Clinton reclassified 1-A. (Los Angeles Times, 9/2/92). November 1–December 31, 1969: No new draft calls. November 26, 1969: Congress passes lottery bill. (Wall Street Journal, 2/6/92). December 1, 1969: First draft lottery: Clinton draws 311. December 2, 1969: Clinton applies to Yale Law School for fall 1970 term. December 3, 1969: Clinton writes to Col. Holmes.		
		Termination of deferment:			

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	A relative of Clinton's talked to Holmes [shortly after he obtained the ROTC deferment] and was told the agreement would be cancelled, Clinton said." (Arkansas Gazette, 10/28/78). "Before January [1970], though he wrote a letter telling the Army ROTC program that he would rather remain subject to the draft, Clinton said, but adding that he would honor the contract if the ROTC wanted him to." (Pine Bluff Commercial, 10/29/78). Clinton: "[I was] prepared to leave" Oxford if called. (Arkansas Gazette, 8/25/88).	Clinton: "I gave back an ROTC student deferment and placed myself in the draft." (Statement, 2/12/92). Clinton: "I gave up my deferment before the lottery came in." (Nightline, 2/12/92). Clinton: "I gave up the deferment." (Nightline, 2/12/92). Clinton: "I had lost my draft deferment several weeks before [Dec. 3, 1969]." (Nightline, 2/12/92). Clinton: "[M]y deferment was withdrawn in October, I was put back in the draft pool." (Nightline, 2/12/92). Clinton: "I gave up a deferment and put myself back into the draft." (Nightline, 2/12/92). Clinton: "I decided to put myself back in the draft." (NBC, "Brokaw Report: 58 Days" 9/6/92). Clinton: "[I]n late September or early October, sometime about that time—I think it was September—I had talked to my stepfather, asked him to talk to the draft board and to Colonel Holmes, asked that I be put back into the draft." (Nightline, 2/12/92). Clinton: "I asked to be put back into the draft because I did not think I should have a four-year deferment." (ABC This Week with David Brinkley, 2/26/92).	"I decided to accept the draft in spite of my beliefs for one reason: to maintain my political visibility." (Clinton letter to Holmes, 12/3/69). Finally, on September 12, [1969] I stayed up all night writing a letter to the Chairman of my draft board . . . stating that I couldn't do the ROTC after all and would he please draft me as soon as possible. I never mailed the letter. . . ." (Clinton letter to Holmes, 12/3/69).	"[Retired Army Lt. Col. Clinton Jones, a former Arkansas ROTC official] said that Clinton didn't withdraw from the ROTC until Dec. 3—two days after he got a 'safe' number of 311 in the lottery, which was held Dec. 1. . . . Clinton was protected from the draft until his official Dec. 3 withdrawal from the ROTC—even though his draft board had re-classified him 1–A in October, Jones told the Post. 'We could have stopped any drafting of him up until we released him [from ROTC] after the Dec. 3 letter," Jones said." (New York Post, 4/6/92).	"It is not clear, however, whether [the deferment lapse] occurred at Clinton's urging or whether his failure to enroll at the University of Arkansas automatically cancelled his 1–D deferment." (Los Angeles Times 9/2/92).
Not long after that the lottery was initiated. My number came up, 311.		"Clinton said he decided to back out of the ROTC arrangement before he knew the Selective Service System was to be changed dramatically in Dec. 1969, with implementation of the draft lottery." (Weekly Spectrum, 12/4—10/91). "Clinton said that he then [after the lottery] checked with his draft board, which told him, 'stay one more term, then come home. We'll see you in May.' But by that time, President Nixon was deescalating the war. Clinton's number was never called." (National Journal, 1/18/92). "[Koppel]: You initially told reporters that you weren't aware that you had a high number in the lottery [on December 3, 1992]. Then later you told my colleague, Jim Wooten, that you probably did know. Which was it?" [Clinton]: "I honestly don't remember . . ." (Nightline, 2/12/92). Clinton: "I had lost my draft deferment several weeks before." (Nightline, 2/12/92). "[Clinton's] escape from service, he added, 'was a fluke'." (Washington Post, 1/18/92).	September/October 1969: Nixon announces that Draft would be suspended for November and December 1969, and that graduate students would be allowed to complete current year (New York Times, 9/20/69 & 10/2/69).		
If my number had been three or if that high number had been called, I would have served and would have gone to Vietnam if I had been so ordered.			Opal Ellis: "'He was trying to get into everything rather than have me send him [a letter] of induction. . . . 'He just thought he was too good to go.'"' (Washington Post, 4/6/92). Dec. 1, 1969: Draft Lottery. Dec. 2, 1969: Clinton applies to Yale Law School for Fall 1970 term. Dec. 3, 1969: Clinton writes to Col. Holmes of Hot Springs, Ark. Draft Board. "I . . . would have been at Arkansas Law School because there is nothing else I can do." (Clinton letter to Holmes, 12/3/92).		
But I have to tell you the truth.		Clinton: "I think this letter [to Col. Holmes] clearly proves . . . that what I have been saying all along is true." (Clinton Statement, 2/12/92). Clinton: "[The letter to Col. Holmes] is consistent with everything I've been saying for the past 13 years, since I was first asked about this in late 1978." (Nightline, 2/12/92). Clinton: "I have never intentionally misled anybody about this." (Washington Post, 4/6/92). Clinton: "I tried to disclose it as fully as I could." (New York Post, 4/6/92). Clinton: "I've told you the only military options that I considered or was offered was the one I had reported to you." (Los Angeles Times, 9/2/92).			

Speech by Gov. Bill Clinton to American Legion, August 25, 1992	Statements before 1992	Clinton statements in 1992 campaign	Contemporaneous documentation	Recollection of witnesses	Unanswered questions
		Clinton: "I have told the truth about my draft status." (Los Angeles Times, 9/2/92). "I think he [Clinton] has been very forthright." (Betsey Wright, quoted by AP, 9/2/92). Clinton: "I have spoken the truth about my draft status." (Wall Street Journal 9/3/92). Clinton: "The truth is that I have told the same story all along." (NBC, "Brokaw Report: 58 Days" 9/6/92).			
I was relieved that year when I saw that my number was 311, not because I didn't want to serve my country, but because I believed so strongly that our policy in Vietnam was wrong.	"Clinton said that he never was opposed to the draft." (The Arkansas Democrat, 6/8/82).		"From my work [at Georgetown] I came to believe that the draft system itself is illegitimate." (Clinton letter to Holmes, 12/3/79).	Clinton: "I was not seeking to avoid military service by this." (Wichita Eagle, 2/7/92).	
But I know many of you then and many of you today disagree with me, and I respect that.			". . . my opposition to the draft and the war . . ." (Clinton letter to Holmes, 12/3/69).	"I've always been interested in and supportive of the military." [Clinton] said; "You know, in some ways I wish I'd been part of it." (Washington Post, 1/18/92).	
If any of you here choose to vote against me because of what happened 23 years ago, that is your right as an American citizen and I respect it.					

Note.—"I have nothing further to say." (Bill Clinton, quoted in Washington Post 9/3/92.) "You've got to get them to stop." (Bill Clinton to press aide, USA Today 9/4/92.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. WIRTH. Mr. President, I ask unanimous consent to be recognized for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIVERSION

Mr. WIRTH. Mr. President, here we go again. We are in the midst of a process of enormous diversion from a party that is deeply threatened, from an administration that is about to lose and cannot talk positively about the future of the country.

We have just had but another example though, Mr. President from this administration. The Senate came into session this morning at 9 o'clock. It has been 5 hours, 5½ hours, and here we go again. This is a major diversion, a major diversion, Mr. President.

Governor Clinton has spoken over and over and over again about his position, what happened, all the events made absolutely clear, and Republicans keep bringing it up again and again and again, a diversion from what the country ought to be talking about.

We have just been through one of the greatest natural disasters, if not the greatest natural disaster in the history of the country, badly handled, mauled in fact by the enormous incompetence of this administration, from FEMA. This agency, for example, Mr. President, this agency that has one political appointee for every 300 employees, it is a bastion of lousy politics compared to the normal ratio of more than 10 times that growth of political appointees anywhere in the Government. All these people presumably are taking care of what is going on in Florida.

In Los Angeles we continue to read of frustration after frustration after frustration, of an administration that cannot respond to what went on in one of the worst disasters we had in inner-city America, which is going to happen again because of neglect and the fact the people are diverted entirely from the job that ought to be done.

There are 107,000 jobs lost in the automobile industry, and the distinguished occupant of the Chair is aware of that. It is in his neck of the woods as well. And the administration hides behind CAFE as if trying to increase the efficiency of automobiles is a way to hide behind their disastrous policy related to industries in the United States. They cannot divert their ear. Diversion, diversion, diversion.

We read in the last week of white-collar crime, white-collar jobs being lost. It is a crime. It is lost employment. We know unemployment declined ever so slightly. That is only because of a bump-up in temporary summer employment. Unemployment lines in the country continue to snake across the landscape and now it is hitting into those groups of people that never thought it would happen to them either, white-collar individuals, people who played it by all the rules; went on to college, did all the right things, took out a loan and they are unemployed as well.

These people are diverting us away from attention to what is going on truthfully in our society. All of this from an administration, Mr. President, that has no policy; it has no answer; it has no approach for the American people. And as our good colleague, Senator GORE, said, it truly is time for them to go.

All of this from a President, a President who, in fact, seems to me has absolutely lost his own soul in the desire, the craving desire to get reelected only, who I cannot believe grew up in an environment that sanctioned the kind of vicious rhetoric that we saw, the diversionary rhetoric that we saw in Houston. I cannot believe that came out of George Bush as he originally was, hardly at all, a George Bush who sacrificed all of that kind of upbringing for the express purpose of getting elected and toadying to what we heard in Houston, who said he was the environmental President and probably, initially, had very good instincts. But then, in fact, he turned around and diverted his own direction entirely to take care of a few interest groups that were crawling. He is one who we heeded on the choice issue, who was once, you know, with the mainstream of America, but sacrificed that as well to his craven desire only to get elected.

Mr. President, we are going to get into these things on the floor. We can get into these things on the floor. We can listen to this continual diversionary tactic that is going to come up again and again. Attack, attack, attack.

I am reminded of what is going to happen as we go down the line and watch what the people are doing. Are we going to have a war, you know, like in medieval days with crossbows, pikes, and lances? And as the sides get closer and closer, they use what weapons they have out there; large catapults and buckets filled with this kind of mud, and throw over there. It is complete diversion.

Let us get back and talk about the issues that the American people want to talk about, ought to be talking about, and that Bill Clinton and AL GORE have been talking about. Those are the long-term future of the country, where we are going, what kind of opportunity we are giving our children, how do we make sure that festering of Los Angeles does not continue to occur? How do we give those kids hope? How do we give those people who played by the rules year after year after year some kind of hope while they are standing in those unemployment lines, people who have a feeling, in fact, of a new world order that is now going to be defined in a different way, not by this kind of old thing?

Mr. President, it is appropriate that we go on here in the Senate and get on to the very serious business we are fashioning. We have an enormous amount of work to do during the next 5 weeks. I would hope we can avoid this kind of diversion and get on to the real work the Senate has to do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

LET US GET THE RECORD STRAIGHT

Mr. DOLE. Mr. President, I think I have about 3 minutes left.

First, I have no quarrel with the Senator from Colorado. In fact, I tried to make it clear I am putting in the RECORD quotes from Mr. Clinton—nothing that I have said. I notice Mr. Clinton, himself, yesterday was still talking about Iran-Contra. We spent about $33 million of taxpayers' money on that. But that is not diversionary, that is statesmanship, I assume, when that is raised by anybody on the other side.

So I would just say this is more out of sorrow, certainly not anger. Let us get the record straight. Let us release all these records, every shred of evidence. Let us get it out there so the American people can make a judgment. It is not going to go away.

We can talk about all these big problems, but now it is a problem of trust and confidence and credibility of who is going to be the Commander in Chief, who is going to be the President of the United States. And that is pretty important to the American people too, very important to the American people.

It is not a question of whether you were in the service or not in the service. That is over the dam. The question now is whether you are telling the truth. Not everybody could serve. There were a lot of people in the National Guard and Reserves, but they did it with credibility.

So I just think it is time now for Mr. Clinton to come forward. And I think if anybody reads the information I am putting in the RECORD—the statements that he has made time after time after time after time after time; statements, corrections; statements, corrections; statements, corrections—then I think if the Senator from Colorado has time to read through this, I think he will agree to put it out there. The American people are fair. They will make a judgment. But, first, they have to see the evidence.

Mr. President, I yield the floor and yield back the remainder of my time.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

MAKE THE RECORDS PUBLIC

Mr. PRESSLER. Mr. President, I would like to say I do not hold it against anyone for what they did during the Vietnam war. Each individual case is different and I would not want to cast aspersions on anyone. But I do think that if someone is running for the Presidency of the United States, we must make the record complete.

I know that this matter has been raised regarding the Democratic Presidential nominee. I do not condemn him on these grounds because I do not have all the facts. But I do agree with the Republican leader that all the facts should be laid out.

I was a Rhodes scholar at Oxford University at that time. I did not agree with the war in all aspects. Nevertheless, I had to leave Oxford early due to draft-related uncertainty. Subsequently, I served as a lieutenant in the U.S. Army in Vietnam. In fact, I ended up serving two tours of duty. I have never expected any special recognition for this. Oddly enough, in my first campaign for Congress, someone was critical of me for allegedly not having completed my course of study at Oxford, which I subsequently did complete. In fact, in that first campaign the warden of Rhodes House, Sir Edgar Williams, wrote a fine letter to the editor that was published in my State that said I indeed had left Oxford for draft-related uncertainties, that I had subsequently completed my course and that I was a Rhodes scholar in good standing. At the time I thought it was somewhat odd for being criticized for serving my country or at least responding to that call, but it all came out in a very positive way after the warden of Rhodes House got a letter to the editor published.

The point of telling my story is that a lot of young people struggled hard in deciding how to deal with the draft. At that point in American history, the draft law was so bad that if one had the ability to go on to graduate school, they could avoid serving in the U.S. military. Because the draft at that time had so many loopholes in it, there were so many avenues to do something else, the person who was a Rhodes scholar at Oxford could usually figure out some alternative if he so wished.

Let me say I have never condemned anyone who chose other alternatives. But I do think it is very important that we all be very honest now about the way we conducted ourselves at that time. If someone went to Canada to avoid the draft, that was up to them. I do not condemn them, but I would want them to say so honestly now.

It is very important that all of us be honest about the record and lay that record out for people who would like to know about it. Those were difficult times. Some people generally disagreed with some aspects of the war, as I did, and went ahead and served anyway. Others disagreed with the war and just did not want to serve. But that does not make any difference now—that was a person's own decision. I just think that they should honestly say what they did. The truth is that every time someone from the elite class or someone who could go on to graduate school was able to avoid going to Vietnam, while a person of lesser ability or lesser wealth had to go in their place.

Let me conclude by saying I am not condemning anyone in this speech, but I do think we should be very honest about our decisions at that time, especially if we are running for high public office. I join in the request of the leader that all the relevant records that could possibly be found be made public.

Mr. President, I ask unanimous consent to insert into the RECORD at this point a letter that was published in the Watertown, SD, Public Opinion in November 1974 from the warden of Rhodes House, Sir Edgar Williams.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR MR. PRESSLER. This is a copy of my letter to you of 25th October. Yes, I remember your arrival as the Rhodes Scholar from South Dakota in October, 1964. It was decided, I recall, that you should begin here on a course which could be completed in a year because of the uncertainties in those days of how long American Rhodes Scholars would be able to stay in Oxford because of the draft.

Accordingly, you completed the diploma in public and social administration in the following spring from Stedmund Hall and while waiting for call-up, began at Harvard. Then came two years in the Army before you got back to Harvard in 1968.

I remember you well as a Rhodes Scholar in good standing and it is good to hear from you again.

Sir EDGAR WILLIAMS,
Rhodes Trust Oxford.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, may I proceed for 1 minute as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET US COME CLEAN

Mr. FORD. Mr. President, we hear a lot about coming clean. The things that I find in campaigning in my State is the economy—taxes, those sorts of things. We hear our President running around the country saying he is going to cut the taxes by 10 percent, going to cut the budget by 10 percent, but "don't bother with me now telling you what I am going to do. When I get in office, I will tell you what I am going to cut and who I am going to cut."

You talk about coming clean. Let us come clean about taxes. Let us not worry about these other things. Let us talk about the future and the economy and the employment and the well-being of the American people. If you are going to cut the budgets, going to cut taxes, who is going to get the benefit and who is going to be hurt? Let us come clean with that.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. I ask unanimous consent to address the Senate as if in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE ANDREW

Mr. MACK. Mr. President, I rise this afternoon to make some comments to my colleagues, both on the floor and those who might be listening or watching in their offices, with respect to Hurricane Andrew and its impact upon south Florida and what we in the Congress will be doing to relieve the incredible pressure that has been placed on the people of south Florida as a result of that storm.

This morning the President submitted to the Congress an emergency supplemental appropriations bill which would allocate approximately $7.6 billion in budgetary resources to aid in that relief.

I would ask my colleagues, especially in light of the discussions that have already taken place this afternoon, that we move quickly on this legislation because it is important to the people who are going through experiences that you and I in our wildest imaginations cannot possibly imagine. It is important that we move rapidly, and it is important that we move without political partisanship.

If there was one image I would want to relay to my colleagues about my experiences of the past 2 weeks, it would be that the human spirit of survival to overcome adversity is the overriding image that I have of the people of Dade County.

Regardless of the people with whom I spoke, regardless of their economic well-being, regardless of where they lived in that area, from south of Miami to the northern Keys, the desire to overcome adversity was paramount.

I remember talking to a family at a public housing community in Goulds, FL, where the mother, with her 7-month-old daughter and three other children under the age of 6, huddled together for protection for 5 hours in a closet, a closet no bigger than 3 by 3. The roof had been ripped off by the hurricane, the walls had come down, the rain was pouring in, and the wind was whistling through their home. The only walls that protected them shook and shuddered. They did not know from one second to the next whether that little closet was going to survive, let alone themselves. But they did survive. They are heroes.

I also remember talking to the commander of Homestead Air Force Base, Col. Steve Plummer, an F-16 pilot, who served in the Persian Gulf, and was fired at by missiles. He said that in the few hours, during the worst of Hurricane Andrew, he had never experienced the fear for his life as he did during those hours.

There are lots of heroes, individuals from all over the country.

And, I might say to my good friend from South Carolina, one of the first groups of people that we heard from were the people that survived Hurricane Hugo who came down to Florida to give us assistance. The next day they were on the ground helping in every way.

And it is an example, and only one of many, many stories, of people all over this great Nation who, in one way or another, found a way to provide help and comfort to the people of south Florida. And the people of south Florida will remember that for years and years to come.

And I say I thank you, and I thank those in your State who were so willing to come down and provide assistance to us.

Mr. HOLLINGS. Will the Senator yield on my time? I ask unanimous consent for 2 minutes.

Mr. MACK. I am delighted to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I say to the distinguished Senator from Florida, I appreciate the kind expression of gratitude. You had the Charleston City policemen making arrests at Homestead for looting, reinforcing the 95 percent of the police officers of Homestead who had lost their homes.

Our team in Florida got in touch with me because they said FEMA was doing the same thing that they had done in Hugo—doing surveys, calling for studies, going back and forth trying to get private contractors.

On the basis of these reports, I called to enlist the military because, 3 years ago, after Hugo, over the FEMA objection, we called in the Marines, the Coast Guard, the Corps of Engineers, and so on. After Andrew, I got on the phone to Major General Heldstab who was located at Fort Bragg with the 18th Airborne and ready to come down in an hour's time, midday Tuesday, right after the hurricane.

I then got in touch with the Governor's office and talked with Senator GRAHAM. And by dark, since nothing had moved, I talked to Jim Baker at the White House. And I said Jim, you have the same problem that we had in Hugo. And we worked it out. Let us get past FEMA and get help down there. They need water, food, shelter, generators, the whole gamut. And the military is eager, ready, willing, and able to do it. So they finally galvanized when they sent Andy Card, Secretary of Transportation. He worked with officials in Florida and they got past FEMA and I am delighted they got the help.

I also admonished Mr. Baker and said, wait a minute, do not give them this 75-25 ratio of Federal to State responsibility for the reconstruction costs. When you give them 25 percent to be paid locally, the mayors freeze in their tracks. They say, "Wait a minute. All this help coming in, tent sites, food, everything else; but later next year when I have to pick up 25 percent of the cost I will have to raise taxes and will be out of business."

Three years ago, after Hugo, we stood on the floor of this Senate, and with the help of Senators on both sides of the aisle, including Senator SIMPSON and others on the Republican side, day 9, day 10, day 11—it was day 15, 2 weeks before we got that 100-percent Federal reimbursement declaration. So I am glad we got it, at least in a week's time, down there in Florida and Louisiana. So we could get past that because that is what the statute calls for. And, anyway, we South Carolinians continue to help—we cannot ever thank the people of Florida enough for their assistance 3 years ago.

Mr. MACK. I appreciate the Senator's assistance in all those different matters he mentioned. It made a difference, not only getting the military assistance but also in helping to get the 100-percent participation at the Federal level.

Let me just conclude my remarks, Mr. President, by just expressing one additional story.

I remember a Black Hawk helicopter—this was probably day 3 or day 4 following the hurricane—heading down toward Homestead, south of Miami, with netting below it holding supplies. When it landed in Homestead, it was charged from all directions by people who had not eaten, who did not have water to drink. The National Guard had to hold those people back with guns held high in order for them to set up a distribution system for that food and that water.

Never would I have dreamed that would have happened in our country. But, again, I thank God that the people of this Nation are willing to outpour their help to provide their fellow man with those basic needs of food and shelter and medical supplies.

This country should be proud of what it has done so far to help the people of south Florida. Again, I ask my colleagues as we work through these next weeks to keep in mind the importance of getting assistance down to south Florida as rapidly as possible. We literally have 250,000 people who have lost their homes; 90,000 homes that have been destroyed. It is going to take a great effort to rebuild south Florida. And your help, your concern, and your compassion will be needed by the families who were left devastated by Hurricane Andrew.

PRODUCT LIABILITY FAIRNESS ACT

MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. HOLLINGS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 640 is the pending business.

Mr. HOLLINGS. There is a time agreement, I believe, with the distinguished Senator from West Virginia controlling lead time and I to control the opposition to the motion; is that correct?

The PRESIDING OFFICER. There is no time agreement at this moment.

Mr. HOLLINGS. I thought it was an hour per side. Is there not an hour?

The PRESIDING OFFICER. The Senator from Wisconsin?

Mr. KASTEN. Parliamentary inquiry; I believe the agreement was the Senator from South Carolina, the chairman of the committee, would control part of the time and the Senator from Missouri [Mr. DANFORTH] would be in control of the other part of the time. I think that is the way it was originally set up and it is my understanding that I would be the designee Senator from Missouri and we obviously want the Senator from West Virginia and others to participate in this debate.

Mr. HOLLINGS. Is it 2 hours divided equally? An hour per side?

The PRESIDING OFFICER. The agreement did not provide an allocation of time.

Mr. KASTEN. At a point in time we would want to come to some kind of agreement like that. I think that would work.

I see the Senator from West Virginia is here. I would like to speak for maybe 5 or 10 minutes. Would the Senator like to speak for 5 or 10 minutes first? And then I could? If not, I will proceed.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, today we arrive at what we hope is the end of the long road toward product liability reform. The case for reform is clear—and the problem would be effectively addressed by the bill I and the several cosponsors are advocating today.

Today's product liability system hurts U.S. competitiveness. It hurts consumers. It inhibits job creation. It is a severe drain on the U.S. economy, costing anywhere from $120 to $300 billion a year.

All of this ground has been covered again—and again—and again, in our 12-year odyssey toward product liability reform. But so far, we have not been able to change the system. The status quo continues to prevail.

And the question I think we need to address at the outset of this legislation is: Why? Why do we continue to let the status quo prevail?

Product liability reform is essential to the U.S. economy. The advocates of reform have spent hundreds of hours over the last decade laying out our case in detail. But we have not been successful.

So the question to ask about the status quo is: Who benefits? Let us identify the forces that are resistant to change—the people who are blocking—the forces that are preventing this necessary reform in the face of the clearly established National interest.

In every product liability lawsuit, there are winners and losers. Sometimes the plaintiff, sometimes the defendant. But there is one class of individuals who gain every time a claim is filed, every time a judge has to address a case. Every time an award is made one group wins.

That group is the trial lawyers of America. They are the single class that benefits from today's product liability system. Win or lose, they still win. And if the clear and compelling public interest threatens to deprive them of this massive cash cow, they will do everything in their power to prevent the necessary change.

The trial lawyers—who have become the financial backbone of the organized consumer groups—are treating America to a festival of falsehoods against product liability reform. It is a carnival of lies—an impressive and colorful show that amounts to a disguise for an agenda that is seriously harmful to our national interest.

Before we let Ralph Nader and these so-called consumer groups stampede America into believing their propaganda, we ought to get the truth out about who is really behind this frantic campaign against our product liability reform bill. Robert Joost, the former chief counsel of the Senate Commerce Committee, explains it in detail. He says that in a typical $100,000 court award, $40,000 of the award goes to the injured party's lawyer. The lawyer sends on $5,000 to the national political action committee of the American Trial Lawyers Association, known as ATLA. He or she sends another $5,000 to the ATLA organization in the state. And yet another $5,000 to one of the countless Ralph Nader front groups.

And this money is not wasted. Every single dollar of it goes to support the massive effort to block product liability reform, and other tort reforms. When plaintiffs' lawyers earn $10 billion every year on personal injury suits—that is the estimate of Lester Brickman of the Cardozo School of Law—they can well afford a few dollars to protect their interests.

On our side are the small businesses of America. Represented by groups like the National Federation of Independent Business, Small Business United, the Independent Business Association of Wisconsin, the Small Business Legislative Council, millions of small businesses are clamoring for these reforms.

Product liability reform was designated the number one legislative priority by the White House Conference on Small Business, and 4 of their top 10 priorities are related to product liability reform.

It is a battle between America's small businesses—the entrepreneurs who create jobs—on one side, and 70,000 overpaid trial attorneys on the other.

Ralph Nader is wrong when he calls our bill a cruel and brutish attempt by big business to change the law in its own interest. He is creating a smoke screen to disguise the real interests at stake.

We are trying to enact a more proplaintiff statute of limitations to make it easier to get judgments in cases where they are warranted. Current law in some States allows plaintiffs to sue only in the first 2 years after the harm occurs—we want to allow them 2 years after the harm and its cause are discovered. That is only one part of the pro consumer efforts that we are in the process of making through this legislation.

The others are wrong when they say that our bill is "a go signal * * * to negligent promoters of industrial violence." The exact opposite is true.

It has been said there is no evidence about how the current product liability system raises the cost of insurance. Well, look, just stop. No evidence?

A Department of Commerce study discovered that our foreign competitors often have insurance costs 20 to 50 times lower than ours. To anybody interested in the facts instead of propaganda, that is evidence: Costs between 20 and 50 times lower than ours. No matter what our opponents say, the estimated cost of product liability suits is equal to the combined profits of America's 200 biggest corporations, and that is a lot of money.

The huge costs of product liability suits has led 15 percent of American companies to lay off workers, and 8 percent of American companies to, in fact, close plants. Again, do not expect the trial lawyers to show any sympathy for the laid-off workers on the unemployment line. When Ralph Nader visited the Soviet Union, he said the Russians liked to stand in long lines because it made them philosophical. He also has the gall to charge that our reform effort is "greased from political action committee money."

But it is his effort that is being greased by the second largest PAC in America, the ATLA PAC. In 1987–88, they disbursed $3.9 million to congressional candidates. So it is easy to understand why we have this gridlock, why we have this situation, why we have one small group of lawyers in America who are, in effect, defending the status quo.

The current system is so costly and incoherent that defendants are encouraged to avoid litigation at all costs, even when they may not be liable. And that is the reason for the huge hidden expense made evidence in a number of surveys today.

What we have going on here basically is a job boon for lawyers. In the two decades between 1970 and 1990, the number of lawyers grew by 96 percent, at a time when the total number of American jobs grew by 56 percent. Today, with 5 percent of the world's population, America is supporting 70 percent of the world's lawyers—5 percent of the population; 70 percent of the world's lawyers.

We have 26 times the number of lawyers per capita that Japan has. We have 24 times the number of lawyers per capita that Germany has. And who is our major worldwide competition? Where is it coming from? Who are our major worldwide competitors? The Germans and the Japanese.

Mr. President, this explosion of litigators does not make America richer. Our national interest is being harmed as the special interest of the lawyers is being helped.

I and my fellow cosponsors of S. 640 are saying it is time to tilt the balance away from the special interest of a small group of 70,000 trial lawyers toward the public interest—the public interest of workers, the public interest of consumers, and the public interest in a productive economy in the United States.

We have been working to establish these reforms for years. We now have a truly bipartisan coalition, ranging from liberal Democrats to conservative Republicans and everyone in between. We are united in pursuit of product liability justice and fairness, and the hysterical and dishonest tone of the organized opposition makes me optimistic that we are heading toward victory.

I thank my colleagues, especially Senators ROCKEFELLER, DANFORTH, DODD, and LIEBERMAN, for helping bring this issue to this point. America needs us to vote for the reasonable and moderate reforms of the Product Liability Fairness Act. The time has come for us to pass this legislation.

Mr. President, I yield whatever time he may desire to the Senator from West Virginia, Senator ROCKEFELLER, who has been a key colleague, and has been of great help in our overall effort, a real leader on the product liability reform issue.

The PRESIDING OFFICER. The Chair recognizes Senator ROCKEFELLER.

Mr. ROCKEFELLER. I thank the Chair and I thank my colleague from Wisconsin.

Mr. President, after 13 years, the Senate finally has the opportunity to consider product liability reform legislation this week. Over the last decade, this has become a highly charged debate—on both sides. The result has been a flood of misrepresentations about the motivations of the opposing sides and, more importantly, about the contents of this bill.

I hope my colleagues will listen carefully to the debate because I think it is important to understand what this bill, S.640, the Product Liability Fairness Act, does and what it does not do—and because I am absolutely certain that this legislation is important for the economic strength of our Nation and the personal safety of the American people.

Product liability first became an issue in the mid-1970's when there was a dramatic increase in the number of product liability suits over previous years. Prior to that time, the legal rules governing when a person injured by a product could win a lawsuit were so tough that there were few lawsuits at all. A person who graduated from law school as late as 1970 would have had precious few cases to read—and no law school in the United States offered a course in product liability law.

All of that changed in the early 1970's. All of a sudden manufacturers were being held liable for products that injured people, even if the manufacturers were not negligent. The reason for this was because the doctrine of strict liability had swept the Nation. Under this doctrine, for the first time, a manufacturer of a product could be found liable even if the manufacturer had used all reasonable care. The basis for the change—and many other subsequent changes favoring victims—was a judgment that manufacturers were in a better position to absorb the loss than victims. They could pass it along to the other purchasers of their products.

The first reaction of the business community was to push for changes in State law. However, those changes can do only so much in light of the fact that 70 percent of all manufactured products are used or consumed outside the State where they were manufactured. The business community next came to Congress to try to roll back the law.

Because I opposed those proposals, I am a latecomer to the cause of uniform product liability reform. In fact, in my first year in the Senate, as a member of the Commerce Committee, in 1985, I voted against the bill in its version then because I thought it unfairly favored manufacturers.

At the same time, I recognized the legitimacy of the complaints that manufacturers, particularly small manufacturers, had and still have about our patchwork product liability system. I was and am concerned about that system's role in stifling innovation by U.S. companies. The loss of innovation means both the loss of the development of products to save U.S. lives—and it means the loss of competitiveness with other countries whose businesses develop those products American manufacturers are afraid to develop.

Moreover, as Senator DODD has argued effectively for years, the system does not even work well for victims. Its big deficiencies include the inability of many victims to recover anything for their loss; the disparity between the size of a victim's loss and his or her recovery; the length of time it takes for victims who do prevail to be compensated; and the gross inefficiency of the liability and insurance system, which pays more to lawyers and insurance companies than to victims.

Every study of people injured by products shows that a high percentage of victims go without any compensation whatsoever. The largest of such studies, a closed claims survey of 24,452 claims by the insurance services office [ISO] in 1977, showed that fully one-third of all claims were closed with no payment whatsoever.

More recently, a 1989 GAO review of 305 product liability cases resolved through trials between 1983 and 1985 in five States—Arizona, Massachusetts, Missouri, North Dakota, and South Carolina—found that plaintiffs were awarded compensatory damages in only 45 percent of the cases studied.

Second, every study of the liability system shows that it grossly overpays people with the smallest losses and miserably underpays those with the most serious losses. The ISO study found that claimants with economic losses of between $1 and $1,000 recovered, on the average, almost five times their economic losses. In striking, contrast, people with economic losses in excess of $1 million recovered a mere 6 percent of those losses. A 1986 Alliance of American Insurers and American Insurance Association study of large product liability claims found a net recovery of only 39 percent where economic losses exceeded $1 million.

While the GAO study found that the size of compensatory awards * * * is strongly associated with injury severity and the amount of the underlying economic loss, this merely means that victims recover more for more serious injuries. In short, a disabling back injury generally will result in greater compensation than a broken leg. That's comforting to verify.

This statement is not the same as saying that seriously injured people recover a higher percentage of their losses. As the next sentence in the GAO report clearly states:

> Previous studies have also shown that the total amount awarded is frequently insufficient to cover just the economic losses when these losses are large.

Third, even successful claimants must wait an unconscionably long time to recover. The ISO study found that it takes 5 years to pay the claim with the average dollar amount of loss and that larger claims tend to take much longer to close than smaller ones. Similarly, the GAO study found that it took an average of 2½ years to move from filing to trial verdicts.

Of course, in product liability cases, there are not interim payments. Victims are at the mercy of the adequacy—or inadequancy—of their own insurance to cover losses. Not only do the lengthy delays encourage seriously injured victims to accept insufficient settlements, but studies have found that delayed rehabilitation produces a lesser degree of recovery.

Fourth, the liability system is remarkably inefficient. The ISO study found that attorneys for both sides receive only slightly less than the victims, before considering insurance overhead costs. Further, a 1986 Rand

Institute for Civil Justice study showed that the annual overall transaction costs of the U.S. tort system exceed compensation to plaintiffs; in 1 year alone, while net compensation amounted to between $14 and $15 billion, the transaction costs—largely attorneys fees for both parties—added up to an even greater amount, between a total of $15 billion and $19 billion.

In essence, the system is working for the lawyers. I say it's long past time for the lawyers to work for a more effective, fairer system.

Given the gross and obvious inadequacies of the liability system in compensating victims, one would expect to see the consumer groups and the plaintiffs' attorneys—those who are supposed to look out for the welfare of the victims—clamoring for civil justice reform.

Unfortunately, such is still not the case. In May of this year, I met with Roxanne Conlin, president-elect of the Association of Trial Lawyers of America to seek common ground on this matter. In late May, I wrote to urge her to work with me and others in pursuing a compromise. I heard back in early July. In a long letter, Ms. Conlin concluded "There is no demonstration that S. 640 is needed" and expressed a concern about compromising principles.

Two weeks ago, I tried again, saying in a new letter to Ms. Conlin that I was still fervently interested in exploring "not a compromise of principles, but an agreement on changes in existing law that would make the product liability system better for all participants, plaintiffs and defendants alike."

Unfortunately, I've heard no response, and seen no sign of interest in such an effort.

Now, Mr. President, I want to discuss in more detail the criticisms of the bill that have been voiced, with a lot of passion, by consumer groups.

Obviously, if I believed that the bill would take away the ability of victims to obtain fair compensation, I wouldn't get near this bill with a 10-foot pool. But I'm here, arguing for the bill, partly because of the benefits that it will achieve for victims and for the general public interest.

First, I'm amazed that the consumer groups don't seem to be willing to even acknowledge the problems in the current product liability legal system. I've just tried to spell them out as factually and objectively as possible. A key point is that business is not the only one being hurt. The current system hurts consumers generally; and as I have detailed, it is often unfair and unresponsive to individual victims.

In a briefing book on S. 640 distributed by the main consumer groups, a list of 10 recommendations is included to deal with what they cite as "the tremendous hurdles faced by consumers who are injured by defective products and seek compensation through the civil justice system."

Their proposals include ideas I strongly support—such as the need for a national health insurance system and making Federal regulatory agencies more effective. But not a single reform of the civil justice system is on their list of 10.

Now, on the eve of the vote, consumer groups are trying to kill the bill by painting a worse-case scenarios—by imagining situations in which an injured person could end up worse off under S. 640. My response is, yes, of course, it's possible that some number of injured people will come out differently under the changes we are proposing. But it's also a guarantee that some other number of injured people will do better.

For example, this bill would establish a uniform statute of limitation for claimants, giving them 2 years to file a suit—2 years from the time they should have discovered the harm and it cause. We view this as an essential step to catch up with the modern world, now that so many people can be hurt by chemicals and not have the symptoms appear until years later.

Just this provision of S. 640 alone will put injured people in at least 20 States at a greater advantage than present law. That's because in four of those States, the clock begins to tick for victims as soon as the injury occurs. In another 16, the statute of limitations runs out for injured people before he or she can determine what caused their disease. We're saying that is unfair to victims, and that it's time to establish a uniform standard that enables people, no matter where they live, to be compensated once they know they've been harmed and know the cause of their illness.

I would think consumer groups would lead the fight for this provision of S. 640. Another point I want to make about the use of these worst-case scenarios is the way it totally distorts the debate we should be having. I wonder how the consumer groups would feel if that were the way we were to debate reform of our health care system.

With health care, here is another example where the current system is broken, and changes are desperately needed. I admire and respect the country's consumer groups for plunging neck deep into this issue, and pushing hard for major changes. They generally favor the so-called singlepayer system, modeled after Canada's approach. Obviously, the proponents of this approach can spell out the many benefits and positive changes that will be achieved for the American people—universal coverage, prenatal care for more pregnant women and less infant mortality, cost savings, and so on. But let's face it, some people will come out worse.

The consumers who now get their health care for free from their employers who will have to pay higher taxes for a national system of health care. The consumers who now have generous private health insurance policies can easily be admitted right away to the hospital for nonessential surgery. Under a Canada-like system, they might have to wait months for that surgery. I could go on, painting hypothetical cases in which individual people will have to make some concession or may lose something for the sake of the overall good being proposed by the consumer groups.

In other words, the consumer groups have made a judgment that the overall benefits of singlepayer system to consumers as a whole far outweigh and justify what some consumer might lose.

That's exactly how I believe we should look at the current product liability system, and the changes we are proposing. We are arguing that the bill will reduce legal costs, remove some of the barriers to innovation and the production of safer products, increase the incentives for safety in the workplace; and enable more victims to get fair settlements, and get them faster.

There are two other areas of the bill that are specifically designed to improve the system for victims—those encouraging expedited settlements and the use of State alternative dispute resolution mechanisms. These provisions were not designed for manufacturers. Let me assure my colleagues, business wouldn't lose sleep if these provisions were stricken from the bill. These provisions were put in the bill to help shorten the scandalously long time it takes victims to recover, particularly in serious injury cases. Moreover, if they work to truly shorten the settlement process, they will reduce defendants' attorneys' fees, which should enable manufacturers to make more generous offers to victims—strictly on a cost-benefit basis.

In this area, I really find the arguments in opposition to be disingenuous at best. Let me first explain the provisions and then describe the consumer groups' reaction.

Title II of S. 640 seeks to encourage settlements in product liability cases before the full force—and cost—of the liability system are brought to bear.

It contains two provisions designed to short-circuit the legal system. First, it includes an expedited product liability settlement system, building on existing law—rule 68 of the Federal Rules of Civil Procedure. The goal of both the existing system for cases tried in Federal courts, and the goal of the provision in S. 640 is to settle cases as early and as fairly as possible, before either side has run up substantial legal fees. A successful expedited settlement process will mean faster payments for injured people—giving them money when they need it the most—and reduced transaction costs.

Under this system, either a claimant or a defendant may make an offer of settlement for a specific dollar amount. If the claimant makes an offer and the defendant turns it down, a subsequent jury award of an amount equal to or greater than the claimant's offer would subject the defendant to a penalty of paying—in addition to the amount of the verdict—an amount equal to the claimant's reasonable attorney's fees.

What happens if the defendant makes an offer but the plaintiff turns it down? The result is similar, but with one dramatic difference. In such a situation, if the plaintiff subsequently recovers an amount equal to or less than the amount offered by the defendant, the plaintiff is liable for a penalty equal to court costs and the defendant's reasonable attorney's fees.

However, and this is a critical point, the plaintiff's penalty may not exceed the amount the plaintiff has received or will receive from collateral sources.

Now, I'm not an attorney. When I first read this provision, I thought it meant that the plaintiff could be liable for GM's attorney's fees, subject only to a limitation of reasonableness. However, that's wrong. Frankly, it would be clearer if the provision never mentioned attorney's fees because the penalty really has nothing to do with them. The penalty is simply the plaintiff's collateral sources that pay for the same injury. For most Americans, this means their health insurance.

I think I can clear up any confusion by using an example. Let's say a person suffers a broken leg in an auto accident when a tire blows out and the car hits a tree. The person is charged $5,000 by the hospital and doctors to set the leg. In addition, the person cannot perform his job for 2 weeks, costing him another $5,000.

However, the person has Blue Cross health insurance which pays for $3,000 of the $5,000 medical bill.

Now the injured person sues Goodyear, the tire manufacturer, alleging that the accident was caused by a defective tire. The person seeks a recovery of $40,000, alleging—in addition to $10,000 of economic loss—an additional $30,000 for pain and suffering.

The manufacturer, using the expedited settlement process, offers to settle the case for $30,000. The injured person turns down the settlement offer and proceeds to trial. Then let's say, in the court case, the injured person recovers $25,000—less than Goodyear's offer. The injured person gets to keep the $25,000 verdict but it has to pay a penalty for failing to accept an offer that had been greater than the recovery he won in court.

The penalty is not Goodyear's attorney's fees, which could easily be another $20,000. Instead, the person has to forfeit the $3,000 he received from Blue Cross; an amount that duplicates part of the award from the court.

Thus, a victim's penalty for recovering equal to or less than an offer is to lose the benefit of double payment for the same injury that otherwise would arise because a damages award duplicates what the plaintiff has already recovered from his or her own insurance.

A poor person—a plaintiff with no private insurance—would face no penalty whatsoever if the court awarded less than the defendant offered.

Similarly, if the plaintiff loses the case, it does not have to pay any portion of the defendant's attorney's fees.

In sum, a plaintiff has no downside unless he or she turns down an offer that is higher than the actual amount awarded by the court and, even then, the penalty is simply to eliminate double recovery for his or her losses.

This result is quite different than the result when a manufacturer turns down a plaintiff's offer. There, the manufacturer may be liable for all of the plaintiff's attorney's fees, with no cap whatsoever—other than a limit of a reasonable fee.

As I indicated earlier, this provision is based on existing law for cases in the Federal courts. But keep in mind, existing law has a penalty of only court costs, which are minimal. Unfortunately, that penalty has not turned out to be a sufficient incentive for the parties to settle many cases that should be settled and stay out of the courts—and should be settled early.

Therefore, this provision attempts to fine tune a good idea by increasing the incentive for settlement. The heavier penalty in this bill—the reasonable attorney's fees for a losing defendant—reflect a change recommended by an advisory committee on the Federal rules. That committee acknowledged that the current rule's failure to include reasonable attorney's fees was a principal factor in its ineffectiveness.

Under the circumstances, I would think the consumer groups would work for these changes, which are designed to favor victims and significantly reduce legal costs.

Instead, here's the consumer groups' characterization of this provision in their July 31, 1992, testimony before the House Subcommittee on Technology and Competitiveness:

> The plaintiff would be forced to pay the defendant's attorney's fees and costs. In essence, this provision blackmails consumers into accepting a company's settlement offer and has a chilling effect on the exercise of the claimant's right to a trial by jury under the seventh amendment.

In addition, they stated that:

> An injured consumer, often without resources, can hardly risk the possibility that he or she may end up having to pay the legal fees of a corporate defendant in order to have his or her case heard by a jury.

Nothing could be further from the truth. This statement totally misrepresents section 201 of S. 640. As I said, this section would not require a injured person to pay the defendant's attorney's fees, except to the extent that he or she has other funds available from private insurers to pay for the same economic or noneconomic losses. Moreover, an injured consumer without resources—the hypothetical posed in the consumer testimony—would have no downside. If the consumer has no collateral sources, then there is so penalty for losing a case.

On the other hand, if the injured consumer makes an offer, then the manufacturer would be in a quandary—pay the victim in a timely fashion, not the 5 years that the liability system normally takes, or risk paying the plaintiff's attorney's fees if it loses the case.

Now, let's examine section 202, the alternative dispute resolution procedures. These provisions are designed to encourage the use of existing State procedures to avoid lawsuits.

Under section 202, either party may offer to proceed under any voluntary alternative dispute resolution procedure established under the law of the State where the case is brought. However, if the other party refuses to proceed under these ADR procedures and the court determines such refusal was unreasonable and not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree. If a verdict is rendered in favor of the offeror, then a rebuttable presumption is created that the refusal by the offeree to proceed through the ADR mechanisms was unreasonable.

Now let's hear from the consumer groups' testimony again. It says:

> The real effect of the provision would be to discourage parties from exercising their constitutional right to a trial by jury and encourage defendants to offer inadequate amounts.

Once again, that statement is simply not true. The provision in no way impinges on a plaintiff's right to a jury trial. If a defendant offers to use a State's ADR mechanism, and the plaintiff agrees, the plaintiff would face no penalty whatsoever if he or she chose to ignore the result of the ADR system. As long as the plaintiff agrees to go through ADR, he or she may refuse to accept any recommendations in that process and seek a jury trial. Win or lose thereafter, the plaintiff would not be liable for the defendant's attorney's fees and costs.

Frankly, Mr. President, I am offended by the mischaracterization of these provisions. They do not meet the test of fair public debate. They are misrepresentations designed to inflame public passions.

What else is contained in this bill? What goodies are in it for the business community?

First, let me remind my colleagues of what is not in this bill. There are no caps on damages. There are no limits on attorneys' fees. And there is no return to the law of negligence.

What this bill does include are incentives to increase safety, provisions to eliminate some of the unfairness and arbitrariness in the law, and provisions to reduce unnecessary legal costs.

The provisions do not preempt State law regarding the basic elements of a case—what the victim must show in order to recover and what defenses a manufacturer may invoke. Instead, it provides uniform rules in a few areas of law to achieve the goals I have just named.

With respect to incentives for safety, the bill includes a workers' compensation offset provision, a bar against punitive damages where the FDA or the FAA has approved a product, and a provision that denies recovery to people whose use of alcohol or illegal drugs is the predominant cause of their injury.

The workers' compensation offset provision really involves an intramural issue between manufacturers and employers when there is a workplace accident. The bill would not affect the injured person's recovery in a suit against the manufacturer. What it would do is allocate the costs of that suit more fairly on the person responsible for the injury. To the extent that costs are shifted to the employer when its conduct is responsible for the injury, the provision will increase incentives for workplace safety. The best victim in a workplace accident is the person who never becomes a victim in the first place because the employer is encouraged to provide safer working conditions.

The FDA provision is a matter of some controversy. Its goal is to encourage manufacturers to provide all the information they have about drugs and medical devices to the FDA because, if they do so, they will be protected from a claim for punitive damages in a lawsuit.

The premise of this provision is that a drug manufacturer that spends $200 million and 12 years developing a drug and getting it approved—including 2 years of FDA review of its test results—lacks the requisite intention of conscious, flagrant indifference to the safety of those who might be harmed by a product to warrant the imposition of punitive damages.

It is important to note that a drug manufacturer would still be liable for any economic and noneconomic damages. Surely the potential of paying many such judgments would be adequate to deter a manufacturer from reckless conduct. In fact, a manufacturer that withheld information from FDA—either in its preapproval process or after the fact—would lose the protection of this provision.

And what would the public get in return? For a quick answer, one needs to go no further than the April and July issues of Science magazine. They cite several examples of companies postponing AIDS trials—or abandoning the field entirely—for fear of potential lawsuits. And what they fear is not compensatory damages; it is punitive damages.

These stories go to the heart of this bill. No level of tort damages can make our society risk free. People are occasionally going to be hurt by products, particularly in the drug area where we are dealing with toxic products that will harm some people. One good example is the DTP vaccine which has saved hundreds of thousands of lives. Sadly and tragically, every once in a while a child will have an adverse reaction to the vaccine and suffer lifelong damage. Clearly we must care for such children—and we adopted a vaccine compensation law in 1986 to provide for these children—but we must not forget the huge number of lives the vaccine saves.

If we stifle innovation in an effort to strive toward an elusive, risk-free society, we will lose many people who could have been saved by the introduction of beneficial new products. We cannot guarantee a perfectly safe society, but we can devise balanced incentives to encourage the introduction of useful new products while at the same time minimizing injuries from defective products. That is what I believe this provision and this bill is all about.

There is one final provision in the area of incentives for safety. It would deny recovery to people whose use of alcohol or illegal drugs is the predominant cause of their injury. It will encourage the responsible use of products, which should help reduce accidents.

The second category of provisions are ones designed to eliminate some of the unfairness and arbitrariness in the law. At the top of this list in my mind is the 2-year statute of limitations, which permits victims to bring suits for up to 2 years after the injured person discovers both the harm and its cause. This provision is provictim, plain and simple.

A second provision would establish uniform standards for punitive damages. It would require a plaintiff to prove by clear and convincing evidence that the harm resulted from the manufacturer's conscious, flagrant indifference to the safety of those who might be harmed by a product.

Twenty-two States use the clear and convincing evidence standard, in recognition of the quasi-criminal nature of punitive damages. It is also supported by the American Bar Association and the American College of Trial Lawyers.

The standard of conscious, flagrant indifference to safety is one that comports with the Supreme Court's 1991 decision on punitive damages. In the Haslip case, the Court found that the specific punitive award did not violate the due process provision of the Constitution but indicated for the first time that some laws would. Since that time, the highest courts in three States and two Federal appellate courts have overturned State punitive damages laws. Had those laws met the standard in this bill, successful plaintiffs almost surely would have had their verdicts upheld.

Third, the bill restricts application of joint liability to economic damages only, while apportioning liability on the basis of fault for noneconomic damages. This provision is a compromise. While one can make a good argument that a manufacturer should be liable only for the damages it inflicts, the bill seeks to assure that the victim will always be made economically whole. On the other hand, in order not to impose an unfair burden on manufacturers—particularly where no proof of negligence is required—the bill limits manufacturer liability for noneconomic damages to the manufacturer's proportionate share.

This provision is well within the mainstream of laws on this subject; 11 States have abolished joint liability entirely and another 23 have modified it, often by abolishing it for defendants who are less that 50 percent at fault. Moreover, the European Community directive on product liability restricts joint and several liability to economic damages only; it does not permit proportionate liability for noneconomic damages, as S. 640 does.

Fourth, the product seller provision restricts sellers' liability to their own negligence, unless the plaintiff cannot recover from the manufacturer. This provision is also a compromise. It will prevent the seller from routinely being dragged into every lawsuit—a high injustice when they are not at fault in roughly 95 percent of the cases—but put the seller in the manufacturer's shoes when the manufacturer cannot be brought to justice. Once again, this provision will assure that victims are made whole.

A third major category of provisions are those designed to reduce unnecessary legal costs. The product seller provision and the expedited settlement and alternative dispute resolution provisions both fit into this category. They will make a modest start at reducing unnecessary transactions costs.

Mr. President, in closing, let me state clearly that I believe this legislation, which in one form or another has been before the Senate for 13 years, has evolved into a balanced bill—not one that is probusiness or proconsumer, but one that will produce a fairer and more certain system of rules for people injured by defective products. I opposed earlier versions of the bill because I did not think they met this test. After 13 years, isn't it time that we entered into a serious and honest debate over the provisions of this bill? Surely the liability system is not so perfect, from either a manufacturer's or victim's standpoint, that it cannot stand improvement. If there are honest disagreements over its provisions, then let us try to work out reasonable compromises so that we improve the system for all its participants.

This is a targeted bill to produce a fairer, more certain, and uniform system of rules involving product injuries. Moreover, the system we propose should strengthen the incentives for accident prevention, and reduce unnecessary legal costs.

As a strong proponent of this bill, I am not arguing that these changes alone will spur the innovation, the economic growth, the competitiveness that everyone in this body is looking for. But I am asking my colleagues to recognize the role that this bill can play in helping to achieve these vital goals for the country and our people. The diverse support for the bill is proof of its balanced nature. I hope that it will win the votes it deserves on Thursday, and that we can finally move forward to make responsible reforms in the interests of the American people and business.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina, Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, this is not a fair or compromisable issue at all. I will get right into it.

Since the distinguished Senator from West Virginia qualified his statements with personal considerations, and stated how he at one time voted against this bill, and how he studied it, and how his zeal now is for compromise, and I certainly do not doubt his sincerity. But his pleadings on behalf of injured parties is much like Colonel Sanders' concern for the chicken.

Why do we have some 60 organizations opposing this measure? The distinguished Senator from Wisconsin, who has been pushing for this bill for 10 years, paints a picture of organizations crying out, clamoring for this so-called reform.

Yet, it was supposedly just a small group of lawyers plus Ralph Nader who were holding it up. So let me just stop right there and tell the listening audience, for heaven's sake, here are just some of the 60 organizations that have consistently opposed this bill over the years:

The Alliance for Justice; the American Association of Retired Persons; the American Bar Association; the public interest research groups from the various States; Citizens' Action; Consumers Federation of America; Consumers Union; the Disabilities Rights and Education Fund; Environmental Action; Friends of the Earth; National Association for Public Health Policy; National Campaign Against Toxic Hazards; the National Conference of State Legislatures; the National Consumers League; the National Insurance Consumers Organization; the National Women's Health Network; Public Citizen; Sierra Club. I could go on and on.

I know the distinguished leader is trying to move past this particular debate to other matters today, so I ask unanimous consent to have printed in the RECORD the list of organizations and individuals opposed to Federal product liability legislation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF ORGANIZATIONS AND INDIVIDUALS OPPOSED TO FEDERAL PRODUCT LIABILITY LEGISLATION

AFL–CIO.
Alliance of Justice.
American Association of Retired Persons.
American Bar Association.
American Council of the Blind.
Americal Lung Association.
American Public Health Association.
Americans for Democratic Action.
Asbestos Victims' Education and Information.
Asbestos Victims of America.
Brown Lung Association.
California PIRG.
Citizens Action.
Colorado PIRG.
Conference of Chief Justices.
Connecticut PIRG.
Consumer Federation of America.
Consumers Union.
Dalkon Shield Claimants's Committee.
DES Action USA.
Disability Rights and Education Fund.
Environmental Action.
Florida PIRG.
Friends of the Earth.
Illinois PIRG.
Maryland PIRG.
Massachusetts PIRG.
Michigan Citizens Lobby.
Minnesota PIRG.
National Association for Public Health Policy.
National Campaign Against Toxic Hazards.
National Coalition Against the Misuse of Pesticides.
National Conference of State Legislatures.
National Consumers League.
National Insurance Consumers Organization.
National Spinal Cord Injury Association.
National Women's Health Network.
New Jersey Citizen Action.
New Jersey PIRG.
New Mexico PIRG.
Oregon State PIRG.
Pennsylvania PIRG.
PIRG in Michigan.
Public Citizen.
Public Voice for Food and Health Policy.
Ralph Nader.
Service Employees International Union, Local 82.
Sierra Club.
Trauma Foundation.
United Auto Workers.
United States Public Interest Research Group.
United Steel Workers.
Vermont PIRG.
Washington PIRG.
White Lung Association.
Wisconsin PIRG.
Command Trust Network.
81 Law Professors.
Boston Women's Health Book Collective.
United Mine Workers.
Women's Law Center.

Mr. HOLLINGS. Mr. President, it is not just a small group of lawyers. It is not the plaintiffs or the trial lawyers who are trying to politicize now. And in that light, since they have now written me up in the Wall Street Journal as someone bought and sold by trial lawyers, let me tell you the truth about what the defendants' bar has done for me.

I represented the South Carolina Electric & Gas Co. for their suits on bus accidents. That is the municipal transit system in South Carolina. I had sued them before and made a lot of money. I always practice enough plaintiffs law to make a living and enough defendants law to be respected. I told a lawyer on the other side, who was a good friend, "Now, you just have a lazy bunch. They will not try the cases." I said, "Every time, when Thanksgiving rolls around, nobody gets on the bus unless they get their arm caught in the door, slip down and fall in the aisle, and then those defendants' lawyers have a veritable Christmas club and settle cases out of court." In those days, we did not have billable hours. We really had to try some cases and they would settle them out for $1,500, $2,500, or $1,700 for medical and something for lost time and a little bit for pain and suffering.

I took over that account and saved millions of dollars because I made them all come to court and try every one of the cases just to prove that point. I have organized many a small business, particularly in the automobile business, and otherwise. So I had a good time representing small businesses, even all the way to the Supreme Court in an antitrust suit with a wholesale grocer that had over 100 outlets in the little State of South Carolina. We took that through every court in the land defending against an antitrust suit and showed that we were not selling a loss leader, as they say, and that we were competing properly under the Sherman Antitrust Act and the other price controls at the Federal level.

So I have done a lot on both sides of the aisle, plaintiffs and defendants, and I know the difficulty that you have as a plaintiff's attorney. I say in all candor, when you get the plaintiff's case you have to go into court and get all 12 jurors. I remember with defendants all I had to do was study that panel pretty closely and find some interest, some, perhaps you might say, little prejudice in one of those jurors, and, boy, you think I did not dwell on that part of the argument? All I knew is, as a defendant's lawyer, all I had to do is get one of these jurors. But when you are a plaintiff's lawyer, you have to prove by the greater weight of the evidence—the preponderance of the evidence—to all 12 jurors. There are no runaway juries in South Carolina.

The truth of the matter is the trial judge can say, "All right, I do not believe"—and this happened just a few months back. The city of Greenville sued W.R. Grace Co. in an asbestos case for a building W.R. Grace was said to own. They got a little over $8 million, and the trial judge, who used to be one of the trial lawyers, said, "You only proved $4 million." He cut it. He said, "If you do not want to take the cut, you have to get a new trial." The trial judge in South Carolina can remove punitive damages at his own volition.

In South Carolina, we did not wait on the distinguished Senators from Wisconsin and West Virginia and now the White House with their political move against lawyers to do something. On the contrary, 4 years ago my State and now 43 States of the 50, have passed their own product liability reform. Under South Carolina law, for example, you have to prove for punitive damages, clear and convincing, not by the greater weight, but clear and convincing evidence of willfulness and a willful disregard. We don't have frivolous suits. We have a statute of limitation of 3 years.

Why should I take this bill's 2 years? Why should the national legislature decide for my State legislature? That is my interest in this bill. If you want tort reform, let us go to where perhaps you might need it in malpractice or automobile accident cases. Those are the predominant tort cases. We have 15 percent of the civil actions being brought in tort in this country, and less than 2 percent of those are product liability cases.

So there is no product liability system clamoring for reform. The truth of the matter is that right during this most recent recess, I toured industry after industry, and I always ask everywhere I go—for example, T&M Brass that ships over 40 percent of their brass works overseas—I always ask whether there are product liability cases there. I go to NCR, and NCR has the 3071 laptop computer. They sell over 40 percent of that to the European market. And down in Lexington at the main frame NCR, they export—producing in South Carolina—not only to Europe but to Australia and, yes, to Tokyo. You ought to see the little desks there and the keyboards that they have with the Japanese figures rather than the alphabet for the computers being sold. We produce them in South Carolina.

Talk about competitiveness. This crowd around here never tried a law case before, never ran a business, and never knew what competitiveness is. I guess I so said and identified as much having served now for some 40 years in public service and having worked as hard as I could in attracting industry. I was the first Governor in South Carolina to go to Europe and to Germany. We now have 100 German industries. Everybody is enthused about BMW. I have never had one of those industries ask me about product liability in the United States. We have 45 Japanese industries in my State. Not a one asked me about product liability in the United States. I go into Norte, which makes rubber gloves, not just the gardening variety but protective lining for guarding against 10,000, 20,000, 40,000 volts, and you see in the inspection and the care which they devote, you see the good that product liability does for safety and for lives and for health.

They said no, we have not lost an electric lineman since 1948. I said you lost one. They said no, that is when we organized, Senator. We have not had one of those cases.

(Mr. BINGAMAN assumed the chair.)

Mr. HOLLINGS. I go to Bosch, which makes all of the antilock brake systems for General Motors cars. You ought to come and look at it. You would think you were going into a film plant. You put covering over your shoes. You put a white smock on. You go into a place that is Simon-pure, totally sanitized.

I said wait a minute, all these antilock brakes you are making, how many product liability suits? Not one. They said, Senator, we have a figure on these products, the serial number on every one we make. You see the care we use. And if we had one, we would know where to go and what went wrong and how to correct it.

Bosch is proud of its safety record. I am going to ask later on in this debate to include the history of product liability because it is an innovation that came into the American system of jurisprudence, and it was not until 1966 that some of the States came in under it. But we have a much safer society in the United States of America because of the product liability system.

Now, my distinguished friend from West Virginia says he is offended. Well, I am going to read him the English language. I have counseled many a client, and when you read section 202(b) of S. 640 it says:

> If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the Court determines that such refusal was unreasonable or not in good faith, the Court shall assess reasonable attorney's fees and costs against the offeree.

Then following that, section (c):

> For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

Now, where is that 68 to 70 percent. We have had our own testimony. From having practiced law, I know that in the 70 percent of the cases you lose, you eat those costs and you eat those lawyer's fees. That is the contingency contract arrangement that we have with our clients.

I know, as is attested by none other than James A. Henderson, who is Frank Ingersol professor of law at Cornell University and Mr. Theodore Eisenberg. They studied some 2,500 product liability cases and found a distinct pro-defendant's trend. I confess it surprised me a little bit.

Professor Henderson testified:

> The upper curve represents the published opinion data that I gathered. In 1979, 55 percent of the decisions I canvassed favored plaintiffs and in 1988 it was down to 37 percent.
>
> The lower curve represents the district court data that Ted Eisenberg tracked. It was 40 percent favoring plaintiffs (we call it a plaintiff's success rate) in 1979, down to 32 percent in 1988.

So he concluded that the need for sweeping reform has been reduced. But if I am in the law business and I am trying to pay the family bills and be fair to all the other lawyers working with me and the staff, we have to pay our bills. So when the client comes in under this rebuttable presumption, presumption against him, I say look, my contingency has always been on the basis that you do not have to worry; the worry is mine. We will do our best. And if we win the case, then the fee is 25 percent, or a third if that was our contract at that particular time. And we took care of all the court costs, all the witness fees, and everything else of that kind. If we lost the case, we had to pay it all.

I have left a lot of money around on the table in a lot of courtrooms, and I would like to go back to certain verdicts I received and still move against the parties that have gone bankrupt or otherwise. You cannot get the money from them. But the point is while I might suffer that under the contingency system, this bill changes the basic relationship, Mr. President, distinguished lawyer that you are.

What happens under the provisions of this bill is the client walks in. I say wait a minute, this whole picture has changed to billable hours. And that defendants' crowd, the insurance lawyers, like to sit around up on their 25th floor with a wonderful library and the leather cushioned chairs and have amanuenses running to and fro with the coffee and the coke. And I will sit and study and I know I made another $100 or another $200 an hour. And I can tell you they will put not one lawyer on it. If we lose this case, they will have said they had five lawyers on it and they all consulted and worried about it. And I can guarantee you it is going to be $10,000, $20,000, and you are going to have to get up $10,000 to $20,000 for me to take this case, and we will set it aside in escrow. I still have my contract with you and you do not have to take any risks with me, but I cannot guarantee the case, particularly while we are losing about 68 to 70 percent of them.

Now, that fundamentally changes the attorney-client relationship, and the right to a trial by jury, and they know it. We tried to get it out of the Commerce Committee. They did not want any amendments. You cannot amend by statute the Constitution of the United States.

And the Senator says he is offended. I am going to give him the offensive language. Amendment 7 to the Bill of Rights, U.S. Constitution:

> In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

This constitutional right is not conditioned on alternative dispute resolution.

That is what they want. They want to stultify the plaintiff because it does not apply, Mr. President, to the manufacturer, the manufacturer in this statute they have before us now. The bill to become a statute exempts manufacturers from those provisions.

They tell me they are offended. I am offended at their offense, and I am still offended at the idea of trying to take away Americans' trial by jury. In fact, Newsweek—and I will give you the quote—had a cover article on this whole subject of tort reform and wrote that product liability was nothing but a camouflage for an assault on the American system of trial by jury. That is the conclusion of writers who reviewed all these so-called tort claims.

Now, they use the word "reform." I do not think I am going to win my personal case here, and I do not think I am going to win Ralph Nader's case, but I hope I can win the case for the citizens of the United States of America under this particular Constitution because for 200 years that has worked extremely well with no presumptions of bad faith, good faith, we have to adopt this or to do that. We can read. I know exactly what snuck in here very clearly, and they keep on doing it, and how they have worked on it 10 years. Now they have seen the light, now they have the feel of compromise, oh, so reasonable, oozing and oiling all their reasonableness.

That is hooey, Mr. President.

They are ready to gut the tort system that has proven itself for two centuries and ensured our safety. They want everybody harmed by the Dalkon Shield, they want everybody burned up in a Pinto, and they want everybody with a breast implant from Dow to have no cause of action and a presumption.

Let us examine the arguments made on behalf of this bill. We have been considering it for 10 years. The first time they said one could not get insurance. There was a crisis that one could not buy insurance. Well, the insurance industry last year made $19 billion in profits. Look at it and see. They are making money. I have not been able to get the record in the U.S. Congress as chairman of the Commerce, Science, and Transportation Committee. We in the committee have what insurance matters there are referred to us, and we tried to obtain accurate data regarding the insurance industry.

In fact, the distinguished Senator from West Virginia tried to get such information, and put in an amendment regarding the issue at one time. We still do not have the information. That is what is leading to Federal regulation of the insurance industry itself, where they have bills on the House and Senate side for the Federal savings because the insurance companies will not furnish that information. But the fact is now we have answered this issue. You can indeed get insurance.

Mr. HEFLIN. Mr. President, will the distinguished Senator from South Carolina yield for a question?

Mr. HOLLINGS. Yes.

Mr. HEFLIN. According to my information, in the Commerce Committee, the American Insurance Association, representing the largest insurance companies in the United States, testified in 1990 before the Commerce Committee that this bill is not likely to reduce insurance claims cost or improve the insurance market.

Did that occur in that committee?

Mr. HOLLINGS. That did occur in our committee. I will dwell on that point because I have that noted down here. They told us that 10 years ago the State of Florida enacted the so-called reforms essentially provided for in this bill. Insurance companies immediately raised the rates down in Florida after the State legislature had done what the insurance industry is now asking the Federal Government to do. Yes. The largest representative of the largest insurance companies in the United States came before the Commerce Committee and said, wait a minute. If you are going to pass this, it will not reduce insurance rates, forget it. That is not going to happen.

In fact, on that point, about the multiplicity of suits and lawyer costs that we heard the distinguished Senator from West Virginia talk about—the fact of the matter is that they do not in this bill give you a Federal cause of action. We usually come to the Congress and the Congress makes a finding on behalf of the public.

There is a public finding here that this now has become a national matter of concern and as a result we may have to preempt the States, and we have to make that finding. And when we make it, then we take over Federal jurisdiction.

The proponents of this bill do not do that. Oh, no. They just set down guidelines for the 50 States' jurisdictions to interpret words of art, burdens of proof, and rules of procedure. When those 50 States do it through their supreme courts, and they can appeal from that circuit or trial court up to their own supreme court, then they can come all the way back to the U.S. Supreme Court, all under the guise and in the name of saving money, reducing rates, and saving lawyers cost. In truth, this bill is a lawyer's bonanza here.

The proponents of this bill claim that if they had a Federal jurisdiction, you would go right in the Federal court. Then we would all know where to go, and it would simplify matters it would make some uniformity. In truth, they have guaranteed confusion rather than uniformity. I can tell you that right now, and they are not going to eliminate the cost.

Let us jump then to the alleged litigation explosion that they claim.

The distinguished Senator from Wisconsin, the principal sponsor, said there was a litigation explosion. But there is a professor here that testified—Mark Galanter, the director of the Institute for Legal Studies, University of Wisconsin Law School—that the total of nonasbestos product liability filings has been shrinking steadily from 8,268 in 1985 to 4,992 in 1990. That is a 40 percent decrease.

So there had not been a litigation explosion. On the contrary, the amount of product liability litigation is going down. It just nonpulses this particular Senator when the other one says he is offended. I am just amazed what happens. A moment ago I said the majority of the cases were in business contract cases. You go right to the point of the business contract cases. Eighty percent of civil actions are business contract cases. Since 1987, large jury verdicts in cases of businesses suing businesses amount to over $5 billion. This is more than all of the product liability verdicts in the last 10 years in the United States of America.

Then you go further. That does not include Pennzoil versus Texaco which had a verdict of $11.1 billion. This one case involved more damages than all the damages in all the product liability cases in the history of product liability.

Where is the clamor? Where is the need? Where is the congressional acknowledgment of a national problem? Oh, heavens, torts. They want to bring up, they tell me—they put me on the Federalism Commission. I was appointed by President Reagan—the idea was to get rid of the different departments. We opposed that. They wanted to get rid of the Department of Energy, get rid of the Department of Education, and everything else when they came to town 12 years ago but they said let us delegate those functions back to the States. They preached that the best government is that closet to the people. They were for Thomas Jefferson.

Now they jumped over to Harry Truman. But 10 years ago they were Jeffersonians. They wanted to, by gosh, dismantle the Federal Government, get it back to the cities, get it back to the counties, get it back to the States. Yet now this same crowd wants to federalize tort law.

The proponents of this bill are listening to the National Association of Manufacturers. This is why they want it. So let us make sure that those lazy lawyers got plenty of time to play golf and not try cases, and all they have to do is get one juror. If you want the life of luxury, get into those billable hours except, of course, Mr. President, if you are one of these Washington lawyers.

Let me touch on competitiveness, because I mentioned the National Association of Manufacturers.

The National Association of Manufacturers on August 21, 1992 put out a study focusing on the facts about modern manufacturing, and how manufacturing helps America grow. The study finds that American manufacturers are globally competitive. You can see how competitive manufacturing is in the United States. Yet I challenge you to find in the NAM study the claim that product liability is hindering our Nation's competitive ability. Find that claim in this thing here. I do now know how many pages it is. They have charts, they have everything else. They discuss how our exports are up, how wonderful it is, the very crowd that crows on the floor of the Senate that we have a national litigation problem that is sending our jobs to Europe. The NAM report says we are competitive in manufacturing, we are as competitive as can be, does not mention product liability as a serious problem.

In fact, I would submit that the European Community is going to do what is the American system of product liability, replacing the European way, where they do not have the guaranteed trial by jury and the other presumptions that we have.

And then we have the competitiveness study by the conference board. They had 232 risk managers. They never did like the results of the study. In fact, they asked for a restudy.

But we put it in the RECORD because the conference report got 232 of the risk managers of the largest corporations in the United States, and they said product liability was less than 1 percent of the cost of their products. They said it was not a problem at all. In fact, they wondered why they were being surveyed. So I will go right to the lawyers, because that is where, in a way, you have to personally defend yourself now, if you are a lawyer in our society.

When the Republican administration came to town in 1981, for 8 years they blamed Jimmy Carter, that everything wrong was caused by President Carter. They never mentioned the Congress. Then, of course, we had the riot in Los Angeles, and they blamed Lyndon Johnson. And something else occurred and they went back to George McGovern and blamed him. And then the next thing you know, the President arrived at the convention in Houston and the President blamed his Cabinet, said he was going to get himself a new Cabinet. Then in his acceptance speech he talked about lawyers.

The President said, and I was embarrassed for the President:

> I see something happening in our towns and neighborhoods. Sharp lawyers are running wild, doctors are afraid to practice medicine, and some moms and pops will not even coach little league anymore.

Mr. President, those are not product liability cases. One is malpractice and the other has to do with voluntarism.

He goes on and says:

> After all, my opponent's campaign is being backed by practically every trial lawyer that ever wore a tassled loafer. He is in the ring with them.

Compare this to other Presidents in historic moments. "Ask not what your country can do for you," said President John F. Kennedy. Roosevelt said, "The only thing we have to fear is fear itself." Yet this President goes before his strongest supporters at the convention and says the trial lawyers stink. What kind of nonsense is that when you are looking at national problems? I was embarrassed for him because he really was trying, along with DANNY QUAYLE, to find a scapegoat, and that shows the depravity of the political system. For 20 years, I never saw a political poll. You did a good job and you got promoted up in public service.

For the last 20 years, everybody gets out the opinion polls and finds out the 5 or 10 issues and identifies with the issues, and as a result, polls govern up here, and that does not offer a solution for anything.

All they want to do is identify vaguely with hot button issues. So they take a poll, and sure enough they will find unpopular professions—journalists, doctors, and they will find lawyers. But rather than this demagoguery, consider this: The fella who wrote the Declaration of Independence was a lawyer. The fella who wrote the Constitution, James Madison, was a lawyer. Most of the first 16 Presidents, going from the beginning of the Union up until the Civil War—Abraham Lincoln—these Presidents were lawyers. The gentleman who wrote the Emancipation Proclamation was a lawyer. The fella who took us out of the dark depths of depression and enunciated and fulfilled equal justice under the law, Franklin Roosevelt, was a lawyer. And we have just proclaimed the wonderful work done by former Justice Thurgood Marshall in the field of civil rights. You can go down the line and cite the contributions of lawyers to our American system of government.

If they want to criticize lawyers, there is one group of them that has never seen a courtroom in this town. It is an embarrassment. This is the crowd—the RTC lawyers, $500 an hour; $500 an hour for Resolution Trust Corporation lawyers. Look at the fees that are paid out for all of the studies, lawyers, and consultants. That is all they do down in this city. If they want to take on the lawyers, the President should realize he is in the ring with the wrong crowd of lawyers. If he got in the ring with trial lawyers, he would know there is an adversary proceeding and he had to prove his case to all 12 on that jury. With this crowd of lawyers they have up in Washington, all you have to do is identify with a particular problem. That is all they do, as they run around and try to politically fix this, introduce that and everything else. They have never tried law cases. That is the crowd that is an embarrassment to me.

Well, they had one fella who had never been in the courtroom, worked on the White House staff, and an Arab country offered him a retainer of $600,000. He was so embarrassed after the press reported it—thank heavens for the free press—he gave the $600,000 back. He has since retired to anonymity, which he so richly deserves, and had before he got his 600 grand.

That is what you have going on, according to Pat Choate, documented in his book "Agents of Influence."

This is where this Senator from South Carolina says, look, you special trade representative, under the code of ethics and professional conduct of the American bar, you are not supposed to involve yourself with the parties of a case that you have handled for 5 years, and I am putting into the special trade representative appropriation, which I have in my subcommittee, that they shall not be involved for 5 years.

What do they do? We pass it in the Senate, and they kill it the second time over in the House. And we will try it again. That is the crowd that Pat Choate writes about in "Agents of Influence," all these special trade representatives—Eberly, Brook, Strauss. Go down the list. Carla Hills before. And now, she will go back and represent these different countries on the other side.

It is as if Schwarzkopf retired and then went to Baghdad to represent Saddam Hussein.

The national economy of this country is as important as is the national defense. We have some columnists claiming there are lawyers running around wild, making money, intimidating folks. You do not find trial lawyers doing that. You find the Washington lawyer crowd. Choate writes there are 100 law firms paid $113 million to represent Japan alone. Well, take the 535 of us in the Congress and multiply that by the salary of $129,000—I think it will go up next year—you get $69 million. The country of Japan, by the measure of influence and ability, which is a dollar mark in this town, the country of Japan is better represented than the people of America. That is the lawyer crowd that is writing these silly talks for the President of the United States.

The advocates of this bill talk about how reasonable they have become. Not at all, not at all. This is the worst demonstration of the depravity of our politics that I have ever seen. We have real problems. We have an American plan for Russia, we have an American plan for the Middle East, we have an American plan for the Kurds in the north and Shiites in the south of Iraq. We have an American plan for Bangladesh, the Philippines, for the defense of Japan and Korea. We have an American plan of most favored nation for Communist China. We have an American plan for Ethiopia, Somalia, El Salvador, Panama, and now they want an American plan for fast track for what jobs are left to Mexico.

Why can we not get an American plan for America and get real, and not talk about trial lawyers, but about our real national problems? One of the characters in a Shakespeare play, I think it was Dick the Butcher, who said, "The first thing we do is kill all the lawyers," because you cannot subjugate human rights until you first silence the lawyers. Tyranny shall never prevail where there are lawyers.

Hitler knew otherwise. Here is what he said. "I shall not rest until every German sees it is a shameful thing to be a lawyer." That is the theme we see here. We, who are protecting the rights of parties here in the National Government, they are going to give me that line, and they are going to have a fine time here. They do away with cloture, get a bill, and then bring the pressure on and give substance to the gridlock.

Let me tell you who is locking the grid. Right over here, 43 of them, on the other side of the aisle. You cannot get anything up. They do not anything without a filibuster. The majority leader is worn to the point of exhaustion, trying to get legislation up. You have to debate to even call it up. I correct the RECORD while I am doing this, because the distinguished Republican leaders was going to talk about getting the truth, getting the facts. The President of the United States said he was cornered, or under the gun, in agreeing to the 1990 budget deal. He says he was cornered, and therefore went along with the Democratic increase in taxes in return for the tougher spending limits.

False; absolutely false. The President, with his 31 vetoes, is not cornered. He has yet to disapprove of even $1 in spending. Every dollar of spending in his 4 years had his name; not the name Hollings behind it, but his name. And he has worked his way over here and said what he is going to do and what he is going to veto, and he is not cornered. He is solely in charge, assisted by this strong group on the other side of the aisle.

And when he calls it a Democratic tax increase, yes; a majority of the Democrats in the U.S. Senate voted for that. But a majority of the Republicans in the U.S. Senate also voted for that tax increase, breaking the pledge: "Read my lips." The Senator from South Carolina did not. And, the President said he went along with the tax in return for the toughest spending limits. Yet in round figures the deficit was a little over $200 billion in 1990, and has gone up almost to $400 billion this year.

If that is tougher spending limits, Heaven forbid, Lord help us. The toughest spending limits were imposed by Gramm-Rudman-Hollings, that cut spending right across the board. Those Gramm-Rudman-Hollings limits were repealed in that summit agreement. So it was not in return for tougher spending limits. It was in return for repealing the toughest of spending limits.

I am glad that I have time here on the floor of the U.S. Congress to straighten out the facts. If that is what they want to talk about—the truth on these things—we have plenty of time, and we will get into this thing in depth. The truth of the matter is that they are trying their best to corner the actual bringing of suits for the injured party.

As I went around my State, I was told by one of the manufacturers, who is in international production and trade, he said, "Well—" and he was an executive with the company, running it. He said, "Senator, the truth is that our insurance lawyers called when they heard you were going to visit. They said, 'Get on him about product liability.'"

I said, "Do not ever go to the National Government on product liability unless you want to jump from the frying pan into the fire—and I do not think there is a frying pan; I think this is a reasonable approach the States are now using. But if you want to get into a fire, where do you get the idea that the Congress is more conservative than the Legislature of South Carolina?"

He looked at me and smiled, and said, "Enough said. I have done my duty. Go on. We are glad to have you go on through the plant."

We talked sense to our voters. We are proud of our businesses. We are proud of our production and our competitiveness. We are proud of our lawyers, and we are proud of our judges, and I have systematically asked Federal judges and State judges if product liability was a problem in my State. They said absolutely not. They said: We do not hear all of that. That is just a political issue that the National Association of Manufacturers, the conference board and chamber of commerce got out.

I was NAM's darling when we had labor law reform, this Senator from South Carolina. We had seven cloture votes, and we blocked labor law reform. I saw them all dressed up, but no place to go. So they went and jumped on Davis and Bacon until they learned that Davis and Bacon were both Republicans, and Republican President Hoover had signed it into law and we had gotten rid of inflation. They said it was causing inflation; now they are taking credit for getting rid of it. And they have not repealed Davis-Bacon.

Then NAM took up the issue of product liability. They said, "Let us get on them; run the lawyers out. Take a poll and ask them about lawyers."

Look at what the poll showed: That is not a national problem. That is not even a national concern. It at best is a problem for the individual. And it is particularly of national concern that we do not try to repeal the Bill of Rights here, that guarantee of trial by jury.

I see my distinguished friends here waiting to take the floor. I will hold back and get into the rest of this debate in just a little while.

thank the distinguished Chair, and I yield.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I will be brief.

Mr. President, I rise in opposition to S. 640, the Product Liability Fairness Act. I have expressed opposition to this legislation on the floor a few months ago because I believed then, as I do now, that the bill is an unnecessary infringement upon the rights of the States. In addition, product manufacturers and sellers would have an unfair advantage relative to the rights of individuals.

No one can deny the current complexity of product liability law or some variation in the standards of the different States. However, the diversity represented by the State doctrines can be considered a strength rather than a weakness. The development of these State doctrines has been a cautious, deliberative process, a gradual adaptation of the law to changing concepts of social responsibility and justice. Such a careful structure should not be destroyed for a seemingly more uniform system. When discussing the practical problems of federalizing State tort law, Professor Eisenberg of Cornell Law School said:

> The changing nature of product liability law makes me cautious about wishing for Congress to implement a single rule. For the rule Congress adopts had better be a good one, since it may preempt further experimentation and change by the States. I see no basis for believing that the rules embodied in the legislation are superior to the collection of rules embodied in various State laws into the ability of the States to adopt the best rules of their sister States, as those rules evolve over time. The one thing we do know is that State product liability law does change. I worry that Congress may freeze the law with the wrong set of rules at a time when there is no clear reason to do so.

Clearly, the process of righting product wrongs can best be achieved through local entities, which allow careful experimentation in dealing with the needs of consumers. A system of Federal regulation would hinder this process of development of common law, resulting in confusion on the part of the consumer, who has no alternative but to try to bring a claim despite the complexities of such rules.

Although the proponents of S. 640 claim it is a simplification of the maze of State product liability laws, in fact it is nothing more than an obstacle course designed to thwart the fair compensation by the States to injured consumers and workers.

Let me give you an example of how S. 640 would fail to achieve uniformity and would actually cause more confusion. Under the bill, the standard of proof for punitive damages would be raised to clear and convincing evidence and the conduct meriting an award of punitive damages would be conscious, flagrant indifference. In contrast, look at the number of terms to encompass conduct warranting punitive damages developed under State law—malicious, wanton, reckless, grossly negligent, willful, extreme, exceptional, fraudulent, and oppressive.

Injecting the new terms of S. 640 will only increase the uncertainty of the law as those terms are given meaning within the laws of each of the States. Suppose part of a complaint that seeks punitive damages is a nonproduct claim and another part is a product claim. In such a case, the trier of fact would have to assess the damages based upon two separate standards. Obviously, greater uncertainty, not lesser uncertainty, is likely.

Moreover, Federal product liability legislation opens the door to substantially greater Federal intrusions on the States. As Andrew F. Popper, a professor at the College of Law of the American University testified:

> Although the bill is watered down from prior efforts to undermine federally the State court system, it produces a classical "camels nose." Bring this bill to the floor of the Senate, and amendments will be put forward, probably before the first serious vote is taken, to provide more benefits to manufacturers. Pass this bill, and in future quiet sessions attracting nowhere near this level of attention, the federalization of tort law and the disassembly of consumer protection will become an annual function of this and other committees in our Congress.

A recent report by the Rand Institute for Civil Justice found that 23.4 million people every year need to seek compensation for losses related to injuries they receive. These injuries are of concern to all of us because they cost society $175.9 billion annually, an amount equal to 4 percent of the GNP. However, despite the claims that our tort system is out of control, only 10 percent of those people who have such injuries receive compensation through the liability system, and of their total recoveries, only 7 percent come from liability payments.

Moreover, these injured individuals recover only about 60 percent of the economic losses from any source—the rest is paid by the injured individuals themselves. Permanently injured individuals only recover 20 percent of their losses. Despite these figures, we stand here today considering a bill that would severely restrict the rights of individuals to obtain even that small amount of tort liability compensation.

This legislation is grossly unfair and contrary to basic principles of decency and individual rights. For example, S. 640 would prevent Americans from suing makers of defective workplace products that are more than 25 years old. Thus, an individual who is injured by a product that was 24 years old could be compensated, but a person who was injured by the same product that was 26 years old would not be compensated regardless as to how strong the worker's claim. Does that make sense? I do not think so, especially when many workplace products are designed to last more than 25 years.

In another provision, we would protect manufacturers of Government-approved or certified aircraft, drugs, and medical devices from punitive damages unless fraud was involved. I believe this provision is absolutely unjustified and unjustifiable. Basically, this rule would make Government approval, which often represents a minimum standard of safety, a license to recklessly market an unsafe or defective product.

Time and again, we have seen products that were approved by the FDA such as IUD's, anesthesia machines, heart values, and others, without fraud involved, resulting in devastating injuries because of the reckless activities of the manufacturers. Let me read to you from a recent report in the Wall Street Journal on the regulation of medical devices by the FDA:

> Of 60,000 devices on the market today, from breast implants to lasers, the vast majority receive the same cursory review as the innocuous tongue depressor, according to government auditors. Last year, an advisory panel, headed by former FDA Commissioner Charles Edwards, took a look at the devices centers' operations and warned that "a crisis is surely impending."
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> Critics contend the agency's tilt toward accommodating industry has taken too much of a toll. A 1989 Congressional audit found that of 53,000 reports on adverse incidents filed with the FDA by device manufacturers, 55 percent involved serious injuries to patients and others; 3 percent involved deaths.
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> Malfunctioning devices were to blame for 42 percent of the cases. Alarm failures on infant breathing monitors resulted in the deaths of four babies. One device alone—the fracture-prone Bjork-Shirley heart valve—is blamed for more than 300 deaths. Three cancer patients died from overdoses of radiation because of glitches in linear accelerators, according to a 1991 FDA inspection report. Despite the deaths, the FDA's regulatory response has been slow and largely ineffectual.

Based upon such evidence, I cannot believe we would even consider the FDA provision found in S. 640.

Moreover, the legislation would eliminate joint and several liability for noneconomic damages. The joint and several liability doctrine applies to situations where wrongdoers act in concert to cause an injury to a victim, and the injury cannot be divided among them in a logical fashion. If multiple parties are jointly and severally liable, the victim may recover in full from any of the wrongdoers. This doctrine helps to insure that victims injured by more than one wrongdoer receive full and fair compensation.

S. 640 would restrict the rights of individuals to obtain perfectly legitimate damages by shifting to the victim the risk of undercompensation. The elimination of joint and several liability for noneconomic damages such as pain and suffering would result in individuals receiving less than their full damages whenever wrongdoers are immune from suit, insolvent, uninsured, underinsured, or not subject to a court's jurisdiction.

I could talk a very long time about the problems with S. 640, but I will not. However, I do want to reaffirm the position I took a few months ago regarding this legislation, that to advocate passage of this bill is to ignore almost 200 years of tort law, without any real demonstration of need. Few aspects of our legal system are as traditionally consigned to State court jurisdiction as tort law. Although the system may not work perfectly, it works effectively, and we should not begin to tamper with it. There simply is no reason for change. I urge my colleagues to defeat this legislation.

Mr. HOLLINGS. Will the Senator yield for me to make a unanimous-consent request?

Mr. SHELBY. I yield.

PRIVILEGE OF THE FLOOR—H.R. 5679

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate allow Ms. Gwen Williams, a Legis fellow on the staff of the distinguished Senator from New Mexico, and working with him on the bill H.R. 5679, the Department of Veterans Affairs and Housing and Urban Development and independent agencies appropriations, floor privileges when that is under consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank my colleague.

Mr. SHELBY. Mr. President, as I said, I will be brief now, after my statement has been entered into the RECORD. But I have listened to this debate not only this afternoon, but on several occasions when I was in the House and since I have been in the Senate. But as I view this bill, we can talk about lawyers; but I believe the central thing we need to think about in this bill is people. The working people of America, the poor people of America, making up about 90 percent of our population, would be barred, basically, from courts in the United States on these kinds of cases, products liability, if this legislation were to become law.

First of all, it is not going to become law. It is a bad piece of proposed legislation. It is bad timing here in this late part of the Congress. But I oppose it because it would basically close the door to the working people of America.

People compare us to Europe. They say, well, Germany has this, and France has this. But one thing we have had in America, and which the distinguished Senator from South Carolina has so ably demonstrated, we have had a right to a jury trial.

We have had a jurisprudence system in 50 States. We are a Nation of 50 States. We have never federalized our tort system. The tort system that we have, that has served us for a long time and will serve us in the future, has evolved over many, many years. And for us to come up here all at once, in a late session of Congress, and say this is going to be the law of the land, I think it would be a travesty of justice. It would say again to the working people of America: You are not going to have your day in court. You are not going to have your right to a jury trial. You are going to be excluded if you do not have money to buy your way into this system.

I think overall, our jurisprudence system works. We could refine it, but let us not do a butcher job on it. This would be a butcher job.

I oppose Senate bill 640. It is a bad piece of legislation. It is antipeople; it is antiworking America.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise in opposition to S. 640, the so-called Product Liability Fairness Act. You can pick words any way you want to, but that word "fairness" is the biggest misnomer that I have seen labeling this legislation in many a day.

I think this bill would bring about an unwise and unnecessary infringement upon the rights of the States and an unwarranted trampling of the rights of individuals seeking compensation for injuries incurred from defective products. Over the last two centuries, the States have developed effective product liability laws which balance the interest of the manufacturers which make products and against the interest of consumers who use those products.

The ostensible purpose of this proposed legislation is to bring uniformity and predictability to State product liability systems. However, in the years of hearings on this bill before both the Commerce and the Judiciary Committees, law professors and jurists have consistently and repeatedly warned that the legislation will not and cannot achieve this purpose. S. 640 will act as an overlay on the 55 State and territorial court systems as well as the Federal system under diversity jurisdiction.

What it does is federally preempt certain phases of the State tort law systems, puts them into force and effect and then leaves certain other aspects of State law in place. Now, that brings about a conglomeration and, you might say, a Heinz 57 variety of a dog is created. The new rules will be applied in many different contexts and will inevitably be construed and applied differently. With each State and territory construing the rules, even the uniformity that has been achieved to date over a long period of time will be destroyed and the long process of unraveling new concepts will begin.

Let me give you an example of how S. 640 would fail to achieve uniformity and would cause more confusion. Under this bill, the standard of proof of punitive damages would be raised to clear and convincing evidence and the conduct meriting such an award would be conscious, flagrant indifference.

In contrast, the number of terms in many States encompassing conduct that justifies punitive damages refer to standards such as "willful and wanton," "malicious," "wanton," "reckless," "gross negligence," "willful," "extreme," "exceptional," and "oppressive." Injecting new terms will only mean increased uncertainty and lack of uniformity, as those terms are given meanings within the laws of each of the States.

Let us look further at this example. Suppose part of a complaint that seeks punitive damages is a nonproduct claim and another part of the complaint is a product liability claim. In such case, the trier of facts, most likely a jury, would have to assess the damages based upon two separate standards. Clearly, greater uncertainty and confusion will result.

Let me give you an example of what would happen. We all know about the Pinto automobile and the fact that this automobile was designed negligently with the knowledge that it could cause tremendous damage if its gas tank exploded if it were hit by a car. Numerous cases arose in which the Pinto automobile was hit in the back and the gasoline tank exploded. Under these sets of facts, you would have one set of facts if an injured victim sued the man that hit him or her from the rear, and you would have another set of facts and a set of laws to be construed and to be used relative to the manufacture of the automobile where the gas tank was involved.

Now, how is a court going to interpret that certain standard? And there are other issues regarding the lack of uniformity—not just the punitive damage question. You would have a situation on joint and several liability against the driver of the car that ran into the back of the Pinto, whether he would, under the law of joint and several liability of his State, be responsible along with other defendants pertaining to the issue of noneconomic damages. And then on economic damages, there would be a new set of rules that could be applied.

Talk about confusion. Talk about the need for certainty and predictability. This piece of legislation will bring about greater confusion and absence of uniformity, and it will result in really a nightmare.

The State of Alabama may decide the laws under this in one manner; the State of Mississippi may decide the laws under a different set of interpretations.

So the concept of the way this all arose was that the proponents wanted uniformity. Well, what they are going to get is a brier patch of nonuniformity.

This law, in my judgment, also—and I am not going to tell them how, but the insurance industry better get wise,—is going to do away with diversity jurisdiction pertaining to product liability. I will let you figure it out. I am not going to tell you, but the insurance industry is going to find out that under this basis it does away with diversity jurisdictions in the Federal courts.

Now, let me discuss with you another troubling aspect of the issue of uniformity. Some States have, by court decisions and statutes, abolished the right to obtain punitive damages. This matter pertaining to punitive damages makes no attempt in regards to the issue where punitive damages have hit the headlines, such as Senator HOLLINGS brought out pertaining to the issue of the case of Penzoil versus Texaco. S. 640 exempts business lawsuits.

A Senator told me that he had a small financial interest in a bank, and certain plaintiffs sued the bank, and they were awarded punitive damages. My friend said the plaintiffs were outlandish. He said, "That is why I am going to support a Federal product liability bill." Well, if he reads S. 640 or gets his lawyer to do so, he will find that S. 640 does not do him any good. The issue of where most of the punitive damages have arisen is more in commercial and business litigation, and S. 640 does not address that issue. Why? Because manufactures want to reserve to themselves the special protections of this bill.

So I say to you that this legislation is going to end up having many, many more problems dealing with the issue of uniformity, and it is not going to bring about more uniformity.

In a recent hearing which the judiciary Committee conducted, testimony was heard by Mr. Mark Galanter, a distinguished professor of law at the University of Wisconsin Law School and a nationally recognized expert in the field of studying patterns of litigation in America. Professor Galanter testified there is no evidence of a litigation explosion of product liability cases in recent years.

In recent years, in product liability cases under diversity jurisdiction filings of nonasbestos product liability cases, we have seen them fall from 8,268 in 1985 to 5,273 in 1991, a decrease of 36 percent. This is not evidence to me of a litigation explosion.

Chief Justice Carrico, who is of Virginia, testified on behalf of the conference of State Chief Justices that a study conducted by the Court Statistics Project of the National Center for State Courts revealed that in 1990, approximately 18,000 of the 100 million filings in State courts were civil cases—only 18 percent. Approximately 10 percent, 1.8 million filings, were tort cases and significantly, only about 2 percent of the tort filings were product liability cases.

This, my colleagues, does not suggest a litigation explosion in product liability cases. The National Center for State Courts project shows the most dramatic increase in civil filings tend to be for real property and contract cases, not tort cases, much less product liability cases, which are a subset of tort cases.

There is other evidence that the decline in product liability findings suggests that the world of product liability is contracting, not expanding. In 1991, a Rand Corp. study found that approximately one out of every ten Americans who are injured, seek compensation from the tort system. The Rand study also found that only 7 percent of all compensation is paid through the tort system.

The workers compensation program is the biggest source of compensation, not product liability which is based upon common law or statutory law.

While I am on this subject, you know when you start federalizing matters you can get into a lot of different fields. When I came to the Senate, 14 years ago, there was great danger of federalizing the various State workmen's compensation systems. There were people who were making an effort to have uniform workmen's compensation laws throughout the entire United States, but those efforts were not successful.

But, if the door is slightly opened, then I believe we will see greater efforts toward Federal preemption at the expense of the abilities of the various States and territories to manage their product liability laws.

I asked a business friend of mine if he had ever known a Federal cure that did not turn out to be a Federal plague? He thought a while, and he said, well, I believe you are right.

A study by Professors Rustad and Koenig given in testimony before the Senate Commerce Committee shows that punitive damages in nonasbestos product liability cases decreased by 34 percent in the last half of the 1980's. In 1991, a General Accounting Office report shows that not only are there fewer product liability lawsuits and fewer awards, but fewer claims for insurance were filed.

These examples from studies run counter to the assertion that there is a litigation explosion with regards to product liability lawsuits. There is a litigation explosion, but it is not in the field of personal injury. It is in the field of businesses suing businesses; not injured victims suing for compensation.

Let me turn, now, to one additional aspect of S. 640, which is of great concern to me, and that is the issue of consumer safety.

Our worthy opponents suggest that the current tort system stifles innovation and keeps beneficial products from the market.

On the other side of this argument there is the contention that tougher laws force manufacturers to consider product safety and make products that are of such quality that they will be competitive in the worldwide marketplace.

In 1987, a report by the Conference Board supports my conclusion. The Conference Board is a nonprofit business information service whose support comes largely from business concerns. Let me read to you some of the key conclusions of this report:

> 1. Where product liability has had a notable impact has been in the quality of the products themselves. Managers say products have become safer, manufacturing procedures improved, and labels and use instructions more explicit.
>
> 2. Two-thirds of the firms responding—and these are firms with $100 million in annual sales—said that only 1 percent of the final price of their product could be attributed to the cost of liability insurance. Eleven percent of the firms estimated the cost to be 2 to 3 percent of the final price.

I asked Senator HOLLINGS—let me quote again the statement which formed the basis for the question.

> For years the proponents of this legislation have asserted that insurance costs for business were too high; insurance is too hard to obtain, and therefore Federal product liability relief if needed.
>
> The American Insurance Association, representing the largest insurance companies in the United States testified in 1990 before the Commerce Committee that this bill is not likely to reduce insurance claims costs or improve the insurance market.

Robert Hunter, the president of the National Consumer Insurance organization testified, "Make no mistake about it. If insurance costs and availability are not improved, competitiveness is not affected."

When we get to the aspect of looking at this issue, we see that there is no real litigation explosion and the proposed legislation is not going to end up saving business any money. The matter of all of the handling of product liability is done through insurance and where the insurance industry itself comes and testifies that it is not likely to reduce insurance claims costs or improve the insurance market, I think that testimony ought to raise a question as to the real validity and need for this legislation.

One other troubling aspect of this bill relates to the abolishment of punitive damages when drugs or medical services have received premarket approval from the Food and Drug Administration, unless fraud is shown. There is little doubt that the FDA was never intended to be the first line of defense against product safety. Its regulatory authority provides a minimum standard of safety. The FDA lacks subpoena power, does not independently test, and is not funded as well as it should be.

The defense that this provision establishes ignores the fact that important evidence regarding drug safety may not surface until after FDA approval. A recent GAO study contained alarming statistics. It said that, of the 198 drugs approved by the FDA between 1976 and 1985, 102 drugs, or approximately 52 percent, had serious postmarket problems including label changes or withdrawal from the market.

This provision in S. 640 thumbs its nose in the face of the American public who, in my judgment, should be outraged. And I only need to remind my colleagues of the recent breast implant controversy as illustrating FDA's inability to adequately police drug and medical device safety.

The proponents of S. 640 talk about how fair this bill really is. Let us look at this aspect for a moment.

The bill would eliminate joint and several liability for noneconomic damages. The doctrine of joint and several liability applies to situations where multiple wrongdoers act in concert, to cause an injury to a victim.

They cause an injury that cannot be divided among themselves in a logical manner. If multiple parties are jointly and severally liable, the innocent victim may recover in full from any of the wrongdoers. This doctrine was designed to help ensure that victims should receive full and fair compensation.

Eliminating joint and several liability for noneconomic damages such as pain and suffering would result in victims receiving less than their full damages whenever wrongdoers are immune from suit, insolvent, uninsured, underinsured, or not subject to the court's jurisdiction.

One of the most interesting witnesses who testified before the Judiciary Committee was Ms. Luicinda Finley, a professor of law at the State University of New York in Buffalo.

Professor Finley testified that this provision tends to have an adverse impact on women, the elderly, children, and the less economically advantaged in our society. Why? Loss of income is the major aspect of economic damages. Those who earn more receive greater amounts of economic damages, and those who earn less receive lesser amounts of economic damages.

As Professor Finley testified, the amounts that a jury may award for noneconomic damages can help bring the total recoveries for the elderly person, the clerical worker, or the less well-paid worker closer to that of the executive.

Mr. President, I have many other problems with S. 640. But the issues I have outlined above should give the Senate the basic thrust of why I feel S. 640 is fatally flawed. It is based on erroneous data, unwarranted assumptions, and it is unfair, nonuniform, and does violence to the concepts of federalism.

I urge my colleagues to vote against cloture on the motion to proceed.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Alabama for his fine statement.

Mr. President, I rise today to oppose S. 640. I strongly support efforts to ensure American businesses are competitive in the changing world markets, and I particularly advocate support for small businesses. I recognize that product liability lawsuits are expensive and may not be the most efficient way to provide compensation to persons injured by products, especially for those victims that lack adequate health care. But S. 640 would not provide adequate solutions to problems with the current product liability system. I do not believe the overhaul of our current product liability system in the manner envisioned by S. 640, is justified. I do not view this as a step forward, I view it as a great leap backward.

S. 640 would federalize an area of law historically, and, at his time, best left to the States. Our traditional system of product liability law has served an invaluable role in our society as each State establishes procedures it considers best suited to meet the needs of its citizens. By federalizing certain aspects of product liability law, for example, in the area of punitive damages, joint and several liability, liability of sellers, and products approved by FDA and the FAA, S. 640 would preempt parts of State laws in a way that limits or eliminates a victim's right to financial recovery; but does not undo other aspects of State laws that restrict victims' rights. Thus, S. 640 would fail to establish real uniformity except, I fear, the kind of uniformity that is detrimental towards victim's rights. In my own State, S. 640 would preempt rights enjoyed by Minnesotans under Minnesota law without any corresponding benefit.

I am concerned that in the debate and rhetoric surrounding the product liability bill, the issue has been approached as a battle against lawyers. I am not here to defend lawyers, either plaintiff or defense lawyers. But I am afraid that we are overlooking the critical fact that product liability lawsuits are filed on behalf of people—people injured or killed by allegedly defective products. Last year, there were 28 million injuries and 21,000 deaths associated with consumer products; not near that many lawsuits.

It is the parents of children crushed by defective garage doors when the door fails to reverse that file lawsuits; it is persons horribly disfigured by explosions of LP-gas water heaters that have defective control valves that file lawsuits; it is women ravaged by injuries caused by silicon gel breast implants that file lawsuits; it is the parents of toddlers who drown in 5-gallon buckets who file lawsuits; it is the estate of people killed in a house fire caused by a defective space heater who file law suites. And the list goes on and on.

And let's not fool ourselves Mr. President, into thinking defective products are not being manufactured and sold as we speak and debate on the floor of the Senate tonight. Nearly every day, the Consumer Product Safety Commission, the National Highway Traffic Safety Administration, FDA, or some other Government agency announces the recall or issues a warning on defective or dangerous products such as strollers, space heaters, coffee makers, garage door openers, weed trimmers, reproductive devices, drugs, and infant car seats, to name a few. I ask unanimous consent to print in the RECORD some news releases recently issued by the CPSC and National Highway Traffic and Safety Administration announcing recalls of hazardous products, and an article from Pediatrics on the drowning hazard presented by 5-gallon buckets. These are just a sampling of the defective products responsible for thousands of injuries and deaths each year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1,000 Gerry Strollers Recalled for Potential Brake Failure

WASHINGTON, DC.—Gerry Baby Products Company, Denver, CO, in cooperation with the U.S. Consumer Product Safety Commission (CPSC), is voluntarily recalling approximately 1,000 of its portable, umbrella-style strollers. The strollers' brakes, when locked, may not hold on an incline which could allow the strollers to roll and potentially result in an injury to a baby in the stroller. Gerry has not received any reports of injury related to this problem.

The model numbers involved are: 127, 136, 166, 195, and 196. The model number and "May 1991" are located on the metal lock between the rear stroller legs. Consumers who still have the box can also identify affected strollers by the following date codes printed on the box: 1128, 1129, 1130, 1131, 1133, 1134, 1135, 1136, or 1137. No other Gerry strollers are affected by this recall.

Consumers who have a Gerry stroller with both a model number listed above and "May 1991" on the metal lock should call Gerry at 1-800-525-2472 for information on how to obtain a free replacement stroller. Consumers may also call this number for assistance in identifying affected strollers.

The affected strollers were sold during May and June 1991 for approximately $25 to $55 each. The strollers were sold nationwide through J.C. Penny, Pace, and Child World retail stores, and by the following companies in the areas listed: Dillard's, Gilbert, AZ; Hambilton & Carr, Tonawanda, NY; Everything Baby, Brooklyn, NY; Lechmere, Northeastern U.S.; For the Traveler, Kissimmee, FL; Nordstrom, Ontario, CA; Kiddie World, San Jose, CA; and Marines, Los Angeles, CA.

The U.S. Consumer Product Safety Commission is announcing this recall as part of its mission to protect the public from unreasonable risks of injury and death associated with consumer products. The Commission's objective is to help reduce the estimated 28.5 million injuries and 21,600 deaths that are associated each year with the 15,000 different types of consumer products under CPSC's jurisdiction.

NOTE.—To report an unsafe consumer product or a product-related injury, consumers may call the U.S. Consumer Product Safety Commission's toll-free hotline at 1-800-638-2772. A teletypewriter for the hearing impaired is available at 1-800-638-8270; the Maryland TTY number is 1-800-492-8104.

DeLonghi Voluntarily To Replace Control Panels on Oil-Filled Electric Heaters

WASHINGTON, DC.—DeLonghi is providing free replacement control panels for oil-filled radiator-type electric heaters manufactured by DeLonghi S.p.A. from 1980 through 1988. DeLonghi is taking this action to correct what the U.S. Consumer Product Safety Commission (CPSC) considers to be potential fire hazards in some of the electric controls.

This replacement program by DeLonghi is being undertaken in cooperation with the CPSC after reports of electrical failures within some control panels which the Commission believes could cause fires. The manufacturer does not believe any safety hazard exists with these products.

DeLonghi is offering, at no cost to owners of the units, the upgraded control panels, which incorporate improved components and design. The heaters are beige or tan and look like small radiators. These electric heaters bear a silver sticker on the underside of the metal box holding the controls. Stickers beginning with the digits "80" through "88" identify units whose control panels are being upgraded.

A small number of heaters were sold under the Sears and Welbilt brand names. These heaters bear the code number of "816F" next to the Underwriters' Laboratories (UL) label on the side of the metal control box.

The new control panel brings even the oldest DeLonghi heaters up to the most recent UL standards, and upgrades all heaters to current levels of quality and safety. DeLonghi states that the replacement will extend the life of the heater.

The CPSC urges all owners of the heaters manufactured from 1980 through 1988 to participate in the program as soon as possible by calling 1-800-874-0981 to arrange for replacement of the control panel.

The U.S. Consumer Product Safety Commission is announcing this program as part of its mission to protect the public from unreasonable risks of injury and death associated with consumer products. The Commission's objective is to help reduce the estimated 28.5 million injuries and 21,600 deaths that occur each year with the 15,000 different types of consumer products within CPSC's jurisdiction.

NOTE.—To report an unsafe consumer product or a product-related injury consumers may call the U.S. Consumer Product Safety Commission's toll-free hotline at 1-800-638-2772. A teletypewriter for the hearing impaired is available at 1-800-638-8270; the Maryland TTY number is 1-800-492-8104.

Stanley Garage Door Openers Recalled Due to Entrapment Hazard

WASHINGTON, DC.—In cooperation with the U.S. Consumer Product Safety Commission (CPSC), the Stanley Electronics Division of The Stanley Works, located in Novi, MI, today announced the recall of several models of circuit boards used in the manufacture of Stanley and Fimbel Garage Door Openers.

The company believes, due to a problem with printed circuit boards used in affected garage door openers, the door may open or close without warning. This condition renders the automatic reversal safety feature inoperable. As a result, when the door closes, it will not reverse as intended upon striking a person or object. This poses a risk of injury or death if entrapment occurs. The company reported this problem to the CPSC as soon as it became apparent. The company is not aware of any injuries.

The automatic garage door openers were sold nationwide between January 14, 1991 and April 11, 1991, under the names Stanley and Fimbel (under the brands of Power Lift, and EZ Lift). The openers were sold by retail stores and garage door opener installers and dealers across the United States. While the majority of affected units were stopped in inventory, some 5,000 defective openers may be in consumers' possession.

Brand names, model designations and date codes are as follows:

Stanley units affected have date codes 91–04–1 through 91–15–5.

The date code is designated on a date plate located on the end panel at the back of the power unit.

Power Lift and EZ Lift units are both models 91R. The date codes affected are 01–21–91 through 04–11–91. The date code is found on the back panel in the lower right hand corner of the power unit.

Consumers who purchased any of the openers should look on the power unit mounted on the garage ceiling for the date code. Owners of recalled openers should unplug and disconnect the opener immediately and call Stanley toll-free at 1–800–323–2013 to arrange for a free replacement. Until a replacement is installed, consumers should disconnect the opener from the door as instructed in the owners manual, and manually open and close the door.

Continued use of affected doors in any but the manual mode of operation could result in serious injury or death. Failure to unplug the unit may result in electrical fire.

The CPSC's mission is to protect the public from unreasonable risks of injury and death associated with consumer products. The CPSC is the federal agency responsible for consumer product safety. Some 15,000 different types of consumer products fall within the Commission's jurisdiction and each year these products are involved in an estimated 29 million injuries and 22,000 deaths.

NOTE.—To report an unsafe consumer product or a product-related injury, consumers may call the U.S. Consumer Product Safety Commission's toll-free hotline at 1–800–638–2772. A teletypewriter for the hearing impaired is available at 1–800–638–8270; the Maryland TTY number is 1–800–492–8104.

General Electric Voluntarily Recalls Certain Drip Coffeemakers That May Pose a Fire Hazard

WASHINGTON, DC.—The General Electric Company (GE) in cooperation with the U.S. Consumer Protection Safety Commission (CPSC), today announced the voluntary recall of certain GE grand and Universal brand drip coffeemakers manufactured before April 28, 1984 which present a potential fire hazard.

The company believes that a fire hazard may occur when a purchased thermal fuse in the coffeemaker fails to function as intended. About nine million drip coffeemakers bearing the GE or Universal brand name were manufactured between 1976 and 1984.

GE has received approximately 400 reports of coffeemakers overheating. It has been alleged recently that one fire caused by a fuse failure resulted in two fatalities and serious personal injury to eight other people. GE has received claims that fuse failures also may have been responsible for fires that resulted in one additional death and 15 personal injuries. Approximately 375 of the claims involve property damage ranging in value from $300 to $1.3 million. As an incentive, GE is offering owners $10 for each recalled unit returned. A $10 check will be mailed when a unit is received by GE. GE will give consumers with recalled coffeemakers pre-paid mailing cartons. In the carton will be instructions that will tell consumers how to arrange for convenient pick-up. This new method of recall is aimed at reducing consumer effort and increasing the rate of return.

No units made on or after April 28, 1984 are involved in this recall. To determine the date of manufacture, check the date code number stamped on the outside metal blade of the electric plug. If the number is 418 through 600, the coffeemaker is not involved in this recall. Other GE brand and Universal brand drip coffeemakers which are not involved in the recall are:

Space Maker Drip Coffeemakers (catalog numbers that include the designations SDC1, SDC2, and SDC3)

Percolators

Owners of a GE brand or Universal brand drip coffeemaker are asked to read both the catalog number on the bottom of the unit and the date code stamped on the outside of the metal blades of the electric plug. If the coffeemaker is a recalled unit, consumers should call toll-free 1–800–443–9000.

The recalled coffeemakers are not repairable, and owners should unplug the unit and stop using it immediately. Consumers are being asked to check the automatic drip coffeemakers at their home and place of work.

The CPSC is issuing this joint warning as part of its mission to protect the public from unreasonable risks of injury and death associated with consumer products. The CPSC is the Federal agency responsible for consumer product safety.

For TV reporters/assignment editors; videotape on this release will be available, call Dan Rumelt at 301–492–6580.

GE contacts: Ogden Morse, Margaret Durante, and Mary-Mike Simons may be reached at 212–614–4005.

NOTE.—To report an unsafe consumer product or a product-related injury, consumers may call the U.S. Consumer Product Safety Commission's toll-free hotline at 1–800–638–2772. A teletypewriter for the hearing impaired is available at 1–800–638–8270; the Maryland TTY number is 1–800–492–8104.

A list of model numbers being recalled and a step, by step, identification sheet is an attachment to this press release.

Petrus Umbrella Stroller Modification Program

WASINGTON, DC.—Petrus Imports, Inc. of Framingham, MA today announced it is voluntarily making available to consumers a free modification kit for approximately 100,000 late model Petrus umbrella strollers.

Undertaken in cooperation with the U.S. Consumer Product Safety Commission (CPSC), the modification program involves Petrus stroller models 1000, 1100 and 1101 sold nationally by Service Merchandise, Caldor's Zayre's and Ames. Model numbers are found on the instruction sheet and on a label on the stroller's rear legs. On some model 1101 strollers, the label on the stroller is partly handwritten and reads "1101/PTR."

The model 1100 strollers were distributed between November 1987 and December 1988, while the model 1101 strollers were distributed between May 1988 and August 1989. The model 1000 strollers were distributed between November 1987 and June 1988.

The seat belts on these models may not restrain properly, and the tube end plugs may come off on strollers manufactured in Taiwan. (See "Date of Manufacture" label for country of origin.) When a toddler strapped into the stroller leans too far forward, the child may fall forward and possibly strike his head on the ground or on the front of the stroller.

The Commission and the firm are aware of six consumer complaints associated with the restraint system, including three minor injuries to young children. One other complaint concerned a loose tube end plug found in a stroller box which could pose a choking hazard to a young child who places the plug in the mouth. No choking incidents have been reported.

Consumers should call Petrus Imports, Inc. toll-free at 1–800–752–7740 Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. (Eastern Time) for a free modification kit. Consumers may also write Petrus Imports, Inc., P.O. Box 967, Framingham, MA 01701, Attn: Ms Stamos.

The CPSC is announcing this modification program as part of its mission to protect the public from unreasonable risks of injury and death associated with consumer products. The CPSC is the Federal agency responsible for product safety. Some 15,000 types of products fall within the Commission's jurisdiction and each year these products are involved in an estimated 30 million injuries and 22,000 deaths.

NHTSA Alerts Parents About Recall of Guardian Child Safety Seats

The National Highway Traffic Safety Administration (NHTSA) today urged owners of certain Guardian child safety seats to contact the manufacturer for a free repair kit because the seat is involved in a safety recall campaign.

NHTSA said the seats failed to meet a federal safety standard that requires a force of at least nine pounds to depress a push-button that releases the buckle on the seat's belt assembly. The provision is intended to deter children from releasing the buckle.

According to NHTSA, the safety recall involves 26,000 Guardian child safety seats manufactured by Takata-Gerico (Gerry) between Jan. 31 and May 3, 1990. The date of manufacture is stamped in ink on a label on the side of the seat.

Owners who call the manufacturer for a repair kit will receive a new buckle, plus tools and instruction for installing it. Owners should call Gerry toll-free at (800) 845–8813 to obtain the kit.

The safety agency strongly urged parents to continue using these Guardian seats while waiting for the replacement kit. Properly restrained children are much less likely to suffer crash injuries, NHTSA said.

Consumers who have questions about this or any safety recall campaign should call NHTSA's toll-free Auto Safety Hotline at (800) 424-9393.

NHTSA Alerts Parents About Recalls of Cosco and Century Child Safety Seats.

The National Highway Traffic Safety Administration (NHTSA) today urged owners of certain Cosco and Century child safety seats involved in a current recall campaign to contact the manufacturers for free replacement parts.

NHTSA said that the first recall involves 5,041 Cosco Commuter Model No. 02–086 seats manufactured between Nov. 1, 1987, and Feb. 10, 1988.

Faulty assembly left some foam padding in these seats exposed, creating a risk that children might put the foam in their mouths and choke, NHTSA said.

Owners will receive a free replacement seat shell cover by calling toll-free (800) 544–1108 or by writing to Cosco, Inc., 2525 State Street, Columbus, Ohio 47201.

The Century seat recall involves 727,343 Model STE seats numbered 4158, 4163, 4180, 4253, 4261, 5263, 4265, 4266, 4865, 4866, 5367, 4368, 4369, 4380, 4381, 4460, 4470, 4475, 4476, 4480, and 4990. They were manufactured between December 1990 and October 1991.

NHTSA said the instruction label for Spanish-speaking owners may be confusing and a new label is available. Owners should contact Century by calling toll-free (800) 937–4766, or by writing to 9600 Valley View Road, Macedonia, Ohio 44056. The new labels can be placed over the originals.

Both manufacturers will ask owners to provide the model number and the date of manufacture to determine whether a specific safety seat is among those recalled. This information is on a label on the side or back of the safety seat.

Consumers who have questions about these or any safety recall campaign should call NHTSA's toll-free Auto Safety Hotline at (800) 424-9393.

NHTSA ANNOUNCES TWO SAFETY SEAT RECALLS

The National Highway Traffic Safety Administration (NHTSA) today provided details of two child safety seat recalls and advised owners to take advantage of the free remedies offered by the manufacturers.

NHTSA said Century Products recalled 644,313 seats with potential shoulder strap problems, and Evenflo Juvenile Furniture Co. recalled 162,967 seats with plastic push-pins that children can remove and swallow.

The Century recall includes model numbers 4580, 4581, 4583 and 4585 of the Century 580 safety seats manufactured between July 1986 and December 1989. Evenflo seats recalled are Seven-Year safety seat models 458 and 459, and booster seat models 470 and 471, manufactured between Feb. 13, 1987, and Aug. 31, 1988.

NHTSA said that incorrectly adjusting or relocating the Century seat shoulder straps may lead to improper threading, which later allows the straps or slide assembly to pull free, leaving the child's shoulders unrestrained. Cloth or vinyl pads in the Evenflo seats are held in place by plastic push-pins, which can be worked free and ingested by a child, presenting a potential choking hazard.

Century offers a new pictorial diagram of the strap-threading process prepared as a label to be placed on the safety seat. Owners may contact Century at 1 (800) 892-3600 to request the label. Redesigned push-pins which are more child-resistant, yet easily installed, are available from Evenflo by calling 1 (800) 837-8926.

In both cases the companies will require model numbers to determine if seats are subject to recall. The safety agency emphasized that both the phone call to request the replacement parts and the parts themselves are free of charge.

NHTSA ALERTS PUBLIC TO RECALL OF KOLCRAFT CHILD SAFETY SEATS

The National Highway Traffic Safety Administration (NHTSA) today advised owners of "Perfect Fitt" child safety seats that free replacement seat covers are available to substitute for covers which have been recalled.

The Kolcraft Enterprises action includes all model 180-200 Perfect Fitt seats Owners can identify seats subject to recall by a white model number label on the seat back.

NHTSA's independent laboratory tests found that existing seats covers brought in contact with an open flame burned at a faster rate than prescribed by federal standard.

Free replacement seat covers which meet the federal requirement can be obtained from Kolcraft by calling its toll-free number, 1 (800) 453-7673, or by writing the company at: Kolcraft Enterprises, Inc., 3455 West 31st Place, Chicago, Ill. 60623.

The safety agency strongly urged parents to continue using the Perfect Fitt seats while awaiting the replacement cover. Properly restrained children are much less likely to suffer crash injuries. The existing cover does not limit the safety seat effectiveness in a collision where no fire occurs, NHTSA said.

[American Academy of Pediatrics, June 1992]

BUCKET-RELATED DROWNINGS IN THE UNITED STATES, 1984 THROUGH 1990

(By N. Clay Mann, MS*; Susan C. Weller, PhD*; and Renae Rauchschwalbe, MS‡)

Abstract. The purpose of the study is to document the incidence of bucket-related drowning in the United States and to identify factors associated with this type of submersion injury. Analysis of Consumer Product Safety Commission data revealed 160 bucket-related drownings for the years 1984 through 1989, representing a mortality rate of 0.367 per 100,000 persons (younger than 2 years old) per year in the United States. Eighty-eight percent of bucket drownings occurred in toddlers aged 7 to 15 months old. Black children were six times more likely to drown in a bucket than white children of similar age ($P < .0001$). Male toddlers were at significantly greater risk than females ($P < .01$). A seasonal trend present in the data indicated that infants are more likely to drown in warmer than in colder months ($P < .01$). States with the highest rates of bucket drowning were Vermont (2.1/100,000), Arizona (1.5/100,000), and Illinois (1.0/1000,000). Through passive and active educational strategies, perhaps this fatal home injury can be prevented. *Pediatrics* 1992;89:1068–1071; *home accidents, drowning, infant, preschool child, death certificates.*

Traumatic injuries have become an important determinant of childhood mortality, accounting for 46 percent of all deaths of children 1 to 4 years of age.[1] Drowning is second only to motor vehicle injuries as the leading cause of death among children in this age group, with almost 5 children per 100,000 drowning each year in the United States.[2-4] Public swimming pools and fresh-water lakes or rivers are the major locations of "away-from-home" infant drowning while residential swimming pools, bathtubs, canals, and ditches are the most frequent sites of "in-or-around-home" infant drowning.[5-9]

Recently, Jumbelic, and Chambliss[10] identified 5-gallon industrial buckets as an additional source of accidental drowning for infants and toddlers in or around the home. They indicated that 24 percent of all toddler drownings in Cook County, IL, over a 4-year period were due to toddlers falling into industrial buckets that were being used as mop buckets or diaper pails. Two studies in Cape Town, South Africa, also reported large proportions of bucket-related toddler drownings.[11,13] The sturdy construction and design of 5-gallon industrial buckets is thought to increase the likelihood of serious sequelae following an unintentional submersion.[10,13]

Other studies of drowning performed in the United States report that all types of pails and buckets, including 5-gallon buckets, play an important but less significant role in childhood drowning than the findings cited above.[14-16] Some studies do not identify buckets as a contributing factor at all.[17,19]

One reason for the conflicting results in previous research may be that the incidence of bucket drowning varies by geographic region.[20,21] Knowing which states or subpopulations are at increased risks would allow interventions to be focused where the need is the greatest. The purpose of this study is to document the incidence of bucket-related drowning in the United States and identify risk factors that may be important in developing strategies for preventing this fatal home injury.

METHODS

Mortality data for unintentional bucket-related drownings in the United States from January 1984 through December 1990 were obtained from the National Injury Information Clearinghouse at the US Consumer Product Safety Commission (CPSC). Bucket-related drownings were collected from three different data banks maintained by the CPSC: (1) CPSC Death Certificate File: (2) CPSC Reported Incidence File; and (3) CPSC Accident Investigation File. The CPSC Death Certificate File includes death certificates in which consumer products are likely to be involved. The death certificates are sent to the CPSC by the departments of health in all 50 states and two municipal health jurisdictions [the District of Columbia and New York City]. The CPSC Reported Incidence File is a computerized data bank with product-related consumer complaints, newspaper accounts of product-related incidents, and reports of product-related death from participants in the CPSC's Medical Examiners and Coroners Alert Program. The CPSC Accident Investigation File includes investigational abstracts of product-related injury and mortality inquires conducted or sponsored by the CPSC. To obtain the total number of bucket-related drownings the United States by state, deaths identified in the CPSC death certificate file as drownings (rubric E910.9–8, E984.0)[22] were cross-referenced with CPSC incidence and investigation file data for relevant product codes (CPSC codes: 0459, manual cleaning equipment; 1528, diaper pails; 0954, general purpose household cleaners; and 0694, beds, not specified).

Risk factors were recorded from CPSC abstracts contained in the accident investigation file and the reported incidence file. The following environmental risk factors were coded: (1) type and size of the bucket; (2) location of the bucket at the time of the injury; (3) use of contents of the bucket; and (4) the caretaker of the toddler at the time of injury. Month of death, gender, age, and ethnicity of cases (coded as black, white, and Hispanic) were assigned by the CPSC on the basis of information contained on individual death certificates and/or investigational abstracts.

To provide mortality rates, population estimates for state reporting drownings were based on an average of yearly national and state populations, compiled by the Bureau of the Census.[23,24] Estimates were based on the years 1984 through 1989 or 1984 through 1990 depending on the completeness of CPSC data. The total number of children 2 years of age or younger was estimated using two fifths (40%) of the total number of children reported by the Bureau of the Census to be younger than the age of 5, nationally and by state. Population sizes were estimated for boys, girls, blacks, whites, and Hispanics.

To assess the reliability of the CPSC data, the total number of bucket-related drownings included in the three CPSC data files was compared with the number reported in other independent sources matched by state, county, and time period. A X^2 test was used to test for differences in the number of

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The contribution made to this article by Renae Rauchschwalbe, a Senior Compliance Officer for the CPSC, was performed in her private capacity. It is not intended nor should it be inferred that opinions expressed herein represent the official position of the Consumer Product Safety Commission. Reprint requests to (N.C.M.) Dept of Preventive Medicine and Community Health, 1.128 Ewing Hall, J-53, The University of Texas Medical Branch, Galveston, TX 77550.

Footnotes at end of article.

drownings by season, gender, ethnicity, and age.

RESULTS

The 1984 through 1989 CPSC data contain complete reporting for all states and health jurisdictions except for Maryland, which did not report data for 1989. The three CPSC files contained 188 deaths for the period 1984 through 1990. The death certificate file included 147 reported deaths related to buckets. Forty-one additional deaths were abstracted from the CPSC Accident Investigation File (n=25) and the CPSC Reported Incident File (n=16).

According to the CPSC, 23 toddlers drowned in buckets or pails in 1984, 24 in 1985, 26 in 1986, 29 in 1987, 27 in 1988, and 31 in 1989. The 1990 data contain complete data for only 23 states. (AL, AR, AZ, CA, DE, FL, IA, KY, MO, MS, NC, ND, NH, NJ, OH, OK, OR, SC, SD, TN, UT, VA, WV, and the District of Columbia had reported for 1990 at the time data were collected. Other states had partially or not reported at all.) To date (November 1991), 28 deaths have been reported in 1990. Because the 1990 data are incomplete, the analyses of season, age, gender, and ethnic differences are based on CPSC data from January 1984 through December 1989 (160 deaths). National and state drowning rates are based on the total number of years each state reported.

The reliability of the CPSC files was estimated by comparing the total number of bucket drownings reported from available sources, Florida[25] (n=2) and Illinois[10] (n=12), to matched cases contained in the combined CPSC files (n=2 and n=9, respectively). In addition, all accidental drowning deaths that occurred among children in Harris County, TX, from March 1984 through March 1990 were abstracted from Harris County death certificates (n=2) and compared to CPSC files (n=1). The results of this analysis (12 deaths reported in CPSC data sources and 16 documented deaths) showed that the CPSC files underestimated these deaths by 25%.

The total number of bucket drownings from 1984 through 1989 represent a mortality rate of 0.367 per 100,000 persons (younger than 2 years old) per year in the United States (95% confidence interval=0.310, 0.424). Two states had rates higher than Illinois (1.0/100,000): Vermont (2.1/100,000) and Arizona (1.5/100,000). Washington, DC (0.85) and 13 additional states had rates higher than the national average: Colorado (0.79), Florida (0.77), Kentucky (0.67), New Mexico (0.61), Alabama (0.60), Oregon (0.55), Maryland (0.54), Louisiana (0.53), Georgia (0.44), Texas (0.43), Virginia (0.43), South Carolina (0.42), and Ohio (0.41).

Girls accounted for 37% of the deaths for 1984 through 1989. Assuming equal numbers of male and female toddlers, there was a significant difference between genders in the numbers of cases (χ^2 [1]=10.57, $P < .01$; n=159). The mortality rate for boys was 1.69 times higher than that for girls.

Of cases reporting the ethnicity of the child, whites accounted for 43%, blacks for 46%, and Hispanics for 8% of the total number of deaths. The distribution of ethnicity is significantly different (χ^2 [2]=140.21, $P < .0001$; n=140) from that in the United States (ie, 81% white, 14% black, and 5% Hispanic).[24] Furthermore, black toddlers are at greater risk of drowning than white toddlers (χ^2 [1]=141.12, $P < .0001$; n=129). The mortality rate for blacks was 6.21 times higher than the rate for white children of similar age. This difference remains significant even when all missing cases (n=15) are assigned as "white" ($P < .0001$). Because of the small number of Hispanic cases, no comparisons were made.

Gender, ethnicity, and age-specific mortality rates for 1984 through 1989 are presented in the Figure. Children between the ages of 7 months and 15 months accounted for 113 (88%) of the deaths, with very few toddlers younger than 7 months (6%) or older than 15 months (6%) drowning in buckets or pails.

The greatest percentage of drownings occurred in October (15.6%), and February had the smallest percentage of deaths (3.1%). Assuming a homogeneous distribution of bucket-related deaths through the months, a seasonal trend was present in the data (χ^2 [11]=30.12, $P < .01$; n=160).

The CPSC data files contained investigatory abstracts or injury-related information on 178 deaths. Of cases reporting the size of the bucket (n=99), 88% reportedly took place in 5-gallon, industrial (straight-sided) buckets, 9% in 1- to 3-gallon buckets or pails, and 3% in a 6- to 10-gallon bucket.

Abstracts containing descriptions of the location of the bucket (n=83) indicated that drowning took place inside the home (92%), in the yard (7%), or while fishing (1%). Most of the drownings occurred in the kitchen (24%), bathroom (17%), bedroom (17%), or on the porch (13%). In 10 cases, drowning occurred because a sleeping infant rolled off an adult bed, couch, or out of a crib into a liquid-filled bucket.

Most of the buckets (88%) contained fresh water or water and some type of household cleaner, including detergent (12%), pine cleaner or disinfectant (10%), bleach (7%), wallpaper stripper (1%), or some combination of these substances (10%). One of the buckets contained urine. The content of 21 buckets was not indicated.

Eighteen of the abstracts reported objects in the water that may have attracted the attention or heightened the curiosity of the unsuspecting toddler, including toys (22%), clothing (16%), a dog leash (11%), fish (11%), diapers (11%), a mop (5%), a baby bottle (5%), bread (5%), orange peels (5%), and toilet paper (5%). Buckets used for household cleaning also may have contained bubbles. Of the abstracts identifying the care giver at the time of the drowning (n=77), a third (38%) of infants were in the care of a babysitter.

DISCUSSION

The average number of young children who drowned in bucket-related injuries, 27 per year, is considerably less than the number of drownings attributed to bathtubs for this age group.[10,26,27] Nevertheless, it is higher than estimates of drowning due to other in-home water sources (e.g., toilets or basins).[10,28] On average, one child drowned in a bucket-related incident every 13 days. It is important to point out that these findings represent minimal estimates of the number of bucket drownings that occur, thus, the 'true' number may be higher.

Mortality rates for states indicate that the risk of bucket drowning in Vermont and Arizona may be greater than that reported by Jumbelic and Chambliss[10] for Illinois. Note, however, that estimates of risk for individual states lack precision because of the small numbers of reported drownings. In particular, the mortality rates for Vermont and Washington, DC, are notably unstable because of the small population of toddlers (VT, 16,000; DC, 18,400) and the small number of bucket drownings reported in these areas (VT, 2; DC, 1). Nevertheless, it does appear that many of the states that are at high risk for other forms of fatal injuries[1,20,21,29] also report high rates of bucket-related drowning.

The risk factors associated with bucket drowning are similar to those reported for other submersion injuries. The difference in the rates of bucket-related drownings between boys and girls is similar to that reported for other sources of childhood drowning, which indicate that boys are generally at higher risk.[14,18,28,30] In this study, black toddlers were found to be at greater risk than white toddlers of similar age. An increased risk of drowning among black toddlers has not been described in studies that report rates that combine all sources of drowning.[3,7,12,31,32] Bucket-related drownings are similar to other sources of drowning in that most deaths occur during warmer months,[7,26] although bucket drownings peak in October. The greatest risk occurs in the age range at which youngsters can stand momentarily, walk holding onto furniture, stand alone, and walk well.[33]

There are several limitations in the data, the most serious of which is the likelihood of underreporting bucket-related drownings. Our estimate (based on mortality rates for two states and one county) indicates that CPSC data underestimated bucket-related mortality by 25%. Based on a multiple recapture model, the CPSC indicates that the number of deaths (from 1985 through 1989) may be underestimated by as much as 52%.[34] These estimates emphasize that the results of this study should be viewed as minimal estimates of risk that may be biased. Errors due to misclassification of cause of death as drowning on death certificates are also possible, but unlikely in that most of the victims underwent either postmortem examination and/or a state or federal accident investigation. Far more likely is the possibility that a toddler drowning was not identified as a bucket-related drowning.

An additional source of error may be coding bias. Certain ethnic groups (eg., blacks) may be more likely to be recorded on death certificates.[35] In this study, however, the ethnicity analyses remained significant with all missing cases coded as "white." Intentional bucket drownings may also bias these results, although the direction of the bias is unclear. Studies indicate that potential abuse may cause underrecording[36] or overrecording[37] of deaths as homicides.

Lastly, the process used to calculate age distributions is based on the assumption of equal numbers of children in each age stratum. This assumption could cause the rates for the youngest group (0 through 6 months) to be overestimated and the rates for the oldest group (16 through 24 months) to be underestimated. However, the general pattern presented in the Figure for toddlers aged 7 to 15 months would probably remain the same.

Infants appear to be at particular risk of drowning in 5-gallon industrial buckets because of the large capacity and stability of this type of bucket.[38] These containers are about 14 inches high, about half the height of the typical "top-heavy" toddler, with the rim just below the child's upright center of gravity. In addition, containers weigh more than most 8- to 12-month-old infants when filled with just a few gallons of liquid.[13] Although this research provides no data dealing with survival after near-drowning episodes, bucket-related injuries may be particularly dangerous because of the toxic material that is often in the buckets at the time of injury.

Measures can be taken to lessen mortality due to drownings in buckets or pails. An information and education campaign initiated by the CPSC and the Coalition for Container Safety provides brochures, posters, and self-adhesive labels that can be placed on buckets by manufacturers, fillers, or consumers. (The Coalition for Container Safety may be contacted by dialing 1-800-BUCKET-5.) The Gypsum Industry and Procter and Gamble, which respectively fill about 8% and 2% of all 5-gallon industrail buckets manufactured, are the only business presently printing permanent warning labels on new buckets before they are shipped for commercial use. To our knowledge, none of the 5-gallon industrial buckets available in retail stores include either-adhesive or permanent warning labels. Perhaps the offer of a refund for recycling buckets would reduce their home use.

Anticipatory guidance to parents may also reduce the incidence of bucket-related drowning. During a 6-month well-baby checkup, pediatricians could instruct parents to never leave the toddler alone with any large container of liquid, empty the container immediately after use, and store the container out of the toddler's reach until the toddler is 20 months old.

In conclusion, large-capacity buckets are potentially dangerous to young children. Because bucket-related drownings occur suddenly, in a presumably safe environment, the psychological effect of an injury may be more traumatic than deaths from some other causes.[39,40] By focusing on specific etiologic and epidemiologic patterns associated with bucket-related drownings, interventional efforts can be concentrated in states and among ethnic groups where the incidence of this type of drowning is the greatest.

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Mr. WELLSTONE. Mr. President, let me also point out it is in part because of the inadequate health care system in this country, victims injured by defective products must seek compensation for their injuries through product liability lawsuits so they can pay their medical bills, and recover lost wages. And yes, in those situations where a manufacturer has consciously or recklessly marketed a defective product, victims seek punitive damages as well.

There are certainly some lawsuits that should not be filed, some lawsuits that are frivolous, and some jury awards that may be excessive, but this does not justify revamping the entire product liability system in this country, especially at the Federal level.

While it is desirable that product liability litigation be conducted fairly, expeditiously, and inexpensively, I am not willing to support legislation that I believe unfairly restricts the rights of victims to file lawsuits or that limits their ability to receive fair compensation for their injuries. It is simply not fair to stack the deck as S. 640 does so that in certain cases businesses are immune from suit or limited in their liability for placing defective products in the marketplace.

I am concerned that S. 640 is based in large part on arguments that are mostly myths and misinterpretations of anecdotal information. For example, rather than an explosion of product liability suits, recent studies show that over the last 5 years, the number of such suits is actually declining. The only explosion appears to be in the number of businesses suing each other. There are relatively few punitive damage awards made each year and even where punitive damages are assessed, the unfortunate victim rarely receives the full amount awarded.

The concern over product liability suits, rather than stifling innovation, should be viewed as an opportunity to develop safer products and to be more innovative. Not too many years ago, lawnmower manufacturers claimed accidents involving contact with the rotating mower blade were the fault of careless consumers and not defective products. It was not until the Consumer Product Safety Commission mandated performance requirements that manufacturers redesigned their mowers to address the tragedy of hand and feet amputations. Since the mandatory standard took effect, injuries due to blade contact have dropped nearly 40 percent, from approximately 42,000 in 1983 to 26,000 in 1989. I ask unanimous consent to print in the RECORD a news release from the CPSC discussing this decrease in injuries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POWER LAWNMOWER INJURIES DECLINE

WASHINGTON, DC.—Americans are using walk-behind rotary lawnmowers with fewer injuries today than at anytime before 1982.

According to the U.S. Consumer Product Safety Commission (CPSC), walk-behind mower injuries have declined from about 41,900 in 1983 to about 25,800 emergency room treated injuries in 1989, a reduction of 38 percent. Among the injuries prevented were amputations, fractures and severe lacerations of fingers, hands and feet. Blade contact injuries account for 64 percent of all emergency room treatments.

CPSC said the decline in injuries was largely due to industry-wide compliance with the 1982 Federal standard which established blade control requirements for walk-behind mowers.

To combat injuries when users accidentally inserted their hands or feet into the path of the moving blade of these mowers, the standard calls for the rotary blade to stop within three seconds after the consumer leaves the operator position at the rear of the mower.

CPSC estimated that some 80,000 walk-behind mower injuries have been prevented during the seven-year tenure of the standard, with medical and other cost savings of some $680 million. Because of the standard, the agency forecasts that consumers will avoid some 23,000 injuries annually at cost savings of $195 million each year.

While walk-behind mower injuries have declined, riding mower injuries over the same period of time have remained steady. Emergency room treated injuries last year for riding mowers totaled an estimated 19,600.

Several improvements to the voluntary standard for riding mowers became effective in 1987; however, CPSC said it is too soon to be able to measure the impact of these safety features on injury reductions. CPSC staff is currently working to develop recommendations for additional improvements to reduce riding mower deaths and injuries. CPSC staff also meets frequently with the Outdoor Power Equipment Institute (OPEI) to discuss government and industry work related to improving riding mower safety.

NOTE.—To report an unsafe consumer product or a product-related injury, consumers may call the U.S. Consumer Product Safety Commission's toll-free hotline at 1-800-638-2772. A teletypewriter for the hearing impaired is available at 1-800-638-8270; the Maryland TTY number is 1-800-492-8104.

Mr. WELLSTONE. Mr. President, there are other examples where, because of product liability lawsuits, manufacturers improved the safety of their products. The Ford Pinto is the classic oft-cited example. But there are many others, ranging from coffeemaker manufacturers adding a second thermal cutoff device to prevent overheating and fires to LP gas valve manufacturers redesigning their control valves to prevent gas leaks.

Finally, there is no objective evidence that product liability suits have hindered the competitiveness of American businesses. Indeed, the safety of American products can and should be used as a competitive tool in international markets.

Arguments have been made that the loser pay provision of the bill, the provision intended to encourage settlement of lawsuits by allowing a manufacturer that makes a settlement offer to collect attorneys' fees from the victim if the judgment is the same or less than the settlement offer, is fair to victims. I don't agree. As far as I am concerned, this provision victimizes persons injured by defective products, persons least able to withstand the onslaught of a battery of high-powered defense lawyers. Even though the amount of attorneys' fees the victim might have to pay has some limitations, this provision, nonetheless, coerces victims to settle claims for less than adequate compensation to avoid the risk of having to give up part of an award or collateral benefits to pay the fees of high-priced defense lawyers.

I find it truly amazing that the proponents of the bill suggest the high cost of litigation is due to attorneys representing injured persons. Someone is representing the powerful corporations whose products cause the injuries. Is it not possible some of those attorneys engage in delaying strategies that run up the costs of litigation, and place injured victims faced with increasing medical bills in the position of being forced to accept low settlement offers so they can pay some of their bills?

S. 640 increases the standard for obtaining punitive damages to such a high level that even if a company's actions were reckless, or it failed to exercise reasonable care, it would not be subject to punitive damages. Supporters justify this limitation on the ground there is an explosion in punitive damage awards. The facts simply don't support this. In the most definitive study conducted, it was found there have been only 355 punitive damage awards since 1965. And many of these were overturned or modified on appeal.

The bill further restricts a victim's ability to obtain punitive damages where the injury results from a drug approved by FDA or an airplane certified by FAA. It seems ironic that an administration that touts deregulation, and that has slashed the budgets and personnel of regulatory agencies, now argues that if a firm meets minimal Federal safety standards for drugs and aircraft, they should be relieved of liability for dangerous products. What this means in human terms is that women ravaged by the hazards of DES, or Bjork-Shiley heart valves approved by FDA, for example, might not even have a claim for punitive damages. This is simply unjust.

I support real tort reform, reform that will expedite the process of determining whether a victim of an injury is entitled to compensation, and if so, providing fair compensation quickly. I am not convinced, however, that such reform is necessary at the Federal level. I do know that S. 640 is not the answer.

Mr. President, I yield the remainder of my time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

(Mr. WELLSTONE assumed the chair.)

Mr. METZENBAUM. Mr. President, I rise in opposition to invoking cloture on the motion to proceed to S. 640. The Senate should not move forward with this legislation. It does not meet the challenge of the problems facing this Nation today. The legislation is opposed by every major consumer organization in the country as well as by groups representing senior citizens, working families, the environment, and victims of defective products. Many State judges and State officials oppose the bill because it is a massive intrusion upon an area of traditional State authority.

This bill is being driven by myths and anecdotes and a new-found fondness for lawyer bashing. Indeed, the President and the Vice President have decided that they can score political points by blaming the Nation's problems on lawyers.

Mr. President, I want to tell you something. The Nation understands why we have problems in this country. It is not due to trial lawyers. It is due to the failure of leadership on your part in the last 3 years and 8 months. That is the reason so many people are unemployed and that is the reason so many people who are employed are making far less than they made when you took office. It is not the problem of lawyers. The problem has to do with more basic issues to which you have failed to address yourself.

The President has decided that bashing lawyers is worth a few points in the polls. Two months ago he bashed single mothers. Last month he bashed gays. Now lawyers are this month's target.

Frankly, I do not really understand this craven lawyer bashing. Some of the most well heeled lawyers in this country are the very people who are providing the wherewithal to support the President's campaign and providing him with financial support. The Vice President himself is a lawyer and goes around bashing lawyers. Who are you kidding? What kind of phoniness is this, to be a lawyer yourself and spend all your time going around bashing lawyers.

The serious problems facing this country are not related to the conduct of the lawyers. Many Members of this body are lawyers. Most of the White House staff are lawyers. The heavy hitting lobbyists who come from downtown to lobby the White House and make fancy deals with respect to savings and loans that the White House goes along with are lawyers. Those are the lawyers who are making so much money, not the lawyers who are representing injured workers and injured consumers who are harmed by products that we buy.

Pollsters have now told the spin doctors to tell their politicians to trash lawyers. It makes no difference that many of the politicians who are trashing lawyers are themselves members of the profession. We should not allow this cynical din of blame mongering to divert us from the truth. The truth is that enactment of S. 640 will do great damage.

I am not here to argue that outrageous and frivolous lawsuits are never filed. I know better. They are. Nor am I here to argue that all lawsuits that are filed have merit. But I am here to try to protect an America concerned about consumers and injured victims. If there is a problem with respect to the lawyers, then let us deal with that separately. Let us sit down and reason together and figure out how that issue should be handled. But many lawyers help injured victims who have lost their legs and their arms and their eyes and their loved ones obtain fair compensation.

We hear much talk about how this bill is a fight between productive manufacturers and greedy trial lawyers. That is just hokum. The reality is this bill represents an effort by manufacturers to reduce further liability exposure when their products injure consumers. It is consumers about whom I am concerned, not about trial lawyers. I am concerned about the American consumer who constantly gets the short end from this Congress but more particularly from the President of the United States. This Congress has time and again attempted to stand up and speak out for the consumer and too often the White House has opposed that.

The current product liability system is not perfect. Studies show that many people who are injured by products never seek legal redress for their injury because of obstacles within the system. We are all familiar with anecdotes in which a large portion of a victim's damage award is eaten up by legal fees and court costs. I have indicated to the legal profession and to the industry groups backing the bill that they should be thinking harder about how to make the tort system more responsive to the needs of consumers and victims. But this bill does not help consumers and victims. It hurts them.

I agree with Linda Lipsen, the legislative director of Consumers Union, who told the Judiciary Committee that "while there is much room to improve the present system, S. 640 takes off at high speed in the wrong direction."

What is the rationale for this bill? Why are Senators, including many who traditionally defend States rights and victims' rights, supporting a bill which drastically intrudes upon the authority of the States and diminishes protections accorded to victims?

A few years ago, the principal justification for this bill was that it was necessary to forestall an insurance crisis and to prevent an alarming increase in insurance costs.

That was the argument being made at that time. But that argument has faded because the insurance industry has publicly testified that the bill "is not likely to reduce insurance claim costs or improve the insurance market."

The new rationale for this bill is that it is necessary to improve our economic competitiveness.

Mr. President, I have heard more talk about proposals that are supposed to improve our economic competitiveness at the very time that the same President is sending a trade bill to remove jobs from America and send them out of this country. I do not see how relaxing product safety laws will make us more competitive.

A number of studies, including research conducted by the conference board and the Rand Corp., have shown that there is no sound basis for concluding that the present product liability system hurts our ability to match foreign competition. Indeed, every foreign competitor who sells a product in this country is subject to our product liability laws. Foreign companies have no advantage over American companies, nor vice versa. The competitiveness issue is a red herring.

S. 640 is just one more industry-backed proposal that shrinks the rights of ordinary citizens which is justified and claimed needed on the basis of competitiveness. To hear the industry lobbyists tell it, if we could just weaken antitrust laws, environment laws, worker safety and consumer protection laws, and now product liability laws, America's dominance of the global marketplace would be restored. I say that just is not reality. That is not the way it is. That is not in accord with the facts. That is just a specious argument.

So if this bill will not significantly improve our competitiveness or reduce our insurance costs, what will it do? S. 640 will curtail a number of legal rights which consumers and injured victims currently enjoy in most States around this country.

Now, what do consumers get in return for these restrictions on their rights? Absolutely nothing. A big zero. You only need to glance at this bill to see that it is fatally tilted in favor of industry and against consumers. The bill's proponents claim that S. 640 will promote uniformity. It will not accomplish that objective. S. 640 fosters one-way uniformity. State law provisions that help injured victims get full recovery for their losses are preempted. State law provisions that manufacturers like, such as damage caps and restrictions on punitive damages, are retained.

Look at the much touted expedited settlement and alternative dispute resolution provisions. The bill's supporters actually believe these provisions are proconsumer. Under S. 640, a plaintiff could be ordered to pay some of a manufacturer's legal fees if the plaintiff rejects a defendant's settlement offer and then recovers the same amount or less at trial.

This provision is unfair to plaintiffs, consumers, and injured people. But even worse, the bill provides that if a victim refuses a product maker's offer to arbitrate the dispute and then loses at trial, the victim is presumed to be liable for the product maker's attorney's fees.

Are we at a point in our law that we do not think an individual has a right to go to court? Or are we saying to the individual, "You go to court, you lose, you pay for the other guy's fees?" Start that procedure in the laws of this country and, in my opinion, there will be no end, and the real end will be that individuals who are injured, individuals who are hurt by consumer products, will never have an opportunity to have their day in court.

These provisions are heavily tilted against consumers. In most product liability cases victims cannot even afford to pay their own attorney, but under this legislation, they could be ordered to pay the legal costs of the defendant's attorney. Under this bill, if a victim refuses a product-maker's offer to arbitrate the dispute and then loses the trail, then the victim is presumed to be liable for the product maker's attorneys fees.

The reason cases are taken on a contingency basis by lawyers is because the plaintiffs do not have the money to hire lawyers. The defendants have the money. They are large corporations, and they have plenty of money to pay for their lawyers, but the plaintiffs do not. So they hire lawyers on a contingency basis that the lawyer will receive a share of the proceeds.

The argument is made that they receive too much, that the lawyers get too much. There may be some merit to that. That may be a subject worth discussing. Maybe that is the case. I am not sure. I am not saying it is the fact or it is not the fact. But those who are proposing this legislation seem to believe, that all legal fees in all cases are too high. I do not believe that an injured person should have to pay the defendant's legal fees as well as his or her own.

The provisions that are in this bill could discourage or delay victims who wish to exercise their right to a jury trial. I say to my colleagues, that is not right, and you know it. The individual, under the laws of this country, for over 200 years has been entitled to a jury trial. Under this legislation we would discourage, and perhaps even chill, the exercise of that right by victims.

For example, let me give you some examples on this subject. A man by the name of James Hoscheit lost both of his arms because of a defect in a piece of farm equipment—no arms. After more than 6 years of legal battles, the manufacturer agreed to settle the case for $1.5 million, which is not a great sum considering the severity of Mr. Hoscheit's injuries. Mr. Hoscheit opposes S. 640 because he believes that "people will be afraid to sue if there is any chance that they might have to pay the other side's attorney's fees and expenses if they were to lose. In my case, that would have been more than half a million dollars, and it would have left me financially destitute for the rest of my life." He goes on to say that "manufacturers know that this provision will eliminate product liability lawsuits and that is why they want it so badly."

Is there anyone in this body who would really argue that an individual who has lost both of his arms and who wants to take his case to court, should be forced into choosing between going to arbitration or risking whatever little assets he or she may have left, such as a small bank account? Is that what we want to do in the law? Unfortunately the settlement provisions look this way from the perspective of an injured victim.

Some may argue, well, it does not quite that way. Well, put yourself in the position of the injured victim. He or she does not know that. He or she does not understand the complications and the legalese that is in this situation. So he or she may back off from going to trial.

These provisions will have a particularly chilling effect on consumers whose recovery may depend upon a novel legal theory of whose injuries were caused by a product whose harm had not been previously recognized. Imagine if these provisions were in effect when asbestos cases or DES cases were first brought. Arthur Burris is an asbestos victims who settled for what he termed "a modest amount" after a 4-year legal dispute. Mr. Burris stated:

> If I had faced the possibility of paying the other side's legal fees, as I might have if S. 640 had been law, I would have had to settle for even less. I never would have even thought of taking that to trial with that fear hanging over my head.

Tammy Callas, a silicon breast implant victim, states that S. 640 "pressures victims like myself into settling out of court if we are unable to correctly guess the award we will receive." Just think about it. Under this bill, if it were to become law, the individual might have to guess and say,

> They offered me an arbitration proceeding and I rejected it. Now they are offering me $300,000 or $400,000, $600,000, whatever the number may be. Am I going to lose at trial? Maybe I had better take it because, if I don't take it and I lose, they could hold me liable for the fees of those corporate lawyers that are representing them, and I cannot afford that. I don't have any money now. I am injured. I cannot work. It would mean the meager savings I have, the little amount of money I have to send my daughter or son to college would be destroyed. I cannot afford to go to court.

This provision could work great injustice. It could discourage an individual from exercising his or her right to go to court. You say it is fair. I say, read it. I say, ask the individual who has been injured.

Aside from discouraging individuals from exercising their right to a jury trial, there are other aspects of this bill which will hurt injured victims. S. 640 preempts State law in joint and several liability by abolishing joint liability for noneconomic damage such as pain and suffering, loss of limbs, and damage to a woman's reproductive system. Joint liability provides that if one defendant is 70 percent at fault for a victim's injury and another defendant is 30 percent at fault, the injured victim should be able to recover fully from either party. This ensures that, in the event that one wrongdoer is insolvent, innocent victims will still recover the full measure of their damages from any other parties who were wrongdoers.

The change proposed in S. 640 shifts the focus from making the victim whole to ensuring that wrongdoers only pay their proportionate share of the harm. Moreover, the devaluation of noneconomic damages has a disproportionate impact on women, according to the National Women's Health Network, which opposes this bill.

Noneconomic damages are often the largest component of the compensation women receive, particularly in cases where their reproductive systems have been injured, or where a drug or medical device has caused disfigurement. If this provision had been in effect, women who were injured by products such as the Dalkon shield and DES might have faced additional obstacles in obtaining the full measure of their compensation.

I ask unanimous consent that letters in opposition to S. 640 from the Women's Health Network, the Women's Law Center, and the Command Trust Network, an organization assisting breast implant victims, be printed at the conclusion of my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, S. 640 would shield drug companies from punitive damages whenever the FDA has approved or has recognized as safe a drug or medical device which injures a consumer.

Mr. President, this provision reflects almost total ignorance about the way adverse drug reactions come to light. Many hazards associated with a drug or medical device do not become apparent until after the product has been approved by the FDA and gone on the market. Heart valves, contraceptive devices, drugs, and other products have been approved by the FDA, and have subsequently been shown to be hazardous to consumers.

The possibility of punitive damages provides drug companies with a strong incentive to continue postapproval monitoring of the safety of their products. But S. 640 will enable companies who fail to investigate information suggesting possible safety hazards to hide behind the badge of FDA approval. That is not enough, Mr. President. Just ask the families of victims who were injured or killed as a result of McNeil's Zomax, or Pfizer's heart valve, among others.

Richard Barbee's wife, Carol, was killed as a result of Pfizer's defective heart valve. Mr. Barbee filed a wrongful death suit, which was settled out of court. He has written a letter opposing S. 640, stating that:

> There is nothing about FDA approval of my wife's heart valve, or any other medical product, that should magically absolve the manufacturer from punitive damages when the manufacturer engages in willful and wanton disregard for human life.

Mr. President, this bill does nothing but restrict the legal rights of victims who were injured by defective products. The industry groups pushing this bill are not interested in a balanced reform of our product liability system; they want to make it harder for consumers to be compensated for their injuries.

The Senate should not move forward on this bill. If cloture is invoked, I expect there will be a substantial number of amendments offered that are designed to provide injured victims—particularly women, children, and the elderly—a measure of protection against the most egregious aspects of this bill. This Senator may offer some amendments which are designed to substitute for safety incentives which would be eliminated by this bill.

But even if some strengthening amendments are adopted, this bill will remain fatally flawed. There is nothing in it for consumers but a restriction on their legal rights and an erosion of safeguards which promote product safety.

I urge my colleagues to oppose cloture.

EXHIBIT 1

THE WOMEN'S LAW CENTER, INC.,
Baltimore, MD, September 1, 1992.

Re S. 640—Kasten products liability bill.

U.S. SENATE,
Washington, DC.

DEAR SENATOR. The Women's Law Center urges you to vote against S. 640, the Kasten Products Liability Bill. The Women's Law Center is comprised of lawyers from a wide variety of backgrounds and practice areas. However, after discussion and consideration of the Kasten Products Liability Bill, we are united in opposition to the bill because we are united in our concern for American women who are time and again victimized by unsafe and defective products. As our nation's leading advocate for women's health concerns we hope you will consider our concerns and meet with members of the Women's Law Center as well as other women attorneys and women injured by defective or unsafe products before you vote on the bill.

Tens of thousands of women injured by the Dalkon Shield intrauterine device in the 1970's are still engaged in struggles for compensation for injuries that occurred twenty years ago. Mothers and daughters continue to discover permanent injuries to their reproductive organs wrought by ingestion of DES and continue to battle manufacturers for compensation. And now thousands and thousands of women with breast implants find themselves wearing untested medical "time bombs" with no reliable medical data nor doctors or manufacturers they can trust for information critical to their health. The facts on these defective and dangerous products were only exposed in product liability lawsuits brought by injured women.

The civil justice system is critically important to American consumers because it compensates the injured, deters conduct that results in unsafe products, and leads to the disclosure of outrageous corporate practices. While harmful to all consumers, S. 640 would have a disproportionate impact on women, children and the elderly. This is because the bill restricts injured consumers' ability to receive compensation for pain and suffering and other so-called "non-economic" damages. Since women, children and senior citizens tend to earn less money than middle-aged men, if they earn a salary at all, "non-economic" damages often make up the largest component of the compensation they receive. Furthermore, in the past, many defective products have resulted in damage to, or in the past, women's reproductive capacity. Without compensation for intangible losses, these women would be denied recovery for this most devastating harm.

Because the Women's Law Center is so concerned about the victimization of women in the medical and legal arenas, we are hosting a winter conference entitled "The Medical Gender Gap—Crisis in Women's Health Care: The Medical, Legal and Political Issues." Among the topics we will be addressing is the role women can play through civil litigation to correct insufficient product testing and other corporate wrongdoing. We will also be addressing issues on which you have worked so hard, including funding for research on women's health concerns and discriminatory research protocol practices.

We look forward to hearing from your office and meeting with you as soon as possible.

Sincerely,

SUSAN ELGIN, *Esq.*,
CHRISTYNE NEFF, *Esq.*,
Co-Chairs, Legislative Committee, Women's Law Center.

COMMAND TRUST NETWORK,
BREAST IMPLANT INFORMATION NETWORK,
Covington, KY, August 17, 1992.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: Command Trust Network, a national, nonprofit breast implant information network serving over 14,000 women, would like to register its strong opposition to the misnamed "Product Liability Fairness Act," or S. 640, which the Senate will consider September 8, 1992. While this legislation is characterized by manufacturers as "moderate," the thousands of damaged women with breast implant complications ranging from deformities to scleroderma, thyroiditis and other disabling and life-shortening diseases, and their families would not agree.

As you may know, silicone breast implants were diligently marketed to millions of unsuspecting American women without proof of their safety. Despite FDA's long search for safety data on the silicone breast implant, consumers have the much maligned tort system to thank for opening the agency's eyes to the health hazards of these devices and to the fact that the manufacturers were withholding information on the dangers of silicone from consumers and from FDA. Though the FDA held several hearings during a ten-year period on the safety and efficacy of silicone breast implants, it took a product liability case to alert the agency that implants may be causing crippling autoimmune and connective tissue diseases.

Studies are underway which may show that children born to women with breast implants are also at risk. Recently, three out of three young children in this study tested positive for scleroderma, a severe, crippling disease linked with breast implants, which is sometimes fatal and for which there is no cure and no treatment.

The environment for women and children who have incurred tragic complications arising from breast implants is particularly grim and S. 640 makes matters much worse. Insurance companies are denying claims for explanation. Some go so far as to cancel policies, and many are changing the wording of policies to avoid paying claims. Many women are now uninsurable, and others are on social security disability as a direct result of their breast implants. Thus, a product liability lawsuit may be the only avenue many women have for obtaining compensation for the serious and sometimes life-threatening conditions caused by ruptured or otherwise defective breast implants.

S. 640 would add further obstacles for women seeking to be compensated for breast implant injuries. The bill unbelievably would require a woman seeking compensation through the civil justice system to pay the legal fees of such corporate giants as Dow Corning Wright, if she refuses to accept a meager offer from the company, proceeds to a jury trial and receives a jury verdict of either the same amount or less. In cases involving breast implants, where defense documents may still not be available to consumers due to secrecy agreements and where the issues are complex, women could simply not afford to risk personal bankruptcy in order to exercise their Constitutional rights. Thus, this bill would create a chilling effect on most breast implant cases to the benefit of the companies who placed untested products in the bodies of American women.

This legislation offers nothing of value to breast implant victims in return for virtually eliminating one of the few avenues available for compensation.

Additionally, the bill would severely undercompensate those whose injuries were caused by more than one defendant. S. 640 would eliminate joint and several liability for "non-economic" damages. Thus, a breast implant victim's medical bills for scraping silicone out of her body would be compensated, but pain and suffering arising from gross deformities caused by silicone ruptures and anguish caused by multiple mutilating surgeries would not be compensated. This provision obviously misunderstands the fact that non-economic damages constitute real and profound losses. For women whose lives and whose children's lives have been shattered due to defective breast implants, much of the damage is so called "non economic," but is devastating nonetheless.

Finally, S. 640 establishes a defense to punitive damages for products that were approved by the FDA or were generally recognized as safe. While breast implants were never approved by FDA, these products were generally recognized as safe for nearly thirty years. At the very least, the bill creates another issue to be litigated.

The tort system and federal safety regulatory agencies perform complementary functions. Consumers need both an effective tort and regulatory system to assure adequate protection from product hazards. Health and safety agencies like FDA do not conduct independent research and investigations, but due to inherent budgetary and resource limitations, must rely on information provided by the very manufacturer who is seeking approval of its product. Additionally, regulatory agencies are not immune to the force and temperature of political winds.

Please show women and their children who have experienced severe complications from breast implants that you hear them by voting against this legislation.

Sincerely,

COMMAND TRUST NETWORK,
BREAST IMPLANT
INFORMATION NETWORK.

NATIONAL WOMEN'S
HEALTH NETWORK,
Washington, DC, August 13, 1992.

U.S. SENATE,
Washington, DC.

DEAR SENATOR. On behalf of the National Women's Health Network, I wish to register our opposition to S. 640, the misnamed "Product Liability Fairness Act," which the Senate will consider September 8, 1992. This legislation has a particularly devastating impact on women who through no fault of their own have suffered injuries resulting from defective and dangerous products.

Daily news reports about serious injuries resulting from such products as silicone breast implants, DES, super absorbent tampons, Copper 7 and Dalkon Shield IUD's, ritodrine (a product designed to halt early onset of labor) and many others should remind Congress that the marketplace can be a treacherous place for women. Instead of passing legislation like S. 640 which would only make it more difficult for women to receive compensation through the civil justice system, Congress should be helping to protect women and their offspring from product dangers.

While harmful to all consumers, S. 640 would have a disproportionate impact on women. This is because the bill restricts injured consumer's ability to receive compensation for pain and suffering and other so-called "non-economic" damages. Since women tend to earn less money than men, "non-economic" damages often make up the largest component of the compensation they receive. Furthermore, where products damage the reproductive system like DES or cause disfiguring conditions like ruptured silicone breast implants, the damage is not reflected in medical bills or lost wages. The bill oddly treats these profound injuries as less worthy of compensation.

Women already have a tough time pursuing their remedies through civil litigation when they are injured by dangerous products. Please do not make the situation worse. Vote against S. 640.

Sincerely,

CINDY PEARSON,
Program Director.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that Senator HOLLINGS be recognized to address the Senate for 5 minutes, and that upon the completion of his remarks, the Senate proceed to consideration of Calendar No. 588, H.R. 5679, the Veterans Affairs-HUD appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished leader and my colleagues in support on both sides of the aisle. I will be even more brief than the 5 minutes.

Mr. President, the distinguished President was in my State on Saturday, and he announced that he agreed with the Germans that we had the most productive and skilled workers in South Carolina. And he was remarking upon this. And he is associated already with the BMW plant coming from Germany to South Carolina, which was done earlier this year, at the economic summit. That is not what he told us the year before last, when he vetoed our textile bill and said—admonishing us in the veto message—that we had to be more productive.

The fact is, Mr. President, if you go to the economic statistics section of the United Nations or the Department of Labor Statistics, you will find that the most productive industrial worker in the world is in the United States. Japan is not No. 1. Yet we heard in the argument on the floor here on this bill that the trouble with America is we have too many lawyers, that Japan has fewer lawyers.

The truth of the matter is—and I will include this in the RECORD—from an article in the ABA Journal, entitled "Mythical Kingdom of Lawyers," America does not have 70 percent of the Earth's lawyers. Rather, the article shows the difference between American lawyers, United States lawyers, and Japanese lawyers. Japanese attorneys do not perform the same role as American lawyers. They are more like the British barristers or French advocates.

The truth is that Japan has 387,206 lawyers, translating into a ratio in Japan of 31.71 lawyers per 10,000; whereas, in the United States, we have 28.45. They are not out there practicing law. They go into business. And more of their lawyers are in business than ours. But they have a lot of lawyers. And the administration actually is complaining about that.

It is a very interesting thing, because—this appears in the Pacific rim, in article of May 1992—it is ironic:

> American firms have Japanese lawyers working for them in New York, London, and Hong Kong, but they can't bring them to Tokyo. A survey done by ABA found that more than 90 percent of the work done by U.S. lawyers in Japan is not for U.S. clients, but rather for Japanese clients who want to do business in the United States.

Now, it says here, restrictions on foreign lawyers, which range from bans against the use of established firm names to prohibitions against entering into partnerships with Japanese lawyers, known as Bengoshi, are issues that frustrated American lawyers and the United States Government for years. But now these barriers are receiving renewed attention as part of the Bush administration's vociferous battle with Japan over trade. "From the U.S. Government's perspective, the reason we continue to press this issue is because of the role that lawyers can play in facilitating trade," says Merritt Janal, Assistant Trade Representative for Japan and China. We need lawyers to be trade facilitators, particularly in Japan, which is a very difficult and complicated business environment.

President Bush secured a promise from the Government that it would redouble its efforts—this is back when they had the summit meeting in Tokyo. President Bush, in his travels to Tokyo, the President received a promise from the government that it would redouble its efforts to resolve the issues relating to foreign lawyers.

Now we get to the Houston convention, and the President is denigrating trial lawyers. But for his own kind of lawyer, either the lobbyist group or the RTC, at $500 an hour, or the business lawyers in Japan, the administration is all for them. But the poor plaintiff lawyer, representing the injured client, he is a scourge to American society. And if we can get rid of him, it would solve America's national problem at this particular hour. This is a gross misrepresentation.

I just wanted to point that out, because the Senator from Wisconsin has cited the numbers of lawyers here and the multiplicity of suits. Yet the Resolution Trust Corporation alone was filed 195 suits against bank directors, accountants, law firms; all we have to do is stop the Government from the multiplicity of suits.

We oppose this bill and ask that we not invoke cloture on it, because it does not promote uniformity, does not reduce cost, removes the trial by jury in an impartial manner whereby it does not apply to the manufacturer, and removes from the States the control of the tort system that the States use to resolve their problems. It is a nonproblem nationally and everybody will tell you that and it could ultimately lead to federalization of insurance. That is why we should vote against cloture on this bill.

I thank the Chair and yield back the remainder of our time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 5679.

The legislative clerk read as follows:

A bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry, independent agencies, boards, commissions, corporations, and office for the fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 5679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $16,494,239,000, to remain available until expended: *Provided*, That not less than $8,357,000 of the foregoing amount shall be **[**transferred**]** *reimbursed* to "General operating expenses" for necessary expenses in implementing those savings provisions authorized in the Omnibus Budget Reconciliation Act of 1990, the funding source for which is specifically provided as the "Compensation and pensions" appropriation.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 35, 36, 39, 51, 53, 55, and 61), **[**$729,000,000**]** *$814,010,000*, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $22,730,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, **[**$40,524,000**]** *$42,500,000*, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, **[**$87,869,000**]** *$89,870,000*, to be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during 1993, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, **[**$1,393,000**]** *$1,469,000*, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, to be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $51,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,760,000.

In addition, for administrative expenses necessary to carry out the direct loan program, **[**$962,000**]** *$1,040,000* to be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by Native American Veterans' Home Loan Equity Act of 1992 (S. 2528, 102d Congress, as reported by the Senate Committee on Veterans' Affairs), $4,500,000, to remain available until expended: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $58,400,000.

In addition, for administrative expenses to carry out the direct loan program, $500,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); **[**$14,631,920,000**]** *$14,668,920,000 (of which $582,650,000 is available as a result of the cost savings and collection provisions of the subsequent paragraphs under this heading)*, plus reimbursements: *Provided*, **[**That of the sum appropriated, $9,440,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further*,**]** *That of the funds made available under this heading, not to exceed $2,000,000 shall be available for transfer to the Medical Administration and Miscellaneous Operating Expenses Appropriation for quality assurance activities: Provided further*, That of the funds made available under this heading, $476,860,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1993, and shall remain available for obligation until September 30, 1994: *Provided further*, That *after September 30, 1992*, none of the funds appropriated to the Department of Veterans Affairs in this Act or any other Act shall be available to implement or fund Veterans Health Administration Directive 10–92–013, dated January 24, 1992 (Medical Research Service Career Development Program Funding).

In addition, the following amendments are made to title 38, United States Code:

(1) Section 1710(a)(1)(E) is amended to read: "(E) to any veteran who has a service-connected disability rated less than 50 percent, for any nonservice connected disability, subject to the provisions of subsection (f) of this section;".

(2) Section 1710(f) is amended by inserting "subsection (a)(1)(E) or" before "subsection (a)(2)" in paragraph (1) and by adding a new paragraph (6) to read: "(6) Effective on January 1 of each year, the copayment amounts to effect under paragraph (2)(B) of this subsection and section 1722A of this title, shall be increased by the percentage by which the maximum rates of pension were increased under section 5312(a) of this title during the preceding calendar year.".

(3) Section 1712(a)(2)(A) is amended by inserting, "subject to subsection (f) of this section" after "40 percent".

(4) Section 1712(f)(1) is amended by inserting "1710(a)(1)(E) or" after "section" the third time it appears.

(5) Section 1722A(c) is amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(6) Section 5317(g) is amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(7) Section 5503(f)(6) is amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993":

Provided further, That notwithstanding the provisions of 38 U.S.C. 3732(c)(1)(C) or any other law, with respect to any loan guaranteed under 38 U.S.C. 3710 closed before October 1, 1993, the term "net value" for purposes of paragraphs (4) through (10) of 38 U.S.C. 3732 shall mean "the amount equal to (i) the fair market value of the property, minus (ii) the total of the amounts which the Secretary estimates the Secretary would incur (if the Secretary were to acquire and dispose of the property) for property taxes, assessments, liens, property maintenance, property improvement, administration, resale (including losses sustained on the resale of the property), and other costs resulting from the acquisition and disposition of the property, excluding any amount attributed to the cost of the Government of borrowing funds": Provided further, That section 8013(e) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) is amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993": Provided further, That section 6103(1)(7(D) of the Internal Revenue Code of 1986 is amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1994, **[**$242,000,000**]** *$232,000,000*, plus reimbursements.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,113,000.

HEALTH PROFESSIONAL EDUCATION LOAN PAYMENT PROGRAM

For payment of outstanding tuition loans to Department of Veterans Affairs health care professional employees (excluding physicians and dentists) who agree to remain in service for one year or more, $5,000,000, to remain available until September 30, 1994: Provided, That the Secretary, in order to recruit and retain such employees, may make such payments, not to exceed $3,000 during any calendar year, or $12,000 in total, to any such employee who has an outstanding tuition loan from an educational institution approved by the Secretary that has led to a degree in the health care occupation in which such individual is employed: Provided further, That no payment shall be made in advance: Provided further, That regulations shall be promulgated by the Secretary to implement this program.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, **[**$42,359,000**]** *$44,000,000*, plus reimbursements: *Provided, That of the funds made available under this heading, $25,000,000 may be available for transfer to the Medical and Prosthetic Research Appropriation for the Career Development Program.*

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 1732), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1994.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, **[**$4,000**]** *$7,000*, as authorized by Public Law 102–54, section 8: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget

Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed **[$35,000]** *$70,000*. In addition, for administrative expenses to carry out the direct loan program, **[$25,000]** *$50,000*, which may be transferred to and merged with the "General Post Fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; **[$808,882,000]** *$826,765,000*, of which $20,000,000 for the acquisition of automated data processing equipment and services to support the modernization program in the Veterans Benefits Administration shall not become available for obligation until September 1, 1993, and shall remain available for obligation until September 30, 1994.

NATIONAL CEMETERY SYSTEM

For necessary operating expenses of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of ten passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, **[$67,894,000]** *$73,441,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, **[$30,719,000]** *$31,646,000*.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, *services of claims analysts*, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, **[$533,974,000]** *$213,274,000*, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1993, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1993, and (2) by the awarding of a construction contract by September 30, 1994: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further*, That no funds from any other account except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only **[**: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint**]**.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, *services of claims analysts*, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110 and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $190,701,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That not more than **[$41,176,000]** *$43,676,000* shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes: *Provided further, That $1,000,000 of previously appropriated funds for the construction of a pedestrian bridge to connect the John L. McClellan Veterans Affairs Medical Center with the University of Arkansas for Medical Sciences Clinical Building shall be awarded within 90 days of enactment of this Act to a responsive and qualified construction bid offeror: Provided further, That the Secretary of Veterans Affairs shall transmit to the Committees on Appropriations of the House and Senate a report providing a full and detailed explanation should an award not be made within the 90-day period and which sets forth a revised schedule to proceed with this project; said report shall be transmitted not less than 30 days following the expiration of the 90-day period.*

PARKING GARAGE REVOLVING FUND

For the parking garage revolving fund as authorized by law (38 U.S.C. 8109), **[$9,917,000]** *$1,317,000*, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), **[$40,000,000]** *$80,000,000*, to remain available until September 30, 1995.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $5,104,000, to remain available until September 30, 1995.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1993 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1993 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking garage revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1993 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1992.

Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1993 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, 1987, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

During fiscal year 1993, the Secretary may waive the provision in 38 U.S.C. 8135 that limits the amount of a State home grant which a State may request to 65 percent of the estimated cost of construction (or of the estimated cost of facility acquisition and construction) of a State home facility. During this period, the Secretary may award State home grants for amounts in excess of 65 percent of the estimated cost of the project.

Section 8122 of title 38, United States Code, is amended by adding a new subparagraph (e), as follows:

"(e) For the purpose of drug and biological procurements by the Department of Veterans Affairs, and notwithstanding any other provision of law, the following definitions shall apply—

"(1) DEPOT.—The term 'depot' means a storage system operated by an agency of the Federal Government, or by an entity with which such an agency contracts, through which drugs and biologicals from various manufacturers are received, stored, and held for distribution to multiple health-care facilities of an agency of the

Federal Government. The term includes any warehousing and distribution arrangement whether Government owned and operated, Government owned and privately operated, or privately owned and operated.

"(2) SINGLE AWARD CONTRACT.—The term 'single award contract' means a contract awarded to a single entity to supply an agency or agencies of the Federal Government a drug or biological that is available from multiple sources.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

[For the HOPE for Public and Indian Housing Homeownership Program as authorized under title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) and subtitle A of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), $161,000,000; for the HOPE for Homeownership of Multifamily Units Program as authorized under subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), $95,000,000; for the HOPE for Homeownership of Single Family Homes Program as authorized under subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act, $95,000,000; and for the HOPE for Elderly Independence demonstration program as authorized under section 803(k) of the Cranston-Gonzalez National Affordable Housing Act, $10,000,000: *Provided*, That all amounts shall remain available until expended.]

For the HOPE for Public and Indian Housing Homeownership Program as authorized under title III of the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437aaa et seq.), $175,000,000; for the HOPE for Homeownership of Multifamily Units Program as authorized under subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), $130,000,000; for the HOPE for Homeownership of Single Family Homes Program as authorized under subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act, $125,000,000; for the HOPE for Elderly Independence demonstration program as authorized under section 803(k) of the Cranston-Gonzales National Affordable Housing Act, $60,000,000; and for the HOPE for Youth Program as set forth in section 403 of S. 3031 as reported to the Senate, $25,000,000: Provided, That of the amounts provided for the HOPE for Homeownership of Multifamily Units Program, $10,000,000 shall be available for assistance to mutual housing associations, to the extent that such association submit approvable grant applications under such program: Provided further, That all amounts provided under this head shall be available until expended: Provided further, That of the funds made available under this paragraph, $79,000,000 shall be derived by transfer from amounts made available for nonincremental use under the heading "Annual contributions for assisted housing" in prior fiscal years which remain unreserved at the end of fiscal year 1992, following the application of such funds as provided in the paragraph under said heading in this Act.

Furthermore, $500,000,000 shall be for grants to carry out an urban revitalization demonstration program involving major reconstruction of severely distressed or obsolete public housing projects, to be administered by local public housing agencies: Provided, That such funding shall be made available to up to 15 cities selected from either the 40 most populous United States cities or, from any city whose housing authority was considered to have been on the Department's troubled housing authorities list as of March 31, 1992: Provided further, That no more than $50,000,000 shall be provided to each participating municipality: Provided further, That no more than 500 units shall be funded for each participating city and such units shall be located in up to 3 separately defined areas containing the community's most severely distressed projects, including family high-rise projects: Provided further, That at least 80 per centum of the funding provided to each participating public housing agency shall be used for the capital costs of major reconstruction, rehabilitation and other physical improvements, for the capital costs of replacement units and for certificates under section 8(b) used for replacement and for management improvements for the reconstructed project and for planning and technical assistance purposes and not more than 20 per centum shall be used for community service programs (as defined by the Commission on National and Community Service) and for supportive services, including, but not limited to, literacy training, job training, day care, youth activities, administrative expenses, and the permissive and mandatory services authorized under the Gateway Program established in the Family Support Centers demonstration program, provided for in 42 U.S.C. 11485e–f: Provided further, That each participating city shall make contributions for supportive services in an amount equal to 15 per centum of the funding provided for supportive services pursuant to the immediately preceding proviso: Provided further, That all such contributions from participating jurisdictions for supportive services shall be derived from non-Federal sources: Provided further, That each participating community shall submit a plan for program implementation which is consistent with the local comprehensive housing affordability strategy prepared pursuant to section 105 of the Cranston—Gonzalez National Affordable Housing Act and which has the approval of the local governing body: Provided further, That each plan shall include a community services component, but no funds are to be disbursed pursuant to this paragraph until such community services program has been approved by the Commission on National and Community Service: Provided further, That funds made available pursuant to this paragraph may be used in conjunction with, but not in lieu of, funding provided under the head "Modernization of Low-Income Housing Projects" for the modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l); for construction or major reconstruction of obsolete public housing, other than for Indian families; for the replacement of public housing units pursuant to section 18 of the Act; and for the HOPE for Public and Indian Housing Homeownership program as authorized under title III of the Act: Provided further, That notwithstanding the provisions of section 18(b)(3) of the Act, units demolished, disposed of or otherwise eliminated under this demonstration may be replaced as follows: one-third by certificates under section 8(b) and the balance by any combination of conventional public housing and units acquired or otherwise provided for homeownership under section 5(h) of the Act, housing made available through housing opportunity programs of construction or substantial rehabilitation of homes meeting essentially the same eligibility requirements as those established pursuant to sections 603–607 of the Housing and Community Development Act of 1987 (Public Law 100–242), or under the HOPE II or III programs, as establish under sections 421 and 441 of the Cranston—Gonzalez National Affordable Housing Act; persons displaced by the reconstruction activities provided for herein shall be eligible for these replacement units: Provided further, That, in order to be eligible for funding under this paragraph, applications for funding must be received within 180 days from the date the Notice of Funds Availability is published in the Federal Register: Provided further, That the Secretary of the Department of Housing and Urban Development shall issue a notice of funds availability within 90 days of enactment of this paragraph: Provided further, That the Secretary shall determine which cities have been selected to participate in the program within 90 days of the timely receipt of the last eligible application: Provided further, That housing authorities, in submitting their application for funds under this paragraph, shall identify all severely distressed public housing developments, using the criteria set forth by the National Commission on Severely Distressed Public Housing: Provided further, That nothing in this paragraph shall prohibit the Secretary from conforming the program standards and criteria set forth herein, with subsequent authorization legislation that may be enacted into law: Provided further, That the authority in the immediately preceding proviso shall not apply to any legislation that excludes or otherwise limits self-sufficiency or community service activities set forth in this paragraph, or authorize reallocation of amounts available for obligation which are included in this paragraph: Provided further, That any troubled housing authority that applies for funds under this paragraph, shall not be eligible if the Secretary certifies to the Congress that they are not making substantial progress to eliminate their troubled status in accordance with section 6(j) of the Housing Act of 1937, as amended: Provided further, That in the event that communities applying for funding under this paragraph also request funding under any other HOPE program authorized under title III or title IV of the Cranston-Gonzalez National Affordable Housing Act, the Secretary shall process such applications concurrently and in an expeditious manner: Provided further, That, in the event that any application received from the cities initially selected to participate in this program is determined to be unacceptable, the Secretary shall select another city from the 40 most populous United States cities to receive funding under this paragraph: Provided further, That, in the event that communities selected to receive funding do not proceed in a manner consistent with the plan approved for that community, the Secretary may withdraw any unobligated balances of funding made available pursuant to this paragraph and distribute such funds to other eligible communities.

[HOME INVESTMENT PARTNERSHIPS PROGRAM

[For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $600,000,000, to remain available until expended: *Provided*, That in order to allocate the total amount provided, the Act shall be construed as follows: in section 216(3)(A), "$750,000" both places it appears shall be "$375,000"; in section 217(b)(2)(A), "$3,000,000" both places it appears shall be "$750,000"; in section 217(b)(2)(B), "$500,000" both places it appears shall be "$250,000"; and in section 217(b)(3), "$500,000" shall be "$250,000".

[Hereafter, for purposes of amounts appropriated under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Pub. L. 102–139; 105 Stat. 736, 744), the per-unit cost limits established by the Secretary of Housing and Urban Development under section 212(d) of the HOME Investment Partnerships Act (42 U.S.C. 12742(d)) shall reflect the actual development costs in each area in a manner that ensures compliance with the matching contributions waiver provided under such heading in such Appropriations Act.

[Section 217(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(a)) is amended—

[(1) in the first sentence of paragraph (1), by inserting "and after reserving amounts for the insular areas under paragraph (3)" before the first comma; and

[(2) by adding at the end the following new paragraph:

["(3) INSULAR AREAS.—For each fiscal year, of any amounts approved in appropriations Acts to carry out this title, the Secretary shall reserve for grants to the insular areas the greater of (A) $750,000, or (B) 0.2 percent of the amounts appropriated under such Acts. The Secretary shall provide for the distribution of amounts reserved under this paragraph among the insular areas pursuant to specific criteria for such distribution. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment.".]

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING
(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, [$10,000,000,000] *$3,231,000,000*, to remain available until expended: *Provided*, That to be added to and merged with the foregoing amounts, there shall be up to [$287,234,000] *$563,234,000*, consisting of up to [$24,000,000 of budget authority previously made available under the "Flexible subsidy fund" which remains unreserved at the end of fiscal year 1992] *$300,000,000 of budget authority previously made available under this head for nonincremental activities which remains unreserved at the end of fiscal year 1992*; $18,934,000 of budget authority previously made available for the Nehemiah Housing Opportunity Fund which remains unreserved at the end of fiscal year 1992; and up to $244,300,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1993: *Provided further*, That, from the foregoing total of [$10,287,234,000] *$3,794,234,000*, $257,320,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); [$609,000,000] *$250,000,000* shall be for the development or acquisition cost of public housing [,–of which not less than 5 per centum shall be committed by the Secretary for developing or acquiring new projects designed or designated to meet the special needs of handicapped persons or persons with disabilities: *Provided further*, That, notwithstanding the 20 per centum limitation under section 5(j)(2) of the Act, $200,000,000 of the $609,000,000 for the development or acquisition of public housing shall be awarded competitively for major reconstruction of obsolete public housing projects, other than for Indian families: *Provided further*, That of the $200,000,000 specified in the immediately preceding proviso for major reconstruction of obsolete public housing projects, the Secretary shall commit for use not less than 5 per centum to assist public housing agencies in reconfiguring portions of projects which are not designated for elderly persons into dwelling units of less than two bedrooms, as necessary to provide increased housing options for non-elderly handicapped persons or persons with disabilities: *Provided further*, That of the $10,287,234,000 total under this head, $3,000,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including $4,750,000 for technical assistance and training under section 20 of the Act (42 U.S.C. 1437(r)) and $10,500,000 for the inspection of modernization units and the provision of management and technical assistance for troubled Public Housing Authorities and Indian Housing Authorities: *Provided further*, That of the $10,287,234,000 total under this head, $30,000,000 shall be competitively awarded in grants to public housing agencies for the purpose of providing service coordinators for public housing residents who are elderly, disabled or handicapped and for funding up to 15 per centum of the cost of supportive services to such residents: *Provided further*, That of the $10,287,234,000 total under this head, $25,000,000 shall be for public housing family investment centers as authorized in section 22 of the Act: *Provided further*, That of the $10,287,234,000 total under this head, $851,500,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f)]: *Provided further*, That of the [$10,287,234,000] *$3,794,234,000* total provided under this head, [$100,000,000] *$75,000,000* shall be for the foster child care program authorized under section 8(x) of the Act: *Provided further*, That of the [$10,287,234,000] *$3,794,234,000* total provided under this head, [$813,500,000] *$250,000,000* shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); [$1,616,304,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including $70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101–235); $1,000,000,000] *$600,000,000* shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), and of the [$1,000,000,000] *$600,000,000* made available for such assistance, up to $25,000,000 shall be for use by nonprofit [organizations, pursuant to the Emergency Low Income Housing Preservation Act of 1987, as amended by the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), and for tenant and community-based nonprofit education, training and capacity building and the development of State and local preservation strategies] *housing development and resident management organizations for technical assistance and capacity building as set forth in section 602(g) of S. 3031 (102nd Congress, 2nd Session) as reported to the Senate (S. Rept. 102–332); $50,000,000 for assistance to families with children to move out of areas with high concentrations of persons living in poverty;* $93,032,000 shall be for section 8 assistance for property disposition; and $202,000,000 shall be for loan management: *Provided further*, That any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall be obligated for a contract term that is no less than five years: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured in 1993 and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or a local government or local housing agency financed project approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: *Provided further*, That of the [$10,287,234,000] *$3,794,234,000* total, [$100,000,000] *$75,000,000* shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) and [$100,000,000] *$127,350,000* shall be for grants to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately-owned rental units, of which $2,000,000 shall be for lead-based paint abatement grants for technical assistance and evaluation studies: *Provided further*, That such grant funds shall be available only for projects conducted by contractors certified and workers trained through a federally- or State-accredited program: *Provided further*, That, to be eligible for such grants, States and units of general local government must demonstrate the capability to identify significant-hazard housing units, to oversee the safe and effective conduct of the abatement, and to assure the future availability of abated units to low- and moderate-income persons: *Provided further, That notwithstanding the language preceding the first provision of this paragraph, $126,275,000 shall be used for special purpose grants in accordance with the committee report (S. Rept. 102–356) accompanying H.R. 5679.*

[With the funds appropriated hereunder for tenant-based section 8 assistance and distributed to each public housing agency, together with any previously-appropriated tenant-based section 8 funds currently available to the agency, the agency may set-aside any units of less than two bedrooms for providing assistance to handicapped persons or persons with disabilities. Such setaside funds may be utilized by the agency to assist either new applicants for housing assistance, or persons presently residing in elderly public housing projects who wish to move to private housing, or any mix thereof in the agency's discretion.]

Of the [$10,287,234,000] *$3,794,234,000* total under this head, [$1,315,488,000] *$1,298,308,000* shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and *for project rental assistance, and amendments to contracts for project rental as-*

sistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended: Provided further, That any unreserved balances provided under this head in prior years for such purposes shall be merged with amounts provided herein: Provided further, That $15,438,000 shall be for service coordinators pursuant to section 202(q) of the Housing Act of 1959, as amended.

Of the $3,794,234,000 total under this head, $221,347,000 shall be for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) [, respectively]; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for [the elderly under section 202(c)(2) of the Housing Act of 1959, as amended, and for] persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act [, respectively; and for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended].

AMENDMENTS TO SECTION 8 SUBSIDY CONTRACTS

(INCLUDING TRANSFERS)

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), not otherwise provided for, for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, $1,300,000,000, to remain available until expended, including $70,000,000 for rental adjustments resulting from the application of an annual adjustment factor, including such adjustments made in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101–235): Provided, That to the extent amounts provided in this Act under the head "Assistance for the Renewal of Expiring Section 8 Subsidy Contracts" are insufficient, up to $100,000,000 of the amount provided herein may be transferred to and merged with funding provided under that head.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $6,346,135,000, to remain available until expended: *Provided*, That funds provided under this paragraph may not be obligated for a contract term that is less than five years: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

Further, for the foregoing purposes, $450,000,000, to become available for obligation on October 1, 1993, and to remain available for obligation until expended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1993 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided*, That up to $283,000,000 of recaptured loan management or section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1993: *Provided further*, That to the extent that the recaptures and rescission during fiscal year 1993 are less than $283,000,000, the total funding provided under the head "Annual contributions for assisted housing" and the budget authority provided in the tenth proviso under that head for assistance in connection with mortgage prepayments shall be reduced accordingly.

CONGREGATE SERVICES

[For contracts with and payments to public housing agencies and non-profit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, as amended, $7,500,000, to remain available until September 30, 1994.]

For contracts with payments to public housing agencies and non-profit corporations for congregate services programs, $27,000,000, to remain available until expended, of which up to $10,800,000 shall be for entities operating such programs in accordance with the provisions of the Congregate Services Act of 1978, as amended, and the balance shall be for such programs under section 802 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101–625).

MODERNIZATION OF LOW-INCOME HOUSING PROJECTS

For assistance under section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l), for modernization of existing public housing (including public housing for Indian families), not otherwise provided for, $3,550,000,000, to remain available until expended: Provided, That funds previously appropriated under the "Annual Contributions for Assisted Housing" head and earmarked for modernization of existing public housing projects, including those for Indian families, that remain unreserved as of October 1, 1992, shall be added to and merged with funds appropriated under this head: Provided further, That of the amounts made available under this heading, $100,000,000 may be made available for the choice in management initiative, to be obligated only upon the enactment of authorization legislation.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), [$2,282,436,000] *$2,450,000,000: Provided, That these funds shall be available for obligation without regard to section 9(d) of the United States Housing Act of 1937, as amended.*

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), section 106(c), and section 106(d) of the Housing and Urban Development Act of 1968, as amended, [$6,025,000] *$3,515,000.*

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, and under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z–1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, all uncommitted balances of excess rental charges as of September 30, 1992, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1993, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1993, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $57,146,000,000*: Provided, That for fiscal year 1993 the first sentence of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended to read as follows: "Involve a principal obligation in an amount (A) not to exceed the lesser of (i) in the case of a 1-family residence 95 percent of the median 1-family price in the area (as determined by the Secretary); in the case of a 2-family residence, 107 percent of such median price; in the case of a 3-family residence, 130 percent of such median price; or in the case of a 4-family residence, 150 percent of such median price; or (ii) 75 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as adjusted annually under such section) for a residence of applicable size; except that the applicable dollar amount limitation in effect for any area under this subparagraph (A) may not be less than the dollar amount limitation in effect under this section for the area on May 12, 1992; and (B) except as otherwise provided in this paragraph (2), not to exceed an amount equal to the sum of (i) 97 percent of $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance; (ii) 95 percent of such value in excess of $25,000 but not in excess of $125,000; and (iii) 90 percent of such value in excess of $125,000.": Provided further, That for fiscal year 1993 the second sentence of section 2(b)(2) of the National Housing Act (12 U.S.C. 1703(b)(2)) is amended by striking "but not" and all that follows through "203(b)(2)" and inserting "but in no case may such limits, as so increased, exceed the lesser of (A) 185 percent of the dollar amount specified, or (B) the dollar amount specified as increased by the same percentage by which 95 percent of the median 1-family house price in the area (as determined by the Secretary) exceeds $67,500": Provided further, That for fiscal year 1993 section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "for a 1-family residence" and inserting "for 1–family residences in the area in which the dwelling subject to the mortgage under this section is located": Provided further, That for fiscal year 1993 section 40(p)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)(4)) is amended by striking subparagraph (B) and inserting the following new subparagraph: "(B) that has an appraised value that does not exceed the applicable dollar amount specified in the first sentence of section*

203(b)(2) of the National Housing Act as such dollar amount is increased on an area-by-area basis under such section for areas with high prevailing housing sales prices, except that for purposes of this paragraph no such increase may exceed 150 percent of the dollar amount specified in section 203(b)(2).'': Provided further, That for fiscal year 1993 section 40(p)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)(5)) is amended by striking subparagraph (B) and inserting the following new subparagraph: ''(B) that has an appraised value that does not exceed the applicable dollar amount specified in section 221(d)(3)(ii) of the National Housing Act for elevator-type structures, as such dollar amount is increased under such section for geographical areas or on a project-by-project basis (except that any such increase on a project-by-project basis shall be made pursuant to a determination by the Corporation that such increase is necessary).'': Provided further, That for fiscal year 1993 section 40(p)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)(7)) is amended by striking subparagraph (B) and inserting the following new subparagraph: ''(B) that has an appraised value that does not exceed the applicable dollar amount specified in the first sentence of section 203(b)(2) of the National Housing Act, as such dollar amount is increased on an area-by-area basis under such section for areas with high prevailing housing sales prices, except that for purposes of this paragraph no such increase may exceed 150 percent of the dollar amount specified in section 203(b)(2)''.

For administrative expenses necessary to carry out the guaranteed loan program, **[**$257,021,000**]** *$255,645,000*, to be derived from the FHA-Mutual Mortgage Insurance Guaranteed Loans Receipt account, of which not to exceed **[**$251,011,000**]** *$249,542,000* shall be transferred to the appropriations for salaries and expenses; and of which not to exceed **[**$6,010,000**]** *$6,103,000* shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, $183,652,000, as authorized by the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f)): *Provided*, That such costs, including the cost of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $9,038,980,000: *Provided further, That the Secretary shall carry out the Multifamily Finance Demonstration program set forth in section 312 of S. 3031 (102nd Congress, 2nd Session), as reported to the Senate (S. Rpt. 102–332), which shall be deemed enacted as of the enactment of this Appropriations Act, with six qualified State housing finance agencies: Provided further, That not to exceed $79,000,000 of the amount provided herein for the cost of guaranteed loans, and not to exceed $21,000,000 of the $187,000,000 provided in the paragraph following this paragraph for administrative expenses necessary to carry out the guaranteed loan program shall be for the foregoing Multifamily Finance Demonstration program.*

In addition, for administrative expenses necessary to carry out the guaranteed loan programs, $187,000,000, of which $182,955,000 shall be transferred to the appropriations for salaries and expenses; and of which $4,045,000 shall be transferred to the appropriation for the Office of Inspector General.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by 42 U.S.C. 11901–11908, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, **[**$165,000,000**]** *$175,000,000*, to remain available until expended: *Provided*, That $5,225,000 of the foregoing amount shall be available for grants, contracts, or other assistance for technical assistance and training for or on behalf of public housing agencies and resident organizations (including the costs of necessary travel for participants in such training)**[**:*Provided further*, That $5,000,000 of the foregoing amount shall be made available for grants for a youth violence prevention in low-income housing program modeled on a program developed by the National Association of Neighborhoods**]**: *Provided further*, That $10,000,000 of the foregoing amount shall be made available for grants for federally assisted, low-income housing.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1993, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g), shall not exceed $77,700,000,000. For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, **[**$6,680,000**]** *$6,936,000*, to be derived from the GNMA—Guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed **[**$6,680,000**]** *$6,936,000* shall be transferred to the appropriation for salaries and expenses.

HOMELESS ASSISTANCE

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $17,450,000, to remain available until expended.

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For the transitional and supportive housing demonstration program, as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $150,000,000, to remain available until expended.

SECTION 8 MODERATE REHABILITATION

SINGLE ROOM OCCUPANCY

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), **[**$103,926,000**]** *$105,000,000*, to remain available until expended.

SHELTER PLUS CARE

For the Shelter Plus Care program, as authorized by subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, **[**$265,902,000**]** *$266,550,000*, to remain available until expended.

The unexpended balances of the ''Shelter Plus Care: Section 8 Moderate Rehabilitation, Single Room Occupancy'' and ''Shelter Plus Care: Section 202 Rental Assistance'' programs, available from the appropriations enacted in Public Law 102–139, shall be added to and merged with the amount available under this heading.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), **[**$4,000,000,000**]** *$4,100,000,000*, to remain available until September 30, 1995: *Provided*, That **[**$39,950,000**]** *$41,000,000* shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), and $14,500,000 shall be available for ''special purpose grants'' pursuant to section 107 of such Act**[**,–and $500,000 shall be available for a grant to demonstrate the feasibility of developing an integrated database system and computer mapping tool for compliance, programming, and evaluation of community development block grants pursuant to section 901 of the Cranston-Gonzalez National Affordable Housing Act of 1990**]**: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act**[**or funds set aside in the following proviso**]**) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the Department of Housing and Urban Development **[**:*Provided further*, That $5,000,000 shall be made available from the total amount provided to carry out an early childhood development program under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z–6 note)**]**: *Provided further, That after September 30, 1992, notwithstanding section 909 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), no funds provided in this appropriations Act shall be used to establish or supplement a revolving fund under section 104(h) of the Housing and Community Development Act of 1974, as amended.*

During fiscal year 1993, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed **[**$300,000,000**]** *$140,000,000* of contingent liability for loan principal.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,200,000,000, to remain available until expended.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $25,000,000, to remain available until September 30, 1994: *Provided*, That of the foregoing amount **[**(1) $1,000,000 shall be available for innovative building technologies research with the Research Center of the National Association of Home Builders, (2) $1,000,000 shall be available for the National Commission on Manufactured Housing, and (3)**]** *(1)* at least $500,000 shall be for lead-based paint abatement research and studies *including an evaluation of XRF technologies, and (2) $1,000,000 shall be for a study by the National Academy of Public Administration on HUD staffing and human resource management and requirements.*

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, [$13,350,000] *$21,000,000*, to remain available until September 30, 1994: *Provided*, That not less than [$8,600,000] *$16,250,000* shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, [$698,027,000] *$910,942,000*, of which [$393,575,000] *$432,497,000* shall be provided from the various funds of the Federal Housing Administration, and [$6,680,000] *$6,936,000* shall be provided from funds of the Government National Mortgage Association: *Provided*, That of the total [amount] *amount*, $2,000,000 shall be available for the Housing Assistance Council and $500,000 shall be available for the National American Indian Housing Council: [*Provided further*, That the Secretary may transfer any funds in other accounts for headquarters offices for personal services and travel to the account under this head for field staffing and administrative expenses] *Provided further, That of the total amount, $1,000,000 and 20 staff years shall be for the Office of Lead Based Abatement and Poisoning Prevention, which shall be located within the Office of the Secretary.*

[PERSONAL SERVICES AND TRAVEL, OFFICE OF HOUSING

[(INCLUDING TRANSFER OF FUNDS)

[For personnel compensation and benefits for the headquarters Office of Housing, $55,580,000, of which $37,637,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That not to exceed $1,276,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF PUBLIC AND INDIAN HOUSING

[For personnel compensation and benefits for the headquarters Office of Public and Indian Housing, $12,788,000: *Provided*, That not to exceed $491,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

[For personnel compensation and benefits for the headquarters Office of Community Planning and Development, $17,872,000: *Provided*, That not to exceed $439,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF POLICY DEVELOPMENT AND RESEARCH

[For personnel compensation and benefits for the headquarters Office of Policy Development and Research, $8,717,000: *Provided*, That not to exceed $141,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

[For personnel compensation and benefits for the headquarters Office of Fair Housing and Equal Opportunity, $10,516,000: *Provided*, That not to exceed $377,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, DEPARTMENTAL MANAGEMENT

[For personnel compensation and benefits for the headquarters budget activity of Departmental Management, $8,793,000: *Provided*, That not to exceed $673,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF GENERAL COUNSEL

[(INCLUDING TRANSFER OF FUNDS)

[For personnel compensation and benefits for the headquarters Office of General Counsel, $14,609,000, of which $2,754,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That not to exceed $259,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, ADMINISTRATION

[For personnel compensation and benefits for the headquarters administration and staff services, the Office of Lead-Based Paint Abatement and Poisoning Prevention, and the Chief Financial Officer, $45,801,000: *Provided*, That not to exceed $3,009,000 of the amount herein provided shall be available for travel expenses: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.]

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$45,773,000] *$46,548,000*, of which [$10,055,000] *$10,148,000* shall be transferred from the various funds of the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

[For payment to Milton Residences for the Elderly, Inc., for development costs incurred in connection with the site for HUD Project No. 023-EH273 (Milton, MA) prohibited under Public Law 100-202 (101 Stat. 1329-190), $226,000.

[Notwithstanding section 17(d)(4)(G) of the United States Housing Act of 1937, the City of Springfield, in the State of Massachusetts, shall not be required to return, and the Secretary of Housing and Urban Development may not recapture, any housing development grants awarded under section 17(d) of such Act to the city for use in connection with the Symphony Apartments housing development project (Project No. MA002HG701), if before October 1, 1993, the city (or any subgrantee) commences construction or substantial rehabilitation activities for which such amounts were made available.

[The Oklahoma Department of Commerce is authorized to take all steps necessary to close out an agreement originally entered into by the Department and the City of Commerce, Oklahoma (Contract No. 4511 CDBG ED 89) for the purpose of providing a loan through the Miami Area Economic Development Services, Inc., for Sac and Fox Industries to retain and create jobs for low- and moderate-income persons. Notwithstanding any other provision of law or other Department of Housing and Urban Development regulations and requirements, $490,700 of funds appropriated for community development block grants and allocated to the State of Oklahoma or other funds available to the Secretary of Housing and Urban Development shall be used to close out said agreement. Furthermore, the Miami Area Economic Development Services, Inc., the City of Commerce, Oklahoma, and the Oklahoma Department of Commerce are relieved of all liability to the government for the outstanding balance, any amount of accrued interest, and any other fees and charges payable in connection with this transaction.

[The provisions of title I, section 104(g)(2) of the Housing and Urban Development Act of 1974, as amended, are hereby waived for the following urban development action grant projects in the City of Youngstown, Ohio:

[(1) H. L. Libby parking deck—project #: B-87-AA-39-0319;

[(2) The Bitonte Medical Center—project #: B-86-AA-39-0321; and

[(3) The Erie Terminal Development Office Complex—project #: B-87-AA-39-0329.

[During fiscal year 1993, notwithstanding any other provision of law, the number of individuals employed by the Department of Housing and Urban Development in other than "career appointee" positions in the Senior Executive Service shall not exceed 15.

[Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall cancel the indebtedness of the Sunbright Utility District in Morgan County, Tennessee, relating to loan number TENN-PFL-43, and the Administrator of the Economic Development Administration shall cancel the indebtedness of the Sunbright Utility District in Morgan County, Tennessee, relating to loans numbered 040100-342-1 and 040100-342-2. The Sunbright Utility District in Morgan County, Tennessee, is relieved of all liability to the Government for the outstanding principal balance on such loans, for the amount of accrued interest on such loans, and for any other fees and charges payable in connection with such loans.

[Of the budget authority made available to comply with section 213(e) of the Housing and Community Development Act of 1974, notwithstanding that provision of law, the

Secretary of Housing and Urban Development shall make such budget authority available for assistance payments under section 8(b) of the United States Housing Act of 1937 to the Housing Authority of the City of Galveston, Galveston, Texas, for 18 units, to the Housing Authority for the City of Rockwall, Rockwall, Texas, for 36 units, with respect to the balance of such budget authority to the Port Arthur Housing Authority, Port Arthur, Texas.

[The first sentence of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended to read as follows: "Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount—

["(A) not to exceed the lesser of—

["(i) in the case of the 1-family residence, 95 percent of the median 1-family house price in the area (as determined by the Secretary; in the case of a 2-family residence, 107 percent of such median price; in the case of a 3-family residence, 130 percent of such median price; or in the case of a 4-family residence, 150 percent of such median price; or

["(ii) 75 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as adjusted annually under such section) for a residence of the applicable size; [except that the applicable dollar amount limitation in effect for any area under this subparagraph (A) may not be less than the dollar amount limitation in effect under this section for the area on May 12, 1992; and

["(B) except as otherwise provided in this paragraph (2), not to exceed an amount equal to the sum of—

["(i) 97 percent of $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance;

["(ii) 95 percent of such value in excess of $25,000 but not in excess of $125,000; and

["(iii) 90 percent of such value in excess of $125,000.".

[The second sentence of section 2(b)(2) of the National Housing Act (12 U.S.C. 1703(b)(2)) is amended by striking "but not" and all that follows through "203(b)(2)" and inserting "but in no case may such limits, as so increased, exceed the lesser of (A) 185 percent of the dollar amount specified, or (B) the dollar amount specified as increased by the same percentage by which 95 percent of the median one-family house price in the area (as determined by the Secretary) exceeds $67,500".

[Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "for a 1-family residence" and inserting "for 1-family residences in the area in which the dwelling subject to the mortgage under this section is located".

[FEDERAL DEPOSIT INSURANCE CORPORATION.—

[(1) ELIGIBLE CONDOMINIUM PROPERTY.—Section 40(p)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)(4)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

["(B) that has an appraised value that does not exceed the applicable dollar amount specified in the first sentence of section 203(b)(2) of the National Housing Act, as such dollar amount is increased on an area-by-area basis under such section for areas with high prevailing housing sales prices, except that for purposes of this paragraph no such increase may exceed 150 percent of the dollar amount specified in section 203(b)(2).".

[(2) ELIGIBLE MULTIFAMILY HOUSING PROPERTY.—Section 40(p)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)(5)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

["(B) that has an appraised value that does not exceed the applicable dollar amount specified in section 221(d)(3)(ii) of the National Housing Act for elevator-type structures, as such dollar amount is increased under such section for geographical areas or on a project-by-project basis (except that any such increase on a project-by-project basis shall be made pursuant to a determination by the Corporation that such increase is necessary).".

[(3) ELIGIBLE SINGLE FAMILY PROJECT.—Section 40(p)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)(7)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

["(B) that has an appraised value that does not exceed the applicable dollar amount specified in the first sentence of section 203(b)(2) of the National Housing Act, as such dollar amount is increased on an area-by-area basis under such section for areas with high prevailing housing sales prices, except that for purposes of this paragraph no such increase may exceed 150 percent of the dollar amount specified in section 203(b)(2).".

[Section 2(b)(1) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended by striking subparagraphs (C), (D), and (E) and inserting the following new subparagraphs:

["(C) 70 percent of the median 1-family house price in the area, as determined by the Secretary under section 203(b)(2), if made for the purpose of financing the purchase of a manufactured home;

["(D) 80 percent of the median 1-family house price in the area, as determined by the Secretary under section 203(b)(2), if made for the purpose of financing the purchase of a manufactured home and a suitably developed lot on which to place the home;

["(E) the greater of (i) 20 percent of the median 1-family house price in the area, as determined by the Secretary under section 203(b)(2), or (ii) $13,500, if made for the purpose of financing the purchase, by an owner of a manufactured home which is the principal residence of the owner, of a suitably developed lot on which to place that manufactured home, and if the owner certifies that the owner will place the manufactured home on the lost acquired with such loan within 6 months after the date of such loan;

[Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by inserting after the period at the end the following new sections: "Notwithstanding the authority of the Secretary to establish the terms of insurance under this section and approve the initial service charges, appraisal, inspection, and other fees (and subject to any other limitations under this section on the amount of a principal obligation), the Secretary may not (by regulation or otherwise) limit the percentage or amount of any such approved charges and fees that may be included in the principal obligation of a mortgage."]

Notwithstanding any other provision of this or any other Act with respect to any fiscal year, the Office of Lead Based Paint Abatement and Poisoning Prevention shall be contained within the Office of the Secretary, and said Office shall have ultimate responsibility within the Department of Housing and Urban Development, except for the Secretary, for all matters related to the abatement of lead in housing, and research related to lead abatement, consistent with the responsibilities outlined for the Office in Senate Report 102–107.

The Secretary shall apply performance standards similar to the PHMAP system to public housing managed by resident management corporations.

Following the third "Hereafter" under the head "Administrative Provisions", Public Law 102–139, 105 Stat. 758, strike out "that such entities" and all that follows through the period at the end of the sentence and insert in lieu thereof "that such entities are duly constituted and operating according to the laws of the various States in which they operate and meet such other standards as the Secretary deems appropriate."

Notwithstanding section 571(b) of the National Affordable Housing Act of 1990, the Department shall revise its fiscal year 1992 notice of fund availability for public housing development/major reconstruction of obsolete projects (Federal Register, June 18, 1992, 27330 et seq.) so that there contains no limitation on the amount of these funds available for public housing replacement activities.

The fair market rentals for the Salt Lake City—Ogden, Utah, metropolitan statistical area that took effect as of October 1, 1991 (56 Fed. Reg. 49024, 49072, September 26, 1991) shall remain in effect until October 1, 1993, notwithstanding the requirements of section 8(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f) or any publication in the Federal Register in implementation of such section.

Section 213(e) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(e)) is amended by striking "the Park Central New Community Project or in adjacent areas that are recognized by the unit of general local government in which such Project is located as being included within the Park Central New Town in Town Project." and inserting "Jefferson County, Texas.".

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $19,318,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further*, That not more than $125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War

Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal Travel regulations.

[CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

[SALARIES AND EXPENSES

[For necessary expenses, in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger motor vehicles, and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the rate for GS–18, $2,500,000.]

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

SALARIES AND EXPENSES

For necessary salaries and expenses of the Commission on National and Community Service under subtitle G of title I of the National and Community Service Act of 1990 (Public Law 101–610), [$2,000,000] *$3,000,000: Provided, That the Executive Director may, at the discretion of the Board, appoint 17 staff to administer the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 (5 U.S.C. sections 5101 et seq.) and subchapter III of chapter 53 (5 U.S.C. sections 5331 et seq.) of such title relating to classification and General Schedule pay rates.*

PROGRAMS AND ACTIVITIES

For use in carrying out the programs, activities and initiatives under subtitles B through F of title I of the National and Community Service Act of 1990 (Public Law 101–610), [$35,000,000] *$100,000,000.*

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $42,100,000: *Provided*, [That not more than $450,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission] *That funds shall not be available for the personnel compensation and benefits of more than three Commissioners of the Consumer Product Safety Commission.*

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, [$8,630,000] *$8,330,000*: *Provided*, That such sum shall be available without regard to section 509 of this Act.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of three passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses; $13,033,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment, supplies, and other operating expenses in support of research and development, [$338,500,000] *$323,000,000*, to remain available until September 30, 1994: *Provided*, That not more than $48,067,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project.

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, [including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,331,055,000] *$1,116,860,000*, to remain available until September 30, 1994: *Provided*, [That not more than $304,000,000 of these funds shall be available for administrative expenses: *Provided further*,] That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local, and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949).

[ABATEMENT, CONTROL, AND COMPLIANCE PROGRAM LOAN ACCOUNT]

ABATEMENT, CONTROL, AND COMPLIANCE LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans under the Asbestos School Hazard Abatement Act, as amended, $30,225,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,500,000.

In addition, for administrative expenses necessary to carry out the implementation of the Asbestos School Hazard Abatement Act, [$1,000,000] *$2,000,000.*

[PROGRAM AND RESEARCH OPERATIONS

[For necessary expenses, not otherwise provided for, for personnel compensation and benefit costs and for travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; $848,214,000: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).]

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,063,000,000: Provided, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, *and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project*, [$42,240,000] *$43,358,000*, of which [$16,428,000] *$15,770,000* shall be derived from the Hazardous Substance Superfund trust fund and [$636,000] *$610,000* shall be derived from the Leaking Underground Storage Tank Trust Fund[:–*Provided*, That, notwithstanding any other provision in this Act, not less than $27,970,000 of the sum appropriated shall be available only for expenses in the personnel compensation and benefits object classifications].

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, [$134,300,000] *$38,000,000*, to remain available until expended: *Provided*, [That $10,000,000 of the foregoing amount shall be made available as a grant to Columbia University for construction of a facility to be used for environmental health science research, such facility to be constructed and owned by Columbia University] *That $12,500,000 shall be available as a grant to the Christopher Columbus Center Development, Inc. for planning, design and construction of the Christopher Columbus Center of Marine Research and Exploration in Baltimore, Maryland: Provided further, That notwithstanding any other provision of law, the Environmental Protection Agency is authorized to begin preliminary planning required for the establishment of a consolidated laboratory facility to replace and house the Central Regional Laboratory, Annapolis, Maryland, and the Analytical Chemistry and Microbiology Laboratory, Beltsville, Maryland, including the authority to accept, by permit or no-cost transfer from Federal entities, or by donation from State and local entities, available real property: Provided further, That $1,000,000 of the amount provided herein shall be for a grant to the University of Maine for the constuction of the Maine Quaternary Studies Institute: Provided further, That $5,000,000 of the amount provided herein shall be for a grant to the University of Utah for the design, construction, and equipping of an intermountain regional network and scientific computation center.*

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, [$18,434,000] *$23,340,000*, to be derived from the Oil Spill Liability Trust Fund, and to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), *and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project;* [$1,416,228,000] *$1,616,228,000, consisting of $1,366,228,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $201,120,000 during fiscal year 1992, with all of such funds*, to remain available until expended [and to be derived from the Hazardous Substance Superfund, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $201,120,000]: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed [$51,036,000] *$60,036,000* of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1993: *Provided further*, That no more than [$264,000,000] *$256,000,000* of these funds shall be available for administrative expenses of the Environmental Protection Agency.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, *and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project*, $75,000,000, to remain available until expended: *Provided*, That no more than [$7,400,000] *$7,000,000* shall be available for administrative expenses.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, [$2,400,000,000] *$2,650,000,000*, to remain available until expended, of which [$1,834,000,000] *$2,563,500,000* shall be for title VI of the Federal Water Pollution Control Act, as amended[, and five per centum of this amount shall not be obligated for capitalization grants to states, but shall be held in reserve, until October 1, 1993]; $16,500,000 shall be for making grants authorized under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; [$63,500,000 shall be for making grants authorized under section 319 of the Federal Water Pollution Control Act, as amended; $32,500,000 shall be for section 510 of the Water Quality Act of 1987 and none of the funds appropriated in this or any other Act to the Environmental Protection Agency may be used for making grants authorized under such section that exceed a total of $239,400,000, and the Administrator of the Environmental Protection Agency shall take no action to obligate any funds under such section if the impact on the total program cost to the Environmental Protection Agency of such action would exceed $239,400,000; $305,500,000 shall be for making grants under title II of the Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for the purpose of constructing secondary sewage treatment facilities to serve the following localities, and in the amounts indicated: Boston, Massachusetts, $100,000,000; New York, New York, $70,000,000; Los Angeles, California, $55,000,000; San Diego, California, $45,500,000; and Seattle, Washington, $35,000,000; and notwithstanding any other provision of law, $82,000,000 shall be available for Rouge River National Wet Weather Demonstration Project grants, not to exceed 85 per centum of total project costs, to be awarded by the Administrator, who is authorized to make such grants to Wayne County, Michigan, such grants to be for the construction of sanitary sewers and retention basins, for the repair and maintenance of wastewater treatment plants and collection systems, and for the investigation of commercial and industrial facilities and storm sewer connections to implement the Rouge River National Demonstration Project for Wet Weather Flows; and notwithstanding any other provision of law, $40,000,000 shall be for making grants under title II of the Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for the purpose of constructing advanced sewage treatment facilities to serve Baltimore, Maryland, in furtherance of the objectives of the Chesapeake Bay Agreement; and notwithstanding any other provision of law, $19,000,000 shall be for making a grant under title II of the Federal Water Pollution Control Act, as amended, to the Ocean County Utilities Authority, in the State of New Jersey for necessary modifications and replacements to the Carver-Greenfield sewage treatment plant; and notwithstanding any other provision of law, $7,000,000 shall be for making a grant under title II of the Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for necessary work to remove and reroute the existing sewer lines at the Centennial Olympic Stadium site in the City of Atlanta, Georgia]; *$50,000,000 shall be for grants to the State of Texas, which is to be matched by an equal amount of State funds from State sources, for the purpose of improving wastewater treatment in colonias in that State, including $2,000,000 for planning and design; $10,000,000 shall be for a grant to the State of New Mexico for the purpose of improving wastewater treatment in colonias in that State; and $10,000,000 shall be for a grant to the State of Arizona for an interceptor/collection system in the city of Avondale, Arizona;* and notwithstanding any other provision of law, from sums previously appropriated under this heading for grants under title II of the Federal Water Pollution Control Act, as amended, and reserved by the South Dakota Department of Environment and Natural Resources, the Administrator shall make a grant, not to exceed 55 per centum of total project costs, to the Town of Pollock, South Dakota for necessary reconstruction of Pollock's wastewater treatment facility, consistent with the approved facility plan of October 1990; and sums heretofore, herein or hereafter appropriated under this heading for the District of Columbia, either allotted for title VI capitalization grants and pursuant to Public Law 101–144 as amended by Public Law 101–302 authorized to be used for title II construction grants, or title II construction grants, may be used for title II construction grants for any activities eligible under title VI, and *the limitations contained in* sections 201(g)(1) and 204(a)(5) of the Federal Water Pollution Control Act, as amended, do not apply to these grants: *Provided, That of the funds appropriated for the State Revolving Fund under title VI of the Federal Water Pollution Control Act, as amended, up to one-half of one percent may be made available by the Administrator for direct grants to Indian tribes for construction of wastewater treatment facilities for fiscal year 1993 and thereafter*[:-*Provided*, That, notwithstanding any other provision of law, from sums appropriated under this paragraph and allotted to, under title VI, the State of Texas under section 205 of the Federal Water Pollution Control Act, as amended, the State of Texas is authorized to set aside, at the discretion of the Governor, up to $50,000,000 for grants or for deposit in the special revolving fund authorized by Public Law 101–144 for loans for the purpose of improving wastewater treatment in colonias in that State, such funds to be matched in accordance with section 602(b)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That, notwithstanding any other provision of law, from sums appropriated under this paragraph and allotted to, under title VI, the State of California under section 205 of the Federal Water Pollution Control Act, as amended, the State of California is authorized to set aside, at the discretion of the Governor, up to $10,000,000 to make loans or grants for projects in the vicinity of New River, California and from sums appropriated under this paragraph and allotted to, under title VI, the State of Arizona under section 205 of the Federal Water Pollution Control Act, as amended, the State of Arizona is authorized to set aside, at the discretion of the Governor, up to $5,000,000 to make loans or grants for projects in the vicinity of Nogales, Arizona, such funds shall be available only for architectural, engineering, and design and related activities in connection with sewage facilities, whose purpose is to control municipal sewage from Mexico, shall become available only upon the successful conclusion of an appropriate minute of the International Boundary and Water Commission, and shall be matched in accordance with section 602(b)(3) of the Federal Water Pollution Control Act, as amended.

[Notwithstanding any other provision of the Federal Water Pollution Control Act, as amended, $80,000,000 of fiscal year 1992 and 1993 funds for San Diego allocation for coastal cities shall be available only for the construction of the San Diego wastewater treatment facilities included in the consent decree lodged in the *United States and California v. City of San Diego*, Civil Action #88–1101 (S.D. Cal.). The Federal share for construction of these projects will be 55 per centum. Nothing in this provision shall be interpreted or is intended to modify the commitments made by the city of San Diego in the above referenced consent decree.

[Notwithstanding section 307(b)(1) of the Federal Water Pollution Control Act, the following limitation to the Gulf Coast Waste Disposal Authority on applicability of pretreatment standards shall apply:

[(a) If the conditions of subsection (b) are met, the pretreatment standards promulgated pursuant to section 307(b)(1) of the Federal Water Pollution Control Act shall not apply with respect to any treatment works operated by Gulf Coast Waste Disposal

Authority and industrial users of such works.

[(b) Subsection (a) shall only be in effect with respect to a treatment works if—

[(1) the mass removal of pollutants by such works is equivalent to the removal which would be achieved if the industrial users of such works discharged such pollutants into waters of the United States other than through a publicly owned treatment works and such discharges complied with applicable effluent limitations; and

[(2) The Gulf Coast Waste Disposal Authority has, and is in compliance with, a permit issued under section 402 of the Federal Water Pollution Control Act containing sludge quality numerical limitations for each of the pollutants for which such limitations are established and which would otherwise be required to be treated under the pretreatment standards established under section 307(b) of such Act (or where numerical limitations are not available, a design, equipment, management practice, operational standard, or combination thereof for each such pollutant) developed in accordance with the applicable requirements of section 405(d) of such Act.

[Notwithstanding section 201(g)(1) of the Federal Water Pollution Control Act or any other provision of law, the Administrator shall make a grant of up to $2,500,000 from funds deobligated and recovered under section 205 of the Act from the State of Florida's allotments to Dixie County, Florida, for a 100 percent grant for the construction of a publicly owned treatment works for the community of Suwannee, Florida.]

DMINISTRATIVE PROVISIONS

The Administrator of the Environmental Protection Agency shall, hereafter, to the fullest extent possible, ensure that at least 8 per centum of Federal funding for prime and subcontracts awarded in support of authorized programs, including grants, loans, and contracts for wastewater treatment and leaking underground storage tanks grants, be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

During fiscal year 1993, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 56 workyears for the Immediate Office of the Administrator; (2) 45 workyears for the Office of Congressional and Legislative Affairs; (3) 78 workyears for the Office of Communications, Education, and Public Affairs; (4) 192 workyears for the Office of General Counsel; (5) 1,477 workyears for the Office of Administration and Resources Management; and (6) 263 workyears for the Office of Policy, Planning, and Evaluation.

[The Administrator of the Environmental Protection Agency shall conduct a multimedia risk assessment study of radon consistent with the January 29, 1992 recommendations of the Science Advisory Board of the Environmental Protection Agency (EPA-SAB-RAC-COM-92-003): *Provided*, That such study shall neither modify nor be the basis for an extension of any statutory or court-ordered deadline for the promulgation of any national primary drinking water regulation for radionuclides under the Safe Drinking Water Act.]

LEAD ABATEMENT TRAINING AND CERTIFICATION

Not later than 12 months after the date of enactment of this Act, the Administrator of EPA shall, in consultation with the Secretary of Labor, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) promulgate final regulations governing lead-based paint abatement activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that laboratories engaged in testing for substances that may contain lead-based paint are certified.

The Administrator is authorized in accordance with the procedures set forth in 5 U.S.C. 553 of the Administrative Procedures Act for notice and comment rulemaking to promulgate the final regulations described in the first paragraph. In promulgating such regulations, the Administrator need not make the findings required by section 6 of the Toxic Substances Control Act, including a finding that abatement of lead-based paint by noncertified workers will present an unreasonable risk of injury to health or the environment.

It shall be a prohibited act under section 15 of the Toxic Substances Control Act for any person to fail or refuse to comply with any regulation promulgated or order issued under the first two paragraphs above.

The Administrator may enforce any such regulation or order pursuant to the inspection, penalty and specific enforcement provisions of sections 11, 16, and 17 of TSCA.

Such regulations are judicially reviewable pursuant to section 701 et seq. of the Administrative Procedures Act.

MARINE SCIENCE CENTER

The United States of America, acting through the Environmental Protection Agency, will donate its library facility located on the Marine Science Center, Oregon State University, Newport, Oregon to the University. Notwithstanding any other provision of law, within 60 days after the effective date of this legislation and without any further action by either party or future liability on the part of the Government, EPA will quitclaim the foresaid library together with the underlying land and related real and personal property to the University. No other portion of Government property is to be included in this donation.

POLLUTION PREVENTION ACT IMPLEMENTATION

Notwithstanding the Paperwork Reduction Act of 1980 or any requirements thereunder the Environmental Protection Agency Toxic Chemical Release Inventory Form R and instructions, revised 1991 version issued May 19, 1992, and related requirements (OMB No. 2070–0093), shall be effective for reporting under section 6607 of the Pollution Prevention Act of 1990 (Public Law 101–508) and section 313 of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499) until such time as revisions are promulgated pursuant to law.

GUAM POWER AUTHORITY

Notwithstanding any other provision of law, the Guam Power Authority and the United States Navy shall apply to the Administrator of the United States Environmental Protection Agency for the approval under part C of subchapter I of the Clean Air Act to construct any such additional electric generating facilities to meet the territory's current and projected power needs if such facilities constitute a major stationary source or major modification under 40 C.F.R 52.21(b): Provided, That any additional facilities shall not be subject to the requirements of part D of subchapter I of the Clean Air Act: Provided further, That the Administrator of the Environmental Protection Agency shall complete his or her review of any (complete) permit application within 12 months of its submission: Provided further, That nothing in this paragraph shall affect the Prevention of Significant Deterioration standards applied by the Administrator in reviewing any permit application under the Clean Air Act.

PESTICIDE REGISTRATION FUND

Notwithstanding section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a), effective October 1, 1992, the Administrator is authorized to assess, in the current fiscal year and thereafter, fees from applicants for registration and amendments to registration under section 3 and experimental use permits under section 5 pursuant to regulations previously published and codified at 40 CFR Part 152 (and as those regulations may hereafter be amended by the Administrator). Such fees shall be reasonably calculated to cover costs (or some portion of the costs) associated with the review of such applications, and shall be paid at the time of application, unless otherwise specified by the Administrator. If any fee is not paid by the time prescribed, the Administrator may, by order and without a hearing, deny the application: Provided, That the Administrator may reduce or waive any fee that would otherwise be assessed (1) in connection with an application for an active ingredient that is contained only in pesticides for which registration is sought solely for agricultural or nonagricultural minor use, and (2) in such other circumstances as the Administrator determines to be in the public interest. Fees collected under this provision shall be deposited in a special fund in the United States Treasury, which thereafter shall be available for appropriation, to carry out the Agency's activities in the issuing of registrations under sections 3 and 5 of FIFRA for which the fees were paid.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91–190), the Environmental Quality Improvement Act of 1970 (Public Law 91–224), and Reorganization Plan No. 1 of 1977, including not to exceed $875 for official reception and representation expenses, and hire of passenger motor vehicles, $2,560,000: *Provided, That the Council on Environmental Quality and Office of Environmental Quality shall reimburse other agencies for not less than three-fourths of the personnel compensation costs of individuals detailed to it.*

NATIONAL SPACE COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Space Council, including services as authorized by 5 U.S.C. 3109; $1,591,000, of which not to exceed $1,000 may be for official reception and representation expenses: Provided, That the National Space Council shall reimburse other agencies for not less than three-fourths of the personnel compensation costs of individuals detailed to it.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, [$4,446,000] *$4,000,000: Provided, That the Office of Science and Technology Policy shall reimburse other agencies for not less than three-fourths of the personnel compensation costs of individuals detailed to it.*

THE POINTS OF LIGHT FOUNDATION

For necessary expenses for carrying out title III of the National and Community Service Act of 1990 (Public Law 101–610), relating to the Points of Light Foundation's promotion of social problem-solving through voluntary community service, $5,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $292,095,000, of which not to exceed $95,000 may be transferred to the disaster assistance direct loan program account for administrative expenses and subsidies for direct loans provided under section 319 of such Act, to remain available until expended. *In addition, for emergency disaster relief, $200,000,000, to remain available until expended: Provided, That these funds, or any portion thereof, shall be available beginning in fiscal year 1993 only (1) to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Budget Enforcement Act of 1990; and (2) if the amounts annually appropriated under this heading, but not designated as emergency requirements pursuant to section 251(b)(2)(D) of the Budget Enforcement Act, have been at least equal to the most recent ten-year historical average, less any enacted cost saving program reforms: Provided further, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D).*

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Funds provided to this account are available to subsidize gross obligations for the principal amount of direct loans not to exceed $40,000,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, [$156,409,000] *$160,277,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$2,974,000] *$3,000,000.*

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, [$255,543,000] *$257,743,000.*

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated [$109,000,000] *$134,000,000* to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: *Provided,* That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $13,978,000 shall be transferred as needed to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and $48,092,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood plain management activities, including $4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1994. In fiscal year 1993, no funds in excess of (1) $32,000,000 for operating expenses, (2) $221,000,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

ADMINISTRATIVE PROVISIONS

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a schedule of fees applicable to persons subject to the Federal Emergency Management Agency's Radiological Emergency Preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1993 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its Radiological Emergency Preparedness program. The schedule of fees shall be fair and equitable, and shall reflect the full amount of direct and indirect costs incurred through the provision of regulatory services. Such fees will be assessed in a manner that reflects the use of Agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1993.

[The Federal Emergency Management Agency may store, stockpile, or access stocks of Meals, Ready-to-Eat (MREs) declared surplus by the Department of Defense, or otherwise made available, for the purpose of providing assistance in situations of disaster or emergency. In addition, the Federal Emergency Management Agency may make available, at the discretion of the Director, MRE stocks to the Interagency Council on the Homeless for purposes of domestic, civilian assistance.]

Notwithstanding any other provision of law, no funds provided in this Act or in any other Act for the Federal Emergency Management Agency may be used for the purpose of chauffeuring employees.

[During] *By the end of* fiscal year 1993, notwithstanding any other provision of law, the number of individuals employed by the Federal Emergency Management Agency in other than "career appointee" positions shall not exceed [20] *27.*

During fiscal year 1993, notwithstanding any other provision of law, average employment in the headquarter's offices of the Federal Emergency Management Agency shall not exceed: [(1) 6 workyears for the Office of the Director, (2) 20 workyears for the Office of General Counsel,] *(1) 5 workyears for the Office of the Director, (2) 24 workyears for the Office of General Counsel,* (3) 192 workyears for the Office of the Executive Director, (4) 90 workyears for Financial Management, (5) 25 workyears for Information Services, (6) 5 workyears for Regional Liaison, (7) 105 workyears for Regional Executive Direction, and (8) 20 workyears for External Affairs.

Notwithstanding any other law, nonsupervisory employees of the National Preparedness Directorate of the Federal Emergency Management Agency may not be excluded from coverage under chapter 71 of title 5, and such employees shall be eligible to participate in collective bargaining under such chapter.

Unless otherwise provided for in this Act, no part of any appropriation for the Federal Emergency Management Agency contained in this Act shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

Funds of the Federal Emergency Management Agency shall be used in accordance with the directives, set asides, tabular materials, and reporting requirements included on pages 73 through 80 of House Report 102–710, as modified and added to by the directives, set asides tabular material and reporting requirements included on pages 124 through 135 of Senate Report 102–356 accompanying this Act, which requirements shall have the force of law, to be modified and added to only by any directives, set asides, tabular materials, and report requirements included in the Joint Explanatory Statement of the Committee on Conference for H.R. 5679.

Notwithstanding any other provision of this or any other Act with respect to any fiscal year, the Office of Technological Hazards, and all funds and staff years provided to it by this Act, shall be transferred from the State and Local Programs and Support Directorate to the United States Fire Administration within 90 days of the enactment of this Act.

Notwithstanding any other provision of this or any other Act with respect to any fiscal year, the National Preparedness Directorate shall be disestablished within 90 days of the enactment of this Act, and all funds, staff years, and responsibilities provided to it by this Act, shall be transferred to, and merged with, the State and Local Programs and Support Directorate within the Federal Emergency Management Agency.

Notwithstanding any other provision of law, no funds provided through this appropriation Act or any other appropriation Act may be used to support the activities of the Office of the Deputy Director.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,026,000, to be deposited into the Consumer Information Center Fund: *Provided,* That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $6,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1993 shall not exceed $2,367,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1993 in excess of $6,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,159,000: *Provided*, That notwithstanding any other provision of law, that Office may solicit, accept and deposit to this account, during fiscal year 1993, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts.

[INTERAGENCY COUNCIL ON THE HOMELESS

SALARIES AND EXPENSES

[For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act, as amended (42 U.S.C. 11311–11319), $1,300,000, to remain available until September 30, 1994: *Provided*, That the Council shall carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; [$6,670,650,000 *$7,117,100,000*, to remain available until September 30, 1994: [*Provided further*, That none of the funds made available in this Act may be used to award, implement, or administer any contract for a High Speed Processor—3 for the Numerical Aerodynamic Simulator as defined in RFP 2–33570 (RCO).] *Provided, That $2,100,000,000 shall be made available for implementing the restructured Space Station Freedom program without substantive deviation from the on-orbit assembly sequence outlined by NASA in March 1990, endorsed by the National Space Council, and confirmed by the Committees on Appropriations in House Report 102–226: Provided further, That $391,000,000 shall be made available for the development of the Earth Observing System (EOS) and EOS Data Information System (EOSDIS): Provided further, That NASA shall take no future action to restructure these critical elements of the Mission to Planet Earth in any manner which would reduce the estimated total budget authority for development, exclusive of construction of facilities, tracking operations, and launch services, through fiscal year 2000 below $8,000,000,000.*

Of the amounts made available under this heading in Public Law 102–139, $14,300,000 for the Climsat mission are rescinded.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, lease, charter, maintenance and operation of mission and administrative aircraft; [$4,961,500,000] *$5,086,000,000*, to remain available until September 30, 1994.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, [$525,000,000] *$319,200,000*, to remain available until September 30, 1995: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, *That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: Provided further, That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities.*

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses for personnel and related costs, including uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902) and travel expenses, [$1,600,027,000] *$1,630,000,000*: *Provided*, That contracts may be entered into under this appropriation for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$14,925,000] *$15,200,000*.

ADMINISTRATIVE PROVISIONS

[Notwithstanding any other provision of law, the National Aeronautics and Space Administration shall establish user fees for its exercise facilities. The fees shall be comparable to those charged by the Department of Housing and Urban Development at its headquarters location.]

The NASA Administrator shall, to the fullest extent possible, ensure that at least 8 per centum of Federal funding for prime and subcontracts awarded in support of authorized programs, including the space station by the time operational status is obtained, be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6))), including historically black colleges and universities. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

Title 10, United States Code, is amended by adding the following to the end of section 2305:

(e)(1) The Administrator of the National Aeronautics and Space Administration is authorized to establish a program, the purpose of which is to test an innovative procurement procedure for the evaluation of prices offered in competitive proposals. The test program may include any procurement expected to exceed $100,000. Under this program, the lowest evaluated price of an offer shall be that which is expected to yield the lowest net cost to the Government. The net cost to the Government is determined by deducting from the evaluated price—

(A) the projected income taxes to be withheld or paid on wages paid to the offeror's employees for work on performance of the contract;

(B) the projected corporate income taxes to be paid by the offeror to the Government on any profits made on the contract; and

(C) any other rebate, refunds, assessments, or other receipts which are likely to accrue to the Government as a consequence of the offeror's performance of the contract.

For procurements conducted under this program, offerors shall be required to submit the necessary data to enable the Government to determine the net cost of their proposals.

(2) This program shall have a duration of one year commencing on October 1, 1992, and ending on September 30, 1993, during which solicitations may be issued incorporating the net cost evaluation procedure.

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101–235, 103 Stat. 1987, 2052) $500,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1993, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1993 shall not exceed $964,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; [$1,879,000,000] *$1,859,000,000*, to remain available until September 30, 1994: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further, That notwithstanding section 104 of the National Science Foundation Authorization Act of 1988 (Public Law 100–570), no funds appropriated to the National Science Foundation under this Act may be transferred among appropriations accounts: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That no funds in this Act or any other Act shall be used to lease or purchase an arctic research vessel built by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost shall be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That the vessel contracted for pursuant to the foregoing shall be of United States registry.*

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, [$33,000,000] *$50,000,000*, to remain available until September 30, 1994.

UNITED STATES ANTARCTIC RESEARCH ACTIVITIES

For necessary expenses in carrying out the research and operational support and for reimbursement to other Federal agencies for logistical and other related activities for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; services as authorized by 5 U.S.C. 3109; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; [$163,000,000] *$143,000,000*, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies.

[UNITED STATES ANTARCTIC LOGISTICAL SUPPORT ACTIVITIES

[For necessary expenses in reimbursing Federal agencies for logistical and other related activities for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); acquisition, maintenance, and operation of aircraft for research and operations support; improvement of environmental practices and enhancements of safety; $63,360,000, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation.]

EDUCATION AND HUMAN RESOURCES ACTIVITIES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, [$465,000,000] *$510,000,000*, to remain available until September 30, 1994: *Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.*

DEFENSE CONVERSION ENGINEERING TRAINEESHIP ACTIVITIES

For necessary expenses in carrying out a defense conversion engineering traineeship program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $55,000,000, to remain available until September 30, 1994: Provided, That no funds in this account may be used unless expenditures for this program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

CRITICAL TECHNOLOGIES INSTITUTE

For necessary expenses for support of the Critical Technologies Institute as authorized by section 822 of the National Defense Authorization Act for Fiscal Year 1991, as amended (42 U.S.C. 6686), $1,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services, [$115,500,000] *$111,000,000*: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1993 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$3,625,000] *$3,750,000*.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), [$29,476,000] *$27,976,000*.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $28,616,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: *Provided further*, That notwithstanding the provisions of 50 U.S.C. App. 460(g), none of the funds appropriated by this Act may be obligated in connection with the preparation of more than one report each year to the Congress covering the operation of the Selective Service System [: *Provided further*, That the aforementioned funds shall not be obligated at a rate in excess of the current rate for the period October 1, 1992 through March 31, 1993:]

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1993 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC RESOLUTION FUND

For payment of expenditures, in fiscal year 1993, of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101–73 are insufficient, $2,622,000,000.

[FDIC AFFORDABLE HOUSING PROGRAM

[For the affordable housing program of the Federal Deposit Insurance Corporation under section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831q), $10,000,000 to pay for any losses resulting from the sale of properties under the program, and for all administrative and holding costs associated with operating the program.

[Notwithstanding any provisions of section 40 of the Federal Deposit Insurance Act or any other provision of law, the Federal Deposit Insurance Corporation shall be deemed in compliance with such section if, in its sole discretion, the Corporation at any time modifies, amends or waives any provisions of such section in order to maximize the efficient use of the available appropriated funds. The Corporation shall not be subject to suit for its failure to comply with the requirements of this provision or section 40 of the Federal Deposit Insurance Act.

[BANK ENTERPRISE PROGRAM

[For necessary expenses of issuing minimum requirements and guidelines under sections 232(a) and 233(a) of the Bank Enterprise Act of 1991, except for section 233(a)(1)(B) (12 U.S.C. 1834(a) and 1834a(a)), and in estimating the cost of allowing reduced assessment rates and assessment credits pursuant to such Act in future fiscal years, $1,000,000.

[The appropriation herein provided shall not constitute authority for implementation of assessment needs or reduced assessments pursuant to the Bank Enterprise Act.]

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$33,510,000] *$37,328,000.*

ADMINISTRATION PROVISION

The President of the Resolution Trust Corporation shall, to the fullest extent possible, ensure that at least 8 per centum of funding for prime and subcontracts awarded in support of authorized programs, be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6))), including historically black colleges and universities. For the purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

TITLE V

GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administration expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS–18, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to any part of the appropriations contained in this Act for Offices of Inspector General personnel compensation and benefits.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1993 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 516. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 517. (a) The Resolution Trust Corporation ("Corporation") shall report to the Congress at least once a month on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section. The report shall describe, for each such agreement, the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or renegotiate the agreement. In describing the action taken, the Corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The Corporation shall exercise any and all legal rights to restructure, modify, renegotiate or rescind such agreement, notwithstanding any other provision of law, where the savings would be realized.

(b) To expend any appropriated funds for the purpose of restructuring, modifying, or renegotiating the agreements described in subsection (a), the Corporation shall certify to the Congress, for each such agreement, the following:

(1) the Corporation has completed its review of the agreement, as required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act;

(2)(A) at the time of certification, in the opinion of the Corporation and based upon the information available to it, there is insufficient evidence or other indication of fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for the rescission of the agreement; or

(B) at the time of certification, the Corporation finds that there may be sufficient evidence to provide a legal basis for the rescission of the assistance agreement, but the Corporation determines that it may be in the best interest of the Government to restructure, modify or renegotiate the assistance agreement; and

(3) the Corporation has or will promptly exercise any and all legal rights to modify, renegotiate, or restructure the agreement where savings would be realized by such actions.

[SEC. 518. Notwithstanding any provision in this Act or any other provision of law, obligations in fiscal year 1993 for personnel compensation and benefits, travel, and the other object classifications of expense for all headquarters' offices for the Department of Veterans Affairs, the Department of Housing and Urban Development, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and the National Science Foundation shall not exceed the dollar amounts obligated for such activities in fiscal year 1992.

[SEC. 519. Hereafter, for purposes of chapter 75 of title 31, United States Code (relating to requirements for single audits), the City of Walnut Creek, California, shall be permitted to conduct audits biennially.

[SEC. 520. No Federal agency may plan, finance, construct, or permit a stadium complex at the Potomac Yard in Alexandria, Virginia, or any public improvement serving such stadium complex, until an environmental impact statement has been prepared by the Administrator of the Environmental Protection Agency (or another Federal agency designated by such Administrator) with respect to such proposed stadium complex in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). This section shall not apply to any action by the Environmental Protection Agency with respect to the cleanup of hazardous wastes and other pollutants at the Potomac Yard.

[SEC. 521. COMPLIANCE WITH BUY AMERICAN ACT.

[No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

[SEC. 522. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

[(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECEIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[SEC. 523. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1 percent, except for the provisions regarding Department of Veterans Affairs programs.]

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993".

The PRESIDING OFFICER. Pursuant to the previous order, the committee reported amendments are adopted as original text for the consideration of further amendments.

The Chair advises the Senate the time for debate on the bill is limited to 30 minutes equally divided and controlled between the Senator from Maryland [Ms. MIKULSKI] and the Senator from Utah [Mr. GARN].

Ms. MIKULSKI. I thank the Presiding Officer. I ask unanimous consent that Sarah Linstead and Peter Saundry be granted unlimited floor privileges during the consideration of H.R. 5679.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION AND OVERVIEW

Ms. MIKULSKI. Mr. President, I am pleased to present to the Senate, H.R. 5679, the 1993 VA, HUD, and independent agencies appropriations bill.

This legislation appropriates $87.8 billion for Federal investments in a host of key areas that include: veterans, housing, the environment, America's space program, basic scientific research and education, and Federal disaster relief. The bill as reported is within the 602(b) allocation for the VA–HUD Subcommittee and is nearly $3.7 billion below the amount requested by the President for the bill as a whole.

In my 4 years as chairman of the VA–HUD Subcommittee, this year has been by far the most difficult. There were more than 1,100 requests from Senators, totalling $44 billion, for items in the bill. And yet, we had no peace dividend with which to work to accommodate these requests because the firewall between defense and domestic spending remained intact.

As a result, our 602(b) allocation, the total pot from which the subcommittee can work, was nearly $1.4 billion in outlays below the amount requested by the President. That has forced the Appropriations Committee to make hard choices this year in this bill.

To live within these severe limits, we placed items requested into 3 categories: "must do"; "should do"; and "would like to do". Our funding limits forced the committee to provide for only those items on the must do list, and some on the should do list.

Given these severe limits, I would like to highlight some of the major accomplishments in this legislation.

VETERANS

First, for America's 27 million veterans. The bill provides $34.5 billion, including $18 billion for mandatory benefits like pensions, readjustment benefits, and housing loans. Our goal, despite severe funding constraints, is to maintain our commitments to the VA health care system, provide funds to eliminate backlog in VA cemeteries, and improve the delivery of veterans' benefits by the Department of Veterans Affairs.

HEALTH CARE

The bill provides $14.7 billion for veterans medical care, an increase of almost $1.2 billion over the current budget and $37 million over both the President's request and the amount provided by the House.

These funds will enable the VA to hire additional nurses, ensure quality of care through activities like hospital inspections, provide additional homeless assistance, and expand post-traumatic stress disorder treatment.

These additional funds mean VA will be able to treat 1.1 million veterans in VA hospitals, community nursing homes, and State-run nursing homes for veterans. They will also pay for 24 million outpatient visits at VA hospitals and clinics throughout the United States.

For homeless veterans, the VA will have the funds to help more than 16,000 former men and women of our Armed Forces who have lost their way in life. Included in these efforts are funds for programs which help get these veterans back on their feet and into jobs.

For veterans suffering post-traumatic stress disorder, $45 million is provided, which will make counseling available for approximately 20,000 veterans, including those who served in Desert Storm.

Also included in the medical care budget are funds to continue quality assurance activities, which were initiated last year, including hospital inspections, ensuring all physicians' have proper credentials, and establishing programs to ensure that VA's budget is spent in the most effective manner possible.

I want to be absolutely sure that there isn't another VA hospital making headline news because of scandalous events such as deaths due to misdiagnoses or inappropriate treatments, missing patients, or patients being given blood contaminated with the AIDS virus.

I am proud of the fact that, despite a budget allocation which was $1.4 billion below the President's request in outlays, the committee was able to boost VA medical care above the amount requested by the President.

SERVICE DELIVERY

VA's general operating expenses would also receive an increase of over the President's request. The Veterans Benefits Administration would receive an additional $17 million in order to reduce the backlog of claims, which averages 500,000 each month.

VETERANS CEMETERIES

The bill also provides more than $73 million for the National Cemetery System, an increase of $6.4 million over the current budget, which will enable VA to eliminate the backlog of equipment needs. These basic items include tractors, mowers, and backhoes, simple items which VA must have to maintain these hallowed grounds in a dignified manner, befitting those who served their country.

HOUSING

For housing, the bill includes $25.4 billion for the Department of Housing and Urban Development. This is an increase of $2.3 billion above the 1992 level and $1.7 billion above the budget request.

The committee reported bill emphasizes maintaining and retaining the existing stock, and those programs which provide State and local governments with the maximum flexibility to address their housing and community development needs.

Included is more than $10 billion for section 8 housing. The vast majority of these funds are for the renewal of expiring section 8 contracts. The committee's emphasis on section 8 renewals is based on the weak and deficient management with which HUD has run this program. Poor data management of section 8 has been the most serious and persistent problem that the committee has faced in tackling the Nation's housing problems. And our emphasis again on this subject this year indicates that the section 8 situation is far from being corrected.

In other areas, the committee has included a record $4.1 billion for community development block grants, $539 million for homeless programs, more than $3.5 billion for public housing modernization, $175 million for drug elimination grants and $1.2 billion for the HOME Program.

Finally, there is over $1 billion for the HOPE Program, including funds for a new empowerment initiative, designed to bring adequate shelter, self-sufficiency services, and community sweat equity in the most distressed areas of America's cities.

ENVIRONMENTAL PROTECTION AGENCY

For EPA, the bill provides almost $7 billion, $345 million above the House amount and $336 million above the current budget.

Operating programs would get $2.6 billion, an increase of $70 million above the current budget, which would sustain most programs at current levels, including grants to control stormwater runoff and for eliminating asbestos in schools. Also included is the President's request of almost $60 million for public water supply supervision grants, to ensure a safe drinking water supply.

Sewage treatment construction funding would be a record $2.65 billion, $250 million above the House level and the current budget, in order to reduce the $80 billion unmet need for sewage treatment construction nationwide. The amount of funding provided will generate 150,000 construction jobs.

The Superfund Program would get $1.616 billion, the same as the current level of funding and $200 million above the budget, in order to sustain the current level of activity in the Toxic Waste Cleanup Program.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The bill includes $14.15 billion for NASA, a cut of $840 million below the budget request, $163 million below the enacted budget, and $382 million above the House.

Despite reducing the total amount for NASA below the 1992 level, we have provided full funding, or nearly full funding, for the space station, the Earth observing system, the advanced x-ray astrophysics facility, and the Cassini planetary mission to Saturn.

So to my colleagues who have suggested that we cannot afford investments in space, and the space station in particular, this bill proves that argument to be false.

NATIONAL SCIENCE FOUNDATION

This bill also provides $2.7 billion in funding for the National Science Foundation. Despite the severe budget constraints, the bill recommends an increase of $162 million, or 6 percent, for the Foundation. This level would mean an overall increase of $809 million, or 42 percent, on the level of funding given to the NSF in 1989 when I become chair of this Appropriations Subcommittee. Our commitment to the Nation's research base is strong and long term.

The Foundation has been very successful during its 40-year history in maintaining American leadership in basic research and providing the Nation with a rich resource of knowledge. However, we all recognize that America is not using the resource in an effective manner. Other nations which, quite frankly, have inferior research bases, have captured much of the high technology markets of the world. This bill recognizes that weakness and does something about it.

First, the bill maintains strong support for basic research in the Nation's universities within the confine of this year's budget constraints. Second, it strengthens the Foundation's efforts to open up the Nation's academic research infrastructure to those endeavoring to build America's technology base and improve U.S. competitiveness. Finally, the bill continues to build up the Foundation's math and science education programs which are so vital to providing America with a work force ready for the 21st century.

This bill reaffirms a strong commitment to basic research with no apparent utility to the lay person such as mathematics research. However, the Federal Government should not simply support a research community isolated in an ivory tower away from the rest of society. The taxpayers of America have maintained a strong commitment to funding research because of a deep belief that the knowledge gained would be of great utility in the near-term or in the long-term. A totally isolated research community is inconsistent with maximizing the utility of knowledge generated by that community.

Therefore, the bill provides strongest support to those areas of research likely to be of greatest relevance to societal needs such as telecommunications, computing, and advancing manufacturing technologies; and to those programs seeking to bring the academic and industrial communities closer together.

It is important to recognize that the role of the Federal Government in support of science will change in the new world order. Indeed, recent actions by the National Science Board and the Director of the NSF show that there is strong concurrence with the subcommittee on this. I hope that a newly formed commission on the future of the NSF will provide a clear and decisive vision of the NSF's role in putting raw knowledge to work for the well being of the Nation.

Included in the bill is $510 million for education programs, $24.5 million for EPSCoR, $105 million for manufacturing, $43 million for LIGO, and $143 million for the Antarctic Research Program.

The bill also includes a new defense conversion engineering traineeship program, funded at $55 million, to convert the skills and specialities of defense engineers leaving that industry to the civilian job market, in order to enhance the Nation's future economic growth.

FEMA

This bill also includes $1 billion for the Federal Emergency Management Agency, including $500 million for disaster relief to help victims of Hurricane Andrew and other disasters which have left lives in shambles.

While we know the cost of Hurricane Andrew will far exceed the amount in this bill, there will be a supplemental appropriation moving this week which will include funds needed for Andrew. I am committed to ensuring that the funds necessary to put lives back together in south Florida and Louisiana will be made available in a quick-paced fashion, unlike the pace at which FEMA responded in the first days to the disaster wrought by Hurricane Andrew.

I must tell my colleagues, that when it comes to disasters, FEMA is a disaster itself. FEMA just isn't fit for duty when it comes to major disasters—when you need FEMA the most.

I am so troubled by the fact that the victims of Hurricane Andrew were victimized twice—once by Hurricane Andrew, and then by their own government headed by a slow-moving bureaucracy which just wasn't prepared.

While most people realize that the cold war is over, FEMA is planning for nuclear war rather than natural disasters. The fact is, people are more likely to be hit by a hurricane or earthquake than by nuclear war. That's why I've been asking FEMA for the past several years to develop a strategy based on real risk and flexible response.

Unfortunately, FEMA has refused to do this. FEMA has shown it hasn't learned its lesson from disasters like Hurricane Hugo and the San Francisco earthquake.

So last week I asked the General Accounting Office to launch a major review of the Federal response plan, to ensure that the Federal Government is fit for duty when disaster strikes and hits the ground running immediately so that the real needs of people—food, water, clothing, and medical care—are met.

We don't know where the next accident will come from, but we should know we can rely on the Federal Government's response.

CONCLUSION

This appropriations bill does not meet all of our wishes or needs.

Given the limited funds we had to work with, however, I believe it is fair and responsible, and deserves the support of the Senate.

Not everyone with an interest in this legislation will be satisfied with its results. But it does represent a reasonable compromise, that looking at the limitations we faced due to our 602(b) allocation, I think most will agree that it is the best that could have been done given those circumstances.

Mr. President, today I am pleased to present to the Senate H.R. 5679, which is the 1993 appropriations bill that will fund VA, HUD, the space program, EPA, and the National Science Foundation, as well as the Federal Emergency Management Agency. In addition to that this bill also includes 22 other independent agencies.

This legislation calls for an appropriation of $87.8 billion for Federal investments in a host of key areas that include: veterans housing, the environment, basic scientific research and education, and the Federal disaster relief. The bill as reported is within the 602(b) allocation for the VA-HUD Subcommittee and is nearly $3.7 billion below the amount requested by the President for the bill as a whole.

In my 4 years of chairing this subcommittee, this year has been by far the most difficult. There were more than 1,100 requests from Senators totaling $44 billion, for individual items in the bill, most of which were meritorious. And yet we had no peace dividends with which to work to accommodate these requests because the firewall between defense and domestic spending remained intact. We could not pursue that.

As a result, our 602(b) allocation, the total pot from which the subcommittee can work, was nearly $1.4 billion in outlays below the amount requested by the President. This forced this Appropriation Committee to make hard choices this year in this bill.

Given the severe limits, I would like to highlight some of the major accomplishments of this legislation.

First, for America's 27 million veterans. This bill will provide $34.5 billion including $18 billion for mandatory benefits like pensions, readjustment benefits and housing loans. Our goal, despite severe funding constraints, is to maintain our commitments to the VA health care system, provide funds to eliminate backlogs in VA cemeteries, and improve the delivery of veterans benefits.

We feel no veteran should have to stand in line for a prolonged period when he has applied particularly for disability benefits. In the medical budget our funds are to continue quality assurance activities initiated last year, hospital inspections, also to ensure that all physicians have proper credentials, and many other issues.

I want to be sure that there is not another VA hospital making headline news because of scandalous events such as deaths due to inappropriate treatment and so on.

In addition to that we asked the Secretary of the veterans agency to pay special attention to women veterans and their needs which have often been ignored, and particularly the specialized needs of women as indicated in Desert Storm where they faced a variety of illnesses and some actual sexual assault and battery.

In the area of housing, this bill includes $25.4 billion for Department of Housing and Urban Development. This is an increase of $2.3 billion above the 1992 level.

The committee report emphasizes maintaining and retaining the existing housing stock, and those programs which provide State and local governments with maximum flexibility to address their housing and community development needs.

We have tried to provide housing, ensure empowerment of local communities and jurisdictions and the residents themselves, and at the same time provide a framework that will be sustainable.

For EPA, this bill provides almost $7 billion, $345 million above the House and $336 million above the current request.

Included in this amendment are grants to control storm water runoff and for eliminating asbestos in the schools.

Sewage treatment construction funding would be a record $2.65 billion, $250 million above the House and a variety of other things.

The National Space Agency. This bill includes $14.15 billion for NASA, a cut of $840 million below the budget request, $163 million below the enacted budget and $382 million above the House.

Despite reducing the total amount for NASA below the 1992 level, we have provided full funding, or nearly full funding, for the space station, the Earth Observing System, otherwise known as Mission Planet Earth, the Advanced X-ray Astrophysics Facility, and the Cassini planetary mission to Saturn.

So to my colleagues who have suggested that we cannot afford investments in space, the space station in particular, this bill provides that argument to be false.

The National Science Foundation. This bill provides $2.7 billion in funding for the National Science Foundation. Despite the severe budget constraints, this bill recommends an increase of $162 million, or 6 percent, for the Foundation.

The bill maintains strong support for basic research in the Nation's universities and strengthens the Foundations efforts to improve the United States' competitiveness. And the bill continues to build up the Foundation's math and science education programs which are so vital to providing America with the work force ready for the 21st Century.

We come to the Federal Emergency Management Agency.

This bill includes $1 billion for the Federal Emergency Management Agency, including $500 million for disaster relief to help victims of Hurricane Andrew and other disasters which have left lives in shambles.

Later on this week, or beginning next week, we will take up an urgent supplemental to deal only with the needs of Hurricane Andrew.

While we know the costs of Hurricane Andrew far exceed the amount in this bill, there will be that supplemental appropriation. I am committed to ensuring that the funds necessary are there, working with the administration, to put lives, families, and communities back together in south Florida and Louisiana.

I must tell my colleagues, though, when it comes to disasters, FEMA itself leaves a lot to be desired. FEMA was not ready when it comes to major disasters of significant magnitude.

I am so troubled by the fact of this that I have now asked the GAO to launch a major review of the Federal response plan to ensure that the Federal Government is fit for duty when disaster strikes and hits the ground. We need to make sure that we are ready to provide food, water, clothing, and medical care for quick response and then a sustainable recovery program.

I have discussed this with Mr. Andrew Card, the President's point person on Hurricane Andrew, and he assures me that he will cooperate to develop a new legislative framework so that whoever is President in 1993 we can move this agency out of the cold war mentality, where it is more concerned with us being attacked by nuclear war than developing a risk-based strategy for which Americans are most vulnerable and for which we need to have the most quick response.

This appropriations does not meet all of our needs, given the limited funds we had to set priorities.

Being a chair of an Appropriations Committee is not about making speeches. It is about making choices. And I believe that we did provide this in a fair and responsible way that deserves the support of the Senate.

Not everyone with an interest in this legislation will be satisfied with its results. But it does represent a reasonable compromise and, looking at the limitations that we face due to our 602(b) allocation, I think that most will agree that it is the best that we could have done under these circumstances.

Mr. President, I know that now my ranking minority Member will be speaking. And I just want to make a special comment to say that we could not have moved this legislation without the very able help of Senator JAKE GARN. This will be his last appropriations bill and it is with, indeed, great regret.

Senator GARN, who himself has traveled in space, has devoted his life to improving the space agency and the space framework for this country. He is concerned about American children in math and science. He has been a mayor and concerned about our cities' needs and the needs of housing. He has, indeed, been a wonderful Senator. He has played a major role in shaping this bill. I thank him for his courtesy, for his cooperation. I am going to have more to say about Senator GARN, but I now yield the floor.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Utah is recognized.

Mr. GARN. Thank you Mr. President. The only comfort that I can find while enmeshed in yet another budget cycle and forced to contend with all the difficult and painful choices this subcommittee must confront, is that although next year may be even worse, at least I won't be here and have to try to adequately fund critical activities within these truly impossible budgetary limitations.

Unless we are willing to address the runaway growth in entitlement programs, there simply isn't enough money to do what we must do, and should do, as a national government.

Having said that, let me compliment Senator MIKULSKI in her energetic efforts to fairly balance the pain of our funding shortfall. The measure before us represents a major improvement over the bill which passed the House, and despite the difficult and problematic issues confronting us, I believe it represents a meaningful step forward in addressing activities under our jurisdiction.

The bill before us appropriates $87.8 billion in new budget authority from programs under our jurisdiction. Of this amount, $65.9 billion is for discretionary activities, directly under the spending jurisdiction of the Committee on Appropriations. This bill is the largest appropriations bill in terms of domestic discretionary spending. Given our budgetary constraints and the difficult choices we are forced to make in moving a bill under these circumstances, we simply cannot avoid conflicting opinions and judgments. For example, I personally am very troubled that both NASA and the NSF research accounts have been cut from their current nominal budget levels. Similarly, because of budgetary constraints, we were forced to recommend user fee legislation, and other program changes simply because it was the only way to sustain existing program levels for activities like VA medical care and HUD housing and community development assistance.

Perhaps more troubling is the failure of Congress to consider and dispose of many substantive issues before us. For example, two of the most difficult issues we expect to be raised on this bill involve environmental regulation which should be debated in the context of legislation reported by the Environment and Public Works Committee. Unfortunately, sponsors of these amendments, including members in leadership positions on that committee, are seeking legislation in this measure. Burdening this appropriations bill with such substantive issues can only make expeditious action all the more difficult.

Mr. President, I am pleased that we have an unanimous consent agreement which limits amendments to this bill and provides for some limitations on debate. The start of the new fiscal year is less than 4 weeks away, and we must expedite consideration of this bill.

Mr. President, we have limited time and that was deliberate, only 30 minutes on the bill, equally divided, and so I will simply say that in my 18th year in the Senate, I have not been involved in such a difficult budgeting year. Of those 18 years, 16 years I have served on the Appropriations Committee and 6 of those years I was chairman of this subcommittee, and most of the other years ranking member to Senator MIKULSKI and also to Senator Bill Proxmire. And I would simply say that this is without a doubt the most difficult budget we have ever had to put together.

I would say in all sincerity that in the 6 years that I was chairman, my counterpart on the House side, Edward Bolin from Massachusetts, and I had a much easier task than has been faced by Chairman MIKULSKI. We did not have all of the budget constraints and it was much easier to make decisions.

And so I would like to compliment the Senator from Maryland, because she has truly done a great job under extremely difficult circumstances to make the choices she talked about rather than speeches, again much more difficult than the choices that I had to make. And I would say that she has shared the pain about as fairly as it is possible to do.

It has been my pleasure to work with her on the last three or four budget cycles. She came in as a new chairperson, not familiar with the budget, but it did not take her very long until she had a complete and thorough knowledge of it. And I have really been impressed with her ability to take over this subcommittee and do such a commendable job these last few years under very difficult circumstances.

So with that, Mr. President, I would like to get on with the bill. Because we do have such limited time, only 30 minutes equally divided on the bill, I ask unanimous consent that a quorum call not be taken from the manager's time on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GARN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2952

(Purpose: Managers' amendment)

Ms. MIKULSKI. Mr. President, I now would like to move to the series of amendments known as the managers' amendments. I send a series of amendments to the desk, offered on the part of Senator GARN and myself, and ask unanimous consent that they be considered en bloc. Mr. President, I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. GARN, proposes an amendment numbered 2952.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 17, strike the word "to" where it first appears, and insert in lieu thereof "which may".

On page 5, line 19, strike the word "to" and insert in lieu thereof "which may".

On page 6, line 7, strike the word "to" where it first appears and insert in lieu thereof "which may".

On page 8, line 18, before the period, insert the following new proviso: ": *Provided further*, That, upon the enactment of legislation authorizing the furnishing by contract of counseling and other care for eligible veterans for the after effects of sexual trauma, of the amount appropriated herein, $4,000,000 shall be available for such contracts".

On page 10, line 3, strike "under 38 U.S.C. 3710" and insert in lieu thereof "for any purpose specified in 38 U.S.C. 3710 which was".

On page 16, line 2, before the period, insert the following new proviso: ": *Provided further*, That, of the funds appropriated under this heading, $11,000,000 shall be available for the Northern California medical center replacement (Martinez) project".

On page 20, strike the matter on line 3 through line 10, inclusive.

On page 23, line 11, strike "$500,000,000" and insert in lieu thereof "$350,000,000".

On page 30, line 6, strike "$3,231,000,000" and insert in lieu thereof "$3,581,000,000".

In the matter under the heading "Annual Contributions for Assisted Housing" beginning on page 30, line 1 through page 37, line 22, strike the figure "$3,794,234,000" where ever it appears and insert in lieu thereof "$4,144,234,000".

On page 32, line 22, before the colon, insert the following new proviso: ": *Provided further*, That of the $4,144,234,000 total under this head, $350,000,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f)".

On page 33, line 3 strike "$250,000,000" and insert in lieu thereof "$350,000,000".

On page 35, strike all on line 5 down through "project" on line 7, and insert in lieu thereof: "and not rescinded or remitted to the Treasury shall be used by State housing finance agencies of local governments or local housing agencies with projects".

On page 36, line 10, insert the following new proviso before the period: ": *Provided further*, That in fiscal year 1993 the Secretary shall continue to work with the Department of Agriculture to use section 8 vouchers in serving low-income families in rural areas who are unable to afford existing housing".

On page 38, line 7, strike "$1,300,000,000" and insert in lieu thereof "$981,200,000".

On page 40, line 24, strike "$3,550,000,000" and insert in lieu thereof "$3,350,000,000".

On page 46, line 13, strike "$183,652,000" and insert in lieu thereof "$146,152,000".

On page 46, line 20, strike "$9,038,980,000" and insert in lieu thereof "$8,864,230,000".

On page 47, line 1, strike "$79,000,000" and insert in lieu thereof "$41,500,000".

On page 47, line 3, strike "$21,000,000" and insert in lieu thereof "$11,000,000".

On page 49, line 1, strike "$17,450,000" and insert in lieu thereof "$67,450,000".

On page 51, strike line 22, and insert in lieu thereof "$2,000,000,000" of continent liability for loan principal: *Provided*, That $1,700,000,000 of said amount shall become available only upon enactment into law of authorizing legislation.".

On page 52, line 2, strike "$1,200,000,000" and insert in lieu thereof "$1,500,000,000".

On page 66, strike the matter beginning on line 22, through line 8 on page 67.

On page 68, after line 5, insert the following new paragraph: "With respect to two projects of the United Cerebral Palsy of New Jersey, Inc., which are located in Newark and Teaneck, New Jersey, and are to be assisted under section 811 (project numbers 031-EH244/NJ39-T881-001 and 031-EH231), the Secretary of Housing and Urban Development shall extend the fund reservations for a reasonable period sufficient to permit final closing to take place and shall increase the reservation of project rental assistance to an amount sufficient to cover the reasonable operating expenses of these projects.".

On page 68, line 5, insert the following new paragraph: "Rehabilitation activities undertaken by the Committee for Dignity and Fairness for the Homeless Housing Development, Inc. in connection with 46 dwelling units that were renovated for permanent housing for the homeless and that are located in Philadelphia, Pennsylvania, shall be deemed to have been conducted pursuant to an agreement with the Secretary of Housing and Urban Development under clause (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)(A)).".

On page 71, line 5, strike "$42,100,000" and insert in lieu thereof "$48,400,000".

On page 71, line 11, before the period, insert the following new proviso: ": *Provided further*, That of the funds provided under this heading, $6,300,000 shall be for the relocation of the headquarters staff of the Commission and shall be available until expended".

On page 73, line 15, before the period, insert the following new proviso: ": *Provided further*, That not less than $2,900,000 of such funds shall be made available to the Office of the Director of the National Acid Precipitation Assessment Program".

On page 73, line 15, before the period, insert the following new proviso: ": *Provided further*, That from funds appropriated under this heading, but contingent upon authorization for such grants being enacted into law, the Administrator may make grants to Federally recognized Indian governments for the development of multimedia environmental programs".

On page 75, line 8, before the period, insert the following new proviso: ": *Provided further*, That if the agency determines that it would be more cost effective and less disruptive of accomplishing the agency's mission than issuing a new research support contract, after the agency has notified and received the approval of the appropriate committees of the Congress, not more than $10,000,000 of the amount appropriated herein may be made available for personnel compensation and benefits and travel of additional personnel (on a temporary or permanent basis) needed to replace contract services at the agency's environmental research laboratories".

On page 76, lines 14 and 15, strike "begin preliminary planning required for the establishment of" and insert in lieu thereof: "plan, design, and acquire land to establish".

On page 82, line 24, after "therefore" insert the following: ": *Provided further*, That notwithstanding any other provision of law, from sums appropriated under this paragraph and allotted under title of the Federal Water Pollution Control Act to a State, the State may make a loan to the International Boundary and Water Commission for the purpose of carrying out construction activities to upgrade an international wastewater treatment works identified by the Administrator of the Environmental Protection Agency in that Integrated Environmental Plan for the Mexico-United States Border, issued in February 1992: *Provided further*, That for the purposes of subsection (c) of section 603 the Federal Water Pollution Control Act, each international wastewater treatment works referred to in the preceding proviso shall be deemed a project eligible for assistance under such subsection, and repayment of a loan for construction activities at the international wastewater treatment works shall be made in the same manner as is required for any other project eligible for assistance under such subsection, except that the term of the loan may exceed the term prescribed in section 603(d)(1)(A) of such Act and the International Boundary and Water Commission shall not be subject to any time limitation with respect to the expenditure of the loan for the purpose of the loan: *Provided further*, That notwithstanding any other provision of law, 100 percent of the amount of the loan referred to in the preceding proviso shall be made from funds provided to the State by the Federal Government, and the requirement under section 602(b)(3) of the Federal Water Pollution Control Act that the State enter into a binding commitment to provide 120 percent of the amount of each grant payment under section 601 of such Act shall not apply to that portion of the grant payment used to fund a loan for an international wastewater treatment works: *Provided further*, That for each quarter, the amount that the State is required to deposit into the State water pollution control revolving fund pursuant to section 602(b)(2) of the Federal Water Pollution Control Act shall be reduced by an amount equal to 20 percent of the amount of any loan to the International Boundary and Water Commission".

On page 90, strike line 1 through 19, inclusive.

On page 91, after line 21, insert the following new paragraph:

REFORMULATED GASOLINE

It is the sense of the Senate that the "simple model" contained in the Supplemental Notice of Proposed Rulemaking for reformulated gasoline published at 57 Federal Register 13416 (April 16, 1992) is not in compliance with the requirements of section 211(k) of the Clean Air Act.

On page 91, after line 21, insert the following new paragraph:

FUNDING OF CERTAIN RESEARCH CENTERS

For fiscal year 1994, and thereafter, a competitive process shall be carried out by the Administrator of the Environmental Protection Agency in funding research centers that are operated by non-Federal entities.

On page 91, after line 21, insert the following new paragraph:

SOLID WASTE DISPOSAL ACT

No funds appropriated to the Environmental Protection Agency for fiscal year 1993 may be expended for the promulgation, implementation, or enforcement of any regulation under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) concerning process wastewater from phosphoric acid production. The preceding sentence shall not apply to the regulation of those wastes under sections 3007, 3013, and 7003 of that Act (42 U.S.C. 6927, 6934, and 6973, respectively).

On page 99, line 9, strike "of the National Preparedness Directorate".

Ms. MIKULSKI. Senator GARN and I are proposing a number of changes to the bill that have been agreed to on both sides, consistent with the terms of the unanimous-consent agreement that had been made prior to the August break. They make a number of modest changes in title I of the bill, related to veterans, at the request of the Veterans Affairs authorizing committee. They also make a number of changes in housing, including restoring $50 million for the emergency shelter grant program. Finally, there is a series of miscellaneous amendments, mostly related to EPA, which are noncontroversial and consistent with the unanimous-consent agreement.

These changes do not add to the bill's cost and would not force the bill pending before the Senate to exceed its 602(b) allocation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, we have cleared these changes and I support Senator MIKULSKI in this amendment.

Ms. MIKULSKI. Mr. President, I urge the adoption of these amendments.

NAPAP FUNDING AMENDMENT

Mr. MOYNIHAN. Mr. President, the amendment I rise to offer today provides $2.9 million for the Office of the Director of the National Acid Precipitation Assessment Program. Despite enactment of the landmark 1990 Clean Air Act, funding the vital research and oversight activities of NAPAP has been an uphill battle. I am, however, extremely pleased that the managers of the bill will accept this amendment, and I hope that they will endeavor to see that these funds are preserved in conference.

The current mission of the National Acid Precipitation Assessment Program is to monitor the effectiveness of the sulfur dioxide controls required by the Clean Air Act Amendments of 1990. The funds provided by this amendment will ensure effective coordination of the acid deposition control, monitoring, and research activities currently being carried out by no fewer than six Federal departments and agencies. Additionally, funds provided by this amendment will enable NAPAP to fund research directly and to keep the scientific community abreast of these activities. The funding level was recommended by the NAPAP Oversight Review Board as appropriate to carry out these essential activities.

Again, Mr. President, I thank the managers of the bill for their willingness to accept this amendment, and I urge its adoption.

Mr. CHAFEE. Mr. President, the amendment offered by the distinguished Republican leader prohibits the use of funds by the Environmental Protection Agency [EPA] to regulate process wastewater or phosphogypsum waste from the production of phosphoric acid under the Resource Conservation and Recovery Act during fiscal year 1993. Phosphoric acid, a primary ingredient in farm fertilizers, is an important commodity to our Nation's farmers.

In a 1991 final rulemaking, the EPA found that process wastewater from phosphoric acid production is hazardous in almost all cases. It also found that the current management practices appear to pose substantial risks of environmental contamination and impacts through groundwater and surface water pathways.

There are 20 facilities currently engaged in phosphoric acid production. Of those 20 facilities, 16 have monitoring data available. Unfortunately, EPA has found groundwater contamination at 15 of these 16 facilities.

Despite EPA's findings, the Agency determined that it would regulate these wastes under the Toxic Substances Control Act [TSCA] as opposed to regulating them under the Resource Conservation and Recovery Act [RCRA].

While only 20 facilities produce phosphoric acid, these facilities generate huge volumes of waste. Worried that regulation of this waste under RCRA might bankrupt the fertilizer industry, EPA decided to attempt regulation of the waste under the more flexible authorities of TSCA. It is important to note, however, that EPA explicitly retained its authority to regulate this waste under subtitle C of RCRA—the hazardous waste subtitle—should the Agency find it necessary to do so.

Under the authority of TSCA, EPA is currently in the process of putting together a task force composed of representatives from the fertilizer industry, the environmental community, and other interested parties. Their task is to devise a regulatory scheme that is protective of our health and environment and, at the same time, is responsive to the financial realities of this industry.

I am hopeful and would welcome the development of a protective, yet cost-effective, regulatory scheme under TSCA to address the dangers posed by this industry's current waste management practices. As long as the EPA, the fertilizer industry, and other interested parties work together to fashion such a solution in a timely manner, EPA may never need to resort to its authority under RCRA subtitle C. The amendment offered by the Senator from Kansas will provide these parties with an entire fiscal year to achieve this goal free from the threat of regulation under RCRA.

Should these efforts fail, however, resulting in the worsening of existing ground water contamination, it would certainly be advisable for EPA to exercise its authority and responsibility under RCRA to ensure that human health and the environment are protected.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2952) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR—H.R. 5679

Mr. GARN. Mr. President, I ask unanimous consent the privilege of the floor be granted the following members of my staff, Susan Adams and Louis Whitsett, during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING FOR THE EMERGENCY SHELTER GRANTS PROGRAM

Mr. WELLSTONE. Mr. President, I want to take just a few minutes to thank Senator MIKULSKI for this amendment, which will restore most of the funding to the Emergency Shelter Grants Program for fiscal year 1993. I realize that Senator MIKULSKI, and the entire Appropriations Committee, has had to work very hard to find ways to fund almost every part of this bill and I commend them on their job. Their work, and the help of a few other Senators, means that millions of Americans who find themselves out on the streets will still be helped, to find food and shelter, in the coming year.

The logic behind the original cuts to this program comes, I admit, from what seems on the surface to be an admirable proposition. The Bush administration believes that we need to spend more money to provide permanent solutions to homelessness in this country. I couldn't agree more with this idea. Indeed, more community development funds, more funding for programs like HOME and CDBG and, indeed, more funding for programs that specifically target homeless people would be very welcome. This bill reflects some of those priorities. This is how we will address our urban problems. And homelessness is one of the most important of those problems.

But the Bush administration has limited ability with math. They believe that every dollar we spend on emergency shelter is one dollar less that we will spend on more permanent solutions. They seem to believe that there will be no new homeless people in the coming years, so we can stop addressing the needs of those people. This is simplistic.

First, homelessness is not about to go away. The U.S. Conference of Mayors report on "Hunger and Homelessness in America's Cities," which came out last December, reported that in most U.S. cities the ability to meet the emergency needs of the homeless has been strained by the recession. With rising unemployment and lower wages, more people are showing up in emergency shelters and more people are turning to food shelves. This program is the primary source of funding for those services. I don't think we can afford to not meet these needs now. Most of the cities surveyed expect the demand for emergency shelter to increase in the next few years.

In Minnesota, I should point out, this program is not only used for emergency shelter and food. It also provides funding for homelessness prevention and transitional housing. According to the Minnesota Department of Jobs and Training, 56 percent of the Minnesota Shelter Grant Program funding is used to pay the operational service costs of transitional housing programs. These are some of the most flexible funds the State, cities, and counties have available to address a wide variety of problems. Last year, the State of Minnesota used ESG money to fund six different programs for battered women, improving their shelters and providing counseling. It used this money for four different programs for runaway youth. ESG funded hotel vouchers for homeless migrant workers in rural parts of the State, where there are no homeless shelters. This money was used to improve the energy efficiency of homeless shelters. And I am very proud to note that ESG funds were instrumental in helping to set up the American Indian Housing Corporation, which is the first program in the Nation to specifically address the problems of homeless urban Indians. Mr. President, emergency shelter grants have been put to good use in my State. These are not resources that we can afford to lose in Minnesota; they address real needs.

We do need to address the permanent needs of our communities. We do need to find permanent solutions to the problems of homelessness in America. But we cannot do this at the expense of programs that help people out in emergencies. We have seen all too well what the costs can be of not being prepared to meet emergencies. Each individual or family that ends up out on the streets during this recession may not be a massive national emergency, but that does not mean we should not be ready to help them out. Indeed, it took far too long to mobilize for our current, sudden, disaster in Florida. But we have been faced with the national disaster of homelessness for years now and we know that we cannot yet demobilize our emergency responses to it. I commend Senator MIKULSKI, and the committee, for finding the means to make sure we will be ready to face this emergency this year.

Mr. President, I wanted to thank both the Senator from Maryland and the Senator from Utah for their support. As the Senator from Maryland knows, I was especially concerned—and I know other Senators were as well. I would also like to include my wife Sheila, who is not a Senator, but who has been concerned with some of the cuts in emergency shelters. I really appreciate this restoration. I think it is terribly important, and not only for emergency housing. But I want the Senator from Maryland to know, because of her superb work—my wife does a lot of work with women and battered women's shelters—this restores the funding for six of these shelters in Minnesota. I just want the Senator from Maryland to know that these statistics mean a lot in human terms.

The Senator talked about these very painful decisions she had to make. I think she is more aware of the tradeoffs than probably anybody in this Chamber. But this is a real big thing to me, that we had success with this amendment. I am so pleased that my colleagues were willing to work with me and that they accepted it. It is the kind of thing that makes us feel like it is a victory. It makes us feel like this is why we are here in the Senate.

I also would like to thank the Senator from Maryland and the Senator from Utah for their support for some of the work we are now doing with the EPA as well in the city of Duluth. I really thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Ms. MIKULSKI. Mr. President, I wish to certify the following amendments that were included in the managers' amendment, No. 2952, and I ask unanimous consent that they be stricken from the consent agreement.

The amendments that I wish stricken from the unanimous-consent agreement are: Jeffords, to prohibit the funding of EPA research centers; Moynihan, relevant to national acid precipitation; Dole, fertilizer; Durenberger, ethanol; Sasser, homeless funding, which we have been able to take care of; Dixon, relating to the financial adjustment factor for low-income housing; and McCain, related to border environment.

I ask unanimous consent that they be stricken from the consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. WIRTH] is recognized.

AMENDMENT NO. 2953

(Purpose: To extend the statute of limitations for certain actions in tort brought by the Resolution Trust Corporation in its capacity as a conservator or receiver of a failed savings association)

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes an amendment numbered 2953.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION. Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law."; and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

Mr. WIRTH. Mr. President, I thank the distinguished chair of the subcommittee for her help on this very important amendment.

Mr. President, this amendment will come as no surprise to many of my colleagues. The amendment relates to an extension of the statute of limitations for professional liability claims at the RTC.

This amendment has been adopted before by the Senate. It was adopted once as part of the RTC funding package which the other body has failed to pass, and it is part of the Government-sponsored enterprise legislation, which is currently locked up in conference. So it is not at all clear to this Senator if the statute of limitations extension will become law if we do not put it on this legislation.

I have worked with the distinguished chair of the subcommittee and she is—as most of our colleagues are, I believe—supportive of this amendment.

When the GAO, Mr. President, looked at the RTC, at the failures of thrifts around the country, the GAO concluded that in 80 percent of those failures wrongdoing was suspected. That is a remarkable statistic, Mr. President, that in 80 percent of these failures there was some type of wrongdoing.

Mr. President, the taxpayers of this country have paid an enormous amount of money to try to clean up the S&L crisis, and the taxpayers have a right to expect that those directors or those auditors or those officers of S&L's, if they have ill-gotten gain, disgorge that ill-gotten gain. I think we would all agree that that is an appropriate goal for us to be pursuing. Those who have committed violations in this S&L crisis ought to be required to disgorge that which they have wrongfully accumulated.

Why do we need this extension? The S&L crisis has been a mammoth undertaking. The RTC had to get organized. It took it a good period of time to put this brand new organization together, which became ultimately the largest real estate outfit in the world. The RTC had to get this together. It had to put together a whole staff; it had to put together the PLS section at the RTC.

The statute of limitations is only 3 years long and, unfortunately, in many of the suits that the RTC was trying to bring against S&L directors, against officers, against accounting firms, and against others, they only have this 3-year period of time in which to do it.

In many of these cases, this overwhelmed the RTC. So they have had to, in some situations, jam all of their activities much too late in the process.

The simple purpose of the Wirth amendment is to extend the statute of limitations from 3 years to 5 years.

Mr. President, the amounts of money involved here can literally be billions of dollars, and every dollar that we can collect, every dollar that the RTC can go out and collect, is a dollar that is saved for the taxpayers. So by this very simple amendment on this particular piece of legislation, which legislation is going to pass, we have the opportunity of saving the taxpayers billions of dollars.

And also, I think, we have the opportunity to say to the country that we are really serious about policing and trying to collect all of the money that the taxpayer is due in this terrible crisis that has been the worst financial crisis, I think, that the country has ever seen; or certainly the greatest scandal that the country has ever seen.

I asked Secretary Brady, during a hearing of the Banking Committee, if the administration supported this extension. His answer was "yes." I asked Mr. Casey, the head of the RTC, if the RTC, the regulators, supported this amendment, and his answer was "yes."

So I think it would be a great mistake for us to forego this opportunity. This is going to be one of the last opportunities that we have. This is the relevant and germane piece of legislation. Because the funding for 1988 S&L RTC deals is appropriated in their legislation, the amendment is absolutely germane. There is also other language in here that is directly relevant to the amendment.

Mr. President, I hope that we will follow the lead of the Treasury Department and the RTC, and adopt this amendment.

WHAT THE AMENDMENT DOES

Many people affiliated with S&L's took advantage of the opportunity created by the combination of deregulation and desupervision to enrich themselves and their associates. Some engaged in outright fraud and theft or were negligent in their professional responsibilities, overlooking others' fraudulent activities. Bank and thrift regulators are able to file civil lawsuits against the officers, management, and board of directors of financial institutions, as well as outside professionals—such as lawyers or accountants—who advised a failed institution. Those suits can lead to recovery of losses caused by fraud or negligence.

Today, Mr. President, I am offering an amendment that will allow the Resolution Trust Corporation [RTC] to recover greater sums for the taxpayer. In 1989, Congress established a 3-year statute of limitations for these professional liability claims except where State law authorizes a longer period. This provision of FIRREA overrode the shorter timeframes permitted in some States. My amendment increases the minimum statute of limitations from 3 to 5 years for civil liability claims filed by the RTC. Any longer period established by State law will remain in effect after the legislation is enacted. Identical provisions have passed the Senate as part of the RTC funding package and the Government-Sponsored Enterprises [GSE]

PROFESSIONAL LIABILITY SUITS ARE COST-EFFECTIVE

Regulators can recover a portion of the cost of the S&L crisis through civil liability lawsuits. The FDIC has recovered $641 million from claims arising out of thrifts that failed before the RTC existed. The RTC has recovered $97.6 million since its creation. The RTC totals are likely to increase significantly as pending cases are resolved. The RTC has filed more than three times as many cases this year as in 1990 and 1991 combined. The RTC had 170 cases pending involving $4.5 billion in claims.

These efforts have been cost-effective. In 1991, GAO figures indicate that the FDIC and RTC together spent $110 million on professional liability outside counsel and recovered $350 million. If we give the RTC the time it needs to fully pursue claims, we can increase recoveries for the taxpayers who are footing the bill for the S&L crisis.

THE RTC NEEDS MORE TIME TO PREPARE AND FILE SUITS

These are complex cases. The FDIC has testified that they are among the most complex matters we investigate. It takes a great deal of time for regulators to work their way through the tangled books and records of a failed institution and determine if there is reason to sue any party associated with the failure. It then takes additional time to judge if the suit is cost-effective.

When we look at individual cases, a 3-year statute of limitations may seem reasonable. However, we have to look at regulators' overall workload as well. A very large number of thrifts were closed in 1989 and FIRREA's statute of limitations expires for 318 S&L failures this year alone. The clock has already run out for suits in 274 of these thrift failures this year. The RTC faces deadlines for the remaining failures almost every week for the rest of the year.

The workload has led to greater delays before suits are filed. At the end of 1991, the RTC had filed 33 director and officer liability suits involving 32 institutions. The average length of time between failure and filing was 13 months, well below the 3-year statute of limitations. This year, however, most suits have been filed just before the deadline, often on the very last day. According to the General Accounting Office, about 60 percent of this year's claims were filed within 1 week of the expiration date.

According to the GAO, RTC officials suspect wrongdoing in more than 80 percent of thrift failures. Over the next 3 years, regulators will have to examine the potential for lawsuits related to more than 400 additional thrifts that have already been taken over by the RTC. Hundreds more thrifts may yet fail and be closed. These failures will need to be examined for potential liability suits. The enormous volume of this workload limits the Federal Government's ability to pursue all of the cases that should be pursued.

RTC officials recognize the need for a longer statute of limitations. At a March 11 Banking Committee hearing, Bill Roelle—the RTC's chief financial officer—testified "I sure do" when I asked him if he supported my legislation. Albert Casey, the chief executive officer of the RTC, has also testified that he supports the provision and written to me to express his support. On August 5, 1992, Treasury Secretary Brady testified that the administration supports the statute of limitation extension as well.

PROBLEMS WITH RTC PROFESSIONAL LIABILITY PROGRAM

The GAO has testified before the Banking Committee that more could be done to pursue potential claims. For example, poor asset identification procedures make it difficult for the RTC to determine if wrongdoers have enough assets to make a suit cost-effective. The GAO has also noted that the RTC has experienced professional liability attorney shortages and the Corporation has fewer professional liability section [PLS] attorneys than its former general counsel reported were needed.

Recent events have made the extension even more urgent. A reorganization of the RTC's legal division and consolidation of the RTC have each significantly disrupted the PLS. These changes took place just as statutes of limitation began to expire for the earliest cases under the RTC's jurisdiction and they raise questions about the Corporation's ability to pursue liability suits in the future. The GAO has testified that, in the wake of the organizational changes, about 40 percent of the RTC's professional liability attorneys either left the RTC or have been reassigned within the RTC or to the FDIC.

Although some of the reassignments are on hold or have been rescinded, significant disruption took place and affected cases that were underway at the time. Some of the new attorneys assigned to the program do not have the same level of experience and knowledge of professional liability claims. Agency officials have estimated that the learning curve for new attorneys is 9 to 18 months, depending on the attorney's experience level. In addition, RTC attorneys have charged that political interference worked to alter or delete professional liability charges or to settle or modify suits against prominent individuals. These charges are very disturbing and deserve our examination and attention.

Giving the RTC more time to file claims will ensure that the possible political interference, disruption to the professional liability program, and need to train attorneys will not stop the RTC from recovering funds for the taxpayer. In addition, to the extent that staffing shortages have hampered past efforts, or that the RTC has missed or failed to file claims for other reasons, the additional time will allow the Corporation to pursue claims that may have been missed and for which the statute of limitations had expired. The extension does reach back to allow claims that are now excluded by the 3-year statute of limitations to be revived within the new 5-year period.

There have been charges that some senior RTC officials have intentionally sought to reduce professional liability suits and avoid pursuing those who contributed to the S&L crisis. If this is the case, an extended statute of limitations will allow suits later if we get new officials in place at the RTC who are willing to give this effort the priority it deserves.

CONCLUSION

We shouldn't allow individuals or businesses that contributed to a bank or thrift failure to escape a lawsuit simply because there was not enough time to develop and pursue a strong case. On the other hand, individuals who were once affiliated with a failed institution should not have to worry indefinitely that they may someday be named in a lawsuit. Five years strikes me as a reasonable balance given the high volume of failures that the RTC must examine today.

In 1989, when we enacted FIRREA, Congress promised the American taxpayer that we would aggressively pursue fraud and criminal activity in the S&L industry both through criminal and civil action. In 1990, Congress provided investigators and regulators with additional resources and tools through the Wirth-Heinz amendment that became law as part of that year's crime bill.

The 1990 legislation provided regulators, investigators and prosecutors additional tools and resources to promote civil recoveries. However, that legislation did not become law until November 29, 1990. FIRREA's statute of limitations clock had already wound halfway down for 218 thrifts by the time we provided those tools. It would be a mistake if we were to give the RTC the tools and resources it needs to do the job but not give them enough time. That's why the 2 additional years the amendment would provide are so important.

We will see many more suits filed this year and in the next few years as the RTC rushes to act before the current statutes of limitations expire. We shouldn't force the RTC to rush when we can give the Corporation the time to more carefully examine each institution. A longer statute of limitations will help the RTC use its limited resources more efficiently and carefully and increase the recovery to taxpayers from civil suits related to financial institution failures.

Mr. President, when Representative Jim Leach of Iowa introduced similar legislation in July, he thought the need was clear enough and urgent enough for Congress to act within the week. Yet, we have not yet enacted the measure, 6 months after I initially introduced S. 2334. I urge my colleagues to support the amendment and join me in working to enact an extension of the statute of limitations into law as soon as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair would like to inquire: Under the consent agreement, as I understand it, the time is 30 minutes equally divided. The Chair is not sufficiently informed as to whether or not there is opposition to this amendment from the managers.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. The Senator from Utah claims the time in opposition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GARN. Mr. President I hate to rise in opposition to this amendment because, as the Senator from Colorado well knows, I have worked with him on this amendment and it has passed the Senate before. I would state at the outset I do not have objection to extending the statute of limitations. I think the Senator has outlined it correctly. RTC took some time in getting geared up after the 1989 bill. There are cases pending out there that will not go to prosecution as a result of the end of the statute of limitations, I think it is in the interest of the American taxpayers that statute be extended, so that is not the difficulty I have. The Senator from Colorado and I have discussed this before.

I do have trouble with the definition of negligence. Let me just outline briefly the problem that this causes. In cases where you have enforcement actions against directors and officers of financial institutions, if it comes from the RTC, FDIC, and the regulatory agencies, insurance commonly known as directors and officers insurance does not apply. People can argue, well, it should not; if they have been guilty of some offense, they should have to pay it personally or it eases the pain too much. I do not disagree with that either.

What I do disagree with, in many of these smaller institutions where you have had outside directors, particularly in small institutions and small communities where it is very difficult to get directors to serve—this is not normally a problem of the big institutions because of the amount of pay involved and the prestige, and so on, that goes with it. But in small communities, normally what an institution will do is say, "Why not get the prominent doctor in town to serve on the board of directors. Maybe we can get the biggest automobile dealer in town and he can add some prestige to this."

So in these small communities you get people asked to serve who are the movers and shakers of the community, and they certainly are not involved in any of the criminal conspiracies that have gone on in some institutions. They are more or less passive directors, and maybe they should not have been. But I am trying to describe the situation where this occurs. And then they find themselves being sued for enormous amounts of money which affects their automobile business, their medical practice. They were not professionals in the field. On the other side of this coin, some people are not being prosecuted and that is the reason the statute of limitations needs to be extended. You are catching innocent people who were trying to be of public service. Some of these institutions paid nothing for directors, some of them $4,000 or $5,000 a year, not big amounts.

Again, I do not want to be misunderstood. With the size of the S&L crisis, we ought to try to recover as much for the taxpayers as we possibly can, and we certainly ought to prosecute and send to jail and fine those who are guilty of gross negligence in their behavior or criminal behavior, as the case may be.

I do not want to put us in a situation in this country where, particularly in the smaller institutions, it is simply impossible to recruit directors who would be willing to serve, to get the quality of people whom you would like.

The Senator from Colorado knows of my problem. We have discussed this before. I wish there were some way that we could work out that definition of negligence so that we had a better compromise while still extending the statute of limitations. Although it is not politically popular to vote against this and I wish I did not have to, I will because of the difficulties it causes in the situations I have described unless there is some way we could work out a compromise on that definition of negligence.

I yield the floor.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado controls 9 minutes and 7 seconds.

Mr. WIRTH. I thank the Chair. I thank the distinguished Senator.

Mr. President, the Senator from Utah is correct in saying that we have discussed this at some length. The whole issue here is whether we ought to be effectively weakening the standard for the additional 2 years that would be applied in this legislation to go from 3 to 5 years No one disagrees that we ought to extend from 3 to 5. I think everybody has agreed upon that. The remaining question, as raised by the distinguished Senator from Utah, is whether or not we should weaken the standard for the remaining 2 years, that there be a different standard—a weaker standard—for the fourth and fifth years.

We attempted to work this out, and I came to the conclusion not to change the Wirth amendment after we discussed this with the RTC itself. We asked the RTC—and I think the Senator from Utah is aware of this or his staff is because we have worked with his staff—we asked the RTC if they were for such a change in the negligence standard, and they said "no" they were not; that if they had to change the standard in the fourth and fifth year, they would be right back where they are today, they would have to do everything in the first 3 years; that the extension of the statute for the fourth and fifth year really would not do any good.

Further, the amendment does not affect banks and credit unions.

The good point that the distinguished Senator from Utah has made that banks and credit unions are having a difficult time in many cases attracting directors because people are really concerned about this, this amendment does not apply to banks and credit unions. It only applies to S&L's taken into the RTC.

Now, S&L's are having a difficult time in some cases, because of all the problems of the last 5 years in the industry they are having a difficult time anyway, and the response we received was that they were having a difficult time in any case in many of these S&L's and that this amendment would not significantly change the situation that S&L's are already running into.

Finally, the argument was made that if we did not extend the statute to 4 or 5 years, it would be more difficult for the RTC to do its job. What they are trying to do is to jam it into too short a period of time with too few people. The Senator is aware of all of the accusations that were made of political influence in the hiring of lawyers and the reorganization of the PLS section. We had testimony on that, which ended up in stories on the front page of the Washington Post and the front page of the business section of the New York Times, very significant and serious allegations made by some of the lawyers in the PLS section. They were saying they were being reorganized for political reasons, they were being taken off some of these cases. If we do not extend the statute of limitations, this will further compound the problems that the RTC is facing.

So I understand the argument made by the distinguished Senator from Utah. However, we checked this out. We have been talking about this for a long time. This is not a new issue. The Senator and I have been back and forth now for a year on this and related issues, and I just want to say as an aside I thank him very much for his cooperation. The Senator from Utah has been incredibly open and forthcoming in attempting to work all of these out. I understand his point of view. We checked it out. We talked to the RTC. Their opposition convinced me that we ought to stick with the initial language and not make this change.

I thank the Senator from Utah for his very constructive approach to this.

Again the issue here is not whether we ought to extend the statute of limitations from 3 to 5 years. I think almost everybody is in agreement that we should.

The only remaining issue is should there be a weaker standard for the final fourth and fifth year? The RTC is opposed to weakening that standard. So I think we ought to stay with the initial amendment as offered.

I yield the floor.

Mr. GARN. Mr. President, I yield myself such time as may be necessary.

Once again, I disagree with very little of what the Senator from Colorado said. He is correct in saying the RTC decided not to suggest any changes in this standard. I want to say this carefully as well. The RTC has been pressured by Congress to retrieve as much money as possible, as they should.

I do not disagree with that. But they are skittish. They are very worried about suggesting anything that gives the appearance of weakening.

But I submit in closing that my argument, again, on this point is the very fact that I think one of the reasons the RTC has not done as good a job as they should is because of the negligence standard in there. They have used a shotgun approach.

I happen to believe if we had initially a gross negligence standard and they had used their resources and the Justice Department to pursue the egregious cases where lots of money was taken and could be retrieved, we would have gained a lot more money. I am not going to take the time. Senator DOMENICI could come to the floor and talk about the cases in New Mexico. There are just literally dozens and dozens of stories about the so-called innocent director who is being harassed.

So I think if we could concentrate on those where they really have been involved in gross negligence, have ripped off the taxpayers, we would achieve more than this shotgun approach. That is all I have attempted to achieve over the last couple of years. Let us extend the statute of limitations, let us get the bad guys and quit wasting so much taxpayers' money in the RTC going after guys that are not bad guys. That is the best way I can sum up my position.

I yield the floor.

Mr. WIRTH. Mr. President, I yield myself 1 minute.

Perhaps the distinguished Senator from Utah and I might be able to work out report language on this that says that we are interested in making sure that the RTC pursue the very significant individuals. We are not after the innocent community director, as the Senator and I have discussed.

We don't want that sort of thing to happen, particularly in small communities. We are all on advisory groups and so on. That is not the intent of what we want the RTC or the PLS section to be doing, going after those individuals who are really innocent.

I think we might be able to fashion some kind of language in the report. I will ask my staff to work with the staff of the distinguished Senator from Utah to see if we might do that. I think we all understand what we are trying to do in a general sense.

Mr. GARN. Mr. President, I know of no one else who wishes to speak on my side of the aisle. If the Senator from Colorado is willing, I would be willing to yield back our time on this side and ask for the yeas and nays.

Mr. WIRTH. I yield back the remainder of my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GARN. Mr. President, we have one problem. I am informed by both sides of the aisle that they need a few minutes to hotline this so people can get back here for a vote. So as I understand it, we have yielded the time and the yeas and nays were ordered. With the concurrence of the distinguished Chairperson, I would suggest the absence of a quorum so the hotlines can be run.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, since the yeas and nays have been ordered, I call for the vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2953 by the Senator from Colorado [Mr. WIRTH].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wisconsin [Mr. KASTEN], the Senator from Arkansas [Mr. MURKOWSKI], the Senator from Delaware [Mr. ROTH], the Senator from California [Mr. SEYMOUR], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. SYMMS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 10, as follows:

[Rollcall vote No. 190 Leg.]

YEAS—78

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—10

Cochran
Craig
Garn
Gramm
Hatch
Helms
Kassebaum
Mack
McConnell
Stevens

NOT VOTING—11

Cranston
Gore
Inouye
Kasten
Murkowski
Pryor
Roth
Seymour
Specter
Symms
Wallop

So the amendment (No. 2953) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, there is not order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Ms. MIKULSKI. There is not order in the Senate. There are many Senators who have asked the chair of the subcommittee what is anticipated this evening. And if there were order, Senators could find out.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, it is the intention of the subcommittee to proceed as follows: Senator GRAHAM of Florida intends to offer some amendments related to administrative expenses that we expect to have disposed of within an hour, and a vote is expected on at least one of them.

Then, upon the disposal of the Graham amendments, we then anticipate going on for debate on the space station, with the conclusion of the debate the first order of the subcommittee's business tomorrow, with a vote on the space station tomorrow, and then continuing on the bill.

So tonight, we anticipate at least one vote on the Graham amendments, and possibly a few more, but all being disposed of within the hour.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Ms. MIKULSKI. I am happy to yield.

Mr. BUMPERS. Are you talking about more than one amendment by the Senator from Florida?

Ms. MIKULSKI. Will the Senator from Florida respond to the Senator from Arkansas?

Mr. BUMPERS. Will the Senator from Florida tell us, are there one or two amendments, and do you expect rollcalls on one or both?

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am offering a series of amendments which are the same amendments that I have offered on previous appropriations bills, which relate to the overhead budgets and freezing them at the 1992 level. There are two amendments that relate to Department of Housing and Urban Development, one amendment for the Veterans Administration, and a fourth amendment for NASA—all of which do the same thing relative to overhead.

Mr. BUMPERS. Mr. President, I am not going to object, and no unanimous-consent request has been propounded. But I am just curious as to how many of these amendments the distinguished Senator is planning to take up tonight?

Ms. MIKULSKI. The Senator from Florida has not advised me, and that is why I wanted him to answer the Senator directly on what amendments he intends to ask a vote. I do not know what is in the mind of the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. It is not my intention to ask for a vote on any of these amendments. They are all the same amendments we have voted on on previous agencies. They freeze the overhead accounts at the previous year's levels. I think the Senate has essentially voted before on the principle of doing this, and I would not ask for a vote on them.

Ms. MIKULSKI. Mr. President, I could not hear. So the Senator is not going to ask for rollcall votes?

Mr. GRAHAM. It is not my intention to ask for rollcall votes.

Mr. BUMPERS. Mr. President, if the Senator from Florida will yield for a question, is it his intention not to ask for a rollcall vote and will take a voice vote on this and be satisfied with the results?

Mr. GRAHAM. That is correct.

Mr. BUMPERS. In that case, Mr. President, I would like the floor in my own right.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. The Senator from Maryland has not seen the amendments of the Senator from Florida. He says it is like any other amendment. I do not doubt the Senator's word. But he has an intricate approach here to accounts which could gut what we are trying to do. I might ask for a rollcall. That is why we are trying to see these amendments.

Mr. BUMPERS. Mr. President, will the Senator yield?

It was my understanding that the Senator from Florida would try to finish whatever amendments he is going to offer tonight by 8. At 8 o'clock I would lay down the space station amendment and we would proceed for an hour to an hour and a half tonight and then finish it tomorrow.

I just wondered if that understanding is satisfactory to the Senator from Florida?

Ms. MIKULSKI. I think, if we could proceed and dispose of the first Graham amendment, we could accommodate what the Senator anticipates. The more we have debated the process—we are now passing the 8 o'clock hour.

Mr. BUMPERS. I wonder if the Senator from Florida can tell us approximately how much time he intends to use on whatever amendments he intends to offer.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I could make my statement on this in less than 5 minutes because it is going to be essentially the same statement that I made in response to my colleague's question. I could go over the numbers of how the specific freezing to the 1992 level of overhead was arrived at. That would complete my explanation.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, would it be appropriate, with the majority leader in presence, to ask for a unanimous-consent request that the Senator from Florida be allowed to proceed with whatever amendment or amendments he wishes to offer, and, conditioned on final action being taken on his amendments by 8 o'clock, that we proceed for a period of at least 1 hour, say 1 hour, on the space station amendment with the time equally divided, get rid of that hour tonight and then finish the amendment tomorrow? I make that as a unanimous-consent request.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, if I might say to my colleague, I think we would have been nearly finished with the first Graham amendment if he had offered the amendment after the last vote and we could have proceeded. Might I suggest the Senate do so and then I think the matter will resolve itself.

Since the Senator is only going to debate his amendment this evening, I do not know if it is critical that the debate begin at 8, or 8:03 or 8:06. It is my hope we will complete action.

I just want to say to the Senator from Arkansas and the Members of the Senate this is the first day back from 5 weeks off. I have been here 1 day and I have already had a minimum of 25 Senators ask me are we certain we are going to be adjourning by October 3?

Now we learn today of the tragic death of our colleague, Senator BURDICK, so there will be no session on Friday. The longer we take to resolve these matters—in talking about how we are going to discuss them—the longer it takes to actually discuss them.

Mr. BUMPERS. Will the majority leader yield? I withdraw my unanimous-consent request. Why do we not just start grinding away and see where we end up.

Mr. DOLE. If the Senator will yield, as I understand it the Senator from Florida, Senator GRAHAM, would indicate he would accept a voice vote whatever the outcome. If that is correct I am wondering, if there is no request for a rollcall vote, is it necessary, to accommodate the majority leader and others who want to be out October 3, for the rest of our colleagues to stay here? Because after that I understand the Senator from Arkansas will offer his amendment and start the debate.

Ms. MIKULSKI. The Senator from Kansas is right. However we are just seeing these amendments, one of which is cutting the funds from the IG's office at HUD.

As the Senator from Kansas knows, we have worked on a bipartisan basis with the Secretary to reform HUD. The HUD scandal was discovered by the IG. I would oppose vigorously cutting the IG. In addition we are talking about a NASA amendment that has never been offered before. We are yielding to the expertise of the Senator from Utah to tell us if he would want a rollcall on that.

Mr. STEVENS. May I get into this for just a minute, Mr. President? May I ask the majority leader, is it the majority leader's understanding, if there is to be a request for a rollcall vote that would not be completed by 8 o'clock on Senator GRAHAM'S amendment, that it would not take place tonight? Have I misread this?

Mr. MITCHELL. Mr. President, if I still have the floor——

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. The unanimous-consent request to that effect was withdrawn.

Mr. President, I suggest we proceed and have the amendment, debate, and the vote, and hopefully by then the matter will resolve itself in a manner that is compatible with the interests of all Senators. But I just say to my colleagues we have a lot of legislation to accomplish.

Not a day goes by that 1, 2, 7, 12 Senators, on the floor of the Senate, say here is a bill we must take up, here is something we should act on, here is something we should complete action on. Just a few minutes later the same Senators are saying down here in the well, when can we leave?

We do not have any more votes this evening, no votes on Friday, no votes on Saturday—can we get out by October 3? The best way to accomplish it is to do it. I think everyone's interests will be accommodated if we simply proceed with the amendments.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 2954

(Purpose: To reduce the appropriation for salaries and expenses of the Department of Housing and Urban Development)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Ms. MIKULSKI. Will the Senator withhold? It would be the intention of the Chair, having consulted with the ranking minority member, to ask for voice votes on all of the Graham amendment except the amendment on the HUD IG, on which we would want a rollcall vote.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 2954.

On page 53, line 20, strike out "$910,942,000" and insert in lieu thereof "$906,246,000".

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, over the past several weeks, on each of the appropriations bills where there had been a recommendation of an increase in the central office overhead account, amendments have been offered to freeze those accounts at the 1992 level.

The amendments which I am offering this evening would accomplish that same objective as it relates to the Department of Housing and Urban Development, to the Veterans Administration, and to NASA.

As it relates to the Department of Housing and Urban Development, in order to do this—and I might say that our staff has worked closely with the Staff of the Department in order to arrive at these numbers. That is not a statement that they as a matter of policy approve. But I believe that as a matter of technical correctness, that these amendments do accomplish the intended objective.

The current budget for the Department of Housing and Urban Development recommended for its salaried expense account, general office, under departmental management, is $1,039,000 above the 1992 level.

For the office of general counsel, $2,067,000 over the 1992 level.

For the office of administration and staff services, $1,590,000, for a total of $4,696,000.

The purpose of the amendment which I have offered is to roll the recommended level of funding for the central office back by $4,696,000 in order to accomplish the objective of freezing it at the 1992 level.

Mr. President, I would be pleased to answer any questions. That is the purpose of the amendment.

Ms. MIKULSKI. Mr. President, I oppose the Graham amendment. I understand the thinking that goes into it. No one likes bureaucracy, no one likes bloated bureaucracy. But, Mr. President, we are giving HUD more and more responsibility, whether it is the Fair Accommodations Act, whether it is getting lead out of public housing, whether it is to try to do a weed and seed program.

One of the reasons we have had such a fiasco at HUD is because of inadequate staffing. This Senator is not someone who wants a big bureaucracy, but I think to cut the HUD bureaucracy right now at headquarters, just when we are making reforms that are necessary, would be penny wise and pound foolish.

Mr. GRAHAM. Mr. President, it was my privilege and responsibility to chair the Select Subcommittee of the Senate Committee on Banking, Housing and Urban Affairs, which had the responsibility of looking at HUD and the series of problems which HUD experienced during the decade of the 1980's, and they were serious. We made a number of recommendations, many of which have been adopted.

I do not believe, however Mr. President, that those excesses of the past decade justify a deviation from a policy that this Senate has set thus far for every other agency in the Federal Government, save one, the central office of the Rural Electrification Authority, and that is that their central office overhead accounts should be frozen at the 1992 level.

My own belief is that what we are doing here is giving a very light haircut to agencies that are going to have to experience major amputation as we get serious about the budget deficit. These cuts of $4.6 million in a multibillion-dollar agency, in my opinion, is a statement of policy by the Congress relative to restraining overhead cost and a very small first payment toward the kinds of cuts that we are in going to be called upon to make as we begin to rein in these budgets for purposes of achieving a balanced budget.

I believe that this is exactly the kind of cuts that almost every State and local government has had to make during these severe periods of budget constraint. It is appropriate for the Federal Government to start its efforts at this point as well.

Mr. President, I do not believe that there is much left to say on this. If the chairperson is going to suggest that we have a rollcall vote on one of these items, is this the item she wishes to have a rollcall vote on?

Ms. MIKULSKI. I do not wish to have a rollcall on anything. Whatever is the decision of the body by voice vote on this, this chair accepts. When you move to the one on the IG, to which I absolutely am adamantly opposed, if you want it on voice, I will move to a rollcall.

Mr. GRAHAM. What concerns me is that it is not only this matter, but we have adopted a consistent pattern on these overhead accounts.

Ms. MIKULSKI. Is the Senator going to call for a vote on all of his amendments? Can we come to closure on his amendment?

Mr. GRAHAM. Mr. President, it was not my desire to have a rollcall, frankly, because I did not think it would be necessary.

Ms. MIKULSKI. Just call for a voice vote on this.

Mr. GRAHAM. That would be acceptable. I would be more comfortable with that request if the Chair and the ranking member were to indicate that they would be agreeable to this kind of an approach.

Ms. MIKULSKI. I think we should let the vote happen the way it happens. I am not going to take this amendment.

Mr. GRAHAM. In that event, I might be called upon to ask for a rollcall vote, in which case I suggest we might have an arrangement——

Ms. MIKULSKI. I would just like to bring to the Senator's attention, we are eager to move with this bill in such an expeditious way because of the Federal Emergency Management money that deals with Hurricane Andrew. This chair is trying to move heaven and Earth to get to Andrew. Any way the Senator wants to do it, fine, but just know that each hour we spend is an hour less than we can move to come to closure on the overall bill and the Federal Emergency Management money.

The PRESIDING OFFICER. The time of the Senator from Florida has expired. The Senator from Maryland has 4 minutes.

Ms. MIKULSKI. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Washington [Mr. ADAMS], the Senator from Delaware [Mr. BIDEN], the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. HELMS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Delaware [Mr. ROTH], the Senator from California [Mr. SEYMOUR], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 47, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—37

Bond
Bradley
Brown
Bryan
Bumpers
Burns
Cohen
Conrad
Craig
Dodd
Exon
Fowler
Glenn
Graham
Grassley
Harkin
Jeffords
Kerrey
Kohl
Lautenberg
Levin
Lugar
Mack
McCain
McConnell
Metzenbaum
Nickles
Pressler
Reid
Robb
Sanford
Simon
Smith
Thurmond
Wallop
Warner
Wofford

NAYS—47

Akaka
Baucus
Bentsen
Bingaman
Boren
Breaux
Byrd
Chafee
Coats
Cochran
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Ford
Garn
Gorton
Gramm
Hatch
Hatfield
Heflin
Hollings
Johnston
Kassebaum
Kennedy
Kerry
Leahy
Lieberman
Lott
Mikulski
Mitchell
Moynihan
Packwood
Pell
Riegle
Rockefeller
Rudman
Sarbanes
Sasser
Shelby
Simpson
Stevens
Wellstone
Wirth

NOT VOTING—15

Adams
Biden
Cranston
Durenberger
Gore
Helms
Inouye
Kasten
Murkowski
Nunn
Pryor
Roth
Seymour
Specter
Symms

So the amendment (No. 2954) was rejected.

Mr. GARN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, may I, through the Chair, inquire of the Senator from Florida whether he has made any decision with respect to his other amendments?

Mr. GRAHAM. Mr. President, in response to the request of the majority leader, I accept the vote that we have just had as the expression of the body on these amendments. And since the other amendments all would have accomplished the same objective in various agencies, it is not my intention to offer those amendments.

Mr. MITCHELL. Mr. President, I thank the Senator very much for his cooperation.

Accordingly, there will be no further rollcall votes this evening. It is my understanding that the managers and the distinguished Senator from Arkansas are now prepared to proceed to that amendment, with debate on the amendment to occur both this evening and first thing in the morning, with a vote to follow during the morning on that amendment. Am I correct?

Ms. MIKULSKI. The Senator is correct.

Mr. MITCHELL. Mr. President, I thank my colleagues.

Senators should be aware that a vote will occur, then, tomorrow morning on the vote on the amendment of the Senator from Arkansas, which will be debated this evening and also in the morning.

Might I inquire of the Senator from Arkansas whether it is possible to complete approximately 90 minutes of debate on this amendment this evening?

Mr. BUMPERS. Mr. President, as the Senator knows, the original agreement was an hour and a half on this side and 30 minutes on that side. And at some point, Senator GLENN carved out an hour for himself.

I think the floor mangers are willing to change that agreement. It would be of great help to me if we could add 30 minutes to the hour and a half that I originally agreed to.

Ms. MIKULSKI. We agree.

Mr. MITCHELL. Mr. President, I understand the managers are agreeable to that.

Mr. President, I therefore make that in the form of a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2955

(Purpose: To provide States with additional time to comment on proposed changes to certain hazardous waste rules)

Mr. GARN. Mr. President, before we start debate, I have an amendment that has been agreed to by both sides, and I offer this amendment on behalf of Senator CHAFEE. It is a hazardous waste amendment that was not listed among those in the unanimous-consent agreement, with 30 minutes on a side.

So I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN], for Mr. CHAFEE, (for himself, Mr. BAUCUS and Mr. DURENBERGER) proposes an amendment numbered 2955.

Mr. GARN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 89, following line 25 insert the following:

EXTENDING COMMENT PERIOD FOR REVISIONS TO CERTAIN HAZARDOUS WASTE RULES

Funds appropriated or transferred to EPA may be used to develop revisions to 40 C.F.R. 261.3, as reissued on March 3, 1992, published at 57 Fed. Reg 7628 et seq. EPA shall promulgate revisions to paragraphs (a)(2)(iv) and (c)(2)(i) of 40 CFR 261.3, as reissued on March 3, 1992, by October 1, 1994, but any revisions to such paragraphs shall not be promulgated or become effective prior to October 1, 1993. Notwithstanding paragraph (e) of 40 C.F.R. 262.3, as reissued on March 3, 1992, paragraphs (a)(2)(iv) and (c)(2)(i) of such regulations shall

PROVIDING FOR A STUDY OF METALS RECOVERY

Funds appropriated or transferred to the Environmental Protection Agency shall be used in part to conduct a study on the effect of existing regulations on efforts to recover metals from the Nation's wastes, how such metals recovery can be best encouraged, and how the materials should be regulated in order to protect human health and the Environment and to effectuate the resource conservation and recovery goals of the Resource Conservation and Recovery Act. In doing so, EPA shall consult with the Secretary of Commerce, the Secretary of the Interior, the metals recovery industry, and other interested parties.

The Administrator shall complete the study not later than April 28, 1993. Upon completion of the study, the Administrator shall prepare a summary of the findings of the study and any recommendations resulting from such study, to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives.

Mr. GARN. Mr. President, I would like to enter into a colloquy with the Senator from Rhode Island, Senator CHAFEE, the distinguished ranking minority member of the Environment and Public Works Committee.

Some people have suggested that the language of the Senator's amendment actually ratifies the interim mixture and derived from rules. Is that the effect of the Senator's amendment?

Mr. CHAFEE. The amendment is only intended to ensure that EPA takes an adequate amount of time to consider and adopt appropriate changes to this complex regulatory scheme, and that a potentially disruptive regulatory vacuum is not created as a result of the sunset provision.

Mr. GARN. I thank the Senator. I am satisfied that this amendment does not ratify or approve the mixture and derived from rules, and I merely ask the Senator to confirm that the conference report will reflect this colloquy.

Mr. CHAFEE. That is my intention.

Mr. President, my amendment, cosponsored by Senators BAUCUS and DURENBERGER, provides States with additional time to comment on proposed changes to two critical parts of EPA's hazardous waste control program under the Resource Conservation and Recovery Act [RCRA]. The amendment will eliminate the April 28, 1993, sunset for the so-called mixture and derived-from rules and it will extend the comment period on proposed revisions until the end of the next fiscal year, October 1, 1993.

The need for this legislation came about because of the Shell Oil decision—a December 6, 1991, decision by the D.C. Court of Appeals to vacate the mixture and derived-from rules on procedural grounds. These rules have been in existence for more than a decade, and it is fair to say that the appeals court decision sent shock waves through the regulated community, the EPA, and State regulatory agencies.

In the time since they were first promulgated in 1980, these two rules have come to form the critical underpinnings of the Federal hazardous waste program as well as many State programs. Without these rules, hundreds of thousands of tons of hazardous waste would be removed from regulation as a hazardous waste.

Instead of going to specially designed hazardous waste facilities, these dangerous wastes could end up in local municipal landfills or other ill-equipped disposal units where toxic constituents could contaminate drinking water supplies, destroy ecosystems, and endanger public health. The gains which we have worked so hard to achieve since the days of Love Canal, could be lost.

In vacating these rules, the court recognized the significance of its decision and the potentially far reaching and dangerous consequences that would result if the rules were allowed to lapse. For that reason, the court suggested that EPA reinstate the rules on an interim final basis.

In March 1992, the EPA took the court's advice and reissued the mixture and derived-from rules. At the insistence of OMB, however, these reissued rules will automatically expire on April 28, 1993, even if EPA has failed to promulgate new, revised rules.

In an attempt to have new rules in place before the current rules lapse, the agency issued a proposed rule with two options to revise the mixture and derived-from rules. Unfortunately, both of EPA's proposed options are seriously flawed.

Representatives from over 35 State regulatory agencies, the environmental community and the waste treatment industry have all raised serious concerns regarding EPA's proposal. Among their concerns, these experts found that the proposed rules would fail to ensure protection of human health and the environment. Many officials also found that the proposal would be prohibitively difficult and expensive to enforce.

In fact, the proposal is so flawed that my State will refuse to adopt EPA's proposed rules should they become final.

As I said, over 35 other State environmental agencies submitted negative comments to EPA, including representatives from the States of Maryland, Pennsylvania, Utah, Wyoming, Texas, Oregon, Oklahoma, New Mexico, Nevada, Montana, Missouri, Michigan, Louisiana, Kentucky, Kansas, Idaho, Florida, Delaware, California, Alabama—the list goes on. Thirty-five States have taken the time to submit comments that blast the current proposal. Not a single State has written in support of EPA's proposal.

And that's not all. The Environmental Defense Fund, the Natural Resources Defense Council, and the Sierra Club have submitted comments strenuously criticizing the agency's proposal for failing to protect health and the environment and for being unenforceable.

As if this tidal wave of opposition to EPA's proposal was not enough, the attorneys general from 40 States have joined in support of a letter circulated by the National Association of Attorneys General in opposition to EPA's proposal on the grounds that it is unenforceable.

While recognizing the need to revise the mixture and derived-from rules, the attorneys general made the following suggestion to EPA in their letter:

> * * * Because of the serious flaws * * * in EPA's proposed response to this issue, we

urge the Environmental Protection Agency to withdraw the proposed hazardous waste identification rule, extend the current mixture and derived from rules, and immediately initiate discussions with States to develop a more acceptable resolution to the problems with the current RCRA hazardous waste identification rules.

Mr. President, there are literally thousands of pages of comments in opposition to EPA's proposal. I would like to ask unanimous consent that a small sample of these comments be included in the RECORD following my statement, including the letter from the attorneys general and from my own State of Rhode Island Department of Environmental Management.

Now, it is clear from the reactions of these experts, that EPA's proposal raises significant policy questions having broad ramifications—especially for the States. To a large extent, State officials carry out and enforce our hazardous waste laws. These officials are on the front lines—struggling to effectively and fairly implement these complicated hazardous waste regulations and facing the tough questions from their citizenry when something goes wrong.

Despite the critically important role played by our State hazardous waste officials, however, EPA provided only 64 days for public comment on this massive and far-reaching proposal. Obviously, based on the comments received to date, EPA has a lot more work to do on this proposal to ensure that proposed revisions do not compromise human health or the environment.

It is this Senator's opinion that EPA will be unable to make the substantial revisions needed to its current proposal by April 1993—the date on which the interim rules will lapse as a result of an artificially short sunset provision that was included at the insistence of OMB.

This proposal is a modest measure. The amendment maintains the status quo until October 1, 1993—the end of the fiscal year—and it provides EPA with additional time—at least 5 months—to continue its efforts to revise the mixture and derived-from rules. Hopefully EPA will use this time to confer with the States, the Congress and other interested parties to produce a consensus proposal which is protective of health and the environment.

The amendment lifts the so-called sunset provision that was added at OMB's insistence when EPA accepted the court's suggestion to publish interim final rules. Without this amendment, the mixture and derived-from rules will cease to exist by April 1993, even if EPA fails to issue a revised final rule.

I urge my colleagues to support this modest proposal to maintain the status quo and allow the States, the Congress and the other interested parties to have a meaningful opportunity to comment on the many significant policy decisions that are involved with revision of these critical rules.

Mr. President, I ask unanimous consent to have printed in the RECORD material pertaining to this matter.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE OF MARYLAND,
DEPARTMENT OF THE ENVIRONMENT,
Baltimore, MD, July 28, 1992.

Re: Docket number F-92-HWEP-FFFFF.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC.

DEAR SIRS: On May 20, 1992, the U.S. Environmental Protection Agency (EPA) proposed a rule on Identification and Listing or Hazardous Waste (57 FR 21450). The Maryland Department of the Environment, the agency authorized by the EPA to implement the Resource Conservation and Recovery Act (RCRA) in Maryland in lieu of the federal government, has concerns about the EPA proposal. Although we acknowledge that there are problems with the current regulatory scheme in that certain low-hazard wastes, such as residues from the treatment of hazardous waste, can be subjected to overregulation, the EPA proposal appears to be a weakening of current regulations. Our concerns are summarized below.

The initial impetus for action by EPA was the fact that the courts have ruled that EPA did not follow the proper procedures when it promulgated the "mixture" and "derived from" rules. However, the proposal that is the subject of these comments goes beyond what was needed to address the problems caused by the procedural errors made in the earlier promulgation. As a general concern, we note that EPA has imposed upon itself an arbitrary deadline of April 28, 1993 for revising the regulations governing the definition of hazardous waste. If EPA does not meet this self-imposed constraint, they will let lapse the "mixture" and "derived from" rules, overturning the current regulatory program for hazardous waste. We believe that EPA has chosen an unnecessarily broad scope for this rulemaking, and should narrow its focus.

In its proposal, the EPA did not describe a single alternative, but instead solicited comments on a range of options, with each option itself having major variations. In light of the complexity of the scheme EPA has outlined, and the short time available for public comment, we cannot provide a detailed review of each variant EPA has offered for comment. We are thus limiting our comments to fundamental concerns with the approach EPA has described. EPA has attempted to structure criteria for defining hazardous waste in this proposal based on health risks that would occur if the waste were mismanaged. While in principle this approach is reasonable, EPA's execution of it is problematic. The EPA proposal assumes that exposure to contaminated groundwater is the primary pathway of exposure to be considered. This ignores other exposure routes that may be relevant if a waste is not managed in a hazardous waste facility, such as direct contact threats or exposure to emissions from inadequately controlled incinerators. The risk calculations also base the measure of health risks on multiples of the Maximum Contaminant Levels (MCLs) for compounds in drinking water that have been set by EPA under the Clean Water Act. However, this is an inappropriate use of the MCLs. MCLs are not based solely on health risks, but include other factors as well, such as the costs of treatment. If risk analysis is to be used to assess threats to human health, a measure of risk based on health effects alone should be the basis for the calculation.

In performing its risk analysis, EPA also looks only at existing patterns of groundwater use. The measure of acceptability is the number of drinking water wells currently in use that would become contaminated. This gives no weight to sources of groundwater that, although they are not currently being used, may be used in the future.

The EPA analysis also looks at hazardous constituents in isolation. This ignores additive and synergistic effects. A waste could contain several hazardous constituents, none of which individually is present at a concentration above a "health based" number, yet the cumulative risk from all the constituents could pose an unacceptable hazard.

The mismanagement scenario that EPA uses in evaluating risks, disposal in a permitted solid waste (Subtitle D) landfill, is too narrow. Risks from sending waste to other types of facilities should also be considered. The EPA's scenario also fails to take into account the risks of storing wastes before disposal—for example, a waste that is not subject to hazardous waste (Subtitle C) regulatory controls might be temporarily stored in an unlined waste pile prior to its final disposal, creating additional risks to human health than if it were managed in accordance with Subtitle C standards. Also, without the stringent Subtitle C controls, it is not unreasonable to assume that generators will avoid sending a significant amount of waste even to facilities regulated under Subtitle D. Some analysis of the consequences of such mismanagement should be performed.

Although risks to human health are of fundamental concern, they should not be the sole concern. The EPA should structure its proposal to include some analysis of ecological impacts of easing the regulatory controls on hazardous waste.

In addition to these concerns over the way in which EPA has set acceptable levels for contaminants, we also have concerns over the process by which the new regulatory scheme would be implemented. It has been designed by EPA to be largely self-implementing, with generators themselves certifying that their waste is no longer regulated as hazardous, with minimal opportunity for agency or public review. This creates a significant potential for abuse, and will preclude adequate enforcement without a large expansion in the number of agency enforcement personnel, an unlikely event in light of the budgetary problems many states are facing. Even if enough personnel could be hired, enforcing the regulation would be extremely difficult. The waste sampling methods employed by the generator would be crucial in the determination of whether a waste is regulated as hazardous. The proposal makes no provision for agency review of sampling plans, so generators could produce spurious data by skewing the collection of samples. Even if provision for agency review and approval of sampling plans and analytical results were made, agencies would be overwhelmed by requests for review because of the fact that any waste from any generator would be a eligible for a self-declared exemption from regulation as hazardous.

An additional problem is the high cost of analysis. With states facing steady declines in financial resources, they will lack the capability to do independent analyses to provide a check of data collected by generators.

EPA has also solicited comment on a "contingent management" scheme, under which the regulatory status of a waste would depend upon how it is ultimately managed. We view this as unworkable.

The potential for fraud is high, with generators able to avoid proper management merely by claiming that they intend to send a waste to the type of facility that causes the waste to become exempt. Exemptions from manifesting requirements would mean that waste could not be tracked to determine if it was managed in the fashion claimed. A contingent management exemption might be appropriate for certain wastes on a limited basis (such as the current exemption granted to used oil being recycled), but not as a generally available exemption.

We have further concerns over the impact of the proposed regulation on the nonhazardous waste management system. Releasing a large quantity of waste from regulation as hazardous waste will severely strain nonhazardous waste treatment and disposal capacity. It will also encourage shipment of waste from states that choose not to adopt the proposed regulation to states that do, because disposal cost of the waste will be much lower in the state in which the waste is not regulated as hazardous. This will disproportionately affect nonhazardous waste management capacity in the states, and could also exacerbate interstate tensions over the issue of waste transfer.

The proposal also works at cross purposes to one of the major goals of RCRA, namely waste minimization. Explicit requirements under the hazardous waste regulations for generators to reduce the volume and toxicity of their waste stream will no longer apply to a sizable proportion of waste currently regulated as hazardous. Generators will also lose the economic incentives to reduce the amount of waste they generate because they will no longer face the high costs of hazardous waste treatment and disposal.

In conclusion, we recommend that EPA remove the artificial sunset date for the "mixture" and "derived from" rules to maintain continuity in the requirements for hazardous waste management. We also recommend that EPA, following a more careful review and analysis, repropose regulatory changes to deal with problems of overregulation of low hazard waste and impediments to site remediation caused by the current regulations.

Sincerely,

RICHARD COLLINS,
Director, Hazardous and Solid Waste Management Administration.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
Providence, RI, June 8, 1992.

Re: Docket Number F–92–HWEP–FFFFF. Comments on *Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Rule* published in the May 20, 1992 Federal Register.

EPA RCRA Docket (S–212) (OS–305)
Washington, DC.

DEAR SIRS: This letter will present the official comments of the Rhode Island Department of Environmental Management (RIDEM) on the Environmental Protection Agency (EPA)'s proposed changes to the identification and listing of hazardous waste. As an authorized state that has been implementing its own hazardous waste regulatory program since 1978, we believe we are in a position to judge this proposal on its merits and faults. Further, as most of the proposal would have to be considered a *narrowing in scope* of the federal regulations, states would be permitted to maintain more stringent requirements if they chose not to adopt the final federal regulations. This would lead to an even more confusing universe of regulatory programs than the current one. We would hope, therefore, that the EPA places great weight on the comments of the states, and the various joint associations which they have formed.

After reviewing the proposal and discussing it in detail with RIDEM staff members, as well as members of the Northeast Waste Management Official's Association (NEWMOA) workgroup, we believe that neither the Concentration Based Exemption Criteria (CBEC) nor the Expanded Characteristic Option (ECHO) is the most appropriate mechanism for dealing with dilute waste streams. In fact, we have decided that the best mechanism is the existing one; that is, the delisting process. Its only problems are operational; while these may be considerable, they are not insurmountable. This scheme could be seen as the CBEC approach, but with prior agency approval required. The analysis that follows will illustrate the thought process that leads us to this conclusion.

The concept of listed hazardous wastes was first proposed, and subsequently adopted, because it was felt that potential generators needed a simple, straightforward method of determining whether their wastes were subject to Subtitle C regulation. We still believe that the vast majority of generators do not possess either the level of interest or the degree of sophistication, to understand the science behind the decision to consider a waste hazardous; e.g., toxicology, environmental fate analysis, epidemiology, ecology, hydrogeology, industrial hygiene, etc. Viewed in this light, ECHO could be seen as fundamentally flawed; it may be impossible to construct a set of characteristics, or concentrations of even an exhaustive list of constituents, which would replace a thoughtful decision by regulators as to whether a particular waste may present a hazard. Assuming, for argument's sake, that this would be possible, it would be prohibitively expensive to conduct these analyses. By allowing a generator to use their knowledge of the waste stream in making these decisions, you must assume that they understand that waste stream, as well as the characteristic test methods. The enforcement effort to police such a self-implementing scheme would be enormous.

While the CBEC strategy does not eliminate the current listing system for defining a hazardous waste, the self-implementing nature of its exit criteria places too much weight on the selection of these parameters. The statutory and regulatory definitions of a hazardous waste should have a subjective element, as there will always be more waste streams, management options, and site-specific criteria than can possibly be anticipated and represented by a single numeric value. The only valid means of accomplishing this goal would be to set that value conservatively low, which would not be appropriate for the majority of situations.

Further, by specifying the sampling and analysis requirements so precisely, an enforcement agency becomes, in effect, a participant in the decision as to whether a particular waste is hazardous. This would relieve the suitably heavy burden of determining whether his wastes are hazardous, which currently rests with the generator, to the enforcement agency. Given the strict liability standard attached to the Superfund law, this shifting of presumption is contradictory. It would make successful prosecution of all enforcement cases more problematic, and considerably more expensive, as we would be placed in the position of doing more and better sampling and analysis than the generator, and proving this to the trier of fact. We also question whether any Subtitle D landfills would assume the liability of accepting wastes which a generator had decided, without agency participation, was below the exit criteria; if subsequent enforcement action demonstrated that the generator was in error, whether intentionally or not, the receiving landfill would be in the position of having accepted hazardous waste without a RCRA permit, and would be liable for CERCLA cleanup costs.

Both CBEC and ECHO as proposed only consider one pathway of exposure for exit from Subtitle C regulation, while the statute calls for a more comprehensive consideration of all impacts on human health and the environment. The method for determining safe levels even assuming the single pathway of groundwater contamination from a solid waste landfill is flawed; this Department specifically rejected the use of multipliers as overly simplistic when we established concentrations of air-borne toxics.

We conclude, therefore, that the best system for providing for an exit from the hazardous waste listings is the existing one; i.e., an examination of whether a particular waste no longer satisfies the rationale for listing it in the first place by enforcement agency personnel. However, the current delisting process is extremely slow, and only EPA headquarters can process the applications. Thus, we would suggest that the proposed approaches in the subject Federal Register constitute throwing the baby out with the bath water. It makes far more sense to fix the existing system.

The most effective means of accomplishing this would be to immediately authorize the Regions to process delisting petitions. We would further suggest that Regional personnel be expanded and reallocated to provide for a speedy and efficient review of these requests. We believe that it would be an additional advantage to assign personnel with past enforcement experience to this program, after they have received any necessary additional training. Such personnel might be specifically drawn from groups currently duplicating state enforcement efforts. We also believe that the issue of whether delisting constitutes a rule-making, and therefore public notice and opportunity for comment, should be carefully re-examined. Public in put on the regulation itself is necessary and appropriate, as well as permit issuance decisions. We would contend that public input in the delisting process, however, is unnecessary. We do believe that the enforcement agency in the state which is proposed to receive the delisted waste should be informed, however, and have an opportunity to comment on the petition.

This Department believes that contingent management exemptions should only be allowed for specific well-understood waste streams which present the same disposal problems nationally; e.g., resource recovery facility ash and automobile shredder residue. General provisions for such exemptions are confusing and difficult to implement.

It is critical that any new rule specifically state that it is not retroactive, and will have no impact on existing enforcement cases. This is especially important in situations where agencies are seeking to recover costs.

Finally, we would take exception to the language in the preamble that states that the original hazardous waste definitions were based on the assumption that wastes would be mismanaged, and implied that twelve years of experience in enforcing the regulations has somehow shown this to be an invalid assumption. Our experience has demonstrated that hazardous wastes continue to be mismanaged.

We intend to continue to work with NEWMOA, the Association of State and Territorial Solid Waste Management Officials, the Northeast Environmental Enforcement Project, and our Congressional delegation in order to make certain that our viewpoint on these critical changes is well understood. Thank you for this opportunity to comment on the Federal Register notice.

Sincerely,

LOUISE DURFEE,
Director,
Rhode Island Department of Environmental Management.

STATE OF MINNESOTA,
OFFICE OF THE ATTORNEY GENERAL,
St. Paul, MN, July 14, 1992.

Re: Docket No. F-92-HWEP-FFFFF.
EPA RCRA Docket (S-212)(OS-305)
Washington, DC.

The undersigned Attorneys General recognize that changes should be made to the "mixture and derived from" rule promulgated under the Resource Conservation and Recovery Act. However, because of the serious flaws that are discussed below in EPA's proposed response to this issue, we urge the Environmental Protection Agency to withdraw the proposed Hazardous Waste Identification Rule, extend the current mixture and derived from rule, and immediately initiate discussions with states to develop a more acceptable resolution to the problems with the current RCRA hazardous waste identification rules.

1. Despite the fact that state hazardous waste regulatory programs are closely tied to the RCRA rules, EPA provided little opportunity for states to be involved in the development of the dramatic changes to RCRA (especially the ECHO option) proposed in the Hazardous Waste Identification Rule (HWIR). Since the new rule likely will have significant effect on state resources and on state programs, it should have been proposed only after extensive consultation with the states. The current comment period does not even provide sufficient time to fully understand all of the implications of the proposed changes.

2. The proposed rule will likely result in a patchwork of rules regulating hazardous waste throughout the country. Several states may find the proposed new HWIR unacceptably lax, especially if the ECHO option is adopted. These states likely will seek to retain their existing rules. Other states have statutes which will result in the new rules automatically going into effect in these states. The result will be that wastes that are considered hazardous in one state will not be hazardous in another state. Three serious problems follow from this situation. First, it will be more difficult for businesses involved in interstate transactions to deal with hazardous waste issues. Second, states that adopt the federal program may become the dumping grounds for wastes from states with more stringent regulations. Third, some states may, once again, be encouraged to compete for new businesses on the basis of having weaker hazardous waste laws. All of these problems could be avoided by developing in close consultation with states, a rule change that is widely accepted by state officials.

3. The proposed options raise serious enforcement problems. The principal focus of these concerns is the increased reliance on the self-implementing aspects of the rule that would allow a generator to unilaterally remove waste from regulation and would rely on generator knowledge in determining whether a waste is hazardous. These and other provisions likely will make enforcement more difficult, more labor intensive and more costly. While we agree that some changes to RCRA are probably needed, the enforcement implications of any changes should be thoroughly discussed with states prior to proposing rules of this magnitude.

4. The issue of dilution of waste is critical and has not received adequate attention prior to proposing the HWIR. The implications for the waste management system based on the proposed rule are potentially dramatic, particularly under the ECHO option. The proposed rule is likely to seriously weaken pollution prevention and waste minimization efforts. Pollution prevention and waste minimization efforts have removed hundreds of tons of pollutants from the environment, stimulated the development of new technology and, in many cases, saved industry money. These efforts will be seriously undercut if a substantial percentage of wastes are rapidly removed from RCRA. In fact, the ability to dilute waste, especially under the ECHO option, may provide a strong incentive to maximize waste to avoid regulation rather than to minimize waste. The significant effect on pollution prevention efforts is yet another reason why a gradual modification of the RCRA system, developed with a full understanding of the implications on pollution prevention, is a better approach.

5. Removal of so many wastes that have been previously considered hazardous may add to the serious difficulties faced by the country's waste management facilities. There are several reasons this may occur.

First, the changes are likely to make siting of new facilities more difficult. Citizens who already oppose the siting of many new solid waste facilities will increase their opposition if they feel "hazardous" waste will be accepted at the facility. The fact that the EPA has redefined a waste that once was hazardous as non-hazardous will not prevent this reaction. Second, liability concerns likely will prevent many solid waste facilities from accepting waste that once was designated "hazardous." Finally, the proposed deregulation of so much waste may contribute to capacity problems at some landfills. These problems at least could be ameliorated by a more gradual change in rules that were developed after in-depth consultation with all of the interested parties.

6. The proposal to remove mixed hazardous and radioactive wastes from RCRA regulation if they are managed under the Atomic Energy Act would replace independent state or EPA oversight of the Department of Energy's waste management practices with DOE self-regulation. DOE's (lack of) self-regulation over the last 40 years has created a nightmarish legacy of radioactive and hazardous waste contamination that may cost hundreds of billions of dollars to remedy. Moreover, even if DOE managed mixed wastes in accordance with the proper radiation practices, these practices do not address the chemical hazards posed by the hazardous component of mixed wastes.

7. Certain options under the proposed rule are based on the premise that 15% of all domestic drinking water wells surrounding Subtitle D landfills will become contaminated as a result of the rule's promulgation. This is an unacceptable outcome which directly conflicts with federal and state groundwater protection programs.

8. The rule purportedly is based on sound risk science. However, ecological risks were not factored into the risk analysis. In addition, exposure pathways other than the contamination of drinking water via landfill leachate were not considered. The cross-media impacts of the proposed rule on all environmental programs including the air, surface and groundwater programs must be carefully evaluated before any rule can be implemented.

9. Finally, the proposed rule could, based on EPA's own estimates, result in the creation of hundreds of new Superfund sites, most of which likely will be handled under state Superfund programs. The burden of cleaning up existing Superfund sites is already overwhelming. Any proposal that could add to this burden on states should not proceed until the full implications of the proposal are understood and accepted by the states that will be affected.

There are a number of other technical concerns with the HWIR that could be addressed. These issues, however, are raised by comments of individual states and are not repeated here.

We believe that changes should be made to RCRA to improve the program. However, such changes should be made in a phased manner and only after extensive consultation with all affected state officials. Because serious problems are raised by the proposed rule which could undermine the ability of state officials to protect the health and safety of their citizens, we urge EPA to withdraw the proposed rule and work closely with states to develop a new rule that better addresses the problems that exist with the RCRA rules. While this process goes forward, it is essential that EPA retain the current mixture and derived from rule to ensure that hazardous waste does not escape from regulation until an appropriate substitute for the rule can be developed.

Sincerely,

Hubert H. Humphrey, III, Attorney General of Minnesota; John P. Arnold, Attorney General of New Hampshire; Rosalie Simmonds Ballentine, Attorney General of the Virgin Islands; Richard Blumenthal, Attorney General of Connecticut; Michael J. Bowers, Attorney General of Georgia; Winston Bryant, Attorney General of Arkansas; Charles W. Burson, Attorney General of Tennessee; Roland W. Burris, Attorney General of Illinois; J. Joseph Curran, Jr., Attorney General of Maryland; Bonnie J. Campbell, Attorney General of Iowa; Charles S. Crookham, Attorney General of Oregon; Frankie Sue Del Papa, Attorney General of Nevada; and Robert J. Del Tufo, Attorney General of New Jersey.

James E. Doyle, Attorney General of Wisconsin; Larry EchoHawk, Attorney General of Idaho; Ken Eikenberry, Attorney General of Washington; Lee Fisher, Attorney General of Ohio; Chris Gorman, Kentucky Attorney General; Scott Harshbarger, Attorney General of Massachusetts; Richard P. Ieyoub, Attorney General of Louisiana; Frank J. Kelley, Attorney General of Michigan; Susan Loving, Attorney General of Oklahoma; Daniel E. Lungren, Attorney General of California; Joseph B. Meyer, Attorney General of Wyoming; Mike Moore, Attorney General of Mississippi; Dan Morales, Attorney General of Texas; Charles M. Oberly, III, Attorney General of Delaware; Linley E. Pearson, Attorney General of Indiana; Warren Price, III, Attorney General of Hawaii; Marc Racicot, Attorney General of Montana; Robert T. Stephan, Attorney General of Kansas; Nicholas J. Spaeth, Attorney General of North Dakota; Lacy H. Thornburg, Attorney General of North Carolina; Tom Udall, Attorney General; Paul

Van Dam, Attorney General of Utah; William L. Webster, Attorney General of Missouri; Grant Woods, Attorney General of Arizona.

NORTHEAST WASTE MANAGEMENT OFFICIALS' ASSOCIATION,
South Portland, ME, July 16, 1992.
Re: docket No. F-92-HWEP-FFFFF.
EPA RCRA Docket (S-212) (OS-305),
Washington, DC.

DEAR SIR/MADAM: The Northeast Waste Management Officials' Association (NEWMOA) is hereby submitting comments on the proposed Hazardous Waste Identification Rule. We agree that over-regulation of some wastes occurs under the present system and should be corrected, e.g., media contaminated by unintentional releases of waste. We feel that the present rules have sometimes caused delays and unwarranted costs when applied in such cleanup situations. Nonetheless, we firmly believe that both the ECHO and CBEC proposals would alter the RCRA regulatory concept in such a way as to impair seriously our ability to protect human health and the environment from the consequences of improperly managed wastes.

The following is a summary list of our concerns with these proposals:

The waste "listing" concept would be abandoned under ECHO and undermined by the self-implementation feature under CBEC; thus, both the ECHO and CBEC proposals would eliminate the straightforward, enforceable regulatory framework provided by listings;

Both ECHO and CBEC as proposed could encourage dilution of wastes while also making detection by regulators virtually impossible; they would also reduce incentives to develop and implement pollution prevention and toxics used reduction measures;

Under both proposals the basis for exiting regulation under Subtitle C is focused solely on land disposal and drinking water contamination threats; incineration and other management techniques are not addressed, and other pathways of exposure and ecological threats are not considered;

Inconsistency among states in adopting CBEC or ECHO would present formidable enforcement, waste flow and other problems for generators, regulators and the waste management industry; and

Many generators and Subtitle D facilities would demand government assurances about CERCLA and RCRA liability which could not be provided.

Because of these concerns, the NEWMOA state directors believe that our member states are unlikely to adopt any of the options now presented by EPA in the Federal Register notice. This presents a major problem, assuming that many other states probably have similar views. Nonetheless, with these proposals EPA has succeeded in stimulating a great deal of thinking by state regulators, interest groups and the regulated community. We are certain that you will be receiving many worthwhile comments about options that may be feasible improvements to the present regulatory approach. In this spirit of constructive and optimistic participation, NEWMOA has outlined several of these options for consideration by EPA and other interested parties and urges EPA to publish a more specific proposal that deals with our concerns.

NEWMOA'S QUALIFICATIONS AND PERSPECTIVE

NEWMOA is comprised of the state waste program directors in the New England states, New Jersey and New York (hazardous waste only). Generally, the NEWMOA directors responsible for regulating solid and hazardous waste as well as those managing waste site cleanup activities in their respective states (where these are different persons) have participated in this review. All of these programs would be significantly affected by the proposals. Based on our long standing experience as regulators in these programs, we have attempted to anticipate the response of the regulated community and other results of EPA's proposals as realistically as possible.

THE WASTE LISTING CONCEPT AND SELF CERTIFICATION

In our view, the practical waste generation and management considerations that led to the creation of the "listed wastes" regulatory concept remain valid. For example, many waste streams are listed because even "diligent" efforts by generators to ensure that contaminants are kept within characteristic levels may be inadequate due to variables in the production process. ECHO eliminates the listing concept. While CBEC retains the listing concept, self exemption would seriously dilute its regulatory effectiveness. The states' regulatory experience with other self-implementing RCRA features demonstrates that mistakes, as well as intentional abuses, are very common. Furthermore, the ECHO proposal would openly encourage dilution, and the CBEC proposal would make proving that dilution is taking place very difficult for regulators. Clearly, the dilution of contaminants to enable less secure disposal is not an acceptable long-term environmental protection strategy.

SINGLE MEDIA EXIT CRITERIA

With regard to their potential for environmental impacts, both proposals for exiting regulation under Subtitle C are focused solely on land disposal concerns; they do not consider other management methods, pathways of exposure or ecological impacts. We believe that pathways other than drinking water contamination must also be addressed by any new approach of defining exits from the hazardous waste management regime. Incineration, for example, is a major Subtitle D waste management method in the NEWMOA states. Certainly a defensible exit program in this region would need to address the possibility of dermal absorption, inhalation and ingestion of contaminants, the fate of contaminants when incinerated, or otherwise treated, and the potential for ecological damage.

CONTINGENT MANAGEMENT AND LIABILITY

The proposals for contingent management also concern us. As recognized in the proposals, tremendous variations exist in the location, design and construction of Subtitle D landfill facilities. In addition, we believe that contingent management considerations, as part of any workable system, should be extended to other management techniques including incineration, reuse or recycling and treatment with consideration to worker safety at these facilities.

We also seriously question the extent to which Subtitle D facilities would be willing to accept wastes that had been de-listed solely by a generator's determination. Our experience has shown that generators and facility owners and operators would insist on some form of government assurance to diminish their concern about CERCLA and RCRA liability. A self certifying program, such as CBEC or ECHO, would also greatly increase citizen concerns about the operation of Subtitle D facilities.

INCONSISTENCY AMONG THE STATES

The NEWMOA directors believe that inconsistency among the states would be a major problem with these proposals. The effects on generators, the waste management industry and regulators if one of these proposals were promulgated and some, but not all, states chose to implement these less stringent standards are hard to imagine. The complexity of the current waste management system could be exponentially increased by such a mixture of state and federal standards.

POLLUTION PREVENTION

Both proposals could significantly reduce incentives for the regulated community to develop and implement pollution prevention and toxics use reduction measures. We believe that such a result contradicts current EPA and state efforts to encourage pollution prevention and toxics use reduction by all means possible. This leads us to conclude that the pollution prevention aspects of any new waste identification approach must be given thoughtful consideration. To do less could cause us to miss an important opportunity to promote pollution and, at the worst, could lead to an outcome that would discourage pollution prevention.

Both the listing and de-listing or waste exit processes should be viewed as an opportunity to encourage pollution prevention and toxics use reduction. The procedures likely to be used with such activities should, inherently, assist in identiying pollution prevention opportunities such as we described later in the auto shredder residue example. In addition, the prospect of a listing, as well as the potential benefit to a de-listing, or exit from regulation as a hazardous waste could greatly encourage the regulated community to search for pollution prevention opportunities.

A HOLISTIC APPROACH TO DE-LISTING HAZARDOUS WASTES

The NEWMOA states believe that approaches other than CBEC and ECHO are feasible. We recommend that EPA pursue a streamlined de-listing procedure and would like to explore possibilities beyond streamlining the existing process. We believe that an alternate approach to de-listing could incorporate a number of features that would enable over-regulated wastes to exit Subtitle C without the major uncertainties and weaknesses of self certification under CBEC and ECHO. For example, criteria specifying conditions or operating procedures that must be met to ensure safely reduced contaminant levels could be established for certain waste streams. If generators could certify that they met the criteria, their waste stream could be conditionally de-listed through a much abbreviated review and approval process. An example criterion would be the operation by the generator of a pollution prevention plan to eliminate or reduce specified contaminants in the listed waste stream. The criteria could also specify the use of particular waste management methods as conditions for exiting regulation as a hazardous waste. For example, some wastes may be suitable for reduction by incineration, but not for land disposal. Other wastes could be subject to contingent management criteria. In any event, certification as to compliance with specific criteria or conditions would appear to provide a more enforceable framework for conditional de-listings. Presumably, criteria would be developed first for waste streams or situations where overregulation is known to exist and where appropriate controls appear most feasible.

An illustration of this concept may be found in the approach which Massachusetts and New Jersey are using to control lead and other contaminants in auto shredder fluff. Through enforcement negotiations (and regulatory development in New Jersey), and after extensive testing of shredder fluff and continued monitoring, state waste officials have become satisfied that the lead content of shredder residue can be kept well below hazardous waste limits provided that metal recyclers conduct a comprehensive (but straightforward) program to remove lead from incoming vehicles. Included in this program are: extensive notification to customers that batteries, radios, radiators, gas tanks, and wheel weights must be removed from incoming vehicles; spot checks of incoming vehicles to determine compliance and rejection of vehicles from non-complying customers; periodic sampling to monitor lead content in shredder residue; ongoing investigation of other processes to reduce lead content further, including separation of shredder fines that have a relatively high lead content; assurance that shredded residue will be brought to a state approved Subtitle D landfill that is lined and has leachate collection; and test burns at Subtitle D waste incinerators (to determine the effects of shredder residue on ash, air emissions, energy recovery, and waste processing capacity) that have lead to state and local authorizations to incinerate the shredder residue with energy recovery.

Compliance with these criteria for conditional exiting (from Subtitle C regulation) is fairly easy to monitor, and the responsibility for continued testing and efforts to improve performance continually are placed with the metal recyclers. NEWMOA believes that this approach could apply to de-listing RCRA wastes as well.

WASTE LISTINGS AND CHARACTERISTIC CRITERIA

NEWMOA directors believe that EPA should continue to examine waste streams to determine if they merit listing, as well as expand toxicity characteristic criteria, as new health based data and analytical techniques become available. As in the past, knowledge of waste generation processes and management practices should be considered in listing decisions. We believe that waste listings and de-listings should become a dynamic process, which EPA pursues proactively, considering information from state regulators and the regulated community concerning listing and de-listing priorities. This process may also provide a mechanism through which economics and environmental risk can be balanced better than under the present approach. For example, priorities for listing new waste streams could be based on newly developed quantitative and qualitative evidence of risk to health and the environment, while priorities for developing exit criteria could consider the degree of overregulation and the resulting cost to the regulated community. However, the actual exit of wastes should be based on health protection, not economics.

WASTE SITE CLEANUP (ON-SITE)

We would like to see waste site cleanup activities treated differently from ongoing waste generation. Non-NPL cleanups should be governed by the CERCLA type programs that many states are operating and should not be subject to RCRA permitting as well. These programs consider actual levels of contaminants, multiple pathways of exposure, land use, and the ecological impacts of on-site remedial actions. They also provide opportunities for public participation.

CONTAMINATED MEDIA (OFF-SITE MANAGEMENT)

A new approach may also be justified for the off-site management of cleanup waste. The listing concept is more appropriate to the dynamic situation of waste generation than to the static situation of waste site cleanup. EPA should examine the possibility of allowing cleanup wastes to be managed off-site based on characteristics alone where such an approach is authorized by a state. Adequate, enforceable disincentives to intentional disposal, however, must be assured. In proposing this approach, NEWMOA recognizes that it raises many issues that may be beyond the scope of EPA's present rulemaking proposal.

LARGE VOLUME WASTES

NEWMOA believes that there should be definitive management guidelines and criteria under Subtitle D for large volume (unlisted) waste streams that may sometimes exhibit hazardous characteristics but which cannot be practically managed within the Subtitle C regulatory framework. The most common examples of these wastes are: incinerator ash, auto shredder residue, demolition debris, lead contaminated soils, and preservative treated wood. NEWMOA envisions a role for contingent management criteria in managing such wastes where characteristics are well understood. The guidelines and criteria should reflect the considerations we have mentioned in connection with de-listing; i.e., design the process to foster pollution prevention and continued efforts to improve performance.

In closing, NEWMOA urges EPA to re-propose this rule and intends to continue participating with the National Governor's Association and the Association of State and Territorial Solid Waste Management Officials as they work to represent state views concerning this rulemaking. We would welcome the opportunity to expand on any of the ideas and recommendations that are presented in these comments as the rulemaking process progresses.

Sincerely,

PATRICIA DEESE STANTON,
NEWMOA Chair.

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS,
Washington, DC, July 23, 1992.

Re: RCRA Docket No. F-92-HWEP-FFFFF.
U.S. Environmental Protection Agency,
Washington, DC.

DEAR SIR/MADAM: The purpose of this letter is to forward docket comments of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to the U.S. Environmental Protection Agency for consideration by the Agency in its revision of the proposed Hazardous Waste Identification Rule (HWIR) as published in the Federal Register on May 20, 1992 (57 FR 21450).

In our judgement, the Enhanced Characteristic Option (ECHO) presented in the May 20 proposal is fatally flawed as it does not consider human health or ecological risks, and would be extremely difficult for State regulatory agencies to implement and enforce. Further, we consider the HWIR, as proposed, unworkable without major revision. The HWIR has fundamental defects regarding the protection of public health and the environment, and as a result we believe that many States would choose not to adopt and implement this rule and instead substitute their own different or more stringent approaches. This would inevitably lead to a patchwork quilt of differing State regulations nationwide which will serve no one's interests.

The ASTSWMO Board of Directors wishes to endorse the very comprehensive and thorough docket comments submitted to EPA on July 17, 1992 by the Association's Definition of Waste Task Force (copy enclosed). We believe that this task force, comprised of State waste program experts from several regions of the country, has precisely identified the many pitfalls and shortcomings of the May 20th proposal, and has offered a constructive, positive alternative which the Environmental Protection Agency should adopt as the basis of its rulemaking effort.

Let me be clear in stating that, as implementers, we know the current mixture and derived from rules are seriously flawed, as is the delisting process. We recognize and support the need for significant procedural changes to these rules, if they are to work. However, the May 20 proposal does not meet those needs. There is merit in gradually moving to a characteristic-based classification system for hazardous waste, but only one based on good science and adequate procedural controls. USEPA should strive to develop a sound, effective rule that will be uniformly adopted by States. This can be achieved without sacrificing environmental protection if USEPA were to devote the time necessary to develop a realistic existing rule, and leave adequate regulatory controls in place during this development period.

For this reason we recommend that USEPA adopt a phased approach, extending the expiration of the current mixture and derived from interim rule as necessary to maintain a protective regime, but seek areas of common interest. We believe the most promising area for resolution is contaminated media from cleanups. The Agency should attempt to craft rule elements from consensus issues like contaminated media, and place them in effect by the April 1993 deadline. Those elements which prove to be more controversial or unsupported by data should be phased for later resolution. We believe that our ASTSWMO Task Force comments provide significant insights into ways to address contaminated media in the near-term, and that their suggestions for an alternative human health and ecological risk evaluation provide direction for the longer term regulatory needs.

We cannot overemphasize our strong recommendation that EPA find ways to involve State waste managers directly in the continuation of this important rulemaking process in order to ensure the development of a sound, implementable and enforceable rule, protective of both human health and the environment. We believe such a consultative process is vital to ensure that State programs will adopt the final rule as an adequate substitute for the often problematic mixture and derived from rules (although those should not be allowed to expire without an adequate alternative rule in place).

We note many States are submitting detailed comments on the May 20 proposal, and we encourage EPA to take special note of these State inputs. RCRA is a regulatory program implemented by States, and it is our view that the comments of State hazardous waste regulators should have special significance to EPA's reviewers. States have identified a number of key issues in these individual comments, some directly related to these proposals, and some (such as an encouragement to simplify and streamline the delisting process) which will have great impact on the implementation of these approaches to residuals.

EPA must take these State views into account in finalizing its Agency approach, as they represent the only genuinely empirical inputs to such a regulatory decision process. No matter how well intentioned, industry and other interest groups cannot replicate the regulatory advice of other government regulators who actually implement these programs. While all have an absolute right to be heard, all comments simply cannot be given the same weight of credibility, and we enjoin EPA to remember this fact during its comment review.

Sincerely,

DANIEL E. COOPER, P.E.,
President, ASTSWMO.

RCRA DOCKET NO. F-92-HWEP-FFFFF

DEAR SIRS: The purpose of this letter is to forward the docket comments of the Definition of Waste Task Force of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to the U.S. Environmental Protection Agency for consideration by the Agency in its revision of the proposed Hazardous Waste Identification Rule (HWIR) as published in the Federal Register on May 20, 1992 (57 FR 21450). These docket comments were developed by ASTSWMO's Definition of Waste Task Force, which is comprised of State waste program experts representing cross-program perspectives from several regions of the country. However, these comments have not yet been reviewed or adopted by ASTSWMO's Board of Directors. Individual State waste managers will submit their separate comments which will note any differences of approach and address issues of special significance to that State's waste program.

As a prelude to our comments, we have reviewed the ECHO option in great detail and have found it to be fatally flawed because it does not consider human health or ecological risks, and would be extremely difficult for State regulatory agencies to implement and enforce. Therefore, the Task Force has chosen to focus on the other options presented in HWIR.

The Task Force has reviewed the proposal and believes that HWIR, as proposed, will be unworkable without major revision. The rule has fundamental defects regarding the protection of public health and the environment, and as a result we believe that many States would choose not to adopt and implement this rule and instead substitute their own different or more stringent approaches. This would lead to a patchwork quilt of regulations nationwide which will have adverse consequences to our national hazardous waste management program.

Because this rule will be so central to the national hazardous waste management program, it is our belief that the revision should provide for implementation by phases and those elements should be reproposed as they are individually developed. We are aware of the difficulties in developing such a significant revision and of the time constraints of the existing interim final mixture and derived-from rule, but we must note that the deadline of April 28, 1993 is self-imposed by the Agency. Consequently, we urge USEPA to take the necessary time for development of a basic revision, complete with supporting data gained from this proposal, and to extend the expiration date of the mixture and derived-from rule to a realistic, achievable date.

The self-imposed time constraint must not drive the premature promulgation of an inadequate rule. Alternatively, USEPA must not allow hazardous waste to escape from regulation until an appropriate substitute for the mixture and derived-from rule is in place. Consequently, for the long term, we strongly recommend USEPA revise and narrow the scope of this proposal and then reissue that revised proposal for additional comment by affected parties.

Additionally, we think that some issues of common concern, such as contaminated media from cleanups, are emerging which will lend themselves to early resolution. If possible, the Agency should attempt to craft early rule elements from these consensus issues and place them in effect at an early date, phasing some of those elements which prove to be more controversial and/or unsupported by data, for later resolution in rule. These are very difficult issues, and there is a great deal to be gained from a deliberate, well crafted incremental approach to final rulewriting.

The Task Force recognizes that there are considerable problems with RCRA, one of which has been dealing with contaminated media. Currently, such cleanups are costly and take several years to complete. Also, the delisting process for "as generated wastes" is time consuming and onerous, usually taking several years to complete, if at all. Finally, the mixture and derived-from rules do not always promote waste minimization and recycling; for example, many wastes, such as solvent contaminated rags, are over-regulated.

Based on our extensive review, the Task Force has prepared detailed comments for your consideration which are enclosed herein. We would like to highlight several key problems identified by the Task Force with the current HWIR proposal, although there are many other elements which impede State implementation:

—Based on USEPA's Preliminary Economic Assessment of Proposed Hazardous Waste Identification Rule, (Office of Solid Waste, April 20, 1992), 374 million tons of hazardous wastes would be diverted to municipal landfills, incinerators, publicly-owned wastewater treatment works, and other facilities unprepared to deal with the volumes and toxicity of the deregulated hazardous wastes.

—The proposed rule presumes that at least 15% of all domestic drinking water wells surrounding Subtitle D landfills will become contaminated as a result of the rule's promulgation. This is an unacceptable risk which could result in the creation of more State and federal Superfund sites—an illogical and very costly outcome. In addition, promulgation of the rule would be diametrically opposed to our federal and State ground water protection programs.

—The rule is purported to be based on sound risk science. However, our review reveals that ecological risks were not factored into the risk analysis. Furthermore, the exiting criteria are based on Maximum Contaminant Levels (MCLs) for Safe Drinking Water standards. These exiting criteria would account for only one exposure pathway, contamination of safe drinking water via landfill leachate. They would have no bearing on assessment of risk for other exposure pathways.

—The self-implementing feature of the proposed rule may result in the unchecked mishandling of hazardous wastes. USEPA has estimated that 90 percent of the targeted listed hazardous waste currently regulated will exit Subtitle C control. This correlates to potentially deregulating 374 million tons of hazardous wastes. Considering the potential environmental consequences of this action, self-implementation is inappropriate. Eliminating any State/public oversight could lead to environmental degradation via failure to recognize true consequences of exiting by the generator or by outright abuse.

—The proposed rule jeopardizes the waste minimization/pollution prevention efforts which are espoused by USEPA and which are being implemented by the State programs, as it only focuses on the redefinition of existing wastes rather than on toxics reduction. For instance, there may be circumstances where "end-of-pipe" generation of hazardous wastes as espoused in the HWIR proposal could remove incentives for developing innovative source reduction technologies.

—The cross-media impacts of HWIR on all environmental programs including the air, surface and groundwater programs will be tremendous, causing human and financial resource burdens on State programs already operating under severe resource constraints.

In addition, in its own background documents, EPA readily admits that it did not have enough time to do a proper analysis of the impact of HWIR: "This preliminary EA [Economic Assessment] was prepared under severe time constraints. As a result, the analysis is rough and incorporates only the most readily available data. In addition, the EA does not quantify the human health and environmental impacts of the proposal." Such admissions cast doubt on the validity and viability of the rule.

This rule presented many difficult challenges to the Task Force as we attempted to review and analyze it. HWIR's complexities, and in particular the number of options being proposed, suggests that other interested stake-holders will have the same difficulty as we did understanding the rule and its consequences. We strongly recommend USEPA refine HWIR and re-propose a revised rule, and extend the self-imposed April 1993 deadline to allow sufficient time to develop an adequate rule.

Finally, in refining HWIR, the Task Force is submitting for your consideration a hazard evaluation protocol which is designed to allow wastes to exit Subtitle C control provided the human health and ecological impacts are considered. Task Force representatives will be available to discuss the protocol with USEPA officials in greater detail.

Sincerely,

PATRICK MATUSESKI,
Task Force Co-Chair.
PHILLIP RETALLICK,
Task Force Co-Chair.

ASTSWMO DEFINITION OF WASTE TASK FORCE—COMMENTS ON PROPOSED HAZARDOUS WASTE IDENTIFICATION RULE [HWIR]

INTRODUCTION

The ASTSWMO Definition of Waste Task Force, which is comprised of solid and hazardous waste experts from across the country, spent considerable time reviewing HWIR in detail. We have determined that the HWIR proposal is not protective of human health and the environment and in particular the ECHO option is fatally flawed in this regard. Our review also targeted issues such as self implementation, cross media impacts, enforceability concerns, resource burdens, etc. These concerns suggest that USEPA has not provided enough time for review or coordination with the States to craft a rule that would be acceptable to the regulated community and regulators alike. Thus, we suggest that USEPA narrow the scope, and revise the rule for reproposal and comment. Our detailed comments follow.

PROPOSED RULE COMPLEXITY

The proposed rule contains an unwieldy number of options and permutations which do not lend themselves to effective review and comment by interested and affected parties. For this reason, ASTSWMO's Definition of Waste Task Force requests that USEPA narrow the scope of the proposal to a single rule and reissue the new rule proposal for review and comment prior to promulgation.

Due to USEPA's own acknowledgement in the background documents of the incomplete nature of the initial rule proposal, USEPA must remove the artificially imposed April 1993 sunset provision time constraint to allow a complete and comprehensive evaluation of the environmental, economic and regulatory impacts the rule will impose.

Since the States will be responsible for implementation of this rule, we expect to be fully involved in the development of the final rule proposal. To begin this process, the alternatives addressed herein are those which we feel USEPA must incorporate into the HWIR final rule in order to make the rule acceptable for implementation in the States. We further offer to actively participate in the development of the final rule.

RISK ANALYSIS

USEPA must not use MCLs as the HWIR basis for protecting human health and the environment. MCLs are not designed for environmental protection and provide differential human health protection due to the fact that during their historical development, a variety of assumptions have been applied. For this reason, the Task Force requests that USEPA utilize reference doses (RfDs) and cancer potency factors (CPFs) as well as other toxicological data from IRIS-2 to provide a consistent level of protection to human health.

Additionally, for the HWIR, USEPA must develop standardized methodologies and procedures to account for human, plant and animal exposures via routes other than ingestion of groundwater.

USEPA does not provide appropriate environmental health criteria in the HWIR proposal; thus we recommend the use of bioassays (such as those developed in the NPDES program, etc.) as appropriate environmental hazard evaluations. Our proposed hazard evaluation procedures (see attachment) are modifications of existing USEPA protocol and therefore should be widely accepted as valid assessments of ecological risk and readily implementable by the States.

CONTAMINATED MEDIA

The Task Force has identified several existing problems regarding the cleanup and management of contaminated media which are defined as RCRA hazardous wastes. First, currently all cleanups except on-site CERCLA action are subject to the RCRA permitting requirements when treatment, storage or disposal of hazardous waste occurs. This can result in substantial delays in getting the actual cleanup initiated. In addition, cleanups being performed under State oversight serves as the functional equivalent of obtaining a Part B permit and therefore additional regulatory scrutiny is not warranted.

Secondly, on-site CERCLA actions can also be exempted from complying with the Land Disposal Restrictions (LDRs) through the issuance of a treatability variance. This will result in more on-site treatment remedies being implemented instead of remedies that are chosen simply to avoid the LDRs.

The Task Force supports the establishment of an exemption for cleanup actions conducted under State authority which is consistent with the exemption currently in place for on-site CERCLA actions. This should not include cleanups where no other substantive authorities can be implemented (i.e., federal facilities). The Task Force also supports clarification of the "contained in" policy, in particular for soil which has been contaminated with listed hazardous waste.

SELF IMPLEMENTATION

The self implementing feature of the rule proposal eliminates all State and public oversight of the decisionmaking processes which will allow listed wastes to escape Subtitle C control. The potential for significant environmental harm and dangers to human health are tremendous given the complexity of the proposed exiting criteria, the significant potential for abuses inherent in self implementing programs, and the large volume of wastes which will likely be deregulated under this proposal (90 percent of all targeted listed wastes, which equals 374 million tons per year, according to USEPA's own estimate).

STATE IMPLEMENTATION

Because the HWIR is so fundamentally flawed, many State regulatory authorities will either refuse to adopt the rule or adopt it with major State-specific alterations. This will potentially result in as many as 50 different regulatory schemes across the country. Such a fragmented system is opposed by nearly all parties involved and does little to ensure adequate environmental protection. USEPA should strive to develop a rule that will be uniformly adopted by most States. Consistent application of the waste management regulatory structure is essential to create a "level playing field" for industry competitiveness. This can be achieved without sacrificing environmental protection if USEPA were to devote the time necessary (i.e., remove April 1993 sunset provision) to develop a realistic exiting rule.

CROSS MEDIA CONCERNS

The rule proposal falsely assumes that all exited wastes will be disposed of in Subtitle D landfills. The potential exists for significant quantities of exited wastes finding their way to alternative facilities, some of which may be completely unregulated (e.g., incinerators/boilers and other burners, POTW's, compost facilities, other recycling outlets, discharged under NPDES, or other uses as waste derived products, etc.). USEPA must consider those other potential waste management options and their associated exposure pathways and the corresponding ecological and human health impacts each exposure pathway presents.

Considering the inconsistencies between the listing criteria at 40 CFR 261.11 and the proposed exiting criteria which are based on a single exposure pathway (i.e., consumption of contaminated drinking water) and the likely exposure pathways which the variable management options present, USEPA must consider the need for additional testing requirements and risk assessments for wastes managed in non-Subtitle C options. For example, the potential risks posed by incineration of exited waste is inappropriately characterized by TCLP analysis, in view of potential air emissions and ash quality concerns. These issues would be more appropriately addressed by a "totals" analysis and air toxics risk assessment approach.

SUBTITLE D CONCERNS

Due to liability concerns and the lack of information and data regarding the toxicity of a vastly increased industrial waste stream, owners/operators of municipal Subtitle D facilities are unlikely to accept exited hazardous waste, effectively leaving these wastes in limbo. One conceivable option may drive disposal of these deregulated Subtitle C wastes into Subtitle D *industrial* waste facilities. Industrial waste disposal does not allow for the assumed 20% dilution by municipal wastes in the TCLP model. Additionally, the potential exists for more aggressive leaching environments in industrial waste landfills. These concerns invalidate the use of the TCLP as the methodology to predict the concentration of leachate contaminating ground water under some industrial waste disposal scenarios.

It is extremely difficult to site solid waste landfills and other solid waste management facilities due to severe public opposition. This fact leads to increased demands on dwindling State capacity. The HWIR proposal will significantly compound these pressures on siting and capacity. Additionally, the current problems regarding interstate transport of solid waste are likely to be exacerbated by the HWIR proposal.

USEPA must require all facilities which accept contingently deregulated hazardous waste to comply with all criteria of Part 258 Subparts A-G or equivalent requirements, as opposed to just the design criteria. USEPA must also require notification by generators to the owners/operators of Subtitle D facilities receiving their wastes for all exited hazardous wastes.

RESOURCES

The proposed rule will place significant financial burdens on State environmental protection programs as they struggle to implement HWIR—financial burdens that were not factored into USEPA's economic analysis for HWIR. For instance, industry representatives have reported in a recent roundtable meeting hosted by USEPA that analytical costs to show compliance with HWIR for one waste stream could be **$10,000-$15,000** per sample. State and local governments would have to bear this cost if they want to prove whether a generator is in compliance with the rule.

In addition, the States and in some cases local government will bear increased costs associated with monitoring drinking water wells around Subtitle D landfills and ambient air around municipal waste incinerators as a result of these facilities receiving HWIR wastes. These increased costs come at a time when government at all levels are struggling to fund *existing* environmental protection programs. Thus, the resources necessary to adequately enforce and implement the HWIR proposal will likely not be available.

ENFORCEMENT

The self-implementation feature of the HWIR will shift the burden of proof away from the regulated community to the regulatory agencies. This shift will impose a monetary and staffing burden on the regulatory agencies as they try to track compliance with HWIR. Deregulation of hazardous wastes through the proposed HWIR also shifts the regulatory oversight of these wastes to other environmental programs which may not have cross media enforcement authority. A lack of oversight activities opens the door to abuses of the self-implementing system. Abusive activity will not be identified until after the fact, thus minimizing the ability to take effective "timely and appropriate" enforcement actions. In addition, the complexity of enforcement will increase and the ability to prove criminal intent may be impossible.

The scope and frequency of compliance monitoring by the States will be drastically increased due to the need to carry out mandates to protect human health and the environment. Given the history of the regulated community making accurate waste management decisions and the "incentives" to exit the Subtitle C system, blanket acceptance by the States of the validity of exiting decisions without review is not sound environmental protection practice. The manpower and resource demands are staggering in view of the need for States to conduct extensive sampling and analysis at the number of sites predicted by USEPA to verify the exemptions claimed within the three (3) years proposed for record retention.

WASTE MINIMIZATION CONCERNS

The proposed rule jeopardizes the waste minimization/pollution prevention/toxics use reduction philosophy and efforts which have been espoused and implemented by USEPA and the States' hazardous waste programs. The proposed rule focuses on the redefinition of existing wastes, rather than on toxics reduction. Exiting criteria should provide incentives for generators to seek the kinds of innovative technologies which reduce the concentrations of chemicals of concern in the waste. This will lead to decreased environmental loading which should be a goal of the HWIR proposal. The HWIR must not provide incentives for generators to deregulate wastes through dilution via "innovative" plumbing design which an "end-of-pipe" waste generation determination would promote.

PUBLIC PARTICIPATION

The self implementing features of the proposed rule present an unacceptable lack of public notice requirements to all potentially affected parties. For example, the proposed rule does not require notice in the receiving facility's community (if different than the generating location) or the regulatory agency (if disposed of in another State than the generating State).

Additionally, the proposed rule provides limited access by the public to data developed by the generator in support of the exemption claimed. This is due to lack of guaranteed access to such information via FOIA requirements.

Finally, the rule does not allow for any public recourse when obvious problems/concerns are discovered by the public in the notification materials. This is an essential element if the HWIR is to be viewed as a viable rule in the public's eye.

ASTSWMO's Definition of Waste Task Force appreciates the opportunity to provide USEPA with comments on the proposed Hazardous Waste Identification Rule (HWIR). We stand ready to assist USEPA in recrafting a rule that will be technically defensible, implementable, and enforceable by the States.

ASTSWMO DEFINITION OF WASTE TASK FORCE—HWIR RISK ANALYSIS RECOMMENDATIONS

HUMAN HEALTH AND ECOLOGICAL HAZARD EVALUATION

ASTSWMO's Definition of Waste Task Force has developed a scientifically credible process to determine whether a waste is hazardous or not based on uniform human health-based criteria and ecological criteria. Figure 1 presents proposed simplified conceptual methodologies for characterizing listed hazardous wastes.

As presented in Figure 1, wastes can potentially exit from Subtitle C control if the waste has "passed" both the human health and ecological hazard evaluations. If the waste "fails" either evaluation, it remains under Subtitle C control.

For human health hazard evaluations (Figure 1), a representative sample of waste is taken, subjected to TCLP and/or other appropriate tests (dependent on the specific management method of the waste to be used), and the chemical concentrations are compared to factors that the Task Force chooses to call Uniform Risk Based Concentrations (URBCs). An URBC is a concentration (mg/L, etc.) expression of a uniform human health exposure risk assessment (risk assessment) which is a dose/response-specific number (mg/kg, etc.). These risk assessments are established by setting Reference Doses (RfD) and Carcinogenic Potency Factors (CPF) at a consistent level of protection for human health (e.g., 10^{-5} or 10^{-6} for human health). Before applying these URBCs, they are further modified by a dilution and attention factor (DAF), resulting in a DAF-adjusted URBC (see "Modifying the Current DAF Process" below). After analysis, the concentrations of the waste's hazardous constituents (concentrations) are compared to the DAF-adjusted URBCs and the best demonstrated available technology (BDAT) concentrations, established for the land disposal restrictions. If the concentrations do not exceed the DAF-adjusted URBCs or the BDAT concentrations (whichever is lower), the waste is deemed to have "passed" the human health evaluation. If the concentrations exceed the DAF-adjusted URBCs or BDAT concentrations, the generator may either treat the waste and reevaluate the treatment-derived waste concentrations; or the generator may choose to define higher concentration DAF-adjusted URBCs by conducting rigorous waste-specific/site-specific DAF modeling for the URBCs. If the treated waste exceeds the DAF-adjusted URBCs, the waste is deemed to have "failed" the human health hazard evaluation.

For ecological hazard evaluations (Figure 1), a representative sample of waste is taken, subjected to TCLP and/or other appropriate tests, which take into account the ultimate management method of waste to be used, and the leachate, etc., is tested in one or more bioassays such as those used for the NPDES program. If significant toxicity is not seen in any of the bioassays, the waste is deemed to have "passed" the ecological hazard evaluation. If significant toxicity is seen in at least one bioassay, the waste can be retreated and reevaluated. If the treated waste does not cause significant toxicity in any of the bioassays, the treated waste is deemed to have "passed" the ecological hazard evaluation. If the treated waste causes significant toxicity in one or more bioassays, the waste is deemed to have "failed" the ecological hazard evaluation.

MODIFYING THE CURRENT DAF PROCESS

The Task Force finds that the current DAF approach as proposed in the HWIR is inadequate and unacceptable. Currently, USEPA can select a generic DAF which does not consider waste-specific or site-specific characteristics.

The Task Force's proposed method differs from USEPA's in that the Task Force's method begins with the use of a Default DAF of 1 bounded by BDAT. This Default DAF of 1, when multiplied by a Uniform Risk Based Concentration (URBC), yields a DAF-adjusted URBC. Waste exists Subtitle C regulations when neither a TCLP extract nor other appropriate screening criteria exceeds a single chemical DAF-adjusted URBC or, for mixtures, a multiple chemical Hazard Index (HI). The HI approach follows the principles expressed in USEPA's chemical mixtures guidelines. In this case, the numerator would be the chemical-specific concentrations found in the waste and the denominator would be the DAF-adjusted URBC.

For a waste that exceeds the DAF-adjusted URBC (or HI), a regulated party under the Task Force proposed method can present a rigorous quantitative and qualitative evaluation of the data they would utilize to raise the Final DAF above 1. For example, a regulated party uses a mathematical model to generate an Alternate DAF of 100. Alternate DAFs are done on a site-specific basis. The regulated party performs a qualitative review and evaluation of the Alternate DAF model, the quality of each of the variable inputs into the model, and other non-model parameters that could influence the confidence in the DAF (e.g. fate and transport, toxicology, metabolism, bioaccumulation and interactive effects data).

Alternate DAFs, once generated, are then screened to determine scientific validity and viability. If the qualitative evaluation of these various model and non-model parameters results in a determination of high quality data and high confidence in the toxicology and environmental fate databases for the specific constituents of the waste, the regulated party would be allowed to use the Alternate DAF. If the data quality and confidence in the data is less than high, the regulated party and confidence in the data is less than high, the regulated party would be allowed to employ a value somewhat below the calculated Alternate DAF. If data quality and confidence is low, the regulated party would only be allowed to use the Default DAF of 1.

RECOMMENDATIONS BY THE ASTSWMO DEFINITION OF WASTE TASK FORCE

DEVELOPMENT OF AN ALTERNATIVE HUMAN HEALTH AND ECOLOGICAL RISK EVALUATION

1. For the HWIR, USEPA should use ecological hazard assessment methods to determine whether wastes are potentially hazardous to biota other than man. The Task Force suggests using bioassay batteries as shown in figure 1 as part of an ecological hazard evaluation protocol.

2. For the HWIR, USEPA should use human hazard evaluation methods to determine whether wastes are potentially hazardous to humans. The Task Force suggests using RfD and CPF derived concentrations as shown in Figure 1 as part of the human health hazard evaluation protocol.

3. USEPA should not use MCLs as the HWIR basis for protecting human health and the environment. MCLs are not designed for environmental protection and vary widely in the degree of human health protection they provide.

4. For the HWIR, USEPA should develop methods to account for human and biota exposures via routes other than ingestion of groundwater.

5. For the HWIR, USEPA should use a Hazard Quotient/Hazard Index approach for the human health hazard assessment approach presented in Figure 1. The HQ/HI methods are found in USEPA's 1986 guidance document on risk assessment of chemcial mixtures.

6. For the HWIR, when the human health hazard evaluation and/or ecological hazard evaluation methods are presented in Figure 1 indicate that a mixture is hazardous, the mixture will be deemed a hazardous waste unless further treatment and evaluation shows that the mixture is no longer hazardous.

7. For the generation of an alternate and final DAF, the Task Force suggests that USEPA establish a list of factors that should be considered for the qualitative evaluation as shown in Table 1. For the list of factors to be qualitatively evaluated to generate a final multiple, USEPA should develop a list of criteria that will be used to score each factor. Both the list of factors and criteria should be developed in concert with State agencies.

STATE OF MAINE,
Augusta, ME, July 20, 1992.
Re: Docket No. F-92-HWEP-FFFFF.
DAVID BUSSARD,
U.S. Environmental Protection Agency, RCRA Docket (S-212) (OS-035), Washington, DC.

DEAR MR. BUSSARD: Please accept these comments on EPA's proposed Hazardous Waste Identification Rule ("HWIR") per the Notice set forth at 57 Fed. Reg. 21450 (May 20, 1992).

As a starting point for these comments, it is useful to remember that Congress, in enacting the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§6901-6987 (1988), recognized that hazardous waste poses hazards to the public and the environment "when improperly treated, stored, transported, or disposed of, or otherwise managed." RCRA, Section 1004(5). Accordingly, in Subtitle C of RCRA, Congress created a "cradle-to-grave" regulatory system for tracking (by manifests) and safe handling of hazardous wastes from generation through transportation to treatment, storage or disposal. Since, pursuant to this law, only hazardous wastes are subject to RCRA's comprehensive system of controls, the definition of hazardous waste is key to the scope of EPA's RCRA program, as well as to RCRA programs of authorized states like Maine. *American Mining Congress* v. *EPA*, 824 F.2d 1177, 1179 (D.C. Cir. 1987).

In 1980, EPA adopted a two-part definition of hazardous wastes. This definition includes several lists of specific chemicals, and chemicals which are the byproducts of certain industrial processes ("listed wastes"), 40 C.F.R. §261, Subpart D. The definition also includes four characteristics by which unlisted wastes can be identified as hazardous wastes: ignitibility, corrosivity, reactivity and extraction procedure toxicity, 40 C.F.R. §261.20-.24. *American Petroleum Institute* v. *EPA*, 906 F.2d 729 (D.C. Cir. 1990). Any solid waste exhibiting one or more of these characteristics is automatically deemed to be a "hazardous waste" subject to Subtitle C regulation even if not "listed." *Hazardous Waste Treatment Council* v. *EPA*, 861 F.2d 270, 271 (D.C. Cir. 1988). EPA's 1980 hazardous waste rules further include as hazardous wastes all wastes resulting from mixing hazardous with other wastes, as well as all wastes derived from any handling, treatment, storage or disposal of hazardous wastes. These latter rules are described as EPA's "mixture" and "derived-from" rules.

In *Shell Oil Company* v. *EPA*, 950 F.2d 741, 745 (D.C. Cir. 1991), the Circuit Court of Appeals for the District of Columbia vacated and remanded EPA's "mixture" and "derived-from" rules, for purely procedural reasons. *Id.* Even while invalidating the "mixture" and "derived-from" rules, the D.C. Circuit recognized the importance of maintaining these rules by explicitly inviting EPA to continue them in effect on an emergency basis while providing a renewed opportunity for public comment.

Instead of republishing its time-tested 1980 rules—rules now adopted by Maine and most of the other states and known and implemented throughout industry—EPA has taken the opportunity created by the *Shell Oil* decision to propose a drastic narrowing of the scope and focus of its RCRA program. On May 20, 1992, EPA published the proposed Hazardous Waste Identification Rule ("HWIR"), which, according to EPA's own projections, could remove from the definition of hazardous wastes and therefore from all cradle-to-grave RCRA requirements, approximately 90% of wastes presently listed as hazardous. Under the HWIR, wastes can be removed from regulation by the unilateral action of the regulated entity without notice to the public, and without prior approval by either EPA or the affected state.

The proposed HWIR suggests two major options: concentration-based exemption criteria ("CBEC") and enhanced characteristic options ("ECHO"). Under the CBEC option, the present system for defining hazardous wastes would remain in place, including the present "mixture" and "derived-from" rules. However, once a regulated company asserted that a listed hazardous waste or product derived from such a listed waste contained no contaminants above a certain concentration, i.e., the exemption criteria, and submitted chemical analysis to EPA to support this claim, the waste would exit from the hazardous waste regulatory system. Thereafter, this waste could be handled or transported by anyone, anywhere, and disposed of in any manner without violating Subtitle C of the RCRA rules. EPA's Subtitle D or solid waste rules might still apply, but these rules, by EPA's own statement, would permit the dumping of solid waste, formerly designated as hazardous, in unlined municipal landfills. Indeed, this is just where EPA believes that exempted waste would be dumped, according to the May 20, 1992 Notice.

A. EPA Has Failed to Consider Relevant Pathways in Assessing the Toxicity of Wastes to Humans and Has Totally Failed to Consider Environmental Impacts.

In establishing the concentrations of chemical contamination below which a waste is no longer considered to be hazardous, i.e., the CBEC exemption levels, EPA has ignored all pathways whereby human populations could be affected by a waste's toxicity, except for the drinking of groundwater which has become contaminated with chemicals leaching from an unlined municipal waste landfill into which hazardous waste has been discharged. EPA acknowledges that its CBEC levels are not based upon and do not protect against the possibility that contaminated soils or surface wastes could be directly ingested by children, or such other potential human exposure routes of concern as dermal absorption, inhalation of particulates and volatile compounds, runoff of surface waters, adult soil ingestion, and uptake of contaminants by food crops and grazing animals used in food and daily products. 57 Fed. Reg. 21460-61. Plainly, rules which do not protect against all reasonable pathways of exposure do not comport with the criteria established by Congress to guide EPA in promulgating RCRA rules. EPA is required to promulgate RCRA regulations which "protect human health and the environment." RCRA, 42 U.S.C. §§6922-6924; *Shell Oil*, 950 F.2d at 745. The proposed HWIR also fails to meet the quoted statutory standard in that it is not protective of the environment. In fact, EPA's lengthy *Federal Register* Notice does not even attempt to justify the HWIR with regard to environmental impacts.

B. EPA's Leachate Model Underpredicts the Impact of Leachate from Under-controlled Wastes on Receptor Wells.

Even if it is appropriate to consider only the effect of leachate from formerly hazardous wastes in landfills in determining whether wastes are hazardous to humans, EPA's focus is still too narrow. The mathematical model used by EPA in predicting how many drinking water wells would be likely to be contaminated as a result of given CBEC exemption levels assumes that hazardous waste will be intermixed with and diluted by 20 times with non-hazardous solid waste in the municipal landfill where it has been deposited. There is no basis for this assumption. Moreover, it is well known that prior to the enforcement of the RCRA rules, many generators of hazardous wastes did not take such wastes to municipal landfills. Instead, they simply dumped solid and semi-solid hazardous wastes outside their operating facilities or at most covered them with a thin layer of native materials. This may still be permissible under subtitle D of RCRA.

Furthermore, liquid hazardous wastes were often discharged by generators into surface impoundments located on the generator's premises. Neither Maine's Solid Waste Rules nor Subtitle D of RCRA prohibits the discharge of liquid wastes into unlined lagoons. Thus, nothing would prevent generators in this State from dumping exempted liquid wastes at the site of generation if and when the HWIR is adopted. The effect on receptor wells of liquid hazardous wastes discharged into unlined lagoons, and not diluted with municipal wastes, should have been, but has not been, considered by EPA's model, as the agency, to its credit, acknowledges. 57 Fed. Reg. 21479. Again, the HWIR falls short of the statutory standard.

Moreover, the model used by EPA is based on a national average relating to precipitation. The more precipitation a particular area is subjected to, the more likely that leachate will build up in an unlined site and pass to a receptor well. In states such as Maine, which receive considerably more than the national average precipitation, the EPA model is underpredictive in terms of the likely percentage of wells contaminated. Site specific conditions of soils, geology, hydrogeology and the effect of other sources are also not considered in EPA's model and could cause the model to grossly underpredict the pollutional impact. For example, in Maine, many older municipal landfills are located in sand pits over aquifers. Leachate formed in such aquifers has a clear path to receptor wells. Finally, on this issue, EPA's model predicts the impact on private water wells only, but many public supply wells, as well as surface aquifers used as water supplies and hydrologically connected to contaminated groundwater, may be located within one mile of a contaminated source. EPA's model does not predict the impact on such nearby receptors and thus fails to adequately assess the impact of the HWIR on human health.

C. EPA's Leachate Model Predicts that One Out of Seven Wells Within a Mile from a Newly Uncontrolled Waste Site Will be Polluted Above Drinking Water Standards.

Even if EPA's model was entirely accurate in predicting the percentage of water supply wells which would be contaminated by a given hazardous waste source, the agency's proposal to set a dilution and attenuation factor ("DAF") at 100, based upon this model, displays a shocking disregard for the public health and safety. EPA proposes to use the DAF as a multiplier against health based standards, such as the maximum concentration limits (MCLs) developed under EPA's drinking water system. EPA acknowledges that: "if the exemption criteria are set at 100 times the health based numbers, the agency estimates that 10 to 15 percent of the population using private wells [one in seven] within one mile downgradient from Subtitle D landfills receiving exempted wastes could be exposed to contamination above the health based number if the wastes were all contaminated to the extent allowable * * *." 57 Fed.Reg. 21457 and 21479. Even if the multiplier of 10 is used instead of 100 for the DAF, EPA admits that an estimated five percent [one in 20] of the wells within a mile from unlined municipal landfills will experience concentrations of leachate above health based numbers. 57 Fed.Reg. 21457.

D. Using a DAF of 100 or Even 10 Will Create New Superfund Sites.

Chemicals which have been listed by EPA as hazardous wastes are also likely to be considered "hazardous substances" under Maine's Uncontrolled Hazardous Substance Sites Law, 38 M.R.S.A. §§1361, *et seq.* (1989), as well as "hazardous substances," "pollutants," and "contaminants," as those terms are used in the United States Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 U.S.C. §§9601, *et seq.* Removing these chemicals from the hazardous waste list does not *ipso facto* remove them from the hazardous substance list. 57 Fed.Reg. 21498. Under Maine law, uncontrolled hazardous substance sites are defined as any area or location at which hazardous substances are handled or otherwise came to be located. 38 M.R.S.A. §1362. Thus, areas where wastes exempted under the CBEC option have been deposited probably would become uncontrolled hazardous substance sites. Uncontrolled hazardous substance sites which attain a certain score on EPA's hazardous ranking system list also become so-called Superfund sites under CERCLA.

In general, neither Superfund sites nor uncontrolled hazardous substance sites are considered to be fully remediated until all wells affected by leachate from such sites have been restored to drinking water quality and the groundwater under the site has been restored to background levels of purity. By permitting the deposit of wastes at sites which discharge leachate, causing drinking water standards to be exceeded in receptor wells, the HWIR permits the creation of new Superfund/uncontrolled sites which require clean ups. In Maine, this will mean a clean-up of groundwater to drinking water standards because background groundwater in Maine is usually of drinking water quality. Maine's water quality statutes also command such a clean-up. *See* 38 M.R.S.A. §§465-C and 470 (groundwater must be of drinking water quality). It follows that the ultimate result of permitting regulated parties to remove their wastes from treatment as hazardous wastes under RCRA may be to impose enormous clean-up costs in the future.

Permitting the creation of new uncontrolled hazardous substance sites also increases the workload of State agencies responsible to clean up hazardous substance sites and pursue responsible parties. This is a resource intensive, burdensome task under the best of circumstances. However, at the present time, the State can often trace hazardous wastes back to the generator through the use of RCRA required manifests. The HWIR would deprive us of the ability to trace responsible parties through the manifest system since regulated parties would stop filling out manifests when they decided that wastes were not hazardous. Permitting the creation of new Superfund sites is a giant step *backwards* in the protection of public health and the environment.

E. HWIR Would Hamstring Maine's Efforts to Enforce its RCRA Rules.

EPA has assigned to the states the duty to ensure that generators of hazardous wastes do not cheat when they self-exempt their wastes. The proposed HWIR would seriously compromise Maine's efforts to monitor compliance by the generators.

Under the HWIR, in order to seek clean up of hazardous wastes self-exempted by industry, the State would have to prove: (1) that the wastes came from the generator (in the absence of the manifest system, this showing alone would require impossibly extensive discovery), (2) that the area of the landfill sampled was representative of the generator's wastes, i.e., that the generator's waste was not mixed with wastes from other sources and could not have come from any other source, and (3) that the concentration of the hazardous chemicals in the generator's waste had not changed since the time of proposal.

Clearly, the HWIR, while shifting to the states that burden of policing the generator-implemented exemption from regulation, at the same time deprives the states of the tools to do this job.

F. The ECHO Option, Which Permits Dilution and Uses a DAF of 100, is Even Worse Than the CBEC Option.

While the above comments have focused on the CBEC exemption levels, much of this discussion applies as well to the ECHO option, since this option too provides exemption levels subject to a so-called default DAF of 100. The setting of specific DAFs for other chemicals which EPA proposed is also subject to the modeling problems described above and has been done for few of the listed hazardous wastes, i.e., the default DAF is likely to be the actual working DAF under ECHO for most hazardous wastes. Even worse, the ECHO option permits a regulatee to dilute its wastes before its analyzes these wastes to determine the concentration of toxic constituents in the waste.

G. Contingent Management as Described in the HWIR Compounds Rather Than Cures the Defects in the CBEC or ECHO Options.

EPA suggests, in its Federal Register Notice, that a contingent management system could be used with either the CBEC and/or the ECHO option to provide additional protection. Under contingent management, wastes which would otherwise avoid exiting from the regulatory system, pursuant to CBEC or ECHO concentration in landfills conforming to EPA's new municipal waste landfill standards or conforming to State-mandated equivalents. However, contingent management protections would not apply to chemicals already exempted under the CBEC or ECHO options. Contingent management, including the lining of landfills, does not address the DAF issue discussed above. Thus, the problems with the ECHO and CBEC options as described above would still remain.

While, as a legal matter, states such as Maine are not prohibited from maintaining more stringent definitions of hazardous waste than the EPA version, this is a very difficult task to go alone for a small state and ignores the need for national standards. In fact, recently, the Maine Department of Environmental Protection received a rulemaking petition requiring that it engage in downgrading of its Hazardous Waste Rules to a level no more stringent than those promulgated by EPA. Further, EPA promises to "strongly encourage" states to reduce the stringency of their hazardous waste rules so as to continue equivalency with the EPA program. 57 Fed.Reg. 21498.

Obviously, there are those who would dismantle the RCRA regulatory system which, while far from perfect, has served the nation well for 12 years. However, the pressures of a soft economy and election year politics must not be permitted to cause EPA to unravel the protections provided by its RCRA rules. If we have learned anything about the environment, it is that burying or spilling hazardous materials out of sight does not solve, but merely creates, a larger problem and shifts the financial burden for this problem to taxpayers and the legal burden to state and local prosecutors.

While a revisiting of EPA's hazardous waste rules may be in order, the exemption levels proposed in the HWIR are far too high. Moreover, the self-executing nature of the HWIR, which does away with the public input and regulatory control provided by EPA's present process for delisting hazardous wastes, is simply not protective of the public health, safety and welfare. By failing to protect the environment, the HWIR falls short of the statutory standard set forth in RCRA. For the reasons set forth above and many others, both the CBEC and ECHO options, and the entire HWIR, represent extremely poor public policy judgments based upon bad or non-existent science and a disregard for public health and the environment.

These comments are not intended as an exhaustive response to the many options presented in the Federal Register Notice of May 20, 1992. We join in and incorporate by reference the comments of the Maine Department of Environment Protection, the States of Minnesota and Montana, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), the Northeast Waste Management Officials' Association (NEWMOA), the Environmental Defense Fund (EDF), the Natural Resources Defense Council (NRDC) and the Hazardous Waste Treatment Council (HWTC).

Sincerely,

MICHAEL E. CARPENTER,
Attorney General.

Mr. BAUCUS. Mr. President, this is a very straightforward amendment and I urge my colleagues to support it. It gives States additional time to comment on proposed changes to two fundamental parts of the Federal hazardous waste program, that form the basis of many State programs, namely the mixture and derived from rules.

This amendment responds to an emergency. Last December, the U.S. Court of Appeals for the District of Columbia struck down the mixture and derived from rules, on procedural grounds.

These rules which had been in effect since 1980, prohibit generators of hazardous waste from evading regulations by mixing or diluting their hazardous waste. Without these rules, hazardous waste could legally be disposed of in nonhazardous waste dumps, even municipal landfills.

In overturning the rules, however, the court recognized the dangers of vacating these rules. So it suggested that EPA reissue the rules on an interim basis, under the good cause exemption of the Administrative Procedures Act.

As a result, last March EPA reissued the rules. But at the insistence of the Office of Management and Budget, the reissued rules will expire on April 28, 1993, the date by which EPA hopes to issue new rules.

Unfortunately, the draft rules that EPA hopes to issue by then is so flawed that 40 attorney's generals, and officials from 39 States, oppose it including comments from Montana. Some have even urged EPA to withdraw it and start from square one.

One of the biggest criticisms with the new rule is that EPA gave the States, industry, and others only 60 days to comment on the rule.

Just 60 days to comment on what is arguably the foundation of Federal and State RCRA hazardous waste programs.

It seems to me that a rule with such dramatic consequences deserves more than 60 days of comment from those who must implement it.

Mr. President, that is what this amendment is all about. It gives States what they deserve, an opportunity to work with EPA so that their concerns can be heard and considered.

I know those who oppose this amendment believe that it does more than give States additional time. They believe that it makes substantive changes to the mixture and derived from rule, and it takes the pressure off EPA to issue new rules.

Let me be very clear about what this amendment does and what it does not do.

First, this amendment does not take a position on EPA's new rules.

It does not change any RCRA policy. Nor does it signal congressional approval or ratification of the current mixture and derived from rules.

It simply allows the reissued rules to remain in force until the end of the next fiscal year, or until EPA promulgates a new rule.

Without this amendment, the mixture and derived from rules will lapse on April 28, 1993, severely disrupting the Federal RCRA program and many State programs.

Second, this amendment does not take the pressure off EPA to issue new rules. In fact, it requires EPA to promulgate new rules by October 1, 1994.

Moreover, EPA is under court order to repromulgate the mixture and derived from rules. If EPA fails to comply with the Court order and tries to rely on the reissued interim rule indefinitely, then anyone may ask the court for relief.

Mr. President, because the mixture and derived from rules are so critical to the entire hazardous waste program, we must give States sufficient time to evaluate the new rule. And we must give EPA sufficient time to consider all comments and promulgate sensible regulations. EPA should not be put in the position of having to issue bad rules simply to meet OMB's April 1993 deadline.

For these reasons, I urge my colleagues to support this very simple amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Department of Health and Environmental Sciences of Montana to the EPA, dated July 16, 1992.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES,
Helena, MT, July 16, 1992.
Docket Number F-92-HWEP-FFFFF.
EPA RCRA Docket (S-212) (OS-305),
Washington, DC.

DEAR EPA: Enclosed are comments from the Montana Department of Health and Environmental Sciences, Solid & Hazardous Waste Bureau (MSHWB), pertaining to the Hazardous Waste Identification Rule (HWIR). In summary, while the MSHWB acknowledges the regulatory difficulties surrounding the mixture and derived from rules, the Bureau urges the EPA to withdraw these proposed rules and invite discussions with the states regarding the amendment of the mixture and derived from rules. The HWIR, as proposed, is a retreat from the successes the EPA and the States have made in the management of hazardous wastes that are truly protective of human health and the environment. Additionally, the HWIR is technically flawed and will add to, rather than alleviate, future hazardous waste disposal problems.

1. The MSHWB agrees that certain wastes may be overregulated, especially those related to contaminated media. However, in our opinion, the EPA's proposal goes too far in underregulating actual exposures to human health and the environment. The MSHWB would prefer to see a system where de minimis wastes are exempted and contaminated media are regulated to a lesser degree. In our opinion, overhauling the entire system, given the lack of scientific evidence, is not warranted.

2. There are at least two unique factors that may impact Montana more so than some other states. First, Montana hazardous waste rules cannot be more stringent than the federal EPA except where specifically authorized by the legislature. Second, the relatively dry climate in Montana may make for more sites where the contingent management approach could be applied. These two factors could serve to make Montana a "magnet" for exempted wastes.

If these rules are adopted as written, the MSHWB may seek legislative support to amend state statute authorizing the adoption of rules more stringent than federal regulations.

3. If one of the options presented by EPA must be accepted, then the SHWB is of the opinion that Options #1 or #2 (CBEC) would be preferred. Our primary concerns with the options rest with not knowing whether the Subtitle C exit levels selected by EPA are the "right" levels. For instance, we think that ecological impacts should be addressed. We think that the risk based levels should include other routes of exposure. It appears that the "minimized risk" mandated within the LDR program may not be fulfilled unless all routes of exposure are considered. We are concerned that the "wrong" levels may ultimately create additional Superfund sites at Subtitle D landfills.

With respect to the ECHO approach, the SHWB feels that the proposed rules do not meet the goals of the RCRA program. The prohibition of dilution has not been specifically addressed. With this, generators will be misled in that dilution will be an acceptable means of treatment prior to disposal.

4. At this time, many of Montana solid waste landfills do not meet Subtitle D criteria. If the proposed rules are adopted as written, without scientific data, additional Superfund sites will be created. The SHWB feels that this is inevitable since the Subtitle D standards were developed for the management of municipal solid waste and not for those wastes previously regulated as Subtitle C wastes.

5. The enforcement personnel within the RCRA programs for the State of Montana, and all other states, will have additional burdens in trying to establish mismanagement of hazardous waste. This is due to both the volumes of exempted waste created by these options and the generator "self-implementation" aspects of the rule.

Since the rule does not require generators to submit sampling and analysis data, the lack of information supplied to the regulatory program will invoke cumbersome tasks upon the regulatory agency to verify that wastes meet the exemption criteria. This will in turn require the state, or federal program, to conduct analyses at their expense. In addition, if the wastes have been disposed prior to regulatory agencies obtaining a sample, then the evidence(i.e. wastes) will not be available for sampling.

6. The lack of public participation in the exemption certification and contingent management process is a concern to the MSHWB. The primary goal of regulatory agencies is the protection of human health and the environment. It would seem logical that those citizens directly impacted by the decisions made at the State and Federal levels should be given an opportunity to voice their concerns on these issues. In the current delisting procedure, public participation is a key element in obtaining additional information which may serve to be substantial in the delisting process. It has been our experience and observations that environmental issues are based highly on emotions due, in part, to a lack of agencies providing information to the public. The distancing of environmental agencies from the public appears to set the stage for further distrust of government. We feel that the lack of public involvement, in the case of contingent management, will serve to be counterproductive by inducing unnecessary fear in citizens, and by allowing once regulated hazardous waste to be disposed of in solid waste landfills without public participation.

7. The MSHWB is concerned that the TCLP test may not always be appropriate due to the possibility of underestimating contaminants contained in oily wastes. Therefore, the SHWB suggests that the need for a percent oil based criteria (as discussed on page 21473 of the May 20th Federal Register) is warranted. Due to the analytical difficulties that oily wastes pose to laboratories, the threat of underestimating the leachability of a constituent from an oily matrix is high. If a percent oil criteria is established as a part of the exemption criteria, the possibility of mismanaging wastes with "hidden" constituents will be reduced.

8. The MSHWB is concerned about the effect the HWIR would have on waste minimization. The proposal may result in the States losing a tool for waste minimization programs since the Land Disposal Restrictions created economic incentives for generators to reduce the volume or toxicity of their wastes.

These comments represent a sampling of the concerns that the SHWB has regarding the HWIR. We ask that the EPA consider these comments as well as those received from other State programs in order to reach a consensus on the revision of the mixture and derived from rule.

If additional information regarding these or other issues is required do not hesitate to contact us.

Sincerely,

DUANE ROBERTSON,
Chief, Solid and
Hazardous Waste Bureau.

Mr. GARN. Mr. President, I yield back the remainder of the time on the amendment.

Ms. MIKULSKI. We yield back the time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2955) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2956

(Purpose: To reduce the appropriation for the implementation of the space station *Freedom* program by $1,600,000,000 for the purposes of reducing the deficit in the Federal budget and increasing the appropriations for certain health-care related activities carried out by the Department of Veterans Affairs)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2956.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, strike lines 12 through 17 and insert in lieu thereof the following: "That $500,000,000 shall be made available for termination of contracts relating to Space Station Freedom; that $200,000,000 shall be made available for Veterans Health Administration Medical Care in addition to sums otherwise appropriated; that $62,000,000 shall be made available to Veterans Health Administration Medical and Prosthetic Research in addition to sums otherwise appropriated: Provided fur-".

Mr. BUMPERS. Mr. President, this is the space station amendment, with which I believe every Member of this body is familiar. Precisely, the amendment provides $500 million to terminate the space station and cuts the remaining $1.6 billion. And that is my objective, to terminate the space station.

The committee bill provides for $2.1 billion in 1993. My amendment leaves $500 million to terminate the project, and transfers $200 million to veterans' health care, and $62 million to veterans' medical research.

And it leaves about $1.338 billion, I believe it is, for deficit reduction.

Mr. President, if we were just going to save a billion dollars, the way we operate around here, this may not be a big deal. But that is not the purpose of the amendment. The purpose of the amendment is to stop the annual expenditure for the next 30 years.

This $2.1 billion for 1993, incidentally, is a 5-percent increase over 1992. Many other agencies in the country would love to have a 5-percent increase.

What is the true cost of the space station? Mr. President, I am going to break this debate down. First, the costs; then the purpose of it; and third, just a general, overall discussion of how everybody talks about change, but we do business as usual.

I have no delusions about succeeding. I offered this amendment last year and got 35 votes. I will be lucky to get that many this year.

Mr. President, at the risk of sounding arrogant, if I were offering this amendment to a jury of 12 men and women, good and true, as we lawyers love to say—jurors—they would not take 30 minutes—not 30 minutes—to return a verdict.

They would not take 30 minutes to return a verdict on the supercollider. They would not have taken 30 minutes to return a verdict on the mining bill. They would not take 30 minutes to return a verdict on SDI. And so far, that is the only one I have won. Senator SASSER and I won that one on SDI, and that one is not over yet. As you know, the defense bill has been pulled down because we were successful.

But, Mr. President, if it were just the $2.1 billion for 1993, this would be a piece of cake. You know what the General Accounting Office says this will cost over the next 28 years? $118 billion. Do you know what an internal study over on the House side says the space station will cost over the next 28 years? $200 billion. It is not just that little $2.1 billion for 1993.

You are going to have people coming in here making the argument, oh, it is just a fraction of the budget. I can hear it now, one-tenth of 1 percent of the deficit. But what nobody says is, if you assumed that the House study is correct and that the space station is going to cost $200 billion over the next 30 years, would you like to know what that is in compounded interest, because we are going to borrow every last dime of it? Do you know what that $200 billion translates into over the next 30 years when you add interest compounded? $600 billion.

Mr. President, do you know what we get for the first $200 billion on the space station? Nothing. Nothing. And I will cite all the researchers in this country in just a moment. And do you know what we get for the $400 billion in interest we are going to pay to finance this thing over the next 30 years? Nothing. Nothing—$400 billion in interest and $200 billion for a project that cannot be justified under any scenario.

It is maddening, Mr. President, to stand here and fight this battle knowing that I will be lucky to get the same 35 votes I got last year.

Would you like to know, Mr. President, what this is going to cost, for example, the State of West Virginia? Do you know what the taxpayers of West Virginia are going to be called upon to pay for this? $848 million. In my State of Arkansas, this space station will cost us $1.111 billion. And I am using figures of $118 billion, I am not using the $200 billion. I am using GAO's $118 billion.

Since this whole thing was first conjured up in 1984 at a cost of $8 billion, the cost has gone up 64 percent. In 8 years, the cost has escalated 64 percent.

Is there a living soul in the U.S. Senate that has the slightest doubt that we could build this thing and throw it into space in approximately the year 2000 at today's projected cost? Well, if we do it, it will be the first time in history it has ever been done. Of course, it is going to cost more than $118 billion; probably going to cost more than $200 billion.

But to separate it out, Mr. President, the cost of building this station and throwing it into space is $40 billion, counting the payload. Now, that is what started out at $8 billion. The $8 billion is now $30 billion. The payload is now $10 billion. So it is $40 billion, not for anything scientific, just a mechanical engineering masterpiece where you throw a giant piece of hardware into space.

We have already done it once. We had a space lab up there. The Russians have the MIR space station. They have had it up there for about 5 years. Do you know what they have gotten out of it so far? Nothing. Nothing. And, as I say, that is precisely what we are going to get out of ours.

Mr. President, if you just want to do research in space, why do we not just buy or rent the Russian space station? You could probably get it for a year's supply of TV dinners. Why do we have to embark on a $200 billion expenditure when we can jointly cooperate with the Russians and do any kind of research we want to on theirs? No, no. Because Texas and Florida and California have got billions.

Mr. President, the people who are going to come over here and support the space station—I do not have the figures, I will try to have them tomorrow. The last time I debated this, not one Senator from the bottom 35 States who would benefit from the contracts on this. And, incidentally, NASA has caught onto what the Pentagon does. Put a little dab in every State. But they do not put very much in the bottom 35 States. And last year, not 1 single Senator from the 35 bottom States who had very little to gain from it came over and spoke for it.

Mr. President, $1.111 billion would almost run my State for a year. And when you consider the fact that we are not going to get anything out of it, that is a lot of money for a small State.

We originally had eight missions for the space station. Seven of them have been discarded. We are not going to Mars anymore, Mr. President. If we ever decide to do that, add another $500 billion. But we have discarded seven of the original eight missions for this. And we are down to one: life sciences. Now put that in the back of your mind, life sciences, because I am going to come back to it.

What we are going to spend between now and the turn of the century will be more than we will spend on research and development of all aircraft factories in this Nation.

No. 2, what is the purpose of the space station? Well, you are going to hear a lot of comments here about the purpose of the space station is to do research. Now, what kind of research?

I am not a scientist and any time I do not know anything about a subject I turn to the experts. Mr. President, if I were to ask you, or my colleagues, if I were to ask them which researchers do you respect most, my guess is that when it comes to medicine, you would say the National Institutes of Health.

Dr. Bernadine Healy is Director of the National Institutes of Health.

Recently there was a big story in the paper that said NASA and NIH have joined to do research on the space station. That turns out to be utterly false. So Dr. Healy sends a letter to Daniel Golden, who is head of NASA, and here is what she said.

> DEAR MR. GOLDEN, I am concerned that recent newspaper articles have presented a distorted view of the essential nature of the recent memoranda of understanding that were signed by NIH and the National Aeronautics and Space Administration. I am particularly disturbed by the implication that NIH views future space experiments as critical to the overall success of the biomedical research enterprise.
>
> Moreover, your draft letter of July 22nd, intended to go to Members of Congress, might be further misconstrued to reinforce this mission.

Immediately after the big press conference, Mr. Golden sends out a letter to all the Members of Congress saying, look here, we have signed a memorandum of understanding with the National Institutes of Health and we are going to do all this wonderful research to cure cancer. Dr. Healy goes on to say.

> The NIH position on this question remains as stated in my October 1991 testimony before the Subcommittee on Space of the Committee on Science, Space and Technology in the House of Representatives, at which time I said if we can understand and treat diseases like osteoporosis, people, especially women, will be able to age healthily rather than age with illness. This would present an opportunity for us to empty our nursing homes, which would have a profound effect on health care in this country.

And now listen to this.

> I think that when we say, "Is that going to be done on Earth or in space?" In all fairness it must be said that it will be done on Earth.

Mr. President, do you know what the GAO report said? That there is no research plan for the space station that cannot be done with the shuttle, for example. Or unmanned flights.

Why do we want to build a space station and man it at a cost of $200 billion when the GAO says it would be the height of folly? About a month and a half ago I stood here and debated the superconducting super collider for Texas, the biggest slab of pork ever slashed off for one state; a welfare program for Texas. And I made the argument that this Nation cannot afford the $20 to $30 billion that it is going to cost to satisfy the curiosity of a few American physicists.

The Senator from Louisiana, the Senators from Texas, all said, but look what all these Nobel laureate physicists say. They are curious about the origin of matter and this is the only way they can find out the origin of matter.

I would expect those same Senators to quote those Nobel laureates on this one. Because, you know what they all say? This is absolutely, utterly, ridiculous.

The American Physical Society is 40,000 physicists, almost all the physicists in this country. And here is what they say, the same people that were relied on to get the superconducting super collider built in Texas. I want to hear those same Senators rely on those same people on the space station, because here is what they say about the space station.

> Scientists have been reminded of their responsibility to assist government in establishing priorities for our limited research funds. In the case of the space station program, scientists on three continents have now obliged, and the message could not be clearer. There is little or no scientific justification for a permanently inhabited space station.

The consensus is overwhelming—their words, Mr. President, not mine.

It goes on to say that this is a product of the cold war; has no scientific justification. And then they close out by saying:

> However, in our judgment the space station is a multibillion dollar project of little scientific or technical matter that threatens valuable space-related projects and drains the scientific vitality of participating nations. International cooperation should instead be directed toward projects with scientific value, or cost-effective technical potential.

Mr. President, here is a quote from Dr. Lee Wattenberg, president of the American Association for Cancer Research, a letter to Senator BUMPERS:

> Therefore, on behalf of the 8,000 members of the American Association for Cancer Research, we would like to take this opportunity to provide you with the expert opinions of highly qualified scientists on the possible relevance of NASA's proposed space station to progress in cancer research.

It goes on to say:

> This organization strongly supports peer review, biomedical and cancer research that holds promise for progress toward diagnosis, treatment and prevention. We are concerned that dedicating $30 billion to construct a space station over the next several years will not only yield few and incrementally minor new results at very high costs, but will preclude adequate funding for cancer research during that period in existing laboratories around the country.

It goes on to say:

> They are largely peripheral to scientific issues important to the development of new findings about human diseases and are not likely to yield results having near-term application to cancer etiology, treatment, prevention and control.

Here is the American Society of Clinical Oncology.

> We understand, Senator Bumpers, that proponents of an expanded space program have argued that the space station will significantly advance our knowledge about cancer treatment. As a national specialty organization, representing 9,000 physicians engaged in clinical research and treatment, we take issue with this assertion. No longer are we able to invest in all meritorious scientific ideas. We do not believe the space station initiative can credibly be justified based on its hypothetical role in cancer research.

Mr. President, finally, the National Academy of Sciences, the premiere, prestige association of scientists in this Nation—here is what they said last year. I have no reason to believe they changed their minds.

> In the judgment of the board, space station Freedom at the present stage of design does not meet the basic research requirements of the two principal scientific disciplines for which it is intended, life sciences and microgravity research.

What are they saying here? They are saying you cannot even justify this on the basis of what the proponents say they want to do, experiment with life sciences and microgravity.

In 1970 we funded about 70 percent of all applications to NIH for medical research. Do you know what it is today? Twenty-five percent. You can argue we are spending more, and we are. But I can tell you that what we are spending could be a lot more, if we were not squandering it on things like the space station. They testify before our Appropriations Committee every year, every year, and they say these are meritorious claims. Mr. President, look at this chart. From 1979 to 1990, the percentage of NIH competing research applications which were funded declined from 52 to 24 percent. There is the chart. In 1979 we were funding 52 percent. Here we are down here to 24 percent.

Look at this, this is the percentage of VA research projects. They have gone, in 1985, Mr. President,From 1979 to 1990, the percentage of NIH competing research applications which were funded declined from 52 to 24 percent. There is the chart. In 1979 we were funding 52 percent. Here we are down here tore to cancer, the kind of research that might find a cure to AIDS, arthritis, muscular dystrophy, multiple sclerosis. And here we are about to embark on this unbelievable expenditure under the guise of doing that kind of research. And I just read you letters from the most credible scientists in America saying this is absolutely unwarranted and unjustified.

Mr. President, how does the public feel about this kind of research? When you ask the public, what kind of research do they want, 59 percent say they want research to improve health care and find cures. No. 2, 25 percent say they want environmental research to reduce pollution. There it is. And where do you find research to advance our space exploration program? A pitiful 4 percent.

Mr. President, no Senator should vote for this thinking he is honoring the request of his constituents. You are talking about four percent of the people in this country who could care less about space exploration.

Every doctor will tell you that you could put this thing up there and you could probably figure out the effects of long-term space flight on the human anatomy. We have been doing that anyway, but every one of these doctors, when you read the full letters, say that is all you are going to get out of it.

Mr. President, I ask unanimous consent that all of the letters I read excerpts from a moment ago be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PUBLIC HEALTH SERVICE,
NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, July 28, 1992.

Mr. DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR MR. GOLDIN: I am concerned that recent newspaper articles have presented a distorted view of the essential nature of the recent Memorandum of Understanding (MOU) that was signed by the National Institutes of Health (NIH) and the National Aeronautics and Space Administration (NASA). I am particularly disturbed by the implication that NIH views future space experiments as critical to the overall success of the biomedical research enterprise. Moreover, your draft letter of July 22 intended to go to members of Congress might be further misconstrued to reinforce this notion.

The NIH position of this question remains as stated in my October 1991 testimony before the Subcommittee on Space of the Committee on Science, Space, and Technology, U.S. House of Representatives. At that time I remarked, "If we can understand and treat diseases like osteoporosis, people, especially women, will able to age healthfully rather than age with illness. This would present an opportunity for us to empty our nursing homes which would have a profound affect on health care in this country. I think that when we say, is that going to be done on earth or in space, in all fairness, it must be said that it will be done on earth."

In my response to questions from the Subcommittee following the hearing, I summarized the NIH view on the potential contribution of biomedical research conducted in space by stating, "It is not as clear precisely how the unique space environment might be used as an experimental tool to advance research on conventional health problems." We are, in fact, continuing our attempts to determine ways in which the space environment might be exploited to best advantage in biomedical research.

This has been the NIH position since the signing of the initial MOU with NASA in 1988. Indeed, we view the recent MOU as essentially a renewal of that original agreement. And we continue to believe that it is too early to determine the true value of space research in contributing to the solution of conventional health problems encountered on Earth.

I would urge NASA to make every effort to convey a balance assessment of the future role of space research in the national biomedical research system in order to avoid a serious disservice that will result through the creation of unrealistic expectations and overpromise.

I look forward to working with you to strengthen the research enterprise in this country.

Sincerely yours,
BERNADINE HEALY, M.D.,
Director.

INTERNATIONAL OPPOSITION TO SPACE STATION FREEDOM

In an unprecedented action, scientists from three continents have questioned the scientific value of a permanently inhabited space station. Japan, Europe and Canada are "partners" with the United States in Space Station Freedom.

A group of major scientific societies today sent members of the United States Congress a statement on the international Space Station Freedom program. It was accompanied by the translation of a statement adopted by the German Physical Society. The German statement has been endorsed by The European Physical Society and by Presidents of The Canadian Association of Physicists, The Physical Society of Japan and The American Physical Society. Both statements urge a strong international space effort to address serious global problems that confront humanity and to advance human knowledge. A manned space station, the statements argue, would make little contribution to such an effort and would, on the contrary, divert resources from more substantial research.

Scientists have been reminded of their responsibility to assist government in establishing priorities for limited research funds. In the case of the space station program, scientists on three continents have now obliged, and the message could not be clearer: there is little or no scientific justification for a permanently inhabited space station. The consensus is overwhelming.

No astronomical or earth observations are contemplated; a manned space station is too unstable. Microgravity research, which is of little importance in any case, is better done on unmanned platforms. The principal scientific mission of the station is to study the effects on humans of prolonged exposure to a space environment; medical researchers scoff at claims that these studies might lead to cures for disease on Earth. In terms of competitiveness, it is sufficient to note that Japan has no space station. The Soviet Union had one for five years and went belly up.

The space station program was initiated during the height of the Cold War. It was intended to demonstrate the determination of the free world to meet any challenge of the Soviet Union in space. Freed of the urgent demands of the Cold War, energies can now be redirected to the unmet needs of society and the advance of human knowledge. The excessive emphasis on human space flight has become an expensive and time-consuming distraction.

JOINT SOCIETY STATEMENT OPPOSING SPACE STATION FREEDOM

We, the undersigned Presidents of national and international professional societies, support a vigorous space program but share concern over continued funding of Space Station Freedom. Our societies represent over 255,000 experts in a broad spectrum of the scientific and technical communities throughout the world. As evidenced by the enclosed statement, our judgement is shared by colleagues in countries participating in the space station project.

Urgent international problems confront mankind today, ranging from the destruction of the ozone layer and global climate change to the control of AIDS. Such matters call for international cooperation in science and technology programs, including space research. A balanced program of international cooperation in space research would also contribute to the advance of human knowledge.

However, in our judgement, the space station is a multi-billion dollar project of little scientific or technical merit that threatens valuable space-related projects and drains the scientific vitality of participating nations. International cooperation should instead be directed toward projects with scientific value or cost-effective technical potential.

Donald D. Brown, President, American Society of Cell Biology.

Ralph J. Cicerone, President, American Geophysical Union.

John H. Litchfield, President, Institute of Food Technologists.

Charles Schmid, President, The Acoustical Society of America.

David B. Wake, President, American Society of Zoologists.

Ernest Henley, President, American Physical Society.

Joseph Goddard, President, The Society of Rheology.

Joseph W. Goodman, President, Optical Society of America.

Howard Ris, Executive Director, Union of Concerned Scientists.

Michiji Konuma, President, The Physical Society of Japan.

AMERICAN ASSOCIATION
FOR CANCER RESEARCH, INC.,
Minneapolis, MN, July 22, 1992.

Hon. DALE BUMPERS,
U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR BUMPERS: We are certainly aware of the fiscal constraints which exist at this time as well as the short- and long-term funding priorities that you and your colleagues are presently considering. Therefore, on behalf of the 8,000 members of the American Association for Cancer Research (AACR), we would like to take this opportunity to provide you with the expert opinions of highly qualified scientists on the possible relevance of NASA's proposed space station to progress in cancer research.

Space-based research has historically been an area of American science in which we have advanced the frontier of knowledge. As you know, this laudable objective has received considerable popular support. However, proponents of the space station have stated without definitive evidence that life sciences research conducted in space will have a profound impact on furthering cancer research. We are compelled to rebut this contention.

The AACR strongly supports peer-reviewed biomedical and cancer research that holds promise for progress towards diagnosis, treatment, and prevention of cancer. However, we are extremely concerned that dedicating $30 billion to construct the proposed space station over the next several years will not only yield few and incrementally minor new results at very high cost, but will also preclude adequate funding for cancer research during that period in existing laboratories around the country.

Research in space should be funded based on its own merits and must not be justified by misleading claims about its contributions to progress in cancer research. Experiments conducted in space are most likely to yield result of importance to space medicine, i.e., the understanding of physiological changes in the space environment. They are largely peripheral to scientific issues of importance to the development of new findings about human diseases and are not likely to yield results having near-term application to cancer etiology, treatment, prevention, and control.

Various claims have been made in Congress concerning the impact of space-based cancer-related research in the areas of crystallography, drug development, and white blood cell behavior. Expert scientists among the AACR membership disagree with the contention that such space-based research will have immediate value. Specifically, we offer you the following information:

The utility of crystallography in space to improve drug development is open to serious question. The design of anti-cancer and other drugs from the knowledge of crystal structure is a concept in its infancy of development in numerous industrial and academic settings. Although crystallography is certainly an exciting field which should receive additional resources, the validity, applicability, and overall success of this approach to anti-cancer drug design and development have not yet been established. In theory, at zero gravity it should be possible to grow protein crystals of important drug targets that are difficult to acquire using standard techniques; in practice, however, getting useful crystals of reverse transcriptase (RT) from HIV virus, for example, has been exceeding difficult and expensive. NASA has included several research missions relevant to diagramming the RT enzyme crystal, however, and it was group of scientists in this country who are not associated with apze-based research which has made dramatic progress and reported the three-dimensional structure of this important target. At present, scientists in research universities and pharmaceutical companies throughout the country are developing and refining this technology further. We feel strongly that the potential of this field of research must be better demonstrated before a gross investment on the scale of the space station is made.

Experts in the field of vaccine development have indicated that the technology currently available for protein purification is perfectly adequate and that therefore nothing can be gained by moving this research to space. The use of electrophoresis at zero gravity might achieve some economy for preparation of large amounts of some proteins; this economy more than disappears, however, in light of the enormous cost of doing this work in space.

Proponents of the medical research potentially conducted on the space station have also claimed that space-based research will enable substantial progress in the area of white blood cell research, which has the potential to lead to improved understanding of hematologic cancers such as leukemia. Although there is always the possibility of an unexpected and surprising discovery in this area, there is no indication that such experiments conducted in a Life Sciences Laboratory in space would be more fruitful than relevant research being conducted in laboratories around the country.

In addition to crystallography, numerous non-space approaches to drug design and vaccine development for cancer, including molecular biology and recombinant technologies, natural product development, and novel drug design using computerization are currently underway. Neither crystallography nor protein purification has been pinpointed as a stumbling block to advances in drug development research. What has been clearly demonstrated is that there is a serious shortage of resources to allow us to realize any of these approaches to their fullest potential or to translate rapidly the laboratory progress in these exciting research areas into clincal evaluation and patient care. It is this overall lack of funding, rather than the need to conduct space-based experiments, that severely impedes our pace in finding new effective drugs to treat the more than 100 diseases that are collectively called cancer.

AACR urges Congress to support progress in the war against cancer by funding cancer research at the full level of the By-Pass Budget. There is a wealth of scientific talent in laboratories across the country. These scientists have tremendous potential and a proven track record in cancer research, but they lack the necessary resources to conduct their work so as to realize that potential. Unfortunately, the political will of the Administration, the Congress, and the American public has not enabled full funding of our National Cancer Program for well over a decade. This year, the Administration's proposal for funding fell $764 million short of the By-Pass Budget recommendation prepared by a Presidentially appointed panel of experts.

If you and your colleagues wish to accelerate the pace of our efforts to eradicate cancer, we urge you to fund the By-Pass Budget and not to jeopardize future funding for ongoing research projects in order to support "big science" initiatives such as the space station. The American public, policymakers, and cancer victims should not be misled by unsupported claims that answers to the cancer problem lie within the realm of space exploration.

If I or any member of the AACR can be of assistance to you in your deliberations, please feel free to contact me. Thank you for your attention and for your ongoing support of cancer research.

Sincerely,

Lee W. Wattenberg, M.D.,
President.

American Society
of Clinical Oncology,
Orlando, FL, August 4, 1992.

Hon. Dale Bumpers,
U.S. Senate
Washington, DC.

Dear Senator Bumpers: The current economic climate demands we set priorities for our national research effort. The American Society of Clinical Oncology (ASCO) strongly believes resources invested in biomedical research will advance science and improve our citizens' health and well-being. We are particularly distressed that tightening budgets at the National Cancer Institute have severely restricted clinical studies that help translate bench research to improved care for cancer patients.

We understand that proponents of an expanded space program have argued that the space station will significantly advance our knowledge about cancer treatment. As a national medical specialty organization representing some 9,000 physicians engaged in clinical research and treatment, ASCO must take issue with this assertion.

We are not opposed to the space program nor are we expert enough to evaluate fully its merits. We do not wholly dismiss the possibility that the microgravity environment of space offers a promising setting in which we may attempt to address some of the challenging problems facing biomedical science today. However, we firmly believe we must first take advantage of the numerous unmet opportunities for biomedical research that may be pursued here on Earth.

We have carefully reviewed some of the public statements made with respect to the potential of the space station for cancer research. In our opinion, the benefits of this research are quite speculative. We are not confident this approach justifies the expenditure. Ground-based biomedical researchers have already demonstrated the capacity to tackle many of the research goals cited by space station supporters. Furthermore, any promise that does exist for space research could be investigated within the context of currently operating missions.

One example often provided in support of space research is the development of immunotherapy against brain tumors. While this may be an interesting hypothesis, there is scant evidence to support such a theory.

Space research proponents have also looked to the role of microgravity in improving our ability to develop perfect crystals of protein molecules. The logic of conducting crystallography research in the space environment is reasonable and testable speculation. However, researchers have already shown groundbased laboratories and ongoing manned missions to be viable settings for this type of research.

No longer are we able to invest in all meritorious scientific ideas; it is imperative we scrutinize the scientific strategies we use to determine which offer the best likelihood of answering our questions. We do not believe the space station initiative can be credibly justified based on its hypothetical role in cancer research.

We thank you for your serious consideration of this matter. Should you have questions regarding our position, please do not hesitate to contact Stacey Beckhardt, ASCO's Director of Government Relations, at 202-778-2396.

Sincerely,

Harmon Eyre, M.D.
Chair, Public Issues Committee.

National Academy of Sciences

National Research Council Space Studies Board Position on Proposed Redesign of Space Station Freedom 1991

SUMMARY

The United States has contemplated for many years the construction of a space station that would further a variety of national goals, one of which is space science and applications. The recent report of the presidentially appointed Advisory Committee on the Future of the U.S. Space Program, chaired by Norman Augustine, recommended that the development of a U.S. space station with research facilities must give top priority to life sciences research, with microgravity research assuming a significant but secondary role. The Board notes that this recommendation is fully consistent with the 1983 Space Studies Board position on the space station, as well as with the 1988 National Academy of Sciences/National Academy of Engineering report to then newly-elected President Bush. In the judgment of the Board, Space Station Freedom, at the present stage of redesign, does not meet the basic research requirements of the two principal scientific disciplines for which it is intended: (1) life sciences research necessary to support the national objective of long-term human exploration of space, and (2) microgravity research and applications. This conclusion as to the station's research capabilities is based upon an assessment of its redesign as of March 1991. Attachments 1 and 2 summarize the research requirements for space biology and medicine and for microgravity research and their relationship to the redesigned space station.

The Space Studies Board's membership is not constituted such that it can provide an engineering judgment on the feasibility of the redesign, and therefore has not done so.

RESEARCH RETURN ON TAXPAYER INVESTMENT

The Space Studies Board considered the quantity and quality of research that might be conducted on the proposed redesigned space station in the context of the level of the investment that will be required to bring it to completion. The Board believes that neither the quantity nor the quality of research that can be conducted on the proposed station merits the projected investment. As redesigned, a maximum of $2.6 billion per year would be expended on the station to achieve an initial crew-tended capability by the mid-1990s, not including associated Space Transportation System and user costs. Additional funding at a comparable rate of expenditure would be require to achieve a permanently occupied capability late in the decade. In the initial, crew-tended configuration, the redesigned station would be develop primarily to microgravity research. Life sciences research unique to the space station would not begin until the end of the decade, when the permanently occupied configuration would be established. For comparison, the 1991 NASA budget allocates roughly $102 million to microgravity research. In other words, during each of the next five years, the amount of funding devoted to space station construction for microgravity research would be approximately 20 times the level of the current research program for this discipline. In addition, the monthly cost of constructing the redesigned station would approach the annual total funding devoted to both NASA's life sciences and microgravity science and applications divisions during the current fiscal year.

SPACE RESEARCH REQUIREMENTS, OPPORTUNITIES, AND ALTERNATIVES

Life sciences research

The Augustine Committee recently concluded that the primary objective of a space station should be life research. The Space Studies Board strongly endorses the position that a space-based laboratory is required to study the physiological consequences of long-term flight. The Board notes that many of the fundamental problems in life sciences research involve a long period of time for their pursuit and solution. In its present form, the redesigned space station does not provide the facilities required for such research. (See Attachment 1.)

Microgravity research

In the judgment of the Board, the limited microgravity research that could be conducted on the redesigned space station as currently proposed does not merit the investment. If such funds were made available, the research community would likely choose to spend them in a very different way. (See Attachment 2.) The Board believes specifically that more research progress could be achieved in a shorter period of time and at a fraction of the cost through an expanded program of Spacelab missions and of free-flyer experiments.

NATIONAL GOALS AND THEIR ACHIEVEMENT

In conclusion, the SSB recognizes that there are national considerations for building a space station other than scientific research. Including these are the possibilities of enhancing international prestige, stimulating the nation's educational achievement, stimulating the U.S. technology base, and supporting a long-term human space exploration initiative.

In the judgment of the Board, the proposed redesign of Space Station Freedom does not meet the stated national goal of enabling the life sciences research necessary to support extended human space exploration, nor does it meet the stated needs of the microgravity research community—most of whose goals could be achieved in both a more timely and more cost-effective manner by alternative means. Continued development of Space Station Freedom, as currently redesigned, cannot be supported on scientific grounds. If the present station redesign is implemented, this major national investment must be justified on the basis of considerations other than research in these two disciplines.

Mr. BUMPERS. Mr. President, in the last 30 days—I am a candidate this year—I have been all over my State, flying all over my State. One of the pilots, and these pilots become very good friends, one of them is a very astute fellow, good friend, smart. He said:

> Senator, I agree with you on the collider, and I agree with you on mining, and other things. I am troubled about the space station. I thought I favored it, but I am willing to keep an open mind.

I said:

> Do that. If you ever watch C-SPAN, tune in, watch the debate and then make up your mind after you watch the debate.

He said:

> You know, these new prosthetic devices that are so important to crippled people, I understand that material, which is a new material for prosthetic devices, was developed in the space program.

I said, "I think you are right," and that is not all. Last year, Senator HEFLIN put a list of about 75 engineering advances that had come from the space program.

Mr. President, those came from these manned flights. We did not have to have a space station to make those 75 advances. Do you know what is even more important, if we had spent just a fraction of what we spent on space going after those same things we could have probably achieved them for a fraction of what they cost.

You hear all the time about the spinoffs we get from the Defense Department, the research and development the Defense Department does. But Senator NUNN, who has been a pretty good friend of defense through the years, and is chairman of the Armed Services Committee, said on this floor, there is not any question that if you went after those specific things directly rather than as a spinoff of a weapons system, they could have been procured for a fraction of what they cost.

I just pointed out I have been crisscrossing my State. I made about 70 appearances down there in the last 30 days. It is a very healthy thing. It is a very healthy thing to go into the factory and talk to people making $4.50 an hour, $10 an hour, talk to real people, talk to farmers who have the best crops they ever had and going broke.

Talking to the real people, do you know what they say? They really do want change.

You know another change they want? And I talk about the space station, the collider, SDI, the intelligence budget, and the Trident II missile. All those things I have been offering up here trying to get this deficit under control. And yet they see and read and hear about debates like this and they know nothing really changes. The only thing that changes is the deficit, which keeps going up. In 1990, Mr. President, the deficit was $277 billion. In 1991, the deficit was $338 billion. In 1992, the year we are in right now as of the end of this month, the deficit will be $400 billion-plus. And people go home and they speak to the Rotary Club and the chamber of commerce and they say, "this is just terrible, isn't it? I believe in change. I believe we have to do something about the deficit."

I must tell you, I was mildly amused the other day when Ross Perot wrote an op-ed piece in the New York Times and listed 20 things we had to do. He said we have to do something about the budget deficit, we have to do something about the national debt. Third, we have to go back to our job base and put people to work. And you want to say, hold on a minute, Mr. Perot, can you be a little more specific, can you tell us precisely how you want to do this?

I tried to be as honest as I know how to be about the deficit and I can tell you that one way you get the deficit under control is to stop spending, and you especially stop spending money on things that have no justification. I cannot believe that we are looking at a $400 billion deficit this year, by far the biggest in the history of the country. Mr. President, in 1985, the Japanese were running a deficit comparable to ours as a percentage of their gross domestic product. And they stopped and looked around and said this is bad policy, bad economic policy, bad cultural policy, bad social policy. So do you know what they did? They stopped right there. They took away the indexation of taxation which was a form of raising taxes. They cut spending and froze the rest. Do you know what Japan has today? A nice big healthy surplus. They have a troubled economy and do you know what they have done? They are drawing on that big surplus to stimulate their economy.

We have big economic problems. Tell me, Mr. President, how do you draw on a $400 billion deficit to stimulate the economy?

I notice around here when people want something they say it is only a fraction. The space station is $2.1 billion for next year, and as I said it is not just that, it is where we are headed. But I can hear these arguments now that the $2.1 billion next year is really only five-tenths of 1 percent of the deficit. It is only twelve one-hundredths of 1 percent of the total budget. But, Mr. President, if my computations are right and that the cost of this thing over the next 30 years, plus compounded interest is $600 billion, you are embarking on an expenditure of almost 50 percent of this year's total budget, and you are saying to your children and your grandchildren, we are going to dump this off on you. What is $1 billion in a $1.45 trillion budget? I will tell you what it is, it is a bad attitude on the part of this place that we cannot cut it because it is only $1 billion. It is that mentality that has brought us to this sorry day.

What could we do with that to solve the health problems of this country in which the Presiding Officer has been so deeply involved? People in this body are sitting around waiting for a silver bullet that will solve all the health care problems of this Nation, provide health care and cost nothing and everybody will be happy. That is not in the cards.

What if we get this thing built at a cost of $40 billion and a fleck of little paint hits it? Do you know what the impact of a 1-inch square fleck of paint would be on the space station? That is equivalent of a 400-pound safe hitting it at 80 miles per hour, enough to give you a bad headache. GAO says it is enough to knock out a major component part of the space station. But nobody really wants to redesign it because that would be an admission that the thing is still not on track.

I invite anybody here to read the current issue of Space News and find out just how much confusion there is about the design of the space station.

Mr. President, I think of the fights I have waged here and in committee for immunizations for our children. Mr. President, we have a vaccine now for hepatitis B which causes 25 percent of all the liver cancer cases in America. We have vaccine to give to our children that would prevent that, but we cannot get it because we do not have the money.

We now have a vaccine for hepatitis A which is the customary kind of hepatitis that is so dangerous. We cannot give that because we do not have the money. We have perfected a vaccine for hemophilus influenza. I believe that is a B strain, too. It would prevent encephalitis. A very wonderful woman in Arkansas who is a schoolteacher lies comatose because she got it, and we have vaccines to prevent it but we do not have the money to get it. And you are talking about maybe an additional $100 million. Here you are talking about embarking on a $200 billion expenditure that computes out to $600 million.

When I go home, I always go to the senior citizens centers, and if you want to be appreciated go to one of those. Those people love you. I have learned when they hold my hand, do not try to get away until they tell you what wonderful successes their children are. Just stand and hold their hand and listen because they are not going to turn loose until they tell you how important their son is at that plant in California or how their daughter is teaching at Columbia University.

A fellow told me one time, after I told him I did not enjoy being Governor, "I expect you ran because you were born." I said, "Well, there is some merit to that."

"But," he said, "You know the worst disease of all?" I said, "What?" "Loneliness." That is what senior citizens centers do. They break that unbearable loneliness of our elderly, and yet we do not have the money to really fund those things.

We have 10 million people in the country without jobs. We are now 14th of all the nations on Earth in wages. We have the lowest economic growth rate since the Great Depression. The dollar is the lowest it has been since the end of World War II. Twenty-five percent of our children live in poverty. We are the crime capital of the world having overtaken Colombia. We have a higher percentage of our people in prison, even higher than China, South Africa, or the Soviet Union. We are dead last in education, college education becoming absolutely hopelessly impossible for the middle class of the country. The National Institutes of Health can only fund 24 percent of the kind of medical applications the people of this country want them to fund. And this body tomorrow will vote to act like there is no tomorrow, spend this kind of money when those needs I just mentioned are so desperate to the future economic and social and cultural fabric of this Nation.

It is going to be too late soon if we do not change our ways, and I use the word "change" advisedly. We are going to have to change the way we finance campaigns. Politicians cannot satisfy 20,000 separate interest groups, finance Senate and House Members out of their tin cup every 2 to 6 years.

And it is soon going to be too late if you do not have somebody in the White House who will say to the American people in great candor, and obvious truthfulness, "Folks, we are in a heap of trouble." If the President did that, he would not dash people's hopes. He would raise people's hopes. The thought of a President facing up to what the American people know all too well would be one of the most refreshing things ever to happen in the history of this country.

In the 1980's, we elected people who said there is no such thing as a free lunch. Everybody applauded. That is a great line. There is not any such thing as a free lunch, is there? And then those people came to Congress and said not only is there a free lunch, there is a free dinner, everything is free. We do not have to be responsible. We were just kidding about that free lunch business. Everything is free. And people say, Is it too late?

Well, it is if NASA can co-opt the Senate by putting contracts in all the 50 States and embarking upon this massive expenditure of absolutely no value. Every veterans organization in this country favors this.

I will circulate a letter tomorrow from the American Legion, maybe a couple of others, saying they are hot for this. We have a VA hospital in Little Rock with 100 beds shut down and a long list of veterans in that region trying to get in. And do you know why the hundred beds are shut down, Mr. President? Of course, you know. Lack of money.

I used to be Governor and I balanced the budget. Governor Clinton has announced that he balanced the budget. It is true, we had to; the constitution required it. It is quite different than here.

But I will tell you something, we balanced our budget and I might also say that for a failed Governor of a small State, which seems to be the way some people describe my Governor, I would like to say the unemployment rate in Arkansas last Friday dropped 10 times as a percentage more than the national level did.

And the Sierra Club, the most prestigious environmental organization in America, endorsed my Governor—only the second time in 100 years they have ever endorsed anybody. And even though we are poor and we cannot spend as much money on education as some States, our SAT scores are above the national average, Mr. President.

And so when people say to me, as some people said in Houston, how would you like the rest of the country to be like Arkansas, I say I would like it a lot.

You are going to hear about all these wonderful things the space station will do. I have tried to tell you what the space station will not do. And I cannot be ominous enough, I cannot get my voice somber enough, Mr. President, to talk about what is going to happen to this country unless the people's demand for change actually begins to occur.

You cannot go home and tell the chamber of commerce and the Rotary Club and the Labor Day picnics how committed you are to the deficit and come back up here and thumb your nose at the same people you just made that commitment to. Here is an opportunity to begin.

I am making a list, Mr. President, I am going to put a chart up back here not very long from now on all my efforts on the super collider, the mining reform bill, SDI, the space station, the

Trident II missile, and some others I am going to offer. And beside it I am going to put what the vote is, and the American people will be able to see how committed this place is to change.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I rise, obviously, in opposition to the amendment of my distinguished colleague, the former Governor of Arkansas. I suppose I have become a little bit weary of this debate. I want this body to know that anything I say is not a reflection on Senator BUMPERS. He and I are members of the class of 1974, and I consider him a very close personal friend, and I mean that sincerely. But we have had this debate for several years.

So I grow a little bit weary of it because I find that Congress seems to be able to afford things that are spent with the money spent prior to the election. But we have a very hard time looking down the road, 10, 12 or 15 or 20 years.

So as I listen to these cost estimates, I would suggest that no one knows at this point exactly what the space station will cost. If anybody had told this Senator when I arrived 18 years ago what the cost of Congress would increase to in 18 years, I would have been appalled. We talk about being the taxpayers' friends. Where we could start is right here in this body cutting down dramatically the cost of the operation of this body.

I have the same number of staff total that I did 18 years ago when I arrived. We function just fine. I have served my State well. But I do not even remember whether it is an increase of six or seven times since I came here in the number of staff. There are a lot of places we could save money if this body had the courage to do so.

I would start at home. I think the American people would approve of that. But also we always hear the life cycle cost of programs like the space station. That is not fair unless we do that with every program. We heard about these costs over 30 or 40 years. I am not here to dispute them one way or another. But I would suggest as we look at that, look at the cost of food stamps.

I am not here to argue against food stamps. They provide a very good service in this country to a lot of needy people. But the food stamp budget is more than $8 billion more per year than the entire NASA budget. Forget the space station.

I think we ought to put these costs in perspective. But do we ever deal about food stamp costs or any other social program in terms of life cycle costs? No. We deal with them in 1 year, and multiply approximately $20 billion times 40 years. It is a lot of money. Talk about the interest on that.

So the comparisons of my friend from Arkansas we can compare to any governmental program. What is the cost of Congress going to be 30 or 40 years down the road and compound interest on that?

Let us compare all Government programs and not just single one out to make it appear far more costly than others.

We would hardly make a dent if we eliminated the space station, if we eliminated NASA. If we just say we do not want a space program anymore, no manned flights, no unmanned flights, no space program, we would eliminate 1 percent of the total budget this year.

So let us keep this in perspective. And also recognize when we talk about Congress having the courage to do something about the budget deficit that approximately two-thirds of the entire budget now are entitlement programs that we members of the Appropriations Committee have no control over. We now appropriate only for about one-third of the total budget. That is defense, that is nondefense discretionary, including NASA, NIH, and other very valuable programs, most of the educational programs that are not entitlements, interest on the national debt, and that pie will shrink.

If we continue at the present pace, you cannot cut defense enough, you cannot cut NASA enough, you cannot cut any of these programs enough to even slow the budget growth until this body and the House of Representatives have the courage to do something about the automatically indexed programs, however politically painful that may be.

You do not have to be too bright. You do not have to go to college and take college algebra to figure out that two-thirds of the budget is growing uncontrolled, no matter how rhetorical speeches that are made like tonight about fiscal year economy, that the budget deficit will only grow larger. Eliminate super collider, eliminate NASA, eliminate things that Government ought to be doing or at least traditionally we ought to be doing, water, sewer treatment plants, highways, all of the things we expect Government to do, national defense, and you are not going to solve this problem.

Get an old green eyeshade accountant with a black arm band, an eyeshade, and he has never heard of Republicans, Democrats, and liberals and conservatives, and ask him to analyze the Federal budget, and he is going to tell you the same thing. Two-thirds is uncontrollable; you cannot raise taxes enough to solve it. But we are going to pick on the space station. And pick on the space station here. There are no benefits.

Well, I cannot tell you what the benefits exactly are going to be 10 or 15 years down the road because when I was in college, when I was a senior in college, if anybody had even come up to me and said JAKE GARN, you will have the opportunity to fly in space in a reusable spacecraft, I would have said, oh, sure, because nothing had flown in space in 1955, not sputnik, nor our first 2½ pound satellite, not JOHN GLENN. Nothing had been in space. But I was able to watch JOHN GLENN, one of my great heroes on this Earth, being the first American to orbit the Earth, and even then, when that happened, little did I think I would have the opportunity to fly in space. But I did.

So how could I possible argue with the Senator from Arkansas about what the benefits will be 10, 15, or 20 years down the road. He does not know and I do not know. But I do know that from our space investment we have a $8 or $9 return to the private sector for every $1 we have spent. I defy the Senator from Arkansas or anybody else to find a Government program that you can make that statement about, 8 or 9 bucks back in the private sector for every taxpayer dollar spent. There is not one. There is not another one.

Forget dollar return. I do not know how you place a value on a human life. I do not know how you place a value on tens of thousands of people who are alive because of a heart pacemaker, or people like my daughter that are diabetics that there are insulin pumps available for. And maybe they could have been developed outside of that, but the fact is they were not. They were spinoffs. Whether we would have gone that direction or not, I do not know. But this Senator cannot place a value on a human life.

So the intangible benefits go on and on.

Said why do we not buy a Mir? I happen to have been in Moscow with General Alexi Leonov in November, who was the commander of the Soyuz part of the Apollo-Soyuz mission back in 1975. He took me on a tour of Star City. I spent considerable time in the Mir space station simulator. I am no expert. But they are not doing any serious science on Mir. Our space lab was bigger, more roomy, and was doing more serious science than they have done on Mir. Primarily, the benefit of that has been long-term physiological effects on their cosmonauts. But they have not done any serious science.

So if they gave it to us for nothing, you cannot compare space station *Freedom* with Mir. We had a better one up there, in terms of skylab. That just is an argument that does not wash at all.

There are a lot of things we can learn from the Soviets and, interestingly enough, another intangible that we do not talk about, men and women being in space. Two weeks ago I was here in Washington at the Association of Space Explorers. All you have to do to belong to that organization is have flown in space. So there are not too many to us. But even during the height of the cold war—I am sure JOHN GLENN, who is on the floor, would say the same things—it did not matter what country you were from, or what language we spoke or what the color of your skin; there is a bond among people who have flown in space that is highly unusual.

When we were at the most bitter part of the cold war, Alexi Leonov and other Russians would come up and give us hugs. We did not know a cold war was going on. We were astronauts traveling together on space ship Earth at a very high rate of speed. How do you place a price tag on that?

I am still convinced that I could even take a Hitler, a Stalin, a Saddam Hussein, and if they could look back at this planet from space, they might have an entirely different perspective on what they are doing. How do you place a price tag on that? How do you place a price tag on space station *Freedom* and an international consortium getting together—obviously we paying most of the price, but astronauts, cosmonauts, astronauts from other countries getting together for the scientific exploration and the bonding that occurs from having had that experience?

I cannot compete with the rhetoric of the Senator from Arkansas. I wish I could describe to you what only two of us in this body can, JOHN GLENN and I, what this Earth looks like from space, how peaceful it looks, how beautiful it is, how magnificent it is, and wonder why we argue and fight, and why there are any problems on this Earth. It is impossible to understand what is going on in Yugoslavia at this time from that perspective.

My point is, yes, there is $8 or $9 back in the private sector for every dollar spent. But there are intangible benefits that nobody in this body can place a price tag on, some human values of this planet, and our place in the universe, and how we ought to behave. I think this is a very good expenditure, 1 percent of our total national budget each year for NASA.

Well, I listened to the scientists and heard my colleague talk about them and how they are against it. I could parade a list of letters from scientists on the other side of the problem. With most of the scientists, if they could design the space station, they would be for it. But if it is not in their image, they are against it. I have heard that over and over again: We are against it, but if you would change this.

One of the reasons for the cost overruns is that it has been changed over and over again. A couple of years ago, the Appropriations Subcommittee of the House of Representatives said: If you will downsize it and cut the cost, you will have stable funding.

How many times has NASA been told that? If you do it the way we tell you to do it, you will have stable funding. I fight this battle year after year. It never ends. Part of the reason for those big cost overruns, a major part, is the fact that we simply have not been willing to fund it year after year. The good old stretchouts, cutback.

We are going to do that again this year. We are defending a budget that is well under what the President asked for. We have done that every year. And we blame NASA when we do not meet deadlines, when we underfund them. I think it is time to be realistic about this, and make certain that these scientists see their own selfishness.

A scientist in Park City, UT, last winter told me—we happened to run into each other on the chairlift while skiing. He said how much he loved Park City. He wanted to tell me he was against the space station; it was a waste of money. We could do it all with robots. Men and women were of no value.

And then he said, "I wish I could live in Park City." I said, "Why do you not?" He said, "My lab is in Boston." I said, "Run it with robots. Stay here in Park City and ski, and use your telephone and tell the robots what to do back there." He said, "That is impossible. I need to be in my lab." I said, "How in the heck have you got the guts to tell me that you cannot run your lab in Boston, but we can run one in space with robots?"

He has not spoken to me since. He did not like that answer. It had not occurred to him.

The other argument I heard was that we are going to do it in the shuttle. Having been on a 7-day shuttle mission, working on electrophoresis, processing pharmaceuticals in space—a lot more efficient; much more pure are the medicines you get out of that—we had the first unplanned EVA in the history of the space program. We had to shut it down.

What scientists will tell you they can complete their experiments in 7 days? Sure, you can do limited things. You need that permanent space station so experiments can go on weeks, months, and years, like they do here on Earth.

I am not going to take the time to talk about zero or microgravity and the benefits. Maybe overnight I will drum up the letters and statements from the scientists who talked about the wonderful benefits they have had even from limited experiments in 5-, 7-, 8-, 9-, and 10-day missions on the shuttle.

The other issue brought up was if we will just cut the space station and NASA, we will have a lot more money for other science. The budget does not work that way. The chairperson and I know that we get a 602(b) allocation. When NASA is cut, does it go to other science? No. It stays within that allocation. It goes to EPA, Superfund—those are worthwhile projects—and it goes to veterans and army cemeteries abroad. It stays within that pocket.

So you can go ahead and cut NASA and cut the space station. A scientist is not going to get an extra grant from someplace else. That is not the way it happens. That is not an opinion; that is a fact.

I hoped that in this debate we could really debate the merits of the space station and science, rather than election year "I am a great fiscal conservative, because I am voting to cut big projects." I just repeat that two-thirds of the budget are entitlements, and until we do something about that, the rest of it from both sides are rhetorical games that do not mean anything. Structurally, this budget is out of control, and we are not going to solve it by picking on the future or by eating our seed corn.

It reminds me of a cartoon I saw a few years ago that showed a Conestoga wagon with nobody on the backboard, and the caption said: "Well, we are going to send unmanned vehicles to the West, because it is too dangerous out there." Well, those of us who live in the Western United States are glad they sent manned vehicles, rather than unguarded, unguided Conestoga wagons out there to report back what they saw.

I just wish this body would get a vision of the future. I will be leaving the Senate in 4 months, after 18 years here. And my biggest disappointment is the shortsightedness of this Congress, the willingness to vote for things that give immediate political benefit, but the unwillingness to vote for something that may not bear fruit for 10, 12, 15, 20 years down the road.

I am one who happens to believe that there will be medical breakthroughs because of the research done in microgravity. Again, I cannot place a price tag on that. But I think we will solve a lot of health problems on this Earth by space research and development.

If you also want to solve a lot of environmental problems, look at mission the planet earth. There are a lot of environmental issues, from global warming to the ozone holes, and all of that, that we will not learn solutions to here on Earth; but we will from being in space.

The theme of this year's Association of Space Explorers convention was: Tomorrows Together. Well, that was a very interesting experience, to be with astronauts from a number of countries and talk about going not as Americans or Russians or Hungarians or Brits or Canadians, but to go together, as residents of planet Earth. That feeling was uniform from all of us.

Again, I repeat that I think there are a lot of intangible benefits that a dollar price tag cannot be placed on, of men and women, without regard to their color, nationality, national boundaries, without regard to what language; and that we recognize we are citizens of planet Earth, and start recognizing what we can achieve together. In space, I happen to sincerely believe we can provide a solution to a lot of those problems.

Let us not be shortsighted and play with 1 percent—that is the entire national budget—because it is a Presidential election year.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield to the Senator from Ohio. The time will be charged to the Senator's time under the unanimous-consent agreement.

Mr. GLENN. Mr. President, I rise in opposition to the amendment to cut funding for the space station. I guess that would come as no surprise. But whether or not I have ever had any experience in this field is quite beside the point. I do not want to dwell on that at all.

I would like to begin by going back to the founding days of this country and examining the type nation that has developed here. If you challenge audiences, as I have done on occasion, and ask them to pick two elements, two things that developed in this Nation of ours that caused us to develop so successfully compared to other nations, if you challenge them and say, "Well, what two things caused this Nation to jump into first place in this world, in competition with every other nation, in a tiny little notch in history."

And you will have someone in the audience respond and say we had great resources in this country, and we did. No one could deny that. We sing about these things, the amber waves of grain and purple mountain majesties and rivers flowing to the sea, and they were true resources that were enormous in this country.

But there were other places in the world that had resources also and they did not develop the way we did. So I would submit that the first element was education. Education here not just for the kids from the castle, the rich kids, the politically connected; it was for everybody. Out of that came the best educated country in the whole world, at least until the last few years, and now we are under increasing competition from around the world. But I will not dwell on that. We have to do something in that area. We are all talking during the campaign year about what must be done in education. And no one supports education proposals more than I have during my a total tenure here in the U.S. Senate.

But apropos to our discussion this evening there is another factor that developed this country in addition to education: basic, fundamental, breakthrough research, Nobel laureate in quality, or just common curiosity about how can I make a better handle for the screen door? How can I do something that is better that common people have invented themselves or businesses have developed or we have developed in our national laboratories? And out of this component of all of this questioning, curious American spirit has come the new information that, when put together with that educated citizenry, has just led America to leapfrogging over other nations around this world in a short timeframe. It is what provided the basic information that lets U.S. capitalism work. Basic research is the building block of knowledge that reaches a critical mass, and all at once someone says, hey, I can take that idea and make a business, I can sell whatever it is. And out of that curious, questioning American spirit and American action and in so many different areas, from our homes to our schools to our laboratories to our businesses, the Government laboratories, it is that combination of curiosity and wanting to know the new and being willing to experiment on the new that has really led this Nation into preeminence in this world.

Obviously, I feel that the space station fits in that mold of research and fits very, very well. The space station is not there just to give a few people an experience up there in space. Quite far from that. Even since my own days in the program I said, if the program was to be worthwhile, at each step of the way we must do the basic research at each step. And even in the very early days of the program on the one-man space craft, we had research on board. Even then, on the very, very first orbital flight there were a number of experiments to be done. We carried those out. We did some photometric experiments and a whole host of things. Even on the very, very first flight where we were truly, to be honest about it, were more concerned about survival than we were about research, even then we were trying to put forward the idea that research is the basis of the program. And the program will be sold and supported by the American people on this basis. We are not going to spend hundreds of billions of dollars up there in space just to give a few people an experience up there riding around in zero G, pleasant though that my be. We do this because it fits in this pattern of American research that is valuable for every single person here on Earth. And I would add that it is also here on Earth where every dollar is spent. There are no businesses up there in space where you go out and write a check and spend our money and have the check cashed out there in space. It all occurs right here.

Let me say a word about my distinguished colleague, Senator BUMPERS. Senator BUMPERS is one of the most compassionate people in this body. I have heard him talk with almost tears in his eyes about him and his wife Betty and the efforts to get vaccinations for our children, for the children in Arkansas. His wife Betty led that fight for so many years, and there are thousands upon thousands of healthy children in that particular State today because of the efforts of Betty Bumpers and DALE BUMPERS when he was Governor of Arkansas. They led that program, and to their everlasting credit, many, many children that might otherwise have had some disease and some difficulty in their life by some disease will not have it, because of their efforts. So I do not talk down on that basis one iota. I supported him. Every time he has gotten on the floor here and tried to make funding available for those projects, I have supported him. And I wish every Member of the Congress would support him, because the future is our children and the healthy children can be the basis for the future that this country deserves.

But you know when it comes to this, I see the space program, I see the manned space program, in fact, exactly in this same research mold. It is research into the future. It is research in so many different areas. And if we go back through history, we just see what has happened in the past through human curiosity, by being willing to take a new look at something, because we have now expanded our curiosity around the Earth and learned new things and it let us improve the human condition.

Are there limits to what we can spend on the space program? Of course, there are. And I would be the last person in this body to say that we should spend unlimited amounts of money on space. To me right now I must say the Mars program fits in that mold. I think someday people will go to Mars, and I hope that it happens while I am around here to see it. But the Mars program should come only as a natural progression after we have maximized research return at the proceeding step.

In the early days of the program we had the Mercury space program, went to Gemini, went to Apollo. We now have the shuttle. We have had landings on the Moon. That all added in their own way to our storehouse of human knowledge, and now with the space station, we are ready to make a step forward here where we can, instead of doing experiments that are limited to a week or 10 days, we can now do the experiments that can be done on a permanent basis and use the space shuttle for what it was originally designed to be, a vehicle to take people and equipment back and forth so we can do the longer term research.

Mr. President, there have always been those at each step in our American journey who have decried money spent on research. What good can it possibly be? What good can come from it? There were those who, I understand, derided or made fun of Sir Alexander Fleming back some 65 years ago in Scotland when he was curious about mold in a little Petri dish of bacteria in a laboratory, and why there was a little ring around where the mold was. As a humorous aside, Sir Alexander Fleming's curiosity about that mold, something that other people had never even thought about, gives us fits in our American economy today. Do you know why? Sir Alexander Fleming, out of his experiments on why mold killed the bacteria in the Petri dish, led to the discovery of penicillin. Penicillin and antibiotics have allowed us to live longer lives, and this has contributed to our Social Security problem. I say that only in jest—I certainly am glad Sir Alexander Fleming was curious, was just plain curious, wanted to know why it happened. He was in Scotland, but that questioning, curious American spirit came to this country and started out in our geographical exploration, even back in those days.

I read a quote once. I think it was from Daniel Webster. Do not pin me to that, but I think he was the one who made the statement, when the Senate was debating whether to provide money for Lewis and Clark to make their expeditions to see what was out there beyond the Mississippi to the west coast and mountains and so on.

I think it was Daniel Webster, at least he is one I recall, who rose in the Senate and made a statement like the following: He said, "Mr. President, I will not vote one cent from the public Treasury to move the Pacific Ocean 1 inch nearer to Boston than it now is."

Now what a myopic view of exploration, of curiosity. And what if all the people in those days had taken that same attitude?

Well, every advance that has been made by mankind has been made by curiosity, by being willing to experiment, by being willing to look into the unknown and use the changed condition for experimenting and for research. And that has been the history since back over 2,000 years ago when Archimedes did some experiments with volume and weight. He came up with a new ship design that was a shape that could be hollow and filled with cargo. And Newton's experiments on gravity, and Luigi Galvani and electricity, and so many more on down through history. People were curious about whether things could be done differently. That has been the nature of all human progress.

Now we have been able to run some very minor experiments on the shuttle. Those can be expanded greatly in days ahead when we can go up and actually keep the experiments going for months and even years at a time.

Now we have had some examples of medical and biomedical research in the past that have come out of NASA. We have just a few of these that I wanted to mention this evening, and we can have these in some more detail during our continued debate tomorrow.

We have programmable implantable medication systems now that can miniturize fluid control systems. These were developed for metering nutrients in Martian soil samples collected by the *Viking* spacecraft. The earthly benefits allows millions of diabetics to avoid daily insulin shots. That was an unmanned vehicle, I will go along with the critics on that.

Space flights have produced hormonal changes in kidney stone formation. A joint United States-Russian study is providing comparative data on longer space flights for analyzing this for potential benefit.

Diagnostic profiling of patients and the therapies mentioned have been of assistance in preventing renal stone formations.

There are dozens of things like this that we are looking into that can benefit from the space station and its longer term missions.

Bone loss, osteoporosis, calcium loss in space is approximately 10 times that observed during bed rest. Therapeutic drug trials and microgravity can be accelerated by this same order of magnitude. On and on and on. I will not try and give these this evening. We will have a few more things to say about these tomorrow.

NASA scientists and engineers have not focused solely on biomedical research. I would like to give you just a few examples of technologies and other spinoffs which have come out of NASA's research. It can be vital and they can be of application in commerce and industry.

Development of miniature gas analyzer for use on the *Viking*-Mars landers. Practical application: Sensor development widely used to monitor work areas for gas leaks, chemical spills right here on Earth. All sorts of on-board monitoring devices out of the spacecraft that now have common, every-day applications here on Earth. Smoke, fire-detection systems and so on.

Practical applications: All kinds of practical applications right now. There are 25 or so here that I may put in the RECORD sometime tomorrow. But briefly let us go to research to be conducted on *Freedom*.

Potential benefits. I did not go through all the accomplishments of NASA up to date, but let us move to the future and address some of these things.

The goal of microgravity research on space stations is to evolve processes that exploit the unique characteristics of the microgravity environment of space to accomplish results that cannot be obtained on Earth.

In the field of biotechnology, NASA will test a new, cell growth system, known as the rotating wall bioreactor, to see if tissue can be grown better during long duration space flight than can be grown on Earth. This will allow scientists to see for the first time how tumors grow without Earth's gravitational effects, which cause flaws.

It should also be possible to grow semiconductor crystals aboard *Freedom* which are more pure than those on Earth. What does that mean. Well, it means that we should be able to provide data that will enhance semiconductor technology and expand its applications. Semiconductor crystals play a vital role in the manufacturer of electronic devices, such as the tiny chips in televisions, microwave ovens, remote controls, and other modern conveniences.

Space station *Freedom* provides for the first time, adequate resources to support on-orbit materials science experiments requiring high temperature, high power, and long duration. Studying the behavior of materials and fluids in the microgravity environment will provide a better understanding of the effects and limitations imposed on processes carried out on Earth.

Now the payload experiments that can be carried on by space station *Freedom*. You have a modular combustion facility. Now that gets into fire safety technology, improving fire prevention and detection by increasing our understanding of how fires ignite, smolder, and spread. And they have already done some very limited experiments in that area.

There will be a fluid physics facility. This enables researchers to study basic fluid dynamics and behavior of fluids in the absence of gravity.

What does this mean? What is the potential benefit from that? Well, it gains insights into atmospheric processes, ground water movement and the engineering properties of soils; new materials and process innovations in the chemical and materials industries.

It will have a furnace facility, which produces crystals of electronic and photonic materials and studies solidification process.

Potential Earth benefits of that. Advance technologies for high performance materials; gain knowledge of the dynamics of solidification that may allow novel materials to be produced.

Another one of particular interest. There will be an advanced protein crystal growth facility on board the spacecraft. Now the description, it grows protein crystals for high resolution analysis which are larger and more pure than those grown on Earth. Well, so what? The potential benefits right here on Earth further our understanding of protein crystalization, allows new insights into the function of proteins, and provides information for drug development and treatment of disease.

Now they have, you know—I might digress for just a moment before I go on to the next facility. But you recall a few missions back where they were rescuing the wayward satellite up there and had such beautiful pictures coming back to Earth. Everybody concentrated on that, as did I, but I had to remind the press that on board that shuttle was something that might have far more impact on the world in general than just the rescue of that satellite. There was a protein growth experiment on board there and these protein crystals which could be grown with greater purity and size definition and have a greatly increased use in medicine, we are told that may even make tailor-made drugs for specific illnesses that are impossible to make right now.

Also manned observation techniques. Utilizing optical quality, Earth-oriented windows, station astronauts in direct communication with ground-based scientists will analyze and enhance the technologies for observations made by remote sensing devices. The present capability to view Earth from the space shuttle will be extended by the enhanced observation and communications technologies developed through this experiment.

The VLSI circuits, scale integrated circuits, are especially fabricated to permit accurate detection of circuit failures, will be exposed to environmental radiation with the space station. Those have very large scale adaptations here on Earth also.

Now the Battelle zeolite crystal growth facility will also be a part of this. It will be a multipurpose, multitemperature zeolite crystal grown furnace, which will be able to process up to 38 zeolite solution samples.

Now potential Earth benefits. They have several applications. As ion exchangers they are used to extract radioactive elements from waste. We are so concerned about radioactive waste these days, and I have been active here and took the lead in the Senate on the cleanup of our nuclear waste facilities all over this country, nuclear weapons waste from all the plants all over the country, This may benefit that cleanup.

The ion exchangers that zeolites have application to can be used to extract some of those radioactive elements from wastes. As adsorbers, they are used to remove sulphur dioxide gas from smoke stacks, natural gas from crude oil, to separate air into its individual elements, to separate ammonia from sewage effluents and to remove carbon dioxide from manned spacecraft and submarines. As catalysts these zeolite crystals are used to crack crude oil and to convert methanol to gasoline. As dessicants they are used to remove water from hydraulic systems, air, natural gas, cracked gas, refrigerants. They can also be used in medical and resin fields.

Aboard the space station *Freedom* there will be a vapor transport facility. As Earth-grown crystals form, gravitational forces cause defects and inhibit growth. In space, gravitational effects are virtually eliminated, allowing crystals to grow much larger and with fewer imperfections in their structure.

The quality of a crystal directly affects its strength and performance while its size determines its functional capability.

What is the potential benefit here on Earth? Larger and more perfect crystals grown in this facility, the VTF, vapor transport facility, would result in more useful infrared and ultraviolet detectors and semiconductors—listen to this—semiconductors which could be used to manufacture trillion-instructions-per-second processors. Optical materials make possible speed of light computing, optical memories and optical switches.

Could I guarantee all that will happen?

No, I wish I could. But I find it exciting when we get into research where people are curious, where we are going to find the new, the untried, the things that are the building blocks of the past. New information. We stand to gain so much information from research on space station *Freedom* that I think we will have a much greater return than anything we spend.

If there is one thing we learn, it seems to me from business experience, or as a nation, it is while we may not be able to see the final product at the outset, money spent on basic research normally has a way of paying off in the future beyond anything that we see at the outset.

Advanced sensor development obviously will be a major benefit from space. Advanced sensors looking at Earth or space, may give shorter turn around time here on Earth for testing, developing new sensors, enables quicker technical transfer for civil sensing applications.

There are many other things that will be used on the space station that have application here on Earth. A Bioregenerative water system: plants will produce potable water from waste water by condensation of water evaporated from plants' leaves, absorb carbon dioxide from the atmosphere, release oxygen into the atmosphere.

Potential Earth benefit? Well, it has the potential of possibly providing insights for more effective and economical ways to remove contaminants from industrial effluents and other waste streams—an enormous advantage.

Float zone crystal growth. This experiment studies elimination of the harmful role of gravity convection and sedimentation as well as the possibility of growing electronic crystals in space without contact with the glass walls of a vessel; much purer crystals.

Potential Earth benefit is, that when implemented into devices, these semiconductor materials will vastly improve integrated circuits, charged coupled devices and field effect transistors. The latter devices which are used in militarily radar and microwave telecommunications systems are expected to show dramatically improved performance.

There will be a gravitational biology facility also, which supports basic research to understand the effects of gravity on plants and animals; the effect on body functions applicable here on Earth; use microgravity to permit unique studies of developmental processes.

U.S. commercial electrophoresis system. That is a process that uses electrical forces to separate mixtures. In continuous flow electrophoresis, the contents take different trajectories and therefore form different streams which can be collected separately. Electrophoresis in microgravity allows for purer, more complete separation of materials.

The potential benefit here on Earth? U.S. companies could use space-based electrophoresis to purify existing or new products, such as growth hormone. That is important in the impaired growth of children and how we treat it. And, also, beta cells for diabetes and epidermal growth factors for wounds and burns, all come out of potentials in this area.

We have a gas grain simulation which simulates fundamental physical and chemical processes involving particles in the submicron to millimeter size range. Potential Earth benefit? Increased knowledge of very fundamental physical and chemical processes of small particles. Also, increased understanding of atmospheric processes, including climatic change.

Another one, the biotechnology facility. This will allow us to do biological research and allow growth of cell cultures without gravitational stress. The potential Earth benefits? Improved knowledge of tissue development and differentiation; increased knowledge of how normal and diseased tissues respond to therapies without endangering patients, enhanced knowledge of cell interaction in differentiation and growth, maturation and differentiation.

Mr. President, that will not be all that will be on the space station. We will also have what are called small and rapid response payloads which will be open for proposals from the educational, the academic and the university communities and there will be other racks on there, also, to take care of such things as space physiology, materials processing system, solution crystal growth, a module for integrated cell research in orbit, test module for plants and organics, an organic polymer facility—polymers, such tremendous capability for the future. And also very high speed integrated circuit fault tolerance tests.

Mr. President, the space station *Freedom* will continue to build on the past successful history of the space program by providing valuable applications for everybody's benefit.

I will not run through tonight all of the possibilities of the applications of these experiments. We may get to some of these tomorrow. I mentioned a few of these here. There are lists of more specific benefits here that may occur.

Let me add one other thing that my distinguished colleague from Utah, Senator GARN, mentioned awhile ago. We could just call this the inspirational angle, education and the intangibles of space: The need to explore, the need to encourage people to be curious, to keep that questing American spirit that I talked about very briefly when I started my remarks here this evening.

I do not think we can ignore that. It is something that is very important. And if we go back to the early days of the space program, you know, during the 1960's when the space program first began to grow, the number of students entering science and engineering doctorate programs skyrocketed. Who can say how important a vibrant space program was in inspiring young people in those fields? I do not know the answer to that. But I think it was a very beneficial effect. Was it worth the money we will spend on space station *Freedom*? No, probably not by itself. But it is an additional benefit, if you will. It is an additional advantage of space station *Freedom* that I think we should take very seriously, along with all of the specifics of research that I have mentioned here only very briefly this evening.

So, we may call it flag waving or expensive propaganda, as some would say. I just call it common sense, trying to inspire our young people for the future in this country.

This program, I believe, will go a long way in supporting trade, competitiveness for the aerospace industry, for other scientific areas in our country. We will have some charts on this which we can present tomorrow. The space station is getting good support from Canada, from Europe, and Japan. They have all made the space station a critical element of their space policy plans and budget.

The political commitments to the program were made by Canada, Japan, nine European nations, and our own Government in the intergovernmental agreement that was signed in 1988. And Canada will contribute about $1 billion to that, the European Space Agency about $4.5 billion, Japan $2.2 billion, and Russia, the former Soviet Union—active efforts between the United States and the Soviet Union, or Russia, to develop a Soyuz vehicle for a space station as a life boat are underway now.

We will retain access to all of this information and research from *Freedom*.

I will not go into all the employment figures. But there are some 70,000 to 100,000 people, in sum, that are employed directly in some 37 States and the District of Columbia, in this effort.

Mr. President, we have many different other things that we could pursue with the space station here this evening but I know we are at a late hour here and I will save some additional remarks for tomorrow.

The issue of cost has been brought up and very effectively debated by my distinguished colleague from Arkansas. He is very concerned about the budget. I am, too, but I think even in tough times we are well advised to spend some of our money looking into the future and providing for the future and doing the research for the future of which space station *Freedom* will be such a noteworthy part.

Let me just say this, we will have a chart for tomorrow. The space station represents about 15 percent of NASA's total budget. But when viewed in proportion to all of our domestic discretionary spending, which is basically what we are talking about, it is fourtenths of 1 percent of that budget. Space station is only one-seven hundredths of the total fiscal 1993 budget.

So I think we must keep the cost of the program in perspective. I believe that we will get far more than that back in significant returns on this investment.

We hear comments about the growth of the program in the future and what may occur, and there will undoubtedly be growth in the program. I would be the last who would deny that. But the Augustine Commission, a distinguished blue ribbon committee composed of space experts, stated in 1990 that NASA should commit 20 percent of its budget to space science programs. And NASA has done this. We have a chart that will indicate that and we can get into that tomorrow.

I hate to argue against my distinguished colleague, Senator BUMPERS. He is one of the most respected Members of this body, but I feel as much as he wants to cut back that we would be making a big mistake, we would be in effect eating our seed corn for the future if we start cutting back on something like space station that has such a tremendous potential inherent in a microgravity research facility.

Can I say for sure that all of these research benefits will happen? No, I wish I could. But the nature of research is that you do not know what you are getting going in. You do not know what may occur, what serendipitous results there may be as you go into basic research, whether it is in the laboratory or in a university or a college or in a space station. But we do know from the past that money spent on research normally has a way of paying off far beyond anything we can see at the outset.

It is in that vein, Mr. President, that I support space station *Freedom*. I think it also embodies the American spirit of exploration and our hopes for the future. I think it fascinates young minds, it draws their attention to science and mathematics at a very young age, and while we do not spend all this money just to inspire the children, it certainly is a great spinoff of this program that I think is very, very worthwhile.

I reserve the remainder of my time.

Ms. MIKULSKI. Mr. President, I too rise in strong opposition to the Bumpers amendment. I know that the hour is late. But it is also late for the United States of America. We are running out of time, we are running out of money, and we are running out of technology. That is why I support space station *Freedom*. Tonight, I will not go into a long explanation about my advocacy for the space station, I am just going to say a few words and reserve the remainder of my remarks, along with the ranking minority member, for tomorrow.

But I will just bring to the attention of those people watching this debate that we have heard from two Senator astronauts: The distinguished Senator from Ohio who was the first American in space; the distinguished Senator from Utah, another space Senator. If they do not understand the space program, then I do not know who does understand the space program. But these Senators were not here arguing for days of glitz and glory and explanation. They were talking about the specific and practical applications that manned space flight will bring to planet Earth. They talked about scientific research, scientific advancement, and how, by pursuing the goal of space station *Freedom*, we are creating an environment in space that we can never create on the planet Earth.

The Senator from Arkansas spoke about his advocacy for child immunization and indeed he has been an advocate. He has talked about how we can perhaps find a cure for AIDS if we had more money, or other types of issues and illnesses facing the American people. That might be so. But I know right now already in some of the science projects we are doing, we are taking tremendous advances on what we will be able to do in terms of life science research and microgravity research.

This space station has had a lot of discussion. This is not a new issue. This is not a new idea. Every year we go through these same rituals and every year the results are the same. We continue to pursue the space station. But I will tell you something, Mr. President, we run the risk of losing our best and our brightest who are working on the space station because of a lack of sustained commitment, reliable commitment to space station *Freedom*, a lot of people are saying why should I stick with this? I do not know if it is going to be here today or gone tomorrow.

We need to hold our scientists together. We need to see this project through because I truly believe that in space station *Freedom* we are going to generate jobs today and jobs tomorrow—jobs today in terms of the actual manufacturing of space station *Freedom*, but jobs tomorrow because of what we will learn because of space station *Freedom*.

I believe it is the job of a U.S. Senator to, of course, advocate the long-range interest of the United States of America. That is why I left the House. I loved the House, but I thought in the Senate with a 6-year term we can worry about those long-range interests and at the same time we are worrying about those long-range interests, we could worry about saving jobs, saving lives and saving neighborhoods.

Space station *Freedom* might seem like a technological program with no practical things, but I do believe it will save jobs and I believe it will save lives and I do believe it is in this development of technology that we will be able to develop other manufacturing products.

I will have more to say about this tomorrow, but that is essentially the reason I support space station *Freedom*. There are other reasons, like our obligations to our partners and so on, but we will have more to say about that tomorrow.

SPACE STATION *FREEDOM*

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, the authorizing committee for the U.S. space program, I have long been an avid supporter of NASA and its many important programs. I understand the value of space exploration, which has been a source of excitement and inspiration to millions of Americans. Our initiatives to explore outer space and the solar system are important to all human beings, as they reflect our innate desire to probe the unknown and to expand our reach beyond the current frontiers on Earth.

However, after listening to the space station debate, I have reached the conclusion that this country no longer can afford to continue the space station *Freedom* program. For that reason, Mr. President, I will support the amendment offered by the distinguished Senator from Arkansas, and I urge my colleagues to do the same.

Mr. President, according to the Congressional Budget Office, the Federal budget deficit for fiscal year 1992 now is expected to reach a record $314 billion. To illustrate how Federal spending his spiraled out of control in recent years, it was only 12 years ago, in 1980, that the accumulated debt for the Federal Government totaled $709 billion. The Nation has accumulated this sum through events such as the Civil War, World Wars I and II, and numerous other emergencies that occurred during the first 200 years of this Nation's existence. Yet, in the last 12 years of deficit spending, we have seen the accumulated Federal debt grow to a point where it presently is nearing $4 trillion.

In this fiscal environment, how can we realistically agree to build a space station expected to cost some $100 billion to build and operate?

Quite simply, our Government does not have the resources to fund a program as all-consuming as the space station, while attempting to support a vast array of smaller, but equally important space, science, and technology development programs. My fear is that, if we do not act to stop this program now, this space station *Freedom* will continue to soak up billions of scarce dollars—at a time, Mr. President, when Uncle Sam is already forced to borrow nearly $1 billion each and every day.

In no way am I advocating that we forsake the leadership position of the United States in space. Our Nation must enhance its efforts to gain access to space so that we can continue to explore our solar system. We also must pursue aggressively space science missions, including the Mission to Planet Earth, so that we can understand better our changing global environment. And our Nation must continue its investment in space and aeronautical research and technology development to preserve our preeminence in the international marketplace.

However, the Nation's resources are not limitless. Does anyone really think we will have the $25–$30 billion needed to complete the space station during the remainder of the decade? The Congressional Budget Office already has told us that if we take no action at all, the Federal deficit, after dipping slightly, is expected to grow to more than $500 billion in the year 2002. It is absolutely imperative that we do not attempt to accomplish in space that which we realistically cannot afford.

Some have argued that this kind of thinking reflects a failure to look beyond today's problems to the future. They claim that the debate on the space station is really a debate over investment in the future versus current consumption.

Mr. President, to that I only can respond that it makes no sense to spend billions of borrowed dollars on exploring space—purported to help future generations—when we leave our children, and our children's children, with the debt that we compile to get there. To this Senator, that seems to be nothing more than a plan to ensure the long-term economic failure of this Nation.

When first proposed in 1984, the space station was projected to cost $8 billion, and expected to be orbiting the Earth in 1992. NASA's plans now call for an expenditure of $30 billion through the remainder of this decade to build and launch the space station *Freedom*, with at least another $60 billion needed to operate the facility during its 30-year life expectancy. Others, most notably the General Accounting Office, question the accuracy of these figures. The Comptroller General has testified that the space station *Freedom* will cost at least $118 billion to build and operate over the next several decades. But who really knows? There has never been a detailed, comprehensive cost analysis done on this project.

Already, the space station program has gone through an array of redesigns, descopings, and modifications. In fact, of the eight original missions envisioned for the space station, the only surviving justification for its development is as a laboratory to conduct life science and microgravity materials science research. As a result, much of the money invested to date in this program has gone to little more than preparing new designs.

Having been stripped of all other mission responsibilities, the space station is now intended to serve as a research lab. The fact is, however, that the present design has received overwhelming criticism from the scientific community, which is expected someday to use this facility. Among others, the National Research Council continues to express concerns about the scientific capabilities of the space station, noting the reduced crew size, the lack of power, and the delay until after the year 2000 before meaningful life sciences research can be conducted.

No one disputes the importance of research in the areas of life science and materials science. There experts simply question whether the current design of the space station *Freedom* will enable effective research at a cost that can be supported within the realities of the Nation's Federal budget.

We must use common sense. Let us instead invest this $2 billion in other medical research, industrial technology, or space science programs, and perhaps most importantly, in deficit reduction.

Mr. President, as I have stated, I am a strong supporter of space exploration, just like I believe that we should aggressively pursue other programs, like the Mission to Planet Earth. I share the belief that someday in the future we will return to the Moon and send humans further into our solar system. I fully understand that, in order to do so, we must have more data on how human beings are affected by long-duration space flights.

However, there are other, far less costly, means of accomplishing these objectives. Remembering that the current space station design once was intended to accommodate eight separate missions, it would seem logical that to conduct life science research, a much smaller facility could be developed that fit within the expected availability of Federal funds. With respect to microgravity research, few people expect that this work effectively can be accomplished on the present space station where humans will be located on a permanent basis. A more practical and affordable solution may be free-flying spacecraft designed solely for that purpose.

Specific alternatives using existing technology have been under consideration for years. Feasibility studies have been conducted by a major aerospace contractor on the possibility of flying two separate space shuttle orbiters into low-Earth orbit, mating them to create an orbiting lab capable of remaining in space for up to 90 days. Pursuing that same theme, NASA's former Deputy Administrator once promoted the possible use of the space shuttle in low-Earth orbit for as long as 9 months.

I fail to see why needed research work cannot be accomplished on the long-duration orbiting space shuttle or through other more cost-effective alternatives. I also fail to see the need for this space station, with its $100 billion price tag.

The time has come to face up to the realities of this program and our current fiscal environment. It makes no sense to borrow hundreds of billions of dollars for this project and burden future generations with additional debt without significant benefits. We should use commonsense today and vote to stop funding this costly space station.

SPACE STATION PROGRAM

Mr. DANFORTH. Mr. President, I rise in support of space station *Freedom*. Space station is a great source of national pride. We are the only Nation in the world with the experience, skill, and resources to undertake a project like space station. We may have lost some ground in many high-technology areas. However, the United States remains the world leader in civil space. In 1990, the United States suffered a $101-billion deficit, but the aerospace industry showed a healthy $27.3 billion surplus.

After a great many years of planning, NASA is now close to embarking on the assembly of space station. When assembled, the United States and its space station partners—Canada, Japan, and Western Europe—will have an orbiting laboratory in which to study long duration space flight and to do microgravity research.

NASA has already made considerable progress. We now have a detailed design for space station which will permit a crew to live there without dependence on the shuttle by the year 1999. This recent design reduced the earlier $38 billion cost estimate of the station by $8 billion. NASA has already constructed a space station processing facility at the Kennedy Space Center and a mission control facility at the Johnson Space Center to support the station effort.

Mr. President, with the decline in defense spending, space station is essential to maintaining our technological base and our skilled work force of scientists and engineers. Currently, tens of thousands of Americans in 37 States are employed in the space station program, trying to make it a reality. I am particularly proud that a company from my home State of Missouri will play a key role. McDonnell Douglas has the task of building the aluminum framework for the mammoth 353-foot, structure.

No one debates the need to spend more money to address pressing current problems such as poverty, homelessness, and disease. However, it is equally important to invest in our future. The future of our U.S. competitiveness and national security will depend on precisely the kind of scientific and technological breakthroughs that space station is expected to generate.

As with previous space missions, we cannot predict what benefits space station will generate. However, if the past is any indication, we can assume that space station will produce a stream of spinoffs that will stimulate our economy and improve the quality of our lives. Spinoffs from previous space missions have enhanced our lives in numerous ways that we now take for granted. Microcomputers, pacemakers, water filtration systems, communications satellites, and many other developments were all byproducts of our space program.

Aside from potential spinoffs, space station will teach us about humans' ability to live and work in space for extended periods of time. Recent shuttle missions have shown that space flights of only a week can cause considerable calcium loss and muscle reduction. The information and experience gained from space station will lay the critical groundwork for any future manned missions to the Moon and Mars. Space station will also help improve the quality of our lives here on Earth. As a microgravity laboratory, space station may develop drugs and materials that could not be developed on Earth.

Space station is an international science project. Japan, Canada, and Western Europe have all invested considerable time, money, and effort in working on their segments of the space station program. To date, they have spent billions of dollars on space station. As space projects become increasingly complex and expensive, this kind of partnership will be essential. Proceeding with space station will send an encouraging signal to other nations considering this type of joint venture with the United States.

Mr. President, there is yet another reason to continue space station and it concerns our young people. Space station promises to play an important role in stimulating interest among young people in careers in science, engineering, and other technical areas. Many of today's scientists and engineers chose their fields of endeavor after being inspired in their youth by the Apollo mission and other manned space missions. Unless we can direct more young people into math and science, our technological base, our competitiveness, and our national security could be severely compromised in the next generation. Space station will help expand our pool of scientific talent.

Mr. President, a vote for space station is a vote for civilian space, a vote for U.S. competitiveness, and a vote for our future generations. I urge my colleagues to join me in supporting continued space station funding.

WE CAN'T AFFORD SPACE STATION "*FREEDOM*"

Mr. ROCKEFELLER. Mr. President, I believe very strongly in NASA and the U.S. space program. America is the world's leader in space exploration and research, and we should maintain that role with pride and proper funding. I believe in the value of manned exploration of space, in the importance of capturing children's imaginations, and in the need to encourage them to study math and science.

As a member of the Science, Technology, and Space Subcommittee I have looked carefully at the current configuration of the proposed space station and its ever increasing cost projections. From that examination, last year I concluded that we have to put our resources in higher priorities with higher returns on our investment. With even more study of the proposal this year, as I considered this project's mammoth costs and the serious questions which have been raised about its scientific merit, I have become increasingly convinced that we should be spending taxpayers' dollars on more critical needs both in science and other areas, including deficit reduction.

Scientists and other authorities from across the spectrum are warning us about the space station's cost and lack of scientific, technological, and educational merit. Leaders from such organizations as the Space Studies Board of the National Research Council, the U.S. Council on Competitiveness, the American Physical Society, the National Science Foundation, the Federation of American Scientists, and many others believe the space station is a drain on more important science and technological undertakings.

A group of major scientific societies, with a membership of more than a quarter of a million experts from a broad range of scientific and technological communities, most succinctly stated their view on space station *Freedom* in a joint statement they sent to Members of Congress on July 24, 1992. Representing the views of scientists from the United States, Canada, Europe, and Japan, this is a very clear and very strong statement that deserves our attention. Let me quote part of it:

> * * * in our judgment, the space station is a multi-billion-dollar project of little sci-

> entific or technical merit that threatens valuable space-related projects and drains the scientific vitality of participating nations. International cooperation should instead be directed toward projects with scientific value or cost-effective technical potential.

Even the White House Office of Science and Technology Policy has asserted that one of the few areas of scientific research that has been used to justify building the station, materials science research, is not a valid reason. The OSTP concluded that materials science is "at most, incidental to the space station." In its study of the latest of the many space station restructuring plans, the National Research Council's Space Studies Board also determined that "the limited microgravity research that could be conducted * * * does not merit the investment."

Both the Office of Science and Technology Policy and the Space Studies Board have also questioned the station's ability to support the contemplated life sciences research, the only other research objective left from the original design. The Space Studies Board concluded, in fact, that the space station "will be inadequate to meet the requirements for space biology and medicine research."

Moreover, we have the views of the Director of the National Institutes of Health, Dr. Bernadine Healy, on the space station's role in biomedical research as she attempted to get NASA to stop presenting a distorted and misleading view to members of Congress. In a July 28, 1992 letter to the NASA Administrator, Dr. Healy wrote:

> I am particularly disturbed by the implication that NIH views future space experiments as critical to the overall success of the biomedical research enterprise * * *. We continue to believe that it is too early to determine the true value of space research in contributing to the solution of conventional health problems encountered on Earth. I would urge NASA to make every effort to convey a balanced assessment of the future role of space research in the national biomedical research system in order to avoid a serious disservice that will result through the creation of unrealistic expectations and overpromise.

Mr. President, in a perfect world, with no deficit, with health care for everybody, a society free of drugs and crime, and a good education for all of our children, I might say, "Yes, maybe we can afford a space station, too." But, we live in the real world where we have to make choices and set priorities.

This is not how we should spend the taxpayers' money. The space station as it is now designed clearly should not be one of our priorities. With a projected cost of $120 billion to build and operate, it means crowding out much more promising research, not only space research but also scientific areas that we know will produce real, long-term economic benefits for Americans. It means crowding out much more urgent spending on health care, education, and other social programs. It also means adding to the budget deficit at a time when the CBO's recent update of its economic and budget outlook report indicates that we will have yet another record deficit, the fourth record deficit in 5 years.

Mr. President, I believe we should explore less expensive, more effective alternatives before we become irrevocably committed to this project. As a member of the Science, Technology, and Space Subcommittee, I am prepared to look at more efficient, more cost effective alternatives. Such alternatives, including both manned and unmanned space platforms which better meet the goals of the U.S. space program, have already been proposed and should be considered.

I recognize that my view may not be shared by a majority of my colleagues, but I know this is not the last time the Senate will consider this issue. As our examination progresses, I hope that the supporters and opponents of the current proposal will not get locked into preconceptions but will instead listen to each other when new information develops. For my part, I pledge to do a great deal of listening.

SPACE STATION *FREEDOM*

Mr. LEAHY. Mr. President, several weeks ago, the Senate was embroiled in a debate over an amendment to balance the budget. We heard long speeches about how Congress could not be trusted to manage Federal spending and make tough choices to cut programs. Proponents of the amendment were trying to make Congress the scapegoat for the failed Bush and Reagan economic policies of the past 12 years. Curiously enough, these proponents did not say much about the failure of these Presidents to present Congress with a single balanced budget.

Ironically, Mr. President, the leadership for making the tough cuts is coming from Congress—we who were criticized so frequently over the past several weeks. Today, we have an opportunity to make a tough fiscal decision: Cancel space station *Freedom*.

Every American swells with pride over the memories from our space program—Neil Armstrong taking that first step for mankind, the amazing images of the solar system from cosmic explorers and most recently the breathtaking rescue of the Intelsat satellite.

But our current fiscal crisis requires tough choices. We need to pay attention to problems right down here on Earth and temporarily put aside expensive space programs. We need to restore our economic health and take care of the millions of unemployed Americans before we spend $30 billion on an outpost for four astronauts.

Mr. President, my opposition to the space station is well known. The cost of the program is not worth the return on our investment. The goals and missions of this program have been a moving target since the initial proposal to Congress. As the enormous cost of the program became apparent, NASA has been forced to redesign the station several times—at the cost of many of the station's original objectives.

Hopes that the station would be a powerful astronomical observatory are gone. The dreams of dramatic materials processing are no longer possible. Ironically, it turns out that microgravity research is more effectively carried out on unmanned platforms. Promises that the station would yield cures for cancer and other horrific diseases are unfair to the individuals battling these diseases. Dr. Bernadine Healy, Director of the National Institutes of Health, went so far as to warn NASA about, "the creation of unrealistic expectations and overpromise."

Perhaps the most damning criticism of the redesigned station came from a National Research Council panel in 1991 which stated, "The board believes that neither the quantity nor the quality of research that can be conducted on the proposed station merits the projected investment."

Proponents of the station are pulling out all the stops to save the program. One Member in the House went so far as to say that halting the station would eliminate 70,000 high-technology jobs. Well, Mr. President what good are these jobs if we cannot afford to educate Americans to fill these jobs.

The choice is clear: We cannot afford a $100 billion space program when we face economic stagnation caused by a strapping $300 billion deficit. I will be interested to see how many supporters of the balanced budget amendment vote to cut the space station. Here is one opportunity to bring fiscal responsibility to our Government.

Ms. MIKULSKI. Mr. President. I think really for this evening this wraps up the debate on VA/HUD.

I would like to thank all my colleagues who participated in it, and we want to now proceed to being clear about what our arrangement will be tomorrow and move to wrap-up.

I reserve the remainder of the time for the opponents to the Bumpers amendment.

To be sure what we agreed to earlier this evening, tomorrow after the vote on the nomination of Mr. Carnes, we will return to this bill. We will complete the discussion on the space station.

Senator BUMPERS has time, Senator GLENN has additional time, Senator GARN and I have time in which we also will be yielding to other Senators who wish to speak on it. Then we will move to a vote on the space station and then continue with other aspects of the bill.

Before I do wrap-up, does the distinguished ranking minority leader have any comments?

Mr. GARN. Only to say I agree completely as the Senator outlined the program tomorrow. So I am ready to do wrap-up.

PRODUCT LIABILITY FAIRNESS ACT

CLOTURE MOTION

Ms. MIKULSKI. Mr. President, I call for the regular order with respect to the motion to proceed to S. 640.

The PRESIDING OFFICER. The regular order is a motion to proceed to S. 640.

Ms. MIKULSKI. Mr. President, I send to the desk a cloture motion on the motion to proceed to S. 640.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 640, a bill to regulate interstate commerce by providing for a uniform product liability law:

Jay Rockefeller, Charles S. Robb, John Danforth, Bob Kasten, Lloyd Bentsen, Joseph Lieberman, John Glenn, Don Riegle, Conrad Burns, Trent Lott, Christopher J. Dodd, Dan Coats, Nancy Kassebaum, Claiborne Pell, Kit Bond, John McCain, Don Nickles, Slade Gorton.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the motion to proceed be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, on behalf of the majority leader, I also ask unanimous consent that when the cloture vote on the motion to proceed to S. 640 occurs, the mandatory live quorum as required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

he PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR QUENTIN BURDICK

Mr. KENNEDY. Mr. President, today, all of us were saddened to learn of the death of our colleague, QUENTIN BURDICK, and I join in offering my deepest condolences to his family.

The Senate and the country have lost not only an outstanding Senator, but also one of the great champions for both working people and the American farmer.

QUENTIN BURDICK has been a friend since I first came to the Senate. He was a Hubert Humphrey Democrat who believed very deeply that urban and rural America could find common ground for the benefit of both. Although he came from a State without a large urban population, he believed in a cooperative alliance between working families and family farmers. Throughout his career in the Senate, he worked effectively and with great insight for policies and programs which enhanced that great progressive tradition of our democracy.

He was a giant of the North Dakota earth. He was proud of his roots in that State, and he never stopped working for his constituents. To the generations of poor workers and farmers he served, he was the voice who spoke for them in the highest councils of government, and he never let them down.

I was privileged to serve with Senator BURDICK on the Judiciary Committee from 1963 to 1976. During his years on the committee, he was committed to defending civil rights and human rights, and his support never wavered. He knew that the promise of America will never be achieved unless we ensure equal rights for all our citizens.

After he became chairman of the Environment and Public Works Committee in 1987, he helped fashion major legislation that will help protect our land, our water, and our air for generations to come. In the next century, wherever citizens work, hike, fish, and hunt in North Dakota and in all other parts of America, QUENTIN BURDICK's contributions will be honored and remembered.

Our colleague was a humble, hardworking, and compassionate leader. When asked about his political philosophy, he once said, "I've tried to respond to the needs of the ordinary person." That unique quality is what made QUENTIN BURDICK such an extraordinary man and extraordinary Senator. We shall miss his leadership in the debates ahead, but most of all we shall miss his friendship.

IN MEMORY OF SENATOR QUENTIN BURDICK

Mr. DODD. Mr. President, it is with great sadness that I rise today to mourn the loss of a dear friend and colleague, QUENTIN BURDICK.

Like myself, QUENTIN followed the footsteps of his father to Congress. There he demonstrated integrity, honesty, and commitment to those he was elected to serve. As a public servant for over 30 years, he was dedicated to his constituents in North Dakota. He made great strides on their behalf and his accomplishments will long be remembered.

As the chairman of the Appropriations Subcommittee on Agriculture, QUENTIN was a leading advocate for rural Americans and fought many long and arduous battles for programs vital to the growth of farms in this country. Under his leadership as the chairman of the Committee on Environment and Public Works, we have witnessed the birth and passage of landmark legislation that preserves one of our most valuable and fragile resources—the environment.

Mr. President, I would like to offer my deepest sympathy to his wife, Jocelyn, and to his family. QUENTIN BURDICK symbolizes over three decades of hard work, diligence, and leadership. I feel quite fortunate to have had the opportunity to have known and worked with someone with such a distinguished and impressive career. I know he will be missed by myself and by all that knew him.

TRIBUTE TO R.C. RILEY, BENTON, KY

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. R.C. Riley, who has just completed a term as president of the Independent Insurance Agents of America [IIAA]. Mr. Riley is a citizen of Benton, KY, and president of the Peel & Holland Insurance Agency.

Next week in New Orleans, when R.C. steps down from his elected post as leader of the Nation's largest insurance trade association, will mark the culmination of many years of distinguished service to this group and his profession. A service that began in 1978 when R.C. was elected as president of the Independent Insurance Agents of Kentucky. Before being elected to national office, he served on IIAA's national board as a representative of Kentucky.

In 1985, R.C. was elected to IIAA's executive committee and served with distinction for 6 years before rising to the presidency. During his long and distinguished association with this group, R.C. has had the opportunity to come to Washington and testify before a variety of regulatory and congressional committees. His thoughtful comments and insightful testimony on issues affecting the insurance industry and independent agents have always been helpful when we here in Washington needed the hard facts.

In addition to his dedication to his trade, R.C. has been active in his church and many local community organizations. A dedication which I am sure will continue for many years to come.

I am especially pleased to recognize R.C. Riley because he is not only a fellow citizen of Kentucky, but I was once a member of the Independent Insurance Agents of America, Like R.C.'s two sons, my son continues to serve his community by working as an independent insurance agent. I know R.C. and his wife Jane are very proud of this legacy.

I congratulate my friend, fellow Kentuckian, and fellow independent insurance agent for a job well done. I am confident his service to this association and to Benton, KY, will continue well into the future.

REMOVAL OF INJUNCTION OF SECRECY

Ms. MIKULSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following two treaties transmitted to the Senate today by the President of the United States:

The United Nations Framework Convention on Climate Change (Treaty Document No. 102-38); and

The Income Tax Convention with the Russian Federation (Treaty Document No. 102-39).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's messages are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention between the United States of America and the Russian Federation for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on June 17, 1992, together with a related Protocol. I also transmit the report of the Department of State.

The convention replaces, with respect to Russia, the 1973 income tax convention between the United States of America and the Union of Soviet Socialist Republics. It will modernize tax relations between the two countries and will facilitate greater private sector United States investment in Russia.

I recommend that the Senate give early and favorable consideration to the convention and related protocol and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 8, 1992.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the United Nations Framework Convention on Climate Change, adopted May 9, 1992, by the resumed fifth session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change ("Convention"), and signed by me on behalf of the United States at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro on June 12, 1992. The report of the Department of State is also enclosed for the information of the Senate.

The Convention, negotiated over a period of nearly 2 years, represents a delicate balance of many interests. It embodies a comprehensive approach embracing all greenhouse gases, their sources and sinks, and promotes action to modify net emissions trends of all greenhouse gases not controlled by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer. It supports an action-oriented approach to net emissions reduction that takes into account specific national circumstances. It provides the basis for assessing the impacts and effectiveness of different national responses in light of existing scientific and economic information and new developments. The Convention encourages cooperative arrangements by providing for joint implementation between and among parties under mutually agreed terms.

The ultimate objective of the Convention is to stabilize greenhouse gas concentrations (not emissions) in the atmosphere at a level that would prevent dangerous human interference with the climate system. In accordance with this objective, the Convention calls on all parties to prepare national inventories of anthropogenic emissions, implement appropriate national and regional programs to mitigate and adapt to climate change, promote technology cooperation (including technology transfer), promote scientific research and monitoring, and promote and cooperate in the full and open exchange of information and in education, training, and public awareness programs. In light of such provisions, this Convention constitutes a major step in protecting the global environment from potential adverse effects of climate change.

The Convention will enter into force 90 days after the 50th instrument of ratification, acceptance, or approval has been deposited. Ratification by the United States is necessary for the effective implementation of the Convention. Early ratification by the United States is likely to encourage similar action by other countries whose participation is also essential. It should be noted that the Convention does not permit reservation.

I recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 8, 1992.*

PRINTING OF SENATE DOCUMENT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 337, a resolution authorizing the printing of 2,600 additional copies of Riddick's Senate Procedure, submitted earlier today by Senators MITCHELL and DOLE; that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 337) is as follows:

S. RES. 337

Resolved, That there are hereby authorized to be printed 2,600 additional copies of Riddick's Senate Procedure.

VETERANS HOUSING ASSISTANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 595, Senate bill 2512, relating to the assistance for homeless veterans and that the committee substitute amendment be agreed to, and that the bill be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to support S. 2512, a bill to provide housing assistance to homeless veterans, as reported by the Committee on June 17, 1992.

Mr. President, I introduced S. 2512 with Senator DECONCINI, ROCKEFELLER, GRAHAM, AKAKA, and DASCHLE on April 1, 1992, to address the tremendous problem of homelessness among our Nation's veterans. Subsequently, the committee's ranking Republican member, Senator SPECTER, became a cosponsor. The bill as reported, which I will refer to as the committee bill, would enhance the Department of Veterans Affairs' ability to assist homeless veterans by expanding the authority of the Secretary to sell and lease VA-repossessed homes for use as housing for homeless veterans and to lease, for periods longer than currently allowed, VA properties made available to nonprofit organizations under the Stewart B. McKinney Homeless Assistance Act. In addition, the committee bill would extend for 2 years the Homeless Veterans Reintegration Projects [HVRP] Program administered by the Department of Labor pursuant to the McKinney Act and increase the authorized level of appropriations for that program.

For background on this legislation, I refer my colleagues to my statement on introducing S. 2512, which appears in the RECORD for April 1, 1992, beginning on page S 4655, and the committee report, (S. Rept. No. 102-361). I would simply note here that, as discussed in the committee report, homelessness among veterans is a national problem of great magnitude. Based on studies cited in the committee report, it seems reasonable to assume that, at any given time, there are between 200,000 and 330,000 veterans who are homeless.

I am deeply concerned by the numbers of veterans who are homeless and recognize that VA's traditional methods of serving veterans may not be effective to alleviate the hardships and misery that homeless veterans experience. In light of the profound debt and deep gratitude that the Nation owes its veterans, I believe that VA should direct special attention to homeless veterans, who are in need of assistance to meet even their most basic human needs. Moreover, in proposing the establishment and improvement of programs specifically for homeless veterans, I believe that for some veterans, especially those who served the Nation in combat, their military experience and status as veterans constitute a major aspect of their self-image.

This may explain why some homeless veterans are more likely to respond to programs designed especially for and limited to veterans, which they perceive not as charity, but as a reflection of the Nation's gratitude to and concern for them as individuals who rendered invaluable service, sometimes at great risk to their lives.

SUMMARY OF PROVISIONS

Mr. President, S. 2512 as reported includes amendments to title 38 and the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77) which would:

First, amend VA's authority to sell at a discount VA-repossessed properties—also referred to as acquired properties—to nonprofit organizations and States for the purpose of providing shelter for homeless veterans and their families so as to authorize VA to finance the sales by extending credit to the buyer; in extending credit, modify or waive one or more of the credit underwriting standards that would otherwise apply to VA direct financing; and charge lower-than-market-rate interest.

Second, establish a new VA program under which 10 percent of VA's inventory of eligible repossessed properties would be made available by lease for a nominal fee to nonprofit organizations and States for the purpose of providing transitional housing for homeless veterans and their families.

Third, for the purposes of the new leasing program, define an eligible property as a property that is acquired by the Secretary as a result of a default on a loan made, insured, or guaranteed by VA; is vacant or has been listed for sale for not less than 60 days—or for such shorter period as the Secretary determines to be appropriate to carry out the program—and is not subject to a sale contract.

Fourth, require that an organization leasing a property under the new program be responsible for payment of taxes, utility bills, liability insurance, and maintenance costs; collect rent from the occupants of the property, but allow it to charge no more than what is necessary to cover the cost of operating and maintaining the property or 30 percent of each occupant's income, whichever is less; to the maximum extent practicable, utilize the services of homeless veterans in maintaining, operating, and renovating the property; and provide the occupants with referrals to and information about local services and assistance available to veterans and homeless individuals.

Fifth, authorize VA, with respect to VA properties made available under title V of the McKinney Act, to enter into leases in excess of 3 years if the organization approved to use the property agrees to use the property to provide services to homeless veterans and their families.

Sixth, authorize appropriations for fiscal years 1993 through 1995 for the Homeless Veterans Reintegration Projects administered by the Department of Labor pursuant to section 738 of the McKinney Act. The authorized appropriations would increase from the currently authorized fiscal year 1993 level of $2.2 million to $10 million for fiscal year 1993, $12 million for fiscal year 1994, and $14 million for fiscal year 1995.

FINANCING OF PROPERTIES TO ASSIST HOMELESS VETERANS

Mr. President, section 1 of the Committee would amend section 3735 of title 38, which authorizes VA to sell acquired properties at a discount to nonprofit organizations and Government agencies that will use them to shelter or house homeless veterans and their families, so as to authorize VA to make loans directly to nonprofit organizations and State agencies for such purchases. VA would also be authorized to modify or waive one or more of the credit underwriting standards that would otherwise apply to such a loan and to charge the purchaser less than the market rate of interest on the loan. No loan fee would be charged.

I believe that these modifications would provide eligible nonprofit and Government entities a more realistic opportunity to purchase acquired properties under the discount-sale program, which has been very much underutilized since it was established in 1987 pursuant to section 9 of Public Law 100-198. To date fewer than 10 properties have been sold under this program.

I believe that financing sales of the properties by extending credit to the nonprofit organizations interested in purchasing a property could significantly improve participation in the acquired property sale program. Under the current program, an organization must finance a purchase either through its own cash reserves or by a conventional mortgage from a lending institution—options which are ill-suited for nonprofit organizations that put their resources into badly,000 needed services and thus seldom have substantial accumulations of cash on hand. By allowing VA to finance such sales directly, and by permitting the Secretary to waive the credit underwriting standards that would otherwise apply, this provision should allow many more nonprofit organizations to purchase acquired properties to provide housing for homeless veterans and their families. I note that VA currently makes direct loans to veterans under section 3711 of title 38, and I believe that VA has sufficient expertise and staffing to implement this program promptly and rapidly.

PROGRAM OF LEASING REPOSSESSED PROPERTIES FOR USE BY HOMELESS VETERANS

Mr. President, section 2 of the committee bill would establish a new VA program, under which, during each fiscal year, 10 percent of VA-acquired properties that are vacant and have remained unsold for 60 days would be made available by lease for a nominal fee to nonprofit organizations and State agencies for the purpose of providing housing for homeless veterans and their families. To lease a property under the program, an organization would be required to be approved by VA and to agree to use the property as housing for homeless veterans and their families. The organization would be responsible for payment of taxes utilities, and maintenance costs associated with the property and would be required to collect rent from homeless veterans and family members occupying the property. Rent would be limited to the lesser of one-third of the occupants' income or the cost of maintaining and operating the property. VA would be authorized to make the properties available by lease or by lease with an option to purchase at a discount.

I note that the program proposed in section 2 is modeled closely on HUD's successful Dollar-Per-Year-Lease Program, which was administratively established—without specific authorizing legislation—in 1990. Under the HUD program, over 2,000 properties have been leased to nonprofit organizations for use as transitional housing for homeless persons, and over 400 of the leased properties have been sold to nonprofit agencies for use to assist homeless persons. Although VA opposes section 2 of the committee bill, I believe strongly that, in light of the large number of homeless veterans and HUD's positive experiences over the past 2 years, VA should establish a similar program for homeless veterans with the properties in its inventory.

I am concerned by VA's apparent unwillingness to follow the model of an established an well-functioning Federal Government program. Following VA's testimony in opposition to section 2 at the committee's April 9 hearing, I asked VA's lead witness, in an April 10 letter, to consult with the director of the HUD program and provide comments as to whether the HUD model could be adopted to VA for the benefit of homeless veterans and how HUD is dealing with the administrative and legal burdens which VA testified would be placed on it as a landlord under the proposed program. Unfortunately, VA has not yet responded to my request. However, committee staff consulted with HUD officials in order to identify how the concerns raised by VA had been addressed in the HUD program, and the committee bill contains certain technical modifications which reflect suggestions made by the HUD officials.

The program that would be established by section 2 of the committee bill, in conjunction with the direct financing authority that would be provided by section 1, would encourage the development of new housing opportunities for homeless veterans through collaborative ventures with nonprofit organizations. I believe that such collaboration should be incorporated to the maximum extent possible in all VA programs to assist homeless veterans.

Under the leasing program, as under the HUD program, the costs of maintaining these VA-owned properties would be borne by the nonprofit lessees. Thus, VA would save property-management costs that VA would otherwise bear with respect to the leased properties. In addition, because the properties would be occupied and maintained during the term of the lease, the potential for vandalism would be reduced and there would be increased potential for the properties to appreciate in value, which would ultimately benefit VA when the property is sold.

Mr. President, I note that, although VA opposed this proposal at the committee's April 9 hearing on the bases of cost and increased workload, VA officials had not discussed with HUD officials the actual costs and staffing needs required to carry out the HUD program. Without further substantiation of the bases for VA's opposition, I believe that the responsible VA officials, after consultation with HUD program officials, could implement this program promptly without any undue burden being placed upon VA's budget or workload.

AUTHORITY TO LEASE CERTAIN VA PROPERTY FOR EXTENDED LEASE TERMS

Section 3 of the committee bill would allow VA additional flexibility in leasing properties made available under title V of the McKinney Act if the leasing organization agrees to use the property to provide services for homeless veterans and their families. Under current law, section 8122 of title 38, VA is prohibited from leasing its properties for longer than a 3-year term, and this limitation can frustrate the efforts of nonprofit organizations wishing to use VA properties under the McKinney Act to provide services to homeless veterans.

Title V of the Stewart B. McKinney Homeless Assistance Act, first enacted in 1987 (Public Law 100-77) and subsequently amended in 1988 (Public Law 100-628) and 1990 (Public Law 101-645) is designed to make available for the purpose of assisting homeless persons Federal properties that are surplus, excess, or unutilized or underutilized.

Under the process established by the 1990 amendments, the Department of Housing and Urban Development is required to conduct quarterly surveys to determine which Federal public buildings and other properties are excess, surplus, unutilized, or underutilized under the standards of the Federal Property and Administrative Services Act. HUD then determines which of these properties are suitable for use to assist homeless persons. HUD has adopted a broad definition of suitability to allow homeless service providers maximum flexibility as to potential uses. For example, a property that cannot be used for human occupancy may be found suitable because it can be used as a food warehouse.

After HUD determines that a property is suitable, the Federal agency that has jurisdiction over it must inform HUD whether the property will be made available. If an agency determines that a property cannot be made available for use to assist homeless persons, it must provide HUD with a statement of the reasons. HUD then publishes in the Federal Register lists of properties that are suitable and available, and service providers may then apply to use them.

An organization desiring to use an available property must submit an application to the Department of Health and Human Services. Upon HHS approval of an application, the landholding agency must make the property available by lease or permit to the approved organization for a term of not less than one year. The specific terms of the lease agreement are negotiated between the applicant and the agency. Upon expiration of the lease or permit, the property is returned to the Federal Government. Excess and surplus properties may be conveyed by deed in some circumstances.

VA's efforts to assist homeless persons under title V of the McKinney Act can be hampered by the provision in section 8122 of title 38, United States Code, which prohibits VA from leasing VA-controlled property for more than a 3-year term. If the property requires substantial renovations to make it useable for providing services to homeless individuals, the prospect of only a 3-year lease term may allow so little return on the necessary investment in the property as to render the use of it highly cost-ineffective. I am aware of at least one situation in which the 3-year limitation has caused such a problem for an approved applicant seeking to use an unutilized VA building that is in need of extensive renovation.

Mr. President, I believe that existing VA programs for homeless veterans are currently much too small in scale to address the problems fully and that, in light of the limited resources likely to be available to VA in the foreseeable future, non-VA programs will always play a very substantial role in meeting homeless veterans' needs. Thus, a rule such as the 3-year limit on leases of VA properties that can impede VA's efforts to cooperate with or assist non-VA programs serving homeless veterans is counterproductive. By enabling VA to provide to an applicant under McKinney who desires to use an unneeded VA property to assist homeless veterans and possibly their families a lease for a term longer than 3 years, section 3 of the bill would enable VA in an appropriate way to provide greater assistance to others who are combatting homelessness among veterans.

AUTHORIZATION OF APPROPRIATION FOR HOMELESS VETERANS' REINTEGRATION PROJECTS

Mr. President, section 4 of the committee bill would extend the program authority, and increase the authorized levels of appropriations, for the Homeless Veterans Reintegration Projects [HVRP] Program administered by the Department of Labor pursuant to section 738 of the McKinney Act (Public Law 100-77). The HVRP program is a grant program under which grantees hire formerly homeless veterans to reach out to homeless veterans and provide supportive services, job training, job readiness skills, and job placement. I believe the focus of the program on the employment needs of homeless veterans is a necessary component to the overall Federal response to the problem and would complement the health care programs for homeless veterans currently offered by VA and the expanded housing opportunities that would be afforded by this bill.

I have received very favorable comments regarding the HVRP program from community service providers, the National Coalition for the Homeless, and individual veterans who have been assisted. Up to this point, however, it has been a very small-scale demonstration program—with only 18 projects in 15 cities. The program has shown more than sufficient promise to warrant a modest increase in its scope. Thus, section 4 of the bill would increase the authorized level of appropriations from the current fiscal year 1993 level of $2.2 million to $10 million for fiscal year 1993, $12 million for fiscal year 1994, and $14 million for fiscal year 1995.

CONCLUSION

Mr. President, the many thousands of veterans of the U.S. Armed Forces who are sleeping on the streets of our Nation is a national disgrace. These men and women are in desperate need of assistance to meet their most basic human needs and to rejoin the mainstream of American life. They answered the call to serve and defend their country, and I believe that we as a nation should respond to their individual and collective crises and assist them in their time of need. The bill would provide for housing and job training that will not otherwise exist, and I urge my colleagues to support this measure.

In closing, I thank our committee's ranking Republican member, Senator SPECTER, for his support of this legislation and all members of the committee for their cooperation and assistance regarding this measure. I would also like to note the valuable contributions made by Joan Alker of the National Coalition for the Homeless, the members of the National Coalition for Homeless Veterans, and the individual veterans—Stanley Jordan, William Sherman, and Raymond Tracey—who shared with the committee their personal experiences of homelessness and sought assistance for their fellow veterans.

I also express my gratitude for their work on this legislation to Committee minority staff members Yvonne Santa Anna, Tom Roberts, and majority staff members Virginia Rowthorn, Kimberly Morin, Thomas Tighe, Bill Brew, and Ed Scott.

Mr. President, I urge all of my colleagues to support this important legislation.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, and as a cosponsor, I am pleased to support passage of S. 2512.

This bill would assist our Nation's homeless veterans by enhancing the ability of the Department of Veterans Affairs [VA] and the Department of Labor [DOL] to address the housing and job training needs of homeless veterans. Generally, the bill would expand VA's authority to sell VA-repossesed homes at a discount for the use of homeless veterans, allow VA to lease properties for nominal consideration and for periods longer than 3 years to nonprofit organizations, and increase the authorized appropriation levels of and extend for 2 years DOL's Homeless Veterans Reintegration Projects [HVRP] Program.

We cannot, of course, know the exact number of homeless veterans. However, according to VA, out of an estimated homeless population on any given night of 350,000 to 700,000 about one-third of them—in other words, some 150,000 to 250,000—are veterans.

The Government, Mr. President, has made worthwhile efforts to deal with this problem. VA has worked as a team uniting its various elements to plan, implement, and deliver benefits and services to help homeless veterans. Eligible homeless veterans can receive education and training services, compensation and pension benefits, health care services, and housing assistance. The Department of Labor, as well, through HVRP, has made important advances in retraining these veterans. But more needs to be done.

The purpose of this bill, Mr. President, is to give VA and DOL the tools to do more. For example, one section of S. 2512 establishes a new VA program under which 10 percent of VA's inventory of hard-to-sell repossessed properties would be available by lease for a nominal fee to nonprofit organizations and States for use by homeless veterans. The organization which is leasing a property under this program would be required to use the services of homeless veterans in operating, maintaining, and renovating the property. Veterans would be expected to pay rent, but the organization leasing the property could not charge more than what is required to cover the cost of operating and maintaining the property. Another section authorizes VA to lease certain of its properties for longer than 3 years—the current statutory maximum—if the organization approved to use the property agrees to provide services to homeless veterans and their families. The bill would also extend and expand the HVRP Program, giving DOL the authority to provide job skills to break the cycle of homelessness.

Mr. President, I could not speak on the issue of homeless veterans without describing for my colleagues one successful and unique program for homeless veterans in my State of Pennsylvania. In 1987, the American Legion, VA's Pittsburgh Regional Office, and the VA Medical Center at Highland Drive in Pittsburgh joined together to establish the Cypress Street Homeless Veterans Project, a program to provide housing and case management services to homeless veterans.

Working together toward a common goal of housing homeless veterans, these exceptional organizations were able to locate four repossessed homes. These homes were purchased by the American Legion Housing Corp. from the VA regional office in Pittsburgh under the VA Loan Guarantee Program and Property Rehabilitation Act of 1987. In fact, Cypress Street was the first VA property purchased by a veterans service organization under that program.

With the purchase of the four-unit property under the direction of the American Legion Housing Corp., an appropriate housing alternative became available to veterans who had begun a rehabilitation process but still had no place to live. Through a memorandum of agreement between Highland Drive and the American Legion Housing Corp., the VA and American Legion work closely together to provide housing to homeless veterans.

Cypress Street was officially opened in November 1987. Thus far, more than 40 veterans have been able to live in a home with peer support and without the stress of high rent and utility costs. Typically, the veterans find employment, work for a period of time and then move on to a more independent living style. Thirty-one of those veterans have moved into independent housing or into family homes. That is the kind of success, Mr. President, that makes us proud of the work that can be accomplished through coalitions of government and private groups.

In closing, I would like to thank the staff who worked so hard to prepare this bill: Kim Morin, Thomas Tighe, and Ed Scott from the majority staff, and Carrie Gavora, Yvonne Santa Anna, and Tom Roberts from my staff.

Mr. President, I am genuinely committed to advancing the legislative agenda to assist our Nation's homeless veterans. This goal can be achieved with minimal Federal expenditures by encouraging and joining together the support of local and State organizations, private citizens, VA, and the veterans themselves. It has worked in Pennsylvania.

Because this bill takes important steps in that same direction, I urge my colleagues to support S. 2512.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 571, H.R. 5400; that all after the enacting clause be stricken and the text of S. 2512, as amended, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table and any statements relative to the passage of these items be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5400), as amended, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 5400) entitled "An Act to establish in the Department of Veterans Affairs a program of comprehensive services for homeless veterans", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. FINANCING OF PROPERTIES TO ASSIST HOMELESS VETERANS.

(a) FINANCING.—Section 3735 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) Subject to paragraphs (2) and (3), the Secretary may make loans to organizations described in paragraph (1)(A) of subsection (a) to finance the purchase of property by such organizations under such subsection.

"(2)(A) In making a loan under this subsection, the Secretary—

"(i) may modify or waive one or more of the credit underwriting standards that would otherwise apply to the loan under section 3710(g)(2)(A) of this title;

"(ii) shall, in underwriting the loan, take into account the amount of equity in the property that a purchasing organization will have as a result of the purchase;

"(iii) may provide that the loan will bear interest at a rate below the rate that prevails for similar loans in the market in which the loan is made;

"(iv) may not collect a loan fee for the loan under section 3729 of this title; and

"(v) shall include such other terms and conditions with respect to the loan as the Secretary determines are necessary to facilitate the making of loans under this subsection and to protect the interests of homeless veterans and the Federal Government.

"(B) The Secretary shall, to the maximum extent practicable, ensure that the terms and conditions that the Secretary applies to loans under subparagraph (A)(v) are similar to the terms and conditions that the Secretary applies to loans made under section 3733 of this title.

"(3) The Secretary, in order to protect the interests of the Federal Government, may limit the

number of loans or the amount any loan that the Secretary makes to an organization under this subsection.".

(b) CONFORMING AMENDMENT.—Section 3729(a)(1) of title 38, United States Code, is amended by striking out "section," and inserting in lieu thereof "section or section 3735(b)(2)(A)(iv) of this title,".

SEC. 2. PROGRAM OF LEASING OF REPOSSESSED PROPERTIES FOR USE BY HOMELESS VETERANS.

(a) PROGRAM.—Subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end the following new section:

"§3736. Availability of properties for homeless veterans

"(a) The Secretary shall carry out a program to make the properties referred to in subsection (b) available to approved entities under subsection (c) for the purpose of permitting such entities to provide transitional housing for homeless veterans and their families.

"(b) The Secretary shall make available for use as transitional housing for homeless veterans and their families during each fiscal year a number of properties that is not less than 10 percent of the total number of eligible properties that are in the possession of the Secretary at the commencement of that fiscal year as a result of a default on a loan made, insured, or guaranteed under this chapter.

"(c)(1) The Secretary shall lease properties under this section to eligible entities—

"(A) that submit to the Secretary (under regulations prescribed by the Secretary) applications for the lease of such properties; and

"(B) whose applications are approved by the Secretary in accordance with such regulations.

"(2) For the purposes of this subsection, an eligible entity is any of the following entities that provide housing for homeless veterans and their families:

"(A) Non-profit organizations, with preference given to organizations named in or approved by the Secretary under section 5902(a)(1) of this title.

"(B) State or local governments.

"(d)(1) The Secretary shall make available properties to entities approved under subsection (c)(1) as follows:

"(A) By lease.

"(B) By lease, with an option to purchase under section 3735 of this title.

"(2) The term of any lease under this subsection may not exceed three years.

"(3) The Secretary shall collect from each approved entity that leases a property from the Secretary under this section a nominal rental charge for the property.

"(e)(1) An approved entity that leases a property from the Secretary under this section shall use that property solely to provide transitional housing for homeless veterans and their families.

"(2) An approved entity that leases a property from the Secretary under this section shall collect rent from veteran occupants of the property. The amount of rent that an approved entity may collect with respect to a property may not exceed the lesser of—

"(A) an amount equal to the costs of operating and maintaining the property, including the cost of any liability insurance premiums for the property; or

"(B) an amount equal to 30 percent of the occupants' income.

"(3) An approved entity that leases a property from the Secretary under this section shall be responsible for the payment of any taxes, utilities, liability insurance, and other maintenance charges or similar charges that apply to the property.

"(f) An approved entity that leases a property from the Secretary under this section shall, to the maximum extent practicable—

"(1) utilize the services of homeless veterans in maintaining, operating, and renovating the property; and

"(2) provide to the homeless veterans who occupy the property—

"(i) appropriate information about the services and assistance available to the veterans and the homeless in the area of the property; and

"(ii) appropriate referrals to the entities that provide such services and assistance.

"(g) In this section, the term 'eligible property' means a property that—

"(1) is acquired by the Secretary as a result of a default on a loan made, insured, or guaranteed under this chapter;

"(2) is vacant;

"(3) has been listed for sale by the Secretary for not less than 60 days (or for such shorter period as the Secretary determines to be appropriate to carry out the purposes of this section); and

"(4) is not subject to a sale contract.

"(h) The Secretary may not make any properties available for acquisition under this section after September 30, 1997.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by adding after the item relating to section 3735 the following new item:

"3736. Availability of properties for homeless veterans.".

SEC. 3. AUTHORITY TO LEASE CERTAIN PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS FOR EXTENDED LEASE TERMS.

(a) AUTHORITY.—Notwithstanding section 8122(a)(1) of title 38, United States Code, and subject to subsection (b), the Secretary of Veterans Affairs may lease to a representative of the homeless for a term in excess of three years any real property for which an application of the representative for the use of the property has been approved by the Secretary of Health and Human Services under section 501(e) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(e)). Any such lease shall be subject to the provisions of section 501(f) of such Act (42 U.S.C. 11411(f)).

(b) LIMITATION.—The Secretary may not lease real property under subsection (a) for a term in excess of three years to a representative of the homeless unless the representative agrees to use the property as a location for the provision of services to homeless veterans and the families of such veterans.

(c) DEFINITION.—In this section, the term "representative of the homeless" has the meaning given such term in section 501(g)(4) of such Act (42 U.S.C. 11411(g)(4)).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 738 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448) is amended by adding at the end the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section the following amounts:

"(A) $10,000,000 for fiscal year 1993.

"(B) $12,000,000 for fiscal year 1994.

"(C) $14,000,000 for fiscal year 1995.

"(2) Funds obligated for any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.".

(b) CONFORMING AMENDMENTS.—(1) Section 739 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449) is amended—

(A) in subsection (a)—

(i) by inserting "(1)" before "There are";

(ii) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(iii) by amending subparagraph (C), as so redesignated, to read as follows:

"(C) $14,800,000 for fiscal year 1993, to carry out programs under this subtitle other than the programs described in section 738(a)."; and

(iv) by adding at the end the following new paragraph:

"(2) Amounts appropriated in fiscal year 1993 pursuant to the authorization of appropriations described in paragraph (1)(C) shall be in addition to amounts appropriated in that fiscal year pursuant to the authorization of appropriations described subsection (e) of section 738 for the purposes carrying out the programs described in subsection (a) of such section 738."; and

(B) in subsection (b), by striking out "other than section 738 and for the program under section 738".

(2) Section 741 of such Act (42 U.S.C. 11451) is amended by inserting "738 and" before "740".

Ms. MIKULSKI. Mr. President, in behalf of Senator CRANSTON, I send a title amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Amend the title so as to read: "To amend title 38, United States Code, to establish a program to provide certain housing assistance to homeless veterans, to improve certain other programs that provide such assistance, and for other purposes."

The PRESIDING OFFICER. Without objection, the title amendment is agreed to.

Ms. MIKULSKI. I ask unanimous consent that S. 2512 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two treaties which were referred to the appropriate committees.

(The treaties received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on August 14, 1992, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the United States Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress;

S. 3001. An act to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes;

S. 3163. An act to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, and for other purposes;

H.R. 2549. An act to make technical corrections to chapter 5 of title 5, United States Code;

H.R. 4312. An act to amend the Voting Rights Act of 1965 with respect to bilingual election requirements;

H.R. 5560. An act to extend for one year the National Commission on Time and Learning, and for other purposes;

H.R. 5623. An act to waive the period of congressional review for certain District of Columbia Acts;

H.R. 5688. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes;

H.J. Res. 411. Joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week"; and

H.J. Res. 507. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania.

Under the authority of the order of the Senate of January, 3, 1991, the enrolled bills and joint resolutions were signed on August 14, 1992, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on August 14, 1992, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2607. An act to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes; and

H.R. 5481. An act to amend the Federal Aviation Act of 1958 relating to administrative assessment of civilian penalties.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills were signed on August 19, 1992, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on August 27, 1992, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 3033. An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes;

H.R. 4111. An act to amend the Small Business Act and related acts to provide loan assistance to small business concerns, to extend certain demonstration programs relating to small business participation in Federal procurement, to modify certain Small Business Administration programs, to assist small firms to adjust to reductions in Defense-related business, to improve the management of certain program activities of the Small Business Administration, to provide for the undertaking of certain studies, and for other purposes; and

H.J. Res. 492. Joint resolution designating September 1992 as "Childhood Cancer Month."

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills and joint resolution were signed on August 27, 1992, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2782. An act to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on August 14, 1992, he had presented to the President of the United States the following enrolled bills:

S. 544. An act to protect animal enterprises;

S. 807. An act to permit Mount Olivet Cemetery Association of Salt Lake City, UT, to lease a certain tract of land for a period of not more than 70 years;

S. 1770. An act to convey certain surplus real property located in the Black Hills National Forest to the Black Hills Workshop and Training Center, and for other purposes;

S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the United States Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress;

S. 2079. An act to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes;

S. 3001. An act to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes;

S. 3112. An act to amend the Public Health Service Act to make certain technical corrections, and for other purposes; and

S. 3163. An act to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3757. A communication from Acting General Sales Manager, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, an amendment to the determination of the agricultural commodities and quantities available for programming under Public Law 480; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3758. A communication from the Chief Financial Officer of the Department of State, transmitting, pursuant to law, notice of a violation involving the overobligation of an approved appropriation; to the Committee on Appropriations.

EC-3759. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice of the President's intent to exempt all military personnel accounts from sequester in fiscal year 1993 if a sequester is necessary; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-3760. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice that the Navy intends to offer for sale certain vessels through the Director, Defense Security Assistance Agency; to the Committee on Armed Services.

EC-3761. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation; to the Committee on Budget.

EC-3762. A communication from the Co-Chairmen of the National Commission on Severely Distressed Public Housing, transmitting, pursuant to law, the final report of the National Commission on Severely Distressed Public Housing, to the Committee on Banking, Housing and Urban Affairs.

EC-3763. A communication from the Assistant Secretary of State (Legislative Affairs) , transmitting a draft of proposed legislation to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; to the Committee on Commerce, Science and Transportation.

EC-3764. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Report to Congress for 1990 Pursuant to the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science and Transportation.

EC-3765. A communication from the Administrator, Federal Aviation Administration, transmitting, pursuant to law, a report on the study on the security of mail and cargo; to the Committee on Commerce, Science, and Transportation.

EC-3766. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on administration of the DEEPWATER Port Act for fiscal year 1991; pursuant to 33 U.S.C. 1519, referred jointly to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-3767. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3768. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-3769. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1992; to the Committee on Environment and Public Works.

EC-3770. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the annual report required by Section 710 of the Water Resources Development Act of 1986; to the Committee on Environment and Public Works.

EC-3771. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, a draft of proposed legislation to provide the Thrift Savings Plan (TSP) for Federal employees with an extended deadline for implementing relevant sections of P.L. 102-318 (the Act); to the Committee on Finance.

EC-3772. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, the Quarterly Report on Program Activities for Facilitation of Weapons Destruction and Nonproliferation in the Former Soviet Union; to the Committee on Foreign Relations.

EC-3773. A communication from the Acting Director of United States Arms Control and Disarmament Agency, transmitting, pursuant to law, the Report to Congress on Arms Control and Disarmament Studies; to the Committee on Foreign Relations.

EC-3774. A communication from the Chairman, Merit Systems Protection Board, and Acting Director, Office of Personnel Management, jointly transmitting, pursuant to law, the final report of the Advisory Committee on Federal Workforce Quality Assessment; to the Committee on Governmental Affairs.

EC-3775. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to July 30, 1992; to the Committee on Foreign Relations.

EC-3776. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a draft of proposed legislation to implement the Protocol on Environmental Protection to the Antarctic Treaty, with annexes, done at Madrid October 4, 1991, and an additional annex done at Bonn October 17, 1991, enact a prohibition against Antarctic Conservation Act of 1978, and repeal the Antartic Protection Act of 1990; to the Committee on Foreign Relations.

EC-3777. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the results of the GAO audit of the Army's Principal Statements for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3778. A communication from Comptroller General of the United States, transmitting, pursuant to law, the results of the GAO review of the Department of the Army's financial management operations for fiscal year 1991; to the Committee on the Governmental Affairs.

EC-3779. A communication from the Assistant Secretary of the Interior, transmitting, for the information of the Senate, the comments of the Department, opposing the enactment of S.1752; to the Select Committee on Indian Affairs.

EC-3780. A communication from the Secretary of Education, transmitting, pursuant to law, Notice of Final Priority for Fiscal Year 1992—Dwight D. Eisenhower Regional Mathematics and Science Education Consortiums Program; to the Committee on Labor and Human Resources.

EC-3781. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing the transfers of funds from state to federal campaigns; to the Committee on Rules and Administration.

EC-3782. A communication from the President of the United States, transmitting a draft of proposed legislation to remove inappropriate limitations on work requirements and to enhance waiver authority for welfare reform demonstration projects for the Food Stamp Program; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3783. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the status of budget authority reported as an unreported impoundment by the President of funds appropriated for the V-22 Osprey program; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-3784. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report on a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-3785. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the Selected Acquisition reports for the quarter ending June 30, 1992; to the Committee on Armed Services.

EC-3786. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report entitled "Department of Defense Master Plan for Science, Mathematics, and Engineering Education"; to the Committee on Armed Services.

EC-3787. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, the Base Structure Report for fiscal year 1993; to the Committee on Armed Services.

EC-3788. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, the Medical Manpower Annex to the Fiscal Year 1993 Defense Manpower Requirements Report; to the Committee on Armed Service.

EC-3789. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977; to the Committee on Armed Services.

EC-3790. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the eighteenth report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-3791. A communication from the Secretary of Energy, transmitting, pursuant to law, the Hanford Site Tiger Team Assessment Action Plan; to the Committee on Armed Services.

EC-3792. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Kuwait; to the Committee on Banking, Housing, and Urban Affairs.

EC-3793. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to the Peoples Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3794. A communication from the President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on the status of certain financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-3795. A communication from the President of the United States, transmitting a draft of proposed legislation to amend certain program authorities of the Department of Housing and Urban Development for the purpose of promoting economic self-suffficiency for families residing in public housing and other families, and for other purposes; to the Committee on Banking, Housing, and Urban Development.

EC-3796. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3797. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on pipeline safety activities for calendar year 1990; to the Committee on Commerce, Science, and Transportation.

EC-3798. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration for fiscal year 1991; to the Committee on Environment and Public Works.

EC-3799. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the AFDC and JOBS programs under title IV of the Social Security Act to remove certain limitations on employment related programs, strengthen the requirement to cooperate in paternity establishment; to the Committee on Finance.

EC-3800. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of the authorization of the use of funds from the United States Emergency Refugee and Migration Assistance Fund to meet the urgent refugee needs of Burmese refugees and displaced persons; to the Committee on Foreign Relations.

EC-3801. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 13, 1992; to the Committee on Foreign Relations.

EC-3802. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Managing Information Resources: Tenth Annual Report Under the Paperwork Reduction Act of 1980"; to the Committee on Governmental Affairs.

EC-3803. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3804. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3805. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report on credit management and debt collection for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3806. A communication from the President of the United States, transmitting a draft of proposed legislation to authorize five local pilot projects for the development of community opportunity systems to demonstrate the potential for improving economic opportunity for low-income residents of the community through restructured programs providing services and benefits, and for meeting the identified priorities of the community and the needs of the individuals and families to be served; to the Committee on Labor and Human Resources.

EC-3807. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, a report entitled "Nonpayment of Child Support in Maltreating Families"; to the Committee on Labor and Human Resources.

EC-3808. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Drug Abuse Prevention Program for Runaway and Homeless Youth for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-3809. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—State Vocational and Applied Technology Education Programs and National Discretionary Programs of Vocational Education; to the Committee on Labor and Human Resources.

EC-3810. A communication from the Acting Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice that the Navy intends to offer for transfer, a vessel to the Government of Tunisia; to the Committee on Armed Services.

EC-3811. A communication from the Consumer Product Safety Commission, transmitting, pursuant to law, the Annual Report to Congress, Activities of the Cigarette Fire Safety Project, 1992, Under the Fire Safe Cigarette Act of 1990; to the Committee on Commerce, Science, and Transportation.

EC-3812. A communication from the President of the United States, transmitting, pursuant to law, notice that sanctions against Canada, Colombia, Malaysia, the Netherlands Antilles, Singapore, Spain, and the United Kingdom will not be imposed under the Fishermen's Protective Act of 1967, as amended; to the Committee on Commerce, Science, and Transportation.

EC-3813. A communication from the President of the United States, transmitting, pursuant to law, notice of his intent to add each of the former republics of the Socialist Federal Republic of Yugoslavia, other than Serbia and Montenegro, to the list of beneficiaries under the Generalized System of Preferences; to the Committee on Finance.

EC-3814. A communication from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, notice that the President has authorized the use of up to $14,000,000 from the U.S. Emergency Refugee and Migration Assistance Fund to meet the unexpected and urgent needs of Angolan refugees and returnees; to the Committee on Foreign Relations.

EC-3815. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period prior to August 27, 1992; to the Committee on Foreign Relations.

EC-3816. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the fifth report on the assignment or detail of General Accounting Office employees to congressional committees as July 11, 1992; to the Committee on Governmental Affairs.

EC-3817. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports from July 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 3, 1992, the following reports of committees were submitted on August 27, 1992:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2481. A bill to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes (Rept. No. 392).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1893. A bill to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes (Rept. No. 102-390).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2606) to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands (Rept. No. 102-391).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 3217. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Great Egg Harbor and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (by request):

S. 3218. A bill to amend section 3681 of title 18, United States Code (the Son of Sam statute), to include crimes involving pecuniary harm; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. Dole):

S. Res. 337. A resolution authorizing the printing of additional copies of Senate Procedure; considered and agreed to.

By Mr. MITCHELL (for himself, Mr. Dole, Mr. Adams, Mr. Akaka, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bond, Mr. Boren, Mr. Bradley, Mr. Breaux, Mr. Brown, Mr. Bryan, Mr. Bumpers, Mr. Burns, Mr. Byrd, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Domenici, Mr. Durenberger, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Heflin, Mr. Helms, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Mr. Metzenbaum, Mr. Mikulski, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Robb, Mr. Rockefeller, Mr. Roth, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Seymour, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Smith, Mr. Specter, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Wellstone, Mr. Wirth, and Mr. Wofford):

S. Res. 338. A resolution relative to the death of the Honorable Quentin N. Burdick, of North Dakota, considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 3217. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers Systems, and for other purposes; to the Committee on Energy and Natural Resources.

GREAT EGG HARBOR RIVER

• Mr. BRADLEY. Mr. President, it is my pleasure to send the following bill to the desk on behalf of myself and my distinguished colleague from New Jersey, Senator Lautenberg. The purpose of this legislation is to designate portions of the Great Egg Harbor River in southern New Jersey as a component of the National and Wild Scenic River System.

This legislation represents the final state in a process initiated long ago. The late Warren Fox spent many years of his long and productive life championing the unique qualities of the Great Egg. In 1986, Congress called for a Federal study of this river. Every community has played a role. Literally hundreds of citizens have taken part in public hearings and in the development of a river management plan which is crucial to this process. Each of the affected communities—Winslow, Corbin City, Hammonton, Buena Vista, Weymouth, Estell Manor, Egg Harbor, Somers Point, Monroe, Folsom, and Hamilton Townships—cooperated fully.

Unlike many of the western rivers that make up the bulk of those in the National Wild and Scenic River Systems, the Great Egg River flows through no Federal land. Without a solid commitment to preservation by the grassroots, this effort would have been doomed. But such a commitment does exist. Those who live along the river deserve our highest compliments for their vision, their sense of history and their willingness to maintain the natural beauty that they've inherited for the generations to come.

Mr. President, the National Wild and Scenic River Act, passed in 1968, offered the first Federal protection for the Nation's rapidly disappearing network of free-flowing rivers and streams. This landmark law preserves selected rivers and river corridor landscapes which possess outstanding scenic, recreational, historic and cultural values.

The Great Egg Harbor River is located in a largely undeveloped area of southern New Jersey. A large portion of the river is within the Pinelands National Reserve. The main stem of the river is 60 miles in length. It rises in urbanized Camden County and flows through Gloucester and Atlantic Counties before it empties into the Atlantic Ocean behind the barrier island of Ocean City.

The slow moving water of the Great Egg Harbor River represents a typical Pine Barrens ecosystem where water is the most important resource. Freshwater is stored in the extensive Cohansey aquifer below the Pine Barrens surface. It is estimated that the Cohansey aquifer is the largest underground reservoir of fresh water in the world.

The unique plant and animal species found in the Great Egg Harbor watershed are peculiarly adapted to the limitations of this naturally highly acidic water. The wetlands support a large number of threatened and endangered species which are extremely sensitive to changes in water level and quality.

Most of the 39 species of mammals, 299 bird species, 59 reptile and amphibian species and 91 fish species common to the Pine Barrens exist in the Great Egg Harbor watershed. Beaver, otter, and muskrat are found in the wetlands along with 44 species of game birds, ospreys and nesting bald eagles. The endangered Pine Barrens treefrog, gray treefrog, and timber rattlesnake are also found in the area.

Mr. President, the Great Egg Harbor River is remarkably diverse. It represents an ecosystem so unique that the United Nations has proclaimed it and the rest of the New Jersey Pinelands National Reserve as an international biosphere. It is a truly remarkable combination of natural features that has been the focus of study by scientists of international reputation.

The Great Egg Harbor River is one of New Jersey's greatest and most beautiful natural resources. Those who live in southern New Jersey would like to ensure that the river's water quality and recreational opportunities are maintained through sound planning and management.

The Wild and Scenic Rivers Act has been successful in preserving a number of our Nation's free-flowing rivers. The Great Egg Harbor River is an ideal candidate for inclusion with these natural wonders.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) GREAT EGG HARBOR, NEW JERSEY.—(A) the 39.5-mile segment of the main stem, to be administered by the Secretary of the Interior in the following classifications:

"(i) From the mouth of the Patcong Creek to the mouth of Perch Cove Run, approximately 10 miles, as a scenic river.

"(ii) From Perch Cove Run to the Mill Street Bridge, approximately 5.5 miles, as a recreational river.

"(iii) From Lake Lenape to the Atlantic City Expressway, approximately 21 miles, as a recreational river.

"(iv) From Williamstown-New Freedom Road to the Pennsylvania Railroad right-of-way, approximately 3 miles, as a recreational river.

"(B) The 89.5-mile segment of the following tributaries, to be administered by the Secretary of the Interior in the following classifications:

"(i) Squankum Branch from its confluence with Great Egg Harbor River to Malaga Road, approximately 4.5 miles, as a recreational river.

"(ii) Big Bridge Branch, from its confluence with Great Egg Harbor River to its headwaters, approximately 2.2 miles, as a recreational river.

"(iii) Penny Pot Stream Branch, from its confluence with Great Egg Harbor River to 14th Street, approximately 4.1 miles, as a recreational river.

"(iv) Deep Run, from its confluence with Great Egg Harbor River to Pancoast Mill Road, approximately 5.4 miles, as a recreational river.

"(v) Mare Run, from its confluence with Great Egg Harbor River to Weymouth Avenue, approximately 3 miles, as a recreational river.

"(vi) Babcock Creek, from its confluence with Great Egg Harbor River to its headwaters, approximately 7.5 miles, as a recreational river.

"(vii) Gravelly Run, from its confluence with Great Egg Harbor River to Pennsylvania Railroad right-of-way, approximately 2.7 miles, as a recreational river.

"(viii) Miry Run, from its confluence with Great Egg Harbor River to Asbury Road, approximately 1.7 miles, as a recreational river.

"(ix) South River from its confluence with Great Egg Harbor River to Main Avenue, approximately 13.5 miles, as a recreational river.

"(x) Stephen Creek, from its confluence with Great Egg Harbor River to New Jersey Route 50, approximately 2.3 miles, as a recreational river.

"(xi) Gibson Creek, from its confluence with Great Egg Harbor River to First Avenue, approximately 5.6 miles, as a recreational river.

"(xii) English Creek, from its confluence with Great Egg Harbor River to Zion Road, approximately 3.5 miles, as a recreational river.

"(xiii) Lakes Creek, from its confluence with Great Egg Harbor River to the dam, approximately 2.2 miles as a recreational river.

"(xiv) Middle River, from its confluence with Great Egg Harbor River to the levee, approximately 5.6 miles, as a scenic river.

"(xv) Patcong Creek, from its confluence with Great Egg Harbor River to Garden State Parkway, approximately 2.8 miles, as a recreational river.

"(xvi) Tuckahoe River (lower segment) from its confluence with Great Egg Harbor River to the Route 50 bridge, approximately 9 miles, as a scenic river.

"(xvii) Tuckahoe River, from the Route 50 Bridge to Route 49 Bridge, approximately 7.3 miles, as a recreational river.

"(xviii) Cedar Swamp Creek, from its confluence with Tuckahoe River to its headwaters approximately 6 miles, as a scenic river.

"(C)(i) The Secretary of the Interior (hereafter in this paragraph referred to as the 'Secretary') shall administer the segments designated under this paragraph in association with the political jurisdictions through which the Great Egg Harbor River and its tributaries pass and in accordance with local river management plans, except that publicly owned lands shall continue to be managed by the agency charged with the management of the lands. The local river management plans may be prepared and adopted by the political subdivisions of the State through which the river and its tributaries pass.

"(ii) The local river management plans referred to in clause (i) shall be reviewed by the Secretary, in consultation with an informal advisory group. The informal advisory group shall be comprised of representatives of political subdivisions of the State in the area of the Great Egg Harbor River and its tributaries, and representatives of the State. The informal advisory group shall ensure that the proper implementation of the local river management plan swill protect the values for which the river and its tributaries were designated under this paragraph.

"(iii) The Secretary is authorized to provide, on request, planning assistance to political subdivisions of the State. The Secretary is authorized to enter into a memorandum of understanding or a cooperative agreement with another Federal agency or with the State to ensure that Federal and State programs are carried out in a manner that is consistent with the local river management plans referred to in clause (i).

"(iv) The Secretary shall review, on a biennial basis, compliance with the local river management plans referred to in a clause (i) in effect at the time of the review. The Secretary shall report, on a timely basis, any deviation from the local river management plans that causes, or may result in, a diminution of the values for which the segment concerned was designated under this paragraph to the Committee on Energy and Natural Resources of the Senate and to the Committee on Interior and Insular Affairs of the House of Representatives.

"(v) If, after the review under clause (iv), issues related to river protection are not resolved by existing mechanisms of State government, the government of a political subdivision of the State, or the Federal Government, the Secretary shall submit a written report to the committees referred to in clause (iv) not later than 120 days after the date of the review. The report shall include alternatives to address the issues and to ensure protection of the segment concerned.

"(D) Subsections (b) and (c) and section 6 shall not apply to the river segments designated by this paragraph.

"(E) To carry out the planning assistance and biennial review and reporting for the segments designated under this paragraph, for each fiscal year, there are authorized to be appropriated to the Department of the Interior an amount not to exceed $70,000.".•

By Mr. THURMOND (by request):

S. 3218. A bill to amend section 3681 of title 18, United States Code (the Son of Sam statute), to include crimes involving pecuniary harm; to the Committee on the Judiciary.

AMENDMENT OF FEDERAL SON OF SAM STATUTE

Mr. THURMOND. Mr. President, I rise to introduce an important bill to amend to what is commonly referred to as the Federal Son of Sam statute. The Son of Sam law, embodied in section 3681 of title 18, requires that an accused or convicted criminal's income from works describing his crime be made available to the victims of the crime and the criminal's other creditors. Yet, in Simon & Schuster versus New York Crime Victims Board, the Supreme Court ruled that a similar New York State statute was an unconstitutional restriction of speech. The Court held that the statute was inconsistent with the first amendment because it singled out income from expressive activity. The law imposed a financial burden not placed on any other speech or income. Therefore, it is vitally important that we amend the Federal version of this law to conform to the Court's opinion and still preserve the protection afforded to victims under the Federal Son of Sam statute.

New York enacted its statute in 1977 following the apprehension of serial killer David Berkowitz, the so-called Son of Sam. The hunt for Berkowitz and his ultimate capture received a great deal of media publicity. By the time he was captured the rights to his story were worth a great deal of money to some publishers. Out of concern for the victims of Berkowitz and other victims of vicious killers, New York's legislature enacted its statute which prevented people like Berkowitz from profiting at their victim's expense. Instead of lining killers' pockets, the funds generated by criminals were to be made available to compensate victims of crimes.

In December 1991, the Supreme Court ruled that the New York Son of Sam statute was a violation of the first amendment because it singled out expressive activity. The Court found that the statute had drawn a distinction based simply on expressive activity which had nothing to do with the interest in compensating victims. The Court noted that there was no valid reason for limiting compensation of victims to proceeds solely derived from expressions about the crime. While the New York statute was not narrowly drawn to survive first amendment scrutiny, the Court did agree that States have a compelling interest in depriving criminals of profits derived from their crimes and in using those funds to compensate victims. The Court left the window open for the possible constitutionality of a law which forfeits all proceeds from crimes, including those obtained from expressions about the crime.

The Supreme Court's decision overturning the New York statute places the Federal Son of Sam statute in jeopardy because it too is directed at proceeds derived solely from works relating to depictions of the crime or expressions of thoughts about it. If tested, the law as it stands today might not survive first amendment scrutiny.

The bill I am introducing today is designed to cure the potential first amendment problem with section 3681 by broadening the statute to reach all proceeds derived by the criminal from the offense, not just the proceeds from expressive activity alone. As amended, section 3681 would operate as many other forfeiture laws to appropriate property of the criminal arising from the commission of a crime in order to assure that the criminal does not profit and that the victims are compensated. The bill would also expand the scope of the statute by adding offenses relating to espionage because it is clear that those who would spy against this great Nation must not be permitted to legally profit for such traitorous acts.

Finally, the amendments would enlarge the statute to cover crimes which result in pecuniary as well as physical harm to an individual. There is no reason that a person committing a white collar crime resulting in pecuniary losses should be immune from the forfeiture provisions, and including them will help the victims.

It is critical that this legislation be amended. We must ensure that criminals are not permitted to profit from their heinous crimes while leaving their victims uncompensated. The Son of Sam statutes enacted by the States and the U.S. Government are the principal means available to government which will prevent criminals from obtaining large sums of money for selling their heinous stories to the media. Forfeiture laws, however, are not so limited in scope. These laws require forfeiture of all spoils derived from unlawful acts. Amending the Son of Sam statute to include all criminal proceeds, not just those derived from expression, is the best way to guarantee the statute's constitutionality.

For these reasons, I urge my colleagues to closely study this measure and consider cosponsoring it. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF FEDERAL "SON OF SAM" STATUTE.

(a) IN GENERAL.—Section 3681(a) of title 18, United States Code, is amended to read as follows:

"(a)(1) Upon the motion of the United States Attorney made at any time after a conviction of a defendant for an offense—

"(A) under section 793, 794, or 798 of this title;

"(B) under section 4(b) or 4(c) of the Subversive Activities Control Act (50 U.S.C. 783 (b) and (c)); or

"(C) for an offense against the United States resulting in physical or pecuniary harm to an individual,

the court shall, if the court determines that the interests of justice or an order of restitution under this title so requires, order such defendant to forfeit all or any part of proceeds received or to be received by that defendant, or a transferee of that defendant, as a result of that offense, including the proceeds from any contract and any other proceeds directly or indirectly traceable to the offense.

"(2) Notice shall be given to any interested party prior to the issuance of a court order under this subsection.

"(3) For purposes of this section—

"(A) convictions pursuant to United States military courts-martial for offenses comparable to violations of sections 793, 794, and 798 of this title or section 4 (b) or (c) of the Subversive Activities Control Act; or

"(B) convictions by foreign courts of United States nationals for offenses which, if committed within the United States, would constitute offenses under the sections referred to in subparagraph (A), shall be considered as convictions for which court orders may be issued under this subsection.".

(b) DEFINITION.—Section 3681(d) of title 18, United States Code, is amended by inserting "or pecuniarily" after "physically".

ADDITIONAL COSPONSORS

S. 1002

At the request of Mr. SHELBY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support.

S. 1111

At the request of Mr. MITCHELL, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1111, a bill to protect the public from health risks from radiation exposure from low-level radioactive waste, and for other purposes.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1842

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1842, a bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1996

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1996, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes.

S. 2062

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2062, a bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes.

S. 2134

At the request of Mr. NUNN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 2134, a bill to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the U.S. Olympic Committee.

S. 2180

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2180, a bill to provide greater access to civil justice by reducing costs and delay and for other purposes.

S. 2181

At the request of Mr. BUMPERS, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2181, a bill to improve the capacity of rural communities to respond to homelessness, to establish effective program delivery models for prevention and remediation of homelessness in rural areas, to collect data on the extent and characteristics of homelessness in rural areas, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Maine [Mr. COHEN], the Senator from Vermont [Mr. LEAHY], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2696

At the request of Mr. DOMENICI, the names of the Senator from Montana [Mr. BURNS] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2696, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 2789

At the request of Mr. GRAHAM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2789, a bill to encourage the growth and development of commercial space activities in the United States, and for other purposes.

S. 2889

At the request of Mr. BOREN, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 2889, a bill to repeal section 5505 of title 38, United States Code.

S. 2900

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. WALLOP], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2900, a bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the Act are carried out, and for other purposes.

S. 2904

At the request of Mr. MURKOWSKI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2904, a bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Forces.

S. 2914

At the request of Mr. DURENBERGER, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Alabama [Mr. HEFLIN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2914, a bill to direct the Secretary of Health and Human Services to make separate payment for interpretations of electrocardiograms.

S. 2958

At the request of Mr. AKAKA, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2958, a bill to amend chapter 37 of title 38, United States Code, to expand the housing loan program for veterans.

S. 2988

At the request of Mr. FOWLER, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 2988, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for the prevention, control, and elimination of tuberculosis, and for other purposes.

S. 3002

At the request of Mr. DURENBERGER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 3002, a bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes.

S. 3008

At the request of Mr. ADAMS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 3008, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

S. 3009

At the request of Mr. DOMENICI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 3009, a bill to amend title 10, United States Code, to provide for the payment of an annuity or indemnity compensation to the spouse or former spouse of a member of the Armed Forces whose eligibility for retired or retainer pay is terminated on the basis of misconduct involving abuse of a dependent, and for other purposes.

S. 3088

At the request of Mr. KENNEDY, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 3088, a bill to amend the Public Health Service Act to establish a program to provide grants to improve the quality and availability of comprehensive education, health and social services for at-risk youth and their families, and for other purposes.

S. 3092

At the request of Mr. NUNN, the names of the Senator from Nevada [Mr. REID] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 3092, a bill to amend the charter of the Group Hospitalization and Medical Services, Inc., to remove the partial exemption granted to the corporation from the insurance laws and regulations of the District of Columbia.

S. 3117

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 3117, a bill to amend title XVIII of the Social Security Act to enhance certain payments made to medicare-dependent, small rural hospitals.

S. 3147

At the request of Mr. NUNN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 3147, a bill to prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy.

S. 3148

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 3148, a bill to amend title XI of the Social Security Act to establish an Intergovernmental Task Force on Health Care Fraud and Abuse.

S. 3158

At the request of Mr. SMITH, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 3158, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 3172

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 3172, a bill to amend section 337 of the Tariff Act of 1930 and title 28 of the United States Code to provide effective procedures to deal with unfair practices in import trade and to conform section 337 and title 28 to the General Agreement on Tariffs and Trade, and for other purposes.

S. 3177

At the request of Mr. SPECTER, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 3177, a bill to amend title 13, United States Code, to require the Secretary of Commerce to notify the Senate and House of Representatives about changes in the methodology for producing numbers used in any Federal funding formula.

S. 3178

At the request of Mr. SPECTER, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 3178, a bill to prohibit the use of appropriated funds to adjust the 1990 decennial census or any intercensal estimates by the Bureau of the Census.

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 319

At the request of Mrs. KASSEBAUM, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 319, a joint resolution to designate the second Sunday in October of 1992 as "National Children's Day."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 330

At the request of Mr. KENNEDY, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Colorado [Mr. BROWN], the Senator from California [Mr. SEYMOUR], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 330, a joint resolution to designate March 1993 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 334

At the request of Mr. MITCHELL, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Joint Resolution 334, a joint resolution designating September 1992 as "Childhood Cancer Month."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

SENATE RESOLUTION 337—AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE PROCEDURE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Resolved, That there are hereby authorized to be printed 2,600 additional copies of Riddick's Senate Procedure.

SENATE RESOLUTION 338—RELATIVE TO THE DEATH OF THE HONORABLE QUENTIN N. BURDICK OF NORTH DAKOTA

Mr. MITCHELL (for himself, Mr. DOLE, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, Mr. WIRTH, and Mr. WOFFORD) submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 338

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Quentin N. Burdick, a Senator from the State of North Dakota.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1993

MIKULSKI (AND GARN) AMENDMENT NO. 2952

Ms. MIKULSKI (for herself and Mr. GARN) proposed an amendment to the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes, as follows:

On page 4, line 17, strike the word "to" where it first appears, and insert in lieu thereof "which may".

On page 5, line 19, strike the word "to" and insert in lieu thereof "which may".

On page 6, line 7, strike the word "to" where it first appears and insert in lieu thereof "which may".

On page 8, line 18, before the period, insert the following new proviso: ": *Provided further*, That, upon the enactment of legislation authorizing the furnishing by contract of counseling and other care for eligible veterans for the after effects of sexual trauma, of the amount appropriated herein, $4,000,000 shall be available for such contracts".

On page 10, line 3, strike "under 38 U.S.C. 3710" and insert in lieu thereof "for any purpose specified in 38 U.S.C. 3710 which was".

On page 16, line 2, before the period, insert the following new proviso: ": *Provided further*, That, of the funds appropriated under this heading, $11,000,000 shall be available for the Northern California medical center replacement (Martinez) project".

On page 20, strike the matter on line 3 through line 10, inclusive.

On page 23, line 11, strike "$500,000,000" and insert in lieu thereof "$350,000,000".

On page 30, line 6, strike "$3,231,000,000" and insert in lieu thereof "$3,581,000,000".

In the matter under the heading "Annual Contributions for Assisted Housing" beginning on page 30, line 1 through page 37, line 22, strike the figure "$3,794,234,000" where ever it appears and insert in lieu thereof "$4,144,234,000".

On page 32, line 22, before the colon, insert the following new proviso: ": *Provided further*, That of the $4,144,234,000 total under this head, $350,000,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f)".

On page 33, line 3 strike "$250,000,000" and insert in lieu thereof "$350,000,000".

On page 35, strike all on line 5 down through "project" on line 7, and insert in lieu thereof: "and not rescinded or remitted to the Treasury shall be used by State housing finance agencies of local governments or local housing agencies with projects".

On page 36, line 10, insert the following new proviso before the period: ": *Provided further*, That in fiscal year 1993 the Secretary shall continue to work with the Department of Agriculture to use section 8 vouchers in serving low-income families in rural areas who are unable to afford existing housing".

On page 38, line 7, strike "$1,300,000,000" and insert in lieu thereof "$981,200,000".

On page 40, line 24, strike "$3,550,000,000" and insert in lieu thereof "$3,350,000,000".

On page 46, line 13, strike "$183,652,000" and insert in lieu thereof "$146,152,000".

On page 46, line 20, strike "$9,038,980,000" and insert in lieu thereof "$8,864,230,000".

On page 47, line 1, strike "$79,000,000" and insert in lieu thereof "$41,500,000".

On page 47, line 3, strike "$21,000,000" and insert in lieu thereof "$11,000,000".

On page 49, line 1, strike "$17,450,000" and insert in lieu thereof "$67,450,000".

On page 51, strike line 22, and insert in lieu thereof "$2,000,000,000" of continent liability for loan principal: *Provided*, That $1,700,000,000 of said amount shall become available only upon enactment into law of authorizing legislation.".

On page 52, line 2, strike "$1,200,000,000" and insert in lieu thereof "$1,500,000,000".

On page 66, strike the matter beginning on line 22, through line 8 on page 67.

On page 68, after line 5, insert the following new paragraph: "With respect to two projects of the United Cerebral Palsy of New Jersey, Inc., which are located in Newark and Teaneck, New Jersey, and are to be assisted under section 811 (project numbers 031-EH244/NJ39-T881-001 and 031-EH231), the Secretary of Housing and Urban Development shall extend the fund reservations for a reasonable period sufficient to permit final closing to take place and shall increase the reservation of project rental assistance to an amount sufficient to cover the reasonable operating expenses of these projects.".

On page 68, line 5, insert the following new paragraph: "Rehabilitation activities undertaken by the Committee for Dignity and Fairness for the Homeless Housing Development, Inc. in connection with 46 dwelling units that were renovated for permanent housing for the homeless and that are located in Philadelphia, Pennsylvania, shall be deemed to have been conducted pursuant to an agreement with the Secretary of Housing and Urban Development under clause (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)(A)).".

On page 71, line 5, strike "$42,100,000" and insert in lieu thereof "$48,400,000".

On page 71, line 11, before the period, insert the following new proviso: ": *Provided further*, That of the funds provided under this heading, $6,300,000 shall be for the relocation of the headquarters staff of the Commission and shall be available until expended".

On page 73, line 15, before the period, insert the following new proviso: ": *Provided further*, That not less than $2,900,000 of such funds shall be made available to the Office of the Director of the National Acid Precipitation Assessment Program".

On page 73, line 15, before the period, insert the following new proviso: ": *Provided further*, That from funds appropriated under this heading, but contingent upon authorization for such grants being enacted into law, the Administrator may make grants to Federally recognized Indian governments for the development of multimedia environmental programs".

On page 75, line 8, before the period, insert the following new proviso: ": *Provided further*, That if the agency determines that it would be more cost effective and less disruptive of accomplishing the agency's mission than issuing a new research support contract, after the agency has notified and received the approval of the appropriate committees of the Congress, not more than $10,000,000 of the amount appropriated herein may be made available for personnel compensation and benefits and travel of additional personnel (on a temporary or permanent basis) needed to replace contract services at the agency's environmental research laboratories".

On page 76, lines 14 and 15, strike "begin preliminary planning required for the establishment of" and insert in lieu thereof: "plan, design, and acquire land to establish".

On page 82, line 24, after "therefore" insert the following: ": *Provided further*, That notwithstanding any other provision of law, from sums appropriated under this paragraph and allotted under title of the Federal Water Pollution Control Act to a State, the State may make a loan to the International Boundary and Water Commission for the purpose of carrying out construction activities to upgrade an international wastewater treatment works identified by the Administrator of the Environmental Protection Agency in that Integrated Environmental Plan for the Mexico-United States Border, issued in February 1992: *Provided further*, That for the purposes of subsection (c) of section 603 the Federal Water Pollution Control Act, each international wastewater treatment works referred to in the preceding proviso shall be deemed a project eligible for assistance under such subsection, and repayment of a loan for construction activities at the international wastewater treatment works shall be made in the same manner as is required for any other project eligible for assistance under such subsection, except that the term of the loan may exceed the term prescribed in section 603(d)(1)(A) of such Act and the International Boundary and Water Commission shall not be subject to any time limitation with respect to the expenditure of the loan for the purpose of the loan: *Provided further*, That notwithstanding any other provision of law, 100 percent of the amount of the loan referred to in the preceding proviso shall be made from funds provided to the State by the Federal Government, and the requirement under section 602(b)(3) of the Federal Water Pollution Control Act that the State enter into a binding commitment to provide 120 percent of the amount of each grant payment under section 601 of such Act shall not apply to that portion of the grant payment used to fund a loan for an international wastewater treatment works: *Provided further*, That for each quarter, the amount that the State is required to deposit into the State water pollution control revolving fund pursuant to section 602(b)(2) of the Federal Water Pollution Control Act shall be reduced by an amount equal to 20 percent of the amount of any loan to the International Boundary and Water Commission".

On page 90, strike line 1 through 19, inclusive.

On page 91, after line 21, insert the following new paragraph:

REFORMULATED GASOLINE

It is the sense of the Senate that the "simple model" contained in the Supplemental Notice of Proposed Rulemaking for reformulated gasoline published at 57 Federal Register 13416 (April 16, 1992) is not in compliance with the requirements of section 211(k) of the Clean Air Act.

On page 91, after line 21, insert the following new paragraph:

FUNDING OF CERTAIN RESEARCH CENTERS

For fiscal year 1994, and thereafter, a competitive process shall be carried out by the Administrator of the Environmental Protection Agency in funding research centers that are operated by non-Federal entities.

On page 91, after line 21, insert the following new paragraph:

SOLID WASTE DISPOSAL ACT

No funds appropriated to the Environmental Protection Agency for fiscal year 1993 may be expended for the promulgation, implementation, or enforcement of any regulation under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) concerning process wastewater from phosphoric acid production. The preceding sentence shall not apply to the regulation of those wastes under sections 3007, 3013, and 7003 of that Act (42 U.S.C. 6927, 6934, and 6973, respectively).

On page 99, line 9, strike "of the National Preparedness Directorate".

WIRTH AMENDMENT NO. 2953

Mr. WIRTH proposed an amendment to the bill H.R. 5679, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law."; and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

GRAHAM AMENDMENT NO. 2954

Mr. GRAHAM proposed an amendment to the bill H.R. 5679, supra, as follows:

On page 53, line 20, strike out "$910,942,000" and insert in lieu thereof "$906,246,000".

CHAFEE (AND OTHERS) AMENDMENT NO. 2955

Mr. BUMPERS (for Mr. CHAFEE for himself, Mr. BAUCUS, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 5679, supra, as follows:

On page 89, following line 25 insert the following:

EXTENDING COMMENT PERIOD FOR REVISIONS TO CERTAIN HAZARDOUS WASTE RULES

Funds appropriated or transferred to EPA may be used to develop revisions to 40 C.F.R. 261.3, as reissued on March 3, 1992, published at 57 Fed. Reg. 7628 et seq., EPA shall promulgate revisions to paragraphs (a)(2)(iv) and (c)(2)(i) of 40 CFR 261.3, as reissued on March 3, 1992, by October 1, 1994, but any revisions to such paragraphs shall not be promulgated or become effective prior to October 1, 1993. Notwithstanding paragraph (e) of 40 C.F.R. 262.3, as reissued on March 3, 1992, paragraphs (a)(2)(iv) and (c)(2)(i) of such regulations shall not be terminated or withdrawn until revisions are promulgated and become effective in accordance with the preceding sentence. The deadline of October 1, 1994 shall be enforced under section 7002 of the Solid Waste Disposal Act.

PROVIDING FOR A STUDY OF METALS RECOVERY

Funds appropriated or transferred to the Environmental Protection Agency shall be used in part to conduct a study on the effect of existing regulations on efforts to recover metals from the Nation's wastes, how much metals recovery can be best encouraged, and how the materials should be regulated in order to protect human health and the environment and to effectuate the resource conservation and recovery goals of the Resource Conservation and Recovery Act. In doing so, EPA shall consult with the Secretary of Commerce, the Secretary of the Interior, the metals recovery industry, and other interested parties.

The Administrator shall complete the study not later than April 28, 1993. Upon completion of the study, the Administrator shall prepare a summary of the findings of the study and any recommendations resulting from such study, to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives.

BUMPERS AMENDMENT NO. 2956

Mr. BUMPERS proposed an amendment to the bill H.R. 5679, supra, as follows:

On page 103, strike lines 12 through 17 and insert in lieu thereof the following: "That $500,000,000 shall be made available for termination of contracts relating to Space Station Freedom; that $200,000,000 shall be made available for Veterans Health Administration Medical Care in addition to sums otherwise appropriated; that $62,000,000 shall be made available to Veterans Health Administration Medical and Prosthetic Research in addition to sums otherwise appropriated: *Provided fur-*".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that the Subcommittee on Public Lands, National Parks and Forests will consider two additional bills at the hearing previously announced for Tuesday, September 15, 1992. The additional measures to be heard are:

H.R. 2859, a bill to direct the Secretary of the Interior to conduct a study of the historical and cultural resources in the vicinity of the city of Lynn, MA, and make recommendations on the appropriate role of the Federal Government in preserving and interpreting such historical resources, and

S. 3217, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Great Egg River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System, and for other purposes.

The hearing will begin at 2:30 p.m. in Room SD-366 of the Dirksen Office Building in Washington, DC.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation will hold a hearing on the implementation of the Alternative Agriculture Research and Commercialization [AARC] Act of 1990. The hearing will focus on the activities of the AARC Board to date and discuss future activities with regard to establishment of regional AARC centers and the development of patent and licensing agreements. The hearing will be held on Tuesday, September 29, 1992 at 9:30 a.m. in SR-332. Senator TOM DASCHLE will preside.

For further information please contact Laura Lengnick at 224-2321.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 8, 1992, at 2:15 p.m. to hold a hearing on the North American Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, September 8, 1992, at 10 a.m. to conduct a hearing on the competitiveness of the U.S. auto industry and its relationship to a healthy national economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MANDATORY USE OF FTS2000

• Mr. SHELBY. Mr. President, I would like to commend a letter to your attention that was sent to me by the Communications Workers of America [CWA]. The letter voices the CWA's support for the renewal of the Federal policy on mandatory use of FTS2000. The letter is succinct and well written and happens to reflect my views on this matter.

The letter follows:

COMMUNICATIONS WORKERS OF AMERICA,
Washington, DC, July 9, 1992.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Treasury, Postal Service and General Government, Committee on Appropriations, Dirksen Office Building, Washington, DC.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, Dirksen Office Building, Washington, DC.

DEAR CHAIRMEN DECONCINI AND GLENN: As you know, the matter of the continuation of the Federal policy of "mandatory use" of FTS2000 by government agencies is once again before Congress. The Communications Workers of America wants to voice its support for the renewal of this important federal statute and to strongly urge your active support in the United States Senate.

FTS2000 is a program developed, procured and awarded in an environment of intense, full and open competition. FTS2000 may have had more active Congressional oversight, even well before the competition has conducted, than any other government program. It is a multi-vendor program, by structure and design. It not only induces two major long distance carriers, but literally hundreds of small, minority and disadvantaged businesses. What may not have been properly stressed, however, is that FTS2000's Network A is staffed by members of the Communications Workers of America.

The policy of "mandatory use" is a basic principle of the FTS2000 program and underlies both the original competitive procurement and the contracts. According to the Congressional Record of July 1, 1992:

". . . the 'mandatory use' provision was conceived in the midst of this (FTS2000) competition when one of the competing contractor teams complained that the costs of preparing a bid and the risks inherent in the FTS2000 contracts (in which prices could only go down, not up) were too high, without some assurance . . . Accordingly, for that and other reasons, Congress enacted the 'mandatory use' statute. This statute represented Congress' commitment to the competing vendors that Federal agencies would make full use of the contracts through the life of the program. The 'best and final offers' of the vendors were formed on the basis of this commitment.

"Ironically, the vendor which had proposed the 'mandatory use' provision has become its chief opponent in the years since its enactment. The central argument raised by those opposing 'mandatory use' has been that 'choice in the competitive marketplace' should be the Government's strategy for meeting its telecommunications requirements . . . But the FTS2000 contracts were awarded after just such a competition. Without a doubt, there will be a spirited competition a few years down the road for the contracts that replace FTS2000 . . . Additionally, we note approximately 83% ($3.1 billion) of the Government's telecommunications requirements is not covered by FTS2000 and is subject to competition from all responsible vendors."

In sum, we believe that the fair outcome of the full and open competition which created FTS2000 should be upheld, lest the federal procurement process itself be damaged by the insistent demands of losing competitors who are disappointed in the outcome. There are fundamental public policy issues at stake when an accountable public process conducted under law, is replaced with an action to satisfy the disgruntled.

The suggestion that the Government does not need, or should not get, sophisticated communications capabilities to meet its specialized needs is remarkable in itself. Were the Government to simply rely on the commercial public networks, or a balkanized patchwork of disparate contract services, there would be a legitimate question about due diligence in meeting the Government's unique societal role. In times of communications crisis—whether a matter of national security, emergency preparedness or simple gridlock created by a public run on Springsteen tickets—the Government must not find itself unable to communicate with itself or our citizens. That is why the dedicated FTS system was originally created in the 1960s and why federal networks such as those provided under FTS2000 are legitimately in the public interest today. Government could not readily explain to the American people why it did away with ubiquitous federal communications systems either in the interest of getting what may purport to be the cheapest conceivable services or to satisfy losing bidders.

And yet, the economics of FTS2000 are an extraordinary success story. In just three years of operation, the Government (and taxpayer) has saved more than a half-billion dollars through FTS2000 (more than five times the original Government estimates). Indeed, these savings are attributable to the discounting across agencies and across FTS2000 services which are made possible by "mandatory use FTS2000." The policy has been described as "the economic engine" that drives and which, in combination with the periodic price recompetitions, will continue harvesting savings for the taxpayer. The first of those price recompetitions is already under way.

In sum, we believe the FTS2000 program and the "mandatory use" statute deserve your continued full support, as they have ours. We are keenly aware that your support over the last several years in the United States Senate has made this competitive success story possible. It has provided stable opportunity for American workers. Accordingly, we urge that this statute be renewed for FY93 and extended, as well, to provide assurance and stability for the remaining years of the program.

We hope we can count on your continued support.

Sincerely,

MORTON BAHR,
President.•

THE CENTURION ATTACK SUBMARINE

• Mr. D'AMATO. Mr. President, some things are worth waiting for. The Centurion milestone 0 acquisition decision memorandum [ADM] crafted by the Under Secretary of Defense for Acquisition, with the full support of the Navy, calls for an extraordinarily comprehensive exploration of submarine alternatives to fulfill the new attack submarine mission. The cost and operational effectiveness analysis that results should be the last word on submarines for years to come. I compliment the work of the Under Secretary's shop and commend this important document to my colleagues.

I ask that the full text of the Centurion ADM be inserted in the RECORD immediately after my remarks.

The text follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, August 28, 1992.

[Memorandum for Secretary of the Navy]

Subject: New Attack Submarine Capability—Acquisition Decision Memorandum.

The Defense Acquisition Board met on August 18, 1992, to consider the Navy request for approval of Milestone 0 for a new attack submarine capability. The Mission Need Statement was validated by the JROC by memorandum of October 23, 1991. The Chairman, Conventional Systems Committee, recommended approval of Milestone 0. I approve Milestone 0 and the initiation of the concept definition studies.

The Cost and Operational Effectiveness Analysis (COEA) activities should begin immediately, be prepared in accordance with DoD 5000.2M, and examine the alternatives shown on the attached chart. More detailed COEA guidance is also attached. The Navy will provide written quarterly CDEA progress reports to me and briefings to the OSD staff. No changes to COEA guidelines may be made without my approval. The new attack submarine performance attributes specified by the Chief of Naval Operations memoranda of January 3 and February 19, 1992, and the associated report forwarded to the Congress on June 22, 1992, as requested in Senate Appropriations Committee Report 102–154, are considered preliminary efforts pending COEA completion and concept definitions. The Navy will provide to me proposed measures of effectiveness for the new attack submarine in time to be included in the COEA. The COEA and industrial base studies will constitute important inputs to decisions on the timing of milestone reviews for future submarine acquisitions. My approval to initiate concept definition studies does not constitute approval for the start of a new attack submarine in the 1990's.

The ASD (P&L) and the Navy will complete the industrial base analysis by November 15, 1992. Upon completion of the analysis, the results will be factored into the ongoing COEA as appropriate. In addition, OUSD(A), with support by the Cost Analysis Improvement Group, will prepare industrial base alternatives, if needed, for consideration by the Deputy Secretary during the budget cycle.

Other new submarine related flexibility studies may proceed with a spending limit of $30M until completion of the submarine industrial base study.

DON YOAKEY.

NAVY ATTACK SUBMARINE MILESTONE I COEA GUIDANCE

This document provides guidance for the Cost and Operational Effectiveness Analysis (COEA) required for the Milestone I review of the new attack submarine.

In accordance with DoDI 5000.2, COEAs serve to evaluate the costs and benefits associated with alternative ways to address recognized defense needs. Milestone I COEAs typically are developed to facilitate program definition and, therefore, assess a broad range of alternative concepts.

ALTERNATIVES

The COEA should consider a broad range of submarine alternatives, avoid arbitrary restrictions in design characteristics, and incorporate emerging technology where appropriate. As a minimum, the analyses should include examination of the following alternatives:

(1) *SSN–21*: Assume continued production of Seawolf at a rate of one per year at one shipyard. Assume two different start dates: (A) FY–1996; (B) FY–1998. This alternative will serve as the cost and analysis baseline.

(2) *SSN–21(V)*: Assume at least two lower cost variants of the SSN–21 with displacements in the range of 10,000 tons.

(3) *SSN–6881*: Assume variations of the SSN–6881 class that incorporate all available technology. Examine two different start dates: (A) FY–1996; (B) FY–1998.

(4) *New nuclear-powered attack submarines*: Examine a range of alternative new nuclear attack submarines. Include alternatives with reduced capabilities relative to those of the SSN–21, and designs smaller than that of the SSN–6881. Examine designs smaller than 5,000 tons and options with reduced or deleted mission capabilities; e.g., power projection. These designs should be more affordable ($18), less than or equal cost of the SSN–6881. Examine three different start dates: (A) FY–1998; (B) FY–2002; (C) FY–2006.

(5) *Trident (V)*: Assume selected variations including differences in tube volume of the Trident design, including a conversion of existing units, with emphasis on power projection mission.

(6) *Conventional Submarines*: Examine a range of conventionally-powered submarines, including as a minimum the following technologies: Diesel; Closed Cyde Diesel; Air Independent Propulsion; Fuel Cell; Stirling Engine; a Hybrid Submarine using a small reactor to recharge its batteries (SSn); and Advanced Batteries. Display the effect of overseas basing on this alternative.

ANALYSIS PLAN

The Navy will develop an analysis plan describing the proposed analytic approach, models, measures of effectiveness, assumed threat, scenarios, and schedule for completing this COEA. This analysis plan should be presented to the Conventional Systems Committee within three months of the August 18, 1992, Milestone O DAB.

SCOPE OF ANALYSES

The COEA should provide information sufficient to understand the attack submarine characteristics that will be recommended for development in Phase I. The analysis will aid decision making by illuminating the advantages and disadvantages of the alternatives considered, and by specifying what scenario factors, assumptions, and system characteristics drive the results.

Analysis should be performed for each combat mission to which submarines are expected to contribute. A baseline should be established by assessing the capability of the planned 2006 (FYDP extended) U.S. combat forces to accomplish each such mission in the context of the DPG scenarios against the validated threat. The potential contribution of each of the submarine alternatives to meeting the combat mission deficiencies should then be assessed through suitable force-on-force analysis.

The analysis should aid in establishing the value of key performance parameters, including speed, payload, sensor performance, and quieting, for each assigned mission. The results should help identify the most cost-effective candidates to be considered by any ensuing Milestone I review. The key performance characteristics of this candidate should also be reflected in the final Operational Requirements Document and any Acquisition Program Baseline that would be prepared for a future formal acquisition program.

The start date for initial construction and procurement profiles for submarine alternatives should be derived from the analysis. These dates and profiles will depend upon assumptions and insights on service life and mothball configuration as well as effectiveness assessments and the results of the ongoing USD(A)/Navy submarine industrial base study. Results from the Defense Science Board study of submarine service life should also be considered in developing these assumed start dates.

SCENARIOS

The submarine missions examined in the COEA will be consistent with the scenarios in the Defense Planning Guidance (DPG). The details of the scenarios will be coordinated with the Joint Staff, the PA&E staff, and DIA.

EFFECTIVENESS

The analyses should show the relative effectiveness of each alternative using revised Top Level Warfighting Requirements (TLWRs) consistent with the new DPG scenarios and DIA-approved threats.

The measures of effectiveness (MOEs) will be defined to measure operational capabilities of the alternatives across the warfare areas identified in the Mission Need Statement. The COEA should show how the MOEs relate to winning the war of contingency, as reflected in a comprehensive set of TLWRs, revised reflect new threats and scenarios in the DPG.

The MOEs should be chosen taking into consideration the need to derive parameters and criteria that can be evaluated consistently throughout program development and testing.

COSTS

A variety of cost measures should be provided, including the present value (discounted) estimates of the life cycle costs, and cost profiles over time.

Estimates of acquisition and thirty-year operating and support costs for each alternative should be included in the COEA and coordinated with the Cost Analysis Improvement Group. This will require separate estimates of R&D, procurement, construction, manpower, and O&M costs, including decommissioning costs as well as costs associated with reconstituting and/or maintaining the nuclear industrial base. The analysis should include relevant cost impacts on the submarine construction industrial base for each of the alternatives considered.

The COEA will show the cost sensitivity to different production rates that may be required as a result of future decisions on the attack submarine force structure.

COMPARING COST AND EFFECTIVENESS

Cost and effectiveness comparisons are rarely useful when reduced to single measures or simple ratios, unless accompanied by supporting data. Summary comparisons of alternatives will include all relevant costs, capabilities, and effectiveness indicators.

To the extent known, the characteristics of each concept that drive effectiveness, performance, cost and uncertainty will be identified. Sensitivity of the results to changes in performance and schedule, uncertainties in the cost and effectiveness estimates, and possible cost and performance thresholds for each alternative will be documented in tradeoff analyses.

STUDY GUIDANCE

The Navy will provide periodic status reports and opportunities for consultation at least quarterly to OUSD(A), OUSD(P), OASD(PA&E), and ODOT&E. These periodic consultations with OSD will serve as the primary vehicle for ensuring that the COEA reflects the intent of the Milestone 0 acquisition decision memorandum. The Director, Naval Forces Division, OASD(PA&E), has been selected by the ASD(PA&E) to serve as a principal OSD advisor for this COEA.

SUBMARINE ONLY ALTERNATIVES: MULTI-MISSION CAPABILITY

1. SSN-21: Cost and analysis baseline; 1 per year at 1 yard; A) start in FY-96; B) start in FY-98.

II. SSN-21(V): Reduced cost SSN-21 10,000 ton class; minimum of 2 to be examined.

III. SSN-6881: Incorporate all available technology; A) start in FY-96; B) start in FY-98.

IV. NSSN: A) More affordable ($1B); B) $ less than or equal to $ for SSN 6881; C) 5,000 ton; D) Other; E) Delay start 2002, 2006.

V. Trident (V): (a) With and b) without tube volume).

VI. Conventional: Navy to select one from non-nuclear options, and to include SSn.

TRUBUTE TO ANDERSEN CORP. OF BAYPORT, MN

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to the spirit of American free enterprise. Sadly, we do not hear enough these days about businesses which have found a way to thrive in a down economy. But they are out there.

Andersen Corp., of Bayport, MN, is a case in point. This family-owned manufacturer has become, in the course of its 90-year history, the world's largest producer of windows and patio doors. The Bayport operation consists of about 3,700 workers in facilities that cover 63 acres, thus making it the State's largest single-site manufacturing operation.

In a recent column, Dave Beal of the Saint Paul Pioneer Press gave us a rare glimpse into the heart of this publicity shy, yet phenomenally successful family-run organization. Beal called Andersen Corp. "a company whose enduring social contract with its employees makes it a classic study in company loyalty."

His article captures the unique style of doing business that has made Andersen Corp. a model for the Nation:

> In an era when workers hop from one job to another, big employers slash their payrolls and relations between bosses and troops are often strained, deep ties continue to bind the workers and managers at Andersen. A small-town, family atmosphere persists at the company, just a 30-minute drive from downtown St. Paul.
>
> The arrangement has paid off where it counts, in productivity. Today, says Jerry Wulf, Andersen's new president, workers produce the equivalent of a rail car full of finished product in the time it took 12 or 13 to do the same thing a decade ago.
>
> "The Andersen philosophy of long-term relationships is certainly what everybody is now seeking," says Roger O'Shaughnessy, CEO at Minnetonka-based Cardinal IG, the supplier that makes all of Andersen's glass at seven plants in Minnesota, Wisconsin, and Iowa.
>
> Ray Mithun, who launched the Campbell-Mithun-Esty advertising agency 59 years ago with Andersen as one of his first three accounts, puts it more boldly. "There's no finer company in the whole cockeyed world than the Andersen company," he declares. "It's the kind of thing that you write about in story books."

Mr. Beal goes on to discuss innovations that through the years have kept the company strong by keeping its employees loyal. Andersen Corp. was the third U.S. company to offer profit sharing to its employees—way back in 1914. Two years later it offered health and life insurance coverage, and in 1920 it introduced a thrift bonus plan that encouraged employees to save a portion of their wages. In 1924, 2-week vacations were added to the list of extras for all production workers.

The list goes on to include incentive pay in 1925, and an employee suggestion program that annually gives workers $70,000 for their ideas on how to improve production. Programs that strengthen in the notion of the extended family are incentive pay and a profit-sharing program that netted, in 1987, an average salary of $60,000. Andersen also encourages long-time employment and recruits employee family members for new workers. And when an employee's age and years with the company total 94, the worker can retire with generous health care and pension benefits.

Mr. President, the strength of any organization is in its people. In recognizing the strength of its people, Andersen Corp. has shown that loyalty between companies and their workers is not only compassionate, it is profitable. Bayport, MN, is a long way from Washington, DC, but that would be a good lesson for those of us who work in this city and in this Government to learn as well.•

POLICE CHIEF ERNEST A. WILLIAMS

• Mr. LAUTENBERG. Mr. President, I rise today to congratulate Mr. Ernest Williams on his appointment as Trenton's police chief and thank him for his dedication to law enforcement in New Jersey.

A native of New Jersey, Chief Williams has made significant contributions to the community both as a public servant and as a role model for African-Americans.

In 1963, Chief Williams joined the Trenton Police Department and was assigned to the second precinct. After 3 years on foot patrol, Chief Williams was promoted to the rank of detective and then rose steadily through the ranks. In 1986, Chief Williams was sworn in as the deputy chief of the police department, the first African-American to hold that post. In 1990, he received another distinguished honor when Mayor Douglas Palmer appointed him the acting director of public safety. Then on April 1, 1992, Ernest Williams was sworn in as Trenton's chief of police. The city's first black chief of police, Mr. Williams supervises a force of 377 officers responsible for the safety and protection of New Jersey's capital city.

Mr. President, the men and women who devote their lives to law enforcement are the people on the front lines in the war against crime. They protect our families and homes and give us a sense of security. Chief Williams is an example of an extraordinary officer who has devoted his life to public safety. Because of his special commitment to Trenton and its people, I extend to him this special national recognition. He has my best wishes for continued success and my thanks for his contributions to the community.•

COMMENTARY BY PROF. HY BERMAN ON ETHNIC HATRED

• Mr. DURENBERGER. Mr. President, the collapse of communism has brought hope to millions of Eastern Europeans. Unfortunately communism's downfall has also awakened a long-domant form of human brutality.

In a column published August 11 in the St. Paul Pioneer Press, University of Minnesota history professor Hy Berman spells out for us the dangers we face here at home whenever human rights become secondary to, as Mr. Berman puts it, "the maladies of nationalist fragmentation."

I urge my colleagues to read and heed Professor Berman's solemn words of warning:

> ETHNIC HATRED SEEN IN EASTERN EUROPE COULD PLAGUE UNITED STATES, TOO
>
> With the collapse of communism in Eastern Europe, the once-repressed forces of nationalism have replaced the repression of the gulags as the concern of humanity.
>
> Tribal and territorial battles are making victims of innocent civilians, solely because of the accident of their birth or residence. "Ethnic cleansing" is now the euphemism used to create a region free of "undesirables," whether they are of another religion or nationality or are otherwise seen as obstacles to national greatness.
>
> We stand helpless as we see on our television news programs and read in our newspapers of the violence committed against innocent victims of nationalist strivings. We debate the desirability of intervention and the efficacy of United Nations mediation in the wake of bloody attacks and concentration camp atrocities in the name of ethnic purity.
>
> It is perhaps fair to say that the relative inaction of the world in the face of these nationalist bloodlettings conjures up the memory of similar inaction in the fact of Nazi extermination policies in the 1940s.
>
> Can we afford to celebrate the end of the Cold War and the collapse of communism by being indifferent to the suffering triggered by the fragmentation of the formerly communist world? Does our victory over communism mean that we are no longer concerned over events in East Central Europe? These are questions that demand consideration by our national leaders and by our opinion makers.
>
> It is ironic that the year 1992, which promised to see the beginnings of European unity and integration, has turned into the year of nationalist purification and bloodletting.
>
> Times of crisis are always periods of cutting-edge decision, and the tendency toward scapegoating and seeking convenient victims revives historic grievances and prevents rational solutions to national problems. This had been the course of events in the former Yugoslavia and explains the unrelenting warfare on civilians of different ethnicities by the competing contenders for national purity in the region. The world cannot afford to stand by and watch the slaughter of innocents with indifference.
>
> There is a cautionary lesson for us in these tragic events. Although we pride ourselves on our tolerance and our policy of cultural pluralism and ethnic diversity, we can be subject to the same exclusionary pressure if—instead of stressing our unity in diversity—we stress our difference in pejorative ways.
>
> The racial and ethnic conflicts in our major cities have not as yet resulted in the same degree of violence we see elsewhere, but it could happen here. Ethnic and racial pride should not be allowed to be transformed into ethnic and racial exclusivity.
>
> The rising incidence of hate crimes suggest that we are not immune to the maladies of nationalist fragmentation and violence. It is necessary for us to condemn the violations of human rights in the name of ethnic purity occurring elsewhere and to take measures to assure that the epidemic of national hatred not be emulated in our society.•

LONG BEACH HOSPITAL HONORS BERNARD KENNEDY

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to an outstanding individual, Bernard D. Kennedy, who is being honored by the Long Beach Memorial Hospital at its 70th anniversary ball on Sunday, September 13, 1992, at the Sands in Atlantic Beach, NY. This gala event is held each year to commemorate an anniversary of the hospital and to pay tribute to an outstanding honoree. This year's honoree is a vice president and trustee of Long Beach Memorial Hospital/Nursing Home.

Bernard Kennedy is president of King Kullen Grocery Co., Inc. He oversees the business interests of America's first supermarket and its 4,500 employees throughout Queens, Staten Island, Nassau, and Suffolk Counties. Mr. Kennedy has been a resident of Point Lookout for many years. He and his wife, Dottie, raised their five children in this fine community and enjoy the visits of eight grandchildren.

Mr. Kennedy holds Long Beach Memorial Hospital close to his heart. He sees the importance of the hospital, in terms of the stability and well-being of the entire community, as well as each of the individuals it serves. His wisdom and guidance, his support and generosity are part of the force that moves Memorial Hospital forward. The family spirit of Long Beach Memorial is personified in Bernard and Dottie Kennedy, who value their hospital as part of the quality of life in their community.

Long Beach Memorial Hospital was born in 1922 as an emergency first aid station near the beach. In 1927, a 35-bed hospital building opened on this site. That original building is part of the center wing of today's Long Beach Memorial Hospital. Dramatic growth and progress during the fifties, sixties, seventies, and eighties transformed Memorial Hospital into a comprehensive acute care 203-bed teaching hospital and 200-bed skilled care nursing home and a state-of-the-art 403-bed center of medical/surgical excellence and matchless nursing care.

For the great guy that he is and all that he has given to Long Beach Memorial Hospital, it is only right that Bernard Kennedy is being honored at their 70th anniversary ball. Bernard Kennedy, I congratulate you for this great honor and wish to thank you for your many contributions to the great State of New York. I wish you many more successes in all of your future endeavors.•

IN HONOR OF THE 300TH ANNIVERSARY OF GLASTONBURY, CT

• Mr. DODD. Mr. President, I rise today in recognition of the 300th anniversary of Glastonbury, CT. Beginning September 19, the residents of Glastonbury will celebrate the beauty and history of this traditional New England town.

Settled in 1639 as part of Wethersfield, the town was named after Glastonbury in Somerset, England. Incorporated into a separate town in 1690, it took its present name 2 years later and was spelled at that time "Glassenbury."

Gastonbury is well known for its abundance of architecture and colonial homes. One of its primary attractions is the Welles Shipman Ward House, that has been cited by the U.S. Department of the Interior as possessing "exceptional architectural interest." Built in the 18th century, its furnishings still reflect the style of the period. Glastonbury is also proud of it oldest house, built in 1649, that is still occupied today.

Glastonbury can confidently boast of its most valuable resource—its outstanding residents. Over the years they have contributed to the growth and productivity of the State, the independence of this Nation, and enhanced the overall beauty of the town.

As early as 1774, in a town meeting, the early settlers denounced the passage of the tea tax as "subversive of the rights and liberties of the British-Americans, unconstitutional, and oppressive." And when the Revolutionary War began, they were suppliers of troops, provisions, and ships to the Continental forces.

Throughout time, Gastonbury citizens have made a significant mark on history. The first alleged petition against slavery was drafted and signed by 40 Glastonbury women under the leadership of Mrs. Hannah Smith. She passed her legacy on to her five daughters, who fought adamantly on behalf of women's rights, refusing to pay taxes on property they owned because they were not allowed to vote.

Glastonbury is also the home to Gideon Welles, President Lincoln's Secretary of the Navy; J.B. Williams Soap Factory, which was the first commercial soap manufacturing company in the United States; and of J.H. Hale, whose orchards harvested the first strain of New England peaches.

Glastonbury is rightfully proud of the Meshomasic State Forest. Located along the banks of the Connecticut River, the forest offers an avenue for people of all ages—fishing, hiking, and picnicking.

Today, Glastonbury residents are still deeply involved within the community. A great deal of hard work, planning, and commitment has gone into the planning of this celebration.

I hope my colleagues will join me today in wishing Glastonbury and its residents well on the 300th anniversary of this beautiful Connecticut town.•

SENSE-OF-THE-SENATE RESOLUTION ON REFORMULATED GASOLINE

• Mr. DURENBERGER. Mr. President, the manager's amendment that was adopted to H.R. 5679 contains a sense-of-the-Senate resolution with respect to ethanol fuels and reformulated gasoline. It expresses the sense of the Senate to Clean Air Act regulations for reformulated gasoline published by the Environmental Protection Agency in April of this year. The resolution states that the regulations are not in compliance with the Clean Air Act.

I had originally intended to offer this amendment, but was pleased to agree to its inclusion in the managers amendment to save time during this hectic period at the end of the 102d Congress. There was a long list of cosponsors on my amendment including Senators GRASSLEY, DASCHLE, CONRAD, FORD, LUGAR, BOND, PRESSLER, WELLSTONE, HARKIN, SIMON, DANFORTH, KERREY, DOLE, COATS, and EXON.

INTRODUCTION

Mr. President, this amendment is necessary for two reasons. First, the rules for reformulated gasoline that have been proposed by EPA do not accomplish the environmental benefits that were mandated by the Congress. The rules fall short of the cleanup in gasoline fuels required by the Clean Air Act.

Second, EPA's proposed rules would exclude ethanol as an additive in the reformulated gasoline program. We want the rules changed so that ethanol can participate. But I want my colleagues to understand that this resolution will not in anyway tilt the Clean Air Act to favor ethanol or any other fuel component. The amendment does not waive or modify any provision of the Clean Air Act for ethanol.

It simply says that it is the sense of the Senate that the rules do not comply with the act. They do not. If we can force EPA to reopen the rulemaking process to correct the legal deficiencies in these rules, it is my hope that we can at the same time make the rules fair for all oxygen additives.

Requirements for reformulated gasoline applying to the nine cities with the worst summertime smog problem, that is ozone pollution, are among the most important provisions of the 1990 Clean Air Act Amendments. It is expected that as much as 60 percent of the gasoline marketed in the United States will eventually be reformulated according to the provisions of the Clean Air Act. That is because of the so-called opt-in provision that makes reformulated gasoline available to other cities with smog problems, as well.

The rules proposed by the Environmental Protection Agency do not comply with the law. The fundamental provision in the statute is that reformulated gasoline shall reduce by 15 percent the emissions of ozone-forming hydrocarbons from cars and trucks operating in the nine cities. That is the bottom line—a 15-percent reduction in smog-forming hydrocarbon emissions.

But the rules proposed by EPA will allow the production and sale of a gasoline that will not achieve the 15-percent reduction mandated by the Congress. Under the EPA proposal for reformulated gasoline, as much as one-half the fuel sold in these nine cities may fill the 15-percent reduction mandated by the act.

A second deficiency in these rules relates to nitrogen oxide emissions. The proposed rules would allow the sale of fuels that cause increased emissions of nitrogen oxides or NO_x, a pollutant that also contributes to smog formation. Congress clearly said that there are to be no NO_x increases from reformulated gasolines.

A third legal problem with these rules is that they include enforcement provisions with an averaging scheme that is contrary to congressional intent.

I could, Mr. President, cite a number of other provisions in the proposed rules that are clearly in conflict with the requirements of the 1990 Clean Air Act Amendments. I could do so because I helped to write, pass, and conference this section. But let me turn to the second issue that brought many of our colleagues into support of this amendment.

The proposed reformulated gasoline regulations not only fail to guarantee the environmental benefit mandated by the Clean Air Act, they also exclude ethanol as a summertime oxygen additive in reformulated gasoline.

Congress did not mandate the use of ethanol in reformulated gasoline. But it is possible to use ethanol in a gasoline fuel that meets all of the emissions reductions for reformulated gasoline that we did mandate. Ethanol can be the foundation of cleaner gasolines in the future.

I think it is more than fair to say that members of the Senate and the House who voted for the reformulated gasoline program in 1990 expected ethanol additives to play a big role. Ethanol is our Nation's best renewable energy source.

I know that I had every expectation that it would be a good program, not just for the environment, but for the farmers of Minnesota and all of the American Midwest. They grow the corn that makes a good portion of the Nation's ethanol and they have invested in ethanol production facilities.

Let me tell you how important this issue is to the farm economy of my State. Currently 7 million bushels of Minnesota corn is converted to ethanol for the fuel market each year. That is 30 million gallons of ethanol. If the reformulated gasoline program is carried out as the Congress intended, demand for Minnesota ethanol will grow to 210 million gallons taking 93 million bushels of corn.

Everyone recognizes that the reformulated gasoline amendment that was sponsored in this body by Senator DASCHLE only passed the Senate and the House of Representatives because of the support of the American farm community.

So, it was a real surprise to learn that EPA's rule is designed to preclude the use of ethanol in reformulated gasoline. The rule is anti-ethanol. If the EPA proposed rule is put into place, the market for ethanol will actually decline from current levels. This would reduce farm income, increase subsidy payments from the Federal budget, and make the United States even more dependent on imported fuels.

It is likely that the rule as proposed would cause dramatic increases in the importation of methanol made from natural gas produced in the Middle East, thus increasing our dependence on these foreign energy supplies. That is not what Congress had in mind when it passed the Clean Air Act Amendments of 1990.

EPA needs to start over on this rule and rebuild it on a sound legal foundation. And when it does, it must give ethanol a fair chance to participate in the reformulated gasoline program.

WHAT WENT WRONG

It is not oversight of the Congress that excludes ethanol from the reformulated gasoline that is mandated by the Clean Air Act. It is the so-called simple model in EPA's rule that creates the problem. As most Senators know, EPA wrote this rule through a regulatory negotiation. They got all the interest groups into a room and cut a series of deals to avoid a long controversy and possible litigation over this rule. The result of the negotiation was this simple model that reduces all of the reformulated gasoline requirements to one or two changes in the fuel that is sold today.

Unfortunately, the simply model does not satisfy the air quality requirements of the Clean Air Act. And it excludes ethanol from the market. I urge my colleagues to join with us in this resolution to make it clear that the U.S. Senate wants EPA to rewrite the rule so that it lives up to promise we made to the American people when the Clean Air Act Amendments were signed into law in 1990.

REFORMULATED GASOLINE

With that introduction, Mr. President, let me describe in more detail how this rule violates the precise requirements of the 1990 Clean Air Act Amendments.

Reformulated gasoline is a very complicated and technical subject not easily described in a speech on the Senate floor. But I will do my best to describe how these rules violate the law, so that Senators will know why this amendment must be adopted.

As its name indicates, reformulated gasoline is to be a different fuel than the gasoline that is currently sold across the Nation. It is to be reformulated.

Gasoline is a complex mixture of some 200 different chemical substances. There is a wide variation in the exact formulation of various gasoline fuels sold by different oil companies, in different grades from regular to premium and in different seasons of the year.

It is possible to adjust this complex mixture of chemicals so that it is more friendly to the environment, so that it makes less air pollution. Requiring refiners to produce and sell a much cleaner gasoline in the cities with the worst pollution problems is the purpose of the reformulated gasoline requirements of the 1990 Clean Air Act Amendments.

So, we want the chemical formula for gasoline changed. But if a change is to occur, it must be measured against a baseline fuel. We need a yardstick to know whether or not the oil companies have made the reformulation that is required.

The Clean Air Act contains that yardstick. It is a set of specifications for a test gasoline used in the California clean air program. The specifications include standards for benzene content, Reid vapor pressure, octane, sulfur content, aromatics content, the boiling point, specific gravity, and so on—all very technical specifications for gasoline. Each of these parameters can affect the amount of pollution that comes from burning gasoline in a car or truck.

Mr. President, I would ask that a chart containing these specifications be printed at this point in the RECORD.

The chart follows:

Baseline Gasoline Fuel Properties

API gravity	57.4
Sulfur, ppm	339
Benzene, percent	1.53
RVP, psi	8.7
Octane, R+M/2	87.3
IBP, F	91
10 percent, F	128
50 percent, F	218
90 percent, F	330
End Point, F	415
Aromatics, percent	32.0
Olefins, percent	9.2
Saturates, percent	58.8

Without going into great detail, the fundamental notion is that we burn this test gasoline in a random sample of 1990 cars to determine how much pollution is emitted. Reformulated gasoline burned in the same sample of cars has to produce less air pollution than this test gasoline—15 percent less hydrocarbons, 15 percent less toxics, with no increase in nitrogen oxides.

There are any number of ways that a refiner can reformulate gasoline to reduce emissions. But whatever method is chosen, the reformulated gasoline sold in 1995 is to produce 15 percent less hydrocarbons, 15 percent less toxics, and no more nitrogen oxides than the baseline gasoline when burned in the same sample of cars on the road in 1990.

THE SIMPLE MODEL

One way to implement this program would have been to actually test alternative gasoline formulations to see if they produced less pollution than the Clean Air Act baseline gasoline. But EPA and the oil companies didn't want to do that. It would cost too much and lead to a great deal of paperwork.

So, instead of actually testing alternative fuel formulations, EPA and the oil companies decided to use mathematical models based on previous test data, data collected in research sponsored by the auto and oil companies. They would estimate the emissions reductions that might be expected from various changes from the Clean Air Act baseline gasoline.

But EPA and the oil companies also decided that they didn't have enough good information from previous tests to design a model that would truly reflect all the complexity of gasoline, the 200 different chemicals that can be combined in different mixtures to make a fuel. They did not want to test, because modeling would be easier. But they do not have the information to do a really good model. So, they came up with what is called the simple model.

Essentially, the simple model is based on just two of the many specifications of the test gasoline. One is called Reid vapor pressure, or RVP; the other is benzene content. Vapor pressure is a measure of how rapidly a liquid evaporates. A fuel with a high vapor pressure, puts a lot of pollution into the air. Fuel evaporates from the gas tank and from the engine. A fuel with a lower vapor pressure makes less pollution.

EPA has relatively good information on RVP because in the late 1980's they promulgated regulations requiring lower RVP in most fuels sold during the summertime. In preparing this rule, EPA took the easier path, sticking with what they already knew.

It was decided that compliance for the 15-percent hydrocarbon emissions reduction under the simple model would be based on this one single parameter, RVP. If gasolines sold in 1995 meet the lower RVP limits in the proposed rule, they are deemed under the simple model to have achieved the 15-percent reduction in hydrocarbon emissions. No other demonstration is necessary.

This is all well and good for the oil companies because RVP is easy to measure and it is a change in the gasoline formula they can make without too much trouble. It is good for EPA, too, because they didn't have to learn a lot of new things about gasoline and pollution to get the rule out.

SIMPLE MODEL PRODUCES MORE SMOG

But, as I have said, there are big problems with the simple model. For one thing, it doesn't assure that reformulated gasoline actually achieves the 15-percent reduction in hydrocarbon emissions.

The California test gasoline that is used as a yardstick for reformulated gasoline has many specific parameters that are spelled out in the Clean Air Act. Each of these parameters may affect the amount of hydrocarbon emissions that are caused by burning that gasoline. Controlling for just one of the parameters does not guarantee a clean fuel, if the reformation violates the baseline in other ways. And the rule doesn't require that the reformation meet the other baseline requirements.

As a specific example, if a fuel has a lower RVP as required by the proposed rule, but contains a great deal more sulfur than the Clean Air Act baseline gasoline, then it will not get a 15-percent reduction in hydrocarbon emissions even with that low RVP. The excess sulfur will increase emissions.

But excess sulfur is not considered in the simple model. Because the simple model only controls for RVP, there may be, there surely will be, many fuels sold in 1995 that are dirtier than the test gasoline on the other parameters and therefore cause more smog-forming pollution.

In fact, that is why the oil industry is in favor of this proposed rule. The Clean Air Act baseline gasoline is a pretty clean fuel to begin with—cleaner than a lot of gasoline blends that are on the market today. It would take a substantial investment by many refiners just to get to the baseline, not to mention the 15-percent reduction in hydrocarbon and toxics reductions that are mandated beyond the baseline.

Refiners outside the California market would need to make a very big investment to get to the baseline and then more investment to get the 15-percent reduction. But the simple model saves them all that trouble. They do not have to actually test their reformulated gasoline to see if it gets the reductions. They just have to follow the model. And the model does not cover the whole complexity of a fuel containing 200 chemicals. It just covers RVP.

To be sure, EPA is working on a complex model that is supposed to cover all of the other parameters. But that model is somewhere off in the future, its development dependent on further research to be done by the auto and oil industries.

Mr. President, this simple model was endorsed by all the interest groups that participated in the regulatory negotiation. That includes representatives from the environmental community and from the State air pollution control agencies.

You would think that before they agreed to this simple model they might have estimated how much of the pollution reduction mandated by the act that they were giving up. But apparently they did not.

They do not know how much gasoline sold in the nine cities exceeds the other parameters in the baseline fuel that are specified in section 211(k) of the Clean Air Act.

They do not know what impact higher sulfur content or a lower boiling point or a failure to comply with any of the other parameters might have on hydrocarbon emissions.

They do not know if a fuel that meets the RVP requirement of the simple model, but that is dirtier on the other parameters will get a 12-percent reduction or a 10-percent reduction or a 5-percent reduction or no reduction at all.

It is shocking to me that the representatives of the State air pollution control agencies and the environmental community would agree to the simple model without knowing how the other parameters in the baseline gasoline affect emissions and how much additional pollution will be caused because compliance with those other parameters is not required by the simple model.

In asking questions about this falling of the simple model, I have heard it suggested that the various specifications in the Clean Air Act baseline gasoline simply reflect the average of all the gasolines sold in the United States in 1989. If that is true, then one-half the gasoline is dirtier—produces more pollution—than the baseline. That is the nature of a mathematical average.

That also means that one-half the gasoline meeting only the lower RVP limit under the simple model will fail to achieve the full 15-percent reduction in hydrocarbon emissions that is mandated by the act. Under the simple model half the gasoline sold in the nine cities with the worst smog problems may not be in compliance with the fundamental air quality requirement of the act.

Because a 15-percent reduction in hydrocarbon emissions is not assured, the proposed rule is not in compliance with the Clean Air Act. That is what this amendment says. It says that the proposed rule is not in compliance with the requirements of the Clean Air Act. There are a dozen other ways this rule does not measure up, but a failure even to achieve this basic objective is so essential that the Senate must express its disapproval of this rule.

NO_x EMISSIONS WILL INCREASE

Mr. President, the second most significant failure of the simple model is on nitrogen oxide emissions. Nitrogen oxides are gases that are produced when fuel is burned. The nitrogen and oxygen in the air combine in the combustion reaction to form NO_x compounds. NO_x contributes to the summertime smog problem. It is one of the pollutants that mix in the atmosphere to form smog on hot summer days.

When Congress developed the reformulated gasoline program, we had a real concern about NO_x. Reformulated gasoline adds more oxygen to the fuel and we suspected that the additional oxygen may increase NO_x emissions. Since our purpose was to reduce smog, Congress mandated that no gasoline reformulation under section 211 of the Clean Air Act should lead to increased NO_x emissions.

Well, the simple model just flat ignores that requirement of the law. Rather than describe it myself, let me just quote to the Senate comments from two of the people who participated in the regulatory negotiation that led up to this rule. These quotes are from a hearing that EPA held in Chicago on June 10 of this year. The first quote is from John Elston who is the assistant director of the Office of Energy for the New Jersey Department of Environmental Protection and Energy. He was testifying on behalf of the State air pollution control officials.

This is what Mr. Elston said about NO_x at the hearing in Chicago:

> Throughout the reformulated gasoline negotiation, the most hotly debated item between ethanol industry and state and local representatives was the explicit Clean Air Act provision prohibiting an increase in emissions of NO_x from the use of reformulated gasoline. The final agreement includes at least one very significant concession made by state and local regulators.
>
> After the initial agreement was tentatively reached, the ethanol industry disputed the "no-NO_x-increase" language related to the reformulated gasoline program, particularly with respect to the non-ozone season and requested from state and local regulators a supplemental agreement to the rule. Accordingly, we agreed to the following language: "prior to May 1997, up to 3.5% oxygen will be presumed to result in no NO_x increase except (1) during the months with ozone violations (at the discretion of the impacted state) and (2) in those areas where the state has notified the Administrator that the use of an oxygenate would interfere with attainment or maintenance of another ambient air quality standard or other air quality problem.
>
> This concession was made even though we were well aware that oxygen levels up to 3.5 percent by weight result in NO_x increase that often exceed seven percent. For areas that are now reducing NO_x to meet federal ozone standards, this was and is a critical concern.

That pretty much makes my case, Mr. President. The addition of oxygen to gasoline increases NO_x emissions. The Clean Air Act prohibits increased NO_x emissions from reformulated gasoline. Rather than mandate other changes to gasoline that would offset the NO_x impact of the oxygen additives, the States agreed to look the other way. The laws of physics and chemistry were made discretionary "with the impacted State." The law passed by Congress was ignored entirely.

Let me quote from a representative of the environmental community on this same point. This is the Chicago testimony of Mr. David Doniger who is a senior attorney with the Natural Resources Defense Council, Inc., and an active participant in the regulatory negotiation that led up to this rule. This is Mr. Doniger's statement:

> The ethanol industry bargained sharply for other concessions but accepted these RVP

limits. RFA (the Renewable Fuels Association) led the way in effective bargaining for concessions on oxides of nitrogen. The law clearly prohibits oxygenates from causing any increase in NO_x emissions. The data, however, showed that all oxygenates, but especially ethanol, can cause NO_x increases.

In return for their signature on the overall agreement, including their acceptance of the RVP limits I discussed above, RFA and other ethanol representatives won from us, from the environmental and state interests, an agreement not to press our concern over those NO_x increases during the period when the simple model is used.

Mr. President, can you imagine the howl we would have heard had it been EPA or OMB or the White House who gave away the NO_x cap in the reformulated gas program. And not only the NO_x cap, but the mandated 15-percent reduction in hydrocarbon emissions, as well.

To be sure, the environmental community and the States believed that the negotiated agreement gave them concessions from the oil industry and the ethanol industry that benefit the environment. I wish I could tell my colleagues who got the better side of the deal. But I cannot. No one knows. There is not enough information available to tell whether the proposed rule will reduce smog and toxic air pollution more or less than the Clean Air Act that was passed by the Congress.

However, there are two things we do know for sure. The proposed rule for reformulated gasoline is not in compliance with the legal requirements of the Clean Air Act. And it would exclude ethanol fuels from a large portion of American gasoline market. I hope the Senate will join with the cosponsors of this resolution to condemn the proposed rule.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Sharon Peterson, a member of the staff of Senator BAUCUS, to participate in a program in Taiwan, Hong Kong, Malaysia, and Singapore, sponsored by the Hong Kong Government and the Chinese National Association of Industry and Commerce [CNAIC] from August 14-24, 1992.

The committee determined that participation by Ms. Peterson in this program, at the expense of the Hong Kong Government and CNAIC is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Lamar Smith, a member of the staff of Senator GARN, to participate in a program in Taiwan, sponsored by Johns Hopkins University and the National Chengchi University, from July 16-20, 1992.

The committee has determined that participation by Mr. Smith in this program, at the expense of the Chengchi University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for David Balland, a member of the staff of Senator SIMPSON, to participate in a program in Taiwan, sponsored by the Tamkang University, from August 29 to September 4, 1992.

The committee determined that participation by Mr. Balland in this program, at the expense of the Tamkang University is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Patrick McCartan, a member of the staff of Senator SEYMOUR, to participate in a program in Taiwan, sponsored by the Soochow University, from August 29 to September 4, 1992.

The committee determined that participation by Mr. McCartan in this program, at the expense of the Soochow University is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Sharon Waxman, a member of the staff of Senator LAUTENBERG, to participate in a program in China, sponsored by the Tamkang University, from August 29 to September 4, 1992.

The committee determined that participation by Ms. Waxman in this program, at the expense of the Tamkang University is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mary Naylor, a member of the staff of Senator SIMON, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from August 31 to September 3, 1992.

The committee determined that participation by Ms. Naylor in this program, at the expense of the Chilean-American Chamber of Commerce is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Senator GORE to participate in conferences held in Japan from June 29 to July 3, 1991, and in France from May 16-18, 1992, sponsored by Globe International.

The committee determined that participation by Senator GORE in these conferences, at the expense of Globe International, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Lynn Schloesser, a member of the staff of Senator BURDICK, to participate in a program in China, sponsored by the United States-Asia Institute and the People's Republic in China, from August 15 to September 1, 1992.

The committee determined that participation by Mr. Schloesser in this program, at the expense of the People's Republic of China is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mike Tongour, a member of the staff of Senator SIMPSON, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from August 30 to September 4, 1992.

The committee determined that participation by Mr. Tongour in this program, at the expense of the Chilean-American Chamber of Commerce is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Dan Berkovitz, a member of the staff of Senator BURDICK, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from August 30 to September 4, 1992.

The committee determined that participation by Mr. Berkovitz in this program, at the expense of the Chilean-American Chamber of Commerce is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for David Cox, a member of the staff of Senator BOREN, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 17-29, 1992.

The committee determined that participation by Mr. Cox in this program, at the expense of the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for William M. Long, Jr., a member of the staff of Senator HEFLIN, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs and the Far East Studies Institute, from August 15 to September 1, 1992.

The committee determined that participation by Mr. Long in this program, at the expense of the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Ben Cooper, a member of the staff of Senator JOHNSTON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 17-29, 1992.

The committee determined that participation by Mr. Cooper in this program, at the expense of the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.•

THE 90TH BIRTHDAY OF ANNA BERMAN

• Mr. DODD. Mr. President, it is a great honor for me to recognize a woman in my home State who will be celebrating her 90th birthday on September 24.

Anna Berman was born in 1902 and moved to Hartford when she was 18 years old. She married Jacob Berman, a lawyer in Hartford, in 1927. Anna and Jacob had four children who were all raised in West Hartford. The children and relatives will be celebrating Anna's 90th birthday in West Hartford on September 12, and it is for this occasion that I wish to extend my wishes for a very happy celebration.

The fruitful life of one so giving and morally outstanding does not go unnoticed. I salute Anna Berman on the monumental occasion of her 90th birthday.•

REGIONAL MINORITY CONTRACTOR AWARD GIVEN

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to E. Porter General Contractor, Inc., who have been selected to receive Minority Business Development Agency's Regional Minority Contractor Firm of the Year Award. In addition to being the recipient of this prestigious regional award, E. Porter General Contractor, Inc. has been placed in nomination for national recognition in the National Minority Contractor of the Year competition.

E. Porter General Contractor, Inc. is a privately held corporation that has been incorporated since 1984. Since that time, the enterprise has become one of Rochester, NY's most successful minority-owned businesses. E. Porter General Contractor, Inc. was capitalized with a $3,000 investment from its owner, Emmett Porter. Today the firm boasts about its $2,000,000 bonding line and a six-figure line of credit.

The firm's first entry into the marketplace was as a contractor of janitorial services and supplies. Its early customers were Off Track Betting Corp. [OTB] and the Eastman Kodak Co. The firm has since evolved from janitorial services to the highly specialized field of asbestos abatement. Today, E. Porter General Contractor, Inc. holds the distinction of being the largest minority general contractor at the Eastman Kodak Co.

In its 8-year history, E. Porter has earned a solid reputation primarily due to its highly efficient work force which has risen as high as 105 employees. Job training has played an integral part in the firm's competitive status. E. Porter General Contractor has consistently maintained its civic role in the Rochester community working to develop the job training skills of minority youth in skilled trades.

I wish to congratulate Emmett Porter and his many employees for many a job well done. I wish them good fortune and much success in the national competition.•

COMMEMORATING THE ISRAELI ATHLETES OF THE 1972 OLYMPICS

• Mr. BRADLEY. Mr. President, I rise today to commemorate the 20-year anniversary of the Munich Olympic massacres. After years and years of preparation, the Olympics are the pinnacle of achievement for many athletes. Many Olympic athletes dream of a pride-filled return to his or her country. What despair not to return to your country at all.

The 17 Israeli athletes who died at the hands of terrorists should remind us of the horrific consequences of acts of intolerance of religious, national, or ethnic differences. In light of the ethnic cleansing we witness in the former Yugoslavia, the ongoing rioting aimed at immigrants in Rostock and other towns in eastern Germany, and the support enjoyed by some political figures who are harbingers of hate and divisiveness, this anniversary should serve as a symbolic reminder that anti-Semitism, racism, and fear of foreigners still exist. Moreover, in these hard economic times, xenophobic tensions flourish.

In this new world order, Mr. President, traditional national boundaries are not so clear. The number of political and economic refugees grows, and will continue to do so amid the massive changes occurring throughout the world. I hope that some day diverse peoples will live in harmony. Now, however, we must be aware of the delicate nature of this enormous transition. Economic frustrations, unemployment, and political instability must not be channeled into irrational hatred of people who are different for one reason or another. As we have seen in the past, this pattern destroys hope and sinks us to an inhumane level.

Mr. President, there is a difference between the surface ambitions driving those who murdered the Israeli Olympians and those whose enmity propels the violent acts of today. However, the underlying sentiments—hatred and intolerance operating under the auspicious claim of national interests—link all these situations.

The citizens of eastern Germany have had large counterdemonstrations to show that the acts of violence or symbols of hatred will not be tolerated. In a world where we use a window on history as a way to direct the future, we must learn from the past, mourn for those who were part of the unfortunate lesson, and steer away from hatred in the future. Let us do all in our powers so that events such as those that took place in Munich 20 years ago not be repeated in the future.•

ST. BENEDICT'S AT 100

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to St. Benedict Joseph Labre Roman Catholic Church on the historical occasion of their 100th anniversary in Richmond Hill, NY. St. Benedict Joseph Labre Parish will celebrate its centennial on October 18, 1992, at a Mass celebrated by Bishop Daley.

In the spring of 1892, Mr. Thomas Lally, a builder and real estate developer, petitioned Bishop Charles E. McDonnell on behalf of a small group of Catholics settled in the Richmond Hill area for a new parish so they would no longer need to travel great distances to hear Mass. By October 1893, St. Benedict Joseph Labre wooden church was finished and dedicated to honor the name of a saint canonized in 1883.

The church's namesake, Benedict Joseph Labre, was born in France in 1748, and although he was born to a comfortable existence, chose a life of poverty, rags, and silence. He spent his life wandering from place to place seeking ways of serving God better. He is considered the patron saint of the homeless.

The original wooden church was replaced by a brick structure in 1919, and a school was added in 1913. The school was expanded both in 1935 and again in 1938.

St. Benedict Joseph Labre Parish serves over 2,000 families today. The current pastor is Msgr. William Thomas Hendel. He is assisted by Fathers Jurgensen and McLaughlin. Pastor emeritus is Father William O'Leary, and the resident is Msgr. John Condon.

St. Benedict Joseph Labre Parish has a long legacy of serving the needs of the people of Richmond Hill, protecting family values, and sharing the message of the Lord; providing each member a foundation of strength and spirit for all times. As a U.S. Senator, I commend the entire congregation of St. Benedict Joseph Labre Church for their dedication to the goals and aspirations of Catholicism. I ask my colleagues to join me in wishing St. Benedict Joseph Labre congregation a well-celebrated 100th anniversary.•

INSTALLATION OF RICK GUSTAFSON AS THE PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

• Mr. SMITH. Mr. President, I rise today to commend a fellow New Hampshirite, Rick Gustafson of Portsmouth, who will be installed as the president of the Independent Insurance Agents of

America [IIAA] next week in New Orleans.

Rick has had a long and distinguished career as an agent in Portsmouth and as chairman of the Blake Insurance Agency. His service to this association has been equally long and impressive. He is a past president of the Portsmouth Insurance Association, president of the New Hampshire State Association and has served on the national board of IIAA. It's interesting to note how many people traverse the great State of New Hampshire wanting to be president, but Rick is about to take that role for the third time.

Rick's commitment to his association is evidence of his dedication to his profession and his customers. This dedication has spilled over into a variety of community activities where he is also a leader: He is past president of the Portsmouth Jaycees, past president and founder of the Seacoast United Way, and has served as chairman of the Portsmouth Hospital.

I have worked closely with the Independent Insurance Agents of New Hampshire and IIAA's Capitol Hill office, and it will be a pleasure for me to work with Rick when he assumes the mantle of leadership for the Nation's largest insurance association.

I know Rick will serve with distinction as president of the Independent Insurance Agents of America, and I wish my fellow citizen of New Hampshire all the best in his new role.●

RELATIVE TO THE DEATH OF THE HONORABLE QUENTIN N. BURDICK OF NORTH DAKOTA

Ms. MIKULSKI. Mr. President, on behalf of the majority leader and the minority leader, and all other Members of the Senate, I ask unanimous consent that the Senate now proceed to Senate Resolution 338, a resolution relative to the death of our colleague, QUENTIN BURDICK.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 338) relative to the death of the Honorable Quentin N. Burdick, of North Dakota.

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Quentin N. Burdick, a Senator from the State of North Dakota.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Ms. MIKULSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. Wednesday, September 9; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the Chair's announcement, the Senate proceed into executive session to resume consideration of the Carnes nomination as provided for under a previous unanimous consent agreement; that the mandatory live quorum be waived with respect to the cloture vote on the Carnes nomination; and that upon disposition of the Carnes nomination, the Senate return to legislative session and then resume consideration of H.R. 5679, the VA-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. WEDNESDAY

Ms. MIKULSKI. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate now stand in recess in accordance with Senate Resolution 338 as a mark of further respect to our late dear and well-respected colleague, Senator QUENTIN BURDICK of North Dakota.

There being no objection, the Senate, at 9:57 p.m., recessed pursuant to the provisions of Senate Resolution 338 until Wednesday, September 9, 1992, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 9, 1992*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to lead lives of thankfulness and to respond to Your gifts with the spirit of gratitude. We admit that the concerns of life bring both laughter and tears and our actions bring forth both joys and sorrows. Lift us above all that would lower our spirits or cause us to be distrustful of the human condition, and instead remind us of the beauty of life and of the love of people one for another. As we focus on Your good gifts to us, O God, may we go forward this day to lead lives of prayer, praise and thanksgiving and in loving service to those about us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentlewoman from Florida [Ms. ROS-LEHTINEN] will please come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE LATE HONORABLE QUENTIN N. BURDICK, A SENATOR FROM THE STATE OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Speaker, I offer a privileged resolution (H. Res. 559) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 559

Resolved, That the House has heard with profound sorrow of the death of the Honorable Quentin N. Burdick, a Senator from the State of North Dakota.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That a committee be appointed on the part of the House to join a committee appointed on the part of the Senate to attend the funeral.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The SPEAKER. The gentleman from North Dakota [Mr. DORGAN] is recognized for 1 hour.

Mr. DORGAN of North Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, early yesterday morning, the North Dakota senior Senator, Quentin Burdick, died in Fargo, ND.

I rise today to extend my sympathies and prayers to the family of Senator Burdick and to say that North Dakota has lost a trusted friend who served with distinction here in the U.S. Congress for many years.

In 1958, Senator Burdick won election to this House of Representatives, and in 1960, he won a special election to the U.S. Senate and has served there continuously since that time.

Senator Burdick was not a flashy guy or a big talker. He worked quietly for many, many years pushing for the kinds of changes and policies that were important to North Dakota and to our country.

At a time when criticisms come easy about public officials, and at a time when so many are so skeptical of those serving in public office, Senator Burdick's career reminds us again of how many, including and especially Senator Burdick, have served their country so well over so many years.

Few will ever really understand the dedication, the commitment, the long hours and hard work necessary to serve the public interest the way Senator Burdick did for so long with such honor.

All of us who worked with Senator Burdick will miss him. I send my thoughts and prayers to the Burdick family today.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 338

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Quentin N. Burdick, a Senator from the State of North Dakota.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5400. An act to establish in the Department of Veterans Affairs a program of comprehensive services for homeless veterans.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2130. An act to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1992; and

H.R. 4250. An act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2266. An act to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes;

S. 2964. An act granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority;

S. 3065. An act to revise and extend the Rehabilitation Act of 1973, and for other purposes;

S. 3118. An act to increase employment and business opportunities for Indians, and for other purposes;

S. 3174. An act to make technical corrections to the International Banking Act of 1978; and

S. 3175. An act to improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5482), "An Act to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. HARKIN, Mr. METZENBAUM, Mr. SIMON, Mr. ADAMS, Mr. HATCH, Mr. DURENBERGER, and Mr. JEFFORDS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5739), "An Act to reauthorize the Export-Import Bank of the United States," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. CRANSTON, Mr. SARBANES, Mr. GARN, and Mr.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

MACK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 2152), "An Act to enhance the effectiveness of the United Nations International Driftnet Fishery Conservation Program" with an amendment.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 12), An Act to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. DANFORTH, and Mr. PACKWOOD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 680), "An Act to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes," with an amendment.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 14, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, August 14, 1992 at 12:15 p.m.: That the Senate passed without amendment H.R. 5481.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 13, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, August 13, 1992 at 1:53 p.m.: That the Senate agreed to the House amendment to the Senate amendment to H.R. 4111; that the Senate passed without amendment: H.R. 5623, H.R. 5688, H.J. Res. 492 and H. Con. Res. 355.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

APPOINTMENT OF ADDITIONAL MEMBERS TO THE GLASS CEILING COMMISSION

The SPEAKER. Pursuant to the provisions of section 203(b)(1) of Public Law 102–166, and the order of the House on Wednesday, August 12, 1992, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker and Senate majority leader on August 12, 1992, did jointly appoint to the Glass Ceiling Commission the following individuals:

Ms. Jean Ledwith King of Ann Arbor, MI;

Ms. Beverly A. King of Culver City, CA; and

Ms. Judith L. Lichtman of Washington, DC.

These appointments are in addition to those made to the Commission on July 22, 1992.

APPOINTMENT AS MEMBERS OF DELEGATION TO ATTEND CONFERENCE OF THE INTERPARLIAMENTARY UNION IN STOCKHOLM, SWEDEN

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a–1, and the order of the House of Wednesday, August 12, 1992, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker appointed to the delegation to attend the conference of the interparliamentary union to be held in Stockholm, Sweden, September 4 through September 10, 1992, the following Members on the part of the House:

Mr. FEIGHAN of Ohio, chairman;

Mr. SCHEUER of New York, vice chairman; and

Mrs. COLLINS of Michigan.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Thursday, August 13, 1992:

H.R. 2549. An act to make technical corrections to chapter 5 of title 5, United States Code;

H.R. 4312. An act to amend the Voting Rights Act of 1965 with respect to bilingual election requirements;

H.R. 5560. An act to extend for 1 year the National Commission on Time and Learning, and for other purposes;

H.R. 5623. An act to waive the period of congressional review for certain District of Columbia acts;

H.R. 5688. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes;

S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the United States Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress;

S. 3001. An act to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes;

S. 3163. An act to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, and for other purposes;

H.J. Res. 411. An act to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week";

H.J. Res. 507. An act to approve the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania.

The Speaker signed the following enrolled bills on Friday, August 14, 1992:

H.R. 2607. An act to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes;

H.R. 5481. An act to amend the Federal Aviation Act of 1958 relating to administrative assessment of civilian penalties.

The following enrolled bills and joint resolutions were signed by the Speaker pro tempore on Thursday, August 20, 1992:

H.R. 3033. An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes;

H.R. 4111. An Act to amend the small business act and related acts to provide loan assistance to small business concerns, to extend certain demonstration programs relating to small business participation in federal procurement, to modify certain small business administration programs, to assist small firms to adjust to reductions in defense-related business, to improve the management of certain program activities of the Small Business Administration, to provide for the undertaking of certain studies, and for other purposes.

H.J. Res. 492. An Act designating September 1992 as "Childhood Cancer Month".

PUTTING POLITICS FIRST

(Mr. MICHEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, this past Sunday, in an article entitled "House Democrats Weighed Political Considerations in Health Care Bill," the Washington Post revealed the Democratic priorities in legislating around here.

Chief among these priorities, according to a July 24 transcript of the Democratic caucus, is to "screw the Republicans."

This demonstrates why there is so much gridlock around here.

From health care to economic growth, from education reform to anticrime legislation, the President has tried honestly and forthrightly to move a domestic agenda.

But the Democratic majority in the Congress is most concerned with how they can set up the President for another political hit. Instead of letting the legislative process work its will, the Democrat majority in the Congress would rather craft legislation, as they have said, to "screw the Republicans."

Mr. Speaker, it is time that we stopped screwing around and started working together to move this country forward.

ANNOUNCEMENT OF THE DEATH OF THE HONORABLE JOSEPH L. RAUH

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, it was with deep dismay we learned of the death of Joseph L. Rauh last Thursday.

For the past 50 years Joe Rauh has been the foremost champion of the U.S. Constitution.

Coming to Washington after World War II, Joe was the Nation's chief opponent of Senator Joe McCarthy, the House UnAmerican Activities Committee, and every movement that threatened the constitutional rights of all Americans.

He was one of the authors of all the great civil rights bills since the 1950's. He was always there when people needed protection from arbitrary government.

Mr. Speaker, Joe Rauh was also a personal friend of many of our colleagues in the House and Senate. We all loved and admired him, his wife Olie, and his two fine sons, Carl and Mike.

Next Tuesday, September 16, I have reserved an hour of special order time for us to talk about Joe and his magnificent contributions to America.

I hope that many of my colleagues will join me then, and participate in the dialog.

□ 1210

HOMESTEAD AIR FORCE BASE MUST BE REBUILT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in addition to the loss of life and private property caused by Hurricane Andrew, Homestead Air Force Base was badly damaged. This base must be rebuilt for the good of the Nation.

Homestead Air Force Base, because of its strategic location at the southern tip of the Florida mainland, serves this country in a number of irreplaceable roles.

A little over 100 miles away from Homestead is one of the last holdouts of Communist dictatorship. Fidel Castro is an unstable tyrant in decline and may be likely to strike out in an irrational manner. Homestead is also a frontline post in the current battle to cut off the flow of cocaine into the United States.

As in real estate, part of the strategic value of a base may be determined by location. There is no substitute for Homestead Air Force Base and the national security service that it provides to the country as a whole.

PRESIDENT'S SUPPORT FOR FAMILY VALUES AT ODDS WITH THREATENED VETO OF FAMILY AND MEDICAL LEAVE ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the conference report on the Family and Medical Leave Act, which will soon come before the House, is an example of meaningful bipartisan action.

Democrats and Republicans agree that we need this family leave bill because we recognize the severe strain faced by families with two workers. Today more than two-thirds of all women work outside the home and in many families both parents have to work to make ends meet. Yet we are the only industrialized nation in the world that does not have a family and medical leave policy.

The Family and Medical Leave Act will not hurt businesses. The costs of providing the unpaid leave called for in this legislation are minimal. The savings in worker productivity and improved morale will more than make up for the costs.

Yet, the President has once again threatened to veto this critical legislation. This legislation is about family values.

Family values are a mother and father being able to stay home with a newborn child, or being able to care for an ill parent, son, or daughter. Family values are a sick worker not having to worry about losing a job or health insurance.

Mr. Speaker, actions speak louder than words. I urge the President to support family values by signing the Family and Medical Leave Act.

THE HUMAN SPIRIT RESPONDS TO ANDREW

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, 2 weeks ago Hurricane Andrew walloped south Florida and Louisiana with a vengeance—indiscriminately devastating the lives of tens of thousands. It will take many months for the victims to recover from Andrew's fury. But if there was anything that made the immediate aftermath of the storm a tiny bit easier to bear it was the knowledge that Andrew could destroy homes but it could not destroy the genuine spirit of human kindness and compassion that abounds in America. People from all across this Nation put aside their agendas and pitched in to ensure that those left destitute by the hurricane had water, food, shelter, clothing and, most especially, comfort. All of us from damaged areas are grateful that preparedness and evacuation worked well in most cases and prevented widespread loss of life. As Congress goes back to work and we begin to assess the true cost of Andrew's devastation—there will probably be some Monday morning quarterbacking. But the real message is that Americans still know how to pull together when times get tough. In southwest Florida, there is nobody to blame, but many people to thank.

FAMILY AND MEDICAL LEAVE ACT

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, the conference report on the Family and Medical Leave Act will likely be considered by the House later this week.

In many families, both parents have to work in order to make ends meet. The arrival of a new child or the illness of a family member can place an enormous strain on the family. Working Americans should not be forced to choose between keeping their jobs and caring for a newborn child, or a parent in failing health.

Since this is a bill that clearly promotes family values, you'd expect President Bush to be pushing his way to the front of the line to proclaim his support for this legislation and demanding that Congress approve it. Wrong.

The President has said that he will veto this bill. He has said that he will not sign into law legislation designed to help American families through difficult, trying times, but that he will instead use his Presidential power to block it.

Too many people have lost their jobs because they had family values. It is time for the President to quit talking about family values and instead start doing something to help keep hard working American families together.

USE FOREIGN AID MONEYS AT HOME

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, today I am introducing a bill with the American taxpayer and the American people in mind. Disaster victims in Florida, Louisiana, and Wisconsin have suffered billions of dollars in damages, estimated by some as high as $13 billion or more.

Considering our huge deficits and considering our sluggish economy, what can we in Congress do for our fellow citizens? Well, for starters we can take the $13 billion that is scheduled to be shipped overseas in just 3 weeks on October 1 and use it for our own people.

Mr. Speaker, my bill will redirect these $13 billion in foreign aid to be used for disaster relief for disaster victims, for our own citizens right here at home. We have shoveled enough money overseas. It is time we start taking care of our own people and our own problems for a change.

Mr. Speaker, I ask all Members to join in sponsoring this bill.

LORDSTOWN, OH, AUTO WORKERS STRIKE ON BEHALF OF ALL AMERICAN WORKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, strike, a word that is dreaded. Strike, no one wants it, no one likes it, no one wins, Mr. Speaker. But the United Auto Workers in Lordstown, OH, in my district had no choice. They were fighting to save their jobs.

The truth is the President and this administration have done nothing. To make matters worse, to tell the truth, Congress has not done a damn thing either. Jobs keep going to Mexico, Korea, Singapore, Europe, and on, and on, and on. And the sad part is it takes a bunch of working people who do not want to be targeted by General Motors in the next round that have to stand up to save their own jobs because their Government will do nothing. They put their futures on the line, maybe will have their plant targeted, to not only save their jobs, but to save other jobs in this country.

I say it is time for the politicians to wake up and smell the coffee grinds, because all those jobs overseas are not going to pay 1 damn penny in taxes to keep Uncle Sam afloat.

AMERICANS CONCERNED ABOUT HAVING DRAFT DODGER FOR COMMANDER IN CHIEF

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, the American people disagree about a lot of things, but one thing we can count on. Most of them do not want a draft dodger for their Commander in Chief.

Mr. Speaker, I was outraged when I read the Los Angeles Times story giving us new details of Bill Clinton's draft evasion.

And so were countless other veterans, who, like JERRY SOLOMON and George Bush, volunteered as 18-, 19-, and 20-year-olds. But not Bill Clinton. His college class was the last to get deferments.

But thanks to pressure from his well-placed friends, Clinton was able to study abroad while other young Americans answered their country's call.

His uncle lined up a Naval Reserve slot that Clinton never filled. Clinton enrolled in the ROTC program he never joined at a university he never attended.

Then he had the gall to thank a colonel for helping him dodge the draft.

As far as I am concerned, he has a lot of nerve running against George Bush, who delayed his own college education and became a decorated Navy pilot.

Bill Clinton is not qualified to lead our Armed Forces, and he is not qualified to be our President.

Mr. Speaker, in Bill Clinton the American people are starting to see a draft dodger still tied to the Democrat Party's usual leftwing special interests.

They see a big spender with a radical lawyer for a wife and an environmental extremist for a running mate.

And the more they look, the more they appreciate George Bush.

Who knows, Mr. Speaker, they may even give President Bush a Republican Congress that will work with him, instead of against him. If that happened, you would see this economy take off in a hurry.

AMERICANS ARE WORKING MORE FOR LESS

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, in the 4 days from September 4 to 7, we were blasted with headlines like "167,000 Jobs Lost in U.S. Last Month;" "Ranks of Poverty Swell by 2 Million;" "Economy Still Lagging;" and "Workers Generally Worse Off than a Decade Ago."

Most American families did not have to read this in the newspapers. They know it because they are experiencing it. They are a statistic.

Mr. Speaker, it is clear now as the economic evidence rolls in that working families in America were worse off at the end of the 1980's than they were at the end of the 1970's.

One report found that the average American worker is putting in more time on the job for less pay than at any time since the start of the 1980's, that Americans were worse off at the end of the 1980's than at the end of the 1970's.

□ 1220

The most alarming thing about these trends is the so-called time deficit. The fact that since 1970, the number of working mothers with children under the age of 6 has increased by 27 percent. In America today more than 70 percent of women with school-aged children work outside the home because they have to.

Since 1960, children have lost 10 to 12 hours per week with their families.

Let me just say in conclusion that this is that once in 4 years opportunity to change the direction of leadership in this Nation to cure these economic problems. My colleagues, let us do it.

NINETY DAYS SINCE THE DEFEAT OF A BALANCED BUDGET AMENDMENT: STILL NO DEMOCRAT PARTY SOLUTION TO DEFICIT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, 90 long days have passed since the tax and spend Democrats of this House defied the will of the American people and defeated the balanced budget amendment. Then the Democrat leadership promised that they would produce a program which would make steps toward a balanced budget. Where are these measures now, almost 3 months later? Meanwhile the national debt continues to skyrocket at a pace that should be a source of shame for all of us.

Isn't it high time for the Democrats, the self-defined party of change, to bow to the will of the taxpayers and take the necessary steps to bring these deficits under control. Instead, Mr. Speaker, the Democrats continue to stymie not only their own steps toward fiscal controls but also constitutional measures that threaten to limit their pork barrel legislation.

The time has come to break the gridlock which has a stranglehold on this House. Year after year of deficit spending has proven that the House needs constitutional mandates to force its hand and end the growth of the national debt that we are facing.

Wake up and smell the roses, Democrats; the American people will not forget. Come November, you will be held accountable.

A COMPARISON OF THE TWO CANDIDATES

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, a key battleground in the presidential election will be the Midwest States. Bill

Clinton seems to think that he will win the Midwest because he has taken some bus rides through Ohio and other States since the conventions.

Well, as an Ohioan I know it is going to take more than that. Midwesterners will look at the two candidates to see who has a better plan for America's future.

So let us compare. George Bush offers tax incentives for savings and investment. Bill Clinton offers the largest tax increase in our history. George Bush proposes tax credits to help Americans buy health insurance. Bill Clinton proposes a new payroll tax increase—so he can reinvent health insurance with a Democrat Party that has controlled Congress for nearly four decades and has never passed a health care plan.

Bill Clinton's idea of serving his country was to dodge the draft, and let other's fight for America. George Bush served his country by volunteering and serving bravely in combat.

Mr. Speaker, when the voters compare the two candidates, they will let Clinton ride the bus, and leave the driving to President Bush.

FAMILY AND MEDICAL LEAVE ACT CONFERENCE REPORT

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, President Bush is currently running for reelection promising to be the traditional family values President. This week, the Congress is going to give him the opportunity to prove that he is willing to stand up for the traditional family and against special corporate interests. This week the Congress is going to send to the President's desk the family medical leave bill.

The President is right when he says the American family is under siege. It is under siege from an economy that demands dual incomes and a job market that is leaving millions of household heads unemployed. The question is what is the President going to do about it.

Currently, any corporation can fire employees when they need to take time off to give birth or care for their sick infant. Every other industrialized, western nation guarantees employees the right to take unpaid leave without the fear of losing their job. This bill would allow American workers the same right.

President Bush's choice is clear. He can listen to his campaign promise and acknowledge that family values means allowing workers the flexibility to stay at home to care for a newborn or an ailing elderly parent. Or, he can side with corporate special interests who care more about profits than people. If President Bush vetoes the family medical leave bill, then his traditional family values campaign will be as hollow as his "no new taxes" pledge.

The American family needs substantive help, not cheap rhetoric.

HURRICANE ANDREW

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, America has just witnessed its worst natural disaster in the country's history.

I spent this last weekend, as chairman of the congressional fire and emergency services caucus, in Homestead, FL, where I slept in the tent city at Harris Field along with my colleague, the gentleman from New Jersey, ROB ANDREWS.

We were absolutely overwhelmed by what we saw: a coastal area 20 miles long, 17 miles inland, totally devastated by this terrible storm, with winds at one time approaching 118 miles an hour at Homestead Air Force Base. We delivered 250 tons of materials from the tristate area of Philadelphia, New Jersey, and Delaware and worked with the Metro Dade Fire Department to reestablish their emergency response and communications system.

The devastation was unbelievable, but the attitude and spirit of southern Dade County was also unbelievable. Today we will discuss that trip. We will discuss our experiences, the lessons to be learned and we will be offering a joint bill that the gentleman from New Jersey [Mr. ANDREWS], and I will be offering this week to create a select committee on disaster preparedness and response to allow this Congress to focus on disasters so that once and for all we can get our house in order and can better coordinate all of those agencies that we rely upon to respond to disasters of this magnitude.

I urge my colleagues to involve themselves in the special order this evening on Hurricane Andrew.

SUPPORT FOR THE FAMILY AND MEDICAL LEAVE CONFERENCE REPORT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, for weeks and months we have had a sensory overload of discussion about family values. That rhetoric has been by turn misdirected, inflamed, even incendiary.

We have a chance, however, not just to talk about family values but to do something constructive about family values and about the American family tomorrow by passing the Family Medical Leave Act.

This act ought to be passed overwhelmingly tomorrow and then, if the President does follow through with a veto that he has promised, to pass it again over his veto.

What is medical leave and family leave? Simply a bill to provide an opportunity for families to stay together and intact where babies are born or adopted, or there is illness at home, or where they themselves are ill.

It simply recognizes, Mr. Speaker, the reality of the workplace. There are more working couples. There are more working mothers, and there is always going to be illness. And there is always going to be difficulty. This bill gives some opportunity for people to attend to these family responsibilities.

Mr. Speaker, instead of talking about family values, we ought to do something about them. And then face the President with that issue.

Will he be for the family or will he not be for the family? That story is told tomorrow.

□ 1230

PRIVATE ENTERPRISE, THE DRIVING FORCE BEHIND THE BEST ECONOMY IN THE WORLD

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, it does not take long when we are home to understand the frustration of people with the lackluster economy, to recognize that most people know why the economy is not performing up to expectation. The problem is largely right here in Congress. The majority in Congress has forgotten or never did know what it is that has made this country great, what it is that has produced the best jobs and the best economy in the world, the driving force that has made us what we are. It is called private enterprise, it is called incentive, it is called opportunity and initiative, the entrepreneurial spirit.

Unfortunately, the Congress has done its best to blunt the vital elements of enterprise and somehow is surprised at the results.

If we do away with incentives through high taxes on risk capital, why should we expect people to risk their capital, if indeed they have any? If we bridle enterprise with regulatory burdens, many unneeded regulations, why should we be surprised if no one attempts to start businesses? If we spend more energy on redistribution of income rather than developing it, why should we be surprised when we blunt initiative?

It is no mystery why the economy is slow, and the Congress continues to take away incentives and to provide overregulation. We can change that, and we should, today.

NO HARRY TRUMAN

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, I am reading David McCullough's "Truman," a fascinating book. Mr. Speaker, I can tell the Members that George Bush is no Harry Truman.

In fact, there are no Harry Trumans around today, but George Bush likes to quote Harry Truman, and he likes to act like him; no, not Harding, not Coolidge, not Hoover or Nixon, but Harry Truman.

Why do we want to elect a surrogate Democrat when we have one who adheres at least to Truman's principles? Oh, yes, and while our President likes to knock the Democrats for being tax and spend, he signed a Democrat proposal to help small business the other day which does appropriate more money for financially strapped small businesses, and for those who want to know, he took credit for it. He took credit for increasing the budget deficit.

Welcome aboard, Mr. President. At least you know where the people stand.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise Members that the President is not to be addressed directly, but through the Chair.

MORE THAN JUST A PATRIOT GAME

(Mr. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Texas. Mr. Speaker, did you see the newspapers this morning?

Apparently, Bill Clinton wouldn't know a patriot if he saw one.

Even my 10-year-old grandson watched enough TV during Operation Desert Storm to know the difference between a cruise and a patriot missile.

Now for a guy who claims he's competent enough to cut this Nation's defense by 40 percent, at a loss of more than 1 million jobs over the next 5 years, he better do some homework on which missiles do what.

We trust the very life of this Nation—the lives of our young men and women serving in the Armed Forces—to our Commander in Chief.

George Bush has seen combat and knows what is at stake. DAN QUAYLE knows a patriot missile when he sees one; he was one of the Senate's most knowledgeable Members on national defense.

The Presidency of the United States demands leadership and experience. It is a lot more than just a patriot game.

THE BUSH ECONOMIC PLAN—PROMISE OR THREAT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I regret that in this campaign the deficit seems to be going out the window and the President is leading that charge. It is hard to distinguish the President's campaign from a Jerry Lewis telethon. The President has been making promises so fast we need a tote board to keep track: $425 billion over 5 years for an across-the-board tax cut; $420 billion for an increase in the personal exemption; $15 billion for capital gains; $10 billion for job training; and $1 billion for the Export Enhancement Program.

Another $500 million to $1 billion to rebuild Homestead Air Force Base, and full reimbursement for Hurricane Andrew disaster assistance.

That is nearly $900 billion in promises, without a word of specifics, not a word about how to pay for them. At the same time, the President says he wants to balance the budget by 1998. That would require at least another $650 billion of additional spending cuts on top of that figure. The total comes to $1.5 trillion.

This is not a Jerry Lewis telethon. This is the most important election in a generation. Mr. President, the people want straight talk, and they are not getting it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, the Chair would remind Members that the President is to be addressed through the Chair and not directly.

INDEPENDENT COUNSEL WASTES TAXPAYERS MONEY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I have spoken several times about the ridiculous waste of taxpayer money being conducted by Special Prosecutor Walsh and his team of lawyers. Most estimates are that this investigation has cost the taxpayers of this country $40 million to $50 million thus far, with almost nothing to show for it.

In today's Washington Post columnist George Will says this:

> At last the world has a perpetual motion machine—the clanking prosecutorial jalopy of Independent Counsel Lawrence Walsh. It is running up court failures and millions of dollars of expenses while bankrupting people who are acquitted.
>
> It is time for President Bush to take action against Walsh and send him packing.

William F. Buckley, Jr., in a column a few days ago, called for the same action. He referred to "Walsh's terrorist legal squad" and said, "The whole investigation has been transfigured from judicial inquiry to political persecution."

Mr. Buckley said:

> We are now talking about public servants who wake up to discover that they are useful to special investigators bound on political missions.

This is what this investigation has become, a very expensive political witch hunt, and it will be a good day for this Nation when it ends once and for all.

REBUILDING SOUTH FLORIDA: HELP LOCAL BUSINESSES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, throughout the last few weeks, south Florida has seen an outpouring of assistance to help those people affected by Hurricane Andrew. People throughout the State of Florida and the country have flocked to Homestead, Florida City, and Cutler Ridge to help rebuild these communities.

However, the U.S. Corps of Engineers, in handing out contracts on a noncompetitive basis, has overlooked regional small businesses who have a personal interest in seeing their communities rebuilt. Three $15 million contracts were awarded to large out-of-State companies. With the devastation that has occurred, we need to assist those devastated both personally and professionally.

After Hurricane Hugo, South Carolina drew upon many local businesses in an effort to get the community back on its feet. We must follow their example and allow businesses to be created from this unfortunate circumstance.

I urge the U.S. Army Corps of Engineers to reevaluate their no bid process. We must not forget the small businesses, contractors, and employers in the area who need the jobs and income to begin to rebuild their community.

WORLD GOVERNMENTS MUST FACE THE YUGOSLAV CRISIS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, during the recess I visited Yugoslavia and Sarajevo, and visited a prisoner-of-war camp, and I will be making a complete report. However, I want to make one quick comment. I have several recommendations.

First, the embargo that we now have should be tightened whereby nothing gets through to Serbia.

Second, we should take away the most-favored-nation status, and I call on the Democratic leadership on this side to please schedule the vote this week in the Congress to take away the MFN. People have said, "What is the position of the Congress? Why can they not get MFN suspended?" So I urge the leadership to bring this up.

Third, we should give the U.N. peacekeepers the right to fire back. They are sitting there as sitting ducks.

Fourth, the Cardinal, the Patriarch, and the leader of the Muslim faith should come together and call for a spirit of reconciliation and a day of peace. Also, there should be a land route set aside whereby enough supplies can come in.

Last, and in closing, those in the West and the East and parliaments and leaders will have to debate and make a decision that if the embargo does not work and all these other things do not work, knowing that every day men and women and children are being slaughtered, what will the civilized world do to respond? This is an issue that must be faced and must be dealt with in capitals around the world.

FAMILY LEAVE LEGISLATION SUPPORTS FAMILY VALUES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, we have heard so much about family values. Tomorrow we are going to be able to pass legislation, I think, with the help of all of our colleagues, that is truly valuing families. I hope this finally becomes the law.

I introduced the first family medical leave bill 7 years ago. I think it is high time it becomes the law of the land. Never have America's families needed this more, because with a recession on, people are so fearful for their jobs that if they are forced to choose between a newborn or newly adopted child or a critically ill child and their job, they are terrified to do the family thing first.

□ 1240

This would say America is going to try and catch up with the rest of the industrialized world and make the workplace much more family friendly.

I hope the administration listens to America's pediatricians, America's families, the Catholic conference and other religious groups, and many many others working to get family leave finally as the law of the land.

MORE GOVERNMENT REGULATIONS COST JOBS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, today on the floor the Democrats have given us a good idea of where they put their family values. Family values to the Democrats are that families simply are an extension of Government. What you have is more and more Government programs and more and more Government regulations, and that is good for your family.

The fact is that all of these regulations are imposed upon the businesses of the country, and what those businesses have said over the last few years is every time you impose the regulations you kill jobs. The Democrats seem to think that people are better off without a job, but with more regulations. Most families believe that they are better off with the wage-earner having a job, and having more jobs created in our society.

Tomorrow, when we vote, the issue will not be whether or not you are for families. The issue will be whether or not you are for jobs. The Democrats will kill jobs in order to have bigger government. We think that it is more important to families to keep those jobs available.

LET US REJECT VOODOO FAMILY VALUES

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, he said he was for jobs, but unemployment is at a 9-year high.

He said he was for growth, but we have the worst growth rate since World War II.

He said he stood for the middle class, but the median income of average Americans dropped $1,600 in the last 12 years.

And he said he stood for family values, but he vetoed the most important profamily legislation in years, the Family and Medical Leave Act.

Now Congress is on the verge of passing this essential legislation again, providing 12 weeks of unpaid leave for workers experiencing childbirth or facing a medical emergency in their family, allowing them to keep their jobs when they return, and importantly, maintaining their health insurance.

But the President intends to veto it again.

We're going to give the President one more chance to prove that he means what he says, one more chance to prove that he stands with American families, not against them.

Mr. Speaker, the President has embraced voodoo economics. Can it be that he is now embracing voodoo family values?

PRIORITIZING AMERICA'S EMERGENCIES

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday President Bush called on Congress to provide $7.6 billion in emergency assistance to Florida, to repair the damage from Hurricane Andrew.

Now, Mr. Speaker, I have seen pictures of the devastation and I have as much sympathy and shared anguish for the suffering there as anybody. If Andrew has ravaged my State I would be clamoring for as much money as possible.

But, Mr. Speaker, that is not the only emergency confronting our Nation. There is an education emergency in our schools, a crime emergency on our streets, and a job emergency in our factories, and we certainly cannot fund all of them.

The question is, do we have a priority of emergencies? Which should the Federal Government fund at 100 percent of cost, which at zero percent and which in between?

I understand that natural emergencies, so called acts of God are what this Government has traditionally funded. They are no one's fault and they have a clear solution. But are they any more serious than the emergencies that affect our schools, our jobs, our safety?

If America is going to be the leading power in the world in the 21st century, we are going to have to address our emergencies in more than this willy-nilly and reactive manner.

THE NEED FOR HEALTH CARE REFORM

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I come before you today to express my grave concerns about the health care crisis in this country. During the past 3 weeks I spent in the district, the resounding message I got from my constituents was "what are you people up there in Washington going to do about the health care crisis in this country."

The people of south Alabama and across this Nation—if we can believe the polls—are fed up with Government's promises for reform. They want action.

They are tired of seeing their health care dollar dwindle—they are paying higher and higher insurance premiums and yet their dollar buys them fewer and fewer services. They are fed up with exorbitant prices for prescription drugs, and it is particularly frustrating to them when a bottle of tablets they once paid $5 for now costs them $45.

And what about the 35 million Americans who are without any health insurance? I am sure many fathers and mothers go to bed at night praying that they or one of their children will not get sick and need the care of a physician.

This is disgraceful in a nation which has proven itself time and again to be the world leader. Why is it that we can solve other country's problems, but when it comes to ensuring that Americans have access to affordable medical care we can't seem to take decisive action?

Mr. Speaker, I join the people of south Alabama and this country in urging you to bring health care reform legislation to the floor as soon as possible. Let us restore Americans' confidence in their Government and let us not let the 102d Congress adjourn without giving them some relief from the enormous financial burden health care accessibility has become.

APPOINTMENT OF CONFEREES ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. GEPHARDT). Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MYERS of Indiana moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 5373, be instructed to agree to the amendment of the Senate numbered 19.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this language is language that was provided in the conference report last year directing the Corps of Engineers to use a memorandum for identifying wetlands of 1987. Presently, under this legislation, if this is not provided, they would use the 1989 memorandum which is not quite as clear to farmers and others who are concerned about wetlands.

Those in rural America have a real problem today. If we do not do something like this, there will be a lot of land farmers who are presently farming that will not be eligible under the farming regulations if the 1989 provisions are carried out. The manual did not change the definition of the 1989 act, but it allows the agency a lot more discretion.

What would happen is that investigators and examiners would come out in the field, and at their own discretion would designate that here we have a wet spot on this land, so it is no longer eligible to be farmed. So it is a very real problem for rural America, every farmer in just about every State in the country would be affected if we do not adopt this language and direct the conferees to agree to the 1987 language.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to my colleague from Alabama.

Mr. BEVILL. Mr. Speaker, I have no objection to the motion of the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. MYERS].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. BEVILL, FAZIO, THOMAS of Georgia, CHAPMAN, SKAGGS, DWYER of New Jersey, WHITTEN, MYERS of Indiana, PURSELL, GALLO, and MCDADE.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1300

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1300.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

□ 1250

APPOINTMENT OF CONFEREES ON H.R. 5518, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. WOLF moves that the managers on the part of the House at the conference on the disagreeing votes of the Houses on the bill, H.R. 5518, be instructed to insist on the House position on the Senate amendment numbered 193.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WOLF] is recognized for 30 minutes.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion is a simple one. It instructs the conferees of the House to reduce the deficit. It reiterates current law—that any savings achieved in the appropriations cycle be applied to deficit reduction and not for new spending.

Almost 2 years ago, this Congress and this President enacted the budget agreement of 1990. Both supporters and detractors alike agree on one benefit of the agreement—that it imposed discipline—discipline on spending.

And it is that discipline that we need to keep. So far this year, the House has done a fair job. Of the 13 bills that have passed this House, in terms of outlays, defense spending is $11 billion below the cap; international spending is slightly below the caps; and domestic, $800 million below the cap. A total of $12 billion in real deficit reduction. And that figure could be higher by almost a half a billion dollars if it weren't for action that this body took to spend unused international spending for increased new spending in transportation.

Deficit reduction is something to be proud of. It is a noble goal. It is the principle that this body adopted when it passed the Budget Enforcement Act. And it is a principle that we should maintain.

This vote is a simple one: A vote for the motion is for deficit reduction; a vote against for increased spending and higher deficits. With a deficit of nearly $400 billion and a national debt of almost $4 trillion, the vote should be even simpler. I urge a vote for the motion.

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I am happy to yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, ordinarily I would oppose motions to instruct. However, since the House has already voted twice on this matter, I see no reason to take up additional House floor time on this particular matter.

Mr. WOLF. So the gentleman is accepting the motion?

Mr. LEHMAN of Florida. Yes; we accept the motion.

Mr. WOLF. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia [Mr. WOLF].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. LEHMAN of Florida, CARR, DURBIN, SABO, PRICE, COLEMAN of Texas, WHITTEN, COUGHLIN, WOLF, DELAY, and MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5428, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1993

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5428) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and, without objection, appoints the following conferees: Messrs. HEFNER, THOMAS of Georgia, BEVILL, ALEXANDER, EARLY, DICKS, FAZIO, HOYER, WHITTEN, LOWERY of California, EDWARDS of Oklahoma, DELAY, LIGHTFOOT, and MCDADE.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4394, REQUIRING MERCHANT MARINERS' DOCUMENTS FOR CERTAIN SEAMEN

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 540 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 540

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4394) to amend title 46, United States Code, to require merchant mariners' documents for certain seamen. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. Mr. Speaker, during debate on House Resolution 540, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 540 is an open rule providing for the consideration of H.R. 4394, a bill to improve maritime safety by requiring merchant mariner documents for crew members of certain merchant vessels.

The rule waives points of order against consideration of the bill for failure to comply with the provisions of clause 8 of rule XXI. Clause 8 of rule XXI requires that, as part of the pay-as-you-go procedures under which the House operates, a CBO cost estimate be included in the bill accompanying any measure increasing, decreasing, or providing direct spending or receipts. The Committee on Rules has recommended a waiver of this rule because the bill, as reported, does not result in any increase of outlays or reduction of receipts.

Mr. Speaker, the rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. House Resolution 540 also provides that when the bill is considered for amendment under the 5-minute rule, that it shall be in order to consider as an original bill the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries and which is now printed in the bill.

The rule further provides that at the conclusion of the consideration of the bill for amendment, the Committee of the Whole shall rise and report the bill to the House with such amendments as may have been adopted. The rule also provides that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute.

The rule finally provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4394 is an important waterways safety initiative. The bill brings under Coast Guard jurisdiction thousands of vessel crew members who currently are not required to obtain merchant mariners documents and who, as a result, pose potential safety risks to the Nation's waterways. I urge adoption of the rule so that the House may proceed to the consideration of H.R. 4394.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas [Mr. FROST] has fully explained the provisions of this rare, open rule.

By way of background, Mr. Speaker, a merchant mariner's document is an identification and safety-related certificate; certifying that the holder has passed a preemployment drug test and undergone a criminal record check by the Coast Guard. These documents are currently required for individuals employed on vessels of at least 100 gross tons, except tugs, towboats, and barges on the inland waterways.

Vessels exempt from the current law regarding merchant mariners' documents frequently operate on congested, narrow waterways carrying an extensive variety of cargo—from farm products to hazardous substances. It is my understanding that Coast Guard statistics show that between 1981 and 1987, 58 percent of the accidents on towing vessels were attributed to personnel causes, including intoxication, lack of training, and improper safety precautions. Mr. Speaker, this legislation would help prevent such accidents by requiring more seamen to carry merchant mariner documents.

I would like to note that the administration is opposed to the bill. The policy statements says that extending the documentation requirement to these individuals would substantially increase the Coast Guard's administration burden and would not materially enhance the enforcement of marine safety requirements.

□ 1300

Mr. Speaker, I urge adoption of this rule so that we can get down to the business at hand.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4484, MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 493

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4484) to authorize appropriations for fiscal year 1993 for the Maritime Administration. The first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI and clause 5(a) of rule XXI are waived. All points of order against the amendments printed in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time is yielded for the purposes of debate only.

Mr. Speaker, House Resolution 493 is an open rule for the consideration of H.R. 4484, the Maritime Administration's authorization for fiscal year 1993.

The rule provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Merchant Marine and Fisheries Committee.

The rule waives all points of order against the committee amendment in the nature of a substitute now printed in the bill for failure to comply with clause 7 of rule XVI and clause 5(a) of rule XXI.

This rule also waives all points of order against the amendments printed in the report accompanying this resolution.

These amendments, which will be offered by Mr. HUBBARD of the Merchant Marine and Fisheries Committee and Ms. PELOSI are noncontroversial amendments which have the full support of the Merchant Marine and Fisheries Committee.

Mr. Speaker, H.R. 4484 authorizes $765 million for fiscal year 1993 for programs that enhance the merchant marine force of the United States.

The merchant fleet of the United States is an integral part of our national defense and vital to our economy.

The vessels that make up this fleet require expert officers and seamen who are well trained in the way of the sea. Much of this training is done at the U.S. Merchant Marine Academy at Kings Point, NY, and the State maritime academies.

It is at these institutions that men and women develop skills in engineering, navigation and seamanship which enable them to better serve on our Nation's merchant ships.

H.R. 4484 authorizes $39 million for these academies. This funding will allow for the continued use of training simulators and programs such as the student incentive program which provides financial aid to qualified students at any of the State maritime academies.

This bill also authorizes $35 million for loan guarantees to assist U.S. Shipowners.

These loan guarantees will enable U.S. shipowners to borrow private sector funds on a more favorable basis.

It is hoped that this program will promote a U.S.-flagged fleet that is built and operated from U.S. shipyards. Finally Mr. Speaker, H.R. 4484 authorizes funding for the national defense reserve fleet and the ready reserve force.

These two fleets provide national defense support capabilities for our armed services.

The necessity for these vessels was clearly illustrated in operation Desert Shield and Desert Storm.

These ships were activated on short notice and performed with great efficiency in transporting troops and armor to the gulf.

Mr. Speaker, House Resolution 493 is an open rule which will allow any germane amendments to the bill. It passed by voice vote in the Rules Committee with support from both sides of the aisle. I urge its adoption by the House and I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the Committee on Rules.

Mr. Speaker, the chairman has ably explained the provisions of the rule and parts of the bill.

Mr. Speaker, this is an open rule, and I support it. We know that our maritime industry, over the years, particularly since World War II, has kind of gone down the drain, so to speak, and anything that we can do to upgrade and to rebuild this industry we must do.

Mr. Speaker, the Department of Transportation's Maritime Administration is responsible for all federally funded promotional activities to maintain and enhance the U.S. merchant marine fleet. It shares responsibility for the administration of ocean shipping with the St. Lawrence Seaway Development Corporation, the Panama Canal Commission and the Federal Maritime Commission.

Mr. Speaker, this is an important piece of legislation. In my 30 years in the Congress, I have always supported programs to enhance our merchant marine, and, although this bill authorizes funding for the Maritime Administration it has a broader field of responsibility. Had it not been for the Trojan job done by the maritime merchant marine during World War II, the war could have continued for months or years.

Mr. Speaker, I urge adoption of the rule so that we can get down to business and pass the legislation overwhelmingly.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 4706, CHILD SAFETY PROTECTION AND CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENT ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 555 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 555

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4706) to amend the Consumer Product Safety Act to extend the authorization of appropriations under that Act, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII prior to the beginning of consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1310

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 555 is the rule providing for the consideration of H.R. 4706, the Child Safety Protection and Consumer Product Safety Commission Improvement Act.

The rule waives all points of order against the consideration of the bill.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

Further, the rule makes in order the Energy and Commerce Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered by title, instead of by section, and all points of order against the substitute are waived.

No amendments to the substitute are to be in order except those which have been printed in the CONGRESSIONAL RECORD prior to the consideration of the bill.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4706, the bill for which the Rules Committee has recommended this rule, reauthorizes for 2 years the Consumer Product Safety Commission. In addition, the bill improves the Commission's ability to carry out its mandate "to protect the public against unreasonable risks of injury associated with consumer products."

Mr. Speaker, I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this important legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

The distinguished chairman of the Rules Committee has explained the provisions of the rule and I will not repeat them. This is a modified open rule and in committee I offered an amendment to the rule to make it a completely open rule. It was defeated on a party-line vote. The rule does allow for one motion to recommit the bill with or without instructions, and it also provides the opportunity for amendments to be offered.

The Consumer Product Safety Commission was created to protect consumers from unreasonable risks of injury associated with consumer products, and this bill reauthorizes the important functions of the Commission for fiscal years 1993 and 1994.

Additionally, the bill makes a number of significant changes to the Consumer Product Safety Act: It requires warning labels on certain toys, games, small balls, marbles and balloons, requires the Commission to set a mandatory consumer product safety standard for bicycle helmets; and requires the Commission to consider requiring warning labels on 5-gallon buckets and establishing standards to reduce drowning hazards to children from such buckets.

Mr. Speaker, this bill deserves consideration on the floor, and although I favor a completely open rule, as I mentioned, this rule provides an acceptable procedure which will allow Members to offer amendments to address controversial provisions in the bill, and I urge its adoption.

Mr. QUILLEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 3596 AND H.R. 4014

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members of the Rules Committee's plans with respect to two bills: H.R. 3596, the Consumer Reporting Reform Act of 1992, and H.R. 4014, the Education Research, Development and Dissemination Act.

The Rules Committee plans to meet the week of September 14 to take testimony on both of these bills. A request may be made for a structured rule on each bill which would permit only those floor amendments designated in the rule.

Earlier today, the committee circulated two "Dear Colleague" letters requesting that all amendments to these bills—H.R. 3596 and H.R. 4014—be submitted to the Rules Committee no later than 3 p.m. on Tuesday, September 15.

In order to ensure the right to offer amendments, Members should submit 55 copies of each amendment, together with a brief explanation of each amendment, to the committee office at H-312, the Capitol, by 3 p.m. on Tuesday.

We appreciate the cooperation of all Members in our effort to be fair and orderly in granting these rules.

AGREEMENT BETWEEN UNITED STATES AND CHINA AMENDING AND EXTENDING 1985 AGREEMENT CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the

Government of the People's Republic of China Amending and Extending the 1985 Agreement Concerning Fisheries off the Coasts of the United States, as amended, which was effected by exchange of notes at Washington, May 12 and July 16, 1992, copies of which are attached. This agreement extends the 1985 agreement for an additional 2-year period, until July 1, 1994, and further amends the agreement to incorporate the latest changes in U.S. laws. The exchange of notes together with the present agreement constitute a governing international fishery agreement within the meaning of section 201(c) of the Act.

Because of the importance of our fisheries relations with the People's Republic of China, I urge that the Congress give favorable consideration to this agreement.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

DISTRICT OF COLUMBIA GOVERNMENT'S 1993 BUDGET AMENDMENT REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, and ordered to be printed.

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1993 Budget amendment request.

The District of Columbia Government has submitted a request to increase its FY 1993 capital authority by $60 million and to reprogram $20 million of capital authority from an existing project. The requested increase in authority is needed to fund the District's share of the remaining 13.5 miles of the Washington Metropolitan Area Transit Authority Metrorail system in accordance with the construction schedule adopted in the Fifth Interim Capital Contributions Agreement.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

AGREEMENT BETWEEN THE UNITED STATES AND IRELAND ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, and ordered to be printed.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and Ireland on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed at Washington on April 14, 1992.

The United States-Ireland agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4). It is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services explaining the key points of the agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement. The Department of Health and Human Services has recommended the agreement and related documents to me.

I commend the United States-Ireland Social Security Agreement and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

□ 1320

COMMUNICATION FROM CHAIRMAN OF THE SUBCOMMITTEE ON EMPLOYMENT AND HOUSING OF THE COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER laid before the House the following communication from the chairman of the Subcommittee on Employment and Housing of the Committee on Government Operations:

EMPLOYMENT AND HOUSING SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, August 20, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House,
The Capitol.

DEAR MR. SPEAKER: On August 4, 1992, and August 12, 1992, I notified you pursuant to Rule L(50) of the Rules of the House that the Subcommittee on Employment and Housing of the Committee on Government Operations had been served with subpoenas for documents relating to the Subcommittee's investigation of the U.S. Department of Housing and Urban Development, issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, it has been determined that compliance with these subpoenas would not be consistent with the privileges and precedents of the House.

Sincerely,

TOM LANTOS,
Chairman.

COMMUNICATION FROM THE HONORABLE AUSTIN J. MURPHY, A MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable Austin J. Murphy, a Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 27, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Capitol, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you that certain members of my staff have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

COMMUNICATION FROM THE HONORABLE GARY L. ACKERMAN, A MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable GARY L. ACKERMAN, a Member of Congress:

Hon. THOMAS S. FOLEY,
Speaker.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Supreme Court of the State of New York.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

GARY L. ACKERMAN.

APPOINTMENT OF CONFEREES ON H.R. 5517, DISTRICT OF COLUMBIA APPROPRIATIONS AND RESCISSIONS ACT, 1992

Mr. DIXON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5517) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. DIXON, NATCHER, STOKES, SABO, AUCOIN, DWYER of New Jersey, WHITTEN, GALLO, REGULA, DELAY, and MCDADE.

There was no objection.

REQUIRING MERCHANT MARINERS' DOCUMENTS FOR CERTAIN SEAMEN

The SPEAKER pro tempore. Pursuant to House Resolution 540 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4394.

□ 1324

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4394) to amend title 46, United States Code, to require merchant mariners' documents for certain seamen, with Mr. RAHALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky [Mr. HUBBARD] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4394 is an important bill, essential to the protection of our marine environment and workers on inland vessels. Significantly, both goals are accomplished at little or no cost to the Federal Government and minimal expense to the crewmembers covered. I am proud to say that this bill, introduced by the chairman of the Committee on Merchant Marine and Fisheries, WALTER JONES and which I have cosponsored, has wide bipartisan support.

The Coast Guard estimates that over 30,000 undocumented seamen work on vessels handling everything from farm products to hazardous materials. That makes 30,000 seamen who are not subject to the jurisdiction of the Coast Guard.

What does this lack of Coast Guard oversight mean in practical terms?

It means that a criminal background check is not statutorily required for these 30,000 seamen.

It means that a seaman who has been convicted of violating drug laws, who has been guilty of drunk driving, or who has an alcohol problem, can find a job on the congested inland river system.

It means that a documented seaman whose documents are suspended or revoked for cause, can go to work on an inland waterways vessel where documents are not required.

And, finally, it means that the Coast Guard can't do a thing about it.

H.R. 4394 changes this. I believe that someone who is a risk on an oceangoing vessel is an equally bad risk on an inland tug or towboat which maneuvers through crowded, narrow rivers and waterways filled with dangerous currents.

Some would have you believe that this documentation requirement would add to the industry's existing troubles. I must disagree. The cost to a seaman is minimal and would be imposed every 5 years when the document is renewed. I do not believe that a $35 documentation fee, nor $17 for a criminal record check, is oppressive. In view of the benefits the documentation requirement would reap, it is a small price to pay.

This bill would remove unfit seamen from our waterways, decrease accidents, prevent loss of life, and protect our marine environment. These are tremendous benefits, well worth $52.

Congress sometimes acts best and most efficiently when responding to a great crisis or serious accident. This time, we have identified the problem and the way to fix it before tragedy strikes, before lives are lost, before natural resources are destroyed, and before our marine environment is polluted.

For all these reasons, I ask you to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. FIELDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret that I can not support this legislation. Nevertheless, I have the greatest admiration and respect for the author of this bill, the distinguished full committee chairman, the Honorable WALTER B. JONES.

Chairman JONES has served in this body for the past 28 years with the highest distinction and he will be sorely missed by everyone who had the pleasure of working with this true southern gentleman.

Mr. Chairman, it has been argued that H.R. 4394 will improve safety on our waterways and will reduce the likelihood of oilspills in the future.

I wish that were the case. If I thought for a moment that this bill would even marginally improve safety, then I would be enthusiastically supporting it.

I am not supporting this legislation because regrettably it does not improve safety nor will it help protect our environment.

What it will do, however, is place a new burden on the inland barge and towing industry and the U.S. Coast Guard.

Mr. Chairman, the Coast Guard has been stretched to its absolute limit. We have cut their budget request by $106 million and this reduction will mean the closure of Coast Guard facilities, reduction in drug interdiction efforts, and delays in the prepositioning of essential oilspill cleanup equipment. The last thing the Coast Guard needs is a new mission and the one mandated by H.R. 4394 will cost them $504,000 each year.

We have always placed great trust and responsibility in the U.S. Coast Guard because we know this outstanding agency is committed to safety.

Mr. Chairman, the Coast Guard has testified that "there is no casualty data which indicates that safety would be improved by H.R. 4394." Based on that finding, the Coast Guard does not support this bill.

There are 30,000 undocumented maritime workers in the United States who would be affected by this legislation. There are entry-level, unskilled employees who serve as cooks and deckhands.

These undocumented workers are not involved with the operational control of a vessel. They do not have pilotage, navigation, or wheelhouse responsibilities nor do they handle or transfer petroleum or chemical products. In fact, even if we require all undocumented workers to obtain merchant mariner documents, this situation will not change. These workers still would not be involved with the navigation of a vessel, nor would they handle hazardous cargo.

In short, the only way they are going to pollute our waters is if an undocumented chief throws cooking oil overboard.

While undocumented workers do not go through an FBI narcotics check, they are required by law to pass a preemployment drug test and are subject to random drug testing, as well as postcasualty and for cause drug testing. If any of these undocumented workers has a substance problem, they will not sail until a doctor certifies that they are no longer drug or alcohol dependent.

Mr. Chairman, proponents argue that the cost of obtaining a merchant mariner document is not prohibitive. While that may be true, we must remember that there are entry-level employees who, in most cases, are seeking their first maritime job.

Furthermore, document fees are nothing more than a discriminating tax on maritime employment. They will serve as a disincentive to a career in the U.S. merchant marine since other transportation professionals, like airline pilots and train engineers, do not pay these fees.

This bill will greatly expand the number of people who must pay these discriminatory user fees. This is the wrong approach. We should be repealing these onerous fees, not penalizing thousands of new workers.

Mr. Chairman, this legislation will do nothing to improve safety because those individuals involved in the navigation of a vessel of the handling of hazardous cargo are already fully covered by law.

While I have great respect for Chairman JONES, regrettably, this bill in its current form is unnecessary, counterproductive, and it will place a new burden on our already overworked U.S. Coast Guard.

Mr. Chairman, at the appropriate time, I will offer an amendment to improve this legislation. While my amendment will not eliminate all of the flaws in H.R. 4394, it will ease many of the concerns raised by the Coast Guard and the inland barge and towing industry.

Mr. Chairman, I reserve the balance of my time.

Mr. HUBBARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, would the gentleman from Kentucky join me in a colloquy to discuss my bill, H.R. 3942?

Mr. HUBBARD. Mr. Chairman, if the gentleman will yield, I would be pleased to join the gentleman in a colloquy.

Mr. ABERCROMBIE. Mr. Chairman, as the gentleman knows, on November 26, 1991, I introduced H.R. 3942 to enhance standards for manning and watches on towing vessels. Current law allows single man watches and at times these vessels operate without anyone in the engine room. Although the majority of these vessels are equipped with an automatic pilot, these automatic pilots can and often do malfunction.

As you can imagine, this can create some hazardous situations which may endanger crewmen and other vessels transiting out waterways and makes shore areas susceptible to pollution.

For the last several years, staffing of tow boats has been systematically reduced to the point of jeopardizing our crew and the environment. Crewmen, who are often held responsible for accidents, spills, or loss of life or cargo, run the risk of losing their license because current Federal law allows vessel operators to place them in situations of undue and dangerous levels of responsibility.

H.R. 3942 and H.R. 4394, the bill under consideration today, were the subject of a hearing by the Subcommittee on Coast Guard and Navigation on March 17 of this year. Given the importance of each measure and their similarity, I had considered offering the text of H.R. 3942 today as an amendment to H.R. 4394. I will not do that. There are still some slight modifications which need to be made so that smaller craft, not meant to be targeted by this legislation, will not be affected. I would appreciate it if the gentleman would work with me in this regard.

Mr. HUBBARD. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman's concern for the safety of crewmen on tugs and towboats. As the gentleman knows, the Committee on Merchant Marine and Fisheries and the Subcommittee on Coast Guard and Navigation are committed to ensuring a safe environment for seamen on all vessels. Although, we are not considering your measure today, the leadership of the committee has agreed to work with you to improve worker and vessel safety in the Hawaiian trade and elsewhere.

Mr. STUDDS. Mr. Chairman, I rise in strong support of H.R. 4394, legislation designed to improve safety on tugs, towboats, and barges operating on the inland waterways.

H.R. 4394 is intended to close an existing loophole in U.S. maritime safety standards. Under current law, all seamen aboard U.S. merchant vessels of at least 100 gross tons are required to hold a merchant mariner document, with one major exception. That exception applies to vessels operating only on the navigable rivers and lakes of the United States.

Today, close to 3,300 tugs and towboats operate on the 25,000 miles of rivers and lakes that make up the inland waterways. The majority of crew members on these vessels, however, do not have Coast Guard documents. Cargoes carried by these vessels include everything from coal and petroleum products to chemical and allied products, including benzene, sulfuric acid, insecticides, and other hazardous cargoes. The potential for a major environmental incident is real and we need to do everything within reason to preserve the future health of our rivers and lakes by ensuring that it doesn't happen.

The Coast Guard's merchant mariner documentation process has proven to be very successful in providing U.S. vessels with competent and qualified seamen. The document serves as a certificate of identification and as a certificate of service, specifying each rating in which the holder is qualified to serve. Crowley Maritime, one of America's leading operators, already requires all hands on its inland vessels to be documented. By closing the loophole and requiring merchant mariner documents on inland vessels we will increase safety and environmental protection at the same time.

Appearing before the Coast Guard and Navigation Subcommittee, Mike Sacco—president of the Seafarers International Union—testified that "the expansion of the documentation system to include currently undocumented personnel employed on barges and tugs will not only enable the Coast Guard to maintain oversight over these individuals but will also increase safety and reduce casualties." I agree and I urge my colleagues to support the bill.

Ms. SNOWE. Mr. Chairman, every time I go back to my district, and in every batch of constituent mail that I receive, I get complaints that the Federal Government has run far out of bounds with fees, regulations, requirements, standards, and specifications. Many people believe that the Government is on a mission to invade every possible decision or activity involved in their private lives, as though they were incapable of making rational decisions on their own behalf.

Today, we face an example of the kind of legislation which raises the ire of so many citizens. The bill before us, H.R. 4394, seeks to expand the number of maritime workers who must obtain merchant mariner's documentation from the Coast Guard. Whereas these requirements previously applied only to workers on large vessels over 100 tons, H.R. 4394 would require those employed on small boats of at least 5 gross tons to obtain the documents. It is thus an amendment that would increase requirements for small businesses—the most important job creators in our economy.

Mr. Chairman, this bill will require the captain of a small towboat, who needs one helper to conduct his operations, to send a potential employee to the Coast Guard to fill out an array of forms, to present biographical information, to take a drug test, and to get a criminal background check. From my district in Maine, these employees would have to travel to Boston several hours drive away. Once these forms are completed they will receive temporary permits, and at the end of 90 days, they will have to travel back to Boston to pick up the final permit.

The employee and the small boat owner must go to all of this trouble and expense for a low-wage, low-skill deckhand's job—a job in which the seaman will not be handling hazardous materials or operating the vessel. The bill would thus have no impact on navigational safety. It is said that the documentation requirement will remove problem mariners from the work force, but I dare say that most ship captains would have no trouble determining whether any employee disrupts operations, and would be capable of taking action accordingly.

Mr. Chairman, there are appropriate and inappropriate circumstances in which Government can regulate. In determining whether to impose requirements, government must ensure that there is a compelling reason for its actions. If it does not, the people lose faith in the Government's ability to make wise decisions on their behalf, and they will begin to resist all governmental action—even when it is clearly needed.

Here we have a piece of legislation whose only consequence, insofar as it affects small boats, will be just that—to lay an unnecessary burden on small businesses, and to give their owners and employees less of a reason to believe in Government. I urge my colleagues to join me in discriminating against unwarranted governmental interference by opposing H.R. 4394.

□ 1330

Mr. FIELDS. Mr. Chairman, I have no further requests for time on general debate, and I yield back the balance of my time.

Mr. HUBBARD. Mr. Chairman, I again ask colleagues to vote for H.R. 4394.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment and each section is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 4394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "100" and substituting "5";

(2) in paragraph (1), by striking "a vessel operating only on rivers and lakes (except the Great Lakes);" and substituting "a small passenger vessel;"; and

(3) paragraph (2) is amended to read as follows "an offshore supply vessel that is less than 100 gross tons;".

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act are effective one year after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. FIELDS

Mr. FIELDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: On page 3, line 2, strike "one year" and insert "two years".

At the end of the bill, and the following new section:

SEC. 3. USER FEE EXEMPTION AND PRIVACY OF INFORMATION.

(a) The Secretary of Transportation may not collect a fee or charge under section 2110 of title 46, United States Code, for any service related to a merchant mariner's document required to be obtained under this Act.

(b) The Secretary may not make available to a member of the public any personal information concerning an individual required to obtain a merchant mariner's document under this Act.

Mr. FIELDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. Chairman, the purpose of this amendment is threefold. First, it will extend from 1 to 2 years the amount of time an undocumented worker would have to obtain their merchant mariner documents [MMD's].

This amendment is in response to testimony we received from the Coast Guard which indicated they did not have the financial resources or personnel to document each of these workers in 1 year. While the Coast Guard suggested 5 years, my amendment would give them 2.

Second, my amendment will exempt those workers covered by this bill from the Coast Guard's documentation fees. Since these individuals are not included in the baseline used to calculate the amount of Coast Guard merchant mariner document fees, we can exempt these new workers without creating a pay-go problem.

And, finally, my amendment will restate current law to ensure that those obtaining merchant mariner documents are protected by the Privacy Act.

Under my amendment, the Coast Guard will continue its current practice of protecting the confidentiality of any personal information concerning an individual who applies for and receives a merchant mariner document.

While this amendment will not create any new burdens on the Coast Guard, it will give those obtaining MMD's confidence that their personal data will be protected.

Mr. Chairman, this amendment will eliminate many of the concerns raised about H.R. 4394 and I urge its adoption.

Mr. HUBBARD. Mr. Chairman, if the gentleman will yield, I have no objection to the amendment offered by the gentleman from Texas [Mr. FIELDS].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the chair, Mr. RAHALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4394), to amend title 46, United States Code, to require merchant mariners' documents for certain seamen, pursuant to House Resolution 540, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4394.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1993

The SPEAKER pro tempore. Pursuant to House Resolution 493 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4484.

□ 1339

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4484) to authorize appropriations for fiscal year 1993 for the Maritime Administration, with Mr. RAHALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky [Mr. HUBBARD] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4484 is the fiscal year 1993 budget authorization bill for the Maritime Administration [MARAD]. I, and other members of the Merchant Marine and Fisheries Committee, joined our committee chairman, WALTER B. JONES, in introducing this bill on March 18, 1992.

The bill authorizes $765,361,000 for Maritime Administration programs, including: Operating differential subsidy payments; funding for State maritime academies and the U.S. Merchant Marine Academy; programs to promote the U.S. merchant marine and other related maritime industries; and, the maintenance and operation of, and acquisitions for, the National Defense Reserve Fleet.

Other provisions of the bill provide for: Reemployment rights for merchant seamen who serve during wartime; designation of National Shipbuilding Enhancement Institutes; reimbursement of licensing fees for students at the State maritime academies; matching grants for National Maritime Enhancement Institutes; changes in State maritime academy programs; and, restrictions on the maintenance of National Defense Reserve Fleet vessels and deactivations of Ready Reserve Force vessels.

This bill has the support of the members on the Committee on Merchant Marine and Fisheries and I urge its approval.

There are several noncontroversial amendments to the bill. After they are considered, I look forward to final passage and pursuing the worthwhile programs authorized by H.R. 4484.

There is $189,400,000 more for the Ready Reserve Force [RRF] in H.R. 4484 than requested by the administration. Since the Merchant Marine and Fisheries Committee reported this bill, the House Appropriations Committee allocated, and the House has approved, even higher sealift funding for the Ready Reserve Force.

H.R. 4484 authorizes $35 million for title XI loan guarantees for U.S. shipbuilding. H.R. 5678, the fiscal year 1993 Appropriation Act for the Departments of Commerce, Justice, State and related agencies, appropriates $50 million for the title XI program, which the administration supports. Title XI provides guarantees by the U.S. Government for commercial shipbuilding loans made by the private sector.

☐ 1340

Mr. Chairman, I reserve the balance of my time.

Mr. FIELDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4484, a bill to authorize fiscal year 1993 appropriations for the U.S. Maritime Administration.

The Merchant Marine and Fisheries Committee held a hearing on this legislation on March 19, 1992. We received testimony from the administrator of the Maritime Administration, representatives of the Department of Defense, and representatives of the State Maritime academies. In addition, we received information from a number of other maritime and labor organizations.

On June 2, the Committee on Merchant Marine and Fisheries approved this legislation by voice vote.

This legislation reflects the President's budget, with four exceptions—an additional $189,400,000 has been included to enhance the Agency's ability to maintain and operate Ready Reserve Force vessels; $35,000,000 was added for the title XI loan guarantee program for domestic ship construction; $242,000 was added to authorize a marine environmental protection center at the Massachusetts Maritime Academy; and $300,000 was authorized for reimbursement of coast guard user fees to cover the cost of issuing entry level licenses to State academy graduates.

H.R. 4484 also includes a number of significant provisions to enhance the Government's ability to support and promote the American Maritime Industry and, specifically, to enhance the Maritime Administration's programs concerning training of cadets at our maritime academies. The committee also approved language that will provide merchant seamen with the same reemployment rights that other American citizens who are members of military reserve units already enjoy in the event their reserve units are called to active duty for a national emergency.

As we consider this legislation today, several of our colleagues will offer amendments which have been reviewed by the leadership of the committee. We do not consider any of these amendments to be controversial. At the appropriate time, I will indicate our views on these amendments and why the Merchant Marine and Fisheries Committee believes that they should be adopted and incorporated into this authorization bill.

While I recognize that the funding level authorized by this legislation is somewhat higher than the President's budget request, I strongly believe that the programs and objectives funded by this legislation are extremely important for the maintenance of a strong U.S. maritime industry.

I will not, at this time, restate the vital importance of having a strong, viable merchant marine. Nevertheless, all of us will remember the significant role that the American Merchant Marine played in operation Desert Shield and operation Desert Storm. U.S. merchant vessels, manned by American seamen, transported virtually all of our military equipment for that Persian Gulf conflict. We must continue to provide financial support to the Federal agency that is responsible for the support and promotion of this important American industry.

Mr. COX of California. Mr. Chairman, I rise in support of the en bloc amendment offered by my colleague, Mr. HUBBARD. This measure includes legislation I introduced, H.R. 5163, which would permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the *Wild Goose*.

For the last 13 years of his life, the 136-foot yacht *Wild Goose* was John Wayne's pride and joy. He frequently entertained guests on board the vessel, which is now undergoing substantial renovation and repair. At other times he took the boat on fishing excursions in Alaska or Mexico, and once tested out the Panama Canal. His children and grandchildren were a hallmark of the boat. The current owner, Alex Kozloff, fully intends to restore it to its original lustre, enabling the millions of John Wayne's fans and admirers to enjoy and appreciate its splendor.

Unfortunately, the *Wild Goose*, which has a long history of service to the United States as a United States Navy minesweeper during and after World War II, was owned briefly by a Canadian and now is unable to engage in United States coastwise trade. The en bloc amendment offered today will enable the *Wild Goose* to engage in U.S. coastwise trade, so that the substantial investment that Mr. Kozloff and his partners have made to restore the yacht can be enjoyed by the Duke's fans and others.

Since Mr. Kozloff was not aware of the foreign ownership at the time of purchase, and since the boat has a long and distinguished history in service to both our country and to one of our most beloved Americans, I am pleased that the committee has decided to incorporate H.R. 5163 into this legislation.

Mr. REED. Mr. Chairman, as a member of the Committee on Merchant Marine and Fisheries, I rise in support of H.R. 4484, the Maritime Administration reauthorization for fiscal year 1993.

H.R. 4484 builds on the lessons we learned from Desert Storm and will aid our Nation's shipbuilders and operators.

In particular, I want to thank Chairman JONES and his staff for their assistance in including H.R. 4191, legislation I cosponsored to provide a Jones Act waiver for the vessel *Southern Yankee*.

Mr. Chairman, I urge my colleagues to support our Nation's merchant marines and pass H.R. 4484.

Mr. FIELDS. Mr. Chairman, I rise in support of the amendment to H.R. 4484 by my colleague and the gentleman from Texas [Mr. LAUGHLIN] to waive the shipping restrictions on three U.S.-flag tank vessels. These vessels must be sold on the global market to enhance their depressed value in the domestic market and thereby avoid a loss of a substantial portion of the security interest in those vessels. Unfortunately, the foreign sale is prohibited under the current shipping laws.

The three U.S.-flag single-hull very large crude carrier [VLCC] tankers—*Ocean Challenger, Ocean Runner*, and *Ocean Wizard*—were constructed under the Maritime Administration's Construction Differential Subsidy [CDS] Program. The *Ocean Runner* was constructed in 1975 and the other two were constructed in 1976. Currently, however, the vessels are in shallow layup status outside the United States. There is no prospect for charters on any of the vessels in the foreseeable future. With the exception of the Alaskan trade, VLCC's such as these vessels are used to transport crude oil in international trade and seldom transit U.S. coastal waters except for calls at LOOP or distant restricted lightering areas. Very few, if any, U.S.-flag VLCC's are in this trade. By the year 2000, all three tankers would be phased out of service under the Oil Pollution Act of 1990 [OPA 90] due to the requirement for double hulls. Operations at a deepwater port and in designated distant offshore lightering zones would be phased out for all three vessels in 2015.

Consequently, each vessel is valued only as scrap on the domestic market. However, on the world market the vessels are estimated to be worth much more. Nevertheless, the amounts due on the preferred mortgages on these vessels and other payables related to each vessel exceed even the value on the global market for all three vessels. Therefore, this amendment is needed to reduce the loss to domestic companies. While the construction subsidy payments have not been paid back to the Federal Government, neither the current owners nor the lender received any benefit from CDS as these vessels were foreclosed by the Maritime Administration before being sold to the current owners.

Section 503 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1153) mandates that the three CDS-built tankers remain documented under U.S. flag for 20 years. Accordingly, the *Ocean Runner* would not be able to flag out until 1995, and the other two vessels until 1996. Therefore, the transfer of these vessels to foreign flag is essentially prohibited before they reach that age. Under these circumstances, this makes no sense.

To overcome the prohibition in section 503 of the Merchant Marine Act, legislation is required to authorize the flagging out of these three tankers. The mandate to remain under the U.S. flag if built with CDS has been waived by legislation in at least two other instances. In 1986, section 13 of Public Law 99–307 was enacted permitting two specialized heavy lift vessels built with CDS to be sold to a foreign purchaser or purchasers subject to certain terms and conditions. Prior to that in 1972, section 1 of Public Law 92–296 was enacted permitting several passenger vessels to be "sold and transferred to foreign ownership, registry, and flag, with the prior approval of the Secretary of Commerce" subject to certain terms and conditions. In each of these two prior waiver cases, the vessels were undervalued in the domestic market, uneconomical to operate, in layup and not servicing commerce, providing virtually no employment, and putting a strain on the financial resources of domestic companies.

Similarly in this instance, in addition to the owner or lender who may have an interest in reducing their loss on these vessels, there are other sound policy reasons for supporting this waiver. These vessels represent a substantial overhang or excess capacity on the already depressed U.S. maritime shipping market. As such, they could adversely impact other operators in the bulk trades in the United States and reduce or delay the demand for additional U.S. shipbuilding orders for coastwise vessels, for example, new double-hull tankers required under OPA 90. Further, in layup status no additional maritime or other jobs are created by or available on these vessels. Finally, the waiver provides the opportunity of removing these single-hull tankers from the U.S. trade earlier than called for under the OPA 90 phaseout schedule.

The approval of the Secretary of Transportation under section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808(c)) was included to ensure that there would be a check that no outstanding obligations are due the United States that should be paid prior to the flagging out of these vessels. Once it is established that nothing is due the United States, it is expected that the Secretary will approve the foreign sale of these vessels expeditiously and without requiring any unnecessary terms and conditions that would artificially diminish the value of these vessels.

Mr. Chairman, for these reasons I support the amendment and urge my colleagues to vote "aye" on the Laughlin proposal.

Mr. FIELDS. Mr. Chairman, I have no further requests, and I yield back the balance of my time.

Mr. HUBBARD. Mr. Chairman, for purposes of general debate, I have no further request for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and each section is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Administration Authorization Act for Fiscal Year 1993".

The CHAIRMAN. Are there any amendments to section 1?

Mr. HUBBARD. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. AUTHORIZATIONS FOR MARITIME ADMINISTRATION.

(a) In fiscal year 1993, the following amounts are authorized to be appropriated for the Maritime Administration (Department of Transportation):

(1) Any amounts necessary to liquidate obligations under operating-differential subsidy contracts for the fiscal year 1993 portion of the total contract authority.

(2) $39,718,000 for expenses related to manpower, education, and training, including—

(A) $27,845,000 for maritime training at the United States Merchant Marine Academy at Kings Point, New York;

(B) $10,072,000 for assistance to the State maritime academies, of which $1,200,000 shall be used for training simulators for the State maritime academies; and

(C) $1,801,000 for manpower and additional training.

(3) $30,341,000 for operating programs, including—

(A) $19,106,000 for general administration;

(B) $9,501,000 for development and use of water transportation systems; and

(C) $1,734,000 for research, technology, and analysis.

(4) $431,760,000 for expenses related to national security support capabilities, including—

(A) $6,937,000 for the National Defense Reserve Fleet;

(B) $1,423,000 for emergency planning and operations; and

(C) $423,400,000 for the Ready Reserve Force, including—

(i) $104,000,000 for fleet additions, replacements, acquisitions, and upgrading of vessels for the Ready Reserve Force;

(ii) $315,400,000 for maintenance and operations programs in support of the Ready Reserve Force; and

(iii) $4,000,000 for Ready Reserve Force facilities.

(5) Any amounts necessary to pay administrative costs related to new loan guarantee commitments under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), relating to Federal ship mortgage insurance.

(6) $35,000,000 for costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.).

(7) $242,000 for assistance to the Massachusetts Center for Marine Environmental Protection located at the Massachusetts Maritime Academy.

(b) Notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, acquisition of equipment, training simulators, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and the State maritime academies.

SEC. 3. REEMPLOYMENT RIGHTS FOR CERTAIN MERCHANT SEAMEN.

(a) IN GENERAL.—Title III of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by inserting after section 301 the following new section:

"SEC. 302. (a) An individual who is certified by the Secretary of Transportation under subsection (c) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38, United States Code, for any member of a Reserve component of the Armed Forces of the United States who is ordered to active duty.

"(b) An individual may submit an application for certification under subsection (c) to the Secretary of Transportation not later than 45 days after the date the individual completes a period of employment described in subsection (c)(1)(A) with respect to which the application is submitted.

"(c) Not later than 20 days after the date the Secretary of Transportation receives from an individual an application for certification under this subsection, the Secretary shall—

"(1) determine whether or not the individual—

"(A) was employed in the activation or operation of a vessel—

"(i) in the National Defense Reserve Fleet maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744), in a period in which that vessel was in use or being activated for use under subsection (b) of that section;

"(ii) that is requisitioned or purchased under section 902 of this Act; or

"(iii) that is owned, chartered, or controlled by the United States and used by the United States for a war, armed conflict, national emergency, or maritime mobilization need (including for training purposes or testing for readiness and suitability for mission performance); and

"(B) during the period of that employment, possessed a valid license, certificate of registry, or merchant mariner's document issued under chapter 71 or chapter 73 (as applicable) of title 46, United States Code; and

"(2) if the Secretary makes affirmative determinations under paragraph (1) (A) and (B), certify that individual under this subsection.

"(d) For purposes of reemployment rights and benefits provided by this section, a certification under subsection (c) shall be considered to be the equivalent of a certificate referred to in clause (1) of section 2021(a) of title 38, United States Code.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to employment described in section 302(c)(1)(A) of the Merchant Marine Act, 1936, as amended by subsection (a), occurring after August 2, 1990.

(c) EMPLOYMENT ENDING BEFORE ENACTMENT.—Notwithstanding subsection (b) of section 302 of the Merchant Marine Act, 1936, as amended by this Act, an individual who, in the period beginning August 2, 1990, and ending on the date of the enactment of this Act, completed a period of employment described in subsection (c)(1)(A) of that section may submit an application for certification under subsection (c) of that section with respect to that employment not later than 45 days after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations implementing this section.

SEC. 4. TECHNICAL CORRECTION.

(a) CORRECTION.—Section 11(b) of the Merchant Ship Sales Act of 1946, as amended by section 6 of the Act of October 13, 1989 (Public Law 101–115, commonly referred to as the "Maritime Administration Authorization, 1990"), is amended to read as if it had not been repealed by section 307(12) of the Coast Guard Authorization Act of 1989 (Public Law 101–225).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective December 12, 1989.

SEC. 5. NATIONAL SHIPBUILDING ENHANCEMENT INSTITUTES.

(a) DESIGNATION BY SECRETARY OF TRANSPORTATION.—The Secretary of Transportation may designate National Shipbuilding Enhancement Institutes.

(b) ACTIVITIES.—Activities undertaken by such an Institute may include—

(1) vessel construction and repair technology development with an emphasis on improving the productivity of United States shipyards through innovative design, engineering, or operations;

(2) enhancing the international competitiveness of domestic shipyards in ship construction and repair;

(3) documenting and forecasting international and domestic trends in ship construction and repair;

(4) fostering innovations in the domestic shipbuilding marketing system; and

(5) providing technical support on shipbuilding practices.

(c) SUBMISSION OF APPLICATIONS.—An institution seeking designation as a National Shipbuilding Enhancement Institute shall submit an application under regulations prescribed by the Secretary.

(d) DESIGNATION CRITERIA.—The Secretary shall designate an Institute under this section on the basis of the following criteria:

(1) The research and extension resources available to the designee for carrying out the activities specified in subsection (b).

(2) The existence of an established program of the designee encompassing research, education, and training directed to enhancing shipbuilding industries.

(3) The ability of the designee to assemble and evaluate pertinent information from national and international sources and to disseminate results of shipbuilding industry research and educational programs.

(4) The qualification of the designee as a nonprofit institution of maritime or higher education.

(e) GRANTS.—The Secretary shall make awards on a matching basis to any Institute designated under subsection (a) from amounts appropriated.

SEC. 6. REIMBURSEMENT OF CERTAIN FEES BY STATE MARITIME ACADEMIES.

(a) CONDITION OF ASSISTANCE.—

(1) CONDITION.—Section 1304(d) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)) is amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), an agreement under this subsection shall require a State maritime academy to reimburse each qualified individual for any fee or charge for which the individual is liable to the United States for—

"(i) the issuance of an entry level license under chapter 71 of title 46, United States Code;

"(ii) the first issuance of a merchant mariner's document under chapter 73 of that title;

"(iii) an evaluation or examination for such a license or merchant mariner's document conducted before the end of the period described in subparagraph (D)(ii); or

"(iv) an application for such a license, merchant mariner's document, evaluation, or examination.

"(B) A State maritime academy shall be required to make reimbursements under subparagraph (A) only to the extent and in such amounts as assistance is provided to the academy under subparagraph (C).

"(C) In addition to annual payments under paragraph (1)(A) and subject to the availability of appropriations, the Secretary shall annually pay to each State maritime academy which enters into an agreement under paragraph (1) amounts for use for reimbursements under subparagraph (A) of this paragraph.

"(D) In this paragraph the term 'qualified individual' means, with respect to a State maritime academy, an individual who—

"(i) is attending or is a graduate of the academy; and

"(ii) fulfills the requirements for a license or merchant mariner's document for which he or she is liable for a fee or charge described in subparagraph (A), before the end of the 3-month period beginning on the date of that graduation.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 1992.

(3) AMENDMENT OF EXISTING AGREEMENTS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall seek to amend agreements under section 1304(d) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)) that will remain in effect after September 30, 1992, to reflect the amendment made by paragraph (1).

(b) ADDITIONAL APPROPRIATIONS AUTHORIZED.—In addition to amounts otherwise authorized by this Act to be appropriated for assistance to State maritime academies, there is authorized to be appropriated $300,000 for fiscal year 1993 for assistance to those academies, which shall be used for reimbursing qualified individuals pursuant to the amendment made by subsection (a).

SEC. 7. NATIONAL MARITIME ENHANCEMENT INSTITUTES.

Section 8(e) of the Act of October 13, 1989, as amended (46 App. U.S.C. 1121-2(e)), is amended to read as follows:

"(e) The Secretary may make awards on an equal or partial matching basis to an Institute designated under subsection (a) from amounts appropriated.".

SEC. 8. STUDENT INCENTIVE PAYMENTS.

(a) AMOUNT OF ANNUAL PAYMENT.—

(1) INCREASE IN AMOUNT.—Section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1) is amended by striking "$1,200" and inserting "$3,000".

(2) APPLICATION.—The amendment made by subsection (a) shall apply to payments under section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)) made with respect to academic years beginning after the date of the enactment of this Act.

(b) MANNER OF PAYMENT.—Section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)) is further amended—

(1) in subparagraph (B) by inserting "and" after the semicolon;

(2) by striking subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (C); and

(4) in subparagraph (C) (as so redesignated) by striking ", for the academic years after those years specified in subparagraph (C),".

SEC. 9. REPEAL OF CONDITION FOR STATE MARITIME ACADEMY ASSISTANCE.

Section 1304(f)(1) of the Merchant Marine Act, 1936 (46 App. 1295c(f)(1)) is amended—

(1) in subparagraph (A) by inserting "and" after the semicolon at the end;

(2) in subparagraph (B) by striking "; and" and inserting a period; and

(3) by repealing subparagraph (C).

SEC. 10. MARITIME POLICY REPORT.

(a) REPORT.—The Secretary of Transportation shall transmit to the Congress a report setting forth the Department of Transportation's policies for the 5-year period beginning October 1, 1992, with respect to—

(1) fostering and maintaining a United States merchant marine capable of meeting economic and national security requirements;

(2) improving the vitality and competitiveness of the United States merchant marine and the maritime industrial base, including ship repairers, shipbuilders, ship manning, ship operators, and ship suppliers;

(3) reversing the precipitous decreases in the number of ships in the United States-flag fleet and the Nation's shipbuilding and repair capability;

(4) stabilizing and eventually increasing the number of mariners available to crew United States-flag merchant vessels;

(5) achieving adequate manning of merchant vessels for national security needs during a mobilization;

(6) ensuring that sufficient civil maritime resources will be available to meet defense deployment and essential economic requirements in support of our national security strategy;

(7) ensuring that the United States maintains the capability to respond unilaterally to security threats in geographic areas not covered by alliance commitments and otherwise meet sealift requirements in the event of crisis of war;

(8) ensuring that international agreements and practices do not place United States maritime industries at an unfair competitive disadvantage in world markets;

(9) ensuring that Federal agencies promote, through efficient application of laws and regulations, the readiness of the United States merchant marine and supporting industries; and

(10) any other relevant maritime policies.

(b) DATE OF TRANSMITTAL.—The report required under subsection (a) shall be transmitted along with the President's budget submission, pursuant to section 1105 of title 31, United States Code, for fiscal year 1994.

SEC. 11. MAINTENANCE CONTRACTS FOR NATIONAL DEFENSE RESERVE FLEET VESSELS.

The Secretary of Transportation may enter into a contract for the maintenance of the National Defense Reserve Fleet, including the Ready Reserve Force, only for—

(1) the repair, activation, operation, berthing, towing, or lay-up of a vessel;

(2) a vessel used by a State maritime academy; or

(3) obtaining maintenance technical services when—

(A) the technical expertise required for that service is beyond the capabilities of the Fleet staff or when the Fleet has insufficient personnel resources to adequately maintain the Fleet; and

(B) the contract does not result in reducing employment at the Fleet site.

SEC. 12. DEACTIVATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

The Secretary of Transportation shall—

(1) compete 100 percent of all deactivations of vessels in the Ready Reserve Force component of the National Defense Reserve Fleet;

(2) in each such competition, permit the submission of a bid or proposal by any United States public shipyard and by any United States private shipyard; and

(3) award each contract for such a deactivation to the lowest qualified bidder.

AMENDMENT OFFERED BY MR. HUBBARD

Mr. HUBBARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUBBARD:

At the end of the bill add the following:

SEC. 13. WAIVERS FOR CERTAIN VESSELS.

(a) IN GENERAL.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) A WEIGH OF LIFE (United States official number 973177).

(2) Barge MM 262 (United States official number 298924).

(3) BLITHE SPIRIT (United States official number 584730).

(4) BLUEJACKET (United States official number 973459).

(5) CAMINANTE (United States official number 953255).

(6) DELPHINUS II (United States official number 958902).

(7) FIFTY-FIFTY (United States official number 272866).

(8) FOUR B'S (United States official number 915062).

(9) HAZANA (State of Hawaii registration number HA9219D).

(10) HIGH CALIBRE (United States official number 587630).

(11) JUBILEE (United States official number 582812).

(12) LIQUID GOLD (United States official number 618121).

(13) MARIPOSA (United States official number 982102).

(14) MISS JOAN (State of Ohio registration number 3250 XK).

(15) NORTH ATLANTIC (United States official number 695377).

(16) REDDY JANE (United States official number 928388).

(17) SEA HORSE (United States official number 516343).

(18) SOUTHERN YANKEE (United States official number 976653).

(19) THE DAY DREAM (United States official number 644805).

(20) TOUCH OF CLASS (State of Hawaii registration number HA8762E).

(21) WILD GOOSE (State of California registration number CF6431FW).

Mr. HUBBARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. HUBBARD. Mr. Chairman, this amendment will add the provisions of 19 separate bills reported favorably from the Merchant Marine and Fisheries Committee which grant waivers of the Jones Act to 21 individual vessels.

The Jones Act, section 27 of the Merchant Marine Act of 1920, provides that only vessels built in the United States, documented under the laws of the United States, and owned by a citizen of the United States may transport merchandise in the coastwise trade of the United States. It also provides that such vessels, if later sold foreign or placed under foreign registry, may no longer engage in the coastwise trade. In addition, chapter 121 of title 46, United States Code, prohibits foreign built, owned, and documented vessels from engaging in the U.S. coastwise trade.

In the past, the Congress has approved special legislation granting coastwise trading or fisheries privileges when the vessel owner proved there were extenuating circumstances, such as severe financial hardship. For example, a person may purchase a vessel or may spend considerable sums of money in U.S. shipyards to refurbish it, and only then learn there is a defect in the chain of title or that the vessel is foreign built, making it impossible to use in the intended trade. The Congress has also approved special legislation when the vessel or its operation was unique and documentation for commercial service or the fisheries was in the national interest.

The committee has investigated each of the vessels covered by this amendment and found compelling reasons to grant the waiver requested. I believe this amendment to be noncontroversial and urge its adoption.

□ 1350

Mr. FIELDS. Mr. Chairman, the minority has examined this amendment and has no objection to it.

Mrs. BENTLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to say that I rise in strong support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. HUBBARD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUBBARD

Mr. HUBBARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUBBARD: Add at the end the following new sections:

SEC. . CONVEYANCE TO LIFE INTERNATIONAL.

Public Law 97-360 (96 Stat. 1718-19) is amended by striking sections 6 and 7 and inserting:

"Sec. 6. This Act shall apply to the USS GENERAL NELSON M. WALKER, P2-SE2-R1.

"Sec. 7. This Act expires on October 22, 1994.".

SEC. . CONVEYANCE TO ASSISTANCE INTERNATIONAL.

(a) CONVEYANCE.—Notwithstanding any other law, the Secretary of Transportation may convey, without compensation and by not later than September 30, 1996, all right, title, and interest of the United States Government in and to the vessels L.S.T. TIOGA COUNTY and R.V. CONRAD, including related spare parts and vessel equipment, to the nonprofit corporation, Assistance International, Inc. (hereinafter in this section referred to as the "recipient"), for use in emergencies, vocational training, and economic development programs.

(b) CONDITIONS.—As a condition of any vessel conveyance under this section, the recipient shall agree—

(1) to use the vessel solely for nonprofit activities;

(2) to not use the vessel for commercial transportation purposes in competition with any United States-flag vessel;

(3) to make the vessel available to the Government whenever use of the vessel is required by the Government;

(4) that, whenever the recipient no longer requires the use of the vessel for its nonprofit activities, the recipient shall—

(A) at the discretion of the Secretary, reconvey the vessel to the Government in as good a condition as when it was received from the Government, except for ordinary wear and tear; and

(B) deliver the vessel to the Government at the place where the vessel was delivered to the recipient;

(5) to hold the Government harmless for any claim arising after conveyance of the vessel, except for claims against the Government arising during the use of the vessel by the Government under paragraph (3) or (4); and

(6) to any other conditions the Secretary considers appropriate.

(c) DELIVERY.—The Secretary shall deliver each vessel conveyed under this section to the recipient—

(1) at the place where the vessel is located on the date of enactment of this Act;

(2) in its condition on July 25, 1991, except for ordinary wear and tear occurring after that date; and

(3) without cost to the Government.

SEC. . AUTHORITY TO CONVEY VESSEL TO WARSAW, KENTUCKY.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other provision of law, the Secretary of Transportation may, subject to subsection (c), convey to the City of Warsaw, Kentucky, without consideration, for use by the City for the promotion of economic development and tourism, all right, title, and interest of the United States in a vessel, including related spare parts and vessel equipment, which—

(1) is in the National Defense Reserve Fleet on the date of enactment of this Act;

(2) has no usefulness to the United States Government; and

(3) is scheduled to be scrapped.

(b) DELIVERY.—At the request of the City of Warsaw, Kentucky, the Secretary of Transportation is authorized to deliver the vessel referred to in subsection (a)—

(1) at the place where the vessel is located on the date of the approval of the conveyance;

(2) in its condition on that date; and

(3) without cost to the United States Government.

(c) CONDITIONS.—As a condition of any conveyance of a vessel under subsection (a), the Secretary shall require that the City—

(1) raise, before the date of the conveyance, at least $100,000 from non-Federal sources to support the intended use of the vessel;

(2) agree to indemnify the United States for any liability arising from or caused by the vessel after the date of the conveyance of the vessel, including liability—

(A) for personal injury or damage to property;

(B) related to the delivery of the vessel to the City; and

(C) related to asbestos; and

(3) comply with any other conditions the Secretary considers appropriate.

(d) UNITED STATES NOT LIABLE.—Notwithstanding any other provision of law, the Government of the United States shall not be liable to any person for any liability described in subsection (c)(2).

(e) Termination of Authority.—The authority of the Secretary of Transportation under this section to convey a vessel to the City of Warsaw, Kentucky, shall expire 24 months after the date of enactment of this Act.

Mr. HUBBARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. HUBBARD. Mr. Chairman, this next amendment adds the provisions of three bills presented to the Merchant Marine and Fisheries Committee which authorize the transfer of certain surplus vessels in the Nation Defense Reserve Fleet to specified nonprofit organizations for humanitarian purposes and to the city of Warsaw, KY.

The amendment extends the set-aside of the vessel the *General Nelson M. Walker* for Life International, authorizes the transfer of the vessels *Tioga County* and the R.V. *Conrad* to Assistance International, and authorizes the transfer of a vessel to the city of Warsaw, KY.

This amendment is without controversy, and I urge its adoption.

Mr. FIELDS. Mr. Chairman, if the gentleman will yield, the minority has examined this amendment and finds no objection to it. I urge its adoption

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. HUBBARD].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. HUBBARD

Mr. HUBBARD. Mr. Chairman, I offer several amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HUBBARD:

On page 9, line 18, strike "shall" and insert "may".

On page 13, after line 8, insert the following:

(c) CONFORMING AMENDMENT.—Section 1304(g)(4) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(4)) is amended by striking "paragraph (1)(C) of this subsection" and inserting "paragraph (1)".

On page 14, line 23, strike "of" the second place it appears and insert "or".

At the end of the bill, add the following:

SEC. . FURTHER TECHNICAL CORRECTIONS.

Section 19 of the Merchant Marine Act, 1920 (46 App. U.S.C. 876) is amended—

(1) in paragraph (1)(b) by striking "sytems" and inserting "systems"; and

(2) in paragraph (7)(d) by striking "in proceedings under paragraph (1)(b)(7) of this section," and inserting "under subparagraph (b),".

Mr. HUBBARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendments, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky that the amendments be considered in bloc?

There was no objection.

Mr. HUBBARD. Mr. Chairman, this amendment merely makes technical corrections to H.R. 4484, as reported by the committee. It also makes technical corrections to section 19 of the Merchant Marine Act of 1920.

Mr. FIELDS. Mr. Chairman, if the gentleman will yield, the minority has examined this amendment and finds no objection to it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Kentucky [Mr. HUBBARD].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. FIELDS

Mr. FIELDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Add at the end of the bill the following:

"SEC. . TRANSFER OF CERTAIN VESSELS.

The Secretary of the Navy shall transfer to the Department of Transportation the following vessels, to be assigned as training ships to Texas A&M University at Galveston, Texas, and to the Maine Maritime Academy at Castine, Maine, when those vessels are no longer required for use by the Navy:

(1) U.S.N.S. CHAUVENET (T-AG-29).

(2) U.S.N.S. HARKNESS (T-AG-32).

Mr. FIELDS. Mr. Chairman, I am pleased to offer this amendment on behalf of myself and our colleagues, SOLOMON, ORTIZ, GREG LAUGHLIN, and OLYMPIA SNOWE.

The purpose of this amendment is to transfer two surplus Naval vessels, the *Chauvenet* and the *Harkness*, to the U.S. Maritime Administration to be used by two of our State maritime academies.

These vessels, which are currently operating in the Atlantic Ocean, will be decommissioned by the Navy later this year and they are ideally suited to serve as training ships for the Maine and Texas State Maritime Academies.

These two academies, which have trained hundreds of our merchant mariners, are not utilizing ships that are over 40 years old and they have reached the end of their useful lives.

Unless the *State of Maine* and the *Texas Clipper* are replaced in the next few years, the future of these two institutions will be in grave jeopardy.

Without training ships, the cadets who attend these academies will be unable to obtain the practical experience and the 60 hours of sea time they need each year to satisfy the Coast Guard requirements. In short, there will be no Maine or Texas State Maritime Academy unless suitable replacement vessels are found.

Based on the lessons of Operation Desert Storm, it is clear that the merchant marine played a vital role in winning the Persian Gulf war. It would be a tragedy and serious blow to our national security if these two State maritime academies were forced to close their doors.

Under the terms of this amendment, these two decommissioned hydrographic vessels—the *Chauvenet* and the *Harkness*—will be transferred to the U.S. Maritime Administration for assignment to the Maine and Texas State Maritime Academies. The Maritime Administration will retain title to these ships, they will maintain them and they will be available in times of crisis or emergency.

Mr. Chairman, the superintendents of the Maine and Texas State Maritime Academies have conducted an exhaustive search to find suitable replacements for their existing training ships. They have investigated dozens of vessels. They have carefully calculated the cost of converting these ships and the annual cost of operating them.

It is their best judgment that the *Chauvenet* and the *Harkness*, which are diesel powered and equipped with classroom facilities, will fully meet their operational needs. These two vessels can be easily converted to training ships, they are smaller and more economical to operate than the *Texas Clipper* and they will insure that these two State academies have the training facilities to educate thousands of new professional mariners in the future.

Since it is unlikely that Congress will appropriate the $80 million it would cost to build new training ships, I believe the best, if not the only, solution to the needs of the Maine and Texas State Maritime Academies is to transfer the *Chauvenet* and the *Harkness* to the U.S. Maritime Administration. This is the right decision—not only for these two schools—but also for the United States of America.

Mr. Chairman, I urge my colleagues to vote "aye" on this important bipartisan amendment.

Mr. HUBBARD. Mr. Chairman, I rise in support of the amendment.

Mr. LAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. I yield to the gentleman from Texas.

Mr. LAUGHLIN. Mr. Chairman, I rise in strong support of the amendment of my good friend and colleague, the gentleman from Texas [Mr. FIELDS]. The Texas A&M University Maritime Academy has been educating and training young men and women to go to sea for over 25 years. This amendment will enable both academies in Texas and in Maine to continue this very vital and necessary educational process of training young American men and women.

I strongly support the amendment of the gentleman from Texas, and I urge the House to do so also.

Ms. SNOWE. Mr. Chairman, I move to strike the last word.

I would like to thank the gentleman from Texas [Mr. FIELDS] and other members of the committee for the good work and cooperation that they have provided on this amendment.

Mr. Chairman, the merchant marine is one of America's time-honored professions. Since the country's founding, we have been a seafaring nation. Our ports are among the finest in the world, and traditionally our merchant seamen and women and shipping industries have set the standard for professionalism. Although our merchant marine industry as a whole is having problems today, no one can deny the excellence of America's merchant mariners, or the importance of the industry to the country's economic future.

The amendment before us seeks to maintain our longstanding tradition of producing the world's finest mariners. It simply provides for the transfer of two Navy vessels, scheduled to be decommissioned, to the Maritime Administration; and it specifies that these ships be assigned to Texas A&M University and the Maine Maritime Academy for use in training merchant marine cadets.

The need for these ships is unquestioned. Maine Maritime Academy students are currently using a 40-year-old ship nearing the end of its useful life. If the school is to continue its mission of training outstanding cadets, then a new ship must be found. After an exhaustive search by academy officials, the Navy vessel *Harkness* presents the only viable option for continued onboard training at the school—so essential for the cadets.

Mr. Chairman, these transfer projects have enjoyed the cooperation of the Maritime Administration and the Navy. They will help the United States continue providing first class instruction to our Nation's future merchant marine officers. And they will help the United States maintain its position as a seafaring power. I ask my colleagues to join me in support of the amendment.

□ 1400

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from Texas [Mr. FIELDS]. I rise in strong support of his amendment.

When we talk about furthering education in this country, this is one of the positive things that we can do. The ships are old, and the transfer does not put a burden on taxpayers. It supports education as well.

I would like my colleagues from both Maine and Texas to remember that California also has a maritime academy, and when we want to replace the *Golden Bear* I hope that we receive support also.

Mrs. BENTLEY. Mr. Chairman, I move to strike the requisite number of works and I rise in strong support of the amendment concerning the school ships.

As a person who has been a close observer of maritime schools over the years, I think this amendment is very, very appropriate and very necessary. In fact, as chairman of the Federal Maritime Commission I was pleased to play a role in the establishment of Texas A&M Maritime Academy in Galveston a few years ago, and last year was present at the graduation ceremonies of the Maine Maritime Academy.

Such ships are very vital toward the proper training of our future merchant seamen, and I think it is in order that we approve this amendment. I want to commend the gentleman from Texas [Mr. FIELDS] for taking the lead on this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI: Add at the end the following new section:

SEC. . CONVEYANCE FOR SCRAPPING BY NATIONAL MARITIME MUSEUM ASSOCIATION.

(a) VESSEL CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey to the National Maritime Museum Association (a nonprofit organization located in San Francisco, California; hereinafter in this section referred to as the 'Association'), without consideration, all right, title, and interest of the United States Government in a vessel which—

(A) is in the National Defense Reserve Fleet on the date of the enactment of this section;

(B) is of not less than 4,000 displacement tons;

(C) has no usefulness to the Government; and

(D) is scheduled to be scrapped.

(2) CONDITION.—As a condition of conveying a vessel to the Association pursuant to this section, the Secretary shall require that the Association enter into an agreement with the Secretary which requires that the Association—

(A) sell the vessel for scrap purposes;

(B) use the proceeds of that scrapping for expenses directly related to the preservation and restoration of the historic fleet of the San Francisco Maritime National Historical Park, located in San Francisco, California;

(C) have raised, before the date of conveyance authorized by paragraph (1), at least $100,000 from non-Federal sources for use for that purpose; and

(D) comply with any other conditions the Secretary considers appropriate.

(b) DELIVERY.—The Secretary shall deliver a vessel conveyed under this section to the Association—

(1) at the place where the vessel is located on the date of the approval of the conveyance;

(2) in its condition on that date; and

(3) without cost to the Government.

(c) EXPIRATION.—The authority of the Secretary to convey a vessel under this section expires on the date which is 2 years after the date of the enactment of this Act.

(d) TREATMENT OF AMOUNTS AVAILABLE TO ASSOCIATION.—Amounts available to, or used by, the Association pursuant to subsection (b)(2) (B) or (C) shall not be considered in any determination of the amounts available to the Department of the Interior for the San Francisco Maritime National Historical Park.

Ms. PELOSI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, this amendment is protected by rule. I ask unanimous consent that, as printed in the report of the Rules Committee, my amendment be modified with a purely technical change to correct a cross-reference error. In subsection (d) of the amendment, I am simply asking that the reference to "subsection (b)(2) (B) or (C)" be changed to read "(a)(2) (B) or (C)".

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Ms. PELOSI: In subsection (d) of the proposed amendment, strike "section (b)(2)(B)" and insert section (a)(2)(B)."

The CHAIRMAN. Is there objection to the request for the modification offered by the gentlewoman from California [Ms. PELOSI]?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Ms. PELOSI as modified; Add at the end the following new section:

SEC. . CONVEYANCE FOR SCRAPPING BY NATIONAL MARITIME MUSEUM ASSOCIATION.

(a) VESSEL CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey to the National Maritime Museum Association (a nonprofit organization located in San Francisco, California; hereinafter in this section referred to as the 'Association'), without consideration, all right, title, and interest of the United States Government in a vessel which—

(A) is in the National Defense Reserve Fleet on the date of the enactment of this section;

(B) is of not less than 400 displacement tons;

(C) has no usefulness to the Government; and

(D) is scheduled to be scrapped.

(2) CONDITION.—As a condition of conveying a vessel to the Association pursuant to this section, the Secretary shall require that the Association enter into an agreement with the Secretary which requires that the Association—

(A) sell the vessel for scrap purposes;

(B) use the proceeds of that scrapping for expenses directly related to the preservation and restoration of the historic fleet of the San Francisco Maritime National Historical Park, located in San Francisco, California;

(C) have raised, before the date of conveyance authorized by paragraph (1), at least $100,000 from non-Federal sources for use for that purpose; and

(D) comply with any other conditions the Secretary considers appropriate.

(b) DELIVERY.—The Secretary shall deliver a vessel conveyed under this section to the Association—

(1) at the place where the vessel is located on the date of the approval of the conveyance;

(2) in its condition on that date; and

(3) without cost to the Government.

(c) EXPIRATION.—The authority of the Secretary to convey a vessel under this section expires on the date which is 2 years after the date of the enactment of this Act.

(d) TREATMENT OF AMOUNTS AVAILABLE TO ASSOCIATION.—Amounts available to, or used by, the Association pursuant to subsection (a)(2) (B) or (C) shall not be considered in any determination of the amounts available to the Department of the Interior for the San Francisco Maritime National Historical Park.

Ms. PELOSI. Mr. Chairman, my amendment to H.R. 4484, the authorization of appropriations for the Maritime Administration for fiscal year 1993, would authorize the Secretary of Transportation to convey for scrapping by the National Maritime Museum Association a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped.

Among the eight historic vessels preserved at the San Francisco Maritime National Historical Park is a World War II merchant vessel, the Liberty ship SS *Jeremiah O'Brien*. Under a charter agreement, this last unaltered example of 2,750 such vessels built by Americans is maintained for the Maritime Administration. This year, the vessel required extensive repairs and as you will hear later, is being readied for the commemoration of the Normandy invasion. Neither the Maritime Administration nor the nonprofit association which manages the ship had funds available for this purpose. Therefore, the National Park Service expended $400,000 to drydock and repair the vessel. My amendment would permit the Maritime Administration to compensate for the expense of maintaining its historic vessel by the maritime park. The funds generated by the sale of a scrapped ship would be used to restore other threatened national historic landmark vessels at the park which tell the history of the American merchant marine.

The concept of utilizing the proceeds from the sale of a scrapped National Defense Reserve Fleet ship has particular importance for San Francisco's historic ships. Congress acted in 1987 to create a separate unit of the National Park System to recognize the national significance of the largest collection of historic ships in the world. The San Francisco Maritime National Historical Park inherited a backlog in repairs and maintenance for the historic ships and is without the resources to keep pace with the restorative work required to keep the ships in existence.

The maritime park has a nonprofit association which contributes in part to the upkeep of the historic ships and which could function, under my amendment, as a conduit for revenues from a scrapped reserve ship toward the restoration of the national historic fleet. This is a concept modeled on the Merchant Mariner Memorial, included in Public Law 101-595, which allowed scrapped reserve vessels to be used by nonprofits to preserve merchant vessels as memorials to merchant mariners.

Mr. Chairman, Congress decided that these historic ships were nationally significant and worthy of preservation, but the strong Federal commitment to keep them afloat has been lacking.

This is the kind of Federal cross fertilization that is needed to support our national assets. My amendment also states that whatever funds result from the sale of a scrapped ship should not be a substitute for Interior Department support. In fact, it is my hope that the maritime park will be singled out for additional funding in the President's budget next year.

A tremendous effort has been made to recapture the rich history of the Pacific Coast sailing ship days and I think that the maritime park has one of the foremost maritime displays anywhere in the world. The idea of recycling outmoded defense ships to revitalize a living museum of maritime history is a worthy cause. I hope we can be forward looking and creative in our approach to using the funds from scrapped reserve ships for the purpose of preserving another aspect of our Nation's rich maritime heritage.

Mr. Chairman, a hearing was held on my amendment when it was introduced as H.R. 5319. No opposition was raised and it was subsequently reported by the full committee. I urge my colleagues to vote for my amendment to accomplish the important goal of preserving our Nation's maritime history. I also want to convey my appreciation to Chairman JONES for his good advice, assistance, and support in presenting my amendment today. I am sorry he is not here with us to shepherd his committee bill through the House today. Our prayers are with him.

Mr. FIELDS. Mr. Chairman, if the gentlewoman will yield, the minority has reviewed this amendment and finds no objection. In fact, we think that the gentlewoman from California has been innovative in her approach in this period of budget austerity.

Mr. HUBBARD. Mr. Chairman, I move to strike the last word and I rise in strong support of the Pelosi amendment. I congratulate our friend and colleague, the gentlewoman from California [Ms. PELOSI] for this amendment, and I urge its adoption.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words and I rise in strong support of the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from California [Ms. PELOSI].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: At the end of the bill add the following:

SEC. . FEDERAL SHIP MORTGAGE INSURANCE FOR CERTAIN CONSTRUCTION AND RECONSTRUCTION.

Section 1104B(b)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274a(b)(2)) is amended by striking "75 percent" and inserting "87½ percent".

Mr. CUNNINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank my colleague, the gentleman from Kentucky [Mr. HUBBARD], for chairing the bill. We all grieve that the gentleman from North Carolina [Mr. JONES], who is the chairman of the committee has been quite ill. Both he and his wife have been very helpful to me as a young freshman on the committee, and we ask for his speedy return. Of all of the committees I serve on that we can talk about where Congress does not work, this is one of them where Congress does work in its bipartisan issues, and I would like to thank also my colleague, the gentleman from Kentucky [Mr. HUBBARD].

□ 1410

In the 1990 amendment to the Merchant Marine Act of 1936, Congress enacted a provision that has operated in a way that was not intended.

In order to facilitate the construction of replacement double-hulled tankers, section 1104 of the Merchant Marine Act was amended to supplement the maritime administrative basic title XI authority by providing for special consideration for title XI funding for replacement double-hulled tankers by current operators. In other words, the 1990 amendment was designed to encourage the use of title XI funds for replacement of vessels, not to discourage its use.

Although double-hulled tankers are mandated by the Oil Pollution Act of 1990, the 1990 amendment inadvertently placed a more onerous financial burden on tanker operators than other types of vessel operators. This amendment will simply allow replacement tankers the opportunity to meet financial standards set forth by all other vessels desiring loan guarantees by simply deleting 75 percent to 87½ percent.

The domestic tanker market is one area where growth is essential. Mandated by statute, yet they are currently held to higher equity standards.

This amendment still allows the Secretary to guarantee a lesser amount than 87½ percent if financial consideration warrants; however, it does not mandate the lower amount arbitrarily.

Unless we make this change, it is highly unlikely that any vessel operator will build replacement tankers.

I would like to mention to the chairman that this also helps the environment by ensuring that we do not have things like the *Valdez* and oilspills off our coasts.

Mr. HUBBARD. Mr. Chairman, I rise in strong support of the Cunningham amendment. It is a good amendment.

I congratulate our colleague, the gentleman from California [Mr. CUNNINGHAM], for his authorship of this amendment and urge my colleagues to vote for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: At the end of the bill add the following:

SEC. . WAIVERS FOR CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for each of the following vessels:

(1) BLACK MAGIC (United States official number 617553).

(2) EAGLE (United States official number 645820).

(3) POTOMAC QUEEN (District of Columbia registration number DC7239B).

(4) SLALOM (Florida registration number FL1590HD).

(b) WAIVER FOR OIL SPILL ACTIVITIES.—Notwithstanding sections 12106 and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the vessel U.S.M.V. DELIVERER (United States official number 661235) with usage of the vessel under sections 12106 and 12108 of title 46, United States Code, limited to oil spill cleanup and support activities.

(c) LIMITED WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the vessel TESORO (official number 696047).

Mr. CUNNINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, the chairman, the gentleman from North Carolina [Mr. JONES], has asked me to offer this amendment. It is a bipartisan amendment.

It is simply a companion committee amendment to the 21 Jones Act waivers offered by my distinguished colleague, the gentleman from Kentucky [Mr. HUBBARD].

The vessels named in my amendment have been examined and have been determined to meet the standards for a waiver of the Jones Act.

In at least one case, the vessel owner cannot prove the vessel was built in a U.S. shipyard, because the shipyard is out of business, and there are no records. In several cases, substantial work will be done in U.S. shipyards to prepare the vessel for charter.

In no case are we in any way waiving Coast Guard inspection or safety laws.

I would like to urge support of this amendment which I have offered in a bipartisan nature and is noncontroversial.

Mr. HUBBARD. Mr. Chairman, I rise in strong support of the Cunningham amendment.

I know it was offered by our distinguished chairman, the gentleman from North Carolina [Mr. JONES], who, as has been said earlier, is gravely ill today, and we remember him with our thoughts and prayers.

I urge my colleagues to vote for this Cunningham amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAUGHLIN

Mr. LAUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAUGHLIN: At the end of the bill add the following:

SEC. . SALE OF VESSELS.

(a) SALE AUTHORIZED.—Notwithstanding any other law or any agreement with the United States Government, the vessels described in subsection (b) may be sold to a person that is not a citizen of the United States and transferred to a foreign registry, if that sale is approved by the Secretary of Transportation under section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808(c)).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) OCEAN CHALLENGER (official number 569583).

(2) OCEAN RUNNER (official number 564344).

(3) OCEAN WIZARD (official number 574906).

Mr. LAUGHLIN. Mr. Chairman, first, I want to wish our chairman, the gentleman from North Carolina [Mr. JONES], a speedy recovery and thank him for all of his support and assistance not only on this bill but throughout my tenure on the Committee on Merchant Marine and Fisheries.

Mr. Chairman, my amendment will allow us to clear three vessels from an already excess domestic fleet without losing a single job and with no cost to the taxpayer.

Currently, three U.S.-flag VLCC's operating under the Marad Construction Differential Subsidy Program cannot be operated economically, are in layup and not servicing U.S. domestic commerce, and are valued as scrap in the domestic market.

There is no prospect for charter on any of the vessels in the foreseeable future and by the year 2000, all three tankers would be phased out of service under the Oil Pollution Act.

The only way to diminish the already enormous losses is to allow these vessels to be sold on the global market.

Current law mandates that the three construction differential subsidy built tankers remain documented under U.S. flag for 20 years.

One vessel was built in 1975 and the other two were constructed in 1976. Therefore, these vessels would not be able to flag out until 1995 and 1996. By that time the vessels would be in horrendous condition and worthless.

That is why I am offering this amendment today: To allow these three vessels to be sold on the foreign market, provided that the sale is approved by the Secretary of Transportation under section 9(c) of the Shipping Act.

It should be noted that through this exemption no one profits.

The amounts due on the preferred mortgages on these vessels and other payables related to each vessel exceed even the value on the global market for all three vessels.

I believe this unique situation warrants an exemption. And I appreciate the committee's support of the amendment.

Mr. FIELDS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would hasten to say that, as I understand the gentleman's amendment, basically what the amendment does is that it is a commonsense approach. If we do not take this action today, the condition of these vessels will deteriorate, and they could be worthless.

So by moving forward at this particular moment, we are doing what needs to be done in preserving the structural integrity, the seaworthiness of these vessels, and we are actually moving forward in a very positive direction.

Mr. Chairman, for that reason, the minority finds no problem with this amendment and compliments our good friend and colleague, the gentleman from Texas, on the amendment.

Mr. HUBBARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Laughlin amendment and congratulate our friend and colleague, the gentleman from Texas, for his amendment.

I urge my colleagues to vote for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LAUGHLIN].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BENTLEY

Mrs. BENTLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BENTLEY: At the end of the bill add the following new section:

SEC. . CONVEYANCE VESSELS.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey without consideration all right, title, and interest of the United States in 2 vessels described in subsection (b) to any nonprofit organization which operates and maintains a Liberty Ship or Victory Ship as a memorial to merchant mariners.

(b) VESSELS DESCRIBED.—Vessels which may be conveyed under subsection (a) are vessels which—

(1) are in the National Defense Reserve Fleet on the date of the enactment of this Act;

(2) are not less than 10,000 displacement tons;

(3) have no usefulness to the Government; and

(4) are scheduled to be scrapped.

(c) CONDITIONS OF CONVEYANCE.—As a condition of conveying any vessels to an organization under subsection (a), the Secretary shall require that before the date of the conveyance the organization enter into an agreement under which the organization shall—

(1) sell the vessels for scrap purposes;

(2) use the proceeds of that scrapping for the purpose of refurbishing and making seaworthy a Liberty Ship or Victory Ship which the organization maintains as a memorial to merchant mariners, to enable the ship to participate in 1994 in commemorative activities in conjunction with the 50th anniversary of the Normandy invasion; and

(3) return to the United States any proceeds of scrapping carried out pursuant to paragraph (1) which are not used in accordance with paragraph (2).

(d) DEPOSIT OF AMOUNTS RETURNED.—Amounts returned to the United States pursuant to subsection (c)(3) shall be deposited in the Vessel Operations Revolving Fund created by the Act of June 2, 1951 (65 Stat. 59; 46 App. U.S.C. 1241a).

(e) DELIVERY OF VESSELS.—The Secretary shall deliver each vessel conveyed under this section—

(1) at the place where the vessel is located on the date of the approval of the conveyance by the Secretary;

(2) in its condition on that date; and

(3) without cost to the Government.

(f) EXPIRATION OF AUTHORITY TO CONVEY.—The authority of the Secretary under this section to convey vessels shall expire on the date that is 2 years after the date of the enactment of this Act.

Mrs. BENTLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. BENTLEY. Mr. Chairman, June 6, 1944, is a date which lives vividly in the annals of world history. It is the date on which Allied forces launched their first battle to reclaim Europe from the grip of Nazi Germany. The invasion on the beaches of Normandy was one of America's finest hours.

June 6, 1994, will mark the 50th anniversary of that epic event, and, as in 1944, the eyes of the world will be focused on Normandy.

My amendment, Mr. Chairman, is aimed at assisting three nonprofit organizations that will be the centerpiece of America's contribution to those commemorative ceremonies and activities—the S.S. *John W. Brown* in Baltimore, the S.S. *Jeremiah O'Brien* in San Francisco, and the S.S. *Lane Victory* in Los Angeles.

These three fine vessels—all listed on the Registered National Historic Landmarks—are the only remaining operating Liberty and Victory ships out of the more than 3,300 constructed during the days leading up to and during World War II.

Specifically, Mr. Chairman, my amendment would authorize the Secretary of Transportation to transfer two obsolete vessels in the NDRF to each of the nonprofit organizations, which maintains these vessels as museums and living memorials to the merchant mariners who sailed them through perilous waters—at tremendous personal risks—as they kept the pipeline open with critically needed supplies and ordnance to U.S. and Allied forces in both European and Pacific theaters.

The obsolete vessels will be scrapped and the proceeds would be used to refurbish the hulls of these 50-year-old ships and for other critical repairs, so they make the trans-Atlantic crossing. All three are capable of sailing in protected waters, but crossing the Atlantic requires additional work. Without this work—without our help—this historic trip will not be possible.

Any surplus proceeds will be returned to the Government and deposited in the vessel operations revolving fund, maintained by the Maritime Administration for the purchase of vessels for the Reserve Fleet.

The three vessels—all manned by volunteers—once again, will form a convoy for the Atlantic sailing and will be escorted by U.S. naval vessels, which also will participate in the activities.

□ 1420

Mr. Chairman, I want to express my appreciation to the committee for its support and thank the leaders on both sides of the aisle and particularly extend a special appreciation to Chairman WALTER JONES for all his assistance and wish him a speedy recovery.

Mr. Chairman, I urge adoption of my amendment to H.R. 4484.

Mr. HUBBARD. Mr. Chairman, I move to strike the last word and rise in support of the amendment offered by the gentlewoman from Maryland [Mrs. BENTLEY].

Mr. Chairman, I congratulate our colleague and friend for this amendment. We certainly hope and want to assist these World War II vessels in reaching Normandy; and we are optimistic that they will do so.

We want to pass this amendment to see that they do make it.

Again I urge, strongly, my colleagues to vote for the amendment offered by the gentlewoman from Maryland [Mrs. BENTLEY], and again congratulating Congresswoman BENTLEY for her insight on this matter.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. BENTLEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. UNSOELD

Mrs. UNSOELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. UNSOELD: On page 4, line 1, strike $35,000,000 and insert $50,000,000.

On page 4, line 5, strike the period at the end of the sentence and insert: ", of which $15,000,000 may be obligated for commitments to guarantee loans for methanol plantships, the applicants for which have studied the technical and economic feasibility of such plantships under contracts from the Department of Transportation.".

Mrs. UNSOELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. UNSOELD. Mr. Chairman, I am offering this amendment on behalf of Congressmen GERRY STUDDS and myself.

The amendment authorizes an additional $15 million for the Maritime Administration's title XI Loan Guarantee Program and specifies that MARAD may provide loan guarantees for methanol plantships.

Methanol is a highly desirable, clean alternative fuel used for power generation and in transportation. There is interest within the energy community and the shipbuilding community to construct methanol plantships to provide an economic means for the manufacturing of methanol. A plantship is simply a methanol production facility constructed onboard a large ocean-going vessel. These ships represent a highly efficient floating production system that can produce methanol from offshore natural gas resources at very low costs.

There has been some question as to whether methanol plantships qualify under the existing title XI program, so the amendment specifies that the Maritime Administration may issue loan guarantees for the construction of these types of ships. The construction of these ships will provide badly needed jobs for our shipyards. The amendment is strongly supported by the shipbuilding community, steelworkers, environmentalists and by my committee colleagues from the other side of the isle and I urge all Members to support the amendment.

Mr. HUBBARD. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentlewoman from Washington [Mrs. UNSOELD]. I congratulate her upon her amendment and urge my colleagues to vote for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Washington [Mrs. UNSOELD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act (including the amendments made by this Act) may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including the amendments made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including the amendments made by this Act), the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment is straightforward. We have a law known as the Buy American Act. Everybody sort of knows about it, it is in the back of our economic psyche, but very few people seem to abide by it.

Mr. Chairman, the Traficant amendment would say that the Buy American Act be complied with, as it is and should be by the bill. In addition, there is a section for a sense of the Congress advising people, when they are expending money that does come from the Federal Government or is involved with this great industry, that they consider American-made products, to keep American people working, to pay American taxes, to keep our Government afloat, before we cannot float our boat and we go bankrupt.

In addition to that, it calls for a notice—and I want to explain this notice briefly—some people are saying, "Well, the administration is going to have to now send a notice to anybody receiving money under this bill to try to go ahead and buy American products because that is what the Congress would like us to do." Some people say that is a really big trip.

I really do not think so. And once they get used to it, they can all create just a little stamp and on all of these awards, all of these grants, and all of the assistance under this act, simply hit with a stamp that says, "Look, the Congress urges you to buy American-made products."

So I appreciate the support here.

Mr. Chairman, before I close, I would like to say that Chairman WALTER JONES is one of the most beautiful Members of this body. He is in the hospital with pnuemonia. I think everybody is concerned about him. We love him dearly. I am saddened to see this, that this is the first time I have been in the Congress we are debating a bill such as this within the province of this great committee which Chairman JONES heads, and Chairman JONES is not here.

I am sure every one of us sends our prayers to him, and I hope he can come back and return with us to carry on our work.

Chairman JONES, by the way, supports the Traficant amendment.

With that, I yield to the distinguished chairman of the subcommittee, the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I support the Traficant amendment and urge its adoption.

Mr. TRAFICANT. Mr. Chairman, with that I yield to the vice chairman, the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I did not ask to be yielded to, but I must say that those of us on the minority side are a little disappointed that our good friend, the gentleman from Ohio, is not exercised enough today. It seems he is calm. I do not know if that was the break. Normally he is coming forward with a much more vocal statement.

But again we appreciate the concept being brought forward, and we are not going to object at this time.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, do not be fooled by my demeanor here today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS:

At the end of the bill, add the following:

SEC. 13. SERVICE DEEMED TO BE ACTIVE MILITARY SERVICE.

(a) IN GENERAL.—For purposes of section 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note), the Secretary of Defense is deemed to have determined that qualified service of a member of the United States merchant marine, including a vessel crew member of the U.S. Army Transport Service, who served the Armed Forces during World War II constituted active military service.

(b) DETERMINATION OF DISCHARGE STATUS.—

(1) The Secretary of Defense shall issue an honorable discharge under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 to each member of the United States merchant marine whose qualified service warrants an honorable discharge.

(2) Such discharge shall be issued before the end of the one-year period beginning of the date of the enactment of this Act.

SEC. 14. PROHIBITION OF RETROACTIVE BENEFITS.

Benefits shall not be paid to any person as a result of the enactment of this Act for any period before the date of the enactment of this Act.

SEC. 15. PROCESSING FEES.

(a) IN GENERAL.—The Secretary of the Department in which the Coast Guard is operating shall establish, assess, and collect a fee for processing applications for benefits for qualified service in the United States merchant marine.

(b) APPLICATIONS.—A fee established under this subsection shall apply to any applicant for a benefit (including for an increase in a benefit) for qualified service in the United States merchant marine, that is received after the date of the enactment of this Act by Secretary of the Department in which the Coast Guard is operating.

(c) AMOUNT.—The amount of a fee established under this subsection shall be $30.

SEC. 16. DEFINITIONS.

For the purposes of this Act—

(a) the term "qualified service" means service of a merchant mariner during the period beginning December 7, 1941 and ending December 31, 1946, performed while such mariner was—

(1) documented by an officer or employee of the United States authorized by law to do so; and

(2) a crew member of any vessel which at the time of such service was—

(A) documented in the United States,

(B) operated under the flag of the United States in waters other than inland waters of the United States, and

(C)(i) under contract of charter to, or (ii) property of the Government of the United States.

(b) the term "United States merchant marine" shall include, but not be limited to, the United States Army Transport Service.

Mr. EVANS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POINT OF ORDER

Mr. MONTGOMERY. Mr. Chairman, I would like to make a point of order against the amendment, that it is not germane to the bill and is in violation of clause 7 of rule XVI.

Mr. Chairman, I make that point of order.

☐ 1430

The CHAIRMAN. The gentleman from Mississippi [Mr. MONTGOMERY] makes a point of order against the amendment offered by the gentleman from Illinois [Mr. EVANS].

Does the gentleman from Illinois desire to be heard on the point of order made by the gentleman from Mississippi?

Mr. EVANS. May I be heard on the point of order made by the gentleman?

The CHAIRMAN. The gentleman from Illinois [Mr. EVANS] is recognized for 5 minutes.

Mr. EVANS. Mr. Chairman, I regret that the chairman of the Veterans' Affairs Committee is raising this point of order on an amendment that is not only germane to this bill, but would also rectify a 46-year-old injustice.

STATEMENT CONCERNING THE POINT OF ORDER ON THE EVANS/FIELDS AMENDMENT

Thousands of men and women are being denied the benefits that they deserve and that 223 of our colleagues support granting, simply because the Committee on Veterans' Affairs has not acted on this legislation.

Nearly 6,000 merchant seamen died and another 600 were taken prisoner during World War II. Only the Marine Corps suffered proportionately higher casualties than the merchant mariners. Merchant mariners served bravely and deserve to be treated with the same dignity and respect that is given to veterans of other services.

While our amendment would make certain merchant mariners eligible for veterans benefits, it is likely that the only benefits most will obtain are recognition and the right to have a flag on their coffin. After all, their educational benefits have long expired and since they are eligible for Medicare benefits it is highly unlikely that any of these individuals would enter a VA hospital.

Not only is our amendment the right thing to do, it also is germane to H.R. 4484. The original form of the amendment, H.R. 44, was passed unanimously by the Merchant Marine and Fisheries Committee. The amendment satisfied that requirements that it share the bill's fundamental purpose and subject matter. H.R. 4484 contains language to authorize funding for the fleet of merchant vessels that comprise the National Defense Reserve Fleet and to extend reemployment rights to certain merchant mariners. Specifically, it extends benefits to merchant mariners that are identical to those provided to veterans under chapter 43, title XXXVIII and includes provisions for the types of vessels that merchant mariners served on during World War II. Furthermore, since both pertain solely to merchant mariners, their subject matter is obviously the same.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. FIELDS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. FIELDS. Mr. Chairman, I would like to speak against the point of order.

There are three criteria used to assess whether an amendment is germane. In order of importance, those are fundamental purpose, and the question is, is the fundamental purpose of the amendment and the Act the same?

Second, subject matter. Do the two measures deal with the same subject.

Third, is committee jurisdiction.

The basis of H.R. 4484 is to authorize appropriations for the Maritime Administration. The bill contains language authorizing funding for the fleet of merchant vessels that comprise the National Defense Reserve Fleet and to extend reemployment rights to certain merchant mariners.

It can be argued that the amendment shares the fundamental purpose because merchant mariners served on those types of vessels, and also it extends other benefits to merchant mariners that are identical to those covered to veterans under chapter 43, title XXXVIII.

Since both measures deal exclusively with merchant mariners, I think the requirement for germaneness is met.

Mr. Chairman, let me just also add, and I appreciate so much what the gentleman from Illinois has done in bringing this amendment, the amendment corrects a 46-year-old injustice by providing recognition to several thousand merchant mariners who served the Nation during World War II. I think it is important to debate this particular point on the House floor.

I have to ask the question, why are we not debating this amendment? Why can we not get this to the floor for a vote, particularly when 223 Members of the House of Representatives cosponsored this particular amendment?

Again, I have to thank the gentleman from Illinois for working so hard on this particular amendment.

The purpose was to provide veterans status to the merchant mariners who served their country between December 7, 1941, and December 31, 1946.

This measure is necessary in order to correct a January 19, 1988 decision by then Air Force Secretary Edward Aldridge who unilaterally decided that World War II ended on August 15, 1945 for those who served in the U.S. merchant marine. It took 40-some odd years for him to make a decision that is fundamentally wrong.

We cannot ask the merchant mariner veterans of World War II to wait another 40 years. We ought to be making a decision on this House floor.

When people ask what are we talking about, we are talking about 2,500 Americans who have been adversely affected by this one Secretary's decision. This amendment would modify Secretary Aldridge's unfair 1980 decision by eliminating the arbitrary date of August 15, 1945, in the foreign ocean-going requirement.

While in theory we are talking about 25 Americans would be eligible for a variety of veterans benefits, in reality the only benefits they are likely to obtain from this amendment are recognition and the right to have flags on their coffins.

I want to know why we cannot debate this on the floor when we have 223 cosponsors. We are talking about 2,500 Americans who served their country. We are talking about an estimated cost from the Congressional Budget Office of $100,000 in fiscal year 1993.

It is fundamentally unfair to these veterans that they are not given the recognition.

I take great exception to someone saying that this is not germane today in a bill that deals with merchant marines and deals with the vessels that carry merchant mariners.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. MONTGOMERY. I would like to speak further on my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. MONTGOMERY. Mr. Chairman, the amendment would bring an unrelated subject to the bill. The bill, H.R. 44, was jointly referred to our committee and to the Committee on Merchant Marine and Fisheries. There has been no action by our Subcommittee on Compensation, Pension, and Insurance.

The gentleman from Ohio [Mr. APPLEGATE], the chairman of that subcommittee, was not notified by anyone on the House floor today.

This amendment amends the GI bill. It has nothing to do with merchant mariners. It gives veterans benefits to those who are not considered veterans under our law.

It is not germane, Mr. Chairman, to the bill under consideration, and I ask that the Chair uphold my point of order.

Mr. FIELDS. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. FIELDS. Mr. Chairman, I have to say, in the entire time I have served in the Congress, I respect the gentleman from Mississippi as much as anyone in this body. I think he is a great chairman, a great leader.

But I do want to ask the chairman, is it his intent either in this session, or in the next session, not only to hold hearings, but to have a markup and bring either this particular language or some similar language to the floor so at least the Members of this body may have an opportunity to work their will, because what we are talking about is an administrative decision made by one person, and some of us have violent disagreement with the decision made by the particular person.

Mr. MONTGOMERY. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. MONTGOMERY. Mr. Chairman, it is under the subcommittee of the gentleman from Ohio [Mr. APPLEGATE]. I have not talked to the gentleman from Ohio [Mr. APPLEGATE] or tried to guide him, or make any suggestions to him. I will talk to the chairman of the subcommittee.

You know, it is not pleasant for me. I try to do all I can, as the gentleman has said, for veterans and persons who have been involved in war, which the merchant mariners were.

The law was not made by us. It was made, as the gentleman said, by the Secretary of the Air Force who put the dates of those who would be classified as veterans.

As far as I know, the Air Force still has the authority if they want to extend those times; but I feel strongly about this. This is under the jurisdiction of our committee.

If the gentleman from Ohio [Mr. APPLEGATE] wants to call a subcommittee hearing, that is certainly all right with me.

I am surprised that the gentleman from Illinois [Mr. EVANS] brings this up. He is one of our subcommittee chairmen. He did not even let us know he was going to do this.

So I would hope the Chair would rule in our favor.

Mr. FIELDS. Mr. Chairman, I thank the gentleman for his response.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

As the gentleman from Mississippi has stated, H.R. 44 which is the text of this amendment, was referred to both the Committee on Merchant Marine and Fisheries and the Committee on Veterans' Affairs. It was referred to the Committee on Merchant Marine and Fisheries because of section 15, the Coast Guard processing fee section.

The Chair interprets section 13 of the amendment to be a direct veterans' benefit under the GI bill, and as such is still pending in the Committee on Veterans' Affairs.

In the opinion of the Chair, nothing in the bill as amended constitutes an amendment to title XXXVIII of the United States Code regarding veterans educational benefits. The provision in the bill mentioned by the gentleman from Texas is not a veteran's reemployment benefit under title 38, but rather mirrors such benefits for merchant seamen under the Merchant Marine Act.

The amendment also addresses military discharges by the Secretary of Defense.

As such, the amendment involves a matter within the jurisdiction of the Committee on Veterans' Affairs, and is not germane.

☐ 1440

Are there other amendments to the bill?

Mr. HUBBARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know of no other amendments on our side to H.R. 4484. I urge my colleagues to support this legislation.

It is my understanding that there will be a request for a rollcall vote, but this is not in any way opposing the legislation. The request for a rollcall vote coming shortly will be for the purpose of having a recorded vote to see how many Members support it and how many are opposed.

I hope the vote is unanimous on this legislation. It indeed is the Maritime Legislation Authorization Act for fiscal year 1993. It started off a good bill. It has been strengthened by the many amendments today.

Mr. Chairman, I urge my colleagues to vote for this legislation on final passage.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. I yield to the gentleman from Texas [Mr. FIELDS], my good friend.

Mr. FIELDS. Let me just say to the chairman that I do plan to call for a recorded vote on this particular piece of legislation, but I want to make sure that all of my friends and colleagues on the minority side understand that not only do I support this piece of legislation, but the vast majority of the Republican members on the Committee on Merchant Marine and Fisheries, if not all, support the legislation, and it is very important, particularly in light of an industry that is beleaguered and is in trouble, and we think that this is a fair piece of legislation, and it is a positive piece of legislation. It certainly is of aid to an industry that needs help at this particular moment in our history.

Mr. HUBBARD. Mr. Chairman, I thank the gentleman from Texas [Mr. FIELDS] for his comments.

Again I urge my colleagues to vote for this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. RAHALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration of bill (H.R. 4484) to authorize appropriations for fiscal year 1993 for the Maritime Administration, pursuant to House Resolution 493, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 48, not voting 55, as follows:

[Roll No. 387]

YEAS—331

Abercrombie
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Bustamante
Byron

Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Evans
Fascell
Fazio
Fields
Fish
Flake
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (LA)
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Thomas (CA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (FL)

NAYS—48

Allard
Archer
Armey
Bereuter
Boehner
Campbell (CA)
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Ewing
Fawell
Gekas
Goodling
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Jacobs
Johnson (TX)
Kasich
Klug
Kyl
Leach
Lightfoot
Meyers
Moorhead
Nichols
Nussle
Packard
Penny
Petri
Ramstad
Roberts
Rohrabacher
Sensenbrenner
Shuster
Stump
Taylor (MS)
Taylor (NC)
Thomas (WY)
Upton
Walker
Zimmer

NOT VOTING—55

Ackerman
Alexander
Atkins
AuCoin
Boxer
Brown
Burton
Chandler
Collins (MI)
Condit
Conyers
Coughlin
Crane
Davis
DeFazio
Donnelly
Dymally
Early
Engel
Espy
Feighan
Foglietta
Ford (TN)
Hayes (IL)
Jefferson
Jones (NC)
Kolbe
Levine (CA)
Lewis (CA)
McMillan (NC)
Moody
Morrison
Mrazek
Neal (MA)
Owens (UT)
Pease
Perkins
Pursell
Rhodes
Scheuer
Schiff
Smith (IA)
Smith (OR)
Solarz
Studds
Synar
Thomas (GA)
Towns
Traxler
Weiss
Wilson
Wise
Yates
Young (AK)
Zeliff

☐ 1506

The Clerk announced the following pair:

On this vote:

Mr. AuCoin for, with Mr. Smith of Oregon against.

Mr. KASICH changed his vote from "yea" to "nay."

Ms. PELOSI changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days to revise and extend their remarks on H.R. 4484, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4484, MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 4484, including corrections in spelling, punctuation, section numbering, and cross referencing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ANNOUNCEMENT OF OFFERING OF PRIVILEGED MOTION TO INSTRUCT CONFEREES ON S. 2532, FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992

Mr. KYL. Mr. Speaker, pursuant to clause 1(c) of rule XXVIII, I announce to the House that on tomorrow I will call up a privileged motion to instruct conferees on the bill, S. 2532, the so-called Russian aid bill, and I submit for printing in the RECORD the text of the motion as required by the rule, as follows:

Mr. KYL of Arizona moves that the Managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, S. 2532, be instructed to incorporate into the conference the following Senate amendments adopted to S. 2532 on July 1 and July 2:

Chafee Amendment No. 2647, to prohibit assistance for the government of any State if it is not fully cooperating with the United States Government in uncovering all evidence of the presence of live or deceased American prisoners-of-war.

D'Amato Amendment No. 2663, to prohibit the use of funds to be used to pay for the indebtedness of republics of the former Soviet Union to financial institutions.

Pressler Amendment No. 2685, to express the sense of the Congress regarding the orderly and timely withdrawal of Russian or Commonwealth of Independent States troops from Lithuania, Latvia, and Estonia.

Lugar Amendment No. 2724, to urge the President to obtain commitments and facilitate the withdrawal of Russian military personnel from Cuba.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 5, FAMILY AND MEDICAL LEAVE ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–856) on the resolution (H. Res. 560) waiving points of order against the conference report on the Senate bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MODIFICATION IN APPOINTMENT OF CONFEREES ON S. 2532, FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS, SUPPORT ACT OF 1992

The SPEAKER pro tempore. Without objection, the Chair announces the following modification in the appointment of conferees on the Senate bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act":

The panel from the Committee on Armed Services is also appointed for consideration of section 135 of the Senate bill.

There was no objection.

☐ 1510

APPOINTMENT OF CONFEREES ON H.R. 5482, REHABILITATION ACT AMENDMENTS OF 1992

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5482), to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection, appoints the following conferees: Messrs. FORD of Michigan, WILLIAMS, OWENS of New York, PAYNE of New Jersey, SERRANO, JEFFERSON, PASTOR, GOODLING, BALLENGER, KLUG, and CUNNINGHAM.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

PLAYING POLITICS WITH THE UNITED STATES-MEXICO TRADE AGREEMENT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, President Bush is playing politics with the North American Free-Trade Agreement. It's a dangerous game for those of us who want to see a trade agreement become a reality for North America.

The President and his political campaign advisers are trying to create a phony wedge issue over trade policy and the United States-Mexico trade pact. His comments on the campaign trail have completely distorted the views of Gov. Bill Clinton on trade, and his statements grossly misrepresent the position of congressional Democrats, a sizable number of whom backed him in May 1991, to allow the NAFTA talks to begin.

I feel compelled to separate the facts from the campaign fiction and the distortions being put peddled by the Bush campaign.

Fact No. 1: Bill Clinton is a free-trader, and Bill Clinton stands for opening new markets for American exports. He supported granting fast-track authority for the United States-Mexico trade negotiations. And Governor Clinton has stated unequivocally his support for an open and more unified economic market in North America.

Fact No. 2: Without the support of Senate Democratic leadership and without the support of 92 House Democrats, there would have been no extension of fast track, and there would be no NAFTA. There has certainly been strong disagreement within the Democratic Party on this issue, but the North American Free-Trade Agreement remains a bipartisan accomplishment, and its success in the next Congress will ultimately depend on bipartisan support.

Fact No. 3: Most Democrats, who supported fast track for the NAFTA talks and who want a trade agreement passed, do not need to be sold on the economic benefits of free trade. NAFTA will produce a net creation of American jobs. But these Democrats, myself included, want real environmental and labor protection as part of the NAFTA. We want to see a real commitment to these issues from the administration. So far we haven't.

Those are the facts on NAFTA. Free trade Democrats and Bill Clinton want a market-opening agreement for the United States with labor and environmental protection and attempts by the Bush Presidential campaign to say otherwise are nothing more than election year politics.

Mr. Speaker, I include for the RECORD an editorial from the Washington Post:

WHO'S FOR FREE TRADE?

When President Bush triumphantly announced the successful negotiation of the North American Free Trade Agreement one morning last month, the text was not complete. A couple of weeks later, assailing "protectionist Democrats," he needled Gov. Clinton for failing to endorse it and accused him of waffling. What Mr. Clinton had said was that in principle he favors a trade agreement with Mexico: "If we have no agreement, we will continue to have manufacturing jobs go on a fast track to Mexico * * *. But it has to be the right kind of agreement. I'm reviewing it carefully, and when I have a definitive opinion I will say so."

Is that a waffle? You should know that neither Mr. Clinton nor anyone else outside official Washington had seen the still-unfinished text. The negotiators were working out the details, not all of which were trivial.

To score points in the campaign, Mr. Bush has occasionally tried to depict the Democrats as opposed to the agreement and to trade. In fact, both Mr. Clinton and congressional leaders have said consistently that while they favor the idea of an agreement, they will judge this one on its provisions for displaced workers, for labor standards and for environmental protection. Mr. Bush has acknowledged those concerns, and part of the job training bill he proposed two weeks ago would be specifically allocated to retraining for workers who lost their jobs as a result of the agreement. That's where the real debates over this free trade agreement will lie—in the questions of degree in providing for the environment and for displaced workers.

Although you wouldn't guess it from Mr. Bush, there's been close consultation between the White House's negotiators and the congressional leadership throughout the talks with Mexico and Canada. That cooperation will get even closer in the decisive stages that will come next year—under whoever wins the presidency in November.

When Mr. Bush has a final text and all the accompanying documents, he will formally notify Congress. That will probably be next week. The agreement must lie before Congress 90 days—until well after the election—before the president can sign it. Then, next winter, Congress will begin a highly unusual process. You should note that it's not a treaty, and it doesn't follow the ratification procedure. It's an executive agreement, and there's still a lot of give-and-take ahead.

The trade committees of Congress will hold hearings and, with the administration's lawyers at their elbows, begin writing the legislation that will enact this agreement into American law. The committees can send the administration back to Mexico and Canada to renegotiate points—major points are not likely to be subjected to that, but lesser ones might be. When they have legislation on which the committees and the administration agree (as well as the Mexicans and Canadians), they hand it to the President—Bush or Clinton—who will formally send it back to Congress. Under the fast-track rule, Congress then is required to act on it in up-or-down votes, with no amendments, within 90 legislative days. That will probably be sometime next summer.

The North American Free Trade Agreement won't have a great effect on this country's huge economy. Its main benefit to the United States will be to promote economic growth in Mexico and hold down the tide of desperate immigrants coming north. It will have the same effect on Mexico, encouraging democracy and productivity, that membership in the European Community is having for Spain and Portugal.

It's one of the best things that President Bush has done. It's a pity that he's misrepresenting the positions of Democrats who, at this point, are nearly as deeply engaged in the agreement as he himself.

BALKAN INTRIGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, I think we were all shocked back in May at the bread line massacre in Sarajevo that ostensibly led to United Nations sanctions against Serbia.

Well imagine my surprise when I was forwarded an article from the August 22 issue of the Independent, a London daily. It states,

MUSLIMS SLAUGHTER THEIR OWN PEOPLE—BOSNIAN BREAD QUEUE MASSACRE WAS PROPAGANDA PLOY, UNITED NATIONS TOLD

United Nations officials and senior Western military officers believe some of the worst recent killings in Sarajevo, including the massacre of at least 16 people in a bread queue, were carried out by the city's mainly Muslim defenders—not Serb besiegers—as a propaganda ploy to win world sympathy and military intervention.

The view has been expressed in confidential reports circulating at UN headquarters

> in New York, and in classified briefings to US policymakers in Washington. All suggest that Sarajevo's defenders, mainly Muslims but including Croats and a number of Serb residents, staged several attacks on their own people in the hope of dramatizing the city's plight in the face of insuperable Serbian odds * * *.
>
> The reports recite a litany of gruesome events, from the bombing of the bread queue on 27 May to the 4 August explosion at a cemetery while two orphans were being buried, and a "choreographed" mortar salvo 30 seconds after Douglas Hurd entered a building for a meeting with the Bosnian President Alija Izetbegovic, on 17 July. The mortar attack, which the Foreign Secretary played down by saying "it wasn't as bad as the Number 10 bang," killed or wounded 10 bystanders. A Bosnian guard of honor for Mr. Hurd's security had, however, already taken cover.

Mr. Speaker, this is a pattern of events that continues to be repeated. Last Thursday, an Italian transport plane was shot down near the Bosnian town of Jasenik. I don't know who did it, but Saturday's Washington Post stated, "Bosnian President Alija Izetbegovic told reporters here that the plane came down in territory controlled by his government."

Saturday's London Times stated:

> Western sources said the attack was in line with a growing number of Muslim actions intended to scuttle moves towards peace and to provoke outside military intervention. The sources, close to the Geneva peace conference, confirmed Serb claims that the Muslims have targeted United Nations troops, and even other Muslims, in the capital of Bosnia to throw blame on the Serbs.

And then the latest of these events happened just yesterday. Two French peacekeepers were shot while escorting a convoy. According to the Associated Press today:

> French U.N. officers, who are not allowed under U.N. rules to give their names to reporters, said the attack came from the suburb of Butmir, a stronghold of forces loyal to Bosnia's Muslim-led government * * *.
>
> Gen. Philippe Morillon, a Frenchman who is deputy commander of the U.N. peacekeeping force, said in a radio interview broadcast in Paris that the shooting was, "a deliberate attack, a clear provocation by people who are enormously upset by the possibility of peace and determined to remain at war."
>
> The French government issued a statement demanding that the Bosnian government identify the killers and punish them.

President Izetbegovic's agenda is slowly being exposed. Reuters, referring to the current peace talks, puts it very succinctly:

> Serbia, and its arch-enemy Croatia, which both favor the partition of Bosnia, left the London conference more or less satisfied while Bosnia's Moslems, who want a single unitary state, were disappointed.

Mustafa Hajrulahovic, commander of Bosnian forces in Sarajevo, does just as good a job. Referring to the recent break between Croat and Muslim forces in Sarajevo, he stated:

> We have to live in one republic, which is un-cantonized. If they don't agree with that, we will fight until we liberate our territory.

Mr. Speaker, I am not an apologist for any of the parties involved in the bloody internecine strife that is currently raging in Bosnia-Hercegovina. All are guilty of horrendous human rights violations. But, as I have said over and over again, a negotiated settlement is the only path to a lasting peace in the Balkans.

Now that the Bosnian-Muslim card has been exposed, it is time for the international community to make clear that such intrigue has no place in the current peace process. As Larry Hollingworth, U.N. aid operations chief in Sarajevo told the BBC, "I feel that we should point the finger. I think it might put pressure where it actually should be placed."

Just as the Serbians were told to stop shelling and sanctions imposed on them, the Muslims must be told in no uncertain terms that such actions on their part will not be tolerated. Only then can the international community settle down to the business of coming to a solution to the current crisis in the Balkans.

□ 1520

HURRICANE ANDREW

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, the Third Congressional District of Louisiana and the southern communities of Dade County in Florida took an awful hit last week in Hurricane Andrew, and we are busy trying to complete relief and begin recovery efforts throughout the coastal parishes of Louisiana that were hard hit and in southern Florida. I wanted to give Members a brief report on conditions in south Louisiana, and also take this time on the floor to thank some very special people who have shown a generosity and support for the people in my district who are in such distress as they try to recover from this awful hurricane.

Hurricane Andrew was a category 4 storm, which makes it one notch less than the most severe hurricanes that normally are associated with hurricane season in the Gulf of Mexico. Hurricane Andrew also had the distinction of staying a while. That is, it was a slow-moving storm as it moved across the Third Congressional District and coastal Louisiana. By staying a while it brought a lot of water, and the winds did a lot of damage. In one case we know of a wind gauge was knocked over at 180 miles an hour, to give Members an idea of some of the intensity of this storm. The pictures seen on television cannot possibly tell the whole story.

There are stretches of houses and communities along Highway 90 in my district that are completely wiped out, not hundreds but thousands were left homeless. Thousands of homes were destroyed. Many thousands more were made uninhabitable they had been damaged so severely.

On the coastal reaches of Terrebonne Parish almost 30 percent of the coastal marshes were destroyed, about 40 percent of the barrier islands that protect our coastline from storms like Andrew were destroyed, and we are now much more vulnerable to future storms.

In those coastal regions whole communities like Cocodrie, and Dulac, and Lower Montagut were completely under water, and thousands of families endured water as deep as 4 and 5 feet in their homes for many days before the water receded.

As you came up Highway 90, the communities of Morgan City, Breaux Bridge, and Berwick, Bayou Vista, Patterson, Centerville, Franklin, Jeanerette, and Iberia were scenes of destruction as bad as any in parts of Florida. Whole communities are still without electricity, and communities were without sewage treatment and without essential services for many days following the storm.

I want to spend a few minutes to say a special word of thanks as we continue our recovery efforts to some very special people. First of all a word of congratulations to our Governor, Gov. Edwin Edwards, who had the foresight to call out the National Guard in advance of the hurricane, and to call on FEMA, and have FEMA officials in Baton Rouge to make preliminary preparations before the storm. The scenes you have seen in Florida and the complaints you have heard in Florida about the slowness of FEMA in setting up its offices were in large part avoided in Louisiana because the Governor made a decision early to get the officials in to declare the emergency and to activate the National Guard. Major General Stroud, who commands our National Guard, deserves untold numbers of thanks from across the district from people who were made secure in the relief and the recovery efforts by the tireless efforts of his men and women under the command of the Louisiana National Guard who provided security and began cleanup efforts so speedily, and set up kitchens, and began feeding our people when they could no longer find places to eat, and places to house themselves.

To the Salvation Army and to the American Red Cross who set up those offices so fast and so swiftly to begin feeding our people and helping us in this difficult time, our heartfelt thanks. Also to the incredible number of volunteers, volunteer firemen, to sheriffs' deputies, and sheriff's offices, to the mayors and the councils, all of those who engaged every civil defense tool available to them to provide immediate relief, our thanks go out.

I particularly want mayors like Mayor Cedric Lafleur, the mayor of Morgan City, Emmitt Hardaway of the city of Berwick, and to Mayor Sam Jones of Franklin, just a couple of examples of those who did such herculean duty in trying to muster whatever resources were available to us.

When FEMA finally hit the ground a couple of days, I think it was the Saturday after the storm, we had to coach, we had to cajole, but for the most part we got cooperation from FEMA officials in setting up field offices to generally help.

Over in St. John Parish, which is a new parish for the Third Congressional District, an awful tornado spawned by the storm struck. Over 100 homes were damaged or destroyed. We lost several lives in that tornado, several more at sea and several more during the recovery efforts for a total of nine fatalities in the storm. There could have been so many more, but for the fact that we saw the pictures in Florida and so many of our people were smart enough to evacuate in advance of the storm.

To all who helped in that evacuation effort, to all who made it possible for people to leave, to set up shelters in Lafayette, and around the State, and in our neighboring States of Alabama, Mississippi, and Texas, I want to extend my thanks. And to so many Members of this Chamber who made special efforts to help. I want to cite, for example, my good friend, ED MARKEY from Massachusetts who engaged one of his towns, the city of Waltham, MA. They are raising a dollar per citizen to contribute to the citizens of the town of Franklin who were so devastated. And to the little town in California, for example, Milpitas, CA, who donated four vehicles, gave them to us, cars and trucks, gave them to the city of Morgan City to help. And to people like Buck Vandersteen of the Louisiana Forestry Association who donated truckloads of plywood and paper products. And also to towns in Indiana, California, Mississippi, Texas, and many other places across the country who organized volunteers, and organized truckloads of supplies and assistance, I want to thank you all for your tremendous generosity of spirit and your good hearts.

Let me wrap up by saying that I will come back with another list of people that I want to thank, Mr. Speaker, and I thank the House for its indulgence, but mostly for their prayers and their assistance as we continue to try to recover.

□ 1530

MODIFICATIONS OF APPOINTMENT OF CONFEREES ON H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the authority granted on August 12, 1992, and without objection, the Chair announces the following modifications in the appointment of conferees on the bill (H.R. 776) to provide for improved energy efficiency:

In the second panel from the Committee on Education and Labor, insert "and section 3004 of the House bill" after the second 1954.

In the first panel from the Committee on Foreign Affairs, strike section 2481 of the House bill and insert 903.

In the second panel from the Committee on Foreign Affairs, strike sections 903, 1205, 1208, 1213–14, 1302–05 of the House bill.

In the first panel from the Committee on Interior and Insular Affairs, strike section 1403 of the House bill and section 19104 and title VIII of the Senate amendment.

In the second panel from the Committee on Interior and Insular Affairs, strike sections 1607 of the House bill and sections 6501, 6506 and 19110 of the Senate amendment. Insert "(g)" after section 2113 of the House bill.

In the second panel from the Committee on Merchant Marine and Fisheries, add section 1701(b) of the House bill.

In the second panel from the Committee on Public Works and Transportation, strike "723" and insert "723(h)".

In the panel from the Committee on Science, Space and Technology, add section 1315 of the House bill and sections 6506 and 19103 of the Senate amendment. Strike title "X" of the Senate amendment and insert "subtitle A of title X except those portions adding new sections 1511, 1601, 1606, 1607, 1701, 1702 and 1703 to the Atomic Energy Act of 1854,".

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 5207, 6101, 6102 and 6103 of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Ms. OAKAR, and Mrs. ROUKEMA.

As additional conferees from the Committee on Veterans Affairs, for consideration of section 1934 of the House bill, and modifications committed to conference: Messrs. MONTGOMERY, EDWARDS of California, APPLEGATE, STAGGERS, STUMP, and HAMMERSCHMIDT.

As additional conferees from the Committee on Veterans Affairs, for consideration of sections 6101 and 6102 of the Senate amendment, and modifications committed to conference: Messrs. MONTGOMERY, STAGGERS, and STUMP.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

NCUA AND CREDIT UNIONS CUT THROUGH REDTAPE TO AID VICTIMS OF HURRICANE ANDREW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise today to commend Chairman Roger Jepsen and the employees of the National Credit Union Administration for their swift and effective response to the devastation left behind by Hurricane Andrew on August 25.

According to an article in the September 4, 1992 American Banker, 22 credit union examiners beat President Bush, the Army, and the Federal Emergency Management Agency to many of the worst disaster zones because NCUA "waived the redtape and told the examiners to do what had to be done to get damaged institutions running again."

At one particularly hard-hit Florida credit union, NCUA examiner Jerry Bolduc and three other examiners arrived within 2 days to clean up the debris, mop the floors, and begin working as tellers to meet the community's credit needs. And NCUA examiners Anthony Manuel and Dave Vickers arrived at several Louisiana credit unions with a generator and chain saws to cut away trees blocking the entrances so that they could open for business.

Furthermore, both credit unions and credit union regulators have been flexible over the past 2 weeks in reviewing loans made to victims of the storm. There may have been a storm crunch but there will not be a credit crunch for credit union members in the wake of Hurricane Andrew.

While some might claim that such actions were above and beyond the call of duty, this is just another example of credit unions living up to their daily mission of community service. Credit unions are not faceless institutions driven solely by profit. Rather, they are democratically run organizations where a member can receive competitive rates, financial counseling and, when necessary, even a mop and a chain saw to open the doors to much needed credit.

Jerry Bolduc, Anthony Manuel, and Dave Vickers symbolize the faces which make up the backbone of our Nation's financially strong credit union industry. Chairman Jepsen, the hard-working NCUA examiners, and the officers and employees of all the hurricane-damaged credit unions are to be commended for their tireless and unselfish efforts to helping the members of their communities.

ORGAN DONOR MEDAL INTRODUCTION SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, transplantation is no longer an experimental procedure, but an accepted form of treatment. As a result, there are currently more than 26,400 individuals waiting for organ transplant in the United States, and thousands more await tissue transplantation. A new name is added to the national patient waiting list approximately every 20 minutes. Average waiting time on the list ranges from more than 1 year for kidney patients to nearly 2 years for heart-lung patients. Last year, more than 2,500 adults and children died while waiting.

The results of a recent study by Dr. Paul Eggers of the Health Care Financing Administration confirm the widely held belief that transplantation is, over time, a less costly alternative to kidney dialysis. For example, the high initial cost of kidney transplantation is recovered in about 4.5 years with a savings of about $42,000 over a 10 year time frame. To the extent that transplantation may result in superior patient survival rates and a higher quality of life, the results favor transplantation as the preferred replacement therapy both from a medical as well as an economic perspective.

THE NEED

The need for donor organs is tremendous. Every day a child dies in the United States because no organ is available for transplant. Thousands of Americans die each year because there is no organ to give them. Tens of thousands of Americans must remain disabled because there are not enough organs to supply for all in need.

The United Network for Organ Sharing in Richmond, VA, reports that there are about 26,000 people in the United States on its registry of patients awaiting donated organs. The organization estimates that 25–30 percent of all persons awaiting a heart, lung, liver, heart-lung transplant will die before a suitable donor organ is found. Between January 1, 1989, and January 1, 1991, the number of waiting list patients who died during the previous year for lack of a suitable organ increased by 35 percent.

THE TRAGEDY OF LOST OPPORTUNITIES

Despite major initiatives to increase the supply, from 1986 through 1989, the number of donors available annually remained unchanged. Surveys of the general public consistently have shown that the public is well aware of the need for donor organs but remains reluctant to have their organs donated or to consent to the donation of organs from relatives.

Only 25 percent to 30 percent of families involved in potential organ donation situations consent to donate organs from a family member who died. This is often the case because most bereaved family members are unaware of their loved one's feelings about organ donation. According to a 1990 Gallup poll, 89 percent of Americans report a willingness to donate loved one's organs, if they know that the loved one signed an organ donor card. Presently, only 2 in 10 Americans have ever signed an organ donor card, and even fewer carry one.

Some of these deaths and much of this disability can be prevented. To have cadaver organ and tissues available for transplant for those in need, it is necessary to formulate a public policy that maximizes the chance of obtaining as many organs as possible. Therefore I am introducing a bill to honor organ donors and their families in hopes of increasing awareness of this lifesaving procedure.

THE MEDAL

The organ shortage constitutes the most limiting factor in transplantation today. It is clear that expanded efforts are necessary to increase the supply of donor organs. According to some researchers, it may be possible to increase by 80 percent the number of donors available in the United States through incentive programs and public education. A congressional medal recognizing donors and their families is just one way to effectively encourage such donation.

The medal program, effective 1994, will be administered by Regional Organ Procurement Organizations [OPO's] and managed by the Surgeon General's office. The OPO's will give each family the option of receiving a Gift of Life Medal, recognizing that some families may not want to participate.

Maximizing the number of cadaver organs and tissues procured is an important goal. Public policy must remain sensitive to and respectful of the rights of those whose organs and tissues are needed. While one family loses a family member due to a lack of donated matched organs, another family loses an opportunity to gain some meaning and solace from their tragedy. Nearly 80 percent of donor families say that organ donation helped them through their grieving process.

It is my great pleasure to introduce this bill, which I believe will honor the individual donors and their loved ones whose lives were shared with others. The enormous courage and faith displayed by organ donors offers a second chance to strangers by providing the most precious gift imaginable.

THE BNL AFFAIR: PROGRESS DESPITE OBSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, since I last reported to the House, I am very happy to say that there has been continued and sustained progress in the investigation of how the administration supported Saddam Hussein right up to the time that he and Iraq invaded Kuwait and how Iraq and other countries, incidentally, used the Banca Nazionale del Lavoro and its Atlanta branch or agency known as BNL, and I will refer to it as BNL, to finance Iraq's extensive purchases of military technology and food in this country.

The administration clearly knew that Iraq was operating a clandestine procurement program in this country, and despite that knowledge, allowed Iraq's machinations to go on, because the policy was to entice Saddam Hussein into being a good friend and a solid citizen of the world. Just how misguided their indulgent policy was is made clear now by the many occasions in the past year when the United Nations has had to resort to threats of force to make Saddam Hussein comply with his own agreement to allow inspections and the elimination of his ability to produce weapons of mass destruction.

Mr. Speaker, let me say that we should not single-mindedly dwell on the fact that it was Iraq, because the main thing is our leadership in our country, both on the executive as well as the congressional level, have been like the old Bourbon kings, learn nothing and forget nothing, and so the use that Iraq was able to make of the vulnerability of our regulatory protective structure of our banking and financial system in our country has also enabled other countries and other vast international financial entities to keep on, even as I speak today, taking advantage of this vulnerability to the great peril of the stability and the well-being of our financial institution in the United States, and I think that is a dirty shame.

Since I last reported, the United States again has a new military presence in Iraq patrolling the skies over southern Iraq to protect, they say, the Shiites who live there and have been subject to attacks by the regime of Saddam Hussein.

Let it be remembered that at all other times our forces have been involved in the north protecting the Kurds, erstwhile, from Saddam Hussein; this time, however, there is no U.N. policy to legitimize the patrols.

In short, the stumbling Iraq policy has led us, as I feared it would from its very inception in 1990, in August, not January 1991, entangled in the most ancient of ethnic, religious, social, political quarrels of that whole area, not to mention the political quarrels between Iraq, its neighbors, and the quarrels of those neighbors with each other. But that entanglement is another story.

Today I want to talk about the progress of the committee's investigation into the BNL affair. This is my main and my fundamental purpose, has been, is now, and will continue to be, and that from the standpoint of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

I will repeat what I said at the very outset today: I am very happy, and I am pleased, with the progress we have made despite the continued interference and harassment from the highest levels of the administration, and regrettably, my friends of the House minority sector and its leadership.

During the August recess, pursuant to a resolution approved by the committee on August 6, I have signed and issued 26 new subpoenas for documents. Several thousand new documents have been collected with many more expected. The committee is organizing and evaluating this mass of new information, as we have had all through the years.

The administration, of course, is slow in producing the information that it has been asked to produce, and is experimenting with ways to avoid compliance with the subpoenas without falling in contempt.

□ 1540

This is in keeping with their longstanding policy of obstruction and harassment. But let me say to the Attorney General, to the National Security Adviser, and to all the various political operators in the White House and executive agencies, I am not going to be either intimidated or deterred. It will be "damn the torpedoes, full speed ahead." The committee will develop the evidence, we will learn the facts, and we will report those facts.

The administration has, since spring of this year, found it convenient to claim that I have somehow violated national security.

You know, I have come to the conclusion that nowadays and for some time now the last refuge of a scoundrel or scoundrels is national security.

This enables them to claim that the committee must not be entrusted with classified documents. But this is an old dodge, that started long before the committee had ever reviewed a single classified document. At the very beginning of the committee investigation, over 2 years ago, the then Attorney General, Richard Thornburgh, wrote to claim that the BNL case was, "a sensitive case with national security concerns." This was September 26, 1990. And he went on to claim after specifically ordering that I not have a hearing on BNL, that the committee's effort to interview witnesses and conduct hearings "significantly diminishes the Department's ability to successfully prosecute this matter." A few days later the FBI Director chimed in, saying that the committee's efforts would have a "likely negative impact on this (the BNL) investigation." However, to his credit, Director Sessions did not raise the specter of national security.

The committee considered those objections, and the bipartisan decision was to go ahead with the investigation. Consequently, on October 23, 1990, the committee approved its first BNL subpoenas by a voice vote, with the necessary number of "live" and "present," under the rules, members of the committee being present.

The point is, however, that the administration started raising the curtain of secrecy and the bugaboo of national security from the first day of the committee's investigation. In the 2 years since, the obstruction has become steadily greater, and the harassment more noisy, with each new step toward a full disclosure of what happened, and why, and with each new step toward the evidence that would force policy changes that would prevent another such abuse of our country's taxpayers and banking resources.

Let me tell you categorically right now these abuses are continuing even now as we are meeting here today, to the tune of nearly a trillion dollars, and most of it involved in such things as the illegal laundering of drug money. How long, my colleagues, how long—political election year or not—are we to wait before we sink our country's financial and banking institutional safety and stability?

Mr. Speaker, in April, a low-level Treasury political appointee was instructed to write a letter complaining that the committee had compromised a secret document—in this case, notes of a National Security Council meeting. Nothing in that document was sensitive, but it was embarrassing stuff to the administration and therefore classified as secret. A month later, the new Attorney General for in the meantime the old one—Thornburgh, had been defeated in a Senate campaign. This new one claimed that the committee could no longer be entrusted to receive classified information. After that, no agency would allow the committee to review or even discuss classified material.

Mr. Speaker, I have a message for the Attorney General: I am determined, as one Member of Congress, to cleanse and purify this grossly corrupted Justice Department in power. In other words, I want to debar the Justice Department. I asked the Attorney General what secrets had been compromised, and got a response from one of his minions, not he but one of his minions, "Oh, the inquiry was beside the point. How dare you ask?" Clearly, no vital secret had, or ever had been, disclosed. In fact, the administration merely wanted to reserve the complete right to decide what might be disclosed and how or when.

What the declassification process, as used by the administration, does is to allow the administration to produce sanitized versions of so-called classified documents on a slow, very slow basis or not at all.

One investigator from another committee who had worked on another aspect of this case noted how hard it had been to get a declassified version of records made available for publication. The process took almost a year, according to him, almost a whole year.

The kind of stalling tactic this investigator encountered is what is called in the trade, a slow roll. That is, you get cooperation, but it is so slow that the facts emerge long after the issue at stake has lost public significance. In another case, involving yet another committee, also working on the Iraq mystery not so mysterious a puzzle, my colleague the Honorable SAM GEJDENSON repeatedly has complained that many documents are needlessly classified—in other words, the claim of national security is used to keep embarrassing information from being published. I know that this is true. The iron curtain of secrecy is thrown up in order to create an obstacle course for anyone who wants information that the administration finds inconvenient to release, or embarrassing to discuss.

As a matter of fact, my colleagues, we have reached in America, an America that is supposed to be an open society and an open government, the incredible point where this administration, at the rate of 7,107,017 documents a year are being classified. As a matter of fact, by way of parentheses, the so-called Free Trade Agreement was classified until last night, I believe. Why? What national security is involved there?

Now, add 7,107,017 documents classified each year by this administration, that means they are classifying at a rate of over 19,000 documents a day.

What is the difference between our government now, and incidentally, I am not going to exempt Congress. I do not know when they slipped through some resolution creating this rule where our documents are secret or secure and need release. That is absolutely the most tragic, the most serious abandonment of our Republic's constitutional structure in the history of our Republic since the inception of the Constitution.

How long, my colleagues, do you think yours and our peoples that we are supposed to represent liberties are safe if this continues untrammeled and unrestrained?

Let me tell you, we are doomed. I do not have to be a prophet to know that, and you know it, too, if you give it some careful thought.

The Director of the CIA now claims that I have compromised information classified as top secret.

Now, we invited him, and by golly, for the first time in history, the Director of the CIA comes to the Banking Committee.

He asked that I meet with him before the hearing so we could get the parameters and I did meet with him. We had a very nice session. There was not even an indirect innuendo that I had placed anything in the RECORD that was contrary to the proper safeguards of national security, even before the committee. It was an historical occasion. It was the only time that a Director had appeared.

Well, let me tell you, the committee has never had its hands, much less I or the staff, on any classified, much less top secret documents. In fact, the committee has never had its hands on any kind of material that is classified secret, much less top secret.

First, we said at the very outset in 1990 when we issued the first subpoenas, we know what we are seeking and we have every right under our constitutional grant of power under rule X and XI of the House rules of investigation for us to proceed on this basis.

We do not have the type of security set up or facility or physical structure needed to handle such material if we were to subpoena it. So we never have.

Furthermore, anyone who even reads top secret material and takes notes must have those notes reviewed before leaving the premises over there. The notes themselves are then classified, and if the notes include anything rated top secret cannot even be taken from the premises in the form of notes.

In short, if a committee investigator saw top secret material and took notes, anything rated top secret in those notes could not be taken from the premises where they are stored, since the committee does not have—I repeat—the necessary facilities for their safekeeping.

If the Director of the CIA or any other agency has a complaint, it is obvious that his own staff failed to properly classify notes, or negligence on his part, but not certainly our staff because we have never had access to that material and we do not need to.

In any event, the tired and limp old club of national security is being waved about as a means to deny the Banking Committee access to information that it needs for this investigation, and here are my leadership and members of the minority introducing a resolution to try to get me on the basis of some possible maybe rule violation, and all I can say to my distinguished colleagues on the minority, come on, beware. That resolution is tainted.

Do you know what happened to two out of the four principal cosponsors of that resolution with the minority leader? They just got whipped in their own Republican primaries. So beware of signing on to these resolutions against me, my boys. I am telling you, they are spooked. Do not fool around with them.

Anyway, the claims started about this offense toward national security before we had any documents of any kind, secret or otherwise, confidential or not, before we had conducted a single hearing, and they continue to this day.

Now, that is over 2 years ago, claims that to investigate at all ruins national security, claims that a hearing has or will ruin some vital project, claims that this or that document cannot be found or must have every word in it censored, or claims that the administration is cooperating, but must keep vital secrets and, of course, the final club is to accuse someone of violating security. That, I repeat, has come to be the last refuge of a scoundrel nowadays.

All these asserted and assorted scare tactics have been employed against me. The administration demands that declassification procedures be respected, but reserve the right to declassify documents slowly or censored them so completely that they are useless, or not to declassify them at all.

Now, if there is anything in which I take great pride, and particularly as chairman of a committee, as I always did as chairman of a subcommittee, is to know the rules, know the extent of the granted powers within our jurisdiction and constitutional grant of authority, know the limitations to a fine point as well as the powers.

I have at no time ever been disrespectful of any of the rules of limitation of our powers. I think that was proved when we had the first ill-fated so-called Assassination Committee, which was a real issue with me at the time.

Now, I will give you an example. On July 30, I asked the CIA Director to declassify two documents. There has been no reply, none whatsoever. How long should it take to declassify a four-page letter or a 1990 study of Iraq's financial debt problem? This kind of delay and nonresponse is simply part of the general pattern of obstruction.

But now the administration has risen to new heights of investiveness. They are not content merely to classify or censor or refuse to act on declassification requests. Now they have tried to deposit subpoenaed documents, not with the Banking Committee, but with the House Select Committee on Intelligence, with the minority leader, with the Speaker of the House, a committee with respect to the select committee that never asked for them, has no interest in them or needs them not. This is an unprecedented effort to evade a congressional subpoena.

To his everlasting credit and competence, I salute Speaker FOLEY, who rightly and to his credit refused to be drawn into this latest political ploy by the Attorney General and his band of desperadoes.

In a letter to Attorney General Barr, the Speaker noted that the Parliamentarian of the House "knows of no precedent" for Barr's request that he, the Speaker, control access by a committee to its own subpoenaed documents and that he had "no authority to impose the conditions the administration seeks." The Speaker correctly said:

> It is not appropriate for either the Intelligence Committee or me as Speaker to unilaterally interpose ourselves between the Banking Committee and the Administration with respect to what constitutes effective compliance with the Committee's subpoenas.

In other words, the Attorney General should find someone or something else to use as his latest barricade against the committee's efforts to obtain all the facts. I offer for the RECORD the correspondence from which I have quoted, and to which the Speaker referred, and I ask that it be printed at the conclusion of these remarks today, plus other correspondence.

□ 1600

Of course, the Attorney General is not the only one out there erecting a stone wall around the facts. The Federal Reserve made persistent efforts, urged on and advised by the Justice Department, to avoid and evade subpoenas throughout 1990. I am glad to say that all but one Federal Reserve document has finally been received, and that one is a State banking exam on a BNL facility that the State of Illinois sued to protect—our great, sovereign State of Illinois. As my colleagues know, BNL has an agency in Illinois. It has not only Atlanta, but Illinois, and one in California, and it did have one in Florida.

The Treasury Department has delivered many documents, refused to deliver some, censored many, and fought frequently over what should and should not be censored. Numerous meetings, calls and letters were required before the committee was allowed access to a set of notes involving the National Security Council—a Treasury document that the White House claimed belonged to the National Security Council, not the Treasury employee who produced and owned it. Almost a year of effort went into obtaining access to that single document.

The Export Import Bank did not raise a very high stonewall—it only took them 2 months to produce documents the committee requested. By contrast, the State Department has been alternately cooperating and stalling, producing just enough information to be able to claim cooperation, but always holding back as much as possible.

The pattern of obstruction and resistance has stiffened considerably this year. This is an election year. In the past the National Security Council, through the Rostow gang—now to this gang we have the captain general heading this conspiracy. The Attorney General is a captain general now heading the Rostow gang in a complicit, intended, premeditated and coldly calculated effort to thwart the Congress and prevent the Congress from discharging its constitutional obligations, and duties and responsibilities.

Now in the past, as I have said, the National Security Council merely tried to regulate the flow of information to the Congress by creating numerous and even more elaborate barricades. But beginning in May, under the guidance of the Justice Department, every agency that owns or can buy a secret stamp, and, gee, I almost feel sorry for them and feel like ordering some to send them to them and advise that I know what they are going to stamp, and, I guess, before long maybe their office supply list will be stamped secret—and so they have refused to provide any information that they claim is secret.

The White House also likes to have its political appointees claim that documents that are in no way classified or otherwise sensitive must be held back because they involve records of deliberative proceedings, quote unquote, and it brings back that statistic I gave. This same White House is now classifying 7,117,017 documents a year, over 19,000 a day. My colleagues know that has to be the end result of this policy.

What is it? Who is it being kept from? The Russian Communists? Well, that is gone. It is the American people. It always has been. The American people are the last to know what the facts are when the CIA has been in charge of some of these highly, later disclosed and publicized activities. I was reading about them in the French press, the Spanish press of Europe, the German press, the British press and even the Japanese. But all the American people? No.

Oh, incidentally, my colleagues, every single document I put in the

RECORD from February on, which is the date that all of this machination started, every one of them has been public matter somewhere in this world, publicly in newspapers, magazines and other publications. So that ought to give my colleagues an indication of where we have been.

The White House claimed that, if we see notes taken at meetings, executive agencies in the future will not freely debate public policy questions for fear of being embarrassed at some future time. Some of these agencies' staffers, they might be embarrassed if for some reason or another their name gets involved in these discussions.

Now this particular ploy is a variation of that old executive privilege myth, which is a name given by the constitutional expert, Mr. Raoul Berger, in a book entitled: "Executive Privilege, A Constitutional Myth"—making a claim that falls just short of invoking privilege, and finally, after much discussion and agony, agreeing that well, yes, the documents reflecting the minutes of meetings can be seen, but any notes about the documents must delete as many names as possible. What this particular ploy does is tie up investigators in months of wrangling about details, much like diplomats arguing over the shape of the meeting table, and of course there is the pending litigation, quote unquote, game.

Now I set that straight with Attorney General Thornburgh who was interposing that as a reason for demanding not having a hearing on BNL. I say to the gentleman, "Sir, I'm going to refer you to Supreme Court decision after Supreme Court decision in which court after court has said the Congress' right to know is paramount even though there may be simultaneous hearings somewhere else, investigations somewhere else, or even judicial, civil or criminal proceedings somewhere else. I would never embarrass either myself, first of all, or the committee. I know those rules, and I know those decisions, and, as I said earlier, I know full well the extent of the proper constitutional and other rule-granted powers' rules as a committee, as a chairman, and also the limitations, and I will exert the powers to the limit, and I will be respectful of the limitations in every single minute of deliberations."

So, we go to this executive privilege myth making a claim that falls short of invoking privilege, but finally, after all, saying, "Here it is. You can have it all, but don't mention names," and of course there is the pending litigation.

From the beginning, I have been told by the Justice Department that investigating the BNL affair would ruin investigative efforts. Yet the Justice Department delayed any BNL indictments until after Iraq invaded Kuwait, over a year, at which time it was politically impossible to delay any longer. No one has ever been able to explain this year-long delay. Moreover, when the committee, after weeks of haggling, gained access to a horde of Customs documents related to this case, investigators found that nobody from Justice had ever reviewed, much less made investigative use of the documents.

That is our Justice Department.

That is why I say, "Mr. Attorney General Barr, we must de-Barr you to cleanse and purify the Justice Department. You have produced your oath of office repeatedly and on a sustained, persistent course of conduct such as to violate the sacred oath you took to uphold the Constitution of the United States."

That is the only oath we take; Congressman, military officials, Justice Department, Attorney General and the like.

□ 1610

The Justice Department's claims about the sanctity of its investigations are simply phony. Its investigation has been slow, its lead attorney has gotten worried and interfering calls from the White House, State Department, and dedicated, career law enforcement investigators suspect sabotage from their own Justice Department. They may be right. It is after all one thing to nail a little bank manager down in Atlanta—but it is all too embarrassing for the Justice Department to unravel the clandestine Iraqi procurement network—which after all operated with the knowledge of our Government, as we have discovered from records I have previously discussed here in the House.

In any event, I want to advise my colleagues that the stonemasons down at the Justice Department have been busy erecting new and ever more elaborate walls around the BNL scandal, to keep the evidence from coming out. The Attorney General is protecting something, but it sure isn't national security. He is protecting the administration's political hide.

But despite the obstruction, despite the harassment and despite all else, my committee's investigation is making progress. We have new documents, and we have good sources.

The last time I spoke, right after the CIA Director and then his Acting Director said, "Oh, you have violated this when you made a speech," then I put in the RECORD some documents from German intelligence sources. Now, where is the national security involved there?

Of course, the facts will come out, and what they will confirm is this: first, the administration decided to support Saddam Hussein against Iran during their terrible war of attrition;

Second, when the Iran-Iraq War ended, the support went on, even exchange of intelligence, which lasted until the summer of 1990, right on the eve of the invasion of Kuwait.

It is unbelievable. My colleagues, oh, for how long, what will it take?

Third, as I have previously shown and proved beyond the shadow of doubt, the administration decided to tolerate Iraq's secret procurement network, operating here and in other countries. This included deliberately allowing shipments of technology into known Iraqi nuclear weapons development facilities.

Let me tell you where they have compromised the national security, even today. The Iraqis, in fact in a milder form than other countries continue to do, were able to, and I put this one case in the RECORD, where Iraq invested and had a certain percentage of ownership of an American manufacturing plant that had a contract with the U.S. Army to produce the 155-millimeter casing.

They were able as owners of that to get the blueprint through the diplomatic pouch of Iraq to send it back to Iraq, where they produced the 155-millimeter shell casings, which I am sure a lot of them were shot at our soldiers in the gulf war.

That is still going on. And who knows, only the Lord almighty in heaven, how many other foreign governments through this type of technique are still in there having access to our own technology and manufacturing that our administration claims is highly secure and technologically not exportable.

Fourth, the administration allowed Saddam Hussein to think we would not oppose his aims at a time he was making the most dire kinds of threats against Kuwait.

Let me enlarge on that. We are doing the same thing even now with other countries. For instance, I reported to my colleagues here less than 2 months after the end of the so-called Persian Gulf war that Syria had just obtained 300 newly improved Scud missiles through North Korea. But Assad, the leader of Syria, is a big buddy. Why? Because President Bush met with him in Switzerland in November, because Assad was the only Arab and Syria was the only Arabic nation that sided with Iran, a non-Arabic country, against Iraq.

So here is an enemy of what is going to be our opponent, so we are going to embrace each other, as he did in Switzerland.

Now, the same claim Syria now makes, even though now they put them in effect and they now have that northern tier of Lebanon which Syria has never given up a claim to since the French occupied the darn place, any more than the Iraqis for 100 years have stopped claiming Kuwait as a proper part of their country or their sovereignty or their entity.

Do you mean our diplomats did not know that Saddam Hussein persisted in putting forth the longstanding claims of the proper area of the Iraqi sovereignty? Well, I do not know. After hearing some of the top liberal guys from the State Department , I will tell you, I think my answer would be yes, they probably did not.

Fifth, when it all blew up and Kuwait was invaded, the administration reversed course, Saddam Hussein henceforth became an enemy against mankind, and we went into a war that was needless because it was preventable. The result is that to this day we are keeping U.S. military personnel on the line, and subject to being drawn into yet another war, and the whole area has degenerated into a much greater destabilized area than ever before our expeditionary force.

There is that possibility, with us patrolling the air in southern Iraq under dubious circumstances and at who knows what potential result.

Finally, when I started unraveling the facts about this flawed policy of unprincipled and undirected, tragic miscalculation and misunderstanding, the administration immediately started its ever bigger and ever more elaborate campaign to stop the truth from coming out. But the truth is not the enemy—the enemy is failure to understand and learn from what happened. The enemy is a policy that leaves us and our financial system open to just the kind of exploitation that Saddam Hussein used to finance his campaign to build missiles and nuclear and chemical weapons. The financial system remains open and vulnerable, just as our economy has been mismanaged to the point where the dollar daily declines and is on the point of being debauched. I have been speaking on that since 1979 at the Bonn economic summit meeting in May 1979.

All of those on the minority side that claim that oh, I am partisan, it was not a Republican President; it was Mr. Carter.

I reported then, because in their pronunciamento at the end, a very short one, was the acceptance in principle of the EMS, the European Monetary System, and the ECO, the European Currency Unit.

I have been trying to warn about that. In fact, just 2 weeks ago I tried to get a release. I drafted a letter and addressed it to the President in good will saying Mr. President, you have got to exert some leadership, because the dollar, it is obviously already falling, and is getting into a free fall.

□ 1620

It is replaced, and this has been my livid fear for over 3 years. I have discussed it with the chairman of the Federal Reserve Board, with several of the big international bankers that I happened to be meeting with. They all told me the same thing, and I keep saying and I have been speaking for the record and nobody will pay any attention. In fact, that release and that letter, nobody picked it up or printed it, except one, somebody, I do not know if it was Knight-Ridder or maybe Reuters picked up a little item. And there was a Japanese banker in New York who called and wanted to know if he could get a copy of the speech in which I referred to it.

I said, no, it was not a speech. It was a news release and a letter. So we sent it to him.

My colleagues think they do not know what the score is. Of course. But they are looking out for their national interests. So are the British. So are the French. So are the Germans. And if the Germans can continue to let us be the one to foot the bill for their so-called merger, not so much a reunification, of course, they are. I do not blame them. I blame us, our leadership, our own Congress, our own executive branch for being treated like Uncle Saps, with the consequences that are about to beset us.

God forbid, I pray I am as wrong as I can be, but up to now the developing facts show that is not the case.

The administration does not want the truth to be known about either one of these tragic messes, and it does not have the conviction and the leadership and the responsibility. And I do not know about the challengers either. I am not involved in that process.

But somewhere, my colleagues, the American people have got to get the leadership that our Constitution promises them, to rise to this occasion and despite whatever unfortunate sad news they must give the electorate, force the leadership to defend this Nation at one of its most perilous junctures.

If the truth is known, the administration, or whoever replaces them, will have to take corrective action. And we must pursue sound policies, not bankrupt policies, obviously bankrupt. Years of voodoo economics and years of unprincipled vacillation and fractious and partisan wheeling and dealing have brought us to the point of ruin, my colleagues.

I want to assure the House that as evidence is collated, evaluated and concluded, I will report it to my colleagues, as I pledged to you on this House floor the first day we were in session in this Congress in 1989, when I was elected chairman of the committee.

There will be obstruction, and the desperate little villains of the Justice Department will continue the harassment, but despite all of that, the truth will emerge. Madam Speaker, I include for the RECORD the following correspondence:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 2, 1992.

Hon. WILLIAM P. BARR,
The Attorney General,
Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: In an August 28 letter, Mr. Lee Rawls, the Assistant Attorney General for Legislative Affairs, has written to inform me that copies of certain classified documents responsive to subpoenas issued by the Committee on Banking, Finance and Urban Affairs are to be delivered or made available to the Permanent Select Committee on Intelligence. He further indicates that the Administration intends to continue to provide classified documents requested by the Banking Committee to the Intelligence Committee and asks that I, as Speaker, act to control access to such documents subject to security criteria set forth in his letter.

The Parliamentarian informs me that he knows of no precedent for the issuance of such a directive by the Speaker. Neither committee has requested this arrangement, nor was it the subject of any agreement between the Administration and me.

After careful consideration of Mr. Rawl's letter, and further consultation with the Parliamentarian, I have determined that I have no authority to impose the conditions the Administration seeks. I therefore suggest that the Administration discuss with the Banking Committee the manner in which it will comply with these subpoenas. It is my view that it is not appropriate for either the Intelligence Committee or me as Speaker to unilaterally interpose ourselves between the Banking Committee and the Administration with respect to what constitutes effective compliance with that Committee's subpoenas.

With high personal regard, I am,
Sincerely,

THOMAS S. FOLEY,
The Speaker.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 28, 1992.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Transmitted herewith are unclassified documents numbered 0000001–0004143 responsive to the request set forth in the Committee's subpoena dated August 11, 1992, related to the production of documents.

As set forth in the Department's letters to the Committee of August 18, August 26, and August 28, 1992, copies of which are attached, Mr. Dennis Kane and Ms. Debra Carr of the Committee staff, acting on behalf of the Committee, have reached certain agreements with the Department concerning, among other things, the scope of the Department's search and the Department's production of responsive documents. Those agreements are incorporated by reference herein.

Consistent with the Committee's agreement that the Department's search for responsive documents extend only to files that the Department has reason to believe might contain responsive material, searches for responsive material have been conducted by the Department at offices of Maine Justice in Washington, D.C. and the U.S. Attorney's Office in Washington, D.C.; searches for responsive material have also been conducted by the U.S. Attorney's Offices in Miami, Florida; Atlanta, Georgia; Newark, New Jersey; Cleveland, Ohio; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; and Dallas, Texas.

A large number of the documents that the Department is transmitting to the Committee relate to companies that the Committee has indicated are associated with Messrs. Gerald Bull and Carlos Cardoen. By submitting documents related to those companies, the Department is not affirming that the associations alleged by the Committee are correct. Furthermore, for your information, certain documents that the Department is providing to the Committee originated with other federal departments or agencies and were obtained by the Department at various dates subsequent to their creation. The transmitted documents numbered 0004137–0004143 contained in box 2 have been designated "Limited Official Use" materials by the Department of State.

The Department is withholding one document obtained from files maintained by the U.S. Attorney's Office for the Northern District of Georgia that may be responsive. The document in question constitutes confidential grand jury information that is protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure. We are unable, therefore, to provide a copy of this document to the Committee.

In accordance with my letter of today's date to you on behalf of the Administration, and consistent with the letter that the Attorney General sent to you on behalf of the Administration on May 15, 1992, the Department is transmitting responsive classified documents to the House Permanent Select Committee on Intelligence.

Subject to the above-referenced agreements between the Department and the Committee on Banking, Finance, and Urban Affairs, submission of this letter with the accompanying documents and the transmittal of responsive classified documents to the House Permanent Select Committee on Intelligence constitute compliance with the request for information set forth in the August 11, 1992 subpoena, through and including August 28, 1992.

If you have any questions, please do not hesitate to contact me at 514–2141 or Faith Burton, Acting Deputy Assistant Attorney General, at 514–1653.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 28, 1992.

Hon. DAVE MCCURDY,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: In accordance with my letter of today's date to you on behalf of the Administration, I am transmitting herewith copies of the classified documents listed in the attached schedule. The documents are in the custody of the Department of Justice, and are responsive to the request set forth in subpoena dated August 11, 1992, as amended, served on the Department by the House Committee on Banking, Finance and Urban Affairs, relating to the production of documents.

We are following this procedure on the understanding that the House Permanent Select Committee will act as the custodian of the enclosed classified documents, and that the Speaker of the House of Representatives will control access to the documents to ensure that they are disclosed only to persons who provide specific assurances that they will accord the documents security protection consistent with that afforded such documents within the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances and a need to know the classified information contained therein.

If you have any questions, please do not hesitate to contact me at 514–2141 or Faith Burton, Acting Deputy Assistant Attorney General, at 514–1653.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 28, 1992.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter concerns the requests for information set forth in the subpoenas that the Committee recently served on a number of departments and agencies. Although we understand that an issue has been raised within the Congress as to whether the subpoenas were issued pursuant to procedures that conformed to the House Rules and that the subpoenas may be of doubtful validity, the Administration nevertheless intends, within the parameters outlined below, to respond to the requests for information set forth in the subpoenas.

To the extent consistent with its constitutional and statutory responsibilities, the Administration will provide you with copies of unclassified, responsive documents including, when practicable in light of applicable personnel and time limitations, documents that the Administration is able to declassify.

Those documents that remain classified are subject to the binding restrictions set forth in the executive order on national security information, which precludes departments and agencies from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982).

By letter dated May 15, 1992, the Attorney General informed you on behalf of the Administration that "in light in your recent disclosures [of classified information], the executive branch will not provide any more classified information to you until specific assurances are received from you that classified information provided to you and the Committee will receive the same security protection provided by the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances." To date, we have not received such assurances.

Consistent with the Administration's constitutional and statutory responsibilities and the Attorney General's letter dated May 15, 1992 to the Speaker of the House of Representatives, until such time as you provide the executive branch with specific assurances that classified information will remain protected, the Administration intends to respond to subpoenas and other requests for information from you or the Committee that call for the production of classified documents by delivering or, in appropriate circumstances, making such materials available to the House Permanent Select Committee on Intelligence. We are following these procedures on the understanding that the House Permanent Select Committee on Intelligence will act as the custodian of the classified documents in question, and that the speaker will control access to the documents to ensure that they are disclosed only to persons who provide specific assurances that they will accord the documents security protection consistent with that afforded such documents within the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances.

Enclosed are copies of the Attorney General's letter to the Speaker dated May 15, 1992, and my letters of today's date to the Speaker and the Chairman of the House Permanent Select Committee on Intelligence.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 28, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the Attorney General's letter to you dated May 15, 1992, I am writing on behalf of the Administration to advise you that the Administration will be delivering or, consistent with established security procedures, making available to the House Permanent Select Committee on Intelligence copies of classified documents that are responsive to the requests for information set forth in the subpoenas that were recently served on a number of departments and agencies by the House Committee on Banking, Finance and Urban Affairs.

As you know, the Administration is compelled to respond in this manner because of Chairman Gonzalez's disclosures of classified information on the floor of the House of Representatives and in the Congressional Record. The executive order on national security information precludes us from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982). Because we have not received specific assurances from Chairman Gonzalez that classified information provided to him and the Committee will receive such security protection, the Administration is following the procedure set forth in the Attorney General's letter to you of May 15, 1992.

Consistent with the Administration's constitutional and statutory responsibilities, until such time as Chairman Gonzalez provides the executive branch with specific assurances that classified information will remain protected, the Administration intends to respond to subpoenas and other requests for information from Chairman Gonzalez of the Committee that call for the production of classified documents by delivering or, in appropriate circumstances, making such documents available to the House Permanent Select Committee on Intelligence. We are following this procedure on the understanding that the House Permanent Select Committee on Intelligence will act as the custodian of the classified documents in question, and that you will control access to the documents to ensure that they are disclosed only to persons who provide specific assurances that they will accord the documents security protection consistent with that afforded such documents within the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances and a need to know the classified information contained therein.

Of course, we remain committed to providing the Congress with the information it needs to perform its legislative responsibilities, and we stand ready to work with you and Chairman Gonzalez to resolve this matter in a mutually satisfactory and responsible manner.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 28, 1992.

Hon. DAVE MCCURDY,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Administration to advise you that the Administration will be delivering or, consistent with established security procedures, making available to the House Permanent Select Committee on Intelligence copies of classified documents that are responsive to the requests for information set forth in the subpoenas that were recently served on a number of departments and agencies by the House Committee on Banking, Finance and Urban Affairs.

The Administration is compelled to respond in this manner because of Chairman Gonzalez' disclosures of Representatives and in the Congressional Record. The executive order on national security information precludes us from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982). On May 15, 1992, the Attorney General wrote to Chairman Gonzalez to advise him that the Administration would not provide him or the Committee on Banking, Finance and Urban Affairs with any more classified information until specific assurances are received from the Chairman that classified information provided to him and the Committee will receive such security protection. Because we have not received such assurances from Chairman Gonzalez, the Administration is following the procedure set forth in the Attorney General's May 15, 1992 letter to the Speaker of the House of Representatives.

Consistent with the Administration's constitutional and statutory responsibilities, until such time as Chairman Gonzalez provides the executive branch with specific assurances that classified information will remain protected, the Administration intends to respond to subpoenas and other requests for information from Chairman Gonzalez or the Committee that call for the production of classified documents by delivering or, in appropriate circumstances, making such documents available to the House Permanent Select Committee on Intelligence. We are following this procedure on the understanding that the House Permanent Select Committee on Intelligence will act as the custodian of the classified documents in question, and that the Speaker will control access to the documents to ensure that they are disclosed only to persons who provide specific assurances that they will accord the documents security protection consistent with that afforded such documents within the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances and a need to know the classified information contained therein.

Enclosed are copies of the Attorney General's letters of May 15, 1992 and my letters of today's date to Chairman Gonzalez and the Speaker.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 15, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As you are aware, the executive branch has been providing significant quantities of classified documents to Chairman Gonzalez. We would like to continue to respond positively to his requests. However, his recent disclosures of classified information on the floor of the House of Representatives and in the Congressional Record have raised serious concerns.

Public disclosure of classified information harms the national security. United States government departments and agencies are precluded by executive order from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." (E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982).) Therefore, in light of Chairman Gonzalez's recent disclosures, the executive branch will not provide classified information to him until we receive specific assurances from him that classified information provided to him and the Committee will receive the same security protection provided by the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances and a need to know the classified information.

Nevertheless, we remain committed to providing the Congress the information it needs to perform its legislative responsibilities. Failing specific assurances from Chairman Gonzalez, the Administration is prepared to make available appropriate documents, both those requested by the Committee and others which might be relevant to the subject being reviewed, to you or to members or committees of jurisdiction that you might designate. We view this matter seriously, as we know you do. We take equally seriously our responsibility to work with you to resolve this matter in a mutually satisfactory manner.

Sincerely,

WILLIAM P. BARR,
Attorney General.

COMMITTEE ON BANKING, FINANCE,
AND URBAN AFFAIRS,
Washington, DC, July 30, 1992.

Mr. ROBERT GATES,
Director, Central Intelligence Agency, Washington, DC.

DEAR MR. GATES: The Committee on Banking, Finance and Urban Affairs has been investigating the Atlanta branch of the Italian government-owned Banca Nazionale del Lavoro (BNL) and its unauthorized loans to the government of Iraq of more than $4 billion. The Committee has in its possession a copy of the following documents:

1. A seven page memorandum entitled "Iraq: No End in Sight to Debt Burden" dated April 12, 1990; and

2. A four page letter from Mr. Stanley M. Moskowitz, Director of Congressional Affairs, to me dated November 12, 1991.

The Committee believes that it is important that the American people be informed of the contents of these documents.

The Committee respectfully requests that the Agency furnish the Committee with declassified copies of these documents.

The Committee appreciates your cooperation in ensuring that the classification review is completed and furnished to the Committee by Thursday, August 6, 1992. If you have any questions, please contact Ms. Debra Carr or Mr. Dennis Kane of the Committee staff at 225-4247.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

HURRICANE ANDREW

The SPEAKER pro tempore (Mrs. BYRON). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON. Madam Speaker, I rise today to carry out this special order with a number of my colleagues and in cooperation with the gentleman from New Jersey [Mr. ANDREWS], and ultimately, I know, the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] are going to join in for a special order dealing with the terrible tragedy and devastation in southern Dade County caused by Hurricane Andrew.

Our purpose in rising today is to hopefully set the tone for what we saw. It is certainly not within our congressional districts, the gentleman from New Jersey [Mr. ANDREWS] and I, from Pennsylvania, but we spent the past weekend, Labor Day weekend, in a tent city in Homestead where we had a chance to see, to feel, to touch and to get a real sense for the scope of the disaster in south Dade County.

We wanted to do that because we knew there would be a lot of controversy on the floor of this House and in the other body as we came to discuss aid for this affected area. There would be a lot of charges and countercharges being thrown back and forth about what could have been done or was not done, and we wanted to go down there and experience it for ourselves, to be able to come back and relate to our colleagues and to America the kind of situation that is currently occurring in southern Dade County and specifically in Homestead and Florida City and all those communities that were most heavily devastated by Andrew.

Let me say that the situation is overwhelming from the standpoint of damage. As a result of the investigation initially done in Florida City, in Homestead, 85 percent of the homes and buildings in Homestead destroyed or severely damaged; 80 percent of the homes in Florida City destroyed; 100 percent of the public buildings in Florida City beyond repair. We all know the estimates, rising now well above $20 billion, not just in Florida but when we also include the terrible devastation in Louisiana.

When we were there on September 4, the amount of registrations for disaster assistance were approaching 37,000 individuals and families. But one cannot get a real sense of what is occurring and what has occurred in southern Dade County unless one has been there.

I want to at this time pay special tribute to the gentleman from Florida [Mr. FASCELL]. We heard time and again throughout our trip of his dedication to his constituents, to reach out to them, to make sure that they were taken care of during the worst hours of that storm and to make sure that all levels of government responded in the quickest possible manner. And also the gentlewoman from Florida [Ms. ROS-LEHTINEN], who adjoins that area and who will pick up that area in her new district, who was on the scene repeatedly and reaching out to her constituents and her neighbors to make sure that they were getting the response that they deserve.

Let me say that, Madam Speaker, while the damage is overwhelming, the spirit and the determination of the people of southern Dade County was absolutely unbelievable. These people are determined to rebuild, to come back, to make do, and to rebuild their cities and their towns and their businesses so that once again they can have a strong economy. But it is going to take the collective help of all of us in this country, at the Federal level, the State level, the county and the individual cities.

My involvement, Madam Speaker, was initially because of my friendship with the Metro Dade Fire Department Chief Dave Paulson, who has only been in office less than 1 month, assuming command of the largest fire and rescue department in Southeastern America, with 1,400 paid professionals. In conversations I had with him, shortly after the disaster, and his assistants, Deputy Chief J.J. Brown and Chief Montez, I heard of the terrible need that they had because of 200 of their colleagues having their homes destroyed. So personally having tragedy hit them while they were attempting to restore fire and emergency and rescue services for all of the 500,000-some constituents most heavily and severely affected by Hurricane Andrew.

The Metro Dade Fire Department has a reputation around the world for being one to respond to help others. They were in Armenia during the earthquake. They have been around the country to help other cities and towns, and here was Metro Dade, one of the finest and most well-respected departments in the country, now having to seek the assistance of organizations all across this great Nation.

I had also hoped to visit the site, as I had done on the Loma Prieta earthquake and the *Exxon Valdez* and the wildlands fires in Yellowstone and all the major natural disasters we have had in the last 5 years, so that as chairman of the Fire and Emergency Services Caucus, I can help to fine-tune legislation and make recommendations to help improve our ability to respond at all levels of government.

□ 1630

The gentleman from New Jersey [Mr. ANDREWS] went on the trip as a member of the caucus and someone who, too, is very much interested, not just in south Dade, but who also has spent the better part of his career in working with the emergency response community in Camden County. As a matter of fact, he was a solicitor for the Camden County emergency response organization in his own home area.

We collected during the period of 4 days following the disaster over 250 tons of support material. Much of this was to go directly to the fire department itself, including a fully-equipped self-contained emergency mobile communications van, which right now is sitting at the entrance of the Homestead Harris Field tent city where it is providing emergency communication assistance; a four-wheel-drive vehicle; power generators from our utilities in the Greater Philadelphia area, including a 100-kilowatt unit that we had shipped down by air transport, and others taken down by truck; tremendous tonnage of emergency medical and relief supplies, including equipment and supplies from Wythe Laboratories, and baby food, and a tremendously large amount of diapers and other material for families that were in need of that kind of assistance; three mobile homes donated by the modular home industry in Pennsylvania, because the fire department had determined the need to establish three remote fire stations in the most heavily impacted area so they could assign their men and women to respond closer to the actual site of much of the trauma taking place.

Ray Broderick, from Lancaster, PA, helped to bring those mobile homes down to Philadelphia to get them transported down.

There was also a mobile 12 by 50 foot emergency self-contained facility that could be used as a command center donated by Bennett Trailers of Chichester, PA, fully self-contained and brand new, that could also assist the emergency response department in Metro Dade; finally, a 14 by 70 foot modular facility that is being constructed right now to the specifications of the Metro Dade Fire Department that will be transported to Metro Dade to be used as a dormitory facility, with bathrooms in the center, at no cost to anyone, to be used to house these emergency responders so they can continue to do the job they have done so well since Hurricane Andrew ended 2 weeks ago.

All of this was provided through the joint effort of thousands of people in the Greater Philadelphia metropolitan area, including south Jersey and the State of Delaware. I am going to list for the RECORD all of the hundreds of organizations and individuals that were involved in this massive airlift, because it would take too long to go through them in this special order, but this was an example of the kind of outpouring across America that people made to help the citizens of south Dade.

Let me tell the Members, having been there, all of the aid provided by the people of America was fully justified, and to a large extent is still not enough. As I have come back from my trip over the Labor Day weekend, I have told the media in Philadelphia that money is desperately needed. The Red Cross and the Salvation Army are rapidly depleting the funds that they have available. They are going to need a tremendously large amount of cash coming in to support the kind of situation that is currently existing in south Dade County.

In addition, people are needed, skilled craftsmen, carpenters, plumbers, electricians. We have visited the Everglades labor camp, the Everglades labor camp in I believe it is called Angel City, where we saw in one part of this camp a mobile home park completely obliterated; not one wall standing, every mobile home gone.

We saw another part with 250 homes, and on the Saturday that we were there we saw part of the 4,000 volunteers from across the country who all belonged to the Mormon Church, who had gone down for the weekend with their tents, with their own food, had camped around this particular area, as well as near their churches, and who were spending their entire weekend putting roofs on these homes, with sheathing, plywood, working 8 to 10 people on each roof.

By the end of the weekend on Sunday night all of those homes in the affected area of the Everglades labor camp had in fact been covered. The roofs had been restored.

People like this are needed in southern Dade County, but it needs to be coordinated through the existing camps that are available, so that our offices can assist in letting them work, to be put to the best possible use in helping the people of Dade County protect their properties that were so dramatically destroyed.

Part of what I hope we will talk about in this special order is the need for America to continue to respond. As I said down there, in the national media as well as the local media in Miami, now is not the time for us to point fingers at anyone. Believe me, there is going to be enough when this is all over to say that all of us could have perhaps done things a little bit differently.

My other point today is that now is the time for all of us to come together across this country, in this institution, to help this group of people, for the largest incident that has ever occurred in this country, to help them get back on their feet. One cannot imagine the trauma with a family that has lost everything, all of their clothing, all of their furniture, all of their keepsakes, to have their children have to live in a tent city.

I said, as the gentleman from New Jersey [Mr. ANDREWS] and I served food in the morning to the people coming through and talked with them personally, their spirits were high, there were smiles on their faces, despite having lost everything that they owned. One cannot understand and grasp the damage done there unless one puts themselves in that position, to see and feel and sense the frustration that occurred during the initial hours of the storm, and the concern now, but yet see in the eyes and the faces of these people their willingness to come back.

We in the Federal Government and others at all levels of government in Florida have to join together and assist their effort to rebuild. We have to make sure that we provide the support that is necessary to allow south Dade County to come back.

We know the three chief sources of their economy have been wiped out: Homestead Air Force Base, the crops that are so vital to southern Dade County, and the tourism which is so important to that area. We who are more fortunate in the rest of the country have to come to their aid to assist them.

As we debate legislation this week and next, I would hope that my colleagues all over the country, from the Republican and Democratic Parties, would put aside partisanship and would understand that we are facing the largest disaster in our country's history.

All of us have had disasters. I have had disasters in my district. We have had fires and tornadoes and earthquakes, and we have been there to respond. The situation here, however, is beyond verbal description.

There is an area along the coast 20 miles long, 17 miles deep, that backs up to the Everglades, totally obliterated, no business in operation, every home affected, all traffic lights knocked over and gone, no control of the infrastructure.

We need to realize the immensity of the situation, and we need to come together as a nation to make sure that we show the compassion to help these people in their recovery effort.

We hope to set that tone today, all of us, both the gentleman from New Jersey [Mr. ANDREWS] and the members of the Florida delegation who felt this personally. We are trying to sensitize our colleagues and America that this has to be a bipartisan joint effort, as we saw in the first few hours and days, to help south Dade County come back to the level of sophistication, the quality of life that it had become so well known for in the years that many of us have traveled down to south Florida to vacation and to enjoy the quality of the environment there.

At this point in time I want to yield to my colleague, the gentleman from New Jersey, and I will come back at a later time to go through some of the specific things we saw, and I will be happy to yield to my other colleagues as well, if they would like to join in.

Mr. ANDREWS of New Jersey. Madam Speaker, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from New Jersey.

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WELDON] for his leadership from the congressional fire and emergency services caucus. It is not an exaggeration to say that the Members could go anywhere in this country and meet fire fighters or emergency service personnel and they would know CURT WELDON, and they know him not as someone who stands in the well and makes speeches, but someone who gets out in the field, rolls up his sleeves, and fights for the men and women of the fire service, the men and women of the emergency service.

When he called me on Friday of last week and invited me to go I knew that this would not be a congressional sightseeing tour. I knew that we would be out there with the men and women of the emergency service and the fire service, and we were. I would say to the gentleman from Pennsylvania his credibility and his efforts and interest in this went a long way, and I thank him for it.

I saw, Mr. Speaker, a lot of things torn down last weekend. I saw a lot of things shattered and ruined: people's homes, people's businesses, and in many instances their lives.

I want to just take a few minutes this afternoon to talk about some things that I saw built up that inspired me and I think inspired the people of our country.

□ 1640

I saw built-up—it did not need to be built up—but built-up faith in elected officials and our colleagues who represent the State of Florida, faith in Congressman LARRY SMITH, Congresswoman ILEANA ROS-LEHTINEN, and Chairman DANTE FASCELL.

We were dressed in civilian clothes. We did not have congressional pins on, or suits and ties, and for all the people knew, that we talked to, we were civilians. We were not Members of the House of Representatives. And we heard unsolicited praise for the members of the Florida delegation, words like honest, words like integrity, words like we can count on him or her. It was an inspiration to see that the people of that part of the country know that they are well represented, trust the people who represent them, and think so highly of them.

As I was driving back to the airport on Sunday afternoon, the gentleman who was driving me from the Metro Dade Fire Department said about Chairman DANTE FASCELL, "He has made a big difference in our area, a positive difference in our area." I was not a pollster, and I was not talking with a focus group, or doing a political story, I was just someone who was riding out to the airport asking a young man who had become my friend. The departure of DANTE FASCELL from this House will diminish this institution. I knew how much we would miss Chairman FASCELL, and I now know how much he will be missed by his constituents in south Florida. And the love and respect that they showed toward him made an indelible impression on me.

I also know that Congressman LARRY SMITH will be missed in this body, and his constituents share a similar feeling of reverence for him.

I saw some other things built up. I saw the immense amount of respect that I already had for the men and women of the fire service and the emergency service built up even higher. When the chief of the Metro Dade Fire Department met us at the Miami Airport on Friday evening, one of the first things he told us, and we knew it by looking in his eyes and did not have to hear his words, was that more than 200 of the members of his department had lost their homes. They did not know what was happening in their homes for their spouses or their children. Most of them had not been back to their homes yet because they had been out 24 hours a day, around the clock, helping their fellow citizens. These are people who had to go to work hour after hour helping other people dig through this nightmare and this crisis, who did not know what their house looked like, who were not sure if their spouses or their children were completely safe. And yet they were out there hour after hour.

We have a tremendous tradition in this country of men and women serving in the fire service and the emergency services. That tradition was embellished and made even more proud by what has happened in south Florida these last few days. Certainly in the forefront has been the Metro Dade Department which, as CURT WELDON said, is known the world around. They are the men and women who you call when you have an emergency somewhere else. They are the people who go to the fire, or the earthquake, or the hurricane to help someone else in the world, and now they had to help people in their own backyard, and they did it, and they are doing it, and my hat goes off to every single one of them and their families for the great job they are doing.

They were joined by volunteers from all over this country, from New Jersey, Pennsylvania, Texas, North Carolina, and really every State that you could imagine who came and signed up, who offered their help and joined the effort that the professionals in south Florida were already leading.

I saw something else build up in south Florida last weekend. I saw the idea of the spirit of voluntarism get built up again. On both sides of the political aisle there has been some political abuse of volunteers. To be honest, some folks in my party have made a little fun of the thousand points of light idea. I think some people on the other side of the aisle have sometimes used that as an excuse not to do other things in public policy. It really degrades the tradition of volunteers in this country for us to politicize voluntarism. The people who showed up in south Florida, and who already live there and are a part of that community were not looking to be a part of anybody's bumper sticker, or anybody's political campaign. They just showed up and said, "How can I help?"

It is easy to do the things sometimes as a volunteer that the press pays attention to, or you get a trophy for. It is not so easy to dig trenches, and it is not so easy to help pitch tents, or nail a roof back together that has been blown apart, or to babysit somebody's kids so that they can go and fill out their insurance forms. That is exactly what thousands of those volunteers are doing down there right now.

Something else got built up in my mind this weekend. Fortunately, the representation of the armed services in our country is making a great comeback. I do not think there is anyone in our Chamber who would not say that the representation of our armed services is on the ascension, that it is better than it was 5 years ago, or 10 years ago, and it is getting better all of the time. If the representation of our Armed Forces was very strong before this incident, it is superbly strong after this incident. To see the young men and young women in uniform step into this community and serve the people of this community, it was a great inspiration for me that I will remember for not only the rest of my career in public service, but for the rest of my life. And do you know what, it was not so much the official things they did, although that was important, pitching the tents, nailing the plywood to the floor of those tents so that people would not get mud and dirt and water into where they slept, and serving food, and helping to wash dishes, and directing traffic, and all of the things the military personnel are doing. The thing that impressed me the most about the men and women who gave us the briefings, and the men and women who were on the street from our Armed Forces was that they respected civilian authority first and foremost. We heard from the Marines and from the 10th Mountain and from the 82d Airborne:

> Our job here is to put ourselves out of business, our job here is to assist the local civilian authorities, the elected officials, the local law enforcement and fire service and emergency service personnel. Our job is to take orders from them.

What a great country it is when the military understands that. I do not know that there is anywhere else in the world, even including some of our brother and sister democracies, I do not know if there is anywhere else in the world where there is a military tradition that respects civilian authority the way that it does here. And I was tremendously impressed by that.

But the biggest impression was watching a 19-year-old member I believe of the 82d Airborne on Sunday playing kickball with 5-year-old and 6-year-old kids at that camp in Homestead. If I got the division wrong I apologize to whichever one it was. I do not really think it matters much to me. It was the bedside manner of these men and women. They treated the children, the elderly, and all of the citizens of south Florida as they would their own mother, or father, or little sister, or little brother. That said a lot to me about the way we are recruiting, and training, and educating our military men and women in this country, and they were magnificent.

I saw some reconstruction from local government people this weekend. I love local government people, and CURT WELDON and I talked about this a lot this weekend. We had a lot of time to talk, because it is hard to sleep in these tents, and it is very hard for the people who are living in those conditions. They are difficult living circumstances, so we talked.

CURT WELDON got his start in local affairs as a fire chief, and then became the mayor of a small community called Marcus Hook in Pennsylvania, and then was chairman of the Delaware County Council, which is the council government in Delaware County, PA. I got my start in politics on the Camden County Board of Chosen Freeholders, which is the county government in New Jersey. We understand there is no such thing as a Democrat pothole or a Republican snowstorm, or a Democratic health clinic or a Republican school bus. The job of local government is to give people 100 cents of value for their tax dollar.

My tribute goes to the elected and the appointed officials of the communities of south Florida who are doing exactly that. People have been up around the clock, people have had to fight every kind of odds and they are in there. Their own families have had to live through this. Their own homes have been destroyed by this, but they are on the job. They appreciate the fact that the way for us in Washington to solve this problem is to do what they do every day in local government, it is not to be Republican and Democrat, it is not to be our side of the aisle and your side of the aisle. It is to get the job done, and get the problem solved, and they reconstructed my sense of optimism about bipartisanship in the country.

Most importantly, most importantly, what I got reconstructed this weekend was a sense that in the face of overwhelming disaster that I cannot even describe to my family and neighbors, I am at a loss for words to describe to them how desperate and awful this is, people did not only not quit, but set an example for the rest of us as to how to behave and what to do.

□ 1650

People not only did not quit but set an example for the rest of us as to how to behave and what to do.

The gentleman from Pennsylvania [Mr. WELDON] and I stood on Saturday morning and Sunday morning in line serving breakfast to people at the Homestead tent city. We served breakfast to people as young as about 8 days old, one little baby was, that came through the line, and there were people in their eighties.

This is a storm that did not discriminate by race, class, religion, political affiliation. Everyone got hurt by this, and we saw every different kind of person come through the line. And you would ask people, as the gentleman from Pennsylvania [Mr. WELDON] and I did, "How are you doing? How do you feel?" "Well, I lost everything, but I am not giving up." People were so thankful in their own way, whomever they worshiped, whether it is the God I worship or the one they worship, they were so thankful to be alive that they were an inspiration.

I sat in a tent on Sunday morning before we started serving with a woman who is 83 years old. Her husband died 5 years ago. She had been in the U.S. Navy early in her life. She lost everything she had. She was headed for Ocean City, NJ, in the district of the gentleman from New Jersey [Mr. HUGHES], not too far from mine, to live with a niece or nephew, but she could not leave yet, because she had to get her insurance straightened out. She had to get her life back together before she could leave. She was living in a tent city. She did not complain, and I made up my mind when I talked to that lady that day, and I do not remember her name, but I will remember her for the rest of my life.

I am never going to complain because my plane is 25 minutes late, or because the air-conditioner in my house here at 3d and D, if my landlord is listening here in Washington, does not work the way it should all the time. I am never again going to complain if a meal served in a restaurant is a little bit slow. I am never again going to complain about the inconvenience, because this lady, 83 years old, who had served this country in the U.S. Navy, who had lost everything that she had, was more worried about our comfort than she was hers, whether we felt OK, whether she could get us something else extra to eat.

The people of south Florida have reminded me, and I think they have reminded the Nation, that it takes more than Hurricane Andrew, it takes more than the devastation of a storm to turn around their spirits.

To them, I salute them, and I would go back to what the gentleman from Pennsylvania [Mr. WELDON] said before I yield back to him, now it is our turn. Now it is our turn to make sure that this body and the other body and the President act together without regard to politics, without regard to campaigns, get the job done, so the reconstruction of this area can begin.

I just want to close by saying that I will follow my chairman's lead as the Representative of that district and tell him that I am prepared to stand with him for the reconstruction of that part of our country, because I sense that he and my other colleagues would do the same if this happened in Delaware County, PA, or Camden, or Gloucester or Burlington County, NJ.

Mr. WELDON. Mr. Speaker, I thank my colleague. His comments were right on in terms of our observations and what we felt while we were there.

There are several additional insights that I would like to provide for the RECORD, Madam Speaker, that struck me while we were there. First of all, he alluded to the tent city at Harris Field in downtown Homestead which I believe is the largest tent city down there now, and I believe they have seven, but this is the largest.

The troops getting involved with the kids, and we saw that repeatedly, and taking the time to talk to mothers with very young children, as young as 8 days, as the gentleman from New Jersey [Mr. ANDREWS] has just stated. That whole operation comes under the control of Lt. Col. John Herring of the U.S. Marine Corps. He took great pride in establishing not just a tent city but making sure those tents were improved. As we left, they were completing the floors, and they were starting to install bookcases and other shelving for the people living there. The showers were operational. The food was decent. The meals being served were hot, and they included meat and were the kind of meal that one would want to have when they did not have the facilities to take care of their own individual family needs.

As we went through on our various tours through the complex to assess what was happening not just in that particular site, but around south Dade County, I want to also mention the unbelievable work being done by one of the DMAT facilities. That DMAT Program is a national program of volunteers across America who are health care professionals. They have organized themselves on a State basis so that when there is a disaster they can move in quickly as volunteers and help to pick up the support necessary to respond to medical emergencies.

My understanding is that the three hospitals serving south Dade had shut down because of the storm, and they had actually taken a health facility, a private health facility that was an outpatient complex, and they had opened a DMAT hospital facility that had become the trauma center and the outpatient center for all medical emergencies in southern Dade County.

What struck me when I listened to them talk was that the funding for the DMAT Program had been threatened the last couple of years in Washington. So I listened, and I have come back to say that we need to support the DMAT Program, because it, in fact, was providing the bulk of the most important life safety needs for those people in the critical hours and days following Hurricane Andrew's wrath.

I want to particularly congratulate Ellery Gray, Admiral Young, and General Peak of the Public Health Service whom we met with who have made this DMAT system possible, and to all those DMAT volunteers across the country, we say "Thank you for a job well done."

The Georgia team was in place, and they were about ready to leave when we left. Following them, there was a team coming in from Ohio and from some other Northern State, as they were coming in by waves to help implement this very vital DMAT Medical Program, using all volunteers around the country.

In the Dade County government center building, we had the briefing by the 82d Airborne Division. Brigadier General Ernst did a fantastic job in listing his assessment of the control they have established and in the northern part of south Dade County, I could not help but be impressed with the job that our military is doing.

As a member of the Committee on Armed Services, I will be sure to keep that kind of response and that kind of commitment in my mind as we deliberate further support for our military, and General Ernst is doing a fantastic job in having the 82d respond to the needs of the people of northern Dade County. I think of lunch served by Hooters Restaurant, of all things. Hooters established a complex out in the open where hundreds of volunteers, many of them not from that area, stand up in line, and the young Hooters women stand there and give out a good-quality chicken and a good-quality bean for those people who are working day and night to make sure that Dade County gets back.

I want to congratulate Bob Gleim, who is the public relations representative for the Hooters restaurants, for doing a fantastic job day in and day out, providing free food for the people who are working on the disaster.

Then we saw the Homestead Air Force Base. What a tragedy. The base commander told us during the hours of the eye coming over the base they clocked winds at 218 miles per hour. There is no way that any building could sustain that kind of force over a period of time, and Homestead Air Force Base was completely obliterated.

As a member of the Committee on Armed Services, I pledge to my colleagues from Florida that I will be one who will help you take the battle in support of the President to rebuild that base, because it is a vital link for us in Central America, in dealing with Cuba, and it is a vital asset for our military. I support the President's commitment to rebuild that military facility.

We stopped by the Champagne Restaurant. I am sure, Mr. Chairman, you have been in the Champagne Restaurant hundreds of times. It is no longer a restaurant. It is a gutted facility that has been taken over by FEMA.

We have heard a lot of criticism of FEMA, and I am sure as we evaluate this process, there are going to be a lot of recommendations for all of us to learn from, but I saw people working there who started out in the first 2 days in 100-degree temperatures, when the temperature inside the building went up to 120 degrees, with no electricity, trying to fill out forms by candlelight, working to make sure people were given the proper attention of the Federal Government.

We saw volunteers from the Red Cross, the Veterans' Administration, SBA, we saw volunteers from all the various agencies working to help get these people the kind of support they need.

Certainly we want to make sure that it is as fast as possible, and if it has been slow, we want to speed it up and give them the kinds of resources they need.

Then we went to the labor camp, and I talked about the kind of activity we saw from the Mormons and from the thousands of volunteers who traveled to southern Dade County over the weekend to help rebuild homes.

And then in a visit to Homestead City Hall, we met with City Manager Alex Muxo, who has done a fantastic job in working to get the resources necessary for his town, and we also met with Emergency Management Coordinator Kate Hale, who runs that operation for all of Dade County.

☐ 1700

There we had a full briefing from the officers and control officials of the 10th

Mountain Division. Once again we saw the same commitment, the same dedication that we saw with the 82d Airborne.

I want to congratulate them for that quick response in a matter of hours after they were notified that they were needed in southern Florida.

We want to commend them because in both cases the briefings by both the 10th Mountain Division and the 82d Airborne, the No. 1 priority of each was for the stability of the people that they were serving, not to the military but for the public, the citizens, civilians who were in such desperate need of help.

We also went over to Florida City. There we met with the city manager and we saw the terrible devastation of that city.

Then we went back to the two fire stations that Metro Dade Department operates out of. Again we had a chance to tour the entire area by helicopter as far north as Key Biscayne, Coral Gables, down to the nuclear powerplant electric generating station at Turkey Point and all those areas in between.

Madam Speaker, all I can say is that it is impossible for us in this body to comprehend what occurred there. All of us have got to realize that we have got to come together to help.

In closing, I want to congratulate and thank some people who helped make my weekend a very valuable learning experience.

First of all, I want to thank all of those who helped organize the massive 250-ton relief effort. I want to thank the United Parcel Service, who in their east coast distribution center provided hundreds of workers to palletize, load, and put on military aircraft and trailers all the goods and materials that were collected from throughout the tristate Philadelphia metropolitan area.

I want to thank Habitat for Humanity and Certainteed Corp., who provided pallets of building materials, roofing materials, plywood, lumber supplies, so that rebuilding could take place quickly. The Phoenixville, Kimberton, Valley Forge, Ogden Fire Co., the Tinicum, and all the other departments, especially Newton Square in my district, who did so much to collect goods and coordinate it so that we could take it down to south Florida to make sure these people had the support they needed in the way of mattresses, bedding, baby food, toilet tissue, first-aid material, food, bottled water, sodas and all the other kinds of things that were so desperately in need.

I want to thank Wyeth Laboratories again for contributing a thousand cases of baby formula and a trailerload of baby supplies and materials; Delaware County for providing its Mobile One communication center and a 4-wheel-drive vehicle along with two personnel who are still there operating both of those vehicles in support of Metro Dade; the mobile homes provided by the Pennsylvania Home Builders and Ray Broderick; the trailer provided by Bennett Trailers, Bill Bennett; Philadelphia Electric for the four generators, including one of their largest, a 100-kilowatt unit; Concord Lumber for a truckload of building supplies; Delco Beverage and Concord Beverage for trailerloads of soft drinks, water, and other liquid refreshments for the people of southern Dade County; and all the people who got involved in this effort from my own area but also those people from across the country who saw a need and were not willing to say "no" but were willing to drop whatever they were doing and say "yes" to help out.

Now our task, as Congressman ANDREWS has stated, is to put all of this together and make sure that we have proper coordination and to make sure that we, at the Federal level, are, in fact, following through with our part of the commitment; to take the lessons that need to be learned from this experience, local lessons, suggestions we got from Alex Muxo, from the manager of Flower City, lessons that we learned from the Dade County Fire Department, from the people we talked to who felt that perhaps we were not giving the kind of help they needed; we need to learn from this and reconfigure our response to disasters for the future.

The gentleman from New Jersey, Congressman ANDREWS, and I are working on bipartisan legislation that, in fact, will call for the creation of a select committee on disasters, partly because currently disasters in this country are overseen by 22 separate committees and subcommittees of the Congress, 22 separate committees and subcommittees.

Madam Speaker, I enter those for the RECORD at this time.

APPROPRIATION, AUTHORIZATION AND OVERSIGHT COMMITTEES 102D CONGRESS—FEDERAL EMERGENCY MANAGEMENT AGENCY

Appropriations:

Senate: Appropriations Subc on VA/HUD/Indep Agencies.

House: Appropriations Subc on VA/HUD/Indep Agencies.

Civil Defense:

Senate: Armed Services, Subc on Strategic Forces.

House: Armed Services, Subc on Military Installations.

Defense Production Act:

Senate: Banking, Housing & Urban Affairs (no Subc).

House: Banking, Finance & Urban Affairs, Subc on Economic Stabilization Energy & Commerce, Subc on Commerce, Consumer Protection and Competitiveness Judiciary (no Subc).

Disaster Response & Recovery:

Senate: Environment & Public Works, Subc on Water Resources, Transportation and Infrastructure.

House: Public Works & Transportation, Subc on Water Resources, and Subc on Investig. & Oversight.

Earthquake Hazard Reduction:

Senate: Commerce, Science & Transportation, Subc on Science, Tech, and Space.

House: Science, Space & Technology, Subc on Science; Subc on Investigations and Oversight Interior & Insular Affairs, Subc on Mining and Natural Resources.

Emergency Food and Shelter:

Senate: Governmental Affairs (no Subc).

House: Banking, Finance & Urban Affairs, Subc on Housing and Community Development.

Fire Prevention and Control:

Senate: Commerce, Science & Transportation, Subc on Consumer.

House: Science, Space & Technology, Subc on Science; Subc on Investigations & Oversight.

Federal Insurance Administration:

Senate: Banking, Housing & Urban Affairs, Subc on Housing and Urban Affairs.

House: Banking, Finance & Urban Affairs, Subc on Policy, Research and Insurance.

Radiological Emergency Preparedness:

Senate: Environment & Public Works, Subc on Nuclear Regulation.

House: Energy & Commerce, Subc on Energy and Power, Interior & Insular Affairs, Subc on Energy & Environment.

CERCLA, HAZMAT, HMTUSA:

Senate: Environment & Public Works, Subc on Superfund, Ocean and Water Protection Commerce Science & Transportation, Subc on Surface Transportation.

House: Energy & Commerce, Subc on Transportation, and Hazardous Materials Public Works & Transportation, Subc on Surface Transportation.

We think there needs to be a better coordination and focus. Perhaps we can do that by focusing through a select committee that would sunset after 2 years, to allow us to organize our disaster response effort.

In closing, I also want to put a word in for Wally Stickney.

Wally Stickney has been embattled by some of the media, as the Director of FEMA.

I, as a Member of this Congress, have been one of the most outspoken critics of FEMA.

During the Reagan years, when there were attempts to zero out funding for the Fire Administration and the Fire Academy, only to be saved by this Congress, I spoke out against it. I thank my colleagues for realizing what was right.

During my early tenure in Congress, I criticized FEMA because it was not responsive to emergencies and disasters, that in fact it was totally oriented toward civilian defense and what I call a fallout shelter mentality.

There was criticism from some that that still was in fact the case. I cannot speak for the agency in total, but I can speak for its leader: Wally Stickney is a person who is genuinely committed to disaster relief. He is committed to the Emergency Response Network.

We are going to learn from this experience, we are going to make improvements. We are going to redefine the role of the military and FEMA and all of our Federal agencies.

But first of all, let us all come together and realize that we must help the people of south Florida. Let us realize that all of us need to get together with our colleagues from the Florida delegation to make sure that we are listening to them and giving them the kind of response that we would want to have if Hurricane Andrew hit our home territory.

With that, I want to again thank everyone who helped make the response so successful to date. I especially want to thank my distinguished colleague, the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs, for the outstanding effort he has put forth not just for the last 2 weeks but for all the years he has served in this body. As ROB ANDREWS stated, "Mr. Chairman, your reputation is well known throughout the area. There was not a place that we went that there was not a kind word for Dante and a kind word for the gentleman who is there to fight for them." The only thing we heard negatively was the fact that he is leaving; they were concerned that the gentleman would not be there to fight for their interests.

Perhaps it is best, if this disaster had to occur, that it occurred while the gentleman from Florida was still in place to make sure that we at the Federal level respond to his constituents who are such great people.

Madam Speaker, I know that the distinguished chairman is going to take up his special order now.

Madam Speaker, I include the following newspaper articles for the RECORD:

[From the Miami Herald]

WHY HELP TOOK SO LONG

(By Jeff Leen and Sydney P. Freedberg)

It was as if the emergency disaster planners wrote a superb Act I—the evacuation—then forgot to script Act II—the recovery.

What went wrong?

A lot.

Mobile hospitals and bulldozers arrived late. Vital phones and radios jammed. Food deliveries and National Guard units got snarled in traffic. Roadblocks turned away volunteers. Police didn't control intersections. City managers pleaded for help. Nobody activated the Army.

To be sure, thousands of good people labored heroically, monumentally, to establish order from a type of chaos that no one had ever seen before.

But for 100 critical hours after Andrew struck, governments reeled, and no one was in command. No hurricane czar, no Norman Schwarzkopf.

Thousands of people found themselves without shelter, food and, in some instances, vital medical supplies. For days, they lived in the ruins of their homes, terrified of looters, waiting for help to come.

So desperate was the need for water in Florida City that its police department hijacked a tanker headed for Homestead.

Government officials now are trying to play down those first chaotic four days, describing the initial confusion as "history."

Yet understanding the reasons for that confusion is crucial to averting greater disaster in the future. A bigger storm just a few miles north would have struck far more densely populated areas, where a 72-hour delay in rescue efforts could cost scores, if not hundreds, of lives.

A review of minute-by-minute emergency-operations logs obtained by The Miami Herald from the State of Florida and the National Guard, as well as interviews with some key players, chronicle the inner workings of a system that was seriously understaffed, underequipped and underprepared.

The logs show that only 500 National Guardsmen were in Miami for several hours after Andrew's eye hit. Planners had scrambled to get cellular phones, but they were rendered useless when the storm knocked out microwave towers.

Eight hours after the hurricane landed, a stunned Gov. Lawton Chiles emerged from a Black Hawk helicopter and described South Dade as looking bombed out. But only 18 hours after that, according to the Guard's own log, a Guard major—incredibly, in retrospect—gave the following briefing to a U.S. Army counterpart:

"Florida has not requested any support from other states or federal agencies, nor do we project a need."

That was just one of the miscalculations in those first four days. Another was even more telling: Dade County's emergency manager said the governor's office—after getting a quick disaster declaration from the president—suspended the county's assessment of damage before planners could fully report what had been destroyed or how pressing the need would be for food and water.

"If I had one thing to do over, I would never have listened to them on that," Kate Hale, the county's emergency operations manager, said several days later.

BEFORE THE STORM: HEADS UP

The response to Hurricane Andrew was much like the storm itself: It started slowly, picked up speed and then quickly exploded into a fury of frenzied activity.

As late as 4:25 p.m. Friday, Aug. 21, there was no threat to Dade residents, according to the county's emergency planning office. Andrew was just a tropical storm, a still-distant swirl of wind more than 850 miles east of Miami.

By 6 a.m. Saturday, with Andrew a strengthening hurricane, the first mobilizations began. Metro-Dade police put its officers on 12-hour shifts, the American Red Cross alerted disaster teams, and the Coast Guard sent its seven cutters steaming into the Caribbean, fleeing the storm. NASA tied down its rockets on the launch pads at Cape Canaveral.

By 8 a.m. Sunday, the battle against Hurricane Andrew was joined. Disaster planners activated emergency operations centers in Tallahassee and Dade.

For the next 19 hours, they focused their resources and energy on getting people out of the danger zones. The effort paid off. Although there were a few snafus it was arguably one of the best-coordinated evacuations in American history. Before nightfall Sunday, 84,361 had flocked to 229 Red Cross shelters across Florida.

All the attention spent on the evacuation exacted a serious toll. Not enough preparations were made for the storm's aftermath.

"Sunday we were trying to evacuate people. Nobody was thinking about disaster recovery," said Thomas Herndon, Chiles' chief of staff. "We weren't thinking about: Is there going to be food on Wednesday?"

At 9 a.m. Sunday, with Andrew on a "relentless course" toward South Florida, Chiles gave a "heads-up" to the National Guard, placing units on alert throughout the state.

The Guard, however, underestimated what would be required. One log entry shows that officers thought they would need only 366 additional soldiers after the storm struck. (Eventually, more than 6,000 would be dispatched.)

There were problems equipping the troops: Guard officers scrambled for such essentials as radios, rations, cots and water. They had only 15 30-hour batteries for 13 field radios. "Not enough gas in bulk available," a Guard official noted in the log at 10:30 a.m. "No cellular phones are available in the Miami area," another entry said. Guardsman urgently asked for 5,000 work gloves, 4,000 flashlights, 20,000 batteries and 6,000 pounds of ice.

Andrew's eye struck Florida City at 4:52 a.m. Monday. A momentary euphoria swept Miami: We survived. The storm everyone was waiting for—with a great tidal wave drowning Miami Beach—hadn't happened.

"The storm surges were not as bad as anticipated." Jim McClellan, a spokesman for the governor, said Monday morning.

"In Dade's emergency operations center, planners' energy shifted to surveying the damage and providing security. For local law officers, protecting targets of opportunity became a priority. In retrospect, however, the looting turned out to be only "sporadic."

By Monday night, the police had made 200 looting and curfew arrests.

Damage assessments tricked in more slowly, and less accurately, than the planners would have liked. The state got its first indication of serious trouble in South Dade at 7:50 a.m. when the Florida Department of Law Enforcement reported:

"Coral Gables south heavily damaged, railroad track torn up. Shopping centers leveled in Homestead area."

At 8:15 a.m., the log noted: "No large number injured . . . hospitals operational . . . debris on roadways."

A BETTER PICTURE EMERGES

It was at 9 a.m. that a better picture emerged: "Homestead—60 percent destruction." At 12:15 p.m., the state log noted, "initial reports note that little if any flooding exists as a result of the hurricane. Storm damage has occurred to structures in the Homestead area. A group of personnel are trying to make their way there from Miami."

It wasn't until 2:05 p.m. that the Guard got the word from Homestead City Manager Alex Muxo: "90 percent wiped out. 20,000 to 30,000 homeless. Won't have water until next week. Biggest need is port-o-lets."

The damage was hard to assess for several reasons. Trees and power lines blocked roads, delaying police and repair crews trying to reach the hardest-hit areas. Street signs were down. The winds destroyed four Metro-Dade helicopters that could have been used to survey the damage. Communication was virtually impossible.

Traffic was also a serious obstacle. Evacuated citizens returning down the Florida Turnpike gridlocked the road planners intended as their main route into the disaster area. Traffic control was all but nonexistent: Fewer than 1,000 Metro police were on the street—far fewer than the number of intersections where Andrew's winds had downed lights; 1,908 of 2,300 traffic signals, or 83 percent of all the signals in the county, were knocked out.

Shortfalls of heavy road-clearing equipment complicated matters. In the early hours after the storm, 15 Florida Department of Transportation crews cleared debris—but only in North Dade. In South Dade, 65 DOT trucks—40 percent of its fleet—were destroyed.

Conceivably, the National Guard could have picked up the slack, but it had no engineering units in South Florida immediately after the storm. At 4:45 p.m., the order was given to activate the 153rd Engineering Company, the first military engineers on the scene. But they would not arrive at Ground Zero for more than two days.

By Monday night, the Guard was getting requests from all over for wreckers, lowboys, trucks, bulldozers, pavers, dump trucks, tractors, front-loaders. They were requests it couldn't fill.

At 1:26 a.m. Tuesday, the Guard's engineering units reported equipment problems of their own: trailers without tractors; vehicles in need of maintenance before they could move.

Adding to the problem was the widespread homelessness among the people designated to help: 128 Metro-Dade police; 100 Miami police; 35 Florida Highway Patrol and 25 Florida City police—the entire force.

The losses left the relief effort physically and psychologically depleted almost from the start.

GUARD: 'MISSION THINNED'

With only 500 troops on hand immediately after the storm, the National Guard struggled to handle a growing number of missions from assorted county, state, even federal agencies.

8:45 a.m. Monday: "Mission #7"—support Metro-Dade in roadblocks and traffic control from Cutler Ridge to Homestead to Turkey Point.

9:15 a.m.: "Mission #8"—security and road blocks for a 15-block area described as encompassing "Bay Side and Coconut Grove."

Three battalions—1,008 troops—ordered to secure South Dade got stuck in traffic. A bus carrying troops to Miami broke down. Another got stopped by a "traffic tie-up at the Turnpike entrance."

By 2 p.m. Tuesday, the Guard had received 27 missions, from delivering food to providing generators to making helicopters available for VIPs.

It wasn't until 3 p.m. Tuesday—34 hours after the storm—that the Guard got "mission #28"—"provide 50 personnel for security support to Florida City." A day and a half after Andrew, one of the poorest and most devastated areas received its first help from the Guard.

The strain showed. "The south areas command is being missioned thin," an officer noted in the log at 10:35 Monday night.

"Soldiers complaining they're guarding businesses and not helping people," an entry at 11:15 p.m. Tuesday stated.

Burdened with the most missions, the Guard became everybody's whipping boy, blamed for the problems that followed.

"I can tell you right now there's 100 Guardsmen sitting here waiting for assignments," Muxo told a radio reporter on Thursday. "We go to them and say, 'We want to assign you here, there and there,' and they say, 'We can't. We gotta get approval.' Well, approval might take three days."

CHILES FLIES TO SOUTH DADE

The morning Andrew hit, Gov. Chiles tried to assume the role of hurricane czar, directing his overwhelmed state troops from the emergency operations center in Tallahassee.

As calls for state assistance flooded in, Chiles realized that Homestead was "hit very, very hard." He asked for help from the U.S. Coast Guard, ordered up more Guardsmen and talked to President Bush about federal disaster assistance.

The president initiated the call. "He wanted to help in any way he could," Chiles told reporters.

At 1:45 p.m. Monday, the governor's twin-engine Beechcraft touched down at Opa-locka Airport. A half-hour later, he was in the air again, helicoptering through the damage with federal and state disaster planners.

As the chopper flew farther south, the landscape of roofless houses, downed trees and then flattened houses grew grimmer.

On the ground again at 3:40 p.m., the governor reported, "It's like an air bomb went off."

"It's worse than Desert Storm," a Guard spokesman declared.

The governor reiterated the need for federal presence, but he said nothing about the U.S. Army.

President Bush's entourage arrived at Opa-locka at 5:56 p.m. Chiles joined the caravan.

Bush could have taken a chopper over the damage area, but his aides decided instead on a ground survey. He climbed into a bulletproof Jeep Cherokee, followed by a bus full of photographers and members of the White House press corps.

The president passed over-turned tractor-trailers, walked through a parking lot littered with dead birds and toppled palms, posed for a photo in front of a fallen tree on Miller Road, dropped in at a shelter and stopped in front of Peach's at Cutler Ridge Mall, where he read a speech from note cards. He pledged to declare Florida a disaster area, making it eligible for federal aid.

"There will be 27 agencies of the government then ready to help in any way that the federal government can help," Bush declared.

But Bush never saw the hardest-hit areas, and local Florida reporters who had already seen the damage were excluded from his entourage.

At 7:26 a.m. Tuesday, the first mobile FEMA hospital arrived at the county government center in South Dade. The second medical team arrived at 11:45 a.m.—half a day late because, according to the state, the feds couldn't find a transport plane.

Less than 12 hours after the federal hospitals opened, they were out of surgical supplies. New supplies had to be brought in from Palm Beach County; they arrived five hours later.

At 9:20 a.m. Tuesday, a National Guard officer noted in the log that the U.S. Army had been briefed "on the current situation."

"Florida has not requested any support from other states or federal agencies [sic], nor do we project a need."

'WE NEED FOOD'

That would have been news to Dade County. By Monday evening, the county knew it was in deep trouble. County officials told FEMA about it in a meeting at the Dade Emergency Operations Center with Kate Hale.

"They were here. They knew what we needed. We talked about it," Hale said. "We said, 'What kind of requests do you need?' They were all taking notes."

Hale asked for the works:

"We need food, we need water, we need medical," she told them. "We said we've got to have [Army] quartermaster units to handle everything, food and water. We also said we need everything you've got. All the help you can send us."

She never asked them to bring in the cavalry—a massive infusion of U.S. troops—but she felt she shouldn't have had to.

"That's like saying you've been hit by a car, and you should specifically get up and walk to the hospital and order your own medical treatment. I'm not a doctor. When I go to the doctor, I just say, "I don't feel good.'"

The recovery was uncoordinated. Although everybody had a hurricane evacuation plan, there was no grand hurricane recovery plan for local, state and federal governments to follow.

"The biggest lesson of all is that everybody needs to have integrated recovery plans, because 90 percent of the work is after the storm," Hale said.

Dade's small disaster office—seven workers and a $612,000 budget, cut $61,000 in the past year—did have its own local recovery plan. But during the hurricane there was but a single draft copy, stored in a box in unbound sheets.

HUNGER AND THIRST GROW

As early as Tuesday, the flaws in the food-distribution system started showing. By Thursday, they were glaring.

Seventeen hours after the storm, the Red Cross reported five trucks with 48,000 meals stuck on Florida's Turnpike between Plymouth, Fla., north of Orlando, and Miami. "Are these trucks being held up because of curfew?" the Red Cross asked.

At 4 a.m. Tuesday, according to the National Guard log, the U.S. Department of Agriculture couldn't even locate two of its trucks with 26,000 meals.

By Tuesday evening, the state of Florida gave the National Guard mission impossible: "To deliver these items to distribution centers to support approximately 650,000 people."

Getting food and water into Dade wasn't the problem; getting it into South Dade was.

At 8:30 p.m. Tuesday, according to the state log: "Water tanks were sent to Homestead. The tankers were to be emptied and returned to Lake City to be refilled. The police in Florida City made the driver leave the water in Florida City."

Mayor Otis Wallace himself stood outside City Hall distributing the water to hundreds of people.

At 7 a.m. Wednesday, FEMA reported, 30,000 U.S. Army MREs (Meals-Ready to Eat) sat "awaiting instructions" on trucks in Tamiami Park because of "distribution site identification" problems. Thursday morning, people showed up at some South Dade feeding sites, and there was no food.

THERE HAVE BEEN PROBLEMS

"There have been problems with missed deliveries," Michelle Baker, a county disaster planner, admitted then. "There have been problems with long lines."

The demand was massive: In the first 24 hours alone, 907 Red Cross volunteers in South Florida served 153,819 meals.

Corporations and volunteers helped with supply. By Wednesday, Zephyrhills and Publix contributed more than 200,000 gallons of water.

Food and water were not the only donations. Southern Bell provided reflective orange vests to law enforcement to wear while doing traffic control. Texaco donated "30,000 gallons or whatever is needed." Xerox agreed to loan copy machines, computers and fax machines. Northern Telecom loaned telephone equipment. Theo-Chem provided cleaning supplies. Motorola donated 1,500 two-way radios.

Aquatics Unlimited offered four aquamogs—floating vessels moved by paddle wheels with hydraulic arms for lifting and moving debris.

But so many unorganized volunteers poured into the disaster area that they jammed the roadways and were turned away by M-16-toting National Guardsmen. Other donors could not find any place to drop their offerings.

"We've got a load of free ice that's dying," said a trucker trying to give it away at South Dade High School. "We've already lost half of it because nobody knows where to send us."

THE BLOWUP

By Thursday morning, every one in the relief effort was beyond exhaustion.

Metro firefighters, famed around the world for their disaster work, needed a bailout.

"We've been in Mexico, we've been in Armenia, now it's our turn to ask for help," said Wilfredo Alvarez, an assistant Metro Dade fire chief.

People in the street and on radio talk shows compared the mess here with the military's logistical miracle in the Gulf War. If the U.S. military could do that for Kuwait, why couldn't it bring food and water to South Dade?

Chiles went on radio Thursday with a soothing message: "As we get the FEMA office set up, you're going to see a lot of change." His words brought derision. The Y-100 host urged listeners to "give the president a call," dispensing the number.

At 10:30 a.m., in the Dade Emergency Operations Center, Kate Hale stood on a chair in the middle of the room, trying to keep it all together.

"Everybody was getting ready to drop," she recounted eight days later. "The citizens were getting angry, and the press was coming at us with questions: Why aren't you doing anything? And we were doing everything we possibly could. And that was only going to make us crack quicker."

What's more, she was upset at the slow response of the National Guard and the federal government and mad about the rosy picture Red Cross chief Elizabeth Dole had painted on *Larry King Live* the night before.

"What she did was create the impression to the world that all this aid was in here, and we're just fine, thank you," Hale said.

Hale knew the reality was far different. Striding purposefully into the press room, she told the cameramen:

"I want this live."

ENOUGH IS ENOUGH

As the cameras rolled, she denounced Washington. "Enough is enough. Quit playing like a bunch of kids. . . . Where in the hell is the cavalry? For God's sakes, where are they? We're going to have more casualties because we're going to have more people dehydrated. People without water. People without food. Babies without formula."

Hale's eyes brimmed with tears. "We need food, we need water, we need people down here. "We're all about ready to drop, and the reinforcements are not going in fast enough."

She blasted the Guard.

"We need better National Guard down here. They do not take order from me. They take requests from me. . . . I am not the disaster czar down here. President Bush was down here. I'd like him to follow up on the commitments he made."

Kate Hale got the attention of the Oval Office and everybody else.

Within an hour, Bush's emissary, U.S. Transportation Secretary Andrew Card Jr., came into the operations center and promised the Army within 24 hours.

"Help is on the way," Card said.

He said Chiles had only asked for the troops two hours earlier.

Chiles vehemently disagreed. His aides said Florida repeatedly asked for federal help before and after the storm. The state's version: Hours after the storm, in a face-to-face meeting with an Army colonel, the state verbally requested Army field hospitals and engineering support though the governor did not specifically ask for thousands of airborne rangers. Like Hale, the state didn't feel it had to.

"If they said they wanted written requests, we, I'm sure, would have complied," said Herndon, Chiles' chief of staff. "We weren't having the time to write out written requests and invitations."

The White House version: Since no formal request came, the president didn't order a massive troop callup. The 18th Airborne Corps, with more than 20,000 troops, was put on alert Monday, but Bush didn't activate them until Thursday—after Hale's blowup.

Lt. Gov. Buddy MacKay publicly blamed "chains of command in the military."

Said another source familiar with the snafu, "The governor didn't say the magic word."

Kate Hale blamed the damage assessment that was suspended by the governor's office on Monday, after the president had designated Florida as a national disaster area. With a clearer idea of the damage earlier and in writing, top officials might have acted sooner, she said.

"I think maybe that would have given them a better picture or they could have forwarded the paper on," Hale said, "Apparently this whole thing is dependent on little pieces of paper.

"Even without that paper everyone knew."

At 9:15 a.m. that Friday, a U.S. Army C-5A landed at Homestead Air Force Based loaded with Army field kitchens. Red-bereted Rangers quickly restored order, driving around in their Humvees fresh with mustard-colored Desert Storm paint.

A week later, 16,000 U.S. Army troops and Marines were on the ground, with 11,000 more on the way.

"It starts with a trickle that turns into a torrent and finally becomes a flood," said FEMA spokesman Jay Eaker.

SHODDY WORK?—DADE TO PROBE WHY BUILDINGS FAILED

BUILDERS, INSPECTORS COULD FACE DISCIPLINE

(By Don Finefrock and Kimberly Crockett)

Metro-Dade officials vowed Friday to discipline builders and county inspectors whose negligence contributed to the devastation from Hurricane Andrew and moved to ban some building materials that failed to hold up in the storm.

County officials also acknowledged that the massive South Dade reconstruction effort about to begin is more than Metro's inspection force can handle.

The Board of Rules and Appeals, a panel of architects, engineers and contractors that oversees the South Florida Building Code, called on the Metro Commission to impose an immediate ban on the use of pressed board and staples in roofs. Structural engineers say the widespread failure of those materials during Hurricane Andrew played a key role in the devastation of many homes.

Making sure homeowners don't rebuild their roofs in the same flawed manner "is the No. 1 concern," said Tom Utterback, the chairman of the board's roofing committee. "We're trying to deal with the future."

The county's chief building official also vowed to investigate any past negligence that may have contributed to the collapse of homes. County inspectors who failed to do their job may be fired, while contractors and subcontractors who performed shoddy work could have their licenses yanked, said Carlos Bonzon, director of building and zoning.

Earlier this week, the national Wind Engineering Research Council issued a report blaming poor construction for much of the damage caused by Andrew.

Structural engineers who inspected some of Dade's worst-hit neighborhoods at The Herald's request also found numerous construction flaws in the rubble.

Those flaws have angered thousands of people left homeless in the wake of the storm and raised concerns about the rebuilding effort.

As more and more Dade homeowners begin to patch up their homes, concern is growing about the quality of that work and the county's ability to police the massive reconstruction.

RULES RELAXED

Metro-Dade has relaxed its rules for builders and homeowners who are anxious to start construction—and possibly opened the door to some of the same abuses that left many of South Dade's homes vulnerable to Andrew's fury.

Homes that weren't built to code before Andrew struck may now be rebuilt with similar flaws—or worse.

Bonzon said the county will seek to inspect as much repair work as it can. But others say Metro-Dade inspectors—stretched thin even in the best of times—are facing impossible odds.

"Who are you kidding if we say the county is going to inspect all this work?" asked Bert Warshaw, the chairman of the Board of Rules and Appeals.

"If it has been a problem making adequate inspections in normal times, then it is a fact—it might be circumstantial, but it is a fact—that there is no way we can give adequate inspections on all this reconstruction."

Metro-Dade has told builders and homeowners who can't wait for the county to resume inspections to hire their own inspectors to review the work.

BUILD NOW, INSPECT LATER?

In some cases, Metro-Dade building officials also are telling homeowners to begin repair work now—and worry about getting a permit later.

The Board of Rules and Appeals endorsed those emergency measures Friday, and moved to expand the scope of work that can be done by private inspectors, although some expressed reservations about that expansion.

"That's my concern," said Charles Danger, the head of code enforcement in Dade. "If we have everybody in town doing inspections, there is no way to control that."

The Board of Rules and Appeals also voted to:

Prohibit the use of pressed board materials, including composite, wafer board, oriented strand board and structural particle board on roofs.

The action, if adopted by the Metro Commission, would mean that roofers would have to use plywood on roofs.

The board endorsed the ban over the objections of Steve Conwell, a lumber merchandiser for Home Depot in Tampa. Conwell told the board that suppliers couldn't ship enough plywood to meet the demand in South Dade.

The board was unmoved.

"Find a way to get it in here," Warshaw said.

Prohibit the use of roofing staples. Roofs held together with staples instead of nails performed poorly during the storm, structural engineers have said.

Require the use of heavier, 30-pound roofing felt. The code currently allows use of 15-pound felt.

INSPECTORS DISPATCHED

Bonzon said county teams have already been dispatched to inspect some of the county's heavily damaged neighborhoods, including the Hampshire Homes and Lakes by the Bay communities built by Lennar Corp. and Arvida's Country Walk.

Bonzon said code violations will result in disciplinary action. The county's construction trade qualifying board is empowered to fine, suspend licenses or reprimand contractors.

In cases where intentional or willful violations of the code can be proven, the county will work with the State Attorney's office.

Dade State Attorney Janet Reno said her office is checking whether criminal charges can be filed against contractors who acted negligently.

Inspectors who were also negligent could be reprimanded, suspended or dismissed, Bonzon said.

"Anybody who feels without a doubt there has been a violation in construction should call," Bonzon said.

Bonzon said the number to call is 375-2527.

WIND EXPERTS FAULT FLIMSY CONSTRUCTION

TEAM SAYS CODE IS BASICALLY SOLID

(By Don Finefrock)

Shoddy construction was responsible for much of the damage caused by Hurricane Andrew, a national team of wind experts has concluded.

"A great many people are homeless, and they need not have been homeless but for want of a few nails," Peter Sparks, an engineering professor at Clemson University and a member of the Wind Engineering Research Council, said Thursday.

Sparks praised the South Florida Building Code and said much damage would have been avoided had it been followed.

"The shame was that the code was really quite good," he said. "The code was so good, in fact, that it was very easy to tell when it was not being followed."

Sparks and nine other members of the council, a national organization of experts on wind construction techniques, toured South Dade in the wake of Hurricane Andrew. While cautioning that their report is preliminary, the council said "some systematic deficiencies in the code and/or general construction practices are apparent."

The council's observations generally supported those of structural engineers who inspected the destruction last week at The Herald's request. Those experts found that many damaged homes had missing or misplaced nails, improperly placed wall braces and inadequately secured hurricane straps.

Ken Ford, an official with the Washington-based National Association of Home Builders who has toured the damage, said he was not surprised by the council's findings. "From what I've seen, there were some flaws in construction. It wasn't wide-spread, it was random," he said. "You're going to find that. You can find good stuff, and you can find bad stuff."

The council's report did not single out any particular housing development or contractor. Last week, builders defended construction techniques, saying the damaged and destroyed houses weren't intended to withstand winds as strong as Andrew's.

But the council's report disputed suggestions that Andrew's winds were unusually strong and compared them to other recent storms, including Hurricane Hugo, which struck South Carolina in 1989. "The types and levels of damage do not support the suggestions . . . of gust speeds approaching 200 miles per hour," the report said.

The report said that while precise wind speed data is not available, evidence "suggests wind speeds . . . of between 110 and 125 miles per hour." Sparks noted that those speeds are lower than readings reported by the National Hurricane Center in Coral Gables. But he said the hurricane center's measurements were taken 150 feet above the ground, while engineering standards are set for winds at a height of 33 feet.

The report noted that South Florida's building code requires that houses withstand winds of 120 mph. Problems occurred when the code was not followed, Sparks said.

"My estimate is that you probably could have had winds of 200 mph and these houses could have resisted, if they were built according to code," he said.

"I think the code was very good," he said. "A great success, I think, were the masonry walls, the block walls. Even when the roofs had come off, the walls stayed in place. In most places in the country, those walls probably would have collapsed and killed a great many people. So I think you have to look at that as a great success."

Among the research council's other findings:

It was unlikely that the storm strengthened as it moved inland. The council said neighborhoods inland from the coast probably sustained heavier damage because of the lack of sheltering trees and deficiencies in the way those houses were built. Homes in coastal areas tended to be sheltered by heavy tree cover.

"The other thing that made it worse was that you had large tracts of housing," Sparks said. "The strange thing was you saw the exact same failure occur again and again [in houses], often on the same street. This was the first time we had seen a major hurricane go across tract homes."

Roof coverings, overhangs, glassed areas and garage doors were the weak points in many homes, the council found.

Plywood sheathing on roofs was often lost when that sheathing was attached by staples, the group said.

Mobile homes and other types of manufactured housing should be considered "expendable" in storms like Andrew.

Houses "need to be constructed with a high level of attention to details" if they are to withstand storms such as Andrew. "Omissions can provide the weak link which leads to major damage," the report said.

HURRICANE ANDREW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 60 minutes.

Mr. FASCELL. Madam Speaker, let me thank my colleague, the gentleman from Pennsylvania [Mr. WELDON], who has just left the well, and also his colleague, the gentleman from New Jersey [Mr. ANDREWS].

The report that they have made is as complete a report as I have been privileged to hear since this disaster started and we have been trying to keep up with it.

This is an opportunity for me to say to them, thanks very much, first for taking the initiative as part of the caucus on fire and emergency, on their own to go to Dade County and find out not only what was going on, but to help and to assist, and to follow up on everything that is happening so that we can learn from this disaster things that we need to learn.

Madam Speaker, I can assure you that all of us in the Florida delegation and all of our constituents who came across the gentleman and others are very much appreciative of the detailed attention that the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from New Jersey [Mr. ANDREWS] gave to their visit to this disaster area as part of their responsibility, even though they come from another State, another district. They put together a relief effort on their own to help us out. That points to something which was touched on which I must also comment on.

Madam Speaker, the response from the American people was just unbelievable; to think that another people in another town would have support in our area on the night of the hurricane and from that moment on until even right now as the support continues, moral support, financial support, direct support. You cannot imagine—although the gentleman from Pennsylvania [Mr. WELDON] can because he was there, he saw the scope of this thing. Madam Speaker, it was described as pandemonium upon pandemonium. I suppose that is about as good a description as you can get.

With the kind of effort that was going on, we have to remember that there are four levels of government involved here: City, county, State, and Federal. Under our Cabinet system that we have, that means you have an interdepartmental committee, probably, at four levels to try to coordinate this kind of an effort, which is a monumental task.

□ 1710

It is amazing that what was done was done as well as it was done in the short time that it was done, even though hopefully we can do better, and I will pledge to you that as you and I and the fire and emergency caucus prepare your legislation and we review the report of this entire matter and the chronology of events to see what needs to be done, that I will have some input in that and I hope you will let me express my views on what should be done in my judgment in dealing with these disasters. I have explained and expressed my views on that before. This is not the place right now to do that, but shortly we will have to get to how do we do this better.

But I do not want that to detract one iota from the tremendous effort that was given.

Now, you went down to look at the fire and emergency people and the great job that was done at the city and county level and with the State level involved, too. You have to multiply that by others in other fields; police, for example, local law enforcement, totally overwhelmed. Local employees in the city of Homestead, over 50 percent of those people were totally wiped out, and yet they were performing their public duty ahead of taking care of their own families. That story is multiplied over and over again with public servants who sometimes are demeaned for one reason or another because they are in public service and they should not be.

And look at the health field. Where did you ever see coming together the kind of talent and response that was made by people at all levels, surgical skills, medical skills, practitioners of all kinds, nurses, administrative people, orderlies. I never saw anything like it.

Yes, it might have been disorganized, and yes, it might have been complicated, but I will tell you, as fast as they could get to them, something was done for them.

I cannot in words, as the gentleman so capably said himself, either describe this disaster or adequately describe the wonderful response from the people themselves, as well as from Americans all over who responded with such compassion, such eagerness, and so quickly, that it just had to make you feel good. In the midst of a disaster, if there is anything you can feel good about, it is because as the old saying goes, it restores your faith in humanity.

The American people are good people and they have demonstrated time and time again, not only in this disaster, but in every disaster, and you know, let me add that we have done more for other people in the world than perhaps any group of people in the history of mankind. We Americans have such a proud record of our willingness to help, to give, and to be compassionate and to do those things that make you proud of humanity and of mankind, and that was demonstrated over and over again a million times in south Florida with the kind of dedication, commitment, and compassion and help that we got not only in the early days, but we still get and we are going to need for a long, long time. This is going to take a long time to get done. As far as our colleagues are concerned, I know the phone in my office rang off the hook with support coming from our colleagues in the Congress. I am grateful to them for that immediate response. They tried to get in touch with me in every way that they could.

Again, I want to pay special tribute to the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from New Jersey [Mr. ANDREWS] on behalf of the fire and emergency caucus for going down and coming back and reporting in one of the most thorough reviews of this entire process that I have had the privilege to hear, and I have been to all of them so far. This is more complete than anything I have heard.

Also, let me thank my other colleagues here, because we are about to consider an appropriations supplemental bill and emergency bill. The Congress has responded in the past. I have no doubt that the Congress will respond now in carrying out the pledge that was made by the President, that in this particular disaster and emergency, the Congress would respond with 100 percent of the reimbursement for the emergency. That, of course, does not cover the insurance, the net of the insurance claims, but the public facilities and others where there is tremendous damage, as you can well understand. Everything has practically been destroyed or needs renovation or repair or rebuilding, so it is a big matter.

The Appropriations Committee staff was on the ball from day one. They even went down and visited the area. I want to pay special tribute to the chairman of the Appropriations Subcommittee on the Armed Services Committee, the gentleman from Pennsylvania [Mr. MURTHA], who on his own decided to go down and take a hard look at that, and the Appropriations Committee staff in gathering up what was necessary from the administration in order to put an emergency supplemental bill together, which has now been introduced I understand. The gentleman from Florida [Mr. SMITH] knows more about that, since he is on the Appropriations Committee.

So we have so many people to thank already here in the Congress. We are grateful to all my colleagues in Florida who responded so generously, and to all my colleagues and staff here who worked together with the Appropriations Committee, and hopefully we will be considering that bill either in conference or on the floor very, very shortly.

All I can tell you is this. The disaster is so great that it is hard to even put a price tag on it. I know that this is a big bill, but I want to tell you, it is beyond the capability of any city. It is beyond the capability of any county. It is beyond the capability of the State of Florida, all of them working together.

We do not look on this as strickly a governmental kind of effort. We do not have our hand out with a plate that says, "OK, Federal taxpayers, you pick up this tab."

The people in that community are doing everything they know how to pull themselves up by their own bootstraps. I think any American would be proud, really proud, to see what is going on in terms of people trying to help themselves and the way the community itself has responded. Not only the voluntary agencies, both national and local, I mean the Red Cross and the Vets and other organizations that worked around the clock; I mean the business community, for example, which has come together now under the theme of "we shall rebuild."

We know that there is not enough money in government itself to do the whole job of rebuilding this entire area. It is going to have to be done with the initiative, creativity, with the help determination and commitment of the business community. The business leaders of our community have come together and they will do what is required. There is great determination there. It is going to take a lot of capital, a lot of ingenuity to make this place work again. They are determined to make it work, to rebuild it where it was.

Now, just some points I need to touch on before I yield to my colleagues. On the economy: Tourism. Yes, Florida is a tourism State. South Dade County has its share of tourism. We are very proud of the Everglades National Park, the Key Biscayne National Park, and other great national attractions which are there.

We spent 40 years in one case, 20 years in another, working with the Appropriations Committee and the Department of Government on National Parks to get the facilities there to serve the American public.

Well, I do not have to tell you what happened. There are none. I mean, they are gone, and in order to preserve and maintain the parks themselves and in order to serve the American people, we are going to have to rebuild those facilities. We do not want to give up those parks. It has been a tremendous struggle to maintain those parks.

Fortunately, both the administration and the Appropriations Committee I believe will allow the full amount for the reconstruction of these facilities, not only to maintain the parks, but so that the American public can use them.

Farmland and agriculture are a big part of the economy of south Dade County. Our farmland supplies 50 percent of the winter market for fresh fruits and vegetables. It is wiped out.

Now, in terms of large fruit trees like avocados, mangoes, citrus, and so forth, you are talking 5 years if the root stock is gone and you get a plant that has to be produced.

□ 1720

Vegetables of course they can start planting right away, but there is no infrastructure, absolutely none. Packing plants are gone. Transportation will have to be reorganized.

So, Madam Speaker, there is a major problem there where a great part of the economy of this community depends on agriculture, and indeed I might say I think without exaggeration that the welfare of the country in the wintertime depends on the fruits and vegetables that come from there in south Florida, that we need to do whatever it takes in the way of exceptions, I trust, with regard to the limitations that might exist for facilities and other matters that deal with agriculture. And I hope that will be done. It certainly needs to be done, and I hope that will occur.

The other third, of course, is the military. We have heard the gentleman from Pennsylvania [Mr. WELDON] talk somewhat about Homestead Air Force Base, and his reaction to it and his pledge to help rebuild it, and I am grateful for that, as a member of the Committee on Armed Services, for him to make that commitment in light of the reservation—let me put it kindly—that the chairman of his committee has with regard to rebuilding Homestead Air Force Base, and I have no illusions about the struggle that is already going on all over the defense budget with other bases in the areas and districts of my colleagues who are concerned about their own well-being. I can understand that, and I can understand the logic that says, "Well, here is a base that's been destroyed. Why build it up? If we take money to do that, then we lose our base. Why should we do that?" Let me just say in response to that kind of argument, which has been made already publicly, which will be made many times, I am sure, in committee, several things:

One, I understand the reluctance of my colleagues, and I understand the logic of that argument. Might I say in response this? First of all, Homestead Air Force Base is operational. Thank goodness it is. The air strips there have no parallel. They were used. The President landed there with his entire entourage. The relief airplanes landed there on a regular basis. The tower, which has been not totally demolished, but will need a lot of repair if it is going to be put in operation, along with the reception building, will probably take a little money to fix.

But the point is the air field was operational with a mobile unit, and then what it cost was already paid for, except for bringing it down there to put it in operation with the people necessary to operate it.

Now, if the base has a mission, and I believe it does, airplanes can fly off of that base. It still has the most flyable days of any base in the Nation. It still has a mission.

Now the housing for the residents who are there, the families, would take a lot of money to rebuild, and I can understand the reluctance for some of my colleagues who are looking at their own base structure where there is a shortage of funds saying, "Why should we build out of those housing funds for all of those people at Homestead when we need housing and money at some other base and we don't want our base closed?"

Well, let me say this: Those families have already been moved out. They have already been permanently reassigned somewhere. A while it would be nice to have an operational base where the families are right there, it is not absolutely essential to do that right this minute. That could be phased in over a long period of time depending on what the actual military need would be or is for that base.

The money for the hospital has already been appropriated, and it should be built. The commissary is operational. It needs repairs, as does the PX. It serves 80,000 retirees in 3 counties. It would not take much to keep that operational.

We need a ready room for the pilots. I did not go inside the ready room, but I know it is in a bunker, and I got the idea that it would not take a lot of money to fix up the ready room.

And we need a hanger to repair the airplanes so the airplanes can fly in and they can fly out.

In other words, Madam Speaker, the base can be made operational right now for whatever the military mission is without taking from your base or any other person's base on the Committee on Armed Services or any other Member of Congress. The real issue, therefore, is: Do we want to continue the mission that has been there, that allowed Homestead Air Force Base to continue, notwithstanding the review and the scrutiny of the Base Closure Commission and a lot of politics that occurred in the past?

I say that a logical, reasonable position can be taken to keep Homestead Air Force Base open, to keep it operational and not detract a whit from somebody else's base, that the decision on whether or not the base in someplace else should remain open or be closed can be made strictly on the military necessity for that as the same decision can be made with respect to Homestead on the military necessity.

Opening or closing the base at Homestead should not be made simply on jumping at the conclusion that the base has been destroyed. The base has not been destroyed. Some of the buildings on the base have been, but the base can be operational if the military and the Congress want it to continue to be operational. It would only be, in my judgment, shortsightedness which would say, "Well, the place has been destroyed. Let's close it down. We don't need Homestead anymore anyway."

Many years ago that happened once before at Homestead unfortunately, and it cost us a fortune when we needed Homestead and put it back on a fully operational basis. I say we can take our time, we can play it close, we can do this and phase it in, and I do not want to hurt any of my colleagues in this Congress. I do not want to hurt any of them, and I do not want to hurt my country, and I do not want to hurt my people.

Madam Speaker, I believe we can accomplish all three of those objectives by just simply keeping our powder dry and doing this thing in a logical way, and let me close right here again by expressing my deepest appreciation to the tremendous work being done by people in Government employ at the city, county, State and Federal level who are working to help American citizens in south Florida and express my deeper gratitude to Americans of all kinds from all over this great country of ours who have not only felt for us, and had compassion and were checking on us, but who came down to give of themselves, provided money and help, and they did it personally, they did it through institutions, and they did it through governmental agencies, every which way one could think of. I am so proud of what other Americans have done for us that I can hardly express it adequately in words.

And so I want to thank my colleagues for considering the legislation which is going to come up later this week and for the kind of help they are going to give our people, and now I yield to my distinguished colleague who will inherit part of my district in this redistricting, and that is the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from Florida [Mr. FASCELL] for yielding.

What we must emphasize in our struggles as we attempt to pull ourselves out of the nightmare caused by Hurricane Andrew is that contracts for the rebuilding of south Florida must go to south Florida companies and jobs for the rebuilding of south Florida must go to south Floridians. The economy in south Florida has been stagnant, and Hurricane Andrew has multiplied by the thousands the economic misery and hardship of all of our residents. The unemployment level has been higher than the national average before Hurricane Andrew, so my colleagues can imagine what kind of a terrible human toll this natural disaster has had on our area. Those who did have jobs before the hurricane now find that their employers have closed their businesses, and so now they are out of a job, and they never would have imagined that they would have been out of jobs and out of their homes before. Our unemployed figures will go through the roof unless we start giving jobs to those who need them so badly.

So, Madam Speaker, priorities for contracts, for the rebuilding of south Florida, must go to our area businesses, and priorities for jobs must go to our area residents, and this is what is fair, and this is what is just.

□ 1730

Special attention should be paid to competent minority contractors. Many times these minority firms are the firms and the individuals who are left out of the information loop. That is why I propose a clearinghouse to act as a pool of information for contractors to find out about which agencies are seeking bids or merely seeking a list of interested candidates or contractors or jobs which may be opening up.

Many times agencies such as the U.S. Army Corps of Engineers may only use the good old boy network and the bigger national firms find out about these contracts because they know how the system works. Too often this results in the smaller companies being left out of the information loop. These big out-of-State firms too often shut out the local subcontractors and shut out the minority contractors, and this must stop.

Some big contracts have already been given out, and these mostly went out to out-of-State companies. Those contracts which have unfortunately already gone out should have gone to south Florida firms.

What we must do now is pressure those out-of-State contractors to subcontract with our local firms.

Once again, priority for contracts and jobs should go to those affected areas, in this case, south Florida.

Another issue that we must address is the emergency response and the follow-through. Did FEMA act correctly? Was all the emergency infrastructure in place? Did FEMA take too long in responding? Were the emergency disaster assistance centers set up in a timely manner? Are Federal agencies processing the applications promptly? Are the checks being cut and delivered as soon as possible? Is there needless red tape which must be eliminated to ensure that help is given out without the layers of bureaucracy which so often overwhelms constituents?

These are questions and important issues which Congress should properly address.

The gentleman from Pennsylvania [Mr. WELDON], as we heard, is working on a bill to perhaps streamline the jurisdictional domain of Congress. We have dozens of committees overseeing Federal disaster efforts. We must eliminate these needless layers of Government. This will increase our ability to respond to this and other disasters.

Many other proposals, such as bills dealing with price gouging, et cetera, will also be discussed.

Our priority now should be to make sure that south Florida becomes a full economic partner in the rebuilding of our devastated economies. Already this problem is easing up slightly, ever so slightly, as Federal agencies heed our pleas to provide contracts for local businesses.

FEMA's latest list of contracts just faxed to our office minutes ago shows a step, just a step, in the right direction. Let me read to you some of the local businesses which are finally getting jobs and contracts.

Shell Lumber of Coconut Grove will provide shovels and rakes. Kinko's of Coral Gables will provide copiers. ICS Computer of Coral Gables will provide laptop computers. RVL Equipment of Hialeah will provide forklifts. Signmasters of Hialeah will provide signs. One Hundred Mills of Hialeah will provide manual can openers. Industry Equipment of Hialeah will provide platforms with wheels. Dynaelectric of Medley will provide labor. Dade Paper will provide paper cups. Eagle Paper will provide trash bags. Gancino Lumber of Miami will provide that service. Amfax of Miami will provide bullhorns. Delad Security of Miami will provide guards. Best Westchester of Miami will provide trucks. Even balloons will be provided by Metrogas of Miami. Even Freedom Flag of Opaloca will provide flags.

All of these companies are finally getting part of the contracts. But the bigger contracts must go to our local agencies, to our local firms, and the jobs must go to our local residents. This must continue and this must be improved.

Let us all work together to ensure that the devastation of south Dade will be answered by generous funding to be passed by Congress in the next 7 days. Lord knows we need the help.

I thank the gentleman for yielding.

Mr. FASCELL. Madam Speaker, I yield to the distinguished gentleman from Florida [Mr. SMITH], who spent a lot of time down there in south Dade loading and unloading trucks, trying to take care of people, and otherwise generally making a nuisance of himself.

Mr. SMITH of Florida. I thank the gentleman for yielding. It has been my pleasure in the 10 years I have been in Congress and before that to count myself among the friends of DANTE FASCELL. Everything that has been said previously by Mr. WELDON and Mr. ANDREWS is absolutely true. A lot of people are going to miss the gentleman. I am going to miss the gentleman, even though we are both going out together. I am trying to persuade the gentleman to buy a boat so we can go fishing together, too.

The reality is that the gentleman from Florida [Mr. FASCELL] has been a phenomenal Representative, a Member of Congress that other people could point to proudly and say that there goes the best of our Nation's leaders.

It is a tragedy that this devastation had to strike in the heart of the gentleman's district. But in a way, in a way, the devastation in this district, as terrible as it is, and my district borders on the north of the gentleman's district, could have been worse. As devastating as this was, probably the greatest, most extensive natural disaster ever to befall the United States since the history of this country began, yet it could have been worse.

Had the eye of that hurricane come across 20 to 25 miles north, downtown Miami or even up in the Dade-Broward line, with all those buildings on the coast, we could be counting damage in the hundreds of billions and deaths in the thousands, rather than where it is.

But what did occur was the most devastating damage that many of us will ever care to see in our lifetime. When I went down there the first few days afterwards the overwhelming feeling that I had was one of guilt, that most of my area and my home itself in Hollywood had been spared.

Oh, we lost a lot of trees in Broward County and north Dade. We lost some shingles and we lost minor inconveniences, pool enclosures, screening, and so on. But nothing that we had could even compare to the devastation that we saw as we went further south and then on to where the eye of the hurricane actually came inland.

South Dade County has been devastated beyond anybody's wildest imagination. Over a quarter of a million people were put out of their homes. Over 70,000 residences were destroyed, either partially or totally. Huge concrete and cement buildings had literally chunks blown out. All the windows, all the interior walls, chunks were blown out of their being itself, the four walls.

There were places on the Homestead Air Force Base where it looked like they had engaged in a war and had been shelled by an enemy. Huge concrete buildings were blown over.

At Homestead a wind gust was measured at 204 miles an hour. At the National Hurricane Center on south Dade on U.S. 1, Dixie Highway, the wind was measured at 154 miles an hour at about 4:30 on Monday morning. That was the last reading they could take because at that moment the radar on the top of the building blew off and the radar from the Miami National Hurricane Service was out and they had to switch to Tampa.

This is what happened. A natural disaster struck. But it is the people disaster that stays with us. You can forget the wind after the while, and we are lucky there was not that much rain because the storm was moving so rapidly. But you cannot forget the damage and the people and the devastation, the children, the elderly. As the gentleman from Florida [Mr. FASCELL] said, the pandemonium which ensured.

But I have to say, like the gentleman said, that through it all, the most incredible feature of this has been human nature.

□ 1740

Many people, law enforcement officers, fire and emergency rescue service people, doctors, nurses, veterinarians, city workers, all kinds of government employees in Florida City, which was wiped out, almost wiped off the face of the Earth, 28 of 31 police vehicles in Florida City are gone, gone. Homestead, where 90 percent of the homes and infrastructure were totally destroyed. Ghules, Redlands, Perrine, Aranga, Princeton, Culter Ridge, South Miami, devastation beyond belief. And yet people responded immediately, absolutely immediately.

In the first few days, I could not believe what I saw. I got stopped in Homestead for a caravan coming off of people with semi, 18-wheelers, vans, trucks, cars, police cars from Alabama and Georgia, just a few days after. The same day, Monday night, the same day the storm had passed through, a contingent of police from Charleston, South Carolina, showed up. And in the ensuing days, you could just look around at the shoulder patches and the license plates, religious groups, churches, temples, synagogues came from all up and down the east coast and the Midwest. Truckloads started to arrive, as the gentleman from Pennsylvania, CURT WELDON, said, from Pennsylvania and Delaware, State troopers from New Jersey, people from upstate New York, people from the Midwest, people from the South, wherever they could come from, they did. And they responded.

Unbelievably, it worked, because I want to tell my colleagues, they have never seen anything like this. Fields where people had been waiting 5 and 6 hours in traffic to donate something. They finally got off, did not know where to go, there was no coordination. There could not be. The infrastructure has been totally overwhelmed, in many cases, totally destroyed, along with the homes. No water. No electricity. No power. No real understanding of where to go or what to do.

Places that needed to be opened as shelters devastated. Schools with water and mud in them and no power. And yet, people came, brought food, fresh, frozen, home-cooked. People started setting up tents. People started serving food. People started piling up the donations. People started bringing clothes, medicines, diapers, hygiene products, tooth brushes, everything.

Helicopters. The one thing they did not have was a coordinator in the sky. I have never seen so many helicopters so close to each other without an accident. Thank the Lord. We must have seen at any given time 100 helicopters in the air within a 2-mile radius, and they were just landing in any field, unloading a bunch of goods and taking off again. Because they were trying their best to ferry goods from people because of the traffic jams that could not get down there. And special tribute has to be paid to the National Guard who came down immediately at the call of the Governor and started to do the security work, the police work that the police were overwhelmed so they could not do.

Looters everywhere, and the one thing that stands out is the human nature of all the good people. And thank God, it is so much greater than the seamy side of the human nature of some people. In all this tragedy, people whose lives had been totally destroyed, whose homes, furnishings, possessions, mementos, everything they owned, cars, all gone, were trying to find some food. And so they left their homes.

The minute they left, the looters showed up, the scum of this Earth, to try and salvage from this pile of rubble that these people were guarding, salvage something so they could sell it to somebody or use it for themselves. It was horrible.

But the National Guard took over. And finally, the military came down. And boy, I tell you, Katie Hale, who is the director of emergency services in Dade County, on Thursday said, "Where is the cavalry?" And on Friday they showed up, and they began to do a phenomenal job.

We have heard described before so much of what has happened. Those young men and women have just done the most outstanding job, not only in providing the service that they can provide but also of making the people feel like they were providing that service because they cared, not because they were ordered to, of ingratiating themselves with the people there because they cared and beginning to make sense out of all of the pandemonium and the disorder.

That is what this was all about. And yet, when you were down there, it was unreal. And the sense of guilt that we had been spared and these people had been dealt such a bottom card from the bottom of the deck.

I want to thank personally so many of the Members of this institution who called for the first few days the office of the gentleman from Florida, Congressman FASCELL, which was not open. There was no way to get there. There was no office. There was no phone. There was no power. Some of his people lost their own homes. The gentleman from Florida [Mr. FASCELL] has not said it, but his house has been damaged severely and significantly.

Many of our friends, the same thing. Mobile home parks, blown away; big structures, expensive structures blown away. But there were people there to help. Everywhere you looked, people came to help. And now we are in the mode of beginning to look at what we can do in the short term to rebuild, to bring people back that still have not gone back to their houses, bring people back because we are providing them with a place to stay and a job and, for the long term, to rebuild this area for the future, for the future of Florida and the future of this country.

I urge my colleagues to support us on H.R. 5911, which is the bill just filed by the chairman of the Committee on Appropriations for the Emergency Supplemental. It will be extremely important for us to be able to get the help, combined with the State, county, and local help that is already there and will be there and the people themselves, to rebuild these devastated areas.

The country needs it. The locality needs it, and the people themselves need it and need it desperately.

They have been outstanding in their own troubles. They have helped others. Other people have been, to me, more charitable, more gracious, more wonderful than you could have imagined, helping those that were in need.

Now is the time for us in this Congress to help those that have already shown the inclination to help themselves.

Finally, let me say, I agree with the gentleman from Florida, Congressman FASCELL, 100 percent on the issue of Homestead Air Force Base. We can build all we want the infrastructure back and build all the housing we want, but people will not come back if they do not have work. And Homestead Air Force Base has a job to do, and people who will work there. And it has a mission and it has a capability, and it will provide the anchor to start the rebuilding process.

If we cannot get the basic help that we need for Homestead Air Force Base, we may be consigning this whole region, frankly, to being plowed over, because a city of 30,000 like Homestead and the whole area will have no base from which to operate. That is, an economic base.

So I would urge my colleagues to support all of what is in the appropriations bill. Help those that have helped themselves in their own worst hour and help the rest of them, many of them, their own constituents, people from all over the United States who have helped our people. We thank them for that, and we urge their support, and we will repay them as we have in the past with making the Floridians great Americans. And they are very grateful.

Mr. FASCELL. Mr. Speaker, I want to thank my colleague from Florida. On a personal note, let me say, I certainly shall miss him in the Congress of the United States.

We have worked together now many years, and in this particular disaster, I want to pay a particular thanks to him because he contacted me every single day, just to touch base. He was down there every single day, doing what he could to be helpful. He has been on top of this issue from the very beginning and is a very important member of the Committee on Appropriations, which is considering this legislation and bringing it to the floor.

□ 1750

We would be lost without his help and that of his colleague, the gentleman from Florida [Mr. LEHMAN], who is also on the Committee on Appropriations. And I would say to the gentleman [Mr. SMITH] that I want to thank him very much.

Mr. LEWIS of Florida. Mr. Speaker, would the gentleman yield?

Mr. FASCELL. I yield to my colleague, the gentleman from Florida, who is on the Committee on Agriculture. He went down to Florida, to Homestead and the south Dade area, to see for himself. He has been not only very vocal, but very helpful in all of our agricultural problems in Florida, and particularly in this area, where everything has been wiped out, as TOM LEWIS saw for himself: the farmers, the infrastructure.

I would say to the gentleman that we are going to need some exceptions to the normal operations, for which I am sure he will give plenty of support, and we will work it out. Horticulture needs an exception, and we need some other exceptions with which the gentleman is familiar, which I will address.

Let me say that I thank him very much for taking the kind of interest he has in helping one-third of our economy in south Dade, agriculture.

Mr. LEWIS of Florida. Mr. Speaker, I thank the gentleman for yielding to me, and I must say, with my time in south Dade and in going around on the 2½-hour helicopter ride, looking at the tremendous devastation, and after the initial shock, I must commend the gentleman from south Florida [Mr. FASCELL] for the tremendous job that he has done. I was always running about 30 to 40 minutes behind him. I just could not understand how he could move so fast.

The unprecedented devastation scattered throughout south Florida in the wake of Hurricane Andrew is just almost unbelievable. Videotape and photographs cannot paint an adequate picture of how radically life has changed and been altered for the unfortunate people who were in the path of this terrible, terrible storm.

The hurricane winds have calmed, the rains have practically stopped, leaving us a very monumental task: rebuilding south Florida.

This terrible disaster also gravely wounded, as has been brought out, two top major industries: tourism, which has plummeted since the storm, and agriculture, of which there is no more in south Florida at this point in the Dade area.

In south Florida nursery crops no longer exist. People, their jobs, their economy, were swept off the face of the earth by 160-mile-per-hour winds. We must remake these facilities, rebuild farmers' housing, replant these fields, and revitalize this economic sector to breath life back into south Dade, and we must do it quickly.

The initial response of local, State, and Federal officials provided the most basic human needs: food, water, and shelter. But much more assistance is needed. Right now, the 12th Congressional District I proudly represent serves as the major staging area for relief efforts flowing to Dade, Monroe, and Collier Counties. To the men and women staffing these facilities, directing the trucks, and answering the phones 24 hours a day, I offer my sincere thanks, admiration, and praise. You're doing a fantastic job for a people you do not know. This is the true American spirit. When we have a devastating storm or a disaster such as we have just had, it brings out the best and the worst in people.

Now it is our turn. The future of these dispossessed citizens, and the economic prosperity of the State of Florida, lies in the hands of the U.S. Congress. We must respond to this emergency immediately and completely, and get money directly into the hands of the people who need it, instead of dumping it into a nameless, faceless bureaucracy. We in Congress must pass out a simple, clean bill providing comprehensive assistance to disaster-stricken areas, and nothing more: no controversy, no pork, no politics.

Airplanes and satellites warn us in advance when hurricanes threaten our shores, but mankind has not yet developed a technology to prevent these disasters. Fortunately, we do possess the power to respond to their destruction.

That power, the power to rebuild and survive now lies in the hands of the U.S. Congress. I implore my colleagues to use it, and use it as necessary.

So many things over the past 2 weeks have taken place. For example, we hear about power outages, we hear about distribution systems for electrical systems totally destroyed, substations destroyed.

I personally want to thank the utilities of south Florida and all of those utility companies throughout the country who have responded to help us in south Florida by providing power and by providing telephone communication services, providing the normal infrastructure facilities that they have the ability to do.

I want to thank the volunteers for their tremendous, tremendous job, coming from all over the country. The Members have already heard many people speaking of that, but not too many people sat down and thought of the great things we did evacuating a million people from south Florida in a matter of a day. Nobody thought we could do it.

Yes, we made some mistakes, but we will correct those mistakes in the future. However, we were able to do it, and people did not think we could do that. Most do not know the unbelievable job, a true yeoman's task, in handling the emergency and restructuring caused by this storm which people have accomplished.

I can only personally say that, having flown during the war and seen the jobs that we tried to do as far as carpet bombing and things of this nature, we would work for weeks and weeks and weeks trying to do something like that. This storm did what we tried to do in just a few hours.

For someone who has seen destruction over many years and lived in Florida for 40 years, we have never had a disaster like this. This country has never had a disaster like this. This does not necessarily mean that we may not have another one.

I believe that the lessons that can be learned from this particular tragedy can be taken forth by this Congress and the Members of this Congress, and look to what we can do, working cohesively with States and local governments in order to respond as quickly as we can.

A lot of finger pointing was done initially. That really does not count. I think everybody who saw this, including myself and many of my colleagues, totally underestimated this devastation. It was unbelievable, unbelievable to see homes completely twisted on their foundations. We cannot blame that on the building codes, because I saw homes that were destroyed and demolished that met the current building code. We have to make sure that our hurricane centers are in total communication with the United States when things like this happen.

I implore my colleagues that when the bill comes forward for us to work on, that we have a clean bill, we do what we have to do in order to help the people of south Florida. It is going to take a long time. It is not going to take a week, it is not going to take a month, it is going to take years before we restore what we lost down there.

As brought out by the gentleman from south Florida [Mr. FASCELL], agriculture needs so much work down there. This is the third leg of our economic stool in the State of Florida, tourism and construction being the others.

I would ask my colleagues to work with us, not just now but in the months ahead. We have a lot of work to do, and we have to do it for the people of south Florida.

Again, I personally thank each and every person who came forward throughout this country to help those that they did not know.

Mr. FASCELL. Mr. Speaker, I yield to the gentleman from north Florida [Mr. HUTTO], our colleague who served on the Committee on Armed Services.

Mr. HUTTO. Mr. Speaker, I appreciate my colleague, DANTE FASCELL, for bringing the matter of Hurricane Andrew to the floor for discussion. As always he's right on top of things. I also applaud the leadership of our other public officials as well as the good people from the southern part of the great Sunshine State for their gallant efforts to ease the suffering in this disaster. My heart goes out to all those who were in the path of both Hurricane Andrew and Typhoon Omar. I know that the people of my district join me in praying for the folks living in south Florida, Louisiana, and Guam. I also am very thankful that northwest Florida was spared the wrath of Hurricane Andrew. We sat and waited as reports of the damage flowed in from Miami, and we watched anxiously as the hurricane headed for the gulf coast. We have a great deal to be thankful for.

I would like to say thank you to all those individuals and organizations across our country who have come to the aid of Hurricane Andrew victims. The generous outpouring of money, food, and other supplies has shown the true compassion of our Nation. Our State alone has suffered up to $19 billion in estimated total damages from Hurricane Andrew. And, we cannot begin to put a price tag on the pain and suffering of those involved.

I believe that the Federal Government must now designate resources to help these victims of these natural disasters. Many victims will have to rebuild their lives from scratch. We must help them. I am pleased that Chairman WHITTEN is now introducing an aid package which is more comprehensive than that proposed by the President. This, my colleagues, is the legislative meaning of an emergency. Not only is relief legislation the humane thing to do, it is economically in the best interests of our Nation. We must help these people to become self-sufficient again. These natural disaster victims want the opportunity to contribute to our economy. It is incumbent on us to help them get back on their feet. This is money well spent.

As a member of the Military Installations and Facilities Subcommittee of the House Armed Services Committee, I support the rebuilding of Homestead Air Force Base. Its strategic location near Cuba and Latin America makes it imperative that this base must continue.

Please remember those suffering in south Florida, Louisiana, and Guam as if they were your neighbors and constituents. Let's work together as a compassionate Nation to provide these natural disaster victims with understanding and relief.

□ 1800

Mr. FASCELL. EARL, thank you very much, and particularly for your statement with regard to Homestead Air Force Base. Being a member of that committee, the fact that you support reconstruction, even though it may not be on a 100-percent basis as it existed in the past, is a very important contribution to our area. We are all grateful to you for making that statement.

Mr. Speaker, I yield to another gentleman whose district also is part of the disaster. We have not heard as much about that as we should have, but they suffered also grievously. So I am delighted to yield some time to PORTER GOSS, who represents that part of Collier County that was directly in the path of Andrew.

Mr. GOSS. Mr. Speaker, I thank the chairman very much for yielding, and appreciate very much the acknowledgment that there was severe damage also in Collier County and the west coast. Certainly the damage does not come close to what we have seen in Homestead and Florida City and those areas, and the suffering is not anywhere near the magnitude or to such an extent. But the people who are wiped out in Collier County were wiped out the same way that people in Homestead and Florida City were, those of us who were caught on the edges, but fortunately there just were not as many.

What I wanted to particularly address at this moment was an area that we perhaps have not had an opportunity yet to really consider, and it is what I call the area of hidden damages. I do not think we are ever really going to know just how much Hurricane Andrew has cost in terms of physical cost, environmental cost, psychological cost, commercial cost, or whatever. We just are never going to be able to tote up the full cost of this event, of this tragedy.

Those of us in hurricane planning in Florida, over the past two decades at least, have been talking about not if the storm hits, but when the storm hits, what will happen. Well now we know. As my colleague, TOM LEWIS, has said, I think a brilliant job was done of moving people out of harm's way, with good preparation and evacuation plans, but no plan I know of envisaged the magnitude of destruction and the force that took place when the windstorm, Andrew, came through and hit Homestead and Florida City and Everglades City and Copeland and places like that, Goodland, and, to some extent, even Marco Island.

But when I speak of the hidden damages, something is occurring now that we have not talked about. Shortly after Hurricane Andrew disappeared well into the gulf, and then went on its way sadly into Louisiana, a few days later we suddenly discovered the beaches being closed in other counties further up the west coast because of some unknown things washing in from the bottomland, another trick of Mother Nature. There was a cost involved. The cities involved and the counties involved had to deal with that. I do not know what the cost was. We have found people from legitimate industry coming into our offices and saying to us we are no longer able to get infrastructure services that we need to support the industry and the economy out here in the area that was not directly hit by the hurricane, but we need to keep the economy strong so that we can keep our volunteer efforts and our relief efforts going into the affected area. And true, those are things that we do not know what the cost will be.

We heard one network, I think irresponsibly, announce that the storm was heading to one big urban area, and that there was going to be devastation. Fortunately, the storm did not hit that urban area, but that impression lasted in people's minds around the country for people who were watching this event on that network, and they now believe that that area is a disaster area. I can assure you that that is not true. The Fort Myers, FL, and west coast of Florida and the resort industry and the tourist industry are alive and well and welcoming people. But their business is suffering right now from people who were scared away because they have seen the devastation in Homestead, they have seen the devastation in Florida City, and unfortunately their understanding of geography is not precise enough, nor has it been corrected adequately enough by some of the networks as to exactly where the damage is.

Lord knows we have to make our major efforts for the people who are suffering the most in the main area that got wiped out on the southeast coast. But we do not need to compound the problem by spreading rumors, or misinformation, or disinformation about other commerce and industry that is alive and well and needs the support of the community around the world to continue to do what it does well, which is provide wonderful services and quality of life that people have come to expect in Florida.

I have had calls recently from chambers of commerce from places like Marco Island that said they are getting calls of cancellations of conventions. Why? This is going to be in December. Marco Island is up and running right now. There is no problem there. Yes, there was some damage. It is primarily in the residential areas now, and the infrastructure is back.

Collier County did a marvelous job. They were not overwhelmed the way Dade County was. They were able to cope. And FEMA did a marvelous job because they were not overwhelmed, and the State of Florida did a marvelous job because they were not overwhelmed. It was a plan that worked because the storm was manageable.

The point is when we add all of this up there are going to be so many more damages than we know or anticipate, so much more cost that it is probably going to exceed even the extraordinary generosity, the extraordinary commitment that has been made by men and women in America, children, organizations, all of those whom we have referred to here who have been helping us out in our time of need. More than private industry and more than all of the resources of all of the governments, we are not going to know, we will never tote the figure up exactly. That is why I am urging that as we go forward in this legislation looking for relief that we maintain flexibility so that we can be fair, and we can help out those who are truly in need of help, and we can make compensation where it needs to be made. We certainly want to stop any windfalls coming to people who do not deserve it. That has to be guarded against. But equally we want to make sure that where there are public costs, to the degree possible, they are fairly shared.

I also want to add my comment about the selflessness and about the extraordinary leadership, and every detail that Chairman FASCELL has taken to bring us up to date, to give us these opportunities to discuss our concerns, and to get the right ingredients in the legislation. I know he had personal concerns and personal loss involved from Andrew. I think it perhaps could be summed up this way: There are many, many problems involved with Andrew. But we have discovered that there are many, many heroes, and I think that Chairman FASCELL is surely one of many, and I thank him very much for this time.

Mr. FASCELL. Thank you very much, PORTER. And I am glad you made the point of accuracy of information and communication.

In a disaster of this kind, one of the most difficult things is adequate communication. And I am not faulting the media here. The print media, the electronic media, both radio and television just did a fabulous job. I have never seen anything like the coverage, Mr. Speaker. The Miami Herald, the local newspaper, deserves a medal for the kind of coverage that they provided right from day one in the middle of the storm, literally, until right this day with the kind of information that the public needs to rehabilitate and to get on their feet, to quiet rumors that constantly spring up in a disaster of this kind.

□ 1810

The media all over just did a fantastic job. One of the problems, however, was, as good as the coverage was, people in Oregon knew more about what was going on in the disaster area than the people in the disaster area, because they did not have television. Some of them had radios, et cetera.

So we need this kind of communication effort constantly.

Mr. BENNETT. Mr. Speaker, I come here to express my deep appreciation on the part of the people of Florida for the great assistance that is being given to them for the welling up of friendship and thoughtfulness all over the country, in fact throughout the world to a degree. I want to express my great gratitude for that.

The next point I would like to make is that it will help in that area if the Homestead Air Force Base is continued. It is not on anybody's list to close; it never has been. As a matter of fact, we are presently making appropriations for a hospital there and that was underway before the storm occurred. So I think the media has to be corrected somewhat in the aspirations of some to see that maybe that Air Force base should be closed. It should not be closed. It is of vital value to our Nation's defense, and it is very vital also to our fight against drugs in this country.

Mr. LEHMAN of Florida. Mr. Speaker, Hurricane Andrew was the greatest natural disaster ever to hit our country. The devastation in south Dade is tremendous and the costs are staggering. The people of south Florida are grateful for the assistance that has poured in from around the country, but must remains to be done. The rebuilding process will be long and hard, and Federal assistance is critical to this effort.

I believe that south Florida is out of intensive care, but the rehabilitation process is just beginning. I can tell you from personal experience that that is the toughest part. Unless you have personally seen the destruction, you cannot fathom the extent of the wreckage. Beyond the buildings that have been destroyed, jobs have been lost, health care and other basic needs are going unmet, and any sense of security in home and community has been undermined.

Disaster can strike anywhere. It may be a hurricane, a flood, an earthquake, or even civil unrest. In every case, our Nation as a whole must pull together to help that section of our country that is in need. In the near future we will consider an emergency disaster relief appropriations bill. I urge my colleagues to support this legislation and permit the crucial funding to be delivered as soon as possible to south Florida. I also appeal to all Americans to continue their generous response in terms of personal contributions for the relief effort in Florida. Every bit is greatly appreciated and I ask that our needs not be forgotten when Hurricane Andrew is no longer on the front page.

THE HURRICANE ANDREW DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. JOHNSTON] is recognized for 60 minutes.

Mr. JOHNSTON of Florida. Mr. Speaker, I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I want to thank the gentleman.

Mr. Speaker, we have the gentleman from Florida [Mr. JOHNSTON] as the next speaker, and then our colleague, the gentleman from Florida [Mr. PETERSON], the gentleman from Florida [Mr. SHAW], and the gentleman from Florida [Mr. STEARNS].

Mr. JOHNSTON of Florida. Mr. Speaker, I thank the gentleman very much.

I am a native Floridian. I think there are three of us in the Florida delegation, which explains what the future impact is we have had on the State of Florida in the last 20 years.

Mr. Speaker, I have lived through about six major hurricanes. Showing my age, I think the first one I remember was 1935 that hit dead center Miami at the time. I personally live 60 miles north of Miami, so I was not affected by this particular hurricane.

The 1947 hurricane, the 1949 hurricane, which was a category 4 hurricane, in which the winds had gusts up to 165 miles an hour, and I have seen a lot of damage occur to south Florida in the last 60 years of my life.

But nothing, nothing compares to what has happened in Hurricane Andrew. The devastation there is indescribable.

I flew over last Friday and will come back to that in a second.

The staging grounds though are in Palm Beach County, at the Palm Beach Fair, and I have had an opportunity to go out there and see the work the men and women have done in there in the last 2 weeks, the incredible job that they had in putting this thing together.

Sometimes between 2,000 and 4,000 volunteers a day at the Palm Beach Fairgrounds are working, sometimes around the clock, sometimes on 12-hour shifts, sometimes on 6-hour shifts. Both my wife and two daughters have been out there as volunteers.

The trucks come in, and they are immediately unloaded, and they go by rollers over by these volunteers. One opens up the box, another one will pick out diapers, another one will pick out bottled water, another one will pick out canned goods and fill up their particular box, seal it and mark it, and then it is put on other trucks that are dispatched from Palm Beach County down to Dade County. It is a great organizational work. I commend all of the volunteers that have done tremendous work there, and particularly a man by the name of Chuck Wolfe who put it together and is a delegate of Governor Chiles.

Friday, which was 2 weeks after the hurricane hit, I flew over in a helicopter and spent 3 hours in Dade County. I say to the gentleman from Florida [Mr. FASCELL], the first thing I visited was the Dante Fascell Park.

Mr. FASCELL. What is left of it.

Mr. JOHNSTON of Florida. It no longer exists, as you well know. As you proceed south, you hit first North Miami, and there are a few boats up on docks and destroyed and a few trees. Then you come to Miami and you see windows out and you see destruction. Then you move south to Coconut Grove and then into Perrine, into Homestead, and as I say, the destruction is indescribable.

The Burger King headquarters is totally gutted. There are no mobile homes left or prefab homes. All you see is, on the ground, a platform there where a mobile home existed 2 weeks ago, and they are gone. A lot of description has been made of the agricultural areas there. The gentleman from Florida [Mr. FASCELL] talked about the mangoes and avacadoes. Huge lime groves were there, and they are just vacant fields now. I said, "Well, what happened to them?" Limes have a very short root, and they are pulled up, and they are like tumbleweeds. They are just blown away. They are just no longer there. It is just amazing. As I say, it is indescribable.

The President appointed Alva Chapman to head up this committee, and I am told that the other night he was on national television and literally almost broke down, because he could not describe the destruction there. I can thoroughly understand, because when you see it, you yourself want to break down.

Migrant labor camps west of Homestead are no longer there. The Dade County Zoo is no longer there. There are now 600, and this seems kind of funny, but there are 600 monkeys really running around Dade County. Unfortunately people are shooting them because they think they have the AIDS disease, which they do not. There are six panthers, there are boa constrictors, and I say this to my colleagues, because to see pictures or to see the nightly news is very ineffective in describing the destruction there. In landing there in west Dade, we were briefed by one of the people of the Dade County disaster units, and everybody is so thankful that there have been so few deaths there. But he related to me that if the hurricane had lasted 30 minutes longer that there would have been thousands and thousands of deaths. I said, "How come?" And he said because most of these people had withdrawn back into their homes, and there was only one room left. It was almost like if you saw the movie "Zulu" years ago where the British forces contracted, kept coming back and forming new wagon trains, so to speak, and these people were in the last room of their house. They were under mattresses, and they were all holding the doors there so they would not fly open and glass would cut them to pieces.

I was interested in a remark by the gentleman from Florida [Mr. SMITH] about how he was kind of wracked with guilt. I felt the same way. In Palm Beach County we were hardly touched by the hurricane. Twenty-four hours before the hurricane arrived, I was worried about a small orange grove that I own, and then when I saw the destruction later in Dade County, I felt guilty about even thinking about material things when these people were worried about where their next glass of water was going to come from or their next meal.

One night Governor Chiles was on television, and he described the fact that there were 132 police officers now patrolling south Dade County. None of them had homes now. They have been totally destroyed.

We talk about the magnanimous gestures by the people there that lost everything. My particular church that I go to sent down volunteers, and one day they arrived in south Dade County at a migrant labor camp, and they were all Mexicans. They said, "What do you need?" And they said, "We are fine now. We have been provided with food and water and shelter, but 2 miles down the road there are Haitians there that have not been tended to for several days," and they really cared about their fellow man. It was really heart rending to see that man's humanity toward man exceeded that of man's inhumanity toward man.

I am here really tonight to plead to my colleagues that if they have any doubts whatsoever about the magnitude of destruction that occurred there, talk to the gentleman from Florida [Mr. FASCELL], talk to the gentleman from Florida [Mr. GOSS], talk to the gentleman from Florida [Mr. SHAW], talk to the gentlewoman from Florida [Ms. ROS-LEHTINEN], talk to the gentleman from Florida [Mr. LEHMAN], talk to the gentleman from Florida [Mr. SMITH], talk to me, talk to anybody who has gone over and seen it and give us 5 minutes, and we will convince you that this money that we are appropriating this week is desperately needed for the people of south Florida.

Mr. Speaker, I yield to my colleague, the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman. I appreciate the opportunity to speak in behalf of all Floridians in thanking all of our national colleagues to attend to the national disaster that is before us with the aftermath of Hurricane Andrew.

This is clearly a national disaster. In fact, the folks that have gone before me, I think, have adequately described what has happened with the loss of 70,000 homes, businesses, an entire Air Force base having been destroyed.

What we are talking about, ladies and gentlemen and my colleagues, is the equivalent of multiple nuclear weapons having been dropped on south Florida. That is exactly what has occurred here without the radiation impact of all of that and the aftermath there, but clearly the blast that occurred down there with the 164-mile-an-hour winds is equivalent to a nuclear blast.

□ 1820

You can look at some of the old photos from Japan and the photos from the test sites out at Nevada, and I think you will agree with me, we have leveled a major part of south Florida.

We are going to have to repair that. What has happened? We have had heroic efforts shown by not only the local inhabitants of that area but all of the Nation and certainly the rest of the State of Florida.

Mr. Speaker, I have to pay special tribute to the Florida National Guard. Within virtually hours, even the unit from Mariana was on its way to south Florida, and they remain there today. I am very proud of that response and the response of all of the National Guard throughout Florida because those resources were mobilized quickly, they got on the spot and through the leadership that was placed there, they really did a magnificent job.

Mr. FASCELL. Would the gentleman yield?

Mr. JOHNSTON of Florida. I yield to the gentleman from Florida.

Mr. FASCELL. As a former member of the Florida National Guard I want to join the gentleman from Florida in paying them tribute. They did a remarkable job in a short period of time. They do not have the kind of equipment and resources that the regulars do, of course. But they responded in full measure, and I give tremendous credit to Governor Chiles for doing what he did. He practically lived down there for 10 days. The Florida National Guard responded beautifully.

Mr. PETERSON of Florida. Absolutely. The Governor did a magnificent job in the process of organizing what he thought needed to be done; calling out the Guard in the time frame that he did, in my view, is incredible. But there is impact, incidentally, outside the disaster area.

Our colleague from Collier County noted to some extend that matter. But even in north Florida, we have wood products, we have paper products, we have agricultural orientation products, and we have lost our customers. We no longer have a buying public, if you will, because their markets were essentially in that area of Florida.

So This is an extent far beyond just the impact mentioned, and it is not just restricted to south Florida. We are going to see a national impact, an impact economically, ultimately, from this because of the loss of business generation. I also have to say the misinformation having to do with the lack of tourism going on within the rest of the State of Florida—certainly, Orlando, FL, the west coast of Florida, we are even loading the cruise ships, if I am not mistaken, out of Miami at this moment. So that still goes on, and we need to let the American public know that this is taking place.

But now we are in a position, I think, as a nation to show the compassion and to show the unity that we have done so many times in the past in dealing with national disasters.

Mr. Speaker, I think it is an opportunity for all of us as Americans to come together and join with the Federal, the State, city and county officials and then just the ordinary citizen in dealing with this incredible problem that exists in south Florida, and have us work together with our Florida officials and Louisiana—we cannot forget that they are undergoing a similar problem—and see if we cannot come to some conclusion.

Clearly, the moneys that are being appropriated in that emergency appropriation are absolutely required to get our feet on the ground once again.

So I urge my colleagues to support this as it comes to the floor the rest of this week.

I thank the gentleman for yielding.

Mr. JOHNSTON of Florida. Mr. Speaker, for the past decade Congressman CLAY SHAW has represented Broward County, just north of Dade County, which was the center of the hurricane. Broward County, though, it happened to hit the northern edge of the hurricane, and Mr. SHAW's district was affected by it. I might say Mr. SHAW is running in a new district that goes for 90 miles from Miami Beach to Juneau Beach and will be very concerned with hurricanes in the future should he prevail in November.

So, Mr. Speaker, I yield to the Congressman, CLAY SHAW.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Speaker, as one of the other native Floridians that you spoke of, I was born on Miami Beach, in the same hospital where my father rode out the once-infamous 1926 hurricane; that is, St. Francis Hospital, on Miami Beach. One of the other Members—I know there was mention made of three native Floridians—BOB GRAHAM was also born down in Dade County. As a matter of fact, we were delivered by the same doctor, the two of us.

Having lived now in south Florida for 53 years, I can say that I have been through every hurricane that we had down there for 53 years.

Back in the 1940's and 1950's, as Congressman JOHNSTON will remember, certainly DANTE FASCELL would remember in that he was my Congressman through most of those early years, that we were hardened to hurricanes, we understood hurricanes. That was a fact of life that every year you were going to probably get one and occasionally you would get two. So this was a phenomenon that we lived with.

Then we have gone for the last 20 years or more without any real major storm down in the south Florida area, we have gotten lax.

Just a couple of years ago, both of my sons, J.C. and young Clay, were in Charleston, SC, at the College of Charleston, when Hugo was whipping up the Atlantic and coming into Charleston. I was successful in getting both of them on the last plane to get out of Charleston, knowing the devastation that could be caused, particularly when you start getting up into a category 4 storm. There was no way that I wanted them to remain in Charleston, SC, during the pending devastation that was going to come to that city and that part of the country.

Then, of course, when we started hearing the early days of Andrew, Andrew was fading out, it looked like it was not even going to become a hurricane, was not going to be a hurricane any longer, then all of a sudden the fury started whipping up. The last report that we received was that the eye of the storm was expected to come through Broward County just north of Miami, and it was supposed to come in at a high tide, which is something that we all fear. It is really a deadly combination, high tide and the surge that this storm was carrying, the tremendous winds being a category 4 or a category 5 storm, which is really getting right up to the very top of the scale. In Broward County we can be very thankful, I strongly believe that if that hurricane had come through the beach area and the area that was predicted, we would have every bit of the loss of property and probably some of the loss of life in addition to this storm. DANTE FASCELL and I were speaking in Miami just the other day and marveling at the low cost of life that we suffered in Dade County and all over south Florida, even into Louisiana, considering the intensity of this storm. This goes far beyond anything that I have ever seen in my lifetime and probably anyone else has seen in their lifetime, it probably goes far beyond the 1926 hurricane. Because of the concentration of people in this area, this makes it a completely different situation when you start talking about the loss of property value in the billions of dollars that we have seen in south Florida.

With the hurricane now behind us, in fact when the winds were still whipping at hurricane force, we learned that the people or Charleston were rallying to support us down in south Florida, remembering how the country poured out to help them. They were very much with that on their minds, very much interested and anxious to come down, as the rest of the country, felt in line that they had to help us in south Florida. It is something that I think all of us will always be grateful for. It certainly brings out the best in all of us.

I think now that we are here looking at the devastation—and it has been described as being far beyond anything you can probably imagine as far as photographs that all of us, all of our colleagues, have seen—but to see it and to be there, to see that as far as you could see, nothing but rubble, destruction; and to stand in Homestead Air Force Base and to see where sophisticated fighter planes were thrown around like toy planes and destroyed; and to see the buildings completely destroyed. When they say that base is completely destroyed, it certainly was completely destroyed. When you see mobile homes, when you cannot even separate the pads one from the other, where it looks like a solid-waste dump, the way that all of the material is piled up, it is unbelievable, it is unreal, something that nobody can really imagine.

But when you see the spirit of the American people coming together, I think that certainly shows the real spirit of America and what we have to do and what this Congress is going to do by the passage of the emergency appropriations bill.

□ 1830

I would like also to touch upon what happened in the aftermath. I am going to be brief here, but I think it is something that must be said.

We heard a lot after the hurricane as to when the troops were asked for, when they were sent down and all this sort of thing. I think there are a couple things we have got to remember here; one, that the United States has never ever had such a natural disaster as this. The State of Florida never ever has had a major disaster like this.

I think when you consider the way that our Governor reacted to the storm in getting the National Guard out, the way he came down and was present on the ground, I think was very much to his credit.

When you think of the President coming down on that Monday immediately following the storm and then following it up with his personal presence down in the area, and the way that we reacted in the mobilization of the troops and sending them down there to south Florida where they were very badly needed, no country on the face of this earth could have mobilized quicker than the United States did in getting our troops on the ground.

I think something else is very important. It is something that we have to think about just to show our gratitude to these troops and the Federal involvement that we have seen. Most of the countries in the world when the troops get there, everyone would have to stay home to be sure that the troops did not come in and ransack their property and take their property away from them and the looting would be tremendous.

The U.S. military was there. They are trusted. They are doing a great job. They were playing with the kids. They are bringing order, keeping order in the neighborhoods. They were clothing, feeding, and housing these poor people who have lost so much, if not everything, with the devastation of the storm.

But we must learn more I think from the rubble of what has happened. I think we must go back and look and see where did some of our building codes fail us.

I think the rest of the country, and I tell all my colleagues from the rest of the country, there is no building code that is more resistant to hurricanes than the south Florida building code. I think all the coastal communities must go back now as a result of this tragedy and look at their own building codes from all over the country, State legislators as well as city commissions and county commissions all over this country should look at what they have, when they can see what we lost with the strict building restrictions that we have, I think we have to start thinking what would have happened had they gone through some other communities.

I think in south Florida we have to look at our south Florida building code and see what we can do.

When I think that this storm was supposed to come in somewhere between Hollandale and Hollywood, FL, and think about those condominiums on the beach and the fact that there were still people in those buildings and think what would have happened to those buildings, we have to start looking at the south Florida building codes in those regards and building codes across the country. There should be some hardened rooms inside those buildings so that the people who are trapped in those buildings who did not heed the warning to get out would have a place to go. I think those are things we have to start looking at on the State level and all across this country in the coastal communities, because that is where a lot of people are going to die.

So I think today we are here to express our gratitude to the communities across the country for the outpouring of generosity. I think we are here to ask for this spirit to continue through the Congress in the passage of the emergency appropriations bill.

I think, too, and I would like to touch back on what DANTE FASCELL said earlier. Also I think it is necessary to recognize the importance of the Homestead Air Force Base. It is not only because this community has had all its jobs wiped out that there is a reason to go back and rebuild that base. That base is very strategic because of its geographical location. It is in one of the southeasternmost points of the United States. It is right there at the head of the Caribbean. It is absolutely necessary, because who knows what is going to happen out there in the Caribbean, South America, and Central America, where we may very well need this base from a military standpoint.

This base also has a mission which is absolutely vital in our war against illegal drugs and its presence is absolutely necessary. It must be rebuilt.

I commend the President for being very alert and very quick to state the fact that the Homestead Air Force Base will be rebuilt.

Last of all, the worst of the devastation that occurred during the storm is in DANTE FASCELL's district. DANTE, we are going to miss you very much next year. Your sense of humor, your sense of urgency and the calm thinking that you have brought not only during this disaster, but that you have always brought and the good spirit and good will that you have brought to the floor delegation as well as the entire Congress, not to even talk about your leadership on the Foreign Affairs Committee. I will let others talk about that, but you are certainly going to be missed. I can tell you that there is no better friend that I have. I am speaking not only for myself, but for our other Florida colleagues. I tell you, there is no better friend of the Congress and the Members of Congress on both sides of the aisle than you, DANTE FASCELL. We are going to miss you, but you are going to be around, and you are still going to be poking at us.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding to me.

You are much too kind, CLAY, and I really appreciate what you say. We are good friends. We have served together here and worked on many things in the absolute true spirit of bipartisanship.

I would like to think that now you will have a foothold in Dade County and Broward County, and I want to thank you for your personal concern and interest in coming down to see what the problem was down there and to learn firsthand what needs to be done and what must be done, and with your experience both at the Federal level and local level it will be a big help as we meet the fire and emergency caucus to rewrite some of the things that you are talking about.

Mr. SHAW. Mr. Speaker, I thank the gentleman.

Speaking of the local concern, the entire tax base of some of these communities has been wiped out. At a meeting this morning we heard from the city manager of Homestead who was talking about his employees—90 percent of his city employees lost their entire homes during the hurricane and he stated that 90 percent of those turned out immediately to do their job as police officers and the other jobs as city employees. The list goes on too long to even mention, but we have a deep debt of gratitude for the public employees and utility workers and other people who poured themselves out, the Florida National Guard, of course, as well as the Armed Services to be of assistance in our hour of need.

The SPEAKER pro tempore. (Mr. PETERSON of Florida). Without objection, the gentleman from Florida [Mr. STEARNS] will control the time of the gentleman from Florida [Mr. JOHNSON].

There was no objection.

Mr. STEARNS. Mr. Speaker, I rise today to commend President Bush and the American people who have acted out of concern for the victims of Hurricane Andrew. Without the quick action by various governmental agencies and volunteers, residents of south Dade would not have received the water, food, clothing, and shelter necessary for their livelihood.

Federal authorities have called Hurricane Andrew "the worst natural disaster in history to hit the U.S." Over 108,000 homes have been destroyed. Countless businesses have been either crippled or destroyed and over a quarter of a million people have been left without any basics to sustain life. Being a resident of the State of Florida, hurricanes are always a threat. However, this disaster triggered the greatest outpouring of humanitarian relief ever seen. It is comforting to know that people are willing to make great sacrifices should such a crisis occur.

From the Sixth District, where I am a Member, which includes Ocala, Leesburg, Gainesville, and Brooksville, I have received a great number of inquiries, contributions, and suggestions from citizens concerned for the hurricane victims.

It is my hope, Mr. Speaker, that with each natural disaster, we will improve upon our response efforts. Perhaps we can create a response system equal to the severity of the disaster. As hurricanes are rated on an intensity scale of one to five, we should create a method of response equated to the storm. Expected damages, a reserve of water and food, medical needs, and the number of troops needed should be predicted so as soon as the storm subsides, emergency relief efforts may begin. We need to make sure emergency agencies, such as Federal Emergency Management Agency [FEMA] have the money and resources to insure a quick response.

So Mr. Speaker, what I am suggesting tonight is that we develop an intensity scale of 1 to 5 response system here in America which specifies the allocation of our resources and our reserves.

If I could, Mr. Speaker, I would like to carry on a colloquy with my colleague, the gentleman from Florida [Mr. FASCELL] with this idea that I have in mind that is it appropriate for a State and the Federal Government in tandem to develop a response that would be in an intensity level equivalent to the intensity level of the storm.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. I am happy to yield to my colleague, the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding to me.

The gentleman and I have had the same ideas. As a matter of fact, I have also expressed this publicly.

□ 1840

We need to rate the disaster the way we rate the hurricanes, and, as my colleagues know, right now we have very many levels of government working and trying to mesh the gears in order to meet the emergency. So, when we look at the Federal response, at the departmental level, what we have is, in effect, an interdepartmental committee chaired by FEMA to put together all the Federal response under the legislation, administering the criteria which Congress has adopted for the expenditure of the funds. The President in this particular case then went beyond that and named the Secretary of Transportation as his personal representative.

At the State level we have got the same thing going on. We have got the Governor, the cabinet and various agencies of the State that have to be coordinated. And we have got the same thing at the county level and the same thing at the city level.

So, what we have, Mr. Speaker, are four circles in a normal disaster. That system works very well. If the city needs help, they go to the county; if the county needs help, they go to the State; if the State needs help, they go to the Federal Government.

All that sounds simple, but it takes time, and in a one, two, three category disaster the point the gentleman is making I agree with 100 percent; that kind of circular, flat command might work. But in a category 4 or 5, as we know, it is not going to work.

Mr. Speaker, we have a clear example here of somewhere between a 4 and a 5, and it really does not make any difference, but it was apparent immediately that what was needed was vertical command with an organization that had assets and people that could carry out the mission, and that was not available until the President calls out the regular military forces.

Now what the gentleman suggests, rating it with the disaster itself would make that automatic, and the way that would have to be done, in my judgment, and I think now that we have started this discussion, is it needs to be picked up by whoever is going to review what has happened in this particular disaster by looking at the chronology and deciding whether or not this is a good approach. But we should have in advance the agreement between the Governor of any State and the Federal Government of what happens when we get to a category four or five disaster.

Mr. Speaker, I agree with the gentleman, and it is an excellent suggestion.

Mr. STEARNS. And I think I would say I was in my hometown, and I saw the gentleman from Florida [Mr. FASCELL] on television where he indicated he would like to see something like the equivalent of a drug czar. The gentleman said, "Why don't we have a czar to take care of this?"

And then that idea occurred to me that indeed with a natural disaster of this magnitude why do we not have one individual who becomes the person for the vertical decentralization so we can get things done, and I think in Florida it shows under this disaster, and we have heard complaints on both sides, that we could have avoided this if we had worked out some kind of level response, a level intensity five.

Now the question I would ask the gentleman because he might have a better feel for this than I do is: "What response do you think the Governors of the States would have to some kind of identification of intensity for one through five, for every kind of hurricane that is one through five?"

Mr. FASCELL. If the gentleman would yield, I say they would be very cautious because the issue of separation of powers is a vital and important issue. It is not just some idle discussion. Nobody suggests the imposition of martial law at the Federal level because that would take over all responsibility by the Federal Government for both State and local government.

Nobody is suggesting that, but it is obvious that when State and local government may be overwhelmed there is a need for assistance. The theory is that it would be requested, that it comes in because of that request. It works simultaneously, if my colleagues will, along with the State and local representation. But they have no power; the Federal troops would not have power of arrest, for example, and that issue has been raised by some people.

Well, why not? I mean should posse comitatus or some arrangement be made?

Well, the answer is very simple: "If you're a chief of police, or if you're a governor, and you have the responsibility for the National Guard, you don't want some law coming along which wipes out all of your authority and all of your responsibility in an emergency." I do not believe we need to do that. But we need to improve the system so that, if the Federal troops come in, they do what they are doing right now.

But the question has been logically and responsibility asked, for example; "If you're not going to give the Federal troops the right to arrest and to enforce the law because that's a State and local responsibility, why do you have to take the bullets out of their guns so that they can't even defend themselves?"

Now that is a real question, and we have to solve those kinds of sticky problems, and I am suggesting to the gentleman in the well that the way to do that is for the review committees, which will be meeting after this disaster cools down a little bit at the local level, the State level and the Federal level, to solve these problems in advance.

Mr. STEARNS. Mr. Speaker, I commend the gentleman from Florida [Mr. FASCELL]. I think we should continue in that discussion, and I share with him the concern of retaining the separation of powers and allowing the Governors to have that flexibility in their rights. So, I agree with him there.

The compromise, of course, would be to identify the level of resources, and then the government could just push that level number, and then it would all be explicit and understood, and everybody, the communications, would be clear without this waiting for the Governor to go to FEMA, waiting for the President to hear the written request and things like that.

Let me conclude by saying with the severity of Hurricane Andrew, the tax base of south Dade has been destroyed. It is necessary to reinvent the economic base as well as rebuild the physical structures of the community. It is further suggested that this is a wonderful opportunity to train the homeless and the unemployed in skills that will rebuild the homes, businesses, and farms. I agree, we should not only rebuild this community but make it better than before.

TRANSITION TO A NEW ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, let me say that I am going to talk tonight about new jobs in a new economy, and I was fascinated during the August break. I had time to reflect some on the current recession, why we have been so slow in coming out of it, and how we can go about the process of creating jobs. And several things occurred to me, and I say this, in part, as somebody who opposed the 1990 budget agreement and who said at the time that it would deepen the recession and it would make it more difficult for us to create jobs. And yet I have to confess that the recession has been longer and more difficult than I expected, and I was fairly pessimistic.

The conclusion I reached is that we are really in a transition to a new economy, that there are four of five different things happening simultaneously that we have not taken into account, and one of the reasons, and I think this is, frankly, partly why President Bush ended up being very frustrated, and why we ended up in a more difficult situation than we expected, is that traditional economists looking at the traditional ways of measuring the post-World War II economy kept saying, "Well, the economy will come back," and all last fall, starting, I guess, actually in the summer of 1991, we had more and more economists saying, "Well, we're going to get 3 percent real growth," and then they said it in the fall, and then they said it in the winter, and then they said it in the spring, and now here we are in late summer, and it did not happen.

Mr. Speaker, I think it did not happen for several reasons. First of all, nobody really calculated in the recessionary effect of downsizing the military and downsizing defense spending. When we look, for example, at southern California, the direct impact of laying off workers at the defense plants has been a significant factor. We have done this in a couple of other occasions right after World War II, right after the Korean war, and right after the Vietnam war.

□ 1850

In each case we have had a pattern like this. But I do not think anybody calculated in what has probably been a one-half to 1 percent cut in the growth rate just because the Government is actually slowing down the purchase of weapons and slowing down the purchase of equipment, and we are actually laying off people.

We are putting back into the economy hundreds of thousands of people who in the cold war would have been occupied in the Defense Department, either in uniform or in civilian employment.

The second factor, I think, is in the impact on industry of both quality and technology. I talk a lot about quality as defined by Edwards Deming, the concept of profound knowledge and the kind of tremendous impact that can have, and I am going to cite a book entitled "Quality or Else: The Revolution in World Business" by Lloyd Dobbins and Claire Crawford-Mason, which is a good general introduction to the concept of quality.

When you look at quality, all the quality experts argue you get somewhere between a 15- and 40-percent reduction in cost, and you can get sometimes between 50 and 100 percent improvement in efficiency and effectiveness. Yet, if that is true, what that means is more will be done by fewer people.

So all of a sudden we had, combined with that, technology revolution. Suddenly, for the first time in my lifetime, we had middle-aged middle management being put on the street. We had a dramatic reduction in the size of the bureaucracy of our biggest corporations, such as IBM, Xerox, General Motors, Ford, and company after company that historically had fairly large middle management begin to find ways to run dramatically leaner systems with many fewer layers of responsibility. The result was that 40- to 60-year-old people, who had spent entire careers trying to find a positive way to be productive and doing what they have been told by their country was the right thing to do, suddenly found themselves out looking for work, and that had two impacts.

The first was that it meant that even if we were at the end of a recessionary cycle, we were in fact having people laid off, even when historically in past postwar recessions, that would have been adding employment.

The companies, as they became more efficient, and as they became more productive, were downsizing their employment, even as they increased their production.

That led, I think, to a significant change in the pattern of unemployment, and it led to a lot of the current anxiety. Because when somebody, and I say this as a 49-year-old, when people who are 45 to 55 years old get laid off, not only are they traumatized by it, particularly if they have been doing well, they have been very successful, and they are caught up in a mass restructuring, but in addition, their children are affected by it, their relatives are affected by it, everybody else their age is affected by it. Suddenly you have a wave of anxiety and a wave of genuine fear which sweeps across the community.

So I think in that sense we have had a very significant change in the whole pattern of middle management and middle-aged employment. Every single one of us in that age group suddenly looks around with a new sense of insecurity and a new sense of concern, and that has been a factor.

The third factor, frankly, has been the dramatic change in the world market. It has had impacts in ways that you do not fully understand.

First of all, it has made all of us more anxious, and all of us sort of wonder. We are used to the idea that Atlanta, which I represent, is going to compete with San Francisco. But now Atlanta is competing with Albania, Korea, and Taiwan, and that is a different kind of world. So the anxiety level went up.

In fact, in real job terms, my guess is that the world market has increased the total number of American jobs, and one of the least reported and least understood facts of the late 20th century is that the largest exporting country in the world is the United States. It is not Japan, it is not Germany. We export more than anybody else, we create jobs through exports, but we do not feel that way.

So there is a sense of anxiety that builds, and that is a factor. The reason the anxiety has had a factor is that one of the leading indicators of most recoveries from a recession is people who say well, I see that things are getting better, so I will go out and buy a car, or I will go out and buy a house.

Across America, the anxiety level about this transitional economy has I think lowered consumer demand and has increased the length of the recession.

So if I could summarize what I would say as a general principle is, is that we are in a new period. We are in the era when things are different, and that all of us who have been trying to figure out how to develop the economy of the future, how to recover from the society's changes, what we need to do is recognize how different this new economy is going to be.

In a sense we are at what Peter Drucker in an absolutely astonishing book written in 1968 called "The Age of Discontinuity," one of the most farsighted books I have ever read, what Drucker called a discontinuity.

Drucker talks about the notion, he calls it the following. He says:

> This book may be looked at as an early warning system, reporting discontinuities, which while still below the visible horizon, are already changing structure and meaning of economy, policy, and society. These discontinuities, rather than the massive momentum of the apparent trends, are likely to mold and shape our tomorrow, the closing decades of the twentieth century. These discontinuities are, so to speak, our recent future, both already accomplished fact and challenges to come.

Now, I am not going to quote at length from this, although I would suggest to anyone, and that is from page ix of his preface, if you read Drucker's concept of a discontinuity and you understand the framework he talks about, it is a remarkable concept.

What he is saying is that all of us look ahead and we project what we already know. Every once in a while you reach a tremendous break. You reach a point where things change. It is very important at that moment to understand what the changes are.

My reason for taking the floor today and talking about new jobs in a new economy is to suggest that all of us have been guilty over the last 3 years of underestimating the discontinuity that has begun, of underestimating the impact of the end of the cold war, and of underestimating the impact of quality as defined by Deming, and of the concept of technological change as it is really being driven home.

In speaking of technological change, let me give you an example. My niece, Lauren McPherson, sent me a thank you card. She and her family had visited us a couple of weeks ago and she sent me this really wonderful card. I opened it up and it looked interesting, and I did not really quite understand it, frankly, because everything she said was worded correctly and it was the exact right thing, it said thank you, Aunt and Uncle, and I have a copy of it here, and it was very sweet of her, and it says Love, Lauren, after she talked about having been here for the weekend. And the front of it is these two computers, and the writing was a little unusual.

I thought initially, gee, this is really clever script. Lauren is 6 years old now, and it is really written very well. I suddenly realized the reason there were these two computers on the cover of this little card, and I wish every Member could just see this, is because she was using a Wells America IBM compatible 286 computer.

Now, she is 6 years old and her dad and mom had gotten her this computer and taught her how to use it, and she sat down and she designed her own thank-you card, wrote it out to her aunt and uncle, and mailed it to me.

As I said, it took me a little while to go back to it and say wait a second, there is something a little unusual about this card.

But I want to make this point. The notion to anybody my age of a 6-year-old sitting down at home with their computer to write their own thank you card is a revolution. That is a discontinuity.

Lauren in her own way was illustrating the scale of the new economy. And it has both good sides and bad sides.

It has a good side in that somebody earned a living making the computer and somebody is earning a living making the software, where we are clearly the leading country in the world. We sell far more software than the Japanese, and I suspect we always will because of our cultural differences. And somebody is going to make money out of selling Lauren the paper, since I think she is now going to become very prolific at printing things out on her own computer.

On the other hand, the Hallmark Card people had a problem today, because Lauren did not have to go to the store to buy a card because she made her own. So there was a loss of a sale at a local store.

Part of what you have got to decide is was this more a threat or a reward?

The Chinese word for crisis is two ideographs that actually come together. They mean danger and opportunity. The two words come together to mean the word crisis, because a crisis is both a danger and an opportunity.

In a sense, Lauren's computer at home is a danger and an opportunity. If you are the card store saleswoman or salesman, it is a danger. If you are the computer or the software manufacturer, it is an opportunity.

I take that as a starting point, not to trivialize it, but to humanize the scale of the change we are living through.

Let me carry it a step further. When you look at where we are going, I want to suggest five changes that I believe are the five building blocks of American prosperity. They are not going to be exactly what all of us who went to college in the fifties and sixties and studied Keynes and Samuelson and others learned about economics, because I think that the post-World War II economic cycle is over. I think that the cyclical patterns of that era are over.

□ 1900

I think that just mathematically having the computer run the numbers is going to keep confusing Alan Greenspan and the Federal Reserve Board because we are not going to behave like that for the next 30 years. We are going to behave differently, and we are now in an uncharted land of trying to find new ways of defining ourselves.

I think there are five building blocks of a successful future: First, quality in the Deming sense of profound knowledge. Second, technology as an opportunity. Third, entrepreneurial free enterprise. Fourth, the values of the American people. And fifth, the concept of strength and persistence.

Let me just talk about these for a minute. I know they sound abstract and maybe like I have reverted to West Georgia College and back to teaching, but I think they go to the core of the level of change we need if we are going to create new jobs and a new economy.

First of all, the concept of quality as defined by Deming. I have a couple of books I want to mention: The one I have already cited, Lloyd Dobyns and Clare Crawford, "Mason's Quality or Else," the "Revolution in World Business," another one by M. Daniel Sloan and Michael Kemiel, the "Quality Revolution in Health Care, a Primer for Purchasers and Providers."

The point I would make is this: Edward Deming's development of the concept of quality and the process of looking at profound knowledge, as Deming defines it, and trying to figure out how to apply it across the board at every level. How to apply it to health care, how to apply it to government, how to apply it to education, how to apply it to law enforcement so that we have the finest opportunities to bring together a quality society with a quality government providing quality goods and services to citizens who both have quality expectations and are willing to engage in quality work.

That process of bringing it together, it seems to me, dramatically offers us one of the great opportunities for the future.

The point, and I cite again this "Quality Revolution in Health Care" as a good example, if we had a health system which maximizes the opportunity to provide good health care to the American people at the minimum cost, it would do a couple things very differently than it does today.

I was at a hospital recently, West Paces Ferry Hospital in Atlanta, which has been working on Deming's concept of profound knowledge for the last 3 years. One of the things they discovered is that there was an entire set of medical processes they could give up. It would cost them $1 million a year, but it would actually improve the quality of health care.

They were faced with the following decision: As a management system, could they sit down with their doctors and decide on behalf of their patients to give up $1 million a year of income in order to actually improve the quality of health care, an almost counterintuitive decision. But they ended up making the decision. They save $1 million a year, and yet in a system which is essentially a cost-plus system, they lowered their revenues.

Instead of being rewarded for doing the right thing, they lost $1 million a year in income, because the system is exactly the opposite of the way it ought to be.

An example, if you could go to a doctor and have a checkup every year and go through the right preventive care and if that meant, for example, as a woman that you could learn very, very early if you had a problem, say, of breast cancer and it could be taken care of with a minimal operation that enables you to have the least amount of time spent in a hospital or no time spent in a hospital so it was outpatient care, you would be better off as a citizen. Your health would be better. The cost would be less.

But notice how it changes the system. It now means we have to reward preventive care. We have to reward the doctor for catching things early, and we have to say to a doctor, you are not going to get the big surgery fee. You are not going to get the big rehabilitation fee. You are not going to get all the extra fees that come later. But instead, we are going to encourage you and reward you for maximizing the health of your patients.

Now, we have some limited efforts to go there. But a new idea, which has been introduced into the Congress, is an illustration. It is called the Medisav or medical savings account plan. What it would do is it would allow your employer to offer you a fairly high deductible, say, $3,000 for your family for year, to give you the $3,000 in the medical savings account. You would then spend the amount you have to spend all year. And if you ended up spending less than $3,000, and 90 percent of all families spend less than $3,000 a year in medical costs, you would be allowed to keep the money.

Now, today that does not work. If your company will take the $3,000 and pay it to an insurance company, they can take a business deduction. But if they give it to you, it does not count the same way. All of a sudden, it becomes taxable income. So in effect, the Tax Code today says, offer the employee a lower deductible and make them pay their own deductible, say, $100 or $200, and go ahead and pay the cash out to the insurance company.

But what if instead we said to you, notice what this does, in the Medisav concept or medical savings account concept. It says to the family, if you will take care of yourself so you keep your costs down, if you will pay attention to costs so you will try to make sure that, for example, you go to see the doctor instead of the emergency room.

Dr. Lou Sullivan, the Secretary of Health and Human Services, when we first discussed this idea, made the point that in one study that they had done in Missouri, to have exactly the same medical procedure done in an emergency room and in a doctor's office averaged $90 in the doctor's office and $240 for exactly the same thing in the emergency room.

So if we could build an economic incentive that says, if you will save the $150 by going to the doctor's office, not the emergency room, that is your money, you get to keep it.

Third, we want to eliminate the redtape. We today often spend more money on redtape trying to collect a $25 pharmacy bill than the bill itself. So if we say, this is your money, you pay it directly either by check or cash, and get a receipt or by credit card, then you keep the records. So we have eliminated several layers of redtape. That means the pharmacist does not have to fill out a lot of paperwork. It means the insurance company does not have to fill out a lot of paperwork. It means that you do not have to fill out a lot of paperwork. So we eliminate a lot of layers.

At that point the medical savings account has built in a system now where you are increasing your efforts on wellness. You are watching how you spend your health dollars, and we have eliminated a lot of redtape.

If the average American family was able to, say, take $2,000 a year and put it into the medical savings account at the end of the year, either take it as a Christmas bonus and pay income tax on it or roll it into a tax-free account, the equivalent of an IRA, that would be sitting there, that would be your money that would be earning interest that you would get to keep. You would not only have lowered the cost of health care, but you would have created an economic incentive for America because you are now diverting money that is currently going to insurance companies and currently going just to pay for paperwork and currently being wasted on unnecessarily expensive procedures. You are taking that money and you are giving it back to people so they can build up savings so they can afford to buy a car or afford to send their children to college, or they can afford to be in a position to buy a house or to create a better retirement for the future.

Notice, let us say that on the average people were able to save $1,500 a year; $1,500 a year during the first 20 years of your working life is $30,000 plus interest; $30,000 plus interest is a big amount of money, if you are about to have a child go to college, which would be about what happens to an awful lot of people 20 years into their working career.

So you would have a direct personal incentive to engage in the right behavior.

So I am taking one example to simply say if we think about quality, if we ask ourselves, what would a healthy, prosperous job-creating dynamic America be like, we can find example after example, suggestion after suggestion, breakthrough after breakthrough. And when you talk to the companies, Motorola, Miliken, Ford Motor Co., if you read Peterson's new book, "A Better Idea About Ford," you look again and again about these concepts, quality, the concept of profound knowledge that Edwards Deming developed is offering us a chance to have a dramatic revolution.

But in a lot of cases, it is a revolution which improves the quality of services, improves the range of choice, improves the efficiency but may, in fact, allow fewer people to do more, which means you are going to have more people available looking for new jobs.

I want to come back to new jobs in just a moment.

The second area after quality is the concept of using technology. I cannot say this too strongly. Over 300 years of American history has consistently proven that better technology improves the quality of life.

I wear contact lenses. They are soft lenses. I still wear the kind you take out every day. I have not yet gotten around to the kind that are extended wear. Before you had soft lenses, we had hard lenses. Before we had hard lenses, we had glasses. Benjamin Franklin invented the bifocals.

The fact is that each of those steps has been an improvement in the range of choice and the quality of life.

□ 1910

People use microwave ovens, people use air-conditioning, all these things improve the qualify of life. One of the things which has made America slow down and one of the things which puts us, I think, poised between new jobs in a new economy and dramatic economic decay in the old economy is that we have become more and more and more resistant to new technology, to new ideas, and to new approaches.

I think what is very important to recognize is that if Wal-Mart can process the Visa and MasterCard in about 2.3 seconds, and that is the average for processing of a Visa card or MasterCard to be able to use it at Wal-Mart, if they can do that in 2.3 seconds, it should not take 2.3 months for a Government agency to answer an inquiry about a case; that there is a huge gap in how we handle technology in government and how we handle technology in the private sector.

There is an enormous gap in how we handle technology as private citizens, going to Circuit City, as I did recently in Marietta, and bought a television. I have to say the television we have now has complicated enough instructions where you almost need a course at a vocational or technical school. I sat there one night, and my wife, who is more skilled at this than I am, worked for about a half an hour figuring out how to program all the channels.

I thought back to the first small black and white set that my Aunt Lynn and Uncle Cal bought in the late 1940's, and the revolution in technology is unbelievable. Yet we take it for granted. We get used to it.

What I am suggesting is that Government is in fact now about a generation behind the rest of the country in the application of technology. In fact, one of the leading technical entrepreneurs in Georgia, Roy Richards, Jr., who is the head of South Wire, a very major manufacturing company, was here today. He partly inspired me to do this special order about the new jobs and the new economy.

He came by to see me, and unlike a lot of people who came to Washington, he did not want to talk about his company, he did not want to talk about his immediate personal situation, he wanted to talk about America.

South Wire is a very successful company and has about 3,000 employees in Carrollton, GA, and about 5,000 employees all around the world. It is one of the most sophisticated high-technology wire-producing companies in the world. Its patents earn it a tremendous amount of money off royalty income and licensing income, so the folks at South Wire understand the importance of research and investment and the importance of technology.

Roy Richards, Jr., said a couple of things I thought were fascinating. He said, maybe the most important thing, that the rate of change in the rest of America is so much greater than the rate of change in Washington that the gap is getting wider every day.

If we go and we look at the new technologies, new computers, new software, new management approaches, and South Wire is a company which has done a great deal in the quality area, the difference between what private business is doing in the private sector and what is happening in the Federal Government is not only great, it is growing greater.

As he put it, actually we find ourselves nowadays in business looking backward to the Government. Instead of the Government being the model for America, the Government is now a museum example of what America used to be like.

It is even truer of our biggest cities, where the whole process of resistance to change has become so enormous that it is very, very hard for city governments to become in any sense modern systems.

When we go around and we start looking at this and we say that if we were really going to run government using technology as thoroughly as IBM would or as Xerox would or as United Parcel Service, which is in my district in Georgia, would, how different would government be, we suddenly find that the answer is so radical, that the decentralization would be so great, that it is literally a revolution in the nature of government.

Technology, whether it is applied to having the best individualized education in the world, whether it is applied to helping libraries become community learning and information centers, a dramatic change from the traditional library, whether it is used to help health care become patient friendly and decentralized and preventive oriented in such a way that very few Americans would ever have to go to a nursing home because we could literally build the kind of electronic support systems at home that would allow most Americans for most of their lives to have a remarkable capacity to take care of themselves and to be strengthened, all of these different possibilities are out there, and yet government now represents 1880 civil service laws, 1920 management styles, and 1950 office equipment, and is simply growing steadily more and more obsolete because the rate of change in the rest of America is accelerating and the rate of change in Washington is not.

That led Roy Richards, Jr., to a second point, which is that Washington, DC, seems detached from the rest of America; that the rest of America is different now than the Federal Capital; that not only are most Americans hurting, feeling economically deprived, worried about jobs at a time when the Federal Government just seems to go on without any sense, but there is a feeling that Washington does not appreciate what is happening to most Americans, and that the Government in Washington does not appreciate the nature in which the way of life, the way of doing business, the way of trying to get things done has changed outside the city of Washington, DC.

I would argue, first, that if we took quality and we applied it across the board, we tried to have the best quality education in the world, we tried to have the best approach to health care, the best approach to law enforcement, we rethought the entire structure of the Federal bureaucracy, applying Deming's profound knowledge, and if we then second, became technology oriented, technology accepting, technology encouraging, we would make two big steps in the right direction.

The third step we would have to make, though, is to go back to the basics of entrepreneurial free enterprise. This is a big concept and a profound concept, and goes to the heart of why class warfare is the wrong approach for America's future.

Paul Tsongas said it best when he was running this spring, when he said that "You cannot love jobs and hate job creators."

He said, "You cannot have eggs unless you have a goose." The fact is that what has made America great, what we are trying to teach Boris Yeltsin and the Russians, is small businesses that are baby businesses grow into big business.

The genius of America is not propping up the Fortune 500. The genius of America is liberating and exciting and encouraging the small businessman and the small businesswoman of the future so they go out and they develop a better future.

One of the finest recent books on that, titled "Self-Made In America," by John McCormick, subtitled "Plain Talk For Plain People About The Meaning of Success," it is a fascinating book because it goes to the core of where the welfare state failed.

Let me cite John McCormick, who is a very, very successful Texan who, interestingly enough, has made most of his money in the area of hair care. He runs a series of shops, beauty shops, which are very, very successful in the Houston and Dallas area, and McCormick at one point in his life was bankrupt, had no future and was despairing.

This is who he dedicates his book to. He says, "to the American people, and especially hard-working new immigrants who are reteaching us the lessons that made our country great."

His book is about titles like "Getting Started, Motivation." Then he talks about "The Basic Tools: Don't Leave Home Without Them." There are three: education, basic training, and self-discipline.

He talks about the importance of savings. For anybody in my generation, this is old-fashioned stuff. We all heard this. We heard it from our grandparents, we heard it from our parents.

The point I want to make as we talk about new jobs in a new economy is that it was right; that in fact for the last 20 years we have done three things to small business: litigation, regulation, and taxation. We have behaved as though we could pluck the goose, we could fail to feed the goose, we could beat on the goose, and the goose would still lay golden eggs.

The fact is we have become more and more anti-small-business, more and more antientrepreneur. I will give the Members a couple of specific examples.

If one works for a big corporation, you get 100 percent tax deductibility for health insurance. If you go out and work for yourself, you do not. Why? What that signal is, it says, "We are going to reward you if you stay in a big corporation. We are going to punish you by taxing the cost of your health insurance if you go out on your own."

Why should somebody working for Chrysler be favored in terms of health insurance, but someone founding Apple Computer be punished? Yet that is what we do today. That is exactly the wrong attitude.

Go look at the amount of redtape and regulations. If you are a big corporation, if you are Fortune 500 company, you can afford a lot of regulations and a lot of litigation because you hire staff lawyers. You have people sitting there all day who are going to be on your staff, they are going to fill out the paperwork, so it does not affect you if we add a new layer of regulation or if there is a new layer of lawsuits.

However, if you are a small business, if you have to hire a local certified public accountant by the hour and you have to hire a local lawyer by the hour, suddenly every new litigation is an enormous threat. Every new regulation is an enormous burden. The result is we have year by year crippled this economy.

I have to say that somebody that all of us who care about entrepreneurial free enterprise, somebody who all of us miss is Warren Brooks, who was a great columnist and who all through 1989 and 1990 warned there was a tremendous recession coming. He talked about it as the regulatory recession.

□ 1920

Now I would simply suggest to my colleagues that part of the reason in this new economy that we are having problems creating new jobs is that we have so much overregulation and so much overlitigation and the Tax Code is so anti-small-business and so antientrepreneurial that it is exactly backward. It seems to me that what we ought to be doing is asking the question: What will maximize your ability to save and go into business, what will maximize your ability to go out and start a new opportunity? How can we accelerate the growth of small business?

I will give my colleagues two examples. I talked recently to two of the leading technological entrepreneurs in Georgia. I do not have their permission to quote them by name, so I will not cite their names. But these are the heads, one of a $130-million-a-year software corporation, and the other the head of a $200-million-a-year computer hardware corporation. In each case, and we talked for over an hour about technology and quality and opportunity and entrepreneurship, in each case they said to me on their own, they brought it up, they said one of the major problems they have is litigation, because there are now law firms which specialize in filing lawsuits anytime your stock value changes. It does not have to be a real cause, it is a lawsuit, and if you do not settle out of court it can be so expensive that it is cheaper to buy them off, and it is in essence legal blackmail. Both of these entrepreneurs made the point to me that they had about $1 million tied up just in fighting frivolous lawsuits, and they both said to me:

> What do you think in my company $1 million would do toward creating new jobs? How

many additional Georgians would be at work in Fulton County, Cobb County, and Gwinnett County if we were able to put those $1 million that is currently tied up in frivolous lawsuits directly into job creation?

I began to realize that if you went around America, when you realize that last year we spent $300 billion on lawsuits, which is four times as much as we spent on research and development, you start saying to yourself we are clearly the most litigious society in the world. We have many more lawsuits than they have in Europe or Japan, and you start saying to yourself what if we had 25 percent fewer lawsuits, and we could divert $75 billion out of the courtroom, and out of the law firm, and back into engineering and research and development and capital investment to create jobs, and how many additional small corporations could be formed for $70 billion?

So first of all, the concept of entrepreneurship, and I want to come back to that in a minute, but second, what kind of tax policy creates it? Let me cite a very profound book on "The Growth Experiment: How the New Tax Policy is Transforming the U.S. Economy," by Larry Lindsey, now a member of the Federal Reserve Board. His point is that in the 1980's we created 18 million new jobs. We created an opportunity for people to go out and invest, and save, and work. And the result was people did what we were encouraging. We created 18 million new jobs.

Yet today we have managed to walk away from that. We have managed to once again begin to remove toward the kind of recession and the kind of stagnation that characterized Jimmy Carter and the 4 years before the 1981 tax cut. And I suggest to anybody who is serious about new jobs, and a new economy that they take a look at Larry Lindsey's "The Growth Experiment," because he outlines why cutting taxes works.

And I want to say this, because it goes right in the teeth of current conventional wisdom: The only reason the deficit grew in the 1980's is because Congress spent too much. The fact is revenues to the Federal Government doubled in the 1980's, because 18 million more Americans went to work, and that meant 18 million people went off of welfare, and off of unemployment, and went into paying taxes because they were earning a living. The standard of living for Americans rose, and by 1989 we were in the longest period of economic growth in American history.

We have since added litigation, regulation and taxation, exactly a return to the Carter kind of policies of the welfare state that failed. We have moved back from the principles that worked under Reagan, and the result is entrepreneurial free enterprise is weakened.

I want to suggest to folks that when you have quality, and technology, you have to add to it entrepreneurial free enterprise. But I want to go back to the point John McCormick makes, and he teaches it at Rice University as well as being an entrepreneur in his own right, and that, by the way, is an example of the problem we have with the intellectual class in America. McCormick is sort of unusual because he actually has done the thing he teaches. He did not just study it, and that makes him an aberration. But his point is that there are values that matter. Remember I said to you that there are five things we need. One was quality, second was technology, third is entrepreneurial free enterprise, and the fourth values, the basic values of the American people, and the concepts that McCormick talks about. And remember who he dedicated his book to, because I think it is so profound, "To the American people, and especially our hard-working new immigrants who are reteaching the lessons that made our country great."

Now I have to say that I became a radical on this topic about 1979 or 1980 when I went to a meeting in Clayton County, GA, about Laotian immigrants. And the meeting, I was told by my staff, was about problems we are having with the Laotian immigrants. We had the largest population of Laotians in the Southeast. And I went there expecting it to be a meeting about racism, and people mad about welfare recipients, and all of the things you sort of associate with going to these kinds of meetings, and I found the opposite story. What I was told was the following, that the Laotian people who came to America were so grateful for being free, they were so excited that we had saved them from communism, they were so honored that their new country was adopting them, that they were honest, they were hardworking, they had strong extended families, they required their children to go to school, they insisted that they do their homework, they did not drink, they paid their rent on time, and they did not destroy their apartment. The result was not that we had a problem in public housing of discrimination against Laotians, the result was we had a problem in public housing because in every housing project the managers wanted to get them in before any Americans, black, white, any Americans, because they were better tenants. And I thought to myself what has happened to America if the greatest danger an immigrant faces is that they will be trapped in our welfare system, learn to drop out of school, learn to have children at 12, learn not to get married, learn not to study, learn not to expect anything, learn to wait for the food stamps, and learn to be in a situation where they have no future except violence, and hopelessness, and drug addiction. And the fact was that if two twins arrived from a foreign country, and one went straight into a bad job at a low wage, and had to work at two or three jobs a week in order to make ends meet, and the other went directly into public housing and got on welfare, the odds statistically were overwhelming that the person who was going to succeed was the person who went into the bad job, at the low wage, and never got into public housing, and never got on food stamps.

And I began to say to myself what does this tell you about what has happened to America. I make the following proposition: No bureaucratic welfare state answer will work, no pure tax change will work, no effort to change America with technology and quality will work unless you go back to the values of the American people. Now the values of the American people are not a mystery. They started at the Jamestown colony in 1607 when Capt. John Smith said if you do not work you do not eat. And he was not talking about people with severe mental and physical handicaps, he was not talking about people who were ill, and he was not talking about very elderly people. He was saying if you are an able-bodied adult, you have an obligation to be productive, an obligation to be productive, not an opportunity.

It went on through the American tradition of the Puritan colonies where people in New England worked hard and believed in hard work. And it went on to the process of the Founding Fathers. All of the Founding Fathers worked hard. They believed in work. They believed in putting the time in. They believed in studying. They believed that citizenship had a responsibility and not just rights.

It went on into the 19th century when we opened up the West and we built the railroads, and we created the most productive nation in the world, because in the West we had the American work ethic. People in Europe talked about the Americans as workers because Americans believed in rolling up their sleeves and getting the job done.

Somehow, in the 1960's and the 1970's the welfare state and the intellectual class came to the conclusion that poor people were different, that they did not have to have values, that the welfare state could be structured so that you could give them money, you could reward indolence, you could allow people to exist without having to learn anything, and there was no penalty, a society in which you could go to school for 12 years, do no homework, and as long as you attended, and you meant well, we will give you a certificate, even if you cannot read it.

□ 1930

The result has been the most destructive antipoverty, anti-poor-people policy ever. Nobody has been hurt more by the welfare state than the poor, not the taxpayers. This is not about that working suburban and middle-class taxpayer. This is about the poor. It is the poor who have been crippled by being given food stamps without effort, it is the poor who have been crippled by being told you can live in public housing without effort and, in fact, we will pay for your electricity, and we will even give you some extra money. It is the poor who have been crippled by being told that a 12-year-old girl can get pregnant without consequences, and we will give you an apartment and send you some money. It is the poor who have been crippled by being told that you can go to lousy schools that are inadequate with no discipline, that that is all right as long as the public bureaucracy is happy. It is the poor who have been left behind.

I just want to suggest that you are not going to create new jobs in a new economy, and you are not going to have a healthy, safe, and prosperous America until we go back to basic values.

I find it fascinating that if you look at John McCormick's table of contents, for example, he talks about things like self-discipline and the notion that you really do not have a choice except to go to work. It is very interesting, and I have been reading Martin Gilbert's biography of Winston Churchill. He had a wonderful line in there wherein Churchill talked to the students at Harrow, and I will read a wonderful line in there wherein Churchill talked to the students at Harrow, and he said, "You know, I did not do well when I was a student. But," he said, "I almost flunked out. I was a very weak student, but if you end up not doing well. The question is not are you crippled for life. The question is: What are you going to do to catch up?" The morning you wake up and realize you did not learn enough in elementary school, you had better work harder in middle school. The morning you wake up and realize you did not learn enough in middle school, you had better work harder in high school. The morning you wake up at 25 years of age and realize you do not know enough, you had better start learning that day.

I was fascinated with the notion that somehow, instead of talking about how we are all stuck in this mess, we have to go back to that basic concept of trying to move ahead. How are we going to create the small businesses of the future, how are we going to educate literally millions and millions of adults in what I think will be a lifetime learning process?

I think President Bush's idea of setting up a basic credit, maybe $25,000, which becomes a revolving education credit. You draw on it. You go to school. You get your first job. If that job becomes obsolete, in the process, you have begun to repay this much like the home mortgage, you go back and draw on it again, so that all of your lifetime you are rebuilding your educational credit, and you are able to use it when you are 15, when you are 25, when you are 40, when you are 60, because one of the things Dr. Deming has taught me at 92 years of age, he still goes out and teaches a 4-day, 10-hour-a-day seminar, is that people can be productive as long as they are excited and active and they are practical about their age, and he is at 92 more productive than an awful lot of people are at 50 or 40 or 30.

So I think we are faced with the reality that more and more of us want to stay active and excited and involved for a longer period, but if we are going to have in an age of technological change, in the age of the world market, if we are going to have dramatic, constant, ongoing process of change, then that means all of us are going to learn to go through a process of rethinking where we are at and of having to learn as adults that you do not end at a high school diploma, you do not end at a college diploma, you do not end at a Ph.D. All your life you need to learn, and what you need to learn is not decided by your age, it is decided by your opportunity and decided by where you are at. Maybe 1 year you are learning to be an auto repairman, and maybe 3 years later you learn to run a small business, and 5 years later maybe you are going back to school to become a computer programmer. Things will change.

When you read biographies of people in periods of change, it is remarkable how many different things they do in their lifetime, how fluid and flexible life turns out to be.

We have got to rethink everything from our educational system which now has to become, I believe, lifetime learning. We have got to rethink the whole process of how we certificate people, because a 45-year-old who goes back to school, frankly, is not a 15-year-old. They have different requirements. They have a different way of learning, they have a different sense of responsibility. They are more efficient. They can do a lot more of individualized instruction.

We ought to find ways to make things easy and flexible. I talked recently to somebody who had served in the U.S. military for 20 years, had achieved the rank of lieutenant colonel, had taught at West Point, and was now having to take 15 hours of teaching certification in order to be able to teach in high school. I thought to myself is it not a little crazy to require him to go back to take these basics, the basic teacher courses, when they have actually taught in one of our finest military academies, when they are actually a full adult who is an expert in the area of teaching, and this is the kind of thing where I suspect an apprenticeship where they taught half-time and worked with a master teacher half-time would have made dramatically more sense for them to learn than going back to sit with 22-year-olds in an introductory course on basic introductory education in basic education in what, in their estimation, turned out to be a very Mickey Mouse waste of 3 months of their life. These are the kinds of things we have to rethink.

We have to be tough-minded about values. People ask me what is all of this talk about values. I will put it very bluntly: If I had to choose between sending another billion dollars to east Los Angeles to be spent by the welfare state or finding a way to encourage the people of east Los Angeles to have an extended family, finding a way to change the welfare law, the child-support law, the divorce law, the tax law, in order to encourage families to take care of themselves, I would infinitely rather help people get values, because over their lifetime, those values are going to pay off dramatically more than anything which is being done by the welfare state. The difference between the family as a producer of values and the welfare state is just astonishing.

Ben Wattenberg had a fascinating article in today's Washington Times in which he talked about this kind of dramatic change, and he talked about the notion that if you had to choose between giving your child $100,000 in cash and giving your child the basic values of hard work, discipline, concern for others, honesty, which would you do, which would be better for your child? Dick Ortlin, the pollster, recently did a survey, and he asked the American people what do you think the American dream is, and one of the fascinating things he learned was that if you asked people would you rather do well at something that you really cared about or earn a higher salary, most Americans would rather do well at something they cared about. He then said to them where would you rank winning the lottery. It was the lowest score on 20 items. The reason was being married, buying a home, having good health, finding somebody you can love, having children you can take care of, having a job that is satisfying, all of those involved a relationship to the real world different than winning the lottery. Winning a lottery is a random momentary accident you have no control of and which involves no virtue and no reward. It is nice to have cash, but it is fascinating that if you said to most people would you rather have a job you really believed in, doing something you really believed, or would you rather just we give you $100,000 without any meaning and any effort, most people are skeptical that you can somehow by sheer money create happiness, create satisfaction, create a sense that life is worth living.

I think this vast question in the broadest sense goes to the very core of where the welfare state went wrong, because the 12-year-old who ends up getting pregnant somehow has not been instilled with the dream of the America that could be, of their life, of the kinds of things they could do, of the future they could have; the 15-year-old who ends up getting killed in a drug fight over territory and criminal activity, somehow has not been reached with a value-laden message that the world is open to them, that hard work and effort in America can lead to a tremendous future.

I am convinced that if we reestablish the core values and we redesign the tax law and the welfare law and the systems to reinforce those values, to make it better for people to do the right things, to encourage entrepreneurship; again, an example of the frustration we have had, here we have in the Capitol, we have been trying now ever since the Los Angeles riot to pass an enterprise-zone bill to increase the incentive to have people go out and find real jobs, that are permanent jobs, that are private-sector jobs in the inner cities and in the poorer areas that are rural, and I would simply argue that enterprise zones are important, because they send the right message. If I had to choose between encouraging the tax break the next thousand small businesses are taking the same number of dollars and in sending them out in the form of a bigger welfare check, I do not have any doubt which is better for America, because the next thousand small businesses are permanent, creative, wealth-producing, independent activities which teach respect and teach hard work and which are a beacon of the future.

If every young American of any ethnic background, American Indian, black, Hispanic, Asian, white, if in their neighborhood they could see entrepreneurs creating a new business, they could see that by hard work and by study you can get ahead in America, and they could see that it is possible once again to, as John McCormick's book is called, to be self-made in America, then the question for them would be: "What am I going to do to be a success?"

☐ 1940

What business am I going to start? And if we had a system which made it easy to learn to set up a small business, a system which made it easy to know how to fill out the regulations, because we frankly cut down the amount of redtape and the amount of regulations so that our goal ought to be that it should not take you more than 10 minutes a week to fill out all your Government forms in businesses, and if we had a tax code that encouraged including the right to have health insurance, then you have a whole different setting.

Then you have an American where young people go to school and study so that they can go out to work in the afternoon in that local small business so they can learn the trade and when they are old enough they can found a small business.

So maybe they are the next Bill Gates trading as MicroSoft and becoming a billionaire. MicroSoft, which sort of takes everything I have talked about today, takes quality, being one of the great quality corporations in America; it takes technology, a software cutting-edge corporation; it is certainly entrepreneurial free enterprise, what they did at MicroSoft, and it certainly is an application of the basic values of the American people because it took a lot of hard work and a lot of discipline.

MicroSoft, according to the New York Times, has created 2,200 millionaires in the Seattle area, 2,200. Now, what if that had been in east Los Angeles? There is no automatic reason that it has to be in Washington State. Yet, are we trying to write tax laws to try to encourage the next 100 MicroSofts? Are we encouraging tax laws and health insurance laws to encourage the next 1,000 Bill Gates? Are we designating an inner-city tax code so that the next 5,000 potential rioters look and say,

> No, I don't want to riot for an evening, I want to go out and be able to successful like Bill Gates. I want to be able to create a genuine future.

Those are the skill changes we need in order to have America be successful.

Lastly, we need strength and persistence. The fact is strength matters. Moral strength matters, mental toughness matters, military strength matters. Law enforcement strength matters, strong families matter.

For two decades we have backed off from the concept that strong is important. Ronald Reagan talked about the evil empire, and that was too strong a thing to say; yet ironically, within a decade, there were Russians who were saying he was right, "We are glad he said it." He reasserted the moral authority of freedom.

To say drug dealing is just plain bad used to be the wrong thing to say. Jimmy Carter's drug adviser was fired for giving away illegal drugs because he, after all, did not want to be incorrect politically.

To suggest that our goals should be that 12-year-olds do not have children is somehow seen as being morally authoritarian. And yet every civilization I know of works very hard to protect young girls, works very hard to bond males to their children and works very hard to assure before you start having children you are mature enough and educated enough so that you can actually raise the children.

And so whether it is the military strength—notice the difference between 444 days of President Carter's hostage crisis in Iran or the 4 days of the land war in Iraq, 444 days if you are militarily weak, 4 days if you are militarily strong. The impact of serious law enforcement which can in fact break the back of the drug culture and violent crime, there is no question about that. When there were enough National Guardsmen in East L.A., it was remarkably safe.

We know historically that you can suppress crime. We know historically you can create physical safety. We know historically you can break the back of things like the drug cartel, but it takes a willingness and determination to pay for the strength. And ironically, the last I was told, the Congress right now, the Democratic leadership is $1 billion under President Bush's request for law enforcement this year, $1 billion less for law enforcement, as though we do not have problems of violent crime and drug dealing.

Finally, I think you have got to be willing to get back up off the mat and be persistent. I think it is no accident that John McCormack had gone broke before he became very, very successful and that from that process he learned a great deal about the value of success and the kind of ethical and moral requirements necessary to be truly successful.

I think it is no accident that Southward Corp. went through some very tough years in the early 1980's and they were forced by their competitive situation to get tougher mentally, to get tougher psychologically and to do the things necessary in applying quality and in applying technology in order to be a truly entrepreneurial company. And if they had not done those tough things, they would not be in business today.

I think if you read Peterson's book, "A Better Idea," to change Ford, you see a mental toughness that said, "We are either going to do these things or we are later on going to go bankrupt as a country." All I am suggesting is that the same thing is true here in the Congress, that we need to have a genuine revolution that recognizes that the old economy is dead, the old way of trying to think about unemployment and job creation is dead, the old efforts to hide from the world market are dead, that for us to truly get into new jobs and a new economy we have got to approach new ways of doing business.

I will just close by summarizing again we have got to look at the lessons that Edward Deming teaches us about profound knowledge and the concept of quality, and we have to have the moral courage to change our delivery systems in education, in health, in law enforcement, to change the structure of our bureaucracies and to change the Tax Code in order to be a proquality society.

Second, we have to become much more aggressive and much more dynamic in adopting every possible technological breakthrough to lower costs, to increase productivity, to improve our education, improve health care, revolutionize our capacity to have Government bureaucracies that are efficient, to do the same in restructuring government bureaucracies that are being done with big corporations, to do the same downsizing which will save millions and indeed billions of dollars in government bureaucracy and in private business, and, by the way, to learn the lessons from those two of a litigation reform revolution that genuinely makes us a less litigious, less lawsuit, less lawyer-driven society.

Third, we have got to go back and reestablish the basic principles of entrepreneurial free enterprise and change our tax laws to encourage entrepreneurship, change the unemployment law to encourage creating small businesses, change the welfare code to encourage creating small business, because it is launching thousands of small businesses that we create the baby businesses that grow into the giants of the 21st century.

Fourth, we have to reestablish and reassert the values of the American people and we have to insist, whether it is in school, public policy, whether in the welfare system, that we are going to emphasize hard work, we are going to emphasize the legitimacy of studying, we are going to emphasize the importance of meeting the responsibilities and we are going to insist that every right is met with and matched by an equal responsibility for citizens.

Fifth, we have to be prepared to be strong and tough-minded.

Having the revolution in Government, which is absolutely necessary if we are going to create new jobs and a new economy, is going to be hard. There are going to be a lot of people who do not like it.

The trial lawyers are going to dislike intensely the emphasis on legal reform. The bureaucracies are going to dislike the flexibility, the technology, the new approaches required by quality. A lot of folks in health care are going to think that they are threatened by these changes. A lot of folks in education are going to feel threatened by these changes. The welfare bureaucracy is going to be very threatened. After all, everybody suddenly became prosperous and wealthy, there will be no welfare bureaucracy and they would then all have to go out and learn new jobs and have new careers.

Big businesses are going to feel threatened by an explosion of small businesses. It is not always true that big businesses encourage entrepreneurship. A lot of them like to hide in basically being government bureaucracies with stockholders.

So you are going to see some resistance from some of our big businesses when we talk about a dynamic, entrepreneurial quality and technology-oriented American people.

And some of our friends who belong to the intellectual class and represent the counter-culture are going to be very offended at the idea that they are all values of the American people and that we should actively push them.

So it is going to take strength and toughness and persistence to develop the revolution in Government that enables us to create new jobs and a new economy.

I want to come here and say that after the August recess my belief as a history teacher and as an elected figure, my belief absolutely is that unless we are prepared to go through this revolution in Government, to replace the welfare state, we are not going to create the new jobs that we need, we are not going to enter the new economy as rapidly as we need and we are not going to have for our children and grandchildren the kind of prosperous, safe America we want to give them.

□ 1950

So I hope all my colleagues will look at some of these books, look at some of these ideas, talk to entrepreneurs and technology people and quality people back in their own districts and let us work together across the board to try to create the revolution necessary to truly replace the welfare state and create an opportunity society.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. MICHEL) for today and tomorrow on account of being called to active duty in the Military Reserve to aid in disaster relief as a result of Hurricane Andrew.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FASCELL (at his own request) for 60 minutes, today.

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. HENRY, for 60 minutes, on September 16.

Mrs. BENTLEY, for 5 minutes, today.

Mr. WELDON, for 60 minutes, today.

Mr. WOLF, for 5 minutes each day, today and on September 10.

Mr. WALKER, for 60 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on September 10, 15, 16, 17, 18, 22, 23, 24, and 25.

Mr. RIGGS, for 60 minutes each day, today and on September 10 and 16.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANDREWS of New Jersey, for 15 minutes, today.

Mr. EDWARDS of California, for 60 minutes, on September 15.

Mr. DINGELL, for 60 minutes, on September 16.

Mr. LANTOS, for 60 minutes, on September 23.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. JOHNSTON of Florida, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT following the special order of Mr. FASCELL today.

Mr. STUDDS' statement on H.R. 4394 to follow colloquy between Mr. ABERCROMBIE and Mr. HUBBARD.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous material:)

Mr. GALLEGLY.

Mr. SOLOMON.

Mrs. BENTLEY.

Mr. FAWELL.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous material:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in ten instances.

Mr. DE LA GARZA in 10 instances.

Mr. SOLARZ.

Mrs. BOXER.

Mr. ENGEL in two instances.

Mr. SWETT.

Mr. HOCHBRUECKNER in two instances.

Mr. MFUME.

Mr. GORDON.

Mr. DYMALLY.

Mr. CLEMENT in two instances.

Mr. STARK in two instances.

Mr. HOYER.

Mr. MAZZOLI in two instances.

Mrs. LOWEY of New York in two instances.

Ms. PELOSI.

Mr. DE LUGO.

Mr. FASCELL.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3118. An act to increase employment and business opportunities for Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3174. An act to make technical corrections to the International Banking Act of 1978; to the Committee on Banking, Finance and Urban Affairs.

S. 3175. An act to improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990; to the Committee on Education and Labor.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2549. An act to make technical corrections to chapter 5 of title 5, United States Code.

H.R. 2607. An act to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes.

H.R. 4312. An act to amend the Voting Rights Act of 1965 with respect to bilingual election requirements.

H.R. 5481. An act to amend the Federal Aviation Act of 1958 relating to administrative assessment of civilian penalties.

H.R. 5560. An act to extend for 1 year the National Commission on Time and Learning, and for other purposes.

H.R. 5623. An act to waive the period of congressional review for certain District of Columbia acts.

H.R. 5688. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

H.R. 3033. An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes.

H.R. 4111. An act to amend the Small Business Act and related Acts to provide loan assistance to small business concerns, to extend certain demonstration programs relating to small business participation in Federal procurement, to modify certain Small Business Administration programs, to assist small firms to adjust to reductions in Defense-related business, to improve the management of certain program activities of the Small Business Administration, to provide for the undertaking of certain studies, and for other purposes.

H.J. Res. 492. Joint resolution designating September 1992, as "Childhood Cancer Month."

H.J. Res. 411. Joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

H.J. Res. 507. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1963. An act to amend section 992 of title 28, United States Code, to provide a member of the United States Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress.

S. 3001. An act to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes.

S. 3163. An act to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, pursuant to House Resolution 559, I move that the House do now adjourn in memory of the late Honorable Quentin N. Burdick.

The motion was agreed to; accordingly (at 7 o'clock and 50 minutes p.m.), pursuant to House Resolution 559, the House adjourned until tomorrow, Thursday, September 10, 1992, at 10 a.m. in memory of the late Honorable Quentin N. Burdick of North Dakota.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of August 12, 1992]

4096. A letter from the Secretary, Department of Defense, transmitting the 1991 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; jointly, to the Committees on Armed Services and Foreign Affairs.

[Submitted September 9, 1992]

4097. A communication from the President of the United States, transmitting a report of one deferral of budget authority, pursuant to 2 U.S.C. 684(a) (No. 102-375); to the Committee on Appropriations and ordered to be printed.

4098. A communication from the President of the United States, transmitting amendments to the fiscal year 1992 request for appropriations for the Federal Emergency Management Agency and the Small Business Administration, pursuant to 31 U.S.C. 1107 (No. 102-379); to the Committee on Appropriations and ordered to be printed.

4099. A communication from the President of the United States, transmitting amendments to the fiscal year 1992 request for appropriations for the Department of Agriculture, pursuant to 31 U.S.C. 1107 (No. 102-380); to the Committee on Appropriations and ordered to be printed.

4100. A communication from the President of the United States, transmitting fiscal year 1992 request for emergency and related appropriations for the Federal Emergency Management Agency [FEMA], the Small Business Administration [SBA], and most of the Cabinet departments (No. 102-381); to the Committee on Appropriations and ordered to be printed.

4101. A communication from the President of the United States, transmitting the District's 1993 budget amendment request, pursuant to 31 U.S.C. 1106(b) (No. 102-383); to the Committee on Appropriations and ordered to be printed.

4102. A letter from the Acting Comptroller General, the General Accounting Office, transmitting a review of the President's 103d special impoundment message for fiscal year 1992, pursuant to 2 U.S.C. 685 (No. 102-376); to the Committee on Appropriations and ordered to be printed.

4103. A letter from the Acting Comptroller of the Department of Defense, transmitting a report on the transfer of funds under the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of Operation Desert Shield/Desert Storm Act of Fiscal Year 1992; to the Committee on Appropriations.

4104. A letter from the Comptroller of the Department of Defense, transmitting one report of violation that occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4105. A letter from the Director, Congressional Budget Office, transmitting the Economic and Budget Outlook: An Update; to the Committee on Appropriations.

4106. A letter from the Department of States, transmitting a violation of section 3679 of the Revised Statutes (31 U.S.C. 1517), pursuant to R.S., section 3679(e)(2); to the Committee on Appropriations.

4107. A letter from the Director, Office of Management and Budget, transmitting OMB's sequestration preview report, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); to the Committee on Appropriations.

4108. A letter from the Comptroller General of the United States, transmitting the status of budget authority that was reported as an unreported impoundment by the President of funds appropriated for the V-22 Osprey program (No. 102-377); to the Committee on Appropriations and ordered to be printed.

4109. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of August 1, 1992, pursuant to 2 U.S.C. 685(e) (No. 102-369); to the Committee on Appropriations and ordered to be printed.

4110. A letter from the Assistant Secretary, Department of Defense, transmitting the Medical Manpower Annex to the fiscal year 1993 Defense Manpower Requirements Report, pursuant to 10 U.S.C. 115(a)g; to the Committee on Armed Services.

4111. A letter from the Department of Defense, transmitting notification of 1 additional fiscal year 1992 test project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

4112. A letter from the Assistant Secretary, Department of Defense, transmitting a supplement to the Department's Defense Manpower Requirements Report for fiscal year 1993, pursuant to 10 U.S.C. 115(b)(3)(A); to the Committee on Armed Services.

4113. A letter from the Deputy Assistant Secretary (Environment), Department of Defense, transmitting an updated report on the Department's Environmental Compliance Program for fiscal year 1997, pursuant to Public Law 101-510, section 342(b)(4) (104 Stat. 1537); to the Committee on Armed Services.

4114. A letter from the Secretary of the Navy, transmitting a copy of the annual report of the U.S. Soldiers' and Airmen's Home for Fiscal Year 1991, pursuant to 24 U.S.C. 59, 60; to the Committee on Armed Services.

4115. A letter from the Secretary of Defense, transmitting the 1992 joint military net assessment, pursuant to 10 U.S.C. 113(j); to the Committee on Armed Services.

4116. A letter from the Under Secretary of Defense, transmitting selected acquisition reports [SARS] for the quarter ending June 30, 1992, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

4117. A letter from the Acting Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for transfer a naval vessel to the government of Tunisia, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

4118. A letter from the Director of Legislation, Department of the Navy, transmitting notification that the Department intends to offer for lease a naval vessel to the Government of Mexico, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

4119. A letter from the Department of the Navy, transmitting a letter from the crew of the U.S.S. *Nevada* (SSBN 733) concerning the naming of a new Navy ship; to the Committee on Armed Services.

4120. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Kuwait, pursuant to 12 U.S.C. 635(b)(3)(iii); to the Committee on Banking, Finance and Urban Affairs.

4121. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(iii); to the Committee on Banking, Finance and Urban Affairs.

4122. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

4123. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Poland, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

4124. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Australia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

4125. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

4126. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the FDIC's annual report for the calendar year 1991, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking, Finance and Urban Affairs.

4127. A letter from the Director, Office of Management and Budget, transmitting a report entitled, "De Minimis Levels for Commercial Real Estate Appraisals"; to the Committee on Banking, Finance and Urban Affairs.

4128. A letter from the Secretary of Education, transmitting final regulations—State vocational and applied technology education programs and national discretionary programs of vocational education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4129. A letter from the Secretary of Education, transmitting notice of final priority for fiscal year 1992—Dwight D. Eisenhower Regional Mathematics and Science Education Consortiums Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4130. A letter from the Secretary of Education, transmitting final regulations—Assistance to States for Education of Handicapped Children Program and the Early Intervention Program for Infants and Toddlers with Disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4131. A letter from the Secretary of Education, transmitting final regulations for student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4132. A letter from the Secretary of Education, transmitting a copy of final priority for fiscal year 1993—Transitional Bilingual Education Program; Special Alternative Instructional Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4133. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Drug Abuse Prevention Program for Runaway and Homeless Youth for Fiscal Year 1990, pursuant to 42 U.S.C. 11822; to the Committee on Education and Labor.

4134. A letter from the Secretary of Labor, transmitting the annual report of enforcement activities under the Fair Labor Standards Act for the period October 1, 1989 through September 30, 1990, pursuant to 29 U.S.C. 204(d)(1); to the Committee on Education and Labor.

4135. A letter from the Secretary of Health and Human Services, transmitting a report on the study to compare the relationship between the amount of child support paid and the occurrence of family maltreatment, pursuant to 42 U.S.C. 5106f; to the Committee on Education and Labor.

4136. A letter from the Secretary of Agriculture, transmitting the annual horse protection enforcement report for fiscal year 1991, pursuant to 15 U.S.C. 1830; to the Committee on Energy and Commerce.

4137. A letter from the Secretary of Housing and Urban Development, transmitting the annual report on health care for the homeless for calendar year 1990, pursuant to Public Law 100–77, section 601 (101 Stat. 515); to the Committee on Energy and Commerce.

4138. A letter from the Chairman, Consumer Product Safety Commission, transmitting the second annual report on the activities undertaken on standard test method to determine cigarette ignition propensity, pursuant to Public Law 101–352, section 4 (104 Stat. 406); to the Committee on Energy and Commerce.

4139. A letter from the Secretary of Health and Human Services, transmitting a report on the operations of the Medicaid Drug Rebate Program, pursuant to 42 U.S.C. 1396r–8; to the Committee on Energy and Commerce.

4140. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed issuance of export license to Sweden (Transmittal No. DTC–26–92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4141. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of the "Midyear Update to the 1992 International Narcotics Control Strategy Report," pursuant to 22 U.S.C. 2291(e)(6); to the Committee on Foreign Affairs.

4142. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs for training (Transmittal No. 92–34), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4143. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to El Salvador (Transmittal No. 19–92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4144. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 92–36), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4145. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 92–35), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4146. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of aircraft for training purposes (Transmittal No. 16–92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4147. A letter from the Director, Defense Security Assistance Agency, transmitting a listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more as of June 30, 1992, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

4148. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting its quarterly report concerning human rights activities in Ethiopia, covering the period April 15 through July 14, 1992, pursuant to Public Law 100–456, section 1310(c) (102 Stat. 2065); to the Committee on Foreign Affairs.

4149. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 92–39, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the unexpected and urgent refugee needs of Angolan refugees and returnees, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

4150. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to NATO (Transmittal No. DTC–30–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4151. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the United Kingdom (Transmittal No. DTC–27–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4152. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting Presidential Determination (92–37) qualifying Haitian refugee applicants for assistance under the Migration and Refugee Assistance Act, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

4153. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report on the U.N. Educational, Scientific and Cultural Organization's [UNESCO] policies that would restrict the free flow of information, pursuant to 22 U.S.C. 287r note; to the Committee on Foreign Affairs.

4154. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4155. A letter from the Agency for International Development transmitting activities proposed for funding in Peru during fiscal year 1992; to the Committee on Foreign Affairs.

4156. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President intends to exercise his authority under section 552(c)(2) of the FAA to direct the drawdown in commodities and services from the inventory and resources of the Department of Defense in order to provide transportation and logistics support for a civilian observer mission to Nagorno-Karabakh, and accompanied by a memorandum of justification, pursuant to section 652 FAA; to the Committee on Foreign Affairs.

4157. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to 22 U.S.C. 4831; to the Committee on Foreign Affairs.

4158. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4159. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination 92-38 authorizing the furnishing, sale, and/or lease of defense articles and services, pursuant to section 503 of the Foreign Assistance Act, to Zambia, pursuant to 22 U.S.C. 2311 and 22 U.S.C. 2739(a)(1); to the Committee on Foreign Affairs.

4160. A letter from the Secretary of Commerce, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Foreign Affairs.

4161. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 3836, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4162. A letter from the Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 2641, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4163. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 959, pursuant to Public law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4164. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 2759, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4165. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in July 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4166. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the 1991 CFOA report in compliance with the requirements of the internal accounting and administrative control system and other comments and information on the operations and financial condition of the FDIC, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

4167. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 5487, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

4168. A letter from the Director, Office of Management and Budget, transmitting the 10th annual report on coordination of Federal information policy, pursuant to 44 U.S.C. 3514(a); to the Committee on Government Operations.

4169. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1992 through June 30, 1992, pursuant to 2 U.S.C. 104a (H. Doc. No. 102-368); to the Committee on House Administration and ordered to be printed.

4170. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4171. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4172. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4173. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior; transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4174. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior; transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4175. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior; transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4176. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior; transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4177. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior; transmitting a report on the necessity to construct modifications to Como Dam, Bitter Root Project, MT, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Interior and Insular Affairs.

4178. A Communication from the President of the United States, transmitting a draft of proposed legislation to designate certain lands in the State of Idaho as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

4179. A Communication from the President of the United States, transmitting for congressional consideration the Nevada Public Lands Wilderness Act; to the Committee on Interior and Insular Affairs.

4180. A communication from the President of the United States, transmitting his determination that sanctions will not be imposed against Canada, Colombia, Malaysia, the Netherlands, Antilles, Singapore, Spain, and the United Kingdom at this time, pursuant to 22 U.S.C. 1978(b) (H. Doc. No. 102-370); to the Committee on Merchant Marine and Fisheries and ordered to be printed.

4181. A letter from the Secretary of Commerce, transmitting the annual report on the Fishermen's Contingency Fund, pursuant to 43 U.S.C. 1846(a); to the Committee on Merchant Marine and Fisheries.

4182. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the progress in implementing the Coast Guard Environmental Compliance and Restoration Program for fiscal year 1991, pursuant to Public Law 101-225, section 222(a) (103 Stat. 1918); to the Committee on Merchant Marine and Fisheries.

4183. A letter from the Secretaries of Commerce and State, transmitting a report that the United States allocated a surplus of Atlantic mackerel to the Netherlands during calendar year 1991, pursuant to 16 U.S.C. 1821(f); to the Committee on Merchant Marine and Fisheries.

4184. A communication from the President of the United States, transmitting an agreement between the Government of the United States and the People's Republic of China, pursuant to 16 U.S.C. 1801 et seq. (H. Doc. No. 102-382); to the Committee on Merchant Marine and Fisheries and ordered to be printed.

4185. A letter from the Acting Director, Office of Personnel Management, transmitting a report titled "Performance Management and Recognition System," pursuant to 5 U.S.C. 5408; to the Committee on Post Office and Civil Service.

4186. A letter from the Department of the Army, transmitting the Department's annual report on the list of incomplete water resources studies, pursuant to 33 U.S.C. 2264; to the Committee on Public Work and Transportation.

4187. A letter from the Secretary of Transportation, transmitting the annual report of activities of the Department's administration of the Deepwater Port Act, pursuant to 33 U.S.C. 20; to the Committee on Public Works and Transportation.

4188. A letter from the Secretary of Transportation, transmitting a report entitled "Effect of the Airline Deregulation Act on the Level of Air Safety," pursuant to 49 U.S.C. app. 1307(b); to the Committee on Public Works and Transportation.

4189. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the Department's views and recommendations on a study done by the Army Corps of Engineers of possible navigation and pollution abatement improvements at Miami Harbor (Miami

River), FL; to the Committee on Public Works and Transportation.

4190. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the Department's recommendations concerning Federal authorization for flood protection measures for Dickinson Bayou Watershed, TX; to the Committee on Public Works and Transportation.

4191. A letter from the Administrator, General Services Administration, transmitting a copy of a building project survey, pursuant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

4192. A letter from the Assistant Secretary (Civil Works), the Department of the Army, transmitting a letter from the Chief of Engineers, Department of the Army dated June 16, 1992, submitting a report together with accompanying papers and illustrations, pursuant to the Flood Control Act of 1936, the River and Harbor Act of 1937, and the River Harbor Act of 1945 (H. Doc. No. 102–378); to the Committee on Public Works and Transportation and ordered to be printed.

4193. A communication from the President of the United States, transmitting notice of his intention to add each of the former republics of the Socialist Federal Republic of Yugoslavia, other than Serbia and Montenegro, to the list of beneficiary developing countries under the Generalized System of Preferences [GSP], pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 102–374); to the Committee on Ways and Means and ordered to be printed.

4194. A communication from the President of the United States, transmitting an agreement between the United States of America and Ireland on Social Security, which consists of two separate instruments—a principal agreement and an administrative agreement, pursuant to 42 U.S.C. 433(e)(1) (H. Doc. No. 102–384); to the Committee on Ways and Means and ordered to be printed.

4195. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

4196. A letter from the Director, Office of Management and Budget, transmitting its annual report on credit management and debt collection for the fiscal year ending September 30, 1991; to the Committee on Ways and Means.

4197. A letter from the Commodity Credit Corporation, Department of Agriculture, transmitting the annual report on monetization programs for U.S. fiscal year 1991, pursuant to 7 U.S.C. 1431(b)(9)(B); jointly, to the Committees on Agriculture and Foreign Affairs.

4198. A letter from the Director, Office of Management and Budget, transmitting the 18th report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public law 102–25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

4199. A letter from the President and CEO, Resolution Trust Corporation, transmitting the July 1992 report on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section, pursuant to Public Law 101–507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

4200. A letter from the Secretary of Transportation, transmitting the annual report on the administration of the Natural Gas Pipeline Safety Act of 1968, pursuant to 49 U.S.C. app. 1683(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

4201. A letter from the Secretary of Energy, transmitting a report on the Hanford Site Tiger Team Assessment Action Plan for the Department of Energy Richland Field Office; jointly, to the Committees on Energy and Commerce and Armed Services.

4202. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report in the transfer of property under the Panama Canal Treaty of 1977, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

4203. A letter from the Assistant Secretary (Legislative Affairs), Department of the Treasury, transmitting a copy of an amendment to the Iraqi Sanctions Regulations; jointly to the Committees on Foreign Affairs and Appropriations.

4204. A letter from the Comptroller General of the United States, transmitting the fifth report on the assignment or detail of General Accounting Office employees to congressional committees as of July 11, 1992, pursuant to Public Law 101–648; jointly, to the Committees on Government Operations and Appropriations.

4205. A letter from the Secretary of Agriculture, transmitting a set of boundary maps and legal descriptions of changes in land management status effected by the Alaska National Interest Land Conservation Act, pursuant to 16 U.S.C. 3103(b); jointly, to the Committees on Interior and Insular Affairs and Agriculture.

4206. A letter from the Comptroller, General Accounting Office, transmitting a review on the Panama Canal Commission's financial statements for the year ended September 30, 1991 and 1990 and views on the Commission's system of internal controls and report on compliance with laws and regulations, pursuant to 22 U.S.C. 3723(b); jointly, to the Committees on Merchant Marine and Fisheries and Government Operations.

4207. A letter from the Secretary of Transportation, transmitting the 12th annual report on the collision avoidance systems, pursuant to 49 U.S.C. app. 1348 note; jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

4208. A letter from the Department of Defense, transmitting the Department of Defense Master Plan for Science, Mathematics, and Engineering Education; jointly, to the Committees on Armed Services, Education and Labor, and Science, Space, and Technology.

4209. A communication from the President of the United States, transmitting four legislative proposals to promote work, provide flexibility, and encourage innovation in Federal public assistance programs (H. Doc. No. 102–371); jointly, to the Committees on Ways and Means, Education and Labor, Agriculture, Banking, Finance and Urban Affairs, and Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on August 11, 1992, the following report was filed on August 27, 1992]

Mr. CONYERS: Committee on Government Operations. A report on A–12 Navy aircraft: System review and recommendations (Rept. 102–853). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. A report on investigating the investigators: Justice Department background reviews breakdown (Rept. 102–854). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. A report on the rise and fall of USDA food donations to America's hungry: Does charity really begin at home? (Rept. 102–855). Referred to the Committee of the Whole House on the State of the Union.

[Submitted September 9, 1992]

Mr. GORDON: Committee on Rules. House Resolution 560. Resolution waiving points of order against the conference report to accompany the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes (Rept. 102–856). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Submitted August 14, 1992]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5730. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; with an amendment; referred to the Committee on Education and Labor for a period ending not later than September 23, 1992 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. 102–852, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 4542. Referred to the Committee on Public Works and Transportation for a period ending not later than September 19, 1992, for consideration of such provisions of the bill and amendment recommended by the Committee on the Judiciary as fall within the jurisdiction of that committee pursuant to clause 1(p), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN (for himself, Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. ROYBAL, Mr. BEVILL, Mr. TRAXLER, Mr. LEHMAN of Florida, Mr. YOUNG of Florida, Mr. SMITH of Florida, Mr. BENNETT, Mr. FASCELL, Ms. ROS-LEHTINEN, Mr. HUTTO, Mr. PETERSON of Florida, Mr. JAMES, Mr.

McCollum, Mr. Stearns, Mr. Bilirakis, Mr. Bacchus, Mr. Lewis of Florida, Mr. Goss, Mr. Johnston of Florida, Mr. Shaw, Mr. Livingston, Mr. Jefferson, Mr. Tauzin, Mr. McCrery, Mr. Huckaby, Mr. Baker, Mr. Hayes of Louisiana, Mr. Holloway, and Mr. Blaz):

H.R. 5911. A bill making dire emergency supplemental appropriations for disaster assistance to meet the present emergencies arising from the consequences of Hurricane Andrew and other natural disasters, for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mr. BAKER:

H.R. 5912. A bill to amend title 18, United States Code, to prevent price gouging during disasters; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 5913. A bill to provide for a unified schedule of rates for mail; to the Committee on Post Office and Civil Service.

By Mrs. BYRON:

H.R. 5914. A bill to authorize the acceptance of certain lands for addition to the Antietam National Battlefield in Maryland; to the Committee on Interior and Insular Affairs.

By Mr. SOLOMON:

H.R. 5915. A bill to give the President legislative, line-item veto rescission authority over fiscal year 1993 appropriations bills; jointly, to the Committees on Government Operations and Rules.

By Mr. HORTON:

H.R. 5916. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. LONG (for herself, Ms. Kaptur, Mr. Miller of Ohio, Mr. Burton, Mr. Jacobs, Mr. Evans, Mr. Murphy, Mrs. Bentley, Mr. Hammerschmidt, and Mr. Hayes of Illinois):

H.R. 5917. A bill to treat all semimanufactured and manufactured glass products as import sensitive under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences); to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 5918. A bill to establish a new educational assistance program for veterans who served during the Persian Gulf war and to make benefits under that program comparable to those provided to veterans of other wars, to provide comparability between the Persian Gulf war educational assistance program and the educational assistance program provided under chapter 30 of title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MICHEL (for himself, Mr. Gingrich, Mr. Archer, and Mr. Gradison):

H.R. 5919. A bill to amend Internal Revenue Code of 1986 regarding the deduction for health insurance costs of self-employed individuals, to amend the Social Security Act to increase the availability, portability, and affordability of health insurance, especially health insurance for small employers, by prohibiting discriminatory practices and promoting broad risk pooling among health insurers, to further amend the Social Security Act to improve and make more efficient the provision of medical and health insurance information, to amend the Employee Retirement Income Security Act of 1974 to improve its enforcement by adding requirements with respect to multiple employer welfare arrangements, to improve the health care delivery system and ensure access to affordable quality health care through reduced liability costs and improved quality of care, and for other purposes; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, and the Judiciary.

By Mr. RICHARDSON:

H.R. 5920. A bill to establish a moratorium on the application of certain drinking water regulations to small and medium-sized drinking water systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROTH (for himself and Mr. Traficant):

H.R. 5921. A bill to authorize the President to use foreign assistance funds to provide emergency disaster assistance on account of Hurricane Andrew and other natural disasters in the United States; jointly, to the Committees on Foreign Affairs and Government Operations.

By Mr. STARK:

H.R. 5922. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota:

H. Res. 559. Resolution expressing the profound sorrow of the House of Representatives on the death of the Honorable Quentin N. Burdick, a Senator from the State of North Dakota; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

515. The SPEAKER presented a memorial of the Legislature of Virgin Islands, relative to transfer funds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. PELOSI:

H.R. 5923. A bill for the relief of Anna C. Massari; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 5924. A bill to provide for the documentation of the vessel *Yupik Star*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. Sanders.

H.R. 78: Mr. Roth.

H.R. 134: Mr. Campbell of Colorado.

H.R. 423: Mr. Lewis of Florida and Mr. Sarpalius.

H.R. 643: Mr. Foglietta and Mr. Nichols.

H.R. 791: Mr. Sanders.

H.R. 842: Ms. Ros-Lehtinen.

H.R. 860: Mr. Spence.

H.R. 875: Mr. Olver.

H.R. 978: Mr. Clay.

H.R. 1003: Mr. Hancock.

H.R. 1025: Mr. McCollum.

H.R. 1074: Mr. Early.

H.R. 1252: Mr. Moorhead.

H.R. 1253: Mr. Moorhead.

H.R. 1536: Mr. Andrews of Maine.

H.R. 1566: Mr. Towns.

H.R. 1637: Mr. Costello.

H.R. 1703: Ms. DeLauro.

H.R. 1943: Mr. Cox of California, Mr. Shaw, and Mr. Thomas of Wyoming.

H.R. 1987: Mr. Young of Alaska.

H.R. 2063: Mr. Schaefer, Mr. Lantos, Mr. Jenkins, and Mr. McMillen of Maryland.

H.R. 2200: Mr. Kleczka.

H.R. 2336: Mr. Doolittle.

H.R. 2385: Mr. Whitten, Mrs. Patterson, and Mr. Boucher.

H.R. 2595: Mr. Doolittle.

H.R. 2862: Mr. Kyl and Mr. Hefley.

H.R. 2872: Mr. Borski and Mr. DeFazio.

H.R. 2880: Ms. Ros-Lehtinen.

H.R. 3164: Mr. Borski and Mr. Nichols.

H.R. 3221: Mr. Atkins.

H.R. 3252: Mr. Olver.

H.R. 3450: Mr. Oberstar and Mrs. Unsoeld.

H.R. 3462: Mr. Boucher and Mr. Sabo.

H.R. 3710: Mr. Rinaldo and Mr. McHugh.

H.R. 3748: Mr. Foglietta.

H.R. 3939: Mr. Ackerman and Mr. Sabo.

H.R. 3989: Mr. Schiff.

H.R. 3992: Mr. Schiff.

H.R. 4027: Mr. Espy.

H.R. 4124: Mr. Roybal, Mr. Downey, and Mr. Yates.

H.R. 4154: Ms. Norton and Mr. Rangel.

H.R. 4182: Mr. Doolittle.

H.R. 4224: Mr. Doolittle and Mr. Crane.

H.R. 4229: Mr. Atkins.

H.R. 4405: Mr. Sanders and Mr. Quillen.

H.R. 4490: Mr. Kildee.

H.R. 4543: Mr. Sisisky.

H.R. 4551: Mr. Frank of Massachusetts.

H.R. 4725: Mr. Sundquist.

H.R. 4739: Ms. Kaptur.

H.R. 4742: Mr. Towns.

H.R. 4821: Mr. Stump, Mrs. Lowey of New York, Mr. Jefferson, Mr. Wolf, Mr. Scheuer, Mr. Ravenel, Mr. Bliley, Mr. Ray, Mr. Tallon, Ms. Norton, Mr. Hobson, Mr. Mfume, Mr. Thomas of Georgia, Mr. Rangel, Mr. Condit, and Mr. James.

H.R. 4851: Mr. Doolittle.

H.R. 4852: Mr. Doolittle.

H.R. 4853: Mr. Doolittle.

H.R. 4854: Mr. Doolittle.

H.R. 4855: Mr. Doolittle.

H.R. 4856: Mr. Doolittle.

H.R. 4857: Mr. Doolittle.

H.R. 4858: Mr. Doolittle.

H.R. 4859: Mr. Doolittle.

H.R. 4860: Mr. Doolittle.

H.R. 4861: Mr. Doolittle.

H.R. 4862: Mr. Doolittle.

H.R. 4863: Mr. Doolittle.

H.R. 4864: Mr. Doolittle.

H.R. 4865: Mr. Doolittle.

H.R. 4866: Mr. Doolittle.

H.R. 4867: Mr. Doolittle.

H.R. 4868: Mr. Doolittle.

H.R. 4869: Mr. Doolittle.

H.R. 4870: Mr. Doolittle.

H.R. 4871: Mr. Doolittle.

H.R. 4872: Mr. Doolittle.

H.R. 4873: Mr. Doolittle.

H.R. 4874: Mr. Doolittle.

H.R. 4875: Mr. Doolittle.

H.R. 4876: Mr. Doolittle.

H.R. 4877: Mr. Doolittle.

H.R. 4878: Mr. Doolittle.

H.R. 5000: Mr. Coyne.

H.R. 5011: Mr. Coble, Mr. Coleman of Texas, Mr. Lipinski, and Mr. Price.

H.R. 5090: Mr. Dornan of California and Mr. Herger.

H.R. 5112: Mr. Hammerschmidt, Mr. Hunter, Mr. Porter, and Mr. Bereuter.

H.R. 5173: Mr. Yates.

H.R. 5206: Mr. Frost.

H.R. 5216: Mr. MAZZOLI, Mr. PARKER, and Mr. HEFNER.

H.R. 5230: Mr. HAYES of Illinois.

H.R. 5250: Mr. DUNCAN, Mr. HANCOCK, Mr. DANNEMEYER, Mr. NUSSLE, Mr. FRANKS of Connecticut, Mr. HEFLEY, Mr. RIGGS, Mr. HALL of Texas, Mr. RHODES, and Mr. HASTERT.

H.R. 5276: Mr. MYERS of Indiana, Mr. COLEMAN of Texas, and Mr. LIVINGSTON.

H.R. 5282: Mr. ATKINS.

H.R. 5357: Mr. EVANS.

H.R. 5365: Mr. ATKINS.

H.R. 5366: Mr. ROWLAND.

H.R. 5403: Mr. ATKINS.

H.R. 5449: Mr. DURBIN.

H.R. 5507: Mr. WALSH and Mr. RIGGS.

H.R. 5542: Mr. SANTORUM, Mr. EMERSON, Mr. ZELIFF, and Mr. HERGER.

H.R. 5591: Mr. DARDEN, Mr. McEWEN, and Mr. SUNDQUIST.

H.R. 5626: Mr. GOODLING.

H.R. 5676: Mr. KOPETSKI and Mr. LaFALCE.

H.R. 5681: Mr. FLAKE, Mr. FROST, Mr. HAYES of Illinois, Ms. NORTON, and Mr. APPLEGATE.

H.R. 5703: Mr. EMERSON, Mr. OLVER, Mr. SHAYS, Mr. COX of California, Mr. HANCOCK, Mr. HUNTER, Mr. TAYLOR of North Carolina, and Mr. HASTERT.

H.R. 5709: Mr. QUILLEN.

H.R. 5720: Mr. JOHNSON of South Dakota, Mr. ZELIFF, Mr. FROST, Mr. LEACH, and Mr. HERTEL.

H.R. 5732: Ms. ROS-LEHTINEN.

H.R. 5733: Mr. WELDON.

H.R. 5743: Mr. TOWNS and Mr. RANGEL.

H.R. 5745: Mr. GILCHREST, Mr. OWENS of Utah, Mr. GINGRICH, Mr. SAXTON, Mr. WILSON, Mr. BLILEY, Mr. McCRERY, Mr. PETRI, and Mr. EMERSON.

H.R. 5761: Mr. MFUME, Mr. HAYES of Illinois, Mr. RANGEL, Mr. BLACKWELL, Mr. PAYNE of New Jersey, Mr. EVANS, Mr. McDERMOTT, Mr. SERRANO, and Mr. EDWARDS of California.

H.R. 5771: Mr. SAXTON, Mr. PARKER, and Mr. BACCHUS.

H.R. 5820: Mr. COLEMAN of Missouri, Mr. DELLUMS, Mr. FISH, Mr. TORRES, Mr. HAYES of Illinois, Mr. BERMAN, Mr. TOWNS, Mr. RANGEL, Mr. BORSKI, and Ms. NORTON.

H.R. 5828: Mr. SHAW.

H.R. 5856: Mr. CAMPBELL of Colorado.

H.R. 5876: Mr. DOWNEY, Mr. McDERMOTT, Mr. RIGGS, Mr. TOWNS, Mr. GUARINI, Ms. NORTON, Mr. STARK, Mr. COLEMAN of Missouri, Mrs. UNSOELD, Mrs. MORELLA, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. SISISKY, Mr. CHAPMAN, Mr. WOLF, and Mr. EMERSON.

H.R. 5885: Mr. BLACKWELL, Ms. PELOSI, Mr. WAXMAN, Mr. OBERSTAR, Mr. GUARINI, Ms. NORTON, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. CLEMENT, Mr. OWENS of New York, Mrs. UNSOELD, Mr. KENNEDY, and Mr. RANGEL.

H.J. Res. 239: Ms. ROS-LEHTINEN.

H.J. Res. 240: Mr. HUCKABY, Mr. TAYLOR of North Carolina, and Mr. SARPALIUS.

H.J. Res. 399: Mr. BLACKWELL, Mr. HALL of Texas, Mr. PAXON, Mrs. MORELLA, Mr. SMITH of Oregon, Mr. DREIER of California, Mr. GALLEGLY, Mr. VISCLOSKY, Mr. WYDEN, Mr. ROBERTS, Mr. COOPER, Mr. TANNER, Mr. TAUZIN, and Mr. McGRATH.

H.J. Res. 409: Mr. LANCASTER.

H.J. Res. 413: Mr. ANDERSON, Mr. AuCOIN, Mr. BARRETT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BREWSTER, Mr. BROWN, Mr. CARR, Mr. COOPER, Mr. COYNE, Mr. DeLAY, Mr. DELLUMS, Mr. DICKS, Mr. DOOLITTLE, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. ESPY, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. HAMILTON, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HUBBARD, Mr. HUCKABY, Mr. IRELAND, Mr. JONES of Georgia, Mr. KENNEDY, Mr. KOSTMAYER, Mr. LIVINGSTON, Mr. MARTIN, Mr. McCANDLESS, Mr. McCLOSKEY, Mrs. MEYERS of Kansas, Mrs. MORELLA, Mr. MURTHA, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. OXLEY, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PETERSON of Flordia, Mr. PICKLE, Mr. PURSELL, Mr. RIDGE, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROYBAL, Mr. SANDERS, Mr. SCHEUER, Mr. SHUSTER, Mr. SMITH of Texas, Mr. TAYLOR of Mississippi, Mr. THOMAS of Wyoming, Mr. UPTON, Mr. VENTO, Mr. VOLKMER, Mr. WASHINGTON, Mr. WHEAT, and Mr. WOLPE.

H.J. Res. 468: Mr. MORAN.

H.J. Res. 474: Mr. HAMMERSCHMIDT, Mr. YOUNG of Florida, Mr. ORTON, Ms. DeLAURO, Mr. NICHOLS, Mr. SABO, Mr. GOODLING, Mr. PAXON, Mr. OXLEY, Mr. FOGLIETTA, Mr. GINGRICH, Mr. SOLARZ, Mr. HASTERT, Mr. DUNCAN, Mr. EMERSON, and Mr. TALLON.

H.J. Res. 476: Mrs. JOHNSON of Connecticut, Mr. FISH, Mr. BORSKI, Mr. BALLENGER, Mr. GILMAN, Mr. LEWIS of Florida, Mr. DELLUMS, Mr. COBLE, Mr. GREEN of New York, Mr. DIXON, Mr. RICHARDSON, Mr. KANJORSKI, Mr. PRICE, Mr. FAWELL, Mr. BATEMAN, Mr. KASICH, Mr. JONES of North Carolina, Mr. ORTON, Mr. SABO, Mr. RHODES, Mr. BURTON of Indiana, Mr. PORTER, Mr. TANNER, Mr. NEAL of North Carolina, Mr. SHAW, Mr. GRANDY, Mr. MORRISON, Mr. McCOLLUM, Mr. JENKINS, Mr. OLVER, Mr. GRADISON, Mr. DUNCAN, Mr. MONTGOMERY, Mr. HASTERT, Mr. McDADE, Mr. EMERSON, Mr. SISISKY, Mr. BUNNING, and Mr. GORDON.

H.J. Res. 478: Mr. GEREN of Texas, Mr. JONTZ, Mr. ANDREWS of New Jersey, Mr. STUMP, Mr. BATEMAN, Mr. BORSKI, Mr. BROWDER, Mr. RAY, Mr. LANCASTER, Ms. PELOSI, Mr. LANTOS, Mr. BURTON of Indiana, Mr. HUCKABY, Mr. BRYANT, Mr. MFUME, Mr. EWING, Mr. BENNETT, Mr. DeFAZIO, Mr. VALENTINE, Mr. TALLON, Mr. JOHNSON of Texas, Mr. HARRIS, Mr. SYNAR, Mr. LAUGHLIN, Mr. VANDER JAGT, Mr. THOMAS of Wyoming, Mr. STENHOLM, Mr. STALLINGS, Mr. TRAXLER, Mr. STOKES, Mr. SKEEN, Mr. SHUSTER, Mr. SHAYS, Mr. SAVAGE, Mr. SARPALIUS, Mr. SABO, Mr. SMITH of Iowa, Mr. ROYBAL, Mr. ROSE, Mr. ROEMER, Mr. ROBERTS, Mr. McEWEN, Mr. SCHIFF, Mr. SCHUMER, Mr. MARLENEE, Mr. COLEMAN of Missouri, Ms. OAKAR, Mr. OBERSTAR, Mr. STAGGERS, Mr. GALLEGLY, and Mr. SKELTON.

H.J. Res. 483: Mr. ANDREWS of Maine and Mr. JONES of Georgia.

H.J. Res. 484: Mr. YATRON, Mr. WILSON, Mr. BORSKI, Mr. SAWYER, Mr. BROWN, Mr. BEVILL, Mr. CALLAHAN, Mr. de LUGO, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ESPY, Mr. FISH, Mr. HARRIS, Mr. HUNTER, Mr. GUNDERSON, Mr. HUTTO, Mr. IRELAND, Mr. JEFFERSON, Mr. LEWIS of Florida, Mr. GINGRICH, Mr. KANJORSKI, Mr. EWING, Mr. McEWEN, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. JACOBS, Mr. MRAZEK, Mr. MFUME, Mr. OBERSTAR, Mr. OWENS of Utah, Mr. POSHARD, Mr. SAVAGE, Mr. ROE, Mr. SMITH of New Jersey, Ms. NORTON, Mr. SABO, Mr. SOLARZ, Mr. NEAL of Massachusetts, Mr. SPRATT, Mr. STUDDS, Mr. TALLON, Mr. SLATTERY, Mr. STOKES, Mrs. UNSOELD, Mr. VALENTINE, Mr. VENTO, Mrs. Vucanovich, Mr. WOLPE, Mr. YOUNG of Alaska, Mr. WEISS, Mr. McDERMOTT, Mr. CHAPMAN, Mr. LENT, Ms. PELOSI, Mr. MATSUI, Mr. OXLEY, Mr. TRAXLER, Mr. MARTINEZ, Mr. WELDON, Mr. MURTHA, Mr. MOORHEAD, Mr. RITTER, Mr. TOWNS, and Mr. BARNARD.

H.J. Res. 489: Mr. SLATTERY, Mr. SISISKY, Mr. GOODLING, Mr. KOSTMAYER, Mr. BOUCHER, Mr. HYDE, Mr. MARTINEZ, Mr. FISH, and Mr. GILMAN.

H.J. Res. 495: Mr. JONES of Georgia, Ms. PELOSI, Mr. SABO, Mr. TALLON, Mr. GILMAN, Mr. SMITH of Florida, Mr. OWENS of Utah, Mr. LENT, Mr. RAMSTAD, Mr. IRELAND, Mr. CALLAHAN, and Ms. WATERS.

H.J. Res. 520: Mrs. BENTLEY, Mr. BLAZ, Mr. BORSKI, Mr. BREWSTER, Mr. BRYANT, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. de LUGO, Mr. ESPY, Mr. HAMILTON, Mr. HOCHBRUECKNER, Mr. HUTTO, Mr. HYDE, Mr. KANJORSKI, Mr. LEHMAN of California, Mr. McCLOSKEY, Mr. McCOLLUM, Mr. McDADE, Mr. McHUGH, Mr. MARTINEZ, Mr. MATSUI, Mr. MOODY, Mr. PACKARD, Mr. PAXON, Mr. PERKINS, Mr. RAVENEL, Mr. SAVAGE, Ms. SNOWE, Mr. STENHOLM, and Mr. WILSON.

H.J. Res. 532: Mr. MANTON, Mr. DWYER of New Jersey, Mr. HASTERT, Mr. FRANKS of Connecticut, Mr. WEISS, Mr. GEKAS, Mr. SMITH of Florida, Mr. EARLY, Mr. FAWELL, Mr. JONES of Georgia, Mr. McEWEN, Mr. OLVER, Mr. HUBBARD, Mr. FLAKE, Ms. OAKAR, Mr. SCHEUER, Mr. ECKART, Mr. JONTZ, Mr. COLEMAN of Missouri, Mr. DICKS, Mr. HUTTO, Mr. WILSON, Mr. ORTON, Mr. COSTELLO, Mr. BRUCE, Mr. DeFAZIO, Mr. ANDERSON, Mr. BENNETT, Mr. BEVILL, Mr. EVANS, Mr. de la GARZA, Mr. FAZIO, Mr. FORD of Tennessee, Mr. MOAKLEY, Mr. RAHALL, Mr. SAVAGE, Ms. WATERS, Mr. LANTOS, Mr. RUSSO, Mr. TORRICELLI, Mr. MARTINEZ, Mr. ARCHER, Mr. ROEMER, Mr. ABERCROMBIE, Mr. EMERSON, and Mr. CAMP.

H.J. Res. 535: Mr. FOGLIETTA, Mr. HORTON, Mr. CONYERS, Ms. PELOSI, Mr. COLORADO, Mr. GONZALEZ, Mr. ACKERMAN, Mrs. UNSOELD, Mr. GUARINI, Mr. DYMALLY, Mr. PAYNE of New Jersey, Mr. TOWNS, Mr. FROST, Mr. OWENS of New York, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. MOODY, Mr. TORRICELLI, Mr. McNULTY, Mr. TORRES, Mr. MFUME, Mr. ESPY, Mr. de LUGO, Mr. CLAY, Mr. HAYES of Illinois, Mr. WASHINGTON, and Mr. WAXMAN.

H.J. Res. 540: Mr. BLILEY, Mr. BORSKI, and Mr. SPENCE.

H. Con. Res. 11: Mr. TAYLOR of North Carolina.

H. Con. Res. 89: Mr. MOORHEAD.

H. Con. Res. 92: Mr. SKAGGS, Mr. OBERSTAR, Mr. WOLF, Ms. HORN, Mr. PASTOR, Mr. BUSTAMANTE, Mr. HALL of Ohio, Mr. SOLOMON, Mr. WYLIE, Mr. MARTIN, Mr. SKEEN, Mr. MURTHA, Mr. COUGHLIN, Mr. SABO, Mr. FAWELL, Mr. BRYANT, Mr. DAVIS, Mr. DORNAN of California, Mr. WELDON, Mr. DERRICK, Mr. ZELIFF, Mr. CUNNINGHAM, Mr. PERKINS, Mr. DYMALLY, Mr. IRELAND, Mr. GEKAS, Mr. LEACH, Mr. KILDEE, Mr. SHAYS, Mr. FEIGHAN, Mr. McCRERY, Mr. SMITH of New Jersey, Mr. KLECZKA, Mr. CLINGER, Mr. RICHARDSON, Mr. CONYERS, Mr. ROBERTS, Mr. BUNNING, Mr. ANDREWS of Maine, and Mr. HEFNER.

H. Con. Res. 223: Mr. COYNE, Mr. HAMILTON, Mr. LEVINE of California, Ms. ROS-LEHTINEN, Mr. SANTORUM, Mr. SENSENBRENNER, and Mr. ZELIFF.

H. Con. Res. 235: Mr. KILDEE.

H. Con. Res. 296: Mr. COLEMAN of Texas, Mr. JEFFERSON, Mr. NAGLE, Mr. ATKINS, Mr. VANDER JAGT, Mr. SERRANO, Mr. MURTHA, Mr. BRYANT, Mr. BAKER, Mr. DARDEN, Mr. SAXTON, Mr. MATSUI, Mr. GOODLING, Mr. DELLUMS, Mr. EMERSON, and Mr. ENGLISH.

H. Con. Res. 344: Mr. MORAN, Mr. VENTO, Mr. MILLER of Washington, Mr. PANETTA, and Ms. DeLAURO.

H. Con. Res. 353: Mr. HORTON, Mr. PEASE, Mr. GEJDENSON, Ms. NORTON, Mr. RANGEL, Mr. OWENS of New York, Mr. FLAKE, and Mr. EDWARDS of California.

H. Con. Res. 358: Mr. Rahall, Mr. Towns, Mr. Guarini, Mr. LaRocco, Ms. Norton, Mr. Waxman, Mr. Coleman of Texas, Mr. Bonior, Mr. Horton, and Ms. Horn.

H. Res. 129: Mr. Towns.

H. Res. 502: Mr. Stump.

H. Res. 547: Mr. Dornan of California, Mr. McCandless, and Mr. Doolittle.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1300: Mr. Rahall.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

173. By the SPEAKER: Petition of the city of Hammond, IN, relative to the right to strike; to the Committee on Education and Labor.

174. Also, petition of the council of the county of Hawaii, relative to native Hawaiians; to the Committee on Interior and Insular Affairs.

175. Also, petition of Office of the County Clerk, Wailuku, HI, relative to native Hawaiians; to the Committee on Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4706

By Mr. BILIRAKIS:

—Page 15, strike out lines 6 through 14 and insert the following:

(a) Establishment of Bucket Standard.—

(1) Requirement.—Notwithstanding section 3(a)(1) of the Consumer Product Safety Act and effective 8 months after the date of the enactment of this Act, there is established a consumer product safety standard (enforceable under such Act) to require labeling for straight sided, open head, plastic or metal containers with a capacity for more than 4 gallons and less than 6 gallons (hereinafter in this section referred to as a "bucket"). The standard requires the following:

(A) The following shall be required to label a bucket, or cause the bucket to be labeled, in accordance with this subsection:

(i) Any person who fills a bucket for sale of the bucket and its contents.

(ii) If a bucket is sold by a retailer (as defined in section 3(a)(6) of the Consumer Product Safety Act) empty for use as a consumer product (as defined in section 3(a)(1) of such Act), the retailer who so sells the bucket.

(iii) Any person who acquires a bucket, other than for use or sale as a consumer product or for filling for the purpose of selling the bucket and its contents.

(B) The label, which shall be applied prior to release for shipment, shall be a paper, plastic, silk-screened, or off-set printed label which is 5 inches high and 2¾ inches wide or such larger size as a labeler may voluntarily choose and which has a border or other form of contrast around its edges to delineate it from any other information on the bucket.

(C) The label shall contain on a contrasting background the word "WARNING" in block print and the following: "Child Can Fall Into Bucket and Drown—Keep Children Away From Buckets With Even a Small Amount of Liquid".

(D) The label shall contain a picture of a child reaching into a bucket and shall include an encircled slash and a triangle with an exclamation point upon a contrasting field before the word "WARNING".

(E) The letters on the label shall be printed in contrasting colors.

(F) The label shall be easily removable only by the use of tools or a solvent.

(G) The label shall be placed on a side of the bucket just below the point where the handle is inserted.

(H) The label, when placed on a bucket, shall not thereafter be covered, obstructed, or removed by a retailer or distributor.

(2) Process.—

(A) In general.—Not later than one year after the date of the enactment of this act, the Consumer Product Safety Commission shall, in accordance with section 553 of title 5, United States Code, initiate a rulemaking to ratify or modify or supplement the standard established under paragraph (1). As part of the rulemaking, the Commission—

(i) shall solicit comments on the standard established under paragraph (1) and any revision proposal by the Commission,

(ii) shall consider any voluntary labeling standard adopted by the ASTM which provides comparable notice and protection as the standard established under paragraph (1), and

(iii) shall initiate a review of the effectiveness of the standard established under paragraph (1) and any revision proposed by the Commission and include in such review focus groups.

(B) Size of the label.—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding to receive comments for 75 days on the size prescribed for the label under the standard in paragraph (1). Upon the expiration of such 75 days, the Commission shall, within 6 months of the date of the enactment of this Act, decide whether to initiate a rulemaking in accordance with section 553 of title 5, United States Code to revise such size.

(C) Petition for temporary exemption.—Any person may petition the Commission for a temporary exemption from the requirement of the standard in paragraph (1). The Commission shall grant such a petition if the Commission finds that the petitioner has a label which was in use on April 3, 1992, and which is in substantial compliance with the standard and has a plan for coming into full compliance with the standard.

(3) Cooperation.—The Consumer Product Safety Commission shall cooperate with States and political subdivisions to improve and enhance its data on incidents of drownings involving buckets.

(b) Action by the Commission.—Within 30 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin proceedings under an Act administered by the Commission to consider a performance or other standard for buckets. In conducting such proceedings, the Commission shall meet the deadlines and time requirements of such Act. The Commission shall report to the Congress 6 months after the date of the enactment of this Act and every 6 months thereafter on the progress of the Commission under such proceedings.

Redesignate subsection (b) as subsection (c).

By Mr. TRAFICANT:

—Page 17, redesignate section 304 as section 305 and insert after line 3 the following:

SEC. 304. PRODUCT LABELING.

(a) Requirement.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

"(d) Every manufacturer of a product which is subject to a consumer product safety standard under this Act and which is distributed in commerce shall label such product in a prominent manner to disclose the country in which such product was finally assembled.".

(b) Enforcement.—Section 19(6) (15 U.S.C. 2068(6)) is amended by inserting after "(6)" the following: "failure to label a product in accordance with section 14(d);".

—Page 26, insert after line 20 the following:

TITLE VII—BUY AMERICAN

SEC. 701. BUY AMERICAN REQUIREMENTS FOR FEDERAL AGENCIES.

(a) Applicability of Buy American Requirements.—The Consumer Product Safety Commission shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in the amendment made by section 101.

(b) Reports on Procurements From Foreign Entities.—The Consumer Product Safety Commission shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal year 1993 and 1994 with funds provided pursuant to an authorization contained in the amendment made by section 101. Such report shall separately indicate the dollar value of items procured with such funds for which the Buy American Act was waived pursuant to the Trade Agreements Act of 1979 or any international agreement to which the United States is a party.

(c) Prohibition of Procurements of Foreign Products if Discrimination Against U.S. Products.—No contract or subcontract made with funds provided pursuant to an authorization made by section 101 may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services that results in identifiable harm to United States businesses, as identified by the President pursuant to section 305(g)(1)(A) of the Trade Agreements Act of 1979.

(d) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to an authorization made by section 101, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

(e) Definition.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Gordon Alan Achilles, 5010 Cathedral Avenue, NW Washington, DC 20016	Thomson CSF
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association
Lois Wood Adams, 150 Paularino Avenue, Suite 190 Costa Mesa, CA 92626	Beer Drinkers of America
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007	Advances Display Manufacturers of America
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Enron Corporation
Do	International Bank of Commerce
Do	Public Services of Indiana, Inc
Do	Thomson-CSF, Inc
Do	Westinghouse Electric Corp
American Life League, Inc, Box 1350 Stafford, VA 22555	American Life League
American Pacific Enterprises, 70 West 40th Street, 3rd Floor New York, NY 10018	
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech Language Hearing Assn
Frederick M. Anderson, P.O. Box 8000-02777052 Bradford, PA 16701-0980	
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	American General Life Insurance Co. of Texas
Do	Anker Energy Company
Do	GNB, Inc
Do	(For:Institute of Makers of Explosives)
Do	RSR Corporation
John K Antholis, 22 Pine Street Morristown, NJ 07960	New Jersey Assn of Independent Car Rental Companies
William T. Archey, 1615 H STreet, NW Washington, DC 20062-2000	US Chamber of Commerce
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Caribbean International News Corporation
Do	Computer Sciences Corp
Do	Montefiore Medical Center
Do	NaPro BioTherapeutics, Inc
Association for Commercial Real Estate, 1215 Jefferson Davis Highway Suite 100 Arlington, VA 22202	
Association of Home Appliance Manufacturers, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	
John McElroy Atkisson, 1000 Connecticut Avenue, NW, Suite 610 Washington, DC 20036	Home Shopping Network
Deborah Marie Atwood, 1700 N. Moore St. Arlington, VA 22209	American Meat Institute
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	Gerber Products Company
Do	Sacramento Area Flood Control Agency
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Martini & Rossi Corporation
Do	Zinc Corporation of America
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Fund American Enterprises
Do	Hospital Insurance Forum, et al.
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Banyan Group, Ltd
Do	MAS-Hamilton Group
Do	Ventura Port District
Donald Baldwin, 888 16th Street, NW #600 Washington, DC 20006	VALOR
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	Oregon Museum of Science and Industry
Do	PacifiCorp Leasing
Do	Schnitzer Steel Industries
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company
Ben F. Barnes, 600 Congress Avenue, Suite 630 Austin, TX 78701	Alcalde Rousselot & Fay
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	MFC Corporation
Jeffrey A. Baum, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Columbia Hospital for Women
Do	Louisville Gas & Electric Energy Corp
Do	Minnesota Mining & Manufacturing
Do	National Food Processors Assn
Do	Newmont Mining Corporation
Do	Southwest Airlines
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation)
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore
Duane W. Beckhorn, 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	Hazel & Thomas, P.C.
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Stelco, Inc)
Bergner Boyette & Bockorny, Inc, 1101 16th Street, NW, #500 Washington, DC 20036	Ogden Martin Systems, Inc
Willard M. Berry, 1101 15th Street,.#500 Washington, DC 20005	FCIA Management Company, Inc
Everett E. Bierman, 555 13th Stret, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Sterling Forest Corporation
Do	Waste Management, Inc
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Arkansas Electric Energy Consumers
Do	Point of Rocks Ranch, Inc
Do	University of Alaska Fairbanks
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	American Airlines
Do	Carlyle Group
Do	Government of Greece
Do	Horsham Corporation
Do	Mortgage Insurane Companies of America
Do	Usarin Land Development Corp
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises
Sara Block, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)
Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036	Mitsubishi Motors America, Inc
Cynthia S. Bogorad, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)
Carroll Bostic, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)
Stephen Bosworth, 19 Silvermine Road New Canaan, CT 06840	Massachusetts Mutual Life Insurance Company
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Legislative Strategies (For:Berry Petroleum Company)
Do	Legislative Strategies (For:Calcasieu Refining Company)
Do	Legislative Strategies (For:Laketon Refining Company)
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell
Do	Carneige Group, Inc
Peter E. Brereton, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	Corning, Inc
Brooke International, 65 East 55th Street, 33rd Floor New York, NY 10022	
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Association of Retired Persons
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Menominee Indian Tribe of Wisconsin
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc
Bryan Cave McPheeters & McRoberts, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects
Thomas J. Bulger, Government Relations, Inc 1050 17th Street, NW, #510 Washington, DC 20006	Association for Commuter Transportation
Susan K. Bunning, 1726 M Street, NW, Suite 701 Washington, DC 20036	IMCERA Group, Inc
Jerry Burkot, 5353 Columbia Pike, #705 Arlington, VA 22204	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Healthcare Leadership Council
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	ADVANTA Corporation
Do	Superior Bank, FSB
Debra Cabral, 608 Massachusetts Avenue, NW Washington, DC 20002	Nutter & Harris (For:Children's Health Systems, Inc)
Edward E. Cain, 7920 Towerball Court Annandale, VA 22003	AEC Company
Do	City of Stillwater, MN
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Sheet Metal Workers' International Assn
Capital Partnerships, Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Guideway Corporation
Do	ATC Management Corporation
Do	International Taxicab and Livery Association
Do	North Metro Mayors Coalition
Do	RADAR
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Association for Practitioners in Infectious Control
Do	John Hopkins
Do	U.S. Surgical Corp
Capitol Strategies, Suite 875 1747 Pennsylvania Ave., NW Washington, DC 20006	Coldwell Banker
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Commodities Corp)
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education)

Organization or Individual Filing	Employer/Client
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Nissan North America, Inc
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Richard Cohen
Kenneth A. Carpi, 407 C Street, #306 San Diego, CA 92101	San Diego County Water Authority
Terry M. Carr, 1101 Vermont Avenue, NW, #604 Washington, DC 20005	College of American Pathologists
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Capitol American Life Insurance Co
Do	Insituform of North America, Inc
Do	Miami-Dade Community College
Do	New York Medical College
Do	Sidney Frank Importing Company, Inc
Do	St. Xavier College
Do	State of Rhode Island Office of Economic Development
Do	Teach for America
Do	Watsonville Community Hospital
Tucker Cawley, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Biomass Energy Partners
Do	Diamond Energy, Inc
Do	OESI Power Corp
Stephen J. Chand, 16 Shelley Drive Middle Island, NY 11953	Law Enforcement Alliance of America
Patricia A. Cheaure, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)
Jerry Christean, 815 16th Street, NW, #503 Washington, DC 20006	
Linda E. Christenson, 700 13th Street, NW, #950 Washington, DC 20005	Landfill Solutions Group
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009	
Donald A. Clarey, 100 G Street, NW, 7th Floor East Washington, DC 20001	Strategic Management Associates (For:American Paper Institute)
Do	Strategic Management Associates (For:Care Visions Corporation)
Do	Strategic Management Associates (For:Healthcom International)
Do	Strategic Management Associates (For:Hospital for Special Surgery)
Do	Strategic Management Associates (For:Lenox Hill Hospital)
Do	Strategic Management Associates (For:Maimonides Medical Center)
Do	Strategic Management Associates (For:Montefiore Medical Center)
Do	Strategic Management Associates (For:Mount Sinai Medical Center)
Do	Strategic Management Associates (For:New York Hospital-Cornell Medical Center)
Do	Strategic Management Associates (For:Teradata Corporation)
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Metromedia Communications)
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Metromedia Communications
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations
John M. Clough Jr., 1101 16th Street, NW, #500 Washington, DC 20036	Bergner Boyette & Bockorny, Inc
Coan & Lyons, 1100 Connecticut Ave., NW, #1000 Washington, DC 20036	Grane Associates
Cochran Mitchell & Lotkin, 210 Massachusetts Avenue, NW, Suite C-1 Washington, DC 20002	James M. Montgomery Consulting Engineers, Inc
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Sunshine Makers, Incev
Derrick L. Cogburn, 1436 U Street, NW Washington, DC 20009	Greenpeace
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Orleans Levee District
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	COMPACT
Do	Hyster
Do	Scotsman Industries, Inc
Do	Steel Manufacturers Assn
Bert M. Concklin, 1500 PRC DriveCener Drive, #204 McLean, VA 22102	Professional Services Council
Michael Cook, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	American Medical Directors Assn
Billy R. Cooper, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)
Copeland & Hatfield, 601 13th Street, NW, #710 North Washington, DC 20005	CALSTART
James T. Corcoran, 1025 Connecticut Ave., NW Washington, DC 20036	Dial Corp
Council for Affordable Health Insurance, 1101 King Street, #601 Alexandria, VA 22314	
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Coursen Group (For:Air Products and Chemicals, Inc)
Do	Coursen Group (For:American Hispanic Owned Radio Assn)
Do	Continental Cablevision, Inc
Do	Coursen Group (For:Viv America Media Group)
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Attorneys Liability Assurance Society, Inc
Do	NationsBank Corp
Do	State of Louisiana (Medicaid/QC)
Do	State of Oklahoma (Food Stamp/QC)
Do	State of Oklahoma (Medicaid/QC)
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Allied Fishermen of Southeast Alaska
Do	Bristol Bay Buyback Coalition
William J. Cox, 1707 L St., NW Washington, DC 20036	Catholic Health Association of the United States
W. Bruce Crain, 1709 New York Avenue, 8th Floor Washington, DC 20006	Savings and Community Bankers of America
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America
Charles J. Cunningham, 1155 15th Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute, Inc
Do	Dunavant Enterprises, Inc
Do	Hohenberg Bros. Company
Olivier De Chillaz, 1415 Lady Bird Drive McLean, VA 22101	Thomson ESF, Inc
Derek De Korte, 1737 H Street, NW Washington, DC 20006	Algoma Steel Corporation, Ltd
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell (For:Battelle Memorial Institute)
Do	Palumbo & Cerrell (For:Proctor & Gamble Mfg Co)
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Carlyle Group
Tolis Dimopoulos, 3134 Clayborne Avenue Alexandria, VA 22306	
Lawrence S. DiCara, 101 Federal Street, 12th Floor Boston, MA 02110	Peabody & Brown (For:Boston Capital Partners, Inc)
Do	Peabody & Brown (For:Boston Financial Technology Group)
Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe and Spanos, Inc (For:H&R Block, Inc)
Donohue and Donohue, 26 Broadway, Suite 911 New York, NY 10004	NSK Corporation
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Proctor & Gamble Mfg Co
Do	Safeway, Inc
Kimberly Olson Dorgan, 2550 M Street, NW, #275 Washington, DC 20037	National Captioning Institute
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Liberty University
Stephen Paul Doyle, 7101 Wisconsin Avenue, Suite 1390 Bethesda, MD 20814	Alarm Industry Communications Committee
Do	Central Station Alarm Assn
Pamela J. Driver, 1025 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Grand Portage Reservation Tribal Council
Do	Little Six Incorporated
Do	Native American Rights Fund
J. Mark Dunham, 1014 East Capitol Street, NE, #4 Washington, DC 20003	Beacon Consulting Group, Inc
James E. Dunstan, 2000 M Street, NW, Suite 600 Washington, DC 20036	Community Broadcasters Assn
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Coalition for Economic Recovery
Do	National Accrediting Comm of Cosmetology Arts & Sciences
Do	PBX Users Anti-Fraud Coalition
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Chemical Bank
Do	Healthcare 2000, Inc
Do	Isolyser Company
Do	Radiation Care, Inc
Do	Sulzer Brothers, Inc
Harry William Eicher, P.O. Box 19175 Houston, TX 77024	Catholic Truth International
Electronic Frontier Foundation, 666 Pennsylvania Avenue, SE, #303 Washington, DC 20003	
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005	
Dennis L. Erpelding, 1901 L Street, NW, Suite 705 Washington, DC 20036	Eli Lilly & Company
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Lister Bolt & Chain, Ltd
Do	Martin Marietta Corp
Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600	Hospital Assn of Pennsylvania
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	Employee Relocation Council
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans
Walter E. Fauntroy & Associates, 1025 Connecticut Avenue, NW, #610 Washington, DC 20036	African National Congress of South Afric (ANC)
Laura Fennell, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	American Ski Federation
Joseph D. Fincher, 4100 Bank of Oklahoma Tower Tulsa, OK 74172	Wichita Tribe
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc

Organization or Individual Filing	Employer/Client
John H. Fitch Jr., 1421 Prince St., #400 Alexandria, VA 22314	Federal Legislative Associates (For:Limited, Inc)
Do	Federal Legislative Associates (For:Native American Cotton Producers)
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Farmers Mutual Fire Insurance Co of Okarche
Do	Wackenhut Educational Services
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo and Associates, Inc (For:American Nuclear Energy Council)
Fontheim & O'Rourke, 1129 20th Street, NW, Suite 500 Washington, DC 20036	Zerand-Beral Group, Inc
James J. Fotis, 1600 Rhode Island Ave., NW Washington, DC 20036	Law Enforcement Alliance of America
Mary E. Fox-Grimm, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn
Freedom Technologies, Inc, 1301 K Street, NW, Suite 1025 East Washington, DC 20005	
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Basic Management, Inc
Do	Central Basin Municipal Water District
Do	Central Utah Water Conservancy District
Do	Neumiller & Beardslee (for San Joaquin County, CA), et al.
Do	Odyssey International, Inc
Do	Riverside Resort Hotel & Casino
Do	South Dade Land Corp
Do	Spelman & Co
Do	West Basin Municipal Water District
FCIA Management Company, Inc, 40 Recotr Street, 11th Floor New York, NY 10006	
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	Savings and Community Bankers of America
Patrick T. Gilmore, 2950 Brother Boulevard Bartlett, TN 38134	Brother Industries (USA), Inc
Do	Brother International Corporation
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Sage Alerting Systems, Inc
Edward L. Gogol, 4018 Beechwood Road University Park, MD 20762	Law Enforcement Alliance of America
Franklin B. Gold, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	AmericanScience & Engineering, Inc
Do	Caremark, Inc
Do	Commonwealth of Kentucky
Do	Korea Iron and Steel Assn
Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Waste management Assn
Noel Gould, 320 14th Street, NE Washington, DC 20002	Brooke International
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	First Mesa Consolidated Villages
Governmental Advocates, Inc, 1127 11th Street Sacramento, CA 95814	County of Placer
Do	San Joaquin Partnership
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA
Do	National Confectioners Association
Edwin C. Graves, 2001 M Street, NW Washington, DC 20036	Furman Group
Do	McAuliffe, Kelly & Raffaelli
William T. (Tom) Gray, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn
Jennifer Greene, 312 Massachusetts Avenue, NE Washington, DC 20002	Trust for Public Land
John P. Gregg, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C.
Mary Griffin, 2001 S Street, NW, Suite 520 Washington, DC 20009	Consumers Union
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Carlyle Group
Do	Coalition for Transit Opportunities '92
Stephanie J. Grogan, National Wildlife Federation 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Society of Hematology
Mark F. Guimond, 4659-C 28th Road Arlington, VA 22206	National Staff Leasing Assn
Jocelyn A. Guyer, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)
Tom Hagedorn Associates, 4000 Oxford Street Annandale, VA 22003	Capital Partnerships, Inc (For:North Metro Mayors Coalition)
Haley Bader & Potts, 2000 M St., NW, #600 Washington, DC 20036	Community Broadcasters Assn
Halprin Mendelsohn & Goodman, 1301 K Street, NW, Suite 1020 Washington, DC 20005	Yellow Pages Publishers Association
Daniel O'Connell Hamilton, 1825 Eye Street, NW, #400 Washington, DC 20006	Quentin Wilson & Associates (For:University of Missouri at Rolla)
G. Todd Hardy, 8251 Greensboro Drive, Suite 1100 McLean, VA 22102	
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads
James W. Harris, 1709 New York Avenue, NW Washington, DC 20006	Savings and Community Bankers of America
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:Ad Hoc Electronics Coalition)
Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002	American Association of Nurse Anesthetists
Hazel & Thomas, P.C., 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	International Disarmament Corp
Barbara Alison Helfrich, 3510 Thornapple Street Chevy Chase, MD 20815	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	National Asian American Telecommunications Assn
Do	Yakima Indian Nation
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Ansell
Do	B.P. America, Inc
Do	Farm Credit Bank of Texas
Do	Federal Agricultural Mortgage Corp
Do	Gulf Citrus Growers Assn
Do	David Miller
Do	Our Lady of the Lake University
Do	Pepsi Co.
Do	Pizza Hut, Inc
Do	Soap & Detergent Assn
Do	Unites States Sugar corp
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:National Horse Show Commission)
Do	Oneida Indian Nation
Holden Kidwell Hahn & Crapo, P.O. Box 129 Idaho Falls, ID 83402	Teton County Wyoming, et al.
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Spaceport Florida Authority
Michael M. Hollings, 1201 Main Street, Suite 2340 Colubmia, SC 29201	Porsche Cars North America, Inc
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Herzog Heing Gedold, Inc)
Christopher C. Horner, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Jefferson Group (For:Crompton & Knowles)
Do	Jefferson Group (For:Doe Run Company)
Do	Jefferson Goup (For:Horsehead Resource Development)
Do	Jefferson Group (For:Industrial Safety Equipment Assn)
Do	Jefferson Group (For:Molson Breweries USA, Inc)
Do	Jefferson Group (For:Torrington Company)
Do	Zinc Corporation of America
Howrey & Simon, 1730 Pennsylvania Avenue, NW, #900 Washington, DC 20006-4793	Technologies International
Gerry B. Hudson, 1737 H Street, NW Washington, DC 20006	Algoma Steel Corporation, Ltd
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Hunter Industrial Facilities, Inc
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Universal Card Services)
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Wine Institute
Susan A. Ishmael, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors
Edward L. Jaffee, 655 15th Street, #300 Washington, DC 20005	ISP Management Company, Inc
Do	Primary Glass Manufacturers Council
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Rotary Power International, Inc
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	American Land Title Assn
Do	Northfield Laboratories, Inc
David C. John, 3201 Landover Street, #1212 Alexandria, VA 22305	National Association of Federal Credit Unions
Donald Eugene Johnson, P.O. Box 1000 Lewisburg, PA 17837	
Jacquelyn M. Johnson, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation
Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	City of Gainesville
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Coalition for Group Legal Services
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	American Medical Directors Assn
Do	Amersham
Do	Fujisawa USA, Inc
Do	NutraSweet Co
Do	G.D. Searle
Paul C. Katz, 1709 New York Avenue, NW Washington, DC 20006	Savings and Community Bankers of America
Heather Anne Keith, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	Public Service Electric and Gas Company
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint

Organization or Individual Filing	Employer/Client
Kirkpatrick & Lockhart, 1800 M Street, NW 9th Floor, South Lobby Washington, DC 20036	Allegheny Ludlum Corporation
Do	Center for Civic Education
Do	Constitutional Rights Foundation
Do	National Institute for Citizens Education in the Law
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Guam Power Authority)
Linda J. Koufos, 14 Daniels Road Wenham, MA 01984	
Betsy Laird, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	New York City Partnership, Inc
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004-2505	Alexander & Alexander Services, Inc
Do	EUA Cogenex Corp
Do	Insurance Solvency Coalition
Do	Intercontinental Energy Corp
Do	Manville Corp
Do	National Independent Energy Producers
Do	Sithe Energies USA, Inc
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	Lessees of the Municipal Fish Wharf
Richard C. Lawson, 1300 I Street, NW, Suite 250 West Washington, DC 20005	Hoffman-La Roche, Inc
John M. Laxalt, 1515 Jefferson Davis Highway, PH-12 Arlington, VA 22202	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company
Do	Lamb-Weston, Inc
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	CSX Corporation
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Paul Werth Associates, Inc (For:Hoechst Celanese Corporation)
Robert F. Lederer, 1250 I Street, NW, #500 Washington, DC 20005	National Staff Leasing Assn
Kristen Lee, 2336 Ontario Road, NW Washington, DC 20009	Washington Office on Africa
J. Mark Leggett, NationsBank Corporation One NationsBank Plaza (T22-1) Charlotte, NC 28255	NationsBank Corporation
Legislative Strategies, 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Berry Petroleum Company
Do	Calcasieu Refining Company
Do	Laketon Refining Company
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn
Lynette Lenard, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browing-Ferris Industries
Ann Leonard, 1436 U Street, NW Washington, DC 20009	Greenpeace
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation
L.R. Lewis & Associates, 7035 Chesley Search Way Alexandria, VA 22310-4754	National Cooperative Bank
Cynthia LeBrun-Yaffe, P.O. Box 42469 Washington, DC 20015-0516	Council for Compassionate Government (NEAVS)
Lord Day & Lord, Barrett Smith, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Lafarge Corporation
Lon D. Lowrey, 2140 L Street, NW, #1106 Washington, DC 20037	Sandoz Pharmaceuticals Corp
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company
LDDS Communications, Inc, 1825 I Street, Nw, #400 Washington, DC 20006	
M P Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Bogan Aerotech, Inc
Robert J. Mackay, 7116 Burtonwood Drive Alexandria, VA 22307	International Swap Dealers Assn
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council
Paul Magliocchetti Associates, Inc, 2001 Jefferson Davis Highway Crystal Plaza I, #405 Arlington, VA 22202	Bath Iron Works Corp
Do	Chamberlain Manufacturing Corp
Do	Diagonstic Retrieval Systems, Inc
Do	Dynamics Research Corp
Do	Electronic Warfare Associates, Inc
Do	Era Aviation Services
Do	Grumman Corporation
Do	Laurel Technologies, Inc
Do	Medco Containment Services, Inc
Do	MIC Industries, Inc
Do	Orange Shipbuilding Co, Inc
Do	Schat-Watercraft
Do	Schweizer Aircraft Corp
Do	Short Brothers (USA), Inc
Do	Technology Applications and Service Co
Do	Textron, Inc
Do	Trans-Marine Management Corporation
Do	Trinity Marine Group
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc (For:Manhole Adjusting Contractors, Inc)
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Manhole Adjusting Contractors, Inc
Mallinckrodt Medical, Inc, 1726 M Street, NW, Suite 701 Washington, DC 20036	
Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Barr Laboratories
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company
John O. Marsh Jr, 3110 Fairview Park Drive, #1400 Falls Church, VA 22042	Hazel & Thomas, P.C.
Lorina L. Marshall, 1901 Market Street, 38th Floor Philadelphia, PA 19103	Independence Blue Cross
Lynn Martenstein, 1250 Connecticut Avenue, NW Washinhton, DC 20036	American Paper Institute, Inc
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Bluff Furnace of Chattanooga, Inc
Do	Buena Vista Golf & Country Club
Do	DeMarco Enterprises
Do	Golden Rule Insurance Company
Do	Merritt Peralta Medical Center
Sheila M. McCaffrey, Pitney Bowes, Inc World Headquarters Stamford, CT 06926-0700	Pitney Bowes, Inc
McCamish Martin & Loeffler, P.C., Suite 1290 East 555 13th Street, NW Washington, DC 20004	Star Foods Processing, Inc
Brian McClay, 1737 H Street, NW Washington, DC 20006	Canadian Pulp and Paper Association
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006-2296	Associated Financial Corporation
Do	ARA Services, Inc
Do	Blue Cross & Blue Shield of Missouri
Do	Campbell Soup Company
Do	Coalition for Employment Opportunities
Do	Fashion Accessories Shippers Association
Do	Harcourt Brace Jovanovich
Do	Kmart Corporation
Do	National Association of Diagnostic Services
Do	Olin Corporation
Do	Russ Berrie & Company
Do	Southland Corporation
Do	World Airways
Robert C. McDiarmid, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	City of Charlotte, NC
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Barr Laboratories)
Do	McGuiness & Holch (For:Conrail)
Do	McGuiness & Holch (For:PepsiCo)
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute
Robert A. Mechan, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees
Medical and Dental Professionals Helping Uninsured Americans, 1313 Horse Shoe Drive Lewisburg, TN 37091	
Nanine Meiklejohn, P.O. Box 1 Garrett Park, MD 20896	Coalition on Human Needs
Tucker L. Melancon, P.O. Box 211 Marksville, LA 71351	Melancon & Rabalais (For:American Psychological Association)
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Wichita Tribe
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Sunshine Makers, Incev
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606	
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	Direct Marketing Association, Inc
David H. Miller, 901 31st Street, NW Washington, DC 20007	Federal Legislative Associates (For:American Cotton Producers)
Do	Federal Legislative Associates (For:Hughes Network Systems)
Do	Federal Legislative Associates (For:Limited, Inc)
Dianne Miller, 1001 Pennsylvania Avenue, NW, #350N Washington, DC 20004	State of Delaware, Bank Commissioner
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	SABIC Marketing Americas, Inc
Miller & Co, P.C., 400 International Square 1825 I Street, NW Washington, DC 20006	Chevron USA, Inc

Organization or Individual Filing	Employer/Client
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Montana Technology Center
Do	Muckleshoot Indian Tribe
Do	Waste Management Environmental Services, Inc
Harold W. Mills Jr., 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)
Luka Misetic, 1912 Sunderland Place, NW Washington, DC 20036	Croatian-American Association
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005	Golden Rule Insurance Co
Do	Thomson-CSF, Inc
Karen Ann Mogan, 1401 New York Avenue, NW Washington, DC 20005	National Food Processors Association
Rosanne Mogavero, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	City of San Antonio
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	America's Best Banks
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	Wisconsin Central Transportation Corporation
Robert Musil, 1616 P Street, NW, #320 Washington, DC 20036	Physicians for Social Responsibility
National Association of Chain Drug Stores, P.O. Box 1417-D49 Alexandria, VA 22313	
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Community Services Society
Do	Republic of Tunisia
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213	
Glenn Lawrence Northup, P.O. Box 34595 Bethesda, MD 20827	Convenient Automotive Services Institute
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	ICI Americas, Inc
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation
James E. O'Connor, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America
John R. O'Donnell, 1620 Eye Street, NW, #300 Washington, DC 20006	Oxnard Harbor District
John O'Shaughnessy, 1001 G Street, NW, 7th Floor East Washington, DC 20001	Strategic Management Associates, Inc (For:Care Visions Corporation)
Do	Strategic Management Associates, Inc (For:Healthcom International)
Do	Strategic Management Associates, Inc (For:Hospital for Special Surgery)
Do	Strategic Management Associates, Inc (For:Lenox Hill Hospital)
Do	Strategic Management Associates, Inc (For:Maimonides Medical Center)
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)
Do	Strategic Management Associates, Inc (For:Mount Sinai Medical Center)
Do	Strategic Management Associates, Inc (For:New York Hospital-Cornell Medical Center)
Do	Strategic Management Associates, Inc (For:Teredata Corporation)
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	Savings and Community Bankers of America
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers
Karen Oliver, 717 Second Street, NE Washington, DC 20002	Beer Drinkers of America
Richard D. Otis, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Jefferson Group (For:Horsehead Resource Development)
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Water Island Civic Association)
Sally LaHue Owen, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America
James C. Owens, 10 Schindler Court Silver Spring, MD 20903	Western Ancient Forest Campaign
Maria L. Pagan, 1869 Park Road, NW Washington, DC 20010	Rick Swartz & Associates (For:Civil War Battlefield Foundation)
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Proctor & Gamble Mfg Co
Do	Safeway, Inc
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	Battelle Memorial Institute
Do	Proctor & Gamble Mfg Co
Do	Safeway, Inc
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Columbia Laboratories, Inc
Do	Eli Lilly & Company
Do	Federal Judges Association
Do	Nonprescription Drug Manufacturers Assn
Do	Office of the Immigration Judges
Do	Recording Industry Assn of America
Do	Syntex USA, Inc
Do	Unilever
Do	Utah Natural Products Alliance
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Alyeska Pipeline Service Co
Do	American International Group
Do	Center City Inner Harbor
Do	Edison Electric Institute
Do	Florida State Assn of Supervisors of Elections, Inc
Do	Home Owners Warranty Corp
Do	Landauer, Inc
Do	National Propane Gas Assn
Joann Payne, 622 North Tazewell Street Arlington, VA 22203	Payne Shea & Associates, Inc
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects
Karen W. Penafiel, 1201 New York Avenue, NW, Suite 300 Washington, DC 20005	Building Owners and Managers Assn International
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Association of Private Psychiatric Hospitals
Anne Powers Perry, 5605 South 5th Road Arlington, VA 22204	National Trust for Historic Preservation
Dan A. Peterson, 1314 Skipwith Road McLean, VA 22101	Martin Marietta Corporation
Basil H. Pflumm, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors
Pamela Phillips, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn
Lino J. Piedra, 1100 Connecticut Avenue, NW, Suite 900 Washington, DC 20036	Chrysler Corporation
Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler (For:Star Foods Processing, Inc)
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Electronic Frontier Foundation
Do	Times Mirror
Do	Unilever United States, Inc
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Ashley, Inc
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor, S Washington, DC 20004	Koyo Corporation of USA
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	ASARCO, Inc
Do	Delta Queen Steamboat Company
Do	ENVIROTIRE, Inc
Do	Georgia Pacific Corp
Do	Intermodal Association of North America
Do	James River Corp
Michael Allen Price, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101	
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Pacific Mutual Life Insurance Company
Marianne F. Radziewicz, 4700 Connecticut Avenue, NW, #500 Washington, DC 20008	Council for Compassionate Governance
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	Savings & Community Bankers of America
Tanya A. Rahall, 2550 M Street, NW, #305 Washington, DC 20037-1301	American Task Force for Lebanon Legislative Council
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)
George Ramonas, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Advocacy Group (For:American Chiropractic Association)
Do	Advocacy Group (For:Border Trade Alliance)
Do	Advocacy Group (For:Brown & Root, Inc)
Do	Advocacy Group (For:City of Tempe)
Do	Advocacy Group (For:New Mexico State University)
Do	Advocacy Group (For:Port of Brownsville, Texas)
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Lutheran Medical Center
Sean Reed, 729 Massachusetts Avenue, NE Washington, DC 20002	Beacon Consulting Group, Inc
Martin A. Regalia, 1101 15th Street, NW, #400 Washington, DC 20005	Savings and Community Bankers of America
David K. Rehr, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn
Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	United Front for Multiparty Democracy (Malawi)
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Kabi Pharmacia, Inc
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equipment Corp
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	K & F Industries
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	General Dynamics
Liz Robbins Associates, 420 7th St., SE Washington, DC 20003	Cantor Fitzgerald & Co. Inc

Organization or Individual Filing	Employer/Client
Do	Metropolitan Museum of Art
Do	Project Orbis, Inc
Do	Reed Services, Inc
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	Crystal Cruises, Inc
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	British Aerospace, Inc (Government Programs Office)
Susan P. Rochford, 1100 Connecticut Avenue, NW Washington, DC 20036	Honeywell
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Algoma Steel Corporation, Ltd
Do	Canadian Pulp and Paper Association
Do	Italian Trade Commission
Do	R.L. Polk & Company
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Fleet Financial Group and Subsidiaries
John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728	
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	MBNA American Bank NA
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp
Wendy B. Samuel, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	Savings and Community Bankers of America
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers)
Arthur R. Sando, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)
Savings and Community Bankers of America, 1709 New York Avenue Washington, DC 20006	
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)
William Schreiber, 150 Paularino Avenue, Suite 190 Costa Mesa, CA 92626	Beer Drinkers of America
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	California Municipal Utilities Assn (CMUA)
Do	SWANA
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Galveston Chamber of Commerce
Do	Galveston Chamber of Commerce
Do	Southwestern Bell Corporation
Do	Vulcan Materials
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association
Harry K. Schwartz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation
Scuba Divers Association, 10703 Courthouse Road Fredericksburg, VA 22407	
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030	
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX Government Affairs Company
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	ERISA Industry Committee, et al.
Do	Pennsylvania Blue Shield
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Bunge Corp
Do	Wilsons the Leather Experts
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Nuclear Fuel Services, Inc
Do	Presbyterian University Hospital
Do	University of Pittsburgh
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Eli Lilly and Company
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Association (APGA))
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	OHM Corp
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Life College
Robert J. Simon Jr., 1750 K Street, NW, Suite 210 Washington, DC 20002	Industrial Truck Assn
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Duke Energy Corporation
Do	Towner Electric
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	New Jersey Turnpike Authority
Do	Proctor & Gamble Mfg Co
Do	Safeway, Inc
Do	Southern California Rapid Transit District
Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006	LDDS Communications, Inc
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith & Company (For:Narong Group)
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc
Smith McNulty & Kearney, One State Street, 8th Floor Boston, MA 02107	NYNEX Government Affairs
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:American Medical Directors Assn)
Do	Katten Muchin Zavis & Dombroff (For:Amersham)
Do	Katten Muchin Zavis & Dombroff (For:Fujisawa USA, Inc)
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)
Do	Katten Muchin Zavin & Dombroff (For:NutraSweet Co)
Do	Katten Muchin Zavis & Dombroff (For:G.G. Searle)
Henry A. Solomon, 2000 M Street, NW, Suite 600 Washington, DC 20036	Community Broadcasters Assn
Patricia F. Soltys, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company
J.C. Songer, 51437-060 P.O. Box 8000 Bradford, PA 16701	
Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce
Tasha Soudah, 888 16th Street, NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)
Do	Bannerman and Associates, Inc (For:Embassy of the Republic of Djibouti)
Do	Bannerman and Associates, Inc (For:Government of Egypt)
Do	Bannerman and Associates, Inc (For:Government of U.A.E.)
Patricia F. Soylts, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak
Spencer Fane Britt & Browne, 1133 Connecticut Avenue, NW, Suite 1000 WashingtonQDC20036	City of Siloam Springs
Do	National Association of Demolition Contractors
Do	Twentieth Century Mutual Funds
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County
Do	City of St. Louis Airport Authority
Do	Michigan Municipal/Cooperative Group
Do	Orange County
Do	Transmission Access Policy Study Group
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Del Webb Corp
Do	Financial Guaranty Insurance Company
Do	Sealaska Corporation
Do	Yavapai-Prescott Indian Tribe
Jessica Stewart, 1350 New York Avenue Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America
Strategic Management Associates, Inc, 1001 G Street, NW, 7th Floor East Washington, DC 20001	American Paper Institute
Do	Care Visions Corporation
Do	Healthcom International
Do	Hospital for Special Surgery
Do	Lenox Hill Hospital
Do	Maimonides Medical Center
Do	MicroGeneSys, Inc
Do	Montefiore Medical Center
Do	Mount Sinai Medical Center
Do	New York Hospital-Cornell Medical Center
Do	Teradata Corporation
John W. Strayer III, 1101 King Street, #601 Alexandria, VA 22314	Council for Affordable Health Insurance
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Company, Inc
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Water Environment Research Foundation
John H. Sununu, One Town Center Road Boca Raton, FL 33486	W.R. Grace & Company
Dale F. Swartz, 1869 Park Road, NW Washington, DC 20010	Rick Swartz & Associates (For:Civil War Battlefield Foundation)
Rick Swartz & Associates, Inc, 1869 Park Road, NW Washington, DC 20010	Civil War Battlefield Foundation
Philip E. Swink, Pepsi-Cola Company Somers, NY 10589	Pepsi-Cola Company
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council
Paul C. Taylor, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	NAIOP, Assn for Commercial Real Estate
Randy Teach, P.O. Box 1417-D49 Alexandria, VA 22313	Medical Group Management Association
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center
Bill Thompson, 7700 Leesburg Pike, #421 Falls Church, VA 22043	Law Enforcement Alliance of America

Organization or Individual Filing	Employer/Client
Kathryn S. Thompson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	AMEC Holdings, Inc
Do	Peter Kiewit Sons', Inc
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc
Douglas J. Tilton, 1211 Independence Avenue, SE Washington, DC 20003	Washington Office on Africa
Rick Tingling-Clemmons, 4704 East Capitol Street, NE Washington, DC 20019	National Tenants Organization, Inc
William A. Tolle, 1015 15th Street, NW, #500 Washington, DC 20025	James M. Montgomery Consulting Engineers, Inc
James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037	Gulf States Utilities Company
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Stelco, Inc)
Do	Hill & Knowlton (For:Universal Card Services)
Lillian M. Trippett, 499 South Capitol Street, SE, #502 Washington, DC 20003	ENme (For:Martin Marietta Corporation)
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	Savings and Community Bankers of America
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company
Jerry D. Turner, 1217 Tennessee Building Chattanooga, TN 37402-4883	Bell Turner Murphy Wilson & Hobbs (For:Sale Creek Utility District)
Do	Bell Turner Murphy Wilson & Hobbs (For:Sunbright Utility District)
Tuttle & Taylor, 1025 Thomas Jefferson Street, NW Suite 407 Washington, DC 20007	Blue Diamond Growers
Do	Sunkist Growers, Inc
Peter Tyler, 1000 16th Street, Suite 810 Washington, DC 20036	Physicians for Social Responsibility
Robert C. Ulrich, 555 13th Street, NW, #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff Quade & Douglas, Inc
Richard P. Urian, 1100 17th Street, NW, Suite 1200 Washington, DC 20036	General Atomics
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Montana Technology Companies, Inc
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn
Do	FLIR Systems, Inc
Do	Librascope
Do	Sea Beam Instruments, Inc
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Bio Resources, Ltd
Do	Mack Trucks, Inc
Do	National Association of Energy Service Companies
Do	National Endangered Species Act Reform Coalition
Do	Sacramento Municipal Utility District
Do	Toyota Motor Corporate Services of North America, Inc
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053	
Venable Baetje Howard & Civiletti, 1201 New York Ave., NW, #1100 Washington, DC 20005	United Video, Inc
Merlyn Veren, 2001 North Adams Arlington, VA 22201	Intera Auto SErvice
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California Department of Insurance
Mary Vihstadt, 2000 K Street, NW, Suite 203 Washington, DC 20006	Dial Corp
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Transmission Access Policy Study Group
Howard A. Vine, Jefferson Group 1341 G Street, NW, #1100 Washington, DC 20005	The Jefferson Group (For:Crompton & Knowles)
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Foreign Credit Insurance Assn Management Co, Inc
Charles E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	General Dymanics Corp
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Environmental Transportation Assn
Do	Southwire
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation
Stephen E. Ward, 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Company
Austen W. Watson, 1215 Jefferson Davis Hwy., #1203 Arlington, VA 22202	GEC-Marconi Electronic Systems Corp
Michael L. Welsh, Executive Mews, Suite X113 Cherry Hill, NJ 08003	Welsh Consulting Corporation
Porter K. Wheeler, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:National Investment Consultants, Inc)
Thomas E. Wheeler, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Association
Wickham & Associates, 1090 Vermont Avenue, NW, #800 Washington, DC 20005	Times Square Center Associates
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Aeronautical Radio, Inc (ARINC)
Fred H. Williamson, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)
Laura B. Wills, 1101 16th Street, NW, Suite 500 Washington, DC 20036	Bergner Boyette & Bockorny, Inc
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Chrysler Motors Corporation
Do	General Motors Corporation
Wilson Sonsini Goodrich & Rosati, Two Palo Alto Square Palo Alto, CA 94306	United Microelectronics Corp (UMC)
Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Carus Chemical Company
Do	DHL Corporation
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Goldman Sachs
Do	National Assn of Demolition Contractors
Do	North American Chemical Company
Do	Securities Industry Assn
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Matthews Foundation for Prostate Cancer Research
Hope R. Wittenberg, 2021 Massachusetts Ave., NW Washington, DC 20036	Society of Teachers of Family Medicine
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Certained Corporation
Do	Mercy Health Plan
Do	Virginia Commonwealth University
Dennis L. Wojtanowski, 10 West Broad Street, #1360 Columbus, OH 43215	American Electric Power Service Corp
Joel Wood, 400 N. Washington Street Alexandria, VA 22314	National Assn of Casualty and Surety Agents
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Grand Metropolitan, Inc
Ben Zingman, 1425 K Street, N.w. Washington, DC 20006	Fleishman-Hillard (For:Brother Industries (USA), Inc, et al.)
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	American Therapeutic Recreation Association
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Newport News Shipbuilding

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ♦

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."♦

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1♦

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,375.00	
Robert J. Aagre, 1835 - 12th Street, NW Washington, DC 20009-4421	U.S. Chamber of Commerce	40.00	10.00
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers..	340.55	
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Christopher Barclay Abukari, 2224 First St. NW Washington, DC 20001	Rainbow Lobby, Inc	4,836.00	
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 216 7th Street, SE Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Gordon Alan Achilles, 5010 Cathedral Avenue, NW Washington, DC 20016	Thomson CSF		
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	100.00	27.92
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	1,890.00	1,760.00
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)	1,000.00	
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	5,940.00	5,400.00
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007	Advances Display Manufacturers of America	440.00	440.00
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		9,610.00	9,610.00
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			19,871.48
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		9,595.70	9,595.70
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
Maria-Tilves Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Catherine W. Ahmad, 516 First Street, SE Washington, DC 20003	Gryphon International	8,107.00	
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	15,000.00	1,163.53
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		180.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Conditioning Contractors of America, 1513 16th Street, NW Washington, DC 20036		1,300.00	1,300.00
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		13,500.00	
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		2,719.90	2,719.90
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		182,853.00	125,013.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	4,200.00	64.00
Airport Operators Council International, 1220 19th Street, NW, #200 Washington, DC 20036			20,509.20
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	725.00	
Do	Amerada Hess Corp		
Do	American Airlines, Inc	16,705.00	304.00
Do	American Share Insurance Corporation	880.00	
Do	American Telephone & Telegraph Co	7,930.00	133.00
Do	Bank of Nova Scotia		
Do	Bolt Beranek & Newman, Inc	705.00	
Do	Burger King Corp		
Do	Cambridge Information Group	100.00	
Do	Clark/Bardes Organization, Inc	100.00	
Do	Colombian Government Trade Bureau (PROEXPO)	133.00	
Do	Consumers Power Company	570.00	
Do	Cotton Bowl Athletic Assn	12,160.00	228.00
Do	Dow Jones & Co	14,750.00	266.00
Do	Enron Corporation	240.00	
Do	Fujitsu America, Inc		
Do	W. R. Grace & Co		
Do	Guardian Industries		
Do	International Bank of Commerce	1,540.00	19.00
Do	International Specialty Products, Inc	1,100.00	19.00
Do	Peter Kiewit Son's, Inc		
Do	Levi Strauss & Co	510.00	
Do	Long Island Lighting Co		
Do	MacAndrews & Forbes Holdings, Inc	4,525.00	76.00
Do	Mazda (North America), Inc	1,890.00	19.00
Do	Mazda Motor Corporation	163.00	
Do	Medical Protective Company	305.00	
Do	Mesa Petroleum Co	1,790.00	19.00
Do	Metropolitan Transit Authority of Harris County	7,205.00	133.00
Do	Miller Brewing Company	12,900.00	228.00
Do	Morgan Stanley & Co, Inc	750.00	
Do	Motion Picture Assn of America, Inc	17,418.00	323.00
Do	MCA, Inc		
Do	National Football League	8,939.00	152.00
Do	National Health Laboratories		
Do	Natural Gas Vehicle Coalition	24,725.00	456.00
Do	Nestle Holdings, Inc	443.00	
Do	New York Public Library	588.00	
Do	Ongard Systems, Inc		
Do	Pharmaceutical Manufacturers Assn	1,259.00	19.00
Do	Public Services of Indiana, Inc	250.00	
Do	Riggs National Corp	1,710.00	19.00
Do	Ryder System, Inc	956.00	19.00
Do	RJR Nabisco, Inc	3,411.00	57.00
Do	Southern California Edison Co	5,180.00	95.00
Do	Texas National Research Laboratory Commission		
Do	Thomson-CSF, Inc	11,172.00	209.00
Do	Time-Warner	2,400.00	38.00
Do	Upjohn Company	5,050.00	95.00
Do	Warner-Lambert Co	451.00	
Do	Westinghouse Electric Corp	9,010.00	171.00
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,585.28	
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)		
Do	AST Research, Inc		180.00
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		111.00
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	5,400.00	900.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	7,124.75	1,560.00
Do	Albertine Enterprises, Inc (For:Great Lakes Transmission Company)	1,510.83	258.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	3,150.00	480.00
Do	Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc)		
Do	Albertine Enterprises, Inc (For:Millipore Corp)	1,200.00	225.00
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)	2,559.20	450.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	4,500.00	680.00
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	9,000.00	1,830.00
Do	Albertine Enterprises (For:Western Digital, Inc)		
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)		
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises, Inc (For:Castle Harlan & Delaware Management Corp)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	12,600.00	2,100.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	16,624.80	3,640.00
Do	Albertine Enterprises, Inc (For:Great Lakes Transmission Company)	2,805.84	665.00
Do	Itron and Amrplus Partners	5,850.00	1,120.00
Do	Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc)		
Do	Albertine Enterprises, Inc (For:Millipore Corp)	2,800.00	525.00
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)	2,925.00	1,050.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	10,500.00	1,120.00
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	21,000.00	4,270.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Western Digital Corp)		
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference, Inc		
Do	AST Research, Inc		600.00
Do	Beckman Instruments, Inc		370.00
Do	Castle Harlan, Inc		
Do	Exide Electronics	18,000.00	3,000.00
Do	Fruit of the Loom, Inc	23,749.71	5,200.00
Do	Great Lakes Transmission Co	5,966.67	950.00
Do	ITRON and AMR	9,000.00	2,150.00
Do	Materials Research Corp of Sony USA, Inc		
Do	Millipore Corp	3,000.00	750.00
Do	Rogerson Aircraft Corp	9,500.00	1,500.00
Do	SMS Corp	15,000.00	1,600.00
Do	West Point Pepperell, Inc	30,000.00	6,100.00
Do	Western Digital Corp		
Virginia S. Albrecht, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	1,306.80	
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)	29.33	
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	58.65	
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc)		
Do	Cadwalader Wickersham & Taft (For:Chiquita Brands International, Inc)		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)	58.65	
Do	Cadwalader Wickersham & Taft (For:Ladies Professional Golf Assn)	144.90	
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	58.65	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	146.63	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurers Assn of America)	1,947.50	
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036–3822	Matsushita Electric Corp of America	300.00	66.70
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center		
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	14,269.00	124.15
Pamela J. Allen, 122 C Street, NW, #280 Washington, DC 20001	National Assn of Mutual Insurance Companies	53.00	
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	925.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		17,500.00	1,990.00
Alliance of American Insurers, 1629 K Street, NW, #1010 Washington, DC 20006			53,657.91
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		1,836.35	3,988.02
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Margaret S. Almond, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp		
Victoria Almquist, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	3,206.28	15,436.35
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	707.91
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	443.70	
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		26,207.73	26,207.73
American Agriculture Movement, Inc, 100 Maryland Ave, NE, #500 Box 69 Washington, DC 20002		3,000.00	3,000.00
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		32,762.00	32,762.00
American Arts Alliance Action League, Inc, 1319 F Street, NW, #500 Washington, DC 20004–1151			11,478.12
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		26,375.00	26,375.36
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		5,000.00	5,000.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		170.65	50.00
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			331.79
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		156,180.29	156,180.29
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		26,880.00	25,160.45
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		19,225.00	4,340.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		31,341.00	31,341.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		2,014.00	12,434.03
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			35,389.76
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		172,964.00	172,964.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			201,503.42
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		4,440.00	4,440.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Street, NW, #1100 Washington, DC 20006		14.67	95.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036			4,705.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		24,191.72	14,447.03
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			5,584.75
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		6,359.00	6,359.00
American International Group, Inc, 70 Pine Street New York, NY 10270			48,856.36
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		258,392.00	238,110.80
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			4,235.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		38,500.00	8,965.96
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		13,995.37	3,358.61
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		827,000.00	7,361.86
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			104,157.00
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		22,492.25	22,492.25
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			16,100.00
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024–2571		48,910.03	48,910.03
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850–0822		11,630.54	11,630.54
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314–1885		11,903.00	61,630.00
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			8,125.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		220,687.14	369,147.72
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		4,052.28	4,052.28
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814–1621			23,159.85
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		46,058.00	46,058.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			13,227.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		250.00	250.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			50.00
American Soc for Medical Technology, 2021 L Street, NW, #400 Washintgton, DC 20036			14,939.21
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			35,643.18
American Soc of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030			729.72
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		39,102.48	52,867.24
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	77,642.58
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			27,200.00
American Veterinary Medical Assn, 1023 15th Street, NW, #300 Washington, DC 20005		1,000.00	929.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		480,000.00	1,302.90
American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002		46,235.00	33,295.69
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		1,523.00	1,523.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Laurel W. Ames, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	220.21	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Northrop Corp	9,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Rand Eye Institute	7,500.00	
Do	Thompson Medical Co	3,000.00	
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Toney Anaya, 200 West DeVargas, Suite 7 Santa Fe, NM 87501		92,490.53	17,397.68
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	20.00
Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:Physicians Who Care)		
Anthony A. Anderson, 2100 Pennsylvania Avenue, NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Community Transportation Assn of America).		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	100.00	26.00
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	950.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	1,730.76	842.25
Debra J. Anderson, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
H. Kim Anderson, Virginia Petroleum Council 701 E. Franklin St., #105 Richmond, VA 23219	American Petroleum Institute	50.00	
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,250.01	
Jon A. Anderson, 1100 Connecticut Ave., NW, #410 Washington, DC 20036	Eaton Corp	3,965.00	36.00
Kenneth William Anderson, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		168.75
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers		689.44
Elaine Andrews, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	National Assn of Life Companies	200.00	18.00
Jill C. Andrews, 1331-A Pennsylvania Ave., NW, Suite 217 Washington, DC 20004	Small Businesses for Advertising Choice	15,428.52	1,493.11
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,754.98
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	American General Life Insurance Co. of Texas	500.00	
Do	Anker Energy Company	2,277.00	63.40
Do	Association of Battery Recyclers	1,423.00	1,423.00
Do	Bedford Properties	7,500.00	
Do	Building Industry Assn of Southern California	2,500.00	
Do	Coalition for Habitat Conservation		1,372.06
Do	Coalition of Publicly Traded Partnerships		
Do	Construction Industry Air Quality Coalition	3,000.00	
Do	GNB, Inc	10,832.90	10,832.90
Do	(For:Institute of Makers of Explosives)	2,000.00	134.20
Do	International Alliance for Habitat Conservation		395.58
Do	RSR Corporation	10,347.75	10,347.75
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn (INGA)	17,500.00	
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson U.S., Inc		
Bill Angelo, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	9,750.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
John K Antholis, 22 Pine Street Morristown, NJ 07960	New Jersey Assn of Independent Car Rental Companies	900.00	357.78
Apartment & Office Building Assn, 1050 17th Street, NW, #300 Washington, DC 20036			
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			1,312.16
Appraisal Institute, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	7,155.00	
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
William T. Archey, 1615 H Street, NW Washington, DC 20062-2000	US Chamber of Commerce		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	40.00	73.32
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,500.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	27,008.25	2,327.74
Do	American Assn of Occupational Health Nurses	9,151.21	540.42
Do	Aram Mardirosian	8,031.14	52.48
Do	Jean-Bertrand Aristide	14,000.00	1,469.22
Do	Association of Professional Flight Attendants	20,000.00	7,000.00
Do	Central States SE & SW Areas Health Welfare & Pension Funds	53,638.61	677.55
Do	Children With Attention Deficit Disorder (CHADD)		150.00
Do	Guardian Life Insurance Co of America	33,389.14	345.78
Do	Independent Federation of Flight Attendants	5,500.00	175.00
Do	International Society for Clinical Laboratory Technology	4,040.26	7.88
Do	Mercy Hospital of Des Moines, Iowa	4,098.50	855.65
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores		
Do	National Field Selling Assn		
Do	National Parking Association		
Do	Navajo Nation	125,621.51	1,692.03
Do	Republic Of Chile	6,196.45	43.46
Do	SO-PAK-CO, Inc		45.45
Do	Toyota Motor Corporation	10,257.47	334.98
Do	Video Software Dealers Assn	70,281.53	1,290.96
John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	425.00	60.00
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		10,594.00	10,594.00
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
John A. Armstrong, c/o Rogers & Wells 1737 H Street, NW Washington, DC 20006	Dofasco, Inc		
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	161.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	American Iron & Steel Institute	500.00	
Do	Ashland Oil Co	320.00	
Do	Associated Industries of Florida		
Do	Corporate Property Investors	1,250.00	
Do	Goodyear Tire & Rubber Co	812.50	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants		
Do	American Red Cross		
Do	Avatar Utilities, Inc		
Do	Avis, Inc		
Do	ACPC		
Do	AFL-CIO		
Do	Bank of Montreal		
Do	Business Roundtable		
Do	Caribbean International News Corporation		
Do	Commissioner, Dept of Telecommunications City of New York	2,537.50	15.30
Do	Computer Sciences Corp	175.00	
Do	Continental Corporation		
Do	Fujisawa USA, Inc	147.50	
Do	General Conference of Seventh-day Adventists	1,705.00	52.50
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	International Commodities Clearing House		
Do	London Commodity Exchange		
Do	London International Financial Futures Exchange, Ltd		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)	213.75	
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors	7,257.28	136.22
Do	National Coordinating Comm for Multiemployer Plans	8,750.50	162.65
Do	NaPro BioTherapeutics, Inc	137.50	
Do	Penn Central Industries Group		
Do	Philip Morris, Inc	2,679.50	
Do	Recording Industry Assn of America, Inc	1,039.50	45.11
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Stanford University		
Do	State Farm Mutual Automobile Insurance Co	5,093.75	74.50
Do	Survival Technology, Inc		
Do	Thomsom Corp of America		
Do	Unilever United States, Inc		
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice	360.92	
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	630.00	139.91
Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	395.00	429.90
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		22,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Law Schools, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036			
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		18,519.00	18,519.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		110,089.27	110,089.27
Association of American Veterinary Medical Colleges, 1023 15th Street, NW, 3rd Floor Washington, DC 20005			
Association of Certified Trucking Schools, 3050 K Street, NW, 4th Floor Washington, DC 20007			
Association of Home Appliance Manufacturers, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004			
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
John Atkin, 197 James Street Norwalk, CT 06850		5,200.00	1,387.05
John McElroy Atkisson, 1000 Connecticut Avenue, NW, Suite 610 Washington, DC 20036	Home Shopping Network	5,000.00	
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,531.00
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,248.00	163.20
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	300.00	960.00
Judith Auerbach, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		85.55
Frank W. Ault, 2009 North 14th Street, #101 Arlington, VA 22201	American Retirees Assn	3,750.00	3,514.00
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		2,612.50	2,612.50
John S. Autry, 1146 19th Street, NW Washington, DC 20036	Susan Davis Companies	12,000.00	439.90
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers		14,192.03
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Do	John Nuveen & Co, Inc		
Michael H. Bader, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc	5,724.59	
Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn (IHPA)	4,550.00	419.90
Charlotte M. Bahin, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	National Council of Community Bankers	1,400.00	
Do	Savings and Community Bankers of America	600.00	
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey, Morris, & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey Morris & Robinson (For:Case Management Society of America)		
Do	Bailey Morris & Robinson (For:Investment Company Institute)		
Do	Bailey Morris & Robinson (For:Maggio-Onorato & Associates)		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Old Colony Life Insurance)		
Do	Bailey Morris & Robinson (For:Upjohn Corp)		
Bailey Morris & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Imaging Assn	12,000.00	
Do	Blue Cross of Western Pennsylvania	15,000.00	
Do	Case Management Society of America	15,000.00	
Do	Investment Company Institute		
Do	National Assn of Broadcasters		
Do	Natural Gas Vehicles Coalition	16,500.00	
Do	Old Colony Life Insurance		
Do	Upjohn Company	16,500.00	
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,246.00	97.00
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	50.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	611.11
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,932.50	579.01
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	2,486.00	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technology	3,000.00	284.00
Do	Computer & Business Equipment Manufacturers Assn		
Do	German Federation of Industry		
Do	Greater Houston Partnership		27.17
Do	Health Industry Manufacturers Assn		
Do	Middle East Airlines Airliban, SAL		
Do	Rhone-Poulenc, Inc		
Do	Rite Aid Corp	10,500.00	12.61
Do	U.S. West		
Do	United Technologies Pratt & Whitney		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc		
Do	Allen Memorial Hospital	93.01	
Do	American Protestant Health Assn	3,491.61	187.94
Do	American Resort & Development Assn	3,000.00	3,000.00
Do	Amherst Hospital	93.02	
Do	ACEM	6,407.02	129.97
Do	California Independent Casualty Companies Assn	10,000.00	10,000.00
Do	Chubb Corporation	5,000.00	5,000.00
Do	Cleveland Clinic Foundation	1,000.00	
Do	College on Problems of Drug Dependence (CPDD)	1,108.68	24.75
Do	Cominco, Ltd	18.75	
Do	Corroon & Black Corp		
Do	Devilbiss Health Care, Inc	21,215.17	
Do	Financial Holding Corp	5,000.00	5,000.00
Do	Fund American Enterprises	2,500.00	2,500.00
Do	Frank B. Hall & Co, Inc		
Do	Hermann Hospital	7,364.87	
Do	Huntleigh Technologies, Inc		
Do	Hyatt Corp		
Do	Invacare Corporation		168.22
Do	IMEX		
Do	Johnson & Higgins		
Do	Life Gift Organ Donor Center	4,195.77	
Do	Lorain Community Hospital	120.68	
Do	Marsh & McLennan Companies		
Do	Mitsui & Co (U.S.A.), Inc	135.00	135.00
Do	Mitsui Plastics, Inc	38.35	
Do	MMI Companies, Inc	15,000.00	202.21
Do	National Assn of Professional Insurance Agents	5,000.00	5,000.00
Do	Renal Physicians of Texas	3,663.54	
Do	Rollins Burdick Hunter		
Do	Sedgwick James, Inc		
Do	Society of Cardiovascular & Interventional Radiology	33,114.33	358.99
Do	St. Joseph Hospital & Health Center		
Do	St. Paul Fire & Marine	2,500.00	2,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Substance Abuse Management, Inc	8,000.00	
Do	Travelers Insurance Co	10,000.00	10,000.00
Do	United Fidelity Life Insurance	4,000.00	4,000.00
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Argo Air	2,430.00	
Do	Braniff		
Do	Bremmer Industries		
Do	Burger King Corp	157.50	53.34
Do	Communications Counsel, Inc		
Do	Contel Corp		
Do	Dallas/Fort Worth International Airport Board	6,628.00	203.35
Do	Day & Zimmerman, Inc	225.00	33.00
Do	Duty Free International, Inc	2,685.00	
Do	Electric Data Systems, Inc		
Do	Federal Express Corp	5,055.00	106.68
Do	Grand Metropolitan, Inc	337.50	100.00
Do	Hashemite Kingdom of Jordan	8,377.00	305.88
Do	International Business Machines Corp (IBM)		
Do	Interturbine Corporate		
Do	Landauer, Inc	285.00	
Do	Los Angeles County Transportation Commission	9,022.50	
Do	Morrison Knudsen Corp	1,117.50	
Do	MAS-Hamilton Group	1,395.00	
Do	National Business Aircraft Assn		
Do	National Soft Drink Assn	14,760.00	53.00
Do	North Carolina Air Cargo Airport Authority	2,175.00	
Do	Occidental Petroleum Corp		
Do	Pennzoil Co		
Do	Pillsbury Company	2,347.50	197.27
Do	Pratt & Whitney		
Do	Ryder Aviall, Inc		
Do	Schering-Plough Corp	2,932.50	243.93
Do	Southern California Edison Co	900.00	
Do	U.S. Sprint/Contel	9,870.00	430.56
Do	U.S. Tobacco, Inc		
Do	Waste Management, Inc		
Donald Baldwin, 888 16th Street, NW #600 Washington, DC 20006	Diagnostic/Retrieval Systems, Inc		
Do	Federal Investigators Assn		
Do	National Law Enforcement Council		
Do	Security on Campus, Inc		
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))	169.58	
Thomas L. Balkema, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Helen M. Ball, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Halliburton Co	2,981.25	50.62
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	924.87	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,840.28
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	ARCO	3,150.00	317.35
Do	City of Bellevue (Washington)	7,504.18	468.24
Do	City of Portland, OR	18,809.80	2,061.22
Do	City University	17,452.50	3,540.72
Do	Clackamas County	14,372.50	1,506.20
Do	Greenbrier Leasing, Inc	41,626.00	4,494.82
Do	Gunderson, Inc	465.00	72.90
Do	Harsch Investment Corporation	4,070.00	757.52
Do	Mt. Hood Meadows Oregon, Ltd	6,026.50	376.75
Do	Northwest Industrial Gas Users	5,692.00	1,266.25
Do	Northwest Marine Iron Works	7,659.00	1,174.30
Do	Northwest Woodland Owners Council	13,150.00	3,805.04
Do	Oregon Department of State Lands	10,475.00	1,943.94
Do	Oregon Department of Transportation	23,100.00	2,747.63
Do	Oregon Economic Development Department	3,240.00	432.16
Do	Oregon Graduate Institute of Science & Technology	4,381.00	332.63
Do	Oregon Museum of Science and Industry	3,853.00	127.53
Do	Pacific Marine, Inc		
Do	Schnitzer Steel Industries	1,740.00	34.31
Robert H. Ballard, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	5,000.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Bank Leumi le-Israel, BM, 562 Fifth Avenue New York, NY 10017			32,114.62
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
Mr. M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	450.58
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	70.00
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)	750.00	25.00
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	2,500.00	100.00
Linda W. Banton, 1331 Pennsylvania Ave. NW, Washington, DC 20004	General Electric Company	1,540.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	997.50	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,750.00	
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	American Maritime Congress	30,000.00	345.27
Do	American Rice, Inc	20,000.00	308.67
Do	CBS, Inc	15,000.00	67.50
Do	Priamerica Financial Services	16,000.02	776.53
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	208.98
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc		961.73
Don Barger, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	886.38
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Ben F. Barnes, 600 Congress Avenue, Suite 630 Austin, TX 78701	Alcalde Rousselot & Fay		883.32
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Marathon Oil Co	9,000.00	2,500.31
Dorothea Barr, 1010 North Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,200.00	
Kenneth R. Barrett, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	3,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	62.50	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Jo-Anne R. Basile, 1133 21st Street 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn	7,500.00	3,515.99
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition		
Do	Society for the Advancement of Women's Health Research	1,100.00	
Do	Women's Legal Defense Fund		
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,250.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	3,248.31
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,800.00	
Richard M. Bates, 1101 17th St. NW, #501 Washington, DC 20036	Disney Worldwide Services, Inc	45,000.00	1,060.10
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	1,336.23	85.47
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	875.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	2,200.00	1,280.52
Patricia M. Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		30.00
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)	250.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	210.00
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	17,724.00	5,663.00
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	Graham & James (For:Able Laboratories, Inc)		
Do	Graham & James (For:American Fed of Musicians)		
Do	Graham & James (For:American Hawaii Cruises)		
Do	Graham & James (For:R.R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Judges Association)	40.00	
Do	Graham & James (For:Federal Magistrate Judges' Association)	40.00	
Do	Graham & James (For:National Assn of Immigration Judges)	180.00	
Do	Graham & James (For:Recording Industry Assn of America)		
Do	Graham & James (For:Syntex USA, Inc)	520.00	
Do	Graham & James (For:United Video, Inc)	280.00	
Grae Baxter, 1225 Eye Street, NW, Suite 401 Washington, DC 20005	American Battlefield Protection Foundation		2,501.14
Bayh Connaughton Fensterheim & Malone, PC, 1575 Eye Street, NW, Suite 1025 Washington, DC 20005	ALC Communications Corp		
Do	Cook Group	10,700.29	325.00
Do	Joseph E. Seagram & Sons	5,000.00	225.00
Do	Jugopetrol		
Do	Merrill Lynch & Company		
Do	Milk Industry Foundation		
Do	National Basketball Assn	1,250.00	950.00
Do	National Soft Drink Assn	2,283.18	200.00
Do	Pennsylvania Savings Assn Insurance Corp		
Do	Real Estate Capital Recovery Assn	2,500.00	275.00
Do	SPI	45,546.50	625.00
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Columbia Hospital for Women		
Do	Distilled Spirits Council of the U.S.	750.00	9.00
Do	Hauser Communications, Inc	1,175.00	291.96
Do	Louisville Gas & Electric Energy Corp		
Do	National Broadcasting Co, Inc		
Do	National Food Processors Assn	775.00	41.90
Do	Southwest Airlines	323.00	
Do	Southwestern Bell Corp	525.00	
Do	Stewart & Stevenson Services, Inc	575.00	27.47
Do	Trimble Navigation, Ltd	400.00	12.27
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc	7,000.00	
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Asphalt-Rubber Producers Group	15,000.00	3,085.27
Do	Big Brothers & Big Sisters of America		265.81
Do	Museum of Science & Industry	7,500.00	517.03
Do	Mystic Seaport Museum	6,000.00	408.35
Do	National Crime Prevention Council	13,500.00	1,012.34
Do	National Museum of Health & Medicine Foundation	12,000.00	1,647.52
Do	New England Conservatory of Music	13,500.00	1,363.18
Do	Orton Dyslexia Society	2,325.00	377.19
Do	TDS Healthcare Systems Corp	16,080.00	15,406.32
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	42.00	
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	492.70	667.89
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Robert G. Beckel, 1000 Potomac Street, NW, #301 Washington, DC 20007	Career College Assn	15,000.00	
Brenda Larsen Becker, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	692.00	227.36
Stacey Beckhardt, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology	5.00	460.00
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,720.25	25.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	41.35
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	622.73	
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005			
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	1,425.18
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	536.96	
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,408.39
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak-Bronfman, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	1,500.00	387.12
Julia Jackson Bellinger, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	922.00
Joseph M. Bellino, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	449.90	
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	5,600.00	
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Jodean Robbins Bens, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	11,593.75	300.00
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	11,623.80	1,216.31
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		231.85
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	325.00	366.00
Todd P. Bentsen, 1627 Lamont Street, NW Washington, DC 20010	Rainbow Lobby, Inc	4,382.75	
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Blue Cross Blue Shield of Florida)		
Do	Hill & Knowlton, Inc (For:Fujisawa/Lyphomed)		
Do	Hill & Knowlton, Inc (For:Port Everglades)		
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	4,400.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	75.00	
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Bergson & Company (For:Halon Research Institute)	1,000.00	
Do	Smokeless Tobacco Council	1,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Jessica Berk, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	236.90	2,570.20
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	219.18	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Nathan R. Berkley, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	100.00	
Pamela M. Berkwitz, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation	15,000.00	7,065.64
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	1,000.00	
Richard B. Berman, 607 14th Street, NW, #1100 Washington, DC 20005	Burger King Corp		
Do	FICA Fairness Coalition		
Do	S&A Restaurants Corp	6,952.50	
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Joan Kovalic Bernard, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp	553.80	70.00
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,110.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		168.45
Elizabeth Bernstein, 2030 M Street, NW Washington, DC 20036	Common Cause	4,680.00	100.50
George K. Bernstein, 1730 K St., NW Washington, DC 20006	Nationwide Insurance Companies		
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,249.00	786.61
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	24,000.00	14,707.52
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael J. Bertelsen, Beneficial Management Corp. 453 New Jersey Ave., SE Washington, DC 20005	Beneficial Management Corp		
Bill Bertera, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Ann Beser, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	6,300.00	
Ed Bethune, 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	13,500.00	381.77
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	503.16
Do	American Assn of Eye & Ear Hospitals	2,250.00	109.55
Do	AmeriNet	500.00	137.20
Do	Health Industry Group Purchasing Assn	3,500.00	229.02
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Do	Foundation for Environmental & Economic Progress, Inc	6,148.00	9,180.99
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	527.73	324.24
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	Weyerhaeuser Company		
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	American Public Power Association	13,786.20	
Do	South Coast Air Quality Management District	18,248.85	
Do	Sterling Forest Corporation	6,729.16	
Do	Waste Management, Inc	17,062.50	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	2,772.02	4,583.32
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,177.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,118.00	
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition		
Do	Calista Corp		
Do	Central Bering Sea Fishermens Assn		
Do	City of St. George		
Do	CSX Yukon Pacific		
Do	Fish Alaska, Inc		
Do	Grand Targhee Ski Resort		
Do	Holland American Lines, Inc		
Do	MicroSat Launch Systems		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Professional Sportfish Col. for Fairness in Fed. Regulations		
Do	Sealaska Corp		
Do	Soka University		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Turlock Irrigation District		
Do	Westinghouse Electric Corp		
Do	Wildlife Legislative Fund of America		
David R. Bird, P.O. Box 11898 201 South Main Street Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,505.72	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		216,547.00	194,502.00
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	500.00	
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company	60,000.00	
Do	Health Images, Inc	19,987.50	
Do	Midland Risk Insurance Company		
Do	Nascar, Inc		
Do	Security First Federal Savings & Loan Assn		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	361.62
Do	Allied-Signal Corp	22,500.00	34.87
Do	American Federation of Home Health Agencies, Inc	36,000.00	
Do	American Mobile Satellite Corp	30,000.00	
Do	Bethlehem Steel Corp	22,500.00	66.66
Do	Casino Association of New Jersey	7,500.00	512.48
Do	Chrysler Corp	15,000.00	284.46
Do	Clark Construction Group	9,000.00	
Do	First Defence, Inc	4,500.00	
Do	First National Bank of Chicago	22,500.00	266.91
Do	Gas Safety Action Council	1,000.00	
Do	Government of Nigeria	12,500.00	
Do	GTech Corp	10,000.00	648.69
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	253.55
Do	Kashmiri American Foundation	35,000.00	
Do	Katun Corp	11,250.00	
Do	League of Leaders for Philippine Development	7,500.00	
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	6,000.00	377.50
Do	Military Audits of Market Information, Inc	4,500.00	
Do	NOVA University	30,000.00	55.98
Do	Puerto Rico Federal Affairs Administration	9,000.00	95.14
Do	Software Productivity Consortium	22,500.00	31.03
Do	South Carolina Economic Development Board	2,000.00	
Do	Textron	3,750.00	
Do	Tobacco Institute	22,500.00	
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	22,500.00	
Do	United Way of America		
Do	UNITA	75,000.00	53.23
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt, PC (For:McAbee Construction)		4,214.40
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	644.79	644.79
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	893.80
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris, Inc	3,000.00	1,054.64
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,280.32	
Ernest Blazar, 122 C Street NW Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	2,100.00	
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	5,700.00	558.66
Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.		
David Bley, 1501 4th Ave., 19th Floor Seattle, WA 98101	Federal Home Loan Bank of Seattle	8,750.00	2,145.91
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc	1,083.00	77.28
Do	Figgie International	100.00	13.07
Do	FMC		
Do	Hunter Industrial Facilities, Inc	3,525.00	621.61
Do	National Paint & Coatings Assn, Inc	1,343.00	59.24
Do	Spa & Pool Assn	600.00	93.94
Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	3,591.17	
Do	Hans & Margaret Bucher		
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	5,000.00	1,800.00
Sara Block, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)		
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	
Jennifer Blomstrom, 1531 P Street, NW, Suite 200 Washington, DC 20005	Sierra Club Legal Defense Fund	3,552.00	1,711.65
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		8.80
Douglas M. Bloomfield, 13712 Wagon Way Silver Spring,, MD 20906	Gadot Petrochemical Industries		
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,500.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,425.62
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For:Steel Service Center Institute)		
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	7,258.79	241.50
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	756.25	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Miles, Inc	907.50	
Do	Graham & James (For:Milk Specialties Co)	82.50	
Patti Blumer, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	247.76
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		110,000.00	107,500.00
Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036	Mitsubishi Motors America, Inc	89.10	
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	5,167.58	553.98
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		90.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Doyce Boesch, 320 4th Street, NE Washington, DC 20002	Brooke International	2,812.50	
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	
Cynthia S. Bogorad, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)	2,185.00	3.50
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
John Bohm, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
John K. Boidock, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,500.00	427.53
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Mark P. Bolduc, 1125 15th Street, NW, #700 Washington, DC 20005	Mortgage Bankers Assn of America	5,300.00	
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	460.00	240.00
Franklin Bonitto D., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	127.33
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,588.00	
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Mary Booth, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land	1,385.00	30.29
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,843.74	519.11
Carroll Bostic, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	90.00	21.00
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al.	1,000.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	2,500.00	766.58
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	536.20
Kenneth A. Bouldin, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	111.08
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,320.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	18,018.00	688.55
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	3,000.00	1,257.93
J. Laing Bowles, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	453.75	
Larry G. Bowles, 1150 Connecticut Ave., NW, #200 Washington, DC 20036	Halliburton Co		5,314.00
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	580.00	58.00
Richard K. Boyd, 299 Park Ave. New York, NY 10171	Westvaco Corporation		722.43
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	Washington Gas Light Company	350.00	93.38
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	200.00	66.17
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	625.00	159.56
Do	Kemper Investors Life Insurance Company	200.00	66.17
Do	Kemper Reinsurance Company	200.00	66.17
Do	Kemper Corporation (For:Kemper Securities Group, Inc)	225.00	4.00
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,500.00	
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Gordley Associates (For:National Sunflower Assn)	65.00	
Do	Gordley Associates (For:U.S. Canola Assn)	65.00	
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Browning-Ferris Industries, Inc		
Do	Caribbean Marine, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc	2,250.00	1,350.00
Do	Edison Electric Institute		
Do	Enron Corp	875.00	525.00
Do	Enterprise Products Co		
Do	Genentech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Hunt Oil Company		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	1,500.00	900.00
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Southdown/Pelto Oil Company		
Do	Sterling Chemicals, Inc		
Do	Texas Ophthalmological Assn		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation	5,537.50	3,322.50
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Coin Coalition	10,000.00	265.00
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	6,928.56	1,219.99
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	879.38	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,519.28	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell		
Do	Carneige Group, Inc		
Do	Environmental & Safety Data Exchange		
Do	Hewlett-Packard Co	989.00	65.73
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	35.00	
Do	NCube		
Do	Olin Pantex, Inc		
Do	Oracle Corp	820.00	
Do	S.A.F.E.		
Do	Seafarers International Union		
Do	Unisys	714.00	62.77
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,753.35	14.00
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	4,190.80
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	545.55
Peter E. Brereton, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	National Council of Community Bankers	6,700.00	
Do	Savings and Community Bankers of America	3,300.00	
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	2,356.00	
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	250.00	
F.H. Brewer III, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	1,169.00	216.69
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		659.53
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp		
John R. Brigance, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,800.00	19.50
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,000.00	899.29
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	6,800.00
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (For: NBD Bancorp, Inc)	5,500.00	1,382.13

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Plunkett & Cooney (for City of Detroit, Michigan)	8,625.00	
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	10,128.00	3,572.24
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp	1,500.00	
Do	Corn Coalition	750.00	
Do	Corning, Inc	500.00	
Do	Telecommunications Industry Assn	5,000.00	
Marcia D. Brody, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	300.00	
Michael J. Brokovich, 8201 Greensboro Drive McLean,, VA 22102	Paramax Systems Corporation	1,000.00	38.41
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brooke International, 65 East 55th Street, 33rd Floor New York, NY 10022			4,218.75
Dale E. Brooks, 1401 I St., NW #1200 Washington, DC 20005	Chevron Companies	1,500.00	
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	6,777.01	135.25
Edward J. Brothers, 1487 Weber Dr. Suite A Indianapolis, IN 46227			
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	100.00	940.00
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)		2,950.00
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	2,827.10
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	662.03
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Association of Retired Persons		
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	City of St. Louis - City Hall	4,800.00	2,230.00
Do	Lambert-St. Louis International Airport	27,300.00	9,245.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	3,000.00	86.76
Do	Klein & Saks (For:Silver Institute)		24.00
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Robert Craig Brown, P.O.Box 12285 Memphis, TN 38182	National Cotton Council of America	1,782.00	44.73
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,358.00	629.26
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	6,000.00	899.04
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William Brown, 122 C Street, NW, Suite 200 Washington, DC 20001	Council of State Chambers of Commerce	2,500.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	1,563.00	
Clarence J. Brown and Co, Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	BHC, Inc	6,400.00	
Do	Chris-Craft Industries, Inc		
Do	Honda North America, Inc		
Do	Ohio Edison Co	3,750.00	
Do	United Television, Inc		
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	24,000.00	1,002.34
Thomas H. Brownell, GE Aerospace 1331 Pennslyvania Ave., NW, #890 Washington, DC 20004	General Electric Co	3,765.00	276.00
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	New Valley Corporation		
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Imco Realty		
Do	Pennrose Properties	1,040.00	47.50
Do	Related Companies, Inc	2,000.00	46.36
Do	Schochet Associates		
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Children's Hospital of Wisconsin	12,418.25	669.59
Do	EDS Corp	12,387.50	389.94
Do	Milwaukee Area Technical College	1,975.00	43.15
Do	Milwaukee Metropolitan Sewerage District	1,405.00	20.85
Do	Waste Management, Inc	33,445.00	2,384.35
Jeanne Broyhill, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	2,400.00	126.62
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
J. M. Brunkenhoefer, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	United Transportation Union	6,250.00	614.63
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	60.30
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	2,720.00	1,226.79
Hayden B. Bryan, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	1,500.00	3.64
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Bryan Cave McPheeters & McRoberts, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp		
Victor A. Bryant, 1801 K Street, NW #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	150.00	400.00
Bryant, Miller & Olive, PA, 201 South Monroe Street, Suite 500 Tallahassee, FL 32301	Fernandina Cruise Lines, Inc	15,000.00	
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	18,327.00	
PerryAnne Buchanan, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	952.75
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		29.76
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
David T. Buente Jr., 1722 Eye Street, NW Washington, DC 20006	AT&T		
Do	AT&T Capital Corp	1,562.50	
Do	Sidley & Austin (For:Commercial Finance Assn (CFA))	1,312.50	
Do	Sidley & Austin (For:General Electric Capital Corp)	1,187.50	
Do	General Electric Company		
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			11,550.00
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,000.00	
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	6,240.00	4,297.94
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 4660 Kenmore Ave., #1018 Alexandria, VA 22304	Cummins Engine Co, Inc	460.76	547.50
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,500.00	
Bruce W. Burgess, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	10,852.80	97.97
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	Commonwealth of Puerto Rico/ P.R. Fed Affairs Admin		2,474.00
April L. Burke, 400 North Capitol Street, NW, suite 585 Washington, DC 20001	Association of Independent Research Institutes (AIRI)	600.00	
Do	California Institute of Technology	3,000.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	1,000.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	3,395.00	300.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		73,000.25	2,575.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,168.75	28.35
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	73.50
Joseph E. Burnside, 1819 L Street, NW, #200 Washington, DC 20036	Matsushita Electric Corp of America	100.00	66.70
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,154.88	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Mobile Satellite Corp		
Do	Arthur Andersen & Co		
Do	Chicago & Northwestern Transportation Co		
Do	CEMEX		
Do	Degussa AG		
Do	Economic Growth Alliance		
Do	Eli Lilly & Company		
Do	Ethyl Corporation		
Do	Healthcare Leadership Council		
Do	Lever Brothers Company		
Do	McDonnell Douglas		
Do	MAPCO	500.00	
Do	National Assn of Professional Baseball Players (NAPBL)		
Do	Salomon Brothers, Inc		
Do	Thomson-CSF, Inc		
Do	Warner-Lambert Co		
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		32,787.83
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	5,525.00	1,549.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston	3,000.00	
Do	Federal Home Loan Bank of New York		
Do	Savings Bank of the Finger Lakes	1,500.00	
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	2,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Drayton Company		
Do	Edison Electric Institute		
Do	Federation for American Immigration Reform	500.00	
Do	Household International	12,000.00	
Do	NVR Savings Bank	2,000.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Assn of New York State	2,000.00	
Do	Savings Banks Life Insurance Fund	1,500.00	
Do	Texas Savings & Loan League	1,500.00	
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Jeffrey Butzke, 2 Suydam Lane Bayport, NY 11705	Golden Rule Insurance Company	6,666.67	6,440.05
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council	842.00	
Do	Havasupai Tribal Council		
Do	San Carlos Apache Tribe		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
BBA, Inc, 1000 Potomac Street, NW, #301 Washington, DC 20007	Career College Assn	60,000.00	30,480.07
Edward S. Cabot, 1285 Avenue of The Americas New York, NY 10019	Common Cause	5,885.28	60.00
Debra Cabral, 608 Massachusetts Avenue, NW Washington, DC 20002	Jefferson Group (For:Childrens Health System, Inc)		
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		
Christopher G. Caine, 1301 K St., NW, 11th Floor Washington, DC 20005	IBM Corp	923.10	181.90
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,450.00	
Bonnie Caldwell, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	502.33
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Alliston Transmission	600.00	
Do	Eastern Technologies, Inc	750.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Oshkosh Trucks Corp	300.00	
Do	Stewart & Stevenson Services, Inc	600.00	
Do	Textron Lycoming	800.00	
Do	Varo, Inc	600.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20005	International Union of Police Assns, AFL-CIO	1,500.00	
Do	Lukens General Industries, Inc	1,750.00	
Do	National Greyhound Assn	4,500.00	
Do	Potters Industries, Inc	1,500.00	
Do	Safetran Systems Corporation	4,913.00	
Do	Stimsonite Corporation	1,500.00	
Do	3M Company	7,810.00	
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos	17,713.34	25,829.31
Do	McDermott Bonenberger McDermott & Gallaway	4,389.55	5,632.24
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	Bank of America	692.00	468.69
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Advance Petroleum, Inc		
Do	American Industries Trust Co		
Do	Anglo American Auto Auctions, Inc		
Do	Associated Financial Corp		
Do	ARA Services, Inc	728.00	
Do	BellSouth Corp	150.00	
Do	Blue Cross & Blue Shield Assn		
Do	California Pipe Trades Council		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	875.00	
Do	Coalition for Employment Opportunities		
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation	300.00	
Do	Harcourt Brace Jovanovich, Inc		
Do	Home Intensive Care, Inc	62.40	
Do	K-Mart Corp		
Do	Mobil Oil Corp		
Do	National Assn of Diagnostic Services (NADS)		
Do	Natural Gas Supply Assn	150.00	
Do	Olin Corporation		
Do	Pennzoil Co		
Do	PGA Tour		
Do	Rural Referral Centers Coalition		
Do	Russ Berrie & Co, Inc		
Do	Sheet Metal Workers' International Assn	762.50	
Do	Shell Oil Co	150.00	
Do	Southland Corporation		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	World Airways		
Do	World Fuel Services		
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	1,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,261.00
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	600.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Nuclear Energy Council		
Do	Campbell-Raupe (For:Chubb Corp)		
Do	Home Finance Coalition, Inc		
Do	Invest to Compete Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso	1,000.00	
W. Donald Campbell, 1250 Connecticut Ave., NW,#620 Washington, DC 20036	National Multi Housing Council	3,870.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,329.69
Clarke D. Camper, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp	4,000.00	6,935.03
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,150.00	38.88
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	600.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart and Stewart (For:Smith Corona Corp)	1,203.12	
Do	Stewart & Stewart (For:Timken Co)	158.65	
Do	Stewart & Stewart (For:Torrington Company)	158.65	
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	1,828.05
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	3,600.00	1,010.00
Do	Madison Public...(for Leadership Council of Advertising...)		
Capital Partnerships, Inc, 4350 North Fairfax Drive, #530 Arlington, VA 22203	American Guideway Corporation	50,000.00	12,347.41
Do	ATC Management Corporation	30,000.00	5,791.80
Do	International Taxicab and Livery Association	1,550.00	367.62
Do	North Metro Mayors Coalition	7,500.00	1,125.00
Do	RADAR	31,210.00	2,471.18
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Academy of Allergy & Immunology	500.00	
Do	American Assn of Cancer Research	300.00	
Do	American Soc of Nephrology	4,800.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	200.00	
Do	Carnation Co	3,500.00	
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	FDA Council	10,500.00	
Do	Hutchinson Cancer Center		
Do	Illinois Collaboration on Youth	100.00	
Do	International Coordinating Council for Cancer Research	2,000.00	
Do	Johns Hopkins	3,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Massachusetts General Hospital	2,400.00	
Do	National Assn of Addiction Treatment Providers	800.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,200.00	
Do	National Coalition for Cancer Research	400.00	
Do	National Multiple Sclerosis Society	600.00	
Do	Nestle Foods	3,500.00	
Do	Ringling Brothers	15,000.00	
Do	U.S. Healthcare, Inc	800.00	
Do	U.S. Surgical Corp	2,000.00	
Do	Wellman Laboratory	1,000.00	
Capitol Strategies, Suite 875 1747 Pennsylvania Ave., NW Washington, DC 20006	Coldwell Banker		
Do	Equitable Capital Management Corp		384.55
Do	Equitable Life		
Capitoline International Group Ltd, 2001 M Street, NW Washington, DC 20036	City of America		
Do	Professional Lawn Care Assn of America		5,125.00
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)	3,000.00	
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos		300.00
Melissa Coggeshall Carey, 4135 Lorcom Lane Arlington, VA 22207	Harris Corporation	907.24	262.81
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company	1,213.45	1,213.45
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Commodities Corp)		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	37,449.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	962.00	
Do	Nissan North America, Inc	582.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	3,787.36	
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Richard Cohen	570.00	12.00
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Carter Footwear		
Do	Kennametal, Inc		
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
William Carney, 217 3rd St., SE Washington, DC 20003	American Nuclear Energy Council	15,000.00	
Do	Edison Electric Institute	15,000.00	
Sandra W. Carney-Talley, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	771.40	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	244.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	7,655.00	
Kenneth A. Carpi, 407 C Street, #306 San Diego, CA 92101	San Diego County Water Authority	10,800.00	5,789.00
Fred A. Carr Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	8,750.00	500.00
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,142.69	635.33
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,600.00	737.90
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Bio Gro Systems, Inc	21,000.00	228.38
Do	Council on Education Development and Research	300.00	203.98
Do	First South Production Credit Assn	9,937.50	179.39
Do	United Foods, Inc		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	2,300.00	
William E. Casselman II, 1300 I Street, NW, #500-East Washington, DC 20005	Popham Haik Schnobrich & Kaufman, (For:Peter S. Baldonado)		
Do	Popham Haik Schnobrich & Kaufman, Ltd (For:Ova Noss Family Partnership)		
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	31,456.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Advanced Physics Corp	225.00	
Do	African American Panoramic Experience (APEX)	900.00	
Do	Albion College		
Do	Alexander Graham Bell Assn for the Deaf		
Do	American Assn of Colleges of Podiatric Medicine	150.00	6.00
Do	American Dredging Co	2,850.00	13.50
Do	American Hospital in Shanghai Foundation	300.00	
Do	American Petroleum Institute		
Do	American Science and Engineering, Inc		
Do	American Water Development		
Do	AmeriBrom, Inc	8,100.00	30.00
Do	Anatolia College Board of Trustees		
Do	Atlantic Drydock Corp		
Do	AMFAC/JMB Hawaii, Inc		
Do	AT&T	2,925.00	
Do	Babson College	1,425.00	
Do	Barry University		
Do	Bay County Chamber of Commerce		
Do	Bean Dredging Company	2,850.00	13.50
Do	Best Buddies of America, Inc	600.00	7.50
Do	Bishop Museum	600.00	93.20
Do	Boston Carmen's Union		
Do	Boston College	2,500.00	
Do	Boston University	2,575.00	
Do	Bryant College	1,575.00	
Do	Buena Vista College	900.00	128.05
Do	California Pacific Medical Center	2,400.00	90.85
Do	Capitol American Life Insurance Co	4,500.00	
Do	Catholic University of America	1,562.40	47.70
Do	Center for Health Technologies, Inc	900.00	46.00
Do	CenterPort International		
Do	Centex Communications, Inc		
Do	CertainTeed Corp	1,800.00	
Do	Challenger Center		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	300.00	15.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Children's Hospital and Health Center of San Diego	2,150.00	107.40
Do	Children's Hospital in Michigan	1,275.00	
Do	Children's Hospital of Pittsburgh	750.00	18.00
Do	Children's National Medical Center	1,275.00	127.90
Do	Cities In Schools, Inc		
Do	Clark-Atlanta University		
Do	Columbia University	1,075.00	
Do	Community College Assn for Technology Transfer		
Do	Comprehensive Care Corp		
Do	Connecticut Health System, Inc	5,925.00	
Do	Critical Languages & Area Studies Consortium, Inc	600.00	
Do	Cryotech, Inc	1,200.00	
Do	CSO Partnerships	1,800.00	10.00
Do	Delaware State Dept of Transportation	1,500.00	
Do	Enichem Elastomers Americas, Inc		
Do	Epcint		
Do	Experiment in International Living	450.00	
Do	Fairleigh Dickinson University	3,000.00	86.20
Do	Federal League of Americans Around the Globe	2,850.00	99.00
Do	Florida Institute of Technology	1,487.40	
Do	Florida Regional Emergency Services, Inc	1,800.00	18.10
Do	Foundation for James Madison's Montpelier		
Do	Franklin Institute	1,575.00	14.00
Do	Fudan Foundation	300.00	
Do	Garden Isle Cablevision, L.P.		
Do	General Dynamics Corp	21,073.80	329.00
Do	Glaxo, Inc	2,475.00	12.00
Do	Gonzaga University	375.00	
Do	Governor of Hawaii, Executive Office on Aging	150.00	7.50
Do	Great Lakes Dredge & Dock Company	2,850.00	54.50
Do	Hahnemann University Hospital	1,624.80	61.00
Do	Hawaii Dept of Business & Economic Development		
Do	Hebrew Vocational Institute	2,250.00	55.50
Do	Illinois Eastern Community Colleges	300.00	
Do	Illinois Institute of Technology	1,050.00	78.85
Do	Infirmary Health Systems, Inc	150.00	
Do	Insituform of North America, Inc	9,675.00	15.00
Do	Intercontinental Energy Group	900.00	21.50
Do	International Data Group		
Do	International Deafness Outreach, Inc	1,200.00	26.50
Do	T.L. James & Company	2,850.00	13.50
Do	Jones Intercable, Inc	12,000.00	
Do	Kauai CableVision, L.P.		
Do	Kimberly Quality Care		
Do	LaSalle University	1,237.40	7.50
Do	Lehigh University	225.00	
Do	Lewis and Clark College	1,500.00	
Do	Loma Linda University Medical Center, Inc		
Do	Loyola Marymount University	600.00	21.50
Do	Maersk, Inc	2,250.00	135.95
Do	Marquette University	3,150.00	15.00
Do	Mary Washington Hospital Foundation	725.00	
Do	Massachusetts League of Banks		
Do	Medical Center of Central Massachusetts	75.00	
Do	Miami-Dade Community College	3,450.00	33.50
Do	Michigan Biotechnology Institute	600.00	
Do	Ministry of Forestry of Indonesia		
Do	Monterey Institute of International Studies	1,450.00	
Do	Mt. Sinai Medical Center of Greater Miami	2,400.00	76.00
Do	Multinational Business Development	300.00	
Do	MOOG, Inc	3,300.00	210.75
Do	National Assn of Dredging Contractors	1,800.00	74.90
Do	National Assn of Proton Therapy		
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	300.00	33.00
Do	NeoRx		
Do	New England Deaconess Hospital Corporation	1,050.00	148.95
Do	New Jersey Instutute of Technology	525.00	22.50
Do	New York Medical College	3,150.00	83.70
Do	North Natomas Landowners Assn	3,900.00	155.62
Do	Northwestern University	1,774.80	22.50
Do	Ocean Spray Cranberries, Inc	15,200.00	231.65
Do	Pacific Marine		
Do	Pennsylvania Turnpike Commission	375.00	11.50
Do	Piaggio Aviation, Inc		
Do	Pine Bluff Sand & Gravel	2,850.00	13.50
Do	Pirelli Cable Co		
Do	Pirelli Industrial Products Corp		
Do	Polaroid Corp	2,250.00	6.00
Do	Polytechnic University	225.00	7.50
Do	PHH Corp		
Do	Rehabilition Hospial of the Pacific	300.00	6.00
Do	Rhode Island Hospital	1,500.00	
Do	Rochester Institute of Technology	1,350.00	63.80
Do	Ryland Group		
Do	Saint Joseph's University	375.00	53.50
Do	Scott County Highway Department	900.00	
Do	Sidney Frank Importing Company, Inc	1,250.00	45.00
Do	Societa Cavi Pirelli S.p.A.		
Do	Southwest Marine, Inc		
Do	Sports Museum of New England	75.00	
Do	St. Norberts College	2,250.00	36.00
Do	St. Xavier College	3,075.00	65.60
Do	State of Indiana, Office of the Governor	75.00	22.50
Do	State of Rhode Island Office of Economic Development	3,300.00	
Do	Stephens Engineering company, Inc	1,050.00	
Do	Suffolk University	300.00	
Do	Sutter Bay Associates	10,200.00	155.62
Do	Teach for America	300.00	33.00
Do	Tougaloo College		
Do	Tri-State University	450.00	
Do	Tufts University	2,200.00	
Do	U.S. Surgical Corp		
Do	Ukranian Federation of Greater Philadelphia		
Do	Union Memorial Hospital	2,850.00	40.00
Do	Union Switch & Signal	900.00	
Do	United Brotherhood of Carpenters National Health & Sfty Fund	3,975.00	32.00
Do	University of the Arts	300.00	44.10
Do	University of Detroit Mercy	150.00	18.60
Do	University of Hawaii	225.00	
Do	University of Limerick Foundation	1,250.00	
Do	University of Pennsylvania	2,125.00	
Do	University of San Francisco	825.00	15.00
Do	University of Southern Mississippi	975.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	University of St. Thomas	4,800.00	
Do	University of Utah		
Do	University of Vermont	675.00	63.90
Do	Waterman Health Care System (Lake Care)	600.00	128.05
Do	Watsonville Community Hospital		
Do	Western Townships Utilities Authority	1,200.00	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	912.50	
John J. Castellani, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	2,250.00	57.00
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		178,964.00	7,179.00
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	29,300.00	2,895.75
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)	217.50	
Do	Reno Cavanaugh & Hornig (For:National American Indian Housing Council)	125.00	
Red Cavaney, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	1,800.00	
Robert S. Cave, 11094-D Lee Highway, #102 Fairfax, VA 22030	American Public Gas Assn	74.28	21.95
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	3,175.00	
Tucker Cawley, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Richard Celeste F., 10 West Broad Street, #1890 Columbus, OH 43215	C&S International, Inc	5,000.00	313.75
Cement Kiln Recycling Coalition, 1101 30th Street, NW 5th Floor Washington, DC 20007			
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	17,392.10	
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	669.94	
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO	2,125.00	
Do	Coalition of Publicly Traded Limited Partnerships	2,250.00	
Do	Columbia Falls Aluminum Company		
Do	Council of Infrastructure Financing Authorities	150.00	
Do	Lead Industries Assn		
Do	Manville Corporation	4,850.00	
Do	National Comm to Preserve Social Security & Medicare	15,850.00	
Do	Newhall Land and Farming Company		
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	3,750.00	93.88
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	70.84
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For:Society for Nutrition Education)	3,000.00	691.84
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	14,191.00	2,560.97
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,350.03	369.84
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			1,752.50
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			121,716.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			1,551.16
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	5,000.00	361.84
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,009.00
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University		59.00
Do	Bishop Museum		515.00
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Cleveland Museum of Natural History		
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	27,728.00	2,854.52
Do	Field Museum of Natural History		
Do	Fine Arts Museums of San Francisco		
Do	Ford's Theater	1,151.00	1,257.75
Do	Hebrew Union College, Skirball Museum		
Do	Illinois State Museum Society		59.00
Do	International Photographers Guild	1,500.00	
Do	Isabella Stewart Gardner Museum		
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		
Do	Museum of American Textile History		
Do	Museum of Northern Arizona		515.00
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		1,009.00
Do	New York Historical Society		
Do	Peabody Museum of Archeology & Ethnology		59.00
Do	Peabody Museum of Salem		1,000.00
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		
Do	Shakespeare Theater at the Folger	1,151.00	1,257.75
Do	Shelburn Museum	1,500.00	500.00
Do	Textile Museum	1,151.00	1,257.75
Do	University of Pennsylvania Museum		
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
John L. Child, 1725 Jefferson Davis Highway, #601 Arlington, VA 22202	Litton Industries	1,000.00	1,195.70
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		150.00
Ronald S. Chillemi, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	2,800.00	560.43
Nam-Hong Cho, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	850.00	705.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	1,390.00	
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Richard Chriss, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Linda E. Christenson, 700 13th Street, NW, #950 Washington, DC 20005	Landfill Solutions Group	23,500.00	4,769.90
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		8,379.00	4,618.33
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	10,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			29,529.30
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	1,997.50	278.41
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Jeffrey R. Cilek, 1001 Connecticut Ave., NW, #1001 Washington, DC 20036	Lanxide Corp		
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		1,734.70	1,734.70
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611		1,236.00	313.05
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		717,842.00	207,135.85
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	Tele-Press Associates, Inc (For:Japan Fisheries Association)	4,000.00	332.55
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	220.27
Michael S. Clark, 218 D St., SE Washington, DC 20003	Friends of the Earth		
Thomas R. Clark, 1667 K Street, NW, Suite 200 Washington, DC 20006	Federal Agricultural Mortgage Corp	5,750.00	214.79
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	124,999.98	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	18,000.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	15,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	17,000.00	
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	124,999.98	
Do	Fox Television Stations, Inc	18,000.00	
Do	Metromedia Communications		
Do	Metromedia Company	15,000.00	
Do	RJR-Nabisco Washington, Inc	17,000.00	
Richard Clarke, 1050 17th Street, NW, #510 Washington, DC 20036	Healthcare Financial Management Assn		517.25
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers		
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910	Brown & Associates (for Bi-State Development Agency)	6,000.00	
Do	Federation of Postal Police Officers	2,600.00	
Do	National Assn of Minority Automobile Dealers	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	3,750.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	3,175.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp		
Do	Day-Glo Color Corp		
Do	Fleet/Norstar Financial Group, Inc		
Do	Government Representatives Committee Securities Indstry Assn		
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	7,401.09	886.97
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			4,120.00
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Dispatchers Assn	208.22	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	645.00	
Do	Coalition of Higher Education Assistance Organizations	687.50	
Do	Consumer Bankers Assn	8,300.00	
Do	Student Loan Funding Corp of Ohio	3,000.00	
Do	Very Special Arts	500.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn	1,200.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		331,152.70	181,386.00
Coalition for an Undercharge Relief Bill, 2020 Pennsylvania Ave., NW, #626 Washington, DC 20006			1,248.00
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			
Coalition of Supporters of the Shipping Act, 1800 M Street, NW, 8th Floor North c/o Morgan Lewis & Bockius Washington, DC 20036.			
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coalition Against Double Taxation, Inc, c/o Perkins Coie 607 14th Street, NW, 8th Floor Washington, DC 20005		46.89	48.00
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	8,500.00	1,740.10
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	1,200.00	
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		1,182.00
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision		
Do	Comdisco, Inc		
Do	Metropolitan Mutual Life Insurance Company	7,500.00	
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)		
Do	National Cooperative Bank		
Do	Smokeless Tobacco Council, Inc	21,250.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	2,200.00	
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	16,500.00	1,416.51
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,651.50	
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Assn of Manufacturers	220.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	768.00	902.06
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	City of Globe	481.00	
Do	Sacks Tierney Kasen & Kerrick (For:City of Tucson)	5,869.50	
Philip Q. Cohen, 8525 Edinbrook crossing Brooklyn Park, MN 55443	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Perkins Coie, 607 14th Street, NW, #800 Washington, DC 20005-2011	James River II, Inc		
Do	Puget Sound Power & Light Company		
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		810.16
Annette D. Colbert, 2805 Northeast 18th Street Oklahoma City, OK 73111-1937			
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,150.00	
Eleanor Cole, 1800 M St., NW, 460 South Washington, DC 20036	UBA, Inc	1,000.00	
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	579.43
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Government of France		14.00
Do	Matsushita Elec Corp (for Int'l Electron Mfgrs & Consum...)		
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Cambridge International, Inc		
Do	Coalition for Employment Opportunities	4,000.00	
Do	Dickstein Shapiro & Morin		
Do	Invacare	3,000.00	
Do	MMW/Strategic Communications, Inc	1,000.00	
Do	Orleans Levee District	2,000.00	
Do	RGDC Inc		
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	480.00	24.00
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	14.67	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)		
Do	Alliance for Capital Access		
Do	American Car Rental Assn	14,201.25	14,201.25
Do	American Couplings Coalition		
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	180.00	180.00
Do	Bicycle Manufacturers Assn of America	625.00	625.00
Do	Coalition for Safe Ceramicware	2,080.00	2,080.00
Do	Committee of American Ammunition Manufacturers	500.00	500.00
Do	Crop Insurance Research Bureau	330.00	330.00
Do	COMPACT	900.00	900.00
Do	CSR Limited - Sugar Division	150.00	150.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Gerry Baby Products Co		
Do	Golden Gate Petroleum International	625.00	625.00
Do	Hyster	220.00	220.00
Do	Independent Lubricant Manufacturers Assn	7,298.75	7,298.75
Do	Inland Steel Corp	2,860.00	2,860.00
Do	International Crystal Federation	1,320.00	1,320.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	660.00	660.00
Do	National Assn of Convenience Stores	9,195.00	9,195.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn		
Do	Oneida Ltd	118.75	118.75
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A.	12,790.00	12,790.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Restor Industries, Inc		
Do	Scotsman Industries, Inc	1,340.00	1,340.00
Do	Shipbuilders Council of America	878.75	878.75
Do	Society of Independent Gasoline Marketers of America	14,080.00	14,080.00
Do	Specialty Steel Industry of the United States	427.50	427.50
Do	Steel Manufacturers Assn	2,900.00	2,900.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	375.85
R. J. Collins, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	(For:R. Marc Nuttle)		
Do	Southern Company Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	16,500.00	469.39
Geri Colombaro, 1301 K Street, NW, #1200 Washington, DC 20005	IBM	1,672.12	577.47
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,375.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219	American Petroleum Institute	1,600.00	1,459.14
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	395.07
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Company-Mesquite		
Commercial Finance Association, 225 W. 34th St. New York, NY 10122	National Commercial Finance Assn		971.00
Committee for Humane Legislation, Inc, 1623 Connecticut Avenue, NW, 4th Floor Washington, DC 20036		5,045.00	8,475.93
Committee on U.S. Business Canadian Life & Health Ins Assn, c/o Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.			1,570.00
Common Cause, 2030 M St., NW Washington, DC 20036		3,188,828.00	514,187.76
Common Sense, Inc, 188-A Onville Road Stafford, VA 22554		41,465.91	49,461.79
Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		72,605.00	62,075.00
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		199,000.00	
Competitive Telecommunications Assn, 1140 Connecticut Avenue, NE Washington, DC 20002			
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		26,100.00	26,100.00
Bert M. Concklin, 1500 PRC DriveCener Drive, #204 McLean, VA 22102	Professional Services Council	500.00	62.59
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	American Newland Associates	3,000.00	
Do	Forest City Ratner Companies	25,000.00	25,000.00
Do	Kinetic Concepts	3,000.00	
Do	Maglev USA	12,900.00	12,900.00
Do	National Assn of Industrial & Office Parks	3,000.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV	25,000.00	25,000.00
Bruce R. Condit, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	471.65
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Covia Partnership	3,500.00	1,535.71
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	2,612.50	
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Occupational Safety...	7,500.00	2,968.75
Do	International Assn of Fire Fighters	13,000.00	2,968.75
Do	International Chemical Workers Union	2,500.00	2,968.75
Do	Laborers Employers Cooperative & Education Trust	16,458.50	2,968.75
Do	Laborers National Health & Safety Fund	9,157.50	2,968.75
Do	Laborers/AGC Education & Training Fund	16,458.75	2,968.75
Do	Metal Trades Department, AFL-CIO	4,000.00	2,968.75
Do	National Coordinating Comm for Multiemployer Plans	895.00	2,968.75
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff Quade & Douglas, Inc	300.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 655 15th Street, NW, #444 Washington, DC 20005	CH2M Hill	1,000.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	10,025.85	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium for Int'l Earth Science Information Network, P.O. Box 8689 Ann Arbor, MI 48107		7,259.59	7,259.59
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		76,223.75	3,731.99
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers Union of U.S., Inc, 2001 S Street, NW, #520 Washington, DC 20009			13,370.00
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	45.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	824.00	759.44
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	12,187.83	
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T	600.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			43,907.22
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,750.00	5,400.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,116.00	
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Bente E. Cooney, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security	3,168.00	
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	1,534.47
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Billy R. Cooper, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	90.00	12.00
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Josephine S. Cooper, 2001 M Street, NW Washington, DC 20036	Capitoline International Group Ltd (For: Professional Lawn Care Assn of America).	250.00	
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	27,000.00	14.00
Richard M. Cooper, The Edward Bennett Williams Bldg. 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For: Par Pharmaceutical, Inc)	775.00	
Do	Williams & Connolly (For: Unilever United States, Inc)	18,196.70	1,127.31
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	875.01	8,389.53
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	397.00
Copeland & Hatfield, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	9,389.03	
Do	County of Alameda	12,800.00	
Do	County of Merced	4,500.00	
Do	Hazardous Waste Action Committee	1,359.00	
Do	International Bottled Water Assn	11,333.64	
Do	International Franchise Assn	3,020.45	
Do	ICF International	5,623.61	
Do	Monarch Wine Company	1,515.00	
Do	Pacific Mutual Life Insurance Company	6,122.90	
Do	Summit Medical Center	12,500.00	
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	740.25
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Gordon R. Corey, 2511 Park Place Evanston, IL 60201	Commonwealth Edison Co		
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		5,296.00	3,585.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	5,502.75	957.00
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	842.31	418.70
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	800.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Lindsay Hart Neil & Weigler (For: Anadarko Petroleum Corp)	2,720.50	64.00
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		6,085.00	6,085.00
Gregory Costa, 1445 New York Ave., NW 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	
Carrie Costello, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For: Guam Power Authority)	39,062.50	3,656.87
Coudert Brothers, 1627 I Street, NW Washington, DC 20006	British Columbia Stena Line Ltd		
Do	British Columbia, Province of, (Office of Attorney General)	1,321.14	
William K. Coulter, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)		
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			23,919.23
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		2,780.00	2,449.00
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn	9,081.75	990.13
Do	Association of Maximum Service Telecasters, Inc		
Do	Attorneys Liability Assurance Society, Inc		8.00
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Commonwealth of Puerto Rico		
Do	Consolidated Natural Gas Company	4,200.00	28.00
Do	Council of American Survey Research Organizations (CASRO)		
Do	CBS Television Network Affiliates Assn		
Do	ERISA Industry Committee	405.00	8.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Illinois Department of Public Aid	625.00	
Do	International Business Machines Corp		
Do	Investment Company Institute	360.00	3.50
Do	Lin Broadcasting Corp	240.00	
Do	Lutheran Brotherhood		
Do	Midwest Television, Inc		
Do	National Football League	5,262.50	4.00
Do	NationsBank Corp	1,162.50	9.00
Do	Private Benefits Alliance	10,875.00	59.00
Do	Public Broadcasting Service	6,750.00	15.00
Do	State of Alabama, Dept of Human Resources Legal Office		
Do	State of California, Dept of Health Services		
Do	State of California, Dept of Social Services	6,000.00	
Do	State of Florida, Dept of Health & Rehabilitative Services	3,750.00	
Do	State of Georgia, Division of Family & Children's Services	9,375.00	
Do	State of Idaho	2,500.00	
Do	State of Illinois, Dept of Public Aid	3,125.00	
Do	State of Indiana	1,500.00	
Do	State of Kentucky, Dept of Social Insurance	1,250.00	
Do	State of Louisiana (Medicaid/QC)		
Do	State of Louisiana, Food Stamp Director	5,000.00	
Do	State of Maryland	2,500.00	
Do	State of Missouri, Dept of Social Services		
Do	State of Nebraska, Dept of Social Services	4,687.50	
Do	State of New York Bureau of Deferrals & Disallowances		
Do	State of New York, Dept of Social Services		
Do	State of Ohio, Dept of Human Services		
Do	State of Oklahoma (Food Stamp/QC)	1,625.00	
Do	State of Oklahoma (Medicaid/QC)	2,500.00	
Do	State of Washington Office of Analysis & Medical Review		
Do	State of West Virginia, Bureau of Human Resources		
Do	State of West Virginia, Office of Medical Services		
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	Washington Post Company (for: Media Group)	80.00	
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capital Cities/ABC, Inc	432.00	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Allied Fishermen of Southeast Alaska	1,270.00	
Do	Bristol Bay Buyback Coalition	253.12	230.12
Do	Pacific Marine Fisheries Commission	5,022.66	566.96
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	5,919.84	142.06
William J. Cox, 1707 L St., NW Washington, DC 20036	Catholic Health Association of the United States	1,691.00	
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	5,200.00	185.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,563.00	297.50
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	1,875.00	
Roger J. Crain, 3506 Frederick Place Kensington, MD 20895-3405	Customs Science Services, Inc	1,500.00	1,245.00
W. Bruce Crain, 1709 New York Avenue, 8th Floor Washington, DC 20006	National Council of Community Bankers	8,700.00	635.38
Do	Savings and Community Bankers of America	4,300.00	220.29
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company		
Do	American Association of Advertising Agencies		
Do	American Fiber Manufactures Association		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Campbell-Raupe (For:Chubb Corporation)		
Do	Home Finance Coalition, Inc		
Do	Invest to Compete Alliance		
Do	Securities Industry Association		
Do	Stone and Webster Engineering Corporation		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,500.00	
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Adolph Coors Co	13,000.00	200.00
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,500.00	75.00
Ken A. Crerar, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003	National Assn of Casualty & Surety Agents	4,000.00	875.95
Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	107.68
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Saone B. Crocker, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		45.00
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	18.00	
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	American Forest Resource Alliance	5,300.00	337.75
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp	795.00	
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	ICF International, Inc & Subsidiaries		
Do	Lehn & Fink Products Group		
Do	Meridian Minerals Co		
Do	Regional Airline Association		
Do	Rocking K Development	265.00	8.00
Do	Tiffany & Co		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	114.00	
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,254.14
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	60,632.00	
Do	McCutchen Doyle Brown & Enersen (For:Arco)		
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	3,380.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	3,848.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	1,248.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	20,748.00	
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	728.00	
Do	McCutchen Doyle Brown & Enerson (For:USS Technical Center)		
Do	3M	8,814.00	
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #408-E Washington, DC 20005	Songwriters Guild of America	6,375.00	90.75
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,896.90	1,322.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn		1,210.00
Christopher R. Currie, 1511 K Street, NW, Suite 335 Washington, DC 20005	National Comm for a Human Life Amendment, Inc	784.00	130.00
Anne M. Curry, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Wayne T. Curtin, P.O. Box 1808 Washington, DC 20013-1808	Motorcycle Riders Foundation, Inc	19,065.08	22,653.06
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	General Atomics		
Do	University of Colorado	3,470.00	55.00
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	4,524.00	6,687.81
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	500.00	2,000.00
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	17,677.00	2,881.14
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	3,750.00	1,715.38
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	185.73
Patrick E. Dandino, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
John E. Daniel, 1133 21st St., NW, #710 Washington, DC 20036	International Technology Corporation		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	6,522.02	
Jo-Ellen Darcy, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	307.65	21.74
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co. Inc		
Mark C. Darrell, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	12,360.52	
Becky Davenport, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Davidoff & Malito, 444 N. Capitol Street Washington, DC 20001	Ad Hoc Comm of Protective Services	4,200.00	395.00
Do	Medallion Funding Corp	6,000.00	265.00
Do	Town of Orangetown	2,500.00	125.00
Seth Davidson, 1742 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	4,368.75	216.77
Davidson Colling Group, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	American Advertising Federation	1,028.57	56.51
Do	American Assn of Advertising Agencies	1,028.57	56.51
Do	American Newspaper Publishers Assn	1,028.57	56.51
Do	Association of National Advertisers, Inc	1,028.57	56.51
Do	Direct Marketing Assn	1,028.57	56.51
Do	Dun & Bradstreet Corporation		
Do	Field Container Corp	4,915.00	97.77
Do	Garden State Paper Company	4,915.00	97.77
Do	Grocery Manufacturers of America, Inc	1,028.57	56.51
Do	Halltown Paperboard Co	4,915.00	97.77
Do	Homedco	3,225.00	24.50
Do	Lincare	3,225.00	24.50
Do	Magazine Publishers of America	1,028.57	56.51
Do	Media General, Inc	1,875.00	106.25
Do	Miller & Chevalier, Chtd		
Do	National Assn of Broadcasters	1,028.57	56.51
Do	Newark Group	4,915.00	97.77
Do	Newman & Company	4,915.00	97.77
Do	Rock-Tenn Company	4,915.00	97.77
Do	Rouse Company		
Do	Sonoco Products Co	4,915.00	97.77
Do	Southeast Paper Manufacturing Co	4,915.00	97.77
Do	Waldorf Corp	4,915.00	97.77
Do	White Pigeon Paper Company	4,915.00	97.77
Do	Yellow Pages Publishers Assn	1,028.57	56.51
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	3,420.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	216.32	50.00
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	11,046.00	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute		
Kenneth E. Davis, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Co	3,500.00	500.00
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For:Gulf Coast Community College)	500.00	
Do	Florida Business Associates (For:Truckee Meadows Community College)		
Do	Florida Business Associates (For:Valencia Community College)	500.00	
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,850.00	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	470.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,200.00	1,117.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	5,301.50	59.75
Do	Alcoma Packing Company, Inc	700.00	
Do	American Automotive Leasing Assn	3,000.00	176.26
Do	American General Life Insurance Co	2,160.00	186.10
Do	American Horse Council	1,080.00	4.00
Do	American Integrity Insurance Company		
Do	American Investors Life Insurance	1,200.00	176.26
Do	Armco Steel Co	2,700.00	
Do	Bethlehem Steel Corp	2,700.00	
Do	Chicago Board of Trade	8,500.32	653.75
Do	Committee of Annuity Insurers		
Do	Dresser Industries, Inc		
Do	First Penn-Pacific Life Insurance Co	1,712.00	32.00
Do	Florida Power & Light	480.00	65.10
Do	Florida Sugar Cane League, Inc	1,200.00	9.00
Do	General Aviation Manufacturers Association	4,500.00	188.26
Do	Hughes & Luce	815.00	
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	8,080.55	180.79
Do	Marriott Corporation		
Do	National Assn of Life Companies		
Do	National Business Aircraft Assn	1,500.00	40.88
Do	National Cattlemen's Assn	900.00	
Do	National Council of Farmer Cooperatives	3,000.00	65.10
Do	National Foreign Trade Council		
Do	Retired Lives Reserve Group	3,254.00	22.75
Do	Stock Information Group		
Do	U.S. Sugar Corp	600.00	165.80
Do	Underwriters of Lloyd's London	6,750.00	10.00
Do	Worldspan	634.50	9.00
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	150.00	10.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Manville Corporation	337.50	7.00
Do	Morgan Guaranty Trust Co	450.00	8.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	1,200.00	18.00
Do	Occidental International Corp		
Davis Wright & Tremaine, 701 Pennsylvania Ave., NW, #600 Washington, DC 20004	American Tunaboat Assn	12,500.00	
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	398.73	
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	555.00
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005-2	Blue Cross of California		
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
Maryann M. Dean, I875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Auto Internacional Assn	33.00	31.37
Do	Coalition of Automotive Assns	150.00	73.74
Do	Specialty Equipment Market Assn	606.00	342.96
Debevoise & Plimpton, 875 Third Avenue, 23rd Floor New York, NY 10022	American Airlines, Inc	10,000.00	30.82
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive McLean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	5,375.04	316.01
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	142.50	10.50
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	75.00	3.50
Do	Palumbo & Cerrell (For:Battelle Memorial Institute)	652.50	27.50
Do	New Jersey Turnpike Authority	2,835.00	104.76
Do	Palumbo & Cerrell (For:Proctor & Gamble Mfg Co)	52.50	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	5,010.00	182.42
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	2,640.00	
Delchamps Associates, P.O. Box 9183 Arlington, VA 22219	Alabama School of Mathematics & Science		
Do	Bishop State Community College		
Do	City of Huntsville		
Do	City of Mobile		
Do	Madison County Commission		
Do	Spring Hill College		
Do	Technical Products, Inc		
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Immigration Services		
Do	Amex International, Inc		
Do	Edison Electric Institute		
Do	General Atomics	350.00	
Do	(For:Government of Sierra Leone)		
Do	Westinghouse Electric Corp		
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute	280.00	823.19
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	8,005.95	
Daniel B. Denning, 1331 Pennsylvania Ave., NW, #930 Washington, DC 20004	General Electric Co	1,776.00	51,573.00
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	8,416.00	5,400.00
James L. Denson, 1250 Connecticut Ave., NW, #319 Washington, DC 20036	Allpoints International, Inc (For:Republic of Bophuthatawana)	2,000.00	18.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	1,176.00	82.88
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	4,500.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,250.00	
Caroline M. Devine, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,000.00	91.00
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	6,150.00	
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, suite 610 Washington, DC 20004	Tenneco Gas		
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	628.52
Law Offices of Paul H. DeLaney, Jr., 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Embassy of Japan	5,000.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,643.00	135.00
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	643.92
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,477.83
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	1,868.00	190.78
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Conference of National Park Concessioners)		
Angel Diaz, 510 High Street Delano, CA 93215	Delano High School	17,174.80	
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co	500.00	206.91
Ann Sanders Dickey, 2005 Corporate Ave. Memphis, TN 38132	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	10,676.56	
Do	Apple Computer Corp		
Do	Avondale Industries, Inc		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Car Audio Specialists Assn (CASA)		
Do	Carlyle Group	11,380.00	
Do	Cordova District Fishermen United, Inc	1,000.00	
Do	Electric Generation Assn	1,457.50	
Do	Federal National Mortgage Assn	1,818.00	
Do	Federated Cash Management Systems	5,000.00	
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Magma Cooper Company	1,000.00	
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc	1,380.00	
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	2,443.75	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources and Community Devlp		
Do	Ocean State Power		
Do	Paulucci Enterprises	10,375.00	
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	Tobacco Institute	2,000.00	
Do	US Generating Company	2,000.00	
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America	55.00	405.55
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	1,500.00	1,256.25
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	910.35
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	28,850.00	2,499.51
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Corporation)		
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)		
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	245.61	364.75
Do	Lumbermens Mutual Casualty Company	2,100.00	212.38
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	2,750.00	2,750.00
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		143,268.46	143,268.46
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,753.35	222.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	203.80
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Lawrence S. DiCara, 101 Federal Street, 12th Floor Boston, MA 02110	Peabody & Brown (For:Boston Capital Partners, Inc)	5,000.00	1,000.00
Do	Peabody & Brown (For:Boston Financial Technology Group)	30,000.00	3,000.00
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	DiMarco Riley & Bulger (For:Tom Gosnell)	6,700.00	639.00
E. David Doane, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	1,199.60
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	970.00	
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	855.07	145.02
J. Jon Doggett, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	6,462.51	187.80
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	652.00	75.00
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	318.46	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	3,541.67	227.91
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Company of New York		
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue and Donohue, 26 Broadway, Suite 911 New York, NY 10004	NSK Corporation		1,150.64
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	
Linda Doorfee-Flaherty, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Appraisal Institute	612.00	
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	705.00	
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	15.00	
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	1,980.00	74.32
Do	Proctor & Gamble Mfg Co	45.00	
Do	Safeway, Inc	435.00	18.25
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)		
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	6,600.00	122.03
Kimberly Olson Dorgan, 2550 M Street, NW, #275 Washington, DC 20037	America's Public Television Stations, Inc	230.00	
Do	National Captioning Institute	230.00	
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	282.86
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	26,707.00	
Do	City of St. Paul	3,488.00	
Do	Deluxe Corp	855.00	
Do	Guam Commission on Self Determination	415.00	
Do	Madison Public Affairs Group		
Do	National Computer Systems	113.00	
Do	Regional Transit Board	1,733.00	
Do	Research-Cottrell Companies		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	1,343.00	
Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	National Council of Chain Restaurants		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc		
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	116.20
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Philip Morris, Inc		
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		2,469.90
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	5,000.00	
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Co	1,650.00	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,617.60	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	95.39
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,154.13	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	Qual-Med, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919	Sun Coal Company	1,000.00	6,000.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	309.39
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	512.00	395.38
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	8,833.08	
Do	PHLCORP	18,000.00	43.90
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Elliott N. Dritch, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research (AMFAR)	1,000.00	156.00
Pamela J. Driver, 1025 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Do	Foodservice & Packaging Institute, Inc		
Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	750.00	
Do	Anheuser-Busch Companies, Inc	3,750.00	
Do	Communications Satellite Corp	3,000.00	
Do	CompTel	2,250.00	
Do	Consolidated Rail Corporation	11,200.00	
Do	Federal National Mortgage Assn	5,250.00	
Do	General Motors Corp	3,000.00	
Do	Goldman Sachs & Co	1,500.00	
Do	Monsanto Company	1,500.00	
Do	National Cable Television Assn, Inc	23,250.00	
Do	Nevada Resort Assn	3,750.00	
Do	Shell Oil Company	750.00	
Do	United Air Lines, Inc	1,500.00	
Do	Warner Communications, Inc	45,000.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Ak-Chin Indian Community	495.00	
Do	Bois Forte Band of Chippewa Indians		
Do	Campo Band of Mission Indians	937.50	
Do	Chippewa-Ottawa Treaty Fishery Management Authority	300.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Grand Portage Reservation Tribal Council	375.00	
Do	Leech Lake Tribal Council	957.50	
Do	Little Six Incorporated	300.00	
Do	Minnesota Indian Gaming Assocation	825.00	
Do	National Indian Gaming Association		
Do	Santa Clara Indian Pueblo	318.75	
Do	Siletz Tribal Council		
Do	Tohono O'Odham Nation	827.50	
Do	Tulalip Tribes	720.00	
Do	White Earth Tribal Council	827.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)	2,250.00	182.04
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	45,000.00	26.00
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	27.00
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	16,171.74	902.03
James E. Dunstan, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc	3,816.39	3,586.70
James A. Dupree, 1350 Eye Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,500.00	1,489.00
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	640.25	112.59
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	715.00	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	1,050.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	19,935.00	1,559.98
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,197.61	800.00
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,600.00	
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	452.20	19.00
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	McNair Group, Inc (For:Bombardier Corporation)		
Do	McNair Group, Inc (For:Harmon Industries, Inc)	7,188.94	
Do	McNair Group, Inc	9,375.00	
Do	McNair Group, Inc (For:Puerto Rico Ports Authority)	420.95	1.60
Do	McNair Group, Inc (For:State of Hawaii/Dept of Transportation)	23,941.02	5.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	3,112.50	
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Air Transport Assn of America	3,000.00	13.60
Do	Atlantic Richfield Company	15,635.96	722.53
Do	Bender Shipbuilding & Repair Co, Inc	5,611.25	130.45
Do	East Asiatic Company, et al.	16,215.32	707.95
Do	Greek Shipping Cooperation Committee	37,350.00	1,352.39
Do	Interdean AG	1,570.71	41.04
Do	International Air Transport Assn (IATA)	10,722.50	1,567.47
Do	Isolyser Company		
Do	Liberty Maritime Corporation	29,713.00	690.16
Do	Medical Care International, Inc	2,475.00	147.46
Do	National Steel & Shipbuilding Co	5,134.30	
Do	Ocean Cruise Lines, Inc	4,816.25	37.00
Do	Sulzer Brothers, Inc	9,601.25	711.53
Do	Surgical Care Affiliates, Inc		
Do	T/2 Medical, Inc		
Do	U.S. Naval Institute		
Dykema Gossett, 800 Michigan National Tower Lansing, MI 48933	Committee on U.S. Business Canadian Life & Health Ins. Assn	945.00	625.00
Do	Discovery Cruises, Inc	300.00	15.00
Do	Magic Line, Inc		
Do	Military Boot Manufacturers Assn		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc	2,655.00	18.45
Do	University of Michigan Medical Center	1,248.00	
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	43.13
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	9,504.00	2,675.87
Do	Sofreavia	860.00	82.16
Jeffrey P. Eagleson, 1001 Connecticut Ave., #1001 Washington, DC 20036	Lanxide Corporation		
Ronald Ealey, 913 Drum Avenue Capitol Heights, MD 20743	Harvest Church International		
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Medical College of Wisconsin)	200.00	
Do	Quarles & Brady (For:Wisconsin Electric Power Co)	4,400.00	1,843.45
Robert E. L. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815	Eaton Associates, Inc		
Eaton Associates, Inc, 4921 Essex Avenue Chevy Chase, MD 20815			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	1,066.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	30.00
Kevin James Echols, 425 2nd Street, NW Washington, DC 20001			10.00
Edelman Public Relations Worldwide, 1420 K Street, NW 10th Floor Washington, DC 20005	Safety-Kleen	45,000.00	11,583.38
Helen H. Edge, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.68	
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		115,432.27	133,781.19
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling		
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Long Beach Unified School District	4,000.00	1,557.44
Do	Oakland Unified School District	7,500.00	4,734.59
Do	Sacramento City Unified School District		1,557.44
Do	San Diego Unified School District	1,440.00	3,613.25
Do	San Francisco Unified School District	2,400.00	996.76
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	315.00	
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	9,000.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First National Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	1,282.50	
Do	Teledyne Industries, Inc	3,239.17	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,160.65	104.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	87.02
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Community Antenna Television Assn, Inc	15,000.00	26.50
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	13,587.00	355.00
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		1,505.66
Harry William Eicher, P.O. Box 19175 Houston, TX 77024	Catholic Truth International		120.00
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Eugene Eidenberg, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp		
Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,419.00	15.45
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	16,750.00	219.51
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	12,500.00	971.00
Elf Atochem North America, Inc, Three Parkway Philadelphia, PA 19102			6,385.19
Elias Matz Tiernan & Herrick, 734 15th Street, NW Washington, DC 20005	Investors Financial Corporation		
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	2,009.27	2,008.25
Emily K. Elliott, 204 Whitehurst Hall Stillwater, OK 74078-0001	Oklahoma State University		
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers	1,638.38	1,638.38
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)		3,849.81
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Charles Ellstein, 645 W. St. Joseph Way Lansing, MI 48917	Michigan Hospital Assn	3,437.56	4,253.06
Gary Elmestad, P.O. Box 3153 St Peters, MO 63376	City of St. Peters	3,465.00	9.99
Do	St. Charles Co Economic Development Council	6,000.00	216.79
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	69.23	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		136,882.86	152,339.42
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			438.04
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,832.00	723.00
Randy Eminger, 7209 Dukes Place Amarillo, TX 79109-6481	Southwestern Public Service Co	1,563.75	14.55
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005			14,975.32
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	796.16	
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74818-1726		5,050.00	
Gary D. Engebretson, 1200 G St. NW #750 Washington, DC 20005	Contract Services Assn		123.07
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	156.17	9.30
Michael Englehardt, 1825 I Street, NW, #400 Washington, DC 20006	Intel Corp	15,000.00	4,668.22
English First, 8001 Forbes Place, #102 Springfield, VA 22151		217,293.46	214,517.54
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Environmental Business Assn, 1150 Connecticut Ave., NW, 9th Floor The Connecticut Building Washington, DC 20036			
Cheryl Anthony Epps, 1110 North Glebe Road, #200 Arlington, VA 22201	International Assn of Chiefs of Police	11,545.86	7,839.46
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20037	MFJ Task Force	22,500.00	
Do	Northwestern National Life Insurance Co	2,385.00	
Do	PKR Foundation	1,590.00	
Do	Southern California Edison Co	12,000.00	
Do	Voluntary Hospitals of America, Inc	6,000.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	57,915.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209			
Thomas J. Erickson, 1030 15th Street, #1020 Washington, DC 20005	National Grain Trade Council		
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	7,750.00	
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Baldt, Inc		
Do	Kaman Diversified Technologies Corp	9,070.63	70.63
Do	Lister Bolt & Chain, Ltd	6,045.41	45.41
Do	Martin Marietta Corp	16,952.89	701.89
Do	MIP Instandsetzungstriebe GmbH	37,598.74	10,598.74
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	13,746.00	428.44
Mark Esherick, 1140 Connecticut Avenue, NW, Suite 220 Washington, DC 20036	Competitive Telecommunications Assn (COMPTEL)		
John T. Estes, 2300 N St., NW, #600 Washington, DC 20037	International Council of Cruise Lines	12,500.00	2,210.00
Sherry Ettleson, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Do	Scholarship Consultants of North America, Inc		
Lynwood J. Evans, 1020 19th Street, NW, #780 Washington, DC 20036	U S West, Inc	641.20	
Robert B. Evans, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	American Bankers Assn	2,062.50	102.80
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	5,262.50	113.40
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			1,913.67
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc		
Do	Northrop Corp		
Do	Wiley Rein & Fielding (For: Utilicorp United, Inc)		
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,100.00	
Robert R. Fahs, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,0,500.00	2,880.00
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	5,673.74
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		196,411.00	103,520.07
Dagmar T. Farr, 1750 K Street, N.W. Washington, DC 20006	Food Marketing Institute	300.00	
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	16,942.25
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	17,662.50	281.39
Do	Clark County Nevada	15,997.50	251.26
Do	Clark County Nevada-McCarran International Airport	16,062.50	333.21
Do	Geneva Steel	9,000.00	232.88
Do	Kirton McConkie & Bushnell	675.00	17.46
Do	Las Vegas Valley Water District	22,563.75	348.51
Do	Public Service Co of New Mexico	10,975.00	250.79
Do	Sierra Pacific Power Co	20,593.75	258.51
Do	State of Montana Dept of Natural Resources & Conservation	9,000.00	54.53
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	115,000.00	2,129.07
Elizabeth Fayad, 1033 Union Church Rd. McLean, VA 22102	National Parks & Conservation Association	3,075.00	23.00
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			266.17
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,696.01	1,696.01
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		185.00	5,555.90
John D. Fedor, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Alliant Techsystems, Inc	2,676.00	180.04
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,328.00	
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	1,660.00	55.69
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,690.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	1,660.00	77.03
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Laura Fennell, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	248.00	248.00
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	30.00	
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	250.00
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	2,500.00	904.30
Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024	National Pork Producers Council	1,200.00	339.51
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	31,200.00	
Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		12.00	3,037.00
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	AB Hagglund & Sonar	13,500.00	696.05
Do	Bollinger Machine Shop & Shipyard, Inc	13,050.00	329.56
Do	Spar Aerospace, Ltd	22,500.00	550.27
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	7,000.00	135.00
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	183.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		12,875.00	1,572.00
Hyman Fine, 1515 Jefferson Davis Highway, #1515 Arlington, VA 22202	United Technologies Corp		
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	106.75
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	384.60	10.00
Stephen Finley, 200 West Thomas, #310 Seattle, WA 98119	Emerald Seafoods, Inc		5,391.66
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp		
First National Bank of Boston, 100 Federal St. Boston, MA 02110			2,436.28
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106	American Collectors Assn	1,000.00	30.00
H. David Fish, 5885 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For:Long Beach Unified School District)		31.25
Do	Educational Legislative Services, Inc (For:Oakland Unified School District)		95.00
Do	Education Legislative Services, Inc (For:San Diego Unified School District)		72.50
Do	San Francisco Unified School District		20.00
Do	Sacramento City Unified School District		31.25
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	643.79	
Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Companies	4,800.00	50.00
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
Wendy S. Fishman, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,200.00	
John H. Fitch Jr., 1421 Prince St., #400 Alexandria, VA 22314	Federal Legislative Associates (For:American Airlines)	2,000.00	
Do	Federal Legislative Associates (For:Boston Financial Technologies Group)	1,000.00	
Do	Federal Legislative Associates (For:Citizens Commission for Human Rights)	2,000.00	
Do	Federal Legislative Associates (For:Clark Oil & Gas)	1,000.00	
Do	Federal Legislative Associates (For:National Coalition of IRS Whistleblowers)	1,000.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group	15,000.00	1,673.00
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute	200.00	
Alan M. Fitzwater, 3700 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad Co	25,000.00	
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	192.54
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manufacturers Assn, Inc	750.00	468.20
Steven H. Flajser, 1111 Jefferson Davis Highway, #811 Arlington, VA 22202	Space Systems/Loral	4,500.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Ad Hoc Coalition on Intermarket Coordination		
Do	American Ambulance Assn	28,500.00	2,068.52
Do	American Health Care Assn		
Do	American Optometric Assn	15,000.00	62.50
Do	Americans for Energy Independence/Oklahoma Basic Economy...		
Do	Anheuser-Busch Companies, Inc	9,000.00	
Do	Association of American Railroads	24,999.00	
Do	Automotive Refrigeration Products Institute	5,000.00	
Do	Centel Federal Systems		
Do	Certified Auctioneers Assn/National Auctioneers Assn	22,500.00	
Do	Chickasaw Nation	2,000.00	
Do	Chiropractic Physicians Initiative Fund		
Do	Clark Oil and Refinery Corporation	38,000.00	686.69
Do	Esselte Pendaflex Corp		
Do	Eveready		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	EDS		
Do	Farmers Mutual Fire Insurance Co of Okarche	6,000.00	
Do	Ferrellgas		
Do	Institute of Scrap Recycling Industries	12,000.00	30.30
Do	Jason Pharmaceuticals		
Do	LeGere Walking Stick Foundation	3,000.00	
Do	Marazul Charters	45,000.00	1,067.08
Do	Mastercard International	54,000.00	13,056.40
Do	McDonnell Douglas		
Do	National Collegiate Athletic Assn (NCAA)	40,000.00	255.30
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	6,640.00
Do	Nintendo of America, Inc	41,180.00	2,048.97
Do	Oklahoma Natural Gas	1,500.00	
Do	Oklahoma State Chamber of Commerce		
Do	Pathology Practice Assn	24,000.00	401.39
Do	Private Practice Section	21,000.00	4,296.79
Do	Public Broadcasting Service		
Do	Safe Tire Disposal Corporation	24,000.00	1,844.61
Do	Sandoz	5,712.50	10.00
Do	Sony Corp of America	60,000.00	348.91
Do	St. Louis NFL Partnership		
Do	Superstar Connection		
Do	Syva Company	45,000.00	580.64
Do	Third District Industrial Development Initiative Fund	7,500.00	
Do	Union Pacific Resources		
Do	United Homeowners		
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	1,000.00	1,315.90
Lynne M. Fletcher, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	6,000.00	40.00
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Aetna Life & Casualty)	3,750.00	
Do	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	2,100.00	
Do	R.G. Flippo and Associates, Inc (For:American Nuclear Energy Council)	2,000.00	
Do	R.G. Flippo & Associates, Inc (For:AmSouth Bank)	1,200.00	
Do	R.G. Flippo & Associates, Inc (For:Colsa, Inc)	1,350.00	
Do	R.G. Flippo & Associates, Inc (For:Edison Electric Institute)	3,500.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:National Automobile Dealers Assn)	1,400.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabisco Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Cray Research, Inc	36,092.76	
Do	Museum of the Rockies	3,000.00	
Do	MEDCO Containment	6,000.00	
Do	State University System	34,998.00	
Do	University of Alaska	15,000.00	
Do	University of Nevada-Las Vegas	15,665.94	
Do	University of New Mexico	3,085.11	
Do	Westinghouse Electric Corp	12,547.00	
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	5,000.00	7,726.27
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,954.16	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	622.02
Focus on the Family, 420 N. Cascade Ave. Colorado Springs, CO 80903-3352		40,486.00	63,378.00
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	Aurora Health Care, Inc, et al.		
Do	Coldwell Banker Real Estate Group		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		16,967.00	16,967.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			4,650.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			600.00
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	496.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			8,008.93
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.	1,918.12	4,318.51
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vulkan Aktiengesellschaft		
Do	Commerzbank Aktiengesellschaft		
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	707.78
Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems, Inc	260.00	115.31
Do	Delaware Container Corporation	1,537.50	
Do	Giant Cement Company	487.50	173.00
Do	Greenwood Development Corp	9,230.00	2,896.02
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	10,000.00	1,742.77
Chuck Fox, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Instutute on Deafness & Other Communication Disord.		1,432.80
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co		
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		
Do	Lederle-Praxis Biologicals	390.00	
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	Serono Laboratories, Inc		
Do	Wireless Cable Assn, Inc		155.00
Mary E. Fox-Grimm, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		86.50
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries, Inc	2,204.00	9.55
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	394.13
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,080.00	
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.	18,750.00	7,000.00
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	115.39
Franson Hagerty & Associates, 1155 15th Street, NW, Suite 710 Washington, DC 20005			
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	634.61	
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
Freedom Technologies, Inc, 1301 K Street, NW, Suite 1025 East Washington, DC 20005			
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	4,665.00	416.23
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corporation		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	400.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	350.00	
Do	French & Company (For:Wheels, Inc)		
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,200.00	
Do	Montgomery Ward & Co, Inc	475.00	
Do	Wheels, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	401.12
Do	Los Angeles County Sanitation District	7,926.00	211.88
Do	James M. Montgomery Consulting Engineers Inc	41,971.00	591.90
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	17,500.00	248.14
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	10,685.00	72.39
Do	Lonza, Inc	1,050.00	75.45
Do	Virgin Islands Rum Industries, Ltd	420.00	
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Clouse Pagano & Friedman (For:Chem Service, Inc)		
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy Corp		
Do	Summit Energy Storage, Inc	3,825.00	
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		20,000.00	9,174.05
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			30,275.77
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	14.00
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	635.00
Alan Front, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land	11,200.00	16,143.00
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause		
Gordon H. Fry, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Avis, Inc		
Do	Barrett Resources Corp	4,038.65	118.16
Do	Crysen Corp		
Do	Rugby-Darby Group Companies, Inc	1,000.00	25.00
Do	Sound Refining, Inc		
Do	Systems Control, Inc	4,500.00	77.65
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,750.00	
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Basic Management, Inc		
Do	Central Basin Municipal Water District	8,175.21	
Do	Central Utah Water Conservancy District	16,600.58	
Do	Kamm & Associates, Ltd	20,000.00	
Do	Neumiller & Beardslee (for San Joaquin County, CA), et al.		
Do	Odyssey International, Inc		
Do	Riverside Resort Hotel & Casino		
Do	South Dade Land Corp	9,113.14	
Do	Upper San Gabriel Municipal	15,773.88	
Do	West Basin Municipal Water District	2,133.74	
FICA Fairness Coalition, P.O. Box 66674 Washington, DC 20035			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,067.50	
Gage & Tucker, 2120 L Street, NW, #810 Washington, DC 20037	Black & Decker Corp		
Do	Pepsi Co, Inc		
Do	Pizza Hut, Inc		
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn		
Floyd D. Gaibler, 888 16th Street, NW Washington, DC 20006-4103	International Dairy Foods Assn		
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	4,620.00	539.99
Kathleene E. Gallegos, 1155 15th Street, NW, #400 Washington, DC 20005	McNair Group, Inc (For:Hercules Aerospace Company)	600.00	22.00
Do	McNair Group, Inc	3,125.00	48.03
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United		
Peter S. Gambel, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		653.11
Bruce Gamble, 1802 T Street, NW Washington, DC 20009	National Bankers Assn		86.53
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	11,476.00	56.00
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	20,737.50	5,062.54
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,340.40	135.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
James N. Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Heil & Weigler (for: RENTRAK Corp)).		28.00
Lynda Nelson Gardner, 121 S.W. Salmon , #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Neil & Weigler (for RENTRAK Corp)).		28.00
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1301 K Street, NW Washington, DC 20005	Adventist Health System/Sunbelt Hospital System		
Robert L. Garfield, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 150 Andover San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)	260.00	
Lee D. Garrigan, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc	13,050.00	685.62
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Patrick J. Garver, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	9,937.00	
Do	City of Aberdeen		
Do	Early Winters Resorts, Inc		
Do	Interocean Management Company	594.25	
Do	Ministry of the Environment		
Do	Space Industries, Inc		
Do	Tacoma Public Utilities	56,709.19	1,203.46
Do	Totem Ocean Trailer Express, Inc	15,153.75	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	Savings and Community Bankers of America	729.00	
Do	U.S. League of Savings Institutions	1,458.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
W. Mark Gavre, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	248.00	336.25
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
Elise Gemeinhardt, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Company		
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		12,376.00	12,376.00
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Cheryl K. Genevie, 7746 Donnybrook Court, #106 Annandale, VA 22003	Edison Electric Institute	20,995.00	209.93
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Enron Corp		
Do	Natural Gas Alliance for the Generation of Electricity		
Do	Sun Company, Inc		
Do	Transco, Inc		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,455.27
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	7,282.00	279.22
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,575.00	
Richard C. Gergle, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	300.00	
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	5,200.00	949.98
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club		
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn		5.00
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	6,000.00	124.83
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,997.00	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	20,000.00	420.00
David Wesley Gibbons, 1600 Rhode Island Ave. NW, Washington D.C., DC 20036	National Rifle Assn of America		
Martha A. Gibbons, 1155 Connecticut Ave., NW Washington, DC 20036	Laidlaw Waste Systems, Inc	2,500.00	141.70
Michelle Gibson, 1101 30th Street, NW, #500 Washington, DC 20007	Cement Kiln Recycling Coalition		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	4,500.00	30.89
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,500.00	
Robert C. Gilardi, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
Karl O. Gilbert, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	9,075.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	4,903.86	135.50
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	1,419.84
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atantic Richfield Company	30,000.00	
Do	Pacific Lumber & Shipping Co	8,487.50	
David Gillette, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,850.00	71.72
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)	5,000.00	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	4,300.00	
Do	All Alaskan Seafoods, Inc	5,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	4,500.00	
Do	Robertson Monagle & Eastaugh (For:Marco)	2,500.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	National Fisheries Institute	18,750.00	5,207.87
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co	8,000.00	77.23
Do	Equifax		
Do	Firearms Training Systems, Inc	10,000.00	90.03
Do	Lockheed Corporation	10,000.00	94.02
Do	Oglethorpe Power Corp		
Do	Swedish Ordnance		
Do	Turner Broadcasting System, Inc	5,000.00	47.01
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc	2,500.00	23.51
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors		117.80
Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors		
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	357.74	357.74
Girl Scouts of the USA, 830 Third Avenue New York, NY 10022			3,027.76
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp	125.00	1.00
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	210.00	73.00
Matthew D. Glasser, 1919 Park Road, NW Washington, DC 20010	City of Broomfield, Colorado	30,000.00	3,280.18
Donna Siss Gleason, 1146 19th Street, NW Suite 700 Washington, DC 20036	The Susan Davis Companies	8,500.00	
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	10,624.98	965.10
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		291.13
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp	64.00	
Do	Fanuc, Ltd		
Do	Hitachi, Ltd		
Do	Hyundai Motor America	720.00	
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd	48.00	
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Murata Machinery, Ltd		
Do	Sage Alerting Systems, Inc		
Do	South Louisiana Port Commission		
Joseph Gloyd, 1023 15th Street, NW, Suite 300 Washington, DC 20005	American Veterinary Medical Assn	25.00	
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,395.00	31.07
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	147.00	
Donald G. Goff, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp		
Judith M. Goff, P.O. Box 130092 St. Paul, MN 55113	Farm Credit Bank of St. Paul	500.00	
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Air & Space West, Inc	29,400.00	2,354.00
Do	Amercan College of Cardiology	6,000.00	2,354.00
Do	American Academy of Dermatology	12,000.00	2,354.00
Do	American Academy of Ophthalmology	11,112.00	2,354.00
Do	AmericanScience & Engineering, Inc		1,954.00
Do	Beretta U.S.A. Corp	7,661.00	2,354.00
Do	BAA plc	8,000.00	2,354.00
Do	Camp Barsh Bates & Tate		2,105.00
Do	Chemical Manufacturers Assn, Inc	525.00	2,010.00
Do	Coca Cola Company	7,292.00	2,354.00
Do	College of American Pathologists	6,666.00	2,354.00
Do	Commonwealth of Kentucky		1,954.00
Do	Coxson Penello Fogleman & Cowen		1,954.00
Do	Electronic Data Systems Corp		1,654.00
Do	Equitable Life Assurance Society of the U.S.	62,500.00	2,354.00
Do	Eye Bank Assn of America	4,194.00	2,354.00
Do	Federated Investors, Inc	15,000.00	2,354.00
Do	Fiat, U.S.A., Inc	13,060.00	2,354.00
Do	Ford Motor Co	350.00	1,966.00
Do	Genentech, Inc	24,000.00	2,354.00
Do	Hopi Tribe		1,954.00
Do	Investment Company Institute	4,094.00	2,354.00
Do	Korea Iron and Steel Assn		1,954.00
Do	LEGI-SLATE		1,954.00
Do	Museum Company	2,000.00	2,250.00
Do	Mutual Of Omaha	3,000.00	3,183.00
Do	MCI Communications Corp	12,000.00	2,354.00
Do	National Football League	33,150.00	2,354.00
Do	National Restaurant Assn	39,000.00	2,354.00
Do	National School Transportation Assn	8,000.00	2,354.00
Do	Pacific Enterprises	9,900.00	2,354.00
Do	Pennzoil Co	4,000.00	2,354.00
Do	Philip Morris Co	48,063.00	2,354.00
Do	Regional Transportation District	3,000.00	1,954.00
Do	Salomon Brothers, Inc	4,335.00	2,354.00
Do	Thomson-CSF, Inc	19,670.00	2,529.00
Do	Thunder Child Veterans Administration Hospital	1,500.00	2,158.00
Do	Times Mirror Co	3,960.00	2,354.00
Do	Washington Metropolitan Area Transit Authority	28,920.00	1,954.00
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227			
Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	1,890.00	
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			3,050.00
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Southern Pacific Transportation Co.		
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Kelley Drye & Warren (For:Coalition to Preserve the Low Income Housing Tax Credit).		
Judith E. Golub, 2027 Massachusetts Ave., NW Washington, DC 20036	American Jewish Committee	26,500.00	1,500.00
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	4,593.75
Larry I. Good, 2001 M Street, NW Washington, DC 20036	Milliman & Robertson, Inc	6,600.00	
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	2,200.00	689.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	4,585.35
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	Export Processors Industry Coalition (EPIC)	3,000.00	3,400.58
Do	Iowa Pork Producers Assn	2,250.00	1,082.32
Do	National Sunflower Assn	7,500.00	4,479.76
Do	U.S. Canola Association	9,000.00	3,059.61
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	232.80
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn		
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	34,800.00	5,200.00
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,780.80	123.56
Edward J., III Gorman, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	1,911.00	
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	43.47	
Noel Gould, 320 14th Street, NE Washington, DC 20002	Brooke International	1,406.25	
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	10,021.50	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	Mescalero Apache Housing Authority	546.00	
Do	Minnesota Chippewa Tribe		
Do	Navajo Area School Board Assn	2,093.00	
Do	Pueblo of Laguna Housing Authority	231.00	
Do	Pueblo of Pojoaque	12,615.50	
Do	Pueblo of Tesuque		
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo	178.50	
Do	Shoshone Tribe	31,239.00	
Do	Tonono O'odham Nation		
Do	Wind River Tax Commission	55.00	
Do	Zuni Housing Authority		
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Barbara Gracey, 2000 K Street, NW, #800 Washington, DC 20005	National Committee to Preserve Social Security & Medicare	2,363.00	
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	5,500.00	77.28
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Citibank, N.A.	2,250.00	55.00
Do	Contact Lens Manufacturers Assn		
Gates Grainger, 888 16th Street, NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman and Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman and Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman and Associates, Inc (For:Government of Egypt)		
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		46.88
Nancy Granese, c/o P.O. Box 66674 Washington, DC 20035-6674	FICA Fairness Coalition		
Do	Partnership on Health Care & Employment		
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,625.00	
Clifford S. Graul, 7481 Huntsman Blvd., #400 Springfield, VA 22153	Creative Strategies Group	5,000.00	
Edwin C. Graves, 2001 M Street, NW Washington, DC 20036	Correctional Education Consultants, Inc	1,500.00	
Do	Emerald Resources, Inc	1,487.50	
Do	Hill & Knowlton	218.75	
Do	Jorden Schulte & Burchette		
Do	McGuiness & Williams	862.50	
Do	Capitoline International Group, Ltd (For:MCI Communications Corp)	3,125.00	
Do	Capitoline International Group, Ltd (For:Professional Lawn Care Assn. of America).	4,875.00	
Ed Graves & Associates, 2001 M Street, NW, 4th Floor Washington, DC 20036	Correctional Education Consultants, Inc	1,500.00	
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	11,300.00	1,382.20
Carol J. Gray, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	2,006.00	
Neil A. Gray, 1776 Massachusetts Ave., NW, #500 Washington, DC 20036-1993	Highway Users Federation	2,800.00	61.00
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,600.00	
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			345.00
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	4,500.00	360.12
Deborah Green, 610 W. 110th Street New York, NY 10025	Rainbow Lobby, Inc	5,250.00	
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Gary L. Green, 1010 North Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Harold B. Green, 5011 Victor Dallas, TX 75214	American Consulting Associates, Inc (For:Chief Auto Parts, Inc)	7,500.00	8,560.90
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corp	2,500.00	629.65
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Scott H. Green, 3159 N. Quincy Street Arlington, VA 22207	Boys & Girls Clubs of America	6,000.00	747.00
Do	National Center for Missing & Exploited Children	6,000.00	747.00
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	3,000.00	
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	10,000.00	
Peter E. Greene, 919 Third Avenue New York, NY 10022	Pepsi-Cola & National Brands, Ltd		
Anne Greenfield, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	7,220.04	216.10
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
John P. Gregg, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C.	3,780.88	262.05
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Janet R. Gregor, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	1,200.00	
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition	4,200.00	63.35
Greyhound Lines, Inc, 1000 Vermont Avenue, NW, #400 Washington, DC 20005-4903			12,150.00
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
John Wesley Griffin, #00311-158 P.O. Box 905 Genesee Unit Ray Brook, NY 12977-0900			
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	1,500.00	30.00
Do	American Nuclear Energy Council	15,000.00	378.00
Do	American Petroleum Institute	6,250.00	150.00
Do	American Psychological Assn	8,250.00	198.00
Do	Appalachian Coalbed Methane Assn	15,000.00	372.00
Do	Arthur Andersen & Co	19,750.00	474.00
Do	Blue Cross & Blue Shield Assn	6,500.00	156.00
Do	Carlyle Group	14,250.00	342.00
Do	Central and South West Services, Inc	10,000.00	240.00
Do	City of Broomfield	2,500.00	60.00
Do	Coal Industry Health Protection Coalition	11,000.00	264.00
Do	Coalition for Transit Opportunities '92	500.00	12.00
Do	Covia Partnership	41,250.00	990.00
Do	CBS, Inc	38,750.00	930.00
Do	COMSAT Corp	6,000.00	144.00
Do	Equipment Leasing Association	10,500.00	252.00
Do	Fireman's Fund Insurance Cos	17,000.00	408.00
Do	General Atomics	6,250.00	150.00
Do	Grumman Corporation	750.00	18.00
Do	Halliburton NUS Environmental Corporation	11,250.00	198.00
Do	Martin-Marietta	9,000.00	360.00
Do	McCaw Cellular Communications, Inc	4,750.00	114.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Merck & Co, Inc	1,000.00	24.00
Do	Motorcycle Industry Council, Inc		
Do	National Football League	9,000.00	216.00
Do	National Independent Energy Producers	11,250.00	270.00
Do	National Music Publishers Assn, Inc	8,250.00	198.00
Do	Primerica Corp	18,000.00	432.00
Do	Tobacco Institute	3,250.00	78.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	540.00	137.00
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America	500.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Mark W. Grobmyer, P.O. Box 70 Little Rock, AR 72203	Arnold Grobmyer & Haley (For:Arkansas Assn of Securities Dealers)		
Do	Arnold Grobmyer & Haley (For:Mid-South International Trade Assn)		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			1,490.69
Stephanie J. Grogan, National Wildlife Federation 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	227.01	
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group	250.00	
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		
Do	Chevron Corp	250.00	30.00
Do	Eli Lilly & Company		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District	180.00	100.00
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		100.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	350.00	135.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation	600.00	
Do	Retired Lives Reserve Group	250.00	
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	True Oil Company		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Astra Pharmaceutical Products, Inc)	750.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)	250.00	
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Academy of Dermatology	550.00	142.00
Do	Association of American Cancer Institutes	1,690.00	168.00
Do	Cooley's Anemia Foundation	1,200.00	275.00
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	O'Connor & Hannan (For:Blanchfield & Moore)		
Do	DocuSource	5,000.00	
Do	Morris Communications	3,000.00	
Do	Naegle Outdoor Advertising		
Do	National Rifle Assn of America		
Do	O'Connor & Hannan	30,000.00	
Do	Bettis Rainsford		
Do	Riverton Investment Corp		
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	758.38
Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501	Motion Picture Assn of America, Inc		
Mark F. Guimond, 4659-C 28th Road Arlington, VA 22206	Credit Doctor, Inc	2,000.00	
Do	National Motorists Assn	2,000.00	
Do	National Staff Leasing Assn	2,000.00	
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	1,000.00	60.00
Do	McDermott, Inc	1,500.00	85.00
Do	Walk-Haydel & Associates, Inc	1,000.00	70.00
Deborah H. Gum, 9425 Cloverhill Road Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		105,606.02	142,661.87
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	5,330.00	2,023.06
Jocelyn A. Guyer, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	12,630.00	2,930.95
Do	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)	1,481.25	
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Dietetic Association	4,625.00	
Do	Manor Healthcare, Inc	11,250.00	
Do	National Assn of Medical Directors of Respiratory Care	7,000.00	
Do	Puritan Group-Puritan Bennett Corp	1,937.50	
Sherry J. Haber, 105 Oronoco Street Alexandria, VA 22314	National Wholesale Druggists' Assn		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc		
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	973.64	1,020.52
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	730.40	870.48
John F. Haifley, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,433.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	630.88	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	6,500.00	536.23
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	American Mining Congress	20.00	
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute		
Do	Medallion Oil Company	702.00	43.25
Do	Metalor USA Refining Corp		
Do	Micron Technology, Inc	4,000.00	14.00
Do	Northeastern University	3,049.50	25.23
Do	Wellmark Healthcare Services, Inc		
Haley Bader & Potts, 2000 M St., NW, #600 Washington, DC 20036	Community Broadcasters Assn	3,741.28	5,704.33
Do	TV 14, Inc	9,540.99	9,096.80
Anne Hall, 100 East Broad Street Columbus, OH 43271-0251	Banc One Corporation		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,488.60
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	639.00	40.81
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	1,414.51
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,993.50	2,698.87
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		48.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	534.72
Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Morton H. Halperin, 122 Maryland Ave.,NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	16.00
Rhonda Lee Halverson, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	7,248.00	102.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,551.70	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Mark Hamilton, 5400 Carillon Point, #400 Kirkland, WA 98083	McCaw Cellular Communications, Inc		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	201.79	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	3,300.00	468.37
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn		
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Bass Pro Shops	8,208.64	8,208.64
Do	Silver Dollar City, Inc	12,605.79	10,917.97
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	9,000.00	662.27
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,044.12	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Mobile, AL 36601	General Electric Co	1,540.83	
Do	Hazardous Waste Action Coalition	2,420.82	
Do	Ingalls Shipbuilding	1,695.80	
Do	Northrop Corp	2,333.32	
Do	Waste Management, Inc	25.00	
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,103,179.00	503,114.00
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	700.00	
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Commonwealth of the Northern Mariana Islands)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		31.14
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	64.00	
Saundra J. Hardbower, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn		
Sandra K. Harding, 7981 Eastern Avenue Silver Spring, MD 20910	National Assn of Social Workers	9,347.00	
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	San Diego Gas & Electric	1,286.00	2,652.50
Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	7,500.00	60.00
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	481.21
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,102.00	223.02
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	600.00	
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	4,938.00	447.52
James W. Harris, 1709 New York Avenue, NW Washington, DC 20006	Savings and Community Bankers of America	1,166.00	
Do	U.S. League of Savings Institutions	2,333.00	
Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	7,500.00	
Ray Harris, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Nuclear Operating Company	23,507.05	6,195.62
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Coalition of Food Importers Assn	3,550.00	101.00
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Jill Harrison, P.O. Box 1005 Fairfax, VA 22030-1005	Community Antenna Television Assn	4,375.00	639.00
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	1,000.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	420.00	4,551.62
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	1,500.00	30.00
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	College of American Pathologists	2,600.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,997.00	
Gabriel A. Hartl, Arlington Courthouse Plaza II, #711 2300 Clarendon Boulevard Arlington, VA 22201	Air Traffic Control Assn, Inc		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,769.24	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
Jace Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	125.12	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	12,190.20	478.60
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		922.18
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Laura A. Havens, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	3,000.00	411.39
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	224.40	
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company	75.00	
Robert T. Hayden, 1201 New York Ave., NW, #850 Washington, DC 20005	Conway & Company (For:Academy of Rail Labor Attorneys)		
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:Ad Hoc Electronics Coalition)	5,352.13	19.48
Do	Latham & Watkins (For:American Electronics Assn)	9,803.13	132.71
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	2,670.00	15.67
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Leah V. Haygood, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	888.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	28,373.00	2,315.58
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	10,000.00	117.00
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			1,166.50
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	3,400.00	
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,014.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	336.00
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Colton Communities, Inc	1,000.00	
Do	General Atomics	1,000.00	
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn	1,000.00	
Do	Charles E. Smith Management, Inc	3,000.00	
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	13,390.26	673.37
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CSX Corporation	5,000.00	500.75
Do	DePaul University	3,000.00	79.15
Do	Renewable Fuel Assn	3,000.00	183.12
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	143,268.46	143,268.46
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	145.15	35.78
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,000.00	
Richard L. Hellwege, 1225 Jefferson Davis Highway, #1100 Arlington, VA 22202	Smiths Industries	3,000.00	2,725.05
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Associated Public Safety Communications Officers	5,600.00	
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	383.42
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control	1,228.00	38.00
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co	500.00	66.50
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute	1,500.00	1,566.75
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,329.00	
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	2,581.96
Keith E. Henderson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,010.62	4,762.25
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	270.94
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	10,000.00	3,443.65
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,500.00	92.66
Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	135.70
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	99.17	
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Blue Diamond Growers		
Do	Hawaii Macadamia Nut Assn		
Do	Carl J. Maggio		
Do	Sunkist Growers, Inc		
Do	Universal Leaf Tobacco		
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn		7,451.00
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	127.33
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	7,893.72
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	300.00	534.00
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,160.00	20.00
William D. Hickman, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Guy M. Hicks, 1000 Wilson Boulevard, #2407 Arlington, VA 22209	Northrop Corp	500.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	700.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	38.46	23.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	2,101.00
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		240.14
Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350	Amoco Corporation		
J. Eldred Hill Jr., 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	341.31
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	6,044.00	
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,860.00	402.19
Steven A. Hillyard, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	1,500.00	
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Maureen K. Hinkle, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		4,425.00
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	4,842.50	2,971.67
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Dan L. Hitt, 1101 15th Street, NW Washington, DC 20005	3M Co (Minnesota Mining & Mfg)		
Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	110.00	
Do	Aroostook Band of Micmacs	30.00	
Do	Association of Navajo Community-Controlled School Boards	110.00	
Do	Black Mesa Community School Board	77.00	
Do	Evergreen Legal Services		
Do	Menominee Indian Tribe	130.00	
Do	National Asian American Telecommunications Assn	937.50	
Do	National Indian Education Assn	60.90	
Do	Pinon Community School Board	104.50	
Do	Pueblo de Cochiti	1,720.00	
Do	Ramah Navajo School Board	93.50	
Do	Rock Point Community School	121.00	
Do	Rough Rock Community School	154.00	
Do	Seminole Tribe of Florida	100.00	
Do	Shiprock Alternative Schools, Inc	110.00	
Do	Spokane Legal Services Center		
Do	Yakima Indian Nation	187.50	
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,043.34	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,904.00	1,024.78
A.R. 'Trey' Hodgkins, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	958.38	421.09
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Kristin Hofeditz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,185.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	National Barley Growers Assn	14,500.00	6,261.12
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	11,558.56	994.14
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	11,755.79
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	458.82
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Alabama Construction Contractors	4,327.50	962.35
Do	American Coke & Chemicals Institute		
Do	American Frozen Food Institute		
Do	American Hellenic Chamber of Commerce		
Do	American Insurance Assn		
Do	American Physical Therapy Assn		
Do	Amgen, Inc	37,005.00	335.25
Do	Auburn University	12,000.00	2,300.82
Do	Berg Steel Pipe Corp		
Do	Blount, Inc	7,500.00	1,029.99
Do	BE&K Construction	13.75	51.96
Do	California State Teachers Retirement System		
Do	Carter Green Redd, Inc		
Do	Drummond Company, Inc	50,540.00	3,079.83
Do	Ductile Iron Pipe Research Assn	15,000.00	1,381.63
Do	First National Bank of Opelika		
Do	Fluor Corporation		
Do	Freightliner Corp		
Do	General Electric Co	7,921.50	490.14
Do	Glaxo, Inc	120.00	
Do	Harbert Corp	3,460.00	156.09
Do	Hardie-Tynes Mfg. Company		122.66
Do	Humane Society of the United States	450.00	22.50
Do	Intergraph Corp	6,017.50	318.47
Do	Lodging Opportunities		
Do	Manufacturers Hanover Trust Co		
Do	May Department Stores Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	23,305.58	2,461.52
Do	Michigan Consolidated Gas Co		
Do	Mid Atlantic Company		
Do	Mortgage Insurance Companies of America	15,000.00	383.99
Do	Mutual Life Insurance Co of New York		
Do	National Apparel	5,319.80	535.62
Do	National Broiler Council		
Do	National Child Care Assn	8,205.76	1,236.10
Do	National Consumers Bankruptcy Coalition	28,000.00	760.04
Do	National Hospice Organization	630.05	
Do	National Industries, Inc		
Do	National Structured Settlements Trade Assn		
Do	Nuexco Trading Corp, et al.	3,487.50	
Do	Ontario Ministry of Industry, Trade & Technology		5.00
Do	Payload Systems, Inc		
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	13,662.25	969.81
Do	Private Child Care Providers	29,000.00	692.67
Do	Product Liability Coordination Committee	45,000.00	9,002.64
Do	Rust Engineering	7,500.00	3,100.27
Do	Security Savings & Loan Assn	1,761.81	
Do	Southern Company Services	30,000.00	2,257.68
Do	Storage Technology Corp		
Do	Tektronix, Inc	612.00	14.20
Do	Timex Corporation		54.73
Do	Toyota Motor Sales, USA, Inc	11,310.00	97.41
Do	Vulcan Materials Company	40,000.00	3,333.83
Do	Jim Walter Corp	19,000.00	1,278.76
Philip A. Hogue, 2230 Gallows Rd., #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	38.76
Do	Stuzin & Camner	2,500.00	112.00
Do	U.S. League of Savings Institutions	4,000.00	103.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	Oneida Indian Nation		
Do	RJR Nabisco		
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	87.81	9.31
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,500.00	800.00
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	American Commodity Distribution Association	2,500.00	
Do	Florida International Bankers Association (FIBA), Inc	861.00	
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority	1,050.00	
Do	United Fresh Fruit & Vegetable Assn	3,000.00	
Do	VITAS HealthCare, Corp of Florida	1,428.00	
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,579.80	2,656.83
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		80,000.00	65,755.43
Tom Hoog, 901 31st Street Washington, DC 20007-3838	Hill & Knowlton (For:Colorado State University)		
Do	Hill & Knowlton (For:McAndrews & Forbes Holdings, Inc)		
Do	Hill & Knowlton (For:Phillips Petroleum)		
Do	Hill & Knowlton (For:Tera Computer Company)		
Billy E. Hooper, 1023 l5th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Enserch Corp)	4,000.00	
Do	Hooper Hooper & Owen (For:John Hancock Mutual Life Insurance Co)	15,000.00	
Do	Hooper Hooper & Owen (For:National Assn of Royalty Owners)	3,000.00	
Do	Hooper Hooper & Owen (For:Ultramar, Inc)	7,500.00	
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	907.42	
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:ENSERCH Exploration)	3,000.00	
Do	Hooper Hooper & Owen (For:Hallmark Cards)	3,125.00	
Do	Hooper Hooper & Owen (For:Herzog Heing Gedold, Inc)		
Do	Hooper Hooper & Owen (For:Ifint, S.A.)	3,000.00	
Do	Hooper Hooper & Owen (For:Kansas City Southern Industries)	7,500.00	
Do	Hooper Hooper & Owen (For:Pameko Holdings, Inc)	15,000.00	
Do	Hooper Hooper & Owen (For:Phlcorp)	15,000.00	
Do	Hooper Hooper & Owen (For:Software Publishers Assn)		
Do	Hooper Hooper & Owen (For:United Asset Management)	3,000.00	
Do	Hooper Hooper & Owen (For:UtiliCorp United, Inc)	6,750.00	
Do	Hooper Hooper & Owen (For:Western Resources Council)	9,000.00	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,000.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)	105.00	209.93
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Airports Assn Council International - North America	1,793.75	7.00
Do	Alaska Joint Venture Seafoods, Inc		
Do	Cook Inlet Land Exchange, Inc		
Do	Department of Aviation, City of Chicago	666.25	
Do	Grand Trunk Corp	1,143.00	41.00
Do	Infinite Research, Inc		
Do	Louisiana Pacific Corp		2,651.00
Do	Rogers American Cable Systems, Inc		1,204.55
Do	United Video		
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	10,575.00	59.96
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)	3,000.00	
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		9,709.89	9,709.89
Charles H. Hossack, Box 308H, RD #2 Glenmoore, PA 19343	Lukens, Inc	950.00	1,824.43
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	6,000.00	564.83
Do	Armour Pharmaceutical Company	15,000.00	115.33
Russell Houston, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
John H. F. Hoving, 1575 Eye Street, NW #325 Washington, DC 20005	Society of American Value Engineers		
Hoving Group, 1575 Eye Street, NW, #325 Washington, DC 20005	American Film Marketing Assn	3,000.00	102.36
Do	Eagle-Picher Industries, Inc	53,400.00	6,264.25
Do	Western-Southern Life Insurance Co	10,500.00	249.17
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,372.70	1,631.68
Christopher W. Howe, 1401 Eye Street NW #1200 Washington, DC 20005	Chevron USA, Inc	1,400.00	15.00
Susan Howe, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	210.00	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,818.70	
Ronnie Allen Howell, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper	9,000.00	3,667.86
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	800.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	6,000.00	
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42710	MCI Telecommunications		
Terry D. Hudgins, P.O. Box 53999 Station 9978 Phoenix, AZ 85072-3999	Arizona Public Service Company	12,286.00	
William H. Hudnut, 79 John F. Kennedy Street Cambridge, MA 02138	Economic Growth Alliance		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	300.00
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,976.92	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Hunter Industrial Facilities, Inc	400.00	805.00
Do	Louisiana State University Foundation	800.00	
Do	Philip Morris, USA		
Do	Seneca Resources, Inc		
Do	United Gas Pipe Line Co		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	435.78

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert (Bob) Hughes, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308	Georgia Power Co	17,273.02	8,142.77
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-9147	National Assn of Federal Veterinarians	55.00	
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Michael Hugo & Associates, Inc (For:Warner-Lambert Co (For: Degradable Plastics)).	660.00	10.50
Do	Michael Hugo & Associates, Inc (For:Warner-Lambert Co (For: Pharmaceutical Industry)).		
B. Jeanine Hull, 1667 K Street, NW, #585 Washington, DC 20006-1605	LG&E Power Systems, Inc		198.70
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	8,447.50	1,898.81
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	2,365.00	55.52
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,925.00	1,081.25
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	6,238.27	
Harriet Hunt-Burgess, 44 Montgomery Street, #4165 San Francisco, CA 94104	American Land Conservancy (ALC)	1,981.54	2,759.99
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,750.31	
Daniel J. Hunter, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	15,000.00	3,121.26
Lawrence A. Hunter, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	336.00	70.00
Milton F. Huntington, Maine Petroleum Assn P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute	184.00	944.22
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	American Nuclear Energy Council		82.50
Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association		
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,300.00	653.98
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,048.46
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	100.00	30.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	246.99
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores		
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,868.57	
Kimberly Hyatt, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Public Transit Assn)	600.00	
Do	Hill & Knowlton, Inc (For:Ferruzzi Group)		
Do	Hill & Knowlton, Inc (For:Mazda (North America), Inc)		
Do	Hill & Knowlton, Inc (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Olin Brass)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	600.00	
Do	Hill & Knowlton, Inc (For:Sallie Mae)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton (For:Universal Card Services)	3,000.00	
Robert D. Hynes Jr., 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Co, Inc	1,000.00	
Brian M. Hyps, 5301 Wisconsin Avenue, NW, #630 Washington, DC 20015	American Osteopathic Hospital Assn	4,500.00	172.45
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		1,868.46
Torbjorn Ihre, 2101 Wilson Boulevard Room 402 Arlington, VA 22201	Ericsson Corporation		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		4,540.00	4,540.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		56,628.00	56,628.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314			7,298.75
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		3,099.01	3,099.01
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	15,120.00	126.32
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,659.66	
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			43,563.77
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		133,200.59	133,200.59
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	150,000.00	20,623.66
International Advisory Services Group, 1400 L Street, NW, #600 Washington, DC 20005	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		18,130.83	28,930.83
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			72,723.60
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Hercules, Inc	10,140.00	53.38
Do	Procter & Gamble	1,987.50	176.05
Do	Totes, Inc		75.50
Do	Uniroyal Chemical Company, Inc	187.50	96.76
Do	USR Optonix, Inc	262.50	
Do	Wine Institute	2,562.50	
Do	Xerox Corp		522.65
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		4,561.14	4,561.14
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			87,831.44
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			9,000.00
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,024.00
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	722.02
Investment Company Institute, 1600 M St., NW Washington, DC 20036			31,203.51
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,400.00	1,552.01
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,456.00	180.14
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		5,388.12	13,191.85
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	4,920.07	
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	8,875.00	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,351.54	
Susan A. Ishmael, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers & Consumers of Amer.).	300.00	
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	1,200.00	
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)	4,000.00	
Eva Jack, 1825 I Street, NW, #400 Washington, DC 20006	Intel Corp	6,000.00	3,666.22
Dennis J. Jackman, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	1,559.60
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	28,609.83
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	380.25	72.92
Kelleen W. Jackson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Federation of Independent Business	3,401.00	200.00
Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	4,578.75	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	216.00
Rachel L. Jacobson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jaffe Snider Raitt & Heuer, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 15th Street, #300 Washington, DC 20005	PPG Industries, Inc		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	4,500.00	500.00
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc	610.00	31.49
Dennis James, 1215 17th Street, NW Washington, DC 20036	Gadot Petrochemical Industries		
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #150-C Austin, TX 78759	ATC-ClayDesta Communications		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Valerie J. James, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	3,630.00	24.00
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Washington Oil Marketers Assn	2,477.44	3,292.89

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036	American Bar Assn	300.00	30.00
Jay Janis, 9800 South Sepulveda Boulevard,Suite 500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	1,146.90
Russell A. Janis, 233 No. Pleasant St., #38 Amherst, MA 01002	Trust for Public Land	300.00	150.52
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,624.00	1,624.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Debra Levin Jardot, 1101 17th Street, NW, #501 Washington, DC 20036-4704	Disney Worldwide Services, Inc	5,000.00	
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	150.00	
Do	Litton Data Systems	100.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005	ASARCO, Inc	197,464.00	23,968.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
David M. Jenkins II, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham Inc)		
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	American Land Title Assn	816.20	
Do	Independent Insurance Agents of America, Inc	6,866.20	
Do	MCI Communications Corp	2,750.00	
Do	National Assn of Casualty & Surety Agents	3,159.20	
Do	National Assn of Life Underwriters	1,399.20	
Do	National Assn of Professional Insurance Agents	1,399.20	
Do	National Assn of Surety Bond Producers		
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc	575.00	
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Dallin W. Jensen, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	6,250.00	64.14
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Valerie Jewett, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	3,625.00	450.00
Jewish Peace Lobby, 8401 Colesville Road, #317 Silver Spring, MD 20910		31,559.68	15,460.07
Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	507.36
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,067.45	1,170.55
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beat Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Joel L. Johnson, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,473.50	
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,820.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, Suite 1290 East 555 13th Street, NW Washington, DC 20004	McCamish Martin & Loeffler (For:American Golf Corp)		
Do	McCamish Martin & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin & Loeffler (For:Citicorp)		
Do	McCamish Martin & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loeffler (For:Hong Kong Trade Development Trade Council)	45.00	
Do	McCamish Martin & Loeffler (For:National Assn of Broadcasters)	97.50	
Do	McCamish Martin & Loeffler (For:Sematech)	22.50	
Do	McCamish Martin & Loeffler (For:United Services Automobile Assn)		
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	8,185.25	20.00
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation	700.00	153.00
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,541.00	202.50
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		640.00
Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307	Centex Corp	21,281.25	
Do	El Paso Health Care Systems, Ltd		
Do	Permanente Medical Group, Inc	1,593.75	
M.J. Johnson Company, 1951 Seville Street Santa Rosa, CA 95403	California Urchin Producers Assn		95.00
Johnson Research Associates, 4429 Yuma Street, NW Washington, DC 20016	City of Virginia Beach	7,904.50	404.50
Barbara W. Johnston, 1401 I Street, NW, #200 Washington, DC 20005	BHP-UTAH International, Inc		286.68
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
George A. Johnston, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	6,581.00	62.85
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	10,168.07
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,530.00	538.74
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,481.25	
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Allison Humphreys Jones, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace and Edwards (For:American Soc of Farm Managers and Rural Appraisers).		
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	1,500.00	237.65
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	Amvets	6,800.00	6,800.00
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	11,865.00	
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,237.13	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Cleveland Cliffs Iron Co	5,628.00	43.25
Do	County of Los Angeles	37,499.00	284.00
Do	Genetech	8,533.00	189.68
Do	Nacco Industries, Inc	29,060.00	463.03
Do	Norwest Corp	25,559.00	1,761.42
Do	Pfizer, Inc	997.00	
Do	SCM Chemicals	5,280.00	48.00
Do	Trans World Airlines	1,184.00	
Do	U.S. Sprint - United Telecom, Inc	10,116.00	94.00
Do	Upjohn Company	12,017.00	210.00
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	General Atomics	350.00	
Do	International Shipholding Corp	437.50	
Do	Jefferson Parish Council	350.00	
Do	Montana Sulphur & Chemical Company		
Do	New Orleans Sports Foundation		
Do	Port of New Orleans	175.00	
Do	Tad Gormley Project, Inc		
Do	Turner Broadcasting System, Inc	262.50	
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	6,000.00	10,259.27
Do	Diagnostic Instrumentation & Analysis Lab at Mississippi St	1,200.00	1,200.00
Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	City of Newark		
Do	East Texas Electric Cooperative	150.00	59.90
Do	Federal Agricultural Mortgage Corp	100.00	37.40
Do	Florida Endowment Fund for Higher Education	20,456.00	605.00
Do	International Geographical Congress		
Do	Mutual Benefit Life	2,822.00	66.25
Do	New York University	9,865.00	298.00
Do	Northeast Texas Electric Cooperative	338.75	138.50
Do	Sabine River Authority		
Do	Tex-la Electric Cooperative of Texas, Inc	338.75	138.50
Do	University of Medicine & Dentistry of New Jersey	33,319.00	960.20
Do	University of Miami	40,234.00	1,158.85
Do	University of Tulsa	7,941.00	198.66
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio	19,021.50	
Robert G. Josephs, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,300.00	
Diana Jost, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	964.00	
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,638.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Walter Kallaur, 801 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	1,250.00	127.33
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Duncan & Allen	2,656.25	67.51
Do	Missouri Basin Municipal Power Agency	4,512.50	1,165.36
Do	Public Power Council	15,000.00	877.75
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	14,280.00	2,158.64
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Ltd)	1,000.00	
Do	Karalekas & McCahill (For:American Retirees Assn)	5,000.00	12.00
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)	1,200.00	7.84
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery	729.72	
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	8,307.72	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,177.00	
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice	1,020.71	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,750.00	212.16
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	2,900.00	48.00
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	Committee for Equitable Compensation	500.00	
Do	Dean Witter Financial Services Group	200.00	
Do	NationsBank, Inc	900.00	
Do	Trans Union Corp	200.00	
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Amersham	975.00	344.30
Do	Associated Aviation Underwriters		
Do	Fujisawa USA, Inc	10,432.50	3,684.01
Do	Future Water International		
Do	Intercargo Insurance Co	15,258.75	5,388.29
Do	National Assn of Independent Colleges & Universities		
Do	Northwestern Memorial Hospital		
Do	NutraSweet Co	11,407.50	4,028.31
Do	G.D. Searle	13,113.75	4,647.08
Paul C. Katz, 1709 New York Avenue, NW Washington, DC 20006	Savings and Community Bankers of America	2,917.00	
Do	U.S. League of Savings Institutions	5,833.00	
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Ghana R. Kaulius, 1050 17th Street, #2200 Denver, CO 80265	Hill & Knowlton (For:ASSE International)		
Do	Hill & Knowlton (For:Colorado State University)	1,500.00	
Do	Hill & Knowlton (For:San Pellegrino)	750.00	
Do	Hill & Knowlton (For:Tera Computer Company)		
Everett E. Kavanaugh, 1101 - 17th Street, NW, #300 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc	1,500.00	25.00
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	461.81
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	City of Newport Beach		
Do	Jonsson Communications Corporation		
Do	Texaco, Inc		
Do	Westwood One, Inc		
J. Michael Keeling, ESOP Association 1100 17th Steet, NW, #1207 Washington, DC 20036	ESOP Association of America		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,091.25	174.62
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	15.75	
Melvin Keener, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Jane M. Keffer, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace & Edwards		
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn		
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	8,750.00	7,476.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Specialty Advertising Assn Int'l	10,526.00	1,157.20
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Federal Legislative Associates, Inc		
Do	Great Western Financial Corp	19,942.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	Institute of International Bankers	550.00	253.02
Do	Isotec, Inc	38.00	45.00
Do	J.P. Morgan & Co, Inc		
Do	National Leased Housing Assn	2,000.00	
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette Kellogg M., 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association	25.00	
Burnett S. Kelly, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	400.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Appraisal Institute	1,750.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	4,174.28	360.00
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	3,000.00	
Do	Perdue Farms Inc	16,568.75	
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,050.00	1,488.60
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,525.10
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,970.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			784.56
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			266.17
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			876.53
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	1,500.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	6,475.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	2,090.68
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	60.00
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	15,895.00	12,405.04
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,250.00	2,239.33
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	3,237.50	29.00
Do	Pemco Aeroplex	350.00	
John Paul Kennedy, 57 W. 200 S, #400 Salt Lake City, UT 84101	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		4,650.33
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Patricia Cregan Kennedy, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG & E Development Corp		
Do	National Wood Energy Assn, Inc		
Erica G. Kenney, 9720 Spring Ridge Lane Vienna, VA 22182	Petroleum Marketers Assn of America	4,000.00	
Jeannine M. Kenney, 1840 Wilson Blvd., #400 Arlington, VA 22201	National Milk Producers Federation	718.10	
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	611.11
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute		
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Adria Laboratories	4,146.15	2,141.25
Do	American Soc of Plastic & Reconstructive Surgery	3,000.00	6,156.08
Do	American Supply Association	2,500.00	1,695.14
Do	International Assn of Airport Duty Free Stores	3,243.75	1,695.14
Do	Liz Claiborne, Inc	7,533.69	3,836.43
Do	MBI, Inc	2,355.42	1,159.84
Do	National Customs Brokers & Forwarders Assn of America	9,450.00	4,728.60
Do	Kent & O'Connor, Inc (For:Siegel Mandel & Davidson)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sigallo, Ltd	1,175.00	624.52
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	3,997.50	2,141.25
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	616.61
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,050.00	1,225.43
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	17.50
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,413.98	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Auto International Assn	30.00	28.75
Do	Coalition of Automotive Associations	140.00	66.92
Do	Specialty Equipment Market Assn	561.00	239.66
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,190.91
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,134.30	
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Richard H. Kimberly, 700 11th Street, NW, #660 Washington, DC 20001	Kimberly-Clark Corp	2,075.30	742.00
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			40,879.60
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Avco Research Lab, Inc		
Do	Royal Teton Ranch	700.00	
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,110.00	
Judith E. King, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	375.00
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	300.19
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	25,000.00	192.25
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Atlanta Committee for the Olympic Games (ACOG)		185.82
Do	Charter Medical Corp	3,178.50	31.50
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloys Association		
Do	Macalloy Corporation	3,000.00	600.00
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority	5,300.00	209.61
Kathleen N. Kingscott, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	491.80	909.76
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	11,000.00	861.00
Brian J. Kinsella, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Association	1,092.00	
Walter M. Kiplinger, 901 15th Street, NW, #250 Washington, DC 20005	American Foundrymens Society, Inc	1,050.00	19.65
Michael G. Kirby, 2010 Corporate Ridge, #700 McLean, VA 22102	Capital Partnerships, Inc (For:Magnum Power Systems, Ltd)	9,000.00	1,350.00
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	9,268.00	2,441.42
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp	855.00	
Kirkpatrick & Lockhart, 1800 M Street, NW 9th Floor, South Lobby Washington, DC 20036	Allegheny Ludlum Corporation	260.00	
Do	Associated Credit Bureaus	2,827.50	393.00
Do	Coalition for Credit Availability		
Do	Dykema Gossett	2,182.50	
Do	Glendale Federal Savings Bank	3,380.00	474.00
Do	Institute of International Bankers	1,527.50	541.00
Do	Investment Company Institute	162.50	85.00
Do	National Court Reporters Assn		408.65
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corp	11,563.00	8,144.99
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn		1,199.85
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Marie Kissel, 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Sealaska Corporation)	23,537.50	3,803.47
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	15,000.00	4,007.69
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,043.70	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,226.00	
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	
William C. Klostermeyer, 918 16th Street, NW, #401 Washington, DC 20006-2993	Bookman-Edmonston Engineering, Inc	3,400.00	
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Theodore Knappen, 1101 14th Street, NW, #1201 Washington, DC 20005	Greyhound Lines, Inc	12,000.00	
James E. Kneale, 2335 South Meade St. Arlington, VA 22202	Lockheed Corporation	4,000.00	108.19
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	720.00	26.00
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			8,700.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	60.00	33.25
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	2,047.67
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
Blair Koehler, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	8,675.00	
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	9,035.04	74.32
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		85.20
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	48,836.25	11,723.79
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	3,000.00	471.31
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)	348.00	
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	4,500.00	
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc	250.00	
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Malcolm A. Kram, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	435.00	
Andrea S. Kramer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Jeffrey H. Kramer, 1616 H Street, NW Washington, DC 20006	National Grange	5,750.00	
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	385.68	
David M. Krasnostein, 1722 Eye Street, NW Washington, DC 20006	Commercial Finance Assn		
Do	General Electric Capital Corp	61.25	
Raymond R. Krause, 712 Fifth Avenue, # 4600 New York, NY 10019	Grand Metropolitan, Inc	1,500.00	403.00
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		75.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	2,000.00	30.00
Van Z. Krikorian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	4,434.00	
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System	303.95	
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U.S. West Communications	6,000.00	
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Criminal Justice Oversight Committee		
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703	DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses).		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	9,480.00	4,838.00
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,461.23
Kathleen M. Kulesher, 105 Oronoco Street Alexandria, VA 22314	National Wholesale Druggists' Assn		
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	American Pilots' Assn		
Do	St. Lawrence Seaway Pilots Assn		
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	5,555.56	513.14
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	29,743.00	990.81
Judith La Drew, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		933.05	933.05
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		10,216.00	5,042.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Securities Industry Assn	7,404.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	44.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,300.00	403.32
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
Betsy Laird, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Nick L. Laird, 1050 17th Street, NW, #550 Washington, DC 20036	Electric Reliability Coalition	234.38	73.97
Ellen C. Lamb, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	McGuire Woods Battle & Boothe (For:Cabot Energy Corp)	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Columbia Natural Resources)	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Equitable Resources Exploration)	5,000.00	
Do	Wright & Talisman, P.C. (For:Occidental Chemical Corporation)		
Do	Potlatch Corp	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Solite Corp)	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Specialty Coatings Group, Inc)		
Do	McGuire Woods Battle & Boothe (For:Sun Co, Inc)	1,000.00	
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
David M. F. Lambert, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:INDSPEC Chemical Corp)		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp	1,261.77	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	7,250.04	
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005	American Soc of Anesthesiologists	15,000.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	8,685.00	839.25
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	5,000.00	10.00
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	12,000.00	928.70
Do	Education Legislative Services, Inc	6,000.00	125.05
Do	New York City Partnership, Inc	5,000.00	537.40
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	875.00	
Christopher D. Larsen, 412 First Street, SE., #300 Washington, DC 20003	Independent Insurance Agents of America, Inc (IIAA)	7,038.00	
Mary Ellen Larson, 1513 16th Street, NW Washington, DC 20036	Air Conditioning Contractors of America	1,300.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Calderon Clean Coal Technology, Inc		415.87
Do	Glasstech, Inc	9,000.00	1,490.70
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	794.41
Nicole Laughlin, 444 North Capitol Street, #711 Washington, DC 20001	Dallas Area Rapid Transit	500.00	
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	16,000.00	164.46
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	16,889.76	
Law Offices of Joe Vasapoli, 4820-B South 31st Street Arlington, VA 22206	Skadden Arps Slate Meagher & Flom		6,591.00
M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022	Appalachian Power Company	425.78	355.96
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,618.33	80.77
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Richard C. Lawson, 1300 I Street, NW, Suite 250 West Washington, DC 20005	Hoffman-La Roche, Inc		
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa Limited Partnership	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition	2,560.00	
Do	Shernoff Bidart & Darras	1,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Burlington Northern Railroad	2,000.00	
Do	Coalition for Affordable Housing	5,000.00	
Do	CSX Corporation	7,500.00	
Do	Generic Pharmaceutical Industry Assn, et al.	5,000.00	
Do	Harvey's Resort Hotel/Casino	2,000.00	
Do	Martin Marietta Corp	2,000.00	
Do	Milliken & Company	2,500.00	
Do	OPTUR	1,000.00	
Do	Standard Federal Savings Bank	5,000.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 61000 New Orleans, LA 70161	Entergy Services, Inc	2,100.60	30.70
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Battelle Memorial Institute	600.00	
Do	Coordination Council for North American Affairs		
Do	Paul Werth Associates, Inc (For:Grocery Manufacturers Assn)	250.00	
Do	Paul Werth Associates, Inc (For:Von Roll America, Inc)	29,186.00	463.16
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	3,570.00	2,000.00
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150			223.21
Bruce Lear, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	5,890.62	406.21
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Marvin Leath, One Massachusetts Ave, #330 Washington, DC 20001	FMC Corp	3,000.00	
Do	General Dynamics Corp	3,000.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	100.00
Robert F. Lederer, 1250 I Street, NW, #500 Washington, DC 20005	National Staff Leasing Assn	2,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
James B. Lee, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077	Federal Home Loan Mortgage Corp	6,125.00	4,239.49
Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024	RJR Nabisco, Inc	1,400.00	201.70
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	
J. Mark Leggett, NationsBank Corporation One NationsBank Plaza (T22-1) Charlotte, NC 28255	NationsBank Corporation		713.52
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	Visiting Nurse Assn of America	500.00	
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co	740.00	881.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Lynette Lenard, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browing-Ferris Industries	3,000.00	300.00
David J. Lennett, P.O. Box 71 Litchfield, ME 04350	Environmental Defense Fund	7,225.00	314.77
Do	National Audubon Society	2,000.00	209.70
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,525.00	925.05
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	2,034.00	2,175.00
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	7,867.11	255.67
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	176.00	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher & Russell, Inc	12,500.00	
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Pizza Hut Inc	25,000.00	
Daniel Lesmez, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	45.00	
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	4,842.00	
Gilbert B. Lessenco, 1025 Connecticut Ave., NW #500 Washington, DC 20036	Semmes Bowen & Semmes (For:Graco, Inc)	256.00	
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,753.35	744.17
Betsy Levin, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036	Association of American Law Schools		
Leonard B. Levine, 601 13th Street, NW, #350-S Washington, DC 20005	TransCanada PipeLines	4,800.00	
Peter Levine, 2030 M Street, NW Washington, DC 20036	Common Cause	5,400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Paramount Communications, Inc	3,000.00	500.00
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	4,000.00	
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	100.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,475.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,615.09	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Federal Employees Tax Group		
Do	Feibel-Garek Realtors/Environmental Standard Group		
Do	Groom & Nordberg (for: Chevron)		
Do	Maritrans Operating Partners, L.P.		
Do	Mirage Resorts, Inc		
Do	National Assn of Chemical Recyclers (NACR)		
Do	Physicians Insurers Assn of America	1,815.00	
Do	Underwriters at Lloyd's London		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,175.83	669.63
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	5,200.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	400.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Jennifer S. Lim, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			40,645.34
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,625.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton (For:American Public Transit Assn)	281.25	
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Olin Brass)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Lipe Green Paschal Trump & Gourley, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	67.50	
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Charles B. Little, 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	744.30
Little Sandy Hunting & Fishing Club, P.O.Box 6950 Longview, TX 75608			38.00
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	250.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	3,453.33
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	15,675.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	1,000.00	100.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	13,267.00	171.78
Do	San Francisco Bay Guardian		
Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036	Atlantic Richfield Company (ARCO)	110.00	
Paul Locigno, 2001 M Street NW Washington, DC 20036	Capitoline International Group Ltd (For:City of America)		
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	6,749.50	419.15
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn	300.00	300.00
Thomas G. Loeffler, P.O. Box 2999 San Antonio, TX 78299-2999	McCamish Martin & Loeffler (For:American Golf Corp)	275.00	
Do	McCamish Martin Brown & Loeffler (For:Central & South West Corp)	275.00	
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council)		
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)	550.00	
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Lomurro Davison Eastman & Munoz P.A., 69 West Main Street Freehold, NJ 07728	Lomurro Davison Eastman & Munoz		
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Elizabeth Long, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	1,000.00	77.50
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:National Assn of Maritime Organizations).		
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	780.00	
Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701	American Telephone and Telegraph	17,240.00	1,324.65
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	8,300.00	1,456.08
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Employee Stock Ownership Assn	1,800.00	
Do	Greater New York Hospital Assn		
Do	Medical Infusion Management, Inc		
Do	Metropolitan Life Insurance Co		
Do	MicroGeneSys, Inc	3,000.00	
Do	Milliken & Co		
Do	Natural Gas Vehicle Coalition		
Do	United Companies Financial Corp		
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		1,252.43
Laura Loomis, 3030 N. Tuckahoe Street Arlington, VA 22213	National Parks & Conservation Association	90.12	
Peter A. Loomis, 1801 K St., NW Washington, DC 20006	NationsBank Corporation	1,500.00	200.00
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	16,276.00	4,646.89
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	600.00	
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Darrcy A. Loveland, 3 Rockledge Road Laguna Beach, CA 92651	American Art Therapy Assn	900.00	213.68
Do	American Dance Therapy Assn	722.25	213.68
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	10,000.00	9,998.00
Lon D. Lowrey, 2140 L Street, NW, #1106 Washington, DC 20037	Sandoz Pharmaceuticals Corp		157.10
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	1,000.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	3,815.52	8.00
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	2,136.27
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	9.00
Gene A. Lucero, 633 West 5th Street, #3500 Los Angeles, CA 90071	Commercial Finance Assn (CFA)		
Do	Sidley & Austin (For:General Electric Capital Corp)		
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Associates, Inc		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	115.00
Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	430.00	80.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Carolyn A. Lugbill, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 24 Quincy Street Chevy Chase, MD 20815	Brevard County	9,000.00	
Do	City of Miami	3,750.00	
Do	City of Miami Beach	9,166.00	
Do	City of Palm Springs	6,000.00	
Do	Dade County, Florida	15,416.00	
Do	Florida Medical Center	10,000.00	
Do	School Board of Dade County, Florida	9,000.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,443.74
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation		418.46
Do	Pennsylvania Power & Light Co	2,160.00	223.00
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	3,000.00	100.00
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,792.00	
Marshall L. Lynam, 101 D Street SE Washington, DC 20003	Dallas/Ft. Worth International Airport	20,000.00	
Do	Tandy Corp	10,500.00	
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Timothy P. Lynch, 1600 Wilson Blvd. #807 Arlington, VA 22209	Roadway Services, Inc	500.00	200.00
James Lyon, 218 D St., SE Washington, DC 20003	Friends of the Earth		
LDDS Communications, Inc, 1825 I Street, Nw, #400 Washington, DC 20006			120.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Robert A. Macari, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision		
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co)	7,500.00	
Do	National Cooperative Bank		
Do	MMW Strategic Communications (For:Puerto Ricans in Civic Action)		
Do	Coffield Ungaretti Harris & Slavin (For:Smokeless Tobacco Council, Inc)	21,250.00	
Robb S. Mackie II, 1004 Duke Street Alexandria, VA 22314	Associated General Contractors of America	3,000.00	500.00
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,544.00	74.46
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	1,444.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')	2,125.00	649.48
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	General Electric Government Services	12,100.00	287.96
Do	General Public Utilities	450.00	
Do	Home Owners Warranty Corp		
Do	Kraft General Foods	11,200.00	1,116.22
Do	National Power	3,300.00	154.60
Do	Northern States Power Company	15,755.00	442.00
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,000.00	
Magic Line, Inc, 23400 Michigan Avenue Dearborn, MI 48124-1999			
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	290.00
Paul J. Magliocchetti, 2001 Jefferson Davis Highway Crystal Plaza I, Suite 405 Arlington, VA 22202	Foundation Health Corp		
Do	Paul J. Magliocchetti Associates, Inc (For:Hughes Aircraft Company)		
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	8,221.15	778.77
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)	8,221.15	63.75
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Northern Arizona University Foundation	11,250.00	15,660.79
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	26,250.00	3,277.83
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,785.00	
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	519.00
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	487.00
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	374.00	10.00
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	5,375.04	15.00
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	1,783.55
Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak, Inc		
Do	Appraisal Institute	137.50	
Do	Barr Laboratories	1,666.25	29.00
Do	Bowling Proprietors Assn of America		
Do	California League of Savings Institutions	2,644.75	79.46
Do	Chemical Bank	4,713.75	36.66
Do	Coalition for Continued Correctional Education	2,721.25	14.00
Do	EDU-DYNE Systems, Inc		
Do	Federal Express Corp	6,896.25	21.00
Do	General Electric, et al.		
Do	L.A. Gear, Inc	322.50	
Do	Melrose Company		
Do	Money Store	4,439.00	
Do	National Cable Television Assn, Inc	16,275.00	469.79
Do	NEC Corporation	322.50	
Do	Phillip Morris, Inc	15,925.00	185.42
Do	PriMerit Bank		
Do	Santa Fe Railroad		
Do	Thomas Cook, et al.	5,721.24	
Do	United Airlines, Inc		
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	15,721.26	155.00
Ted Maness, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	246.30
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton (For:Sallie Mae)		
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Do	Hill & Knowlton, Inc (For:Thomson Consumer Electronics, Inc)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	23,094.34	226.58
Margaret A. Manthe, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	1,134.52	
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			17,074.45
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			19,224.99
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Company	15,000.00	846.00
Do	Copper Valley Electric Assn	10,000.00	66.18
Do	INN Electric Cooperative		
Do	Kotzbue Electric Association	2,000.00	63.03
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
William G. Margaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Julie Marsh, 2030 M Street, NW Washington, DC 20036	Common Cause	4,040.02	
Catherine A. Marshall, 2001 M Street, NW Washington, DC 20036	Capitoline International Group, Ltd. (For:Professional Lawn Care Assn of America).		
Do	Capitoline International Group, Ltd (For:Scott Paper Company)		
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	6,500.00	
Fred J. Martin Jr., 1101 17th Street, NW, #1002 Washington, DC 20036	Bank of America	3,136.95	1,402.82
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	858.84	135.25
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	Man-Made Fiber Producers Assn, Inc	2,600.00	75.00
Stan Martin, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar and Fire Alarm Assn		485.00
Susan Roeder Martin, 700 Universe Boulevard, Rm. 3074 Juno, FL 33408	Florida Power & Light Co	198.00	163.80
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	20,679.26	96.25
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Robert A. Marzocchi, P.O. Box 1615 15 Mountain View Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,912.50	116.83
Arthur K. Mason, 1801 K Street, NW #1200 Washington, DC 20006	Robins Kaplan Miller & Ciresi (For:Assn of the United States Army)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Glen David Mason, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	4,484.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,000.00	84.00
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Daniel J. Massey, Huntington Center 41 South High Street Columbus, OH 43215-3406	Centerior Energy Corp		
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	677.40	137.44
Dawson Mathis, 1900 L Street, NW, #250 Washington, DC 20036	Dawson Mathis and Associates (For:AT&T)	1,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	5,000.00	
Do	Dawson Mathis and Associates (For:Metropolitan Insurance Company)	2,500.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	AT&T	1,000.00	
Do	Massachusetts Mutual Life Insurance Co	5,000.00	
Do	Metropolitan Insurance Company	2,500.00	
Charles D. Matthews, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,166.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,348.63	
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	2,719.90	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation	2,423.04	2,330.14
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	273.80
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha	2,625.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	American School Food Service Assn	9,000.00	
Do	Holland & Knight (For:City of Orlando)		
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	440.00	90.00
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,385.15
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	14,322.54	183.50
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	2,329.86
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	714.81	821.34
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Arthur Andersen & Co, Coopers & Lybrand, DeLoitte & Touche		
Do	Attorneys' Liability Assurance Society Ltd		
Do	Black & Decker Corporation	140.00	
Do	Brunswick Corp	140.00	
Do	Cabot Partners Limited Partnership		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.	540.00	1,467.01
Do	First Chicago Corp		
Do	FMC Corporation		
Do	GATX Corporation	140.00	
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	LaSalle Partners, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Mayer Brown & Platt Sentencing Commission Coalition		
Do	Merrill Lynch Capital Markets		
Do	Morton International	140.00	
Do	Nalco Chemical Co		
Do	NICOR, Inc		
Do	Outboard Marine Corporation		
Do	Quaker Oats Company	140.00	
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp	600.00	
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	998.00	254.23
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217-2022			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
McAdam Group, Inc, 1029 Vermont Ave., NW, #800 Washington, DC 20005	National Computer Systems	9,000.00	
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Jennifer McAdoo, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Timothy McAnarney, 413 West Edwards Springfield, IL 62704	Philip Morris, Inc	2,250.00	
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Bluff Furnace of Chattanooga, Inc		
Do	Chabot Observatory & Science Center	800.00	
Do	City of Chattanooga	1,800.00	
Do	Council of American Overseas Research Centers	300.00	
Do	Electronic Data Systems Corp		
Do	Johnson Controls, Inc	1,600.00	
Do	Kamm & Associates, Ltd	2,400.00	
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Medical Care	15,000.00	
Do	Nevada Power	7,500.00	
Do	University of Nevada/Las Vegas/Research Center	3,500.00	
Do	University of Nevada, Reno	6,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	16,995.54	107.00
Susan P. McCaffrey, 1828 N. Meridian Indianapolis, IN 46202	Community Service Council of Central IN, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
McCamish Martin & Loeffler, P.C., Suite 1290 East 555 13th Street, NW Washington, DC 20004	American Golf Corp	525.00	488.75
Do	Central & South West Corp	540.00	488.75
Do	Citicorp		
Do	Electronic Data Systems Corp		
Do	Hong Kong Trade Development Council	150.00	157.50
Do	National Assn of Broadcasters	1,650.00	1,437.50
Do	Newman Lumber Company		
Do	Sematech	75.00	78.75
Do	South West Florida Enterprises, Inc		
Do	Star Foods Processing, Inc	100.00	105.00
Do	United States Automobile Assn	160.00	173.25
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Enseco Inc	9,000.00	300.00
Do	MetPath, Inc	30,000.00	1,000.00
John B. McCarthy, 1023 15th Street, NW #300 Washington, DC 20005	American Veterinary Medical Assn		
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.	6,000.00	1,516.00
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	America Mining Congress	387.50	
Do	Asarco, Inc	387.50	
Do	Barrick Resources (USA, Inc)	387.50	
Do	Brush Wellman, Inc	387.50	
Do	Coeur d'Alene Mines Corp	387.50	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	387.50	
Do	Echo Bay Mines		
Do	Electric Reliability Coalition		
Do	FMC Corp		
Do	General Atomics		
Do	Hecla Mining Co	387.50	
Do	Idaho Power Company	250.00	
Do	Lockheed Corp		
Do	National Rifle Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pacific Gas Transmission Gas Company		
Do	Phelps Dodge Corp	387.50	
Do	Potlatch Corp	1,025.00	
Do	World Cup USA 1994, Inc	975.00	
McClure, Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company	5,862.50	221.54
Do	Coca-Cola Enterprises, Inc		
Do	MetFuel, Inc		
Do	Motion Picture Assn America, Inc	5,226.00	48.18
Do	Paramount Communications, Inc	1,620.56	90.12
Do	Perpetual Corp	1,426.50	10.97
Do	Rank Video Services America	1,021.75	94.87
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	1,238.98
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	8,125.00	
Carol A. McDaid, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,500.00	1,165.57
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,051.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	10,937.50	539.96
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006-2296	Alaska Seafood Marketing Institute		
Do	Allergan, Inc	200.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	Associated Financial Corporation		
Do	Association of American Vintners		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	ARA Services, Inc	332.80	
Do	Blue Cross & Blue Shield of Missouri	104.00	
Do	California Avocado Commission	29,845.00	607.00
Do	California Canning Peach Assn	803.00	
Do	California Children's Hospital Assn	2,077.50	
Do	California Energy Commission	3,588.00	
Do	California Kiwifruit Commission	2,940.00	
Do	California Raisin Advisory Board	14,475.00	707.00
Do	Campbell Soup Company	41.60	
Do	Caylor-Nickel Medical Center	500.00	
Do	Coalition for Employment Opportunities	832.00	
Do	Fargo Clinic	2,500.00	
Do	Good Sam Club	350.00	
Do	Harcourt Brace Jovanovich		
Do	Dorothy Holt Estate	9,125.00	
Do	Home Intensive Care, Inc	312.00	
Do	Kmart Corporation		
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	27,740.00	92.00
Do	National Association of Diagnostic Services	20.80	
Do	National Grocers Assn		
Do	National Potato Council	1,850.00	56.00
Do	Olin Corporation		
Do	Outpatient Opthalmic Surgery Society		
Do	Peter Plocki		
Do	Public Employees Retirement Assn of Colorado		
Do	Russ Berrie & Company	83.20	
Do	Southland Corporation	124.80	
Do	Tropicana		
Do	U.S. Mink Export Development Council	11,780.00	331.00
Do	Welch Foods, Inc	175.00	
Do	World Airways		
Robert C. McDiarmid, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)	12,625.00	3.75
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc		
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	681.00	112.00
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Dow Corning Corp	3,500.00	20.00
Do	National Comm to Preserve Social Security & Medicare	5,000.00	20.00
Do	Outboard Marine Corp	7,500.00	30.00
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	2,216.60	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	120.61	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company	500.00	
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	11,425.02	56.50
Patricia McGill, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses' Assn	5,355.00	598.66
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,259.63	2,880.84
Michael McGovern, P.O. Box 916404 Longwood, FL 32791-6404	Towing & Recovery Assn of America, Inc	600.00	600.00
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	250.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn	300.00	259.90
Do	Avitas, Inc	500.00	292.46
Do	AT&T Federal Systems		
Do	City of Charlotte, NC		163.00
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	700.00	
Sheryl Peterson McGrath, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral)	5,625.00	
Do	McGuiness & Holch (For:Barr Laboratories)	2,475.00	
Do	McGuiness & Holch (For:Conrail)	5,625.00	
Do	McGuiness & Holch (For:PepsiCo)	675.00	
Do	McGuiness & Holch (For:RJR Nabisco)	1,125.00	
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Susan G. McGuire, P.O. Box 464 Cedar Crest, NM 87008	National Center on Education & the Economy	21,000.00	8,491.91
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	125.00	
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	127.33
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Fertilizer Institute	1,176.00	10.00
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,677.47	691.89
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	8,200.00	794.31
Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,500.00	552.70
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn	370.30	10.00
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	15,809.24	185.46
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,071.00	
Timothy P. McKone, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	9,231.00	
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	1,125.00	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)	9,625.00	
Do	Rowan & Blewitt, Inc (For:Bristol-Myers Squibb Company)		
Do	Rowan & Blewitt, Inc (For:Centocor, Inc)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	5,625.00	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	2,312.50	
Do	Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer)	1,000.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	7,625.00	
Francis X. McLaughlin Jr., 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	712.00	16.00
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	13,050.00	26.88
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	11,644.00	241.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		4,589.77
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	520.00	
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	Hydroacoustics, Inc	50.00	
Do	McDonnell Douglas Corp	150.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	1,200.00	357.15
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	Babcock & Wilcox	4,000.00	2,498.86
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	American University of the Caribbean	3,168.00	86.50
Do	Association of Banks in Insurance (ABI)		
Do	Coalition for Auto Repair Equality		
Do	Georgia-Pacific Corp		
Do	International Assn for Financial Planning	348.00	17.00
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		
Do	South Carolina Research Authority		
Do	State of Hawaii		
Do	W.R. Grace & Company	2,525.00	
Do	Westinghouse Electric Corp		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	600.00	120.50
Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	23,800.00	3,705.00
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	6,737.50	193.50
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John P. McNicholas, 8008 Westpark Drive McLean, VA 22102	Unisys Corp	2,500.00	2,349.43
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes for the Aging	1,087.66	137.33
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	14,400.00	392.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	17,371.00	
Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	5,600.00	1,070.00
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
Do	North American Van Lines, Inc	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	63.00	
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Chevron)		
Do	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Do	Leboeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurance Assn of America)	1,815.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		50.00
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	5,000.00	
Medtronic, Inc, 555 13th St. NW Suite 1260 East Washington, DC 20004			10.00
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,240.00	
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Marilyn F. Meigs, 9300 Lee Highway Fairfax, VA 22031	ICF International, Inc	900.00	110.00
Tucker L. Melancon, P.O. Box 211 Marksville, LA 71351	Melancon & Rabalais (For:American Psychological Association)	9,000.00	
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	7,251.00
Do	Chicago Mercantile Exchange	11,250.00	6,447.00
Do	Marine Engineers' Beneficial Assn	800.00	161.00
Do	National Rural Cooperative Bus. Center	3,000.00	1,611.00
Do	Society for Animal Protective Legislation	2,250.00	720.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,070.70	135.00
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,247.84	
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Cablevision		
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)		
Do	National Cooperative Bank		
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loefler (For:American Golf Corp)		
Do	McCamish Martin & Loefler (For:Central South West Corp)	8.00	
Do	McCamish Martin & Loefler (For:Citicorp)		
Do	McCamish Martin & Loefler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loefler (For:Hong Kong Trade Development Council)		
Do	McCamish Martin & Loefler (For:National Assn of Broadcasters)	40.00	
Do	McCamish Martin & Loefler (For:Newman Lumber Company)		
Do	McCamish Martin & Loefler (For:Sematech)		
Do	McCamish Martin & Loefler (For:South West Florida Enterprises, Inc)		
Do	McCamish Martin & Loefler (For:United Services Automobile Assn)	12.00	
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	109.03
Edward L. Menning, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians	184.40	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Citibank)		
Do	McClure Trotter & Mentz (For:Coca-Cola Company)		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:GAF Corp)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Motion Picture Assn of America, Inc)		
Do	McClure Trotter & Mentz (For:Princeton University Investment Co, et al.)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,258.76	
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses Assn	5,413.00	41.05
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		374.65
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	218.00
Dave S. Merlin, 444 North Capitol Street NE Suite 232 Washington, DC 20001	Freedom Lobby		
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	2,000.00	24.00
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			74,600.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	94.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	756.36
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,600.00	94.85
Carol Messito, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	1,430.76	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	1,009.40	24.50
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	16.00
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
David P. Metzger, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs		
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,781.00	
Ferd. C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp	800.00	1,290.14
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	338.68
Do	International Assn of Refrigerated Warehouses		
Do	National Agricultural Chemicals Assn	6,000.00	45.00
Do	National Peanut Growers Group	16,320.00	1,046.48
Do	Ricebelt Warehouse, Inc	4,500.00	397.22
Do	Texas A&M Research Foundation	21,420.00	911.51
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Alnor Oil Company, Inc		
Do	American Sheep Industry Assn	17,499.00	994.78
Do	Centergas, Inc		
Do	College of Agriculture, New Mexico State University	9,000.00	349.76
Do	College of Engineering, New Mexico State University	9,000.00	383.81
Do	Federal Land Bank Assn		545.08

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Plato Industries	6,000.00	
Do	Technology Services Group, Inc	880.00	
Do	Texas International Education Consortium	15,000.00	508.29
Do	Wellman, Inc	9,000.00	749.96
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	3,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	168.32	
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	125.00
Do	National Business Aircraft Assn		
Laurie J. Micciche, 1747 Pennsylvania Ave., NW Third Floor Washington, DC 20006	Occidental Chemical Corp		
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	Corn Coalition		
Do	DePaul University	1,500.00	
David Michaud, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	370.08	
Frank G. Michelena, 1520 Nutmeg Place, #100C Costa Mesa, CA 92626	Landsdale Company		
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	34.00
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		34,289.16	28,555.69
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,436.80	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Leslie K. Miles, 1101 4th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rights Action League, Inc	7,067.30	
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	995.12	
Charles R. Miller, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Chaz Miller, 1801 K Street, NW, #1105-L Washington, DC 20006	National Solid Wastes Management Assn	500.00	
David H. Miller, 901 31st Street, NW Washington, DC 20007	Federal Legislative Associates (For:American Airlines)	2,000.00	
Do	Federal Legislative Associates (For:American Public Transport Assn)	2,000.00	
Do	Federal Legislative Partners (For:Boston Capital Partners, Inc)	2,000.00	
Do	Federal Legislative Associates (For:Clark Oil & Gas)	1,000.00	
Do	Federal Legislative Associates (For:Colonial Williamsburg)		
Do	Federal Legislative Associates (For:National Coalition of IRS Whistleblowers)	1,000.00	
Denny Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Edward K. Miller, P.O. Box 2349 Hagerstown, MD 21741-2349	Mirek Research Services		
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque	1,737.25	40.75
Do	City of Jamestown	3,921.25	74.76
Do	City of Laredo		
Do	City of St. Louis	30.00	
Do	Dectec International, Inc		
Do	Kenton-Boone Cable Television Board		
Do	Lincoln Broadcasting Company		
Do	Montgomery County Government		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Ace Novelty Company	1,000.00	862.00
Do	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Comprehensive Health Education Foundation	1,875.00	1,530.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do	Momentum 92	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	Sabey Corporation	1,200.00	1,000.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Troutlodge, Inc	1,000.33	833.33
Do	Waste Management Environmental Services, Inc	1,500.00	1,230.00
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		
Amy J. Millman, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	2,000.00	50.00
Do	Bannerman & Associates, Inc (For:Government of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	100.00
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America	5,001.00	532.00
Ray Allen Minnick, P.O. Box 1000-05221 Leavenworth, KS 66048			
J. Robert Minter, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	56.70	4,341.81
Jerry L. Mintz, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company	84.00	4,341.81
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American Newspaper Publishers Assn	15,000.00	210.13
Do	Houghton Mifflin Company	7,958.00	
Do	National Cable Television Assn, Inc	7,500.00	245.36
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	7,500.00	500.00
Douglas P. Miskew, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,250.00	2,003.67
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005	Acxiom Corp	450.00	
Do	Entergy	675.00	3,391.00
Do	Innotek Corporation		
Do	Network Systems	237.50	
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	4,850.00	
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,703.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)	7,481.00	35.00
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	186.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	45.00
C. Manly Molpus, 1010 Wisconsin Avenue, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	180.92	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	1,125.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	4,000.00	140.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,500.00	60.00
Do	Underground Injection Practices Council	1,200.00	22.00
Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		168.75
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause	8,000.04	25.00
Catherine L. Monzel, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	100.00	
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	17,509.00	
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,781.25	520.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Mark P. Moore, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	3,000.00	
Obie Moore, 1156 15th St., NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Powell A. Moore, 1133 Connecticut Ave., NW, #700 Washington, DC 20036	Agusta Group		
Do	Equifax Corp	1,000.00	
Do	Field Aviation Company, Inc		
Do	Independent Video Retailers Assn		
Do	Lockheed Corporation	10,000.00	
Do	Sekur SPA- Pirelli Group	3,000.00	
Do	DGA International, Inc (For:Societe Nationale d'Etude et de Const de Moteurs d'Aviation).		162.97

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	STD Research Corp		
Do	U.S. Cane Sugar Refiners Assn of America	500.00	
Walter K. Moore, 1901 L Street, NW, #705 Washington, DC 20036	Eli Lilly & Company		305.59
Laura Moorhead, 1120 20th Street, NW, Suite 1000 Washington, DC 20036	NCR Corp		
Eugene Moos, Gene Moos & Associates 1000 16th Street, NW, #702 Washington, DC 20036	Burlington Northern Railroad Corp	3,000.00	940.67
Do	Harvest States Cooperative	7,500.00	2,351.66
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	1,653.40
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		226.61	326.56
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	2,400.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	15,132.54	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,500.00	1,488.60
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		30.00
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	905.00	
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Association of American Railroads	430.00	
Do	Coalition for an Undercharge Relief Bill	1,248.00	
Do	Consolidated Natural Gas Co		
Do	Hazardous Waste Action Coalition		
Do	Presbyterian Hospital City of New York, et al.		
Do	Scotch Whisky Assn		
Do	United Distribution Companies		
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	130.48
J. Wilson Morris, 1201 Connecticut Ave. #300 Washington, DC 20036	Bailey Morris & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey Morris & Robinson (For:Case Management Society of America)		
Do	Investment Company Institute		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Old Colony Life Insurance)		
Do	Bailey Morris & Robinson (For:Upjohn Co)		
Joseph Morris, 1101 15th Street, NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	7,799.98	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	33,204.45	979.58
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	931.22	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		26,150.00	
Mark E. Morrison, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corp	2,000.00	744.46
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	City and County of San Francisco	590.00	15.00
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	54,595.00	84.17
Do	National Electrical Manufacturers Assn		
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	608.24	364.94
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	150.00	75.00
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Kenneth B. Moss, 701 Pennsylvania Ave., #720 Washington, DC 20004	Siemens Corp		
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	540.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		36,701.48	36,701.48
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
L.A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical		
Do	ABECITRUS - Brazilian Citrus Assn		
Do	ANIC - National Assn of Citric Industries		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)		
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			16.00
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		45,873.68	45,873.68
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	20,000.00	
Katharine R. Mountcastle, 2030 M St. NW Washington, DC 20036	Common Cause	7,157.81	31.40
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,510.94	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	America's Best Banks		
Do	Long Island Savings Bank	14,006.25	352.50
Do	Manufacturers Life Insurance Co	45,052.00	1,186.25
Do	Northeast Savings, F.A.	27,826.25	633.40
Do	Talman Home Federal Savings and Loan Assn	25,000.00	606.76
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls		
Do	Delaware & Hudson Railroad	2,500.00	
Do	Florida East Coast Railway Co	1,000.00	
Do	North American Equipment Dealers Assn	2,500.00	
Do	Soo Line Corporation	10,000.00	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	92.28
Robert J. Mulligan, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,891.00	554.45
Albert E. Mullin Jr, 111 Powdermill Rd. Maynard, MA 01754	Digital Equipment Corp	26,500.00	
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	2,655.11
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc		
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn Inc	3,000.00	
James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006	American Academy of Actuaries		
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	7,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	9,300.00	
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware	33,000.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	544.49
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,803.14	64.05
James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Peggy Roth Murray, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22207	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	800.00	40.00
Do	Atochem, N.A.		
Do	Bear Stearns & Co		
Do	Benton Mortgage Company		
Do	City of Philadelphia		
Do	Cleveland Cliffs Iron Co	350.00	
Do	Connecticut Mutual Life Insurance Co	500.00	10.00
Do	Delaware River Port Authority	500.00	10.00
Do	Home Life Insurance Co	500.00	10.00
Do	Independent Blue Cross	1,000.00	40.00
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	400.00	40.00
Do	Iron Ore Assn	250.00	25.00
Do	LTV Corporation	400.00	10.00
Do	National Council of Coal Lessors	300.00	10.00
Do	New England Mutual Life Insurance Co	500.00	20.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	500.00	15.00
Do	Penn Mutual Life Insurance Co	500.00	15.00
Do	Philadelphia Port Corp	800.00	20.00
Do	Players Club International		
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	10.00
Do	Qualimetrics, Inc	500.00	
Do	Shubert Organization, Inc	400.00	30.00
Do	Swaziland Sugar Assn	400.00	10.00
Do	Sweetener Users Assn	200.00	
Do	Technology Development & Education Corp	1,600.00	25.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Temple University	1,275.00	20.00
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco, Inc	1,000.00	
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202			
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	Communications Satellite Corp (Comsat)		
Do	Transworld Insurance Brokers		
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	1,282.39
Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004	Electronic Data Systems Corp	184.00	55.00
Peter C. Myers, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Christopher Alton Myrick, 1155 15th Street, NW, #900 Washington, DC 20005	National AgriChemical Retailers Assn	64,450.00	7,518.69
MHD Industrial Forum, 1825 K Street, NW, #807 Washington, DC 20036			
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Marci H. Nadler, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	10,000.00	3,100.00
Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		23,487.21	3,685.21
National Assn for the Superconducting Super Collider, 1704 Old Town Road Edgewater, MD 21037		137,000.00	848,447.58
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		188,350.00	18,525.29
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		3,034.49	12,749.59
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			8,000.00
National Assn of Broadcasters, 1771 N Street, NW Washington, DC 20036		229,082.69	229,080.69
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			239.40
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			102,663.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004		2,200.00	2,248.00
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		357,052.36	357,052.36
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		53.00	53.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			167,968.40
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Beer Wholesalers Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041		49,851.74	13,473.23
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,025.00	3,025.00
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			5,675.52
National Coalition for Marine Conservation, Inc, 5015 Paulsen Street, #243 Savannah, GA 31405		16,589.80	32,805.69
National Comm for a Human Life Amendment, Inc, 1511 K Street, NW, #335 Washington, DC 20005		117.32	1,420.00
National Comm of Cities and States for Air Service, Transportation Building Room 417 St. Paul, MN 55156		3.45	
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		3,29,587.00	3,29,587.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		110,274.87	51,090.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		78,694.63	78,694.63
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		21,025.00	25,412.69
National Council of Community Bankers, 1101 15th St., NW, #400 Washington, DC 20005		5,583.55	
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		5,118.49	4,353.21
National Council on Alcoholism & Drug Dependence, 1511 K Street, NW, #926 Washington, DC 20005			7,592.00
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		5,655.96	5,655.96
National Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403			
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			4,170.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		21,625.00	21,625.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		59,343.35	37,373.11
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	
National Motorsports Comm of Accus, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		15,000.00	
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			16,629.79
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Progressive Health Political Action Committee, Inc, 324 West 14th Street New York, NY 10014-5003		9,532.00	9,646.00
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		15,139.00	15,139.00
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		9,044.37	9,044.37
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,072.95
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			1,632.95
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314		12,000.00	6,500.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group	21,364.37	324.09
Do	Columbia Communications Corp	15,000.00	2,595.77
Do	Consumer News & Business Channel	2,146.90	35.24
Do	Ferrell Gas	3,843.75	356.31
Do	Mothers & Others for a Livable World		2.67
Do	National Resources Defense Council		
Do	Reuters North America, Inc	131.25	29.43
Do	Mrs. Roger Stevens		0.12
Do	Trian Group, L.P.		1.92
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	3,954.23
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,092.00	6,092.00
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			5,573.08
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			13,323.22
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	193.52
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	18.75	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		61,797.00	75,132.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	15,000.00	2,232.10
Do	Community Services Society	18,000.00	130.71
Do	Embassy of the Republic of Korea	30,000.00	3,592.67
Do	General Electric Industrial and Power Systems	36,000.00	808.64
Do	Government of Jamaica	100,000.00	1,738.24
Do	Islamic Republic of Pakistan		2,207.76
Do	Joint Diseases North General Hospital		100.83
Do	Kingdom of Morocco		9,254.81
Do	Puerto Rico Economic Development Administration		4.19
Do	Republic of Cameroon	55,500.00	5,021.24
Do	Republic of Cote d'Ivoire		536.20
Do	Republic of Guinea	100,000.00	35,807.21
Do	Republic of Kenya	196,407.00	28,885.49
Do	Republic of Tunisia	90,000.00	13,207.01
Do	Schomburg Center for Research In Black Culture	18,000.00	557.56
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	25.00
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Alexander Netchvolodoff, 1301 Connecticut Ave., #200 Washington, DC 20036	Cox Enterprises, Inc		554.97

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Network, 806 Rhode Island Ave., NE Washington, DC 20018		41,153.00	73,841.00
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,789.64	5,970.51
New England Rehabilitation Hospital, 2 Rehab Way Woburn, MA 01801			2,549.99
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		10,000.00	6,926.13
William B. Newman Jr., P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste & Transportation Program		
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,462.51	
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	5,521.19	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,575.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	5,000.00	1,101.62
Nickerson & Stiner, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006-3404	Esstar Corp	29,000.00	
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co.	297.00	198.00
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	1,430.00	
Jeffrey P. Noah, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc		
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213			
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	354.25	
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	16,061.53	310.60
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,950.00
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	1,000.00	
Do	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	42.50
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,037.51	304.90
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Heintz Corp)	200.00	
Do	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)	300.00	
Do	Montgomery McCracken Walker & Rhoads (For:National Assn of Maritime Organizations).		
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	1,000.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	325.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Ameritas Life Insurance Corp	1,000.00	2,925.00
Do	Golden Rule Insurance Company	3,000.00	5,075.00
Do	Mutual of Omaha	2,000.00	4,325.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,385.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	1,000.00	66.70
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffman-LaRoche, Inc		
Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
Christopher A. Novak, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council		
Mary Ann Novak, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff Quade & Douglas, Inc	1,275.00	
Franklin W. Nutter, 1301 Pennsylvania Ave., N.W. #900 Washington, DC 20004	Reinsurance Assn of America		
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,809.12	
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,176.91	1,605.10
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	3,000.00	
Do	Prince of Fundy Cruises, Ltd		
Do	TECO Energy, Inc	3,000.00	
Do	Jim Walter Corp	5,000.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	15,000.00	383.27
Do	Primerica Financial Services	12,000.00	403.76
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	1,400.00	150.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	607.09
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation	2,861.54	8,628.84
Quinn O'Connell, 5009 Sangamore Road Bethesda, MD 20816			
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	TKC International (For:Mexican Dept of Commerce & Industrial Dev)		
Brenda O'Connor, 818 Connecticut Ave, NW, #303 Washington, DC 20006	National Assn for Biomedical Research		
David O'Connor, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
James E. O'Connor, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	National Council of Community Bankers	13,400.00	
Do	Savings and Community Bankers of America	6,600.00	
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	16.00
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)	1,300.00	594.04
Do	Kent & O'Connor, Inc (For:American Supply Association)	2,500.00	1,188.11
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators	8,000.00	1,951.90
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance of Marine Parks and Aquariums	2,362.54	
Do	American Clinical Laboratory Assn	5,000.00	
Do	American Family Life Assurance Co	6,517.00	
Do	Bionox, Inc		
Do	Bobby Berosini LTD		
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	8,100.00	
Do	Coca-Cola Company	21,075.00	
Do	CNA Insurance Co	6,367.00	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation	6,500.00	
Do	Eastern Michigan University	232.00	
Do	Ecomarine USA		
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	3,000.00	
Do	Government of El Salvador		
Do	Government of Israel Supply Mission		
Do	Government of Netherlands Antilles	29,043.26	
Do	Health Images, Inc	10,000.00	
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Liquidity Fund Management, Inc		
Do	Mercedes-Benz of North America, Inc	11,007.50	
Do	Minnesota Mutual Life Insurance Co		
Do	Mullendore & Watt		
Do	National Assn of Optometrists and Opticians, Inc	3,000.00	
Do	National Assn of Portable X-Ray Providers		
Do	National Multi Housing Council	3,550.00	
Do	New York State Mortgage Loan Corp	7,850.00	
Do	Pacific Seafood Processors Assn		
Do	Joseph E. Seagram & Sons, Inc	700.00	
Do	Solid Waste Agency of Northern Cook County	743.42	
Do	State of Alaska		
Do	U.S. Wild Horse & Burro Foundation		
Do	Wards Cove Packing Company		
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	2,400.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	22,500.00	250.00
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	925.00	
Bridget O'Grady, 3800 N. Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	10,000.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,785.36	230.15
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,402.50	963.75
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company	649.25	606.39
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation	400.00	260.00
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	61,118.65	11,058.15
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,050.00	105.55
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Joseph W. O'Neill, 563 Gregory Ave., Apt. 3A Glendale Heights, IL 60139	Beer Drinkers of America		
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn	1,650.00	
Do	Beth Israel Hospital		
Do	Brandeis University		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable	1,420.00	
Do	Coalition of Boston Teaching Hospitals		
Do	CompuChem Corp		
Do	Cruise America Line, Inc		
Do	District of Columbia Hospital Assn		
Do	General Mills, Inc		
Do	Glass Packaging Institute	3,250.00	
Do	Massachusetts General Hospital		
Do	National Cable Television Assn		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Southeast Toyota Distributors, Inc	3,140.00	84.10
Do	Texas Utilities Co	800.00	
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc	6,200.00	
John T. O'Rourke, 1129 20th Street NW #500 Washington, DC 20036	Federal Home Mortgage Corp		
Do	Securities Industry Assn	587.00	195.29
Do	Telecommunications Industries Assn	400.00	294.85
Do	The Limited, Inc		
John O'Shaughnessy, 1001 G Street, NW, 7th Floor East Washington, DC 20001	Greater New York Hospital Assn	14,500.00	1,200.00
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	Savings and Community Bankers of America	8,750.00	
Do	U.S. League of Savings Institutions	17,500.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	392.32
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,251.93
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	590.20	
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	586.73
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	916.00	
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	4,000.00	
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	150.00	
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	3,000.00	500.00
Austin P. Olney, 1875 Connecticut Ave., NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Erik Olson, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	6,000.00	
Laura L. Olson, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	Duramed Pharmaceuticals, Inc		
Do	Milk Industry Foundation		
Do	National American Wholesale Grocers Assn	800.00	
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	6,000.00	
Do	Pillsbury Company	1,200.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	1,500.00	
Do	U.S. Surgical Corporation		
Do	Vicam		
Do	Western States Meat Assn		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22034	Los Angeles-Long Beach Harbor Repair Council		
Do	Mars, Inc		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Orbital Sciences Corporation, 12500 Fair Lakes Circle Fairfax, VA 22033			1,338.00
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		2,682.88	1,419.91
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	7,962.94	
Sima Osdoby, 305 7th Street, SE Washington, DC 20003	Women's Action for New Directions, et al.	4,300.00	
Kaz Oshiki, 5600 Broad Branch Rd. Washington, DC 20015	Go for Broke National Veterans Assn	750.00	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	759.36
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Jack C. Overstreet, 1745 Jefferson Davis Highway Suite 1000 Arlington, VA 22202	General Dynamics	1,000.00	105.00
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Arkla, Inc)	7,500.00	
Do	Hooper Hooper & Owen (For:BP America, Inc)	4,500.00	
Do	Hooper Hooper & Owen (For:CSX Corp/Yukon Pacific Corp)	3,600.00	
Do	Hooper Hooper & Owen (For:Ebasco Services, Inc)	4,500.00	
Do	Hooper Hooper & Owen (For:Entergy Corp)	10,715.00	
Do	Hooper, Hooper & Owen (For:Integrated Resources Group, Inc)	3,155.00	
Do	Hooper Hooper & Owen (For:Lockheed Engineering & Sciences Co)	11,250.00	
Do	Hooper Hooper & Owen (For:Panhandle Eastern Corp)	11,250.00	
Do	Hooper Hooper & Owen (For:Science Applications, Inc)	15,000.00	
Do	Hooper Hooper & Owen (For:Water Island Civic Association)	4,500.00	
Sally LaHue Owen, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	National Council of Community Bankers	8,700.00	332.74
Do	Savings and Community Bankers of America	4,300.00	55.32
James C. Owens, 10 Schindler Court Silver Spring, MD 20903	Western Ancient Forest Campaign	12,000.00	638.05
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL-CIO Dept of Legislation	15,220.22	367.00
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	40,800.00	12,604.04
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	390.00	
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,753.35	132.95
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	26.47
Maria L. Pagan, 1869 Park Road, NW Washington, DC 20010	Rick Swartz & Associates (For:Civil War Battlefield Foundation)	2,090.00	24.00
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc	2,115.00	1,862.00
Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084	Cox & Hodyman (For:Aetna Health Plans)	750.00	700.00
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	Air Products & Chemicals, Inc	9,000.00	48.05
Do	Americans for National Dividend Act, Inc	48,000.00	
Do	Association of High Medicare Hospitals	28,150.00	95.33
Do	Burroughs Wellcome Co	15,750.00	
Do	Children's Hospital	4,500.00	
Do	Coalition for Quality Legal Services		
Do	Dow Chemical USA	18,725.00	86.10
Do	Government of the Republic of Transkei	37,500.00	
Do	Holiday Inn Corp	45,559.37	516.20
Do	National Assn of Children's Hospitals & Related Institutes	13,500.00	
Do	National League for Nursing	11,250.00	
Do	Nord Resources Corp	6,000.00	
Do	Rowland Company	3,675.00	43.45
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Michael C. Palmer, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	1,168.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	6,362.50	240.77
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	2,012.50	54.10
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	175.00	
Do	New Jersey Turnpike Authority	875.00	26.20
Do	Proctor & Gamble Mfg Co	5,325.00	188.00
Do	Safeway, Inc	1,050.00	10.00
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	725.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	45,000.00	23,934.71
Do	Atlantic Richfield Co	27,000.00	7,403.95
Do	Battelle Memorial Institute	2,500.00	745.37
Do	Government Employees Hospital Assn	18,000.00	4,804.12
Do	New Jersey Turnpike Authority		6,839.96
Do	Proctor & Gamble Mfg Co	10,000.00	9,746.35
Do	Safeway, Inc	16,800.00	4,544.71
Do	Southern California Rapid Transit District	24,500.00	7,775.50
Virginia N. Pape, 1250 24th St. NW, #300 Washington, DC 20037	Scripps League Newspapers, Inc	600.00	366.67
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,581.00	
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.65	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Penny L. Parkin, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical USA		6,136.00
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	15,000.00	
Lawrence Parks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	13,275.00	978.80
Norman T. Parnes, 5503 Mako Court Waldorf, MD 20603	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	8,974.35	694.97
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	1,200.00	
Do	Brown & Root U.S.A., Inc	3,000.00	
Do	C.R. Eggs	2,400.00	
Do	Cessna Aircraft Company	1,000.00	
Do	Columbia Laboratories, Inc	600.00	
Do	Eli Lilly & Company	1,500.00	
Do	Federal Judges Association		
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	1,200.00	
Do	Lockheed Aeronautical Systems Co	2,200.00	
Do	Motion Picture Assn of America, Inc	3,600.00	
Do	National Assn of Independent Insurers	750.00	
Do	New Mexico State University	300.00	
Do	Nonprescription Drug Manufacturers Assn		
Do	Office of the Immigration Judges	150.00	
Do	Opperman Heins & Paquin	2,100.00	
Do	Pfizer, Inc	1,800.00	
Do	Port of Brownsville	1,350.00	
Do	Recording Industry Assn of America	600.00	
Do	Research Corp Technology, Inc	1,800.00	
Do	Richard V. Allen Co (for MBB Co of Pennsylvania)	2,800.00	
Do	Syntex USA, Inc	600.00	
Do	Systech Environmental Corp	4,800.00	
Do	TCOM, L.P.	1,000.00	
Do	Unilever	2,100.00	
Do	Upjohn Company	2,100.00	
Parsons Behle & Latimer, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Energy Fuels		
Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038			6,325.40
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,224.64	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	431.26
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute	94.00	24.00
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra		
Do	City of Bell & Bell Community Redevelopment Agency	2,758.50	
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Sally Patterson, 810 Seventh Ave. New York, NY 10019	Planned Parenthood Federation of America	348.09	
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,503.76	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for FPI Reform	3,360.00	275.00
Do	Ad Hoc Coalition for Intermarket Coordination		
Do	Ad Hoc Coalition Administration for Native Americans	892.50	70.00
Do	Air Products & Chemicals, Inc	345.00	50.00
Do	Aiwa America, Inc	0.28	0.02
Do	Akai America, Ltd		
Do	Alabama Power Co		
Do	Amenco	1,590.00	
Do	American Congress on Surveying & Mapping		
Do	American International Automobile Dealers Assn		
Do	American International Group	735.00	50.00
Do	American Soc of Plastic & Reconstructive Surgeons		
Do	American Stock Exchange, Inc		
Do	Ares-Serono, Inc	2,635.00	90.00
Do	Armco, Inc	345.00	20.00
Do	Association of Trial Lawyers of America	5,937.50	97.50
Do	Bankers Trust Company		
Do	Bath Iron Works Corp		
Do	Beauty & Barber Supply Institute	500.00	
Do	Bethlehem Steel Corp		
Do	Bic Corporation		
Do	Blair Corporation		
Do	Bluebonnet Savings Bank FSB		
Do	Board of Mississippi Levee Commissioners		
Do	Bristol Myers/Squibb Corp		
Do	Casio	0.06	
Do	Castle & Cooke, Inc		
Do	Center for Molecular Medicine & Immunology		
Do	Center City Inner Harbor		
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	5,250.00	450.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	620.00	15.00
Do	Chrysler Corporation		
Do	City & County of Denver	920.00	
Do	City of Baltimore	145.00	10.00
Do	Climate Council		
Do	Coalition for Fair Allocation of Interest	2,070.00	100.00
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Columbia, Inc	0.50	0.03
Do	Corridor Broadcasting Corp		
Do	Council of Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California		
Do	Dealer Action Association		
Do	Denver Colorado Planning Department		
Do	Discovery Channel		
Do	Dole Fresh Fruit Co		
Do	Doyon Corporation		
Do	Duty Free Shoppers Group, Ltd		
Do	Edison Electric Institute	1,645.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Electric Reliability Coalition	950.00	
Do	Encore Computer Corp		
Do	Falconwood Corp		
Do	Federation Against Inequitable & Progressive Taxation	1,175.00	10.00
Do	Fiart Cantieri Italiani, S.P.A.	210.00	35.00
Do	Flexi-Van Leasing, Inc		
Do	Florida State Assn of Supervisors of Elections, Inc		
Do	Freedom to Advertise Coalition	500.00	20.00
Do	Fuji Photo Film USA, Inc	3.83	0.23
Do	Gana-A'Yoo, Limited		
Do	General Electric Co		
Do	Genstar Container Corp		
Do	Charles Heilbronn, et al		
Do	Hillenbrand Industries		
Do	Hitachi Sales Corp of America	13.86	0.82
Do	Home Owners Warranty Corp		
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc	1,342.50	35.00
Do	Itel Containers International Corp		
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau	630.00	50.00
Do	Johnson Controls World Services, Inc		
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation	1.46	0.09
Do	KAO Infosystems	0.43	0.03
Do	Landauer, Inc		
Do	Local Government Wetlands Coalition	1,775.00	30.00
Do	Loop, Inc		
Do	Loyola University	117.50	
Do	Manhole Adjusting, Inc	330.00	17.50
Do	Marathon Oil Co	1,230.00	
Do	Mars, Inc	400.00	20.00
Do	Mass Mutual	3,080.00	103.00
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America	41.96	2.49
Do	Maxell Corp of America	5.51	0.33
Do	Metropolitan Life		
Do	Mitsubishi Electric Sales of America, Inc	11.30	0.67
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc	1,543.75	10.00
Do	Nakajima USA		
Do	Nakamichi USA	0.78	0.05
Do	National Assn for the Superconducting Super Collider (SSC)	16,915.00	515.00
Do	National Assn of Life Underwriters		
Do	National Assn of Retail Druggists		
Do	National Automatic Merchandising Assn	1,055.00	40.00
Do	National Cable Television Assn, Inc		
Do	National Marine Manufacturers Assn		
Do	National Propane Gas Assn	3,000.00	
Do	National Soft Drink Assn		
Do	New York Life Insurance Company	1,532.00	69.00
Do	Newpaper Association of America	3,830.00	65.00
Do	Northwestern Mutual Life Insurance Co	660.00	95.00
Do	Nutri/Systems, Inc		
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc	0.43	0.03
Do	NMTBA-National Machine Tool Builder's Assn	345.00	20.00
Do	Onkyo USA Corp	1.05	0.06
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	220.00	
Do	Pioneer Electronics (USA), Inc	2.79	0.17
Do	PNC Financial Corp	3,040.00	
Do	Reader's Digest Assn, Inc	2,000.00	
Do	Donald Rector		
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc		
Do	Republic of Guatemala	270.00	12.00
Do	Retail Industry Trade Action Coalition		
Do	Royal Trustco Ltd		
Do	Sansui Electronics Corp	0.67	0.04
Do	Sanyo Electronics, Inc	13.76	0.82
Do	Raymond F. Schoenke Jr		
Do	Sedgwick James, Inc		
Do	Sharp Electronics Corp	14.28	0.85
Do	Charles E. Smith Companies	110.00	
Do	Smokeless Tobacco Council, Inc	5,870.00	170.00
Do	Sony Corp of America	28.49	1.68
Do	Sprat Bay Corp		
Do	Standard Federal Savings Bank		
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman	422.50	10.00
Do	Sybron Corp	280.00	50.00
Do	STS Hydropower, LTD		
Do	Thomson US, Inc	266.25	25.00
Do	Toshiba America, Inc	7.60	0.45
Do	Trans Ocean Ltd		
Do	Triton Container		
Do	TDK USA Corp	8.21	0.49
Do	TEAC Corp of America	1.79	0.11
Do	U.S. Tobacco Company		
Do	Union Pacific Corp		
Do	US JVC Corporation	24.66	1.47
Do	USX Corporation	345.00	20.00
Do	Waste Management, Inc		
Do	Wayne County Michigan	673.75	
Do	Westinghouse Electric Corp		
Do	Yamaha Electronics Corp, USA	1.15	0.07
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	4,500.00	54.19
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	8,865.00	63.77
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology	405.00	
Do	American Trucking Assns, Inc	4,916.25	
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	15,960.00	147.71
Do	Kawasaki Motors Corp, USA	1,496.25	
Do	Norfolk Southern Corp	2,707.50	50.90
Do	Novo-Nordisk Pharmaceuticals, Inc	19,906.25	169.50
Do	Roadway Services, Inc		
Do	Siskiyou Co Board of Supervisors & Office of Education	2,318.75	
Do	Tobacco Institute	6,600.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	HNSX Supercomputers, Inc		
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Dialysis Clinic, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kinetic Concepts, Inc	2,200.00	75.00
Do	Congressional Consultants (For:National Renal Administrators Assn)	2,000.00	30.00
Do	Victims of Insurance Company Errors (Voice)	1,000.00	300.00
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	106.00
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,900.00	655.67
Bruce Peabody, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	2,914.02	
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	5,000.00	905.80
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			9,544.83
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Physicians Who Care	1,500.00	
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Edward F. Pembleton, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	5,917.00	1,534.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,406.27	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			3,701.14
Joseph M. Penot Sr., 1415 Moylan Road Panama City Beach, FL 32407	Radio-Electronics Officers Union		
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024		1,158.00	3,503.85
Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036	Association for Governmental Leasing & Finance	10,123.54	163.64
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	612.00
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Boeing Company		
Do	Burlington Resources	2,062.50	
Do	Cook Inlet Region, Inc	687.50	
Do	General Electric Co		
Do	Krupp Atlas Elektronik GmbH		
Do	Wood Heating Alliance		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Jeffry L. Perlman, 1400 K St., NW Washington, DC 20005	American Advertising Federation	1,125.00	441.65
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	75.32	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	932.25	95.00
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	9,889.50	1,564.41
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	489.00	
John W. Pestle, 171 Monroe Ave., #800 Grand Rapids, MI 49503	Michigan Municipal Cooperative Group	27,905.00	10,383.00
Phillips S. Peter, 3135 Easton Turnpike Fairfield, CT 06431	General Electric Co	150.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn	10,630.00	3,527.50
Robert Peters, 49 West 12th Street, #2A New York, 10 10011	Morality in Media, Inc	191.68	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Dan A. Peterson, 1314 Skipwith Road McLean, VA 22101	Martin Marietta Corporation	6,773.50	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticot Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	2,500.00	30.00
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		20,000.00	18,948.32
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	80.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,236.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		16.08
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Southwestern Bell Corp-Washington, Inc	27,000.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia		
Do	MacAndrews & Forbes Holdings, Inc	3,125.00	
Do	Medical College of Ohio	7,500.00	
Do	Metro	8,000.00	
Do	Morton International	50,000.00	
Do	Mothers Against Drunk Driving (MADD)	12,499.98	
Do	New York State Thruway Authority	22,500.00	
Do	Southeastern Pennsylvania Transit Authority	39,000.00	
Do	Toledo-Lucas Port Authority	7,500.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		38,080.00	38,080.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	6,710.40	5,195.07
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	22,500.00	503.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		180.00
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	4,840.00	9,185.58
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	29,000.04	2,276.11
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	6,706.23	663.15
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	950.00	1,486.28
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,377.00	127.26
Kristine Phillips, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,315.00	
Phillips Nizer Benjamin Krim & Ballon, 31 West 52nd Street New York, NY 10019	Riverbay Corp		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	720.37
Lisa Piccione, 1220 19th Street, NW, #200 Washington, DC 20036	Airports Assn Council International	12,600.00	
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	1,180.18	915.47
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	236.14
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate	650.00	
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	1,000.00	
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,237.00	156.20
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Biotechnology Software Manufacturers Assn		2,100.00
Do	Direct Marketing Assn		4,100.00
Do	Edison Electric Institute	3,370.00	40.00
Do	Information Industry Assn		2,100.00
Do	Journal of Commerce, Inc		2,100.00
Do	Mead Data Central, Inc		10,200.00
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		15,876.25	15,876.25
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	2,232.00	653.70
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	8,500.00	125.55
Ronald L. Platt, 2550 M Street, NW, #275 Washington, DC 20037	Fashion Accessories Shippers Assn		
Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler (For:American Golf Corp)	7.50	
Do	McCamish Martin & Loeffler (For:Central South West Corp)		
Do	McCamish Martin & Loeffler (For:Citicorp)		
Do	McCamish Martin & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loeffler (For:National Assn of Broadcasters)	37.50	
Do	McCamish Martin & Loeffler (For:Sematech)		
Do	McCamish Martin & Loeffler (For:Star Foods Processing, Inc)	30.00	
Do	McCamish Martin & Loeffler (For:United Services Automobile Assn)	30.00	
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	1,000.00	
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc	9,975.00	9,608.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		50.00
Alfred M. Pollard, 1701 K Street, NW, #503 Washington, DC 20006	Security Pacific Corp	4,698.24	1,359.56
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		4,071.48
William B. Pomeroy, 1255 23rd Street, NW, #800 Washington, DC 20037	International Communications Assn		
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Porter Wright Morris & Arthur, 1233 20th Street, NW Washington, DC 20036	Rassini International, Inc	1,553.24	2,049.00
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
Julie Anna Potts, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,381.01	183.40
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	9,035.04	273.49
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	52.00
Donald Preston, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Fisheries Coalition		
Do	American President Lines	13,700.50	
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Browning Kaleczyc Berry & Hoven	1,850.00	
Do	Burlington Northern Railroad Co		
Do	Calista Corp		
Do	Chambers Development Co, Inc	480.00	
Do	Computer Systems Policy Project		
Do	Council on Research & Technology	3,360.00	
Do	Data General Corp		
Do	Delta Queen Steamboat Company		
Do	Earthquake Project	4,600.00	
Do	ENVIROTIRE, Inc		
Do	Georgia Pacific Corp		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	James River Corp		
Do	Kraft General Foods		
Do	Kyokuyo Co, Ltd		
Do	Microsoft Corp		
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	National Hydropower Assn	860.00	
Do	Nichiro Corp		
Do	Nissui Shipping Corp		
Do	OMI Corp	4,068.50	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Rokuchu Marine Corp		
Do	Software Pubishers Association	1,800.50	
Do	Sunmar Shipping, Inc		
Do	Taiyo Gyogyo Kabushiki Kaisha		
Do	Tele-Communications, Inc	14,983.00	
Do	Transportation Institute		
Do	Tri-City Industrial Development Council	320.00	
Do	University of Washington		
Do	Westinghouse Electric Company		
Do	Weyerhaeuser Co		
Michael Allen Price, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	4,850.00	55.41
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Chrysler Corporation		
Do	General Electric Co		
Do	Investment Company Institute	310.00	19.75
Daniel B. Priest, 1825 K St., NW, Suite 210 Washington, DC 20006	Environcorp, Inc		
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	375.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	209.93
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		54,750.00	59,640.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		76,963.70	17,558.29
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Sammons Enterprises, Inc	18,750.00	194.37
Do	Southwest Airlines Co	8,400.00	6,450.91
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Julie F. Pulliam, 801 Pennsylvania Ave., NW, #620 Washington, DC 20004	Equifax, Inc	10,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	3,025.00	1,865.48
Do	Florida Progress Corp	754.00	466.38
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	150.00
Do	Stratcor	3,000.00	260.00
Do	Welch Foods, Inc	3,750.00	
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22005			
Patricia A. Quealy, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	7,750.00	1,900.30
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,000.00	87.50
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	2,000.00	
Todd Quisenberry, 1101 30th Street, NW Suite 500 Washington, DC 20007	Cement Kiln Recycling Coalition		
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	4,123.19
George Gregory Raab, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		10.00
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Tennessee Valley Public Power Assn	1,343.75	
Do	Radin & Associates Inc (For:Washington Public Power Supply System)	2,598.75	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	3,125.00	
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	American Bureau of Shipping	5,000.00	175.67
Do	American Ship Building Co	5,000.00	90.22
Do	Bechtel Corp		
Do	Bell Atlantic Network Services, Inc	33,750.00	
Do	Childrens Television Workshop		
Do	Klukwan, Inc		
Do	National Bulk Carriers, Inc	4,500.00	
Do	R.J. Reynolds Nabisco, Inc	21,000.00	
Do	Savings & Community Bankers of America	17,437.50	
Do	Sea-Land Service, Inc	20,000.00	75.15
Do	Security Pacific Leasing Corporation		
Do	Security Pacific National Bank		
Do	Stimson Lumber Co & Miller Redwood Co		
Tanya A. Rahall, 2550 M Street, NW, #305 Washington, DC 20037-1301	American Task Force for Lebanon	15,000.00	2.00
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, Bell Atlantic, BellSouth & et al)	1,810.00	
Do	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)	1,200.00	
Do	Graham & James (For:Federal Judges Association)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Milk Specialties Co)		
Do	Graham & James (For:National Assn of Immigration Judges)		
Do	Graham & James (For:National Council of U.S. Magistrates)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
John Vernon Rainbolt II, 655 15th Street, NW, Suite 300 Washington, DC 20005	Chicago Mercantile Exchange	9,000.00	1,093.64
Do	Rainbolt Law Office (For:National Futures Assn)	3,000.00	85.05
Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036		54,073.13	54,073.13
George Ramonas, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Advocacy Group (For:Arizona State University)		
Do	Advocacy Group (For:Georgia Southern University)		
Do	Advocacy Group (For:University of Utah)		
Diana Ramsay, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	2,500.00	
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	6,900.00	
Do	National Independent Dairy-Foods Assn	344.80	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	10,000.00	546.00
Rebecca G. Range, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	22,500.00	16,094.00
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	4,559.00
Larry Rasky, 253 Summer Street Boston, MA 02210	Rasky & Company (For:National Cable Television Assn, Inc)	20,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037	American Paper Institute, Inc		
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	5,750.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	6,074.93	
Do	Bayley Seton Hospital	13,206.93	
Do	Cumberland Packing Company	12,032.59	
Do	Lutheran Medical Center	7,380.19	
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,379.00	554.35
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	24.00
Realistic Security for America, P.O. Box 764 Oshkosh, WI 54902			
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		22,509.50	22,509.50
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	606.37	210.63
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	744.89	
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	25.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Radio-Television News Directors Assn	2,500.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Philip Morris, USA		
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	231.25
Martin A. Regalia, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Community Bankers	7,400.00	
Do	Savings and Community Bankers of America	3,600.00	
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	8,000.00	430.56
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		2,000.00	1,150.00
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		10,351.25	14,336.01
David K. Rehr, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	3,500.00	403.54
Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia	12,500.00	1,821.70
Do	National Coalition Government of the Union of Burma		1,361.12
Do	People's Progressive Party		150.16
Do	Saharawi Arab Democratic Republic		287.91
Do	Supreme Court of Justice of the Republic of Guatemala		6.42
Do	United Coconut Assn of the Philippines	23,104.02	509.20
Do	United Front for Multiparty Democracy (Malawi)		2,073.99
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	166.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,500.00	744.30
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W.—#900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	662.21
Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001	Reno Cavanaugh & Hornig (For:Amerind Risk Management Corp)		
Do	Reno Cavanaugh & Hornig (For:Housing Authority Insurance, Inc)	3,915.00	
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	12,015.00	
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Riley Repko, 1155 Connecticut Avenue, NW, 4th Floor Washington, DC 20036-4306	Oracle Corporation		5,250.00
Galen J. Reser, Pepsico, Inc Purchase, NY 10577	Pepsico, Inc		651.70
Barclay T. Resler, 1627 K St., NW, #800 Washington, DC 20006	Coca-Cola Company	150.00	172.44
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		99,777.87	66,913.93
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,245.57	360.25
Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213	KFC Corp		390.23
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,324.99	54.50
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Hughes Aircraft Company		
Do	Pratt & Whitney	4,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	3,000.00	
Donna Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,698.00	354.74
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,625.00	5,022.64
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,813.00	
Les Richter, 2555 M Street, NW, #327 Washington, DC 20037	National Assn for Stock Car Auto Racing, Inc (NASCAR)		
Do	National Motorsports Comm of Accus-FIA, Inc		
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	31,662.00	100.25
Larry D. Rickards, 1112 16th Street, NW, #100 Washington, DC 20036	National Assn of Area Agencies on Aging	5,000.00	65.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	15,888.00	161.50
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Assn	6,500.00	96.00
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	863.02
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	700.00	
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	Planned Parenthood Federation of America	126.81	
Russell C. Ring, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	225.00	
Joan D. Ringel, 500 Independence Avenue, SE Washington, DC 20003		750.00	
Kenneth Rinzler, 9115 Hague Road Indianapolis, IN 46250	Boehringer Mannheim Corp		
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress	20.00	
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,244.00	
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Lourdes A. Rivera, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	254.51	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	704.29	426.15
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	2,000.00	371.99
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	1,094.74
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,072.00	1,566.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		438.04

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard R. Roberts, P.O. Box 809 North Beach, MD 20714	American Council of Highway Advertisers	13,866.00	2,003.40
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:AEG Westinghouse Transportation Systems, Inc)	1,500.00	
Do	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Embry-Riddle Aeronautical University)	3,500.00	
Do	Keefe Company (For:Greater Orlando Aviation Authority)	2,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	500.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For:University of Miami)	1,000.00	
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	265.74
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	10,479.00	196.31
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	Crystal Cruises, Inc		20.00
Do	International Group of P&I Clubs		
Do	Polaris Industries	460.00	7.50
Do			
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	3,000.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	14,442.00	1,532.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey Morris & Robinson (For:Case Management Society)		
Do	Bailey Morris & Robinson (For:Investment Company Institute)		
Do	Bailey Morris & Robinson (For:National Assn of Broadcasters)		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Old Colony Life Insurance)		
Do	Bailey Morris & Robinson (For:Upjohn Co)		
Thomas S. Robinson, 5955 49th SW Seattle, WA 98136	Greenpeace		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	4,500.00	
Do	Atari Games Corp		
Do	Central Valley Project Water Association	10,000.00	
Do	Commission on Self-Determination	500.00	
Do	CALCOT, Ltd	1,000.00	
Do	Ingersoll-Rand		
Do	Kimberly Quality Care	500.00	
Do	Mesa Limited Partnership		
Do	Minolta Corp		
Do	Napa Flood Control and Water Conservation District	500.00	
Do	National Venture Capital Association		
Do	Natural Gas Vehicle Coalition	2,000.00	
Do	New York Mercantile Exchange (NYMEX)		
Do	Sun-Diamond Growers of California	2,000.00	
Do	United States Banknote Corp		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)	1,000.00	
Do	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).	1,000.00	
Do	Robison International, Inc (For:FMC Corp)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,000.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,000.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace Co)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	British Aerospace, Inc (Government Programs Office)	5,564.25	5,516.30
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	2,500.00	125.69
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort & Residential Development Assn	3,000.00	
Do	Coalition for Fair Taxation of Real Estate	3,000.00	
Daniel Rode, 1050 17th Street, NW, #510 Washington, DC 20036	Healthcare Financial Management Assn		649.25
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		23.25
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade	33,135.00	3,418.89
Lawrence Rogers, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,336.00
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	American Express Co		
Do	Dreyfus Corporation	3,500.00	229.00
Do	Investment Program Assn	3,000.00	94.10
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	Mill-Max Manufacturing Corp		84.00
Do	National Assn of Beverage Importers		
Do	Oxnard Refinery		8.00
Do	Republic National Bank	1,500.00	113.00
Do	Rutgers, The State University of New Jersey		
Do	Shearson Lehman Brothers, Inc		
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Wine & Spirits Wholesalers of America, Inc		
Barry K. Rogstad, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	10,723.00	28.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20037	City of Grand Forks	3,000.00	720.00
Do	City of Moorehead	2,000.00	100.00
Do	Hubert Humphrey Institute of Public Affairs	3,000.00	2,800.00
Do	Small Business Exporters Assn		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Stephen F. Rohrkemper, 2230 Gallows Road, #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	4,533.00	2,933.61
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	127.33
W. T. Rooker, 1301 K Street, NW, #1200 Washington, DC 20005-3307	IBM Corp		16.00
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		2,536.08
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Industrial Development Authority of Ireland		
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	1,200.00	
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	9,000.00	4,799.02
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	4,300.00	
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Ad Hoc Coalition on Fuel Cells for Transportation	11,603.00	10,131.00
Do	Johnson Matthey, Inc		
Burt E. Rosen, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	8,750.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc	3,000.00	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	13,823.07	9,371.44
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Nancy Ross, 1830 17th Street, NW, #704 Washington, DC 20009	Rainbow Lobby	5,850.00	
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	657.00	1,024.66
Ross Marsh Foster Myers and Quiggle, 888 16th St., NW Washington, DC 20006	Church Alliance	9,493.75	130.20
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	2,112.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	10,609.98	302.66
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	6,000.00	1,095.74
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		10.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Baker Industries)	1,500.00	25.00
Do	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	2,000.00	25.00
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law)	2,000.00	25.00
Do	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:Independent Armored Car Assn)	2,400.00	50.00
Do	Rowland & Sellery (For:National Armored Car Assn)	2,400.00	30.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	25.00
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	GE Plastics	2,000.00	50.00
Do	National Check Cashers Assn, Inc	3,000.00	50.00
Do	Security Companies Organized for Legislative Action (SCOLA)	1,004.00	25.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	2,688.00	4,452.24
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute		3,210.00
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	3,750.00	114.41
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc	500.00	394.63
Paul M. Ruden, P.O. Box 23992 Washington, DC 20026-3002	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	925.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Nicholas L. Ruggieri, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
Terry Cornwell Rumsey, 490 L'Enfant Plaza East, SW, Suite 4200 Washington, DC 20024	Xerox Corp		42.12
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	1,000.00	
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	33,923.00	
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation	600.00	329.00
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		40.00
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc	12,500.00	
William Russell & Associates, Inc, 117 S. Columbus Street Alexandria, VA 22314-3003	Golbal Broadcasting System	6,000.00	38.47
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Olive M. Ryan, 39 Harriett Ave. Burlington, MA 01803	New England Rehabilitation Hospital	2,549.99	247.63
Paul D. Ryan, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	7,375.00	
Kermit W. Ryman, 1401 I Street, NW, 1200 Washington, DC 20005	Chevron USA, Inc	37.00	27.40
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	42,000.00	2,690.29
Do	Delaware Otsego System	13,365.00	2,690.29
Do	Environmental Transportation Assn	8,500.00	2,690.30
Do	Illinois Central Railroad	16,000.00	2,690.29
Do	Investment Counsel Assn of America, Inc	18,510.00	2,690.31
Do	Regional Railroads of America	39,000.00	2,690.30
Do	Turbomeca Engine Corp	21,500.00	2,690.30
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			32,303.88
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)).	1,004.00	25.00
Ronald K. Sable, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	729.08
Lee Becker Salamone, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	375.00	25.00
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	10,000.00	5,321.00
Frank Max Salinger, 919 18th Stret, NW Washington, DC 20006	American Financial Services Assn	250.00	
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,000.00	100.00
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	13,691.66	983.77
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	3,000.00	102.21
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201			
Wendy B. Samuel, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006	National Council of Community Bankers	6,700.00	
Do	Savings and Community Bankers of America	3,300.00	
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers).		
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Philip Morris, Inc		
James C. Sanders, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	246.75
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,500.00	249.67
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn	300.00	
Robert J. Saner II, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Assn	1,500.00	
C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	500.00	
Kathleen Curry Santora, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,970.00	
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	5,000.00	3,297.67
Do	ENS Resources, Inc (For:East Bay MUD)	5,180.00	2,238.26
Do	ENS Resources, Inc (For:Orange County Sanitation Districts)		
Do	Western Research Institute	1,095.00	723.74
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	500.00	
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Philip Morris, Inc	1,500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			4,554.19
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		30.00
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	59.00
Save Our Children National Alliance, Inc, 1757-D-West Carson Street, #280 Torrance, CA 90501		624.18	670.28
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		3,692.00	19,148.00
Savings and Community Bankers of America, 1709 New York Avenue Washington, DC 20006		35,659.64	45,137.61
Savings Coalition of America, 901 15th Street, NW, Suite 700 Washington, DC 20005		88,816.22	88,816.22
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Paulasue Sawyers, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Charles Scalera, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Sharp Manufacturing Company of America	250.00	
Robert M. Scarberry, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Hermine Scates, 7042 S. Chappel, #3-E Chicago, IL 60604			
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc		2,421.00
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	4,593.75	3,614.94
Amy Schaffer, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	674.00	
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		1,350.14
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	6,230.00	
David S. Schless, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,350.00	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,665.00	93.00
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	1,250.00	
Robert Richard Schmitt, #12453-047 P.O. Box 8000 Bradford, PA 16701-0980			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Mack Trucks, Inc	2,400.00	182.40
Do	Toyota Motor Corporate Services U.S.A., Inc	2,250.00	184.25
Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106	American Assn of Classified School Employees		
Mahlon C. Schneider, 1100 N.W. 14th Austin, MN 55912	Geo. A. Hormel & Company		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	8,800.00	136.41
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			22.00
Paul Schoellhamer, 4720 Hunt Ave. Chevy Chase, MD 20815	World Span	10,000.00	100.00
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)		
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	10,000.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	6,750.00	
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	8,005.00	510.43
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	600.00	23.60
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	769.90	607.72
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Mark Schultz, 8607 Westwood Center Drive #204 Vienna, VA 22182	Professional Services Council	1,500.00	
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	15,792.00	172.40
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company		
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Council of Community Bankers	2,000.00	1,389.28
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Christopher L. Schwartz, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Able Laboratories, Inc)		
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	454.40
Do	Washington State Department of Natural Resources	9,637.50	231.52
Harry K. Schwartz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	5,679.48	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp	12,000.00	563.02
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003	Tides Foundation	87.68	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	3,950.00	
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			1,721.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
David A. Scott, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corporation	2,000.00	666.20
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	8,750.00	
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	American Healthcare Institute	11,125.00	253.98
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	715.00	
Susan J. Scott, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc	2,500.00	50.50
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co	587.50	
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,313.00	4,696.34
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,725.00	2,031.56
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	19,045.27	
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			301,365.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			9,273.00
Pamela Sederholm, 2300 N Street, NW, #600 Washington, DC 20037	International Council of Cruise Lines		525.00
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	4,050.00	
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		22,187.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	5,000.00	550.00
Jerome M. Segal, 8401 Colesville Road, #317 Silver Spring, MD 20910	Jewish Peace Lobby	3,500.00	75.00
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	314.38
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	890.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	79.65	
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		683.14
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,750.00	30.00
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc	7.69	
Gary B. Sellers, American Bar Assn 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
J.P. Seman Jr., 1050 17th Street, #2200 Denver, CO 80265	Hill & Knowlton (For:Aseptic Packaging Council)		
Do	Hill & Knowlton (For:Colorado State University)		
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	18,000.00	1,382.60
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX Government Affairs Company		
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,625.00	
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,676.00	76.14
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	7,893.72
Stuart D. Serkin, 1156 15th Street, NW, #505 Washington, DC 20009	Coal & Slurry Technology Assn		
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,654.76
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	
Do	ERISA Industry Committee, et al.	1,452.50	
Do	Pennsylvania Blue Shield	3,403.75	
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)	310.00	19.75
Mark R. Shapiro, 5 Darby Court Bethesda, MD 20817	Guam Office (For:Joseph George Bamba)	6,000.00	1,003.21
Do	Guam Office (For:Marilyn Manibusan)	6,000.00	902.89
Joshua Sharfstein, 2000 P Street, NW Washington, DC 20036	Public Citizen Health Research Group	27.00	
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	66.70
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		
Do	Pipe Tobacco Council		
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	American Assn of Exporters & Importers		
Do	Bunge Corp	1,250.00	1,100.16
Do	Schoeller Technical Paper, Inc	225.00	190.00
Do	Toy Manufacturers of America	1,600.00	1,412.00
Do	Wilsons the Leather Experts	1,900.00	1,665.32
Ann Shaughnessy, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Edward W. Shaw, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Apple Computer, Inc		
Do	Atlas Corp	25,759.73	1,407.68
Do	Bank Leumi le-Israel, BM	31,271.75	842.87
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	Equitable of Iowa		
Do	ESCO Electronics Corp		
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Air.	596.38	12.51
Do	Institute of International Bankers	440.00	15,690.34
Do	Lockheed Air Terminal, Inc	2,500.00	
Do	National Assn of Marine Manufacturers	8,841.25	255.94

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Automobile Dealers Assn		
Do	Nuclear Fuel Services, Inc		
Do	Presbyterian University Hospital		242.45
Do	RJR Nabisco	3,785.74	374.26
Do	University of Pittsburgh		242.45
Do	Utility Nuclear Waste and Transportation Program	144.88	
Do	Vulcan Materials Co	2,515.04	383.39
Do	Washington Post Robinson Terminal	4,039.69	
Do	Workplace Health and Safety Council		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	400.00	
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Corporation		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
P. Scott Shearer, 1725 K Street, NW, #1405 Washington, DC 20006	Halfpenny Hahn Roche & Marchese (For:Automotive Service Industry Assn)	11,250.00	94.16
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Secretariat of Commerce & Ind. Development of Mexico (SECOFI)	376,583.90	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	16,084.51	
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	1,950.28
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	1,410.00	1,295.98
Andrea Sheldon, 139 C Street, SE Washington, DC 20003	Traditional Values Coalition	3,150.00	
Louis P. Sheldon Sr., 100 S. Anaheim Blvd., #350 Anaheim, CA 92805	Traditional Values Coalition		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,850.00	
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Cities Advocating Emergency Aids Relief (CAEAR)	56,744.05	21,985.56
Do	CFIDS Assn, Inc	17,500.00	5,565.24
Judith C. Sherman, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	5,500.00	288.50
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	300.00	960.00
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp	1,250.00	1,354.98
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	475.00	
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
Jill Showell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,134.00	180.17
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Julie Shroyer, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn		
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		4,007.20
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries	1,000.00	537.40
Jane E. Sidebottom, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	292.50	
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commonwealth Edison Co		
Do	Donrey, Inc	10,988.75	300.94
Do	Douglas Timber Operators Inc		
Do	W. K. Kellogg Foundation	228.75	10.50
Do	Northwest Forest Resource Council		
Jill Sigal, Jill Sigal Associates 1225 Eye Street, WN, #500 Washington, DC 20005		19,000.00	5,636.36
Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,000.00	
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Eric Sildon, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Federation of Independent Business	3,189.00	200.00
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	OHM Corp	390.00	
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		50.00
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Bristol Bay Native Corp)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:Goldbelt)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	1,500.00	
Do	Robertson Monagle & Eastaugh (For:Klukwan, Inc)		
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	4,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		2,653.00	2,234.00
Daniel Silverman, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	2,188.43	
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)		
Do	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	45.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Cushman & Wakefield		
Do	EDS	500.00	
Do	Goodwill Industries		
Do	Walter Harris, et al.	800.00	
Do	IEEE	6,500.00	
Do	Kelso & Company		
Do	Majestic Realty Co		
Do	Monrovia Nursery Company		
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	National Assn of Investment Companies	3,550.00	
Do	National Structured Settlements Trade Assn	4,000.00	
Do	Newspaper Association of America		
Do	Pacific Cargoes, Inc		
Do	R.S. Data Systems, Inc		
Do	Republic National Bank of New York		
Do	Rolls-Royce Motor Cars, Inc		
Do	Tropicana Energy Co		
Do	U.S. League of Savings Institutions		
Do	5600, Inc	300.00	
David J. Simon, 3017 South Hill Street Arlington, VA 22202	National Parks & Conservation Association	3,142.00	102.00
Michael E. Simon, 1666 K St., NW Washington, DC 20006	Arthur Andersen & Co	708.00	6.00
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	3,000.00	64.00
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,200.00	4,819.79
Do	City of Portland, OR	12,561.31	6,245.87
Do	East Bay Dischargers Authority	3,776.27	4,846.22
Do	Elkhart, IN	5,096.31	5,407.10
Do	Gary, Indiana	8,254.87	5,542.16
Do	National Easter Seal Society	7,592.56	4,895.00
Do	Newark, CA	5,183.29	5,503.08
Do	San Bernardino, CA	5,805.97	5,625.78
Do	San Leandro, CA	5,093.44	5,591.93
Do	Tacoma Public Utilities	1,705.04	4,877.52
Do	Tacoma, WA	4,138.82	5,778.79
David C. Simons, 1100 Connecticut Ave, NW, #410 Washington, DC 20036	Eaton Corp	3,875.00	239.31
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	2,875.00	482.00
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.06	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corp	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Christopher A. Singer, 1455 Pennsylvania Avenue, NW, suite 925 Washington, DC 20004	Pfizer, Inc	1,500.00	429.80
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 1101 30th Street, NW Suite 500 Washington, DC 20007	Cement Kiln Recycling Coalition		
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American International Group, Inc		
Do	Amoco Corporation		
Do	Amstel Hudson Management Corporation	938.00	
Do	Armco, Inc	2,000.00	
Do	Bethlehem Steel Corp	2,000.00	
Do	Commonwealth of Puerto Rico		
Do	Dun & Bradstreet		
Do	Enron Corporation		
Do	General Mills		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies		
Do	Partida Popular Democratico		
Do	PSI Energy, Inc	25,000.00	
Do	Sara Lee Corporation	3,000.00	
Do	Summit Storage, Inc	2,500.00	
Do	Transco Energy Corp		
Do	USX Corp	3,000.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	2,125.00	6.00
Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006	La Radida Childrens Hospital & Research Center, et al.	4,350.00	50.00
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmaceopeial Convention, Inc	30.00	2.00
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	5,445.00	273.25
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,627.50	19.00
Do	New Jersey Turnpike Authority	127.50	
Do	Proctor & Gamble Mfg Co	3,240.00	113.70
Do	Safeway, Inc	1,042.50	145.50
Do	Southern California Rapid Transit District	120.00	
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp (For:Commonwealth of the Northern Marianna Islands)		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	93.07
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	640.33
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006	LDDS Communications, Inc	3,000.00	120.00
Kirsten A. Sloan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	587.74	55.00
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	743.50	
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Stephan K. Small, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		139.04
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		13,792.71	38,545.08
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Carlos C. Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Strang Fletcher Carriger Walker Hodge & Smith (For:Chattanooga Production Credit Assn, et al.).		
Douglas Allen Smith, #40223-080 P.O.Box 4200 Three Rivers, TX 78071-4200		273.80	100.85
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	470.13
Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	1,669.00
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	30,551.65	1,003.28
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers)	500.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	125.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	274.80	
Kirkland Smith, Docs# 83-A-4548 Fishkill Correctional Facility P.O. Box 1245 Beacon, NY 12508			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	775.00	1,661.94
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,000.00	513.00
Philip Hardy Smith, 2555 M Street, NW Washington, DC 20037	International Speedway Corp		
Do	National Motorsports Comm of Accus-FIA, Inc		
Richard F. Smith, 1101 Pennsylvania Avenue, NW - #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Rob Smith, 516 E. Portland Street Phoenix, AZ 85006	Sierra Club	1,215.00	1,626.58
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,800.00	1,800.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	13,625.00	
Susan Snyder Smith, 7900 Westpark Drive, #A320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	268.17
W. Glenn Smith, One Merchants Plaza Indianapolis, IN 46255	Merchants National Bank & Trust Co		
Smith McNulty & Kearney, One State Street, 8th Floor Boston, MA 02107	New England Telephone Company	1,250.00	531.50
Do	NYNEX Government Affairs	833.33	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		27,290.00	27,290.00
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:Amersham)	325.00	
Do	Katten Muchin Zavis & Dombroff (For:Fujisawa USA, Inc)	3,477.50	40.00
Do	Katten Muchin Zavis & Dombroff (For:Future Water International)		
Do	Katten Muchin Zavis (For:Intercargo Insurance Co)	5,086.25	123.83
Do	Katten Muchin Zavis & Dombroff (For:National Assn of Independent Colleges & Universities).		
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)	7,296.25	226.42
Do	Katten Muchin Zavis & Dombroff (For:Northwestern Memorial Hospital)		
Do	Katten Muchin Zavin & Dombroff (For:NutraSweet Co)	3,802.50	50.00
Do	Katten Muchin Zavis & Dombroff (For:G.G. Searle)	4,387.50	116.99
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,075.00
Larry S. Snowhite, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:Massachusetts Education Loan Authority).		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:National Truck Weight Advisory Council).		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:New England Education Loan Marketing Corp).	6,509.00	
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Gene Snyder, P.O. Box 556 Pewee Valley, KY 40056-0556	Norfolk Southern Corp	10,000.00	1,216.71
Do	Radio Assn Defending Airwave Rights, Inc	22,500.00	1,298.44
Do	United Parcel Service	19,500.00	1,414.65
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		28,688.41	22,545.82
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882			3,681.84
Denise Sofranko, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	25.00	
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)		508.08
Regina Solomon, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Patricia F. Soltys, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	84.00
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Walter Larke Sorg, 19110 Montgomery Village Ave., #225 Gaithersburg, MD 20879	American Assn of Small Dredging & Marine Construction Cos		1,791.47
Southeast Toyota Distributors, Inc, 100 Northwest 12th Avenue P.O. Box 1160 Deerfield Beach, FL 33443			10,474.10
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		26,248.50	26,428.50
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			12,269.05
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Space Industries, Inc, 101 Courageous Drive League City, TX 77573			
Thomas J. Spangler, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	16,000.00	308.83
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	3,064.40	633.83
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	1,200.00	
Do	McAuliffe Kelly & Raffaelli (For:Washoe County)	175.00	
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	City & County of Denver, Director of Aviation		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	LeHigh-Northhampton Airport Authority		
Do	Michigan Municipal/Cooperative Group	187.50	
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	Transmission Access Policy Study Group	20,505.00	7.25
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006			
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton, & Douglas (For:American Telephone & Telegraph)	22,500.00	1,033.75
Do	Gardner Carton & Douglas (For:Equity Strategies Fund, Inc)		
Do	Gardner Carton & Douglas (For:National Cable Television Assn, Inc)	18,750.00	1,109.24
Do	Gardner Carton & Douglas (For:Perrigo Company)	2,265.00	100.55
Do	Gardner Carton & Douglas (For:Telecommunications Industry Assn)		
Mark G. Spurrier, 700 E Joppa Road Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	9,637.50	190.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	3,955.00	3.50
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	2,050.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	1,863.25	
Do	Stewart & Stewart (For:Novus International, Inc)	1,829.93	
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	41.51
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	806.96	14.50
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	150.00	580.29
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	6,000.00	2,050.00
David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010	McDermott, Inc	4,537.13	
Joseph M. Stanton, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	2,440.82
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	7,947.62
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	59.45
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	895.00
H. Gerald Staub, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	461.67
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	217.00
Rozann M. Stayden, 1800 M Street, NW Washington, DC 20036-5886	American Bar Association		50.00
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	205.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	2,610.99	612.16
Steele Silcox & Browning, P.C., 1200 19th Street, NW, #604 Washington, DC 20036	Kmart Corp		
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	2,598.00	380.00
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	24,090.00	5,595.45
Do	Spiegel & McDiarmid (For:Guam Power Authority)	30,848.75	2,873.25
Do	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)	3,283.75	
John C. Stellman, 1725 Jefferson Davis Hwy, #500 Arlington, VA 22202-4102	Chrysler Technologies Corp	100.00	
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co	1,353.40	
Do	Citizens Savings & Financial Corp	4,225.45	
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Del Webb Corp	525.00	
Do	Financial Guaranty Insurance Company	5,600.00	108.36
Do	Isolyser Company, Inc	6,848.00	
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe	201.25	
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	1,100.00	661.65
Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	5,655.00	352.68
Lawrence E. Stevens, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	3,506.00	403.46
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Timken Co		
Jessica Stewart, 1350 New York Avenue Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)	187.50	
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	4,700.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Kimble Glass, Inc)		
Do	Stewart & Stewart (For:Libbey Glass)	8,510.72	2,274.00
Do	Monsanto Co		
Do	Novus International, Inc	7,226.25	1,829.93
Do	PPG Industries, Inc		
Do	Smith Corona Corp	13,965.82	2,695.03
Do	Stewart and Stewart		
Do	Timken Co	2,256.18	288.23
Do	Torrington Company	2,256.18	288.23
Elizabeth Still, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	1,494.00	
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,933.09	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Verterns Coalition	3,600.00	1,280.80
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John E. Stiner, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	American Electronics Assn	10,788.75	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,536.77
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Stockholders of America, Inc, 3133 Connecticut Avenue, NW, Suite #7 Washington, DC 20008		1,745.00	231.66
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	1,400.00	
Do	National Assn of Business PACs	2,000.00	
Do	Springs Industries, Inc		
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		725.83
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,665.39	144.05
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	6,500.00	
Sam E. Story Jr., 1700 N. Moore Street Arlington, VA 22209	American Meat Institute	12,750.00	1,548.62
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	55,000.00	325.96
Susan M. Stout, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	217.90	
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	18,750.00	12,096.79
Strang Fletcher Carriger Walker Hodge & Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Chattanooga Production Credit Assn, et al.		
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc		100.00
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Terrence D. Straub, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	250.00	
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation	285.68	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,238.48	51.75
Jack B. Strong, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	6,862.50	1,143.53
Do	Madison Public Affairs Group (For:Leadership Council on Advertising Issues)		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Dreyfus Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co of New York	5,158.15	1,519.75
Robert A. Stuart, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group		
Donald B. Studley, 127 Brookmoor Road Avon, CT 06001	Yankee Gas Services Company	710.58	498.39
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	5,162.55	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 11 - 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	895.58	5,028.59
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Margaret Cox Sullivan, 3133 Connecticut Avenue, NW, #7 Washington, DC 20008	Stockholders of America, Inc		
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	1,170.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	800.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Housatonic Railroad Company		12.00
Do	Massachusetts Bay Transportation Authority (MBTA)		42.00
Do	Massachusetts Port Authority (MASSPORT)		22.80
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Hercules, Inc		
Do	Marion Laboratories, Inc	7,500.00	
Do	Monarch Wine Company of Georgia, et al.		
Do	Wine Institute	59,441.00	
Scott M. Summers, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	700.00	159.00
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	225.00	
Superfund Action Coalition, 1150 Connecticut Avenue, NW Suite 900 Washington, DC 20036		8,000.00	13,872.17
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:American Library Assn)		
Do	Ropes & Gray (For:Dial Page, L.P.)	4,782.00	96.78
Do	Ropes & Gray (For:Digital Equipment Corp)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	CompuServe, Inc	150.00	50.00
Do	Federation for American Immigration Reform	10,188.62	975.49
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	560.21
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc	300.00	
Dale F. Swartz, 1869 Park Road, NW Washington, DC 20010	Rick Swartz & Associates (For:Civil War Battlefield Foundation)	5,910.00	35.00
Rick Swartz & Associates, Inc, 1869 Park Road, NW Washington, DC 20010	Civil War Battlefield Foundation	8,350.13	350.13
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	27,649.91	
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	300.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,187.50	205.34
Robert D. Swezey Jr., 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals		
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		37.00
Philip E. Swink, Pepsi-Cola Company Somers, NY 10589	Pepsi-Cola Company		477.74
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	4,095.59
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	840.00	2,028.95
Christopher U. Sylvester, 1831 Briar Ridge Court McLean, VA 22101	Garrison Diversion Conservancy District	1,040.00	104.15
Systems Control, Inc, 10240 Old Columbia Road Columbia, MD 21046			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	326.33
SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036	Coordinadora de Organizaciones Empresariales de Comercio Ext		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	Johanna Farms, Inc		
Do	M&M/Mars		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	Telephone & Data Systems, Inc		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,185.00	64.75
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	15,674.13	384.75
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,600.80	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			165.00
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003	Gene Taylor Associates, Inc (For:Empire District Electric Company)	15,000.00	
Do	Gene Taylor Associates, Inc (For:FAG Bearings Corporation)	15,000.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Melinda E. Taylor, 2103 Rio Grande Austin, TX 78705	Henry Kelly Lowerre (For:National Audobon Society)	1,750.00	1,330.15
Paul C. Taylor, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	NAIOP, Assn for Commercial Real Estate	9,741.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,222.48	904.86
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Richard Taylor, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Co	30.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	525.00	
Do	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	National Assn of Convenience Stores		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	237.24
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	5,054.00	3,625.60
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	28,000.00	5,927.69
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	863.20	8.00
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230		1,275.93	1,275.93
Janelle C. Morris Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,500.00	
Edlu J. Thom, 919 18th Street, NW, #400 Washington, DC 20006	W.R. Grace & Co.		500.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	500.00	80.00
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	10,000.00	35.00
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	58.92	73.44
Kenneth W. Thompson, 1250 24th Street NW, #300 Washington, DC 20037	BellSouth Corp	6,000.00	1,000.00
Do	Duke Power Co	18,000.00	1,000.00
Do	Great Lakes Gas Transmission Company	21,000.00	1,000.00
Do	Itron and AMRplus Partners	45,000.00	1,000.00
Do	National Funeral Directors Assn	2,000.00	1,000.00
Do	West Point Pepperell, Inc	9,999.99	1,000.00
Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of USDA	630.34	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		497.91
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	AMEC Holdings, Inc		
Do	Chicago Research & Trading Group, Ltd	10,000.00	2,581.29
Do	Golden Rule Insurance Company	109,501.88	18,531.65
Do	Lifeshares Group, Inc		
Do	Mitsubishi Electronics America, Inc	6,600.00	2,101.78

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Peter Kiewit Sons', Inc	5,000.00	187.48
Do	Republic of Turkey	15,625.00	2,395.30
Do	Robert Wang	33,750.00	7,053.37
Thompson & Mitchell, 700 14th Street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	594.00	
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc	143.57	
James L. Thorne, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas		
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	360.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,562.00	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,250.00	105.35
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Susan K. Till, 3800 North Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	4,000.00	
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	Air Transport Assn of America	1,856.25	
Do	American Factory Trawler Assn	725.00	
Do	American Petroleum Institute	1,667.50	
Do	Amoco Corporation	2,102.50	
Do	Anheuser-Busch Companies, Inc	3,045.00	
Do	Association of Trial Lawyers of America	1,312.50	
Do	Capital Cities/ABC, Inc	2,247.50	
Do	Chrysler Corporation	2,247.50	
Do	General American Life Insurance Co	412.50	
Do	H.J. Heinz Co	2,247.50	
Do	Major League Baseball	4,205.00	
Do	Morgan Stanley & Co, Inc	1,015.00	
Do	National Rifle Assn of America	1,957.50	
Do	Northern Telecom, Inc	1,522.50	
Do	Northrop Corp	3,480.00	
Do	NutraSweet Co	1,377.46	
Do	Phoenix Mutual Life Insurance Company	412.50	
Do	G. D. Searle & Co	1,957.50	
Do	SCEcorp and Subsidiaries	2,247.50	
Do	Union Pacific Corp	4,205.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	62.97
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		1.02
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		1.32
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,000.00	420.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,000.00	542.50
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			4,170.18
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	3,750.00	
Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007	LTV Corporation	9,000.00	100.00
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Greg R. Toomey, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross and Blue Shield Assn	750.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Total Petroleum, Inc, 999 18th Street, #2201 Denver, CO 80202			2,673.45
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,500.00	166.94
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			1,600.00
Traditional Values Coalition, 100 S. Anaheim Boulevard, Suite 350 Anaheim, CA 92805			7,439.00
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Astra Pharmaceuticals)		
Do	Hill & Knowlton, Inc (For:Blue Cross Blue Shield of Florida)		
Do	Hill & Knowlton, Inc (For:Fujisawa/Lyphomed)		
Do	Hill & Knowlton, Inc (For:Port Everglades)		
Do	Hill & Knowlton (For:Republic of Turkey)		
Transportation - Communications Union, 815 16th St., NW, #511 Washington, DC 20006		7,000.00	8,026.47
Thomas C. Trauger, Spiegel & McDiarmid 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)	768.75	
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,515.00	4,515.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,103.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Jeffrey C. Treeman, 3801 South Sheridan Tulsa, OK 74145	United Video, Inc		
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	7,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	1,875.00	
Do	Assn of Health Insurance Agents	1,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	5,625.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)		
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)	7,500.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		3,286.27
Lillian M. Trippett, 499 South Capitol Street, SE, #502 Washington, DC 20003	ENme (For:Martin Marietta Corporation)	5,251.80	
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	Savings and Community Bankers of America	5,300.00	
Do	U.S. League of Savings Institutions	10,666.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	2,885.70
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	
Rowland V. Tucker, Box 133 Darby, PA 19023	Amtrack Conrail Pennsylvania Railroad Retirees	350.00	
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Regional Transportation District	3,000.00	
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	2,750.00	5.00
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	3,253.32
Do	Recovery Engineering	3,600.00	2,180.02
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
Jerry D. Turner, 1217 Tennessee Building Chattanooga, TN 37402-4883	Bell Turner Murphy Wilson & Hobbs (For:Sunbright Utility District)	425.00	
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,800.00	
Pamela Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	7,714.00	311.53
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union	5,000.00	5,000.00
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		21,906.00	21,906.00
Max Turnipseed, 451 Florida Street Ethyl Tower, Room 927 Baton Rogue, LA 70801	Ethyl Corporation	900.00	54.85
Tuttle & Taylor, 1025 Thomas Jefferson Street, NW Suite 407 Washington, DC 20007	Blue Diamond Growers	7,125.00	312.19
Do	Sunkist Growers, Inc	44,618.75	2,063.25
Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182	PRC	11,034.38	20,399.91
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	8,700.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	164.82	
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	58.20	
U.S. Border Control, P.O. Box 10800 8001 Forbes Place Springfield, VA 22015		931.00	214.39
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			76,643.00
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		104,023.75	127,742.02
U.S. Strategies Corp, 1321 Duke Street, #200 Alexandria, VA 22314-3563	American Day Treatment Centers, Inc		
Do	Continental Medical Systems	500.00	
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,080.00	
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act		
John R. Ulrich, 1776 Eye Street, NW Suite 575 Washington, DC 20006	Dow Chemical Company		6,136.00
Robert C. Ulrich, 555 13th Street, NW, #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff Quade & Douglas, Inc	5,200.00	
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			25,333.89
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006		3,819.40	6,600.00
University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109			1,188.96
Francis J. Vacca, 100 North Carolina Ave., SE Washington, DC 20003	Mid-America Dairymen, Inc	39,000.00	
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Insurance Assn	40,000.00	233.55
Do	Colonial Life & Accident Insurance Co	13,850.00	1,859.21
Do	Valanzano & Assocs. (For:Earthquake Project National Comm on Property Insurance).	9,000.00	143.96
Do	National Association of Professional Insurance Agents	6,000.00	180.20
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	4,812.50	
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Van Dyk Associates, Inc, 1250 24th St., N.W. Suite 600 Washington, DC 20037	American Gas Assn		
Do	Pharmaceutical Manufacturers Assn		
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Todd Van Hoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	300.00	960.00
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	888.00	
Do	Barron Collier Co		
Do	Bio Resources, Ltd	72.00	
Do	Blackfeet Tribe		
Do	Bumble Bee Seafoods, Inc	72.00	
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Doyon, Ltd		
Do	Electric Transportation Coalition	1,176.00	
Do	Fort Belknap Tribes		
Do	Geothermal Resources Assn	1,512.00	
Do	Intertribal Agricultural Council		
Do	Jicarilla Apache Tribe		
Do	Kenai Natives Assn	80.00	
Do	Koncor Forest Products Company		
Do	McKesson Corp	360.00	
Do	National Association of Energy Service Companies	144.00	
Do	National Endangered Species Act Reform Coalition	2,513.00	
Do	National Nutritional Foods Assn		
Do	National Wetlands Coalition	6,888.00	
Do	Natural Gas Supply Assn	360.00	
Do	Navajo Nation		
Do	Oneida Nation of New York		
Do	Pacific Energy		
Do	Price Waterhouse		
Do	Sacramento Municipal Utility District	1,163.50	
Do	Seneca Resources, Inc		
Do	SCE Corp	5,400.00	88.67
Do	Toyota Motor Sales, USA, Inc		
Do	Uranium Producers of America		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	7,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	1,875.00	
Do	Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates (For:Champion International Corp)	2,500.00	
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	10,000.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Du Pont de Nemours & Company, E.I.)	2,500.00	
Do	Van Scoyoc Associates (For:International Paper)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Association of Private Enterprise)	5,625.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)		
Do	Van Scoyoc Associates (For:Quanex)	4,012.50	
Do	Van Scoyoc Associates (For:University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)	7,500.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)	2,500.00	
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	4,155.00	
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	8,310.00	407.35
Norman C. VanderNoot, New Hampshire Petroleum Council 15 N. Main Street Concord, NH 03301	American Petroleum Institute	869.00	195.00
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	1,155.00	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	526.24	1,064.66
Robert C. Varah, c/o Rogers & Wells 1737 H Street, NW Washington, DC 20006	Dofasco, Inc	57.00	
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	929.14
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	1,478.00	
Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017	Risk & Insurance Management Society, Inc		
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Venable Baetje Howard & Civiletti, 1201 New York Ave., NW, #1100 Washington, DC 20005	American Insurance Assn		
Do	Compaq Computer Corporation		
Do	Computer & Business Equipment Manufacturers Assn	500.00	
Do	International Mass Retail Association	500.00	
Do	Wal-Mart		
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Insurance Agents		
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	877.50	
Do	California Franchise Tax Board	4,597.50	
Do	California Public Employees' Retirement System	9,657.50	
Do	Executive Life Insurance Company of California	545.00	
Do	Pacific Stock Exchange, Inc		
Do	State Board of Equalization (Calif)	43.75	
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	5,670.00	1,332.25
Do	Transmission Access Policy Study Group	930.00	
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	82.26
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank Tax Group		
Do	Browning-Ferris Industries		
Do	BMC SOFTWARE, INC	1,511.00	
Do	Caterpillar Financial Services Corp		
Do	Citicorp Washington, Inc	2,700.00	
Do	City & County of San Francisco	7,201.73	
Do	City of Port Angeles	10,462.50	
Do	Destec Energy, Inc	10,000.00	
Do	E. M. Warburg Pincus & Co, Inc	2,220.00	875.00
Do	Federal Express Corp	34,618.87	
Do	Goldman Sachs & Co	14,016.00	8,405.50
Do	Guadalupe Valley Electric Cooperative	9,599.30	
Do	Gulf Coast Regional Blood Center		
Do	Merrill Lynch & Co, Inc		
Do	National Rural Letter Carriers Assn	2,206.00	
Do	Panhandle Eastern Corp		
Do	Pennsylvania Engineering Company	17,255.55	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Teco Energy		
Do	Texas Veterans Land Board		
Do	TIME-WARNER, INC	702.50	
Do	United Savings Assn of Texas FSB	1,100.00	
Do	UTILICORP UNITED, INC	4,678.00	
Do	Waste Management, Inc	13,799.04	
Do	YWCA Retirement Fund	1,532.40	
Walter D. Vinyard Jr., Zuckert Scoutt & Rasenberger 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	5.00	
Do	National Fraternal Congress of America	15.00	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		520.00	319.52
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	7,578.72	
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			834.27
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	18,250.02	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Career College Assn, Inc	1,250.00	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 17th Street, NW, #300 Washington, DC 20036			6,000.00
William Von Raab, 215 Prince Street Alexandria, VA 22738	American Chiropractic Assn		
Do	Societe Generale de Surveillance SA		
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	American Environmental Company	162.50	
Do	Bell Communications Research		
Do	Committee of Publicly Owned Companies	1,135.38	213.52
Do	Dale Michael A/K/A Riviera Bowling Lanes		
Do	Fraternal Order of Police - National Headquarters		619.50
Do	Grocery Manufacturers of America, Inc		
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Recyclers of Copper Alloy Products	25,312.51	2,423.96
Do	Sino-Asia Rare Earth, Inc	1,917.58	
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A.		3,027.76
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	18,130.83	789.25
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	817.23
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Robert Waffle, 1735 New York Ave., NW Washington, DC 20006	International Hardwood Products Assn(IHPA)	2,100.00	463.60
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants		806.00
Do	Independent Federation of Flight Attendants	3,375.00	747.00
Pamela Hyde Wagner, 4301 North Fairfax Drive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	7,400.00	30.00
James Wagoner, 1101 14th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	15,303.04	
Donna Waks, 1627 Lamont St., NW, #51 Washington, DC 20010	Rainbow Lobby	3,909.00	
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	9,575.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	10,000.00	
Do	Chambers Development Company, Inc	10,000.00	
Do	Institute of Scrap Recycling Industries, Inc	12,000.00	
Do	Merck & Company	15,000.00	
Do	National Assn of Convenience Stores	3,000.00	
Do	Nynex	7,500.00	
Do	Petroleum Marketers Assn of America	3,000.00	
Do	Society of Independent Gasoline Marketers of America	3,000.00	
Do	University of Pittsburg Medical Center	15,000.00	
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	10,750.00	
Charles E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Telephone & Telegraph Co	7,500.00	
Do	Anheuser-Busch Companies, Inc	1,562.50	
Do	Broadcast Music, Inc	9,375.00	
Do	BMW of North America, Inc	3,750.00	
Do	Coalition for Competitive Capital		
Do	CSX Corporation	3,000.00	
Do	Federal Home Loan Mortgage Corp	7,200.00	
Do	General Dynamics Corp		
Do	Honeywell, Inc		
Do	Mexican Department of Commerce & Industrial Development	25,000.00	
Do	Mid Continent Oil and Gas Assn	3,000.00	
Do	MBNA America Bank NA	3,000.00	
Do	National Business Aircraft Assn		
Do	National Stone Assn		
Do	Northville Industries Corp		
Do	Northwestern Mutual Life Insurance Co	3,750.00	
Do	Sony Music Entertainment, Inc	7,291.67	
Do	Sony Pictures Entertainment, Inc	10,937.50	
Do	Southern Company Services, Inc	9,375.00	
Do	Weyerhaeuser Company		
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Edison Electric Institute	500.00	
Do	Grocery Manufacturers Assn	500.00	
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons, Inc	3,750.00	3,750.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	
Do	American Soc of Farm Managers and Rural Appraisers	7,500.00	
Do	American Sugar Cane League	19,375.00	
Do	Calgene, Inc	3,750.00	
Do	Cash America	5,000.00	
Do	Cotton Warehouse Assn of America	10,750.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Service Corporation International	7,500.00	
Do	St. Louis Ship Holdings		
Do	U.S. Canola Association	5,000.00	
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,075.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
David B. Waller, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	500.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,062.50	681.22
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	980.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	15,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	12,499.98	701.69
Do	National Assn of Dredging Contractors	10,500.00	
Do	National Rifle Assn of America	35,000.00	507.46
Do	Stone & Webster Engineering, Inc	8,250.00	
Do	Textron, Inc	13,749.99	480.36
Do	Thiokol Corp	10,500.00	341.02
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,847.00	
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	200.00	245.20
Stephen E. Ward, 1401 Eye Street, NW, #1030 Washington, DC 20005	Mid-Continent Oil & Gas Assn		
Do	Shell Oil Company	1,500.00	
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	16,445.10	408.48
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	1,062.25	9.33
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	662.48
Ann D. Warner, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,710.00	2,710.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		82.16
Do	DGA International, Inc (For:SNECMA)		694.58
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Betsy R. Warren, 2001 Pennsylvania Avenue, NW, #600 Washington, DC 20006	Edison Electric Institute		
Do	Schmertz Company, Inc for Gov't of the Republic of Greece	1,500.00	
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,500.00	866.40
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	1,774.73
Washington Public Affairs Group, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	National Union for the Total Independence of Angola (Unita)		
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Association of Chain Drug Stores	500.00	
Austen W. Watson, 1215 Jefferson Davis Hwy., #1203 Arlington, VA 22202	GEC-Marconi Electronic Systems Corp	1,300.00	277.98
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn. Inc	6,648.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	30.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	Tele-Communications, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,650.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	9,800.00	223.67
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	14,825.01	3,590.50
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	2,000.00	1,459.17
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root Services Corp		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Frederick L. Webber, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions		
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	1,293.28
Webster & Sheffield, 237 Park Ave. New York, NY 10017	Liggett Group, Inc		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab and Livery Assn		
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	The Centennial Co	1,950.00	16.00
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International	260.00	65.00
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	8,000.00	243.00
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		14.87
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	13,752.00	
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		2,969.88
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,875.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	17,655.78	305.60
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	530.51
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	15,000.00	
Do	Oklahoma Natural Gas	9,000.00	
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	39,553.55	12,708.25
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
William H. Westhoff, 11240 Waples Mill Rd. Fairfax, VA 22030	Environmental Products Corp	10,000.00	200.00
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121		2,115.00	1,862.00
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	1,181.76	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	475.49	
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc		
Do	American Airlines, Inc	1,800.00	231.28
Do	American Institute for Foreign Study Scholarship Foundation		
Do	American Public Transit Assn	2,175.00	63.90
Do	ARCO	800.00	5.00
Do	Columbia Hospital for Women Medical Center		
Do	Communications Satellite Corp		
Do	Consortium of State Maritime Schools		5.45
Do	Coopers & Lybrand	500.00	
Do	Defense Rations Manufacturers Assn		26.00
Do	Des Moines Chamber of Commerce		
Do	Foothills Pipe Lines (Yukon) Ltd	75.00	6.50
Do	FHP	200.00	
Do	General Motors Corp		
Do	Intermountain Rural Electric Assn		
Do	Massachusetts Maritime Academy		
Do	Motion Picture Assn of America, Inc		
Do	MCI Communications Corp		
Do	National Gypsum Co	2,600.00	36.25
Do	New England Aquarium		7.85
Do	Oceanic Institute		5.45
Do	Ohio Edison	875.00	80.45
Do	State of Oregon, Office of the Governor		
Do	Training Media Distributors Assn		
Do	U.S. Bioscience	3,900.00	135.50
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	4,000.00	3,732.12
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	476,000.00	1,302.90
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Equitable Life Assurance Society of the U.S.		
Do	Toyota Motor Sales, USA, Inc		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	6,250.00	304.00
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:America's Public Television Stations, Inc)	4,850.00	544.85
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	28,770.00	11,787.24
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,064.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	3,552.00	90.15
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,250.00	7,141.33
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	8,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Tobacco Institute	4,000.00	
John Thomas White III, 701 Pennsylvania Ave., NW, #610 Washington, DC 20004	Tenneco Gas		
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	634.78	75.00
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	192.50	192.50
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,602.92
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	74.99
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	364.91	106.21
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute		
Do	Gadot Petrochemical Industries		
Donald W. Whitehead, 1000 Connecticut Ave., NW, #1200 Washington, DC 20036	States Washington Representatives	1,000.00	
Brad Whitehurst, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council		
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Central Utah Water Conservancy District)	1,406.00	
Do	Marcus G Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, P.C. (For:Geneva Steel)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, P.C. (For:State of Montana Dept of Natural Resources & Conservation).	1,406.00	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,193.75	599.97
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	326.25
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Oryx Energy Company	1,300.00	256.70
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande MD.		
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company	5,000.00	
Do	Mesa, Inc	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
Wickham & Associates, 1090 Vermont Avenue, NW, #800 Washington, DC 20005	Times Square Center Associates		
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,382.80	3,392.75
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	23,725.49	2,986.79
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airport Operators Council International	5,725.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	5,000.00	
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	792.42	247.71
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,106.00	
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036			6,150.00
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan	11,000.00	325.63
Do	Industrial Technology Institute	1,666.66	
Do	MERRA	2,499.99	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Aeronautical Radio, Inc (ARINC)	285.00	
Do	Allied Marketing Group	1,130.00	
Do	American Newspaper Publishers Assn	7,225.00	135.00
Do	Association for Public TV (APTV)		
Do	Association of Telemessaging Services, International	2,010.00	44.73
Do	CBS, Inc	6,324.00	197.81
Do	Firemen's Fund Insurance Cos		
Do	Marine Mammal Coalition	897.00	9.88
Do	Merchants National Bank	806.00	25.00
Do	National Assn for Information Services		
Do	National Health Care Anti-Fraud Assn		
Do	Olan Mills, Inc		
Do	Prodigy Services Company	3,488.00	30.00
Do	United Parcel Service	1,116.00	33.00
Do	Washington Citizens for World Trade	29,541.00	767.04
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,239.59	987.57
David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004	General Electric Co	1,050.00	
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Aetna Life Insurance	20,000.00	2,000.00
Do	Bank of America	540.95	30.98
Do	Bank of Boston	1,190.26	65.19
Do	Barnett Banks, Inc	965.25	82.88
Do	First Interstate Bank	1,156.98	61.64
Do	Fleet/Norstar Financial Group	46,036.00	3,450.00
Do	Hobbs Straus Dean & Wilder	5,000.00	200.00
Do	Northwest Hydroelectric Assn	4,010.00	84.29
Do	Solano Water Authority	1,871.00	31.00
Do	Summit Energy Storage, Incut	7,622.50	232.44
Do	Suntrust Banks, Inc	520.25	30.66
Do	Turlock Irrigation District	12,689.30	2,086.70
Do	VISA USA, Inc	15,843.00	1,426.52
Do	Wachovia Bank and Trust	965.25	82.88
Do	Wells Fargo & Company	1,190.26	65.19
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	17,325.00	
Clark Williams, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	6,000.00	625.00
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	135.00	26.00
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Aegon USA, Inc	1,500.00	250.00
Do	Ark-Best Co	1,400.00	250.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,400.00	350.00
Do	Electro Com Automation, Inc	1,550.00	300.00
Do	Integon	1,500.00	250.00
Do	Riceland Foods, Inc	1,500.00	250.00
Do	Tyson Foods, Inc	1,450.00	250.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	218.57
Lucinda L. Williams, 733 15th Street, NW, #700 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Merrill Williams, 4501 Connecticut Ave., NW, #113 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactical Biochemical		
Do	National Credit Improvement Group		
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,067.50	626.71
Patrick H. Williams, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	4,000.00	2,103.00
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	2,229.00	1,998.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	450.00	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	155.35
Wanda Williams, 317 10th Street, NE, #8 Washington, DC 20002	Career College Assn	7,500.00	
Williams & Connolly, 725 12th Street, NW Washington, DC 20006	GTECH Corp		
Do	North American Assn of State & Provincial Lotteries		
Do	Southeast Toyota Distributors, Inc	7,250.00	
Fred H. Williamson, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	90.00	4.00
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,055.00	57.32
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		325.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	934.70	215.98
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	American Nuclear Energy Council (ANEC)		
Do	Association of International Auto Manufacturers		
Do	Browning-Ferris Industries, Inc	14,110.00	1,304.56
Do	Council of Appraisal & Property Professional Societies		
Do	Morgan Guaranty Trust Co	522.50	
Do	National Assn of Independent Fee Appraisers	5,745.00	157.38
Do	Standard Commercial Tobacco Co		
Do	Westinghouse Electric Corp	3,900.00	35.60
Do	Yamaha Motor Co, Ltd, et al.	875.00	
Do	Yamaha Motor Manufacturing Corp of America		
Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Advanced Network & Services, Inc (ANS)		
Do	American Cyanamid Co		15.00
Do	American Honda Motor Co, Inc		
Do	Association of American Universities		
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc		
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Cook Inlet Communications, L.P.		
Do	Educational Testing Service		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		
Do	Handgun Control, Inc		
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc	590.00	
Do	Long Island Savings Bank		
Do	O'Connor Realty Advisors, Inc		
Do	Pepsico, Inc		
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	10,000.00	
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	1,538.40	1,759.84
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	685.00	22.00
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	57.00
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272	PPG Industries, Inc		
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
Mark V. Wimberly, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Mississippi Power Co	27,366.92	10,135.43
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn Associates, Inc (For:American Assn of Equipment Lessors)	22,500.00	
Do	Winburn VanScoyoc & Hooper (For:American Insurance Assn)	45,000.00	
Do	Winburn Associates, Inc (For:American Paper Institute)	30,000.00	
Do	Winburn Associates, Inc (For:Bell Atlantic Capital Corp)	5,000.00	
Do	Winburn Associates, Inc (For:Bradford Exchange)	15,000.00	
Do	Winburn Associates, Inc (For:Burlington Northern Railroad Co)	15,000.00	
Do	Winburn Associates, Inc (For:Burlington Northern Services, Inc)	15,000.00	
Do	Winburn Associates, Inc (For:Hartford, (The))	45,000.00	
Do	Winburn Associates, Inc (For:Health Net)	7,500.00	
Do	Winburn Associates, Inc (For:Leggett & Platt)	6,000.00	
Do	Winburn Associates, Inc (For:National Assn of County Office Employees)	3,000.00	
Do	Winburn Associates, Inc (For:Pennzoil)	6,000.00	
Do	Winburn Associates, Inc (For:Philip Morris)	81,000.00	
Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C.	Shearson Lehman Brothers, Inc	750.00	714.42
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,734.70	
Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	286.34
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	887.50	75.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Bedminster Bioconversion Corp	4,500.00	
Do	Bituminous Coal Operators Assn		
Do	Harpo, Inc		108.75
Do	Illinios State Medical Society	1,780.00	505.00
Do	International Council of Shopping Centers		
Do	Kardinal-Faulhaber-Strassel, et al.		
Do	Regional Transit Authority	800.00	24.00
Linda A. Winter, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation	1,451.10	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc		
Do	Bristol-Myers Squibb		74.00
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)	1,550.00	36.00
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Fiberite Corp		
Do	Goldman Sachs	480.00	
Do	Hercules Aerospace Co		
Do	IBJ Schroder Bank & Trust Co		
Do	Lower Elwha Klallam Tribe		101.95
Do	Macrovision, Inc	6,312.50	75.00
Do	MCI Communications Corp	4,117.50	66.35
Do	MTN Coalition		
Do	National Assn of Demolition Contractors	4,117.50	20.00
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		276.55
Do	North American Chemical Company	7,800.00	
Do	Organization for International Investment (OFII)	20,814.31	
Do	Refractories Ceramic Fibers Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp		
Do	Salomon Brothers, Inc		
Do	Securities Industry Assn		83.70
Do	Snappy Car Rental		
Do	St. Thomas & St. John Chamber of Commerce		
Do	Thrifty Rent-A-Car System, Inc		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Melanie Wisniewski, P.O. Box 520783, GMF Miami, FL 33152	Burger King Corp		
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Defense Products Marketing, Inc		
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	12,000.00	2,152.74
Do	Centennial Health Services, Inc	1,500.00	1,182.87
Do	Certained Corporation	5,000.00	2,213.50
Do	Children's Hospital of Philadelphia	54,750.00	4,103.06
Do	Children's Hospital of Pittsburgh	15,750.00	2,861.89
Do	County of Los Angeles	30,000.00	18,511.54
Do	Crozer-Keystone Health System	3,750.00	1,182.87
Do	Drexel University	7,500.00	697.50
Do	Episcopal Hospital	3,750.00	1,182.87
Do	Franklin Square Hospital	3,750.00	1,182.87
Do	Healthcare Management Alternatives, Inc	9,000.00	984.47
Do	Healtheast	6,000.00	486.53
Do	Hill Group	15,000.00	2,071.03
Do	Hospital of the Philadelphia College of Osteopathic Medicine	3,750.00	1,182.87
Do	Magee-Womens Hospital	11,250.00	2,496.88
Do	Mercy Catholic Medical Center	15,000.00	2,597.01
Do	Mercy Health Plan	7,500.00	511.45
Do	National Down Syndrome Society	9,000.00	1,014.25
Do	North Philadelphia Health System	3,750.00	1,182.87
Do	Philadelphia Electric Company		
Do	Presbyterian University Hospital	3,750.00	1,182.87
Do	Public Financial Management	18,000.00	2,065.61
Do	Systems Control, Inc	23,775.00	828.05
Do	Thomas Jefferson University Hospital	3,750.00	1,182.87
Do	University of Pennsylvania	22,500.00	2,908.68
Dennis L. Wojtanowski, 10 West Broad Street, #1360 Columbus, OH 43215	American Electric Power Service Corp		
Henry C. Wolf, 3 Commercial Place Norfolk, VA 23510	Norfolk Southern Corp		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	4,000.00	
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	3,200.00	368.59
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group	62.59	
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	371.30	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	2,500.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	360.25
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,500.00	147.56
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	208.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,800.00	
Harris S. Wood, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Oil & Gas Co		
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,114.00	24.38
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	2,000.00	30.00
Mark E. Woodbridge, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S. Arab Chamber of Commerce		
James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618	Teco Energy, Inc	16,750.00	3,910.49
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,315.00	
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	164.00
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			2,000.00
World Federalist Association, 418 7th Street, SE Washington, DC 20003		20,000.00	7,841.50
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 1700 Huntington Building Cleveland, OH 44115	Centerior Energy Corp, et al.	15,000.00	9,053.80
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	475.65	55.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,960.00	116.00
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Association of American Railroads	1,249.95	73.80
Do	Avis Rent A Car System, Inc	4,368.75	147.23
Do	Investment Company Institute		
Do	Shell Oil Company		
Do	Westinghouse Airship Industries	4,600.00	397.00
Tracy Wurzel, 600 Maryland Ave, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	74.58
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	400.00
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	3,250.00	
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	575.00	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John W. Yago, 5101 River Rd. Bethesda, MD 20816	American Road & Transportation Builders Assn	15,937.50	
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, 599 Research Parkway P.O. Box 1030 Attn: Steve Piascik Meriden, CT 06450			2,799.87
Mary J. Yarrington, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	4,189.00	
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	3,826.60	228.60
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	12,201.56	100.86
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	248.05
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	5,616.00	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	115.20
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Penny L. Young, 7101 Wisconsin Avenue Bethesda, MD 20814	National Burglar and Fire Alarm Assn		22.68
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,310.00	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	182.91
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Barbara C. Zadina, 12500 Fair Lakes Circle Fairfax, VA 22033	Orbital Sciences Corporation	197.00	153.00
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Paulette Zakrzeski, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	16,625.00	211.56
Paul j. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Janice Zarro, 555 13th Street, NW, #1050——East Washington, DC 20004	Mallinckrodt Medical, Inc		
Renee E. Zavoico, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,524.75
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	811.47
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	182.16
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents & Teachers		2,952.14
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	2,031.30
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insitiue	9,000.00	1,840.84
David W. Zimmerman, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Northern Arapaho Indian Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	6,188.00	98.75
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,000.00	569.69
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	American Therapeutic Recreation Association	2,000.00	
Do	Dry Color Manufacturers Association	15,000.00	
Do	Federal Express Corp	10,500.00	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	50.00	
Do	Kaman Diversified Technologies	90.00	
Do	Woods Hole Oceanographic Institution	90.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1992 were received too late to be included in the published reports for that quarter:

(Note.—The form used for reporting is reproduced below. In the interest of economy in the Record, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER ______

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	13,000.00	15,930.57
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	7,294.94
Do	Reclamation District 1000		
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	800.00
Access Technology Association, 1747 Pennsylvania Ave., NW, Suite 205 Washington, DC 20006	Access Techonology Association		
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	3,038.00	
L. Wayne Addison, 5404 55th Place Riverdale, MD 20737			
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
John Aguirre, 1401 New York Avenue, NW Washington, DC 20005	National Food Processors Assn	600.00	100.00
Air Transport Assn of America, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707		211,858.59	211,858.59
Albanian American Civic League, 717 Second Street, NE, #303 Washington, DC 20002		3,090.00	
Laura L. Allendorf, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Soc of Internal Medicine		
Alliance to Save Energy, 1725 K Street, NW, #914 Washington, DC 20006			
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Margaret S. Almond, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp		
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,800.00	174.69
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	266.50
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			7,750.00
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		2,182.31	2,182.31
American Arts Alliance Action League, Inc, 1319 F Street, NW, #500 Washington, DC 20004-1151			11,247.97
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		26,394.00	26,394.00
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			2,050.00
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		4,240.00	5,103.97
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		5,371.00	118.12
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036		2,500.00	
American Game Bird Breeders' Federation, 1155 East 4780 South Salt Lake City, UT 84117		455.00	140.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		25,039.00	25,039.00
American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001		266,301.30	266,301.30
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		242,953.88	242,953.88
American Soc of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030			1,443.32
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly Anderson & Associates, Inc) (For:SICPA Industries of America, Inc)		
Do	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Richard F. Anderson, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	20.00	10.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Central States SE & SW Areas Health Welfare & Pension Funds	44,731.34	1,081.95
Do	Guardian Life Insurance Co of America	22,080.62	994.18
Do	National Field Selling Assn		
Do	Video Software Dealers Assn	17,469.98	1,404.49
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		10,594.00	10,594.00
John A. Armstrong, c/o Rogers & Wells 1737 H Street, NW Washington, DC 20006	Dofasco, Inc		
Karen McGill Arrington, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	3,130.86	
Asbill Junkin Myers & Buffone, 1615 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	7,350.00	8,050.25
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		3,000.00	
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		18,459.00	18,459.00
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036			532.26
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition	217.50	1,500.42
Do	Maritime Fire and Safety Assn	6,385.75	189.71
Do	Oregon Economic Development Dept, Marine Div	7,363.22	25.55
Do	Pacific Coast Coun of Custom Brokers & Freight Forwarders	4,097.25	2,428.63
Do	Port of Portland	11,250.00	1,667.70
Do	Port of Redwood City	5,913.50	178.97
Do	Reebok International Ltd	24,914.75	4,152.35
Judith Auerbach, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		106.10
Frank W. Ault, 2009 North 14th Street, #101 Arlington, VA 22201	American Retirees Assn	3,750.00	3,676.00
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	2,029.46
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		1,807.50	1,807.50
Automotive Refrigeration Products Institute, 4600 East-West Highway Bethesda, MD 20814			
John S. Autry, 1146 19th Street, NW Washington, DC 20036	Susan Davis Companies	12,000.00	432.61
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	American Maritime Congress		
Do	American Red Cross		
Do	Canadian Meat Council		
Do	City Utilities of Springfield		17.60
Do	Colorado River Energy Distributors		8.00
Do	Fujisawa USA, Inc	3,040.00	
Do	Heart of America Northwest	3,082.50	8.00
Do	Hoffmann-La Roche Inc		
Do	Missouri Joint Municipal Electric Utility Commission		
Do	Pasminco	35.00	
Do	Philip Morris Companies, Inc		
Do	Sacramento Municipal Utility District		
Do	Southern California Public Power Authority		10.00
Do	State Farm Mutual Automobile Insurance Co	4,780.00	28.00
Do	Tennessee Valley Public Power Assn		
Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn (IHPA)	4,550.00	214.65
William A. Bailey, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,000.00	121.15
Bailey Morris & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Health Insurance Assn of America		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Chemed Corporation		
Do	Flexi-Van Leasing/Pacific Holding Company	4,000.00	4,000.00
Do	Hyatt Corp		
Do	Soap and Detergent Association	7,380.00	155.75
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Argo Air		
Do	Braniff		
Do	Bremmer Industries		
Do	Burger King Corp	112.50	
Do	Communications Counsel, Inc	7,465.00	
Do	Contel Corp		
Do	Dallas/Fort Worth International Airport Board	2,482.00	
Do	Day & Zimmerman, Inc	1,260.00	
Do	Dinamo		
Do	Duty Free International, Inc	112.50	
Do	Electric Data Systems, Inc	135.00	
Do	Federal Express Corp	5,430.00	
Do	Grand Metropolitan, Inc	982.50	
Do	Hashemite Kingdom of Jordan	4,170.00	
Do	International Business Machines Corp (IBM)		
Do	Interturbine Corporate	56.25	
Do	Landauer, Inc		
Do	Los Angeles County Transportation Commission	11,175.00	82.31
Do	Morrison Knudsen Corp	1,950.00	
Do	National Business Aircraft Assn	1,395.00	
Do	National Soft Drink Assn	1,267.50	
Do	North Carolina Air Cargo Airport Authority	900.00	
Do	Occidental Petroleum Corp	67.50	
Do	Pennzoil Co		
Do	Pillsbury Company	2,542.50	
Do	Pratt & Whitney	112.50	
Do	Ryder Aviall, Inc		
Do	Schering-Plough Corp	4,035.00	
Do	Southern California Edison Co		
Do	U.S. Sprint/Contel	5,280.00	95.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Tobacco, Inc	3,285.00	
Do	Waste Management, Inc		
Elizabeth Baldwin, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	1,000.00	
Helen M. Ball, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Halliburton Co	2,981.25	44.80
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	730.16	
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	5,000.00	
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Linda W. Banton, 1331 Pennsylvania Ave. NW, Washington, DC 20004	General Electric Company	1,540.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	College Football Association		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	2,675.00	
Do	National Hockey League	900.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	6,312.58	673.70
Gary C. Barbour, 507 2nd Street, NE Washington, DC 20002	Portland General Electric		151.85
Leslie A. Barhyte, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	5,000.00	233.35
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Abbott Laboratories	1,635.25	84.47
Do	J.G. Durand International	1,550.06	93.46
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee	59.00	26.00
Do	Marion Merrell Dow, Inc	1,825.75	230.06
Do	Miles, Inc	4,989.18	77.91
Do	MFC Corporation		91.33
Do	Polaroid Corp	15,374.30	290.91
Larry P. Barnett, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	18,557.44	
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Kenneth R. Barrett, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Thomas S. Barrett, 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	987.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	750.00	
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	1,120.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	11,140.00
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	Americans for Peace		
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	7,875.00	
Do	Society for the Advancement of Women's Health Research	1,000.00	
Do	Women's Legal Defense Fund	3,000.00	106.39
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	2,000.00	1,201.27
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Alameda County Transportation Authority).		
Do	Richard J. Sullivan Associates, Inc (For:American Airlines)		
Do	Richard J. Sullivan Associates (For:Association of American Railroads)	4,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Greater Washington Board of Trade)	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)		
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	1,000.00	
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore	11,515.00	434.97
Robert R. Belair, 1800 M Street, NW South Lobby, 9th Floor Washington, DC 20036	Kirkpatrick & Lockhart (For:Center for Civic Education)		
Do	Kirkpatrick & Lockhart (For:Constitutional Rights Foundation)		
Do	Kirkpatrick & Lockhart (For:National Institute for Citizen Education in the Law)		
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	62.95	549.92
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Bruce Bennett, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	1,208.40	30.00
Jodean Robbins Bens, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,593.75	344.40
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Peter M. Berkery Jr., 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	2,000.00	
Rachelle B. Bernstein, 1666 K Street, NW Washington, DC 20007	Arthur Andersen & Co (For:Protestant Episcopal Church Foundation of Diocese of Okla.).		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Rah Bickley, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electonic Industries Assn	750.00	
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Debbie Billet-Roumell, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	13,651.75	1,675.85
David R. Bird, P.O. Box 11898 201 South Main Street Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Kelli Birtwell, 2012 Massachusetts Avenue, NW Washington, DC 20036	National Fed of Business & Professional Women's Clubs		
Cathleen Black, Box 17407 Dullas Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	240.44
David Bley, 1501 4th Ave., 19th Floor Seattle, WA 98101	Federal Home Loan Bank of Seattle	8,750.00	1,494.49
Patricia Blood, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	1,826.00
Wayne F. Boan, 13525 East 30th Street, Unit B Tulsa, OK 74134	Employers Council on Flexible Compensation	200.00	
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,875.00	
Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036	Time Warner, Inc	16,000.00	10,359.30
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	4,500.00	278.49
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ravenswood Aluminum Corp)		
Judith Bonderman, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc		
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	United Illuminating Co	4,605.00	
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	
Betty Hudson Bowers, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	126.26
Michael Bowers, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,960.00	
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Bowmer Courtney Burleson Normand & Moore (For:Naman Howell Smith & Lee (for: Temple Junior College)).		
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Namen Howell Smith & Lee (for Temple Junior College)		1,048.75
Lavinia Boxill, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	1,960.00	
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Paul Boyle, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	7,000.00	535.12
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Dennis M. Bradshaw, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Federal Strategies (For:American Independent Refiners Assn)	232.50	277.60
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).		
Do	Federal Strategies, Inc (For:Consolidated Natural Gas Co)	1,433.75	200.00
Do	Legislative Strategies (For:Donohue & Associates, Inc)	1,162.50	200.00
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))	271.25	50.00
Do	Legislative Strategies (For:Tosco Corp)		
Robert M. Brandon, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	1,660.00	289.00
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	750.00	825.00
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	6,000.00	
David C. Brown, 2100 Pennsylvania Ave., NW, #675 Washington, DC 20037	Philadelphia Electric Company	2,000.00	3,247.64
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Jerry M. Brown, Post Office Box 1321 Springfield, VA 22151	Bio-Technology General Corporation	6,000.00	600.00
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	900.00	600.00
Lori D. Brown, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	1,017.00	88.00
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Western Union Financial Services, Inc		
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	631.25	5.98
Do	Blood Center of Southeastern Wisconsin	331.25	
Do	Children's Hospital of Wisconsin	4,920.00	377.71
Do	EDS Corp	3,993.75	20.55

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Meehan Seaway	100.00	
Do	Milwaukee Area Technical College	4,450.00	89.79
Do	Milwaukee Metropolitan Sewerage District	640.00	94.15
Do	Oneida Nation	36.177.98	1,864.08
Do	Plumbers Local #75		
Do	PrimeCare Health Plan	403.75	171.14
Do	Specialty Vehicle Institute of America	100.00	2.35
Do	Waste Management, Inc	7,386.34	976.82
Do	Watertown Memorial Hospital	100.00	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	537.00	6.00
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		36.00
Betsy Buffington, 938 Sumner Sheridan, WY 82801	Sierra Club	180.00	220.81
Thomas J. Bulger, Government Relations, Inc 1050 17th Street, NW, #510 Washington, DC 20006	County of Fairfax	32,300.00	25,844.32
Do	County of San Mateo	15,000.00	11,165.95
Do	Metropolitan Transportation Commission	26,749.98	21,168.25
Do	Oakland County	9,116.75	5,506.40
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		73,000.25	2,575.00
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,700.00	311.00
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston		
Do	Federal Home Loan Bank of New York		
Do	Savings Bank of the Finger Lakes	1,500.00	
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	6,000.00	
Do	Citizens Financial Group, Inc		
Do	Dime Savings Bank of New York	1,500.00	
Do	Drayton Company		
Do	Edison Electric Institute		
Do	Federation for American Immigration Reform	500.00	
Do	Household International	12,000.00	
Do	NVR Savings Bank	2,000.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Assn of New York State	2,000.00	
Do	Savings Banks Life Insurance Fund	1,500.00	
Do	Texas Savings & Loan League	1,500.00	
Kenneth W. Butler, 4350 North Fairfax Drive Arlington, VA 22203	Capital Partnerships, Inc (For:Association of American Railroads)	7,083.33	1,062.50
BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006			5,031.00
C & C Consulting Group, Inc, 210 Cameron Street Alexandria, VA 22314	Advanta Corp	15,000.00	279.60
Do	EG&G/Dynatrend, Inc	7,500.00	
Do	Jones Motor Company		
Do	Kansas Gas & Electric Co, Inc	15,000.00	29.62
Do	MacAndrews & Forbes Holdings, Inc	15,000.00	4.59
Debra Cabral, 608 Massachusetts Avenue, NW Washington, DC 20002	Nutter & Harris (For:Children's Health Systems, Inc)	1,750.00	20.00
Do	Jefferson Group (For:Childrens Health System, Inc)		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	119.36
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160 Japan			
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	404.37
John C. Callihan, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	60,000.00	1,688.00
Do	Embassy of Nicaragua	10,500.00	1,688.00
Do	Estna Center	22,889.00	844.00
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	McDermott Bonenberger McDermott & Gallaway	15,000.00	17,279.36
Paul A. Cammer, 1225 19th Street, NW Suite 300 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)		
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp		47,203.00
Candlelighters, 123 C St., SE Washington, DC 20003			
Richard R. Cape, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Capital Partnerships, Inc, 4350 North Fairfax Drive, #530 Arlington, VA 22203	Association of American Railroads	7,083.33	1,062.50
Do	ATC Management Corporation	30,000.00	5,814.38
Do	International Taxicab and Livery Association	1,915.00	287.25
Do	RADAR	16,445.00	2,466.75
Do	Tranyst Canada, Inc		
Capitol Strategies, Suite 875 1747 Pennsylvania Ave., NW Washington, DC 20006	Equitable Capital Management Corp		235.75
Do	Equitable Life		
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,662.00	
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Government of Puerto Rico)	520.00	
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)	260.00	
William Carney, 217 3rd St., SE Washington, DC 20003	American Nuclear Energy Council	10,000.00	
Do	Edison Electric Institute	10,000.00	
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	American Fisheries Coalition		
Charles T. Carroll, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	650.00	
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	785.00	
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	422.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,600.00	1,681.63
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Michigan Technological University		
John J. Castellani, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	2,500.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	4,500.00	2,248.00
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	17,550.00	2,373.42
Cement Kiln Recycling Coalition, 1101 30th Street, NW 5th Floor Washington, DC 20007			
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	11,900.00	
Center for Law and Education, Inc, 955 Massachusetts Ave., #3A Cambridge, MA 02139		297,285.49	79.01
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Megan Chambers, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	1,000.00	14.70
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For:Society for Nutrition Education)	3,000.00	1,566.65
Patricia A. Cheaure, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)	95.00	135.00
Christopher Chiames, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	13,939.19	
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		6,582.75	6,149.06
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		12,190.00	15,719.00
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
James F. Clark, P.O. Box 2l2ll Juneau, AK 99802-1211	Alaska Loggers Assn		
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Metromedia Communications	124,999.98	
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	17,051.99	
Coalition for an Undercharge Relief Bill, 2020 Pennsylvania Ave., NW, #626 Washington, DC 20006		26,500.00	3,977.00
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		120,368.00	65,213.00
Lisa M. Cody, 11600 Sunrise Valley Drive Reston, VA 22091	American Newspaper Publishers Assn	180.00	32.95
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	City of Globe	74.00	
Do	Sacks Tierney Kasen & Kerrick (For:City of Tucson)	1,209.00	
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,445.00	990.06
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	9,687.90	110.11
Committee for America's Copyright Community, 1317 F Street, NW, #600 Washington, DC 20004			
Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		79,708.00	63,775.00
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		21,392.02	21,392.02
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			1,381.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	1,807.50	
Do	Automotive Refrigeration Products Institute		
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	4,977.58	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	15.00
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		137,571.25	4,085.63
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		116,335.00	113,044.00
Edmund D. Cooke, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For:United Funding & Investors)		
Edward Cooney, 1875 Connecticut Ave., NW, #24 Washington, DC 20009	Food Research & Action Center	1,987.48	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	10,300.00	
Chuck Corbett, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' National Assn		
Tom Corcoran, O'Connor & Hannah 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404	Wallace Associates Corp		
Maria C. Cordone, 1300 Connecticut Ave, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	15,896.35	619.86
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	8,814.12	
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		12,483.00	12,712.00
Cheryl Countess, 1820 Harvard Street, NW, #302 Washington, DC 20009	Washington Office on Africa	9,287.46	
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Coursen Group (For:Air Products and Chemicals, Inc)		
Do	Coursen Group (For:Amdahl Corp)		
Do	Coursen Group (For:American Hispanic Owned Radio Assn)		
Do	Chase Communications, Inc		
Do	Coursen Group (For:Community Antenna Television Assn)	500.00	
Do	Continental Cablevision, Inc		
Do	Coursen Group (For:Glenfed, Inc)		
Do	Handgun Control, Inc		
Do	Hauser Communications, Inc		
Do	International Balloon Assn		
Do	Coursen Group (For:IDB Communications Group, Inc)		
Do	Coursen Group (For:Pacific Bell)		
Do	Coursen Group (For:Pacific Telesis Group)		
Do	Coursen Group (For:Telecommunications Industries, Inc)		
Do	Ten-Ten General Partnership		
Do	Coursen Group (For:United States Tobacco Company)		
Do	Coursen Group (For:Viv America Media Group)		
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	4,000.00
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	236.64	42.60
Do	Pacific Marine Fisheries Commission	10,209.57	349.10
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	5,919.84	75.16
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,563.00	1,170.38
Ken A. Crerar, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003	National Assn of Casualty & Surety Agents		4,900.51
Croatian-American Assn, 1912 Sunderland Pl., NW Washington, DC 20036-1608	Croatian American Assn	15,000.00	16,000.00
Crop Insurance Research Bureau, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		1,000.00	1,000.00
Enrique M. Cubillos, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English		
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	22,000.00	536.40
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,518.00	1,023.35
CRS, P.O. Box 118 Cold Spring Harbor, NY 11724-0118			
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Sharon M. Daly, 25 E Street, NW Washington, DC 20001	Children's Defense Fund		
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents		
Seth Davidson, 1742 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	4,368.75	216.77
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Alcoma Packing Company, Inc	160.00	
Do	American General Life Insurance Co	1,592.50	
Do	American Horse Council	1,080.00	
Do	Armco Steel Co	2,025.00	
Do	Bethlehem Steel Corp	2,025.00	
Do	Chicago Board of Trade	5,411.99	161.49
Do	Florida Power & Light	350.00	
Do	Florida Sugar Cane League, Inc		
Do	James Graham Brown Foundation		
Do	National Cattlemen's Assn	1,350.00	87.31
Do	National Council of Farmer Cooperatives		
Do	U.S. Sugar Corp	350.00	
Do	Underwriters of Lloyd's London		
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Immigration Services		
Do	Amex International, Inc		
Do	Edison Electric Institute		
Do	General Atomics	500.00	
Do	(For:Government of Sierra Leone)	4,300.00	
Do	Westinghouse Electric Corp		
Patricia Diaz Dennis, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	15,000.00	731.80
James L. Denson, 1250 Connecticut Ave., NW, #319 Washington, DC 20036	Allpoints International, Inc (For:Republic of Bophuthatawana)	5,000.00	82.24
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		14,541.12	14,541.12
Judith Martin Desarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	143.00	
Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006	Sterling Winthrop, Inc		
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Catholic Health Assn of the U.S.		
Do	Cellular Telecommunications Industry Assn	3,700.00	
Do	Digital Equipment Corp		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Electric Co		
Do	General Electric Pension Trust	1,500.00	
Do	General Reinsurance Corp		
Do	Glaxo, Inc		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc		
Do	Household International		
Do	McCormack Baron & Associates		
Do	McCown De Leeuw & Company		
Do	Morgan Stanley Group, Inc		
Do	Motion Picture Assn of America	281.25	10.00
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	PacifiCorp Financial Services	3,750.00	
Do	Piedmont Environmental Services	1,875.00	
Do	Potomac Capital Investment Corp	3,750.00	
Do	Primerica, Inc		
Do	Prudential Insurance Co of America	281.25	
Do	Semiconductor Industry Association	2,595.00	
Do	SEMATECH	812.50	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports	385.00	
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	9,375.00	
Do	United States Surgical Corporation		
Do	US Golf Association	2,250.00	
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp	3,750.00	
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	10.00
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, suite 610 Washington, DC 20004	Tenneco Gas		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Conference of National Park Concessioners)		
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co, Inc		438.51
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League		292.00
Hollye Cappleman Doane, 1725 DeSales Street, NW, #800 Washington, DC 20036	National SSC Coalition		
Nancy A. Donaldson, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	1,257.00	187.53
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	3,541.67	
Donohue & Associates, Inc, 11240 Waples Hill Road, #100 Fairfax, VA 22030			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	National Council of Chain Restaurants		
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Canadian Committee for National Treatment		
Do	Cox Enterprises, Inc, et al.		
Do	Directors Guild of America		
Do	Dofasco, Inc, et al.		
Do	Home Shopping Network, Inc	2,739.50	
Do	Johnson-Simmons Co		
Do	Life Care Services Corp		
Do	Marriott Corporation	9,130.00	
Do	Northwest Airlines, Inc		
Do	Profit Sharing Council of America	625.00	94.29
Do	Stelco, Inc	450.00	39.00
Do	Washington Area Bankers Assn		
Do	Worldspan		
Lorraine Driscoll, 1120 - 19th Street, NW, #630 Washington, DC 20036	Citizen Action Fund	510.00	142.00
Elliott N. Dritch, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research (AMFAR)	1,458.34	48.50
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	706.73
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	650.00	
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Association of Oil Pipe Lines	15,000.00	66.37
Do	Audubon Institute	20,000.00	855.50
Do	Chickasha Cotton Oil Co	8,000.00	358.52
Do	Citgo Petroleum Corp	45,762.00	1,897.22
Do	Coalition for Economic Recovery	40,000.00	4,034.74
Do	Communications Satellite Corp	15,000.00	315.14
Do	Council for Solid Waste Solutions	170,000.00	909.86
Do	CYCLEAN, Inc	15,000.00	706.59
Do	DSC Communications Corp	25,712.50	2,830.40
Do	Earth Observation Satellite Co	30,000.00	631.04
Do	Haldor-Topsoe, Inc	40,000.00	1,417.76
Do	Hart-Culp International		
Do	International Arid Lands Consortium		
Do	International Telecharge, Inc	60,000.00	515.00
Do	Jewish National Fund	15,000.00	3,156.98
Do	National Accrediting Comm of Cosmetology Arts & Sciences	30,000.00	898.04
Do	National Cellular Resellers Assn	33,333.30	457.91
Do	PacifiCare Health Systems	67,500.00	1,971.99
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	12,000.00	100.12
Do	Rmax, Inc		
Do	Satellite Broadcasting & Communications Assn	15,000.00	646.61
Do	Sims Walker (For Creditors Alliance for Freight ...)	20,964.62	851.15
Do	SICPA Industries of America, Inc	40,000.00	362.01
Do	Tiregator, Inc		
Do	Waste Conversion Systems, Inc		
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	McNair Group, Inc (For:Harmon Industries, Inc)	13,898.36	13.00
Do	McNair Group, Inc (For:Puerto Rico Ports Authority)	3,383.74	22.79
Do	McNair Group, Inc (For:State of Hawaii/Dept of Transportation)		54.28
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Barge Transport, Inc		
Do	Bender Shipbuilding & Repair Co, Inc	11,167.00	198.42
Do	MH Systems, Inc		
Do	National Steel & Shipbuilding Co	11,778.00	60.65
Do	T/2 Medical, Inc	1,125.00	47.03
Robert Eaves, 2214 Paddock Way, #900 Grand Prairie, TX 75050	Allied Pilots Association		502.20
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	10,725.40	2,330.11
Robert Edgell, 7900 Westpark Drive, Suite A320 McLean, VA 22102	American Fed of Government Employees	3,634.00	
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling		
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Community Antenna Television Assn, Inc	15,000.00	75.00
Albert A. Eisele, 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Cornerstone Associates, Inc		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc	375.00	168.68
Electronic Industries Assn, 2001 Pennsylvania Avenue, NW Washington, DC 20006			
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	17,473.83	380.61
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005			100.64
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Ronald K. Ence, One Thomas Circle, NW, #950 Washington, DC 20005-5802	Independent Bankers Assn of America	21,825.00	478.43
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	159.00	
J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103	Associated Wire Rope Fabricators		2,753.17
David Eppler, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	4,830.00	
Cheryl Anthony Epps, 1110 North Glebe Road, #200 Arlington, VA 22201	International Assn of Chiefs of Police	11,545.86	1,604.29
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Clark County Nevada	15,997.50	205.15
Kenrick Fealing, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,287.00	203.75
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			383.93
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			
Claudia Feller, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress		
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Dillingham Construction Group	7,826.56	771.38
Do	Global Marine, Inc	3,625.00	716.35
Do	Haida Corporation	6,237.50	758.73
Do	Northern Air Cargo	3,750.00	714.41
Do	U.S. Borax & Chemical Corp	3,343.75	736.38
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	299.61	
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade		
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	1,466.50
Do	Hyjek & Fix, Inc (For:MSI Defence Systems)	975.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	1,750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	4,669.20
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Foreman & Heidepriem, 1112 16th Street NW, #750 Washington, DC 20036	United Food & Commercial Workers Int'l Union	3,380.00	404.26
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques	200.00	
Do	Bremer Vulkan Aktiengesellschaft		
Do	Commerzbank Aktiengesellschaft	200.00	
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	741.36
Phillip L. Fraas, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:First South Production Credit Assn)	2,104.50	
Do	McLeod Watkinson & Miller (For:National Milk Producers Federation)	297.00	
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.	18,750.00	6,850.00
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	127.00	
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	430.00	
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	1,000.00	97.13
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	610.47
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Basic Management, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Central Basin Municipal Water District	2,500.00	
Do	Central Utah Water Conservancy District	5,000.00	
Do	Odyssey International, Inc		
Do	Riverside Resort Hotel & Casino		
Do	South Dade Land Corp	4,500.00	
Do	Spelman & Co		
Do	West Basin Municipal Water District	37,500.00	
Harold W. Furman II, 818 Connecticut Avenue, NW, #1020 Washington, DC 20006	Collier Shannon & Scott (For:Basic Management, Inc)		
Do	Collier Shannon & Scott (For:Central Basin Municipal Water District)		
Do	Collier Shannon & Scott (For:Central Utah Water Conservancy District)		
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)		
Do	Collier Shannon & Scott (For:Odyssey International)		
Do	Collier Shannon & Scott (For:Riverside Resort & Casino)		
Do	Collier Shannon & Scott (For:South Dade Land Corp)		
Do	Collier Shannon & Scott (For:Spelman & Co)		
Do	Collier Shannon & Scott (For:West Basin Municipal Water District)		
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	National Coalition of Burn Center Hospitals	5,000.00	659.68
Do	Songwriters Guild of America	2,500.00	418.64
Wayne Gable, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn	750.00	
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composite Fabrication Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Kathleene E. Gallegos, 1155 15th Street, NW, #400 Washington, DC 20005	McNair Group, Inc (For:Hercules Aerospace Company)	600.00	
Carlos Galvis, Cmp Group, Inc. 7315 Wisconsin Ave., #525w Bethesda, MD 20814	Tenant Owned Apartment Assn, Inc	180,100.00	306,699.52
Patrick J. Garver, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
W. Mark Gavre, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management		
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	American Soc for Personnel Administration		
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,136.25	
Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233			500.00
Michelle Gibson, 1101 30th Street, NW, #500 Washington, DC 20007	Cement Kiln Recycling Coalition		
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	10,800.00	1,296.93
Maureen Gilman, 901 E St., NW, #600 Washington, DC 20004	National Treasury Employees Union	19,250.00	789.76
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	540.00	
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,483.00	
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	International Mobil Machines Corp		
Do	U.S. Telephone Assn		
Donna Siss Gleason, 1146 19th Street, NW Suite 700 Washington, DC 20036	The Susan Davis Companies	10,500.00	
Katherine Gleeson, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	246.00	
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp	96.00	
Do	Fanuc, Ltd		
Do	Hitachi, Ltd		
Do	Hyundai Motor America	300.00	
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation	270.00	
Do	Murata Machinery, Ltd		
Do	South Louisiana Port Commission		
Horace D. Godfrey, 910 16th St., NW, S-402 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850			
Andrew Goldfarb, c/o Leadership Conference on Civil Rights, 2027 Massachusetts Avenue, NW Washington, DC 20036	Leadership Conference on Civil Rights	4,500.00	21.84
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	7,067.20	373.80
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Southern Pacific Transportation Co.		
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	50.00
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,434.28	
William J. Gordon, 1401 Eye St., NW, #200 Washington, DC 20005	Pacific Resources, Inc	500.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	30,000.00	2,304.02
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	248.88	231.49
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	239.06	
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,627.25	4,293.46
Augusto F. Grace, 13 Skilton Lane Burlington, MA 01803	Gadsby & Hannah (For:National Bankers Assn)		
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Kevin Grant, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Assn	2,000.00	29.16
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	10,070.19	
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)		
Neil A. Gray, 1776 Massachusetts Ave., NW, #500 Washington, DC 20036-1993	Highway Users Federation	2,800.00	73.00
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		2,550,027.00	59,335.00
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Isiah Carl Green, 8154 Talton Houston, TX 77078		9,375.00	
Wayne Green, Forest Road Hancock, NH 03449	73, Inc		
David I. Greenberg, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	55.00
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,586.00	1,247.30
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	500.00	
Greyhound Lines, Inc, 1000 Vermont Avenue, NW, #400 Washington, DC 20005-4903			20,200.00
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc		
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	Association of American Cancer Institutes		
Do	Cooley's Anemia Foundation		
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	DocuSource		
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Health Information Management Assn	5,000.00	
Do	Baxter Healthcare Corp-Renal Division	3,750.00	
Do	National Assn of Medical Directors of Respiratory Care	7,000.00	26.39
Do	Puritan Group-Puritan Bennett Corp	2,500.00	
Joanna Carol Hadley, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	5,685.00	552.58
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,433.00	
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	American Mining Congress	40.00	
Angelynn Hall, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	16,560.10	
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	994.00	118.89
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	948.67
Maurice E. Halsey, F.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Gregory L. Hammond, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016	National Staff Leasing Assn		
William A. Hanbury, One Lincoln Center, #1180 Syracuse, NY 13202	Hanbury & Associates (For:Oneida Indian Nation)	1,350.55	1,350.55
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,389,141.00	485,662.00
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		44.22
Sandra K. Harding, 7981 Eastern Avenue Silver Spring, MD 20910	National Assn of Social Workers	9,347.00	
Harker Firm, 5301 Wisconsin Ave., NW, #740 Washington, DC 20015	International Bottled Water Assn	34,896.47	34,896.47
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	240.30
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Robert L. Harris, 608 Massachusetts Ave., NE Washington, DC 20002	Nutter & Harris (For:Aluminum Assn)	1,000.00	25.00
Do	Jefferson Group (For:Childrens Health Systems, Inc)		
Do	Nutter & Harris (For:Plum Creek Timber Company)	1,000.00	25.00
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Laura A. Havens, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
Mark F. Haynes, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	5,000.00	443.25
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Assn of Americas Public Television Stations	719.23	55.85
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn		86.80
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		116.00	116.00
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
John Heissenbuttel, 1250 Connecticut Ave., NW, #320 Washington, DC 20036	American Forest Council		
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	2,692.71
Keith E. Henderson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc		
Margaret C. Henry, 1410 Q Street, NW Washington, DC 20009	Hamilton Securities Group, Inc		
M. Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	100.51
James W. Hiney, 6538 Bay Tree Court Falls Church, VA 22041	Noise Cancellation Technologies, Inc	2,000.00	24.00
Maureen K. Hinkle, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		2,872.00
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth	535.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		84.50
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	11,558.56	948.36
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	4,805.31	
Everett Boyd Hollingsworth Jr., 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	3,000.00	105.00
Mark Hopkins, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Farm Credit Bank of Texas	77,394.75	7,341.11
Do	Gulf Citrus Growers Assn, Inc	13,208.32	1,339.12
Do	Pizza Hut, Inc	6,562.50	1,354.12
Do	Soap & Detergent Assn	1,812.50	
Do	U.S. Sugar Corp	8,000.00	1,494.26
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	919.00	
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	50.00
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Terry D. Hudgins, P.O. Box 53999 Station 9978 Phoenix, AZ 85072-3999	Arizona Public Service Company	12,286.00	
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Michael Hugo & Associates, Inc (For:Warner-Lambert Co (For: Degradable Plastics)).	180.00	15.00
Do	Michael Hugo & Associates, Inc (For:Warner-Lambert Co (For: Pharmaceutical Industry)).	4,000.00	
B. Jeanine Hull, 1667 K Street, NW, #585 Washington, DC 20006-1605	LG&E Power Systems, Inc		11,160.65
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	895.00	
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	24,175.01	
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	8,275.02	127.72
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Edison Electric Institute	1,155.00	30.00
Do	Long Island Lighting Co	1,000.00	
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	9,420.00	266.00
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores		
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	575.00
Do	Hyjek & Fix, Inc (For:MSI Defence Systems)	975.00	912.98
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	1,750.00	1,689.27
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Randal H. Ihara, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20002	CSX Corp	3,000.00	290.73
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	Agricultural Producers		
Do	American Council on International Personnel (ACIP)	4,656.90	340.78
Do	American Immigration Services (AIS)		
Do	Circuses, et al		
Do	Citicorp/Citibank		
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)	531.25	
Do	Fragomen Del Rey & Bersen, P.C. (for IBM)	281.25	
Do	Information Technology Assn of America (ITAA)		
Do	Irish Immigration Reform Movement (IIRM)	187.50	20.43
Do	McDonald's Corp		
Do	The Search Group, Inc		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		4,350.00	4,350.00
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		15,194.00	15,194.00
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Institute of International Bankers, 299 Park Avenue New York, NY 10171			88,282.97
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		171,980.74	171,980.74
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			46,912.41
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006			
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			9,000.00
Richard Munroe Irby III, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	4,000.00	
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,456.00	863.36
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	18,000.00	
Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	12,216.75	
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Kelleen W. Jackson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	American Psychiatric Assn	1,414.00	535.92
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	3,221.70
Valerie J. James, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	3,630.00	47.68
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		19,428.00	7,733.00
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	Computer Sciences Corp	6,000.00	
Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	919.00	
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagnosis		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Land Title Assn	1,978.90	
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	Independent Insurance Agents of America, Inc	9,205.90	
Do	International Soc for Hybrid Microelectronics		
Do	MCI Communications Corp	550.00	
Do	National Assn of Casualty & Surety Agents	4,492.40	
Do	National Assn of Life Underwriters	3,546.40	
Do	National Assn of Professional Insurance Agents	3,546.40	
Do	National Assn of Surety Bond Producers		
Do	National Glass Assn		
Dallin W. Jensen, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Valerie Jewett, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	3,625.00	550.00
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences		
Nancie Schalk Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	320.00	
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Coldwell Banker Real Estate Group	500.00	79.63
Barbara W. Johnston, 1401 I Street, NW, #200 Washington, DC 20005	BHP-UTAH International, Inc		113.32
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	1,500.00	873.15
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	South Central Bell Telephone		
Do	United Companies Financial Corporation		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Affiliated Computer Systems, Inc	2,892.00	
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	International Shipholding Corp	975.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
James L. Kane Jr., 1315 Vincent Place McLean, VA 22101			
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	69.63
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	18,018.00	445.00
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Cambridge Redevelopment Authority		
Do	Humane Society of the U.S., et al.		
Do	Iroquois Gas Transmission Systems		
Do	National Venture Capital Assn		
Do	Thermedics, Inc		
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	11,040.00	3,468.32
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Ltd)	2,000.00	35.70
Do	Karalekas & McCahill (For:American Retirees Assn)	5,000.00	30.15
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)	2,400.00	
Do	Karalekas & McCahill (For:National Liquor Stores Assn)		
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery	1,437.00	6.32
Amy L. Kardell, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	900.00	
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Dovenmuehle Mortgage, Inc	7,263.75	2,565.03
Do	Electric Generation Association	5,010.00	2,457.40
Do	Environmental Tax Policy Alliance		
Do	Future Water International	1,023.75	361.51
Do	Illinois Housing Development Authority	3,217.50	1,136.19
Do	Intercargo Insurance Co	4,631.25	1,635.42
Do	Jewelers of American	10,091.25	3,563.50
Do	National Assn of Independent Colleges & Universities	4,582.50	1,618.21
Do	Northwestern Memorial Hospital		
Do	Regional Transportation Authority		
Do	Software Publishers Assn		
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	807.69	351.52
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	City of Newport Beach		
Do	Jonsson Communications Corporation	525.00	525.00
Do	Kraft, Inc	2,415.98	2,415.98
Do	Londontown Corporation	375.00	375.00
Do	Morgan Guaranty Trust Co of New York	3,600.00	3,600.00
Do	Pepsico		375.00
Do	Spanish Broadcasting System	2,100.00	2,100.00
Do	U.S. Industrial Fabric Institute		
Do	United Television, Inc	937.50	937.50
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy		
Do	General Instrument Corporation		
Do	Group Health, Inc		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	578.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	Perdue Farms Inc	30,937.50	
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
John Paul Kennedy, 57 W. 200 S, #400 Salt Lake City, UT 84101	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		3,717.43
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	400.00	188.60
Patricia Cregan Kennedy, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	3,332.00	450.00
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	12,650.00	432.00
Daryl G. Kimball, 1000 16th Street, NW, #810 Washington, DC 20036	Physicians for Social Responsibility	3,633.50	
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	10,082.00	160.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Atlanta Committee for the Olympic Games (ACOG)		136.98
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Marcia Y. Kinter, 10015 Main Street Fairfax, VA 22031-3489	Screen Printing Assn International		
Michael G. Kirby, 2010 Corporate Ridge, #700 McLean, VA 22102	Capital Partnerships, Inc (For:Magnum Power Systems, Ltd)	9,000.00	1,350.00
Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp		
Kirkpatrick & Lockhart, 1800 M Street, NW 9th Floor, South Lobby Washington, DC 20036	Equifax, Inc	292.00	114.00
Do	National Court Reporters Assn		67.03
Do	Search Group, Inc	3,120.00	115.59
Douglas M. Kleine, 11479 Waterview Cluster Reston, VA 22090	Professional Assn Services		
William J. (Bill) Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	6,807.00	
Theodore Knappen, 1101 14th Street, NW, #1201 Washington, DC 20005	Greyhound Lines, Inc	20,000.00	
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	450.00	67.00
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,000.00	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	20.00	17.50
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	193.50	
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	130.38
Kirk Koepsel, 23 North Scott Sheridan, WY 82801	Sierra Club	926.25	1,144.03
Gary J. Kohn, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	18,450.00	1,139.36
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,750.04	103.02
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn	4,000.00	268.20
Timothy S. Kolly, 2805 Meadow Vista Drive Charlottesville, VA 22906	Worrell Enterprises, Inc		
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			82,965.28
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)	464.00	
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	4,000.00	
George J. Koufos, P.O. Box 420-07032050 Fairton, NJ 08320			
Van Z. Krikorian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	4,434.00	
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	709.31	
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	11,790.61	188.81
Thomas R. Kuhn, 701 Pennsylvania Ave., NW Washington, DC 20004-5475	Edison Electric Institute	2,637.36	166.00
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Allsup, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			40,999.40
Janice R. Lachance, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	3,504.00	
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc	16,500.00	105.00
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	176.16
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	125.00	475.13
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	7,654.00	1,340.52
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn of America's Public TV Stations	15,000.00	236.45
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,850.00	
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		82,091.10	50,970.35
Leadership Conference Education Fund, 2027 Massachusetts Ave., NW Washington, DC 20036			
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		
Franklin M. Lee, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
James B. Lee, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Kristen Lee, 2336 Ontario Road, NW Washington, DC 20009	Washington Office on Africa	733.35	
Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077	Federal Home Loan Mortgage Corp	2,050.00	1,422.00
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	500.00	18.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Legislative Strategies, 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	American Independent Refiners Assn	970.50	266.58
Do	Cogeneration & Independent Power Coalition of America, Inc		
Do	Consolidated Natural Gas Service Co, Inc	4,301.25	1,643.91
Do	Natural Gas Vehicle Coalition		
Do	State of New Mexico (Natural Gas Programs)	888.75	347.37
Do	SEC Donohue	3,487.50	1,332.90
Do	Tosco Corporation		
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,821.00	150.87
David R. Levinson, 1133 15th Street, NW, #1200 Washington, DC 20005	Office & Professional Employees Intl Union, Local 2, AFL-CIO	417.30	
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	600.00	
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	579.28	931.03
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	387.00
Liberty Council, c/o Eligio Castro P.O. Box 21544 University Station San Juan, PR 00931-1544			
Lawrence R. Liebesman, 10480 Little Patuxent Parkway, Suite 950 Columbia, MD 21044	Palisades Development, Inc, et al.		
Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Mozambique)	8,048.00	
Do	Bruce P. Cameron (For:Embassy of Nicaragua)	8,048.00	
Do	Bruce P. Cameron (For:ESTNA Center)	8,048.00	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	5,490.00	50.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,259.23	
Do	Northern States Power Company	5,767.25	
Do	State of Colorado, Dept of Highways	11,535.47	
Do	State of IL, Dept of Transportation		
Do	State of IL, Dept of Transportation, Div of Water Resources	33,198.45	
Do	Water Reclamation District of Greater Chicago	32,633.87	
Do	Wisconsin Electric Power Co		
Do	Wisconsin Power & Light Co	8,181.96	
Do	Wisconsin Public Service Corp	8,681.96	
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc	12,000.00	150.00
Do	Federal Record Service Corp		
Do	Health Trust, Inc	2,000.00	
Do	McDonald's Corp	3,000.00	
Do	National Rural Letter Carriers Assn	3,000.00	
Do	Pioneer Seed Co, Inc	2,000.00	
Do	Rolls Royce, Inc	30,000.00	120.00
Do	RJR Nabisco Washington, Inc	20,000.00	250.50
Do	Westinghouse Electric Corp		
Charles B. Little, 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	300.00	383.00
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	National Rural Electric Cooperative Assn		
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	3,250.00	1,337.09
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	8,300.00	967.48
Kathryn Looney, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn	875.00	47.70
Lord Day & Lord, Barrett Smith, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Lafarge Corporation	10,957.50	610.00
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	10,000.00	4,645.00
Gene A. Lucero, 633 West 5th Street, #3500 Los Angeles, CA 90071	Commercial Finance Assn (CFA)		
Do	Sidley & Austin (For:General Electric Capital Corp)		
Carla Luggiero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,754.67	137.31
Lukens, Inc, 50 South First Avenue Coatesville, PA 19320			
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,188.00	5,990.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	11,250.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	10,961.54	191.37
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	10,961.54	542.13
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)	10,961.54	542.13
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	16,401.75	16,879.47
Do	Kaibab Forest Products Company	15,428.10	16,688.10
Do	Northern Arizona University Foundation	15,000.00	17,387.23
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn		
Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	NEC Corporation	1,225.00	
Margaret A. Manthe, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	1,166.93	36.50
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,089.00	116.00
March for Life, Inc, P.O. Box 90300 Washington, DC 20090			
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	5,625.00	193.00
Do	City of Venice, Florida	800.00	8.00
Do	Coalition to Repeal the Wright Amendment	550.00	44.39
Do	End Notch Discrimination	1,415.00	88.00
Do	Independent Pilots Assn	975.00	10.00
Alexandra Maroulis-Cronmiller, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	11,725.00	50.22
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	394.00	
Dale L. Matschullat, 21300 Clearfield Count Brookfield, WI 53005	Newell Company		
McAdam Group, Inc, 1029 Vermont Ave., NW, #800 Washington, DC 20005	National Computer Systems	9,000.00	
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	881.04
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Association of Progressive Rental Organizations	1,000.00	
Do	Cigna Corp	1,000.00	
Do	CAPX Corp	500.00	
Do	COSTEP	1,000.00	
Do	Dallas/Ft. Worth Railtran System		
Do	Dean Witter Realty, Inc	3,000.00	
Do	Ft. Worth Transportation Authority	3,000.00	
Do	Monarch Wine Co		
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Medical Care	15,000.00	
Do	Nevada Power	7,500.00	
Do	Nevada Resort Assn	1,000.00	
Do	Puerto Rico Federal Affairs Administration	1,000.00	
Do	St. Michael Hospital	1,000.00	
Do	Texarkana Chamber of Commerce		
Do	University of Nevada/Las Vegas/Research Center	7,500.00	
Do	University of Nevada, Reno	12,000.00	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Electric Power Co, Inc	2,250.00	
Do	American Nuclear Energy Council	7,500.00	497.42
Do	Carolina Power & Light Co	2,250.00	
Do	Commonwealth Edison Co	2,250.00	
Do	Consolidated Edison Co of New York, Inc	6,000.00	
Do	General Atomics	6,000.00	663.97
Do	HNSX Supercomputers, Inc	3,000.00	161.90
Do	Louisiana Energy Services	3,000.00	366.35
Do	Oxford Energy Co	3,750.00	320.60
Do	Sealaska Corp	4,500.00	551.83
Do	Turlock Irrigation District	1,300.00	32.06
Do	Westinghouse Electric Corp	8,150.00	2,240.31
Do	Yukon Pacific Corp	6,000.00	533.67
Sheila M. McCaffrey, Pitney Bowes, Inc World Headquarters Stamford, CT 06926-0700	Pitney Bowes, Inc	4,700.00	2,745.64
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Echo Bay Mines		
Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005	Alzheimer's Assn	3,500.00	100.00
Edgar H. McCulloch III, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	10,257.00	218.70
Francis O. McDermott, 888 16th Street, N.W. Suite 624A Washington, DC 20006	Hopkins Sutter Hamel & Park (For:Association Management Corp)		26.00
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Kate McGee, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Oracle Corporation		1,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
Susan G. McGuire, P.O. Box 464 Cedar Crest, NM 87008	Bailey Morris & Robinson (For:Health Insurance Assn of America)		
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	13,050.00	
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	6,838.00	25.49
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	1,233.75	
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	7,500.00	410.09
Do	McLeod Watkinson & Miller (For:General Mills)		
Do	McLeod Watkinson & Miller (For:Mid-Valley Water Authority)		
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)	237.20	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	1,788.70	
Nancy L. McLernon, 816 Connecticut Avenue, NW, 7th Floor Washington, DC 20006	Organization for International Investment (OFII)	270.00	
Tara McMahon, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Harmon Industries, Inc	13,898.36	13.00
Do	McNair Law Firm, P.A. (for: Puerto Rico Ports Authority)	3,383.74	22.79
Do	State of Hawaii/Dept of Transportation		54.28
James Gregory Means, 6252 15th Place Arlington, VA 22205	BP America, Inc	6,000.00	
Do	Centerior Energy Corp	8,000.00	
Do	Salomon Brothers	4,050.00	
Do	Systech Environmental Corporation	7,750.00	
Medtronic, Inc, 555 13th St. NW Suite 1260 East Washington, DC 20004			44.00
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	4,185.00	6,279.86
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Time Warner, Inc	9,250.00	
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al (For:Cherokee Nation)	71,379.75	1,219.22
Do	Hall Estill et al. (For:Hoopa Valley Tribe)	4,357.50	185.60
Do	Hall Estill Hardwick Gable Golden & Nelson (For:Seminole Nation)		
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	13,749.99	
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,760.23	
Sean Meyer, 1000 16th Street, NW, #810 Washington, DC 20036	One Percent for Peace	6,249.99	
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,097.00	1,538.82
John L. Mica, 305 East Capitol Street, SE, Washington, DC 20003	Associated Industries of Florida	3,000.00	500.00
Do	Greater Orlando Aviation Authority	3,000.00	350.00
Do	Harris-RF Communications	3,000.00	750.00
Do	Hvide Shipping, Inc	2,000.00	250.00
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc		
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	73.65
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Leslie K. Miles, 1101 4th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rights Action League, Inc	1,263.89	
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby	2,000.00	1,861.60
Do	National Council for Improved Health	3,000.00	3,132.35
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Council for Improved Health		
Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Miller & Associates, Harris N., 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Ada Software Alliance (ASA)		
Do	American Council on International Personnel (ACIP)		
Do	Home Insurance	1,249.50	21.31
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Nuclear Energy Council	600.00	
Do	Association of Financial Services Holding Companies	3,340.00	
Do	Blue Cross of California	11,815.00	
Do	Chevy Chase Savings Bank, FSB		
Do	Range Rover of North America, Inc	3,650.00	
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	6,000.00	164.87
Harold W. Mills Jr., 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)		
Minority Business Enterprise Legal Defense & Education Fund, 220 I Street, NE, #280 Washington, DC 20002			
Richard H. Mitman, 14734 Victory Blvd., #201 Van Nuys, CA 91411			
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
W.W. Collin Moller, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Engineering & Sciences Co	4,050.00	1,321.99
Robert H. Mollohan, 912 Sylvan Avenue Fairmont, WV 26554	Airspace Technology, Inc		
Michael Monroney, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	17,509.00	
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,781.25	724.50
Walter K. Moore, 1901 L Street, NW, #705 Washington, DC 20036	Eli Lilly & Company		646.53
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	1,030.00
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	20,346.12	
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	7,799.98	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	57,975.39	602.88
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Valent U.S.A. Corp	415.00	
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Beth Moten, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	1,225.00	8,398.06
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Michael J. Mullen, 1401 New York Ave., NW, S-720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Cecilia Munoz, 810 First Street, NE, Suite 300 Washington, DC 20002	National Council of La Raza	17,105.65	17,105.65
Barbara Munson, 1000 Wilson Blvd #3012 Arlington, VA 22209	Consumer Bankers Assn		897.74
National Abortion Rights Action League, 1101 14th Street, NW, 5th Floor Washington, DC 20005			47,423.53
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		150.00	272.45
National Assn of Casualty & Surety Agents, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003		64,983.14	79,740.07
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		39,704.14	128,545.63
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		7,28,652.77	139,126.38
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	4,200.00
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		7,900.00	10,075.00
National Automobile Dealers Assn, 8400 Westpark Drive McLean, VA 22102			25,300.00
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		110,227.10	110,227.10
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			169.25
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,815,394.00	19,492.48
National Coalition for Marine Conservation, Inc, 5015 Paulsen Street, #243 Savannah, GA 31405		1,815,394.00	19,492.48
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		4.76	
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	20,411.83
National Education Assn, 1201 16th St., NW Washington, DC 20036		36,367.37	36,367.37
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		49,754.00	166.00
National Fed of Business and Professional Women's Clubs, 2012 Massachusetts Ave., NW Washington, DC 20036	National Fed of Business & Professional Womens Clubs		21,103.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		600.00	600.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,801.92
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			55,743.00
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		114,600.60	9,752.81
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		539,056.17	420,293.82
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			6,400.00
National SSC Coalition, 1725 DeSales St., NW #800 Washington, DC 20036			
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		67,797.00	67,797.00
Irene Natividad, 1000 16th Street, NW, #810 Washington, DC 20036	Natividad Associates (For:Philippine Embassy)	7,241.33	706.00
Natural Gas Supply Assn, 1129 20th St. NW #300 Washington, DC 20036		753,973.00	31,751.78
Natural Gas Vehicle Coalition, 1515 Wilson Blvd., #1030 Arlington, VA 22209			
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	23,992.79	381.35
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		151,882.47	137,787.20
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)	3,017.25	164.77
Do	McLeod Watkinson & Miller (For:United Egg Producers)	3,132.00	156.17

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	8,164.36	
Peter E. Newbould, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	905.25	95.00
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Nickerson & Stiner, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006-3404	Esstar Corp	25,049.50	
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	6,494.54	522.95
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
William A. Nitze, 1725 K Street, NW, #914 Washington, DC 20006	Alliance to Save Energy		
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			3,750.00
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	2,000.00	12.00
Do	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	18.00
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)	2,400.00	9.81
Do	Karalekas & McCahill (For:National Liquor Stores Assn)		
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		300.00	2,250.00
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	3,000.00	271.00
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Martin Marietta Corp	2,500.00	
John R. O'Donnell, 1620 Eye Street, NW, #300 Washington, DC 20006	City of San Diego	16,668.00	11,151.00
Do	Oxnard Redevelopment Agency	6,250.00	9,091.00
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	2,158.91
Janet O'Keeffe, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	3,000.00	112.50
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	4,600.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	1,600.00	
John O'Shaughnessy, 1001 G Street, NW, 7th Floor East Washington, DC 20001	Golden Rule Insurance Company		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	540.51
Office & Professional Employees Intl Union, Local 2, AFL-CIO, 8455 Colesville Road, #1250 Silver Spring, MD 20910-3320			417.30
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	546.44
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Hill and Knowlton (for: Florida Department of Citrus)		
Charles J. Orasin, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Orbital Sciences Corporation, 12500 Fair Lakes Circle Fairfax, VA 22033			
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
William N. Outlaw III, 655 15th Street, NW, #320 Washington, DC 20005	Fur Information Council of America		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	390.00	
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	Air Products & Chemicals, Inc	7,200.00	147.88
Do	Americans for National Dividend Act, Inc	48,000.00	
Do	Association of High Medicare Hospitals	28,707.50	61.45
Do	Burroughs Wellcome Co	18,175.00	
Do	Children's Hospital	4,500.00	
Do	Coalition for Quality Legal Services		
Do	Dow Chemical USA	17,925.00	320.31
Do	Government of the People's Republic of Ethiopia		
Do	Government of the Republic of Transkei	42,500.00	
Do	Holiday Inn Corp	31,212.50	193.04
Do	National Assn of Children's Hospitals & Related Institutes	4,500.00	
Do	National Assn of Uniform Manufacturers & Distributors		
Do	National League for Nursing	11,250.00	
Do	Nord Resources Corp	6,810.00	
Do	Rowland Company		
Virginia N. Pape, 1250 24th St. NW, #300 Washington, DC 20037	Scripps League Newspapers, Inc	4,029.50	105.00
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.65	
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	1,800.00	
Do	Bell Helicopter Textron, Inc	3,750.00	
Do	Brown & Root U.S.A., Inc	3,000.00	
Do	C.R. Eggs	1,600.00	
Do	Cessna Aircraft Compnay	700.00	
Do	Columbia Laboratories, Inc	900.00	
Do	Eli Lilly & Company	3,000.00	
Do	Genentech	1,400.00	
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	2,200.00	
Do	Lockheed Aeronautical Systems Co	1,100.00	
Do	Motion Picture Assn of America, Inc	3,600.00	
Do	National Assn of Independent Insurers	750.00	
Do	National Food Processors Assn	1,400.00	
Do	New Mexico State University	800.00	
Do	Nonprescription Drug Manufacturers Assn		
Do	Opperman Heins & Paquin	2,100.00	
Do	Pfizer, Inc	1,800.00	
Do	Port of Brownsville	1,360.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Richard V. Allen Co (for MBB Co of Pennsylvania)	700.00	
Do	Systech Environmental Corp	3,600.00	
Do	TCOM, L.P.	1,500.00	
Do	Unilever		
Do	Upjohn Company	2,800.00	
Do	Utah Natural Products Alliance		
Do	Westinghouse Electric Corporation		
Do	Won Door Corporation	750.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	994.00	
Parsons Behle & Latimer, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Energy Fuels		
Kevin Patrick, 1110 North Glebe Rd., #200 Arlington, VA 22201	International Association of Chiefs of Police	8,729.60	937.96
David J. Pattison, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	North American Philips Corp	9,000.00	15,743.53
Patton Boggs & Blow, 250 West Pratt Street, #1100 Baltimore, MD 21201	Center City-Inner Harbor Management, Inc	1,500.00	
Do	George Mason University Foundation, Inc	1,600.00	
Do	Greater Baltimore Committee Foundation		500.00
Do	University of Arizona Foundation	6,000.00	
Molly Pauker, 5151 Wisconsin Ave., NW Washington, DC 20016	Fox Television Stations, Inc	1,000.00	31.75
John M Pelkey, 2000 M Street, NW, #600 Washington, DC 20036	American Electronics Assn		
Edward F. Pembleton, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		210.50
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Jeffry L. Perlman, 1400 K St., NW Washington, DC 20005	Chamber of Commerce of the U.S.		
Anne Powers Perry, 5605 South 5th Road Arlington, VA 22204	National Trust for Historic Preservation	3,900.00	379.55
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Southwestern Bell Corp-Washington, Inc	9,000.00	
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia	43,500.00	
Do	HOV Coalition		
Do	MacAndrews & Forbes Holdings, Inc	12,875.00	
Do	Medical College of Ohio	2,500.00	
Do	Metro	7,150.00	
Do	Morton International	4,000.00	
Do	Mothers Against Drunk Driving (MADD)	8,333.32	
Do	National School Health Education Coalition	2,100.00	
Do	New York State Thruway Authority	4,500.00	
Do	Regional Transit Authority	24,999.99	
Do	Southeastern Pennsylvania Transit Authority	13,000.00	
Do	Toledo-Lucas Port Authority	7,500.00	
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	2,922.00	193.06
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	4,656.25	
Do	McLeod Watkinson & Miller (For:General Mills)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		12,576.82	14,702.26
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,237.00	192.56
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	842.70	
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Airport Operators Council International		
Do	Allied-Signal, Inc	587.50	58.12
Do	American Assn of Airport Executives		
Do	American Newspaper Publishers Assn	16,931.25	1,320.03
Do	Committee for America's Copyright Community	3,000.00	139.58
Do	Computer & Business Equipment Manufacturers Assn	1,700.00	25.00
Do	Digital Equipment Corp	2,000.00	231.07
Do	Eidak	1,000.00	102.36
Do	Genentech, Inc	8,000.00	191.31
Do	National Artists Equity Assn		
Do	National Assn of Broadcasters	5,000.00	128.87
Do	National Conference of Bankruptcy Judges	9,600.00	147.98
Do	Unilever United States, Inc	1,000.00	82.50
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
David Poisson, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn		251.79
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	1,971.28	461.82
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	8,787.56	982.49
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	5,049.23	
M. A. Polzin, 100 NE Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	7,770.60	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Caron Foundation		
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,750.04	180.13
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	6,150.00	226.21
Do	John Hancock Mutual Life Insurance Co		
Do	Lead Industries Assn, Inc	2,500.00	15.00
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Chrysler Corporation	320.00	10.00
William Prindle, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	318.14
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		25.00	351.24
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			10,933.17
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	4,400.00	
Nicolette P. Psyllas, 5201 Leesburg Pike, #205 Falls Church, VA 22041	National Assn of Accredited Cosmetology Schools		
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			700.00
Todd Quisenberry, 1101 30th Street, NW Suite 500 Washington, DC 20007	Cement Kiln Recycling Coalition		
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters		
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	460.00	
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	Savings & Community Bankers of America	36,825.00	
Kenneth E. Raske, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	2,784.00	43.00
Eiler C. Ravnholt, 723 Investment Bldg. Washington, DC 20005	Hawaiian Sugar Planters' Assn	1,000.00	1,025.00
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Clark E. Rector Jr., 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	875.00	
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	3,262.50	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	National Coalition Burn Center Hospitals	5,000.00	659.68
Do	Songwriters Guild of America	2,500.00	418.64
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,200.00	286.75
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		14,360.00	15,508.99
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB Atom, Inc		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	9,023.75	718.03
Do	Henschel, Inc	3,459.00	65.40
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	State of New Jersey	7,500.00	174.76
Do	SPD Technologies	6,469.00	160.61
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		180,100.00	306,699.52
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	381.26
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		5,859.53	26,082.13
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Nonprescription Drug Manufacturers Assn	3,750.00	
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Do	National Forest Products Assn	1,500.00	
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company		2,450.00
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Jeffrey K. Richard, 1620 I Street, NW Suite 300 Washington, DC 20006	J. Richard Government Strategies (For:City of Fort Worth Center for Municipal Development).	23,235.00	16,454.27
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	338.59
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,813.00	146.01
Larry D. Rickards, 1112 16th Street, NW, #100 Washington, DC 20036	National Assn of Area Agencies on Aging		
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,809.00	
Liz Robbins Associates, 420 7th St., SE Washington, DC 20003	Authors Guild	7,500.00	603.00
Do	Cantor Fitzgerald & Co. Inc	14,700.00	634.00
Do	New York State Housing Finance Agency	6,750.00	423.00
Do	Phoenix House Foundation	300.00	
Do	Reed Services, Inc	43,530.00	988.00
Do	Scholastic, Inc	900.00	
Do	Warburg Pincus Capital Corp	29,700.00	580.00
Do	West Fed Holdings, Inc	34,765.00	1,236.00
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Anthony W. Robinson, 220 I Street, NE, #280 Washington, DC 20002-4362	Minority Business Enterprise Legal Defense & Education Fund		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	British Aerospace, Inc (Government Programs Office)	3,600.00	3,380.91
Michael A. Rock, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	18.82
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,354.29	1,120.87
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Frances F. Rogala, 1111 19th Street, NW, #1220 Washington, DC 20036-3603	Interturbine Corp		
Kyle Rogers, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English	4,968.54	
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Dofasco, Inc	851.25	157.13
Barry K. Rogstad, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	3,486.00	25.00
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	4,533.00	3,710.22
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
John C. Roney, 1511 K Street, NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		
Barbara Roper, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	7,633.00	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund		
Edwin Rothschild, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	600.00	194.00
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc	500.00	222.78
Robert E. Rude, 4500 Vestal Parkway East Binghamton, NY 13903	New York State Electric & Gas Corp		1,000.00
Ruder Finn, Inc, 1615 M Street, NW, #220 Washington, DC 20036	Republic of Croatia, Washington Office	32,000.00	25,621.65
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Ebasco Services Inc	6,000.00	139.64
Do	Flash Technology Corporation of America	7,800.00	153.50
Do	Indiana Electric Assn	22,700.00	2,967.75
Do	Indiana University	10,800.00	295.26
Do	MSE Corp	528.00	1.39
Do	United Student Aid Funds	4,980.00	800.98
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	1,400.00	47.00
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn	300.00	
C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	500.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn		
Do	Conference of National Park Concessioners	6,000.00	470.40
Do	National Tour Assn, Inc	31,413.00	5,707.50
Susan Sarason, 2111 Wilson Boulevard, #1000 Arlington, VA 22201	Ebasco Services, Inc	2,865.00	731.32
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		27,300.00	21,770.00
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks, Inc (for Int'l Racquet & Sports Club Assn)	9,000.00	158.10
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc		2,052.94
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	5,340.00	140.65
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	625.00	
Karin Schmerler, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum		415.40
Robert Richard Schmitt, #12453-047 P.O. Box 8000 Bradford, PA 16701-0980			
Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106	American Assn of Classified School Employees	450.00	
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	116.00	
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Los Angeles Department of Water & Power	2,903.25	37.47
Do	Nichols Institute	2,197.96	147.07
Do	Oregon Steel Mills, Inc	542.13	81.90
Do	Public Generating Pool	6,236.91	549.84
Do	Tri-Met	8,489.81	2,435.97
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,875.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,156.25	238.90
Michael Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,912.43	57.96
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	698.75	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	4,050.00	
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Seven Months Session for Congress, 4210 Spicewood Springs Road, #202 Austin, TX 78759			112.00
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	19,800.00	2,956.52
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	200.00	
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	72.35
Andrea Sheldon, 139 C Street, SE Washington, DC 20003	Traditional Values Coalition	5,250.00	
Karin P. Sheldon, 900 17th Street, NW Washington, DC 20009	Wilderness Society	54.67	
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,675.00	
Peter B. Sherman, 1146 19th Street, NW Washington, DC 20036	Dunaway & Cross (For:Industrial Truck Assn)		
Carl Shipley, 1575 Eye Street, NW, #325 Washington, DC 20005	Eagle-Picher Industries, Inc		
Do	Western Southern Life Insurance	3,000.00	500.00
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	11,602.26	144.99
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		1,000.00
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		17.50
Lindsay Simmons, 1701 Pennsylvania Avenue, NW Suite 650 Washington, DC 20006	Jackson & Kelly		
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		65.00
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Donna L. Singletary, 1101 30th Street, NW Suite 500 Washington, DC 20007	Cement Kiln Recycling Coalition		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn	802.00	25.00
Do	Computer & Business Equipment Manufacturers Assn	537.00	25.00
Do	Council on Research & Technology	2,412.00	25.00
Scott Sklar, 777 N. Capitol St. NE #805 Washington, DC 20002	Solar Energy Industries Assn	5,775.00	9,636.65
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc	1,200.00	675.00
Stephan K. Small, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For:Bright & Associates)		
Do	E. Del Smith & Company (For:BEMS)	1,500.00	307.45
Do	E. Del Smith and Company (For:California Independent Oil Producers Assn)	6,750.00	773.61
Do	E. Del Smith & Company (For:Calleguas Creek Flood Prevention)	11,500.00	200.42
Do	E. Del Smith and Company (For:Cement Importers Group)	9,000.00	
Do	E. Del Smith & Company (For:CenterPort Int'l)	6,800.00	
Do	E. Del Smith & Company (For:Circus Circus Enterprises, Inc)	15,000.00	
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)	12,640.00	3,909.44
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)	12,480.00	2,736.07
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)	2,850.00	
Do	E. Del Smith and Company (For:City of Long Beach, CA, Dept. of Oil Properties)		
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations).	22,395.00	
Do	E. Del Smith & Co (For:City of Santa Barbara)	2,400.00	
Do	E. Del Smith and Company (For:City of Santa Monica)	2,400.00	
Do	E. Del Smith & Co (For:City of Victorville, CA)	3,600.00	
Do	E. Del Smith and Company (For:County of L.A. Community Development Commission).		
Do	E. Del Smith and Company (For:County of Los Angeles)	12,705.00	2,388.25
Do	E. Del Smith and Company (For:Hidden Valley Resources Inc)	1,500.00	105.79
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)	2,700.00	
Do	E. Del Smith & Company (For:National Independent Schools Assn)	2,400.00	20.00
Do	E. Del Smith and Company (For:Northern California Power Agency)	22,500.00	2,339.35
Do	E. Del Smith and Company (For:Port of Hueneme, CA, Oxnard Harbor District)	4,500.00	47.91
Do	E. Del Smith and Company (For:Port of Long Beach, CA)	30,906.00	
Do	E. Del Smith and Company (For:Signal Landmark, Inc)	7,500.00	3,276.10
Do	E. Del Smith & Company (For:Teague-McKevett Company)	1,200.00	
Geoffrey R.W. Smith, 1455 Pennsylvania Ave, NW, #650 Washington, DC 20004	McCutchen Doyle Brown... (for Animal Health Institute)	2,920.00	193.06
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc	1,000.00	1,000.00
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:Wheels, Inc)		
Philip Hardy Smith, 2555 M Street, NW Washington, DC 20037	International Speedway Corp		
Do	National Motorsports Comm of Accus-FIA, Inc		
Stephen Merrill Smith, 1899 L Street, NW, 5th Floor Washington, DC 20036	Ensco, Inc	17,500.00	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	CRASH	2,562.00	40.00
Do	N.Y. Metropolitan Transportation Agency	8,333.33	110.00
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:Dovenmuehle Mortgage, Inc)	2,421.25	
Do	Katten Muchin & Zavis (For:Environmental Tax Policy Alliance)		
Do	Katten Muchin Zavis & Dombroff (For:Future Water International)	341.25	20.00
Do	Katten Muchin Zavis (For:Illinois Housing Development Authority)	1,072.50	15.00
Do	Katten Muchin Zavis (For:Intercargo Insurance Co)	1,543.75	59.00
Do	Jewelers of America	3,363.75	51.00
Do	Katten Muchin Zavis & Dombroff (For:National Assn of Independent Colleges & Universities).	1,527.50	45.00
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)	4,907.50	79.50
Do	Katten Muchin Zavis & Dombroff (For:Northwestern Memorial Hospital)		
Do	Katten Muchin Zavis & Dombroff (For:Regional Transportation Authority)		
Do	Katten Muchin Zavis & Dombroff (For:Software Publishers Assn)		
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,020.00
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	6,875.00	
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			30,000.00
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	40.15
Thomas J. Soles Jr., 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,918.61	
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates (For:National Assn of Metal Finishers)		
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW Washington, DC 20005	Alaska Native Health Board		
Do	Assiniboine and Sioux Tribes		
Do	Class of Native Alaskan Plaintiffs		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Multi-Housing Laundry Assn, Inc		
Do	Seneca Nation of Indians		
Do	Shakopee Mdewakanton Sioux Community of Minnesota		
Do	Standing Rock Sioux Tribe		
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Space Industries, Inc, 101 Courageous Drive League City, TX 77573			
Gilbert P. Sperling, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:Electric Generation Association)	2,296.25	51.00
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	City & County of Denver, Director of Aviation		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
John W. Sroka, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
James St. Pierre, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Specialty Vehicle Institute of America		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates	200.00	
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Community Transportation Assn of America).		
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	285.00	12.75
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)	285.00	12.75
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	355.24
William N. Steele, 1700 North Moore St., 21st Floor Arlington, VA 22209	Boeing Company	3,922.27	6,073.67
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	2,302.00	
John C. Stellman, 1725 Jefferson Davis Hwy, #500 Arlington, VA 22202-4102	Chrysler Technologies Corp	100.00	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	1,965.00	296.25
Lawrence E. Stevens, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Earl Stevenson, 1977 N. Olden Ave., Ext. Suite 222 Ewing Township, NJ 08628			
Michael L. Strang, P.O. Box 71215 Washington, DC 20024-1215	ATR Defense Group		2,942.99
Heather P. Stroup, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	765.00	
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	5,968.00	7,004.54
John F. Sturm, 11600 Sunrise Valley Drive Reston, VA 22091	American Newspaper Publishers Assn	7,500.00	480.97
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilders)	118.00	
Do	Frank Sullivan Associates (For:ITT Defense Corporation)	126.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	143.00	
Do	Frank Sullivan Associates (For:Waste Management Inc)	288.00	
Marcia Z. Sullivan, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumer Bankers Assn		897.74
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Alameda Transportation Authority	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:American Airlines)		
Do	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	11,600.00	
Do	Richard J. Sullivan Associates, Inc (For:Greater Washington Board of Washington).	9,000.00	
Do	National Utility Products Company		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)	4,000.00	
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	1,300.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Alameda County Transportation Authority	1,656.82	2,285.51
Do	American Airlines, Inc		
Do	Association of American Railroads	16,666.55	16,885.51
Do	Greater Washington Board of Trade	5,000.00	5,000.00
Do	National Utility Products Company		1,285.51
Do	Northeast Ohio Regional Sewer District		1,285.51
Do	Pyrotechnic Signal Manufacturers Assn	9,000.00	10,285.51
Do	Water Environment Research Foundation	4,000.00	3,585.51
David A. Super, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	645.01	
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington (Banking))		
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc	2,000.00	
Eileen P. Sweeney, 122 C Street, NW, 4th Floor Washington, DC 20001	Children's Defense Fund	1,482.03	40.00
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Akin Gump Hauer & Feld (for Drexel Burnham Lambert, Inc)		
Do	American Bakers Assn		
Do	American Gas Assn		
Do	American Iron & Steel Institute	215.00	
Do	Business Coalition for RICO Reform	6,019.75	256.62
Do	Chrysler	16,376.25	286.76
Do	Collier Shannon... (for Independent Gasoline Marketers Assn)	1,953.75	40.50
Do	General Electric Corporation	5,331.25	
Do	Grocery Manufacturers Assn	1,275.00	
Do	Integrated Waste Services Assn		
Do	Laidlaw Environmental Services	13,486.25	491.76
Do	Laidlaw, Inc	2,803.00	585.23
Do	MacAndrews & Forbes Group, Inc	4,718.75	15.00
Do	Motor Vehicle Manufacturers Assn	1,927.50	
Do	Pharmaceutical Manufacturers Assn	892.50	
Do	Rivkin Radler Bayh Hart & Kremer (for Merrill Lynch & Co)		302.09
Ivan Swift, P.O. Box 607 Arlington, VA 22216	New England Anti-Vivisection Society	4,000.00	3,027.00
Ross O. Swimmer, 4100 Bank of Oklahoma Tower Tulsa, OK 74172-0154	Hall Estill et al. (For:Cherokee Nation)	3,266.25	337.94
Do	Hall Estill Hardwick Gable Golden & Nelson (For:Seminole Nation)		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	Johanna Farms, Inc		
Do	M&M/Mars		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	Telephone & Data Systems, Inc		
Melinda E. Taylor, 2103 Rio Grande Austin, TX 78705	Henry Kelly Lowerre (For:National Audobon Society)	3,377.50	842.26
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc		
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	658.77	
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	6,336.00	135.92
Richard L. Templeton, P.O. Box 17500 Washington, DC 20041-0500	Justice Fellowship	1,266.84	224.74
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	28,000.00	7,142.55
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Citicorp Washington (Banking)	3,652.00	800.00
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Thompson & Mitchell, 700 14th Street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	791.00	
Thompson Mann & Hutson, 1455 Pennsylvania Ave., NW., Suite #1160 Washington, DC 20004	Fluor-Daniel, Inc	7,350.00	56.00
Do	International Paper Co		
Do	National Dual Shop Coalition		
Do	Ravenswood Aluminum		
James L. Thorne, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas		
Anna Thronson, 1025 Thomas Jefferson Street, #700E Washington, DC 20007	Legislative Strategies (For:American Independent Refiners Assn)		
Do	Legislative Strategies (For:Bridge Products)		
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).		
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)		
Do	Legislative Strategies (For:Donohue & Associates, Inc)		
Do	Legislative Strategies (For:Globos International, Inc)		
Do	Legislative Strategies (For:National Hydropower Assn)		
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))	25.00	
Do	Legislative Strategies (For:Tosco Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Timothy B. Tierney, 4600 East West Highway Bethesda, MD 20814	Automotive Refrigeration Products Institute		
Danielle Tinman, 2012 Massachusetts Avenue, NW Washington, DC 20036	National Fed of Business & Professional Women's Clubs		
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	Access Technology Assn		6.00
Do	Child Care America, Inc	500.00	6.00
Do	National Hearing Aid Society		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,550.00	409.18
TransAfrica, 545 8th Street, SE, #200 Washington, DC 20003		23,925.28	98,361.07
Jeffrey C. Treeman, 3801 South Sheridan Tulsa, OK 74145	United Video, Inc		24,800.00
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	Stern Bros, Inc		
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Cambridge Redevelopment Authority		
Do	Humane Society of the U.S., et al.		
Do	Iroquois Gas Transmission Systems		
Do	National Venture Capital Assn		
Do	Norton Company		
Do	Sierra Club of America		
Do	Thermedics, Inc		
Genevieve W. Tuchow, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Distribution Companies	4,400.00	
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	7,087.00	
Michael A. Turner, 2000 M Street, NW, #5500 Washington, DC 20036	North American Telecommunications Assn	300.00	
Pamela Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	7,714.00	559.69
Mimi Turnipseed, 2301 M Street, NW, 3rd Fl Washington, DC 20037	American Public Power Assn	1,000.00	
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
U.S. Student Association, #300 1028 Connecticut Ave., NW Washington, DC 20036		2,746.00	
U.S. Telephone Assn, 900 19th Street, NW, #800 Washington, DC 20036		14,666.66	14,666.66
Jon C. Uithol, 9623 Shipwright Dr. Burke, VA 22015	D.C. Metropolitan Subcontractors Assn		
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			22,268.23
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers, AFL/CIO	14,127.38	112.00
Reginald T. Valliere, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the U.S.	17,597.18	
Nancy Van Duyne, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	12,374.71	
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	6,000.00	194.23
Do	Harsco Corporation	27,000.00	10,510.62
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	21,000.00	225.40
Do	Electrospace Corporation		
Do	FLIR Systems, Inc	5,250.00	
Do	General Instrument Corporation	21,000.00	3,333.04
Do	Librascope	7,500.00	1,270.74
Do	Magnavox Government & Industrial Relations Co	21,450.00	
Do	Miltope Corp	7,500.00	103.41
Do	NCube	7,500.00	612.61
Do	Sea Beam Instruments, Inc	7,500.00	604.87
Do	Thermo Electro Technologies	7,500.00	85.10
Robert C. Varah, c/o Rogers & Wells 1737 H Street, NW Washington, DC 20006	Dofasco, Inc	114.00	782.08
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	1,478.00	
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Stephen J. Verdier, One Thomas Circle, NW, #950 Washington, DC 20005-5802	Independent Bankers Assn of America	23,800.00	1,475.09
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	American Museum of Natural History		
Do	Ameritech	565.00	
Do	Association of American Railroads	687.50	
Do	Bell Atlantic Corp	5,650.00	
Do	Brown & Root, Inc		
Do	Burlington Northern, Inc	3,830.00	
Do	Central Gulf		
Do	Embry-Riddle Aeronautical University	2,137.50	
Do	General Dynamics Corp	2,625.00	
Do	GenCorp	6,416.00	
Do	Hughes Communications, Inc	22,422.50	
Do	Hughes Network Systems, Inc		
Do	Independent Bankers Assn of America		
Do	Investment Company Institute	17,296.50	
Do	K Mart Corp	1,752.50	
Do	Kellogg	662.50	
Do	Large Public Power Authority	5,472.50	
Do	Manville Corp	7,115.00	
Do	Mars, Inc	3,842.50	
Do	McDonnell Douglas Corp	20,987.50	
Do	Merrill Lynch & Co, Inc	4,672.50	
Do	New Progressive Party		
Do	Northwest Airlines	15,290.00	
Do	NBC	250.00	
Do	NYNEX Corp	13,050.00	
Do	Puget Sound Power & Light Company	1,575.00	
Do	Rubber Manufacturers Assn	3,152.50	
Do	Savings Coalition of America	14,313.50	
Do	Travelers Companies	3,368.50	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc	332.50	
Do	Upjohn Co	375.00	
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	1,105.00	
Do	California Franchise Tax Board	9,750.00	
Do	California Public Employees' Retirement System	5,006.25	
Do	California State Senate		
Do	Executive Life Insurance Company of California	1,050.00	
Do	International Assn of Amusement Parks & Attractions		
Do	International Assn of Fairs & Expositions		
Do	Pacific Stock Exchange, Inc	1,400.00	
Do	State Board of Equalization (Calif)	875.00	
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	AEG Westinghouse Transportation Systems, Inc		
Do	Caterpillar Financial Services Corp	5,000.00	
Do	National Rural Letter Carriers Assn	3,780.00	
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	750.00	
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	150.00	272.45
Robert Waffle, 1735 New York Ave., NW Washington, DC 20006	International Hardwood Products Assn (IHPA)	2,100.00	220.15
Timothy C. Wagner, 4301 N. Fairfax Drive, Suite 360 Arlington, VA 22203-1608	National Utility Contractors Assn	1,250.00	
James Wagoner, 1101 14th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	6,634.49	
Anne Marie Walsh, 1025 Connecticut Ave, NW, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	975.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	ISC Defense & Space		
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	4,500.00	
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Office on Africa, 110 Maryland Ave., NE, #112 Washington, DC 20002		40,212.01	40,421.61
Washington Public Affairs Group, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	National Union for the Total Independence of Angola (UNITA)		
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Wisconsin Counties Assn	12,204.00	
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	All Industry Television Committee	6,000.00	
Do	Cast Metals Coalition		
Do	North American Die Casting Assn (NADCA)	18,249.00	865.00
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc		
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,022.00	
James D. Webb, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	108.65	
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	38.00	
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	30,000.00	1,783.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Anheuser-Busch Companies, Inc.		
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Gordon B. Wheeler, 1025 Connecticut Ave, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	4,144.00	62.80
John Thomas White III, 701 Pennsylvania Ave., NW, #610 Washington, DC 20004	Tenneco Gas		
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	503.00	
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	35.00	
Donald W. Whitehead, 1000 Connecticut Ave., NW, #1200 Washington, DC 20036	States Washington Representatives	1,000.00	
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G Faust, PC (For:Clark County Nevada)	1,406.00	
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande MD.		
Pamela J. Whitted, 1401 Eye Street, NW, #200 Washington, DC 20005	Pacific Resources, Inc	500.00	
Richard S. Wiedman, 600 Grant Street, 42nd Floor Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)		
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	5,000.00	
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	484.63
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	2,250.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Washington Citizens for World Trade	11,078.00	139.75
David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004	General Electric Co	2,000.00	
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Bank of America	653.31	51.23
Do	Bank of Boston	1,018.14	66.02
Do	First Interstate Bank		
Do	Suntrust Banks, Inc	892.13	82.21
Do	Wachovia Bank and Trust	1,151.43	51.23
Do	Wells Fargo & Company	1,348.01	133.78
Christopher D. Williams, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:Mid-Valley Water Authority)		
Clark Williams, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	6,000.00	625.00
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,500.00	
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Cynthia D. Witkin, 1101 17th Street, NW, #600 Washington, DC 20036	American Airlines	2,500.00	217.87
James Wolf, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
Joel Wood, 400 N. Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618	Teco Energy, Inc	16,250.00	4,558.91
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	10,000.00	56.00
Laura Dallman Wooster, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	7,926.00	
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	37,500.00	818.92
W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522	Southern Company Services, Inc	2,060.00	1,661.80
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Bus Assn	2,106.06	1,984.32
Do	American International Group, Inc		
Do	American Orthotic & Prosthetic Assn	9,029.93	898.45
Do	American Soc of Assn Executives	3,739.58	1,135.43
Do	Ares-Serono, Inc	3,198.63	261.44
Do	Bermuda, Government of	2,424.00	126.00
Do	Business Council on Indoor Air		
Do	Connaught Laboratories, Inc	19,314.44	3,278.55
Do	Crescent Cities Jaycees Foundation, Inc	1,690.88	736.60
Do	Environmental Air Control, Inc		
Do	Grand Metropolitan/Pillsbury	2,307.86	299.87
Do	Grand Metropolitan, Inc	710.63	41.28
Do	Johanna Dairies, Inc		
Do	Kohlberg Kravis Roberts & Co	5,442.00	668.00
Do	Marina Paficia Oil Company	312.77	32.08
Do	National Coalition of Alcoholic Beverage Licensees	875.00	315.15
Do	National Funeral Directors Assn	4,040.63	1,709.37
Do	National Retail Hardware Assn	2,731.63	374.63
Do	Outdoor Advertising Assn of America Inc	1,667.00	
Do	Pfizer, Inc	5,834.00	351.00
Do	Philip Morris Management Corp	1,648.00	1.30
Do	RJR Nabisco	3,049.00	31.00
Do	SmithKline Beecham	3,425.20	1,324.29
Do	Sony Corp of America	16,466.25	700.93
Do	Westinghouse Electric Corp	1,083.97	561.54
Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	4,500.00	
Barbara C. Zadina, 12500 Fair Lakes Circle Fairfax, VA 22033	Orbital Sciences Corporation	583.00	174.00
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W., #320 Washington, DC 20036		4,743.00	3,897.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	566.67	1,927.56
Bradley P. Ziff, 1270 Avenue of the Americas, #2118 Rockefeller Center New York, NY 10020-1702	International Swap Dealers Assn Inc		660.00
David W. Zimmerman, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Energy Fuels)		
Mary Beth Zimmerman, 1725 K Street, NW, #914 Washington, DC 20006	Alliance to Save Energy		
Zimmerman Edelson, Inc, 51 Middle Neck Road Great Neck, NY 11021	Coca Cola Distributors Association	9,000.00	
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	National Comm of Cities & States for Airline Service		

SENATE—*Wednesday, September 9, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The CHAPLAIN. May I suggest a moment of silence in memory of Senator Burdick, remembering his family, Jocelyn, and the others; and for Matt Hall, the 1-year-old son of Congressman TONY HALL, who has leukemia and the other day had a stroke.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

So God created man in his own image, in the image of God created he him; male and female created he them.—Genesis 1:27.

Eternal God, Author of truth and love, the Bible teaches that man was made in the image of God. It follows, therefore, that the more God-like he is, the more human. And the less God-like he is, the less his humanness is fulfilled. Our political system was built on this foundation. "We hold these truths to be self evident, that all men are created equal * * *." Is it possible, Lord, that our problems, whatever they may be, can be directly attributed to the fact that we have abandoned our belief in God and, therefore, our humanity is experiencing the dehumanizing inevitable in such negligence?

Merciful God, we recognize the reality of our social, moral, political condition. Help us to understand that this crisis follows spiritual and moral digression. Infuse us with the desire and the willingness to be restored to the spiritual, moral convictions of our Founding Fathers. Renew us in faith and restore to us our moral order.

For the glory of God and the renewal of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF EDWARD E. CARNES TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to resume consideration of the nomination of Edward E. Carnes for U.S. circuit judge for the eleventh circuit.

The clerk will report.

The legislative clerk read the nomination of Edward E. Carnes of Alabama to be a U.S. circuit judge for the eleventh circuit.

The Senate resumed consideration of the nomination.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alabama [Mr. HEFLIN].

PRIVILEGE OF THE FLOOR

Mr. HEFLIN. Mr. President, I ask unanimous consent that Adam Vodraska, of the Judiciary Committee staff, be granted Senate floor privileges during the Senate consideration of the nomination of Ed Carnes to be the U.S. circuit court judge for the eleventh circuit.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I rise in support of the nomination of Edward E. Carnes for a position on the Eleventh Circuit Court of Appeals. Last October, when I first learned that Mr. Carnes would likely be the nominee for this position, I began to hear from an impressive array of people throughout the State of Alabama who support this nomination.

As an assistant attorney general for the State of Alabama in charge of the capital litigation division, Mr. Carnes enjoys tremendous support from the entire law enforcement community, including judges, prosecutors, sheriffs, and police officers from all over the State. Many of these people have told me of Ed Carnes' strong commitment to law and order.

Yet, most impressive, has been the strong endorsement of this nomination by those who often disagree philosophically with Mr. Carnes on the capital punishment issue. He supports the death penalty. Yet, Ed Carnes has been endorsed by numerous people who disagree with him on many issues, particularly the death penalty.

Detractors of Mr. Carnes' nomination have raised a number of issues in an attempt to stall this nomination. Ultimately, they have made a transparent attempt to turn this nomination into a referendum on the death penalty, though it is denied.

Those opposed have accused Ed Carnes of being racially insensitive—when, in fact, he has a tremendous civil rights record. They have accused him of overreaching in work relating to the death penalty—yet, the facts prove otherwise. They have accused him of having unethical ex parte conversations with judges—when, in fact, he enjoys an outstanding reputation for legal ethics. The list goes on and on, but the record speaks for itself.

Some of Mr. Carnes' critics have claimed that he has been overzealous in his representation of the State of Alabama in capital cases. These same critics claim that such passion will affect his decisionmaking if he were on the eleventh circuit. When in truth, by all accounts, Ed Carnes is a tenacious litigator of high intellect—one who takes his role as an advocate seriously. As we all know, a lawyer has an ethical duty to work zealously within the bounds of the law. Time and again, Ed Carnes has done this.

It seems ironic, Mr. President, that some of Mr. Carnes' most ardent supporters are those that have shared the courtroom with him on opposite sides of an issue. The vast majority of attorneys who have opposed Mr. Carnes have come to admire him. Many have written both the Judiciary Committee and me praising his nomination.

David Bagwell, one of the most highly regarded attorneys in my home

State, testified before the Judiciary Committee regarding this nomination and told of his experience as opposing counsel to Mr. Carnes. At the time, Mr. Bagwell's client was on Alabama's death row and scheduled for execution. As you can imagine, cases involving death-row prisoners are tension-filled and highly emotional. Yet, Mr. Bagwell describes Mr. Carnes this way:

> Nobody could have been more fair, nobody could have been more helpful, nobody could have been more cooperative than Ed Carnes was. He was straight. He did not overreach. There was no ex parte conversation. There was no impropriety. He has immense credibility with the judges in Alabama, and the reason is, he has earned it by speaking straight when he speaks.

Concerns have been expressed about Mr. Carnes submitting to the court proposed orders and draft orders in many cases. This is a common and widespread practice. The American Bar Association's model code of judicial conduct permits a judge to have parties draft judicial orders so long as opposing counsel is apprised of this, allowing for response. That is what happened in every instance in which Mr. Carnes submitted draft or proposed orders for consideration by the court.

The Senate Judiciary Committee thoroughly reviewed this matter, discovering that in some cases both sides presented the court with draft orders. In at least one case, it was the defense attorney himself who suggested that proposed orders be submitted. Regardless of who suggested it, in every case where Mr. Carnes submitted a proposed order to the court, the other side was promptly served with a copy at the same time and had an opportunity to respond. Everything was above board.

It is undisputed that in none of the many cases Mr. Carnes has handled over his 16-year career did any opposing counsel ever file a rule 11 motion, or lodge an unethical complaint charging him with overreaching or other misconduct in connection with draft orders or anything else. He has an unblemished record. Not one complaint has ever been filed against him.

It is also interesting to note what one lawyer, who has been a vocal opponent of this nomination, has said in this regard. In a published statement, this gentleman acknowledged that judges do not have to accept draft orders proposed by Mr. Carnes, but said they often do, at least in part because of the persuasiveness of Mr. Carnes' legal arguments.

It will be a terrible day, Mr. President, if the U.S. Senate ever rejects a judicial nominee because as a lawyer they made persuasive arguments. Indeed, Mr. Carnes' opponents who complain that he has been too successful as an attorney seem to be arguing for mediocrity as a qualification for confirmation. I ask the Senate not to require mediocrity of nominees, but instead to confirm the nomination of one who has been an excellent attorney.

Those opposed to this nomination claim that Mr. Carnes cannot be fair and impartial as a judge because of his past work on capital cases. The facts, however, show that he has a record of integrity and truthfulness in this regard.

Time and time again, the nominee has discovered exculpatory information that was previously undisclosed to the defense during the trial, he has come forward, confessed error, and, in turn securing a new trial for the defendant.

In the Chastine Lee Raines versus Smith case, the nominee discovered a police report that had not been disclosed to the defense. Mr. Carnes notified opposing counsel and the Federal court of the discovery. The court denied relief on every claim the defendant had raised, but granted a new trial based upon the new evidence Mr. Carnes presented.

In the William "Chick" Bush versus State case, long after the initial trial, and with the execution date fast approaching, Mr. Carnes discovered a piece of plainly exculpatory evidence that had not been elicited by the defense at trial. Mr. Carnes notified the opposing counsel handling the appeal that such a discovery was grounds for a new trial. Mr. Carnes went to the judge, disclosed the evidence, and a new trial was granted.

Mr. Rick Harris, the opposing counsel in the Bush case, who testified during the confirmation hearing states:

> If Mr. Carnes had not acted in the manner that he did in this case, there is no way that we could have discovered that additional exculpatory evidence on our own. Chick Bush would not be alive today.

In 1990, after reading a newspaper article about a murder trial in Baldwin County, AL, in which the death sentence was imposed on a 15-year-old defendant, Mr. Carnes, of his own volition, went to the Alabama attorney general and convinced him that such a sentence was unconstitutional.

In that case, Clayton Joel Flowers versus State, the defendant was found guilty of a particularly heinous murder. The district attorney who prosecuted the case was insistent that the defendant be sentenced to death. Over the strong objection of this district attorney, Mr. Carnes argued in the Alabama appellate courts that the death sentence was unconstitutional and had no legal basis. The district attorney appeared and argued to the contrary. Carnes won. The death sentence was reduced.

The Flowers case is indicative of the nominee's great respect for the rule of law. Ed Carnes is not a lawmaker. He is an advocate, and obviously a very good one. Yet, he has demonstrated that he has the courage to take a stand, as unpopular as it may be, when he knows he is right.

Another example of Mr. Carnes' integrity that his opponents often conveniently overlook, is his work relating to judicial ethics. Four successive Alabama attorneys general—all Democrats—have looked to him for guidance on one of the toughest issues they have faced. When members of the State judicial disciplinary body have needed someone to investigate and prosecute charges of judicial misconduct, they have turned to the best lawyer they could find—Ed Carnes.

Twice, Mr. Carnes represented the judicial inquiry commissions in its effort to remove State judges who had demonstrated racial hostility from the bench. Both times, Carnes handled the delicate situations with great success. The two judges were found to be in violation of the canons of judicial ethics and were removed from the bench. While these were not proud moments for the State of Alabama, it is highly significant that it was Ed Carnes who was chosen to lead this fight.

I see the distinguished Senator from Minnesota is here. Does he desire to speak at this time?

Mr. WELLSTONE. I thank the Senator from Alabama. I am waiting for Senator LEVIN from Michigan who I think wants to speak first, and then I will follow him. I appreciate the Senator's courtesy.

Mr. HEFLIN. Mr. President, those opposed to this nomination fail to address Mr. Carnes' work toward the banning of the importation of South African coal into the State of Alabama. Because the coal was being mined by South African laborers who were working as indentured servants, the Alabama attorney general, with the help of Mr. Carnes, put a stop to this racially insensitive practice.

A major area of contention surrounding this nomination has to do with racially motivated peremptory strikes of potential jurors. Those who do not support Mr. Carnes' nomination feel that in his role as a post-conviction advocate, he has not done enough to stop racial discrimination in jury selection, and, in some cases, supported such discrimination. The record, however, says this is untrue.

The controlling Supreme Court decision regarding jury selection is the 1986 case of Batson versus Kentucky. In this decision, the High Court held that it is unconstitutional for a prosecutor to base their jury strikes simply on race. The recent events surrounding the Rodney King trial in Los Angeles serve as a stark reminder of the wisdom of this ruling.

It may well be that the complete absence of blacks from the Rodney King jury determined the outcome. It certainly affected the confidence that most Americans, black and white, have in our judicial system. Prior to the Batson ruling, Mr. Carnes recognized the problem, and has been a leader in the effort to establish a rule of law to prevent white defendants from striking

African-American citizens off juries because of their race.

The record indicates that at least as early as the mid-1980's, Mr. Carnes, in talking with district attorneys all over the State of Alabama, spoke out against the use of peremptory strikes in a racially discriminatory way. In that pre-Batson era, there were very few restrictions on the way a prosecutor could use his peremptory strikes, and as a practical matter, there was no effective remedy for a defendant if a prosecutor made a race-based strike. Still on several occasions, prior to the Batson ruling, Mr. Carnes told the Alabama district attorneys that such a practice was wrong.

Robert L. Rumsey, the district attorney for the 29th Judicial Circuit of Alabama wrote Judiciary Committee Chairman BIDEN regarding Mr. Carnes' past work on Batson issues. Mr. Rumsey said that—

> Long before the Batson versus Kentucky decision ever came down, Mr. Carnes urged Alabama district attorneys, including me, not to strike blacks off juries unless there were race-neutral reasons to do so. He told us not to strike a black juror unless we would strike a white juror in the same situation. Before the Batson decision came down in 1986, Mr. Carnes admonished us not to use such strikes in a racially discriminatory manner and he felt it was wrong.

Mr. Rumsey continues:

> I, for one, followed Mr. Carnes' advice. I also ordered every assistant district attorney in my office to follow a strictly race-neutral jury strike policy. * * * It is simply unfair to accuse Mr. Carnes of being insensitive to the problem of race discrimination in jury selection when he did his very best to end racial discrimination in jury selection long before the Batson decision forced an end to it.

There is a similar letter from District Attorney David Barber of Birmingham. Both of these have been put into the RECORD.

Mr. Carnes' opposition seems to be concerned only with the possibility or racially discriminatory strikes by prosecutors. Yet, it is a common practice among defense attorneys, particularly those representing white defendants charged with crimes against African-American victims, to strike all of the African-Americans off of a jury just because of their race. That is wrong, and Ed Carnes has recognized this injustice, and has done something about it.

Mr. Carnes drafted legislation to extend the prohibition against racial discrimination in jury selection to defense counsel which already applies to prosecutors. The purpose of that legislation was to ensure that neither side removed African-American citizens from jury service simply because of race. Mr. Carnes' bill, which was supported by Alabama's black legislative caucus, did not pass the Alabama Legislature.

But, Mr. Carnes did not stop there. He did succeed in getting the Alabama appellate courts to adopt the rule of law that criminal defense attorneys are prohibited from exercising race-based strikes in the jury selection process. This success came only after Mr. Carnes argued the issue on a number of different occasions. Once he took the issue all the way to the U.S. Supreme Court in a case involving the Ku Klux Klan murder and subsequent lynching of a young African-American. The Southern Christian Leadership Conference and the Southern Poverty Law Center, as well as 45 other States have joined Mr. Carnes in this effort.

The Rodney King case, and its aftermath, reveals the wisdom of Mr. Carnes' years of effort to ensure that white defendants accused of crimes against African-Americans are not permitted to arrange an all-white jury. What Mr. Carnes has spent much time and effort doing is obtaining a rule of law to prevent any white defendants, including white policemen, from striking all African-Americans off their jury because of race. That rule, which he has almost singlehandedly established as the law of Alabama, will help reduce the number of all-white juries like those in the Rodney King case.

There are two specific cases which opponents claim is proof that Mr. Carnes supports racially discriminatory jury selection methods. In these cases, known as Jefferson and Jackson, respectfully, allegations were raised that the district attorney has used peremptory strikes in a racially discriminatory manner and that Mr. Carnes supported their actions.

The Jefferson case involved a defendant who was convicted and sentenced to death for robbing and murdering with a knife a victim who was pleading for his life. During the course of the proceedings, there were three separate juries in the case: One that found the defendant competent to stand trial; another jury that convicted the defendant of the murder; and, a third jury that sentenced him to death at a resentencing proceeding after the first sentence had been set aside.

The prosecution and the defense each used 38 peremptory strikes to select the 3 juries. The prosecution struck a total of 24 blacks and 14 whites in the course of selecting all 3 juries. The defense struck a total 36 whites and 2 blacks during this same proceeding. The end result, three all-white juries.

For the second of the three juries, the conviction stage jury, there was a list in the district attorney's file which broke the jurors down into these four categories: strong, medium, weak, and black. The district attorney struck eight blacks and six whites from that jury. The defense struck 13 whites.

The district attorney has given sworn testimony that he did not categorize the jurors strong, medium, weak, and black, but instead they had been categorized that way by someone else who had prepared that list. The district attorney testified that he struck all eight blacks for race-neutral reasons, such as the juror's feelings about the death penalty or a relative of the juror having been prosecuted by his office, and so forth.

The district attorney has given specific race-neutral reasons as to each juror struck. There were worksheets in the district attorney's files containing race-neutral information about all of the people called for jury service, black and white. The legal issue in this Jefferson case, which is governed by the Batson decision, is whether the district attorney's testimony about race-neutral reasons is credible in light of the list.

The charge that has been made against Mr. Carnes is that he should not have taken an appeal on this issue in the Jefferson case. The answer is simple. There has been no appeal on this issue. Mr. Carnes has not taken an appeal on this or any other issue in the Jefferson case. He has not had any involvement with this issue at all.

The issue involving the jury strikes and the strong, medium, weak, and black list was first raised in the State collateral review proceeding. It is still pending. There has been no ruling and no appeal. Mr. Carnes did not handle the case. Another assistant attorney general, who did handle the case, put the district attorney on the stand and let him give his explanation under oath for the judge to consider. The defense believes that the judge should find the district attorney's testimony to be not credible, but that is the judge's function and prerogative.

Under the policies and requirements of the attorney general's office, assistant attorneys general do not have the authority to make credibility adjudications about various witnesses and decide cases themselves. Instead, where the district attorney insists in his version being presented, the attorney general requires his assistants to present it. In any event, Mr. Carnes was not the assistant attorney general who presented the district attorney's testimony. He was not involved.

In the Jackson case, the defendant, an African-American woman, was convicted of murdering another African-American woman. Because it was the second murder the defendant had committed, it was a capital offense, and the defendant received a death sentence.

At the trial in 1981, which was prior to the rendering of the Batson decision, each side had 22 peremptory strikes to reduce the 56-member jury pool down to 12 people. The assistant district attorney used his 22 strikes against 12 blacks and 10 whites. The defense attorney used all 22 of his strikes against whites. An all white jury heard the case.

The case was tried before the Batson decision came down in 1986. At the 1981 trial, no objection was made about the jury strikes, and no issue was raised about it on appeal. The jury strike issue was raised for the first time in a Federal habeas corpus proceeding in 1987. The Federal court found that there was a Swain violation, which meant that in its opinion there had been a systematic practice by the district attorney's office excluding blacks from service on juries over the years. At the insistence of the district attorney, that decision was appealed to the eleventh circuit where it is still pending.

The charge has been made by Mr. Carnes' opponents that in the Jackson case that he should have confessed error or should not have filed an appeal of the district court's decision.

Mr. Carnes did not handle the case before the Federal district court. He did file a notice of appeal and write the State's brief to the eleventh circuit in the appeal. But under the policies and requirements of the Alabama attorney general, who is his boss, he had no choice. The Alabama attorney general wrote the Judiciary Committee a letter making all of this quite clear. He stated in no uncertain terms that when there are colorable arguments for upholding a State court conviction on any grounds, his assistants are required to make those arguments. There is a policy against confessing error, and no assistant attorney general has the authority to waive this policy. As the Alabama attorney general told the Judiciary Committee.

> No assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all out defense of State court judgments.

The Judiciary Committee also received a letter from the district attorney whose office was involved in the Jackson case. The district attorney said:

> First and foremost, Mr. Carnes did not make the decision to appeal the Federal District Court's order granting relief in the Jackson case. I know, because I am the one who decided that the order should be appealed.

The district attorney said that he insisted that the case be appealed and that all available grounds for overturning the lower court's decision be raised on appeal. Under the policies of the attorney general, which Mr. Carness did not create, the district attorney's insistence meant there would be an appeal.

The district attorney went on to explain that he had insisted on an appeal because the lower court had made some findings that he believed falsely branded he and his entire office with having followed race-based policies. The assistant district attorney who struck all of the blacks from the jury in the Jackson case had left the office, and the district attorney insisted that his office had not been guilty of discriminatory jury selection methods. He also pointed out that unless the district court's holding was appealed and reversed, the convictions in scores of other cases involving violent criminals could be jeopardized.

In addition to telling the Judiciary Committee that Mr. Carnes had not been the one who made the decision to appeal in the Jackson case, the district attorney pointed out something extraordinary. His letter to the Judiciary Committee tells how Mr. Carnes worked hard to settle the appeal so that the defendant would receive a life without parole sentence instead of a death sentence. Mr. Carnes persuaded the district attorney and the attorney general to go along with the arrangement, but the defendant herself turned it down.

We must keep in mind that Mr. Carnes is not a policymaker. He is an assistant attorney general. As I mentioned earlier, after questions arose concerning Mr. Carnes' role in the Jackson case, the current Alabama attorney general, Jimmy Evans, contacted the chairman of the Judiciary Committee outlining the procedure through which postconviction matters are decided.

Mr. Evans told Chairman BIDEN:

> It is, and always has been the policy of this office to vigorously represent the interest of the people of this State in sustaining state court convictions. Towards that end, we do not forego appeals. We do not confess error, and we do not waive procedural bars. The only exception is where I am absolutely convinced that no colorable argument at all can be made in favor of sustaining the judgment of the state court that convicted and sentenced the criminal defendant. Both the district attorney who prosecuted the case and I have to be convinced of that. No assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all-out defense of state court judgments.

That it also the answer to those who complain about cases handled not by Mr. Carnes but by what they call "Mr. Carnes' office." An example is the Powell case. That case was reversed on appeal because of a Batson error at trial. Some of Mr. Carnes' opponents say that the court of appeals rejected arguments "by Mr. Carnes' office." Of course, Mr. Carnes did not make any arguments in the Powell case. It was not his case, and he had nothing to do with that case. It is unfair to criticize Mr. Carnes for something he did not do.

Those who criticize Mr. Carnes by pointing to something done by some other lawyer and calling it "Mr. Carnes' office" are pretending that he is the Alabama attorney general. But, as the man who is the Alabama attorney general pointedly reminded us, it is not Mr. Carnes' office, because Mr. Carnes is not and has not been the attorney general.

As you may know, the Eleventh Circuit Court of Appeals covers three States: Florida, Georgia, and Alabama. The three attorneys general of these States, all Democrats, have written the committee supporting the Carnes nomination, specifically addressing the Batson issue. These gentlemen state:

> While the opposition obviously springs from the capital punishment issue, the opponents are unfairly attacking Mr. Carnes because of the role he has had as an advocate for his client, the State of Alabama, in post-conviction review of convictions and sentences. * * * All attorneys, including government attorneys, have a duty to represent their clients to the utmost of their abilities. It is only if that duty of advocacy is carried out that our criminal justice system, which relies upon the vigorous presentation of competing arguments by opposing advocates, can work.

And finally, one last point on this matter. In response to the accusation that Ed Carnes is racially insensitive because of his work as an assistant attorney general, I would like to direct your attention to a letter sent to Chairman BIDEN from six African-American assistant attorneys general who work with the nominee. "Some of us," they wrote:

> As part of our duty as attorneys representing the state in post-conviction proceedings, have also argued that convictions should be upheld even where Batson claims are raised, if there is any legal basis for doing so. We are not condoning racism when we do this, nor is Mr. Carnes. To say that a government attorney who carries out his ethical duty to advocate in favor of sustaining convictions is condoning racism is like that saying criminal defense attorneys who advocate on behalf of their clients are condoning crime.

These six attorneys are not under Mr. Carnes' supervision, nor do they hold all of the same political views. But they know him and they know his work. They strongly endorse this nomination and urge Mr. Carnes' confirmation.

In regard to the question of whether Mr. Carnes has been guilty of overreaching or has argued positions without firm legal basis, there is conclusive evidence that he has not. That evidence is Mr. Carnes' unsurpassed record of success in arguing capital cases before the Eleventh Circuit Court of Appeals. The eleventh circuit is a distinguished court of moderate jurists which is seldom reversed by the Supreme Court.

The eleventh circuit is not hesitant to reverse convictions or sentences in State capital punishment cases. Indeed, there was testimony from Mr. Carnes' opponents at the confirmation hearing that the eleventh circuit has ruled against the prosecution position and in favor of the defendant on either conviction or sentence grounds in 50 percent of the capital cases that have come before it. The fact that State attorneys who appear before the eleventh circuit are said to lose in approximately one-half of the total capital cases coming before that court is a useful yardstick to measure Mr. Carnes' performance.

During Mr. Carnes' tenure as chief of the capital litigation division, the State of Alabama has been involved in 22 appeal proceedings in capital cases before the eleventh circuit. The nominee has personally handled 21 of those 22 cases, and attorneys in his division handled the other one. In 20 of the 21 Alabama capital case proceedings personally handled by the nominee before the eleventh circuit, or 95 percent of the time, when all was said and done, that court ruled in favor of Mr. Carnes and the State of Alabama. In other words, Mr. Carnes has a success rate of 95 percent before the eleventh circuit. He has lost only once, which amounts to 5 percent of the time. Other government attorneys from the eleventh circuit appearing before the same court have lost in approximately 50 percent of their capital cases.

Why is Mr. Carnes' won-lost record in capital cases before the eleventh circuit so much better than that of other government attorneys? The answer is clear, and it is twofold. First, it is obvious that the nominee is, as everyone concedes, an intelligent, skilled, and hard-working attorney. The attorneys general of the three States which compose the eleventh circuit, in their letter to the committee, state that Mr. Carnes "has earned and enjoys a reputation as one of the finest attorneys in the eleventh circuit." Morris Dees, one of this Nations' preeminent civil rights attorneys, who has often litigated head-to-head with the nominee, was asked to rate Mr. Carnes as an appellate attorney. He told the committee:

> He is the best I have ever been up against in the United States, in any State.

While Mr. Carnes' record of success before the eleventh circuit is undoubtedly due in part to his skills as an attorney, it reflects more than that. No lawyer who appeals every loss in the lower court can win 95 percent of the time on appeal. No lawyer who takes positions that do not have sound basis in the law can win 95 percent of the time. Mr. Carnes' record of success before the eleventh circuit proves that he has not been guilty of overreaching. It proves that he has not appealed every loss in the lower court regardless of the merits. It also proves that he will make an excellent Federal appellate court judge.

There have also been charges by Stephen Bright, an antideath penalty attorney in Atlanta, GA, accusing Mr. Carnes of involvement in ex parte communications relating to three specific cases. However, in each instance the record proves that there was no improper communication by Mr. Carnes.

The code of professional responsibility prohibits an attorney from engaging in an ex parte communication with a judge concerning the merits of a case. Ex parte communications concerning procedural matters are not prohibited. For example, it is not unusual for a judge and a lawyer on one side of a case to talk about the scheduling of filings, pleadings, or hearings.

One of the communications Mr. Bright points to concerned just such a procedural matter. The judge in the Dunkins versus State case called Mr. Carnes and asked when he would be filing an answer to a petition that had been filed in that case. Mr. Carnes told the judge that it would depend on when opposing counsel filed an amendment to the petition. Mr. Carnes then, even though he was not required to do so, immediately brought opposing counsel into that discussion. At his own initiative, Mr. Carnes arranged a conference-call during which opposing counsel, the judge, and himself discussed the matter. As you can see, there was no violation of the prohibition against ex parte discussion of the merits of a case.

Mr. Bright has also alleges that in Jones versus Smith that there was an improper ex parte communication by Mr. Carnes. Again, the facts show that Mr. Bright's accusation has absolutely no basis. In that last-minute Federal habeas proceeding, the nominee followed the well established, and entirely appropriate practice of notifying the clerk's office of the Federal district court that the case was rapidly progressing through the State courts and might be in Federal court within a matter of days. Mr. Carnes also lodged with the Federal court clerk's office copies of the materials that both sides had filed in State court. Mr. Carnes notified opposing counsel of what he was doing by sending a copy of his letter to the clerk to opposing counsel.

Again, there was no communication about the merits of any issue, and Mr. Carnes kept opposing counsel fully informed of what he was doing, anyway.

The third case in which Mr. Bright has claimed the nominee engaged in ex parte communication is the case of Tomlin versus State, which involved the filing of proposed orders. It is absolutely undisputed that Mr. Carnes did not file those orders, nor did he have anything to do with serving copies of them on opposing counsel. Both of the attorneys who filed the proposed orders in the Tomlin case, wrote the committee stating unequivocally that it was their case and their responsibility to serve opposing counsel, and that Mr. Carnes had absolutely nothing to do with it. Mr. Carnes did not know of any alleged problem with the service on opposing counsel in the Tomlin case until he heard Mr. Bright's allegation for the first time the day of his confirmation hearing. The fact that Mr. Carnes' opponents would recklessly charge him with failing to serve opposing counsel in a case in which he was not even involved reveals how desperate they really are.

The opposition has accused Mr. Carnes of attempting to block funding for indigent defense programs in the State. Yet, the facts reveal that the nominee supported the creation of the Alabama capital representation, a task force established to define the Alabama State bar's responsibility to defendants in post-conviction capital proceedings.

The chairman of that task force, former Alabama Gov. Albert Brewer, provided to the Judiciary Committee documentation that shows that Mr. Carnes did not oppose such programs, but rather strongly supported their creation. These documents disclose that the nominee is concerned about the quality of representation provided indigent capital defendants at trial. These documents show that Mr. Carnes coauthored legislation, which the task force endorsed, to make mandatory the appointment of counsel in capital cases on State collateral review, and to increase the payment for appointed counsel in capital cases. And finally, these documents reveal that the nominee voted in favor of the recommendation that the Alabama State bar sponsor the capital resource center and authorize funding for its use.

So pleased with the work of the nominee regarding the creation of the capital resource center, Governor Brewer, the chairman of the task force, told the Judiciary Committee that "the rights of many defendants were protected by Mr. Carnes' concern for, and commitment to, fairness in the criminal justice system."

Mr. President, as you can see, the record on this nomination is quite thorough. The list of people who praise this nomination is long and distinguished. It consists of civil rights leaders, highly respected judges, and top-flight attorneys. Yet, no one on this list is more distinguished than Morris Dees. As I stated earlier, he is one of the leading civil rights attorneys in this country and he strongly supports this nomination. From the beginning of this process, Mr. Dees has been one of Mr. Carnes' most ardent supporters. He has written and testified before the Judiciary Committee on the nominee's behalf. At the confirmation hearing he summed-up his feelings this way:

> I am not Ed Carnes' friend. I have never been to his house. I am not in the same political party * * * and I do oppose the death penalty. * * * I support Ed Carnes.

David Bagwell, the Alabama attorney who has opposed the nominee in two capital cases described the opposition this way:

> First, they just don't like the death penalty. They don't like it that Alabamians have freely chosen to have the death penalty. They don't like it that the Federal courts have overwhelmingly approved the constitutionality of the death penalty statute. They don't like it that Ed Carnes routinely beats them in court. In another field of endeavor, some of these people would be called sore losers.

I urge my colleagues to examine the record. Do not let special interest groups distort the facts and turn this nomination into a disguised referendum on the death penalty.

The record is clear. Ed Carnes is an intellectual man; an honorable man; a man of ethical conviction; and most importantly, a fair man.

At this time, I will be glad to yield the floor.

The ACTING PRESIDENT pro tempore. The chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. I thank the Chair.

Mr. President, I oppose the nomination of Ed Carnes mainly because in his zealousness to win capital cases that he has either handled or have been argued under his direct supervision, he has acquiesced in the intolerable practice of racial exclusion from juries.

The Supreme Court has stated unequivocally, long before Batson, in the Swain case in 1965, that racial exclusion in jury selection is unconstitutional. That has been an established constitutional principle for the 25 years since Swain and long before that. But in too many cases involving racial exclusion from juries, in cases argued either directly by Mr. Carnes or under his supervision by his staff, Ed Carnes has looked the other way. He has acquiesced in the practice that is so abhorrent.

In the case of Albert Jefferson, prosecutors had used 26 strikes against black jurors to obtain an all-white jury. In trial after trial it was documented that the prosecutors maintained a list during jury selection that categorized prospective jurors as "strong, medium, weak, and black."

Racial discrimination in jury selection does not get much clearer than that. Yet, Mr. Carnes' office, ignoring the import of the prosecutor's misconduct, argued that the defendant had waived his right to raise that issue because his trial attorney had not challenged the jury selection during trial. But the prosecutor's notes, which proved the discrimination, which proved the exclusion of blacks from that jury by the prosecutor, were not available to the defendant until after trial, until after a discovery proceeding to get those prosecutor's notes.

And, I might add, Mr. Carnes' office opposed the discovery of those prosecutor's notes. It was only through a court order that those prosecutor's notes were made available.

I ask unanimous consent that the pleadings in that case proving that point be printed in the RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, Mr. Carnes told the Judiciary Committee that he never discussed the possibility of confessing error in the Jefferson case with either the local district attorney or his boss, the Attorney General. And he said that he never discussed the possibility of confessing error with his boss the Attorney General even though he told the Judiciary Committee that if he, Ed Carnes, were the Attorney General he may well have confessed error in the Jefferson case.

Mr. Carnes told the Judiciary Committee that no assistant attorney general has the discretion to decide when to confess error. He says that the attorney general has control over all postconviction litigation and the action of assistants. And that is true. I have been an assistant attorney general. I know that is true. But he surely has the power to recommend to the attorney general that he confess error. I know that is true, too, and so does Ed Carnes.

And yet in a case where he says that error is so manifest, that if he were the attorney general that he may well have confessed error, he has not even sat down with the attorney general to recommend the course of action.

Mr. Carnes says he did not prepare the pleadings in the Jefferson case. It was done by one of his assistants. But he is the head of the division, a division with approximately five staff attorneys that he supervised. And it is because he is head of that division that he was chosen to be nominated for a judgeship in the court of appeals. That is why he has been nominated—because he is head of this division.

He does not deny that he approved the pleadings in Jefferson. He participated in a very critical meeting in a judge's chambers on this case deciding what course of action to take when the first judge hearing this appeal died.

But the key point here is that he knows enough about this case that he tells the Judiciary Committee that if he were the attorney general he may well have confessed error in the Jefferson case because of the exclusion of blacks from the jury based on prosecutor's notes which were made available only after that trial. And yet he throws up his hands and he says, but I am not the attorney general; only the attorney general can confess error; leaving out his critical responsibility as head of that division to recommend to the attorney general whether or not to confess error.

He could confess error or recommend the confession of error today. This is not some previous case. This is not some ancient history. This is a pending case, a pending death penalty case where this nominee has so many doubts about what happened at trial, based on prosecutor's notes that were not made available to the defendant, that he can say to the Judiciary Committee that if he were the attorney general he may well have confessed error but does not act on his belief. He does not sit down and make a recommendation which is within his power and is his responsibility as an assistant attorney general, as an officer of the court, particularly a Government official, to do justice.

And to me, it is that failure, it is that acquiescence in Jefferson and in other cases—and I will get to them—which encapsulates the flaw of this nomination more than any other single fact.

In the case of Patricia Johnson, there were 12 peremptory challenges that were used to develop an all-white jury. The district court found that Jackson's sentence was the result of the premeditated use of race discrimination in jury selection. The district attorney admitted, the trial counsel for the State admitted after the trial—after the trial—that he had exercised his peremptory challenges on the basis of race. Those words should haunt this country and haunt this Chamber. That has been unconstitutional, certainly since 1965 in the Swain case, and long before Batson.

On the basis of race, the trial counsel in Jackson exercised 12 peremptory challenges to develop an all-white jury. The district court opinion said that the lead prosecutor struck all blacks from petitioner's venire because in his judgment black jurors are less likely to convict and black jurors tend to be more forgiving and more willing to give a defendant a second or third chance than are white jurors. This is the statement after trial of the prosecutor. The district court found that the prosecutor used those peremptory challenges to exclude blacks from jury service and granted the petition for habeas corpus.

What is Mr. Carnes' statement about that at his confirmation hearing? He says:

> My position was not to judge whether that was practice or a permitted practice. My position in the lawsuit was to advocate the position of the State of Alabama that the conviction should not be overturned. It is not my choice to overrule the district attorney's position or the position of the attorney general and say, no, we are not going to appeal. That is not an authority that I have.

And he is right. But what he leaves out, what he leaves out is critical, and what he leaves out is that he has the power to recommend to the attorney general that they not appeal that district court decision.

That appeal is still pending. This is not ancient history; that is not the 1960's, 1970's, or 1980's. This is 1992. That Jackson case is still pending, and he still has that power. And he told the Judiciary Committee that he never discussed the possibility of not appealing the decision of the lower court with his boss the attorney general. And that is the problem.

There are other cases, Jesse Morrison, where the prosecutor used 20 to 21 jury strikes against blacks. In the Cornelius Singleton case, nine strikes were used to get an all-white jury.

Mr. President, I believe Ed Carnes where he says that be believes that racial discrimination in jury selection is a loathsome practice. I believe him that he believes that principle. But I also believe that he allows his superadvocacy to get the better of his sense of justice.

I believe that he thought it was his role to do everything in his power to win his case, even if that means accepting and acquiescing in the selection of jurors based on race and the exclusion of jurors based on race.

And think about the implication of a jury of your peers when none, if you are an African-American, when none of your African-American peers can be on the jury because they are African-Americans. Think about the implication for this country, for the administration of justice, as to the meaning and the symbolism involved in that.

Mr. President, I wonder if I could ask the Chair how much time I have used?

The ACTING PRESIDENT pro tempore. The Senator has used 12 minutes.

Mr. LEVIN. I think that was about the time allotted to me by my good friend, and I ask if I might have just 1 more minute.

In any event, Ed Carnes has said there is no race discrimination in capital cases—no race discrimination in capital cases. And he said that he has based that conclusion on all the facts and evidence that he has seen, and the information he has come into contact with over the years. Hundreds of cases of racial exclusion of jurors in capital cases are known to Ed Carnes. And, indeed, he has argued cases where it has existed, his argument being that it was waived for one reason or another.

But now this nominee can say that there is no racial discrimination in capital cases with the evidence known to him of the exclusion of jurors based on race, in capital case after capital case after capital case, is another deep mystery to me. Unless we recognize in this country the fact of discrimination in our society, including in capital cases, we are going to fall backwards in our effort to obliterate and abolish racial discrimination from our midst. I thank the Chair and I thank my friend from Delaware for the extra time.

EXHIBIT 1

[In the Circuit Court of Chambers County, AL, CC 81–77]

ALBERT LEE JEFFERSON, PETITIONER, *vs.* STATE OF ALABAMA, RESPONDENT

STATE'S RESPONSE TO PETITIONER'S DISCOVERY MOTIONS

Respondent State of Alabama answers petitioner's Motions for Discovery as follows:

A. RESPONSE TO MOTION TO PERMIT DISCOVERY OF PETITIONER'S INSTITUTIONAL, MEDICAL AND MENTAL HEALTH RECORDS

1. Respondent does not object to furnishing counsel for petitioner with Department of Corrections records concerning any psychological or psychiatric treatment or evaluations of petitioner prior to his re-sentencing in May, 1984.

2. Respondent does not object to furnishing counsel for petitioner with Department of Corrections records concerning any disciplinary proceedings against petitioner while in prison before his re-sentencing in May, 1984.

3. Respondent does not object to furnishing counsel for petitioner with a copy of Taylor Hardin Secure Medical Facility records concerning petitioner provided that respondent also receives a copy of those records. A court order is necessary to obtain those records and respondent requests that the Taylor Hardin Secure Medical Facility be ordered to furnish copies to both petitioner and respondent.

4. Respondent has no knowledge of petitioner having been treated or evaluated at any other mental health facilities and, unless petitioner can state his request for such records more specifically, objects to petitioner's request to have the Department of Mental Health search its records. Petitioner's broad request is unduly burdensome and unwarranted.

5. Respondent objects to the production of any records made after petitioner's re-sentencing in May, 1984 because such records can have no relevancy to petitioner's claims that his trial lawyers were ineffective. Additionally, to the extent that the documents sought pertain to petitioner's claim that he was not competent at his re-sentencing on remand, that claim is barred from coram nobis review by his procedural default in not raising the issue at the resentencing.

B. RESPONSE TO MOTION TO PERMIT DISCOVERY OF POLICE AND DISTRICT ATTORNEY RECORDS AND FILES CONCERNING ALBERT LEE JEFFERSON AND THE MARION STONE CASE

Respondent does not object to permitting to counsel for petitioner to inspect the District Attorney's files and police files concerning the murder of Mr. Stone except respondent objects to the inspection or production of the prosecutors' notes.

Respondent objects to the production of any documents sought by petitioner not specifically addressed in this response.

Respectfully submitted,

DON SIEGELMAN,
Attorney General.
(By) JOHN GIBBS,
Assistant Attorney General.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on:

Hon. Bryan A. Stevenson, 185 Walton Street, N.W., Atlanta, Georgia 30303

Hon. Mitch Damsky, 3600 Clairmont Ave., Birmingham, Alabama 35222

by placing a copy of same to them in the United States Mail properly addressed and with postage prepaid.

Done this 19th day of October, 1988.

JOHN GIBBS,
Assistant Attorney General.

Address of Counsel: Office of the Attorney General, Alabama State House, 11 South Union Street, Montgomery, Alabama 36130 (205) 261–7300

[In the Circuit Court of Chambers County, AL, Case No. CC–81–77]

ALBERT LEE JEFFERSON, PETITIONER, *vs.* STATE OF ALABAMA, RESPONDENT.

ORDER GRANTING DISCOVERY

Upon consideration of Petitioner's motion requesting discovery of police and district attorney files concerning Albert Lee Jefferson and/or the stabbing death of Marion Stone, petitioner's motion is hereby granted.

The Chambers County district attorney and law enforcement authorities are ordered to make available to petitioner's counsel for inspection and copying any and all police and district attorney records, including but not limited to all documents, test data, notes, files, statements, reports and tangible objects or information relating to Albert Lee Jefferson, and Mr. Jefferson's co-defendant, Eddie Lee Tucker; and/or the April 1981 stabbing death of Marion Morris Stone.

The Chambers County district attorney and law enforcement authorities are also ordered to make available to petitioner's counsel for inspection and copying any and all police and district attorney records, including but not limited to all documents, test data, notes, files, statements, reports and tangible objects or information relating to Albert Lee Jefferson, and any prior criminal charges or records relating to Mr. Jefferson or Mr. Jefferson's co-defendant, Eddie Lee Tucker.

Law enforcement, court and probationary officials are also ordered to make available for inspection and copying all parole and probationary records relating to Albert Lee Jefferson and Eddie Lee Tucker, including: (a) all juvenile detention, jail, prison, parole, probation and presentence investigation records; (b) all arrest, conviction, adult and juvenile criminal offense records; (c) all records of any law enforcement or prosecuting authority; (d) all records of any detention or court authority; (e) all records the prosecution or any law enforcement official has submitted to any professional personnel for examination or analysis in any way related to this case; (f) all psychiatric, psychological and mental health records.

Ordered, this 27th day of October, 1988.

Hon. JAMES A. AVARY,
Chambers County Circuit Court Judge.

Mr. BIDEN. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Mark Coffey, an intern, be granted the privilege of the floor for the remainder of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent a letter from Matthew Little, president of the Minneapolis NAACP, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNEAPOLIS NAACP,
Minneapolis, MN.

Hon. PAUL WELLSTONE,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR: I oppose the nomination of Edward Carnes to a lifetime appointment to the Eleventh Circuit Court of Appeals, a court that has been vital to the struggle for racial justice in the Nation. I strongly urge you to vote against this nomination.

I have reviewed the record of Mr. Carnes and I am deeply troubled by what I see:

Mr. Carnes has defended several death sentences in cases where African-Americans have been systematically stricken from juries on technical grounds that appear to have been a pretext for discrimination;

> Mr. Carnes denies the existence of racial discrimination in death penalty sentencing, despite compelling evidence to the contrary, and;
>
> Mr. Carnes has no judicial experience.
>
> In the wake of the Rodney King verdict and it's tragic aftermath, I am counting on you to promote fairness and racial equality in the Federal courts. Please vote against Mr. Carnes.
>
> Thank you.
>
> MATTHEW LITTLE,
> *President, Minneapolis NAACP.*

Mr. WELLSTONE. Mr. President, I had a chance to speak yesterday so I will be very brief. I would like to quote from a letter by Dennis Sweet III, who worked, interestingly enough, with the Southern Poverty Law Center, a really fine organization, for several years.

I think what Mr. Sweet, an African-American, a lawyer from Mississippi, has to say is just poignant and very, very important for Senators who are now listening to this debate and trying to make up their mind.

> Ed Carnes lacks the commitment to racial equality and fairness which is required of a United States Circuit Judge. Mr. Carnes has in numerous cases defended racial exclusion by prosecutors, and asserted that issues were waived because court-appointed counsel did not preserve them. Nevertheless, he asserts that there is no racial discrimination and that poor defendants are provided excellent representation. These expressions are worse than a gross insensivity to race and fairness, which would be sufficient in itself to disqualify him. Mr. Carnes has simply failed to speak the truth on matters of critical importance to the functioning of the adversary system.

Mr. Sweet goes on to conclude his letter by stating:

> African Americans have much to fear from hateful, misguided people in white robes. I know because I grew up in Mississippi fearing "white robe justice." When I was a child, my neighbor, Medgar Evers, was shot and killed by a sniper as he returned home one evening from work. However, some of us overcame racial bigotry and I am a lawyer today because of courageous federal judges in black robes who understood that both overt and subtle racism are cancers in our democracy.
>
> While I am concerned about the threat of racial violence, I am even more concerned about whether African Americans can continue to look to the federal judiciary for protection from racial prejudice and discrimination not only in the courts, but in housing, employment, and so many other areas of life. Ed Carnes would bring to the Court of Appeals a narrowness of experience and outlook that would diminish the court and the quality of its adjudications. His confirmation would be a major step backward toward an earlier era when the courts played no role in the business of ensuring equality. That would be tragic not only for African Americans, but all Americans.
>
> Thirty years of justice is at stake. I urge the Senate to withhold confirmation.

Mr. President, the Senator from Michigan [Mr. LEVIN] put it very well. The Chair of the Judiciary Committee has spoken on this. I just want to conclude by saying that I do not believe this vote is a vote about capital punishment. Some of us who oppose this nomination are opposed to capital punishment. Other Senators who fiercely oppose this nomination favor capital punishment.

This vote really is about the whole question of whether or not a nominee, Edward Carnes, has an understanding of the principle of equal protection under the law; has an understanding of the importance of representation for defendants, indigent defendants; has an understanding about race and race discrimination in our court system and in our country.

Mr. President, I think his record and his testimony before the Judiciary Committee is such that he does not really show that understanding and I do not believe, therefore, he is qualified for a lifetime appointment to the second highest court in the country.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. I yield to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I oppose this nomination and I urge my colleagues to reject it.

The record before us is replete with examples of Mr. Carnes' shocking insensitivity to racial discrimination in the death penalty. In case after case, he and his office have not hesitated to justify blatant discrimination in capital sentencing. He and his office have defended numerous cases on appeal in which death sentences were obtained from all-white juries, from which blacks were systematically and unconstitutionally excluded.

These cases are impossible to ignore. The Owens case—15 strikes were used against black jurors; the Duncan case—25 strikes against blacks; the Floyd case—11 strikes; the Bird and Warner case—17 strikes. The examples go on and on.

Those who support Mr. Carnes' attempt to dismiss these cases by saying, "Mr. Carnes was only doing his job. He was the appellate attorney. He didn't pick the jury. He didn't strike those jurors."

It is clear that fair application of the death penalty was not a priority for Mr. Carnes. His priority was upholding the convictions and the death sentences, no matter how excessive the circumstances under which they were obtained, no matter how inadequate the defendants' counsel, no matter how flagrant the racial discrimination.

Mr. Carnes consistently demonstrated his willingness to take advantage of mistakes made by inadequate counsel in death penalty cases. He claimed that capital defendants received "excellent legal representation," when in fact, in case after case, they obviously did not.

The supporters of Mr. Carnes' nomination are trying to mischaracterize this vote as a referendum on the death penalty. Nothing could be farther from the truth. Many of the Senators opposing Mr. Carnes are supporters of capital punishment. This is a civil rights vote, not a death penalty vote. The issue is racial discrimination. The issue is equal justice under law, and this nominee should not be confirmed.

I yield the remaining time to the Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, my distinguished friend and colleague from Alabama, Mr. HEFLIN, for whom I have an inordinately high regard, has made a very compelling case for the nominee from Alabama, and he has thoroughly done his homework in determining whether or not he was going to support the nominee. I do not fault him for that. I disagree with him, though. Let me try to succinctly state, once again, today, why I believe we should not vote for the confirmation of, and thereby not vote to invoke cloture on, this nomination.

My friend from Alabama, Senator HEFLIN, a distinguished jurist himself and a distinguished lawyer, made the case yesterday after I spoke that in fact when the nominee was handling the appeal on death cases for the State of Alabama, that he was in a position that he followed basically the Supreme Court rulings that were in effect at the time. In a case that I referred to yesterday, the Jackson case, a black woman was convicted after the prosecutor at the trial court in the State of Alabama had on 12 different occasions prevented a black person from sitting in the jury box solely because that person was black and the State prosecutor did not want a black person judging another black person, clearly violating the spirit of what had been the Constitution and interpreted as being the constitutional law since a West Virginia case in the 1870's; and even, according to the judge hearing that appeal, acknowledging that meeting very onerous—I think the language is "onerous test"—excuse me—crippling burden of the Swain case. Swain versus Alabama was the controlling Supreme Court decision at the time the nominee was taking up on appeal this case of a black woman convicted of murder, saying she should in fact have the death penalty imposed on her notwithstanding the fact that it was uncontroverted evidence, acknowledged and known by the nominee, that the Alabama State prosecutor who got the conviction had peremptorily, that is without cause and solely because the prospective juror was black, kept all black jurors off the jury so she could not be tried by a panel of her peers, which does not mean they had to be all black, but it meant a priority being no blacks on the jury.

So he clearly knew—the court clearly stated, concluded—that even the crippling burden of the Swain test had been met. The constitutional violation was clear. It is of no consequence that the trial in the Jackson case, the trial which the nominee took up on appeal, occurred prior to the decision in Batson.

In the Jefferson case, which his office handled on appeal at the same time—and I mentioned it yesterday—the trial prosecutor divided prospective jurors into four categories: strong, medium, weak, and black. The evidence of race-based peremptory strikes was overwhelming.

It is of no consequence that Batson had not yet been decided. Racial discrimination in selection of juries has been illegal for over 100 years.

Mr. Carnes concedes, of course, he knew prior to Batson that race-based peremptory strikes were illegal. He stated in response to a written question from me that "even before Batson" he had "urged" trial prosecutors not to strike African-Americans off juries because of their race. Mr. Carnes also stated in response to written questions that responsibility of an attorney for the State was to "seek justice" and that would "take care not to condone racism and not to defend the indefensible."

In my view, his defense of the Jackson and Jefferson cases violates his own standards knowing full well that the use of race-based peremptory challenge is illegal and knowing full well that such misuse had occurred in particular cases, Mr. Carnes still defended these convictions. He defended convictions obtained in violation of the defendant's constitutional rights by means that destroyed the fundamental fairness of trials in which a human life was at stake.

Let me conclude by saying, Mr. President, it is a shame that he took that position because, quite frankly, there are some very, very positive and outstanding features of this man's personal and professional life. All of what my friend from Alabama said about his involvement in a active, positive way to better race relations is true. I do not dispute it at all. I do not say this man is a racist. But at this moment in our history, in light of Los Angeles, for example, in light of the racial tension that exists in country at the moment, to put a man on the second highest court, taking the place of Frank Johnson, who is a man who is almost an icon in terms of the courage he showed in promoting civil rights in this country from the bench under the Constitution, to put a man on the court who, in fact, in the most persistent abuse, in my view, of the rights of minorities in this country—and that is very simplistic as well as sophisticated ways—of attempting to keep minorities off cases, off juries in which the defendant is a minority himself, to put a man on the court who obviously knows that is not good policy and yet appeal these death cases on the grounds that was his responsibility as someone who worked for the attorney general of the State of Alabama seems to me to be a mistake. In the minds of some it may seem like a minor infraction. In my mind, it is a major, major problem.

So, to say again, the cases that I cited, and others, not just the Jefferson case and the Jackson case which involved black criminal defendants who were convicted, were sentenced to death and then appealed their sentence on the grounds that they did not get a fair trail, in both those cases, when the nominee, Mr. Carnes, appealed the State's position, saying confirm those convictions, carry out the sentence, Mr. Carnes knew—knew—that race-based selection was used by the prosecutor who obtained the conviction. And in the Jackson case, the court went so far as to say even the existing crippling test of Swain had been met.

I withhold the remainder of my time, if I have any.

Mr. THURMOND. Mr. President, how much time does each side have?

The ACTING PRESIDENT pro tempore. The proponents have 17 minutes and 22 seconds.

Mr. THURMOND. How much time do the opponents have left?

The ACTING PRESIDENT pro tempore. One minute and 30 seconds.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Adam Vodraska of my Judiciary Committee staff be granted privilege of the floor during consideration of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND. I yield 5 minutes to the distinguished Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized for 5 minutes.

Mr. SIMPSON. Mr. President, I commend STROM THURMOND, our senior colleague, for his work here. It has been superb. I urge support for his position so that after 8 months the Senate can finally vote on Ed Carnes' nomination to the Eleventh Circuit Court of Appeals.

I do not know what more can be said, but I hope what has been said has been heard. Here is this man who graduated at the top of his class from the University of Alabama and then cum laude from Harvard Law School, 16 solid years' experience in the courtroom. He has the deep respect and full support from those who know his work, all three attorneys general in the 11th circuit States, Morris Dees, Judge Oscar Adams, the first black justice on the Alabama Supreme Court, according to the Alabama Journal, and my friend, Senator HOWELL HEFLIN, who came here when I did in 1978, whom I have the deepest regard and respect for, and Senator SHELBY also.

What would we say if Senator BIDEN and Senator ROTH came to this body and said we have a marvelous person to be presented to the Senate for selection to the Federal bench? We would listen. Oh, indeed, we would, because we would assume that Senators BIDEN and ROTH who would know him best would tell us the truth about this man, and they have and I hope he will not ignore it. We would listen and we would listen closely and very carefully.

To say that Ed Carnes has a less than strong record on civil rights is absolutely, patently absurd. He has fought the Ku Klux Klan tooth and nail. He worked on stopping the illegal importation of South African coal because it was mined by exploited black labor, represented Alabama judicial inquiry commission, and he successfully prosecuted two judges for engaging in racist conduct and had them removed from the bench. And so far his assignment to represent the State of Alabama in postconviction cases in appeals involving capital punishment, what is best said and honestly said is that he has done it well, just as he has done everything in his life and his work well.

Ed Carnes' career is distinguished by fairness. Representing the State on capital appeals, he urged the courts to reduce death sentences when wrongly imposed and disclosed material favorable to the defense that the prosecutor had buried at the trial. You have heard these things. They have been presented.

Let me just conclude because my time is limited.

This is not about racism. And it is funny how this place works. If you do not like something or somebody, use this deft blend of emotion, fear, guilt or racism. I have seen it time and time again.

I will tell you what this is about. This is about capital punishment. Put yourself right out on the line and decide whether you are in favor of capital punishment or you are opposed to capital punishment, because that is what this vote is. It is not about racism.

Racism is the smokescreen, and that has been proven to us by our senior colleague, the Democrat Senator from Alabama and his colleague, the other Democrat Senator from Alabama who knows this man best. No one knows him better. Black and whites alike have stepped forward in this nomination and said confirm this splendid man.

So here we are now dealing with the cover, and the cover is simply racism. The real reality is the death penalty. You can fool some of my colleagues, but not the majority. The opposing groups will lose because deceit is a bad strategy. I am talking about the groups, not Members, and my colleagues. Indeed, it is a bad strategy. It has backfired many times in this Chamber, and left us all a lesser body.

So I think of my own father, who was Governor of Wyoming, who was opposed to capital punishment. I happen to favor it. And you can imagine the family discussions on that. But I think at this point we have covered the whole spectrum. We know what is at stake here. And we know, too, that this entire debate has somehow been switched into the ugliness of racism. What it really comes down to whether you like capital punishment or not. And I watched the people who came and testified. People who work for the cause opposed capital punishment.

But the death penalty is one among hundreds of issues, or, one among a thousand issues, that a politician, that a judge, will confront.

Let's not discount this obviously exceptional man.

Let's not discard this nominee for his work on one issue, especially when his work on that issue is in representation of his client.

Let's not discard his nomination when his work displays thoughtfulness, great intelligence, and fairness.

The great civil rights lawyer, Morris Dees, calls Ed Carnes "a highly ethical, principled person."

Look at his record.

Ed Carnes is an excellent nominee.

He has not one blemish on his impressive record.

He has served the State of Alabama with admirable distinction.

Let's move on.

I urge you to join me in rejecting the attempt to punish this nominee because of his work in the Alabama Attorney General's Office.

He is an excellent nominee.

I urge you to support the cloture motion.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized for 3 minutes.

Mr. SHELBY. Mr. President, we have talked about this nomination pretty much at length, and the debate has shifted from the merits, which I think are immense, to a lot of things which have been said about Ed Carnes that are basically and flagrantly just not true.

I have known Ed Carnes since he graduated from Harvard Law School. He came to Montgomery, AL, to work in the attorney general's office. He is a superb individual. He is academically qualified by any standards. But more than that, he is a fine, outstanding person.

If you look at the scale in Alabama, my home State, and you see who is supporting him, every Democratic elected official on the topside, State and Federal, is supporting Ed Carnes, who has been nominated—he is a Republican—by President Bush. It would be a travesty of justice to turn this man down.

I said yesterday on the floor this is my 6th year in the Senate. I have voted, as everyone in this body has, for a lot of people of dubious qualification, giving them the benefit of the doubt. But this is not the case with Ed Carnes.

Ed Carnes has a great civil rights record. Look at it. When someone like Morris Dees, whom most of us know and have a lot of respect for—I have a lot of affection for him; we went to school together. We differ on issues at times. But when Morris Dees, who is a real leader in the South, and has been for many years, one of the leaders in the civil rights movement and the No. 1 opponent of the death penalty, goes forth in a big way to help Ed Carnes, to tell you the truth about Ed Carnes, that Ed Carnes is supremely qualified and has a great civil rights record and he will be a superb Federal judge, I urge my colleagues to invoke cloture and then vote for his nomination.

I thank the Senator.

Mr. THURMOND. Mr. President, I yield 1 minute to the distinguished Senator from Alabama, Judge HEFLIN.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alabama.

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a series of letters written by outstanding civil rights leaders in the State of Alabama who support Ed Carnes, including Alvin Holmes, the chairman of the Affirmative Action Committee of the Alabama Black Legislative Caucus; Judge Herman Thomas, a black civil rights leader who was elected circuit judge in Mobile; Charles Price, a civil rights leader in Montgomery who also sits on the bench; and a telegram from Justice Oscar W. Adams, the only black member of the Alabama Supreme Court.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
ALABAMA STATE HOUSE,
Montgomery, AL, March 6, 1992.

Hon. JOSEPH BIDEN,
Chairman, Senate Judiciary Committee, Russell Senate Building, Washington, DC.

DEAR SENATOR BIDEN: It is my understanding that Edward E. Carnes, an Assistant Alabama Attorney General, has been nominated to be a United States District Judge in the Middle District of Alabama.

This letter comes to highly recommend Mr. Carnes for said position. I have known Mr. Carnes for many years and have known him to be fair and impartial toward all citizens without regard to race or color.

As Chairman of the Affirmative Action Committee of the Alabama Black Legislative Caucus, one of my responsibilities is to observe public officials and others in their actions toward minorities in the state of Alabama and I have found nothing that is negative in regards to Mr. Carnes' record in this matter.

Please give Mr. Carnes your great consideration.

Sincerely,

ALVIN HOLMES,
State Representative.

DISTRICT COURT OF ALABAMA,
Mobile, AL, August 28, 1992.

Hon. HOWELL HEFLIN,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HEFLIN: I have had the pleasure of working and associating with Mr. Carnes since I relocated my law practice back to Mobile in 1987. As an Assistant District Attorney in Mobile, I had regular contact with Mr. Carnes and found him to be an enthusiastic, competent attorney and a pleasant person.

I have no reservations about supporting Mr. Carnes for the United States Court of Appeals for the Eleventh Circuit. If I can be of any further assistance, please do not hesitate to contact me.

Highest personal regards, I am.

Yours very truly,

HERMAN THOMAS.

FIFTEENTH JUDICIAL CIRCUIT,
Montgomery, AL, March 12, 1992.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am writing in support of Ed Carnes who has been nominated to a position on the United States Court of Appeals for the Eleventh Circuit.

I am particularly qualified to speak about Mr. Carnes, because I have known him for over 15 years, and I have observed his work from three different perspectives. I first came to know Ed when he and I were both employed by the Alabama Attorney General's Office in the 1970's. Later, I knew and worked with him after I became an assistant district attorney. Finally, I have had an opportunity to observe Ed as an attorney in my court during the nine years I have been a state trial court judge in Montgomery, Alabama.

Without reservation, I can say that Ed Carnes is an excellent attorney who is eminently qualified to be on the Eleventh Circuit Court of Appeals. He is one of the leading criminal law experts in this state.

More importantly, Ed is completely fair and has an excellent reputation for integrity and candor. On occasion, when a particularly thorny legal issue has arisen in a criminal case, some of the judges in this state, including me, have called upon Ed to join a conference and offer his views to the court and counsel for both sides. We have done that because we know that no one knows more about the criminal law than Ed Carnes does, and we also know that if the law is against the State's position Ed will not hesitate to tell us that. In fact, on more than one occasion when his advice was solicited, he informed the court and counsel for both sides that the prosecutor was wrong and defense counsel was right.

For these and other reasons, Ed Carnes has an unsurpassed reputation for fairness. I urge your committee to confirm him.

Sincerely,

CHARLES PRICE,
Circuit Judge.

BIRMINGHAM, AL,
March 31, 1992.

Senator HOWELL HEFLIN,
Senate Judiciary Committee, Capitol One DC.

I recommend Attorney Ed Carnes to be selected to fill the vacancy on the Eleventh Circuit Court of Appeals. I have known Attorney Carnes for approximately thirteen years. I know that he has represented the State in death penalty cases. However, he is competent, capable and fair and will make an excellent appointment.

JUSTICE OSCAR W. ADAMS,
Associate Justice.

Mr. THURMOND. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. Seven minutes, thirty-five seconds.

Mr. THURMOND. Mr. President, I would like to make a few brief comments before we vote on the cloture motion.

First, Mr. Carnes' record has been intensely scrutinized over the past 8 months. The Judiciary Committee conducted a thorough and extensive review of Mr. Carnes' background and professional record. The committee's careful review resulted in a final overwhelming vote—and I want to repeat—of 10 to 4. The Judiciary Committee went into debate and heard people from both sides, and they voted 10 to 4 to approve this man. The Judiciary Committee vote took place over 4 months ago, and the facts of Mr. Carnes' record have not changed.

The distinguished chairman of the Judiciary Committee commented at the time of the committee vote that the record on Mr. Carnes is "very full. There have been those who have suggested and petitioned the committee to hold over, continue hearings, have additional hearings, and I see and saw absolutely no reason for that."

I agreed with the chairman then, and I firmly believe the Senate should act its own will and ultimately vote up or down.

Mr. President, the only thing that has changed over the past 4 months is that the special interest groups opposing Mr. Carnes have had ample time to lobby baselessly against this confirmation. One of the efforts to defeat Mr. Carnes has been directed at urging our colleagues to vote against this cloture motion, a motion which requires 60 votes, which we all know is a lot tougher than acquiring the simple majority needed for confirmation.

The opposing groups have disguised their true intent to stall, delay, and ultimately defeat Mr. Carnes' nomination in a slick procedural package—if you do not get cloture, then you do not have to vote on Mr. Carnes' nomination. In essence, their strategy is you do not have to take a position—stall, delay, and ultimately defeat—and this time you have an excuse, a procedural glitch.

Mr. President, this kind of political maneuvering is exactly what the American people are sick of: Stall, delay, and no action by this body.

These opposing groups know that if they can defeat cloture, they in essence defeat Mr. Carnes' nomination. You will not have a chance to vote on it if you defeat cloture. We have to get cloture to get a vote on this nomination. Is it not fair to give him a vote up or down?

Mr. President, to vote against cloture in an effort to defeat Mr. Carnes through delay is just not fair. It is not fair to deprive him of an up and down vote by this body, and it is not fair for the confirmation process.

The Judiciary Committee carried out its mandate in reviewing Mr. Carnes' nomination and overwhelmingly voted, as I said, 10 to 4 to favorably report his nomination for confirmation.

The distinguished home State Senators, both Democrats, believe strongly that Mr. Carnes should be confirmed. I firmly believe that the Senate should act its own will and take a final vote on Mr. Carnes' nomination.

Mr. President, I urge my colleagues to vote in support of Mr. Carnes, and each Senator can vote his conscience. If we get cloture, then each Senator can vote his conscience. That is what I would like to see.

Mr. President, I have a copy of a letter here written to Senator HEFLIN, August 26, from Jesse Seroyer, Jr., chief investigator, Office of the Attorney General.

Here is what he says. "As an African-American"—here is an African-American.

Alleging racism? That is false. Alleging civil rights? That is false.

As an African-American who has been in law enforcement for eighteen years, I am aware of the problems of racial discrimination. I am also aware that Mr. Carnes has one of the strongest civil rights record of any attorney in this State * * *

Here is a black man who says Carnes has one of the strongest records of anybody in the State for civil rights.

The attacks that are being made on him only come from the fact that he supports capital punishment, as I do.

As a black man from Alabama, an attorney general's office, that is what he says.

Morris Dees—and everybody knows Morris Dees—is a civil rights advocate throughout the whole South. He has come out for Mr. Carnes. He said he is fair, he is honest, he is just, and ought to be approved.

Mr. President, I have a letter here signed by six black lawyers. I want to read just a few excerpts.

As African-Americans, we regret that there has been an attempt at racial polarization by a handful of people whose opposition to this nomination is motivated by their opposition to capital punishment. Some of us are strongly opposed to capital punishment. Some of us support it, and some us have ambivalent feelings about it. But we all recognize that Ed Carnes is an excellent lawyer, he is fair, and he is opposed to racial discrimination.

Another excerpt from this letter:

Far from supporting racial discrimination, Ed Carnes has a strong record of achievement in the area of minority rights. During his career, he has worked to ban the importation of South African coal into Alabama; he has defended black public officials who were sued by whites; he has personally prosecuted misconduct charges against two judges for racist conduct and got both of them removed from the bench; and on more than one occasion he has gone into court against white racists, including Ku Klux Klansmen, who had committed violent crimes against African-American citizens.

We are all independent of the supervision of Mr. Carnes. We hold various political views. However, we know Ed Carnes. Based upon our knowledge of him and his record, we endorse his nomination and urge his confirmation.

That was a letter written to Senator BIDEN on April 16, chairman of the committee.

Mr. President, another letter here from Jack S. Russell. This was written to Senator HEFLIN on September 3, 1992, in support of Ed Carnes and I ask that it appear in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

I write to urge you to vote to confirm Mr. Ed Carnes for a position on the Court of Appeals for the Eleventh Circuit.

My sister, a 56-year-old grandmother, spent her last hours alive being beaten, raped and sodomized before she was strangled and her body set on fire. There was more concern about the rights of the accused and a speedy trial than there was for the brutal nature of the crime and my family's suffering.

Almost, before my sister was buried the prosecutor was talking about a plea agreement which actually meant the defendant would be eligible for parole in five years. My family complained, wrote letters, went to the media and eventually the plea agreement was withdrawn. As it is, the animal who brutalized my sister will serve approximately 10 years in prison.

I am sick and tired of people consistently trying to make capital punishment into a race issue. Just like me, most other black people support capital punishment for heinous crimes. We are no different than white people. The problem is not unfairness to murders, black or white. It is the unfairness to victims and to innocent citizens who are preyed upon by criminals.

Mr. Carnes has spent his career working within the system to be fair to everyone. He has been a strong advocate for the people, victims, and survivors of victims. No lawyer should be punished for being an advocate. Please see the attacks on him for what they are, narrow-minded people seeking attention for their own political agenda.

The PRESIDING OFFICER (Mr. ROBB). All time controlled by the Senator from South Carolina has expired.

Mr. THURMOND. Mr. President, I hope the Senate will vote cloture and allow the Senators to vote their conscience on this nomination.

Mr. President, I want to thank the following members of my staff for their hard work on this nomination: My chief counsel on the Judiciary Committee, Thad Strom, the chief investigator, Melissa Riley, and Adam Vodraska. They have done a commendable job and I appreciate their efforts.

Mr. BIDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 1 minute and 36 seconds.

Mr. BIDEN. Mr. President, obviously I will be very brief.

No. 1, is the process fair? Let me point out since the Reagan-Bush Presidency has been in effect, the Judiciary Committee has received 650 judicial nominees. I have opposed 10, 7 of them from the lower court. This would be the 10th judge out of 650 we have received that I have opposed.

As chairman of the committee in an election year, we will have reported out of committee 60 judges. That is unprecedented.

When the Republicans controlled the Chamber, President Reagan and the Republicans, when he was running, shut down the process in June, no more judges.

We are still holding hearings. I will still attempt to get more judges, in terms of whether the process is fair.

No. 3, it is unprecedented. The only thing that is unprecedented is the fact that we have gone forward with judges in an election year, particularly in an election when it appears as though there may be a change of the guard down on Pennsylvania Avenue.

Last, this is about the death penalty. This is not about the death penalty. I support the death penalty. I have been here 20 years. I voted for death penalty, repeatedly voted for it. The Biden crime bill has the death penalty in it. Senator BRADLEY supports the death penalty. Senator WOFFORD supports the death penalty.

We oppose this nominee.

Let me conclude by saying, is this a bad man? This is not a bad man, but this is a man who has a flawed view on a very, very fundamental point: That you could not and should not insist that someone be put to death when you know that the jury selected was, in fact, biased under the Constitution.

I thank the Chair.

Mr. DURENBERGER. Mr. President, I have always used the same standard to evaluate the nominees of the three Presidents with whom I have served: Presidents Carter, Reagan, and Bush. Those criteria are: Does the nominee have the experience necessary to do the job, the temperament to serve honorably, and the character to be entrusted with this profound responsibility.

Suggestions have been raised that Mr. Carnes might be insensitive to the problem of racial discrimination in the criminal justice system, a charge that goes directly to his temperament on the bench.

I am by no means unaware of the problem of racial discrimination in our system of justice, especially as it relates to the application of the death penalty. That is why I cosponsored the Racial Justice Act, a bill that allows people convicted of capital crimes to challenge a death sentence if there is statistical evidence that the death penalty is being applied in a racially discriminatory manner.

Racial discrimination is intolerable in any form, and it is especially intolerable in our criminal justice system. Because a very serious allegation was raised against Edward Carnes, I took my responsibility to advise and consent on this nominee very seriously and carefully scrutinized his record of service.

Edward Carnes is assistant attorney general and heads the capital litigation division for the State of Alabama. The most serious charge leveled against him seems to be that, in this capacity, he did not object vigorously enough when his job required him to defend verdicts on appeal in which discrimination in jury selection was alleged.

I cannot disqualify a nominee simply because he did what the ethics of his job required him to do. Regardless of his personal feelings, Edward Carnes had an obligation to represent the State of Alabama in criminal cases on appeal, and argue the lawful reasons that a lower court conviction should be upheld. This in itself cannot give a clear picture of Edward Carnes' attitude toward racial discrimination in jury selection.

After closely examining Mr. Carnes' record, I have come to the conclusion that he is adamantly opposed to racial discrimination in all forms, including discrimination in jury selection. In fact, even before the Supreme Court supplied an effective device to prevent prosecutors from excluding black jurors in the 1986 Batson versus Kentucky decision, Edward Carnes had urged Alabama's district attorneys to put an end to this repugnant practice.

From a letter I received from Morris Dees, a civil rights leader and the executive director of the Southern Poverty Law Center, I learned that Edward Carnes successfully led the fight in Alabama to prevent white defendants from discriminating against black jurors. Morris Dees pointed out that if the Rodney King trial had been held in Alabama instead of Simi Valley, it is far less likely that a jury with no black members would have been selected to try the white officers, because of the work of Ed Carnes.

Throughout his career, Edward Carnes has vigorously opposed racial discrimination. As a result of his personal prosecution, two racist judges were removed from the bench. He has preserved the 1963 conviction of a Klansman charged with murdering four young black girls. Many years ago, he worked to prevent the importation of coal from South Africa. In both his professional and personal life, Edward Carnes has campaigned against the ugliness of racism.

After examining his record and the recommendations of those who worked closely with him, including members of the African-American community, I believe that Edward Carnes will be a fair and able jurist. I believe that he will be sensitive to claims of racial discrimination. For this reason, I will vote to confirm this nominee.

Mr. SPECTER. Mr. President, since the Judiciary Committee vote on Edward Carnes, Esq., on May 7, 1992, I have had an opportunity to review Mr. Carnes' responses of May 1, 1992, to written questions and to reflect further on his record on the issue of excluding African-American jurors by peremptory challenges. While I applaud much of Mr. Carnes' record, I have decided not to consent to his confirmation to the eleventh circuit because of his record on such peremptory challenges.

My reason rests on the fundamental proposition that an assistant attorney general, like any public prosecutor, is a quasi-judicial official who has the responsibility to see that justice is done without using every legal technicality which might be appropriate in the representation of a private party.

When I was district attorney of Philadelphia from 1966 to 1974, my office policy was not to exercise peremptory challenges for the purpose of excluding African-Americans from juries even though that was technically permissible.

My review of Mr. Carnes' record leads me to the conclusion that he should have exercised his quasi-judicial discretion or been more active in urging others to do so to stop the practice of using peremptory challenges to exclude African-Americans. Illustratively, Mr. Carnes answered a written question on May 1, stating:

> I do not believe that I discussed with the Attorney General the possibility of not appealing.

In a later answer, Mr. Carnes stated:

> Whether it (racial discrimination in jury selection) renders a particular trial fundamentally unfair to the defendant and undermines the reliability of a guilty verdict depends upon the facts and circumstances.

While the circumstances cited in the next sentence might provide some theoretical justification for that assertion, it is my judgment that the practice is fundamentally unfair and a quasi-judicial official, like a district attorney or an assistant attorney general, has a duty to affirmatively stop that practice.

I consider it vital that the substance and appearance of the prosecutor's conduct in seeking the death penalty must merit full public confidence that there is not a scintilla of racial discrimination. I believe the death penalty is an effective deterrent and should be used in appropriate circumstances. Retention of the death penalty requires scrupulous attention to guarantee that the use of the death penalty is totally devoid of any implication of racial discrimination.

Mr. SANFORD. Mr. President, I support the nomination of Ed Carnes for the Court of Appeals for the Eleventh Circuit.

I am very concerned about this nomination because the views of those who support him and those who oppose him appear irreconcilable. Unfortunately the issue on which the difference occurs involves the insidious specter of racial discrimination. Therefore, the charges are extremely serious and must be investigated with the hope of discovering the truth. In the face of these charges, Morris Dees, a leading civil rights activist and attorney in Montgomery, AL, and the founder of the Southern Poverty Law Center has strongly supported his nomination. He has written that Mr. Carnes is a "nominee who has fought the Klan and who has fought racist judges * * * [and who has] a strong record of fairness."

Those opposed to his nomination admittedly oppose the death penalty itself. Mr. Carnes has made no secret about his support for the death penalty. But that is not what this vote is about. It is about the qualifications of Ed Carnes, and in my opinion, he is well qualified. In his response to questions propounded by the Judiciary Committee he admitted that he occasionally disagreed with policies established by the Alabama attorney general, however, he followed them. Similarly, he stated that his obligation as a judge was to follow the law "irrespective of [his] own personal beliefs and opinions."

According to the statements of Alabama district attorneys and of Jimmy Evans, Alabama's attorney general, Mr. Carnes has on occasion disagreed with the State's position on appeal because of racial bias, but was required in his official capacity to proceed in the representation of his client—the State of Alabama. In a case during Mr. Evans' term, Mr. Carnes convinced Mr. Evans to allow him to argue that the death penalty should be reduced. After Mr. Carnes won that appeal, Mr. Evans changed his mind, assigned another assistant attorney general to handle the remainder of the appeal to advocate the district attorney's position, and established a firm rule requiring the express permission of the district attorney before confessing any error. A good lawyer represents his or her clients. Mr. Carnes represented his client, the attorney general and the State.

The obligation of a U.S. Senator to confirm judges appointed for life is perhaps the most solemn one we assume. My approach to judicial appointments is to inquire into the candidate's scholarship as defined by the integrity of his intellect, his knowledge of the law, and his objectivity. True scholarship is the best guarantee we have of a justice's future performance. I have reviewed Mr. Carnes record and believe he meets the test of true scholarship. In fact, no one has questioned his scholarship or his intellect. Quite the contrary. Mr. Carnes is widely recognized by the bar in Alabama as an extremely bright young man with a deep knowledge and an abiding faith in the law.

Justice Oscar W. Adams, Jr., an African-American member of the Alabama Supreme Court, before whom Mr. Carnes has represented and argued cases on behalf of the State of Alabama, has endorsed Mr. Carnes.

Judge Charles Price, an African-American trial court judge who has handled capital offense cases and who worked with Mr. Carnes in the Alabama Attorney General's Office, has endorsed the nomination.

Thirty-one State attorneys general from around the Nation, including Lacy Thornburg in North Carolina, support his nomination.

A broad spectrum of attorneys, black and white, who have worked with or against Mr. Carnes in court have observed that Mr. Carnes is able, ethical, and of the highest integrity and support his nomination.

These are not misguided or mistaken supporters. They are his colleagues and adversaries. These are individuals who have spent their lives fighting for racial justice in Alabama. These are well-respected attorneys who have worked with and against Mr. Carnes in the courts of Alabama where they, better than anyone, can judge him best. I do not discount the sincerity of those who oppose the appointment, but I do not believe a case has been made against him.

Mr. Carnes championed a bill in the Alabama Legislature to insure that death sentences are not tainted by prejudice. He worked to ban the importation of South African coal mined by indentured labor. He has prosecuted two judges for racist behavior and got them removed from the bench. He belongs to an integrated church. These are not the actions of a man who is himself a racist.

In my opinion, Ed Carnes is well qualified to fill the seat to which he has been nominated and I am pleased to support his nomination to the Eleventh Circuit Court of Appeals.

Mr. DODD. Mr. President, I rise in opposition to the nomination of Edward Carnes to be a judge on the U.S. Court of Appeals for the Eleventh Circuit. Although this has been a difficult decision, I must oppose this nomination because I am not convinced that Mr. Carnes is firmly committed to the principle of equal justice for all.

As Senators, we bear an enormous responsibility when fulfilling our constitutional duty to provide advice and consent to the President of the United States—and to the American people—on judicial nominations. These decisions are particularly important because of the nature of judicial appointments. Nominees to the Federal bench, if confirmed, enjoy life tenure and are charged with the awesome responsibility of interpreting and applying the Constitution. Consequently, Federal judges have an opportunity to influence the policies of this Nation for years to come.

Although article II of the Constitution gives the Senate the responsibility to provide advice and consent on judicial nominations, it does not delineate the factors by which each Senator should judge the fitness of a judicial nominee. Thus, each Senator must determine for himself or herself the appropriate criteria for considering the qualifications of a nominee.

In my view, each Senator must begin and end his or her examination of the nominee with one overriding question: Is confirmation of this nominee in the best interest of the United States?

Answering this question in the affirmative first requires that each Senator be satisfied that the nominee possesses the technical and legal skills which we must demand of all Federal judges.

During his 17 years as an assistant attorney general for the State of Alabama, Mr. Carnes gained extensive litigation experience at the trial and appellate levels in Federal and State courts. Additionally, the American Bar Association has rated him as qualified. Thus, although Mr. Carnes may not be the most qualified candidate for the job, he possesses a technical and legal background that is within the range of acceptability.

Our next task is to determine whether the nominee is of the highest character and free from any conflicts of interest. No one has questioned Mr. Carnes' integrity or character.

Finally, we must carefully consider the nominee's record to determine whether he or she is capable of, and committed to, upholding the Constitution of the United States and protecting the individual rights and liberties guaranteed therein.

Toward that end, we must ask whether the nominee has the judicial temperament necessary to give a practical meaning to our Constitution's guarantees. We may disagree about the interpretation of the various provisions in the Constitution, but the nominee's views must be within the appropriate range, and his or her approach must reflect a deep commitment to our constitutional ideals.

Because Mr. Carnes has no judicial experience, our task is particularly difficult. Except for his litigation record and testimony before the Judiciary Committee, we have very little information to evaluate his judicial temperament. After careful consideration of that record and testimony, I am not convinced that Mr. Carnes is firmly committed to the principle of equal justice or that he understands the importance of removing racial discrimination from the judicial system.

Before I elaborate on the reasons for my opposition to this nomination, I want to note that my opposition is not based on Mr. Carnes' support for the death penalty. Like Mr. Carnes, I also support the death penalty. In fact, I recently voted in support of the crime bill conference report, which would expand the death penalty to 53 additional Federal offenses.

My doubts about this nomination stem from Mr. Carnes' handling of cases in which racial discrimination tainted the jury selection process. In response to the Judiciary Committee's questions on this issue, Mr. Carnes conceded that he pursued appeals in cases involving racially discriminatory jury strikes. He acknowledged that "there have been a number of cases in which district attorneys, or their assistants, either did not have race-neutral reasons for striking blacks of could not recall them when it was necessary to do so."

Despite that observation, Mr. Carnes never refused to pursue a case where racially discriminatory strikes were at issue. Instead, in such cases, he filed an appeal if there was any technical way to sustain the conviction.

For example, in Jackson versus Thigpen, Mr. Carnes pursued an appeal even though the prosecutor admitted that he struck all blacks from the jury for race-based reasons.

In his testimony before the Judiciary Committee, Mr. Carnes also discussed another case handled by his office: Jefferson versus State. In Jefferson, the prosecuting attorney divided prospective jurors into four categories—strong, medium, weak, and black. When asked whether he had sought or would seek permission to confess error in the case, Mr. Carnes answered "no."

In these and similar cases, Mr. Carnes and his staff have attempted to uphold convictions by raising technical arguments and have ignored the racial discrimination which obviously affected the judicial process. Such an approach undermines the principle of equal justice and diminishes the American people's confidence in the legal system.

In short, Mr. Carnes' record and testimony before the Judiciary Committee raise important doubts about this commitment to equal justice. Given those doubts, I cannot support this nomination.

Mr. ROCKEFELLER. Mr. President, I rise in opposition to the nomination of Edward Earl Carnes to the U.S. Court of Appeals for the Eleventh Circuit. It is our responsibility under the Constitution to see that the President's nominees to the Federal courts are not only intelligent and capable, but also have a bedrock sense of fairness and justice. To me, those are the fundamental characteristics of a Federal judge. However, I am not convinced that Mr. Carnes possesses these qualities.

Mr. Carnes asserted under oath before the Judiciary Committee that he "does not believe that capital punishment is applied in a racially discriminatory manner in Alabama or in the Nation." However, for more than a decade, in his role as an assistant attorney general of Alabama in charge of the capital litigation unit, Mr. Carnes has consistently defended the exclusion of African-American jurors in order to obtain all-white juries in death penalty cases. Mr. Carnes has never refused to defend a prosecutor's racially motivated use of jury strikes and never questioned his office's failure to confess error, even in cases involving blatant discrimination.

In his most recent brief to the eleventh circuit, Mr. Carnes personally asked the court to overturn a finding of racial discrimination by a Federal district court in the case of a black woman, Patricia Jackson, sentenced to death by an all-white jury after the prosecutor struck all 12 black citizens.

In the case of Jefferson versus State, the prosecutor divided the prospective juror list into four lists—strong, medium, weak, and black—and used 26 of 26 jury strikes to get all-white juries in a case involving a mentally retarded African-American. The four lists were discovered by lawyers for the defendant during State post-conviction proceedings. Carnes appeared personally at a hearing and spoke on behalf of the State after the lists were discovered and asked the court to deny the claim of discrimination because the defendant's lawyer had not made the challenge earlier—even though the defendant's lawyer was unaware of the lists at the time the juries were struck.

In another case, Morrison versus Thigpen, the prosecutor used 20 of 21 jury strikes against African-Americans. Carnes personally asked the Federal court to reject the claim of discrimination.

I could go on because the cases are numerous, but these tell us sufficiently that either Mr. Carnes was not straightforward with the Judiciary committee or is unable to recognize even the starkest forms of racial bias.

Mr. Carnes has also stated under oath that death row inmates in Alabama receive excellent court-appointed counsel, a view that is at considerable odds with the findings of an Alabama bar panel created to study the problem and by the numerous inmates who have suffered at the hands of poor lawyering. Monroe Freedom, distinguished professor of legal ethics at Hofstra University Law School, has stated that "Ed Carnes has regularly exploited the ineffectiveness of defense counsel in death penalty cases and, in his testimony before an ABA task force, he cynically lied to deny its existence and to prevent its reform. That is a principal reason he should not be confirmed."

Judging from Mr. Carnes' record and from his sworn testimony, I have grave doubts as to whether the nominee is capable of dispensing even-handed justice. I just do not believe he has earned a lifetime appointment to the Federal bench.

I suspect that it will be enormously difficult to find a nominee who can truly replace Judge Johnson. But it is our duty to ensure that he is succeeded in such a way that honors his long, courageous service to the principles of our Constitution. I urge my colleagues to insist on a nominee who truly deserves to uphold Judge Johnson's legacy.

Mr. WIRTH. Mr. President, today we are considering the nomination of Edward Carnes to be a judge on the U.S. Court of Appeals for the Eleventh Circuit. Mr. Carnes was reported out by the Judiciary Committee in May on a 10 to 4 vote—only the 10th time the committee has divided over the more than 500 appointments to the lower Federal courts in the last 12 years.

For almost his entire legal career, Mr. Carnes has headed the death penalty unit in the Alabama Attorney General's Office, arguing and supervising capital punishment cases on appeal. He has built his career on pursuing the execution of primarily poor and minority defendants. Mr. Carnes has no other legal experience to qualify him for the court.

Mr. Carnes' position on the death penalty is not why I question his suitability for the bench. The Members of this body have various beliefs about whether and when the death penalty should be applied, but that is not the scale on which his nomination should be weighed. We must look at what he believes to be a fair trial and adequate representation. What Mr. Carnes believes to be just and right I find to be inexcusable and intolerable.

The Supreme Court has ruled that racial discrimination in the selection of criminal trial juries is a violation of the accused's constitutional rights. However, instead of following and promoting this policy of fairness, Mr. Carnes has sought to circumvent it.

In case after case, Mr. Carnes has exploited and defended this discrimination. In his world, by his own testimony, capital punishment is not applied in a racially discriminatory manner. And yet, many of the African-Americans on Alabama's death row are there because all-white juries put them there—juries that were empaneled by prosecutors explicitly excluding every black.

Although defendants frequently complained on appeal of racial discrimination in the selection of their juries, there is no evidence in the record that Carnes went to his superior, the attorney general, and sought a clear statement against such pernicious practices. Instead, he fought the defendants' appeals, often on technical grounds, sometimes all the way to the very Federal court on which he hopes to sit.

For example, in the case of Albert Jefferson, an African-American tried in Chambers County, AL, the prosecutor divided the jury list into four categories: strong, medium, weak, and black. The prosecutor then used 26 jury strikes against African-Americans to obtain all-white juries in three separate trials. The lists were found only later and are the basis for Jefferson's challenge in postconviction proceedings.

Instead of acknowledging this clear evidence of discrimination and seeking a new trial without racial bias, Mr. Carnes is vigorously opposing the defendant's claim, which is pending in State court. Although a life hangs in the balance, Mr. Carnes' office argues that the court should not consider the issue because it should have been raised earlier. This is clearly not the act of an individual committed to applying the law justly.

I was taken with the words written by Dennis Sweet, the only African-American attorney to have practiced at the Southern Poverty Law Center, who wrote:

> The only racial discrimination that Ed Carnes recognizes is the most flagrant and the most despicable—hate crimes such as the lynching of a black youth and the murder of innocent children in a church bombing. Unquestionably, these deplorable instances of racial hatred in our society deserve the harshest condemnation by Ed Carnes and everyone else in our society.
>
> But African-Americans in Alabama are also threatened by a more subtle, but more pernicious and more pervasive racism than that practiced by the Ku Klux Klan and other hate groups. It is the racism practiced by some public officials in the course of their official duties. It is a racism in which official power is used to deny African-Americans their rightful role as citizens and treats them differently for reasons of race. This racism—such as the exclusion of persons from jury services by prosecutors on account of race, and the treatment of cases differently based upon the race of the defendant—is far more widespread in Alabama than are hate crimes. It occurs in case after case—from those involving minor crimes to the most serious—in communities large and small. It is so pervasive and people are so used to it that many do not even recognize it for what it is.
>
> The cost of this official racial discrimination to the system and to our society is enormous. It diminishes the legitimacy and integrity of the courts. It undermines faith in the system by African-Americans who are turned away as jurors, by those who observe this exclusion in cases involving the fate of a loved one or friend, and by still others in the community who hear from these experiences that those of their color have no role in the criminal justice system.

I do not believe that Mr. Carnes understands how these actions degrade our legal system and stand in the way of justice.

In Mr. Carnes' world, capital defendants receive "excellent legal representation," as he told an ABA task force. The case of Herbert Richardson, an African-American veteran of Vietnam, tells otherwise and bears witness to Mr. Carnes' labors. Honorably discharged from the service, Richardson suffered posttraumatic stress disorder because of his experience in the war. At a resentencing hearing, the prosecutor argued, without any basis in fact, that Richardson should be sentenced to death because he belonged to "organizations in New York City connected with the Black Muslim Organizations," had killed a woman in New Jersey and received a dishonorable discharge. The court sentenced the defendant to death.

On appeal to an intermediate appellate court, Richardson's court-appointed attorney failed to even file a brief. At the next stage of appeal to the Alabama Supreme Court, the lawyer filed a six-page brief which raised only one issue. It failed to mention the prosecutor's inflammatory and erroneous statements at the resentencing hearing. Consequently, the sentence was affirmed.

Before Richardson's new attorney had even filed an appeal before the Eleventh Circuit Court of Appeals, Mr. Carnes sent photos of the victim's bloodied body and head wounds to the court. He also argued that the prosecutor's misconduct could not be reviewed because the issue had not been raised sooner. Richardson's death sentence was affirmed and he was executed.

In another instance, Patricia Jackson, an African-American woman, was sentenced to death by an all-white jury after the prosecutor struck all 12 black persons from the jury. A U.S. district court found not only racial discrimination, but incompetent legal representation. Mr. Carnes acknowledged in his answer to Chairman BIDEN that there was racial discrimination in selecting her jury. But he personally argued to the court of appeals that this racial discrimination should be ignored.

In the case of Horace Dunkins, Mr. Carnes successfully argued that his mental retardation was barred from court consideration by a technicality. This mentally retarded African-American was executed. Mr. Carnes also argued that the issue of mental retardation and the striking of nine African-American jurors by the prosecutor to get an all-white jury in the case of Cornelius Singleton could not be reviewed by the courts because of a procedural technicality.

Mr. Carnes has simply not been straightforward with the Senate. He has used the full force of the State to perpetuate the ugly legacy of the past that black lives are inherently less worthy than white ones.

He also knows that politics and the passions of the moment often influence the actions of elected State judges in capital cases. Yet he has asked Congress to pass laws virtually eliminating any Federal court review of capital cases.

The eleventh circuit court hears appeals from Alabama, Florida, and Georgia, and has been a beacon of hope to millions of Americans in pursuit of civil rights and equal justice. It has enforced the rights of poor and minority Americans when State officials were standing in the schoolhouse doors. The judges on this bench, including Frank Johnson, whom Carnes hopes to succeed, were often the only shield left to protect an individual's rights. They gave meaning to the guarantees of equal protection and due process. At this critical time in our Nation's history, we do not need on the Federal bench people like Mr. Carnes who perpetuate injustice.

We have reached a regrettable point in our Nation's history if the best we can say about a nominee's commitment to equal justice, as Mr. Carnes' supporters have argued, is that he is not a member of a country club and attends a slightly integrated church. There is no comfort in the assurances of some that the nominee will surprise us once on the bench. We have heard this tune before—in the very recent past—and there have been no surprises, merely outrage.

A majority of citizens in this country already perceive the justice system to be ridden with racial prejudice and weighted against the poor and powerless. Confirmation of Ed Carnes would be salt in the wounds of racial prejudice exposed by the Rodney King verdict. It would be both acceptance and perpetuation of racial exclusion in the courts.

I will vote against cloture and against confirmation of Mr. Carnes, and strongly urge my colleague to do the same.

Mr. PELL. Mr. President, today I voted against the confirmation of Ed Carnes to serve on the Court of Appeals for the Eleventh Circuit. In general, I give much weight to Presidential perogative when considering an executive branch nominee. I feel that such nominees should in general be confirmed unless they possess unique and troubling qualities which make them unfit for the office for which they are nominated.

In the case of Mr. Carnes, I am deeply troubled by a seeming lack of sensitivity to the problems of racism in our society and the questionable record compiled while prosecuting capital cases in Alabama. At a time in our country when the fairness and sensitivity of our judicial system is being called into question by many, I believe we must act with particular care in appointing those individuals most qualified to positions on the Federal bench. I do not believe Mr. Carnes has yet demonstrated that quality and therefore oppose his nomination.

Mr. HATFIELD. Mr. President, throughout my career in public service, I can think of few issues that have torn at me more deeply than the issue of capital punishment. I have spoken many times on this floor in opposition to its use. But, capital punishment is not the issue before us today. As difficult as it is sometimes, we must evaluate judicial nominees in light of their duties under the laws as they existed during the time of service we are attempting to evaluate.

The duty of a prosecutor, like the duty of a judge or a Governor, is to work to uphold the will of the people. To ambitiously advocate the application of capital punishment under the laws of a particular State, as some criticize Mr. Carnes for doing, does not speak to his qualifications to hold office any more than advocating the death penalty during Senate debate determines the qualifications of my colleagues who differ with me on that issue.

It was 30 years ago last month when the death penalty was last used to kill a man in the State of Oregon. I was serving as Governor at the time, and was the final person with the power to halt this act. I also happened to be profoundly opposed to the barbaric retributive killing that we call a death penalty, just as I continue to be opposed to it today. But, the will of the people in Oregon was clear at that time—they had recently turned down a proposed repeal of the penalty—and the facts surrounding that case were even clearer. After agonizing over what may be the most difficult decision I have faced, I decided that my duties in office of Governor would not allow me to commute the death sentence of that prisoner.

The issue before us is the qualification of Mr. Carnes to sit as a Federal judge. In considering judicial nominations, we must view potential judges over a whole range of issues. The record indicates that Mr. Carnes is qualified on issues relating to civil rights. He has the support of many in Alabama who have made a career of advocating civil rights. We have letters in support of Mr. Carnes' record on civil rights from defense attorneys and prosecutors with whom he worked. This is a Federal appellate court position. Mr. Carnes also has extensive experience litigating in the Federal appellate court. As an assistant attorney general, his job should be to advocate strongly for the State. The record does not indicate that he overstepped the boundaries of effective advocacy. The record shows that Mr. Carnes is an intelligent hard-working man with many years of experience in Federal litigation who deserves our vote for confirmation.

The PRESIDING OFFICER. All time has expired.

Mr. MITCHELL. Mr. President, has my leader time been reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Mr. President, I would like to use a portion of my leader time to make a brief statement.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I intend to vote against the nomination of Edward Carnes to the U.S. Court of Appeals for the Eleventh Circuit. This President, indeed any President, is obligated to submit nominees to the Federal bench who are qualified for that office, and the President is entitled to nominate those who share his judicial philosophy. But the Senate has also its own obligations in this process. These include, but are not limited to, the determination of fitness to serve. In this particular case I have reluctantly concluded that I cannot give my consent to the nomination.

By all accounts Edward Carnes is an intelligent and energetic prosecutor. While he has no direct experience on the bench, he is familiar with the judicial process. On paper he is qualified for the post to which he has been nominated. But there is more to being a judge than having a strong resume.

There is judicial temperament, a quality which cannot be precisely measured, but which is ultimately the quality which determines the respect the American people have for the judicial process and the justice it dispenses. Judicial temperament goes beyond the nominee's views on a specific matter involved. It goes beyond the nominee's opinions on the controversial issues of the day.

Judicial temperament is the quality of mind and attitude which brings to the pursuit of the law a special reverence for the pursuit of justice as well as for equality. It allows those who sit in judgment on others, one of the most difficult tasks for any human being to perform, to transcend their own backgrounds when they must decide questions which will affect the lives and, in some cases, the deaths of others. It is on this question that I have doubts about the nomination.

Mr. President, the entire purpose of the constitutional protection guaranteed to all Americans is to ensure fairness to defendants charged with crimes and to assure justice to society. That above all ought to be the criterion juries ought to keep permanently in mind.

The American system of criminal justice is the finest in the world. Our procedures are carefully drawn and their effect is continually monitored by our Federal courts to ensure the constitutional rights which help guard against the miscarriage of justice are observed by the officers of the court and effective in practice as well.

As a former official of our courts, a prosecuting attorney, a defense attorney, and a Federal judge, I am well aware of the strength and tenacity of the efforts our system expends to prevent miscarriages of justice. But precisely because I have a close personal knowledge of the workings of the system, of the nature of the process, and especially of the unpredictable and unexpected events that occur in the legal process, I am also acutely aware of the fact that our system will never produce infallible justice. But the prevention of error, the paramount concern of the delivery of justice, ought to be a high priority.

Supporters of the death penalty have argued for years that the procedural safeguards surrounding the death penalty would reduce the danger of making a mistake. But what if those safeguards are not adhered to because of inadequate defense counsel at the trial level, for example? Are they then relegated to the status of mere technicalities?

Apparently, in Mr. Carnes' view, they are. And it is such sensitivity to such questions that I find lacking. To be sure, he was doing his job.

Mr. President and Members of the Senate, his job at times involved putting people to death.

If ever a job called for particular attention both to reality and the appearance of fairness, it is then. If confirmed to the court of appeals, Mr. Carnes will be confronted again and again and again with appeals based upon technical irregularity, procedural defects, and inadequate counsel. At the same time, as the Supreme Court hears fewer criminal cases on appeals, the Nation's appellate courts carry an increasing burden in preserving the full scope of constitutional guarantees to the cases that come before them.

Indeed, for the overwhelming majority of defendants in the Federal system, appellate courts are the final courts. The appellate courts hear and decide about 41,000 cases a year. Of those 41,000, only about 100 are further reviewed by the Supreme Court. For the overwhelming majority of persons in the criminal justice system, there is no realistic hope for appeal from the decision of the appellate court. That is where the cases end.

Unfortunately, Mr. Carnes' record with respect to the importance of protecting and securing the necessary safeguards, when he recognized and acknowledged that defects exist, leads me to believe that he should not be confirmed, and I will vote against the nomination.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will state the cloture motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Edward Carnes nomination:

Strom Thurmond, Frank H. Murkowski, Bob Dole, Larry Pressler, Thad Cochran, Larry E. Craig, Bob Kasten, Mitch McConnell, Ted Stevens, Conrad Burns, Slade Gorton, Alfonse D'Amato, J. Warner, Al Simpson, Trent Lott, Malcolm Wallop.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is: Is it the sense of the Senate that debate on the nomination of Edward E. Carnes to be U.S. circuit judge for the eleventh circuit shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll:

Mr. PELL. Mr. President, on this vote, I have a live pair with the Senator from Tennessee [Mr. GORE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." I, therefore, withhold my vote.

Mr. FORD. I announce that the Senator from Tennessee [Mr. SASSER] is necessarily absent.

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from Rhode Island [Mr. PELL]. If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Rhode Island would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 30, as follows:

[Rollcall Vote No. 192 Ex.]

YEAS—66

Akaka
Baucus
Bentsen
Bond
Boren
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Kohl
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Roth
Rudman
Sanford
Seymour
Shelby
Simon
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—30

Adams
Biden
Bingaman
Bradley
Breaux
Bumpers
Cranston
Dodd
Fowler
Glenn
Harkin
Hollings
Inouye
Kennedy
Kerry
Lautenberg
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Specter
Wellstone
Wirth
Wofford

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—2

Gore
Sasser

The PRESIDING OFFICER. On this vote the yeas are 66, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NOMINATION OF EDWARD E. CARNES TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. Under the previous order, the question occurs on the nomination of Edward E. Carnes to serve on the eleventh circuit.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Edward E. Carnes, of Alabama, to be a U.S. circuit judge for the eleventh circuit? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 193 Ex.]

YEAS—62

Akaka
Baucus
Bentsen
Bond
Boren
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Jeffords
Johnston
Kassebaum
Kasten
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Roth
Rudman
Sanford
Sasser
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—36

Adams
Biden
Bingaman
Bradley
Breaux
Bumpers
Cranston
Daschle
Dixon
Dodd
Fowler
Glenn
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wirth
Wofford

NOT VOTING—1

Gore

So the nomination was confirmed.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session to resume consideration of H.R. 5679, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry, independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill:

Bumpers amendment No. 2956, to reduce funding for the implementation of the Space Station Freedom and to increase funding for certain VA health-care related activities.

AMENDMENT NO. 2956

The PRESIDING OFFICER. The pending question is the Bumpers amendment No. 2956. It is the Chair's understanding the remaining time for debate is controlled as follows: the Senator from Arkansas [Mr. BUMPERS] controls 79 minutes; the Senator from Ohio [Mr. GLENN] controls 24 minutes; and the managers control 37 minutes.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

AMENDMENT NO 2956, AS MODIFIED

Mr. BUMPERS. I ask unanimous consent that I be permitted to modify my amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. GARN. Mr. President, reserving the right to object, and I probably will not, I just would like to know what the modification is.

Mr. BUMPERS. Mr. President, if I may explain to the Senator from Utah, we had a strike of $2.1 billion. There is a total of about $7 billion in the bill for R&D. This reduces the $7 billion, which accomplishes the very same thing.

The PRESIDING OFFICER. Hearing no objection, the amendment is so modified.

The amendment (No. 2956), as modified, is as follows:

On page 103, strike lines 6 through lines 17 and insert in lieu thereof the following: "vehicles; $5,517,100,000 to remain available until September 30, 1994: *Provided*, That $500,000,000 shall be made available for termination of contracts relating to Space Station Freedom; that $200,000,000 shall be made available for Veterans Health Administration Medical Care in addition to sums otherwise appropriated; that $62,000,000 shall be made available to Veterans Health Administration Medical and Prosthetic Research in addition to sums otherwise appropriated: *Pro-*".

Mr. BUMPERS. Mr. President, I yield the Senator from Illinois such time as he may use.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

Mr. SIMON. Mr. President, I shall not be long.

Not too long ago the House and the Senate, to a more limited extent, debated whether or not we need a constitutional amendment to require a balanced budget. One of the arguments I heard was that we do not need a constitutional amendment; we can do it on our own.

Well, yes, we can do it on our own, but we are going to illustrate, I regret to say, in whatever the time limit is here, 2 hours, we are probably going to illustrate we are not going to do it on our own. We need the discipline, frankly, of a constitutional amendment to force us to make the tough decisions, and some of the decisions are tough.

I supported the super collider. My friend, the Senator from Arkansas, had the amendment to eliminate it. I think on balance it is needed.

But you know how we work out the compromises around here. We work out the compromises such that if you are for a super collider, we end up voting for that. If you are for a space station, we end up voting for that. And the compromise results in huge deficits and massive harm to our economy.

The New York Federal Reserve Board has recently said in a study that the savings loss in this country primarily because of the deficit has cost us 5 percentage points in growth in GNP. One percentage point, according to the CBO, means a loss of 650,000 jobs. And now we have a proposal for a space station, the cost of which at least will be $40 billion.

Just yesterday David Broder in his column in the Washington Post said the most difficult question the next President will face, whether it is George Bush or Bill Clinton, will be how to control the deficit.

Do we impose another $40 billion? It may run up to $100 billion. My friend, the Senator from Arkansas [Mr. BUMPERS] probably has more information on that, but it will be at least $40 billion. Do we impose that on the next President of the United States? What does the scientific community say?

The Council of Scientific Society Presidents says, "Scientific justification is lacking for a permanently manned space station in Earth orbit."

There are other quotes here. They were sent around in a "Dear Colleague" by our friend and colleague from Arkansas.

I ask unanimous consent, Mr. President, to insert all of these statements by various scientific leaders on the inadvisability of going ahead on the space station in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPACE STATION QUOTES

"The Board believes that neither the quantity nor the quality of research that can be conducted on the proposed station merits the projected investment. * * * If such funds were made available, the research community would likely choose to spend them in a very different way."—Space Studies Board, National Research Council.

"Scientific justification is lacking for a permanently manned space station in earth orbit."—Council of Scientific Society Presidents.

"Neither the commercial processes nor the scientific merit of the microgravity experiments come close to justifying the cost and effort required to build, deploy, and operate the [space] station."—Dr. Allan Bromley, Science Adviser to President Bush.

"In an era of limited resources for science and technology, the United States must choose its priorities carefully. The United States is spending a lot of resources on national prestige technology projects that make little contribution to U.S. economic growth and competitiveness. Comparable spending on generic industrial technology would not only have a major impact on America's international prestige, but also its standard of living, national security and international influence."—U.S. Council on Competitiveness (organization of chief executives from business, higher education, and organized labor: Bobby Inman, George Fisher, chmn. of Motorola, John Akers of IBM, Don Peterson, chmn. of Ford).

"The [space] station * * * to many space experts, it is far from novel or innovative."—"Don't Fight the Revolution," lead editorial, Space News, May 25-31, 1992, page 14.

"These are the critical technologies in which Japan is eating our lunch."—Dr. Eugene Levy, head of U. of Arizona planetary program, in explaining why unmanned spacecraft to Mars would cost less than the space station and would do more to advance research in computers, robotics, and communications.

"None of [U.S. competitive technology] needs are addressed by the proposed Space Station's programs or capabilities * * * the Space Station will do far less to address our country's industrial competitiveness in the coming years than most of the other programs presently in need of government support."—Dr. Arno Penzias, Vice President for Research, Bell Laboratories.

"If a weightless scientific platform is what's wanted, there's no need for a manned space station: most microgravity experiments can be done and much less expensively by unmanned craft."—Robert Sekerka, Chair, Committee on Microgravity Research, Space Studies Board, National Research Council.

"Informed materials scientists uniformly agree that a low priority to commercial materials processing is appropriate * * * Commercial payoffs in materials processing are a generation away."—Robert Bayuzick, Chair, Space Station Science and Applications Advisory Subcommittee.

"[I'd emphasize] competitive based technologies * * * big programs such as the SSC and the Space Station come last."—Dr. Eric Bloch, Former Director of the National Science Foundation, 1984–1991 Distinguished Fellow of The Council on Competitiveness, in response to question about R&D funding priorities for economic competitiveness, June 20, 1991.

Mr. SIMON. Mr. President, we just cannot do everything we would like to do. That is the lesson. Virtually everything we can learn from a space station we can learn without having a space station, and not waste $40 billion-plus.

So I strongly agree with the amendment of my friend from Arkansas. I am not optimistic that we are going to pass the amendment. But I would again say this simply underscores the need for a constitutional discipline so that we are forced to make the tough decisions that we have to make.

Mr. President, whatever time I may have left, I yield to the Senator from Arkansas.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 5 minutes to the Senator from Connecticut [Mr. DODD].

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, let me thank the distinguished Senator from Maryland and commend her for the fine way in which she is managing this legislation. As we all know, this is always difficult legislation because of the complexity of issues involved. So I commend the Senator from Maryland on her efforts this year.

I would also like to commend my colleague from Arkansas, who, in my view, rightly raises an amendment in the debate on these issues and raises, certainly, very legitimate concerns about this important program.

But having said that, Mr. President, I also say that I oppose the amendment. I have done so in the past and will do so again today. I believe the continued funding for the space station *Freedom* is a critical program for this country's future and the future of American space exploration. The vote before us is crucial and will determine the course of space experimentation and space technology for the next decade.

And some of that technology is ready today. I am proud to represent the men and women of Hamilton Standard whose extra vehicle space suits are the very ones most likely to be used by NASA when constructing space station *Freedom*.

We have the commitment, Mr. President, and we have the technology.

We must not stop now. We have a responsibility to look toward the future. We must consider the enormous potential this project can provide.

Today's vote represents a vote for that future. More importantly, it represents a continuation of a commitment toward scientific space exploration well into the next century. As we consider these issues, I cannot help but draw attention to the enormous potential benefits that this project holds for generations to come.

In the field of biotechnology alone, the unique microgravity environment of space station *Freedom* will allow scientists to explore new areas of crystalline research. The possible results of this critical research could mean new breakthroughs in pharmaceutical technologies beyond absolutely anything we now know.

And with continued biomedical applications, space station *Freedom* research may one day lead to less costly means of production for more purely defined medications and vaccines that could one day help eliminate the major diseases now killing millions of Americans each year and reduce the staggering health care costs to the American taxpayer.

Imagine the possibilities, Mr. President. Improved technologies and methods may one day provide us with the means to eradicate deadly diseases.

Cancer, glaucoma, and quite possibly AIDS, might one day be diseases of the past given the benefits of microgravity research instigated in the scientific cells of space station *Freedom*. These are just a few of the possible horizons which space station *Freedom* might help us to attain.

Mr. President, under the current payload schedule presented by NASA, the schedule of experiments for space station *Freedom* represent no less than 32 different scientific fields for experimentation between 1996 and the turn of the century. These are experiments drafted today—ready to go. Many of these experiments are simply on hold, waiting for a chance to be implemented in the greatest space laboratory ever created.

From bioregenerative water systems research, to advanced microchip development, the field is wide open.

Mr. President, we cannot turn our backs on America's space program. Too much is within our reach for us simply to walk away. We must not let our commitment to space exploration and the scientific possibilities that could be ours slip away.

The commitment is not just ours. What makes this program unique in many ways is that it is a combined effort. It is not a question of whether or not there will be a space station. Clearly, the involvement of our allies to go forward indicates that there will be that development. So our commitment extends beyond our borders. One international partnership is clearly in question.

We must look to the future, Mr. President.

I believe future generations will look back and be thankful to this generation for not having backed away from this endeavor.

America needs space station *Freedom*. The possible returns on today's investment are staring us squarely in the face. Hundreds of critical biomedical experiments are backlogged eagerly awaiting the opportunity to test themselves in the microgravity environment of our orbiting laboratory.

Space station *Freedom* is a program with a purpose, and a program with promise. I urge and encourage my colleagues to support continued funding to make space station *Freedom* a scientific reality.

Mr. President, I thank the distinguished Senator from Maryland for her time and urge my colleagues to reject this amendment and to support this program.

Ms. MIKULSKI. Mr. President, we have unofficial rotation for the Senator from Arkansas. We are going to yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished manager of the bill.

Mr. President, I strongly support the funding contained in this bill for space station *Freedom* and I commend the distinguished managers of this bill, who have brought a bill to the floor which includes funding to ensure the continuing preeminence of this Nation in space. I have been for several years a member of the unofficial space station caucus, and I support the committee's action in providing $2.1 billion for this project.

Space station *Freedom* will not only provide the obvious benefits in space exploration and research in critical technologies, but, also, it will provide important benefits in the area of education, such as motivation, and career paths for a new generation of engineers and scientists.

The commercial potential of space is now being realized through the shuttle, as well as other launch vehicles. The space station will greatly expand the utilization of this potential, with longer duration experiments, as well as the capability to build on results of ongoing work as results are determined.

Some of the spinoffs of prior space activities are computed tomography scan, magnetic resonance imaging, and laser angioplasty in medicine, as well as computer advances such as the computer reader for the blind and the data glove method of interaction with computers.

I recognize that this is an expensive program, but every Member of this Senate can remember that day in 1969 when we put a man on the Moon. That was one of the key events of our lifetimes, and the space station will lead to other voyages of discovery just as momentous.

This bill also includes $50 million for the advanced solid rocket motor program. In this body, we sometimes get into chicken and egg arguments. In the case of the ASRM and the space station, no matter which comes first, the overall space program will be better served if both programs proceed forward together. I am hopeful that the upcoming conference will result in a bill that provides adequate funding for both programs, which will allow the space station to be built in the safest possible way, while providing maximum flexibility as both programs proceed. I appreciate the efforts of the managers to permit these decisions to be made in conference.

Mr. President, I urge my colleagues to oppose the pending amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I yield to the Senator from Maine such time as he may use.

Mr. COHEN. I thank the Senator.

Mr. President, my only hesitancy in standing here today in opposition to the funding of the space station *Freedom* is the presence of my colleague, the senior Senator from Utah. He has a distinguished career not only here on Earth but also in space, and I know of his deep commitment to our space programs. He indeed is an explorer and represents the pioneer spirit of the American people.

But I must say that when we stand on this floor and argue day after day about the size of the budget deficit and then agree to fund programs of the magnitude represented by this particular program, then I say that there is no hope that we will ever bring our budget deficit under control. We say one thing, and we do quite another the very next day.

With respect to this particular program, when it was originally conceived, it had eight missions it was designed to perform. Those eight missions have now been reduced to one mission, to be a laboratory for life science and microgravity research. Yet, according to the scientific community, the overwhelming body of scientific testimony would indicate that this research can be performed just as well, and less costly, right here on Earth or by using other space platforms.

So now we have a situation in which a program started out as a $12 billion program. It is now calculated to approach, if not exceed, some $118 billion. We have witnessed time after time after time, particularly in the defense industry, major programs being sold to the Congress as costing a minimum amount, only to find several years later the costs have been greatly understated.

In this particular case, I think the scientific and the industrial benefits are grossly exaggerated, and indeed the scientific research community is opposed to the space station. The only benefits to be derived from the program will be accrued by those companies that hold space station contracts, and not the American people whose taxes will pay for this $118 million engineering extravaganza.

Mr. President, we have, it seems to me, a Rolls Royce ambition, but a rent-a-wreck budget. This should not be called space station *Freedom*; it should be called space station incarceration, because we are in fact going to imprison the future generations of this country with a budget deficit they will be unable to bear.

We are witnessing at the Presidential campaign level not a feeding frenzy but a spending frenzy. I will not take the time today to talk about the devastation that has afflicted the State of Florida and the horror that the people of that State now have to endure.

Mr. President, for the President of the United States to declare without even consulting Members of Congress or waiting to get a judgment of the need to rebuild Homestead Air Force Base, but to pledge a half-billion dollars to the rebuilding of that particular facility again poses the question: When are we ever going to deal seriously with the budget deficit of this country?

I have a number of statements made not only by scientific organizations and institutions of this country but by the President's own science adviser, Dr. Allen Bromley. He stated, "Neither the commercial processes nor the scientific merit of the microgravity experiments comes close to justifying the costs and effort required to build, deploy, and operate the station."

Earlier this year, Dr. Bromley was asked, "Is there any scientific value to the space station?" His response was a categorical: "No. None whatsoever."

The American Physical Society and the American Chemical Society are the principal associations for American physicists and chemists. In a joint statement, these and several other professional societies have stated that:

> Scientific justification is lacking for a permanently manned space station in Earth orbit. We are concerned that the potential contribution of a manned space station to the physical and life sciences has been greatly overstated and that most objectives currently planned for the space station could be accomplished more effectively and at much lower cost on Earth, using unmanned robotic platforms, or using the shuttle.

An even stronger statement was recently issued by the American Physical Society, the American Society of Cell Biology, the American Geophysical Union, and a dozen other scientific societies. These groups, representing over a quarter million scientists, stated:

> The space station is a multibillion-dollar project of little scientific or technical merit that threatens valuable space-related projects and drains the scientific vitality of participating nations. International cooperation should instead be directed toward projects with scientific value or cost-effective technical potential.

This view is shared by nearly all the other major professional associations of scientists in the United States, including the American Chemical Society, the Institute for Electrical and Electronic Engineers, the American Association for Cancer Research, and many others.

Mr. President, these are the very people who would be the beneficiaries of the space station, according to NASA. And yet these associations of hundreds of thousands of scientists are adamantly opposed to the space station. Clearly, the purported scientific research justification for the space station is nothing but a NASA sales pitch.

So now let us turn to the latest arguments being advanced to support this particular measure. It is said to improve America's economic competitiveness. In a letter sent out last month to Senators, NASA Administrator Daniel Goldin suggested that proceeding to the space station is necessary if United States is going to remain "the world's leading economic power with a technically skilled work force * * * and the world's engine of scientific and technological advancement." He said, canceling the space station would "let another critical technology arena go to our competitors."

Earlier this week, in another letter to Senators, he said, repeating this hyperbole, that the space station was needed to "sustain U.S. economic leadership."

I want to compare that statement with the assessment of the U.S. Council on Competitiveness, which brings together chief executives from business, higher education, and labor to recommend ways to improve our international competitiveness. The council said:

> The United States is spending a lot of resources on national prestige technology projects that make little contribution to U.S. economic growth and competitiveness. Comparable spending on generic industrial technology would not only have a major impact on America's international prestige, but also its standard of living, national security, and international influence.

Arno Penzias, the Nobel laureate and vice president for research at Bell Laboratories, put it more bluntly when he said:

> None of the U.S. competitive technology needs are addressed by the proposed space station's programs or capabilities.* * * The space station will do far less to address our country's industrial competitiveness in the coming years than most of the other programs presently in need of government support.

This view was echoed by the former Director of the National Science Foundation, Erich Bloch. When he was asked what should be our research and development funding priorities in order to improve our economic competitiveness, Dr. Bloch stated that the United States should emphasize "competitive based technologies * * * big programs such as the SSC and space station come last" in priority.

Well, perhaps Mr. Goldin can be forgiven, since he recently moved to NASA from a defense contractor. As my colleagues know all too well, in the defense contractor culture, overselling one's project is expected behavior. Just as the B-2 is going to replace half of the tactical Air Force and the entire carrier fleet, so the space station is now going to save the American economy.

Mr. President, the exact opposite is the case. Every dollar that we appropriate for the space station is a dollar that could better be spent on reducing the deficit, pursuing research that does have value, and otherwise investing in our Nation's future. With a price tag for the station now at $118 billion and only going up, that is a great deal of productive investment we are going to forego.

Let me say that the Senator from Connecticut recently talked about the tremendous potential that research carried out in space can in fact have for future generations. The scientific community seems to indicate that we can carry out that research right here on Earth at a lower cost and just as effectively. So we are now left to the issue of whether we are going to lose our competitiveness. And the National Council on Competitiveness says we are going to lose our competitiveness by investing in programs such as the space station.

In his letter to Senators last month, Administrator Goldin said Senators should vote on the Bumpers amendment only after asking themselves "where would I like to see this Nation in 8 years—at the start of the next millenium?"

Mr. President, my answer to Administrator Goldin's question is that I do not want to see our Nation still facing $400 billion deficits as far as the eye can see. I want to see a Nation with its fiscal house in order. I want to see our precious R&D dollars devoted to programs that truly advance knowledge and promote our economic well being, rather than the narrow economic interest of a few large contractors located in States that happen to have lots of electoral votes.

The National Research Council's Space Studies Board summarized it best: "Neither the quantity nor the quality of research that can be conducted on the proposed station merits the projected investment."

One famous poet said: We shall not cease from exploration; at the end of all of our exploration, we will arrive at a place where we begin and know it for the first time.

I think it is time to come back to Earth to carry out the kinds of experiments that we know we can afford, which will produce just as good and fine results as they can in space and at a price that we can afford. We cannot afford the luxury of thinking in Rolls Royce terms, once again, while having this rent-a-wreck budget.

I urge my colleagues to support the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, would the Senator from Arkansas like to proceed? I am happy to yield.

Mr. BUMPERS. Mr. President, I will summarize what I said last evening. I have one other speaker. I think Senator SASSER wishes to speak, and we will probably, if there is any time left, be prepared to yield back our time. We can get the show on the road a little faster that way.

Mr. President, first of all, one thing I neglected to say last night is that I favor the space station. I favor the superconducting super collider. I am not sure I can add the B-2 bomber to that. I can say that I favor a limited SDI. I do not favor a $30 billion intelligence budget. I do not favor a $110 million budget for the Capitol Architect, and I could go on with a host of other things.

But I just want to say that I have offered, am offering, and will continue to offer amendments which only cut about $10 billion out of the deficit for 1993. But, Mr. President, I cannot state strongly enough that it is not just the $10 billion next year on these amendments, it is not just the $2.1 billion for the space station in 1993. We are talking about in the case of the super collider not $500 million in 1993. We are talking about $20 to $30 billion and maybe more over the next 28 years.

In the case of the space station we are talking about not $2.1 billion next year, we are talking about $118 billion according to GAO and $200 billion according to the House study. Mr. President, we are not talking about $118 billion for the next 30 years to operate and man the space station. We are talking about roughly, counting a 3-percent inflation rate, almost $400 billion over the next 30 years.

We are going to borrow every single penny it takes to build it. Mr. President, what do my children and my grandchildren get for the $118 billion, and I am trying to be truthful and conservative in my estimates, nobody believes that today's projection of $118 billion is going to stand. When the President first talked about it he talked about $8 billion. We are now up to $30 billion to build it and $10 billion for the payload. We are talking about $40 billion just to throw it in space, and $78 billion to operate it over the next 30 years. That is $118 billion, and as I say the figure will obviously be much greater but I will use those conservative figures.

What do we get for $118 billion? According to every scientific organization worth their salt, nothing. And what do we get for the extra $200 to $300 billion in interest that we are going to pay over the next 30 years? You do not have to have scientists to figure that out. Nothing.

Oh, Mr. President, this makes me yearn for the days when I was a trial lawyer. What I would not give to submit this case to a jury of 12 men and women good and true. The verdict would come in within 30 minutes. They would hardly get in their seats in the jury room.

That is all lost on the U.S. Senate. I do not know why.

I just got back from 30 days in Arkansas and I can tell you people are upset. They want to know about the deficit. And I tell them what I am trying to do. They do not understand the space station. They do not know about the super collider. They do not know that the deficit in 1990 was $277 billion. They do not know that the deficit in 1991 was $338 billion. And they barely know that in 1992 it is $400 billion and nobody here cares.

The President says I want a constitutional amendment to balance the budget. That is like saying: Stop me before I kill again.

I may vote for it out of abject frustration next year. As a two-bit constitutional scholar I cannot for the life of me understand how that works, when President Reagan said, I will balance the budget for 1984. The Republicans were in control of this Senate for 6 years, had very effective working control of the House with 54 boll weevil Democrats committed to vote for everything Ronald Reagan requested, and by 1984 the deficit was up—not balanced, but up—to $200 billion, by far the biggest in history.

By 1986 we doubled the national debt. That is when you began to hear: If I only had line-item veto. If I could get a constitutional amendment to balance the budget. Oh, if it were not for that spendthrift Congress.

The President says: I cannot spend a dime if they do not appropriate it. What he neglects to add is he cannot spend a nickel he does not sign off on. And what does the President feel about the space station? He is hot for it. How does the President feel about the super collider? He is hot for it. How does he feel about SDI? He is hot for it.

If you could get just that spendthrift Congress under control.

Mr. SASSER. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield for a question.

Mr. SASSER. Is the Senator aware of the fact that during the years of Reagan-Bush that this Congress has appropriated $17 billion less than President Reagan and President Bush requested in their budget request?

Mr. BUMPERS. I am not only aware of it, I had my staff study this 2 years ago. Two years ago it was $30 billion less than they had asked for.

But to get on with the story, Mr. President, I hear all these people around here talking about microgravity research, crystallography, life sciences.

Two months ago, Mr. President, I picked up the Washington Post and I see where NIH and NASA entered into what looked to me from the report an agreement on the kind of research that was going to be done on the space station. I thought now if I ever saw a political ploy that is it. You know they always roll out the B-2 just before the appropriations process. I can remember many years ago the American Cancer Society used to come up with all kinds of new cures and so on just before the cancer drive started.

So they say NIH and NASA this is wonderful they are going to cure cancer with the space station. Bernadine Healy, Dr. Healy, who is head of the National Institutes of Health, was so distressed about the whole thing she writes Daniel Goldin, who is the Administrator of NASA. She said:

> DEAR MR. GOLDIN: I am concerned that recent newspaper articles have presented a distorted view of the essential nature of the recent Memorandum of Understanding (MOU) that was signed by the National Institutes of Health (NIH) and the National Aeronautics and Space Administration (NASA). I am particularly disturbed by the implication that NIH views future space experiments as critical to the overall success of the biomedical research enterprise. Moreover, your draft letter of July 22 intended to go to members of Congress might be further misconstrued to reinforce this notion.

You see Dr. Goldin immediately sends a letter to everybody after the press conference that said: Isn't this wonderful? We are going to cure cancer with the space station.

Then she says:

> The NIH position of this question remains as stated in my October 1991 testimony before the Subcommittee on Space of the Committee on Science, Space, and Technology, U.S. House of Representatives. At that time I remarked, "If we can understand and treat diseases like osteoporosis, people, especially women, will be able to age healthfully rather than age with illness. This would present an opportunity for us to empty our nursing homes which would have a profound affect on health care in this country. I think that when we say, is that going to be done on earth or in space, in all fairness, it must be said that it will be done on earth."

Who do we consider to be the top medical scientific group in America? The National Institutes of Health. And Dr. Healy said please do not implicate me in that mess, because we have nothing but scorn and contempt for the space station, and why? I will show you why.

Look at this chart. In 1979, Mr. President, of all the applications the NIH got for genuine good medical research in 1979, they awarded 52 percent of all the applications they got. You do not have to have 20-20 vision to see this. In 1990 they awarded 24 percent. That is where AIDS, cancer, arthritis, and multiple sclerosis, and muscular dystrophy are going to be cured. It is not going to be on the space station and where are we headed? Even the VA research project, in 1985, just 7 years the VA was refunding 77 percent of theirs and today they are down to 28 percent of the applications they confront.

You want to know what the American people think? I will answer that question. The answer is no one in this body cares what the American people think or they would not be voting for nonsense like this.

When they say on your support for medical research, 59 percent say research to improve health care and cures.

And, incidentally, 29 percent say research to solve pollution.

And where is space? Where is the space station *Freedom*? A whopping 4 percent in the minds of the people of this country.

Do you know something that is really interesting? Do you know who Allan Bromley is. Allan Bromley is President Bush's scientific adviser. Do you know what he said? I put it on everybody's desk.

In answer to the question: Is there any scientific value to the space station?

George Bush's science adviser, Allan Bromley, says, "No, none whatsoever."

And you know that great competitive council headed up by Vice President DAN QUAYLE. Here is a letter Allan Bromley wrote him in March 1991. This took a lot of courage in my opinion for the President's chief medical adviser to write a letter to the Vice President. You have heard a lot of this story about microgravity.

Dr. Bromley says you cannot even conduct microgravity in the space station as long as it is manned. Think about that. How many times have you heard the term "microgravity research" used in this debate.

He says:

> However, commercial interests in microgravity material science experiments aboard the space station have waned over the years. Our review produced no evidence for a significant commercially driven motivation for a space station microgravity facility as well as a number of specific indications of increasing interest.

And here is the key:

> It is important to note that, in addition, many of the primary microgravity experiments cannot be conducted during periods when astronauts are assembling or inhabiting the station.

So much for microgravity research. Do you know why? Because it requires absolute stillness. Astronauts walking around disturb the experiment and you cannot conduct it as long as it is inhabited.

You go past Dr. Bromley, you go past the National Institutes of Health, you go on down to the American Physical Society. Here it is. Do you remember all those magnificent quotes about the superconducting super collider and how many Nobel laureate physicists were so hot for that? Those same physicists say that is the biggest boondoggle in the history of the world.

Now I want all those people who supported the superconducting super collider and quoted one after another of the premier physicists of this country who favored that, I want them to quote those same Nobel laureates on the space station. The only quotes they will find are that they find this whole diversion of research needed dollars condemnable.

One thing that Dr. Park says in his letter, which I inserted in the RECORD last night, that I thought was good, he says the space station is nothing more or less than a product of the cold war, trying to prove to the Soviet Union, which no longer exists, that we are the big boy on the block.

One other thing I said last evening bears repeating Mr. President, and it is this: In 1985, the Japanese were running deficits comparable to ours as a percentage of their gross domestic product. And the Japanese, who have a tendency to be very realistic about economic policy, they called a little parley and said this is obviously not good economics, not good economic policy, not good for Japan.

So do you know what they did? They took away indexing of their tax system which was effectively a tax increase, they cut quite a bit of spending, and they froze other spending. And today, they have a very handsome surplus of well over $100 billion. And they are today, because their economy like ours is sick, they are committing $85 billion of that surplus to stimulate the economy. And I submit to my colleagues it would be very difficult to tap on $400 billion deficit to do the same thing in this country.

I never will forget those great McCarthy hearings when Joseph Welch, rather paternalistically looked at, I believe it was, Joe McCarthy, it might have been one of his staffers, and said, "Have you no shame?"

Have we no shame here? Are we willing to just go on forever? President Reagan said there is no such thing as a free lunch. Everybody just cheered and shouted and elected him President. And for 12 years you have been told there is not only a free lunch, there is free breakfast and free dinner, and if you want to get really elitist about it, a free supper.

Mr. President, I put something on everybody's desk. Nobody ever looks at anything on their desk. They ought to look at that. What will it cost your State?

Using the $118 billion, it is going to cost the State of Arkansas, that poor State you keep hearing about, $1.1 billion. You keep hearing about my Governor being a failed Governor of a failed State. That is better than being a Governor of the biggest State in the Nation and paying people in scrips, IOU's.

In Arkansas, we pay people cash. And we have one of the best environments, and our children rank above the national average in SAT scores, and we a relatively poor State but we have used it well. And the Sierra Club endorsed my Governor and they did not do it because my State is an environmental disaster either.

So when somebody says how would you like the rest of the States be like Arkansas, I say, I would love it. We at least balance our budget.

Well, Mr. President, we have already spent $7 billion on this, so people say, under the "nose under the tent" theory. We have already gone too far.

Well, you can still save $111 billion. What if we spend $200 billion to throw that sucker into space and it gets hit the next day by a 1-inch fleck of paint? GAO says that is enough to discommode the space station. That is like a 400-pound safe hitting it at 60 miles an hour.

I will tell you, we would be upset, would we not, about having spent all that money and a little fleck of paint doing us in? And you hear about all this great technology: We have got to stay the leader.

Well, we used to have the highest wages in the world. We are now 14th. We used to be way down the list on the crime rate. We are now No. 1. Nobody could even come close to the deficits we run, not many. No developed country allows 25 percent of their children to stay in poverty, and be dead last among developed countries in education.

Do you know why? Because we divert money for these gold-plated, exotic projects like this, have no payback, no spinoff, no nothing except tapping the taxpayers' pocketbooks. And NASA is beginning to make the Pentagon look like a piker.

They have contracts on the space station in every State—I take that back. I think it is 48; 48 States get a piece of the action. We all know how that game is played around here.

A Senator came up to me last night—on the Republican side. He is a new convert.

> Senator, I am for you this year. I wish I had voted for you last year. I am telling you one thing I do know about my State, folks are ready for some changes. They are just tired of the same old thing and politicians think they can go home and con them into believing that they are really doing something.

You watch who comes in here and votes for a $200 billion project. They are the same people who will argue for a line-item veto, a constitutional amendment to balance the budget, term limitations—you name it; every diversion, every distraction under the shining sun except stiffening their spine and voting to cut spending.

Mr. President, the point I was going to make a moment ago is that all these advances that have been made—Senator HEFLIN put a list of 75 things that we have learned from space in the RECORD last year. I submit to my colleagues, every one of those things came from manned or unmanned space flights; not from the space station. And you are not going to do microgravity research on a manned object. And the GAO says not one single thing is planned for the space station that cannot be done by unmanned or manned flights such as the shuttle.

We know what this is. One Senator said, "Dale, I would like to vote with you but I promised old so-and-so I would help him out."

I have to tell you, and I do not want to get preachy and I do not want to sound paternalistic or moralistic about this, but I tell you, it makes me cringe; $200 billion in actual costs, $400 to $600 billion when you add up the interest over the next 30 years, saying I want to help old so-and-so. Or maybe old so-and-so is up for reelection, I want to give him a hand. That is no way to run a railroad.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 42 minutes.

Mr. BUMPERS. Mr. President, I will close with this quote. When you go through the list of the National Institutes of Health, the American Physical Society, the National Association of Cancer Researchers—that is 8,000 doctors in this country who do nothing but cancer research—and add to them the American Society of Oncologists, all of whom say why on Earth are you squandering this kind of money on something with virtually no payback? We want the technological edge? We do not want to lose the lead? Do you know who we lost it to? Japan and Germany. They do not even have a major space program. Why do you think they are selling everything that has any technology in it in this country? Because they did not squander their money on nonsense like this.

Oh, they are contributing. I think the Japanese have agreed to put $2.5 billion into this. I do not blame them. I might be willing to put $2.5 billion in it, if somebody else is going to put up $200 billion. And the Germans are about to chicken out because the German economy is almost as sick as ours because they gobbled up more than they could swallow with East Germany.

But let me close with this. Who else I have not mentioned do you feel are the top scientists in the country? The National Academy of Sciences. I remember in 1975, Mr. President—they kid me back home about coming to Congress and getting involved in the ozone fight. They say before I came up here I thought Ozone was a town in Johnson County, AR, which it is. But I took on the first fight in the U.S. Senate on the ozone depletion problem. And when we got ready to vote, the chemists and the chemical companies were so thick in that hallway you could not get in here. And BOB PACKWOOD and I got 33 votes.

I said then this may not be a correct theory but I think it is too dangerous not to support this amendment and stop producing these chlorofluorocarbons. It was kind of laughable. I remember going to London on a trip that fall and the British parliamentarians did not even know what I was talking about, and that is how embryonic and new it was because of a couple of young scientists at the University of California at Irvine, Rollin, and Molina, came up with the theory. I was just a freshman Senator. I was sitting back in that corner seat then. I said if we are going to make a mistake, if we are going to err, we ought to err on the side of caution because it takes these things 12 to 15 years to get into the stratosphere. And even if we stopped producing them today we will not know the total damage for 15 years. And we had 33 votes.

Back then everybody argued and said the National Academy of Sciences is going to do a study. That is the premiere, prestigious group we rely on. Two or three years later—and I want to give the space program credit, we were able to do it partly through the space program—the National Academy of Sciences came back and said this theory is probably correct. Then later on they said not only is it correct, we have a big ozone hole over Antarctica. It ought to be enough to scare the daylights out of everybody in the country. But it does not.

So what do the National Academy of Sciences, on whom everybody around here depends—what do they say about this? They say, "In the judgment of the board, Space Station *Freedom* at the present state does not meet the basic research requirements of the two principle scientific disciplines for which it is intended: Life sciences research necessary to support the national objective of long-term human exploration of space—"and bear in mind, this is not life sciences like cancer and AIDS and arthritis. This is life science to determine the effects of living in space which will affect roughly 100 more people in my lifetime who will be astronauts. And they say the same thing about microgravity research and applications.

They close out by saying:

> In the judgment of the board, the proposed redesign of Space Station *Freedom* does not meet the stated national goal of enabling the life sciences research necessary to support extended human space exploration.

Bear in mind, we were thinking about going to Mars when this was talked about.

> Nor does it meet the stated needs of a microgravity research community, most of whose goals can be achieved in both a more timely and cost-effective manner by alternative means.

You wind up wild, Mr. President, just from frustration. Frustration because I know I am going to lose. Everybody in this body understands this issue. Nobody is going to come in here and vote who does not understand precisely that we are talking about the future of the country, not technologically but economically and fiscally. We cannot have it all. We are not the big boy on the block anymore. We owe $4 trillion.

So it is not just frustrating, it is madness.

On the mining reform bill I got 42 votes to reform the 117-year-old mining bill. Think about that. There has never been a clearer issue presented to the U.S. Senate. There has never been an issue on which all 100 Senators understood more precisely what was involved. And I feel the same way about this.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 1 minute to the ranking minority member for a comment and then will take back my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, with all respect to my colleague from Arkansas, I listened to exactly the same speech last evening. I heard it twice. In the interest of time, rather than going point by point, I ask unanimous consent that my rebuttal of last night be printed in the RECORD following his speech today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Sept. 8, 1992]

Mr. GARN. Mr. President, I rise, obviously, in opposition to the amendment of my distinguished colleague, the former Governor of Arkansas. I suppose I have become a little bit weary of this debate. I want this body to know that anything I say is not a reflection on Senator BUMPERS. He and I are members of the class of 1974, and I consider him a very close personal friend, and I mean that sincerely. But we have had this debate for several years.

So I grow a little bit weary of it because I find that Congress seems to be able to afford things that are spent with the money spent prior to the election. But we have a very hard time looking down the road, 10, 12 or 15 or 20 years.

So as I listen to these cost estimates, I would suggest that no one knows at this point exactly what the space station will cost. If anybody had told this Senator when I arrived 18 years ago what the cost of Congress would increase to in 18 years, I would have been appalled. We talk about being the taxpayers' friends. Where we could start is right here in this body cutting down dramatically the cost of the operation of this body.

I have the same number of staff total that I did 18 years ago when I arrived. We function just fine. I have served my State well. But I do not even remember whether it is an increase of six or seven times since I came here in the number of staff. There are a lot of places we could save money if this body had the courage to do so.

I would start at home. I think the American people would approve of that. But also we always hear the life cycle cost of programs like the space station. That is not fair unless we do that with every program. We heard about these costs over 30 or 40 years. I am not here to dispute them one way or another. But I would suggest as we look at that, look at the cost of food stamps.

I am not here to argue against food stamps. They provide a very good service in this country to a lot of needy people. But the food stamp budget is more than $8 billion more per year than the entire NASA budget. Forget the space station.

I think we ought to put these costs in perspective. But do we ever deal about food stamp costs or any other social program in terms of life cycle costs? No. We deal with them in 1 year, and multiply approximately $20 billion times 40 years. It is a lot of money. Talk about the interest on that.

So the comparisons of my friend from Arkansas we can compare to any governmental program. What is the cost of Congress going to be 30 or 40 years down the road and compound interest on that?

Let us compare all Government programs and not just single one out to make it appear far more costly than others.

We would hardly make a dent if we eliminated the space station, if we eliminated NASA. If we just say we do not want a space program anymore, no manned flights, no unmanned flights, no space program, we would eliminate 1 percent of the total budget this year.

So let us keep this in perspective. And also recognize when we talk about Congress having the courage to do something about the budget deficit that approximately two-thirds of the entire budget now are entitlement programs that we members of the Appropriations Committee have no control over. We now appropriate only for about one-third of the total budget. That is defense, that is nondefense discretionary, including NASA, NIH, and other very valuable programs, most of the educational programs that are not entitlements, interest on the national debt, and that pie will shrink.

If we continue at the present pace, you cannot cut defense enough, you cannot cut NASA enough, you cannot cut any of these programs enough to even slow the budget growth until this body and the House of Representatives have the courage to do something about the automatically indexed programs, however politically painful that may be.

You do not have to be too bright. You do not have to go to college and take college algebra to figure out that two-thirds of the budget is growing uncontrolled, no matter how rhetorical speeches that are made like tonight about fiscal year economy, that the budget deficit will only grow larger. Eliminate super collider, eliminate NASA, eliminate things that Government ought to be doing or at least traditionally we ought to be doing, water, sewer treatment plants, highways, all of the things we expect Government to do, national defense, and you are not going to solve this problem.

Get an old green eyeshade accountant with a black arm band, an eyeshade, and he has never heard of Republicans, Democrats, and liberals and conservatives, and ask him to analyze the Federal budget, and he is going to tell you the same thing. Two-thirds is uncontrollable; you cannot raise taxes enough to solve it. But we are going to pick on the space station. And pick on the space station here. There are no benefits.

Well, I cannot tell you what the benefits exactly are going to be 10 or 15 years down the road because when I was in college, when I was a senior in college, if anybody had even come up to me and said JAKE GARN, you will have the opportunity to fly in space in a reusable spacecraft, I would have said, oh, sure, because nothing had flown in space in 1955, not sputnik, nor our first 2½ pound satellite, not JOHN GLENN. Nothing had been in space. But I was able to watch JOHN GLENN, one of my great heroes on this Earth, being the first American to orbit the Earth, and even then, when that happened, little did I think I would have the opportunity to fly in space. But I did.

So how could I possible argue with the Senator from Arkansas about what the benefits will be 10, 15, or 20 years down the road. He does not know and I do not know. But I do know that from our space investment we have a $8 or $9 return to the private sector for every $1 we have spent. I defy the Senator from Arkansas or anybody else to find a Government program that you can make that statement about, 8 or 9 bucks back in the private sector for every taxpayer dollar spent. There is not one. There is not another one.

Forget dollar return. I do not know how you place a value on a human life. I do not know how you place a value on tens of thousands of people who are alive because of a heart pacemaker, or people like my daughter that are diabetics that there are insulin pumps available for. And maybe they could have been developed outside of that, but the fact is they were not. They were spinoffs. Whether we would have gone that direction or not, I do not know. But this Senator cannot place a value on a human life.

So the intangible benefits go on and on.

Said why do we not buy a Mir? I happen to have been in Moscow with General Alexi Leonov in November, who was the commander of the Soyuz part of the Apollo-Soyuz mission back in 1975. He took me on a tour of Star City. I spent considerable time in the Mir space station simulator. I am no expert. But they are not doing any serious science on Mir. Our space lab was bigger, more roomy, and was doing more serious science than they have done on Mir. Primarily, the benefit of that has been long-term physiological effects on their cosmonauts. But they have not done any serious science.

So if they gave it to us for nothing, you cannot compare space station *Freedom* with Mir. We had a better one up there, in terms of skylab. That just is an argument that does not wash at all.

There are a lot of things we can learn from the Soviets and, interestingly enough, another intangible that we do not talk about, men and women being in space. Two weeks ago I was here in Washington at the Association of Space Explorers. All you have to do to belong to that organization is have flown in space. So there are not too many to us. But even during the height of the cold war—I am sure JOHN GLENN, who is on the floor, would say the same things—it did not matter what country you were from, or what language we spoke or what the color of your skin; there is a bond among people who have flown in space that is highly unusual.

When we were at the most bitter part of the cold war, Alexi Leonov and other Russians would come up and give us hugs. We did not know a cold war was going on. We were astronauts traveling together on space ship Earth at a very high rate of speed. How do you place a price tag on that?

I am still convinced that I could even take a Hitler, a Stalin, a Saddam Hussein, and if they could look back at this planet from space, they might have an entirely different perspective on what they are doing. How do you place a price tag on that? How do you place a price tag on space station *Freedom* and an international consortium getting together—obviously we paying most of the price, but astronauts, cosmonauts, astronauts from other countries getting together for the scientific exploration and the bonding that occurs from having had that experience?

I cannot compete with the rhetoric of the Senator from Arkansas. I wish I could describe to you what only two of us in this body can, JOHN GLENN and I, what this Earth looks like from space, how peaceful it looks, how beautiful it is, how magnificent it is, and wonder why we argue and fight, and why there are any problems on this Earth. It is impossible to understand what is going on in Yugoslavia at this time from that perspective.

My point is, yes, there is $8 or $9 back in the private sector for every dollar spent. But there are intangible benefits that nobody in this body can place a price tag on, some human values of this planet, and our place in the universe, and how we ought to behave. I think this is a very good expenditure, 1 percent of our total national budget each year for NASA.

Well, I listened to the scientists and heard my colleague talk about them and how they are against it. I could parade a list of letters from scientists on the other side of the problem. With most of the scientists, if they could design the space station, they would be for it. But if it is not in their image, they are against it. I have heard that over and over again: We are against it, but if you would change this.

One of the reasons for the cost overruns is that it has been changed over and over again. A couple of years ago, the Appropriations Subcommittee of the House of Representatives said: If you will downsize it and cut the cost, you will have stable funding.

How many times has NASA been told that? If you do it the way we tell you to do it, you will have stable funding.

I fight this battle year after year. It never ends. Part of the reason for those big cost overruns, a major part, is the fact that we simply have not been willing to fund it year after year. The good old stretchouts, cutback.

We are going to do that again this year. We are defending a budget that is well under what the President asked for. We have done that every year. And we blame NASA when we do not meet deadlines, when we underfund them. I think it is time to be realistic about this, and make certain that these scientists see their own selfishness.

A scientist in Park City, UT, last winter told me—we happened to run into each other on the chairlift while skiing. He said how much he loved Park City. He wanted to tell me he was against the space station; it was a waste of money. We could do it all with robots. Men and women were of no value.

And then he said, "I wish I could live in Park City." I said, "Why do you not?" He said, "My lab is in Boston." I said, "Run it with robots. Stay here in Park City and ski, and use your telephone and tell the robots what to do back there." He said, "That is impossible. I need to be in my lab." I said, "How in the heck have you got the guts to tell me that you cannot run your lab in Boston, but we can run one in space with robots?"

He has not spoken to me since. He did not like that answer. It had not occurred to him.

The other argument I heard was that we are going to do it in the shuttle. Having been on a 7-day shuttle mission, working on electrophoresis, processing pharmaceuticals in space—a lot more efficient; much more pure are the medicines you get out of that—we had the first unplanned EVA in the history of the space program. We had to shut it down.

What scientists will tell you they can complete their experiments in 7 days? Sure, you can do limited things. You need that permanent space station so experiments can go on weeks, months, and years, like they do here on Earth.

I am not going to take the time to talk about zero or microgravity and the benefits. Maybe overnight I will drum up the letters and statements from the scientists who talked about the wonderful benefits they have had even from limited experiments in 5-, 7-, 8-, 9-, and 10-day missions on the shuttle.

The other issue brought up was if we will just cut the space station and NASA, we will have a lot more money for other science. The budget does not work that way. The chairperson and I know that we get a 602(b) allocation. When NASA is cut, does it go to other science? No. It stays within that allocation. It goes to EPA, Superfund—those are worthwhile projects—and it goes to veterans and army cemeteries abroad. It stays within that pocket.

So you can go ahead and cut NASA and cut the space station. A scientist is not going to get an extra grant from someplace else. That is not the way it happens. That is not an opinion; that is a fact.

I hoped that in this debate we could really debate the merits of the space station and science, rather than election year "I am a great fiscal conservative, because I am voting to cut big projects." I just repeat that two-thirds of the budget are entitlements, and until we do something about that, the rest of it from both sides are rhetorical games that do not mean anything. Structurally, this budget is out of control, and we are not going to solve it by picking on the future or by eating our seed corn.

It reminds me of a cartoon I saw a few years ago that showed a Conestoga wagon with nobody on the backboard, and the caption said: "Well, we are going to send unmanned vehicles to the West, because it is too dangerous out there." Well, those of us who live in the Western United States are glad they sent manned vehicles, rather than unguarded, unguided Conestoga wagons out there to report back what they saw.

I just wish this body would get a vision of the future. I will be leaving the Senate in 4 months, after 18 years here. And my biggest disappointment is the shortsightedness of this Congress, the willingness to vote for things that give immediate political benefit, but the unwillingness to vote for something that may not bear fruit for 10, 12, 15, 20 years down the road.

I am one who happens to believe that there will be medical breakthroughs because of the research done in microgravity. Again, I cannot place a price tag on that. But I think we will solve a lot of health problems on this Earth by space research and development.

If you also want to solve a lot of environmental problems, look at mission the planet earth. There are a lot of environmental issues, from global warming to the ozone holes, and all of that, that we will not learn solutions to here on Earth; but we will from being in space.

The theme of this year's Association of Space Explorers convention was: Tomorrows Together. Well, that was a very interesting experience, to be with astronauts from a number of countries and talk about going not as Americans or Russians or Hungarians or Brits or Canadians, but to go together, as residents of planet Earth. That feeling was uniform from all of us.

Again, I repeat that I think there are a lot of intangible benefits that a dollar price tag cannot be placed on, of men and women, without regard to their color, nationality, national boundaries, without regard to what language; and that we recognize we are citizens of planet Earth, and start recognizing what we can achieve together. In space, I happen to sincerely believe we can provide a solution to a lot of those problems.

Let us not be shortsighted and play with 1 percent—that is the entire national budget—because it is a Presidential election year.

I yield the floor.

Ms. MIKULSKI. Mr. President, as the chair of this subcommittee, I rise in opposition to the Bumpers amendment to cut the funding for the space station. I so admire the Senator from Arkansas. He is a charismatic speaker. He is a caring and compassionate Senator, whether it is for his people in Arkansas or for the United States of America. And he has certainly been one of the voices on controlling our deficit.

But on this position he is absolutely misguided and the arguments that are used are exactly what is wrong with the United States of America.

First, the argument of the deficit. Let us control the deficit by voting against the space station, a $2 billion silver bullet targeted at it. Gosh, that sounds great. In one fell swoop, let us lop off $2 billion and be able to say what we have done to control the deficit.

Mr. President, you and I know that one of the leading causes of the deficit right now in the United States of America is unemployment. Every 1 percent of unemployment costs the Federal deficit over $20 billion in lost revenues and in expenditures we must make for social programs for the unemployed.

One of the best ways to cut the deficit is to generate activity that will create jobs today and jobs tomorrow. One of the talented, gifted people who ran in the Democratic primary, a former colleague, Senator Tsongas, outlined in his blueprint for the economic empowerment of the United States of America that we need manufacturing, and this Senator sure knows that. But you cannot manufacture something unless you have technology. The space station is a technology program both in research and in development, and the very construction will lead to jobs.

The space station accounts for 75,000 jobs in 39 States, adding more than $7 billion annually to our national economy. It is a public investment with a multiplier effect that generates jobs today, but also it is technology development for the future.

Other Senators have said, oh, what we can do in space, we can do here on Earth. And then they cite the national association of this, or the academy of this or that—all prestigious people. I respect them. But I am a student of history, Mr. President; not only a student of great battles, not only a student of great social movements, but also a student of the history of the development of science and technology. Anytime anybody proposed a new idea, they were laughed at and ridiculed, not only by the general public, but by the current scientific thinking of the time who wanted to hold onto the status quo of their current level of thinking.

One can only look at Louis Pasteur, who revolutionized the thinking on germs and bacteria. When he was saying there was something called anthrax, they said: If you cannot see it, do not believe it. And they ridiculed Pasteur until he came up with a vaccine that saved not only sheep, but the economy of his beloved homeland. In order to do this, he had a new tool called a microscope. Somebody said: What is this gadget here? And they ridiculed the microscope.

If we were to follow the thinking that is being expressed within the U.S. Senate today, there would have never been the development of new thinking in terms of what causes diseases, whether it is viruses or bacteria. There would never have been a tool called the microscope.

We can look at the theories and development in terms of aerospace. There were a couple of guys in the South, in a State called Carolina; young men who were brothers. They not only loved each other, but they were following a dream. They were working on something called an aeroplane. Everybody asked: What are you doing that for? We have enough problems on the ground. Why are you trying to go up there? Did you not read the great mythology, like Icarus, where those Greeks strapped on bird wings with wax and flew, and melted in the Sun?

Along came the Wright brothers. It is right down there on Independence Avenue, in the national Smithsonian exhibit on space. The Wright brothers are right up there because they launched a dream. And in launching a dream, they created a whole new economic opportunity called the aerospace industry, in which the United States of America leads the way, and on which we based our defense of the free world in World War I and World War II. And it was our gallant Air Force that led us to a triumph in Desert Storm. But, oh, those were the Wright brothers.

And while we had those prop planes, you know, that you had to kind of wing it with, there were a couple of other people who were developing something called a jet engine. They said: Why do we need a jet engine if we have prop planes? Why? Lindbergh can fly the Atlantic. Why can we not just stick with that? If Lindbergh can fly the Atlantic, wow, why do we need a jet? Who has ever heard of a jet?

You know the rest of aerospace history, Mr. President.

Let us look at the development of the United States of America. Wow. Now suppose here we were, at the turn of the century, coming out of the War Between the States, people teeming to our shores, people wanting to head West, and there were some people working on a steam engine.

Steam engine? You know you only use coal to keep your house warm. Steam engine? Whoever heard of that? We have the Conestoga wagon. Why, we do not need a steam engine. We can head to the West in our wagons. What we need is good horses, better mules, large teams. That is what we need to be able to head West.

Mr. President, you and I know that it was the steam engine and the locomotive that linked up the east coast with the west coast, and opened up the frontier that Frederick Jackson Turner talked about, a frontier of endless opportunity and possibility.

Suppose we had stayed with the Conestoga wagon. Where would America be today? It might seem that I am talking about this in a way that makes one ask where does all this tie in? What I am saying is that in the history and development of ideas, there are always the naysayers who say: Let us stick with the status quo; we can do it better. Whether it is a Conestoga wagon, whether it was ignoring the fact that there might be unseen causes of diseases, whether there were undreamed of possibilities to defy gravity—why would anybody want to defy gravity? If God wanted us to defy gravity, I am sure they said, we could be floating around. But in those Wright brothers defying gravity, other opportunities were created.

So here we are, in the last hours of the 20th century, on the brink of the 21st century. America has to decide what it wants to be in the new world order. Do we want to just be sitting with all of our great dreams at a Smithsonian Institution behind us, looking at what once were dreams turned into technological reality? Or do we recognize that change is already here, and that we need not to fear it, but to face it and to embrace it and to lead the way? And the way the United States of America has always led the way. Whether it was Henry Ford, whether it was the Wright brothers, whether it was those people working on cures of diseases for which we now do not yet anticipate the benefits to be gleaned, that is how America led the way: Bold people with entrepreneurial ideas, backed up with what they needed to be able to do it, that invented new technology, that led to the new products, that led to the new jobs, that made us an economic superpower.

Mr. President, I will fight the cutting of the space station, both for what it represents now and what it represents in the future.

Mr. President, I not only feel this way; our distinguished colleague, Senator GORE, feels this way, for the same reasons, about a laboratory in space firing the imagination of the next future.

I commend the Gore letter to your attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION,
Washington, DC, September 3, 1992.

DEAR COLLEAGUE: On Tuesday, September 8, the Senate will consider the VA/HUD/Independent Agencies appropriations bill which provides funding for NASA and the Space Station Freedom. As the Chairman of the Subcommittee on Science, Technology, and Space, I urge you to support this important initiative.

Last year, the Senate voted by an overwhelming majority to support the Space Station Freedom. The reasons that the Congress has supported the Space Station in the past remain valid. It is vital to ensure a balanced space program, and will present the United States with unique opportunities for world leadership in science, engineering, and education.

The Space Station will serve as a laboratory in space that will enable scientists to conduct important research in a zero-gravity environment. This continuous, stable laboratory environment is expected to yield many new developments in materials, electronics, and medicine.

The Space Station will enable the testing of new technologies which may be adapted for use on Earth, including water and air purification systems and robotics for conducting high-risk tasks.

The Space Station will fire the imagination of the next generation of young people and encourage them to study science, math, and engineering; it will also be a powerful aid to teachers who view space as a learning tool for the challenges of the 21st Century.

During this period of declining defense spending, programs like the Space Station will help stabilize our Nation's industrial base. This is important, as the Space Station accounts for over 75,000 jobs in 39 states, adding more than $7 billion annually to our national economy..

I urge you to support the Space Station Freedom. It is an essential investment in our Nation's future.

Sincerely,

ALBERT GORE, JR.

Ms. MIKULSKI. Mr. President, when they call the roll today, know that we are not only calling the roll on the space station; we are calling the roll on America's future. And that is why I will vote "no" on Bumpers, and "yes" for America in the 21st century.

Mr. BUMPERS. Does the Senator from Tennessee have an exact amount of time in mind?

Mr. SASSER. Fifteen minutes.

Mr. BUMPERS. I yield the Senator from Tennessee 15 minutes.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Tennessee [Mr. SASSER] is recognized.

Mr. SASSER. I thank my distinguished friend from Arkansas.

Mr. President, I rise to express my support for the amendment offered by the distinguished Senator from Arkansas [Mr. BUMPERS].

We debated at length on this floor just a few weeks ago the worthiness of another large and very expensive research project, the superconducting super collider. An effort was made at that time by the Senator from Arkansas and myself to try to extinguish that project, primarily and solely, in my case, in the interest of trying to save money.

Looking at a $350 billion budget deficit, I simply at that time did not think the superconducting super collider carried enough promise that we should borrow money, enlarge the deficit, and ask future generations to pay for this project which seemed not very cost efficient on the surface.

Today, we are focusing on another very expensive project, one that will cost four times as much as the superconducting super collider that this body appropriated funds for just a few weeks ago.

One of our colleagues, my friend from Illinois, was on the floor earlier, and he is a strong supporter of the balanced budget amendment. In fact, he is one of the primary sponsors. He opposes this very expensive space station, and he cited as evidence of the need for a balanced budget amendment the fact that this space station would probably carry and would be funded.

Mr. President, I think it is ironic that, if you will look at who supports these various superexpensive projects, 80 percent of the same people who stand on this floor and vote for them and support them are also supporters of the balanced budget amendment. So they get it both ways. They can stand on the floor of the Senate and vote for all the projects. They can go back home and tell the contractors and others, yes, we are with you; we supported that space station; we supported that superconducting super collider. Then they can walk right down the street to the Rotary Club and make a great speech and beat their chests about how much they support a balanced budget and when is this irresponsible Congress going to do something about the deficit? "I support a balanced budget amendment. I am tough. I want to cut spending."

These people want to reduce spending until they get down to having to vote to do so. And then somehow they loose their ardor for deficit reduction, and they want to look to the future to some ephemeral balance-the-budget mystique that might or might not happen 6 or 7 years down the line.

My friend from Arkansas called this body's attention to the fact that the Japanese are going to spend some $80 billion, as I recall, to stimulate their economy, which is in a minor recession. Now, if we did that in the United States, because our economy is twice as large, we would have to spend $160 billion to stimulate our economy. Think what we could do with a $160 billion economic stimulus. That would represent, according to my rudimentary arithmetic, maybe about 3 percent of gross national product. Think of the accelerated economic growth that would come from that.

But we cannot do that because over the years we have stood here and we have listened to the siren songs coming out of the White House of Ronald Reagan and George Bush, and we are deeply in debt. The United States of America today is the largest debtor nation on the face of this Earth. We are so broke that we cannot take the necessary fiscal stimulus to pull ourselves out of the longest recession that we have experienced since the Great Depression years of the 1930's.

Just to take up the new applicants for jobs that come into this work force every month, we have to produce 200,000 new jobs. Last month, we lost 87,000 new jobs. We have almost 10 million people we can count who are unemployed. When you add up the number who are unemployed, those working part time but want to work full time, and those who are so discouraged they quit looking for work, you have almost 16 million Americans, 14 percent of the work force; 1 out of every 10 people on food stamps. And we are so broke, because we have pursued pie-in-the-sky projects like this, that we cannot deal with this very serious problem.

If this space station is going to do everything that the proponents say it will do, everything from solving our economic problems to curing cancer, I wonder what happened to the Soviet Union. They had a space station 5 years ago. They are bankrupt today, fighting among themselves, anarchy taking over large sections of the country, and why? They followed the same pattern that we did: enormous defense spending or military spending over a period of many years, getting into all these projects like space stations to show how efficient and mighty they were, really prestige projects, national ego projects, and they are broke today. They are bankrupt. They are not a superpower by any stretch of the imagination. They are now a Third World nation.

So, as chairman of the Budget Committee, Mr. President, my concern regarding the space station is its enormous price tag. If we were running a surplus today, I would say, yes, let us go ahead with the space station; it would be a nice thing to have. We would probably learn a few things from it. It might be a steppingstone to space exploration. But we made the wrong decisions over the past decade. We do not have the resources to go forward with the space station.

All the proponents will say is, "Well, you know, it is going to bring a lot of benefits." This space station has a lifetime cost of $118 billion, according to the General Accounting Office. According to the General Accounting Office, research and development costs have grown from $11 billion in 1984 to $18.5 billion in 1991. The same General Accounting Office estimated the total construction and payload costs for NASA's new scaled-down version of the space station would be $40 billion.

Mr. President, we have a $350 billion deficit. This country is broke. And this week the President is going to send a message over here and our colleagues from Florida are going to be here, and they are going to want to put at least $8 billion on the cuff, borrow another $8 billion to deal with the hurricane disaster in Florida. And, of course, we are going to do it. We need to do it. But how much longer are we going to ask future generations to pay for our inability to assign the right priorities to spending? How much longer are we going to do it? We are going to find ourselves in short order in very much the same shape that the Old Soviet Union found itself, I suspect, at the rate we are going.

There are others here who know more about the merits or demerits of this project than myself.

I am simply here as the chairman of the Budget Committee saying the United States of America at this particular point in its history cannot afford to obligate itself for a minimum of $118 billion over the lifetime of this space station. It is simply, given our present fiscal circumstances, not a cost-efficient or wise expenditure not only of our dollars but of the dollars of future generations.

I have read some things about this space station. I have heard what others have said. I have read that the National Research Council estimates that 87 percent of microgravity research planned for the station can be accomplished by other means, either the shuttle or the unmanned space vehicle.

The Space Studies Board, an arm of the Academy of Sciences, concluded that the latest design of the space station: "Cost does not meet the basic research requirements of the two principal scientific disciplines for which it was intended," life sciences and microgravity research.

We are familiar with the Augustine Commission report. I suspect the distinguished Senator from Arkansas will call our attention to that in his very eloquent statement in opposition to the space station. It will not hurt to repeat it. The Augustine Commission, an outside panel established by NASA itself at the urging of the White House, delivered a report that raised further doubts about the space station. The Augustine Commission's initial finding ranks space station exploration, which includes the space station and the Mars mission, as last on a list of five of NASA's priorities for the future, rank them behind space science, space technology, environmental studies of the Earth, and new shuttle development.

Then comes on the scene the ubiquitous director of the Office of Management and Budget, Mr. Darman, who convinces the Augustine Commission that, well, they ought to rank science first and rank everything else second and not make a ranking priority of what NASA ought to do.

Interestingly enough, the White House, the President, the Vice President, have been running around the country blaming the Congress for reckless spending, blaming the Congress for driving the fiscal wagon in to a ditch even though the Congress has appropriated $17 billion less than Bush and Reagan have asked for, over the past 13 years—even this White House, their own commission.

A series of articles written by the Washington Post reporters Bob Woodward and Dave Broder, reveal that the Vice President's top advisers were highly critical of the space station. The Vice President's Chief of Staff, his National Security Adviser, his assistant at the Space Council, all recommended killing the space station. What did the Vice President have to say about it? He said "The importance of the space station is not the power of the circuits, it is the size of the dream."

What does that say about a Vice President who really does not have the confidence of the American people to begin with—they do not have much confidence in his ability to handle complicated subjects quite frankly—what does it say when he will not even listen to his own advisers and says, well it is the dream that is important.

Well, the real importance of the space station depends on whether or not its future capabilities are worth $118 billion. Mark my word, before it is over $118 billion, it is just going to be a drop in the bucket.

We have a Federal budget that is under great demands. As I said earlier, the President is going to want $8 billion, $8 billion this week for disaster relief in Florida, $8 billion we have to borrow.

Yet we are standing here today on the verge of obligating ourselves to incur another $118 billion in debt.

The distinguished President pro tempore, the chairman of the Appropriations Committee, Senator ROBERT BYRD of West Virginia, an able man and a man who has grown wise with years—I remember when I first came to the Senate, an old staff person said Senators always grow when they come to the Senate, and said some swell up and others mature in growth.

Well, Senator BYRD is wise. He came to this floor not too long ago, and said "with all the unmet human and fiscal infrastructure needs facing the Nation and with too little funding to address them, we may have to substantially cut or even eliminate this request," talking about the space station.

Recently, he referred to the space station on the floor of the Senate as the "Titanic in the sky."

Mr. President, I have no quarrel with my colleagues who support the space station. It would be an interesting project to fund in another day at another time. In the 1960's, it would have been a project that this country could well afford. Perhaps even a project that we could marginally afford in the decade of the 1970's. But we bankrupted ourselves virtually over the past 13 or 14 years and we simply cannot afford it.

In the final analysis, is the science behind this space station worth committing billions of dollars over the next decade? Should this particular NASA enterprise whose primary purpose is to determine the hazards of long duration space flights on humans receive a greater commitment to funding that we spend on AIDS research today right here on this Earth? Have we come to the point where projects of this sort can be justified on the grounds that we can always point to something else that is growing at a more alarming rate, or that wastes more money?

The truth is, there is no reasonable justification in this budget environment for continuing the space station, and I hope that my colleagues will support the amendment offered by my distinguished friend from Arkansas, because I think the needs of the country at this time in the year 1992 demand that we show some fiscal responsibility and make some savings where we can in these enormous deficits that are facing us.

Mr. President, I thank my friend for yielding the time.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GARN. I yield 6 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The senior Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise in strong opposition to this amendment which would destroy space station *Freedom*. This program easily stands on its own merits, and its opponents have consistently relied on distorted or incorrect information to create a number of damaging misconceptions concerning *Freedom*.

I have heard some say that the space station is too expensive and we cannot afford it at this time, as if the station alone is responsible for the deficit. The truth is that space station funding represents about one-tenth of 1 percent of the Federal budget and NASA itself represents only about 1 percent of the Federal budget. Moreover, the key to America's long-term economic growth is improving productivity through investment in research and development programs like NASA.

One of the most popular misconceptions I have heard voiced is that the space station is squeezing out other small science programs. The truth is that the space station program is growing at a lower rate than the rest of the science budget and its main purpose is to serve as a platform for thousands of future low cost, high payoff small science projects. In 1992, the space station grew by 6 percent, space science and applications grew by 10 percent and the National Science Foundation [NSF] by 14 percent. In fact, in the 5 years since space station *Freedom* contracts were awarded, the science budget has grown by 77 percent. In the final analysis, without the space station's unprecedented abilities and resources, students and commercial users will find that small science projects will continue to have very limited access to space.

I have heard some of the proponents of this amendment say that cancellation of the space station program will reduce the deficit and send a strong message to the American people that we are serious about solving this country's problems. They could not be more wrong. I agree canceling the station will send a message; the American people would get the wrong message and think that their leaders have no guiding vision of the future of our great country.

The loss of the space station's science, research, and employment opportunities would certainly send the wrong message to the youth of this country about the importance of math and science and engineering education. It would also send the wrong message to our international partners and the rest of the world about how seriously we take our international commitments. Finally, canceling the station would send the wrong message to the thousands of Defense engineers and scientists trying to transition to other areas of work. NASA needs these men and women, just as they need the opportunity to work on challenging programs that will carry us into the next century.

There is also a misconception that station's costs have skyrocketed from $8 billion to $118 billion. I believe space station opponents have intentionally inflated the program's cost figures to create a shock effect. The 1984 estimate for the space station development program was $8 billion. Subsequent to restructure, the new estimate is $11.2 billion. The main causes of this cost increase were insufficient funding and unexpected design changes. This is a huge and complex program, and some cost growth is expected. The $118 billion cost estimate is derived by projecting the cost decades into the future in an effort to make the present cost seem unacceptable. By analogy, the average voter would never pay over $64,000 for a $12,000 car. But if you priced out how much this car would cost if you operated it for 30 years, you would be lucky to spend less than this amount. Station opponents use this same twisted accounting to inflate the station's cost. Through the year 1999, the station cost is $30 billion, a figure that includes building it, putting it in space, and operating it through the turn of the century. This is the cost we are debating today.

The final misconception I would like to address is the charges that space station is only a shadow of its former self and is irrelevant to real science and economic competitiveness. The truth is that space station *Freedom* will be an international laboratory with unprecedented capability for scientific research and technological development that cannot be duplicated on Earth.

Aboard space station *Freedom*, we will reach beyond our current limits to live and work in the virtually unexplored environment of space. Researchers aboard *Freedom*, working nearly free of the effects of gravity, pressure, and atmosphere, will be able to produce higher quality materials which are sure to have many practical uses and applications toward future scientific discoveries. Space-age spin-offs have already enhanced life on Earth, from life-saving medical equipment to improved television and communications systems.

Space station *Freedom* will allow science and technology experiments to run as long as necessary in the near-weightlessness, vacuum, and/or radiation environment of space. This makes possible many breakthroughs in science and technology that have eluded us on Earth. The station's capabilities will go far beyond those of earlier space programs. The best we can do now on a regular basis is to cram every possible activity into a grueling 7 to 14-day shuttle mission.

The recently completed U.S. microgravity laboratory mission gave a tantalizing glimpse into the future of science and makes us realize that the possibilities for the results of microgravity research are endless if only we have the necessary time in Earth orbit. It took 35 years for scientists to grow the first protein crystal large enough for its structure to be analyzed. On the space shuttle, we can grow usable crystal in days, as exampled by the recent mission, but these crystals must be returned to Earth for analysis, and some are too fragile to withstand the stress of gravity. Aboard *Freedom*, protein crystals can grow for months, be analyzed in near-weightlessness, and the results sent down to Earth.

With these capabilities, new or improved drugs for medical treatments, more effective chemicals for agricultural applications, and more resistant strains of crops can be developed faster than through experimentation on Earth.

The experiments conducted during space shuttle flights have helped researchers learn more about what happens when materials are processed in space and how to design experiments for microgravity. The most serious drawbacks have been the short durations of shuttle missions and the long wait for a second flight of an experiment, which could answer questions raised by the first.

The continual presence of people aboard the space station will be unique as well as invaluable. The opportunity to apply the powers of the human mind, intuition, and spirit raises awesome potentials for discovery.

When space station *Freedom* is in orbit, its crew will wake up and go to work just as efficiently as we do on Earth—continuing projects from the previous shift or workday. The promise of uninterrupted and unlimited time for experimentation in space with the presence of human judgment and perception presents the possibility of arriving at solutions to complex problems that we cannot solve on Earth.

Inside *Freedom's* pressurized laboratories or free-flying platforms, experiment programs that must have extended periods of near weightlessness can be conducted for weeks, months, or years as required, and investigators in space and on Earth can immediately change experiment conditions or rapidly design other experiments if needed.

The long-term exposure to microgravity aboard space station *Freedom* and the ability of the crew to interact with the experiments will have many benefits. Crystals with controlled purity and perfection are needed for computers, lasers, and many optical devices. On Earth, gravity causes defects in electronic crystals, and these defects can reduce their usefulness for some of today's high-tech devices. On space station *Freedom*, where gravity does not have the same effect it has on Earth, the crystals may grow with fewer flaws. We can look to a future of faster computers, faster communications capabilities, better fiber optic materials, and better detectors for medical diagnosis and therapy equipment and astronomical instruments as a result of the purer, more perfect crystals.

If space station *Freedom* does not continue as planned, the United States will be deprived of a national laboratory in space that will not only facilitate our future manned space program, but also provide the opportunity to do basic scientific research that will lead to new processes and medicines on the earth that will cure diseases and make the United States more competitive internationally. Cancellation would result in tens of thousands of America's finest engineers and scientists losing their jobs. We simply cannot allow this to happen.

The Senate has passed countless pieces of legislation and sense-of-the-Senate resolutions supporting space station *Freedom*. I am confident that we will continue to support this program as we have for the past several years. If the United States wishes to remain the world leader in science and technology we can do no less.

I therefore urge my colleagues to join me in defeating this amendment.

Mr. President, I want to introduce a copy of a speech by Daniel S. Goldin, the NASA Administrator to the National Space Club entitled: "The Future Is Freedom; the Future Is Now."

This is an excellent speech that the Administrator has made recently. I ask unanimous consent that it be printed in the RECORD. I hope Senators will read it in detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FUTURE IS FREEDOM; THE FUTURE IS NOW

(Remarks by Daniel S. Goldin, NASA Administrator, to the National Space Club, June 24, 1992)

Tomorrow, Space Shuttle Columbia blasts off on NASA's longest shuttle mission ever. This one won't have another high-wire act, with three astronauts grabbing a satellite. Columbia's crew will be busy with a host of scientific experiments. Already, the media is saying that's not exciting enough. That's like saying the only kind of worthwhile air travel is sky diving.

Well, put away your parachutes and lean back in your seats, because Columbia's experiments are first-class all the way.

During Columbia's 13 days in orbit, we will probe the mysteries of viruses and diseases. For instance, researchers will grow crystals of the proteins in the AIDS virus and its antibody. By understanding their molecular structure, we hope to speed the search for drugs that will interrupt the virus's vicious cycle of destruction.

Thirty-one different protein crystal experiments will be performed, along with dozens of other kinds of research. We'll be examining the structure of new drugs, blood cells, antibodies, and enzymes that control bodily functions. One experiment will try to find out what makes bacteria resistant to penicillin, so researchers can make "tougher" penicillin against infection.

What else? We'll be growing synthetic zeolite crystals. These remarkable crystals can be a catalyst, a miniature sponge, or a filter that can separate one liquid from another. They're used in petroleum refining, cleaning air pollution, and toxic waste clean-up. In space, we hope to make them larger and more uniform, and thus more efficient.

When people ask why we still send people into space, this is why: The work of those seven astronauts in orbit affects millions of lives on Earth.

Those experiments, and many others, are what the space program is all about. They're far more important, and just as exciting—than any shuttle launch or satellite rescue you'll ever see on TV. I think this science ought to be on TV too, because the problems we see night after night—disease, pollution, poverty—are what NASA works on day after day.

The tidal wave of basic science that's waiting to be flown in space is what will let us live longer lives, in a cleaner environment, with a higher standard of living.

That's what we do at NASA: reach out into the future, and bring back answers to the world of today.

The cutting-edge technology that comes from space research is what provides the new jobs and new industries of tomorrow. Between 1979 and 1986, the new products generated from NASA science and engineering created over 350,000 new jobs. NASA itself has a workforce filled with genius: 250,000 employees, university researchers, and contractors.

But we do more than just provide opportunity; NASA provides inspiration, hope, pride, and boldness. Space gets kids excited about learning. NASA's educational programs touch millions of students, and make science and math fun. Studying rocks in geology class suddenly comes alive when the rock comes from the Moon. That's why we let a quarter of a million students experiment on rocks brought back from the Moon long before they were even born.

Which leads me to my next point.

Twenty years after landing on the Moon, President Bush said, "The Apollo astronauts left more than footprints on the Moon; they left some unfinished business. America's ultimate goal was not to go there and go back, but to go there and go on."

People ask, "Why should we go back to the Moon? We've been there."

"Why should we go to Mars? We could blanket that planet with robotic probes for a fraction of the cost." They deserve an answer, and I have one.

The whole point of exploration isn't the destination; it's the journey. It's not about going some place; it's about what you find along the way.

Space acts as our magnet—our inspiration. But NASA doesn't spend money in space. We spend it on Earth, for the people of Earth. And we spend it right here in America, not Europe or Japan.

Many Americans remember Apollo as the simple accomplishment of a national goal. What people need to understand is how Apollo's technology radically changed American society for the better. Life as we know it in 1992 would not be "life as we know it" were it not for Apollo.

Every time you make a long distance call, you should thank the inventors of Mission Control. Every time you make an airline reservation, thank Mission Control. Every time you take cash out of a teller machine, thank Mission Control.

To coordinate space flights, NASA had to invent a way to synchronize computers thousands of miles apart, and write huge error-free computer programs. No one had ever done it before, but NASA did it because we had to.

Walk into any hospital and look at the technology. CAT scans, magnetic resonance, intensive care monitoring equipment—all derivatives of Apollo. No wonder Newsweek called Apollo "the best return on investment since Leonardo da Vinci bought himself a sketch pad."

Life on Earth is better because of the lives we've sent into space. Thank goodness we finally have a president that understands how important space is to the strength, and competitiveness, and future economic growth of America. George Bush and Dan Quayle are strong supporters of a robust civil space program because they've seen how science and technology drives this nation forward. But there are critics who don't understand. John F. Kennedy had to deal with them too.

"Many Americans make the mistake of assuming that space research has no value here on Earth," Kennedy said. "Nothing could be further from the truth. Our effort in space is not, as some have suggested, a competitor for the natural resources that we need to develop on Earth," he said. "It is a working partner and a co-producer of these resources."

There is so much waiting to be discovered out there. But what are we doing for the next generation—for the ones who weren't even born when we landed on the Moon? When will we stop eating the seed corn to feed our bellies today, and start investing in the future? What hope can we offer the child living in public housing who dreams dreams of owning a house of her own with a paycheck that was earned in a job that was created by far-sighted leaders who saw the value of investing in the science and technology of space?

We've waited long enough. To keep the next generation of benefits from space flowing back to Earth, America must have a permanent presence in space. We need Space Station Freedom, and we need it now.

Just weeks after I took office in April, Congress was voting for the umpteenth time on whether or not to stop NASA's space-based biomedical and microgravity research—trip it at the starting line—by canceling the space station. I couldn't believe it. I couldn't believe they were voting on it again. And I couldn't believe that April marked the month that we have now spent more time arguing the merits of a space station than it took to put a man on the Moon!

If you've never heard why we need Space Station Freedom, here it is in one sentence: We need a laboratory in space so scientists can learn how to protect the health of humans living and working for long periods in space, and to improve the quality of life for humans here on Earth.

Let me elaborate. Despite 30 years of space flight, doctors still know very little about how the body reacts in space, since no NASA mission, except for Skylab, has lasted more than 14 days. Even the data we've received from the Russian Mir is woefully inadequate, because their research and technical capabilities just aren't robust enough. Before astronauts can live on the Moon, or travel to Mars, or even spend months in orbit, we need to find out how to counteract the debilitating effects of zero and partial gravity. And the only place to learn about the effects of space is in space.

In weightlessness, fluids are lost, muscles deteriorate, the cardiovascular and immune systems work differently, inner ear problems can cause nausea, and cosmic radiation poses a serious threat. The rate of bone loss in space is ten times as great. On Earth, we call that osteoporosis. Twenty million American women suffer from it. Finding how to counteract it would bring relief to those women.

This is why space exploration is vital to our future. The hard challenges of space force us to find solutions to problems that might otherwise go unanswered. And the harsh environment of space, with its lack of gravity, can also be a unique tool for scientific investigation.

Currently, the hair of a scientist can turn gray waiting to get their first experiment on the shuttle, let alone the necessary follow-up research. You can't make much progress doing one experiment every five years or so.

Look at this crystal of a pesticide formed on Earth. Now look at the same crystal formed in space. X-raying crystals is how scientists uncover the three-dimensional structure of a substance, whether it's a semiconductor or an enzyme. This is a computer-generated three dimensional view of human serum albumin—blood plasma—and how aspirin attaches to it. Hooking drugs directly onto proteins like this is the goal of many drug researchers.

As you can see, growing crystals in Earth's gravity can be an alternative, where at least experiments can be repeated over and over without waiting five years for another space flight. In my view, there's simply no substitute for a permanent lab in space where scientists can repeat experiments day after day.

There's even more that can be done in zero gravity. New types of ceramics and metals can be mixed in ways they won't on Earth, giving clues on how to make stronger, lighter, and more heat-resistant materials back on the ground. In zero gravity, we can watch how fluids behave and interact with gases without having the experiment be tainted by the container they're heated in.

In biotechnology, NASA has invented a bioreactor that can grow human tissue larger and faster than on Earth. This will allow doctors to see for the first time in three dimensions how tumors grow.

And because human cells grow so much faster in space, maybe entire new human organs could be regenerated. Growing a new kidney or liver is just science fiction for now, but so was walking on the Moon a few years ago.

Whether it's medical knowledge for our first crew to Mars or new industrial products, the space station will be like the old frontier trading post—serving the pioneers and explorers, but also shipping valuable and exotic goods back to civilization.

A final reason to build Space Station Freedom is simply American leadership in space. America made a promise to Canada, Europe, and Japan to build the station in exchange for a significant contribution from them. Going back on our word would mean giving up our role as the world's leader in space.

The end of the Cold War brings the opportunity for new partnerships never thought possible. Instead of competing against the Russians, we're exploring how we can work with them. If America could go to the Moon alone, just imagine what a united world could do.

Last week, under the Apollo-Soyuz spacecraft in the Air & Space Museum, I signed an agreement with Yuri Koptev, my counterpart in Russia, to examine how to incorporate Russian hardware into our space program.

He told me that he had spent his whole career in the Cold War defense industry. I told him I had spent much of my career doing the same. Maybe now, I said, we can beat our swords into plowshares, and together reach for the stars.

In a country that focuses all too often on the short term, NASA is one of the few agencies dedicated to our future. America invests $14 billion a year in NASA—just one percent of the federal budget. For that small amount, the dividends we pay are enormous.

About $2 billion of NASA's budget next year is for the space station. Sounds like a lot until compared with the $6.3 billion Americans spend on pet food each year, or the $4.3 billion we spend on potato chips, or the $1.4 billion for popcorn. Put another way, Space Station Freedom costs each American two cents a day. If Americans only knew what they'll get out of Space Station Freedom—and believe me, we're going to tell them—I have no doubt they'll put in their two cents' worth.

I've tried to give a sense of the discoveries we might find on Space Station Freedom, but it's impossible to predict them all. Those who say the station's not worth the cost remind me of the Commissioner of Patents back in 1899 who recommended closing down the Patent Office to save money. "Everything that can be invented has been invented," he declared.

It's a good thing no one told the Wright Brothers.

Every time America has gone to the frontier, we've brought back more than we could ever imagine. As NASA turns dreams into realities, and makes science fiction into fact, it gives America reason to hope our future will be forever brighter than our past.

Space is no longer just an experiment or a symbol. It's no longer a "luxury," the way automobiles and air travel were once viewed. Space is an essential part of America's future in medicine, science, and technology.

Thirty years ago, John F. Kennedy said, "In 1990, the age of space will be entering its second phase . . . When some meet here in 1990, they will look back on what we did and say that we made the right and wise decisions." He spoke those words in Houston—the day before he died.

What will people say 30 years from now of the choices we make today? Will they say they were "the right and wise decisions?"

We can light up the sky with the inspirational work of Space Station Freedom, or we can stand by and watch the greatest technological bonfire of the century if it's canceled.

All of you understand what's at stake. We need your help in taking our case for Space Station Freedom to Congress and the American people. Once they understand the magnitude of what's to be gained, they'll demand we start the countdown for Freedom's launch.

Lincoln said, "The struggle of today is not altogether for today—it is for a vast future also." I believe we will continue to be bold and keep reaching out. We will never give up the quest for exploration.

That is our dream. That is our desire. And that is our destiny.

ADDITIONAL REMARKS

We are being challenged like never before. We all need to do more and do it better. NASA is performing a self-reassessment of how it does business. How to put the agency on a more business-like footing. How to incorporate Total Quality into the very fabric of our institution and programs. Our contractors and university partners must do the same.

The time is now to set clear priorities for the civil space program. We must explain in clear English what the merits of the space program are to the American people. We engineers and scientists must not be so arrogant to think the space program belongs to us. It belongs to the American people. We must give it back to them in terms they understand—not incomprehensible technical jargon!

Congress wants change. They have made it clear. They expect us to meet our goals on time without continuing cost growth. Congress also expects us to control our appetite. The growth decade of the 80's is over. NASA will not double again in the 90's. We must get more product value for each dollar invested. NASA and its contractors and university research associates must continuously improve.

We have a challenge, but I am convinced we can respond. We must—because it is our ability to respond to this challenge that will determine whether or not the nation will have a space station.

The clock is ticking. There are no tomorrows. The future of our children and our nation is in our hands. We have the responsibility to make the case for Space Station Freedom. We have the responsibility to integrate this program into the fabric of our society. We have the responsibility to make this program happen on time and within cost.

Let's get out there and do it. Let's quit talking about whether or not we should build Space Station Freedom. Let's start talking about the benefits of our investment and the payback to America.

This is our moment to collectively shape the future of our nation and the world. May the Force be with you!

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes.

Mr. GLENN. I will reserve 5 minutes of that for Senator SHELBY later on.

Mr. President, let me go back and be a little philosophical for a moment on what really built this country of ours. If you want to challenge an audience on the campaign trail, you can ask: If you could pick two things that made this country great compared to other nations around the world, what would those two things be?

Some will say we had great resources. We had the amber fields of grain and purple mountain majesty, and majestic rivers flowing to the sea, all those things. But there were other places in the world that had those same natural resources, those same advantages, and they did not develop the way we did.

Why did we develop as we did? I submit that the first reason was education. Education in this country was not just for the kids from the castle, the rich, politically connected. It was for everybody. We did not do a perfect job of education. We did a better job than anybody else in this world, up until the last few years. Now we know we are being challenged in this area. We have to shape up, and our schools must do a better job.

We cannot take second place to anybody in the world in education if we are to keep leadership in this world. Leadership means not just waving our styrofoam finger in the air after a ball game and saying we are No. 1. Being No. 1 in leadership in this world means that we have the options of the future. We are the ones that determine our own future, without having to go to other nations.

The second element that made this country what it is: Basic, fundamental breakthrough research. Research that let that educated citizenry—with some investment and capital in there and entrepreneurs willing to take a chance, once those information patterns were formed and we knew these new things, whatever the source of it, we just leapfrogged ahead of others in creation of new jobs, and most of it was in small businesses. To this very day, entrepreneurship furnishes about two out of every three new jobs formed in this country. I think that is a pattern that fits right into what we are debating here today.

Let me depart from this just a moment and say there is nobody in this body I respect more than Senator BUMPERS. So it pains me somewhat to have to oppose him on this particular amendment.

I know personally of Senator BUMPERS and his wife Betty's personal interest in Arkansas, when he was Governor, of trying to get all the kids immunized, and take care of health problems. And I have seen him with tears in his eyes almost, talking about holding hands with a senior citizen saying: "Why can you not help us, and recognize that I am here and that I am a human being?"

There is nobody in the Senate body, husband and wife, that have been a better team in helping the youth of their State in immunization and health matters, and there will be thousands of young people growing up in Arkansas that will not have disease, because they were immunized, and because of the programs that then Governor BUMPERS and Betty put into effect in Arkansas.

And also, I know of no one here who has a greater concern for the budget. He has risen on the floor so many times talking about the budget, how we must control it. I certainly share that view.

But let me say that I think that even in tough times we have to make tough choices and investments—if they are valuable enough or have enough potential or look like they have a potential of providing some of the basic information for the future of research. We know from our past efforts that research has paid off in this country. It seems to me if there is anything that we have learned in this country, it is that money spent on research, on basic research, has a way of paying off in the future beyond anything that we usually see at the outset.

That is where we come around then to discussing the space station.

The space station fits in the tradition of basic research of this Nation of ours and and it continues the quest for knowledge which other people have followed even before our Nation began. We can go way back in ancient times to Archimedes, who had a curious, questing desire to know the new and was willing to bear ridicule. Other questing, curious people followed Archimedes, even though they were ridiculed in their time, they went ahead with their research experiments. Another example is Sir Alexander Fleming who had a curiosity about mold in a Petri dish in the laboratory, mold. Other people ridiculed him, so we read, but he persisted in his inquiry, and out of that came antibiotics, came penicillin which he discovered. That lengthened and improved life for all of us.

And my distinguished colleague from Maryland, who is floor managing the bill, Senator MIKULSKI, pointed out a number of things just a few moments ago here about the Wright brothers. I would add to that Henry Ford's efforts and people yelling "get a horse," and so on; Faraday having sparks jumping in a laboratory, and the British Prime Minister touring the laboratory saying, "What possible use is it?" Faraday said, "What good is a baby?" That was his answer.

Maybe we are in the infant stage of this exploration of space and perhaps it is from that that we could learn a lesson. And I think what good is a baby, well—what good is a whole new capability to go into space and do microgravity research?

I would like to discuss a few things which I read into the RECORD last night concerning benefits to everybody here on Earth, from the space program—and there were page after page after page of those.

But you do not have a space program just to prepare to go to space and have that as the only advantage of the program. You conduct experiments on board. And way back in the early days of the manned space program when I was involved with it, at that time we had on board even on the first orbital flight a number of experiments and research efforts to look in different directions, not only things on microgravity but looking back on the environment on Earth and looking on out into deeper space to find out what is out there and what new radiation may be out there.

Now, much has been made here of the opposition of some of the scientists to the program. I did not mention this in the speech last evening—but I was reminded of the fact that back about 8 or 9 years ago I thought that we should probably have a Department of Science and Technology in this country. Almost every other nation on this Earth that is a major industrialized country has a Department of Science and Technology which coordinates their scientific activities and does it on a rational basis and planned basis where our arrangement in this country has been much more hit or miss with a number of different organizations separately administered, having different parts of the pie and quite often overlapping in their activities.

When I suggested a Department of Science and Technology, I fully expected that the scientific community would jump on that, that I would have full support, because it just seems to me as we go into the future and try to be competitive that better coordination is essential.

Do you know what happened? The scientific community very, very much opposed what I was proposing. That did not want a Department of Science and Technology, and I was somewhat shocked because I had not even questioned whether they would support it or not. I had assumed that they would. Then when I sat down with many groups of scientists and questioned them about why they would not support such a department when I thought they should, they said, you know, Senator, it is going to disturb our lines of support. Their lines of financial commitment which they have worked on over many years with whatever department of Government supports them would be disrupted.

I am not saying all the scientists opposed to the space station are people who have that much of a self-interest in mind and when something like the space station comes up their interest in the greater good goes down the tube. But I am saying that self-interest certainly may play a part, because there are many scientists who are very jealous of others who have funding and who cannot get that same kind of support for themselves.

I would like to say a word about the budget. The domestic discretionary budget is about $531 billion. What we are talking about for the space station here is only four-tenths of 1 percent of that domestic discretionary budget. It is one-seven hundredths of the total budget. It seems to me that when we are talking about basic research for the future, it seems to me that such amounts as we may spend on the station are well worth the expenditure that we are talking about here today.

I do not question at all, I do not question at all the need for the other programs that my distinguished colleague from Arkansas, Senator BUMPERS, talks about and I am with him on those things and voted with him on the need for the better immunization and money for NIH and doing the research in those areas that will benefit the people of our country, especially our young people.

But we have had a lot of past experience with NASA and the research benefits associated with the early space program. And we have had everyday applications from past NASA research. We have had computer software improvements, solar power cells, onboard monitoring devices developed for Apollo space waste management, all of which have civilian practical application on Earth.

Plant and ecosystems habitat research for regenerative process on future space craft. That has an application, and a rock/plant filter system for treating domestic sewage has been developed from that kind of research, and on and on.

Earlier I mentioned onboard monitoring devices are being used now for systems adapted for commercial use by sewage companies to monitor sewer lines for leaks and stoppage, practical things of that nature.

I could go on and on with page after page of applications that already have been spun off into civilian use, and these are things that NASA estimates have provided about a 7- or 8-to-1 advantage for every dollar spent.

I remind my colleagues that the dollars spent are spent right here on Earth. They are not spent anywhere else out there in space. Even if NASA's estimates are a little off say by 50 percent, which I do not think they are, that is still 3½- or 4-to-1 advantage for our economy from money that has been spent in the space program.

Now, as for research to be conducted on space station *Freedom* and potential benefits, I think these are rather impressive. Let me run through some of these very briefly here.

Let me add before I get into this, my distinguished colleague from Tennessee, Senator SASSER, said a few moments ago that other nations are not supporting the space station.

His assertion is not supported in fact because current figures that reflect commitments to the space station, commitments to their programs that will be cooperating with our space station and which will be part of the space station, are as follows—right now about $1 billion from Canada; the Europe space agency $4½ billion; Japan $2.2 billion including a pressurized laboratory and exposed facility and experimental logistic modules; and Russia with all their difficulties are developing a life boat that will add safety to the space station. That is the record on what the commitments are of other nations.

We are talking about new technology development and so on. There will be separate modules called racks on the space station. One will be a modular combustion facility. You know there is a lot we do not know about combustion phenomena and processes important to fire safety and how we use flames and how we transfer heat from its source to its use. What is the potential Earth benefit of this? Improved fire prevention; detection by increasing our understanding of what happens when fire ignites, smolders and spread; learning how to make combustion processes cleaner and more efficient.

A second rack will have a fluid physics facility which enables researchers to study basic fluid dynamics and the behavior of fluids in the absence of gravity. Potential benefits right here on Earth? We may gain insights into our atmospheric processes, ground water movement and the engineering properties of soils; new materials and process innovations in the chemical and materials industries.

Another facility is the space station furnace facility. The description of it: It produces crystals of electronic and photonic materials and studies specific processes. Potential Earth benefit right here: Advanced technology or high performance materials, gain knowledge of the dynamic of solidification that may allow novel materials to be produced in another facility.

Advanced protein crystal growth facility: Will grow protein crystals for high resolution analysis which are larger and purer than any that we can grow here on Earth.

The potential Earth benefits: Further our understanding of protein crystallization, allow new insights in the function of proteins, and provide information for drug development and treatment of disease.

Manned observation techniques is another one of our areas. Utilizing optical quality, Earth-oriented windows, station astronauts in direct communication with ground-based scientists will analyze and enhance the technologies for observations made by remote sensing devices.

Potential Earth benefits: The present capability to view Earth from the space shuttle will be extended by the enhanced observation and communications technologies developed through this experiment.

We have very large-scale integrated circuits that will be developed up there. And potential Earth benefits come back to large-scale computers here on Earth which is being affected by radiation. We can test all of those things.

Another one that I think is very important also, and that is the Batelle zeolite crystal growth facility.

It is a multipurpose, multitemperature zeolite crystal growth furnace, which will be able to process up to 38 zeolite solution samples.

Zeolite is not a common term, but they have several applications. As ion exchangers, they are used to extract radioactive elements from waste;

As adsorbents, they are used to remove sulfur dioxide gas from smokestacks, natural gas from crude oil, to separate air into its individual elements, to separate ammonia from sewage effluents, and to remove carbon dioxide in manned spacecraft/submarines;

As catalysts, they are used to crack crude oil and to convert methanol to gasoline;

As decsiccants, they are used to remove water from hydraulic systems, air, natural gas, cracked gas, and refrigerants; and they may also be used as adsorbents in the medical and resins fields.

I read through these things and I cannot guarantee what is going to happen in these areas, but these are areas that some of the scientists and researchers want to look to and any one of these things may come out to give us an advantage in our economy that may be far beyond anything that it would cost us to sent up the space station to begin with.

We have a vapor transport facility.

As Earth-grown crystals form, gravitational forces cause defects and inhibit growth. In space, gravitational effects are virtually eliminated, allowing crystals to grow much larger and with fewer imperfections in their structure. The quality of a crystal directly affects its strength and performance, while its size determines its functional capability.

Potential Earth benefit: Larger and more perfect crystals grown in VTF would result in more useful infrared and ultraviolet detectors and semiconductors which would be used to manufacture trillion instructions per second processors.

We have talk about leading the world in computers and we want to do that and we are under increasing pressure. What if we can come up with something like this: manufacture trillion instructions per second processors? All of these are advantages to funding the space station. There are several others here that I could go through, but I do not have time here this morning in the limited time I have remaining.

Let me mention the U.S. commercial electrophoresis system.

Electrophoresis is a process that uses electrical forces to separate mixtures. In continuous flow electrophoresis, the components take different trajectories and, therefore, form different streams which can be collected separately. Electrophoresis in microgravity allows for purer more complete separation of materials.

Potential Earth benefits: U.S. companies could use space-based electrophoresis to purify existing or new products such as growth hormone, impaired growth in children; beta cells, for diabetes; and epidermal growth factors, for wounds and burns. And you can produce that in space better than you can here on Earth. So electrophoresis experiments are something that we want to look into also.

Gas grain simulation: Simulates fundamental physical and chemical processes involving particles in the submicron to millimeter size range.

Potential Earth benefits: Increase knowledge of fundamental physical and chemical processes of small particles;

Increase understanding of atmospheric processes, including climatic change.

And there will be a biotechnology facility that can grow three-dimensional tissues to be used in medical and biological research and allows growth of cell cultures without gravitational stress, which has obvious benefits right here on Earth.

There will be a provision for what are called small and rapid response payloads on which our university system and the other academics may try experiments.

Other racks include space physiology; materials processing system; solution crystal growth; module for integrated cell research in orbit; test module for plants and organics; organic/polymer facility; and very high-speed integrated circuit fault tolerance.

Mr. President, these have the potential of being enormously beneficial.

Now, there is one other area also I think we should not overlook. If we want to call this an inspirational angle, we could call it that.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER (Mr. HEFLIN). Approximately 4½ minutes.

Mr. GLENN. I yield myself 1 more minute, Mr. President.

Back in the early days of the space program, we saw an enormous interest of young people in math and science. And I want to see that same kind of excitement in the program again. I think it is inspirational, space station is something that benefits us worldwide also. We are cooperating with other nations in this area.

But I know that a lot of the scientific terms, the things I mentioned here this morning, will sort of roll over heads here, but they are the basis, the building blocks for the future. And I do not see that we can afford to miss this investment.

I ask unanimous consent to have printed in the RECORD statements by Presidential candidate Bill Clinton in support of the space station.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILL CLINTON ON AMERICA'S SPACE PROGRAM

The end of the Cold War offers new opportunities and new challenges for our civilian space program. In recent years the program has lacked vision and leadership. Because the Reagan and Bush administrations have failed to establish priorities, and because they have not matched program needs with available resources, National Aeronautics and Space Administration (NASA) has been saddled with more missions than it can successfully accomplish.

Bill Clinton supports a strong U.S. civilian space program—for its scientific value, its economic and environmental benefits, its role in building new partnerships with other countries, and its inspiration of our nation's youth. A Clinton Administration space program will seek to meet the needs of the United States and other nations while moving toward our long-term space objectives, including human exploration of the solar system. In addition, a Clinton space program will promote the development of new technologies, create new jobs for our highly-skilled former defense workers, and increase our understanding of the planet and its delicate environmental balance.

THE CLINTON PLAN

Almost a quarter century ago the United States put a man on the Moon. Now we must lead other nations in exploring the Universe for the benefit of humanity.

Move beyond the cold war

The Reagan and Bush Administrations spent more on defense space initiatives than on civilian space projects. Restore the historical funding equilibrium between NASA and the Defense Department's space program.

Achieve greater cooperation in space with our traditional allies in Europe and Japan, as well as with Russia. Greater U.S.-Russian cooperation in space will benefit both countries, combining the vast knowledge and resources both countries have gathered since the launch of Sputnik in 1957.

Improve the American economy through space

Direct NASA to give high priority to continued improvement of the American civil aircraft industry, which faces increasing international competition. NASA research can play an important role in developing less polluting, more fuel efficiency, and quieter aircraft.

Work to improve our space industry's competitiveness. We'll direct NASA to develop cutting-edge rocket and satellite technologies. We will also develop a National Launch System to maximize efficiency with scientific and commercial payloads.

NASA and the environment

Support NASA efforts—like Mission to Planet Earth—to improve our understanding of the global environment.

Call on NASA to develop smaller more focused missions which address pressing environmental concerns.

NASA and education

Direct NASA to expand educational programs that improve American performance in math and science. Space education can help maintain our technological edge and improve our competitiveness.

Direct NASA to expand the outreach of its educational efforts beyond NASA's five field centers, so that millions more young people can learn about space.

Encourage planetary exploration through the best space science

Stress efforts to learn about other planets. These improve our understanding of our own world and stimulate advances in computers, sensors, image processing and communications.

Fully utilize robotic missions to learn more about our place in the universe.

Maintain the Space Shuttle and continue work on the Space Station

Maintain the Space Shuttle's integral role in our civilian space program. The Shuttle is extremely complex and will always be expensive and difficult to operate. But we must take full advantage of its unique capabilities.

Support completion of the Space Station Freedom, while basing its development on the twin principles of greater cooperation and burden sharing with our allies. By organizing effectively on this project, we can pave the way for future joint international ventures, both in space and on earth.

Build a vision for the space program in the 21st Century

Aim to establish a permanent human presence on the moon and to send humans to Mars. Although we cannot yet commit major resources to these goals, they should be among the considerations that guide our science and engineering. Because the entire world would share the benefits of human missions to the Moon and Mars, the costs should be borne by other nations as well as by the United States.

GOVERNOR CLINTON'S POSITION ON SPACE STATION FREEDOM

I know that many of you are interested in Governor Clinton's position on Space Station Freedom and the civil space program. Our party's standard bearer has spoken out on the Space Station on a number of occasions, most recently at the Democratic convention. Each time Gov. Clinton has expressed his strong support for both the space program and the Space Station.

For example, in response to a question on a recent "Today" show about whether we should continue to pursue a manned space station: "I think we should pursue it, yes."

He then went on to say, "a space program, from my perspective, is an important part of our building the kind of scientific and technological base this country needs."

Gov. Clinton made the same points at the convention, adding that [in reference to Space Station and other high-tech projects], "I do not consider those projects to be boondoggles. I consider them to be an important part of our development of a high-tech, high-wage, high-growth economy." And "in the areas of science and technology, I admit to having a bias in favor of projects that seem likely to generate a whole new range of high-tech production and high-tech jobs."

I know that some of you hold an opposing view on Space Station. We Democrats have room for divergent views in our party—that is our strength. Nonetheless, I hope you will give serious thought to governor Clinton's position and not undercut him as he develops his vision for getting America moving again.

Mr. GLENN. Mr. President, just in closing, very briefly, I strongly urge my colleagues to defeat the amendment. I think the space station continues in the historical interest of this country in research. Research is such that you do not always know the full benefits which will come. But I have pointed out some of the things here this morning very, very briefly, some of the things that I think have a tremendous potential and the reason why we have a space program. It is crucial for our own country's industrial base. We did not even get into the number of people employed in the industry.

For these reasons, I believe we must fund the space station. I am as concerned about a balanced budget as Senator BUMPERS, but we also have to provide some seed corn for the future and that indeed is what we are doing with the space station, and I urge that this amendment be defeated.

Mr. SHELBY addressed the Chair.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Approximately 3½ minutes.

Mr. GLENN. I yield that time to the Senator from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. President, I rise today in strong opposition to the Senator from Arkansas' amendment. It seems ironic that on the 500th anniversary of Columbus' discovery of the Americas that we would stand in this body and make the arguments against exploration and discovery that were advanced by the proponents of the flat Earth theory five centuries ago. "Do not explore" they said, "we know all that we need to know. We will discover nothing and waste the King's treasure."

We have heard this here today, but a lot of us know better.

We know that Americans, by their very nature, need horizons to explore and obstacles to conquer. When the frontier of this country was formed by the Appalachian Mountains, explorers and immigrants pushed West. When the Great Plains formed a boundary to our expansion, we built railroads and conquered the Far West to the Pacific Ocean.

When the continental United States had expanded to its limits, President Teddy Roosevelt expanded our Nation's horizons throughout the corners of the globe through naval power. When, in the 1950's, our country looked as if it had expanded as far as possible and there was no more room for Americans to move, we underwent a revolution in technology and transportation that led to the highly mobile society that we have today. When President Kennedy challenged us to conquer the horizons of space, we placed a man on the Moon within a decade.

Now, Mr. President, we are challenged forth to take another step toward the conquest of the so-called final frontier. Space station *Freedom* is the next step in the conquering of this frontier. Our Nation's character and legacy demand no less than that we build the station.

Against this background, there are several arguments in favor of the space station that I would like to advance today. The first relates to the need for a permanently manned orbital platform as a next step in the human exploration of space. We have much to learn about long-term human presence in space and its effects on human physiology. Shuttle flights last at most 2 weeks. Without the ability to study human exposure to zero gravity for months or years, we will lack the basic knowledge to handle long-duration space flights to other planets or to manage a prolonged presence on the the surface of the Moon. Space station *Freedom* will provide us with necessary data for, and solutions to, the muscular, circulatory, and nervous problems that will result from long-duration space missions.

Moreover, the station promises to solve the problems of human life support that will arise with an expanded human exploration program. Space station *Freedom* is creating state-of-the-art water, air and waste recycling systems that will allow long-term space missions to be largely self-sufficient with regard to these basic necessities. Engineers at the Marshall Space Flight Center in Huntsville, AL, are nearing perfection of a system that will recycle and reuse all of the station's water, air and waste right down to the perspiration on an astronaut's body.

The second necessity for completing space station *Freedom* is international. The United States has long been recognized as the leader in space exploration and technology. Cancellation of the space station will effectively relinquish this position.

Termination will leave our civil space program with no clear direction and will encourage other nations to aggressively pursue their own initiatives in space technology and exploration, ultimately surpassing the United States in these areas.

In addition, space station *Freedom* is an international partnership involving 16 nations. Our international partners will contribute $8 billion in hardware development and construction, and will share operating costs over the life of the station. Retreating from these agreements will not only be an international embarrassment, but will also hamper the ability to reach and to carry out future cooperative space research and exploration agreements.

Space station *Freedom* is a model for the peaceful, international research and development programs that we should pursue in the post-cold-war era. Cancellation of the program smacks of isolationism and marks another retreat from our natural role as the leader of a peaceful, global technological, and economic community.

Third, space station *Freedom* will provide our Nation with new technologies that promise tremendous economic, environmental, and medical benefits. The station will provide unprecedented opportunity for biotechnology and materials science research. Recent long-duration shuttle flights have shown dramatic promise in the growth of protein crystals. However, to effectively grow and develop these crystals, scientists require the long duration that the space station will afford for their research.

The growth of proteins in the absence of gravity allows for the growth of perfect crystals that give us valuable insight into genetic defects that cause numerous diseases. Moreover, the zero gravity environment promises unheard of advances in drug manufacturing techniques and semiconductor research. The purity of drugs manufactured in this environment will allow the Russians to produce 50 percent of their insulin on the Mir Station by 1995. They are proving that such research has direct commercial and medical applications.

Space station *Freedom* will provide us with an observation platform for astronomical and environmental research, and observation. *Freedom*'s equatorial orbit will permit the observation of 56 percent of the Earth's surface and will allow the visual monitoring of environmental conditions on Earth.

Finally, I believe that the most powerful argument in favor of the station is economic in nature. Traditionally, every dollar spent on space-related technology by the Federal Government has returned $7 in economic growth and output. A 700-percent return, Mr. President, on our investment. New construction techniques, life sciences advances, and on board research will all have competitive economic applications within the national economy.

Presently, 75,000 Americans are directly or indirectly employed by the space station project. Companies in 39 States receive funds appropriated for space station *Freedom*. Employment in our aerospace industry dropped by 8 percent in 1991 alone and one out of every eight aerospace workers has lost his or her position since 1989.

The U.S. aerospace industry is one of the few sectors of our economy that still enjoys a favorable balance of trade. The aerospace industry is critical to our global competitiveness. Space station *Freedom* not only provides jobs in the industry, but also contributes significantly to the technological research and innovation that is critical for the industry's continued position as the leader in space technology and application. To cancel the program now, when the industry is showing signs of strain and the economy is in recession, is poor and shortsighted public policy.

Mr. President, space station *Freedom* is on time and on budget. NASA and its contractors have shown a true commitment to maintaining costs and complying with congressional mandates regarding design and delivery parameters.

NASA Administrator Daniel Goldin is working diligently to actually reduce the cost of the station below current price estimates. We should not reward this responsibility by canceling the program. The station represents one-seventh of 1 percent of the Federal budget. NASA's funding is only 1 percent of the budget. This is a small price to pay for discovery, economic investment, and the maintenance of this Nation's position as the leader in space science and technology.

Cancellation of the station lacks vision and reason.

Mr. President, this is a important piece of legislation that is to fund the space station. We have all heard the arguments. We have heard the biotechnology arguments, we have heard the employment arguments.

We led the world in space technology. Let us not go backward. The space funding only takes up a small, small part of our budget.

It is important, but technology is important to the future generations.

I ask all my colleagues to vote against the Bumpers amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time does each side have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 16 minutes and 55 seconds; and the Senator from Maryland and Senator GARN, the Senator from Utah, have a total of 14 minutes and 20 seconds remaining.

Mr. BUMPERS. Mr. President, I will wrap up my part of this ball of wax.

I want, first, to thank my very distinguished colleague and classmate, Senator GLENN, for his overly generous and kind remarks about my and Betty's efforts in behalf of children in the country. He was overly generous in his comments.

Senator GLENN and I came to the Senate together in 1975. Not only have he and Annie been steadfast friends of mine and Betty's, but I consider Senator GLENN perhaps the most consummately honest man in the U.S. Senate. And our disagreement on this, I promise you, is one of the heart and head both, on both sides.

My good friend from Utah, Senator GARN, is also a classmate. Senator GARN and I have had some interesting battles since we came here. We both came in 1975. There were only two Republicans in that class, as I recall: Senator GARN, and Senator LAXALT from Nevada. And though we have slightly different philosophies of government, we have remained, both on and off the floor, steadfast friends. I will miss his countenance and his words of wisdom on the floor of the Senate after the first of the year, because he has chosen to leave this body.

I thank Senator MIKULSKI for her very kind remarks. She is overly generous in her nice words about me, and I would like to reciprocate by saying that she always presents the very best arguments for her causes. And this one is no exception.

Mr. President, I have placed letters from both the American Legion and the AMVETS on the desk of every Senator. I pointed out last night that those veterans health programs continue to decline. And the health of veterans continues to deteriorate because we do not fund those programs at a proper level.

One hundred beds closed at a brand new hospital in my State for a lack of funds, and left a long line of veterans waiting, desperate, needing the care—and they cannot get it. The $200 million that I proposed to transfer to that would go a long way toward alleviating that problem.

My concern here has nothing to do with personalities. It really does not have an awful lot to do with the space station except, in my opinion, the space station should not be a priority, given the limited amount of money we have to spend to deal with what everybody agrees are the terrific, terrible problems of this country.

The amount of money we are going to spend on the space station would go a long way toward providing health care for everybody in the country. It would cure all of the problems of the seniors. We would not have to be talking about cutting Medicare all the time.

Senator GLENN very magnanimously covered immunizations a moment ago. As I said last night, we have vaccines—a new vaccine for chicken pox, a new vaccine for hepatitis A, a new vaccine for hemophilus influenza that prevents encephalitis, a vaccine for hepatitis B, which is the progenitor of 25 percent of all the liver cancer cases that people ever get. We are not going to be able to immunize all our children against them, because we do not have the money. And here we are embarking on a program that is going to cost somewhere between $180 billion and $200 billion, and probably more than either, because we all know these things always cost more than they are projected to.

The cost of the space station is now up 50 percent from when Ronald Reagan first proposed it in his inaugural address, I believe it was in 1984. It is a very curious thing, too, Mr. President, that the President of the United States proposed this in his inaugural address in 1984, and exactly 1 year prior to that, his own science adviser, Dr. George Keyworth said, "Developing a manned space station would be a most unfortunate step backwards." He said he would need to see a well-defined application for it, and he just did not see one. Nor do many other scientists in the entire United States.

It is a work program, but a very poor one. Twenty-two thousand people working on the space station, that will take $2 billion next year. Are you interested in jobs? Two billion dollars in the space station creates 22,000 jobs; $2 billion to repair highways in America creates 116,000 jobs and, in my opinion, will have a much longer-lasting benefit.

We have 10 million people out of work. The Soviet Union went broke trying to keep up with us in both defense and space. And what do they have left? They have a space station. They have a space station right now circling the Earth. It has been there for 5 years. I invite my 99 colleagues to call the Soviet Embassy and ask them do they think that was a wise investment. Number two, ask them: What have you gotten out of it? I will tell you what the answer is: Nothing. "No" to the first one; "Nothing" to the second one.

And the verdict is still out in this country, Mr. President, as to whether or not we went broke trying to keep up with the Soviet Union. We have a penchant around here for, no matter what the rationale is, no matter what happens to the rationale, we just keep going. We started out with eight missions for the space station—that was back when we were talking about $8 billion in research on the space station—eight specific missions. And one by one, they have fallen off, and we are down to one; only one mission for the space station. And the enthusiasm by the proponents is just as great as it ever was.

It reminds me of the B-2 bomber. Every time somebody said, well, that is not a good rationale for it, somebody would come up with another one.

One of the greatest lines ever uttered since I have been in the Senate was by the Senator from Vermont [Mr. LEAHY] when all of a sudden they tested the B-2 bomber against radars; because, you know, the whole rationale for it was it could penetrate the Soviet Union, and the Soviet's radars could not see it. And the first time they fly it, there it is, on everybody's radar.

And Senator LEAHY said, "The B-2 bomber has appeared, and the Soviet Union disappeared, all within a matter of months." And there are people here who still want to keep building the B-2 bomber.

The cost of this thing is up 50 percent. Does anybody think the $200 billion estimated cost by the House study group—does anybody here think that is it? Do you think, by the year 2000, that figure will still be legitimate?

Mr. President, we have to help Florida. We have to help Louisiana. We do not have to build this space station, and we are going to remain last in education as long as we continue to divert our resources to exotic gold-plated projects such as this while our children go begging for an education. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our distinguished chairman of the subcommittee for yielding.

My arguments against this amendment are pretty basic. Let me start with the most important point first.

Twenty-five years ago, five percent of the Federal nondefense budget was on research and development; 25 years ago, 5 cents out of every dollar spent by the Federal Government on nondefense matters was on research and development, technology, investing in the future by developing new science, new technology, and new knowledge, which, combined with the most efficient economic system on the face of the Earth, made America the richest and most competitive Nation.

Twenty-five years later, today, we are spending far more total dollars, far more in terms of Government spending as a percentage of GNP than we dreamed of spending 25 years ago, and yet now investment in science, technology, and in the future is not 5 percent of that budget but 1.8 percent of that budget, and that assumes full funding of the budget request for the National Science Foundation, full funding for the SSC, full funding for NASA, and we have yet to issue final approval of those expenditures.

What we are doing, Mr. President, is reducing expenditures on investments that yield dividends in the future. Clearly, there are 100 Members of the Senate, and many of them have different priorities. As I listened to our colleague from Arkansas talk about spending on science and technology and how it ought to be cut, I think about a vote we had on another day on an amendment to freeze expenditures of the Corporation for Public Broadcasting at $275 million per year. I thought we ought to freeze the expenditures. The Senator from Arkansas thought we should not. Does that mean I was right and he was wrong? No. It means we had different priorities. I am willing to vote for an amendment that cut Government spending on discretionary programs by $10 billion and to lower the cap and rewrite all the appropriations bills to do it.

But what I am not willing to do is to go through and systematically cut the parts of the budget where we are investing in the future. That may very well mean, if we reduce the overall spending level, something I have fought consistently to do, that we may spend less money on science and the future. It might not. But the point is that we are already spending on science, technology, and the future about one-half as much of a percentage of the budget as we spent 25 years ago.

So what we are talking about is reordering priorities. We have a spending cap, the money below the cap is going to be spent, the President is going to enforce the spending caps with vetoes, those vetoes are going to be sustained. The issue here is not spending but priorities. In terms of priorities, I believe and I am absolutely convinced that, relative to the amount of money that Government spends, we are underinvesting in science, we are underinvesting in technology, we are underinvesting in the future. We not only are spending more money at the Federal level, but we are consuming more and investing less, and our Nation is a loser because of both of those decisions.

So I urge my colleagues to reject this amendment. When we are spending only one-half of a percentage of the budget what we spent 25 years ago on science and technology, when America is the one Nation in the world that has benefited more from the development of science and technology than any other nation, I think it would be a poor decision to adopt this amendment. I trust we will not. I yield back the remainder of my time.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I yield myself the remainder of the time.

MODIFICATION TO AMENDMENT NO. 2955

Mr. GARN. Mr. President, I send a modification of an amendment to the desk. Last night we adopted a Chafee amendment. This is a technical change. We need to change 262.3 to 261.3. I send that modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

In amendment number 2955, strike "262.3" and insert in lieu thereof "261.3".

Mr. GARN. Mr. President, we are nearly at the end of this debate, and there is not much new that can be said. Essentially, the proponents of the Bumpers amendment made the same speeches they did last evening.

One point I wanted to follow up on, which the Senator from Texas just mentioned, is the cost figures. It is very appealing during a Presidential election year and senatorial and House election year to talk about saving the taxpayers money. Let us keep this in perspective, not only what the Senator from Texas just said, that social programs have increased dramatically in this country over the past couple of decades, but all science research has gone down. I do not dispute some of that was necessary.

Let us put the whole thing into perspective. Forget eliminating the space station. If we eliminated NASA and said, "We do not want a space program anymore, we are going to eliminate the agency," we would save 1 percent of the total budget of this country. So most of what we heard today is a vast exaggeration, not only of the total cost of the space station, but, even if it did cost as much as the proponents of this amendment say, we also ought to talk about costs in terms of oranges and oranges and apples and apples to string out the whole life-cycle cost.

We can do that with anything. We can take the annual cost of the operation of Congress, which has gone up more dramatically than most other governmental expenditures. I think we have far too much staff and the American people would like us to cut the cost of the operation of this body and the House of Representatives. But let us multiply that for 30 years without even any cost increases and amortize that with compound interest.

With every single Government program you can make that case, like buying a house. How many people would buy their house if they were told it is not just the initial cost, but it is all the maintenance, it is the operation, it is the utilities, it is the taxes, everything you do on that and all the interest for the next 30 years. You would say, good heavens, I cannot do that. We would be talking about a $100,000 house costing $1 million or more over that period of time.

So the proponents wish to dramatically exaggerate the cost. This is an investment in the future. I will not go into a repetition of all I said last night. It is an investment in the future of our children.

In a recent op-ed piece in the Washington Post, "Who Needs a Space Station," July 27, Maxine Singer and Donald Brown suggest that those of us who support space station *Freedom* base our entire support on its potential value for biomedical research. I suppose I understand their myopia, but they should, as scientists, at least acknowledge that their arguments address only one of the wide array of reasons for investing in the space station.

Interestingly enough, Maxine Singer, who is one of the coauthors of this op-ed that we do not need a space station, is the very same person who, on April 28 of this year, in a House hearing on the NASA authorization bill said, "I don't need space technology to do my research. I can do it using equipment such as displayed in this hearing room."

Miss Singer did not realize the equipment to which she was referring is the bioreactor, a device designed and built by NASA for use in the space station.

This is typical of a lot of the scientists who are testifying against this. They believe that it will result in more money for their pet scientific project. Well, that has never happened. In all the years I have been on this subcommittee, if you cut the space station, if this were accomplished today with the Bumpers amendment, money would not go to other science. It stays within this subcommittee allocation. It will go to EPA. It will go to a lot of different things: to veterans, to Superfund. And maybe people would like to do that. But it would be reallocated within that subcommittee. It would not go to order scientific projects.

Ms. Singer is not alone. Unfortunately there are many Americans like her who are not aware of the vast array of scientific equipment and medical devices and techniques which exist because of space research. The medical benefits alone have revolutionized modern diagnostic and therapeutic equipment used today in the practice of medicine. These include: implantable pacemakers, CAT scans, MRI scans, defibrillators, medication delivery systems, and paramedic ambulances and lifeflights, to name a few.

The question is not whether these spinoffs are worth the investment—for how can you place a dollar value on a human life. The question instead becomes how do we educate the American people about how their lives are affected each and every day by space related spinoffs, and that without a space program America's technological future is at risk.

I recently received a letter from a Florida resident who was hospitalized and operated on in the spring of 1981 for a ruptured colon. Because of the high dose of antibiotic needed to kill the rampant infection, his heart was in jeopardy. As part of the procedure, an instrument was inserted into his heart to monitor its beating. Several times over the next 3 weeks the instrument signaled the doctors who were forced to discontinue the antibiotics as his heart began to beat erratically.

Following recovery, the man's doctor said, "I suppose you'll really support the space program now. The device which saved your life was developed by the space program. We've only had it for one month. You're very lucky."

The gentleman concluded his letter to me by asking "How do you say thanks to a program or a piece of equipment that saved your life? Please support the space program if for no other reason than to promote the medical research like that which saved mine."

That was 1981. Since then, space-related medical advances reach into the tens of thousands.

REBUTTAL TO THE WASHINGTON POST ARTICLE OF JULY 27, 1992, TITLED: "WHO NEEDS A SPACE STATION?" BY MAXINE F. SINGER AND DONALD L. BROWN

Mr. President, the authors state that $50 to $100 billion will be required for the construction and flight of space station *Freedom*. They also claim that the space station cannot be justified in "the light of competing national needs, including scientific programs. * * *"

First, these costs are misleading, if not inaccurate. The construction of the space station is currently estimated to be $30 billion. The operation of the space station is planned for a 30-year period with an annual cost of about $2 billion a year. Further, we believe that the scheduled reductions in military and strategic defense initiatives create a shift in national needs. Without the space station, these reductions will leave the Nation without programs which are on the cutting-edge of engineering and technology. The medical benefits derived from applications of NASA technology alone have revolutionized modern diagnostic and therapeutic equipment used today in the practice of medicine. To mention a few: implantable pacemakers, defibrillators, medication delivery systems, patient telemetry for intensive/coronary care units, paramedic ambulances/lifeflights, diagnostic computer-assisted tomography [CAT] scans, magnetic resonance imaging [MRI], and positron emission tomography [PET] scans. In testimony to the House Subcommittee on Space recently, Dr. Michael DeBakey, chancellor and chairman, Department of Surgery, Baylor College of Medicine, vigorously defended the continuation of space research in all areas, including biomedical, if we hope to continue the brilliant technological progress that has characterized the first 30 years of the program.

The authors say that space station is not "required for space exploration or for biomedical research."

The authors are not representative of the large community of investigators in the biological and medical community in the United States and other industrial nations throughout the world. The space station is required to qualify humans for space exploration. The Soviets did accomplish an unmanned mission to the Moon, but the scientific return was limited, even as was our unmanned Viking mission to Mars in 1975.

The statement is made that the "useful instruments developed in the manned space program were developed on Earth; we don't need to go into space to create new technology."

But, the point is that it was developed for operation in space, and this alone has driven us into new areas of technology that have subsequently been used to advantages in other areas back on Earth. For example, the miniaturization of numerous medical and biomedical devices for space application have proven to be of great advantage here on Earth.

The statement is made that "physicists and astronomers repeatedly state that little if any unique science will come from a space station."

It is commonly accepted that more was done to advance our understanding of the sun and solar activity on our first manned space station, Skylab, than in any comparable period of time or effort. The combination of scientists in space using new and unique instruments that were operated in the unique environment of space provided two elements that are required to advance our knowledge in any scientific field. It is true that most space physics and astronomy is now conducted on unmanned space missions. It is possible, however, that we have not planned the kinds of physical science for the space station that would yield "unique science." It is also possible that physicists and astronomers prefer to use robotic space missions.

The authors of the article suggest that we must examine whether we are ready to subject humans for long periods of time to what we already know to be a debilitating and inescapable environment—low gravity and radiation characteristic of space—especially because present and future technological advances will permit us to explore, study and utilize space without resort to manned space flight.

It is inconceivable that the authors actually believe that we can do as much or more in exploration and research without humans being present to respond to changes in experimental operations or observe unexpected results. As far as the risks are concerned, we are confident that we can mitigate those from zero-gravity and radiation to levels comparable with those of other occupations here on Earth. Every human endeavor, whether on Earth or in space, involves risks. The question is whether the gains to society as a whole which are expected from the endeavor justify the risks which a few must take. The risks of space travel by humans are justified. Further, we can mitigate them to levels that will be judged acceptable by the appropriate authority. Humans provide a flexibility and ability to make direct observations, as well as the ability to make real-time decisions to improve an experiment. If we are to fulfill the President's national goal of having a permanent human presence in space, then we must develop suitable countermeasures to obviate or attenuate the adverse effects of microgravity on the cardiovascular system, on bones and muscles, the renal/endocrine system, and on neurosensory systems. The space station provides the necessary laboratory to carry out these studies.

The authors state that "extensive data concerning the long-term effects of space on humans have already been acquired."

American space scientists have been working with our Russian counterparts for about 25 years. We can say with confidence that although they hold the record for endurance on their long-term Mir missions, we have gained little knowledge from those missions on the various gravity-influenced systems. The effects of microgravity and the various countermeasures used have not been studied systematically, and the cosmonauts return in a state of considerable debilitation. Further, the Russians have not, to date, used sophisticated equipment and protocols to conduct the requisite studies. They have used the shotgun approach or a combination of countermeasures which have been of limited success. We are currently working jointly with the Russians and attempting to perform sophisticated studies to learn all that we can from their long-term Mir missions. Their Mir technology, however, is some 20 years old, and their space station which was to remain aloft for 2 years has been there now for 8 years. On July 8, 1992, two cosmonauts performed an EVA to install two available gyrodynes and to prepare 5 to 8 gyrodynes for replacement or repair by the next crew.

The authors state that there is no obvious merit in space research on cellular processes in normal and diseased cells and organisms.

This point of view is contrary to that expressed by Dr. Marylou Ingram, a biotechnology researcher from the Huntington Medical Research Institutes, Pasadena, CA:

> We have begun to utilize microgravity emulation as a key experimental tool for improving adoptive immunotherapy. Space station *Freedom* will offer a unique opportunity for long-term studies of tissue cultures in the microgravity of space.

She further states that the opportunity to do such research in the microgravity environment of space of the duration of 6 to 9 months will be particularly important in understanding basic cellular physiology. She believes it would be important in advancing our knowledge of normal human cells as well as cancerous cells. She also expressed the opinion that longer exposures would allow the study of microgravity effects on cellular repair, cell aging, programmed cell death, constancy of gene expression, genetic drift and selection in cell populations and cell interactions during establishment and maintenance of normal and malignant tissue architecture.

The authors states: "It is extremely difficult to imagine what special conditions space might provide for answering important questions about the cause, diagnosis and treatment of human disease. * * *"

Marylou Ingram, M.D., of the Huntington Medical Research Institutes, Pasadena, CA, testified recently before Congress that experiments simulating a weightless environment have shown great promise in developing countermeasures for a particularly lethal form of brain cancer. Dr. Ingram said the experiments using a device called a bioreactor showed that "Space Station *Freedom* would offer a unique opportunity for long-term studies of tissue cultures in the microgravity of space." The United States is the world leader in biotechnology and medical science research. A February 1991 report from the President's Council on Competitiveness estimated that biotechnology will grow from a $2 billion industry to a $50 billion industry by the next decade. It will play a pivotal role in solving environmental and health care problems, and may exceed the computer industry in importance. Opportunities for doing research in the microgravity environment of space which would permit exposures to the length of 6 to 9 months would be particularly important in understanding basic cellular physiology. This would be important to advancing our understanding of normal human cells as well as human cells that are cancerous in nature. Longer exposures of several months such as could occur in space station *Freedom* would make it possible to extend the studies to include microgravity effects on cellular repair, cell aging, cell death, and genetic mutation.

The authors state that "sick people in our world are sick for earthly reasons," and that it is more cost effective to seek cures on this planet than in space.

We agree with this statement to a point. However, it must be stated that the primary reason for NASA's biomedical program of research is to ensure the health, medical safety, and well-being of the astronauts in space and on return to Earth. We are not primarily looking for cures of all sick people or diseases; this is the function of the National Institutes of Health, with whom we recently signed an agreement for closer cooperation in medical problems of mutual interest. Microgravity offers unique advantages in research particularly on the neurovestibular system without the interference of the otoliths of the inner ear. It also provides, as indicated from preliminary zero-gravity simulations on Earth, a milieu for the growth and propagation of 3-dimensional tissues which can then be used as a model for a host of investigations: tissue differentiation, response to drugs, response to infectious agents. Such tissue models of significant size cannot be produced by classical cell culture techniques now in use on the ground.

The authors suggest that biological experiments are always more complex than anticipated and that good experiments require fastidious attention to detail and flexibility on the part of the investigators.

Surely they are not suggesting that space scientists are incapable of designing experiments with attention to detail and flexibility. As a rule, space experiments are designed to fulfill both of these requirements. Because opportunities to conduct research in space are hard to come by, attention to detail and flexibilty have become one of the characteristics of space experiments. It is true that some of the very large astronomical experiments have experienced instrument problems in the last few years. Yet, we have obtained new knowledge even under those conditions. The biomedical experiments which will be done in space are orders of magnitude less complicated.

The authors state that a recent experiment to grow crystals of the AIDS virus protein in space was unsuccessful.

In a letter to the NASA Administrator, the principal investigator, Dr. Lawrence DeLucas, associate director, University of Alabama at Birmingham Center for Macromolecular Crystallography, "This is absolutely incorrect." He said that he had examined the crystals grown of reverse transcriptase on the USML–1 mission and found them to be perfectly formed. He admitted that they had been unsuccessful in growing the same crystals in previous shuttle flights. Perhaps that is the origin of the author's comments. Dr. DeLucas also pointed out that the reverse transcriptase flown on USML-1 was complex to an antibody, a structure that is of great interest to the scientific community and different from the structure being solved by the Yale group.

The authors imply that it takes a long time to develop experiments for space research and that this makes it difficult for us to make a "last-minute dash back to Earth" to obtain supporting equipment that was not planned for. They also suggest that research will be done on Earth which will render a space experiment obsolete by the time it is carried out.

The fact is that biomedical experiments have historically had among the shortest development lead-time of all space experiments. The problem for life sciences in the past has been the lack of opportunity to conduct detailed experiments in space, especially with humans as subjects. The space station, is, in fact, an answer to both of these problems. Because it will be a well equipped general-purpose laboratory, it will be supplied with the necessary supporting equipment to allow scientists to alter experimental procedures and pursue different avenues of research as new discoveries are realized. We anticipate an era in which especially some of the physiological problems encountered by humans in space will be advanced more rapidly than ever before. The problem with both the United States and Russian biomedical experiments in the past is that we have not been able to make all the critical measurements which are needed. Space station *Freedom* will resolve this problem.

The authors refer to a recent congressional hearing with medical researchers representing the American Cancer Society, Alzheimer's Association, and the Arthritis Foundation cast into doubt the claims of space station proponents.

Following the hearing, the American Cancer Society issued a statement saying that it officially, "has no position on the space station. The society will not testify to the advantages or disadvantages of finding the space station. We have no expertise, no knowledge, and no credit as a commentator on this project." (April 24, 1992) NASA has made no claims to investigate Alzheimer's disease. NASA is, however, interested in osteoporosis research in space where the bones decalcify ten times faster than during ground-based bed-rest studies. In certain cases, research in microgravity can be of considerable benefit in advancing the treatment (countermeasures) of this disease.

The authors ask whether the biological discoveries in space will justify their expense. Their answer is they almost certainly will not. They add that biological research done on the space station will probably be a "whopping and very expensive bore."

A bore to whom? Physicists and astronomers, other biomedical scientists, the public? It is probably true that even most biomedical research done on Earth is a bore to some of these groups, if not all. One thing we have observed in the past is that the public has been intensely interested in what humans do in space. As Dr. Michael DeBakey testified before the House Subcommittee on Space, we can never know beforehand the extent of applications from knowledge obtained in research. The space station will be a laboratory where research can be conducted in a unique environment that eliminates some of the forces experienced on Earth. One technique in research is to isolate a subject from as many external forces as possible so that its fundamental reactions can be studied. We can never know which research will justify its expense and which will not. But, we will have no chance of advancing our knowledge if we do not support research, including that which produces "biological discoveries in space."

The authors state that "most of us do not support the funding that will be necessary for the space station," adding that our efforts are needed here on Earth.

First, who are "most of us?" Do they mean physicists and astronomers, medical researchers, academicians, society presidents, or whom? Such statements should not be taken seriously as they have no data on which to base them. The authors admit that voyages of men and women in space are dramatic testimony to the imagination and skill of scientist and dreamers. They also admit that even they are thrilled by them. It is from such ventures in science and discovery that incorporate the imagination and skill of scientists and dreamers that we are able to make dramatic advancements in our knowledge of the universe in which we live and its influences upon us.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from Dr. Bernadine Healy, from Dr. Daniel Goldin and Bernadine Healy, and a second letter from Dr. Healy, as well as a letter I received just a few moments ago from Dr. Goldin on the issue of the NIH and NASA agreement.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, September 3, 1992.
Mr. DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR MR. GOLDIN: I was pleased to learn that you have distributed copies of our recent Memorandum of Understanding (MOU) to interested members of Congress. I am confident that our joint effort to tap into the respective strengths of NIH and NASA enhances our ability to respond to the challenges and opportunities provided by the space environment.

I am encouraged by the progress that we have achieved already in creating mechanisms to implement the strategies set forth in the MOU, and I believe that we will be able to sustain this momentum. It is my hope that the mission of both agencies, and the health of the American people, will be advanced through continued collaboration.

On a personal level, I look forward to working with you as you provide visionary leadership for NASA.

Sincerely yours,
BERNADINE HEALY, M.D.,
Director.

NATIONAL INSTITUTES OF HEALTH-NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
August 14, 1992.
Dr. CHARLES A. LEMAISTRE,
President, the University of Texas, M.D. Anderson Cancer Center, Houston, TX.

DEAR DR. LEMAISTRE: On July 21, 1992, NASA and the National Institutes of Health (NIH) signed an agreement to stimulate new opportunities in the biomedical and behavioral research community. A copy of our Memorandum of Understanding is enclosed. In order to ensure that these endeavors are proceeding to meet the identified goals, NASA and NIH have agreed to establish an extramural advisory committee. The committee will be composed of a chairperson and ten members mutually agreed to by both agencies. The committee will examine the progress of ongoing joint activities and will provide advice concerning appropriate programmatic themes and strategies.

We would like to invite you to serve as chairperson of the NASA and NIH Joint Advisory Committee on Biomedical and Behavorial Research. We believe your expertise will be very beneficial in this agreement that will ensure the maximum return on our investment in space-based biomedical research. It is our goal to identify the Committee membership and have its formation complete by October 1, 1992.

We hope that you will be able to accept this invitation, subject to formal establishment of the committee and prescribed appointment procedures. We look forward to hearing from you.

Sincerely,
DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration.
BERNADINE HEALY, M.D.,
Director, National Institutes of Health.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC., August 11, 1992.
Dr. BERNADINE P. HEALY,
Director, National Institutes of Health, Bethesda, MD.

DEAR DR. HEALY: I am glad we had a chance to talk on the phone and put to rest an issue that in reality was a non-issue.

I am most pleased that NASA and NIH will be working together to ensure the maximum return on our investment in space-based biomedical research to the American people, and I am glad that we will be working together to increase opportunities for space flight experiments. I understand from Dr. Len Fisk of NASA we are making significant progress with our collaborative activities and that several institutes of NIH have already met with NASA and more are scheduled to meet.

Finally, I have enclosed a copy of the final letter we agreed upon to transmit the NASA/NIH Memorandum of Understanding to the Hill.

Thanks again for your cooperation in resolving this matter—let's stay in touch.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, September 9, 1992.
Hon. JAKE GARN,
U.S. Senate, Washington, DC.

DEAR SENATOR GARN: Based on what I heard last night during floor consideration of the VA-HUD Independent Agencies Appropriations Bill, I think it is clear that some additional facts concerning the status of the NASA-NIH relationship need to be presented.

First, NASA and NIH were not brought to the table unwillingly with regard to our recently signed agreement. NASA and NIH have been engaged in cooperative activities for several years and our staff have an excellent working relationship. The agreement that was entered into in July was the fruit of these prior cooperative activities.

Second, as stated in Dr. Healy's remarks from the July ceremony that concluded the agreement, "NIH has two reasons for pursuing biomedical research related to the space environment. First is the desire to assist NASA in achieving its mission to protect the health of space travelers by focusing on biomedical research on the potential health problems engendered by space travel. The second reason concerns NIH's interest in exploring the degree to which the unique space environment might serve as a 'laboratory' for the conduct of studies bearing on the full spectrum of conventional health problems existing on Earth."

NASA fully shares this rationale and feels that it is totally consistent with the emphasis being placed on materials processing, biotechnology and life sciences research planned for the Space Shuttle and the Space Station. While I cannot say with certainty that Space Station Freedom will cure a specific disease, I do believe that the unique microgravity environment of space will help us better understand the functioning of the human body and allow us to treat diseases and dysfunctions in patients on Earth. To quote the distinguished physician, Dr. Michael DeBakey, "Space Station is a research activity that is important to our future, that is important to medicine and medical science, and is important to Americans, in general. It can provide and continue to maintain the leadership which we now have in medical science throughout the world."

Third, despite what you may have read in the trade press or heard on the street, the "so-called" problem over the letter transmitting the NASA-NIH agreement to the Congress was the outgrowth of a draft letter that my staff sent to the NIH for their comments and inputs. The final letter that transmitted the agreement to the Hill fully incorporated the NIH viewpoint and represented only minor changes to the "original" draft. If people would take the time to read the correspondence between Dr. Healy and myself since this occurrence, one would discover that we are in agreement on scope, content, and pace of our agreement; we have approached Charles LeMaistre, President of the M.D. Anderson Cancer Center in Houston, Texas to be the Chairperson of a Joint Advisory Committee; and we both strongly believe that our cooperative research activities between the two agencies will result in benefits to NASA and the American public (see enclosed correspondence).

Simply stated, NASA and the NIH are moving out together to implement our new Memorandum of Understanding on Biomedical and Behavioral Research. And, we are moving out together to ensure the maximum return on our Nation's investment in biomedical research.

As you know from our telephone conversation, I find it amazing that the supporters of the Space Station are overlooked by the opponents of the program. Supporters of the stature of Dr. Michael DeBakey and Dr. Charles LeMaistre, leaders in the field of medical research who have done so much to improve our quality of life and who are well aware of the benefits of space-based biomedical research never seem to be quoted in the debate. Therefore, I thought you would find some extracts from the House Committee on Science, Space and Technology hearing on this matter interesting (see enclosed).

Finally, as the new Administrator of NASA and as a taxpayer, I find it perplexing to hear information presented as "factual" that bears no relationship to the current program that has been restructured based on guidance from the House and Senate. Along those lines, I wonder how many members of the Congress have had an opportunity to read any of the fact sheets—and I do mean "fact sheets"—that the agency has transmitted to each and every Senate office during the last month. As you know, I am convinced that the more people who know the facts, the more likely they will be to support the Space Station program. I would be grateful, therefore, if some of these fact sheets could be inserted in the Record (see enclosed).

I would like to thank you and your colleagues for trying to present the facts last night, and I hope that you will have further opportunities today to further educate the members of the Senate.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NASA-NIH AGREEMENT

Mr. GARN. Mr. President, the record needs to be perfectly clear that NASA and NIH and their leadership are in total agreement concerning the purpose, content, scope, and pace of their joint agreement on biomedical and behavioral research. Space station *Freedom* will provide a unique environment in which to conduct materials processing, biotechnology, and life sciences research and NASA and NIH working together will maximize our return on our investments in these areas.

As the attached letters indicate, Dr. Healy and Mr. Goldin are making progress and do believe that there is substantial value to cooperative research activities and to space-based and Earth-based research.

Finally, I have heard so much about the GAO report on the cost of space station *Freedom* that I would like to quote from the report, too:

> Two possible benefits to be derived from microgravity research are the development of less flawed crystals to improve computer technology and the growth of large protein crystals to use in understanding how diseases occur and in developing the counterattacking medicines for illnesses such as cancer. The human and economic return of these endeavors—if successful—could be enormous.

SPACE STATION "FREEDOM" COST

I would like the record to show since NASA and the Congress agreed upon the restructured space station *Freedom* program in the spring of 1991, the program schedule and costs have not changed—the agency has made real progress—despite the fact the Congress has not honored its budget agreements with the agency concerning overall funding or funding for this program.

I also would like the record to show NASA currently has established a series of internal red and blue teams that are now starting to interact with contractor teams to find better and more efficient ways to implement their programs. Currently under review is the space station *Freedom* operational regime, management structure, and transportation requirements. Out of this activity, the agency is confident further cost reductions in the outyear budgets will be achieved.

The key thing that the space station program and its international partners need right now is stability. NASA has expended nearly $7 billion and its partners nearly $2.6 billion to date and considerable progress has been made. The critical design review will be completed by next June and the first element launch is still scheduled for 1995. Space station *Freedom* is real—as are the men and women who are working on this program.

To help Members better understand the numbers, I ask unanimous consent to insert a table in the RECORD. This table compares the original cost estimate of the program in fiscal year 1984 dollars and real year dollars to the current cost estimate.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SPACE STATION "FREEDOM" FUNDING ESTIMATES $8B VERSUS $30B

[In billions of dollars]

	Original estimate	Current estimate
1984 constant year dollars	8	11.2
Real year dollars	12	16.9

Original Station estimate of $8B was made in 1984, prior to completion of definition studies.

Original estimate was in 1984 constant year dollars, for definition/development only.

Current estimate for definition/development in 1984 constant year dollars is $11.2B (equates to $16.9B in real year dollars).

Cost to reach permanently manned configuration (1999), (definition, development, operations and transportation) is $30B in real year dollars.

Mr. GARN. Mr. President, during the course of the debate, many different members have quoted Dr. Bromley as being opposed to space station *Freedom*. I would like to insert a statement that Dr. Bromley has made on behalf of space station *Freedom* in the RECORD so that members will understand Dr. Bromley's position.

I also would like to indicate that I have spoken to Dr. Bromley and he is still an ardent supporter of this program. Space Station *Freedom* will provide a unique environment for microgravity research in many fields of endeavor. But most importantly, Space Station *Freedom* will hopefully allow us to develop the necessary countermeasures to continue our exploration of the solar system.

Members who are basing their vote against this program on quotes from the President's science adviser—need to talk to the President's science adviser.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EMBRACE A NEW AGE OF EXPLORATION

(By Dr. Allan Bromley)

Since he became president, George Bush has sought to cast the annual budget negotiations with Congress in a new light. He has emphasized investments in the future—in education, preventive health care, the transportation infrastructure, environmental protection, the exploration of space and scientific research. In particular, George Bush has given stronger support to science and space than has any president during the past two decades.

Congress also recognizes the importance of investing in science, technology and space, and it has taken a number of steps to increase those investments. But the tight fiscal climate created by the need to reduce the deficit has presented both Congress and the administration with difficult choices. The whole point of last fall's budget agreement was to encourage priority-setting. As the budget season progresses, we must keep in mind the consequences of the choices Congress makes in setting priorities for the nation's future.

One difficult choice for Congress involves Space Station Freedom. Last month a House Appropriations subcommittee voted to eliminate funding for the space station, with the funds going instead to other programs, including those of the Veterans Administration and the Department of Housing and Urban Development. The full House later reversed the subcommittee's decision on the space, but chose to offset that by freezing all of NASA's funding. Although space science would continue to constitute about 20 percent of NASA's activities, needed growth in NASA programs requested by the administration would be lost.

Opponents of the space station have presented the tradeoff as being between space and science, but the administration does not believe that the debate should be cast in these terms. Nor is it a matter of big science vs. little science. It is between investments in the future and current consumption.

The administration believes that its budget strikes a careful balance between our current needs—including our commitments to veterans and the homeless—and future investments. By funding the Veterans Administration and HUD at levels higher than the increases requested by the administration, the House is tilting this balance and contributing to a long-term decline in future investments by the federal government.

Space Station Freedom has never been primarily a science project, just as the Apollo program was not primarily a science mission. Rather, the space station is our initial permanent step into space, the critical next chapter in a grand story of exploration that will take humans away from the home planet into an endless frontier.

There is also one form of scientific research that can be done only with a permanent, manned outpost in space. We need to know how humans can adapt to the harsh and unforgiving environment of space and to prolonged weightlessness. A major scientific effort, involving substantial numbers of astronauts in space, will be needed to understand the physiological and behavioral changes that occur in space and to devise methods for coping with them. Much work needs to be done to carry out such a program. Scientists and engineers need to work constructively with NASA, the administration and Congress toward this end.

Like the scientific returns, the technological returns from the station are impossible to predict but are certain to be rich. The Apollo program offers a good analogy. When the National Academy of Engineering recently picked the top 10 engineering projects of the past quarter-century, the Apollo program ranked first, ahead even of the microprocessor and communication satellites. The Apollo program also represented the first time in the history of our species when a quantum leap in both science and technology took place without the impetus of a global war.

Those who argue that money saved from the station will go to research and development overlook the pressures being exerted on Congress. The point missed is that the probability of funding both science and space is maximized when the two stick together as part of one future-oriented coalition. As Budget Director Richard Darman said in testimony before the House Committee on Science, Space and Technology, "The reality is that appropriators will tend to do exactly what the station-killing committee has proposed to do: give no more to science than in the president's budget; reduce station to zero; and reallocate every single dollar thus 'saved' to nonscience."

Killing the space station would also threaten our ability to fund areas of science and technology far removed from space. The public supports scientific research and manned space exploration for two primary reasons: because it believes these investments pay off and because of the intellectual excitement and adventure these activities provide. Space exploration has captured the imagination of much of the American public, especially our youth. In the 1960s the Apollo program inspired many of them to become scientists and engineers, even if they did not work directly in the space program. To attract the next generation of scientists and engineers, and to promote science and technology much more broadly in our society, a manned space program is essential as part of a balanced space exploration program.

The House's decision to save the space station has set the stage for more positive actions by the Senate. But Congress now faces a choice: By expending only one-third of one percent of our GNP on NASA, we can embrace a new age of exploration. Or we can choose to spend the money on the political system's insatiable consumption habits, thereby closing the door on space—the next great frontier—and on America's leadership on that frontier. The choice, to me, seems clear.

Mr. GARN. In addition, I ask unanimous consent that a letter from the European Space Agency, from the Center for Macromolecular Crystallography, University of Alabama, be printed in the RECORD, and a series of additional letters from groups including International Association of Machinists.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EUROPEAN SPACE AGENCY,
Paris, July 22, 1992.

Hon. GEORGE BROWN,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BROWN: For the second time in the current Congressional budget cycle, I find myself writing to you concerning the International Space Station Freedom programme. My first communication was prompted by a threat to cancel the programme during House floor action on NASA's FY93 Authorization Bill. Fortunately the Roemer Amendment was defeated by a substantial margin.

At that time I stated that our participation in Freedom forms an integral part of the European space effort. I also pointed out that our Industrial Policy committee had authorised the placing of contracts with industry for the development of Columbus elements, at a time when Europe is facing constrained space budgets and debating the future direction of its space cooperation.

These budgetary contraints are leading to major revisions in the Agency's Long Term Space Plan, which we are currently reviewing with our Member States. In making such revisions Europe has been forced to extend the time scale for achieving its ambitions, particularly as regards the development of an autonomous capability for manned operations.

However, while carrying out this exercise we have remained conscious of the importance of Space Station Freedom as the next major step in the manned exploration of space and of the obligations we have undertaken, to our Station partners, through our signatures of the Intergovernmental Agreement and ESA/NASA MOU. We have therefore made every effort to ensure that, whatever the necessary revisions to our Long Term Space Plan, we will maintain our commitment to the development of the Attached Pressurised Module as our contribution to Freedom, on a schedule as agreed with NASA.

While I certainly have no intention of proposing to the Congress the manner in which it should deal with the current fiscal situation in the United States, I trust that the United States will honour its international commitments and that this will result in the allocation of the necessary financial resources to your portion of the Freedom programme.

In this way we will be able to continue to implement what is often referred to as the largest scientific and technical cooperation ever undertaken and will demonstrate our reliability as partners in this very important endeavour.

Yours sincerely,

J.M. LUTON.

CANADIAN EMBASSY,
Washington, DC, July 22, 1992.

Hon. JAMIE L. WHITTEN,
Chairman, House Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: The House is expected to vote in the near future on continued funding for Space Station Freedom. In anticipation of the possible introduction of an amendment to terminate its funding, I am writing to urge you to support the continued development of this pioneering project at this critical juncture.

We understand that the budgetary pressures currently facing the United States are substantial and present difficult choices for the funding of programs. The United States, however, is not alone in this regard. All of the partner nations in the Space Station are confronted with very restrictive fiscal situations with similarly intractable choices.

Canada has steadfastly honoured its commitments to Space Station Freedom amidst these budgetary pressures. We will have expended C$550 million by the end of 1992 towards the development of the Mobile Servicing System. Further, while the 1991 restructuring of the project required us to make difficult technical adjustments at substantial cost, we made those changes needed for the project.

Canada has continued to stay the course not only because we believe it is important to stand by our commitment but because we regard this project as a critical step in international space cooperation. Much of the important science and technology work needed by our countries in the coming decades will only be feasible through international collaboration. Space Station's success will be pivotal in fostering this cooperation.

The Congress has the opportunity at this stage to reinforce the United States leadership in manned space flight by sustaining its funding for the Space Station. I urge you and your colleagues to support this key decision.

Yours sincerely,

MARC BRAULT,
Chargé d'Affaires, a.i.

NATIONAL SPACE DEVELOPMENT AGENCY OF JAPAN,
Tokyo, Japan, July 20, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. FOLEY: This letter is to express my grave concern about the current situation the budget for the Space Station Freedom Program is encountering during the coming budget processes in the US House of Representatives.

This Program has been conducted since 1985 when NASA and other International Partners started the SSFP preliminary design. The National Space Development Agency of Japan (NASDA) is deeply committed to this program to the extent that any adversity in the United States Program seriously affects the Japanese space program.

The Intergovernmental Agreement on Cooperation in the Space Station Program entered into force between Japan and the US this January thirtieth. Based upon the Agreement, the Science and Technology Agency and NASDA are now strenuously conducting the development of the Japanese Experiment Module (JEM).

This JEM Program is the centerpiece of the Japanese space development program, and has grown to require one-third of the annual NASDA budget. NASDA has already completed the JEM Preliminary Design Review and has proceeded to the critical design of the Engineering Model. In so doing, NASDA has made contracts equivalent to forty percent of the total JEM development cost. NASDA further expects that this figure will reach fifty percent by the end of fiscal 1992.

Convinced that the Space Station Program is essential to extend human presence in space, NASDA is most eager to successfully complete the Program through the cooperation with the United States and other partners. This Program is also central to the future partnership between the United States and Japan in the field of space development.

I therefore hope that you will support the stable implementation of the Space Station Program.

Sincerely,

MASATO KAMANO,
President.

EMBASSY OF JAPAN,
Washington, DC, April 28, 1992.

Hon. GEORGE E. BROWN,
House of Representatives, Washington, DC.

DEAR MR. BROWN: I have learned with great concern that amendments will likely be proposed to the Multi-year NASA Authorization Act which will be taken up for deliberation on the House floor in the near future.

As you are well aware, such amendments would undoubtedly affect very seriously the viability of the Space Station Freedom Program which was initiated by the United States. Japan, several European countries and Canada were invited to participate in the program and the signing of the Intergovernmental Agreement on Space Station Cooperation took place in 1988.

The Japanese Government deposited the instrument of acceptance with your government in 1989 after securing Diet approval and it entered into force on January 30 of this year. Bearing in mind the importance of international cooperation to develop space science and technology, Japan has fulfilled its commitments.

From its initial commitment to participate in this program in 1988 through last year, the Japanese government has already appropriated 41.2 billion yen ($310 million) and completed the process of awarding contracts amounting to 124.4 billion yen ($960 million). This represents 40% of the total cost to develop the Japanese experiment module.

With a view to the importance and significance of this international cooperative program, I would appreciate your invaluable support for this program once again so that this program will be ensured and promoted in accordance with the Intergovernmental Agreement.

Sincerely,

TAKAKAZU KURIYAMA,
Ambassador of Japan.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Washington DC, April 27, 1992.

DEAR REPRESENTATIVE: The House is scheduled to vote Wednesday, April 29th on H.R. 4364, the NASA authorization bill for the Science, Space and Technology Committee. It is expected that one or more amendments will be offered concerning this bill, which if passed would terminate or at least gravely weaken the Space Station Freedom program.

Space Station Freedom increases job opportunities and enhances economic competitiveness. It will help to maintain America's leadership in technology, improve the quality of life, stimulate our Nation's youth to study science and math, and fulfill our vision of the future. Space Station Freedom means jobs for those who would otherwise be unemployed because of reductions in defense spending. In today's highly competitive world, we can not afford to waste superb hard won high tech skills.

Space Station Freedom is the future of the manned space program. Without it, the entire manned program is in jeopardy. America must lead humanity's expansion into the last frontier, the frontier of space.

The NASA space program provides thousands of jobs for American workers. The future of the aerospace industry depends on your support for this legislation with no weakening amendments. The International Association of Machinists and Aerospace Workers urges you to vote no on all such amendments.

Sincerely yours,

GEORGE J. KOURPIAS,
International President.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 21, 1992.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: This letter is to state our strong support for development of Space Station Freedom. There can be no question of the thinking that the development of this scientific milestone will be of immeasurable benefit to our industrial base economy, which at this time in our nation should not be ignored.

No one would argue, from this vantage point, that the Apollo Program wasn't a great benefit to our country in countless ways. We believe the SSF Program holds for our country the same promise.

For these reasons and more, we earnestly urge your support of the NASA SSF Project.

Thanking you for your consideration of our views and with best wishes, I remain

Sincerely yours,

PAUL J. BURNSKY.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, April 24, 1992.

DEAR REPRESENTATIVE: The AFL-CIO urges your support for passage of H.R. 4364, the Multi-year NASA Authorization, without disabling amendment.

NASA's programs of both unmanned scientific and manned space activities are important to maintaining the technological vitality of our industrial base. Research, development and implementation of our major space programs have important spinoff benefits for many sectors of our economy.

In addition, the space program, including the space station, provides thousands of skilled jobs which keep honed the talents of our workforce, as well as providing a decent standard of living. For one, the aerospace industry, which will be hit hard by the defense builddown, will find these programs increasingly important to its wellbeing.

The competition among domestic non-defense discretionary programs, including the space programs, should take place within the appropriations process where there is an opportunity to understand just what trade-offs are involved in apportioning available federal funds. We believe that the space program, including the space station, should be given a multi-year authorization and strongly urge your support for H.R. 4364.

Sincerely,

ROBERT M. MCGLOTTEN,
Director, Department of Legislation.

APRIL 30, 1992.

Senator JAKE GARN,
U.S. Senate, Capitol Hill, Washington DC.

SIR: It was a privilege for the entire STS 42 crew to meet you in Washington on February 26, 1992. As a German citizen and as an ESA astronaut I am especially proud that you gave me an opportunity to exchange views on several subjects. What I remember vividly, is our discussion of the space program, specifically the International Space Station Freedom. From you I learned, that it is not definite whether the Space Station will be built or not.

I lived for more than two years in your great country. I enjoyed the privilege of working on several space missions (Spacelab 1, D 1, D 2 and IML 1). As I gained more insight into the complexity and the logistics of spaceflight the more I started to admire what your country has done and accomplished.

It is my view that manned spaceflight symbolizes the best of American traditions. On one hand it pioneers new horizons and pushes the borderline between the known and the unknown and on the other hand it stimulates the development highly technological systems, another American trademark.

I do not comprehend that your country may even consider to withdraw from the spaceprogram. I feel it would lose part of its character as a world leading nation.

I am looking forward to another opportunity to meet you again.

Sincerely yours

ULF MERBOLD.

MERRITT ISLAND, FL,
April 6, 1992.

Hon. JAKE GARN,
Washington, DC.

DEAR SIR: You will receive many letters regarding the necessity of bases on the Moon, going to Mars, effects of gravity on medical experiments, employment impact of the space program and many other reasons for supporting the Space Station program.

My interest is different from any of these. In the spring of 1981 I was hospitalized with a ruptured colon. After two days I was operated on. I was so full of poison that drastic measures were necessary. Your heart can only work with a certain blood thickness. If too much antibiotic fluid is pumped into your veins, then your heart could beat irregular and even stop, just like putting water in your gas tank.

An instrument with a needle was put into one of my veins and into my heart to monitor the beat. Several times the doctors were forced to discontinue the antibiotic fluid as my heart began to beat erratically.

When I had recovered (3 weeks later), my doctor said "well, I guess you will really support the space program now. The instrument that probably saved your life was developed by the space program and is used to monitor astronaut's heart beat. We have had this equipment for only one month so you are very lucky."

How do you say thanks to a program or a piece of equipment that saved your life? Please support this program if for no other reason than medical research.

Sincerely,

JOE G. SMITH,
U.S. Navy (Retired).

UNIVERSITY OF CALIFORNIA,
Riverside, CA, July 28, 1992.

Senator JAKE GARN,
Washington, DC.

DEAR SENATOR GARN, I am writing to express my strong and enthusiastic support for a continued United States commitment to the development and deployment of Space Station Freedom. I want to encourage you to do the same in the next few days and weeks should that commitment be called into question.

I have participated as a principal scientific investigator and as a co-investigator in numerous space missions over the past several years. Our experiments aboard the U.S. Space Shuttle have focused on the growth of protein and virus crystals in a microgravity environment. The substantial enhancements that Space Station Freedom would afford this field of investigation are of enormous value both in terms of duration and quality of the microgravity environment. Their significance to scientists knowledgeable in the field are unquestioned. Their benefits to life scientists and material scientists openly acknowledged.

On International Microgravity Laboratory-1, flown in January-February of this year, we obtained results unprecedented in the area of virus crystallography. At this time, a manuscript describing those results is "in the press" of *Protein Science*, the official journal of the Protein Society and one of the most prestigious in the field of biochemistry. The importance of microgravity research such as this is both profound and essential to further progress in molecular biology and biotechnology.

The potential that microgravity research on Space Station Freedom will offer in future years is broad in scope and rich in promise. The leaders of the United States must assure its scientists, its youth, and its concerned citizens that our country will not turn away from the challenge and the achievement of Space Station Freedom, for it will unquestionably be the achievement of our age. It is our Notre Dame, our Hagia Sofia, our St. Peter's Cathedral.

I urge you to do all you can to see that Space Station Freedom is supported vigorously by our Congress and by our President.

Sincerely,

ALEXANDER MCPHERSON,
Professor of Biochemistry.

CENTER FOR MACROMOLECULAR
CRYSTALLOGRAPHY,
Birmingham, AL, July 27, 1992.

To: Dr. Daniel S. Goldin, Administrator, NASA Headquarters, Code A.

From: Dr. Lawrence J. DeLucas, Associate Director, University of Alabama at Birmingham Center for Macromolecular Crystallography.

Re: Initial results of Protein Crystal Growth Experiments on USML–1.

The initial analysis of protein crystal growth experiments aboard USML–1 has been completed and I am pleased to report that the preliminary results are very promising. I want to start by responding to this mornings article in The Washington Post which stated that we were unable to grow crystals of the AIDS virus protein, reverse transcriptase, being investigated by Dr. Eddie Arnold from Rutgers University. This is absolutely incorrect. In fact, the crystals grown of reverse transcriptase on USML–1 were extremely large and perfectly formed. These crystals were set up by me using the new protein crystal growth glovebox hardware which has a significant advantage over the VDA apparatus which has flown on several previous shuttle flight missions. The glovebox hardware allowed me to optimize the crystal growth conditions and to ensure that we had complete mixing for all experimental setups. (The VDA hardware does not thoroughly mix viscous solutions in the microgravity environment). We flew reverse transcriptase in the VDA apparatus on a previous shuttle mission without success; perhaps this is where the information in The Washington Post originated. Also, it should be pointed out that the reverse transcriptase flown on this mission was complexed to an antibody, a structure that is of great interest to the scientific community. This is different than the structure being solved by the group at Yale referred to in The Washington Post article.

Malic enzyme, a second protein flown on USML–1 produced large, high quality crystals, again using the glovebox hardware. This protein was flown on two previous shuttle missions in the VDA apparatus and failed to crystallize. We believed this was due to inadequate mixing of the sample. Using the glovebox hardware, I was able to ensure complete mixing of the sample and once initial crystals were observed, optimize the crystal growth conditions. The initial x-ray data analysis indicates that the space-grown crystals from USML–1 are producing the highest quality data ever seen to date with an improvement in resolution of 0.5 A. This difference is significant and may provide the resolution enhancement needed to determine the structure. (All previous earth-grown crystals diffracted so poorly that a structure solution was not possible). The co-principal investigator for this protein is Dr. Howard Einspahr from Upjohn Pharmaceutical Company.

Both of these proteins yielded high quality crystals because of my interaction with the experiment on orbit. I cannot think of a better example of why we need scientists interacting with an experiment. I should also point out that the 14 day mission was critical in obtaining these high quality crystals since by Day 7 the reverse transcriptase crystals were far too small and the malic enzyme optimization procedure was still underway.

In addition to the two striking examples mentioned above, there were several other proteins that yielded exciting results. Human α-Thrombin, co-principal investigator Dr. Pat Weber of DuPont Merck Pharmaceutical Company, yielded several large (> 0.7 mm) high quality crystals. Data collection on these crystals is currently underway. Proline Isomerase, co-principal investigator Dr. Manuel Navia of Vertex Pharmaceutical Company, produced many unusually large, (3.0 mm 1.0 mm plates) well formed, single crystals. Factor D, co-principal investigator Dr. Lawrence J. DeLucas of the University of Alabama at Birmingham, produced one exceptionally large crystal (the longest crystal ever grown) of a morphology that has been very difficult to obtain on Earth and yet is clearly the desired morphology for the drug design stages of this project. (Our lab has worked for the last nine months on Earth trying to obtain more crystals with this morphology without success. This same batch of protein that produced the new morphology in space was used in extensive ground experiments without success.) Canvalin, co-principal investigator Dr. Alexander McPherson of the University of California at Riverside, produced many large, (greater than 0.1 mm 0.1 mm) perfectly formed crystals in both the VDA apparatus and the new glovebox hardware. Several other proteins also yielded diffraction sized crystals but, as you know, it will take at least 6 weeks for the detailed x-ray data analysis to be completed.

The length of this mission and my involvement as a Payload Specialist clearly had a positive influence on our experimental results. I am confident that the long crystal growth time provided by this mission was of tremendous benefit for several of these experiments. Unfortunately, it was clear by Day 9 that several other protein crystallization experiments needed an additional 2 weeks to complete their growth cycle. There is no doubt that extended duration missions will greatly benefit protein crystal growth experiments as will a laboratory that allows scientists to interact with the experiments on a day to day basis.

THE AMERICAN ACADEMY OF OTOLARYNGOLOGY—HEAD AND NECK SURGERY, INC.,
Alexandria, VA, June 26, 1992.
Senator BARBARA A. MIKULSKI,
Chair, Senate Subcommittee on VA, HUD and Independent Agencies, djWashington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the American Academy of Otolarynogology-Head and Neck Surgery, the world's largest medical society of physicians and scientists dealing with disorders of the ears, nose, throat, face, head and neck. We want to urge you to support the continued funding for the Space Station Freedom, as well as NASA'S Life Sciences budget. We have repeatedly testified before your committee regarding the potential medical care benefits from space biomedical research and cannot emphasize these potentials strongly enough.

America cannot lose its spirit of progress, its spirit of exploration and quest for new information and leaps of technological advances. To severely hinder our exploration of space at this time would be a blow to the spirit of America and our need for a diverse approach to biomedical research.

Please consider the impact upon our national spirit when you and your colleagues vote for the continued funding of the Space Station Freedom and NASA's Life Sciences. As Americans and as physicians and scientists, we need these exciting future opportunities.

Respectfully yours,
G. RICHARD HOLT,
President.

AMERICAN SOCIETY FOR GRAVITATIONAL AND SPACE BIOLOGY,
Arlington, VA, April 28, 1992.
Representative GEORGE E. BROWN,
Chair, House Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BROWN: The American Society of Gravitational and Space Biology (ASGSB) is a growing organization of more than 500 researchers in academia, industry, and government service engaged in the field of space life sciences research. As President-Elect of this organization, I wish to voice strong support for the Space Station Freedom (SSF) program on behalf of many colleagues as well as myself, who believe in the manned space program, and who also feel that Space Station is the next worthwhile and logical step in the evolution of that program. To kill the SSF program would be a tragic mistake that would threaten the entire manned space program.

Investment in the human venture into space will reap many rewards as we move into the twenty-first century: The search for alternative energy sources for Earth, mining of valuable new mineral resources, and the development of superior technological products enabled by the weightless condition will mandate that humans learn to live for long periods of time in space. An orbital laboratory is needed to do the basic research that will allow humans and their life-support partners, animals and plants, to live healthfully and productively in the space environment. If growth and development problems are found using plant and animal models, as they probably will be, then we will have to learn how to develop countermeasures to deleterious micro-gravity effects, again using that orbital laboratory. Beyond application, SSF will be a powerful tool to elucidate the basic mechanisms by which living things respond to one of the most important forces on Earth, which is gravity!

Without an orbital laboratory near Earth, the manned space program would be forced to leap directly to the lunar and planetary exploration missions, lacking basic information regarding chronic exposure of organisms to hypogravity and radiation. The risks to human well-being as well as to economic investment and political stature in the eyes of the space-faring nations of the world would be significant and could set back progress if system failure occurred due to ignorance of basic precautions. Space Station is the logical, rational next step in evolution of the space program.

From a more intangible but equally important perspective, SSF will be important to keep alive the pioneering spirit of the American people, and to rally our youth toward the values of education, science, technology, and achievement rather than toward leisure, idleness, and drugs. Space Station Freedom will in fact become a symbol of hope for the future of mankind right at the dawn of a new century, and a shot in the arm for an American society whose ideals, values, and pride need boosting.

Congress must take the broad view of potential returns on the investment for "big science" projects such as SSF. Special interest groups, of course, argue for or against expensive projects depending on their view of what it does for or to their own pet project. Returns on the investment for SSF will have broad application over many fields of human endeavor, but those returns will not all be realized soon after deployment in space. I represent one of the constituencies that your Congressional Committee serves, and as potential users of SSF, scientists within ASGSB feel that the SSF program is a worthwhile endeavor that should receive full support from Congress to its fruition, and should be funded at a rate consistent with the health of the U.S. economy. Thank you for your thoughtful consideration of this significant issue.

Sincerely,
CARY A. MITCHELL,
President-Elect.

THE AMERICAN PHYSIOLOGICAL SOCIETY,
Bethesda, MD, April 28, 1992.
Representative CONNIE MORELLA,
Longworth House Office Building, Washington, DC.

DEAR MRS. MORELLA: The House is scheduled to vote tomorrow (Wednesday, April 29) on an amendment to the budget proposal that would delete the funding authorization in Fiscal Year 1993 for Space Station Freedom. The American Physiological Society urges you to vote against the amendment.

The Administration has requested a spending authority of $2.25 billion for the space station program. The current appropriation for the NASA project—$2.04 billion—faced a similar House amendment last year, but it was defeated when it came to the House floor.

The nation's stated goals of colonizing the moon and sending manned space flights to Mars within the next two decades is dependent upon a space life sciences research program designed to ensure the health of crew members in extended periods of zero gravity, to protect them from long term radiation exposure, to develop reliable life support and medical care systems, and to predict human behavior in isolation.

A prime focus for study is the change in human physiology in space, such as loss of body fluids, motion sickness, bone demineralization, muscle atrophy, and cardiovascular deconditioning. These needs became more evident with last fall's Columbia shuttle flight, the first American space biology mission in more than 17 years.

At the beginning of that flight all but one of the seven crew members suffered motion sickness soon after arriving in orbit. Motion sickness has plagued more than half of the astronauts, but an effective cure was found on this flight, the use of the drug promethazine.

The crew also discovered that the body begins to adapt to weightlessness earlier than expected and that both the nervous system and the endocrine system have significant roles in that change. Moreover, ground-based studies on weightlessness were shown to be inadequate.

Another unexpected finding was the differences in the flow of blood and air through the lungs, which was thought to be caused by gravity and was expected to disappear in weightlessness. Scientists must now look for another way in which the lungs do their work.

Space Station Freedom and its space biomedical laboratory will provide unique capabilities for the exploration of a spectrum of biomedical and biotechnological experiments that would have direct applications for the medical treatment of diseases, disorders, and disabilities.

The American Physiological Society, the nation's senior medical sciences society whose 7,000 members include Nobel Laureates and members of the National Academy of Sciences, seeks your support to continue the development of Space Station Freedom in Fiscal year 1993.

Sincerely,
MARTIN FRANK, Ph.D.,
Executive Director.

UNIVERSITY OF CALIFORNIA,
Davis, CA, April 17, 1992.
Dr. BERRIEN MOORE,
Chairman, Space Science and Applications Advisory Committee, Science and Engineering Research Building, University of New Hampshire, Durham, NH.

DEAR BERRIEN: The Space Station Science and Applications Advisory Subcommittee

(SSSAAS) has been an exceptionally active element of the NASA Advisory Council structure, meeting regularly to discuss the status of both the station design and its suitability for critical research programs, and also to review the utilization plans and concerns of the Office of Space Science and Applications and other user groups. SSSAAS has also established an active liaison with the scientific advisory committees of the other International Partners (Canada, Japan and Europe) through the International Forum For the Scientific Uses of Space Station. This latter forum also meets regularly to coordinate and discuss user concerns and issues which are common to all users of the Space Station. Previous SSSAAS discussions focused primarily on areas which required additional activity or resources to correct deficiencies or incompatibilities. It is appropriate, therefore, that SSSAAS now go on record to recognize the very significant prospects for significant advances in scientific and technological research activities, particularly in the Life Sciences and Microgravity Sciences, that are represented by the current Station program.

At the last meeting of the SSSAAS, held near Ames Research Center on February 10–14, 1992, the Subcommittee conducted a through review of the status and capabilities of the Space Station program

During the meeting, SSSAAS reiterated its position that the Station provides a unique and essential environment for the accomplishment of science, and that the program is taking positive steps to maintain and improve the scientific potential of the on-orbit facility. The program offices at NASA Headquarters and Reston have been very responsive to a variety of concerns raised by SSSAAS, particularly in the areas of a controlled microgravity environment and the formal inclusion of the 2.5 meter Centrifuge into the baselined configuration. Significant progress and improvements have also been made in the data management area to simplify the system complexity, particularly at the interface to the user payloads. Finally, the recent decision to restore a modest set of accommodations for external payloads provides important basic research opportunities to the observing and sensing sciences.

In summary, SSSAAS is very encouraged by the current direction and momentum of the Station program and by the program's credible evidence of a commitment to develop a productive, unique and international research facility in low Earth orbit. Further, Space Station, as supported by both SSAAC and the OSSA Strategic Plan, will provide an important and essential element of our nation's future space science program.

Sincerely,

CHARLES A. FULLER,
SSSAAS Chairman.

UNIVERSITY OF ALABAMA, CONSORTIUM FOR MATERIALS DEVELOPMENT IN SPACE,
Huntsville, AL, August 6, 1992.

Senator BARBARA MIKULSKI,
Chair, Senate Subcommittee on HUD, VA and Independent Agencies, Dirksen Building, Washington, DC.

DEAR SENATOR MIKULSKI: I received a call from Dr. Robert Phillips, Chief Scientist, Space Station Freedom, yesterday asking if I would provide a few paragraphs which you might use in your Floor debate on behalf of utilization of Space Station Freedom (SSF) by the scientific community. As a future user of SSF in the area of cell biology and biotechnology, I am happy to send you the following information which I hope will be useful in your debate.

If the United States is to maintain leadership in space exploration and technology development, a provision is required to ensure the safety and maximize the productivity of humans during space exploration and habitation.

The scientific community recognizes that a facility is essential for conducting research on the effects of altered gravity on human physiology both at the level of the whole organism and at the cellular level. Space Station Freedom (SSF) will provide this capability.

As the 10th NASA research facility, and the only U.S. facility that will allow routinely accessible, long-term (years), continuous exposure to the space environment, SSF can provide an on-location, real-time, low-gravity laboratory in which to conduct basic research leading to remediation of undesirable space effects as well as a number of Earth—based disorders. There is no way on Earth to achieve this long-term, low-gravity environment.

Over the past three decades, we have obtained a significant database on the effects of microgravity on human physiology and cellular biology. We seek to expand this database through use of the unique long-term, low-gravity environment on SSF.

Some of the known, short-term (from less than a week to a year) effects of spaceflight on humans are included below. Corresponding Earth-based disorders are also listed to indicate that research into cause and remediation of space-induced conditions can also benefit persons suffering from related disorders on Earth.

We must continue to investigate the underlying causes of space adaptation to find countermeasures so that humans returning to Earth after extended space travel will be able to re-adapt to Earth.

Some low-G effects: Bone demineralization, immune response blunted, cardiac deconditioning, muscle deconditioning, and decreased red blood cell count.

Corresponding Earth-based disorder: Osteoporosis due to aging, immune deficiency, leukemia, hypertension, heart failure, muscle wasting diseases, and anemia.

Fundamentally, the effects of low-gravity on human physiology can be traced to effects at the single cell level and cells may be used as basic models to investigate mechanisms of low-G response. We know that the following processes are altered in single cells flown in microgravity.

Some of the microgravity effects at the single cell level are:

Gene expression—certain genes which function to initiate cell division are not expressed in some types of cells. This means that some of the cells and cellular products needed by the body may not be available during long-term spaceflight.

Cellular metabolism—Glucose use rate is lowered indicating a change in energy-producing cellular functions. This indicates that metabolic function may be altered in microgravity.

Secretory processes may be decreased or increased depending on the cell type. For instance, growth hormone is produced but the Secretory process is reduced in pituitary cells. This means that some hormones which serve as signals to stimulate specific functions in cells may not be available. Long-term effects of spaceflight in this area are not known.

T-lymphocyte reactivity is suppressed. T-lymphocytes are the immune system cells which function to rid the body of cells infected with viruses and other organisms and some types of cancer cells. The T-lymphocytes also stimulate B cells to produce antibody to fight infectious diseases. Long-term microgravity effects on the immune system are not known.

Because, in the past, researchers have not had constant and routine access to low-gravity, we have not yet determined the mechanism underlying these low-G induced changes.

Thus, in the area of cell biology, the Freedom Station can provide the essential low-gravity laboratory for research to determine cellular mechanisms and thus to develop remedies to ameliorate space effects. An added benefit is the application of knowledge gained to Earth based disorders and treatments.

Research in cell biology utilizes single cells as models. It is imperative to understand how cells will develop and function during spaceflight. For instance we do not yet know:

Why red blood cells do not develop as well during spaceflight and how to remedy this.

What the interactions of cells with drugs and medications in microgravity will be and how dose response will be affected.

How to remedy bone mineral loss and reduce bone cell growth.

What the mechanisms are which result in reduced immune cell response.

How well viruses will replicate in cells and how cells will respond to viral infections.

SOME OF THE BENEFITS FROM SSF RESEARCH

The benefits to science, technology development, and maintaining America's competitive edge in the world economy from research conducted on the Freedom Station can be enormous.

In the biological sciences, research on SSF will include such areas as biomedical research, basic cell biology, biotechnology (products such as monoclonal antibodies from genetically engineered cells), protein crystal growth and resulting drug design, life support (oxygen generation and waste degradation) and hardware development for cellular life support.

Benefits include:

Impoved quality of life on earth resulting from long-term research capability on SSF

Safety and maximize productivity of humans in space

Development of new materials and technologies transferable to private sector industries because the non-terrestrial environment requires innovative technology development.

Knowledge gained on fundamental biological processes is applicable to Earth-based medicine and technology development.

In the area of technology development and maintaining a competitive edge in the world market, commercial space ventures are expected to increase as the database targets potential profit-making processes and products from microgravity research. Spending in the area of bipharmaceuticals is increasing. For instance, Earth-based spending for biopharmaceuticals by the end of this decade is projected to be in the range of $60 billion, 50 times greater than it is now (Burill, G.S. and Lee, K.B. 1991. Biotech 91: A Changing Environment, Ernst and Young, San Francisco, CA).

The development of bio-processes and biopharmaceuticals in space on SSF leading to enhanced quality of life on Earth, amelioration of undesirable space effects and contributing to U.S. leadership in the world economy is a reasonable expectation.

Freedom Station will allow scientific exploration in a new environment not accessible anywhere on the face of the Earth, stimulate investigations which will advance knowledge of fundamental biological processes not yet understood, and provide a source of information for education for America's next generations.

I have included several charts of the above information from my "Space Station Freedom Utilization Conference" presentation. I hope this information will be helpful and I sincerely wish you a successful debate in behalf of research scientists planning to use SSF to gain fundamental knowledge in the biological sciences.

Yours truly,

MARIAN L. LEWIS, Ph.D.,
Manager, Materials Dispersion and Biodynamics Project.

UNIVERSITY OF CALIFORNIA,
San Francisco, CA, August 6, 1992.
HON. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: I am a principal medical investigator studying osteoporosis and possible medical intervention to prevent bone loss. Each year osteoporosis result in 1.2 million fractures in the United States. Of these, hip fractures are the most serious. Some 250,000 hip fractures occur each year with a mortality of 12–20 percent. The direct and indirect cost of hip fractures in this country alone is from $7 to $12 billion. While the estimated cost of osteoporosis world wide is near $100 billion yearly. Several pharmaceutical strategies have had limited success, these include increased calcium intake, estrogen therapy and most recently, bisphosphonate treatment. None are totally successful. Both estrogen and bisphosphonate therapy inhibit bone resorption. Currently there are no pharmaceutical therapies that increase bone formation in older Americans. I am especially conscious of the personal implications of bone loss since my father died at the relatively young age of 65 with complications from a hip fracture.

In my academic investigation of bone loss I found that one of the most striking biomedical findings from space missions is the continuous progressive loss of calcium and bone. Human and animal studies from spaceflight have demonstrated that the loss of bone is due to lack of new bone growth. Specifically, in the 1973 Skylab mission, the astronauts lost an average of 4 percent of their bone during 84 days in space. The cosmonauts, in their missions, lost anywhere from 0.9–18 percent of their weight bearing bone during flights of 75 to 184 days.

The possible medical applications from spaceflight do not stop with osteoporosis. In a recent review of the literature I found that many changes experienced in space flight by astronauts are also found in older people. One dramatic example, for instance, is the baroreceptor response, where older people get dizzy and fall when they stand up rapidly after sitting (orthostatic intolerance), has parallels in space flight. The data from the recent STS–40 mission strongly suggests that the baroreceptors become less responsive during flight and explains the orthostatic intolerance sometimes noted in astronauts upon return to Earth. The other symptoms experienced by astronauts during space flight and older earthbound citizens are reduced cardiac function and a reduced immune response.

Recent evidence has suggested that the changes in bone growth and the other symptoms may originate in basic biological mechanisms that are affected in microgravity. The intriguing medical questions are: why do young, fit astronauts have osteoporosis, orthostatic intolerance and reduced immune function induced during space flight? By studying these cellular changes in space we will have the opportunity to find the underlying molecular mechanisms behind osteoporosis, loss of baroreceptor function, cardiac deconditioning and reduced immune response. Once the basic mechanisms are known, the next logical step is the design of new drug strategies to treat the disease.

Life, as we know it, has evolved in the presence of gravity; but in space, for the first time, we are now able to study life processes in the absence of gravity. Just as in mathematics, where removal of one variable allows the solution of a quadratic equation, so in space the removal of the variable, gravity, will give us the opportunity to solve some of the physiological problems of disease.

In order to make progress, it is important to the science community to be able to investigate the changes in cell function under microgravity conditions in spaceflight. If we can answer these questions, the solutions will have direct and immediate benefits for those of us that are Earthbound.

Sincerely yours,

MILLIE HUGHES FULFORD, Ph.D.

KANSAS STATE UNIVERSITY,
DIVISION OF BIOLOGY,
Manhattan, KS, August 6, 1992.
Hon. BARBARA A. MIKULSKI,
Chair, Senate Subcommittee on HUD, VA and Independent Agencies, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI. Once again I am writing to express my endorsement, and to request your vigorous support, for the sponsorship of our nation's development of Space Station Freedom.

While gravitational forces can be experimentally increased, and almost every other aspect of the living environment of both plant and animal cell species can be scientifically controlled, the potential impact of earth's gravity on living cells, tissues and organs continues to be a mystery.

As a nation we are poised at the threshold of a historical opportunity to explore the potential role of earth's gravity on virtually all life forms. Essential to this knowledge is the future availability of Space Station Freedom that is projected to play a major role as a unique orbiting laboratory for studies of gravitational life sciences.

Space Station Freedom holds promise for numerous societal benefits including: fundamental knowledge of the microgravity environment on life functions; the exploitation of microgravity to generate products that will improve the quality of life on earth; and, the provision of accurate projections of long-term influences of the microgravity environment that may threaten future space exploration.

I realize that these are formidable financial times for our nation, and that many difficult decisions lie ahead. Clearly, there are many more legitimate and crying needs than available resources. However, every effort must be mobilized to ensure the long-term future of our nation. Certainly, science and engineering advances will continue to be critical to our nation's future and welfare. As you are well aware, Space Station Freedom is unique in many ways, and serves as an international partnership and inspiration for the future quality of life on our planet.

As I have to related to you on a previous occasion, I know of no viable alternatives to the space station for long-term life science studies in microgravity. Understanding the influence of the microgravity and space environment on living forms is critical to any reasonable expectations for future space exploration. While engineering capabilities of the future may well allow the availability of space vehicles for travel, the safety and welfare of the crew will never be insured in the absence of information concerning the potential impact of the extraterrestrial environment.

In science there is no standing still, one either advances or falls backward. Clearly, the latter possibility is unacceptable for our nation.

Sincerely,

TERRY C. JOHNSON,
University Distinguished Professor and Director, Division of Biology.

UNIVERSITY OF LOUISVILLE, DEPARTMENT OF MICROBIOLOGY AND IMMUNOLOGY,
Louisville, KY, August 6, 1992.
Senator BARBARA MIKULSKI,
Chair, Senate Sub-Committee on HUD, VA and Independent Agencies, Dirksen Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: I am writing in support of continued funding and development for NASA, in general, and for the Space Station Freedom, in particular. I am a research scientist who has been carrying out space-related life sciences studies since 1976.

The research area I am most interested in involves the effects of space flight on immune responses and resistance to infection. A hallmark of immunological research is the requirement for use of freshly harvested living tissue for research. This is true if studies are carried out using tissue culture or by harvesting tissue from individuals. Most immunological parameters can not be analyzed using fixed or frozen cells.

As a result of this, most of our space immunology studies have involved analyses carried out immediately upon return of the space craft to earth. We have observed impressive changes in immune responses after flight, but our lack of a laboratory in space in which to carry out the analyses on live cells harvested in space has made it difficult to determine the timing, duration, and reversibility of the changes induced by space flight. In addition, it has been difficult to separate the effects of microgravity on immunity from those of stress and acceleration forces induced during the return from space flight. Only the provision of a laboratory in space for analyses of living cells will allow us to answer these questions fully. Also, the provision of a wet laboratory in space can allow us to use space as a model for alterations in immunity that occur much more slowly on earth, such as immune alterations due to aging. The space laboratory could, therefore, serve to aid research not only involving problems that occur in space, but also for crucial ground-based health problems.

For these reasons, I strongly support continued full funding and development for Space Station Freedom, the vehicle that will provide this life sciences laboratory for us in space. This will be very much in the national interest of promoting exploration of space and development of biomedical research. Thank you for your kind consideration.

Sincerely yours,

GERALD SONNENFELD, Ph.D.,
Professor and Section Editor for Immunology, Journal of Interferon Research.

THE UNIVERSITY OF ARIZONA,
HEALTH SCIENCES CENTER,
Tucson, AZ, August 6, 1992.
Hon. BARBARA MIKULSKI,
Chairperson of the Senate Subcommittee on HUD, VA, and Independent Agencies.

DEAR SENATOR MIKULSKI: I am contacting you to urge your support of funding for Space Station Freedom. Having a facility to conduct long-term experiments in space will provide biologists with the opportunity to greatly further our knowledge of cell function. Already exciting biological discoveries have been made in experiments on the space shuttle despite the limited access we have had to spaceflight experiments. Such findings have included the startling discovery of altered immune responses in space. As we strive on earth to better understand the problem of AIDS, information gained in space about the immune system may prove to be extremely valuable. Data gathered about the functioning of bone and muscle cells in space may also facilitate the study of disease processes in these tissues on earth.

One may wonder how data gathered in space can facilitate studies on earth. The key connection is that space provides a unique environment in which normal functioning of cells may be perturbed. Similarly, in earth-based laboratories, we often use perturbations since deviation from the normal helps us to understand precisely what constitutes normal function. For some systems it is possible to mimic effects of weightlessness in earth-based model systems. Testing the reliability and validity of such models can only be done through longer duration experiments in space. Proving that a model system is valid allows us to conduct many subsequent experiments in earth-based laboratories thus freeing the laboratory space on the space station to develop new technologies and to test new ideas.

My own work has shown how valuable is comparative testing of data from spaceflight with that of earth-based model systems. We had been using a model system to study muscle atrophy for more than a decade. Finally we obtained hard evidence on STS-48 in September, 1991 that the laboratory results could be duplicated in space. Thus we can now feel extremely confident about results from our and other laboratories, which make use of this model for studying muscle wasting.

In the final analysis, the successful orbiting of Space Station Freedom will provide several decades of opportunities to conduct biological experiments in space which will further our knowledge of basic cell function and how cells modify their function in response to an altered environment. In trying to understand disease processes, the researcher often considers a similar question; that is how and why does a cell change its function? Such a question can only be answered if our knowledge of the functioning of that cell is complete.

Respectfully,
MARC E. TISCHLER, Ph.D.,
Professor of Biochemistry and of Physiology.

THE UNIVERSITY OF TEXAS,
HEALTH SCIENCE CENTER AT HOUSTON,
Houston, TX, August 6, 1992.
Senator BARBARA MIKULSKI,
U.S. Senate.

DEAR SENATOR MIKULSKI: Fundamental information on how bone and skeletal muscle "sense" load bearing to maintain their size will be obtained from NASA studies. A NASA/NIH Workshop on the "Effects of Space Travel on the Musculoskeletal System" concluded:

There is no clear understanding of the signal transduction between applied load and bone cellular response.

Bone develops on Eartn to support the body against gravity. Studies in space could provide an improved fundamental understanding of bone size, shape, and development.

NASA models that have been developed to improve understanding of skeletal changes in microgravity should be examined as potential tools for understanding bone loss and osteoporosis on Earth.

Two thirds of astronauts and many bed rest subjects report low back pain during their exposure.

NASA studies may also provide insight to challenges faced by patients returning to normal activity after prolonged immobilization.

There may be similar problems in astronauts and in patients with prolonged periods of restricted activity and movement; and the problems are probably accentuated in the elderly when it is especially important for postural control to be optimized to prevent falling and bone fractures. It is likely also that the results of studying movement control issues will benefit patients recovering from neural impairments such as stroke and spinal cord injuries.

In addition to the above conclusions of the Workshop, skeletal muscle shrinks rapidly in space. Two weeks of astronaut muscle loss in space equals one decade of muscle loss on Earth at age 50 yrs. NASA research will be invaluable to improving the quality of life by senior citizens by NASA's devising ways to prevent the loss of skeletal muscle in space. Worthwhile information to improve the quality of life is and will be obtained from the NASA research into how gravity cause muscles and bones to be strong and healthy.

Sincerely,
FRANK W. BOOTH, Ph.D.

CENTER FOR MACROMOLECULAR CRYSTALLOGRAPHY, UNIVERSITY OF ALABAMA AT BIRMINGHAM,
Birmingham, AL, August 6, 1992.
Hon. BARBARA MIKULSKI,
U.S. Senate, Chair, Senate Subcommittee on HUD, VA and Independent Agencies, Washington, DC.

DEAR SENATOR MIKULSKI: Space Station Freedom will be invaluable in advancing our knowledge in basic biology and especially cell biology. Zero gravity has profound effects on cells and can accelerate disease processes that take years to become full-blown on earth. A good example is osteoporosis. This affliction takes decades to develop on earth at one g, but starts within days of launch and shows up as a calcium loss-bone demineralization in space. This means that bone tissue culture cells grown in space will be vastly superior systems for testing pharmaceuticals that can inhibit the ravages of bone loss and breakage associated with osteoporosis. This means, in turn, that the pharmacological testing can go much, much faster and the resultant drugs offered to patients much sooner.

Our Center is very much involved in the Space Shuttle program. We use microgravity to grow protein crystals which provide the specific information necessary to develop new medicines. Space Station is essential for this program. We need the time and frequency of access to a space laboratory that Space Station Freedom can provide. In turn, Space Station will provide cell biology test systems that can monitor the efficacy of the medicines designed using the information from the space grown crystals. This happens because the disease process speeds up in space. Rather than waiting for years to judge a drug's efficacy in preventing bone loss, for example, you can do your testing in the time frame of weeks and months.

Thanks for the opportunity to describe how very important we view Station for cell biology, protein crystal growth and the drug discovery process.

Sincerely,
CHARLES E. BUGG, Ph.D.,
Director.

AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS,
AMERICAN SOCIETY OF CIVIL ENGINEERS,
Washington, DC, July 27, 1992.
Hon. JAMIE WHITTEN,
Chairman, House Appropriations Committee, Washington, DC.

DEAR REPRESENTATIVE WHITTEN: In the current debate on Space Station Freedom, there is a tendency to forget that any space station provides specific engineering and technical capabilities essential to the conduct of a strong, balanced national civil space program. It may, therefore, be useful to have these capabilities in mind while considering budget decisions for Fiscal Year 1993. The American Society of Civil Engineers and the American Institute of Aeronautics and Astronautics, with a combined membership of over 140,000, feel that a space station's role as an engineering facility be fully recognized.

Much of the debate over Freedom has centered on how effective it will be in conducting scientific investigations. It should be recognized, however, that a space station would not be built exclusively for science, although, like the Apollo program, much good science will come from it. Its main purpose is to serve as a national research and test facility, just like NASA's wind tunnels that helped create our aviation industry. A space station makes possible the long-duration "hands-on" laboratory experiments needed to understand and exploit the space environment and to gain experience in on-site space operations. These functions go well beyond "science". It is this important role that space platforms play—in advancing, testing, and demonstrating infrastructure technologies such as automation and robotics, innovative structural design and dynamics, and systems needed for on-orbit operations—that we believe must be recognized in any debate.

First, a space station provides a unique environment for the development and validation of capabilities required for long-term human survival in space. Besides its obvious implications to the future of all space activities involving humans, this work will expand the envelope of human knowledge in the fields of bone metabolism, immune and cardiovascular systems, aging, agriculture, ecology, pollution control, and other life-science areas applicable to Earth.

Next, a station enables a broad range of applied microgravity research that goes well beyond fundamental investigations of fluid behavior, crystal growth, and combustion science to the development and validation of devices, processes, and media for both terrestrial and nonterrestrial use. Orbiting facilities make possible the validation of materials and coatings exposed to the space environment, the development of new operational space systems and processes, and a variety of low-cost small and rapid response payloads which address a broad range of technology, engineering, educational, and commercial areas as well as science.

A space station can provide a laboratory setting in the microgravity environment which allows experiments and test to be carried out in the traditional manner, that is, an experiment can be observed, corrections can be made, and repeated experimental runs can be conducted while adjusting parameters of interest. By enabling continuous human interaction and control, sequential and systematic variation of test parameters, and expanded measurement and diagnostic capabilities, a space station's crew cannot only foster more rigorous and sophisticated research in the traditional engineering disciplines, but can also expand the potential for new unexplored areas of engineering research.

These areas might include, for example, crystal growth and solidification mechanics of electronic and photonic materials, metals, and alloys, glasses and ceramics, polymers, and other solids whose crystallization is affected by gravitational forces. Such engineering data could benefit the development of advanced computers and sensors for commercial and military applications. Semiconductor crystals can be grown in research sizes to support ground-based material improvement programs; metals and alloys can be solidified and analyzed for uniformity and unique properties; polymers, catalysts, and molecular sieves (e.g., zeolites) can be grown to define the optimum process parameters to produce larger, more uniform crystals. Low-gravity solidification and crystal-growth processes can be evaluated with the goal of producing refined and, where possible, unique materials. Glass, ceramics, and other materials can be produced by containerless processing. Models based on the earlier experiments can be used to produce large samples of products for applications analysis and potential commercial use; for example, mercury-cadmium-telluride crystals typically ten centimenters in diameter could be grown, cut into wafers and chips, and incorporated into infrared detectors whose performance would be measured and compared with current technology.

Life-support system development would focus on physicochemical closed systems and, later, bioregenerative and controlled ecological systems for planetary missions. Key technologies include on-orbit catalyst and filter revitalization and real-time detection of microorganisms. The focus would be on developing ground-test and flight-test prototype hardware for plant nutrient delivery systems, waste and biomass reduction and recycling, and improvement in illumination. Eventually, bioregenerative systems could be developed, building on earlier physical-chemical subsystems. These systems would incorporate waste recycling, automated food processing, advanced food storage, and efficient illumination. Efficient liquid-gas separation is a key technology in all system functions. A combination of biological and physical-chemical elements is expected to result in a system having about 99% closure and able to support large crews on planetary bases or during extended space voyages.

New instrumentation and procedures developed to improve health care maintenance and delivery in these life-support systems would be of value on Earth, and could begin to provide a better understanding of Earth as a closed ecological system. A combined biological-physical-chemical life-support system has most of the elements of a miniature Earth ecology. Comparing effects of gravitation on processes and people with those on ground-based controls can significantly enhance our understanding of science, engineering medicine, and new product development.

Technology advancements could be made in structures, particularly low-mass polymer matrix composites, and demonstration of new structural techniques, including deployable configurations, flexible shapes, on-orbit rigidized inflatable structures, and adaptive shape control. An orbiting facility also offers long-term exposure of materials such as new solar cells and space radiation-resistant coatings; development and demonstration of methods for fluid handling and transfer; in-space testing and evaluation of low-thrust propulsion subsystems such as controllable ion and plasma thrusters; opportunities to evaluate Fresnel-concentrator solar arrays and cascade solar cells; and broad-scale evaluation and calibration of a wide variety of sensors.

Advanced-sensor interaction and fusion with high data-rate optical information and communication systems would allow real-time correlation of information from multiple sources. Automation and telerobotics capability could be evaluated and demonstrated for use in external maintenance activity such as applying coatings and replacing components. Both ground-controlled and autonomous robot operation can be evaluated, as can advanced energy generation and storage systems and magnetoplasma propulsion technology. Space qualification and/or optimization of new communications, ranging, and navigation techniques could be evaluated and demonstrated, e.g., deep-space optical communications for future planetary missions. Direct uplink capability could allow real-time control of one or more small commercial production or processing facilities (attached, tethered, or free-flying), with the crew providing resupply and product retrieval support. Typical products might include pharmaceuticals, crystals and other electronic materials, and bone replacements and transplants; processes could include health monitoring and mixing of alloys, foams, and chemicals of low to moderate reactivity for catalyst formulation and production.

Across-the-board technology improvements could be developed; for example, power switching validation and advanced solar-array testing. Demonstration testing could be performed on commercial processes such as materials melting in furnaces, continuous-flow separation of biological materials, vapor deposition of thin films, and crystal growth.

Advanced missions (e.g., to the Moon and Mars) will require development and demonstration of technology advances such as deployable and tethered payloads, cryofluid transfer, on-orbit construction and assembly (including microprecision assembly), small crew repair and servicing tasks, and evaluation of direct uplink use.

The extent of engineering involvement in developing, deploying and using platforms carrying human crews is not widely recognized. Electric power system engineers work on all the hardware and software necessary to generate, store, condition, and distribute electric power to the multitude of power-consuming devices and subsystems throughout the station. Communication system engineers focus on UHF systems, video systems, fiber-optic/video links, antenna design, antenna controllers, power amplifiers, video formatters, S-band transceivers, transponders, spectrum processors, dc-ac converters, and a wide range of switches, audio terminal units, headsets, recorders, playback systems, and special-effects generators. Data management engineers are involved in standard and embedded-data processors, mass storage units, multiplexer-demultiplexers, network and bus interface units, bridges, gateways, ring concentrators, star couplers, time-generation units, keyboards, display units, switch panels, hand controllers, and a whole range of applications console display systems. Robotics engineers are defining flight telerobotics servicing systems that incorporate stabilization and positioning devices, manipulators, end-effectors, workstations, hand controllers, television viewing systems, and lighting. We can touch on only a few such examples in this letter, dozens of other systems each involve engineers in designing, building, testing, and using all their subsystems and components.

In summary, when you consider budget allocations for a crewed space station, it is essential that its role as a key national engineering, as well as a science facility be fully recognized.

Sincerely,

ROBERT A. FUHRMAN,
President, AIAA.
C. R. PENNONI, P.E., F. ASCE,
President.

Attachment.

A SPACE STATION FOR ENGINEERING AND TECHNOLOGY

Serves as a national research and test facility, just like NASA's wind tunnels that helped create our aviation industry.

Makes possible the long-duration "hands-on" laboratory experiments needed to understand and exploit the space environment and to gain experience in on-site space operations.

Provides environment for advancing, testing, and demonstrating infrastructure technologies such as automation and robotics, innovative structural design and dynamics, and systems needed for on-orbit operations.

Allows for the validation of materials and coatings exposed to the space environment, the development of new operational space systems and processes, and a variety of low-cost small and rapid response payloads which address a broad range of technology, engineering, educational, and commercial areas as well as science.

Enables continuous human interaction and control, sequential and systematic variation of test parameters, and expanded measurement and diagnostic capabilities; thereby fostering more sophisticated research in the traditional engineering disciplines and expanding the potential for new unexplored areas of engineering research. For example: crystal growth and solidification mechanics of electronic and photonic materials, metals and alloys, glasses and ceramics, polymers, and other solids whose crystallization is affected by gravitational forces.

Offers development of new instrumentation and procedures to improve health care maintenance and delivery in life-support systems that could be of value on Earth, and could begin to provide a better understanding of Earth as a closed ecological system.

Allows for technology advancements in structures, particularly low-mass polymer matrix composites, and demonstration of new structural techniques, including deployable configurations, flexible shapes, on-orbit rigidized inflatable structures, and adaptive shape control.

Offers long-term exposure of materials such as new solar cells and space radiation-resistant coatings.

Advanced-sensor interaction and fusion with high data-rate optical information and communication systems would allow real-time correlation of information from multiple sources.

Provides capability for evaluating and demonstrating automation and telerobotics capability for use in external maintenance activity such as applying coatings and replacing components. Both ground-controlled and autonomous robot operation can be evaluated, as can advanced energy generation and storage systems and magnetoplasma propulsion technology.

Across-the-board technology improvements could be developed; for example, power switching validation and advanced solar-array testing. Demonstration testing could be performed on commercial processes such as materials melting in furnaces, continuous-flow separation of biological materials, vapor deposition of thin films, and crystal growth.

Electric power system engineers are working on all the hardware and software necessary to generate, store, condition, and distribute electric power to the multitude of power-consuming devices and subsystems throughout the station.

Communication system engineers are focusing on UHF systems, video systems, fiber-optic/video links, antenna design, antenna controllers, power amplifiers, video formatters, S-brand transceivers, transponders, spectrum processors, dc-ac converters, and a wide range of switches, audio terminal units, headsets, recorders, playback systems, and special-effects generators.

Data management engineers are involved in standard and embedded-data processors, mass storage units, multiplexer-demultiplexers, network and bus interface units, bridges, gateways, ring concentrators, star couplers, time-generation units, keyboards, display units, switch panels, hand controllers, and whole range of applications console display system.

Robotics engineers are defining flight teleobotics servicing systems that incorporate stabilization and positioning devices, manipulators, end-effecters, workstations, hand controllers, television viewing systems, and lighting.

We can touch on only a few such examples; dozens of other systems each involve engineers in designing, building, testing, and using all their subsystems and components.

Harvard Medical School,
Department of Surgery,
Boston, MA, July 24, 1992.
Hon. Barbara Mikulski,
Chair, Senate Subcommittee, Washington, DC.

Dear Senator Mikulski: I am sending you this note because of the urgent and continuing necessity for the approval at full funding and in the requested amount for Space Station Freedom (SSF) and the Life Sciences Division (LSD) of NASA.

These two (SSF and LSD) are closely linked because any further undertakings involving man in space outside the magnetosphere (i.e. above 700 miles altitude) will require extensive study on the Space Station of prolonged exposure of man to weightlessness, and evaluation of our astronauts subjected to the full burden of exomagnetospheric radiation on prolonged spaceflight, by the most sophisticated of Life Sciences monitoring, often with unmanned vehicles.

Although other matters may be studied on Space Station Freedom, its greatest importance lies in establishing a firm base of feasibility, safety, and engineering refinement, for the prolonged space dwelling of man.

I am very hopeful that you and your Committee will favor these items as you consider NASA objectives and budgets in these next few months.

This note is based on my experience over the past 25 years in working as a member of NASA consultant committees in the Life Sciences, and now the NASA advisory committee of the National Research Council on Space Station Freedom. These two activities of NASA (SSF and LSD) are of the foremost importance in maintaining the primacy of the United States in the exploration of space, both for scientific and commercial purposes, and in assuring us of sound programs over the course of the next full century. It is at this time that we will plant the seeds for future success; Space Station Freedom and the Life Sciences Division are central to the current "seed" programs of NASA.

Very truly yours,
Francis D. Moore, M.D.

American Medical Association,
Chicago, IL, July 20, 1992.
Hon. Robert Byrd,
U.S. Senate, Washington, DC.

Dear Senator Byrd: The American Medical Association (AMA) has been very conscious of the importance of space exploration to the future of this country. It has also continuously supported medical research as a part of those efforts. To be specific, the AMA supports the continuation of the National Aeronautics and Space Administration Program for conducting medical research on manned space flights. A considerable body of knowledge has already been amassed by these efforts, and the nation should continue the research which is planned.

In addition, the AMA's Board of Trustees is going to consider a resolution on the matter of the Space Station Freedom at its October meeting. The resolution states, "Resolved, That the American Medical Association strongly supports the sustained funding of the National Aeronautics and Space Administration's Space Station Freedom and its Life Sciences Program." At that time, we will be able to communicate to you the decision of the Board of Trustees regarding support for the funding of the Space Station Program.

Sincerely,
James S. Todd, M.D.

Jet Propulsion Laboratory,
Pasadena, CA, July 24, 1992.
Hon. Don Edwards,
Rayburn House Office Building, Washington, DC.

Dear Congressman Edwards: This week's House floor action on the VA, HUD and Independent Agencies bill may attempt to cut funding for the Space Station Freedom. I urge your strong support in preventing any attempt to cancel the Space Station Freedom program.

The space station represents a critical element of a balanced national space program and a core program of human exploration in space. The robotic and human programs form a continuum in our exploration of the solar system and are complementary elements of our space program. NASA's robotic missions have surveyed the solar system and beyond for almost three decades and will continue to explore places where humans may eventually explore.

Space Station Freedom is a crucial precursor to long-term human space exploration. As a world-class laboratory, the Space Station will allow us to perform long-term studies in microgravity, providing us with the essential data required for space exploration in the twenty-first century. Your support for Space Station Freedom will provide this Nation and our international partners with the opportunity to address the critical research required for an expanded human presence in space.

Thank you for your attention to this important issue.

Sincerely,
Edward C. Stone,
Director.

Mr. GARN. I simply close, Mr. President, by not repeating all the facts and figures but simply talking briefly about inspiration, hope for the future by our young people.

I have great admiration for President John Kennedy when he announced that we would go to the Moon by the end of the decade. You would assume that people could prove we did not retrieve all the dollars in research, development, and spinoffs from going to the Moon, but what a remarkable achievement for inspiring men and women. I think space station *Freedom* and our continued efforts in space are an inspiration to the young people of this country.

There is nothing that I enjoy more after 7 years since my space flight than talking to young people in the grade schools, junior high schools, and the high schools of this country, with space as a carrot, an incentive for them.

And just one quick story to illustrate the intangible benefits that can occur from men and women being in space, on which we cannot place a pricetag. I spoke at a very small school in eastern Utah out of Duchesne, showed the film of my flight and answered questions. And a couple of years later a woman stopped me on the streets of Salt Lake City and she said, "Senator, thank you for getting my son back in school." And I said, "I have no idea what you are talking about." She said, "Well, you remember you spoke at Duchesne High School?" And I said, "Yes, I remember that." She said, "My son had dropped out of school the year before. I could not get him to go. But he wanted to hear you talk about space. And he got so excited after hearing your comments about the beauty of the Earth, science, that he went back to school. He graduated. Now he is enrolling at the University of Utah and he wants to be an engineer. Thank you." And I said, "Well, I did not have anything to do with it."

But that inspiration is still there. We make a big mistake if we do not invest in the future of this country, in some intangible benefits that we cannot quantify, and recognize that what John Kennedy did, what other Presidents have done, what we are trying to do now, can be an inspiration, a carrot for the young people of this country to stay in school, to educate themselves, to prepare themselves for the future.

So I hope my colleagues will defeat the Bumpers amendment.

Mr. BUMPERS address the Chair.

The PRESIDING OFFICER. the Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I think I have 6 minutes remaining. I yield the entire 6 minutes to my good friend, the Senator from Georgia [Mr. FOWLER].

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. FOWLER. I want to thank my friend from Arkansas for his leadership on this amendment, and associate myself with his remarks and that of the Senator from Maine [Mr. COHEN].

It is my pleasure to serve on the Space Subcommittee with my friend and my chair, the Senator from Maryland [Ms. MIKULSKI] and I thank her for her continued leadership in a responsible space program.

Mr. President, I have been in the Congress for 15 years. I am not supposed to admit that because that means I am an incumbent. In all of my years I have enthusiastically supported the space program of our country, proudly so, and I certainly agree with much that has been said in opposition to the Bumpers amendment by those who still believe that the space program's best days are to come. But it will not come with the space station for all of the reasons that have been articulated by the Senator from Arkansas and others.

One of the reasons people have lost confidence with our ability to put our fiscal house in order is that the public understands that to govern is to choose, and those of us who have been elected to lead have failed to lead because we have not made tough choices. We have acted like we are still the world's largest creditor nation rather than the world's largest debtor nation, and we have not, as the Senator from Texas [Mr. GRAMM] just said, gone back to look at where we must reorder our priorities if we are not going to pass this massive accumulated debt on and on and on to the bankruptcy of our country.

I supported the early research for SDI. I had to make up my mind a few years ago that we could not afford SDI and the scientific backup for what we hoped was not there. I supported the physics behind the superconducting super collider. A year or so ago I had to change my mind and go to my constituents in Georgia and simply say it may be a great research instrument but at this time we cannot afford it.

Certainly, when you are looking at somewhere between a $118 and a $200 billion pricetag on the space station, it is folly not to say at this juncture in our Nation's history, with the massive debts, this must wait. We should not go forward. We cannot be penny-wise and pound-foolish. If we are to govern, we must choose and we must choose not to invest our money in a space station where almost every scientific panel has said it will not bring any scientific efficacy to our country.

All the spin doctors and soothsayers over at the White House have told the President, you know, in the last few weeks what the public wants to hear is one thing. So he says it over and over again. The Government is too big and spends too much. That is what they say in Georgia. That is what I know to be true. And with this amendment we have a chance to stand up, some of us who have been on another track, and say, yes, the people are right. The Government is too big. It spends too much. And we simply cannot afford a $118 or $200 billion space station at this time.

The Senator from Arkansas made a mistake in saying I was from Florida. That is because I was there this weekend. I went down by myself, did not want to get caught, and decided I wanted to help build a few houses down there for those hurricane victims.

As you read in the paper yesterday, we are talking about somewhere from $10 to $30 billion just in Florida to restore a tax base. Those people in Florida, and many in Louisiana, and some in Guam, not only lost their homes, but they lost their businesses.

The national strength of our country will not be defined in space. We will learn some things in space. We have learned some things in space. But the national strength of our country will be defined and accomplished here on Earth in the jobs we create, the food we produce, the energy we develop, so we are not dependent upon 60 percent foreign energy and all these foreign dictators; and, our ability to recapture the tax base; the productive capacity of the United States of America and her people. I defy anybody to tell me that $118 to $200 billion for a space station of doubtful scientific efficacy is among our Nation's higher priorities at this particular time in our history.

Lord knows, I hope in the year 2000, or 2005 we will have the $400 billion surplus, not a $400 billion deficit. We may want a flagship circling the Earth, the only space station.

But right now we cannot do it. Right now it is irresponsible to do it.

Many of us who have voted for everything that we believe to be in our Nation's interest must reevaluate it.

I humbly ask my colleagues to think hard and long, and to support the Bumpers amendment.

Mr. BENTSEN. Mr. President, I will be brief. In this contentious election year it is more than coincidental that Bill Clinton, George Bush, AL GORE, and DAN QUAYLE all agree on at least one thing: The need to press forward with space station *Freedom*.

Why? Because they know that the space station is far more than just another line item in the budget. They understand the space station for what it is: A towering scientific opportunity and an investment in America's future. They understand that it is the largest international scientific endeavor ever undertaken. They understand that it is but the latest chapter in a saga that began when President John F. Kennedy committed this Nation irrevocably to manned space flight.

Yes, the space station costs money. So, of course, does everything else. But let us put its cost in perspective. The space station budget request for fiscal year 1993 amounts to about 1/700th of the total Federal budget request. It amounts to only 3 percent of total discretionary spending, and a modest 15 percent of NASA's budget.

Let us also remember that this year's NASA budget request reflects a congressionally-mandated, redesigned space station and cost containment program. NASA has done precisely what we told it to do. It has cut $8.3 billion from the program during fiscal years 1991 to 1999. It has capped outyear costs at $2.6 billion per year, and it has agreed to limit the space station's annual costs beyond fiscal year 1996 to no more than 10 percent of NASA's budget.

NASA achieved these savings by significantly reducing the planned size and capacity of the space station and the number of shuttle flights required to build it by up to 50 percent. Yet even with these changes the space station in its permanently manned phase will afford unprecedented capacity for experimentation. When completed, the space station will have 110 times greater capability than the spacelab or the existing shuttle; over five times the capacity of skylab, and more than four times the capacity of the Soviets' MIR space station.

Nor should we forget, Mr. President, the substantial foreign contribution to the space station's funding and construction. During the recent debate in this Chamber over the superconducting super collider, some Members cited the paucity of foreign participation in the SSC as a reason for terminating the program. I, for one, do not believe we have reached the point in this country where we should permit foreign attitudes to determine our own decisions regarding the undertaking of major scientific enterprises.

But this is hardly an issue with respect to the space station. Japan, Canada, and 10 members of the European Space Agency have lined up to participate in the space station's construction and operations. They have pledged a total of $8.4 billion to pay for their shares of the space station, of which $2.6 billion has already been spent. It should go without saying that a U.S. abandonment of the space station would destroy our credibility as a reliable partner in international scientific ventures.

Which brings me to an even more important point. Our manned space flight program began as a competitive response to Soviet initiatives in space during the cold war. The space race was as much a race against the Soviet Union as it was a means of advancing our knowledge of the universe, and some see in the demise of the cold war a decline in the importance of manned space flight.

I do not share this view. Indeed, I believe the end of the cold war has increased the space station's importance both as a symbol of the post-cold war era, and as a vehicle for making the difficult transition from almost a half-century of intense military rivalry to a new era in which a nation's standing and power in the world will rest increasingly on its technological prowess and economic competitiveness. The Soviet Union's fate demonstrates the fragility of any military establishment that rests on an enfeebled economic order and a political inability to absorb technological change.

The space station symbolizes the post-cold-war era because it is first and foremost a cooperative rather than competitive enterprise. It is in fact the most extensive transnational scientific undertaking in history, and may well serve as a model for future massive international projects in science, both in space and back here on Earth.

The space station also offers a vehicle for reorienting America's scientific talent, so much of it heretofore absorbed in military work, toward more peaceful and productive endeavors.

At a time when our aerospace industry, which remains one of the few sectors of our economy which enjoys a major favorable trade balance, is facing severe contraction, the space station beckons with a promise of 25,000 skilled jobs. And at a time of declining U.S. industrial competitiveness, the space station can excite and inspire our young men and women to become the next century's top scientists and engineers.

Mr. President, I agree with George Bush that the space station "is essential to our destiny as a pioneering nation."

I agree with Bill Clinton that the space station is essential because of "its role in building new partnerships with other countries and its inspiration of our Nation's youth."

I agree with DAN QUAYLE that if we kill the space station, "we will lose the accompanying base of highly skilled, highly paid workers who have contributed to our continuing success" in space.

And I agree with AL GORE that termination of the space station "could well mean ending America's long effort to support human presence in space."

Mr. President, what we are debating here is not marginal dollars or program management.

What we are talking about is who we are as a people, what we wish to become, and how we will be regarded by historians hundreds and even thousands of years from now.

Do we want it to be said of us that when it came to pursuing manned space flight beyond the Earth's only Moon, the Americans in the 1990's lacked the kind of vision, imagination, and courage that led to the discovery of their own country a half a millennium earlier?

FUNDING FOR SPACE STATION "FREEDOM"

Mr. WELLSTONE. Mr. President, I rise today in support of the amendment proposed by the Senator from Arkansas. A few weeks ago, when we were debating another appropriations bill, we were asked to vote on whether or not to spend a great deal of money on another big science project, the superconducting super collider. At that time I pointed out that I am not opposed to funding scientific research. Indeed, I believe that the Federal Government has an important role to play in putting its considerable resources behind the advancement of scientific research in this country. I also said, during that debate, that funding for the super collider should only be made available when we have funds left over from meeting what I think are some of the basic obligations of good government: making sure that basic human and community needs are met in this country. In the bill we are now considering, we are asked to approve $2.1 billion for the space station in 1993. Mr. President, I do not see how we can, in good conscience, spend this money on this project at this time.

When I decided to vote to cut funding for the superconducting super collider, may decision was far more difficult than this decision. The super collider is, as I understand it, a good project. Funding for it was simply a question of priorities. In other circumstances, I would be happy to support it. The space station is another matter. There have been many questions raised about whether or not it is capable, as currently designed, of accomplishing anything we are interested in. I am sure we are all sometimes seduced by the romance of space exploration, but we are not here to be romantic. I remind my colleagues that this appropriations bill was only $1 million under its cap, as reported out of the Appropriations Committee. That is: $1 million on an $86 billion bill. In these circumstances, the $2.1 billion we are being asked to approve for this project, for the coming fiscal year, is one heck of an astounding romantic gesture. Mr. President, can we really afford this?

Let's put this in perspective. There are some very vulnerable populations in this country—people who can be helped, who can be put back on their feet if we choose to use our resources to meet some of their needs. The Appropriations Committee will soon be sending us the Labor/HHS appropriations bill for fiscal year 1993 and, I hope, the members of that committee will have found a way to maintain funding for programs like Low Income Home Energy Assistance [LIHEAP]. This program provides assistance to millions of households who have trouble meeting their heating and cooling bills every year. This is a very important program in my State of Minnesota—for some Minnesotans it makes the difference when they might otherwise have to choose between eating and freezing. Children who cannot sleep at night because they are cold do not learn in school. Elderly Americans should not have to worry about making it through the winter. Demand for this program has been growing in recent years, but over the past 5 years, the program has lost $2.8 billion in purchasing power. How, Mr. President, can we spend $2.1 billion on a space station when we cannot even make sure every American family can heat their home?

I cannot understand how we can spend this money when there is so much to do here and so few resources, it would seem, to do it with. In this country, one in five children lives in poverty. Every night at least 100,000 children go to sleep homeless. In 1989, we ranked 19th in the world in infant mortality, behind Singapore, Spain, and Ireland. From 1980 through 1986, the number of babies born in the United States with low birthweights ranked the United States 29th in the world. And, as at least a partial consequence of this, approximately 144,000 babies will die in the United States before their first birthday over the next 4 years. But, Mr. President, we do not fully fund prenatal programs, we have cut Medicaid programs. Is not an investing in healthy children an investment in our future? Is not investing in healthy children an investment in our future? When we cannot find the funds for prenatal care, how do we justify spending $2.1 billion on a space station?

Finally, Mr. President, I would like to remind my colleagues of our deficit. We are supposed to have a deficit this year that will be well over $300 billion. We have been asked over and over again when we will begin to make the hard decisions we need to make if we are to get our spending under control. This is one opportunity to do just that. Senator BUMPERS has cited studies that show how many hundreds of billions of dollars this program will cost us in the next several years, many hundreds of billions beyond the $2.1 billion for this year and many hundreds of billions beyond the current deficit. How badly do we need this space station, this year? How many of you are willing to return home and explain to your constituents that you just could not cut a few billion off the space station in the name of deficit reduction? Are we really only able to say no when it comes to programs for children and poor people? What does that say about our priorities here in the Senate?

This amendment is an opportunity for us to do something concrete about these concerns. Most of the $2.1 billion that Senator BUMPERS has proposed cutting from the space station will go to deficit reduction. If we accept this amendment, we will be able to show that we are able to squarely face the deficit—not by cutting programs that help vulnerable Americans, but by putting aside some of our luxury programs for a year or two. This is a just approach to deficit reduction. But Senator BUMPERS has gone further. He proposes to use some of this money to actually help American citizens, to provide better services for some of the citizens who have proudly served their country. He proposes to add $200 million to veterans' health care programs and $62 million to veterans' medical research programs. I feel certain that no member of this body would disagree if I suggested that there is always room for improvement in the veterans' health care system. And we certainly should agree that this country can more responsibly spend $200 million to improve the health of people who have sacrificed in its service than on a space station.

But there is more. Senator BUMPERS proposes to add $62 million for veterans' medical research. Veterans' medical and prosthetics research makes for an interesting comparison with the space station. We are often told how useful space research is to science and medicine. That may be so. But we have many reports that show how important veterans medical research is not only to better medicine in the long run, but to better patient care in VA facilities. According to a January 1991 report by the VA Advisory Committee for Health Research Policy, this research program enables the VA to attract top-notch academic researchers who greatly enhance the quality of medical care for veterans. Let me quote directly from the report: "Since the VA has a vigorous research program, which is essential to provide the best care for veteran patients, the system is able to attract a high quality house staff and attending physicians who are faculty members of affiliated medical schools. These two elements combined—the high quality staff and the research-driven care—enable the VA to provide superior services that could not be purchased in the private sector." In my State, the ties between the VA hospitals and the University of Minnesota has meant that veterans are treated by some of the top doctors in America. It means that some of the most advanced medical research is taking place in VA programs there. Researchers at the U of M and at the VA in Minnesota have told us that many more meritorious projects could be funded if there were more funds available. New investigators could begin their research. This is concrete research, with specific, clinical results that help people. It is a good way to spend tax dollars.

This is, Mr. President, a question of conscience and a vote about good government. We know that we do not have the resources to do everything that we would like. We are here to use the resources of the Nation most effectively in order to make this a better nation to live in. Is this space station the best way to do that? I think not, Mr. President. Can we do better by putting this money toward deficit reduction and medical care for veterans? I am very certain that this is a better way to go. I hope many of my colleagues will agree and join me in supporting Senator BUMPERS' amendment.

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment offered by our colleague from Arkansas to eliminate funding for the space station. Although I share his passion for reducing the budget deficit, I believe the space station is a sound investment in this country's future.

The space station is designed to provide an essential platform for learning to live and work productively in space. It will provide an advanced research laboratory to explore space and employ its resources for the benefit of man on Earth. It will provide a necessary platform from which to explore the outer reaches of space.

I agree with the comments of our astronaut-colleagues, Senators GARN and GLENN, that we can never know for sure today all the benefits that might accrue tomorrow from building the space station. I have no doubt that the space station will yield many advances and that we are likely to recoup the investment many times over.

The United States too often takes the short-term view, to our considerable long-term disadvantage. This is an opportunity for the Senate to demonstrate its commitment to long-term investments in our country's future.

Mr. President, I would urge my colleagues to look ahead with a keen eye on the future and to defeat the Bumpers amendment.

Thank you. I yield the floor.

Mr. BROWN. Mr. President, this amendment would cut $1.6 billion from the fiscal year 1993 budget for the space station, a 76-percent reduction.

The sponsor of the amendment claims it would reduce the Federal budget deficit by $1.338 billion. If the amendment actually would result in such a reduction in our debt, I seriously would consider it.

The most important issue facing this Nation is how we can effectively reduce our massive deficit. Unfortunately, the Bumpers amendment would not reduce the deficit. It does not reduce the budget allocation for science and technology or require a reduction in overall spending in the bill.

The amendment simply cuts money for the space station, leaving $1.338 billion available for other spending. Indeed, most of the debate on this amendment has focused not on its sponsor's claim of deficit reduction and savings, but instead on arguments about other ways to spend the money.

I will vote against the amendment.

Mr. SEYMOUR. Mr. President, many of my colleagues today have eloquently spoken of the scientific promise that space station *Freedom* holds for the future. We know that if the Bumpers amendment is defeated, the world will come one step closer to new life science, health care, and industrial production technologies. If the Bumpers amendment passes, we may never know what we could know about these riches of our universe.

The more we drive into space, Mr. President, the more we discover about our own Earth. Space station *Freedom* will bring back a marvelous array of discoveries that could help us predict weather patterns more sharply, understand atmospheric impacts on soil quality, and make progress on curbing ozone depletion.

But space station funding for the next fiscal year can bring us even closer to the cares of home, and let me tell you why. First, we must know what we will lose should the Bumpers amendment pass. The President has made it crystal clear to Senators MIKULSKI and GARN—among others—that if we eliminate station funding, the entire VA, HUD, and independent agencies bill would be vetoed.

This veto, in turn would lose for America billions of dollars in VA operating expenses, sewage treatment grants, elderly and disabled housing programs, and public housing subsidies.

I mention this list of critical programs funded along with the space station to dispel two myths that have crept into this debate. The first myth is that if we vote for the amendment before us, an entire range of domestic programs would receive more money as a result. The second myth, interwoven with the first, is that the space station has taken money way from these programs.

The final issue I want to reemphasize relates to the importance of the space station to the U.S. economy. In the State of California alone, it supports 4,000 jobs and 4 billion dollars worth of contracts.

For an aerospace industry reeling from a lower military budget at home and subsidized cartels abroad, the station offers a bright glimmer of hope. Despite its problems, this sector of the economy still accounts for 10 percent of all U.S. exports, and the commercial spin-off technologies that the space station can bring from the heavens will help domestic aerospace firms rekindle some of their overseas markets.

And so a vote for this amendment, Mr. President, is a vote against several benefits that could improve the civic life of this Nation. It would represent a vote against technologies that could further propel us into an age of low-cost, low-capital, and low-pollution industries. It would represent a vote against some of the most generous funding of veterans and elderly programs ever produced by the Senate. And it would represent a vote to deny our aerospace industries yet another chance to struggle back to their feet.

This amendment promises what it cannot deliver and condemns that its passage would bring. For reasons both visionary and practical, I urge my colleagues to defeat this measure.

Mr. WARNER. Mr. President, the vote which I will cast today with respect to the amendment introduced by Senator BUMPERS will be a very difficult vote for me.

I do understand the impact the space station *Freedom* program will have upon the people of the Commonwealth of Virginia. All the people who pay Federal taxes will have to contribute to this program for many, many years. According to calculations based on the $118 billion in costs the General Accounting Office projects for the space station, this program will cost the taxpayers of Virginia close to $3 billion. I am sure the taxpayers of Virginia can use this amount of money for various domestic and infrastructure programs that are lacking in funding at the present time.

Many Virginians are dependent upon this program for their jobs; but my concern is with the total cost of this program over the next 28 years. The General Accounting Office figures show that the program will cost $118 billion. An internal study completed by a committee in the House of Representatives has stated that the program may eventually cost as much as $200 billion over the next 30 years. Now, if you add the interest compounded on this figure, you are talking about a cost of roughly $600 billion over the next 30 years for developing, building, and operating the space station *Freedom* program.

Mr. President, there is a great controversy on what the taxpayer in the end will receive, assuming the program is successful. The President of the American Association for Cancer Research has stated that the space station, if funded, "will not only yield few and incrementally minor new results at very high costs, but will preclude adequate funding for cancer research during that period in existing laboratories around the country." The National Academy of Sciences has taken the position that the "space station *Freedom* at the present stage of design does not meet the basic research requirements of the two principal scientific disciplines for which it is intended, life sciences and microgravity research."

Mr. President, I am deeply concerned about the debt this country has incurred in the last few years. By the end of this month, the annual budget deficit for America will be a figure hovering around the $400 billion mark. In the 14 years I have served in the U.S. Senate, the annual budget deficit has increased at an incredible rate. The cost of the space station program has also risen rapidly since the program began in 1984. In 1984 the cost of the program was estimated at $8 billion. Since then the cost has escalated 64 percent in 8 years.

Mr. President, we need to focus on reducing the deficit now if we are going to avoid a horrendous economic crisis for our children and grandchildren.

Mr. President, I will support the amendment offered by the Senator from Arkansas because we need to confront the budget deficit problem now. We need to stop our addiction to continue to borrow to cover the costs of the growing number of domestic programs.

SPACE STATION "FREEDOM"

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, the authorizing committee for the U.S. Space Program, I have long been an avid supporter of NASA and its many important programs. I understand the value of space exploration, which has been a source of excitement and inspiration to millions of Americans. Our initiatives to explore outer space and the solar system are important to all human beings, as they reflect our innate desire to probe the unknown and to expand our reach beyond the current frontiers on Earth.

However, after listening to the space station debate, I have reached the conclusion that this country no longer can afford to continue the space station *Freedom* program. For that reason, Mr. President, I will support the amendment offered by the distinguished Senator from Arkansas, and I urge my colleagues to do the same.

Mr. President, according to the Congressional Budget Office, the Federal budget deficit for fiscal year 1992 now is expected to reach a record $314 billion. To illustrate how Federal spending has spiraled out of control in recent years, it was only 12 years ago, in 1980, that the accumulated debt for the Federal Government totaled $709 billion. The Nation has accumulated this sum through events such as the Civil War, World Wars I and II, and numerous other emergencies that occurred during the first 200 years of this Nation's existence. Yet, in the last 12 years of deficit spending, we have seen the accumulated Federal debt grow to a point where it presently is nearing $4 trillion.

In this fiscal environment, how can we realistically agree to build a space station expected to cost some $100 billion to build and operate?

Quite simply, our Government does not have the resources to fund a program as all-consuming as the space station, while attempting to support a vast array of smaller, but equally important space, science, and technology development programs. My fear is that, if we do not act to stop this program now, the space station *Freedom* will continue to soak up billions of scarce dollars—at a time, Mr. President, when Uncle Sam is already forced to borrow nearly $1 billion each and every day.

In no way am I advocating that we forsake the leadership position of the United States in space. Our Nation must enhance its efforts to gain access to space so that we can continue to explore our solar system. We also must pursue aggressively space science missions, including the mission to planet Earth, so that we can understand better our changing global environment. And our Nation must continue its investment in space and aeronautical research and technology development to preserve our preeminence in the international marketplace.

However, the Nation's resources are not limitless. Does anyone really think we will have the $25–$30 billion needed to complete the space station during the remainder of the decade? The Congressional Budget Office already has told us that if we take no action at all, the Federal deficit, after dipping slightly, is expected to grow to more than $500 billion in the year 2002. It is absolutely imperative that we do not attempt to accomplish in space that which we realistically cannot afford.

Some have argued that this kind of thinking reflects a failure to look beyond today's problems to the future. They claim that the debate on the space station is really a debate over investment in the future versus current consumption.

Mr. President, to that I only can respond that it makes no sense to spend billions of borrowed dollars on exploring space—purported to help future generations—when we leave our children, and our children's children, with the debt that we compile to get there. To this Senator, that seems to be nothing more than a plan to ensure the long-term economic failure of this Nation.

When first proposed in 1984, the space station was projected to cost $8 billion—and expected to be orbiting the Earth in 1992. NASA's plans now call for an expenditure of $30 billion through the remainder of this decade to build and launch the space station *Freedom*, with at least another $60 billion needed to operate the facility during its 30-year life expectancy. Others, most notably the General Accounting Office, question the accuracy of these figures. The Comptroller General has testified that the space station *Freedom* will cost at least $118 billion to build and operate over the next several decades. But who really knows? There has never been a detailed, comprehensive cost analysis done on this project.

Already, the space station program has gone through an array of redesigns, descopings, and modifications. In fact, of the eight original missions envisioned for the space station, the only surviving justification for its development is as a laboratory to conduct life science and microgravity materials science research. As a result, much of the money invested to date in this program has gone to little more than preparing new designs.

Having been stripped of all other mission responsibilities, the space station is now intended to serve as a research lab. The fact is, however, that the present design has received overwhelming criticism from the scientific community—which is expected someday to use this facility. Among others, the National Research Council continues to express concerns about the scientific capabilities of the space station, noting the reduced crew size, the lack of power, and the delay until after the year 2000 before meaningful life sciences research can be conducted.

No one disputes the importance of research in the areas of life science and materials science. These experts simply question whether the current design of the space station *Freedom* will enable effective research at a cost that can be supported within the realities of the Nation's Federal budget.

We must use common sense. Let us instead invest this $2 billion in other medical research, industrial technology, or space science programs—and perhaps most importantly, in deficit reduction.

Mr. President, as I have stated, I am a strong supporter of space exploration, just like I believe that we should aggressively pursue other programs, like the mission to planet Earth. I share the belief that someday in the future we will return to the Moon and send humans further into our solar system. I fully understand that, in order to do so, we must have more data on how human beings are affected by long-duration space flights.

However, there are other, far less costly, means of accomplishing these objectives. Remembering that the current space station design once was intended to accommodate eight separate missions, it would seem logical that to conduct life science research, a much smaller facility could be developed that fit within the expected availability of Federal funds. With respect to microgravity research, few people expect that this work effectively can be accomplished on the present space station where humans will be located on a permanent basis. A more practical and affordable solution may be free-flying space craft designed solely for that purpose.

Specific alternatives using existing technology have been under consideration for years. Feasibility studies have been conducted by a major aerospace contractor on the possibility of flying two separate space shuttle orbiters into low-Earth orbit, mating them to create an orbiting lab capable of remaining in space for up to 90 days. Pursuing that same theme, NASA's former Deputy Administrator once promoted the possible use of the space shuttle in low-Earth orbit for as long as 9 months.

I fail to see why needed research work cannot be accomplished on the long-duration orbiting space shuttle or through other more cost-effective alternatives. I also fail to see the need for this space station, with its $100 billion price tag.

The time has come to face up to the realities of this program and our current fiscal environment. It makes no sense to borrow hundreds of billions of dollars for this project and burden future generations with additional debt without significant benefits. We should use common sense today and vote to stop funding this costly space station.

Mr. SPECTER. Mr. President, I am voting in favor of the amendment offered by my colleague, Senator BUMPERS, to the Department of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for fiscal year 1993 which would transfer funding from the space station project to veterans-related programs within the Department of Veterans Affairs and to deficit reduction.

The Space Station Program is not without virtues. In the past, our space program has made significant contributions to our Nation and the world. The future of new technologies can be enhanced greatly by advances in space, and I appreciate the need to move forward in science and technology. However, we must continue to make difficult decisions in determining our budget priorities, and I believe that veterans-related programs must be one of our greatest.

As ranking member on the Veterans Affairs Committee, I have traveled to VA medical centers in my home State of Pennsylvania and across the United States. Time after time I have seen outdated equipment and buildings. Personnel at the medical centers have complained about recruitment and retention problems at the centers due to budget constraints. And veterans, those individuals who have won the peace and an end to the cold war, have voiced concerns about care that becomes too difficult for them to obtain.

Each year I have fought for increased funding for veterans' services, specifically in veterans' health care. Current predictions for the Department of Veterans Affairs budget is $34.5 billion, with $14.6 billion going to health care. Some might say that the increases we have had over the last few years are adequate. I do not believe that to be correct.

Health care costs continue to escalate and our Nation's veterans continue to age. The additional moneys provided by this amendment, approximately $262 million to veterans health care and research, gives the Department of Veterans Affairs additional resources to continue to provide the best possible care and services to our veterans.

As most of the Senators in this Chamber know, veterans hold a very special place in my heart because my father, Harry Specter, was a veteran from World War I. Recognizing our Nation's budget constraints and the needs of our veterans' community, I am voting in favor of the amendment offered by the Senator from Arkansas. Serving those who have served our Nation and repaying an unrepayable debt must continue to be a priority.

The PRESIDING OFFICER (Mr. KERREY). All time has expired on the amendment.

Ms. MIKULSKI. Mr. President, I inquire of the Chair: Is there not a few minutes left under general debate provisions?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. How much time?

The PRESIDING OFFICER. The Senator from Maryland controls 6 minutes on the bill.

Ms. MIKULSKI. Mr. President, I yield myself 6 minutes to close the debate.

First, I would like to thank all of my colleagues who have participated in this debate. I would like to thank my colleagues for the cooperation they have given us in the process. Not once during this debate on the space station have we had endless quorum calls eating up time of the U.S. Senate. I would like to thank every Senator who participated for the tone, the quality, and intellectual content that they have presented.

As we come to the close on this most important national decision, I just want to reaffirm my support for the space station.

There were some issues raised earlier about the international commitment, rhetorical questions about where are the Japanese and the Germans.

The Japanese have their own laboratory as part of the United States infrastructure which they themselves are paying. The Germans are part of the European space lab that will also be part of the four-laboratory configuration that will pay. In this, unlike defense, there has been significant burden sharing. The Japanese want to use microgravity laboratories in space to develop new materials so they can leapfrog over the semiconductor manufacturing area, one of the few areas where we have had high-technology superiority.

I could give other examples. But I do believe now the Senate is ready to vote. I ask unanimous consent that facts on the international commitments be printed in the RECORD: A letter from the Canadian Embassy, affirming the Canadian support for the project, and their monetary commitment; the Senator from Utah has included the European Space Agency. I would like these included in the RECORD.

I would also like the letter from the National Space Development Agency of Japan also included in the RECORD affirming their support not only in terms of the diplomatic support but also their monetary support for the space station.

I ask unanimous consent that these documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL COMMITMENTS

In 1988 U.S. made Space Station commitments to: Japan, Canada; 9 members of the European Space Agency: Germany, France, Italy, United Kingdom, Spain, Belgium, Denmark, Holland, Norway.

These commitments include nearly one-half of the Canadian space program and over ⅓ of the budget of Japan's Space Agency.

International partners will pay for $8.4 billion of development costs—⅓ of total development costs.

International partners have spent $2.6 billion already.

Space Station Freedom accounts for nearly half of Canada's space program and ⅓ of the budget of the National Space Development Agency of Japan.

U.S. will get to use 72% of all Space Station resources including 46% of European lab and 46% of Japanese lab.

"[W]e maintain our commitment to the development of the Attached Pressurized Module [the European laboratory] as our contribution to Freedom * * * I trust that the United States will honor its international commitments * * *.—Letter to Representative Brown from J.M. Luton, Director General of European Space Agency, July 2, 1992.

"Canada has steadfastly honored its commitments to Space Station Freedom amidst [its own] budgetary pressures. * * * Canada has continued to stay the course not only because we believe it is important to stand by our commitment but because we regard this project as a critical step in international space cooperation."—Letter to Representative Whitten from Marc Brauly, Charge d' Affairs, Canadian Embassy, July 22, 1992.

"This program is also central to the future partnership between the United States and Japan in the field of space development."—Letter to Representative Foley from Masato Yamano, President of the National Space Development Agency of Japan.

What would be the effect of abrogating our international agreement on this project on other cooperative ventures such as: AIDS Research, Human Genome Project, and Fusion Energy Research?

CANADIAN EMBASSY,
Washington, DC, July 22, 1992.

Hon. JAMIE L. WHITTEN,
Chairman, House Committee on Appropriations, H-218 Capitol Building, Washington, DC

DEAR MR. CHAIRMAN: The House is expected to vote in the near future on continued funding for Space Station Freedom. In anticipation of the possible introduction of an amendment to terminate its funding, I am writing to urge you to support the continued development of this pioneering project at this critical juncture.

We understand that the budgetary pressures currently facing the United States are substantial and present difficult choices for the funding of programs. The United States, however, is not alone in this regard. All of the partner nations in the Space Station are confronted with very restrictive fiscal situations with similarly intractable choices.

Canada has steadfastly honoured its commitments to Space Station Freedom amidst these budgetary pressures. We will have expended C$550 million by the end of 1992 towards the development of the Mobile Servicing System. Further, while the 1991 restructuring of the project required us to make difficult technical adjustments at substantial cost, we made those changes needed for the project.

Canada has continued to stay the course not only because we believe it is important to stand by our commitment but because we regard this project as a critical step in international space cooperation. Much of the important science and technology work needed by our countries in the coming decades will only be feasible through international collaboration. Space Station's success will be pivotal in fostering this cooperation.

The Congress has the opportunity at this stage to reinforce the United States leadership in manned space flight by sustaining its funding for the Space Station. I urge you and your colleagues to support this key decision.

Yours sincerely,

MARC BRAULT,
Chargé d'Affaires, a.i.

EUROPEAN SPACE AGENCY,
Paris, July 22, 1992.

Hon. GEORGE BROWN,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BROWN: For the second time in the current Congressional budget cycle, I find myself writing to you concerning the International Space Freedom programme. My first communication was prompted by a threat to cancel the programme during House floor action on NASA's FY93 Authorization Bill. Fortunately the Roemer Amendment was defeated by a substantial margin.

At that time I stated that our participation in Freedom forms an integral part of the European space effort. I also pointed out that our Industrial Policy committee had authorized the placing of contracts with industry for the development of Columbus elements, at a time when Europe is facing constrained space budgets and debating the future direction of its space cooperation.

These budgetary constraints are leading to major revisions in the Agency's Long Term Space Plan, which we are currently reviewing with our Member States. In making such revisions Europe has been forced to extend the scale for achieving its ambitions, particularly as regards the development of an autonomous capability for manned operations.

However, while carrying out this exercise we have remained conscious of the importance of Space Station Freedom as the next major step in the manned exploration of space and of the obligations we have undertaken, to our Station partners, through our signatures of the Intergovernmental Agreement and ESA/NASA MOU. We have therefore made every effort to ensure that, whatever the necessary revisions to our Long Term Space Plan, we will maintain our commitment to the development of the Attached Pressured Module as our contribution to Freedom, on a schedule as agreed with NASA.

While I certainly have no intention of proposing to the Congress the manner in which it should deal with the current fiscal situation in the United States, I trust that the United States will honor its international commitments and that this will result in the allocation of the necessary financial resources to you portion of the Freedom programme.

In this way we will be able to continue to implement what is often referred to as the largest scientific and technical cooperation ever undertaken and will demonstrate our reliability as partners in this very important endeavour.

Yours sincerely,

J.M. LUTON,
Director General.

NATIONAL SPACE DEVELOPMENT
AGENCY OF JAPAN,
Tokyo, Japan, July 29, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. FOLEY: This letter is to express my grave concern about the current situation the budget for the Space Station Freedom Program is encountering during the coming budget processes in the US House of Representatives.

This Program has been conducted since 1985 when NASA and other International Partners started the SSFP preliminary design. The National Space Development Agency of Japan (NASDA) is deeply committed to this program to the extent that any adversity in the United States Program seriously affects the Japanese space program.

The Intergovernmental Agreement on Cooperation in the Space Station Program entered into force between Japan and the US this January thirtieth. Based upon the Agreement, the Science and Technology Agency and NASDA are now strenuously conducting the development of the Japanese Experiment Module (JEM).

This JEM Program is the centerpiece of the Japanese space development program, and has grown to require one-third of the annual NASDA budget. NASDA has already completed the JEM Preliminary Design Review and has proceeded to the critical design of the Engineering Model. In so doing, NASDA has made contracts equivalent to forty percent of the total JEM development cost. NASDA further expects that this figure will reach fifty percent by the end of fiscal 1992.

Convinced that the Space Station Program is essential to extend human presence in space, NASDA is most eager to successfully complete the Program through the cooperation with the United States and other partners. This Program is also central to the future partnership between the United States and Japan in the field of space development.

I therefore hope that you will support the stable implementation of the Space Station Program.

Sincerely,

MASATO YAMANO,
President.

Ms. MIKULSKI. Mr. President, I think that really concludes the debate for this year on the space station. I hope it concludes it permanently.

Now I look forward to a vote on the issue.

Mr. President, I yield the remainder of the time. I believe the yeas and nays are called for.

Mr. BUMPERS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—34

Baucus
Bradley
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
DeConcini
Dixon
Exon
Ford
Fowler
Harkin
Hollings
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mitchell
Nunn
Pryor
Reid
Rockefeller
Sanford
Sasser
Simon
Specter
Warner
Wellstone

NAYS—63

Adams
Akaka
Bentsen
Bingaman
Bond
Boren
Breaux
Brown
Burns
Coats
Cochran
Craig
Cranston
D'Amato
Danforth
Dodd
Dole
Domenici
Durenberger
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Riegle
Robb
Roth
Rudman
Sarbanes
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Wirth
Wofford

NOT VOTING—2

Biden
Gore

So the amendment (No. 2956), as modified, was rejected.

Mr. GARN. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. Mr. President, the Senate is now considering the VA-HUD-independent agencies appropriations bill reported by the Senate Appropriations Committee.

This bill provides $85.6 billion in new budget authority and $46.3 billion in new outlays for fiscal year 1993 for the programs of the Department of Veterans Affairs, the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the National Science Foundation, the Environmental Protection Agency, the Federal Emergency Management Agency, and other independent agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill, as adjusted, totals $89 billion in budget authority and $86.4 billion in outlays for fiscal year 1993.

The distinguished chairwoman has noted the challenge it has been to produce a balanced bill within the subcommittee's section 602(b) allocation.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep spending within its allocation.

With the adoption of the managers' amendment, the committee will have addressed funding requirements for two programs, which I believe deserve the Senate's ongoing support.

First, the committee has restored necessary funding to continue grants to homeless shelters around the country. This action is critical in view of the fact that the House reduced funding for this essential program, and it is not yet clear whether or not the Congress will act on the housing reauthorization bill, which includes action on homeless programs.

Second, the managers have graciously accepted my amendment to continue the successful collaboration between the Department of Housing and Urban Development and the Farmers Home Administration in providing housing vouchers for use in rural areas. I thank them for their support for this innovative approach to addressing housing needs in our rural communities in a cost-effective manner.

To fashion this bill, the subcommittee used several budget practices to minimize fiscal year 1993 outlays.

This year the subcommittee has included legislative provisions to achieve program savings to help offset some of the $1.2 billion increase in the veterans medical care account. These legislative changes will result in budget savings, and the subcommittee is appropriately given credit for these actions in its bill.

In order to minimize the outlay impact of this bill, the committee has recommended the delay of obligations amounting to $496.9 million: $476.9 million for VA medical care; and $20 million for VA general administration.

This approach to budgeting has now become part of the base program, as Congress has for the third year assumed such delays in the obligation of funding. I hope this will be the last year Congress employs this device, and that we will return to budgeting on the basis of program need rather than budget expediency.

The subcommittee provides an advance appropriation of $450 million for fiscal year 1994 for the renewal of expiring section 8 subsidized housing contracts, which will also shift expenditures into future years.

Also within the Department of Housing and Urban Development, the subcommittee approves legislative language to increase the FHA single-family mortgage insurance limit from $125,000 to $151,000. This action will result in $44 million in outlay savings, which are also used to offset spending in this bill. Such premiums, however, are designed to go back into the FHA program to replenish the fund and cover default costs.

Within the National Science Foundation, there are two programs related to the U.S. presence in Antarctica. The Senate bill does not fund the logistical support program with the expectation that these funds will come from the Department of Defense as Congress has assumed in previous years. I believe there remains a question as to whether these funds can appropriately be defined as defense-related spending.

Finally, the subcommittee assumes that $55 million will be provided through the defense budget to finance defense conversion engineering traineeship activities through the National Science Foundation. The Congress assumes that such funding will indeed be provided under the defense spending cap. However, OMB has indicated that it will consider such activities to be domestic discretionary spending.

To ensure that these funds are not counted against its budget allocation, the subcommittee includes bill language stating that these funds may not be used unless such expenditures are determined by OMB to be counted against the defense spending cap.

In the latter two actions, the committee assumes that the Congress will take money from the defense budget and use it for domestic discretionary programs. Under OMB's interpretation of these provisions, this action will violate the bipartisan budget agreement which established three separate spendings caps—on defense, international affairs, and domestic discretionary spending.

The action taken in this bill, and in others containing defense economic conversion initiatives, may well delay the final disposition of the fiscal year 1993 bills.

I thank the President for this time to discuss the bill, and I yield the floor.

Ms. MIKULSKI. Mr. President, in a few minutes, the Senator from Arizona will be offering an amendment.

In the meantime, though, I ask unanimous consent that the following amendments be stricken from the list of amendments in order, since I understand they will not be offered:

There are two Bingaman amendments relating to drinking water; two Domenici amendments related to EPA.

I would note that Senator DECONCINI does intend to offer his safe drinking water amendment, but he does not intend to offer two others on EPA and related to the Southwest Center.

Senator WIRTH does not intend to offer his green lights amendment; Senator REID does not intend to offer his green lights amendment; and all amendments remaining by Senator GRAHAM of Florida will not be offered.

I ask that those amendments be stricken from the unanimous-consent request.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Parliamentary inquiry, Mr. President. I understand there is a unanimous-consent agreement for 90 minutes, equally divided, on my point of order. Is that correct?

The PRESIDING OFFICER. There is an order that provides for the debate on the appeal on the point of order.

Mr. McCAIN. I understand.

Mr. President, I raise a point of order against H.R. 5679, the VA-HUD and independent agencies appropriations bill, based on its failure to comply with the particularity requirement of paragraph 7 of rule XVI of the Standing Rules of the Senate, as is my right.

Mr. President, before the ruling of the Chair, may I proceed with a statement? Is that in order?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. McCAIN. Thank you Mr. President.

I would like to say to the distinguished chairwoman and the ranking member of the subcommittee that I do not intend to take 45 minutes on this. I hope to dispense with it as quickly as possible.

Mr. President, on July 28 this year, I addressed this body about the appropriations process. I discussed rule 16 and the need for this body to comply with its rules in the appropriations process. At this time, I mentioned how opponents of the line-item veto suggested that the rules of the Senate are sufficient to control the appropriations process without giving the President the line-item veto.

In fact, during the debate on the line-item veto in February, my esteemed colleague, Senator HATFIELD, stated:

> I suggest that the advocates of this proposal (the line-item veto) take better advantage of the existing rules and procedures of the Senate to advance their cause. There is still unlimited debate in the Senate. Senators can exercise their rights under the rules to take all the time they want to examine bills and reports, raise questions, offer amendments, and round up votes. I am confident that the proponents of this proposition, and their capable staffs, are fully able to identify provisions of appropriations bills and reports that they find objectionable, and craft amendments to resolve those objections. Let them offer those amendments, and let us vote.

I thank the Senator from Oregon for his sound advice. I would like to inform my colleagues that I will take every opportunity to exercise my rights to ensure that the rules and procedures regarding the general appropriations process are followed.

Mr. President, I have spent a great deal of time examining the appropriations bills and reports that have come before the Senate this year. I have examined them with special attention to paragraph 7 of rule 16. Senate Report 102–356, that accompanies H.R. 5679, is not in full compliance with paragraph 7 of rule 16.

Specifically, the report notes on page 178 that $319,200,000 would be appropriated for the construction of facilities for the National Aeronautics and Space Administration and that these funds are unauthorized. However, the report fails to note with particularity what the full $319,200,000 will be spent on.

What will $319,200,000 of unauthorized appropriations fund? Surely, the Committee on Appropriations knows with particularity what the noted $319,200,000 will fund.

Mr. President, if you turn to page 153 of the report you may get a vague idea of how we plan to spend a portion of the $319,200,000 of taxpayers money on unauthorized construction.

The only explanation offered by the Committee on Appropriations fails to note with any kind of particularity what the full $319,200,000 will fund. According to the report on page 153:

> The Committee recommends the following changes to the budget request:
>
> +$25,000,000 for aeronautics facilities improvements consistent with expanded plans for the high-speed commercial transport [HSCT] initiative and relative activities. Funds should not be obligated until a specific plan for aeronautical facility improvements is submitted to the Committees on Appropriations for their approval.
>
> +$25,000,000 for the advanced solid rocket motor facility and associated plant and equipment requirements.
>
> +$50,000,000 as a general reduction, taken at the agency's discretion, subject to the normal reprogramming guidelines.
>
> The Committee has denied all earmarks recommended by the House.

Mr. President, the report tells this body that two different programs will respectively receive $25 million increases from requested levels while there is a $50 million general reduction taken at the agency's discretion and subject to reprogramming requirements.

The report does not explain with particularity what will be reduced or eliminated by the $50 million reduction. It does not account, with particularity, for the remaining $269 million of unauthorized spending. What are we funding with this $269,200,000?

What facilities will we construct? Where will we construct them? Will this money even be spent on construction?

Mr. President, I believe that a correct reading of the "with particularity" provision of rule XVI requires more than a vague and incomplete description of how $319,200,000 will be spent. An exacting description of how we will spend taxpayers' dollars is required.

In a letter to Senate Majority Leader Mansfield dated June 19, 1970, chairman of the Appropriations Committee, Senator Russell, stated his views on Senator Mansfield's proposed and later accepted provision to rule XVI. He stated:

> Rule XVI of the Senate relates to amendments to appropriation bills. I am directing the staff of the Committee on Appropriations to comply precisely with the intent of your resolution immediately insofar as amendments to appropriation bills are concerned. In the future, each report accompanying an appropriation bill from this committee will explain with particularity each item where there is no authorization.
>
> In the report accompanying the second supplemental appropriation bill, which was filed with the Senate by this committee on June 8, you will observe on page 13 that language has made it clear there was no authority for the appropriation of $250 million recommended by the committee for the foreign military credit sales program. This will be the future procedure on all committee amendments in all of the bills.

Mr. President, Chairman Russell makes clear his interpretation of the future addition to rule XVI. He directed the Appropriations Committee to fully comply with the future paragraph 7 months before its adoption. He also gives examples of how to specifically and completely to comply with the "with particularity" provision. The report before us today simply is in violation of paragraph 7 of rule XVI as understood by Chairman Russell.

I would like to further quote from that June 19 letter to show how strongly the chairman of the Appropriations Committee felt about full compliance with the addition to rule XVI. He stated:

> With the policy being followed by the Committee on Appropriations of the House of Representatives and with the new policy which I have just invoked for the Committee on Appropriations of the Senate, I believe the House and Senate will be advised of any appropriations recommended of interest where there is no authorization legislation. Nevertheless, I have instructed the staff of the committee to examine into all language in the bills for the fiscal year 1971, whether the language was included in the bill in the House or in the Senate, and to secure whatever information is available on all of those items where there is no authority.

The chairman of the Appropriations Committee in 1970 felt that the committee should secure whatever information is available on all those items where there is no authority. I am as certain that the report before us is not in compliance as I am that the Appropriations Committee has not secured whatever information is available on all unauthorized items. How will NASA spend the unaccounted-for $269,200,000?

Mr. President, this report does not state "with particularity" what the above unauthorized spending will fund. The legislation before the Senate should be returned to the calendar pursuant to rule XVI to afford the committee the opportunity to correct the report and comply with rule XVI.

Mr. President, I would like to add that I am raising this point of order against this bill to ensure that the Senate adheres to the letter and spirit of its rules when making appropriations. I harbor no animus toward the many agencies funded by this bill. Nor do I harbor any animus toward the distinguished members of the VA, HUD, and Independent Agencies Subcommittee. I am here to ensure that this body complies with the Standing Rules of the Senate.

Let me refresh the Senate's knowledge of paragraph 7 of rule XVI. It states:

> Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

In its failed effort to comply with paragraph 7 of rule XVI, the committee in its report does not quote the entire rule. It should come as no surprise that the portion of the rule that the committee failed to quote deals with the requirements of particularity.

On page 177 of Senate Report 102–356, the committee quotes only the following portion of paragraph 7 of rule XVI:

> Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill "which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The committee fails to mention that the rule stipulates that those unauthorized items shall be identified "with particularity." The report fails to fully comply with paragraph 7 of rule XVI.

Mr. President, I have examined every report on every general appropriation bill that has come before this body this year. The bill before the Senate today is the only one that has clearly violated paragraph 7 of rule XVI.

For instance, the report that accompanied the energy and water development appropriation bill, in compliance with paragraph 7 of rule XVI, notes unauthorized items of spending with particularity. On page 191 of Senate Report 102–344 the committee states:

> On page 74 (of H.R. 5373), under Appalachian Regional Commission, $190,000,000 is recommended for regional development and highways programs for which there is no authorization.

The committee notes with specificity where in the appropriation bill to find the item and what item it is funding. All unauthorized spending is treated in a similar fashion.

The report that accompanies H.R. 5487, the Agriculture appropriation bill also notes with particularity items of unauthorized spending.

For example, on page 147 of Senate Report 102–334, it states:

> The Committee recommends $142,912,000 for elderly feeding program. Section 311, paragraph a, subparagraph 4 of the Older Americans Act of 1965, as amended, 42 U.S.C. section 3030a, paragraph a, subparagraph 4, authorizes appropriations for the Nutrition Program for the Elderly, Public Law 100–175 (101 Stat. section 933). This authority expires September 30, 1992.

I applaud the work of the Committee on Appropriations for their efforts to comply with rule XVI on the appropriations bills that have come before the Senate prior to the consideration of the legislation we are considering today.

But, the legislation before us today is in clear violation of paragraph 7 of rule XVI, and should be corrected before we ask this body to consider this legislation without full knowledge of what it contains and what activities we are funding.

The decision of the chair on this issue will set a historic precedent for the Senate. Rule XVI, paragraph 7 was a creation of Senators Mansfield and Russell, two outstanding and notable Senators. Again, to quote from the letter from Chairman Russell to Majority Leader Mansfield:

> In the future, each report accompanying an appropriation bill from this committee will explain with particularity each item where there is no authorization.

Chairman Russell also stated that the required explanation should include whatever information is available on all those items where there is no authority.

Mr. President, Senator Russell carefully chose the word "explain." He could have easily chosen the word "list," but chose not to. According to the Random House Dictionary, "explain" means to "make known in detail." Particularity means "fastidiousness" or "a meticulous attention to detail."

Mr. President, as I have pointed out, other Appropriations Committee reports have followed the rule set forth by Senators Mansfield and Russell. This report does not. Therefore, Mr. President, this bill must be returned to the calendar.

So, Mr. President, I raise a point of order against H.R. 5679, the VA, HUD, and independent agencies appropriation bill, based on its failure to comply with the particularity requirement of paragraph 7 of rule XVI of the Standing Rules of the Senate, as is my right.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to speak against the point of order before the Chair so rules.

Mr. President, as the Chair reviews the parliamentary precedence on this, I would like to offer my own analysis which is that the point of order offered by the Senator from Arizona is not well taken.

Rule XVI of the Senate does require the Appropriations Committee to identify "with particularity those items in an appropriations bill that are unauthorized." I bring to the Chair's attention that on pages 177 through 179, we identify those 38 accounts that are unauthorized. All but three of those accounts were in last year's bill.

Most of these activities are not authorized because of several factors: One, the housing authorization bill has not passed the Senate. Also, the NASA authorization bill has not passed the Senate, and yet we must proceed.

The fact that these bills have not passed is not due to me or to my colleagues on the Appropriations Committee.

In addition, I would bring to the attention of the Senator from Arizona that as he talks about unauthorized activities, he asked, as part of his service to Arizona, for an unauthorized EPA project in the managers' amendment.

Finally, let us go back to rule XVI. It requires us to identify all unauthorized activity. But as I recall Senate rule XVI, it does not require us to explain it. So when the Senator refers to the fact in the report it is not explained, he is right, but we are not required under rule XVI to do it. Senate rules do not prohibit appropriations for unauthorized activities. The rules only say that you must identify those unauthorized projects. I believe we have done so.

The point of order is not well taken. I urge the Chair to rule against the point of order.

Mr. COATS. Mr. President, I rise to support the point of order motion by the distinguished Senator from Arizona regarding the VA/HUD and independent agencies appropriations bill.

In addition, I congratulate the Senator from keeping the issue of appropriating funds without the benefit of an authorization at the forefront of our attention as we move through the appropriations process.

As my colleagues are well aware, for the past 12 years I have had the opportunity to introduce and advocate—in coordination with the Senator from Arizona—a bill to provide the President with a legislative line-item veto.

The necessity for such legislation exists because Congress has consistently proved itself incapable of controlling the proliferation of wasteful, special interest pork-barrel expenditures. The primary vehicle for the enactment of pork is this ever-present practice of appropriating without any overview by the authorizing committees.

In fact, early this year the General Accounting Office estimated that, had the President had the power of a line-item veto from 1984 through 1989, some $70 billion in Federal spending would have been saved.

Appropriations for studies on song production in freely behaving birds; prickly pear cactus research; bike paths; unrequested grants and unnecessary buildings or so-called research facilities are becoming legendary. Last year, for example, we saw $10 million appropriated to a small school for a study on military stress on families. This $10 million equaled one-third of the school's total budget.

I understand that one man's port may be another man's salvation, and I am not going to stand here and pass judgment on the worthiness of these items. Theoretically the Congress is supposed to have a system in place designed to evaluate whether or not projects or studies or whatever are worthy of funds which come directly from the pockets of the American taxpayer.

Part of this process includes a determination of need by the agency administering related funding or programs. We all know, however, that Congress and the administration are not always in agreement with regard to the needs of the country and constitutionally we have a right to a difference in opinion.

Within Congress, however, items are not only supposed to receive the support of the Appropriations Committees. They must also survive the oversight of the related authorizing committee or committees.

This procedure is supposed to be one of our most important and fundamental self-policing apparatuses to protect against violations in the public's trust in Congress' role as "the controllers of the Federal purse strings." In subjecting budgetary requests to the scrutiny of two or more congressional committees, we seek to maintain a better handle on wasteful spending so hard-working taxpayers can know that the large chunk of their paychecks which goes to taxes is being wisely spent on worthy programs.

The habit of circumventing the authorizing committees to surreptitiously pursue pork barrel spending is one that must change before we can ever restore the American public's trust in this institution.

I cannot even comprehend how Members of the majority party can continue to contemplate any kind of tax increase on the American public while at the same time condoning funding to study the mating habits of swordfish or potato research.

An amendment that I offered last year to the so-called dire emergency supplemental appropriations bill of March 1991 clearly illustrates business as usual pork practices that are now so common in this body.

I proposed to delete specified funding for a ship overhaul. Not only did the Navy strongly oppose the extensive overhaul that was mandated, but the project had been tucked into the appropriations bill without any discussion whatsoever in either of the House or Senate Armed Services Committees. I pointed out that the merits of this sizable project should receive some review by the appropriate committees before it was approved.

A good number of my colleagues agreed and my amendment passed with a healthy majority of 56 votes. Yet when the doors closed on the conference committee, the funding was quietly restored to the bill without debate.

Mr. President, among other things, rule XVI of the standing rules of the Senate mandates that "the Appropriations Committee shall identify with particularity, each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session." This rule is an important factor in controlling or restraining appropriations that haven't been authorized.

The point of order that we are presently debating correctly notes that this bill report does not comply with this rule and should be corrected before it is approved by the Senate.

Until we can abide by our own rules and procedures—our own checks and balances—to operate as responsible purveyors of the Federal Government's annual appropriations, we cannot expect to make any progress toward balancing our Federal budget. And we certainly cannot expect to earn the respect of the American taxpayer.

I urge my colleagues to support the point of order offered by the Senator from Arizona.

The PRESIDING OFFICER. This is an issue apparently of first impression and one in which there is sparse legislative history. Rule XVI, paragraph 7, requires that reports on general appropriations bills filed by the Committee on Appropriations "shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, treaty stipulation or an act or resolution previously passed by the Senate during that session." The question turns on the meaning of particularity.

There is no prohibition in the rules of the Senate against the Appropriations Committee recommending appropriations for activities that are not authorized. Paragraph 7 of rule XVI, however, does require that the committee identify those amendments with particularity that it is proposing to the full Senate that provide appropriations for unauthorized programs.

It seems that this paragraph of the rule was intended to put Senators on notice that certain designated committee amendments contained funding for unauthorized programs so that Senators could join the issue when the bill was considered by the full Senate.

It appears, in the opinion of the Chair, that the report does identify with particularity for the purpose intended the committee amendments which provide appropriations for unauthorized programs. Therefore, the Chair must rule that the point of order is not sustained.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, obviously I am in disagreement with the ruling of the Chair. I regret very much that we seem to have a sort of Alice in Wonderland use of the English language because I do not believe any rational person would view "construction of facilities," $319.2 million, as being identified with particularity, nor would anyone who examined the letter from Senator Russell to Senator Mansfield in 1971 where he states:

> Nevertheless, I have instructed the staff of the committee to examine all language of the bills for fiscal 1971 where the language was included in the bill in the House and the Senate and to secure whatever information is available on all of those items where there is no authority.

So if the ruling of the Chair is correct that this has been identified with particularity, then all of the information that the Appropriations Subcommittee has is three words, construction of facilities. It is clearly an indication of the problem we have in Washington.

I am convinced that most Americans would think that before we spend $319.2 million that we should have a better explanation than three words.

I understand the ruling of the Chair. It was not unexpected by me. But I do not think anyone in this body should then be surprised at the hilarity and dismay with which the average American voter will view something like this where we can now describe particularity in three words, construction of facilities, as ample justification for the expenditure of $319.2 million while keeping with the words of one of our most distinguished Members ever, to another one when he stated "to secure whatever information is available on all of those items where there is no authority"—"whatever information available." I am sorry there were only three words that were available.

I would just again say to the distinguished Chairwoman, it is not that I have a problem with unauthorized legislation or amendments. I have none whatsoever, because I understand that that is the present state of the rule of the Senate and I abide by the rules, even if I do not happen to agree with them. But my problem is the identification of unauthorized spending because the voters of America, the citizens of this country really deserve to know how their dollars are spent, and their only method for doing so is contained in this bill where we see hundreds of millions of dollars identified in three words; not previously authorized, no previous legislation, no debate, no discussion, unless it is requested on the floor of the Senate. And clearly, I understand their frustration and their anger. The ruling of the Chair will also help them understand better how we get a $4 trillion debt and a $350 billion annual deficit, when hundreds of millions of dollars are identified by the ruling of the Chair, the Parliamentarian, particularity with three words.

So, Mr. President, I do not intend to appeal the ruling of the Chair because I know how the vote will go. But I would like to serve notice to my colleagues that when we allow this kind of distortion of the English language, this kind of appropriations of hundreds of millions of dollars with a three-word description, which then fulfills a requirement for particularity, then I feel compelled to bring up the line-item veto again and again and again until we get some semblance of financial order out of the chaos and the disgraceful condition that exists today.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back her time?

Ms. MIKULSKI. I yield back my time.

The PRESIDING OFFICER. All time on this issue has been yielded back. Are there further amendments?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2960

(Purpose: To limit the increase of single-family residence mortgage insurance limits for first-time homebuyers)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2960.

Mr. SYMMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. LIMIT THE INCREASE OF MORTGAGE INSURANCE LIMITS TO FIRST-TIME HOME BUYERS.

On page 43, beginning on line 7, strike "*Provided,*" and all that follows through the end of line 10 and insert the following: *Provided,* That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by inserting after "value in excess of $25,000." The first place it appears the following: "Notwithstanding the preceding sentence, if the mortgagor is a first-time home buyer, involve an".

On page 44, line 5, insert after the colon the following: *Provided further,* That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "For purposes of the preceding sentence," and inserting the following: "For purposes of this paragraph, the following definitions shall apply: the term 'first-time home buyer' means an individual (and his or her spouse) who has not owned a home during the 3-year period prior to insurance of a mortgage under this section, except that (A) any individual who is a displaced homemaker may not be excluded from consideration as a first-time home buyer under this section on the basis that the individual, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse, and (B) any individual who is a single parent may not be excluded from consideration as a first-time home buyer under this paragraph on the basis that the individual, while married, owned a home with his or her spouse or resided in a home owned by the spouse; the term 'displaced homemaker' means an individual who (A) is an adult, (B) has not worked full-time full-year in the labor force for a number of years, but has, during such years, worked primarily without remuneration to care for the home and family, and (C) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; the term 'single parent' means an individual who (A) is unmarried or legally separated from a spouse, and (B)(i) has 1 or more minor children for whom the individual has custody or joint custody, or (ii) is pregnant; and the term 'principal residence' means that the property securing the mortgage is a single-family residence or unit in a cooperative, and is the principal residence of the mortgagor.": *Provided further,* That the amendments to section 203(b)(2) of the National Housing Act made under this heading shall remain in effect until October 1, 1994.

SEC. 2. DELAY UP FRONT MORTGAGE PREMIUM DECREASE.

The transition provisions accompanying section 203(c)(2) of the National Housing Act is amended by inserting after "For mortgages executed during fiscal years 1991 and 1992" the following: "and the first month of fiscal year 1993 with respect to the up-front premium payment only." and by inserting after "For mortgages executed during fiscal years 1993 and 1994" the following: "except with respect to the up-front premium payment for the first month of fiscal year 1993 as described under section (b)(1) above."

Mr. SYMMS. The HUD-VA appropriations bill, which we are now considering, raises the loan limits of the Federal Housing Administration's Single-Family Mortgage Insurance Program [FHA] to the lesser of 95 percent of median home price or 75 percent of the Freddie Mac limits. The effective new limit will be $151,725 in high-cost areas and would rise or fall every year as Freddie Mac's limits rise and fall.

I have a great deal of respect for the managers of the bill, but I do have some problems because while the appropriations bill does require a 10-percent downpayment on the amount of the loan above $125,000, FHA will still be able to insure loans with a loan-to-value ratio of 98.5 percent.

The amendment I am offering today will target the raise in the limits to first-time home buyers only. First-time home buyers are defined as someone who has not owned a home in the last 3 years, unless the person is a displaced homemaker.

Raising FHA's loan limits to 75 percent of the Freddie Mac limit in high cost areas, as I mentioned earlier, raises the limits to $151,725. This represents a 22-percent increase over the present limit, which was set in 1990. And in 1990, we raised the limit approximately 24 percent. This is at a time when according to the National Association of Realtors, housing prices have only risen 5 percent since 1990.

If we are willing to dramatically expand FHA in high-cost areas, then that expansion should benefit first-time home buyers only. FHA was designed to serve low- and moderate-income people and first-time home buyers. Its subsidy features enable these groups of people to purchase homes they might not otherwise be able to afford. In particular, FHA's subsidy features are designed to help first-time home buyers because FHA's downpayment requirements are much lower than those required by the private sector. First-time home buyers naturally have the most difficulty in accumulating a downpayment and closing costs since they have not built up equity in previously owned homes.

However, in raising the limits so substantially, we risk that FHA will be pushed to people who do not need a Government program to buy a home. A borrower needs a $65,000 income to support a loan of $151,725, with the minimal downpayment requirements of FHA. Only about 15 percent of the households in this country earn more than $65,000 a year. To ensure that FHA continues to serve its historical role, this substantial raise in the limits must at least be directed to first-time home buyers.

Raising FHA's loan limits will not bridge the housing affordability gap. Higher loan limits do not make expensive houses more affordable. The only home buyers who can afford to take advantage of the proposed increase in the FHA mortgage limits are those families earning at least $65,000 a year. And as I mentioned before, only 15 percent of all households earn more than $65,000 a year and only 8 percent of black and Hispanic households have this level of income.

At a time when the administration and Congress are searching for ways to help more people attain a stake in the American dream, it is inconceivable that Congress would direct a Federal program to the wealthiest segment of the population. In 1990, only 15 percent of U.S. households had incomes between $50,000 and $75,000 while 75 percent of U.S. households had incomes below $50,000. More importantly, in 1990, 82 percent of families with incomes between $50,000 and $75,000 already owned their own homes and by comparison, only 57 percent of families earning less than $50,000 year own their own homes.

The proposed raise in FHA's loan limits directs FHA to a higher income segment of the population. The maximum FHA mortgage limits since 1971 have been set at between 300 percent and 380 percent of the median family income. The current limit of $124,875 is 353 percent of the 1990 median family income. Raising the limit to $151,725 would set the FHA limit at 429 percent of median family income! Never, in the recent past, have FHA mortgage limits been set at so high a level to benefit high income families as would be the case if FHA's limits are raised to $151,725. So, at the very least, we should insure that this increase is directed to first-time home buyers.

I will submit for the RECORD as attachment A a chart detailing the maximum FHA mortgage since 1972, the median family income that limit was directed to and the income needed to support a mortgage at the maximum FHA limit.

FHA presently is not doing an adequate job of serving those most in need. The Annual Civil Rights Report to Congress showed that the vast majority of FHA's 1991 loans went to nonminority home buyers. In fact, 81.1 percent went to whites, 8.3 percent to blacks. Over four-fifths of FHA borrowers were male. I will submit for the RECORD as attachment B an excerpt from the Housing Development Reporter detailing these statistics.

The recently released data collected under the Home Mortgage Disclosure Act [HMDA] indicates that FHA is not doing an adequate job of serving low-income people. First, the HMDA data on income and loan applicants shows that over 60 percent of the applications from low-income borrowers went to conventional loan sources as compared to Government-backed sources. Likewise, 58 percent of moderate-income applicants; that is, families having between 80 percent and 100 percent MSA median income—applied for conventional loans as compared to Government-backed loans.

Second, even though we would expect Government-backed mortgages to appeal to individuals buying homes in low- and moderate-income areas—which is a census tract where the median income is less than 80 percent of the median income for the entire MSA—we find instead that these low- and moderate-income areas are being primarily served by conventional mortgage entities. The HMDA statistics show that 70 percent of the approved loans reported in low- and moderate-income areas were conventional loans and only 30 percent were Government-backed loans.

An analysis of the HMDA data on South Central Los Angeles by a private consulting firm for the California League of Savings Institutions shows that 95 percent of all one to four family mortgages in that area of Los Angeles were conventional loans. Only 4 percent were FHA insured.

More alarming is the overall decline in the number of FHA-insured loans designed to serve low-income people. According to FHA's own data, FHA mortgages with a 3-percent downpayment with values under $50,000 for the period from 1987 through 1991, steadily declined. The decline in these mortgages began in the first quarter of 1990, and continued throughout 1990 and 1991—the last time Congress significantly increased the FHA limits.

Since FHA offers a variety of subsidy features, any increase in the loan limits should be available only to first-time home buyers. Its subsidy features make it a natural aid to affordability. A very low downpayment requirement is FHA's primary subsidy feature. Under the HUD–VA appropriations bill, FHA will be able to insure mortgages where the loan-to-value [LTV] is as high as 98.5 percent. A privately insured loan must have no greater than a 95-percent LTV.

The private sector insurance companies, as required by State insurance laws in all 50 States, require that the minimum real loan to value ratio on any loan be 5 percent—which means that the borrower cannot finance in closing costs or insurance premiums with a 5-percent downpayment on the home loan. FHA, however, allows the borrower to finance all of the up-front insurance premium and 43 percent of the closing costs, and not consider it part of the loan-to-value ratio. Because of this subsidy feature, FHA is likely to experience much greater default rates than the private sector. I am submitting a chart attachment C comparing these statistics for the RECORD.

Furthermore, when the history of the LTV requirements for FHA loans is reviewed, it shows that the present LTV requirements are the lowest in FHA's history. As a result of these very low equity requirement, FHA loans originated today are the riskiest in FHA's history.

LTV is the key determinant of default. It is a well accepted fact that the lower the downpayment, the greater the likelihood of default. Mortgage insurance industry statistics confirm this fact. Industry data submitted to FHA, shows that the cumulative claim rates for all privately insured loans originated from 1977 to 1987, as of June 30, 1991, with a 95-percent loan to value ratio had claim rates that were about double that of loans with a 90-percent loan-to-value ratio.

Other subsidy features of FHA include the fact that borrowers can finance part of their closing costs. With privately insured loans, borrowers must pay all of their closing costs in cash, even if they put 10 percent down. In addition, FHA covers 100 percent of the loan amount when default occurs. Private insurers only cover 20 percent to 25 percent of the loan amount. The 100-percent coverage substantially lowers the risk to lenders when borrower default occurs and, therefore, lenders are less likely to carefully underwrite an FHA loan.

Since FHA offers significant subsidy features which place a great risk on the financial viability of the program, any expansion of FHA in high cost areas should benefit first-time home buyers only.

In 1990, when Congress was debating how to reform the program, FHA was losing about a million dollars a day. Unfortunately, FHA continues to have financial difficulties. In March, Secretary Jack Kemp released an update of the Price Waterhouse actuarial study of FHA. It concluded that FHA's net worth at the end of fiscal year 1990 was negative $2.7 billion. FHA's capital ratio was negative 0.88 percent. In addition, the audit of FHA for fiscal year 1991 shows that the equity in the mutual mortgage insurance [MMI] fund, which backs FHA, fell from $925 million to $871 million.

Raising FHA's loan limits will worsen FHA's financial condition in two ways. First, FHA insures 100 percent of the loan amount when default occurs. Therefore, if the limits are raised to $151,725—a 22-percent increase over the existing limits in high cost areas—FHA will have to pay much larger claims. Since the HUD–VA appropriations bill does not raise the equity requirements of FHA insured loans, defaults will continue to be very high. FHA will then be paying claims on much larger loans.

Second, raising FHA's limits is likely to result in more claims because the private mortgage insurance industry raw data—the only industry that has actual experience in insurance higher priced homes—showed that higher balanced loans default more than lower balanced loans. The raw data submitted to the GAO shows that claims rates rise when loans reach about $125,000.

Why is this the case? The private mortgage insurance industry discovered that buyers of moderate priced homes view their homes as basic shelter, not as an investment. They will repay their mortgage loans not because it is a good investment, or because it is cheaper than renting, but because it is their family's shelter.

The myth that has been perpetuated for years that high-income people are better credit risks than low-income home buyers, and therefore provide a cross-subsidy in the insurance fund is just that—a myth. The reality is that high-income people buy for an investment, as well as shelter, and tend to bet on the come—the bigger bonus, the promotion with a larger salary, and so forth. Low- to moderate-income home buyers buy for shelter, and they buy what they can afford because they know their incomes will not increase dramatically in the next few years. The low- to moderate-income home buyers are the better credit risks, and if the FHA insurance limits are continually increased to serve higher-income home buyers, it will be the low- to moderate-income home buyers who are actually subsidizing the high-income, low-downpayment home buyers.

In conclusion, I would strongly urge my colleagues to support my amendment to limit the FHA increase to first-time home buyers. The groups strongly supporting the increase in the FHA limit—who take no risk, but only earn fees on FHA insured loans—have always stressed that these limits need to be increased to help first-time home buyers. Since that statement has been continually stressed in all of their public statements, testimony before Congress, and so forth, I think we should take them up on their suggestion and limit the increase to first-time home buyers.

I ask unanimous consent that there be printed in the RECORD attachment A, attachment B, attachment C, and attachment D, and another chart so that Senators will know what is the particular situation and will have a little more information on this matter in case this becomes an issue in the conference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTACHMENT A

Year	(A) Maximum FHA mortgage	(B) Median family income	(A/B) Percent FHA limit as multiple
1971	$33,000	$10,285	321
1975	45,000	13,719	328
1978	60,000	17,640	340
1980	67,500	21,023	321
1982	89,775	23,433	383
1988	101,250	32,191	315
1990	124,875	35,353	353
Proposal	151,725	35,353	429

Sources: Federal Register for FHA Limits. Census population reports for historic median family incomes.

ATTACHMENT B

FAIR HOUSING—HUD REPORTS SHARP INCREASE IN BIAS COMPLAINTS IN 1991

Fair housing complaints made to HUD increased 26.9 percent from 1990 to 1991, to 5,657, according to the department's annual civil rights report to Congress.

Some 30.6 percent of the complaints were based on familial status, with another 30 percent based on race. Handicap accounted for 20.6 percent of complaints; religion and national origin, 8.2 percent; sex, 7.8 percent; and color, 2.8 percent.

In 1991, 407 complaints were made against recipients in HUD programs, of which 61 percent were processed under Title VI of the Civil Rights Act of 1964 (for discrimination based on race, color, or national origin), 35.8 percent under Section 504 of the Rehabilitation Act of 1973 (handicap), and 3.2 percent under Section 109 of the Housing and Community Development Act of 1974 (race, color, sex, national origin, and religion).

Race, Ethnicity of Beneficiaries

The report also provides data on the race and ethnic background of beneficiaries of HUD programs. The periods covered by the data vary from program to program.

According to the 1989 biennial American Housing Survey, HUD's subsidized rental housing programs served 4.1 million households of whom whites comprised 46 percent, blacks 30 percent, Hispanics 11 percent, and American Indians, Asians, and Pacific Islanders, 4 percent.

The report also provides information on 759,829 families in public housing operated by large and medium-sized public housing authorities. The data, obtained from the department's Multifamily Tenant Characteristics System (MTCS), show 54 percent of the families were black; 26 percent, white; 17 percent, Hispanic; 2 percent Asian; and 0.5 percent, Indians.

In unsubsidized programs, the vast majority of 1991's FHA-insured single family loans made through September 30 went to non-minority home buyers. Overall, 81.1 percent went to whites, 8.3 percent to blacks, 8.7 percent to Hispanics, 1.7 percent to Asians, and 0.2 percent to Indians.

Over four-fifths of the FHA borrowers were male.

The report also provides MTCS data on 498,253 occupied units in unsubsidized FHA-financed multifamily projects, of which 73 percent were occupied by whites; 19 percent by blacks; 4.3 percent, Hispanics; 3 percent, Asians; and 0.4 percent, Indians. Forty-nine percent of the rental households were female-headed.

Community Development Program

In fiscal 1989, community development block grant program entitlement activities had 7.1 million direct beneficiaries, of whom 42.4 percent were white; 29.5 percent, black; 15.4 percent, Hispanic; 2.7 percent Asians; and 2 percent Indians. No racial or ethnic data were available for the remaining 8 percent of beneficiaries. Thirty-one percent of the beneficiaries, or 2.2 million, were female-headed households.

Almost all of HUD's homelessness programs will not completely report until the 1992 program year, but a sampling of 20 percent of shelters assisted by the emergency shelter grants program indicated that 45 percent of beneficiaries were black; 45 percent were white; 7 percent, Hispanic; 2 percent, Indians; and 1 percent, Asians.

The number of occupants in units assisted under the rental rehabilitation grant program increased from 92,631 before rehabilitation to 145,876 after, of which 57 percent were minority and 56 percent female-headed. The 458 urban homesteading beneficiaries were 59 percent black, 29 percent white, 9 percent Hispanic, 2 percent Asian, and 1 percent Indian.

In 1991, 1,193 families received Section 312 loans, of whom 51 percent were minority.

ATTACHMENT C

I.—MAXIMUM MORTGAGE COMPARISONS: $150,000 HOUSE

	HUD pre-reform	Current HUD	House proposal W/O 57 percent	Senate proposal with 57 percent
House price	$150,000	$150,000	$150,000	$150,000
Closing costs	3,300	3,300	3,300	3,300
Maximum mortgage	151,688	149,139	149,062	147,754
Cash at closing	7,165	8,505	8,580	9,850
Monthly payment[1]	1,221	1,262	1,261	1,250
LTV—FHA view (percent)	97	96.53	96.48	95.63
LTV—Real (percent)	101	99.43	99.37	98.50

[1] 3 percent MIP.

ATTACHMENT D

HISTORY OF FHA'S LTV REQUIREMENTS

(i) 1960: Maximum mortgage of $22,500, 97 percent of $13,500 of the appraised value and 85 percent of such value between $13,500 and $16,000, and 70 percent of such value in excess of $16,000.

(ii) 1962: Maximum mortgage of $25,000, 97 percent of $15,000, 90 percent of value between $15,000 and $20,000, 75 percent of value above $20,000.

(iii) 1965: Maximum mortgage of $30,000, 97 percent of first $15,000, 90 percent of value between $15,000 and $20,000, 75 percent of value above $20,000.

(iv) 1969: Maximum mortgage of $30,000, 97 percent of first $15,000, 90 percent of value between $15,000 and $20,000, 80 percent of amount above $20,000.

(v) 1971: Maximum mortgage of $33,000, 97 percent of first $15,000, 90 percent of value between $15,000 and $25,000, 80 percent of amount above $25,000.

(vi) 1975: Reflecting 1974 Housing Bill—Maximum mortgage of $45,000, 97 percent of first $25,000, 90 percent between $25,000 and $35,000, 80 percent of amount above $35,000.

(vii) 1978: Reflecting 1977 Housing Bill—Maximum mortgage of $60,000, 97 percent of amount below $25,000 and 95 percent of amount above $25,000.

Year	Maximum FHA mortgage	Maximum FHA loan-to-value[1] (percent)	Minimum downpayment (percent)
1960	$22,500	87.30	12.70
1962	25,000	91.65	8.35
1965	30,000	88.92	11.08
1969	30,000	91.00	9.00
1971	33,000	91.62	8.38
1975	45,000	92.70	7.30
1978	60,000	97.90	2.10
1980	67,500	97.80	2.20
1982	89,775	97.64	2.36
1988	101,250	101.28	−1.28
Pre-reform: 1990	124,875	101.18	−1.18
Post-reform: 1993	124,875	99.48	0.52
House proposal: 1993	151,725	99.37	0.63
Senate proposal: 1993	151,725	98.50	1.50

Loan-to-value figures are real LTV's including financed up-front mortgage premiums for post-1982 figures. LTV's include 3.8 percent up-front premiums until 1993 when they are reduced to 3 percent under terms of FHA reform law.

Mr. SYMMS. I reserve the remainder of my time.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. I will be happy to yield the Senator some time.

Mr. GARN. In the absence of the Senator from Maryland, I would be happy to yield the Senator from California 3 minutes.

The PRESIDING OFFICER. The Senator from California.

Mr. SEYMOUR. I thank the Chair.

Mr. President, I rise somewhat reluctantly because many more times than not I would stand in support of my good friend from Idaho. But on this particular occasion and this particular amendment, I am going to stand in opposition.

I represent a State of 30 million people, one of those States that for years has not had an effective FHA program because the median-priced home in California is so high in comparison to other States in the country. A median-priced home in California is just over $200,000. At one time the FHA program was the backbone of mortgage finance for home ownership, providing an opportunity for millions and millions of people to get a piece of the American dream, not only first-time homebuyers but second- and third-time home buyers, those wanting to move up maybe from a home or a condominium, a small condominium on which perhaps they had spent $50,000, or $40,000, wanting to move up to a home valued at $180,000 or $200,000. FHA has not been available to them as a tool. In fact, it is currently capped at $124,875, which is unrealistic given the cost of housing in my State.

I think as we look to my State of California, the underwriting standards have been very responsible. The loss ratios in California are very minimal. At a time when we in this country are facing such a great recession, housing and construction is an absolutely critical industry to California's economy, having seen the loss of close to 200,000 jobs in housing and construction in just the last year.

Mr. President, we need every tool in the kit to ensure that this industry gets a new breath of life, that in fact it has all the financial tools available today to ensure construction of new homes, the sale of existing homes, and opportunities for housing for all.

I think the committee-reported FHA provision is altogether responsible. Quite frankly, Mr. President, this increase in California which would go up to $151,725 is still very conservative. It is very reasonable when you consider that a $200,000 home is a median-priced home in California. This is a program change that is badly needed, particularly in these trying times of recession.

Unfortunately, the Symms amendment would limit the benefits of this increase to first-time home buyers only. There are three flaws to the rationale behind this amendment:

First, this amendment creates a greater risk to the FHA fund. Limiting the use of higher limits to first-time home buyers would be a more risky program change than one which increases limits for all home buyers. Repeat buyers have shown their ability to successfully handle the responsibilities inherent in a mortgage commitment. First-time home buyers do not have a similar track record, and therefore represent a greater risk. We need to ensure that the FHA program embodies a broad and diverse cross-section of home buyers to ensure the safety of the FHA fund. The Symms amendment does not accomplish this goal because it would lock those who, arguably, are the better credit risk—people who already own a home—out of the program.

Second, Mr. President, assisting moderate or middle-income families to purchase a home should not be limited to first-time home buyers. Many who fit the definition of middle-income are struggling to pull together enough money to move into a second home. The problem of a downpayment does not disappear once a first home is purchased. We are now in the middle of a very flat housing market. Many families did indeed buy a first home in the 1980's. They bought when the housing market was booming. But now it's time for them to move up, to move into a larger home to meet a growing family's needs, whether it's to take in a frail grandmother, for example, or accommodate a larger family. Well, that same family is finding that, with the market decline, they don't have any equity appreciation. As such, they don't have the funds for a downpayment that they would have had in a growing market. This family needs the FHA program.

Finally, FHA was designed to assist families of modest means with their home purchases. By definition, modest means or moderate income cannot be restricted to first-time home buyers. In fact, the definition of what is modest or middle-class is increasingly relative to geographical factors. It means two entirely different things depending on where you are, whether it is Kansas City or Detroit, Sacramento or Boise, ID.

I understand the deep feelings that many hold on this subject, including my good friend from Idaho. I want to assure him that this provision, as included in the committee bill, is absolutely essential to California and other high-cost areas. To tinker with it—or limit it to one segment of the home buying public—will jeopardize future viability of the FHA program in my State and certainly dilute its effectiveness.

In fact, I had the privilege of serving on the Senate Republican Task Force on Real Estate this past winter, under the leadership of Senator DOMENICI, the task force chair. Our goal was to identify and recommend ways to stimulate the Nation's housing markets. We heard from a broad array of experts in the residential housing market, and we went to California to hear from experts in my State's housing market. One issue that was raised repeatedly, in addition to a tax credit for first-time home buyers, was the need to increase the FHA mortgage insurance ceiling.

I know my colleague from Idaho means well. He feels strongly relative to his philosophies of FHA loans and the competition with conventional loans, but, quite frankly, there is plenty of business out there for everyone. The problem we have in housing, in construction and home sales in my State of California is we just do not have enough tools in the kit in order to provide various financial opportunities and mortgages to buyers.

I do not think this amendment could come at a worse time, and so I make an appeal to my friend and colleague from Idaho to reconsider and permit this bill to go forward with the increase in FHA loan limits, thereby ensuring we have done everything possible to help those buyers who are interested in purchasing a home have the maximum opportunity to do that.

I thank the Chair. I yield my time.

Mr. SYMMS. Mr. President, I yield myself what time I may need.

Mr. President, it was my intention to press this amendment today and to go into a full detailed explanation regarding the FHA mortgage limit increase and how I think this will put a risk the FHA funds. I think the committee has good intentions, and I think that the Senator from California, a State that is in real stress economically, makes the best case against my amendment. I compliment him for it.

I was hoping at this point to be urging my colleagues to vote for this amendment, but it appears to me at this hour today with the work basically having been finished on this bill by the committee, and with the strong urging of my colleague from California, I withdraw my amendment. I yield back my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 2960) was withdrawn.

Mr. GARN. Mr. President, I thank my distinguished colleague from Idaho and appreciate his cooperation under the circumstances in withdrawing his amendment.

Mr. President, I want to further clarify what amendments remain in order under the unanimous-consent request: The Domenici safe drinking water amendment remains in order. In addition, I would ask unanimous consent the following amendments be stricken from the unanimous-consent request since they will not be offered: a Gramm amendment on environmental protection, and a Nickles-Boren amendment on EPA water project.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I yield back my time on the amendment. All time I believe is yielded back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS EN BLOC NUMBERED 2961 THROUGH 2963

Ms. MIKULSKI. Mr. President, I send three amendments to the desk and ask unanimous consent that they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes amendments en bloc numbered 2961 through 2963.

Ms. MIKULSKI. Mr. President, these amendments are noncontroversial. They are related to housing and largely to correct technical errors made in last year's appropriations. They have been agreed to on both sides of the aisle. I know of no opposition or no further debate on these, and I urge their adoption.

The PRESIDING OFFICER. Without objection, the amendments will be considered and agreed to en bloc.

The amendments en bloc, numbered 2961 through 2963, considered and agreed to are as follows:

AMENDMENT NO. 2961

On page 28, after line 6, add the following paragraph:

Of the amount made available under this head in Public Law 102-139 for the HOPE for Homeownership of Multifamily Units Program as authorized under subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $3,000,000 shall be made available for a cooperative agreement between the Secretary of Housing and Urban Development and the National Center for Tenant Ownership in affiliation with the Harrison Institute at the Georgetown University Law Center, for the provision of technical assistance to potential recipients and recipients of grants under that program.

AMENDMENT NO. 2962

On page 39, after line 10, add the following paragraph:

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided under the head "Assistance for the Renewal of Expiring Section 8 Subsidy Contracts" in Public Law 102-139 shall be for a five-year extension as if the projects were under the section 8 new construction program, except that section 8(c)(2)(C) shall not apply.

AMENDMENT NO. 2963

(Purpose: To revise the public housing youth sports programs assisted under Section 520 of the Cranston-Gonzalez National Affordable Housing Act)

On page 48, between lines 9 and 10, insert the following:

PUBLIC HOUSING YOUTH SPORTS PROGRAMS

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in subsection (a), by striking "in" and inserting "for residents of";

(2) in subsection (b)(5), after "nonprofit organizations", by inserting "and institutions of higher learning"; and

(3) in subsection (d)(3), after "cultural activities,", by inserting "transportation costs,".

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, we are now ready to begin on the safe drinking water amendment offered by the senior Senator from New Mexico, Senator DOMENICI. As soon as he arrives, we are ready to prepare that debate. I encourage any Senators wishing to participate in that debate—since it is quite a controversial amendment—to please come to the floor. The committee has prided itself in that we have not gotten bogged down in quorum calls taking the time of the Senate but have moved in a very spirited, informed debate in keeping with the tradition of the U.S. Senate.

So we look forward to the momentum to keep going and really urge the Senators to come to the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to express my support for an amendment addressing a serious problem which has recently arisen at the EPA's Duluth research laboratory. This amendment, which I sponsored along with my colleague Senator DURENBERGER, has been included in the package of amendments offered by the managers and accepted by unanimous consent. I express my sincere appreciation for the support of the managers of this bill.

On June 30, half of the researchers at the EPA lab in Duluth were abruptly terminated. Research on dioxin contamination, wetlands, climate change, and other important environmental questions was suddenly closed down. Virtually all of EPA's research on fresh water ecosystems was being conducted at this facility.

The colloquy which I have entered into with my colleague from Maryland, Senator MIKULSKI, makes it clear that it is the intent of the Senate that EPA should restore the work of this important research facility in the most expeditious and cost-effective manner possible.

EPA's decision to terminate half of the research staff at its Duluth laboratory resulted from a complex dispute between EPA's inspector general's office and the AScI Corp. I do not wish to take sides in this dispute. But, I do care deeply about the fate of the researchers and their families. I am compelled to speak out on behalf of the victims of this controversy—the former AScI employees.

There has never been any controversy about the quality of the work being performed by these scientists. They did first-rate research. There has never been any controversy over the need for their research. Yet, they were the victims—victims of shortsighted Government policies.

As soon as I learned of the impending termination of the research contract at the laboratory, I became involved in this controversy. I must say that the cause of the problem was far deeper, and more encompassing than I at first imagined.

These were permanent, full-time research positions. EPA was not purchasing desks, paving a driveway, or hiring temporary clerical help. But, instead of hiring full-time Government employees, the EPA was contracting to private firms—these positions were being privatized. These researchers were not just the victims of contracting irregularities, they were the victims of the privatization initiatives begun under President Reagan and continued under President Bush.

As William Greider observes in "Who Will Tell the People" the entire philosophy of privatization cuts against the basic fabric of our Government—undermining trust between people and their Government. Greider comments, "if money is to be saved in the process, this is usually achieved by avoidance of the wage-and-benefit requirements of Federal employment."

That is what I thought, too. I assumed that the EPA was saving money by contracting rather than hiring new employees at the Dulute lab—money saved at the expense of the employees who would have less benefits and less job security. But, I was wrong.

In meetings between my staff and the EPA, we were informed that contracting for permanent full-time research personnel costs EPA more than hiring new Federal employees to do the same work—EPA estimated that it costs them 20 percent more to fill these positions through contracting.

Also, we were informed that if EPA issues a new contract to meet its needs at Duluth, it could not reasonably guarantee that similar questions about contracting would not be raised in the future. EPA officials stated that the nature of the work made meeting all of the requirements for competitive contracting virtually impossible.

Given these representatives, I asked the EPA to consider hiring personnel directly for the Duluth lab positions, instead of issuing a new contract. It seemed to make sense that EPA would support the approach that would cost less and provide more stability to its research efforts in the long run. But, common sense is not always against ideology.

Finally, after weeks of discussion, the EPA informed me that they would not be able to support such a change. They were concerned that it "could set a precedent." Their logic escapes me. Would not any precedent that might be set be a good precedent if it saves taxpayers money and improves the quality of research and improves working conditions for the employees of the lab?

The amendment adopted by the Senate does not go as far as I would like, but it does keep the door open for change. It will allow the EPA to hire personnel directly, instead of issuing a new contract, if the agency finds that hiring would be most cost effective and less disruptive to accomplishing its research mission.

Mr. President, I think that is exactly what EPA will find, that direct hiring will be more cost effective and less disruptive in accomplishing its research mission.

If the facts represented to my office about EPA's contracting for full-time research personnel are correct, I believe that they can only come to one conclusion—these positions should be filled by direct hire. Resolving this issue is consistent with their own planning. Assistant Administrator Chris Holmes stated to the press on July 1 that EPA would begin reevaluating in what areas personnel rather than contractors are most appropriate.

Along with my colleague the senior Senator from Minnesota, Senator DURENBERGER, and Representative JIM OBERSTAR whose district encompasses the Duluth laboratory, I will be pressing the EPA for action on this matter—expeditious action on this matter. EPA can, and should, complete any reevaluation of this situation and take appropriate action under this amendment by the end of October.

Mr. President, I ask unanimous consent that the statement by the former researchers at EPA Duluth laboratory which was presented to the House Oversight and Investigation Subcommittee of the House Energy and Commerce Committee be printed immediately after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WELLSTONE. I ask unanimous consent that a letter from Representative JAMES OBERSTAR to Senator MIKULSKI regarding the Duluth situation and the importance of the amendment be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WELLSTONE. I thank my distinguished colleague from Maryland, Senator MIKULSKI, as well as my distinguished colleague from Utah, Senator GARN, for their support of this amendment. It provides hope for the people in Duluth, and an opportunity for EPA to improve its management of their research program.

Mr. President, I thank my colleague from New Mexico, Senator DOMENICI for his courtesy. I yield the remainder of my time.

EXHIBIT 1

STATEMENT OF FORMER ASCI EMPLOYEES

"There were two environmental setbacks in Duluth-Superior last Tuesday.

"In one that got all the attention, a railroad tank car ruptured, spilling 25,000 gallons of toxic solvent into a river.

"The other happened quietly when 66 scientists lost their jobs in a government shakeup at the USEPA's water quality lab in Duluth. That action crippled or stalled some of the country's most important freshwater research—the science that forms the basis for evolving EPA regulations on water quality".—Minneapolis Star-Tribune, July 5, 1992.

This testimony is being submitted on behalf of the 66 former and 8 current AScI employees from Duluth, MN, whose interests were overlooked during recent EPA actions taken in response to contract management criticisms. It is the intent of this testimony to address the issues of concern to contract employees. These issues include: (1) the value of contract workers to the government at the EPA's Environmental Research Laboratory in Duluth (ERL-D); (2) the injustice of EPA's decision to terminate contracts 68-CO-0056, 68-CO-0057, and 68-CO-0058; (3) a different perspective on the role of contractors at ERL-D than that portrayed by the draft report of the Office of Inspector General (OIG) investigations; and (4) the effect of EPA's actions on environmental research and regulation.

(1) THE VALUE OF CONTRACT WORKERS TO THE GOVERNMENT AT ERL-D

The ERL-D has been severely understaffed by the government for over a decade. In order to accomplish the mission of the laboratory, many different cooperative agreements and contracts have been put in place throughout the years to bring scientists on site. Prior to the cancellation of the AScI contracts on June 30, 1992, there were 10 employers at the laboratory besides the government. Of the approximately 210 full time staff at ERL-D, 129 were employed through contracts or through cooperative agreements. Only 81 of the staff are federal FTEs. Of these 81 federal FTEs, only 66 were involved in science with fewer than 60 actually conducting research; the remainder were involved in administration and management. Of the 74 AScI employees, 60 were directly involved in field or laboratory research. Fully 50% of the scientific research staff at ERL-D were AScI employees. Through the years, the seventy-four employees who lost their jobs in Duluth have contributed over 300 years of cumulative service to the USEPA. Some of these employees have worked at ERL-D for as long as 15 years, for as many as 5 different employers. These contract scientists have coauthored hundreds of scientific papers, reports, and presentations, and have contributed technically to many more. They have traveled both nationally and internationally to present scientific data, to train scientists in the state and private sectors, to learn new techniques, and to collaborate with leading scientists. They have also helped to host the visiting scientists who come to ERL-D from all over the world to learn the state of the art techniques and approaches to issues in aquatic toxicology and ecology.

In EPA however, there has been a concerted effort in upper management to create a different image of the contract employee. In a recent memorandum distributed agencywide, a senior EPA administrator conducted an arrogant analysis of contract personnel (see attached memo). He insinuated that the agency can work just as well without contracts and claimed, among other things, that contractors are not part of the "EPA family," that "EPA employees have chosen public service . . . to serve the interests of the American people," and that "contractors and their employees have made a different choice."

The notion that EPA and contract employees have made different choices forever distinguishing their motives is purely cynical. As a contract employee for nearly six years, I can attest that there have been very few opportunities for employment with the EPA, despite obvious and chronic understaffing at their research laboratories. Regardless of the hopelessness of obtaining a stable, secure federal position, I, like most other contract employees, have devoted my professional career to serving EPA by pursuing to the best of my ability public service, environmental leadership, and progress in my profession as an environmental scientist.

(2) THE INJUSTICE OF EPA'S DECISION TO TERMINATE THE CONTRACTS

The administrative act taken by EPA to terminate the contracts in question was an injustice to the employees of AScI. Even if the accusations and allegations of the Office of Inspector General are true, the AScI employees in Duluth are not the culpable parties. Yet, these scientists are bearing undue personal and professional hardships. In addition, the legality of the actions are questionable and have cost the government millions of dollars.

If not illegal, the decision to cancel the contracts violates the spirit of due process as it is guaranteed by our constitution. In this case, the executive branch has conducted an investigation and passed judgement on individuals and corporations without any opportunity for rebuttal. It is crystal clear to me why the founding fathers placed the awesome responsibility of judgement in the least political branch of our government, the judicial. It will be argued, under the guise of contract management, that the decisions were merely executive decisions and did not involve passing judgement. But, the germane issues to a true executive decision in this case are those of need, funding, and performance. The first two, need and funding, are merely academic considerations since the agency is issuing an RFP for the same work as has been canceled. As for performance, it is well known that the AScI contracts have been exemplary. The only consideration remaining is whether or not the accusations of the OIG are true; clearly a matter of judgement. EPA has justified their action by labelling the contracts as "tainted." I am not sure what that is, if it is not a judgment.

The decision to cancel these contracts is in itself a poor contract management decision which will cost the government millions of dollars. EPA contracting officials and AScI employees were given only 2 weeks notice of the contract cancellation, a woefully inadequate amount of time to terminate these complicated research programs in a fashion favorable to the government. Reports and manuscripts lie unfinished, experiments in progress have been terminated, samples remain unanalyzed, data have not been evaluated, and PhD level scientists are now feeding laboratory fish. When long term research projects are precipitously terminated, it is extremely difficult to start them again. And, as this lay off continues, more of the former AScI scientists will go to work elsewhere, making it difficult to regain the personnel with the correct skill mix to restart the work. The training costs alone will be staggering when the same people cannot be retained.

(3) A DIFFERENT PERSPECTIVE ON ERL–D

I do not believe that perceptions alone are reality. It is a cynical view of the world that denies that reality has its own intrinsic truths and qualities. The fact that a blind man cannot sense light does not prove that the colors and shadows of life do not exist. It is in the spirit of shedding some light on the subject that I issue a different image than that painted by the OIG of how life at ERL–D was for the people who worked there.

The image of the laboratory created by the OIG is one of collusion and conspiracy, conflict of interest and profiteering. These images were created through the selective omission of information or the outright misinterpretation of the facts. The insinuation and accusations are based on an inhuman model of management denying that the individuals affected by this action are human, with a full complement of psychological complexities including feelings. I submit that our feelings of commitment to the environment, to our professions, to flourishing scientific programs, to our community, to each other, and even to the mission of EPA were the most important features which propelled this laboratory into excellence and made it invaluable to environmental protection. Prior to these recent developments, it was a unique place to work; known for its enthusiasm, productivity, and involvement in the community.

(4) THE EFFECT OF EPA'S ACTIONS ON ENVIRONMENTAL RESEARCH AND REGULATION

The ominous nature of this entire affair is revealed in the opening paragraph of the draft OIG report where it states that the investigation of the Duluth laboratory "was intended as a pilot effort for EPA research facilities." Certainly the OIG must be pleased with its initial results. And, just as certainly, the community of environmental scientists must be shocked at what appears to be an unfettered attack on science. Science has become the basis for regulations promulgated by EPA. Only sound scientific data can stand the test of time and of the courts. There couldn't be a better way to stop the evolution of regulation than to stop the science which underpins it. Indeed, OIG investigations similar to this one are apparently underway at many of the EPA laboratories, including: Newport, Oregon; Las Vegas, Nevada; Athens, Georgia; Corvallis, Oregon; Narraganset, Rhode Island; and Gulf Breeze, Florida.

CLOSING STATEMENT

In closing, the Duluth laboratory has hosted a steady stream of foreign scientists who come to learn our techniques, to share their expertise, and collaborate on the common problems of aquatic toxicology and ecology that span the globe. In recent years, we have had scientists from Canada, Brazil, United Kingdom, Norway, Italy, Germany, Japan, Netherlands, Lithuania, Russia, and China. The most recent visitor is a chemist from Bulgaria. On the day that we were leaving the laboratory for the last time, he said that this was the way that it would happen in Bulgaria. And, in disbelief, he added that he would never be able to tell his people this story because they would not believe that this could happen in America.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
Washington, DC, September 3, 1992.

Senator BARBARA A. MIKULSKI,
Chairman, Subcommittee on VA-HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: I join with the Minnesota Senate delegation, Senators Wellstone and Durenberger, in commending you for including language in the Fiscal Year 1993 VA-HUD-Independent Agencies Appropriations bill addressing the research personnel formerly employed by the contracting firm AScI at the Environmental Research Laboratory in Duluth, Minnesota, in my Congressional District.

The need for such consideration is twofold: to provide some promise of reemployment for the 80 contract employees, who through no fault of their own have lost their jobs because of contracting irregularities by their employer, AScI, and the Duluth Laboratory; and to assure that the immensely important research they were conducting continues with as little interruption as possible.

By way of background, in June, EPA, acting in response to a report by the EPA Office of the Inspector General noting irregularities in the contracting activities at the Environmental Research laboratory—Duluth (ERLD), terminated four contracts with the firm of AScI, and with them the jobs of 80 AScI scientists, my constituents.

I have met with these scientists, many of them tearful, all fearing the prospect of months without a paycheck, and the possibility that they would have to break community ties and move elsewhere. They want to stay in Duluth. They want their jobs back.

Madam Chairman, these are all eminently qualified scientists with a wealth of experience in precisely the work EPA needs. I want to stress that no one has alleged any malfeasance by any of these scientists, nor has there been any criticism of the quality of their work. Rather, they are innocent victims, caught between actions by the Duluth Laboratory and their bosses at AScI. EPA has announced its intention to recompete the contracts on an accelerated schedule. I strongly commend EPA for its intention to do this, and for its compassion for the researchers, but we all recognize that even on an accelerated schedule, those contracts could not be awarded before February, 1993. This is a long time without a paycheck, and no guarantee that they would be hired by a new contractor.

I recognize there is no way we can compel the rehiring of these scientists, either through individual contracts or through direct hiring. However, few if any others are likely to be able to match their qualifications for moving back in, and getting on with the work they performed up to July. They deserve the opportunity to fight for their old jobs.

Further, Duluth will be the poorer if these scientists find employment elsewhere. I have worked hard over the years to support the growth of a scientific sector in this city, coupling the resources of the University of Minnesota at Duluth, the Natural Resources Research Institute, and the Laboratory. If these employees leave, they take not only their income, which benefits the community as a whole, but a wealth of scientific experience and expertise as well.

Secondly, the research which was so precipitously terminated is crucial to the Great Lakes and the Nation as a whole. This research includes:

Dioxin reassessment: EPA has been reassessing the toxicity of dioxin, on the assumption that it is less toxic to humans than previously thought. On the contrary, however, ERLD is finding that dioxin is more toxic to wildlife, building evidence against weakening the dioxin standard;

Development and evaluation of sediment water quality criteria, a crucial first step in the regulatory process, especially valuable to cleanup of the Great lakes under the U.S./Canada Water Quality Agreement and the Clean Water Act;

Biological accumulation studies to be used in reevaluating certain water quality regulations. This is a currently unregulated area and, we understand, research fiercely opposed by the White House. Current regulations cover only those toxic chemicals which kill aquatic life before it can bioaccumulate and reach the human beings at the top of the food chain. This activity as well is crucial to the Great Lakes, and to the health of their residents;

Wetlands research;

Global climate change;

Exotic species research.

Work has been suspended on these projects since June. If we resume it in February or later, with new people unfamiliar with the work and the processes, much more time will be lost.

For these reasons, Madam Chairman, it is critically important to include in the coming year's EPA appropriation language permitting and encouraging EPA to bring these employees back to work in October, or as soon thereafter as possible, without waiting for contracts to be recompeted.

Again, I appreciate your attention to our concerns, and will be glad to work with you further as the conference committee begins its work.

With all best wishes.

Sincerely,

JAMES L. OBERSTAR,
Member of Congress.

Mr. DOMENICI. Mr. President, as mentioned in the unanimous consent, the Senator has an amendment with reference to the Safe Drinking Water Act. For those interested in that subject, I will be on my amendment in about 5 minutes. For now I want to use a bit of my time on another issue, the overall bill.

Mr. President, the Senator owes a special thanks to Senator BARBARA A. MIKULSKI, chair, and Senator JAKE GARN, ranking minority member, of the Senate Appropriations Subcommittee on VA-HUD-independent agencies. They agreed to include $50 million more than reported in the VA-HUD appropriations bill committee report for the HUD Emergency Shelter Grant Program for the homeless. This vital increase is in the manager's amendment before us today. I would also like to thank Senator ROBERT C. BYRD, chairman, and Senator MARK O. HATFIELD, ranking member, of the Senate Appropriations Committee for accepting this amendment.

Senator JIM SASSER, chairman of the Budget Committee, also played a key role in finding the necessary off-sets, as did Senators CRANSTON and D'AMATO of the Housing and Urban Affairs Subcommittee of the Banking Committee. I am certain that—many members of this Chamber would have gladly cosponsored our effort to restore funds to one of the most critical of all national homeless assistance programs.

The bill now before the full Senate has $67,450,000 instead of the committee approved amount of $17,450,000 for the Emergency Shelter Grant Program of the U.S. Department of Housing and Urban Development. This grant program was authorized in the Stewart B. McKinney Homeless Assistance Act. The fiscal year 1992 funding was $73.2 million. This increase of $50,000,000 for fiscal year 1993, is off set by a reduction in the FHA Multifamily Demonstration Program, also run by HUD.

The National Coalition for the Homeless tells us that there are about 2,500 emergency shelters in the country that rely on these HUD emergency shelter grants for critical services or facility improvements.

Services include a broad range of essential activities to keep these homeless shelters operating. Eligible operating costs include such essential items as beds, utilities, other furnishings, stoves, refrigerators, freezers, and other equipment, shelter repairs, and security for the shelters.

Shelters may be renovated or building may be converted to shelters with these funds.

Essential services allowed in this program include employment assistance, health care, substance abuse treatment, child care, nutritional counseling, medical or psychological counseling or supervision, education, and assistance in obtaining access to other Federal, State, and local programs like food stamps, aid to families with dependent children, veteran's benefits, and income support.

Payroll expenses to operate a shelter are not eligible expenses. Prevention activities like security deposits, back rent, and emergency utility payments are eligible.

To implement any of these renovations, services, or prevention activities, a shelter provider must match this grant on a dollar-for-dollar basis. The $67.450 million for fiscal year 1993 will generate at least another $67.450 million in private, local, and State funds to help the homeless in some 2,500 shelters across America.

Obviously, every shelter cannot afford to conduct every eligible activity. As the National Coalition for the Homeless puts it, however, emergency shelter grants "literally save lives." Each shelter has its own character and specialties for helping homeless families, alcoholics, or recently unemployed homeless people.

The coalition estimates that in Illinois, 1,500 of the State's 7,700 emergency shelter beds would be lost if the appropriation for fiscal year 1993 remained at $17.450 million. This is a loss of about one out of every five beds in the State.

In New Mexico this year, seven emergency shelters receive a total of $242,000. This amount is distributed under the community development formula to the State government. The State then provides grants to local shelters. These grants in New Mexico range in size from $10,000 to $70,000, with an equal or greater amount coming from the local provider.

Under this distribution formula, the city of Albuquerque receives a separate allocation of $92,000. The city also distributes the grant money to local shelters. The range of grants in Albuquerque this year is $9,810 to $42,000. The total amount available in New Mexico, including the Albuquerque allocation for the HUD Emergency Shelter Grant program in fiscal year 1992 is $334,000.

The largest emergency shelter grant in New Mexico was awarded to the St. Elizabeth Shelter in Santa Fe. This shelter expands its capacity with $70,000 of ESG funds by renting space for four homeless families. These families are allowed to stay as long as 3 months while working and saving money. Case management services are provided to individuals for making the transition from homelessness to permanent housing. In the past 10 months, 12 families and 80 individuals have been assisted through high quality case management at the St. Elizabeth Shelter to make the transition to permanent housing.

Taos, Aztec, Deming, Silver City, Lordsburg, and Las Cruces are the other New Mexico cities sharing the allocation of $242,000 to New Mexico State government.

In Albuquerque, St. Martin's Hospitality Center runs day shelter activities like a clothing exchange, showers, telephones, and mail service. In addition, the chronically mentally ill are helped into a motel voucher program while staff processes supplemental security income [SSI] applications on their behalf. Once SSI comes through, many are able to rent apartments.

Barrett House in Albuquerque is a shelter for homeless women and children. Young homeless families receive assistance through the Youth Development ESG program. Project Share runs a meals program four nights a week through the cooperative efforts of churches.

A very special program receiving only $9,810 is Cuidando Los Ninos. It is the only New Mexico ESG Program providing child care. I have visited this excellent shelter and played with the beautiful homeless children there. This small grant is used to pay for a play therapist for only 10 hours per week. The staff is able to draw contributions and gifts from every imaginable source in Albuquerque. Gifts include everything from carseats to appliances for needy families and their young children who are trying to start new lives.

In summary, Mr. President, the Emergency Shelter Grant Program of the McKinney Act has rapidly become one of our Nation's most valuable and useful sources of assistance to the homeless. While the House still has only $17 million in its bill for this program, the Senate action will give us the leverage we need to try and make the full $67.450 million available to 2,500 emergency shelters in hundreds of American cities. It is also my hope that the House will recede to the Senate in conference. I urge my colleagues to assist in reaching this goal. I am attaching a summary of ESG total funding in each State and request that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. Any reduction in ESG funds for the homeless would be a travesty for the homeless at a time when these funds are in high demand and many shelters would suffer serious setbacks without this source of McKinney Act assistance. I urge my colleagues to agree to adding $50 million to the Emergency Shelter Grant HUD Program and to give our conferees instructions to maintain every dollar we are making available today for America's most needy population.

EXHIBIT 1

EMERGENCY SHELTER GRANTS ALLOCATION BY STATE, FISCAL YEAR 1992

Alabama, $1,158,000.
Alaska, $77,000.
American Samoa, $19,000.
Arizona, $710,000.
Arkansas, $606,000.
California, $7,399,000.
Colorado, $648,000.
Connecticut, $846,000.
Delaware, $158,000.
District of Columbia, $405,000.
Florida, $2,948,000.
Georgia, $1,519,000.
Guam, $59,000.
Hawaii, $335,000.
Idaho, $182,000.
Illinois, $3,902,000.
Indiana, $1,425,000.
Iowa, $831,000.
Kansas, $570,000.
Kentucky, $1,049,000.
Louisiana, $1,379,000.
Maine, $350,000.
Maryland, $1,163,000.
Massachusetts, $2,183,000.
Michigan, $2,903,000.
Minnesota, $1,181,000.
Mississippi, $799,000.
Missouri, $1,538,000.
Montana, $167,000.
Nebraska, $390,000.
Nevada, $185,000.
New Hampshire, $227,000.
New Jersey, $2,355,000.
New Mexico, $333,000.
New York, $7,585,000.
North Carolina, $1,333,000.
North Dakota, $145,000.
North Mariana Islands, $10,000.

Ohio, $3,389,000.
Oklahoma, $612,000.
Oregon, $572,000.
Palau, $7,000.
Pennsylvania, $4,681,000.
Puerto Rico, $2,528,000.
Rhode Island, $348,000.
South Carolina, $804,000.
South Dakota, $179,000.
Tennessee, $1,171,000.
Texas, $4,329,000.
Utah, $389,000.
Vermont, $141,000.
Virginia, $1,206,000.
Virgin Islands, $51,000.
Washington, $1,032,000.
West Virginia, $539,000.
Wisconsin, $1,305,000.
Wyoming, $77,000.
Indian Tribes, $732,000.

Mr. DOMENICI. About 5 years ago, when the then HUD authorization bill was winding its way through the Congress, I was not on the Banking Committee. But I was asked by the then OMB Director and the chairman and ranking member here if I would kind of sit-in and arbitrate and see if we could reconcile the House and Senate differences and get a bill.

I felt very pleased to be asked to do that. And essentially we got a bill about 2 months later that the President would sign. We did, in compromising vouchers, come up with a new idea, and I think it is an idea whose time has come. And while I was not totally pleased with what has been done, I want to say thank you to the leadership of the committee for putting language in this appropriations bill which will permit HUD to continue a pilot program for the use of vouchers for rural housing in rural America.

Frankly, this is long overdue. What this will do is permit rural America to provide for rural housing needs by using existing housing and provide vouchers under the guarantee of the voucher so that the occupant can stay in rural America and occupy a house owned, most likely, by a rural America. So that in your State, Mr. President, or mine, there may be a chance for vouchers to be used in our smallest communities, even if it is only for one or two who are entitled to housing.

I explain in further detail why I think is very important, and why we ought to expand it. But I am going along with 1 additional year of language, saying continue and work together to have the program. In my opinion, it ought to be made 10 or 15 times larger than it is. It would prevent much of the migration from rural America, because of housing needs, to city America, where the housing may be supplied, but the social environment and the rest probably renders useless the advantages of housing in those large cities in my State.

RURAL HOUSING VOUCHERS PROGRAM

Mr. President, I want to thank the managers of the VA-HUD-independent agencies appropriations bill for accepting my amendment to allow HUD to work with the Farmers Home Administration [FmHA] to distribute HUD section 8 vouchers to low-income families in rural areas.

This amendment is not a set-side for rural communities to use vouchers, it simply encourages HUD and FmHA to work together to provide vouchers as a housing option for low-income families in rural communities.

This amendment is a continuation of a successful demonstration program to provide vouchers in a cooperative arrangement between HUD and FmHA. The demonstration and this amendment will provide immediate housing assistance to rural low-income families in a cost-effective manner.

Vouchers are distributed through public housing authorities which tend to be located in urban areas. Low-income families in rural areas can have trouble tapping into the urban resources at public housing authorities.

With this amendment, rural low-income families will be assisted by the FmHA in contacting the appropriate public housing authority to receive vouchers.

There is no reason to build new Government housing projects in rural areas where adequate housing stock exists. A HUD and Commerce Department housing survey indicates a 7.1-percent vacancy rate for rental housing in rural areas. This amounts to about 650,000 units available for rent.

Vouchers are more cost-effective than constructing new housing. Vouchers cost about $6,500 per unit, while newly constructed units cost at least $81,000. Renovating public housing units costs about $12,000 per unit. It is eight times cheaper to use vouchers than new construction, and they require no future maintenance costs.

Vouchers provide immediate assistance to tenants rather than waiting for new housing to be constructed. It can take up to 7 years for public housing units to be built, while a voucher can be used immediately.

1988 DEMONSTRATION PROGRAM

During consideration of the 1987 Housing bill, the Senate Banking Committee accepted a Domenici amendment to create a rural voucher demonstration program, and this subcommittee provided funds for the demonstration in fiscal year 1988.

The Farmers Home Administration has an established network of 1,900 rural field offices, existing housing programs, and people on waiting lists in need of housing assistance. Both HUD and the Farmers Home Administration have declared the 1988 rural voucher demonstration program a success.

In 1988, HUD allowed 2,200 vouchers to be distributed to rural tenants in cooperation with FmHA. FmHA exhausted this amount within 6 months, which is twice the rate at which HUD distributes its own urban vouchers. Clearly the demand exists for rural housing vouchers, and the Farmers Home Administration has a proven track record in identifying families that can use vouchers.

The demonstration program proves that vouchers are a successful form of housing assistance in rural areas that have an adequate supply of rental units.

An assessment of the program concludes that "Rural States with long waiting lists have been most successful in using the vouchers. Rural families on waiting lists were given the first opportunity to use the housing vouchers. This cooperative effort helped HUD focus on previously underserved rural areas."

A concern of mine has been to ensure that low-income families in rural areas have as many housing options as low-income families in cities. There should be equity among geographic areas in the distribution of HUD vouchers.

I again want to thank the distinguished chairwoman and ranking member for accepting this amendment, which will encourage continued cooperation between HUD and FmHA to provide vouchers to low-income families in rural areas. I hope my colleagues will sustain this provision in the final bill.

Mr. President, I ask unanimous consent that a letter in support of my amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RURAL HOUSING COALITION,
Washington, DC, August 7, 1992.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: We are writing to you to express our support for your amendment to instruct HUD to provide vouchers for rural very low income households needing rental assistance.

The cost and supply of adequate rental housing is a major issue for rural areas. According to a recent study, 42 percent of poor households living in small and rural areas paid at least half their income for housing. A typical rural renter household with an income of $5,000 or less may spend up to two-thirds of their income on housing.

In addition, there is a shortage of some 500,000 rental units for low income households. Funds for rural rental housing construction have been reduced over the past several years.

Your amendment, directing HUD to provide Section 8 vouchers to low income rural residents, addresses an element of the cost side of this problem and we are happy to lend our support.

Thank you for your attention to this matter.

Sincerely yours,

CLANTON BEAMON,
President.

Mr. DOMENICI. Mr. President, last, on a general subject, before my amendment is offered, this bill has a lot of things in it. One thing that maybe some do not even know is there is a very, very important funding for the

President's Office of Science and Technology Policy. Many, many people have been talking, for at least a decade, about strengthening this Office. That is the Office that is part of the executive branch that sort of looks at all science and technology, and advises the President about what is going on in science and technology, and renders some executive leadership by talking to the President about these science and technology matters.

This President has a very, very good adviser, Dr. Bromley. I regret to say we have underfunded that Office in this bill. But what we have told the occupant, Dr. Bromley, is that when we go to conference, we are very hopeful that something can be done to restore some of the funding for a very vital office.

I do not accuse anyone in terms of why the money was reduced. I do not know if it is personalities. It may just be funding restraints. I do not think, for one, it ought to be reduced. If anything, in these changing times, that Office ought to be strengthened.

I predict, in due course, it will not be weakened, but strengthened, because that is absolutely necessary.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Mr. President, I rise today to discuss a concern I have with the funding recommendations in the VA-HUD-independent agencies appropriations bill for fiscal year 1993 as it relates to the Office of Science and Technology Policy [OSTP].

The reported bill includes a provision to reduce funding for OSTP by $446,000 below the President's budget request and the level approved by the House.

In addition to the reduction, OSTP will be required to reimburse other agencies for three-quarters of the cost of detailed personnel rather than the one-half currently required. This would seriously impact the valuable work the OSTP produces.

I hope the subcommittee chairwoman and ranking member will recede to the House recommendation on OSTP when the bill goes to conference.

Mr. President, we hear a lot about the need to make America competitive and grow into the next century. This cannot be achieved without an adequate investment in scientific research and technology.

We need to take a long-term view of what will improve our standard of living, increase productivity, and create jobs. The investment we make in OSTP promotes the Federal effort to remain competitive and productive in the future.

The OSTP provides worthwhile analysis of Federal science and technology policy for the executive branch, and this needs to be maintained.

In recent years, under the leadership of Dr. Allan Bromley, the Office of Science and Technology Policy has played a strong and important role in coordinating Federal research efforts.

Through the Federal Coordinating Council for Science, Engineering, and Technology, the OSTP has pioneered interagency cooperation in important multidisciplinary scientific areas such as global climate change, biotechnology, advanced materials and manufacturing, and science education.

To reduce OSTP's budget now would be penny-wise and pound-foolish. OSTP's continuing efforts at identifying research areas in which there is redundant effort or where more effort is needed saves the taxpayers money and improves the research we do fund.

OSTP needs full funding in order to meet its ever-increasing congressionally mandated duties, such as the full utilization of the newly created Critical Technology Institute.

In closing, I hope the committee will continue to support the work of the OSTP, which I believe is vital to our economic growth and ability to remain competitive. I urge the Senate conferees to recede to the House recommendation on OSTP.

Now, Mr. President, I am going to send quickly to the desk an amendment that the following Senators have cosponsored, and I thank them very much. I have not had time to get around to more Senators. But Senator BROWN, Senator NICKLES, Senator PRESSLER, Senator BINGAMAN, Senator WALLOP, Senator SIMPSON, Senator MURKOWSKI, Senator HATCH, Senator SYMMS, and Senator DECONCINI are cosponsors.

I am quite sure if I had an opportunity to speak on this issue to more Senators, this list would grow. And I am hopeful, in the next couple of hours, that we will see that it is long enough to do two things: That it will defeat the amendment that will be offered to it as a second-degree amendment, that will probably be offered by Senator CHAFEE—and I do not want any confusion right up front. Everyone should know that this Senator intends to move to table the Chafee amendment. And anyone who votes for the Chafee amendment is voting for a measure that is inconsistent with the Domenici et al. amendment.

In other words, if that amendment is adopted, it wipes out the amendment that many people in this country have been anxiously waiting to urge us to vote on.

AMENDMENT NO. 2964

(Purpose: To establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act, commonly known as the Safe Drinking Water Act, for 2 years)

Mr. DOMENICI. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BROWN, Mr. NICKLES, Mr. PRESSLER, Mr. WALLOP, Mr. BINGAMAN, Mr. HATCH, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DECONCINI, and Mr. SYMMS, proposes an amendment numbered 2964.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SECTION 1. MORATORIUM ON IMPLEMENTATION.

(a) DEFINITIONS.—As used in this section:

(1) ACT.—The term "Act" means title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act; 42 U.S.C. 300f et seq.).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) MORATORIUM.—Except as provided in subsections (d) and (e), the Administrator may not implement—

(1) any national primary drinking water regulation promulgated pursuant to section 1412 of the Act (42 U.S.C. 300g–1) after December 21, 1989; or

(2) any similar rule or regulation, until September 30, 1994.

(c) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this section, the Administrator shall conduct a comprehensive study to review—

(A) each final regulation that has been promulgated under the Act as of the date of the review, and regulatory alternatives to the regulation that reflect a range of levels of safety or direct health benefits (or a combination of both);

(B) for each regulatory alternative described in subparagraph (A)—

(i) any health effect the regulatory alternative would prevent; and

(ii) the system-level incremental cost of the alternative;

(C) in consultation with the Director of the National Academy of Sciences, the list of contaminants listed pursuant to section 1412 of the Act (42 U.S.C. 300g–1) for the purpose of considering revisions to the list to take into account—

(i) whether the contaminant is known (or reasonably anticipated) to cause a significant adverse effect on human health;

(ii) if the contaminant is not known (or reasonably anticipated) to cause a significant adverse effect on human health, the risk or safety factors associated with the maximum contaminant level for the contaminant under section 1412 of the Act (including any safety factor associated with relative source contribution and assumptions concerning water consumption); and

(iii) whether the contaminant is known to be, or reasonably anticipated to occur, in public water systems located within each State and region covered by the Act;

(D) the compliance deadlines under the Act (to determine whether any revision would be appropriate);

(E) each regulation and proposed regulation described in subsection (b), for the purpose of determining whether a regulation to apply exclusively to small public water systems (as determined by the Administrator) would be more appropriate to address the needs of small communities (as determined by the Administrator); and

(F) the funding needs of States and political subdivisions of States to meet the requirements of the Act, and recommended alternatives to ensure that States and political subdivisions of States meet the funding needs.

(2) REPORT.—Upon completion of the study described in paragraph (1), the Administrator shall submit to Congress a written report that documents the findings of the study and includes recommended legislative changes to the Act.

(d) ISSUANCE OF REGULATIONS.—If the Administrator, in consultation with the States, and after considering available resources for managing risks associated with drinking water, determines that the immediate implementation or promulgation of a national primary drinking water regulation under section 1412 of the Act (42 U.S.C. 300g-1), or similar rule or regulation, is justifiable in order to protect human health, the Administrator shall implement or promulgate the regulation without regard to subsection (b). A decision by the Administrator to implement a regulation under this subsection shall not be subject to—

(1) subchapter II of chapter 5 of title 5, United States Code; or

(2) chapter 7 of title 5, United States Code.

(e) EXCEPTION.—Subsection (b) shall not apply to the national primary drinking water regulations for lead and copper referred to in the final rule promulgated on June 7, 1991, published at 56 Fed. Reg. 26460.

Mr. DOMENICI. Mr. President, I want to talk about this amendment, and a Safe Drinking Water Act. First, let me say to fellow Senators—whether they are on the floor or whether they are listening, or whether their head staff people on this issue are listening—this Senator understands that safe drinking water is one of the cherished qualities of living in a civilized country like the United States. I would not be on the floor seeking to impose a partial moratorium on implementing this Safe Drinking Water Act if I was not absolutely convinced that this bill that I am amending is suffering from a very serious ailment, and it is an ailment that has become more and more a part of our passing regulatory schemes. And that saying goes like this: Anything worth doing is worth overdoing. That is what happened in this bill.

You see, a bill comes here, Mr. President, the Safe Drinking Water Act. Who could vote against it? Who could speak against it? It came from a committee which has principally regulatory, environmental regulatory jurisdiction. And, Mr. President, far be it from me to want to take their place. So I have great respect for anybody that wants to serve on that committee.

But, Mr. President, I speak from experience. I served on that committee from the day I arrived in the U.S. Senate almost 20 years ago, until just 6 years ago—14 years. I suffered through trying to draft regulations for the first and the second Clean Air Act, for a myriad of regulatory schemes.

But, Mr. President, it does not get any better. "Anything worth doing is worth overdoing" should be hung, if not on the doorway of that committee, in the hall, so those walking by will understand. In this case, there is regulatory overkill personified.

We seek very simple, clear, clean modifications that will harm no one, and will relieve Americans who use public water systems or small municipal water systems from incredible economic burdens that in many cases will shut down rural water facilities in toto. And indeed, Mr. President, if we speak of rural America, if ever there was a measure that is clearly going to move people from rural America because they cannot pay for water, and thus cause less activity in rural America rather than more, this is it.

One might call this bill, as a subheading—that is the master bill that we are amending here—this is a bill that is anti-small-city living.

Having said that, I want to just quickly tell the Senate—and I greatly appreciate the broad spectrum of cosponsorship—what my amendment does, and who supports it at this particular day.

First, this amendment, contrary to some letters circulated by so-called experts or environmentalists, preserved untouched all drinking water regulations which are currently being implemented by water systems. That is 35 contaminants, plus, Mr. President, so there is no misunderstanding, the lead and copper rule are included and left in.

Second, it establishes a fixed moratorium, not a floating one as I originally had thought. It is a 2-year moratorium on implementing the additional regulations. And EPA is to do an in-depth study during that period of time. We will talk about that study with specificity before we are finished.

In addition, it gives the Administrator of the EPA the authority to implement additional regulations during that 2-year period if a significant public health risk exists.

And, Mr. President, fellow Senators, to that end, we have taken care of a concern about this authority to implement additional regulations. Some thought the authority would be encumbered by long delays. And we have written into the amendment that those things such as the Administrative Procedures Act, public hearings, and the like, for purposes of this implementation by the EPA Director, are waived and removed. So there will be no delay in the event such implementation is needed.

Mr. President, the more I look at it, the more I look at the charts, the more I study the EPA findings thus far, I frankly do not believe that they are going to find any that they have to implement that are not already in or continue under the Domenici amendment.

Now, who supports it? The National Governors Association. And I will read their very good letter, which does better than I can do in explaining why they support this amendment and what it does. So the Governors of the United States support it, No. 1.

And there will be some talk about the Governors wanted the original law and were concerned about clean water and safe water. Well, Mr. President, because the Governors wanted it 7 or 8 years ago does not mean that they want what we produce if it is found we have overdone what they asked us to do.

So I think Governors are entitled to take a look at their small communities, their medium-sized communities, and, yes, even their large communities and say, we do not need overkill, which is going to put enormous burdens on small users, significant burdens on the medium-sized ones, and, yes, we will even have a letter from a large city that says they would like to wait on this because they want to know exactly where they are going, and they are not fearful of any dangerous pollutants being in the water if this moratorium is imposed.

In addition, the National Association of Water Companies, the National Water Resource Association, and, yes, Mr. President, if Senators will look at their mail, they will find that this amendment is supported by literally hundreds of municipalities around this country. As a matter of fact, many of them saw fit to send me duplicates of what they sent to other Senators. Frankly, there is far more than I wanted to receive because there are literally, in my office, hundreds of letters from municipalities not in my State saying, "We sent these to our Senators because we do not need the full implementation of this act now."

Now, Mr. President, let me move quickly to the Chafee second-degree amendment that is going to be offered and just quickly tell you what I think it does and then proceed to talk about the details of the amendment which I offered here on the floor.

First, Mr. President, from what I can tell, the Chafee amendment, which I think I have received now in its final form, imposes additional costs to small systems under 3,300 in population. According to the EPA, the one mandatory systemwide check that is required is going to cost $150 per household. Mr. President, we asked the person at the EPA that is most knowledgeable, and that is what we get.

Second, it continues to require quarterly testing for small systems—and we must understand that—if only a trace amount of a contaminant is detected at levels well below health risk.

Mr. President, that is frequently what we do in regulating for health. There is nothing in this amendment that will be offered as a substitute for mine that says the continuation of the quarterly testing will stop if only trace amounts of pollutants are found. And it is obvious to this Senator from the technical work here that trace amounts of many of these second- and third-round contaminants will do no harm to anyone. So in many cases, the quarterly system testing will continue.

Third, it provides for a study that avoided the most important issue of whether the cost of the regulations are justified by the benefits to the public.

Mr. President, I failed to mention in speaking of support for this amendment—now I leave the Chafee-Lautenberg amendment and speak to the amendment which is at the desk—I failed to mention when I spoke of support that the White House supports the Domenici, et al, amendment. The President indicated that he supports it.

Now, frankly, with the changes that we have made, the 2-year moratorium, including lead and copper, I am firmly convinced that even some who have opposed it, as I read their letters, if they understood exactly what we are doing and what the risks were, would not be in opposition.

So let me talk about the National Governors Association for a moment.

This letter is directed to me, and it supports S. 2900, which I introduced as a bill. I must say to the Senate it has been modified in ways to accommodate some who were worried about the longevity of the moratorium, so I assume the Governors would continue to support it. It is a 2-year moratorium instead of the open one, I say to my friend from Colorado, which was "until further authorization."

But they say:

> * * * We believe [this] is a constructive step toward resolving serious problems in the drinking water program.
>
> Problems in implementation of the Safe Drinking Water Act center around two issues: (1) the fact that the rules are not sufficiently risk-based, so that some requirements are not justified by significant risk to public health or the environment; and (2) the severe funding shortfall in the program.
>
> At their annual meeting this week, the Governors adopted a new policy for safe drinking water aimed at making statutory changes, improving program efficiency, and increasing the availability of resources. Major recommendations address the risk and funding issues.
>
> It is essential that we incorporate risk assessment principles into the law, directly linking regulation to aggressive protection of public health. The Governors propose the following:
>
> Until the Safe Drinking Water Act is reauthorized, Congress should freeze implementation of the national primary drinking water regulations at the thirty-five rules that states have implemented in full as of July, 1992, and place a moratorium on promulgation of new rules.

Now let me insert my explanation.

As I have explained to the Senate, the amendment which is before the Senate does that. It does not extend the moratorium indefinitely, but it does precisely what the Governors recommend, for 2 years.

Continuing with their letter:

> Congress should require that EPA conduct risk assessment studies of contaminants listed pursuant to Safe Drinking Water Act section 1412, and require the EPA to promulgate national primary drinking water regulations for any contaminants if the risk assessment studies indicate that regulation is justified by significant risk to public health.

Mr. President, the amendment pending at the desk seeks an in-depth study by EPA, precisely as prescribed by the Governors in that statement.

And with reference to the EPA's authority, if in fact any of the second and third-tier pollutants are found to have any risks, we permit them to implement regulations and we do not even require that the risk assessment be made. But rather that they find that they are dangerous, as I understand it. So they have authority to take action.

The second point the Governors make is:

> Congress should reauthorize the Safe Drinking Water Act as soon as possible and eliminate rigid provisions that require regulation of specified numbers of contaminants regardless of the risk they present. The law should allow EPA and the states to focus on the most significant remaining risks.
>
> To remedy the extreme funding shortfall in the program, the Governors propose that:
>
> Until the Safe Drinking Water Act is reauthorized, states should not be required to implement new regulatory requirements unless resources are provided to help implement them;
>
> Congress should appropriate at least $100 million per year for program implementation; and
>
> Future mandates should not be imposed unless federal resources are provided to meet 75% of the states' regulatory costs.

This is signed by the following Governors in behalf of the Governors of the country: Gov. Roy Romer, Gov. Michael Sullivan, Gov. John R. McKernan, Jr., Gov. Carroll Campbell.

Mr. President, I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, August 10, 1992.

Hon. PETE V. DOMENICI,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: We are writing in support of your Bill S-2900, which we believe is a constructive step toward resolving serious problems in the drinking water program.

Problems in implementation of the Safe Drinking Water Act center around two issues: (1) the fact that the rules are not sufficiently risk-based, so that some requirements are not justified by significant risk to public health or the environment; and (2) the severe funding shortfall in the program.

At their annual meeting this week, the Governors adopted a new policy for safe drinking water aimed at making statutory changes, improving program efficiency, and increasing the availability of resources. Major recommendations address the risk and funding issues.

It is essential that we incorporate risk assessment principles into the law, directly linking regulation to aggressive protection of public health. The Governors propose the following:

Until the Safe Drinking Water Act is reauthorized, Congress should freeze implementation of the national primary drinking water regulations at the thirty-five rules that states have implemented in full as of July, 1992, and place a moratorium on promulgation of new rules. Congress should require that EPA conduct risk assessment studies of contaminants listed pursuant to Safe Drinking Water Act section 1412, and require the EPA to promulgate national primary drinking water regulations for any contaminants if the risk assessment studies indicate that regulation is justified by significant risk to public health.

Congress should reauthorize the Safe Drinking Water Act as soon as possible and eliminate rigid provisions that require regulation of specified numbers of contaminants regardless of the risk they present. The law should allow EPA and the states to focus on the most significant remaining risks.

To remedy the extreme funding shortfall in the program, the Governors propose that:

Until the Safe Drinking Water Act is reauthorized, states should not be required to implement new regulatory requirements unless resources are provided to help implement them;

Congress should appropriate at least $100 million per year for program implementation; and

Future mandates should not be imposed unless federal resources are provided to meet 75% of the states' regulatory costs.

Once again, the Governors appreciate your attention to these critical issues in the drinking water program. The Governors are strongly committed to aggressive protection of public health through effective and efficient implementation of the Safe Drinking Water Act, and hope to work closely with Congress and the Environmental Protection Agency to make this possible. We have enclosed the new NGA policy statement for your review.

Sincerely,

Gov. Roy Romer, Chairman, Gov. Michael Sullivan, Chairman, Committee on Natural Resources; Gov. Carroll Campbell, Vice Chairman; Gov. John R. McKernan, Jr., Vice Chairman, Committee on Natural Resources.

Mr. DOMENICI. Mr. President, I was going to continue on with some specific examples from communities around the country which point up so vividly the need for this, but I see Senator BINGAMAN on the floor. I am aware that he is on a very difficult time schedule today. I wonder if he would be prepared to speak now?

Mr. BINGAMAN. Yes, I would.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will proceed at this point if that is appropriate.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. BINGAMAN. Mr. President, I congratulate my colleague, Senator DOMENICI, for the leadership he has provided in this issue. I wholeheartedly support him in the amendment he is offering.

This issue is a problem to a great many communities in our home State of New Mexico, small communities that see a very substantial increase in costs as a result of the various EPA standards that are being promulgated and imposed upon them.

This last summer I had a hearing, or forum, in Hondo, NM, where we heard testimony and statements from a lot of individuals who are involved in the community water systems throughout our State. It is clear from what I heard from that group that this is a problem that requires attention.

We introduced legislation. I introduced legislation shortly after that forum, which would have delayed implementation for 1 year on testing for 38 contaminants, including lead and copper, and phase 2 and phase 5 chemicals.

The legislation that we introduced, of course, differed in some respects from what Senator DOMENICI has proposed. We worked with his staff to try to narrow those differences. And I think particularly with the provision that he has agreed to, to have this be a 2-year moratorium, I think the amendment he is proposing is one the Senate should support at this time.

This, in my view, accomplishes the necessary balance between regulatory relief for these small communities and also ensuring the safety of the Nation's drinking water. That is our purpose here.

Again, I commend my colleague for his leadership on this and I am very pleased to join him as a cosponsor of the legislation. I hope the Senate will adopt the amendment.

Mr. DOMENICI. I thank my colleague from New Mexico, Senator BINGAMAN, for his support.

I understand Senator BROWN, who was my original cosponsor, would like to speak, and then I will try to wrap mine up, maybe in another 15 minutes on my side, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Mr. President, I want to extend my thanks to the distinguished Senators from New Mexico who have provided such leadership on this issue. Senator DOMENICI particularly has carried the fight here for common sense. I think that is the issue which is being discussed today.

Several years ago I had a chance to talk with the mayor of Shanghai. He was a rising star in the Government in China, a Marxist, but very well thought of; bright, energetic. He talked about what a terrible burden his job of being mayor was. However, some of his concerns were different from the typical concerns of our mayors.

Obviously being mayor of any major city is an onerous responsibility. But it was not until he talked about his job that we appreciated what burden he was facing. You see, in their system where the government controls all, where power is centralized, he was not just responsible for the water and the sewer and the roads and the bridges and the highways, he was also responsible for seeing that the food was brought in from the countryside, and that the gasoline supplies were delivered. All those functions of a vast sector of the economy, which we consider to be functions of the private sector in this country, were under Government control. In short, the awesome burden of having a centralized economy made his day a very busy one.

It is also, I think, a dramatic example of what happens when any country tries to concentrate the power of a nation in the hands of too few people; to centralize all decisionmaking. What it inevitably means is that one small group of people ends up deciding things for a nation as a whole.

What is the danger with that? We have some dramatic concerns about it as a country. We have spoken to it in the Constitution. But what is the matter with it, what the problem really is, is that you have people making decisions for others in this country who are neither affected by their decisions or familiar with the problems of the real world.

Why is that relevant to this discussion? It is relevant because Congress has asked the EPA to take over an enormous task. We have asked them to take responsibility for safeguarding the drinking water of our country, along with hundreds of other tasks. Literally what we are talking about is EPA, not elected regulators, making decisions for water districts around this country: Big water districts that are easy to identify and inspect; and little water districts which are not well known.

My guess is there is not a Member of this body who could name one-tenth of the water districts in their State that are affected by this legislation. Not just discuss in general whether they work or not, or how they work, or criticize them in a knowledgeable manner—but list them by name, or identify the areas they serve.

Perhaps it is unfair to expect legislators to know that sort of information, about the people for whom they are setting the rules. But my guess is that the regulators at EPA, who are knowledgeable and experts in this area, do not know this information.

Why is that important? It is important because running a water system is complex, it is difficult. It involves lots of choices. In some areas it is not easy. In some areas it is difficult.

One of the problems in this area is, if you regulate this systems to death—and that is the issue here—if you regulate this system to death, if it gets too expensive in Paonia, CO, what the people are going to do is not spend a lot of money that they do not have. What the people are going to do is find alternatives, and go to private wells.

We can pass whatever rules we want here in this Chamber. The simple fact is, if you make them too tough and too expensive and too nonsensical, people will drop out of the system. They are not going to quit drinking water. In Paonia, CO, they cannot sign up for Denver water. They do not have the money to comply with some of these requirements. They are not trying to be ornery. They are not just trying to be tough. They are not interested in avoiding good, public health based drinking water standards.

But when you require things that do not make any sense, that they do not have the money for, they are going to find other options. Let us not pretend on this floor that this is a debate about the quality of water. It is not. If it were, we would have a lot of other considerations.

Take the time to look at the people this statute regulates, and how they operate, and how they live, and how their systems work. This is not a debate about whether or not we want good water or whether our citizens want good water. I want good water and so do they. I think it is worth investing in. The debate is about how you get there, and where they spend their resources. Remember, this is an area where we are not spending our own resources. This is a case where the legislators who oppose the Domenici amendment are going to come forward and say, look, let us spend Federal money to help people here. Instead these members want others to spend their money.

The Domenici-Brown amendment does not change the testing requirements that are in the law with regard to the 35 potential contaminants that are now covered. These regulations are kept intact and untouched. Water suppliers will be required to test for those 35 contaminants. These regulations include bacteria, turbidity, 11 inorganic compounds, and 62 organic compounds. All of those tests were selected because they test for what people thought was the most dangerous. The amendment does not reduce the need for additional testing in the future for these 35 contaminants, but it does put a moratorium of 2 years for 51 additional regulations.

What is the danger here? First of all, let us make it clear. This does not prevent anyone from testing for those 51 contaminants. Any person who thinks that there is any danger whatsoever can test for those contaminants. Any State that believes there is a danger that those additional contaminants exist in water supplies can test for those contaminants. Any municipal water system that thinks there is a danger can test for those contaminants. This puts a moratorium, though, on Congress mandating tests which people may feel are not necessary.

What is the danger here? EPA staff has gone through an analysis and tried to address the risks of what might happen if you do not test for those additional 51 contaminants. Or more precisely, what happens if you do not test for these and some of these contaminants occur? To define the health risk they ask: "What happens if you have a lifetime exposure"?

Let us first admit that we certainly do not know the exact number, but the EPA estimated that for the entire Nation, with a lifetime exposure for all 51 contaminants, there would be less than eight-tenths of one person in the entire Nation in danger of cancer. That is an estimate. We cannot guarantee eight-tenths of one person is going to have problems. I am not sure who that one person is, or who the eight-tenths of that person is. It is merely an estimate.

But what we are dealing with is not a national epidemic. It is simply common sense. Why is it common sense? It is common sense because by any measure, even with the most dramatic estimates you can come up with, these contaminants do not present a major health risk. What we are dealing with is requirements mandated by a party who is not paying the bill for items that are not on the priority list of the individual water districts. The Domenici-Brown amendment simply gives us time to reassess the program and develop priorities which match the risks.

Some of you may think that your States are highly urbanized and do not have a lot of small systems. Perhaps a big system can afford to comply with these tests. However, even though Colorado is quite an urbanized State, 90 percent of our water systems serve under 3,300 people, which is the EPA definition for a small system.

The additional costs of these tests, only the additional tests, may be as much as $200 per family per year. For systems that serve less than 100 people; $200 per family per year. This is not a small item, it is a big item.

The tough question is this: If we go ahead with the additional tests, if we impose the additional $200 per family per year, what will happen? Does that mean all the tests will get done and the water will be cleaned up? Not necessarily. The world does not operate that way. Some of these water districts just do not have the money, and cannot raise the money from their individual citizens. Families that cannot pay the additional bill are going to go off the regulated system. Yes, there are water supplies that do not fall under these requirements.

What is going to happen is that if you make these regulations too unreasonable, you will have people leave the regulated systems and go to water sources that are not as safe. Do not pretend that this question is one of clean water. It is not. It is quite likely that there is a greater risk to the American public, there is a greater risk with regard to drinking water of the American public, if they are subjected to regulations which will be implemented in the absence of the Domenici-Brown amendment. Why? Because systems that cannot afford it will not do it; and ones that impose the cost on people who cannot afford it will force them to go to other systems. If this program goes forward without the moratorium, people will leave these systems and go to less sound, less responsible, less safe drinking supplies.

This is a tough question. This is not just a matter of standing in the U.S. Senate and being for clean water. It is a question of trying to figure out how you get there. That is what we have to address this afternoon.

Let me read some of the letters that cities have written to us. These are the people impacted by it, these are the people who have to pay the bill and drink the water, and not those who sit far away and merely pass the rules:

> It is very difficult to convince an elderly, fixed-income couple or a young single mother that they could be asked to pay higher water rates to fund several thousand dollars of increased water monitoring.

That is from the city of Loveland.

> Paonia has always valued clean water. We are going broke reproving it several times a year, however.

From the town of Paonia, CO.

> We are a town of older people on smaller fixed incomes. Increased costs for water testing would jeopardize their standard of living and put some in dire need.

Mesa Water Works.

> In Sawpit, the 27 residents are spending nearly $1,000 a person to clean up their water to meet existing requirements.

And yet we are talking about imposing even more requirements on these people.

> It is pretty hard to pass a straight-face test when people ask how much of a concern this is, what with the shortfalls in education and medical care able to demonstrate an immediate real need which is competing for the same dollars.

The Town of Palisade.

> The Safe Drinking Water Act is placing an unbearable financial burden on our customers with no documented increase in health protection.

Lake Forest Mutual Water Co. That is in Grand Lake, CO.

Mr. President, what we are talking about here is common sense. What we are talking about is a 2-year moratorium on the 51 additional new regulations so that we have time to get a handle on them, so that people can come up with a way to meet the demands. What we are talking about is being reasonable with people. I can believe that if we are really concerned about clean water, we will not impose regulations that are likely to lead to less clean water. Unless we give some relief on these regulations, people will drop out of safe systems on to unproven systems. It is time for rationality.

I salute the distinguished Senator from New Mexico for coming up with his amendment. It is a tough issue. It is a hard issue. It is one that can be misunderstood. But he has demonstrated leadership and the courage to take on the tough issues. I hope this body will support this Senator not only because of the quality he has brought to this floor but his commitment to real clean water standards.

I yield back my remaining time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senators SMITH and CRAIG be made original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am very happy to support the amendment offered by the distinguished Senator from New Mexico, Senator DOMENICI, that provides needed and urgent regulatory relief for communities across the United States and my State of Kansas.

Nothing is more important to life itself in our communities than the source and quality of fresh water that serves that community. However, over the years, we seem to have forgotten that Washington doesn't always have the answer. I was shocked at the number of cities and rural water districts that contacted my office seeking passage of the Domenici amendment—over 200.

The message is crystal clear. Get Federal Government over-regulation and mandates off the backs of ordinary citizens who believe they have safe water supplies now and cannot afford all this so-called help the Congress and the EPA is in the habit of giving.

Let me be clear. This amendment is not a cave-in to the special interests; it doesn't repeal current law; and it allows the EPA Administrator to address and protect public health if necessary.

It does, however, provide an opportunity for us to step back and take a look at this act, as we move toward reauthorization, and review its purposes, its use, and effects on the public.

I might add, Mr. President, that it is the smaller water systems that suffer under this regulatory scheme. We need to find a different way to promote the admirable goals of clean and safe drinking water without bankrupting small towns and rural water districts.

Right now these people are swimming in redtape. Every time I am back in Kansas I am asked when is Washington going to slow down the regulatory train?

Mr. President, it is a question of balance. We have seen a variation of the same debate every time an environmental law or regulation is reviewed or comes into question. Either you are for protecting the environment or you are against it. As my colleagues know, it is not that simple or easy.

Mr. President, the Senator from New Mexico is right on target. Let us slow down a moment and take a look at what we are doing—and who we are hurting—all in the name of environmental protection. I believe that upon enactment of this necessary amendment we can find a way to bring a better balance to this program and achieve an environmentally acceptable result in an economical and sensible fashion. I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent a list of Kansas communities and rural water districts that support the Domenici amendment be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

KANSAS COMMUNITIES SUPPORTING DOMENICI AGREEMENT

Alma, Altoona, Argonia, Arma, Ashland, Aurora, Benton, Bird City, Bonner Springs, Bogue.

Buhler, Burlingame, Burlington, Caldwell, Cambridge, Cawker City, Centralia, Chanute, Chapman, Cimarron.

Clay Center, Coffeyville, Colby, Coldwater, Collyer, Colwich, Corning, Cottonwood Falls, Deerfield, Della.

Dighton, Dodge City, Downs, Eskridge, Edgerton, Elk City, Elkhart, Ellsworth, Ensign, Eureka.

Everest, Fairview, Florence, Frankfort, Galva, Garden Plain, Girard, Goessel, Goff, Green.

Gridley, Gypsum, Halstead, Hanover, Hartford, Havana, Highland, Hillsboro, Holton, Hope.

Hoxie, Hugoton, Jewell, Kanorado, Kingman, La Cygne, Larned, Lebanon, Leoti, Lindsborg.

Loisburg, Luray, Macksville, Manhattan, Mankato, Manter, McLouth, Melvern, Minneapolis, Moundridge.

Morganville, Muscotah, Neodesha, Ness City, New Strawn, Oberlin, Olpe, Oneida, Osawatomie, Oswego.

Paola, Parker, Paxico, Peru, Pratt, Preston, Quinter, Rantoul, Richmond, Rolla.

Russell, Sabetha, Sedan, Seneca, Spearville, Spicey, St. Marys, St. Paul, Syracuse, Troy.

Walton, Wamego, Wathena, Wetmore, Whitewater, Winchester, and Windom.

KANSAS RURAL WATER DISTRICTS SUPPORTING DOMENICI AMENDMENT

Allen Co. R.W.D. #10, Anderson Co. R.W.D. #5, Anderson Co. R.W.D. #6, Atchison Co. R.W.D. #3, Blue River Hills Improvement District, Brown Co. R.W.D. #1, Butler Co. R.W.D. #1, Butler Co. R.W.D. #2, Butler Co. R.W.D. #3, Butler Co. R.W.D. #5.

Butler Co. R.W.D. #6, Butler Co. R.W.D. #7, Cherokee Co. R.W.D. #5, Cherokee Co. R.W.D. #7, Comanche Co. R.W.D. #1, Comanche Co. R.W.D. #2, Consolidated R.W.D. #1, Cowley Co. R.W.D. #1, Cowley Co. R.W.D. #4, Cowley Co. R.W.D. #5.

Crawford Co. R.W.D. #1, Crawford Co. R.W.D. #2, Crawford Co. R.W.D. #6, Dickinson Co. R.W.D. #1, Doniphan Co. R.W.D. #2, Douglas Co. R.W.D. #2, Douglas Co. R.W.D. #3, Douglas Co. R.W.D. #4, Douglas Co. R.W.D. #5, Elk Co. R.W.D. #1.

Ellsworth Co. R.W.D. #1, Franklin Co. R.W.D. #4, Franklin Co. R.W.D. #5, Geary Co. R.W.D. #4, Greenwood Co. R.W.D. #1, Greenwood Co. R.W.D. #2, Hamilton Co. R.W.D. #1, Harper Co. R.W.D. #1, Harper Co. R.W.D. #3, Jackson Co. R.W.D. #1.

Jackson Co. R.W.D. #2, Jackson Co. R.W.D. #3, Jefferson Co. R.W.D. #1, Jefferson Co. R.W.D. #3, Jefferson Co. R.W.D. #6, Jefferson Co. R.W.D. #9, Jefferson Co. R.W.D. #11, Jefferson Co. R.W.D. #12, Jefferson Co. R.W.D. #13, Jewell Co. R.W.D. #1.

Johnson Co. R.W.D. #7, Kingman Co. R.W.D. #1, Labette Co. R.W.D. #6, Leavenworth Co. R.W.D. #4, Leavenworth Co. R.W.D. #5, Leavenworth Co. R.W.D. #7, Leavenworth Co. R.W.D. #8, Leavenworth Co. R.W.D. #9, Lyon Co. R.W.D. #5, Marion Co. R.W.D. #1.

Marion Co. R.W.D. #4, Marshall Co. R.W.D. #3, McPherson Co. R.W.D. #4, Miami Co. R.W.D. #1, Miami Co. R.W.D. #3, Mitchell Co. R.W.D. #3, Montgomery Co. R.W.D. #3, Montgomery Co. R.W.D. #4, Montgomery Co. R.W.D. #9, Morris Co. R.W.D. #1.

Nemaha Co. R.W.D. #1, Nemaha Co. R.W.D. #3, Nemaha Co. R.W.D. #4, Neosho Co. R.W.D. #5, Neosho Co. R.W.D. #6, Neosho Co. R.W.D. #7, Neosho Co. R.W.D. #9, Neosho Co. R.W.D. #10, Neosho Co. R.W.D. #12, Neosho-Allen Cos. R.W.D. #2.

Neosho-Labette Cos. R.W.D. #4, Osage Co. R.W.D. #5, Osage Co. R.W.D. #6, Osage Co. R.W.D. #7, Osage Co. R.W.D. #8, Osborne Co. R.W.D. #1A, Ottawa Co. R.W.D. #1, Pottawatomie Co. R.W.D. #2, Shawnee Co. R.W.D. #8, Wilson Co. R.W.D. #12, Woodson Co. R.W.D. #1, and Wyandotte Co. Consolidated R.W.D. #1.

OTHER KANSAS SUPPORT OF DOMENICI AMENDMENT

Fairmont Heights Water Company, Manhattan; Kansas Rural Water Association; League of Kansas Municipalities; Owen O'Brien, St. Paul; Poe and Associates of Kansas Inc., Wichita; Ponzer-Youngquist, P.A., Olathe; R.W.D. Services, Chanute; Ramona Carpenter, Piedmont; Schwab-Eaton, P.A., Manhattan; Surburban Water Company, Basehor; and William W. Lichtenhan, Dwight.

Mr. DOMENICI. Mr. President, Senator DOLE says in supporting my amendment:

> The message is crystal clear. Get Federal Government overregulation and mandates off the backs of ordinary citizens who believe they have safe water supplies now and cannot afford all the so-called help the Congress and the EPA is in the habit of giving.
>
> Let me be clear. This amendment is not a cave-in * * * It does not repeal current law; it allows the EPA Administrator to address and protect public health if necessary.
>
> It does, however, provide an opportunity for us to step back and take a look at this act as we move toward reauthorization, review its purposes, its use, and effects on the public.

The distinguished minority leader says he is amazed to find out how many cities in his State were concerned about this and had written him. In his statement he says in the State of Kansas there are only 200 cities who wrote to him saying we do not need all these regulations. Why not put in a moratorium so we have a chance to breathe.

Mr. President, quickly, I want to indicate to the Senate that the Senator from New Mexico did not take this matter lightly. Believe it or not, having some inclination about how these acts, these regulatory schemes work, in 1990, in December, well before this conflict broke out between the communities of America and Congress and the EPA, I asked a group of New Mexicans to begin to monitor this act because I thought just as sure as the Sun rose, we had probably overregulated and we were going to get some real input. But I thought maybe we would reauthorize the act. We are not going to do that for a while. But I got invaluable input from a group of New Mexicans way before this crisis arose.

In discussing that, it came to our attention the Environmental Protection Agency had issued a working paper on drinking water called "Working Paper on Drinking Water," Governors' Forum on Environmental Management.

> In September, 1990, the Agency's Science Advisory Board reached the conclusion that there is a mismatch between the real threats to public health and the controls mandated by Congress. EPA has endorsed the recommendations of that report. Those which point toward risk-based environmental management, including strategic planning and budgeting may be partial solutions to this dilemma. Because the majority of States now have significant budget difficulties and because resource decisions that will affect public health and the economy for years to come can be no longer delayed, it is time to consider moving beyond the philosophy and into the practice of risk-based management. This report examines what EPA Administrator William K. Reilly has labeled "our first and most pressing challenge"—the impacts and implications of the Safe Drinking Water Act.

I ask unanimous consent that the remainder of the report that I will send to the desk be made a part of the RECORD.

I remind the Senate in September 1990, this was the primary act for such an evaluation.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

GOVERNORS' FORUM ON ENVIRONMENTAL MANAGEMENT—WORKING PAPER ON DRINKING WATER

INTRODUCTION

In September, 1990, the U.S. Environmental Protection Agency's (EPA) Science Advisory Board reached the conclusion that there is a mismatch between the real threats to public health and the controls mandated by Congress.[1] EPA has endorsed the recommendations of that report. Those which point toward risk-based environmental management, including strategic planning and budgeting may be partial solutions to this dilemma. Because the majority of States now have significant budget difficulties (anticipated shortfalls) and because resource decisions that will affect public health and the economy for years to come can no longer be delayed, it is time to consider moving beyond the philosophy and into the practice of risk-based management. This report examines what EPA Administrator William K. Reilly has labelled "our first and most pressing challenge"—the impacts and implications of the Safe Drinking Water Act (SDWA). This report should be viewed against the backdrop of insufficient State resources for all the major environmental programs, a total shortfall which is expected to equal projected funding by the year 2000. The sections below describe the history of the State and Federal roles, the status of SDWA implementation, the size and nature of the implementation challenge and the alternative solutions available for consideration.

	1969	1991
Full compliance with bacteriological standard.	91 percent, (22,750 systems).	91.5 percent (55,000 CWS).
Full compliance with chemical monitoring requirements.	10 percent (2,500 systems).	95 percent (57,000 CWS).
Full compliance with chemical standards.	70 percent (17,500 systems).	99.4 percent (59,600 CWS).
Number of systems with a chemical standard violation.	7,500 systems (out of 25,000).	383 systems (out of 60,000).
Percent of systems receiving a sanitary survey in the previous five years.	<50 percent	>90 percent.
Number of health advisories (voluntary standards).	15	>100.
Size of State Drinking Water budgets ($1991).	$27 million	$81 million (State) $49 million (Fed).

The effectiveness of State and Federal actions today can also be reflected in the degree to which health risks have been reduced and how many are left to address. Nearly all cancer risks from drinking water are due to only 5 contaminants. Three of five have been regulated, with a fourth proposed. Nearly all non-cancer risks from drinking water are avoided through control of four contaminants—microbiological contaminants, sulfates, nitrates and lead. The vast majority of non-cancer benefits are reductions in gastrointestinal upsets (like diarrhea) and are avoided through the filtration rule and potential future control of sulfates. Lead contamination can lead to reduced mental acuity. About 17,000 children would avoid a more than one IQ point loss, with still fewer avoiding measurable IQ losses.

The social cost of the federal mandates also indicates the status of State program implementation. Basically, the cost of drinking water protection at the local level is increasing while the health benefit of increasing regulation is not. Control of the five drinking water contaminants that pose significant cancer risks is generally cost effective, with cost per case avoided less than $10 million/case. The cost effectiveness of controlling other carcinogens is generally poor, with costs/case as large as $92 Billion (Atrazine/Alachlor). A recent symposium held at the Kato Institute in Washington, D.C. documented the social cost of expensive regulations. Rules that reduce funds will rarely favor drinking water programs. Many States are confronted by this problem.

This is not a new phenomenon. In 1988, the Association of State Drinking Water Administrators reported that 92 percent of State drinking water agencies have had to limit both technical and regulatory program activities because of insufficient funding and/or staffing within the previous five years. As of March, 1992, 26 States plan to reduce funding to drinking water agencies. Nineteen of these will arise through across-the-board cuts. The remainder will be specifically targeted for reductions.

Compounding the problem arising from cuts in drinking water programs is that cuts must be made against a growing Congressional mandate for more rule adoption and more rule enforcement. As the figure to the right indicates, the annual cost of full SDWA implementation in 1995 will be more than $400 million, based on adoption and implementation of all EPA requirements. Annual State funding in 1991 was about $81 million, a national figure that is holding about level in 1992.

The Federal share has grown somewhat since 1989. In its FY93 budget, EPA has requested an 18 percent increase over the FY92 federal grants to the States. These increases, while positive, are small in light of the Congressional mandate. An $8.9 million Federal increase does little to address the more than $200 million projected program shortfall.

Mr. DOMENICI. Mr. President, the Domenici amendment preserves and continues regulations that were promulgated before December 21, 1989; 35 regulations remain in full effect; 65 chemicals plus bacteria, viruses, and turbidity will be monitored and regulated.

Also, EPA water utilities focus time and money on addressing known health risks instead of wasting scarce resources on regulations which would not improve the safety of the water. It avoids monitoring chemicals which may cost as much as $200 per family, may not exist in drinking water, and, Mr. President, according to EPA's evaluation, all of those that we are going to hold in abeyance may result in eight-tenths of an additional cancer case per year nationwide. And it would cost, according to some estimates, billions of dollars to implement.

Now, Mr. President, there is going to be much said about how serious the remaining regulatory schemes are and how failure to do some of these are going to cause harm. I want to go through just two quickly for the Senate.

There is a letter dated July 31, 1992. This is directed to every Senator. It is from the National Resource Defense Council, the executive director of the Sierra Club, the general counsel on Environmental Defense Fund, Wildlife Federation, Audubon, Friends of the Earth, and Defenders of Wildlife.

Now, Mr. President, I had an interesting meeting in New Mexico during this recess. I was meeting with the ranchers. We were discussing the fee imposed on public domain. And about 250 ranchers were there and we asked the witnesses, and finally we heard from a person who said, "I am a Sierra Club member," New Mexican. He got up, and he said, "Senator, let the record show that as a Sierra member I am speaking not for the National Sierra because I have not talked with them, I have not asked them about my statement here today so it is mine and not theirs."

He finished and we started talking, and I said, "It is nice that you mentioned you do not speak for them because I am quite sure they frequently issue statements and they do not speak for you because they do not even ask you." I was very surprised at the answer.

The answer was, "They indeed do that, Senator, and we are having some very serious kind of communications about that."

Well, I might say I believe every one of these organizations has hundreds of New Mexicans. I did not get a single letter about this amendment in opposition from Sierrans, from any of these people in New Mexico. It has been all over the papers in small cities and large cities.

So it just seems to me that in the same typical manner those who are the executive directors of these organizations got together up here, maybe after the amendment was written, the Chafee amendment, and they all wrote this letter together. But I submit there are literally thousands of their members out in our States who do not agree that implementation of this act is necessary for their well-being and is a major environmental issue.

In this letter—just to go through it quickly—they worry about PCB's.

Well, I have here what I would like to make a part of the RECORD, a list that is called standards that would be affected by the moratorium, and this is an EPA list, and the PCB's are listed here and it talks about annual cases avoided, and it says "none."

And then we are talking about dioxins in this letter from the environmental groups, and the same EPA list says, "Cases to be avoided on the dioxins"—you might be surprised—"none."

And then it says we are worried about nitrates.

Well, let me say that on nitrates they are wrong again because the old rules with reference to studying the nitrate issue remain in effect. They are not changed.

Then if you go down to their last paragraph, they are worried about disinfection byproducts. That has to do with the fact that we use chlorine and other purifiers, and they are trying to find out how much damage those do along with the good. Let me suggest they are wrong there, too, in saying this is a serious case because the study that is in progress is going to take 18 months to do, and it is being done by EPA and we do not suggest it be changed. And if they find something serious with it, we gave them the authority to do something about it.

I ask unanimous consent that the entire list of standards that would be affected by the moratorium indicating the annual case avoidance be made a part of the RECORD for any who would be worried that the contaminants that we are not going to mandate regulation might be harmful be made a part of the RECORD so you can look at it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STANDARDS THAT WOULD BE AFFECTED BY THE MORATORIUM

Contaminant	Health effect	Annual cases avoided	Cost-effectiveness
Tetrachloroethylene	Probable cancer	None	>$40 M/case.
Chlorobenzene	Non-Cancer	None	Cost>>>benefits.
trans-1,2-Dichloroethylene	Liver/nervous system	None	Cost>>>benefits.
cis-1,2-Dichloroethylene	Liver/nervous system	None	Cost>>>benefits.
o-Dichlorobenzene	Nervous/liver/lung/kidney	None	Cost>>>benefits.
Asbestos	Benign tumors (non-cancer)	None	>$100 M/case.
Aldicarb	Non-cancer	<0.0001 cases	$98.9 billion/case.
Chlordane	Probable cancer	None	>$50 M/case.
Carbofuran	Nervous/reproductive system	None	Cost>>>benefits.
Alachlor	Probable cancer	None	$3.9 billion/case.
Epichlorohydrin	Probable cancer	None	>$50 M/case.
Toluene	Kidney/nervous/lung systems	None	Cost>>>benefits.
PCB's	Probable cancer	None	>$50 M/case.
Atrazine	Reproductive/heart	None	$3.9 billion/case.
Acrylamide	Probable cancer	None	>$50 M/case.
Dibromochloropropane	Probable cancer	None	>$50 M/case.
1,2-Dichloropropane	Probable cancer	0.1677 cases	$22.4 M/case.
Pentachlorophenol	Probable cancer	None	$860 M/case.
Xylenes	Liver/kidney/nervous system	None	Cost>>>benefits.
Ethylbenzene	Liver/kidney/nervous system	None	Cost>>>benefits.
Styrene	Liver/nervous system	None	Cost>>>benefits.
Heptachlor	Probable cancer	None	>$50 M/case.
Heptachlor epoxide	Probable cancer	None	>$50 M/case.
Nitrite	Blue-baby syndrome	See nitrate	
Aldicarb sulfoxide	Non-cancer	See aldicarb	$98.9 billion/case.
Aldicarb sulfone	Non-cancer	See aldicarb	$98.9 billion/case.
Copper	NA	NA	
Dichloromethane	Probable cancer	None	>$38 M/case.
1,2,4-Trichlorobenzene	Adrenal glands	None	Cost>>>benefits.
Hexachlorobenzene	Probable cancer	None	>$25 M/case.
Antimony	Reduced body weight in mice	None	Cost>>>benefits.
Nickel	Inhalation cancer agent	None	Cost>>>benefits.
Thallium	Genetic toxin	None	Cost>>>benefits.
Beryllium	Bone damage	None	Cost>>>benefits.
Cyanide	Spleen, brain, liver	None	Cost>>>benefits.
Dalapon	Liver/kidney	None	Cost>>>benefits.
Diquat	Liver/kidney/eyes	None	Cost>>>benefits.
Endothall	Liver/kidney/reproductive system	None	Cost>>>benefits.
Glyphosate	Liver/kidney	None	Cost>>>benefits.
Adipates	Liver/testicles	None	Cost>>>benefits.
2,3,7,8-TCCD (Dioxin)	Probable cancer	None	>$25 M/case.
1,1,2-Trichloroethane	Nervous system	None	Cost>>>benefits.
Oxamyl	Kidney	None	Cost>>>benefits.
Simazine	Possible cancer	None	>$50 M/case.
PAHs	Possible cancer	None	>$50 M/case.
Phthalates	Probable cancer	None	>$50 M/case.
Picloram	Liver/kidney	None	Cost>>>benefits.
Dinoseb	Thyroid/reproductive	None	Cost>>>benefits.
Hexachlorocyclopentadiene	Kidney/stomach	None	Cost>>>benefits.
Uranium	Cancer	0.56 cases	$56.6 M/case.
Sulfate	Diarrhea	5,702 infant cases	Costs 5 times>benefits.

Note.—Total for standards affected by the moratorium: 51 Contaminants; <0.8 cancer cases/year, 5,702 cases of infant diarrhea; benefits>costs for no contaminants, costs>benefits for 51 contaminants, 18 contaminants w/>$50 million/case, 7 contaminants w/>$100 million/case, 5 contaminants w/>$1 billion/case.

Mr. DOMENICI. Last, I want to make a part of the RECORD, lest anybody thinks we are pipedreaming on the costs of implementing this act. I just want to tick off a few of the costs; if we left the law as it is, and we did all these tests, what it would be. This is the cost of certain monitoring tests that would fall under the moratorium, that has not been implemented. Let me take asbestos, $300 million.

Aldicarb, Oxamyl, Aldibarb sulfoxide, Aldicarb sulfone, $200.

PCB's, $300.

Skip down to a few that are really cheap: 2, 3, 7, 8–TCDD—Dioxin—$1,000 to $1,500 per test.

I ask unanimous consent that this list be made a part of the RECORD. It contains most of those we are holding in abeyance for a few years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COSTS OF CERTAIN MONITORING TESTS THAT WOULD FALL UNDER THE MORATORIUM: (NOT BE IMPLEMENTED)

Method	Analytical cost	Contaminants analyzed
TEM	$300	Asbestos.
531.1	$200	Aldicarb, Oxamyl, Aldibarb, sulfoxide, Aldicarb sulfone.
508A	$300	PCB's.
200.9	$150	Antimony, nickle, thalium.
335.2	$30	Cyanide.
549	$150	Diquat.
548	$150	Endothall.
547	$150	Glyphosate.
525.1	$325	Adipates, PAH's, Phthalates, and others already covered in part by 505 508.
1613	$1,000 to 1,500	2,3,7,8-TCDD (Dioxin).
ASTM D–2907	$20	Uranium.
Sulfate	Unknown	Sulfate.

Note.—Total: 12 monitoring requirements: $2,775.

Mr. DOMENICI. Mr. President, in summary, the Domenici amendment puts a 2-year moratorium on the remainder of this act. For those who are worried about copper and lead, we have lent our ear to your concerns and we have included them as contaminants that must be monitored.

In addition, we gave extraordinary authority to the Environmental Protection Agency. If indeed they find that any of the other contaminants are serious, they do something about it.

It seems to me that this is a realistic way of avoiding a very serious problem that has been discussed here in many different ways.

I greatly respect the way that my Senator friend from Colorado explained it. We from up here decided they should pay for it down there even if they do not think it is necessary, and there is good reason now to believe it is not necessary. The Governors cry out for their small communities, medium-sized communities, and I am going to hold on to examples of medium-sized communities such as Columbus, OH, from which we received detailed information about the burdens we are imposing on them.

I yield the floor at this point.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator DOMENICI and also Senator BROWN for their statements and for their leadership in trying to provide what I would call common sense to the objective of having clean water. I think all of us share that objective. That is the purpose of the Safe Drinking Water Act.

I do not dispute the intent of the authors of the bill, the original bill, underlying bill, as amended in 1986. But I will state that if my colleagues have had the opportunity as I have, of going back to their States and having a lot of town meetings, they probably would have had their eyes opened to the cost and the impact of the amendments to the Safe Drinking Water Act. They would probably have heard from a lot of small towns and communities and rural water districts about the needless expense of the Safe Drinking Water Act amendments. And their request is that we put a moratorium on any new additional regulations. That is what the Domenici amendment would do.

Mr. President, I am happy to join in support of this amendment to the Safe Drinking Water Act. Safe drinking water is one of the most critical needs of our society. State and Federal Governments have worked closely with our local and regional water suppliers to develop the program which provides people with important assurance that the water they drink is safe.

However, in 1986 Congress amended the Safe Drinking Water Act mandating a wave of new, unnecessary and costly regulatory requirements. In 1986 the Safe Drinking Water Act amendments required that the EPA promulgate a set number of standards, 83, by the year 1989, and then establish an additional 25 standards every 3 years until the end of the century.

These requirements have placed a very heavy and counterproductive burden on the EPA, the States, and the regulated water systems. It has resulted in EPA standards for chemicals, which have been found in only one or two systems in the entire country—even these are of questionable health significance, with the only apparent reason for monitoring solely being to meet the "bean count" required by the 1986 amendments.

These excessive, unneeded and costly regulations have resulted in budget shortfalls in State public water supply supervision budgets during a time of serious economic difficulties nationwide and may result in some of the States turning the program back to the EPA because the minimum program requirements cannot be maintained. It also imposes serious economic problems for water systems which will have to finance the capital expenses required to meet questionable new standards and find some way to pay for exorbitant recurring expenses resulting from the increased monitoring requirements.

Oklahoma was the first State in the Nation to gain primary enforcement responsibility under the Safe Drinking Water Act of 1974. Since then the Oklahoma Department of Health has attempted to stay in the forefront of implementing subsequent revisions to the act.

Oklahoma's program has been evaluated by a variety of outside groups, including the GAO, and has generally been found to be among the more credible programs in the Nation. However, even so, Oklahoma has asked that some reasonableness be inserted into the process.

No responsible State health agency or water system would object to the establishment of a drinking water standard where there is reasonable potential of an adverse health threat. However, the establishment of standards simply to meet the required number is difficult to justify and finance. Resources could be better utilized if the standards were established only on known or reasonably projected health threats that occur in a significant number of systems nationwide.

Small systems are especially hard hit by overzealous regulation. Small systems with part-time or small number of employees cannot carry out series after series of tests on water that has been and is clean and safe.

Over the past 24 years over $9 billion has been spent through grants and loans to small systems by the Federal Government to improve the quality of drinking water in rural areas. It has been very successful. However, these grants and loans require local communities to charge rates at a maximum level that the community can afford. As a result, most systems are producing quality water to families who previously used dangerous well water or hauled water to their homes. These families are already paying a considerable fee for this improvement.

All systems need to test and those at risk need to test more often, and everyone needs to monitor their water. However, rules need to be simple, testing reasonable, and enforcement targeted at those few communities with serious problems. But the present approach is not going to protect public health as well as a more reasonable comprehensive approach for implementing the law that takes small community's water systems into account.

The Domenici-Brown-Nickles amendment simply requires that EPA and Congress stop, look, and listen before they pile more unnecessary regulations that do not address real health risk on water systems. The amendment leaves in place all currently, fully implemented water standards, 35, and the lead and copper rule. New standards would be implemented for any contaminant if health risks justify it.

Other pending regulations would remain under moratorium for 2 years while the act is reviewed. Monitoring requirements that would remain in place measure over 90 contaminants. This amendment would reduce costs by about $180 per household each year for the one-third of the systems which are very small.

Contrary to allegations made by opponents, this amendment does not "gut" the Safe Drinking Water Act. The existing program will continue, unjeopardized by the waste of money on needless monitoring. Public water suppliers will continue to be regulated and protected from all carcinogens known to represent a meaningful risk to public health, as well as lead and nitrates, and bacterial and viral contamination.

None of the regulations affected by the moratorium address toxins which represent significant known health risks. According to EPA data, the treatment of water supplies to remove the contaminants affected by the moratorium would only prevent less than one case of cancer per year nationwide at a cost of billions of dollars. The cost per avoided case of cancer for 18 of these contaminants is greater than $50 million, for 7 of the contaminants is greater than $100 million, and over $1 billion for 5 of the contaminants.

In short, the minuscule chance of health risks do not justify these enormous costs. Our States and water systems cannot afford to wait for Congress to reexamine and reauthorize the Safe Drinking Water Act. They need our help. They need it now, not years from now. Our country has some of the safest drinking water in the world. We do not need to burden our water systems with unnecessary requirements when they are already providing safe drinking water. Let us listen to the changes advocated by the States and water systems, that implement the rules and regulations of the Safe Drinking Water Act, and fashion legislation that makes sense.

Mr. President, I just conclude by stating that I have several letters from people who work in this field all the time. I venture to say that most Senators are not experts in this field. I am not an expert. But I have listened to rural water districts and to people in our community that work on providing safe drinking water to our constituents on a day-to-day basis.

They are not interested in dirty water. They are not interested in providing water that is not safe, that is not clean. But they are interested in trying to have rules and regulations that they can live with, that they can afford. They are interested in cleaning up any contaminant if it is proven to be unhealthy. If it is proven to be dangerous to anybody's health, they are happy to clean it up.

Frankly, I think part of the result, and part of the anger that we feel, myself and many of my constituents, is that the mandates come from Washington, DC, and no money is provided to comply. We are talking about serving people in many districts, in rural areas that are on very low fixed incomes. They cannot afford the additional requirements mandated by the additional tests.

I might mention that, right now, the law mandates testing for 35 contaminants. By the year 1995, unless this amendment is adopted, we will be testing for 111 contaminants; and by the year 2000, 200 contaminants, all of which will greatly increase the cost to our users, water users, with very little, if any, cost-benefit association. I think we need a cost-benefit association.

We have to make sure that the costs we are mandating on our constituents, on rural water districts, small towns and cities—and even on larger towns, like Columbus, OH, or Tulsa, OK—we need to make sure the regulations make sense, that it is money well spent, that we are actually improving the quality of service; in this case, the quality of water.

Mr. President, I would like to read a letter from the Oklahoma Rural Water Association, one paragraph:

> The Congress and EPA have embarked on a course that will dramatically affect system operations and substantially increase the cost of providing water. There is no assurance that this will result in a significant improvement in the quality of drinking water supplies provided by the great majority of systems. It is essential that Congress reconsider its shotgun approach for establishing drinking water standards. Implementation of new requirements should be delayed so that the EPA has sufficient time for conducting scientific studies to ascertain the real health effects of various contaminants. The financial impact and the cost-benefit ratio of new regulation should be given more thoughtful consideration.

In another letter from the Rural Water Association:

> S. 2900, the Domenici bill——

Now amendment.

> is exactly what is needed to protect small water systems from unnecessary and costly overregulation.

It says:

> As you know from your Henryetta meeting.

I had meetings with people across the State of Oklahoma, and they told me they are concerned about the cost of complying with the Safe Drinking Water Act, and their belief that the costs are enormous and the benefits are de minimis.

They said:

> As you know from your Henryetta meeting, change in the Safe Drinking Water Act is a number one priority of system in Oklahoma.

Also, from the Association of Central Oklahoma Governments; it says:

> Attached is a copy of the board's most recent policy statement regarding water quality regulations and how they affect cities and towns. We want the citizens of central Oklahoma to be confident in the healthiness of the water they drink, but major expense for little or no gain is counterproductive.
>
> We continue to encourage adoption of maximum contaminant levels only when those levels are reasonable and scientifically substantiated.

Then I have one additional insertion into the RECORD. This is written on behalf of Commissioner Joan Leavitt, Dr. Leavitt, the Commissioner of Health in the State of Oklahoma:

> On behalf of the Oklahoma State Department of Health, I wish to thank you for your efforts to bring about reasonable changes to the Safe Drinking Water Act. Senate bill S. 2900 appears to address many of the concerns of health professionals regarding safe drinking water standards based on risk, unnecessary standards promulgated just to meet a quota, and the fear that the high cost of unneeded standards may force consumers to abandon public water supplies for untested private sources.
>
> We fully support drinking water standards for parameters demonstrated to be a threat to public health, but are unwilling to use limited resources for monitoring which is not necessary.

Mr. President, I ask unanimous consent that the letters which I have alluded to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. In conclusion, I wish to compliment my friends and colleagues, Senator DOMENICI, Senator BROWN, and Senator DOLE, for trying to bring about some common sense, needed examinations, and hopefully a moratorium on additional regulations.

I tell my colleagues, if they vote for the substitute and therefore vote against the Domenici amendment, they will hear about it. They will hear about it from their small towns. They will hear from the rural water districts.

I have been in the State, and I have been listening to the people, and they are not wanting additional Federal mandates coming with enormous costs with little, if any, benefit or improvement in the safe drinking water.

Again, I compliment my colleague from New Mexico. I hope his amendment will be agreed to.

EXHIBIT 1

OKLAHOMA RURAL WATER ASSOCIATION,
Oklahoma City, OK, July 24, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: We appreciate your efforts to place a moratorium on implementation of the Safe Drinking Water Act (SDWA) until a study of the regulations and reauthorization of the Act is completed. S. 2900 is exactly what is needed to protect small water systems from unnecessary and costly over-regulation.

As you know from your Henryetta meeting, changing the SDWA is the number one priority of systems in Oklahoma. ORWA and the National Rural Water Association strongly support S. 2900. We will do all that we can to keep our members informed and actively involved in working for passage of this critical legislation. We have already initiated efforts to generate grass roots support for your legislation.

Thank you again for your assistance and leadership in working to ensure that the requirements of the SDWA are realistic and affordable for small water systems. Please call if we can be of service.

Sincerely,

GENE WHATLEY,
Executive Director.

RURAL WATER DISTRICT NO. 4,
Oologah, OK, May 11, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: Board Member C.K. White and I attended your meeting in Henryetta. We appreciate your efforts on our behalf in attempting to eliminate unessential regulations on drinking water.

Our water system was constructed in 1967 and currently serves 1700 meters in northwest Rogers County. Since our system has been in operation, it has met all the federal and state requirements and provided a safe quality water supply to the members.

We fully support requirements making water safe for human consumption, but we have very definite reservations about the Safe Drinking Water Act. It calls for monitoring of 25 more contaminants in 1994, 25 more in 1997, and 25 more in the year 2000, but the contaminants have not been identified; therefore, how do we know if they will be harmful.

Already our expenses have greatly increased due to new requirements and will continue to increase each year without any method of funding except increasing water rates to our users.

Before 1989 we did not pay the State Health Department an operational fee, but in 1989 and 1990 we paid an annual fee of $1,920 each year. In 1991 this fee increased to $3,840. We also built a new clearwell in 1991 at a cost of $183,000 to give us more storage for finished water. This allows us more retention time through the filters to assure us of meeting the new turbidity standards.

To comply with part of the Lead and Copper Rule, beginning in July 1992 we will be required to take 80 samples within the next 12 months at a cost of $35.00 each for a total of $2,800. In addition to these samples we are also going to be required to take the following ones:

Non-lead samples, 10 @ 35.00 each, $350.00 annually.

Synthetic Organic Chemicals, $500.00 annually.

Inorganic Chemicals, $86.00 annually.

Nitrate Monitoring, $20.00 annually.

Volatile Organic Chemical, 4 @ 20.00 each, $80.00 might be deleted.

Asbestos Monitoring, $160.00.

Monitoring for unregulated IOC's Antimony, Beryllium, Nickle, Sulfate, Tallium, Cyanide, @ $140. each, $840.00.

Monitoring for Unregulated Contaminants Sampling must be completed by December 1995. There are 6 Inorganic Chemicals and 24 Organic Chemicals to be sampled, and the cost of these samples are unknown at this time.

In addition to the sampling requirements, it will be necessary for us to purchase the following equipment for our plant to meet the new regulations:

Chlorine Analyzer, $1,895.00

Chart Recorders, 2 @ 650. ea., $1,300.00.

Automatic switchover for Chlorination, $495.00.

Chlorinator w/ cylinder mounted regulator & flowmeter, ejector, tubing, and fittings, $1,050.00.

Model 500 cylinder regulator w/ flowmeter, $750.00.

EJ1000 ejector 100 ppd maximum chlorine feed, $375.00.

Remote flowmeter RM 401, 100 ppd maximum feed, $275.00.

As we previously stated we provide safe drinking water and legislation for such is a top priority, but excessive regulations for contaminants that are not known to be harmful is an unnecessary increase in expenses for Rural Water Systems such as ours.

Sincerely,

BILL COLLINS,
Chairman of Board.

OKLAHOMA RURAL WATER
ASSOCIATION,
Oklahoma City, OK, March 28, 1991.

Mr. JOHN TRAX,
National Rural Water Association,
Duncan, OK.

DEAR MR. TRAX: Safe Drinking Water Act reauthorization is one of the most far reaching and important issues that State Associations and NRWA will pursue on behalf of small water systems. The Congress and EPA have embarked on a course that will dramatically affect system operations and substantially increase the cost of providing water. There is no assurance that this will result in a significant improvement in the quality of drinking water supplies provided by the great majority of systems. It is essential that the Congress reconsider its shotgun approach for establishing drinking water standards. Implementation of new requirements should be delayed so that EPA has sufficient time for conducting scientific studies to ascertain the real health affects of various contaminants. The financial impact and the cost/benefit ratio of the new regulations should be given more thoughtful consideration.

* * * * *

Sincerely,

GENE WHATLEY,
Executive Director.

BECKHAM COUNTY RURAL
WATER DISTRICT #1,
Carter, OK, June 19, 1992.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: We wish to personally thank you and the members of your staff for meeting with the Members of the Oklahoma Rural Water Association on the 5th of May 1992.

The Rural Water Districts in Oklahoma have no problem supporting the intent of the Safe Drinking Water Act (SDWA). But, the cost to each Rural Water District to analyze and monitor the ever growing mandated list of contaminants is imposing an increasing financial burden on the membership of the water districts.

Our delegation promised to send your office factual data regarding the financial impact on our system—Beckham County Rural Water District #1. Please note that attachments #1 and #2 show the effects of the implementation of the SDWA regulations on our "User Fee" from the Oklahoma State Department of Health. The fee went from $522.00 for 1990 to $1044.00 for 1991. We have been informed that our 1992 fee will be at least $1800.00.

We would appreciate your continuing support to eliminate the creation of federal mandates without federal funding, especially with regard to the implementation of the Safe Drinking Water Act in the rural areas of Oklahoma.

Sincerely yours,

John Coakley, President; Ed Carter, Vice-President; Darrell Wootton, Secretary-Treasurer; George Normand, Asst. Sec.-Treas.; Bill Wood, Member; Jake D. Silk, Member; Elmer Koester, Member; Leo Schantz, Member; Wayne Holman, Member.

MOUNTAIN FORK WATER SUPPLY CORP.,
Broken Bow, OK, April 21, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: While attending "A Forum on Water" on April 16, 1992, in Henryetta, I was pleased to hear you were indeed concerned about the SDWA reauthorization.

Enclosed please find an estimated cost to Mountain Fork Water Supply Corporation to comply with the EPA rules and regulations set forth in the 1986 SDWA amendments.

Expenses from 1988–1991: $79,053.00 total; expenses from 1992–????: $41,208.00 per year. These expenses include equipment, personnel and personnel training, OSDH fees, etc.

Senator Nickles, these new rules and regulations coming up are outrageous! If there were some medical documentation to justify this, then we would have no problem. However, as Nancy Jenner, EPA, stated, "this may prevent one person in a million over 70 years from getting cancer." Unless there are some better medical documentation than that, I see no feasibility what-so-ever.

If you could convey our concerns to your constituents on Capitol Hill you would do a great service to the American water users.

Sincerely,

JAYE COLEMAN,
Manager.

TOWN OF HARRAH,
Harrah, OK, July 27, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: We appreciate your continual support of Oklahoma cities and towns. We especially support Senate Bill 2900, which you have co-sponsored.

The City of Harrah recently was notified by the Environmental Protection Agency that we are required to construct some treatment processes (that appear to be completely unnecessary) that could cost up to $200,000. At this time, they are demanding that it be finished by August, 1993, even though we were not notified of this requirement until June of 1992. With an operating budget of $212,000, obviously this requirement will create a hardship for our residents. What is especially frustrating is that this is apparently some sort of "technical requirement", which does not even consider the actual need for the construction.

We urge you to continue your support of Senate Bill 2900 and continue your efforts to insure that regulations are reasonable and meet true environmental needs.

The City of Harrah has 4200 residents, and we will all be grateful if you continue your efforts to insure that our limited resources can be directed to effective protection of our residents and not at some whim which places an unbearable financial burden on our residents.

We appreciate your sponsoring of this bill. Please call if your office has any questions or desire additional information.

Sincerely,

ROBERT WHERRY,
City Manager.

RURAL WATER AND SEWER
DISTRICT NO. 4,
Lincoln County, OK, April 23, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR: I was present at the water meeting April 16th, in Henryetta where you were guest speaker. I came away from that meeting feeling rural water still has friends in Washington. You requested cost numbers to present in your debate with SDWA in the Senate.

We are a District serving approximately 2,200 people in Northern Lincoln and Southern Payne Counties. Our monitoring cost went from $849.00 in 1990 to $1,699.00 in 1991. The Lead and Copper rule does not apply to us until 1993, but I believe this rule will increase our cost by another $2,000.00 to $3,000.00 per year. Such increases are very hard for us to bear, due to the fact, we buy part of our water from Tri-County Development Authority. Our average monthly bill per customer is now approximately $27.00. The economy in our area has not recovered since the 1982 oil bust.

We appreciate the job you are doing and look forward to the help you can give on this critical issue.

Sincerely,

BILL ROE,
General Manager.

DEER CREEK WATER CORP.,
Edmond, OK, September 8, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: This letter is written in support of Senate Bill 2900. This bill would delay implementation of the proposed drinking water rules for one year until a study has been completed addressing our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community systems.

We are concerned that the contaminant levels are being set at lower levels without sufficient studies to show that health protection would be increased at the lower levels. We feel that the levels are being set without consideration as to whether small community systems will be able to financially afford to be in compliance. In addition, the 25 additional contaminants which EPA is required to regulate every three years will place an unbearable financial burden on our customers for testing which may prove unnecessary since there is no documentation showing increased health protection from these proposed lower levels.

We are a rural water system which provides quality groundwater to approximately 775 service taps. We currently comply with all state and federal testing requirements and have done so for the past 21 years. Our priority is to provide safe, affordable drinking water to our customers, but we are concerned that this may become financially impossible in the future. We encourage your support of S.2900 to insure that regulatory mandates and the limited resources of our water system are directed to effective and affordable health protection for our customers.

Thank you for your support and consideration. We look forward to hearing from you on this critical issue.

Sincerely,

JIM C. MURPHY.

P.S. We would like to express our appreciation for your time in visiting with the Oklahoma delegation in your office during the National Water Rally in Washington. We appreciate your support of rural water in Oklahoma.

ASSOCIATION OF CENTRAL
OKLAHOMA GOVERNMENTS,
Oklahoma City, OK, August 13, 1992.

Senator DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: Thank you for leading the fight for reasonable, justifiable safe drinking water regulations! The local governments of central Oklahoma, large and small, appreciate your proposed legislation regarding implementation of the Safe Drinking Water Act.

Attached is a copy of the ACOG Board's most recent policy statement regarding water quality regulations and how they affect cities and towns. We want the citizens of central Oklahoma to be confident in the healthiness of the water they drink, but major expense for little or no gain is counterproductive. We continue to encourage adoption of maximum contaminant levels only when those levels are reasonable and scientifically substantiated.

This policy was approved by the ACOG Board last January and may be used by you and/or your staff in any way you deem to be helpful in pursuit of this issue. We appreciate your continued concern and proactive involvement.We appreciate your continued concern and proactive involvement.

Sincerely,

ZACH D. TAYLOR,
Executive Director.

SAFE DRINKING WATER ACT

GENERAL ISSUE STATEMENT

The Environmental Protection Agency (EPA) adopted tough, new regulations which address maximum contaminant levels (mcls) for 30 synthetic organic chemicals and eight inorganic chemicals, including lead and copper. The new regulations also include monitoring, reporting and public notification requirements for these compounds.

EPA has estimated that its regulation for lead will affect 53,000 (of 80,000) public drinking water systems throughout the country and will cost over $1.2 billion. The most severe financial impact will be to the smaller systems, which will have the least ability to pay for these improvements.

A controversial aspect of the regulations is that water suppliers (i.e., municipalities) will be required to test water at the consumer's tap to determine need for corrosion control. The majority of lead problems are in household plumbing over which local governments have limited authority. Treatment techniques, or sampling in the municipal distribution system, would be less costly and more reasonable to municipalities than the present requirement to sample at the tap.

LEGISLATIVE STATUS

Amendments to the Safe Drinking Water Act were last approved in 1984.

ACTION REQUESTED

(1) Continue to encourage adoption of maximum contaminant levels (mcl) only when those levels are reasonable and scientifically substantiated. In addition, a cost-benefit analysis should be performed to weigh the benefits of the proposed regulatory level with the cost of reducing environmental risks.

(2) Support granting local governments ample time, technical flexibility, and funding to develop the most economical solutions to their drinking water problems. Congress should provide matching funds to help finance monitoring and improvements necessitated to assure compliance with new environmental regulations.

(3) Support mandated use of local government planning in any state-level ground water protection plans required by Congress.

(4) Support local regulation of land use activities as an enforcement tool for protection of critical recharge areas (including wellhead protection programs).

OKLAHOMA STATE
DEPARTMENT OF HEALTH,
Oklahoma City, OK, August 10, 1992.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the Oklahoma State Department of Health, I wish to thank you for your efforts to bring about reasonable changes to the Safe Drinking Water Act. Senate Bill S. 2900 appears to address many of the concerns of health professionals regarding drinking water standards based on risk, unnecessary standards promulgated just to meet a quota, and the fear that the high costs of unneeded standards may force consumers to abandon public water supplies for untested private sources. We fully support drinking water standards for parameters which are demonstrated to be a threat to public health, but are unwilling to use limited resources for monitoring which is not necessary.

We were glad to provide your office with water supply inventory information last week. We hope it was helpful in your efforts to promote your bill. Please feel free to call on our department again if you have need of further information regarding water supplies in Oklahoma.

Yours very truly,

JOAN K. LEAVITT, M.D.,
Commissioner of Health.

Mr. CHAFEE addressed the Chair.

Mr. DOMENICI. If the Senator will yield, Mr. President, I might indicate, while the Senator is occupying the chair, that we have been greatly assisted by staff members of your Governor in working on this amendment, and I am most appreciative of that.

I thank the Senators who have spoken and who have helped me. In particular, I thank Senator NICKLES and his staff for their help on this. They are exactly right. It is either this amendment, or small communities clearly are not going to be satisfied with the substitute amendment we are going to speak about now.

I yield the floor.

AMENDMENT NO. 2965 TO AMENDMENT NO. 2964

(Purpose: To modify the implementation schedule of the Safe Drinking Water Act)

Mr. CHAFEE. Mr. President, I send a substitute amendment to the desk on behalf of myself, Senator LAUTENBERG, the chairman of the subcommittee with jurisdiction over the Safe Drinking Water Act; and on behalf, also, of Senator DURENBERGER, who is the ranking member of the subcommittee dealing with safe drinking water.

This amendment is cosponsored by the majority leader, Senator MITCHELL, who has long been a member of the Environment and Public Works Committee, and the chairman of the Agricultural Committee, Senator LEAHY.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. MITCHELL, and Mr. LEAHY, proposes an amendment numbered 2965 to amendment No. 2964.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word of the amendment and insert in lieu thereof the following:

"SEC. SAFE DRINKING WATER ACT IMPLEMENTATION.

"(a) SAFE DRINKING WATER ACT REPORT.—The Administrator of the Environmental Protection Agency shall report to the Congress within nine months of the date of enactment of this section recommendations concerning the reauthorization of the Safe Drinking Water Act. Such report shall address—

"(1) the adverse health effects associated with contaminants in drinking water and the public health and other benefits that may be realized by removing such contaminants;

"(2) the process for identifying contaminants in drinking water the selecting contaminants for control;

"(3) schedules for the development of regulations and compliance with drinking water standards;

"(4) the financial and technical capacity of drinking water systems to implement monitoring requirements associated with regulated and unregulated contaminants and options to facilitate implementation of such requirements, with special emphasis on small communities;

"(5) the financial and technical capacity of drinking water systems to install treatment facilities needed to assure compliance with drinking water standards and options to facilitate compliance with such standards, with special emphasis on small communities;

"(6) the financial and technical capacity of States to implement the drinking water program, including options for increasing funding of State programs; and

"(7) innovative and alternative methods to increase the financial and technical capacity of drinking water systems and the States to assure effective implementation of such Act.

"(b) MORATORIUM AND REPORT ON RADIONUCLIDES IN DRINKING WATER.—(1) The Administrator of the Environmental Protection Agency shall conduct a multi-media risk assessment of radon considering: (A) the relative risk to adverse human health effects associated with various pathways of exposure to radon; (B) the relative costs of controlling or mitigating exposure to radon from each pathway; and (C) the relative costs for radon control or mitigation experienced by households and communities, including the costs experienced by small communities as the result of such regulation. Such an evaluation shall consider the risks posed by the treatment or disposal of any wastes produced by water treatment. The Science Advisory Board shall review the Agency's study and submit a recommendation to the Administrator on its findings. The Administrator shall report the Administrator's findings and the Science Advisory Board recommendation to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce.

"(2) Notwithstanding any existing court order or agreement, not later than December 31, 1993, the Administrator shall (A) publish the Administrator's study and risk assessment and the Science Advisory Board recommendation (as described in paragraph (1)) in the Federal Register, and (B) issue final regulations under the Safe Drinking Water Act concerning radionuclides in drinking water.

"(c) SMALL SYSTEM MONITORING COST REDUCTION.—With respect to monitoring requirements for organic chemicals, pesticides, PCBs, or unregulated contaminants promulgated in January 1991 (known as the Phase II rule), the Administrator or a primacy State may modify such requirements to provide that any drinking water system serving a population of less than 3300 persons shall not be required to conduct additional quarterly monitoring for a specific contaminant or contaminants prior to October 1, 1993, if monitoring for any one quarter conducted after the date of enactment of this subsection and prior to October 1, 1993 for any such contaminant or contaminants fails to detect the presence of such contaminant or contaminants in the water supplied by the drinking water system.".

Mr. CHAFEE. Mr. President, I would like to just explain what is happening here this afternoon. The Domenici amendment would freeze the EPA program dealing with testing for contaminants at 36 contaminants, which is about one-third of the total that would be implemented over a series of years. The effect of the Domenici amendment would be that 26 new contaminants that have been identified would not be tested for during the period that his moratorium goes into effect.

I might point out that some of the contaminants that would not be tested for under the Domenici amendment are the following: mercury, chlordane, dioxane, asbestos, PCB, and cyanide.

Mr. President, I would like to point out that this is really quite a radical step that the Senator from New Mexico is embarking upon. What he is doing is attaching this to an appropriation measure, which, of course, is the measure before us. The Senator from New Mexico introduced this measure in late July. There have been no hearings on this bill. No committee of the Senate has considered it or reported on this moratorium legislation.

As I pointed out, absent what the Senator from New Mexico is attempting to do, there would be some 26 contaminants that would be tested for over the next 2 years, and, as I previously mentioned, amongst those would be mercury, chlordane, dioxane, asbestos, PCB's, and cyanide. The Senator from New Mexico has properly pointed out that the deaths expected from dioxane and PCB's are extremely limited. That is true. The trouble is that dioxane and PCB bring about birth defects, and that is one of the worries that we have.

Let us just start right back at the beginning if we might. Is contaminated drinking water a serious threat to public health, or is this just one more example, as some will say, of the environmentalists trying to scare everyone needlessly? In 1991, the Science Advisory Board of the EPA conducted a thorough review of various threats to public health and environmental quality that were most significant in the United States today. This review was requested by the Administrator of EPA, Mr. Reilly, and as generally seen, I think, by even those who are not friendly to EPA as a very important summary of where we stand in our efforts to protect public health.

What the Science Advisory Board concluded was there are four areas of special concern to health and to the environment that stand out above all the others. These four were: ambient air quality, risk from chemicals to industrial and agricultural workers, indoor air pollution, and drinking water quality. And, obviously, I would like to address now the problems with drinking water quality.

This is what the Science Advisory Board said about the safety of our drinking water supplies: "Drinking water as delivered at the tap may contain agents such as lead"—and, indeed, the Senator from New Mexico has recognized that in his amendment—"such as lead, chloroform, and disease-causing micro-organisms. Exposure to such pollutants in drinking water can cause cancer and a range of noncancer health effects. This problem poses relatively high human health risk, because large populations are exposed directly to various agents, some of which are highly toxic." That is the end of that particular quote.

In June of this year, June 1992, 2 months ago, the New England Journal of Medicine, which I think is regarded as the most prestigious medical journal in the country, published a study showing that 15 percent of rectal and kidney cancers in the United States each year are likely caused by one group of drinking contaminants called disinfection byproducts. That is about 11,000 causes of cancer per year attributed to contaminants that are in our drinking water today.

The point I am making here, Mr. President, is this is serious business. This is not some flighty effort by a group of tree huggers over in EPA trying to impose on local communities onerous burdens.

Now, I am not saying that all the benefits of the safe drinking water would be lost if the Domenici amendment is adopted, but there should be no mistake about it, some of these benefits do hang in the balance today as we vote. Again, serious business is involved when you are discussing drinking water quality, and I believe we bear a large responsibility for the health of the American people as we debate the future of this program, which, indeed, we are doing today.

I have offered the substitute, as has been previously mentioned, along with other members of the Environment and Public Works Committee, which has jurisdiction over this legislation. This amendment will provide considerable relief to local governments on their monitoring costs, and it responds to concerns about the radon standard that EPA has proposed.

Let me just briefly describe the Chafee-Lautenberg amendment, but before I start and talk about this amendment, I think it is important to remember that right now, regardless of the Chafee-Lautenberg amendment, a community can receive a waiver from the State for those contaminants that are believed not to be present. For example, dioxane, if there is no history of dioxane in the area, then that community, that local water company can apply for a waiver and receive it from the State.

What about the substitute that I have proposed? First, our amendment would delay from April 1993 until December 1993, in other words, over a year from now, the promulgation of any new standards for radionuclides, including radon, and it would require EPA to produce a new study on the relative health risk of radon in drinking water and from other sources.

There is no doubt about the dangers to health from radon. It is estimated that radon is the second leading cause of lung cancer in the United States today, smoking obviously being the leading cause, radon being the second leading cause of lung cancer today. It is one of the most widespread drinking water problems affecting hundreds of water systems that draw their supplies from groundwater wells. That is accepted.

But the dispute here is about the relative risk of radon in drinking water. And since the Federal Government does not require that any steps be taken to correct the principal source of the risk, namely, the gas that comes from the soil, the drinking water suppliers, quite rightfully, wonder why they should be required to clean up drinking water at a great expense. In other words, yes, some radon comes up with the drinking water, but more of it comes from infiltration through basement walls, et cetera.

So there is much to be said for the line of reasoning for those who object to the testing of it in water. Thus our amendment delays promulgation of the radon standard until the end of 1993. During the interim, the EPA is asked to provide better data on the relative risk of radon from various sources, from water, from cellars, and so forth. So we can revisit that next year in 1993, because this postponement goes to the end of 1993. So that is taken care of.

Second, the Presiding Officer occupying the chair right now, the President of the Senate, acting President, and others are very concerned about small drinking water systems. So the Chafee-Lautenberg amendment has a special provision for them. What does it do? It says that any small drinking water system less than 3,300 people gets a special break in the monitoring costs. How? Under current regulations these systems are now required to test for more than a score of new contaminants starting in January of 1993, and they have to test four times a year. Our amendment would allow those systems to forego testing for any contamination that does not show up at some period during the year. In other words, let us say in the first test, 12 contaminants just do not show up. Then that system does not have to test for those 12 contaminants for any time during the balance of the year.

And let us say in the next quarterly tests, four more contaminants that showed up the first time do not show up the next time. There does not have to be any testing for those four additional contaminants for the balance of the year. So this will save substantial amounts of money for these small communities. This applies to any community whose system provides water for 3,300 or fewer individuals.

Finally, our amendment requires EPA to provide Congress with a wide-ranging report reviewing the health benefits costs and implementation problems of the Safe Drinking Water Act. We are going to review this whole act early in Congress next year, 1993.

So, Mr. President, our amendment is what I believe to be a measured response tailored to the concerns that have been expressed. It preserves the benefits of the program while at the same time making clear that Congress will make adjustments to the program when they are required.

Mr. President, one of the reasons we have this amendment, that is the basic amendment, the Domenici amendment, before us today is because of complaints by the national Governors, and the National Governors Association, urging us to put the brakes on the Safe Drinking Water Act. And they say the States are faced with extraordinary fiscal problems. The cumulative States' deficits are some $30 billion.

We do not want to put any extra burdens on the States. I will address the locals in a while, but let us talk about the States. Where are we getting these complaints from? We are getting them from the Governors. And so, having been a Governor, I pay attention to what the Governors are interested in. But I must say, let us look at the facts and see how much of the burden the Governors are bearing in all of this.

I am surprised by the very small, low, very low level of effort that the Governors, the States themselves, are making. In 1991, the total State appropriation to carry out the Safe Water Drinking Act, the total State appropriations were $58 million. That is a grand total for the whole Nation—$58 million—20 cents a person.

Now it is true I am talking of State appropriations, 20 cents a person, per year.

How about New Mexico? How are they spending? The State of New Mexico is spending $250,000 a year to do something about safe drinking water. With a population of 1.4 million people, that is 17 cents a person per year.

The State of Colorado, the Senator from Colorado has addressed this, spends even less. The total appropriation for 1991 by Colorado was $197,000, 7 cents a person, in order to make sure we have safe drinking water.

So we are not talking huge sums. The Safe Drinking Water Act is not a major factor. Frankly, it is not a factor at all in the budgets of the States.

The second thing to point out, Mr. President, is the States are not increasing their expenditures at all. Indeed, they are flat or going down. I am not condemning that. I am just saying that is a fact. Twenty-one States have cut their drinking water budgets in the last year and five more are expected do so this year.

The third point is that a lot of complaints are about the Federal Government, they are not doing anything. Well, we heard remarks by the distinguished Senator from Oklahoma saying that over the past several years $10 billion has been spent by the Federal Government to help local communities with their water systems. The Federal Government now makes grants to the States which provide a substantial portion of their drinking water program budgets. The States appropriated $58 million. The Federal Government sent to the States $42 million. Forty-two percent of all the States' spending on drinking water comes from Federal grants, and some States substantially more.

Let us look at New Mexico. New Mexico spent $250,000. The Federal Government gave New Mexico $490,000, $2 for every dollar that New Mexico spent.

In Colorado, the Federal grants are 75 percent, 3 Federal dollars for every State dollar that Colorado spends.

How did we ever get into this business? I mean what is the Federal Government doing in safe drinking water to start with?

Well, when we enacted the 1986 Safe Drinking Water Act amendments, which is how we got on the current course where we are identifying these contaminants, we did so with the urging of the Governors. In 1984, when it was clear that EPA was not implementing the Safe Drinking Water Act, the National Governors Association adopted a strong policy statement urging Congress to get going, to mandate a schedule for standard setting. That is what makes all this so ironic. Because the Governors objected in 1984, 1985, 1986, the Federal Government did something, and now the State Governors are complaining.

Let me just read from the policy statement of the Governors in 1984: "The Governors continue to support the promulgation of the national drinking water standards"—national standards—"but believe the current Federal process has worked too slowly."

How is that? We have not moved fast enough. "Many substances suspected of endangering public health are not now regulated." They are sounding the alarm. Do something.

Let me continue: "The Governors urge Congress to establish a realistic but firm timetable"—is that not ironic, Mr. President? They urge us to establish a realistic but firm timetable, and now we are in here trying to dislodge the firm timetable that we agreed upon.

"The Governors urge Congress to establish a realistic but firm timetable for EPA review of such substances with speedy promulgation of maximum contaminant levels and drinking water regulation." That is what the Governors asked us to do.

Now let us read a letter from the Coalition of Northeastern Governors signed by none other than the chairman, Governor Sununu. No one can ever accuse Governor Sununu of being an embracer of Federal regulation. This is what he said September 18, 1985, nearly exactly 7 years ago today.

> As chairman of the coalition of Northeastern Governors, I am writing to express our shared concern about the lack of national standards for safe drinking water. The lack of national safe drinking water standards has forced States to establish or consider State standards. The level of staff resources and scientific expertise required for individual States to test and monitor adequately this complex area may result in costly duplication of standards inadequately grounded on scientific research.

In other words, they quite logically say, look, this is a complicated field. Do not ask us to set up the standard, each State doing that. You, the Federal Government do it.

"Failure of States to act may lead to inadequate protection of public health." This is a letter addressed to Senator DURENBERGER, who will be speaking in a few minutes. "Therefore, we urge the Congress to set a deadline for establishment under the Safe Drinking Water Act, of standards for volatile organic chemicals and pesticides or other toxic or carcinogenic substances."

So there you have it, Mr. President. That is why we are doing this. That is why we did it, because the Governors urged us to do so.

The Governors' resolution that I previously read was renewed in 1985 and 1986, while the bill that created the drinking water program was being implemented and moved through Congress. The Governors wanted Congress to pass this bill.

Mr. President, all of us have experience in dealing with deficits. But dealing with the deficit does not require that we ignore the facts or abandon all previous commitments. Some commitments, especially those to public health and safety, must be maintained in good times and tough times. Every Senator on this floor talks about preventive medicine, talks about the value of an ounce of prevention is worth a pound of cure. And if there is ever an example of it, it is in providing safe drinking water.

Now, let us look at the costs imposed on local governments by the Safe Drinking Water Act. People will say, oh, well, do not worry about the States. They are not involved with this. It comes back down to the local municipalities.

We have heard some figures bandied around here of what it is going to cost each community. We recognize that State spending is an integral part of the effort; most of it is borne by the local drinking water suppliers. That is where the real spending comes from.

Let us look at the practical effects of the amendment offered by the Senator from New Mexico. What he does is have a 2-year moratorium on the implementation of any new requirements except for lead and copper, as he has pointed out.

The facts are that the only new requirements that will go into effect over the next 2 years are the so-called phase 2 standards that I mentioned before, the testing for the 26 additional contaminants. So that is what we are talking about. We are not talking about 111. We are not talking 96. We are talking of 26 additional tests that will be conducted by the local drinking water suppliers.

EPA has estimated that this monitoring requirement will cost all—all of them—all the local drinking water suppliers in the Nation, $24 million a year. Is that a lot of money? Yes, $24 million is a lot.

But consider this. First of all there are 240 million people in the country. So, $24 million—somebody can do the arithmetic: 10 cents a person, 10 cents a person for the additional testing.

We hear all kinds of statements here, what this is going to come to. Consider this, Americans already are spending, for bottled water per year, $2 billion. They spend $2 billion in order to get safe drinking water because they do not trust the water that is currently coming out of their taps. If we spend $2 billion per year, it seems to me, to spend $24 million to guarantee the safety of our tap water does not seem to be too much.

Let me look at the small communities. They are the ones we are concerned about. Some of these tests are expensive. Dioxin, $1,000 to test for that. If you live in a big city those costs can be spread out. We all recognize that. But in a small community with a few families, expensive tests can be a burden. We recognize this. And that is why, as I previously mentioned, the community can obtain a waiver, not even test for dioxin if there is not a history of dioxin in the area. And, if there is a history of dioxin, it ought to be tested for.

As I mentioned before, for those small systems, if it does not show up the first time you do not even have to test for it subsequently. But it is important to remember that these waivers do exist and can be applied for and will be granted. That flexibility, it seems to me, is extremely important to remember. EPA estimates that, if a State takes full advantage of the waiver and other flexibility, the maximum monitoring costs under the new rules for any household, even in the smallest system, will be $13 a year. That is absent the Chafee-Lautenberg amendment—$13 a year.

We have heard discussion here of $1,000 a year per family—that just is not accurate. All we can go by is what we receive, the estimates from the EPA: $13 a year. And under the Chafee-Lautenberg amendment, this would be reduced to about $4 per year per household.

There has been a discussion here of trace amounts. In other words you recognize that, under the Chafee-Lautenberg amendment, if you test and it does not show up you do not have to test anymore for that year.

But the concerns about trace amounts are if you test and there is a little teeny amount. If there are trace amounts under the rules the EPA functions under, you can have reduced requirements for the type of testing. In other words you do not have to conduct the full-blown test.

I would like to return for one moment, if I might, to the Domenici amendment and discuss one of its major provisions. Apparently one purpose of the Senator's moratorium is to provide time for the National Academy of Sciences to conduct a study of the contaminants that are now regulated under the Safe Drinking Water Act to see if they present a public health risk. One of the reasons we are having all this is so we can have the National Academy of Sciences conduct a study.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. CHAFEE. Yes.

Mr. DOMENICI. I read my amendment. You told me that before. And it says EPA in consultation with the National Academy, if I read it right. So I do not believe the National Academy is being asked to do one; EPA is. I just thought I had read it wrong.

Mr. CHAFEE. No, it says here, "This is to be conducted in consultation with the Director of the National Academy of Sciences. The list of contaminants pursued for purposes—" so forth and so on.

I would just like to finish, if I could, the point I am making.

It would seem, viewing this amendment, that one of the reasons for the moratorium is for this study to take place. What I would like to point out is this study has already taken place, as I discussed with the Senator from New Mexico yesterday. It is a good idea to have the study and the study has taken place. Here it is, five volumes; five volumes of study. All this has been done.

This is not something that just a bunch of do-gooders over at EPA suddenly rushed into and said, let us cause a lot of trouble to the local water suppliers. Here was this study. This was part of the Safe Drinking Water Act of 1974. These studies were completed over 4 years. Everybody here knows what the National Academy of Sciences are. They are a very prestigious group. They are not an arm of the Federal Government, they are an independent organization and they conducted the study.

What is the title of it? "Drinking Water and Health." We are dealing with serious business here, Mr. President. It is five volumes, hundreds and hundreds of pages, summarizing research on the health effects of each contaminant that can be found in drinking water. So this is, again, not the administrator of EPA trying to harass small communities with some unknown contaminant. This study was done over the course of 4 years. And they are the very foundation of the 1986 amendments to the Safe Drinking Water Act. That is why we have the amendments.

Somehow the impression is given that this list of contaminants was just plucked from the air. Not true. They were based on very solid science. If anybody can tell me a better group to go to than the National Academy of Sciences, I do not know it.

What happened as a result of all this? All this scientific work led to two EPA proposals that were published in the Register in 1982 and 1983 during the early years of the Reagan administration. These two proposals recommended that 83 specific contaminants be considered for regulation. So this came about, again, during whose administration? No one will accuse the Reagan administration of wanting to go meddle with small communities. But 83 specific contaminants were proposed and it was those lists that the administration adopted in 1986.

We do not need to halt the implementation of the Safe Drinking Water Act to get better science. As I say, this is built on very solid science itself.

Mr. President, let us just look briefly at how much is safe drinking water worth. How much should we be willing to pay for good drinking water coming out of the tap? It is absolutely accurate to say in the United States of America today, in most communities, safer water is dirt cheap. I say that literally, dirt cheap. If you order a load of dirt delivered to your house to use in the garden or as fill it costs $30 to $40 a yard, cubic yard. On the other hand, you can get hundreds of gallons of water delivered to your tap for just pennies. The average cost of 1,000 gallons of drinking water delivered to your faucet in your house today is $1.27—1,000 gallons. It is extraordinary.

I must say in passing we all think, if civilization collapses and we cannot get this and we cannot get that in our house, what is the last thing we would like to be without?

I have thought this over. I suspect most people have. Is it electricity? Gas? What would it be? I will tell you what it would be, in my view, anyway, is water. That is the last thing you want to be without. You cannot do much without water. In the United States, we are very, very fortunate that we are able to get this water at a dirt cheap price, as I mentioned before, $1.27.

Mr. President, I come to this with a recent bitter experience of what happens when you do not have good water. In my State, the citizens of three communities, the third largest city in our State, Pawtucket, RI; the most heavily, densely populated city in our State, relatively small, Central Falls; and sort of a rural community, bedroom community, if you will, Cumberland. All have learned how valuable safe drinking water is.

On August 3 of this year, Pawtucket found coliform bacteria exceeding Federal health standards in its drinking water supply. The State health department held a news conference and advised the people of Pawtucket, Central Falls, and Cumberland not to drink the water. The children were not to use it for bathing. It was not to be used either to wash food or to make coffee out of, even.

Coliform bacteria can cause intestinal illnesses. It can also be an indicator of more serious problems like hepatitis, typhoid. Imagine, typhoid. That is not a term we have even heard for quite awhile—or cholera. So there has been a water crisis in these 3 communities; 100,000 people are affected. That is one-tenth the population of our State.

What happened? The first thing, there was a run on bottled water in the supermarkets. And then we discovered that the restaurants had a precipitous decline in business in the area because they could not serve water or coffee to its customers, and when they got it, they had to use the bottled water for food preparation. They even had to use it for washing the dishes. People were leery and concerned about those restaurants, regrettably. So their business fell 20 to 30 percent. These restaurants are paying $800 a day for bottled water just to stay open.

So the city government responded by making bottled water available in gallon jugs. They provided it free for the citizens. "Come and pick it up at the local fire station." The city is buying this water at 40 cents a gallon and distributing it. In 1 month, the largest city, Pawtucket, 75,000 people, in 1 month it has cost them over one-half million dollars. Think about it, one-half million dollars to provide this water.

Our local newspaper has every day an advice column to readers "do or don't" this or that with contaminated tap water. Can you give it to your pets, can you use it in the dishwasher, what about the swimming pool, what kinds of illnesses does it cause, where can we get good water?

The Governor has appointed a task force to study it. We have had private engineers come in and try and pinpoint where the problem is coming from. These areas, these three cities, have been declared disaster areas. We have asked the Federal Emergency Management Administration for help.

The point I am making, Mr. President, is, we are talking serious business. And it is not something that comes about because these tests are a pain. These tests came about because the National Academy of Sciences said this is something we have to do. It is a long study, not some do-gooder over at EPA or some other place said do it. It came about because of this. Certainly, in our State we have learned what it is like when things go wrong.

So, Mr. President, I urge support for the Lautenberg-Chafee amendment.

In review, in 1986 we passed a law to rebuild the Safe Drinking Water Act so Americans could go on having confidence in plentiful safe water that is delivered to kitchen faucets, garden hoses, showers, dishwashers and billions of gallons at bargain prices, and we certainly have that in the United States today.

But the Safe Drinking Water Act is not painless, and we admit that. It is going to require real investment. I must say, I am perplexed by the amendment of the Senator from New Mexico because he even does not say get rid of all this. He says have a moratorium. At some point we have to step up and "bite the bullet" as they say in the trade. It is not going to go away. Testing for mercury is not going to somehow disappear. Even under his moratorium we are going to be back to this. How are we going to relieve ourselves of anything by postponing things?

There is a real investment required to keep our drinking water safe. It is a reasonable investment when you consider the alternative. I will tell you the people in Pawtucket and Central Falls and Cumberland, RI, would certainly wish some investment had been made to keep their water safe.

So I hope the Senate has an appreciation for this truly precious resource. I hope we will vote to finish the effort that we have begun. So I do urge my colleagues to support the Chafee-Lautenberg amendment and to preserve the Safe Drinking Water Act.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am quickly going to yield the floor because the Senator from Alaska wants to speak. But I just want to say to my friend from Rhode Island, he has joked with me about what follows after one Senator says my friend, but in this case I truly meant it. That was a splendid argument. I just will make two comments now. Clearly when I wrap up I will have a few more.

I want him to know I am fully aware of that National Academy of Sciences study. The problem is that is not a study of the type the Senator from New Mexico is asking about. That study is from the great scientists of America saying what could pollute our water. I am asking that we use that and what we now know about the water systems and that in a study they give us the cost benefit of what the committee took out of those reports and made in law.

My second point is—and I make this part of the Record. The Senator indicated that about $24 million is all that would be required for the small communities, that is up to 3,300, for this second round of tests. Here is the EPA preliminary analysis and I regret to tell him that in the first paragraph they say $26 million but then they say, in actual practice, only a handful of States are allowing compositing and waivers are not being given. As a result, the national cost for monitoring is nine times that, $234 million and a 3-year monitoring is $702 million. I ask unanimous consent it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Cost for Small Systems (All systems serving fewer than 500 people with no waivers or compositing as reflects current practices); One-time 525.1 & 515 Only, $33,767,100, One-time all methods, $175,566,850, current EPA requirements $702,267,400.

Previous national cost estimates use compositing and waivers assumptions not found in current practice.

Annual household cost of current requirements, people served, 25–100, $212; 101–500, $102.

Notes to Accompany the Table on Cost of Monitoring Synthetic Organic Contaminants, August 4, 1992

These figures are preliminary in nature. With improvements in understanding of how EPA rules will actually be implemented, the aggregated values will change. Unit costs (cost per analysis) are not expected to change.

Previously, EPA estimated the cost of SOC monitoring for Phase II as $21.6 million/yr. and for Phase V at $4.5 million/yr, totaling $26.1 million/yr. These estimates assume that all samples in small water systems are composited (5 samples per analysis) and waivers are routinely given for dioxin and PCBs. Preliminary review of these assumptions with States and Regions suggest they do not reflect actual practice.

In actual practice, only a handful of states are allowing compositing and waivers are not being given. As a result, the national cost of monitoring for Phase II and V increase by 9 times, to a total of $234 million per year. The 3-year monitoring cycle would cost the nation $702 million.

If a simple, one-time pesticide scan replaced Phase II and V requirements, the national cost would be reduced by a factor of about 20 times. Such a requirement would be based on use of only methods 525.1 and 515.1. This would be the same basic analysis needed to look for those synthetic organic contaminants regulated under the Interim Primary Drinking Water Regulations.

Mr. CHAFEE. Mr. President, if I might, I just want to briefly respond to the point that the Senator from New Mexico made. He first cited what it cost, I think he said $26 million.

Mr. DOMENICI. Yes, it says that.

Mr. CHAFEE. And then he says it might be more or could be more, I think he said nine times that, if they do not grant waivers. The waivers, Mr. President, are granted by the States. That is up to the States. They can grant the waivers. Certainly, EPA is prepared to encourage the States to grant waivers, as I mentioned before, where there is not a history of the presence of the contaminants. So these waivers can indeed be granted, will be granted and indeed should be granted.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I rise in opposition to the pending amendment and in support of the Domenici amendment.

I think it is interesting to reflect on the comments of my good friend from Rhode Island. As the junior Senator from Alaska represents an area one-fifth the size of the United States, I am sure my friend can understand the frustrations we have on the uniform applicability of the Safe Drinking Water Act on the small communities in my State of Alaska.

It is a simple issue, Mr. President. Small communities are currently spending millions of dollars to test and monitor for contaminants in their drinking water supply. The tests are extremely expensive. They are required of all communities regardless of historic presence or actual health risks.

I ask, why do we not simply measure the risk and apply protective measures to those areas that need it. Certainly they should have it. Safe water is almost a basic right in this country. But for heaven's sake, why mandate these measures upon the rest of us. I only have one city in my State over 200,000. The application of many of these tests is simply unnecessary, it is expensive, and simply does not bring us any better water.

We are very hard hit by this proposed law in Alaska. We have some of the cleanest, if not the cleanest, water in the country, and we want to keep it that way. But we have very real monitoring problems. Most of you have seen the list provided by the Senator from New Mexico showing the costs of each of the current tests. But in my State, Mr. President, you can double, you can triple, you can quadruple those costs.

It is based on higher transportation, and laboratory costs. The availability of expertise in Rhode Island, New Jersey, or other States is understandable to this Senator from Alaska, but it is simply not available in my State of Alaska, and it is not necessary in my State of Alaska. We want to have safe water. We want our areas monitored appropriately, but when we do not have the contaminants that are required to be tested for, it is simply not practical.

My larger communities, as I have said, are under 200,000. And I only have one over 200,000. We are not even considered as part of EPA's affordability assessment, Mr. President. Some of my small communities do not have the historic use of filtered or chlorinated or fluoridated water. These communities have survived for centuries without these protections and are wary and without an incentive to do the testing and monitoring required by EPA. These communities need education, time, and a reasonable health-risk-based testing program. Why is it necessary to make it mandatory for everybody at the same time when everybody is not the same.

To hope that there will be a way to manage and pay for even more sophisticated testing required by new regulations is unrealistic, not to mention pointless if some of these new contaminants are not even present in the waters tested. And that is certainly the case in Alaska.

My State needs the time that this amendment would allow to catch up with the regulations that have already been implemented and they need the relief that risk-based monitoring and testing would afford.

Senators DOMENICI, NICKLES, and BROWN have come up with a thoughtful, reasonable approach to fix these problems, and I have joined them as an original cosponsor. The amendment would put a 2-year moratorium on implementation of further regulations under the act until EPA performs a comprehensive review under the law, including a very important review of whether the costs of regulations are justified by the benefits to the public and also until Congress is able to reauthorize the act.

This does not throw out existing regulations, Mr. President. It allows the Administrator of the EPA to implement regulations, if necessary, to circumvent serious public health risks. Safe drinking water for the country is thereby protected.

I ask you, Mr. President, what is wrong with this? What are we doing, I would ask. Congress is supposed to fix things, make them work, react in the public interest. The problems that this law creates are complex.

I would guess that all of us in the Senate have heard this from our water suppliers. Senator DOMENICI's amendment prepares us to fix the problem in a well-thought-out manner. In the meantime, it offers relief to our small communities.

Finally, Mr. President, the National Governors Association supports the amendment. The Administrator of EPA has agreed, I understand, that the testing and monitoring requirements under this act should be risk based and has urged the administration to support this amendment. The National Rural Water Association, the National Association of Water Companies, and the National Water Resources Association support the amendment, and I would urge my colleagues to do so as well.

I want to thank the leader for allowing me to finish and I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I support the Chafee-Lautenberg second-degree amendment to the amendment proposed by Senator DOMENICI.

One of the essential purposes of Government is to assure basic standards for the protection of health. For example, we have an obligation to assure that every American breathes clean air and an obligation to assure that every American has safe drinking water. I know that my colleague from New Mexico has the best intentions in offering his amendment.

His response to concerns raised about the program as proposed by his amendment is to suspend existing public health standards and prevent development of new standards for an extended period of time.

This proposal is not properly focused. If adopted, it would be a step backward for public health.

There are serious and substantial issues with respect to the drinking water program which demand our attention and our concern. The best way to answer the difficult and complex questions related to safe drinking water is to carefully review and reauthorize the act. Senator LAUTENBERG has agreed to do just that in his subcommittee next year.

Using our established legislative process, we can be confident that we will be making thoughtful and well-informed decisions. Having full confidence in our decisions is especially important when we are deciding issues which affect the health of every American.

While we should reserve the long-range decisions about the future of the drinking water program for the full reauthorization process, we should also consider responding to immediate short-term problems which need our attention prior to reauthorization next year. The amendment offered in the second degree, developed by the Environment and Public Works Committee and offered by Senators CHAFEE, LAUTENBERG, and others, addresses three such issues, and I support that amendment.

There is strong evidence from numerous sources that the proposed regulation of radon may have underestimated treatment costs to drinking water systems.

It is critical that we build a consensus on dealing with radon in drinking water. The committee amendment directs the EPA and the EPA's Science Advisory Board to review the issues related to radon in drinking water. Because the agency is under court order to publish final radon rules by April, the committee amendment proposes to extend the deadline for the final rules to December to allow completion of further studies.

The committee amendment also addresses the immediate problems faced by small communities needing to begin monitoring for toxic contaminants in January of next year. While the costs of monitoring can be easily absorbed by midsized and large systems, small systems have fewer users to share such costs.

The committee amendment would allow systems with under 3,300 persons to reduce the frequency of monitoring and thereby reduce their costs by three-quarters. This new authority will substantially reduce monitoring costs for small communities.

Of equal importance, however, the committee amendment will assure that persons served by small systems have the confidence that their drinking water has been checked for harmful contaminants such as synthetic organic chemicals, pesticides, PCB's, and inorganic chemicals. Under the proposed Domenici amendment, testing for these toxic contaminants by large and small systems would be delayed for an extended period.

Finally, the committee amendment provides for a comprehensive review of the drinking water program by the EPA and a report to the Congress recommending needed changes.

This report will be completed in time to inform and guide the Congress in the reauthorization of the act next year. I am confident that the committee amendment adequately addresses the immediate issues and the immediate needs in the drinking water program and will lead to a thoughtful review, changes, and a long-term reauthorization of the Safe Drinking Water Act in the next Congress in a way that provides continued assurance to the American people that the water they drink is safe.

I urge my colleagues to join me in supporting the Chafee-Lautenberg amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The distinguished Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Chair.

Mr. President, as chairman of the subcommittee with jurisdiction over the Save Drinking Water Act, I want to announce my strong support for the amendment offered by my colleague from Rhode Island and myself.

This amendment is supported by a variety of groups. To note some, the Industrial Union of the AFL-CIO, the National PTA, the Association of Metropolitan Water Agencies, Audubon Society, Environmental Defense Fund, Natural Resources Defense Council, National Wildlife Federation, and the U.S. Public Interest Research Group known as PIRG.

Our amendment is a compromise that protects the public health and addresses some of the concerns of the small water systems.

The amendment of the Senator from New Mexico [Mr. DOMENICI], on the other hand, would make radical changes to the Safe Drinking Water Act. It would suspend the regulation of over 50 toxins that threaten the Nation's drinking water supplies, and it would, in so doing, jeopardize the public's health.

That is why the Domenici amendment is opposed by the Environmental Defense Fund, Friends of the Earth, the National Wildlife Federation, and the Naval Resources Defense Council. They recognize that the Domenici amendment would have the effect of gutting the operation of the Safe Drinking Water Act, and potentially compromise the safety of the Nation's water supply. They recognize that it would suspend EPA's regulations on cancer-causing PCB's, and that it would set aside the current regulation of toluene, the toxic chemical that causes lung, kidney, and nervous system damage. It would suspend the current regulation of ethylbenzene, a toxin that causes liver, kidney, and nervous system damage.

These are just a few examples of the more than 50 dangerous toxins the Domenici amendment would disregard.

Mr. President, this is no time to turn back the clock on environmental protection. It is not a time to remove the health and environmental protection we all fought so hard to achieve when we enacted the safe drinking water amendments.

Mr. President, I remind those listening that in 1986, when we had a renewal of the Safe Drinking Water Act, that we had a vote taken here that had 94 votes for it and no votes against it, including the distinguished Senator from New Mexico [Mr. DOMENICI] and Senator NICKLES, who supported this reauthorization and thusly the program that was laid out as a result of the Safe Drinking Water Act.

So now we enter into a debate, which the distinguished Senator from Rhode Island [Mr. CHAFEE] articulated in terms of what the costs might be.

But all of this begs the question. Where we arrive is whether or not there ought to be a more thorough review of this proposal before we gut the Safe Drinking Water Act.

Mr. President, this is a relatively new foray. Yes, it has been talked about by the distinguished Senator from New Mexico. He said on the floor of the Senate a couple of months ago that he would be looking to deal with the problems that he saw created by the Safe Drinking Water Act. But here we are taking radical steps without even allowing the appropriate committee to consider the issue, and without a solid record of support.

Mr. President, I am not arguing this simply to lay out the areas of jurisdiction. I think that is important. I think what is more important, however, is that we do not suddenly take the radical step of eliminating the protections that all of us believe are essential in a society like ours where people, when they go to the water tap, ought to feel that they are not jeopardizing their health or their children's well-being.

So despite many weeks of negotiations with those supporting the Domenici amendment, and despite offering an opportunity for a hearing, they have simply refused to accept any compromise and to allow the committee process to go forward.

A few of my colleagues have expressed concerns about the cost of EPA's regulations. But what exactly are the costs? It is debated back and forth, and we get to some parameters. But what I see, with the information available to us, in a worst-case scenario—no waivers granted by EPA on testing, and a community of only 100 households—the costs might be about $13 per household per year.

The fact is that we have small communities, lots of them, which express concern. But on balance, we must make the investment in the protection of the health of our children. That is what the Chafee-Lautenberg amendment attempts to do. Because, in a worst-case scenario, under our amendment costs might be $4 to $5 per household per year, and we are allowing that a small community or a small water system serving fewer than 3,300 persons may be able to forgo the quarterly testing, or four times a year testing routine, if, when they do the first test, they do detect a specific contaminant.

So the question arises: Would the average family be prepared to pay, under the estimates here, $4 per year per household to protect the health of their children? Is it worth $4 to keep a child from getting sick? I think everybody would agree that it is. And if EPA uses only some of its existing waiver authority, the cost per household could be further reduced to only $2 to $3 a year.

Mr. President, these are facts. Senator DOMENICI, as I noted earlier, is proposing that we gut the law's protection; that people are not willing to pay the relatively small cost per household to keep their kids healthy. I do not believe, certainly, that would be the intention of the Senator from New Mexico; but I think that might be the result if we adopt his amendment.

Mr. President, our amendment offers a clear alternative. First, it responds to the compliance problems facing small water systems by modifying, as I said earlier, their current monitoring obligations. Under current regulations, these systems would be required to begin regular testing for numerous toxin chemicals by January 1993.

Our amendment will allow these systems to forego multiple tests if their first test does not detect any contamination. In such test, the amendment would reduce monitoring costs, obviously, by 75 percent per year.

Second, the amendment would delay promulgation or any new standards for radionuclides, including radon, and require EPA to produce a new study on the relative risks of radon in drinking water.

Third, the amendment requires EPA to provide Congress with a wide-ranging report on the health/benefit costs and the implementation problems of the Safe Drinking Water Act. This will assist the authorizing committees in a thorough review of the program in the next Congress.

Our amendment takes a responsible approach to make the Safe Drinking Water Act work better. I hope that my colleagues will oppose the Domenici amendment and join the National PTA, the Industrial Union of the AFL-CIO, the Association of Metropolitan Water Agencies, and environmentalists across the country in supporting the compromise being offered by the Chafee-Lautenberg amendment.

I yield the floor.

Mr. DURENBERGER. Mr. President, they say that success has a thousand fathers and failure is an orphan. I, for one, believe that the Safe Drinking Water Act has been a success and so I shall claim it as my own this afternoon. I was the Senate author of the 1986 amendments to the Safe Drinking Water Act that set us on the course we debate today. At the time, I chaired the subcommittee with the jurisdiction over the law, I managed the reauthorization bill here on the floor of the Senate and chaired the conference committee with the House. I have an investment in this program and I am proud to speak on its behalf today.

It might be useful if I described the situation we faced in 1986 when this effort was begun. The Congress had originally enacted the Safe Drinking Water Act in 1974. The legislation had come in response to an EPA study of surface water contamination. Many major cities draw their drinking water from rivers and lakes and these surface water supplies can contain literally hundreds of manmade contaminants. EPA found trace levels of over 400 different chemicals in the drinking water of New Orleans, for instance. That EPA study made the cover of Time magazine in the early 1970's.

So, the Congress, with the support of the Nixon administration, passed the Safe Drinking Water Act in 1974. Congress had the expectation that EPA would rapidly promulgate standards for a long list of industrial pollutants and that local drinking water suppliers would monitor their water supplies to assure that the standards were not exceeded.

That was the expectation. But the reality was much different. In 1976, EPA reissued 16 standards that had been established by the Public Health Service in the Department of Health, Education and Welfare at various times since 1945. In 1979 EPA banned six pesticides used in just a few States and at the same time published drinking water standards for these pesticides. And also in 1979 EPA added one other standard for byproducts of the chlorination process.

But there was not any great leap forward in the protection that guaranteed America's drinking water supply. By the early 1980's only seven new standards had been issued, and there was real frustration, expressed in all quarters, about the failure to get on with the job of setting standards. In hearings that I chaired and in hearings held in the House, Congress was urged in the strongest possible terms to impose a schedule for standard-setting on EPA.

I remember receiving a letter from John Sununu, who was then Governor of New Hampshire, and chairman of the Coalition of Northeast Governors, urging that the Federal Government set standards for pesticides, organic chemicals, and carcinogens that occur in drinking water. He made the very excellent point that in a federal system of government each of the 50 States should not have to conduct the study and research necessary to determine proper health standards, when this research could and should be done once by a Federal agency for the benefit of all the States.

In response to this broad-based urging for more standards, we drafted a reauthorization bill that required EPA to set standards for a specific list of contaminants by a date certain. Congress did not draft the list of substances. It was an EPA list based on sound science and a series of studies that had already been completed. Under the 1974 Act, the National Academy of Sciences had compiled a five-volume study of contaminants in drinking water. EPA had done two national surveys of contaminants that occur in drinking water. Based on all that research EPA published two notices in the Federal Register suggesting that a list of 83 contaminants for which standards should be set. We simply adopted those EPA lists. And we allowed EPA to make substitutions, if new science showed that some other chemical was more toxic or more widespread.

The bill that we presented to the Senate in 1986 was really very simple. It was a list of contaminants and a schedule for standards. Everybody knew what contaminants would be regulated. Everybody knew what the schedule was to be. The bill passed the Senate by a unanimous vote.

Since 1986, EPA has been implementing that law. There have been times when it has fallen behind the schedule. There have been specific standards which have not measured up to the full promise of the law. But we now have our goal in sight. EPA has actually promulgated standards for 86 contaminants. If we allow the law to be carried out, by the end of this decade the safe drinking water program will be fully implemented.

At that point the Safe Drinking Water Act will be nearly 30 years in the making. But we will be able to say that the Federal Government had a clear role to play in protecting drinking water quality. That agencies of the Federal Government, including EPA and the National Academy of Sciences, conducted exhaustive research to assure that the science which stands behind the standards is sound. That each standard went through additional scrutiny by the EPA Science Advisory Board and was subjected to lengthy public comment and debate. That a careful, deliberate, and open Federal effort was undertaken to assure the quality of our drinking water supply. And that the effort succeeded.

I hope the Senate will not vote today to cut that effort short. I know that many Senators have heard from their small towns and communities about the costs they may face under this law. It would be wonderful if we could tell them that safe drinking water could be theirs without any effort, without any investment, at no additional cost.

But that sadly is not the case. The stories of small town water supplies being contaminated by spills and leaks, gasoline and pesticides, landfills and underground tanks, are all too frequent. If we are going to have safe and plentiful drinking water delivered to the tap in this country, we will need to make an effort to reach that goal.

I think that we can point to the Federal program, the science that has been done, the standards that have promulgated, the assistance that has been provided to the States by EPA and to small communities by the Farmers Home Administration program and the role that the Congress has played, putting EPA on a schedule, insisting that appropriations be made for the Farmers Home program with pride.

We will be able, after a sustained effort, to say that we have fulfilled a Federal responsibility and a promise made by the Congress in a law called the Safe Drinking Water Act.

Mr. President, I would now like to turn to the specifics of the Domenici amendment for a moment. The amendment that has been offered by the Senator from New Mexico would suspend implementation of the Safe Drinking Water Act for 2 years. This would mean that standards for 25 drinking water contaminants would not be promulgated. And standards for 50 contaminants that have already been promulgated would not be implemented.

Even more troubling is the fact that this amendment would actually repeal some standards that are now in place and have been for many, many years.

The Senator from New Mexico has said that his amendment would allow EPA to continue to enforce the 35 standards that have already been implemented. But my reading of the amendment leads me to a different conclusion. I think that the Senator from New Mexico's legislation would actually repeal some of the existing 35 standards. I hope that he will hear me out on this point and look at the text of his amendment as I describe it.

Take the case of nitrates as an example. Nitrate is a form of nitrogen found in commercial fertilizer, in wastewater from septic tanks and in sewage. Wastewater dumped on the ground or fertilizer applied to soil in large quantities can cause nitrate to migrate through ground water to drinking water wells. Nitrates also runoff farm fields and urban developments to pollute rivers and lakes that may be used as a source of drinking water.

There have been Federal standards for nitrate in drinking water for many, many years since long before the Safe Drinking Water Act was first enacted. The first Federal standards for nitrate were promulgated in 1945. In the early years they applied to water served by bus companies and airlines operating in interstate commerce. They have applied to local public water systems for over three decades.

Nitrate is a very widespread drinking water problem. Recently, EPA did a survey of drinking water supplies for pollution from fertilizer and pesticides and found nitrate contamination in 52 percent of the drinking water wells in the United States.

Earlier EPA studies had found nitrate above health-based levels in 3 percent of U.S. water supplies. A 1985 study by the U.S. Geological Survey found that 6 percent of drinking water wells exceeded the Federal health standard for nitrate. In fact, nitrate contamination is likely to be the most frequently experienced manmade drinking water contaminant in small towns across America.

People die from nitrate pollution. Nitrate contamination causes a problem called blue baby disease. Very young children lack the capacity to digest nitrate in drinking water. It enters directly from the stomach into their blood streams and interferes with the hemoglobin in the blood reducing the ability of the circulatory system to deliver oxygen. A small child drinking water contaminated with nitrate literally turns blue. It is a sometimes fatal disease with a death or two reported each year in the more rural parts of our Nation. But even big cities like Des Moines, IA, have experienced problems with excessive nitrate contamination in their drinking water supplies.

As I said, Mr. President, there has been a Federal nitrate standard for many years. Local drinking water suppliers have been testing for nitrate and treating their water supplies to remove it when they have exceeded the standard.

As part of regulations for 38 contaminants that were promulgated in January of 1991, EPA reissued the nitrate standard. EPA did not change the standard. It was merely reissued at exactly the same level it has always been, 10 parts per million. Because it was part of a larger package of regulations, some of which are new and some of which are simply revised or even reissued in their current form, because the nitrate standard was reissued as part of this larger package, the Domenici amendment would suspend implementation of the standard.

Let me read the precise language of the amendment by the Senator from New Mexico. On page 2 beginning at line 7 it says:

> The Administrator may not implement (1) any national primary drinking water regulations promulgated pursuant to section 1412 of the Act after December 21, 1989 or (2) any similar rule or regulation.

Mr. DOMENICI. Mr. President, will the Senator yield there for a question?

Mr. DURENBERGER. I yield for the purpose of question.

Mr. DOMENICI. Let me ask: Is the second part of that "any similar rule or regulation" that causes the Senator to say that we are actually repealing regulations?

Mr. DURENBERGER. It is the total of the two. It is both parts of it.

Mr. DOMENICI. Let me just suggest to the Senator, and I will do this when I have an opportunity after we vote on the Senator's amendment—it is not the Senator's intention that that provision in part 2 repeals anything. In fact, we asked EPA to draft this for us, and it is their understanding it does not do that. If there is any doubt I will strike that before we vote on it and I thank the Senator for raising the question.

Mr. DURENBERGER. Mr. President, I think that is one of the issues that I wanted to raise, the one with regard to the nitrates. I would guess that that may be correctable in some form, but it does not obviate the necessity for us to take a close, careful look at the amendment which my colleagues have offered as a preferable alternative. I do not think we are going to run the risk of running into the problem of wiping out any of the standards promulgated in the recent past if you support the second-degree amendment which is before us right now.

Let me now proceed to the issue of discretionary authority as well.

It is true that the amendment contains a provision that would allow the EPA discretionary authority. And now that I understand that the amendment was at least in part, if not totally, drafted by the Environmental Protection Agency, I can understand the logic of my colleague with which he has approached his response to this issue.

If you look at the history of the Safe Drinking Water Act, you know any effort by the Environmental Protection Agency to reinstate standards of any kind is likely to be locked or blocked by higher authority. One of the problems, of course, that we all have—and I cannot quite remember the phrase that my colleague used in the beginning about the sign over the door and all the rest of that sort of thing, but I imagine it was his experience when he was on the Environment Committee—since he has left that I have been on the committee—that it is not just a matter of the promulgation of the kind of policy that you would like to see implemented around this place. But it is the policy in part in response to the environment in which that policy is going to be implemented by regulatory authority.

The real policymaker—in the 10 years I guess now that I have been on the Environment and Public Works Committee—the real policymaker around this place is not the Environmental Protection Agency. If I were in the shoes of the Senator from New Mexico, which I am not, and if I were trying to decimate the Safe Drinking Water Act in the name of few small communities, which I am not——

Mr. DOMENICI. And I am not.

Mr. DURENBERGER. If I were in the position of trying to decimate this act on behalf of a State that made such a small contribution to its implementation as his State has, which I am not, I would not go to the Environmental Protection Agency to have this amendment drafted. I would go to the real environmental policymaker in this administration and previous administrations, and it is called the Office of Management and Budget.

The Office of Management and Budget has never been a great friend of the drinking water program.

The history of the Safe Drinking Water Act makes the point so clearly that it cannot possibly be ignored. If you consider the situation, for example, that we faced back in 1986 when, as I indicated earlier, I was the author of these provisions, at that particular point in time it had been 12 years since the Safe Drinking Water Act first was enacted. Four different Presidents were administering the law, and during that 12-year period the Environmental Protection Agency had written the standards for only a handful of contaminants.

It was seven to be exact, and six of those contaminants were for pesticides banned under FIFRA. Only one real standard was promulgated in the first 12 years.

In the early 1980's, it was clear to everybody that more standards were needed. Hearings held in both the House and Senate in 1983 and again in 1985 developed nearly unanimous testimony in favor of more Federal standards. EPA even developed a proposed rule and sent it to OMB where it was blocked. At that time, I recall working with Senators BENTSEN, STAFFORD, and BAUCUS to free those rules from OMB.

Even the National Governors Association petitioned the Congress asking for a congressional mandate for more standards. The author of this amendment cites the concerns of the National Governors Association about the cost of the drinking water program. Recently the Governors Association went on record asking that the program be modified so that the costs imposed on the States can be reduced. Well, in 1983, 1984, 1985, and 1986, the Governors Association was petitioning the Congress, asking the Federal Government to promulgate more standards, because EPA was going too slow.

And the only way to get new standards promulgated was for the Congress to set a specific schedule. That is what the 1986 amendments did. Because virtually nothing had happened in the first 12 years of the program, Congress took a list of 83 contaminants that had been developed by EPA and the National Academy of Sciences and mandated that a standard be written for each of the 83 contaminants over a specific schedule. Everybody knew what the contaminants were to be. And there was broad support, including support from the National Governors Association, for requiring EPA to write those standards.

The point is this is relatively simple. EPA had discretionary authority under the original 1974 law to write standards for more contaminants, just like they would under the amendment by the Senator from New Mexico. But they had not used that authority, they had been prevented from using that authority just as I fear they will be prevented from using the discretionary authority in the Domenici amendment.

So, Congress established a schedule for standard setting. That was the whole purpose of the 1986 amendment to get on with the standard-setting process. That bill passed the Senate by a vote of 94 to 0 on May 21, 1986. The contaminants were listed in the bill that we brought here to the floor of the Senate in 1986 and the bill passed unanimously with the support of the National Governors Association, I might add.

Since 1986, EPA has often failed to live up to the schedule for standard setting that the Congress enacted. The Agency has been sued to force action and the courts have set deadlines that are enforceable under court orders. For instance, OMB held up the final lead and copper standard. It was eventually issued under a court-imposed deadline resulting from a suit brought by citizens in Oregon.

Under existing law with a standard-setting schedule mandated by the Congress and enforceable in court, we are getting standards. Repeal those mandates—like the Domenici amendment would do—and I think it's fair to say that the program will come to a halt, whatever the Administrator's discretionary authority to respond to a public health threat. The history of the program does not allow any other conclusion. We will be right back to where we were in the early 1980's.

The amendment of my colleague from New Mexico exempts any action by EPA to reinstate standards from the Administrative Procedures Act and from judicial review. These exemptions are intended, I believe, to allow EPA more latitude. But the exemptions don't address the real problem.

The Administrative Procedures Act allows the public to participate in the rulemaking process. I have no fear that the public will prevent EPA from issuing health standards. The public has always supported the Safe Drinking Water Act. Pushing the public out of the way won't help our drinking water program. An exemption from Administrative Procedures Act is not necessary.

And the courts have always been a source of support for the law, as well. EPA's decisions have been consistently upheld by the courts under challenges brought both by the environmental community and by industry. So, we have nothing to fear from the public or the courts. In fact, these exemptions from scrutiny by the public and courts make this amendment even less attractive.

OMB is the enemy of the Safe Drinking Water Act and there is nothing in the Senator's amendment that will exempt EPA's decisions about drinking water and health from supervision by OMB. If the Domenici amendment is adopted suspending the standard for nitrates or blocking the standard for arsenic that is scheduled for proposal in 1994, that is the end of the road. There is no doubt in my mind that OMB will make a dead letter of any discretionary authority given to EPA to protect the public health. That judgment comes from 10 long years of jousting with OMB over implementation of the Safe Drinking Water Act.

THE USE OF MCLS IN OTHER LAWS

Mr. President, I would like now to turn to a letter that Senators received from the U.S. Chamber of Commerce on August 31. And like any piece of legislation as it is being proposed, there are a lot of versions of what it actually does.

But this letter endorses the legislation by my colleague from New Mexico which would put a moratorium on the implementation of the Safe Drinking Water Act.

And it is a curious letter, because I cannot quite figure out why the chamber of commerce cares about implementation of the Safe Drinking Water Act. There are no members of the chamber of commerce that provide drinking water to households. The monitoring and treatment costs imposed by implementation of the law do not fall on members of that business organization. Water supply costs are not an important factor in commerce and manufacturing.

So the chamber letter has really nothing to do with the subject before us.

The answer to this riddle lies in the relationship that exists between the Safe Drinking Water Act and our other environmental laws. For instance, the standards set under the Safe Drinking Water Act are used to identify hazardous waste under subtitle C of the Resource Conservation and Recovery Act. Generally, a waste that would produce leachate containing any contaminant in concentrations 100 times greater than the drinking water standard for that contaminant is considered a hazardous waste under RCRA.

And I think that is one of the reasons that somebody at the chamber thought they better write a letter.

The other is Superfund, because drinking water standards are also used as cleanup standards under the Superfund program. Remedial action taken at Superfund sites must assure that the ground water that has been contaminated is cleaned up to meet the standards set under the Safe Drinking Water Act.

It is not the Safe Drinking Water Act itself, but its impact on other laws that the U.S. Chamber of Commerce is interested in. If we put a moratorium on implementation of the drinking water standards, we are also deregulating hazardous waste. Fewer standards mean that fewer waste streams will be defined as hazardous under RCRA. Fewer standards mean that Superfund cleanups will not be less extensive and less protective.

I have always believed that this connection between the Safe Drinking Water Act and RCRA and Superfund is unfortunate. It puts pressure on the drinking water standards. The generators of hazardous waste have a real interest in preventing the promulgation of new standards and urging less protective levels for those that are promulgated. The chamber of commerce letter urges us to put a moratorium on the Safe Drinking Water Act, not because they have any interest in the quality of the water that is delivered to the tap in tens of millions of homes across the country, but rather because the moratorium would reduce the regulation that would otherwise be imposed on the wastes generated by its members.

So Mr. President, I rise to support the efforts of my colleague from New Jersey, Senator LAUTENBERG, and certainly my colleague from Rhode Island, Senator CHAFEE, to amend the Domenici amendment. And I hope that all of my colleagues or a majority of my colleagues will agree that that is the preferable approach to solve the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota yields the floor.

The manager, the distinguished Senator from Maryland, is recognized.

Ms. MIKULSKI. Mr. President, I just wanted to say a few words and rise in support of the Chafee-Lautenberg amendment and in opposition to the Domenici amendment.

This is a classic situation where everyone is right. The original intent of the Safe Drinking Water Act was to make sure what its title implied; that the water consumed by the American public would be safe. As the Senator from New Mexico said, it is a hallmark of a civilized society.

We in Maryland have scientists at Johns Hopkins, Dr. Abe Wolman and his son, Dr. "Reds" Wolman, who have pioneered safe drinking water around the world. Yet at the same time, the Senator from New Mexico is right that we continually pass legislation creating mandates but not the money. So we have the original intent to the bill that is not only worthwhile but needed for the safety of the American people, we do fund mandates and not give the States or local governments money and then we find ourselves in this clash of good intentions and skimpy resources.

The Chafee-Lautenberg amendment, I believe, offers a reasonable compromise to this dilemma. And also I would like to bring to my colleagues' attention that this legislation, the bill itself, provides additional resources to the States. The bill advocated by the managers will provide $58.9 million for State drinking water grants. This is an increase of $9 million over the current budget to help States with resources needed to implement the program.

I would hope we would adopt the Chafee-Lautenberg amendment. And again as we look ahead to the reauthorization of the Safe Drinking Water Act, we really must come to grips with matching good intentions with real resources and not just do mandates without money.

Thirty years ago, there was a Maryland woman by the name of Rachel Carson. She was an obscure scholar working at the University of Maryland. She published a book called "Silent Spring." It was about the chemical contaminants that were going into our streams and ultimately into the Chesapeake Bay, and also that this was a national problem. Rachel Carson, 30 years ago in her book "Silent Spring," written in 1962, called our attention to the fact that the water in the United States of America was not as safe as it appeared to be.

Certainly 30 years later, we cannot be adrift and have no legislation in terms of water. We do need to proceed to ensure our water is safe, and at the same time not bankrupt our States with good intentions. And that is why I believe that the Chafee-Lautenberg amendment is a good compromise.

The PRESIDING OFFICER. The manager yields the floor.

The distinguished Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

I would ask the distinguished Senator from New Mexico a question to be sure that I understood a comment that he made. If the Senator would respond. In answer to the query put by the Senator from Minnesota, I think the Senator from New Mexico said that he would modify his amendment to accommodate a concern about nitrates; is that correct?

Mr. DOMENICI. Will the Senator give the Senator from New Mexico just a moment? I want to look at the statutory language to answer the question.

Mr. LAUTENBERG. Because I think that the Senator from Minnesota's inquiry dealt with the nitrates and the blue baby effect that is acknowledged.

Mr. DOMENICI. If the Senator will look at the amendment of the Senator from New Mexico, on page 2, following the provision that is called moratorium there is an Arabic 1 followed by an Arabic 2. It says any similar rule or regulation.

The combination of Arabic 1 under moratorium and Arabic 2 are not intended by the Senator from New Mexico to permit the repeal of interim regulations or regulations with reference to the subject matter you inquired that may have been adopted after December 21, 1989. It was not our intention that those be repealable or that the original ones are repealed. As a matter of fact, when the help was provided in drafting this, it was never intended that be the case.

So if we did it and it is confusing, we will, if our amendment prevails and your amendment is tabled we will clarify that and make sure that such is the case.

Mr. LAUTENBERG. The Senator therefore, then, succeeds, I must say, in confusing in my mind the response that he gave. And perhaps the Senator from Minnesota can help us by restating what his concern was about nitrates and the blue baby syndrome that results there?

Mr. DOMENICI. I think I answered it on nitrates, if that is what the Senator wants. That is what I am saying.

Mr. LAUTENBERG. I am then caused to ask the Senator from New Mexico, if he thinks that nitrates, perhaps, ought to be exempted from his amendment because of the terrible effect that this has on human heath, then why does the Senator persist in making decisions on the floor of the U.S. Senate about which of those materials—which of these toxic materials, including those listed after 1989, ought to be resoluted?

So we now are making almost what amounts to scientific decisions in the matter of debate, here.

Mr. DOMENICI. No, Senator. We are saying previously regulated remain in effect. And when we used "any similar rule or regulation" we do not intend that. So we will fix that.

Mr. LAUTENBERG. Then if I may ask the Senator a further question, that is with the roughly 50-plus materials listed after 1989 that they ought not to be dealt with at this time?

Mr. DOMENICI. We have no indication that such is the case.

Mr. LAUTENBERG. Certainly it suggests, at least, that we ought to have a serious discussion about this, a serious review, a hearing, call in the experts and find out whether those materials that were recognized after 1989 as being toxic—and the list is pretty imposing. We have cancer-causing PCB's. We have toluene, which causes lung, kidney, and nervous system damage. We have ethyl benzene, which causes kidney, liver, and nervous system damage.

Ought not we to be just as concerned with these substances?

Mr. DURENBERGER. If the Senator will yield just for a question, if I might just state my concern for the language?

The language led me to conclude that the Senator from New Mexico might be doing this with a purpose in mind. There are two parts, two paragraphs, if you will, to the language I read.

> The Administrator may not implement (1) any national primary drinking water regulations promulgated pursuant to section 1412 of the Act after December 21, 1989 or (2) any similar rule or regulation.

So, as I indicated in my remarks, there is a logic there that seems to me kind of inescapable. That is paragraph 1 suspends all of the regulations promulgated after December 21, 1989, and anything and everything that EPA has done or will do from December 21, 1989 forward is addressed by paragraph 1.

Mr. DOMENICI. That is correct.

Mr. DURENBERGER. It is fairly absolute, marking a very clear point in time. If paragraph 2 is going to have any meaning at all then, it has to refer to standards promulgated prior—Right?—to December 21, 1989. And that includes all 35 contaminants—the standards for 35 contaminants, including nitrates, that are currently in place.

So, in effect, it is not just nitrates you are wiping out. You are wiping out all of the standards promulgated prior to December 21, 1989. I cannot draw any other conclusion from the language.

The PRESIDING OFFICER. The distinguished senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, some Senators have been asking whether there are any additional speakers on my side. I might suggest we have no additional ones. I will wrap up here. I do intend to move to table the Chafee amendment. If I prevail, we will either adopt mine or vote on it. If we lose, obviously, we will not insist on a vote on the Chafee amendment.

But let me suggest, this last discussion, really to be honest with all the Senators, is, in the real sense of the word, irrelevant. We are saying the following: prior to 1989, there were 35 major pollutants that were the subject matter of EPA's regulatory process. If you look at those, they include the monitoring of 90. It is commonly understood that 35, and the monitoring of the 90, include most of the significant pollutants involving clean water in the United States.

What we are saying—and nothing more—we are not trying to do away with any of those. We are saying those will remain in effect. But the next batch of 26 will not go into effect for 2 years while the committee and the EPA does some real soul searching. If it is necessary, if any Senators are worried, we could bring an expert down to say what is left over are very, very difficult pollutants with reference to the cost/benefit ratio to the American people and their safe drinking water.

So that issue is very firm and I might say to my fellow Senators, I must have met 10 different times in my State with experts from our Environmental Protection Agency in the State, with scores of experts from the water departments of major cities, from those who run the water departments in little tiny associations, and not a single one—and I do not believe they are callous, I do not believe they want to hurt people—not a single one was worried about the health effects of this moratorium, because they are applying common sense.

Let me tell you, there is a lot of common sense that is not applied to environmental regulations, and I want to just mention one. We had a Clean Air Act that we passed early, about a year and a half after the President was in office. That Clean Air Act was reported out of committee. It was reported out of committee and was here on the floor. It would not see the light of day as prepared on the floor of the Senate as pending hearing. It was discussed for 4 or 5 weeks in different offices around here to make it practical. In fact, we had a test in that particular bill for certain toxic pollutants that was called a maximum exposed individual. We were told that is a very important issue. You have, ultimately, to clean up the air so that maximum exposed individual is protected.

Some of us then were frightened. We would not come to the floor and argue against this because the dread word was going to be used, "cancer."

Do you know what it meant, the maximum exposed individual? It meant that we were talking about a theoretical man who would stand at the fence of a polluting industry that had this benzene or whatever it was, and be exposed for 70 solid years—just stand there under maximum exposure for 70 years, this theoretical maximum exposed individual. And then, 10 to the minus 6 was the risk, one in a million of those kind of theoretical men standing there.

And some of us when we first read about it said we cannot go to the floor because we are going to be talking about that one in a million theoretical man who might get cancer.

By the time we finished in the back rooms and talking about it, we were all convinced that was pretty theoretical, and it was not enough to close down petroleum refiners in the United States and steel mills and auto manufacturers. And we talked about something actual.

Mr. President, Senator CHAFEE, my dear friend, has talked about some people in his community, in his State, from communities who were sorrowful, frightened because they had polluted water, and they did almost anything to fix it.

Mr. President and fellow Senators, I have seen hundreds of New Mexicans—a small rural State—who come to meetings about this law and they have tears in their eyes because they are saying, Senator, we are going to have to leave our town and abandon our home because the association is telling us—the association that supplies us water—that the second and third round of tests provided in this law are so expensive we cannot pay them. Not $5 or $10 a month—$100 in some cases.

So we are not only talking about the dread of polluted water. We are talking about thousands of Americans in small communities who have safe water and we are talking about a theoretical issue, and then the Senator from New Mexico, to take care of the concern that maybe some of the pollutants that were in the second round, very way out pollutants in terms of their danger to the public—concern that the EPA, if they found that there was risk would take too long to regulate because of various administrative acts. So I said in good faith let the Environmental Protection Agency without having to go to court, without having to have hearings—let them do it.

For every argument there is a counterargument.

Then my dear friend from Minnesota says they will never be able to do it because OMB will not let them and we rather would have public hearings. The courts have been friends of environmental protection. If there is anyone who thinks we ought to amend the Domenici amendment after it comes back up here after we table the Chafee amendment and wants to put in the EPA in order to implement any of the remaining regulations during the next 2 years of the moratorium, if you want to put back the practices that they have to have hearings and it can be appealed, I welcome it. The only thing is I think the other side of the argument will be they will never be able to do anything.

Having said that, let me suggest that this measure of ours freezes the monitoring at 38 contaminants, but the way the science is, the freezing of those actually picks up 90 additional contaminants. That is point No. 1.

We have been accused of backing up, wanting another study when there is already a National Academy of Sciences study. I told the Senate I was fully aware of that, but what we need to find now when we get down to these fine points, we need to find out what the cost is and what the risk is.

The EPA Administrator in 1990 said we have to start looking at that. And guess what act he picked out as one that qualified? This one.

We are merely saying for the next year, study the contamination and its potential for harm and if there is some, see if there is any cost involved and then tell us the cost benefit, just like the example I gave you about the theoretical man versus the actual man being harmed by toxic waste when we discussed the Clean Air Act.

I could go on item by item, but let me just suggest, the Senators who want to help the communities in the United States who cannot afford the costs of this act and who do not feel it is necessary, we are now confronted with a committee coming to the floor and telling us there have been no hearings on this amendment. It has been since July and no hearings. Who has hearings? The Senator from New Mexico could have asked for hearings 6 years ago when I was on the committee. I am not on it anymore. So why did they not have hearings?

You will not get a larger outcry from the American communities about an issue than this. If you want to have a hearing on the Domenici amendment or, as they indicate, they want to look at this act, why did they not look at it? There are thousands of letters from communities in America in our offices about the ridiculous costs of this act versus what we are getting out of it.

So I am not responsible for not having hearings, and I am not intending to gut this act. It seems to me that rather than talk about somebody's intentions, we ought to talk about what is in the particular Senator's amendment. I am totally aware of the value of clean water. I am totally aware we are going to pay a lot more for it. I am totally aware that cities are going to bear very big costs just to see if the pollutants are there or not and then, if they are, to clean it up. But what I am suggesting is that a phased-in law should not proceed beyond this phase which took most of the contaminants into consideration until we have had a look at whether there are real consequences from the remaining ones and get some cost benefit analysis. It is as simple as that. It is a 2-year moratorium.

I honestly believe having talked to the Members that this is one that they know something is wrong with. They would not be offering an amendment to have a half-baked moratorium. At least that means they know something is wrong with it. They would not be offering that if they did not think something was wrong with it.

I believe this is one they will have hearings on next year. But, frankly, I want to close my remarks by saying anyone in this Senate who thinks that this substitute for the Domenici amendment will help the small communities in this country—I just read the Colorado Rural Water Association letter, a simple one dated September 8, and they are aware of the Chafee amendment. They mistakenly call it the Durenberger amendment, but it says: "Dear Senator Brown"—he is not here but he gave me this letter—"the alternative amendment by Senator DAVE DURENBERGER to S. 2900 will give very little relief, if any, to the small towns for water systems. The 75 percent savings in monitoring costs they speak of do not add up."

Mr. President, we have been on this a long time. The Senator from New Mexico is totally aware of how difficult it is to modify environmental laws on the floor of the Senate. I served on the Committee of the Environment and Public Works for the first 14 years in this body. But I actually submit to the Senate tonight that we ought to give the small communities in this country, rural America, the benefit of the doubt on this one. They are begging for this.

I cannot believe that the mayors and public works directors in the communities, the environmental agencies in our States—and I do not even know of one of those that is against the Domenici amendment. I have received not one letter from the Sierra Club or Wilderness Society in my State. The only thing is we heard from their national directors, because it is common sense that we should not impose from $150 to $200 per household to check one more time, and that is the minimum that the Chafee amendment is going to do for them, one more test.

I close by saying even that is not very clear because we have a habit around here of talking about contaminants' presence as if it does not matter how much. So if there is a trace of one of those contaminants, you are going to get a second test. And trace does not mean that the contaminant is dangerous. So we are going to be confronted in 6 months with the small communities around here being back at us saying, thanks but no thanks, you did not help, we did not need all that, and all your fancy talk is just absolutely, absolutely some more environmental hodgepodge that nobody can understand.

So, Mr. President, with that, we have been at this for about 4 hours. I am delighted with the debate. It is a pleasure to be on the floor responding to this as best I could.

Mr. DECONCINI. Mr. President, I rise in support of the Domenici amendment to the VA/HUD appropriations bill. I am doing this because of the problem facing small water systems in the State of Arizona with complying with the Safe Drinking Water Act. This amendment is substantially similar to S. 2900, legislation of which I am a cosponsor.

Mr. President, the Domenici amendment basically tells the EPA to take a step back before implementing new Safe Drinking Water Act regulations. It does not repeal any regulations that have already been implemented. This moratorium will allow Congress an opportunity to review the program so that we can ensure that we are addressing real health risks and not creating regulations just for the sake of regulating. The Safe Drinking Water Act requires that the EPA regulate 25 additional contaminants every 3 years regardless of the potential health risks or lack thereof. If, in the meantime, the Administrator of the EPA has concluded that there is a significant health risk from unregulated contaminants, the Domenici amendment allows EPA to immediately promulgate regulations notwithstanding the moratorium.

The Domenici proposal will also allow for us to fully analyze the consequences to small water systems of the requirement that they implement cost-prohibitive monitoring programs. These smaller water systems do not have the rate base that allows the larger ones to pay for these programs. In order for this to be a successful program, we need to provide the smaller systems with the resources to effectively participate in it. This program is another case of the Federal Government placing more burdens on the local entities without providing adequate resources.

The Domenici proposal closely tracks a recommendation made by a regionally diverse group of Governors which was adopted by the National Governor's Association.

Mr. President, I ask unanimous consent that a number of letters I have received from Arizona water companies be included in the RECORD.

I ask that my colleagues join me in adding a bit of rationality to this program by voting for the Domenici amendment. Doing so will in the long run result in a more efficient and effective safe drinking water program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TOWN OF DUNCAN,
August 5, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The purpose of this letter is to voice the Town of Duncan's strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community systems.

The current levels are based on what is affordable to large metropolitan systems and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is placing an unbearable financial burden on our consumers with no documented increase in health protection.

Our system provides safe, quality water to 380 households. We continuously meet all state and federal standards in our system. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration.

Sincerely,

R.N. WILLIS,
Manager, Town of Duncan.

PONDEROSA DOMESTIC WATER
IMPROVEMENT DISTRICT,
Pinetop, AZ., August 4, 1992.

To Whom It May Concern:

We would like to lend our support in the form of extreme urgency to Senate Bill 2900.

It appears obvious that the new regulations being promulgated and put into effect are going to have a devastating impact on many small water systems, and indeed on the entire economy. In many instances, the health benefits are non-existent or marginal at best versus the effect on the economy.

MARVIN GOAR,
Manager, and President, Pinetop Water Co.

DONEY PARK WATER,
August 4, 1992.

Re U.S. Senate bill 2900.
Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: The purpose of this letter is to voice strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community systems.

The current levels are being set based on what is affordable to large metropolitan systems and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is placing an unbearable financial burden on our consumers with no documented increase in health protection.

Our system provides safe, quality water to approximately 5,300 people. We continually meet all state and federal water quality standards. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration.

Very truly yours,

RUSS DALTON,
General Manager.

MAYER WATER DISTRICT,
Mayer, AZ, July 23, 1992.

Hon. DENNIS DECONCINI,
Senate Hart Building, Washington, DC.

DEAR SENATOR DECONCINI: I am writing you in reference to the upcoming legislation regarding the re-authorization of the Safe Drinking Water Act and Senate Bill S. 2900.

I have been associated with the Mayer Water District over the past 2½ years after retiring from the computer industry with over 25 years in management. As a result, I fully realize the need to negotiate and compromise for the good of all—often against apparent popular opinion. It is with this thought that I would like to call your attention to the plight of small water systems and the impending federal legislation of the Safe Drinking Water Act Re-authorization (SDWA).

Without question, all of us know the need to provide our customers with safe drinking water. We also know that in numerous cases our groundwater and surface water supply has been contaminated by the careless use of industrial chemicals, pesticides and other harmful products. There is a need to monitor and eliminate these hazards to continue to provide safe drinking water. The USEPA and related state agencies have done much toward this objective, but I am concerned that we have come to the point in our regulations where we will be testing for contaminants because the technology has advanced to the point where super sensitive detection is possible (often at considerable cost) without regard to the risk of that contaminant. From what I have heard and read, many of the proposed regulations in fact are at the edge of technology with these attendant high costs. Although it could be considered pristine to continue to test for the sake of even safer drinking water, I believe more important is the need to establish a risk weighted limit for contaminants which are in balance with other environmental and living risks.

The National Rural Water Association estimates that these new regulations will cost approximately $10,000 per water source just for the initial round of testing. Because of the limited water supply in our area, our district uses 12 separate wells to recover enough ground water to service the community. At $10,000 per well this testing would cost us $120,000 for the initial test. Our annual revenue is $150,000 against a zero based budget which suggests it will be impossible for us to comply with this proposal. Our only recourse at this time should such a regulation be implemented would be to increase the price of our services to our customers to cover this cost. With the user base of approximately 450 customers in our service area, this would almost double the cost of water. You will note, it would be difficult for our customer base to absorb this added cost. They are both older than the average for the State of Arizona and also have a lower income.

I can't help but believe that this "scientific and environmental" attitude and the resulting mandatory regulation will cause the cost of services to escalate to the point that many small water systems simply will no longer be able to provide their product to the end user. Therefore, it appears to me, that a more practical approach to environmental and consumer protection is in absolute need of legislation. I personally believe this issue of overregulation has a very direct impact on our national economy and our fervor of making it right for the sake of "making it right" has had a heavy negative impact on our national economy. Governmental spending is important, but we should do it where it does the most good for the most people.

I am enclosing a copy of the National Rural Water Association's article "NRWA's View On The Safe Drinking Water Act Reauthorization" which provides the perspective needed to produce this balance. I believe this position would give us the balance we need e.g.; protect our environment, and continue to maintain reasonable cost for the effort. I do however suggest that the solution of federal funding for testing should only be considered after the risk/benefit issue is understood and resolved.

I understand that Senate Bill S. 2900 has recently been introduced to place a one year moratorium on further Safe Drinking Water Regulations until the impact on small water systems has been studied and resolved. I am fully in favor of this moratorium despite the indifference and possibly opposition of our larger metropolitan utility systems. Simply stated, the smaller systems of this nation must be considered before proposals become regulations.

In closing, my management experience through the application of corporate policy has led me to the conclusion that the basic difference between following the letter of the policy and maintaining fairness in the work place is the interpretation of intent. Let's keep our federal policies aimed at the intent—for the people, by the people, of the people.

Sincerely,

WILLIAM R. DUNHAM,
Manager.

TOWN OF PAYSON,
Payson, AZ, August 5, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: Please accept this letter as statement of our strong support for S. 2900, a bill that will delay implementation of proposed drinking water rules for one year.

It is our strong belief that we as public water purveyors should deliver to our citizens a drinking water of the highest possible quality. We do, however, realize that the effects of increased needless or unnecessary federal regulations with regard to drinking water quality, testing and treatment are yet another burden on small communities such as ours and the new regulations come with no funding attached.

It is also our belief that threats to large metropolitan water supplies that are subject to the effects of industrial or agricultural chemicals or specific naturally-occurring elements should in no way be presumed to be threats to small, isolated and rural mountain communities with virtually no activities occurring nearby that pose any threat to our local water supply.

What we would like to see in the implementation of new federal drinking water regulations is a reasoned, logical approach whereby a cost benefit is proven before small communities are forced to meet the guidelines, a probability of threats to the drinking water exists, and an analysis of the ability and history of a local water purveyor to meet already stringent drinking water guidelines is assessed and quantified.

In short, if there is no practical reason to enforce any provision of the proposed drinking water rules—why further burden our citizens with the cost of same? Hence our support for S. 2900.

BRADSHAW WATER CO.,
Prescott, AZ, August 3, 1992.

To: The Honorable Dennis DeConcini.
From: Bradshaw Water Co.

DEAR SENATOR: I understand there is legislation pending that would place a moratorium on the implementation of the Safe Water Drinking Act requirements (Senate Bill 2900).

Bradshaw Water Company is a small utility. The requirements of the Safe Water Drinking Act will place an undue burden on our company without offering increased health protection to our customers. Our system provides quality water to thirty-two customers and we encourage legislation that would allow us to provide safe water to them. We want the regulations to be practical and affordable for small water systems and also protect the public health.

The Safe Water Drinking Act needs to be studied further to ensure it provides practical protection to the water consumer and not unrealistic requirements that increase the financial burden on the consumer without making the water safer. We are increasingly concerned about requirements that necessitate small utilities to test for and control contaminants at levels that show no proven health hazard.

I encourage your support of Senate Bill 2900.

Sincerely,

DON LOVELL,
Secretary.

TOWN OF TAYLOR,
Taylor, AZ, August 3, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: This letter is sent to voice our strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community systems.

The current levels are being set based on what is affordable to large metropolitan systems and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is placing an unbearable financial burden on our consumers with no documented increase in health protection.

Our system provides safe, quality water to 2400 people. We continuously meet all state and federal standards in our system. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration, and express to you our deep appreciation for the time and effort you put in on representing our community as our Senator.

Sincerely,

GERALD GULLICK,
Mayor, Town of Taylor.

BOWIE WATER IMPROVEMENT DISTRICT,
Bowie, AZ, August 9, 1992.
Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The purpose of this letter is to voice our strong support for S. 2900 and urge you to do the same. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to determine if the forthcoming USEPA contaminants, along with minimum containment levels, will actually increase health protection.

We are also very much concerned with the overwhelming financial burden this sudden enactment will bring to the small water utilities here in Arizona. Small communities should not be asked to subsidize the cost of testing, monitoring, tracking and possible treatment of drinking water. Individuals in large communities such as Phoenix and Tucson, should be made to feel the financial pinch on an equal basis with those who are unfortunate enough to live in small isolated communities. We who choose to live outside of large population centers, don't have the same community service financial options as do the large incorporated towns. Estimated costs for this upcoming implementation range from $10,000 to $50,000 per wellhead per year, depending on who you talk to. $50,000 exceeds the entire yearly operating budget of many small water utilities here in the State. The sudden arbitrary enactment of testing for 25 additional so called contaminants over the next three years is not based on documented studies that show any alarming health risks.

Bowie Water Improvement District, a self supporting, non profit, non taxing Water District in Cochise County organized under State Statutes, provides safe potable water to approximately 650 individuals. Up to this point, we have managed to meet all USEPA and Arizona Department of Environmental Quality standards but question for how long if forced to carry the financial burden of any future unrealistic actions of the USEPA. Our only source of operating income is from monthly water bills. This revenue must provide for our entire operating budget as we do not have the luxury of tax support. If proposed enactments continue, small utility monthly water rates will have to increase from four to five times their present levels in the next few years, a completely unrealistic imposition.

We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration.

Sincerely,

JOHN A. STAGGS,
Acting Operations Manager,
Bowie Water Improvement District.

TOWN OF MAMMOTH,
Mammoth, AZ, August 4, 1992.
Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: I am writing you to voice my strong support for S. 2900. This bill will delay implementation of E.P.A.'s proposed drinking water regulations for a period of one year until a study has been completed to address concerns of small public water system operators that the contaminants and their acceptable levels offer increased health protection, are cost effective and realistic for public water systems in small communities such as ours.

Small public water systems are being placed in a position to monitor contaminants which are affordable to large metropolitan systems. The small systems do not have the rate base the larger systems have. This places an unreasonable financial burden on the customers of a small system with no documented increase in health protection.

The town of Mammoth Public Water System provides safe drinking water to 1850 people. We meet all existing State and Federal drinking water standards. I encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

Thank you for support and consideration of this request.

Sincerely,

JOHN C. LUTICH,
Director of Public Works.

EDEN WATER CO., INC.,
Eden, AZ, August 15, 1992.
Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR: This letter should have been written in 1986 when the "Great" legislature in Washington revised the Clean Water Act. However, it is just now being felt by us and our customers as you add one regulation after another. It is putting little water companies like ours out of business.

We had employees from the Arizona Department of Environmental Quality tell us that as small water companies we would have to merge our close down because it would be impossible for us to continue with the regulations that they were expecting to apply to us. That is a fine thing for you in Washington to do to us—close us down. After hauling water in 50 gallon water barrels until 1969, from Pima which is 10 miles away, the Eden Water Company was formed as a non-profit corporation and we were able to secure a loan and grant from the Farmers Home Administration. The government giveth and the government taketh away.

We now have 100 customers and a 14 mile water system—the largest line being 4 inches. We purchase most of our water from Pima, Arizona in Graham County. We have a small lateral well system that we can use for some of our water when it is not dry. Our water tests good and it has been over 10 years since we have had a bad water sample and then it was Pima's fault. We chlorinate our lateral well system and have had no problems. Our system cannot be improved upon. Yet we have to do all the testing and obey all the new regulations just as if we were in a large system and had contaminated water. Our poor 100 customers have to bear the added expense—which is very great per person in a small water company.

The new lead testing regulation that will soon go into law is not even a wise decision even for Washington. We are now going to be responsible for private plumbing. We have to take samples early in the morning before anyone uses their water facilities. I have personally been told that our customers would not make the tests nor would they allow me in to do it. These are my friends and relations. Their words are "we do not want anything to do with any more government regulations—we have too many now." That reflects my own feelings. A system should be worked out where people who have small children should be able to send in samples to have them checked if they are worried. This would be a good idea for anyone especially in rental homes, and they do not know what kind of plumbing the house has. But do not have water companies take on the responsibility.

We understand that Senate Bill No. 2900 would give someone the authority to review some of the regulations and see what they will be doing to water users and what the end results will be. Someone really needs to review these regulations and throw a few of them out and revise a few more. No matter how many regulations you put upon the Eden Water Company, we still have the same water, the same number of customers, and the same problem of having to pay for the water. If you cause the cost to exceed what people can pay and close us down, what have you gained? We will have to again haul our water in barrels and I can tell you right now that will not improve on the quality of water.

Sincerely,

———,
Operator/Manager.

THUNDERBIRD FARMS
IMPROVEMENT DISTRICT,
Maricopa, AZ, August 11, 1992.
Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The intent of this letter is to advocate our support of Legislation S. 2900. It is my understanding that this bill would place a moratorium on the implementation of the Safe Drinking Water Act until a study has been completed and the act has been reauthorized by Congress. It is our concern that the E.P.A. in their haste to regulate 25 additional contaminates each three years, has failed to take into consideration the financial burden placed on Small Water Systems to be passed on to their consumers. This would be done with no added documented health protection.

Our Water System provides water to 1149 people. As with other water systems our concern is public health. We ask you to support S. 2900 so we may continue to provide Safe Drinking Water at a affordable price to our lot owners who are the collective owners of our system.

Thank You for your consideration and Support.

Sincerely,

RON SMITH,
Water Operator.

CITY OF GLOBE,
Globe, AZ, August 12, 1992.
Re: Support for S. 2900.
Hon. DENNIS DECONCINI,
U.S. Senate,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: It has come to my attention that the U.S. Senate is considering a critical piece of legislation which would allow a one year delay on implementation of the Safe Drinking Water Act requirements. The legislation, S. 2900, is extremely important to rural communities such as the City of Globe who provide water utility services to residents.

The one year moratorium in implementation of the rules and regulations of the Act, while keeping in place sufficient regulations to protect public health, is a step in the right direction. The bill allows time for Congress to reexamine approaches to drinking water, affects of compliance on small water systems, and the need to address cost versus potential threat of extremely low-risk and low probability contamination.

As city manager, I am responsible for the day to day operation of our city utilities and protection of our water supply. As I see the cost of compliance to EPA rules and regulations increase, along with so many other costs of the services we provide, I am concerned that it may become unfeasible for the city to provide such services at a cost that our general population can afford to support.

Please support S. 2900. Also, we ask that you continue to insure regulatory mandates which protect the public health but that are effective and affordable.

As always, please feel free to contact me, at your convenience, if I can answer any questions or provide you with additional information.

Sincerely,

DAVE MOSLEY,
City Manager.

HUB WATER CO.,
Tucson, AZ, August 17, 1992.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: The intention of this letter is to show our support for S. 2900. This bill will put off the implementation of the recommended drinking water regulations for one year until an examination has been completed to address our concerns that the pollutants and levels being set will give us increased protection for our health and are reasonable and idealistic for small community systems.

The recent levels are set based on what is financially feasible for large metropolitan systems and contaminant levels are set at lower levels with uncertain increased health protection at lower levels. Also, over three years, it is necessary for the EPA to regulate 25 additional contaminants. With no written increase in health protection, this is putting a tremendous financial burden on our consumers.

To 4100 people, our system supplies safe, great-tasting quality water. All state and federal standards are met by our system. For adequate public health protection, your support for S. 2900 will assure regulatory mandates and limited resources of our system.

We greatly appreciate you support and consideration in this matter. Thank you Senator DeConcini.

Sincerely,

STEVEN SIEGFRIED,
Manager.

VERNON DOMESTIC WATER
IMPROVEMENT DISTRICT,
Vernon, AZ, July 12, 1992.

Senator DENNIS DECONCINI,
Hart Building, Washington, DC.

DEAR SENATOR DECONCINI: We the board of directors of the Vernon Domestic Water Improvement District which is a small water improvement district located in the White Mountains of southern Apache County, Arizona ask that you please support Senate Bill 2900.

We believe the moratorium provided for in this bill is indeed needed. For instance our total budget to operate the whole system for a year is less than $10,000.00. The best information we can obtain places the cost of testing the list of items the EPA has now ready to require of, all water systems will be from $10,000.00 to $12,000.00. (It is doubtful any one of these items could be found at least in harmful quantities in this pure mountain water). The cost of these tests if they are allowed to stand will more than double the cost of water to each household served by this district. Our rates at the present time are averaging $35.00 to $45.00 and up depending on the amount of rainfall.

Please consider that this district qualified for CDBG funding in 1990 due to the fact that 65% of our households were below the median income level and that situation has not changed. The grant was used to replace a fifty year old well that was failing, and to replace a woefully inadequate distribution system which had been condemned by the ADEQ.

If S2900 is passed we urge you to cause someone to determine if a less expensive test or a set of tests can be devised to identify systems which do and which do not need these extensive expensive tests. We realize there are locations here within our own state where shallow water tables and or mineralization of deep water make it unsafe. We support and gladly comply the testing requirements of both the EPA and the ADEQ to protect our drinking water. We also believe this endeavor by the EPA to achieve optimum drinking water safety may well exceed economic capability.

In our location along with numerous other small water districts and water companies supplying domestic water to small communities located in the higher elevations of Arizona. Our elevation is 7,000 ft. Our well is drilled to 340 ft. There is nothing above us to contaminate our water supply. Before we were allowed to put our new well on stream in late 1991 we spent $980.00 to have the required tests made.

Sincerely,

Chairman.

COMMUNITY WATER CO.
OF GREEN VALLEY,
Green Valley, AZ, August 17, 1992.

Hon. DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: This letter is to request your support for S. 2900 which will delay implementation of proposed EPA drinking water rules for one year until EPA can conduct a review of its final regulations and alternatives as well as the costs and benefits.

We support efforts to improve the quality of drinking water but we are concerned that the benefits of some of the regulations proposed by EPA are not significant in relation to the costs of achieving them. EPA continues to mandate lower contaminant levels where increased health protection is questionable.

Our system provides safe drinking water to 11,000 people. That water meets all current EPA standards. Our concern is for the increased cost of meeting proposed and future regulations where the health protection benefits may be marginal at best.

We encourage your support of S. 2900 in an effort to insure that health benefits match the cost of increased regulation.

Sincerely,

JAMES F. THOMSON,
Chairman of the Board.

CUP OF GOLD WATER CO., INC.,
Sedona AZ, August 17, 1992.

Hon. DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: I represent a small, not-for-profit water company which services about thirty six customers, all of which are members and shareholders of the company. Our company is run by all volunteers. I am writing to ask for your support for Senate Bill 2900.

This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set do, in fact, actually offer increased health protection and are affordable and realistic for a small community system.

Current contaminant levels are being set by the EPA, based on what is affordable by large metropolitan systems. Many of these lower levels have a questionable health benefit for the user but increase the cost of water beyond what the small community can afford. Today the Cup of Gold Water Company system provides safe, high quality water to its users and we continually meet and exceed all state and federal standards.

We ask you to support S. 2900 to insure regulatory mandates recognize the limited resources of small water companies such as ours. Thank you for your consideration and help.

Sincerely,

EDWARD E. MANLEY III,
Director/Treasurer.

PLEASANT VALLEY COMMUNITY COUNCIL,
Young, AZ.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: This letter is being written to express our strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community facilities.

The current levels are based on what is affordable to large metropolitan systems and there does not seem to be any allowances for very small rural areas such as Young (our Community Building). This is putting a great financial burden on our non-profit council, with no documented increase in health protection.

Our well provides safe, quality water to approx. 500 people a year. We continuously meet all state and federal standards in our system. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

Thank you for your support and consideration,

Sincerely,

BUSTER GREEN,
Chairman, Pleasant Valley Community Council.
PEGGY SMART,
Vice-Chairman.
PETE SANDERS,
Secretary.
RUTH BILBERRY,
Treasurer.

TONTO APACHE TRIBE,
Payson, AZ, August 7, 1992.

Hon. Senator DENNIS DECONCINI,
Hart Building, Washington, DC

DEAR SENATOR DECONCINI: The purpose of this letter is to voice my support for S. 2900.

This Bill will delay implementation of the proposed drinking water rules for one year until a study has been completed that would address our concerns that the contaminants and the levels being set, offer continual increase for health protection and which are affordable and realistic for small rural community systems such as ours.

The current levels are being set based on what the large metropolitan systems can afford and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is unreal! What a financial burden! Doesn't make the water any safer!

The system here at Tonto provides safe, quality drinking water to 125 people. We are constantly monitoring and meeting federal standards.

For the survival of the rural water systems, we urge you to support S. 2900!

Thank you for your continued support and efforts on our behalf.

Sincerely,

NANCY CAMPBELL,
Executive Secretary.

TOWN OF JEROME, AZ,
Jerome, AZ, August 5, 1992.

Hon. DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: We would like to voice our support of S. 2900. This bill is to delay implementation of new drinking water rules for one year until a study has been completed as to whether the benefits are worth the costs created by these regulations.

Here in Jerome we have a water system serving about 400 people with one of the lowest per capita incomes in the State. The current water standards are already very expensive to test for and we feel additional tests are not needed and would cause an increase in our already high water rates.

We continuously meet all State and federal standards in our system. These additional tests have very little documented increase in protection for our water. We believe these additional standards may place an unbearable financial burden on our community with few benefits.

We would appreciate your support and consideration.

Sincerely,

PHILIP TOVREA,
Mayor.
JOHN SCARCELLA,
Public Works Director.

Mr. DOMENICI. Mr. President, I move to table the Chafee amendment and ask for the yeas and nays.

Mr. LAUTENBERG. Will the Senator hold off for a response before making the motion to table?

Mr. DOMENICI. How much time does the Senator desire?

Mr. LAUTENBERG. Three minutes.

Mr. DOMENICI. Fine.

Mr. CHAFEE. Mr. President, I would like 3 minutes also.

Mr. DOMENICI. Mr. President, I listened for an hour and a half when they rebutted mine. I gave an 8-minute rebuttal. I have the floor and I have the right to move to table.

The PRESIDING OFFICER. The Senator from New Mexico has the right.

Mr. DOMENICI. Nonetheless, I will say, I will reserve that so long as the reservation is I get the floor after 3 minutes for Senator LAUTENBERG and 3 minutes for Senator CHAFEE.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from New Mexico? I am not sure I understand it. Three minutes to the Senator from New Jersey, and 3 minutes to the Senator from Rhode Island. How much for the Senator from New Mexico?

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator LAUTENBERG have 3 minutes, followed by Senator CHAFEE for 3 minutes, after which the Senator from New Mexico will be recognized to speak for 3 minutes, after which he will have authority to make a motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, I will just say to my colleague from New Mexico, we all share a concern here.

Mr. President, under the Domenici-Brown moratorium, we talked about suspending regulation on some of the following: Asbestos, which can cause tumors; cyanide, which causes tremors, convulsions, and death; dioxin, which can cause cancer; PCB's, which cause cancer; toluene, which causes lung, kidney, and nervous system damage; trichlorobenzene, which can cause convulsions, liver, and kidney damage.

Mr. President, we are talking about costs, and some of the estimates vary considerably, but what we come up with is we can come down to about $2 to $3 a household. That is less than it takes to rent a video. I guarantee you nobody is going to go bankrupt if in 1 year it costs them $3 or $4 to have a test. What are we talking about? More studies, more science, more EPA delay. I say let us do it the right way. Let us not step back from protecting the public health.

Let us not rush hastily into something like this that guts a law that protects the public health.

Mr. President, I submit that there needs to be time to evaluate this without the crush of the moment and to get on to a sensible conclusion, as opposed to suddenly jumping up and throwing up a smokescreen that prevents us from going ahead and doing what we ought to be doing as U.S. Senators.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, let me say again that we are dealing with very serious business. What we are talking about are 26 contaminants that have not been dreamed up by some way-out environmentalist over at the EPA. These 26 contaminants have come about because of a National Academy of Sciences study—this is about one-fifth of it—that took place over 4 years. And as a result of that study, it was recommended that these 26 contaminants come on line for study and recognition, and elimination if required.

Now, Mr. President, that is what is taking place here. And the Senator from New Mexico says: Let us have a moratorium; let us postpone doing it. We do not want to do this. We will take the contaminants that are already there, but do not add these 26.

Now, Mr. President, these are serious contaminants, as has already been pointed out.

Finally, Mr. President, I would like to once again get back to these figures, because the Senator from New Mexico feels very strongly about this and he gives the impression, because he feels so strongly, that this is going to just wipe out certain households that draw their water from very small supplies.

Mr. President, the figures—I do not know where else we can get better figures than from EPA itself—are as follows: That in the smaller systems, the maximum addition would be $13 per year per family if—if—none of these were eliminated under the Chafee-Lautenberg amendment.

But the Chafee-Lautenberg amendment provides that if any of these do not turn up in a test, any of these 26, then you do not have to test any further for the balance of that year. If, in the first part of the year, the first test, first quarterly test, you do not have certain contaminants, then you do not test further. In the second quarterly test, if certain of the contaminants do not show up, then you do not test for those further.

So those are the facts.

And in addition, Mr. President, there are certain waivers that can be granted for those contaminants which do not have a history within the community. So it is estimated that for those communities that lack some of the contaminants, the maximum charge will be $4 per year per family in the smallest of these water-supplying agencies.

So, Mr. President, I think we want to bear it in mind. Is it going to cost something? Yes, it is going to cost something. Having clean water costs something.

Finally, Mr. President, I ask unanimous consent that I may include here for the RECORD a letter from the Association of Metropolitan Water Agencies in support of the Chafee-Lautenberg amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF
METROPOLITAN WATER AGENCIES,
Washington, DC, September 5, 1992.

Hon. FRANK LAUTENBERG,
Chair, Senate Subcommittee on Ocean, Superfund and Water Protection, Senate Environment and Public Works Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Association of Metropolitan Water Agencies (AMWA), I would like to express our support for your amendment to the VA, HUD and Independent Agencies appropriations bill addressing a number of Safe Drinking Water Act concerns. Your amendment, also sponsored by Senators Durenberger, Chafee and Burdick, would delay promulgation of any new standard for radon, allow small systems to forego multiple tests for contaminants that are not present and require EPA to conduct a study of the health benefits, costs and implementation problems of the Safe Drinking Water Act.

AMWA supports the extension of time granted EPA to address the concerns raised by the Science Advisory Board and the water supply community on radon. As you know, the Science Advisory Board concluded that about 5 percent of the total indoor radon in homes is due to radon released from household water use and that EPA's proposed regulation would address about 1 percent of the total indoor radon in areas with ground water supplies at an estimated $1.6 billion in initial capital costs and $180 million in annual operating costs. The SAB also specifically recommended that EPA focus its efforts on primary (air) rather than secondary sources of risk and that the agency conduct a full multi-media risk assessment of the various options for regulating radon in drinking water.

AMWA also supports the amendment's proposed study on the health benefits, costs and implementation problems of the Safe Drinking Water Act. The study, however, should be expanded to include EPA's overall recommendations on improvements to the Safe Drinking Water Act including alternative methods for control of contaminants that do not routinely occur at levels of public health concern.

Your pledge, as well as that of the other members of the authorizing committee, for a thorough review of the program in the next Congress will provide an opportunity not only for small communities, but for the nation's large municipal and publicly-owned water supply agencies, to work with you on their concerns and problems with the Safe Drinking Water Act and its implementation requirements.

The Association of Metropolitan Water Agencies is comprised of the directors and managers of the nation's large municipal and publicly owned water supply systems serving drinking water to over 78 million people. Our members are both community and national leaders in the drinking water field and as such play a major role in the development and implementation of drinking water standards and water science and technology innovations.

We look forward to working with you and other members of the Committee on reauthorization of the Safe Drinking Water Act in the next session of Congress.

Sincerely

DIANE VANDE HIE,
Executive Director.

Mr. SMITH. Mr. President, I want to commend the Senator from New Mexico for his efforts to address an increasingly expensive regulatory program that threatens to bankrupt many of our Nation's small communities. We have mandated that our communities meet a variety of safe drinking water rules, the cost of expensive landfill requirements and the cost of more stringent sewage treatment facilities—all with little or no Federal funding.

Prior to establishing new Federal regulatory mandates, we need to conduct adequate risk assessments to determine the most significant risk to human health and the environment so that these programs are funded in the priority of their risk. This is exactly what the Domenici amendment will accomplish with regard to safe drinking water regulations. It will place a 2-year moratorium on the implementation of those regulations promulgated after December 1989 and require the Administrator of EPA to conduct a comprehensive review of the costs and benefits associated with the current regulatory program.

Contrary to the rhetoric from certain critics, this amendment will not sacrifice public health standards. The EPA Administrator has ample authority to exempt any contaminant from the moratorium should it prove to cause a significant health risk. In fact, the lead and copper rule has already been exempted in the amendment.

Mr. President, no State would support legislation that put its citizens at risk, and this amendment was enthusiastically endorsed by the National Governors' Association. In its position paper, the Governor's Forum on Environmental Management pointed out that States are currently facing an annual shortfall of more than $200 million in the funds needed to implement the current program, let alone comply with additional regulations due out this December and next year.

EPA estimates that compliance of these new regulations will cost $10 billion in capital expenditures and $2.5 billion annually in operating expenses—and these estimates are considered on the low end. What is truly at risk here is the economic viability of many of our local communities.

Given the rapidly increasing number of Federal environmental mandates and the insufficient amount of resources being provided to meet those demands, it is imperative that EPA focus financial resources on those contaminants that pose a serious health risk.

Our small communities are experiencing severe financial strain; it is only common sense that we should follow appropriate risk assessment to ensure that our limited funds are spent on those issues that truly represent a health and environmental risk.

Simply stated, the Domenici amendment makes economic and environmental sense. I urge my colleagues to help out their State government and local communities by voting in support of this amendment.

Mr. KERREY. Mr. President, I rise today in support of an amendment offered by Senators CHAFEE and LAUTENBERG that makes some much-needed changes in the implementation of the Safe Drinking Water Act [SDWA]. It addresses concerns that have been raised by the States and small communities with the SDWA.

The proposal offered by Senators CHAFEE and LAUTENBERG is a recognition that the SDWA is flawed as it is currently being implemented. The amendment will allow substantial savings to small communities in Nebraska. Our State Department of Health estimates that communities, if we include phase II contaminants, will face about $1,700 of testing per quarter, totaling $6,800 per year per point of entry. Some communities have more than one well, and therefore will pay this per well.

This amendment will reduce the number of annual tests from four to one, thereby saving $5,400 per year per well. Further, if the test comes up clean on any contaminant, no test will be required for 3 years. One estimate is that we can expect at least a $16 million savings during the next 3 years in reduced testing and monitoring costs for small communities with populations under 3,300 individuals. Fully 860 out of Nebraska's 900 water systems qualify as small community systems.

Further, the amendment prevents EPA from implementing its proposed radionuclides regulations until it conducts a multimedia risk assessment.

Finally, the proposal has incorporated, and strengthened a provision initiated by Senator DOMENICI to conduct a study of the health benefits, costs, and implementation problems of the Safe Drinking Water Act.

In the past several months I have received calls and letters from communities across Nebraska and from our State government asking for relief from the SDWA requirements. It is not that these officials or water system managers want weak public health standards. However, they are facing a growing number of requirements which, while well intentioned, simply cannot be reasonably complied with. Our Governor joined a number of other Governors in stressing the regulatory and financial difficulties faced by States in complying with the SDWA's ever expanding requirements. I share their concerns.

Since the SDWA was first passed, States and localities have made great progress in improving the protection of public water supplies. As of March of this year, States and local governments have been required to implement EPA regulations controlling 35 contaminants. That number will jump to 62 by December of this year, to 84 by November of 1993 and to 111 by the beginning of 1997. We are asking a great deal of our States and communities. The amendment proposed by the Chafee and Lautenberg amendment will help communities comply with the SDWA requirements.

We are facing a broader crisis of environmental and public health policy, which we are seeing in this debate on safe drinking water regulations and are likely to see in the upcoming debate on the Clean Water Act and the Resource Conservation and Recovery Act. On the one hand, the public's demands for clean, safe water are growing. Since we passed the first Clean Water Act or Clean Air Act, the level of public concern about clean and safe water has grown substantially. It is our duty to respond to that concern and safeguard our natural resources and protect public health.

However, we cannot respond adequately to that concern unless we recognize that the old top-down regulatory approach will not do. We need to develop mechanisms that allow for implementation of tough standards at the local level. We need to bring the public and interested groups into the decisionmaking process to an even greater extent. We need to step up public education and help the public understand the justification behind laws and regulations. We need to rely on more incentives and disincentives to achieve policy objectives. But the top-down regulatory approach can only be transformed by reorganizing our regulatory structures. Our natural resource and environmental agencies and departments reflect an exhausted view of the world. It is time that we reorganize and integrate those agencies so that they better serve the natural resource and public health protection requirements of the future.

Specifically, during reauthorization of the SDWA, the Congress should work with EPA and the States to emphasize pollution prevention by providing additional incentives to States and localities to adopt effective wellhead and watershed protection initiatives to help reduce expensive monitoring requirements. The States and EPA should identify and implement a strategy to allow States and localities to focus resources on controlling the most significant real public health risks. EPA and the States need to place a greater emphasis on risk-based approaches to protecting public water systems.

I support tough environmental and public health standards. The public expects it. But I also believe we need to find innovative solutions to respond to the growing concern about our natural resources and public health. Environmental protection should enhance economic growth and not stifle it. Our communities should not be allowed to fail because they don't have the resources. We need to create policy that allows them to succeed. I am not saying that there won't be sacrifices, but the public rightly expects common sense. I am pleased that Senators CHAFEE and LAUTENBERG have offered a compromise that recognizes the problems faced by small communities and States.

Mr. MCCAIN. Mr. President, I would like to make a few remarks regarding the Senate's vote on the amendment dealing with Safe Drinking Water Act regulations.

Safe drinking water is a complex issue and one of crucial importance to the health and welfare of the American people. The Senate has been asked to vote on an amendment that would excuse public utilities from testing drinking water supplies for hazardous substances such as mercury, cyanide, chlordane, nitrates and many other contaminants that the National Academy of Sciences has determined pose a threat to human health. That's a very big step to take. It troubles me greatly that the Senate is asked to take such action on an appropriations bill without any hearing, without a full debate nor even basic agreement on the facts about the impact of the proposed amendments.

I agree that we have an obligation to ensure that all Federal regulations are reasonable, based on sound science and are cost-beneficial. Those which do not meet that criteria should be thrown out. Certainly, changes need to be made in the Safe Drinking Water Act to meet those objectives. But, there is a proper and responsible way to achieve that goal.

Mr. President, an issue of this magnitude at least deserves a hearing so we can make fully informed decisions based on a strong public record. There have been no hearings. Safe drinking water and its impacts on public health and the economy is just too important an issue to address on the spur of the moment.

As I said, changes can and should be made to address the cost-benefits of Safe Drinking Water regulations. Out of fairness to rural families who must drink the water, and pay the utility bills let's do it right. I urge the committee to hold a hearing immediately so that we can address the public health and economic issues of drinking water regulations in an informed, responsible, and expeditious manner.

Mr. LEVIN. Mr. President, I support the Chafee-Lautenberg-Durenberger amendment to the Domenici amendment. I share the concerns many of my colleagues have stated today regarding the impact that Federal regulations can have on local governments and small communities especially when they are not accompanied by sufficient resources.

However, I think the Chafee amendment strikes a reasonable balance at least until we are able to reauthorize the Safe Drinking Water Act next Congress. The Chafee amendment will reduce the costs of complying with current and soon to be proposed regulations, delay those which we are uncertain as to their cost-effectiveness, and require EPA to conduct a comprehensive study of the costs and benefits of the entire Safe Drinking Water Act.

Mr. President, everyone wants to know that their drinking water is safe. Government officials, whether they are local, State or Federal, have a particular responsibility to ensure that the public health is protected. The Chafee amendment is intended to promote that protection, while avoiding some of the excesses of current and proposed regulations.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, we sure are getting different signals as to the cost. I could almost guarantee the Senate that if we were talking about a $4 increase in water bills once a year, we would not have had the hundreds and hundreds of people joining their mayors and village leaders and environmental protection people coming to us saying we are going to have to move; we are going to have to abandon our homes, because it is scores of dollars—some were talking to their people about $150, $200 that was going to be added to their bill for one test.

I asked the EPA what the test in the Chafee amendment per se would cost the first time through. Since it applies to small communities and small user groups, zero to 3,300, answer: $150 per household.

Now, I tell you, that is enough for rural America for many people not to be able to live there. What I understand the case to be is that the dread contaminants that are being spoken of may be dread contaminants in a laboratory where you study their effect on the physiology of man. But we are talking about water systems. And frankly, none of those that Senator LAUTENBERG has mentioned is on an EPA list with any serious cancer deaths known. I looked at each one, and it says annual cancer avoidance, none, none, none, none, for every one that he has mentioned.

Now, what are we talking about? Remember the case I told you about, the theoretical man test, or the actual test? Frankly, we ought to help the small communities here. They are going to know what we do not do if we pass the Chafee amendment.

I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2965, offered by the Senator from Rhode Island [Mr. CHAFEE].

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—43

Bingaman
Bond
Brown
Burns
Byrd
Cochran
Conrad
Craig
Danforth
DeConcini
Dole
Domenici
Exon
Ford
Garn
Gorton
Gramm
Grassley
Hatch
Heflin
Helms
Hollings
Johnston
Kassebaum
Kasten
Lott
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Rockefeller
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—53

Adams
Akaka
Baucus
Bentsen
Boren
Bradley
Breaux
Bryan
Bumpers
Chafee
Coats
Cohen
Cranston
D'Amato
Daschle
Dixon
Dodd
Durenberger
Fowler
Glenn
Graham
Harkin
Hatfield
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NOT VOTING—3

Biden
Gore
Wirth

So the motion to table the amendment (No. 2965) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Chafee amendment No. 2965 to amendment No. 2964.

The amendment (No. 2965) to amendment No. 2964 was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. The question is on agreeing to the Domenici amendment No. 2964, as amended.

The amendment (No. 2964), as amended, was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, to help bring about order in the Chamber, I would like to just comment that we are now coming to the end of the debate on the VA-HUD-independent agencies bill. I understand that the Senator from Maine wishes to offer an amendment, discuss it, and then perhaps withdraw it. If Senators could cooperate, so that we can take our seats and hear the commentary by the Senator from Maine, I believe then we could move to bring this bill to closure.

It is the intention of the manager, after the Senator from Maine speaks, and when there are no other amendments pending, to say something personally about Senator GARN, and then we will move to final passage. So if Senators could take their seats or withdraw to the Cloakrooms, then we could move on.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 2966

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 2966.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

"Sec. ( ).

(A) Of the $5,086,000,000 allocated to NASA's Space Flight, Control and Data Communications account on page 104, line 16, 425 million is transferred to EPA's Abatement, Control and Compliance account to be used for State Public Water Supply Supervision Grants. These additional funds shall supplement the amount made available for State grants under the authority of Sec. 1443 of the Safe Drinking Water Act.

(B) Of the $319,200,000 allocated to NASA's Construction of Facilities account on page 104, line 25, $25 million is transferred to EPA's Abatement, Control and Compliance account to be used for emergency grants to publicly owned water systems, as authorized by section 1442(a)(2)(B) of the Safe Drinking Water Act. For purposes of this appropriation, the Administrator may determine that an emergency exists in cases in which a state nominates a publicly owned drinking water system for such assistance and the Administrator determines that the system has (1) conducted required monitoring and made good faith efforts to comply with the treatment requirements of the Safe Drinking Water Act, and (2) has been unable to consistently deliver water meeting the Maximum Contaminant Levels required for the system due to significant economic hardship, as determined by the State.

Ms. MIKULSKI. The Senator from Maine has indicated he would be happy for me to proceed on something special, protecting his rights to offer his amendment.

AMENDMENT NO. 2967

Ms. MIKULSKI. Mr. President, while there are Senators in the Chamber, I send an amendment to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 2967.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER: Without objection, it is so ordered.

The amendment is as follows:

On page 108, after line 11, insert the following new paragraph:

"The Mission Simulator and Training Facility, Building No. 5, of the National Aeronautics and Space Administration located at the Johnson Space Center in Houston, Texas, is hereinafter named and designated the Jake Garn Facility."

Ms. MIKULSKI. Mr. President, this amendment renames the space shuttle simulator training facility at the Johnson Space Center after our distinguished ranking member, the senior Senator from Utah.

The senior Senator from Utah was not aware that I would take this action. He is not the kind of guy that wants a lot of fuss made over him. But I think we should make some fuss over him, because he has been an exemplary Member of the U.S. Senate. And one of only two Senator astronauts, and therefore, I think it would be a fitting tribute to name a simulator training facility at the Johnson Space Center after him, something that will be training other astronauts to go into space.

At the end of this Congress, Senator GARN will end a distinguished career as a Member of this body and for the time being at least, a distinguished career in public service. Four years ago when I became the chair of this subcommittee, many wondered how Senator GARN and I would interact since we come from different geographic areas. We come from different political parties. We even have a different political philosophy. But I think many have been surprised about the way we have worked together in a bipartisan way fashioning the annual VA-HUD appropriations bill.

I thank the Senator from Utah for a lot of the advice and guidance that he has given to this Senator. I also thank him for what he has done for the United States of America.

Before coming to the Senate in 1975, Senator GARN was a Navy pilot, a member of the Utah National Guard, a private sector executive, and a mayor of a great city, Salt Lake City. He has chaired both the Banking Committee and the VA-HUD Appropriations Subcommittee. And as my colleagues know, he is best known for his passionate support for the space program, having flown on the space shuttle in 1985.

It is his own experience as an astronaut Senator that has anchored his support for NASA and his commitment to Federal investments in research and development.

Perhaps what can best be said about JAKE GARN is not about his days in the Navy, or as a big city mayor, or even as an astronaut Senator. What he wants to be remembered for most is as a dedicated, loving husband, father, and grandfather to his 7 children and 10 grandchildren.

I have learned a great deal from him, and from his dedication to the space program. His role as an astronaut makes the designation of the shuttle simulator training facility at Johnson Space Center fitting and appropriate.

We shall miss him next year. We wish him and his wife, Kathleen, and the entire family all the best.

I would urge the adoption of this amendment. I also know that the distinguished Republican leader had something he wanted to put into the RECORD on this matter.

If there is no further debate, I urge adoption of the amendment by unanimous consent.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 2967) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I am not only surprised but humbled by the gesture of the distinguished chairman, the Senator from Maryland.

I am happy she passed it quickly by unanimous consent. I heard some grumbling on my side that they wanted a rollcall vote on the amendment. So I appreciate the speed.

I would just simply say that I am indeed honored. I spent a good deal of time in that particular building in the motion space simulator as well as the fixed base simulator. So I have fond memories of that period of time.

I suppose more importantly being honored doing something in aviation is paying a 12-year-old to eat candy in a candy store. My father was a pilot in World War I, got his wings in April 1917, and was Utah's first director of aeronautics, a real pioneer in aviation, far more than I. And the Utah State Aeronautics Building in Utah is dedicated to my father.

I received my private pilot's license on the morning of my 16th birthday and my driver's license in the afternoon. So I think that is probably an indication of a lifetime of love of things that fly.

The opportunity to fly in space was obviously the ultimate flying experience. So, to be honored in this way by my colleagues is very touching.

I would just say I am extremely grateful for the Senate passing this, and express my gratitude to the Senator from Maryland for her distinguished work.

As I said earlier today, she picked up the reins very, very rapidly, learned the intricacies of a very complicated bill and it has been my pleasure to work with her. And as she said, we are a liberal Democrat from Maryland and a Republican conservative from Utah, and we have had an extremely good, close working relationship. I only wish that the whole Congress could work on that basis and put aside partisan differences and the country would be a lot better off.

Thank you very much.

Mr. COHEN addressed the Chair.

AMENDMENT NO. 2966

The PRESIDING OFFICER. The question recurs on the Cohen amendment.

The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I will be very brief this evening. I understand that there are no more amendments that are pending and none will be offered and that we can move fairly quickly on final passage.

I do want to say that the debate that consumed most of the afternoon surrounding the issues raised by the Senator from Rhode Island and the Senator from New Mexico were immensely important to this country because they deal with an issue that we have not taken up in recent months and years: mandates, Federal mandates, and the tremendous costs being imposed upon the local communities.

Mr. President, the amendment that I am offering would not add anything to the committee's allocation, nor would it add anything to the Federal deficit, but would take advantage of an opportunity to set a clear sense of budget priorities. It would, in fact, remove or transfer some $50 million from the Advanced Solid Rocket Motor Program in NASA's budget to the EPA's account for abatement, control and compliance to provide financial assistance to States and communities to meet Safe Drinking Water Act requirements.

Mr. President, this Advanced Solid Rocket Motor Program, ASRM, is clearly not a wise use of Federal dollars. NASA did not request funding for this program. The President opposes funding for this program. The Congressional Budget Office estimates that canceling the program will save $2.2 billion. The administration's estimate is $2.5 billion.

An amendment was offered in the House of Representatives. It cut the funding for the program and it passed 249 to 159.

The Citizens Against Government Waste, the Citizens for a Sound Economy, and several prominent environmental groups support the cancellation of this program. And yet here we have the funding for a program that nobody wants.

I was surprised. We heard a lot of discussion about asbestos and cyanides and other types of elements that ought to be monitored.

There was no mention made of trichinosis. That is what is involved here. We are suffering from an advanced case, not of rocket motor but of trichinosis. Nobody wants this particular program except the State or States that are now spending the money and receiving the Federal benefit from this particular program.

Mr. President, this is a classic case of a waste of necessary Federal dollars that ought to be saved. We hear a lot about balanced budgets. Everybody on this side of the aisle constantly talks about balanced budgets.

I urged the adoption this year, for the first time, of a constitutional amendment to balance the budget because it is out of control. We hear a lot about the Republicans' position on the line-item veto, and on wasteful spending. Well, here we have a case of clear wasteful spending.

The administration does not want it, NASA does not want it. It is very costly. We can save the money and yet here it is in the budget. Even the House of Representatives does not want it.

Mr. President, I am compelled to not proceed with my amendment because I am told that while my amendment would be considered a relevant second degree amendment under the rules, that procedure points of order may be raised against it. And, therefore, I will not press that issue because of the lateness of the hour and not take up time unnecessarily.

But I do think it is very important, Mr. President, that we start focusing on important programs, and that we start talking about the budget deficit. When we start railing against wasteful spending, the big spenders, the big taxers, let us look right here at home. Here is a classic case where we could save $2.5 billion and we are not going to do it; we are not going to do it because one or two States benefit from the program.

So if we are really concerned about the future of our children, if we are really concerned about what is happening to the future prosperity of this country, let us start looking at programs like the Advanced Solid Rocket Motor Program and start finding ways in which we can delete this. And at the same time, let us be diligent in our efforts to assist States and communities comply with the Federal mandates we place upon them.

Mr. President, I ask unanimous consent that I may withdraw my amendment.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

The amendment (No. 2966) was withdrawn.

The PRESIDING OFFICER. Are there further amendments?

Ms. MIKULSKI. Mr. President, we are in the final minutes of this bill.

As the manager of the bill, I would like to thank Senator BYRD and Senator HATFIELD for their cooperation in moving the legislation through the full committee. A special thanks to Jim English, Keith Kennedy, and all the full committee staff.

On my own subcommittee, I would like to thank Kevin Kelly, my chief clerk, and Carrie Apostolou, Juanita Griffin, Sarah Linstead, and Peter Saundry, all who helped me move my bill.

And I know on the ranking minority member's side, we would like to thank Dona Pate for all of her work and Stephen Kohashi for all the work that he has done.

Mr. President, there are no further amendments pending.

Mr. MCCAIN. Mr. President, I want to thank the managers of the bill, Senator MIKULSKI and Senator GARN. The managers have accepted an amendment I offered to improve wastewater management along the United States-Mexico border.

Earlier this year, President Bush and President Salinas agreed upon a comprehensive plan to clean up and prevent border pollution.

One of the key elements of the plan is to substantially improve the treatment of sewage in the region by constructing state-of-the-art wastewater treatment facilities. These facilities will serve the United States-Mexico sister cities of Nogales, AZ/Nogales, Sonora; San Diego, CA/Tijuana, Baja CA; and Calexico, CA/Mexicali, Baja CA.

These, and other border cities, are growing rapidly. Expanded watewater treatment capacity is critically needed to protect human health and the environment in the region.

President Bush requested $120 million in border plant construction grants for fiscal year 1993 to implement the plan. Unfortunately, the Appropriations Committee deleted the grant request and reallocated the money to the State Revolving Fund Program. This program, authorized by the Clean Water Act, distributes money to the individual States to capitalize revolving loans for wastewater treatment plant construction.

I would like to note that the committee did raise Arizona's SRF allocation to $17 million—$5 million over the House bill. Apparently, the committee intended for Arizona and other border States to fund the international facilities through their revolving funds. We appreciate the additional revenues. However, simply bolstering border State revolving funds without making certain allowances would be ineffective.

First, Federal and State guidelines prohibit the use of State revolving fund money to construct facilities which are not under the jurisdiction of the State. The International Boundary and Water Commission, which operates the Nogales international border plant, is a Federal agency and would not be eligible for revolving fund money.

Second, Federal law requires States to provide 20 percent cost-sharing when federally assisted State revolving fund moneys are employed. This rule would require the people of Arizona to pay for the treatment of sewage generated in Mexico. Since the inception of the International Boundary and Water Commission in 1944, border environmental protection, particularly the treatment of water flowing from Mexico into the United States has primarily been a Federal responsibility. Changing the rules now would be grossly unfair.

The amendment I offered, which has been accepted by the managers, would remove these legal and policy inconsistencies.

First, the amendment would waive the prohibition against the use of State revolving fund money on international wastewater treatment projects operated by the International Boundary and Water Commission.

Second, the amendment would waive the 20-percent State cost-sharing requirement. This will ensure that longstanding Federal policy is not reversed—a policy which rightfully vests the Federal Government with the lead role in protecting America's borders from water pollution generated in Mexico.

Third, the amendment will require the International Boundary and Water Commission to repay the State revolving funds under the same terms as any other beneficiary of the program. If we are going to upgrade international plants by using State money, the Federal Government should play by the same rules as all other participants.

Finally, the amendment will ensure that money earmarked by the States for international plants will remain available until expended. Federal rules require revolving fund money to be obligated within 2 years of appropriation or the funds revert back to the Treasury. Should plant design, engineering and construction be delayed for any reason, this amendment would ensure the money remains available for its intended purpose.

Mr. President, I would have preferred that we simply provide the construction money in the form of a grant to the International Boundary and Water Commission. The committee could not accept that particular approach. Nevertheless, adoption of this amendment will ensure we can move forward with crucial improvements in border wastewater management to protect public health and the environment in Nogales, along the Santa Cruz River and throughout the border region.

Again, I thank the managers for accepting the change. I urge the House/Senate conference committee to retain the provision, and appropriate the necessary funds to accomplish the job.

Mr. CRANSTON. Mr. President, I would like to take a moment to thank the distinguished Chair of the Appropriations Subcommittee on HUD, VA, and Independent Agencies for working with me and other members of the Housing and Urban Affairs Subcommittee to resolve several issues in the committee-reported bill.

I would also like to commend Senators BYRD, GARN, D'AMATO, and BOND for their cooperative spirit. Senators BOND and GARN sponsored an amendment in committee markup making several positive changes to the original mark.

As you know, the Senate Banking Committee recently reported a housing reauthorization bill developed over the past several months. This bill would reauthorize and refine existing Federal housing and community development programs and fill critical gaps in Federal housing policy through initiatives proposed by the administration and Banking Committee members.

In an effort to avoid the delay in program implementation that occurred after passage of the National Affordable Housing Act in 1990, staff of both the authorizing and appropriations committees have engaged in an active consultation process to coordinate our legislative efforts. I am pleased that the Senator from Maryland has been so willing to accommodate funding for some of the pending programs, particularly Youthbuild, FHA multifamily finance, distressed public housing, fair housing enforcement and preservation technical assistance.

I was deeply concerned, however, with other aspects of the committee-reported bill which dramatically reordered established priorities in the allocation of scarce resources for Federal housing programs. Particularly disturbing were the major reductions in funding for section 8 rental assistance, emergency homeless assistance and the HOME Program.

The fiscal year 1992 appropriations law funded approximately 48,000 traditional certificates and vouchers. By contrast, the subcommittee-passed bill provided no funding for such incremental rental assistance. $250 million was provided for this purpose at the full committee level, but even this level will help only 7,000 additional low-income families.

In addition, the fiscal year 1992 appropriations law provided $1.5 billion for the HOME Program. By contrast, the subcommittee-passed bill provided only $900 million for HOME; $300 million was restored at the full committee level, somewhat mitigating the reduction in current activity.

Finally, the committee-reported bill provided only $17 million for the McKinney Emergency Shelter Grant Program—a cut of $56 million below last year's level.

We all know how tight resources are this year, particularly in the HUD, VA, and Independent Agencies Subcommittee. Yet these funding cuts were not evenly distributed among programs. In fact, significant increases in funding were provided for CDBG, public housing modernization, elderly housing and even the original HOPE Programs.

The manager's amendment would make several changes to the committee-reported bill which I believe provide significant improvements.

First, funding for rental assistance would be increased by $450 million—$350 million for section 8 certificates, and $100 million additional for section 8 vouchers.

I sympathize with the Chair's concern that the section 8 program has been plagued by severe mismanagement at HUD; the Department's persistent inability to estimate accurately the cost of renewals and amendments has impeded efforts to develop responsible legislation.

However, tenant-based rental assistance is, perhaps, the most important form of Federal housing assistance. It gives low-income families the ability to decide where to live, in addition to ensuring, like other programs, that housing will be affordable, decent, safe, and sanitary. The 1988 Rouse-Maxwell National Housing Task Force recommended that the Federal Government should be assisting 200,000 new families each year to make a meaningful dent in the Nation's affordable housing crisis.

I hope that the Senate conferees on this bill will consider increasing this level further to the House-passed level of $1.6 billion.

Second, funding for the HOME Program would be increased by $300 million to restore the program to last year's program level of $1.5 billion.

The HOME Program establishes the new framework for federally supported housing, devolving responsibility for program design and implementation of the State and local governments and community groups who know their housing needs best. It has the real promise of building a strong national network of community-based organizations that can serve the housing needs of low-income families within the larger context of neighborhood revitalization.

While HOME is a new program without the track record of existing efforts, its success in meeting the country's housing needs is contingent upon a predictable, consistent stream of Federal dollars. Erratic funding levels will undermine the ability of States, localities, and community-based groups to plan and implement sound affordable housing strategies.

Again, I hope that the Senate conferees will fight to maintain this level in conference with the House.

Third, funding for the McKinney emergency shelter grants would be increased by $50 million for a total program of $68 million.

In order to provide resources for these changes, the increases provided for public housing modernization. HOPE VI and the multifamily housing finance demonstration would be reduced somewhat. The substantial increase provided for CDBG—$700 million over last year's levels—would be maintained.

All in all, I think these changes greatly improve this year's appropriations bill.

These issues, at their core, are issues related to the allocation rather than the level of resources. I am pleased that the authorizing and appropriating committees have been able to work together to construct an agreement in the manager's amendment that takes account of both our concerns and objectives.

ADVANCED SOLID ROCKET MOTOR PROGRAM

Mr. HEFLIN. Mr. President, I rise today to speak in support of NASA's Advanced Solid Rocket Motor Program.

The ASRM evolution began with feasibility studies in 1987 even while the current solid rocket motor was being redesignated following the tragic *Challenger* accident. Even before that time, Congress had strongly urged NASA to search for second sources for the shuttle motor. It had become quite clear that a new and advanced solid rocket motor was essential. Today, we are reaching the goal of fulfilling four extraordinary challenging objectives with ASRM:

Improve system safety and reliability; improve shuttle payload performance: 12,000 pounds; optimize program cost; and promote competitive solid rocket motor industry.

The validity and importance of these objectives to the Nation's civil space programs have become even more important over time.

It is paramount that the shuttle system be as safe and reliable as possible to protect the invaluable national asset and the brave men and women who fly it in quest of scientific and technological advancement. Current calculations show that the ASRM can produce substantially more than 12,000 pounds additional payload capability. This keeps this project's confidence high that the increased performance objectives will be achieved. The added 6-ton payload carrying feature provided by the ASRM has been declared essential to place in orbit a fully outfitted space station *Freedom* module and to preclude adding several flights for service and resupply.

The ASRM unit cost projections and payload cost efficiency fits closely with today's tight fiscal demands. The ASRM flight set cost is anticipated to be almost one-third less than the current system flying. And, since the ASRM can lift greater weight per flight, the cost per pound to orbit will be significantly reduced. Ten ASRM's can place the same payload pounds in orbit as can 13 flights with the current system.

Providing a government-owned, contractor-operated facility to promote competition in the large SRM industry is fully consistent with the requirement for more and more competition in Federal procurements. The ASRM manufacturing and test facilities now under construction are state-of-the-art, highly automated, and fully adhere to the principle of future competition.

Mr. President, opponents of the ASRM have suggested that terminating the ASRM will save hundreds of millions of dollars. This is simply not true. Cancellation of the ASRM contract will require $300 million immediately in termination costs. Fixing the redesigned solid rocket motor asbestos problem will cost $73 million. Without the extra thrust of the ASRM, the shuttle will not be able to place the Advanced X-ray Astrophysics Facility [AXAF] in the proper orbit. NASA will be forced to develop a propulsion system that can be strapped on AXAF to provide the additional lift at a cost of $87 million. Without the ASRM there will be three additional space station flights required at $50 million each. Furthermore, without the ASRM, space station deployment will be delayed by 9 months at an estimated cost of $1.5 billion. The total of these costs is $2 billion, $110 million. This is more than the amount required to complete the ASRM Program.

We have already spent $1.2 billion on the ASRM. The completed program, which includes the first six flight sets of the motor will require an additional $1.8 billion. It would be fiscally foolish for Congress to terminate the ASRM at this time. Clearly, it is more expensive to terminate the ASRM than to complete the program.

The advanced solid rocket motor project now employs over 2,500 people in the tristate Mississippi-Alabama-Tennessee area. The majority of ASRM employees and their families reside within 50 miles of the ASRM site in the Mississippi-Alabama-Tennessee region. Many have purchased or built homes which represent a major personal financial investment by these employees. The communities have responded with major investments of their own to accommodate this sudden growth. As a result, the project's economic impact has been uniformly positive and diverse. It has resulted in new jobs, business opportunities for large and small firms, new home construction and the associated major mortgage lending activity, an increased tax base, new service industries, and more business for existing ones, new schools, a new hospital, a modern utilities infrastructure, and a regionwide NASA education initiative. The State of Mississippi, though struggling with its own budget problems, has provided $25 million to assist in providing much needed schools, roads, and utilities.

ASRM is serving as a catalyst for optimism in the tristate area, giving hope for a brighter future. Termination of ASRM would have a devastating economic impact on this historically depressed region as well as the hundreds of employees nationwide and residents whose livelihood is tied directly or indirectly, to the project. Moreover, greater than 50 percent of ASRM construction contracts have been awarded to small disadvantaged businesses.

The ASRM is an integral part of the future of NASA and I ask you to support it.

FUNDING FOR VETERANS

Mr. DASCHLE. Mr. President, I wanted to say just a few words about the measure before the Senate today. I plan to support this legislation because I believe it is important that we move forward with the funding contained in the bill so that the VA and the other agencies who receive their annual appropriation through this bill can begin to plan for the coming fiscal year. In addition, H.R. 5679 contains a number of important items for the State of South Dakota that I am very eager to see approved, including funding for downtown economic development in Sioux Falls, authorization for the State of South Dakota to use Federal funds to replace the wastewater treatment facility in Pollock, and an important increase in Indian housing funds.

In addition, H.R. 5679 contains some very important funding initiatives for veterans programs. Despite the spending constraints forced upon it, the subcommittee provided a $1.15 billion increase in VA medical care funding over the current year, including an additional $3 million for geriatric programs, $12.5 million for PTSD treatment, and $10 million for homeless programs. The subcommittee has also provided an additional $15 million so that the VA may hire over 250 new staff in its regional offices to reduce the backlog of benefits claims that keep veterans waiting for months and even years for their compensation or education checks. These are very important provisions that will greatly improve the care and benefits provided to veterans nationwide, and I strongly support them.

However, I will vote for this measure with strong reservations about some of the veterans' provisions included in H.R. 5679 and with the understanding that every attempt will be made to address those concerns in conference.

H.R. 5679 contains only $37 million more for the VA than was approved by the House or requested by the President. Yet, there a multitude of extenders and copayments imposed on veterans that will generate savings of an estimated $500 million. Among these provisions are the extension of the current $2 prescription drug copayment, which has caused a great deal of concern among veterans in South Dakota and nationwide. In addition, this bill extends the medical care copayments for non-service-connected veterans at nursing homes, as well as for inpatient and outpatient hospital care.

Unfortunately, these provisions constitute only a small part of my concern. The subcommittee has exceeded what I believe is its authority in an appropriations bill by extending these fees for the first time to disabled veterans as well. Veterans who may be 30 or 40 percent disabled will be required to pay for any care that is not directly related to their disability. I question the logic of such a provision, and I question the ability of the Appropriations Committee to take up such matters without so much as a hearing or real consideration of the effect this will have on the thousands of disabled vetrans who may not be able to pay those fees. This is clearly legislating on an appropriations bill, and I regret that the subcommittee will not remove the fees before Senate consideration.

Mr. President, this country is facing a real health care crisis. Over 35 million Americans have no health insurance, and many are veterans who have relied on the VA for care. Years ago the Government made a promise: If you give your time and you serve honorably, the VA will take care of you. If you are injured, the VA will care for those wounds. And if your life is given in defense of this great Nation, then the VA will care for your widow and your orphans.

The promise is becoming more and more empty every single day. Earlier this summer, two of the three VA hospitals in South Dakota were required to turn away a large number of non-service-connected veterans because we simply had no means of taking care of them. At the same time, we are asking those who have not been kicked out already to pay copayment for care that was supposed to be free. And now, this bill threatens the DIC program's ability to take care of veterans' survivors by taking away the savings that the Veterans' Affairs Committee had planned to use to finance a revision of that program.

When will this body say enough is enough? I understand that Senator CRANSTON had planned to raise points of order against each of these provisions, but had to withhold from doing so because it threatened all funding in the entire bill, a risk that none of us can afford to take. If forced to operate under a continuing resolution, veterans health care will deteriorate even more quickly, and service to veterans will suffer even more dramatically than under the funding provided in this bill. So, I appreciate the Veterans' Affairs Committee chairman's reluctance to impose such a heavy toll on the VA.

But again, Mr. President, I must point out that I do not think our veterans can bear the burden of this funding mess any longer. Unless the members of this body pull together and recognize that the hard choices are waiting for us right herein this bill, we will put more and more veterans on the street, more veterans out of the shelter of the health care umbrella, and more veterans without the services that they have earned.

I absolutely understand and share the frustration that the distinguished Chair of the VA, HUD, and Independent Agencies Subcommittee must have faced when the subcommittee was asked to fund so many important programs with $1.4 billion less than what the President had requested for these very same programs. Senator MIKULSKI has done the best job any Chair could do in this situation. In addition, the subcommittee was required to fund a restoration of the many cuts hidden in the President's budget request before it could begin to consider real funding increases. But, at some point, we must stop explaining and make some choices.

Thus, Mr. President, it is with strong reservations that I vote in favor of this bill. Senator MIKULSKI has indicated she will work hard in conference to delete the provisions that I have mentioned here today, and I am counting on that. I urge the subcommittee to work with the House and with the Veterans' Affairs Committees to see that veterans are protected from fees and cuts that take away the benefits they fought for and deserve. I offer my own assistance in that effort.

Simply put, veterans did not ask how much it would cost when they served, they did not weigh the various options and take the easy road. We cannot, in turn, ask them to sacrifice further because of the deficit or because we cannot seem to garner enough votes to tear down the walls preventing a shift funding to where it is most needed. Veterans deserve better than that, and I look forward to the year when they are finally exempt from the cutbacks and budget games that the administration and the Congress continue to force upon them.

STATEMENT ON VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5679, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies appropriations bill, 1993, and has found that the bill is under its 602(b) budget authority allocation by $8 million and under its 602(b) outlay allocation by $12 million.

I compliment the distinguished manager of the bill, Senator MIKULSKI, and the distinguished ranking member of the VA-HUD Subcommittee, Senator GARN, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Veterans, Housing, and Independent Agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5679

[VA, HUD, IA Subcommittee Spending totals—Senate Reported, dollars in millions]

Bill summary	Budget authority	Outlays
Domestic discretionary	65,499	64,944
Senate 602(b) allocation	65,500	64,949
Difference	−1	−5
Defense	365	346
Senate 602(b) allocation	372	353
Difference	−7	−7
Mandatory total	23,128	21,094
Senate 602(b) allocation	23,128	21,094
Difference	0	0
Bill total	88,992	86,384
Senate 602(b) allocation	89,000	86,396
Difference	−8	−12
Domestic discretionary above (+) or below (−):		
President's request	311	−716
House—passed bill	112	40
Senate—reported bill	....	....
Defense above (+) or below (−):		
President's request	43	18
House—passed bill	−3	−0
Senate—reported bill	....	....

RADON LANGUAGE

Mr. SMITH. Mr. President, earlier today, the Senate adopted the Chafee amendment dealing with the Safe Drinking Water Act. Although I had reservations with this amendment and preferred language in the Domenici amendment, I was pleased that it included language I had developed addressing the issue of regulating radon in drinking water. This language is a modified version of my amendment adopted as part of the Indoor Radon Abatement Act, which passed the Senate earlier this year.

When it became probable that comprehensive radon legislation would not be adopted by both Chambers of Congress this year, there was broad, bipartisan support to include this language in the relevant appropriations bill.

As many of my colleagues are well aware, the Environmental Protection Agency's proposed rules for radon in drinking water have come under fire from its own Science Advisory Board and numerous small communities across the country that would be forced to comply with these regulations. These rules, which fall under the jurisdiction of the Safe Drinking Water Act, would require that public water systems provide water containing no more than 300 picocuries per liter [pCi/L] of radon. While I agree that radon in drinking water is an important health concern that should not be ignored, I also believe that the 300 pCi/L set by EPA is too low. This assessment is supported by EPA's own Science Advisory Board.

I am also concerned that EPA's estimated cost for implementation and compliance of the radon rule—with a capital cost of $1.6 billion and annual operating cost of $180 million—is too low. According to the American Water Works Association, the overall cost of the radon rule will be $20 billion in capital costs and $2.7 billion in annual costs. These figures do not even take into account the myriad of other water rules with which communities and water suppliers must comply.

Regardless of whose figures you believe, it is clear that small communities and townships will bear the greatest financial burden from this proposed rule. Indeed, in my home State of New Hampshire, 96.5 percent of the 2,746 community wells would not meet the proposed standard of 300 pCi/L. Even if EPA adopted a less stringent standard of 1,000 pCi/L, 75 percent of the wells in my State would not meet this proposed radon rule.

Mr. President, we have mandated that our communities meet a variety of safe drinking water rules, the cost of expensive landfill requirements and the cost of more stringent sewage treatment facilities—all with very little Federal funding. Prior to establishing new Federal regulatory mandates, we need to conduct adequate risk assessments to determine the most significant risks to human health and the environment so that these programs are funded in the priority of their risk.

On January 29, 1992, the chairman of the executive committee of the EPA Science Advisory Board, Mr. Raymond C. Loehr, in a letter to EPA Administrator William Reilly, stated that, "radon in drinking water is a very small contributor to radon risk except in rare cases and the committee suggests the Agency focus its efforts on primary rather than secondary sources of risk. The Agency should conduct a full multimedia risk assessment of the various options for regulating radon in drinking water."

Mr. President, this is exactly what my proposal will do. Specifically, the language included in this bill will require the Administrator of EPA to conduct a multimedia risk assessment of radon considering the relative risk of adverse human health effects associated with various radon pathways, the relative costs of controlling radon exposure from these pathways, and the relative costs these controls will impose on households and communities. In addition, the Science Advisory Board will be required to review the EPA study and submit its recommendations to the Administrator, who must report these findings to Congress.

In simple terms, Mr. President, the language in this amendment requires EPA to look at the costs and benefits of treating radon in water and help focus financial resources on the sources and levels of radon that pose the greatest risk. At a time when small communities are experiencing severe financial strain, it is only common sense that we should follow appropriate risk assessment to ensure that our limited funds are spent on those issues that truly represent a health and environmental risk.

I thank my colleagues for including these provisions in their amendment to this bill. I believe the amendment is an important first step to addressing this problem.

Mr. SASSER. Mr. President, I rise today in support of the VA-HUD appropriations bill. I would like to congratulate the chairman and the ranking member of the VA-HUD Subcommittee for their good work under very difficult circumstances.

The activities funded under this bill represent some of the most important functions of Government. Each one of these functions—from low-income housing and veterans medical care to scientific research and environmental protection—are areas in which our Nation is arguably underinvesting. Yet, instead of growing commensurate with the needs, these diverse governmental functions must compete each year with one another in the context of the VA-HUD appropriations bill. I commend the managers for crafting a bill that does as little damage as possible to the missions of each of these important agencies.

I would particularly like to thank the distinguished managers for accepting my amendment to restore the funding for the Emergency Shelter Grants Program. The Emergency Shelter Grant Program provides important resources to a multitude of organizations out there who are providing beds for the homeless.

Mr. President, our Nation's policy with respect to housing the homeless is moving away from a system of emergency shelters to a system that combines shelter with services. Most everyone agrees that the primary objective is to provide permanent housing solutions. But where permanent solutions are unworkable for certain homeless individuals, policy prescriptions now recognize that we must combine shelter with the services necessary to help move the homeless into more permanent housing.

Unfortunately, Mr. President, we are not there yet. We clearly do not have enough affordable low-income housing. We clearly do not yet have in place a sufficient number of shelter options with service components. We still need emergency shelter beds out there. My amendment will ensure that existing shelters will have a continuing stream of funding to meet their operating needs over the coming year.

The offset for my amendment is a proposed HUD multifamily housing demonstration. I felt this was an appropriate offset for several reasons. First, while we need to revitalize our

Nation's multifamily housing system, the needs of those who are homeless must be a priority. Second, the multifamily housing demonstration is a new program not yet authorized, and the administration has expressed some reservations. I suspect that the demonstration will take some time to be implemented under these circumstances. Finally, my amendment would preserve the demonstration, but at a smaller level. It is important that the demonstration go forward as a way to test alternatives to the current HUD efforts which are unsatisfactory. Even after the reduction effected by my amendment, HUD will be able to share the insurance risk on nearly $200 million in new multifamily housing next year.

I would like to close by again thanking the gentlewoman for accepting this important amendment and by again congratulating her on her hard work in bringing this bill to the floor.

Mr. KERREY. Mr. President, as a member of the Subcommittee on VA-HUD-Independent Agencies, I am supporting the fiscal 1993 bill as reported from committee. I do this on the basis that the subcommittee, and then the full committee, did what it could within existing resources. There are a number of proposals in this bill which I wish were different, but the subcommittee had its spending allocation and it had many competing needs, and I commend the chair and the ranking member for the balance which they were able to achieve.

As a veteran, I am always particularly concerned about funding for veterans' medical care. The Department of Veterans Affairs medical program is the largest Federal medical care delivery system in our country. It includes 171 hospitals, 3 of which are in my State of Nebraska. During fiscal 1993, the Department anticipates treating 1,098,044 persons on an inpatient basis and total outpatient visits of 23,787,000.

The system faces many problems. A number of facilities are old. There are ongoing shifts in the geographical distribution of the veteran population. The veteran population in general is aging as World War II veterans reach retirement age. Vietnam era veterans continue to experience a number of special medical needs. Health care costs in the VA system, as elsewhere, continue apace.

In my State, there are some 176,000 veterans, of whom 52,800 are Vietnam-era veterans, 32,500 Korean veterans, 52,900 World War II veterans and 700 World War I veterans. Some 42,000 of these veterans are over 65 years of age.

Our task is to provide for medical needs as best we can—and that is not easy. Even with an appropriation in excess of $14 billion, all needs will not be met.

Last year, in Nebraska, we were able to obtain funding for renovation of State veterans' homes as a result of increases in funding provided by the Senate subcommittee and ultimately the Congress as a whole for construction of State extended care facilities. Last December, the VA notified the State that $4.1 million in Federal funds were available for projects at the Norfolk, Scottsbluff, and Omaha State veterans homes. Several months ago, final requirements were satisfied and the award announced by the Governor.

This year our efforts are focused on improving our understanding and treatment of alcoholism in elderly veterans and initiating an effort to provide support and assistance to veterans with Alzheimer's disease and their families. In Nebraska, as in many other States, advancements in veteran medical care is often the result of collaboration between veterans medical centers and university medical centers. And I intend to continue to work to forge a stronger relationship between such institutions in areas of special need for our veterans.

In one of our three Nebraska medical centers, Grand Island, we have recently seen the closing of the surgical wing. Unfortunately, detailed plans for alternative care were not in place at the time of closing and this has caused not only concern but some hardship for veterans in the area. The Senate report includes language requesting a report on the provision of emergency services and transportation to Lincoln and Grand Island for less urgent and elective cases. I have discussed this matter with Secretary Derwinski, and I am hopeful that proper arrangements will soon be in place. I will continue to work to see that they are.

We continue to have other needs in Nebraska. Services in the western part of the State, in particular, require improvement. We will also continue to work on these and on other problems as they arise.

As a former Governor, I also want to comment on several programs which are of special importance to our cities and States. One of these is the Community Development Block Grant [CDBG] Program. I was an enthusiastic supporter of the $4.4 billion recommendation in subcommittee and regret that it was reduced to $4.1 billion, although the latter is both an increase over the $3.4 billion provided in fiscal 1992 and the $2.9 billion requested by the President for fiscal 1993.

We have talked a lot recently about our cities and their needs. We have and continue to work on some programs to address specific areas. But the CDBG Program is special, in part because it is not specific. It is the program which provides our entitlement cities and our States with assured but flexible funding to meet various needs.

The U.S. Conference of Mayors recently surveyed 172 jurisdictions and found that they could immediately obligate $6.1 billion above the current level of funding. These are funds which could be expended within 1 year. They are projects that are ready to go. They are projects which create economic activity and jobs. In response to the survey, Omaha indicated that it could use 72 percent more funding. Lincoln could have spent about $1 million more than it received this past year.

Under the $4.1 billion recommendation, Nebraska would receive more than $23 million, and while these funds would help the entitlement cities of Omaha and Lincoln, they would also help numerous smaller cities throughout the State. Last year, the State was able to make 70 grants to nonentitlement cities on a competitive basis. These funds are used for housing, infrastructure, water quality, and services.

For the Home Investment Partnership Grant Program, the committee has recommended $1.2 billion. This program, in its second year, is designed to help localities provide affordable housing. Under the committee mark, Nebraska would receive $5.3 million. Last year, 15 Nebraska communities received an average $233,000 under the Home Program.

A third program of particular interest to States and localities is the Construction Grant/State Revolving Loan Fund Program administered by the Environmental Protection Agency. This program is designed to eliminate municipal discharge of untreated or inadequately treated sewage into the Nation's waters. It is a major effort. The need has not gone away. Localities cannot meet their wastewater treatment needs without it. It was a grant program when I was Governor and is shifting to a loan fund. For fiscal 1993, the committee recommendation provides more than $13 million for Nebraska. On a nationwide basis, the committee recommendation will create approximately 145,000 construction jobs while it helps us restore water quality.

While I regret that there are no additional section 8 units, I understand both the budgetary constraints and the problems within the program. It is a good example of a worthy idea gone wrong. It is not sustainable in its current form.

In order to compensate to some extent for the section 8 suspension, the committee has tried to fund at an adequate level other housing efforts and public housing accounts, and it has added to the Drug Elimination Program. Both the youth sports activities under the Drug Elimination Program and the new Youthbuild Program under HOPE are, in my opinion, of particular importance in bringing opportunity and help to our urban youth.

I am pleased that the committee has made a major effort to expand the Congregate Services Program. For years, we have managed to do little more than maintain the existing demonstrations, yet this program offers hope and help to the elderly who require special assistance but do not require full nursing home services. As the committee notes, some studies have suggested that as many as 100,000 elderly residents in public housing face institutionalization unless they can obtain support services.

The committee has provided funding for emergency shelter, transitional and supportive housing, single room occupancy, and shelter plus care as well as last year's level for FEMA's Emergency Food and Shelter Program. Caring for those of our citizens who have nowhere to go at night is a special responsibility. Certainly this is an area where we need to do more, and I hope that in future years we will be able to.

Under the HUD section, the committee has also included special projects which will help us meet certain health, job training, and economic development needs in Nebraska.

Finally, I would like to discuss for a few minutes several research and technology efforts which I consider especially significant to our Nation's future.

The subcommittee has under its jurisdiction the Office of Science and Technology Policy [OSTP]. OSTP has unique governmentwide coordinating responsibilities in a number of areas including science, math, and engineering education; global change; and high performance computing. It has made significant contributions in these areas, but I submit that its work is far from done. This is especially true, I believe, in the high performance computing and networking area.

The Federal Government has made real progress in developing the infrastructure, but significant questions remain about the future of the National Research and Education Network [NREN], and we are only beginning to address issues of application, programming, and use. Legislation recently introduced by Senator GORE, which I cosponsored, moves us in the right direction. I see a major role for OSTP is helping determine where our Nation should go in terms of networking, especially in applications to education, health care, and manufacturing and the telecommunications policy necessary to support those applications. I look forward to pursuing this matter in further detail with OSTP.

Two agencies under the jurisdiction of the subcommittee, the National Aeronautics and Space Administration [NASA] and the National Science Foundation [NSF], are engaged in activities which will play a large role in improving our Nation's technological capabilities and the competitiveness of our industries. They are among the six Federal agencies which since 1973 have provided the bulk of Federal research funds: HHS/NIH, DOD, NASA, DOE, NSF, and USDA. A third agency under the jurisdiction of the subcommittee, the Environmental Protection Agency, will also be involved in the development of new technologies for restoring and protecting our environment.

It has been suggested that technological advance is responsible for up to half of the Nation's economic growth and that it is a principal reason for long-term growth and increases in the standard of living. Technology in the decade ahead is likely to determine the efficiency of our industries, their ability to obtain and maintain market share, and the number of high-paying jobs available in our Nation.

NASA has performed several important functions in this regard. First, it has symbolized what we as a nation are capable of doing. The Apollo mission to the Moon captured the imagination of the world. It also felt no question about the engineering and technological ability of America.

The fiscal year 1993 budget for NASA is $14.1 billion—about 1 percent of the Federal budget. Most of the attention is focused on the space station, for which the subcommittee has provided $2.1 billion. I understand the controversy which surrounds the station—the cost issues, the concern of many in the scientific community that the station will take funds from other areas of science, the debate over spinoffs. I know that NASA must convince a number of Americans that the station is something more than an apartment in the sky.

The space station is the next logical step in manned space exploration. We will have an opportunity to determine in the future whether the station should be man-tended or permanently manned. That will have a significant impact on cost and on priorities.

It will also allow us to make a more considered decision on the potential of the station in areas of pharmaceuticals, metals, and electronic components. Spinoffs are hard to predict and engineering advances are not always immediately evident. But to dismiss this further reach to the stars because we cannot specify all outcomes is to deny our own imaginations and our own commitment to technological development.

As we move from a Federal research program which has had a strong emphasis on military applications, we must insure that our civilian efforts do not lag. The enormous technological applications required for the station will help us with that assurance.

But NASA is not just about the space station. Indeed, the space station has obscured discussion of many of NASA's other programs. Unmanned exploration, remote sensing, Earth sciences and applications, and aeronautical and other research have far-reaching implications for the future.

Much of what we know about our planet in the future will result from Earth Observing Systems [EOS] and related Earth science efforts. Unmanned probes will tell us still more about the universe. The Advanced Communications Technology Satellite [ACTS] experiments may open new horizons in communications technology.

And aeronautical research will help the U.S. aircraft industry maintain market share in an increasingly competitive global environment. In 1991, commercial aircraft sales exceeded $95 billion and contributed $30 billion to the balance of trade. The industry employed almost a million people. On the basis of projected growth and replacements in the upcoming years, commercial jet airplane deliveries are forecast to amount to $380 billion through the year 2000 and $857 billion through 2010. We need to be in the forefront of that market.

Finally, because it is an agency which can inspire many young Americans and because it is a mission-oriented agency which understands the importance of setting a goal and meeting it, NASA is in a unique position to make major contributions in education. It can attract students and teachers, motivate them, demonstrate the importance of math, science, and technology and help us become the competitive Nation and work force which we want to be in the years ahead. NASA has already done significant work both in teacher training and student education, but I believe that it is positioned to do more—and that it should do more.

For the National Science Foundation, the subcommittee has included $2.7 billion. I know that the amount could have been more. I know that there are major tensions in the scientific community. I know that researchers complain about the amount of time they spend in pursuit of research money and that young scientists complain of being unable to break into the system.

As a Senator from a Midwestern, rural State, I am acutely aware of the fact that in 1990 5 States received 53 percent of the R&D funds of the Federal Government and that 10 universities received 25 percent of all such funds. At a time when most students who seek an undergraduate degree do so in their home States, when we need to attract to careers in math, science, and engineering those who traditionally have not tended to pursue careers in those fields, when we need to improve the skills of our entire work force, and when we need to see more research translated into applications and products, I believe there are significant questions to be answered regarding future research and development policy. We need new policy—and we need for that policy to be an inclusive one.

As in past years, we have increased the funding for education and human resources. The needs in these areas are great. We need to upgrade our teaching of math and science, and we need to help students achieve at a higher level in math, science, and engineering. But, again, we need to do so on a nationwide basis.

Although small in amount, the $1 million for the Critical Technologies Institute should help us move beyond the identification of important technologies—where we have made substantial progress—and begin to formulate the policies which will help our Nation secure them.

The $55 million provided for defense conversion engineering traineeships recognizes the expertise which currently exists in the miltary and which can be refocused to domestic needs. The National Science Foundation, it seems to me, has an important role to play in our defense conversion efforts and utilizing the considerable talents and expertise of those who have been connected with the military for the multitude of math, science, and engineering needs outside the defense sector should give NSF the opportunity to begin to fulfill that role.

Mr. SIMPSON. Mr. President, I would like to congratulate my colleagues on both sides of the aisle for their hard work and dedication to veterans' benefits and programs which they have so carefully and diligently preserved in this bill.

I would simply like to point out that this bill provides for a total of $34.5 billion for the Department of Veterans Affairs, including $17.9 billion in entitlement programs.

That is an increase of $1.2 billion over the current budget and $37 million over the budget request and House amount for medical care.

This amount includes increases for additional nurses and other direct-care staff; increases for post traumatic stress disorder treatment; increases for women veterans' programs and increases for homeless veterans' programs.

I say this to make a significant point. Under George Bush and this administration, the veterans of our land have received and continue to receive extremely fair, equitable, and much-deserved treatment and programs.

To say otherwise is unfair and certainly untrue. This year's VA budget request of $34.5 billion is the largest—out of 14 Cabinet level agency budget requests.

President Bush, Secretary Ed Derwinski, the Congress, and our Nation care a great deal about our Nation's veterans—and we always will.

I have also reviewed and I understand the concerns which the various veterans' service organizations have raised regarding several provisions in this bill and the belief that the committee-approved bill clearly violates the accepted procedural practice of not legislating in an appropriations measure.

My specific concerns regard the income verification provision; the extended copayment provision; the "no bid plan" provision; and the Federal/State matching funds procedures provision.

I believe that these provisions are authorization proposals which are within the jurisdiction of the Senate Veterans' Affairs Committee—on which I serve and have chaired in the past.

In closing, let me simply reiterate—I feel this is a generous piece of legislation in terms of taking care of our deserving veterans and providing for other agencies, although, I do have some concerns with the provisions which I have mentioned earlier. Thank you, Mr. President.

REGARDING THE SOUTHWARK PLAZA HOUSING DEVELOPMENT IN PHILADELPHIA, PA

Mr. SPECTER. Mr. President, I am pleased to see that the managers' amendment to the Housing Reauthorization bill, S. 3031, contains language that would allow public housing authorities to use at their discretion, modernization funds for acquisition of replacement units. Such a provision will be particularly useful to the Philadelphia Housing Authority to redirect, as it deems necessary, modernization funds it has been allocated by the Department of Housing and Urban Development for the rehabilitation of the Southwark Plaza Housing Development in South Philadelphia.

Southwark is a combination of high-rise towers and low-rise housing units. The development has suffered much physical deterioration and the design has encouraged crime. The surrounding neighborhood is one where property values have increased consistently over the last few years. It is a community of brownstone homes and urban boutiques occupied by a mix of young professionals and well-established seniors who have lived in the area for years.

Back in April of this year, I had the opportunity to meet with Southwark residents and neighbors, HUD Regional Administrator Michael Smerconish and HUD Assistant Secretary Joseph Schiff, among others, to discuss the future of Southwark. A number of concerns were raised relative to the viability of the high-rises, safety, and the utility of redirecting the funds for the high-rises to low-rise, scatter-site units. HUD officials, however, expressed their inability to redirect such funds without congressional authority.

Since that time, Mr. President, my staff has worked with Assistant Secretary Schiff's office and the majority and minority staff of the Housing Subcommittee to address HUD's concerns. I am heartened to see that the managers amendment contains language that would give housing authorities greater discretion in utilizing their modernization funds to improve their housing inventory consistent with the replacement housing requirements of the 1937 Housing Act.

To be sure, Mr. President, not unlike other public housing authorities, there are extreme pressures on the Philadelphia Housing Authority to provide safe, decent, and affordable housing for Philadelphia residents. I expect that this language, when enacted, will greatly facilitate the Authority and HUD's ability to provide such housing and to address in a mutually acceptable fashion the relevant concerns of Southwark residents and its neighbors.

COSMOSPHERE, HUTCHINSON, KS

Mr. DOLE. Mr. President, every one of NASA's visitor and education centers—from Cape Kennedy to the Johnson Space Center—is located on the edge of our country far from the heartland. The center of our Nation has only one facility bringing the excitement of space to middle America and that facility is the Cosmosphere in Hutchinson, KS. Every year the Cosmosphere provides science enrichment workshops, teacher in-service training, and special seminars and lectures to over 50,000 students and teachers. This is on top of the 350,000 people from every State in the country that visit the Cosmosphere annually.

The Cosmosphere, which was built just 11 years ago, is bursting at the seams. Thousands of students and teachers must be turned away each year because of lack of space. Hundreds of invaluable artifacts from our Nation's space program remain in storage awaiting additional exhibit space. In response to this crisis, the Cosmosphere is planning an ambitious $13-million expansion to add 60,000 square feet to its current 40,000 square feet.

The HUD/VA Subcommittee generously provided $2 million to expand the Cosmosphere's capacity for informal science education activities. If there is an opportunity in conference, I would like the subcommittee to consider adding an extra $2 million to the project. I know it will be tough to find additional funds within the subcommittee's tight allocation, but I hope the Senator will do what she can to fund this important investment in the education of our young people.

Ms. MIKULSKI. I have heard about the Cosmosphere from both the Republican leader and my distinguished colleague on the subcommittee, the senior Senator from Utah. First-rate science education opportunities need to be more accessible to our young people. The Cosmosphere in Hutchinson, KS should be a model for other institutions all across the country to follow.

It will be tough, but I will do my best to locate additional funds for the Cosmosphere in the House and Senate conference on the VA/HUD appropriations bill.

Mr. DOLE. I would like to thank the distinguished chair of the VA/HUD Subcommittee for her strong support of the Cosmosphere. If she has any free time after November, I would like to invite her to Hutchinson for a tour of the Cosmosphere.

EPA'S VOLUNTARY CLIMATE PROTECTION PROGRAMS

Mr. WIRTH. Mr. President, I rise to engage in a brief colloquy with my friend, the distinguished chair of the VA, HUD, Independent Agencies Appropriations Subcommittee, Senator MIKULSKI, regarding EPA's voluntary climate protection programs. Led by Green Lights, these programs are at the core of this Nation's effort to reduce greenhouse gas emissions and increase our energy efficiency.

These programs have already established an impressive track record of success in fostering voluntary partnership between EPA and businesses to profitably reduce greenhouse gas emissions. The administration has stated its intention to achieve the emission reductions called for under the Climate Change Convention signed recently in Rio primarily through voluntary programs such as Green Lights. Because of these new obligations, EPA has a crucial need for additional funding, without which these programs will be unable to contribute their full potential to our effort to reduce emissions and save energy.

Senator MIKULSKI shares my concern with this situation and my view of the importance of this effort. She has graciously offered her assistance in addressing this situation when the VA, HUD appropriations bill reaches conference with the House. I thank her for her help and would again like to recognize the outstanding job she has done in resolving the many difficult issues involved with the VA, HUD appropriations bill.

Ms. MIKULSKI. I thank the Senator for his kind words and echo his concern with U.S. efforts to reduce greenhouse gas emissions. The Green Lights programs are a terrific effort by EPA and industry, in voluntary partnership, to reduce emissions, save energy, and save money. I look forward to working with the Senator from Colorado on this problem and seeing what might be done in conference with the House.

VA REGIONAL CENTER, JACKSON, MS

Mr. COCHRAN. Mr. President, I appreciate the efforts of the two managers of this bill. As a member of the Appropriations Committee, I fully understand how difficult it can be to bring forth a bill, within the funding constraints, which addresses all of the various concerns of all Senators. I would like to take this opportunity to discuss one item not in our bill, the VA Regional Center in Jackson, MS. The President's budget contained $10.3 million for the construction of this office, and funding is included in the House bill. My colleague from Mississippi, TRENT LOTT, and I have discussed this item with members of the committee, but I would like to take this opportunity to raise the issue here on the floor. We are not going to offer an amendment today, but we need to address one facet of the request, and ask for the consideration of the subcommittee chairman. This center will be located on land which has been conveyed by the State of Mississippi. If the request is included in the conference agreement, there will be no problem. If not, however, there could be a major problem, since the deed of conveyance has a reverter clause, which would revert title of the land to the State if construction has not begun before 1995. In view of this time sensitivity, Senator LOTT and I would sincerely appreciate it if the floor manager will give this item her attention during the conference with the House.

Ms. MIKULSKI. I appreciate the need for the construction of this center, and I thank the senior Senator from Mississippi for letting me know of the time factor. While I cannot commit to a final action during conference, I will give this my personal attention, and will keep his statement in mind.

Mr. COCHRAN. That is all I can ask at this time, and I thank the subcommittee chairman for her courtesy. Thank you, Mr. President.

RURAL COMMUNITY ASSISTANCE PROGRAMS

Mr. BUMPERS. Mr. President, I would like to engage the distinguished chairwoman of the VA/HUD/Independent Agencies Subcommittee in a colloquy about the Rural Community Assistance Programs [RCAP's]. These regional organizations provide technical assistance to rural communities in meeting the mandates of the Safe Drinking Water Act and in improving the access of small communities to State revolving funds.

In my State, the community resources group, which is located in Springdale, provides invaluable assistance to approximately 20 rural communities that encounter difficulty in meeting Federal drinking and waste water mandates and gaining access to funding. Most of the systems which are out of compliance with Federal water standards are located in rural communities. The RCAP Program is an important resource to small and rural communities everywhere.

I understand that the House of Representatives voted to earmark $1 million for the RCAP's in fiscal year 1993. In this body, the Appropriations Committee struck the RCAP funding. However, the committee report accompanying the bill noted the worthiness of the program, stating: "The committee will give every consideration to providing funding for this program when it meets with the other body in conference on the bill."

It is my hope that when the conference committee meets that the distinguished chair of the subcommittee will work to ensure that the RCAP's are funded at no less than the House level.

Ms. MIKULSKI. I share the concern of the Senator from Arkansas about the water problems of rural communities. The RCAP program is an important resource for my State as well. In Maryland, the RCAP field office works with approximately 15 communities each year. The Senator has my assurance that we will do our best to ensure that funding for the RCAP Program does not fall below the House level.

Mr. BUMPERS. I thank the Senator.

UPLIFT, INC.

Mr. SANFORD. I would like to discuss with the distinguished Senator from Maryland the possibility of changing the report language referencing UPLIFT, Inc., of North Carolina.

Ms. MIKULSKI. I would be happy to discuss this with the Senator from North Carolina.

Mr. SANFORD. I was very pleased to see that the Senate has included $300,000 for UPLIFT, Inc., of North Carolina under the HUD special purpose grants. UPLIFT, Inc., is a nonprofit corporation that works with disadvantaged children and low income families to improve their chances for a healthy and promising future. With a special emphasis on families with young children, UPLIFT focuses on the whole family unit to cultivate the capacity of family members to take control of their own lives. UPLIFT's experience to date has been exclusively with residents of public housing communities.

UPLIFT is planning to expand to several communities throughout North Carolina in the coming years and the funding the Senate has made available will allow the expansions to take place. The Senate report was very explicit in naming the communities in North Carolina where UPLIFT is likely to expand, however, I would like to replace that language with less specific language, allowing UPLIFT to expand to those and other communities as may be possible.

I hope that the Senator from Maryland will accept the following language:

> $300,000 for the expansion of UPLIFT, Inc. and for the development of statewide activities and services for at-risk children and families in North Carolina.

Ms. MIKULSKI. I think the Senator from North Carolina's request is very reasonable and one that the committee will be able to accommodate. I also want to add that the committee is very pleased to learn of the accomplishments of UPLIFT, Inc., and commend their efforts in the fight against poverty.

Mr. SANFORD. I am very grateful to the Senator from Maryland, and thank her for her support of this worthy project.

PIMA COUNTY REGIONAL WATER QUALITY RESEARCH FACILITY

Mr. DECONCINI. Mr. President, I would like to raise a matter with the distinguished floor manager. As she knows, I requested funding for a water quality research facility to be located in Pima County, AZ, which would perform critical basic research into water quality issues affecting the arid Southwest. As I have previously stated, States in the arid West are being required to meet surface water standards to satisfy requirements of the Clean Water Act which are unreasonable under the climatic and environmental conditions of the arid West. The existing standards for compliance were formulated based upon research into conditions and species which are normal for wetter, Eastern areas of the country.

As a result, municipalities and States face the real possibility of spending billions of dollars to construct or improve wastewater treatment facilities to upgrade effluent quality and to treat stormwater discharges to otherwise dry stream beds. In some instances, these discharges have created beneficial riparian habitat which would not exist otherwise.

Unfortunately, there is no body of adequate data upon which regional specific water quality standards can be based. The Environmental Protection Agency has acknowledged the need to conduct scientific research in order to develop appropriate criteria documents for the arid West. A regional water quality research facility using appropriate techniques and based upon local species and conditions would remedy this lack of information.

Ms. MIKULSKI. Will the Senator yield?

Mr. DECONCINI. I will certainly yield to the distinguished floor manager.

Ms. MIKULSKI. The Senator from Arizona made a compelling case before the subcommittee and the committee for creation of this regional water quality research facility to focus upon the arid West. However, as the Senator from Arizona knows, because of the budget constraints under which the committee is operating this year, we simply were not able to include the funding for this research center.

Mr. DECONCINI. I thank the floor manager. I would, however, like to point out the special efforts of Pima County to involve the EPA, other States and municipalities, and universities in their effort to ensure that the research would meet the statutory requirements for water quality criteria documents. The requested funding would have allowed Pima County authorities to begin construction of the facility next to an existing wastewater treatment site. Pima County would contribute land, laboratory facilities and extensive in-kind professional services toward completion of the project.

The total cost to construct this facility is estimated to be $22.5 million, with $5 million required for the first year start up costs. By comparison, it is estimated that to just improve existing waste water treatment facilities in Pima County alone to meet the EPA's "fishable/swimmable" standards could cost $119 million. Nogales, AZ needs $100 million. Neither figure includes anticipated costs to implement new nonpoint source requirements for treating storm water runoff.

The proposed Pima County research facility has received enthusiastic support from a variety of groups and organizations including the Western Governors' Association, municipalities and agencies throughout the West and professional organizations such as the Association of Metropolitan Sewage Agencies and the Association of Flood and Stormwater Management Agencies. This project has also received favorable interest of the International Boundary and Water Commission because of its potential for helping to resolve international water quality problems between the United States and Mexico.

Ms. MIKULSKI. Again, the Senator from Arizona raises compelling points. I understand the importance of this issue. I can tell the Senator that if he raises the issue with the committee again next year, we shall give it every consideration.

Mr. DECONCINI. I thank the distinguished floor manager. She can be sure that I will again raise this important project with the committee next year. However, I hope that in the meantime, the Environmental Protection Agency will continue to work with the interested local authorities and other parties to develop this project and to be responsive to the needs for special water quality standards for unique geographic areas such as the arid West.

ENVIRONMENTAL MONITORING AND ASSESSMENT PROGRAM

Mr. CHAFEE. I would like to engage the distinguished managers of the bill in a short colloquy. In particular I would like to focus on appropriations for the Environmental Protection Agency's Environmental Monitoring and Assessment Program [EMAP]. The Committee on Appropriations has expressed general support for this program, which monitors and assesses the status and trends of ecosystems to identify emerging environmental problems.

The information provided by this program is vital if we are to gauge the health of our environment, and identify environmental problems before they reach the critical stage.

It is my understanding that of the funds committed to EMAP, EPA plans to devote $500,000 to the testing of environmental indicators for coastal waters. The University of Rhode Island's Graduate School in Oceanography is uniquely equipped to test such indicators in its Marine Ecosystem Research Laboratory. This laboratory is actually a system of tanks which allows researchers to simulate the effects of pollution on coastal waters.

After discussions both with EPA and the University of Rhode Island, it is my belief that EPA should utilize the facilities and expertise at URI's Graduate School of Oceanography to conduct testing of coastal environmental indicators.

Ms. MIKULSKI. I thank the Senator from Rhode Island for his interest in the EMAP program of EPA. Indeed this program is essential if we are to have reliable, timely information regarding the health and well-being of our environment. The testing of environmental indicators is an important element of the EMAP program and, based on the information from the Senator from Rhode Island, I would agree that the University of Rhode Island offers an ideal program for testing such indicators. I would encourage EPA to give every consideration to utilizing URI for this purpose.

Mr. GARN. I also would like to thank the Senator from Rhode Island for expressing his interest in the EMAP Program. EPA should give serious consideration to using the existing facilities and expertise at the University of Rhode Island for testing and developing coastal environmental indicators.

Mr. CHAFEE. I thank the distinguished managers of the bill for their consideration of this matter.

EDDYSTONE HOMELESS VETERANS CENTER

Mr. LEVIN. I would like to thank Senator MIKULSKI for including funding in the fiscal year 1993 VA-HUD appropriations bill for the renovation of the Eddystone Homeless Veterans Center in Detroit, Michigan. The Eddystone facility will be a multistep transitional housing program serving Detroit's homeless veterans population. The funding is desperately needed to ready and renovate the buildings for these services.

A program such as Eddystone is deserving of funding and support. There are an estimated 20,000 homeless people currently in the Detroit area. Of these, between 5,000 and 7,000 are former service men and women. Few of these homeless individuals have any access to needed services.

I appreciate the inclusion of funding for Eddystone, and would ask the Senator that these funds be maintained in conference.

Ms. MIKULSKI. I understand the Senator's interest in this renovation project, and will do my best to uphold the Senate's position in conference.

ADVANCED SOLID ROCKET MOTOR

Mr. HOLLINGS. Mr. President, I commend the Senator from Maryland [Ms. MIKULSKI] for the manner in which she has used the limited funds allocated to her subcommittee to continue many important programs in this bill. She has done a masterful job balancing the competing demands that come under the jurisdiction of the VA/HUD/ Independent Agencies Subcommittee.

One program which I believe is of particular importance to NASA and the U.S.-manned space program is the Advanced Solid Rocket Motor [ASRM] Program. The ASRM is intended to provide a more reliable and robust booster that will enhance greatly space shuttle launch safety. However, I am disappointed that only $50 million has been provided for the ASRM program in the Senate bill for the coming fiscal year.

As the distinguished Subcommittee Chairman knows, I believe that the ASRM is an essential component of the U.S. space program. This program grew out of the *Challenger* disaster and quickly won the support of an overwhelming number of experts who agreed that we needed another source for supplying solid rocket boosters.

The ASRM is a vital safety element for our fleet of space shuttles. Scheduled to begin flying in 1997, the ASRM eliminates thousands of parts and failure modes that exist in the current booster. NASA estimates that the ASRM will eliminate or reduce Criticality I failure modes, those which would result in the loss of the space shuttle mission and crew, by about 26 percent, failure causes by 30 percent, and failure points by 54 percent over the Redesigned Solid Rocket Motor. In addition, the new design will reduce the number of potential hot gas leak paths by 88 percent.

Perhaps the most important innovation is the "thrust bucket," which will be built into the internal shape of the propellant. By allowing the ASRM's in effect, to throttle down during maximum dynamic pressure, the space shuttle main engines will not have to throttle. That alone will eliminate 175 failure modes for the shuttle during launch.

Mr. President, with a larger diameter, lighter rocket case, and 100,000 pounds more propellant, maximum thrust will increase to 3.5 million pounds, and burning will last 10 seconds longer than the Redesigned Solid Rocket Motor. As a result, the ASRM promises 12,000 pounds additional payload capacity, or an increase in performance of 18 percent. Given the fact that NASA estimates that there is a 1-in-78 chance of losing the space shuttle during launch, it is our responsibility to provide for every possible means of enhancing safety.

Madam Chairman, without question, you have been a leader in preserving and strengthening our civil space program. I know you appreciate the importance of the ASRM to NASA and the U.S. space program. In that regard, I ask for your help and support.

As the Senator knows, I have indicated my interest in offering an amendment on the Senate floor today to shift funds into the ASRM Program, to ensure that adequate funds are included in the Senate bill for this critical program. However, I want to work with my friend and colleague on the Appropriations Committee on this important matter. Are there any assurances that the distinguished bill manager can give the Senate regarding the ASRM Program and how she thinks the program will fare in confernce with the House?

Ms. MIKULSKI. I thank the Senator from South Carolina for his kind coments, as well as the leadership to our Nation's space program which he has provided as chairman of the Commerce, Science, and Transportation Committee. He and I have worked together on a great many initiatives, and I value his judgment on this important program.

As the Senator knows, it is impossible for me to guarantee a specific funding level for any program, including the ASRM, when this bill emerges from conference with the House. However, I share his interest in strenthening launch safety for the space shuttle and our Nation's astronauts.

I have discussed the importance of this program with the Senator and a number of our Senate colleagues, and I can assure each that I will do what I can in conference to preserve and strengthen the ASRM Program.

In that regard, however, I am convinced that this program must be scrubbed thoroughly to reduce the program's overall cost. The committee report accompanying this bill expresses the need for a comprehensive review by NASA of the ASRM Program that includes a number of criteria, including the need to cap total program costs, to evaluate the possible conversion of this program into a Government-owned, Government-operated venture, and to reduce contractor overhead rates, minimizing redundant systems engineering and integration activities, and eliminating unnecessary management tasks, among others.

Mr. HOLLINGS. I thank the distinguished Senator for her comments and her desire to see this program continued. I appreciate the difficult situation that she faces with this bill, and I welcome her candor and support. I certainly share her desire to make this type of program more efficient and cost-effective.

Ms. MIKULSKI. I welcome the Senator's support for our efforts to improve the management of this program. I firmly believe that changes are needed to make this a program that will survive future budget battles.

I can only add that, as my friend from South Carolina knows, there is great interest in this program among our colleagues on the House Appropriations Committee. As such, it is my sincere belief that, if it is at all possible, the ASRM Program will be a part of our final bill. Let me add, however, that, while I understand that my colleague from South Carolina does not share my view of space station funding, from my perspective an agreement on the ASRM Program hinges on the willingness of the House conferees to agree to a higher funding level for space station than was in the House-passed bill.

Mr. HOLLINGS. I thank my colleague for her comments.

EPA RESEARCH LABORATORIES AMENDMENT

Mr. WELLSTONE. Mr. President, I rise to enter into a colloquy with my distinguished colleague from Maryland, Senator MIKULSKI, regarding the amendment which has been adopted regarding EPA research facilities. As the Senator knows, the decision by the EPA to terminate the research support contract with the AScI Corporation has abruptly halted much of the research at the Duluth Research Laboratory. Not only has this undermined most of the fresh water related research being conducted by the EPA, but it has also meant serious disruption to the lives of some 70 families. Leaving aside the issues in dispute between EPA and the AScI Corp., it is the intention of Senator DURENBERGER and myself that this amendment would, given the determinations specified, provide the agency with the administrative flexibility to hire as Federal employees the scientists needed to continue the Duluth laboratory's research. Does my colleague agree with this interpretation?

Ms. MIKULSKI. Yes; my colleague is correct. This amendment would allow the EPA flexibility to hire Federal employees instead of contracting for research support at its research laboratories, given the determination and limitations specified. I understand the provisions of the amendment to be directed at those research facilities which are being affected by contract difficulties, such as the Duluth lab. While it does not direct the agency to employ this authority to resolve the disruption of research at the Duluth facility, it would certainly be a priority for them to address. However, I would like to underscore that if the agency decided to hire Federal employees it would do so through the normal competitive hiring process.

Mr. DURENBERGER. The Duluth situation has compelled Senator WELLSTONE and me to propose this amendment because of the turmoil it has caused for the former employees of the AScI corporation, individuals who had no particular involvement in the problems which caused EPA to terminate the contract. While we both recognize that these individuals would have to compete in the normal Federal hiring process if the authority provided by the amendment is exercised, what would the Chair's expectations be about an agency decision in this instance? How soon would she expect EPA to decide whether to issue a new contract or to proceed to hire directly?

Ms. MIKULSKI. I would strongly urge the EPA to make an expeditious decision about this matter. Having spoken with my colleagues from Minnesota about the Duluth situation, I share their concern for the many people involved. They are unfortunate victims of this contracting problem. I have joined in supporting this amendment in part to help provide an avenue of recourse for those affected by EPA's laboratory contracting problems. I would hope that the EPA could make a decision about the Duluth facility which would allow them either to begin hiring Federal employees soon after the beginning of the fiscal year or to complete action on a new research support contract in the first few months of 1993. Of course, some combination of these two courses of action is also possible.

Mr. DURENBERGER. I thank my distinguished colleague from Maryland for her support of this amendment. It is an important step forward for the researchers at EPA's Duluth research laboratory, and all of EPA's research facilities.

Mr. WELLSTONE. I also thank my colleague from Maryland for her support as well as her understanding and sympathy for the families who have become casualties of EPA's contracting problems.

NEIGHBORHOOD DEVELOPMENT DEMONSTRATION PROGRAM

Mr. LEAHY. Mr. President, I would like to address our distinguished colleague from Maryland, who has done such a fine job of managing this bill. My purpose is to ask the Senator's consideration of HUD's Neighborhood Development Demonstration Program [NDDP], which has been funded for several years at the level of $2 million, but which this year is included in neither the House nor the Senate bill.

As I believe the Senator knows from firsthand experience with neighborhood-based groups in Baltimore, the NDDP has been a productive, cost-effective program for dozens of urban and rural communities. What I want to stress is that the NDDP allows local nonprofit groups to develop a variety of projects using modest Federal grants to attract substantial private investments. Over the years, depending on the financial health of their communities, NDDP grantees have leveraged anywhere from one to four private dollars for each Federal grant dollar.

We are talking about viable, experienced groups with strong local roots who work hard to empower and assist low and moderate income people. Among the many and varied products of this flexible program and the private funds it attracts are small neighborhood shopping centers, day care centers, office centers for social service agencies, business incubators, and affordable housing complexes.

As a member of the VA-HUD subcommittee, I am well aware of the limits of our resources and admire the job that the Senator from Maryland has done in stretching what we have. But because of the NDDP's proven record of leveraging substantial private funds to develop socially beneficial projects, I would ask the Senator to do her best in conference with the House to find funds for it in the bill.

Ms. MIKULSKI. Mr. President, I appreciate the Senator's concern. I am indeed directly familiar with the work of NDDP grantees, and the strong incentive that the program creates for private contributors to worthy projects. As the Senator knows, the subcommittee has had to make many tough decisions this year because of the severe limits on our allocation. That largely explains the exclusion of the NDDP from this bill—not a lack of merit. The conference will be difficult, but I will be mindful of the Senator's support and do all I can on this matter.

Mr. LEAHY. Mr. President, I cannot ask for more, and look forward to working with the Senator from Maryland in conference.

VETERANS PROGRAMS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs and one who is dedicated to ensuring that we meet our solemn obligations to our Nation's veterans, I have some very serious concerns about certain provisions in this bill.

In fact, I had been planning to raise points of order against Appropriations Committee amendments to the bill that I believe constitute legislation on an appropriations measure in violation of paragraph 2 of Senate rule XVI.

Mr. President, I will not raise these points of order because I am not sure they would be sustained and because, if they were sustained, we might not have any bill at all, forcing VA to operate under a continuing resolution that could prove very harmful.

After describing some of my concerns, I will engage in a colloquy with the distinguished floor manager of the bill, Senator MIKULSKI, regarding these issues.

Mr. President, much of my concern involves items in the bill that would extend and expand provisions from the Veterans' Affairs Committee's portion of the Omnibus Budget Reconciliation Act of 1990 [OBRA '90].

Two of these extensions have been earmarked for a long time by the Senate and House Veterans' Affairs Committees as offsets for legislation to reform VA's system of compensation for survivors of veterans who die in the service or from service-connected conditions, a program known as dependency and indemnity compensation [DIC].

The extensions are of expiring OBRA '90 provisions that require VA to verify eligibility for VA needs-based pension using tax and Social Security income information and to reduce the amount of pension VA pays to veterans in Medicaid-eligible nursing homes. Both of these provisions originated from years of oversight work by our committee, including several GAO studies that members of our committee requested.

Mr. President, our committee has worked on DIC reform for well over a year. In our March 4, 1992, report to the Budget Committee, we clearly identified both of these provisions as the offsets for DIC reform.

The DIC reform bill I introduced on March 5, 1992, S. 2323, was derived from a proposal to Congress from a remarkable coalition of veterans organizations—including the American Legion, AMVETS, the Blinded Veterans of America, the Disabled American Veterans, the Paralyzed Veterans of America, the Veterans of Foreign Wars, and the Non-Commissioned Officers Association. The version of S. 2323 that our committee ordered reported on June 24 is one of the major legislative priorities for all of these organizations.

I understand that the House will pass its version of the legislation on Monday.

Mr. President, with the two extensions no longer available as offsets, DIC reform would be dead for this year.

Mr. President, other provisions in the bill actually would be harmful or unfair—in themselves—to veterans and should not be enacted.

One would extend the $2 copayment VA charges for outpatient medications. Another provision would extend the fees VA charges for nursing-home and hospital care and outpatient visits of veterans who have no service-connected disabilities and whose incomes exceed the low-income standards for free VA care.

A simple extension of this provision in authorizing legislation would not be objectionable, but to my great disappointment, the committee amendment goes well beyond a simple extension of this provision. For the first time ever, it would require many service-disabled veterans to pay these fees for all nonservice-connected care—just like nondisabled veterans. Veterans with permanent, service-connected disabilities rated as high as 40-percent disabling would be required to pay deductibles and copayments for VA care in many cases. Many of these veterans cannot obtain health insurance because of their service-connected disabilities.

Mr. President, another legislative provision in the bill would have grave consequences for the VA-guaranteed home-loan program.

The Senate and House Veterans' Affairs Committees consistently and strongly have opposed Reagan and Bush administration attempts to modify the statutory no-bid formula, which

VA uses to decide whether to acquire and resell a foreclosed VA-guaranteed property or simply pay the guaranty and leave the house with the lender, action known as a no-bid.

A provision in the pending measure would double VA no-bids, forcing lenders to shoulder a larger share of the cost of this veterans benefit.

No-bids already are a major factor discouraging lenders from making VA-guaranteed loans, which fell from 13 percent of the mortgage market in fiscal year 1984, when the current formula was enacted, to under 3 percent in fiscal year 1991. If no-bids are doubled, many more lenders will drop out of the VA program and veterans will have a much harder time finding one willing to make a VA-guaranteed loan.

Mr. President, this provision would affect both mortgage loans made in fiscal year 1993 and those that were made long ago, even while Members of Congress, including House Veterans' Affairs Committee Chairman SONNY MONTGOMERY and I, were resisting the sdministration's no-bid changes and thus assuring lenders that those changes would not be enacted. It seems very unfair to apply such a major, retroactive change to mortgages that lenders agreed to provide under the assumption that the no-bid formula would not be modified in this way.

Although the modification would not apply to loans made after fiscal year 1993, the retroactive application of this provision would make it unrealistic to expect lenders to believe Congress would not, once again, impose a similar retroactive provision in the future. They won't believe that—and this provision could have a permanent, chilling effect on the availability of VA-guaranteed home loans.

Mr. President, having expressed my concerns, I have decided that it would not be advisable to raise points of order against these provisions.

First, as my colleagues are aware, these points of order might not be sustained, under a recent precedent.

Second, it is important that the Senate pass this bill and begin a conference with the House.

Senator MIKULSKI has advised me that, if these savings provisions were stricken, the entire framework of the bill as reported would fall apart, making Senate passage very uncertain.

Mr. President, if Congress fails to enact a VA-HUD appropriations bill, VA and the other departments and agencies funded under the bill presumably would have to operate under a continuing resolution and that could be very harmful to VA medical care and other programs.

Mr. President, I would like to ask the very able floor manager of the bill, Senator MIKULSKI, if I have described correctly the situation we face with this bill?

Ms. MIKULSKI. Mr. President, the distinguished chairman of the Veterans' Affairs Committee is correct.

As my colleagues know, the failure to break down the walls in order to allow use of some defense savings for domestic discretionary programs forced our subcommittee to stay within an allocation that is inadequate for the many vital programs funded under the bill.

Mr. President, I can assure Senator CRANSTON and the rest of my colleagues that I have no intention of impeding important efforts to reform the compensation program for veterans' survivors.

Unfortunately, the severe limits imposed by our allocation forced us to explore every conceivable alternative. I certainly am not happy about the extremely difficult position in which my subcommittee found itself and the lengths to which we had to go to put together reasonably adequate funding for such important programs as VA medical care.

At this point, however, if the $582 million in savings from the provisions Senator CRANSTON just described were eliminated from the bill, it would be virtually impossible for us to make the necessary corresponding outlay cuts and hold together a bill that could win Senate approval.

Mr. President, let me say that I respect Chairman CRANSTON longstanding commitment to our Nation's veterans and value his views on these matters. I will consult with Senator CRANSTON with regard to the conference outcome on these provisions and I will make every effort to address his concerns in the conference report.

I would like to take a moment to explain what we have done in this bill to address veterans' needs, within the very tight limits that we confronted.

The VA-HUD Subcommittee faced an extraordinarily difficult time in trying to craft a bill which met the compelling and wideranging needs of those served by the agencies and programs under the subcommittee's jurisdiction.

The subcommittee's 602(b) allocation was $1.4 billion below the President's budget request in outlays, so competition for funds was more intense than ever before.

In putting the bill together, the subcommittee's top priority was to fund the President's request for VA medical care. I am proud that we were able to squeeze an additional $37 million above the President's request for medical care.

Unfortunately, other agencies took big hits: the space agency was cut $840 below the request and $163 million below the enacted budget. EPA's salaries and expenses budget was cut $94 million below the request. The National Science Foundation was cut almost $300 million below the request. The amount recommended for the Federal Emergency Management Agency's operating programs is $33 million below the enacted budget. Clearly, other agencies did not fare as well due to the budget constraints faced by the subcommittee.

Let me give you an overview of how the budget for VA helps meet the needs of the Nation's veterans. The amount recommended for VA medical care—$14.7 billion—will provide 24 million outpatient visits for veterans. It will enable 1.1 million veterans to receive inpatient treatment. For posttraumatic stress disorder treatment, $45 million is included to provide counseling for approximately 20,000 veterans. Also provided is more than $44 million for homeless assistance, to help provide counseling, shelter, and training for vets who are trying to get back on their feet. Funding is provided to continue quality assurance initiatives—to ensure all VA hospitals meet the highest standards of care.

I also want to point out that the bill increases funds for the Veterans Benefits Administration, providing $17 million over the request, to ensure that VA has the staff and training it needs to reduce the backlog of claims, so vets who file claims can get a quick and fair response.

Finally, I want to add that the committee-reported bill increases funds for the National Cemetery System to $73 million—$3 million more than the request. This will enable VA to eliminate the backlog of equipment needs in the cemetery system, to ensure that veterans cemeteries are maintained in a dignified manner.

Mr. CRANSTON. Mr. President, I understand the extraordinary limitations under which the Appropriations Subcommittee and the full committee had to operate. There are too many deserving programs and not enough money to fund them. The allocation for the VA-HUD Subcommittee clearly was inadequate.

Mr. President, I also wish to acknowledge the tremendous efforts of the distinguished chair of the VA-HUD Subcommittee, Senator MIKULSKI, on behalf of veterans' programs during the years since she took over the chair of the subcommittee. She has proven to be a very strong supporter of veterans' programs. Her record in that respect is another reason why I finally decided to withhold making points of order against the bill.

MAINE SECTION 23/8 HOUSING PROJECTS

Mr. MITCHELL. Last year my colleague from Maine and I offered an amendment to the fiscal year 1992 VA/HUD appropriations bill addressing a problem in Maine regarding section 23/8 assisted housing projects. That language, ultimately retained in conference and enacted into law read:

> For those projects in the State of Maine, the owners of which have converted their Section 23 leased housing contracts to section 8, the subsidy provided shall be for a five year extension of such projects' current housing assistance payments contracts.

The language was written by technical assistance staff at HUD and we were told at about this time last year that this language would extend the current terms and conditions of the contracts for these projects.

Last week our offices were informed that the terms and conditions of the contracts for these projects would be changed. In fact, rent levels for some of these projects would be reduced.

The projects in question were granted a special waiver from HUD in 1977 and were treated according to their original HUD HAP contract as if they were section 8 new construction projects. Last week our offices learned that the projects were to be extended as if they were section 8 existing projects, not new construction. This changes the base upon which annual adjustments are made and reduces the contract rents, which may affect the viability of some of the projects.

Mr. COHEN. As my colleague from Maine has said, we had thought that we had taken care of this problem last year. We had thought that language drafted by technical assistance employees at HUD would then be carried through by program personnel at HUD. We are dismayed and frustrated that this is not the case today.

According to the HAP contracts originally approved by HUD in 1977, the terms and conditions are closely tied to the section 8 new construction rules which were in place at the time. These projects are not part of the section 8 existing housing program, which HUD has not been willing to acknowledge despite the efforts Senator MITCHELL and I made last year.

It is one matter for HUD to oppose congressional action. It is quite another matter for HUD to intentionally do what it may have wanted to do last year absent the legislation we enacted.

Ms. MIKULSKI. I agree with my colleagues from Maine. I remember the discussions we had last year about the Maine section 23/8 projects and I fully understand and share the frustration of enacting legislation only to have a Federal agency do what it wants anyway, regardless of statutory instruction.

There is no doubt within this body about the intent of last year's provision. It is my understanding that the section 23/8 conversion projects in question are similar to and should be treated as if they were section 8 new construction projects. To the extent that section 8 new construction project contracts are being renewed at 110 percent of existing rents, then this should be the treatment of these section 23/8 projects as well.

The section 23/8 projects have never operated under the rules of the section 8 existing program and it is wrong to change the terms and conditions of such contracts in midstream. I assure you that during the Senate-House conference on H.R. 5679, we will work out some language that extends the contracts on these projects in the manner in which we originally intended.

REFINANCING OF TAX-EXEMPT BONDS

Mr. DIXON. Mr. President, I rise to express my sincere gratitude to Senator MIKULSKI for her efforts in resolving a concern which I brought to her attention about a provision in the VA/HUD appropriations bill, H.R. 5679. My concern was over the financial adjustment factor for low-income housing which involves savings from the refinancing of tax-exempt bonds. This matter was called to my attention by Vince Lane, chairman of the board of commissioners of the Chicago Housing Authority [CHA].

Mr. President, at this time, I would like to enter into a colloquy on what is commonly known as the financial adjustment factor—or FAF—provision with my esteemed colleague, the Senator from Maryland [Ms. MIKULSKI], who so ably chairs the subcommittee.

As Senators are aware, amendments to the McKinney Homeless Act were approved by this body earlier this year, and signed into law by the President in April. One of those amendments provided that beginning January 1, 1992, local governments or local housing finance agencies would be authorized to retain 50 percent of the savings resulting from refinancings of tax-exempt bonds used for low-income housing. State housing agencies have benefited from this same ability to retain 50 percent of the savings from FAF refinancings since 1989. However, in order to make this change effective, the VA/HUD appropriations bill had to be amended to conform with the authorizing language.

It is in that regard that I ask the distinguished chairwoman if it is her understanding that the amendment which is included in the manager's amendment to resolve my concern would allow local housing finance agencies to receive 50 percent of any savings from refinancing section 8 housing developments by removing the discrepancy in the dates between the McKinney homeless authorization bill and the Appropriations Committee proposal relating to recaptured budget authority or cash for FAF refinancings?

Ms. MIKULSKI. Yes, the Senator is correct. The amendment conforms the appropriations language to the authorizing language provided for in the McKinney Homeless Act. This means that local governments or local housing finance agencies that participated in FAF refinancings beginning January 1, 1992, will be able to recoup 50 percent of any savings resulting from those refinancings.

Mr. DIXON. I thank my distinguished colleague for her positive response. By tracking the McKinney Act language, real money will be available to low-income housing programs this year because the savings that are recouped from FAF refinancings must be applied to other low-income housing activities. Many local housing agencies are taking advantage of our current low interest rates to refinance bonds that were issued in the early 1980's, when rates were extremely high. Chicago Housing Authority, for example, began refinancing its 1982 bonds in July 1992, which should result in a total savings of $37 million over 10 years.

Again, I want to thank the Senator from Maryland for making sure that our low-income housing programs are provided with every available means of assistance.

LANDSAT

Mr. EXON. Mr. President, the University of Nebraska at Lincoln has some of the Nation's finest geography, weather, environmental and agricultural science programs in the Nation. Such courses of study rely heavily on satellite information. This scholarship in turn is vital to Nebraska's and America's rural and agricultural communities.

There is a serious crisis brewing with the availability, coverage, and cost of satellite data used by educational institutions such as the University of Nebraska as the Landsat 5 and 6 satellites near the end of their useful lives. The Senate Commerce Committee, on which I serve, has been wrestling with this problem for quite some time and I am concerned about the funding approach to Landsat 7.

I understand that this year's budget is very tight, however, I would appreciate knowing the subcommittee chair's view on the hopes for full funding of Landsat 7. Does the subcommittee chair view the Landsat 7 as an important priority?

Ms. MIKULSKI. I share the Senator from Nebraska's view that the Landsat 7 program is very important to many parts of the Nation, including my home State of Maryland.

Mr. EXON. Is it the intention of the subcommittee chair to work in conference to secure sufficient funding for the Landsat 7 program to avoid gaps in data coverage when the current Landsat 5 and 6 reach the end of their useful lives?

Ms. MIKULSKI. It is vitally important that gaps in data coverage be avoided and it is my intention to seek sufficient funding in conference for Landsat 7 to expeditiously deploy this important satellite, subject to the size of our final 602(b) allocation.

Mr. EXON. I thank the Senator from Maryland. I look forward to working with the Senator to assure that educational institutions such as the University of Nebraska at Lincoln secure full, fair, and affordable access to much needed satellite information. Thank you, Mr. President.

FEDERAL RESEARCH FACILITY, LIMESTONE, ME

Mr. MITCHELL. The State of Maine currently is one of only four States nationwide in which no Federal research and development laboratory is located. Yet, Maine possesses several excellent assets which could make it a suitable host for a Federal R&D facility.

The Maine Science and Technology Commission has sought to map opportunities for Maine's future. In December 1991, the commission released "A Survey of Select Research and Development Strengths in Maine," and in January 1992, "A Science and Technology Vision for Maine." The Commission also soon will issue recommendations to the Governor of Maine and the Maine State Legislature in a report "Planning for Prosperity: Maine's Science and Technology Plan," and through the Federal Government's experimental program to stimulate competitive research [EPSCoR], will soon report to the Department of Energy and the Environmental Protection Agency on the State's strongest areas for scientific and technological research and development.

I know the subcommittee has been interested in looking at ways to control air pollution emissions and improve our utilization of alternative sources of energy. Biomass is a source of energy that can provide needed energy with fewer adverse effects than traditional fossil fuels. Maine derives more of its energy from wood than does any other State. Northern Maine is a leader in using wood as an energy source, having increased its use 150 percent over the last 10 years. Finding alternative energy sources is an important national goal and will require significant Federal investment in research and development. Northern Maine has a number of attributes that make it a particularly attractive site for this type of research, which could be undertaken by both the Department of Energy and the Environmental Protection Agency.

In addition, northern Maine also provides a unique opportunity for developing cleanup technologies and conducting training programs for hazardous wastes and petroleum products removal. I hope that the Environmental Protection Agency also will explore the potential for cleanup training and research as part of a Federal facility in Maine. I also wish to note that northern Maine has been the location for the National Aeronautics and Space Administration's flights conducting ozone depletion research. It offers a strategic location, which NASA also should consider for a potential Federal facility.

Mr. COHEN. What my colleague from Maine has said is true, and I want the record to reflect some of the specific merits of an area in northern Maine. Limestone, ME, especially offers significant potential for Federal research and development or training activities.

It has many modern facilities constructed in the 1980's by the Federal Government, including dormitories and a hospital. Its 13,000 acres and two runways offer capacity both for flexible, multi-purpose activities, as well as expansion. Northern Maine's geographic location also offers potential advantages, including proximity to forest and agricultural lands, the North Atlantic, and Great Circle routes over the Arctic. It has been the site of the closest military base in the United States to Europe and the former Soviet Union. As conditions in Eastern Europe now change, Limestone's facilities may offer a location for international, collaborative research and development projects. Limestone's facilities are a potentially irreplaceable asset; the Federal Government should not abandon their many unique features and opportunities for the future.

Mr. MITCHELL. The senior Senator has touched upon some of the many assets at this location, which has been recognized by organizations in the State as an excellent location for further Federal study. In July 1992, the Environmental Protection Agency agreed to explore possibilities for a Federal facility in Limestone. In conjunction with Maine Science and Technology Commission, the Loring Readjustment Committee on Sept. 2, 1992, approved conceptual proposals for priority selection of Federal research and development facilities for the Limestone area.

Ms. MIKULSKI. I agree with the distinguished Majority Leader and the senior Senator from Maine, and I want to assure you that I will work with the Senators from Maine and with the relevant Federal agencies under my committee's jurisdiction to have the feasibility studies completed in a timely manner and the approved conceptual proposals fully explored.

The committee will work with them to ensure that the Environmental Protection Agency, in consultation with the Department of Energy and appropriate local and State authorities, conducts a thorough study on the feasibility of establishing an energy research facility in Limestone, ME. In addition, the Environmental Protection Agency, in consultation with the appropriate Federal, State and local entities, should also explore the possibility of developing a hazardous waste training and research facility at Limestone, ME. NASA also should consider it as a potential location for a permanent facility.

I want to assure my colleagues from Maine that the Committee will support EPA's and NASA'a leadership in working with the Maine Science and Technology Commission, the Loring Readjustment Commission, and other appropriate Maine institutions, such as the Maine State Planning Office, the Maine Department of Economic and Community Development, and the University of Maine, to develop these proposals.

Mr. MITCHELL. Speaking for Senator COHEN and myself, I want to say we sincerely appreciate the chairwoman's willingness to work with us as we pursue the possibility of locating a Federal research facility in Limestone, ME, and we thank her for her attention to this matter.

HOPE VI GRANT TECHWOOD/CLARK HOWELL

Mr. FOWLER. Mr. President, I would like to commend the distinguished Senator from Maryland on her dedication and persistence on the pending 1993 VA-HUD appropriations bill. The VA-HUD Subcommittee has recognized that for the sake of the public housing program nationally, and more immediately, for the sake of residents living in unacceptable conditions, these severely distressed developments must be given increased attention and resources. Many of the public housing developments in this country are in severe need of funding for physical redesign and rehabilitation, as well as critical support for empowerment of residents in public housing. The HOPE VI initiative is designed to offer that needed assistance.

In Atlanta, the Techwood/Clark Howell public housing development, which is the oldest public housing development in this country, is in need of funding under a program such as HOPE VI. This program recognizes that rehabilitation and revitalization is important to the continued existence of distressed public housing in our urban communities. The program also advocates that such rehabilitation must be in partnership with the residents and demand a community service component in them.

I have received a request from the Planning Committee of Techwood/Clark Howell, which represents the residents of this public housing development, the mayor of the city of Atlanta, and the Atlanta Housing Authority [AHA], asking for my assistance in their efforts to improve this community for the purposes of public housing. It appears that HOPE VI is one program through which an ambitious project to revitalize/rehabilitate Techwood/Clark-Howell can be realized.

I would like to direct an inquiry to my distinguished colleague, the chairwoman of the VA-HUD Appropriations Subcommittee. Does the Senator agree that the Techwood/Clark-Howell public housing development is an ideal candidate for this potential funding source?

Ms. MIKULSKI. Programs encouraging empowerment of residents in severely distressed public housing are vitally important to our urban communities, and HOPE VI is an initiative by which we can begin to address the needs of residents of public housing. It is intended to provide funds for the rehabilitation and revitalization of developments such as the Techwood/

Clark-Howell public housing complex. I think it would be an ideal candidate for the HOPE VI competitive grant program.

Mr. FOWLER. I thank the chairman for her response. I would also like to note that the Atlanta Housing Authority and the residents of public housing anticipate at this juncture that 114 units will be lost as part of the disposition of the four and one-half acres for Olympic housing and perhaps another 150 units may be eliminated as a part of the effort to reduce density in this public housing development. However, I have been assured that after redevelopment Techwood/Clark-Howell will continue to be a public housing complex and such development will be in the sole interest of the residents of Techwood/Clark-Howell.

I am pleased that this project qualifies for HOPE VI and encourage Secretary of Housing and Urban Development to consider their application strongly.

SOUTH VALLEY WASTEWATER SYSTEM

Mr. BINGAMAN. This country has a growing problem in hundreds of communities with inadequate water and waste water systems. This problem is perhaps no more evident than in the South Valley of Albuquerque, which has severe water and wastewater infrastructure deficiencies. Most of the 4,100 households in the South Valley have on-site water wells and septic tanks. They are not hooked up to a municipal system for tap water or sewage treatment. These individual septic tanks can easily leach into the water table, introducing dangerous levels of nitrate and contaminating the drinking water. This summer, Gov. Bruce King called in the National Guard to provide clean drinking water in the South Valley when the Pajarito Elementary School was shut down for several days.

The 12,000 people who live in South Valley have fallen through the cracks. The community is too large to qualify for rural water grants, but too small to shoulder high per household hook-up charges. The South Valley residents are ineligible, for one reason or another, to qualify for existing programs that could alleviate their unsafe water conditions.

As a result of this situation, I asked that the subcommittee consider appropriating an additional $2 million to EPA's Construction Grants Program for infrastructure in the South Valley. Federal, State, and local cost-sharing would enable the South Valley to serve as a demonstration area for intergovernmental solutions to the problems of unincorporated areas. Unfortunately, the VA/HUD/Independent Agencies bill does not include funding to address this problem. At this time, I request that the conferees consider providing $2 million for this project. I thank the distinguished chairwoman for her consideration of the problems of the South Valley. I look forward to working with my colleagues in addressing the Nation's unclean water problems, and I hope the Senate will pay particular attention to this issue when we undertake reauthorization of the Clean Water Act.

Mr. DOMENICI. My colleague from New Mexico has described the extremely serious problem in the South Valley area near Albuquerque. Action is desperately needed to address the serious health risks associated with contaminated water in the South Valley. For that reason, on July 1, I requested that the distinguished chairwoman and ranking Republican member of the subcommittee include in their bill at least $2 million through the Environmental Protection Agency as startup funding to assist the residents of the South Valley in addressing this serious situation.

In my discussions with the distinguished chairwoman prior to final committee consideration of the bill, she sympathized with the dilemma we are facing in helping the South Valley. However, the subcommittee was necessarily unable to single out specific projects for funding within the existing program. Because of emergency nature of the South Valley situation, I sincerely regret that we cannot address this issue today through an amendment, but I am most appreciative for the willingness of the chairwoman to again consider this matter in conference with the House. I stand ready to assist in that effort, for I believe it is crucial that we find a solution to the wastewater problems plaguing the South Valley.

Ms. MIKULSKI. I agree with the Senators from New Mexico that the Nation has a challenging task ahead in meeting the water quality and wastewater pollution problems they have outlined. I will give this issue every consideration when the House and Senate take up the VA/HUD fiscal year 1993 appropriations bill in conference.

GEMINI 8-METER TELESCOPE

Mr. INOUYE. Mr. President, I wish to thank the distinguished chairperson of the VA-HUD-Independent Agencies Subcommittee for the excellent job she has done in putting together a well balanced appropriations bill under the most difficult of circumstances. I wish to address one major project, the Gemini 8-meter telescopes, within the appropriation for the National Science Foundation. The Foundation first proposed funding for Gemini in fiscal year 1991 and $4 million was appropriated on the understanding that half of the costs of construction and operation of the two 8-meter telescopes would be met by foreign partners. Funds in the amount of $16 million were appropriated for fiscal year 1992. The Senate VA-HUD-Independent Agencies Subcommittee report recommends an appropriation of $17 million for Gemini in fiscal year 1993 and this amount is included in the bill. However, the House VA-HUD-Independent Agencies Subcommittee report reiterates the need for the Foundation to complete arrangements for 50 percent foreign partner participation in Gemini before conference on the fiscal year 1993 bill is completed and directs the Foundation to withhold funds from Gemini and three other large science facility projects until the Foundation and the National Science Board have reconsidered the priority, structure and funding options of all four projects.

I wish to commend the Foundation on having made so much progress toward securing full subscription of the specified 50 percent foreign participation. With the execution of a tripartite memorandum of understanding between the National Science Foundation of the United States of America, the Science and Engineering Research Council of the United Kingdom and the National Research Council of Canada, and with a firm commitment for 5 percent from Chile, 45 percent of the required 50 percent of the project is now assured. I am informed that the scientific advisory apparatus in Australia has strongly recommended 5-percent participation by Australia and that by September 30, the government will commit in principle and authorize negotiations with the Foundation. I further wish to note that the Gemini project underwent extensive peer review within the Foundation and that construction of the Gemini infrared optimized 8-meter telescope on Mauna Kea, Hawaii was judged the Nation's highest priority for a major ground-based telescope facility by the National Academy of Sciences decade review for astronomy in the 1990's.

Given the overwhelming peer review support for the Gemini telescopes, the apparently assured full subscription of the mandated 50 percent by foreign partner participation and the appropriation by the Senate of the full amount of $17 million included in the administration request, I would ask that the House-Senate conferees consider removing the Gemini telescopes from the National Science Foundation-National Science Board project review requirement, lifting the associated withholding of Gemini project funds, and specifying to the Foundation the intent of the Congress to proceed immediately and expeditiously with the Gemini project.

Ms. MIKULSKI. I thank the distinguished Senator from Hawaii for his kind remarks and am cognizant of the interest he has in seeing that this project move forward without delay. He has my assurance that I will do my best to fund this project in conference with the House. We will also consider what the appropriate requirements related to the timing of an international commitment to a 50-percent cost sharing with the United States should be at that time.

CENTER FOR PACIFIC RIM STUDIES

Mr. CRANSTON. I want to commend my good friend and chair of the Subcommittee on HUD, VA and Independent Agencies Appropriations for her excellent work in meeting a number of competing priorities in the measure before us.

I want to express my concern about one initiative which, to date, has not secured Federal support—the Center for Pacific Rim Studies in San Francisco. This center will bring together the academic and business communities in the Bay area to promote and expand international economic opportunities throughout the Pacific rim. The center will provide a clearinghouse of information on Pacific rim trade practices, training opportunities for business and academic leaders, and academic training and practical experience for students of international affairs.

The project will involve extensive renovations of the historic Lone Mountain campus of the University of San Francisco to meet current earthquake, fire and safety codes and to create accessible space for business conferences, international data links, teaching, research, and conference facilities.

This project is an appropriate candidate for a special purpose grant because of it will create jobs in the troubled Bay area economy for both the short term—through construction and renovation work—and the long term—through improved international trade competitiveness.

I hope that the Senator from Maryland will make every attempt to secure appropriate Federal assistance for this project as this bill moves forward.

Ms. MIKULSKI. I want to thank my friend, Senator CRANSTON, for his comments. I am indeed aware of the many merits of this project, having heard from community leaders and elected officials in California, members of the House, as well as interested parties in the Senate. I want to assure you that while this is a very tight funding year, I will make every effort as the HUD Appropriations bill moves forward in the Senate and in conference with the House to secure assistance to allow this project to move forward and ground to be broken this year provided that the chairman of the subcommittee in the other body includes it on their project list for conference.

Mr. CRANSTON. I deeply appreciate Senator MIKULSKI's commitment to making every effort to help this initiative move forward. I want to stress that this project receives broad support from the mayor of San Francisco, corporate leaders in the community and academic and civic leaders throughout the region. I believe this proposal will help to improve today's trade opportunities and prepare the next generation of American business leaders to compete in the international marketplace.

I thank the Senator for her assistance on this matter.

TOXIC RELEASE INVENTORY DATA

Mr. BYRD. Mr. President, it is my understanding that the Environmental Protection Agency has considered the establishment of university-sponsored centers for pollution prevention information and analysis of toxic release inventory data now being collected.

More specifically, it is my understanding that the EPA, to determine whether such centers would be effective, and within the resources available in the bill, will conduct a modest, focused pilot project in the amount of $100,000 in fiscal year 1993 to determine the efficiency and effectiveness of a decentralized pollution prevention and toxic release inventory initiative. The functions of the pilot project will include the development of facility profiles based on inventory reports and outreach activities designed to develop and distribute informational materials.

The EPA has indicated that a reasonable pilot project could be defined and undertaken by a locally based organization regarding most aspects of these two activities, including the measurement of results to determine the efficiency and effectiveness of such an effort.

It is my further understanding that the project will be undertaken at the University of Charleston, building on the strengths and capabilities of the National Institute of Chemical Studies, which is located there.

I wonder if the distinguished floor manager would comment on my understanding of this matter.

Ms. MIKULSKI. The understanding of the distinguished President Pro Tempore and chairman of the Committee on Appropriations is absolutely correct. This is a matter that the EPA has been working on for some time under the guidance of the committee and I encourage the administrator of the EPA to redouble his efforts to move this project along.

Mr. GARN. I wish to associate myself with the remarks of the distinguished subcommittee chairman.

FIFRA AMENDMENTS

Mr. BOND. Is it the understanding of the Senator from Utah that current statute under the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] prohibits the administrator of the Environmental Protection Agency [EPA] from levying any fees upon registrants seeking registration or experimental use permits?

Mr. GARN. Yes, the FIFRA amendments enacted in 1988 (section 4(i)(6)) provides that the "EPA may not levy any other fees for the registration of pesticides until September 30, 1997."

Mr. BOND. It is my understanding that there is a provision in H.R. 5679 that authorizes the collection of those funds that are currently prohibited, even though this issue has not been debated at any length in the Senate and, in fact, was rejected on two occasions in the House of Representatives under their consideration of H.R. 5679. Consequently, as I understand that the Senate Committee on Agriculture, Nutrition, and Forestry intends to reauthorize FIFRA in 1993, and others feel that this provision should be reviewed and given consideration at that time.

Mr. GARN. As the Senator from Missouri has pointed out, there does seem to be legitimate concern as to whether these user fees should be addressed in the pending bill, and therefore I feel that the Senate conferees should take these concerns into full consideration during conference with the House.

INTENT OF HUD SPECIAL GRANT

Mr. JOHNSTON. Mr. President, I rise to discuss an important issue with my distinguished colleagues, the chair of the appropriations subcommittee Senator MIKULSKI, and the ranking minority member, Senator GARN, regarding funds contained in the report accompanying H.R. 5679, the HUD, VA, and independent agencies appropriations bill for the Center for Research and Development of Functional Skills in New Orleans, LA.

Ms. MIKULSKI. I would be glad to discuss the funds contained in the report for the center.

Mr. GARN. I would be pleased to discuss this issue with the senior Senator from Louisiana.

Mr. JOHNSTON. I would first like to thank my colleagues on the subcommittee particularly Chairwoman MIKULSKI and the ranking member, Senator GARN, for including $5,000,000 for the continuation of funds for the center which is provided within HUD special purpose grants. As the report states, these funds are intended "for the continuation of activities in the city of New Orleans, LA, to provide job training, education, and functional skills to at-risk residents of public housing." As earlier referred to, this project was initiated through funds appropriated in fiscal year 1992 in the Appropriations Act (at p. 48, S. Rpt. 102–107 and p. 19; H. Rpt. 102–226) as part of a dramatic joint private/Federal effort led by Loyola University in New Orleans to provide a national model for training adults in literacy skills. The fiscal year 1992 report provided these funds for development of a center, which is part of a $25 million effort, with $15 million being provided through private and university resources. I would like to clarify, with my colleagues of the subcommittee, the subcommittee's intent, although not specifically mentioned by name in the report, that these funds be used by Loyola University in its effort to provide a Federal component to establish a "Center for Research and Development of Functional Skills" at Loyola

University including, but not exclusively, for job training, education, and functional skills.

Ms. MIKULSKI. It was our intent that the funds provided in the bill currently before the Senate, as well as the funds appropriated in the fiscal year 1992 appropriations bill, be used for the establishment of the center at Loyola University. The funds are desired for not only research and development of functional skills once the center is constructed, but also costs associated with site design and preparation as well as construction. I believe the Center for Research and Development of Functional Skills will be a very successful venture which shall stand as a national model dealing with the linkage between employment and business growth on the one hand, and the level of functional literacy of a portion of the labor force, on the other. It is vital to the success of this program that the fiscal year 1992 appropriated funds, and any funds appropriated in the fiscal year 1993 bill, be provided to Loyola University.

Mr. GARN. I appreciate the chief proponent of this proposal, Senator JOHNSTON, for bringing this matter to our attention. I certainly concur with the statement of Senator MIKULSKI, and emphasize the need for this program and support its development at Loyola University.

Mr. JOHNSTON. I would like to thank my colleagues who believe, as I do, that the funding we appropriate for efforts such as this, which promotes literacy and the other skills people need in order to enter the workforce, is one of the soundest investments that the Federal Government can make. The long-term dividends, for all of society, far outweigh the costs of programs like this.

However, I am concerned with the administrative delays this project has experienced from the Department of Housing and Urban Development with regard to its fiscal year 1992 grant and believe HUD is acting directly contrary to congressional intent.

Ms. MIKULSKI. The Senator from Louisiana has mentioned a particularly concerning trend I have noticed with HUD administering the special project grants. I would like to point his attention to language that was included in the committee report on page 53 which addressed this problem. The language states that "the committee expects the Department to administer these grants, upon the submission of a proper application, in a timely and expeditious fashion." The language further states that "since these projects are incorporated into the law, the committee expects the funds for them to be administered for the purpose for which they were intended." As the application filed with HUD for the fiscal year 1992 funds appropriated were intended to be provided to the center for research and development of functional skills is consistent with congressional intent, I hope that these funds are immediately made available and the project does not experience similar delays in receiving its fiscal year 1993 appropriations. I assure you that if further clarification is necessary we will address these concerns during conference.

Mr. JOHNSTON. Once again, I thank my colleagues for their support of this program, and I yield the floor.

NATIONAL CENTER FOR VEHICLE EMISSIONS AND SAFETY AND THE NATIONAL HIGH-ALTITUDE, HEAVY-DUTY, RESEARCH AND TECHNOLOGY ASSESSMENT CENTER

Mr. WIRTH. Mr. President, I rise to engage my good friend, the chair of the VA, HUD and Independent Agencies Appropriations Subcommittee in a brief colloquy to discuss the future of two research efforts underway in my home State of Colorado. But first, let me acknowledge my understanding of the very demanding circumstances that the chair faces in this year of very tight budgetary constraints. She has done a difficult job well, and let me assure her that I am well aware of the tough nature of the issues she must face while moving this bill forward.

THE NATIONAL CENTER FOR VEHICLE EMISSIONS AND SAFETY

As I said, I would like to briefly discuss two national research efforts now underway in Colorado that directly support the goals of the Clean Air Act Amendments of 1990. The first of these is the National Center for Vehicle Emissions and Safety [NCVECS] at Colorado State University, established by the Environmental Protection Agency in 1976. It is the only university-based center dedicated to research and training activities related to passenger vehicle emissions and has been officially designated to serve as the research facility authorized by section 224(e)(3) of the Clean Air Act amendments.

The center is equipped with a laboratory capable of conducting Federal test procedure testing on light-duty vehicles. This lab is used for research and testing activities including the evaluation of compressed natural gas [CNG] and liquified petroleum gas [LPG] retrofit kits, research on the effects of diesel emissions at high-altitude, on the performance of after-market emissions components, the effects on tampering on emissions equipment, and other emissions-related research. Additionally, the center has conducted the EPA's national tampering survey since 1984. All of these research efforts are essential to the success of future efforts to clean up the air in our cities under the Clean Air Act Amendment of 1990.

The center has an established reputation for leadership and commitment to the improvement of air quality through research and training. The unique combination of the center's personnel, the university's resources, and access to advanced facilities and equipment provide a solid foundation for the continued application of research and training efforts to the international community concerned with air quality.

NCVECS is seeking external funding from the EPA in the amount of $1.5 million for facilities renovation and equipment to enable it to carry out new research activities and technical training. Unfortunately, this funding was not included in the Senate, VA, HUD appropriations bill.

THE NATIONAL HIGH-ALTITUDE, HEAVY-DUTY, RESEARCH AND TECHNOLOGY ASSESSMENT CENTER

The second program I would like to mention is operated by the National High-Altitude, Heavy-Duty, Research and Technology Assessment Center—also known as the National High-Altitude Center—located at the Colorado School of Mines in Golden, CO. Last year, the center received $500,000 to begin operations, a critical first step. To fully realize the potential of the Assessment Center, and to meet the national objectives of the Clean Air Amendments of 1990, an additional $1.5 million is needed for fiscal year 1993. The National High-Altitude Center has raised several times the required Federal contribution from research contracts and other private sources to help meet the operational costs of the facility.

The Environmental Protection Agency [EPA] has officially designated the Colorado School of Mines to serve as the national research center called for by section 224(e)(2) of the Clean Air Amendments of 1990. The goal of this national center is to assist the Federal Government with research investigations for engine improvements, abatement devices including catalysts and traps, and alternative fuels emissions testing for the heavy-duty engines used in trucks, buses, construction equipment, and nonroad vehicles.

The Senate, VA, HUD appropriation bill currently contains zero funding for the center. I note that the House has included $500,000 for the National High-Altitude Center and I hope that the Senate conferees will be able to accept the House position. If this situation is not addressed, vital work on the unique air pollution problems caused by high altitude will not be accomplished and taxpayer funds expended last year will be wasted. This is a multiple year project. If funds are not available this year, the investment made last year will be lost.

I say to my good friend, chair of the VA, HUD, and Independent Agencies Appropriation Subcommittee that I am grateful for her continued interest in these programs of national significance and given the current budget situation, I especially appreciate her willingness to review the merits of these funding requests and see if something is possible when this bill gets to conference with the House of Representatives.

Ms. MIKULSKI. I thank the Senator from Colorado for his understanding of the budgetary situation that has constrained funding for many worthwhile programs. I am aware of the good work going on at NCVECS, and at the High-Altitude Research Center at the Colorado School of Mines. And I say to my friend from Colorado that I will do my best to address this situation in conference with the House.

CENTER FOR ADVANCED TECHNOLOGIES

Mr. RIEGLE. Mr. President, I wish to commend the work of the Senator from Maryland as Chairperson of the VA-HUD and Independent Agencies Appropriations Subcommittee. At a time when our cities are in crisis, you have developed a package that provides resources so desperately needed by our urban and rural communities.

I would like to express my concern about one key initiative which, to date, has not received Federal support—the Center for Advanced Technologies in Detroit.

Detroit provides a poignant example of what has happened in urban areas hard hit by the changing global economy. Detroit's economic base has been eroded over the past three decades as manufacturing processes have become more routinized, allowing firms to move their operations to other countries with less skilled work forces. As a result, unemployment in Detroit is high and job opportunities for skilled workers have all but disappeared. Minority and disadvantaged young adults have little or no job opportunities available. Thus, poverty and its accompanying social ills are commonplace.

The Center for Advanced Technologies [CAT] is a bright spot. It is Detroit's future as it works to provide meaningful career opportunities for disadvantaged young adults and assist our Nation in making the economic transition.

CAT is a national demonstration of the content, resources, and methodology needed to educate advanced manufacturing technician-engineers at world-class levels. Computer-integrated, flexible manufacturing equipment and systems are not only technology-intensive—they are skill intensive. As part of a competitive manufacturing team, today's technologist-engineer must know how to: build, operate maintain, diagnose and repair complex electro-mechanical machinery; modify it for new applications; and appreciate and adopt continuously changing technologies. To perform these tasks requires skills and a theoretical foundation across a range of scientific and engineering disciplines.

CAT is an unprecedented partnership between Federal, State and local governments, corporations, private foundations, universities and technical institutes. The center's 180,000 square foot shop-laboratory with more than $50 million of state-of-the-art equipment; its 6-year curriculum of hands-on technical training and interdisciplinary engineering instruction; its learning methodology focused on the creation of real products; and its targeted enrollment of black youths are all major innovations of national significance.

CAT is developed and operated by Focus: HOPE, one of the Nation's most capable nonprofit organizations at forming industry, education, and Government partnerships for industrial renewal.

The Center for Advanced Technologies is in its last phase of development and it needs an appropriation of $3 million for fiscal 1993 to be used to renovate a plant-office building. In this facility, young persons enrolled in CAT's training programs will take both technical and academic coursework. The facility will also be used to educate visitors on the work of CAT—in particular—by school children who will be introduced to the world of computer-aided manufacturing technology. The total project cost for this renovation is $19.4 million. The remainder of renovation costs will be provided by the Department of Commerce, the Department of Defense, the State of Michigan, and private foundations.

I ask that, as the bill moves into conference, that the Senator dedicate funding to allow Focus: HOPE to complete its work on the Center for Advanced Technologies.

Ms. MIKULSKI. I commend my colleague for his efforts to support the innovative programs of the Center for Advanced Technologies. It is my understanding that Congressman TRAXLER, who chairs the House VA-HUD Appropriations Subcommittee is also interested in seeing this project obtain funding. Although resources are very scarce this year, if Mr. TRAXLER requests an appropriation for the project in conference, I will consider an appropriation to help Focus: HOPE complete its work.

Mr. RIEGLE. I sincerely appreciate the chairperson's efforts to ensure that this very important project can move forward. The Center for Advanced Technologies is an investment in the city of Detroit, in young disadvantaged adults who deserve the opportunity to become productive members of our society, and in our national economy.

I thank the Senator for her assistance on this matter.

STAFF REDUCTIONS AT THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. WALLOP. Mr. President, it is my understanding that both the House and Senate VA-HUD and independent agencies appropriations bills contain language to reduce political appointments at the Federal Emergency Management Agency. The House bill eliminates 17 positions, while the Senate bill eliminates 10 positions. A major difference is that the Senate bill specifically eliminates the position of Deputy Director of FEMA.

Many allegations have been raised about this particular position. There is some controversy about the allegations. While a report on FEMA in the House has discussed some of the issues, the matter has not been reviewed by the appropriating subcommittee in the Senate.

It would be premature to eliminate a particular position without careful review of the issues. While I do not object to reducing the Federal work force, I even encourage it, I do not believe it is the role of Congress to target specific jobs and individuals. I would hope that the language in the bill designating the deletion of the Deputy Director be dropped. If positions are to be eliminated, it should be the role of the Agency's Director. Would the Senator from Maryland, the chairperson of the appropriating subcommittee, agree with this position.

Ms. MIKULSKI. I can assure the Senator from Wyoming that we will take his views into account, as well as any comments or information from the administration on this matter, as we prepare for a conference with the House. I would hope that we could arrive at a satisfactory resolution of this issue.

JACK KENT COOKE STADIUM

Mr. ADAMS. Mr. President, I note that the bill proposes to strike section 520 of the House passed bill which seeks to require a Federal environmental impact statement prior to any consideration or approval of the proposed construction of the proposed Jack Kent Cooke Stadium at Potomac Yard. On its face the House requirement is reasonable and justified, given the proximity to the Potomac River and the scale of the proposed development.

I would further note that I believe, as a former Secretary of Transportation, that the Federal Aviation Administration is going to have major concern about this proposed facility. It is going to have to study this plan very carefully. There are height concerns, line-of-sight concerns for the air traffic controllers and electronic concerns to name just a few.

Since the House action published reports have noted the chronic pollution problem of the site, including petroleum and chemical discharges into the Potomac River. These published reports refer to documents of the Virginia State Water Control Board and the Department of Waste Management. Those documents reportedly show that at least four spills of oil or chemicals have occurred since 1981. These spills range from 300 to 20,000 gallons.

In addition, they reportedly show that over 2 million gallons of tainted water per day is discharged into the Potomac River and its 4-mile run tributary from Potomac Yard. This water is tainted with arsenic, lead, silver and benzene. Further, the ground water at the rail yard contains arsenic levels 1 million times the acceptable level established by the Federal EPA, its has PCB's 440 times EPA's acceptable level and the ground is so soaked with diesel fuel that a 7-foot thick pool rests on top of the water table.

Since 1987, according to these published reports, inspectors have found oil coating vegetation downstream and 2 inches of grease coating one of three holding ponds at the yard. It is also reported that metals and other toxins have been found in pond discharges. Also according to these published reports, the Virginia Water Control Board staff is recommending that the rail yard be required to monitor the effect of arsenic, lead and other toxic substances on fish and other river life in the Potomac.

Mr. President, in light of these published reports, based on the water control board's document and State records, it would appear that an EIS is an absolute necessity for any development on this site.

Mr. President, I note that the report to accompany the bill before us states that the committee recommends striking this section without prejudice to the provision, and I would ask the Senator from Maryland if that is her intention and that she will take a careful look at the merits of the amendment when this bill reaches conference with the House.

Ms. MIKULSKI. Mr. President, the Senator from Washington has raised a number of potentially serious environmental concerns that have recently come to light.

In light of this new information, I would say to the Senator that in conference I will carefully review the House provision and the arguments made by the distinguished chairman of the District of Columbia Subcommittee in support of it before making a decision on it in conference.

Mr. ADAMS. Mr. President, I appreciate the Senator from Maryland's assurances, and look forward to working with her on this matter as the bill progresses.

Mr. President, I yield the floor.

SPURRING ECONOMIC DEVELOPMENT IN MAINE

Mr. MITCHELL. Mr. President, my understanding is that this legislation includes funding for a number of economic development projects throughout the country. In my own State, there is great need for assistance to spur economic development. In fact, some areas of the State not only need to spur development, but also to retain it.

Such is the case with Aroostook County and the city of Presque Isle, ME. This area of the State has often been the end of the line with development. Unemployment is nearly 10 percent and recently a major manufacts closed its doors eliminating several hundred jobs.

I have an innovative economic development proposal that will enable Presque Isle to serve as the gateway to new opportunity for northern Maine farmers and manufacturers. My proposal combines job creation and retention activities, helps assist the city of Presque Isle with meeting national clean air standards, and will serve to attract businesses to northern Maine communities.

Ms. MIKULSKI. I am intrigued by the majority leader's description of this project. The pending legislation does include funding for economic development activities and I look forward to reviewing the leader's project in more detail.

Mr. MITCHELL. I thank the chairwoman for her consideration and I urge that funding for this proposal be given every consideration possible in conference.

FIFTY-SEVEN PERCENT CLOSING COST RULE

Mr. SEYMOUR. Senator MIKULSKI, I notice that the VA, HUD and Independent Agencies appropriations bill contains a FHA provision that is very important to my constituents. However, the bill does not provide for the rescission of the closing cost rule that HUD implemented last July. This HUD rule limits at 57 percent the amount of closing costs that can be financed in a FHA single-family mortgage.

As my friend from Maryland knows, the Federal Housing Administration is aimed at providing mortgage credit on terms which borrowers can afford. FHA was designed to be affordable. In 1990, Congress adopted changes to the FHA program in an effort to strengthen the program. These changes, which were designed to ensure the stability of the FHA fund, provided for a new premium structure and loan-to-value ratios. Given the large number of potential homeowners nationwide that would be affected by these policies, I appreciate and understand how difficult those deliberations were.

It is important to note that the Congress never agreed to limit financeable closing costs to 57 percent. We have therefore a situation where HUD has implemented an onerous regulation that is hurting California homebuyers, and homebuyers in every other State, including Maryland. HUD cannot be allowed to continue enforcing this regulation.

Ms. MIKULSKI. I understand the concerns that Senator SEYMOUR has raised. As he indicates, our subcommittee did include a provision in the bill to increase the FHA maximum mortgage loan limit. I too am a strong proponent of FHA and a very strong proponent of finding more efficient ways to get families into their own homes.

Mr. SEYMOUR. Mr. President, I want to thank Senator MIKULSKI for her leadership and support with regard to the loan limit increase. I understand a similar provision to raise the loan limit was included in the House-passed VA, HUD Independent Agencies appropriations bill. Yet the House bill goes one step further and provides for a rescission of the 57-percent closing cost rule.

Ms. MIKULSKI. Senator SEYMOUR is correct. The House bill rescinds the 57-percent closing cost rule. And like Senator SEYMOUR, I am certain that a number of families in my State would benefit from such a provision. In fact, I have heard over and over again from my constituents that the 57-percent regulation must be rescinded. I can assure Senator SEYMOUR that these concerns will not go unanswered when we meet with the House in conference on this bill.

Mr. SEYMOUR. The loan-to-value ratios that I spoke of earlier were enacted in response to the valid argument that greater borrower equity was critical to the stability of the FHA fund. However, some who oppose rescinding the 57-percent closing cost rule use the need for additional borrower equity to argue their case. That argument is critically flawed. Closing costs are the expenses incurred when transacting the purchase of a house: lawyers fees, title search, and others. None of which are a direct investment in the house. Congress managed to strike a balance between the safety and soundness needs of FHA and the needs of the borrowers that FHA was created to assist. I believe the 1990 National Affordable Housing Act did that, and it did so without placing a limit on financeable closing costs. It is time for Congress to reassert its authority and not allow HUD to continue to implement its will through rulemaking.

Ms. MIKULSKI. I am pleased to know of Senator SEYMOUR's support for the rescission of the closing cost rule and am very supportive of the FHA program and the service it provides Maryland homebuyers. Moreover, I am opposed to any regulation that may stifle the availability of FHA and prohibit American families from buying their own home.

Mr. SEYMOUR. In California, the FHA percentage of market has declined appreciably. FHA activity in San Diego County is down 11 percent. Activity is down 30 percent in the Sacramento County region. In Whittier, CA, the FHA market share has declined 10 percent since the 57-percent closing cost rule was enacted by HUD in July of 1991. Some would say that FHA usage is down because the entire economy was falling off during that time. However, these numbers represent actual market-share decline. FHA is quickly becoming a nonplayer in the housing market and a lot of Americans are finding that they can no longer proceed to purchase a home. While business for private mortgage insurers was up 40 percent over this timeframe, FHA activity has declined considerably. Many potential homebuyers are being locked out of the market because they are unable to come up with the full array of closing costs. In the meantime, FHA is no longer attracting the cross-section of homebuyers it needs to ensure the safety and soundness of the single-family insurance fund.

Ms. MIKULSKI. I agree that something needs to be done to restore the viability of the FHA program as a vehicle for homeownership. I know that the administration is attempting to eradicate or delay the implementation of burdensome and restrictive regulations. The evidence seems to indicate that the 57-percent rule should warrant such action.

SAN FRANCISCO CENTER FOR PACIFIC RIM STUDIES

Mr. SEYMOUR. Mr. President, as Senator GARN knows, I am a strong supporter of the University of San Francisco's efforts to establish a Center for Pacific Rim Studies on their campus. The central focus for the San Francisco Center for Pacific Rim Studies will be the educational preparation of the next generation of American leaders.

This center will feature state-of-the-art technological resources designed to link the campus to San Francisco, the northern California region, and to our trading partners around the world. Moreover, this will house the San Francisco Center for Pacific Rim Studies and function as the central clearinghouse in northern California for information, research, and activities related to California and the economies of the Pacific rim. In this role, the center will be unique, serving diverse organizations across the public, private, and nonprofit sectors, and bring them together under a common umbrella with a shared focus on Pacific rim economic development, communication, and international diplomacy.

Mr. GARN. I am aware of the support of the Senator from California for the center and share his enthusiasm and support for the University of San Francisco's work in this area.

Mr. SEYMOUR. As my friend from Utah knows, in order to establish the center, the university must undertake the costly endeavor of renovating its Lone Mountain campus facility. While special purpose grant funds were not included in this bill for this purpose, I am hopeful that the Center for Pacific Rim Studies' needs can be revisited during conference, and I urge the Senator from Utah and all of my colleagues to give their strongest consideration to the university's request for Federal support.

Mr. GARN. The Senator makes an important point about the unique educational, research, and economic development services that the University of San Francisco Center for Pacific Rim Studies would provide. It is my hope, as well, that funding can be provided for the center, and I will work with my friend from California to accomplish this goal during our conference with the House.

SPECIAL PURPOSE GRANTS

Mr. SEYMOUR. Mr. President, I rise for the purposes of seeking clarification from the Republican manager, the distinguished Senator from Utah, regarding the special purpose grants in this bill. Under this account, approximately $127 million is provided for specific State and local projects.

Mr. GARN. The Senator is correct. The committee report lists a number of projects that would receive special purpose grants.

Mr. SEYMOUR. It is also my understanding that while the House-passed VA-HUD appropriations bill does not include a similar special purpose grants account it is anticipated that this issue will be subject to debate in conference, and other projects will be considered, as was the case last year.

Mr. GARN. That is my understanding, as well.

Mr. SEYMOUR. Since it appears, therefore, that the Congress will earmark special purpose grants this year, I want to express an additional concern about the funds included in the committee report. This year, the worst civil disturbances is U.S. history devastated Los Angeles. We all watched in horror as thousands of homes and businesses burned to the ground. The bill before us today is the main Federal vehicle for providing housing and community development assistance to urban communities. Given these circumstances, there is a compelling justification for a special purpose grant for riot-torn Los Angeles. Funds for the Los Angeles area would, among other things, provide new housing and leverage a significant amount of new credit for residents and businesses in the affected areas.

I hope that when this bill goes to conference the conferees from both bodies will be sensitive to the extraordinary needs and compelling justification that exist for special funding for Los Angeles this year. If any community in this country needs special purpose grants this year, it is certainly Los Angeles.

Mr. GARN. The Senator makes a very important point regarding the needs of Los Angeles this year. While our subcommittee was unable to accommodate all requests for special purpose grants, I too hope that the conferees can address this special need, and I will work with him to accomplish this goal.

Mr. SEYMOUR. I thank the Senator from Utah.

Mr. BIDEN. Mr. President, the fiscal year 1993 VA-HUD-Independent Agencies Appropriations bill includes $20.5 million for the construction of an outpatient clinical addition to the Elsmere VA hospital in Delaware.

This funding represents the culmination of a nearly 20-year battle to ensure that the veterans of Delaware have access to the top-quality health care that we as a nation promised them. And, it represents the culmination of 15 years of my own efforts to see the funding for the project provided.

Most VA hospital facilities—including the hospital at Elsmere—were built in the immediate post-World War II era. I need not dwell on the fact that the dynamics of health care in this country have changed dramatically since that time. Hospital stays are shorter and more patients are served on an outpatient basis. Several studies in the late 1980's showed that an improved access to outpatient services was one of the greatest needs for veterans health care.

The Veterans' Administration recognized that fact as early as 1973. That year, the VA submitted a report to Congress entitled, "Quality of Care" that proposed dozens of projects to meet the changing health care needs of veterans. An outpatient clinical addition at Elsmere was one of those projects. To date, over 90 percent of the goals and objectives as outlined in the VA's 1973 report have been met. One of the very few that has not is the Elsmere project.

The reason for this delay—and I have first hand experience with it since I began working to secure funding for this project back in the late 1970's—was unresolved bickering between the VA and the Office of Management and Budget. Year after year, the project remained mired in the budgetary process. The VA would recommend the project, but OMB would consistently refuse to accept it. As a result, today, the existing outpatient facilities at Elsmere operate at about 300 percent of design capacity. It is outdated, cramped, and inadequate.

A second consequence of the nearly two-decade delay in building the clinical addition has been higher construction costs. Two years ago, the total project cost was estimated at over $32 million. With such a high price tag, and with other construction priorities, the VA began to question the project.

In response, the Elsmere hospital administration worked in good faith with the VA to reduce the size of the addition while still ensuring that the needs of the increased numbers of veterans who are being served on an outpatient basis would be met.

I would like to commend the director of the Elsmere VA Hospital, Michael Phaup, and his staff for their hard and diligent work on this matter. The result was a $10 million reduction in the cost of the project. And, most importantly, for the first time, the VA and

OMB agreed on the need to provide funding for this important addition.

The administration included the Elsmere project funding in its fiscal year 1993 budget request, and thanks to the work of Senator MIKULSKI and Senator GARN—the chair and ranking member of the VA-HUD Appropriations Subcommittee—the funding is included in the legislation before us today. Senators MIKULSKI and GARN have shown their commitment to this project over the last several years, and on behalf of Delaware's veterans, I thank them for this project and their dedication to fulfilling the promises we made to all of America's veterans.

I must also recognize the Delaware veterans community—for their patience and their persistence. Patience in the face of 20 years of intransigence. Persistence in the face of seeming hopelessness. I commend the work of the Delaware veterans community on this project; their help—really, their drive—has been invaluable in making today's accomplishment possible.

Let me close by making clear what that accomplishment is. This bill provides a concrete commitment to funding the Elsmere project. It provides the VA—outright—with the funding needed for construction. The VA will not have to downsize another project to fund the Elsmere addition, and it does not rely on the goodwill of anyone to find the money at some undefined point in the future. It tells the VA that they will have the funding now and that they can begin construction as planned next year.

Veterans in Delaware and surrounding States have waited two decades for an outpatient clinical addition—an addition proposed by the VA almost a generation ago. By funding the Elsmere project today, we are making sure that another generation of our region's veterans will not be denied access to the best possible outpatient health care. By specifically providing the money for Elsmere in this appropriations bill, we are making sure that our region's veterans will have a promise fulfilled, not another promise deferred.

SPACE STATION "FREEDOM"

Mr. RIEGLE. Mr. President, I rise in support of space station *Freedom*. America must retain its world leadership in space exploration.

As a past chairman of the Science, Technology, and Space Subcommittee, I recognize that a nation that is to compete in the high-technology economy of the next century must be strong in the leading-edge technologies like those that have been and will be developed through our space program. Japan is spending more on space research than ever before. France and Germany also continue to invest a great deal in space. In these increasingly competitive times, the United States must lead the world in the kind of high-technology research and development that has been a key element of the space program.

Work on the space station has already yielded important benefits that are being used in other areas. For example, computer design skills that have been developed for the space station are being used in building airplanes. We can readily anticipate future benefits as well. The space station will facilitate important experiments in medical research. And we can expect space research will produce additional new technologies that will put us in a better position to compete in the world economy in a variety of areas.

Many of the benefits of our previous investments in space were not expected when the programs were offered initially. Some experts have estimated that every dollar invested in the space program has produced $6 of value in return.

I recognize the need to reduce wasteful government spending; our $400 billion budget deficit is unacceptable. However, I believe that the space station is a valuable investment in our future and I will support it.

Mr. President, I rise to express my support for H.R. 5679, the VA, HUD, and Independent Agencies appropriations bill of fiscal year 1993. This legislation contains funding for activities which are crucial to the well-being of the Nation, as well as the State of Michigan. I would also like to commend the chairwoman of the VA-HUD Subcommittee, Senator MIKULSKI, for her diligent work in putting together this complex bill.

I am concerned, however, over the section of the bill and the accompanying committee report which deal with funding for the construction of a clinical addition to the Ann Arbor Veterans Medical Center [VAMC]. Unlike the House-passed version of H.R. 5679, which contains $148.9 million for the Ann Arbor facility, the Senate committee-reported bill before us today provides no funding for the much-needed clinic, and it is accompanied by report language which unfairly and incorrectly criticizes the project. Specifically, on page 31 of the Senate VA-HUD Subcommittee's report accompanying H.R. 5679, the following commentary is offered:

> The Committee is aware that funds for construction of a clinical addition at Ann Arbor VAMC are not needed for several years. In addition, the Committee notes that the current project scope greatly exceeds projected needs.

Mr. President, I would like to respond to each of the committee's concerns as noted in its report language:

First, the assertion that funds for construction of the clinical addition project will not be needed for several years is simply incorrect. Operating under current conditions, the hospital staff, on a daily basis, face space and environment-related crises which have a direct impact on their ability to care for patients. Furthermore, because of the cramped conditions, the hospital risks disaccreditation of its laboratory by the College of American Pathologists which has urgently recommended that Ann Arbor VAMC find additional space for its laboratory service. These space-related problems would be alleviated by the clinical addition project.

Second, to argue, as the committee report does, that the scope of the clinical addition exceeds projected needs, ignores several critical facts. The main hospital building at the Ann Arbor VAMC was built in 1953, making it the oldest unrenovated 1950's vintage facility in the entire VA health care system. That this facility remains unrenovated seems inconsistent with its unique, tertiary mission. The Ann Arbor VAMC contains Michigan's only neurosurgery program, Michigan's only vascular surgery program dealing with aneurysms of the ascending, transverse, and descending thoracic aorta, and Michigan's only cardiac surgery program, as well as many other specialized surgical programs.

Problems caused by the unrenovated character of the hospital are exemplified by the difficulties experienced by the cardiac catheterization program. When a new cardiac catheterization suite was installed, its location proved to be inadequate because of insufficient floor-to-ceiling heights. In the end, the cardiac unit had to be moved to another location in the hospital. In addition, the system providing air-conditioning and ventilation is woefully incapable of meeting the high standards required by an antiseptic environment. While there is no direct evidence of high infection rates stemming from the lack of airflow, the possibility of infection resulting from the lack of air-conditioning is constantly on the minds of surgeons. By providing a new air-conditioning system, the clinical addition would resolve this serious problem.

Hospital space, furthermore, is entirely inadequate. Hallways are crowded and narrow, and are today used for numerous unintended purposes. Patient waiting areas are almost always located in heavily trafficked converted hallways, frequently compromising patient privacy. A small alcove hallway also serves as a central area for radiologists to read x rays.

Given the inadequate size and outdated nature of the Ann Arbor VAMC, it is difficult to understand how the committee reached the conclusion, stated in its report, that the "current project scope greatly exceeds projected needs."

Mr. President, over the past 2 years, Congress has provided $38.2 million for advance planing and design of the Ann Arbor VA Medical Center clinical addition, along with a parking garage. Now, funds to begin the actual construction of the clinic are urgently needed.

While I strongly support many of the important programs funded by the bill before us, I believe it would be a serious mistake to deny funding for a project as critical as the Ann Arbor VA Medical Center's clinical addition. When H.R. 5679 is considered in conference, I would hope that the Senator from Maryland would reconsider her opposition to funding for the Ann Arbor project and support the inclusion of $148.9 million for this purpose in the final version of this bill.

COLUMBIA RIVER BASIN

Mr. HATFIELD. Recent endangered species listings and potential for listing additional salmon runs have greatly elevated the importance of protecting the valuable fisheries resources of the Columbia River Basin. In December 1991, the Northwest Power Planning Council adopted phase two of their amendments to the Columbia River Basin Fish and Wildlife Program under the Northwest Power Act.

In recognition of the importance of water quality to the basin's fish and wildlife, those amendments urged the Environmental Protection Agency and relevant parties to compile existing water quality information, determine additional information needs, and recommend a study plan to collect the needed information.

EPA took the lead in quickly developing a report summarizing the best professional judgment of relevant agencies and the tribes on the requested topics. The Columbia River Basin Water Quality Summary Report was submitted to the council on June 30, 1992. The report found that good water quality, including habitat, is critical to the success of fish and wildlife populations in the Columbia Basin. Furthermore, although there are many gaps in our current knowledge, temperature, sedimentation, and riparian habitat destruction are acknowledged problems affecting those resources. EPA's recommendations for future actions are consistent with the philosophy of the council in terms of emphasizing the need for a comprehensive watershed approach to solving fisheries problems and the participation by all relevant entities.

Ms. MIKULSKI. This Columbia River water quality effort appears to have great merit. What are the major recommendations of the report?

Mr. HATFIELD. The major priority recommendations developed and described in the report are as follows:

Establish a mechanism to facilitate multiagency coordination of existing and future activities relating to water quality, fish, and wildlife problems through an integrated whole-basin approach for the Columbia Basin. This should include coordinated data management and an annual public review process.

More thoroughly evaluate existing water quality information: compile and evaluate existing information; identify data gaps and priority problems; and recommend proposals to address those gaps and solve priority problems.

Implement a major demonstration project to solve temperature problems in the Grande Ronde subbasin. The pervasiveness of temperature problems throughout the Columbia Basin emphasizes the need to gain quickly experience in solving this problem in an important area such as the Grande Ronde.

As resources allow, initiate additional projects proposed in this report to fill significant gaps in our existing understanding of water quality problems in the basin. Several proposals are included which address important weaknesses in our knowledge of the system and which need not await the findings of the longer term basin study.

I believe that these recommendations form a strong approach to addressing the water quality issues with a high potential for affecting salmon and steelhead runs—as well as other fish and wildlife—in the Columbia Basin. If some funding were available initially, we understand that good progress could be made on the first three recommendations mentioned.

I understand that due to the timing of this report, the pace of appropriations, and the fiscal constraints, it will not be possible to add funding for this project in fiscal year 1993. It is my hope, however, that EPA will make every effort, within available funds, to begin this important work on the Columbia River in 1993 and continue this activity in 1994.

Ms. MIKULSKI. The Senator has made a good case for this activity, and I agree with him.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—92

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—3

Roth
Smith
Wallop

NOT VOTING—4

Biden
Bumpers
Gore
Helms

So the bill (H.R. 5679), as amended, was passed.

Mr. GARN. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I want to take a minute to note that this VA-HUD appropriations bill is the last appropriations bill our distinguished colleague, the senior Senator from Utah, will manage on the Senate floor.

Senator GARN has been a Navy pilot, a mayor of a major American city, an astronaut, and the chairman of the Banking Committee. The VA-HUD Subcommittee, which handles spending for programs relating to banking, veterans, science, space, and housing, has benefited tremendously from his depth of experience and knowledge.

The space program, in particular, has prospered under his leadership. Senator GARN has devoted much of time and energies in the Senate to improving the space agency, promoting space exploration, and inspiring the imagination of America's young people.

The Senate will miss JAKE's legislative skill, his leadership, and the valuable perspective he brings to this body.

The PRESIDING OFFICER (Mr. BRYAN). The majority leader is recognized.

Mr. MITCHELL. Mr. President, I join my colleague in paying tribute to Senator GARN. I think this bill, the process by which it was handled so promptly and efficiently, is itself evidence of the respect with which Senator GARN is held by members of the Senate on both sides of the aisle, and the cooperative relationship between he and the Senator from Maryland in handling this bill speaks volumes about Senator GARN'S contribution. I associate myself fully with the remarks of the distinguished Republican leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I want to congratulate the distinguished junior Senator from Maryland [Ms. MIKULSKI]. She is the chair of the VA-HUD Appropriations Subcommittee, and she is a superior chair. She is courageous. She is knowledgeable. She knows what is in the bill, and she is dedicated.

I want to compliment her counterpart, the ranking member, Senator GARN.

I compliment them both for their excellent work on the fiscal year 1993 VA-HUD and independent agencies appropriations bill.

I regret to see Senator GARN leave the Senate. He has been an excellent member of the Appropriations Committee. He has always accorded me the utmost courtesy and cooperation. There has never been any problem. He is very helpful. I, personally, will miss him on the committee.

Both of these Senators have worked tirelessly to guide their bill through the Senate in an expeditious manner, and they deserve an enormous amount of praise in managing this extremely difficult piece of legislation.

I also commend Senator MIKULSKI and Senator GARN for bringing the bill to the Senate within its 302(b) budget allocation, in both budget authority and outlays authority, and that scored by CBO.

Mr. President, on behalf of the Senate and the Nation, I thank these two fine Senators and the members of the subcommittee.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I thank the chair of the full Appropriations Committee for his kind remarks.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. DECONCINI] is recognized.

Mr. DECONCINI. Mr. President, I want to give my accolades and respect to the senior Senator from Utah who is on the floor the last time managing, as the ranking member, the appropriations bill. I worked with Senator GARN for the 16 years I have been here and he is indeed a Senator that you can approach on any subject matter. We have had disagreements on some issues of veterans funding, particularly when he was chairman of the subcommittee he is now ranking member of, and we even had a bet for a steak dinner, which I will remind him separately that that bet still needs to be paid off, and we can compromise that I am sure, as we have many other things.

But Senator GARN has dedicated himself to not only the State of Utah, but to this country, and to the appropriations process. He has been honest about it. He has been fair about it. And he has been tough. I think that he has dedicated himself in such a manner that will be remembered for a long period of time.

So I am pleased to join so many who have great respect for Senator GARN, and indeed to convey my feelings that he will be missed not only on the Appropriations Committee, but on the floor of the Senate when we reconvene in January.

Ms. MIKULSKI. Mr. President, I move that the Senate insist on its amendments to H.R. 5679 and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. GARN, Mr. D'AMATO, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. HATFIELD, conferees on the part of the Senate.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, FISCAL YEAR 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 5488, the Treasury-Postal Service appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, that will be the order.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 5488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $25,000 for official reception and representation expenses; not to exceed $235,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than **[**$2,522,000**]** *$3,546,000* and **[**40**]** *55* full-time equivalent positions for the Office of Foreign Assets Control; not to exceed **[**$1,971,000**]** *$1,879,000* to remain available until expended, for systems modernization requirements; not to exceed **[**$320,000**]** *$490,000*, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; **[**$68,238,000**]** *$71,702,000.*

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; not to exceed $73,000 for official reception and representation expenses; not to exceed **[**$942,000**]** *$512,000*, to remain available until expended, for systems modernization requirements; **[**$33,325,000**]** *$33,492,000.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; **[**$31,459,000, of which $1,300,000 shall remain available until expended for the Inspectors General Auditor Training Institute**]** *$29,367,000.*

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; **[**$19,087,000**]** *$18,342,000.*

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept gifts: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: [*Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $41,236,000] *$48,538,000*.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, [$10,886,000] *$12,301,000*, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, [$214,146,000] *$214,069,000*, of which not to exceed [$10,900,000] *$8,597,000*, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; [$355,419,000] *$371,324,000*, of which [$19,000,000] *$25,000,000* shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1993 and, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); [of which $650,000 shall be available solely for improvement of information retrieval systems at the National Firearms Tracing Center;] and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further*, That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further*, That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device: *Provided further*, That this provision shall not preclude ATF from assisting the International Civil Aviation Organization in the development of a detection agent for explosives or from enforcing any legislation implementing the Convention on the Marking of Plastic and Sheet Explosives for the Purpose of Detection: *Provided further*, That funds made available under this Act shall be used to achieve a minimum level of [4,109] *4,304* full-time equivalent positions for fiscal year 1993, of which no fewer than [1,127] *1,440* full-time equivalent positions shall be allocated for the Armed Career Criminal Apprehension Program: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further, That fees collected by the Secretary of the Treasury or his delegate pursuant to section 519 of this Act and estimated to total $5,000,000 in fiscal year 1993 shall be retained and used for the specific purpose of offsetting costs of the Compliance Alcohol Program, notwithstanding the provisions of section 3302(b) of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced as fees are collected pursuant to section 519 of this Act during fiscal year 1993 so as to result in a final fiscal year 1993 appropriation estimated at not more than $366,530,000.*

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$1,331,070,000] *$1,326,417,000*, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000, to remain available until expended, for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $30,000: *Provided further*, That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That the United States Customs Service shall hire and maintain an average of not less than [17,411] *$17,871* full-time equivalent positions in fiscal year 1993, of which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of [10,480] *11,018* full-time equivalent positions shall be allocated to commercial operations activities: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1993: *Provided further, That not less than $1,000,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.*

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the [hire, lease, acquisition (transfer or acquisition from any other agency),] operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, *including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction programs, $83,242,000*[; $136,783,000, to remain available until expended]: *Provided*, That no aircraft or other related equipment shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1993.

OPERATIONS AND MAINTENANCE, CUSTOMS P–3 DRUG INTERDICTION PROGRAM

For necessary expenses of operations, maintenance, modifications to, spare parts and related equipment for Customs P–3 surveillance aircraft for carrying-out defense-related drug interdiction purposes; $28,000,000.

AIR AND MARINE INTERDICTION PROGRAMS, PROCUREMENT

For the procurement, construction, and modification of aircraft and marine vessels, equipment, radar, spare parts, and accessories therefor of the air and marine interdiction programs; $21,174,000, to remain available until expended.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities construction, improvements, and related expenses of the United States Customs Service, $4,600,000, to remain available until expended.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed $15,000,000, as authorized by Public Law 100-690, as amended by Public Laws 101-382 and 101-508; to be derived from deposits in the Fund.

Customs Services at Small Airports

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,500,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

United States Mint

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; [$52,450,000] *$53,551,000*, including amounts for purchase and maintenance of uniforms not to exceed $285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and of which [$2,085,000] *$1,635,000* shall remain available until expended for expansion and improvements.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; [$189,000,000] *$194,643,000*.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For necessary expenses for "Payment of Government Losses in shipment", $500,000, to remain available until expended.

Internal Revenue Service

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$157,368,000] *$158,057,000*, of which not to exceed $25,000 for official reception and representation expenses; and of which not to exceed $500,000 shall remain available until expended for research.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,648,960,000] *$1,634,298,000*, of which [$3,100,000] *$3,500,000* shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (not to exceed 451, for replacement only, for police-type use), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1992 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code: *Provided further*, That additional amounts above fiscal year 1992 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers; [$3,835,192,000] *$3,835,501,000*, of which no less than $334,989,000 and 4,756 full-time equivalent positions shall be available for tax fraud investigations.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,566,909,000] *$1,480,341,000*, of which not less than [$612,692,000] *$565,026,000* is for tax systems modernization, and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects: *Provided*, That of the amounts provided for tax systems modernization not to exceed [$125,000,000] *$110,000,000* shall remain available until expended, of which up to $15,000,000 is for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization[: *Provided further*, That of the amounts authorized to remain available until expended, $11,100,000, shall not be obligated prior to September 30, 1993].

Administrative Provision—Internal Revenue Service

SECTION 1. Not to exceed [8] *4* per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

[SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.]

United States Secret Service

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only and an additional seventy-five police-type vehicles) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$470,372,000] *$467,938,000*, of which not to exceed $300,000 shall be made available for the protection at the one nongovernmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note): *Provided further*, That fiscal year 1993 funds shall be available for Presidential protection assistance reimbursements claimed in fiscal year 1992.

Department of the Treasury—General Provisions

[SECTION 101. Of the funds appropriated in this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1993 as estimated by the Commissioner shall be withheld from obligation unless the estimated savings are not achieved: *Provided*, That 50 per centum of the actual efficiency savings shall lapse or be deposited into miscellaneous receipts of the Treasury with the exception of amounts in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law: *Provided further*, That notwithstanding any fiscal year limitations on the availability of appropriations, the remainder of the actual efficiency savings shall be made available in fiscal year 1994 for cash awards to IRS employees, as authorized by sections 4501-4505 of title 5, United States Code, and for future efficiency improvements to carry out those purposes authorized by law: *Provided further*, That none of the funds shall be made available for the program without the advance approval of the House and Senate Appropriations Committees.]

SEC. [102] *101*. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year;

entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. [103] *102.* None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. [104] *103.* Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. [No such] *Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no* transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. [105] *104.* Notwithstanding any other provision of law, beginning October 1, 1992, and thereafter, the Financial Management Service (FMS) shall be reimbursed by the Internal Revenue Service (IRS) and the Department of Agriculture, National Finance Center (NFC), for the postage costs the FMS incurs to make check payments on behalf of the IRS and the NFC.

SEC. 105. The Internal Revenue Service shall establish line authority in the Criminal Investigation Division to the Assistant Commissioner for Criminal Investigation, no later than 90 days from the date of enactment of this Act.

SEC. 106. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

This title may be cited as the "Treasury Department Appropriations Act, 1993".

TITLE II

POSTAL SERVICE

Payment to the Postal Service Fund

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $200,000,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1993.

Payment to the Postal Service Fund for Nonfunded Liabilities

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,614,000.

Postal Service—General Provision

SECTION 201. (a) Except as provided in subsection (b), no change in the rate of postage for any class of mail may take effect, pursuant to section 3627 of title 39, United States Code, during fiscal year 1993.

(b) The rates for reduced rate third-class pieces other than letter shape may be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible, in fiscal year 1993, the difference between the sum requested for fiscal year 1993 in respect of mail under former sections 4452(b) and 4452(c) of such title as calculated under section 2401(c)(ii) of such title, and the sum that would have been requested for fiscal year 1993 in respect of such mail if clause (ii) of such section 2401(c) had not been enacted.

This title may be cited as the "Postal Service Appropriations Act, 1993".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; [$24,328,000] *$24,438,000*, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

The White House Office

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; [$34,885,000] *$36,281,000.*

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; [$7,499,000] *$7,598,000*, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

Official Residence of the Vice President

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; [$324,000] *$337,000*: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

Special Assistance to the President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; [$2,932,000] *$3,150,000.*

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); [$3,345,000] *$3,508,000.*

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; [$3,701,000] *$3,842,000.*

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; [$5,971,000] *$6,118,000.*

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; [$51,934,000] *$54,011,000*, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further*, That none of the funds made available by this Act or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcoholic beverage and tobacco industries below fiscal year 1985 levels: *Provided further*, That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings or forms promulgated thereunder.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; [$3,058,000] *$3,208,000.*

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; [$66,348,000] *$103,348,000, of which no less than $900,000 and five full-time equivalent positions shall be available for the Counter-Drug Technology Assessment Center; and*, of which [$50,000,000] *$86,000,000* shall be available for drug control activities which are consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas *and* which shall be transferred to Federal agencies and departments within 90 days of enactment of this Act and shall be obligated by the end of fiscal year 1993[: *Provided further*, That notwithstanding any other provision of law, the Department of the Treasury and the Department of Justice are authorized to transfer funds to other Federal drug control agencies]*: Provided, That of the $86,000,000 made available, and not withstanding any other provision of law, the Office of National Drug Control Policy is authorized to transfer not less than $36,000,000 to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: Provided further, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: Provided further, That the Office of National Drug Control Policy shall reduce by no less than 20 per centum, the number of non-career Senior Executive Service positions and Schedule "C" positions from the number of such positions on board as of September 30, 1992 by no later than September 30, 1993: Provided further, That none of the positions eliminated by the previous proviso shall be converted to career civil service or career Senior Executive Service positions*: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER, RESEARCH AND DEVELOPMENT PROGRAM

(INCLUDING TRANSFERS)

For research and development activities of the Counter-Drug Technology Assessment Center, to undertake new counternarcotics research and development activities under the authority of the Department of Defense in carrying out its drug interdiction mission; $20,000,000, to remain available until expended to be derived by transfer from the Office of National Drug Control Policy Special Forfeiture Fund.

[SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, $60,251,000, to be derived from deposits in the Special Forfeiture Fund; of which $2,150,000 shall be transferred to the Immigration and Naturalization Service for the purchase of helicopters and replacement vehicles; of which $3,000,000 shall be transferred to the United States Marshals Service for expenses and equipment related to the apprehension of Federal, State, and local fugitives wanted or involved in drug-related crimes; of which $2,000,000 shall be transferred to the Drug Enforcement Administration for replacement vehicles, firearms training equipment, and an El Paso Intelligence Center expansion study; of which $2,800,000 shall be transferred to the Financial Crimes Enforcement Network for software development; of which $5,600,000 shall be transferred to the United States Customs Service: *Provided*, That of this amount, $1,000,000 shall be for crate and container inspection equipment and $4,600,000, to remain available until expended, shall be for K–9 facility construction; of which $34,701,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided further*, That $4,700,000 of the $34,701,000 transferred to the Alcohol, Drug Abuse, and Mental Health Administration, shall be transferred to the San Francisco Department of Health: *Provided further*, That $14,701,000 of the $34,701,000 transferred to the Alcohol, Drug Abuse and Mental Health Administration shall be made available to the Office of Substance Abuse Prevention for Community Partnership grants, and: *Provided further*, That $20,000,000 shall be made available to the Office of Treatment Improvement for the drug treatment Capacity Expansion Program; and of which $10,000,000, to remain available until expended, shall be made available to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy.]

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, $82,542,000 to be derived from deposits in the Special Forfeiture Fund; of which $10,300,000 shall be transferred to the Immigration and Naturalization Service's "Salaries and expenses" account for the purchase of helicopters and replacement vehicles for the United States Border Patrol; of which $2,800,000 shall be transferred to the Financial Crimes Enforcement Network's "Salaries and expenses" account for software development; of which $5,741,000 to remain available until expended shall be transferred to the United States Customs Service's "Air and marine interdiction programs, procurement" account for the procurement of marine assets; of which $9,000,000 shall be transferred to the Federal Law Enforcement Training Center's, "Acquisition, construction, improvements and related expenses" account, to remain available until expended, of which $1,500,000 shall be available for architectural, engineering and design of a tactical firearms response range, and of which $7,500,000 shall be available for construction of a new dormitory; of which $34,701,000 shall be transferred to the Alcohol, Drug Abuse and Mental Health Administration, of which $14,701,000 shall be made available to the Office of Substance Abuse Prevention and of which $5,000,000 shall be made available for the residential treatment program for mothers and children, and of which $9,701,000 for Community Partnership grants, and of which $20,000,000 shall be made available to the Office of Treatment Improvement for the drug treatment Capacity Expansion Program; and of which $20,000,000 to remain available until expended shall be transferred to the Counter-Drug Technology Assessment Center's "Research and development program" and shall be available for transfer to other Federal agencies and departments.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; [$800,000] *$1,000,000.*

[REDUCTION IN AMOUNTS UNDER TITLE

Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this title that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.7 percent.]

This title may be cited as the "Executive Office Appropriations Act, 1993".

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses; [$2,314,000] *$2,327,000.*

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271–79); [$1,891,000] *$1,330,000*, and additional amounts, not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of Section 225 of the Federal Salary Act of 1967, as amended by the Ethics Reform Act of 1989 (2 U.S.C. 351); $250,000, which shall remain available until September 30, 1994.

[COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,653,000.]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92–28; $1,653,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; [$20,531,000] *$21,031,000*, of which not to exceed $5,000 shall be available for reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), [$402,040,000] *$320,365,000* to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of [$4,820,209,000] *$4,703,808,000* of which (1) not to exceed [$684,952,000] *$670,377,000* shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

[New Construction:

California:

San Francisco, U.S. Court of Appeals Annex, $4,400,000

San Francisco, Federal Office Building, $15,000,000

District of Columbia:

Army Corps of Engineers Headquarters Building, $50,000,000

Federal Bureau of Investigation Field Office, $57,690,000

Department of Justice—Offices, Boards and Divisions Building, $43,733,000

Secret Service Headquarters Building, $150,569,000

White House Remote Delivery and Vehicle Maintenance Facilities, $25,531,000

Florida:

Fort Myers, Federal Building and U.S. Courthouse, $27,600,000

Hollywood, Federal Building, $2,000,000

Tampa, U.S. Courthouse, $8,948,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and site improvements, $34,000,000

Atlanta, Centers for Disease Control, Laboratory, $60,000,000

Atlanta, Centers for Disease Control, $30,000,000

Indiana:

Hammond, Federal Building and United States Courthouse, $51,000,000

Missouri:

Kansas City, Federal Building—U.S. Courthouse, $5,721,000

Nevada:

Reno, Federal Building and U.S. Courthouse, $31,826,000

New Hampshire:

Concord, Federal Building and U.S. Courthouse Annex, $36,576,000

New Jersey:

Newark, Parking Facility, $15,000,000

New Mexico:

Albuquerque, Federal Building and U.S. Courthouse, $3,118,000

New York:

Long Island, Federal Building and U.S. Courthouse, $15,400,000

Oregon:

Portland, Bonneville Power Building, claim, $3,590,000

Texas:

Laredo, Federal Building-Courthouse, $3,000,000

Vermont:

Highgate Springs, Border Station, $250,000

Nonprospectus Construction Projects, $10,000,000:]

Construction:

Arizona:

Nogales, U.S. Border Patrol Sector headquarters, $3,000,000

Sun City West, Post Office, $1,100,000

Tucson, National Weather Service, U.S. Geological Survey, $5,500,000

California:

San Francisco, Court of Appeals, $4,400,000

Santa Ana, Federal Building and U.S. Courthouse, $5,000,000

District of Columbia:

U.S. Army Corps of Engineers, Headquarters, $100,000,000

Federal Bureau of Investigation, field office, $57,690,000

U.S. Secret Service, headquarters, $150,569,000

White House Remote Delivery and Vehicle Maintenance Facilities, $25,531,000,

Florida:

Fort Myers, Federal Building and U.S. Courthouse, $27,600,000

Tampa, U.S. Courthouse, $8,948,000

Georgia:

Albany, U.S. Courthouse, $11,170,000

Hawaii:

Hilo, Federal Building, $1,500,000

Illinois:

Chicago, Social Security Administration, District Office, $4,000,000

Massachusetts:

Boston, U.S. Courthouse, $39,000,000

Missouri:

Kansas City, Federal Building—U.S. Courthouse Annex, $5,721,000

Nevada:,

Reno, Federal Building—U.S. Courthouse, $37,489,000

New Hampshire:

Concord, Federal Building—U.S. Courthouse, $36,576,000

New Mexico:

Albuquerque, Federal Building—U.S. Courthouse, $3,118,000

New York:

Long Island, Federal Building—U.S. Courthouse, $5,200,000

North Dakota:

Fargo, Federal Building and U.S. Courthouse, $46,000,000

Oregon:

Portland, Bonneville Power building, claim, $3,590,000

Pennsylvania:

Philadelphia, Federal Building, $37,000,000

South Carolina:

Columbia, U.S. Courthouse annex, site acquisition, $4,019,000

Texas:

Laredo, Federal Building—U.S. Courthouse, $3,000,000

Vermont:

Highgate Springs, Border Station, $250,000

Washington:

Seattle, U.S. Courthouse, $23,406,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, $15,000,000

Nonprospectus construction projects, $5,000,000

[*Provided*, That of the funds provided for nonprospectus construction projects $5,000,000 shall remain available until expended for acquisition, lease, construction and equipping of a flexiplace work telecommuting center in southern Maryland, the Eastern Shore of Maryland and in northwestern Virginia and Virginia and may be used for establishment of two additional flexiplace work telecommuting centers: *Provided further*,] *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1994, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date*: Provided further, That with the $200,000,000 appropriated for Food and Drug Administration consolidation, site acquisition, planning and design in Public Law 102–141, the General Services Administration shall:*

(1) Make all necessary design modifications to plans and specifications for laboratory facilities required for the Food and Drug Administration's Center for Veterinary Medicine, known as "Module 2", and as expeditiously as possible, construct such facilities on existing acreage in Beltsville, Maryland, now controlled by the Food and Drug Administration;

(2) before September 30, 1992, acquire through direct purchase, at least 365 acres of buildable land in Montgomery County, Maryland, and at least 200 acres of buildable land in Prince George's County, Maryland, to accommodate the eventual consolidation of the Center for Biologics Evaluation and Research, the Center for Devices and Radiological Health, the Center for Drug Evaluation and Research, and an administrative headquarters in Montgomery County, and the Center for Food Safety and Applied Nutrition in Prince George's County; and

(3) use any funds remaining from the $200,000,000 to commence preparation of site development plans for the new properties and design of facilities for Food and Drug Administration programs to be housed thereon[: *Provided further*, That the Secretary of Commerce shall execute such permanent easements as may be necessary to fulfill an agreement between the Department of Commerce and the City of Boulder, Colorado, on the scope of development of the Department of Commerce property at 325 Broadway, Boulder, Colorado]*: Provided further, That the amount made available under this heading for the Department of Transportation, Headquarters, site, in Public Law 101–509, is hereby rescinded*: *Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92–313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed [$583,255,000] *$594,066,000* which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

California:

San Francisco, U.S. Court of Appeals Annex, $91,563,000

Colorado:

Lakewood, Denver Federal Center, Building 56, $4,378,000

Lakewood, Denver Federal Center, Building 67, $3,498,000

Lakewood, Denver Federal Center, Building 810, $9,975,000

Connecticut:

Hartford, A.A. Ribicoff Federal Building and Courthouse, $8,008,000

District of Columbia:

Agriculture Administration Building, $7,195,000

Frances Perkins Department of Labor Building, $8,500,000

Idaho:

Boise, Federal Building and Courthouse, $9,352,000

Louisiana:

New Orleans, Custom House, $5,716,000

Maryland:

Avondale, De LaSalle Building, $9,170,000

Baltimore, Customhouse, $11,878,000

Baltimore, George H. Fallon Federal Building, $21,301,000

Michigan:

Battle Creek, Federal Center, $26,197,000

Detroit, Federal Building and Courthouse, $6,976,000

New York:

New York, Jacob K. Javits Federal Building, (phase 1), $23,438,000

Oklahoma:

Oklahoma City, Federal Building and U.S. Courthouse, $10,366,000

Tulsa, Federal Building, $8,458,000

Rhode Island:

Providence, J. O. Pastore Federal Building and Post Office $5,233,000

Texas:

Austin, Homer Thornberry Judicial Center, $3,186,000

Houston, Custom House, $4,665,000

Utah:

Ogden, IRS Center, $4,884,000

Virginia:

Richmond, Federal Office Building, $24,000,000

Washington:

Seattle, Henry M. Jackson Federal Building, $5,329,000

[Capital Improvements of United States-Mexico Border Facilities, $13,500,000 as follows:

Texas:

El Paso, Bridge of the Americas, $3,000,000

Ysleta, $3,000,000

Ysleta, site acquisition and construction, $7,500,000]

Minor Repairs and Alterations, [$256,489,000] *$280,800,000*: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1994, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided above for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations"; (3) not to exceed $145,381,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed $1,898,691,000 for rental of space; (5) not to exceed [$1,170,000,000] *$1,073,363,000* for real property operations; (6) not to exceed $142,000,000 for program direction and centralized services; and (7) not to exceed [$195,930,000] *$179,930,000* for design and construction services which shall remain available until expended: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for [San Francisco, California, Federal Office Building; District of Columbia, Department of Justice—Offices, Boards and Divisions Building; Hollywood, Florida, Federal Building; Atlanta, Georgia, Centers for Disease Control; Atlanta, Georgia, Centers for Disease Control site acquisition and site improvement; Atlanta, Georgia, Centers for Disease Control, Laboratory; Hammond, Indiana, Federal Building and United States Courthouse; Newark, New Jersey, Parking Facility; El Paso, Texas, Bridge of the Americas; Ysleta, Texas, Border Facilities; Ysleta, Texas, site acquisition and construction,] *the line-item construction and repairs and alterations projects in this Act* shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1993 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of [$4,820,209,000] *$4,703,808,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; [$56,070,000] *$56,217,000*.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $13,933,000, to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–5).

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, [$31,155,000] *$34,747,000*, of which not to exceed $1,658,000 shall remain available until expended [for major equipment acquisitions and systems development projects]: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; [$45,787,000] *$47,051,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,748,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138; [$2,183,000] *$2,200,000*: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

[EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963, as amended (3 U.S.C. 102, note), $5,000,000: *Provided*, That the availability of these funds shall be in accordance with sections 3(b) and 4 of the Act.]

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1993 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 5. (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

SEC. 6. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfork Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

[SEC. 8. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.]

SEC. 8. Notwithstanding any other provision of law, the Administrator of General Services is authorized, for purposes of acquiring the building in Chamblee, Georgia, approved under this heading in Public Law 101-136 (103 Stat. 798), to accept custody, control, accountability, and all other incidents of ownership over the approximately 8.65 acres of land and improvements comprising the 81st Army Reserves Training Center, located adjacent to the existing IRS Atlanta Service Center in Chamblee, Georgia, at no cost. In exchange for the above referenced property, the Administrator is authorized to acquire and furnish a replacement facility for the 81st Army Reserve Training Center which meets the mission requirements of that activity, and to relocate such activity to the replacement facility. Upon completion of the replacement facility, the Administrator shall transfer custody, control, accountability, and all other incidents of ownership of the replacement facility to the Department of Army. Funds available for the purpose of acquiring the building in Chamblee, Georgia, approved under this heading in Public Law 101-136 (103 Stat. 798), shall be available for the acquisition and furnishing of the replacement facility for the 81st Army Reserve Training Center, and for the relocation of that activity to the replacement facility.

[SEC. 9. The language providing authority to enter into an agreement for the lease-purchase of a building in San Francisco, California under the heading "Federal Buildings Fund Limitations on Availability of Revenue" in Public Law 100-202 (101 Stat. 1329-405) is amended as follows: delete "of approximately 430,000 office occupiable square feet" and insert "not to exceed 475,000 occupiable square feet": *Provided*, That the $15,000,000 made available in this Act in the Federal Buildings Fund for the San Francisco Federal Office Building may be used to fund this increase in square footage.

SEC. 10. (a) Notwithstanding any other provision of law, the Administrator of the General Services Administration, shall quitclaim without monetary compensation the property described in (b) to the Deganawidah-Quetzalcoatl University. In the event the Deganawidah-Quetzalcoatl University should lose its exemption from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or a comparable successor provision of Federal law, the property described in (b) shall automatically revert in ownership to the Federal Government.

(b) The real property situate in the County of Yolo, State of California, conveyed from Deganawidah-Quetzalcoatl University to the United States of America by certain Return Quitclaim Deed dated March 10, 1988, and recorded June 20, 1989, as Instrument No. 13383, in the official Records of Yolo County, California.]

SEC. 9. (a) Notwithstanding any other provision of law, the General Services Administration is authorized to accept funds from the Detroit International Bridge Company pursuant to a memorandum of agreement dated March 28, 1991, and to deposit such funds into the Fund established under section 210(f) of the Federal Property and Administrative Services Act and, further, is authorized to use such funds, in addition to all amounts received pursuant to Public Law 100-202 and Public Law 100-440 as new obligational authority in said Fund, in furtherance of the Ambassador Bridge Cargo Inspection Facility project in Detroit, Michigan.

(b) There are hereby appropriated out of said Fund without limitation as to fiscal year such sums as are received pursuant to subsection (a).

SEC. 10. (a) The Administrator of the General Services is authorized to construct a new courthouse in Fargo, North Dakota, which shall accommodate 125,000 square feet and necessary parking on a suitable site selected in consultation with the Federal Judiciary.

(b) The Administrator of the General Services, in consultation with the Federal Judiciary, is authorized to exchange the present Federal Building and Courthouse located in Fargo, North Dakota with the city of Fargo, North Dakota for the site selected pursuant to subsection (a) which shall be of equal or comparable value.

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is hereafter authorized to receive any revenues, collections, or other income received during a fiscal year in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

SEC. 12. The Administrator of General Services is authorized to proceed with alterations of space in the Jacob Weinberger Federal Building, San Diego, California, subject to the availability of funds.

SEC. 13. Notwithstanding any other provision of law, the Administrator of General Services is authorized to lease, under section 210(h) of the Federal Property and Administrative Services Act of 1949: Provided, That the lease described herein is determined to be an "operating lease" in accordance with the Budget Enforcement Act of 1990, Public Law 101-508, and the accompanying Conference Report, Report 101-964 (and the Administrator is not authorized to enter into any lease for the property described herein that is not an "operating lease" as so determined), for a term not to exceed 21 years a building in Atlanta, Georgia, not to exceed 1,400,000 net occupiable square feet plus deck parking for a minimum of 2,200 vehicles, to be constructed by any commercial or private entity, and leased directly from the Downtown Development Authority of the City of Atlanta, a political subdivision of the State of Georgia, and located in the City of Atlanta, Georgia, on a site bounded by Martin Luther King, Jr. Drive and Spring, Alabama, and Broad Streets, including adjacent properties as needed to accommodate the building, under such terms and conditions as the Administrator deems appropriate. These terms and conditions may include, if the Administrator deems that such provisions are in the best interest of the United States, an option allowing the United States to purchase the property and improvements at fair market value at any time or at the end of the lease term, and/or lease extension options, as negotiated in the lease agreement. The Administrator is authorized to extend the present leases of prospective project tenants, as necessary, prior to occupancy of the subject new facility.

SEC. 14. The Administrator of General Services shall immediately cease construction and archeological excavation on the pavilion portion of the Foley Square Federal Building until such time as a plan is submitted to the House and Senate Committees on Appropriations for prior approval. Such plan shall not result in the con-

tinued exhumation of skeletal remains from the "Negro Burial Ground" and shall be accompanied by a reprogramming of sufficient funds but not more than $3,000,000 to modify the pavilion foundation of the Foley Square Federal Building in New York, New York, prevent further deterioration of the "Negro Burial Ground," and contain appropriate measures to memorialize the burial site. The Administrator of General Services shall submit the plan to the House and Senate Committees on Appropriations within 60 days of the enactment of this Act. Nothing in this section shall prohibit the continued construction on the tower portion of the Foley Square Federal Building project.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [$163,045,000] *$167,045,000*, of which [$4,000,000] *$6,000,000* for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; [$8,265,000] *$8,365,000*: *Provided*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants to attend an International Conference on Ethics shall be credited to and merged with this account, to be available for carrying out the Conference without further appropriation.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts of goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1993. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; [$117,593,000] *$120,069,000, of which no less than $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees*; and in addition [$87,032,000] *$83,039,000* for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $3,500,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: [*Provided further*, That $1,012,000 of the funds appropriated is available only for the establishment of a toll-free telephone line:] *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That, except as may be consistent with regulations of the Office of Personnel Management prescribed pursuant to 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7-1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1993, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not to exceed [$270,000] *$616,000*, to the National Advisory Council on the Public Service as established by Public Law 101-363.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: [$4,528,000] *$4,227,000*; and in addition, not to exceed [$6,956,000] *$6,105,000* for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $4,149,245,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $12,433,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, not to exceed $6,900,000,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, [$24,850,000] *$24,398,000*, together with not to exceed $1,950,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; [$7,949,000] *$7,962,000*.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; [$21,637,000] *$21,657,000*: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; [$32,435,000] *$33,500,000*: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1993".

TITLE V

GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 506. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds is necessary to comply with a final order of the Federal court system.

[SEC. 507. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.]

SEC. [508] *507*. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. [509] *508*. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. [510] *509*. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Marana, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. [511] *510*. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. [512] *511*. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. [513] *512*. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. [514] *513*. The provision of section [513] *512* shall not apply where the life of the mother would be endangered if the fetus were carried to term.

[SEC. 515. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to thirty years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.]

SEC. [516] *514*. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1993.

SEC. [517] *515*. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. [518] *516*. The Office of Personnel Management may, during the fiscal year ending September 30, 1993, accept donations of supplies, services, and equipment for the Federal Executive Institute, the Federal Quality Institute, and Executive Seminar Centers for the enhancement of the morale and educational experience of attendees.

SEC. [519] *517*. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. [520] *518*. The United States Secret Service may, during the fiscal year ending September 30, 1993, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

[SEC. 521. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.]

SEC. 519. The Secretary of the Treasury or his delegate (hereinafter in this section referred to as the "Secretary") shall establish and hereafter administer a program requiring the payment of user fees for the processing of applications for certificates of label approval (or exemptions therefrom) required by the Act of August 29, 1935 as amended (the Federal Alcohol Administration Act (27 U.S.C., chapter 8)), and formula (and statement of process) reviews or laboratory tests and analyses performed under the authority of such Act and the Internal Revenue Code of 1986 (26 U.S.C.) and the regulations issued thereunder with respect to distilled spirits, wine, and beer or malt beverages. The Secretary is authorized to establish procedures to implement the user fee program and to establish rates for such fees, but in no event shall the fee be less than $50 for each application and $250 for *each formula (and statement of process) review or test and analysis. The fees provided for herein shall be effective for applications filed and for formula (and statement of process) reviews or tests and analysis initiated 90 days from the date of enactment of this Act Provided, That no fees authorized by this section shall apply to a wine producer with a production level of 250,000 gallons or less per calendar year.*

SEC. [522] *520.* None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. [523] *521.* None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. [524] *522.* No funds in this Act may be used to award a Federal agency lease in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, which does not meet the following criteria:

Any Federal agency which leases commercial space in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, when entering into new leases, shall give preference to space available meeting standard government lease criteria, provided the space also meets the occupying agency's mission requirement. The agency shall give priority consideration to space offered at the lowest cost per square foot within the geographical area, provided that the space under consideration also affords accessibility to the greatest number of members of the public served by the Federal agency, and to other factors set out in the applicable statutes and regulations.

SEC. 523. Such sums as may be necessary for fiscal year 1993 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. [525] *524.* No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. [526] *525.* None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

SEC. [527] *526.* Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. [528] *527.* Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) such officer or agency determines that such space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian who is employed by the Federal Government; and";

(2) by amending subsection (b)(3) to read as follows:

"(3) For the purpose of this subsection, the term 'services' includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, classroom furnishings and equipment, kitchen appliances, playground equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone services), and security systems (including installation and other expenses associated with security systems), including replacement equipment, as needed.";

(3) by redesignating subsection (b)(3), as amended by paragraph (2), as subsection (b)(4), and inserting after subsection (b)(2) the following:

"(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited by a nationally recognized early-childhood professional organization, and travel and per diem expenses for attendance by representatives of the center at the annual General Services Administration child care conference."; and

(4) by adding at the end the following:

"(c) Through the General Services Administration's licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to Federal agencies for the development of child care centers to promote the provision of economical and effective child care for Federal workers."

"(d) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may enter into a consortium with one or more private entities under which such private entities would assist in defraying the costs associated with the salaries and benefits provided for any personnel providing services at such facility.".

SEC. [529] *528.* Section 532 of the Act of November 5, 1991 (104 Stat. 1470; Public Law 100-509), is amended—

(1) by inserting "(a)" immediately before the first sentence inside the quotation marks; and

(2) by adding before the close quotation marks at the end the following new subsection:

"(b) The Internal Revenue Service may use competitive procedures or procedures other than competitive procedures to procure the services of attorneys for use in litigating actions under the Internal Revenue Code to which a foreign-controlled corporation is a party. The Internal Revenue Service need not provide any written justification for the use of procedures other than competitive procedures when procuring attorney services for such cases and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.".

SEC. [530] *529.* (a) None of the funds made available by this Act may be used to implement, administer, enforce, or otherwise carry out any change in the terms or conditions governing benefits under chapter 89 of title 5, United States Code, if, or to the extent that, such change would—

(1) affect only enrollees (including covered dependents) in health benefits plans who are (or, on proper application, would be) eligible for benefits under title XVIII of the Social Security Act, or are within any subset of that class of individuals; and

(2) with respect to any enrollees described in paragraph (1)—

(A) eliminate, in whole or in part, the responsibility of any carriers to provide payment or reimbursement for that portion of nonparticipating Medicare providers' allowable charges which exceeds the Medicare payment for participating Medicare providers; or

(B) eliminate, in whole or in part, the waiver of deductibles, coinsurance, or copayments with respect to prescription drugs.

(b) The changes with respect to which subsection (a) applies include both of the changes which the Office of Personnel Management proposes, in its Carrier Letter 92-04, to effect administratively.

[CONVEYANCE OF LAND TO ANNE ARUNDEL COUNTY, MARYLAND

[SEC. 531. (a) CONVEYANCE OF LAND.—Notwithstanding any other provision of law, upon the release of possessory interests in the property described in subsection (c) that are held by any person other than the United States on the date of the enactment of this Act, the Administrator of General Services shall convey the property to Anne Arundel County, Maryland, by quitclaim deed and without monetary consideration.

[(b) TERMS AND CONDITIONS.—The deed of any conveyance under subsection (a)—

[(1) shall provide that the property shall be used and maintained for public park or public recreation purposes in perpetuity, and that in the event the property ceases to be used or maintained for such purpose, all or any portion of the property shall in its then existing condition, at the option of the United States, revert to the United States; and

[(2) may contain such additional terms, reservations, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

[(c) DESCRIPTION.—The real property referred to in subsection (a) is property located in the County of Anne Arundel, Maryland, which—

[(1) contains 35 acres, more or less, according to a description prepared by McCrone, Inc., in May 1985 without benefit of a field survey;

[(2) is all that lot of ground which, by quitclaim deed dated July 3, 1985, and recorded among the land records of Anne Arundel County, Maryland, at Liber 3947, folio 191, was granted and conveyed by the Board of Education of Anne Arundel County, Annapolis, Maryland, to the United States of America; and

[(3) is more particularly described as follows:

[Beginning for the same at a point located on the south side of Boundary Road, said beginning point being the same as that in a Quitclaim Deed from the United States of

America to the Board of Education of Anne Arundel County, Annapolis, Maryland, dated March 19, 1969, and recorded among the Land Records of Anne Arundel County in Liber 2252 page 200, and running from said beginning point so fixed and with the west and south lines of a 50-foot right-of-way south 39 degrees 41 minutes 01 seconds west 383.42 feet to a point and south 50 degrees 18 minutes 59 seconds east 50.0 feet to a point located in the right-of-way line of the Baltimore-Washington Parkway, thence with said right-of-way lines of said Parkway south 39 degrees 41 minutes 01 seconds west 27.0 feet to a point and south 43 degrees 29 minutes 51 seconds west 350.18 feet to a point, thence leaving said Parkway and running with part of the south outline of the whole tract south 89 degrees 46 minutes 32 seconds west 1,610.22 feet to a point, thence leaving said outline and running for a new line of division through the whole tract north 00 degrees 13 minutes 28 seconds west 786.38 feet to a point located in the south right-of-way line of Boundary Road, thence with the same north 89 degrees 46 minutes 32 seconds east 2,233.11 feet to the place of beginning.]

Sec. 530. Notwithstanding any other provision of law, beginning October 1, 1992 and thereafter, no funds made available to the Office of Personnel Management may be used to prepare, promulgate, or implement any rules or regulations relating to the Combined Federal Campaign unless such rules or regulations include a general designation option solely for international agencies: Provided, That such limitation on the use of funds shall not apply to any activities related to the 1992 Combined Federal Campaign.

Sec. [532] *531.* (a) In General.—Subject to subsection (b), the Secretary of the Interior may transfer certain land located in the Shenandoah National Park and described in subsection (c) to the Secretary of the Treasury for use by the Secretary of the Treasury as a United States Customs Service Canine Enforcement Training Center.

(b) Conditions of Transfer.—

(1) Protection of the park.—An agreement to transfer pursuant to subsection (a) shall include such provisions for the protection of Shenandoah National Park as the Secretary of the Interior considers necessary.

(2) Consideration.—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) Abandonment.—If the land referred to in subsection (a) is abandoned by the Secretary of the Treasury at any time, administrative jurisdiction of the land shall revert to the Department of the Interior.

(c) Description of the Land.—The land referred to in subsection (a) is a plot of fenced land equaling 9.888 acres containing buildings, structures, fixtures, equipment, and other improvements affixed to or resting upon the land, and has the following legal description:

The tract of land located just west of Road No. 604 about one mile south of Front Royal, Warren County, Virginia, and bounded as follows:

Beginning at (1) a monument in the line of the land of Lawson just west of Road No. 604; thence with the land of Lawson, and then with a new division line through the land of Shenandoah National Park north 59 degrees 45 minutes 38 seconds west 506.05 feet to (2) a Concrete Monument set, said point being north 59 degrees 45 minutes 38 seconds west 9.26 feet from a monument to a corner to the land of Lawson; thence with another new division line through the land of Shenandoah National Park north 31 degrees 31 minutes 00 seconds east 1206.07 feet to (3) a Concrete Monument set in the line of the land of the United States Government; thence with the land of the United States Government for the following two courses: south 07 degrees 49 minutes 31 seconds east 203.98 feet to (4); thence south 09 degrees 10 minutes 06 seconds east 27.79 feet to (5) a corner between the land of the United States Government and the land of United States Customs Service Detector Dog Training Center; thence with 282.896 acre tract of land of United States Customs Service Detector Dog Training Center for the following six courses: south 10 degrees 38 minutes 32 seconds east 152.47 feet to (6); thence south 00 degrees 48 minutes 32 seconds west 127.52 feet to (7); thence south 08 degrees 24 minutes 46 seconds west 422.15 feet to (8); thence south 14 degrees 37 minutes 16 seconds west 106.47 feet to (9); thence south 27 degrees 13 minutes 28 seconds west 158.11 feet to (10); thence south 38 degrees 17 minutes 36 seconds west 146.44 feet to the point of beginning, containing 9.888 acres, more or less.

[Sec. 533. (a) Closed Captioning Requirement for Television Commercials of Candidates Who Are Eligible to Receive Amounts From the Presidential Election Campaign Fund.—Section 9003 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

["(e) Closed Captioning Requirement.—No candidate for the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner which ensures that the commercial contains or is accompanied by closed captioning of the oral content of the commercial to be broadcast in line 21 of the vertical blanking interval, or is capable of being viewed by deaf and hearing impaired individuals via any comparable successor technology to line 21 of the vertical blanking interval.".

[(b) Effective Date.—The amendment made by subsection (a) shall apply to amounts made available under chapter 95 or 96 of the Internal Revenue Code of 1986 more than thirty days after the date of the enactment of this Act.

[Sec. 534. (a) Section 1761(a) of title 18, United States Code, is amended—

[(1) by striking "$1,000" and inserting "$50,000"; and

[(2) by striking "one year" and inserting "two years".

[(b) Section 1762(b) of title 18, United States Code, is amended by striking "$1,000" and inserting "$50,000".

[Sec. 535. No part of any appropriation made available in this Act may be used to fund the Council on Competitiveness or any successor organization.]

Sec. 532. (a) Amendment of Section 3056 of Title 18, United States Code.—Section 3056(a) of title 18, United States Code, is amended—

(1) by amending paragraph (3) to read as follows:

"(3) Former Presidents and their spouses, for a period of not more than 10 years from the date a former President leaves office. Protection may also be provided for children up to the age of 16 or ten years after the former President leaves office, whichever comes first. Except that—

(A) protection of a former President's spouse and children under the age of 16 in the spouse's custody shall be discontinued upon the remarriage of the spouse; and

(B) protection of any person under paragraph (3) may be discontinued or reinstated on a temporary basis after the period specified if the Secretary determines, on the basis of information received, that protection is warranted.";

(2) by striking paragraph (4);

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(4) in the matter following paragraph (6), as redesignated by paragraph (3), by striking "(7)" and inserting "(6)".

(b) Application of Amendment to Persons Currently Receiving Protection.—The amendment made by subsection (a) shall result in the discontinuation of protection of a person who is receiving protection as provided in subsection (a) on the date of enactment of this Act by no later than October 1, 1993.

Sec. 533. (a) Section 8902(k)(1) of 5 U.S.C. is amended to read as follows:

"(k)(1) When a contract under this chapter requires payment or reimbursement for services which may be performed by a clinical psychologist, optometrist, nurse midwife, nursing school administered clinic, or nurse practitioner/clinical specialist, licensed or certified as such under Federal or State law, as applicable, or by a qualified clinical social worker as defined in section 8901(11), an employee, annuitant, family member, former spouse, or person having continued coverage under section 8905a of this title covered by the contract shall be free to select, and shall have direct access to, such a clinical psychologist, qualified clinical social worker, optometrist, nurse midwife, nursing school administered clinic, or nurse practitioner/nurse clinical specialist without supervision or referral by another health practitioner and shall be entitled under the contract to have payment or reimbursement made to him or on his behalf for the services performed.".

(b) Section 8902(k)(2) of 5 U.S.C. is amended to read as follows:

"(2) The provisions of this subsection shall not apply to comprehensive medical plans as described in section 8903(4) of this title.".

(c) The amendments made by this section shall be effective with respect to contract years beginning after the date of enactment of this Act.

Sec. 534. None of the funds made available by this Act shall be used to plan, administer, or otherwise carry out a move of the Internal Revenue Service's Automated Collection Unit from the borough of Manhattan without prior approval of the House and Senate Appropriations Committee.

TITLE VI

GENERAL PROVISIONS

Departments, Agencies, and Corporations

Section 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Sec. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1993 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

Sec. 603. Notwithstanding any other provision of law, a Federal employing agency shall make the deposit from existing appropriations into the Federal Employees Compensation Account of the Unemployment Trust Fund, as required by section 8509 of title 5, United States Code, not later than thirty days after the Department of Labor has billed the agency for the amount to be deposited.

SEC. 604. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 605. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 606. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travels or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 608. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 612. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 613. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1993, or September 30, 1994, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1992, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder, if any, of fiscal year 1993, and that portion of fiscal year 1994, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1994, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1993, under section 5303 of title 5, United States Code.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September

30, 1992, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1992, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1992.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. *For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.*

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1993 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

[SEC. 622. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

[(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

[(2) that agency establishes to the satisfaction of the Administrator of General Services that—

[(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

[(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

[(b) After March 1, 1993, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS 2000 procurement is producing prices that allow the government to satisfy its requirements for such procurement in the most cost-effective manner.]

SEC. [623] *622.* (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. [624] *623.* Notwithstanding section 1346 of title 31, United States Code, or section [611] *612* of this Act, funds made available for fiscal year 1993 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. [625] *624.* Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1993, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartment: *Provided,* That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. [626] *625.* (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

ISSUANCE OF SKI AREA PERMITS ON NATIONAL FOREST SYSTEM LANDS

The Senate proceeded to consider the bill (S. 2606) to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) The Congress finds and declares that—

(1) although ski areas occupy less than one-twentieth of 1 percent of national forest lands nationwide, in many rural areas of the United Sates, ski areas and investments by ski area permittees on national forest lands form the backbone of the local economy and preponderance of the employment base;

(2) ski area operations and their attendant communities provide revenues to the United States in the form of permit fees, income taxes, and other revenues which are extremely significant in proportion to the limited Federal acreage and Forest Service administration and contractual obligations required to support such operations;

(3) in addition to alpine skiing, many ski area permittees provide multiseason facilities and enhanced access to national forest lands which result in greater public use and enjoyment of such lands than would otherwise occur;

(4) unlike many other private sector users of Federal lands, ski areas in almost all cases finance, construct, maintain, and market all recreational facilities and improvements on such lands;

(5) many ski areas on Federal lands operate in a competitive environment which requires a continuing high level of capital investment to upgrade existing facilities and install new facilities to serve the public, including lifts, trails, snowmaking and trail grooming equipment, restaurants, and day care centers;

(6) despite an outward appearance of economic well-being resulting from an intensive capital infrastructure, many ski area operations are marginally profitable due to the competition and capital investments referenced in subparagraph (5), weather conditions, insurance premiums, the national economy, and other factors beyond their control;

(7) because of the aforementioned contribution of ski areas to the economy and rural communities and to the enhanced use and enjoyment of national forest lands, it is in the public interest for the United States, where consistent with national forest management objectives, to take actions with respect to such ski areas and associated communities as will assist their long-term economic health and stability; and

(8) the National Forest Ski Area Permit Act of 1986 has been of assistance to ski area operations on national forest lands by providing longer term tenure and stability to permittees, but further adjustments and policy direction are warranted to address problems related to permit fees and fee calculations and conflicts with certain mineral activities.

(b) In furtherance of the findings of subsection (a) of this section, it is the purpose of this Act to—

(1) legislate a ski area permit fee which returns fair market value to the United States and at the same time provides ski area permittees and the United States with a simplified, consistent, predictable, and equitable fee formula which is commensurate with long-term ski area, planning, financing and operation needs and which simplifies bookkeeping and other administrative burdens on ski area permittees and Forest Service personnel; and

(2) prevent future conflicts between ski area operations and mining and mineral leasing programs by withdrawing lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

SEC. 2. SKI AREA PERMIT FEE.

(a) The Secretary shall charge a fee for all ski area permits issued pursuant to the National Forest Ski Area Permit Act of 1986, the Act of March 4, 1915, and the Act of June 4, 1897, on National Forest System lands as set forth in subsection (b) of this section. The Secretary shall require that fees for all existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, be calculated as set forth in subsection (b) of this section.

(b)(1) The ski area permit fee (SAPF) to be charged shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. Add to that amount gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit fee. Calculate the final fee by multiplying adjusted gross revenue by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(i) 1.5 percent of all adjusted gross revenue below $3,000,000;

(ii) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(iii) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(iv) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

SAPF = (LT + SS STFP) + GRAF = AGR;
AGR % brackets

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) of this section is hereby determined to most accurately reflect the percent of an alpine ski area permittee's total skier service capacity which is located on National Forest System land. It shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from nordic ski operations shall be included or excluded from the fee calculation according to the percentage of trails physically located on national forest land.

(3) In order to insure that the fee legislated herein remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figures for each revenue bracket in subparagraph (b)(1)(i)–(iv) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than five years after the date of enactment of this Act and every ten years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Agriculture and Interior and Insular Affairs of the United States House of Representatives a report analyzing whether the ski area permit fee system legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications in the system.

(c) The fee set forth in subsection (b) shall be due on June 1 of each year and shall be paid or pre-paid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. It is the intention of Congress that unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To simplify bookkeeping and fee calculation burdens on the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual fee calculation brackets and rates) to be utilized for fee calculation and submitted with the fee payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(d) The ski area permit fee legislated herein shall become effective on June 1, 1993, and cover receipts retroactive to June 1, 1992: *Provided, however*, That if a permittee has paid fees for the period of June 1, 1992, to June 1, 1993, under the graduated rate fee system formula in effect prior to this Act, such fees shall be credited toward the new fee due on June 1, 1993. In order to insure increasing fee receipt levels to the United States during transition from the Graduated Rate Fee System formula to the formula of this Act, the fee paid by any individual permittee for the 1992–1993 permit year shall be either the fee paid for the preceding 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher. For the 1993–1994 permit year, the fee paid shall be either the fee paid for the 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher: *Provided, however*, That in the event individual permittee's adjusted gross revenue for either the 1992–1993 or 1993–1994 permit years falls more than 10 percent below the 1991–1992 base year, the fee paid shall then be the fee calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on nonnational forest land be included in the ski area permit fee calculation.

(f) To simplify bookkeeping and administrative burdens on ski area permittees and the Forest Service, as used in this section, the terms "revenue" and "sales" shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for fee payment pursuant to subsection (a) of this section, the permittee shall pay an annual minimum rental fee of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

SEC. 3. WITHDRAWALS.

SEC. 3. Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915, and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

IDAHO LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1893) to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be stricken are shown in italics.)

S. 1893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of **[**1991**]** *1992*".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated **[**July 9**]**, *July 1*, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated **[**July 9**]**, *July 1*, 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of 1992".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

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(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DECONCINI. Mr. President, I regret the Senator has to object to this request. I will be glad to listen to the reason why he does so if he cares to tell us.

Mr. DOMENICI. Mr. President, I have not had my opportunity to give my opening remarks, and I will shortly, but the minority leader on our side has asked on behalf of a number of Senators that the committee amendments, none of them, be adopted by unanimous consent.

I understand that somebody might want to offer an amendment—perhaps Senator SIMON—and I suggest that I am not here to try to prevent that. Clearly, we do not intend to have any votes tonight, and I think the Senator from Illinois knows that and he has an opportunity as soon as he gets the floor or when the chairman yields to offer his amendment to the bill and we will not have any objection to that if that is what he wants to do tonight. I hope he understands we will have a debate on it tomorrow when more Senators are here. But you can start that tonight if you like.

Mr. President, while I have the floor, let me just briefly give some opening remarks.

Mr. President, today we consider H.R. 5488, the fiscal year 1993 Treasury, Postal Service, and General Government Appropriations Act. This bill, as reported to the Senate, recommends total appropriations of $22.657 billion for the fiscal year beginning on October 1, 1992. This includes $10.104 billion for programs and activities of the U.S. Treasury Department; $239 million for payments to the U.S. Postal Service; $330 million for activities of the Executive Office of the President, including the Office of National Drug Control Policy; $11.186 billion for programs and activities under the Office of Personnel Management; $509 million in appropriations for the General Services Administration [GSA], along with authority for GSA to obligate $4.704 billion in Federal buildings fund revenues, and a total of approximately $290 million for the other related independent agencies funded under this bill.

Including congressional budget scorekeeping adjustments and prior year spending actions, the total discretionary spending recommended by this bill is $11.368 billion in budget authority and $12.026 billion in outlays. These amounts are consistent with the subcommittee's 602(b) discretionary spending allocations for fiscal year 1993.

To meet these fiscal year 1993 discretionary spending limitations, we could not approve the President's full funding request. For each account included in this bill, we have recommended the increased funding requested by the President to cover labor, workload, and other mandatory cost increases. Beyond that, however, we were unable to fund all program initiatives the President requested. We have made an effort to recommend those we believe to be of highest priority.

INTERNAL REVENUE SERVICE

For the Internal Revenue Service, this bill recommends a total fiscal year 1993 funding of $7.108 billion. This is an increase of $434 million above the fiscal year 1992 enacted level, but $131 million below the increase requested by the President. The amount recommended provides sufficient resources for the IRS to cover inflationary and labor cost increases, and to meet projected increases in workload requirements. It includes $183 million to continue implementation of the fiscal year 1991 resource compliance initiatives, as specified in the Omnibus Reconciliation Act of 1990.

In addition, it provides increased funds for a number of new program initiatives requested by the President. These include new IRS enforcement initiatives to collect more delinquent taxes and increase examinations of foreign corporations doing business in the United States, and increased funding for IRS criminal investigations. It also includes 70 percent of the increase requested for the IRS to maintain existing tax systems while, at the same time, investing in tax systems modernization. The committee has not approved $97 million of the $311 million increase requested for tax information systems. The President proposed this $97 million be made available for obligation on the last day of the fiscal year. Rather than provide these funds in that manner, we have deferred approval of that request until fiscal year 1994.

The result is that we have recommended $80.9 million of the $123.4 million increase requested by the President to maintain existing tax systems, and $133 million of the $187 million increase requested for new tax systems modernization investments.

As I have indicated in previous years, there is currently no greater priority in this bill than tax systems modernization. Our current tax systems are in a state of disrepair. They are antiquated and at breaking point. We now find ourselves in a situation where we must continue to invest to keep the old systems running while we work to get them replaced. The case for tax systems modernization is compelling. Our current systems are wornout, inefficient, and costly. They do not allow us to be responsive to the American taxpayer. The new system will enable the IRS to accommodate its growing workload. It will make pertinent information available to IRS employees so that taxpayers can get an immediate response or directly resolve problems they encounter. We are facing times of limited resources, but it is imperative we make the resources available in this and subsequent fiscal years to move forward with this most vital tax systems modernization initiative.

IRS CRIMINAL INVESTIGATIONS

I would like to make one last comment with respect to the Internal Revenue Service. There is a general Treasury Department provision included in this bill which mandates that the IRS establish line authority for its criminal investigation division within no later than 90 days from enactment of this act. I do not believe we should be telling the Treasury Department, more specifically, the IRS, how to manage itself on an appropriations bill. I respect the strong views of my good friend from Arizona on this issue. There are officials within the Treasury Department itself who believe, as he does, that a centralized organizational structure for criminal investigation would be more appropriate. The Commissioner of the IRS however, is strongly opposed to this. The Commissioner firmly believes that retention of the current structure enhances the ability of the IRS to enforce the tax laws and provides for more effective management and control of criminal investigation operations.

The Commissioner has indicated to me that IRS is currently in the process of implementing recommendations of a study group it chartered last year to review the organization and workload of its criminal investigation division. It is my hope that prior to going to conference on this bill, we can discuss this matter further with the Treasury Department and the IRS, learn more about the actions being taken by the IRS, and attempt to respond to the very legitimate needs of criminal investigations short of imposing an organizational structure on the IRS that it does not want.

U.S. CUSTOMS SERVICE

For the Customs Service, the committee has included funding for the trade fraud initiative requested by the President, and additional funding to enable Customs to increase its inspection staffing capabilities.

Mr. President, as we look ahead to the future under a North American Free-Trade Agreement, there has been a great deal of discussion about the infrastructure investments which will be required along our Nation's border with Mexico. In fiscal year 1988, prior to any discussion on a free-trade agreement, the chairman of this Appropriations Subcommittee, my good friend and colleague from Arizona, Senator DECONCINI, and I initiated a Southwest border facilities capital improvements initiative. Under this initiative, over a 4-year period, between fiscal years 1988 and 1991, $357 million was made available to repair, renovate, expand, and construct United States inspection facilities along our Nation's border with Mexico. Dramatic increases in economic activity between the United States and Mexico may require additional investments in future years. In the near term, however, this Southwest border facilities capital improvements program has given us a head start by increasing our existing capacity to handle existing and increased trade across our border with Mexico. It is essential, however, that we properly staff and equip these facilities to allow their maximum utilization. Recognizing this, this bill recommends an increase of $21 million for the Customs Service to increase its staff capabilities along the Southwest border by an additional 300 inspector positions.

For the Customs Service, suffice it to say that we have done the best we can. It is difficult to fund everything requested. Those who are concerned about the disaster that occurred, that is Andrew, will understand that the Customs Service is going to be part of the fiscal year 1992 disaster supplemental because it suffered from some very significant damage to its drug interdiction facilities in Florida.

That funding will be accounted for in the supplemental the appropriations committee will consider tomorrow and will be declared an emergency both from the President's standpoint and Congress; as prescribed in the 5-year budget agreement.

LAW AND DRUG ENFORCEMENT

As in previous years, this bill continues to place priority on our Nation's commitment to the war on drugs and crime by adequately funding essential Treasury Department law enforcement functions and activities carried out by the Office of National Drug Control Policy. The bill rejects reductions proposed by the President and continues funding for the High Intensity Drug Trafficking Area Program and the research and development program of the Counter-Drug Technology Assessment Center at current levels. It provides an increase above the President's request to allow the Federal Law Enforcement Training Center to meet the basic training needs of its participating Federal agencies, and to expand its future training capacity. Increased funding is also provided to allow the Secret Service to expand its investigations of financial institution fraud and to enable the Bureau of Alcohol, Tobacco, and Firearms to increase its violent crime task force efforts throughout the Nation.

U.S. POSTAL SERVICE REVENUE FORGONE PAYMENT

I would like to point out to my colleagues that this bill retains the House bill position with respect to preferred rate mail subsidies. That is, an appropriation of $200 million for the revenue forgone payment to the Postal Service, along with language mandating that there be no increase in current rates for preferred rate mailers. This is not a responsible action. We simply could not come up with an alternative we believed this body would accept.

Let me explain our predicament. The Congress has established by law that certain categories of mail are authorized to pay lower mail rates than those charged to similar mailers. Each year, the Postal Service bills the Congress or general taxpayers for the difference between the lower rates these mailers pay and what it actually charges for processing and handling this type of mail. This difference, or revenue loss to the Postal Service, is to be paid through a general fund appropriation to the Postal Service. For fiscal year 1993, the Postal Service has submitted a bill of $482 million for the loss it will incur as a result of carrying certain categories of mail at preferred rates. The law indicates that if there is a shortfall in funds appropriated, that is, if we are unable to cover the full amount of the bill, the rates paid by subsidized mailers will be increased across the board to make up the difference.

The Postal Service has given us a bill of $482 million for fiscal year 1993. The President, on the other hand, has requested an appropriation to cover only $121 million of this amount. The President proposes that the difference be achieved through a package of program reforms savings $95 million and a $265 million shortfall in appropriations, triggering a rate increase across all subsidized mail categories.

Year after year, this leaves the Appropriations Committee in the same situation. Our spending limitations, or 602(b) discretionary spending allocations, assume only the amount requested by the President to meet this requirement. We cannot pay the full bill. In the past 2 years, we have tried to act responsibly. We have increased the appropriation recommended for the revenue forgone payment above the President's request by finding offsetting savings in appropriations for other programs and activities included in this bill. We have made up by difference by proposing modest program reforms. Although we have been successful, the reforms we have proposed have been done under protest, not only from the groups affected but from the House and Senate authorizing committees of jurisdiction.

Clearly, the Appropriations Committee should not be recommending program reforms. That is the job of the authorizing committee of jurisdiction. However, some oversight must be applied in this area. Over the years, this program has become an appropriated entitlement of rising cost to the American taxpayer. Over 400,000 groups are now receiving the benefits of mail subsidies. Faced with growing Federal budget deficits, it would seem prudent to pare this program back to those mailers most in need of its benefits.

What we are doing here is not responsible; it is a way of temporarily deflecting this issue for 1 year. Because we cannot pay the full bill, we are shoving the remaining costs on the Postal Service. We are funding this program at the maximum level we are able to afford this year—$200 million. This is still $282 million short of the full requirement. We are avoiding any protest from program beneficiaries by retaining House bill language which protects them from incurring any rate increases during the fiscal year. And, we are doing this at a time when the Postal Service is facing a projected $2 billion deficit. A new Postmaster General has now come on board and is trying to eliminate this deficit. We are adding to it and I fully understand his objections.

The Postal Service can try to recoup this loss by increasing its revenue forgone billing to us in a subsequent fiscal year. I doubt we will be able to pay it. In the meantime, the Postal Service will be forced to absorb this amount. It will become part of the deficit it is trying to erase through cost-saving actions. And, eventually, of course, it will be passed on to the regular mailers through rate increases.

Only program reform will avoid this.

Mr. President, in closing, just let me address briefly one issue. The bill, as recommended, deletes language included in the House-passed bill which would prohibit funding for the President's Council on Competitiveness or any successor organization. I understand there are those in this body who believe we should retain the House language. What is at stake here is not funding for this Council, but the right of the President to establish a Cabinet-level body to assist him in executing the duties of his office. I believe he has that right. As my colleagues know, if such language is included on this measure, the President's senior advisers will recommend a veto of this appropriations measure.

Obviously, I will be here with many to resist such changes and I am very pleased that the chairman is on our side on that, Chairman DECONCINI, and I thank him for that support.

Mr. President, finally, I would like to compliment the chairman, my good friend from Arizona, Senator DECONCINI, for all the time and effort he has spent in putting together the bill we are considering here today. This is never an easy process and I appreciate his hard work, and that of the staff, who he has already enumerated.

I believe we have done a reasonable job in balancing the competing needs of the vast array of programs and activities funded by this appropriations measure. I urge my colleagues to support this bill, as reported by the Appropriations Committee.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

AMENDMENT NO. 2968 TO THE FIRST COMMITTEE AMENDMENT

(Purpose: To prohibit certain political activities of certain Federal officers in the Officer of National Drug Control Policy)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 2968 to the first committee amendment.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispenses with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the amendment add the following: "*Provided*, That none of the funds appropriated or made available under this Act may be used for the payment of salaries and expenses for any Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, to take an active part in political management or in political campaigns as defined under section 7324(a) of title 5, United States Code".

Mr. SIMON. Mr. President, I do not intend to enter into debate here tonight, but I would, if the Senator from New Mexico and the Senator from Arizona would agree, I would be willing to establish a time limit on the amendment by unanimous consent tonight. I do not know what their inclination is on that.

Mr. DECONCINI. Will the Senator yield?

Mr. SIMON. I am pleased to yield to the Senator.

Mr. DECONCINI. What does the Senator have in mind?

Mr. SIMON. I am willing to make it 40 minutes, 20 minutes on each side, or 1 hour on each side, whatever my colleagues would prefer.

Mr. DECONCINI. Is the Senator talking about debating the amendment tonight or tomorrow?

Mr. SIMON. I am talking about debating it tomorrow, but I thought we could get unanimous consent tonight.

Mr. DECONCINI. From the standpoint of the chairman, I would very much like to enter into such an agreement, because I would like to get a vote tomorrow and get this bill going, and the way to do that is to get a time certain.

I do not know what the other side of the aisle wants to do, but I would enter into any reasonable time, an hour, an hour and a half, whatever we have to, if we could get that agreement.

I gather from the ranking minority member shaking his head, that there are not going to be any votes tonight.

I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me state the position of the minority on this. It is my hope that we will get on with this bill and get it passed as soon as possible. So what I am going to say is not intended to be dilatory, but rather that the Senator from Illinois knows that he has an amendment which is charged with some degree of politics, or at least some will say that it is; in fact, I assume the Senator will acknowledge that it is.

So I cannot enter into a time agreement tonight. We do appreciate the Senator offering it and getting this started quickly. I understand he offered it to the first committee amendment, is that right?

Mr. SIMON. That is correct.

Mr. DOMENICI. I would suggest since there will not be any votes tonight, because we obviously can prevent that, and I have been asked by the minority to do that—and I do not think there was serious objection actually in the majority leader, to be honest—I think we have to wait until morning.

In the meantime, we will talk with the Republican leader. I understand the Senator's desire. He has stated it here. My colleague from Illinois does not want a long debate if we can avoid it, and that may be what he wants. It may be that he chooses to have a longer one on this, but I will urge that we do it in a reasonable amount of time and be right with you in the morning to see what we can do.

Mr. SIMON. I thank my colleague from New Mexico. Let me just assure him, and the Senator from Arizona knows this, the position that I am taking right now is not a sudden preelection position. It is a position I have held from the start with the office of drug czar. That is an office that ought to be removed from politics. It is a position I take now. It is a position I am going to be taking in January, no matter who is President of the United States, come January.

But we will discuss this tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I appreciate the ranking member and friend from New Mexico's situation tonight. I hope he will prevail on his policy committee and leadership to try to get a time agreement on this amendment from the majority side. We are prepared to enter into anything, 2, 3 hours, 1 hour—whatever my colleague wants. I think it would really be helpful, as the Senator from New Mexico said, to get this bill going and get a vote on it.

So I really would like to see us do that.

Mr. President, I know of no other amendments that are prepared to be offered tonight.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LATE SENATOR QUENTIN N. BURDICK OF NORTH DAKOTA

Mr. DOMENICI. Mr. President, when we were discussing the previous environmental issue, and knowing of Senator Burdick's involvement in the matters of the Environment and Public Works Committee, I would have said then, but we did not have enough time, that believe it or not, way back when the country was about to have a hurricane named Agnes—I think a lot of people might remember Agnes. I was a Senator for about 3 years when Agnes came blowing into town. It did a lot of damage here, and did a lot of damage in New York. It came from the South, but it took a big swipe out of the Northeast. The Senator from New Mexico was a new Senator, Republican, on the Environment and Public Works Committee.

The good Senator, Quentin Burdick was on that committee, and what happened to us well before Agnes was that we were given a job that was at the low end of the totem pole. He was chairman and I was ranking member of the subcommittee called the Subcommittee on Disaster Relief. Believe it or not, that was my first assignment as a ranking member, and the two of us were, with that assignment, supposed to be seen and not heard for the next couple of years, but along came Agnes. So Senator Burdick, with his young Senator friend from New Mexico, had to go traveling around the country to assess the damage and the validity and propriety of the then existing U.S. Government laws on disaster relief.

So I got to know this Senator very well. The two of us got to travel, and I guess in those days, as now, Senators want to become visible. Well, we were supposed to be invisible, but we both had a good year of high visibility.

I must say I never worked with a man that was more humble, less ostentatious, less impressed with himself than the distinguished Senator Quentin Burdick, who is no longer with us. I have gotten to know his marvelous wife, Jocelyn and, frankly, I was very saddened to hear that he had died, and that occurred as an aftermath of a heart attack. I only wish he could have enjoyed his years a little more. I understand he very much wanted to be here right up until the end, so I assume he left us doing exactly what he loved to do—being a U.S. Senator.

TRIBUTE TO QUENTIN BURDICK

Mr. DECONCINI. Mr. President, along the same line of discussion regarding the senior Senator from North Dakota, Mr. Burdick I also want to express to his family, his friends, and certainly the people of North Dakota the sorrow and sadness I feel about his passing. Senator Burdick was a friend of both my wife and myself and many others here long before I came to this body, where I believe he served 32 years in total.

Senator Burdick has always had a special place with this Senator, because I followed him to the Judiciary Committee, and to the subcommittee he chaired, the Courts Subcommittee. I followed him to the Appropriations Committee. I have watched him over the years. He always took into consideration what he thought was best for the people, not just for the people of the State of North Dakota, but for the States of Arizona, Nevada, New Mexico, or any State. You could always talk to the chairman of the Environment and Public Works Committee and get a hearing, and get consideration.

The day before yesterday I spoke to his wife, Jocelyn, I told her that I hoped the family would do well and understand that nobody is immortal, and that Senator Burdick has left a legacy second to none.

I might note that in the bill we are going to take up this evening there is $46 million authorized for the construction of a new Federal Courthouse in Fargo, ND. That provision was included in the bill at the specific request of the Senator from North Dakota, Senator Burdick, just about 3 days before we recessed for the August recess. I spoke to him. He was up and about. He thanked me. He also thanked the ranking member—which I may have neglected to tell Senator DOMENICI of because we left so soon for the recess—that he appreciated it.

I understand that the Environment and Public Works Committee will authorize the Fargo, ND courthouse on a separate bill as well, and it will be named for Quentin Burdick, which is most appropriate indeed. So I look forward to proceeding with this bill. That alone is certainly justification to pass this bill in a very rapid manner.

SENATOR QUENTIN N. BURDICK

Mr. SIMON. Mr. President, I wish to join my colleagues in paying tribute to Senator Quentin Burdick. I wish I had served with him in the Senate back when he was at his most vigorous. But I did have the chance to, as a House Member, observe him then and to work with him here.

Senator DOMENICI said he was not ostentatious. That is as good a description of him as I can think of. He was a very low key, solid, substantial Member of the U.S. Senate, with a great sense of humor, I might add.

He enjoyed telling me of the days when he played football for the University of Minnesota and he would come down and play against the University of Chicago when they were a power in the Big 10 and against the University of Illinois. In a very real sense, he was that football player here in the Senate, fighting for what he believed was right for the people of North Dakota and the people of the Nation. It was an honor to have served here with him.

IN HONOR OF SENATOR QUENTIN BURDICK

Mr. SASSER. Mr. President, I wish to pay tribute today to Quentin Burdick, our friend and colleague from North Dakota who passed away Tuesday morning. His death is a great loss to the Senate, to North Dakota and to the Nation.

From his days as an all-American at the University of Minnesota blocking for Bronko Nagurski, to his recent illness, Quentin Burdick was a fighter. His early political setbacks—and there were many—only served to make him stronger and more determined. He almost singlehandedly shaped a new progressive political coalition in his State, becoming, in 1958, the first Democrat elected to Congress from North Dakota. After being elected to the Senate in a special election in 1960, Senator Burdick won reelection by ever greater margins, culminating in his 20 percentage point victory in 1988.

I had the privilege of serving on the Appropriations Committee with Senator Burdick, and I had an opportunity to see the same fighting spirit that has characterized his entire political career. As chairman of the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, he worked successfully to maintain adequate funding for agriculture and rural development programs important not only to North Dakota, but to my own State of Tennessee and the entire Nation.

In addition to his work on behalf of the Nation's farmers, Senator Burdick was a champion of public works and the environment. He joined the Public Works Committee in 1973, and soon after becoming chairman in 1987, he succeeded in enacting major highway and clean water legislation, and led the Senate in overriding Presidential vetoes of both measures. More recently, he led the fight to enact the Intermodal Surface Transportation Efficiency Act and amendments to the Clean Air Act. Those are only a few highlights of Quentin Burdick's long and distinguished Senate career.

Quentin Burdick was a fighter, Mr. President. He fought for his beliefs, for his State, and for his Nation. He accomplished much in a long and productive life. Today, I am proud to honor those accomplishments, his memory and our friendship.

IN MEMORIAM: SENATOR QUENTIN BURDICK

Mr. HOLLINGS. Mr. President, with the death of Senator Quentin Burdick, this institution has lost one of its most respected and beloved Members. I had the honor of serving with Senator Burdick for more than a quarter century, and I can tell you that he was a fighter for North Dakota right up to the end. Indeed, I am convinced that he ran for reelection 4 years ago at the age of 80 not for any reasons of personal gratification, but rather so he could continue to wield his power and seniority on behalf of the people of his State.

Senator Burdick's political roots ran deep in the populism of North Dakota's rambunctious Non-Partisan League, and throughout his career he championed the independent farmer, the small business person, and the people of rural and smalltown America. He was very much a North Dakotan, the embodiment of those qualities that Americans associate with the prairie and the frontier: hard work, rock-solid integrity, and skepticism toward the large, impersonal institutions of cities back east.

Mr. President, Quentin Burdick's career in this body was full of accomplishments. I had the honor of working closely with him on the Appropriations Committee, where his leadership of the Agriculture Subcommittee earned my admiration and respect. But perhaps his greatest contributions to the Nation came during his chairmanship of the Committee on Environment and Public Works. Most recently, the committee under his leadership wrote and passed the historic Clean Air Amendments of 1990 and the landmark Intermodal Surface Transportation Efficiency Act of 1991.

Mr. President, Quentin Burdick gave so much to this body, and contributed mightily to his Nation. He was a true gentleman, kind, yet as tough as they come. Through it all, he was one of the Senate's most trusted Members, and a wonderful friend. We will miss him very much.

TRIBUTE TO QUENTIN BURDICK

Mr. DURENBERGER. Mr. President, this is a fine day to celebrate the life of Quentin Burdick, and that is what he would want us to do. I wanted to make this little talk yesterday but did not find an opportunity in our business.

As most people know, my State is right next door to North Dakota, and I have a special love and respect for

Quentin Burdick, because I know the people he came from, and I have seen with my own eyes, for 14 years now, how well he represented them.

Every football fan in this country, and probably a lot abroad, know the name of the legendary Bronko Nagurski, who came from International Falls, MN, and played for the University of Minnesota and the Chicago Bears and a few others. Almost no one knows the fact that the person who opened the holes in the line which sprung Bronko Nagurski to daylight was none other than Quentin Burdick.

That, Mr. President, was the pattern of his life: joyfully working in the trenches to get the job done and leaving the fame to somebody else.

He and I often returned to Washington on the same Northwest Airlines flight. He always had his gray homburg hat with him and always took whatever seat assigned him in the airplane, always in coach. While the business folks from North Dakota that he was representing stretched out in first class, he was often stuck in a middle seat between the proverbial overlarge folks or the crying babies. But I do not think he ever minded it.

He loved his home near the Minnesota-North Dakota border and always participated in an annual parade in Detroit Lakes, MN, near that home. I remember doing that parade ride the first time, and I told him I usually walked the parade route. And he said very directly, "Get up in the car if you want anybody to know you're here." And I did.

Quentin was blessed with a wonderful family. His first wife died many years ago. Jocelyn, his widow, loved Quentin as much as any woman ever loved a man. Anybody who saw them together knew how thoroughly they enjoyed each other's company.

His children were in Washington a lot. If you saw Quentin in the dining room lunching with attractive women, they were not lobbyists, they were daughters.

Quentin's body had become less robust over the years—but never his spirit. He smiled a lot, and his voice always laughed. I will miss his voice and his laugh in this serious, self-important place.

Quentin, as a blocking back, knew the importance of quality staff. And the wonderful people he brought to this city, to the Environment and Public Works Committee and the subcommittee he chairs, helped us do our work, and it paid off for North Dakotans over and over.

Davis Strauss, in particular, his staff director at the Environment and Public Works Committee, made working with "The Chairman" a breeze. Together, they outdid most of us in constituent services. North Dakota is a big State, with a few people relatively speaking, but its infrastructure is in great shape and will be for years to come, thanks to their work.

Quentin Burdick, because of where he grew up and the family he had, had a wealth of inner goodness that enabled him to be a best friend to anybody who needed one.

Over a century ago, Alexis de Tocqueville wrote that the source of American greatness as a nation was our goodness as a people. We give thanks today for having lived and worked with a good man, Quentin Burdick, who made this a better Senate and a greater country.

EULOGY—QUENTIN BURDICK

Mr. JEFFORDS. Mr. President, it is with sadness that I rise today to honor Quentin Burdick. I have only served on the Environment and Public Works Committee for 4 years, during which time Quentin Burdick was chairman of the committee. Few people recognize the work that this committee does. There is a lot of heavy lifting on this committee, and as chairman of this committee Quentin Burdick has had a heavy task.

In his younger days, Quentin was a blocking back for Bronko Nagurski, clearing the way for this great running back. I am also told that in his football days, every time he touched the ball, he scored a touchdown. I think that pretty well describes his role as committee chairman. He cleared the way for the subcommittee chairman and every time he touched the ball, the team scored.

Senator Burdick ran for many offices before being elected to the House and then to the Senate. In spite of early setbacks, he perservered and was elected to the seat he held for over 30 years. Very few Senators have been as popular or enjoyed such longevity.

A lot has changed in the years our colleague was in this body. When he was elected to the Senate, he had to wait days for the election results to come in. Rather than wait for the results, however, he rushed back to Washington to vote on a veto override. Now, of course, winners are predicted before many Americans have ever voted.

During these years, we saw the enactment of major legislation involving civil rights, worker protection, environmental protection, education, health care, energy use, among many other issues. When he was elected, the papers at that time describe him as the peppy new Senator, the craggy faced lawyer with the New England names. Though in later years he may not have been as peppy, he was still as determined and dedicated to this institution. He worked on much of the major legislation that defines America today. We will miss his experience and wisdom. My deepest regrets to his family and friends.

IN SUPPORT OF THE UNDERCHARGE EQUITY ACT OF 1992

Mr. EXON. Mr. President, I rise in strong support of S. 1675, the Undercharge Equity Act of 1992. Over the past several years, the escalating undercharge crisis facing our Nation's trucking industry has eroded the competitiveness of carriers, shippers, and labor alike. The blizzard of legal claims against shippers based on the unfiled or allegedly unlawful past tariff rates of a number of major trucking companies now in bankruptcy has consumed tremendous institutional resources in both the public and the private sectors. So far, this sharp dispute burdening the courts and the Interstate Commerce Commission [ICC] has apparently yielded little recovery to out-of-work trucking company employees, underfunded pension funds, and other creditors seeking recovery of undercharge claims.

S. 1675, as amended, would establish a statutory procedure for resolving eligible undercharge disputes and will promote equitable settlement of such claims. I am pleased to have Senators KASTEN and BURNS as original cosponsors of this measure, and would note that, as chairman of the Surface Transportation Subcommittee, I have been working for some time to address this issue. Indeed, the subcommittee first held a hearing on this subject in July 1990, less than a month after the Supreme Court decision in Maislin Industries versus Primary Steel which invalidated the ICC's then-current policy holding undercharge claims to be an unreasonable practice under the Interstate Commerce Act. Following that hearing, I introduced S. 2933, in the 101st Congress, to resolve the undercharge issue. The Commerce Committee promptly reported this legislation to the full Senate, but Congress adjourned before voting on the matter despite my efforts to secure passage.

In the 102d Congress, I again introduced undercharge legislation, S. 1675, cosponsored by Senators KASTEN and BURNS. In September 1991, the Surface Transportation Subcommittee held a hearing on the economic regulation of the motor carrier industry, and the subcommittee heard further testimony on the growing extent of the undercharge problem and on various proposed legislative solutions in addition to S. 1675. After extended discussions among all affected parties, the Commerce Committee considered, at its executive session on June 16, 1992, an amendment in the nature of a substitute to S. 1675 and ordered the measure reported by voice vote, without objection.

As reported, S. 1675 would establish a statutory procedure for resolving disputes resulting from efforts by trustees for bankrupt motor carriers or nonhousehold goods forwarders to collect additional amounts for past transportation provided, in certain instances where the agreed upon rate or charge was not properly or timely filed in a tariff with the ICC as required under the Interstate Commerce Act. For less-than-truckload shipments, the bill adopts an average weighted discount statutory methodology, whereby shippers faced with undercharge collection claims may satisfy such claims by payment of the difference between the rate originally billed and collected for the shipments at issue and the otherwise applicable rate bureau or carrier rate reduced by the average tariff discount prevailing for that year as provided in the bill, unless the carrier's or forwarder's applicable rate was already discounted substantially—in which case the average discount is applied to the level of the carrier's undiscounted rate. By narrowing the amount in dispute, it is intended that the bill's claim resolution formula would encourage the parties to settle pending and potential future undercharge disputes.

The bill treats small shippers—defined as concerns meeting Small Business Administration criteria—specially, by permitting them to settle for 5 percent of the applicable undercharge, at the shipper's option, instead of resorting to the discount formula otherwise applicable. Truckload shippers other than small businesses would have a similar option, except that the applicable settlement amount for such shippers is 10 percent.

In addition, S. 1675 as reported, further provides that if a shipper or other person rejects the compromise amount due under the bill, that person may ask the ICC to determine the reasonableness of the rates sought for the past transportation at issue. The bill would require the ICC to consider the level of rates under which comparable shipments moved and were necessary for the transportation to occur, applicable revenues and costs of the bankrupt carrier, the operational characteristics of the transportation, as well as other factors such as backhaul, repositioning, and traffic balancing, hub or major lane operations, and competitive considerations, as part of this rate reasonableness determination.

As reported, S. 1675 would require all shippers or persons, except small businesses, seeking a rate reasonableness determination from the ICC to post a surety bond for up to 10 percent of the amount of the undercharge sought. The bill establishes a 2-year statute of limitations—reduced to 18 months 1 year after enactment—on the filing of undercharge claims and provides for the future sunset of the undercharge resolution procedure.

The undercharge litigation crisis admits of no easy solutions. It is a complicated issue now being fought out—expensively and unproductively—in the ICC and in the courts. S. 1675, the legislation before the Senate today, results from an extended dialog on this issue in the Commerce Committee, and represents a fair and equitable solution to this difficult problem. Let us put the undercharge disputes now raging behind us. I urge my colleagues to join me in working for swift passage of this important bill.

WILLIAM YOUNG MEMORIAL SERVICE

Mr. PELL. Mr. President, last night, I announced that an informal memorial service will be held on Friday for my long-time friend and legislative director William Young who died suddenly on Monday. The time of this memorial service will be at 10 a.m. and the place will be the Mansfield room, S-207 of the Capitol.

THE DETENTION OF SHEN TONG

Mr. KERRY. Mr. President, I would like to take just a couple of minutes to express my concern and outrage at the detention by Chinese authorities last week of three democratic activists, Shen Tong, Qian Li Yun, and Qi Da Feng. Shen Tong is chairman, and the other two are members of the democracy for China fund; all three are guilty of only two things: being for democracy, and having the courage to say so.

Shen Tong was one of the heroes of Tiananmen Square. Unlike many others, he was fortunate enough to escape to the United States. He attended Brandeis and more recently Boston University. His success here in the United States meant that he did not have to go back to China. He could have stayed here, in safety, waiting until it was truly safe to return. Or he could have gone back to China and played it safe by keeping his head down and his views to himself. He could have decided long ago to put his skills and education to work in pursuit of purely personal goals, to gain financial security and respect in some profession, whether in China or in the United States.

Instead, Shen Tong chose to go back to China. He chose to reestablish contacts with dissidents and advocates of political pluralism in his country. He made it clear that he would not be afraid to speak out. In an article prepared shortly before his arrest and later reprinted in the New York Times, he called upon his countrymen to work together in behalf of nonviolent change. He also called upon them to accept responsibility for their own rights and the rights of others. "Rights, like power," he wrote, "must be taken; they are never given."

We do not know very much, at this point, about the status of the three who have been detained. There is concern, given China's history, that Shen Tong may be treated with greater dignity than his compatriots, simply because he is better known internationally.

But I hope the leaders of China will not deceive themselves that they are deceiving us. We understand that these arrests are a sign of weakness and insecurity. We understand that they reflect the fundamental illegitimacy of an authoritarian regime. We understand that the forces of democratic change were not destroyed, but rather multiplied a hundredfold by the brutality of Tiananmen Square and that the next time a young Chinese stands up against a tank he or she will not do so alone.

The lesson of Poland, Hungary, Czechoslovakia, East Germany, Albania, the Baltics, and the former Soviet Union is that the thirst for freedom cannot be quenched even by decades of repression and denial.

On the same day last week that the Times printed the article by Shen Tong, there also appeared an article describing the torture of other prodemocracy prisoners in Lingyuan prison. The article describes the application of electric batons to head, neck, armpits, chest, belly and fingers; it describes beatings and endless work details and deprivation of food and water. It also describes the refusal of the prisoners to renounce their principles—for although their bodies have been broken, their spirits have not.

Make no mistake, freedom is coming to China. The process of historic change is underway. I pray that the arrest of Shen Tong will hasten that day, not because of his sacrifice, but because the international pressure this time will be so great and so sustained that that decrepit old regime in Beijing will have no choice but to back down. I pray that the pressure this time will be so great that even President Bush will understand the importance of taking a stand. I pray that the pressure will be so great that Shen Tong, Qian Li Yun, and Qi Da Feng are released safely and soon. I pray that the pressure will be so great that it will make it less likely, far less likely, that similar arrests will occur in the future and far more likely that other political prisoners will also be released. I pray, in short, that the pressure this time will be so great and so sustained that it will develop a momentum of its own, and that it will keep building and expanding until the world's largest dictatorship is transformed by the hands of the Chinese people into the world's most populous democracy. And I pray that this will happen peacefully and irreversibly and soon.

HURRICANE ANDREW'S AFTERMATH

Mr. HOLLINGS. Mr. President, the people of Florida and Louisiana now know the lesson that South Carolinians learned 4 years ago in the wake of Hurricane Hugo. The lesson is that a major hurricane is not one disaster, but two: the natural disaster of the hurricane itself, and the unnatural disaster of Federal efforts to aid the victims.

In part this is explained by the sheer breadth and magnitude of the destruction wrought by Hugo and Andrew. When a force five hurricane collides with major population centers, the magnitude of the devastation and chaos is something you cannot truly grasp unless you have witnessed it firsthand.

My heart goes out to the people of Florida and Louisiana who have been traumatized by this latest killer storm. I and so many other South Carolinians know exactly what they have gone through. We too saw our houses battered or blown away. We too saw our forests and parks leveled. We too struggled to mend the torn social fabric in hundreds of our local communities.

Likewise, we too know that the pain and dislocation do not go away when the TV cameras and the national spotlight are diverted elsewhere. Rebuilding from a major hurricane is a task not of weeks or days, but of many years.

Mr. President, there is another similarity between Hugo and Andrew, and that is the spontaneous outpouring of humanitarian assistance from around the country. Once again, help for the victims has poured in from countless churches, service clubs, businesses, and individuals. In these voluntary relief efforts, I see not a thousand points of light, but many thousands of points of light.

And I am particularly proud of the special efforts by South Carolinians who remember the helping hand they received in 1989 and are determined to extend an equally generous helping hand to the victims of Andrew. This assistance is being offered by individuals, churches, and private organizations. I am also impressed by the extraordinary efforts made by Mayor Joe Riley and the governments of the city of Charleston and Charleston County to pass on their expertise in restoring services, organizing the cleanup, and facilitating reconstruction. Many Charleston officials, as well as elements of the Charleston police force and sheriff's office, have personally gone to Florida and Louisiana to aid the victimized communities and to share the hard lessons they learned in the wake of Hugo. Likewise, I would like to thank members of my own staff, battle hardened by Hugo, who have worked overtime to advise and guide their counterparts in the offices of Senators from Florida and Louisiana. Through these many and diverse efforts, South Carolinians are repaying their debt of gratitude for the extraordinary assistance we received in the wake of Hugo.

Mr. President, on a less pleasant note, I must point out that the performance of the Federal Emergency Management Agency in this latest crisis—despite the excellent work of many, many individual FEMA employees—has been riddled with deficiencies and delays. Looking back on FEMA's sorry performance after Hugo, I am reminded of the old expression that there is no education in the second kick of a mule. Or, in this case, there is no education in the second kick of a bureaucratic jackass.

As we learned in South Carolina 3 years ago, there are many dedicated and competent workers within FEMA. But FEMA's leadership and resources are inadequate. Indeed, this latest letdown by FEMA must serve as a loud warning to future presidents: Don't ever again use FEMA as a dumping ground for political appointees and campaign cronies. In FEMA there is one political appointee for every 300 regular civil service personnel, compared to one political appointee for every 3,000 employees at other agencies. This has got to change. FEMA is a critical agency, and it needs to be run in a rigorous, nonpolitical manner by professionals who know what they are doing.

Mr. President, we must also evaluate the larger question of whether FEMA is up to the job of managing disasters of the scale of Hurricane Andrew. In my opinion, it clearly is not. The time has come to abolish FEMA and fold its function into the Department of Defense. As Charleston Mayor Joe Riley has convincingly argued since 1989, the job of large-scale disaster relief would be more professionally handled within the Department of Defense, given its abundant manpower and enormous experience in large scale logistical operations. The fact is, once the order was belatedly given by the President, the Department of Defense did a superb job of mobilizing the full panoply of its human and material resources to aid the victims in Florida and Louisiana. My hat is off to them for the great job they have done and continue to do. The Pentagon has earned our respect and confidence—as it did 3 years ago after Hugo. It is time, now, to formally delegate to the Department of Defense responsibility for rapid response following natural disasters here in the United States.

NOMINATION OF EDWARD CARNES

Mr. WOFFORD. Mr. President, today we consider the nomination of Edward Carnes to the Eleventh Circuit Court of Appeals. For each nomination, my colleagues and I have the task of thoroughly assessing the record to determine whether the nominee meets the high standards we require of those who are the guardians of justice. The importance of this particular nomination cannot be understated. For many decades many of us struggled to make equal justice under the law and civil rights for all Americans a reality. The Eleventh circuit—Alabama, Georgia, and Florida—was at the center of much of that struggle. Today, the Eleventh circuit remains the court of last resort for many civil rights cases.

If we take no other lesson from the civil rights movement and this spring's events in Los Angeles, it should be that confidence in the fairness of the legal process is essential to maintaining respect for the law. And if fairness and equality are to be the cornerstones of our judicial system, then we must appoint judges who embody these principles. Unfortunately Mr. President, after reviewing the record, I am not satisfied with Mr. Carnes' commitment to these principles.

What the record indicates is that during Mr. Carnes' tenure as assistant attorney general for the State of Alabama, he defended a number of disturbing cases in which the prosecutor used the jury selection process in a racially discriminatory manner. In these cases, jury strikes were used against African-Americans to create all-white juries. These actions, and Mr. Carnes' support of these actions, were clearly at odds with the Supreme Court's decision in Batson versus Kentucky. They directly call into question Mr. Carnes' willingness to defend the established constitutional rights of individuals. Despite these facts, Mr. Carnes told the Senate Judiciary Committee that he believes that racial discrimination does not exist in Alabama's application of the death penalty. I am deeply troubled by such a contradiction between Mr. Carnes' actions and his rhetoric.

In addition, I am greatly concerned that a person who has spent his entire legal career narrowly focused on a single issue will not have the range of experience and constitutional expertise that we must demand from appeals court judges. We are not here today to call into question Mr. Carnes' skills and intelligence as a lawyer. By all accounts he is a bright and capable man as well as a zealous prosecutor. But we must demand more of those who are nominated to lifetime appointments to the Federal bench, particularly one who will replace Judge Frank Johnson, a respected leader in the enforcement of civil rights.

Although it is Mr. Carnes' nomination that we consider today, I can not relinquish my time without making a broader point on the issue of appointments to the Federal bench. In nearly 4 years, George Bush has made 32 nominations to the court of appeals. Only one of those nominees has been an African-American and that nominee was Clarence Thomas. In a recent column in the New York Times, Judge A. Leon Higginbotham of Philadelphia, one of our leading jurists, put forth the dismal Bush record of appointing African-Americans to the Federal bench. He concluded that under President Bush "African-American judges have been turned into an endangered species, soon to become extinct."

Mr. President, our Federal judiciary must have the confidence of all the people of this Nation. The reaction to the verdict in the Rodney King case shows us what happens when that confidence is lost. In part, confidence comes from a feeling that the judiciary understands and reflects the pluralism and diversity of the people that come before it. Mr. Bush has failed in this regard. For the Senate to confirm, at this date, a man who has a record of excluding African-Americans from juries would only compound this failure. We should not take such a step, and I will oppose Mr. Carnes' nomination.

TRIBUTE TO MRS. ANNA BERMAN

Mr. LIEBERMAN. Mr. President, it is with great humility that I rise to pay tribute to an effusive constituent who is celebrating her 90th birthday this month.

Anna Berman moved to Hartford with her family in 1920 because her father accepted a job with the Hartford Times. Her father, John Woike, died in 1923, but Anna stayed in Hartford and worked as a legal secretary for two attorneys, Louis Rosenfeld and Jacob Berman. Anna married Jacob Berman in 1927 and they traveled to Europe for a 3-month honeymoon. Anna and Jacob produced four industrious children: Dr. Louise Berman, Judge John Berman, Rev. Wesley Berman, and Anne Nissen, who were all raised in West Hartford. She has eight grandchildren, two of whom she has outlived, and two great-grandchildren.

To all who know Anna, she is an energetic, enthusiastic inspiration. Her passion for knowledge, travel, and beauty enliven her. I understand the family is gathering for a birthday celebration on September 12 in West Hartford, although her actual birth date is not until September 24. I heartily extend my congratulations to Anna Berman for achieving 90 and commend her on the exemplary life she has lived.

PLIGHT OF HAITIAN REFUGEES

Mr. DECONCINI. Mr. President, once again I would like to address my concern about the unfair treatment of Haitian refugees. Almost a year ago, on September 30, 1991, the first democratically elected President of Haiti, Jean-Bertrand Aristide, was ousted in a coup by the military. Since that time, Haitians have become the innocent victims of continuous and random violence in their homeland.

Those Haitians who have fled their tiny island have been interdicted by the United States Coast Guard before reaching our shores. To date, about 38,000 Haitian boat people have sought refuge in the United States. More than 27,000 have been forcibly returned to Haiti and approximately 11,000 Haitians, who have been initially screened for asylum, face expulsion in the future.

When the administration chose to begin forcibly repatriating Haitians in November 1991, a legal battle over the treatment of Haitian refugees began in our Federal courts. On several occasions the courts have found that the United States is violating international law by forcibly returning Haitians back to a politically volatile situation. Unfortunately, the administration has been successful in its efforts not only to forcibly repatriate the Haitian boat people, but to return them without a screening process.

Most disturbing to me is the President's Executive order of May 24, 1992, which instructs the United States Coast Guard to return Haitians picked up at sea directly to Haiti. This action, according to the administration, was in response to the large surge in Haitian boat people seeking to enter the United States and was necessary to protect the lives of the Haitians whose boats weren't equipped for the 600-mile sea journey. Haitians who fear persecution can now only go to our Embassy in Port-Au-Prince for refugee processing. The administration justifies this action by stating that our international legal obligations under the U.N. protocol relating to the status of refugees and the United Nations convention relating to the status of refugees do not extend to persons located outside the territory of the United States.

However, the convention and the protocol, which establish the basic norm of nonrefoulement, prohibits States from expelling or returning refugees to frontiers or territories where they would be threatened on account of race, religion, nationality, or membership of a particular social group or political opinion.

While it is true that Haiti is one of the most economically depressed countries in the world, there are many Haitians leaving to escape the repression of the military forces. It is no secret that anyone who is a supporter of the Aristide government is in jeopardy of political persecution. On December 31, 1991, Americas Watch, the National Coalition for Haitian Refugees and Physicians for Human Rights issued a report that states the following:

> In the period immediately following the coup, massacre and widespread killings were the order of the day. Since then, techniques have become more refined but similarly brutal. Selected assassinations, disappearances, severe beatings and political unrests continue. Entire neighborhoods, particularly in the poor and populous shantytowns of Port-au-Prince and across the countryside that voted for Aristide almost unanimously, have been targeted for particularly brutal and concentrated attacks. Common people are arrested merely for having photographs of President Aristide in their home or for the possession of pro-Aristide literature.

Last month Amnesty International issued a report entitled "Haiti: Human Rights Held to Ransom." The report focuses attention on the arbitrary killings and arrests of Haitians by the military which matches the repression that occurred in Haiti during the Duvalier family dictatorship. It also condemns the United States for ignoring such abuses and returning Haitians without a hearing to determine whether they are fleeing persecution.

According to a recent New York Times article, just after the United States Coast Guard returned 158 Haitians to Port-au-Prince on August 14, 1992, 154 of them were picked up by Haitian Police and taken to police headquarters to be questioned about their departure.

A few months ago, a well-known Haitian pastor came to my office to describe his particular plight. The pastor was arrested and beaten by the military for delivering a political sermon, and then put in front of a firing squad with seven other men. After witnessing five executions, the pastor realized he had gone to school with several of the executioners and begged to be let free. Fortunately, he was released and spent 18 days at sea seeking protection in the United States. If the adminstration's policy of returning Haitians without even a screening process had been in effect when the pastor fled Haiti, he might not be alive today to tell his story.

The administration's policy to continue its in-country refugee processing program as the only remedy for Haitian refugees minimizes the plight of victims of persecution. The indiscriminate forced repatriation of Haitians is not only deplorable, but in violation of international law.

Congress must act now to protect those Haitians who risk an uncertain fate if they are returned to Haiti. We should pass Senator KENNEDY's International Refugee Protection Act which ensures against the forced return of asylum-seekers to countries where they would have a well-founded fear of persecution. In the case of Haitians, the Coast Guard would have to pick up Haitians and provide them with some kind of screening process for refugee status.

In response to the tragic situation in Haiti and my belief in the United States moral and humanitarian responsibility to protect those Haitians who have sought refuge in this country, I introduced legislation to provide temporary protected status [TPS] for Haitians. TPS is meant to protect nationals from a designated state who do not fit the textbook definition of "refugee" or "asylee," but need temporary protection from armed conflict or other extraordinary conditions that threaten their safety. In the past 2 years, the administration has granted TPS to nationals from Lebanon, Kuwait, Somalia, and most recently Bosnia. It is time that we extend the same protection to nationals from Haiti until peace is restored in that country.

Mr. President, I urge my colleagues to support this legislation to alleviate the plight of the Haitian refugees. It is unconscionable for us not to provide them safe haven. We cannot continue to ignore their struggle.

HAITIAN REFUGEES

Mr. KENNEDY. Mr. President, in September 1991, a year ago this month, Haiti's first democratic government was overthrown in a violent military coup. President Aristide was forced into exile, and the ensuing violence claimed the lives of hundreds of his fellow Haitians. Hundreds of thousands fled their homes in fear and went into hiding throughout the country. Almost 40,000 boarded rickety boats in search of asylum in the United States.

In the long, dark year that has followed, the hope of the Haitian people that their oppressive past at last had been laid to rest has begun to fade. The generals steadily tighten their grip over the country. They subject their opponents to arrest, torture, or death on almost a daily basis.

Sadly, the attention of the world community has been diverted by other international crises. And the Bush administration has swept the exodus of boat people out of view by quickly and forcibly intercepting those who still dare to flee and returning them to Haiti and the hands of their oppressors.

The administration has turned its back on the Haitian people and their dream of democracy. The embargo that was imposed to pressure the generals to step aside and allow President Aristide to return has been enforced only half-heartedly. In an investigation which I requested earlier this year, the General Accounting Office found numerous major violations of the embargo. Little, if anything, has been done to plug the leaks.

Clearly, far more significant efforts must be devoted to resolving the Haitian political crisis. Otherwise, the goal of democracy and a better life for the Haitian people will be lost in the continuing nightmare of repression and injustice.

On May 24, with the cruel and callous stroke of his pen, President Bush signed an Executive order that reversed decades of American leadership in providing sanctuary for refugees fleeing political oppression. He ordered the Coast Guard to return all Haitians directly to Haiti, without pausing to question whether they qualify for refugee status. Yet, United States immigration officers have found that fully one-third of the Haitian boat people have a credible claim to asylum.

In the months since the President's harsh order, the few Haitian boat people who now flee have been returned by the Coast Guard and immediately arrested on the dock by Haitian police. A boatload of 158 Haitians was stopped by the Coast Guard just 3 weeks ago. United States Embassy officials in Haiti have protested this treatment, but they can do little more than watch as the Haitian authorities bring the boat people in for questioning. The police have released most of the boat people within a matter of hours, but those who are said to have organized the departure are imprisoned. If there were any political refugees on these boats—and past experience suggests that as many as one-third were—they now have been fully identified to the repressive Haitian police.

It is because of incidents such as these that international law prohibits the return of refugees. Article 33 of the 1951 International Convention Relating to the Status of Refugees states that no country:

> Shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

In 1981, when it established its procedures for handling Haitian boat people, the Reagan administration stated that article 33 binds the United States even on the high seas. For over a decade, it had been our Government's policy to return no one to Haiti without first determining whether they are political refugees.

The Bush administration's reversal of this long standing practice jeopardizes Haitian refugees, and means that the example of the United States will be cited whenever other nations decide to slam their own doors on refugees and force them back into the hands of their oppressors.

At a time when refugee needs are greater than ever before, the United States is setting an unconscionable example for the world. With refugees flooding out of the former Yugoslavia and Somalia by the thousands, with the alarming riots taking place in Germany, with ethnic controversies erupting in violence in many other troubled lands, America must not abdicate its role of leadership and compassion in accord with international law.

Today, some of our country's most respected civil rights leaders, led by the NAACP and TransAfrica, are initiating a campaign to protest the administration's bankrupt policy, and to restore our long-standing leadership in providing asylum to refugees.

In June, I introduced the International Refugee Protection Act, which would write clearly into our immigration laws that the United States cannot return persecuted refugees, regardless of where they come into U.S. custody. Others have proposed granting temporary haven to those Haitians already in the United States, and I hope that Congress can vote on these proposals before we adjourn this fall.

The United States will admit 140,000 refugees this year from other parts of the world. There is no justification for the exclusion of Haitian refugees. The Haitian boat people deserve equal justice with other refugees. The Bush administration's misguided and illegal policy must be reversed.

SENATOR JAKE GARN OF UTAH

Mr. DOMENICI. Mr. President, I would like just to take a couple of minutes to speak about a Senator.

Obviously, we have not seen the last of Senator GARN. We have seen the last bill to be managed by him. I think he knows the great respect that the Senator from New Mexico holds for him.

I just want to add a bit of levity to the issue of his leaving us by sharing this with the Senate: Sometimes in moments when he is not terribly pleased about things, he blames the Senator from New Mexico for his being here, because I was in the Senate for a short while when the Republicans brought by a young man from Utah. They sent him to my office because I had just been mayor of the city of Albuquerque. They wanted me to convince him, as the mayor of Salt Lake City, UT, that he ought to run for the Senate, that it would be a great undertaking for him. I was partially responsible for convincing him.

As I said, when he is thrilled with the Senate, he does not remind me. But when he is not so happy with it, he reminds me that I had something to do with the difficult times that the Senate has brought, along with all the good times. I would just share that with the Senate.

OFFICE OF U.S. TRADE REPRESENTATIVE, U.S. INTERNATIONAL TRADE COMMISSION, AND U.S. CUSTOMS SERVICE AUTHORIZATION ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 496, S. 2880, the trade agency authorization bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2880) to authorize appropriations for fiscal years 1993 and 1994 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2970

(Purpose: To amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes)

Mr. DECONCINI. Mr. President, on behalf of Senator BINGAMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Mr. BINGAMAN, for himself, and Mr. RIEGLE, proposes an amendment numbered 2970.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . COMPETITIVENESS POLICY COUNCIL ACT AMENDMENTS.

(a) REAUTHORIZATION.—Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993 and 1994"; and

(2) by striking "$5,000,000" and inserting "$2,500,000".

(b) RENAMING OF COUNCIL.—The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended—

(1) in the subtitle heading—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(2) in section 5201—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(3) in section 5202(b)(2)—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(4) in section 5203—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by inserting "National" before "Competitiveness"; and

(C) by striking "Council" each place it appears and inserting "Commission";

(5) in section 5204—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by striking "Council" and inserting "Commission";

(6) in sections 5205 through 5208, by striking "Council" each place such term appears and inserting "Commission";

(7) in section 5207, in the section caption, by striking "COUNCIL" and inserting "COMMISSION"; and

(8) in section 5210—

(A) in paragraph (1)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" each place it appears and inserting "Commission"; and

(B) in paragraph (2)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" and inserting "Commission".

(c) DUTIES OF THE COMMISSION.—Section 5204 of the National Competitiveness Policy Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the American economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

(d) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the National Competitiveness Policy Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "the highest level allowed under section 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting before paragraph (4), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) SENIOR EXECUTIVE SERVICE.—The Commission may establish positions in the Senior Executive Service in accordance with the provisions as subchapter II of chapter 31 of title 5, United States Code.

"(3) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and insert "the maximum rate payable under section 5376 of title 5, United States Code.".

(e) POWERS OF THE COMMISSION.—Section 5207 of the National Competitiveness Policy Commission Act (15 U.S.C. 4806) is amended—

(1) by inserting before the period at the end of subsection (b)(1)(B) ", except that such information may be provided to members and staff of the Council subject to existing national security laws and regulations";

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

(f) REPORTING REQUIREMENTS.—Section 5208 of the National Competitiveness Policy Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) PERIODICAL REPORTS.—The Commission may submit to the President and the Congress such other reports containing analysis and recommendations as the Commission deems necessary.".

Mr. BINGAMAN. Mr. President, the amendment I am offering together with Senator RIEGLE would reauthorize and rename the Competitiveness Policy Council, a bipartisan government-industry-labor-public interest advisory commission established as part of the 1988 Trade Act. This is a commission totally separate from the White House Council on Competitiveness, which has been the subject of some controversy over the past year, and one of the purposes of the amendment is to change the name of the Council to the National Competitiveness Policy Commission in order to minimize any confusion between the two organizations. The amendment has been cleared on both sides of the aisle, in particular by the Commerce Committee, the committee with oversight responsibility for the commission. I appreciate the support of Senator HOLLINGS and Senator DANFORTH for this reauthorization.

We received the first annual report of the Commission in March of this year. The report was unveiled at a joint hearing of the Senate Banking and Joint Economic Committees, which had the highest attendance of any hearing on any subject I have participated in this year. The report laid the groundwork for a program the Commission intends to pursue to develop recommendations for a comprehensive competitiveness strategy for this country.

The Commission's report drew much praise on both sides of the aisle. That is a tribute to the hard work of the 12 members of the Commission, led by Fred Bergsten, its chairman. I ask unanimous consent that a listing of the members of the Commission be printed in the RECORD at the end of my remarks.

(See exhibit 1.)

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. The amendment I am offering today will authorize the Commission to continue its work for 2 more years. It would authorize appropriations of $2.5 million in each of those years. As I mentioned earlier, it would rename the Commission the National Competitiveness Policy Commission so as to avoid confusion with the private sector Council on Competitiveness and the governmental Council on Competitiveness, chaired by the Vice President. These institutions have quite different functions, but unfortunately share very similar names. The bill also makes several technical changes, which have been requested by the Commission and cleared by the committees of jurisdiction.

Mr. President, I hope that this legislation will receive broad bipartisan support. This Commission represents a real opportunity to build a consensus among all the key actors for fundamental changes in Government policy to insure a competitive American economy in the 21st century. Let us give it an opportunity to complete its work.

Exhibit 1

National Competitiveness Policy Commission

APPOINTED BY THE PRESIDENT

Barbara Franklin (Government), Secretary, US Department of Commerce.

Albert Shanker (Labor), President, American Federation of Teachers.

Alexander Trowbridge (Business), President, Trowbridge Partners.

Edward O. Vetter (Public Interest), President, Edward O. Vetter and Associates.

APPOINTED BY THE SENATE

Rand V. Araskog (Business), Chairman and CEO, ITT Corporation.

John Barry (Labor), President, International Brotherhood of Electrical Workers.

William Graves (Government), Secretary of State, State of Kansas.

Bruce Scott (Public Interest), Professor of Business Administration, Harvard Business School.

APPOINTED BY THE HOUSE OF REPRESENTATIVES

C. Fred Bergsten, Chairman (Public Interest), Director, Institute for International Economics.

John J. Murphy (Business), Chairman and CEO, Dresser Industries, Inc.

Edward V. Regan (Government), Comptroller, State of New York.

Lynn Williams (Labor), President, United Steel Workers of America.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2970) was agreed to.

Mr. DeCONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CUSTOMS AND TRADE AGENCY AUTHORIZATIONS.

(a) United States International Trade Commission.—Section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

"(i) $45,152,000 for fiscal year 1993.

"(ii) $48,042,000 for fiscal year 1994.

"(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

(b) United States Customs Service.—Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

"(b) Authorization of Appropriations.—

"(1) For noncommercial operations.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

"(A) $536,582,000 for fiscal year 1993.

"(B) $558,045,000 for fiscal year 1994.

"(2) For commercial operations.—(A) There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

"(i) $798,470,000 for fiscal year 1993.

"(ii) $830,408,000 for fiscal year 1994.

"(B) The monies authorized to be appropriated under subparagraph (A) for any fiscal year, except for such sums as may be necessary for the salaries and expenses of the Customs Service that are incurred in connection with the processing of merchandise that is exempt from the fees imposed under section 13031(a) (9) and (10) of the Consolidated Omnibus Budget Reconciliation Act of 1985, shall be appropriated from the Customs User Fee Account.

"(3) For air and marine interdiction.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air and marine interdiction programs of the Customs Service not to exceed the following:

"(A) $138,983,000 for fiscal year 1993.

"(B) $144,542,000 for fiscal year 1994.".

(c) Office of the United States Trade Representative.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended to read as follows:

"(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

"(i) $21,697,000 for fiscal year 1993.

"(ii) $22,435,000 for fiscal year 1994.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

"(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $2,500,000 shall remain available until expended.".

SEC. 2. CUSTOMS FORFEITURE FUND.

Section 613A(f)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1613b(f)(2)(B)) is amended to read as follows:

"(B) Of the amount authorized to be appropriated under subparagraph (A), not to exceed the following shall be available to carry out the purposes set forth in subsection (a)(3):

"(i) $15,000,000 for fiscal year 1993.

"(ii) $15,600,000 for fiscal year 1994.".

SEC. 3. REPORTS ON CUSTOMS ISSUES.

(a) Attrition.—Not later than February 1, 1993, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (hereafter in this section referred to as the "Committees") on the causes for the high attrition rates experienced by the United States Customs Service in its Southwest region, with particular focus on border ports of entry. The report shall include recommendations to the Committees for reducing the high attrition rate.

(b) Staffing.—Not later than November 1, 1992, the Secretary of the Treasury shall submit a report to the Committees describing the Secretary's plans for staffing at full capacity on a port-by-port basis each of the facilities that has been or will be expanded, built, modernized, or otherwise improved under the Southwest Border Capital Improvements Program.

(c) Location of Offices and Agents.—Not later than the date which is 3 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committees—

(1) a report analyzing the feasibility of moving the Customs Service office from downtown Portland, Oregon to the vicinity of the airport in Portland, Oregon, and

(2) a report analyzing the feasibility of placing drug enforcement agents in the Medford/Grants Pass area in Oregon.

SEC. 4. COMPETITIVENESS POLICY COUNCIL ACT AMENDMENTS.

(a) Reauthorization.—Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993 and 1994"; and

(2) by striking "$5,000,000" and inserting "$2,500,000".

(b) Renaming of Council.—The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended—

(1) in the subtitle heading—

(A) by inserting "**National**" before "**Competitiveness**"; and

(B) by striking "**Council**" and inserting "**Commission**";

(2) in section 5201—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(3) in section 5202(b)(2)—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(4) in section 5203—

(A) in the section caption, by striking "**COUNCIL**" and inserting "**COMMISSION**";

(B) by inserting "National" before "Competitiveness"; and

(C) by striking "Council" each place it appears and inserting "Commission";

(5) in section 5204—

(A) in the section caption, by striking "**COUNCIL**" and inserting "**COMMISSION**";

(B) by striking "Council" and inserting "Commission";

(6) in sections 5205 through 5208, by striking "Council" each place such term appears and inserting "Commission";

(7) in section 5207, in the section caption, by striking "**COUNCIL**" and inserting "**COMMISSION**"; and

(8) in section 5210—

(A) in paragraph (1)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" each place it appears and inserting "Commission"; and

(B) in paragraph (2)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" and inserting "Commission".

(c) DUTIES OF THE COMMISSION.—Section 5204 of the National Competitiveness Policy Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the American economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

(d) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the National Competitiveness Policy Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "the highest level allowed under section 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting before paragraph (4), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) SENIOR EXECUTIVE SERVICE.—The Commission may establish positions in the Senior Executive Service in accordance with the provisions of subchapter II of chapter 31 of title 5, United States Code.

"(3) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and insert "the maximum rate payable under section 5376 of title 5, United States Code.".

(e) POWERS OF THE COMMISSION.—Section 5207 of the National Competitiveness Policy Commission Act (15 U.S.C. 4806) is amended—

(1) by inserting before the period at the end of subsection (b)(1)(B) ", except that such information may be provided to members and staff of the Council subject to existing national security laws and regulations";

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

(f) REPORTING REQUIREMENTS.—Section 5208 of the National Competitiveness Policy Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) PERIODICAL REPORTS.—The Commission may submit to the President and the Congress such other reports containing analysis and recommendations as the Commission deems necessary.".

COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION AND BILL PLACED ON CALENDAR—H.R. 590

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 590, a bill for the relief of Edgardo, Ismael, Juan Carlos, and Edilliam Cotto Roman and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION AND BILL PLACED ON CALENDAR—H.R. 655

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 655, a bill for the relief of Juan Luis, Braulio Nestor, and Miosotis Ramirez and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AK-CHIN WATER USE AMENDMENTS ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 2507, regarding the Ak-Chin Indian community; that the bill be deemed read for the third time and passed; that the motion to reconsider be laid upon the table; and that any statement relative to the passage of this item be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2507) was deemed read the third time and passed, as follows:

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ak-Chin Water Use Amendments Act of 1992".

SEC. 2. AUTHORIZATION OF USE OF WATER.

Section 2(j) of the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698) is amended to read as follows:

"(j) The Ak-Chin Indian Community (hereafter in this Act referred to as the "Community") shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational or other beneficial use, in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into an option to lease, extend leases, exchange or temporarily dispose of water to which it is entitled for beneficial use in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1: *Provided*, That the term of any such lease shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, extends leases, exchanges or temporarily disposes of water, such action shall be pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.".

JENA BAND OF CHOCTAWS OF LOUISIANA RESTORATION ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 637, S. 3095, a bill to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisiana reported today by the Indian Affairs Committee; that the bill be deemed read the third time and passed; that the motion to reconsider be laid upon the table; and that statements thereon appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 3095) was deemed read the third time and passed, as follows:

S. 3095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jena Band of Choctaws of Louisiana Restoration Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In 1902, after presenting testimony before the Dawes Commission, each family of the Jena Choctaw Tribe was identified as full-blooded Mississippi Choctaw, an Indian tribe recognized by the Federal Government and entitled to land and services from the Bureau of Indian Affairs.

(2) As recently as 1968-1972, members of the Jena Band of Choctaws of Louisiana have received Federal benefits because of their status as Indians.

(3) Actions by the Bureau of Indian Affairs, including the provision of services specifically to the Tribe during the 1930's, acknowledgement of the Tribe's eligibility under the Indian Reorganization Act, and the offer to the Tribe of tribal lands in Mississippi, established Federal recognition of the Jena Band of Choctaws of Louisiana as a separate and distinct Indian tribe.

(4) The Tribe continues to exist as a separate and distinct tribe, is recognized by the

State of Louisiana as a separate and distinct Indian tribe, has received funding from the Department of Housing and Urban Development for the construction of a Tribal Center, and has received funding from the Administration for Native Americans for administrative training for tribal staff, preparation of a 5-year economic development plan, development of the tribal constitution, and other tribal projects.

(5) The Tribe has maintained a continuous line of leadership and now consists of approximately 152 members of which nearly 60 percent possess one-half or more Choctaw blood quantum.

(6) Members of the Tribe would be living on trust land and receiving the full range of services to which all federally recognized Indians are entitled if the Bureau of Indian Affairs had fulfilled commitments made to the Tribe during the 1930's.

(7) Denial of full Federal benefits and services to which the Jena Band is entitled as a federally recognized Indian tribe has exacerbated the many serious problems facing the Tribe including poverty, alcohol and substance abuse, poor health, inadequate education and substandard living conditions.

(8) Restoration of Federal recognition of the Tribe is supported by all the federally recognized tribes in Louisiana and by the Mississippi Choctaw.

(9) It is appropriate for Congress to restore recognition of the Tribe since the Bureau of Indian Affairs does not maintain procedures or standards for determining whether a group has been previously recognized and the recognition procedure set forth in part 83 of title 25, Code of Federal Regulations, is intended to apply to initial recognition of a tribe.

SEC. 3 DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the Jena Band of Choctaws of Louisiana.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the Board of Directors of the Jena Band of Choctaws, Inc.

(4) The term "member" means an individual who is enrolled on the membership roll of the Tribe.

(5) The term "State" means the State of Louisiana.

SEC. 4. RESTORATION OF FEDERAL RELATIONSHIP.

Federal recognition of the Tribe extended by the Department of Interior in a letter dated July 11, 1938, and signed by the Assistant Commissioner of Indian Affairs Zimmerman and evidenced by other actions by the Bureau of Indian Affairs is hereby restored. All Federal laws of general application to Indians and Indian tribes including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), popularly known as the "Indian Reorganization Act", shall apply with respect to the Tribe and to the members.

SEC. 5. RESTORATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Tribe, and members thereof, which may have been abrogated or diminished before the date of enactment of this Act are hereby restored.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act may be construed to diminish any rights or privileges of the Tribe, or of its members, that existed prior to the date of the enactment of this Act.

(c) EXISTING RIGHTS AND OBLIGATIONS.—Except as otherwise specifically provided in any other provision of this Act, nothing in this Act may be construed as altering or affecting—

(1) any rights or obligations with respect to property,

(2) any rights or obligations under any contract,

(3) any hunting, fishing, trapping, gathering, or water rights of the Tribe or its members, or

(4) any obligation to pay a tax levied before the date of enactment of this Act.

SEC. 6. SERVICES.

The Tribe and its members shall be eligible for all services and benefits that are provided by the Federal Government to Indians because of their status as federally recognized Indians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act, to the Tribe and its members, without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.

SEC. 7. INTERIM GOVERNMENT.

Until such time as a constitution for the Tribe is adopted in accordance with section 9(a), the Tribe shall be governed by the Interim Council.

SEC. 8. MEMBERSHIP ROLL.

(a) BASE ROLL.—The membership list submitted to the Secretary by the Tribe on May 2, 1985, shall constitute the base roll of the Tribe, subject to the approval of the Secretary.

(b) ELIGIBILITY.—

(1) INTERIM MEMBERSHIP.—Until a constitution is adopted in accordance with section 9, an individual shall be eligible for membership in the Tribe, and the name of the individual shall be placed on the membership roll of the Tribe, if—

(A) the individual is living and is not an enrolled member of another Indian tribe that is recognized by the Federal Government, and

(B) the individual—

(i) was included on the membership list submitted to the Secretary on May 2, 1985,

(ii) was entitled to be included on such list under criteria established by the Tribe in its Articles of Incorporation dated May 22, 1974, but was not included, or

(iii) is a lineal descendant of an individual, living or deceased, who is included on such list.

(2) APPEAL TO SECRETARY.—Any individual who is excluded from the membership roll of the Tribe by the Interim Council may appeal to the Secretary for a determination of the eligibility of the individual for membership in the Tribe. Any individual that the Secretary determines in such an appeal to be eligible for membership in the Tribe shall be included on the membership roll.

SEC. 9. TRIBAL CONSTITUTION.

(a) IN GENERAL.—Upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election to adopt a constitution for the Tribe. Such constitution shall be submitted by the Interim Council to the Secretary no later than one year following the date of enactment of this Act. The election shall be conducted in accordance with section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476).

(b) ELECTION OF TRIBAL OFFICIALS.—Not later than 120 days after the Tribe adopts a tribal constitution, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution. Such election shall be conducted according to the procedures stated in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

(c) TRIBAL GOVERNMENT.—Notwithstanding any other provision of law, the governing body of the Tribe established under the constitution adopted under subsection (a) shall be treated as an Indian tribal government for purposes of the Internal Revenue Code of 1986, and all other Federal laws of general application to Indians and Indian tribes, including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.).

SEC. 10. REGULATIONS.

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

SEC. 11. REAL PROPERTY.

(a) PROPERTY HELD IN TRUST.—The Secretary is authorized to accept in the name of the United States in trust for the benefit of the Tribe any real property acquired by the Tribe prior to or after enactment of this Act and located within the parishes of Rapides, Grant, or La Salle, Louisiana. The Secretary may accept in the name of the United States in trust for the benefit of the Tribe any real property held or acquired by the Tribe prior to or after the date of enactment of this Act that is located outside of such parishes.

(b) SUBJECT TO EXISTING RIGHTS AND OBLIGATIONS.—Any real property taken in trust by the Secretary shall be subject to—

(1) all legal rights and interests in such land held by any person at the time of acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax;

(2) foreclosure or sale in accordance with the laws of the State of Louisiana pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary; and

(3) the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(c) TAX EXEMPTION.—Any real property held in trust by the Secretary pursuant to this Act shall be exempt from Federal, State, and local taxation on and after the date such property is accepted by the Secretary.

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2321, a bill relating to aviation park, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. METZENBAUM. Mr. President, I am pleased to rise today in support of the bill which I cosponsored to establish the Dayton Aviation Heritage National Historical Park.

I have supported our national park system and have especially favored urban parks where residents and visitors may repair for relaxation and recreation. In particular, I have long felt that our national historic parks offer a unique and unparalleled recreation opportunity.

This legislation will offer such opportunities. It will set aside historic buildings and lands to honor those who have gone before and to inspire and encourage those who are yet to come.

This bill will preserve Dayton's unique role as home to the inventors Orville and Wilbur Wright, as well as the poet, novelist, and syndicated columnist Paul Laurence Dunbar.

Dunbar, a friend and classmate of the Wrights at Central High, was the first African-American writer in the United States to derive an income primarily from his writings.

In commemorating both the technological innovation of the Wright Brothers and the literary creativity of Dunbar, the Dayton historic park will celebrate the creative genius of the human spirit that these citizens of Dayton truly demonstrated in their lives and in their work.

Certain sites, structures, districts, and artifacts in and around the city of Dayton, OH, are of national historic significance in the birth and development of controlled, powered flight and in the life of Paul Laurence Dunbar.

I am pleased that the Senate has decided to move forward on this legislation to preserve these sites and structures which are linked to the heritage of our Nation. I am confident that future generations will appreciate the contributions of these Ohioans more profoundly after this park is included among the ranks of our country's national historic parks.

AMENDMENT NO. 2971

Mr. DECONCINI. Mr. President, on behalf of Senator BUMPERS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Mr. BUMPERS, proposes an amendment numbered 2971.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 2, insert "building" after "Company".

On page 3, line 13, after "shall" and before "acquire", insert ", subject to the availability of appropriated funds,".

On page 3, line 13, insert "building" after "Company".

On page 5, lines 4 through 5, strike "described in this section".

On page 7, strike lines 11 through 19, strike section 107 in its entirety and insert in lieu thereof the following: "The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary in consultation with the Secretary of Interior".

On page 8, strike lines 7 through 8, and insert in lieu thereof, "There is authorized to be appropriated such sums as may be necessary to carry out this title: *Provided*, That the amount to be appropriated for the operation, development or restoration of non-federally owned properties within the boundaries of the park shall not exceed $200,000.".

On page 13, line 15, strike "interurban" and insert in lieu thereof, "inter-urban link".

On page 16, line 9 strike "device" and insert in lieu thereof, "devise".

On page 18, strike lines 16 through 20, and insert in lieu thereof: "There are authorized to be appropriated such sums as may be necessary to carry out this title, except that the federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out its duties.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2971) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2321), as amended, was passed.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. DECONCINI. Mr. President, finally, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 555, 563, 565, 594, 629, and 654; that committee amendments where appropriate be agreed to, the bills as amended be deemed read three times, passed, and the motion to reconsider the passage of these measures be laid upon the table en bloc; that the title amendments where appropriate be agreed to; further, that the consideration of these items appear individually in the RECORD, and any statements appear in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND RELINQUISHMENT ACT

The Senate proceeded to consider the bill (H.R. 1514) to resolve the status of certain lands relinquished to the United States under the act of June 4, 1987 (30 Stat. 11, 36), and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment on page 4, line 12 to strike "conditionally" so as to make the bill read:

H.R. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this Act is to resolve the status of the title to base lands affected the past legislation cited in subsection (a).

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest

System lands, shall each prepare an initial list of all parcels of base lands that were [conditionally] relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriations, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a system or unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 18 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a).

(2) If a court makes a final decision that a parcel of land was arbitrarily and capriciously excluded from operation of subsection (a), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue deeds confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory deed shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the deed, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory deed are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet title to, any base land included in a final list and described in a confirmatory deed.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of the confirmatory deeds required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory deed issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory deed.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any rights-of-way currently occupied or used for Government purposes.

SEC. 3. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within 1 year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General of the United States, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 5. TIME EXTENSION.

Section 103(c) of the Wildfire Disaster Recovery Act of 1989 (16 U.S.C. 551 note) is amended in the first sentence by striking out "1991" and inserting in lieu thereof "1992".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An Act to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes".

PUBLIC LANDS IMPROVEMENTS ACT

The Senate proceeded to consider the bill (S. 1704) to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost-effective housing for employees needed to effectively manage the public lands, which was reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Management Agency Housing Improvement Act of 1992".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 3. EMPLOYEE HOUSING.

(a)(1) To promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands, and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of Federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within thirty miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party;

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-leasing to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and associated amenities: *Provided*, That the base rental rate as a percentage of the employee's annual gross income shall not exceed the most recent American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income whether paid as part of rent or paid directly to a third party.

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

SEC. 4. SURVEY OF RENTAL QUARTERS.

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every five years. If such survey indicates that Government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this Act for the personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section, the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.

SEC. 5. SECONDARY QUARTERS.

(a) The Secretaries may determine that secondary quarters for employees who are permanently duty stationed at remote locations and are regularly required to relocate for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party.

SEC. 6. SURVEY OF EXISTING FACILITIES.

(a) Within two years after the date of enactment of this Act, the Secretaries shall survey all existing government owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agencywide priority listing, by structure, identifying those units in great need for repair, rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Interior and Insular Affairs of the United States House of Representatives.

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GLACIAL NATIONAL PARK ACT

The bill (S. 3051) to grant a right of use and occupancy of a certain tract of land in Glacier National Park to Gerald R. Robinson, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 3051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Gerald R. Robinson Relief Act".

SEC. 2. RIGHT OF USE AND OCCUPANCY OF A CERTAIN LAND TRACT IN GLACIER NATIONAL PARK.

(A) RIGHT OF USE AND OCCUPANCY.—The Secretary of the Interior shall grant Gerald R. Robinson a right of use and occupancy for the property described in subsection (c) for a term ending on the date of his death.

(b) TERMS AND CONDITIONS.—The right granted pursuant to subsection (a)—

(1) shall be for the reasonable use of the property;

(2) shall be subject to such terms and conditions as the Secretary may prescribe (including termination) to insure that such right does not unreasonably diminish the scenic, historic, and other values for which Glacier National Park was established; and

(3) shall vest upon payment of an administrative fee of $941.13.

(c) DESCRIPTION OF PROPERTY.—The property described in this subsection is a parcel of land containing approximately three acres, in Government Lot 7, section 9, Township 35 north, range 21 west, and more particularly described in the United States Department of the Interior Special Use Permit numbers 2–117–59, 2–117–110, and SP1430–9–0068.

ALASKA LAND STATUS TECHNICAL CORRECTIONS ACT

Senate proceeded to consider the bill (H.R. 3157) to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

Mr. MURKOWSKI. Mr. President, I rise today to ask my colleagues to support H.R. 3157. This is very important legislation and is a companion measure to my bill, S. 1625, which was reported by the Committee on Energy and Natural Resources on August 5, 1992. These bills resolve several issues that have come up over the past few years relating to the settlement of Alaska Native claims and management of Federal lands in Alaska.

The House has added four provisions to their version of the bill which we did not have time to consider when acting on S. 1625 in the Committee on Energy and Natural Resources. I have looked over the House amendments and encourage my colleagues to join me in supporting them and passing H.R. 3157.

Mr. President, I thank the Chair.

The bill was ordered to a third reading, read the third time, and passed.

ISSUANCE OF SKI AREA PERMITS ON NATIONAL FOREST SYSTEM LANDS

The Senate proceeded to consider the bill (S. 2606) to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) The Congress finds and declares that—

(1) although ski areas occupy less than one-twentieth of 1 percent of national forest lands nationwide, in many rural areas of the United Sates, ski areas and investments by ski area permittees on national forest lands form the backbone of the local economy and preponderance of the employment base;

(2) ski area operations and their attendant communities provide revenues to the United States in the form of permit fees, income taxes, and other revenues which are extremely significant in proportion to the limited Federal acreage and Forest Service administration and contractual obligations required to support such operations;

(3) in addition to alpine skiing, many ski area permittees provide multiseason facilities and enhanced access to national forest lands which result in greater public use and enjoyment of such lands than would otherwise occur;

(4) unlike many other private sector users of Federal lands, ski areas in almost all cases finance, construct, maintain, and market all recreational facilities and improvements on such lands;

(5) many ski areas on Federal lands operate in a competitive environment which requires a continuing high level of capital investment to upgrade existing facilities and install new facilities to serve the public, including lifts, trails, snowmaking and trail grooming equipment, restaurants, and day care centers;

(6) despite an outward appearance of economic well-being resulting from an intensive capital infrastructure, many ski area operations are marginally profitable due to the competition and capital investments referenced in subparagraph (5), weather conditions, insurance premiums, the national economy, and other factors beyond their control;

(7) because of the aforementioned contribution of ski areas to the economy and rural communities and to the enhanced use and enjoyment of national forest lands, it is in the public interest for the United States, where consistent with national forest management objectives, to take actions with respect to such ski areas and associated communities as will assist their long-term economic health and stability; and

(8) the National Forest Ski Area Permit Act of 1986 has been of assistance to ski area operations on national forest lands by providing longer term tenure and stability to permittees, but further adjustments and policy direction are warranted to address problems related to permit fees and fee calculations and conflicts with certain mineral activities.

(b) In furtherance of the findings of subsection (a) of this section, it is the purpose of this Act to—

(1) legislate a ski area permit fee which returns fair market value to the United States and at the same time provides ski area permittees and the United States with a simplified, consistent, predictable, and equitable fee formula which is commensurate with long-term ski area, planning, financing and operation needs and which simplifies bookkeeping and other administrative burdens on ski area permittees and Forest Service personnel; and

(2) prevent future conflicts between ski area operations and mining and mineral leasing programs by withdrawing lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

SEC. 2. SKI AREA PERMIT FEE.

(a) The Secretary shall charge a fee for all ski area permits issued pursuant to the National Forest Ski Area Permit Act of 1986, the Act of March 4, 1915, and the Act of June 4, 1897, on National Forest System lands as set forth in subsection (b) of this section. The Secretary shall require that fees for all existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, be calculated as set forth in subsection (b) of this section.

(b)(1) The ski area permit fee (SAPF) to be charged shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. Add to that amount gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit fee. Calculate the final fee by multiplying adjusted gross revenue by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(i) 1.5 percent of all adjusted gross revenue below $3,000,000;

(ii) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(iii) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(iv) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

$$\text{SAPF} = (\text{LT} + \text{SS STFP}) + \text{GRAF} = \text{AGR};$$

AGR % brackets

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) of this section is hereby determined to most accurately reflect the percent of an alpine ski area permittee's total skier service capacity which is located on National Forest System land. It shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from nordic ski operations shall be included or excluded from the fee calculation according to the percentage of trails physically located on national forest land.

(3) In order to insure that the fee legislated herein remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figures for each revenue bracket in subparagraph (b)(1)(i)-(iv) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than five years after the date of enactment of this Act and every ten years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Agriculture and Interior and Insular Affairs of the United States House of Representatives a report analyzing whether the ski area permit fee system legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications in the system.

(c) The fee set forth in subsection (b) shall be due on June 1 of each year and shall be paid or pre-paid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. It is the intention of Congress that unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To simplify bookkeeping and fee calculation burdens on the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual fee calculation brackets and rates) to be utilized for fee calculation and submitted with the fee payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(d) The ski area permit fee legislated herein shall become effective on June 1, 1993, and cover receipts retroactive to June 1, 1992: *Provided, however,* That if a permittee has paid fees for the period of June 1, 1992, to June 1, 1993, under the graduated rate fee system formula in effect prior to this Act, such fees shall be credited toward the new fee due on June 1, 1993. In order to insure increasing fee receipt levels to the United States during transition from the Graduated Rate Fee System formula to the formula of this Act, the fee paid by any individual permittee for the 1992–1993 permit year shall be either the fee paid for the preceding 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher. For the 1993–1994 permit year, the fee paid shall be either the fee paid for the 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher: *Provided, however,* That in the event individual permittee's adjusted gross revenue for either the 1992–1993 or 1993–1994 permit years falls more than 10 percent below the 1991–1992 base year, the fee paid shall then be the fee calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on nonnational forest land be included in the ski area permit fee calculation.

(f) To simplify bookkeeping and administrative burdens on ski area permittees and the Forest Service, as used in this section, the terms "revenue" and "sales" shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for fee payment pursuant to subsection (a) of this section, the permittee shall pay an annual minimum rental fee of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

SEC. 3. WITHDRAWALS.

SEC. 3. Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915, and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

IDAHO LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1893) to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be stricken are shown in italics.)

S. 1893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of **[**1991**]** *1992*".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated **[**July 9**]**, *July 1*, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated **[**July 9**]**, *July 1*, 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of 1992".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

Mr. DECONCINI. I ask, Mr. President, unanimous consent that Calendar No. 577, S. 1625, be indefinitely postponed.

The PRESIDING OFFICER. Without objection it is so ordered.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-166, appoints Mrs. Marilyn Pauly, of Kansas, as a member of the Glass Ceiling Commission.

APPOINTMENT BY THE REPUBLICAN LEADER AND MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader and the majority leader, pursuant to Public Law 102-166, appoints the Senator from California [Mr. SEYMOUR] as a member of the Glass Ceiling Commission.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 267

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Amending and Extending the 1985 Agreement Concerning Fisheries off the Coasts of the United States, as amended, which was effected by exchange of notes at Washington May 12 and July 16, 1992, copies of which are attached. This agreement extends the 1985 agreement for an additional 2-year period, until July 1, 1994, and further amends the agreement to incorporate the latest changes in U.S. laws. The exchange of notes together with the present agreement constitute a governing international fishery agreement within the meaning of section 201(c) of the Act.

Because of the importance of our fisheries relations with the People's Republic of China, I urge that the Congress give favorable consideration to this agreement.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

BUDGET AMENDMENT REQUEST OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT—PM 268

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1993 Budget amendment request.

The District of Columbia Government has submitted a request to increase its FY 1993 capital authority by $60 million and to reprogram $20 million of capital authority from an existing project. The requested increase in authority is needed to fund the District's share of the remaining 13.5 miles of the Washington Metropolitan Area Transit Authority Metrorail system in accordance with the construction schedule adopted in the Fifth Interim Capital Contributions Agreement.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

AGREEMENT BETWEEN THE UNITED STATES AND IRELAND ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 269

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and Ireland on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed at Washington on April 14, 1992.

The United States-Ireland agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4). It is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services explaining the key points of the agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement. The Department of Health and Human Services has recommended the agreement and related documents to me.

I commend the United States-Ireland Social Security Agreement and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992*.

MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 2) to promote the achievement of national education goals, to measure progress toward such goals, to develop national educational standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement, with amendments; it insists upon its amendments to the said bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD of Michigan, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. PERKINS, Mr. SAWYER, Mrs. LOWEY of New York, Mrs. UNSOELD, Mr. WASHINGTON, Mrs. MINK, Mr. JEFFERSON, Mr. REED, Mr. ROEMER, Mr. OLVER, Mr. PASTOR, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. HENRY, Ms. MOLINARI, Mr. BOEHNER, Mr. KLUG, Mr. ARMEY, and Mr. CUNNINGHAM as managers of the conference on the part of the House.

MEASURES PLACED ON THE CALENDAR

The Committee on Labor and Human Resources was discharged from the consideration of the following bills which were placed on the calendar:

H.R. 590. An act for the relief of Edgardo Ismael, Juan Carlos, and Edilliam Cotto Roman; and

H.R. 655. An act for the relief of Juan Luis, Braulio Nestor, and Miosotis Ramirez.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3818. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report to the President and Congress; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans Affairs, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

EC-3819. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a special impoundment message for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, and the Committee on Foreign Relations.

EC-3820. A communication from the President of the United States, transmitting, pursuant to law, notice of a deferral of budget authority in fiscal year 1992; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Foreign Relations.

EC-3821. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; the Committee on the Budget.

EC-3822. A communication from the President of the United States, transmitting a draft of proposed legislation to enact the Nevada Public Lands Wilderness Act; to the Committee on Energy and Natural Resources.

EC-3823. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the report on Trade Between the United States and China, the Former Soviet Union, Central and Eastern Europe, the Baltic Nations, and Other Selected Countries During January-March 1992; to the Committee on Finance.

EC-3824. A communication from the Assistant Secretary of State (Legialative Affairs), transmitting, pursuant to law, notice of a Presidential Determinations designation for Haitian refugee applications; to the Committee on Foreign Relations.

EC-3825. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Fiscal Year 1991 Annual Report of the Office of Justice Programs; to the Committee on the Judiciary.

EC-3826. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board 1994 Budget Submission; to the Committee on Labor and Human Resources.

EC-3827. A communication from the Executive Secretary of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the Annual Report of the Retirement Plan for the Employees of the Federal Reserve System for calendar year 1991; to the Committee on Governmental Affairs.

EC-3828. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a final rule under the Federal Insecticide, Fungicide and Rodenticide Act; to the Committee on Agriculture, Nutrition and Forestry.

EC-3829. A communication from the Acting General Sales Manager and Vice-President, Commodity Credit Corporation, transmitting, pursuant to law, a report to the United States Congress on Section 416(b) Monetization Programs for Fiscal Year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3830. A communication from the Secretary of the Army, transmitting, pursuant to law, the annual report of the United States Soldiers' and Airmen's Home for Fiscal Year 1991; to the Committee on Armed Services.

EC-3831. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a Report on Environmental Compliance; to the Committee on Armed Services.

EC-3832. A communication from Comptroller General of the United States, transmitting, pursuant to law, a Financial Audit of the Panama Canal Commission's 1991 and 1990 Financial Statements; to the Committee on Armed Services.

EC-3833. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a statement on a transaction involving United States exports to the Repbulic of Venezuela; to the Committee on Banking, Housing and Urban Affairs.

EC-3834. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual reports on transactions in which Federal financial assistance is provided; to the Committee on Banking, Housing and Urban Affairs.

EC-3835. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the effect of the Airline Deregulation Act on the level of air safety; to the Committee on Commerce, Science and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON:

S. 3219. A bill for the relief of Nathan C. Vance, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3220. A bill to amend the Harmonized Tariff Schedule of the United States to extend the temporary reduction of duty for certain sports clothing; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. PELL, Mr. JEFFORDS, Mr. SASSER, and Mr. RUDMAN):

S. 3221. A bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. LIEBERMAN):

S. 3222. A bill to establish the Small Business Capital Enhancement Program to en-

hance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON:

S. 3219. A bill for the relief of Nathan C. Vance, and for other purposes; to the Committee on the Judiciary.

RELIEF OF NATHAN C. VANCE

Mr. SIMPSON. Mr. President, I rise today to offer a bill for the private relief of a citizen who has fallen victim to both the 1988 Yellowstone fires and to an insensitive Government bureaucracy.

The tragic Yellowstone "Mink" forest fire of 1988 devastated Nathan Vance's outfitting business when it burned through his Teton wilderness camp. He is a fine constituent, and I have known him and his family for many years. The fire destroyed essential outfitting equipment, forcing Nathan Vance to cancel 12 prepaid trips and forfeit valuable revenue from those trips. Mr. Vance incurred both equipment replacement costs and lost revenue, a deadly combination to a small, seasonal business with a small profit margin even in the best of times. This legislation would compensate him for the equipment losses he suffered—as the Congress had intended to do with the original legislation we enacted following those tragic fires. The forest fire was a devastating event in Mr. Vance's life—a tragedy compounded by insensitive Government wrangling and delays.

Congress showed it's compassion for the financially injured citizens in the Yellowstone area with the passage of Public Law 101-302. This law authorized the Forest Service to settle certain personal property damage claims from the 1988 Yellowstone fires. Mr. Vance mailed his claim on August 19, 1990 in order to meet the August 23 deadline.

Through no fault of his own, it took 5 business days for Nate Vance's letter to travel from Wyoming to Utah—longer than it takes a letter to reach Washington, DC, from San Francisco, CA.

The Forest Service officially received the Vance claim less than 24 hours after the deadline. Yet the Forest Service seemed unconcerned by the deadline and continued the claim process by asking Mr. Vance to provide a detailed accounting of his lost equipment and revenue.

More than 3 months after the Forest Service received his accounting and seemed ready to pay the claim, Mr. Vance was informed by a Forest Service employee that his claim was invalid because of the missed deadline. Mr. Vance has since attempted to appeal to the Forest Service, but has been met with repeated refusals to consider the claim.

Public Law 101-302 states the "Forest Service is directed to negotiate, compromise, and reach a determination on the original claims." It is clear the Forest Service failed to negotiate, to compromise, or reach a determination even when directly ordered by law to do so—all based on unusually slow mail service outside the control of Mr. Vance.

The tragic combination of a devastating forest fire and Government insensitivity has turned Mr. Vance's life upside down. He is still struggling to pay the additional mortgages on his home and business assets that he was forced to take out in order to continue business operations.

Nate Vance's story is an unnecessary and an unintended inequity. Insensitive Government actions contributed to this hardships through an unreasonable and unresponsive process. We should not allow Government to forget that we are here to serve the people, not to impose unfair burdens upon them.

This legislation will allow us to ease some of the unfair burden imposed on Nate Vance by requiring the Forest Service to pay Mr. Vance $4,850 from the appropriate funds now in the Forest Service Regional fire budget. This amount represents only his equipment loss and is only the amount that would have been approved if the Postal Service had taken 4 days, rather than 5, to deliver his claim from Wyoming to its adjacent neighbor, Utah.

Mr. Vance is an honorable citizen who is pursuing the American dream of owning and operating a business. He is entitled to relief and deserves our support. I encourage my colleagues to support this legislation and help us to correct this obvious inequity and absurdity.

By Mr. HATCH:

S. 3220. A bill to amend the Harmonized Tariff Schedule of the United States to extend the temporary reduction of duty for certain sports clothing; to the Committee on Finance.

TEMPORARY REDUCTION OF DUTY ON CERTAIN SPORTS CLOTHING

Mr. HATCH. Mr. President, I rise today to introduce a tariff measure regarding the extension of the temporary reduction of duty on certain sports clothing.

My intent in introducing this piece of legislation is to directly address the potential consequences that may materialize if this particular temporary reduction of duty is not extended. In fact, without the temporary extension, the duty rates contained in the harmonized tariff schedule would be applied to certain sports clothing and would effectively increase the tariffs from 5.5 percent to as much as 30 percent on specific protective ski wear, including one-piece racing suits worn by the U.S. ski team.

I have several concerns about the effects of this much of a duty increase would have on U.S. ski wear importers. First, most ski wear importers are small in size, typically less than 20 employees, and duty rates play a significant role in the financial operations of a majority of these businesses. A significant increase in the tariff rates would be potentially devastating for several small ski wear importers in Utah and other States where the ski industry is a significant portion of the economy. Furthermore, there is no dramatic, protective ski wear production capability to speak of in the United States. Thus, the potentially negative effects that extending this duty reduction would have on domestic producers is negligible.

Second, most of the U.S. ski team equipment suppliers provide financial sponsorship to the team in addition to providing the team's equipment on a complimentary basis. Large increases in duty rates on imported equipment will make it more difficult for many of these suppliers to provide adequate levels of badly needed financial support for the U.S. ski team.

Therefore, Mr. President, I urge my colleagues to support me in my efforts to extend this noncontroversial, temporary duty rate reduction on certain sports clothing.

By Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. PELL, Mr. JEFFORDS, Mr. SASSER, and Mr. RUDMAN):

S. 3221. A bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met; to the Committee on Finance.

DENIAL OF MOST-FAVORED-NATION STATUS TO SERBIA AND MONTENEGRO

• Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to deny most-favored-nation status for Serbia and Montenegro. I am pleased that Senators MITCHELL, PELL, JEFFORDS, SASSER, and RUDMAN have joined as original cosponsors of this legislation.

This legislation would condition the granting of MFN on the President's certification to Congress that Serbia and Montenegro have stopped supporting armed conflict in the Balkans, including support for Serbian forces inside Bosnia-Hercegovina, and have made significant progress toward complying with the internationally recognized human rights of the Helsinki Final Act.

Mr. President, I returned over the recess from Croatia where I was a member of a bipartisan Senate delegation led by the Senate majority leader. The delegation also included Senator PELL, chairman of the Senate Foreign Relations Committee, and Senators JEFFORDS, SASSER, and RUDMAN.

While in Croatia, we met with Bosnian and Croatian refugees outside of Zagreb, and viewed the devastated

Croatian villages of Lipik and Pakrac. We also met with Bosnian President Izetbegovic, Serbian Prime Minister Panic, Croatian President Tudjman, United Nations officials, and others.

Mr. President, news reports of the bombardment of Sarajevo, televised images of Balkan atrocities, and descriptions of death camps did not fully prepare me for the horror of the situation we observed on the ground in Croatia. They could not.

There is literally no safe place to be a Moslem or Croat in Bosnia today. Terror, torture, detention, rape, destruction, and death are the common fate of Bosnian Moslems and Croats. No Croatian or Moslem man, woman, or child, no matter how young or innocent, is immune from catastrophe.

While Serb civilians in Bosnia—Hercegovina have also been victims of violence by Moslem, Croatian, and Bosnian Serb forces, the violence against the Serbs does not compare in any measure to what is being perpetrated against the Moslems and Croatians.

The horror of the lives of Moslems and Croats in Serbia is almost unimaginable to Americans. Children watch their parents being slaughtered before their eyes. Young women are raped, often leading them to become outcasts in Moslem societies, and then sometimes killed. Men are forced to fight to the death for the recreational entertainment of camp guards.

Countless thousands are starved, tortured, and then butchered simply because of their religion or ethnic origin. Others have seen their homes, their families, and their villages wiped out. Civilization as we know it has, for many Bosnians, simply ceased to exist.

Under the Bosnian Serbs' chilling policy of ethnic cleansing, artillery and snipers have been deliberately used against the civilian populations of the main Bosnian cities. Non-Serb populations have been ruthlessly expelled from large areas of Bosnia-Hercegovina. Systematic destruction of homes and razing of entire villages, looting of personal property, beatings, selective and random killings, massacres, torture, and starvation are the weapons that have been deliberately employed in this deadly and heinous campaign.

As described by the Senate foreign relations staff delegation report, civilian Moslem and Croatian women, children, and old men are routinely placed into detention camps after being forced out of villages and towns where they and their families have lived for centuries.

The conditions in these camps are shocking. Detainees have no toilets, and are often forced to relieve themselves in the same space where they sleep. Inadequate shelter, food, medical care, and sanitation are universal in these camps; rapes of young girls and women, beatings and killings also occur.

Non-Serb boys and men have been and continue to be held in prison camps throughout the Serb-controlled areas of Bosnia-Hercegovina. In the worst of these camps, prisoners have been systematically beaten and starved, and there is evidence of organized killings. These killings are often recreational and sadistic.

My personal experience in Croatia confirms many of these horrors. In the refugee camps we visited outside Zagreb, our Senate delegation spoke to women who wept so hard they could barely speak as they told of how their husbands had been taken away, how their homes had been burned, and how their relatives had been slaughtered.

One woman told us that she had watched her father and mother hacked to death with farm tools by her Serbian neighbors. Others told us about a 12-year-old child who was forced off a bus and publicly raped by Serbian guerrillas.

I am haunted by the people I met in Croatia, and by their fate. I cannot forget the terrible pain etched on their faces, or the unspeakable sadness in their eyes. I can still hear the sobs that wracked their bodies for the unfathomable horrors that had befallen them, horrors they were powerless to stop, and which inflicted wounds that will never heal.

I cannot forget them. And I am glad that I cannot forget, because their pain and suffering is a clarion call to all those who think of themselves as caring, compassionate, and moral people. We must act. And we must act now.

Our delegation concluded that there are many positive steps that the United States can and should take to help end the killing and improve the situation in Bosnia. The MFN legislation I am introducing today was one of the recommendations made by our delegation upon its return.

Other delegation recommendations include severing diplomatic relations with Serbia, significantly tightening sanctions against Serbia and Montenegro, and actively encouraging international, regional, and private monitoring of human rights abuses by all sides. We also recommended that the United Nations establish a legal process by which those guilty of war crimes can be held accountable and punished, and seek expanded worldwide assistance for international and private relief organizations.

The letter containing these recommendations was sent to Acting Secretary Eagleburger on September 1, and I ask unanimous consent that a copy of that letter be included in the RECORD following my remarks.

Mr. President, the legislation to prohibit Serbia and Montenegro from claiming MFN status is necessary because although U.N. sanctions restrict all trade with Serbia and Montenegro, these nations have attempted to claim that they are entitled to the rights once granted to the Socialist Federal Republic of Yugoslavia, which included MFN status. Because of this unjust claim, Congress should act now to make its position clear on what future trade relations will be with these outlaw nations.

This legislation will give Congress a specific role to play in any decisions to grant Serbia and Montenegro trading privileges with the United States. Thirty days before MFN can be granted to Serbia and Montenegro, the President must certify to Congress that Serbia and Montenegro have met specific conditions, allowing Congress time to review that certification and disagree. This legislation will also make observation of human rights an explicit condition for granting MFN to Serbia and Montenegro, which it has not been up until now.

But most important, Mr. President, passage of this legislation, along with implementation of the rest of the delegation's recommendations, will send a strong signal to Serbia and Montenegro that their vile campaign to systematically remove more than 2 million people from their homes on the basis of their ethnicity and religion will not be tolerated.

It will send a message to Serbia that thugs, bullies, and butchers can no longer operate with impunity on the international stage without paying a price for their actions. It will send a message to these outlaws that their killing must stop.

In Bosnia, the unthinkable has become commonplace. Serbia's aggression has devastated entire towns and displaced nearly 2 million refugees within the former Yugoslavia. It has also led to the untold personal misery and death of countless innocents. Terrible things happen to innocent people simply because they are not Serbs and because they are Moslems or Croats.

We cannot stand by while these unspeakable acts are perpetrated on innocents. If we do, then we will surely lose our humanity.

The Serbian sponsorship of the campaign to ethnically cleanse Bosnia-Hercegovina is a moral outrage to the civilized world. It is a stain on humanity. It brings to mind the ethnic genocide of the Holocaust. It is incumbent upon all civilized nations to express our outrage and to act.

If we stand by while a bunch of thugs, murderers, and bullies commit virtual genocide on an innocent people, then we have truly learned nothing from history. And we are less human, less caring, and less compassionate than we would like to think.

I urge the Senate to quickly pass this legislation to deny MFN status for Serbia and Montenegro. It's a positive step to express our moral outrage at the horrors being perpetrated daily on innocent Moslems and Croatians in Bosnia.

Mr. President, I ask unanimous consent that the text of the bill and the letter mentioned earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF MOST-FAVORED-NATION STATUS.

Except as provided in section 2, nondiscriminatory trade treatment (most-favored-nation status) shall not be granted to any goods that are produced, grown, or manufactured in Serbia or Montenegro.

SEC. 2. CONDITIONS ON GRANTING MOST-FAVORED-NATION STATUS TO SERBIA AND MONTENEGRO.

Notwithstanding section 1, the President may only grant nondiscriminatory trade treatment (most-favored-nation status) to goods that are produced, grown, or manufactured in Serbia or Montenegro after approval by the Congress of a trade agreement with such nation and after the President certifies to the Congress that—

(1) Serbia or Montenegro, as the case may be, has made significant progress toward complying with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), particularly the provisions regarding human rights and humanitarian affairs as well as respect for minority rights in Kosovo and Vojvodina; and

(2) Serbia or Montenegro, as the case may be—

(A) has ceased its armed conflict with the other ethnic peoples of the region formerly comprising the Socialist Federal Republic of Yugoslavia;

(B) has ceased all support of Serbian forces inside Bosnia-Hercegovina; and

(C) has agreed to respect the borders of the 6 republics of the former Socialist Federal Republic of Yugoslavia, as determined by the 1974 Yugoslav Constitution.

U.S. SENATE,
Washington, DC, September 1, 1992.

Hon. LAWRENCE EAGLEBURGER,
Acting Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: We have just completed a brief visit to the former Yugoslavia. We met with Bosnian President Izetbegovic, Serbian Prime Minister Panic, Croatian President Tudjman, United Nations officials and others. We visited Bosnian and Croatian refugees in a camp outside of Zagreb and viewed the devastated Croatian villages of Lipik and Pakrac. We are writing to share our impressions and recommendations with you.

The destruction we witnessed in Croatia and the personal accounts we heard from refugees and officials were horrifying. We spoke to women who wept so hard they could barely speak as they told us how their husbands had been taken away and how their homes had been burned. One woman told us that she had watched her father and mother hacked to death with farm tools by her Serbian neighbors. Others told us about a twelve year old child who was forced off a bus and publicly raped by Serbian guerrillas. Serbia's aggression has devastated entire towns, displaced over two million persons, and led to the personal misery and death of countless innocents. The international community must be more aggressive in working to stop the killing and brutality.

In each meeting, we reiterated our support for the views set forth by you in your USIA interview of August 21st. We stated that the U.S. views Serbia as the "fundamental aggressor" and that the U.S. prefers a return to the territorial status quo ante. We made it clear that original international boundaries must be respected and that displaced persons and refugees must be permitted to return to their homes. We stressed that aggression must not be rewarded and that the U.S. believes it possible to restore Bosnia-Herzegovina to a multi-ethnic state with the rights of all minorities fully respected.

We believe that this crisis deserves the full attention of the United States and we offer the following recommendations for United States policy:

1. The U.S. should sever diplomatic relations with Serbia. Serbian aggression against Bosnia-Herzegovina continues unabated. While the current government of Serbia-Montenegro claims to have no influence over Serbian activities within Bosnia-Herzegovina, the continued calls for a "Greater Serbia" demonstrate a clear long-term intention of Serbian annexation. The United States should initiate immediate action in the U.N. Security Council to abolish the U.N. seat of the Socialist Federal Republic of Yugoslavia and to require any parties of the former Yugoslavia who wish to join the United Nations to fulfill the Charter requirement that they be "peaceloving states which accept the obligations contained in the present Charter. . . ." Serbia continues its aggression because, except for some harsh words and adverse economic effects, it has paid no meaningful price for aggression.

2. The sanctions against Serbia and Montenegro should be tightened drastically. Most Favored Nation status for Serbia and Montenegro should be revoked. Sanctions remain an important alternative to the use of military force which would further increase loss of life. Sanctions appear to be having an effect on Serbia and Montenegro, but reliable reports indicate that sanctions are not fully in place. Additional actions should be taken, including the following: the stationing of United Nations or other monitors on the ground and on the Danube river to verify the embargo; the sealing of transport vehicles destined for a third country that are transiting Serbia and Montenegro to ensure that goods destined for another location are not offloaded in Serbia or Montenegro; a prohibition against the controlled areas of Bosnia-Herzegovina; and a serious, concerted use of diplomatic and economic pressure to prevent the sanctions from being violated.

3. The U.S. should actively encourage international, regional and private voluntary monitoring of human rights abuses by all sides. We are appalled by the callous disregard by all parties for the most basic human rights, and particularly by the Serbian practice of "ethnic cleansing." Verification and documentation of such abuses must be undertaken, and should include the systematic interviewing of refugees through the United Nations Human Rights Commission, the Commission on Security and Cooperation in Europe and non-governmental human rights organizations. Human rights monitors also should be sent to the Kosovo, Vojvodina and Sandjak regions of Serbia. This presence can help to deter further atrocities and ensure accountability for those abuses that already have occurred. The demand for access to and closure of detention camps must be loud and insistent.

4. The United States should press the United Nations to begin to establish a legal process by which those guilty of war crimes can be held accountable and punished.

5. The international community should expand assistance to international and private relief organizations, and to governments as necessary, to help provide relief and assist in the repatriation of refugees and displaced persons in the conflict. The economies of countries adjacent to the fighting are being heavily burdened by the need to accommodate civilians fleeing the violence. It is essential that these individuals be sustained until they are able to return to their original homes.

6. The U.S. should press our allies to join us in the above actions. As a world leader, the United States must provide direction in responding to this crisis. However, our European allies have a major responsibility in this instance and stand to gain more from the resolution of the conflict. It is critical that they fully participate in all steps to accomplish this end.

We hope these recommendations are helpful to you as you work to resolve this crisis.

Sincerely,

WARREN RUDMAN,
GEORGE J. MITCHELL,
JAMES M. JEFFORDS,
CLAIBORNE PELL,
FRANK R. LAUTENBERG,
JIM SASSER.•

By Mr. RIEGLE (for himself and Mr. LIEBERMAN):

S. 3222. A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

SMALL BUSINESS CAPITAL ENHANCEMENT ACT

• Mr. RIEGLE. Mr. President, I rise today to introduce the Small Business Capital Enhancement Act of 1992. I am pleased to be joined in this legislation by Senator LIEBERMAN, who has been working on similar types of legislation for a number of years.

One of the problems facing our economy has been the availability of credit for business expansion. Over the course of the past few years, I have heard numerous witnesses before the Banking Committee and elsewhere describe the increasing difficulty for small and medium-sized businesses in raising capital. Our legislation is designed to address that problem.

The bill we are introducing today is modeled after the highly successful Capital Access Program in my home State of Michigan. Created in 1986 by then-Gov. Jim Blanchard, this program has made over 1,500 loans to small and medium-sized businesses in Michigan with an average loan of $49,500. Administered by the Michigan strategic fund, it is truly an innovative program. The program is different from a loan guarantee program, where the Government guarantees a certain percentage of the loan. For each loan in the program, the borrower, lender, and State pay a premium into a loan loss reserve fund, which is used to protect the lender against loss on the loan.

A critical feature of the Michigan program and this legislation is that participating lenders assume the risk of loss on their loans made under the program, if those losses exceed the total contributions made into the lender's loan portfolio loss reserve fund. In this way, the costs to the Government are lower, more loans can be made, and the Government is not exposed to the risk for the entire loan as with a guarantee.

Our legislation would create a State-administered program of support for private sector lending to small businesses that are credit-worthy but unable to obtain credit under private lenders' normal terms. The legislation outlines the terms of the agreements that the States would enter into with lenders that participate in the program. Participating lenders would include commercial banks, savings institutions, and credit unions that the States, after consulting with the appropriate Federal banking regulator, found had the lending experience and financial and managerial capacity necessary to carry out the program successfully.

Under this legislation, the Federal Government and the participating States would share equally in matching the funds paid by a small business borrower and its lender into a loss reserve fund that the State would control with respect to all loans issued by the lender under the program. A State would advance its contribution to the loss reserve fund, and the Federal Government would reimburse the State 50-percent of the advance. It is important to note that this legislation limits the Federal Government's loan loss exposure to this 50-percent reimbursement.

The minimum, total contribution by the borrower and lender to the loss reserve fund is 3 percent of the loan amount. This amount conforms with the Michigan program requirement and is designed to enable participating lenders to extend credit to a broader range of credit-worthy, small business borrowers.

Let me give an illustration of how the program works now in Michigan and would work in other States under our legislation. A small business owner goes to a bank for a loan. The loan officer at the bank says, "Sorry, I can't approve your loan, because it is slightly too risky for us." With our legislation, that loan officer could reduce the risk to the bank by putting the loan under the Capital Enhancement Program. The small business borrower would pay at least 1.5 percent of the loan to the bank for deposit into the State-controlled loss reserve fund. The bank would pay the same amount into the fund and could negotiate with the borrower as to how much of that amount would be paid by the borrower as part of the loan. The State would match the combined borrower-bank payment. The Federal Government would reimburse the State one-half of the State's contribution. If the borrower defaults on the loan, the loss to the bank is expected to be recovered from the reserve fund.

By way of further explanation, if borrower A wishes to borrow $100,000 under the program, it would pay $1,500 to bank B for deposit into the loss reserve fund; bank B would deposit $1,500 into the fund; the State would deposit $3,000 into the fund; and the Federal Government would reimburse the State $1,500. If borrower A later defaulted on the loan, and bank B suffered a loss of $6,000, bank B could recover that amount from the State-controlled reserve fund. If bank B realized a loss greater than $6,000, it would be able to obtain reimbursement for the loss, if the loss reserve fund had sufficient funds from payments into the fund with respect to other loans by the bank under the program.

To preserve administrative flexibility, the States will have primary responsibility for implementation of the program. The Federal Government's role is limited to approving States for participation in the program, funding the 50 percent reimbursement payments to the States, and confirming that the States are enforcing agreements with participating lenders as required by the legislation.

The bill authorizes $50 million of Federal funds to cover the Federal Government's half of this Federal-State Partnership Program.

Mr. President, this legislation builds on a proven program that has made almost $75 million in loans available to small- and medium-sized companies in my home State of Michigan—loans that otherwise may not have been available for economic growth. It is an innovative program to offer maximum assistance at relatively low cost to the taxpayer. I hope my colleagues will support this innovative legislation, and I look forward to working with them, the administration, and other interested parties to increase the availability of credit for business expansion.•

• Mr. LIEBERMAN. Mr. President, I rise today to join Senator RIEGLE in introducing the Small Business Capital Enhancement Program, a modified version of legislation I introduced this past June with Senators STEVENS, DODD, and RUDMAN, and a bill which reflects more than a year's worth of work with Senator RIEGLE and others on the problems of the credit crunch and small business capital availability.

In July 1991, Michael Boskin, the chairman of the President's Council of Economic Advisers said:

> The serious problem of the availability of credit in the United States is probably the single biggest threat to a sustained recovery.

In September 1991, Chairman Alan Greenspan stated:

> The economy is moving, but it's moving against a 50-mile-per-hour headwind, which is the credit crunch.

And, President Bush has called the credit crunch a "roadblock to recovery." More than a year ago the Wall Street Journal described the credit crunch this way:

> For the administration, the credit crunch is becoming the domestic equivalent of Saddam Hussein—an enemy that won't go away.

I submit that more than a year later both the credit crunch and Saddam Hussein are alive and well.

And the current credit crunch is only half the story. One additional fact is clear—the credit crunch is going to get worse before it gets better. As the economy begins to recover and as the demand for credit begins to increase, the availability of financing for credit-worthy firms will become even more scarce. This impedes economic growth and job creation; causes businesses to fail and unemployment to rise. The fact is that credit-worthy businesses—particularly small businesses—will continue to suffer unless we take aggressive steps to get banks back in the business of lending money.

The Small Business Capital Enhancement Program is designed to bridge the credit gap and make bank financing available to the countless number of small businesses and entrepreneurs currently unable to secure bank loans at any cost.

This program represents a new and innovative market-based approach to small business lending. It will enable banks to extend credit to firms which have previously been unable to obtain commercial financing. It will do so with a minimum of regulatory oversight and without sacrificing safety, soundness, or conventional credit analysis. It will focus on small loans from a diverse assortment of companies. And, the program will accomplish all this with a negligible amount of Government resources and with no hidden governmental liability.

The Small Business Capital Enhancement Program is based on a portfolio insurance concept rather than the traditional loan-by-loan guarantee process. In other words, as opposed to current programs where Government provides a guarantee for each individual loan, this program provides a reserve or guarantee on a portfolio of loans. This will enable banks to evaluate risk on a pooled or shared basis and apply an actuarial approach to small business credit analysis. The result will be banks making far more small business loans with far fewer Federal dollars.

In 1986, the State of Michigan, under the leadership of former Governor Blanchard, implemented a similar program which has provided loans to approximately 950 firms, for a total of $48.5 million in financing, and has resulted in a leverage ratio—that is total government obligation to total lending—of more than 20:1.

Here's how it works:

For each bank participating in the program, a special reserve fund would be established to cover future losses from a portfolio of loans which the bank makes under the program. The reserve fund would be owned and controlled by State government, but earmarked in each participant bank's name. Thus each bank participating in the program would have its own separate earmarked loss reserve.

Payments would be made into a bank's earmarked reserve each time the bank makes a loan under the program. The borrower would make a premium payment of between 1½ to 3½ percent of the loan amount and the financial institution would match the payment. The Federal and State government would then, either directly or through a guarantee agreement, match the payment. Under this 4-part matching system, a bank could have anywhere from a 6-percent to a 14-percent loan loss reserve on the portfolio.

If a bank makes a portfolio of loans under the program, it might have a reserve equal to, for example, 10 percent of the total amount of that portfolio. In such a situation, the bank could sustain a loss rate of up to 10 percent on that portfolio and still be completely covered against loss. This gives the bank the ability to absorb a higher loss rate—perhaps 5, 6, or 7 percent—than it could tolerate on its conventional loans—usually 1 or 2 percent. Since this arrangement offers the bank a higher degree of coverage against loss than normally available, the institution may be able to offer more favorable interest rates and terms to small businesses.

The bank, however, must still be prudent in making loans under this program since it is completely at risk for any losses that exceed the coverage provided by the reserve. Because of this incentive for prudence, there will be little need for strict regulatory supervision. The bank would decide whether or not and under what terms and conditions to make a loan.

The limited need for regulatory oversight is a critical component in the implementation of this program. Unlike other Government loan programs which require strict oversight due to the Government's large hidden liability which is inherent in any guarantee program, the Capital Enhancement Program has a limited government liability—at most, 3½ percent of a loan or a portfolio of loans. This compares to traditional SBA programs where the Government exposure is 85 percent of the loan amount.

Also worth noting is the program's built-in bias for small loans. Because this concept is based on insuring a portfolio of loans as opposed to one loan, there is a structural incentive to build a large portfolio of diverse and smaller loans.

Thus, through this arrangement of shared risk, the Small Business Capital Enhancement Program would encourage banks that have been cutting back on commercial lending to extend credit to those small firms most affected by the credit crunch.

Mr. President, the credit crunch is strangling our economy and impeding economic recovery. Credit is the fuel of economic growth. Without credit, businesses cannot grow; without business growth, jobs cannot be created; and without job creation this economy will not recover. It's as simple as that. The Small Business Capital Enhancement Program will significantly expand lending to small businesses which will, in turn, create jobs and help put us back on the road to recovery.●

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 33, a bill to establish the Social Security Administration as an independent agency, and for other purposes.

S. 68

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 316

At the request of Mr. CRAIG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 645

At the request of Mrs. KASSEBAUM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 645, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1361

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1361, A bill to remedy the serious injury to the United States shipbuilding and repair industry caused by subsidized foreign ships.

S. 1752

At the request of Mr. INOUYE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1752, a bill to provide for the development, enhancement, and recognition of Indian tribal courts.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Missouri [Mr. BOND], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2682

At the request of Mr. WARNER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2792

At the request of Mr. KOHL, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2792, a bill to amend and authorize appropriations for the continued implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

S. 2813

At the request of Mr. GORE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2813, a bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically.

S. 2835

At the request of Mr. HATCH, the names of the Senator from Utah [Mr. GARN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2835, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements.

S. 2900

At the request of Mr. DOMENICI, the name of the Senator from Washington

[Mr. GORTON] was withdrawn as a cosponsor of S. 2900, a bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the Act are carried out, and for other purposes.

S. 2922

At the request of Mr. COHEN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Indiana [Mr. COATS], the Senator from North Dakota [Mr. CONRAD], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 2941

At the request of Mr. RUDMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2941, a bill to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes.

S. 2942

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2942, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 2958

At the request of Mr. AKAKA, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2958, a bill to amend chapter 37 of title 38, United States Code, to expand the housing loan program for veterans.

S. 2961

At the request of Mr. AKAKA, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2961, a bill to amend title 38, United States Code, to permit the burial in ceremonies of the National Cemetery System of certain deceased Reservists, to furnish a burial flag for such members, to furnish headstones and markers, and for other purposes.

S. 2966

At the request of Mr. HATFIELD, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2966, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 3008

At the request of Mr. ADAMS, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. LEAHY], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 3008, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

S. 3135

At the request of Mr. AKAKA, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 3135, a bill to amend the Farm Credit Act of 1971 and the Consolidated Farm and Rural Development Act to improve rural homeownership and utilities, and for other purposes.

S. 3158

At the request of Mr. SMITH, the names of the Senator from Indiana [Mr. COATS] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 3158, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 3169

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 3169, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 3188

At the request of Mr. DASCHLE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 3188, a bill to establish the representative and administrative entities necessary to carry out section 8 of the Florida Keys National Marine Sanctuary and Protection Act.

S. 3213

At the request of Mr. BURNS, his name was withdrawn as a cosponsor of S. 3213, a bill to authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, and for other purposes.

SENATE JOINT RESOLUTION 325

At the request of Mr. BIDEN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 325, a joint resolution entitled the "Collective Security Participation Resolution."

SENATE JOINT RESOLUTION 330

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 330, a joint resolution to designate March 1993 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 332

At the request of Mr. SASSER, the names of the Senator from Washington [Mr. ADAMS], the Senator from West Virginia [Mr. BYRD], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. SEYMOUR], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Ohio [Mr. METZENBAUM], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 332, a joint resolution to establish the month of October, 1992 as "Country Music Month."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

AMENDMENT NO. 2956

At the request of Mr. COHEN his name was added as a cosponsor of Amendment No. 2956 proposed to H.R. 5679, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

AMENDMENTS SUBMITTED

CIVIL LIBERTIES ACT AMENDMENTS

INOUYE AMENDMENTS NOS. 2957 THROUGH 2959

(Ordered to lie on the table.)

Mr. INOUYE submitted three amendments intended to be proposed by him to the bill (S. 2553) to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under the Act, and for other purposes, as follows:

AMENDMENT NO. 2957

Strike section 3 of the bill.

In the section heading of section 4 of the bill, strike "SEC. 4." and insert "SEC. 3.".

In the section heading of section 5 of the bill, strike "SEC. 5." and insert "SEC. 4.".

In the section heading of section 6 of the bill, strike "SEC. 6." and insert "SEC. 5.".

In the section heading of section 7 of the bill, strike "SEC. 7." and insert "SEC. 6.".

In the section heading of section 8 of the bill, strike "SEC. 8." and insert "SEC. 7.".

In section 110(b) of the Civil Liberties Act of 1988, as added by section 7 of the bill (as so redesignated), strike "section 7" and insert "section 6".

AMENDMENT NO. 2958

Strike section 8 of the bill.

AMENDMENT NO. 2959

In section 104(e) of the Civil Liberties Act of 1988, as amended by section 2 of the bill, strike $1,570,000,000" and insert "1,650,000,000".

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1993

SYMMS AMENDMENT NO. 2960

Mr. SYMMS proposed an amendment to the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes, as follows:

SECTION 1. LIMIT THE INCREASE OF MORTGAGE INSURANCE LIMITS TO FIRST-TIME HOME BUYERS.

On page 43, beginning on line 7, strike "*Provided*," and all that follows through the end of line 10 and insert the following: *Provided*, That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by inserting after "value in excess of $25,000." The first place it appears the following: "Notwithstanding the preceding sentence, if the mortgagor is a first-time home buyer, involve an".

On page 44, line 5, insert after the colon the following: *Provided further*, That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "For purposes of the preceding sentence," and inserting the following: "For purposes of this paragraph, the following definitions shall apply: the term 'first-time home buyer' means an individual (and his or her spouse) who has not owned a home during the 3-year period prior to insurance of a mortgage under this section, except that (A) any individual who is a displaced homemaker may not be excluded from consideration as a first-time home buyer under this section on the basis that the individual, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse, and (B) any individual who is a single parent may not be excluded from consideration as a first-time home buyer under this paragraph on the basis that the individual, while married, owned a home with his or her spouse or resided in a home owned by the spouse; the term 'displaced homemaker' means an individual who (A) is an adult, (B) has not worked full-time full-year in the labor force for a number of years, but has, during such years, worked primarily without remuneration to care for the home and family, and (C) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; the term 'single parent' means an individual who (A) is unmarried or legally separated from a spouse, and (B)(i) has 1 or more minor children for whom the individual has custody or joint custody, or (ii) is pregnant; and the term 'principal residence' means that the property securing the mortgage is a single-family residence or unit in a cooperative, and is the principal residence of the mortgagor.": *Provided further*, That the amendments to section 203(b)(2) of the National Housing Act made under this heading shall remain in effect until October 1, 1994.

SEC. 2. DELAY UP FRONT MORTGAGE PREMIUM DECREASE.

The transition provisions accompanying section 203(c)(2) of the National Housing Act is amended by inserting after "For mortgages executed during fiscal years 1991 and 1992" the following: "and the first month of fiscal year 1993 with respect to the up-front premium payment only." and by inserting after "For mortgages executed during fiscal years 1993 and 1994" the following: "except with respect to the up-front premium payment for the first month of fiscal year 1993 as described under section (b)(1) above."

MIKULSKI AMENDMENTS NOS. 2961 AND 2962

Ms. MIKULSKI proposed two amendments to the bill H.R. 5679, supra, as follows:

AMENDMENT NO. 2961

On page 28, after line 6, add the following paragraph:

Of the amount made available under this head in Public Law 102-139 for the HOPE for Homeownership of Multifamily Units Program as authorized under subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $3,000,000 shall be made available for a cooperative agreement between the Secretary of Housing and Urban Development and the National Center for Tenant Ownership in affiliation with the Harrison Institute at the Georgetown University Law Center, for the provision of technical assistance to potential recipients and recipients of grants under that program.

AMENDMENT NO. 2962

On page 39, after line 10, add the following paragraph:

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided under the head "Assistance for the Renewal of Expiring Section 8 Subsidy Contracts" in Public Law 102-139 shall be for a five-year extension as if the projects were under the section 8 new construction program, except that section 8(c)(2)(C) shall not apply.

DECONCINI AMENDMENT NO. 2963

Ms. MIKULSKI (for Mr. DECONCINI) proposed an amendment to the bill H.R. 5679, supra, as follows:

On page 48, between lines 9 and 10, insert the following:

PUBLIC HOUSING YOUTH SPORTS PROGRAMS

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in subsection (a), by striking "in" and inserting "for residents of";

(2) in subsection (b)(5), after "nonprofit organizations", by inserting "and institutions of higher learning"; and

(3) in subsection (d)(3), after "cultural activities,", by inserting "transportation costs,".

DOMENICI (AND OTHERS) AMENDMENT NO. 2964

Mr. DOMENICI (for himself, Mr. BROWN, Mr. NICKLES, Mr. PRESSLER, Mr. WALLOP, Mr. BINGAMAN, Mr. HATCH, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DECONCINI, Mr. SYMMS, Mr. SMITH, and Mr. CRAIG) proposed an amendment to the bill H.R. 5679, supra, as follows:

At the appropriate place, insert the following new section:

SECTION 1. MORATORIUM ON IMPLEMENTATION.

(a) DEFINITIONS.—As used in this section:

(1) ACT.—The term "Act" means title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act; 42 U.S.C. 300f et seq.).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) MORATORIUM.—Except as provided in subsections (d) and (e), the Administrator may not implement—

(1) any national primary drinking water regulation promulgated pursuant to section 1412 of the Act (42 U.S.C. 300g-1) after December 21, 1989; or

(2) any similar rule or regulation,

until September 30, 1994.

(c) STUDY AND REPORT.—

(1) Study.—Not later than 1 year after the date of enactment of this section, the Administrator shall conduct a comprehensive study to review—

(A) each final regulation that has been promulgated under this Act as of the date of the review, and regulatory alternatives to the regulation that reflect a range of levels of safety or direct health benefits (or a combination of both);

(B) for each regulatory alternative described in subparagraph (A)—

(i) any health effect the regulatory alternative would prevent; and

(ii) the system-level incremental cost of the alternative;

(C) in consultation with the Director of the National Academy of Sciences, the list of contaminants listed pursuant to section 1412 of the Act (42 U.S.C. 300g-1) for the purpose of considering revisions to the list to take into account—

(i) whether the contaminant is known (or reasonably anticipated) to cause a significant adverse effect on human health;

(ii) if the contaminant is not known (or reasonably anticipated) to cause a significant adverse effect on human health, the risk of safety factors associated with the maximum contaminant level for the contaminant under section 1412 of the Act (including any safety factor associated with relative source contribution and assumptions concerning water consumption); and

(iii) whether the contaminant is known to be, or reasonably anticipated to occur, in public water systems located within each State and region covered by the Act;

(D) the compliance deadlines under the Act (to determine whether any revision would be appropriate);

(E) each regulation and proposed regulation described in subsection (b), for the purpose of determining whether a regulation to apply exclusively to small public water systems (as determined by the Administrator) would be more appropriate to address the needs of small communities (as determined by the Administrator); and

(F) the funding needs of States and political subdivisions of States to meet the requirements of the Act, and recommended alternatives to ensure that States and political subdivisions of States meet the funding needs.

(2) REPORT.— Upon completion of the study described in paragraph (1), the Administrator shall submit to Congress a written report that documents the findings of the study and includes recommended legislative changes to the Act.

(d) ISSUANCE OF REGULATIONS.—If the Administrator, in consultation with the States, and after considering available resources for managing risks associated with drinking water, determines that the immediate implementation or promulgation of a national primary drinking water regulation under section 1412 of the Act (42 U.S.C. 300g-1), or similar rule or regulation, is justifiable in order to protect human health, the Administrator shall implement or promulgate the regulation without regard to subsection (b). A decision by the Administrator to implement a regulation under this subsection shall not be subject to—

(1) subchapter II of chapter 5 of title 5, United States Code; or

(2) chapter 7 of title 5, United States Code.

(e) EXCEPTION.—Subsection (b) shall not apply to the national primary drinking water regulations for lead and copper referred to in the final rule promulgated on June 7, 1991, published at 56 Fed Reg. 26460.

CHAFEE (AND OTHERS) AMENDMENT NO. 2965

Mr. CHAFEE (for himself, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. MITCHELL, and Mr. LEAHY) proposed an amendment to amendment No. 2964 proposed by Mr. DOMENICI (and others) to the bill H.R. 5679, supra, as follows:

Strike all after the first word of the amendment and insert in lieu thereof the following:

"SEC. . SAFE DRINKING WATER ACT IMPLEMENTATION.

"(a) SAFE DRINKING WATER ACT REPORT.—The Administrator of the Environmental Protection Agency shall report to the Congress within nine months of the date of enactment of this section recommendations concerning the reauthorization of the Safe Drinking Water Act. Such report shall address—

"(1) the adverse health effects associated with contaminants in drinking water and the public health and other benefits that may be realized by removing such contaminants;

"(2) the process for identifying contaminants in drinking water and selecting contaminants for control;

"(3) schedules for the development of regulations and compliance with drinking water standards;

"(4) the financial and technical capacity of drinking water systems to implement monitoring requirements associated with regulated and unregulated contaminants and options to facilitate implementation of such requirements, with special emphasis on small communities;

"(5) the financial and technical capacity of drinking water systems to install treatment facilities needed to assure compliance with drinking water standards and options to facilitate compliance with such standards, with special emphasis on small communities;

"(6) the financial and technical capacity of States to implement the drinking water program, including options for increasing funding of State programs; and

"(7) innovative and alternative methods to increase the financial and technical capacity of drinking water systems and the States to assure effective implementation of such Act.

"(b) MORATORIUM AND REPORT ON RADIONUCLIDES IN DRINKING WATER.—(1) The Administrator of the Environmental Protection Agency shall conduct a multi-media risk assessment of radon considering: (A) the relative risk of adverse human health effects associated with various pathways of exposure to radon; (B) the relative costs of controlling or mitigating exposure to radon from each pathway; and (C) the relative costs for radon control or mitigation experienced by households and communities, including the costs experienced by small communities as the result of such regulation. Such an evaluation shall consider the risks posed by the treatment or disposal of any wastes produced by water treatment. The Science Advisory Board shall review the Agency's study and submit a recommendation to the Administrator on its findings. The Administrator shall report the Administrator's findings and the Science Advisory Board recommendation to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce.

"(2) Notwithstanding any existing court order or agreement, not later than December 31, 1993, the Administrator shall (A) publish the Administrator's study and risk assessment and the Science Advisory Board recommendation (as described in paragraph (1)) in the Federal Register, and (B) issue final regulations under the Safe Drinking Water Act concerning radionuclides in drinking water.

"(c) SMALL SYSTEM MONITORING COST REDUCTION.—With respect to monitoring requirements for organic chemicals, pesticides, PCBs, or unregulated contaminants promulgated in January 1991 (known as the Phase II rule), the Administrator or a primacy State may modify such requirements to provide that any drinking water system serving a population of less than 3300 persons shall not be required to conduct additional quarterly monitoring for a specific contaminant or contaminants prior to October 1, 1993, if monitoring for any one quarter conducted after the date of enactment of this subsection and prior to October 1, 1993 for any such contaminant or contaminants fails to detect the presence of such contaminant or contaminants in the water supplied by the drinking water system.".

COHEN AMENDMENT NO. 2966

Mr. COHEN proposed an amendment to the bill H.R. 5679, supra, as follows:

At the appropriate place add the following new section:

"SEC. .

(A) Of the \$5,086,000,000 allocated to NASA's Space Flight, Control and Data Communications account on page 104, line 16, \$25 million is transferred to EPA's Abatement, Control and Compliance account to be used for State Public Water Supply Supervision Grants. These additional funds shall supplement the amount made available for state grants under the authority of Sec. 1443 of the Safe Drinking Water Act.

(B) Of the \$319,200,000 allocated to NASA's Construction of Facilities account on page 104, line 25, \$25 million is transferred to EPA's Abatement, Control and Compliance account to be used for emergency grants to publicly owned water systems, as authorized by Sec. 1442 (a)(2)(B) of the Safe Drinking Water Act. For purposes of this appropriation, the Administrator may determine that an emergency exists in cases in which a state nominates a publicly owned drinking water system for such assistance and the Administrator determines that the system has (1) conducted required monitoring and made good faith efforts to comply with the treatment requirements of the Safe Drinking Water Act, and (2) has been unable to consistently deliver water meeting the Maximum Contaminant Levels required for the system due to significant economic hardship, as determined by the State.

MIKULSKI AMENDMENT NO. 2967

Ms. MIKULSKI proposed an amendment to the bill H.R. 5679, supra, as follows:

On page 108, after line 11, insert the following new paragraph:

"The Mission Simulator and Training Facility, Building No. 5, of the National Aeronautics and Space Administration located at the Johnson Space Center in Houston, Texas is hereinafter named and designated the Jake Garn Facility."

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

SIMON AMENDMENT NO. 2968

Mr. SIMON proposed an amendment to the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the end of the amendment add the following: "*Provided*, That none of the funds appropriated or made available under this Act may be used for the payment of salaries and expenses for any Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, to take an active part in political management or in political campaigns as defined under section 7324(a) of title 5, United States Code".

UNIFORM PRODUCT LIABILITY ACT

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 2969

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. KASTEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill (S. 640) to regulate interstate commerce by providing for a uniform product liability law, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

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TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Product Liability Fairness Act".

DEFINITIONS

SEC. 102. As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

PREEMPTION

SEC. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

(f) Any decision of a United States court of appeals interpreting the provisions of this Act shall be considered a controlling precedent and followed by each Federal and State court within the geographical boundaries of the circuit in which such court of appeals sits, unless the decision is reversed by the United States Supreme Court.

JURISDICTION OF FEDERAL COURTS

SEC. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

SEC. 105. (a) This Act shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

(b) If any provision of this Act would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

TITLE II

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

SEC. 201. (a) A claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this title.

(b) A claimant may, in addition to any claim for relief made in accordance with State law, include in the complaint an offer of settlement for a specific dollar amount.

(c) A defendant may serve an offer of settlement for a specific dollar amount within 60 days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) At any time after the time a party is permitted to make an offer of settlement pursuant to subsection (b) or (c), and more than 10 days before trial begins, a party may serve upon the adverse party an offer to allow judgment to be taken for the money or property or to the effect specified in his offer, with costs then accrued. If within 10 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with proof of service thereof, and thereupon the court shall enter judgment. An offer that is not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs and attorneys' fees pursuant to this section. The fact that an offer is not accepted does not preclude a subsequent offer. When the liability of one party to another has been determined by verdict or order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

(e) In any case in which an offer of settlement is served pursuant to subsection (b) or (c) of this section, or an offer of judgment is made pursuant to subsection (d) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than 60 days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(f) If a defendant, as offeree, does not serve on a claimant a written notice of acceptance of—

(1) an offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within 30 days after the court's determination regarding such motion; or

(2) within the time specified in subsection (d), an offer of judgment made by a claimant in accordance with subsection (d);

the court, if a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement or offer of judgment, shall enter judgment against that defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(g) If a claimant, as offeree, does not serve on the defendant—

(1) a written notice of acceptance of an offer or settlement made by a defendant in accordance with subsection (c) of this section, within 30 days after the date on which such offer is made; or

(2) within the time specified in subsection (d), a written notice of acceptance of an offer of judgment made by a defendant in accordance with subsection (d);

the court, if a verdict is entered in such action equal to or less than the specified dollar amount of such offer of settlement, and if the claimant is the prevailing party with respect to the offeror, shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fee and costs owed by the offeror to the offeror's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to the economic loss for which the claimant has received or will receive collateral benefits. If the claimant is not the prevailing party with respect to the offer, the claimant's refusal to accept an offer of settlement or judgment shall not result in the payment of any penalty under this subsection.

(h) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

(i) Any tender of an offer, settlement agreement concluded, judgment entered, or the rejection of such a tender, pursuant to this section shall not be admissible in any action, except in an action to enforce the judgment under this section, or in a matter involving res adjudicata.

ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

SEC. 202. (a) A claimant or defendant may, within the time permitted for making a tender under section 201 of this Act, serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained. An offeree shall, within 10 days, file a written notice of acceptance or rejection of the offer.

(b) If a defendant as an offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure shall be deemed reasonable and in good faith, if a verdict is rendered in favor of the offeree.

TITLE III

CIVIL ACTIONS

SEC. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY

SEC. 302. (a) Notwithstanding the provisions of section 301 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant;

(B) the product seller failed to exercise reasonable care with respect to the product; and

(C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product;

(B) the product failed to conform to the warranty; and

(C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this title except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

SEC. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply (i) in any case in which the defendant, before or after pre-market certification of a drug or device, withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government required information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply (i) in any case in which the defendant, before or after pre-market certification of an aircraft, withheld from or misrepresented to the Federal Aviation Administration required information that is material and relevant to the performance or the maintenance or operation of such aircraft, or (ii) in any case in which the defendant made an illegal payment to an official of the Federal Aviation Administration for the purpose of securing approval of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive of exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

UNIFORM TIME LIMITATIONS ON LIABILITY

SEC. 304. (a) Any civil action subject to this title shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this title shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

WORKERS' COMPENSATION SUBROGATION STANDARDS

SEC. 305. (a)(1) An employer or workers' compensation insurer of an employer shall have a right of subrogation against a manufacturer or product seller to recover the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled as determined by the appropriate workers' compensation authority for harm caused to an employee by a product if the harm is one for which a civil action has been brought pursuant to this Act. To assert a right of subrogation an employer or workers' compensation insurer of an employer shall provide written notice that it is asserting a right of subrogation to a court in which the claimant has filed a complaint. The employer or workers' compensation insurer of the employer shall not be required to be a necessary and proper party to the proceeding instituted by the employer.

(2) In any proceeding against or settlement with the manufacturer or product seller, the employer or the workers' compensation insurer of the employer shall have an opportunity to participate and to assert a right of subrogation upon any payment made by the manufacturer or product seller by reason of such harm, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise. The employee shall not make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the employer and no release to or agreement with the manufacturer or product seller shall be valid or enforceable for any purpose without such consent. How-

ever, the preceding sentence shall not apply if the employer or workers' compensation insurer of the employer is made whole for all benefits paid in workers' compensation benefits.

(3) If the manufacturer or product seller attempts to persuade the trier of fact that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the issue whether the claimant's harm was caused by the claimant's employer or coemployees shall be submitted to the trier of fact. If the manufacturer or product seller so attempts to persuade the trier of fact it shall provide written notice to the employer. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the trier of fact as to this issue as fully as though the employer were a party although not named or joined as a party to the proceeding. Such issue shall be the last issue submitted to the trier of fact. If the trier of fact finds by clear and convincing evidence that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the court shall reduce the damages awarded by the trier of fact against the manufacturer or product seller by the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm as determined by the appropriate workers' compensation authority and the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer. However, the employer shall not lose its right of subrogation because of an intentional tort committed against the claimant by the claimant's coemployees or for acts committed by coemployees outside the scope of normal work practices.

(4) If the verdict shall be that the claimant's harm was not caused by the fault of the claimant's employer or coemployees, then the manufacturer or product seller shall reimburse the employer or workers' compensation insurer of the employer for reasonable attorneys' fees and court costs incurred in the resolution of the subrogation claim, as determined by the court.

(b)(1) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured.

(3) Any action other than as provided in paragraph (2) shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(c) In any civil action subject to this title in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at the claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law. The verdict as determined by the trier of fact pursuant to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(d) A claimant in a civil action subject to this title who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action.

SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

SEC. 306. (a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) as used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS

SEC. 307. (a) In any civil action subject to this Act in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

Mr. ROCKEFELLER. Mr. President, I want to send to the desk, in part for the information of offices throughout the Senate so they might be aware of this, some amendments in the nature of a substitute, to S. 640, the product liability bill. These are amendments, technical clarifications that have to do with settlement offers of alternative dispute resolutions, FDA defense to punitive damages, workers compensation offset, and some technical changes. I will have more to say about these tomorrow morning.

I ask unanimous consent those be received, and that a summary of the amendment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROPOSED AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 640, THE PRODUCT LIABILITY FAIRNESS ACT

CLARIFICATION

Section 201—Settlement Offers. In its current form, this section requires a party to pay his opponent's reasonable legal fees, if a party refuses a settlement offer prior to trial and then does not fare as well as this offer at trial. The section limits the amount a claimant would have to pay to the amount he received in collateral sources (e.g. payments from health insurance.) Four changes are made to this section:

1. If the claimant loses at trial, there is no penalty;

2. The substitute clarifies the maximum penalty for the claimant that refuses a settlement offer which is higher than the subsequent verdict. In these situations, the maximum penalty is the amount of collateral sources for economic damages. There is no penalty if there are no collateral sources. There is no penalty with respect to noneconomic damages;

3. The time period for making an offer is extended to 10 days before trial, as in Federal Rule of Civil Procedure 68; and

4. Settlements under this section are not admissible in future cases to prove liability by the defendant. (This is the "offensive use of collateral estoppel.")

Section 202—Alternative Dispute Resolution (ADR). In its current form, this section requires a party to pay his opponent's reasonable legal fees and costs if a party refuses an offer to participate in ADR, and the trial results in a verdict for the offeree. There is judicial discretion in the current provision. Two changes are made to this section:

1. The provision is modified to state that a party may offer to proceed to ADR under this Act if the procedures are both voluntary and nonbinding; and

2. The penalty of legal fees and costs shall be applied only to the defendant. It does not apply to the claimant.

Section 303(c)(1)—the FDA Defense to Punitive Damages. This provision grants a defense to punitive damages for products that have been certified by the FDA. This defense does not apply if the manufacturer withheld or misrepresented information to the FDA. This amendment clarifies that the defense does not apply if the manufacturer withholds or misrepresents information to the FDA after the product has been approved.

Section 305—Worker's Compensation Offset. This change is the result of negotiations between the manufacturing community and the National Federation of Independent Businesses. In terms of the relationship between manufacturers, employers, and employees in product liability litigation arising out of workplace injuries, the amendment provides:

1. The right of employers to recover workers' compensation benefits from manufacturers in litigation which alleges that a product (usually a piece of machinery) caused an injury is preserved. This is the subrogation lien. The lien is eliminated only if the manufacturer can prove by clear and convincing evidence that the employer caused the injury;

2. If the lien is eliminated, the product liability judgment is reduced by the amount of workers' compensation benefits; and

3. The manufacturer's right to contribute in these cases is eliminated.

TECHNICAL CHANGES

Section 303(c)(2)(C)—The FAA Defense to Punitive Damages. The defense against punitive damages is not available if there was bribery in the FDA approval process for a drug or device. The provision is amended to extend this exception to the bar against punitive damages to the FAA approval process for general aviation aircraft.

Section 103(f)—Preemption. This new provision clarifies that the decisions of a U.S. Court of Appeals interpreting the provisions of this Act will be binding on all state and federal courts in that judicial circuit unless overruled by the Supreme Court of the United States.

INTERNATIONAL TRADE AUTHORIZATION ACT, FISCAL YEAR 1993 AND 1994

BINGAMAN (AND RIEGLE) AMENDMENT NO. 2970

Mr. DECONCINI (for Mr. BINGAMAN, for himself and Mr. RIEGLE) proposed an amendment to the bill (S. 2880) to authorize appropriations for fiscal years 1993 and 1994 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service, and for other purposes, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . COMPETITIVENESS POLICY COUNCIL ACT AMENDMENTS.

(a) REAUTHORIZATION.—Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993 and 1994"; and

(2) by striking "$5,000,000" and inserting "$2,500,000".

(b) RENAMING OF COUNCIL.—The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended—

(1) in the subtitle heading—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(2) in section 5201—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(3) in section 5202(b)(2)—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(4) in section 5203—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by inserting "National" before "Competitiveness"; and

(C) by striking "Council" each place it appears and inserting "Commission";

(5) in section 5204—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by striking "Council" and inserting "Commission";

(6) in sections 5205 through 5208, by striking "Council" each place such term appears and inserting "Commission";

(7) in section 5207, in the section caption, by striking "COUNCIL" and inserting "COMMISSION"; and

(8) in section 5210—

(A) in paragraph (1)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" each place it appears and inserting "Commission"; and

(B) in paragraph (2)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" and inserting "Commission".

(c) DUTIES OF THE COMMISSION.—Section 5204 of the National Competitiveness Policy Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the American economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

(d) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the National Competitiveness Policy Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "the highest level allowed under section 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting before paragraph (4), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) SENIOR EXECUTIVE SERVICE.—The Commission may establish positions in the Senior Executive Service in accordance with the provisions of subchapter II of chapter 31 of title 5, United States Code.

"(3) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and insert "the maximum rate payable under section 5376 of title 5, United States Code.".

(e) POWERS OF THE COMMISSION.—Section 5207 of the National Competitiveness Policy Commission Act (15 U.S.C. 4806) is amended—

(1) by inserting before the period at the end of subsection (b)(1)(B) ", except that such information may be provided to members and staff of the Council subject to existing national security laws and regulations";

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

(f) REPORTING REQUIREMENTS.—Section 5208 of the National Competitiveness Policy Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) PERIODICAL REPORTS.—The Commission may submit to the President and the Congress such other reports containing analysis and recommendations as the Commission deems necessary.".

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

BUMPERS AMENDMENT NO. 2971

Mr. DECONCINI (for Mr. BUMPERS) proposed an amendment to the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, as follows:

On page 3, line 2, inset "building" after "Company".

On page 3, line 13, after "shall" and before "acquire", insert ", subject to the availability of appropriated funds,".

On page 3, line 13, insert "building" after "Company".

On page 5, lines 4 through 5, strike "described in this section".

On page 7, strike lines 11 through 19, strike section 107 in its entirety and insert in lieu thereof the following:

"The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary in consultation with the Secretary of Interior".

On page 8, strike lines 7 through 8, and insert in lieu thereof, "There is authorized to be appropriated such sums as may be necessary to carry out this title: *Provided*, That the amount to be appropriated for the operation, development or restoration of nonfederally owned properties within the boundaries of the park shall not exceed $200,000.".

On page 13, line 15, strike "interurban" and insert in lieu thereof, "inter-urban link".

On page 16, line 9, strike "device" and insert in lieu thereof, "devise".

On page 18, strike lines 16 through 20, and insert in lieu thereof:

"There are authorized to be appropriated such sums as may be necessary to carry out this title, except that the federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out its duties.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the National Ocean Policy Study, be authorized to meet during the session of the Senate on September 9, 1992, at 9:30 a.m. on implementation of Fishery Conservation Amendments of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9 at 2 p.m. to hold a hearing on AIDS in Africa: The United States response.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 9, 1992, at 10 a.m. to hold a hearing on State health care plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RULES OF THE OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

• Mr. BYRD. Mr. President, as required by Public Law 102-166, section 303(e), I now submit for publication in the CONGRESSIONAL RECORD the Rules of the Office of Senate Fair Employment Practices.

The rules follow:

INTERIM AND PROPOSED RULES

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

Introduction. The Office of Senate Fair Employment Practices hereby publishes interim and proposed rules governing the procedures of the Office in the counseling and mediation stages of the dispute resolution process and procedures for hearing boards. The Office also invites comment on these proposed rules.

Effective Date. These rules are effective as of the date of publication.

For Further Information Contact: Carl D. Moore, Deputy Director, Office of Senate Fair Employment Practices, at 202-224-6666.

Comment Period. Comment on these rules should be mailed to the Office of Senate Fair Employment Practices, United States Senate, Suite SH-103, Washington, DC 20510-9060. The comment period will officially close on November 29, 1992.

Supplementary Information. Title III of the Civil Rights Act of 1991 created the Office of Senate Fair Employment Practices and charged the Office with the responsibility of administering a dispute resolution process in the Senate for certain equal employment opportunity laws. Pursuant to section 303(e) of Title III of the Civil Rights Act of 1991, the Office of Senate Fair Employment Practices hereby publishes the rules that will govern the procedures of the Office and procedures for hearing boards. These rules are published as interim rules to be used while final rules are being developed. Therefore, the Office invites comment from interested parties on the content of these rules.

The purpose of Title III of the Civil Rights Act of 1991 is to provide procedures to protect the right of Senate employees to be free of discrimination in their employment on the basis of race, color, religion, sex, national origin, age, or disability. Employing offices in the Senate have the responsibility of avoiding policies and practices that improperly discriminate and for protecting employees from retaliation or intimidation because of the exercise of a right under the law. Employing offices also have the responsibility of cooperating in the expeditious processing of cases at each stage of this procedure.

In general, these rules cover the five phases of the statutory dispute resolution process for allegations of discrimination covered by Title III of the Civil Rights Act of 1991. The five phases of the process include the following: (1) counseling; (2) mediation; (3) formal complaint and board hearing; (4) review by the Senate Select Committee on Ethics; and (5) judicial review. The rules also provide procedures for the hearing board phase.

The hearing board procedures cover such matters as motions, discovery, subpoenas, and requirements for awarding costs and attorney's fees.

The statutory mechanism created for the resolution of disputes is unique. The Office encourages all interested parties to carefully review these proposed rules and to assist the Office in the effort to establish an effective and efficient dispute resolution process.

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OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES INTERIM RULES OF PROCEDURE

Rule 1. Scope of Rules

These rules govern the Office of Senate Fair Employment Practices' counseling, mediation, formal complaint, and hearing procedures under Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088.

Rules 2. Definitions

2.1 *Committee*. The term "Committee" means the Senate Select Committee on Ethics.

2.2 *Director*. The term "Director" means the Director of the Office of Senate Fair Employment Practices.

2.3 *Employee*. The term "employee" means—

(a) any employee whose pay is disbursed by the Secretary of the Senate;

(b) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(c) any applicant for a position that will last 90 days or more and that is to be occupied by an employee described in subsections (a) and (b) of this Rule; and

(d) any individual who was formerly an employee described in subsection (a) or (b) of this Rule and whose claim of a violation arises out of the individual's Senate employment.

2.4 *Employing office*. The term "employing office" means the office of the Senate in which the employee works, worked, or sought to work.

2.5 *Head of the employing office*. The term "head of the employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions or privileges of employment for the employee. This includes, for example, the Member in his or her personal office; the Chair or Ranking Minority Member (or Vice Chair) of Senate Committees and Subcommittees; and the heads of Senate support offices.

2.6 *Hearing board*. The term "hearing board" refers to the entity comprised of individuals appointed by the Director to consider a complaint.

2.7 *Office*. The term "Office" means the Office of Senate Fair Employment Practices.

2.8 *Party*. The term "party" means the employee or the employing office or designee of the employing office.

2.9 *Presiding hearing officer*. The term "presiding hearing officer" refers to the hearing board member the Director designates as the chair of the hearing board.

2.10 *Representative*. The term "representative" refers to the individual who is selected by an employee or an employing office to provide assistance and advice during counseling, mediation, or the hearing under these Rules. A representative need not be a lawyer and may be an employee of the Senate.

2.11 *The Act*. The term "the Act" means Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088.

2.12 *Days*. The term "days" means calendar days.

2.13 *Discrimination*. The term "discrimination" includes the following:

(a) In any personnel action affecting employees of the Senate, discrimination based on—

(1) race, color, religion, sex, or national origin within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. §2000e-16);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. §633a); or

(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. §791) and sections 102-104 of the Americans with Disabilities Act of 1990 (42 U.S.C. §§12112-14).

(b) Any intimidation of, or reprisal against, any employee by any Member, officer, or employee of the Senate, or by the Architect of the Capitol, or anyone employed by the Architect of the Capitol, because of the exercise of a right under the Act constitutes an unlawful employment practice. The term "intimidation" means any action or communication directed to an employee that is intended to deter the employee from exercising any right under the Act or from any opposition to any discrimination made unlawful under the Act. The term "reprisal" means actions directed against an employee because of the employee's opposition to an unlawful employment practice under the Act or for the employee's exercise of any right under the Act.

2.14 *Federal government holiday*. The term "federal government holiday" means New Years' Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, any other day appointed as a holiday by the President or Congress of the United States.

Rule 3. Time

3.1 *Computation*.

(a) In computing the time for taking any action required or permitted under these rules to be taken within a specified time, the first day counted shall be the day after the event from which the time period begins to run and the last day counted is the last day for taking the action. When the last day falls on a Saturday, Sunday, or federal government holiday or any other day, other than a Saturday or a Sunday, when the Office is closed, the last day for taking the action shall be the next day that is not a Saturday, Sunday, or federal government holiday or a day when the Office is closed. Where a prescribed time period is less than eleven days, then Saturdays, Sundays, and federal government holidays shall be excluded from the computation of the time period.

(b) Whenever a party has the right or is required to do some act within a prescribed period after the date of service of a notice or other paper and the notice or other paper is served upon the party by mail, 3 days shall be added to the prescribed period. This additional 3 days does not apply to the request for Committee review under Rule 14.2.

3.2 *Timely service*. Except as otherwise provided in Rule 14.2, a document required under these rules to be submitted to the Office or served on a party within a specified time shall be deemed timely if it is received in the Office or, if mailed, then postmarked on or before the last day of the applicable time period. When a document is received in the mail without a legible postmark, it will be deemed timely if received within five days from the expiration of the applicable filing period.

3.3 *Extension of time*. Upon written request of either an employee or an employing office, or on the Director's own initiative, the Director may extend the time for taking action under these rules, except that the Director may not extend the time for taking any action for which the Act specifies a time limit: time to initiate procedures (Rule 4.2); time for counseling (Rule 5.3); extension of mediation beyond 30 days (Rule 6.4); time for filing complaint (Rule 7.2); extension for conducting a hearing beyond 60 days (Rule 13.2); time for issuing a decision (Rule 14.1); and time for seeking review (Rule 14.2).

Rule 4. Commencement of Procedures

4.1 *Who may initiate procedures*. Any employee, who alleges that he or she has been, or is, the subject of discrimination may initiate procedures for the consideration of the allegation of discrimination.

4.2 *When to initiate procedures*. To initiate procedures, an employee must submit a request for counseling to the Director not later than 180 days after the alleged discrimination occurred.

4.3 *How to initiate procedures*. A request for counseling may be made at the Office in person, by telephone, or by written request. If the request is not filed in writing, the Office shall document in writing the date of the receipt of the request.

4.4 *Where to initiate procedures*. A request for counseling may be directed to:

Director, Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, D.C. 20510-9060

Telephone 202-224-6666. FAX 202-228-8666. TDD 202-224-6667.

4.5 *Informal advice*. Employees and employing offices may seek informal advice on rights and responsibilities under the Act and these rules, as well as on all aspects of the Office's procedures, at any time by contacting the Office. Requests for informal advice do not constitute a request for counseling that initiates procedures under these rules. Requests for advice shall be handled by the Office confidentially.

4.6 *Representation*. At any stage of the counseling, mediation, and hearing board process under these rules, an employee, supervisor, head of an employing office, or witness may be assisted by an individual of his or her choice. The representative may be, but need not be, an attorney. After the Director has received written notice of the designation of a representative, the Director shall notify other parties of the designation (except in the Counseling stage when the employee has not authorized contact with the employing office) and, if the representative is an attorney, all service of papers shall be directed to the representative, unless the party notifies the Director of the revocation of the designation of a representative. There must be no conflict of interest in order for the individual to serve as a representative.

4.7 *Role of the Office*. Throughout the process under these Rules, the Director and the Office shall not serve as advocates for either the employee or the employing office. The role of the Office is to encourage fair and equitable treatment of parties and early resolution of disputes.

Rule 5. Counseling Procedures

5.1 *Purpose*. Counseling shall be a period for discussion, evaluation, and guidance aimed at assisting the employee to resolve the matter at issue. Counseling involves the employee and a counselor selected by the Director. At the initial counseling session, the counselor shall provide the employee with a copy of these rules and shall advise the employee of the employee's rights and responsibilities under the Act and these Rules. The counselor shall develop the following information during the counseling period:

(a) the name, home mailing address, and work and home telephone numbers of the requester;

(b) the name of the person(s) involved in the action that the employee wishes to challenge;

(c) the name of the employing office involved;

(d) a description of the action complained of, including the date(s) of the action(s);

(e) a brief description of the employee's reasons for concluding that discrimination may be involved;

(f) a statement of the relief sought; and

(g) where the employee has a representative, the name, address, and telephone number of the representative, and whether the representative is a lawyer.

5.2 *Commencement*. Counseling commences with a request for counseling filed under Rule 4.

5.3 *Duration*. The period for counseling shall be 30 days. If the employee and the Director agree in writing, the period for counseling may be reduced.

5.4 *Conclusion and notice*. If the matter with respect to which the employee sought counseling is not resolved during the counseling period, the Director shall notify the employee in writing of the end of the counseling period and of the right to file with the Director a request for mediation within fifteen days of the end of the counseling period.

5.5 *Confidentiality*. Except when the employee and the Director agree in writing to contact the employing office, information or records relating to the counseling of an employee under this Rule shall not be disclosed to anyone outside the Office in whole or in part or by way of summary. This Rule shall not preclude the counselor from consulting with the Office nor the Director from reporting statistical information to the Senate that does not reveal the identity of employees who have requested counseling or of employing offices that are the subject of a request for counseling. All parties to the action will be advised of the importance of confidentiality in this process.

5.6 *Employees of the Architect of the Capitol and employees who are members of the Capitol Police*. Pursuant to section 305(c) of the Act and by agreement with the Architect of the Capitol and with the Senate Sergeant At Arms, the following procedures apply to employees of the Architect and employees who are members of the Capitol Police.

(a) *Initiation of procedures and referral*. An employee of the Architect of the Capitol or an employee who is a member of the Capitol Police initiates procedures by submitting a request for counseling under Rule 4.4 not later than 180 days after the alleged discrimination occurred. The Director may—

(1) refer the employee to the Architect or to the Capitol Police Board, as appropriate, for a period generally up to 90 days, unless the Director determines a longer period is appropriate for resolution of the employee's complaint through the internal procedures of the Architect or the Capitol Police Board; or

(2) allow the employee to proceed under Rules 4 and 5 or 6 without recourse to the internal procedures of the Architect or the Capitol Police Board.

Unless the Director determines that referral would not be appropriate, the Office will generally refer cases to the Architect of the Capitol or to the Capitol Police Board.

(b) *Subsequent counseling with the Office*. After having contacted the Office and having been referred to the Architect or to the Capitol Police Board, the employee may return to the procedures under these rules—

(1) after the expiration of the period of referral as established by the Director, if the matter has not been resolved; or

(2) within 20 days after receiving a final decision as a result of the procedures of the Architect or of the Capitol Police Board.

(c) *Notice to employees who have not initiated counseling with the Office*. When an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police raises in the internal procedures of the Architect or of the Capitol Police Board an allegation of discrimination, the Architect or the Capitol Police Board should advise the employee in writing that a request for counseling about the allegation must be initiated with the Office within 180 days after the alleged discrimination occurred if the employee intends to use the procedures of the Office.

(d) *Notice in final decisions when there has been no referral by the Director*. When an employee raises in the internal procedures of the Architect or of the Capitol Police Board an allegation of discrimination and when there has been no referral by the Director, any final decision pursuant to the procedures of the Architect of the Capitol or of the Capitol Police Board should include notice to the employee of his or her right to initiate the procedures under these rules within 180 days after the alleged violation occurred.

(e) *Notice in final decisions when there has been a referral by the Director*. When the Director has referred a case to the Architect or to the Capitol Police Board for resolution, the Architect or the Capitol Police Board should include notice to the employee of his or her right to resume the procedures under these rules within 20 days after service on the employee of the final decision and shall transmit a copy of the final decision, settlement agreement, or other final disposition of the case to the Director.

Rule 6. Mediation Procedures

6.1 *Purpose*. Mediation shall be a period for discussions and negotiations between the employee, the employing office, and the mediator(s) in an effort to reach a mutually satisfactory resolution of the matter forming the basis of the request for mediation. It is the policy of the Office to seek resolution of disputes, to the greatest extent possible, through counseling and mediation.

6.2 Commencement. An employee who has completed counseling under Rule 5 may file a request in writing for mediation with the Director within 15 days after the end of the counseling period. The Director shall notify the head of the employing office of the commencement of mediation.

6.3 *Selection of mediators*. The Director shall assign one or more mediators to the mediation.

6.4 *Duration*. The period for mediation shall be 30 days. Upon request of either party in the mediation or of the mediator(s), the Director may extend the mediation period for up to an additional 30 days.

6.5 *Conclusion and notice. If the matter that forms the basis of the request for mediation is not resolved at the end of the mediation period, the Director shall provide the employee and the head of the employing office with written notice of the end of the mediation period and shall notify the employee of the employee's right to file a formal complaint with the Office within 30 days after the employee has received notice that the mediation period has concluded. With the consent of both parties, the Director may ask the mediator(s) to continue to work with the parties after the mediation period.*

6.6 *Confidentiality*. Except as necessary to consult with counsel or other designated representative, the parties to the mediation, the mediator(s), and the Office shall not disclose in whole or in part or by way of summary any information or records obtained during mediation. This Rule shall not preclude the mediator from consulting with the Office nor preclude the Director from reporting statistical information to the Senate that does not reveal the identity of employees or employing offices involved in mediation. All parties to the action will be advised of the importance of confidentiality in this process.

Rule 7. Formal Complaints

7.1 *Who may file*. An employee who has made a timely request for counseling under Rule 4.2 and has completed the counseling and mediation procedures under Rules 5 and 6, may file a formal complaint with the Office.

7.2 *Time for filing*. A complaint shall be filed not later than 30 days after the employee has received notice under Rule 6.5 that the mediation period has concluded.

7.3 *Form of complaint*. A complaint must be written or typed, but may be in any format, including a simple letter format. Employees are encouraged to use the complaint forms available in the Office. All complaints shall be signed by the employee or legal representative and shall contain the following information:

(a) the name, mailing address, and telephone number of the complainant;

(b) the name of the person(s) involved in the action that the employee wishes to challenge;

(c) the name, address, and telephone number of the employing office involved;

(d) a description of the action being complained of, including the date(s) of the action(s);

(e) a brief description of the reasons for concluding that discrimination is involved;

(f) a statement of the relief sought; and

(g) where the complainant has a representative, the name, address, and telephone number of the representative and whether the representative is an attorney.

7.4 *Service of complaint*. Upon receipt of a complaint, the Director shall serve the head of the employing office named in the complaint or designee with a copy of the complaint and a copy of these rules. The Office shall notify the head of the employing office that under Rule 8 an answer to the complaint must be filed within 10 days of service of the complaint.

7.5 *Assignment to a hearing board*. Upon the filing of a complaint, the Director shall assign the case to a hearing board, which shall consist of three independent hearing officers selected by the Office who are not Senators or Senate officers or employees. The Director shall designate one of the hearing officers as the presiding hearing officer. If, for any reason, a hearing board member cannot serve out the term of the hearing board, the Director may appoint a replacement member.

7.6 *Confidentiality*. The Office shall not disclose in whole or in part or by way of summary any information or records regarding the filing of a formal complaint, except as necessary to individuals involved in the hearing process and for purpose under Rule 14.7. This Rule shall not preclude the Director from reporting statistical information to the Senate that does not reveal the identity of employees or employing offices involved in the hearing process. All parties to the action will be advised of the importance of confidentiality in this process.

Rule 8. Answer

Within 10 days of the service of a complaint on the head of the employing office by the Director, the head of the employing office shall file an answer with the Director that presents the employing office's position in summary as to each of the issues raised in the complaint, including admissions, denials, explanations, and defenses. The head of the employing office shall serve a copy of the answer on the employee who filed the complaint or on the employee's counsel.

Rule 9. Dismissal of Complaints

9.1 *Dismissal by the hearing board.*

(a) At any time prior to a hearing under Rule 13, a hearing board may dismiss a frivolous complaint, which is a complaint that lacks an arguable basis in law or fact.

(b) At any time prior to a hearing under Rule 13, a hearing board may dismiss a complaint because it fails to comply with the applicable time limits or other requirements under these rules.

(c) If an employee fails to prosecute an action, the hearing board may dismiss the action with prejudice. A dismissal by a hearing board under this Rule is subject to Committee review under Rule 14.2. If no timely request for review is filed with the Office, the dismissal is a final decision of the Office under Rule 14.4(a) and subject to judicial review as described in Rule 15.

9.2 *Dismissal by the employee.* An employee may dismiss his or her own complaint by filing a notice of dismissal with the Director for transmittal to the hearing board, and by serving it on the head of the employing office or designee at any time. A dismissal under this paragraph shall preclude a subsequent initiation of procedures under Rule 4 for consideration of an allegation or allegations by the same employee arising out of the same facts, provided the hearing board has determined that the dismissal is a knowing and informed decision.

Rule 10. Motions, Briefs, and Responses

10.1 *Form.* All motions, briefs, and responses shall be filed with the Office and shall be typed (double spaced) or reproduced by any duplicating or copying process that produces a clear black image on opaque white, standard letter size (8½" x 11") paper, unfolded, without back or cover, fastened at the top and shall contain the names of the parties and a heading describing the nature of the motion, brief, or response. Quoted material and footnotes need not be double spaced.

10.2 *Filing.* Parties shall file one original and three copies of each motion, brief, or response at the following address:

Director, Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, D.C. 20510-9060.

10.3 *Service.* Following the service of the complaint by the Office (see Rule 7.4), each party shall serve on the other party or their counsel a copy of each document. Each document served shall be accompanied by a certificate of service containing the name and signature of the server, the manner of service, and the date of service.

Rule 11. Discovery

11.1 *Purpose.* In accordance with section 307(e) of the Act, reasonable prehearing discovery may be permitted at the discretion of the hearing board.

11.2 *Requests for discovery.* A party must serve any requests for discovery on the Office and the other party no later than 5 days prior to the prehearing conference. The request shall include the proposed time for responding, or if a deposition, the proposed time and place of taking the deposition. At the prehearing conference, the hearing board shall consider the requests for discovery from each party and, if appropriate, shall order whatever discovery is necessary. Discovery shall be completed within a time set by the hearing board after due consideration of the particular case, including the need to conduct the hearing within 30 to 90 days after the filing of the complaint. When required, subpoenas for discovery may be sought from the hearing board.

Rule 12. Subpoenas

12.1 *Authority and issuance.* Upon request of an employee or the head of an employing office, a hearing board may authorize a presiding hearing officer to issue subpoenas for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records.

12.2 *Service.* Subpoenas may be served by any individual over the age of 18 who is not a party in the proceeding in relation to which the subpoena is issued. Criminal or civil enforcement proceedings for a witness's failure to testify or to produce records shall not be initiated unless a duly authorized subpoena was served upon the witness.

12.3 *Objections.* If a witness objects to testifying or producing records in response to a subpoena issued by the presiding hearing officer, the witness shall file a statement of any objection to the subpoena with the Office within 5 days after the date of service of the subpoena. Any response must be filed within 5 days after the date of service of the statement of objection. The hearing board shall rule on the objection within 10 days after the deadline for filing a response. If the hearing board overrules the objection it may order the witness to respond or may refer the matter under Rule 12.4.

12.4 *Referral to the Committee.* After the hearing board has ruled on an objection, at the request of a witness, a party, or on its own initiative, the hearing board may refer the objection to the Committee for a ruling.

12.5 *Enforcement.* If a witness declines to comply with an order of a hearing board or of the Committee directing the witness to testify or produce records, the hearing board shall inform the Committee, which has the authority to recommend to the Senate criminal or civil enforcement proceedings.

Rule 13. Hearings

13.1 *Prehearing conference.* Within 7 days of the receipt of a complaint, the Director shall serve on the employee and the employing office written notice setting forth the time, date, and place of the prehearing conference with the hearing board, at which the hearing schedule will be established. The prehearing conference may also be used by the hearing board to consider the simplification of the issues and such other matters as may aid in the disposition of the proceeding by the hearing board. The hearing board shall issue an order which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions or agreements of parties, and such order when entered controls the subsequent course of the proceeding, unless modified to prevent manifest injustice.

13.2 *Scheduling a hearing.* Hearings shall be scheduled so that they may be conducted no later than 30 days after the filing of the complaint, except that the Director may, for good cause, extend up to an additional 60 days the time for conducting a hearing. An employee or an employing office may file with the hearing board a motion for such postponement of the hearing date. The hearing board in its discretion may disapprove any request for postponement of the hearing date or it may refer the request to the Director with a recommendation that good cause exists for postponement of the hearing date. The Director shall approve or disapprove the hearing board's recommendation within 2 working days of its receipt.

13.3 *Authority of hearing boards.* Hearing boards shall conduct fair and impartial hearings and take all necessary action under the Act and these rules to avoid delay in the disposition of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

(a) hold prehearing conferences for the settlement or simplification of issues under Rule 13.1;

(b) rule on discovery issues as appropriate under Rule 11;

(c) issue subpoenas in accordance with Rule 12;

(d) convene a hearing as appropriate, regulate the course of the hearing, maintain decorum and exclude from the hearing any disruptive persons;

(e) administer oaths and affirmations;

(f) require the filing of briefs and other memoranda of law;

(g) dispose of procedural requests or similar matters;

(h) rule on offers of proof and receive relevant evidence;

(i) consolidate allegations raised subsequent to the filing of the formal complaint which are related to the allegations before the hearing board;

(j) file decisions under Rule 14; and

(k) delegate to one member of the hearing board the authority to conduct prehearing conferences and to rule on non-dispositive motions and matters, except that the action of a single member may be reviewed by the full hearing board.

13.4 *Conduct of hearings.* Hearings shall be closed to non-participants, as determined by the hearing board, except that the Office may not be precluded from observing hearings. Hearings shall be conducted on the record and, to the greatest extent practicable, in accordance with the procedures set forth in 5 U.S.C. §§554–57. The rules of evidence will not be strictly followed unless otherwise specified by the hearing board, but irrelevant or repetitious evidence shall be excluded. For matters not covered by these rules, the hearing board may look to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or other sources of Federal law for guidance.

13.5 *Transcripts.* An accurate electronic or stenographic record of the hearing shall be kept. The Office shall be responsible for the cost of transcription of the hearing. At the conclusion of the hearing, each party shall be provided with a copy of the transcript. Transcripts are confidential documents and the parties or the Office shall not disclose the transcript in whole or in part, except in furtherance of the adjudicatory process.

13.6 *Failure to comply with an order.* When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within a party's control, a request for admission, and/or production of a witness, the hearing board may:

(a) draw an adverse inference against the non-complying party on the issue related to the information sought;

(b) prohibit the party failing to comply with the order from introducing documentary evidence or testimony concerning the information sought; or

(c) strike any part of the pleading or other submission of the party failing to comply with the request.

13.7 *Failure to timely file.* The hearing board may refuse to consider any motion or other document that is not filed in a timely fashion in compliance with these Rules.

13.8 *Confidentiality.* Except as may be provided in the rules of the Committee and as provided in Rule 14.7, the hearings and deliberations of hearing boards shall be confidential. This Rule shall not preclude the Office from observing the hearing nor preclude the hearing board from consulting with the Office nor preclude the Director from reporting statistical information to the Senate that does not reveal the identity of employees or employing offices involved in the hearing. All parties to the action will be advised of the importance of confidentiality in this process.

Rule 14. Hearing Board Decisions, Requests for Committee Review, and Final Decisions

14.1 *Hearing board decisions.* As expeditiously as possible, but not later than 45 days after the conclusion of a hearing conducted under Rule 13, the hearing board shall issue a written decision and transmit it to the Director for transmittal to the employee and to the head of the employing office. The decision shall state the issues raised by the complaint, describe the evidence raised in the record, and contain a determination as to whether a violation has occurred. If a hearing board determines that discrimination has occurred, it shall order such remedies as would be appropriate if awarded under section 706 (g) and (k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(g) and (k)), and may also order the award of such compensatory damages as would be appropriate if awarded under section 1977 and 1977A(a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981A(a) and (b)(2)). In the case of a determination that discrimination based on age has occurred, the hearing board shall order such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)). In the case of a determination that prohibited intimidation of or reprisal against an employee has occurred, the board may order remedies consistent with the above referenced statutes. Except as otherwise provided in Rule 14.7, decisions of the board are confidential.

14.2 *Requests for Committee review.* Not later than 10 days after receipt of the decision of a hearing board, including a decision following remand from the Committee, an employee or employing office may file with the Office a request that the Committee review the decision. A Request For Review must be *received in the Office* not later than the 10th day after the date of service of the decision [a postmark on the 10th day will not satisfy this timeliness requirement]. The Director, for good cause, may file a request for review by the Committee of a hearing board decision not later than 5 days after the time has expired for the employee and employing office to file a request for review to the Committee. The Office shall transmit to the Committee any request for review and shall serve a copy on the party or parties not seeking review.

14.3 *Remand to the hearing board.* When the Committee remands a decision to a hearing board for the purpose of supplementing the record or for further consideration, the hearing board may schedule a hearing. If a hearing is required, the hearing shall be conducted within 30 days. While the period for conducting a remand hearing may be extended up to 60 additional days using the process in Rule 13.2, such extensions are not favored.

14.4 *Final decisions of the Office.*

(a) *No request for Committee review filed.* When no timely request for Committee review is filed with the Office under Rule 14.2, the decision of the hearing board shall be entered in the Office records as a final decision.

(b) *Request for review filed.* When a timely request for Committee review is filed with the Office, following review by the Committee, the Office shall enter a final decision as follows:

(1) *Written Committee Decision.* When the Committee transmits a written decision to the Office, the Office shall enter the Committee decision in the Office records as a final decision.

(2) *Committee determination not to review.* When the Committee transmits to the Office a written determination not to review a decision of a hearing board for which review has been requested, the Office shall enter the hearing board decision in the Office records as a final decision.

(3) *No Committee action.* When a majority of the Committee does not vote to reverse or remand the decision of the hearing board within the time prescribed in section 308 (d)(2)(A) of the Act, the Office shall enter the decision of the hearing board in the Office records as a final decision.

14.5 *Notice of a final decision.* When a decision of a hearing board or of the Committee is entered in the Office records as a final decision, the Director shall notify the parties of the right to judicial review under section 309 of the Act.

14.6 *Final decisions requiring payment of money.* Any final decision requiring the payment of money shall be transmitted by the Office to the Committee on Rules and Administration for appropriate action under the Act. In the event that judicial review of such a final decision is sought by a party, the Office will keep the Committee on Rules and Administration advised of the status of the case.

14.7 *Public records.* The following final decisions that have been entered in the Office records shall be available to the public:

(a) any decision by a hearing board that is favorable to the employee and which is not reviewed by the Committee;

(b) any decision of the Committee that is favorable to the employee;

(c) any decision of the Committee that reverses a hearing board decision that had been in favor of the employee; and

(d) any other decision that the Committee, in its discretion, has made available to the public.

14.8 *Report of compliance with final decisions.* When a final decision of the Office orders relief for an employee, the employing office shall report the details of its compliance with the order to the Director as soon as full relief has been provided. Complaints regarding non-compliance may be submitted to the Committee.

Rule 15. Judicial Review

15.1 *Who may petition for judicial review.* Section 309 of the Act provides that review of a final decision of the Office may be sought by:

(a) an employee aggrieved by a final decision or

(b) any Member of the Senate who would be required to reimburse the appropriate Federal account pursuant to section 323 of the Act as a result of a final decision under Rule 14.4(b)(3).

15.2 *Time limit for filing.* Petitions for review under section 309 of the Act shall be filed in the United States Court of Appeals for the Federal Circuit not later than 90 days after the entry in the Office of a final decision under Rule 14.4. Service of the petition shall be on the Senate Legal Counsel, 642 Hart Senate Office Building, Washington, D.C. 20510-7250. The Office shall be named respondent in the petition for review. The information in Rule 15 is provided only as a convenience to the parties, who should refer to the Act, the rules of the Federal Circuit Court of Appeals, and the case law concerning Federal Circuit Court review procedures.

Rule 16. Settlement

At any time the employee and the head of the employing office may enter into a written settlement agreement. Any such agreement shall be signed by both parties and shall identify the matters that are being resolved. If a settlement agreement is reached following the filing of a complaint under Rule 7, the agreement must be approved by the Director. A settlement that includes the payment of money will in most cases require Senate authorization and the parties should consult with the Office for guidance.

Rule 17. Costs and Attorney's Fees

17.1 *Employees.* Not later than 30 days following the conclusion of a hearing, an employee with respect to whom a hearing is held may file with the Director a request for reimbursement of actual and reasonable travel costs, if any, associated with attending proceedings under sections 307 and 308 of the Act. The Director may award such costs as are consistent with Senate travel regulations.

17.2 *Witnesses.* Any witness appearing at proceedings under sections 307 and 308 of the Act may file with the Office a request for reimbursement for actual expenses incurred each day while traveling to and from the place of examination and for each day in attendance. Such reimbursement shall not exceed the daily rate set by the Committee on Rules and Administration for witnesses appearing before the Senate or any of its committees.

17.3 *Attorney's fees.*

(a) In any action or proceeding before a hearing board, the hearing board may allow an employee, who is a prevailing party, a reasonable attorney's fee as part of the costs, in accordance with 307(h) of the Act. Any motion for costs or attorney's fees shall be filed with the Director for transmission to the hearing board and shall be served on the opposing party within 20 days after receipt of notice of a final decision under Rule 14.5. A motion for attorney's fees shall be accompanied by:

(1) accurate and current time records;

(2) a copy of the terms of the fee agreement (if any); and

(3) the attorney's customary billing rate for similar work or, in the absence of such a customary billing rate, other evidence of the prevailing community rate sufficient to establish a market value for the services rendered.

(b) A detailed response to the motion for attorney's fees shall be filed within 20 days after the date of service of the motion.

TERCENTENARY CELEBRATION OF GLASTONBURY, CT

• **Mr. LIEBERMAN.** Mr. President, it is my great pleasure to rise today to recognize the tercentenary celebration of the town of Glastonbury in my home State of Connecticut.

The town of Glastonbury, which is older than our country itself, was first settled in 1639. The oldest house, which is still occupied, dates back to 1649. In 1653, the General Court, which later became the General Assembly, authorized the settlers to organize their own militia, which was one of the earliest militias formed in New England. This measure was the first step on the road to separation from the town of Wethersfield. In 1690, Glastonbury petitioned to become a township, and in June 1692, the General Court set off the then 34 householders on the east bank of the Connecticut River from Wethersfield. Finally, in May 1693, the town met the necessary provisions for autonomy by building a Congregational Church and hiring a clergyman.

Since that time, Glastonbury has been distinguished by many historical events and the accomplishments of its citizens.

Glastonbury was a supplier of troops, provisions, and ships for the Continental Forces during the Revolutionary War, and it was the home of Gideon Welles, President Lincoln's Secretary of the Navy. The town is also noted as the site of the oldest, continuously operated ferry in the Nation, dating back to 1649, and receiving legislative recognition in 1724.

Glastonbury has distinguished itself throughout the years as an important location for commerce and agriculture in New England. In the 1840's, J.B. Williams established his soap factory which was the first commercial manufacturing site of soap in the United States, and the town is the home of the orchards of J.H. Hale, the developer of the first New England peaches, which are nationally known and date back to the 1870's.

Equally noteworthy citizens of Glastonbury are the Smith sisters, who were renowned as abolitionists in the 1850's and as the first women's rights activists of the 19th century.

Mr. President, on behalf of the Senate, I would like to take this opportunity to recognize the fine history of Glastonbury, and honor this venerable town on the occasion of its 300th birthday. Congratulations, Glastonbury. Your people have accomplished many great things for the State of Connecticut and the rest of the Nation, and we can only expect that the future of your town will be as luminous as its past.●

RECOGNIZING THE SUO SARUMAWASHI ASSOCIATION

● Mr. McCONNELL. Mr. President, I rise today to recognize Taro Murasaki and the Suo Sarumawashi Association of Japan. Over the next several weeks Mr. Murasaki will be traveling throughout the United States with his entourage, which includes his close friend and performing partner, Jiro, a Japanese monkey.

At age 31, Mr. Murasaki is a theatrical legend in his native country. For more than 15 years, he has trained and participated in an ancient Japanese art form called sarumawashi, which translates as monkey dancing. Along with his father, Mr. Murasaki has played a leading role in the resurrection of sarumawashi.

Sarumawashi is a traditional art that has flourished in Japan for 1,000 years following its introduction from China and the Korean Peninsula. The art, involving tricks by monkeys, bore a religious role in the early years and evolved into a popular entertainment performed on streets and at festivals in feudal years.

It faced a major challenge after World War II due to the growing number of cars, and disappeared in the early 1960's. To revive the art, Mr. Murasaki and his father launched a campaign and established a center in Suo, Yamaguchi Prefecture, for monkey training and trainer education in 1977. Later, the center would go on to be called the Suo Sarumawashi Association.

Mr. Murasaki and his performing partner, Jiro, produce avant-garde sarumawashi shows, mixing traditional and modern performance methods. One of their shows, which stars costumed monkeys in a parody of a samurai drama, won the 1991 Arts Festival Award from the Cultural Affairs Agency of Japan. It was the first time an animal performance had been in the festival.

Mr. Murasaki's interest in animals goes far beyond that of the stage lights. Recently, during the Persian Gulf conflict, Mr. Murasaki organized efforts abroad to assist those animals that were victims of the region's disruptions. Through performances and fundraisers, Mr. Murasaki collected more than $10,000 to assist in animal relief efforts. In Japan, Mr. Murasaki founded the Green Fund. An organization whose mission is to maintain and build monkey habitats throughout Japan without threatening communities or agricultural interests.

In conclusion, Mr. President, I would like to bring to the attention of the Senate that on Friday, September 11, Mr. Murasaki and Jiro will be performing at New York City's prestigious Lincoln Center. Following their performance in New York, they will be traveling to Washington to put on a special benefit show for abused and neglected children who will be attending our National Children's Day Celebration on Capitol Hill.

As a member of the Committee on Foreign Relations and the Senate children's caucus, as well as a cosponsor of National Children's Day, I am most pleased and honored to recognize Taro Murasaki, Jiro and the entire Suo Sarumawashi Association and encourage my colleagues to attend their performance on Capitol Hill.●

PORTABLE PRACTICAL EDUCATIONAL PREPARATION TRAINING FOR EMPLOYMENT CENTERS PROGRAM

● Mr. DECONCINI. Mr. President, I rise today to recognize the achievements of a program in my home State of Arizona which serves as a model for job training for a population of hard-to-serve clients in rural areas.

Twenty-five years ago, the project on the portable practical educational preparation began its services to the rural residents of Arizona from a single green, rusted schoolbus called la Tortuga—or the tortoise. The bus driver and founder of Project PPEP, Dr. John Arnold, had essentially rediscovered an itinerant model for delivery of social services which had been used some 300 years earlier by Father Kino, the great mission builder of the southwestern area of the United States. In la Tortuga, Project PPEP traveled from Indian village to farm laborer camps providing services to those who were unable to access educational, health care and social services.

The primary objective of Project PPEP was, and still is, job training. Most of its 12 major programs concentrate on helping rural residents obtain and maintain employment. The majority of PPEP students are economically disadvantaged. By the end of their participation in the program, over two-thirds of those who receive a certificate of training are placed in jobs or continue to a higher level of education.

In 1980, Project PPEP became the Arizona grantee for the education and training of migrant and seasonal farmworkers through the Department of Labor's JTPA Program. Project PPEP utilizes a curriculum that combines computer technology to teach word processing and computerized accounting, as well as a tool to teach other subjects such as English and math. It has been recognized by the U.S. Department of Education for responding to the needs of rural residents and for removing barriers to their education.

Perhaps more importantly, Project PPEP strives to instill a sense of dignity and pride in the students it serves. This program demonstrates that through education individuals can change their lives and break their dependency on public welfare. Most participants in Project PPEP successfully make the transition from the ranks of the unemployed to self-sufficient, skilled workers.

The important role the PPEP training for employment centers plays in providing education and training to rural residents of Arizona. The PPEP tec model for delivery of education and training works well, and can serve as a model for rural areas throughout the country. I commend Dr. John Arnold, the founder of Project PPEP, for his outstanding work and dedication in providing a much needed educational service to this hard-to-serve population.•

TRIBUTE TO UNITED PARCEL SERVICE

• Mr. BUMPERS. Mr. President, it is my privilege to rise today to pay tribute to United Parcel Service [UPS] for 22 years of outstanding service in the State of Arkansas. During these 22 years, this company has grown and prospered, and provided career opportunities for thousands of Arkansans. It is a company of tremendous talent, drive, and commitment and I wish it continued success in the future.

United Parcel Service, now the world's largest package delivery company, was founded in 1907 as a messenger company in Seattle, WA. Since that time, the corporation has been at the forefront of innovation and engineering in the transportation industry, growing from humble beginnings to become an international company serving 180 countries worldwide.

The first day of UPS' operation in Arkansas was May 27, 1971. Today UPS has 23 operating facilities in 18 cities in Arkansas employing 1,824 and serving 9,000 customers. Combined with UPS' own air fleet these dedicated employees offer Arkansas customers an efficient link to the world.

I salute not only UPS' success and growth, but also the many contributions it has made to Arkansas. UPS is an innovative employer, offering scholarship and gift-matching programs to educational institutions and charitable organizations such as day care centers, child abuse centers, and homeless centers. It has taken an active role in the communities in which it operates.

Mr. President, my friends at UPS have asked to thank the thousand of dedicated Arkansans who have joined their company; the thousands of loyal customers who use its services; and the citizens and local, State, and Federal officials who have nurtured an economic environment where business and families can thrive. It is my pleasure to pay tribute to this unique corporate citizen and its talented and dedicated people.•

PENSION DISTRIBUTION RULE CHANGES IN H.R. 5260, THE EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992

• Mr. JEFFORDS. Mr. President, on June 19, the Senate passed an extension in unemployment insurance benefits, which was signed into public law on July 3. Millions of people across the country will benefit from this relief which is especially necessary given our Nation's lingering recession. Equally important, but much less noticed than the extension in unemployment benefits, are additional provisions in H.R. 5260, to change pension distribution rules. These changes will facilitate the portability of pension assets to make it more likely that American workers will have adequate pension income during their retirement to supplement Social Security.

Without pension portability, our Nation's retirement policy efforts, to encourage the growth and funding of employer-sponsored pension plans, are wasted efforts. For what good does it do to encourage companies to offer pension plans and workers to save, if workers spend their pension money for nonretirement purposes every time they leave a company? Numerous studies have shown that this is exactly what most workers do.

In 1993, approximately $100 billion will be eligible to be rolled over into IRA's because workers will be cashed out of their pension plan as they leave companies. Under prior law, we could expect 34 percent of all workers to spend the entire amount of the pension cashout. Only 11 percent of all workers would have saved the entire amount until retirement. Under the new law, workers will be more inclined to save their pension money because it will be directly transferred into an IRA account or the plan of their new employer.

Pension law is frequently passed on a tax or budget bill in the middle of the night. These changes in law are seldom contemplated in the deliberative fashion one would ideally expect for a matter so crucial to our economic well being. Similarly, the pension portability changes that became law in July were quickly passed on a bill more publicly noted for its short-term impact on unemployment than its long-term impact on pension policy.

However, these important pension portability rules can trace their roots to bipartisan legislation considered by the House Education and Labor Committee over a 5-year period starting in 1985. As the ranking member of this committee, I had the pleasure of introducing these ideas and working with a number of people who were committed to this cause. Thanks to the diligence of committee and subcommittee Chairmen Gus Hawkins and BILL CLAY, and Congresswoman MARGE ROUKEMA, a pension portability bill similar to the one just enacted passed the House of Representatives. It was passed not once, but twice, in 1987 and 1988.

During this 2-year period the House Education and Labor Committee also initiated extensive discussions with the Department of Labor on the importance of pension portability and worked to gain the administration's support for legislation. It was also in 1988 that Senate consideration of this issue seriously began. In July 1988, I testified before the Senate Finance Committee on the need for pension portability and the specific provisions of H.R. 1961, the House-passed portability bill.

When I moved from the House to the Senate in 1989, I began working with my distinguished colleagues in this Chamber on pension policy matters. Subsequently, the Senate Labor and Human Resources Committee marked up portability provisions in 1989 and 1990. Furthermore, in May 1990, Secretary of Labor Elizabeth Dole made her own specific recommendations in this area. Similar ideas were also incorporated in the Pension Simplification Act of 1990 and 1991, introduced by Senator LLOYD BENTSEN and Senator DAVID PRYOR. Companion pension simplification bills were also introduced by Congressmen DAN ROSTENKOWSKI, ROD CHANDLER, and BEN CARDIN.

And now finally, after at least 7 years of effort to build a consensus, a pension portability bill finally becomes public law. While many people are responsible for the passage of this bill, and millions of Americans will benefit from it, there is one person, without whom pension portability might still be a glimmer of an idea in its developmental stages. The genesis of pension portability and the promotion of this goal is the result of the fine staff work of Russ Mueller, professional staff member, House Education and Labor Committee.

A few years down the road, when the baby boom generation starts to retire and there are fewer workers to support them, there will be many who will be thankful that Congress enacted pension portability provisions to encourage workers to save their pension money for retirement purposes. While we still have a long way to go to improve upon our current pension policy, this is certainly an important step in the right direction. It is proof that Congress and the administration can collaborate to achieve important policy objectives. Again, I thank all who worked so hard to make this goal a reality.•

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD:)

TRIBUTE TO MRS. MARILYN HUPP HUDSON

• Mr. GORE. Mr. President, today I honor Mrs. Marilyn Hupp Hudson, of Kansas City, MO. Mrs. Hudson made many contributions to improving health care in her hometown during 13 years of service as office manager of the Kansas City Eye Bank, Inc. She retired in 1991. For her many years of service, an anonymous donor created an award in Mrs. Hudson's name to be given to people, like herself, who exhibit "the highest moral character, integrity, honesty and excellence in public, private and humanitarian services." The award carries with it a $1,000 donation to the recipient's charity of choice.

I had the distinct pleasure to meet Mrs. Hudson on August 22, 1992, albeit over the telephone. We spoke about our mutual commitment to our families, our communities, and our country. I was struck by her strong spirit and concern for the health of others, even during her battle with pancreatic cancer. She ultimately lost that battle a few days later, on August 25. The battle she won was for the hearts of many in Kansas City and the commitment of many to continue their good works.

Her service to the Kansas City community will be missed greatly. But many others will step up and try to fill the void she has left. I, too, will work to fulfill her great faith in me, because Mrs. Hudson honored me by bestowing upon me the first Marilyn Hupp Hudson Excellence in Service Award.

I know that the Senate will join me today in honoring Mrs. Marilyn Hupp Hudson.●

PLIGHT OF HAITIAN REFUGEES

● Mr. DECONCINI. Mr. President, once again I would like to address my concern about the unfair treatment of Haitian refugees. Almost a year ago, on September 30, 1991, the first democratically elected President of Haiti, Jean-Bertrand Aristide, was ousted in a coup by the military. Since that time, Haitians have become the innocent victims of continuous and random violence in their homeland.

Those Haitians who have fled their tiny island have been interdicted by the United States Coast Guard before reaching our shores. To date, about 38,000 Haitian boat people have sought refuge in the United States. More than 27,000 have been forcibly returned to Haiti and approximately 11,000 Haitians, who have been initially screened for asylum, face explusion in the future.

When the administration chose to begin forcibly repatriating Haitians in November 1991, a legal battle over the treatment of Haitian refugees began in our Federal courts. On several occasions the courts have found that the United States is violating international law by forcibly returning Haitians back to a politically volatile situation. Unfortunately, the administration has been successful in its efforts not only to forcibly repatriate the Haitian boat people, but to return them without a screening process.

Most disturbing to me is the President's Executive order of May 24, 1992, which instructs the United States Coast Guard to return Haitians picked up at sea directly to Haiti. This action, according to the administration, was in response to the large surge in Haitian boat people seeking to enter the United States and was necessary to protect the lives of the Haitians whose boats weren't equipped for the 600-mile sea journey. Haitians who fear persecution can now only go to our Embassy in Port-au-Prince for refugee processing. The administration justifies this action by stating that our international legal obligations under the United Nations protocol relating to the status of refugees and the United Nations convention relating to the status of refugees do not extend to persons located outside the territory of the United States.

However, the convention and the protocol, which establish the basic norm of nonrefoulement, prohibits states from expelling or returning refugees to frontiers or territories where they would be threatened on account of race, religion, nationality, or membership of a particular social group or political opinion.

While it is true that Haiti is one of the most economically depressed countries in the world, there are many Haitians leaving to escape the repression of the military forces. It is no secret that anyone who is a supporter of the Aristide government is in jeopardy of political persecution. On December 31, 1991, Americas Watch, the National Coalition for Haitian Refugees and Physicians for Human Rights, issued a report that states the following:

> In the period immediately following the coup, massacre, and widespread killings were the order of the day. Since then, techniques have become more refined but similarly brutal. Selected assassinations, disappearances, severe beatings and political unrests continue.
>
> Entire neighborhoods, particularly in the poor and populous shantytowns of Port-au-Prince and across the countryside that voted for Aristide almost unanimously, have been targeted for particularly brutal and concentrated attacks.
>
> Common people are arrested merely for having photographs of President Aristide in their home or for the possession of pro-Aristide literature.

Last month Amnesty International issued a report entitled "Haiti: Human Rights Held to Ransom." The report focuses attention on the arbitrary killings and arrests of Haitians by the military which matches the repression that occurred in Haiti during the Duvalier family dictatorship. It also condemns the United States for ignoring such abuses and returning Haitians without a hearing to determine whether they are fleeing persecution.

According to a recent New York Times article, just after the United States Coast Guard returned 158 Haitians to Port-Au-Prince on August 14, 1992, 154 of them were picked up by Haitian police and taken to police headquarters to be questioned about their departure.

A few months ago, a well-known Haitian pastor came to my office to describe his particular plight. The pastor was arrested and beaten by the military for delivering a political sermon, and then put in front of a firing squad with seven other men. After witnessing five executions, the pastor realized he had gone to school with several of the executioners and begged to be let free. Fortunately, he was released and spent 18 days at sea seeking protection in the United States. If the administration's policy of returning Haitians without even a screening process had been in effect when the pastor fled Haiti, he might not be alive today to tell his story.

The administration's policy to continue its in-country Refugee Processing Program as the only remedy for Haitian refugees minimizes the plight of victims of persecution. The indiscriminate forced repatriation of Haitians is not only deplorable, but in violation of international law.

Congress must act now to protect those Haitians who risk an uncertain fate if they are returned to Haiti. We should pass Senator KENNEDY's International Refugee Protection Act which ensures against the forced return of asylum seekers to countries where they would have a well-founded fear of persecution. In the case of Haitians, the Coast Guard would have to pick up Haitians and provide them with some kind of screening process for refugee status.

In response to the tragic situation in Haiti and my belief in the United States moral and humanitarian responsibility to protect those Haitians who have sought refuge in this country, I introduced legislation to provide temporary protected status [TPS] for Haitians. TPS is meant to protect nationals from a designated state who do not fit the textbook definition of "refugee" or "asylee," but need temporary protection from armed conflict or other extraordinary conditions that threaten their safety. In the past 2 years, the administration has granted TPS to nationals from Lebanon, Liberia, Kuwait, Somalia, and most recently Bosnia. It is time that we extend the same protection to nationals from Haiti until peace is restored in that country.

Mr. President, I urge my colleagues to support this legislation to alleviate the plight of the Haitian refugees. It is unconscionable for us not to provide them safe haven. We cannot continue to ignore their struggle.●

ORDERS FOR TOMORROW

Mr. DECONCINI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, September 10; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the Chair's announcement there be 1 hour for debate equally divided between Senators ROCKEFELLER and HOLLINGS, or their designees, prior to the cloture vote on the motion to proceed to S. 640, the product liability bill; that at the conclusion of that time the Senate vote on the motion to invoke cloture.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. DECONCINI. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:20 p.m., recessed until Thursday, September 10, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1992:

DEPARTMENT OF STATE

ALVIN P. ADAMS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

THE JUDICIARY

PAUL J. BARBADORO, OF NEW HAMPSHIRE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE VICE SHANE DEVINE, RETIRED.

RICHARD E. DORR, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE HOWARD F. SACHS, RETIRED.

STEVEN J. MCAULIFFE, OF NEW HAMPSHIRE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE VICE NORMAN H. STAHL, ELEVATED.

DEPARTMENT OF JUSTICE

JAMES H. GROSSMAN, OF CALIFORNIA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 1994, VICE STANLEY L. GLOD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

COPYRIGHT ROYALTY TRIBUNAL

EDWARD J. DAMICH, OF VIRGINIA, TO BE A COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS, VICE J.C. ARGETSINGER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BRUCE D. GOODMAN, OF PENNSYLVANIA, TO BE A COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS, VICE MARIO F. AGUERO, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RANDALL HARVEY ERBEN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SKIRMA ANNA KONDRATAS.

SECURITIES AND EXCHANGE COMMISSION

JAMES MICHAEL REUM, OF ILLINOIS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1997, VICE EDWARD H. FLEISCHMAN, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID J. RYDER, OF VIRGINIA, TO BE DIRECTOR OF THE MINT FOR A TERM OF 5 YEARS, VICE DONNA POPE, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CONSUMER PRODUCT SAFETY COMMISSION

NANCY A. NORD, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 27, 1992, VICE CAROL GENE DAWSON, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

BADI G. FOSTER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE BOARD FOR THE NATIONAL INSTITUTE FOR LITERACY FOR A TERM OF 3 YEARS. (NEW POSITION)

ENVIRONMENTAL PROTECTION AGENCY

LEWIS S.W. CRAMPTON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

LEWIS S.W. CRAMPTON, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

ROBERT B. TAYLOR, OF TENNESSEE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

JACK ROBERT WITZ, OF CALIFORNIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

THOMAS B. RODINO
WILLIAM A. MCDONOUGH, JR.
JEFFREY T. PECK
JOSEPH G. MILO
LARRY M. WILSON
JAMES B. WILLIS
CHARLES E. BILLS
DONALD E. ESTES
DONALD P. MONTORO
WILLIAM J. WILKINSON III
RONALD D. RECK
JAMES W. UNDERWOOD
BRUCE W. PLATZ, JR.
RICHARD F. CARLSON
DAVID B. PASCOE
WILLIAM T. HORAN
JOHN G. WITHERSPOON
ALVIN A. SARRA, JR.
DENNIS C. BOSSO
RAYMOND E. MATTSON
GREGG W. SUTTON
PAUL C. GOLDEN
MICHAEL W. MASTENBROOK
DENNIS M. MAGUIRE
JOSEPH T. KUCHIN
TIMOTHY J. FLANAGAN
NORMAN S. PORTER
MICHAEL B. SLACK
GAETANO MARTINIA
BRUCE I. MERCHANT
WILLIAM A. CASSELS
LEONARD F. BOSMA
WILLIAM S. DAVIS
JACK L. BURI
ROGER T. ARGALAS
LARRY A. DOYLE
BRIAN G. BASEL
LAIRD H. HAIL
DENNIS G. BECK
RICHARD R. MEAD
GARY L. FRAGO
DENNIS M. EGAN
BIEVENIDO ABILES
THOMAS P. DOLAN
RICHARD A. KNEE
JAMES W. NORTON
EDWARD J. PEAK
THOMAS H. GILMOUR
WILLIAM H. WISSMAN
ARTHUR E. CROSTICK
JOSEPH A. STIMATZ
NORMAN B. HENSLEE
DENNIS D. ROME
EDMOND P. THOMPSON
TERRY W. NEWELL
RONALD C. GONSKI
THOMAS J. MEYERS
THOMAS G. LANDVOGT
HAROLD B. MORTON
LAWRENCE G. BRUDNICKI
JAMES M. ALDERSON
FREDRIC R. GILL
JIMMY NG
WALTER G. JOHNSON
THOMAS D. YEAROUT
CHARLES B. WILLIAMS
CLAY A. FUST
JAMES F. MCENTIRE, JR.
HENRY F. BALEY IV
ERROLL M. BROWN
HOHN W. WHITEHOUSE
ALAN D. SUMMY
JOSEPH H. JONES, JR.
TIM B. DOHERTY
WAYNE H. OGLE
EDWIN E. ROLLISON, JR.
EDWARD E. PAGE
BRADLEY J. NIESEN
ROBERT D. INNES, JR.
KENNETH T. VENUTO

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER:

ROGER W. BOGUE
GEORGE R. TURNER, JR.
DWIGHT G. HUTCHINSON III
ROBERT A. KUHN
THEODORE A. HOLLOMAN
GEOFFREY L. ABBOTT
DAVID G. WILDER, II
JAMES R. LACHOWICZ
JAMES D. WILLIAMSON
JEFFRY G. WAY
CARL A. CRAMPTON
SHAWN M. SMITH
BURTON E. CARR
JOHN P. CURRIER
WAYNE E. JUSTICE
WILLIAM R. WEBSTER
ERIC A. NICOLAUS
FLOYD G. LYSSY
ROBERT T. WRIGHT
PAUL R. GAUTHIER, JR.
ROBERT O. SMITH
CHARLES J. DICKENS
VICTOR M. POUNDS, JR.
HOWARD P. RHOADES
ROBERT D. ALLEN
JODY A. BRECKENRIDGE
RUSSELL N. TERRELL
GREGORY F. ADAMS
WILLIAM L. ROSS
BEVERLY G. KELLEY
REX M. TAKAHASHI
JOHN H. SIEMENS
RUBEN H. ARREDONDO
PAUL J. BERGMAN
ERNEST J. FINK
KEITH E. GRANT
MARION J. LEWANDOWSKI
WILLIAM R. PERRIN
ROBERT E. DUNN
LEONARD P. DEUTSCHMANN, JR.
PATRICK K. GREGORY
JOSEPH M. TOUZIN
JAMES A. FAVERO
JOHN W. SCHOEN
JAMES M. MCCOY
WILLIAM S. CHEEVER
DONALD R. GOLDSTEIN
THOMAS H. BRIGGS
JAMES A. DALE
COLLIN S. CAMPBELL
TIMOTHY L. BELTZ
WILLIAM A. KELSEY
DAVID G. WESTERHOLM
JOHN M. HOLMES
PETER J. HOPKINSON
KAY L. HICKMAN
RICHARD C. SIMONSON
BRIAN M. SALERNO
CYNTHIA A. COOGAN
MICHAEL G. WALLACE
ERNEST L. DELBUENO, JR.
RANDOLPH C. HELLAND
KIRK A. DAVIS
JOHN A. SCHOTT, JR.
GARY F. GREENE
STEPHEN L. WILHELM
GEORGE E. HOWE
THOMAS W. SPARKS
GREGORY T. JONES
JERRY K. THORUSEN
THOMAS P. LEVEILLE
JAY D. MAHAFFEY
LAWRENCE C. VOSE
JOSEPH E. WIGGINS
CATHERIN M. MCNALLY
BLAINE D. HORROCKS
MICHAEL N. POWERS
PETER L. SEIDLER II
ALAN L. PEEK
PHILLIP J. HEYL
ROBIN K. KUTZ
PHILIP E. COLETTI
EDMUND MARMOL
ROGER D. GIBSON
JAMES S. ANGERT
RICHARD F. BESELER
DAVID T. GLENN
BRIAN S. WHITE
JOHN E. HARRINGTON
JAMES B. HALL
JOSEPH L. NIMMICH
RAYMOND E. SEEBALD
KEVIN E. SCHUMACHER
DONALD E.WILT II
JAMES M. HASS IV
ROBERT J. MORRISON, JR.
ALBERT L. BARCO IV
GERALD R. WHEATLEY
DAVID P. PEKOSKE
ROBERT M. ELSENER
ROBERT J. QUIRK
PAUL F. ZUKUNFT
ARTHUR L. HALVORSON
RICHARD P. YATTO
JEFFREY Q. GAMBLE
JEROME A. ILTIS
MICHAEL R. MOORE
DANIEL R. BROWN
MICHAEL D. FARRELL
ROBERT S. BRANHAM
KENNETH M. BRADFORD
EDWARD S. CARROLL
RONALD B. HOFFMANN
DALE E. WALKER
KEITH G. JOHNSON
CRAIG E. BONE
ROBERT L. MCLAUGHLIN
LARRY E. JAEGER
SCOTT E. HARTLEY
ROBERT L. LACHOWSKY
KENNETH ARMSTRONG
GEORGE H. TEUTON III
WILLIAM G. SHULTZ
KEVIN P. JARVIS
THOMAS R. RICE,
MARK J. CAMPBELL
ERNEST W. FOX
JOHN C. MIKO
BURTON S. RUSSELL
MICHAEL P. SELAVKA
DOUGLAS D. WHITMER
KEITH D. CAMERON
EDWARD D. NELSON
THEODORE P. MONTGOMERY
MARK P. THOMAS
WILLIAM B. BAKER
DANIEL C. SLYKER
DAVID S. BRIMBLECOM
JOHN E. DEJUNG
BRUCE A. DRAHOS
ROBERT C. PARKER
CURTIS L. GUNN
MICHAEL B. KARR
RONALD E. KILROY
LOUIS R. SKORUPA
MARTIN L. PHILLIPS
JOHN J. O'BRIEN, JR.
DENNIS J. HAISE
JAMES T. POTDEVIN
FRANCIS X. O'BYRNE, JR.
JOSEPH J. OCKEN
KENNETH E. SCHOLZ
PAUL S. NEELD
JOHN S. BURHOE
THOMAS A. TANSEY
JEFFREY K. KARONIS
HUGH F. SAGE
DAVID M. ILLUMINATE
LISTON A. JACKSON
WILLIAM L. CAREY
MICHAEL J. BRENNAN
FRANCIS L. SHELLEY III

IN THE ARMY

THE FOLLOWING-NAMED MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADES INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent major general

BRIG. GEN. RONALD R. BLANCK, [redacted] U.S. ARMY.

To be permanent brigadier general

COL. VERNON C. SPAULDING, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED MEDICAL SERVICE CORPS OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. JEROME V. FOUST, [redacted] UNITED STATES ARMY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

BRUCE A. BROWN, [redacted]
DENNIS W. GOLDSTON, [redacted]
CHARLES K. LEONARD, [redacted]
ANDREW P. MEDLER, [redacted]
WILLIAM B. NIX, [redacted]
GEORGE YURCHAK, JR, [redacted]

To be lieutenant colonel

WAYNE W. ANDERSON, [redacted]
CHARLES L. ANDREWS, [redacted]
DWIGHT D. BEARD, [redacted]
RICHARD M. BURGESS, [redacted]
JOHN M. CHASTAIN, [redacted]
NICHOLAS S. COSTA, [redacted]
JAMES T. DAVENPORT, [redacted]
THOMAS J. EISENHUT, [redacted]
MICHAEL L. HURLEY, [redacted]
MARK A. MAYERSTEIN, [redacted]
MICHAEL L. MCKIM, [redacted]
JOHN N. MILLIGAN, [redacted]
JOSEPH P. NASTASI [redacted]
HAROLD E. ROPER, [redacted]
JAMES P. TRON [redacted]

To be major

HENRI J. BIGO [redacted]
JEFFREY L. CATON [redacted]
KEVIN F. CUNNINGHAM, [redacted]
GEORGE R. EGAN, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR AIR FORCE IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN

To be colonel

RICHARD J. CATHY, [redacted]
RODNEY L.A. PRUSS [redacted]

To be lieutenant colonel

*TERENCE M. MCDONOUGH, [redacted]

To be major

*BRUCE A. ARNOLD, [redacted]
*JAMES W. BYINGTON, [redacted]
*DAVID P. COTE, [redacted]
ROBERT P. HIGGINBOTHAM [redacted]
*HILARION A. MIKALOFSKY [redacted]
*BARRY E. RYAN, [redacted]
JOHN M. SAETHRE [redacted]
MILLARD G. TIMMONS, [redacted]
JOSEPH R. WALLROTH [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADES AND DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be captain

DAVID A. JORGENSEN [redacted]
BARRY D. PORTNER, [redacted]
MARC G. WILSON, [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE (EFFECTIVE DATE FOLLOWS SERIAL NUMBER).

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJOR ROBERT K. BALDWIN, [redacted], 5/8/92
MAJOR BRENT R. BARKER, [redacted], 5/3/92
MAJOR MARK S. CHMAR, [redacted], 6/2/92
MAJOR THOMAS E. LARSON, [redacted], 5/5/92
MAJOR THOMAS J. LEINES [redacted], 5/15/92
MAJOR BRADLEY A. LIVINGSTON [redacted], 4/23/92
MAJOR MARCIA A. PREWITT, [redacted], 5/5/92
MAJOR DAVID A. SPRENKLE [redacted], 4/5/92
MAJOR BLAINE K. TSUGAWA, [redacted], 5/20/92
MAJOR DAVID L. VANDAGRIFF [redacted], 5/15/92
MAJOR GARY E. WATERHOUSE, [redacted], 5/8/92

CHAPLAIN CORPS

To be lieutenant colonel

MAJOR VIRGIL D. COOPER, [redacted], 5/21/92

MEDICAL SERVICE CORPS

To be lieutenant colonel

MAJOR JOHN ANZALONE, JR. [redacted], 5/5/92

MEDICAL CORPS

To be lieutenant colonel

MAJOR JOHN P. MCGOFF [redacted], 5/3/92
MAJOR RICHARD L. STAHLMAN, [redacted], 5/2/92

NURSE CORPS

To be lieutenant colonel

MAJOR LORAYNE M. WHITEHEAD, [redacted], 5/17/92

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

CLARK H. BABL, [redacted]
CHERYL A. BROWN, [redacted]
JAMES A. BRUNO, [redacted]
FRANK M. BUTY, [redacted]
HOWARD S. FREEDLANDER, [redacted]
JERRY W. GRIZZLE, [redacted]
GERALD E. JENSON, [redacted]
THOMAS P. KAY, [redacted]
CHARLES M. LAYE, [redacted]
JERRY D. PARISH, [redacted]
DANIEL C.B. RATHBUN, [redacted]
VERNE R. STEIN, [redacted]
CHARLES E. WEBER, JR., [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

PAUL G. SUMMERS, [redacted]

MEDICAL CORPS

To be colonel

JONATHAN P. HALCOVAGE, [redacted]
CHARLES D. RICHARDS, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

RICHARD W. BENTON, [redacted]
SCOT A. BENTS, [redacted]
PAUL J. CUNNINGHAM [redacted]
GUY E. GRIFFIN [redacted]
GEORGE R. HILLIARD, [redacted]
JON L. HOWELL, [redacted]
WILLIAM R. LAZENBY, [redacted]
CHARLES L. MCCARTY, [redacted]
THOMAS W. PARKINS, [redacted]
DANIEL RADAKOVICH, [redacted]
JOHN J.W. REECE, JR. [redacted]
JAMES O. SELF [redacted]
JOHN M. SPANN [redacted]
CLIFFORD M. UNDERWOOD, [redacted]
GREGORY P. WALK, [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

GORDON E. WISE, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

STEPHEN B. KING, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

DAVID A. BOOTHE, [redacted]
RONALD D. SPROTT [redacted]
697X

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

PARTICK J. BERGER [redacted]
JAMES M. BETTEKER [redacted]
FRANK P. BUSH, JR. [redacted]
MICHAEL A. COLE, [redacted]
RONALD H. DAVIDSON, [redacted]
STEPHEN P. DINKA [redacted]
EDWARD F. FAGAN, [redacted]
AUGUST J. FUCCI, [redacted]
JERRY A. HOWARD [redacted]
JOHN W. LAUB, [redacted]
TIMOTHY F. PARVIS [redacted]
LOREN D. PORR, [redacted]
JOHN C. SCHOONOVER, [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

DOUGLAS C. ANDREWS, [redacted]

MEDICAL CORPS

To be lieutenant colonel

*WILLIAM S. BESSER, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

RICHARD A. VARNEY, [redacted]
LARRY K. LEWIS, [redacted]

ARMY

To be major

*DAVID B. ANDREWS, [redacted]
*GRADY K. KELLY, [redacted]

MEDICAL CORPS

To be major

*JULIA A. MORGAN, [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 12 JUNE 1992 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

LINE OF THE AIR FORCE

To be lieutenant colonel

DONALD E. ABSTON, [redacted]
GRANT O. ADAMS, [redacted]
BRUCE M. ADKINS, [redacted]
FELIX P. ALCANTARA, [redacted]
DENNIS R. ALEXANDER, [redacted]
JOHN L. ALLEN [redacted]
ROBERT L. ALLEY, [redacted]
ALBERT C. ALTEVOGT, JR. [redacted]
PAUL H. ALVATER, JR [redacted]
LARRY R. ALVEY, [redacted]
DEAN H. AMBROSE, [redacted]
WILLIAM F. AMES, [redacted]
MARK N. AMUNDSON, [redacted]
CAROLYN N. ANDERSON, [redacted]
DAVID W. ANDERSON, [redacted]
MARK W. ANDERSON, [redacted]
MICHAEL T. ANDERSON, [redacted]
SAMUEL M. ANDERSON, III, [redacted]
JOHN P. ANDROSKI [redacted]
EDWARD L. ANGEL, [redacted]
THOMAS W. ARCHER, [redacted]
ROBERT C. ARMS, JR [redacted]
JAMES H. ARMSTRONG, [redacted]
CHARLES W. ARNOLD, [redacted]
PATRICK J. ASHURA, [redacted]
SCOTT W. ASLETT, [redacted]
KENNETH R. ATKINS, [redacted]
CALVIN J. AUGUSTIN, [redacted]
STEPHEN L. AVERY [redacted]
DAVID L. AVNER, [redacted]
TIMOTHY R. AYRES, [redacted]
EDWARD D. BABIUCH, [redacted]
DONALD W. BAGLEY, [redacted]
ROBERT E. BAILEY, JR [redacted]
JEANETTE M. BAKER, [redacted]
RICHARD A. BAKER, [redacted]
RICHARD E. BAKER, [redacted]
WILLIAM H. BAKER, III, [redacted]
RICHARD A. BALDWIN, JR, [redacted]
PHILLIP O. BARGER [redacted]
RONALD S. BARNICK, [redacted]
RICHARD E. BARR, JR, [redacted]
SUSAN S. BARRETT, [redacted]
DAVID J. BARTLEBAUGH, [redacted]
RAYMOND O. BARTON, III, [redacted]
THOMAS L. BASKIND, [redacted]
MICHAEL J. BATEMAN, [redacted]
JOE T. BATES [redacted]
MARK A. BATHURST, [redacted]
WAYNE BATUNGBACAL, [redacted]
CLIFFORD M. BAUMLER, II, [redacted]
DANIEL A. BEARD, [redacted]
JANICE L. BECKERLEG [redacted]
WESLEY E. BEHEL, JR [redacted]
ROBERT A. BEISWENGER, [redacted]
FRANCIS M. BELKO, [redacted]
ROBERT A. BELL, JR [redacted]
SPENCER P. BELL [redacted]
THEODORE R. BELL, [redacted]
GLENN A. BENDER, [redacted]
DAVID T. BENNETT, [redacted]
MICHAEL G. BERG, [redacted]
ROBERT E. BERGENDAHL, JR [redacted]
MICHAEL E. BERGER, [redacted]
JOHN A. BERHEIM, [redacted]
PAUL B. BERNEY [redacted]
PHILIP C. BLACKBURN, [redacted]
RICHARD F. BLANSETT, JR [redacted]
GARY A. BLIHOVDE, [redacted]
ROBERT D. BLOUGH, JR [redacted]
DAVID BOLEA, JR, [redacted]
HOWARD R. BOONE, [redacted]
JOHN H. BORDELON, JR, [redacted]
STEPHEN J. BOSCH, [redacted]
FRANCIS P. BOTT, [redacted]
RAYMOND F. BOURGOIN, [redacted]
JAMES A. BOUSKA, [redacted]
BOBBY L. BOWEN, [redacted]
HUGH S. BOWER, [redacted]
CHARLES A. BOYER, [redacted]
DAVID C. BRADFORD, [redacted]
WILLIAM R. BRADLEY, [redacted]
JOHN F. BRAILSFORD [redacted]
RALPH E. BRANDS, [redacted]
ALLAN N. BREDENBERG, [redacted]
KYLE E. BREEDLOVE, [redacted]
KERRY D. BRIGGS, [redacted]
DALE L. BRIGHT, [redacted]
LAWRENCE H. BRINKER, [redacted]
WILLIAM B. BROCK, [redacted]
BARRY L. BROWN, [redacted]
DAVID R. BROWN, [redacted]
GERALD E. BROWN, [redacted]
JON A. BROWN, [redacted]
PETER B. BROWN, [redacted]
RICHARD A. BROWN, [redacted]
JAMES B. BRYANT, [redacted]
GARY M. BUCKLEY, [redacted]
PARKER L. BUCKLEY [redacted]
MICHAEL J. BUNDSHUH, [redacted]
JAMES A. BURESH, [redacted]
RAY W. BURGESS, JR, [redacted]
GILBERT N. BURNET, [redacted]

MARK B. BURQUEST, [redacted]
JAMES P. BURY [redacted]
JOHN D. BUTTS, [redacted]
JOSEPHINE A. BYRNE [redacted]
ZYGMUNT BYSTRON, [redacted]
THADDEUS K. BYTHEWOOD, JR. [redacted]
FLOYD W. CALDWELL, [redacted]
PORTER B. CALHOUN, [redacted]
DONALD A. CAMERON, [redacted]
RAYMOND D. CANADA, JR., [redacted]
RICHARD E. CANNISTRA, [redacted]
LANCE G. CAREY, [redacted]
JOEL F. CARON, [redacted]
JON R. CARTER, [redacted]
BRUCE T. CARTWRIGHT, [redacted]
BLANCHE A. CASEY, [redacted]
JOHN L. CASEY, [redacted]
PATRICK J. CASEY, [redacted]
JOE E. CASLER, [redacted]
RICHARD B. CAVINESS, [redacted]
DAVID R. CELMER, [redacted]
ERNESTO R. CESPEDES [redacted]
JAMES T. CHAFIN, III [redacted]
ROBERT R. CHALEFF, [redacted]
LYNDON G. C. CHAPPELL, [redacted]
LARRY H. CHASTEEN, [redacted]
ROBERT T. CHATFIELD, [redacted]
STANLEY L. CHESKE, [redacted]
JOSEPH F. CIRRINCIONE [redacted]
JOSEPH M. CLAFFEY [redacted]
KENT D. CLARK, [redacted]
THOMAS A. CLARKE, [redacted]
PHILIP E. CLAYTON, [redacted]
WILLIAM H. CLEINO, [redacted]
JAMES H. CLEVELAND, III [redacted]
LARRY E. CLICK, [redacted]
MICHAEL W. CLOUATRE, [redacted]
GERALD R. CLUSKEY, JR. [redacted]
EDWARD S. CLYDE, [redacted]
STEVEN M. COBB, [redacted]
LOUIS J. COCO, JR. [redacted]
ANITA IRENE COHEN, [redacted]
DONALD I. COHEN, [redacted]
JOHN R. COLE, [redacted]
JAMES M. COLES, [redacted]
JOHN R. COLLER, [redacted]
JOHN M. COMPTON, JR., [redacted]
WILLIAM A. CONN, [redacted]
JACK H. CONNELLY, [redacted]
JOHN E. CONNERS, JR. [redacted]
DENNIS C. COOK, [redacted]
RICHARD H. COOK, JR., [redacted]
SHELDON B. COOPER, [redacted]
DAVID M. COPE, [redacted]
ROBERT L. CORLEY, [redacted]
ROY A. CORNELLA, [redacted]
HARRY L. COSTYK, [redacted]
PAUL N. COUVUTSAKIS, [redacted]
DENNIS W. COY, [redacted]
ROBERT L. CRAFT, [redacted]
LAWRENCE A. CRAIN, [redacted]
WILLIAM E. CRAWFORD, [redacted]
EDWARD J. CREEHAN, JR. [redacted]
SHARREL K. CUMMINGS, [redacted]
STEPHEN E. CUMMINGS, [redacted]
ROBERT F. CUNNINGHAM, [redacted]
PAUL M. CURRER, [redacted]
RICHARD W. CURRY, [redacted]
KELLY C. CURTIS, [redacted]
ROBERT E. CUSHMEYER, [redacted]
JOHN B. CYRIACKS, [redacted]
HENRY J. DAHLQUIST, [redacted]
BRIAN J. DALTON, [redacted]
LARRY J. DALTON, [redacted]
DARRYL B. DARGITZ, [redacted]
JAMES E. DAVENPORT, JR. [redacted]
KENNETH E. DAVIDSON, [redacted]
GARY M. DAVIS, [redacted]
RAYMOND J. DAVIS, [redacted]
ROY A. DAVIS, [redacted]
RICHARD H. DAWSON, [redacted]
MAGDALENA DEBLOCK, [redacted]
WILLIAM C. DEJAGER, [redacted]
ELIZABETH A. DENNARD, [redacted]
RUSSELL DENNIS, JR. [redacted]
JAMES D. DESHEFY [redacted]
PETER F. DEXTER [redacted]
ROBERT T. DHAMER, [redacted]
WILLIAM DIETERICH, [redacted]
WILLIAM J. DIFFLEY [redacted]
MARGARET A. H. DIONNE, [redacted]
STEVEN DOCTORCHIK, [redacted]
CHARLES DOERLICH, III, [redacted]
CARL T. DOFELMIER, [redacted]
WALTER C. DONOVAN, JR., [redacted]
BRIAN P. DOYLE, [redacted]
WILLIAM E. DRIVER, [redacted]
JOHN M. DUDLEY, [redacted]
ROBERT G. DUMVILLE, [redacted]
ROBERT P. DUNCAN, JR. [redacted]
JOHN P. DURBIN, [redacted]
JAMES C. DURKIN, [redacted]
ROBERT C. DUTTON, [redacted]
RICHARD W. DYER, [redacted]
DONALD E. DYRDA, [redacted]
ELIZABETH A. DZIATKIEWICZ, [redacted]
GARY V. EARL, [redacted]
WILLIAM T. EARNEST, JR. [redacted]
GERALD L. EDDY, [redacted]
JON J. EDWARDS, [redacted]
JAMES M. EITEL, II [redacted]
DONALD A. ELDHART, [redacted]
WILBURT J. ELLIOTT [redacted]
DALE L. ELLIS, [redacted]
DAVID T. ELLIS, [redacted]
NANCY T. ELLIS, [redacted]
STEVEN D. ELLIS, [redacted]
WILLIAM R. ELLIS, [redacted]
DARYL L. EMERSON, [redacted]
TIMOTHY G. ENGQUIST, [redacted]
ERIC C. ERICKSON, [redacted]
THOMAS C. ERICKSON, [redacted]
JOHN T. EVANS, JR. [redacted]
MICHAEL L. EVANS, [redacted]
ROBERT L. EVERSON, [redacted]
ROBERT E. FANCHER, JR. [redacted]
GRANT B. FARIS, [redacted]
JOHN C. FARMER, [redacted]
RICHARD K. FARRELL, [redacted]
RICHARD C. FERNALLD, [redacted]
JON W. FERRALL, [redacted]
MICHAEL J. FILUCCI, [redacted]
JULIETTE C. FINKENAUER [redacted]
LEE A. FISHER, [redacted]
DONALD E. FISK, [redacted]
DANIEL J. FLAK, [redacted]
MARION R. FLOYD, [redacted]
FREDERICK F. FOGEL, [redacted]
ALLEN P. FORSYTH, II, [redacted]
CARMINE J. FORZONO, [redacted]
GEORGE M. FOSTER, [redacted]
KENNETH B. FOSTER, JR. [redacted]
DONALD R. FRASER, [redacted]
MARTIN M. FRITSCH, [redacted]
ALEXANDER FRITZ, JR. [redacted]
JAMES R. FULLER, [redacted]
ERIC FURNESS, JR. [redacted]
WALTER R. FUS, JR. [redacted]
LUCIEN P. GABRICK, JR., [redacted]
ROBERT L. GAFFNEY, [redacted]
JOHN E. GAFFORD, [redacted]
ALBERT J. GALKO, [redacted]
ROYAL M. GARDNER, [redacted]
MICHAEL R. GAREY, [redacted]
FRANK G. GARNER, JR., [redacted]
HENRY B. GARRETT, [redacted]
GERALD L. GASS, [redacted]
RUSSELL P. GATES, II [redacted]
ROBERT J. GAUTHIER, [redacted]
JOHN C. GAWELEK, [redacted]
DON K. GAYLOR, [redacted]
DENNIS W. GEARY, [redacted]
STEVEN J. GELFAND [redacted]
JOSEPH J. GELINGER [redacted]
RONALD H. GERTSEN, [redacted]
MARIAN F. GETZELMAN, [redacted]
WILLIAM J. GILLIES [redacted]
PAUL F. GILLIS [redacted]
JOSEPH A. GIOVANNIELLO, [redacted]
HOWARD E. GIRER, [redacted]
ROBERT L. GLENDENING, [redacted]
JOE A. GLYNN, [redacted]
LARRY N. GOFF, [redacted]
MARIO GOICO, [redacted]
RONALD J. GOINS, [redacted]
FRANK P. GONZALES, [redacted]
ALEXANDER C. GOODALE, [redacted]
JAMES S. GOODWIN, [redacted]
JAY R. GOULD, [redacted]
DAVID S. GRACEY, [redacted]
ROBERT P. GRADLE, [redacted]
WAYNE P. GRANE, [redacted]
PETER E. GRAY, [redacted]
FRANKLYN N. GREENE, JR. [redacted]
ALAN C. GREENHALGH, [redacted]
ALVA D. GREENUP, [redacted]
HAROLD W. GRIFFITH, [redacted]
MICHAEL W. GRIFFITH, [redacted]
WILLIAM J. GRIMM, [redacted]
LARRY C. GROTH, [redacted]
ROBERT A. GUILLET, [redacted]
RAY A. GUILLORY, [redacted]
STEVEN D. GUINTER, [redacted]
DENNIS H. HAESSIG, [redacted]
GARY C. HALE, [redacted]
FREDERICK S. HALL, [redacted]
THOMAS A. HALL, [redacted]
KATHRYN M. HALVORSON, [redacted]
RICHARD C. HAMLEY, [redacted]
RAYMOND T. HAMLYN, [redacted]
KENNEY W. HAMM, [redacted]
ADELINE F. HAMMOND, [redacted]
WALTER E. HAMMOND, [redacted]
DANIEL W. HANDLIN, JR., [redacted]
GREGORY HANSON, [redacted]
LEE F. HARDEMAN, [redacted]
STEVEN W. HARDEN, [redacted]
JAMES C. HARDIN, [redacted]
EDWARD A. HARDING, JR., [redacted]
GARY A. HARDING, [redacted]
NORMAN B. HARRELL, [redacted]
LARRY J. HARRIS, [redacted]
DAVID G. HARRISON, [redacted]
THOMAS H. HART, [redacted]
BRUCE M. HARTLEY, [redacted]
ALBERT S. HARTMAN, III, [redacted]
AUBREY G. HARVEY, [redacted]
STEPHEN P. HARVEY, [redacted]
JAMES D. HEETER, [redacted]
MICHAEL J. HEIDINGSFIELD, [redacted]
CHARLES J. HENDERSON, [redacted]
WARREN B. HENDRICKSON, [redacted]
ROSEMARY A. HEREDY, [redacted]
EDWARD H. HERGER, [redacted]
JOHN F. HERMACK, [redacted]
EDWARD T. HERMAN, III, [redacted]
CHRISTOPHER C. HILL, [redacted]
DOUGLAS H. HILL, [redacted]
MARY V. HILL, [redacted]
RALPH H. HILL, JR. [redacted]
LONNIE G. HITCHCOCK, [redacted]
JAMES D. HITE, [redacted]
GEORGE T. HODGES, [redacted]
PAUL F. HOECKEL, [redacted]
WILLIAM B. HOELSCHER, JR., [redacted]
ALAN R. HOFELDT, [redacted]
LEON D. HOFER, [redacted]
FREDERICK S. HOFFMAN, [redacted]
GEORGE E. HOFFMAN, JR., [redacted]
RONALD C. HOLDER, [redacted]
DONALD L. HOLMES, [redacted]
JEFFREY HOLSHOUSER, [redacted]
HENRY H. HOLT, [redacted]
RICHARD D. HOMAN, JR., [redacted]
MARK C. HOOPER, [redacted]
ROBERT K. HORNSEY, [redacted]
LAWSON W. HOUSE, III, [redacted]
DAMIAN HOUSMAN, [redacted]
ROBERT R. HOVDEN, [redacted]
GEOFFRY S. HOWARD, [redacted]
H. ROBERT HOWARD, [redacted]
LLOYD V. HOWARD, [redacted]
FREDERICK W. HOWE, [redacted]
RICHARD C. HUENS, [redacted]
DANNY D. HUEY, [redacted]
LAWRENCE D. HUFF, [redacted]
GLEN S. HUGHES, [redacted]
JAMES E. HULSEY, [redacted]
PAUL E. HUNDLEY, [redacted]
CRAIG C. HUNSBERGER, [redacted]
RICHARD L. HUNTER, [redacted]
WILLIAM B. HUNTINGTON, [redacted]
THOMAS R. HUPP, [redacted]
SHELLYE A. HUTCHINSON, JR., [redacted]
RONALD R. HYSLOP, [redacted]
JOHN G. INGMAN, [redacted]
ROBERT D. IRETON, [redacted]
JERRY E. IRWIN, [redacted]
WILLARD D. IRWIN, [redacted]
BLAINE I. IZUKA, [redacted]
JERRY L. JACKS, [redacted]
GARY M. JENKINS, [redacted]
BRUCE G. JOHNSON, [redacted]
ERIC E. JOHNSON, [redacted]
RANDALL E. JOHNSON, [redacted]
STEPHEN C. JOHNSON, [redacted]
CHARLES K. JOHNSTON, II, [redacted]
RONALD L. JOHNSTON, [redacted]
RICHARD W. JOHNSTONE, [redacted]
ALLAN M. JONES, III, [redacted]
CHARLES P. JONES, [redacted]
DAVID L. JONES, [redacted]
LYLE E. JONES, [redacted]
PHILLIP A. JONES, [redacted]
MERNA R. JUSTIC, [redacted]
GREGORY W. KALNITZKY, [redacted]
RICHARD P. KAREL, [redacted]
KENNETH M. KARSTED, [redacted]
JOHN R. KEENAN, [redacted]
DUNCAN C. KEIRNES, [redacted]
FREDERICK E. KELLER, [redacted]
JAMES M. KEMPF, [redacted]
DONALD W. KENNEDY, [redacted]
ALLEN F. KENYON, [redacted]
BEN E. KETTELKAMP, [redacted]
GLENN T. KEYTON, JR., [redacted]
ALAN C. KINBACK, [redacted]
CALVIN J. KING, JR., [redacted]
HENRY B. KINTNER, [redacted]
RICHARD E. KITCHEN, [redacted]
ROBERT J. KLEIN, [redacted]
DAVID S. KLIS, [redacted]
JOE A. KLUTTS, [redacted]
PATTY C. KNAPP, [redacted]
ALAN J. KOERBER, [redacted]
MARK V. KOLLEDA, [redacted]
KENNETH C. KORSMO, [redacted]
RICHARD T. KOSKELLA, [redacted]
MANUEL KOU, [redacted]
RICHARD A. KRAEMER, [redacted]
BERNARD L. KRING, [redacted]
MICHAEL L. LABIT, [redacted]
DANIEL J. LACAYO, [redacted]
SHELBY H. LACROIX, JR., [redacted]
CRAIG E. LADY, [redacted]
ROBERT A. LAFRENIERE, [redacted]
SAM M. LAMBERT, [redacted]
STEVEN K. LAMOE, [redacted]
THOMAS C. LAMONICA, [redacted]
DOUGLAS E. LANGBEHN, [redacted]
WILLIAM A. LANGEL, [redacted]
ALLEN J. LANGEMAK, [redacted]
RONALD A. LAPOINTE, [redacted]
ALAN B. LARRABEE, [redacted]
JOHN LAUT, JR., [redacted]
JAMES H. LAWRENCE, [redacted]
STEPHEN A. LAWSON, [redacted]
WILLIAM H. LAWSON, [redacted]
WILLIAM T. LEBO, [redacted]
JAMES E. LECH, [redacted]
WILLIAM H. LEECH, JR., [redacted]
JOHN R. LEIGHTON, [redacted]
MICHAEL W. LENNON, [redacted]
BILLY A. LEWIS, [redacted]
ROBERT C. LEWIS, [redacted]
WALTER W. LINE, [redacted]

RICHARD L. LINTERIS [redacted]
JAMES L. LIVINGSTON [redacted]
DARRYL K. LOOK, [redacted]
ALBERT F. LOWAS, JR [redacted]
WILLIAM G. LOWREY, [redacted]
TRUMAN L. LUM, [redacted]
ROGER J. LUND [redacted]
THOMAS D. LUND, [redacted]
WILLIAM T. LUNSFORD, [redacted]
ROBERT R. LUTTIO, [redacted]
ALEJANDRO LUYANDO, JR, [redacted]
STEPHEN P. LYLE [redacted]
JOHN A. LYLES, [redacted]
MICHAEL K. LYNCH, [redacted]
WALTER F. LYNCH, JR [redacted]
PHILLIP A. LYND, [redacted]
JEFFREY P. LYON [redacted]
ROBERT S. MACDONALD, [redacted]
STEVEN R. MACHACEK, [redacted]
MICHAEL G. MACHEMEHL, [redacted]
HENRY J. MACIOG, [redacted]
RONALD B. MACKENZIE, [redacted]
THOMAS R. MACMILLAN, [redacted]
JOEL D. MADSEN, [redacted]
ROBERT H. MAGLASANG, [redacted]
MICHAEL R. MAGRINO, [redacted]
RAYMOND R. MAHALICK, [redacted]
ROBERT J. MALYUK, [redacted]
WILLIAM K. MANEY, [redacted]
DENNIS A. MANIBUSAN, [redacted]
PAUL R. MANLEY, [redacted]
ALLAN D. MANTEUFFEL, [redacted]
LEWIS B. MARMAN, JR [redacted]
ROBERT B. MARTENSEN [redacted]
STEPHEN A. MARTIN, [redacted]
VERNON D. MARTIN, [redacted]
DUANE E. MASLOWSKI, [redacted]
ROBERT J. MASSEY [redacted]
JAMES S. MATHEWS, III [redacted]
DANIEL L. MATTHEWS, [redacted]
LAWRENCE K. MCBANE, [redacted]
RICHARD D. MCCANDLESS, [redacted]
DAVID J. MCCARTHY, [redacted]
RANDOLPH J. MCCLURE [redacted]
TIMOTHY S. MCCONNELL, [redacted]
CHARLES R. MCCORMACK, [redacted]
MAC L. MCCRORY, JR, [redacted]
CLAY T. MCCUTCHAN, [redacted]
SCOTT B. MCEVOY, [redacted]
MICHAEL J. MCGLYNN, [redacted]
DIANNE R. MCILVOY, [redacted]
WILLIAM J. MCKAY, [redacted]
PATRICK R. MCKEE, [redacted]
MICHAEL L. MCKIM, [redacted]
JOHN A. MCLAUGHLIN, JR [redacted]
MILTON A. MCLEOD, [redacted]
RANDY R. MCMAHILL, [redacted]
WILLIAM T. MCPHERSON, [redacted]
JOHN J. MCWEENEY, [redacted]
J. F. S. MEACHEM [redacted]
JULIO R. MERCADOBALTES [redacted]
ROBERT A. MERCIER, [redacted]
ARTHUR J. MEREDITH [redacted]
KEITH W. MEURLIN, [redacted]
JOHN G. MEYER, III [redacted]
KATHRYN A. MEYERS, [redacted]
DONALD R. MICHELS, [redacted]
HOLLY A. MIDDAGH, [redacted]
STEVEN E. MIEDZIAK [redacted]
NEIL J. MILES [redacted]
BRUCE W. MILLER, [redacted]
LARRY C. MILLER, [redacted]
NED K. MILLER, II [redacted]
ROY H. MILLER, JR [redacted]
RICHARD J. MILLIES [redacted]
MICHAEL G. MILLS, [redacted]
THOMAS H. MILLS, [redacted]
JERRY A. MIMS [redacted]
CHARLES L. MINARD, JR [redacted]
LONNIE C. MINZE, [redacted]
DAVID L. MITCHELL, [redacted]
DAVID K. MOFFITT, [redacted]
GERALD W. MONK, [redacted]
DENNIS J. MOORE [redacted]
MICHAEL S. MOORE, [redacted]
ROBERT L. MOORE, [redacted]
ROBERT M. MOORE, JR [redacted]
WILLIAM J. MOORE, [redacted]
MARSHALL J. MOORMAN, [redacted]
ROQUE R. MORALES, [redacted]
DEWEY L. MORGAN, JR, [redacted]
STEVEN N. MORGAN, [redacted]
KENNETH J. MORRIS [redacted]
ALAN W. MORRISON, [redacted]
PATRICIA A. MORRISON, [redacted]
CARLYN R. MORROW, JR, [redacted]
KIM T. MORTENSEN, [redacted]
JAY B. MORTON, [redacted]
RICHARD A. MOTT, [redacted]
RICHARD N. MUELLER, [redacted]
ROBERT A. MULERT, [redacted]
FRANCIS M. MUNGAVIN, [redacted]
SAMUEL R. MUSCARELLA [redacted]
PHILIP G. MYERS [redacted]
BRUCE R. NADLER, [redacted]
ROGER C. NAFZIGER, [redacted]
CLIFFORD E. NAPOLITANO [redacted]
LAWRENCE NAVIN, [redacted]
BRADFORD C. NEAL, [redacted]
CHARLES R. NEEDLES [redacted]
HARRY C. NEEL, [redacted]
WILLIAM E. NEFF, III [redacted]
ARTHUR J. NEGRETTE, [redacted]
JAMES R. NELSON, [redacted]
JAMES V. NELSON, [redacted]
RICHARD E. NELSON, III [redacted]
MICHAEL F. NESGODA, [redacted]
WILLIAM D. NEVILLE, JR [redacted]
DANIEL J. NICHOLS, [redacted]
MICHAEL E. NICHOLSON, [redacted]
ROBERT S. NICHOLSON, [redacted]
JACK A. NICKEL, [redacted]
ALFRED A. NICKERSON, [redacted]
DOUGLAS F. NIOLET, [redacted]
RODNEY S. NOLEN, [redacted]
FRANKLIN B. NORAGON, [redacted]
JACK B. NORMAN, [redacted]
THOMAS E. NORRIS, JR, [redacted]
DENNIS J. NOUD, [redacted]
WALTER R. NYZIO, [redacted]
GARY R. OBERJOHN, [redacted]
DENNIS C. OCONNELL, [redacted]
KEVIN J. ODONNELL [redacted]
STEVEN A. OGBURN, [redacted]
SAMUEL F. OGLESBY, [redacted]
PATRICK OHAGAN, [redacted]
PATRICK S. OKA, [redacted]
LANCE S. OKIMOTO, [redacted]
RALPH B. OMANN, [redacted]
TIMOTHY H. ONEILL, [redacted]
JAMES S. OPP [redacted]
GLENN T. ORDOYNE, [redacted]
DAVID A. ORTMAN, [redacted]
JAMES G. OSLICK, [redacted]
PATRICK OSWEILER, [redacted]
STEVEN J. OVERLEE [redacted]
LYNN A. OVESON, [redacted]
HUMBERTO PABON, [redacted]
MICHAEL W. PAGE, [redacted]
LESTER S. PALAT [redacted]
GRAY S. PARKER, [redacted]
WILLIAM R. PARR, [redacted]
ROGER S. PARSONS, [redacted]
ROBERT PATLACH, [redacted]
GREGORY B. PAVLIN, [redacted]
DAVID C. PEEL, [redacted]
THOMAS C. PELOQUIN, [redacted]
MICHAEL M. PENDERGRASS [redacted]
GARY M. PENNINGTON, [redacted]
HOWARD H. PENUEL, JR, [redacted]
HILLARY C. PERDUE, [redacted]
MICHAEL A. PERGIOVANNI, [redacted]
DENNIS C. PERRY, [redacted]
ARTHUR C. PETERSON, JR [redacted]
DONALD R. PETTET, [redacted]
STEPHEN L. PHELPS [redacted]
FREEMAN M. PHILLIPS, JR [redacted]
GEORGE E. PIGEON, [redacted]
ROY F. PITTER [redacted]
BERNARD J. POLK, [redacted]
WILLIAM K. POOLE, [redacted]
DANIEL C. POQUETTE, [redacted]
ERRETT A. PORTER, III [redacted]
JAMES H. PORTER [redacted]
RICHARD D. POTEET, [redacted]
EARL B. POWELL, II, [redacted]
ROBERT J. POWERS, [redacted]
SALLYE S. PRENGER, [redacted]
ZACHARY T. PRESCOTT, JR [redacted]
MICHAEL E. PRESTON, [redacted]
RICHARD K. PREWITT, [redacted]
JOHNNY C. PRIDGEN, JR [redacted]
MIGUEL E. PRIMERA, [redacted]
ROGER K. PROFIT, [redacted]
JOHN K. QUEERN, [redacted]
JEFFREY G. RANDOLPH [redacted]
GEORGE W. RASAR, III, [redacted]
LAUREN A. RATKOVIAK, [redacted]
JAMES A. RAYMOND, [redacted]
GEORGE D. REASONOVER, JR [redacted]
CHARLES H. REDDICK, [redacted]
PAUL J. REES [redacted]
MARK E. RENSI, [redacted]
MARK R. REPKO, [redacted]
RICHARD M. REYNOLDS, [redacted]
STEPHEN L. RHODES, [redacted]
JERROLD A. RICHARD, [redacted]
WILLIAM L. RICHARDS, III [redacted]
THOMAS P. RICHTER, [redacted]
KENNETH J. RILEY, [redacted]
DONALD L. RITENOUR, [redacted]
JOSEPH A. RIZZOTTI, JR [redacted]
MICHAEL F. ROBINSON, [redacted]
RICHARD W. ROBINSON, [redacted]
RONALD P. ROBSON, [redacted]
JAMES W. ROE, [redacted]
PHILIP W. ROGERS, [redacted]
NEIL A. ROHAN, [redacted]
RAYMOND S. ROLLINGS, JR, [redacted]
LAURA N. ROMESBURG, [redacted]
GEORGE S. ROSE, [redacted]
JAMES R. ROSENBAUM, [redacted]
ROARK M. ROSSON, [redacted]
ROBIN S. ROTHERMEL, [redacted]
THOMAS J. ROTHSCHILD, [redacted]
BRUCE A. ROY, [redacted]
JOHN T. ROZZO, [redacted]
JAMES T. RUBEOR, [redacted]
MARK J. RUBERRY, [redacted]
JAMES H. RUFFNER [redacted]
SCOTT W. RUSSELL, [redacted]
MICHAEL E. RUTH, [redacted]
PATRICK D. RYAN, [redacted]
BRIAN K. RYDER, [redacted]
KENNETH L. RYNGALA, [redacted]
WILLIAM J. SAETTEL, [redacted]
JOHN J. SAIA [redacted]
ROY K. SAKATA, [redacted]
JOHN S. SALFEETY [redacted]
WILLIAM A. SALOGA, [redacted]
KEITH D. SANBORN, [redacted]
JOHNNY B. SANDERS, [redacted]
MARK R. SANDERS, [redacted]
JOHN A. SANDUSKY, [redacted]
CHARLES E. SAUL, [redacted]
DAVID SAVADGE, [redacted]
JOHN E. SAVAGE, [redacted]
DAVID C. SAVINO, [redacted]
DANIEL R. SCACE, [redacted]
JERRY C. SCARPATE [redacted]
GEORGE R. SCHEELE [redacted]
WARREN W. SCHEID [redacted]
LARRY L. SCHMID, [redacted]
JOHN H. SCHRAMM, [redacted]
BILLY S. SCHRICKER, [redacted]
AUGUST L. SCHULTZ, [redacted]
JOHN E. SCHUMICK, [redacted]
RICHARD W. SCHWARTZ, [redacted]
DAVID H. SCIRE, [redacted]
BRIAN W. SCOTT, [redacted]
KEITH A. SCRAGG, [redacted]
CHESTER G. SEAMAN, JR [redacted]
STEVEN M. SEEGMILLER [redacted]
WALTER C. SEELYE, II [redacted]
MARK D. SELLERS, [redacted]
JAMES L. SELZER [redacted]
SALVATORE J. SERIO [redacted]
GARY W. SHANNON, [redacted]
JAMES E. SHAW [redacted]
HARRY W. SHEAFFER, III [redacted]
PHILIP W. SHERIDAN, JR [redacted]
THEODORE T. SHIERK, JR [redacted]
TERRANCE L. SHIERS [redacted]
WILLIAM W. SHILTON, [redacted]
HOWARD N. SHIPMAN, [redacted]
ROBERT T. SHOAF, [redacted]
THOMAS S. SHOENBERGER, [redacted]
ROBERT G. SHONDEL, [redacted]
MICHAEL J. SHORE, [redacted]
JEFFREY J. SHORT [redacted]
ROBERT D. SHOULDERS [redacted]
RICHARD C. SILLAMAN, [redacted]
WILLIAM P. SIMS [redacted]
WILLIAM D. SINCLAIR, [redacted]
RICHARD W. SIRMONS, [redacted]
DANIEL M. SKOTTE, [redacted]
THOMAS N. SLEDGE, [redacted]
DONALD W. SLOAN, [redacted]
JAMES M. SLUDER, III [redacted]
LANDRY H. SMALLFOOT, [redacted]
JOHN M. SMILEY, [redacted]
WILLIAM B. SMILEY [redacted]
BRIAN J. SMITH, [redacted]
JAMES M. SMITH, [redacted]
MICHAEL B. SMITH, [redacted]
RANDY M. SMITH, [redacted]
RUSSELL D. SMITH, [redacted]
STEPHEN L. SMITH, [redacted]
WILLIAM B. SMITH, [redacted]
PETER D. SMOLEY [redacted]
JAMES W. SMOLKA, [redacted]
LARRY W. SNIDER, [redacted]
CHARLES M. SNOW, [redacted]
LEE M. SNYDER, JR [redacted]
JAMES F. SONNHALTER [redacted]
ROBERT G. SORENSEN, [redacted]
VICTOR A. SORLIE, [redacted]
JOHN R. SPERLING [redacted]
ROBERT B. SPORE, [redacted]
LEONARD N. SPORIK, [redacted]
DAVID B. SPRAGUE, [redacted]
KENNETH M. SPURLOCK, [redacted]
JAMES E. STALMASTER [redacted]
DAVID A. STAMPER, [redacted]
PAUL C. STCIN, [redacted]
ROBERT H. STCLAIR, III [redacted]
JON E. STEINER, [redacted]
STEVE N. STENGEL [redacted]
SHERRY A. STETSONMANNIX, [redacted]
DENNIS W. STEVENS, [redacted]
JOHN S. STEWART, III [redacted]
STEPHEN R. STEWART [redacted]
RICHARD W. STINE, [redacted]
CHARLES F. STITES, JR [redacted]
ALAN C. STOCKSTAD, [redacted]
KENNETH C. STOEHRMANN, [redacted]
DOUGLAS A. STOLL, [redacted]
JOHN W. STONEY, [redacted]
JOHN G. STOTT, [redacted]
ROBERT V. STRANSKY, [redacted]
LARRY D. STRATMEIER, [redacted]
JAMES L. STRAUGHN, [redacted]
STEPHEN L. STRIETER [redacted]
FOREST E. STRYCKER, JR [redacted]
WILLIAM N. STRYKER, [redacted]
BURNELL S. STUCHELL, [redacted]
JOHN C. SUTTON, [redacted]
WILLIAM S. SWAN, [redacted]
BRAD G. SWINGLE, [redacted]
LESLIE J. SZUCH [redacted]
LINDA R. TABER, [redacted]
STEPHEN K. TAKASHIMA, [redacted]
THOMAS V. TAMEZ, [redacted]
DAVID B. TANNER, [redacted]
BEN R. TATE, III [redacted]
WAYNE K. TAYLOR, [redacted]

EDWARD E. THOMAS, JR, [redacted]
ELMER L. THOMAS, [redacted]
GREGORY J. THOMPSON, [redacted]
JOSEPH F. THORNTON, JR [redacted]
VICTOR E. THUOTTE, JR, [redacted]
ROBERT H. TIMM, [redacted]
JOHN B. TIMMER, [redacted]
ANGELA TOBIAS, [redacted]
PHILIP I. TOKUNAGA, [redacted]
PAUL V. TOMMASI, [redacted]
JAMES W. TOMPKINS, [redacted]
OTIS B. TORKELSON, JR [redacted]
EDWIN K. TOTTY [redacted]
THOMAS K. TOULA, [redacted]
JOHN TRAINO, JR [redacted]
PETER D. TRAPP [redacted]
TERRY S. TREECE [redacted]
ROBERT L. TREVINO [redacted]
DWAYNE D. TROXEL, [redacted]
JAMES P. TUGGLE, SR [redacted]
JOHN W. TURNER, [redacted]
BRUCE C. TUTTLE, [redacted]
DAVID A. TUTTLE, [redacted]
JEFFREY L. TYLEC [redacted]
STEPHEN E. UHELSKI, [redacted]
GARY W. URBANOWICZ, [redacted]
JOHN P. VALLIER, JR [redacted]
ANTHONY L. VALLILLO, JR, [redacted]
GARY L. VANDRIE, [redacted]
TERRANCE J. VANPARYS, [redacted]
JOHN D. VARNER, [redacted]
RAYMOND J. VEATCH, [redacted]
RICHARD P. VOLDEN, [redacted]
PETER V. VOORHEES, [redacted]
WILLIAM G. WADE, [redacted]
WILLIAM N. WADE, [redacted]
WILLIAM L. WAGNER, [redacted]
JOHN L. WAID, [redacted]
LARRY K. WAITS, [redacted]
DANIEL A. WAKLEY, [redacted]
JAMES L. WALKER, [redacted]
WILLIAM H. WALKER, IV, [redacted]
JAMES M. WALLACE, [redacted]
RAYMOND E. WALLACE, [redacted]
ROBERT E. WALLACE, [redacted]
DARRELL W. WARD, [redacted]
OLIVER H. WARREN, III, [redacted]
DONALD F. WARRICK, JR, [redacted]
CHARLES L. WATERS, [redacted]
MICHAEL S. WATERS, [redacted]
NEIL W. WATKINS, [redacted]
DOSS K. WATSON, JR, [redacted]
RODERICK M. WATSON, II, [redacted]
VANCE L. WATT, [redacted]
JOHN A. WATTS, [redacted]
HOWARD D. WEAVER, [redacted]
MICHAEL H. WEAVER, [redacted]
JAMES D. WEBB, [redacted]
BRUCE E. WEIGLE, [redacted]
JAMES A. WELCH, [redacted]
KEVIN M. WENTWORTH, [redacted]
RODNEY A. WEST, [redacted]
THOMAS C. WESTBROOK, [redacted]
RICHARD M. WESTFALL, [redacted]
DONALD F. WESTON, [redacted]
LEE A. WEXEL, [redacted]
WILLIAM C. WHALEY, JR, [redacted]
MARVIN WHETSTONE, [redacted]
DALE TIMOTHY WHITE, [redacted]
JOANNE E. WHITE, [redacted]
THOMAS H. WHITE, JR, [redacted]
WILLIAM C. WHITESIDE, [redacted]
CHARLES G. WHITLEY, JR, [redacted]
TIMOTHY S. WHITLOCK, [redacted]
THOMAS A. WICK, [redacted]
KENNETH F. WIEGAND, JR, [redacted]
ROBERT A. WILDER, [redacted]
ROSS L. WILHITE, [redacted]
THOMAS E. WILL, [redacted]
KEVIN F. WILLE, [redacted]
ANDREW WILLIS, [redacted]
JERRY L. WILPER, [redacted]
LYNN D. WILSON, [redacted]
SCOTT E. WILSON, [redacted]
JAMES W. WIMBERLEY, [redacted]
CHARLES L. WINN, III, [redacted]
JAMES W. WISE, [redacted]
JOHN S. WITTENBORN, [redacted]
THEODORE L. WITTMANN, [redacted]
RONALD T. WOJNAR, [redacted]
BROOKE W. WOLF, [redacted]
MICHAEL J. WOLOSHUK, JR, [redacted]
GARY P. WOOD, [redacted]
FREDERICK J. WORKLEY, [redacted]
MICHAEL W. WORLEY, [redacted]
TIMOTHY J. WRIGHTON, [redacted]
HARRY M. WYATT, [redacted]
ALTON W. YATES, [redacted]
ROBERT F. YOUNG, [redacted]
JONATHON S. YOUNKER, [redacted]
DAVID H. ZACHARY, [redacted]
STEPHEN X. ZELTMANN, [redacted]
DENNIS I. ZICHA, [redacted]

DENTAL CORPS

To be lieutenant colonel

JACKSON L. ANDERSON, JR, [redacted]
DARLA M. DUNN, [redacted]
THOMAS O. DUSEK, [redacted]
DAVID T. EARNEST, [redacted]
MARK P. EGGERT, [redacted]
BURTON R. FINKEL, [redacted]
PAUL W. FRAYSURE, JR, [redacted]
DANIEL D. GAMMAGE, [redacted]
RICHARD D. HARMON, [redacted]
JAMES C. HIGGINS, JR [redacted]
GREGORY K. LOVE, [redacted]
JOHN M. MCCRILLIS, [redacted]
BRIAN D. MUDD, [redacted]
BLAINE R. PIERSON, [redacted]
LAWRENCE M. STEWART, [redacted]
JOSEPH W. TARNOWSKI, [redacted]
RONALD E. WHITCOMB, [redacted]

MEDICAL CORPS

To be lieutenant colonel

SISSAY AWOKE, [redacted]
MICHAEL S. BRONSTEIN, [redacted]
WILLIAM M. CASKEY, [redacted]
KIM C. CHRISTENSEN, [redacted]
TIMOTHY E. DAVIS, [redacted]
FERNANDO G. DIAZ, [redacted]
JOHN R. DIMAR, II, [redacted]
MICHAEL DUDNICK, [redacted]
VAL D. DUNN, [redacted]
MANUEL C. GUZMAN, [redacted]
STEVEN R. HORN, [redacted]
DANIEL K. JENS, [redacted]
MICHAEL D. JONES, [redacted]
ANDREW L. KULIK, [redacted]
CAROL A. LEE, [redacted]
CLEMENT L. MCCASKILL, [redacted]
JEFFREY S. MEINTS [redacted]
WILLIAM F. MORGAN, JR, [redacted]
GARY R. NEWSOM, [redacted]
LUZVIMINDA B. ORDONEZDOLAR, [redacted]
CHARLES L. OTOOLE, JR, [redacted]
FRED L. PASTERNACK, [redacted]
BHASKARA M. PONNURU, [redacted]
PAMELA E. PRETE [redacted]
WILLIAM M. PRICE, [redacted]
ROBERT A. RICE, [redacted]
WAFA I. RIZK, [redacted]
ALAN R. ROWLEY, [redacted]
WOLFGANG SCHEELE, [redacted]
WESTON P. SCOTT, [redacted]
EDWARD H. SEELIGER, JR [redacted]
ROBERT A. TAYLOR, [redacted]

NURSE CORPS

To be lieutenant colonel

ALTON R. ALDRIDGE, [redacted]
NANCY D. ANDERSON, [redacted]
PATRICIA R. BALLENTINE, [redacted]
BARBARA L. BEY, [redacted]
MARJORIE S. BOYD, [redacted]
MARY C. BUTTINO, [redacted]
PATRICIA A. CARLILE, [redacted]
PATRICIA S. CHRISTIE, [redacted]
KATHLEEN M. CONRY, [redacted]
DOLA G. CORDONI, [redacted]
IRWINETTE R. CRITE, [redacted]
MARY J. CUNNEEN, [redacted]
CLAUDIA D. DEHNER, [redacted]
MARIE C. DEJOHN, [redacted]
JOAN E. DENN, [redacted]
REBECCA E. DIFRANGIA, [redacted]
CHRISTINE J. DRAKE, [redacted]
JONELL FALCON, [redacted]
BARBARA E. FAMULARO, [redacted]
BARBARA J. FIELDING, [redacted]
MARTHA E. FINN, [redacted]
JANET M. FONG, [redacted]
JESSICA C. GARDOM, [redacted]
LINDA D. GOMLICKER, [redacted]
LYNN M. GULICK, [redacted]
VIRGINIA E. GUTH, [redacted]
NINA L. HANSEN, [redacted]
PAULETTE K. HASKINS, [redacted]
JANICE E. HAWKINS, [redacted]
CHERYL A. HEYWARD, [redacted]
SHARON L. HICK, [redacted]
ANITA M. HICKEY, [redacted]
PATRICIA HOLDERNESS, [redacted]
LOISANN M. HOPKIN, [redacted]
ELAINE S. HOUSER, [redacted]
EILEEN V. KALOW, [redacted]
KAREN G. KERRIGAN, [redacted]
SHERRY L. LINDLEY, [redacted]
LINDA M. LOYE, [redacted]
CHERYL S. LUIS, [redacted]
CAROL A. LUNGER, [redacted]
PATRICIA M. MACPHERSON, [redacted]
ELISSA MACRI, [redacted]
MAUREEN E. MAY, [redacted]
JANIE L. MCKENZIE, [redacted]
JANICE M. MCKIBBAN, [redacted]
PAUL R. MCPHERSON, [redacted]
SHARON A. MIKRUT, [redacted]
MARY H. MILLWEE, [redacted]
MARCIA K. MUNTON, [redacted]
KATHLEEN M. MURRAY, [redacted]
BARBARA A. NEGLES, [redacted]
JUDITH A. J. OHAVER, [redacted]
SANDRA L. OLEAN, [redacted]
MARGARET B. PAY, [redacted]
KATHLEEN T. PORTER, [redacted]
SHIRLEY RIBAK, [redacted]
JEANNE C. RICHARD, [redacted]
KATHRYN E. ROBERTSON, [redacted]
LINDA M. ROBINSON, [redacted]
JACQUELINE S. ROCK, [redacted]
SHEILA K. ROTH, [redacted]
DIANA C. RYDER, [redacted]
CAROL A. SCHER, [redacted]
LINDA M. SIMMONS, [redacted]
DEBORAH O. SMITH, [redacted]
PEGGY A. STAAK, [redacted]
MARY C. STEVENS, [redacted]
LINDA K. TEMPLETON, [redacted]
ROBIN R. THOMPSON, [redacted]
PATRICIA A. VERA, [redacted]
CAROL A. WESTBERRY, [redacted]
MARY A. WILDER, [redacted]
JEAN M. WILLIAMSON, [redacted]
JEAN R. WILSON, [redacted]
PAMELA D. ZINK, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL ACHEY, [redacted]
GERALD L. ANDRICK, [redacted]
OWEN L. BARNETT, [redacted]
JORGE M. DEJESUS, [redacted]
ROBERT E. DREHER, [redacted]
STEVEN J. GENTLING, [redacted]
JAMES S. GRESHAM, [redacted]
RAY L. JOHNSON, [redacted]
JOHN R. MCCASTLE, [redacted]
MICHAEL P. MCLAUGHLIN, [redacted]
RICHARD J. MORRIS, [redacted]
SEYMOUR WIENER, [redacted]

BIOMEDICAL SERVICE CORPS

To be lieutenant colonel

JAMES N. BAILEY, [redacted]
BRUCE A. BROWN, [redacted]
JEANINE G. COLBURN, [redacted]
LEROY C. JAN, [redacted]
BENNIE C. KATILUS, [redacted]
MAURICE H. LAUGHLIN, [redacted]
KRISTINA R. LUDWIGSEN, [redacted]
PATRICK H. NAM, [redacted]
THOMAS L. NOORDSY, [redacted]
EDWIN W. NORDAN, [redacted]
RICHARD C. PERALTA, [redacted]
RODOLFO C. PRUNEDA, [redacted]
JOHN C. RAMOS, [redacted]
RONALD L. ROBERTS, [redacted]
RICHARD C. ROLLER, [redacted]
RICHARD V. SHAWLEY, [redacted]
CARL A. SWANSON, [redacted]
VALERIE B. WHITING, [redacted]
WAYNE A. WIATROWSKI, [redacted]

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE. RETIRED RESERVE

LINE OF THE AIR FORCE

To be colonel

JAMES G. ABBEE, [redacted]

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A. VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED. READY RESERVE

MEDICAL CORPS

To be lieutenant colonel

ROSEMARIE A. FERRER, [redacted]
CLIFTON M. PATTON, [redacted]

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE. READY RESERVE

LINE OF THE AIR FORCE

To be lieutenant colonel

WALTER K. KANEAKUA, JR, [redacted]
ROGER B. MCGRATH, [redacted]

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

ALBERT L. FRAZIER, [redacted]
CLIFFORD FRIEDMAN, [redacted]
ROBERT M. HARTLEY, [redacted]
CHARLES H. MAJOR, [redacted]
DENNIS R. OECHSNER, [redacted]
WARREN H. POARCH, [redacted]
PETER P. POCHOWSKI, [redacted]
WILLIAM C. REITAN, [redacted]

CHAPLAIN CORPS

To be colonel

RAYMOND D. RUDDLE, [redacted]

MEDICAL CORPS

To be colonel

JOHN F. AITA [redacted]
JOHN F. CLARKE, JR [redacted]
HAYWOOD S. GILLIAM, [redacted]

MEDICAL SERVICE CORPS

To be colonel

RICHARD D. REPP [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

RONALD W. ACKER, [redacted]
THOMAS M. BRYSON, [redacted]
ROBERT A. CABASUG, [redacted]
WAYNE T. CAMERON, [redacted]
HARRY R. COLLINS, [redacted]
JIMMY G. CROWNOVER, [redacted]
ROGER A. CULBERT [redacted]
MICHAEL J. DIAMOND, [redacted]
STEPHEN W. FIRKINS [redacted]
CLIFFORD N. FLORES [redacted]
CHARLES R. GEIGER, [redacted]
NOBUO KIWADA, [redacted]
DOUGLAS W. LEVET, [redacted]
JOSEPH F. LOCALLO [redacted]
BRIAN M. LUDERA, [redacted]
DONALD D. MEYER, [redacted]
RICHARD W. MOLLICA, [redacted]
DOUGLAS M. O'COYNE, [redacted]
CHARLES G. OLMSTEAD, [redacted]
ALLEN D. PALMER, [redacted]
FREDERICK L. PICCO [redacted]
JERRY B. RANIA [redacted]
ROSENDO C. REYES, [redacted]
JAMES P. RUMMAGE, [redacted]
MILES T. SAKAGUCHI, [redacted]
ALISON L. SIMMONS, [redacted]
JAMES E. SPIESS [redacted]
JACK C. STULTZ, JR [redacted]
EARL G. STUMPF, JR [redacted]
PAUL J. STURM [redacted]
EDWIN W. TAYLOR, [redacted]
WILLIAM E. TAYLOR, [redacted]
MICHAEL T. WHEALY, [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

RONALD V. DUNCAN, [redacted]
EDWARD J. PECK, JR [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

ELROY CARSON, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3370 AND 1552:

ARMY PROMOTION LIST

To be colonel

TEDDY D. BUTLER, [redacted]
SALVATOR CARBONARO, [redacted]
ARTHUR J. HURTADO, [redacted]
ELLIOTT I. TEPPER [redacted]

CHAPLAIN CORPS

To be colonel

CLARE H. LEDUM, JR [redacted]

MEDICAL SERVICE CORPS

To be colonel

MAURICE A. YARTER, [redacted]

VETERINARY CORPS

To be colonel

LEROY G. BURNHAM, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3366 AND 1552:

ARMY PROMOTION LIST

To be lieutenant colonel

VINCENT T. BEANS, [redacted]
THOMAS P. BROWN, [redacted]
MICHAEL L. DORSETT [redacted]
MICHAEL L. GIBSON, [redacted]
ROGER L. SEEGER [redacted]
DAVID G. SHERRARD, [redacted]
THOMAS P. WHITE [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

DUANE B. ANDERSON, [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

SUSAN P. CARTWRIGHT, [redacted]

DENTAL CORPS

To be lieutenant colonel

BRUCE N. ROGERS, [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

DENTAL CORPS

To be lieutenant colonel

THOMAS BUTTERFOSS [redacted]
JOHN R. SCUBA, [redacted]

MEDICAL CORPS

To be lieutenant colonel

RAND J. CUTHBERTSON, [redacted]
QUENTIN A. HUMBERD, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be colonel

DAVE ARNOT, [redacted]
STUART W. BAKER, [redacted]
MICHAEL B. BALL, [redacted]
JOHNSTON BEACH, [redacted]
RICHARD BEAUCHEMIN, [redacted]
HAL R. BLAIR, [redacted]
PAUL E. BLUTEAU [redacted]
VAN R. BOOTH, [redacted]
WILLIAM C. BROWNING, [redacted]
RAYMOND T. BURDEN, [redacted]
JOHN H. CLARKE, [redacted]
WILLIAM T. CLAYTON, [redacted]
HERBERT A. COLEY, [redacted]
JAMES E. CRISSEY [redacted]
EDMUND L. DAVIS, [redacted]
DAN H. DAWSON, [redacted]
RODNEY G. DAY, [redacted]
RICHARD A. DENNIS, [redacted]
MARTIN J. FISHER [redacted]
ROBERT H. GEMMILL, [redacted]
FREDERICK E. GERBER [redacted]
JOHN F. GLENN, [redacted]
JOSEPH P. GONZALES [redacted]
DANIEL W. GOWER, [redacted]
DENNIS J. GRILL [redacted]
FRANK W. HILLER, [redacted]
RUTH L. HOOPER, [redacted]
JAMES H. HOPKINS, [redacted]
DOUGLAS A. LAKE, [redacted]
JOEL R. LAMY [redacted]
KENNETH W. LEISHER, [redacted]
JAMES S. LITTLE [redacted]
WILLIAM M. MANTIA, [redacted]
SAMUEL G. MCQUEEN, [redacted]
WILBUR K. MILHOUS, [redacted]
JESSE P. NEWBORN [redacted]
FRANK H. NOVIER, [redacted]
JOHN C. OBRIEN, [redacted]
LAMONT G. OLSEN, [redacted]
PETER V. PERKINS [redacted]
EDWARD P. PHILLIPS [redacted]
ROGER P. POTYK, [redacted]
JOHN M. REMBOLD, [redacted]
CHESTER R. ROBERTS [redacted]
DAVID L. SCHROEDER, [redacted]
FREDERICK J. SEIDEL, [redacted]
STEVEN J. STONE [redacted]
RICHARD L. URSONE, [redacted]
JOHNNY M. WALKER, [redacted]
JOHN W. YASALONIS, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

BONITA L. BEATTIE [redacted]
JAMES L. ROUSEY [redacted]
JUDITH M. TURCOTTE, [redacted]

VETERINARY CORPS

To be colonel

WALLACE B. BAZE, [redacted]
DALE D. BOYLE, [redacted]
RONALD E. DUTTON, [redacted]
LARRY W. HARTKE, [redacted]
STEPHANIE SHERMAN, [redacted]

ARMY NURSE CORPS

To be colonel

DIANNE M. BECHTOLD, [redacted]
DEBORAH A. BELL, [redacted]
MOLLY C. BURGESS, [redacted]
LINDA CARTERSOUTH, [redacted]
ALICE L. DEMARAIS, [redacted]
SHARON *. FEENEYJONES [redacted]
CHRISTINE GALANTE, [redacted]
BARBARA M. GREEN, [redacted]
RITA C. *. JACQUES, [redacted]
MILDRED JOHNSON, [redacted]
MARY P. KING, [redacted]
ANGELA V. KLAR, [redacted]
PATRICIA E. *. LAFOND, [redacted]
L. MCCLENNEYELLIOTT, [redacted]
CHERYL L. MORGAN, [redacted]
WILFREDO NIEVES, [redacted]
DENA A. NORTON, [redacted]
JAYNE P. ODONNELL, [redacted]
PATRICIA PRENTISS [redacted]
JEAN M. REEDER, [redacted]
CAROL I. REINECK, [redacted]
IRENE A. RICH, [redacted]
PATRICIA *. ROBISON, [redacted]
KATHLEEN M. ROEHR, [redacted]
PATRICIA A. ROSS, [redacted]
KAREN A. SEIPP [redacted]
KATHLE SRSICSTOEHR, [redacted]
ELLEN C. SYNOVEC, [redacted]
LAURIE K. SZOKA, [redacted]
HELEN S. TIERNAN, [redacted]
MARIA D. TIJERINA [redacted]
KATHLEEN M. TRACY, [redacted]
JANE A. YAWS, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be lieutenant colonel

GARY K. ABE, [redacted]
MICHAEL H. ABREU, [redacted]
CRUZ ACEVEDO, [redacted]
SALVADOR V. ACOSTA, [redacted]
ANTHONY J. ADAMS, [redacted]
JAMES C. ADAMS, [redacted]
THOMAS K. ADAMS, [redacted]
ROBERT B. ADOLPH, [redacted]
JOSEPH W. ALBRIGHT [redacted]
KENNETH D. ALDRIDGE, [redacted]
RONALD H. ALEXANDER, [redacted]
STEVEN M. ALEXANDER, [redacted]
ROBERT L. ALFORD, [redacted]
THOMAS G. ALFSEN, [redacted]
WILLIAM V. ALLEN, [redacted]
CHARLES R. ALLISON [redacted]
ROBERT L. ALMOND, [redacted]
DONALD L. ALSDURF, [redacted]
GILBERT ALVARADO, [redacted]
KEVIN P. ANASTAS, [redacted]
JAMES D. ANDERSON [redacted]
JOSEPH E. ANDRADE [redacted]
STEVEN ANDRASCHKO, [redacted]
JOHN J. ANGELL [redacted]
TERRY G. ANTEE [redacted]
HENRY G. ANTON, [redacted]
FELIX APONTE, [redacted]
DAVID R. APT, [redacted]
CHESTER J. ARD [redacted]
REAMER W. ARGO, [redacted]
ROBERT F. ARNONE, [redacted]
RICHARD G. ARNTSON, [redacted]
JAN W. ARNY, [redacted]
MICHAEL K. ASADA, [redacted]
THOMAS R. ASKINS, [redacted]
DANIEL A. AUGUSTINE [redacted]
MAYNARD A. AUSTIN, [redacted]
NANCY S. AUSTIN, [redacted]
ROBERT L. AVERETT [redacted]
ARTURO A. AYALA, [redacted]
STEPHEN R. AYLWARD, [redacted]
MICHAEL A. BABB, [redacted]
JAMES F. BABBITT [redacted]
BYRON S. BAGBY, [redacted]
CHRISTOPHE BAGGOTT, [redacted]
JAMES E. BAGLEY, [redacted]
ALBERT E. BAILEY, [redacted]
JAMES H. BAKER, [redacted]
PATRICK J. BALCAZAR, [redacted]
STEPHEN G. BALDWIN [redacted]
SHERRIE L. BALKO, [redacted]
CHARLES R. BALL, [redacted]
JOHN L. BALLANTYNE, [redacted]
CRAIG J. BALZER, [redacted]
RICHARD G. BANKS, [redacted]
DENNIS L. BARBA, [redacted]
PATTY S. BARBOUR, [redacted]
LANCE W. BARDSLEY, [redacted]
DENNIS M. BARLETTA [redacted]
WELLSFORD V. BARLOW, [redacted]
JOHN R. BARNES, [redacted]
LUKE J. BARNETT [redacted]
VAUGHN D. BARNETT, [redacted]
HARLEY C. BARR, [redacted]
MICHAEL C. BARRON, [redacted]
ARTHUR M. BARTELL [redacted]
JOHN R. BARTLEY, [redacted]
CHRISTINE M. BARTON, [redacted]
ROBERT H. BATES, [redacted]
MOLLY A. BAUMERT, [redacted]
LAWRENCE T. BAVIS, [redacted]
MICHAEL D. BEALE, [redacted]
GLENN P. BEARD [redacted]
LOIS C. BEARD, [redacted]

WYLIE K. BEARUP, [redacted]
ROBERT R. BEAUCHAMP, [redacted]
RICHARD E. BEDWELL, [redacted]
RONALD K. BEER, [redacted]
MICHAEL D. BEGHTOL, [redacted]
ROBERT R. BEIMLER, [redacted]
DOUGLAS G. BELEY, [redacted]
PHILLIP F. BELIN, [redacted]
GERALD P. BELKNAP, [redacted]
JAMES C. BELL, [redacted]
MICHAEL L. BELL, [redacted]
MARCUS BEMBENISTA, [redacted]
CRAIG F. BENEDICT, [redacted]
RICHARD P. BENNETT, [redacted]
KELLY P. BENNION, [redacted]
MICHAEL P. BERGMAN, [redacted]
KIRK M. BERGNER, [redacted]
DAVID BERKOWITZ, [redacted]
ROBER BERKSTRESSER, [redacted]
FAIRBANKS A. BERRY, [redacted]
KURT O. BIELEFELDT, [redacted]
BARBARA J. BINNS, [redacted]
MARIETTA BIRDSELL, [redacted]
DONALD K. BIRDSEYE, [redacted]
DAVID R. BISSELL, [redacted]
RODNEY C. BISSELL, [redacted]
DAVID L. BLACK, [redacted]
LEVELL BLANCHARD, [redacted]
ARTHUR J. BLAND, [redacted]
TODD E. BLOSE, [redacted]
RAYFORD O. BLUE, [redacted]
DEWEY L. BLYTH, [redacted]
MICHAEL W. BOARDMAN, [redacted]
JAMES D. BOBBITT, [redacted]
BEVERLY BODENHAMER, [redacted]
RICHARD L. BOGUSKY, [redacted]
FRANKLIN C. BOHLE, [redacted]
JAMES A. BOLAND, [redacted]
DANIEL P. BOLGER, [redacted]
KENNETH H. BOLL, [redacted]
STEVEN J. BOLTZ, [redacted]
JOHN J. BOMBARD, [redacted]
KARL D. BOMBAUGH, [redacted]
JOHN H. BORDWELL, [redacted]
GREGORY R. BORNHOFT, [redacted]
CHRISTOPHER BORUCH, [redacted]
KENNETH BOSTELMAN, [redacted]
GEORGE K. BOSTICK, [redacted]
THOMAS P. BOSTICK, [redacted]
EDWARD R. BOTHE, [redacted]
STEVEN A. BOURGEOIS, [redacted]
MICHAEL R. BOZEMAN, [redacted]
GARY A. BRACHT, [redacted]
SUSAN K. BRADSHAW, [redacted]
FRANK B. BRAGG, [redacted]
HOWARD T. BRAMBLETT, [redacted]
EDWARD J. BRENNAN, [redacted]
RUFUS T. BRINN, [redacted]
WADE H. BRINSON, [redacted]
WILLIAM F. BRISCOE, [redacted]
RICHARD A. BRISSON, [redacted]
PAMELA A. BRITO, [redacted]
JERROLD BRODOWSKI, [redacted]
HOWARD B. BROMBERG, [redacted]
DOYLE D. BROOME, [redacted]
DWIGHT C. BROWER, [redacted]
JOHN R. BROWER, [redacted]
LOUIS H. BROWN, [redacted]
MARK L. BROWN, [redacted]
MICHAEL T. BROWN, [redacted]
MICHAEL W. BROWN, [redacted]
RANSOM S. BROWN, [redacted]
WILLIAM F. BROWN, [redacted]
JAMES M. BROWNE, [redacted]
JEFFREY M. BRUCKNER, [redacted]
BRADFORD J. BRYANT, [redacted]
LOUIS A. BRYANT, [redacted]
MICHAEL C. BUCHIERI, [redacted]
BOYCE K. BUCKNER, [redacted]
ROBERT D. BUCKSTAD, [redacted]
NICHOLAS BUECHLER, [redacted]
JAMES D. BULGER, [redacted]
JOHN H. BULLOCK, [redacted]
PARKER R. BUNCH, [redacted]
RANDALL P. BURDETTE, [redacted]
LOUIS G. BURGESS, [redacted]
MICHAEL J. BURKE, [redacted]
FRANKLIN J. BURKETT, [redacted]
LARRY BURKS, [redacted]
SHARON L. BURNS, [redacted]
JOHN C. BURSLEY, [redacted]
GREGORY E. BUSH, [redacted]
ROBERT P. BUSICK, [redacted]
JOSEPH M. BUSTOS, [redacted]
RANDALL J. BUTLER, [redacted]
SAMUEL J. BUTLER, [redacted]
WILLIAM R. BYNUM, [redacted]
JAY P. BYRNE, [redacted]
PATRICK E. BYRNE, [redacted]
SEAN J. BYRNE, [redacted]
TIMOTHY M. BYRNE, [redacted]
JOHN M. CAL, [redacted]
SALVATORE CAMBRIA, [redacted]
CAREY V. CAMBRON, [redacted]
DAVID J. CANNON, [redacted]
PETER R. CANNON, [redacted]
SAMUEL M. CANNON, [redacted]
THEODORE J. CAPKA, [redacted]
EDUARDO CARDENAS, [redacted]
GALE P. CARLILE, [redacted]
RICHARD A. CARLIN, [redacted]
WILLIAM B. CARLTON, [redacted]
JOHN M. CARMICHAEL, [redacted]
JOHN P. CARROLL, [redacted]
JOHN H. CARTER, [redacted]
PHILLIP E. CARTER, [redacted]
JAMES M. CASEY, [redacted]
MARY A. CASS, [redacted]
JAMES M. CASTLE, [redacted]
MARY O. CATTEN, [redacted]
CONSTANTI CHAMALES, [redacted]
HERBERT W. CHAMPION, [redacted]
ANTHONY W. CHANEY, [redacted]
STEVEN T. CHAPMAN, [redacted]
JERRY W. CHEATOM, [redacted]
BRUCE A. CHILDRESS, [redacted]
CAROLYN S. CHORAK, [redacted]
LINDA D. CHRIST, [redacted]
JEFFE CHRISTIANSEN, [redacted]
JAMES B. CHUDOBA, [redacted]
ALFRED D. CIPPELE, [redacted]
GREGORY D. CITIZEN, [redacted]
TIMOTHY P. CLARK, [redacted]
BRIAN C. CLEARMAN, [redacted]
GERALD T. CLEMEN, [redacted]
JESSE L. COCHRAN, [redacted]
JAMES H. COCKLE, [redacted]
DONNA L. COFFMAN, [redacted]
MICHEAL J. COLEMAN, [redacted]
ROBERT W. COLIE, [redacted]
JOHN D. COLLINS, [redacted]
SHARON L. COLLINS, [redacted]
RODGER E. COMAN, [redacted]
ROGER M. CONN, [redacted]
RICHARD L. CONTE, [redacted]
EDWARD M. COOK, [redacted]
TERRY P. COOK, [redacted]
MARK C. COOMER, [redacted]
JOSEPH P. COOPER, [redacted]
PETER S. CORPAC, [redacted]
ERIC J. COULTER, [redacted]
JOHN A. COULTER, [redacted]
JAMES E. COVERT, [redacted]
DONALD H. COX, [redacted]
ROBERT COX, [redacted]
ROBERT L. COXE, [redacted]
ROBERT L. CRAFTON, [redacted]
JOHN G. CRARY, [redacted]
PAUL D. CRESS, [redacted]
VERNON B. CROCKER, [redacted]
JERRY R. CROGHAN, [redacted]
CRAIG A. CROTTEAU, [redacted]
CURTIS CRUTCHFIELD, [redacted]
ELIZABE CUNNINGHAM, [redacted]
KEVIN R. CUNNINGHAM, [redacted]
WILLIAM W. CURL, [redacted]
MARK CURLEY, [redacted]
JOHN E. CURTIS, [redacted]
JOHN M. CUSTER, [redacted]
MICHAEL P. DALY, [redacted]
PAUL M. DANDREA, [redacted]
MARK A. DANIELS, [redacted]
RICKY DANIELS, [redacted]
WILLIAM DANZEISEN, [redacted]
JAMES R. DARON, [redacted]
RONALD H. DAVIDSON, [redacted]
RONALD J. DAVIDSON, [redacted]
JOHN H. DAVIES, [redacted]
DAVID W. DAVIS, [redacted]
HAL M. DAVIS, [redacted]
JEFFREY W. DAVIS, [redacted]
JOHN B. DAVIS, [redacted]
JOHN E. DAVIS, [redacted]
MICHAEL H. DAVIS, [redacted]
TIMOTHY R. DECKER, [redacted]
WALLACE J. DEES, [redacted]
DAVID B. DEETER, [redacted]
RENE G. DELAPENA, [redacted]
CLARK M. DELAVAN, [redacted]
RONALD L. DEMING, [redacted]
KATHLEEN R. DENNIS, [redacted]
GLENN M. DESOTO, [redacted]
MARK J. DEVLIN, [redacted]
GENE A. DEWULF, [redacted]
PAUL C. DIAMONTI, [redacted]
LUIS G. DIAZ, [redacted]
KEVIN P. DICASSIO, [redacted]
BRUCE L. DICKMAN, [redacted]
JAMES G. DIEHL, [redacted]
STEVE E. DIETRICH, [redacted]
ALAN C. DINGFELDER, [redacted]
MICHAEL L. DIXON, [redacted]
THOMAS M. DOCKENS, [redacted]
LEONARD E. DODD, [redacted]
STEPHEN F. DOHERTY, [redacted]
JOHN J. DOLAN, [redacted]
JAMES M. DONIVAN, [redacted]
MICHAEL J. DOOLEY, [redacted]
KEVIN C. DOPF, [redacted]
RICHARD D. DOWNIE, [redacted]
JAMES P. DOYLE, [redacted]
STANLEY DRWAL, JR, [redacted]
KEN H. DRYDEN, [redacted]
LAURIANNE F. DUBIA, [redacted]
JOSEPH A. DUBYEL, [redacted]
KEVIN J. DUNN, [redacted]
JOHN B. DURBIN, [redacted]
DAVID M. DURGIN, [redacted]
MICHAEL D. DURHAM, [redacted]
WILLIAM C. DURHAM, [redacted]
GREGORY J. DYSON, [redacted]
TIMUR J. EADS, [redacted]
EDWARD D. EARLE, [redacted]
JACOB A. EAST, [redacted]
DANNY EDWARDS, [redacted]
GARY C. EDWARDS, [redacted]
RICHARD L. ELAM, [redacted]
KRISTI G. ELLEFSON, [redacted]
PAUL E. ELLIOTT, [redacted]
KENNETH E. ELLIS, [redacted]
MICHAEL E. ELLIS, [redacted]
ERI ENGELBREKTSSON, [redacted]
ROBERT W. ENGLISH, [redacted]
NED B. ENNIS, [redacted]
MARCIA M. ENYART, [redacted]
JEFFERY R. ESKRIDGE, [redacted]
MICHAEL H. ESPER, [redacted]
KENNETH L. EUBANKS, [redacted]
DAVID F. EVANS, [redacted]
HARRY W. EVANS, [redacted]
CLARENCE A. EVERLY, [redacted]
JACK E. FAIRES, [redacted]
GERALD FALKENSTEIN, [redacted]
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EUGENE J. PALKA [redacted]
HERMAN T. PALMER, [redacted]
KENNETH L. PAMPERIN [redacted]
JAMES D. PANKEY [redacted]
CONSTANTINE PAPAS, [redacted]
TOBY M. PAPAS, [redacted]
JAMES G. PAPPION [redacted]
LEONARD W. PARDUE, [redacted]
FREDERICK G. PARKER [redacted]
JAMES M. PARRY [redacted]
BILLY G. PARSONS, [redacted]
STEPHEN P. PASSERO [redacted]
JOHN S. PATTIS [redacted]
TIMOTHY L. PATTON, [redacted]
KERRY W. PAVEK, [redacted]
CHARLES W. PAXTON, [redacted]
GARY E. PAYNE, [redacted]
EUGENE PAYTON, [redacted]
RONNIE L. PAYTON, [redacted]
FRANCISCO PEDROZO, [redacted]
DAVID G. PERKINS, [redacted]
STEVEN T. PERRENOT [redacted]
PAUL J. PERRONE [redacted]
HUGH W. PERRY, [redacted]
ANN M. PETERSON, [redacted]
JOHN C. PETERSON, [redacted]
RICHARD S. PETTY [redacted]
WILLIAM S. PEZDIRTZ [redacted]
WILLIAM N. PHILLIPS [redacted]
EUGENE G. PIASECKI [redacted]
LAWRENCE A. PIPPINS [redacted]
ROBERT W. PLUMMER, [redacted]
URSULA S. POLK, [redacted]
PHILIP T. POPE [redacted]
PETER F. PORCELLI [redacted]
BRUCE J. PORTER [redacted]
DANIEL E. POTTS [redacted]
DAVID S. POWELL, [redacted]
RONALD K. POWERS, [redacted]
BENJAMIN H. PRATER [redacted]
HUBERT H. PRICE, [redacted]
KARL E. PRINSLOW [redacted]
ELIAS PRIOLEAU, III [redacted]
CHRISTOP PRITCHETT [redacted]
CHARLES S. PROSUCH [redacted]
WILLIE H. PRUITT [redacted]
JOSEPH S. PURSER [redacted]
EDWARD B. PUSEY, [redacted]
DAVID J. PYLE [redacted]
RAYMON QUESENBERRY, [redacted]
GEORGE A. QUINN, [redacted]
RAYMOND B. QUINONES, [redacted]
KIRT D. QUIST, [redacted]
RICHARD RACHMELER, [redacted]
LYLE G. RADEBAUGH, [redacted]
ROBERT M. RADIN, [redacted]
SARA R. RADIN, [redacted]
PAUL A. RAGGIO, [redacted]
CHARLES A. RAINES, [redacted]
MICHAEL L. RAMIREZ, [redacted]
JAMES C. RANSICK [redacted]
JEFFREY N. RAPP [redacted]
JOHN C. RAST, [redacted]
STEVEN J. RAWLICK [redacted]
TIMOTHY K. REDDY, [redacted]
EDWARD E. REED, [redacted]
MALCHOLM REESE, [redacted]
CONNIE L. REEVES, [redacted]
STEPHEN J. REINHART [redacted]
MICHAEL S. REMIAS, [redacted]
GREGORY G. RENIKER, [redacted]
DAVID E. *. RETHERFORD [redacted]
RONALD M. REYNOLDS, [redacted]
RALPH R. RHEA [redacted]
SUSAN RHEIN, [redacted]
LEWIS C. RHODES, [redacted]
RICHARD A. RICE, [redacted]
DONALD R. RICHARDS, [redacted]
ROBERT F. RICHBOURG, [redacted]
GARY L. RICHMOND, [redacted]
CLARK O. RIDDLE [redacted]
RAY RIDDLE, JR [redacted]
JAVAN B. RIDGE, [redacted]
THOMAS J. RIELLY [redacted]
HARLEY D. RINERSON, [redacted]
JOSE D. RIOJAS [redacted]
JOHN R. RISNEY [redacted]
SCOTT O. RISSER [redacted]
STANLEY C. RITTER [redacted]
JOHN D. RIVENBURGH [redacted]
LARRY W. ROBERSON, [redacted]
MELVIN A. ROBERSON, [redacted]
KENNETH G. ROBERTS, [redacted]
CRAIG N. ROBINSON, [redacted]
DAVID E. ROBINSON, [redacted]
JOSEPH P. ROBINSON [redacted]
LINDSEY E. ROBINSON, [redacted]
MICHAEL K. ROBINSON, [redacted]
RONALD ROBINSON, [redacted]
DONALD E. RODGERS, [redacted]
DAVID M. RODRIGUEZ, [redacted]
DENZEL G. ROGERS, [redacted]
WANDA E. ROGERS, [redacted]
DARRELL L. ROLL [redacted]
JAMES R. ROLLINS [redacted]
MARTIN R. ROLLINSON, [redacted]
CHARLETTE I. ROMAN, [redacted]
CLAIRE A. ROONEY, [redacted]
JACKIE ROPER, [redacted]
WILLIAM L. ROPER, [redacted]
DAVID L. ROSE, JR [redacted]
MICHAEL G. ROSE, [redacted]
LEE R. ROSENBERG [redacted]
THOMAS J. ROSENER, [redacted]
ELLIOT J. ROSNER [redacted]
VALLIE J. ROSNER [redacted]
ALPHONSO ROSS, [redacted]
BLAIR A. ROSS, [redacted]
CHARLES ROWCLIFFE [redacted]
MICHAEL J. ROZSYPAL [redacted]
WILLIAM P. RUE, [redacted]
JOSEPH M. RUSSELL [redacted]
MICHAEL D. RUSSELL, [redacted]
RICHARD J. RUSSELL [redacted]
RONALD C. RUSSELL, [redacted]
RICHARD R. RYLES, [redacted]
ANTHONY G. SAHAGIAN, [redacted]
KASSEM R. SALEH [redacted]
SCOTT W. SALYERS, [redacted]
LEONAR SAMBOROWSKI, [redacted]
CHARLES F. SARDO, [redacted]
GREGORY M. SAUNDERS, [redacted]
CURTIS SCAPARROTTI, [redacted]
MARK E. SCHEID, [redacted]
PETER J. SCHIFFERLE [redacted]
JEFFREY SCHLOESSER [redacted]
RANDY J. SCHOEL, [redacted]
JOHN F. SCHORSCH, [redacted]
DAVID J. SCHROER, [redacted]
LARRY D. SCHULTZ, [redacted]
MICHAEL L. SCHULTZ, [redacted]
BRAD D. SCOTT, [redacted]
CHARLES R. SCOTT [redacted]
STEPHEN K. SCROGGS, [redacted]
ROY J. SEATON, [redacted]
ROBERT E. SEETIN [redacted]
EDWARD P. SELEGO, [redacted]
KEITH A. SELF [redacted]
KARL A. SEMANCIK, [redacted]
ANDREW W. SEMPLE, [redacted]
SCOTT R. SEVERSON, [redacted]
WILLIAM J. SEYMOUR, [redacted]
ROBERT W. SHAFFER, [redacted]
PATRICK J. SHAHA, [redacted]
THOMAS R. SHANAHAN, [redacted]
JOHN J. SHANDOR, [redacted]
JED A. SHEEHAN, [redacted]
JAMES SHELLINGTON [redacted]
CHRISTOPH SHEPHERD [redacted]
GEORGE E. SHEPHERD [redacted]
MICHAEL J. SHERIDAN [redacted]
GEORGE E. SHERMAN, [redacted]
MARK L. SIGNORELLI [redacted]
KEVIN L. SILVIA, [redacted]
JORDAN M. SIMMONS, [redacted]
PETER SIMMONS, [redacted]
RANDOLPH L. SIMMONS, [redacted]
JOHN P. SIMONINI, [redacted]
CALVIN R. SIMS, [redacted]
DAVID C. SIMS, [redacted]
ROBERT W. SINCLAIR, [redacted]
AMMON A. SINK, [redacted]
THOMAS E. SITTNICK, [redacted]
STEVEN A. SLADE, [redacted]
MICHAEL R. SLOAN, [redacted]
DEBRA M. SLOANE, [redacted]
ROBERT SLOCKBOWER, [redacted]
BARRIE S. SMITH [redacted]
BRADLEY E. SMITH, [redacted]
CARL B. SMITH, [redacted]
CLIFFORD J. *. SMITH [redacted]
DEBORAH S. SMITH, [redacted]
DIANA W. SMITH, [redacted]
DONALD B. SMITH, [redacted]
ELBERT D. SMITH, [redacted]
JAMES M. SMITH [redacted]
JAMES P. SMITH [redacted]
JOHN B. SMITH, I [redacted]
JOSEPH A. SMITH [redacted]
KATHY B. SMITH, [redacted]
LILLIAN C. *. SMITH [redacted]
MATTHEW L. SMITH, [redacted]
RICKEY E. SMITH, [redacted]
KEITH F. SNIDER, [redacted]
JAMES E. SNITKER [redacted]
KEITH H. SNOOK, [redacted]
SUSAN A. SNYDER, [redacted]
ROBERT M. SOELDNER, [redacted]
SCOTT S. SOLON, [redacted]
MARTIN T. SPAINHOUR, [redacted]
ORLANDO W. SPALDING, [redacted]
PAUL J. SPARKS [redacted]
STEPHEN M. SPATARO [redacted]

JAMES W. SPEARS [redacted]
MYRON A. SPEARS [redacted]
ROBERT M. SPEER [redacted]
JOSEPH A. SPEIGHT [redacted]
HAROLD M. SPENCER, [redacted]
MARIA A. SPENCER [redacted]
LOUIS J. SPERL [redacted]
DONALD C. SPIECE [redacted]
MICHAEL B. SPIEGEL [redacted]
WARREN D. SPRINKLE [redacted]
RONNIE L. SQUIRES [redacted]
GREGORY V. STANLEY [redacted]
CLINERT R. STAPLES [redacted]
CHARLES R. STEAD [redacted]
BENNY G. STEAGALL, [redacted]
ERIC K. STEELE, [redacted]
RICKY J. STEELE [redacted]
WILLIAM R. STEELE [redacted]
RALPH P. STEEN [redacted]
LARRY W. STEIDLEY [redacted]
KEITH A. STELZER [redacted]
JAMES D. STEPHENS [redacted]
DONALD STEPHENSON, [redacted]
JOHN E. STERLING [redacted]
JOHNNIE L. STEUBER [redacted]
JACK H. STEVENS [redacted]
CHRIS L. STEWART [redacted]
RANDALL J. STEWART [redacted]
CHARLES M. STIBRANY [redacted]
DOUGLAS P. STICKLEY [redacted]
DAVID K. STODDARD, [redacted]
GREGORY A. STONE [redacted]
HAROLD T. STOTT [redacted]
STEPHEN P. STROBEL [redacted]
RANDOLPH P. STRONG [redacted]
LEAMOND C. STUART, [redacted]
ALLAN STUHLMILLER [redacted]
ROBERT C. STUMP, [redacted]
MARK I. STURM, [redacted]
RONALD P. SULLENGER [redacted]
EDWARD W. SULLIVAN, [redacted]
PATRICK T. SULLIVAN [redacted]
LEWIS G. SUMNER [redacted]
CHARLES E. SUMPTER [redacted]
THOMAS G. SURFACE, [redacted]
RICHARD E. SUTTON [redacted]
THOMAS P. SWAIM, [redacted]
ALAN D. SWAIN, [redacted]
FRANCIS D. SWANN [redacted]
HERBERT L. SWARTS [redacted]
MICHAEL Z. SWISHER, [redacted]
DANNY R. SYHRE, [redacted]
CHRISTOPHER SYLVIA [redacted]
GEORGE H. SYNOWIEC, [redacted]
GARY N. SYPOLT [redacted]
ANDREW D. SZELIGA, [redacted]
JOHN D. SZOKA, [redacted]
SAMUEL E. TANNER [redacted]
JAMES G. TAPHORN [redacted]
PAUL A. TATE [redacted]
ALAN S. TAYLOR, [redacted]
LUCIUS A. TAYLOR, [redacted]
WILLIAM H. TAYLOR, [redacted]
JAMES D. TERRELL [redacted]
JAMES L. TERRY [redacted]
ROBERT J. TEZZA [redacted]
FRANK J. THEISING [redacted]
ROBERT W. THERIOT [redacted]
DWIGHT E. THOMAS, [redacted]
LARRY L. THOMAS, [redacted]
MARVIN L. THOMAS, [redacted]
DENNIS L. THOMPSON, [redacted]
EUGENE L. THOMPSON, [redacted]
MICHAEL J. THOMPSON [redacted]
RANDY R. TIBBS, [redacted]
MARK E. TILLOTSON, [redacted]
PATRICK A. TIMM [redacted]
EDWARD T. TINSLEY [redacted]
GARYJOHN TOCCHET, [redacted]
BRIN A. TOLLIFFE [redacted]
HARRY A. TOMLIN, [redacted]
JAMES W. TOMPKINS [redacted]
HECTOR E. TOPETE [redacted]
GEORGE L. TOPIC [redacted]
JAMES D. TOUHILL [redacted]
MICHAEL W. TRAHAN, [redacted]
ROBERT M. TRANTIN, [redacted]
JAMES L. TRAVIS [redacted]
JAMES A. TREADWELL [redacted]
GARY A. TREDE [redacted]
DENNIS R. TRUJILLO [redacted]
GWYNN A. TUCKER, [redacted]
PETER F. TUEBNER [redacted]
CHARLES W. TURNAGE, [redacted]
FRANK D. TURNER [redacted]
THOMAS E. TURNER [redacted]
CHARLES S. TURPIN [redacted]
THOMAS H. TUTT [redacted]
MARY A. TYSON, [redacted]
JOHN A. TYTLA [redacted]
JAMES D. VAAS [redacted]
ANDREW F. VAIL, [redacted]
CONSTANTINE VAKAS, [redacted]
MARK VANDOORNE, [redacted]
PETER M. VANGJEL [redacted]
ALBERT M. VARGESKO [redacted]
GLENN S. VAVRA, [redacted]
GERALD N. VEVON [redacted]
JOSEPH J. VINS [redacted]
CHARLES F. VONDRA, [redacted]
H. VONFISCHERBENZON, [redacted]
JAMES R. VONHOLLE [redacted]

ROBERT A. VRTIS [redacted]
STERLING WAFFORD, [redacted]
LLOYD S. WAGNER, [redacted]
MARK A. WALDRON, [redacted]
LARRY D. WALKER, [redacted]
ROSE A. WALKER, [redacted]
TOMMY T. WALL, [redacted]
JOHN W. WALLACE, [redacted]
STEPHEN O. WALLACE [redacted]
CRAIG A. WALLING, [redacted]
MICHAEL J. WALSH, [redacted]
THOMAS P. WALSH, [redacted]
WILLIAM H. WALSH, [redacted]
MICHAEL R. WALTERS, [redacted]
JAMES J. WARD, [redacted]
DONALD W. WARNER, [redacted]
JERRY B. WARNER [redacted]
ERNEST WASHINGTON, [redacted]
DAVID M. WATERS, [redacted]
RUSSELL D. WATKINS [redacted]
KURT A. WEAVER, [redacted]
LOUIS W. WEBER, [redacted]
CECIL R. WEBSTER [redacted]
KURT WEIDENTHAL, II [redacted]
CURTIS G. WELBORN, [redacted]
DOUGLAS A. WELCH, [redacted]
CHARLES K. WELLIVER, [redacted]
RICHARD M. WERNER, [redacted]
BRUCE L. WEYRICK, [redacted]
FREDERICK F. WHAM, [redacted]
DOUGLAS W. WHEELER, [redacted]
HAROLD G. WHEELER, [redacted]
JILL M. WHISKER [redacted]
RICHARD J. WHITAKER, [redacted]
DANIEL P. WHITE [redacted]
GEORGE A. WHITE, [redacted]
JAMES A. WHITE [redacted]
JEFFERY F. WHITE [redacted]
JAMES W. WHITEHEAD, [redacted]
JOSEPH W. WHITLEY, [redacted]
WILLIE P. WHITLOCK, [redacted]
SAMUEL A. WHITSON, [redacted]
STANLEY WHITTLESEY [redacted]
JOHN H. WHITWORTH, [redacted]
ARNET J. WHORLEY, [redacted]
KARL A. WICKIZER, [redacted]
SAMMY WIGLESWORTH, [redacted]
DENNIS C. WILDE, [redacted]
EVAN L. WILLIAMS, [redacted]
HAROLD E. WILLIAMS, [redacted]
HOWARD M. WILLIAMS, [redacted]
RICHARD A. WILLIAMS, [redacted]
RONALD B. WILLIAMS, [redacted]
RONALD D. WILLIAMS, [redacted]
JOHN M. WILLIAMSON, [redacted]
KIRK T. WILLS, [redacted]
BERNARD C. WILSON, [redacted]
JOHN R. WILSON, [redacted]
SCOTT A. WILSON, [redacted]
WILLIAM L. WIMBISH, [redacted]
ROBERT WINDEMAKER, [redacted]
MARTIN J. WISDA, [redacted]
CHRISTOPHER WOJTAL, [redacted]
DON H. WOLF, [redacted]
WILLIAM R. WOLFE, [redacted]
JAMES K. WOMACK, [redacted]
DAVID A. WOOD, [redacted]
MICHAEL R. WOOD, [redacted]
DAVID M. WOODRUFF, [redacted]
HUBERT B. WOOTEN, [redacted]
NEAL T. WRIGHT, [redacted]
JOSEPH P. WYATT [redacted]
ALVIN J. YARDLEY, [redacted]
DAVID A. YATTO, [redacted]
JOANN C. YORK, [redacted]
THOMAS E. YORK, [redacted]
BRYON J. YOUNG, [redacted]
MARK A. YOUNGREN, [redacted]
BRIAN R. ZAHN, [redacted]
CHRISTOPHER ZAKLAN, [redacted]
CHARLES J. ZARUBA, [redacted]
DONALD H. ZEDLER, [redacted]
AUDIE D. ZIMMERMAN, [redacted]
ERIC B. ZIMMERMAN, [redacted]
BERNARD F. ZIPP [redacted]
BRUCE K. ZOPHY, [redacted]

[redacted]

IN THE ARMY

THE FOLLOWING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, AND 2106:

JEFFREY M. ABEL [redacted]
MARC A. ABEL, [redacted]
TIMOTHY H. ALEXANDER, [redacted]
BRIAN M. ALLIN, [redacted]
ERIC C. ANDERSON, [redacted]
MICHAEL R. ANDERSON [redacted]
VERNON D. ANDERSON, [redacted]
ANTHONY J. AQUINO, [redacted]
MARIANO I. AQUINO, [redacted]
KENNETH G. AREVALO, [redacted]
PHILIP E. ARIOLA [redacted]
LIMANMAN L. ARMSTRONG, [redacted]
JOHN D. ARRINGTON, [redacted]
BRENT E. ARSEMENT [redacted]

ERIC E. ASLAKSON, [redacted]
TIMOTHY J. ATKINS [redacted]
CRAIG M. AVERY, [redacted]
CHARLES E. BACA, [redacted]
MICHAEL B. BAILEY, [redacted]
DAMON G. BAINE, [redacted]
ROBIN J. BAKER, [redacted]
MATTHEW C. BALLARD, [redacted]
JOSEPH A. BALSAN [redacted]
NOEL B. BARBER, [redacted]
JAMES W. BARKER, [redacted]
ANTHONY J. BARNES, [redacted]
THOMAS A. BARNES, [redacted]
DARRELL D. BASCOM, [redacted]
DERRICK E. BATES, [redacted]
JAIME T. BAZIL [redacted]
CYNTHIA S. BEARD, [redacted]
THOMAS P. BELKOFER, [redacted]
HEATHER K. BENSON, [redacted]
LISA J. BENZSCHAWEL [redacted]
CRAIG S. BESAW, [redacted]
AMY J. BESTERFELDT [redacted]
CHRISTOPHER J. BEVERIDGE [redacted]
BRANDEN C. BICKLEY, [redacted]
MATTHEW BIGGE, [redacted]
JAMES A. BIRD, [redacted]
DAVID E. BITNER, [redacted]
GEORGE M. BLAIR, [redacted]
GLENN R. BOLLINGER, III [redacted]
DANIEL G. BONNICHSEN, [redacted]
ROBERT S. BOONE, III, [redacted]
SCOTT A. BOVEE, [redacted]
GREGORY K. BOVINO, [redacted]
DIANA L. BOYLE, [redacted]
JOHN E. BRENNAN, [redacted]
MARSHALL W. BRIDGES, [redacted]
ANDREA Y. BRILL, [redacted]
COURTNEY R. BROOKS, [redacted]
WINSTON P. BROOKS, JR [redacted]
ANDREW R. BROWN, [redacted]
BORIS C. BROWN, [redacted]
CHARLES M. BROWN, [redacted]
EVAN J. BROWN, [redacted]
SAMANTHA A. BROWN, [redacted]
AMY L. BRUNER, [redacted]
KIRK W. BUCHANAN, [redacted]
JOHN M. BUCK, [redacted]
ERNESTO BUENO, JR [redacted]
CATHERINE M. BURKE, [redacted]
FERDINAND BURNS, III [redacted]
CHRIS A. BYLER, [redacted]
CARLOS M. CACERESSANTANA, [redacted]
WILLIAM J. CAIN, JR [redacted]
EARL D. CALEB, JR [redacted]
EDWIN J. CALLAHAN, III [redacted]
CHRISTINE L. CALLEN, [redacted]
JOEL D. CAMPBELL, [redacted]
JOSEPH W. CAMPBELL, [redacted]
PATRICK R. CAMPBELL [redacted]
MARK P. CANDELORE, [redacted]
DEBORA G. CANION, [redacted]
BRETT D. CANTER, [redacted]
GEORGE V. CAPTAIN, [redacted]
CHRISTOPHER M. CARBONNEAU [redacted]
TIMOTHY S. CARLSON, [redacted]
JASON A. CARRICO, [redacted]
JOSE G. CARRILLO [redacted]
STEVEN M. CARROLL, [redacted]
TIMOTHY W. CHAMBERS, [redacted]
MATTHEW H. CHANTINY, [redacted]
ROBERT F. CHARLESWORTH [redacted]
WESLEY G. CHRISTOPHERSON [redacted]
DONALD J. CLARKSON, [redacted]
THELMA L. CLAY, [redacted]
GREGORY H. COILE, [redacted]
JOHN E. COLE, [redacted]
MATTHEW D. CONKLIN, [redacted]
RYAN E. CONNELLY, [redacted]
JOHN W. CONNOR, [redacted]
FRANCISCO D. CONSTANTINO, JR [redacted]
AARON J. COOK, [redacted]
ERIC H. COOMBS, [redacted]
DERRICK A. CORBETT, [redacted]
AMY L. CORSELLO, [redacted]
PAUL G. COSTA, [redacted]
LUIS COTTOARROYO, [redacted]
KEVIN B. CRANMER, [redacted]
ROBERT D. CROCKETT, [redacted]
MICHAEL A. CSISILA, [redacted]
TIMOTHY D. CURRIE, [redacted]
SAMUEL W. CURTIS, [redacted]
WILLIAM P. CZAJKOWSKI, JR [redacted]
LARRY W. DANIEL, [redacted]
GUY J. DANIELS, [redacted]
NADINE L. DAVIS, [redacted]
STEPHEN E. DAWSON, [redacted]
MITCHELL K. DAY, [redacted]
MARK DEBALD, [redacted]
ELIZABETH DELBRIDGE, [redacted]
JEFFREY C. DENIS [redacted]
JASON S. DENNEY, [redacted]
SHERYL E. DESIONGCO, [redacted]
SCOTT DICKEY, [redacted]
DAVID D. DIDONNA, [redacted]
JAMES K. DOOGHAN [redacted]
ROBERT B. DOSHI, [redacted]
MARK H. DOTSON, [redacted]
MICHAEL A. DRAKE, [redacted]
RUSSELL G. DRAPER [redacted]
JEFFREY L. DUHRSEN [redacted]
CHRISTOPHER R. DURHAM, [redacted]
TED A. EBERT, [redacted]

GARY L. EDMONDS, [redacted]
DEBRA L. EDROZO, [redacted]
DONALD W. EDWARDS, JR, [redacted]
ROBERTA S. EDWARDS, [redacted]
RUSSELL J. ELIZONDO, [redacted]
THEODORE A. ELLEFSON, [redacted]
CHRISTOPHER J. ELLIS, [redacted]
ISAAC W. ELLISON, [redacted]
MICHAEL T. ERTMER, [redacted]
DANIEL J. ESPARZA, [redacted]
JOE A. ESPINOSA, JR, [redacted]
STEVEN P. EVANS, [redacted]
DAVID P. EWING, [redacted]
ROBERT A. FAGO, [redacted]
JEFFREY M. FERGUSON, [redacted]
MICHELLE L. FERRARO, [redacted]
RAMON I. FEWELL, [redacted]
GREGORY B. FISHER, [redacted]
JOHN K. FOLEY, [redacted]
SUSAN M. FOLEY, [redacted]
JAMES S. FOLLANSBEE, [redacted]
ALEX B. FORSHAGE, [redacted]
TRACY A. FOSTER, [redacted]
CARL H. FRAZER, [redacted]
ERIK S. FULLER, [redacted]
GREGORY S. FULLER, [redacted]
JOHN R. FULLER, [redacted]
KRIS D. FULTON, [redacted]
DANIEL L. FURBER, [redacted]
ROLAND M. GADDY, JR, [redacted]
JOHN E. GARRETSON, [redacted]
RANDY A. GARRIDO, [redacted]
KESTUTIS J. GEDMINTAS, [redacted]
HERMAN GENDERSON, [redacted]
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NED C. HOLT, [redacted]
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HEIDI L. MAUNU, [redacted]
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CHRISTOPHER M. NEUBECKER, [redacted]
GAMAR A. NEWMAN, [redacted]
HOC T. NGUYEN, [redacted]
ROBERTO J. NOGUERAS, [redacted]
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TOM T. OH, [redacted]
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MARK E. TOWNSEND, [redacted]
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BRIAN T. UNGERER, [redacted]
MICHELLE L. VALDEZ, [redacted]
AMINTA S. VANDYKEN, [redacted]

LUIS A. VELEZCORTES [redacted]
LYNNETTE A. VELZKE [redacted]
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HOPE F. WILLIAMS [redacted]
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JOHN T. WIMBERLEY [redacted]
SONYA D. WITHERSPOON, [redacted]
JEFFREY D. WITT [redacted]
NORMAN WITT, [redacted]
MARK A. WITTE, [redacted]
KEVIN P. WOLFLA [redacted]
EDWARD A. WOOD, [redacted]
JOHN K. WOODWARD [redacted]
BARRY S. WRIGHT [redacted]
THOMAS H. WRIGHT [redacted]
CHRISTOPHER P. ZACHAREWICZ [redacted]
PAUL M. ZEPS, JR [redacted]
FREDERICK E. ZIEROLD [redacted]
PETER D. ZIKE [redacted]

ARMY NURSE CORPS

EURENIO GARCIA, JR [redacted]
TORI H. GROSSER [redacted]
ANDREA A. HARKSEN [redacted]
KENNETH R. KOVATS, JR [redacted]
JAMES R. REED [redacted]
ROBYN D. TIBBITTS [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate September 9, 1992:

THE JUDICIARY

EDWARD E. CARNES, OF ALABAMA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

WITHDRAWALS

Executive message transmitted by the President to the Senate on September 9, 1992, withdrawing from further Senate consideration the following nominations:

U.S. NAVY

THE NOMINATIONS OF THE U.S. NAVY OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADE OF VICE ADMIRAL, WHICH WERE SENT TO THE SENATE ON APRIL 28, 1992:

To be vice admiral

VICE ADMIRAL JERRY O. TUTTLE [redacted] U.S. NAVY.
VICE ADMIRAL JERRY L. UNRUH [redacted] U.S. NAVY,
REAR ADMIRAL (SELECTEE) JOSEPH W. PRUEHER, [redacted] U.S. NAVY.

EXTENSIONS OF REMARKS

FIRE PROTECTION FOR OUR CHILDREN AND FAMILIES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. MAZZOLI. Mr. Speaker, on Tuesday, August 11, the gentlewoman from Colorado, Mrs. SCHROEDER, graciously allowed me to join her on the distinguished panel which she chairs, the House Select Committee on Children, Youth, and Families, for a hearing on the important issue of protecting our children and families from the destruction of fires.

Two residents of the Third District, which I am privileged to represent, testified at the hearing: Col. Russell E. Sanders, chief of the Louisville Division of Fire; and Miss Allison Grant, a student at Highland Middle School.

Chief Sanders spoke about the Louisville Division's mission of fire prevention and education, and its aggressive public awareness campaign. These factors, along with the remarkable and courageous efforts of the men and women firefighters of the Louisville Division, have resulted in a dramatic decline in deaths, injuries, and property damage in Louisville in recent years.

Allison described the partnership between the Highland Middle School Student Leadership Institute and the Louisville Division of Fire. The institute, sponsored by Highland Vice Principal Kevin Stevenson, has joined forces with the Louisville Division to vigorously promote fire safety by canvassing neighborhoods and installing smoke detectors and replacing batteries.

Mr. Speaker, in my view, the efforts of the Louisville Division of Fire and the Highland Middle School Leadership Institute serve as a national model for protecting our families and children from the ravages of fires. I am pleased to include for the RECORD, my introductory remarks at the August 11 hearing and the testimony of Chief Sanders and Miss Grant.

STATEMENT BY CONGRESSMAN RON MAZZOLI

Madam Chairman, I commend you for holding this hearing on the very important topic of fire safety. Raising awareness of the need for safeguarding our children and families from the destruction of fires is of great value.

I am proud and pleased that this morning's witness panel includes two Louisvillians: Colonel Russell E. Sanders, Chief of the Louisville Division of Fire; and Miss Allison Grant, a student at Highland Middle School.

Colonel Sanders, a member of the Louisville Division since 1967, was named Chief in 1986 at the age of 36. At that age, I might note, he is the youngest to be named Chief in the history of the Division.

"Fights fires with education and water" is the phrase used in a cover story on Chief Sanders, that appeared in the summer edition of the University of Louisville Alumni Magazine.

He learned as a soldier in Vietnam the value of an education. Upon his return home, he entered the University of Louisville and was enrolled for 18 consecutive years.

In these years, Russ earned a Bachelor's degree in psychology, was named to the Dean's List and graduated with honors in 1976. In 1980, he earned a Master's degree in education, specializing in personnel services, graduating with high honors. Again with high honors, in 1987, he earned a second Master's degree, majoring in community development. Throughout Russ's school career, he was a member of the Louisville Division and with the solid help of his wife, raised two fine sons.

Under the leadership of Chief Sanders, in the last five years, there has been a dramatic decline in the number of deaths and injuries and in property damage caused by fires in Louisville and Jefferson County. A focus on fire prevention, including a give-away of smoke detectors and an aggressive public awareness campaign, accounts for this significant decrease.

I know Madam Chairman and the distinguished members of the Committee look forward to the Chief's testimony.

Madam Chairman, I am also pleased that the Committee will have the opportunity this morning to hear from Allison Grant, who is actively involved in her school's Student Leadership Institute.

In collaboration with the Louisville Division, the Institute works to promote fire safety in our neighborhoods in Louisville. I am sure the Committee salutes her for her personal commitment, and is anxious to learn of the Institute's efforts on behalf of families.

TESTIMONY BY COL. RUSSELL E. SANDERS, CHIEF, LOUISVILLE DIVISION OF FIRE, LOUISVILLE, KY

Good morning. Madame Chairman and members of the Committee, it is a privilege to be invited to testify before you today on behalf of the Louisville Division of Fire.

I joined the Louisville Division of Fire in 1967 and spent all but two years of my career in the busiest fire district in the City. During these years I fought well over a thousand fires and have anguished over at least 100 needless fire deaths. I emphasize needless, because every fire death I have witnessed was preventable.

In 1981 I began researching the fire problem in the United States. I found that our firefighters were being injured and killed at an alarming rate, and many times their sacrifices were in vain. And, it was very difficult for me to accept the fact that in this country we were losing more people and property to fire than any other industrialized nation in the world. Faced with these embarrassing statistics, and after much study, travel, and reflection on my own experiences, I was convinced it was time for a radical change in our method of delivering fire protection services.

I have always believed that our firefighters are the best in the world at fighting fires. They are dedicated, courageous, well trained and, unfortunately, they get plenty of experience. But no matter how good or how brave our firefighters are, they cannot reverse the death and destruction that occurs before they even arrive at the scene. They cannot replace those special photographs that have been reduced to ashes on the floor and they cannot give a grieving mother back her children that were lost, in most cases, before the fire department even received the call. Our traditional mission of waiting, reacting and responding to fires was simply not proving effective. If we were ever going to make a real difference, we would have to change our method of delivering services. We would have to change societal attitudes about fire safety.

On June 6, 1986, I got my chance to initiate change; on that day I was promoted to Chief of the Division of Fire. I changed the mission of the Louisville Division of Fire from a fire suppression to a public education/fire prevention emphasis. Along with this change of mission, I established the following philosophy of delivering services to the community: Anytime we must go beyond public education, we are in a system of failures. If we must enforce the fire code, we do so because the property owner or occupant was not properly educated on the importance of fire safety. And, when we respond to alarms, our lights and sirens signal the ultimate failure—the unnecessary loss of life and property.

In the past, public education and fire prevention was the primary responsibility of those assigned to the Fire Prevention Bureau. Today, it is the primary responsibility of every member of the Louisville Division of Fire.

In order to carry out this new mission, an aggressive in-house training program was implemented. In addition to our traditional fire suppression and rescue training during recruit school, we began including 40 hours of public education and fire prevention training. Also, all 106 Company Commanders in the Division received daily training in the City's fire prevention code, followed by semiannual testing at the University of Louisville, This training provided our suppression officers with the knowledge and credentials necessary to conduct complex building inspections. Finally, upon promotion, new officers received fire prevention refresher training to reinforce our public education/fire prevention mission.

With our people properly trained and our "house in order," we took our message and programs to the community. The following are brief summaries of a few of the successful programs and strategies we are currently using in the City of Louisville:

1. Neighborhood Blitzes—Volunteers from local schools, businesses, and civic organizations join with firefighters, going door-to-door in neighborhoods where we have a history of high fire incidents, offering free smoke detectors and fire safety literature.

2. Home Inspection program—Firefighters, on every fire company in the City, spend 10 hours per month going door-to-door in their inspection districts providing free home safety inspections. Fire hazards are noted during these inspections, smoke detectors and/or batteries provided and installed for those in need, and assistance in preparing a home

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

exit drill is offered. Over 40,000 smoke detectors have been given away since 1986, most through this door-to-door approach.

3. Fire Facts School Program—Each October (Fire Prevention Month) "fire facts" cards are distributed to every public and private school in the country. These cards provide fire safety tips and include a quiz to test each child's fire I.Q. The children take the fire facts cards home to review with their families and return the completed quizzes to their teachers. The completed cards are then returned to the fire department and a drawing is held to select two winners. The two children selected are named "Fire Chiefs For A Day" and receive several prizes (donated by local businesses) and special honors. Each year we reach approximately 42,000 children with our fire safety message, through this single program.

4. The Great Louisville Fire Drill—The Great Louisville Fire Drill is held each October during Fire Prevention Week. Fire division members volunteer to staff the fire drill events, which include a children's smoke house, a five alarm chili cook-off (prepared by the firefighters), a fire safety trail (where children learn seven specific behaviors), popular animated characters, live entertainment, competitive events, free balloons, chili, hot dogs, and much more. With attendance now exceeding 15,000, this event has proven to be an excellent vehicle for reaching the public with our fire safety message.

5. The Live House Burn—Once each year, with live television coverage during the evening news, we burn a vacant dwelling to demonstrate how quickly a fire will destroy a home. With the dwelling fully involved in fire, all fire apparatus are pulled out of the stations and their sirens are simultaneously sounded. This signals everyone in the community to test their smoke detectors and practice their home exit drills.

6. Mayor's Firehouse Chats—Four times each year, Mayor Abramson invites citizens to an open house at a selected fire station. While the neighbors are enjoying free chili prepared by the firefighters, the mayor and I discuss the importance of fire safety. The Division received the International Association of Fire Chief's Award for Excellence for this program.

Our change of mission, carried out through these and related programs, has resulted in the following reductions in fire deaths, firefighter and civilian injuries and property loss in the City:

Civilian fire deaths have been reduced by approximately 30% (from an average of 15 to 10 per year). To date, during calendar year 1992, only two fire deaths have occurred in the City of Louisville. I'm confident that this year we will break the City's all time record low of six fire deaths for any one calendar year.

Civilian fire injuries have been reduced by 50% (from an average of 139 per year to an average of 73 per year).

Firefighter (time lost) injuries have been reduced by 45%. This reduction is reflected in annual overtime spending, which has been reduced by $182,000 (from $404,100 to $222,000).

Fire calls are down by 28%.

Annual property loss has been reduced by $1.5 million (from an annual average loss of $10 million to $8.5 million). Also, it is important to note here that if an inflation factor were included, this reduction in dollar loss would be much greater.

In closing, I would like to note the significance of a team effort in addressing the City's fire problem. The most crucial sources of support have, of course, been from the citizens of Louisville, and the firefighters who have taken the leading role in fire safety education. Also, a vital contribution has been made by Louisville's Mayor Abramson. His determination and personal involvement have been invaluable. Additionally, these programs would not have been successful without the human and financial resources provided by members of the Board of Aldermen and private sector leaders throughout the community.

Madame Chairman and members of the Committee, I thank you for your interest in this critically important issue.

TESTIMONY OF ALLISON GRANT, STUDENT LEADERSHIP INSTITUTE, HIGHLAND MIDDLE SCHOOL, LOUISVILLE, KY

Good morning Chairwoman Schroeder and members of the Select Committee. My name is Allison Grant and I am an eighth grade student at Highland Middle School in Louisville, Kentucky. I am pleased to represent my school, community and the Jefferson County, Kentucky, Public School District before you this morning.

I am here to tell you about the involvement of the Highland Middle School Student Leadership Institute with the Louisville Fire Department in our efforts to promote fire safety and prevention. First, allow me to tell you about our school and the Student Leadership Institute. Because we are an International Studies Learning Choice School, we are concerned about the world as a whole. However, our world begins right here in our community. This is why the Student Leadership Institute was begun.

Our Student Leadership Institute was founded in November, 1990, as a business/education partnership. Our institute was given a $2,500 grant by the local office of the international firm, Coopers & Lybrand, CPAs. Since then, Coopers has given us over $4,200, which has been used to fund our volunteer community projects. Essentially, we are a youth service organization. One of our main purposes is to develop future community leaders through volunteer community service today. Our motto, "To lead is to serve. To serve is to lead. We can make a difference," describes what we are all about. Over 300 of our students have contributed more than 3,000 hours of volunteer community service since January of 1991. Volunteer projects have included:

1) the purchase, preparation and serving of lunch on three separate Saturdays at the Jefferson Street Chapel in Louisville to over 450 homeless and indigent men, women and children;

2) the collection of thousands of pieces of candy, gum and toiletries, which were given to the USO for distribution to our troops in Desert Storm;

3) The planting of trees and flowers on two separate occasions in our school neighborhood with the cooperation of the city of Louisville's Operation Brightside;

4) the harvesting of over 13000 pounds of broccoli, corn, green beans, cauliflower and apples by eighty of our students in cooperation with Kentucky Harvest. The produce was donated to missions and agencies to feed the homeless;

5) the spring cleaning of senior citizens apartments near our school. We also invited 40 of these senior citizens to Thanksgiving lunch this past year4, where we served as hosts, hostesses and food servers;

6) a blood donorama at our school, which was co-sponsored by the Louisville Fire Department;

7) weekly visitations to a neighborhood nursing home, where we assisted staff with the in house transportation and care of residents;

8) fund raising efforts for the Metro United Way campaign;

9) a continuing schoolwide paper recycling program;

10) and, the weekly policing of our campus to remove paper and trash.

Many of these activities and field trips took place during school hours. Our sponsor, assistant principal Mr. Stevenson, and our principal, Dr. Knight, firmly believe there are educational experiences to be found in the community that are as worthwhile, in many instances, as those found in the classroom. In addition to helping so many people, these experiences made us feel good about ourselves and taught us we can make significant contributions to our community.

Due to the overwhelming success of our Student Leadership Institute, the program is being expanded this school year to include our neighbor, Atherton High School, in a Youth Service Partnership (sponsored by Coopers & Lybrand in cooperation with the American Junior Red Cross). The Red Cross is committed to providing leadership training, volunteer cadet training and summer volunteer placement for students in the Youth Service Partnership This summer I attended a 40 hour Junior Red Cross volunteer cadet training program and a week long leadership camp at Camp Crescendo in Lebanon, Kentucky. I was placed by the Junior Red Cross in volunteer work at a nursing home, planned and presented activities at a preschool and volunteered at a senior sports day at a senior citizens home.

Now, allow me to tell you how our Student Leadership Institute became involved with the Louisville Fire Department. On January 6th, 1991, a tragic fire in Louisville's west end, took the lives of three small children. Our community was stunned by these unnecessary deaths. There was a smoke detector in the house, but it did not have a battery. Our liaison with Coopers and Lybrand, Joyce Smith, like many in our community, was deeply disturbed. She called our sponsor, Mr. Stevenson, and he in turn contacted the Louisville Fire Marshall, Lt. Col. Don Cummins with an offer of help. The fire department was more than happy to have our assistance. On January 18th, 49 other students and I, teamed up in 25 pairs with a firefighter and personnel from Coopers and Lybrand and Kosair Hospital's SAFE KIDS Program to canvass over 800 homes in the neighborhood where the fire took place. We checked homes for inoperable smoke detectors, replaced old batteries where needed and installed over 470 smoke detectors that we had helped purchase. Three months later in April, a woman's home in which we had installed a smoke detector, caught on fire. She wrote the fire department and said the smoke detectors had saved the lives of her family members.

This canvass was so successful that the fire department called on us again, in March of 1991, to canvass another neighborhood. Again, we teamed up with firefighters and Coopers & Lybrand personnel and passed out fire safety and prevention pamphlets to over 1100 homes. Coincidentally, several of our students discovered a kitchen fire in progress while canvassing and quickly alerted the fire department. A burner had been left unattended on a stove, but the quick action of the students and firefighters saved the home.

As a result of our volunteer work with the Louisville Fire Department, the Highland Middle School Student Leadership Institute was presented the prestigious Golden Trumpet Award by The Louisville Fire Prevention Council in October, 1991, for "countless hours of volunteer service given to the Louisville Fire Department's Operation Firesafe '91 campaign. The results of their tireless efforts to provide the highest level of fire safety to citizens of our community during the year 1991 will undoubtedly impact fire safety into the 21st century."

As you can see, we have formed a lasting friendship with the Louisville Fire Department. We have eaten hot dogs and fire house chili in a fire station, and in turn, hosted a Firefighters' Appreciation Day and Breakfast in May, 1991, for over 50 firefighters, including Chief Russell Sanders and Lt. Col. Cummins. Before breakfast, the firefighters went to every classroom in the school and talked about fire safety and prevention. Again this year, in March, we hosted the firefighters during the Jefferson County School District's Business/Community Organization Appreciation Day. A brunch was held in our school library for firefighters and other community dignitaries, including our superintendent, the 1992 National Superintendent of the Year, Dr. Donald W. Ingwerson.

We are continuing to volunteer with the Louisville Fire Department. On October 11th, we will be working with the Louisville Fire Department during the "Great Louisville Fire Drill," which will be held in Louisville's Seneca Park. We will be teaching children, ages kindergarten through sixth grade, good fire safety behaviors. In a program sponsored by the National Fire Protection Association and funded by a grant from the All State Insurance Company, we will be visiting preschoolers in every day care center in the city with the firefighters to teach the eight learning objectives for fire safety:

(1) stop, drop and roll;

(2) cool burns with cool water;

(3) know your street address;

(4) have a working smoke detector on each level and in each sleeping area of your home;

(5) have two escape routes from each bedroom;

(6) have a predetermined meeting place for family members;

(7) change batteries in smoke detectors twice yearly;

(8) and, keep matches and lighters out of the strike range of children.

For senior citizens, we will be involved in a program called, "Let's Retire Fire," which will explain to senior citizens the causes of fire and how to prevent them. Students from our Student Leadership Institute will convey the information with firefighters door to door.

As our mayor, Jerry Abramson has said, "I consider Chief Sanders one of the most innovative firefighters in the nation." Under Chief Sanders' leadership, annual fire deaths have been reduced from an average of 15 per year prior to 1985, to an average of 10 per year since. Property damage losses have been reduced by 15 percent and the annual number of fires by 28 percent since he became fire chief in 1986. Chief Sanders stated, "If we have to go beyond education (to fight fires), we are into a system of failures. That's when people die and firefighters are injured." Also, there has been a 17.4 percent drop in the number of injured firefighters in 1992 alone.

We have developed a mutual respect and friendship with Chief Sanders, Lt. Col. Cummins and all of the firefighters. We know the firefighters have confidence in our generation and our ability to make significant contributions to our community. Other communities could learn from our example. Young people should be seen as community resources, rather than liabilities. This has been our experience in Louisville. We feel like we are significant contributors to the welfare of our community.

In closing, it is impossible to tell you how much we have learned and benefited from these friendships. It is also impossible to determine how many lives have been saved due to the combined efforts of our Student Leadership Fire Department. But one thing I can say for sure, "Without a doubt, fire education and prevention are the best fire safety measures."

TRIBUTE TO VERA L. SCHULTZ

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mrs. BOXER. Mr. Speaker, on the occasion of her 90th birthday, the U.S. Congress is a proper forum in which to recognize Vera Louise Schultz, a courageous woman whose lifelong work to improve government organization and the political process makes her a role model for every woman who aspires to public office. In this, the Year of the Woman in Politics, the celebration of Vera Schultz' 90th birthday includes a celebration of the 19th amendment to the Constitution which gave women the right to vote.

Being the youngest of eight brothers and sisters in the Nevada mining town of Tonopah produced self-assurance in Vera. The final battle for voting rights, coupled with Wyoming's Jeanette Rankin making history as the first woman elected to Congress, made an indelible impression on the teenage Vera. Elected senior class vice president at University of Nevada, Vera's firm, persuasive speech expressed the strength of her convictions, foretelling future accomplishments.

A teaching fellowship at University of California at Berkeley followed. As club editor on the Oakland Post Intelligencer, Vera studied activities of women's organizations, particularly the League of Women Voters. In 1928, Vera and her husband, Ray, moved to Mill Valley where she raised their daughter, Joyce, and began six decades of service in the public interest.

Vera "Bobbie" Schultz possessed perhaps the most thorough grounding in the science of local government that Marin County has even seen. She had the reformer's zeal of the League of Women Voters combined with the love of a good fight. Along with a warm smile and ready laugh, Vera had the strength of Atlas, the adroitness of a boxer, the heart of a champion—all dedicated to the right of the people to good and honest government.

A founder and one of the first presidents of the League of Women Voters chapter in Marin County, Vera Schultz led the charge to change the city of Mill Valley to a council-manager form of government in 1942. When the expected good-government changes didn't occur, Vera took matters into her own hands and, in 1946, won election to the city council with 85 percent of the vote. However, the councilmen changed the rules to deny Vera the title of mayor.

She cochaired a committee to create a county hospital district and led the bond campaign to build Marin General Hospital.

In 1950, in the midst of the McCarthy era, she ran for the State assembly against the incumbent. The campaign was rough. Vera Schultz was known to some voters as this female who refused help from power brokers of Sacramento who wanted her promise not to act like any Carrie Nation if she got in, axing around in other people's business. But, as State Senator Peter Behr said, "Vera suffered setbacks, never defeats."

Two years later, in 1952, Vera Schultz became the first woman ever elected to the Marin County Board of Supervisors. Clearly an innovative and farsighted person, Vera served for 8 years as supervisor and forever changed Marin County government. She moved Marin from a county run by an entrenched old-boys' courthouse gang to one governed by 20th-century public administration principles.

Among Vera Schultz' many hard-won achievements were:

Establishment of the county administrator's office for more efficient and economical government.

Establishment of the county counsel's office, separate from the district attorney's office.

Establishment of the county personnel commission.

Establishment of a county park and recreation department to acquire and manage open space.

Development of a flood control plan.

Reform of property tax assessments.

The accomplishment with which Vera Schultz is most identified was the selection of Frank Lloyd Wright to design a new civic center. Now a world famous landmark, the Marin County Civic Center stands as a monument to one woman's far-sightedness and tenacity.

Against enormous obstacles, Vera Schultz pressed rural Marin County to come to grips with the pressures of suburbanization. But her success at reforming property tax assessments led to a defeat at the polls for a third term. Continuing her lifelong battle against political professionals, Vera Schultz made a final but unsuccessful run for State office in 1964. The pioneer had waged a battle the next generation would win.

After her retirement from elected office, helping the elderly became Vera's passion. She took over the presidency of the Marin Senior Coordinating Council during its most difficult times, remained on the board for 24 years, and represented Marin at several White House Conferences on Aging.

In 1988, Marin's senior stateswoman was among the first inductees into the Marin Women's Hall of Fame. She continues to be a benefactor and mentor to women seeking public office. She marked the path through a lonely field for other women to follow. I have walked in her footsteps and been guided along my own journey by standards and values established by Vera Schultz. I am proud to honor her today.

CONGRATULATIONS TO TEMPLE SHOLOM

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Temple Sholom on the occasion of its 80th anniversary.

Temple Sholom is one of the oldest reform temples in the United States. Serving 400 member families from 23 communities, Temple Sholom is committed to maintaining its presence in the urban center of Plainfield, NJ. Rabbi Gerald Goldman will be celebrating his 20th anniversary with the congregation this year.

The temple has long been an active participant in community affairs. It has, for example, conducted food and clothing drives for the needy. Its members have volunteered to work in shelters for the homeless. The temple also conducts inter-faith services, seders, and other celebrations with neighboring Plainfield churches and it frequently sponsors forums with noted outside speakers on social issues, such as a day-long forum on the homeless.

The temple's members enjoy preschool through 10th grade religious education, active adult education programs, county college courses taught on site, and frequent lectures by the rabbi and guest lecturers on Judeo-Christian themes. The temple is thoroughly committed to education and to the pursuit of human rights at home and abroad.

Mr. Speaker, I am proud to join in paying tribute to Temple Sholom. I am sure the temple will continue to provide invaluable service to the community and truly make a difference in society. I extend my best wishes to Temple Sholom on this most special occasion.

JACK ALLEN: A VERY SPECIAL COMMUNITY LEADER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. STARK. Mr. Speaker, I would like to join his many friends in congratulating Mr. Jack Allen of San Leandro for his extraordinary work on behalf of the East Bay communities of Alameda County, CA and for the cause of Portuguese-American relations and social clubs.

Any Member of Congress who has tried to get the Postal Service to approve a commemorative stamp knows that it is a major task. It is usually easier to get a bridge built or a highway widened than it is to get a postage stamp approved. But Jack Allen, almost singlehandedly, has been the driving force behind the handsome commemorative issued this year in memory of a great Portuguese-born explorer, Juan Cabrillo or Joao Cabrilho in his native Portuguese. Cabrilho was the explorer of Alta California or the region north of today's Mexican Baja California. His daring and difficult voyage of discovery, which cost him his life, was made 450 years ago this year, an anniversary which coincides, of course, with Columbus' 500th anniversary celebration.

It was Jack Allen who saw these connections and lobbied everyone for years to ensure that the Columbus celebrations would also include recognition of other courageous explorers of that era, such as Cabrilho.

Jack has long been a leader in California's Cabrillo Clubs and the charitable and educational work they do. He has been active in SIRS and on behalf of the San Leandro Cherry Festivals and Cabrillo Landing Days.

His enthusiasm, determination, and persistence on behalf of this causes are an inspiration to all, and I join in wishing him the best in the years to come.

HONORING THE YWCA OF YONKERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize today the 100th anniversary of the YWCA of Yonkers. For a century, the YWCA has been a place for our young people to turn for knowledge and guidance. The YWCA has also sponsored numerous programs that get people of all age groups involved in improving the community.

In today's world, where so many young people fall victim to society's evils, it is important to have community groups like the YWCA that promote a positive way of life. On behalf of my constituents, I thank the administrators and volunteers at the YWCA who have dedicated so much time and energy toward this positive goal.

As the YWCA of Yonkers embarks on its second century of service to the community, I extend my best wishes for another 100 years of success.

A TENDERFOOT'S GUIDE TO THE OLD COUNTRY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. CLEMENT. Mr. Speaker, as the Representative of "Music City, U.S.A.," I am proud of the contribution country music has made to our Nation. Country music has added to the wealth of our culture as well as to the wealth of our economy.

Despite its current popularity, it is surprising that few people know some of the history of country music. In fact, other cities have helped spawn the roots of this form of entertainment. And many of the great artists of today owe their style to great artists like Roy Acuff, Bill Monroe, Ernest Tubb, Hank Snow, Kitty Wells, and Eddy Arnold.

A little of the rich history of country music appeared in an article in the Sunday Chicago Tribune. I am attaching that story so readers can gain a better understanding of country's roots and how today's artists are part of a continuing musical tradition.

[From the Chicago Tribune, June 28, 1992]

A TENDERFOOT'S GUIDE TO THE OLD COUNTRY

(By Jack Hurst)

NASHVILLE.—The fallout from the Country Music Explosion has finally infected even you, and in —— you find yourself smitten with your first male, female or group country star.

(In the blank provided, please enter the name of Garth Brooks, Billy Ray Cyrus, Clint Black, Alan Jackson, Travis Tritt, Vince Gill, Wynonna Judd, Trisha Yearwood, Pam Tillis, Reba McEntire, Diamond Rio, Little Texas or the singer who has captured your heart.)

So now you want to know what this country music stuff is all about? Where it came from, whether it's the same stuff that used to be hick and, if so, why it isn't hick anymore?

Yes, current Country Music is—considerably more or considerably less—the same thing that used to be accounted hick. What it is, where it came from, and how it transcended hickdom, however, requires fuller explanation.

The rocketing stardom of Brooks, Cyrus, Black, Jackson, Tritt, et al, is founded on what began as a comparatively insular homemade music, the kind rural and smalltown Americans played on their front porches in the evenings before television decimated self-entertainment.

In those days there were two musics: the type people in more populous areas went to see played in vaudeville theaters and such, and the homelier sounds rural Americans plinked for themselves on guitars, fiddles, banjos and pianos, mostly because they couldn't afford to go to see the first type. A lot of these rural residents became designated "hillbillies."

The first high-profile use of that term occurred 92 years ago in the New York Journal, which formalized the disrespect with which country people and country music would tend to be generally viewed for the next seven or eight decades. The Journal sniffingly proclaimed:

"A hill-billie is a free and untrammelled white citizen of Alabama, who lives in the hills, has no means to speak of, dresses as he can, talks as he pleases, drinks whisky when he gets it, and fires off his revolver as the fancy takes him."

In 1900, there were considerably more such people in the United States (especially if you didn't restrict their place of residence to Alabama) than there were city dwellers. There also were a lot of people who wanted to make money from them, including the founders of record companies and radio stations.

Country music as a business (now a massive, national operation) can arguably be said to have been born in 1924 in none other than Chicago. With the establishment of the WLS Barn Dance, a live country-music radio broadcast, it jumped onto the radio airwaves of urban and northern America—18 months before its brainstorming founder, newspaperman George D. Hay, exited Chicago to establish Nashville's even more famous Grand Ole Opry.

From then on, things moved pretty fast. In 1927 two of the field's seminal acts, "Father of Country Music" Jimmie Rodgers and the Original Carter Family, made their first recordings for a traveling recording engineer in Bristol, Va.

Around 1930 Gene Autry, thanks considerably to Sears & Roebuck, became country music's first superstar, a huge merchandising vehicle for Gene Autry guitars, etc., via the Barn Dance on WLS; he then shrewdly headed for Hollywood to parlay his music success into a film fortune and spawn a posse of such singer/actors as Roy Rogers, Tex Ritter, Rex Allen and Jimmy Wakely.

Because of the film industry he spawned, Autry had at least as much impact on country music's clothes as on its music. Country performers quickly donned Hollywood-style cowboy hats to try to cash in on some of the popularity of western movies. Also following in Autry's wake were hordes of non-western groups with names such as Pee Wee King's Golden West Cowboys and the Girls of the Golden West.

Cowboy music itself flourished, too, though, in such acts as the Sons of the Pioneers and Patsy Montana, whose "I Want to Be a Cowboy's Sweetheart" was country music's first million-seller by a female. Back in Autry's native Texas, fiddler Bob Wills began carving out a legend of his own with a more sophisticated and harder-driving brand of cowboy music that came to be called western swing.

Nashville tended to be more traditional than Chicago and stuck to string band music for its first decade and a half, but finally achieved a solo superstar around 1940 in Tennessee mountaineer Roy Acuff. A hillbilly with a vengeance, Acuff possessed a throat so strong and clear that the first time it assaulted the microphone of the Grand Ole Opry it reportedly knocked some of the Opry network stations off the air.

The year after Acuff's arrival at the Opry, the increasingly famous Nashville show acquired another inimitable wailer, Kentuckian Bill Monroe, who was to Acuff and Southeastern country music what Wills was to Autry and western country music: Monroe revved it up to create an intricate and stampedingly fast subcategory called bluegrass.

In the wake of Acuff and Monroe, who quickly became stars via the 50,000-watt Opry microphones of Nashville's WSM, there developed a small galaxy of new stars who by now had adopted the cowboy hats and the brocaded and fringed western-style stage finery pioneered by Autry's Hollywood. Notable among these were Texas-born Ernest Tubb and Canadian-born Hank Snow. Most influential of all, though, were Eddy Arnold, a Tennessee plowboy who rose from the Grand Ole Opry to become Nashville's first huge pop record-seller, and Hank Williams, a tall singer-songwriter from Alabama who combined a passion for heart music with a weakness for painkillers for his frail, early-malnourished body.

Combining passion and physical pain with a rural Southern dynamism no country star has achieved since, Williams wrote some of country's most influential music in a meteorically brief career that was sliding toward oblivion when a mixture of drugs and alcohol killed him in the backseat of a show-bound car at age 29. His death resurrected and magnified the scope of his career and created a tragic mystique that appears likely to live as long as country music does.

Even more tragic, but less sensationally so, was Lefty Frizzell, a velvet-throated Texan who rode high during the early 1950s when Williams appeared to be lurching drunkenly toward nowhere. So popular with crowds that they tore his clothes off three or four years before Elvis Presley made such occurrences more commonplace.

Frizzell was a Jimmie Rodgers disciple who had a rural voice that lilted in the high ranges and was mellifluously mellow in the lower ones, and his passion for his music was so pronounced that he often put a half-dozen notes into a single syllable of lyric. The onset of rock 'n' roll sank his popularity and he soon became a hard-drinking shadow of his former persona. When he died in 1975 of a stroke at age 47, he was known mostly for his great influence on some of the finest singers of later eras.

The modern country field's archetypal gods rose soon after rock 'n' roll pushed Frizzell toward the background:

Johnny Cash, countriest of a Memphis rock 'n' roll contingent that also included Presley, Jerry Lee Lewis, Carl Perkins and Roy Orbison, parlayed awesome charisma and a folkish interest in his own cottonfield roots into a series of different stardoms—teen idolhood, folksinger and country phenomenon—that vastly widened the public perception of what was country.

George Jones, whose impassioned vocals were so rural-styled that his homely nickname "The Possum"—fit beautifully, brought more simultaneous intensity and artistry to country singing than anybody had before, and possibly since.

Patsy Cline departed from the ultrarural sound and cabin-hearthside image of such skilled female predecessors as Kitty Wells and Jean Shepard and, before dying prematurely in a 1963 airplane crash, pioneered a magnificently powerful and confident sound that again put country into the pop consciousness and influenced every aspiring country female who followed her.

Merle Haggard, a California ex-convict with a huge talent for capturing in word and sound the loneliness of the soul, melded the styles of Lefty Frizzell and Jimmie Rogers into one of his own and become the most imitated singer in modern country music.

Since the 1950s, country music has survived several threats to its existence. First, there was rock 'n' roll. In the 1970s, searching for increased sales that would protect it from relegation of the status of cult music, it watered down and in many cases eliminated its traditional fiddle and steel guitar bedrock in favor of pop lyrics and instrumentation that sometimes changed it beyond recognition. The trademark cowboy hats and western outfits became noticeably less evident.

In a climate in which traditionalists seemed able to survive in the increasingly urban market only by laughing at things country, they did so via hit records by "neo"-traditionalists such as Moe Brandy and Gene Watson with humorous titles: "Honkytonk Amnesia," "It Was Always So Easy To Find An Unhappy Women (Till I Started Looking For Mine)" and "Her Body Couldn't Keep You Off My Mind."

Bandy and Watson, who rose to stardom in the mid-1970s, held the fort for more dramatic reinforcements in the '80s, as pop hybridization in Nashville reached a point where it had so diluted the music and so ignored the need for new talent that buyers of its records disappeared.

Suddenly, circa 1980, there appeared two widely differing new traditionalists—authentic Texas cowboy George Strait and virtuosic Kentucky singer/string genius Ricky Skaggs, who saw no need to temper their traditionalism with humor. Strait, who drew his influences from both Bob Wills and George Jones, and Skaggs, latter-day Bill Monroe, immediately became very popular, but Nashville's pop mindset had become so strong that Strait and Skaggs were regarded as flukes until the rise of Randy Travis in 1985. Meanwhile, country music demonstrated the width of its spectrum with the simultaneous rise of Alabama, a rock-influenced but unmistakably country group from Fort Payne, Ala., who grabbed a younger audience and throughout the '80s sold unprecedented millions of records.

Randy Travis, teaming staunch traditionalism with a mellow vocal timbre and a wonderfully delicate sense of humor, was probably the pivotal figure in the rise of today's Nashville megastardoms. When Travis appeared, the industry was raving about the promise of punkishly-country and Los Angeles-cool Dwight Yoakman, but the not-so-cool Travis proceeded to double and triple Yoakam's million sales figures. In the process, he showed Nashville executives that Strait and Skaggs were really mainstreamers instead of flukes: there was still a huge, and even a growing, market for traditional-styled country music—even in America's most-urban areas.

That established the atmosphere that sent Nashville executives out looking for the herd of cowboyish-looking "hat acts" that so successfully play the national market today. It is what brought Garth Brooks into Nashville determined to become a pop sensation by being not pop but defiantly country.

How country music transformed itself from hick to cool seems to have had to do with the gradual but steady attraction of younger fans by younger artists and an excitement-oriented stage image championed by Brooks. Contributing also, probably, was a revival of more country-style family values by the uncertainties of the Persian Gulf War and the domestic disillusionment that followed it.

The rise of Strait, Skaggs, Travis and Brooks has brought country music full circle. In the incongruously urban and technologically complicated '90s, it has returned to the most eternal of the sounds and concerns of the Southeastern and Midwestern farmers and the authentic and otherwise cowboys and cowgirls who initially established it. Strongly reflecting the odyssey of rural-rooted Americans into college degrees and urban jobs, it yet remains rooted in the individual concerns of the common man and woman—or, increasingly these days, boy and girl.

"Country music is the heart and soul, the joy and sorrow, of the working class," once wrote Johnny Cash. "It is the one voice that the working man has to express himself to the world."

THE BEST RECORDINGS IN COUNTRY HISTORY

Here's a sampling of the most important music in country history. (All collections are available, if not through a local home entertainment dealer, from the Ernest Tubb Record Shop, P.O. Box 500, Nashville, Tenn. 37202 or 1-800-229-4288.)

1. Riding High *(Jimmie Rodgers, Rounder Records)*
2. Columbia Historic Edition series *(Gene Autry, Columbia Records)*
3. Greatest Hits *(Bob Wills & The Texas Playboys, Curb Records)*
4. The Original Singles Collection *(Hank Williams, PolyGram)*
5. The Best of Lefty Frizzell *(Lefty Frizzell, Rhino Records)*
6. At Folsom Prison/At San Quentin *(Johnny Cash, Columbia)*
7. The Best of George Jones *(George Jones, Rhino)*
8. Gunfighter Ballads & Trail Songs *(Marty Robbins, Columbia, cassette only)*

9. The Patsy Cline Story *(Patsy Cline, MCA Records)*

10. The Best of the Best *(Merle Haggard, Capitol Records)*

11. Live At Carnegie Hall *(Buck Owens, Country Music Foundation Records)*

12. Waylon & Willie *(Waylon Jennings and Willie Nelson, Columbia, cassette only)*

13. Greatest Hits *(Tammy Wynette, Epic Records)*

CONGRATULATIONS TO COL. AND MRS. MAXIMO C. DUMLAO ON THEIR 60TH WEDDING ANNIVERSARY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, it is my distinct pleasure to pay tribute today to Col. and Mrs. Maximo C. Dumlao, who celebrated their 60th wedding anniversary on September 5, 1992. I have known the Dumlaos for a long time, but it is through their grandchildren that I have been able to learn what makes their marriage successful for over half a century.

Max and Bernarda have known each other since childhood in the Philippines. In fact, Bernarda used to refer to Max, who is 7 years her senior, as "Cho," meaning uncle in Tagalog. It was when Bernarda, a beautiful, blushing senorita, turned 16 that Max recognized her as a young lady and not a child. Max was a young biology teacher then. Bernarda was still a student. On September 5, 1932 Max and Bernarda married.

Their family began to grow during World War II and the Korean war in which Max was a commanding officer of the Philippine Expeditionary Forces to Korea. While Max fought in the Korean war, Bernarda took care of their eight children and many nieces and nephews while baking cookies and cakes to keep up the morale of the young soldiers.

In the late 1960's, the Dumlaos joined four of their children in the United States. In 1979 Bernarda became a proud U.S. citizen and in 1985 Max did the same. The Dumlaos spent much of the 1970's and 1980's helping to care for several of their grandchildren in the United States. Today they are very active with senior citizen groups in Huntington and in Yonkers. They dance to stay young and in their spare time, travel around the globe.

The Dumlaos are a very special couple to all who know and love them. My wife Carol Ann and I join their children, Vilma, Flor, Maximo, Camille, Racquel, Gloria, Fernando, and Diana; their grandchildren, Bernardo, Samuel, Rey, Ligaya, Kenny, Stella, Jerome, Bong, Zachary, Melissa, Maxine, David, Rina, Arturo, Fernando, Rosalie, Christine, Danette and Dindo; and their great-grandchildren, Bernadette, Aileen, B.A., Ian, Bambina, R.J., and Drago, in wishing the happiest 60th anniversary to Max and Bernarda.

RABBI GEOFFREY BOTNICK ASSUMES NEW LEADERSHIP ROLE AT HILLCREST JEWISH CENTER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to extend my very best wishes to Geoffrey Botnick as he assumes the position of senior rabbi at the Hillcrest Jewish Center in Queens, NY. Over the last year, Rabbi Botnick has been an active and effective leader in the Hillcrest congregation. Until last spring, he served at the side of a man who was, without question, an institution, the late Rabbi Israel Mowshowitz. In doing so, I know that Rabbi Botnick learned invaluable lessons as did all of us who worked with Rabbi Mowshowitz, and I know that, as Rabbi Botnick assumes these new responsibilities, he will follow in the tradition of Rabbi Mowshowitz.

But Rabbi Botnick also brings to this important position very important and valuable qualities which will enrich the Hillcrest Jewish Center congregation and enable him to play an important part in the life of the entire Queens community. Rabbi Botnick's diverse experience, as a Navy chaplain and with congregations in Pennsylvania, Illinois, and on Long Island, prepares him well for the large and diverse congregation which turns to Hillcrest as our spiritual home.

In a time when society pulls us in many directions and where the fabric of that society is often frayed by dissent and conflict, Rabbi Botnick understands the need to develop a sense of community and common purpose. In his academic endeavors and in leading congregations, he has worked to bring people together to help one another. He knows that each of us has much to offer to others, and he is committed to helping us find how to maximize that potential for good.

Above all, Rabbi Botnick enters this new challenge with the hope that he can help us to see the assets of family and to reclaim them for our mutual benefit. He knows that from our faith we can draw great strength and comfort. He knows that together we can achieve great things.

As a long time member of Hillcrest Jewish Center, it is a special pleasure to see this respected leader take on the challenges of senior rabbi. I look forward to working with him and the Hillcrest congregation in pursuit of many shared goals. As we approach Rosh Hashanah and Yom Kippur, I extend to Rabbi Botnick, his wife, Annette, and his children, Joshua and Leora, my prayers and best wishes for many years of service to a very special congregation.

CONGRATULATIONS TO POLICE CHIEF WILLIAM IURATO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to my colleague and friend, Hackensack Police Chief William Iurato.

Bill Iurato was born and raised in Hackensack, NJ. He graduated from Hackensack High School and is a U.S. Army veteran of the Korean conflict. He joined the Hackensack Police Department on November 3, 1952 and attended many technical police schools which included the Newark State Police Academy, New Jersey State Police Academy, Bergen County Police Academy, and the Federal Bureau of Narcotics.

Bill is extremely committed to his community and his neighbors. He is a life member of St. Francis Roman Catholic Church. His professional association memberships include PBA Local #9, Honor Legion, Bergen County Police Chief's Association, and the International Association of Chiefs of Police. He has been the recipient of numerous commendations including the holder of the Police Valor Award which is the highest award issued by the Police Chief's Association.

During his tenure with the Hackensack Police Department, Bill was assigned to all divisions within the Department, rising through the ranks to his present position as chief. He handled numerous investigations including many homicides such as the Tedesco and Voto homicide investigation and the investigation of the Barnes and Lucas criminal organizations.

Chief Iurato is married to the former Ute Rentzmann and has three children, Salvatore, Karen, and Jeffrey. His brother is retired Chief Anthony Iurato and his sister is Mrs. Rose Parisi of Saddle River. The chief is the son of Angelina and Salvatore Iurato, both of whom are deceased.

Mr. Speaker, I am proud to join in paying tribute to Bill Iurato as he continues to provide invaluable service to his community and truly makes a difference in society. I extend my best wishes to him on this most special occasion and hope that he will enjoy retirement, and remain active in the city to which he has dedicated his life.

IT'S TIME TO ENACT A LINE-ITEM VETO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. SOLOMON. Mr. Speaker, today I am introducing the Legislative Line-Item Veto Act of 1992, a bill to give the President enhanced rescission authority over all fiscal year 1993 appropriations bills.

Mr. Speaker, my colleagues may recall that I have attempted to offer this line-item rescission authority as an amendment to three different bills this year, most recently to the supplemental appropriations bill on July 28. At that time, our efforts fell just eight votes short on the previous question to the rule, 207–119.

As a consequence of those efforts, the Rules Committee is now holding hearings on the line-item veto this month, and the Speaker has promised one proponent that he would consider scheduling a floor vote on a legislative line-item veto bill this month.

Mr. Speaker, I hope you follow through on that promise by giving the House that vote. And I hope the bill I have introduced will be one of the alternatives allowed when that vote is taken.

At this point in the RECORD I insert a brief summary of my bill:

H.R. 5915—SUMMARY OF SOLOMON LEGISLATIVE LINE-ITEM VETO ACT OF 1992

The bill is based on H.R. 78 introduced by Rep. Jimmy Duncan (R-TN) on Jan. 3, 1991 (referred to the Committees on Rules and Government Operations; 124 current cosponsors), except that it would only apply to fiscal 1993 appropriations bills;

Under the terms of the bill, the President could send Congress a special message within 20 calendar days after the enactment of a fiscal 1993 appropriations bill, rescinding all or part of any discretionary budget authority contained in that bill;

The budget authority would be considered canceled unless both Houses, by majority vote, pass a joint resolution disapproving the rescission, in whole, within 20-days of session after the message is received and the joint resolution becomes law;

After congressional passage of a joint resolution of disapproval, the President would have the constitutional ten days in which to sign or veto it, and, if it is vetoed, Congress would have an additional five-days of session in which to vote to override the veto (a two-thirds vote of both Houses being required under the Constitution);

A joint resolution of disapproval would be subject to ten-hours of debate in the Senate and in accordance with the rules of the House, and would not be subject to amendment in either House;

If Congress adjourns its final session sine die before the expiration of the 20-day review period, the rescission would not take effect, but the message shall be deemed to have been resubmitted on the first day of the new Congress.

GUTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. STARK. Mr. Speaker, Richard Reeves, syndicated columnist, recently wrote a column about a former colleague of ours, New Jersey's Gov. Jim Florio, titled "Florio Comes Off the Floor Against the NRA Over Assault Rifles."

I suggest the definition of the word "guts" in Webster's dictionary be revised to include Jim Florio's profile in courage on the issue of semiautomatic assault weapons like the Uzi, the AK–47, and the "Street Sweeper."

I hope all of my colleagues read Mr. Reeves' column.

FLORIO COMES OFF THE FLOOR AGAINST THE NRA OVER ASSAULT RIFLES

(By Richard Reeves)

NEWARK, NJ.—I began in this business on a weekly paper 60 miles from here, the Phillipsburg Free Press. A guy in town named Red Mascari was a running story: Every year he tried to get the legislature to proclaim a ditty he wrote as the official state song. This was how it began:

"I'm from New Jersey and I'm here to shout it,

"I'm from New Jersey and I'm proud about it!"

Well, I am from New Jersey, and I'm mighty proud about it these days. The incumbent governor, Jim Florio, and his predecessor, Thomas H. Kean, are giving the state and the rest of the country a little demonstration of what democratic politics, with a small d, should and could be.

The issue is the legalization of semi-automatic assault weapons.

Although one of the most unpopular governors in Jersey history—he raised taxes across the board in his first days in office—Mr. Florio, a Democrat, persuaded a Democratic legislature in 1990 to ban AK–47 clones and other military weapons. That was just before voters, angry about the taxes, elected an overwhelmingly Republican Senate and Assembly last year.

A month ago, the Republicans voted to repeal the ban by votes of 28–9 in the Senate and 47–16 in the Assembly, far more than the two-thirds' majority needed to override a promised Florio veto.

They assured voters that the $364,000 the Republican legislators got from the National Rifle Association had nothing to do with their votes. Of course not; who would ever think of such a thing?

Well, the NRA did. Its man in Washington, Richard Manning, traveled up to Princeton for a National Governors Association meeting and was quoted as saying: "We killed Florio. We beat him here. And more important than what we did to him, every governor in this room knows we killed him."

With faint pulse, Mr. Florio repeated that he would veto the bill, a meaningless bit of bravado against those margins. Meaningless, that is, until a Newark Star-Ledger reporter asked Mr. Kean, a Republican, what he thought of what his friends in the legislature were doing.

"It's dead wrong," said Mr. Kean, now the president of Drew University in Madison. "I don't know what the lawful purpose could be in owning an assault weapon."

Oh! Oh! Suddenly, Republican legislators are having second thoughts about paying back the NRA, which is effectively the lobbying arm of the country's gun manufacturers.

Having the guts or common sense to say things like that is why Tom Kean left the governor's office three years ago with positive job approval ratings above 70 percent.

Mr. Florio's approval ratings after two years were below 15 percent, and the conventional wisdom is that he has less chance to be elected again than Saddam Hussein.

Mr. Kean is some piece of work. Here is what this Republican says about the Democratic presidential nominee: "I like Bill Clinton tremendously. I know him from the governors' conferences. The Democrats nominated their best person, a very able fellow. The country is well-served by that choice." Did I mention that Mr. Kean is the national chairman of President Bush's re-election campaign?

It appears now that the Republicans may not try to override Mr. Florio's veto, at least in the Senate. Part of the reason is that they would like to avoid a non-binding statewide referendum on the assault-gun ban—which polls indicate three out of four voters favor—during next year's gubernatorial race.

Suddenly, they are afraid of Jim Florio. He is still not very popular, but his taxes have improved the state's financial position and more money is going where Jersey people want it, into their schools.

Under other circumstances, Mr. Florio's latest poll ratings might seem dismal, but considering where he's been, they are a real improvement; 2 percent "excellent": 22 percent "good"; 42 percent "only fair." Maybe if he could get Tom Kean to endorse him . . .

HONORING JOHN O. CROSBY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. RICHARDSON. Mr. Speaker, the German Ambassador, Jurgen Ruhfus, recently traveled to my congressional district to bestow a prestigious German award upon a prominent constituent, John O. Crosby, founder and general director of the Santa Fe Opera.

Ambassador Ruhfus presented the Officer's Cross of the Federal German Order of Merit, Germany's equivalent of the Congressional Medal of Freedom, to Mr. Crosby, a longtime Santa Fe resident who founded the local opera in 1957. Mr. Crosby was honored by Federal President von Weizsaecker for his untiring effort in producing the works of 20th century German composers like Paul Hindemith, Alban Berg, Hans Werner Henze, Arnold Schoenberg, Richard Strauss and contemporary composers Siegfried Matthus and Hans-Jurgen von Bose.

While we in New Mexico have long respected and admired Mr. Crosby's work, it is certainly gratifying to know that others around the world also cherish his many accomplishments. I urge my colleagues to join me, my constituents and the German people in honoring and congratulating Santa Fe Opera founder John O. Crosby.

I am attaching Ambassador Ruhfus' remarks to Mr. Crosby delivered on August 1, 1992, in Santa Fe, NM.

DEAR MR. CROSBY, DEAR FRIENDS: We have gathered in this gorgeous setting today for yet another celebration besides the Santa Fe Opera as an institution and tonight's forthcoming premiere. The nationwide and worldwide reputation of this Opera is the result of an effort of more than thirty years by this personality: Mr. John Crosby.

Your musical skills and savour, your brilliancy and your endeavour since 1957 made this the ensemble which is famous far beyond the borders of your great country. Situated in a beautiful countryside, attracting hundreds of thousands every summer and becoming the centerplace of music for a season.

But there is more to it:

Dear Mr. Crosby, when German unification was achieved in 1990, Germans were relieved to see that the cultural ties between the two parts had not suffered and that the common cultural heritage of Germany had preserved its renown through dark periods of history as well as through decades of division of our fatherland. We saw a German-American cultural festival in Washington, D.C., earlier this year which was entitled "The Kennedy Center Tribute to Germany". It celebrated the heritage of centuries of German cultural production in every field, the reception it found in many varieties worldwide and the reputation it continues to have.

Especially music has always earned us respect. It is amongst others symbolized by the presence of German Orchestra Directors in the United States.

Germany takes pride in its composers' work and that of the performers. But what would it be without those who realized its value and transmitted it professionally to the ear of the public? This is your great merit, and let me say a few more words about it.

Your studies in music brought you in early touch with Hugo Kortschak and Paul Hindemith. You were the Opera director who brought thirteen (13) operas by Richard Strauss (including six American premieres) to Santa Fe. Your untiring effort for Germany's twentieth century composers like Paul Hindemith, Alban Berg, Hans-Werner Henze, Arnold Schoenberg and—as tonight—Hans-Jurgen von Bose was unequalled by any non-German institution.

The training program for young artists set up by your Opera House helps to further spread this cultural heritage that you implanted here.

Without these efforts German music would be confined to Germany; people like you bring it to life worldwide. The German people owes you gratitude for this.

Federal President von Weizsaecker recognized your efforts and asked me to bestow on you on his behalf the only existing decoration of the Federal Republic of Germany; please do now accept from my hands the officer's cross of the Federal German order of merit.

HONORING THE BEDFORD PARK SENIOR CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. ENGEL. Mr. Speaker, I wish today to recognize the Bedford Park Multi-Service Center for Senior Citizens on the occasion of its 20th anniversary. The driving force behind the center is Sister Annunciata Bethell, its founder and executive director, who has dedicated all her energies toward making the center a success. Over the years, she has developed many creative programs that not only serve older adults, but also involve them in the planning and implementation of their activities.

The result has been a senior center that truly responds to the needs of the community. From activities like theater parties and instruction classes, to services such as meals-on-wheels and an annual health fair, the Bedford Park Senior Center has all the bases covered. It is truly a model center for anyone interested in ways to involve and serve older adults.

Over the past two decades, Sister Annunciata has been assisted by many volunteers, who also deserve our thanks and appreciation. The success of the Bedford Park Senior Center has clearly been a community effort.

As we continue to work together as a community, the Bedford Park Senior Center will continue to grow and prosper. Twenty years from now, I know I will be able to praise the center for a whole new set of accomplishments. So while we celebrate 20 years of excellence, we look forward to many more years of success.

SERBIAN ATROCITIES IN BOSNIA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. FEIGHAN. Mr. Speaker, the situation in Bosnia-Hercegovina gets worse by the day. Reports coming out of Bosnia are reminiscent of the darkest days of European history and the conduct of the Serb leaders operating in Bosnia reminds us of history's worst dictators. An Associated Press report printed in the Los Angeles Times bears further witness to their madness. In order to help fully inform our colleagues on the reality of the Serbian occupation, I ask that it be printed in the RECORD in its entirety.

[From the Los Angeles Times, Aug. 29, 1992]

SERB RULES KEEP CROATS, MUSLIMS ON SHORT LEASH

GENEVA.—Serbian authorities have imposed tight restrictions on Croats and Muslims under their control, according to newly obtained documents.

A three-page declaration by the Serbian "war presidency," issued last month in the northern Bosnian town of Celinac, is typical of orders issued in many Bosnian towns where ethnic minorities are largely cut off from the outside world, U.N. refugee officials said.

Here are some excerpts from that document:

Article 1: Due to the fighting on the territory of the Celinac Municipality and the area, there are well-founded reasons for the determination of a special status of the non-Serbian population, with clearly defined rights, commitments and responsibilities. . . .

Article 4: Citizens of Article 1 are allowed to leave the territory of the Municipality, provided their relocation is organized and is the relocation of the entire family, and that the local authorities provide them with the appropriate travel documents and a free passage.

Article 5: Citizens of Article 1 are, until further notice:

Not allowed to move around town from 1600 (4 p.m.) to 0600 (6 a.m.),

Not allowed to stay in the street, in restaurants and other public places,

Not allowed to swim in the rivers Vrbanja and Josevica, to fish and hunt,

Not allowed to travel to other towns without appropriate authorization of the authorities,

Not allowed to possess any firearms, regardless of whether they have the necessary permits,

Not allowed to use or drive motor vehicles,

Not allowed to be in groups bigger than three,

Not allowed to communicate without authorization with relatives who are not citizens of the Celinac Municipality,

Not allowed to use telephone facilities except for a post office telephone,

Not allowed to wear any uniforms (military, police, forest guard),

Not allowed to sell real estate or exchange apartments without a special authorization of the municipal authorities.

Article 6: Citizens of Article 1 are obliged to respond to the tasks of compulsory work, and to be disciplined and in no way put disgrace on the battle of the Serbian people for their liberty. They are also obliged to show solidarity with the poor of their own nationality. . . . The citizens are obliged to care for a certain number of cattle, if requested by the army.

Article 7: Citizens of Article 2—evaluated as individuals who have been carrying out negative activities and have been exposed in various ways—are also not allowed to establish any contact with their neighbors or walk outdoors from 0000 hours to 2400 hours (around the clock) unless called up for work. . . .

Article 10: Disrespect of this decision will have consequences in accordance with valid regulations.

Article 11: Implementation of this decision will be carried out by the Celinac police station and other authorities of the Municipality.

CONGRATULATIONS TO JEFFREY WILKEN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to commend Jeffrey Wilken, an outstanding student and scholar whose achievements can make every one on Long Island and across the Nation proud. Jeffrey was one of only 35 students at Cornell University selected as a Merrill Presidential Scholar. This prestigious award is given only to those students who rank in the top 5 percent of their class, and in addition, demonstrate intellectual drive, leadership, and the propensity to contribute to the betterment of society.

Jeffrey majored in Human Development and Family Studies, and managed to maintain an outstanding grade point average. His research in infant perception and cognition resulted in three papers for scientific meetings and two papers for submission to scientific journals. As Jeffrey enters the University of Maryland graduate program to obtain his Ph.D., he will continue to display the same drive and resourcefulness that has brought him this far.

Strong young minds like Jeffrey's will lead this great Nation into the 21st century. Once again, I offer my congratulations and best wishes for the future to Jeffrey Wilken.

TRIBUTE TO PETER TONER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is indeed a pleasure to join the Irish community of Westchester in recognizing the accomplishments and service of my good friend Peter Toner, who was recently honored at the Westchester Irish Committee's annual dinner. Over the years, Mr. Toner, currently in his third term as chairman of the American Irish Association of Westchester, has been an effective and innovative leader in the important Irish-American community of Westchester County.

Pete Toner has played an active and important role in preserving and celebrating the richness and beauty of Irish culture and history. He is a member of the Ancient Order of Hibernians, the American Irish National Political Education Committee, the Northern Irish Children's Enterprises, the Donegal Association, the American Irish Teachers Association, the Society of the Friendly Sons of St. Patrick, and the New York City St. Patrick's Parade Committee. He was also founder and serves as executive secretary of the Brehon American-Irish Law Society of Westchester. Through his involvement in each of these organizations and in his active participation in Westchester community affairs, Peter Toner has ensured that the richness of his Irish heritage is reflected in the tapestry of American culture.

Pete Toner has indeed been an active participant in the life of Westchester County. After serving in the U.S. Navy, he returned to the field of banking with both Chemical Bank and Hudson Valley National Bank in Yonkers, NY. He founded the Mahopac Lions Club, served as president of the Somers and Ardsley Chambers of Commerce, vice president of the Westchester Restaurant and Tavern Owners Association, and Director of the Westchester Builders' Institute. He has worked as a fundraiser for local charities and has taken an active role in the political life of our community. For 28 years, he and his wife, Kathleen, have been active parishioners of Sacred Heart Church in Scarsdale.

Mr. Toner has been honored by the city of Yonkers, town of Eastchester, New York State Assembly, and New York State Senate. He has been recognized nationally with the American Irish Association's Distinguished Service Award. I am proud to join in honoring Mr. Toner for his many contributions to the community.

CONGRATULATIONS TO CITY OF GARFIELD

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to the city of Garfield as it celebrates its Diamond Jubilee.

Garfield, NJ, is situated at the junction of the Passaic and Saddle Rivers and was originally the home of the Hackensack Clan of the Leni Lenape or Delaware Tribe of the Algonquin Indians who came here about 976.

In 1679 Jacques Cortelyou, from New Utrecht, Long Island, sailed up the Passaic River and began negotiations with the Indians which resulted in the sale of a tract called Acqueyquinonke covering land from the Saddle River to Glen Rock covering 5320 acres. Garfield was a wilderness inhabited by wild animals. In 1720 money was raised by taxation to pay for killing bears, panthers, wolves, foxes, and wildcats. This tract of land known as the Acqueyquinonke tract was divided among the purchasers who settled along the Passaic River and lived in peace and comfort until the beginning of the Revolutionary War.

In 1881, the Bergen County Rail Road was laid and a station built and called Garfield after President James A. Garfield who died that year. The Modern day Garfield is an industrial city which started in 1881 as a village, became a borough in 1898, and was incorporated as a city on April 17, 1917.

There are eight public schools, five parochial schools, sixteen churches, a YMCA and Public Library, two banks, five volunteer fire companies, and about 130 industries all located in Garfield today.

Mr. Speaker, I am proud to join in paying tribute to the city of Garfield as it celebrates its 75th anniversary. I extend my best wishes to the people of Garfield on the occasion of their Diamond Jubilee.

SUSPECT PRICE INCREASES IN THE LUMBER INDUSTRY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. CLEMENT. Mr. Speaker, I rise today to advise my colleagues that I have sent a letter to the U.S. Attorney General asking his Office to assist States in their investigations into reports of suspect price increases in the lumber industry.

In the week following Hurricane Andrew, builders reported increases ranging from 35 to 100 percent. The most recent data available indicates a 25- to 30-percent increase in the price of southern pine sheeting. It is truly deplorable that in the midst of this human tragedy anyone would increase prices in an attempt to make an extra buck.

As deplorable and unfair as the price increases are the problem unfortunately extends well beyond the borders of Florida and Louisiana. In fact, price increases have been reported in Tennessee, Alabama, Georgia, Delaware, Virginia, Pennsylvania and the Carolinas.

One of the key indicators closely monitored by economic gurus and prognosticators is housing starts. In July, new home sales declined 2.6 percent despite the lowest home mortgage interest rates in 19 years, and the sharpest drop in median home prices in 11 years. Construction spending fell 0.6 percent in July after falling 0.4 percent in June due to a reduction in private residential and commercial construction.

The reduction in new home sales combined with the sudden price increases rippling through the lumber industry in the wake of Andrew pose a significant threat to the housing industry in this country. Control of the market must be regained and the lumber prices must be maintained at reasonable rates.

Some of the affected States have laws prohibiting price-gouging have begun their own efforts to regain control of the market. But these States have experienced difficulty in establishing a paper trail which is necessary in determining responsibility for the increases. Thus, the conviction which deters this practice has been too slow in coming.

So, Mr. Speaker, I call on the President to authorize the U.S. Attorney General to utilize all available resources to assist in the investigation of this matter. Price-gouging in the midst of such suffering and human tragedy is appalling. The residents of southern Florida and Louisiana have suffered enough in the turmoil following Andrew. In addition, the short-term effect of these increases on the housing industry and the impact on the economy should certainly be a major area of concern and a priority for the administration.

Mr. Speaker, the President must allow the Attorney General to assist in bringing the firm hand of judgment down on those who have profited unfairly in the aftermath of this tragedy. We must ensure that prices increase as a result of true market demand and not as a result of profiteering in the wake of a natural disaster.

PRICE PAID FOR FREE TRADE: PART I

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of our colleagues the following article which is the cover story of the August 10, 1992 edition of Business Week.

The article is entitled, "The Global Economy: Who Gets Hurt," and it provides convincing statistical and anecdotal evidence of the price U.S. workers and U.S. businesses pay when the world trade playing field is not level.

As the article points out, the 1980's tax and trade policies fueled income disparities between white-collar professionals—the beneficiaries—and manufacturing workers—the losers. Hundreds of thousands of Americans are unemployed because of economic Darwinism here at home and unfair trade practices abroad.

The article does not advocate—nor do I—trade protectionism. The article correctly concludes that the United States is part of the economic world whether or not we like it. Our responsibility is to arrange our domestic policies so that all Americans can benefit, not just a favored few, and arrange our trade policies so that U.S. businesses can grow here at home and not send its jobs offshore.

Mr. Speaker, I cannot picture a prosperous America in the 21st century without a strong manufacturing base and without the foundation of a coherent and compassionate trade policy. Again, this Business Week article shows us the ugly path which lies ahead if we do not change our economic policies.

THE GLOBAL ECONOMY: WHO GETS HURT

You'll have to excuse the McAmis family of Greeneville, Tenn., if they cringe at talk of free trade. After 12 years of assembling Magnavox TVs at a North American Philips Corp. plant, Allen McAmis was laid off in February and his $13-an-hour job moved to Juarez, Mexico, where it pays $2 an hour. He was recalled in June to fill in for workers on sick leave. But Allen and his wife, Sherry, who also works at the plant, fear that Philips will move more jobs south. The couple have cut out birthday gifts and allowances for their children, Christina and Brian, and survey the future with dread. If Allen loses his job again and "I get laid off, too, we'll be a welfare family," Sherry says.

Ever since the British economist David Ricardo advanced the theory of comparative advantage in 1817, conventional economic wisdom has held that the benefits of dropping trade barriers—lower prices and higher growth—outweigh the loss of jobs and pay that some workers suffer in the process. Most analysts have held to this view as global competition soared in the 1980s and the U.S. negotiated a free-trade pact with Canada and contemplated one with Mexico. But now, a flurry of studies by disparate economists—everyone from middle-of-the-road academics to ardent defenders of Reaganomics—are finding that the tradeoff isn't nearly that simple.

SERVICE SURPLUS

These analyses still call growing trade a net plus. But they also pinpoint more precisely than ever who gets hurt, and the scope of their findings is sobering. In the 1980s, the first and worst hit by global trade were factory workers whose companies competed with foreign rivals. As these people were laid off or suffered wage cuts, they created a glut of job candidates that helped hold down pay among the 64 million workers, across a wide spectrum of industries, who never went beyond high school. Only the college-educated did well. These 54 million Americans, blessed with high skills and fortified by the fact that new technologies boosted demand for the work they do, were insulated both from foreign competition and the struggles of the less educated.

These trends sound familiar, but their broadest implication is news: The increase in trade bears much of the blame for an unprecedented surge in income inequality between the most- and least-educated halves of the U.S. work force. To cite the extremes, the real wages of high school dropouts have fallen by up to 20% since 1979, while real incomes of employees with more than four years of college have grown by 8%, according to the Economic Policy Institute, a liberal think tank in Washington, D.C. Marvin H. Kosters, an ardent free-trade advocate and director of economic policy studies at the conservative American Enterprise Institute, has just edited a book called Workers and Their Wages, which tries to explain the new inequality. It results, he says, from the potent combination of "trade and technology."

What makes this conclusion especially unsettling is that trade is bound to pick up. U.S. and Mexican negotiators are close to reaching a North American Free Trade Agreement that will phase out many trade barriers between the two. This will no doubt create U.S. jobs as exports to Mexico increase—but will also send more lower-skilled ones south. Meanwhile, the seven major industrial countries are trying to expand the 108-nation General Agreement on Tariffs & Trade (GATT), which will leave labor-intensive industries such as textiles more vulnerable to foreign rivals. And countries such as Malaysia and China are rapidly boosting exports. All this "will have a dramatic impact on lower-skilled workers in the U.S.," predicts Edward E. Leamer, a trade economist at the University of California at Los Angeles.

CLASS WARFARE?

The impact will reach much further than that. Declining pay for the bottom half may not slow U.S. growth, since average incomes should rise as the top half does better. But widening inequality poses other problems. The poverty rate could stay up. The tab for welfare and unemployment could mount, inflating taxes. Ultimately, resentment of the wealthy could reach a boiling point, leading to ferocious attacks on executive pay and even to more riots like last May's in Los Angeles. "One possibility is for us to become a class society like those in Latin America," which have unequal distributions of wealth and chronically unstable governments says Richard B. Freeman, an economist at Harvard University. "That's the direction we're headed."

This will be a potent issue in the Presidental campaign, where democratic candidate Bill Clinton is attacking the Reagan-Bush legacy of wage stagnation for all but the most well off. In accepting his nomination, Clinton vowed that "American companies must act like American companies again—exporting products, not jobs." On July 27, meanwhile, House Majority Leader Richard A. Gephardt (D-Mo.) called for a tax on companies that move to Mexico to fund training for workers who are left behind. At the Republican convention on Aug. 17, President Bush is likely to blame the Democratic Congress for failing to enact his plan for growth—cuts in spending and taxes.

Neither candidate embraces protectionism, and other strategies would work. For one, Corporate America could compete globally by adopting a highskills strategy. Rather than push pay to the lowest common denominator, companies such as Deere, Ford, and Motorola are training workers to improve their skills, boost productivity—and keep jobs at home. If most companies did likewise, the ranks of the less skilled would shrink, easing the glut of them. To hasten this trend, Washington could spend more on education and training, for example, or curtail immigration of low-skilled workers.

For the moment, however, Washington seems unwilling to act. And for every Motorola or Ford, a trendsetter such as AT&T is turning high-paying jobs into low-wage jobs. Even those that upgrade worker skills, such as Ford Motor Co. and General Electric Co., still shift work to cheap-labor countries—thus pursuing both approaches.

Meanwhile, the bottom half faces another ominous trend. Service industries—banks, insurers, and retailers, among others, which employ 75% of the work force—are automating jobs and displacing lower-skilled workers. Since 1990, Sears had dumped 21,000 positions this way. "If service productivity rises in the '90s, the question is how neutral this will be between educated and less educated workers," says University of Chicago economist Kevin M. Murphy. "If the gains come mostly in low-skilled jobs, the story will be the same as [for manufacturing] in the '80's."

The specter of inequality hasn't changed most economists' conviction that globalization is good. Economic theory has held for decades that as foreign countries sell more to the U.S., they use the revenue to buy U.S. exports. They also set up shop and create jobs in the U.S., as the Japanese and Germans are doing. The latest example: a $400 million BMW plant that will bring 2,000 jobs to Spartanburg, S.C. There are other benefits, too, such as a freer exchange of technology and managerial ideas. Historically, the net benefit of all this in terms of jobs and growth has been difficult to quantify. Still, economists project that a new GATT deal would add 0.5% a year to world GDP growth, and that free trade with Mexico would lift output in both countries and create tens of thousands of new U.S. jobs.

TECHNO TRADE

There's at least equal proof, however, of the link between trade and inequality. Wolfgang F. Stolper and Paul A. Samuelson, the father of neoclassical economics, first expressed the concept in 1941, with elegant equations that built on Ricardo's comparative advantage theory. If goods trade freely, the idea goes, prices will equalize, and so will production costs. To compete, countries must specialize where they have a relative edge. Low-wage countries will make labor-intensive goods, while those with capital will do better in technology-intensive products. Thus, U.S. low-skilled work should flow overseas, or wages of low-skilled workers must fall.

This didn't happen for much of this century, largely because trade—the sum of exports and imports—was less than 10% of U.S. gross domestic product. In the past 20 years, as that figure grew to 25%, imports began to displace low-skilled workers or depress their wages in industries such as textiles, auto parts, and electronics. But the U.S. wage gap didn't widen: The baby boomers, plus an influx of working women, produced a surplus of college-educated employees, which kept their incomes from rising faster than those of the less educated.

These forces reversed in the 1980s. The rush of college graduates eased reflecting the baby bust and the slowdown of women entering the work force. New technology investment, spurred in part by foreign competition, swelled demand for college grads such as engineers and technicians, so they pay rose. Meanwhile, 350,000 less skilled immigrants entered the U.S. each year, and soaring imports eliminated factory jobs. Soon, "workers displaced by trade were competing in service industries," says Harvard economist Lawrence F. Katz.

American Telephone & Telegraph Co. Illustrates how all this happens. Since 1984, it has eliminated 21,000 blue-collar manufacturing jobs in the U.S., leaving 32,000. It also has created 12,000 mostly lower-paying factory jobs elsewhere. Meanwhile, its U.S. white-collar work force has grown by 8,000, to 118,000. "We're losing low-skilled jobs overseas or to technology," says William J. Warwick, president of microelectronics manufacturing at AT&T. "I need more engineers, designers, and high-skilled technicians, but fewer people who make circuit boards."

Jacqueline A. Gregory proves his point. A 29-year-old electrical engineer at AT&T's Allentown (Pa.) microelectronics facility, she was hired last September to help develop software that AT&T customers use to design semiconductor chips. AT&T created Gregory's group of six engineers shortly before she signed on, then added four positions. "We're now trying to hire three more people," she says. And Gregory is back in college part-time, aiming for a masters degree.

BORDER CROSSING

Dreama B. Fields, 33, (cover photo) has had the opposite luck. She worked for nine years as an assembler and packer at an AT&T plant that made transformers and other devices in Radford, VA. Then, in 1990, after moving work to Matamoros, Mexico, for five years, AT&T shut the plant. By then, 800 of Radford's 2,100 blue-collar jobs had migrated south. Labor comprised about 50% of production costs at Radford, says Warwick. He won't give the figure in Mexico. But workers there earn an average $2.35 an hour in wages and benefits, vs. the $13 Fields earned.

Fields has suffered less than many of her peers because her husband, James, has a job as a state park ranger. But they have cut back so she can attend community college. They buy second-hand clothes for Audrey, 4, and often don't spend the $10 a month for

Candi, 13, to enter bowling contests. Fields hopes accounting classes will help her get work as a payroll clerk—a $5-an-hour job in Radford. "It will be years before I get back to where I was," she says.

Even workers who still have jobs feel the fallout. From 1979 to 1989, as the sum of exported and imported goods rose from 55% of U.S. manufacturing output to 82%, the average pay and benefits of U.S. factory workers fell 6% after inflation. Meanwhile, plant productivity rose 42%. In fact, factory pay in Europe and Japan, where companies and governments train workers, gained on the U.S. average after inflation and exchange-rate adjustments. German factory compensation has passed U.S. levels for the first time in modern history.

This trend probably won't turn around soon. UCLA's Leamer recently tried to project how much free trade would cost less skilled workers in the future. To do so, he looked at how trade changed prices for goods from 1972 to 1985 in 38 labor- and capital-intensive manufacturing industries, then figured the pay effect on professional and blue-collar employees across the economy.

He found that trade raised demand for higher-skilled work, as Stolper and Samuelson predicted. So the average annual pay of 17 million professionals was 9%, or $1,900, higher than it would have been without trade growth. But annual pay of more than 90 million other workers was $465, or 3%, lower than it would have been otherwise. Leamer predicts that lower-skilled workers will suffer similar declines in the 1990s—and that professionals will reap similar gains—if manufacturing trade grows the 60% it did in the period he studied. "Gains from the expansion of trade will continue to be very unequally distributed," he adds.

This may be true even if trade growth slows, as the mere threat of exporting jobs keeps pay down. In June, Philips wrung concessions from the McAmises and 1,600 colleagues who have so far survived the transfer of 900 jobs to Juarez. The International Union of Electronic Workers accepted $1.50 an hour less for new hires than current workers get—and no benefits. These conditions will apply to 600 or more laid-off workers who may be recalled. The union consented, officials say, because Philips threatened to shift all TV production to Mexico and leave 300 distribution jobs in the U.S. Says F. Joseph Brang, the Greeneville plant manager: "There is great pressure to move work to Mexico because of the low labor costs there."

Free-trade advocates such as Massachusetts Institute of Technology economist Rudiger Dornbusch argue that the loss of lower-skilled jobs is not only inevitable in a world awash with cheap labor—but may be a blessing in disguise. If trade growth indeed spurs exports of value-added products, where the U.S. has an edge, then higher-paying jobs should spring up to replace lower-paying ones that are lost, he says.

POSITIVE STATIC

But for this to occur, most companies must try the approach taken by those such as Motorola. Today, only 44% of its 100,000 employees work in the U.S. vs. nearly 100% in 1960. Part of the shift overseas reflected a desire to manufacture in its best markets. But nearly half of the change stemmed from a search for low wages, says A. William Wiggenhorn, Motorola's vice-president for training and education. Then, in the early 1980s, Motorola reexamined itself in light of moves it was making to just-in-time inventory control, total quality management, and teamwork systems. More than cheap labor, "today, we want high quality and a short time to market," says Wiggenhorn. "So we don't move employment to low-cost countries anymore.

Take Motorola's cellular phone business. When the company started making the phones in 1983, it eliminated larger parts by putting ther functions on computer chips. This required less assembly, cutting labor costs to 10 percent to 15 percent of production costs, vs. 25 percent-plus in previous products. The company also switched to a labor relations strategy that encourages its 3,000 cellular phone employees in Arlington Heights, Ill., to boost quality and productivity.

Last year, for instance, Lemel Lewis, who makes circuit boards for phones, joined a plantwide team formed to reduce static in the air, which causes defects as boards are produced. The team tested various antistatic packages used to move the boards along the assembly line and "discovered that a clam-shell-shaped package is the best," says Lewis. The change has helped boost quality and keep Motorola ahead of its rivals abroad.

A few companies are even trying the higher-skills approach in apparel, one of the most labor-intensive industries. In traditional piecework, each worker at a machine sews the right pocket, say, onto 30 garments that arrive in a bundle. Then the bundle moves to the next machine for the left pocket. Recently, companies such as Russell, Levi Strauss, and Sara Lee Corp.'s Hanes have begun to create teams of 30 to 50 workers that make an entire garment. Operators within each team move between machines to eliminate bottlenecks. And they, not supervisors or engineers, decide how to set up the line.

Levi Strauss & Co. just began converting its 27 U.S. plants last fall, so it doesn't yet know if teams boost productivity. But other benefits are clear. Each plant now can make a bundle of 30 jeans in seven hours from start to finish instead of the six days it often took as bundles got stuck at different stages of the old system. So a factory can rapidly switch styles and sizes to respond to consumer demand.

MORE GRADS?

At Levi's 432-employee Blue Ridge (Ga.) plant, which last spring became the first to convert entirely to teams, defects fell to 1.9 percent of production in April, from 2.6 percent during the same in month in 1991. "Our factories couldn't compete with overseas ones on a pure cost basis," says Peter Jacobi, Levi's president of global sourcing. "If the team system succeeds, there are a lot of products, like shirts and Dockers jeans, we could produce here" at current wage rates.

Foreign factories may not be far behind, however. One of General Motors Corp.'s highest-quality plants is in Ramos Arizpe, Mexico. And AT&T's Warwick uses teamwork in Juarez. "The average education level in Mexico is about the ninth grade, but it doesn't take more than that to use new manufacturing techniques," he says.

If U.S. companies' efforts to boost skills don't reverse wage inequality, it's unclear what will. Until recently, Kosters, among others, thought labor market forces might narrow the gap. He notes that college enrollment rates jumped from 33 percent of 14- to 24-year-olds in 1984 to 39 percent. If the lure of higher pay hastens this trend, then in theory the supply of college grads should eventually match the demand for them. And a resulting shortage of lesser-skilled workers could ease the downward pressure on pay for these people.

The problem is, this scenario requires a lot more college grads. John H. Bishop, an economist at Cornell University, puts the figure at 1.2 million a year, vs. 1 million now. Both President Bush and Democratic candidate Clinton support tuition-loan programs that would help more students finish college. But boosting the graduation total will be hard to do, given that there are only 25 million 18- to 24-year-olds today, vs. 30 million in 1979. In fact, says Bishop, based on these demographics, "I hope a slowdown in the growth of college-educated workers and a continuing escalation of wage premiums for college graduates."

Companies and government could help even things out by training more existing workers. Washington now spends about $4 billion a year on training. Employers spend $30 billion more, mostly to upgrade the skills of professionals. To match Japan and Germany, U.S. industry should be investing $15 billion more a year, says the American Society for Training & Development. "Even if you need $60 billion a year in training and education, we should spend it," argues MIT's Dornbusch. "What else can you do, given that we're now seeing the results of not doing so, like the L.A. riots?"

Economists once thought that the inequality of the past decade occurred mainly because sluggish productivity gains slowed growth—and because lower-wage workers suffer most when growth stagnates. They assumed that as productivity rose, wage inequality would recede. But global competition may now prevent this. "You can't expect an automatic link anymore between the overall economy and less educated workers," says Harvard economist Katz.

This isn't an argument for protectionism, with all its negative effects. Instead, it should prompt debate on ways to ensure that the benefits of free trade don't go just to America's top half. "If there really is a net gain from trade, we ought to compensate the losers" with subsidized training or lighter tax burdens, argues Andrew M. Sum, an economist at Northeastern University in Boston. Otherwise, there will be lifeboats for Allen McAmis, Dreama Fields, and millions more whose ship is sinking.

THE CRISIS OF ILLEGAL IMMIGRATION—A TIME FOR PRACTICAL SOLUTIONS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. GALLEGLY. Mr. Speaker, America is facing a social and economic crisis caused by a flood of undocumented aliens that is overrunning many of our cities and communities, especially in California and the border States.

The Immigration and Naturalization Service estimates that the number of arrests of illegals by Border Patrol agents in 1992 will exceed the alltime record in 1986 of 1.7 million apprehensions, and that for every one caught, at least 2 aliens will get through. Thus, we can expect at least 3.4 million new illegal immigrants in this country this year—in addition to the 6 million undocumented persons that the INS has stated now reside unlawfully in the United States.

The added burden on government for providing basic services—welfare, AFDC, housing, medical and hospital care, schooling, unemployment benefits, law enforcement, fire protection, sanitation, parks, et cetera—to these people is enormous. One estimate places the nationwide costs to taxpayers for assistance to illegals at $4.5 billion a year—despite the fact that undocumented aliens are not legally entitled to any Government benefits except emergency and pregnancy care under Medicaid and a public education.

While many illegal aliens, using forged documents, are able to find employment in low-paying jobs, they do not pay in taxes revenues sufficient to pay for the services they use. A recent State auditor's report concluded that an estimated 200,000 illegal immigrants cost San Diego County $146 million annually in local government services. According to Los Angeles County officials, the estimated net cost to taxpayers for services provided to illegal aliens was $276.2 million in 1990–91—a 34-percent increase, or $70 million above the previous year. This figure represented an outlay of $414 million in public services against an estimated $138 million in local taxes paid by illegals.

Many illegal aliens who cannot find legitimate employment resort to criminal activities to support themselves. Over 1,000 illegal aliens were arrested following the Los Angeles riots, and a recent study by Los Angeles County found that, at a minimum, 11 percent of the criminals in the Los Angeles County jails are deportable aliens, convicted of various crimes. The cost to the county's taxpayers of processing, trying, and incarcerating these illegals is at least $75.1 million a year—not including costs of enforcement by city police departments and misdemeanor prosecutions by city attorneys. Moreover, the study showed clearly that many of these criminal aliens were repeat offenders. Of the 1,875 deportable aliens who were closely tracked over a 12-month period following release from jail, more than half were deported to their native countries, but 41 percent—772 defendants—were later rearrested a total of 1,522 times during that single year. The fact that there exists such a large number of undocumented aliens who prey on poor and disadvantaged Americans—citizens and noncitizens alike—is itself sufficient grounds for taking strong measures to stop the flood of illegal immigration.

Mr. Speaker, I wrote a column on this issue for the Los Angeles Times which appeared on the Sunday, August 16 editorial page. I ask that my column be reprinted at this point.

"ILLEGALS" IN JAIL: A DOUBLE SLAP TO THE TAXPAYER

(By Elton Gallegly)

Supporters of unchecked illegal immigration are in a bit of a bind. To use an old newspaper line, it seems that the facts have gotten in the way of a good story.

The good story, to these people, is that the millions upon millions of illegal aliens—or undocumented immigrants, as their supporters call them—are an unmitigated blessing for our region and our country.

The facts are more sobering.

A study by Los Angeles County, endorsed by a unanimous vote of the Board of Supervisors, shows that a sizable number of the estimated 3 million illegal aliens in Southern California are criminals, many of whom prey on the poor and disadvantaged, citizen and non-citizen alike.

This study found that, at a minimum, 11% of the criminals in the Los Angeles County jail system are deportable aliens, and that processing, trying and incarcerating them costs the taxpayers at least $75.1 million a year. Actually, the cost is far higher, because the study didn't take into account enforcement costs for any of the county's city police departments, or for misdemeanor prosecutions by city attorneys.

As shocking as this cost is, even more disturbing is the fact that many of these criminal aliens, removed to their native countries by the Immigration and Naturalization Service, quickly return to the United States and as quickly return to their lives of crime.

The study tracked for one year 1,875 deportable aliens who had been identified during a May 1990 study of the County Jail population. Although more than half were returned to their native countries, either voluntarily or through formal deportation, 41% of the 1,875 being tracked were rearrested during the 12 months following their release from jail. In fact, those 772 defendants were arrested a total of 1,522 times during the 12 months. In all, the researchers learned, these deportable aliens had been arrested almost 11,000 times—some as far back as 1958.

Once again, it is clear that virtually unchecked illegal immigration is a crisis, and the crisis is getting worse.

Tragically, the problem is that the INS doesn't have the manpower to control the border. In addition, we keep providing incentives for people from other countries to come here illegally.

But there is a solution.

First, of course, we must increase the size of the Border Patrol. I have introduced two bills that would nearly double the number of agents in the field, one of which is targeted at recruiting already trained military personnel who are caught in the armed forces' downsizing.

We also must enforce our existing laws against hiring illegal aliens. Too many employers are flouting the law in order to hire illegals at absurdly low wages, thus depriving citizens and legal residents of jobs. In addition, well-made counterfeit "green cards" and other documents are too easily available, making it hard for employers who seek to abide by the law to ensure that their employees are legally eligible to work. That's why I have introduced legislation to provide for state-of-the-art Social Security cards and to require all non-citizen legal residents to have tamper-resistant "green cards."

Further, to reduce the incentives for illegal immigration, I have introduced legislation to prohibit illegal aliens from receiving welfare or other federal benefits, and to deny federal funds to jurisdictions that allow illegals to vote, as has been proposed for the Los Angeles school district.

We also must remove the ultimate incentive—guaranteed birthright citizenship for the children of illegal aliens. My legislation would simply bring our laws into line with virtually every other nation on Earth by requiring at least one parent to be a citizen or legal resident in order for a child to become a citizen automatically.

Finally, but not least important, we must support efforts to help poor nations improve their own economies, which will reduce the number of people seeking to come here illegally. One immediate step is to enact a fair North American free trade agreement, which will not only create new jobs in the United States but also lead to continued economic growth in Mexico.

Clearly, not all of the estimated 3.5 million people who will enter our nation illegally this year are hardened criminals. But if more evidence is needed that we must begin now to regain control over our borders, this study of the criminal element among them is surely it.

In response to my column, Mrs. Nancy Allen of Northridge, CA, submitted a letter to the editor of the Los Angeles Times, in which she discussed several recent traffic accidents involving illegal alien drivers, with no license or insurance. One tragic incident has left her own daughter partially paralyzed. I was so moved by this letter from my constituent that I thought that my colleagues should also read it. Perhaps it will remind many of them of the terribly high costs that our citizens are paying for the unchecked flow of undocumented aliens into our country. Mr. Speaker, I request that the full text of Mrs. Allen's letter on The Costs of Illegal Immigration be inserted into the RECORD.

THE COSTS OF ILLEGAL IMMIGRATION

As I read Elton Gallegly's column, "Illegals in Jail: a Double Slap to the Taxpayer," my thoughts drifted back to Memorial Day Weekend when the car my 14 year old daughter, Laura, was riding in, was slammed into by 2 illegal immigrants running a red light. These immigrants had no driver's license or insurance.

The weekend had started on a happy note, as Laura left with her friend, and her friend's parents, for a weekend at a mountain cabin. When the weekend ended Laura was in very serious condition, following a 6 hour surgery to repair a broken hip, a shattered femur, and 2 badly broken ankles. Laura's friend survived with relatively minor physical injuries, but both of her parents died in the accident.

I remembered that 10 months before this same family was involved in a similar accident. A young illegal immigrant, with no license or insurance, ran a red light and hit their car broadside. Their car sustained about $4,000 in damages, but since no one was injured, the police released the illegal immigrant "to the custody of his parents." There were no arrests or fines. The family's uninsured motorist insurance payed the bill.

The illegal immigrant who caused the Memorial Day accident had the charges against him reduced to a "misdemeanor" because prosecutors felt that he wasn't running the red light fast enough (only going 10 to 15 miles per hour above the speed limit), and his blood alcohol wasn't high enough (only .01) to support charges of "gross vehicular negligence." He received 1 year in jail, minus ⅓ time for good behavior.

I think we have experienced only the tip of another tremendous problem of illegal immigration. I hear the same sort of story over and over again—from friends, neighbors, an x-ray technician in the hospital, a nice, young ambulance driver (who required 12 surgeries)—car accidents, minor and major, caused by illegal immigrants, with no license or insurance, who apparently come to the U.S. and just "get in a car and start driving."

We can not even put a dollar value on what illegal immigration has cost us. We lost 2 good friends—generous, caring people, the sort who help hold together the fabric of society and represent our highest values. We are praying that our daughter, a talented, young equestrian, will not have to give up her dream of someday riding in the Olympics. She has not yet begun to walk again, let alone ride her horse.

Mr. Gallegly, I applaud your efforts. We must change federal, state, and local laws and attitudes about illegal immigration. it is, indeed, a crisis situation, and the costs to all of us go far beyond what can be measured in dollar amounts.

NANCY ALLEN.

Mr. Speaker, I have been a supporter of the concept of the North American Free-Trade Agreement because I believe it will not only lead to more employment opportunities for Americans and additional markets for American products, but it will also provide incentives for growth in the Mexican economy as well, generating jobs south of the border and removing a powerful incentive for their own people to sneak across the U.S. border. However, the promises of benefits from NAFTA are in the future. The problems of illegal immigration must be dealt with now.

That is why I have introduced a series of nine bills designed to eliminate major causes of illegal immigration, as follows:

H.R. 3438 through H.R. 3442 would strengthen our border controls by beefing up the Border Patrol's size and training and increasing Federal resources at the Justice and Labor Departments devoted to finding and rounding up undocumented aliens and violators; eliminate document fraud by requiring the issuance of new tamper-proof, counterfeit-resistant identification cards to all aliens eligible to work in this country; stop the payment of Federal welfare and unemployment benefits to illegals; discourage the employment of undocumented aliens by increasing employer sanctions, expanding employer awareness, and ending the transportation of illegals to and from unlawful job sites; and encourage negotiations with our neighbors to undertake programs to end the smuggling of illegal aliens across our borders.

House Joint Resolution 357 and H.R. 3605 would restrict automatic birthright citizenship to persons born in the United States of legal resident mothers, thereby discouraging pregnant aliens from entering this country illegally in order to have their babies delivered free of charge and become U.S. citizens eligible for an array of benefits.

H.R. 4754 would strengthen our border controls and help those veterans who are displaced due to defense cutbacks. It would add 2,000 positions to the Border Patrol to be filled by qualified military personnel who are honorably but unexpectedly discharged and wish to defend their country from an illegal alien invasion.

H.R. 5625 would cut off Federal assistance to any government which extends voting rights to undocumented aliens.

I am pleased to report that my proposals have attracted media attention and widespread popular and bipartisan political support. As a consequence, today there are 63 cosponsors of both parties from 21 States of H.R. 3438 through 3442; 19 cosponsors of H.J. Res. 357 and H.R. 3605; and 38 cosponsors (26 Republicans and 12 Democrats) from 16 States of H.R. 4754.

According to a nationwide survey conducted by the Federation for American Immigration Reform [FAIR], this legislation has broad support across the country. Eighty-four percent of those surveyed believe their Congressman should take a leading position against illegal immigration; 83 percent oppose granting voting rights to illegal aliens; 81 percent favor strengthening the border control; 60 percent favor requiring all citizens and legal resident aliens to carry tamper-proof ID cards; and 52 percent oppose granting automatic citizenship to children born in this country to illegal aliens.

I am also pleased that the Republican Party's 1992 national platform recognizes the problem of illegal immigration and the need for action. Appropriately, it differentiates clearly between legal and illegal immigrants. Mr. Speaker, I quote from the GOP platform:

New members of the American family. Our nation of immigrants continues to welcome those seeking a better life. This reflects our past, when some newcomers fled intolerance; some sought prosperity; some came as slaves. All suffered and sacrificed but hoped their children would have a better life. All searched for a shared vision—and found one in America. Today we are stronger for our diversity.

Illegal entry into the United States, on the other hand, threatens the social compact on which immigration is based. That is, the nation accepts immigrants and is enriched by their determination and values. Illegal immigration, on the other hand, undermines the integrity of border communities and already crowded urban neighborhoods. We will build on the already announced strengthening of the Border Patrol to better coordinate interdiction of illegal entrants through greater cross-border cooperation. Specifically, we will increase the size of the Border Patrol in order to meet the increasing need to stop illegal immigration, and we will equip the Border Patrol with the tools, technologies, and structures necessary to secure the border.

We will seek stiff penalties for those who smuggle illegal aliens into the country and for those who produce or sell fraudulent documents. We also will reduce incentives to enter the United States by promoting initiatives such as the North American Free Trade Agreement. In creating new economic opportunity in Mexico, a NAFTA removes the incentive to cross the border illegally in search of work.

The Republican platform summarizes the matter nicely. By contrast, the Democratic Party's platform ignores the issue entirely.

Mr. Speaker, enough has been said and written about this issue. It is time for action. The hour is late. The numbers of undocumented aliens keep growing. The costs to State and local governments continue to rise. If the Congress does not take action soon to stop illegal immigration, I fear there will be a general backlash against all immigrants, legal as well as illegal. That would be unfortunate in a nation founded by immigrants and dedicated to the principles of liberty, justice, and equal opportunity.

PROBLEMS IN LIBERALVILLE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. DANNEMEYER. Mr. Speaker, for the last 12 years Democrats, the media, and various special interest groups have blamed everything from the supposed ozone depletion to urban decay on the policies of Reagan and Bush. We hear reports each and every day detailing the havoc wreaked on this country due to the policies of the Reagan/Bush administration.

A constituent of mine, Mr. Kenneth O. Mohrhoff of Orange, CA, sent me the following story about a town called "Liberalville." I believe that after reading it, you may question whether or not it is a fictitious story.

I urge each and every Member to read this story and decide for him or herself whether it is fact or fiction.

"* * * AND THAT'S THE NEWS FROM LIBERALVILLE"

It's been a predictable week in Liberalville. Several years ago a young family purchased a beautiful lot near the cliff that overlooks the valley. They built their home and the cliff marked the boundary of their property. Their young children enjoyed the backyard's view and so did their playmates. All went well until one of the neighborhood children played too close to the edge and fell down the cliff's fifty foot embankment. The child broke several bones in a nearly fatal accident.

The neighbors formed a committee to determine the best solution to this tragic occurrence. A fence was suggested but it would block the view. A glass wall similar to that found in a hockey stadium was suggested. This idea was rejected due to reports of migrating birds crashing into glass windows by the environmentally correct members of the committee. All the same, the fence was ridiculed as kids would climb it anyway and still be injured. After lengthy discussion and soul searching the committee decided that the most compassionate solution would be to build a hospital at the base of the cliff. This proposal was heralded throughout the town. "After all, since they're going to fall over the cliff anyway, we may as well be there to provide the necessary medical response." Conservatives were opposed to the idea, but they encountered responses that they were "uncompassionate," "insensitive to the consequences of a person's actions," and "nay sayers."

A bond issue was floated and sold. "The Hospital" was built and the committee was determined to have it staffed professionally. It was then that the residents saw their real estate taxes escalate each year by sizable percentage increases to pay for the bond interest and The Hospital's costs. Many had to increase their incomes to keep their homes so their businesses were expanded and more people moved in to the area to fill the new positions.

The committee was concerned about the recent congestion problems as the population grew. They wanted to maintain their "quality of life" and restricting further development of homes and commercial businesses was suggested. Restricting someone from doing something was a new concept for the committee. But being bothered by traffic was an annoyance shared by every committee member. Others wanted an art museum and a community playhouse, both publicly funded, so that the cultural needs of the recently arrived and existing populace could be met. Both ideas were good for the body politic and were approved by the committee.

The children who survived the cliff were getting older and began experimenting with "illegal chemical substances." Their parents asked the committee to convene again. In its infinite wisdom, the committee proclaimed that the youth of their city were independent thinkers and no matter what was prescribed they would continue to consume these substances anyway. Therefore, it was determined that The Hospital would dispense these substances free of charge to eliminate the crime element and help counsel the users. This was heralded as daring, progressive, and long overdue.

A premarital sex and child pregnancy epidemic was wisely handled by the committee as well. The Hospital would distribute condoms free to any requesting them. Abortions would also be provided confidentially and without charge. "Since they're going to have sex any way, we may as well be there to provide the necessary medical response." This was met with raves in the press and now the parents were almost totally free of the responsibility of the "presumed" obligation to prescribe a certain lifestyle to their children. Of course, the committee also compassionately stepped in to have the hospital freely assist individuals who had contracted AIDS as, once again, dealing with the consequences was less politically volatile than dealing with the causes.

The residents did have one nagging problem that the committee could not resolve to everyone's satisfaction. Over the years the real estate taxes had more than quadrupled as the budget requirements strained all available resources. City user fees increased dramatically, as did sales taxes, "sin" taxes, and development fees (for the few who were fortunate enough to have permission to build). The utilities were now taxed, the hotel bed tax more than doubled, and an entertainment tax was implemented.

Without new building the infrastructure started to deteriorate. New businesses has stopped coming to the town for years now. Many could not sell their homes because housing was much cheaper in nearby communities and the cost of living was lower. People were beginning to feel trapped in a dilapidating community in homes they could not sell and began grumbling that the only worthwhile perk was the free "drugs."

Many were late on paying their real estate taxes. Others purchased their household supplies in nearby cities to save on the sales tax and to catch a movie at a lower cost. Even out of town guests stayed in hotels in a nearby city. The committee met again. The meeting turned sour when the Chairman suggested that collecting real estate taxes be discontinued as the residents were not going to pay them anyway. The committee voted to remove the Chairman stating that he had succumbed to "moral defeatism" after serving the community brilliants as Chair since its inception. The agreed-to-recommendation was to float and sell more bonds since this had provided cash once before. This made sense and was applauded.

In a matter of months the community could not meet the bond retirement payments and convened again. The committee was frustrated and purposed to determine how they found themselves in this predicament in the first place. It issued its report and its conclusion made headlines in the local newspaper. "Our City's Fiscal Problems Result From Reagan/Bush Administrations." These Presidents had failed to intervene and deal with the needs of Liberalville and the Federal government must pay for their neglect. So this week the committee went off to Washington, D.C. * * * and that's the news from Liberalville.

AMERICA'S ILLUSIONARY WAR ON DRUGS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. MFUME. Mr. Speaker, 4 years ago America launched a war on drugs that was supposed to be the war to end all wars. Since that time, we have invaded Iraq to free the Kuwaiti's and invaded Panama to catch Manuel Antonio Noriega.

Ironically, America is very good at fighting wars outside of her own borders and terrible at arresting and winning its own internal war against drugs and drug traffickers. Many Americans are beginning to believe that the war on drugs is all smoke and mirrors, a hysterical joke.

I commend to your attention an excellent article submitted to me by my friend Judge Kenneth Johnson of the circuit court of Baltimore City. Judge Johnson provides a unique insight into the drug epidemic and how America's offensive became bogged down chasing the lower level participants.

The article follows:

THE ILLUSIONARY "WAR" ON DRUGS

As presiding Judge of the Felony Arraignment Court from November 1990 through August 1991, I kept detailed statistics relating to all defendants who pled guilty in the Felony Arraignment Court. During that period of time, a total of 7,352 felony cases passed through the Felony Arraignment Court and 1,722 of those cases resulted in guilty pleas in that Court. At the time of their pleas, well over half of the defendants had one prior conviction and about half had two prior convictions. 61% of the total number of cases were actual drug cases. When the "drug related" cases, i.e. murders, robberies, thefts, burglaries, are added to this total, approximately 85% of all of the felony cases in Baltimore City involves illegal drugs.

The defendants were relatively young and resided in the inner City of Baltimore. The average age for drug case defendants was 25 years and the average education level was 10th grade. All of the drug cases involved minor street level-retail dealer earnings, at best, a few thousand dollars per week.

During the course of my ten month tenure in the Felony Arraignment Court, not a single case involving a drug dealer at the importer-wholesaler drug dealing level passed through that Court. These drug dealers earn tens of thousands of dollars per week and they are not being pursued or prosecuted by the criminal justice system. Some of these wholesaler-importer drug dealers are employed in regular jobs as bankers, accountants, lawyers, doctors and businessmen in general. Their drug deals are much harder to detect and prosecute and have not been given priority in the overall law enforcement effort.

There is no pressure by society that requires the political leadership to confront and control the grave and pervasive problems that are caused by the drug trade. The list of crimes caused by the drug trade, murders, robberies, thefts and burglaries, are generally well known by the public and rightly fuels public anger and outrage.

The even greater institutional destabilization type crimes of bribery and corruption caused by the importer-wholesaler drug dealers are much less known or understood by the general public. These crimes by these drug dealers involve lawyers who collect and file false affidavits on behalf of their clients; lawyers who pay alibi witnesses to testify falsely at criminal trials; businessmen and bankers who finance the importation and wholesaling of illegal drugs. They also "launder" drug money and otherwise do business with drug money and "front" for drug dealers; and lawyers, accountants, and investment bankers who provide the necessary expertise to keep the enormous flow of cash hidden from public scrutiny.

Because of the availability of large sums of cash drug money from the drug trade and the lack of a sincere effort on the part of government to control it, a substantial number of professional people have become corrupt and are now full partners in the importer-wholesaler drug trade. These importer-wholesaler drug dealers are not being pursued and prosecuted mainly because the social ravages and devastation caused by the drug trade in the inner city has barely touched suburbia. The government has made a serious and effective effort to confine open air drug dealing to the inner city and the importer-wholesalers and their professional cadre remain "invisible". They cannot be detected with a pair of binoculars, arrested and paraded on the evening news as are your street level retail drug dealers. The constant parading of street level-retail drug arrestees on the news showcasing their criminality has lured the general public into falsely believing that something is being done to combat the drug problem. And, into incorrectly thinking that the drug problem is a "black problem", while the major criminals, the importer-wholesalers, who are usually white, go undetected and unindicted.

It cannot be seriously contended that the government cannot drastically slow the supply side of the drug trade with a firm commitment to do so. The financial resources from effective enforcement of the current drug laws would be sufficient to combat the drug trade if the will to do so was present.

The political will that is necessary to drastically slow the drug trade will only come when the white (suburbia) community feels the pain and ravages of the drug trade to the same extent that the pain and ravage is felt in the African-American (inner city) Community. If society postpones the war on drugs much longer, drugs will destroy our institutions. The level of corruption will soon have so thoroughly infested and corrupted all levels of society as to prevent any effective eradication by law enforcement. For example, we have already begun to "notice" the bribery and murder of potential witnesses and police officers to prevent criminals from being tried and convicted. We also know that the profits from the illegal drug trade provides a substantial basis for the economy. In the not too distant future, we will see the bribery and murder of prosecutors, jurors and judges in order to protect the drug profits. When this day comes, the "law of the streets" will govern and our government will be too weak to regain effective control. The public will cry out and demand that something be done and will be more than willing to abandon constitutionally protect civil liberties in an effort to confront and control the drug trade. Given the sorry state of our current political leadership, there is not much hope that our future political leaders would resist the abandonment of civil liberties in a desperate pursuit of a solution to stop the pain and ravages of the drug trade. The time to confront and control the drug trade is now, and rapidly counting.

The drug trade cannot be controlled without jailing the importer-wholesalers and their professional cadre to the same extent that street level-retail dealers and users are being jailed. The so called "war on drugs" is nothing more than a political illusion that mullifies an uninformed public while large segments of our society is being terrorized by crime and corruption and respect for our institutions is being weakened beyond degree.

A legitimate war on drugs will require simultaneous ferocious fighting on two fronts: (1) the importer-wholesaler supply side; and, (2) the demand side. There is hardly any informed disagreement with the fact that we have not seriously had war in either side. Through consistent education, we can lower the demand for drugs. And, by jailing importer-wholesaler drug dealers, we can reduce the drug supply. Until society engages in a drug war on these two fronts, the so called "war on drugs" will remain a convenient political illusion and the country will continue to pay the deathly price.

On May 11, 1992, I asked the Grand Jury for Baltimore City to investigate and determine the reason and/or reasons why the importer-wholesaler drug dealers were not being pursued and prosecuted. It is my fervent hope that the Grand Jury's investigation and public report will be a call for action before it is too late.

SAVING SIMS BAYOU, TEXAS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. ANDREWS of Texas. Mr. Speaker, Houston, TX, is the home of numerous bayous that leisurely wind through the city streets destined for Galveston Bay. Over the years however, those living along these bayous have been able to tell two stories: one of serenity, beauty and ecological life, the other of flood disaster. With Houston having had frequent and sizable rainshowers over the last 18 months, the potential for flood devastation has become a painful reality to residents along Houston's Sims Bayou.

With the original flood control proposal mired in controversy, I am proud to have recently been able to bring together a coalition of Sims Bayou residents, the city of Houston, the Corps of Engineers, and several other civic and environmental groups to adopt a consensus agreement for flood control along Sims Bayou. This new plan is a significant step toward balancing Houston's demands for public works, community improvement and the environment.

I have been working on a flood control project for Sims Bayou since taking office in 1982. In 1986, the Congress authorized $315 million for the project, making these 20 miles of flood control one of the largest projects of its kind in the country. When finished, the project will provide flood protection for more than 23,000 homes and businesses along the bayou.

The original flood control plans announced more than a year ago would have destroyed the trees and vegetation along the bayou, cut the banks into steep angles and installed an unattractive concrete lining from the water line to the top of the bank. I agreed with many concerned citizens that the design would achieve flood control at the cost of destroying Sims Bayou's inherent beauty and life.

I got involved early in working to forge an alternative that would provide sound flood control while conserving Sims Bayou. After numerous meetings and planning sessions with the U.S. Army Corps of Engineers, the Harris County Flood Control District, the Sims Bayou Coalition, the SWA Group, The Park People, and others, we successfully reached an agreement in principle that will have a tremendous lasting benefit for Houston and for canoeists and kayakers. Our plan is to create a linear park running through the southern half of Houston for the enjoyment of everyone for generations to come.

Under my proposal, we plan for the proposed concrete lining to be eliminated. Instead, a concrete-like mat will be placed on the bottom of the bayou. Where possible, this "Grass-crete mat"—perforated so that grass can grow through—will remain beneath the waterline along most areas of the bayou. Also, the plan uses the channel centerline and rights of way as currently designed to improve the flow of flood waters. The plan additionally calls for replanting of some trees and vegetation displaced during construction along the banks.

Every effort will be made to minimize the impact to existing parks along the bayou. Harris County Commissioners Court has also agreed to explore mitigation banking as a means to finance construction of water detention ponds along the bayou.

The plan also enhances the tranquility of Sims Bayou. We have a commitment of 50,000 trees a year to be donated by Randall's Supermarkets and planted along the banks. We also have a commitment from the city of Houston and Harris County to design a hike and bike trail that takes advantage of the more scenic areas along the bayou. When completed, we plan to connect this new trail with the one along Braes Bayou, making this nearly 50-mile trail one of the longest linear parks in the country and maintaining a scenic vista that snakes through Houston for canoeists. We are also working to secure additional park land in the Sims Bayou watershed from the National Trust for Public Land.

Finally, the plan establishes the formation of an ongoing committee of residents, agencies and civic groups involved with the bayou and its civic and environmental implications. This group will be known as the Friends of Sims Bayou, and will serve as a forum working out any future issues concerning Sims Bayou in a constructive manner. I hope this success can be replicated as future flood control decisions are made in Houston and around the country.

This consensus proposal is an example of the tremendous progress that is achieved by working together. Not only are we tackling Houston's flooding problems but we are doing so in a way that conserves Sims Bayou and promotes the establishment of a greenbelt of linear parks to be enjoyed by all of Houston's residents and visitors.

EARLY EFFORTS OF COLONISTS AND AMERICAN INDIANS TO GET ALONG

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the "Year of the American Indian." This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the "Year of the American Indian," and as part of my ongoing series this year, I am providing for the consideration of my colleagues an anonymous statement from a member of the Winnebago Tribe, as published in a book entitled "Native American Testimony." The editorial comment which precedes the article is provided also.

THE FRENCHMAN DREAMS HIMSELF HOME

(This Winnebago tale, concerned with intermarriage and half-white offspring emphasizes the high value Native Americans place upon their children. The narrative describing the reintegration into the tribe of a part-Winnebago, part-French boy, clearly shows that cultural allegiances were more important than racial purity. As happens with much oral tradition, more than one story has been interwoven here. The account of how these People of Real Speech, as the Winnebago called themselves, first met the French in the mid-seventeenth century has been grafted on to the story of the later arrival in Wisconsin of a Frenchman known to us only as Decora. The resulting legend of the founding of the Decora family lineage among the Winnebago was told to the anthropologist Paul Radin around 1910.)

Once something appeared in the middle of the lake [Green Bay in Lake Michigan]. They were the French; they were the first to come to the Winnebago. The ship came nearer and the Winnebago went to the edge of the lake with offerings of tobacco and white deerskins. There they stood. When the French were about to come ashore, they fired their guns off in the air as a salute to the Indians. The Indians said, "They are thunderbirds." They had never heard the report of a gun before that time and that is why they thought they were thunderbirds.

Then the French landed their boats and came ashore and extended their hands to the Winnebago, and the Indians put tobacco in their hands. The French, of course, wanted to shake hands with the Indians. They did not know what tobacco was, and therefore did not know what to do with it. Some of the Winnebago poured tobacco on their heads, asking them for victory in war. The French tried to speak to them, but they could not, of course, make themselves understood. After a while they discovered that they were without tools, so they taught the Indians how to use an ax and chop a tree down. The Indians, however, were afraid of it, because they thought that the ax was holy. Then the French taught the Indians how to use guns, but they held aloof for a long time through fear, thinking that all these things were holy.

Suddenly a Frenchman saw an old man smoking and poured water on him. They knew nothing about smoking or tobacco. After a while they got more accustomed to one another. The Indians learned how to shoot the guns and began trading objects for axes. They would give furs and things of that nature for the guns, knives, and axes of the whites. They still considered them holy, however. Finally they learned how to handle guns quite well and they liked them very much. They would even build fires at night so that they might try their guns, for they could not wait for the day, they were so impatient. When they were out of ammunition, they would go to the traders and tell their people that they would soon return. By this time they had learned to make themselves understood by various signs.

The second time they went to visit the French, they took with them all the various articles that they possessed. There the French taught them how to sew, how to use an ax, and how to use a knife. Then the leader of the whites took a liking to a Winnebago girl, the daughter of the chief, and he asked her parents for permission to marry her. They told him that her two brothers had the right to give her away in marriage. So he asked them and they consented. Then he married her. He lived there and worked for the Indians and stayed with them for many years and he taught them the use of many tools. He went home every once in a while and his wife went with him, but he always came back again. After a while a son was born to him and then another. When the boys were somewhat grown up, he decided to take his oldest son with him to his country and bring him up in such a way that he would not be in danger, as was the case here in the woods. They Indians consented to it and they agreed that the mother was to bring up the youngest child.

So he took his oldest boy home with him, and when he got home, he went to live with his parents, as he had not been married in his own country. He was a leader of men. The boy was with him all the time and everyone took a great liking to him. People would come to see him and bring him presents. They gave him many toys. However, in spite of all, he got homesick and he would cry every night until he fell asleep. He cried all the time and would not eat. After a while the people thought it best to bring him back to his home, as they were afraid that he would get sick and die. Before long they brought him back. The father said: "My sons are men and they can remain here and grow up among you. You are to bring them up in your own way and they are to live just as you do."

The Indians made them fast. One morning the oldest one got up very early and did not go out fasting. His older uncle, seeing him try to eat some corn, took it away from him and, taking a piece of charcoal, mashed it, rubbed it over his face, and threw him out of doors. He went out into the wilderness and hid himself in a secret place. Afterwards the people searched for him everywhere, but they could not find him. Then the people told the uncle that he had done wrong in throwing the boy out. The latter was sorry, but there was nothing to be done anymore. In reality the uncle was afraid of the boy's father. They looked everywhere but could not find him.

After a full month the boy came home and brought with him a circle of wood [i.e., a drum]. He told the people that this is what he had received in a dream, and that it was not to be used in war; that it was something with which to obtain life. He said that if a feast was made to it, this feast would be one to Earthmaker, as Earthmaker had blessed him and told him to put his life in the service of the Winnebago.

From this man they received many benefits. He was called to take the foremost part in everything. They called him the Frenchman, his younger brother being called *Tcaposgaga*, Whitethroat. And as they said, so it has always been. A person with French blood has always been the chief. Only they could accomplish anything among the whites. At the present time there is no clan as numerous as the descendants of that family and the object that he said was sacred (the drum) is indeed sacred. It is powerful to the present day. His descendants are the most intelligent of all the people and they are becoming more intelligent all the time. What they did was the best that could be done. The ways of the white man are best. That is the way they were brought up.

This is the end of the history of the Decoras.

ANONYMOUS,
Winnebago.

YPSILANTI PRESS ON THE FAMILY VALUES THEME

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. FORD of Michigan. Mr. Speaker, like many of my colleagues, I spent the August recess back home in my congressional district. While I missed the Washington Post, I enjoyed reading my local paper, the Ypsilanti Press. Dave Melchior, the managing editor of the Press, shared his opinion on the Bush-Quayle campaign's "family values" theme. I thought he hit the hollowness of this theme on the head. I commend his editorial to the attention of my colleagues:

I'LL TAKE MY OWN VALUES, THANK YOU

(By Dave Melchior)

I have a great idea for President Bush and Vice President Quayle on the family values issue: Mind their own business.

On this one, I'll speak from experience because I have it, and to hear the kind of politically motivated hogwash that Bush and Quayle are spewing incenses me.

Here's my family experience:

My father and mother owned a small drycleaning shop. They both worked six days a week, my dad from 7 a.m. to at least 6 p.m. Monday through Saturday and often several hours on Sunday to repair equipment and catch up on other things he could not do during the regular week. My mom worked from 8 a.m. to at least 6 p.m. Monday through Saturday and spent time at home doing the books and other paperwork.

They never took a full week's vacation the entire time I was growing up because in order for them to take a vacation they would have had to close the shop, and they couldn't afford to do that.

In short, I had no "traditional" home life that Bush and Quayle get so preachy about, and I can absolutely guarantee you that the government was no help at all to anybody in my family.

But the fact that we had no "traditional" home life in no way detracted from the fact that we were very firmly and thoroughly schooled in the beliefs of our parents. We learned right from wrong. We learned tolerance. We learned respect for others. We learned to care about our country, which—by the way—my parents always said is the people and the principles on which it is founded.

My mother worked 60 hours a week and then some and still made it abundantly clear to her children that she cared about them a great deal but that she would become our worst critic if we ever considered hurting other people or doing dishonest things or failing to try to live up to the values we were taught.

She insisted that I go to college, and at the same time made it clear that even though she required it of me, there was no way my parents were going to be able to help financially.

It's called reality, and it's called expectations.

My parents made no bones about the realities of life, and the only way to deal with the unpleasant aspects of life was to overcome them, mostly by working very hard. And they made it clear that self-pity was not allowed.

I came away from that with a very strong set of values, my parents' values, my family's values, not Mr. Bush's or Mr. Quayle's family values. I have not always lived up to my family's values, but I try, and I certainly have no desire to substitute the family values of Mr. Bush or Mr. Quayle for my family's values, in part because I don't think they learned the values that I learned very well.

Example: I learned not to make excuses for my failings. Saying "It's not my fault" did not prevent punishment. Bush and Quayle have done nothing but yell "It's not my fault" since they started their campaign.

Example: My parents did not tolerate bigotry. In 1988, Bush and Quayle played to racial bigotry and fear. This year they are playing to religious intolerance and using attacks on other people's lifestyles to promote themselves.

Example: I was taught that I am no better than any other human being. Bush goes so far as to imply that God is on his side and against those who oppose him, which is a statement of superiority if I ever heard one.

And I can tell you this, Mr. Bush and Mr. Quayle disgust me because they insult my intelligence and they insult my family by trying to convince me that other people's lack of values is the reason the government and party they lead sees no value in anything other than winning.

One way to insert values back into society is for the leaders of society, including the president, to start demonstrating that ideals and values are more important than anything, including winning the presidency.

Presidents should seek election because they stand for something; President Bush stands for things so he can get elected. This year, he stands for intolerance, the key ingredient of hatred. He and Vice President Quayle and the Republican platform send a clear message that those who do not agree with them are less than American and not to be trusted. President Bush has even dragged God into his effort to stir the worst in Americans simply to get himself re-elected.

Because I have the values that I have I can do nothing but reject so-called family values that call for the condemnation of other people and incite the worst in us.

On a personal level, I believe if their families had taught them any values at all, they would be ashamed of what they are doing and they would stop it.

A TRIBUTE TO DR. JOHN E. GEORGE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. ANDERSON. Mr. Speaker, I rise today in praise of Dr. John E. George who was installed as president of the American Podiatric Medical Association on August 20, 1992 in New York City. Dr. George is not my constituent, but is instead a resident of the great State of Massachusetts. I rise to commend him because he and his accomplishments are of national record.

Born in 1939, Jack George received his DPM degree from the Ohio College of Podiatric Medicine and has been a practicing podiatrist for over 25 years. His record of achievement is a lengthy one. He has been extremely active in the State and national associations of his profession. Dedication and professionalism are his watchwords.

On the State level Dr. George rose through the ranks to become president of the Massachusetts Podiatric Medical Society, a member of the board of registration in podiatric medicine and a Medicare and Blue Cross/Blue Shield consultant for 15 years. His work on the State level in conjunction with his close friend Dr. Thomas F. Connolly, of recent memory, has brought the Bay State to the forefront in podiatric care on an individual, family and institutional basis.

Nationally, Dr. George again rose through the various chairs of the NPMA culminating in his election as president elect in 1991. He assumed the position at the New York convention. There are few areas of national podiatric outreach that Jack George, again with the late Dr. Connolly, has not influenced for the better.

Dr. George is a diplomat of the American Board of Ambulatory Foot Surgery, a section of the American Board of Podiatric Surgery. He has been a frequent contributor to podiatric literature. He is a guest lecturer at the Ohio and Pennsylvania Colleges of Podiatric Medicine and has spoken to many State association scientific conferences throughout the country.

With all the business and professional aspect of his life, Dr. George has still found time for civic activities, which include membership in the Worchester County Music Association and service as a parish council member for our Lady of Mercy Church in Worchester. He is a member of the American Academy of Hospital Podiatrists and the American Academy of Podiatric Administration.

Jack George, is the man of the moment in podiatric circles. His vision of the future sees an international organization building podiatric excellence throughout the world. It promises to be an interesting year in a life already full of accomplishments.

Dr. Susan George, Jack's wife, and his three daughters, Renee, Cheryl and Kristin form the loving home circle that gives Dr. George his strength. Secure in the vision for the future, nurtured by his multitude of friends, and imbued with the spirit of his beloved associate and mentor Tom Connolly, there is no question but that the APMA will have a dynamic year.

My wife, Lee, joins me in saluting Dr. John George.

QUEBEC SYMPOSIUM ON DEMOCRACY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. SWETT. Mr. Speaker, I rise today to call my colleagues' attention to a historically significant event which is taking place not far from my New Hampshire district. The National Assembly of Quebec is commemorating the bicentennial of its parliamentary institutions this week with an International Symposium on Democracy in Quebec City, and former United Nations Secretary General Javier Perez de Cuellar is serving as its honorary president.

This symposium will bring together a distinguished group of journalists, political scientists, constitutional experts, economists, lawyers, diplomats, elected officials, and other political personalities to discuss the future of democracy. The event also represents the first direct collaboration between the two major parliamentary organizations of which the National Assembly is a part—the Commonwealth Parliamentary Organization and the Assemblee Internationale des Parlementaires de Langue Francaise. Over 120 different elected assemblies from all over the world will be represented by more than 270 delegates during this historic and important gathering, including Speaker Harold W. Burns, Deputy Speaker Michael Hill, and Representative Lawrence Guay of my own State of New Hampshire.

It was in the spring of 1791 that the British House of Commons passed the Constitutional Act. Once approved by the House of Lords and King George III, this act created the provinces of Upper and Lower Canada, authorized the first legislative assembly in Lower Canada, now Quebec, established the first electoral districts, and set in motion the first parliamentary elections there the following year.

Mr. Speaker, recognizing the 200th anniversary of democratic elections in Quebec also serves to remind us of our own long tradition of representative government. Two-hundred summers ago, our neighbor to the north was making its first steps toward a system of government of the people, by the people, and for the people. And 200 summers ago, this body, working under a constitution that had only been in effect for 3 years, was holding a contest to solicit designs for a proposed Capitol building. In both cases, these fledgling nations created a firm foundation of democracy that endures and thrives to this day.

It is no secret that the people of New Hampshire cherish the ideal of representative democracy. Ours is the State that is proud of the motto, "Live Free or Die." Ours was the first colony to declare its independence from the British Crown and from its own government over 200 years ago. The State constitution created in 1784 established a 400-plus member representative assembly that remains to this day the largest State legislature in the United States.

For this reason, I am proud to extend my congratulations as an elected representative of the people of the State of New Hampshire to the people of Quebec for preserving the traditions of representative democracy for two centuries. I applaud the National Assembly for the success of its ongoing year-long celebration of parliamentary democracy, which is intended to promote a better understanding of the political history of Quebec, greater respect for its representative institutions, and wider participation in democratic governance by its citizens. I am particularly pleased to note that a good measure of the activities taking place in Quebec are targeted at young people to teach them to appreciate the special blessing of living in a democratic system.

Mr. Speaker, Quebec has been a good neighbor to New Hampshire and the United States over the years. Our forms of government are derived from the same philosophical traditions, be it the social compact theory of John Locke or the separation of powers doctrine of Montesquieu. Our political and military histories have been intertwined since the very beginning, and we have shared a long and productive economic partnership. The waves of French Canadians who have settled the State of New Hampshire and the rest of the New England region attest to our shared past. I am pleased to know that our region has been a wellspring and constant guardian of the democratic tradition.

TRADE COMPETITIVENESS FOR DOMESTIC GLASSWARE INDUSTRY

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Ms. LONG. Mr. Speaker, today I am introducing legislation regarding trade competitiveness for the domestic glassware industry. The United States, once among the world's leaders in glassware production, has fallen dramatically over the last 15 years due to the steady influx of imported goods. Since 1978, nearly 50 percent of all plants in the United States have closed. During this time, however, imported glassware has continued to rise in consumption and now controls nearly 50 percent of the domestic market. The cost to the United States has been decreased exports, and the loss of over 20,000 jobs in the glassware and related industries.

While domestic glassware has repeatedly been determined to be import sensitive by the Bush administration and by the International Trade Commission, domestic glassware manufacturers are forced yearly to defend themselves, at great cost, to maintain this import-sensitive status.

In order to avoid this continued pressure, the legislation I am introducing will ensure that domestic glassware is classified as import sensitive in the Trade Act. I urge my colleagues to support this legislation.

IN HONOR OF FATHER JAMES E. GOODE, OFM, PH.D.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Ms. PELOSI. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to Father James E. "Jim" Goode, a man known to all as a "preacher's preacher", who is celebrating 20 years of service of the Roman Catholic Church, as well as countless hours of service toward the betterment of the San Francisco community.

Father Goode was ordained to the priesthood in 1972 at the Shrine of St. Anthony in New York City. He is the former pastor of Our Lady of Charity in Brooklyn, NY, where he also served as a member of the New York City School Board for two 4-year terms. He holds a Ph.D. in psychology, as well as master's degrees in both psychology, theology, and divinity.

He is currently the spiritual leader of St. Paul of the Shipwreck Catholic Church in San Francisco, a parish that is well-known for its soulful worship, Christian education formation, strong lay leadership, and community outreach.

Known and respected throughout the Nation as a moving, inspirational preacher and lecturer, Father Goode has preached in almost every diocese and archdiocese in the United States. He has also lectured at many colleges and universities in the United States, as well as abroad. In 1982, he preached in front of Isaiah's wall at the United Nations for the World Day of Peace. He has preached at Santa Maria Basilica in Rome in 1983 and was presented to His Holiness John Paul II at St. Peter's Basilica. In 1984, he was chosen to represent Archbishop John Quinn and the Archdiocese of San Francisco at the First Human Rights Congress in El Salvador.

He has also been a board member of the Council of Priests of the Archdiocese of San Francisco, the National Office for Black Priests, and the Bayview Ecumenical Council.

Father Goode is a leader of the church committed to affirming the African American heritage in the Roman Catholic worship. He has long been one of the most sought after African American Catholic preachers in the Nation, opening the way for many African Americans into the Roman Catholic Church. He preached at the first "Black Catholic Revival" in Chicago in 1975. In 1989, Father Goode organized the first National Day of Prayer for the African American Family, which is celebrated on the first Sunday of February every year.

His outstanding and dedicated work in many areas of the San Francisco community includes serving on the San Francisco Task Force on AIDS, the San Francisco Mental Health Advisory Board, the Crime Prevention and Community Education Council, and the Mayor's Task Force on Drug Abuse.

A member of the San Francisco Housing Authority Commission from 1988 to 1992, Father Goode served as its president from 1991 to 1992. Father Goode led the commission during a time when the Housing Authority eliminated a tremendous backlog of vacant units and retired its $12.5 million debt. He was also helped launch a lead screening program for youths in conjunction with the Department of Public Health.

Father Goode was also instrumental in the opening of Robert B. Pitts Plaza, a landmark $20 million, 203-unit family housing development in the western addition.

Perhaps the most significant accomplishment occurring during his tenure as president was the recent removal of the San Francisco Housing Authority from HUD's "troubled" list. Since 1984, the Housing Authority had stayed on this list due to a high vacancy rate, exorbitant debt, and poor financial controls. Due in no small part to Father Goode's guidance and leadership, the Housing Authority has improved its vacancy rate and controlled its debt.

Mr. Speaker, it is a privilege to recognize the continuing good works of Father Jim Goode, and I am proud to be counted among the friends of this true man of God.

TRIBUTE TO PFC. ROBERT J. WALTRICH

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. FAWELL. Mr. Speaker, I rise today to pay tribute to Robert J. Waltrich, a young marine, born 45 years ago today in Chicago, IL. Although too many years have passed to recommend Private First Class Waltrich for the awards his self-sacrifice deserves, a letter from Frank Erwin, the man who was his squad leader in Vietnam, to the Commandant of the Marine Corps has generated a Certificate of Commendation, which was awarded to Robert Waltrich posthumously and presented to his family in a ceremony on August 19, 1992.

Mr. Speaker, I would like very much to acknowledge the debt his country owes Private First Class Waltrich by citing the following text:

> The Commandant of the Marine Corps takes pleasure in commending Private First Class Robert J. Waltrich, United States Marine Corps (posthumously) for heroic actions on 30 March 1967 in connection with operations against the insurgent Viet Cong in the Republic of Vietnam. During a search and destroy mission, he detected a force of North Vietnamese soldiers in a hedgerow waiting in ambush. With total disregard for his own personal safety. Private First Class Waltrich yelled a warning to members of the patrol and singlehandedly charged the enemy position, receiving mortal wounds in the assault. His courageous actions were instrumental in saving the lives of his comrades and served as an inspiration to all who observed him. Private First Class Waltrich's indomitable fighting spirit, extraordinary courage, and steadfast devotion to duty reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service. (Signed) C.E. Mundy Jr., Commandant of the Marine Corps. 27 April 1992.''

Robert J. Walrich is a true American hero, exemplifying the Marine motto, "Semper Fidelis," and I am honored to have the opportunity to commemorate his actions in the public record.

THE COMPASSION OF SHARON STREET

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mrs. COLLINS of Michigan. Mr. Speaker. I would like to praise the residents of Sharon Street in my district, who banded together, more than a year ago to remove convicted, and now former drug dealer Gladys Feijoo from their neighborhood.

I would like to focus on not what led to Ms. Feijoo's incarceration, but what happened afterward.

Ms. Feijoo was released from prison a new person—a more sensitive person. She now realizes that selling drugs destroyed not only her family, but also her neighborhood. Ms. Feijoo had 13 months to reflect on the devastation that was created as a result of selling drugs. During this time, Ms. Feijoo had her home confiscated, which had been in her family for generations; and her three children were taken from her.

Today, Ms. Feijoo has returned to Sharon Street with two of her three children, and the same neighbors who tried to get rid of her, welcomed her back with open arms.

Mr. Speaker, I would like to rise today to praise the residents of Sharon Street for possessing such warm compassion and understanding toward Ms. Feijoo.

HONORING EMILE GRIFFITH

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. DE LUGO. Mr. Speaker, I rise today to commend a great athlete and superb sportsman, Emile Griffith.

Emile Griffith is considered one of the greatest boxers of all time. Boxing Illustrated ranks him the 39th best boxer ever to enter the professional ring.

From 1961 to 1968, Griffith won welterweight championship five times and the middleweight championship once. Between 1958 and 1977, Griffith fought 112 times as a professional and won 85 of the bouts.

Boxing historian Bert Randolph Sugar was quoted by Gannett News Service as saying, "Through the 1960's the best fighter pound for pound every year was Emile Griffith."

His ex-manager Gil Clancy told Gannett that "he had every punch in the book, there was nothing he couldn't do in the ring." Emile Griffith has had more main card bouts at Madison Square Garden than any other fighter.

Emile Griffith is a legend in his native Virgin Islands where a local ballpark is named in his honor. The president of the V.I. Boxing Commission described Griffith as "the first Virgin Islander in modern history to become a world champion."

Griffith now lives in Queens, NY, with his mother and trains fighters at a local gym, passing along to younger men the skills he honed in a lifetime in the ring.

Emile Griffith is expected to have a complete recovery from kidney failure that recently landed him on the critical list in the hospital for 2 weeks.

Mr. Speaker, I salute Emile Griffith, a man who has brought distinction to the sport of boxing, to his native Virgin Islands, and to this Nation.

PASS THE OLDER AMERICANS ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I would like to congratulate hundreds of senior citizens who traveled to Washington, DC, today from all over the country to rally support for the passage of the Older Americans Act reauthorization, S. 3008. The act, which has been held hostage in the Senate by an unrelated amendment aimed at repealing the social security earnings test, is precariously close to reaching its expiration date. The act is running on borrowed time, the fiscal year ends on September 30, and so many vital services and programs that benefit seniors from across the United States are in peril. In addition, so many new changes in the act, which will greatly improve the quality of life for seniors, are in danger of never being enacted.

A very large rally took place this morning in the Dirksen Senate Office Building, which was organized by the National Aging Leadership Council, and led by the National Council on Aging. The Leadership Council, which serves as the umbrella organization for over 25 major aging organizations throughout the country, represents millions of senior citizens.

Those addressing the rally urged that the other body act now, act soon, and let those seniors—to whom these services mean the difference between night and day—get on with their lives, secure in the knowledge that their meals programs will continue, and their part-time jobs will still exist.

Mr. Speaker, the House of Representatives passed the Older Americans Act reauthorization late last year. At that time, I and many of my colleagues applauded its many merits, and proclaimed its many improvements. We thought the Older Americans Act was a worthy bill, and one definitely worth fighting for. After all, it contains a new elder rights provision with stronger Federal support for elder abuse programs; it provides for higher reimbursement for congregate and home delivered meals programs; it grants greater independence for the Administration on Aging; it gives new and strong emphasis on health promotion and disease prevention programs, and stronger long-term care ombudsman programs. The new Older Americans Act keeps tens of thousands of seniors employed by paying them modest wages to perform community service jobs. Now, 11 months later, the act languishes, being used as a political tool, and it is a downright shame that our older constituents will suffer because of this selfishness.

The Older Americans Act must not be used this way. It has a proud history of benefitting those who need our help the most, the frail and low-income elderly, the minority elderly, and the socially and geographically isolated elderly.

The whole issue of repealing the earnings test has no place in this program, especially since repeal of the earnings test is a bonanza for affluent elderly people. One half of the benefits will go to those who earn over $60,000 per year. Not many of my constituents fall into that category. Most of my constituents, however, will benefit from the services provided by the Older Americans Act. It is easy to see which one is more important to me.

It is time to pass the Older American Act. We have less than 3 more weeks to do it. Let's dispense with the politics and help our seniors now.

TRIBUTE TO GEORGE HAGEMEISTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. PALLONE. Mr. Speaker, on Friday, September 11, Mr. George Hagemeister of Sparta, NJ, will be honored on the occasion of his retirement as vice president of Gannett Outdoor Co., Inc., of New Jersey at a dinner in West Orange, NJ. I rise today to pay tribute to this fine man as he marks the end of an outstanding career.

Knowing George Hagemeister, I could speak about his character, integrity, and professionalism for an hour and not even begin to tell the whole story. Even more difficult to convey in the space of a statement on the floor of this House are his warm personality and his unique sense of humor. It would not be an exaggeration to say that George Hagemeister is legendary. As his colleagues honor him on his retirement, I will do my best to share some of his accomplishments with my own colleagues.

Like my predecessor, the late Congressman Jim Howard, I have enjoyed a warm personal friendship with George, as well as a close collaboration with him on the issues. He has always been a pleasure to work with because his knowledge, expertise and tenacity is always tempered by his humor and his other personable qualities. In addition to his longstanding commitment to Gannett, George has demonstrated his commitment to his community and country through a wide range of activities and affiliations.

Mr. Hagemeister is a graduate of Morristown, NJ, High School, Brown University and Upsala College, with graduate work at New York University. He served in the U.S. Navy Submarine Service in World War II. He has also served as director and former chairman of the board of the Lakeland S&L Association, director and president and member of the Legislative Committee, Outdoor Advertising Association of New Jersey, vice chairman, New Jersey Police Training Commission, and chairman of the New Jersey Highway Users Conference. In the Township of Sparta, where he has resided for some 34 years, he has been a township councilman, deputy mayor and mayor, and as a member of the planning board, library board of trustees, recreation committee, industrial committee, school and park site committee and the sewer study committee.

In addition, Mr. Hagemeister is the recipient of the Community Leader of America Award, a trustee of the Morris County Safety Council, member of the executive board and past president of the New Jersey League of Municipalities, past president of the Dover Area Chamber of Commerce, a trustee of Paterson General Hospital, secretary of the New Jersey Council on Advertising and a Republican county committeeman. He is active with a wide range of other community, business, law enforcement, social and fraternal organizations.

Mr. Speaker, clearly George Hagemeister is a man who has made a mark on the community—to the considerable betterment of us all. I will miss his tireless efforts on behalf of the issues to which he has dedicated so many years of his professional life, but I'm sure that he will continue to be a force in the community for years to come. On this occasion, I join with his wife, Mary Jane, and his two children, Bonnie Ann and Robert Campbell, in wishing him a happy, healthy and fulfilling retirement.

A TRIBUTE TO MY FRIEND

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. ANDERSON. Mr. Speaker, I rise today in tribute to my good friend Senator Quentin Burdick. His passing is a loss to us all. Newspaper editorials and stories will comment at length upon the late Senator's legislative accomplishments. These accomplishments are known to both bodies of Congress and the Nation as a whole. What I want to talk about is Quentin Burdick, my friend.

Interchange between Members of the bodies of Congress does not always permit the opportunity for closeness. This is not true however, in the case of Senator Burdick. Over the years, he brought to the conference tables and to many other meetings, warmth, sincerity, and dedication that was admirable and endearing. He was a simple man, he was a good man, and he was a humble man. These qualities may not have been evident to the public as a whole, but they were very evident to me. His goodness, his simpleness, and his humility will remain as his monument in my mind.

I am sure that North Dakota will long remember his stature by the visible evidence that he leaves behind in infrastructure and development. I will long remember the strength of his handshake, the steady gaze of his eyes, and the soft friendship of his words. I will miss him.

My wife Lee joins me in extending prayful condolences to Quentin's wife, Jocelyn, and his family.

IN HONOR OF RHODA LEVINE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. SOLARZ. Mr. Speaker, I rise today before my colleagues to pay tribute to a woman wealthy in spirit and generous in smiles. Born and bred in the Boro Park area of my congressional district, Rhoda Levine has virtually turned her job as assistant treasurer of the Boro Park Chase Manhattan Bank into a mission of public service. On September 20, 1992, Rhoda Levine will be honored by major civic, synagogue, and church leaders for the sensitivity and care she has shown to the Boro Park community. This occasion gives me the opportunity to express my deep appreciation for her committed service to the citizens of Brooklyn.

Early on, Rhoda's dedication to communal values was apparent through her tireless efforts as an activity leader with the Girl Scouts of America. As her children grew up, Rhoda entered banking, first as a teller, then as a platform assistant. Finally, she was promoted to her current position as assistant treasurer of the Boro Park branch of Chase Manhattan Bank. On a daily basis, she reaches out with kindness, courtesy, and humor to countless customers, many of whom she knows by first name. While her position is a difficult and demanding one, and the bank is one of the busiest in Boro Park, Rhoda has a good word and a warm smile for every individual she encounters.

Rhoda has reached out to many people, especially the elderly, giving help and hope to all. She has proved to be dedicated, aware, and sensitive to the concerns of others. The leaders of the community have the highest admiration for Rhoda Levine.

It is only appropriate that Rhoda Levine, truly a friend to the Boro Park community, be recognized by this body. I proudly commend her today on the floor of the House of Representatives.

THE LIBERATION DAY OF "THE U.S.S. HOUSTON" SURVIVORS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. RINALDO. Mr. Speaker, I rise today to recognize the brave group of survivors of the U.S.S. *Houston*, who earned the gratitude of our Nation during World War II in the Pacific. The courage of the crew members of the *Houston* has already been noted in naval history. The ship was awarded 2 battle stars and a Presidential Unit Citation; her commander, Captain Rooks, posthumously received the Medal of Honor. I wish to commend Mr. Philip Gans, of Scotch Plains, NJ, and his fellow survivors on the 47th anniversary of their liberation from Japanese prisoner of war camps.

The *Houston* was a heavy cruiser launched in 1930. She was attached to the Asiatic fleet in 1941, just prior to the opening of World War II. Throughout the dark, early days of the war, the U.S.S. *Houston* proved her mettle on numerous occasions, fending off Japanese air attacks and escorting convoys safety in Pacific waters.

Sailing on February 27, 1942, as part of an Allied force put together to impede the progress of the Japanese advance through the South China Sea and the Macassar Straits, the U.S.S. *Houston* engaged the Japanese Navy in one of the last traditional surface battles. After 7 hours of fierce combat, only 2 of the 15 Allied ships were left afloat—the H.M.A.S. *Perth* and the *Houston*. Final orders came to disengage the enemy, and the ships sailed for Batavia. After a partial refueling, the *Houston* and *Perth* departed Batavia on the afternoon of February 28, en route to Australia for required repairs and restocking of ammunition and supplies. On their way to Bantam Bay, the ships were met by several *Fubuki*-class destroyers. While they evaded that torpedo attack, their only means of escape, the Sunda Straits, was blocked by a Japanese destroyer fleet.

The men of the *Perth* and the *Houston* fought valiantly to the end. So ferocious was their defense that when the survivors were questioned, the Japanese could not believe there was no battleship with them. H.M.A.S. *Perth* took her fourth torpedo hit and sank at about 11:30 p.m. Alone, surrounded by the enemy, and lacking ammunition, the U.S.S. *Houston* fought on for nearly 1 hour. After taking a series of three torpedo hits, the *Houston* finally sank, her colors still flying as she slipped beneath the water.

From a crew of 1,065 men, only 368 survived and were interned for 3½ years as prisoners of war.

Those survivors, whose liberation we commemorate, are an extraordinary example of courage and survival under extreme conditions. Their bravery in the face of overwhelming odds, their camaraderie and resourcefulness, serve as examples to us all. Their service and sacrifice were in the highest tradition of the U.S. Navy.

TRIBUTE TO MIGUEL PEREZ

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. DYMALLY. Mr. Speaker, I rise before you today to pay homage to an outstanding member of our society, Mr. Miguel Perez. Miguel, who was raised in a single parent home, has overcome a number of tragic events in his life including the loss of his beloved mother at age 14. This remarkable young man exemplifies the courage and dedication which have characterized many other great men before him.

Miguel immigrated to the United States in 1984, without knowledge of the English language. In a few years, he not only assimilated the language but managed to graduate 12th in a class of over 500 students. During his tenure at South Gate High School, he served as his class representative and upon graduation he received membership in the National Honor Society and was also the recipient of the New Citizen Award from the Optimist Club.

Despite his ongoing legal battle with the Immigration and Naturalization Service, Miguel attended California State University, Dominguez Hills where he once again excelled in the academic arena. Concurrently, Miguel became involved in several student organizations where he developed his leadership abilities assuming posts such as president, student senator, and student activities and cultural programs commissioner. Miguel graduated magna cum laude in his class, a honor which acquired the respect and admiration of his fellow students to the point of being selected valedictorian of his graduating class. The Alumni Association bestowed upon him the Outstanding Student Award for his college, and he was listed in Who's Who Among American University and College Students.

Miguel is currently pursuing a doctorate in Health Education at Pennsylvania State University where, once again, he continues to show his dedication to serving his fellow men by volunteering his time among worthy community organizations, including the American Red Cross and diverse community youth organizations. In March this year, Miguel's story was featured in the ABC news program segment "Person of the Week" with Peter Jennings.

It is, therefore, my pleasure to extend my warmest congratulations to Miguel Perez for his commitment and outstanding service to this great country of ours. I am sure my colleagues will concur with me in extending a warm welcome to Miguel Perez to "the Land of the Free and the Home of the Brave."

SAINT PATRICK SCHOOL CELEBRATES 100TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. MURTHA. Mr. Speaker, I'd like to take a moment to recognize the 100th anniversary of St. Patrick School, located in the Moxham section of Johnstown, PA. The school will celebrate its centennial on September 20, 1992, with a gathering of alumni and friends.

The St. Patrick School has changed a great deal since its founding as a two-room wooden school house in 1892. The school, which also served as the mission chapel for worshippers in what would become St. Patrick's Parish until 1904, gradually grew throughout the 1900's and eventually had an enrollment of 380 students in the 1950's. Since that time, the creation of a new parish has reduced the enrollment somewhat, but St. Patrick School still educates 201 students in grades kindergarten through eighth.

The foundation of a good education is critical to strength and spirit of any community. The St. Patrick School has been a key part of the educational base in Johnstown over the past 100 years. Although its many alumni remember with fondness the friends and good times they had at the St. Patrick School, the most important thing they have carried with them from their school years is that educational background. It's strengthened our community, and it's helped individuals and families in making the Johnstown area the strong, family-oriented region it continues to be.

I salute the St. Patrick School on its 100th anniversary, and I look forward to seeing many more of its alumni make a difference in Johnstown, in Pennsylvania, and in the United States over the next 100 years.

EMERGENCY 911 PROGRAMS SAVE LIVES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. GORDON. Mr. Speaker, 911 are three simple numbers that spell life, comfort, and safety. We post them on our phones for our children in times of crisis. We call them ourselves when emergency help could mean the difference in someone's life. We program them into our senior citizens' phones for quick response in times of distress.

In fact, that universal lifeline has become so common that we often take for granted the people who actually make emergency 911 systems across the Nation work. Only when we read or hear the touching story of a 911 operator talking a child through a crisis or comforting an accident victim until help can arrive do we remember the dedication, sacrifice, and risk these outstanding men and women provide every hour, every day.

I rise today to pay tribute to the men and women who serve the citizens of Rutherford County, TN, as part of the emergency 911 program. The invaluable service provided by the Rutherford County Emergency Communications Program since 1989 has saved both lives and property. Last year alone, the service answered 43,000 calls.

The dedication of the 40 employees of the Rutherford County program exemplify the work of public safety personnel throughout Tennessee and the Nation. In an effort to encourage the use of the 911 service and to commend those that work to ensure the safety of their neighbors, their friends, and their communities, I join my fellow middle Tennesseans in observing September 11, as Rutherford County 911 Awareness Day.

H.R. 3360, THE FEDERAL FIRE SAFETY ACT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. WELDON. Mr. Speaker, I am proud to rise today to offer my strong support for H.R. 3360, the Federal Fire Safety Act. This legislation, which has had my strong support from its inception, develops important standards for both commercial and residential properties under the control of the Federal Government. In particular, I would like to praise Congressman BOUCHER, the original sponsor of H.R. 3360, for his vision and his dogged commitment to the American Fire Service.

The Federal Government should set an example in the area of fire safety and, by its own actions, encourage the private sector to use technology proven to save lives. Congress took a step in this direction when it approved the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391). This law prohibits federally funded conferences from being held in unsprinklered hotels or motels over three stories in height, and requires that 90 percent of Federal travel nights be spent in hotels and motels with sprinklers and smoke detectors by 1997. Today, the House of Representatives has an opportunity to build on this foundation by passing H.R. 3360.

Except for Public Law 101–391, the Federal Government has done very little to encourage the installation of proven fire safety devices like automatic sprinklers and smoke detectors. According to the National Fire Protection Association, there is no record of a multiple loss of life—involving the loss of three or more people—in a building with a fully operational sprinkler system.

Currently, federally owned facilities are exempt from local fire codes, and there is no legislative requirement that Federal office buildings or even housing for Government employees, be protected by automatic sprinklers or smoke detectors. H.R. 3360 would correct this dangerous situation by requiring the installation of these proven systems in most newly constructed and newly leased Federal high-rise office buildings and in newly built or renovated federally subsidized, high-rise multifamily housing.

Automatic sprinklers and smoke detectors, when used in combination, are a cost-effective means of preventing loss of life and property. H.R. 3360 will ensure that the Federal Government demonstrates leadership in fire safety, as well as serve as an influential example for the private sector. As chairman of the congressional fire services caucus, I urge my colleagues to vote for the Federal Fire Safety Act.

WORLD ADMINISTRATIVE RADIO CONFERENCE A SUCCESS FOR THE UNITED STATES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. FASCELL. Mr. Speaker, in February of this year the International Telecommunications Union held its World Administrative Radio Conference for the Allocation of Frequencies in Certain Parts of the Spectrum (WARC–92). This conference was responsible for revising radio frequency allocations for new and existing services, and specifying the conditions governing the use of these frequencies. It was the broadest allocations conference in over a decade.

Recently, Ambassador Jan Witold Baran, head of the U.S. delegation to the WARC released his final report to the Secretary of State. I recommend this report to all my colleagues and their staffs who are interested in the future of telecommunications and the competitiveness of the U.S. telecommunications consumers, manufacturers, and service providers. (United States Delegation Report, World Administrative Radio Conference, International Telecommunications Union, Malaga-Torremolinos, Spain 1992.)

The U.S. delegation to WARC–92 sought to open opportunities for new telecommunications technologies such as satellite sound broadcasting, mobile satellite services, including both "big" and "little" low Earth orbit satellite systems [LEO], and high definition television [HDTV]. Decisions of the WARC will govern international telecommunications well into the next century and will play an important role in determining the economic competitiveness of the United States in international communications technologies and services and the ability of the United States to achieve its own domestic telecommunications goals. The allocations made at WARC–92 will facilitate the establishment of new services and encourage capital investment in what is estimated to be as much as a half-trillion dollar sector for the United States.

To me one of the most visionary decisions which was reached for the future of telecommunications was in the mobile satellite services area dealing with what are called "little" and "big" LEO systems.

Little LEO's are non-voice, data only, store-and-forward mobile satellite services. This is especially attractive in remote areas or in developing countries which do not have resources for immediate comprehensive infrastructure development. Estimates of the market potential for little LEO services are in the range of $1 to 2 billion annually.

Big LEO systems will offer real time communications between any two points anywhere in the world, essentially creating the equivalent of a worldwide cellular communications capability. An individual with one of the hand sets would never be out of touch whether in downtown Manhattan or in the middle of the Amazon. A true personal communications system. One estimate is for nearly 2 million big LEO subscriber by the year 2001.

I want to congratulate Ambassador Baran and all of his negotiating team for the fine work that they accomplished at WARC–92 and for releasing such a fine report. Again I urge my colleagues to contact the Department of State and ask for a copy of this report. I think you will be favorable impressed.

IN REMEMBRANCE OF IRENE MANEKOFSKY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1992

Mr. HOYER. Mr. Speaker, it was with great sadness that friends in the Soviet Jewry movement learned of the death of activist Irene Manekofsky of Silver Spring, MD. She was a tireless champion of human rights and friend to many.

Irene served as president of the Washington Committee for Soviet Jewry from 1973–78 and was the national president of the Union of

Councils for Soviet Jews from 1979–80, a year of unprecedented Jewish emigration. During her tenure as president of the Washington Committee for Soviet Jewry, Irene initiated the Congressional Call to Conscience Vigil, which became one of the major voices of the refusenik community and in which many of my colleagues in this Chamber participated for years by making CONGRESSIONAL RECORD statements.

Irene Manekofsky was also instrumental in working with the Congress in establishing the Commission on Security and Cooperation in Europe—the Helsinki Commission—which I now chair. She worked very closely with DANTE FASCELL, former chair of the Helsinki Commission and now chairman of the House Foreign Affairs Committee, as well as former Congresswoman Millicent Fenwick and former Senator Scoop Jackson. She was instrumental in pushing for passage of the 1974 Jackson-Vanik trade amendment which linked most-favored-nation trading status with Communist countries to their performance with the right to emigrate.

However, those of us who have been active in the Soviet Jewry movement over the years will remember Irene Manekofsky for her tireless energy and dedication on behalf of the refuseniks and prisoners of conscience of the former Soviet Union. Her diligent efforts on behalf of Natan Shcharansky helped raise public and congressional awareness of the human rights abuses in the Soviet Union. There are countless other former refuseniks and former prisoners of conscience who were helped by Irene Manekofsky, many unknowing of her struggles on their behalf with Members of Congress and the administration.

Irene Manekofsky gave her soul to a movement to which we in the Soviet Jewry are truly grateful. She will be sorely missed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 10, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 11

3:00 p.m.

Select on Indian Affairs

Business meeting, to mark up S. 3155, to establish the National Indian Policy Research Institute, S. 2977, to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands, and S. 2975, to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona.

SR–485

SEPTEMBER 15

10:00 a.m.

Appropriations

Defense Subcommittee

Business meeting, to mark up H.R. 5504, making appropriations for fiscal year 1993 for the Department of Defense.

SD–116

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on implementation of the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240).

SD–406

Foreign Relations

To hold hearings on S. 2985, to authorize the Board for International Broadcasting to designate an organization to carry out radio broadcasting to China.

SD–419

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on H.R. 3638, making technical amendments to the law which authorizes modification of the boundaries of the Alaska Maritime National Wildlife Refuge, S. 2353, to provide for a land exchange with the city of Tacoma, Washington, S. 2653 and H.R. 3457, to revise the Wild and Scenic Rivers Act by designating certain segments and tributaries of the Delaware River in Pennsylvania and New Jersey for study for potential addition to the National Wild and Scenic Rivers System and by authorizing the Secretary of the Interior to designate as components of the National Wild and Scenic Rivers System those segments and tributaries that the Secretary determines are eligible for designation, S. 3217, to designate segments of the Great Egg River and its tributaries in New Jersey as components of the National Wild and Scenic Rivers System, and H.R. 2859, City of Lynn Historical and Cultural Resources Study Act of 1991.

SD–366

SEPTEMBER 16

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 1622, to revise the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, S. 2837, DES Education and Research Amendments, S. 492, Live Performing Arts Labor Relations Amendments, proposed legislation authorizing funds for the Agency for Health Care Policy and Research, Department of Health and Human Services, proposed legislation relating to breast cancer screening safety, and to consider pending nominations.

SD–430

10:00 a.m.

Finance

International Trade Subcommittee

To hold hearings to examine environmental issues of the North American Free Trade Agreement.

SD–215

SEPTEMBER 17

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the implementation of the research and education provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624), focusing on the Department of Agriculture's effort to ensure that research activities supported by the Agricultural Research Service, the National Research Initiative, and the Sustainable Agriculture, Research and Education program foster the development of sustainable agriculture systems.

SR–332

Energy and Natural Resources

To hold hearings on provisions of S. 2335, National Beverage Container Reuse and Recycling Act, relating to the energy conservation implications of beverage container recycling.

SD–366

2:00 p.m.

Finance

Social Security and Family Policy Subcommittee

To hold hearings to review a Supreme Court ruling that limits the right of beneficiaries under the Adoption Assistance and Child Welfare Act of 1980 to go to court to enforce its provisions.

SD–215

SEPTEMBER 21

9:30 a.m.

Select on POW/MIA Affairs

To hold hearings to review the Paris Peace Accord negotiations and aftermath.

SH–216

SEPTEMBER 22

9:00 a.m.

Finance

To resume hearings on issues relating to the North American Free Trade Agreement.

SD–215

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations by the American Legion. 334 Cannon Building

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review allegations of bias within the Social Security disability program.

SD–342

Select on POW/MIA Affairs

To continue hearings to review the Paris Peace Accord negotiations and aftermath.

SH-216

SEPTEMBER 23

9:00 a.m.

Finance

To continue hearings on issues relating to the North American Free Trade Agreement.

SD-215

SEPTEMBER 24

9:30 a.m.

Select on POW/MIA Affairs

To resume hearings to review the Paris Peace Accord negotiations and aftermath.

SH-216

SEPTEMBER 29

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the implementation of the Alternative Agriculture Research and Commercialization (AARC) Act of 1990 (P.L. 101-81), focusing on the current activities of the AARC Board and future activities with regard to establishment of regional AARC centers and the development of patent and licensing agreements.

SR-332

CANCELLATIONS

SEPTEMBER 10

9:30 a.m.

Rules and Administration

Business meeting, to consider pending legislative and administrative business.

SR-301

HOUSE OF REPRESENTATIVES—*Thursday, September 10, 1992*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the gifts of kindness, compassion, thoughtfulness, and reconciliation which are given freely by Your hand and are available to those who have any special need or concern. When there is unrighteousness or when evil is rampant, we will surely endeavor to correct the injustice, but may we not seek to respond in kind, and rather seek a new relationship of compassion and mercy. We know, gracious God, that You have created us as one people, so may we seek to testify to that spirit and live according to that unity by being reconciled to others in the bonds of justice and respect. Bless each of us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 260, nays 109, not voting 65, as follows:

[Roll No. 388]

YEAS—260

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carr
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dooley
Dorgan (ND)
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Ewing
Fazio
Feighan
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Neal (MA)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—109

Allard
Allen
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Clay
Coble
Coleman (MO)
Coughlin
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dreier
Duncan
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Inhofe
Ireland
Jacobs
James
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
Michel
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Porter
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Skeen
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Wolf
Young (FL)
Zimmer

NOT VOTING—65

Alexander
Armey
Atkins
AuCoin
Boucher
Campbell (CO)
Carper
Chandler
Chapman
Condit
Conyers
Cox (CA)
Dickinson
Dixon
Donnelly
Dornan (CA)
Downey
Dymally
Edwards (OK)
Engel
Fascell
Flake
Frost
Gaydos
Gunderson
Hall (OH)
Hayes (LA)
Hefner
Hertel
Holloway
Hunter
Johnson (TX)
Jones (GA)
Jones (NC)
Kolter
Lehman (CA)
Levine (CA)
Lewis (CA)
Lowery (CA)
Mavroules
McCrery
McCurdy
Meyers
Miller (WA)
Moody
Morrison
Mrazek
Nagle
Neal (NC)
Pease
Pursell
Schiff
Skelton
Smith (OR)
Solarz
Studds
Synar
Tallon
Thomas (GA)
Towns
Traxler
Weiss
Wilson
Young (AK)
Zeliff

□ 1027

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from New Jersey [Mr. TORRICELLI] please come forward and lead the House in the Pledge of Allegiance.

Mr. TORRICELLI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

APPOINTMENT OF CONFEREES ON H.R. 5503, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none and, without objection, appoints the following conferees: Messrs. YATES, MURTHA, DICKS, AUCOIN, BEVILL, ATKINS, WHITTEN, REGULA, MCDADE, LOWERY of California, and SKEEN.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5678, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I just want to make this inquiry: Is this the appropriations bill that dealt with any of the Soviet aid package? Is there any Soviet aid money in this at all?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, this is not. That is the foreign aid appropriations bill.

☐ 1030

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Iowa? The Chair hears none and, without objection, appoints the following conferees: Messrs. SMITH of Iowa, ALEXANDER, EARLY, CARR, and MOLLOHAN, Ms. PELOSI, and Messrs. WHITTEN, ROGERS, REGULA, KOLBE, and MCDADE.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain up to ten 1-minute statements on each side of the aisle.

FAMILY AND MEDICAL LEAVE ACT

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, last month at the Republican National Convention, President Bush and his party cloaked themselves in the constant chant of family values. He even tried to suggest that God endorsed the Republicans' version of family values.

But when it comes to moving beyond the soaring rhetoric into action, George Bush does not understand the struggles and hardships of today's American family.

How else can you explain why he is threatening to veto the family and medical leave bill that will pass the House today? A bill that simply provides up to 12 weeks a year of unpaid leave to care for a newborn baby, a sick child, or a dying spouse.

How else can you explain why he has ignored the needs and dreams of American families by vetoing the minimum wage bill, unemployment compensation, and tax-relief for the middle class?

And when it comes to supporting the most basic family value of all: providing American families with jobs, George Bush has compiled the worst job growth record of any President since Herbert Hoover and left millions of American families in economic misery.

American families are struggling every day to achieve the American dream. George Bush talks about family values, but it is time he begins to value the family. It is also high time that we take the debate on family values out of the political arena and put it in our homes and churches where it belongs.

Mr. Speaker, today we can give the American family more than just talk. We can give them peace of mind and greater family security during times when they need it most.

WAKE UP, AMERICA

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, yesterday I told this House what a disgrace it was that Presidential candidate Bill Clinton used special influence to evade the draft.

A few minutes ago, I was handed a Bill Clinton issue paper on veterans and it made this former marine sick to my stomach.

Listen to this. Bill Clinton says:

> I'll never forget how moved I was as I watched them march down the street to our cheers, and saw the Vietnam veterans finally being given the honor they deserved all along.
>
> The divisions we have lived with for the last two decades seemed to fade away amid the common outburst of triumph and gratitude.

These are some words, coming from a man who refused to serve in our military, when bullets were being fired, but now wants to be Commander in Chief of our military.

Wake up America and ask yourselves if Bill Clinton has earned the right to be Commander in Chief of a country he refused to serve. No way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. In order to accommodate the Members who were on the floor at the beginning of 1-minutes, the Chair now announces he will entertain up to 12 1-minute statements on each side of the aisle.

THE PRESIDENT'S PLAN FOR THE ECONOMY LACKS CREDIBILITY

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, 2 years after the recession began, today George Bush has an economic plan for America. However, for all of its detail, it misses one central element, credibility, because the President who said he would never raise taxes signed the largest tax increase in American history, and the President who today says he will control entitlements but not reduce Social Security was part of a previous administration that proposed the first reductions in Social Security benefits.

This Nation needs an economic plan. It needs a control on Federal debt. Mostly, it needs a President who can be believed, who can be trusted, who has a plan that this Congress and the American people can follow.

A CHICKEN HAWK FOR PRESIDENT?

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, in 1940, they had a term for people that sent someone in their place to war. It is called a chicken hawk. I cannot tell you what disdain we had for those Americans.

Let me go through a rendition:

George Washington, the French and Indian Wars.

Franklin Pierce, the Mexican War.

James Buchanan, War of 1812.

Harry Truman, World War I, lieutenant.

John F. Kennedy, World War II, lieutenant.

Richard Nixon, World War II.

Jimmy Carter, World War II.

George Bush, World War II, lieutenant.

Clinton was a Jane Fonda-Tim Hayden-Ramsey Clark draft evader and antiwar protester. I was shot down over Vietnam, Mr. Speaker, and I cannot imagine having a Commander in Chief that was a coward and an antiwar protester.

By the way, Mr. Speaker, that tax the last gentleman talked about was a tax to cut the deficit and increase the tax by $1 for every $3 that was spent to cut spending.

LET'S FREE THE BRADY BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, even as I speak today, in Louisville, my hometown, a news conference is taking place dealing with the Brady bill, a news conference called by the Casey family, whose beloved brother, John Patrick, was shot to death in a handgun incident in 1990.

We all know what this conference is about. It is to free up the Brady bill and pass it before Congress adjourns in October. The Brady bill, as we know, we passed it in this body on May 1991, would impose a 7-day waiting period before a handgun could be transferred from seller to purchaser.

The Brady bill in and of itself would not solve the crime problem in America, but it is one facet of an anticrime effort. Currently, the Brady bill is in a legislative logjam in the other body dealing with the comprehensive crime package.

The Brady bill, Mr. Speaker, is a good bill. The Brady bill ought to be freed up as this news conference in Louisville is calling for. It ought to be passed, because it is a step in the right direction to make a better America and a safer America. Let us free up the Brady bill and let us pass it before October.

A MAN'S MAN

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, I wish I knew the name of the man, for indeed, he was a man's man, who stepped forward to serve in Bill Clinton's place when Bill Clinton refused to serve his country. I guess I wonder from time to time whether the name of this man is on the memorial.

When Bill Clinton was drinking ale and throwing darts in English pubs, when Bill Clinton was writing clever letters to maintain his political viability and still keep him out of the military, I have often wondered who served, what husband, what brother, what man, served in his place. I would like to meet him.

I wonder if he sustained severe injury, trauma, loss of limb. I wonder if he was exposed to agent orange. I wonder if he is troubled with nightmares and posttraumatic stress. I wonder if he came home, put the war behind him, raised his family, and led a successful life after serving his country with honor and with pride, honor and pride, a man's man.

I do not think Bill Clinton knows the meaning of those words.

A FAIR TRADE FOR JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, U.S. Trade Representative Carla Hills actually said, and I quote, "By removing trade barriers with Mexico we will create millions of jobs in America." Mr. Speaker, I think the real question today is, is Carla Hills playing with a full deck or what?

Since this fast track started, 750,000 manufacturing jobs have moved to Mexico. Smith Corona and Zenith have been the most recent runaways. For the first time in history there are more Government workers than factory workers.

Look here, George Bush promised 30 million new jobs in his last election, and by George, I predict he is going to make it this time, in Mexico.

I say we should trade Carla Hills to Mexico, President Bush to China, the Cabinet to Taiwan, and put the entire Office of Trade Representative on waivers. Maybe we will get a few jobs in this country.

AMERICA'S ECONOMIC FUTURE: THE BATTLE LINE IS DRAWN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, yesterday George Bush drew a line in the sand. No new taxes. Ever. That is what he said.

He has been burned once. He will never agree to another Democrat tax hike.

The battle line has been drawn. Between a Republican President who knows from experience that high taxes destroy businesses and destroy jobs—and a Democratic candidate who proposes a $150 billion tax increase; between a Republican Party that believes the taxpayer should be allowed to keep most of what he earns—and a Democratic Party whose proposition is "tax, tax; spend, spend; elect, elect."

It is the same choice the American people were given in 1980—between the Republican faith in free enterprise and the Democrats' faith in government control; between the soaring economy of Ronald Reagan and the soaring unemployment and interest rates of Jimmy Carter.

□ 1040

CABLE BILL WILL NOT INCREASE PRICES

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. TAUZIN. Mr. Speaker, monopoly cable is at it again big time. Tell a lie often enough, and maybe someone will believe it. No, America—our cable bill we have just agreed upon in conference will not raise your cable bill. Quite the contrary, the cable bill will, for the first time, offer competition and choice. You know, like two stores in town.

You know what happens when there are two stores in town—you get better prices, and you get treated better.

You know what happens when there is only one store in town. Monopoly cable has gone too far. They have raised our rates at three times the rate of inflation, and now they choose to lie about it, too.

A big majority of Republicans and Democrats agree, no gridlock here—our cable bill will keep cable rates down. It must become law.

JOBS, JOBS, JOBS

(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, the top three issues of the 1992 campaign are jobs, jobs, jobs.

I believe when the voters, have had a chance to study the economic proposals of both Presidential candidates, they will recognize the clear differences.

President Bush advocates lower taxes; Governor Clinton advocates higher taxes.

President Bush advocates less Government regulation of business; Governor Clinton advocates more regulation.

President Bush advocates a balanced approach between jobs and the environment.

Governor Clinton supports environmental laws which will put many American jobs on the endangered species list.

Mr. Speaker, the differences are clear. President Bush has a program which will create jobs; Mr. Clinton has one that will eliminate them.

FAMILY AND MEDICAL LEAVE ACT

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, Reaganomics has been a disaster for ordinary Americans. While the wealthiest 1 percent of our population has seen a doubling in their real incomes, the wages and purchasing power of the average American worker have declined precipitously.

Mr. Speaker, today let us begin the process of dismantling Reaganomics by replacing it with an economic policy which protests the interests of working people and not just the wealthy and the powerful.

Mr. Speaker, it is an absolute disgrace that the United States of America and South Africa remain the only two nations in the industrialized world that do not have a guarantee of job protection for family and medical leave. Today we are debating whether American workers can have 12 weeks off, without pay, in order to welcome a baby into the world; to nurse a sick child; to say goodbye to a dying parent. Twelve weeks, no pay. Which makes this legislation the weakest family and medical leave act in the industrialized world. How dare the President of the United States, Mr. Family Values himself, threaten to veto this legislation when Germany guarantees 14 weeks leave at full pay; France 16 weeks at 90 percent pay; Canada 15 weeks at 60 percent pay; and on and on it goes.

Mr. Speaker, since the President's veto of the previous Family and Medical Leave Act in 1990, more than 300,000 workers with serious medical conditions lost their jobs because they had no job guaranteed leave. The time is now to begin the process of catching up to the rest of the industrialized world by taking one small step forward for our workers and for our families. Let us pass the Family and Medical Leave Act, and if the President vetoes it, let us override it.

STATISTICALLY ADJUSTING THE 1990 CENSUS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I have a very simple question: Should we use the most accurate data available about population trends in appropriating Federal funds to States? Or should we continue to disregard the 4 million people that were missed in the 1990 census? Unfortunately, because the answer will stand for the rest of the decade and impact the distribution of almost $80 billion of Federal funds, resolving this issue has become a political problem. States that are losing population are determined not to lose corresponding Federal funds—even though that effort will end up shortchanging growth areas that have already been squeezed for too long. Yesterday, the Census Bureau extended its comment period on whether to statistically adjust the 1990 census—giving them additional time to reflect on a very clear set of facts: We know that the 1990 head count missed huge pockets of people—and we know how to adjust the numbers to be more reflective of the true population. I urge the Census Bureau to consider carefully these facts—and use the most accurate information available.

PAYING FOR NATURAL DISASTERS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, when a part of America is hurting from the effects of a natural disaster all of America wants to help. That is the American way. That is why relief supplies valued in the millions have been collected by volunteers and charitable groups all over the country for distribution to hurricane victims in Louisiana and Florida.

It is also appropriate that the National Government do its part. President Bush has recently recommended $7.6 billion in emergency assistance. Congress will soon take action on this aid package.

While assistance is warranted, I have written to ask President Bush which programs would he cut, and what tax revenues would he raise in order to finance the aid package. To help a neighbor in need, Americans are always ready to come together and pull together. President Bush should challenge us to do our part through cuts or taxes to pay for this Federal aid.

If instead we borrow the money, it is our children who will be asked to pay the bill for a disaster that they may not even recall. I ask my colleagues to join me in calling on the President to propose how this aid package will be financed.

GARTH BROOKS RESPONSE TO INDIANA CHILDREN'S WISH FUND

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I want to tell you a story about a brave young lady who is dying of a brain tumor. Her name is Amanda Hubbard. She is 12 years old, and she is from Fairmount, IN.

I got a call from the Children's Wish Foundation in Indianapolis, IN during the Indiana State Fair, and her dying wish was that she could go to a Garth Brooks concert and shake his hand, and that would be the thing that would make her the most happy. So the Wish Foundation chartered a limousine to drive her down from Fairmount, to the Indiana Fair and meet Garth Brooks.

But Garth Brook's people, this great country and western singer, would not allow him to meet her. So they called my office, and I called Garth Brooks' agent, Scott Stem, and I asked him for assistance. And he referred me to his personal friend J.B. Haas. And I called him, and he referred me to two other people, Mickey Webber and Daniel Petraitis, and some other people that work for Garth Brooks, and they all told me that he was too busy, and he did not have time to meet this young lady.

Now I do not know if Garth Brooks knows about this or not, but I hope he does get the message. This young lady is dying of a brain tumor and all she wanted to do was shake his hand and get a picture with him.

I told the people on his staff I would meet him in the parking lot for 30 seconds if he would say "hi" to this young lady, this leading country and western singer. He did not have the time.

And yet that night on television, before his concert, I watched him give a half-hour news conference to all of the TV and news media in Indianapolis.

Now I want to tell you, we ought to care about our fellow man. We ought to care about the kids in this country, and people who are leading musicians in the country and western field and others should be willing to take the time to say "hi" to a dying girl. And Mr. Garth Brooks, I hope you get the message.

FAMILY AND MEDICAL LEAVE

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, in the time between vetoing bills from Congress and promising money wherever he thinks he will win votes, the President preaches the glories of family values.

Both the President and Vice President, who seems more interested in tilting at windmills in Hollywood than visiting the inner cities, where people are hurting, have a chance to say something which will benefit many people in this country on farms and in the cities: just say "yes" to family and medical leave.

By providing the laws necessary to promote healthy families, the Congress is giving the President a unique chance to catch up with the rest of the world. Family and medical leave offers us a chance to make our country a better place in which to raise a family.

Too often women experience the nightmare of going in to their employer with the news that they are pregnant. Although they are valued employees, up to the moment they became pregnant, suddenly they find themselves unwanted. Their only crime is to want a family. They are offered an unacceptable choice: Keep a job or raise a family.

We have spent almost a decade developing this bill. Even opponents must admit that it is a modest step—compromises have eliminated most businesses and employees from coverage. And the leave is unpaid, which is pitiful.

Mr. Speaker, too many profamily Members of this body protect unborn infants, but desert them after birth. My position is to vote my conscience, support this bill, and support working people of this country.

I believe that family protection is a minimum labor standard, similar to minimum wage and the 40-hour week. I urge my colleagues to vote "aye" on this modest—but good—legislation.

□ 1050

FAMILY AND MEDICAL LEAVE

(Mr. ZIMMER asked and was given permission to address the House for 1 minute.)

Mr. ZIMMER. Mr. Speaker, the family and medical leave legislation that we will vote on today helps American families in a very basic but a very important way. It provides workers with the freedom they need to meet their family obligations and responsibilities without having to sacrifice their career or their economic security.

Dramatic increases in the number of single parents and dual-income families in our work force make this legislation particularly timely and particularly essential.

While I generally oppose Government-imposed mandates on business, I believe we have a responsibility to help Americans adjust to new economic realities. As a State senator in New Jersey, I am proud to have voted for the family leave legislation on which this legislation is modeled. And I am proud how effectively that legislation has worked in New Jersey and how little an impact it has had on the business community in that State.

I urge my colleagues to join me in support of the family and medical leave bill.

READ THE VOTE TODAY ON FAMILY AND MEDICAL LEAVE

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, this afternoon when we vote on the Family Leave Act, every American voter should read the vote. Read the vote, one by one, of every Member of this House.

The Members who care about families, the Members who are truly concerned about families, will vote for this legislation. The Members who value families instead of talking about some vague family values will vote for this legislation.

A Ford Foundation Families and Work Institute study shows that employers say that family leave laws are neither expensive nor difficult to enact. Ford Foundation surveyed four States with family leave laws in place, and they found that 73 percent of the employers surveyed reported the laws had not caused an increase in health benefit costs, 91 percent of the employers said that State laws were not difficult to put into practice, and 81 percent reported no change in unemployment insurance costs.

Why is the administration the only bailiwick, the only holdout on this legislation? Why do they insist that they will veto legislation that will help families, legislation which shows that we are truly concerned about families, that we really value families?

This afternoon read the vote one by one. The Members who care about families will vote yes for the family leave legislation.

TAX FIRST, ASK QUESTIONS LATER

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, after looking at Gov. Bill Clinton's economic plan, I think I can see his general philosophy: Tax first, ask questions later.

Mr. Clinton, and his liberal Democratic friends here in the Congress will make raising taxes their first order of business.

But I believe Mr. Clinton should answer some questions before he raises our taxes.

Where will this increased revenue go?

What will more taxes do to our economy?

Do the American people not pay enough taxes already?

Mr. Clinton knows that the answers to these questions will not be popular. He knows that more revenue means more spending.

He knows more taxes means a slower economy.

And he knows that the American people already pay enough taxes.

That is why Mr. Clinton does not want to answer these questions now.

And that is why for Bill Clinton, it is tax first, ask questions later.

REELECTION PROMISES

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, earlier this year the President said he would do whatever he had to, to get reelected. I must say that I did not think I would ever hear a President of the United States make such a blatantly self-serving political promise.

In the last few days, Mr. Speaker, we have seen the President keep this promise. The President has shown the country that he is prepared to say anything and to spend the taxpayers' money recklessly to get reelected and buy votes, all the time pleading for the line-item veto authority to reduce the deficit and bashing the Congress.

Mr. Speaker, this behavior gives hypocrisy a new meaning. But yesterday, the President stretched his credibility to a breaking point. He once again promised the American people no new taxes.

Now, my friends, this is the same President who 4 years ago said, "Read my lips, no new taxes," and then proceeded to recommend not one but at least 50 new tax increases.

He now comes to the American public and makes another absolutely irresponsible political promise.

Well, Mr. Speaker, I do not believe the American public will buy it this year. They believed the President 4 years ago. They do not believe him this year.

Mr. Speaker, this President who has become the Santa Claus President of late is dangerously close to becoming the Pinocchio President.

REAL FAMILY VALUES: SUPPORT THE FAMILY AND MEDICAL LEAVE ACT

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, as the House once again considers legislation on family and medical leave, I urge my colleagues to do something very difficult at this time of year. Put the politics aside, and consider this long overdue legislation and how it will affect the millions of hard-working families who are currently in the fight for their lives.

More than half of our work force today is composed of hard-working women, who must strike a balance between life at the workplace and life at home.

And then there are the simple realities to address. Pregnancy, or the serious illness of family members.

Mr. Speaker, as our economy continues to plummet to unseen depths, stimulating our industry here at home must become the number one priority of this Congress.

And in order to accomplish this, we must provide the American worker—

the men and women who built this country and made it strong—with a sense of security.

The time has come to tell them, that you can get sick, or become pregnant, or care for your ailing child and you will not lose your job.

Mr. Speaker, that is the fundamental message we must deliver to the hardworking people of this Nation.

In this day and age, when our current administration has made a habit of exporting our jobs south of the border, rather than creating them here at home, we must go forward with this fundamental legislation.

These are real family values. Not the kind that makes a good sound bite at a political convention, but one that will truly make things better for our Nation's families.

GOVERNOR CLINTON SUPPORTS A TAX INCREASE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, there have been more than a few 1-minutes here delivered about Governor Clinton.

It seems to me that the thing that is very disconcerting is the fact that this man, unlike President Bush, has waffled and tap danced on virtually every issue to come down the pike. He has indicated early on that he supported the concept of exporting United States goods through a free-trade policy with Canada and Mexico. Now that he is interested in maintaining the support of the AFL-CIO, he has backed down on that position and is tap dancing around the issue.

He said during the lead-in to his Brokaw interview that he supported a tax increase.

□ 1100

And what does he plan to do with what will amount to the largest tax increase in American history? He plans to deal with all the environmental problems, the homeless problem, the housing problem, and he plans to basically provide a cradle-to-grave health care for virtually everyone.

How does he plan to pay for it? With this tax on the rich? Every economist in analyzing this knows that he will not provide the revenues that will maintain the requirements of all of those multifarious programs which Mr. Clinton has offered.

Mr. Speaker, it is clear he has tap danced and promised that he will be all things to all people. The policy of tax and spend cannot be perpetuated.

VETO FAMILY LEAVE? IT BOGGLES THE MIND

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the fact that there is even any controversy whatsoever about the Family Home Leave Act bespeaks more than anything else of President Bush's total alienation, total distance, total detachment from the problems that are hurting American families, hurting fathers, hurting mothers.

He does not seem to understand the fact that when you have a family emergency, a pregnancy, an illness, a death, that simple basic compassion calls out for these folks to be relieved of their employment obligations for a short period of time to tend to the basic, essential compassionate needs of their families.

Now, this is absolutely the rule in developed countries around the world, and many of them require pay, 100 percent pay, 90 percent pay. This family leave policy is without pay, and yet the President has the total insensitivity and total lack of comprehension of what is going on there out in the precincts of America, to say that this bill, which demands so little of industry and provides so much in the way of decent compassion to families, that he would veto that bill. It boggles the mind that he could say that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The time has expired for all 1-minutes on both sides of the aisle.

CONFERENCE REPORT ON S. 5, FAMILY AND MEDICAL LEAVE ACT OF 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 560 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 560

Resolved, That during consideration of the conference report to accompany the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, points of order against the conference report for failure to comply with clause 3 of rule XXVIII are waived. The conference report shall be debatable for ninety minutes, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from California [Mr. DREIER]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 560 provides for the consideration of the conference report for S. 5, the Family and Medical Leave Act of 1992. The resolution calls for 90 minutes of general debate, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the House Administration Committee.

Clause 3 of rule XXVIII, which prohibits conference reports from exceeding the scope of legislation committed to conference, is waived against the conference report.

This bill comes to the floor in the midst of a highly charged election season, and in some ways that is unfortunate. It is unfortunate if that partisan edge takes away from a proposal that can stand alone, on its merits, on the difference it would make for American workers and American families.

It is unfortunate if rhetoric obscures the fact that this bill is a bipartisan bill, which has benefited from the leadership of minority Members such as Senator KIT BOND, and Representatives HENRY HYDE and MARGE ROUKEMA.

During this debate, let us not lose sight of the fact that this bill is supported by a veto-proof majority of the Senate—that the Gordon-Hyde substitute which is reflected in this agreement passed the House last year with two-thirds of the vote. And most importantly, that this bill is supported by the majority of the American people.

The Family and Medical Leave Act is substance, not filler; it is real change, not an imitation; it is a response by this body to a very real need—the need of the American family for flexibility in the workplace.

The family. In Congress, we hear about it a lot, we talk about it a lot, we proclaim it the cornerstone of our great country while worrying about whether it is becoming extinct.

Meanwhile, American families out there are asking, "What have you done for us lately?"

A realistic look at the American family shows this: Whether two parent families or single parent families, people are wearing more than one hat, mother and manager, father and foreman. Parents hold down jobs while trying to hold together families. It is a constant struggle.

And in many ways, especially in terms of women joining the work force, this is a change in the family dynamic. Today, two-thirds of women with school-aged children are in the work force. By the year 2000, 2 out of 3 people entering the work force will be women. This bill is about adapting to these changes.

So what happens when these two priorities, family and job, come into conflict?

When a child is hospitalized, do we make their mother choose—give up her job, her income and security, her health insurance, to be with her son when he needs her? Is that profamily?

Or do we offer her the security of knowing her job will be there when the crisis is over, and that her health insurance won't be cut off while she's gone?

When a worker learns his father has had a serious relapse, what options do we offer him?

Family emergencies do occur. Elderly parents become ill, babies are born. These are times when being part of a family becomes one's overriding concern. This is an American tradition, and our workplaces must give Americans the flexibility to fulfill this commitment.

The result: Stronger families and more productive, satisfied workers.

The Family and Medical Leave Act is a compromise, hard fought and hard won. At its core is the provision of 12 weeks of unpaid leave to be used in case of a family emergency. In crafting this compromise, every effort has been made to meet the needs of business. The bill does not apply to small businesses, in fact 95 percent of employers are exempted.

It allows businesses to exempt their key workers and sets minimum work requirements before employees become eligible.

It is a reasonable bill. And this is not just opinion, this is fact: Family medical leave has been adopted by 11 States and the District of Columbia; every other industrial nation has similar leave in place; and research shows it would actually save businesses money by reducing turnover and holding down the costs of retraining.

We can talk all we want about leaving it up to companies to provide this benefit but the fact is, that is not happening. Currently, only 37 percent of women in larger firms have the option of taking maternity leave, never mind family medical leave. So while the CEO's are in their corner offices making millions their secretaries outside can't even be with a newborn child.

This bill has been considered and reconsidered, debated, and modified. The agreement we have before us is the product.

Voting against this bill because you want 1 week added here or 1 percentage point deleted there is a copout and every Member here knows that. If we are going to pass a family medical leave bill we need to pass this bill.

There is only one reason to vote against this bill, and that is if you think family medical leave is a bad idea. If you think workers shouldn't be given the option of being with their families in a time of crisis then you should vote no. But if you call yourself profamily, then put your vote where your mouth is.

American families want this flexibility. Do not stand in the way.

□ 1110

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, while I have more than a few concerns about this so-called Family and Medical Leave Act conference report, I do have no objection to the rule. Traditionally I am opposed to rules that waive points of order, and this rule does waive points of order against scope violation; however, it is my understanding that the only scope violation problem in the conference report pertains to a conforming technical change to a provision extending leave benefits to Senate employees.

Mr. Speaker, I also support the objective of this legislation, which is to help working families cope with the physical and financial strain of childbirth and the need to care for a family member who is ill.

I would like to underscore, responding to the statement of my friend, the gentleman from Tennessee, that if you are supportive of family values you have to support this legislation. The fact of the matter is I am very supportive of the concept, but I am not supportive of the idea of having the Federal Government mandate it.

Unfortunately, this conference report will not accomplish the objective which we want to pursue. Instead it will saddle small businesses with onerous, inflexible, and costly new mandates that will further drive up the cost of doing business and may lead to higher unemployment, clearly exacerbating the economic challenges that we face today.

A letter came to us from the National Federation of Independent Businesses. They oppose this conference report. In their letter they say:

> Given the economic conditions currently facing our Nation, it is imperative that additional burdens not be placed on business if growth is to occur.

Now, that is a statement from the largest organization of small businesses in the country.

Mr. Speaker, this bill appears to be nothing more than a cynical election year ploy by the Democrat leadership. There was very little difference between the House and the Senate passed bills. The leadership decided to wait almost a year so that consideration of the final conference agreement could be brought to the floor of the House 54 days before the election, trying to label the President as being opposed to parental, family, and medical leave. This strategy only adds to the confidence crisis that voters have in this institution. It is considered highly unlikely that this body can override the expected Presidential veto, which is clearly justified given the concern of working Americans about the stability of their jobs and the condition of the economy.

Mr. Speaker, it is very clear. President Bush supports family and medical leave. This gentleman from California supports family and medical leave.

We want the private sector of our economy to offer leave policies as an incentive for hiring, and to create job opportunities. It seems to me that having this mandated by the Federal Government would be a terrible mistake, but since we have this legislation that has been brought before us, I am not going to oppose the rule which will allow for its consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him for his tireless effort in bringing the Family and Medical Leave Act to the floor with strong bipartisan support.

I thank the chairman of the committee and the chairman of the Subcommittee on Education and Labor and the members of that committee for their efforts also on this very important legislation.

Mr. Speaker, we cannot have a meaningful debate on this floor about restoring our economy without first talking about the need for strong families and a strong national family policy. There is a direct correlation between the health of our families and the health of our economy.

Families are the basic building blocks of society. They are where values are formed, where we first learn about love, and discipline, and responsibility; they are where we go for support, and care, and direction so that we may lead productive lives.

But America's families are under siege as never before. Too many families need two or even three paychecks just to stay afloat. Too many families are being forced to choose between caring for their newborns and keeping a job.

Because it has been left to the private sector, we are probably the only industrialized nation in the world where a mother can lose a job for having a baby. Why should hard-working Americans be forced to make this kind of a choice?

Now, with political speeches about family values swirling around, here comes a chance to take some real action to help our families. It is called the Family and Medical Leave Act, and it deserves our wholehearted support.

Despite all his profamily rhetoric, the President turned his back on families last year by vetoing the Family and Medical Leave Act. His action showed that he is not willing to put families first by signing meaningful legislation to protect them.

At a time when every other industrialized nation in the world has a family and medical leave policy, at a time when our families are fighting for their survival, 12 weeks of unpaid leave is the least this great Nation can do to help employees who are caring for a newborn, or a seriously ill family member, or who are recovering from a serious illness themselves.

The argument made by opponents—namely, that this bill would hurt small business—is sheer nonsense. The legislation before us takes the special situation faced by small businesses into account by excluding any firm with fewer than 50 employees. In addition, GAO statistics show that businesses affected by this legislation would pay only $5.30 per year per eligible employee. And in Oregon, which has the most comprehensive parental leave policy in the Nation, nearly 9 of every 10 employers have said there is no problem in complying with the law.

As one of those who helped draft this legislation, I hope my colleagues will show hard-working Americans that their Government really does care about them and their families. This time, I hope the President will join those families and join us.

Mr. DREIER of California. Mr. Speaker, at this time I am happy to yield 2 minutes to the distinguished gentleman from Jacobus, PA, Mr. GOODLING, the ranking member of the Committee on Education and Labor, who has led the charge in opposition to this ill-conceived legislation.

□ 1120

Mr. GOODLING. Mr. Speaker, I do not have any problem with the rule other than that after all these speeches I just heard about how important this legislation is with the American people, my problem with the rule is that it seems to have come 10 months late.

In October 1991, the Senate found it possible to pass this legislation, in November the House passed the legislation, and all of a sudden we wait until 1 month before an election so that we can bring up this great piece of legislation which is so needed by the American people that we sat on it or the leadership sat on it for almost a year, 10 to 11 months. It is unbelievable.

The Harris poll said that 73 percent of the employees say that their employers are responsible to the emergency and regular needs of their employees. The Gallup poll said that 69 percent believe the mandate is not needed. What I say is this: Is it not a tragedy that the Congress of the United States will set certain people against other people and say that some people are more important than other people? That is what the legislation does.

The legislation says:

> If you can't afford to take 12 weeks of leave, you don't get it and you're not worth it. Now if you can afford it, you take it.

Is that discrimination? It sure is against those employees less well off in this society. It also says in the legislation that if you work for a company of 50 or more, you are much more important than somebody who works for a company with less than 50 employees.

Let us not get up and give these pious statements about how great this legislation is, and how it is needed, and how important it is when we are discriminating against all sorts of people and in fact do not really allow very many people to participate in the whole idea in the first place.

Mr. Speaker, I will have a whole lot more to say about this political maneuver when we get to general debate.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in support of House Resolution 560, providing for the consideration of the conference report to accompany S. 5, and to briefly explain why this rule is necessary.

Since the Senate initially passed the family and medical leave bill, it has extended the protection of the Civil Rights Act to its employees and has adopted specific procedures to handle allegations of discrimination raised by Senate employees. The provisions extending family and medical leave protection to Senate employees have been modified in conference to conform to the Senate's current procedures for handling allegations of discrimination. Since the House had adopted the language originally passed by the Senate when we considered the family and medical leave bill, conforming the Senate language to the Senate's current practices technically exceeds the scope of conference and necessitates this rule waiving all points of order against the conference report.

With the exception of those provisions relating to coverage of Senate employees, the conference agreement is, in effect, the same legislation that was previously passed by the House. As initially passed by each body, there was only one policy difference in those provisions of the legislation affecting the private sector or State and local governments. As passed by the Senate, leave was afforded to employees upon the birth of a child. The House language added the requirement that such leave must be for the purpose of caring for the newborn child. Though the additional House language does not alter the substance of the bill, as passed by the Senate, it does clarify our intentions in affording workers parental leave, and it has been retained in the conference agreement. The only other changes in the legislation as it affects private sector and State and local public employers are corrections to conform the language of title I and title II, clarify the legislation's intent, and correct technical drafting errors. In every instance, these changes are wholly technical and do not alter the substance of the legislation as previously passed by the House.

As initially passed by each body, the family and medical leave bills were substantially similar. To the extent the bills differed, it was in those provisions extending family and medical leave benefits to Federal and congressional employees. The House bill extended family and medical leave protection to employees of the House while the Senate bill was silent on the subject.

As it relates to Federal employees, the conference agreement is identical in substance to the bill initially passed by the House. Also, the conference agreement includes the House-passed language relating to coverage of House employees.

The Family and Medical Leave Act is intended to strengthen American families by ensuring that workers need not jeopardize the financial security of the family when faced with the necessity of taking leave due to a medical emergency or to provide care for a dependent family member.

Mr. Speaker, I urge the adoption of the rule in order that the House may complete its consideration of this important legislation.

The SPEAKER pro tempore (Mr. MCNULTY). Members are reminded to refrain from characterizing the motives of other Members.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I do not plan to characterize the motives of any Members.

Mr. Speaker, I am happy to yield 3 minutes to my friend, the gentlewoman from Ridgewood, New Jersey (Mrs. ROUKEMA), the ranking member of the Subcommittee on Labor-Management Relations of the Committee on Education and Labor.

Mrs. ROUKEMA. Mr Speaker, I rise in support of the rule to accompany the conference report on S. 5, the Family and Medical Leave Act.

The rule is necessary to waive all points of order against the conference report primarily because of Senate employee coverage provisions added during the House/Senate conference committee meetings on this legislation.

What needs to be made perfectly clear is that the Family and Medical

Leave Act has been so dramatically compromised under the substitutes adopted by the House and Senate last year, that this conference report should once and for all lay to rest any objections that business has with respect to complying with the bill.

It is time to pass the Family and Medical Leave Act with a veto-proof margin that says that this Congress, Democrat and Republican, is taking concrete steps to put family values rhetoric into action. What we are talking about here is a modest period of unpaid, job protected leave for working families which experience a grave medical emergency.

We need this minimum labor standard to protect workers. Just as we have through 60 years of labor law, child labor, anti-sweatshop. I would reiterate that business is not offering family and medical leave voluntarily in numbers sufficient to obviate the need for a minimum Federal labor standard. A 1990 study by the Bureau of Labor Statistics found that only 37 percent of employees in firms with 100 or more workers had maternity leave, and a 1991 study found that only 14 percent of workers in firms with fewer than 100 employees had leave to care for a newborn child. Paternity leave is even rarer—the BLS study finds that only 18 percent of employees at large- and medium-sized firms are covered by a paternity leave policy, and only 6 percent of employees at smaller firms have paternity leave. These figures fail to change appreciably from year to year.

In the meantime, those States which have enacted family and medical leave laws find that employment and business growth is not affected negatively by those laws. A Ford Foundation commissioned study conducted by the Families and Work Institute found that 91 percent of employers in four States with leave laws found that the State laws were not difficult to comply with; 93 percent said that the State laws had not forced them to provide fewer health benefits; 73 percent reported that the laws had not driven up health insurance costs; and a majority stated that the laws resulted in no increase in training costs, unemployment insurance payments or administrative expenses.

Yet, in this day and age, because of the lack of a Federal minimum labor standard for unpaid, job secured leave, countless hard-working Americans are losing their jobs and their health insurance when a family medical crisis strikes.

Deborah, from Belmont, MA, had to choose between her dying father and her job as a nurse-practitioner for a clinic in Portland, OR, when her father was diagnosed with terminal bone cancer. When Deborah asked her employer for a leave of absence to care for her father, during his last months, her employer refused. She quit her job, and went to care for her father in another city. Had family leave been available to her, she could have helped her father in his final weeks of life, and kept her job and health insurance.

Brenda, of DeRidder, LA, asked for a 6-week leave of absence so she could care for a new baby. She reports that she was asked to resign, and told there was no leave to care for adopted children, even though Brenda had been employed for 7 years with her department store employer. Although she had been promised that she would be rehired when she was ready to return to work, there was no job available and she had been replaced. The loss of her income devastated her family economically, and they later lost their home and filed for bankruptcy.

Harrison, of Stratford, NJ, taught in the public schools in Pennsylvania. In 1983, his 7-month-old daughter Rachel was diagnosed with leukemia, and began undergoing chemotherapy treatments. Harrison requested individual days off at intervals to accompany Rachel to her chemotherapy. His school allowed only 10 days of sick leave and 3 days of personal leave per year. However, Harrison says that his principal threatened him with disciplinary action after he had taken only 5 days of absence. Since Harrison's family depended upon his income and health insurance which covered Rachel's considerable medical expenses, he felt that he had to keep his job no matter what. In the meantime, Rachel's condition worsened. Harrison asked for an extended leave of absence to care for her during her final months of life and was denied. Harrison worked straight through until his daughter's death in 1986.

To those who argue that we should not enact family and medical leave because of the burdens a new labor standard would place on businesses during a weak economy, I think they should consider the economic burdens placed upon working families who lose their jobs because of medical crises such as I have just described—and put themselves in the shoes of those who are forced to keep reporting to work to pay a dying child's medical bills rather than attend to the needs of their child. Family values, indeed.

The conference report is virtually identical to the substitute amendment passed by the House last November. If differs from that substitute in the following ways: It adds my language requiring that leave be taken for a newborn child must be in order to care for the child. It makes several changes to title II to make it more consistent with other laws on Federal employees, and it improves the coverage of Senate employees by including the enforcement mechanism that was part of the civil rights bill passed last year.

The conference report contains a hard-won series of compromise proposals which protect employers and ensure that the right to take family and medical leave is narrowly applied to prevent abuse of leave. It provides that leave may be taken only in the event of a serious medical emergency involving the employee, or that employee's child, parent or spouse, in addition to leave to care for a newly born or adopted child.

It exempts firms with 50 or fewer employees;

Eligibility for leave is confined to only those employees who have worked for the firm for 1 year, for 1,250 hours during that year. This means an employee will have to work at least 25 hours per week for 12 months to take family or medical leave.

Employers may deny leave to key employees; the top 10 percent or highest paid 5 employees, whichever is greater, to avoid serious economic injury to the business.

Employers may recover health insurance premiums if an employee does not return to work following a period of family or medical leave.

Employees must provide 30 days notice for foreseeable leave based on planned medical treatment, and make a reasonable effort to schedule treatment so as not to disrupt the firm.

Employers may request up to three medical certifications of illness serious enough to merit leave.

Medical certifications will have to state not only the diagnosis of illness and prospects for recovery, but the duration of medical treatments as well as a statement that the employee is needed to care for a family member in the event of a request for family leave.

An employer may transfer an employee who requests intermittent leave to an equivalent alternative position.

An employer may substitute accrued paid leave for any portion of the 12-week unpaid leave period.

The enforcement provisions have been changed to parallel those of the Fair Labor Standards Act, restricting damages to double the amount of lost wages or other monetary losses. Employers who act in good faith and have reasonable grounds to believe their actions did not violate the act may have damages reduced at the discretion of a judge.

Our most competitive trading partners have family and medical leave laws, and have had for years. It is inexcusable that we in the United States cannot enact a modest bill such as this to give working families some minimum floor of protection in medical emergencies. While the work force has changed and while the whole world has changed, we have persisted in out-of-date labor standards. Face the realities of life for working families who today are working out of economic necessity. Listen to your constituents and all the polls—fear of losing ones job in a harsh economy and the health care crisis are primary concerns and anxieties of American voters. Don't turn your backs on them. They will remember in November.

Support the conference report to the Family and Medical Leave Act.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I rise in strong support of the Family and Medical Leave Act. The issue of family values has taken center stage during this election season. Rather than just talk about family values, we can do something about it by passing the Family and Medical Leave Act.

The Family and Medical Leave Act is a sound and reasonable policy. It guarantees jobs for individuals who need to take leave to care for a family member.

Nowadays, economic necessity dictates that two parents work in order to make ends meet. Two-thirds of women with school age children are in the work force. It is unconscionable to make them choose between working and caring for a new child or sick parent. Yet, most Americans do not have job protection when they need to take a leave of absence. A recent Bureau of Labor Statistics study found that only 37 percent of female employees in companies with more than 100 employees were covered by maternity leave, while only 14 percent of all female workers in companies with fewer than 100 employees were covered. The Family and Medical Leave Act addresses these changes in the composition of the work force and provides job-security for working families.

This is a very modest proposal that should not be a burden on businesses. A GAO report found that family and medical leave policies reduce turnover and eliminate unnecessary hiring and training costs. Furthermore, this legislation provides a continuation of health benefits for working families. The Family and Medical Leave Act sets a standard that is long overdue in today's job market.

Again, let us demonstrate our commitment to family values by passing the Family and Medical Leave Act.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Earlysville, VA, Mr. ALLEN, a very able member of the Committee on Small Business, the Committee on Science, Space, and Technology, and the Committee on the Judiciary.

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to this bill.

Unpaid leave to give birth or adopt a child or to care for a sick family member is certainly desirable, and I would encourage businesses to offer such a benefit.

However, let us examine this congressional edict. First and foremost the Government has no right to dictate employment contract provisions onto the free enterprise system. This legislation places an enormous financial burden on small businesses, and it would lead to the loss of many jobs because employers can't afford this expensive Federal mandate. This intrusive mandate can adversely affect efficiency and productivity in all business, large or small.

Aside from costing the American economy thousands of jobs, this misguided bill can discourage employers from hiring people during their childbearing years or with sick relatives. In addition, the cost of complying with this mandate will prevent employers from providing other more desirable benefits for all employees, such as health care coverage.

Many employers already offer some kind of family leave benefit, as well as other important benefits, in order to compete for the best employees. But, this is a matter which should be negotiated between employers and employees. This Congress has already done enough to harm the economy and cost Americans their jobs. I implore the House to stop meddling in matters which are not its concern, and I urge my colleagues to vote down this harmful, interfering, counterproductive legislation.

□ 1130

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I strongly support the rule and the bill, and I make this observation today: If President Bush vetoes this bill to give emergency leave and family leave for critical priorities of the American family, then President Bush does not understand the problem in America, the problem with American families, and in fact is out of touch with family values and the rhetoric that surrounds it.

But my concern here today is while I support family leave and emergency leave, I am concerned about what good is it if an American worker does not have a job?

Congress must work to stabilize the economy. We are not doing that. We are extending unemployment benefits.

We are granting family leave, and this should be done. But someone tell me, where are the jobs? Where are the new jobs coming from?

The American people today are not worried about this bill, they are worried about keeping the job they have, or they are worried about being able to find a job that does not exist.

Look at the facts: for the first time in American history government jobs have surpassed factory jobs. There are 18.6 million Americans being paid by taxpayers at the State, Federal, and local levels, and there are 18.2 million Americans working in our factories.

It is starting to look like an old pension plan—more retirees, fewer workers. We are in trouble.

America invented the telephone; we do not make a telephone. America invented the television; we do not make a television. America invented the VCR; we do not make a VCR. America invented the typewriter; we do not make a typewriter.

Where the hell are these high tech jobs, folks? What is more high tech than these electronic communicative devices? Why do we not make them here and what is the plan for America?

We are going to engage in a barrier-free trade agreement with an unregulated low wage economy that has already taken damn near 1 million jobs.

I support this. Congress should pass it. If the President vetoes it, in my opinion he vetoes his candidacy, because he is out of touch with the American family.

Before I conclude, I want to make this statement: Congress must work to create jobs in the private sector. We cannot afford hiring more people by the Government. We have more people than we need, and the policies that exist in this country are not producing the jobs.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend, the gentleman from Ohio [Mr. TRAFICANT], makes a very compelling case against this legislation because the gentleman, like me, is concerned about job creation. Tragically, this bill itself will play a major role in decreasing job opportunities in this country.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Bensonville, IL, Mr. HYDE.

Mr. HYDE. Mr. Speaker, I thank the gentleman from California for the commercial for my hometown.

Mr. Speaker, I cannot comment on this bill without saying that I regret the political taint to the timing of the bringing of this bill. There is no question but that politics plays a role in this. Maybe that is all right, but this issue it seems to me transcends mere political consideration.

Mr. Speaker, I want to say that the arguments in opposition to this bill are not frivolous. They are cogent. A real possibility exists that some employers will reduce overall employee benefits to accommodate mandatory leave benefits. If we want to create more jobs, as the gentleman from Ohio [Mr. TRAFICANT] so eloquently spoke of a moment ago, we need to reduce the cost of labor, not add to it. So if one is asking where are the jobs, adding to the cost of labor does not help create jobs. So that argument I do not think is too helpful to this bill although, again, it is a good argument.

But the law is a teacher, and to make a worker risk his or her job when circumstances require compassionate leave, and that is a term we get from the military, and it is very descriptive, compassionate leave, is at least dehumanizing, and, as a matter of policy, I think we should encourage employers to place personal and human considerations for their work force at the very top of the employment relationship.

Profits are critical, I know that. Productivity is important, and I know that. But a relationship of caring, of concern for the work force, is the best way I know of to develop loyalty to the company, mutual resepct, and enhance productivity.

We are told this election season that all that matters is the economy. Well, I do not accept that the consideration of humanity must be shoved aside. A woman should not have to choose between having a baby and keeping her job.

Today if there is any reality out there it is the assault on the family. People say to me, media people, "What do you mean by family values?"

Well, it reminds me of Louis Armstrong, who was once asked, "What is jazz?" He said, "If you have to ask, you will never really know."

Well, if you have to ask what family values are, maybe you will never really know. But certainly one of the family values is caring about your spouse, caring about your children, caring about your parents.

I do not see that this will ever be abused, because there is no pay involved. Oh, they say it is the foot in the door. I do not buy into that. No pay is involved. All you are doing is giving one less thing to worry about to someone who is pregnant, to some father whose child is sick or whose spouse is ill, and it seems to me as a statement of policy this is a good idea.

Mr. Speaker, I assert that if one is for family values, it seems to me to require one to support this bill. Not that it cannot be improved, not that there are not ways to perhaps accomplish this that are less onerous to business, and we should continue to look at those ways and to accomplish this. But I hope an employer does not force on somebody a Sophie's choice—my baby or my job.

Mr. Speaker, I hope this bill will pass.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong support of this legislation. I think the previous speaker in the well, the gentleman from Illinois [Mr. HYDE], put his finger on it. Absent the passage of this legislation, thousands and thousands of people a year are confronted with the choice of their child or their job, a sick spouse or their job, an ailing parent of their job.

That is not speculation. As the gentlewoman from New Jersey [Mrs. ROUKEMA] pointed out, as we have taken testimony in the Select Committee on Children and Families, as the Committee on Education and Labor has taken testimony, thousands of individuals are confronted with this choice every year. They are told if you have to have time off to take care of a newborn child, you are fired. Do not come back tomorrow. Do not come back 3 weeks from now.

□ 1140

If your parent has a stroke and you need 1 week or 2 weeks to stabilize your family, you are fired, do not come back in 2 weeks. That is the choice that is confronting tens of thousands of American workers every year in this country.

Absent this legislation, that will continue.

When we talk about what we expect of our families, we are telling people that decide to express basic maternal instincts, parental instincts, to go to a member of their family in trouble, to give up wages, to give up their time, to take care of that individual, what we are saying is, the policy of this country is, "You can be fired for that."

There is only one way to change that policy. That is by the passage of this law.

Do not tell me about relying on the wonderful, beneficial employer because there are thousands and thousands of employers out there that fire tens of thousands of people every year for this.

Absent this law, they will continue to do that. That is why this is such a very, very important piece of legislation.

It is important that we pass it. And if the President is so uncaring as to veto it, it must be overridden.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the very hardworking ranking member of the Subcommittee on Human Resources, the gentleman from Naperville, IL, Mr. FAWELL.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in opposition to this rule.

To begin, let me make this very clear—this employee leave bill is much, much, much more than parental leave. It mandates uniform personnel leave rules for all of America's public and private employment entities—profit and not for profit. Employee leave for a child's birth or for adoption is just a small part of the arcane and vast coverage of this bill. It is simply another Washington mandate on business that blithely disregards the diversity of America's public and private employment structures. It ignores that both public and private entities have to dovetail their particular personnel leave policies not to what Washington mandates in our glorious intelligence here but what meets their unique private and public missions.

For instance, this bill assumes that the personnel leave policies of a dress shop in Kansas City can also fit the coming and going of top security personnel of the New York or Chicago Police Departments; it assumes the personnel leave policies of a trauma unit operating out of a hospital or fire department in Los Angeles let's say, can be the same as one governing hamburger flippers at McDonalds in Naperville, IL.

The U.S. Department of Labor must mandate this monster personnel leave plan upon all of America's defined employers. No one has dared estimate what the costs will be. Furthermore, any employer who, innocently or otherwise, breaches any of the bill's myriad provisions and resultant DOL regulations can be sued in Federal court for substantial damages plus attorney's fees, expert witness fees, interest, and costs.

But this House, which employs over 12,000 employees, will not suffer such a fate. We have a perk. We're special. We're exempted from being sued in Federal court for liquidated damages, attorney's fees, expert witness fees, ad infinitum. Under this bill, employees of this House are second-class employees. They do not have the right to enforce their claims in Federal court, no, siree. No day in court for them. The House employees must be content to enforce their rights under this bill by appealing to the friendly House-administered Fair Employment Practices Office. That is to say, any aggrieved employee can appeal only to a panel where their rights, protections, and damages will be reviewed—of course—by a House panel which will be prosecutor, judge, and jury, But, then, if you can't trust your Member of Congress to protect you, who can you trust?

I ask this question; it has to be asked, not as a hard-hearted Harry, but what is this mad malady affecting the U.S. Congress which tells us that we, inside the beltway, know better than employers and employees and their unions, as to what employee benefits are most important and/or needed? Do not employee needs and desires differ from one business to another? Does not the mandating of one benefit limit the ability of employers, employees, and unions to agree upon other benefits which better fit the needs of the employers and employees? Experience and polling data confirm my assumption—family and medical leave is not at the top of anyone's benefits wish list except in Congress.

As a former managing partner in a small law firm for many years, I can't help but think that the drafters of this bill are woefully misinformed as to how business works. This bill, like all previous versions, requires that an employee taking leave be restored in the very same job 12 weeks later or "an equivalent one with equivalent pay and equivalent terms and equivalent conditions." I can't help but ask "what happens if there is no such job left or anything similar to it?" That question is especially relevant today because of the weak economy. Layoffs and business closures can only increase with the imposition of costly mandates on business.

Mr. Speaker, everyone supports family and medical leave but, just because Congress hasn't mandated it in a specific and detailed form, doesn't mean it doesn't exist in America.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in support of the rule on this very important legislation.

I would like to take a moment to commend the gentleman from Illinois [Mr. HYDE] for his very compassionate remarks just a few moments ago. We disagree on a lot of things, but I find that we are in strong agreement on this rule and on this legislation. He began to put a real face on what we are doing, and I would like to continue and try and do that.

Prior to my great-grandmother's death, I was just a little child. But I sat with her. I was able to read the Bible to her because she was losing her sight. I was able to comb her hair and to stroke her limbs because she had arthritis and she was in terrible pain.

All of the adults were at work, and they could not be there. I was a little girl, not even 13 years old, but I remember the comfort that I brought to her.

I also remember as a young mother how I left my babies crying with high temperatures because I had to go to work or I would be fired. I remember those tears. I remember the anguish that I felt having to leave them.

This is not about whether or not business will like what we are doing. I am tired of Members of this Congress in the name of business trying to undo the very good public policy work that many Members of this Congress are trying to put forward.

My colleagues are right. This is about family values. I value my family. I valued my grandmother. I value my children, and most Americans value their family.

It is not about whether or not business will like what we do or whether or not we are going to drive people out of business. Compassionate businesses want satisfied employees. They want people not to be on the job wasting their time while they are worried about their babies and their grandparents and their mothers and their fathers.

I ask support for the rule and the bill. It is the only compassionate thing that good Americans and good Members of Congress, who can take leave whenever they want to, can do. I ask support for the legislation.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the chief deputy whip, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

The bill that we have before us today is not a bill about family as much as those who claim that families are not an issue in this campaign would like Members to believe that this is the place where we ought to address it. That is not the issue. Only if we believe that our family is simply an extension of Government policy will we believe that this bill is about families.

This bill is about the Democrats, who think that if one's family has a problem, what one needs to do is get more government involved. That is not the way most families think.

Most families believe that fundamental to their economic survival is a good job. This bill kills jobs. This bill is a bill which fundamentally undermines the job-creation ability of this economy and means that families will not have jobs for their livelihood in the future.

We could encourage employers to make a good economic decision here by giving them tax credits and giving them an economic incentive to provide family leave, but we do not want to do that.

□ 1150

We are going to approach this issue the way the Democrats approach every issue, with more litigation, with more regulation, with more taxation.

The Democrats believe that for any problem that we have in society, what we need is more lawyers, more regulators, and more tax collectors. That is exactly what they have in this bill: More lawyers, more regulators, more tax collectors. That is all this bill is about, bigger government, more bureaucracy: get more regulators involved, get the lawyers involved in suing businesses, get the tax collectors involved; get them all involved, and somehow the families will be better off.

The families will not be better off, because this bill will eliminate jobs. Thousands of employees will lose the work they badly need if this bill passes. The Democrats don't particularly care about killing jobs. They kill jobs all the time in Congress, because what they plan to do is blame the job losses on George Bush.

The fact is that those jobs that are lost, those people who are out of work, will have had their jobs killed right here in the Congress. Those jobs will have been killed with more litigation, with more regulation, with more taxation. Lawyers, regulators, and tax collectors will have killed the jobs. It will have been done in the name of family leave, but the only thing families will be left with is an unemployment check.

Mr. GORDON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in support of this rule for family medical leave.

Mr. Speaker, it has become very popular in recent months to talk about family values, to claim to be the pro-family candidate representing the pro-family party.

Our President made this one of the central issues of his party's convention last month. Now that he has the opportunity to prove his commitment to America's families, he has threatened to veto for a second time a bill that will do more for working families than any other single piece of legislation: the Family and Medical Leave Act.

I do not quite know what the President means by family values, 75 percent of Americans think it means helping parents have the time to care for a newborn or newly adopted child, without fear of losing their jobs, or health benefits. It means giving workers the flexibility to care for a parent or spouse who is ill. That is what the conference report before us would do.

And, Mr. Speaker, this is a very modest bill. It does not tell a business that it must pay an employee taking leave for his child with meningitis or her parent who has fallen and fractured a hip. It just says hold that job for 3 months: unpaid family or medical leave.

Times have changed; our work force has changed. We no longer have the luxury of single income families: 70 percent of mothers with school-aged children and more than half of women with preschoolers are in the paid work force.

Family and medical leave can actually save businesses money. A survey by the Small Business Administration found that the costs of replacing an employee permanently far outweighed the average cost of granting leave.

Presently, many Americans must choose between their families and their jobs—not a very good choice for families or our economy. Is this a policy that reflects family values? I do not think so.

We need to follow in the footsteps of States like my own State of Connecticut that have enacted their own family and medical leave laws. From all indications, the law is working very smoothly. Surely American workers deserve a minimum assurance of time off without pay for family emergencies.

The Family and Medical Leave Act does more than talk about family values—it values families. It is good for families; it is good for business; it is good for America.

I urge my colleagues to support the conference report.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, one of the most significant changes in our society over the past 30 years has been the increasing participation of women in the work force. Despite this revolution, the United States remains, along with Iran and South Africa, without a national family leave policy. As a result, many workers are forced to make a decision between financial security and caring for family members. That's a choice American families should not have to make.

The State of Oregon, which has more small businesses per capita than any other State in the Union, has already implemented parental leave legislation. The Oregon law requires businesses with 25 or more employees to provide 12 weeks of parental leave in the first year following the birth or adoption of a child.

Given the State's dependence on small businesses, there was considerable debate and concern regarding the potential impact on small businesses, prior to passage of the law. A strong bill prevailed with covers almost 70 percent of the private work force in the State. A higher percentage than this legislation will cover nationwide.

The Oregon law has been in effect for more than 2 years. The Oregon Department of Labor and the Ford Foundation have found, through data collected from employers, that businesses are not having trouble complying with the law. And they aren't going out-of-business or leaving the State as a result of the law.

The medical leave coverage under this legislation will compliment the Oregon parental leave law and laws that are already on the books in other States. The bill will also guarantee the ability of family members to care for one another during illness in States that don't have any parental leave or medical leave laws in effect. I urge my colleagues to vote to support American families and pass this legislation.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I would like to answer a lot of the allegations that have been made out here. First I want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from Illinois [Mr. HYDE], and many others on the other side of the aisle who have not made this partisan and who have worked very hard.

I think today we also want to salute the group of Republican women in Rockford, IL, who had a press conference saying they were in the room in 1988 when the President of the United States, George Bush, promised to sign this bill and he did not. I salute them for their courage for saying that.

Mr. Speaker, I want to answer some of the things we have heard. We have heard that we cannot do this because it is all being timed, it is being timed partisanly. We try very hard to get the President to talk to us about this bill. All sorts of people have tried very hard to get him to talk to us about this bill.

It is not that the President is against mandates, either, because in his term he did negotiate on the civil rights bill and finally we got a civil rights bill out and it mandates things. He did negotiate on the Americans With Disabilities Act. Those are mandates he negotiated, and we did on that.

However, the pediatricians, the Catholic Conference, all sorts of Members of Congress on both sides of the aisle, and any number of people for the last 4 years have tried to meet with the White House on this side and have been denied entrance, so the timing of it is really more the White House's fault. We really wanted a bill to protect America's families. We hear people talking about jobs. Yes, we all feel terrible that jobs are gone, and we must work on getting more jobs, but let me tell the Members that in a recession when people are losing their jobs everywhere, it is even harder on families. People are much more hesitant to take family leave for any reason at all. Therefore, this becomes much more important than any other time to pass this bill.

If all one's neighbors feel they are in jeopardy of losing their jobs, and if someone has a baby or their mother has a heart attack or some other such thing happens, and their boss tells them to get to work and not stay there, they are going to do it, no matter what happens.

Therefore, the sentence by the gentleman from Illinois about "your baby or you job," or "your father and his stroke or your job," a person has to go with the job in a recession more than ever. I think that is why we see rising incidences of domestic violence and all sorts of stress in an era of recession, because people are totally incapable of meeting their family responsibilities because of their fear of losing a job.

That should not be. We know we have the least family friendly workplace of any country. That is a shame. I cannot believe that American businesses cannot do what other businesses do in every other industrialized country in the world.

We make room for everything else in the workplace. It is time to recognize the essential elements of a young family bonding early on, and of people being able to extend the caregiver role to dependent family members when they are in critical need. That is what it is about. I hope everyone puts politics behind them and votes for this bill today. I hope the President signs it.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank my good colleague for yielding time to me.

Mr. Speaker, to my respected colleagues on the other side of the aisle, I think they have forgotten the words of Paul Tsongas in the Democratic Presidential primary when he said, "no goose, no golden egg." The translation: We cannot love employees and not love employers.

However, if Tsongas' words do not convince the Members, listen to George McGovern in the Wall Street Journal in June. George McGovern, in a guest editorial, guest commentary in the Wall Street Journal, wrote about his experience as a business owner, the proprietor of a hotel, restaurant, and public conference facility.

This is a very, very insightful article, because Mr. McGovern spent 24 years in high public office creating policy which dictates business regulation. Then he had come, in writing the article, to realize first hand the enormous hardships those policies create for entrepreneurs.

In the article he writes:

> I wish that during the years I was in public office I had had this firsthand experience about the difficulties that business people face every day. That knowledge would have made me a better U.S. Senator and a more understanding presidential contender.

The eyewitness testimony of career Democrat George McGovern reveals that public regulations have for too long been made with complete disregard for those who must abide by them. The Family and Medical Leave Act is just another well disguised measure that would adversely affect the small business person and business owner. By the way, these are the folks who give us most of our new job creation in the private sector.

I do not contest the fact that it is desirable for parents to spend time with newborns—I am the father of three young children myself—or that family members should be allowed time to care for seriously ill loved ones. We all agree on these humanitarian issues.

The policy question, though, remains: What is the most appropriate and effective method for securing this leave and how to implement it while avoiding suffocating costs to small businesses and inadvertent ramifications to employees.

Federally mandated family leave will do the following: No. 1, reduce the flexibility necessary to meet the needs of a changing work force; No. 2, encourage employers to reduce overall employee benefits to accommodate mandatory leave benefits; and No. 3, it will impose further operating costs on employers regardless of their ability to absorb them, thus reducing productivity and competitiveness.

For family and medical leave policies to meet the specific needs of individual companies and employees, the negotiation process must be a voluntary one between management and labor. Regardless of how well intentioned, this endless litany of oppressive legislation and overregulation on American businesses must end.

I, therefore, strongly urge my colleagues to vote "no" on the rule and to vote "no" on the conference report.

Mr. Speaker, I include for the RECORD a copy of the article written by Mr. McGovern in the Wall Street Journal on June 1, 1992.

[From the Wall Street Journal, June 1, 1992]

A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

(By George McGovern)

"Wisdom too often never comes, and so one ought not to reject it merely because it comes late."—Justice Felix Frankfurter

It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.

In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had had this firsthand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgment that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective has been limited to that small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never have doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employees. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonable way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While one cannot assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy in the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g., steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all" rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule, in support of the bill, and in support of an override, if the President were to veto the bill.

This is a family value bill in its most fundamental sense. It is a bill that will keep families, American families, together, intact, and keep those American families functioning. This is a working woman, working mother bill. In Jefferson County, there are some 48,000 working mothers; that's just in my home area.

This is a working couple bill. More and more families are, for economic reasons, together in the work force. This is an efficient workplace bill. It will reduce turnover of employees, reduce training costs of replacement workers.

This is a bipartisan bill. We have heard some eloquent speeches by the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from Illinois [Mr. HYDE], and the junior Senator from Missouri in the other body is a main mover of this bill.

Foremost, Mr. Speaker, and beyond all, this is a bill about love. This is a bill about caring. This is a bill about sharing. It is a bill about the American family. Mr. Speaker, this bill ought to pass and this bill ought to become law.

Mr. Speaker, as I have each time the House has taken up the Family and Medical Leave Act, I rise once more in strong support of the bill. This legislation is a natural response to profound changes in families and in the workplace that have occurred over the years. Regrettably, these changes have not been mirrored in leave benefits afforded by businesses.

I would like to share with our colleagues some statistics on the work force in the Third District of Kentucky—the district I proudly represent—based on the 1990 census: In Jefferson County, KY, there are 172,302 women employed, 13,934 of whom have preschool children, and 34,545 of whom have school-aged children.

These statistics are a reminder of the need not only in my district, but across this country, to allow workers the opportunity to take leave from their jobs when children are born, become ill, or when aging parents require care. Simply stated, having to choose between meeting family responsibilities or holding onto one's job is a choice no one should have to make.

Furthermore, Mr. Speaker, we should proceed to enact a family and medical leave bill, since the United States is among the last of the countries of the industrialized world to require business to provide such benefits to its families.

This bill only applies to companies which employ more than 50 people; 95 percent of all American businesses are exempt, and 50 percent of the American work force is not covered under this legislation. It allows companies to exempt essential personnel from their family leave policy. All of these provisions are exemptions that came from hearings—some of which were conducted by the Small Business Committee on which I sit—to keep the bill from being burdensome or expensive to small business.

Mr. Speaker, it is important to remember that the bill before us is a bipartisan compromise, drafted with the help of Republicans in this Chamber and the other body, explicitly designed to avoid hurting small businesses. So, I am not persuaded by arguments that this legislation is too onerous on business.

But beyond all the questions relating to business and economics, the Family and Medical Leave Act is about how our Nation treats its people and about the kind of society we are to be. It asks whether or not we are to be a compassionate, caring, and loving society that promotes the family and family values with more than just rhetoric. The answer to that question must be a resounding "yes."

Mr. Speaker, I urge the House to pass this bill. And should the President veto the Family and Medical Leave Act, I urge our colleagues to override his veto.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair would advise Members that the gentleman from California [Mr. DREIER] has 8 minutes remaining, the gentleman from Tennessee [Mr. GORDON] has 4 minutes remaining, and the gentleman from Tennessee has the right to close.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Minnetonka, MN, Mr. RAMSTAD.

□ 1200

Mr. RAMSTAD. Mr. Speaker, I rise, as I did last year, in support of the rule and the Family and Medical Leave Act conference report.

The bottom line here is that no person should be forced to decide between having a child or pursuing a career. Nor should any person be unable because of his or her job to care for a seriously ill family member.

All too often today workers face great dilemmas when they want to spend time with a newborn or a newly adopted child or a family member who is seriously ill. Most cannot afford to give up their job permanently or take the risk of losing that job.

Mr. Speaker, with all due respect to the opponents, I believe that passage of this rule and the conference report today will ensure that fewer American workers will be forced to make that difficult decision. I have heard several of my colleagues on the other side of the issue express concern that the legislation might hurt small businesses. Based on my experience with a very similar statute that I helped craft as a Minnesota State senator that we have had in effect for a number of years in our State of Minnesota, I have not received one complaint from any small business man or woman. So I take issue with that. I just cannot think that it has that negative impact.

As a member of the House Small Business Committee, I am convinced that this compromise bill provides the necessary protection for small businesses while helping working men and women raise and care for their families.

Mr. Speaker, the Family and Medical Leave Act is well-balanced, profamily legislation, and I urge its passage today.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, 4 weeks ago the President said to the Nation that he supports American families period. And then 1 week after that the President said he does not support providing unpaid family medical leave to those same families.

And then a week after that the President said in his defense that family medical leave, even though it is unpaid, would drive American businesses out of business.

And then a week later, the President failed to acknowledge, as he knows, that 90 percent of all businesses are exempt.

And finally, the President said he does not like this bill. It is no good. He has his own plan.

Well, the only difference between the President's plan and Elvis is that people have seen Elvis.

I urge my colleagues to support American families; stand up for what is right, and vote in support of this conference report and this bill.

Mr. DREIER of California. Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a cliche in the courtroom that if you have the facts, you argue the facts. If you have the law, you argue the law. The opponents of this bill have added a new facet. They have neither the facts nor the law, so they are arguing obscurities.

Let us set the record straight. One of the obscurities that the opponents of this bill are arguing is they are saying they are for the concept of family and medical leave, but it should be voluntary. Well, Mr. Speaker, voluntary actions are not working, and two-thirds of the men and women in this country who are eligible are not receiving voluntary family and medical leave. Their jobs or their families are in jeopardy.

So if we are going to talk about the voluntary aspect of it, why not make child labor laws voluntary, why not make sweatshops come back in? Voluntary action is not working.

The other obscurity that the opponents of the bill are arguing is that it is going to harm small business. Small business is not going to be affected by this bill, Mr. Speaker. The compromise that the gentleman from Illinois [Mr. HYDE] and myself introduced sets aside businesses of 50 or less not to be affected, meaning that 90 percent of the workers in this country are not affected by this bill. Part-time workers who work less than a year or less than 25 hours a week are not affected. Major management positions are not affected. Small business is not affected.

Every other industrialized nation in the world, all of our business and trading partners in the world have a family and medical leave bill. This is beneficial to their countries. It can be beneficial to our country.

Finally, Mr. Speaker, let me just say to the opponents of this bill, you can run from the issue but you cannot hide. Do not say on the one hand you are for the concept, but then you are going to vote against the bill. That dog will not hunt. If you are for family and medical leave, vote for this bill. If you are against family and medical leave, vote against this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I am happy to yield a minute to my friend, the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me the time. I just wanted to take this opportunity to rise again and point out to the gentleman from Maryland, who is one of the most eloquent speakers in the House, that I believe he misstated the case when he said that the President did not have a competing proposal. He certainly did when this side of the aisle offered the Goodling substitute when we first debated the family and medical leave bill when it came to the floor, and that provision would require employers to offer family medical leave as a part of a menu of benefits for employees. But it would make it subject to the collective bargaining process, which that side of the aisle so strongly supports.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I am happy to yield to the gentleman from Maryland.

Mr. MFUME. Mr. Speaker, if I may take a moment to correct the gentleman, I did not say the President did not have a plan. I said he has a plan that he talks about. It is that the difference between his plan and Elvis is that people have seen Elvis. I have not seen the President's plan, and I doubt that most Members in this Chamber have seen it.

Mr. RIGGS. Reclaiming my time, I would simply point out that if the gentleman did not see it, then he obviously missed it when we had that debate some months ago, and that that very clearly was the family medical leave proposal that the President would sign into law tomorrow if it was presented to him. But it was defeated by a straight party-line vote in this body.

Mr. DREIER of California. Mr. Speaker, I urge support of the rule and opposition to the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2, the Family and Medical Leave Act.

Over the last several months we have been inundated with campaign rhetoric about the importance of family values. While the Presidential candidates continue to orate on this subject, we have the chance here today to enact legislation that is truly pro-family.

What could be more important to a parent than taking care of a newborn, newly adopted, or seriously ill child. For children with sick or elderly parents the conflict of caring for aging parents and responsibilities at work is often unmanageable.

As one of the few industrialized countries without a national family and medical leave policy, American workers are forced to make the intolerable choice between work or their parenting and family responsibilities.

Over the last 25 years the American family and the American workplace have undergone unprecedented changes. Economic pressures and social reform have resulted in large numbers of women entering the work force—as contributors to family income or as sole heads of households. In 1965, less than 40 percent of American women were in the work force; today that figure is nearly 60 percent.

The days of the one-income family are over. The rising cost of living has made two incomes a necessity in many areas of the country. And for families with children, the double-income couple is now the norm. Both parents work in 48 percent, or nearly half, of all families with children in the United States.

Single parent families have also grown rapidly, from 11 percent of all families with children in 1975 to 19 percent in 1988.

These working men and women should not be forced to sacrifice their means of livelihood to care for children or elderly parents. American workers must be assured the right to take leave from their jobs to have a family, to care for that family, and return to a job that will allow them to provide for that family.

But current law and current business practice often does not allow parents this flexibility. It still operates under the antiquated notion that one of the parents, the mother, will stay home to raise children full time.

American businesses have failed to adopt flexible policies to accommodate the dual parent/worker role most employees play today, even though such policies would improve morale, productivity, and stability of the American work force.

Mr. Speaker, how can we be a nation truly committed to the family if we do not allow our workers the time necessary for them to fulfill their family responsibilities?

The conference report before us today is a modest bill. It provides 12 weeks of unpaid leave—the bare minimum necessary to allow workers the flexibility to remain dedicated to their jobs, while attending to their family needs.

I urge my colleagues to vote for the conference report on the Family and Medical Leave Act. It is pro-family, pro-worker, and pro-business.

The SPEAKER pro tempore (Mr. MCNULTY). All time for debate has expired.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 71, not voting 34, as follows:

[Roll No. 389]

YEAS—329

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Bacchus
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solomon
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—71

Allard
Allen
Armey
Baker
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Callahan
Coble
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Dornan (CA)
Duncan
Edwards (OK)
Ewing
Fawell
Fields
Franks (CT)
Gallo
Gekas
Goss
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Hunter
Inhofe
Ireland
Kasich
Kyl
Marlenee
McCandless
McCollum
McCrery
McEwen
Nichols
Oxley
Packard
Rhodes
Riggs
Roberts
Santorum
Schaefer
Schulze
Sensenbrenner
Smith (TX)
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Wylie

NOT VOTING—34

Alexander
Atkins
AuCoin
Brown
Chandler
Donnelly
Dymally
Hatcher
Holloway
Jones (NC)
Kolter
Lancaster
Levine (CA)
Lewis (CA)
Lloyd
Lowey (NY)
Mavroules
McCurdy
Miller (WA)
Moody
Morrison
Mrazek
Pease
Pursell
Schiff
Smith (OR)
Solarz
Studds
Synar
Thomas (GA)
Towns
Traxler
Weiss
Wilson

□ 1231

Mr. PACKARD changed his vote from "yea" to "nay."

Ms. KAPTUR, Messrs. GALLEGLY, LAGOMARSINO, and GINGRICH, and Mrs. BENTLEY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LOWEY of New York. Madam Speaker, I would like the RECORD to show that had my beeper not malfunctioned, and had I been present for rollcall 389, I would have voted "yea."

CONFERENCE REPORT ON S. 5, FAMILY AND MEDICAL LEAVE ACT OF 1992

Mr. CLAY. Madam Speaker, pursuant to House Resolution 560, I call up the conference report on the Senate bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 10, 1992, at page 22362.)

The SPEAKER pro tempore. Pursuant to House Resolution 560, debate time on the conference report will be divided as follows:

The Committee on Post Office and Civil Service will be recognized for 30 minutes, equally divided and controlled by the gentleman from Missouri [Mr. CLAY] and the gentleman from New York [Mr. GILMAN]; the Committee on Education and Labor will be recognized for 30 minutes, equally divided and controlled by the gentleman from Michigan, [Mr. FORD] and the gentleman from Pennsylvania [Mr. GOODLING]; and the Committee on House Administration will be recognized for 30 minutes, equally divided and controlled by the gentleman from Missouri [Mr. CLAY] and the gentleman from Nebraska [Mr. BARRETT].

The Chair recognizes the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Madam Speaker, I ask unanimous consent that the time allocated to the minority on behalf of the Committee on House Administration be yielded to the gentleman from Pennsylvania [Mr. GOODLING] and that he be permitted to yield the time as he determines.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of the conference report on the Family and Medical Leave Act, legislation I have sponsored for 7 years.

I want to begin by telling you what this bill is not. The Family and Medical Leave Act is not a woman's bill; it is not a man's bill; it is not a young person's bill or an old person's bill; and it is not a Democratic or Republican bill. The Family and Medical Leave Act is everybody's bill.

The purpose of this legislation is simple: It will help those families who want to help themselves. We are talking about making it possible for working men and women to care for seriously ill children or ailing parents without the risk or fear of losing their jobs.

In the past few weeks we have heard, loud and clear, the political rhetoric from the Bush administration about the importance of family values. This bill will do more to strengthen the institution of the family in this country than any legislation ever passed by the U.S. Congress. There is no better way to demonstrate commitment to the families than to vote for the conference report. This bill defines what the phrase "Family Values" is all about.

Let us set the record straight. The conference report includes language that will ease its impact on employers. There are safeguards throughout this bill to ensure it is not burdensome to employers and that the protection afforded workers is not abused.

This bill has nothing to do with mandated benefits. When a child is sick, when a parent is sick, it is not a question of wanting time off. Workers do not want time off, they need time off. The only thing mandated about this issue is that without it, many workers are not getting fired for taking care of their families.

There are some who still say it will be too expensive for employers; But according to a recent study by the U.S. Small Business Administration the cost of providing family and medical leave would be less than 2 cents a day per employee.

Our President still says we cannot afford the luxury of family and medical leave. I ask: Is our society so cruel, so callous that it cannot afford to accommodate the needs of families in time of crisis? Is this Nation so destitute financially and spiritually that we cannot see the way to let people keep their jobs while they care for their newborn kids or dying parents?

Poll after poll shows overwhelming support for this legislation. Both the House of Representatives and the Senate have twice passed family and medical leave legislation. Two-thirds of the Senate are on record supporting this bill.

The record is absolutely clear: The American people want a kinder and gentler work place. The Congress wants a kinder and gentler work place. One man can stand in the way of this modest, humane and progressive proposal. And that man is President Bush who promised a kinder and gentler administration.

Madam Speaker, the President has talked about family values. Now he has the opportunity to really do something about it. When this legislation reaches his desk in the next few days, I urge the President to demonstrate his commitment to the families of America and sign it. Do not let American workers for another day leave home without it.

Madam Speaker, I urge the adoption and enactment of this conference report.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the conference report on S. 5, the Family and Medical Leave Act of 1992. I commend the supporters of this legislation, particularly the chief sponsor of the legislation in this body, the gentleman from Missouri [Mr. CLAY], for their efforts in reaching consensus on this important issue.

I have been a supporter of this legislation since it was first introduced in 1986. While it has changed significantly in the intervening years, S. 5 signals congressional support for creating a positive environment for today's working families. Working families in this Nation should not be forced to choose between starting and maintaining a family, and career.

S. 5 not only favors working mothers who must take time off from work for childbearing purposes, but all workers who must take leave in cases involving a birth, adoption, or a serious health condition of a close family member. This statutory provision replaces administration guidelines for agencies to follow in cases of employees seeking leave for pregnancy or other medical reasons.

Specifically, title II of S. 5 provides for an employee to be entitled to a total of 12 administrative workweeks of leave during any 12-month period for family and medical leave. Where the need for such leave is foreseeable, the employee is required to notify his or her employing agency 30 days in advance. Upon return to the work force, the employee is entitled to his or her former position, or an equivalent position. Any family or medical leave granted under this legislation will be leave without pay, although an employee may elect to substitute any accrued or accumulated sick or annual leave in lieu of leave without pay.

An agency may require an employee requesting such leave to provide a medical certification for taking leave. If the agency doubts the validity of this certification, it can request a second opinion of a second health care provider to be paid at the agency's expense. Title II of S. 5 contains prohibitions on coercion of employees from attempting to exercise their rights under this legislation. Also important to note is the fact that an employee is entitled to health care coverage during the duration of any family and medical leave taken.

Madam Speaker, working families across our Nation will all benefit from this legislation. However, it is important to realize that while both titles I and II of H.R. 2 grant 12 weeks of unpaid leave for employees, private sector and Federal employees will be treated differently under this compromise. Private sector employees are granted a minimum of 12 weeks of unpaid leave. The intention is to establish a floor which an employer has the discretion to increase. With the Federal sector, however, Federal agencies do not have the discretion to increase the amount of unpaid leave granted to employees.

S. 5 is fair legislation and ought to be enacted promptly. As more women enter the work force the need for such leave becomes even greater. And we should establish a national policy encouraging responsibility in caring for close family members. Because of the complexities of today's society, the Federal Government has an obligation to see that workers should not be penalized when family responsibilities compete with job demands.

S. 5 creates no burden for the Federal Government in its role as an employer. The legislation goes to great lengths to see that any disruptions in the workplace associated with an employee taking unpaid leave are minimal at best. In fact, worker morale, productivity, and retention should be enhanced by a clear stated policy not subject to arbitrary changes and discretionary grants of leave. Accordingly, Madam Speaker, I urge my colleagues to join today in supporting this legislation.

□ 1240

Madam Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Madam Speaker, I yield myself 1 minute in the interest of trying to accommodate as many people as possible.

Seven years we have worked on this bill, the gentleman from Missouri [Mr. CLAY], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from New Jersey [Mrs. ROUKEMA], me and most of the members of my committee, and we have been up and down the road, and we have tried to accommodate every concern that has been raised over those 7 years.

So, Madam Speaker, we bring our colleagues today a bill that really 7 years ago I would have voted against because it really is a very faint gesture at a time when everybody is beating their chest and talking so much about what they want to do for families.

The truth of the matter is that people on that side of the aisle are saying, "You ought to do this by collective bargaining," and then later we will hear them boast about the fact that only 17 percent of the work force in this country belongs to a union.

I say to my colleagues, "If you assume that everybody that belongs to the union has a collective bargaining agreement, you would only have 17 percent of the people covered."

The truth of the matter is with the small business exemptions we have put in this act the people who are going to be covered are the only people who now have protection from union membership, and I am glad to hear people over there suggesting that, rather than having a government mandate, they would force people to join a union to get this kind of protection.

Madam Speaker, over the last 7 years, I have worked with BILL CLAY, PAT SCHROEDER, and many others to enact family leave legislation that protects America's working families while imposing the least possible burden on American employers and businesses. The resulting compromise is S. 5, the Family and Medical Leave Act, which guarantees up to 12 weeks of unpaid leave for family members who need time off from work to care for a newborn infant or a seriously ill child, parent, or spouse, or to recover from their own disabling illness.

I could speak at length about the importance of this legislation, but let me instead quote a higher, less partisan authority, Bishop James W. Malone, the chairman of the U.S. Catholic Conference's Domestic Policy Committee:

> The Bishops' Conference was one of the earliest supporters of the Family and Medical Leave Act because we see the bill as helpful in two ways: First, it would send a message that our Nation really believes its pro-family rhetoric and that we back up that belief with the power of the law.
>
> Second, the bill would protect people when they take time off from work for important family responsibilities. Parents should not have to choose between the jobs they need and the children who need them. Mothers and fathers should not risk unemployment when they stay home with their newborn or newly adopted children for the first few months. Workers should not be forced to stay on the job when they are needed at home to help a mother with a broken hip, a husband going for chemotherapy, or a child facing surgery.
>
> In summary, the Catholic Bishops' Conference supports this legislation as an affirmation of human dignity and family life.

Whether you are pro-choice or pro-life, if you are pro-family the Family and Medical Leave Act of 1992 is legislation you can support wholeheartedly.

This conference report we bring before the House today is virtually identical to the bill the House passed last year. It exempts small businesses and excludes certain key employees from coverage if their absence would cause serious economic injury to their employer. The bill reflects a careful balance between the needs of America's families and the interests of public and private employers. It is fair to all.

And let there be no confusion—the conference report applies the new law to both the House and the Senate.

We have heard a great deal about family values during the course of the current Presidential campaign. But family values must be more than a partisan campaign slogan if our Government is to make a difference in peoples' lives. In fact, the protection of the family is not a partisan issue, and the Family and Medical Leave Act is a bipartisan bill, supported and cosponsored by Democrats and Republicans alike.

No bill before Congress would do more than S. 5 to protect family values and America's children. There is no higher family value than taking care of a newborn baby, a sick child, or a sick parent. The Family and Medical Leave Act would make it possible for working Americans to provide that care when it is needed without fear of losing their jobs.

To one degree or another, almost everyone agrees with the core principle of this legislation—that a parent should not be fired for taking care of a seriously ill child or a newborn baby. Several years ago, President Bush, himself, told a group of Republican women:

> We need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness. This is what I mean when I talk about a kinder, gentler nation.

I hope that the President will be true to that vision of America and sign S. 5 after we pass it today. But if he doesn't sign this bill into law, the Congress will not give up because the issue is too important to America's families. We will try to override his veto and, if unable to do so, you have my word that we will continue to fight for this legislation until such time that we have a President who will sign it.

Mr. GOODLING. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER], a distinguished member of the committee.

Mr. BALLENGER. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING] for yielding this time to me.

First, Madam Speaker, I rise in opposition to the conference report on the Mandated Leave Act, and I frequently said during the many times that we have debated this legislation that family leave is a good employee benefit. It is the Federal mandate that is a bad policy.

The timing of this vote, obviously, is straight partisan politics, and we all know it. The bill is not going anywhere, and it has been held since last November waiting for the election.

But my opposition to another Federal mandate can best be explained in simple business terms. As many of my colleagues know, I operate a small business that prints and converts plastics. My business, like other small firms across the country, sets aside a certain amount of money for benefits and benefit programs. In my company in Hickory, NC, we provide a number of employee benefits including a retirement plan, health insurance, life insurance, maternity, and family leave. Under the Mandated Leave Act, Madam Speaker, my company and my employees lose the flexible option of choosing benefits that meet their specific needs, the specific needs of individual employees. If this bill becomes law, we will have to cut off or reduce some of the current benefits. This is a lose/lose situation for everyone concerned. My employees lose the choice of benefits that they currently enjoy, and, as an employer, I lose my flexibility to tailor benefit programs that fit the needs of my individual employees. Single, young employees do not want this benefit but will have to take it and sacrifice a benefit or pay that they would rather have.

If I may, I would also like to make one more observation. Recent studies show that between 74 and 90 percent of all businesses are providing unpaid leave to their employees who require it. This suggests to me at least that the private sector is working to address this issue.

In addition, this legislation is just one more burden placed on businesses struggling to remain competitive in a sluggish economy. Small businesses, America's job creators, do not need or want further regulatory burden. It is too bad this Congress does not believe in free enterprise, only in Government mandated, anticompetitive issues.

The bottom line is that employers will look out for their workers. If they don't they soon will find that their best employees have been lost to their competitors. We should continue to encourage employers to provide their workers with leave benefits, as well as other benefits. However, Washington politicians and Federal bureaucrats should not be the ones to make that decision. They have never met a payroll, and they have never tried to make a profit.

The Democrats say this will cost nothing. I ask my colleagues, "How do you keep a job open for 12 weeks without providing a permanent replacement? When will that person return? According to this bill they do not have to say they will return or when they will return. I would like to see you try this on your office here in Washington. Is overtime premium-free?"

Join me in voting "no" on the conference report.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding this time to me, and let me say at the outset that I want to commend the gentleman from Michigan [Mr. FORD], the gentleman from Missouri [Mr. CLAY], the gentleman from Tennessee [Mr. GORDON], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from New Jersey [Mr. ROUKEMA] and all the people who have worked so hard on this bill to bring it forward.

Madam Speaker, right now if American workers need time off to take care of a newborn child—or a sick parent—too many just get a pink slip.

Working families should not have to choose between their children and their jobs.

They shouldn't fear losing their jobs because they need some time off to care for a parent with cancer or Alzheimer's; 12 weeks of unpaid leave under these circumstances is not too much to ask.

Nearly every industrialized nation in the world—including our toughest competitors—has some form of family leave policy.

Some of America's most successful corporations already have it.

Now it is time for the rest of America's large corporations to join in.

What could better demonstrate family values?

And that's why this carefully worked out legislation has so much bipartisan support.

Many of my colleagues on the other side of the aisle know that this compromise exempts small businesses, and even saves money for taxpayers.

Madam Speaker, in Macomb County where I live, the percentage of women in the work force went from 30 percent to 57 percent between 1980 and 1990; 55 percent of mothers with children under 6 are working.

Isn't it time we gave these hardworking middle-income families a break?

Isn't it time we learned that what's good for these families is good for America?

Madam Speaker, middle-class American families do not need talk about family values. They need action. Today we can take action.

Those who support family leave show by our vote that we not only talk about family values that we value families.

Mr. GILMAN. Madam Speaker, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. GOODLING. Because I am such a nice guy, Madam Speaker, I am also going to yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

The SPEAKER pro tempore (Mrs. KENNELLY). The gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 5 minutes.

Mrs. ROUKEMA. Madam Speaker, I thank the gentlemen.

Madam Speaker, this debate today is about both politics and policy. We have the opportunity to vote for historic landmark legislation that clearly says we value and support the real world of work and of family values. It is with our vote that we all talk about family values, and the lip service we give is not just politics as usual, and we can put our votes where our political rhetoric is. I say to my colleagues, "With your votes here today we are saying that we really value all those millions of hard-working, tax-paying American families that are working hard to help themselves. They are not working to get rich. They are working to get by, pay the mortgage, educate the kids and pay the doctor's bills."

It is time, my colleagues, that we have some straight talk about this legislation and separate fact from fiction in this bill. This is not a departure from traditional labor law. It is not a radical idea. It is completely consistent with minimum labor standards that we have promoted through the 60 years of American labor law.

Now let me stress that I and other strong probusiness Members, both in this House and in the other body, have gotten compromises in this bill to protect all the legitimate concerns of the small business community. In the first place, any small business with 50 employees or fewer are exempt. Key employees exemption is in here. Only permanent employees who have worked more than a year and have worked a minimum of 25 hours qualify for this leave. The other body put in, and we adopted as the Gordon-Hyde amendment added protections for the business community including medical certifications, the ability to substitute accrued sick leave and paid sick leave for time, and also notification of intention to leave. There is no evidence at all, and I will repeat it, absolutely not one shread of evidence, that this will be costly to business. Not one State or one business who has adopted similar or more far-reaching leave policies testified or gave any evidence that there has been any detrimental effect to productivity. In fact, Madam Speaker, all the studies show, including one done for the SBA, that it costs more to train a new employee than to hold the job open for a loyal and experienced employee. It is just plain good business to keep experienced workers on the job.

Now the politics to me are clear. Are we in Washington really going home from the beltway crowd in an election year to tell a pregnant woman or the mother of a child dying of leukemia to go find another job?

□ 1250

Why should we take a productive, taxpaying worker, and throw them off the payrolls when a medical crisis strikes the family? It may be just a short drop to welfare for that family.

Are these family values? Is this the way Congress responds during harsh economic times, where losing one's job is everyone nightmare? And when the crisis of health care haunts every American and where politicians are walking the campaign trails pledging themselves to family values, are we going to turn our backs on these families?

This debate over family leave is not about mandates or benefit packages. It is fundamentally about values, family values, and a standard of decency, and protecting the jobs of workers who are working hard to hold on to the American dream.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Speaker, our President has made a lot of claims.

He said he was for jobs, but unemployment is at a 9-year high.

He said he was for growth, but we have the worst growth rate since World War II.

He said he stood for the middle class, but the median income for average Americans dropped $1,600 in the last 12 years.

And he said he stood for family values, but he vetoed the most important pro-family legislation in years, the Family and Medical Leave Act.

Now we are about to pass this essential legislation again, providing 12 weeks of unpaid leave for workers experiencing childbirth or facing a medical emergency in their family.

It is a bill that responds directly to some of the most pressing concerns facing families today.

It allows workers to fulfill their daily responsibilities without losing their jobs.

And it allows workers to maintain their essential health benefits while they are on leave.

Every opinion poll in America shows that families are most concerned about jobs and health care.

Yet the President intends to veto this bill again.

Today we are giving the President one more chance to prove that he means what he says, one more chance to prove that he stands with American families, not against them.

We all know that the President has embraced voodoo economics, but can it be that he is now embracing voodoo family values?

Madam Speaker, if the President vetoes the family leave bill, the American people are going to tell him to take all his talk about the family, and leave.

Mr. GOODLING. Madam Speaker, I yield 4 minutes to our beloved leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to the conference report. Some will say the bill deals with the issue of family values. Others will say that it deals with labor issues. I contend that this bill is only about one thing; election-year politics, pure and simple—or at least simple.

This issue has been debated now for two Congresses. During the 101st Congress the President vetoed virtually identical legislation and his veto was sustained.

The measure was reintroduced in the 102d Congress and both the House and the Senate passed the bill last fall.

If this bill was so important to the Democratic leadership, why has it been held in legislative limbo for almost a year? The differences between the House and Senate versions were, quite frankly, minimal. They could have been worked out quickly. The conference report could have been brought before the Congress last fall.

The Washington Post recently disclosed the notorious secret minutes of a Democratic caucus meeting. The Democrats' own words prove beyond any doubt that they treat legislation mainly as ammunition against their political enemies.

So much for the public good. So much for families. So much for anything but the desire to—and here I must edit the Democrats' language—"harm" the Republicans.

We all agree that 12 weeks of unpaid family and medical leave can be highly valued benefits for many workers. But federally mandating such a benefit would foreclose other benefits that might otherwise have been negotiated between employers and employees.

But there is even a more drastic impact involved in this bill. Many small businesses simply will not be economically able to meet these mandated requirements. They will either have to cut back on existing jobs or not hire new employees. How does fewer jobs help families?

Madam Speaker, this conference report symbolizes why the American people are so outraged against the Congress. The Congress cannot even run its own business. How dare we put ourselves in the place of workers and employers who might want to reach different agreements?

Here we are, leaping into the complexities of one of the most difficult labor-related issues.

Madam Speaker, let me tell you something: nobody believes in the myth of the all-knowing, all-wise, all-compassionate Congress anymore. Those days are over. Long gone. Caput. Finito. Nobody believes Congress has either the knowledge or the wisdom to dictate what benefits American workers need.

Let American workers and their families decide. That is my view. And then let us quickly gather about us our few remaining shreds of respectability and turn away from this one-size-fits-all monstrosity.

I urge my colleagues to vote against the conference report accompanying S. 5.

Mr. CLAY. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Madam Speaker, you know, when this bill first came up last year, the year before, whenever it came up, I went to the leadership of one of the largest unions in my area and I said, "Tell me about this family leave bill. What do you think about it?"

He laughed.

I said, "What are you laughing about?"

He said, "Man, we have had paid family leave in our labor contract for years."

I ran a small business for 35 years. I ran a construction company. I do not believe I ever had over 50 employees, but we had a good company and we made enough money where I was able to retire when I hit 50 years old and become a full-time politician.

Let me tell you how we handled the situation. If a lady had a baby and she wanted to stay home 6, 8, 10, or 12 weeks with the baby, the other ladies in the office just doubled up and did her work. We never even thought of cutting her pay. It would not have crossed my mind.

If we had a problem with the guys out in the field, they would just double up and do the man's work if he had a terrible medical problem at home, until he got back.

It is just unthinkable to me that this Congress has not passed this family leave bill before now and the President has not signed it. It is the right thing to do.

All that is requested, and it is only going to apply to a very small and narrow slice of American business, because most American business is small and has less than 50 employees. So you exempt most of them automatically. So you are only talking about just a very few large corporations in this country, the larger corporations that do not have paid family leave in their labor contracts.

Do you mean to tell me if someone has a terrible medical problem at home and they have got to be there and they are going to take off at no pay, that you are not going to save their job for them when they come back, and at the very least continue to pay their health insurance?

It is incredible.

My gang over here in the Republican Party, if you or I or we collectively all think it is some kind of partisan political situation that we are involved in right here right now a couple of months before the election, then the thing to do is let us all vote for this family leave bill and send it to the President with a recommendation that he sign it.

It is the right thing to do. I was for it before and I am going to be for it again enthusiastically.

Mr. GILMAN. Madam Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Speaker, I rise in strong support of the family and medical leave conference report. I also want to thank the leadership for finally freeing family leave from the legislative limbo in which it has been suspended since November of last year, when it passed the House. It is just this kind of gridlock that the public is so fed up with. I would also note that we brought our troops back from the Persian Gulf faster than this bill was brought back to the floor.

Unfortunately it is once again issues important to women and families that get pushed to the end of the session when there is little time to fully consider legislation as vital to the lives of Americans as this bill. But the day has finally come where Congress is facing the needs of American workers in this changing workplace.

Members of the House, Congress spends an extraordinary amount of time on issues and problems that are of little relevance or meaning to the daily lives of the American people.

Today, though, is different, This legislation can and will make an enormous positive impact on a very real problem many of our constituents face each and every day. That, of course, is the harsh fact that the demands and pressures on today's families are just not recognized by current employment policies.

In an age where, out of necessity and choice, men and women both work, the policies governing the workplace are anachronisms, reflecting the age of the single earner. I say it is time to bring workplace policies into the 21st century. We must do this now because the stresses and pressures of work and family take their toll in the workplace as well as at home.

Only at the peril to families and our national competitiveness can we continue to ignore these pressures. Women can't just stay home—fairness issues aside, they are needed in the workplace. Yet it is principally women who provide the bulk of the care for young children as well as ailing seniors, whose care would otherwise be thrust onto the Government and taxpayer.

Those pressures are exacerbated during times of economic stress, such as we are experiencing now. Job security becomes preeminent in an recession—yet it is more difficult to obtain in a period of economic uncertainty. Keeping the family together, which all of us desire, is an all encompassing struggle.

Can these goals be accomplished? Well, the experience in may own State of Maine provides that they can. Maine is predominantly a small business State. And we have had a family leave policy for the last 5 years, one that applies to businesses smaller than those included in the bill before us—employers with 25 or more employees. Yet the experience with family leave in Maine has been overwhelmingly positive and effective.

Last year when a bill extending the family leave policy moved through the State legislature, there was no dissent. The State official overseeing this legislation stated that the original concerns with the bill simply never materialized. Further, when I actively solicited from businesses their comments on problems they had with family leave, none emerged—not one. In fact, many employers have responded that leave policies improve employee morale, promote loyalty, increase productivity, and reduce absenteeism in the workplace.

The specter of disaster forecast by opponents of the family leave never materialized.

Members of the House, given this kind of track record, this body must ask itself one fundamental question today: What message are we sending to our constituents if family leave does not pass?

We would be saying that you should lose your job if you're sick. We would be saying that pregnancy and childbirth are legitimate reasons for dismissal. We would be saying that the demands placed on workers by ailing parents or sick children are of no concern to this Congress.

If family leave does not pass, we would be saying, simply and bluntly, that Congress and the Nation could care less; that we do not have an interest in helping families.

Is that the message this body wants to send the American people?

I do not think so. So my plea today is for working families in Maine and America: let us pass legislation that can make a difference in their lives. Don't leave families to flounder in the 1990's: Pass the family and medical leave conference report.

□ 1300

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Madam Speaker, America's families are changing, and so is the American work force. Today, two-thirds of our mothers are working and every day parents, male and female, are forced to chose between keeping the job they need or caring for the cancer-stricken child they love. That is not only wrong, it is bad economics.

My home State of Minnesota understands the importance of family values and sound economic policies. Our Minnesota family leave law not only allows Minnesota's parents to care for their sick children. It also allows Minnesota's businesses to compete and grow.

Our law in Minnesota saves unemployment compensation. It saves retraining costs. It is both pro-family and pro-business and costs less than $6 a worker, period.

When we compare America's nonexistent family leave policy to our economic competitors, we are sorely lacking. I hope before the President vetoes this family leave bill, he will look at Japan and Germany. They succeed brilliantly with paid family leave.

This legislation we are considering today is all about protecting America's jobs and America's families, values America holds dear. It is good public policy. It is good sense.

I commend the gentleman from Missouri Chairman CLAY, the gentleman from Michigan, Chairman FORD, and everyone else who acted on the conference. I encourage a strong vote in support of families and jobs in America.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON] a distinguished member of the committee.

Mr. GUNDERSON. Madam Speaker, I think one of my colleagues on our side of the aisle, the gentlewoman from New Jersey [Mrs. ROUKEMA] put it best when she said, "This bill is all politics and all policy."

I tell my colleagues, it is pure politics and we all know that. It is not very good policy.

I hope I am reelected so that I can be a part of a serious attempt in the next session of Congress to try to write a credible family leave policy that can be passed and that can be enacted into law. But it is kind of interesting. The House of Representatives passed family leave on November 13 last year. The Senate even did us one better. They passed it on October 2.

But do my colleagues know what? Nobody went to conference until August 4 this year. Funny thing. It was not very urgent. We did not care too much about families from November to August, did we?

Then it was not a difficult conference. We filed the conference report on August 5.

We waited until after Labor Day so we could bring it up and send it to the President. Anybody who does not believe that is not politics does not know what politics is in this country. We all ought to admit that.

I say to those advocates of the bill, compare this with the attempt at minimum wage where when a President vetoed it, they immediately came back with another new attempt, and another new attempt, trying to get something done, because they believed in that. I give them credit for that. But they really do not believe in this bill in this form at this time, because that gets into the policy question.

There is not one of us here that can decide if this is a legitimate Federal function; 26 States have already passed some kind of parental or family leave legislation, and we are trying to decide whether we ought to mandate this for the other 24 and preempt the 26 that have already done it.

Second, we are trying to decide if we are really profamily, is this what we ought to be doing? Think about it. If our goal were to help young families, probably what we ought to be doing is finding a way to fully fund WIC, fully fund prenatal care, and expand that program in this country, probably to fully fund Head Start. What we ought to do is really truly expand child care in this country. And most important, if we are going to mandate anything on business, probably we ought to mandate health insurance to cover these young families, not a mandate for 12 weeks.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER], a member of the committee.

Mr. ROEMER. Madam Speaker, today I am proud to join with a majority of my colleagues in the House in supporting the conference report on the Family and Medical Leave Act.

As a cosponsor of this bill, I am gratified that the House is completing consideration of this important measure today and sending it to the President. Although the President has threatened to veto this legislation again, I am hopeful that he will reconsider his earlier position and see this legislation as important for American families and strengthening family values.

No values are more important to Americans than their families and their work ethnic. Working Americans should not be forced to choose between keeping their jobs and caring for a newborn or newly adopted child, a sick child or a parent in failing health.

The Family and Medical Leave Act will redress a long series of injustices that have affected American families and the very foundation of our society. Increasingly, families have been forced to choose between two fundamental American values: Caring for their family members and keeping jobs that they so desperately need. Because this legislation will protect the future of American families and jobs, the people of our Nation will not have to face this conflict of values.

Today, almost two-thirds of the women in the United States are forced to hold jobs outside the home due to economic necessity. The typical American family, where the father works outside the home and the mother stays at home to care for the children, has nearly vanished in today's society. As our society changes, we must recognize and accommodate these changes in order to preserve the system of family values that hold our Nation together.

I believe that the legislation before us today represents a reasonable compromise that best meets the needs of working Americans while at the same time accommodating the legitimate concerns of business. By limiting coverage to firms with 50 or more employees, the bill exempts more than 95 percent of all employers. Under the bill, leave must be provided only to employees who have worked for the firm for at least 1 year, and who have worked at least 1,250 hours during that year. In addition, the measure requires employees to give up to 30 days advance notice for foreseeable leave. Finally, the bill would not disrupt business operations since it permits employers to exempt essential personnel.

Madam Speaker, I believe that this legislation promotes fairness, stability, and economic security for American families in time of crisis and need, while, at the same time, accommodating the concerns of employers. By passing this conference report, we can send a message to the people of America: The Family and Medical Leave Act recognizes and enhances family values and the value of families.

Mr. GILMAN. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Madam Speaker, I rise in strong opposition to the conference report. What the country needs is a job-creating, economic-growth package, not another job-killing mandated benefit program.

Family leave policies, like pay or vacation, should be decided through voluntary negotiations between employers and employees instead of a rigid national standard, we need flexibility.

Such flexibility is working across our Nation. Ninety-three percent of all small businesses are already providing some form of parental and medical leave, tailored to the needs of their employees. A vast majority of workers say their employers are responsive to their needs for leave.

Imposing mandated leave on business will mean other benefits may suffer. Some workers may not want such a policy, but will lose other benefits if this bill is passed. In fact, in an ABC news survey, parental leave ranked dead last among employee-benefit options.

Mandated programs and Government intervention have destroyed California's State business climate. If this bill passes, it says one thing to American jobs—"hasta la vista, baby."

Mandated leave is an unnecessary and costly burden on the American economy. I urge my colleagues to oppose this conference report.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. ACKERMAN].

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Mr. ACKERMAN. Madam Speaker, I rise in strong support of the conference report that accompanies S. 5, the Family Medical Leave Act. This is a very modest proposal, and basically mandates nothing on American workers. It gives people the choice of whether or not, upon the birth of a child, or the adoption of a child, if they want to take off up to 12 weeks to help in the child-rearing experience.

It also allows people who are in a position of having to take care of and say goodbye to a family member who might be dying, that some opportunity.

I have been listening intently to some of my friends on the other side who are saying that this is a political issue. This is certainly not a political issue, and does not force this down anybody's throat. This is not brought up because this is a political year. This has been brought up since the 101st Congress.

I have been involved in this issue for better than 20 years. It was 22 years ago that my daughter, Lauren, was born. Upon her birth I was forced, because I wanted to stay home to participate in the child-rearing experience, to sue the Board of Education of the city of New York.

I have had 20 years working in this field. It is an idea whose time has come, and if this Congress will override the President's veto that is fine. Otherwise, we will be back with another President.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker and my colleagues, I rise in opposition to the conference report. I am opposed to mandating one benefit at the expense of another. Let me emphasize that. When we mandate one benefit, it is going to come at the expense of something else.

Penn-Schoen Associates, a public opinion research group, did a survey of American workers and asked them to chose between the Federal Government mandating fringe benefits or leaving the decision up to employers and employees. Eighty-nine percent of the respondents said they preferred that employee benefits should be a matter decided by the employers and employees themselves.

George Gallup then did a survey of employees and asked "Which are the most important benefits to you?" The first benefit they chose was, first of all, the freedom to choose the benefits. The most popular benefit was having a benefit scheme which offered a cafeteria option to the employees.

Then he went on and said, "Name the three benefits on a cafeteria list you would most like to see." Here is what the employees responded to. This is George Gallup, this is not some sort of hatched job from one interest group versus another.

Of those, the benefit they would most like to include is, first of all, 62 percent said a health plan; 32 percent said pension plans; followed by vacation packages, 27 percent; life insurance provision, 21 percent; disability insurance came in at 18 percent; cash above regular salary came in at 15 percent; health care reimbursement accounts at 12 percent; dependent care assistance plans at 8 percent; dependent care reimbursement accounts at 6 percent; and other benefits at 5 percent.

If we mandate this, it is at the cost of something else.

At a time when our workers are already losing existing health care coverage, I do not want to put it at risk for something that opinion polls show is not high on their priorities.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Madam Speaker, I rise today in wholehearted support of the Family and Medical Leave Act of 1991 which truly preserves and protects families. This bill does not create a new bureaucracy or a new appropriation—it only creates the long overdue policy of assuring job retention while families take care of a newborn or sick family member.

American families are working hard to survive against the odds of stagnant incomes, loss of job security, and skyrocketing costs for health care, higher education, and housing. The Family and Medical Leave Act removes some giant obstacles to the survival and security of our families.

This bill provides modest job security by comparison with family and medical leave laws of our major international competition. If the President really cares about family values he will sign the legislation into law within minutes of its arrival on his desk.

First, this bill supports the basic ability of parents to care for their children. Allowing parents to spend time with their newborn or their newly adopted child—now that is what I call a head start. In addition, pediatricians tell us that when a child is sick, having one or both parents at the bedside can increase the child's recovery rate and cut down on other complications.

Second, the bill supports the basic ability of sons and daughters to care for their parents without the fear of losing their jobs. It allows seniors, who are scared of being unable to care for themselves, to rely on working relatives for short-term care. Long-term care arrangements can easily be disrupted when the caregiver becomes ill or the condition of a patient changes to require new long-term care arrangements. Family leave provides an alternative to expensive nursing homes when the need is only for short-term family care.

I hope the full House will pass this conference report overwhelmingly and that President Bush will not veto this lifeline to the American family. This legislation is what family values is all about.

Mr. GILMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in strong support of this conference report on family medical leave. As one of the Members of this body who offered the bipartisan compromise in the last session to make it more palatable to business, I dispute the arguments that are made that this legislation will in fact hurt business. In fact, 95 percent of the business community is exempt from this provision. Of the other 5 percent, 3 percent already have family and medical leave policies in place. Half of the States already have a policy in place, and many of our competitive partners around the world also have family leave policies.

This is not going to, in fact, hurt the business community. It is going to send a strong signal that we support the retention of the family unit.

We have heard that it is a mandated benefit. I would say that it is no more of a mandated benefit than military leave without pay or Federal jury duty without pay, both of which we have had as a part of our society for years in this country.

This legislation does send a strong signal, a signal that we want to support the family unit, which has changed in the last 20 to 30 years. Actually, one could make the case that in the case of terminal illness and other illnesses and diseases, we could actually save money and health care costs by having people able to be at home to care for loved ones.

I do have a problem, Madam Speaker. I have a problem with the political tone of the debate coming from some of the majority, and the timing of this conference report before us today. I stood in this well just 1 month ago and argued for a bipartisan child welfare bill, a bill that has strong support from Democrats as well as Republicans that would have doubled the amount of kids that we could be servicing with child welfare funds today. The leadership on the other side denied me and my democratic colleagues the opportunity to offer that bill on this floor, so do not put the political rhetoric forth, because this is not the time or place for it. I saw the games played 1 year ago on the extension of the unemployment comp benefits when all the President was doing was living up to his terms of the bargain.

Madam Speaker, I ask that my colleagues support this bill, and I also ask my colleagues to demonstrate their support by showing me they have a family leave policy in place in their offices, rather than be hypocrites on family values issues.

Madam Speaker, I rise today to offer my strong support for the Family and Medical Leave Act [FMLA]. By approving the FMLA conference report, the House can demonstrate its firm commitment to the American worker. During a medical emergency, many Americans are forced to choose between their jobs or their family. Today, we have the historic opportunity to help resolve this terrible economic and personal conflict.

Before I discuss the specifics of the bill, it is important to put this debate into the proper context. Although I have supported this legislation for several years, I would like to register some reservation about this debate. Specifically, I am deeply concerned about the politicization of this issue and the hypocrisy of some of my colleagues.

Instead of working on a compromise that the President could agree to, many supporters have felt it necessary to play politics and to bash him in the head. Obviously, I would like the President to sign this bill, and I have urged him to do so on many occasions. However many Democrats don't want to send him anything that he would sign because it would be more politically valuable to have a veto. Here's a novel idea: It might just be valuable to pass a bill to help our constituents.

On too many occasions, I have witnessed the Democratically controlled Congress absolutely gut good legislation for partisan political advantage. In many cases, the Democrats won't even allow Republican alternatives to the floor. Before some of my colleagues climb onto their political high horse, search your consciences.

Prior to the August recess, for example, I introduced a child welfare bill that had overwhelming bipartisan support. The Democratic leadership wouldn't even allow it to be considered on the floor of the House. Instead, the Democrats purposefully sent him legislation that was dead on arrival. That sort of game playing doesn't help any child. As a Republican who has bucked the administration on many occasions, I feel it is important to say that the Democrats need to get their house in order.

Both sides need to stop playing the family values game and work together to pass legislation that values the family. The American people, our bosses, deserve better than rhetoric.

As a working parent of five children, I feel that it is unjust to fire an employee who needs to temporarily care for their newborn or adopted child or terminally ill parent. It is a simple fact of life that every American will one day face some sort of medical emergency. This type of situation creates a tremendous amount of stress, and it makes perfect sense to help safeguard someone's economic security. The conference report will do this.

Over the last several decades, the structure of the American family has changed dramatically. The traditional family, where the father earns the wages and the mother raises the children, is now the exception, and not the rule. It is time to change our Nation's laws to reflect this new reality, and the Family and Medical Leave Act is a solid step in the right direction.

The Family and Medical Leave Act would require employers with more than 50 employees to provide up to 12 weeks of unpaid leave per year for the birth or adoption of a child or for the serious illness of the employee or member of the family. During leave, health care coverage must be maintained and the employee would not lose seniority. Furthermore, every employee returning from leave has the right to be reinstated to the same or comparable position.

Every major, industrialized country in the world, except for the United States, has some form of protected leave for employees. In fact, most of the least-developed countries of the Third World have this important guarantee. If the United States is to effectively compete in the global economy, it is imperative that our Nation equal the pace and meet the standards set by our competitors.

For a civilized nation like the United States to deny workers the simple decency to care for their child is abomination. While I understand the concerns of some in the business community, I believe that this legislation will ultimately benefit our economy.

Again, I urge my colleagues on both sides of the aisle to support the conference report. Also, I would like to reiterate my concern about keeping the debate on this issue fair. Although this conference report extends leave benefits to congressional employees, chances are that we will be unable to override a veto. Therefore, I urge my colleagues who say they support family and medical leave to actually institute a policy for their offices. Instead of playing politics, let's get serious.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Madam Speaker, we are the only country that is industrialized that does not have health insurance for every American. We are also the only industrialized country that does not have as public policy a family leave.

I heard one of my friends talk about statistics. I want to forget statistics for a minute and let us talk about what this really means in terms of people. It is the families in this country who are the caregivers. They are the ones who minister to their loved ones, particularly in a time of crisis.

What good mother who is in the work force, whose child is chronically, critically ill, would not take off work to be with her child? This is what it is all about. Can a mother be with her sick child when that child is critically ill? Can a father be with his spouse when the spouse may be critically ill, take off work for up to 12 weeks and not get paid for it?

As a matter of fact, other countries pay for their medical leave. We are not even advocating that. What about sick parents? Are we to say that we do not care about our parents when they are dying?

This is about family values. We heard a lot about that in August. Let us live up to that here today and vote for the conference report.

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Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Madam Speaker, I thank the chairman for his hard work and for the time he has allotted me.

My colleagues, there is a difference between talking about family values and acting to help America's families. There is a difference between bragging about your family values and coming through for America's families. And there is a difference between posturing about family values, and my God we saw enough of that, and voting for America's families. And today is the day we can act.

We can act. We can come through and we can vote for our families, not to criticize them but to honor them, not to punish them for having a newborn child or an illness.

If you believe that newborn babies need their parents around, vote "yes" today. If you fight for those newborn babies' right to be born, then fight for their right to be loved. If you think that a mom or a dad with cancer or a stroke needs a loving daughter or a son around, then vote "yes" today.

This is unpaid leave. And small business is exempt. So let us not camouflage the issue.

Vote "yes" if you value families.

And what about the timing of this? We have heard a lot about that. We have had this bill before us three times, three times, and yes, we are trying again. And if the election year means that it might be signed, then I say hurray for an election year and for the guts of this majority in this House.

I would also say that we are here to pass good legislation, not to make life easy for George Bush or DAN QUAYLE or anybody else. If the Vice President can change his mind and make a commercial for Murphy Brown, then surely the President can change his mind and sign this family-friendly bill.

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, our economy is in a slump, American businesses are trying to gain a profit and create jobs. American families are hurting because they cannot find jobs and what does this body propose to do? Let us slap another Federal mandate on the already heavily burdened backs of our Nation's businesses—that is the answer.

Well, Madam Speaker, that is not the answer. This bill will push American businesses and our economy even deeper into the quagmire of inefficiency and economic contraction by raising the ever growing hurdles our companies must clear before effectively entering the arena of competition.

For those Members who believe that mandating family and medical leave will just add small costs to our Nation's employers, consider that such a mandate comes on top of the cost of fulfilling provisions of the Clean Air and Water Acts, providing a minimum standard of living for workers, engaging in recycling, carrying an expensive insurance policy against product liability, ferreting out illegal aliens, providing costly packages of medical benefits to employees that may have to include acupuncture, wigs, pastoral services and drug treatment, providing special accommodations to disabled employees and promoting equal opportunity as determined by race, sex, and sexual activity, and more and more and more.

For all its noble intent, the Family and Medical Leave Act is an unwieldy, burdensome, regulatory nightmare that will slow productivity, reduce efficiency, lessen flexibility, and increase costs. Moreover, it will backfire on those the legislation proposes to help: It invites discrimination against women of child-bearing age and will thwart the ascension of women into the more prominent positions of our society.

Madam Speaker, mandating family and medical leave is bad public policy. The fact is, we in Congress have no business, no right and no ability to legislate how the American family should apportion the burden of caring for its own. This bill is a perfect illustration of the liberal Democrats' mind-numbing proclivity to set social norms through paternalistic mandates. And make no mistake, each Member who votes for this conference report is voting to increase the Federal burden already breaking the backs of American businesses.

I urge my colleagues to vote against mandating family and medical leave. Vote "no" on this conference report.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Madam Speaker, the major fears we have heard this afternoon to family leave is the objection that somehow the bill will be wildly abused and drive millions of Americans out of work.

That is not true.

Wisconsin, as many of you know, has had a family leave law for years. And it works, and amazing Wisconsin workers keep working too. Our economy is in much better shape than most of America.

Keep in mind there is a huge disincentive not to use the family leave provisions of this bill, it's unpaid leave.

So the bill in Wisconsin is rarely used, period. The percentage of women taking unpaid leave after childbirth in Wisconsin is 78 percent, the same as it was beforehand.

The average duration of the leave was virtually unchanged, increasing a 3-month leave perhaps 1 day. When I talk to employers back home we have found it tough to find a single case of dad's exercising their option for family leave.

In a day and age when many American families are struggling to juggle the demands of work, home, and kids, this law is a simple little promise. If your child is sick, if a parent is dying take some time off, and your job will be there when you get back.

As we have found in Wisconsin, companies have less frazzled workers. And workers have less hassled families. Mr. President, Wisconsin families and Wisconsin companies can tell you family leave works.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Madam Speaker, supporters of family and medical leave are hopeful, that we will once again locate the gentleman who announced as a candidate in 1988 that he was supportive of family and medical leave. I believe that then-candidate George Bush was sincere when he made the announcement before the Illinois Federation of Republican Women that, and I quote, "We also need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness." Four years later, the President still has not removed that worry. He can, however, take an important step by signing the agreement and removing this fear from millions of working women, men, and their families.

Opponents of family and medical leave legislation contend that it is an undue burden on business, adding costs which will cripple our ability to compete in the world market. Yet, this argument ignores the facts that every industrial nation in the world except the United States has a family and medical leave policy, and that the costs of providing family and medical leave is minimal. As the General Accounting Office study indicates, the cost to employers is estimated to be $5.30 per employee, per year. Germany, Japan, and the rest of the industrialized world seem to effectively compete in the world market while providing their workers with family and medical leave. I am confident that American business can do the same.

It is time that we assure workers of this Nation that they no longer need to choose between a job which they desperately need, and the child which they love. Four years ago, then-candidate Bush shared my desire to see this worry removed. We will today provide now-President Bush with one more opportunity to act on his previously stated concern and compassion for Americans and their families.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL], whose father was a great friend of mine when we served in Congress together.

Mr. KYL. Madam Speaker, I thank the gentleman for yielding me the time and for those kind remarks.

Madam Speaker, this is another bill which, despite good intentions, I think is going to produce a result quite opposite of that which is intended. Therefore, I rise in opposition.

Though proponents of the Family and Medical Leave Act suggest that this legislation will aid employees in times of need by protecting their jobs, I think it will actually not protect their jobs, because many of them will not have jobs. It is estimated by a report of the Joint Economic Committee that this bill will result in the loss of 60,000 jobs. And that is because of the increased cost on the employers who will, of course, be responsible for this particular leave policy.

As a matter of fact, there may be some who end up discriminating against the very people who we are trying to bring into the workplace, because they are the most vulnerable in terms of the leave policy, the young woman who may become pregnant and need to take the time off to have her child being prime in that category.

This legislation is, therefore, another Federal mandate which not only places burdens on the business owners, and will place an additional expense on the business owners, but will actually take away the power of the employee as well as the employer. Employees have different needs. Each would like to have their own ability to negotiate benefits according to individual needs. And yet, this bill says we the Federal Government, knows what is best, and there is only one need, and that is this particular kind of mandated benefit.

We believe that negotiation of leave is best left to the individual employee and employer, not to the Federal Government. I appreciate and sympathize with the people who need to take time off to care for their families. And as a matter of fact, the facts show that most employers also sympathize with this need, as a result of which, in most cases, some kind of leave is already granted voluntarily, without the mandate of the Federal Government.

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So I think for all of these reasons, it makes sense for us to avoid this kind of Federal mandate.

There has been much talk, in conclusion, about the desire to protect the family. Madam Speaker, I am submitting for the RECORD an article from U.S. News & World Report which bears upon this issue, and I think makes it clear one reason why we ought to vote against another Federal Mandate rather than for it.

SNEER NOT AT 'OZZIE AND HARRIET'

(By John Leo)

"Family values" are not an invention of Dan Quayle, not code words for racism, not a complaint that women should quit the work force, not an unsophisticated yearning for the family of the 1950s. It is simply the current term for resistance to the long assault on the nuclear family that began in the 1960s.

The liberation movements of the '60s asserted the rights of individuals against the power of institutions, and the institution hit hardest was the family. Feminism, of necessity arose as a reaction to the traditional family, and the other movements fed into its early antifamily mood; the New Left, sexual liberation and the me-first pop therapies that preached personal fulfillment over social obligation. On all sides, the family was loudly denounced as a nest of oppression and pathology. Flak was not aimed just at the rigid, father-as-dictator family but at the idea of family itself. A psychiatrist named David Cooper called the family "a secret suicide pact . . . an ideological conditioning device in any exploitative society."

This assault from the left bred its own reaction, which plugged into the wide trend toward social conservatism. By the time of Jimmy Carter's disastrous White House Conference on the American Family in 1980, both the pro-family and pro-rights "liberationist" positions were set in stone. Liberationists got the meeting's title changed to the White-House Conference on Families (plural), which in effect downgraded the intact family to one family form among many. One attendee said this verbal change was necessary to reflect "the impressive diversity" of the American family, an early use of the word "diversity" to mean "anything goes."

BAD IS GOOD?

Two sociologists, Brigitte Berger and Peter Berger, zeroed in on the enormous significance of the insistence on "families" over "family:" What appeared to be—in plain English—the growing disintegration of the American family was to be relabeled as something healthy and positive. In their book, "The War Over the Family," the Bergers wrote that "The *empirical fact* of diversity is here quietly translated into a *norm* of diversity . . . demography is translated into a new morality." The allegedly innocent semantic shift, they wrote, "gave governmental recognition to precisely the kind of moral relativism that has infuriated and mobilized large numbers of Americans."

The entire war over the family is implied in that word change. The war has been about the conditions under which children are raised and the conflict between self-fulfillment and sacrifice. One side says what everybody thought was obvious until the 1960s: that stably married parents are best, especially if those parents are willing to put children's interests ahead of their own personal fulfillment.

The other side, shaped by social movements born in hostility to the family, has emphasized freedom from family obligations and the alleged resilience of children in the face of instability at home. It has been chiefly interested in the family for pathologies it can address (wife-beating, incest) and for rights that can be asserted against it (a residue of the '60s view of family as inherently oppressive, and an increasingly narrow rights-based version of morality). Its honorable insistence that single mothers be treated with respect has been used as a wedge to normalize the no-father home. This justified the short-changing of the young. (If the father who runs out on his kids is merely creating another acceptable family form, how is he any better or worse than the father who stays committed to his "double-parent family"?)

Data on the devastation of families have begun to turn the debate around. So has the soaring rate of births to unwed mothers: 27 percent in 1989, 19 percent for whites and 66 percent for blacks. The Rockefeller commission last year emphatically called attention to the need for two-parent families, a breakthrough after so much propaganda on "alternative family forms." Black intellectuals have begun to relegitimize discussion of the connection between family form and social ills—forbidden by the left since the Moynihan Report of 1965. For instance, columnist William Raspberry says, "My guess is that the greatest increase in child poverty in America is a direct result of the increase in the proportion of mothers-only households." Some prominent feminists now talk about the subject without bristling hostility, emphasizing family over the old agenda of sexual politics. Polls have started to show shifts from stark individualism to concern for the family, responsibility and community. In short, a call for bolstering the family is beginning.

Yet in the media the old howitzers boom as if it were still the 1960s. The almost daily fusillade of "Ozzie and Harriet" jeering derides the goal of the intact family as a form of nostalgia. An op-ed piece said that the nuclear family is "fast becoming a relic of the Eisenhower era." The New York Times recently referred to the intact family as "the Republican ideal." (Do all Democrats idealize nonintact families?) A week later, it reported that the current "family values" campaign is based on "the warm appeal of the idealized 1950s family as embodied in 'Father Knows Best.'" This sort of tiresome sniping serves no function. It is the work of people who do not realize that the '60s are over, the family is in crisis and the discussion has moved on.

Mr. GILMAN. Madam Speaker, I yield 2½ minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, the favorite theme of this campaign year is the need to return to family values. There is no legislation that is more pro-family than the Family and Medical Leave Act.

Recent statistics demonstrate this overwhelming need. According to a poll published in the September 1992 issue of Money magazine, the Family and Medical Leave Act is supported by Americans by a margin of almost 4 to 1. According to Cornell economist Eileen Trzcinski, since 1990, more than 300,000 workers with serious medical conditions lost their jobs because their employers did not provide medical leave. During that same period, employers without medical leave policies could have saved almost $500 million in hiring and training costs had this legislation been in effect—and these lost savings do not reflect the cost to employers resulting from the lack of family leave policies.

Madam Speaker, the United States is the only industrialized nation without a family and medical leave policy. This bill has undergone countless changes to address the concerns of the business community. It is a modest program affecting only 5 percent of the businesses in this country.

Many opponents of the bill argue that most large businesses already provide job guaranteed family and medical leave. In fact, this is not the case. A 1990 study by the Bureau of Labor Statistics indicates that only 37 percent of all female workers and 18 percent of all male employees in companies with 100 or more workers are covered by unpaid family leave.

Too many American workers have been forced to choose between their families and their jobs. These choices have had devastating consequences in many cases. Last year, the Women's Legal Defense Fund published a compilation of case studies of Americans who needed family and medical leave. The case studies portray countless examples of employees who were fired as they or their families prepared to undergo surgery, leaving them without health insurance and with full financial responsibility for the medical costs, despite the fact that their employers had granted the leave beforehand.

Families lost their life savings in an effort to care for a dying child, or lost their jobs for taking time to care for a newborn, even though they had made prior arrangements with their employer and had worked long hours to make up the lost time. The case studies included in this report have been repeated over and over again throughout this country year after year.

Madam Speaker, today's families already face tremendous stress, and that stress is having a serious impact on our children. Every Member of this House professes to be deeply concerned with the breakdown of the family in this country and the high poverty rate among our children. Anyone who is truly concerned with these issues will vote for this bill. It is pro-family legislation that is desperately needed. It is long overdue and we simply cannot afford to delay any longer.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, we have heard a great deal in the last couple of months about the family and family values. This is our first chance in this House since we have returned from the recess to address that issue.

I would say to the Members that today is the day, whatever the delays have been in the past, when we ought to address that issue and pass this conference report.

It has been suggested by some that this is going to be very disruptive and expensive for American industry. But this is far from an unprecedented burden. The fact of the matter is Federal law and State law mandate that employers provide time off for jury duty, and Federal law required time off for reserve or active service in the military, and employers have long since learned how to live with these provisions and manage their work forces so that they are not intrusive.

We are simply asking them to do the same thing they already do in cases of reserve service or in cases of jury duty, to deal with the situation where a family member has a situation, a childbirth, an adoption, a serious illness in the family and needs some time off to deal with it.

I cannot think of anything that is more intrinsic to family values than allowing a member of a family that kind of unpaid time off. If we really believe in helping families help themselves, it seems to me that this legislation is really a small step, a very modest step, in that direction. If we believe that the family has not been given sufficient status in the hierarchy of American values and we want to elevate that status, at least give the same status of jury duty, at least give the same status as participation in the Armed Forces Reserves and vote for the Family Leave Act.

I hope the President will sign it, but if he does not and we come back again, then I hope we will vote to override the veto.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], a prime sponsor of this bill.

Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 4 minutes.

Mrs. SCHROEDER. Madam Speaker, I thank the gentlemen for leading on this bill and for yielding me this time on this bill.

I want to say that there is no question why people are coming down here and screaming partisan, partisan and all sorts of things, because today we find out who is for families and who is just faking. You know, I cannot think of anyone who has ever run for office who has run against families. W.C. Fields would not make it in the political arena.

Yet, we so rarely have legislation that puts families first. This is one piece of legislation that we have been working on for over 7 years, as I remember, and so let us not talk about timing. It is not like we have sprung this thing out here. We have had this thing up four different times. We have been working on it 7 years, and it is terribly important today.

We have put politics aside and put America's families first. America's families are under great stress.

You can poll families all over America and ask them if in the morning something has happened in their family, say, their elderly father had a heart attack or one of their children had some terrible problem, would they be better off calling their employer and saying that, or would they be better off calling and lying and saying their car broke down. Guess what, they say it is better to call and say your car broke down.

We seem to be the only industrialized nation where you are better off saying you are taking care of your car than if you are taking care of your family member, and I think there is something terribly wrong about that.

We are hearing all sorts of things here about how expensive this is and on and on, but you have heard many Members who have adopted this in their States and said it worked very well.

The Small Business Administration commissioned a study in 1990, and the Small Business Administration is not exactly a bunch of radicals. The study they commissioned found that this would hardly cost anything to America's employers, because one more time, it is unpaid leave, one more time, you do not call unpaid leave a benefit, and very few people could take advantage of it, because they need the paycheck so badly.

So I think all of those are the real facts, and I do not think people should be waffling on this. I think it is so long overdue, and we have seen so much stress in America's families over this issue, and we have some of the worst family statistics of any industrialized nation. I think that this is one of the things that would relieve some of the stress on America's families.

But think about it, if you personally can come to work and focus on your job the day your mother had a heart attack, fine; then vote against this bill, because you are way beyond anything I could do. If you personally could leave a newborn when you feel terribly uncomfortable about it and come to work because your employer told you you had to and focus on that job, then, fine, do it. Vote no on this bill. But I must tell you, as a mother and a parent, I could not do that. I would be not much good to any employer if I had to come to work under those conditions as the way I saved my job.

Productivity is very essential to this country, too. Every other industrialized country has found that this affects productivity. When people are there, they are focused on their job. If people are there when there is some critical disaster in their family, they are not focused on their job. They are not productive.

So this does not cost a lot of money. We have had that proven by all sorts of States that have put it into law, by Federal agencies that have studied it and everyone else. Let us put family first today. Let us put politics aside today.

□ 1340

Let us pass family leave and let us get the President of the United States to sign it and let us salute those courageous Republican women in Rockford, IL, who at that press conference said that he promised that he would sign it 4 years ago, "Do it now."

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Madam Speaker, Congress should not be involved in this issue. We cannot even take care of the things we have constitutional responsibility for. We have driven the country into debt, we tax our citizens with no restraint—we cannot even run our own bank and post office. We have no right trying to run our citizens' lives and businesses.

Yesterday, I talked with Vicky Henry, a business owner in my district. She is opposed to federally mandated one-size-fits-all leave packages. As a mother of two, Vicky is sensitive to the needs of her employees and their families. She works with her employees in times of need.

Now Vicky's company is right at 50 employees, an arbitrary number cut out in the bill. But she will not expand if this bill passes. It is a death sentence to small business expansion. This legislation leaves employers like Vicky Henry out of the picture. Most importantly, it cuts new jobs out of the picture.

What we are debating today is whether we trust Americans to make decisions for themselves, or, if we think that Government knows best what is good for everyone. I, for one, have great faith in the American people and the American way. I urge my colleagues to show their support for employers like Vicky Henry and vote against the mandated leave act.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the distinguished Speaker of the House of Representatives, the gentleman from Washington [Mr. FOLEY].

Mr. FORD of Michigan. Madam Speaker, I yield an additional 2 minutes to the Speaker.

The SPEAKER pro tempore. The distinguished Speaker, the gentleman from Washington [Mr. FOLEY], is recognized for 4 minutes.

Mr. FOLEY. Madam Speaker, this is a conference report which reaches the House, at a time when the country has been asked to focus on family values and on the restructuring and strengthening of the American family. No legislation we will consider this year addresses as intently and clearly family values as does this family and medical leave legislation.

The idea that Americans are going to use family leave with great abandon is argued against, as the gentlewoman from Colorado [Mrs. SCHROEDER] pointed out by the fact that although this is a fair, needed, necessary bill, it is not a generous one. It does not provide a day of paid leave. It does not encourage anyone, without sacrificing his or her income, to take the family leave provided in the legislation.

People taking leave to help a spouse, a child or a parent will only occur if they are of the view that this is a great emergency. The reality is that because most families today require two incomes to survive they do not have the luxury of going on leave without pay. For this reason it is critically important that workers be able to keep their jobs when faced with a family emergency, that they not be forced to choose between the two.

Madam Speaker, 70 percent of the American people feel that this is a valued and needed bill; 70 percent of the people believe Congress should enact this legislation.

Since it was approved in a previous Congress and was vetoed, this legislation has incorporated even more steps to insure that businesses are not harmed by it. It allows, for example, for the exemption of key employees if they are in the top 10 percent of income levels in the business and it permits the application of the leave legislation only for businesses of more than 50 employees. That in itself eliminates about 50 percent of American workers and all but 5 percent of American employers. Yet it is still key to the needs of those remaining workers and businesses.

We are, as has been said many times, the only industrial country that does not now provide such leave. If this legislation is passed, we will still be, by the way, among the few such countries that do not provide paid leave for those who are facing family emergencies.

Madam Speaker, I am confident that we will pass this conference report by a great and very commanding majority. It is my hope, however, that the House will go beyond that to pass it by an overwhelming vote and, with the greatest respect, that the President will reconsider his earlier judgment, and sign this bill.

Let us give him both the encouragement and the opportunity to do so.

Mr. GOODLING. Madam Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER], a member of the committee.

Mr. BOEHNER. Madam Speaker, my colleagues, today the American people might think that we are really serious about passing family leave legislation. They might think we are really trying to do something to address one of the needs in our society.

Well, America, I am sorry, that is not what we are doing today. We are playing another political charade on the American people.

Now let me explain: The House considered this legislation last November 13, 1991, the Senate considered it a month before, in October, October 2, 1991. When did we decide to sit down and work out 12 words of difference between the House and the Senate? On August 5, 1992. And why do we have this bill before us today, 53 days before the election? Why did it take 9 months to get to conference? For one reason: So we could come here today right before the election, to try to embarrass the President of the United States.

You all know this bill is not going to become law. There has been no effort to work out the differences. One simple reason we are here: To go on with another political charade.

I have been here 20 months as a freshman Member of this body, and it has shocked me the number of times we have gone through one charade after another. I think it is time we stopped and get on with the real issues that affect Americans.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding to me.

Madam Speaker, watching the evening news the other day, they showed two homes devastated by the hurricane. Both sustained damage. One had followed the standards set out by the government in Florida. It at least kept its roof on, kept the walls in place, and the family would be back in their home much more quickly.

Government standards are not just simply arbitrary concepts, a place to burden people. It provides some protection to society.

The Germans that we defend today with $100 billion of American taxpayers' money have family medical leave for their workers, far better benefits than we put forth in this bill.

When you think about the pain and suffering of the families, the families that are no longer together in a small community but mom and dad are in Florida or California or Arizona, in times of crisis, for this Government not to provide some protection for people who work for a living and pay the taxes that run this country, that provide protection for the entire free world, is an outrage.

Madam Speaker, we have here an opportunity to take a small step forward, to provide some standard protection for the people who work and pay the taxes in this country.

Madam Speaker, it's time for George Bush to stop substituting campaign rhetoric for action. In 1988, George Bush was elected on a promise that working men and women would not risk losing their jobs if they took time off to meet important family needs. Today, 4 years and one critical veto later, Bush continues to say he stands by the family. In fact, he's made the family—family values—a campaign theme in this year's election. Well George Bush, the American family needs more from the administration than one more catchy campaign theme. The American family needs serious policy to ensure them that the family comes first in a time of need.

Yet still today, when a mother takes time off to care for her newborn son, there's a serious chance that when she returns there will be no job, and there will be no health insurance. Mr. Bush, your empty promises have not strengthened the American family. Your hollow commitment has added unnecessary stress and pressure to our family structure. Is this what you call building family values, Mr. President?

The status quo is costing American workers and costing American businesses. Each year, workers lose close to $12.2 billion in earnings because they can't return to their jobs after taking time for family emergency.

We all lose when workers cannot return to their jobs because of illness or the care of a new child. The rest of society pays the bill in lost tax revenues and higher payments for social programs like unemployment compensation, Medicaid, and food stamps.

In reality, the Family Leave Act does not ask for much. In fact, what we are asking for is something our toughest economic competitors already provide their workers. Both Japan and Germany offer their workers at least 3 months of paid leave. The United States is the only major industrial nation in the world without a family and medical leave policy.

I look forward to this Congress approving the Family Leave Act and having George Bush honor his long-term commitment to the American families.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding.

Madam speaker, it was a little more than a year ago that the promise was held out to Americans that we might once again lead in a new world order.

My colleagues, 19 countries in the European Common Market have legislation on the books similar to what we are considering today, and that is protection, maternal and parental leave for their workers.

Eighteen countries in Asia have it, 27 countries in North and South America have it, 37 countries in Africa have the protections we are fighting about today for America's workers.

☐ 1350

Fifteen countries in the Middle East have this protection, parental and medical leave for their workers.

Iran has this protection.

Kuwait has this protection.

My colleagues, Iraq has this protection for its workers.

I submit that before America can lead in the new world order, we must first join it.

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Speaker, it is an election year, so it is time for politicians to offer something for nothing. The public has caught on to this shell game when they were talking about Federal dollars that were being given away. The public finally realized it was their dollars and their indebtedness that the politicians were talking about. So now the game in Washington is mandating local government and business to provide benefits.

Well, there has not been much talk about it, but there is a cost to be paid, even though over and over again you hear people claiming there is almost no cost to be paid. We have heard over and over again how Europe and the other industrialized countries have generous family leave mandates. What you have not heard is that during the 1980's when that horrible Reaganomics was creating 20 million new jobs, those countries with all these mandates created almost no new jobs.

And oh, yes, the mandate only applies to companies with 50 or more employees. If this is enacted, how many successful companies that should be expanding their payroll will now struggle not to hire their 51st employee? In fact, they will forego hiring 10 or 20 people to avoid an avalanche of regulation which will smother them upon hiring their 51st employee.

And will the mandated employers be less or more likely to hire women of childbearing age? It speaks for itself. This is going to discourage people from hiring women.

Mr. and Mrs. America, there is nothing that can be given to you for nothing. There is a cost for everything. Vote no on this mandate.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Madam Speaker, I rise to speak in support of the Family and Medical Leave Act, not as an abstraction, but out of real experience close to where this debate is taking place today. The District of Columbia enacted its own Family and Medical Leave Act in 1990. I can report to this body that the District's experience shows that "there is nothing to fear but fear itself."

Rather than 12 weeks, the District's law permits an employee of private business or local government to take up to 16 weeks of unpaid leave every 2 years to care for a newborn or newly adopted child or a seriously ill family member. There is, in addition, a separate medical leave entitlement of 16 weeks of unpaid leave every 2 years for a worker's own serious illness. For the first 3 years after enactment, the D.C. law applies to employers with 50 or more workers. Thereafter, the act will cover all employers with 20 or more employees. Even with this lower threshold, only 14 percent of employers in the District of Columbia will be subject to the law, while 81 percent of employees will be covered.

With significant opposition from the local business community, the District took several years to get its family and medical leave legislation enacted. Yet, there has been no litigation bonanza as predicted, and the business community has adapted admirably to the law's requirements.

District of Columbia government employee statistics for the first year that the law was in effect should erase doubts and opposition to the modest bill before us. Of the 27,000 eligible D.C. government employees, only 20 actually took family or medical leave. Of these employees, only two took the maximum amount of leave available, while the rest took an average of 2 to 3 weeks. The overwhelming majority of these employees used their family and medical leave for maternity leave. The average annual salary of the workers who took family or medical leave under the D.C. law was $19,348.

The bill before us today doesn't go as far as the District's legislation, and doesn't go nearly far enough. But S. 5 is the start American families of every configuration need and deserve. There is, my friends, incalculable desperation and anxiety in American families trying to cope with the impossible today. Give them a break. Pass S. 5.

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Madam Speaker, this new Federal mandate is part of a larger issue, and I call it mandate madness. Our economy is already creaking under the weight of the mandates of Congress. Our State and local taxpayers are being drained by Federal mandates.

In Pennsylvania, Medicaid and health care mandates have wreaked havoc on the State's budget. Pennsylvania local governments currently comply with 7,000 Federal mandates, and that number grows each year. Businesses, our job creators, are already swamped by new Clean Air Act mandates, new Americans With Disabilities Act mandates, OSHA mandates, EPA, the list goes on and on.

Does anyone doubt that the sum total of all these mandates may well be the economic sloth and stagnation that we are experiencing?

All this has had a severe negative impact on our jobs and our potential to create new jobs. It is as if you or I would order an expensive meal at a swanky restaurant and continually pass the bill on to American employers, workers, and taxpayers.

Madam Speaker, I am voting today against the Family and Medical Leave Act of 1992, H.R. 2. This is a very tough vote because I believe that if an employer is able to offer this benefit, the company should. But I believe that mandated leave will hurt the very people it's trying to help.

If an employer is forced to budget for every employee that may take family or medical leave in a year, those costs will cut into the employer's overall budget for employee compensation. This will force cutbacks in other areas of compensation, such as flextime, job-sharing, child care, paid leave, and even health care. In difficult economic times, mandated benefits may be paid for by job loss and lower pay.

This mandate would impose significant new costs on business. A 1991 Small Business Administration [SBA] study indicates that slightly more than 2 million men and women would take up to 12 weeks of unpaid leave if Congress passed a federally mandated leave policy. The cost per new leave-taking worker is estimated at $1,995 to cover continued health benefits and handle the leave takers' workload. Payroll costs would increase 8.9 percent for the average full-time worker. The new labor cost burden on America's employers would exceed $3.3 billion a year. Many businesses will be forced to lay off employees in order to meet the increased costs. SBA estimates that nearly 60,000 jobs will be lost due to mandated leave.

Who will really benefit from mandated leave? Mandating a benefit does not mean that all employees will be able to use it. Taking advantage of this benefit will depend upon its price to the employee. Single worker families, particularly female-headed households and low-income families are the least likely to be able to afford the luxury of 12 weeks of unpaid leave. But high income-earners, either married or single, can more easily afford to take 12 weeks off. As a result, high-income workers will opt for the leave benefit, even though all workers will bear the cost.

When faced with employees on mandated leave, most employers will shift the work load burden to workers who remain on their jobs and pick up the slack for their higher income colleagues and bosses who can afford 3 months off. As low- and middle-income workers are least likely to use the benefit, they will bear the brunt of its burden.

This legislation also makes the assumption that all workers want the same benefit. This rigidness puts employers backs against the wall as Congress determines the type, duration, and benefits of leave. Once a Federal benefit is mandated, employers will be much less willing to work out individualized arrangements with employees, particularly when faced with the threat of legal reprisals from other employees.

I am also concerned that the Family and Medical Leave Act will result in discrimination against young, married women. Research shows that women of child-bearing age take more leave than men, so the effect of this legislation, everything else being equal, is to make women more expensive to employ. Women will be less likely to be hired and more likely to face discrimination on the job.

Proponents of S. 5-H.R. 2 argue that it is pro-family legislation that allows men and women to retain their jobs while taking unpaid leave for childbirth, adoption, or a family medical emergency. But it will do more harm than good by reducing the worker's preferred benefits package, causing employers to discriminate against women and lower skilled workers, decreasing the flexibility of benefits, and forcing low-income workers to work harder and longer to compensate for absences of their high-income co-workers.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Speaker and my colleagues, I have been consistent and strong in my support for family leave legislation. Each time I go back home, I am always faced with people who want to ask questions about it. Most, the overwhelming majority, support it, but there are those who have doubts. Usually the doubts fall into three categories.

First of all, they say it is going to be too costly.

Well, Madam Speaker, we all know this is unpaid family leave we are talking about.

Then they say it would be too burdensome, particularly on small businesses. You take one employee out of a shop with 10 or 12 people and that is disruptive. We recognize that. So we have exempted small business; but the one that offends me the most is when they say, but if you give 12 weeks of unpaid leave as an entitlement, you know what they will do—the "they" being the women of America. I am told by the opponents of this legislation that "they" will take advantage of it and stay home and treat it as a vacation.

Well, my colleagues, let me tell you why the women of America work. They work for the same reason that the men of America work. They want to eat. They want to educate their children. They want a roof over their heads. They are not going to take advantage of it.

We talk a lot in this town about family values. It is time to put our votes where our mouths are. Support this family legislation.

Mr. GILMAN. Madam Speaker, I yield one-half minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mr. GOODLING. Madam Speaker, I yield 1 additional minute to the gentlewoman from Connecticut.

The SPEAKER pro tempore (Mrs. KENNELLY). The gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for a total of 1½ minutes.

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank my colleagues very much for yielding this time to me.

Madam Speaker, this is an important issue. Life has changed and public policy must respond to the need for families to have the help they need to better balance family and work responsibilities; but this bill is only a shadow of an answer and is for most a false promise. It will help very few parents.

Most women work for small businesses not covered by this bill. Of those covered, the majority enjoy superior benefits. Most others cannot afford to take 12 weeks of unpaid leave.

So this is a response to a real problem, one I am going to support reluctantly, but an inadequate response and a political response.

Both the House and the Senate passed this bill almost a year ago. If we had moved forward at that time, we could have used the inevitable veto to get the right debate going and a better leave policy in place.

I am pleased that the White House will now support the kinds of rewards to business for progressive family leave policies that will enable small businesses as well as large businesses to offer this very important benefit, and that will encourage what is really needed, paid leave.

While I will support this legislation, I respect the veto it will meet and look forward to passage of the kind of incentives the administration now supports, admittedly late, because they will help more women more effectively and turn a weak mandate into a constructive national leave policy.

□ 1400

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I would like to review a few of the comments that I heard from the other side; from both sides, as a matter of fact, about the other side of the issue. I heard someone say that employees in many cases cannot take leave for family problems, and the only question I would ask is: Where in the world in this legislation does it guarantee 70 percent of the American employees, those less well off, that somehow or other they are going to be able to take advantage of this legislation? They could not take 12 days if they took 1 day per month.

The second thing I heard someone say is that the reason this political issue became such a political issue, although she was saying she did want it to be a political issue, was that they were waiting for the White House. They could not get the White House to negotiate. Now I was a part of this negotiating, and that is nonsense. As a matter of fact, anytime "negotiate" is mentioned, the word "mandate" first was placed on the table. We will negotiate, but we will not have anything to do with anything that would eliminate the word "mandate." I do not call that negotiating.

As a matter of fact, Madam Speaker, I offered an alternative that would not even be considered. The gentleman from Minnesota [Mr. PENNY] offered the smallest change that could possibly be offered. That could not be negotiated.

So, let us not say we wasted a whole year's time on this valuable legislation because we were trying to get the White House to negotiate, and so we now know that we do not have a law and will not have a law after we are finished with this exercise.

I have the Secretary's letter indicating the veto which I am attaching to my remarks. The numbers are there to sustain it. So, we have lost all of this time and provided nothing to anybody.

The third thing I heard, and it made my point, was a colleague from my side from South Carolina said that this is the way they do it in his business, and they pitch in, and everybody pitches in. He made my point. Seventy-three percent of the American workers are saying that this legislation is not what they need, that 73 percent of their employers come forth with these kinds of benefits when they ask for them.

And then I heard someone linking this, and it was the most humorous of the discussions; they said we already have mandated benefits from the Federal level. We have the National mandate, and we have jury duty mandate. Benefits? Take that into a negotiating session with management and labor and say, "These are benefits, buddy." I do not believe the employee would agree that this is some kind of benefit that they have.

Then I heard a list of many countries and all the things these many countries have, and, as my colleagues know, in a large percentage of those counties there is a barely livable standard. If they had an opportunity to ask for something or negotiate, they would say, "Hey, could you give us some viable wages so as a matter of fact we could think about putting some clothing on the backs of our children or some food in their mouths? I thought that was also a rather humorous comment.

Well, again, let me reiterate that we have not done anything with this legislation to help at least 70 percent of the American people participate because they cannot take that kind of leave—they can't afford to. I know when it was presented originally they said, "Well, of course this is just to lead to another kind of paid benefit."

Again, all of the statistics that we have, the studies that have been done, would indicate that 73 percent of the employees say they have these benefits available when they ask. Sixty-nine percent say that this is not one of their leading ones that they would like to have negotiated. As a matter of fact, they would like to have an opportunity to have cafeteria-style benefits. They would like to have an opportunity to choose and select what they negotiate as what they think are the most important benefits.

And let me make one other point. I see the bill does extend coverage, and I use that term very loosely to the House, but I also note that enforcement is solely through the House's internal Office of Fair Employment Practices. Now contrast this with private sector employers and State and local governments, which face enforcement by the U.S. Department of Labor—in all its glory—and private civil actions in court, all with jury trials.

Now, I can see that enforcement by the Labor Department on behalf of congressional employees may pose some problems, but we should strive to apply the same enforcement mechanisms to ourselves as we apply to those upon which we impose these laws. A private cause of action in court at least could have been included here, and I would like to emphasize that my compromise bill did include such a cause of action. In this regard I have to note that the Senate did provide for a review mechanism in court. While I do not believe this is adequate, it is a start.

So, again, I am afraid it is one more time when the Congress of the United States is holding out a false promise to 70 percent of the work force that is out there, and this legislation delivers nothing for them; it is just a false promise.

U.S. DEPARTMENT OF LABOR,
Washington, DC, September 9, 1992.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: As the House prepares to consider the conference report to the Family and Medical Leave Act, I reiterate that the Administration's strong opposition to this legislation has not changed since the President's veto of a similar bill in the last Congress.

The Administration's economic policy is committed to establishing the economic climate necessary for strong and sustained employment growth; to enhancing job security for the 118 million Americans on the job today; and to creating new productive employment opportunities for individuals who want a job. Passage of mandated leave legislation is not appropriate Federal labor market policy. Imposing new, additional burdensome Federal regulation in the current economic climate is the surest way to strangle business growth and job creation, especially in smaller and medium size businesses, which are the source of most new job creation.

The President strongly encourages family leave policies through voluntary negotiations between employers and employees. He does not support the Federal Government mandating these benefits. Workers and managers should have the needed flexibility to develop a compensation package of wages and benefits that best meets their specific needs. The Federal Government should not intrude in these negotiations that can best serve to meet employees' individual needs. Whether higher take home pay, health insurance, pensions or other benefits are more important than 12 weeks of unpaid leave is not a decision for lawmakers to make. Mandates from the Federal Government requiring employers to establish specific benefits will cause other valuable voluntarily-provided benefits to be reduced or eliminated.

In a recent Lou Harris survey, almost three out of four working Americans (73 percent) responded that employers are responsive in making adequate provisions for both the regular and emergency needs of working parents. Another survey done by the Gallup Organization found that only 31 percent of those polled think a parental leave benefit is something that employers should be required to provide. The Society for Human Resource Management found from their survey group that only 23 percent believe the government should mandate this type of leave. Survey data also show that while employers have provided family-sensitive benefits for many years, the proportion of employees with access to these benefits is growing. Employers, feeling the competitive pressure to attract and retain the best workers, are increasingly providing employees with the compensation packages they desire, including increased flexibility in both the workplace and workforce.

The President has consistently stated his opposition to mandated leave legislation. It is unfortunate that the highly political nature of this issue prevented discussion of alternative legislation that did not include a mandate. Since S. 5 does include a mandate and that mandate will cost jobs, the President will veto the bill if it is presented for his signature.

The Office of Management and Budget advises that there is no objection to the submission of this letter and that enactment of S. 5 would not be in accord with the program of the President.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

Mrs. SCHROEDER. Madam Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING] for what he is saying. I did hear the gentleman criticizing, I think indirectly, what I had said about the fact that we had wanted to negotiate with the White House on this, and for a year the congressional caucus on women's issues has tried very, very hard to talk to the President about his disagreements. Pediatricians have been trying to get in, all the religious groups like the Catholic conference, and many others who have been supporting this. As my colleague knows, he has been willing to talk about the civil rights bill and the disability bill.

Mr. GOODLING. Madam Speaker, reclaiming my time, I would say that all those people were not the committees of jurisdiction, the committees of jurisdiction I mentioned. Anytime we mentioned anything about negotiating and my colleagues wanted to say something against mandates, immediately those negotiations stopped. So, we tried to negotiate, the gentleman from Minnesota [Mr. PENNY] tried to negotiate, I tried to negotiate, but we were not successful.

Mrs. SCHROEDER. Madam Speaker, if the gentleman would yield further, as the one who introduced the bill first 7 years ago, we started with much tougher standards that covered many more than the people my colleague is talking about, but we have been negotiating, and that is why we are now only covering people who employ 50 or more people, and it was because of those negotiations. So, we have been negotiating internally what we could not get from the President.

Mr. GOODLING. That makes my point that 70 percent of the people out there do not have the opportunity to benefit.

Mrs. SCHROEDER. We started by trying to do more.

The SPEAKER pro tempore (Mrs. KENNELLY). The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

Mr. GOODLING. Madam Speaker, do you mean my entire time?

The SPEAKER pro tempore. The entire time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Speaker, I rise in very strong support of this legislation. I would like to thank and commend Chairmen FORD and CLAY and the members of the conference committee for working diligently to bring this conference agreement to the floor for consideration before adjournment.

How many of us have mentioned family values? How much is that discussed in the political campaign? It is because we know that in America today families are in trouble, families are being divided. The economics of raising families in America is crushing many parents. This bill responds to that problem, a problem that is a nation's problem. It is in a very small sense a step toward solidifying families in America. It allows for families to come together.

Unfortunately, we are faced with societal problems of significant magnitude. Many of us believe that strengthening the family is a critical national security objective. No parent should have to explain to his or her child that they cannot hold their hand and nurse them through a traumatic illness or injury because they fear losing their job.

A child's confidence of a parent's presence at a time of illness will be strengthened, a spouse's sense of security at a time of crisis will be enhanced, and a parent's peace of mind that the child for whom they cared can care for them.

Arguments have been made that this bill will have an adverse effect on the business community. I disagree. Since this legislation was first introduced several years ago, significant changes have been made in order to address the concerns of the business community. The legislation before us applies to only those employers with 50 or more employees. In addition, it provides that an employer can exclude from coverage 10 percent of the company's highest paid employees.

I have become very sensitive to the concerns of the business community with regard to federally mandated benefits and I intend to support efforts to come to reduce the burdens we place upon our business community. The obligation provided in this bill is, I think, small and the necessity to respond to the crisis in our families is great. We must strike a balance. And, I believe this bill accomplishes that goal.

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The President of the United States, George Bush, when he was running for President, said this: "We need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness. That is what I mean when I talk about a kinder, gentler Nation."

We talk about timing. Americans have not missed the fact that the President is changing his positions on some things as he campaigns in Texas, in New Jersey, and other States of this Nation. Perhaps he is hearing the people. The people say that this is a small step, but an important step, to strengthening families.

It is unconscionable that America, a highly industrialized world leader, has been unable to enact a family leave policy. There is no other industrialized country in the world without such a policy. It is time, I suggest to redeem promises, to redeem observations about a kinder, gentler nation. It is time for us to act: for parents, for elderly or sick mothers and fathers, and certainly for our children.

Let us pass this bill. Let us hope the President signs this bill.

Mr. FORD of Michigan. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Madam Speaker, I rise in opposition to the Conference report on S. 5, the Family and Medical Leave Act.

S. 5 attempts to paint all employees the same color without regard to the uniqueness of the workplace or of worker needs. It removes the flexibility of having leave policies suited to the business and in providing a buffet of employee benefits to the worker such as health care, education, pension, child care, or flextime.

Those who support the conference report have a point that we should recognize. Employers should offer leave to their workers, because providing job security to an employee who is facing a family emergency is good business for it makes for a better work environment.

But those of us who oppose S. 5, are not a bunch of angry old men who are heartless and insensitive to the needs of workers. Many of us who have been through the grind of running a small business, like I did for 30 years, offered leave to employees whenever an employee needed time off to care for a child or emergency. We should not need the Government to tell us of our Christian duty of compassion and understanding to others.

Nor do we need to have some sort of litmus test, which some are trying to make by way of S. 5, for family values in a Presidential election year. The only thing we are testing today is the patience of the American people by going through a beguiling attempt to establish a family Congress. I hope the next Congress can do better, it will need to.

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Madam Speaker, through the years I have listened to the debate, for the last 6 or 7 years, and I am always amazed at the opposition to this particular measure. Members say, "My goodness, this is a liberal proposal." Well, the gentleman from Illinois [Mr. HYDE] supports it. I will rest my case with that issue.

People say it is not really a matter that we ought to mandate. What should be mandated, if not job security for a legitimate reason such as a terminal illness? What other reason would you mandate?

I cannot imagine the tone of the opposition to this type of legislation. Why have we not brought it up before now? It has been here for 7 years. It has been here for 7 years trying to get a sufficient majority, or a President to sign it.

Why do we do it now? Well, we are now in a Presidential election and the President should hear from the people. If the people want this, they ought to tell him that they want mandated leave, and I think they have, by 70 percent.

The arguments that have been made in opposition are terribly weak arguments, and some day every Member of this House will be faced with this issue. I urge Members to vote for this bill.

Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Madam Speaker, I want to talk about family values—real family values. It is time to give American families a chance. We have a mandate, a mission, and a moral obligation to stand up for the American family. This Nation's families are wallowing in the pain of an economic recession. It is time to put the needs of the American family first.

We all need to wake up. Our country has changed. The American family has changed. We must help the American family and their employers adapt to these changes. If we do not, our economy will continue to suffer. The fabric of our society will continue to unravel.

As the Atlanta Constitution pointed out in an editorial today in support of this bill, the President, along with others, happens to believe that with all of the talk about family values, that family is of secondary importance to the right of business to hire and fire whom it pleases, when it pleases. Yet, we already restrict that right when national interest requires it under law. The jobs and positions of national guardsmen who are cleaning up after Hurricane Andrew are protected by law.

If we truly believe in the importance of family, should not the same right be extended to parents who are forced to stay home with a very sick child. It is time for us to stop talking, it is time for us to act. Let us pass this legislation with a big margin and send a message of hope to all who work in America that the Family and Medical Leave Act will lift a heavy burden off the shoulders of working people.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Madam Speaker, for 15 years I was a single parent, and I know what it means when you have a 3-year-old daughter who is very sick and you cannot responsibly leave them at a day care center and cannot find someone to care for them. You will do the responsible thing. You will stay home at the risk of losing your capacity to provide for them economically.

That is what parenting is all about. That is what family values are all about.

In my congressional district more than 70 percent of the adults in our households work. Some of them want to work; most of them work because they have to work if they are going to provide for their families adequately.

Madam Speaker, it is also true that it is unfair to those employers who accept responsibility for their employees, who are willing to accept the cost of decent benefits, employee benefits, when they have to compete against other companies who do not. If we do not pass this legislation, we are benefiting those irresponsible employers who care less about their employees.

Madam Speaker, there is no question this is the most important family values legislation that has hit the Congress this year. It has to be passed.

Madam Speaker, I rise today in support of the Family and Medical Leave Act.

Few can deny that our work force is changing. Our communities no longer predominantly contain the households we remember from our childhood—where husbands and fathers were the primary breadwinners who often worked 9 to 5 while the wives and mothers stayed home and cared for the children. Today, we live in communities with families that are far different from the ones we remember in the past; families where both spouses work—sometimes out of choice, most times out of need. Furthermore we are increasingly seeing single parent households dependent on one income. It is these families, the families of the 1990's—not the 1960's—that we are seeking to protect through this legislation.

I represent a district which dramatically illustrates the need for this pro-family legislation. Because of the high cost of living and the expensive Washington real estate market, over 70 percent of the women in my district are forced to work full time to help their families make ends meet.

Every day in northern Virginia, and in communities across the country, these working women are being forced to choose between their jobs and their families. Often women are forced to use all of their leave, all of their vacation time, and any compensatory leave they may have accrued to tend to the birth of a child or an ailing family member. If they are fortunate, they can return to their jobs without a loss of benefits or an interruption of health insurance. If, however, the newborn is not ready for day care, or if there is a prolonged illness, an individual can be forced to either sacrifice their careers and incomes or compromise their familial responsibilities.

Working Americans should not be forced to make this type of sacrifice. They deserve greater job security and the opportunity to care for a loved one during a time of personal crisis. The Family and Medical Leave Act we are debating today would provide this sense of security for over 64 percent of America's employees while impacting only 5 percent of America's businesses. Most importantly, this legislation would cost business less than $7.10 per covered employee per year while saving more than $12.2 billion in lost wages annually.

Working men and women in our districts want this legislation and deserve our support. I urge my colleagues to join me in supporting the Family and Medical Leave Act.

Mr. CLAY. Madam Speaker, I yield 3 minutes to our majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Madam Speaker, American families are living in an age of anxiety. As many experts have observed, the recession has been prolonged because people are reluctant to spend money—if they have the money—to buy that new car or new refrigerator. Americans are anxious about their jobs, their health care, the cost of education—they are anxious about the future.

Imagine what it would mean, living in anxiety, living frugally, to get the call at work that every parent fears—come home, your child is sick, or your parent is desperately ill. Imagine the heartache that comes when a family is in crisis, and a parent or a spouse is denied time off because of an inflexible workplace policy on leave.

They are told to choose between their families and their jobs; and this is a choice no working family can willingly make.

When I got the phone call—when Jane called me and said "come home, something's wrong with Matt"—when I learned my 2-year-old boy had cancer—I was lucky. I had a compassionate employer.

I was given the time we needed—the time I needed—to meet with the doctors, to attend his treatment, and to stay with him when he was scared or in pain. I was lucky, and Matt was lucky. Against all odds, he made it. And I did not have to choose between my job and my son.

For the parents whose employers do not provide this benefit voluntarily, the choice between keeping one's job or caring for a new child or sick family member is a choice no American should have to make. We can honor the values of work and family, and the family and medical leave bill shows us how that can be done.

Do not be distracted by the issue of competitiveness; the industrialized world has these benefits, and many other countries offer paid leave. Do not be distracted by the burden on small business; small business is exempt, only 5 percent of firms are covered. But pay close attention to what this benefit can mean to working families who are in crisis, and who look to a compassionate government to intervene on their behalf.

Today we can demonstrate our commitment to family values by our deeds not just by our words. We can rise above the partisan differences that often justifiably divide us. We can provide some meaningful assistance to families in crisis without burdening the business community. And we can demonstrate to the American people that their government can do something meaningful for them.

I urge support for the legislation, and I urge the President to sign into law the Family and Medical Leave Act.

Mr. MARLENEE. Madam Speaker, today we are engaged in another political sham that is designed more for press releases and soundbites than to provide solutions to real world problems.

According to the proponents of this legislation, only 5 percent of America's businesses—only 2 percent of Montana's 24,779 business establishments—will be covered by this new mandated 12 week unpaid leave policy. Why all this hype and hysteria over who is really for "family values" when so few businesses will be covered? It sounds to me like Montana's small business employers and employees will be asked to foot the bill for another big city "solution" in terms of higher prices for consumer goods and higher taxes to pay for enforcement.

I support providing employees with some type of family and medical leave policy. But it should be negotiated between the employer and the employee on what those benefits should be. We shouldn't mandate these benefits from Washington; they should be flexible and adoptable to the specific circumstances of the company.

Seventy-two percent of small businesses surveyed by the National Federal of Independent Businesses in 1989 already provide some form of voluntary leave policy. Only 1 percent of Americans, according to a 1990 Gallup poll, believe family and medical leave is the most important benefit. By far, most respondents believed that health care, retirement pensions, child care, and savings plans were more important benefits than a leave policy. Why should we mandate this one benefit to the exclusion of the others?

Perhaps this is just one more nail in the coffin of our competitiveness. As a nation, we are going down the slippery slope of more and more mandates from Washington. What next?

As sure as I am standing here today, this mandated leave bill is only the first step. Next year, the liberals will call for covering all businesses under this act. Later, they will press for fully paid leave. And, then they will ask us to adopt Sweden's socialist model, which is suffering from a stagnate economy, to provide paid leave for up to 6 months. Can our businesses bear these horrendous costs of the liberal's antijob providing business attitude?

Am I the only Member who has heard repeated complaints from business owners in their district protesting more and more onerous mandates from Washington, DC? Why should Congress force the Department of Labor to put its nose in determining what leave benefits employers provide to its employees? Why should Congress force another mandate on American businesses without providing any means to help them pay for it? Do the liberals in Congress think businesses have an unlimited supply of money to pay for these social mandates from Washington?

Madam Speaker, I ask my colleagues to oppose this well-intentioned but misguided piece of legislation. I know it will be tough to oppose. You will be vilified in the press for opposing family values and young mothers with a newborn at home.

But the facts speak for themselves. This bill is meaningless to over 95 percent of businesses in America and nearly 98 percent of businesses in Montana. This bill is crafted more for political soundbites than in devising real solutions to this problem. In fact, this legislation could provide an unintended side-effect—businesses will be very reluctant to hire young women of child-bearing age, who will most likely take most advantage of this new benefit.

That's why I supported last year the substitute amendment offered by my good friend and colleague from Texas, Mr. STENHOLM, to this legislation. If passed, it would have provided preferred rehire status for up to 6 years for workers who leave a job for family or medical reasons. This would allow a person to leave their employment with the flexibility to come back to the same or similar job over 6 years—not forcing them to return after 12 weeks.

I also support encouraging the remaining 28 percent of small businesses to adopt a family and medical leave policy by providing Federal tax credits to them. At least, we would be honest by not shifting the cost of this Government policy onto business.

Finally, I support covering Congress with this same policy. This legislation speaks nothing about mandating a leave policy for the staff of Members of Congress. It is the height of hypocrisy to force private businesses to adopt a leave policy when we don't cover ourselves.

Madam Speaker, let's address real solutions to these problems that don't cripple our ability to create jobs. Vote against S. 5.

Mr. SWETT. Madam Speaker, I rise today in strong support of the conference report for H.R. 2, the Family and Medical Leave Act. Given the dramatic changes in the American work force, there is an urgent need to help people accommodate job responsibilities and family obligations. Working Americans should not have to choose between keeping their job or taking time off to care for a new baby or a sick parent or child.

This legislation ensures that employees can take unpaid time off when they really need it, and because it will strengthen the family, it will also help to generate a happier, more productive work force.

This is a balanced and practical bill which represents the product of long years of debate and compromise. Small businesses—with fewer than 50 workers—are exempt from this legislation.

Every other industrialized nation, including our toughest international competitors, has some form of family leave law. The time is long overdue for our country to join this list.

Madam Speaker, I urge my colleagues to join me in supporting this measure. I am also hopeful that President Bush will see his way clear to signing this vital legislation into law. He has spent a lot of time recently talking about family values; strengthening the family is what this bill is all about.

Mr. MARTINEZ. Madam Speaker, this year we hear a lot of sound bytes calling for an America that is able to compete in increasingly competitive world markets. We also hear a lot about "family values."

Today, when most mothers and fathers hold down paid jobs outside the home, it is little more than an empty sound byte to say that jobs have nothing to do with family values.

Many of the changes we are seeing to make American firms more competitive involve modernizing the workplace and the organization of work to provide the flexibility needed to more efficiently utilize all the human resources in our workplaces. This legislation encourages firms to flexibly utilize all their human resources, to invest and upgrade their work forces. Studies of business show that it usually costs more to replace an employee than to provide some flexibility that allows that employee to meet his or her obligations to his or her family, including children and aging parents. Moreover, it is simply not good business to require an employee to choose between caring for a seriously ill child and keeping the job that is needed to support the child.

The President tells us that American business cannot allow employees the flexibility they need to meet their family responsibilities. The fact is that many firms already are doing it. This legislation provides a level playing field for those firms who are already doing the right thing.

The fact is that our international competitors are already quite successfully competing in world markets with family medical leave statutes that are considerably stronger than the modest provisions of this bill. Where in the world is the President when he says America cannot keep up with its competitors and defend real family values?

Today, about two-thirds of all mothers, 70 percent of all mothers with school age children, and 56 percent of women with preschool children work outside the home. Hearings on this legislation documented horror story after horror story of good long-term employees who had been confronted with a seriously ill aged-parent or child and the need to chose between keeping their job or caring for these family members who needed help. If our Nation values families, we simply cannot allow Americans to be faced with that unconscionable choice.

Clearly, the American people agree. According to a recent Gallup poll, 76 percent of the American people believe that employers should be required to provide workers with a job-guaranteed family leave. Protecting working families from losing their jobs in order to protect family values helps keep them from joining the 35 million uninsured Americans, saving money for all of us who pay for those who lack health coverage.

The President is threatening to veto this legislation. The President seems to believe that a mother should be faced with the choice between caring for a seriously ill child or keeping the job and the health insurance that is needed to support that child. Business after business—both in the United States and abroad—has demonstrated that in today's workplace there is no reason why the flexibility in organizing work that is needed to meet both workplace and family needs cannot be provided. it is good business, it is competitive, and it is a true family value rather than a glib sound bite.

This legislation ensures adequate flexibility for firms and it provides a level playing field among firms. I urge that my colleagues join in supporting this vital legislation that protects the reality rather than just the rhetoric of family values.

Mr. HOUGHTON. Madam Speaker, Parental leave is a difficult issue for me. I believe in the concept, I've started parental leave programs far better than this in my prior life, but here the approach is way off, and for one simple reason: Frankly, this law will help a few and hurt many businesses who cannot handle the burden. Is that any way to pass legislation?

When I served as CEO of Corning, Inc., we implemented a leave plan of 3 months or longer and it was paid leave. My concern then is not for large companies such as I worked for or even middle-sized ones. My concern is for the small firms who are now struggling to keep their heads above water.

The definition of a small business by the Small Business Administration is 100 employees or less. This bill drops way below that figure to a level of 50 people. What that means is that it puts the same requirement on a small business as it does on General Motors. That's just not right. I wanted an opportunity to change the employee exemption from 50 to 100, but no one listened. It was not permitted.

Also, frankly I think our priorities are way off when we bring up an issue such as parental leave before we touch health care. This is like having a second car in the garage without having a first. Concept good, timing bad.

Parental leave is something whose time has come. But let me ask, can't we keep the octopus-like tentacles of the Federal Government off even the tiniest of businesses? First, raise the critical number—apply this to a company that can fend for itself—then I'm for this needed legislation. But don't load big company costs and pounds of paperwork on those who can't handle it.

Mr. LIGHTFOOT. Madam Speaker, I rise in opposition to the Family and Medical Leave Act conference report. While I do not support the legislation as it is written, I do support the concept of a family and medical leave. I believe workers deserve leave time in cases of childbirth, adoption, and medical emergency. That's why I, as a small business owner, work with my employees to allow them adequate leave time when family crises arise. Employees should not be placed in a position where they are forced to choose between their careers or caring for their families.

However, I disagree with the concept of the Federal Government mandating 12 weeks leave time for every business. This would adversely affect small business which is a crucial element of Iowa's economy. The intention of this legislation may be well-meaning, but its practical impact has not been properly considered.

Mandated leave time may actually work against those it is designed to help. Single worker families and low income two-earner families are least likely to be able to afford 12 weeks of unpaid leave. They simply cannot afford the loss of income. On the other hand, high income families, with greater resources, will more likely opt to take this benefit.

In most cases, employers and employees are able to work out a leave schedule which meets the needs of both parties. A federally mandated leave policy may prompt employers, assuming job applicants are equally qualified, not to hire women of child-bearing age.

I don't believe another Government mandate is the answer. Smart, responsible employers offer this benefit voluntarily to keep good workers. I am concerned that a mandated leave policy would affect the availability of other employee benefits. We should encourage employers to work with employees to fashion a flexible, workable leave policy. We should not be trying to force employers and employees into a policy which may not fit every situation

Ms. DELAURO. Madam Speaker, I rise today in support of the conference report on the Family and Medical Leave Act. This bill represents real progress for working families, a real chance to ensure that working parents are not forced to choose between the demands of their jobs and the needs of their families.

In Connecticut we have family and medical leave protections. We know that they work. We know that businesses can support them. We know that family and medical leave does not hurt businesses; it helps them by improving worker productivity and morale, and by reducing worker turnover.

It is time for working Americans across this country to enjoy the type of protections Connecticut families have. We are the only industrialized nation that does not have a family and medical leave policy.

The protections under this bill are not onerous—they are the bare minimum that workers fighting to balance work and family deserve. They are the least we can do for those working parents who are doing something to promote strong families—instead of those who are just talking about so-called family values.

I urge my colleagues to support families by passing the Family and Medical Leave Act. And I challenge the President to make good on his promises by signing this bill.

Mr. OWENS of New York. Madam Speaker, I rise in strong support of S. 5, the Family and Medical Leave Act.

We have done precious little for the average American worker so far in this Congress and this bill gives us an opportunity to do something—not much, but something—for the people who elected and sent us here in the first place.

It would be hard to weaken and water down this bill any more than it has been during the past 7 years it has been under consideration in the Congress. Every time this legislation has been brought forward to the floor, we have pared away more and more of the protections this bill would provide workers in order to make it more palatable to more Members of this body. There is precious little left. Most businesses are not even covered by this bill anymore. Small businesses with fewer than 50 employees are now completely exempted. This bill will have no effect at all on 95 percent of the businesses and 44 percent of the employees in this country. Let me repeat that: 95 percent of American businesses are completely exempt from this legislation.

The sponsors of the bill have also dramatically reduced the amount of leave that would be available to employees. When we started this process we were talking about providing 18 weeks of family leave and 26 weeks of disability leave. What we're down to now is a total of just 12 weeks of leave for any reason.

And, as from the beginning, we are only talking here about unpaid leave. Unpaid. That means that workers who are not independently wealthy are not going to be able to take the leave provided by this bill unless they have absolutely have to. Unless there is a crisis, an emergency or an important family event like the birth or adoption of a child that requires them to be home for a while.

In other words, this bill is not—or should not be—a big deal.

Workers in 135 other countries—including nearly every industrialized nation and some Third World nations—already have the kind of job-protected family leave H.R. 2 would provide to Americans. In 127 nations—including some of our chief economic competitors like Japan and Germany—workers even get paid family leave. And workers in some of these countries have had these basic rights since before World War I.

Unpaid family leave is not going to be too expensive for business to bear. The General Accounting Office estimates that S. 5 will cost the 5 percent of businesses covered by the bill about $5 per year per employee. That amounts to a little more than a penny per day per worker. You don't get much cheaper than that. In the last Congress, George Bush and the big business PAC's said $4.35 an hour was too much to pay minimum wage workers at the bottom of our society. This week they're telling us that even a penny a day more is too much for working people. A penny a day.

So it's not a big deal. It's not a radical concept. Most American workers won't be covered by this bill. Many of those who are covered won't take the leave because they can't afford it or don't need it. And for the few who are covered and do take the leave, S. 5 won't provide any great windfall or benefit—just one less problem to worry about at a time of family stress and turmoil. That's not much to ask.

Big business, however, says it is. The sponsors of this bill have worked for 6 years to come up with some kind of compromise that would be acceptable to the big business PAC's who are fighting this bill tooth and nail. But big business opposes any bill and any family and medical leave standard—no matter how short it is or how few workers it applies to. This is nothing new. Fifty years ago they opposed any restrictions on child labor. Twenty years ago they said we didn't need any workplace health and safety protections. And now here they are fighting for the unfettered right to fire a worker for having a baby.

That's an outrageous position that only the most fanatical advocate of shark-tank capitalism could support. This is a modest bipartisan compromise which should receive the overwhelming support of this body.

Vote for S. 5 and do something good for your constituents. Vote against it and you just might find your constituents giving you—and the putatively profamily President who still vows to veto it—52 weeks of unpaid leave come election day this November.

Mr. DOWNEY. Mr. Speaker, over the past several weeks, the American people have heard more about family values than ever before. They have been bombarded with a barrage of rhetoric on family values and both political parties have claimed to be the champion of this deal. It is unfortunate that partisan politics has overshadowed this important issue. It is even more unfortunate that while George Bush has a real opportunity to do something about it, the same President who espouses his support of family values, has once again indicated that he will veto the Family and Medical Leave Act, which we have before us today, just like he did 2 years ago. It is time to give the American people a real example of what family values are all about. We must not let this opportunity pass to provide meaningful support, in the form of job guaranteed family and medical leave, to the working people of this country.

Recent years have seen dramatic changes in the composition of the American work force, and equally dramatic strains on the American family. Today, more than 50 percent of women work. Most have young children. At the same time, the population is aging. It is an unfortunate fact that, for the most part, employers have not adapted to the needs of a changing work force. There is an urgent need for a national policy which will balance employees' job responsibilities with their family obligations. The Family and Medical Leave Act will do just that by requiring businesses with more than 50 employees to permit their workers to take up to 12 weeks of unpaid leave each year to care for a newborn or adopted child or for a seriously ill child, parent, or spouse, or to use as medical leave for themselves.

As a nation, we must be aware of the needs of our families. It is an economic necessity for many families to have two incomes, and at the same time they must meet the special needs of new children, ill relatives, or their own health problems. American workers need to be secure in the knowledge that they will not be forced out of their jobs when they are called to answer the needs of their families. That is why I support this legislation.

Lastly, I would like to remind you that while many people view this legislation as an attempt to distinguish the differences between the Democrats and the Republicans, the chief sponsor of this bill is a Republican, and this bill enjoys a wide bipartisan base of support in Congress. I urge my colleagues to put politics aside and join me in passing this much needed family values legislation.

Mr. WEISS. Madam Speaker, I rise in support of S. 5, the Family and Medical Leave Act. Less than a year ago, I stood here with my Democratic colleagues in protest of President Bush's veto of this same measure. Unfortunately, we did not override Mr. Bush's callous veto, but we did vow that we would continue to fight for the American family. Well Mr. President, here we are again. Mr. Bush talks about family values, but in this campaign season, his words are mere political sound bytes that fade after the evening news. The Family and Medical Leave Act is desperately needed legislation that will help millions of Americans balance the changing demands of the workplace and their families.

In the past, the popular definition of the traditional American family was a constant entity: 2 parents, 2.5 children, the male was the breadwinner who worked outside the home, the female was the housewife who cared for the kids. Yet, today's American family cannot be singularly defined. Today's family is continuously evolving to adjust to the changes in American society. And today's United States needs a medical leave policy that will adapt to these family changes the majority of which are women. According to the Women's Legal Defense Fund, 66 percent of women with children work in the paid labor force. Women account for 62 percent of the increase in the paid labor force since 1979. This revolution is expected to continue into the year 2000, when as many as 2 out of 3 new entrants into the job market may be women.

Recent data also indicates that the American working family is changing in other ways. The U.S. Census Bureau just released statistics which indicate that American families are running in place when it comes to wages. Although they are working longer and harder, American workers are earning less. The average wage of an entry level worker with a high school education has dropped 26.5 percent for men and 15.4 percent for women since 1979. College graduates are also struggling for competitive salaries. For this same time period, the average entry-level wage for an individual with a 4 year degree has fallen 9.8 percent. We cannot allow these working parents to risk losing their jobs merely for taking care of a sick relative or deciding to begin a family.

Medical advancements have further contributed to the need for family leave. The U.S. Department of Commerce reports that the projected life expectancy of a U.S. citizen has increased from 70 to 75 years of age since 1960. Over 12 percent of all Americans are 65 or over. The National Council on Aging reports that 95 percent of this elderly population relies on informal, unpaid care from their relatives and family members. This large number translates into one-fifth of all American workers having to personally care for an older individual. Disproportionately, two-thirds of those nonprofessional caregivers are working women.

The escalating costs of health care insurance cause many Americans to live in fear of losing their jobs. Without a medical leave policy, a working American who chooses to care for a sick relative risks losing her entire family's health insurance if she loses her job. American workers should not have to sacrifice the health of one family member to retain insurance coverage for the rest.

The Family and Medical Leave Act is the insurance policy that will protect American worker's jobs when a family member needs medical care. It will create a concrete leave policy in the United States that supports the American family. S. 5 requires that employers with more than 50 employees provide up to 12 weeks of unpaid leave per year to attend to the birth or adoption of a child or the serious illness of an immediate family member.

This legislation cannot be delayed any longer. The United States is the only major industrialized nation without some form of a minimal leave policy. Many countries have much more comprehensive and generous Federal leave policies that include paid annual leave and an annual child care provision. If the United States is to continue to compete on an international level, the American worker must be shown the respect of his or her worldwide counterparts.

We have passed this legislation before, and we will pass it again. The citizens of the United States deserve the Family and Medical Leave Act. Enough with rhetorical attacks on fictional television families; the struggling American family is a real problem—and a vote for the Family Medical Leave Act is the real solution.

Mr. EWING. Madam Speaker, I rise in opposition to the conference report on H.R. 2, the so-called Family and Medical Leave Act.

For those of my colleagues who spent any time with small business constitutents during the August recess, they know that one of the top concerns of these entrepreneurs is the explosive growth of Federal mandates and the crippling costs they impose on small companies. Well, now is the time for my collegues to take a stand for those struggling small businesses in their district and vote against this harmful legislation.

Make no mistake about it, this legislation will tie the hands of small businesses, it will drive their costs up, and it will kill jobs.

The Family and Medical Leave Act will establish a nationwide formula for all affected companies, painting them all with a broad brush and forcing them to provide the same type of family and medical leave policies. Instead of allowing individual businesses to determine the benefits they can afford to offer, and the kind their employees want, this legislation will shackle all employers to a single federally mandated formula.

In an economy in which every employment situation is different, and in which the work force is constantly changing, employers and employees should have the freedom to work together to establish benefits which provide benefits which are mutually acceptable. Congress does not have the answer to what works in each and every company throughout America.

Of course we all want companies to offer leave time to employees facing health problems, taking care of a sick relative, or welcoming a new baby to their families. We are ignoring the fact that most of them already do. In fact, a poll taken in April 1991 by Gallup and the National Federation of Independent Business found that well over 90 percent of small businesses already provide some type of family or medical leave.

However, the mandates contained in H.R. 2 will tie the hands of many businesses, forcing them to abide by the dictates of Congress, and drive up their costs. This, in turn, will force many to reduce the number of their employees or avoid hiring more. In the long run this could kill jobs. Obviously, this is not good for the working men and women of America, or for the economy.

The Governor from Arkansas and his friends in control of Congress have been touting the Family and Medical Leave Act as evidence of their commitment to family values. Family values do not come in the form of expensive job-killing Federal mandates on small employers. Families would be much better served with the flexibility of employers and workers working together to come up with benefits which both can accept. They don't need Congress telling them how to run their families and businesses.

Mr. OWENS of Utah. Madam Speaker, today I rise in support of the conference report on the Family and Medical Leave Act. Over the past several months we have heard much talk from both sides of the aisle on family values. I have paid particularly close attention to our President. In a recent speech in Georgia, President Bush said he has a "belief * * * in strong families and in leaving the world a better and more prosperous place for the young kids here today." A few months earlier the President had this to say: "Every piece of legislation that comes my way, we're looking at it to see that it does nothing but strengthen the American family. * * * We must strengthen family values. And I will do my level best to do just that."

By not supporting the Family and Medical Leave Act, it seems to me the President has an incongruous policy—his policy—conceive—but 9 months later don't expect leave. While his rhetoric seems to champion family values, the President has threatened to once again veto this important legislation. This is downright hypocritical. By vetoing this measure, the President will turn the Family and Medical Leave Act to a family without relief act.

This bill requires employers with 50 or more employees to provide 12 weeks unpaid leave to their employees to care for a newborn baby or a sick family member. Ninety-five percent of all businesses would not be affected by this legislation. This bill also restricts employee eligibility to those who have worked at least 25 hours per week for at least 1 year. Employers may also exempt key employees—highest paid 10 percent of the work force—from coverage under the act.

This leave is not to be used for a holiday, nor for play, Mr. President, but is to be used for the caring and nurturing of family members. Isn't that, Mr. President, what family values are all about?

Simply put, on the one hand, Mr. President, you espouse family values. On the other hand, you veto the Family and Medical Leave Act. Mr. President, your actions are tipping the scales out of whack.

What else has our President been saying? He wants to help the economy? According to a Cornell economist, since Mr. Bush vetoed the Family and Medical Leave Act in 1990, 300,000 workers with serious illnesses lost their jobs because of lack of medical leave. And, if the President had not vetoed this bill, businesses with 50 or more employees who did not have a leave policy could have saved approximately $500 million in hiring and training costs. This same study shows that providing family and medical leave is more cost effective than permanently replacing employees who need leave.

Our country is the only industrialized country in the world that does not offer family and medical leave. In fact, many countries offer more time and paid leave.

Enactment of the Family and Medical Leave Act would be a positive investment in our work force and could be implemented easily and inexpensively, without placing an undue burden on the business community. This is an investment we can no longer afford to lose.

I ask the President, if you truly want to do your level best to strengthen family values, do not veto this bill.

Mr. LAGOMARSINO. Madam Speaker, I rise in opposition to the conference report.

I doubt that any Member in this body questions the value of unpaid leave for certain family or medical situations. But this is not a debate about whether or not unpaid leave is a good idea, and it is certainly not a debate about family values.

This is a debate about whether or not the Federal Government in Washington, DC, should be telling a worker in Santa Maria, CA, what kind of employee benefits he or she wants and needs.

At their best, Federal mandates limit choice and opportunity in employee benefit packages. Parental and medical leave are certainly appropriate benefits for some. However, wage increases, dental benefits, education benefits, paid vacations, or flexible work schedules may be more suitable for others. Employers and employees should be the ones to determine which benefits are best suited to their own circumstances—not the Federal Government.

At their worst, Federal mandates force job losses and kill job creation. Clearly, smaller businesses suffer the most when the Federal Government mandates benefits. However, the United States is counting on small businesses for up to two-thirds of the new jobs created in this decade. Adding extra weight on the back of our best horse is no way to win a race.

And why now? Why after months and months, when this bill could clearly have been passed and sent to the President? Everyone knows the answer—politics.

I urge my colleagues to join me in opposing this federally mandated leave policy.

Mr. DORGAN of North Dakota. Madam Speaker, I rise today to express my support for the Family and Medical Leave Act. In the last several months, we've heard a lot about family values, and a lot of discussion about what family values mean.

To me, family values mean, first and foremost, supporting family members when they need you most. And today, we have the chance to give millions of working Americans the opportunity to be there for their families and to strengthen the family ties that are the lifeblood of this Nation.

The Family and Medical Leave Act will provide up to 12 weeks of unpaid leave to employees to care for a seriously ill family member, a new baby, or their own serious illness. This is what family is all about—working together as a family to overcome new challenges and tragedies. Without this act, working Americans will continue to be forced to choose between keeping their jobs and supporting their families during a medical crisis. And I don't think that's a fair choice to require them to make.

I agree with those who say that Congress should be careful that employee leave legislation doesn't create such burdens for businesses that it makes them unable to function effectively. That's why I opposed initial proposals for family and medical leave that would have applied stringent leave requirements to small businesses. A business with 5 or 10 employees depends fully on every employee every day, and doesn't have the flexibility that larger companies do to provide extended leave benefits. I was at the forefront of the fight to make sure that those small businesses were protected.

The Family and Medical Leave Act that I'm voting for today has an exemption for small businesses, and imposes leave requirements only on employers with 50 or more employees. The act also has a key employee exemption for businesses of all sizes to make sure that no business is unduly burdened by this law.

This legislation is not overly burdensome or expensive, and I think it makes good business sense for America's employers. A 1989 GAO study estimates that compliance with the law will cost employers only about $7.10 per covered worker per year. That's a small price to pay to retain experienced, productive employees who return to their jobs after responding to a family emergency.

I'm supporting the Family and Medical Leave Act because I think that it's probusiness and profamily. This is the real family values issue of 1992. We can help families stay together by passing this bill today.

Mr. HUGHES. Madam Speaker, I rise in strong support of the conference report on S. 5, the Family and Medical Leave Act.

This legislation is intended to strengthen the family unit in America by permitting workers to take up to 12 weeks of unpaid leave from their jobs to attend to family medical emergencies.

As two-income families increasingly have become the norm in America, the need for minimum standards for family and medical leave has become more apparent. More than 135 countries already have such a standard, including many of the United States competitors such as Japan, Canada, and West Germany.

In the United States today, nearly two-thirds of all mothers work outside the home, including some 70 percent of women with school-aged children and 56 percent of women with pre-school children. They do so in most cases because they need the income to support their families.

Unfortunately, when a child is born or a family member is ill or dying, many workers are forced to choose between their jobs and their families, because their employer does not allow for unpaid medical or maternity leave.

Under such circumstances, those who choose to meet their family responsibilities face the prospect of losing not only their jobs, but also their health benefits and their very ability to maintain their family's standard of living. In other words, families which choose to stay together in times of crisis are penalized for their actions. That's just not right.

The Family and Medical Leave Act will ensure that workers can take time off from their jobs to attend to family emergencies, and return to their jobs when the family crisis has ended.

For those who may be concerned about the impact of this legislation on small business, I would point out that the bill only applies to businesses with 50 or more workers. As such, it exempts some 95 percent of all employers in the country. The bill also provides employers with the flexibility to deny unpaid family or medical leave to part-time workers or those considered to be key employees.

Madam Speaker, I believe this bill is a very modest attempt to try to strengthen the family unit in America without imposing an unfair burden on the business community.

It tells the millions of working men and women in America that it's OK to put their families first, and that they should not have to live in fear of losing their jobs to attend to a newborn baby or seriously ill parent.

It assures employers that they will not have to incur the expense of training permanent replacements for workers who must take time off for family emergencies, and that they can recoup health premiums paid on behalf of employees who do not return to work.

At a time when traditional family values has become a rallying cry, this bill represents a genuine opportunity for Congress and the President to take a stand in favor of the American family.

I urge my colleagues to join with me in supporting this legislation, and just as importantly, I urge the President to sign this landmark profamily bill into law.

Mrs. COLLINS of Illinois. Madam Speaker, I am proud to rise in strong support of the conference report on S. 5, the Family and Medical Leave Act. Not only is this balanced measure good for America's families, it just makes good common sense.

The conference agreement requires private employers as well as State and local governments to provide their employees with 12 weeks of unpaid leave in order to care for a seriously ill child, spouse, or parent or as medical leave if the employee herself is ill.

The need for this measure could not be greater since three-quarters of all American women with children work, and the number of single-headed households has risen to unprecedented levels in recent years. In my district covering parts of Chicago and some of its western suburbs, 46 percent of all families are headed by single women. Having been a single parent, I can appreciate the dilemma of these mothers when one of their children becomes seriously ill and they face losing their jobs in order to attend to their parental duties.

Opponents of this measure will argue that it will hurt businesses to allow employees this option. This is far from true. Any caring parent will tell you that they can not function effectively on the job with the knowledge that their child is in grave danger. Allowing parents to see to the needs of their sick loved one can only speed the recovery of the ill child and hasten the return of the employee's full attention to his or her job tasks.

To ensure that this bill does not harm small businesses, the framers have included a safeguard that would limit this benefit to businesses with 50 or more employees so that there is no unintended negative impact on marginal small businesses which may be unable to cope with long absences of key employees.

With all the recent talk about family values, I would hope that we can pass this commonsense bill that will bring a small measure of help to beleaguered parents and caregivers. I will vote for the conference report and I urge my colleagues on both sides of the aisle to do likewise.

Mr. FAZIO. Madam Speaker, I rise in strong support of S. 5, the conference agreement on the Family and Medical Leave Act, the bill that will allow American workers to take time off for family emergencies without fear of losing their jobs. If we are really serious about our commitment to family—if we really believe in the so-called family values theme has been repeated throughout this Presidential campaign—this is one good way to show it.

The Family and Medical Leave Act will require employers with 50 or more employees to provide their employees with up to 12 weeks of unpaid leave each year for either caring for a new or seriously ill child, parent, or spouse, or for medical leave if the employees themselves are seriously ill. During the leave, the employee's job and health insurance benefits would be protected.

Because the act only applies to employers with 50 or more employees, only 5 percent of employers and 50 percent of workers would be covered. Small businesses are truly exempt from the Family and Medical Leave Act.

We must all accept the fact that the American family has changed over the years. Most women of childbearing age are working. We have seen a 20-percent increase in the number of married mothers in the work force and a more than 100-percent increase in the number of mothers who work year-round, full-time in order to keep their families' incomes from plummeting. About two-thirds of all mothers—more than 70 percent of women with school-aged children and 56 percent of women with pre-school children—work outside the home. And, for the most part, women are the ones who end up caring for our children and ailing parents. That is why working women, in particular, need the relief that this bill will give them.

In two-parent households, it is likely that both parents have to work in order to try to make ends meet. Times have been difficult for our middle-income working families, and they are getting tougher. As a result, our families in the middle are placed under tremendous strain when someone is sick, or when a child is born or adopted.

As it is, most Americans cannot afford to take time off without pay, even under these circumstances. Many will end up not being able to exercise this option, even for a short period of time, because they need their paychecks. But for those workers who can somehow manage to take the time off, the Family and Medical Leave Act will make all the difference in the world.

Without the option that the Family and Medical Leave Act provides, workers who meet their family responsibilities will risk losing their jobs. We will see more families exiting the economy, becoming reliant on public assistance and yes, we will even see more homelessness.

According to the Institute for Women's Policy Research, unemployment compensation and other public benefits for people who lose their jobs because they do not have job-guaranteed medical leave cost taxpayers over $4 billion each year. Taxpayers pay an additional $100 million annually for women who lose their jobs for want of job-guaranteed parental leave. We all lost when workers cannot return to their jobs because of illness or the care of a newborn.

The Family and Medical Leave Act gives us a balanced solution to this problem because it is good for all concerned—our workers, our families, our taxpayers, our businesses, and our economy. According to the Families and Work Institute, providing parental leave is much more cost effective than permanently replacing employees who need leave. Unpaid leave amounts to about 20 percent of the employee's annual salary, whereas the cost of replacing that employee varies between 75 and 150 percent of his or her annual salary. Additionally, 94 percent of all leavetakers return to work and therefore do not need to be replaced. And, their performance improves upon their return. Job-guaranteed medical and parental leave is good business.

The Family and Medical Leave Act also does not just protect the worker's interests. There are special provisions to ensure that employers are not unfairly treated. For example, not all employees are eligible for leave—only those who have worked an average of 25 hours per week for at least 1 year are covered. In cases where the need for leave is foreseeable—such as an expected birth or adoption or planned medical treatment—employees must provide the employer with 30-days' advance notice. In order to prevent substantial and serious financial harm, an employer may also exempt key salaried employees who are among the highest paid 10 percent. Also, an employer does not have to provide health benefits during the leave if these benefits were not provided when the leave began, and an employer may recapture any health insurance premiums paid during a leave if an employee does not return from leave. The employer may also require that an employee who wants leave provide medical certification from a doctor supporting his or her claim.

The American people overwhelmingly support the notion that they should be able to take time off from work to be with a baby or an ailing or dying parent, or if they themselves are sick, without having to worry about whether or not they still have a job. We cannot avoid this issue. It keeps resurfacing and it will continue to come back before us until we address it once and for all.

Now that we have the opportunity to do something positive for American workers and their families, I don't see how we can fail to take advantage of it. American workers should be able to balance their home and family responsibilities, without having to choose between two of their most important values: Family and work. Let's give them some job protection for family emergencies. Instead of a lot of rhetoric about family values, let's give them some real choices that we can all comfortably live with.

Mr. BEREUTER. Madam Speaker, the mandatory family and medical leave bill we are considering today is a seriously flawed bill that will cost jobs and this Member intends to vote against it.

The measure coming before the House would require businesses to provide as much as 12 weeks of unpaid leave annually to any employee for their own sick leave, for the care of a sick child, spouse, or parent, and for the birth or adoption of a child.

Businesses, especially the small businesses that are the backbone of Nebraska's economy, will be hurt by H.R. 2. The National Federation of Independent Businesses estimates that it could cost each small business as much as $12,832.60 per employee per year to comply with all requirements of the bill. That kind of cost could kill small businesses and the jobs they provide. It doesn't make much sense to try to guarantee someone a job in a business that will be wiped out as a result of too much government intrusion.

Madam Speaker, there is almost unanimous opposition to this bill among the small business community in this Member's State. An editorial from yesterday's Omaha World-Herald, which this Member requests be inserted in the RECORD at this point, makes clear that mandatory leave is not good for families, good for business, or good for the Nation.

Smaller business are especially hurt by this kind of requirement as they are more likely to have specialized employees. When those specialized employees take leave, the business must temporarily replace them. Currently, businesses have the flexibility to accommodate both the replacement and the returning employee. The mandatory leave bill would take the flexibility away. While the legislation currently only applies to businesses with more than 50 employees, Nebraska businesses expect that once such legislation is enacted it would soon be applied to smaller businesses as well.

While this Member does strongly support private businesses establishing family and medical leave policies, he opposes H.R. 2 as this Member does not believe that the Federal Government should move so intrusively into the policies or practices of those private businesses and local entities. Both families and businesses will be better off negotiating benefits and leave between themselves without government interference. Most Americans—89 percent in a recent poll—don't want the Federal Government telling them how and when to take family related or medical leave. The mandatory family and medical leave bill not only would take that decision away from the individual, but would force businesses with already established, successful leave programs to switch to a rigid, government-controlled policy. While the goals of H.R. 2 are laudatory, the means of reaching those goals would result in much greater governmental intrusion into business and family matters. That is the wrong direction.

Madam Speaker, in this Member's own office, he established a flexible leave policy that is fair to the taxpayer and which considers the individual's situation. This Member's staffers have taken maternity leave, sick leave, and leave to care for critically ill family members. In each case the time away from the office was determined by the needs of that individual and the needs of their family. In all cases, their jobs were waiting for them when they returned. This is the type of flexible, sensible set of policies that employers should be allowed to implement for their employees, not some policies forced by a heavy-handed Federal Government.

Madam Speaker, it is an example of the liberal, big government inclinations of the supporters of this bill that they would take a matter best left to employers and employees and give the authority to an already over-regulating, stifling Federal Government, not even pausing to let States regulate at a more appropriate level.

[From the Omaha World-Herald, Sept. 9, 1992]

FAMILY LEAVE BILL IS BACK; IT'S A PHONY CAMPAIGN ISSUE

One of the phonier campaign issues of this election year is materializing in Congress. Democratic leaders in the House are getting ready for another attempt to pass a family leave bill.

President Bush vetoed similar legislation in 1990. Capitol Hill observers have reported no significant shift in the lines of support to indicate that the chances of overriding a veto have improved.

But the Democrats are trying nontheless. George Mitchell, the Maine Democrat who serves as the Senate's majority leader, says there are few more important pieces of legislation on this autumn's agenda.

To understand how a recycled piece of veto bait could receive such lofty status from the majority leader, consider the failure of Mitchell's party to come up with a coherent position on the family values concerns that Dan Quayle raised in his San Francisco speech last May.

The first Democratic response was to distort Quayle's throwaway line about Murphy Brown, making it falsely appear that the vice president held single mothers, and even working mothers, in contempt.

It didn't silence Quayle. The Democrats' problem was that not everyone shared their one-dimensional view of Quayle's concerns. More than a few mainstream voters recognized that Quayle was telling the truth when he traced violence in American cities in part to dysfunctional families in which kids grow up in poverty and sometimes anger, lacking respect for other people, lacking the values they need to succeed in the workplace and even lacking the knowledge to form stable, self-sufficient families of their own. And when he pointed out that cultural elites often mock values that are associated with stable family life.

So now the action shifts to Congress. If things go according to some people's plan the family leave bill will be passed before the election, sent to the White House and vetoed. Then Bush's critics will accuse him of being a hypocrite who supports family values but vetoes "pro-family" legislation.

The tactic is morally bankrupt. It suggests a profound lack of familiarity with what Quayle was talking about. And it reflects no understanding of the damage the government could cause in the business climate by forcing employers to provide more benefits.

Such a bill would allow a key employee to take an extended leave. Insurance coverage would be preserved even though the person was contributing nothing to the revenues of the business. A replacement would have to be found and trained. Perhaps other employees would have to do double duty. Then the person could return, nudging aside the replacement.

Granted, some employers allow their people to take time off without pay when a relative is seriously ill, or when a new baby arrives in the household.

But it's one thing for employers to provide a family leave program voluntarily with precautions tailored to preserve efficiency of their particular operation and to be fair to all their employees. It would be something else again for the government to mandate a benefit willy-nilly, as the Democrats propose to bash Bush for refusing to do.

The issue has been dead since 1990. It deserves to stay dead, not only because it is a phony campaign issue but also because it would be bad for the economic recovery.

Mr. MILLER of Ohio. Madam Speaker, this last year, the Gallup organization conducted a survey regarding family leave policies among 950 randomly selected small business owners on behalf of the National Federation of Independent Business Foundation.

The survey says mandated leave harms employees most. Family leave laws appear to produce little to no positive benefits for employees while imposing significant costs on them.

Mandated unpaid leave discriminates against those who cannot afford to take extended leave without pay. They bear the costs but receive no benefits.

Mandated leave reduces employment opportunities for women.

Mandated leave reduces employment opportunities for low-skilled workers.

The survey indicated that 90 percent of the businesses granted leave while the other 10 percent granted some form of requested leave, with virtually no denials.

Small businesses are accommodating the leave needs of their employees. They are meeting those needs in a flexible and individualized manner.

The myth that a Federal mandate is in the employee's best interest is just that—a myth.

Mr. CONYERS. Madam Speaker, I support passage of the conference report on the Family and Medical Leave Act. Every year since 1985, when a similar bill was first introduced, we have heard the Reagan/Bush administrations tell us that American workers don't deserve unpaid family medical leave and job security—this is their idea of good old family values. Meanwhile, the workers of nearly every other industrialized nation have these rights—nations which, I might add, are beating us in the global marketplace. We're not talking about some unreasonable plan for employees to skip out on their jobs for vacation, we're talking about a simple guarantee. A simple guarantee that you won't have to live in fear of losing your job when you're forced to take a brief leave for a legitimate family or medical reason. A simple guarantee that you won't lose your health insurance benefits just when your family needs them the most. A simple guarantee that makes sense for American workers and American business.

Every proposal for a minimum family medical leave standard has been met with a Reagan/Bush administration veto stamp. Once again, George Bush has promised to stand firmly on the side of his buddies in Big Business, and vote against improving the welfare of financially overburdened workers and their families. And once again, George Bush is turning a deaf ear to the majority of Americans who overwhelmingly support a responsible and reasonable leave policy.

The President has argued that any mandatory leave policy will irreparably damage small businesses. It's easy to see how ridiculous this argument is—with the 50-employee limit in our bill, 95 percent of all small businesses will be exempted from coverage. We aren't hurting small businesses in this country, we're helping all businesses maintain healthy stable workforces. If this Congress, and this administration, is serious about preparing our country for the 21st century, we have to begin at the most elementary level—the welfare of America's working families.

Some opponents to family and medical leave say that a national policy is completely unnecessary because many Americans already have these rights in their jobplace—meanwhile, the experts have told us that white collar executives are really the main recipients. What about the assembly line workers, the police, the teachers, the firefighters, and everyone else?

There are some opponents to family and medical leave who have said that this legislation is bad for workers because it will deprive labor unions of the bargaining power to obtain leave benefits on a company by company basis. Well if that's true, then why are hundreds of union organizations, representing everyone from university professors to firefighters, in wholehearted support of this legislation? Does anyone actually believe that unions are supporting a Family and Medical Leave Act which would harm the workers of America?

If George Bush and DAN QUAYLE want to talk about "family values" in America, then they should put their money where their mouth is. This legislation gives our families the time and job security they require in times of crisis, and in times of need. It is high time that American workers finally receive the respect they deserve, the rights they're entitled to, and a meaningful family-medical leave policy that is long overdue.

Mr. PENNY. Madam Speaker, I rise in opposition to the conference report on H.R. 2, the Family and Medical Leave Act. I do so because we are not engaged in addressing the very real needs of working women and men for job protected leave, but instead in playing out a political game. We all know the President will veto this legislation and we all know the veto will be sustained. Are we presented with a real compromise? The answer is clearly no. Is there a chance this bill will become law? The answer is no once again. Are we again promising something that cannot be delivered? The answer is yes. Instead of engaging in a political charade today, we could be hammering out a compromise that could bring enough support to override a veto.

I have no objection to leave from work for the purpose of caring for a sick child or parent, for pregnancy, or for personal reasons. Most firms already provide time off for these types of leaves, frequently as a result of negotiations between workers and their employers. I have resisted efforts, however, to impose on workers and small employers a Federal mandate to provide leave, feeling that mandating this benefit can only result in reduced flexibility in providing other desired fringe benefits to employees.

Despite my concerns, I have become convinced that minimal requirements for leave should be guaranteed. For several years, I have sponsored legislation to guarantee job-protected time off from work for the birth or adoption of a child. During the debate last fall, I was prepared to support a family and medical leave amendment that I authored to provide 6 weeks of medical leave each year and 12 weeks of maternity leave; with no more than 12 weeks of unpaid leave for all purposes each year. Although my amendment was supported by a broad coalition of organizations, including family rights and labor groups, the House Rules Committee would not allow me the right to offer it during House floor debate on H.R. 2. Consequently, I voted for an amendment offered by Congressmen GORDON and HYDE because it further narrowed the scope of leave and made enforcement of the leave guarantees simpler, but voted no on final passage of H.R. 2 since I felt the total grant of leave was too great. The conference report we are considering closely mirrors the House-passed bill.

President Bush's veto threat means that a two-thirds majority of the Congress will be required for family leave legislation to be implemented. When the Congress further refines the Family and Medical Leave Act to answer my concerns, I will support final passage. In the interim I will continue to actively work for a compromise that can become law and address the real needs of American families for job protected time off from work.

So, let us more forward to address not political needs but real family needs. That is the goal I will be working for in the coming months. I encourage other Members who feel as I do that family leave should be guaranteed to join me in a true compromise that can become law and begin to assist needy families.

Ms. PELOSI. Madam Speaker, I rise today in strong support of S. 5, the family and medical leave conference report.

In 1988, President Bush said in a speech, "We need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness." Four years later, workers are still worrying about losing their jobs during pregnancy and illnesses. This legislation is a concrete commitment to Americans that family values are impact. Currently, workers must bear the burden of balancing family life against work. They are forced to choose between their families and work; staying home and taking care of their ailing child or parent and losing their job or leaving their job when they are having a baby. Our workers deserve better choices than these, and have a right to job protections.

Madam Speaker, I want to emphasize that this bill is a bipartisan compromise, the result of years of discussions and negotiations among both Democrats and Republicans, Congress and the White House, and big businesses and small businesses. It weighs the concerns and needs of businesses with those of workers and families, and distributes the burden more evenly.

Madam Speaker, I urge my colleagues to join me in supporting the family and medical leave conference report. American workers and families deserve a fighting chance.

Mr. SERRANO. Madam Speaker, I rise in strong support of the family and medical leave conference report. This bipartisan bill is a step in the right direction to help keep families together and parents on the job by providing unpaid leave to workers during family crises.

In 1991, 96 percent of fathers and 65 percent of mothers worked outside the home. In addition, single parents accounted for 27 percent of all family groups with children under the age of 18. This family and medical leave would help workers who are parents, particularly of young children, or who have elderly parents.

Why should working adults be forced to choose between their jobs, parenting and serious family illness?

Madam Speaker, the President of the United States might stop putting so much faith in catchy phrases and buzz words to win an election, and instead put faith in parents to raise children with healthy minds and bodies when given the best chance to do so.

The Japanese are very successful at keeping working families together through worker-friendly leave policies, while at the same time, making deep inroads into the American automobile and electronics industries.

We can spend a few additional dollars today per employee on prevention, or we can continue to watch family structures crumble under the mounting pressures of keeping a home and food on the table. Read the lips of any family Mr. President, these are the basic needs they value.

Madam Speaker, I urge my colleagues to vote for the family and medical leave conference report. This country must make an investment in its working families.

Mr. PASTOR. Madam Speaker, let me join my colleagues in urging support for S. 5, the Family and Medical Leave Act.

This historic legislation simply ensures that working Americans can care for their newborn or newly adopted children or a sick family member, or recover from their own serious illness, without risking their jobs.

Today, according to the Bureau of Labor Statistics, 96 percent of fathers and 65 percent of mothers work outside the home. Approximately 75 percent of women age 25–54 are in the work force. Equally dramatic is the fact that single-parent households—predominantly women workers in low paying jobs—have more than doubled over the last two decades. Moreover, the fastest growing segment of the American population is the elderly. The National Council on Aging estimates that about 25 percent of the more than 100 million American workers have some caregiving responsibility for an elderly relative.

With these demographic realities and the growing conflict between work and family, we need to support our workers and strengthen the American family. It is cruel to have a woman choose between her job and becoming a mother. It is cruel to punish a couple for becoming a family. It is equally cruel to deny a family unpaid medical leave to care for a seriously ill family member.

According to a 1991 Gallup poll, about 76 percent of Americans believe that employers should be required to provide workers with job-guaranteed family leave.

The Family and Medical Leave Act makes good sense and is good business. Let's join the majority of the industrialized nations by establishing a right to unpaid family and medical leave for all eligible workers.

I strongly urge my colleagues to join me in supporting the conference report to accompany S. 5, the Family and Medical Leave Act.

Mr. RICHARDSON. Madam Speaker, we have heard a lot recently about the importance of family values. Today we will consider legislation, the conference report on the Family Medical Leave Act, which would do more than just pay lip service to family values—it would deliver job protection for America's families during a medical crisis or immediately following the birth or adoption of a child.

This is an important piece of pro-family legislation that would give employers greater flexibility in managing their work force while providing employees with job protection in times of family need. Additionally, many compromises have been included to address the concerns of businesses—employers would be allowed to exempt 10 percent of their highest paid employees and most part-time employees. Additionally, this legislation would not effect those businesses with 50 or less employees.

It appears, however, that our illustrious family-oriented administration disagrees with the importance of a family medical leave bill—President Bush has already said he would veto this legislation. Our President has failed to realize that the composition of our work force has changed dramatically in the last two decades—women are now the fastest growing segment of the labor market. In fact, less than 10 percent of American families are headed by a single male breadwinner—most American families are either headed by two working parents or are headed by women. And shamefully, America is the only major industrialized nation without a leave policy for its employees.

Therefore, it is absolutely critical that working families be assured job security for the birth or adoption of a child or if an illness or an accident befalls a family member. Without this legislation Americans will be forced to continue to choose between maintaining their economic livelihood and meeting their family responsibilities.

Madam Speaker, we have the opportunity today to show America's working families that, unlike the current administration, we understand and sympathize with their family and medical needs. I encourage my colleagues to join me and vote in favor of the Family Medical Leave Conference Report.

Mr. KLECZKA. Madam Speaker, today we consider legislation which puts the American family, and the American worker, first. Finally, we join with every other industrialized nation in the world in approving a family and medical leave policy for our people.

The Family and Medical Leave Act does not increase the Federal deficit. It does not increase spending. It is not pork-barrel legislation. It simply permits employees up to 12 weeks of unpaid leave in certain instances. Covered employers are those having 50 or more workers.

What is hard to comprehend is the fact that President Bush has vetoed such legislation before, and intends to again. This year's family leave conference agreement is an even greater compromise than past measures. It requires part-time workers to have 1 year on the job, plus 1,250 hours the previous year, to qualify. The measure also exempts the top paid 10 percent of a firm's employees, which is important to small businesses.

In this election year, we have heard so much about the importance of family values. The Family and Medical Leave Act is good family values policy, and good employment policy. But the overriding issue, the bottom line, is this: No U.S. worker should lose his or her job because, in a time of urgent need, that person puts the family first. It is just not the American way.

This legislation has a twofold benefit. It provides workers peace of mind, and job security, so they can tend to a family crisis. This important fact should not be lost to employers, who also benefit from the policy. An employee who feels comfortable in a job, is more productive. Increased productivity, of course, is good for business, and good for the economy. It is a win-win for both employers and employees.

Some question the implementation of family leave policies. My home State of Wisconsin approved family and medical leave in 1988. Last year, the Families and Work Institute conducted a survey of Wisconsin employers, and employers in three other States with leave policies, to examine costs, and to determine whether the policy was burdensome. Ninety-one percent of employers interviewed reported no difficulty in implementing the State laws. The majority of employers had no increased costs associated with leave, and two-thirds relied on other workers to pitch in while one used leave.

Madam Speaker, the vast majority of Americans want a family and medical leave policy. So do Congressmen and Senators. It is time to enact the Family and Medical Leave Act. Let us show the President our strong support for this conference agreement.

Mr. SAXTON. Madam Speaker, as Congress works through the complex problems with our Nation's health care system, I believe there are steps we can take now to help American families adjust to an ailing mother's sickness, a newborn child, or even a spouse's illness. By alleviating the concern of the employee about taking time off from his or her job, the employee will have the opportunity to help when needed at home.

Today, the House will be considering the conference report to the Family and Medical Leave Act. This legislation is similar to laws currently in effect in my home State of New Jersey. The Federal act will provide an employee the ability to leave his or her employment for up to 12 weeks every year, without pay, to help with the sickness of a family member or to spend time with a newborn child.

After observing the dilemma families must face between caring for a family member or a job, I believe that opposition to this legislation will only perpetuate our health care problems and be ultimately harmful to the families and our work force.

Mr. TOWNS. Madam Speaker, I rise in support of the conference report on the Family and Medical Leave Act. Regrettably, in today's economy, most couples need two incomes to maintain the standard of living their parents enjoyed with just one income, while single parents struggle to survive. Today, about two-thirds of all mothers, more than 70 percent of women with school-aged children, and 56 percent of women with preschool children, work outside the home.

Despite these changes in the work force, our Nation stands alone in its failure to have a Federal policy guaranteeing job-related family or medical leave for workers. Therefore, many American businesses do not allow their workers to take time off from their jobs, even without pay, to deal with major family emergencies and allow them to return. Employees should not be made to have to choose between meeting their family responsibilities or keeping their jobs. Currently, those who choose to meet their responsibilities to their families face the grim possibility of losing their jobs which often includes their family's health benefits.

A study by the Small Business Administration found that the costs of granting a worker's request for leave are significantly less than permanently replacing that employee. Every other industrialized country in the world grants some form of family leave, usually paid. Because the Family and Medical Leave Act mandates 12 weeks of unpaid leave per year it is not about working families getting rich but rather about working families getting by.

The Family and Medical Leave Act goes beyond the administration's rhetoric of family values to address real problems faced by millions of working Americans every day. It is not enough to say that workers and employers should negotiate over family and medical leave. Workers deserve such leave as a basic right like other basic guarantees such as the minimum wage, health and safety on the job, and other fair labor standards.

This conference report contains many compromise provisions which address concerns about how the Family and Medical Leave Act will affect businesses. The report's 50-employee coverage threshold exempts 95 percent of all employers including small businesses. This legislation also alleviates disruptions to business operations by allowing employers to exempt essential personnel and requiring workers to give 30 days notice when the need for family or medical leave is forseeable.

Legislation to establish a Federal policy to guarantee job-related family or medical leave for employees was first introduced 7 years ago. It is disgraceful that this has not yet become law. Despite the President's emphasis on family values he has threatened to veto this critical pro-family legislation yet again. It is therefore critical that we follow the lead of the Senate and approve this conference report with enough votes to override the expected veto. This legislation deserves the support of all those who truly support family values.

Mr. MINETA. Madam Speaker, I rise today in strong support of the Family and Medical Leave Act conference report.

Unlike the 1950's, and the idealized family paragons of Ward and June Cleaver, the America of the 1990's has more single-parent families than ever before, and in an increasing number of two-parent families both parents work outside of the home.

A new American family evolving in which men and women share household responsibilities and both parents follow individual career paths. Unfortunately, as part of this evolution, many American children are bearing the brunt of these changes. That is why it is crucial that we pass the Family and Medical Leave Act conference report here today.

We have a President who claims that he believes in so-called family values, but he has vetoed this legislation before and threatens to do so again. Why? Because the only American family he sees in our Nation are the Cleavers. That shortsightedness is forcing other Americans to choose between having a job and having a family, and no American should ever have to make that choice.

The initiative the House must adopt today is one needed throughout the United States. American women will benefit greatly from the realities of life recognized in this law. Women now represent the fastest growing segment of our Nation's work force. Sixty percent of women with children aged 3 to 5 years old have careers. California has long-recognized these realities, and established a visionary family and medical leave program. It is now time to make that standard available to all Americans by approving the Family and Medical Leave Act conference report.

Mr. LEWIS of Florida. Madam Speaker, H.R. 2, the Family and Medical Leave Act, would require employers nationwide to provide up to 12 weeks of unpaid leave per year to employees for childbirth, adoption, or serious illness of the employee, a dependent child, spouse or parent. In addition, employers would be required to maintain health benefits for a worker who takes such leave.

Family and medical leave is a desirable employee benefit, and most employers provide such leave in order to recruit and retain good employees. However, it is counterproductive for Congress to impose one set of leave benefits for every employer with 50 or more employees in the entire country.

Leave is one of a package of benefits negotiated by employers and employees. A congressional mandate on leave, or any other employee benefit, would deprive businesses and workers of latitude in these negotiations. Other, perhaps more desirable benefits would have to be sacrificed in order to comply with a mandate on one specific benefit.

While no tax money may be involved in this legislation, mandated benefits come at a cost to our economy. It is estimated that nearly 60,000 jobs would be lost as a result of the costs of compliance with H.R. 2. In dollar terms, these costs are estimated at $3.3 billion.

I oppose H.R. 2 because I feel employers and employees should retain flexibility in establishing benefits packages. Employers and employees should be able to make these decisions for themselves; they should not be shackled by mandates handed down from self-appointed employee benefits managers on Capitol Hill.

Mr. VENTO. Madam Speaker, I rise in support of the conference report on S. 5, the Family and Medical Leave Act. As a cosponsor of this legislation in the last Congress and again this session, I strongly support its passage as a means to promote the security of the American family. The United States is alone among the world's leading industrial societies in having no national parental leave policy.

The Bush administration pays lip service to family values then turns around and vetoes legislation which supports those same values. The family and medical leave bill that we will vote on today gives needed support to families experiencing increasing stress due to the policies of the Reagan and Bush administrations and the continuing recession.

The majority of American families today often find both parents in the work force and certainly in the majority of American families which are led by a single parent. Being a two-income family does not mean you are living a life of luxury. The family and medical leave act gives parents the flexibility they need to take care of ailing children or their own aging parents. It is not possible to rely solely on conservative rhetoric to restore pro-family policies in the private and public work force.

The Family and Medical Leave Act is not an extreme measure. It is a fair and realistic approach to the situation American families find themselves in more than ever before. Greater demands are placed upon the family while their social and financial resources decline. When attempting to be both caretakers and wage earners, families inevitably suffer financial difficulties, guilt, and stress. Too often today, workers must choose between the need to provide physical and emotional care for family members and the need to keep their jobs. This measure will help take a little bit of the worry out of carrying for your family, especially in these difficult economic times.

Certainly, the most significant changes during the past 50 years has been the increased participation of women in our work force. Not only is the administration's opposition to the family and medical leave bill unfair to families, it is discriminatory to women. The Bush administration tries to rationalize and justify a contradictory message—have children, work, maintain the household, cook, bake, and be home for your kids to display the values represented in the TV family of Beaver Cleaver as espoused by George Bush. The President says he wants families to take care of themselves but then opposes measures that will allow families to take care of one another.

The administration's opposition to family leave is yet another sign of how out of touch they are with today's American families. If the family is to remain our most basic social institution, we must ensure that our social policies reflect economic realities. The Family and Medical Leave Act balances the interests of employers and employees in an equitable manner and places the proper value on nurturing the American family values we all agree are needed today and tomorrow.

Mr. STOKES. Madam Speaker, I rise today in strong support of the conference report to accompany the bill S. 5, the Family and Medical Leave Act. This legislation is absolutely vital to help working families in America today, and I urge all my colleagues to support this extremely worthwhile legislation. I also want to take this opportunity to commend the Members of this House who have led us in the fight to enact this legislation for many years, especially my good friend from Missouri, Chairman BILL CLAY, and the gentlewoman from New Jersey [Mrs. ROUKEMA] who have worked so hard together to see this legislation enacted. They deserve the thanks of all of us for their tireless efforts.

Madam Speaker, over the last three decades, major changes have taken place in the composition of the work force in the United States, and in the economics of the family. Greater numbers of women with young children are now wage earners, and many families are dependent on these wages. With the increasing emphasis on family values, and public discussion of how to preserve the American family, the time is right to enact the Family and Medical Leave Act, as a necessary first step toward preserving the family.

According to recent census data, less than 10 percent of families are made up of a married couple with children, where the husband is the sole provider. Single-parent households now account for over 23 percent of all families with children. In addition, the labor force is now approximately 44 percent female, and married women with young children now comprise the majority of new entrants to the work force. Currently, more than 80 percent of working women are in their prime childbearing years, and 65 percent of all American women in this age group are in the labor force.

With these changes, it is becoming increasingly difficult for working parents to perform the functions of a traditional family, including caring for young children, family members who are seriously ill, or a seriously ill parent. Too many American workers are being forced to choose between keeping their jobs and meeting their family responsibilities. The Family and Medical Leave Act would help solve this dilemma by allowing employees to take short leaves, not to exceed 12 weeks in a single year, for family and medical reasons, with the security of knowing they can return to their jobs.

The conference report to S. 5 has been crafted to meet many of the objections of the business community, including limiting the total number of weeks of leave available, and restrictions on employee eligibility for the family and medical leave benefits. The conference report provides up to 12 weeks of unpaid, job-protected leave per year for the birth or adoption of a child, or the serious illness of the employee or an immediate family member. The bill also permits the employer to substitute an employee's accrued paid leave for any part of the 12 week period. The bill exempts small businesses from its provisions, and permits employers to exempt key employees from coverage under the act. In addition, employee eligibility is restricted, and employees are required to give 30-day notice of planned medical leaves.

Madam Speaker, the people of the 21st Congressional District of Ohio have overwhelmingly indicated their support for this legislation in their letters to me. They have asked us to enact legislation to help families stay together, and help working parents meet their obligations to their families without fear of losing their jobs. Providing job protected family and medical leave is the first step to preserving the American family, and I strongly urge all my colleagues who value the family to support the conference report to S. 5, the Family and Medical Leave Act.

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Mr. LAFALCE. Madam Speaker, I am pleased to rise in strong support of what I believe is a responsible, truly bipartisan compromise family and medical leave bill, legislation to provide American workers with a fair amount of unpaid leave to deal with family emergencies or when new children are born or adopted.

In 1990 I voted to sustain the President's veto of that year's version of the Family and Medical Leave Act. I didn't and don't agree with the President's rationale—that Government should not mandate a program of this kind—but I did feel that the bill in question sought to go too far, too fast, and that American businesses would be unduly burdened by it.

President Bush has indicated that he may veto this bill, too. I hope he doesn't. I hope instead that he takes a careful look at the bill, comparing its provisions with those in the 1990 bill, and concludes that American businesses can and should absorb this small and appropriate contribution toward improving American family values.

Some say that we'll be hurt in terms of international competition if we enact this program. Why is it, then, that every single industrialized country in the world except the United States has a family and medical leave policy of one kind or another? Many countries have programs that go far beyond what this bill would provide. If other nations can afford to provide their workers with this benefit, surely we can, too.

When a child is born, shouldn't one of its parents be able to have a reasonable amount of unpaid time off to care for that baby? Surely the answer must be yes.

When a child is adopted, shouldn't one of its parents be allowed unpaid leave to help its adjustment to its new family and new surroundings? Surely the answer must be yes.

When a child is grievously ill and hospitalized, shouldn't one of that child's parents be able to take unpaid leave to be by his or her side at such a time of need? Surely the answer must be yes.

Mr. Speaker, the bill before us has received strong support from both sides of the aisle, both here and in the other body. Republican Senator KIT BOND of Missouri, working closely with Senator CHRIS DODD and other proponents of family leave, crafted this compromise. Both of my Senators—Democrat PAT MOYNIHAN and Republican ALFONSE D'AMATO—strongly supported the bill. And of course a good number of other Senators and Representatives, Democrats and Republicans, voted for this legislation.

In assessing whether or not to sign the bill, I would hope that the President would consult, not with me, but with Senator BOND, Senator D'AMATO, and the scores of other Republicans in Congress who believe that this bill is a good one that will provide families in the United States with a fair and reasonable family leave policy.

I would hope also that the President would listen to two of the leading women in his administration: Lynn Martin, Secretary of Labor, and Pat Saiki, Administrator of the Small Business Administration. Both of these women, one his principal spokesperson on behalf of American workers and the other his principal spokesperson on behalf of small businesses, are former Members of the House of Representatives who voted affirmatively for a family leave bill that included substantially more leave than does this compromise. Those votes show what they felt about this issue when exercising their independent judgments. I would like to think that this might give the President pause and hopefully sway him to sign this bill.

It's time to end the rhetoric and put our concern about family values on the line. A large bipartisan majority in Congress wants this program, as do the vast majority of American families. I hope that the kinder, gentler George Bush will reconsider his position and decide, this once at least, to help the average hardworking citizens of our Nation.

Mr. McMILLEN of Maryland. Madam Speaker, I rise in support of the conference report for S. 5, the Family and Medical Leave Act. The Family and Medical Leave Act provides job security and health insurance coverage for workers who need to take leave to care for a newborn, newly adopted, or seriously ill child, or to care for a seriously ill parent or spouse. H.R. 2 also provides job security to workers who need to take leave in order to recover from their own medical difficulties.

As we all know, legislation similar to this bill was vetoed by the President after it was passed by the Congress in 1990 and 1991. Prior to 1990, similar legislation had been before the House of Representatives for 5 years. The Congress has persisted in its efforts to draft a bill that can be enacted into law for the simple reason that this country needs a policy to ensure a minimum level of job security for circumstances where an employee must take extended leave.

The face of the work force is changing, there are more women in the labor force than ever before. Seventy percent of mothers with school age children are in the labor force and women have accounted for more than 62 percent of the increase in the civilian labor force since 1979. In the future, two out of three new entrants into the work force will be women. How can the United States have a healthy, prosperous economy and society without providing for medical and parental leave to address these changes in our work force? Who will take care of sick children and elderly parents with both parents working, neither of which is entitled to medical leave? How will dual income households remain above the poverty line if a woman must give up her job to have a child? How can the President continue to preach family values and continue to veto this pro-family legislation?

The concept of parental/maternity leave is not new. Every industrialized country in the world, except the United States, has a policy in this area. Japan, Canada, France, Italy, Sweden, West Germany, the list goes on. All of these countries have minimum government standards for parental or maternity leave. The United States, as a country, has no policy. However, in the vacuum which exists because of lack of Federal action in this area, individual States have begun to pass laws to provide for family and medical leave.

The people who object to the bill call themselves pro-business. Does being anti-family equate with being pro-business? I don't think so. I cannot understand why the business community prefers to have a different law in every State rather than support passage of this legislation which will reduce the pressure on individual States to enact more far-reaching legislation.

Repeatedly I hear from the small business community who say that the mandates proposed in this bill will be impossible to meet. I am told that they cannot afford to offer these kinds of benefits. These concerns have not gone unheard. Ninety-five percent of all employers are exempt from these mandates. Employers with less than 50 employees are exempt from the mandates of the bill. An employee must work 1,250 hours over a 12-month period before becoming eligible for leave. In addition, the employer could exclude from coverage the highest paid 10 percent of his or her employees. It will require that damages awarded because of violation of this law be capped at twice the actual damages with a clause allowing for employers to have damages reduced if they can show "good faith." This legislation provides that in cases where the leave is foreseeable or planned, the employee give their employer 30 days notice. The business community comes to me each year with the same refrain, "no mandated benefits." My response is that it is too late, we cannot put the genie back in the bottle. The States are already mandating benefits. S. 5 is a compromise and does address the concerns of the business community.

I support this legislation because I believe that a woman should not have to choose between having a job and having a baby. I also support this bill because I believe a family should not have to go into poverty to have a child, or to take care of a sick parent. This has been a long, long fight for those of us who support family and medical leave. We have compromised in order to secure some minimum benefits, now it is time for the other side to compromise as well. I urge my colleagues to support the conference report and to vote for final passage of S. 5.

The SPEAKER pro tempore (Mrs. KENNELLY). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 241, nays 161, not voting 32, as follows:

[Roll No. 390]

YEAS—241

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bruce
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon

Green
Guarini
Hall (OH)
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Hyde
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Skaggs
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Staggers
Stark
Stokes
Swett
Swift
Tallon
Thornton
Torres
Torricelli
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zimmer

NAYS—161

Allard
Allen
Archer
Armey
Aspin
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Carr
Clinger
Coble
Combest
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt

NOT VOTING—32

Alexander
Atkins
AuCoin
Barnard
Chandler
Donnelly
Dymally
Hatcher
Hayes (LA)
Holloway
Jones (NC)
Levine (CA)
Lewis (CA)
McCrery
McCurdy
Miller (WA)
Moody
Moorhead
Morrison
Mrazek
Pease
Pursell
Schiff
Smith (OR)
Solarz
Studds
Synar
Thomas (GA)
Towns
Traxler
Weiss
Wilson

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The Clerk announced the following pairs:

On this vote:

Mr. Wilson of Texas for, with Mr. Barnard against.

Mr. Synar for, with Mr. Lewis of California against.

Mr. AuCoin for, with Mr. McCrery against.

Mr. Towns for, with Mr. Smith of Oregon against.

Mr. Miller of Washington for, with Mr. Schiff against.

Mr. Solarz for, with Mr. Pursell against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 5.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. SOLARZ. Mr. Speaker, unfortunately, I was unable to be present in the House of Representatives during rollcall vote No. 390. Had I been present, I would have cast my vote as follows:

Rollcall No. 390, "yea" on passage of the conference report on S. 5, the Family and Medical Leave Act.

ANNOUNCEMENT BY CHAIRMAN OF RULES COMMITTEE REGARDING H.R. 3298, FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT OF 1991

Mr. MOAKLEY. Madam Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 3298, the Farm Credit Banks and Associations Safety and Soundness Act of 1991. The committee is planning to meet during the week of September 14, 1992, on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 3298 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Wednesday, September 16, 1992.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 3298.

ANNUAL REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND NATIONAL HOUSING PARTNERSHIP, FISCAL YEAR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs.

To the Congress of the United States:

I transmit herewith the 23rd annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending December 31, 1991, in accordance with the provisions of section 3938(a)(1) of title 42 of the United States Code.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1992.*

ANNUAL REPORT OF FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1991 annual report of the Federal Prevailing Rate Advisory Committee.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1992.*

CHILD SAFETY PROTECTION AND CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENT ACT

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to House Resolution 555 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4706.

☐ 1449

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4706) to amend the Consumer Product Safety Act to extend the authorization of appropriations under that Act, and for other purposes, with Mr. HOAGLAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, and the gentleman from North Carolina [Mr. MCMILLAN] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

☐ 1450

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Child Safety protection and Consumer Product Safety Commission Improvement Act (H.R. 4706), is designed to strengthen the Consumer Product Safety Commission [CPSC] and insure that our families will be less likely to suffer physical and economic loss due to dangerous consumer products. This legislation takes important steps to protect our children.

American consumers rely on the CPSC, which Congress created in 1972, to alert them to dangerous products that may be in their homes or on store shelves in their communities.

The CPSC estimates that there are 28.5 million injuries and 21,600 deaths associated with consumer products each year. It is estimated that these accidents cost society $150 billion a year.

One clear goal of H.R. 4706 is to make sure that our youngest family members—our children and grandchildren—are protected from potentially hazardous consumer items such as toys, buckets, and bicycle helmets.

Regarding toys, while they seem very safe, some toys can easily choke children. In 1979, the CPSC banned the sale of certain toys intended for children under 3 which present a choking hazard due to small parts.

Even with this law in place, the CPSC has discovered that our children are still choking to death on toys. According to the CPSC, between January 1980 and July 1991, 186 children choked to death on toys with small parts, balloons, marbles, small balls and other children's products. In addition, the CPSC estimates that each year from 1980 to 1988, an average of 3,200 ingestion and aspiration injuries to children under the age of 6 which were treated in hospital emergency rooms were toy-related.

One reason for these tragic numbers is that some of the parents let their children under 3 play with toys that were recommended for children over 3. This happened because the parents thought that the ages on the package referred to how smart the child had to be to play with the toy. What the parents did not know was that a particular toy was not recommended for younger children because it could easily choke a young child.

Noting that children were still choking to death in spite of the 1979 law, the CPSC began proceedings to develop new laws to address choking hazards to children associated with toys.

After looking at the evidence and listening to the public's concerns, the CPSC staff recommended to the CPSC Commissioners that the 1979 law needed to be supplemented. The CPSC investigators told the Commissioners that warnings labels should be required on toys and certain other products.

This recommendation was supported by other evidence. For example, a study published in the June 5, 1991, issue of the Journal of the American Medical Association entitled, "The Impact of Specific Toy Warning Labels," found that the current voluntary labels used by manufacturers "may not be sufficiently explicit to alert buyers of toys with small parts to the potential choking hazards to children under 3 years of age." The study concluded that an explicit label that warns of the hazards, "might substantially reduce inappropriate toy purchases without imposing any substantial cost on the consumer, the Government, or the manufacturer."

On March 18, 1992, the Commissioners ignored their own staff's recommendations and ended the proceedings that would have saved the lives of children. The bill before us today takes up where the CPSC left off. It requires toys intended for children between ages 3 and approximately 6 that contain small parts, balloons, marbles and small balls to have labels to warn parents of the choking hazards. The legislation also requires all small balls intended for children under 3 to meet a minimum size requirement.

The labeling requirements of H.R. 4706 do not make the toymakers change their toys; it only requires them to let parents know that a particular toy could choke a young child. Most toymakers already put age recommendations on toys, so all they would need to do would be to add a few words of caution. Similarly, the minimum diameter requirement, does not make toymakers stop selling toy balls to kids under 3; it only says that the balls that are sold to that age group must be large enough to be choke proof.

Mr. Chairman, the National Safe Kids Campaign, whose honorary chair is First Lady Barbara Bush and whose chair is former Surgeon General, Dr. C. Everett Koop, supports this legislation and has been a strong advocate of the toy safety provisions.

Another hazard addressed by this bill is the 5-gallon bucket. It is common to find these buckets sitting around American homes. Consumers typically take them home from work and use them for household chores, such as mopping the floor or washing the family car.

These buckets are not as innocent as they seem. The CPSC says that between January 1984 and November 1991, 199 children under the age of 2 were reported to have drowned and 13 were reported to have nearly drowned, when they fell head first into for the most part 5-gallon sized buckets containing liquid. The CPSC staff estimates that each year, about 50 children drown in buckets.

Parents and child caretakers frequently are not aware that buckets filled with even a few inches of water present a drowning hazard to a young child. This type of drowning hazard may not be obvious since it is logical to expect a bucket to tip over if pulled on. As the CPSC Chairman puts it "One of the biggest hurdles facing the Commission * * * is the very nature of the hazard. Who would suspect that infants or toddlers could pull themselves up and into a 5-gallon bucket without tipping the bucket over?"

In August 1990, the CPSC and some bucket makers and industrial users, started to encourage voluntary labeling of these buckets to warn of the potential drowning risk. However, CPSC estimates that only about 10 percent of all 5-gallon buckets are labeled to warn of the drowning risks to children. H.R. 4706 addresses this problem and protects our children by making the CPSC begin a proceeding to consider both required labeling and a safer product design for 5-gallon buckets.

For most kids, their bicycle is their most prized possession and bicycling has long been an American family past time. Over the course of the last few years, bicycle helmets have become as common as bicycles. Parents are buying helmets for themselves and their children to protect against head injuries.

It is a good thing too, because according to the CPSC, each year there are approximately 1,200 bicycle-related deaths. Head trauma is responsible for 70 percent of the deaths. In addition, each year, over half a million injuries related to bicycles are treated in hospital emergency rooms. Approximately 30 percent of these injuries involve the face or head.

Currently, helmets sold in the United States that meet voluntary standards conform to either the American National Standards Institute or the Snell Memorial Foundation bicycle helmet standards. The American Society for Testing and Materials [ASTM] is in the process of developing a third voluntary standard.

H.R. 4706 will make sure that all helmets are designed to protect kids and their families from bicycle-related head injuries. Under H.R. 4706, the CPSC must develop a new Federal standard by harmonizing the differences between the voluntary standards, developing requirements to protect helmets against rolling off of the heads of riders, developing specific requirements for children's helmets and including any other appropriate requirements. While the CPSC is working on the new standard, H.R. 4706 would require all helmets made after a certain date to meet at least one of the voluntary standards.

Mr. Chairman, I would like to make one last point. The programs set out in H.R. 4706, three of which I have mentioned today, will become fruitless if the CPSC is not given enough funds to do its job.

The CPSC needs adequate funding to be able to write regulations to keep hazardous products off the market as well as to alert consumers to hazardous products that are already out there. Despite its important job, this small independent agency is usually low on the funding scale. Unfortunately, during its history it has experienced its share of decreased funding.

According to the CPSC's records, from 1980 to date, full time staff equivalents decreased from 978 to 515. In addition, the CPSC's funding level of $42,140,000—in 1981 dollars—in fiscal year 1981 declined to $37,109,000 in fiscal year 1991. When one accounts for inflation, the decrease in funding is even more apparent.

If we give the CPSC adequate funding on the one end, not only will less people be harmed, but society will benefit economically on the other end. The CPSC estimates that consumer product-related accidents cost society $150 billion a year. This cost would be sure to go down along with the consumer injuries. The bill authorizes $42.1 million for fiscal year 1993, which is the President's budget request, and $45 million for fiscal year 1994.

Mr. Chairman, H.R. 4706 improves the CPSC's ability to carry out its mandate to protect consumers from hazardous products. It will help ensure that our families are protected from the hard associated with consumer products. Rather than just talking about family values, let us do something. I urge my colleagues to support this bill.

□ 1500

Mr. Chairman, I reserve the balance of my time.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to discuss H.R. 4706, the Child Protection Safety and Consumer Protection Improvement Act. It is a bill that centers on the physical safety of the Nation's children. Chairwoman COLLINS has worked diligently to craft a bill that keeps the safety of children throughout America at the forefront. She should be commended for her tireless efforts on their behalf.

However, for all of the good features of this bill, there are a number of provisions that cause me concern.

The first concern is product specific legislation. This bill contains three product specific sections: Small toys and parts; 5-gallon buckets; and bicycle helmets; the intent of these sections is commendable: To provide for increased safety for those products.

However, we must remember that Congress has already set out specific standards by which the Commission determines whether or not a product is an unreasonable hazard and whether or not regulation will address that hazard. Likewise, Congress has directed the Commission to defer to voluntary standards under certain circumstances. When Congress enacts product specific laws it second-guesses the Commission, or by-passes it altogether, and undercuts the statutory standards and procedures. If Congress sets the standards for products we think are hazardous, why do we expect the Commission to set them for other products?

My second concern deals with the authorization levels of the bill. At the full committee markup we adopted an authorization level of $42.1 million for fiscal year 1993 and $45 million for fiscal year 1994. While the fiscal year 1993 authorization level was later adopted by the House in the form of an appropriation which did comply with the caps in the budget resolution, the fiscal year 1994 authorization level reflects a growth rate of almost 7 percent, when CBO estimates inflation at only 2.8 percent.

If we are ever going to get control of our spiralling deficit, we must limit growth in discretionary spending at least to the rate of inflation. While the fiscal year 1993 authorization adopted by the full committee reflects a realistic approach to the business of budgeting for the CPSC, we must impose a similar restraint for fiscal year 1994 and I will be offering an amendment to do just that.

I do not wish to be misunderstood—there is a great deal in this bill which is worthy of our consideration and support; likewise, there are also sections that cause concern. We have all labored hard and long to ensure that agreement was reached on those issues where agreement was possible. Where it was not, we have agreed to disagree.

In the event that both my amendment and the amendment offered by Mr. BILIRAKIS are approved, I will lend my support to the bill.

I look forward to the consideration of this bill and the amendments before us today.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, if the gentleman will yield, let me mention right away and assure the gentleman from North Carolina [Mr. MCMILLAN] that I am prepared to accept his amendment and the amendment of the gentleman from Florida [Mr. BILIRAKIS] as well.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I thank the gentlewoman, and I appreciate her statement.

Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

No amendment to the committee amendment in the nature of a substitute is in order unless printed in that portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII prior to the beginning of consideration of the bill.

The Clerk will designate section 1.

Mrs. COLLINS of Illinois. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Child Safety Protection and Consumer Product Safety Commission Improvement Act".

(b) REFERENCES.—

(1) TITLES I AND III.—Except as otherwise specifically provided, whenever in title I or III an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act.

(2) TITLE IV.—Whenever in title IV an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Hazardous Substances Act.

(3) TITLE V.—Whenever in title V an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Flammable Fabrics Act.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 32(a) (15 U.S.C. 2081(a)) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting in lieu thereof a comma, and by adding at the end the following:

"(3) $42,100,000 for fiscal year 1993, and

"(4) $45,000,000 for fiscal year 1994.".

(b) FEES.—Section 32 (15 U.S.C. 2081) is amended by adding at the end the following:

"(d) Fees collected by the Commission shall be deposited as an offsetting collection in and credited to the accounts providing appropriations for the Commission.".

(c) RELOCATION EXPENSES.—In addition to the amounts authorized to be appropriated to the

Commission under section 32 of the Consumer Product Safety Act, there are authorized to be appropriated to the Commission $6,500,000 for fiscal year 1993 for expenses for the relocation of the Commission and such amount shall be available until expended.

TITLE II—TOY SAFETY

SEC. 201. REQUIREMENTS FOR LABELING AND BANNING.

(a) Toys or Games for Children Age 3 to 6.—

(1) Requirement.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years or such other upper age limit as the Commission may determine which may not be less than 5 years old, any descriptive materials which accompany such toy or game and the bin, container for retail display, or vending machine from which it is dispensed shall bear or contain the cautionary label described in paragraph (2) if the toy or game—

(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

(B) includes a small part, as defined by the Commission.

(2) Label.—The cautionary label required under paragraph (1) for a toy or game shall be as follows:

WARNING

CHOKING HAZARD—This toy has small parts.

Keep away from children under 3 years old.

(b) Balloons, Small Balls, and Marbles and Toys and Games.—

(1) Requirement.—In the case of any balloon, small ball intended for children 3 years of age or older, or marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, small ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

(A) the packaging of such balloon, small ball, or marble or toy or game,

(B) any descriptive materials which accompany such balloon, small ball, or marble or toy or game, and

(C) the bin or container for retail display of a balloon, small ball, or marble or toy or game or the vending machine from which the balloon, small ball, or marble or toy or game is dispensed, shall contain the cautionary label described in paragraph (2).

(2) Label.—The cautionary label required under paragraph (1) for a balloon, small ball, marble, or toy or game shall be as follows:

(A) Balloons.—

WARNING

Children under 8 can CHOKE TO DEATH on uninflated or broken balloons.

Adult supervision required.

Keep uninflated balloons from children. Discard broken ballons at once.

(B) Small balls.—

WARNING

CHOKING HAZARD—This toy is a small ball that presents a choking hazard.

Keep away from children under 3 years old. Remind 3 and 4 year olds to keep small balls out of mouth.

(C) Marbles, toys, and games.—

WARNING

CHOKING HAZARD—This toy has small parts.

Keep away from children under 3 years old.

(3) Definition.—For purposes of this subsection, a small ball is a ball with a diameter of 1.75 inches or less.

(c) General Labeling Requirements.—All labeling required under subsection (a) or (b) for a toy or game or balloon, small ball, or marble shall—

(1) be prominently and conspicuously displayed on the packaging of the toy or game or balloon, small ball, or marble, on any descriptive materials which accompany the toy or game or balloon, small ball, or marble, and on the bin or container for retail display of the toy or game or balloon, small ball, or marble or the vending machine from which the toy or game or balloon, small ball, or marble is dispensed, and

(2) be visible and noticeable.

(d) Enforcement.—A toy or game which is not labeled in accordance with subsection (a) and a balloon, small ball, marble, toy, or game which is not labeled in accordance with subsection (b) shall be considered a misbranded hazardous substance under the Federal Hazardous Substances Act.

(e) Other Small Balls.—A small ball—

(1) intended for children under the age of 3, and

(2) with a diameter of 1.75 inches or less,

shall be considered a banned hazardous substance for purposes of the Federal Hazardous Substances Act.

SEC. 202. REGULATIONS AND EFFECTIVE DATE.

(a) Regulations.—The Consumer Product Safety Commission shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of section 201 by January 1, 1993.

(b) Effective Date.—Section 201 shall take effect February 1, 1993.

TITLE III—AMENDMENTS TO CONSUMER PRODUCT SAFETY ACT

SEC. 301. TECHNICAL AMENDMENTS

(a) Section 4.—Section 4(g)(1)(A) (15 U.S.C. 2053(g)(1)(A)) is amended—

(1) by striking out "Associate Executive Director for Compliance and Administrative Litigation" and inserting in lieu thereof "Assistant Executive Director for Compliance and Enforcement" and by striking out "Associate Executive Director of Compliance and Administrative Litigation" and inserting in lieu thereof "Assistant Executive Director for Compliance and Enforcement", and

(2) by striking out "Director for Office of Program, Management, and Budget" and inserting in lieu thereof "Director for Office of the Budget, an Assistant Executive Director for Office of Hazard Identification and Reduction".

(b) Section 19.—Section 19(b) (15 U.S.C. 2068(b)) is amended by striking out "rules" and inserting in lieu thereof "standards".

(c) Section 20.—Subsections (b) and (c) of section 20 (15 U.S.C. 2069) are each amended by striking out "nature of the product defect," and inserting in lieu thereof "nature of the failure to comply, nature of the product defect, nature of the risk of injury presented,".

(d) Section 27.—Section 27 (15 U.S.C. 2076) is amended—

(1) in subsection (b)(3), by striking out "documentary",

(2) in subsection (b)(6), by striking out "665(b)" and inserting in lieu thereof "1342",

(3) by adding after paragraph (6) in subsection (b) the following:

"If the Commission issues a subpena under paragraph (3) for non-documentary evidence and if a motion to quash or limit the subpena is filed with the Commission, the Commission, in acting on such motion, shall consider the burden imposed by the subpena and the need of the Commission for the subpenaed evidence.", and

(4) in subsection (f), by striking out "this Act" and inserting in lieu thereof "any of the Acts administered by the Commission".

(e) Sections 29 and 30.—Section 29(d) (15 U.S.C. 2078) and section 30(e)(1)(A) (15 U.S.C. 2079(e)(1)(A)) are each amended by striking out "National Bureau of Standards" and inserting in lieu thereof "National Institute of Standards and Technology".

(f) Section 32.—Section 32(b)(1) (15 U.S.C. 2081(b)(1)) is amended—

(1) by striking out "Interstate and Foreign Commerce" and inserting in lieu thereof "Energy and Commerce", and

(2) by striking out "on Commerce" and inserting in lieu thereof "on Commerce, Science, and Transportation".

(g) Section 36.—Section 36 (15 U.S.C. 2083) is repealed.

SEC. 302. OTHER AMENDMENTS.

(a) Review by Other Federal Agencies.—Section 6(a) (15 U.S.C. 2055(a)) is amended by adding at the end the following:

"(9) The provisions of paragraphs (2) through (6) do not prohibit the review at the offices of the Commission by officers or employees of another Federal agency of information described in paragraph (2) which is received after the date of the enactment of this paragraph if the Commission has determined that such agency has made a showing of having jurisdiction over the matter involving such information. Such review does not affect the confidentiality of such information prescribed by paragraph (2).".

(b) Inspection of Records and Reports.—The second sentence of section 16(b) (15 U.S.C. 2065(b)) is amended by striking out "this Act" each place it occurs and inserting in lieu thereof "any Act administered by the Commission".

(c) Reliance on Voluntary Standards.—Section 15(b)(1) (15 U.S.C. 2064(b)(1)) is amended by inserting before the semicolon the following: ", subsections (f) through (j) of section 3 of the Federal Hazardous Substances Act, or subsections (g) through (k) of section 4 of the Flammable Fabrics Act".

(d) Civil Penalties.—

(1) Consumer product safety act.—Section 20 (15 U.S.C. 2069) is amended—

(A) in subsection (a)(1), by adding after the first sentence the following: "The Commission may assess and collect such civil penalty in an administrative proceeding or in an action brought in a district court of the United States.", and

(B) in subsection (b), by striking out "to be sought upon commencing an action seeking to assess a penalty for a violation of section 19(a), the Commission" and inserting in lieu thereof "the Commission or the court".

(2) Federal hazardous substances act.—Section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264) is amended—

(A) in subsection (c)(1), by adding after the first sentence the following: "The Commission may assess and collect such civil penalty in an administrative proceeding or in an action brought in a district court of the United States.", and

(B) in subsection (c)(3), by striking out "to be sought upon commencing an action seeking to assess a penalty for a violation of section 4, the Commission" and inserting in lieu thereof "the Commission or the court".

(3) Flammable fabrics act.—Section 5 of the Flammable Fabrics Act (15 U.S.C. 1194) is amended—

(A) in subsection (e)(1), by adding at the end the following: "The Commission may assess and collect such civil penalty in an administrative proceeding or in an action brought in a district court of the United States.", and

(B) in subsection (e)(2), by striking out "to be sought upon commencing an action seeking to assess a penalty for a violation of a regulation or standard under section 4, the Commission" and inserting in lieu thereof "the Commission or the court".

(e) Rulemaking.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 3(h) of the Federal Hazardous Substances Act (15 U.S.C. 1262(h)) is amended by adding at the end the following: "Any proposed regulation under section 2(q)(1) classifying an article or substance as a banned hazardous substance or regulation under subsection (e) of this section shall be issued within 12 months after the date of the publication of an advance notice of proposed rulemaking under subsection (f) relating to the article or substance involved, unless the Commission determines that such proposed rule is not reasonably necessary to eliminate or reduce the risk of injury associated with the article or substance or is not in the public interest. The Commission may extend the 12 month period for good cause. If the Commission extends such period, it shall immediately transmit notice of such extension to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. Such notice shall be governed by the provisions of section 9(c) of the Consumer Product Safety Act.".

(2) FLAMMABLE FABRICS ACT.—Section 4(i) of the Flammable Fabrics Act (15 U.S.C. 1193(i)) is amended by adding at the end the following: "Any proposed regulation under this section for a fabric, related material, or product shall be issued within 12 months after the date of the publication of an advance notice of proposed rulemaking under subsection (g) relating to the fabric, related material, or product involved, unless the Commission determines that such proposed rule is not reasonably necessary to eliminate or reduce the risk of injury associated with the fabric, related material, or product or is not in the public interest. The Commission may extend the 12 month period for good cause. If the Commission extends such period, it shall immediately transmit notice of such extension to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. Such notice shall be governed by the provisions of section 9(c) of the Consumer Product Safety Act.".

(f) RULEMAKING FOR BANNED HAZARDOUS SUBSTANCES.—Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking out "the provisions of" through "That if" and inserting in lieu thereof "subsections (f), (g), (h), and (i) of section 3, except that if".

SEC. 303. ACTIONS BY THE COMMISSION.

(a) 5 GALLON BUCKETS.—Within 30 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin proceedings under an Act administered by the Commission to consider—

(1) requiring labeling of 5 gallon buckets as to the nature of the risk of injury to children presented by such buckets, and

(2) establishing a standard to reduce risk of injury to children from such buckets.

(b) BICYCLE HELMETS.—

(1) INITIAL STANDARD.—Within 60 days of the date of the enactment of this Act, all bicycle helmets manufactured after the expiration of such 60 days shall conform to—

(A) the ANSI standard designated Z90.4–1984,

(B) the 1990 Snell Memorial Foundation Standard for Protective Headgear for Use in Bicycling, B–90, or

(C) such other standard as the Commission determines is appropriate,

until a standard under paragraph (2) takes effect. A helmet which does not conform to such a standard shall, until the standard takes effect under paragraph (2), be considered in violation of a consumer product safety standard under the Consumer Product Safety Act.

(2) PROCEEDING.—Within 90 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(A) harmonize the requirements of the ANSI standard, the Snell standard, and other appropriate standards into a standard of the Commission,

(B) include in the standard of the Commission provisions to protect against helmets rolling off the heads of riders,

(C) include in the standard of the Commission standards which address risk of injury to children, and

(D) include additional provisions as appropriate.

The standard developed under subparagraphs (A) through (D) shall be considered a consumer product safety standard under the Consumer Product Safety Act.

SEC. 304. REPORTS AND STUDIES.

(a) ACTIONS UNDER SECTION 6(b).—The Consumer Product Safety Commission shall report semiannually to the Congress, beginning January 1, 1993, on activities taken under paragraphs (1) through (3) of section 6(b) of the Consumer Product Safety Act. The report shall not disclose brand-specific information, except that the Commission may list the names of persons in civil actions brought under section 6(b)(3) of such Act which names are available to the public. The report shall include—

(1) the number of requests made to the Commission under section 552 of title 5, United States Code (hereafter in this subsection referred to as "FOIA requests") during the period reported on for information not subject to such section 6(b) of such Act, the instances in which the person making the FOIA request received all the information requested and the instances in which the person making the FOIA request did not receive all the information requested because of the withholding of documents or redaction, the number of such requests processed by the Commission during such period, the time it took to process such requests expressed in 30 day increments, the number of such requests pending at the end of such period and the time such requests were pending expressed in 30 day increments,

(2) the number of FOIA requests received during the period reported on which request information subject to section 6(b) of such Act, the instances in which the person making the FOIA request received all the information requested and the instances in which the person making the FOIA request did not receive all the information requested because of the withholding of documents or redaction showing which withholding or redaction was prescribed solely by section 6(b)(1) of such Act, the number of such requests pending at the end of such period, the time pending expressed in 30 day increments, the number of such requests processed by the Commission during such period, and the time it took to process such requests expressed in 30 day increments,

(3) the number of instances during the period reported on where information was sent to manufacturers or private labelers for comment, the number of requests for comment made by the Commission pending at the end of the period reported on and the time pending expressed in 30 day increments, the number of times during such period in which the Commission reduced the time in which the manufacturers or private labelers could make comments under section 6(b)(1) of such Act, the number of comments received from manufacturers and private labelers during such period, the time it took for them to submit comments expressed in 30 day increments, and the number of such comments which objected to the disclosure of information with a summary for the reasons given for such objection,

(4) the number of instances during the period reported on in which the Commission evaluated manufacturers' or private labelers' objections to the release of information, the time such evaluation took expressed in 30 day increments, the number of such objections pending at the end of such period and the time pending expressed in 30 day increments, the number of such instances in such period in which the Commission agreed, wholly or in part, with such objections and declined to release such information, the number of instances during such period in which the Commission has notified manufacturers or private labelers of intent to release information despite such manufacturers' or private labelers' objections, the number of instances during such period in which the Commission has released such information despite such manufacturers' or private labelers' objections,

(5) the number of instances during such period in which the Commission has reduced the time in which manufacturer or private labeler may object to the release of information,

(6) the number of civil actions during such period brought by manufacturers or private labelers to enjoin the release of information, the number and name of such cases in such period which were resolved, including the disposition and length of time of such actions, the number and name of such actions pending at the end of such period together with the current status of such actions and the time spent pending, and

(7) the cost to the Commission during the period reported on in implementing the requirements of such section 6(b) in response to FOIA requests, expressed in dollars, time, and full-time equivalents.

(b) STUDY OF EFFECTIVENESS OF CORRECTIVE ACTIONS.—

(1) STUDY.—Within one year of the date of the enactment of this Act, the Consumer Product Safety Commission shall complete a study of the effectiveness of the actions required to be taken under sections 15 of the Consumer Product Safety Act and the Federal Hazardous Substances Act during fiscal years 1986 through 1991. Such study shall—

(A) examine the extent of consumer participation in corrective actions under such sections,

(B) determine methods of increasing such consumer participation,

(C) compare the rate of such consumer participation with consumer participation in corrective actions by other Federal agencies,

(D) consider the extent to which the consumer participation rates in corrective actions under such sections are affected by the type and frequency of notice used to inform consumers of such corrective actions, the type and price of products subject to such corrective actions, and the type of such corrective actions,

(E) consider the potential benefits, costs, and feasibility of requiring manufacturers to label products subject to the jurisdiction of the Commission with the name and address of the manufacturer,

(F) consider whether such a labeling requirement would assist the Commission in carrying out its functions under such sections, particularly in locating the manufacturer responsible for manufacturing a particular product and in informing consumers of corrective actions to be taken with respect to such product,

(G) consider if certain products should be exempt from such a labeling requirement,

(H) the extent to which the labeling required by such requirement is already required for a product or its packaging and the adequacy of such existing requirement.

(2) REPORT.—The Consumer Product Safety Commission shall report the results of its study under paragraph (1) not later than 30 days after the completion of such study. In its report to Congress on the study prescribed by paragraph (1), the Consumer Product Safety Commission shall, for the purpose of improving corrective ac-

tions under sections 15 of the Consumer Product Safety Act and the Federal Hazardous Substances Act, make recommendations for increasing participation rates of consumers in corrective actions under sections 15 of the Consumer Product Safety Act and the Federal Hazardous Substances Act which shall include a consideration of the costs and benefits of such recommendations.

TITLE IV—TECHNICAL AMENDMENTS TO THE FEDERAL HAZARDOUS SUBSTANCES ACT

SEC. 401. TECHNICAL AMENDMENTS.

(a) REFERENCES TO THE COMMISSION.—Section 2 (15 U.S.C. 1261) is amended by striking out paragraphs (c) and (d) and inserting in lieu thereof the following:

"(c) The term 'Commission' means the Consumer Product Safety Commission.", and

the Federal Hazardous Substances Act is amended—

(1)(A) by striking out "Secretary" each place it occurs, except in sections 10(b), 21(a) and the references to the Secretary of the Treasury in section 14(a) and (b), and inserting in lieu thereof "Commission",

(B) by striking out "Secretary's" each place it occurs and inserting in lieu thereof "Commission's",

(2) by striking out "he" each place it occurs and inserting in lieu thereof "the Commission",

(3) by striking out "his" each place it occurs and inserting in lieu thereof "the Commission's",

(4) by striking out "the Secretary of Health, Education, and Welfare" each place it occurs and inserting in lieu thereof "the Commission",

(5) by striking out "of the Department" each place it occurs, except in section 14(b), and inserting in lieu thereof "of the Commission", and

(6) by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "the Commission".

(b) SECTION 9.—The first sentence of section 9 (15 U.S.C. 1268) is amended by inserting before the period "unless filed by the Commission under section 27(b)(7) of the Consumer Product Safety Act".

(c) SECTION 20.—Section 20 (15 U.S.C. 1275) is repealed.

(d) SECTION 21.—Section 21 (15 U.S.C. 1276) is repealed.

TITLE V—TECHNICAL AMENDMENTS TO THE FLAMMABLE FABRICS ACT

SEC. 501. TECHNICAL AMENDMENTS.

(a) REFERENCE TO THE COMMISSION.—Section 2(i) (15 U.S.C. 1191(i)) is amended by striking out "Federal Trade" and inserting in lieu thereof "Consumer Product Safety" and the Flammable Fabrics Act is amended—

(1) by striking out "Secretary of Commerce" each place it occurs and inserting in lieu thereof "Commission",

(2) by striking out "Secretary" each place it occurs, except in section 9, and inserting in lieu thereof "Commission",

(3) by striking out "he" each place it occurs and inserting in lieu thereof "the Commission",

(4) by striking out "his" each place it occurs, except in section 9, and inserting in lieu thereof "the Commission's",

(5) in section 4(e)(5) (15 U.S.C. 1193(e)(5)), by striking out "person occupying the office of Secretary or any vacancy in such office" and inserting in lieu thereof "membership of the Commission",

(6) in section 14(a) (15 U.S.C. 1201(a)), by striking out "Secretary of Health, Education, and Welfare in cooperation with the Secretary of Commerce" and inserting in lieu thereof "Commission", and

(7) in section 15(a) (15 U.S.C. 1202(a)) by striking out "Consumer Product Safety Commission (hereinafter in this section referred to as the 'Commission')" and inserting in lieu thereof "Commission".

(b) SECTION 17.—Section 17 is repealed.

TITLE VI—TECHNICAL AMENDMENTS TO THE POISON PREVENTION PACKAGING ACT OF 1970

SEC. 601. TECHNICAL AMENDMENTS.

The Poison Prevention Packaging Act of 1970 is amended—

(1) in section 2 (15 U.S.C. 1471) by amending paragraph (1) to read as follows:

"(1) The term 'Commission' means the Consumer Product Safety Commission.",

(2)(A) by striking out "Secretary" each place it occurs and inserting in lieu thereof "Commission",

(B) by striking out "Secretary's" each place it occurs and inserting in lieu thereof "Commission's",

(3) by striking out "he" each place it occurs and inserting in lieu thereof "the Commission", and

(4) by striking out "his" each place it occurs, except the first place it appears in section 5(b)(1), and inserting in lieu thereof "the Commission's".

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: Page 3, strike out lines 11 through 15 and redesignate subsection (c) as subsection (b).

Page 20, line 23, insert after the comma the following: "and within the authorization provided in section 101(a) of this Act,".

Mrs. COLLINS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, this amendment makes two changes in the bill. First, the bill contains a provision that would allow the CPSC to keep the revenue from any user fees it receives. However, this provision raises potential problems under the Budget Act since it could reduce overall revenues to the Treasury. The amendment strikes that provision.

The second change merely clarifies that a study required by the legislation is to be conducted within the authorized amount of funding.

This amendment has been cleared with the minority. I urge its support.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I rise in support of the technical amendment offered by chairwoman COLLINS. The two portions of this amendment serve two functions. The first removes a requirement that the Commission deposit fees that it collects as an offsetting collection, and credit those fees to the accounts providing appropriations for the Commission. This section technically violates both section 311 of the Congressional Budget Act of 1974, and the pay-as-you-go rules under the Budget Enforcement Act of 1990. Since the Commission collects only around $94,000 in such fees each year, applying those fees as an offset to general expenditures has no measurable impact on the deficit, but it is a good idea to enforce rules if you have them at all.

The second part of the amendment merely clarifies that the study of corrective action effectiveness contemplated by the bill will be performed within the authorization levels set by the bill. Both of these changes, while technical, are useful. I commend Chairwoman COLLINS for the amendment and I am pleased to support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. MC MILLAN OF NORTH CAROLINA

Mr. MCMILLAN of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCMILLAN of North Carolina: Page 3, strike out line 10 and insert in lieu thereof the following: "(4) $43,278,800 for fiscal year 1994.".

Mr. MCMILLAN of North Carolina. Mr. Chairman, the amendment I am offering today is similar to amendments that I offered both in the subcommittee and the full committee markups. Its purpose is simple—to ensure that the level of funding authorized for the Consumer Product Safety Commission complies with the intent of the budget resolution passed by the House.

While my first amendment was defeated in the subcommittee, the full committee adopted a substitute amendment which funded the CPSC at the President's requested level, $42.1 million, a reduction of $2.9 million from the original authorization level of the bill. While not initially consistent with the budget resolution, the authorization came into compliance when the VA, HUD, and independent agencies appropriations bill was passed, funding the CPSC at a level within the budget resolution caps.

However, the bill still contains an authorization level for fiscal year 1994 of $45 million. This is an increase of 6.89 percent over the fiscal year 1993 level. Given the budget resolution's assumption of only growth for inflation in this budget function for fiscal year 1994, and a CBO inflationary assumption of 2.8 percent, this authorization clearly exceeds the level contemplated by the budget resolution.

Likewise, the agency's own budget requests appear to utterly ignore the requirements of the budget resolution or the Budget Enforcement Act. The CPSC staff requested $44.73 million for fiscal year 1994, a 6.25 percent increase over fiscal year 1993, and the Commission itself added another $750,000 to this request for total growth of 8.17 percent in just 1 fiscal year. Such behavior is clearly inconsistent with the President's call for a freeze on all domestic discretionary spending to combat the deficit.

My amendment will simply lower the fiscal year 1994 authorization level to just over $43¼ million. This level reflects the $42.1 million authorized by the bill, and appropriated by the House, and adjusts it upward by 2.8 percent. We have an important responsibility to safeguard our children from harmful toys and other products and the CPSC has performed this job well. However, we also have a responsibility to safeguard our children's future, and we jeopardize that future every time we ignore our own deficit reduction targets.

I ask all of my colleagues to join me, not in cutting the CPSC's budget, but in limiting its growth to the rate of inflation. I ask all of my colleagues to vote in favor of my amendment and support our children's economic future as well as their physical safety.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MCMILLAN of North Carolina. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I am more than happy to accept this amendment. It is a well-thought-out amendment and we think the gentleman has done the right thing. We are glad we are able to work together on this amendment.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I thank the gentlewoman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. MCMILLAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BILIRAKIS: Page 15, strike out lines 6 through 14 and insert the following:

(a) ESTABLISHMENT OF BUCKET STANDARD.—

(1) REQUIREMENT.—Notwithstanding section 3(a)(1) of the Consumer Product Safety Act and effective 8 months after the date of the enactment of this Act, there is established a consumer product safety standard (enforceable under such Act) to require labeling for straight sided, open head, plastic or metal containers with a capacity for more than 4 gallons and less than 6 gallons (hereinafter in this section referred to as a "bucket"). The standard requires the following:

(A) The following shall be required to label a bucket, or cause the bucket to be labeled, in accordance with this subsection:

(i) Any person who fills a bucket for sale of the bucket and its contents.

(ii) If a bucket is sold by a retailer (as defined in section 3(a)(6) of the Consumer Product Safety Act) empty for use as a consumer product (as defined in section 3(a)(1) of such Act), the retailer who so sells the bucket.

(iii) Any person who acquires a bucket, other than for use or sale as a consumer product or for filling for the purpose of selling the bucket and its contents.

(B) The label, which shall be applied prior to release for shipment, shall be a paper, plastic, silk-screened, or off-set printed label which is 5 inches high and 2¾ inches wide or such larger size as a labeler may voluntarily choose and which has a border or other form of contrast around its edges to delineate it from any other information on the bucket.

(C) The label shall contain on a contrasting background the word "WARNING" in block print and the following: "Child Can Fall Into Bucket and Drown—Keep Children Away From Buckets With Even a Small Amount of Liquid".

(D) The label shall contain a picture of a child reaching into a bucket and shall include an encircled slash and a triangle with an exclamation point upon a contrasting field before the word "WARNING".

(E) The letters on the label shall be printed in contrasting colors.

(F) The label shall be easily removable only by the use of tools or a solvent.

(G) The label shall be placed on a side of the bucket just below the point where the handle is inserted.

(H) The label, when placed on a bucket, shall not thereafter be covered, obstructed, or removed by a retailer or distributor.

(2) PROCESS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this act, the Consumer Product Safety Commission shall, in accordance with section 553 of title 5, United States Code, initiate a rulemaking to ratify or modify or supplement the standard established under paragraph (1). As part of the rulemaking, the Commission—

(i) shall solicit comments on the standard established under paragraph (1) and any revision proposal by the Commission.

(ii) shall consider any voluntary labeling standard adopted by the ASTM which provides comparable notice and protection as the standard established under paragraph (1), and

(iii) shall initiate a review of the effectiveness of the standard established under paragraph (1) and any revision proposed by the Commission and include in such review focus groups.

(B) SIZE OF THE LABEL.—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding to receive comments for 75 days on the size prescribed for the label under the standard in paragraph (1). Upon the expiration of such 75 days, the Commission shall, within 6 months of the date of the enactment of this Act, decide whether to initiate a rulemaking in accordance with section 553 of title 5, United States Code to revise such size.

(C) PETITION FOR TEMPORARY EXEMPTION.—Any person may petition the Commission for a temporary exemption from the requirement of the standard in paragraph (1). The Commission shall grant such a petition if the Commission finds that the petitioner has a label which was in use on April 3, 1992, and which is in substantial compliance with the standard and has a plan for coming into full compliance with the standard.

(3) COOPERATION.—The Consumer Product Safety Commission shall cooperate with States and political subdivisions to improve and enhance its data on incidents of drownings involving buckets.

(b) ACTION BY THE COMMISSION.—Within 30 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin proceedings under an Act administered by the Commission to consider a performance or other standard for buckets. In conducting such proceedings, the Commission shall meet the deadline and time requirements of such Act. The Commission shall report to the Congress 6 months after the date of the enactment of this Act and every 6 months thereafter on the progress of the Commission under such proceedings.

Redesignate subsection (b) as subsection (c).

Mr. BILIRAKIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Chairman, the amendment I now offer seeks to protect one of our Nation's most precious resources—its children. It would establish a mandatory, uniform labeling standard for 5-gallon plastic or metal buckets, which represent a little-realized, but all-too-real drowning hazard to small children.

It is a bipartisan effort, supported by the chairwoman of the Consumer Protection Subcommittee, Mrs. COLLINS of Illinois, as well as its ranking minority member, Mr. MCMILLAN of North Carolina. I am also pleased and proud to say that it is fully endorsed by the National Safe Kids Campaign, the very first nationwide effort ever undertaken to address the No. 1 killer of children in America—unintentional injury.

During subcommittee and committee review of this legislation, I have worked with both industry and consumer groups—as well as both sides of the aisle—in an effort to reach a consensus, and this amendment indeed I think, achieves that goal.

As I said, this is an issue of child safety. The Consumer Product Safety Commission and a number of consumer advocacy organizations report that some 50 children every year drown after falling into 5-gallon buckets containing water or other liquids—sometimes only a few inches deep.

The Cook County, IL, medical examiner first brought this situation to the attention of our subcommittee, and I know that CPSC Chairwoman Jacqueline Jones-Smith has lent her personal support to the bucket safety campaign, speaking out often on the issue.

The buckets involved in these drowning deaths, Mr. Chairman, usually were 5-gallon industrial containers.

Mr. Chairman, I have here one of those 5-gallon industrial containers, along with the label that we plan to mandate be uniformly used throughout the country.

Although such buckets can be purchased new in retail stores, they are generally used to transport bulk or commercial quantities of food, paint, cleaning solutions, and construction materials. When emptied of their contents, these containers sometimes find their way into homes.

While a voluntary—and I repeat, a voluntary labeling campaign to make the public aware of the danger these containers represent in the home is ongoing, I believe that a Federal, mandatory labeling standard would be more efficient and certainly more effective.

My amendment would establish this uniform standard; a standard supported by industrial users and producers represented by the Coalition for Container Safety, I might add.

It is, of course, impossible to stress too much the importance of public safety, and particularly the safety of our children. While I am concerned about overburdening our society and economy with too much Government regulation, the public good, in my opinion, requires that this be balanced with legitimate safety concerns, and I believe that my amendment strikes this very balance.

In formulating my amendment, Mr. Chairman, I believe I have honestly drawn a balanced compromise among competing factors. The minimum 5 by 2¾ inches warning label—and for those interested, I have a copy of it here, a warning label placed under the point where the handle attaches to the bucket is significantly large enough to command attention while not interfering with other labels.

I might add, that even though the bucket that I have shown here does not contain any other labels attached to it, there are other labels required under RCRA and other Federal regulations which would require labels on the buckets. This particular label is large enough to command attention while not interfering with those other labels that might be required by Federal laws.

The stipulation that it be bordered or otherwise in contrast to the bucket itself also will ensure this.

The fact that the CPSC is directed in my amendment to further review and receive comments on the labeling standard will ensure that the CPSC remains involved in an ongoing process to achieve the greatest child safety results possible.

In other words, we do not say that we have the resolution here. What we are saying is that this is something that can be very helpful in the meantime and we are still dictating that the CPSC continue to be involved in this issue.

Mr. Chairman, in closing I say to my colleagues that I have no bucket manufacturers in my district of which I am aware. I have no irons in the fire here, if you will. I simply want to help save children's lives. Plain and simple, that is it.

Mr. Chairman, I urge all of my colleagues here today to support my amendment—to take, with me, this modest step in the name of child safety.

Again, Mr. Chairman, my greatest thanks and gratitude to the gentlewoman from Illinois [Mrs. COLLINS] and to the minority member, the gentleman from North Carolina [Mr. McMILLAN] and other members of the committee for their great cooperation in this regard.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of this amendment.

The Consumer Product Safety Commission has identified 5-gallon buckets as a hidden hazard. Curious infants have fallen into those buckets and then are unable to extricate themselves.

Between 1984 and 1991, about 200 infants have drowned in 5-gallon buckets. The average age of the victims was between 8 and 13 months. Some children have been as young as 4 months and as old as 2 years.

I have a particular interest in this problem because the Cook County, IL, Medical Examiner's Office played a crucial role in alerting the CPSC to this hidden hazard.

The bill before us requires the CPSC to consider two actions with respect to 5-gallon buckets—labeling, and establishing a safety standard. While the establishment of a safety standard appears to be the optimum long-term solution, further work needs to be done.

But all agree that warning labels are needed now. While industry has begun using warning labels on a voluntary basis, only a mandatory labeling standard will ensure compliance and uniformity.

The Bilirakis amendment strengthens the bill by mandating labeling as an immediate solution, while requiring the CPSC to formally consider further safety measures. And to keep the CPSC's feet to the fire, it requires the CPSC to periodically report to Congress on its efforts in this area.

As I indicated above, further technical work needs to be done to evaluate further safety measures. Let me emphasize the importance of the CPSC pursuing this issue as quickly as possible. The CPSC has delayed long enough.

The amendment is supported by the National Safe Kids Campaign, a major public safety advocacy group chaired by former Surgeon General C. Everett Koop, and chaired honorarily by First Lady Barbara Bush. In its letter of support, Safe Kids describes the amendment as "an important first step toward reducing the number of infants who drown each year in 5-gallon buckets."

And of particular importance to me, the amendment is supported by the Cook County Medical Examiner's Office—the office which first brought the matter to the CPSC's attention. As the executive director of the office, Roy Dames, points out.

> I recognize that while this amendment may not be perfect, I sure don't understand leaving these buckets unlabeled while we fight over the size and number of labels.

We can wait for the States or the CPSC to act, hoping for the perfect solution, who knows when. After all, the CPSC's delays are legendary. Or we can take action now on a national level with a reasonable, but not perfect, labeling standard.

Mr. Chairman, I urge support of this amendment.

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Mr. Chairman, I would like to engage the gentleman from Florida [Mr. BILIRAKIS] in a brief colloquy with regard to the review process the Consumer Product Safety Commission will undertake to determine the effectiveness of the standard in subsection (A)(1) of his amendment.

Is it the understanding of the gentleman that the focus group testing required by the review described in subsection (A)(2) of your amendment is intended to require the Commission to scrutinize a number of design issues with regard to the warning label outlined in subsection (A)(1) of your amendment?

Mr. BILIRAKIS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Florida.

Mr. BILIRAKIS: I thank the gentlewoman for yielding. The gentlewoman has correctly described subsection (c)(2) of my amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, furthermore, is it the gentleman's understanding that such focus groups will study design issues such as the size of the label and the colors used in the label, with the objective of ensuring that the label is highly visible to the target population? Is it also your understanding that the focus groups will study both the pictorgram used on the warning label, to be sure that it is universally identifiable to the target population, and also the vocabulary used to describe the drowning danger, to be sure that this danger will be comprehensible to the target population?

Mr. BILIRAKIS. Will the gentlewoman from Illinois yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentlewoman for yielding. The gentlewoman has correctly described the understanding of subsection (a)(2) of my amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman from Florida for his comments and I commend him for introducing this important child safety measure.

Mr. McMILLAN of North Carolina. Mr. Chairman, I rise to speak in support of the amendment offered by the gentleman from Florida [Mr. BILI-

RAKIS]. I will be brief, but, as one who has recently become a grandfather with the addition of two youngsters, I am particularly sensitive to this issue. I do not ordinarily support product-specific legislation for the Consumer Product Safety Commission. I think they should do that under normal circumstances, but in this case the industry has essentially agreed to the well-worked-out amendment proposed by the gentleman from Florida, and I commend him for it, and I am delighted to add my support to it.

Mr. GEJDENSON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

Mr. Chairman, I commend the gentleman for his amendment and the chair of the committee for her great work in a number of areas, including toy safety, that we have worked on together for a number of years. It seems to me that one of our critical responsibilities is to set up some standards so that all, not just responsible companies, not just those companies that think of it, have the kind of information on the products to give them maximum protection for our citizenry, and whether it is the budget or whether it is toy safety with the hazards of choking, it is important for us to make sure that this information is transmitted in a way that gives a clear message to the consumer.

I remember when my children were much younger and I would spend more time in the toy stores. As I read the old warning labels, the ones we have today which tell us age appropriateness, I knew my kids were smarter than the average kid. So, even if it said this was for a 5-year-old, I figured my kid could manipulate it. Well, it had nothing to do with intelligence or ability. It was a choking hazard, and it is not up to that company to give us that information and maybe give them a competitive disadvantage with other manufacturers. The company in the case of the gentleman from Florida [Mr. BILIRAKIS] that puts the label on this bucket might infer that their buckets are more dangerous than other buckets. It ought to be a standard for all manufacturers in the country to make sure that parents and consumers get the full and broadest information to protect themselves and their families.

Mr. Chairman, this seems to be something eminently reasonable, and I again applaud the chairwoman of the committee and the author of this amendment, and I am happy to see language on toy safety included in this bill as well. I commend the gentlewoman from Illinois for the terrific job she has done.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, Let me say that one of the reasons why we are able to move along so swiftly with this information was because of the groundwork the gentleman from Connecticut [Mr. GEJDENSON] had done much earlier, and we are grateful to him for the research he has given to this over the years and the fine work he has done, and we thank him for his help.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 17, redesignate section 304 as section 305 and insert after line 3 the following:

SEC. 304. PRODUCT LABELING.

(a) REQUIREMENT.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

"(d) Every manufacturer of a product which is subject to a consumer product safety standard under this Act and which is distributed in commerce shall label such product in a prominent manner to disclose the country in which such product was finally assembled.".

(b) ENFORCEMENT.—Section 19(6) (15 U.S.C. 2068(6)) is amended by inserting after "(6)" the following: "failure to label a product in accordance with section 14(d);".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment is straightforward. It states that every manufacturer of a product which is subject to a consumer product safety standard under this act and which is distributed in commerce shall label such product in a prominent manner to disclose the country in which such product was finally assembled. It is an addition to many of the safety procedures that we have had here today, and I, too, want to commend the gentlewoman from Illinois [Mrs. COLLINS] for her efforts, as well as the ranking minority member, and I say that it is good that the American consumer can now not only be concerned with safety, but find out where these products are actually made and perhaps know more about these particular assembly facilities. I think it leads to a more comprehensive knowledge of the product and awareness of the product and serves for safety purposes.

In addition to that, Mr. Chairman, hopefully consumers will be able to purchase those goods that are assembled, made, in America.

Mr. McMILLAN of North Carolina. Mr. Chairman, I rise to speak in support of the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

Mr. Chairman, I simply would like to inform my colleagues that the minority has examined the amendment proposed by the gentleman from Ohio and finds it totally acceptable. We will support the amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN of North Carolina. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, we accept the amendment as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 26, insert after line 20 the following:

TITLE VII—BUY AMERICAN

SEC. 701. BUY AMERICAN REQUIREMENTS FOR FEDERAL AGENCIES.

(a) APPLICABILITY OF BUY AMERICAN REQUIREMENTS.—The Consumer Product Safety Commission shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in the amendment made by section 101.

(b) REPORTS ON PROCUREMENTS FROM FOREIGN ENTITIES.—The Consumer Product Safety Commission shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal year 1993 and 1994 with funds provided pursuant to an authorization contained in the amendment made by section 101. Such report shall separately indicate the dollar value of items procured with such funds for which the Buy American Act was waived pursuant to the Trade Agreements Act of 1979 or any international agreement to which the United States is a party.

(c) PROHIBITION OF PROCUREMENTS OF FOREIGN PRODUCTS IF DISCRIMINATION AGAINST U.S. PRODUCTS.—No contract or subcontract made with funds provided pursuant to an authorization made by section 101 may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services that results in identifiable harm to United States businesses, as identified by the President pursuant to section 305(g)(1)(A) of the Trade Agreements Act of 1979.

(d) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to an authorization made by section 101, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

(e) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a straightforward amendment that states that the buy-American law is the policy of our country and that this act be subject to the provision of the Buy-American Act.

In addition, Mr. Chairman, it has a section that deals with labeling, and, if someone maintains on a label a certain provision, that they should be truthful in disclosing that or they would lose an opportunity for any activity under the provisions of the bill.

□ 1530

MODIFICATION TO AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment be modified, in that section (c) of this amendment be removed, and the subsequent paragraphs and alphabetical delineations of those be accordingly changed.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. TRAFICANT: In the matter proposed to be added as a new section strike out subsection (c), and redesignate the succeeding subsections accordingly.

Mr. MCMILLAN of North Carolina. Mr. Chairman, the minority has examined the proposal offered by the gentleman from Ohio [Mr. TRAFICANT] and has no objection thereto.

Mrs. COLLINS of Michigan. Mr. Chairman, the majority has examined the section in question and has no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be modified?

There was no objection.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. TRAFICANT: Page 26, insert after line 20 the following:

TITLE VII—BUY AMERICAN

SEC. 701. BUY AMERICAN REQUIREMENTS FOR FEDERAL AGENCIES.

(a) APPLICABILITY OF BUY AMERICAN REQUIREMENTS.—The Consumer Product Safety Commission shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in the amendment made by section 101.

(b) REPORTS ON PROCUREMENTS FROM FOREIGN ENTITIES.—The Consumer Product Safety Commission shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal year 1993 and 1994 with funds provided pursuant to an authorization contained in the amendment made by section 101. Such report shall separately indicate the dollar value of items procured with such funds for which the Buy American Act was waived pursuant to the Trade Agreements Act of 1979 or any international agreement to which the United States is a party.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to an authorization made by section 101, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

The CHAIRMAN. Are there any other amendments printed in the RECORD under the rule? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Pursuant to the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. HOAGLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4706) to amend the Consumer Product Safety Act to extend the authorization of appropriations under that act, and for other purposes, pursuant to House Resolution 555, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4706.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 450, STOCK RAISING HOMESTEAD ACT AMENDMENTS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-859) on the resolution H. Res. 561) providing for the consideration of the bill (H.R. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3724, INDIAN HEALTH CARE IMPROVEMENT ACT AUTHORIZATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-860) on the resolution (H. Res. 562) providing for the consideration of the bill (H.R. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5231, NATIONAL COMPETITIVENESS ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-861) on the resolution (H. Res. 563) providing for the consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, which was referred to the House Calendar and ordered to be printed.

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed four hours. In lieu of the committee amendment in the nature of a substitute now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 5231, it shall be in order to take from the Speaker's table the bill S. 1330 and to consider the Senate bill in the House. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 5231 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1330 and to request a conference with the Senate thereon.

The following is the amendment in the nature of a substitute made in order as an original bill for the purpose of amendment under House Resolution 563.

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Competitiveness Act of 1992".

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Goals.
Sec. 105. Definitions.

TITLE II—MANUFACTURING

Sec. 201. Short title.
Sec. 202. Findings, purpose, and statement of policy.
Sec. 203. Role of the Department of Commerce.
Sec. 204. Commerce Technology Advisory Board.
Sec. 205. Role of the Technology Administration in manufacturing.
Sec. 206. Miscellaneous and conforming amendments.
Sec. 207. Manufacturing Technology Centers.
Sec. 208. National Science Foundation manufacturing activities.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Miscellaneous

Sec. 301. Findings.
Sec. 302. Study of semiconductor lithography technologies.

Subtitle B—Advanced Technology Program

Sec. 321. Development of program plan.
Sec. 322. Technical amendments.

Subtitle C—Technology Development Loans

Sec. 331. Technology development loans.

Subtitle D—Critical Technologies Development

PART I—GENERAL PROVISIONS

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. Establishment of program.
Sec. 344. Advisory Committee.

PART II—PROGRAM STRUCTURE AND OPERATION

Sec. 351. Organization and licensing.
Sec. 352. Capital requirements.
Sec. 353. Financing.
Sec. 354. Issuance and guarantee of trust certificates.
Sec. 355. Capital for qualified business concerns.
Sec. 356. Limitation on amount of assistance.
Sec. 357. Operation and regulation.
Sec. 358. Technical assistance for licensees and qualified business concerns.
Sec. 359. Annual audit and report.

PART III—ENFORCEMENT

Sec. 361. Investigations and examinations.
Sec. 362. Revocation and suspension of licenses; cease and desist orders.
Sec. 363. Injunctions and other orders.
Sec. 364. Conflicts of interest.
Sec. 365. Removal or suspension of directors and officers.
Sec. 366. Unlawful acts.
Sec. 367. Penalties and forfeitures.
Sec. 368. Jurisdiction and service of process.
Sec. 369. Antitrust savings clause.

TITLE IV—MISCELLANEOUS

Sec. 401. International standardization.
Sec. 402. Malcolm Baldrige Award amendments.
Sec. 403. Cooperative research and development agreements.
Sec. 404. Clearinghouse on State and Local Initiatives.
Sec. 405. Competitiveness assessments and evaluations.
Sec. 406. Use of domestic products.
Sec. 407. Severability.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Technology Administration.
Sec. 502. National Institute of Standards and Technology.
Sec. 503. Additional activities of the Technology Administration.
Sec. 504. National Science Foundation.
Sec. 505. Availability of appropriations.

TITLE VI—FASTENER QUALITY ACT AMENDMENTS

Sec. 601. References.
Sec. 602. Technical amendments.
Sec. 603. Clarifying amendments.

SEC. 102. FINDINGS.

The Congress finds that—

(1) the unprecedented competitive challenge the United States has faced during the past decade from foreign-based companies offering high-quality, low-priced products has contributed to a drop in real wages and standard of living;

(2) as international competition has intensified in advanced technology research, development, and applications, the passive nature of United States civilian technology policy has hindered the ability of American companies to compete in certain high technology fields;

(3) there is general agreement on which fields of technology are critical for economic competitiveness in the next century, but the United States Government lacks a comprehensive strategy for ensuring that the appropriate research, development, and applications activities and other reforms occur so these technologies are readily available to United States manufacturers for incorporation into products made in the United States;

(4) strategic technology planning, the support of critical technology research, development, and application, and advancement of manufacturing technology development and deployment are appropriate Government roles;

(5) the cost of and difficulty in obtaining venture capital are significant deterrents to the expansion of small high technology companies; and

(6) standardization of weights and measures, including development and promotion of product and quality standards, has a significant role to play in competitiveness.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) develop a nationwide network of sources of technological advice for manufacturers, particularly small and medium-sized firms, and to provide high quality, current information to that network;

(2) encourage the development and rapid application of advanced manufacturing processes;

(3) expand the scope and resources of the Advanced Technology Program of the National Institute of Standards and Technology;

(4) stimulate and supplement the flow of capital to business concerns engaged principally in development or utilization of critical and other advanced technologies;

(5) establish mechanisms to ensure synergistic linkages between Federal, State, and local initiatives aimed at enhancing the competitiveness of United States products; and

(6) enhance the core programs of the National Institute of Standards and Technology.

SEC. 104. GOALS.

The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) utilize the State and local capabilities in industrial extension to improve the efficiency, quality, and strength of national programs to improve the competitiveness of United States products; and

(4) expand the availability of low-cost patient capital to United States companies developing or utilizing critical or other advanced technologies.

SEC. 105. DEFINITIONS.

For purposes of this Act—

(1) the term "Director" means the Director of the Institute;

(2) the term "Institute" means the National Institute of Standards and Technology;

(3) the term "Secretary" means the Secretary of Commerce; and

(4) the term "Under Secretary" means the Under Secretary of Commerce for Technology.

TITLE II—MANUFACTURING

SEC. 201. SHORT TITLE.

This title may be cited as the "Manufacturing Technology and Extension Act of 1992".

SEC. 202. FINDINGS, PURPOSE, AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds and declares the following:

(1) United States manufacturers, especially small businesses, require the adoption and implementation of both modern and advanced manufacturing and process technologies to meet the challenge of foreign competition.

(2) The development and deployment of modern and advanced manufacturing technologies are vital to the Nation's economic growth, standard of living, competitiveness in world markets, and national security.

(3) New developments in flexible, computer-integrated manufacturing, electronic manufacturing communications networks, and other new technologies make possible dramatic improvements across all industrial sectors in productivity, quality, and the speed with which manufacturers can respond to changing market opportunities.

(4) The Department of Commerce's Technology Administration can continue to play an important role in assisting United States industry to develop, test, and deploy modern and advanced manufacturing technologies.

(b) PURPOSE.—It is the purpose of Congress in this title to help ensure the continued leadership of the United States in manufacturing by enhancing the Department of Commerce's technology programs to—

(1) provide, consistent with applicable provisions of law, to the greatest extent possible, within 5 years after the date of enactment of this Act, domestic manufacturers, especially small and medium-sized companies, with access to Federal advice and assistance in the development, deployment, and improvement of modern manufacturing technology; and

(2) encourage, facilitate, and promote the development and adoption of advanced manufacturing technologies by the private sector.

(c) STATEMENT OF POLICY.—Congress declares that it is the policy of the United States that—

(1) Federal agencies, particularly the Department of Commerce, shall work with industry and labor to ensure that within 10 years of the date of enactment of this Act the United States is second to no other nation in the development, deployment, and use of advanced manufacturing technology;

(2) because of the importance of manufacturing and advanced manufacturing technology to the Nation's economic prosperity and defense, all the major Federal research and development agencies shall place a high priority on the development and deployment of advanced manufacturing technologies, and shall work closely with United States industry to develop and test those technologies; and

(3) the Department of Commerce, particularly the Technology Administration, shall serve as a the lead civilian agency for promoting the development and deployment of advanced manufacturing technology, and other Federal departments and agencies which work with civilian industry shall be encouraged, as appropriate and consistent with applicable statutes and duties, to work with and through the programs of the Department of Commerce.

(d) CONSTRUCTION.—Nothing in this title shall be construed as modifying the duties and responsibilities of the Department of Energy with regard to its technology resources and expertise in matters under its jurisdiction.

SEC. 203. ROLE OF THE DEPARTMENT OF COMMERCE.

The Department of Commerce shall, consistent with the policies and purposes of section 202, be the lead civilian agency of the Federal Government for working with United States industry and labor to—

(1) develop new generic advanced manufacturing technologies; and

(2) encourage and assist the deployment and use of advanced manufacturing equipment and techniques throughout the United States.

SEC. 204. COMMERCE TECHNOLOGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Commerce Technology Advisory Board (in this section referred to as the "Advisory Board").

(b) COMPOSITION.—The Advisory Board shall be composed of at least 17 members, appointed by the Under Secretary from among individuals who, because of their experience and accomplishments in technology development, business development, or finance are exceptionally qualified to analyze and formulate policy that would improve the global competitiveness of industries in the United States. The Under Secretary shall designate 1 member to serve as chairman. Membership of the Advisory Board shall be composed of—

(1) representatives of—

(A) United States small businesses;

(B) other United States manufacturers;

(C) universities and independent research institutes;

(D) State and local government agencies involved in industrial extension;

(E) national laboratories;

(F) industrial, worker, and professional organizations; and

(G) financial organizations; and

(2) other individuals that possess important insight to issues of national competitiveness.

(c) DUTIES.—The duties of the Advisory Board shall include advising the Secretary, the Under Secretary, and the Director regarding—

(1) the development and implementation of policies that the Advisory Board considers essential to industrial productivity and technology growth and adoption, with priority given to policies that would benefit small businesses;

(2) the development and rapid application of advanced technologies including advanced manufacturing technologies; and

(3) the planning, execution, and evaluation of programs under the authority of the Technology Administration.

(d) MEETINGS.—(1) The chairman shall call the first meeting of the Advisory Board not later than 90 days after the date of enactment of this Act..

(2) The Advisory Board shall meet at least once every 6 months, and at the call of the Under Secretary.

(e) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, while engaged in the business of the Advisory Board.

(f) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with other agencies, as appropriate.

(g) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Board.

SEC. 205. ROLE OF THE TECHNOLOGY ADMINISTRATION IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

"TITLE III—MANUFACTURING TECHNOLOGY

"SEC. 301. ADVANCED MANUFACTURING SYSTEMS AND NETWORKING PROJECTS.

"(a) PROGRAM DIRECTION.—The Secretary, through the Under Secretary and the Director, shall establish a Department of Commerce Advanced Manufacturing Program (in this title referred to as the 'Advanced Manufacturing Program') which shall include advanced manufacturing systems and networking projects.

"(b) PROGRAM GOAL.—The goal of the Advanced Manufacturing Program is to create collaborative multiyear technology development programs involving United States industry and, as appropriate, other Federal agencies, the States, and other interested persons, in order to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks.

"(c) PROGRAM COMPONENTS.—The Advanced Manufacturing Program shall include—

"(1) the advanced manufacturing research and development activities at the Institute; and

"(2) one or more technology development testbeds within the United States, selected in accordance with procedures, including cost sharing, established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), whose purpose shall be to develop, refine, test, and transfer advanced manufacturing and networking technologies and associated applications through a direct manufacturing process.

"(d) ACTIVITIES.—The Advanced Manufacturing Program, under the coordination of the Secretary, through the Director, shall—

"(1) test and, as appropriate, develop the equipment, computer software, and systems integration necessary for the successful operation within the United States of advanced design and manufacturing systems and associated electronic networks;

"(2) establish at the Institute and the technology development testbed or testbeds—

"(A) prototype advanced computer-integrated manufacturing systems; and

"(B) prototype electronic networks linking manufacturing systems;

"(3) assist industry to develop, and implement voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for networks, electronic data interchange, and digital product data specifications;

"(4) help to make high-performance computing and networking technologies an integral part of design and production processes where appropriate;

"(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks;

"(6) facilitate industry efforts to develop and test new applications for manufacturing systems and networks;

"(7) involve, to the maximum extent practicable, both those United States companies which make manufacturing and computer equipment and those companies which buy the equipment, with particular emphasis on including a broad range of company personnel in the Advanced Manufacturing Program and on assisting small and medium-sized manufacturers;

"(8) identify training needs, as appropriate, for company managers, engineers, and employees in the operation and applications of advanced manufacturing technologies and networks, with a particular emphasis on training for production workers in the effective use of new technologies;

"(9) work with private industry to develop standards for the use of advanced computer-based training systems, including multimedia and interactive learning technologies; and

"(10) exchange information and personnel, as appropriate, between the technology development testbeds and the Network created under section 303.

"(e) TESTBED AWARDS.—(1) In selecting applicants to receive awards under subsection (c)(2) of this section, the Secretary shall give particular consideration to applicants that have existing computer expertise in the management of business, product, and process information such as digital data product and process technologies and customer-supplier information systems, and the ability to diffuse such expertise into industry, and that, in the case of joint research and development ventures, include both suppliers and users of advanced manufacturing equipment.

"(2) An industry-led joint research and development venture applying for an award under subsection (c)(2) of this section may include one or more State research organizations, universities, independent research organizations, or Regional Centers for the Transfer of Manufacturing Technology (as created under section 25 of the National Institute of Standards and Technology Act).

"(f) ADVICE AND ASSISTANCE.—(1) Within 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary shall hold one or more workshops to solicit advice from United States industry and from other Federal agencies, particularly the Department of Defense, regarding the specific missions and activities of the testbeds.

"(2) The Secretary shall, to the greatest extent possible, coordinate activities under this section with activities of other Federal agencies and initiatives relating to Computer-Aided Acquisition and Logistics Support, electronic data interchange, flexible computer-integrated manufacturing, and enterprise integration.

"(3) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal agencies in order to carry out responsibilities under this section.

"(g) APPLICATION OF ANTITRUST LAWS.—Nothing in this section shall be construed to create any immunity to any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

"SEC. 302. DEPLOYMENT OF ADVANCED AND MODERN MANUFACTURING TECHNOLOGIES AND PRACTICES.

"(a) IN GENERAL.—The Secretary, through the Under Secretary and the Director, shall work with representatives of State and local governments, manufacturing extension programs, private industry, worker organizations, and academia to encourage and support the use of both advanced manufacturing technologies, including those developed by the Advanced Manufacturing Program, and current best available modern manufacturing technologies and practices to large, medium-sized, and small manufacturing firms throughout the United States.

"(b) MECHANISMS.—The Secretary, through the Under Secretary and the Director, shall carry out this responsibility through—

"(1) the National Manufacturing Outreach Network established under section 303;

"(2) the Manufacturing Technology Centers, Local Manufacturing Offices, and State Technology Extension Program supported under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k-1);

"(3) a National Quality Laboratory, which is hereby established within the Institute, the purpose of which is to assist private sector quality efforts and to serve as a mechanism by which United States companies and the Institute can work together to advance quality management programs and to share and, as appropriate, develop manufacturing best practices;

"(4) appropriate activities of the Technology Administration's Office of Technology Policy; and

"(5) such other means as may be appropriate or otherwise authorized by law.

"SEC. 303. NATIONAL MANUFACTURING OUTREACH NETWORK.

"(a) ESTABLISHMENT AND PURPOSE OF NETWORK.—There is hereby established a National Manufacturing Outreach Network (in this section referred to as the 'Network'). The Network shall organizationally and electronically link centers and other organizations throughout the United States that are engaged in manufacturing or technology extension and outreach activities. The Secretary, acting through the Under Secretary and the Director, shall implement and coordinate the Network in accordance with an initial plan to be prepared and submitted to Congress within 6 months after the date of enactment of this title and a 5-year plan to be submitted to the Congress within a year after the date of enactment of this title and to be updated annually. The purpose of the Network is to assist United States manufacturers, especially small and medium-sized firms, to expand and accelerate the use of modern manufacturing practices, and to accelerate the development and use of advanced manufacturing technology.

"(b) MANUFACTURING OUTREACH CENTERS.—United States Government and private sector organizations, actively engaged in technology or manufacturing extension activities, are eligible for participation in this program as Management Outreach Centers. Participants may include Federal, State, and local government agencies, their extension programs, and their laboratories; centers and local manufacturing offices established under section 25 of the National Institute of Standards and Technology Act; small business development centers; and appropriate programs run by professional societies, worker organizations, industrial organizations, for-profit or nonprofit organizations, universities, community colleges, and technical schools and colleges. The Secretary shall establish terms and conditions of participation and may provide financial assistance, on a cost-shared basis and through competitive, merit-based review processes, to nonprofit or government participants throughout the United States to enable them to—

"(1) join the Network and disseminate its information services to United States manufacturing firms, particularly small and medium-sized firms; and

"(2) strengthen their efforts to help small and medium-sized United States manufacturers to expand and accelerate the use of modern and advanced manufacturing practices.

"(c) COMMUNICATIONS INFRASTRUCTURE.—The Department of Commerce shall provide for an instantaneous, interactive communications infrastructure for the Network to facilitate interaction among Manufacturing Outreach Centers and Federal agencies and to permit the collection and dissemination in electronic form, in a timely and accurate manner, of information described in subsection (d). Such communications infrastructure shall, wherever practicable, make use of existing computer networks. Communications infrastructure arrangements, including user fees and appropriate electronic access for information suppliers and users shall be addressed in the 5-year plan prepared under subsection (f)(2).

"(d) CLEARINGHOUSE.—(1) The Secretary shall develop a clearinghouse system, using the National Technical Information Service and private sector information providers and carriers where appropriate, to—

"(A) identify expertise and acquire information, appropriate to the purpose of the Network stated in subsection (a), from all available Federal sources, providing assistance where necessary in making such information electronically available and compatible with the Network;

"(B) ensure ready access by United States manufacturers and other interested private sector parties to the most recent relevant available such information and expertise; and

"(C) to the extent practicable, inform such manufacturers of the availability of such information.

"(2) The clearinghouse shall include information available electronically on—

"(A) activities of Manufacturing Outreach Centers and the users of the Network;

"(B) domestic and international standards from the Institute and private sector organizations and other export promotion information, including conformity assessment requirements and procedures;

"(C) the Malcolm Baldrige Quality program, and quality principles and standards;

"(D) federally funded technology development and transfer programs;

"(E) responsibilities assigned to the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation under section 102 of this Act;

"(F) how to access data bases and services; and

"(G) other subjects relevant to the ability of companies to manufacture and sell competitive products throughout the world.

"(e) PRINCIPLES.—In carrying out this section, the Department of Commerce shall take into consideration the following principles:

"(1) The Network shall be established and operated through cooperation and co-funding among Federal, State, and local governments, other public and private contributors, and end users.

"(2) The Network shall utilize and leverage, to the extent practicable, existing organizations, data bases, electronic networks, facilities, and capabilities.

"(3) The Network, and the communications infrastructure provided for under subsection (c), shall be subject to all applicable provisions of law for the protection of trade secrets and business confidential information.

"(4) Local or regional needs should determine the management structure and staffing of the Manufacturing Outreach Centers. The Network shall strive for geographical balance with the ultimate goal of access for all United States small- and medium-sized manufacturers.

"(5) Manufacturing Outreach Centers should have the capability to deliver outreach services directly to manufacturers, actively work with, rather than supplant, the private sector, and to the extent practicable, maximize the exposure of manufacturers to demonstrations of modern technologies in use.

"(6) Manufacturing Outreach Centers shall focus, where possible, on the development and deployment of flexible manufacturing practices applicable to both defense and commercial applications.

"(7) The Department of Commerce shall develop mechanisms for—

"(A) soliciting the perspectives of manufacturers using the services of the Manufacturing Outreach Centers; and

"(B) evaluating the effectiveness of the Manufacturing Outreach Centers.

"(f) PLAN AND REPORTS.—(1) Within 6 months after the date of enactment of this title, the Secretary, after consultation with the Under Secretary, the Director, the Commerce Technology Advisory Board, and a cross-section of potential participants, shall submit a report to Congress—

"(A) describing how the Technology Administration will carry out its responsibility to create, operate, and support the Network, including interactive linkage of Manufacturing Outreach Centers to the programs of the Technology Administration and other appropriate Federal agencies;

"(B) identifying the Federal, State, local, and other appropriate organizations which the Secretary believes should be eligible to join the Network as Manufacturing Outreach Centers and those organizations eligible to apply for Department of Commerce support to connect to the Network and receive and disseminate its services;

"(C) establishing criteria and procedures for the selection of organizations to receive Department of Commerce services and financial assistance as part of the Network program; and

"(D) evaluating the need for and the benefits of a National Conference of States on Industrial Extension, similar in structure to the National Conference on Weights and Measures, and, if the Secretary determines that such a Conference is advisable, developing, in consultation with the States and other interested parties, a plan for the establishment, operation, funding, and evaluation of such a Conference.

"(2) Within 1 year after the date of enactment of this title, the Secretary, in consultation with the Under Secretary, the Director, and the Commerce Technology Advisory Board, shall prepare and submit to the Congress a 5-year plan for implementing and expanding the Network. Such plan shall identify appropriate methods for expanding the Network in a geographically balanced manner, including a merit-based process for the selection of additional Manufacturing Outreach Centers. In selecting Manufacturing Outreach Centers, and in awarding financial assistance to such Centers, the Under Secretary shall ensure that manufacturers using the Network are consulted as to the past performance of applicants. Such 5-year plan shall include a detailed implementation plan and cost estimates and shall take into consideration and build on the report submitted under paragraph (1).

"(3) Beginning with first year after submission of the 5-year plan under paragraph (2), the Secretary shall annually report to the Congress, at the time of the President's annual budget request to Congress, on—

"(A) progress made in carrying out this section during the preceding fiscal year;

"(B) changes proposed to the 5-year plan;

"(C) performance in adhering to schedules; and

"(D) any recommendations for legislative changes necessary to enhance the Network.

The report under this paragraph submitted at the end of the fourth year of operation of the Network shall include recommendations on whether to terminate the Network or extend it for a specified period of time.

"SEC. 304. ROLE OF THE SECRETARY AND OTHER EXECUTIVE AGENCIES.

"(a) SECRETARY.—The Secretary, acting as appropriate through the Under Secretary and the Director, shall—

"(1) consult with other Federal agencies, including the Department of Defense and the Department of Energy, to ensure consistent and, where possible, coordinated efforts to promote the development and adoption of modern and advanced manufacturing technologies;

"(2) assist the Office of Science and Technology Policy in its efforts to coordinate the manufacturing technology activities of the various Federal agencies; and

"(3) in carrying out the programs and other responsibilities set forth in this title, consult with representatives of industry, labor, and academia on ways to enhance manufacturing capabilities, including close consultation with the Commerce Technology Advisory Board.

The Secretary shall annually report to Congress on actions taken under this subsection.

"(b) FEDERAL AGENCIES.—To the extent permitted by other law, other Federal agencies shall assist the Secretary in carrying out this title.

"SEC. 305. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

"(a) PROGRAM AUTHORIZED.—The Secretary, in consultation with the Secretary of Education and the Secretary of Labor, may make grants to eligible applicants having applications approved under this section to establish and operate American workforce quality partnership programs in accordance with the provisions of this section. The Secretary shall award grants on a competitive basis to pay the Federal share for American workforce quality partnership programs to establish workforce training consortia between industry and institutions of higher education.

"(b) GRANT PERIOD.—Grants awarded under this section may be for a period of 5 years.

"(c) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate an American workforce quality partnership program.

"(d) CONTENTS OF PROGRAM.—An American workforce quality partnership program shall establish partnerships between—

"(1) one or more technology-based or manufacturing sector firms, in conjunction with a labor organization where available or worker representative group or employee representatives; and

"(2) a local community or technical college or other appropriate institutions of higher education, or a vocational training institution or consortium of such education institutions, to train the employees of the industrial partners through both workplace-based and classroom-based programs of training.

"(e) FEDERAL SHARE.—The Federal share of the cost of an American workforce quality partnership program may not exceed 50 percent of the total cost of the program. The non-Federal share of such costs may be provided in-cash or in-kind, fairly valued. The total contribution of the proposed partnership should reflect a substantial contribution on the part of the industrial partners and appropriate contributions of the education partners, local or State governments, and other appropriate entities.

"(f) APPLICATIONS.—

"(1) IN GENERAL.—Each eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) PLAN.—Each application submitted under this subsection shall contain a plan for the development and implementation of an American workforce quality partnership program under this section. Such plan shall—

"(A) show a demonstrated commitment, on the part of the industrial partners, to adopt total quality management strategies or other plausible strategies to renew its competitive edge;

"(B) demonstrate the need for Federal resources because of the long-term nature and risk of such an investment, the inability to finance such ventures because of the high cost of capitalization, intense competition from foreign industries, or such other appropriate reasons as may limit the industrial partners' ability to launch programs where worker training and development is a substantial component;

"(C) demonstrate long-term benefit for all partners and the local economy, through an enhanced competitive position of the industrial partners, substantial benefits for regional employment, and the ability of the education partners to further their capabilities to educate and train other nonpartnership-affiliated individuals wishing to obtain or upgrade technical, technological, industrial management and leadership, or other industrial skills;

"(D) make full, appropriate, and innovative use of industrial and higher education resources and other local resources such as facilities, equipment, personnel exchanges, experts, or consultants;

"(E) provide for the establishment of an advisory board in accordance with subsection (h);

"(F) include an explanation of the industrial partners' plans to adopt new competitive strategies and how the training partnership aids that effort; and

"(G) include assurances that the eligible entity will maintain its aggregate expenditures from all other sources for employee training at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of the National Competitiveness Act of 1992.

"(3) APPROVAL.—The Secretary shall approve applications based on their potential to create an effective American workforce quality partnership program in accordance with this section.

"(A) CRITERIA.—In reviewing grant applications, the Secretary shall give significant consideration to the following criteria:

"(i) Saliency of argument for requiring a Federal investment.

"(ii) Commitment of partnership to continue operation after the termination of Federal funding.

"(iii) The likelihood that the training will lead to long-term competitiveness of the industrial partners and contribute significantly to economic growth.

"(iv) The likelihood that the partnership will benefit the education mission of the education partners in ways outside of the scope of the partnership, such as developing the capability to train other nonpartnership-affiliated individuals in similar skills.

"(B) Priority Consideration.—The Secretary shall give priority consideration to industries which are threatened by intense foreign competition important to the long-term national economic or military security of the United States and industries which are critical in enabling other United States industries to maintain a healthy competitive position. In addition, the Secretary shall give priority to applicants in areas of high poverty and unemployment.

"(g) Use of Funds.—

"(1) Approved uses.—Federal funds may be used for—

"(A) the direct costs of workplace-based and classroom-based training in advanced technical, technological, and industrial management, skills, and training for the implementation of total quality management strategies, or other competitiveness strategies, contained in the plan;

"(B) the purchase or lease of equipment or other materials for the purpose of instruction to aid in training;

"(C) the development of in-house curricula or coursework or other training-related programs, including the training of teachers and other eligible participants to utilize such curricula or coursework; and

"(D) reasonable administrative expenses and other indirect costs of operating the partnership which may not exceed 10 percent of the total cost of the program.

"(2) Limitations.—Federal funds may not be used for nontraining related costs of adopting new competitive strategies including the replacement of manufacturing equipment, product redesign and manufacturing facility construction costs, or salary compensation of the partners' employees. Grants shall not be made under this section for programs that will impair any existing program, contract, or agreement without the written concurrence of the parties to such program, contract, or agreement.

"(h) Advisory Board.—

"(1) Each partnership shall establish an advisory board which shall include equal representation from each of the following categories:

"(A) Multiple organizational levels of the industrial partners.

"(B) The education partners.

"(C) Labor organization representatives where available, worker representative groups, or employee representatives.

"(2) The advisory board shall—

"(A) advise the partnership on the general direction and policy of the partnership including training, instruction, and other related issues;

"(B) report to the Secretary after the second and fourth year of the program, on the progress and status of the partnership, including its strengths, weaknesses, and new directions, the number of individuals served, types of services provided, and an outline of how the program can be integrated into the existing training infrastructure in place in other Federal agencies and departments; and

"(C) assist in the revision of the plans (submitted with the application under subsection (f)(2)(F)) and include revised plans as necessary in the reports under subparagraph (B).".

SEC. 206. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) Definitions.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraphs:

"(14) 'Director' means the Director of the National Institute of Standards and Technology.

"(15) 'Institute' means the National Institute of Standards and Technology.

"(16) 'Assistant Secretary' means the Assistant Secretary of Commerce for Technology Policy.

"(17) 'Advanced manufacturing technology' includes—

"(A) numerically-controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve manufacturing quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(18) 'Modern technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers.".

(b) Redesignations.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) by inserting immediately after section 4 the following new title heading:

"TITLE I—DEPARTMENT OF COMMERCE AND RELATED PROGRAMS";

(2) by redesignating sections 5 through 10 as sections 101 through 106, respectively;

(3) by striking section 21;

(4) by redesignating sections 16 through 20, and 22, as sections 107 through 112, respectively;

(5) by inserting immediately after section 112 (as redesignated by paragraph (4) of this subsection) the following new title heading:

"TITLE II—FEDERAL TECHNOLOGY TRANSFER";

(6) by redesignating sections 11 through 15 as sections 201 through 205, respectively;

(7) by redesignating section 23 as section 206;

(8) in section 4—

(A) by striking "section 5" each place it appears and inserting in lieu thereof "section 101";

(B) in paragraphs (4) and (6), by striking "section 6" and "section 8" each place they appear and inserting in lieu thereof "section 102" and "section 104", respectively; and

(C) in paragraph (13), by striking "section 6" and inserting in lieu thereof "section 102";

(9) in section 105 (as redesignated by paragraph (2) of this subsection) by striking "section 6" each place it appears and inserting in lieu thereof "section 102";

(10) in section 106(d) (as redesignated by paragraph (2) of this subsection) by striking "7, 9, 11, 15, 17, or 20" and inserting in lieu thereof "103, 105, 108, 111, 201, or 205";

(11) in section 202(b) (as redesignated by paragraph (6) of this subsection) by striking "section 14" and inserting in lieu thereof "section 204";

(12) in section 204(a)(1) (as redesignated by paragraph (6) of this subsection) by striking "section 12" and inserting in lieu thereof "section 202";

(13) in section 112 (as redesignated by paragraph (4) of this subsection) by striking "sections 11, 12, and 13" and inserting in lieu thereof "sections 201, 202, and 203";

(14) in section 206 (as redesignated by paragraph (7) of this subsection)—

(A) by striking "section 11(b)" in subsection (a)(2) and inserting in lieu thereof "section 201(b)"; and

(B) by striking "section 6(d)" in subsection (b) and inserting in lieu thereof "section 102(d)"; and

(15) by adding at the end of section 201 (as redesignated by paragraph (6) of this subsection) the following new subsection:

"(j) Additional Technology Transfer Mechanisms.—In addition to the technology transfer mechanisms set forth in this section and section 202 of this Act, the heads of Federal departments and agencies also may transfer technologies through the technology transfer, extension, and deployment programs of the Department of Commerce and the Department of Defense.".

SEC. 207. MANUFACTURING TECHNOLOGY CENTERS.

(a) Manufacturing Technology Centers.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), is amended—

(1) by amending the section heading to read as follows: "MANUFACTURING TECHNOLOGY CENTERS";

(2) in subsection (c)(5), by striking "which are designed" and all that follows through "operation of a Center" and inserting in lieu thereof "to a maximum of one-third Federal funding. Each center which receives financial assistance under this section shall be evaluated during its sixth year of operation, and at such subsequent times as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the evaluation is positive and the Secretary finds that continuation of funding furthers the goals of the Department. Such additional Federal funding shall not exceed one-third of the cost of the Center's operations";

(3) by striking subsection (d); and

(4) by adding at the end the following new subsections:

"(d) If a Center receives a positive evaluation during its third year of operation, the Director may, any time after that evaluation, contract with the Center to provide additional technology extension or transfer services above and beyond the baseline activities of the Center. Such additional services may include, but are not necessarily limited to, the development and operation of the following:

"(1) Programs to assist small and medium-sized manufacturers and their employees in the Center's region to learn and apply the technologies, techniques, and processes associated with systems management technology, electric commerce, or improving manufacturing productivity.

"(2) Programs focused on the testing, development, and application of manufacturing and process technologies within specific technical fields such as advanced materials or electronics fabrication for the purpose of assisting United States companies, both large and small and both within the Center's original service region and in other regions, to improve manufacturing, product design, workforce training, and production in those specific technical fields.

"(3) Industry-lead demonstration programs that explore the value of innovative nonprofit manufacturing technology consortia to provide ongoing research, technology transfer, and worker training assistance for industrial members. An award under this paragraph shall be for no more than $500,000 per year, and shall be subject to renewal after a 1-year demonstration period.

"(e) In addition to any assistance provided or contracts entered into with a Center under this section, the Director is authorized to make separate and smaller awards, through a competitive process, to nonprofit organizations which wish to work with a Center. Such awards shall be for the purpose of enabling those organizations to provide supplemental outreach services, in collaboration with the Center, to small and medium-sized manufacturers located in parts of the region served by the Center which are not easily accessible to the Center and which are not served by any other manufacturing outreach center. Organizations which receive such awards shall be known as Local Manufacturing Offices. In reviewing applications, the Director shall consider the needs of rural as well as urban manufacturers. No single award for a Local Manufacturing Office shall be for more than three years, awards shall be renewable through the competitive awards process, and no award shall be made unless the applicant provides matching funds at least equal to the amount received under this section.

"(f) In carrying out this section, the Director shall coordinate his efforts with the plans for the National Manufacturing Outreach Network established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980.".

(b) STATE TECHNOLOGY EXTENSION PROGRAM.—(1) Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)), is amended—

(A) by inserting immediately after "(a)" the following new sentence: "There is established within the Institute a State Technology Extension Program."; and

(B) by inserting "through that Program" immediately after "technical assistance".

(2) Section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l) is amended by adding at the end the following new subsection:

"(c) In addition to the general authorities listed in subsection (b) of this section, the State Technology Extension Program also shall, through merit-based competitive review processes and as authorizations and appropriations permit—

"(1) make awards to States and conduct workshops, pursuant to section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, in order to help States improve their planning and coordination of technology extension activities;

"(2) support industrial modernization demonstration projects to help States create networks among small manufacturers for the purpose of facilitating technical assistance, group services, and improved productivity and competitiveness;

"(3) support State efforts to develop and test innovative ways to help small and medium-sized manufacturers improve their technical capabilities;

"(4) support State efforts designed to help small manufacturers in rural as well as urban areas improve and modernize their technical capabilities, including, as appropriate, interstate efforts to achieve such end;

"(5) support State efforts to assist interested small defense manufacturing firms to convert their production to nondefense or dual-use purposes;

"(6) support worker technology education programs in the States at institutions such as universities, community colleges, labor education centers, labor-management committees, and worker organizations in production technologies critical to the Nation's future, with an emphasis on high-performance work systems, the skills necessary to use advanced manufacturing systems well, and best production practice; and

"(7) help States develop programs to train personnel who in turn can provide technical skills to managers and workers of manufacturing firms.".

SEC. 208. NATIONAL SCIENCE FOUNDATION MANUFACTURING ACTIVITIES.

(a) IN GENERAL.—The Director of the National Science Foundation, after, as appropriate, consultation with the Secretary, the Under Secretary, and the Director, shall—

(1) work with United States industry to identify areas of research in manufacturing technologies and practices that offer the potential to improve United States productivity, competitiveness, and employment;

(2) support research at United States universities to improve manufacturing technologies and practices; and

(3) work with the Technology Administration and the Institute and, as appropriate, other Federal agencies to accelerate the transfer to United States industry of manufacturing research and innovations developed at universities.

(b) ENGINEERING RESEARCH CENTERS AND INDUSTRY/UNIVERSITY COOPERATIVE RESEARCH CENTERS.—The Director of the National Science Foundation shall strengthen and expand the number of Engineering Research Centers and strengthen and expand the Industry/University Cooperative Research Centers Program with the goals of increasing the engineering talent base versed in technologies critical to the Nation's future, with emphasis on advanced manufacturing, and of advancing fundamental engineering knowledge in these technologies. At least one Engineering Research Center shall have a research and education focus on the concerns of traditional manufacturers, including small and medium-sized firms that are trying to modernize their operations. Awards under this subsection shall be made on a competitive, merit review basis.

(c) GRADUATE TRAINEESHIPS.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide traineeships to graduate students at institutions of higher education within the United States who choose to pursue masters or doctoral degrees in manufacturing engineering.

(d) MANUFACTURING MANAGERS IN THE CLASSROOM PROGRAM.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide fellowships, on a cost-shared basis, to individuals from industry with experience in manufacturing to serve for 1 or 2 years as instructors in manufacturing at 2-year community and technical colleges in the United States. In selecting fellows, the Director of the National Science Foundation shall place special emphasis on supporting individuals who not only have expertise and practicable experience in manufacturing but who also will work to foster cooperation between 2-year colleges and nearby manufacturing firms.

(e) PROGRAMS TO TEACH TOTAL QUALITY MANAGEMENT.—The Director of the National Science Foundation, in consultation with the Secretary, the Under Secretary, and the Director, may establish a program to develop innovative curricula, courses, and materials for use by institutions of higher education for instruction in total quality management and related management practices, in order to help improve the productivity of United States industry.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Miscellaneous

SEC. 301. FINDINGS.

The Congress finds that—

(1) the rapid, effective use of a range of advanced technologies in the design and production of products has been a key factor in the success of foreign-based companies;

(2) our competitor nations in the global marketplace have been very successful in targeting critical emerging technologies, such as computers and advanced electronics, advanced materials applications, and biotechnology;

(3) investments in the development of civilian technology have tremendous long-term economic and employment potential;

(4) our most successful competitor nations in the global marketplace have created supportive structures and programs within their national governments to help their domestic industries increase their global market shares;

(5) agriculture and aerospace are two examples of industries that have achieved commercial success with strong support from the United States Government; and

(6) there is a need to strengthen the United States commitment to bridging the gap between research and development and the application of technology.

SEC. 302. STUDY OF SEMICONDUCTOR LITHOGRAPHY TECHNOLOGIES.

Within 9 months after the date of enactment of this Act, the Under Secretary shall, after consultation with the private sector and appropriate officials from other Federal agencies, submit to Congress a report on advanced lithography technologies for the production of semiconductor devices. The report shall include the Under Secretary's evaluation of the likely technical and economic advantages and disadvantages of each such technology, an analysis of current private and Government research to develop each such technology, and any recommendations the Under Secretary may have regarding future Federal support for research and development in advanced lithography.

Subtitle B—Advanced Technology Program

SEC. 321. DEVELOPMENT OF PROGRAM PLAN.

The Secretary, acting through the Under Secretary and the Director, shall, within 6 months after the date of enactment of this Act, submit to the Congress a plan for the expansion of the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), with specific consideration given to—

(1) closer coordination and cooperation with the Defense Advanced Research Projects Agency and other Federal research and development agencies as appropriate;

(2) establishment of staff positions that can be filled by industrial or technical experts for a period of one to two years;

(3) broadening of the scope of the program to include as many critical technologies as is appropriate;

(4) changes that may be needed when annual funds available for grants under the Program reach levels of $200,000,000 and $500,000,000; and

(5) administrative steps necessary for Program support of large-scale industry-led con-

sortia similar to, or possibility eventually including, the Semiconductor Manufacturing Technology Institute.

SEC. 322. TECHNICAL AMENDMENTS.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) in subsection (b)(1)(B)(ii), by striking "provision of a minority share of the cost of such joint ventures for up to 5 years" and inserting in lieu thereof "the option of provision of either—

"(I) a minority share of the cost of such joint ventures for up to 5 years; or

"(II) only direct costs, and not indirect costs, profits, or management fees, for up to 5 years"; and

(2) by adding at the end the following new subsection:

"(k) Notwithstanding subsections (b)(1)(B)(ii) and (d)(3), the Director may grant an extension of not to exceed 6 months beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government.".

Subtitle C—Technology Development Loans

SEC. 331. TECHNOLOGY DEVELOPMENT LOANS.

(a) AUTHORITY TO MAKE LOANS.—The Secretary may make loans—

(1) acting through the Under Secretary, to small and medium sized businesses eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), to the extent provided in section 504(b) of the Congressional Budget Act of 1974; or

(2) acting through critical technologies development companies licensed under section 351 of this title, to small and medium sized businesses eligible for assistance under subtitle D of this title, to the extent provided in section 355 of this title.

(b) PURPOSE.—Loans under this section shall be for sound financing of small and medium-sized businesses engaged in research, development, demonstration, or exploitation of advanced technologies and products, including those in fields such as automation, electronics, advanced materials, biotechnology, and optical technologies.

(c) INTEREST RATE, TERMS, AND CONDITIONS.—Loans under this section shall be made at an interest rate equal to the Government borrowing rate plus an insurance surcharge of up to 2 percent, and shall have other terms and conditions consistent with section 355(b) of this title.

Subtitle D—Critical Technologies Development

PART I—GENERAL PROVISIONS

SEC. 341. SHORT TITLE.

This subtitle may be cited as the "Critical Technologies Development Act of 1992".

SEC. 342. DEFINITIONS.

For purposes of this subtitle—

(1) the term "advanced technologies" means technologies eligible for assistance under the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(2) the term "articles" means articles of incorporation for an incorporated body, and the functional equivalent, or other similar documents specified by the Under Secretary, for other business entities;

(3) the term "critical technologies" means technologies identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(4) the term "Department" means the Department of Commerce;

(5) the term "executive agency" has the meaning given such term in section 105 of title 5, United States Code;

(6) the term "license" means a license issued by the Under Secretary under section 351;

(7) the term "licensee" means a critical technologies development company licensed under section 351;

(8) the term "preferred securities" means preferred stock or a preferred limited partnership interest or other similar security, as defined by the Under Secretary by regulation;

(9) the term "private equity capital" means the paid-in capital and paid-in surplus, on hand or legally committed to be provided, of a licensee organized as a corporation, or the partnership capital, on hand or legally committed to be provided, of a licensee organized as an unincorporated partnership, but does not include any funds—

(A) borrowed by the licensee from any source;

(B) obtained from the sale of preferred securities; or

(C) derived directly or indirectly from any Federal source;

(10) the term "qualified business concern" means an incorporated or unincorporated enterprise, organized under the laws of a State, if—

(A)(i) the business of such enterprise includes the pursuit of commercial applications described in section 9(e)(4)(C) of the Small Business Act (15 U.S.C. 638(e)(4)(C));

(ii) the principal business of such enterprise is the development or exploitation of a critical technology; or

(iii) such enterprise is eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) such enterprise is principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available (within the meaning of section 851(e)(1) of the Internal Revenue Code of 1986);

(11) the term "State" means several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(12) the term "university sponsored licensee" means a critical technologies development company licensed under section 351 in which a single university or consortium of universities have at least a 25 percent investment interest in the private equity capital of such licensee; and

(13) the term "venture capital" means consideration for such common stock, preferred stock, or other financing with subordination or nonamortization characteristics, issued by a qualified business concern, as the Under Secretary determines to be substantially similar to equity financing, including subordinated debt with equity features which provides for interest payments contingent upon and limited to the extent of earnings.

SEC. 343. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—In order to stimulate and facilitate the formation and growth of privately managed technology investment firms, for the purpose of encouraging and enhancing the ability of such firms to make available long-term, patient capital needed for the formation, development, and growth of United States business concerns that are engaged principally in the development or utilization of critical and other advanced technologies, and thereby to contribute to United States economic competitiveness, employment, and prosperity, there is established within the Technology Administration of the Department of Commerce a Critical Technologies Development Program. The Secretary, through the Under Secretary and under the provisions of this subtitle, shall, through such Program, provide for the selection, licensing, and financial and technical support of technology investment firms which in turn shall provide financial, management, and technical assistance to qualified business concerns.

(b) RESPONSIBILITIES.—(1) The Secretary, acting through the Under Secretary, and subject to the availability of appropriations, shall be responsible for carrying out this subtitle, and in doing so shall—

(A) consult with and, to the extent permitted by law, utilize the capabilities of other executive agencies, as appropriate, to ensure the efficient and effective implementation of this subtitle;

(B) explore, with other executive agencies, ways to avoid duplication of effort by consolidating the administration of the program established by this subtitle with any other similar Federal program, and as part of such consolidation may delegate administrative functions, as necessary and appropriate, to another executive agency; and

(C) consult with the Secretary of Energy on all policy matters related to the Critical Technologies Development Program that deal with development or utilization of energy technologies.

(2) To the extent permitted by law, other executive agencies shall assist the Under Secretary in carrying out this subtitle.

SEC. 344. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Under Secretary shall establish an independent advisory committee to advise the Under Secretary on matters related to policy, planning, operation, and performance of the critical technologies development program under this subtitle.

(b) MEMBERS.—The advisory committee shall be composed of at least 7 but not more than 13 members representing industry, small business, academia, and the financial community.

(c) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

PART II—PROGRAM STRUCTURE AND OPERATION

SEC. 351. ORGANIZATION AND LICENSING.

(a) IN GENERAL.—A licensee shall be an incorporated body or a limited partnership organized and chartered or otherwise existing under State law solely for the purpose of performing the functions and conducting the activities contemplated under this subtitle, which, if incorporated, has succession for a period of not less than 30 years unless sooner dissolved by its shareholders, and if a limited partnership, has succession for a period of not less than 10 years, and possesses the powers reasonably necessary to perform such functions and conduct such activities.

(b) ARTICLES.—The articles of any licensee shall specify in general terms the objects for which the licensee is formed, the name assumed by such licensee, the area or areas in which its operations are to be carried on, the place where its principal office is to be located, and the amount and classes of its shares of capital stock. Such articles may contain any other provisions not inconsistent with this subtitle that the licensee may see fit to adopt for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto adopted from time to time shall be subject to the approval of the Under Secretary.

(c) APPROVAL OF ARTICLES; LICENSING.—The articles and amendments thereto shall be forwarded to the Under Secretary for consideration and approval or disapproval. In determining whether to approve a prospective licensee's articles and permit it to operate under the provisions of this subtitle, the Under Secretary shall give due regard, among other things, to the general business reputation, character, suitability, and demonstrated ability in the growth of qualified business concerns, of the proposed owners and management of the critical technologies development company, and the likelihood of successful operations of such company including adequate profitability and financial soundness. After consideration of all relevant factors, if the Under Secretary approves the company's articles and determines that the applicant satisfies the requirements of this subtitle, the Under Secretary may approve the company to operate under the provisions of this subtitle and issue the company a license for such operation.

SEC. 352. CAPITAL REQUIREMENTS.

(a) CAPITAL REQUIREMENTS AND MANAGEMENT.—(1) The private equity capital of a licensee shall be adequate to ensure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles. Such private equity capital shall not be less than $10,000,000, except that, in the case of a university sponsored licensee, such private equity capital shall not be less than $5,000,000. At the time of issuance of a license, not less than 75 percent of the private equity capital of the licensee shall be available or committed to be available for new investment in accordance with section 355.

(2) The management and operational control of a licensee shall be carried out by the private sector.

(3) Private and public pension funds may contribute to the private equity capital of a licensee without restriction as to the amount of such contribution.

(4) State and local government entities may contribute not more than 40 percent of the total private equity capital of a licensee.

(b) LIMITATION ON STOCK OWNERSHIP.—The aggregate amount of shares in any such licensee or licensees which may be owned or controlled by any stockholder, or by any group or class of stockholders, may be limited by the Under Secretary.

SEC. 353. FINANCING.

(a) AUTHORITY TO PURCHASE AND GUARANTEE PREFERRED SECURITIES.—To encourage and facilitate the formation and growth of a licensee, the Under Secretary may purchase nonvoting, nonparticipating preferred securities with mandatory redemption issued by a licensee, or guarantee the payment of 100 percent of the redemption price of and dividends on such preferred securities, to the extent provided in section 504(b) of the Federal Credit Reform Act of 1990. Such purchases and guarantees shall constitute direct loans and loan guarantees within the meaning of paragraphs (1) and (3) of section 502 of the Federal Credit Reform Act of 1990, respectively. A trust or pool acting on behalf of the Under Secretary may purchase preferred securities that are guaranteed under this subsection.

(b) TERMS AND CONDITIONS OF PREFERRED SECURITIES.—(1) Guarantees and purchases of preferred securities under this section may be made on such terms and conditions as the Under Secretary shall establish by regulation or set forth in contract to ensure compliance with this section and to minimize the risk of loss to the United States in the event of default. Preferred securities issued under this section shall be of such sound value as to reasonably ensure that the requirements of paragraphs (3) and (4) will be satisfied.

(2)(A) Except as provided in subparagraph (B), preferred securities issued under this section shall be senior in priority for all purposes to all non-Federal equity interests in a licensee unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(B) The equity interests of a university or consortium of universities in a licensee shall be equal in priority to Federal equity interests in such licensee for all purposes unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(3) Preferred securities issued under this section shall be redeemed by the issuer not later than 10 years after their date of issuance for an amount equal to 100 percent of the original issue price plus any accrued and unpaid dividends. Redemption of such preferred securities may be extended by mutual consent for no more than 5 years beyond such expiration date.

(4) Preferred securities issued under this section shall pay dividends at a rate determined by the Secretary of the Treasury at the time of issuance to equal the then current average market yield on outstanding marketable debt obligations of the United States with remaining periods to maturity comparable to the time to required redemption of such preferred securities, plus such additional charge, if any, toward covering expected defaults and reasonable administrative costs of carrying out this subtitle as the Under Secretary may determine to be reasonable and appropriate. Such additional charge shall not exceed 2 percent.

(5) Dividends on preferred securities issued under this section shall be cumulative and preferred and paid out of net realized earnings and returns of capital available for distribution, as defined by the Under Secretary by regulation.

(6) The payment of dividends on preferred securities issued under this section may be deferred by the issuer until such time as, and to the extent that, the issuer realizes earnings and returns of capital available for distribution. Accumulated and unpaid dividends on such preferred securities shall be paid by the issuer before or at the time of redemption of the preferred securities and before any distribution of net realized earnings and returns of capital of the issuer to its non-Federal equity investors, except as provided in subsection (e)(2)(B) and (C). With respect to preferred securities issued under this section to a party other than the Under Secretary, during the time of any deferral under this paragraph, the Under Secretary shall make, on behalf of the issuer, required dividend payments to the holder of the preferred securities, its agents or assigns, or the appropriate central registration agent, if any. The authority to make dividend payments provided in this paragraph shall be limited to the extent of amounts provided in advance in appropriations Acts for such purposes.

(7) For purposes of this subsection, the term "dividends" means dividends on preferred stock and returns on preferred limited partnership interests or other similar securities, as defined by the Under Secretary by regulation.

(c) LIMITATIONS AND RESTRICTIONS.—(1) Not less than 65 percent of the private equity capital of a licensee shall be invested or committed to be invested in qualified business concerns in accordance with its license, this subtitle, and regulations issued under this subtitle, before the Under Secretary may purchase or guarantee, or a trust or pool acting on behalf of the Under Secretary may purchase, preferred securities of the licensee under subsection (a).

(2) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, plus the total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a), issued and outstanding from a licensee shall not exceed 200 percent of the private equity capital of the licensee.

(3) The total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a) and outstanding from a licensee or a combination of licensees which are commonly controlled, as defined and determined by the Under Secretary, shall not exceed $100,000,000.

(4)(A) If preferred securities issued under this section are outstanding, then the issuing licensee shall be subject to the following restrictions:

(i) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, of a licensee issued and outstanding may not exceed 50 percent of the private equity capital of the licensee.

(ii) The annual management expenses of a licensee shall not exceed 2.5 percent of its invested assets plus .5 percent of its cash and cash equivalents, unless the Under Secretary approves a greater amount which the Under Secretary determines to be reasonable and appropriate.

(B) For purposes of this paragraph, the term "management expenses" includes expenses incurred in the normal course of operations, but shall not include the cost of legal, accounting, and consulting services provided by outside parties and by affiliates of the licensee which are not normal practice in making and monitoring investments consistent with the purposes of this subtitle.

(d) USE OF PROCEEDS BY LICENSEES.—(1) A licensee issuing preferred securities under this section shall invest or commit to invest an amount equal to the face value of such preferred securities that are outstanding in the venture capital of qualified business concerns in accordance with section 355.

(2) At least 50 percent of the amount of investments required under paragraph (1) shall be for early stage financing as necessary to prove concepts and develop—

(A) preprototypes or prototypes of products that constitute a critical or other advanced technology; or

(B) services that utilize, in a meaningful and substantial manner, a critical or other advanced technology.

The Under Secretary may alter the percentage requirement under this paragraph to the extent necessary, in the determination of the Under Secretary, to achieve and maintain prudent investment diversification.

(3) Proceeds to a licensee derived from preferred securities issued under this section may be used by the issuer to redeem any preferred securities issued under this section that have been outstanding at least 5 years, as provided in subsection (b)(3).

(4) Proceeds to a licensee derived from preferred securities issued under this section that have not been invested pursuant to paragraph (1) or used for redemptions pursuant to paragraph (3) and are not reasonably needed for the operations of the licensee shall be invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, or in certificates of deposit maturing within one year or less, issued by any institution the accounts of which are insured by the Federal Deposit Insurance Corporation.

(e) PROFIT DISTRIBUTION BY LICENSEES.—(1) Any distribution of net realized earnings and returns of capital made by a licensee that exceeds amounts required for the purposes stated in paragraph (2) shall be distributed pro rata to all investors entitled to such distributions. The United States shall receive no funds under this paragraph.

(2)(A) Except as provided in subparagraphs (B) and (C), any distribution of net realized earnings and returns of capital made by a licensee shall first be used to pay accumulated and unpaid dividends owed on outstanding preferred securities issued under this section and to satisfy the redemption requirements of subsection (b)(3).

(B) For purposes of subparagraph (A), the redemption requirements of subsection (b)(3) shall be considered to be satisfied if necessary and appropriate actions, as determined by the Under Secretary, have been undertaken by the licensee to ensure that such requirements will be satisfied.

(C) If a licensee is operating as a limited partnership or as a corporation described in subchapter S of chapter 1 of subtitle A of the Internal Revenue Code of 1986 or an equivalent pass-through entity for tax purposes, it may distribute to the partners or shareholders an amount equal to the estimated amount of Federal, State, and local income taxes due from such partners and shareholders on their share of undistributed taxable income for the current taxable year before payments described in subparagraph (A) are made.

(f) USE OF PAYMENTS TO THE UNITED STATES.—Amounts received by the United States from the payment of dividends and the redemption of preferred securities pursuant to this section, and fees paid to the United States by a licensee pursuant to this subtitle, shall be deposited in an account established by the Under Secretary and shall be available solely for carrying out this subtitle, to the extent provided in advance in appropriations Acts.

SEC. 354. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

(a) AUTHORITY TO ISSUE TRUST CERTIFICATES.—The Under Secretary is authorized to issue trust certificates representing ownership of all or a fractional part of preferred securities issued by licensees and guaranteed by the Under Secretary under this subtitle. Such trust certificates shall be based on and backed by a trust or pool approved by the Under Secretary and composed of preferred securities and such other contractual obligations as the Under Secretary may undertake to facilitate the sale of such trust certificates.

(b) GUARANTEE OF TRUST CERTIFICATES.—The Under Secretary is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Under Secretary or his agent for purposes of this section. Such guarantee shall be limited to the extent of the redemption price of and dividends on the preferred securities, plus any related contractual obligations, which compose the trust or pool.

(c) PREPAYMENTS AND REDEMPTIONS.—In the event that preferred securities or contractual obligations in such trust or pool are redeemed or extinguished, either voluntarily or involuntarily, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of redemption price and dividends such redeemed preferred security or extinguished contractual obligation represents in the trust or pool. Dividends or partnership profit distributions on such preferred securities and related contractual obligations, shall accrue and be guaranteed by the Under Secretary only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption, whether voluntary or involuntary, of all preferred securities residing in the pool.

(d) FEES.—Except as provided in subsection (f)(2), the Under Secretary shall not collect a fee for a guarantee under this section.

(e) PAYMENT OF CLAIMS.—(1) In the event the Under Secretary pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

(2) No State or local law, and no Federal law, shall preclude or limit the exercise by the Under Secretary of ownership rights in the preferred securities residing in a trust or pool against which trust certificates are issued.

(f) REGISTRATION AND INTERMEDIARY OPERATIONS.—(1) The Under Secretary shall provide for a central registration of all trust certificates sold pursuant to this section. Such central registration shall include with respect to each sale, identification of each licensee, the interest rate or dividend rate paid by the licensee, commissions, fees, or discounts paid to brokers and dealers in trust certificates, identification of each purchaser of the trust certificate, the price paid by the purchaser for the trust certificate, the interest rate paid on the trust certificate, the fees of any agent for carrying out the functions described in paragraph (2), and such other information as the Under Secretary deems appropriate.

(2) The Under Secretary shall contract with an agent or agents to carry out on behalf of the Under Secretary the pooling and the central registration functions of this section including, notwithstanding any other provision of law, maintenance on behalf of and under the direction of the Under Secretary, such commercial bank accounts as may be necessary to facilitate trusts or pools backed by securities guaranteed or purchased under this subtitle, and the issuance of trust certificates to facilitate such poolings. Such agent or agents shall provide a fidelity bond or insurance in such amounts as the Under Secretary determines to be necessary to fully protect the interests of the Federal Government.

(3) Prior to any sale, the Under Secretary shall require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on the terms, conditions, and yield of such instrument.

SEC. 355. CAPITAL FOR QUALIFIED BUSINESS CONCERNS.

(a) PROVISION OF VENTURE CAPITAL.—Each licensee may provide venture capital to qualified business concerns, in such manner and under such terms as the licensee may fix in accordance with the regulations of the Under Secretary. Venture capital provided to incorporated qualified business concerns under this subsection may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis.

(b) LOAN AUTHORITY.—Each licensee may make loans, directly or in cooperation with other lenders, incorporated or unincorporated, through agreements to participate on an immediate or deferred basis, to qualified business concerns to provide such concerns with funds needed for sound financing related to development or utilization of critical or other advanced technologies, subject to the following conditions:

(1) The maximum rate of interest for the licensee's share of any loan made under this subsection shall be determined by the Under Secretary.

(2) Any loan made under this subsection shall have a maturity not exceeding 10 years.

(3) Any loan made under this subsection shall be of such sound value, or so secured, as to reasonably ensure repayment.

(4) Any licensee which has made a loan under this subsection may extend the maturity of or renew such loan for additional periods, not exceeding 5 years, if the licensee finds that such extension or renewal will aid in the orderly liquidation of such loan.

(c) STATE USURY LAWS.—Any provision of the constitution or laws of a State which expressly limits the rate or the amount of interest or other charges related to a loan that may be charged or received by a licensee shall not apply to a loan made under subsection (b).

SEC. 356. LIMITATION ON AMOUNT OF ASSISTANCE.

If a licensee has issued preferred securities under section 353(a) and such securities are outstanding, then the aggregate amount of obligations and securities acquired and for which commitments may be issued by a licensee for any single qualified business concern shall not exceed 20 percent of the private equity capital of such licensee, unless the Under Secretary approves a greater amount.

SEC. 357. OPERATION AND REGULATION.

(a) COOPERATION WITH FINANCIAL INSTITUTIONS.—Wherever practicable the operations of a licensee, including the generation of business, may be undertaken in cooperation with banks or other investors or lenders, incorporated or unincorporated, and any servicing or initial investigation required for loans or acquisitions of securities by the licensee under the provisions of this subtitle may be handled through such banks or other investors or lenders on a fee basis. Any licensee may receive fees for services rendered to such banks and other investors and lenders.

(b) USE OF ADVISORY SERVICES; DEPOSITORY OR FISCAL AGENTS.—Each licensee may make use, wherever practicable, of the advisory services of the Federal Reserve System and of the Department of Commerce which are available for and useful to industrial and commercial businesses, and may provide consulting and advisory services on a fee basis and have on its staff persons competent to provide such services. Any Federal Reserve bank is authorized to act as a depository or fiscal agent for any licensee operating under the provisions of this subtitle.

(c) REGULATIONS.—The Under Secretary is authorized to prescribe regulations governing the operations of licensees, and to carry out the provisions of this subtitle, in accordance with the purposes of this subtitle. Regulations to implement this subtitle shall be issued not later than 180 days after the date of enactment of this Act.

(d) LIABILITY OF THE UNITED STATES.—Nothing in this subtitle or in any other provision of law imposes any liability on the United States with respect to any obligations entered into, or stocks issued, or commitments made, by any licensee operating under the provisions of this subtitle.

SEC. 358. TECHNICAL ASSISTANCE FOR LICENSEES AND QUALIFIED BUSINESS CONCERNS.

(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and services, as appropriate and needed, to licensees and to qualified business concerns receiving financial assistance under this subtitle, and shall ensure that such qualified business concerns have ready access to assistance available under title II of this Act, or under any other Act, in order to aid such qualified business concerns in their development or utilization of critical or other advanced technologies. Technical assistance and services under this subsection shall include providing licensees and qualified business concerns with—

(1) an assessment of the technological and scientific feasibility of a project, or an analysis of a specific field of technical or scientific endeavor;

(2) improved access to technology developed by the Institute and assistance in obtaining access to technology developed by other Federal agencies and laboratories;

(3) expert analysis of the economics of technology development undertaken by a qualified business concern; and

(4) any other assistance or service that the Under Secretary determines, after consultation with licensees and qualified business concerns, is necessary and appropriate to enhance prospects for success and to reduce technical risk for licensees and qualifed business concerns.

(b) FEES.—The Secretary may charge fees for services and technical assistance provided under subsection (a) in amounts sufficient to cover the reasonable cost of such services and assistance. The Secretary may waive fees established under this subsection.

SEC. 359. ANNUAL AUDIT AND REPORT.

(a) REQUIREMENT.—The Under Secretary shall prepare, in consultation with the advisory committee established under section 344, and submit annually a report to the Congress containing a full and detailed account of operations under this subtitle. Such report shall include an audit setting forth the amount and type of disbursements, receipts, and losses sustained by the Federal Government as a result of such operations during the preceding fiscal year, together with an estimate of the total disbursements, receipts, and losses which the Federal Government can reasonably expect to incur as a result of such operations during the then current fiscal year.

(b) CONTENTS.—In the annual report submitted under subsection (a), the Under Secretary shall also include full and detailed accounts relative to the following matters:

(1) The Under Secretary's plans to ensure the provision of licensee financing to all areas of the country and to all qualified business concerns, including steps taken to accomplish that goal.

(2) Steps taken by the Under Secretary to maximize recoupment of Federal Government funds incident to the inauguration and administration of the licensee program, and to ensure compliance with statutory and regulatory standards relating thereto.

(3) An accounting by the Treasury Department with respect to tax revenues accruing to the Federal Government from business concerns receiving assistance under this subtitle.

(4) An accounting by the Treasury Department with respect to both tax losses and increased tax revenues related to licensee financing of both individual and corporate business taxpayers.

(5) Recommendations with respect to program changes, statutory changes, and other matters, including tax incentives to improve and facilitate the operations of licensees and to encourage the use of their financing facilities by qualified business concerns.

PART III—ENFORCEMENT

SEC. 361. INVESTIGATIONS AND EXAMINATIONS.

(a) REPORTING REQUIREMENTS.—Each license issued under this subtitle shall require a licensee with outstanding preferred securities to provide the Under Secretary such information, including companies financed, disbursements made along with associated terms and conditions, receipts, portfolio valuation at cost and at estimated fair market value, and other financial statements, that the Under Secretary may require to determine, in a timely manner, compliance with this subtitle and regulations promulgated under this subtitle. Such reporting shall be—

(1) uniform for all licensees; and

(2) independently audited, at the expense of a licensee, in accordance with generally accepted auditing standards and submitted to the Under Secretary no later than 60 days after the end of a licensee's fiscal year, with interim unaudited financial statements provided to the Under Secretary no later than 45 days after the end of each 3-month period during a licensee's fiscal year.

The Under Secretary may exempt from making such reports any licensee which is registered under the Investment Company Act of 1940 only to the extent necessary to avoid duplication in reporting requirements.

(b) VALUATIONS.—The Under Secretary shall, by regulation, establish guidelines for estimating the fair market value of investments held by a licensee as required under subsection (a). The board of directors of a corporate licensee and the general partners of a partnership licensee shall have the sole responsibility for making a good faith determination of the fair market value of investments held by such licensee, based on guidelines established under this subsection.

(c) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary deems necessary to determine whether a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule or regulation under this subtitle or any order issued under this subtitle. The Secretary shall permit any person to file a statement in writing, under oath or otherwise as the Secretary shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a licensee, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

(d) EXAMINATIONS.—(1) Each licensee shall be subject to examinations made at the direction of the Under Secretary by examiners selected or approved by, and under the supervision of, the Under Secretary. The Under Secretary is authorized to enter into contracts with private parties to perform such examinations. The cost of such examinations, including the compensation of the examiners, may in the discretion of the Under Secretary be assessed against the licensee examined and when so assessed shall be paid by such licensee.

(2) Each licensee shall be examined at least every 2 years in such detail so as to determine whether or not—

(A) it has engaged solely in lawful activities and those contemplated by this subtitle;

(B) it has engaged in prohibited conflicts of interest;

(C) it has acquired or exercised illegal control of an assisted qualified business concern;

(D) it has invested more than 20 percent of its capital in any individual qualified business concern;

(E) it has engaged in relending, foreign investments, or passive investments; or

(F) it has charged an interest rate in excess of the maximum permitted by law.

(3) The Under Secretary may waive the examination—

(A) for up to one additional year if, in his discretion he determines such a delay would be appropriate, based upon the amount of debentures and preferred securities being issued by the licensee and its repayment record, the prior operating experience of the licensee, the contents and results of the last examination and the management expertise of the licensee; or

(B) if it is a licensee whose operations have been suspended while the licensee is involved in litigation or is in receivership.

SEC. 362. REVOCATION AND SUSPENSION OF LICENSES; CEASE AND DESIST ORDERS.

(a) GROUNDS FOR REVOCATION OR SUSPENSION.—A license may be revoked or suspended by the Secretary—

(1) for false statements allowingly made in any written statement required under this subtitle, or under any regulation issued under this subtitle by the Under Secretary;

(2) if any written statement required under this subtitle, or under any regulation issued under this subtitle by the Under Secretary, fails to state a material fact necessary in order to make the statement not misleading in the light of the circumstances under which the statement was made;

(3) for willful or repeated violation of, or willful or repeated failure to observe, any provision of this subtitle;

(4) for willful or repeated violation of or willful or repeated failure to observe, any

rule or regulation of the Under Secretary authorized by this subtitle; and

(5) for violation of, or failure to observe, any cease and desist order issued by the Secretary under this section.

(b) CEASE AND DESIST ORDERS.—Where a licensee or any other person has not complied with any provision of this subtitle, or of any regulation issued pursuant thereto by the Under Secretary, or is engaging or is about to engage in any acts or practices which constitute or will constitute a violation of such subtitle or regulation, the Secretary may order such licensee or other person to cease and desist from such action or failure to act. The Secretary may further order such licensee or other person to take such action or to refrain from such action as the Secretary considers necessary to ensure compliance with such subtitle and regulations. The Secretary may also suspend the license of a licensee, against whom an order has been issued, until such licensee complies with such order.

(c) PROCEDURES.—Before revoking or suspending a license pursuant to subsection (a) or issuing a cease and desist order pursuant to subsection (b), the Secretary shall serve upon the licensee and any other person involved an order to show cause why an order revoking or suspending the license or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters of fact and law asserted by the Secretary and the legal authority and jurisdiction under which a hearing is to be held, and shall set forth that a hearing will be held before the Secretary at a time and place stated in the order. If after hearing, or a waiver thereof, the Secretary determines on the record that an order revoking or suspending the license or a cease and desist order should issue, the Secretary shall promptly issue such order, which shall include a statement of the findings of the Secretary and the grounds and reasons therefor and specify the effective date of the order, and shall cause the order to be served on the licensee and any other person involved.

(d) SUBPOENAS.—The Secretary may require by subpoenas the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States. Witnesses summoned before the Secretary shall be paid by the party at whose instance they were called the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpoena, the Secretary, or any party to a proceeding before the Secretary, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents.

(e) JUDICIAL REVIEW.—An order issued by the Secretary under this section shall be final and conclusive unless within 30 days after the service thereof the licensee, or other person against whom an order is issued, appeals to the United States court of appeals for the circuit in which such licensee has its principal place of business by filing with the clerk of such court a petition praying that the Secretary's order be set aside or modified in the manner stated in the petition. After the expiration of such 30 days, a petition may be filed only by leave of court on a showing of reasonable grounds for failure to file the petition theretofore. The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon certify and file in the court a transcript of the record upon which the order complained of was entered. If before such record is filed the Secretary amends or sets aside its order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary. The filing of a petition for review shall not of itself stay or suspend the operation of the order of the Secretary, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. The court may affirm, modify, or set aside the order of the Secretary. If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the Secretary to reopen the hearing for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file its modified or new findings and the amendments, if any, of its order, with the record of such additional evidence. No objection to an order of the Secretary shall be considered by the court unless such objection was urged before the Secretary or, if it was not so urged, unless there were reasonable grounds for failure to do so. The judgment and decree of the court affirming, modifying, or setting aside any such order of the Secretary shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

(f) ENFORCEMENT.—If any licensee or other person against which or against whom an order is issued under this section fails to obey the order, the Secretary may apply to the United States court of appeals, within the circuit where the licensee has its principal place of business, for the enforcement of the order and shall file a transcript of the record upon which the order complained of was entered. Upon the filing of the application the court shall cause notice thereof to be served on the licensee or other person. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in subsection (e) for applications to set aside or modify orders.

SEC. 363. INJUNCTIONS AND OTHER ORDERS.

(a) IN GENERAL.—Whenever, in the judgment of the Secretary, a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule or regulation under this subtitle, or of any order issued under this subtitle, the Secretary may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Secretary that such licensee or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction shall be granted without bond.

(b) EQUITY JURISDICTION.—In any such proceeding the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the licensee or licensees and the assets thereof, wherever located; and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

(c) TRUSTEESHIP OR RECEIVERSHIP.—The Under Secretary shall have authority to act as trustee or receiver of the licensee. Upon request by the Secretary, the court may appoint the Under Secretary to act in such capacity unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

SEC. 364. CONFLICTS OF INTEREST.

For the purpose of controlling conflicts of interest which may be detrimental to qualified business concerns, to licensees, to the shareholders or partners of either, or to the purposes of this subtitle, the Under Secretary shall adopt regulations to govern transactions with any officer, director, shareholder, or partner of any licensee, or with any person or concern, in which any interest, direct or indirect, financial or otherwise, is held by any officer, director, shareholder, or partner of (1) any licensee, or (2) any person or concern with an interest, direct or indirect, financial or otherwise, in any licensee. Such regulations shall include appropriate requirements for public disclosure (including disclosure in the locality most directly affected by the transaction) necessary to the purposes of this section.

SEC. 365. REMOVAL OR SUSPENSION OF DIRECTORS AND OFFICERS.

(a) GROUNDS.—The Secretary may serve upon any director or officer of a licensee a written notice of its intention to remove him from office whenever, in the opinion of the Secretary, such director or officer—

(1) has willfully and knowingly committed any substantial violation of—

(A) this subtitle;

(B) any regulation issued under this subtitle; or

(C) a cease-and-desist order which has become final; or

(2) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of his fiduciary duty as such director or officer,

and that such violation or such breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer.

(b) TEMPORARY SUSPENSION.—In respect to any director or officer referred to in subsection (a), the Secretary may, if he deems it necessary for the protection of the licensee or the interests of the Secretary, by written notice to such effect served upon such director or officer, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the licensee. Such suspension and/or prohibition shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by subsection (d), shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under subsection (a) and until such time as the Secretary shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer, until the effective date of any such order. Copies of any such notice shall also be served upon the interested licensee.

(c) HEARING; ORDER OF REMOVAL.—A notice of intention to remove a director or officer, as provided in subsection (a), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Secretary at the request of (1) such director or officer and for good cause shown, or (2) the Attorney General of the United States. Unless such director or officer shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal. In the event of such consent, or if upon the record made at any such hearing the Secretary shall find that any of the grounds specified in such notice has been established, the Secretary may issue such orders of removal from office as he deems appropriate. Any such order shall become effective at the expiration of 30 days after service upon such licensee and the director or officer concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by section of the Secretary or a reviewing court.

(d) STAY OF SUSPENSION OR PROHIBITION.—Within 10 days after any director or officer has been suspended from office and/or prohibited from participation in the conduct of the affairs of a licensee under subsection (b), such director or officer may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director or officer under subsection (a), and such court shall have jurisdiction to stay such suspension and/or prohibition.

(e) FELONIES INVOLVING DISHONESTY OR BREACH OF TRUST.—Whenever any director or officer of a licensee is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Secretary may, by written notice served upon such director or officer, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the licensee. A copy of such notice shall also be served upon the licensee. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Secretary. In the event that a judgment of conviction with respect to such offense is entered against such director or officer, and at such time as such judgment is not subject to further appellate review, the Secretary may issue and serve upon such director or officer an order removing him from office. A copy of such order shall be served upon such licensee, whereupon such director or officer shall cease to be a director or officer of such licensee. A finding of not guilty or other disposition of the charge shall not preclude the Secretary from thereafter instituting proceedings to suspend or remove such director or officer from office and/or to prohibit him from further participation in licensee affairs, pursuant to subsection (a) or (b).

(f) HEARINGS AND REVIEW.—(1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the principal office of the licensee is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. After such hearing, and within 90 days after the Secretary has notified the parties that the case has been submitted to it for final decision, the Secretary shall render a decision (which shall include findings of fact upon which his decision is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2) of this subsection, and thereafter until the record in the proceeding has been filed as so provided, the Secretary may at any time, upon such notice, and in such manner as he shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Secretary may modify, terminate, or set aside any such order with permission of the court.

(2) Any party to such proceeding may obtain a review of any order served pursuant to paragraph (1) of this subsection (other than an order issued with the consent of the director or officer concerned, or an order issued under subsection (e) of this section), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Secretary be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall, except as provided in the last sentence of such paragraph (1), be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Secretary. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Secretary.

SEC. 366. UNLAWFUL ACTS.

(a) PARTICIPATION.—Wherever a licensee violates any provision of this subtitle or regulation issued thereunder by reason of its failure to comply with the terms thereof or by reason of its engaging in any act or practice which constitutes or will constitute a violation thereof, such violation shall be deemed to be also a violation and an unlawful act on the part of any person who, directly or indirectly, authorizes, orders, participates in, or causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions which constitute or will constitute, in whole or in part, such violation.

(b) BREACH OF FIDUCIARY DUTY.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a licensee to engage in any act or practice, or to omit any act, in breach of his fiduciary duty as such officer, director, employee, agent, or participant, if, as a result thereof, the licensee has suffered or is in imminent danger of suffering financial loss or other damage.

(c) DISQUALIFICATION.—Except with the written consent of the Secretary, it shall be unlawful—

(1) for any person hereafter to take office as an officer, director, or employee of a licensee, or to become an agent or participant in the conduct of the affairs or management of a licensee, if such person—

(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust; and

(2) for any person to continue to serve in any of the above-described capacities if such person—

(A) is hereafter convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(B) is hereafter found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

SEC. 367. PENALTIES AND FORFEITURES.

(a) CIVIL PENALTY.—Except as provided in subsection (b) of this section, a licensee which violates any regulation or written directive issued by the Secretary or the Under Secretary shall forfeit and pay to the United States a civil penalty of not more than **$1,000** for each day of the continuance of the licensee's failure to file a report required under section 361(a), unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The civil penalties provided for in this section shall accrue to the United States and may be recovered in a civil action brought by the Secretary.

(b) EXEMPTIONS.—The Secretary may by rules and regulations, or upon application of an interested party, at any time previous to such failure, by order, after notice and opportunity for hearing, exempt in whole or in part, any licensee from the provisions of subsection (a) of this section, upon such terms and conditions and for such period of time as the Secretary deems necessary and appropriate, if the Secretary finds that such action is not inconsistent with the public interest or the protection of the Department. The Secretary may for the purposes of this section make any alternative requirements appropriate to the situation.

SEC. 368. JURISDICTION AND SERVICE OF PROCESS.

Any suit or action brought under section 357, 362, 363, 365, or 367 by the Secretary at law or in equity to enforce any liability or duty created by, or to enjoin any violation of, this subtitle, or any rule, regulation, or order promulgated thereunder, shall be brought in the district wherein the licensee maintains its principal office, and process in such cases may be served in any district in which the defendant maintains its principal office or transacts business, or wherever the defendant may be found.

SEC. 369. ANTITRUST SAVINGS CLAUSE.

This subtitle shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this section, the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

TITLE IV—MISCELLANEOUS

SEC. 401. INTERNATIONAL STANDARDIZATION.

(a) Findings.—The Congress finds that—

(1) private sector consensus standards are essential to the timely development of competitive products;

(2) Federal Government contribution of resources, more active participation in the voluntary standards process in the United States, and assistance, where appropriate, through government to government negotiations, can increase the quality of United States standards, increase their compatibility with the standards of other countries, and ease access of United States-made products to foreign markets; and

(3) the Federal Government, working in cooperation with private sector organizations including trade associations, engineering societies, and technical bodies, can effectively promote United States Government use of United States consensus standards and, where appropriate, the adoption and United States Government use of international standards.

(b) Standard Pilot Program.—Section 104(e) of the American Technology Preeminence Act of 1991 is amended—

(1) by inserting "(1)" before "Pursuant to the"; and

(2) by adding at the end the following new paragraph:

"(2) As necessary and appropriate, the Institute shall expand the program established under section 112 of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 272 note) by extending the existing program and by entering into additional contracts with non-Federal organizations representing United States companies, as such term is defined in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)). Such contracts shall require cost sharing between Federal and non-Federal sources for such purposes. In awarding such contracts, the Institute shall seek to promote and support the dissemination of United States technical standards to additional foreign countries, in cooperation with governmental bodies, private organizations including standards setting organizations and industry, and multinational institutions that promote economic development. The organizations receiving such contracts may establish training programs to bring to the United States foreign standards experts for the purpose of receiving in-depth training in the United States standards system.".

(c) Report on Global Standards.—The Secretary, in consultation with the Institute and the Commerce Technology Advisory Board established under section 204 of this Act, shall submit to the Congress a report describing the appropriate roles of the Department of Commerce in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, and in the development and promulgation of domestic and global product and quality standards, including a discussion of the extent to which each of the policy options provided in such Office of Technology Assessment report contributes to meeting the goals of—

(1) increasing the international adoption of standards beneficial to United States industries; and

(2) improving the coordination of United States representation to international standards setting bodies.

SEC. 402. MALCOLM BALDRIGE AWARD AMENDMENTS.

(a) Section 108(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(4) of this Act, is amended to read as follows:

"(3) No award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory.".

(b)(1) Section 108(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following new subparagraph:

"(D) Educational institutions.".

(2)(A) Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing—

(i) criteria for qualification for a Malcolm Baldrige National Quality Award by various classes of educational institutions;

(ii) criteria for the evaluation of applications for such awards under section 108(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980; and

(iii) a plan for funding awards described in clause (i).

(B) In preparing the report required under subparagraph (A), the Secretary shall consult with the National Science Foundation and other public and private entities with appropriate expertise, and shall provide for public notice and comment.

(C) The Secretary shall not accept applications for awards described in subparagraph (A)(i) until after the report required under subparagraph (A) is submitted to the Congress.

SEC. 403. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), as redesignated by section 206(b)(6) of this Act, is amended by inserting "(including both real and personal property)" after "or other resources" both places it appears.

SEC. 404. CLEARINGHOUSE ON STATE AND LOCAL INITIATIVES.

Section 102(a) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended by striking "Office of Productivity, Technology, and Innovation" and inserting in lieu thereof "Institute".

SEC. 405. COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.

Section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended to read as follows:

"(e) Competitiveness Assessments and Evaluations.—(1) The Secretary, through the Under Secretary, shall—

"(A) provide for the conduct of research and analyses to advance knowledge of the ways in which the economic competitiveness of United States industry can be enhanced through Federal programs, including programs operated by the Department of Commerce;

"(B) as appropriate, provide for evaluations of Federal technology programs in order to judge their effectiveness and make recommendations to improve their contribution to United States competitiveness; and

"(C) prepare and submit to Congress annual reports which describe and assess the policies and programs used by governments and private industry in other major industrialized countries to develop and apply economically important critical technologies, compare these policies and programs with public and private activities in the United States, and assess the effects that these policies and programs in other countries have on the competitiveness of United States industries.

"(2) The head of each unit of the Department of Commerce other than the Technology Administration, and the head of each other Federal agency, shall furnish to the Secretary or Under Secretary, upon request from the Secretary or Under Secretary, such data, reports, and other information as is necessary for the Secretary to carry out the functions required under this section.

"(3) Nothing in this section shall authorize the release of information to, or the use of information by, the Secretary or Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

"(4) The head of any Federal agency may detail such personnel and may provide such services, with or without reimbursement, as the Secretary may request to assist in carrying out the activities required under this section.".

SEC. 406. USE OF DOMESTIC PRODUCTS.

(a) Prohibition Against Fraudulent Use of "Made in America" Labels.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act and the amendments made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) Compliance With Buy American Act.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, and the amendments made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) Definitions.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 407. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application thereof to other persons or circumstances shall not be affected thereby.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. TECHNOLOGY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to carry out the activities of the Under Secretary and the Assistant Secretary of Commerce for Technology Policy, for fiscal year 1994—

(1) for the Office of the Under Secretary, $3,000,000;

(2) for Technology Policy, $5,000,000;

(3) for Japanese Technical Literature, $2,000,000; and

(4) for competitiveness research, data collection, and evaluation, $1,000,000.

(b) TRANSFERS.—(1) Funds may be transferred among the line items listed in subsection (a), so long as—

(A) the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection;

(B) the aggregate amount authorized under subsection (a) is not changed; and

(C) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives are notified in advance of any such transfer.

(2) The Secretary may propose transfers to or from any line item listed in subsection (a) exceeding 10 percent of the amount authorized for such line item, but such proposed transfer may not be made unless—

(A) a full and complete explanation of any such proposed transfer and the reason therefor are transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing Committees of the House of Representatives and the Senate; and

(B) 30 days have passed following the transmission of such written explanation.

(c) NATIONAL TECHNICAL INFORMATION SERVICE FACILITIES STUDY.—As part of its modernization effort and before signing a new facility lease, the National Technical Information Service, in consultation with the General Services Administration, shall study and report to Congress on the feasibility of accomplishing all or part of its modernization by signing a long-term lease with an organization that agrees to supply a facility and supply and periodically upgrade modern equipment which permits the National Technical Information Service to receive, store, manipulate, and print electronically created documents and reports and to carry out the other functions assigned to the National Technical Information Service.

SEC. 502. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INTRAMURAL SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—(1) There are authorized to be appropriated to the Secretary, to carry out the intramural scientific and technical research and services activities of the Institute, $272,500,000 for fiscal year 1994.

(2) Of the amount authorized under paragraph (1)—

(A) $1,000,000 are authorized only for the evaluation of nonenergy-related inventions;

(B) $9,000,000 are authorized only for the technical competence fund; and

(C) $5,000,000 are authorized only for the standards pilot project established under section 104(e) of the American Technology Preeminence Act of 1991.

(b) FACILITIES.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for fiscal year 1994 $25,000,000 for the renovation and upgrading of the Institute's facilities. The Institute may enter into a contract for the design work for such purposes only if Federal Government payments under the contract are limited to amounts provided in advance in appropriations Acts.

(c) EXTRAMURAL INDUSTRIAL TECHNOLOGY SERVICES.—In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Secretary, to carry out the extramural industrial technology services activities of the Institute—

(1) for Regional Centers for the Transfer of Manufacturing Technology, $35,000,000 for fiscal year 1994;

(2) for the State Technology Extension Program, $2,500,000 for fiscal year 1994; and

(3) for the Advanced Technology Program, $1,570,000,000 for the period encompassing fiscal years 1994 through 1997, of which—

(A) $150,000,000 are authorized only for Program support of large joint ventures; and

(B) $20,000,000 are authorized only for fiscal year 1994 and 1995 Program support of the Advanced Manufacturing Program established under section 301 of the Stevenson-Wydler Technology Innovation Act of 1980.

(d) TECHNICAL AMENDMENTS.—The American Technology Preeminence Act of 1991 is amended—

(1) in section 104(b)(1)(F), by striking "$12,000,000" and inserting in lieu thereof "$12,200,000";

(2) in section 104(b)(1)(H), by striking "$6,300,000" and inserting in lieu thereof "$6,800,000";

(3) in section 104(b)(2)(B)—

(A) by inserting "and" at the end of clause (i);

(B) by striking "; and" from the end of clause (ii) and inserting in lieu thereof a period; and

(C) by striking clause (iii);

(4) in section 105(b), by adding after paragraph (3) the following:

"Of the amounts authorized under this subsection, $5,000,000 are authorized only for the Institute's management of the programs described in paragraphs (1) through (3)."; and

(5) in section 201(d), by inserting ", except in the case of the amendment made by subsection (c)(6)(A)" after "enactment of this Act".

SEC. 503. ADDITIONAL ACTIVITIES OF THE TECHNOLOGY ADMINISTRATION.

In addition to the amounts authorized under sections 501 and 502, there are authorized to be appropriated to the Secretary—

(1) for the National Manufacturing Outreach Network, $120,000,000 for the period encompassing fiscal years 1994 and 1995;

(2) for the Technology Development Loan Program established under section 331 of this Act, $20,000,000 for fiscal year 1994; and

(3) for the Critical Technologies Development Program established under subtitle D of title III of this Act, $100,000,000 for the period encompassing fiscal years 1994 and 1995.

Amounts appropriated under paragraph (2) or (3) shall remain available for expenditure through September 30, 1995. Of the amounts made available under paragraph (2) for a fiscal year, not more than $2,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. Of the amounts made available under paragraph (3) for a fiscal year, not more than $5,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses.

SEC. 504. NATIONAL SCIENCE FOUNDATION.

In addition to such other sums as may be authorized by other Acts to be appropriated to the Director of the National Science Foundation, there are authorized to be appropriated to that Director, to carry out the provisions of section 208 of this Act, $20,000,000 for fiscal year 1994.

SEC. 505. AVAILABILITY OF APPROPRIATIONS.

Appropriations made under the authority provided in this title shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

TITLE VI—FASTENER QUALITY ACT AMENDMENTS

SEC. 601. REFERENCES.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provison of the Fastener Quality Act (15 U.S.C. 5401 et seq.).

SEC. 602. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 3(8) (15 U.S.C. 5402(8)) is amended by striking "Standard" and inserting "Standards".

(b) INSPECTION AND TESTING.—Section 5(b)(1) (15 U.S.C. 5404(b)(1)) is amended by striking "section 6; unless" and inserting "section 6, unless".

(c) IMPORTERS AND PRIVATE LABEL DISTRIBUTORS.—Section 7(c)(2) (15 U.S.C. 5406(c)(2)) is amended by inserting "to the same" before "extent".

SEC. 603. CLARIFYING AMENDMENTS.

(a) CHEMICAL TESTS.—(1) Section 5(a)(1)(B) (15 U.S.C. 5404(a)(1)(B)) is amended by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and (d)".

(2) Section 5(a)(2)(A)(i) (15 U.S.C. 5404(a)(2)(A)(i)) is amended by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and (d)".

(3) Section 5(c)(4) (15 U.S.C. 5405(c)(4)) is amended by inserting "except as provided in subsection (d)," before "state".

(4) Section 5 (15 U.S.C. 5404) is amended by inserting at the end the following new subsection:

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.''.

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APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE OF THE LATE QUENTIN N. BURDICK

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 559, the Chair appoints as members of the funeral committee of the late Quentin N. Burdick the following Members on the part of the House: Mr. DORGAN of North Dakota and Mr. SMITH of Iowa.

VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order tonight and, in lieu thereof, be permitted to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

NATIONAL GOOD TEEN DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 409) designating January 16, 1993, as "National Good Teen Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio [Mr. TRAFICANT], chief sponsor of this resolution.

Mr. TRAFICANT. Mr. Speaker, I thank the vice chairman and the gentleman from Ohio [Mr. SAWYER] who have helped very much. This is not really my idea. This was a school that will be in the congressional district that I hopefully will represent next year, Salem City Schools. Mr. Robert Vinsik, who is the teacher of English decided that we take shots at a lot of teenagers and overlook the many things they do. He put together a local initiative that was sponsored in conjunction by the Columbiana County School System and the Salem City Schools.

They had January 16, 1992, to honor teenagers in the city of Salem. It was a tremendous event. It was very good. I have expanded upon that particular concept with Salem City Schools and Mr. Vinsik so the teenagers around America could get a day of recognition.

With that, I appreciate the support of the committee.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from Ohio for his resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 409

Whereas Salem City Schools in Salem, Ohio, have proclaimed January 16, 1992, as "Good Teen Day";

Whereas there are more than twenty-four million teenagers in the United States according to the 1990 Census;

Whereas our Nation's teenagers represent an important part of our society, and the many physical and emotional changes and character-building experiences which teenagers go through are an important concern;

Whereas it is easy to stereotype teenagers as either those who have problems or those who excel;

Whereas teenagers should not simply be recognized for their intelligence, abilities, skills and talents, but rather for the good which is inherent in all human beings;

Whereas as unique individuals, teenagers are encouraged to esteem the good as well as the potential that is within each of them;

Whereas a day should be created to focus on the positive qualities in America's youth; and

Whereas teenagers are the future of this great country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 16, 1993, is designated as "National Good Teen Day," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day by recognizing the teenagers of the United States and by participating in appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 303) to designate October 1992 as "National Breast Cancer Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object but would like to inform the House the minority has no objection to the legislation.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Illinois [Mrs. COLLINS], chief sponsor of this resolution.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in support of my bill, House Joint Resolution 393, which designates October, 1992 as National Breast Cancer Awareness Month. The purpose of this bill is to increase public awareness about the deadly danger of breast cancer and spread information about the preventative measures that can be taken to reduce the mortality rate of this disease.

Recently released statistics show that we all have reason to be encouraged by public awareness efforts over the last few years. Since 1990, 10 percent more women have undergone at least one mammogram. The new figures also show that during the last 2 years, more women are getting regular mammograms.

Since mammograms are crucial to identifying breast cancer in its early stages, these figures represent real progress in increasing women's understanding of the importance of early detection as well as tremendous results in the number of women's lives saved. In my home State of Illinois alone, it is estimated that 3,795 lives have been saved during the last decade because breast cancer was detected in its early stages.

Unfortunately, not all the new figures and statistics on breast cancer are as encouraging. Breast cancer is still the most common form of cancer in women today, striking approximately 1 in every 9 women. By the end of this year alone, an estimated 46,000 women will die from this ruthless disease.

Among African-American women, the situation is even more bleak. Breast cancer is now considered the leading cause of death among African-American women. One of the most evident reasons for this is that African-American women lag significantly behind other groups of women in undergoing mammograms and examinations by physicians. I am personally disturbed by these disparities and I urge my colleagues to join me in working toward closing this gap as well as increasing the number of women of all groups and backgrounds that take regular steps to monitor themselves for any signs of breast cancer.

Clearly, we have our work cut out for us in combating this destructive disease. It is my hope that the activities of National Breast Cancer Awareness Month, October 1992, will alert more women to the need for examinations which could lead to even more early detections of the disease and save more lives in the year ahead.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Ohio [Ms. OAKAR], who has been so significant, spectacular and important in making inroads in terms of preventing and eliminating breast cancer.

Ms. OAKAR. Mr. Speaker, I want to thank the chairman and the minority leader for agreeing to pass the resolution designating October 1992 as National Breast Cancer Awareness Month, a resolution that I cosponsored, but was originally introduced by the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Speaker, a lot of times people say, why do we have these resolutions, are they meaningless? I think this is a very important one because in October what we want to do, and indeed every day we ought to be pointing out to the country that there is an epidemic relative to breast cancer, that 1 out of 9 women get breast cancer. That means approximately 181,000 women in the United States will be diagnosed with breast cancer this year, and 46,500 will die this year of breast cancer.

Just to give an analogy, during the 10-year Vietnam war era where we had unfortunately 57,000 American men and women die in combat, we had 330,000 American women die of breast cancer. And it has increased so rapidly that since 1961 we have had a 200-percent increase. We used to say that 1 out of 20 women in this country would have breast cancer. Now it is 1 in 9, and we do not seem to be making the kind of progress that I would like to see.

What do we want? We want prevention. We want early detection. We want mammography included in every policy. When we were finally able to get mammography included in Medicare, they analyzed that we saved 4,000 lives of women every year because of that preventive health care being included. We want informed consent. We want women to understand their options with respect to treatment. And finally, and most importantly, we want a cure. We want every child, every child immunized against this disease. There are a small percentage of men who get this disease as well, and we want this disease treated as an epidemic, the same way we treat AIDS with respect to the research dollars.

Now I support those research dollars. We give about $1.1 billion for AIDS research. Lots of people think it is not enough and I am one of them. But we only have about $100 million for breast cancer research.

So I proposed a bill that would increase the amount of research to $300 million and establish a National Cancer Institute strictly related to breast cancer research. And it also provides scholarships for those who want to go into this field, as well as trying to establish an Office on Breast Cancer that would ensure a coordinated public approach to goals and priorities for breast cancer detection, education, treatment and research.

I think this legislation declares war on the scourge of this disease, and I think it really and truly should be adopted and, frankly, there is not anywhere I go in my district or throughout the country that you do not meet some family who has been victimized by this disease.

We know it costs $8 billion a year to deal with this terrible disease, and it does not only devastate the woman who has the disease. It devastates the men who are the husbands of these women and the children whose mothers die of this disease.

So I think it is about time we really pass comprehensively the piece of legislation that I and my dear colleagues, including my friend, the gentlewoman from Maryland [Mrs. MORELLA], have introduced relative to establishing total commitment to finding a cure for this disease.

While some people may think it is frivolous to declare October Breast Cancer Awareness Month, I think it is important that in every community they have seminars, they have speeches, they have people speak out and tell Congress and the President that they want to find a cure for this disease and address it comprehensively as we address foreign aid and all the other kinds of arms programs that sometimes get passed around this place.

This is a very terrible thing that has happened and devastated so many families, and I think this resolution is significant, and that is why I am so pleased, I say to the chairman, that he and others have seen to it that this is called to the floor on time and so many colleagues have cosponsored it so we can pass it tonight.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this resolution offered by the gentlewoman from Ohio [Ms. OAKAR] and by the gentlewoman from Maryland [Mrs. MORELLA] and to associate myself with their remarks.

Mr. GILMAN. Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to associate myself with the comments of my colleague, the gentlewoman from Ohio [Ms. OAKAR], and tell her that I am very proud to be a cosponsor of the legislation she alluded to and also to support this resolution, Senate Joint Resolution 303, the National Breast Cancer Awareness Month.

Mr. Speaker, I rise in support of this important resolution. It is critical that we continue our efforts to raise public awareness of this health crisis and to work for increases in Federal funding for breast cancer research.

Breast cancer continues to be the leading cause of death in women age 35 to 54, killing 1 woman every 11 minutes; 1.5 million new cases of breast cancer will be diagnosed in the next 10 years, and 46,000 women will die in 1992 from breast cancer. In my own State of Maryland, we lead the Nation in cancer mortality and rank ninth in breast cancer mortality rates.

A substantial Federal investment in research is critical if we are to finally find a cure for breast cancer. I urge my colleagues to join us in the fight against breast cancer, and I commend Congresswoman COLLINS for her sponsorship of this resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to commend the gentlewoman from Illinois [Mrs. COLLINS] for her excellent presentation and for bringing the bill to the floor.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 393 which designates October 1992 as "Breast Cancer Awareness Month," and I would like to commend the gentlewoman from Illinois [Mrs. COLLINS] for her efforts in bringing this measure to the floor.

Mr. Speaker, I continually find the statistics on breast cancer very disturbing. In 1990, 44,000 women died of breast cancer—1 in every 9 women will contract breast cancer in this lifetime, yet only 150,000 cases will be diagnosed this year.

In spite of these shocking statistics many women do not practice routine breast examinations or utilize today's advanced mammography technology. I hope making October Breast Cancer Awareness Month will reveal to all Americans the importance of prevention and early detection, because 1 in every 5 deaths from breast cancer could be avoided by early detection.

Statistics show that women with early stages of breast cancer, when the disease is still localized, experience a 90-percent survival rate, while the survival rate for women with more advanced regional cancer is only 68 percent. Even more tragic is the fact that the survival rate for women with breast cancer which has advanced to more severe stages is only 18 percent.

Surely this is a disease for which "an ounce of prevention is worth a pound of cure." National Breast Cancer Awareness Month can help get this message out, and can actually save women's lives.

I urge my colleagues to vote in favor of House Joint Resolution 393.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER], chairman of our subcommittee.

Mr. SAWYER. Mr. Speaker, I thank the gentleman from New York for yielding to me and take this moment briefly to pause to associate myself with his comments, particularly in order to thank our friend and colleague from Illinois for her effort in bringing this matter before this body in this particular way.

There are many Members who view this particular mechanism in bringing matters before the House and elevating the attention that is brought to them as somehow less than serious. I offer the example that we have before us at the moment of a commemorative resolution whose purpose and substance and whose consequence can have profound beneficial effect on millions of lives all across this Nation.

It is an effort that she shares with our colleague, the gentlewoman from Ohio [Ms. OAKAR]. Their teamwork in making sure that this particular issue finds resonance, not only in the hearts and minds of Americans all across the United States but in the funding mechanisms of this body, is a tangible way to make sure that the kind of effort to prevent disease that is identifiable, treatable, ahead of time and to deal with it in the most cost effective way becomes the policy and intent and practice of this Nation.

It is with that that I thank her for her efforts.

Mrs. LLOYD. Mr. Speaker, with the passage of House Joint Resolution 393, October will be designated "Breast Cancer Awareness Month." Throughout the month, education activities will take place designed to increase women's awareness of breast cancer and the need to vigilantly practice early detection techniques such as self-examination and mammography.

National breast cancer awareness month can bring about changes in the way women receive health care in this Nation. I personally know the value of early detection of breast cancer. We need to spread awareness of this disease, to ensure the best medical care is made available to all women.

I now find myself in the midst of the growing numbers of American women that will be struck by breast cancer each year. I am fortunate though, simply because I had a mammogram every year. We must foster a greater awareness of breast cancer. If not, 1 in 9 American women will continue to develop breast cancer.

Mr. EWING. Mr. Speaker, I rise in my strong support of House Resolution 393, designating October 1992 as "Breast Cancer Awareness Month".

Breast cancer is a deadly disease of immeasurable concern and pain to many Americans. It affects 1 in every 9 American women and will result in more than 46,000 deaths this year. Not only does breast cancer afflict women, men are also victims. This year alone 1,000 men will be affected and 300 will die. Furthermore, breast cancer is the second leading cause of cancer mortality, and unfortunately, its incidence is increasing by almost 1 percent per year.

Designating October as "Breast Cancer Awareness Month" is one step we can take to encourage research, learning, and understanding of this disease which affects so many American families. I am very pleased to be a cosponsor of such a positive initiative by the House.

Mrs. VUCANOVICH. Mr. Speaker, today I am very proud to support House Joint Resolution 393 to designate October 1992 as Breast Cancer Awareness Month.

Each year in October, women and families are reminded of a devastating disease called breast cancer which affects us all. Plain and simple, breast cancer kills. This year over 46,000 women in the United States will perish from this disease. Some of them wives, mothers, and friends.

October is a month of opportunity for learning. Many cancer organizations and health groups will be sponsoring events to help women learn how to prevent and detect breast cancer. I wish I had taken advantage of such an opportunity 9 years ago, when I was faced with the reality of having breast cancer. It would have prepared me to take on the fight for my life and help me make informed decisions. I urge all women in our Nation to attend these events, take your friends and your family. The information available at these events may just save your life.

Last year, I hosted a breast cancer fair in Las Vegas, NV. Over 250 people took time out of a beautiful sunny Saturday to come indoors and learn how to save their lives. I was surprised and heartened to see many of the participants were men, concerned about the disease and offering support to their wives' future health. This year, I will be participating in similar events and I am certain that more husbands and wives will be joining me to learn about the only way, presently, to combat this disease—early detection.

October is a special month, it could be a new beginning for many women and their families. I encourage my colleagues to support Breast Cancer Awareness Month and House Joint Resolution 393.

Ms. SNOWE. Mr. Speaker, I would like to add my voice in support of House Joint Resolution 393, legislation designating October 1992 as National Breast Cancer Awareness Month.

This symbolic commemorative will bring needed attention to this tragic disease that will strike nearly 200,000 women this year alone. Organizations all over the country will mobilize during October to educate women about breast cancer and the life-saving importance of early detection.

For instance, organizations that belong to the Breast Cancer Coalition in Maine, of which I am a member, plan to hold breast cancer awareness walks and provide free breast cancer screenings for low-income women during National Breast Cancer Awareness Month. This important commemorative has also been officially designated in October by Maine's Governor McKernan.

As a cosponsor of House Joint Resolution 393, I am proud to be part of the effort to bring to the forefront breast cancer concerns and raise consciousness about this devastating epidemic. I am confident that women all over America will appreciate and benefit by the information about breast cancer provided during Breast Cancer Awareness Month. We must do all the education and outreach we can—information could save a life.

Mrs. LLOYD. Mr. Speaker, I am pleased today to lend my strong support for passage of Senate Joint Resolution 303, designating the month of October as "Breast Cancer Awareness Month." I commend my friend and colleague, Representative COLLINS, for her commitment and leadership in this area. No woman in this country is free from the potential threat of breast cancer. Far too many women, 44,500 this year, continue to die needlessly from breast cancer detected too late.

Last year, I joined with many of my colleagues in issuing a challenge to end the scourge of breast cancer by the year 2000. These goals included: understanding the causes and finding a cure for breast cancer; reducing the climbing incidence rate; cutting the mortality in half; ensuring that all women over age 40 get regular mammograms; and ensuring that those mammograms are of the highest quality by passing H.R. 3462, the Breast Cancer Screening Safety Act.

What will make this happen? First, if we are ever going to find a cure for breast cancer we must ensure that research is adequately funded. The $300 million endorsed by the Breast Cancer Coalition will go a long way to setting the necessary groundwork to achieve this goal.

We must also remove the barriers that prevent women from seeking mammography. We must pass legislation to allow for Medicaid coverage of mammograms and improve Medicare coverage to allow coverage for annual rather than biannual screening.

We must also ensure that the mammograms women receive are the highest quality current technology allows. H.R. 3462, the Breast Cancer Screening Safety Act, introduced by my distinguished colleague PAT SCHROEDER and me, will establish needed Federal standards for the technology and medical care in which women must place their trust. Early detection is all we have until we know how to prevent breast cancer or until we have a cure.

Last, we must continue making progress on getting the word out to women on the need to be vigilant advocates of their own health care and seek regular mammography screening. We must not let the fear of cancer overcome our ability to take control of our health and our lives. Early detection does save lives.

As a breast cancer survivor, I support the passage of this important bill and urge my colleagues to take part in activities to accomplish the goals of the Breast Cancer Challenge during October.

Mrs. MEYERS of Kansas. Mr. Speaker, as a cosponsor of House Joint Resolution 393 designating October 1992, as National Breast Cancer Awareness Month, I rise today in strong support of its passage. I also want to thank my colleague, Congresswoman COLLINS, for her tireless efforts on behalf of breast cancer awareness.

Breast cancer is having a devastating impact on our society. Statistics show that 1 woman in 9 can expect to develop breast cancer. This means that 175,000 women in the United States will be diagnosed with the disease this year. In my home State of Kansas alone, breast cancer took the lives of 448 women last year.

Until there is a cure for breast cancer, early detection and treatment is the only protection women have against breast cancer. This message is not meant to frighten women, but to increase awareness about breast cancer and to drive home the importance of preventive measures.

Earlier this year, the Breast Cancer Coalition of Kansas held a rally at the statehouse in Topeka, KS, to call attention to this dreaded disease. Over 50 women, including State and local officials, gathered to share with others their experiences with breast cancer.

Events such as this, and others like it that will take place during the month of October, will help raise the level of awareness among all women regarding breast cancer, and the importance of early detection and treatment. If every woman who should be screened had a mammogram, the breast cancer death rate could be reduced dramatically.

I beg of every woman in this country, if you haven't been performing monthly breast self-examinations, please start now.

If you haven't had a mammogram, especially if you are at special risk, make an appointment with your doctor.

And if your physician has not discussed breast cancer prevention measures with you, ask about it.

It could save your life.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 303

Whereas breast cancer will strike an estimated 180,000 women and 1,000 men in the United States in 1992;

Whereas, assuming an average life expectancy of 85 years, a woman's lifetime risk of developing breast cancer is 1 in 9;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1992;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representataives of the United States of America in Congress assembled, That October 1992 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEUROFIBROMATOSIS AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 422) designating May 1992, as "Neurofibromatosis Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but I would like to inform the House that the minority has no objection to this resolution.

Mr. SCHEUER. Mr. Speaker, I rise tonight to urge House passage of House Joint Resolution 422 declaring May 1992, National Neurofibromatosis [NF] Awareness Month.

NF is a potentially devastating genetic disorder which afflicts more than 100,000 Americans. The disease varies in severity, from mild skin discoloration to uncontrolled tumorous growths which can become malignant and possibly cause blindness, deafness, loss of limbs, disfigurement, deformity, cancer, and in some cases, death.

During the past 18 months, truly spectacular discoveries have occurred at breathtaking speed in NF research. These include back-to-back discoveries of the NF1 gene and gene product, the cloning of the NF gene, developing an animal model for NF, and finding a candidate gene for NF2. It is impossible to underscore the speed with which these discoveries have been occurring or the excitement, momentum, and enthusiasm they have been generating.

Since the NF gene produces the same tumor suppressor GAP protein as cancer, research into NF holds open enormous potential for finding a treatment and cure for cancer as well which afflicts more than 60,000,000 Americans. Indeed, within 6 months after discovering the NF1 gene and predicting this would lead to advances in cancer research, Dr. Raymond White discovered the gene that causes colon cancer.

In addition, 40 percent of the children afflicted with NF suffer from learning disabilities. Therefore, research into NF will also benefit the more than 35 million Americans affected by this disorder as well.

Although over three times as many Americans suffer from NF than from more commonly known disorders such as muscular dystrophy or cystic fibrosis, very few people have heard of NF. It is crucial that we achieve greater public knowledge and understanding of this disabling disorder. I urge all of my colleagues to join me in supporting House Joint Resolution 422 declaring May 1992, National Neurofibromatosis Awareness Month.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 422

Whereas neurofibromatosis is a genetic disorder that causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis leads to disfigurement, blindness, deafness, loss of limbs, scoliosis, and brain and spinal tumors;

Whereas neurofibromatosis is a potentially debilitating disorder that strikes males and females of all races and ethnic groups;

Whereas great strides have been made in neurofibromatosis research with the discovery of the neurofibromatosis gene and its product and function as well as the cloning of the NF1 gene;

Whereas the neurofibromatosis gene is known to be a tumor suppressor gene, research into neurofibromatosis has profound significance for investigations into the causes of cancer;

Whereas an animal model for NF1 has recently been found;

Whereas a candidate gene for NF2 has also been discovered;

Whereas because the incidence of learning disabilities in the population of individuals suffering from neurofibromatosis is 5 times greater than in the general population, progress in neurofibromatosis research is important to achieving a better understanding of the causes of learning disabilities, which affect more than 30 million Americans; and

Whereas the National Neurofibromatosis Foundation, Inc., a voluntary health organization with chapters across the United States, was established to serve individuals with neurofibromatosis and their families, to promote and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1992 is designated as "Neurofibromatosis Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

□ 1550

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 3, strike "May" and insert "November".

The SPEAKER pro tempore (Mr. McNULTY). The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint Resolution designating November 1992 as 'Neurofibromatosis Awareness Month'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I would inquire of the distinguished majority whip the program for the balance of this week and next week.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank the distinguished minority leader for yielding to me.

Mr. Speaker, we will not be in session tomorrow. On Monday, September 14, we will meet at noon. We will consider three bills under suspension, and the votes on those bills, if ordered, will be postponed until Tuesday, September 15.

Then on Tuesday, September 15, we will meet at noon again. We will take up the following bills: The Indian health amendments bill, H.R. 3724;

H.R. 450, to amend the Stock Raising Homestead Act, and the National Competitiveness Act as well. We will just do the rule and the general debate on that bill.

Then we will go to three suspensions. Recorded votes on suspensions will be postponed until after the debate on all the suspensions. Those three suspensions are the Tourism Reauthorization, Government Security Offering Enforcement Act, and the Pipeline Safety Improvement Act.

Then on Wednesday, September 16, and the balance of the week, and we do plan to meet the whole week through Friday, we will meet on Wednesday at 10 o'clock, at 10 o'clock on Thursday, and Friday as well, and we will finish the National Competitiveness Act. We will also take up the Water Resources Development Act of 1992, subject to a rule; the Consumer Reporting Reform Act of 1992, also subject to a rule; and H.R. 3298, the Farm Credit Banks and Associations Safety and Soundness Act, subject to a rule.

Mr. MICHEL. Mr. Speaker, might I inquire, since we have, I think, some remaining primaries in New York, Massachusetts, and maybe Washington, and Minnesota, regarding all those suspension votes, whether they were carried over from Monday or considered on Tuesday, those votes would be later in the day?

Mr. BONIOR. If the gentleman will continue to yield, we hope to have as few votes as possible because of the large number of primaries in the country that day, and the votes will be held until later in the day on the suspensions that might have been ordered.

Mr. MICHEL. I did not see on the calendar here the conference report on the cable legislation.

Mr. BONIOR. If the gentleman will continue to yield, the cable conference report was finished last night, I believe. We have not received any notification up in the Committee on Rules yet, but I suspect that it is possible for next week.

Mr. MICHEL. And how about the disaster supplemental for the victims of Florida and Louisiana?

Mr. BONIOR. If the gentleman will continue to yield, it is my understanding that the Senate will attach the provisions that were suggested by the President, with some modifications, and we should get it back here next week, assuming, I might say to my friend from Illinois, that the conference works out their differences. However, because of the dire emergency that exists, I think that should move relatively quickly.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

REGARDING THE TRANSFER OF FUNCTIONS AND ENTITIES TO DIRECTOR OF NONLEGISLATIVE AND FINANCIAL SERVICES

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the transfer of functions and entities to director of nonlegislative and financial services pursuant to section 7 of House Resolution 423 be effected not later than September 25, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Speaker, reserving the right to object, if I understand what the gentleman is asking in his unanimous-consent request, it is a further extension of time in terms of the appointment of a House Administrator, is that correct?

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would say to the gentleman, that is correct.

Mr. WALKER. I must say, Mr. Speaker, from the standpoint of this Member who served on the task force that considered these matters, I am becoming very disturbed about the length of time here. We came out of those meetings somewhat divided between the parties, but with a firm conviction that the House was going to move aggressively to reform itself.

The one reform of major significance that the majority suggested was the creation of this office of House Administrator, and it seems to me now we have gone a number of weeks and months with virtually no movement on getting that House Administrator in place.

What that means is that everything is continuing as is. The Clerk is continuing to do his job, just as he did before we wanted a reform. The Sergeant at Arms is doing the job just as he was before we decided to reform. We have an interim Postmaster whose office is supposedly being phased out, who is doing all the jobs just as he did them before, and the Doorkeeper the same way. We have really effected no reform here.

I just have a couple of questions for the gentleman. Has anyone at this point been interviewed for this job?

Mr. BONIOR. If the gentleman would continue to yield, the firm that is searching for qualified, competent candidates has been hired and they have suggested, I have been told, a number of people to be interviewed. I hope that would take place next week, as I understand it. The search is continuing for additional candidates, but my guess is that at some point next week the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Illinois [Mr. MICHEL] and whoever is involved on your side of the aisle, will be able to interview the first batch of candidates that we have. We hope to have in place such a person before the end of the Congress.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand the gentleman's point, but in all honesty, the firm that is out searching for candidates right now was not hired until we reached the first deadline. We got to the first deadline, and then it was decided that we were going to hire a firm to go search for one.

Now we come up against this deadline and that search has taken us to this deadline, and as I understand the situation, we still have not interviewed one candidate for the job. It may well be that we will get to it next week and begin to interview, but we are getting very close to the end of Congress and we have not yet even begun the interview process for this administrator that was the one substantive reform that supposedly the House was going to undertake.

My concern is that reform has become a nice term, but there is no afterflow of real actions that is going to get us the reforms that the country so badly wants to see.

Mr. BONIOR. If the gentleman will continue to yield, we mean to expedite the afterflow. We think it is important and we think we need to get on with this business.

As I said, we have a number of candidates already that the firm has come up with, and the process is a bipartisan process in selecting the firm, and will be a bipartisan process in selecting whomever gets the responsible position.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand it has now become an imperative, but the fact is that there was a deadline set in the first place. That deadline was ignored. We did not even have a firm in place doing any work until then. Now we have set another deadline, and we come up against that deadline and the firm has not even given a candidate yet.

Now we are going to set another deadline, and every time we set a deadline we have been assured that this is the last deadline that is going to be needed; that we are going to proceed ahead, and we are going to get this job done.

The gentleman is giving us that assurance again today. I appreciate that, but I will tell him, it is somewhat frustrating to watch this entire session of Congress go through with absolutely no reform in place whatsoever.

□ 1600

Mr. BONIOR. We are looking for the best-qualified person for this job, and we are working together with Members on your side of the aisle to find that person. We expect that we will have a person in place before we finish our business in 2 or 3 weeks.

Mr. WALKER. Further reserving the right to object, as your party is so fond of pointing out, we have 10 million people out there unemployed at the present time. A lot of those people are people who had white-collar jobs, who are experienced managers, who are people who have done very valuable work in industry. It is passing strange that out of that kind of a pool of talent that exists in the country we have now gone months without being able to interview someone in the process of establishing a House administrator. That is a very grave concern of this Member, and I am really concerned that the reform process has broken down in ways that are not reflecting very well on the institution.

Mr. BONIOR. I understand the gentleman's concern. But the way the process works is that most of these firms will do a preinterview before they recommend to us a group of people which we can select from. And they are about to do that, and we will get our chance to look at some very qualified people.

Mr. WALKER. I thank the gentleman for that. We wonder, however, why this firm was not even hired before the last deadline.

Mr. BONIOR. We need bipartisan agreement on it, and we were only able to reach that agreement at the point at which the decision was made.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I would hope that the gentleman would not persist in this reservation or any objection to the request. As I understand it, the majority whip has asked for an extension until September 25, and that is 2 weeks.

While we were gone for the convention and the recess until after Labor Day, I had planned that we would at least make some cursory interviews next Wednesday, I think on at least our side of the aisle, and I intend, since the gentleman serves on that reform task force on our side, had intended to include that group of task force people plus the leadership. I have had a chance to look over very briefly the resumes of some of those who will be recommended. Whether or not we would have an opportunity or time to interview all of them, certainly some would tend to be on a front burner, and hopefully then the same action would be pursued on the majority side while we are trying to do this in concert with one another on whomever is selected.

I think the gentleman makes one whale of a good point that if we cannot get this thing resolved before we adjourn sine die, it really does reflect badly on our attempts to do what we said we wanted to do earlier by way of reforming this institution and providing for a full-time, competent administrator to look after the nitty-gritty details that we do not have time to do. So that is my commitment to do this this coming week, and hopefully the same will take place on the majority side. Then hopefully we can come to some agreement before the expiration of this extension period now that will run for two weeks.

Mr. WALKER. Further reserving the right to object, I certainly want to say to the distinguished minority leader and the distinguished majority whip, who I think has been very responsive here, it was not my intention to object to this. That would be an action that would simply throw a monkey wrench into the process, and I did not want to do that. But I do rise in a sense of frustration that we have come up at least on two deadlines before this, and we are proposing a third deadline, and we do not seem to be getting the job done. I would only suggest when we get to the deadline on September 25 that we had better be able to show some very substantive action toward getting this job done, or my guess is that you are going to have a hard time getting unanimous consent to go further on this matter.

Mr. Speaker, with that I am happy to withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 14, 1992

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMODORE JOHN BARRY DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 413) to designate September 13, 1992, as "Commodore John Barry Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object and would like to inform the House that the minority has no objection to this legislation.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to thank my colleagues for their generous support of this resolution, designating this Sunday, September 13, 1992 as Commodore John Barry Day.

Commodore John Barry, one of the great heroes of the American Revolutionary War, was a native of the County Wexford in Ireland. This resolution recognizes Commodore Barry's contributions to our Nation, both in fighting for our independence and assuring our fledgling Nation's survival.

John Barry first shipped out as a cabin boy. However, by adulthood, John Barry was the captain of his own ship in the American merchant marine. After the commencement of hostilities between the British and the American forces, then Capt. John Barry offered his services to General Washington and the Congress for the cause of liberty.

John Barry gave the Continental Navy its first victory in the war at sea with the capture of the Royal Navy sloop *Edward*. On another occasion, John Barry sailed into Philadelphia with a prize ship loaded with overcoats, a desperate commodity needed by General Washington's army in order to survive the cold winter. Another mission safely delivered the gold from France which paid the French and American Armies in the Yorktown campaign.

Furthermore, John Barry was principally responsible for organizing the Mablehead sailors and boats to effect Washington's famous crossing of the Delaware, which led to General Washington's victory at Trenton during the Christmas of 1776.

After the conclusion of the War for Independence, the Congress recognized Capt. John Barry as the premier naval hero of that conflict. Further, when George Washington, as president of the Constitutional Convention, could not achieve a quorum for the essential adoption vote, it was John Barry who organized the compellers, so-called because they sought out and compelled the attendance of enough delegates to assure passage of the Constitution of the United States.

Under the new Constitution, Congress authorized President Washington to create and maintain the U.S. Navy. President Washington turned to John Barry and conferred "Commission No. 1," dated June 14, 1794 upon him. Commodore John Barry then built and commanded the U.S. Navy including his flagship, the U.S.S. *United States* and the U.S.S. *Constitution*, popularly known as *Old Ironsides*.

Proclaiming September 13, 1992 as Commodore John Barry Day would be a fitting tribute to the sacrifices and contributions of this great American hero and would honor our Navy veterans and Irish Americans-who have sacrificed so much for our country.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 413

Whereas John Barry, an immigrant from County Wexford, Ireland, volunteered his services to the Continental Navy and was commissioned as captain on October 10, 1775;

Whereas during the War for Independence Captain John Barry achieved the first victory for the Continental Navy while in command of the ship "Lexington" by capturing the British ship "Edward", organized General George Washington's crossing of the Delaware River which led to the victory at Trenton in 1776, transported gold from France to America while in command of the ship "Alliance", and achieved the last victory of the war for the Continental Navy while in command of "Alliance" by defeating the British ship HMS Sybille;

Whereas during the War for Independence Captain John Barry rejected British General Lord Howe's offer to desert the Continental Navy and join the British Navy, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas after the War for Independence the United States Congress recognized John Barry as the premier American naval hero of that war;

Whereas in 1787 Captain John Barry organized the compulsory attendance of members of the Constitutional Convention in Philadelphia, thus ensuring the quorum necessary to adopt the Constitution and recommend it to the States for ratification;

Whereas on June 14, 1794, pursuant to "Commission No. 1", President Washington commissioned John Barry as commodore in the new United States Navy;

Whereas Commodore John Barry helped to build and lead the new United States Navy which included his command of the U.S.S. United States and U.S.S. Constitution ("Old Ironsides");

Whereas Commodore John Barry is recognized along with General Stephen Moylan in the Statue of Liberty Museum as 1 of 6 foreign-born great leaders of the War for Independence;

Whereas in 1991 President George Bush proclaimed September 13th, the date of John Barry's birth, as "Commodore John Barry Day"; and

Whereas designating a day to commemorate Commodore John Barry would be important to United States Navy veterans, Irish-Americans, and to all the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 13, 1992, is designated as "Commodore John Barry Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just considered and passed.

The SPEAKER pro tempore (Mr. WASHINGTON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1300

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1300.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

OUR QUESTIONABLE TAX CODE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, it has come to my attention that many Americans, especially senior citizens, are vulnerable to errors made by IRS employees assisting individuals in filing their tax returns.

For example, in 1977, an elderly constituent of mine was assisted by the IRS in filing her tax return.

Despite her age and her retirement pension of less than $7,000, she apparently was not informed that she could qualify for an elderly tax credit. And until 1988, the IRS failed to send her the proper Schedule R form required to claim the elderly tax credit.

Although the inadequate instructions in forms 1040 and 1040A were corrected in 1990, she could claim only $1,000 for the nearly $4,000 owed to her, because of the staute of limitations.

This is not an isolated occurrence, but rather endemic of our incomprehensible Tax Code. The 1986 Tax Simplification Act made it more difficult for Americans to file their returns.

We need meaningful tax reform. One should not have to be an accountant or a tax lawyer to file a tax return. If IRS employees cannot decipher our Tax Code, how can we expect our elderly citizens to do so?

ORDER OF BUSINESS

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to transpose the names of the gentleman from Michigan [Mr. DINGELL] and the gentleman from Michigan [Mr. BONIOR] in the special order calendar on September 16, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

CLINTON—THE ARTFUL DODGER

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I wish to discuss Mr. Clinton's draft dodging in a very thoughtful way.

I just heard the speech by our colleague, the gentleman from Pennsylvania [Mr. RIDGE]. Mr. Speaker, Mr. RIDGE asks a compelling and poignant question. What young man stepped forward and took Bill Clinton's place when he avoided the draft in June 1968 after he graduated from Georgetown?

However, it should be noted that not only one but three, three, young men from Hot Springs, AR, wore the uniform of our country in place of this Governor who is the artful dodger.

And, Mr. Speaker, what was the fate of these three dutiful young patriots? Did all three go to Vietnam? Was one them wounded? Is one confined to a wheelchair for life? Or, God forbid, are all three names on the wall of the Vietnam Veterans Memorial? We pray not. Has Governor Clinton, a detail "wonk," ever tried to discover, out of guilt, who went in his place?

As I've visited our military installations around the world, Mr. Speaker, I have yet to find one enlisted person, one NCO, or one officer who wants to serve under a Commander in Chief who did everything in his power to shirk his call to service, including writing letters stating that he "loathed the military."

Have you ever watched the Old Guard drill at formal ceremonies for our Presidents. Can a draft dodger expect that honor? Do you know that the Army Band and the Marine Corps Band are called the President's Own? For a dodger like Clinton? God forbid it. Loyal veterans are appalled at the prospect of combat-decorated air crews on Air Force One flying around a draft dodger.

And, Mr. Speaker, not only did Bill Clinton dodge the draft, but he has tried his best to hide the truth about it. When he spoke to the American Legion a few weeks ago he said that he had told everything about his draft record. And then a few days later, the American people learned that Bill Clinton's uncle and his uncle's attorney lobbied the local draft board to delay his induction. His uncle even worked a deal to have a Navy reserve slot created, repeat created, at a time when those positions didn't exist for anybody else in Arkansas.

I will put in the RECORD again today, Mr. Speaker, the duplicitous, lying, cowardly, and ugly letter that Mr. Clinton sent to Col. Eugene Holmes where he says he ate compulsively at Oxford "out of lack of self-respect" for his ROTC scam, until he dropped of exhaustion from overeating while our POW's were being starved and tortured, some of them to death.

UNIVERSITY COLLEGE,
Oxford, England, December 3, 1969.

DEAR COLONEL HOLMES: I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations here Oct. 15 and Nov. 16.

Interlocked with the war and the draft issue, which I did not begin to consider separately until early 1968, for a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection, for those opposed to participation in a particular war, not simply to "participation in war in any form." From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation. The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea, an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill, and maybe die for their country (i.e., the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to put what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate then.

At that time, after we had made our agreement and you had sent my 1-A deferment to my draft board, the anguish and loss of self respect and self confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on September 12, I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help me in a case where he really couldn't and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible. I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes Scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disserve, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

JUDGE WILKEY'S LETTERS

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, I yield to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, yesterday morning, I received this letter from Judge Malcolm Wilkey exonerating me from something that there was never any suspicion of my doing in the first place. A little late, since the fact that I was under this scrutiny certainly didn't help in my failed reelection bid. With all due respect, the good judge can take this letter, fold it four ways, tie a ribbon around it, and put it wherever it wishes.

Now, Mr. Speaker, comes a column by William Safire in this morning's New York Times which raises serious, and documented, allegations about this administration's attempt to influence the investigation of the Atlanta Branch of Banca Nazionale del Lavoro which was laundering our U.S. taxpayer-funded agriculture aid for Saddam Hussein's war machine.

Now that the Justice Department has finished with Congressman JONES and his seven overdrafts, how about looking into this matter—one which compromised American security, may have criminally violated our laws, and may have ultimately jeapordized the lives of American men and women.

A SMOKING GUN?

(By William Safire)

WASHINGTON.—Did the Bush Administration, eager to build up Saddam Hussein, interfere in the Atlanta U.S. Attorney's investigation of Iraq's corruption of our Department of Agriculture? Has the Attorney General committed an impeachable offense in refusing to permit a special prosecutor to investigate obstruction of justice, as Congress requested?

A memo dated October 26, 1989, suggests the answer to both questions is yes.

The damning memo is to Secretary of State James Baker III from John Kelly, head of State's Near East Bureau, and Abraham Sofaer, Legal Counsel. The issue for decision was whether to push for $1 billion of U.S. grain credits to Iraq despite our growing knowledge that Iraqi officials were breaking our laws.

"Earlier this month, the President signed NSD–26," Mr. Baker was reminded, "mandating pursuit of improved economic and political ties with Iraq." Although Treasury and the Fed opposed granting further credits to near-bankrupt Iraq, "Our ability to influence Iraqi policies . . . will be heavily influenced by the outcome of the Commodity Credit Corporation negotiations."

The idea was to pervert the grain credits program, which was set up to help U.S. farmers, and turn it into a backdoor foreign aid source, contrary to the will of congress.

How to accomplish this, as it was becoming known that Saddam was stealing us blind? ". . . *to wall off an FY90 CCC program from the BNL* [Lavoro] *investigation*" (italics now and later mine), goes the recommendation to Secretary Baker, get an Iraqi promise to "cooperate" in an investigation and to say it won't corruptly handle the new money. In the blank space next to "approve" are the initials "JAB III."

To do that, however, State's legal counsel—denominated "L" in the memo—first had to find out if any Iraqi officials were likely to be prosecuted as criminals. "L" has spoken with US Department of Agriculture and independently with the US Attorney's office in Atlanta."

Iraqgate buffs will recall the objections raised in Congress to evidence that the White House Legal Counsel had at least twice called the assistant U.S. Attorney in Atlanta. In rejecting any suggestion that repeated expressions of interest from the White House constituted undue interference in a criminal investigation, Attorney General Barr's apologia stated that "the words used in the calls did not include any attempt to influence or interfere," therefore "no interference occurred."

Mr. Bush's lawyer claimed he was "seeking only publicly available information." If that were true, a Nexis search could have been made at the touch of a computer button.

Now we have new evidence of Baker's State Department lawyer calling the Atlanta prosecutor a month before. Did the Attorney General, with the vast resources of the F.B.I., discover this in his "investigation"? No; the Criminal Division's assignment was to find no evidence.

The real purpose of this improper call from Baker's lawyer was to discover prosecutorial intent. This can be deduced from the "talking points" attached to the Oct. 26 memo, advising Baker how to persuade Agriculture Secretary Clayton Yeutter to forget his fiduciary responsibility and get with the backdoor aid program.

"Our information about the investigation," goes this script for Baker's call, "indicates that the prosecutor does not now intend to indict Iraqi officials." How's that for knowing prosecutorial intent—and for using the inside information corruptly?

Secretary Yeutter's roundheeled reply is recorded in Baker's handwriting on that same point sheet: "10/31 C[layton] Y[eutter]: 'I think we're seeing it the same way your guys are. I'll get into it.' JAB III."

Former counsel Abe Sofaer says he did not make the Atlanta call and is unfamiliar with the memo, but thinks State has a written procedure for contacting prosecutors. (He's wrong.) State's lawyers, Alan Kreczko and Ted Borek, have dived under desks. Justice has never interviewed them and says it knows of no procedures to limit calls to U.S. Attorneys no holds Barred.

House Judiciary chairman Jack Brooks is wimping out in the face of this stonewalling. Banking chairman Henry Gonzalez is preparing to answer the A.G.'s defiance with a bill of impeachment.

If elected, would Bill Clinton favor a special Iraqgate prosecutor? Answer: "Yes."

CONGRESSIONAL DELEGATION TO THE BALKANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I recently returned from an official visit to the former Yugoslav nation which is faced with such a difficult and complex issue. I visited Bosnia-Herzegovina, Voivodina, Serbia, Kosovo and Macedonia. I flew on a United Nations humanitarian relief flight to Sarajevo. While on the ground, I talked with the U.N. humanitarian aid coordinating team. I met at length with Yugoslav and Serbian leaders, public and private groups and clergy and inspected a Serbian prison camp in Bosnia-Herzegovina. I drove extensively throughout the region and met with opposition leaders in Kosovo. There was a good opportunity to observe the effect of the sanctions and to view, first hand, conditions and human rights violations which exist in the country.

On Sunday, August 30, I flew in a United Nations C–130 humanitarian resupply aircraft from Rhein Main Air Base near Frankfurt to Sarajevo. This aircraft was scheduled to deliver excess combat rations—meals; ready to eat—provided by the Defense Department to the beleaguered city of Sarajevo. As we approached Sarajevo, widespread destruction of the once beautiful city was apparent with buildings destroyed, shell craters everywhere and roads and highways torn apart. We could see shelling and mortar fire over Sarajevo as we prepared to land. While the cargo was being offloaded I met with the U.N. Humanitarian Relief Effort Coordinator and was briefed in his headquarters and observed the peacekeepers, their equipment and their personnel. U.N. troops at the airport are sitting ducks should aggressor forces decide to attack them and they should, at least, be authorized to return enemy fire. We retraced our route out of Bosnia-Herzegovina which was a direct line to the Adriatic Sea to minimize the time the aircraft remained over hostile areas. The professionalism and courage of this U.S. aircrew was reassuring. They and their commanders point out that with the onset of winter in another month bringing poor visibility and adverse flying conditions, it will difficult to sustain air resupply of humanitarian assistance to Sarajevo. The need to open secured land corridors is evident and has grown dramatically in the past few days with the attack on Tuesday's land convoy which killed two and injured two more French soldiers and the additional turning off of the Sarajevo water supply.

I next met with Yugoslav and Serbian leaders, with clergy, public and private groups and individuals in Belgrade. To get to Belgrade, it was necessary to fly to Budapest and drive through Voivodina to Serbia because the Belgrade airport was closed to all but a few in-country commercial flights. This drive afforded an opportunity to assess the effect of sanctions. It was apparent by the massive truck traffic along the main roads that the sanctions are only loosely enforced. Sanctions have, however, heavily impacted on the use of fuel and there are long, long gas lines at the few service stations which remained open throughout the country. There is also widespread concern about the toll sanctions will take with the approach of a cold and bitter winter.

In this regard, it could be concluded that more rigidly enforced sanctions can only help bring an end to this turmoil and tragedy. The United States and the European community of nations, including Eastern European Hungary, Romania, Poland, Czechoslovakia, and Greece should take steps to securely seal the former Yugoslavian borders to the passage of foods and commerce. This includes roadblocks and inspection stations at every highway and road to Yugoslavia, perhaps a coast guard like blockade at both points where the Danube River enters/exits the former Yugoslavia to be prepared to inspect every transiting vessel, and a naval force sufficient to board and inspect every ship in the Adriatic Sea approaching the coastline.

Concurrently, I believe it is absolutely imperative for our Congress to immediately withhold most-favored-nation trading status from Serbia. I have introduced in the House a bill which now has 115 cosponsors, to deny MFN and I call on Senator MITCHELL and the leadership in the other body to put this effort on the fast track and get legislation to the White House for the President to sign. This would put Congress on the record regarding this issue, which to date has not happened.

On September 1, I met individually with Prime Minister Milan Panic and President Dobrica Cosic of the so-called Federal Republic of Yugoslavia and Serbian President Slobodan Milosevic. The meetings were cordial; each mentioned the sanctions and the added difficulty that winter will bring. All expressed guarded support for the recent London agreement including arms monitoring. There is a certain hollowness to this rhetoric in light of continuing hostile acts toward Sarajevo including cutting off the water supply. The subject of the scheduled parliamentary vote of confidence for the Prime Minister came up at each meeting with Mr. Panic expressing concern, President Cosic voicing assurance that the Prime Minister would survive and Serbian President Milosevic noting that this was a parliamentary action over which he had no control. I stressed to each that the killing must end and ethnic cleansing is not an acceptable measure for governments to take. I proposed that there is a role for the church in the process of reconciliation and suggested that perhaps the Cardinal and the heads of the Orthodox and Moslem churches could appear jointly on television to call for the healing process to begin. This seemed acceptable to each of the leaders with whom I met.

I discussed with each the specific case of Ms. Shayna Lazarevich whose two children were kidnaped from her California home by her Yugoslavian ex-husband who is presently in a Serbian jail. He has refused to tell where he has hidden the children even though she has been awarded custody by both California and Serbian courts. Each of the leaders agreed to assist Ms. Lazarevich in her quest to find her children.

The Serbian Government agreed to my request to see a Serbian prison camp, so on the afternoon of September 1 we began the journey back into Bosnia-Heregovina to the town of Bathkovic. During the journey we passed impromptu checkpoints established by heavily armed civilians, many of whom were old men serving as self-appointed militia with an ill-defined mission and purpose. When the time to end hostilities is at hand, one wonders who will tell these men to put down their arms and return home. How will they know when it is over?

The prison camp housed 1,280 prisoners, mostly Moslem, mostly civilians with some soldiers. The discipline was harsh and conditions were stark and barren. A camp collaborator was produced who parroted that food was plentiful and conditions were good. He talked about recreational activity including games of chess and even pointed out a single lonely TV set dwarfed by the barn-like building which housed 500 or 600 prisoners. However, this testimony to the good life was not reflected in the expressions of his fellow inmates. The prisoners sat silently on a thin layer of filthy straw with the silence punctuated from time to time by subdued coughing which may preview sickness and influenza as winter grips this terrible place. Hopelessness clouded the faces of the men in this camp. The longer this siege goes on the more difficult the healing process will be. These prisoners just must be released soon. Conditions are terrible and winter will bring on a spreading sickness that will be intolerable.

Serbia is, without doubt, committing wholesale violence and brutal acts on Croats and Moslems throughout the region. It would be a serious error, however, to assign all blame to them. Croats and Moslems are guilty, as well, of brutality and reeking devastation and violence on innocent men, women and children. The combined aggression on all former Yugoslavs will create a refugee problem for the rest of Europe that has not been seen since the end of World War II.

We next moved to Kosovo where we met with members of the opposition parties. This largely Albanian populated province could be the next problem area and the leadership is clearly concerned about it. It is time to consider assigning CSCE representatives or even a United Nations peacekeeping force in Kosovo to deter future conflict. The province of Voivodino with large numbers of Hungarians is also a candidate for ethnic cleansing and could as well be considered for assigning CSCE representatives or peacekeepers at the border to serve as a buffer to Serbian aggression. Prevention in these areas is critical so that the violence is not allowed to spread further.

CONCLUSIONS

The complexity of this crisis was highlighted during the trip. Resolutions that are fairly served and implemented are difficult to establish. The following comments and observations are offered:

First, the killing in Yugoslavia has to stop and ethnic cleansing is not an acceptable alternative to peaceful co-existence.

Second, the humanitarian airlift into Sarajevo is providing much needed relief but with the onset of winter and poor flying conditions, an alternate secure land route must be established.

Third, the European Community of nations must take a larger role in promoting peace. Sanctions need to be made absolutely ironclad and leaks along routes of commerce must be plugged, particularly on the Danube River and across the Romanian border. In taking this step, however, it must be recognized that sanctions will also hurt the vulnerable who are already the real victims of this terrible course of events. Sadly, this may be the most humane option available to influence events in this part of the world.

Fourth, most-favored-nation trading status must be withdrawn soon. The Congress should act on this point now.

Fifth, compliance with the London agreement must be strongly encouraged. The United States should make clear that it will stay engaged until permanent resolution is found; however, no U.S. ground troops should be committed to bring peace. The United States should also insist that the European Community assume a major share of this burden.

Sixth, there is a role for the church to play in the reconciliation process and perhaps it is time for the leaders of the three churches to jointly call for the healing process to begin.

Seventh, conflict and ethnic cleansing can boil over into other provinces including Kosovo and Voivodino and the use of U.N. peacekeepers to serve as a buffer at the borders should be considered. Assignment of CSCE representatives to these potential troublespots now is warranted so they would be on-scene and able to avert new aggression before it gets a toehold.

Eighth, refugees are struggling to leave the former Yugoslavia and must receive the consideration of the European Community of nations.

Ninth, if all this fails, and the aggression and brutality continues; what then? It is time for the world community, in their legislatures and houses of parliament, to begin to debate this moral issue. What other options are there? Intervention by armed forces? The possibility of arming weaker factions in Yugoslavia; the Moslems, for example. These are compelling questions which must now be addressed. Others around the world are watching to see what our response will be. If brutality is allowed to go unchecked here, where and when will it spring up next?

I am reporting on my trip to the President, to Secretary Eagleburger and to my colleagues in Congress.

Lastly, I would like to commend the men and women in the world's press corps covering the unfolding events in Yugoslavia. They are doing a superb and often heroic job in telling about this tragedy under the most trying and hazardous conditions.

□ 1520

HURRICANE ANDREW RELIEF EFFORTS IN MARYLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, today I want to applaud the efforts of many local and statewide Maryland citizens, businesses, and groups to aid the victims of Hurricane Andrew in Florida and Louisiana as fine examples of the voluntarism that is in keeping with the spirit that made America great in the past and will in the future. Voluntarism is very special to the United States.

These fine people deserve to be saluted for the work they are doing still, and I am pleased that our district office in Towson has been able to assist in many ways thus far.

This has included intervention as a go-between with the Maryland National Guard, headquartered at the 5th Regiment Armory in Baltimore, for the American Red Cross Disaster Relief Center on Maryland's Eastern Shore in acquiring trucks to help ship needed items southward.

My office's call to the Guard's Adjutant General, Maj. Gen. James F. Fretterd, resulted in contact being made between Stuart Hopkins of the Red Cross on the shore and Col. Warner Sumtter, the Director of Military Support for the Guard. My thanks to both of them for the work they are doing.

Instrumental also in trucking-in materials to the disaster area has been the Queen Anne's Medical Center in Queenstown, where June Jewell and Dr. Gary Sprouse are working hard to send as many medical supplies as they can gather.

These trucks have been leaving daily from the parking lot of Eastern Vocational-Technical High School in Essex, where I visited the first shipment by those volunteers to wish them a safe trip south.

Supervising that night's work was our district office representative, Chuck Cresswell and his wife. Helping to pack and load boxes of groceries and clothing aboard the waiting trucks were Boy Scouts of local troop No. 372 of the Back River Neck United Methodist Church in Essex.

Present were Scoutmaster Mark Yost and Assistant Scoutmaster Chris Cassedy, plus scouts Frank Liberto, Jr., and his father, Frank, Sr.; Andrew Kirtland, Joshua Ruth, and Jason Walters, all of them working until well after dark.

Boxes and tape for the materials sent were donated by Selco's Jeff Feldmann, while a forklift was loaded by Dave Lilly of Lehman Rental and Sales Co. James Frock of P&H Auto Electric donated 183 new marine batteries.

James Vuncannon of Johnson and Towers in Middle River supervised sending 73 power generators to Florida and has assigned two employees onsite in the disaster area to help restore power to schools, police, fire, and other essential services. These Maryland generators represented a substantial portion of all generators transported to Florida after Andrew hit.

Ron Cox, vice president of Anchor Bay Yacht Sales, in conjunction with Lux Bay Boat Co., provided new boat tarp coverings as protection for homes and equipment.

Tom and Cynthia Debrowski of Essex have been working day and night to help sent popup campers for people left homeless by the hurricane, coordinating the shipment of their own unit as well as 14 donated others. People wishing to donate their own road-worthy campers should call Cindy at 391-9363.

Volunteering their tow trucks and time to bring the campers to Eastern Vo-Tech were Fred Hollingsworth and driver Aaron Crowl of Harford Towing of Fallston in Harford County, as did Pikeway Towing and Betty Cornwell of the Tow Truck Association.

Ferguson Trenching Co.'s Sam Norfolk provided trucks, and drivers Sonny Eaton and Randy Salisbury drove them.

Also, shipping donated campers south has been the International Christian Warehouse Ministries of Towson, MD, supervised by ICWM president Edward M. Canino and Bob Ritchie. My district office staff worked with that of Congressman BILL THOMAS of California to help transport wallboard and other building materials contributed to the effort.

Also worthy of a salute are Dr. Mayer Handelman, president of Woodhaven Pharmacy, Inc., in Towson, and his staff of eight who called their vendors for donations of drugs and other medical supplies for the hurricane victims.

Finally, Tony Valdez of the Federal Emergency Management Agency has responded swiftly to all calls from our office. These and other similar efforts show what we as a nation can do when we pull together for the common good.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992-96

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the 10th report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report 102-69, the conference report to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 9, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102-69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 121

REFLECTING COMPLETED ACTION AS OF AUGUST 13, 1992

[On-budget amounts, in millions of dollars]

	Fiscal year—	
	1992	1992–1996
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,269,254	(1)
Outlays	1,205,909	(1)
Revenues	853,366	4,834,000
Current level over(+)/under(−) appropriate level:		
Budget authority	−46	(1)

REFLECTING COMPLETED ACTION AS OF AUGUST 13, 1992—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year—	
	1992	1992–1996
Outlays	+4,309	([1])
Revenues	+2,966	+2,000

[1] Not applicable because annual Appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority that is not included in the current level estimate, and exceeds $46 million in budget authority for fiscal year 1992, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121 to be exceeded.

OUTLAYS

Any measure that (1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and (2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $2,966 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal years, in million of dollars]

	1992			1992–1996		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House Committee:						
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	−2	−2	−1	−1	−1	([1])
Difference	−2	−2	−1	−3,719	−3,539	−4,716
Armed Services:						
Appropriate level	0	0	0	0	0	0
Current level	0	−7	−7	0	−83	−83
Difference		−7	−7		−83	−83
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level	−305	−270	−305	−329	−339	12,062
Difference	−305	−270	−361	−329	−339	−8,091
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−2	−2	0	5	5	0
Difference	−2	−2		+5	+5	
Judicary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	([1])	0	0	([1])
Difference			([1])			([1])
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,087	−33	0	112,621	−88	0
Difference	+1,729	−33	0	−5,178	−88	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	−3	2	378	−4	15	2,182
Difference	−3	+2	−106	−4	+15	−4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	8,016	8,016	8,986	12,835	12,835	14,295
Difference	+8,016	+8,016	+8,986	+12,835	+12,835	+13,675
Permanent Select Committee on Interlligence:						
Appropriate level	0	0	0	0	0	0
Current level	([1])	([1])	([1])	([1])	([1])	([1])
Difference	([1])	([1])	([1])	([1])	([1])	+1

[1] Less than $500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992

[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-Judiciary	21,070	20,714	21,088	20,721	18	7
Defense	270,244	275,222	262,763	272,658	−7,481	−2,564
District of Columbia	700	690	700	690	0	0
Energy and Water Development	21,875	20,770	21,870	20,718	−5	−52
Foreign Operations	15,285	13,556	14,295	13,449	−990	−107
Interior	13,102	12,050	13,077	12,186	−25	136
Labor, Health and Human Services, and Education	59,087	57,797	59,074	57,832	−13	35
Legislative	2,344	2,317	2,303	2,270	−41	−47
Military Construction	8,564	8,482	8,427	8,413	−137	−69
Rural Development, Agriculture, and Related Agencies	12,299	11,226	12,285	11,220	−14	−6
Transportation	13,765	31,800	13,752	31,798	−13	−2
Treasury-Postal Service	10,825	11,120	10,824	11,119	−1	−1
VA-HUD-Independent Agencies	63,953	61,714	63,315	61,707	−638	−7
Grand total	513,113	527,458	503,773	524,781	−9,340	−2,677

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 1992.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business August 13, 1992, and is summarized as follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/− resolution
Budget authority	1,269,254	1,269,300	−46
Outlays	1,205,909	1,201,600	+4,309
Revenues:			
1992	853,366	850,400	+2,966
1992–96	4,834,000	4,832,000	+2,000

Since my last report, dated August 12, 1992, there have been no changes that affect the estimates of budget authority, outlays and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 102D CONGRESS, 2D SESSION—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS AUGUST 13, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,617	727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency Unemployment Compensation: Extension (P.L. 102–244)	2,706	2,706	
American Technology Preeminence: (P.L. 102–245)			(3)
Further Continuing Appropriations, 1992: (P.L. 102–266) [4]	14,178	5,724	
Extend Certain Expiring Veterans' Programs: (P.L. 102–291)	(3)	(3)	
1992 Rescissions (P.L. 102–298)	(8,154)	(2,499)	
Disaster Assistance for Los Angeles and Chicago (P.L. 102–302) [5]	81	15	
Unemployment Compensation (P.L. 102–318)	980	980	
Transfer of Certain Naval Vessels (P.L. 102–322)			2
Higher Education Amendments (P.L. 102–325)	(305)	(270)	
Partial Restoration of Highway Obligational Authority (P.L. 102–334)	(427)	(33)	
Total enacted this session	9,056	6,621	2
MANDATORY ADJUSTMENTS [1]			
Technical Correction to the Food Stamp Act (P.L. 102–265)	(3)	(3)	
Total current level	1,269,254	1,205,909	853,366
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution		4,309	2,966
Under budget resolution	46		

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (P.L. 102–145) that expired March 31, 1992.

[3] Less than $500,000.

[4] In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown from P.L. 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

[5] In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for P.L. 102–302 does not include $995 million in budget authority and $537 million in outlays in emergency funding.

Note.—Amounts in parenthesis are negative.

FAMILY AND MEDICAL LEAVE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, this afternoon we witnessed a historic and tragic vote, the vote on the Family and Medical Leave Act, which was taken with 241 voting for it. Mr. Speaker, it fell short of the necessary amount to override a veto, if there is to be a veto.

I understand the White House, the President, has indicated that he will veto the Family and Medical Leave Act. It is quite tragic to have the Family and Medical Leave Act on its way to a second veto. The first veto took place on July 10, 1990. The President vetoed it. It was his 13th veto at that time. Since then he has vetoed many other bills, of course.

We know the total number of vetoes of the President adds up to 31 vetoes. Government by veto as been one of the hallmarks of this administration.

Mr. Speaker, voters are angry, and they have a right to be angry. There has been a lot of stalemate, there has been a lot of stagnation. The kinds of decisions that should have been made in the last 4 years have not been made, and therefore our economy is in terrible shape. People are hurting as a result of the wrong decisions being made, as a result of no decisions being made. The veto record of this administration is a good summary of the ineptitude and stagnation of the administration. The veto record is a very good display, portrait of an administration that is held hostage by its rightwing. The White House is held hostage by the rightwing ideology and rightwing dogma.

□ 1630

There is no logical reason why the Family and Medical Leave Act should not have been passed with the support of the administration. Of course, it did not get the necessary votes to override a veto because the administration is lobbying against the bill and they have continued to take their dogmatic position on the bill which will not cost the taxpayers one single dime. There is no money involved in the Family and Medical Leave Act. It does not cost anybody anything. The Government does not have to appropriate a single penny.

When people take off time from work, they will not be paid. It will be their own time. All that the Family and Medical Leave Act does is that it guarantees that a person who takes off time to take care of a family emergency such as a sick relative or the birth of a baby, that person would not lose their job. That is all the Family and Medical Leave Act that we voted on today and passed on the conference report without enough votes to override a veto, that is all the act does.

It is not like the provision they have in Canada or the provision they have in Great Britain or in Germany or Japan where people are not only given time off, but they are paid. So it does not hinder our industry in any way.

There is no logical reason why the Family and Medical Leave Act should not have been passed with the assurance that it would be signed into law by the President.

I serve on the Education and Labor Committee. We were responsible for the Family and Medical Leave Act from its inception. It has been a painful experience to watch how the original act has been watered down in the effort to seek a compromise and the effort to win the approval of the White House.

We have gone a long way in terms of lessening the provision. We cover fewer workers. We give less time. We have put in all kinds of provisions that were requested by business. Employers and businesses are not against the bill very much anymore, and really, there were not that many against it in the first place. Most of the businesses in America are not even covered because only the businesses that have 50 workers or more are covered.

So why is it that this bill which benefits families so much, why is it that this bill which is a family benefits bill, which does not cost the taxpayers one single dime, why is it opposed so vehemently by this administration?

Why does this administration have a pattern of opposing legislation that benefits families?

We hear a lot of talk about family values, but those who are really concerned about families voted for the Family and Medical Leave Act today. Those who are not concerned about families did not vote for it.

The White House and this administration which claims to care about families is hypocritical about families, because here is an incident, here is an example, an opportunity to vote on the side of families that is being opposed by the administration.

They are being held hostage by some ideology that says you should not interfere in any way with business. They are being held hostage by blind dogma.

The Family and Medical Leave Act conference report we passed today is on its way to a blind veto by the President. There is no reasonable consideration going to take place at the White House.

Let us take a look at the record of this administration, not only in the case of the Family and Medical Leave Act, but a number of other items that would have benefited families.

The very first veto of the Bush administration, and I am reading from a record of vetoes that was conveniently summarized for the American voters in the New York Times on Sunday, August 9, 1992. The record of the President's vetoes shows us why there has been stagnation. This record of the President's vetoes shows why voters have every right to get angry. But they should target their anger, they should focus their anger in the right place. The anger should be focused on the White House.

Starting in June 1989, June 13, 1989, this President vetoed the bill raising the minimum wage to $4.55 an hour from $3.35 an hour. That was the first veto of this administration.

I serve on the Education and Labor Committee, so I am aware of all the details that were involved in working toward a minimum wage bill.

We compromised even before the bill came to the floor. We brought down the amount of money that was being requested in the minimum wage even before the bill came to the floor of the House.

The bill that went to the President was already compromised, and yet he would not pass the bill for a minimum wage of $4.55 an hour.

We finally got a bill passed later on after he vetoed this one, but it was watered down greatly for much less, and it is already obsolete. Nobody will argue that $4.55 an hour will provide food, clothing, and shelter and a decent life for any family in America, yet we were trying to bring it up from $3.35 an hour, which was ridiculous. The minimum wage had not been raised in 10 years. So we were trying to help American families.

This was a family vote. This was a family bill. This was family legislation.

At that time the administration argued that it would hurt industry, to raise the minimum wage in America would hurt industry in this country. They argued that it would give our competition, our foreign competition in Germany and Japan an advantage. They already have minimum wages that are higher than this, but they argued that.

You might say there was room for some honorable disagreement. One could legitimize the fact that they had an argument of some kind when it came to their distorted perception of what would hurt or what would harm the American economy, but there is no legitimate reason for doing the same with the Family and Medical Leave Act, because no money is involved. No argument can be made that it is going to hurt American productivity. No argument can be made seriously that it is going to lessen the number of jobs, and certainly no argument can be made that our competition in Germany or Japan or Great Britain or Canada would be hurt or would be given an advantage and we would be hurt, because our competition already provides more generous family leave benefits than are provided in this bill. So that argument cannot be offered.

Families are being hurt by the position the administration is taking today without anybody being able to make an argument that they have a good reason to suspect or believe that the economy would be damaged in some way if we passed this bill.

The record of vetoes is a record which I think from day one to the last veto on July 2, 1992, veto No. 31, indicates how much this administration is being held hostage by rightwing dogma.

The first veto, as I said before, was June 13, 1989. The bill raised the minimum wage to $4.55 an hour from $3.35 an hour and was vetoed.

The last veto on July 2, 1992, the 31st veto of this administration, was legislation which would have required States to allow voter registration when citizens apply for drivers' licenses or government benefits. That was the last veto.

The rightwing says no, it is un-American to encourage people to register to vote.

Of all the democracies in the world, we have the least turnout, the lowest number of people registered, the lowest number of people who come out to vote, yet we are the originators of modern democracy.

We discourage, however, people registering. We discourage people from coming out to vote. We do not do what many other nations do. There are some nations which allow people to come to the polls and vote whether they are registered or not. There is no registration. You register when you vote. There are other nations that automatically register everybody at the time they are born. There are nations that register people when they get drivers' licenses. There are a number of ways to encourage people to vote if you really believe in democracy; but this administration is a captive of a group of people who do not believe in democracy. They insist that if you make voter registration easier, then automatically you are going to get more of those people, those Democrats registered.

Well, the American voters and American democracy is far more subtle than that, far stronger than that. No matter what we have done, we have gotten a strong two-party system over the years. I wish we had a third party sometimes. Maybe we could do with four parties; but, nevertheless, the two-party system works and works very well, regardless of what you do.

So why are we afraid of registering people. Why is the White House afraid of having more liberal laws in order to permit people to register when they apply for drivers' licenses or when they apply for government benefits? That was the last veto.

As I said before, this record of vetoes is a record of what is wrong with the country, what is wrong with the leadership.

□ 1640

My advice is: "If you're angry at politicians, don't be angry blindly. Know exactly why you're angry at politicians, and know that all politicians are not the ones to blame. The burden of blame should not be borne by those of us who have fought hard to produce legislation which benefits American families, which benefits the total economy."

Mr. Speaker, we have a record here of a White House, of an administration, that has consistently taken a no position and blocked decisions that would have moved us forward. I will not go through all of the 31 vetoes, but I think some should be highlighted. I think that this record should be made available if anyone wants to see it.

Mr. Speaker, I will include in the RECORD in its entirety the table from the New York Times of Sunday, August 9, 1992. It is entitled "A Roll Call of Resounding Noes, Bush's Veto Record," and his third veto again is indicative of where this administration is going and has been. It is indicative of how this administration is held hostage by the rightwing.

On August 16, 1989, the third Presidential veto was a bill on enrollment requirements for savings and loan bailout. It is a bill which would have made the savings and loan bailout effort stronger and given greater protection to the taxpayers. But that was vetoed on August 16, 1989.

The 10th veto took place on November 30, 1989. That is legislation that would have allowed Chinese students to stay in this country after their visas had expired.

Now how does this relate to our economy? How does it relate to American workers? How does it relate to democracy? It is very basic. The President consistently has taken the position that they do not want to do anything to offend China because China has trade going. They have opened up to trade with American business interests, and American business interests are very much afraid of offending the Chinese overlords, the Chinese dictators, the brutal oppressors of the Chinese student movement.

Business comes first even if business means squelching the rights of Chinese students. Business comes first because, after all, we get a lot of very cheaply manufactured products in from China, a lot of them made from prison labor, and, despite the fact that they are manufactured at a very cheap cost, the price is hiked up, and the stores sell them for amounts of money consistent with our standard of living, and they make huge profits. Huge profits are being made off of goods coming from China, so the administration took steps to protect our relationship with China.

No, no, no, we do not do anything to offend the Chinese. That was veto No. 10.

Veto No. 12 took place on June 15, 1990. That was a bill that would have allowed Federal workers to take part in partisan political activities on which they have been barred for over 50 years. That is called the Hatch Act, a bill which would have extended our democracy. The Hatch Act never had a good reason for being there in the first place, but certainly 50 years later there are safeguards to permit abuses by anyone on the Federal payroll in respect to elections.

It is just like veto 31, the bill that would have allowed greater voter registration. There is fear, fear that, if we create more freedoms, if we encourage people to participate in the democratic political process, somehow the right wing is going to be hurt, somehow the Republican Party is going to be hurt. That fear drives this administration to veto a bill that would have given workers the right to participate in political activities for the first time since they were barred 50 years ago.

Veto No. 14 is a bill that would restrict the growth of textile and clothing imports to 1 percent a year and freeze shoe imports at 1989 levels. We already have large numbers of textiles and shoes coming in, and there is free trade already which is robbing us of jobs and employment opportunities. Nobody was seeking to roll back the kind of free trade that already existed. We wanted to restrict the increase, stop the growth of textile and clothing imports to 1 percent, and freeze the shoe imports at the level of 1989. That bill was vetoed.

Do my colleagues want to know why we are in such terrible shape? First we start off with a veto by the President which will not raise the minimum wage. If we do not raise the minimum age, workers cannot keep pace with the cost of living. The workers cannot go out and buy the goods that are produced in this country, let alone those that are being poured into the country from outside the country.

We are destroying the great secret of the modern miracle. The locomotive which drives the free world market is the consumer market of the United States of America. Everybody has wanted to get in on our consumer market because we have the biggest consumer market in the world. The Japanese wanted in, the Germans wanted in, everybody wanted in, and everybody benefited from it.

Why do we have such a large consumer market? Why? Because we have the best paid workers in the world. We have the best distribution of the wealth. We once had it; we do not have it anymore. Those workers making decent wages went out and bought the products, and now not only do we insist on not keeping their wages at a reasonable level, but we will not protect them from imports from countries who are paying much lower wages. So, veto No. 14 had a direct relationship with veto No. 1.

Veto No. 16, October 22, 1990; that veto was a veto of a bill that would have reversed the Supreme Court decisions that would have limited the effect of Federal laws against job discrimination. The President said it would lead to job quotas.

That was the civil rights bill that the President vetoed. That was a bill which was based on the fact that we had gone along for years and reached a point where employers, and employees and civil rights organizations were very comfortable with the kind of procedures we had to deal with discrimination in industry, and at that point the Reagan-appointed Supreme Court began to turn around some of the provisions, and Congress sought to correct it, but the President would not go along with it. He branded it as a job quotas bill and vetoed it. He not only set us back in the eyes of the world in terms of the opportunities offered all groups and all races here in this country, but he also hurt the economy by creating opportunities for more litigation and interfering with a procedure, interrupting a procedure, that industry had come to accept, and understood and was perfectly comfortable with, as well as labor and civil rights organizations.

Veto No. 17, November 1990, was a pocket veto of a bill which was passed by the Congress, the Senate and the House, and my colleagues must understand that when a veto takes place that it means the bill has already gone to the House of Representatives and the Senate. Both of those bodies have agreed that this is good legislation. For the President to veto a bill of this nature, of the kind that he vetoed in his 17th veto of November 1990, requires an explanation.

Mr. Speaker, everybody cares about health care. All senior citizens write the White House and demand an explanation of why a bill that would have stopped companies from making huge and unintended profits on the production of drugs for rare diseases which the Senate and the House passed, a bill which was to plug up some loopholes and stop companies, drug-making companies, from making huge and unintended profits under a law to spur production of drugs for rare diseases, stop greed, stop gouging on people's illnesses and diseases, why that bill was vetoed by the President with a pocket veto in November 1990. It was the 17th veto.

The 23d veto was a veto of the bill that would extend unemployment benefits. Again, I served on the Committee on Education and Labor. We are very much in touch with the situation from day to day and week to week as to what the terrible impact of unemployment is on human beings, never mind some kind of abstraction called the economy. It is not the economy; it is the people, people who are suffering and hurt as a result of the decisions and the policies of this administration, as a result of this administration being captured by rightwing dogma.

The bill that would extend unemployment benefits, would have given another 13 weeks, was vetoed by the President. There was a long series of negotiations, and while those negotiations were taking place, people were suffering, and even now we have a need to go again to extend unemployment benefits. We must, before this Congress adjourns, take one more step to make another extension. But the President has fought every step of the way.

□ 1650

Those people who are hurting out there and have no recourse but to apply for unemployment benefits should understand that it is not all politicians. The problem is not with Congress. The problem is clearly a problem that you can target: The problem is with the White House and the fact that the White House is bound up by rightwing dogma and unable to move even when it is obvious that the economy needs it and the people out there who have families need it.

Families, that is no concern of this administration. It is the blind dogma of the rightwing that says never do anything that business does not want you to do. Never do anything that upsets business. Business is blind and does not really know its own interests, but the White House plugs on, refusing to do the obvious.

It was obvious that we needed unemployment benefits on October 11, 1991. We were already in very serious trouble with this economy. Yet they kept telling themselves, fooling themselves, and letting their own public relations hype influence them about the economy, insisting things were better than they seemed to be, insisting things were going to get better. But, of course, they did not.

We needed those unemployment benefits then, and we need another extension now, but the President vetoed them. We have gotten unemployment benefits extended since then only through the efforts of those of us who continue to fight hard for those people out there who are hurting.

If you are hurting, do not blame everybody. Blame the White House.

Veto No. 26 took place on March 2, 1992. This is a veto of legislation that would put conditions on the renewal of China's favorable trade access.

Again, the Chinese cannot be upset because we have opened up trading relations with them. Very big American businesses have given the White House the order, don't do anything to upset the Chinese. Even if it means protecting our own trade interests, even if it means protecting the human rights of students who have no one else to defend them in China.

Veto No. 28 was legislation to overhaul campaign financing. If you are angry at the process, if you are angry at the corrupt politicians, don't be angry at all of us politicians. Don't be angry at all Members of Congress. Some of us fought very hard to get a bill which would overhaul campaign financing as one of the many things that have to be done to streamline the way our Government works.

The President vetoed the bill to overhaul campaign financing on May 9, 1992.

Veto No. 30 was June 23, 1992. It was a bill that would have lifted the administration's ban on federally financed research, on the use of tissue from aborted fetuses.

This is another example of dogma, subjection, bowing to dogma on the right, despite the fact that all the scientists, the doctors, everybody says that we need to use this tissue and that many lives of human beings who exist already would be saved, many elderly people, research for Alzheimer's disease and a number of other diseases, which would be benefited from the use of tissue from aborted fetuses.

In the face of science, in the face of reason, despite the fact that there was no logical argument to give justice to this veto, the administration vetoed that bill on June 23, 1992.

Again, on July 2, 1992, we had the last veto, the veto of the legislation that would have required States to allow voter registration when citizens apply for driver's licenses. Our Government would benefit.

Thirty-one vetoes so far. Today, the Family and Medical Leave Act headed for the White House will head into another blind veto by a White House that is held hostage by rightwing ideology, rightwing dogma.

I think every voter should examine this notorious and disgraceful record of vetoes, and every voter should understand why voters have a legitimate right to be angry at this kind of behavior and this kind of record. Every voter should understand that that anger should be properly directed.

It is not fair to brand every elected official as being irresponsible, every elected official as being corrupt and not caring. We do care about families, those 241 of us who voted today for the Family and Medical Leave Act. We do care about families. We do care about the economy.

The problem is not here in the Congress, the problem is in the White House. The problem is that we have a White House that is being held hostage by rightwing ideology, by rightwing dogma. We have a White House that has given up all reason. They do not do things in a reasonable way. They do not understand what is good for the country. They plod along blindly, obediently to an ideology that will take the entire country down to ruin.

The Soviet Union was a victim of the same kind of blind obedience to ideology. No matter what the truth told, the people who were making decisions in the Soviet Union refused to accept it. They were wed to an ideology that says that the market did not matter, that said that world opinion did not matter, that said all you had to do was keep building bombs and tanks and guns. Never mind raising the standard of living of the people.

The Soviet Union, a giant superpower just a few years ago, has collapsed. It is no more. The bigger they are, the faster and harder they fall.

It is possible for the United States of America to fall also if we continue to accept leadership that is being held hostage by blind ideology and blind dogma. We need a change. We need a change in the White House to a leadership that will not give us a record of 31 vetoes, not give us a record of blocking decent legislation, of stagnating the economy. We need leadership that cares about families. That not just talks about families, not just talks about family values, but when there is a time to act, when there is a simple bill like the Family Medical Leave Act which does not cost a single dime for any voter, for any taxpayer, that Family Medical Leave Act should be signed, because it will benefit families.

We care about families and we voted. We hope that the White House will change its ways and decide to shake off the shackles of rightwing dogma and support, sign into law, the Family and Medical Leave Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, for today and September 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and October 1, 2, and 3.

Mr. DREIER of California, for 60 minutes each day, for today and September 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and October 1, 2, and 3.

Mr. WALKER, for 60 minutes each day, for today and September 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and October 1, 2, and 3.

Mrs. BENTLEY, for 60 minutes each day, on September 29, 30, and October 1, 2, 3, 6, 7, 8, 9, and 10.

Mr. BURTON of Indiana, for 60 minutes each day, on October 1, 2, and 3.

(The following Members (at the request of Mrs. COLLINS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, today.

Mrs. KENNELLY, for 5 minutes, on September 15.

Mr. MURTHA, for 60 minutes, on October 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. HOUGHTON.
Mr. BEREUTER.
Mr. DICKINSON.
Mr. RITTER.
Mr. CUNNINGHAM.
Mr. MOLINARI.
Mr. MICHEL.
Mr. RHODES.
Mr. BAKER in two instances.
Mr. PACKARD.
Mr. FIELDS.

(The following Members (at the request of Mrs. COLLINS of Illinois) and to include extraneous matter:)

Mr. LANTOS in two instances.
Mr. MAZZOLI.
Mr. FORD of Michigan.
Mr. FALEOMAVAEGA in five instances.
Mr. PALLONE.
Mr. ASPIN.
Mr. NOWAK.
Mr. SCHUMER.
Mr. LAFALCE.
Ms. KAPTUR.
Mr. DOWNEY.
Mr. SOLARZ.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p.m.) under its previous order, the House adjourned until Monday, September 14, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4210. A letter from the Acting Assistant Secretary (Financial Management), Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter April 1, 1992 through June 30, 1992, pursuant to Public Law 101–165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

4211. A letter from the Acting Director, Resolution Trust Corporation, transmitting a report entitled "Progress of Investigations of Professional Conduct through June 30, 1992," pursuant to Public Law 101–647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

4212. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of intent to exercise authority under section 506(b)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide military assistance to Mexico, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

4213. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 92–37), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4214. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Austria for defense articles and services (Transmittal No. 92–44), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Japan (Transmittal No. DTC–28–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4216. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Departments of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Italy for defense articles and services (Transmittal No. 92–38), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4217. A letter from the Deputy Assistant Secretary (Requirements and Resources), Department of Defense, transmitting the report on the military retirement system as of September 30, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4218. A letter from the Executive Secretary, Federal Reserve Employee Benefits System, transmitting the annual report of the retirement plan for employees of the Federal Reserve System as required by Public Law 95–595 prepared as of December 31, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4219. A letter from the Administrator, National Aeronautics and Space Administration, transmitting proposed use of R&D funds in the Spacecraft Systems Development and Integration Facility; to the Committee on Science, Space, and Technology.

4220. A letter from the Chairman, Federal Election Commission, transmitting the Commission's budget request for the fiscal year 1994, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on House Administration and Appropriations.

4221. A letter from the Secretary of Energy, transmitting a report entitled "Toms Creek Integrated Gasification Combined Cycle Demonstration Project," proposed by Tampella Power Corp. and Coastal Power Production Co.; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

4222. A letter from the Secretary of Energy, transmitting a report entitled "Milliken Clean Coal Technology Demonstration Project," proposed by New York State Electric and Gas Corp.; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. A report on the Inslaw Affair (Rept. 102–857). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3047. A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion; with an amendment (Rept. 102–858). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 561. Resolution providing for the consideration of H.R. 450 to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes (Rept. 102–859). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 562. Resolution providing for the consideration of H.R. 3724 to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes (Rept. 102–860).

Mr. DERRICK: Committee on Rules. House Resolution 563. Resolution providing for the consideration of H.R. 5231 to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes (Rept. 102–861). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself, Mr. GOODLING, Mr. PERKINS, Mr. GUNDERSON, and Mr. SMITH of Iowa):

H.R. 5925. A bill to amend title VII of the Civil Rights Act of 1964 to establish a revolving fund for use by the Equal Employment Opportunity Commission to provide education, technical assistance, and training relating to the laws administered by the Commission; to the Committee on Education and Labor.

By Mr. CRANE:

H.R. 5926. A bill to amend the Internal Revenue Code of 1976 to eliminate the provision that permits payments from the Presidential election campaign fund for the expenses of Presidential nominating conventions; jointly, to the Committee on Ways and Means and House Administration.

By Mr. HUNTER:

H.R. 5927. A bill to amend the Internal Revenue Code of 1986 to allow accelerated depreciation for equipment used to manufacture advanced materials or to develop advanced technologies, to reduce capital gains taxes, and to impose a minimum tax on foreign and foreign-owned corporations operating in the United States; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 5928. A bill to amend chapter 2 of title 3, United States Code, relating to the office and compensation of the President and related matters; to the Committee on Post Office and Civil Service.

H.R. 5929. A bill to amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN of California (for himself, Mr. Thomas of Georgia, Mr. Livingston, Mrs. Schroeder, and Mr. Atkins):

H.R. 5930. A bill to establish the Office of Law Enforcement in the U.S. Fish and Wildlife Service; to the Committee on Merchant Marine and Fisheries.

By Mr. MARTINEZ:

H.R. 5931. A bill to assure the quality of security services and competence of security officer personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. RHODES (for himself and Mr. Pastor):

H.R. 5932. A bill to provide for the resolution of the conflicting water rights claims for lands within the Roosevelt Water Conservation District in Maricopa County, AZ, and the Gila River Indian Reservation; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. Henry.

H.R. 110: Mr. Blaz.

H.R. 301: Mr. Doolittle.

H.R. 386: Mr. Hoyer and Mr. Sanders.

H.R. 943: Mr. Geren of Texas.

H.R. 978: Mr. Pickle.

H.R. 1245: Mr. Klug and Mr. Doolittle.

H.R. 1430: Mr. Skaggs and Mr. Jefferson.

H.R. 1468: Mr. Clement.

H.R. 1541: Mrs. Vucanovich, Mr. Johnson of South Dakota, and Mr. Laughlin.

H.R. 2070: Mr. Hoagland.

H.R. 2245: Mr. Kolbe.

H.R. 2248: Mr. Pastor.

H.R. 2419: Mr. Torricelli and Mr. Payne of Virginia.

H.R. 2890: Mr. Hall of Texas.

H.R. 2916: Mr. Atkins and Mr. Erdreich.

H.R. 3407: Mrs. Lloyd.

H.R. 3441: Mr. Crane.

H.R. 3677: Mr. Olver.

H.R. 3718: Mr. Wylie, Mr. Machtley, Ms. Pelosi, Mr. Towns, Mr. Jontz, and Mr. Mineta.

H.R. 3841: Mr. Herger, Mr. Sensenbrenner, Mr. Bateman, and Mr. Montgomery.

H.R. 4207: Mr. Livingston and Mr. McCloskey.

H.R. 4256: Mr. Barrett.

H.R. 4294: Mr. Lagomarsino.

H.R. 4295: Mr. Lagomarsino.

H.R. 4297: Mr. Lagomarsino.

H.R. 4334: Mr. Petri, Mr. Barnard, and Mr. Sarpalius.

H.R. 4401: Mrs. Lloyd.

H.R. 4418: Mr. Clinger, Mr. Poshard, Mr. Rhodes, Mr. Spence, Mr. Atkins, Mr. Serrano, Mr. Wolf, Mr. Baker, Mr. Shays, Mr. Kildee, and Mr. Lewis of Georgia.

H.R. 4542: Mr. Neal of Massachusetts, Mr. Markey, Mr. Coleman of Texas, Ms. DeLauro, Mrs. Lowey of New York, Mr. Payne of New Jersey, Mr. Rhodes, Mr. Moran, and Mr. Costello.

H.R. 4551: Mr. Hall of Ohio and Mr. Lewis of Georgia.

H.R. 4600: Mr. Atkins.

H.R. 4601: Mr. Atkins.

H.R. 4602: Mr. Atkins.

H.R. 4603: Mr. Atkins.

H.R. 4604: Mr. Atkins.

H.R. 4605: Mr. Atkins.

H.R. 4606: Mr. Atkins.

H.R. 4608: Mr. Atkins.

H.R. 4609: Mr. Atkins.

H.R. 4730: Mr. Markey.

H.R. 4754: Mrs. Lowey of New York.

H.R. 4755: Mr. Barrett.

H.R. 4775: Ms. Kaptur, Mr. Frost, Mr. Gaydos, Mr. Gonzalez, Mr. Serrano, and Mr. Mfume.

H.R. 4836: Mr. Klug.

H.R. 4897: Mr. McEwen and Mr. Rahall.

H.R. 5020: Ms. DeLauro, Mr. Johnson of South Dakota, Mr. Sisisky, Mr. Payne of Virginia, Mr. Gingrich, Mr. Coleman of Texas, and Mr. Olin.

H.R. 5097: Mr. Sanders.

H.R. 5199: Mr. Lewis of California and Mr. Sanders.

H.R. 5216: Mr. Hancock and Mr. McDade.

H.R. 5229: Mr. Schiff, Mr. Ravenel, Mr. Livingston, Mr. Burton of Indiana, Mr. Nichols, Mr. McEwen, and Mr. Goss.

H.R. 5307: Mr. Horton, Mr. Shaw, Mr. Solomon, and Mr. Skeen.

H.R. 5325: Mr. Young of Alaska and Mr. Rohrabacher.

H.R. 5401: Mr. Smith of New Jersey.

H.R. 5449: Mr. Rangel.

H.R. 5476: Mr. Johnston of Florida, Mr. Kopetski, Mr. Bonior, Mr. Shays, and Mr. Vander Jagt.

H.R. 5499: Mr. Leach.

H.R. 5542: Mr. Oxley.

H.R. 5549: Mr. Atkins.

H.R. 5550: Mr. Hastert.

H.R. 5551: Mr. Hastert.

H.R. 5553: Mr. Klug.

H.R. 5554: Mr. Atkins.

H.R. 5573: Mr. Matsui.

H.R. 5592: Ms. DeLauro and Mr. Blackwell.

H.R. 5613: Mr. Mfume, Mr. Hutto, Mr. Fawell, and Mr. Ackerman.

H.R. 5633: Ms. Norton, Mr. Towns, Mr. Owens of New York, Mr. Foglietta, and Mr. Beilenson.

H.R. 5634: Mr. Foglietta, Mr. Owens of New York, Mr. AuCoin, Mr. Stark, Mr. Berman, Mr. Beilenson, Mr. Porter, and Mr. Hochbrueckner.

H.R. 5665: Mr. Camp.

H.R. 5680: Mr. Bilirakis, Mr. Gallo, Mr. Martinez, Mr. Hayes of Illinois, Mr. Ravenel, and Mr. Mineta.

H.R. 5682: Mr. Horton, Mr. Beilenson, and Ms. Norton.

H.R. 5717: Mr. Herger.

H.R. 5729: Mr. Herger.

H.R. 5746: Mr. Owens of Utah, Mr. Vander Jagt, Mr. LaRocco, Mr. Stump, Mr. Olver, Mr. Hansen, Mr. Stallings, Mr. Pallone, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. McCollum, Mr. Olin, Mr. Atkins, Mr. Hall of Texas, Mr. Scheuer, and Mr. Crane.

H.R. 5776: Mr. Gallegly, Mr. Bateman, Mr. Towns, Mr. McNulty, and Mr. Evans.

H.R. 5777: Mr. Blackwell, Ms. Norton, Mr. Hochbrueckner, Mr. Espy, Mr. Rangel, and Mr. Frost.

H.R. 5787: Mr. Zeliff and Mr. Cox of California.

H.R. 5800: Mr. Coleman of Missouri.

H.R. 5807: Mr. Towns, Ms. Norton, Mr. Yates, Mr. Owens of New York, Mr. Berman, Mr. Beilenson, Mr. Hughes, and Mr. Evans.

H.R. 5832: Mr. Towns, Mr. Hamilton, Mr. Bacchus, Mr. Bustamante, Mr. Berman, Mr. Reed, Mr. Espy, Mr. Jacobs, Mr. Lipinski, Mr. Frost, and Ms. Kaptur.

H.R. 5872: Mr. Gilman.

H.J. Res. 378: Mr. Payne of New Jersey and Mr. Andrews of Maine.

H.J. Res. 380: Mr. Jones of Georgia, Mr. Bonior, Mrs. Meyers of Kansas, Mr. Coleman of Texas, Mr. Hubbard, Mr. Luken, Mr. McCloskey, Mr. Ritter, Mrs. Lowey of New York, Mr. Martinez, Mr. Annunzio, Mr. Hughes, Mr. Ballenger, Mr. Wheat, Mr. Gekas, Mr. Goodling, Mr. Lewis of Georgia, and Mr. Anthony.

H.J. Res. 399: Mr. Hubbard.

H.J. Res. 413: Mr. Abercrombie, Mr. Applegate, Mr. Blackwell, Mr. Borski, Mrs. Boxer, Mrs. Byron, Mr. de la Garza, Mr. Dickinson, Mr. Dorgan of North Dakota, Mr. Eckart, Mr. Fazio, Mr. Gillmor, Mr. Gingrich, Mr. Hall of Texas, Mr. Hammerschmidt, Mr. Hobson, Mr. Hockbrueckner, Mr. Leach, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Lipinski, Mr. Markey, Mr. Matsui, Mr. Mazzoli, Mr. McEwen, Mr. Neal of Massachusetts, Mrs. Patterson, Mr. Payne of Virginia, Mr. Rahall, Mr. Reed, Mr. Rhodes, Mr. Smith of Florida, Mr. Torricelli, Mrs. Vucanovich, Mr. Wise, Mr. Whitten, Mr. Wolf, Mr. Yates, Mrs. Collins of Illinois, Mr. Hoyer, Mrs. Johnson of Connecticut, Ms. Long, Mr. Mineta, Mr. Ritter, and Mr. Swett.

H.J. Res. 418: Mr. Lagomarsino.

H.J. Res. 450: Mr. Costello, Mr. Jacobs, and Mrs. Bentley.

H.J. Res. 474: Mr. Fazio, Mr. Callahan, Mr. Walsh, Mr. Sundquist, and Mrs. Lowey of New York.

H.J. Res. 479: Mr. Hamilton, Mr. McCloskey, Mr. Jontz, Mr. Reed, Mr. Kasich, Mr. McEwen, Mr. Bennett, Mr. Darden, Mr. Brewster, Mr. Hoagland, Mr. Volkmer, Mr. Chapman, Mr. Martinez, Mr. Archer, Mrs. Morella, Ms. Long, Mr. Hansen, Mr. Savage, Mr. Hayes of Illinois, and Mr. Callahan.

H.J. Res. 484: Mr. Boucher, Mr. Vander Jagt, Mr. Gekas, Mr. Volkmer, Mr. Goodling, Mr. Hammerschmidt, Mr. Rangel, Mr. Walsh, and Mr. Panetta.

H.J. Res. 500: Mr. Bateman, Mr. Bryant, Mr. Coleman of Texas, Mr. Early, Mr. Fields, Mr. Hayes of Louisiana, and Mr. Jones of Georgia.

H.J. Res. 520: Mr. Ackerman, Mr. Barton of Texas, Mr. Bevill, Mr. Boucher, Mr. Bunning, Mrs. Byron, Mr. Campbell of Colorado, Mr. Cox of California, Mr. Crane, Mr. DeFazio, Mr. DeLay, Mr. English, Mr. Fazio, Mr. Gejdenson, Mr. Gibbons, Mr. Glickman, Mr. Goss, Mr. Hammerschmidt, Mr. Hancock, Mr. Hertel, Mr. Huckaby, Mr. Inhofe, Mr. Jacobs, Mr. Johnston of Florida, Mr. Jones of North Carolina, Mr. Kennedy, Mrs. Kennelly, Mr. Kildee, Mr. Kolter, Mr. Lantos, Mr. LaRocco, Mr. Laughlin, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lewis of California, Mr. Lewis of Georgia, Mr. Lightfoot, Mrs. Lowey of New York, Mr. Mazzoli, Mr. Mfume, Mr. Miller of Washington, Mr. Mineta, Mrs. Mink, Mr. Moran, Mr. Natcher, Ms. Oakar, Mr. Obey, Mr. Olin, Mr. Pallone, Mr. Panetta, Mrs. Patterson, Mr. Payne of New Jersey, Mr. Pickett, Mr. Pickle, Mr. Rahall, Mr. Rhodes, Mr. Sangmeister, Mr. Serrano, Mr. Skaggs, Mr. Smith of Florida, Mr. Staggers, Mr. Stokes, Mr. Swift, Mr. Synar, Mr. Taylor of North Carolina, Mr. Taylor of Mississippi, Mr. Thornton, Mr. Traficant, Mr. Valentine, Mr. Visclosky, Mr. Washington, Mr. Wheat, Mr. Whitten, Mr. Wise, and Mr. Young of Alaska.

H.J. Res. 523: Ms. Horn, Mr. Bateman, Mr. Bliley, and Mr. Martinez.

H.J. Res. 538: Mr. WEISS, Mr. BACCHUS, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. STUDDS, Mr. COLORADO, Mr. MOAKLEY, Mr. STARK, Mr. LEHMAN of Florida, Ms. NORTON, Mr. APPLEGATE, Mr. SISISKY, Mr. LEWIS of Georgia, Mr. HORTON, Mr. SERRANO, Mr. SHAYS, Mr. GONZALEZ, Ms. OAKAR, Mrs. MORELLA, Mr. KANJORSKI, Mr. ESPY, Mr. MCMILLEN of Maryland, Mr. DELLUMS, Mr. CARPER, Mr. KLECZKA, Mr. RICHARDSON, Mr. MATSUI, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. YATES, Mr. WAXMAN, Mr. HAYES of Illinois, and Mr. VENTO.

H.J. Res. 540: Mr. GEKAS.

H.J. Res. 542: Mr. BLAZ, Ms. OAKAR, Ms. PELOSI, Mr. OLVER, Mr. CARPER, Mr. BEVILL, Mr. PORTER, Mr. HOCHBRUECKNER, Mr. ESPY, Mr. COSTELLO, Mr. MCCLOSKEY, Mr. FRANKS of Connecticut, Mr. SKELTON, Mr. PAYNE of Virginia, and Mr. PANETTA.

H. Con. Res. 255: Mr. MARKEY.

H. Con. Res. 324: Mr. MILLER of Washington, Mr. HARRIS, Mr. GINGRICH, and Mr. REED.

H. Con. Res. 326: Mr. BRUCE.

H. Con. Res. 337: Mr. OLVER and Mr. KLECZKA.

H. Con. Res. 354: Mr. ATKINS, Mr. BACCHUS, Mr. BURTON of Indiana, Mr. DE LA GARZA, Mr. GILMAN, Mr. GUARINI, Mr. HANCOCK, Mr. HEFLEY, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. MARLENEE, Mr. MILLER of Washington, Ms. MOLINARI, Mr. NATCHER, Mr. OXLEY, Mr. RAY, Mr. SKELTON, Mr. SPENCE, and Mr. VOLKMER.

H. Con. Res. 358: Mr. PAYNE of New Jersey, Mr. ABERCROMBIE and Mr. POSHARD.

H. Res. 415: Mr. FIELDS, Mr. EMERSON, Mr. OBERSTAR, and Mr. STEARNS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1300: Mr. KILDEE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

176. The SPEAKER presented a petition of the Legislature of Rockland County, NY, relative to Congress reducing military services and appropriating additional funding for human services; which was referred jointly, to the Committees on Armed Services, Education and Labor, Energy and Commerce, Public Works and Transportation, Ways and Means, and Banking, Finance and Urban Affairs.

SENATE—*Thursday, September 10, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 9 a.m. on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. KOHL].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient; Being filled with all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity * * *.—Romans 1:28-29.

Eternal God our Father, holy and righteous in all Thy ways, the apostle Paul leaves no doubt about the cause of evil in our society. When we reject God from our knowledge, the door is opened to every conceivable evil. We abandon our spiritual, moral roots, and social order evaporates. President Bush, in his speech to the American Legion, quoted President Kennedy who read words found on a sentry box in Gibraltar:

"God and the soldier all men adore
In time of trouble and no more
For when war is over, and all things righted
God is neglected—and the soldier slighted."

Loving Lord, our Founding Fathers were not saints, but they took God seriously, knowing that faith in God was the anchor which held society in place. We praise and thank Thee, Lord, for their incredible legacy. Forgive us for abandoning their faith and, in so doing, repudiating the spiritual, moral heritage left us.

Merciful God, awaken us to the peril of our ways and restore to us the faith of our fathers. In the name of Him who is the Light of the world. Amen.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

PRODUCT LIABILITY FAIRNESS ACT

MOTION TO PROCEED

The Senate resumed the consideration of the motion.

The ACTING PRESIDENT pro tempore. There will now be an hour to be equally divided and controlled by the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from South Carolina [Mr. HOLLINGS] or their designees.

Mr. ROCKEFELLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. President, I wonder whether the Senator from Washington would care to speak.

Mr. GORTON. Mr. President, the Senator from West Virginia is correct.

Mr. ROCKEFELLER. I would be delighted to yield to him 5 minutes.

Mr. GORTON. Mr. President, there are only 30 minutes. If the Senator from West Virginia decides, I would be delighted to have 5 minutes.

Mr. ROCKEFELLER. Mr. President, I yield 5 minutes to the Senator from Washington [Mr. GORTON].

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized for 5 minutes.

Mr. GORTON. I thank the President, and I thank my distinguished colleague, my friend from West Virginia.

Mr. President, this is a classic opportunity in the Senate, the first real direct opportunity it has had in more than a decade to debate the serious issues relating to the standing of the United States in the competitive world, and the pure and simple judgment with respect to product liability litigation.

The time may be short, but it is the hope of the Senator from West Virginia and the Senator from Washington that in 1 hour the Senate will vote to proceed to a full and thorough debate of product liability.

Product liability costs in the United States are, by a wide margin, the highest in the civilized world. In some cases, they are between 20 to 50 times higher than product liability costs in those nations which are our most significant industrial competitors.

This obviously has a tremendous and an adverse effect on American competitiveness. These are costs added onto the backs of American producers and, incidentally, wholesalers and retailers, which their competitors in other countries simply do not have.

Partly this is a matter of substance, Mr. President. Partly this is a matter of a patchwork of 51 jurisdictions with inconsistent laws here in the United States.

The European Community, a major competitor to the United States, has adopted uniform product liability standards. Australia, with a number of states like the States of the United States, has uniform product liability standards. The modest move toward uniformity contained in this bill will add to American competitiveness and will tend to even off the playing field with respect to an increasingly international economy.

Second, the present product liability system literally, even by the studies of those who defend it, puts more money in the transaction costs—that is to say, to insurance adjusters and to the lawyers of both sides—than it does into the pockets of the victims who are receiving justified compensation as a result of product injuries. A system of justice which takes more than half of the money expended in resolving cases and puts it into transaction costs does not serve the interests of justice.

The unpredictability of the present product liability system with its occasional but dramatic huge burdens clearly inhibits innovation and inventiveness in the United States. A professor of biophysics from the University of Texas who is also a lawyer offered the following testimony to the Commerce Committee in hearings on product liability:

> Scientific inquiry is stifled. Ideas in areas where litigation has occurred will not receive support for exploration and development. Producers fearful of possible suit will discourage additional investigation which can be used against them in future claims.

The present system is flawed. It needs to be changed. The changes in this bill are modest. Perhaps they are too modest. One aspect of the bill is a uniform statute of limitations, or a time within which lawsuits can be filed across the United States. This will help to end forum shopping, in situations where the statute of limitations has run out in one state, but not in another.

Second, perhaps most significantly, the bill encourages the swift conclusion of disputes by encouraging settlements or the use of alternative dispute resolution procedures. These provisions encourage parties to resolve disputes before trial by imposing modest penalties on parties that refuse an early offer and then do no better at the time of trial. It also imposes penalties on parties that refuse an offer to participate altogether in alternative dispute resolution procedures and then lose at trial.

This is perhaps the most significant element in the bill, the settlement

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

question. The bill encourages parties to settle questions quickly, settle them amicably, and avoid lengthy trials if at all possible.

This bill also changes the rules related to what is called joint and several liability for noneconomic damages. The provision serves the interest of justice by requiring that when more than one party is at fault, each party will be responsible for only its share of that fault, ending the outrageously unjust system in which a 5-percent liability can in fact result in 100 percent payment. It also corrects rules related to punitive damages. The time to debate this on the floor of this Senate is now, and I urge my colleagues to vote in favor of the cloture motion.

Mr. ROCKEFELLER. Mr. President, I yield to the Senator from Connecticut 5 minutes.

Mr. LIEBERMAN. I thank the Chair. I thank my distinguished colleague from West Virginia.

Mr. President, I am proud to rise today in strong support of S. 640, the Product Liability Fairness Act and to urge my colleagues in less than an hour now to vote to invoke cloture so that this deliberative body, this great deliberative body, can have an opportunity to deliberate—after so many years of being frustrated in its attempt to do so—on a problem that critically affects business, consumers, workers, and the American economy. That is the whole system of product liability.

This bill, which has been described as revolutionary and draconian by some, is, in fact, and I say as one who is proud to be an original cosponsor, a very balanced moderate bill. It is probusiness and proconsumer at the same time. You cannot say that about that many pieces of legislation.

It is probusiness because it will remove some of the excessive, unfair obstacles created by a liability system that is too often out of control, obstacles which inhibit the competitiveness of American business and its ability to create new jobs.

It is proconsumer, because in eliminating the excesses of the current system, it will also have the effect of reducing prices, both of insurance, and also of products produced and sold as a result of our manufacturing system.

It is the type of moderate liability reform that we need to rein in some of the abuses of our current system, without eliminating solid protections for consumers against defective or dangerous products.

I did not easily decide to support and cosponsor S. 640 and its predecessor. Throughout my career in public life, as a member of the Connecticut State Senate, as attorney general of Connecticut, and now as a member of this body, I have fought for greater consumer protection, and better laws and regulations to protect consumer health and safety. As attorney general of Connecticut and a member of the National Associations of Attorneys General, I voted for resolutions opposing earlier Federal product liability legislation that would have swept away virtually all State product liability laws and repealed the doctrine of strict liability for product defects. Thus, before I cosponsored this bill, I wanted to satisfy myself that it does not strip consumers of important protection, and that it is, in fact, necessary.

After careful study, I have concluded that this bill passes the test. Unlike those early versions that I opposed, this bill does not repeal strict liability doctrine and codify the more lenient negligence standard as the standard of care for product manufacturers. This bill does not place arbitrary caps on any kind of damages, whether economic, noneconomic or punitive. It does not create blanket immunities from all liability based on vague or ill-defined Government standards, as previous bills had. The changes this bill makes are carefully targeted to address only the most egregious results of our current system.

As I traveled around Connecticut during recent years visiting businesses, I also became convinced that our current product liability system is out of control. I heard complaints about product liability from large and small manufacturers alike, often unsolicited and during visits where product liability was not the focus. I will share one example today which, to me, exemplifies the potential for abuse in our system.

A company in New Haven, CT, the Bilco Co., manufactures roof hatch doors. Several years ago, it developed a safety feature, called the LadderUP Safety Post. This innovation was really quite ingenious. A common problem was that, once a person had climbed up a ladder and opened the hatch door, he or she had nothing to hold while climbing out of the hatch. With this safety feature, when the hatch was opened, it pulled up a steel post that was mounted alongside the top of the ladder. The post extended several feet above the level of the roof, providing the person standing on the ladder a handhold with which to climb onto the roof. Bilco sold LadderUP as a separate product which the builder could buy.

After it put the LadderUP Safety Post on the market, Bilco was sued in a case where a person had fallen while trying to exit a Bilco roof hatch. The plaintiff argued that Bilco should only have sold its roof hatch in a package with the LadderUP device, and that Bilco should have more widely advertised its "LadderUP Safety Post" so that the builder would have used Bilco's product. Bilco ended up paying $20,000 to settle this case out of court, judging that to be cheaper than going through full litigation.

The injustice of cases like this make a strong argument for product liability reform. But I believe reform of our product liability system is also critical to rebuilding our national economic base. I believe that the key to renewing the American economy is reviving our traditional strength in manufacturing. The United States has always been the most inventive nation in the world, but in recent years we have too often left those inventions for others to commercialize and manufacture. What we need to be doing is designing, building, and bringing to market the next generation of high-quality, high-value added products the world will need. This is the key to winning the new world economic competition and keeping our people employed.

The problem is that almost any manufacturing activity—and especially designing and building new products—runs squarely into our product liability system. You don't have to look very far to find examples of liability concerns snuffing out promising research and development. When the World Resources Institute, an environmental think tank, listed its 12 environmentally critical technologies, one was contraception. WRI observed, "Population growth, because of the increasing demands it places on finite world resources, is a major source of environmental problems." This makes contraception, in WRI's words, "an environmentally critical opportunity." But WRI also noted, "the U.S. private sector has largely withdrawn because of the risks of product liability lawsuits and the delays and risks of regulatory approval. Only one of the many large pharmaceutical companies previously involved in contraceptive research is still active."

Another example is research into the development of an AIDS vaccine. In early July, Abbott Laboratories announced that, because of liability concerns, it was dropping plans for human trials of a drug to prevent HIV-infected mothers from transmitting the disease to their kids. Science magazine reports that liability concerns are now slowing the development of an AIDS vaccine. Dr. Anthony Fauci, Director of AIDS research at the National Institutes of Health, has called these liability concerns "very real" and "something that we have to address."

Yet another example is the experience of Harris Corp., a manufacturer of high-quality computer chips for the U.S. military. Harris, in testimony to a subcommittee of the House Committee on Science and Technology, described how it had developed semiconductor chips for heart implants, but had delayed the commercialization of that product pending negotiation of arrangements with its customer for sharing liability costs. Had those negotiations not concluded successfully, commercial development would have been scrapped.

Our product liability laws hurt our ability to commercialize scientific breakthroughs in other ways as well, by slowing or even blocking the transfer of new technology from research institutions to industry. When the medical research institutions at Harvard University license technologies for commercial development, they require the licensee to indemnify Harvard against all product liability claims and to maintain product liability insurance of $2 million per claim up to a total of $2 million per year. This type of coverage is not cheap. Harvard has discovered that one effect of this requirement—which it implemented out of fear of being a deep pocket in product liability litigation—is to screen out many small businesses as potential licensees. This is extremely unfortunate because the small business sector is what generates most new innovations and almost half the new jobs in our economy.

Our product liability system doesn't just halt innovation in high-technology areas. At present, a manufacturer of any product who discovers a way to make its product safer, and who implements that safety innovation promptly, faces the prospect that, in some States, its new innovation will be introduced at trial as evidence that older models of the product were defective. This places the manufacturer in a liability catch-22: It will be damned if it implements the change, and damned if it doesn't. Unfortunately, this bill doesn't address this last problem. I wish it would, but undoubtedly this too would be opposed by the other side.

We cannot afford to have runaway product liability place such a drag on our ability to develop and bring new innovations to market. Increasing our ability to promote commercialization and manufacturing of U.S. inventions is the key to bringing more high-skill, high-quality, high-wage jobs home to America. But if liability concerns halt U.S. private sector product development in areas such as new contraceptives, AIDs vaccines, and high-technology medical devices, we can be sure that those high-quality, high-wage jobs will once again end up overseas.

Opponents of product liability reform sometimes argue that none of these effects on innovation are necessary, so long as companies can buy adequate insurance. This argument assumes that the cost of insurance is not reflecting the cost of the liability system, and that it is the insurers, not the underlying economics of product liability, that are driving up the costs of coverage.

While rhetorically convenient, this argument is simply false. When economic researchers at the University of Connecticut recently reviewed 16 studies of product liability during the 1980's, they concluded that rising insurance costs in the 1980's primarily reflected the economic impact of changes in the tort law. They also concluded that where reforms target the number and level of extremely large verdicts, these reforms could have a significant impact on liability insurance premiums. This is exactly what S. 640 does; it targets truly excessive verdicts.

A study of the impact of state tort reforms on insurance premiums confirms these conclusions. Researchers at the Harvard Kennedy School of Government examined the impact of a variety of state tort reforms on insurance losses and premiums between 1986 and 1988. They discovered that State tort reforms, particularly modifying joint and several liability and noneconomic and punitive damages, reduced both insurance company losses and premiums.

Product liability hurts all of us in other ways as well. It has slowed the introduction of safety devices. Volvo, for example, now equips its cars sold abroad with a built-in child safety seat. But it has not put those seats in its U.S. models. The reason: fears of product liability suits.

We also may not be aware how much product liability costs drive up the prices of goods we buy. When we go to our friendly neighborhood hardware store to buy a ladder, for example, we do not suspect that up to 20 percent of the ladder's price goes to cover potential liability, but that is the fact.

Mr. President, I believe that our product liability system is choking off our ability to revitalize the American economy by rebuilding our manufacturing sector and commercializing more American inventions. It is stifling the introduction of important health and safety innovations. And it is unnecessarily contributing to the cost of goods we buy every day. In short, our present product liability system is antihealth, antisafety, and anticonsumer.

We have it in our power now to move forward to make a few, carefully targeted reforms that do not undermine consumer protection, but that will still enable our companies to bring new products to market with reduced fears of ruinous verdicts. These changes make sense, Mr. President. They are moderate. they are what America—its consumers, its businesses and its workers—need to compete.

I urge my colleagues to vote for cloture.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of the quorum, and I ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the request I now make not be charged against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VITIATION OF ACTION

Mr. MITCHELL. Mr. President, I have a unanimous-consent request which I am advised has been cleared by the distinguished Republican leader. I now ask unanimous consent that the passage of the following items be vitiated: Calendar Nos. 555, 563, 565, 594, 629, and 654, and all actions taken on H.R. 2321 also be vitiated; further that Senate action on Calendar No. 577 also be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRODUCT LIABILITY FAIRNESS ACT

MOTION TO PROCEED

The Senate continued with consideration of the motion.

QUORUM CALL

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, is the current quorum call being charged against both sides?

The ACTING PRESIDENT pro tempore. The latest quorum call was not.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be charged against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, as a designee of Senator HOLLINGS, I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The majority leader is yielded 15 minutes.

Mr. MITCHELL. Mr. President, I encourage my colleagues to vote against cloture because there are strong and substantive reasons to vote against the legislation. The bill will not do what many of its supporters intend. In fact, it will do just the opposite.

A basic premise for the legislation is that it is supposed to achieve uniformity in standards of product liability law throughout the United States. That is what the supporters say they want to achieve.

"Uniformity" is a nice sounding phrase. But what it really means is that the Federal Government will preempt the law of all 50 States and expand Federal law into an area that for over 200 years has been governed by the States.

It is ironic that those who most loudly criticize big Government now want to make that big government much bigger. They want to extend the reach of the Federal Government into areas of economic activity in which the Federal Government has never been involved, and that for two centuries have been under State supervision.

The bill will undermine long-established principles of federalism and overturn at the State level both well-established and evolving liability standards.

It would create a new body of Federal law, which then would become wide open for new interpretation by both State courts and Federal courts.

Many proponents of the bill speak in terms of a "litigation explosion" in the United States and advance the bill as a way to stop the litigation explosion. In fact, the bill will spark an explosion of new litigation as both State courts and Federal courts are forced to interpret its meaning.

No new Federal court jurisdiction is created under this legislation. It is a Federal law, but there is no Federal cause of action. The result is that Federal product liability actions would be limited, as under current law, only to diversity lawsuits between citizens of different States, and the overwhelming majority of actions still would be in State courts.

So now you will have a situation where you have 50 different State courts interpreting a single Federal law. That stands the concept of federalism on its head. It turns the principles of American jurisprudence that have lasted for two centuries upside down.

All of these State courts, operating in different ways, under different procedures, will make decisions that will ultimately be appealed to the Federal courts. Different interpretations will ultimately need to be appealed to the courts of appeals and the U.S. Supreme Court. The result will be a massive explosion of new litigation, greater uncertainty, greater complexity, and greater costs within our legal system. And the supreme irony is that the one certain group of beneficiaries will be lawyers—through more and more cases, more and more trials, more and more different interpretations, and more and more lawyers.

The bill will not achieve greater efficiencies in our civil justice system and it will not enhance justice, and I think that is the standard that we ought to look at.

The principal effect of this bill will be to make it more difficult for ordinary people to recover for injuries. And I want to examine two aspects of the bill in that regard.

First, and most important, is the erosion of the legal doctrine of joint and several liability.

For noneconomic damages such as pain and suffering, the legislation limits the liability of each defendant in a lawsuit to the defendant's percentage of responsibility.

On its face it seems fair. One person is injured, five people cause the injury, each of them 20 percent responsible. And so you say why not make each of them pay just 20 percent?

The problem is that in some cases three of the five people responsible will not be able to pay anything. Under current law, if one must choose between wrong to the injured person or a greater burden on those causing the injury, the law chooses to protect the injured person by saying that anyone who contributes to the accident is jointly and severally liable for the full amount of damages if others who caused the wrong are unable to pay.

This legislation changes that principle. It says that in choosing who will bear the responsibility, the innocent victim, the person injured, is the one who will lose, so as not to burden a wrongdoer.

For centuries, British and American principles of justice have recognized in making that painful choice, as stated in the ancient legal phrase, "the law is loathe to permit an innocent plaintiff to suffer as against a wrongdoer defendant."

This bill changes that principle. Now, when the painful choice must be made, the innocent victim, the person who has been injured, the person who has lost a limb or an eye or a bodily function, the person who is paralyzed suffers the loss, and the person who caused the damage is relieved of additional responsibility if other defendants are unable to pay the burden. It shifts the damage from the person who caused the injury to the person who is injured. That is fundamentally unfair. And yet that is what this bill does.

It is the defendant, the wrongdoer, who should bear the cost of compensation, not the injured party.

Mr. President, and Members of the Senate, the apportionment of liability is never a simple task, no matter what the bill's words might suggest. When an injury occurs, it is sometimes difficult, indeed sometimes impossible to prove which defendant caused which precise percentage of harm. Within an accident itself, the evidence necessary to apportion responsibility is sometimes destroyed in the very accident.

In asbestos and environmental cases especially, the number of manufacturers, the mixing together of substances, and the sometimes great lapse of time between the original action and the legal decision combine to make it impossible to prove the precise degree of responsibility of any one defendant.

Tampering with this ancient, well-established legal standard in this way, I believe, is fundamentally unfair.

Mr. President, I want to address another subject. Proponents of this bill have argued here repeatedly that product liability lawsuits, excessive damage awards, and the cost of insurance hurt the competitiveness of American business. Very little has been cited in the way of solid evidence to support that.

The fact is, if asbestos cases are excluded, the number of product liability lawsuits in America have been declining since 1985. In a Nation with a population of 250 million people, the number of product liability lawsuits in 1991 was about 5,000, and that was a decrease of approximately 35 percent since 1985. Where is the explosion?

The bill also ignores the proportion of litigation that is occurring under contract and real estate law, which has nothing to do with product liability cases. Such lawsuits often involve businesses suing other businesses or suits between large institutions, yet they are all lumped together as though they are part of the product liability situation.

The real effect of this bill is to shift responsibility for the cost of injuries. It shifts responsibility for the cost of injuries from the person who caused the injury to the person who suffered the injury. That is the real effect of this bill. And that is wrong.

In 1988, the General Accounting Office studied product liability cases in five States and their study indicated that the total award for compensatory damages bore a strong relationship to the actual severity of injuries and economic loss. And the GAO found that plaintiffs won less than half of the cases studied.

So the purpose of this bill, as I have said, and I repeat because it is important, is to shift responsibility from the person who caused the injury to the person who suffered the injury.

The real irony, the ultimate irony, is that the benefits to American business are greatly overstated by the proponents.

In 1987, the Conference Board, a nonprofit business information service, surveyed the risk managers of over 200 American corporations. The results of that survey show that the impact of the product liability lawsuits is greatest in enhancing the quality and safety of products. That is the impact. It enhances quality and safety because of fear of the consequences of not having quality and safe products.

The study also reported that from the perspective of competitiveness, the pressures of product liability concerns "hardly affected larger economic issues." For two-thirds of businesses, the cost of liability insurance amounted to 1 percent or less of the cost of its product.

The bill, in fact, ignores an entire dimension of the cost of compensation for product injuries. The legislation deals only with the liability side of the issue by reducing responsibility and accountability in the legal system. What it does not address is the compensation side through the insurance system.

The fact of the matter is that for over 200 years both liability law and insurance law have been governed by the States. If the Federal Government moves into the liability side, it is as inevitable as night follows day that the Federal Government will regulate the insurance industry. There is no alternative to that if this legislation becomes law. That will be inevitable.

Mr. President, I want to close my remarks on a matter that does not relate to the substance of the bill, but relates to the process of the Senate.

We have just a few weeks before the Senate is scheduled to adjourn for the year. October 3 is the target adjournment date. This bill has no chance whatever of being enacted, because the House of Representatives has no plan at all to take it up.

So what we are engaged in, of course, is merely a debate for the purpose of establishing a record for the next Congress. I understand that and the proponents understand that.

But what this means to the Senate is that, if cloture is invoked, there will be dozens and dozens of amendments to the bill, the Senate will devote a week or more to the bill, which means that it will be a week that the Senate cannot devote to other matters.

Therefore, I say this purely as a statement of fact: If cloture is invoked, and the Senate goes to this bill, the Senate will be stating very clearly that it does not wish to adjourn October 3, because it will not adjourn by October 3. there is no way that we could waste a week or more on this bill and deal with the measures which we must by law enact, like the appropriations bills and other measures. That is a simple fact. Everyone in the Senate is aware of it.

So while obviously Senators will cast their votes, as they should, on the substance of the legislation, as they do so they should be aware—and I repeat it as a simple statement of fact—if cloture is invoked and we go to this bill, we will not adjourn by October 3d, we will adjourn at some later time as yet impossible to determine in October.

Mr. President, I thank my colleagues. I urge my colleagues to vote against the bill.

I thank the distinguished Senator from South Carolina for permitting me to use this time.

Mr. HOLLINGS. I thank the Senator from Maine. That was a wonderful statement.

Mr. ROCKEFELLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. I yield 3 minutes to the Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Indiana for 3 minutes.

Mr. COATS. Mr. President, this debate over product liability reform could not be more practical or more timely. It is an issue for every American who needs a job. It is an issue for every manufacturer who tries to compete overseas. It is an issue for everyone who wants to create a legal system that cares more for victims than it does for lawyers.

In Indiana, I have met again and again with workers, small businessmen, and corporate officials who have talked of the need for a uniform product liability standard. That conviction is common ground between labor and management. It should be on the agenda of anyone concerned about creating jobs and sharpening our Nation's competitive edge.

Indiana was the first major industrial State to enact product liability reform in 1978. But when Indiana businesses sell their products outside our borders, they find that these laws are useless. They discover a patchwork of 51 separate statutes which can leave them confused, exposed, and, in some cases, crippled.

Let me begin with an example from a town called Coatesville, IN. This small community of about 600 people, located outside of Indianapolis, is the home of the Magic Circle Corp.—a company that employs nearly 30 people from Coatesville and Filmore, the small town next door.

What happened to Magic Circle represents the concrete consequences of a legal crisis. This small business produces riding lawn mowers. The engine of these mowers is manufactured to automatically shut off when a person gets up from the mower seat. Unfortunately, at a cemetery in a nearby State, someone decided to tape the seat down. And when that person left the mower unattended on a hill, it rolled forward and injured his foot.

That person—the one who taped the seat down—sued Magic Circle for $7 million. It is my understanding that there is no alteration or misuse defense in the State where the accident took place. The amount of damages requested exceeded the total of all Magic Circle's profits and assets. In the end, they were forced to pay $10,000 in attorney fees and its insurance company paid out $35,000 to the injured individual.

There is an interesting footnote to this case. Officials of the Mexican Government have contacted the owners of Magic Circle to see if they would be interested in relocating to Mexico. One of the selling points of their presentation was Mexico's product liability laws. This is one way that American jobs are lost.

Another example: Biomet is a medical device manufacturer in Warsaw, IN. The company was very interested in expanding their product line to produce spinal implants—a new medical device in the field of orthopedics. But after checking about insurance, they realized that producing this implant in the United States would mean extremely high liability costs.

As a result, Biomet has decided to produce spinal implants in Great Britain and West Germany. Under a new Council of European Communities directive, both these nations will have sensible liability systems this year. People in my State have the opportunity for new jobs. But our legal system has forced those jobs overseas.

The bottom line is this: Endless, frivolous liability suits put companies out of business and workers out of jobs. Our current system provides incentives to sue, sue often—even if a case is weak. This gluts the legal system with trivial suits. It wastes the resources of businesses struggling to compete. It exacts a price in lost jobs. Only the lawyers ultimately benefit from our current system.

Scholars at the Rand Corp. have found that most of the money awarded in injury cases is taken by the legal process itself. Less than half actually gets through to victims. A recent report by the General Accounting Office also underscores this point. According to the GAO study, 50 percent or more of payments made by defendants in a product liability trial goes to lawyers. Victims get less than 50 percent. Under current law, the GAO found that it takes an average of 2½ years to resolve a liability case. It also discovered that when a case is appealed, defense costs can actually double.

Estimates vary, but one professor at the University of Virginia claims that when all the costs are finally counted, a mere 15 percent of injury litigation awards go to a victim.

It is a system that does not work well for victims, but it also does not work well for America. Our Nation's liability insurance costs are estimated to be 15 times greater than Japan's and an average of 20 times greater than Europe's.

Walter K. Olsen, a senior fellow at the Manhattan Institute, makes the point:

> Lawsuits over allegedly defective products have been another great area of growth for the litigation business, with results equally inimical to the welfare of society. In each manufacturing industry to come under sustained courtroom assault—prescription drugs, vaccines, contraceptives, sporting equipment, small planes, small cars, insulation materials—products that represent a valuable choice over some of the remaining alternatives have been either driven off the market or not introduced for fear of liability, with increasingly tragic results for the public health.

Olsen goes on to say:

> No other country's legal system operates remotely like ours. One survey found that America spends five times as much as its major industrial competitors on personal injury wrangling as a share of its economy, and that the gap is widening rather than narrowing. The survey concluded that over the last two generations the cost of injury litigation rose fourteenfold after inflation, while the size of the real U.S. economy rose threefold.

The legislation before us offers a way to reduce the current burdens placed on our Nation's court system. It would take a balanced step toward reducing excessive legal fees and drawn-out court cases. It would mean lower prices for American consumers and more jobs for American workers.

Passage of this bill would not deprive American consumers of fair compensation. Injured people should recover legitimate damages—but sooner, not later.

The product liability reforms before us do not set caps on the size of punitive damage awards or compensation to injured people. It contains expedited settlement procedures designed to ease the way for out-of-court settlements and more quickly provide the payment of awards. The alternative dispute resolution reforms in this legislation offer a way to help individuals resolve legal disputes without having to wait for a jury trial—an option that could reduce many hours of legal fees.

If S. 640 is passed into law, an injured person's right to sue would be expanded until 2 years after the discovery of both the injury and the cause. It takes the important step of ensuring that a person who was intoxicated or on drugs will not be rewarded in a lawsuit if that condition was the primary cause of the injury.

Through other reforms in this bill, if a manufacturer is out of business or unavailabe to sue, an injured party could sue the product seller. Those who sell products will still be liable for misrepresenting the product, assembling, or altering it. In addition, much of the costly litigation between retailers and manufacturers would be eliminated. If this reform is enacted, defendants would be liable for noneconomic damages only in proportion to the defendant's share of responsibility for the harm.

In 1986, the National Governors Association called on Congress to enact a Federal liability law. Governors and State legislatures have recognized that, in an era of increasing international competition, products should not be subject to a patchwork of 50 inconsistent State laws.

The bill before us today has the support of the NGA, American College of Trial Lawyers, American Law Institute, and a number of State and Federal judges from around the Nation.

This legislation has been examined in nearly 30 days of hearings over the last 14 years. A hearing has been held on product liability reform every year since the 96th Congress. This bill has the bipartisan cosponsorship or committee support of 40 Senators.

Liability reform offers the hope of removing one of America's most destructive obstacles to job growth. When frivolous suits are traded, when weak cases are brought, when litigation explodes, our economy is crippled. New technology never comes to market. Medical costs increase. The doors of factories close. Insurance costs increase. American products are unable to compete around the world.

Innocent victims must find the help they deserve—and this bill preserves that obligation. But lawyers must not be allowed to make victims of us all. This reform is essential: For the sake of our economy; for the sake of our workers.

The ACTING PRESIDENT pro tempore. Who yields time? The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I rise in support of S. 640, the Product Liability Fairness Act, and I do so because I think the bill demonstrates the kind of balanced legislation we should adopt, legislation that improves on the status quo for both plaintiffs and defendants. I think that is critical when you consider this debate. This is an effort to strike a better balance between those who are drawn into the legal process, the plaintiffs and the defendants, to try and create a more equitable environment.

Too often this debate has been characterized as a battle between the insurance companies and the manufacturers and the lawyers. In effect, what we need to be thinking about are the people who are none of those; that is, those people who are brought into the process, who really need to have as fair and as level a playing field as possible. The present system is broken, quite frankly. I think everyone knows that. It depends largely on the extent of your wealth or ability to hire good lawyers, whether you be the manufacturer or the defendant. It is a system that is very uneven, very unequal, unfortunately. This legislation is an effort to create a greater sense of balance and fairness in a system that will never be completely balanced and fair. But it will at least get us closer to that goal, and that is why I think it needs to be supported.

Too often, as I said, Mr. President, we think of legislation in antagonistic terms, one side winning, another side losing, as if this were somehow a Division I college football championship rather than people whose economic lives have been disrupted, where there is great potential for tremendous damage to relatively innocent businesses and innocent victims who have been hurt and need to recover their damages in order to try, at least to put their lives back together again.

Workers need successful businesses, obviously, to provide them with productive jobs. And businesses need an educated work force if we are going to really do what everyone is talking about in this campaign season and that is to increase economic opportunity in this country.

During the recess I visited one of the firms in my State, OEM Controls, in Connecticut. It is the largest manufacturer of controls for electrohydraulic valves. I met with management. But more important, I was asked to meet with—and a petition supporting S. 640 came from—the employees of that firm. It was supposed to be a 15-minute meeting. It went on for an hour and a half. These are people who are average workers in my State working in a manufacturing facility, worried about their jobs and worried about what happens when their kind of equipment is subjected to very costly lawsuits, because their potential defendants do not have the resources, and their economic livelihoods are hanging in the balance.

They strongly believe we have to create a greater sense of fairness. They are also very sensitive to what happens to innocent victims who are harmed and hurt by negligence or the malfunctioning of a product and in no way want to see the innocent victim be economically damaged. They want to see them made whole but want a system that works much more fairly.

I believe that the improvements this legislation makes in the civil justice system strike a blow for both the plaintiffs and the defendants. I think that point needs to be stressed over and over again.

We had a battle back in the 1970's. I opposed that legislation because, frankly, I think it hurt plaintiffs, legitimate plaintiffs. But the distinguished senior Senator from Missouri and I back in 1986 offered a compromise piece of legislation. We had a debate out here in September of 1986. We did not get very far with it. It did strive to do what we are doing here with the Kasten-Rockefeller approach.

Let me point out what we mean about the unevenness of the present system. Every study shows a tragic pattern of uncompensated innocent victims and delayed payments. In fact, the average payment averages 5 years until recovery. The studies show dramatically different compensation for similar injuries incurred in the very same way, with wealthier and better educated people faring far better than poor or middle-income people or less well educated people; gross underpayment of seriously injured people, rarely approaching economic loss; and a tort system that wastes far too many dollars on the legal system, dollars that should be going to the victims themselves.

If the system routinely punished manufacturers of defective products, deterred the production of such products, and provided relatively similar compensation to those with similar injuries, with compensation for pain and suffering going to the most needy, then perhaps we could tolerate an inefficient system. But as I just pointed out, Mr. President, the system does not work well for either the plaintiffs or defendants. Thus, the legal costs imposed in my view are unconscionable.

After examining what the system does to victims and listening to manufacturer after manufacturer express concern about marketing new products and about unaffordable insurance costs, I believe that the system is broken. And the best way to fix it is to encourage people to settle their disputes outside the system.

I see my colleague from Missouri is on the floor. We tried that 7 years ago. It did not get very far. This bill makes an effort to do the same kind of thing.

In fact, had we succeeded in 1986, I think you would have seen a far better system today than ever before.

We do not have much time here. If we get to the debate on this we can go into greater detail. The system does not work. It is unfair. It is uneven. Legitimate plaintiffs are not getting fully compensated; waiting far too long. Manufacturers far too often, who are the least guilty, if you will, are being burdened to such a degree they are being driven in many cases out of business. So I urge we support cloture in this matter and get to a debate on legislation that I think will do what many people say they want to do, and that is improve the economic climate of this country.

I yield back any time I have remaining.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields to the Senator from Alabama?

Mr. HOLLINGS. We yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I have spoken extensively on this subject previously and I am not going to reiterate certain points I have already made, but there are some aspects about the bill that I do not believe have been brought up in the debate which I think are significant.

The bill is called the Product Liability Fairness Act. Let me read a section of the bill to you so that you may determine whether this is fairness. I think this section gives you an overall flavor of what has been placed into this bill.

> Section 103. (a). This Act governs any civil actions brought against the manufacturer or a product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act. * * *

Let me give you a hypothetical. Two or three airplanes collide and fall on a football stadium where there is a crowd. They also fall on certain other businesses that are located thereabouts.

Those who receive personal injury in the airplanes must sue for personal injury for the defective manufacture of the two airplanes only under this act. But the manufacturer of those planes, where one sues the other, or for the airline that suffers commercial loss as a result of it, is not controlled by this act. The spectator in the football stadium who has the debris of the plane fall on him or her has to sue under this act, but the football team's business entity that has its stands destroyed is not covered, and must seek recovery for commercial loss under existing law. A business which is put out of operation for months as a result of the destruction of the plane that falls is not covered by this act. It sues for its commercial loss under existing law.

I could give you many other hypothetical situations such as where a driver of a truck going down the highway and is injured by debris from the falling airplane and has to sue under this act. The owner of the truck does not. He goes under existing law.

Most of the punitive damage cases that have attracted a great deal of attention have been commercial-type cases. The one that comes to mind the most is the case involving Pennzoil versus Texaco. And there are numerous other business and commercial instances of this nature.

Why do the bill's proponents exempt from this law business and commercial use? They like the way the law is when it comes to their loss, but they want to create a so-called fairness act when it applies to a person's leg, to brain damage, to the loss of an arm, or when a death occurs and the children are left behind. S. 640 is full of particular matters that are designed to help the manufacturer as it would apply to personal injury, as it would apply to a case in which a widow might recover, or as it would apply to a case in which a working woman would be involved.

I do not want to take up much more time citing various analogies and other incidents which could occur, but to me, when the proponents drafted this bill to exempt business and commercial loss, it is clear to me that S. 640 is not a fairness act, and I think that points out what is behind their motivation.

Let me reiterate one thing that I have said before, and then I will cease to talk on this issue. The American Insurance Association has testified that it is not likely to bring about any savings in insurance premiums. If it is not going to bring about any savings, then why is all of this coming about? It is for the advantage of the manufacturer where the widow, the orphan, the injured party will not be able to recover. I think it shows that this ought to be called the Product Liability Unfairness Act, and that is what is happening with regard to this section of the bill.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, may I inquire how much time is remaining to our side?

The ACTING PRESIDENT pro tempore. Six minutes and fifty-six seconds remain.

Mr. ROCKEFELLER. I yield 2 minutes to the distinguished Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 2 minutes.

Mr. KASTEN. Mr. President, I was just listening to the Senator from Alabama. I think it is important to point out that the widows, the orphans, the injured parties are going to be the winners in this legislation. The losers will be the trail lawyers. The trial lawyers are getting between 66 and 75 cents of every dollar in this area. If this legislation passes, particularly with the expedited settlements part, it is going to mean that less dollars go to the lawyer, more dollars go to widows, to orphans, to injured parties. And that is what we want to do.

I am happy we about to vote on this. It is a historic vote. Some of us have been working on this a number of years. There is ample testimony and evidence that our current system is unfair, particularly unfair to consumers. It takes years for just compensation, and in some instances the system can cut off the right of recovery before they are even aware of the injury.

Mr. President, the National Federation of Independent Business and small business groups across America support this legislation and urge us to vote for cloture. This will be a key NFIB vote. I ask unanimous consent that their letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, September 9, 1992.
Hon. ROBERT W. KASTEN, Jr.,
U.S. Senate, Washington, DC.

DEAR BOB: This week you will have an opportunity to consider legislation to reform our product liability statutes and establish a uniform national product liability law. On behalf of the more than 550,000 members of the National Federation of Independent Business, I urge you to support passage of S. 640, the Product Liability Fairness Act.

Because our current civil justice system encourages conflict, protracted litigation and shifting of responsibility in the search for deep pockets, small business owners are left with fewer resources and a diminished opportunity for growth. S. 640 is an important step toward balance and fairness.

NFIB's *Small Business Problems and Priorities* showed the cost and availability of liability insurance ranked number 5 among 75 small business problems. The problem was ranked higher among certain industries. For example, it is the second greatest concern within the services industry and the third greatest concern within the construction industry.

The *Small Business Problems and Priorities* survey also showed that the smaller the business, in terms of employees, the greater the priority was to solve this problem. That is because smaller businesses can least afford to be included in even one suit. The liability a small business owner faces is essentially personal liability, since 25% of small business owners are unincorporated. Even if they are incorporated, one suit can drive a small business owner out of business!

A suit affects a small business owner's entire livelihood. Unlike a large company where the cost of litigation is simply built into the price of a product (and passed on to the customer), one loss in court could spell financial ruin for a small business. Often, this leads to unfair settlements, because the small business owner realizes an out-of-court settlement is a cheaper alternative, even if innocent, than to go to trial and risk losing their entire business.

It's no coincidence that insurance costs have skyrocketed under our current liability system. Further, it is more than just the cost of litigation. It's the cost of defending against the threat of litigation that has increased liability costs and decreased opportunity for growth in this country.

Beyond these costs are the indirect effects of a runaway liability system. There are "lost" products that can no longer sell at a reasonable price, lost innovation as companies refuse to develop new products, lost industries that can no longer compete in the world market and eventually decreased opportunity for economic growth. In turn, this leads to diminished job opportunities as employers must spend more on liability insurance with less remaining for personnel resources.

Passage of S. 640 is important to small business and consumers. It will reduce the cost of producing products and offering services, in turn increasing consumer purchases and stimulating growth. Without a uniform liability law, there will continue to be the patchwork of separate state liability laws that strangle business, stifle innovation and destroy competitiveness.

This must end, and S. 640 offers a balanced solution toward that goal. NFIB urges Senators to support all cloture votes and to vote in favor of S. 640. Votes on S. 640 will be Key Small Business Votes for the 102nd Congress.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

Mr. KASTEN. Mr. President, the only people benefiting from the present system of the status quo are the lawyers who draw away the majority of the resources expended in this system. Victims do not get the money; the lawyers do. That is what we are trying to work with and deal with here.

We have received letters in the past several days from all over the State of Wisconsin and the country. I know my colleagues have received them as well. I heard from people ranging from the Governor and Lieutenant Governor of Wisconsin, to the Northland Pines High School in Eagle River; St. Joseph's Hospital in West Bend; employees of a leather manufacturing company. Through the State of Wisconsin we have people writing us letters—Therma-Tron-X; Donaldson Co., Wisconsin Counties Association.

Mr. President, there is broad-base support for this legislation. Let us move forward. Let us vote in favor of cloture. Let us move on with the bill.

I ask unanimous consent to print a sampling of the letters which I have received from the State of Wisconsin in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PETERSEN AUTOMOTIVE CORP.,
Fredonia, WI, September 9, 1992.
Senator BOB KASTEN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KASTEN: I want you to know I support your action on behalf of product liability reform.

I strongly recommend your support of the Product Liability Fairness Act.

Please support all cloture votes. The merits of this legislation deserve to be fully debated on the Senate floor. Current product liability laws have stifled innovation and resulted in substantially fewer products being brought to market.

Excessive litigation has made American business less competitive in the international marketplace and is forcing production out of this country!

Thank you for your support of product liability reform.

Sincerely,

PHILIP L. LUNDMAN,
President.

NORTHLAND PINES SCHOOLS,
Eagle River, WI, September 9, 1992.
Senator BOB KASTEN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KASTEN: The security of Wisconsin's businesses and employees is being jeopardized by the out-of-control product liability system. I strongly support the Product Liability Fairness Act and urge you to support it.

Thank you for your support.

Sincerely,

KENNETH R. JOHNSON,
Business Manager.

ST. JOSEPH'S COMMUNITY
HOSPITAL OF WEST BEND,
West Bend, WI, September 9, 1992.
Senator BOB KASTEN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KASTEN: I strongly support the Product Liability Fairness Act and urge you to support it.

The merits of this legislation deserve to be fully debated on the Senate floor. Current product liability laws have stifled innovation and resulted in substantially fewer products being brought to market.

Thank you for your support of product liability reform and please support medical malpractice reform also.

Sincerely,

F.J. BURY,
Executive Director.

U.S. INDUSTRIAL SALES CO., INC.
Milwaukee, WI, September 9, 1992.
Senator BOB KASTEN,
Hart Senate Office Building, Washington, DC.

Thank you for your continued fight for product liability reform. I strongly support the Product Liability Fairness Act. Current product liability laws and excessive litigation have made American business less competitive.

Thanks again.

LARRY PELKOFER.

SEPTEMBER 9, 1992.

DEAR BOB: On behalf of the J.I. Case Co. Foundry, located in Racine, WI., and the Wisconsin Cast Metals Association, thank you for your leadership and support of Senate bill S. 640. Please continue in your efforts to pass this bill, as we continue to support this legislation.

As you are well aware, the climate of the agricultural and construction equipment markets that J.I. Case Co. services are terribly depressed, and have permanently shrunk. Reasonable product liability laws are especially important with the products that we produce, and the applications of those products to the work required. Fairness in responsibility is an important issue to our company.

Thank you for your support.

Regards,

ERIK A. OLSON,
Plant Manager.

ROUNDY'S FOODS,
Pewaukee, WI, September 4, 1992.
U.S. Senator ROBERT KASTEN,
Hart Senate Office Building, Washington DC.

DEAR SENATOR: I'm writing this note today to seek your support for Senate Bill 640, the "Product Liability Fairness Act".

We find the purpose of this legislation to be current to the needs of economic growth within the country, in terms of organizations bringing more products to the marketplace without fear of litigation from a product liability standpoint. We urge you to support all cloture votes.

The merits of this legislation truly deserve to be fully debated on the Senate floor. This is a step forward in terms of positively controlling the excessive litigation that occurs in the marketplace today.

As a food distributor, we are well aware of the variety of products available on the marketplace today, and the new products that continue to arrive daily. We do believe that this legislation will have a positive impact on businesses investing to develop and bring more products to the marketplace.

We thank you for your support of this Bill and we hope that you will continue to strongly support it and work towards its passage.

Sincerely,

DAVID C. BUCH,
Corporate Vice President, Human Resources, Roundy's, Inc.

WISCONSIN RESTAURANT ASSOCIATION,
Madison, WI, September 3, 1992.

To: Senator ROBERT KASTEN.
From: Ed Lump.
Date: September 3, 1992.
Re: Wisconsin Restaurant Association Support for S. 640.

On behalf of the 6000 members of the Wisconsin Restaurant Association we wish to thank Senator Kasten for his efforts to achieve Product Liability Reform. We enthusiastically support S. 640 and urge its immediate passage.

NATIONAL SMALL BUSINESS UNITED,
Washington, DC, September 3, 1992.

Hon. BOB KASTEN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KASTEN: Beginning next week, you will be asked to cast some of the most important votes for small business in all of the 102nd Congress to date. I am speaking about the votes to proceed to S. 640, the Product Liability Fairness Act, and to win its final passage. On behalf of the nation's 20 million small businesses, we at National Small Business United (NSBU) urge you to pass S. 640 this year and permanently enhance small business' creativity, innovativeness, and economic growth potential. Our association, which represents more than 60,000 small business owners throughout the United States, works with Members of Congress, the Administration and other officials to impove the national economic climate for small business start-up, survival, and growth.

America's small businesses are being strangled by our judicial system, blackmailed by threats of lawsuits, and financially exhausted by exorbitant liability insurance premiums; the economic suppression that is created by these impediments is untold. Something has got to change, and this is your one opportunity during the 102nd Congress to be visibly and vocally on the right side of that change.

But S. 640 is not a wild-eyed call to roll back victim's rights and corporate responsibility. Rather, it is a moderate attempt to bring fairness and balance to a system spinning out of control. It is important to understand the consumer protections that would continue to exist under S. 640:

(1) punitive damage awards would continue to exist;

(2) there would be no cap on any type of award;

(3) awards by juries would be unimpeded;

(4) there would be no limit on allowable charges by plaintiffs' lawyers.

Why, then, is S. 640 so good for business? First, it institutes an expedited settlement provision that encourages businesses and victims to settle early, and thereby reduces unnecessary legal costs. Lessening the threat of extended and expensive trials will limit the extent to which small businesses will be forced to settle frivolous suits.

Second, the bill allows punitive damages only in those cases where clear and convincing evidence proves that harm resulted from a "conscious, flagrant, indifference to the safety of those who might be harmed by a product." Such a distinction restricts punitive damage awards to those who actually should be punished (the supposed definition of punitive damages), rather than simply those who have deep pockets. This standard of evidence might also dissuade some unscrupulous attorneys from bringing frivolous cases. S. 640 also prohibits punitive damages in cases where the product has been specifically approved by the Food and Drug Administration (FDA) or the Federal Aviation Administration (FAA). This provision creates a powerful new incentive for strict disclosure and compliance with all FAA and FDA regulations.

Finally, S. 640 places most responsibility on the party most able to avoid an accident. For instance, recovery is denied to those whose accident was predominantly caused by drugs or alcohol abuse. In this bill, liability and responsibility go hand in hand. If the product is mostly responsibly for the injury, the manufacturer will be most liable for the compensation. We think this is what our system of torts should be all about: correcting legitimate wrongs, not redistributing income without regard to actual injustice.

We hope you will be able to support S. 640, or at least allow a fair vote on its merits. Small businesses across the country are counting on you to bring some measure of sanity to our product liability laws. Thank you for your consideration.

Sincerely yours,

JOHN PAUL GALLES,
Executive Vice President.

WISCONSIN COUNTIES ASSOCIATION,
Madison, WI, September 4, 1992.

Senator ROBERT KASTEN,
Hart Senate Office Building, Washington, DC:

The issue of product liability is of great importance to Wisconsin's counties. The present system of 50 different laws is unfair and continues to be burdensome for the public section, as well as the private sector.

We strongly support your efforts to establish uniform federal product liability standards. A uniform federal law, like the one proposed in S. 640, the Project Liability Fairness Act, would bring certainty and predictability to interstate commerce in this country.

As you know, counties are often the target of suits involving county property. For example, if a county snow plow vehicle is involved in an accident, the injured party may sue both the manufacturer of the vehicle as well as the county. Under "Joint and several liability," the "deep-pocket" county government may be forced to pay a disproportionate share of those damages.

S. 640 would eliminate "joint and several liability" for non-economic damages. Instead, each defendant would be liable only for those non-economic damages for which it was responsible. It is my understanding that the bill also would disallow suits when a claimant's use of alcohol or illicit drugs is determined by a jury to be the primary cause of injury.

In addition, our current project liability laws are undermining the competitiveness of U.S. manufacturers in international markets since foreign firms do not face the same liability costs. This is a very real threat to jobs in Wisconsin.

Once again, we strongly support and appreciate your efforts to enact a uniform national project liability law.

Sincerely,

MARK M. ROGACKI,
Executive Director.

THERMA-TRON-X, INC.,
Sturgeon Bay, WI, September 2, 1992.

Senator BOB KASTEN,
Hart Senate Office Building, Washington, DC.

DEAR MR. KASTEN: As a successful and growing Wisconsin company, we are very concerned about the cost and potential abuses in the area of products liability insurance. Runaway products liability costs can, at best, kill our competitiveness and, at worst, destroy a profitable, expanding Wisconsin company. We urge you to promote product liability reform by supporting all cloture votes, by opposing "Killer amendments" and by voting yes to enact S. 640.

Sincerely,

WILLIAM C. BEHME,
Personnel/Systems Manager.

Mr. DOLE. Mr. President, I will keep my remarks short. Others—especially Senator KASTEN and Senator DANFORTH—have devoted a great deal of time to this issue of a decade, and they deserve all the time they want.

I do want to say right up front that I'm a lawyer. I'm married to a lawyer. Some of my best friends are lawyers. So, it should be clear that I have nothing against lawyers.

In addition, I believe that a great majority of lawyers in America would support the modest step forward this legislation represents.

So, while I do not have something against lawyers, I do have something against a product liability system where more than half of the jury awards go not to victims, but to attorneys.

I do have something against a system that has added from $70,000 to $100,000 to the cost of every light aircraft, and has decimated the general aviation industry, which is so important to Kansas.

I do have something against a system where doctors won't deliver babies for fear of lawsuits, where parents won't coach little league because of the same fears, and where 95 percent of the cost of child vaccines are due to liability costs.

I do have something against a system where 18 companies in 18 years have given up the football helmet business due to increasing liability exposure.

If you ask any businessperson in America, you'll learn that the products liability crisis is one of their top concerns. It is costing America jobs, and it's putting us at a severe disadvantage in the global economy.

But outside some stories in the Wall Street Journal and some other business magazines, you wouldn't know the crisis exists.

Where is the media outrage over the men and women who have lost their jobs because of the crisis? And why have such groups like common cause remained on the sidelines or oppose this bill?

I suspect that the media and others have been silent on this issue because they are afraid to do battle with the American Trial Lawyers Association, who have done everything they could to keep this pro-consumer, pro-jobs bill from seeing the light of day.

Mr. President, if the American voters want to see what the real difference is between President Bush and Governor Clinton, between Republicans and Democrats, then all they have to do is look at this issue.

The President strongly supports this bill. In fact, he has proposed a package of reforms to restore common sense and efficiency to our justice system.

Governor Clinton, however, waffles on this issue. The National Governors Association, which includes Mr. Clinton, has endorsed Federal products liability reform.

But the American Trial Lawyers Association opposes this bill. And when they say "jump," Governor Clinton asks "How high?"

The head of the Arkansas Trial Lawyers wrote, and I quote:

> I can never remember an occasion when (Governor Clinton) failed to do the right thing where we trial lawyers were concerned.

And take a stroll down the list of those who have contributed to Governor Clinton's campaign, and you'll find the name of almost every trial lawyer in Washington, DC. Mr. Clinton says he wants to "put people first." I guess that's true, as long as you define people as members of the American Trial Lawyers Association.

And if you looked at the 1988 and 1990 congressional campaigns, you'd find that the American Trial Lawyers Association contributed over $3 million to those campaigns—with about 90 percent of that money going to Democrats.

Mr. President, Republicans have fought for the better part of a decade to bring this issue to the floor. This bill—or one similar to it—has been reported out of committee five times, but Democrats have not allowed it to come to a vote.

In fairness, let me take a minute to salute Senator ROCKEFELLER, Senator LIEBERMAN, and those few Democrat Senators who have risked the wrath of their colleagues by standing up against the American Trial Lawyers Association.

Mr. President, at long last, we finally have a chance for everyone to go on the record and the American people will have a chance to see if we stand with President Bush for much-needed change of our confusing and complex justice system, or whether we stand with Governor Clinton and the status quo, which is operated for the benefit of trial lawyers.

Mr. President, S. 640 will not solve all the problems which have made America the most litigious society in the world. But it is an important start.

By injecting a much-needed dose of common sense into our products liability laws, it will streamline our court system, lower the cost of litigation, and—make no mistake about it—it will put people back to work.

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the voice of the distinguished Senator from Connecticut rings in my ears. When I heard that the system is broken, we all know that, and it is not working.

The truth of the matter is that tort suits generally, and particularly product liability suits, have decreased some 20 percent. The States have met up to their responsibilities. My State of South Carolina has limited the statute of limitations. We have brought it down from 6 to 3 years, required the proof in punitive damages of clear and convincing evidence and otherwise did away with frivolous actions.

The 43 States around America are working and doing as they have done for 200 years, handling the field of torts. And this crowd up here in Washington are always avoiding their own responsibilities and running around and sticking their nose into something that is working, crying for the plaintiffs: The lawyers are getting too much.

If you ever can find out how much the corporate lawyers are paid for billable hours sitting up on their duffs around this town and making a call to a Senator, you will find out the real cancer in the law practice, the fixers in this place.

What in the world are we talking about? That poor plaintiff lawyer is out there defending us and he is taking on, more or less, what we call the indigent client. If you have money you can walk in and retain and pay $10,000, $20,000, $30,000, $50,000, $100,000. In these ethics cases, Senators have spent $200,000, $400,000, $500,000. The injured party is out of a job. He is trying to pay the doctor. His family is in need.

So they come in on a contingent basis and the lawyer says, look, fine, I will take the risk along with you. I will take the case. We will try and do our best. We come in and we have to prove the greatest weight of the preponderance of the evidence. We have to prove it to all 12 jurors, and then we have to take it up all on appeal, pay the expenses, witness costs and attorneys' fees and everything else of that kind.

And they came around and say in this bill that is not enough because if you do not take alternative dispute resolution there is a presumption against you that you acted in bad faith—trying to amend the Bill of Rights. The system is working. The Bill of Rights is working. Article 7, trial by jury, is working.

They come around here, this crowd that has not paid a bill in 10 years. What is not working? We are spending money we do not have and taking the money we have and frittering it away. Highways, $19 billion, we will spend 12 on the highways, 7 on the deficit. Airports and airways, we have not built one in 30 years around this town. We have $7 billion backed up in the fund. We are not spending it on airports and airways. We are spending it on the deficit. And then the money we do not have, yesterday we start spending $40 billion to see that people can walk safely in space. But we will not spend $4 billion so they can walk safely in the inner city of America. And they are coming around: the system is not working and I am worried that the plaintiffs' lawyers are getting too much. And the poor President is depraved, his system of politics is bankrupt, running around hollering get rid of the lawyers. It is like the old adage: When the king got bad news, they said kill the messenger. Here today they say now kill the fireman. Plaintiffs' lawyers are not causing the fire. They are not causing the injury. The manufacturer is. Get your head screwed on straight in this body, for heaven's sake.

Then they come around with all the little vignettes about the Little League and everything like that. Well, we can show them about the Little League. I cannot answer all of these things. But the Little League last year refused a $5 million offer from Sunkist for the World Series that the President attended. They got 16,500 baseball and softball leaguers and they say the Little League had total assets last year of $14.6 million, up from $12.3 million.

But the statement on the floor of the Senate is you cannot play in the Little League. You cannot produce a pharmaceutical. What does Fortune magazine say? They rated how American industry stacks up: A. Pharmaceuticals. And A implies a dominant position in the world, one not likely to erode significantly in the 1990's.

So you have the actual facts of the case where the system is working back at home. What is not working is this crowd up here. And they are going down the primrose path avoiding all the responsibilities they have to get the economy in shape and coming around and saying a national problem is a product liability suit. Come now.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HOLLINGS. How much time does this side have?

The ACTING PRESIDENT pro tempore. Thirty-seven seconds remaining.

Mr. HOLLINGS. Thirty-seven seconds.

How much does the other side have?

The ACTING PRESIDENT pro tempore. Four minutes forty two seconds.

Mr. HOLLINGS. I reserve the 37 seconds.

Mr. ROCKEFELLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, my esteemed leader, the majority leader, has said that this bill will lead to Federal regulation of the insurance industry. Only the Congress can decide whether to regulate the insurance industry. I hope my colleagues will not fall for that one because obviously it is a scare tactic. The Congress has to make a decision like that, and the Congress is not prepared to make a decision like that. So that must be understood by my colleagues.

Mr. President, the upcoming vote on the motion to proceed to consideration of S. 640 presents a very simple question: Are we to take up an issue that the majority of the Senate has wanted to consider for over 10 years?

I am proud to have played a role in helping to craft this bill, a bill that is more balanced than the proposals of the early 1980's and the mid-1980's which I voted against because I thought they were weighted too much of the system in favor of the manufacturers. I firmly believe this bill will make the civil justice system work better for everyone involved.

Some Senators are telling us that we do not have the time to consider this bill with the end of the Congress in sight. They say the House does not have the time to adopt this bill so let us wait until next year.

Mr. President, those are the very words we have heard year in and year out from the opponents of this bill. Six times this bill has been reported from the Commerce Committee. Four times it has never reached the floor. A fifth time, in 1986, it reached the floor in September, only to be pulled because we were told there was not enough time to act: Wait until next year. That's always the message that we get from those who oppose it.

Mr. President, the civil justice system in this country is not working for anyone. The manufacturers who have to pay huge verdicts when they are only fractionally at fault cannot wait for reform. The victims who have to wait 5 years only to recover an inadequate amount that does not even cover their economic losses, much less their pain and suffering, cannot afford to wait. That is why this bill has such a wide range of support within the Senate, bipartisan, both sides, liberal and conservative. People who differ on many issues have come together in support of civil justice reform.

The real question is not whether the system needs reform. It is how we should reform it. Adoption of this bill by the Senate this year will have an impact. It will show the American people that the Senate is committed to real reform.

Mr. President, I cannot say enough times that I believe this legislation will be to the benefit of the public by increasing the incentives for safety; to the benefit of injured people by enabling them to recover more quickly, and through a fairer system; and to the benefit of business where the current rules are not fair in some instances to defendants.

But after listening to the arguments from the consumer groups, I have prepared an amendment in the nature of a substitute to address some of these issues. I submitted that amendment in last night, and I want to thank in passing Pamela Gilbert of Public Citizen for her critique of our bill—her comments convinced me ever further that we need to clarify the intent of our bill.

This substitute will clarify the intent of our expedited settlement and alternative dispute resolution provisions. Our intent is to prevent any victim from being worse off than they are under the present system while making the system better for all.

If we prevail, Mr. President, this morning, I will go through our substitute point by point. I think everyone will see that we are willing to shape this bill to address any fair criticisms if we have a chance for that debate. And if we are allowed to proceed to this bill, we will respond to each and every question or charge raised by our opponents. I think by turning to the bill everyone will see that it will not take rights away from the American people.

There is simply no question, Mr. President, that the present system generates excessive costs and excessive delays. It promotes uncertainty. It deters the innovation needed to produce better and safer products or vaccines. This is a country in which 70 percent of the products that are manufactured in one State are sold or consumed in another State, and that is why we need some uniformity in product liability law.

I urge my colleagues to vote in favor of the motion to proceed. Together, we can produce a civil justice system for product injury cases that is better for all Americans.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The time allocated the Senator from West Virginia has expired.

Mr. BURNS. Mr. President, I want to express my support for S. 640, the Product Liability Fairness Act. I am a cosponsor of this legislation and believe strongly that its passage would be a step toward insuring a brighter economic future.

Congress needs to act now to remove some of the barriers to economic growth in this country. We talk a lot about the policies that we can enact to stimulate growth, but we tend to ignore the barriers that Congress allows, and sometimes constructs, to block growth.

Over the next few months, you can bet we will hear a lot of talk about taxes—who might raise them and who might cut them. But we don't often stop and define the word taxes. Obviously, there are many types of taxes—income, property, social security—to name just a few.

But what about the liability tax—the price consumers pay for our defunct tort system? You see, both congressional action and inaction can prove to be taxing on the American people.

Because 87 percent of manufacturers are often forced to defend against and settle frivolous liability suits, they end up passing these outrageous cost along to consumers. This tax can range from 30 percent of the cost a ladder to 95 percent of the cost of a children's vaccine.

Our current product liability system drives up prices in nearly every sector of our economy, and does very little to improve quality or increase safety. Congress' refusal to reform the system continues to increase the liability tax on the American people. I hope that they will pay attention to who wants to decrease this tax and who wants to allow it to continue on an upward spiral.

This is also a competitiveness issue and a jobs issue. Currently, the typical American manufacturer faces product liability costs that are 20 to 50 times higher than its foreign competitors. This additional cost makes American companies less competitive; they lose market share to foreign competition, so they raise prices and lay off workers which in the aggregate spells economic decline.

This is not just a big business issue either. It affects small businesses as much, if not more, than large ones. The 1,100 percent rise in the number of Federal product liability cases in the 1970's and 1980's has driven up the cost of liability insurance.

The burden of this increased cost is proportionally much greater for small businesses. It can be a make or break issue for them.

This issue is most often presented as a consumer issue, Mr. President. "If you're for product liability reform," some say, "you're against the consumer." Well, I disagree. Consumers don't benefit when the business community has to protect itself from runaway lawsuits—they pay the liability tax.

Clearly, the people who benefit the most from the current system are the lawyers. The General Accounting Office recently noted that more that half of jury awards in product liability trials go to attorneys.

Other studies say that 50 to 70 cents of each dollar a jury awards to an injured person goes to lawyers. These statistics have led some to call this the lawyers tax not just the liability tax. But whatever you call it, its hardly a system that benefits the consumer.

S. 640 would reform the current system to make it more effective. We must protect people from careless manufacturers and defective products. This bill does not compromise that objective. It just insures that we do so in a reasonable fashion that protects the consumer but still allows American businesses to compete and grow in the global economy.

I hope that Congress will act on this legislation, reform our product liability system, and reduce the liability tax on the American consumer.

I urge my colleagues to vote for cloture today.

Mr. THURMOND. Mr. President, I rise in support of S. 640, the Product Liability Fairness Act, and I encourage my colleagues to support the motion to invoke cloture to proceed to this bill. The proponents of S. 640 have been trying to enact product liability legislation since 1980, and I believe that it is appropriate that the Senate now move to consideration of this bill.

This legislation was introduced by Senator KASTEN and was favorably reported by the Committee on Commerce, Science, and Transportation on November 14, 1991. The Committee on the Judiciary requested sequential referral of this legislation and held a hearing to consider the bill. The committee discharged S. 640 on August 12, 1992.

The purpose of the Product Liability Fairness Act is to establish a uniform products liability law across the country. This legislation governs any civil tort action brought against a manufacturer or seller for harm caused by a product. The bill supersedes State law in several areas.

Mr. President, I have always been concerned about federalizing an area of law that has historically been within the authority of the States. However, there are several valid arguments in favor of a nationwide uniform product liability law which warrant careful consideration. The bill before us today provides a framework for product liability lawsuits, it does not eliminate current State tort law. Furthermore, State procedures and the authority of State courts to hear and determine product liability cases would remain intact under this legislation.

Many have asserted that product liability law is an area with strong Federal connections. The basis for this assertion is clear, as most of the products sold today are manufactured in one state and then are shipped to customers across state lines, thereby entering the stream of interstate commerce. The U.S. Congress has the authority under the Constitution to regulate under these circumstances. S. 640 addresses interstate commerce by providing for a uniform product liability law.

With the increased international competitiveness and a move toward a more global economy, it is necessary for American businesses to be able to compete with foreign manufacturers. Many manufacturers and others have argued that the differing state product liability laws have produced a domestic business environment which chills productivity and creativity and lessens our ability to compete with foreign manufacturers. Further, the administration has indicated its support for the creation of a uniform Federal product liability standard to provide fairness and predictability, and to encourage competitiveness.

Mr. President, I believe that this legislation is fair and balanced, and I would encourage my colleagues to vote for the motion to invoke cloture to proceed to S. 640.

Mr. SANFORD. Mr. President, I voted to proceed to debate and a vote, and I decided to cosponsor S. 640, because I believe it fairly resolves the most important issues affecting the current system of resolving disputes involving injuries caused by unsafe products. This bill increases fairness, eliminates arbitrariness, increases incentives for worker safety, encourages new and useful products, and stabilizes insurance costs.

Senator ROCKEFELLER has worked extremely hard to craft a fair bill which balances the need to protect consumers from harmful products while protecting product manufacturers from a bottomless pit of unknown liability exposure. Over the past two decades, other product liability bills failed to protect the interests of consumers. Because this bill does, I hope we will finally have the opportunity to vote on it.

This legislation deserves openminded consideration by consumer groups, plaintiffs' lawyers, and other opponents before they simply react to its title. I am afraid that much of what this bill can accomplish will be lost if both sides in this debate attempt to paint their opponents' positions in the bleakest possible terms and avoid the real issues at stake.

Certainly, any product liability reform legislation must protect the ability of injured victims of unsafe products to recover their losses from those who caused the harm without changing longstanding traditional notions of tort law. Opponents argue that this bill will lock deserving victims out of the courthouse. I believe the result will be precisely the opposite. It will permit victims to more readily recover their losses. It will provide a uniform standard which should assure recovery of punitive damages if product manufacturers fail to act in good faith. And it will create a less risky environment for manufacturers.

In the last decade, studies by associations representing insurance companies and manufacturers as well as those by think tanks and the GAO show a startling trend. Injured victims recover, if at all, randomly. Those with minor injuries and minimal economic losses generally recover both economic and noneconomic losses. In contrast, those with extensive injuries and substantial economic losses often spend years in litigation, finally recovering, on average, less than half of their economic losses with no compensation for their pain and suffering. When all is said and done, they are not made whole as anticipated by the law. Many injured victims recover nothing. In other words, those who have suffered the most have been recovering the least. For most victims, therefore, the system no longer works.

Products, and the harm they carry with them, traveling through interstate commerce do not recognize State borders, while victims suffering similar injuries from the same products recover radically different amounts because of the wide disparity of State laws. I believe—or at least, hope—that most lawyers would agree.

An issue of particular interest to me is the concern expressed by women that their ability to recover for serious injuries caused by harmful drugs will be impaired if this bill passes. A number of women and women's groups have expressed opposition to this bill because they fear that drug companies will be no longer obligated to pay for the injuries they cause. They believe that companies eager to increase profits will ignore the health and safety of their customers if they do not face the threat of punitive damages for failing to act responsibly. This bill does not eliminate punitive damages. It merely provides a uniform standard of proof for such claims.

North Carolina happens to be one of the States with a very high standard of proof, similar to the standard contained in this bill. It was derived from the old common law which permitted the imposition of punitive damages as a quasi-criminal penalty for conscious wrong doing. Over the years, different States have developed different standards, some more closely akin to negligence than to the traditional standard of willful or conscious disregard for the health and safety of others. As a consequence, plaintiffs go forum shopping. A constituent of mine who lives in North Carolina is the unfortunate victim of a harmful breast implant. Her surgery was in North Carolina, her lawyers and her doctors are in North Carolina, but she filed her suit in California, the home of the manufacturer because her opportunity for recovery is greater there. I hope she recovers, and I believe that under this bill, she would not have had to go to California to recover because the safe harbor provision contained in S. 640 would have protected her.

In creating a good faith safe harbor, S. 640 will benefit consumer and product manufacturer alike. A product manufacturer can avoid the possibility of punitive damages altogether by obtaining a premarket certification from the FDA that the product meets Federal safety standards. By the same token, a failure to obtain premarket certification of a harmful product should constitute prima facie grounds for the recovery of punitive damages. The safe harbor is voided if material information is withheld or misrepresented before certification or if material information is discovered thereafter and not disclosed.

I am not familiar with all of the product liability problems facing women. The products which they have brought to my attention, such as breast implants, EMS, and IUD's, were marketed without FDA approval. Other products have been left on the market after the dangers and harmful effects were discovered without notice to the public. In those instances, the manufacturer can be held liable for punitive damages under this bill.

Undoubtedly, this provision should reduce the wide range of awards that occur around the country. Victims of unsafe products should feel safe pursuing their claims in any State and should not feel compelled to go forum shopping for a State where their chance of recovery is enhanced. Similarly harmed victims of the same product should anticipate similar recoveries without going through years of litigation. I hope that decreasing the degree of uncertainty will eliminate the sense of Russian roulette that victims, product manufacturers, product sellers, and insurers experience.

I have asked women's groups and plaintiffs' attorneys to take another look at these provisions. Some admit that the idea has merit except that the FDA is incapable of responding adequately. Similarly, some manufacturers contend that the FDA moves too slowly. If the FDA is failing in its mission, that raises an entirely different question which must be addressed separately and quickly. Even so, the costs of covering potential inadequacies by Federal Government agencies should not be borne by private companies.

Some critics have expressed concern with the joint and several liability provision, but a careful look at this provision makes sense to most people. If a purchaser buys a chain saw at the local hardware store which is defective and causes injury, some suggest that the hardware store should be held liable for those injuries even if the hardware store had no knowledge of the defects in the product. But those same people admit that it would be wrong for them to be held liable personally if they loan that same chain saw to their neighbor who is injured because of an unknown defect. In an economy in which products pass through numerous hands from the manufacturer to the ultimate buyer, it just makes sense that everyone along the chain not be exposed to liability unless they helped cause the harm. In that case, liability should and will continue to attach.

S. 640 has a number of other provisions in which the interests of consumers and product manufacturers have been balanced. It expands the statute of limitations for some injured victims. It provides a mechanism to grant quick relief to injured parties. It shifts the victims attorney fees to the defendant in cases where the defendant fails to act reasonably. There is a great deal of improvement over the present arbitrary system in this bill.

Finally, though we should never reduce safety standards to make products more profitable or more competitive, the uncertainty of litigation exposure has hurt the competitive positions of American manufacturers. Consequently, insurance rates have increased dramatically to reflect the potential exposure to huge potential verdicts, often 20 to 50 times higher than those paid by foreign companies. This burden is particularly onerous to small and growing businesses in emerging industries on which our economy relies so heavily to produce innovative technologies, new and competitive products, and new jobs.

Mr. President. I support this legislation, as I indicated earlier, because it makes sense, reduces the risk faced by injured victims, and provides certainty for product manufacturers. I commend Senator ROCKEFELLER and my colleagues for producing a bill that is neither pro-business nor pro-consumer, but instead one that is fairer to both. I hope that those who oppose the bill will accept Senator ROCKEFELLER'S offer to work out their honest disagreements so that the system can be improved for all.

Mr. KERRY. Mr. President, there is no doubt in my mind that small businesses, high-tech manufacturing companies, and startups will be the engines of our economic recovery, and that the Federal Government can do much more to help them restart our economy. One component of the troubles these companies face today, as they faced long before the recession started, is the high cost of liability insurance. Insurance rates are too high and constitute too large a component of overhead, especially for smaller companies.

But I remain unconvinced that this legislation—which focuses solely on national standards concerning certain aspects of product liability laws—is an adequate answer to the problem. I question whether we should be considering legislation that tries to solve the problem only by focusing on the cost of litigation, without in any way requiring insurers to adopt practices that lower the cost of insurance to small business.

As testimony before the Commerce Committee made clear, the insurance industry has stated in a no uncertain terms that this legislation will have little or no beneficial impact on the frequency and severity of product liability claims, and is not likely to reduce insurance claim costs or improve the insurance market. If the bill does not reduce liability claims or costs, it becomes very hard to argue that it can improve competitiveness for startups, and small and high tech businesses. As J. Robert Hunter, President of the National Insurance Consumer Organization testified before the Commerce Committee, "[m]ake no mistake about it, if insurance costs and availability are not improved, competitiveness is not affected."

As the GAO testified, this legislation will not even reduce transaction costs—that is, the cost of litigation—for businesses. As the GAO stated:

> For cases that are litigated, the procedural features of the tort system would not be changed by the bill. * * * If the [alternative dispute resolution] mechanisms are not binding, then they add to rather than substitute for litigation. If this happened, costs could actually increase.

Moreover, this legislation has serious flaws in what it does do as well as in what it does not do.

First, it only creates selective Federal preemption, without creating Federal jurisdiction. That means that the State courts must interpret the new law in the state court system, and for years the result will be appeal after appeal, uncertainty, and different applications of the law in different States—the very consequences this bill purports to try to avoid.

Second, it creates a defense based on FDA and FAA approval which is nearly absolute. As Senator Hollings and Senator Gore have observed:

> In effect, this section makes the FDA and the FAA the first and last line of defense against manufacturer misconduct that is harmful to consumers. These agencies were never created to function in this manner, and there are numerous examples of their inability to afford this protection to consumers.

Third, I have concerns about the standard set in the statute of limitations in the bill so that an injured consumer would be barred from suit 2 years after he "should have known" of the cause of an injury. The phrase "should have known" is an invitation to appellate litigation and delay. The rule of repose set in the bill could also force out of court people who are actually injured by defective products.

I hope we, as an institution, will not begin to focus on the real causes of our economic problems—like real estate devaluation, high capital costs, the Federal budget deficit, the failure to adequately educate and train workers, inadequate Federal support for research and development and wrong-headed Federal priorities—instead of the kind of proposals that in truth, do not respond to the fundamental problems. We need to do more to help generate economic activity. But we do not need to do so at the expense of consumers injured by defective products. Instead, it may well be time to help American business by taking a much more serious look at the insurance industry in general, which to date has remained largely outside the province of Federal law.

Mr. GRASSLEY. Mr. President, for 10 years this legislation has been delayed at every turn by a dedicated group with a vested interest in maintaining the status quo, the trial lawyers. The delay of this legislation has been undertaken to preserve the delay that is the hallmark of our product liability system.

Current product liability law harms both consumers and manufacturers. Consumers are hurt in two ways. Injured consumers wait an average of 2½ years to collect for their injuries, according to the General Accounting Office. Of course, during that time, the meter is running on attorney fees. Even when consumers collect, 50 to 70 percent of their recovery goes to pay lawyers. Second, consumers who are not injured are harmed, paying higher than necessary prices for products because of both excessive product liability damages awards and excessive litigation costs in resolving those cases.

At the same time, businesses are also harmed. Today, the vast majority of products are sold outside the State in which they are manufactured. This means that manufacturers must face a bewildering set of product liability laws that vary from State to State. While lack of certainty is a cost of doing business, the lack of certainty in product liability law harms consumer interests: companies, fearing product liability litigation, often remove useful products from the marketplace or fail to bring to market socially useful products. Varied legal standards lead to higher social costs: rather than settling early, differing standards lead to legal maneuvers to obtain one standard rather than another. These maneuvers serve no useful purpose, yet they consume valuable societal resources in time, effort, and money.

Additionally, under current law, juries often are called upon to consider punitive damages with only minimal guidance as to what standards determined whether those damages are appropriate. In her 1989 decision in the Browning-Ferris Industries case, Justice Sandra Day O'Connor expressed her concerns about the negative effects of punitive damages schemes that now operate in the States:

"Awards of punitive damages are skyrocketing. As recently as a decade ago, the largest award of punitive damages affirmed by an appellate court in a product liability case was $250,000. Since then, awards more than 30 times as high have been sustained on appeal. The threat of such awards has a detrimental effect on the research and development of new products. Some manufacturers of prescription drugs, for example, have decided that it is better to avoid uncertain liability than to introduce a new pill or vaccine into the market. Similarly, designers of airplanes and motor vehicles have been forced to abandon new projects for fear of lawsuits that can often lead to awards of punitive damages."

Last year, Justice O'Connor noted in the Haslip case that punitive damages are now awarded in one of every ten cases in California in which compensatory damages are awarded. She also stated that in the 9 months after the 1989 Supreme Court decision, there were six punitive damages awards of more than $20 million. I agree with her that the growing frequency of these awards, as well as their increasing size, is a matter of grave public concern.

The bill before us today responds well to the serious situation before us. Because of the effect of nonuniform State law on the competitiveness of American industries against global competition, Federal action is necessary. S. 640 is a balanced bill that will create certainty in the law. Many of its provisions represent changes in the law that will benefit consumers. Certainly, the bill as a whole will permit injured consumers to receive fair compensation, while also changing the calculus of decisionmaking among manufacturers to make them more willing to invest in new products that can benefit the public.

In fact, the bill will increase the compensation received by many meritorious claimants. Incentives to settle will produce faster recoveries. Smaller transaction costs will leave more for the victims and less for the lawyers. And because the bill does not cap damages, awards made in meritorious cases that go to trial will not be affected, nor will caps affect settlement values.

Litigation is the closest thing we have to war. Even the winner sometimes is wounded severely, given the major expenses incurred in the process. And just as the decision to go to war is too important to be left solely to the generals, reform of our legal system is too important to be left solely to the lawyers. We need a system that is more responsive to social needs, including the needs of the victim. A vote in favor of invoking cloture on S. 640 is a vote to let the people and our economy take back through democracy what lawyers have constructed through judicial activism. I urge my colleagues to support the cloture motion.

Mr. SIMPSON. Mr. President, I commend the Senator from Wisconsin for his tenacity and for his hand work on the issue of product liability reform.

I strongly believe that this issue—which goes to the heart of our judicial system—should be reviewed by the Congress of the United States with utmost care and caution.

There are certainly instances where litigation in this area of the law has produced results which could raise concerns about fairness and propriety. The cost of product liability litigation is, indeed, phenomenal, and the financial costs are, to some extent, passed on to the American consumer in terms of higher costs for goods and services. More importantly, however, the benefits which arise from vigilant and aggressive products liability cases are passed on to the general public in terms of safer and higher quality products. So we must also ask ourselves during this debate this question: Are we prepared to eliminate a very useful tool in ensuring product safety for consumers?

Mr. President, we must also look to the consequences of our action if cloture is invoked and this legislation were to eventually become law. I would take this opportunity to review a few of those potential consequences.

We are being asked to create a body of Federal law that has, heretofore, not existed in the history of our Nation. Product liability in particular, and tort law in general, have always been the unique province of the courts of the several States.

This legislation proposes to rewrite the law of the States—to wipe out and erase the States' existing laws—and create a new Federal rule of law in this area.

Who among us has so carefully and thoroughly studied the laws of each of the 50 States and can honestly conclude that all of those States—with individual variances and nuances—are wrong? Who among us can say that the laws of each of the 50 States are faulty? I know of no State judge who supports this tremendously expansive legislation and it is those judges, Mr. President, who have been on the firing line with regard to this issue for so many years.

In truth, Mr. President, I believe that this legislation is unnecessary. The system of State laws regarding product liability works just fine. Juries are not running amok, as many of this legislation's proponents would suggest.

I also suspect that the single most costly aspect of product liability litigation is not the result of excessive jury verdicts, but rather the pretrial, out-of-court settlement of nonmeritorius claims.

I also suspect that some insurance companies may have established a practice of simply settling claims, rather than fighting them, and have thus set for themselves a very costly—and very bad—precedent. Now, there is—again—this cry for Congress to change the State laws and create a new system of Federal rules—a whole new body of Federal law that will be selectively applied to certain States.

This legislation will preempt State laws in only those States which do not favor defendants. States which have laws that heavily favor defendants—

even more than this legislation would—will not be affected.

This legislation claims to propose a uniform cap on punitive damages which, in reality, is anything but uniform. The punitive damages section applies only to those States which have not already eliminated this type of award. Those States will not be affected. It seems to me, Mr. President, that if Congress were to adopt truly uniform rules for punitive damage awards, those States which have eliminated punitive damages would be required to reinstate this form of recovery. This legislation does not do that. True uniformity in the award of punitive damages would permit the same award in all States, not just those which have not eliminated or otherwise limited these awards in even more restrictive ways.

Mr. President, we have heard—and will hear more—real life stories from the proponents of this legislation which are intended to show how badly this bill is needed and how the system has broken down. Let me share with my colleagues another real life story which shows quite the opposite and which will also show why another section of this bill is flawed.

Recently, in my neighboring State of Colorado, a tragic accident occurred. A single mother of four allowed her young son to ride in the main portion of a shopping cart in a grocery store. She was distracted and while her attention was diverted, the young boy fell out of the cart and sustained a serious head injury. He is now permanently deaf because while he was being treated for his head injury, he contracted spinal meningitis.

The mother sued the grocery store for $17 million, arguing that her young son fell from the cart because the cart was unsafe and because of that, the grocery store should be liable for the young boy's contracting of that tragic and terrible disease. The jury heard all the testimony and returned a verdict for the defendant—for the grocery store.

The jury very easily could have let compassion for the young boy and his mother and their sad burden override their duty to judge a case—and the liability—based on the law and facts. The proponents of this bill would suggest that is not common practice today in America.

But, Mr. President, the jury did do that. In this case, the jury decided the case based solely on the law and whether the plaintiff had proved her case. Mr. President, the system does, indeed, work and it works well. The system is fair and juries are honest.

But that is not all, Mr. President. That tragic case shows another flaw in this legislation.

This legislation states that if a party is given a settlement offer, which they refuse, and later recovers less, then that refusing party must pay the other party's legal fees. Now, on the surface, that sounds reasonable. But let me share with you how that can work even greater injustice.

In the tragic case I just described, the mother was offered $300,000 to settle the case and refused that offer. Had this legislation been in effect, not only would she not receive an award of damages, but the mother would also have been required to pay the defendants' attorney fees. That would have been even more devastating to that poor single mother of four.

Mr. President, we in the Senate should emulate the example of the jury in that case. We should not allow ourselves to be influenced by the sensationalized accounts of so-called excessive jury verdicts and frivolous lawsuits. We must weigh the evidence—all the evidence—and come to a reasoned and fair decision on this legislation. Just like the jury did in the case I described.

We should not rewrite years of State law simply because in some cases there are reports of abuses in the system. We should not—and cannot, in good conscience—disregard the phenomenal refinements in this area of law which have been crafted by the courts of the several States. We should not preempt the laws of only those States which have rules that some just happen to disagree with. We should not enact legislation which will create injustice—and that, in my view, is what this legislation can and will do.

It will be a great injustice, Mr. President, to those people who are seriously injured and maimed because of faulty products, to slam the courthouse door and prevent them from recovering from their injuries.

It would be wrong, Mr. President, to eliminate the potential for punitive damages when products are haphazardly manufactured and which result in preventable injuries. Punitive damages are the only tool available to ensure that manufacturers to products do all they reasonably can to make products that work as they are intended and that are safe to use.

And, Mr. President, it would be terribly wrong for this Congress to send the message to the juries—past and present—that the Federal Government no longer has faith in the wisdom and good common sense of the people. The courts, Mr. President, are truly the people's courts. That is especially true of the State courts and the rules and procedures governing all sorts of tort law claims. We must always remember that the people are best served by the civil justice system when the people are trusted and given the discretion to decide for themselves what is fair and what is justice in this area of the law.

If cloture is invoked, I will urge my colleagues to vote against this legislation.

Mr. LAUTENBERG. Mr. President, after considerable thought, I have decided to vote to invoke cloture on the motion to proceed to S. 640, the product liability bill.

Mr. President, the issue at this point is whether the Senate should even consider legislation to reform the product liability system. I think it should.

I realize that many bill opponents believe deeply that product liability is a matter that should be handled only by the States, and that any change to the status quo would be counterproductive. In my view, though, if Congress can improve the existing system, it should. That's a position I've held for many years, since I served on the Commerce Committee in the early 1980's. And it's why, along with 83 of my colleagues, I supported a motion to proceed to an earlier version of product liability legislation in 1986.

Mr. President, product liability law must strike a delicate balance between the rights of innocent victims and defendants. On one side, we must ensure that people who are injured by defective and unreasonably dangerous products can readily secure full compensation. Also, we must create strong, effective incentives to encourage manufacturers and distributors to produce and market products in as safe a manner as possible.

At the same time, these goals should be achieved efficiently. Transaction costs should be minimized, and frivolous lawsuits discouraged. Innocent parties who have been sued wrongly should know they will be treated fairly, and, if at all possible, should not be forced to pay enormous settlements just to avoid the costs of litigation, and the risks of an unreasonable jury verdict.

The stakes in these matters are extremely high, Mr. President. And I have real concerns about some of the provisions of S. 640.

Imagine, Mr. President, that you are flying on an airplane when one of the engines malfunctions. You survive the ensuing crash, though you are badly injured. It turns out that the manufacturer of the plane was aware of problems with the engine, and of the enormous safety risks associated with them, but had failed to recall the engines, or even to warn airlines of the problems. While the manufacturer had quietly forwarded reports on the problems to the FAA, the agency had not yet acted when the crash occurred. Is it really fair to exempt the manufacturer completely from punitive damages, as S. 640 would provide, because the FAA approved the product?

On the other hand, consider the very real problems that arise under our current system.

Imagine you run a small firm that is developing a drug to treat AIDS, cancer, or some other deadly disease. Extensive clinical tests have shown the drug effective and safe, but there have been a very small number of adverse reactions. On balance, the risks seem insignificant compared to the many lives that the drug would save, and the FDA approves the drug. Later, however, a young child suffers a severe adverse reaction after taking the drug, and her parents sue, seeking millions of dollars in punitive damages. You have complied with all FDA regulations and have acted entirely in good faith. And yet your lawyer advises you to pay a settlement of hundreds of thousands of dollars, for fear that the jury would side with the child, and against a business. The settlement forces you to the brink of bankruptcy, leads to massive layoffs, and causes you to stop work on several other potentially lifesaving drugs.

Is that an outcome we want? And, if not, what can we do about it.

These examples merely suggest the very hard choices that must be made in developing policy in this area, Mr. President. And I think it would be in the interests of the Senate, and the country, to have a full-blown debate on the matter.

Frankly, I have not reached a final judgment on S. 640, Mr. President, although at this point I think I would like to see its protections for consumers strengthened. However, I do want to state one thing unequivocally. I will never, ever support any product liability reform that does not adequately protect public safety.

I realize, Mr. President, that some may misconstrue my vote for cloture on the motion to proceed as something more than a vote to ensure a full debate. And so I want to state this as emphatically as I can. As I see it, my first responsibility in this area is to protect public health and safety, and to ensure fair treatment for innocent victims who are injured through no fault of their own. I will never forget that.

Let me say, Mr. President, that I very much regret the extent to which debate on this issue has been polarized. Bill proponents have accused opponents of representing greedy trial lawyers who want nothing but more frivolous lawsuits. Bill opponents have charged that proponents also are acting in bad faith, and selling out innocent victims on behalf of big business. Both these characterizations are deeply unfair, Mr. President. Are interest groups involved in this debate? Of course. But our job is to protect the public interest. There are real questions of public policy here. Difficult questions about equity for victims, and economic growth. Questions that require a delicate balancing of competing values and concerns.

Can product liability reform really serve the public interest, as opposed to simply shifting money from victims to wrongdoers? If it's properly constructed, I think it can. If we can encourage alternative dispute resolution, reduce transaction costs, adequately deter wrongdoers, and establish uniform standards that are truly fair, injured victims will be better off. And if we can reduce unnecessary litigation, the winners will not only be affected businesses, but all consumers and our economy.

That's why, at this point, I do not feel comfortable taking the position that the Senate should not even debate the issue. The stakes here are too high to either ignore, or to rush through. This is important, very important. And I believe the public and the Senate would benefit from a full public debate on this legislation. I would have as well.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS] has 37 seconds remaining.

Mr. HOLLINGS. Mr. President, after 10 years, the Senator from West Virginia complains about trying to get action. He is asking for a vote not on the bill, but on his amendment. Come now, he had 10 years to amend it. The message is from the American Bar Association over the 10-year period, consistently argued, debated back and forth and everything else by plaintiffs' and defendants' lawyers, mostly defendants' lawyers at the American Bar, by the State supreme court justices—mostly they are defense counsel on our State supreme courts the country around.

They have all opposed the bill. Those who are trying to come and say now that they are for the plaintiffs—the plaintiffs, the consumer groups, all the consumer groups are opposed to this bill. You can go right on down. The Public Citizen, Association of State Justices.

My time has run out. But I am proud to identify with those particular groups in opposition to this bad piece of legislation. I thank the Chair.

The PRESIDING OFFICER. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 640, a bill to regulate interstate commerce by providing for a uniform product liability law:

Jay Rockefeller, Charles S. Robb, John Danforth, Bob Kasten, Lloyd Bentsen, Joseph Lieberman, John Glenn, Don Riegle, Conrad Burnes, Trent Lott, Christopher J. Dodd, Dan Coats, Nancy Kassebaum, Claiborne Pell, Kit Bond, John McCain, Don Nickles, Slade Gorton.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 640, a bill to regulate interstate commerce by providing for a uniform product liability law, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KERREY (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Georgia [Mr. FOWLER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." I withdraw my vote.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

On this vote, the Senator from Nebraska [Mr. KERREY] is paired with the Senator from Georgia [Mr. FOWLER]. If present and voting, the Senator from Georgia would vote "nay" and the Senator from Nebraska would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—57

Bentsen
Bond
Boren
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pell
Pressler
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Seymour
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—39

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Conrad
Cranston
D'Amato
Ford
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerry
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pryor
Reid
Sarbanes
Sasser
Shelby
Simon
Simpson
Wellstone
Wirth
Wofford

NOT VOTING—2

Fowler
Gore

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Kerrey, for

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. Mr. President. I move to table.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

Mr. HOLLINGS. Mr. President, I move to table.

The PRESIDING OFFICER. The motion to table has been made but the clerk will call the roll to ascertain the presence of a quorum.

Mr. DOLE. I made the motion for the quorum call between the motion to reconsider and the motion to table.

The PRESIDING OFFICER. The Chair believes that the motion was made before the request for a quorum call.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the motion to table.

Mr. DOLE. No, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate Republican leader has suggested the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have discussed the pending legislative situation with the distinguished Republican leader, the distinguished Senators from Wisconsin, from West Virginia, and from South Carolina, Alabama and Ohio. It is our conclusion that the best way to proceed now is to have the motion to table and the motion to reconsider withdrawn and proceed to a vote on the motion to reconsider.

If the motion to reconsider prevails, that would be followed immediately by a second cloture vote. If the motion to reconsider fails, then the matter would be disposed of. If, going back to the first alternative, the motion to reconsider prevails, the second cloture vote will follow. If the second cloture vote fails, then the matter will be disposed of.

I ask my colleagues if that is our common understanding and desire to proceed in that manner?

Mr. HOLLINGS. Mr. President, that being the common understanding, Mr. President, I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote on the motion to invoke cloture on the motion to proceed to the Product Liability Fairness Act.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. FOWLER] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—57

Bentsen
Bond
Boren
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Jeffords
Kasten
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pell
Pressler
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Seymour
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—39

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Conrad
Cranston
D'Amato
Ford
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pryor
Reid
Sarbanes
Sasser
Shelby
Simon
Simpson
Wellstone
Wirth
Wofford

NOT VOTING—3

Fowler
Gore
Kassebaum

So the motion was agreed to.

The PRESIDING OFFICER. The question on reconsideration is: Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 640, a bill to regulate interstate commerce by providing for a uniform product liability law, shall be brought to a close?

The yeas and nays are automatic. The clerk will call the roll.

The assistant bill clerk called the roll.

(Mr. PRYOR assumed the chair.)

Mr. KERREY [when his name was called]. Mr. President, on this vote, I have a pair with the Senator from Georgia [Mr. FOWLER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

On this vote, the Senator from Nebraska [Mr. KERREY] is paired with the Senator from Georgia [Mr. FOWLER]. If present and voting, the Senator from Georgia would vote "nay" and the Senator from Nebraska would vote "yea."

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 38, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—58

Bentsen
Bond
Boren
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kasten
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pell
Pressler
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Seymour
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—38

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Conrad
Cranston
D'Amato
Ford
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pryor
Reid
Sarbanes
Sasser
Shelby
Simon
Simpson
Wellstone
Wirth
Wofford

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Kerrey, for

NOT VOTING—2

Fowler
Gore

The PRESIDING OFFICER. On this vote, three-fifths of the Senators duly chosen not having voted in the affirmative, the motion is not agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, what is the pending business?

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, FISCAL YEAR 1993

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Simon amendment No. 2968 (to committee amendment beginning on page 2, line 15), to prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I am advised that the Appropriations Committee is this morning in a markup and that the managers of the pending Treasury-Postal appropriations bill are in that markup. To accommodate them, I now ask unanimous consent that there be a period for morning business until the hour of 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

PRODUCT LIABILITY

Mr. ROCKEFELLER. Mr. President, today, in the judgment of the junior Senator from West Virginia, we have seen again procedures used to sideline legislation that a very clear majority of the Senate supports, a majority that represents liberals, conservatives and diversity of opinion in politics, in geography, and in philosophy.

A majority agrees that we need to do something about the very obvious problems with a product liability system that has a lot of inconsistencies which cause, for example, injured victims to have to wait for an average of 5 years to get any kind of recovery.

Mr. President, you heard the vote. You read the vote. We secured the necessary 60 votes. We had 60 votes. We had the amount required, in fact, to cut off a filibuster against our effort to proceed to the bill. For a few minutes, we achieved the votes to invoke cloture. But then we did not.

I wish I could believe that we did not prevail solely because there was an honest disagreement over some of the provisions of the bill. I wish I could believe that it was solely a fight over how to fix the product liability system that we all know is not working. But I am afraid that I cannot believe that.

I think we were battling once again the threat of the Senate's schedule, the threat of what else might happen if we pass this bill, the whole question of taking up our precious time in the Senate.

Then, I think of all the days we have had hours of quorum calls. But, nevertheless, these arguments were used, and my fellow Senators put this bill aside and I accept that judgment.

But I must say that I really choose to see, Mr. President, the silver lining in the results of the last 2 hours of votes. In essence, we took 2 hours to make a single vote—and that's whether to proceed to this bill. In the weeks leading up to this bill, part of that silver lining is that there has been a lot of education in the Senate and with the public about the problems in the tort system and the recommendations that some of us have for improving that system. We won more supporters than we had in the past. We took another big step, I think, closer to enacting product liability reforms.

We now know much more clearly than we did before what our next challenge is, which is to get on the field early, and take the field early in the season. To use a football expression, we have to get the ball moving early on our side. And we also have to be effective on the House side where there is tremendous bipartisan support for product liability reform.

Our task is to absolutely refuse to let the schedule or the procedures be obstacles to a fair hearing and a chance to act on this legislation. For the majority of us who voted for this, we have to be sure that we pay close attention and that we are not put in this position again.

I think the debate was constructive, it was useful, it was polite, and it was very direct. I think there was an effort to paint some of us who were for changing the product liability system as people who have "horns" or something like that. I say again, take a look at the spectrum of supporters. Consider the record of those of us who voted for this bill: We have been fighting for children, fighting for affordable health care, fighting for people who deserve and need our compassion and support.

But we also, Mr. President, believe in fair play. We believe in fair rules and we believe in fair play and we believe in the Senate's duty to respond to problems with good public policy. So that is our common goal. That is my silver lining.

I think that we have done well on this vote. I want to assure my colleagues and those who are listening that we intend to pass forward. We are going to review the debate. We are going to work with consumer groups and the trial lawyers and all lawyers and any others who have suggestions as to how we might make the bill better so we can pass this. This is something I have said to consumers groups, and I say it again.

I congratulate the majority leader. I congratulate the chairman, Senator HOLLINGS from South Carolina, who is my chairman of the Commerce Committee. And I want very much and very specifically to thank Peter Kinzler, who is both a wonderful person and a consummate public servant. Peter has been of enormous help to me. He works for Senator DODD, but he gave his time and talents to assist me, too. And, of course, my thanks to Tamera Stanton, my legislative director.

I think this was a very productive fight, and, as I say, I come out of it with a very constructive view of the future.

I thank the Chair and I yield the floor.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

PRODUCT LIABILITY REFORM

Mr. KASTEN. Mr. President, once again a majority of the U.S. Senate has voted, in three votes this morning, in favor of the product liability reform.

And I would like to congratulate the Senator from West Virginia [Mr. ROCKEFELLER] and others who have led this battle and have worked on this battle.

For a variety of reasons, the circumstances have prevented the substantial and substantive debate that I had hoped would take place. There are a number of amendments that could have been offered on each side. Unfortunately, that debate has now been prevented and we are stalled by less than a majority, a very small group of people, we are stalled from bringing forward this legislation.

I want to say that I want to associate myself with the views of the Senator from West Virginia, because I was standing here before the Senate in May and in June and we were in the process of forcing votes, bringing this bill before the Senate, because we were worried that time would run out and that we would not have the opportunity for debate.

The majority leader was I believe very persuasive today when he said one of the major reasons that this bill should not come forward and one of the major reasons we are hoping that we today will not get cloture is because of the schedule of the Senate.

I understand that, and I think every Member of the Senate understands that; that, therefore, it is a major reason why, in the next session, we do not allow this bill to come before the Senate with weeks, as opposed to months, to go in the legislative session.

So, I agree with the Senator from West Virginia. We will go forward with this legislation early. If it cannot be considered, or if it is blocked by the various committees, we will move forward with the legislation on the floor. There is not much question here about the details. Everyone is familiar with the bill.

So we are prepared to move forward, and move forward in the next session early, so we will not be jammed into the schedule as, unfortunately, we became this time.

People are becoming educated on this issue, anyone who is watching the trend. Every time we have more cosponsors, every time we have more votes. We now have a majority of the Senate on three different votes. Every time we have had a more bipartisan approach to this legislation.

So even though more people are speaking out in favor of working our way through this issue, any way you measure this, the progress is in favor of product liability reform. This will remain a high priority of the Senate. We will not wait until the end of the session again.

I look forward to passing product liability legislation at an early date in the next session of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

TORT REFORM AND THE SENATE RULES

Mr. MITCHELL. Mr. President, the rules of the Senate require a majority of 60 Senators to proceed to consideration of legislation or to close off debate when legislation is before the Senate.

As the majority leader in a Senate in which there are 57 Senators in the majority and 43 in the minority, I, much more than any other Senator, am aware of the feelings when the position I advocate is the majority position but falls short of 60. This may be a rare experience for the Senator from Wisconsin and the Senator from West Virginia. It is a common experience for me.

Dozens and dozens of times in the past few years, I have been part of a majority of more than 50 but less than 60. I might say, respectfully, on many of those occasions the Senator from Wisconsin was part of the minority who, because of the rules of the Senate, were able to prevent the majority from acting.

So I merely want to say that I understand and empathize with the views expressed by the Senators from Wisconsin and West Virginia. I have had the same feeling almost weekly, sometimes more than once a week. And it is frustrating. We live in a system which most Americans describe as majority rule, and therefore, one would think when a majority is for a position it ought to prevail. That is not so in the U.S. Senate. A majority is not enough. A majority of 60 is necessary.

I simply say to the Senators from Wisconsin and West Virginia, if they would like at any time to review those rules and to consider the possibility of instituting true majoritarian rule, I will be most happy, most happy to discuss that with them and with our colleagues. Because, as I said, it is I, as the majority leader—and I think it is fair to say those on the majority side of the aisle—who most often, overwhelmingly most often, find themselves in the position in which the Senators from Wisconsin and West Virginia found themselves today.

I believe the debate has been constructive. I think it clear that this matter will be on the agenda of the next Congress—as it should be—because it is an important matter. I think there are important, substantive issues that should be debated and discussed, and I look forward to participating in that.

I commend my colleagues for their diligence and their perseverance. And I thank them, of course, as always, for their courtesy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New Mexico is recognized.

THE NATIONAL ALLIANCE FOR THE MENTALLY ILL

Mr. DOMENICI. Mr. President, might I say, I am supposed to be downstairs. The majority leader was giving me one of the reasons for having this morning business. But I want to use about 3 minutes before I go downstairs to the Appropriations Committee.

Mr. President, today, tomorrow, and Saturday in Washington, DC, there will be a very rare gathering of Americans. It is called the National Alliance for the Mentally Ill. They are from all States in the Union, from every walk of life. Some are old. Some are young. Some are grandparents. Some are parents, uncles, brothers, and sisters. But all have one common thread: To be a member, they must have a member of their family ill with a disease called severe mental illness; either they have had that, or still suffer from that.

There are about 2,000 people gathered. Many will be visiting Senators' offices today and tomorrow. I suggest that even though Senators are very busy, and sometimes they cannot see constituents, that they ought to take a moment and visit with these people.

I happen to be a member of the National Alliance for the Mentally Ill. Just about 45 minutes ago here, in the park across from the Russell Building, about 1,500 of them gathered. They gathered to send a message to the Congress and to the President that next year, when the reform of health care takes place, the health care delivery system of Americans, for Americans, that they serve notice that they no longer want their friends, relatives, neighbors, brothers, and sisters to be discriminated against in terms of what they are entitled to under the minimal standards of the health care delivery system of this Nation.

We had a very interesting event, I say to my friend from New York, because this group of people delivered 350,000 petitions in boxes. Some are half filled, with 12 names instead of 25. Just riffling through, they were from small cities in New York, large cities such as Phoenix, from a little burg in New Mexico. But they were there. And those petitions said, very simply and very plainly: We support equitable health care for severely mentally ill Americans.

I happen to be the author of a bill, Senate bill 2696. It says people with schizophrenia, manic depression, severe depression, and bipolar diseases must be covered, just as people with cancer, diabetes, heart condition, or kidney disease. And when we reform this system, this bill says, Congress is mandated to quit the discrimination—quit discriminating and deliver equity, fairness.

Mr. President, there are now 14 Senators on this bill. My hope is when these beautiful people finish visiting their offices, that this 14 will grow to a majority.

There is no question that the people with severe mental illness in America are just as sick, have just as serious a disease as a patient in a cancer ward in one of America's finest hospitals. They need treatment.

We are making giant strides in diagnosis, in medical treatment. In fact, for severe manic depression, I say to Senator MOYNIHAN, there is already a very simple drug called lithium. Just on that atomic chart, it is next to sodium. So it is much like salt. It is lithium chloride, like sodium chloride, when you look at your chart of elemental substances. It levels the ups and downs of manic depression.

I have people walk up to me and say: For 30 years, my mother was critically ill with this dread ailment, and now she is stable and well. And thank God.

But, Mr. President, there are millions of Americans who cannot afford the treatment. There is a drug for schizophrenia that costs $10,000 a year, and it works for some people with that dread disease. Most insurance policies in the United States say $50,000 and no more for severe mental illness. There may be no limit for cancer. There may be no limit for heart trouble. But the amount and the visits and the hospitals stays and the costs are limited in almost every program for delivery to these people.

As I walked through the crowd—a billboard is there with pictures—one woman grabbed me and said, "There's two. See those two boys, 17 and 23? Both mine"—with tears—"both schizophrenics. I did nothing wrong." Of course, she did not, but she is not going to be able to take care of them. And if they have an insurance policy, in about 3 or 4 years, they are going to be in the street.

Let me tell you, today they issued a report as a result of cooperation between the National Alliance for the Mentally Ill and others that says we are caring for the mentally ill in the jails of America. It behooves some Senators to read it. There are more mentally ill Americans in jails than in hospitals and asylums for their well-being; more in jails. Go to any county jail you want in New York or New Mexico and ask the sheriff. He is the new warden. He is the new caretaker for the mentally ill because nobody knows what to do with them.

If this Senator has anything to do with it, if we are going to have $880 billion a year spent on health care—that is what we estimate today; 13.8 percent of our gross national product and growing through the roof—if we cannot say we are going to find a way to take care of these Americans like the other sick Americans, then we are going to know a reason why. We are going to know right here on this floor. If it does not come out in those reform bills, whether we are mandating insurance or whether we are paying something like Medicare and Medicaid, if we do not put in those minimums that either the council that determines who is covered, of if we are determining, if we do not say severe mental illnesses, people with that dread disease get the same kind of treatment that others do in America, then there is going to be an accounting.

That is what these people are telling these Senators as they visit. That is what they said in those 350,000 petitions. They have a very simple goal as they walk through subdivisions and neighborhoods. And you can just see them doing it. They are going to deliver a million to the doorstep of the next President and the doorstep of the next Congress—1 million—and they are going to say, this is just a piece of the concern, the hearts that are broken out there.

Mr. President, let me tell you, when you have children with schizophrenia, there is a chance that they will end up in jail or dead. We do not have enough resources to take care of them. The best of insurance policies stop paying for them. Why do you think we have so many homeless people? We are running around scourging ourselves about homelessness. The biggest reason is we do not take care of the mentally ill people in the country. That is the reason.

If we had mandatory health care and we are going to cover others, we can cover them, we can find the ways to take care of them. There is a new revolving service regime. They do not need a hospital like we thought where we put them in asylums. Thank God we burned down most of those. It took a Supreme Court to tell us to do that. In fact, one day I received an award from an association, and they gave me a bell to ring. They said, "It is a very important bell, Senator, because it is made out of the metal that used to house mentally ill in the asylums where they did not belong. We took the bars and things that chained them, and we give you an award, a bell made out of that, to sound the sound of civil rights victory."

That is why they are here. They have come to Washington at the right time, just before we make a commitment to keep our people healthy.

I was very pleased to be there. My wife and I are pleased to be members. She does a lot of good with them and for them. And I can guarantee you, I have a lot to do around this place, but there is nothing that makes me more convinced that you can make a difference than to be a little bit of a part of changing America in this regard, and we will do that. We will do that. There will be people lined up to help because all you have to do is go find out. Just go to one of your Alliance for the Mentally Ill meetings in your State or city and sit with people who are burdened with this kind of problem.

Mr. MOYNIHAN. Will the Senator from New Mexico yield for a comment?

Mr. DOMENICI. I am just about finished, but I am pleased to yield.

Mr. MOYNIHAN. First, I would like to ask if I might be a cosponsor of his bill.

Mr. DOMENICI. Mr. President, I ask unanimous consent Senator MOYNIHAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. That makes it 15. I thank the Senator.

Mr. MOYNIHAN. Mr. President, because this matter means so much to the Senator from New Mexico, I am going to ask him to listen to me for 3 minutes, possibly 4. I have been involved with this matter for a very long while. It goes back 37 years. I was, in a sense, present at the creation. I was sitting in the office of Governor Harriman of the State of New York when Paul Hoch, the newly appointed commissioner of mental hygiene, came in to see him, the first term of his administration, and reported that down at the Rockland State Hospital, a Dr. Nathan Klein had been working with a root used in a vedic medicine called Rauwolfia Serpentina. When he was done, he had the chemical Reserpine, one of the first tranquilizers. It had been clinically tested, and Hoch was of the view that it should be used systemwide.

Governor Harriman was asked to make a huge commitment of $2.5 million. He did it. The population of the mental institutions had been growing every year higher and higher. It continued to grow in New York State for another 14 months, and then in a classical epidemiological curve it crashed. It reached 95,000, and it is now at 13,000; from 95,000 to 13,000. In that same year, 1955, Congress established a Commission on Mental Illness and Mental Health, which reported at the end of 1960 and called for a system of deinstitutionalization, these treatments now being available.

President Kennedy, as the new President, received this appointment. At the end of 1961, he established a Cabinet committee to deal with this. It was Labor, Veterans Administration, and HEW. Secretary Goldberg was there from Labor. I represented the Secretary, and I wrote the report of the committee. I drafted it as a young Assistant Secretary would do. This led to the President's proposing, in a message to Congress, a national system of deinstitutionalization and community treatment, saying this is now feasible.

The last bill that John F. Kennedy signed in a public signing ceremony was in the Oval Office about 10 days before Dallas. He signed the Community Mental Health Construction Act of 1963. He gave me a pen.

Our goal, Mr. President, was to build one community mental health center for every 100,000 persons in the population. Our specific goal was 2,000 by the year 1980, when we assumed we would reach 200 million.

In fact, we emptied out the hospitals. They were emptied. But we did not build the community centers. We built 768 and then we forgot. The President, for whom it was so very important, did not come back from Dallas and that continuity was lost.

In 1981, we folded the Community Health Center Program into a general program and it was lost completely. The hospitals emptied out and the doorways filled up. As strong as anything I feel, it is that we talk about the homeless in terms that never really get to—excepting the Senator from New Mexico—the question of mental illness.

There is a French theologian, Georges Berranos, who said the worst corrupting lies are problems poorly stated. You go around the country and think that the homeless are there because there is a shortage of affordable housing. No. And I would simply wish to say that I hope we might, in the coming Congress as we talk about health care, that we will try to retrieve the memory of how the hospitals emptied out and what we were supposed to do with people who left them—having forgot that we have a problem which we do not understand and with which we deal very poorly.

I just want to thank the Senator for his remarks.

Mr. DOMENICI. Let me say to the Senator it was worth my while to be here to hear the recap of history. Let me suggest to the Senator things have progressed positively with such rapidity since the Senator's day that I am delighted that we have this chance to speak.

We may not need the same kind of institutions that were contemplated, but we need some help. These people are beginning to get medicinal help that stabilizes them, and their parents are relieved. The community and neighbors see a friend again who is normal. But they need help. They need part-time employment. They need a case-management type effort that is not sophisticated but it is consistent, and it is almost with chores that they will not necessarily accomplish as they revitalize. We just are not thinking about these things.

So as we talk together, clearly, if a few of us care, we could perform some very big services for a lot of people just by leading and just by some concern in the way we deliver health care and some concern about some support systems with which we, indeed, might be able to help this community of people. So I am very pleased that I chose to speak this morning and that the Senator had a chance to be here. I hope the Senator enjoyed listening as much as I did participating with the Senator.

Mr. MOYNIHAN. I did. I am meeting that group this afternoon.

Mr. DOMENICI. I thank the Senator.

TO DESIGNATE THE U.S. COURTHOUSE TO BE CONSTRUCTED IN FARGO ND, THE "QUENTIN N. BURDICK U.S. COURTHOUSE"

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, may I ask unanimous consent that the Senate proceed to the immediate consideration of the bill I now send to the desk.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3224) to designate the United States courthouse to be constructed in Fargo, ND, the "Quentin N. Burdick United States Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, this bill is sent to the desk for myself, Mr. MITCHELL, Mr. DOLE, and the entire Senate.

It is a measure that will name a courthouse in Fargo for our beloved, now departed, Quentin Burdick—"Quent" as he was known to this body.

This was a project of very deep concern to him. He wanted this courthouse. It is a modest structure for a man who was always appropriately modest about the enterprises that he undertook. The building will provide a Federal district court, a Federal bankruptcy court, a Federal circuit court, offices for the U.S. attorney, for probation officers and for U.S. marshals.

The measure authorizing the building under the Public Buildings Act is being reported out at this very moment, so all of the appropriate actions are taking place. The appropriations are underway, as well. We will see there is an appropriate design.

I can report—I think it is not inappropriate—I have spoken with Mrs. Burdick—"Jocie" we call her—and she was so pleased at this prospect and said that that large Burdick family would be equally pleased.

I see the Senator from Minnesota has risen. I want to say just two more things, if I may. How very appropriate it is that a place of justice should be named in memory of Quentin Burdick, who was, of all things, a most just man. Kind, understanding, unyielding on principles, and serene in that understanding of himself and aware that that understanding had diffused elsewhere in this body.

We knew who he was. We knew what he would do and we knew what he would never do. He was loved. And I look about the Chamber and see one desk, the only one with no papers on it today. It is Quentin Burdick's desk, in the front row where he belonged. He was the third ranking Member of the body when he passed on—over 32 years of service—a third of a century—as a distinguished U.S. Senator.

When I am in this body, I will remember going down there and sitting next to him. He would invariably turn and say, "How are things in New York?" It was his quality to ask first about you and rarely volunteer anything about himself excepting that he was one of us and will always be. We will not see the likes of that prairie populist again. An era left the Senate when he died on Monday morning.

Mr. President, I yield the floor.

Mr. DURENBERGER. Mr. President, I would observe to my colleagues the appropriateness of Fargo, ND, and the courthouse, because Fargo is the one part of North Dakota that a lot of Minnesotans cannot get along without, just as in so many ways in my service on the Environment and Public Works Committee the senior Senator from North Dakota was a person I could not get along without. And so as I think about his efforts to, I guess yesterday I called it act as the blocking back—he was a blocking back for Bronko Nagurski—he has acted as blocking back for everybody in need in North Dakota.

That is the function of justice. It is a function of the civil and criminal justice system. Modest as that building might be, modest as the people in the Burdick family are, modest as the people in North Dakota in Fargo are, it is a most appropriate way in which we might remember the many years of service of our dear colleague.

Mr. MOYNIHAN. Mr. President, there being no further Senators wishing to speak, I urge adoption of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3224

Be it enacted in the Senate and the House of Representatives of the United States of America in Congress Assembled,

SECTION 1. DESIGNATION.

The United States Courthouse to be constructed in Fargo, North Dakota, shall be known and designated as the "Quentin N. Burdick United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Courthouse referred to in section 1 shall be deemed a reference to the "Quentin N. Burdick United States Courthouse".

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. May I just, Mr. President, ask unanimous consent that the RECORD remain open at this place for the remainder of the day for any statements that Senators may wish to place in the RECORD concerning this matter, noting that it is a measure cosponsored by the entire U.S. Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

EXTENSION OF MORNING BUSINESS

Mr. KERREY. Mr. President, I ask unanimous consent that the time for morning business be extended until 1 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

GEORGE BUSH AND THE WAR IN VIETNAM

Mr. KERREY. Mr. President, in my campaign for the Democratic nomination for the Presidency of the United States, I said in Atlanta, GA, that George Bush would take Bill Clinton's draft record and that he would open it and him like a soft shelled peanut. Well, on Labor Day President Bush decided to crack the shell.

With the shell cracked, the Bush people are trying to find a winning idea and a winning issue. They are losing on the economy. They are hopeless on the environment. Family values was a bust. Attacks on Hillary backfired. So, the man whose first words after he took his left hand off the Bible in January 1989 contained the declaratory phrase "* * * a great nation cannot afford to be sundered by the memory of the Vietnam war" chooses to divide us again.

It just goes to prove that you may be right not to trust George Bush on taxes, or the economy, or civil rights, or any other issue upon which he has waffled, but you can trust him to hold fast to one declared and sacred principle: He will do whatever it takes to win reelection.

The good news for the President is that his tactics appear to be working, particularly in the South. The agony of the decision faced by Bill Clinton and other young men during the Vietnam war is not a happy thing to examine 25 years later.

However, as I look into the shell I see more than the decisions being made by draft-age young men. I also see decisions made by political leaders who saw Vietnam as a great cold war struggle. I see the decisions of those like George Bush, who served in the U.S. Congress from 1968 to 1972 whose policies, helped to create this painful ordeal. I have some bad news for you Mr. President: Not only do I see Bill Clinton inside the shell, but I see you, too.

The President, in order to maintain the appearance of standing on the high ground and to protect prominent Republican leaders who also avoided serving in Vietnam, says the issue is not whether you served or not. He says the issue is Bill Clinton's description of what he did and why he did it. He says the issue is trust, credibility, and confidence.

I have some additional bad news for you, Mr. President: Trust, credibility, and confidence are hardly your strong suits. In opening this soft shell you have exposed your greatest weakness. As a candidate you promised not to raise taxes. You promised to create 16 million new jobs. You promised to solve the problem of health care by allowing all Americans to buy into Medicaid. You promised not to coddle tyrants like Saddam Hussein. You promised you knew nothing about Iran-Contra. You promised to become the education President and the environment President and the President who would be committed to ending divisiveness with a kinder and gentler approach.

You want us to ignore all of this and more. Your record is so terrible you want to talk about everything else. In 1988, you defeated BOB DOLE in New Hampshire by distorting his record. Now, in 1992, you hope to win by distorting yours.

In opening this soft shell you also expose your own involvement in the Vietnam war. You know and understand the Vietnam war was not a war as far as the politicians of that era were concerned. The whole idea of deferments and short rotations and special treatment was born of the political desire to minimize the inconvenience to the American people.

The condition of having a special draft status was not created by Bill Clinton and BOB KERREY. It was created and later allowed by politicians like George Bush and his mentor, Richard Nixon.

On Labor Day, President Bush compared the choice he faced at the beginning of the Second World War with Bill Clinton's choice at the end of the Vietnam war 25 years later. The President said "when my choice came I made the decision to serve." Mr. President, I admire and appreciate your service very much, but the choices you faced were much different than the ones Bill Clinton and I faced.

According to the law of the land America was at war in 1942. The Japanese had attacked us in Pearl Harbor. The German advances were threatening to consume the modern world. The idea that our way of life was in imminent peril was not questioned or doubted. America declared and was fully committed to fighting and winning a war the outcome of which would determine the nature of our way of life.

According to the law of the land in America, America was not at war in 1968. We were engaged in a limited cold war conflict. As spooked as Americans were by the enemy's so-called Tet offensive, we never seriously considered the possibility in a serious way of California being invaded by Vietnamese sanpans.

American support for a cold war containment was bipartisan and strong in 1961 when newly elected President Kennedy called on us to "pay any price and bear any burden" on behalf of freedom. Thus, the overpowering rationale leading to our engagement in Vietnam was the need to check the advance of communism in Indochina.

As the quagmire deepened this defensible though naive goal was perverted by domestic political fear. The Nation became so polarized that we only saw two choices: Total victory or total withdrawal. In the end we negotiated a treaty which spoke of self-determination and political freedom, but was a sham. No American political leader at the time could honestly say he was shocked or surprised when the Communists of North Vietnam broke their word. What was shocking was the betrayal of the Vietnamese people. They made the mistake of believing us.

Mr. President, you have made a big deal of your role in the great victory of the cold war. It was a great victory; perhaps the greatest sustained foreign policy success of our Nation's lifetime. Further, it must be said that your role in it was significant.

However, Mr. President, there are 58,000 names on a memorial in Washington, DC, that will forever remind us of our single greatest foreign policy failure. This cold, dark wall tells a different story about the cold war than the one you told at the Republican Convention in Houston, TX.

Many of us who soured on the cold war effort after our experiences in Vietnam now realize we were wrong. We started out feeling the battle against communism was worthwhile, but we grew skeptical of the effort after we were betrayed by leaders too cynical to tell us the truth. Then, when the Iron Curtain fell in 1989 and we saw how terrible the tyranny of communism had been, we began to believe again that our sacrifice was not in vain.

Mr. President, I have given you credit for your efforts during the cold war. I have acknowledged your sacrifices and successes. However, there was one major failure in the midst of that success. A failure that scarred and divided America like few other issues have. That failure was the Vietnam war.

In the past you have been sensitive to the need for healing. You seem to understand the way these war wounds have incapacitated individual combatants as well as the Nation. The healing allows veterans to lead normal lives and America to once again develop a confident, bipartisan foreign policy.

When you began your Presidency you said you wanted to put the Vietnam memory behind us. You mistakenly thought you had done so with the military victory of Desert Storm. Now, when the hunger for reelection has gotten the better of you and the smell of political blood is in the air, you abandon your earlier, and correct intention.

You and your associates say Bill Clinton is not telling us the truth about his draft record. Your standard is that he must come clean about the decisions he made when we was subject to laws and rules you wrote some 25 years ago. Well, I am here to argue that his memory lapses are as understandable as they are common for people who went through that ordeal. While my first concern and sympathy goes to those men and women who fought in the war, I am also sympathetic with those like Bill Clinton who made other decisions.

I am also here to argue that whatever memory difficulties faced by Bill Clinton they are of a much smaller order than the memory loss and lack of shame shown by you. You ask us to judge Bill Clinton's ability to be President according to his willingness to tell Americans exactly what he did 25 years ago.

Well, Mr. President, let's hear your recollection of your role in the events of 1968. You were a freshman Congressman from Texas. What was your role in 1973 when the peace treaty was signed and our POW's were partially returned; you were President Nixon's appointee to head the Republican National Committee. You were Ambassador to the United Nations in 1972 when the negotiations began. What were you doing in 1975 when Saigon fell and the killing fields of Cambodia began; you were our Ambassador to China.

Do you want us to judge you by what you did then? Do you want us to make our decisions about your reelection according to your acquired standard of accuracy in recall.

I do not think so, Mr. President. Bill Clinton was a college student then. He did not write the rules of deferment; you did. God help us, if in 1992, the people who brought us the tragedy of Vietnam use it in a deceptive way to hold onto power.

Finally Mr. President, if you are truly interested in putting the memory of Vietnam behind us in a manner which honors those who served and who wonder if that service was worthwhile, there is something you can do. You can talk about freedom in Asia as well as Europe. You could tell the Communist leaders of Vietnam that our fight for the freedom of the Vietnamese people did not end when we withdrew in 1973. Let them know we care more for liberty than we do the commercial and business investments they are offering if we will normalize relations with them.

I have come full circle myself, Mr. President. When I went to Vietnam I thought the effort was worthwhile. When I came home I felt betrayal and I turned against it. Now, though I still believe the war was a mistake, it was not and is not a mistake to fight for the freedom of the Vietnamese people.

When I went to Vietnam I was proud and confident. When I came home I felt anger and shame. I felt alienation from friends and neighbors who had different experiences. Twenty-five years later, I have reconciled these differences. As the cold war ends, I am once again feeling pride and confidence. I even have a new respect and understanding of former President Richard Nixon; without his push President Bush may not have introduced an aid package for the newly independent States of the former Soviet Union.

So, Mr. President, I urge you to call off the dogs. Consider all you risk losing. Consider that you jeopardize the healing you have sought if now—in the hunt for an issue that cuts—you attempt to make Bill Clinton's choices less honorable than yours.

I yield the floor.

Mr. MOYNIHAN. Mr. President, let me say that there have been only a few moments in this Chamber in the century and a half we have been here in which there have been so moving and honorable and healing a statement. The Senator from Nebraska has set a standard of personal conduct in this Chamber, as he did in the U.S. Navy.

He asks that we heal those wounds, not that we open them. I can only beg of those who will hear what he said in the administration, in the White House, to heed them. He speaks to this subject as no person in this Chamber can do, as no one in the administration can do. I prayerfully hope he be heard, not for any purpose of this election, but in the large interests of this Nation and the memories of 58,000 persons whose names are on that black wall not 10 blocks from here. I salute and thank him.

I yield the floor.

PASSAGE OF THE FISCAL YEAR 1993, VA, HUD APPROPRIATIONS BILL

Mr. LAUTENBERG. Mr. President, I congratulate my friend and colleague, Senator MIKULSKI and her colleagues on the committee for their work in passing the fiscal year 1992 Veterans' Administration, Housing and Urban Development and related agencies appropriations bill. This is a measure that funds so many important programs in housing, community development, and environmental programs. Like other subcommittees dealing with domestic spending programs, the VA, HUD Subcommittee had to produce a bill under very difficult budget constraints. I am pleased to support the product of the committee's work.

In the area of housing and community development, the bill funds many programs of critical importance to New Jersey and the Nation. I am particularly pleased that the bill includes $175 million for the Public and Assisted Housing Drug Elimination Act. This program, which I developed about 4 years ago, provides much needed assistance to housing authorities, owners of assisted housing, and residents of federally subsidized housing, to fight the plague of drug-related violence in many housing projects.

Mr. President, the residents of public and assisted housing are suffering disproportionately drug-related crime. Too many projects have become virtual war zones, controlled by armies of violent, heavily armed drug dealers. With severe violence routine, many residents, particularly young children, are afraid even to leave their apartments at night.

The Public and Assisted Housing Drug Elimination Act is the only Federal program designed specifically to deal with this problem, and is the most effective vehicle for such efforts. Last year, 496 grants were awarded in 48 States, the District of Columbia, and the Virgin Islands. Yet given budget limitations, 255 other applications could not be funded. A new round of grant awards is expected later this month.

The $175 million provided in this bill represents an increase of $10 million over the fiscal year 1992 level. It also includes $10 million that will be available for grants to owners of assisted housing projects, many of which face the same types of drug problems as those in public housing.

I am also very pleased at the significant increase that has been provided in the bill to the Community Development Block Grant Program. The CDBG Program is an essential tool for local governments seeking to meet urgent community development and housing needs. It deserves our strong support.

Unfortunately, the CDBG Program was cut substantially in real terms during the 1980's, and that needs to be reversed. This bill represents a significant step in that direction.

At the same time, I also support the HOME Program, which has not fared as well under the bill. As most of my colleagues know, the HOME Program provides support for State and local governments, and nonprofit, community-based groups, for the development of affordable housing. The Community Housing Partnership title of the HOME Program is based on legislation I introduced in the 101st Congress, the Community Housing Partnership Act. Community-based groups have proven their capacity to develop affordable housing effectively, and they deserve to be provided with the resources they need to do more.

Mr. President, I also want to mention the substantial cuts that are included in the bill for the section 8 program. At a time of huge waiting lists for housing assistance, and high levels of homelessness in many areas, any reduction in housing assistance is disturbing. I know Senator MIKULSKI shares this concern, and is committed to getting this program back on its feet once administrative problems at HUD have been worked out. I would strongly urge HUD to make this a priority. People in desperate need of housing should not be forced to do without shelter because of bureaucratic problems.

On a more positive note, Mr. President, I do want to note the funding provided in the bill for public housing operating subsidies and modernization. Public housing authorities face enormous problems in their efforts to serve their residents, and to rehabilitate deteriorating projects. The funding provided in the bill for operating subsidies and modernization is badly needed to better serve those who call public housing home.

I also am pleased that the conference report includes $300,000 for a housing technology demonstration program that has been developed by the New Jersey Institute of Technology.

Given the severe shortage of affordable housing in much of the country, it is important that technologies be developed to reduce the costs of housing production. Yet presently, there are real disincentives for the home building industry to invest capital in the development of new technological innovations. These innovations typically require many years of work, and the expenditure of large sums to pay for research, development, material testing, the construction of prototypes, code testing and approvals, tooling, and manufacturing and marketing. Given the fluctuations in the housing market, it is generally uncertain whether there will be a market after this lengthy process is complete.

A study by the New Jersey Institute of Technology found that there are many new ideas and technologies for improving housing quality and reducing costs that could be developed under the appropriate conditions. NJIT worked with a variety of building industry and State officials, and developed a proposal for a housing technology demonstration park for the design, development and production of housing built with innovative materials, methods and components. With the funding provided in the bill, along with the $500,000 I was able to secure last year, this project should provide a useful vehicle to test, demonstrate and market affordable housing technologies.

I also would note that the NJIT initiative complements another important initiative on housing technology research, the Research Center of the National Association of Home Builders. The center also does important work in this area, and I am hopeful that it can be funded in the conference report on the bill.

I also want to express my support for allocations that are provided in the conference report for Newark, NJ. These include $1.5 million for the Safe Housing Program, which will protect children from the dangers of lead poisoning. This program would provide temporary shelter for children to ensure that they do not return to lead-contaminated homes. Funds will also be used to remove lead from the families' contaminated homes.

Childhood lead poisoning in Newark is of epidemic proportions. In 1991, of 6,789 children known to have been screened for the disease, 515 were found to have lead levels above 25 micrograms per deciliter.

In 1991, 23 Newark children had to be hospitalized for lead poisoning. Three of those children had to be hospitalized repeatedly because they returned to homes containing lead hazards.

The Safe House Program is part of Newark's plan to launch a coordinated offensive against the problem of childhood lead poisoning. It is modelled after a Bronx, NY program that has operated successfully out of the Montefiore Medical center for 1 year. Mayor Sharpe James deserves real credit for his work on the program, which will make a real difference in the lives of many young people in Newark.

This bill also contains funds for several New Jersey economic development projects. Specifically, $4.5 million is included for a Women's and Children's Service Network in Newark, $150,000 for an outdoor learning center in Willingsboro, $300,000 for three senior citizen centers in Atlantic County and both the city of Hammonton and the city of Penns Grove will receive $400,000 each for downtown renovation projects.

I'm also pleased that the bill includes funding for a number of important environmental programs that I support. Passage of this appropriation is a step forward in our efforts to protect the environment.

The bill maintains the fiscal year 1992 budget level of $1.61 billion for Superfund. According to EPA, the Nation is beginning to make progress in cleaning up the many sites scarring the Nation. While I requested more funding for Superfund, once again we faced very limited resources in this bill. I will continue to work for adequate funding for Superfund, and for additional improvements and progress in the operation of the program.

Funds provided for Superfund will support several programs important to my State. The bill provides $250,000 from Superfund funds for chemical sensitivity workshops. I would anticipate that the use of these funds will be coordinated with the National Center for Environmental Health Strategies in New Jersey, which is uniquely equipped to participate in this effort. The National Center for Environmental Health Strategies is an important source of public information and education on chemical sensitivity.

The bill also provides $50,000 for the second phase of the Lipari Information Network [LINK] study of the area surrounding the Lipari landfill Superfund site, the No. 1 site on the national priorities list. Fiscal year 1993 funds will allow LINK to continue to gather data to better track and evaluate potential health effects on people who lived near Lipari.

The bill provides $3 million to FEMA for hazardous materials training grants to implement the Right to Know Program which I authored in 1986. Hazardous materials incidents pose risks to virtually all communities across the country. The right to know law requires that individuals responding to all hazardous materials emergencies have proper training. This funding will help ensure that these individuals have the proper training.

The bill also provides significant funding for clean water programs. It provides $2.65 billion for sewage treatment construction. My State of New Jersey alone has over $4 billion in sewage treatment needs. These projects are essential for providing clean water. Sewage construction also provides jobs. According to a report prepared for the National Utility Contractors Association, every $1 billion investment in water and sewer projects generates as many as 57,400 jobs. The Senate appropriation is $250 million over the President's request.

The bill also provides an additional $24 million above the President's request for non-point water pollution programs and $550,000 for studies and lake quality restoration of Strawbridge, Alcyon, and Musconetcong lakes in New Jersey.

Finally, the bill provides funding for a number of other programs important to my State and the Nation. The bill provides $2.7 million to establish a Coastal Sediment Decontamination Program. This program would be authorized by section 405 of the Water Resources Development Act of 1992. It will develop techniques to decontaminate polluted coastal sediments which plague many of our Nation's coastal harbors.

The bill also provides $300,000 for the North Eastern States Coordinated Air Use Management Program or NESCAUM. NESCAUM has led to the development of numerous programs throughout the northeast to rid our air of smog and other air pollutants.

Finally, the bill includes $2 million for the integrated pollution prevention initiative at the New Jersey Institute of Technology. This program will provide technology transfer and technical assistance for small and medium-sized businesses on source reduction of chemicals, pollutants and wastes. Source reduction provides significant health and environmental benefits, as well as cost savings. Industry efforts to implement source reduction efforts have proceeded slowly, according to the OTA, because industry lacks the information about the opportunities and benefits of source reduction. This funding will help provide the necessary information to stimulate source reduction efforts.

Mr. President, I would also like to note that this bill also includes $50 million for the National Science Foundation's Academic Facilities Program. This is an increase of $17 million over fiscal year 1992. While this level of funding represents only a fraction of the need for the renovation of academic facilities across the country, it is a step in the right direction.

The bill also contains funding for two important satellite programs that are part of NASA's mission to planet Earth. The bill provides $391 million for the Earth Observing System [EOS] and $5 million to begin construction of Landsat 7. Both of these satellites will provide researchers with valuable information on global warming well into the next century.

I took forward to the final enactment of this legislation so that the Nation can get on with the important work funded by this legislation.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 3223 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, first, I want to commend the distinguished

Senator from Nebraska for that remarkably eloquent and moving statement. I think he has put into the framework of this campaign a historic episode, one of the ugliest and most divisive in the country's history, which we thought we were putting behind us and which apparently is now going to be trotted out—as the New York Times analysis says this morning—in "Willie Horton style."

I would hope that does not happen but apparently we are on our way to that, and if that occurs, then it seems to me absolutely appropriate that we in turn look at precisely the same history referred to by the Senator from Nebraska. I wish that the high road described by the Senator from Nebraska will be the one that we take. I wish that this administration can learn from the divisiveness of Willie Horton not to do that again. Let us hope that this administration and the people leading the reelection campaign for President Bush and Vice President Quayle have an opportunity to reflect upon the comments of the Senator from Nebraska.

Mr. DODD. Mr. President, will the Senator from Colorado yield?

Mr. WIRTH. I am happy to yield.

Mr. DODD. Mr. President, I want to join with Senator WIRTH in his comments, if I may. I happen to have been watching the television and heard the remarks of Senator KERREY from Nebraska, and I also raced to the floor, because it is a rare moment when one of our colleagues says something as compelling and historically significant as he has.

I commend the Senator from Colorado for recognizing that same moment that just occurred in this Chamber, and the Senator from New York [Mr. MOYNIHAN], who put in an historical context.

Mr. President, very few people in our Nation's history have ever achieved the unique and remarkable status of being a Congressional Medal of Honor winner as Senator KERREY has. The loss of limb in the cause of this country's interest scarred our colleague for life but has made him a unique and special individual. Certainly his comments on the tragedy of the Vietnam conflict deserve to be listened to under any circumstances. But his comments about this debate which is taking place in the country regarding Presidential candidates and where they were and what they did during those years takes on special significance.

Mr. President, during that time I first served as a Peace Corps volunteer for 2 years in the Dominican Republic, and then spent 6 years with the Army Reserve and national board of my State. I do not know of many others who did both: Served in the Peace Corps and the military. Others made different decisions and choices.

I remember coming back, Mr. President, Christmas Eve 1968, having been away 2 years. I had not stepped foot in the United States during those years; my parents came to visit me. I remember being stunned at how the country changed in 2 years. I did not recognize it. It was a remarkably different place when I left in the summer of 1966. Neighbors arguing with neighbors, families divided.

Those old enough to remember the Vietnam war know that it tore this country apart in many ways. And I am not arguing that anyone had all the wisdom on their side one way or the other, but it seems to me that to reach down into what little is left of that scar and to tear it off and to try to revive some of that deep divisiveness is in my view a tragic mistake.

I realize there may be some political ground to be gained in the minds of some for this, but I believe most people would like to see us get about the business of what needs to be done to put this country on a sound footing in the years ahead.

I do not think anyone disagrees that the critical ingredient in that is to try to get Americans in our country, regardless of geography, ethnicity, race or religion to act as one family committed to the common good. And any steps made to pit one segment of society against the other simply make that effort that much more difficult.

What Senator KERREY has done here in brief remarks made on this September afternoon is to offer testimony to what can happen when those emotions prevail; to remind us of what it was like to be a soldier in Vietnam and to be a returning veteran, to be in a veterans hospital recovering from those wounds and then trying to rebuild a life.

I would hope that all would take note of his remarks, that they would be widely disseminated, and that the people who are running the campaigns would take particular note of what he suggests in his remarks.

So again I commend my colleague from Colorado for his comments on this, and of course the Senator from New York who also commented, but particularly the Senator from Nebraska for providing these particularly illuminating moments on the floor of this Chamber.

Mr. President, I thank my colleague.

Mr. WIRTH. Mr. President, I thank the distinguished senior Senator from Connecticut.

THE CABLE INDUSTRY

Mr. WIRTH. Mr. President, as we all know, a political battle is now raging between the over-the-air broadcast industry and the cable television industry over legislation to reregulate the cable industry, S. 12.

Throughout this battle, both cable and broadcasters have used their respective media to air advertisements advocating their positions. There is nothing wrong with that. It can contribute to an informed public debate on the merits of the legislation.

However, I have recently come across a very troubling document in which the broadcast industry urges television stations to violate their public trust.

I might say that again. A very troubling document in which the broadcast industry urges television stations to violate their pubic trust, a public trust found in the Communications Act of 1934, and in their obligations to operate in the public interest, convenience, and necessity.

This document, and I will ask unanimous request that it be printed into the RECORD at the close of my remarks, is a memorandum addressed to television broadcasters from senior board members of the National Association of Broadcasters [NAB] and representatives of affiliate stations of ABC, CBS, and NBC.

Much of the lobbying plan outlined in the memorandum is routine and legitimate practice. Let me outline some elements of the plan.

NAB has provided stations with advertising spots and urges them to broadcast the spots. I do not have a problem with that.

There is nothing wrong with doing that at all.

NAB also urges broadcasters and their employees to contact their Senators and Representatives. There is nothing wrong with that kind of public petition at all.

NAB also has set up a hotline to provide broadcasters with information and supporting material. Again, there is nothing wrong with that. But another part of the NAB memorandum goes too far and deserves our attention.

The memorandum urges television stations to use their news departments to advance broadcasters' lobbying goals. There is a lot that is wrong with that.

The memorandum notes that broadcasters have "been given material for use by your news department" and urges broadcasters to "Tell, it like it is. Generate the news stories."

The NAB wants broadcasters to manipulate the content of their news programs, which viewers presume is fair, objective, and impartial, to influence legislation that advances their own economic interest. In other words, the public trust is gone and the public trust has been replaced instead by the desire to advance their own narrow economic interests.

That element of the broadcast industry's lobbying effort may have gone beyond the bounds of participating in reasonable public debate.

The NAB is not just asking broadcast stations to air advertisements or editorialize in support of the legislation they are seeking from Congress. Instead, the industry is asking stations to abandon their obligation to provide fair and balanced news programming and to violate fundamental principles of journalistic ethics and integrity. The industry's lobbying arm has apparently manufactured some news and now expects its member stations to get in line and present it as a product of responsible, objective journalism.

Broadcasters have often proudly pointed to their news operations as the leading source of news for the public and as exemplars of modern, professional journalism. Television news has changed the way the public learns about and perceives events and public affairs. And in this the television industry is justly proud of the tradition of Edward R. Morrow, Eric Sevareid, and so many, many more.

Many consumers and millions of citizens have come to place a great deal of trust in broadcasters' news programming as a source of balanced, objective information. Viewers rely on that information to help develop their own views about many public issues, including legislation before Congress.

Apparently, NAB thinks the financial benefits that this legislation would bring broadcasters are worth abandoning the industry's proud news tradition and violating its trust with the public. What a remarkable brief for the NAB to take, to take this long and proud tradition and to sacrifice it overnight in the heat of a single legislative battle.

The memorandum raises many questions: For example, did the networks participate in the development of this lobbying plan and memorandum? What was the nature of the material that NAB provide to broadcasters' news departments? Did it disclose broadcasters' financial interest in seeing S. 12 enacted?

Did the NAB, or the networks, pressure stations to interfere with their news departments and air the material? Have any of these news stories been aired?

I do not know if many broadcasters have followed NAB's recommendation and broadcast the material. I am sure that many stations' news departments value their public trust and responsibilities, as well as their journalistic ethics and integrity, and have insisted on providing a balanced presentation of the issues, relegating the NAB material to editorials, where it belongs.

But clearly, the authors of the NAB memorandum do not place a high value on journalistic ethics and integrity, which is at the root of public trust in television.

In order to obtain the financial benefits promised by S. 12, some leaders in the broadcast industry are willing to manufacture news to manipulate the views of the very consumers that S. 12 is intended to protect. The broadcast industry appears eager to sacrifice the public's trust to make a buck.

This morning, I have written to the chairman of the Senate Commerce Committee, with copies to the presidents of the three networks, urging the chairman to examine this matter as the conference on legislation to reregulate the cable industry continues.

As the conference report comes to the floor, we should know what has been going on in this front, Mr. President.

The NAB's lobbying tactics are fundamentally wrong. They deserve the attention and consideration of all Senators as we prepare to consider the conference report on legislation to reregulate the cable television industry.

But, more importantly, I think they deserve very, very careful analysis by the broadcast industry itself; the broadcast industry that should use this as an opportunity to look at itself, to look at the separation between commercialism and the news, to look at the separation between the financial side of the house and the news side of the house, and to assure that, in fact, not just a Chinese wall is built there, but a very, very real and careful framework is developed within the industry that splits these two apart.

Unfortunately, the people at the NAB apparently do not recognize that. It is time they should.

I hope that our distinguished chairman of the Commerce Committee will review this issue and remind the NAB, remind the broadcasters of their public trust, which has been egregiously threatened by their own memorandum.

Mr. President, I ask unanimous consent that the full NAB memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF BROADCASTERS,
Washington, DC, September 3, 1992.

To: Television Group Heads and Television General Managers.

We are in the fight of our life. . .

But, we fear too many broadcasters are content to sit back and hold the coats of those who are on the front lines.

Congress will adjourn on October 3, 1992. The cable industry has launched in allout offensive featuring bill stuffers, network ads, local system ads, op-ed pieces and visits with Members of Congress, designed to do the following:

Prove to the Administration that if the President vetoes the cable bill, they will do everything imaginable to support that veto.

Convince consumers that the cable bill is "anti-consumer," thereby giving cover to Members of Congress, Senators in particular, who want to risk changing their vote and oppose passage of the cable bill.

This effort will succeed unless . . .

Broadcasters do everything within their power to counter the NCTA offensive.

You have been given spots—Please run them!

You and your employees have been asked to communicate directly with your Senators. Do it and often! Ask for the order! Do not take no for an answer!

You have been given material for use by your news department that gives lie to cable's claims—Tell it like it is! Generate the news stories!

You have been asked to communicate personally and directly with Members of Congress, especially your Senators—Please do it today!

You have been promised any other supporting material necessary—If you need something, call the cable hotline (1-800-582-8830) and ask!

We have about 20 legislative days left to insure victory on the cable bill or lose at the last moment. We can think of no outcome harder to live with than one which is the direct result of unwillingness to participate. Anyone who does not believe that it is important to stand up and be counted does not deserve the benefits that will be realized from the successful passage of the cable bill, which will include retransmission consent and must carry.

The time is now! The choice is yours!

Sincerely,

Gary Chapman, NAB Joint Board Chairman;
Ron Townsend, NAB TV Board Chairman;
John Siegal, NAB TV Board Vice Chairman;
John Behnke, Government Relations Chair, ABC Affiliates;
Ben Tucker, Government Relations Chair, CBS Affiliates;
Robert Kalthoff, Government Relations Chair, NBC Affiliates.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair very much.

The PRESIDING OFFICER. The Chair advises the Senator that morning business has expired.

Mr. HELMS. Mr. President, I ask unanimous consent that I be allowed to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Reserving the right to object, and I shall not object, I wonder if the Senator could just give me some idea how long he will take. I do not want to curtail his time.

Mr. HELMS. I do not want to be held to a specific time, Mr. President, but it will not be long; 10 or 12 minutes.

Mr. LEAHY. I ask that the Senator amend that, so that upon completion of his time, I could be recognized also in morning business.

Mr. HELMS. I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

RED CHINA'S MILITARY THREAT

Mr. HELMS. Mr. President, at a March 31 Foreign Relations Committee hearing, I asked a State Department official about the growing military threat posed by Communist China, particularly the Chinese projection of military power into the East Asia region. Frankly, I did not find the State Department's answers very satisfying. Nothing unusual about that.

Now others are sharing the concerns that I expressed last March. I have here recent cover stories in the leading English-language news magazines published in Asia—one is the publication Asia Week. I hope the camera can pick that up. The other is Far Eastern Economic Review, a magazine published by Dow Jones. And just yesterday morning, the editors of the Wall Street Journal pointed to the emerging military threat from Communist China.

The fact that this issue was so prominent in all these periodicals and others is just one clear indication that people in the region are getting nervous—and justifiably so to anyone who recalls that the same political elite which came to power in Communist China in 1949 is still running the country. This same group has directed border wars against all their neighbors for the last 40 years. In 1950, the Communist Chinese invaded and still occupy their peaceful neighbor, Tibet.

And most of us in this Chamber have visited, on many occasions, with the Dalai Lama. He is one of my close friends. And I feel sure that the distinguished occupant of the chair feels the same way about him, as well as the Senator from Vermont. He comes here often, and he seeks only peace.

And it was in 1950 that the Communist Chinese combined with the North Korean Communists to wage war against the forces of the United Nations and thereby enslave half of Korea. In the 1960's, the Communist Chinese conducted a border war against the Soviet Union and against India; and in the 1970's, they attacked Vietnam. In the 1990's, they are the sole military supporters of the Khmer Rouge in Cambodia and the scourge presently ruling Burma.

Now, if the camera can pick up this map, it may help to orient in terms of the geography.

So, when earlier this year the rubber-stamp parliament of the Communist Chinese reasserted its claim to the Spratly Islands, almost 1,000 miles off the coast of the mainland, people in the region took notice. Of course they did. Their understandable concern is heightened by reports of the delivery of SU-27 Flanker aircraft to Communist China.

Not only that but now, in its September issue, the highly regarded publication Naval Proceedings claims that the Chinese have already purchased an aircraft carrier from the now-defunct Soviet Union. Whether the papers for the aircraft carrier have been signed or they are only in the final stages of negotiations, it is clear that Peking has further ambitions.

The September 3 issue of the Far Eastern Economic Review reveals that the Chinese have Mig-31's, IL76 airborne warning and control systems—known as AWACS—stealth technology, supersonic Tu22M bombers, and over-the-horizon radar on their wish list as well.

If the purchase is finalized, China will be the only country in East Asia to possess an aircraft carrier. Now, with news like that, small wonder that the people of other East Asian countries are highly concerned. Who can blame them? Certainly, Japanese defense planners would have been derelict in their duty if they had not pointed to the security threat posed by Communist China's military buildup in their latest Defense white paper.

Since, as yesterday's editorial in the Wall Street Journal points out, there is no military threat to the Communist Chinese regime, it is obvious that these military arms purchases are designed for an aggressive assault, not for deterrence of a threat.

The question, then: What to do about these alarming circumstances?

Mr. President, with the example of inadvertent Western assistance to the Iraqi war machine prior to the invasion of Kuwait in mind, I have asked the Defense Intelligence Agency to conduct a review of all levels of dual-use technology goods now being imported into Communist China from the United States and other Cocom countries.

In addition, the DIA report should include an assessment of where this technology fits into the Communist Chinese military-industrial complex.

It is important that we know this. It is important that the world knows this. My concern is with both the threat this equipment poses when in the hands of the Communist Chinese military and also with the possibility that this technology, used to produce weapons for modern warfare, may be sold by the Communist Chinese to the antidemocratic regimes of the Middle East.

Also, I have asked CIA Director Robert Gates to have his agency produce a threat assessment of the Communist Chinese military buildup and the potential political repercussions on our friends and allies in East Asia.

Certainly our long-time allies, the people of the Republic of China on Taiwan, must be considered on the front line of this issue.

Under the terms of the Taiwan Relations Act, the United States must be prepared to sell the Taiwanese whatever they reasonably need for their defense. That is the law of the land. A lot of people try to forget it or ignore it but that is the law of the land. The 1982 declaration regarding military sales to Taiwan was a unilateral decision that contradicted directly the terms of the Taiwan Relations Act. I protested at the time. So did others. The 1982 declaration by then Secretary of State Haig made no sense then, and it absolutely makes no sense today. It is long past time that it should be acknowledged to have been a policy blunder, and discarded for being precisely that.

So, in light of all this, certainly President Bush's correct decision, and it is correct, to sell F-16 aircraft to Taiwan is a welcome improvement in our national security policy towards East Asia. The Republic of China on Taiwan was our close ally in the fight against tyranny in World War II and deserves no less than our support now that it is again threatened by its communist neighbor.

Mr. President, I ask unanimous consent that an August 7 article in AsiaWeek, an article from the September 3 issue of the Far Eastern Economic Review, and an editorial in yesterday's Wall Street Journal be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Asiaweek, Aug. 7, 1992]

SECURITY: WORRIES ABOUT CHINA

"China is against such acts of hegemonism and power politics as the big bullying the small, the strong lording it over the weak, trampling on other countries' sovereignty and interfering in internal affairs." So declared Chinese Foreign Minister Qian Qichen just before the 25th ministerial meeting of the Association of Southeast Asian Nations in Manila July 21-22. Many in the audience shared Qian's disdain for powerful countries throwing their weight around. The danger seems greater these days. U.S. military clout, which may have deterred would-be aggressors, is seen to be receding in post-Cold War Asia.

But to many listeners, Qian's words also struck an ironic chord. Of late, China's moves have prompted charges that it is bullying the neighbours. In recent months it has occupied a disputed isle, exploded a nuclear test bomb, authorised oil exploration in waters claimed by Vietnam, and fired on Japanese trawlers. In early July, Chinese troops reportedly planted a territorial marker on another isle claimed by Hanoi in the increasingly volatile Spratly islands in the South China Sea. In February, China put into a law its verbal claims on the Spratlys, the equally contentious Paracels further north and Diaoyutai island—Senkaku to its other claimant, Japan. The legislation also allows the military to enforce Beijing's territorial claims.

"China is in a position to flex its muscles," said outgoing Philippine Foreign Secretary Raul Manglapus, who retired after the ASEAN conference. "China is a big country [with] the resources." Its submarine fleet is the world's third largest. By 2050 it hopes to have a mighty ocean-going armada with nuclear subs and at least one aircraft carrier—which might come a lot sooner. Some fear Beijing aims to control the South China Sea, already a minefield of conflicting claims. Most converge on the Spratlys and the Paracels. China, Brunei, Malaysia, the Philippines, Taiwan and Vietnam each occupy or claim all or some of 500 islets and reefs.

Such undeclared concerns about China laced the main topic of discussion at last week's ASEAN meeting. Participants sought to outline a new security balance for East Asia and the Pacific. Many governments had feared that the end of the Cold War might lead the U.S. to scale back its forces in Asia and leave a destabilising power vacuum which other countries might seek to fill or exploit. Small conflicts are the biggest immediate danger. Last week's meeting addressed South China Sea tensions in particular. That effort became a test of whether the annual ASEAN consultations could be the main cog of a mechanism to discuss security issues and resolve disputes.

In early July, Japanese Prime Minister Miyazawa Kiichi suggested precisely such an arrangement in his seminal Washington speech on Japan's new Asian policy (Asiaweek, July 24). Last week ASEAN not only ended its taboo against discussing defense issues, but also brought in China and Russia as Miyazawa urged. Vietnam, too, joined past dialogue partners: Japan, South Korea, Australia, New Zealand, the U.S., Canada and the European Community. The focus was unprecedented in the 25 years of ASEAN, which had always been careful not to be seen as a defense alliance. The presence of Russian and Chinese foreign ministers as observers, said Singapore's Wong Kan Seng, was "ASEAN's pragmatic response to a changing environment."

The grouping's concept to regional security is "to keep a balance of forces" among the U.S., Russia, China and Japan, said Ali Alatas of Indonesia. "A new equilibrium will be achieved at a lower level of armament and tension" than the Cold War's. The ASEAN position suggested acceptance of Miyazawa's push for Japan to use not only economic might but also political and security clout to help keep Asia peaceful and prosperous. At the conference the ASEAN concept gained ground. America and Russia vowed to remain Pacific powers (see story below).

As if to completely dispel any lingering taboos, Alatas said: "Security and political issues are now going to be increasingly discussed. Such dialogue will contribute to better understanding and enhanced security." Malaysian Foreign Minister Abdullah Badawi agreed that with more talks on security "ASEAN will become more secure." That was probably no better demonstrated than by the meeting's handling of the potentially explosive South China Sea tensions.

At first, there were doubts that ASEAN would take the plunge into the contentious issue. A toothless initial communique noted global changes and the need to create a new Asian order to avoid conflicts. In carefully chosen words the grouping urged "restraint" and a peaceful resolution of Spratlys disputes. But the foreign ministers doubted that China and Vietnam would heed the call to talks rather than arms. The communist neighbours fought a sea battle over disputed islands in 1988. They renewed their friendship last November but it has since cooled. "So we finessed the Chinese," said a minister.

ASEAN drafted a two-page Declaration on the South China Sea to be signed by countries with territorial claims. It called on them "to apply principles contained in the Treaty of Amity and Cooperation in Southeast Asia as the basis [for] international conduct over the South China Sea." Vietnamese Foreign Minister Nguyen Manh Cam quickly supported the negotiations-not-guns declaration, which he said, conformed with "policies Vietnam has been pursuing." Taken by surprise, the Chinese burned the wires between Manila and Beijing through the night. In the morning China gave qualified backing, saying it appreciated "some basic principles" in the declaration.

Initiated by Manglapus and backed by Indonesia's Alatas, the declaration was touted as a master stroke which left the Chinese little room to manocuvre. If they opposed it, they would have raised fears that China had no qualms about using its military in the Spratlys and Paracels. "The communique wouldn't have been enough to provoke a reaction from Vietnam and China," said Manglapus. But giving up the military option would have deprived China of its trump card in any territorial dispute. That consideration seemed to have been outweighed by Beijing's need to reassure its neighbours at a time when it hopes to tap their ethnic Chinese communities for business.

Thus, says Manglapus, "for the first time claimants have signed . . . a document to form the basis for negotiations—a very useful beginning." Alatas sees two "not wholly comparable" models for resolving disputes. In Antarctica various claimants temporarily shelved sovereignty claims and collaborated in research. In the Timor Gap, Indonesia and Australia are jointly exploring for oil and gas in the areas of overlapping claims. China too has proposed setting aside disputes and getting on with joint development. "We're ready for negotiations when conditions are ripe," said Minister Qian. In short, make money not war.

For now. But China's long-term intentions still cause concern, especially with its continuing military build-up. It is reportedly eyeing a half-built. Tbilisi-class aircraft carrier now in a Ukraine shipyard. Hongkong professor Lee Ngok, an expert on China's military, says the 60,000-tonner has ramps and catapults to launch MIG-29s, the top Russian fighter-bomber. It would be able to project China's air power 4,000 km from its shores—as far as Africa, Australia and the mid-Pacific. But Beijing would need an estimated $2 billion and Moscow's willingness to sell it the carrier's electronics and MIGs. In Asia, only India has carriers; two much smaller British-made vessels. "If the Chinese bring in a carrier," reckons Lee, the Japanese will re-arm.

China has just completed a one-kilometre jet runway in the Paracels. Despite its much-trumpeted one-million-man troop cut in recent years, China has increased its defence budget by 12% last year to $5.5 billion, or 9% of GNP—mainly by boosting weapons spending and research. Two big thrusts, says Lee, are fast-action special forces and high-tech command & control—possibly a reaction to the Gulf War. To pay for all that, the People's Liberation Army has been expanding its businesses, including weapons exports. Last year it sold Burma $1.2 billion worth of fighters, landing craft, anti-tank missiles and machineguns. A 50-man Chinese delegation to a 1990 arms fair in Bangkok showed off short-range missiles, submarines and other weapons.

Other Asian countries have also been augmenting their forces, but recent incidents involving the PLA have made China's build-up disconcerting. Since March last year there have been fifteen attacks on foreign boats and ships, including one on a 42,407-ton Japanese trawler 220 kms from disputed Diaoyutai. In May a firefight erupted when, by Hanoi's account, Chinese troops were caught moving boundary markers along Friendship Pass on the Vietnam border. And China's ultimate goal? Some argue that it is no different from that of the U.S. and the former Soviet Union. Says a Beijing insider: "China is working on all fronts—economic, social, political and military—priming itself as a superpower."

Last week ASEAN ministers to a man told American Secretary of State James Baker that their countries want the U.S. to maintain its military presence. "We don't want any more bases," Baker replied. "We want access" to facilities. At the meeting Washington got exactly that. With new arrangements, Baker said, "our ships and aircraft remain capable of achieving their missions." The U.S. has a logistics command in Singapore for refuelling and ship repair, and an access pact with Thailand. For maintenance, Malaysia has offered the Lumut shipyard, and Indonesia its Surabaya facility. But Manila could lose U.S. Navy business unless it allows U.S. servicemen to accompany their ships and planes even without a treaty as required by its constitution.

For all the pleas for America to stay in Asia, many doubted that Washington would send troops to aid a strategically insignificant nation bullied over a few reefs. Hardly reassuring is recent U.S. inaction over Bosnia's dismemberment. Hence, many see the ASEAN-Japan initiative for security dialogue as equally important to peace. "ASEAN," said Manglapus, "is perceived internationally as a stabilising factor." China's Qian offered his own proposal for a security forum, which would be "multi-level and multi-channel." Clearly, all sides have to build trust. Malaysia's Abdullah summed up ASEAN sentiments. Said he: "China has its perceptions. We have ours. We'll take [China's] word and continue to watch developments."

[From Far Eastern Economic Review, Sept. 3, 1992]

LOADED WEAPONS: CHINA ON ARMS BUYING SPREE IN FORMER SOVIET UNION

(By Tai Ming Cheung in Moscow and Kiev)

Lured by the offer of cheap arms from the former Soviet Union, China—to the consternation of many of its regional neighbours—is moving rapidly to acquire advanced weapons to replace its outdated arsenal. Russia's willingness to accept a substantial part of the payment in barter is an added attraction.

China's shopping list includes several types of aircraft, an aircraft carrier, long-range radar systems and armoured vehicles. Of greater strategic significance is the possibility that Russia may help upgrade China's defense industries by transferring technology and production facilities.

China has already signed several arms contracts, including one worth more than US$1 billion for 24 Su27 fighters. Mikhailov Konstantin, a senior official in the Russian Foreign Ministry's special commission on disarmament, says 12 aircraft have already been delivered and the rest are expected to be sent within the next few months.

According to Russian sources, the 12 fighters are now permanently stationed at an air base 120 kilometres south of Shanghai, though they are expected to be routinely deployed down to airfields in southern China to provide coverage over the South China Sea.

More Su27 sales to China are expected soon, with negotiations taking place on at least another eight of the aircraft, diplomatic sources in Moscow said. Further, Russia has provided two additional aircraft virtually free as a goodwill gesture. Military analysts also confirmed that a contract has recently been signed for the purchase of MiG31 Foxhound interceptor fighters.

There are indications the Su27 and MiG31 sales may include the transfer of assembly facilities to produce both aircraft, according to Western intelligence officials. In addition, they said the Russians may be willing to provide other important technologies, notably aircraft engines and radar-evading stealth technology for China's next generation F10 fighter.

While Russian officials declined to give specifics of Sino-Russian arms sales, Maj.-Gen. Sergey Karaoglanov, chairman of Oboron-Export—the Russian Government's chief arms trade organisation—said that "full-scale cooperation on production is possible for China and other countries in the future."

Such a development would have a major impact on China's effort to overhaul its outdated defence industries and armed forces, which are both heavily dependent on copied Soviet technology acquired in the 1950's. The People's Liberation Army (PLA) has been trying hard to acquire the modern weapons needed to fulfill its long-sought ambition of becoming a regional military power.

The MiG31s may eventually fit into a comprehensive air defence network China is also looking to purchase from Russia. Lieut-Gen. Valeriy Manilov, chief of the information department of the Commonwealth of Independent States' supreme command, confirmed that discussions are taking place for a "radar location station." The deal is believed to include an over-the-horizon radar system and tactical ground-to-air missiles. There have also been talks on China purchasing a small number of 1176 Airborne Warning and Control System aircraft, and sources indicate that a deal for three aircraft maybe signed next year.

Manilov said the most important criteria in selling arms to China was that "they are purely for defensive purposes." But other military analysts and Foreign Ministry officials are concerned that Russia's defence industries' desperate need to earn hard currency has relegated security considerations to a secondary priority. "The definition of defensive arms, especially over aircraft, is a bogus one as they can easily be used or modified for offensive operations," one Foreign Ministry official argued.

Several items on offer or under discussion clearly have an offensive role. Russian arms manufacturers are believed to have offered the supersonic Tu22M bomber to Peking, which would substantially increase China's military "reach." The Tu22M has a range of more than 4,000 kilometres, has air-refuelling capabilities, can carry heavy bomb and missile loads.

China has also expressed great interest in acquiring the 67,500-dwt Varyag aircraft carrier now being fitted out at the Chernomorsky shipyard in Nikolayev in Ukraine. Although there have been reports that the Ukrainian Government has offered the Varyag to China, Valeriy Kazakov, deputy Ukrainian defence industry minister, told the REVIEW that "there has been no concrete proposal from the Chinese or anyone to buy it." He added, however, that "we want to sell the vessel" as it has become a serious financial liability for the shipyard.

Diplomatic sources in Moscow and Peking say a series of talks between Chinese and Ukrainian officials over the Varyag have stalled over the high price being asked by Ukrainian negotiators. Nevertheless, one well-informed observer maintained the Chinese remain interested in the carrier and are preparing to make another bid for the vessel. A Chinese naval delegation is believed to have visited the Chernomorsky shipyard in June to inspect the ship.

Japanese newspaper reports estimated the carrier would cost at least US$2.4 billion, though Kazakov said the final price would depend on the equipment involved. Analysts point out that heavy additional costs would be incurred in making the Varyag fully capable, including the purchase of suitable aircraft and warships and logistics vessels to defend and support the carrier.

If China were to acquire the Varyag and attendant equipment, analysts say it would swallow up most of the PLA's procurement budgets for the next few years. China's defense budget this year totalled Rmb 32 billion (US $6 billion), and only a small proportion of this has been set aside for buying weapons.

But in their eagerness to win deals to support their near-bankrupt defense industry, Russian arms dealers are willing to accept barter goods as partial payment for their weapons. For example, Karoglanov said China would pay 65% of the US $1 billion contract for the Su27s in barter of consumer products and the remaining in hard currency.

[From the Wall Street Journal, Sept. 9, 1992]

FIGHTERS BY BUSH

In its relief over finally being allowed to buy F–16 jet fighters from the U.S., Taiwan has been too gracious to point out the irony that Texas jobs had a lot more to do with President Bush's decision than Taipei's needs. We are not so forbearing. While we are delighted that Taiwan is finally able to upgrade its middle-aged air force, we wish Mr. Bush's change of heart had been accompanied by a forceful vote of confidence in Taipei.

Selling F–16s to Taiwan is not just a good deal for General Dynamics; it makes good sense for regional stability and enhances Taiwan's chances of consolidating a Chinese democracy that could one day be a model for the mainland.

The People's Republic, of course, don't see it quite that way. In a purple bit of bluster, Vice Foreign Minister Liu Huaqiu said the sale of F–16s "grossly interferes in China's internal affairs, seriously jeopardizes Sino-U.S. relations, and obstructs and determines the great cause of China's peaceful reunification. . . . The Chinese side is shocked and outraged by this decision."

Outraging China is something Mr. Bush has always been reluctant to do, and it's good he's tweaking Beijing's tail over something worthwhile, instead of worrying about imports of Teen-Age Mutant Ninja Turtle dolls or the like. But as long as he knew he was being outrageous, Mr. Bush should have gone a step further and laid the groundwork for a more active relationship with Taiwan and a more assertive one with Beijing.

In the past six months alone, China has bought 24 top-of-the-line Russian SU–27 fighter-bombers, boosted its defense budget, played chicken in the Spratlys and conducted the biggest nuclear test in its history. Where is the threat China is girding against, we wonder?

Its only real enemy, the Soviet Union, has disintegrated and Russia is far too busy watching the ruble implode to think of much else. India is learning how much fun it is to make money and has reined in its expansionist impulses. Vietnam's army is a fraction of the size it was even five years ago. China's other neighbors—Burma, Laos, North Korea, Mongolia, Nepal, Bhutan and Pakistan—can't be striking fear into Beijing's heart. Still, the military beat goes on. It's not surprising that Taipei was a little concerned about the prospect of defending itself with aircraft that pre-date the Beatles.

It's never made sense that the West was happy to sell arms to totalitarian China but wouldn't take orders from democratizing Taiwan. Unlike China, which is driving U.S. trade negotiators half-mad over its obstructive attitude to opening markets, Taiwan has been cooperative. Taiwan has no political prisoners. Taiwan has renounced the use of force for reunification. And unlike China, Taiwan keeps losing friends for these efforts. Just last month, South Korea announced that it would be switching recognition to Beijing, leaving Taiwan without a single embassy in Asia. This is a new world order?

The U.S. is in the best position to provide succor for Taiwan's diplomatic wounds. China needs the U.S. more than the U.S. needs China these days. This gives America room to maneuver; China's reaction to the F–16 sales which included a threat not to cooperate with U.S. initiatives at the U.N., was oratorically dramatic but practically ineffectual.

The U.S. can do a lot more to break the straitjacket China has long imposed over relations with Taiwan. If the U.S. pushed for Taiwan's early inclusion in GATT, it would be easier for other countries to set up trade missions. If Mr. Bush invited Taiwan's President Lee Teng-hui to dinner, other countries might also figure out a way to get together with him. Sure, China would sputter and fume, but it would not risk its most important trading partner over a dinner date; it managed to endure, remember, the U.S. visit of the Dalai Lama.

Like President Bush, we don't think it makes sense to isolate China. But it also doesn't make sense to keep Taiwan, the world's 13th largest trading entity, on the outside looking in. The sale of F–16s is good news. It would be even better if it meant that the U.S. is going to take the lead in loosening China's veto power over how other countries conduct their affairs with Taiwan.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,036,378,351,816.42, as of the close of business on Tuesday, September 8, 1992—this week. And, as I have said many times on this floor, as anybody familiar with the U.S. Constitution knows, whether he wants to admit it or not, he is bound to know that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. So the dead cat of this Federal debt lies on the doorsteps of the U.S. Senate and the U.S. House of Representatives. Not anywhere else.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—running up that debt over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day just to pay the interest on the debt run up by the Congress of the United States.

Most of my life is behind me. But I worry about the young people coming along—what has been done to them by the Congress of the United States in running up this debt. Do not try to pass it off to anybody else in terms of responsibility. The Congress did it. The Congress knew what it was doing. The Congress was warned over and over again about what it was doing. And as a result, on a per capita basis, every man, woman, and child owes

$15,714.37—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year. That is where it stands today. It is rising every day as we add more debt to the shoulders of the American taxpayers.

As I have asked many times, I wonder what America would have been like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Under the previous order, the Chair recognizes the Senator from Vermont [Mr. LEAHY].

THE DEBT

Mr. LEAHY. Mr. President, I was going to speak on the cable bill, and I will, but in the last remarks of my distinguished friend from North Carolina, I would like to pick up on one point. He said, where would we be if Congress kept spending under control?

I might say, Mr. President, just think how fortunate this country would have been if, in 1980, Ronald Reagan would have been elected President, having promised the American people that he would balance the budget and get rid of those terrible $30 and $40 billion a year deficits of President Ford and President Carter before him?

The fact is, of course, Ronald Reagan did get elected President and came in with a mandate to balance the budget, and came in with a Congress who would have gone along with him. Instead of submitting such a budget, however, he submitted a budget with a deficit far greater than any President before him. And the next year he topped that one and submitted a budget with a deficit far greater than that. And on and on and on.

I recall, in the Appropriations Committee, when the Secretary of the Treasury in his Cabinet and others testified, I asked this question of them. Was there anything that could have stopped President Reagan from submitting a balanced budget, say in this first term, where we could have all then voted on it; we could have voted for it or voted against it?

And they said, no.

I said, what about in his second year of his Presidency, could he have submitted a balanced budget?

They said, yes.

Did he? No.

How about his third year, could he have submitted a balanced budget?

The answer was, yes. Did he? No.

We went down through all the years where he had not. The fact of the matter is, in most years of President Reagan's Presidency, Congress voted for less appropriations overall than what the President asked for. And, in fact, I recall only one spending bill that Ronald Reagan vetoed, and that was a spending bill where the Congress had voted less money than President Reagan asked for.

So I have to disagree with my good friend from North Carolina and say that to put the blame on the Congress misses the point very, very much. The President submits a budget. The President submits proposals. It has been my experience, certainly with President Reagan and President Bush, that they have received about 99 percent of what they have asked for in spending. As I said, the only spending bill I recall President Reagan ever vetoing was one where the Congress passed less spending than he had asked for.

The basic spending plan of Ronald Reagan was one that put us on the track where we have first doubled the national debt and then tripled the national debt.

President Reagan was able to preside over a doubling, of the national debt. This was debt that had been built up in this country for 200 years, and he doubled it in less than 4 years.

I recall when he first came into office, again with strong support from the American people to balance the budget, he had a Senate controlled by the Republican Party. And this Senate went along with all the Reaganomics, all the budget requests that he had made. Only 11 Senators voted against it. Only 11. I remember the number because I was 1 of the 11. But the fact is that the President proposes, Congress disposes. The fact is that in the last 12 years, first with President Reagan and then with President Bush, each year they have proposed larger and larger deficits, and in virtually every one of those years the Congress has voted for less spending.

But it has been done. The Presidents have had the choice of either signing or vetoing Congress' spending bills.

Mr. HELMS. Will the Senator yield, since he was commenting on my comments?

Mr. LEAHY. I will, but let me say this, Mr. President, only because I do have to be at another meeting. I certainly want to give my friend from North Carolina a chance to respond to whatever I said, but could we agree to sort of a period of time that I might yield so I can get on to my next statement?

Mr. HELMS. I will use the short form.

Mr. LEAHY. I will yield, and I ask that I be able to retain the floor simply by requesting it.

Mr. HELMS. Fine.

Mr. President, I have to say, "there he goes again." The President of the United States is not even required under the Constitution to submit a budget. The Congress dreamed up some unconstitutional legislation—and it is clearly unconstitutional—stipulating that he shall. But this Congress—remember this—had the authority to balance the budget any year, notwithstanding anything Ronald Reagan or any other President, Jimmy Carter, ever said about what he wanted. We had the responsibility not to drive this country into debt.

So do not give me all of this stuff about Ronald Reagan did this and George Bush did that, or Jimmy Carter did this, or whoever. The responsibility lies, the dead cat lies on the doorstep of the Congress of the United States about this spending. We could have stopped it. We could have balanced the budget. But we did not, and we ought to fess up to it and not give excuses and put the blame somewhere else. I thank the Senator for yielding.

Mr. LEAHY. Mr. President, regardless of what the Constitution says, I believe Senator Harry Byrd authored legislation, and it was signed into law, which requires the President to submit a balanced budget, although I do not recall the President ever paying attention to that law.

The fact of the matter is that Presidents are very proud of showing their leadership of getting what they asked for before the Congress. In that regard, President Reagan and President Bush can say they certainly are able to exercise their leadership, they got the huge deficits they asked for.

THE CABLE BILL

Mr. LEAHY. Mr. President, the moment of truth for cable legislation has arrived. Bills passed by large majorities of both Houses of Congress are now in conference. We, in the Congress, finally have a chance to provide some relief to 58 million cable households that are plagued by skyrocketing rates and unanswered service calls. We are on the brink of bringing the unregulated cable monopoly under control and paving the way for greater competition.

I suppose it should not come as any surprise that the cable industry is fighting back with a vengeance to defend what it sees as its territorial rights. What does cable consider its rights? The cable industry considers as its God-given right the right to charge you what it wants, to treat you as it pleases and to squeeze the life out of any potential competition.

But the cable industry's carpet bombing attack on S. 12, is brazen even by Washington standards. In a blizzard of disinformation put out in fliers, in bill stuffers, in paid advertising, in telephone trees and in petition drives, they are waging a full-scale propaganda campaign to sell the American people a fable.

The cable industry says that, according to authoritative estimates by the

U.S. Department of Commerce, the cable bill is going to raise rates by $23 to $51 a year.

What they do not tell you is that these so-called estimates were prepared by the cable industry itself. The Commerce Department rolled over and played dead for cable, took the industry's own numbers and presented them as the Department's. Talk about being in bed with the people you are supposed to be watching out for. In fact, the Washington Post revealed this tactical chicanery 2 weeks ago. I ask that a copy of this article be included in the RECORD at the end of my statement.

The whole idea of the cable industry wringing its hands and crying crocodile tears about theoretical rate hikes is almost comical. These cable operators are the people who invented skyrocketing rates. These are the people who invented the ability to crank up the meter any time they wanted. These people are the original price gougers, and for them to be standing there saying, "golly, we just want to protect our subscribers," is so farcical that it ought to be laughed right out of this Chamber.

Ask the people in Newark, NJ, how protective they think the cable industry is of their rates. In Newark, rates went up 130 percent in just 3 years. Or, ask the citizens of Jefferson City, MO, where rates exploded 186 percent during the 1980's. Or, ask the subscribers to Cable Vision of Connecticut. They were forced to pay 222 percent more for basic service in March 1991 than they paid in December 1985.

On average, from 1986 to 1991 rates shot up about 50 percent in my own State of Vermont and about 56 percent nationally.

The cable industry complains that rates are going to go up, it is like a landlord complaining about high rents. It's called crying all the way to the bank.

Indeed, it ought to strike us as more than a little strange that an industry which has driven cable rates relentlessly skyward ever since deregulation took effect in 1986 would be in a panic now because they thought prices might go up. Do they really think the people of this country are foolish? Here is an industry that has had a sweetheart deal and has jacked rates up every chance they have had. For them to suddenly stand up and say, "gosh, we do not want this bill because your rates might go up"—who do they think they are kidding?

The truth is that this bill has the cable industry in a sweat for two reasons: First, the industry fears the bill is going to do what it is supposed to, keep prices and the cable monopoly profits down. They are not spending millions of dollars to lobby to protect people who worry about how much they spend. They are spending millions of dollars to protect their profits and their prices. They are spending millions of dollars to protect their own bank accounts.

Second, the cable industry fears the part of the bill that would require programmers to sell their programming on fair terms to competitors like home satellite or wireless. Cable pretends that forcing programmers to offer their wares to cable competitors at a fair price would be a terrible injustice.

Well, come on. If Congress in 1976 had not granted cable the right to retransmit broadcast programming for next to nothing, cable never would have survived its infancy. Now that the shoe is on the other foot, cable ought to think twice about their howls of alarm. They cannot say that what once benefited them is not fair when it might benefit somebody else.

Anyone who thinks that cable rates are going to come down or that new competition will take root and grow if this bill is defeated is kidding himself or herself. The only way to control rates is to regulate them now and pave the way for competition in the near future. That is what S. 12 would do.

Does anybody really think that the cable industry is spending millions of dollars to lobby Congress, thousands of hours to call their subscribers and pass around petitions and preaddress letters to Congress so they might bring their prices down? Of course not.

In fact, they assume that after they have spent millions of dollars trying to defeat this bill, if they are able to defeat it, then they will recoup those millions by jacking your rates back up again. It is simple mathematics. The cable industry is not run by Santa Claus.

S. 12 also includes some other valuable features, including provisions to ensure more responsive service to those people who complain they cannot get their service calls answered; provisions to give local authorities greater leeway to replace bad cable operators, and my own Cable Equipment Act which will allow consumers to buy their own remote controls and help solve the problem of converter boxes that foul up the use of cable-ready TV and VCR's.

How many people have bought a TV with picture-in-picture feature, or bought a VCR which would allow you to tape one program while you watched another, only to find out when you get home that that expensive cable you are paying for every month will not allow these features to work. How many of us have a remote control for our TV set but then are told by the cable company, even though you may pay extra for it you have to get ours, too—we are not going to let us subscribe unless you do? And by the way, we will tell you now how much extra you are going to pay each month for it.

S. 12 is a good bill. It will help American consumers. It deserves our support. We should not let the cable blitzkreig deter us from the goal of providing much needed relief to America's long-suffering cable households.

If you were to take a national referendum on this legislation, and go to everybody who is buying cable now and say: Do you want us to vote for this bill or not, the response would be overwhelmingly favorable. People know that no matter what advantage they have from cable, they have had to put up with increased costs, virtually every year, with very little extra service. And they also have had to put up with having to use remote controls from the cable industry, for which they pay and pay, and with losing the use of features on TV's and VCR's for which they have already paid.

So I look forward to the House and Senate sending the President a conference report on cable for his signature.

Now, the White House has threatened to veto, but I hope that President Bush will recognize that America's cable subscribers deserve a break. Maybe at the White House they do not have to pay for cable service but most people in their homes have to and they know what is happening. I hope that the President will talk to some of them. If he does, I do not think he will carry out his veto threat. But if he does carry it out and stands with the special interests against consumers, then I for one will go all out to override the veto.

Every house touched by cable knows that for every advantage cable has given them, they have had to put up with a lot of disadvantages. I admire cable companies that have worked hard, as some have in my State, to bring television to areas that would not have had services, but I do not have any sympathy for those that have gone out of their way to look at cable as some kind of a cash cow, who, once deregulation came about, said" that is it, the doors of the bank are open, walk in, take whatever you want."

There has to be a sense of responsibility. If more of the industry had shown this kind of restraint and responsibility, we would not have S. 12 before us. But the fact is they have not shown restraint and responsibility. The fact is that a lot of consumers all over this country are paying far too much for what they now consider a necessity in their home. This bill can start to bring cable back under control.

I ask unanimous consent that the article I referred to from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 27, 1992]

CABLE RATE FLIER DRAWS HEAVY FLAK

(By Paul Farhi)

Cable TV subscribers may be used to rate increases by now, but a circular going to millions of cable customers this month may come as a rude shock nonetheless.

> The fliers—which appear with subscribers' monthly statements—warn that rate increases ranging from $23 to $51 per year may be imminent, and they cite a seemingly sterling source: the U.S. Commerce Department, steward of much of the nation's economic statistics.
>
> Well, not exactly.
>
> The circular is the work of the National Cable Television Association (NCTA), a Washington-based trade group that has been lobbying feverishly against congressional efforts to place new price controls and other regulations on its members, the nation's cable system owners. The legislation, which has passed both chambers and is now in conference committee, is designed to stop soaring cable prices and promote competition for cable companies, almost all of which operate without direct competition.
>
> Although no one knows for certain what effect the bill would have on rates, the NCTA argues that cable rates may go up, not down, if the bill becomes law because of increased regulatory costs and additional operating costs it would impose on its members. But in taking its position to consumers, the organization appears to spin its case a little harder than the facts can stand.
>
> Critics of the industry, for example, are apoplectic about the NCTA's use of the Department of Commerce's imprimatur, and perhaps with good reason: While the agency's telecommunications unit does agree that the bill will impose additional costs, it arrived at its conclusion without independent analysis. Instead, the agency relied almost entirely on information supplied by . . . the National Cable Television Association.
>
> "The cable industry's manipulation of these numbers is cynical even by Washington standards," said an official for the National Association of Broadcasters, which has lobbied for the cable bill.
>
> Commerce officials also are backing away from the claim. "The ads sent out by the industry seem to be taken out of context," said Eileen Doherty, a spokeswoman for the National Telecommunications and Information Administration (NTIA), the Commerce Department's agency on communications policy.
>
> Tom Sugrue, NTIA's deputy administrator, said the agency estimates that a new cable law will cost from $1.27 billion to $2.81 billion—or the *equivalent* of $23 to $51 per subscriber. But, he said, not all of these presumed costs would be paid by subscribers. Some costs would be paid for by government agencies or cable operators and wouldn't necessarily be added to a monthly bill.
>
> But the NTIA only knows this because the NCTA itself says so. Commerce officials said $2.75 billion of the $2.81 billion total estimate came from research generated by the NCTA and a consulting firm hired by the cable industry group.
>
> The numbers from the consulting firm, ICF Consulting of Washington, don't actually address costs. The firm estimated that consumers would have lost—not paid—as much as $1.75 billion in "perceived programming quality" if Congress had not deregulated cable rates in 1984, said Rick Warren-Boulton, a Washington economist who helped produce the study. The study was completed in October 1990—more than 18 months before the House considered the current cable bill.
>
> As to basing its conclusions on data supplied by a vested interest, NTIA's Sugrue said, "We examined the numbers and they seemed like reasonable estimates."
>
> Commerce and its overseer, the Bush administration, are opposed to the cable bill. President Bush said earlier this month he will veto it, potentially setting up a showdown with Congress, which passed cable legislation with huge, bipartisan majorities in both houses.
>
> A spokeswoman for the NCTA said that the organization stands by the fliers.

Mr. LEAHY. I yield the floor.

EPA APPROPRIATIONS

Mr. JEFFORDS. Mr. President, there has been much talk lately about balancing the budget and cutting Government waste. There has also been a lot of talk about how scarce money is. I am glad to report that the Senate took a small step toward controlling this spending in the just adopted VA-HUD appropriations bill, H.R. 5679.

I would briefly like to read from the committee report on this bill. I am quoting now.

> While the committee is unable to provide an appropriation for the Rural Community Assistance Program due to overall budget constraints, the committee wishes to express its support for this program. The committee notes that this program helps small communities meet the requirements of the Safe Drinking Water Act. Systems serving 10,000 people or fewer are projected to pay some $1,700,000,000 annually to comply with new regulations beginning in 1993. This amounts to an annual per household cost for surface water filtration alone of more than $1,000. Without technical assistance, many small systems may be abandoned or fail due to noncompliance.

We have saddled small towns with nearly $2 billion in costs, but cannot afford $1 million to help them comply with these laws. I would suggest that something is seriously wrong here. We have no problem assigning $2 billion in cost to towns, but cannot come up with five one-hundredths of this amount to help them comply.

Reading this, Mr. President, I decided to look at what we could afford to spend money on, given that we could not help our small towns. Here is some of what we can afford, based on the House and Senate bills. I want to make it clear that this is both the House and the Senate. My colleagues on the Appropriations Committee have not supported funding all of these proposals.

The sum of $1,750,000 for an energy and environment research center; $750,000 for a waste reduction center; $750,000 for an urban waste management research; $1,500,000 for a pollution prevention research and development center; $250,000 for the Center for Analysis of Environmental Change; $3,500,000 for the Center for Environmental Management; $2,000,000 for the Southwest Environmental Research Center; $2,500,000 for the Center for Excellence in Polymer Research and Environmental Study; $200,000 for the High Altitude In-Use Compliance Center; $750,000 for the Small Towns Environment Program Center; $1,000,000 for the EPA National Training Center; $1,000,000 for the Small Flows Clearinghouse Center; $500,000 for the National High Altitude Center; $1,956,000 for the Center for Ecology and Research Center; $1,500,000 for the National Center for Alternate Transportation Fuels; $12,500,000 for the Christopher Columbus Center of Marine Research and Exploration; $5,500,000 for the design, construction, and equipping of the Intermountain Regional Network and Computation Center, in this case, we are using money to build a building; $1,000,000 for the Quaternary Studies Institute; $85,000,000 for the Center for Environmental Research and Technology; $10,000,000 for the Audubon Biomedical Science and Technology Center; $3,000,000 for the Hazardous Substance Research Center; $2,500,000 for the Gulf Coast Hazardous Substance Center.

It seems the word "center" is worth about $139.4 million, but we don't have $1 million for rural assistance. With all due respect, I would suggest that our priorities are a bit skewed. Even if you take out the one big ticket item, the $85 million Center for Environmental Research and Technology, we are still left with $54 million in centers.

Over the past 2 years, I have been asking academics what they think of centers. It is nearly unanimous that researchers oppose these centers. Why? First, because very little of any merit gets accomplished at these centers. The money goes for directors and secretaries and buildings, but not research. I had considered offering an amendment in committee to require that most of the money at these centers actually be spent for research. You should have heard these centers howl.

I would ask my colleagues to pick up the phone and call your local university environmental programs and ask them if there is enough money available for research grants. The answer you will receive is "no." Most academics don't even bother applying to EPA for research grants, because EPA doesn't have any money. What little they do have is earmarked here for centers. Last year, $20 million of the Office of Research and Development's budget was earmarked for centers.

Third, as I eluded to before, not much of any merit comes from most of these centers. The only one of these centers that I have heard anything good about is the one at Tufts.

We have to put an end to this. When we are saying we don't have money to help protect our citizens, we have no business funding this form of environmental pork. We are not talking about cleanup projects, we are talking about basically taking scarce money that could be used for protection and dedicating it to pork.

I know research money is scarce, but sending money to your favorite university is not the answer. Instead, that just continues to feed the cycle. Money is earmarked, and less is available, so more money is earmarked, and even less is available, and so on, and so forth.

I believe environmental research is important. I'd like to see energy research, and wetlands research, and hazardous substance research, but more than anything, I want to see the best research possible for the available money. Scientists want to see the best research possible. Congress is not in any position to decide which scientist is best suited to conducting a project or which type of project will lead to the greatest understanding of the environment. But, scientists can, and over the years they have developed a process for doing this. Competitive grants and peer review is the answer. This gives everyone a chance to compete. The best idea wins.

This is an important point, Mr. President. The best idea should win. Not the idea from the politically connected researcher, but the best idea. We cannot predict who will suddenly have the insight which leads to breakthroughs in science. But, by earmarking research money, we take away the chance for the best idea to come to fruition.

Some of my colleagues also talk about the free market a great deal. Philosophically, you should like my amendment. My amendment would create a free market for ideas and research. What my amendment does is very simple. It imposes discipline.

I believe the only reason funds for many centers are appropriated is that it allows money to be directed to a specific institution. It is not the research that motivates the funding, it is desire to send money home. And the deficit grows. And basic research does not get funded.

So let's put a stop to this. My amendment basically says that EPA shall fund no research centers that have not been competitively awarded after fiscal year 1993. Let me make that clear. I am not touching the centers funded this year. Some of them have been funded for years, and it would be unfair to suddenly yank the jobs away from innocent people without some warning. These centers will have a year to either gear up to compete and see if they can measure up, or seek other sources of funding. Plus, I am a realist that promises have been made for this year and have to be honored. But let this be the last year we dole out research pork. Next year, if these institutions want money let them compete. The handout they get this year should give them a competitive edge. If it does not, then maybe they don't deserve the money anyway.

This amendment does not affect environmental cleanups, site specific studies, or similar activities. There are times when it is entirely appropriate for my colleagues to provide funding for specific environmental protection projects. But, we are not talking about that here. We are talking about arbitrarily deciding which researcher or which idea out of all of the research ideas and researchers is the best. I don't believe Congress is equipped to make that decision.

I am going to close now, Mr. President, with one final comment. If you believe research is important, then you should believe that getting the best research is important. Competition is the only way to get the best research. Let's put a stop to this. Let us not take money away from environmental protection to spend on environmental pork. Let us say that beginning in fiscal year 1994, no money shall be spent on research centers that were not competitively awarded. My guess is that the interest in research centers will drop significantly. We'll then have more money for protection and spend less on pork.

Thank you, Mr. President.

SPECIAL PURPOSE GRANTS, VA-HUD

Mr. LOTT. Mr. President, I would like to take this opportunity to express my appreciation to the committee for working diligently on this important appropriations measure, H.R. 5679, for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies. I thank the chairman for providing for several very worthwhile projects under the category of "Special Purpose Grants." The Committee recommended $126,275,000 and bill language for special purpose grants whose activities reflected the established criteria for the community development block grant program. In particular, I am grateful for the kind consideration of a community outreach initiative, a Health and Human Resources Center to be located at Tougaloo College in Mississippi. This proposed center, recommended to be funded at the level of $2,000,000, will help provide health care and social services for the citizens of Central Mississippi, and the Mississippi Delta region.

This is indeed a worthwhile effort, and Tougaloo officials have put together a proposal that identifies the need for such a facility. This proposed center would not only house academic programs, but a gerontology program to benefit the fast-growing elderly population. In addition, this center would offer a community health clinic in conjunction with a program in health education. Such services are commonplace in other parts of the country, but in Mississippi, these types of services are rare and more are needed.

Tougaloo College is an historically black institution which has produced more than half of my State's professionals in medicine, dentistry, law, government, and education. Moreover, Tougaloo has produced a significant percentage of our Nation's professionals. It is a special college community with a rich heritage, and a strong commitment to public service. It touches three counties in Mississippi—Hinds, Madison, and Rankin. This is a tricounty area where health care and social services need expansion for young and old alike.

This is an important mission of service. I believe it will have a far-reaching effect. Mississippi stands to gain, true, but so will this country, for this center will be a model for other States and communities. I feel certain that the conferees will appreciate the merits of such a project and assist Tougaloo College in building this facility. It will help the poorest of the poor and it will make the difference in the lives of so many. Again, I thank the chairman and the committee for the attention given to this important item, and as always I appreciate all that has been done for Mississippi in the past.

METALS RECOVERY STUDY CONTAINED IN AMENDMENT NO. 2955 TO H.R. 5679

Mr. CHAFEE. Mr. President, yesterday, the Senate passed H.R. 5679, the HUD/VA appropriations bill. As part of that bill, the Senate adopted, by voice vote, a hazardous waste amendment which I authored and which was cosponsored by Senators DURENBERGER and BAUCUS.

Although I submitted extensive remarks on the amendment at the time the amendment was adopted, that statement did not contain an explanation of the metals recovery study included in the amendment. At this time, I would like to address that portion of the amendment.

Recycling of hazardous wastes which contain metals or other valuable resources makes sense. If the recycling activity is carried out in a safe manner, these activities can benefit both our economy and the environment.

In recent years, metals recovery or recycling operations regulated under the Resource Conservation and Recovery Act [RCRA] have been the focus of some debate. Those involved with the recovery or recycling operations have alleged that RCRA's stringent hazardous waste regulations discourage such operations. On the other hand, some State hazardous waste management officials and those representing the environmental community have alleged that these operations are dangerous and need to be regulated even more stringently.

The metals recovery study contained in my amendment directs EPA to conduct a study on the effect of RCRA's regulations on metals recovery operations. In conducting this study EPA must consider how we can best encourage metals recovery while still ensuring that these activities are conducted in a manner that protects human health and the environment.

I would like to make clear what this study does not direct EPA to consider. The goal of this study is not to determine whether metals recovery operations may be exempted from regulation under RCRA. It is not to determine whether metal bearing wastes or byproducts should be considered products as opposed to wastes. The study also does not direct EPA to consider whether facilities that recover metals should be regulated under subtitle C of RCRA as hazardous waste treatment facilities or under subtitle D as nonhazardous industrial operations.

The goal of this study is to determine what steps Congress could take to encourage legitimate, safe metals recovery operations within the context of subtitle C of RCRA, where those operations involve hazardous wastes or materials.

EPA is directed to complete this study by April 28, 1993, and transmit its findings to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce. It is hoped that the information gathered during this study will be useful during the 103d Congress in our efforts to reauthorize RCRA.

A TRIBUTE TO FRANK P. ZEIDLER

Mr. KOHL. Mr. President, it is with a sense of the ironic that I rise to pay tribute to Frank P. Zeidler, the Socialist mayor of Milwaukee from 1948 to 1960, who will be celebrating his 80th birthday on September 14. Irony, of course, is in the eye of the beholder and I suspect that many would see irony in a man of my means praising a Socialist. But if they knew Frank Zeidler, they would know there is nothing strange or insincere or even unusual about my praise for him.

Frank is a man who is loved and respected in Milwaukee, and throughout the country, by those who know him. He is a man of compassion and strength. He has an emotional attachment to his fellow humans and the intellectual ability to help them. He does not just care—he acts. And his actions produce results.

In Milwaukee he helped build a better future by preserving and beautifying the city's physical features: Our parks, our lakefront, are the envy of other cities—and they were built by him. All of us benefit from those improvements. And we all benefit from the social service infrastructure which he created and strengthened. The poor who received job training and found employment; the children who received the educational support they need in order to get the education they deserved; the weak, the ill, the aged—they all found help from his administration.

He may not have won the support of every citizen of Milwaukee, but he did earn their respect, their affection, and their best wishes on his birthday. I join his thousands of friends in the city, the State, and the country in wishing him a happy birthday.

FAMILY AND MEDICAL LEAVE

Mr. DODD. Mr. President, I rise this afternoon to share with my colleagues here the good news that we are now one step closer to a national family and medical leave policy. Just a few moments ago the House of Representatives, the other body, overwhelmingly, with a bipartisan majority, approved the conference report on S. 5, the family and medical leave legislation.

My colleagues will recall that, prior to the August recess, the Senate, on a voice vote, adopted the conference report. The matter now will be duly enrolled between the House and the Senate and sent within a matter of days to the President for what we hope will be his signature on that legislation, although there are some serious reports, including the President's own remarks, I gather, yesterday or the day before of his intent to veto, once again, this legislation. I hope that will not be the case.

Today, I would just like to share a few comments, if I may, on this conference report, how important I think it is, and make another appeal to the President and his advisers to take a good, hard look at this bill before deciding to veto the legislation, again placing additional burdens on an incredible number of people in this country who are trying to manage their economic responsibilities by holding down jobs while simultaneously having to deal with family crises as they emerge and having to make that incredible and difficult, if not impossible, choice between family and workplace.

On August 11, the Senate, this body, approved the conference report, as I mentioned already. The President, I point out, vetoed almost identical legislation—there are some differences—in 1990, and his advisers, unfortunately, again are recommending another veto. I remain hopeful to the very end that we will have a change of heart within the administration.

Ironically, I might point out, this afternoon the President has just made what has been billed as a major speech on the economic future of this country. I suggest that the legislation that the House has just adopted would promote economic growth by helping workers to hold onto good jobs and save business money and also contribute immediately and directly to their families' security. In my view, it would be a terrible mistake for the President of the United States to veto this legislation.

From the very beginning this Family and Medical Leave Act has been a bipartisan initiative. Most recently, my colleague from Missouri, Senator BOND, and Senator COATS, from Indiana, along with many others, have worked very hard and very long to fashion some changes in the legislation that would make it more practical for businesses to operate and for this legislation to work more effectively. I point out that my colleague from Arizona, who is managing the present matter on the floor of the Senate, was immediately and directly involved in the family and medical leave legislation going back 7 years when I first initiated this idea in the Senate of the United States.

At any rate we passed in this body last fall the Family and Medical Leave Act by a margin of more than two-thirds vote. Seventy of our colleagues joined in support of that legislation with a strong bipartisan representation. The bill vetoed by the President in 1990 was itself a moderate proposal, and the bill soon to be on his desk is even a more modest proposal than that, and yet the veto is still threatened.

Mr. President, in America today life is a struggle for thousands, millions of people with competing demands of work and family responsibilities. Two-thirds of all women with children work full time. Fifty percent of all women who have children under the age of 1 are in the work force. Millions of three-generation households now care for elderly parents, and almost 1 million women care for their parents and their children while working full time.

Let me restate that number. Almost 1 million women today are caring, in the same household, for their parents and their children while working. Incredible pressures on these families. And those numbers continue to mount every single day.

Take, for example, if you will, Mr. President, the woman from western Connecticut, my State. She was forced to give up a $35,000 annual salary when her employer denied her request for leave to care for a newly adopted daughter. She returned to the job market 2 months later only to find her options limited to jobs that paid one-third of her original salary.

Let me mention as an aside, while these may be anecdotal to some, only some 20 to 25 businesses provide any kind of leave at all for adoption in this country. I do not know if anyone disagrees over the importance of trying to promote adoption today with a staggering number of children out there without permanent homes and families, many of them hard-to-place children, many of them at-risk children. We ought to do everything we can, and I think all agree with this, making it possible for these children to find decent, loving, caring homes. Most States require that one or the other parent of the adopted parents spend at least a month or 2 months with that newly adopted child. It is a difficult transition, and it is impossible to do if people are trying to fulfill their economic responsibilities while simultaneously trying to provide a decent home for a newly arrived child, many of whom bring problems, either physical or mental, or just the psychological problems of going into a new environment. And yet, here we find the absence-of-leave policies while simultaneously standing up and promoting adoption. This is something we need to do more of.

Consider, if you will, Mr. President, a woman from a small town in Wisconsin. When her 82-year-old father had two serious heart attacks, she was refused, by her employer, 1 week unpaid leave to care for her parents. Ironically, this very same woman was offered 3 days of leave should her father die, but no time off for the chance to comfort her mother and help nurse her father back to health.

Again, Mr. President, I just cite that not as an anecdote, but the irony that to try to get some time to help a parent during a difficult crisis where you are directly responsible for that fact situation, you cannot get it; it is almost unavailable in most places of the country today. And yet we get very sympathetic, obviously, when a family member dies, and we make sure you get the time to be there for that.

Are these families exceptions? I wish I could say they were, but they are not. These stories are not few at all or far between. There are thousands, I said a minute ago millions, of them across this country.

We have scrutinized this issue for 7 years. That is when I first introduced this bill. It was 7 years ago. We have held dozens of hearings all across this country. I met with hundreds of families throughout the United States, including in my own State, listening to their personal experiences, talking about their circumstances, how difficult the pressures have been on them.

I just ask anybody, if they doubt whether or not I know what I am talking about with this, every State has a children's hospital. To the best of my knowledge, if you just take 5 minutes someday to visit a children's hospital in the State and go into the waiting rooms and talk to the parents in those situations and just listen to how difficult it is for them on a continuing basis to try to hold down jobs and deal with the significant problems of caring for these children, you will not raise any questions about the importance of this legislation for a moment. It is critically important for these families, Mr. President, working families. This act provides a real solution to real problems that they face every day. In fact, I cannot think of any better way to describe this legislation than just human decency, just basic human decency.

Mr. President, the Family and Medical Leave Act is also central to the debate about economic growth. Our Nation has paid a heavy price in the 2 years since President Bush vetoed the Family and Medical Leave Act in 1990. A very new study conducted by the very same people, I point out, who conducted the study for the Small Business Administration only a year or so ago have found that more than 300,000 American workers with serious medical conditions lost their jobs since 1990 because they had no job-guaranteed medical leave. That is, their serious medical conditions or family members, denied leave, took the time off, and could not get the jobs back. That is 300,000 people.

Think of the disruption of lives of those families, incomes lost, health insurance gone, devastation, especially harsh during this long recession. The study by researchers at Cornell University and my own State university, the University of Connecticut, concluded that businesses would have saved nearly $500 million in hiring and training costs for new workers had President Bush signed the family and medical leave legislation in 1990.

Economic growth requires investing in people and fostering good jobs, jobs where people work hard to make a decent living and also be able to take time to be with their families during a crisis. Across the country employers with leave policies in place report tremendous savings in terms of employee training, productivity, loyalty to their employer where they work, and reduced absenteeism.

Studies have established a positive correlation between State parental leave laws and small business expansion. One study found that small business growth in seven States with pregnancy leave grew at a rate of 21 percent higher than small business in States without parental leave policies.

Four years ago, Mr. President, this month, 4 years ago almost to the day, then candidate and then Vice President George Bush gave a speech in Rockford, IL. I would like to quote his speech, if I could, Mr. President, on that day almost to this day 4 years ago, campaigning for the Presidency of the United States. I quote him:

> We need to assure that women don't have to worry about getting their job back after having a child or caring for a child during a serious illness.

That was the candidate seeking the high office of the Presidency saying to an audience in Rockford, IL:

> We need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness.

Mr. President, I wish I had said that. In a sense, the President was making a commitment, understanding the importance of leave policies. Democrats and Republicans I think can find much common ground in that statement.

The President now has another chance to make an old campaign promise of 4 years ago the new law of the land; a chance to put the needs of families and economic growth ahead of the need of big business or the big business lobbies' narrow political agenda.

Mr. President, I hope the President will not let this opportunity pass him by.

Mr. President, let me just conclude, if I may, on this one point. I do not doubt at all that if something happened to a member of the President's family, God forbid, where the President would be. He would be at their side. He would drop his campaign schedule. He would drop his official schedule. He would rush to be at the side of a person in his family that faced a serious crisis. And every single one of us in this country would applaud him for it.

I know of colleagues in this Chamber who have faced other crises.

I was speaking today with my colleague from Utah, Senator GARN, who has decided not to seek reelection this year, who did the courageous thing by donating one of his kidneys to a daughter who needed it. Senator GARN missed time here. He missed votes. He missed committee hearings—I do not know how many, but I presume he did during that period of time.

I do not know anyone who did not applaud the decision by our colleague to step forward and do what he did. And yet his job was never in jeopardy because he missed time away from his official responsibilities.

Senator AL GORE from Tennessee, now our Democratic candidate for Vice President. Many may recall his acceptance speech at the Democratic convention this summer when he talked about the tragic crisis of almost losing his son as a result of an automobile accident during opening day baseball in Baltimore. That child's life hung in the balance. AL GORE, our colleague, stayed with that child night after night. He missed his responsibilities her in the U.S. Senate. Everyone understood, without any question, where he should be during those days.

Certainly, I think probably every single Member in this Chamber has been through a similar circumstance one way or the other and appreciates and understands what can happen.

All I am saying with this bill, all I have been trying to get done for 7 years now, is to say if it is good enough for us, if it is good enough for people who are in the top echelons, why is it not good enough for the average citizen who faces these kinds of crises in their lives?

We are the only industrialized nation in the world that does not provide a family and medical leave break for families facing a crisis. It is unpaid leave. You have to use your sick leave and your vacation time before you can take the unpaid leave. We exempt all businesses that employ fewer than 50 people. You have to work for the employer for a year. You have to have two doctors say you have a serious problem before the employer has to believe you. If it is a pregnancy or adoption or planned operation, you have to notify your employer 30 days in advance that you are not going to be there.

I do not know what else I could have done to try to accommodate the concerns that have been raised.

And here, with overwhelming majorities in both the House of Representatives and in this Chamber, Republicans and Democrats alike, we have said, "Mr. President, we need your support on this. We have now been at it for 7 years. People today are trying to balance the significant choices in their lives."

And so we hope in these next few days that maybe the American public will respond and say to the President, through the vehicles available to them, "Mr. President, you can change your mind on this one." The bill is changed. It is a different bill. It has been modified since the last time. The demographics of this country have changed. This is basic human decency.

You cannot get up and give a speech about family values and then not value families by understanding what happens every single day to millions of people in this country. They should not have to lose their jobs because they have a new child or a sick child or a spouse or a parent they are caring for, that needs their time and attention.

This is not a better or a stronger country when we force people to make that ugly choice. This legislation would eliminate that kind of choice for them.

My sincere and fervent hope is that the President of the United States will have a change of heart and sign this legislation into law.

Mr. President, I thank my colleague from Arizona for yielding the time.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I compliment the Senator from Connecticut, first of all, for his nice remarks relating to my participation. They stand as a lone reed compared to the forest that the Senator from Connecticut has put forward in this effort. His remarks today only underscore, I think, the ludicrous position that we see our Nation in which the President of the United States and the Vice President talk about family values and are now threatening to veto the Family Leave Act.

I cannot imagine that he is going to do that just for the politics of it. But the need has been pointed out by the Senator from Connecticut. I am like the Senator from Connecticut. I implore the President to find the good grace to change his mind. And, as the Senator has pointed out, the bill is substantially changed so he has every reason to justify a change in his attitude toward the family leave bill. The Senator from Connecticut has my applause and accolades for all the work he has put in getting this passed in the House—I know he had a lot to with passing it there as well as passing it here.

Mr. DODD. I thank my colleague.

SENATOR QUENTIN BURDICK

Mr. ADAMS. Mr. President, I rise today in sadness, with a deep sense of personal loss, to pay tribute to the senior Senator from North Dakota, Quentin Burdick, who passed away early Tuesday morning. A life that spanned more than eight decades began and ended in his beloved North Dakota. My wife Betty, joins me in extending our condolences to Quentin's wife Jocelyn, to his sister Eileen and his brother Eugene, and to his six children and seven grandchildren. I pray that the Burdick family's sadness and sense of loss is measured somewhat by the knowledge that Quentin Burdick lived a great life, and that he made a great contribution to his State and to this Nation.

The many accomplishments of Quentin Burdick's long and distinguished career will be remembered with gratitude and appreciation across this Nation, for Quentin Burdick was, in the fullest and finest sense, a U.S. Senator. My own State of Washington benefited greatly from Quentin Burdick's legislative work as chairman of the Senate Committee on Environment and Public Works, and from his many years of service on the Senate Interior and Appropriations committees. His membership on the Senate Select Committee on Indian Affairs maintained a Burdick family tradition of protecting the interests of Native Americans that could be traced to his father, Usher Burdick, who represented North Dakota in the House of Representatives for ten terms. The farms and small towns of my State lost a good friend and advocate when his great heart finally failed Quentin early Tuesday morning.

During my career in the House of Representatives, I had the opportunity to share Northwest Airlines flight 85 with Quentin Burdick on many occasions. That flight left Washington DC, landing in Minneapolis, Fargo, and finally reached my destination in Seattle. How well those hours of travel were spent, in the company of Quentin Burdick, Warren Magnuson, Scoop Jackson, and Milton Young, discussing those interests that bound the States of North Dakota and Washington. Quentin Burdick always knew that the price of wheat in North Dakota, and the cost of transporting it to the docks of Seattle, were matters of mutual concern.

During the nearly 6 years I served here in the Senate with Quentin Burdick, I came to see the true value of the seniority system. Here was a man from a lightly populated State, who used his abilities and knowledge of this institution to protect the interests of small towns, rural communities, and farm families. The voting record Quentin Burdick leaves behind in this institution, spanning over 30 years, is a monument to the concerns of middle America, working families, and those who need a helping hand from a government that cares about its vulnerable young and its frail elderly.

The citizens of North Dakota were well represented during all the days of Quentin Burdick's long and distinguished Senator career. It should be noted that of all the appropriations bills only one has passed the Congress and been signed into law: Quentin Burdick's Agriculture Appropriations Subcommittee's bill. It can be honestly stated here that before passing on to his final reward, Senator Quentin Burdick of North Dakota, quietly and effectively, completed his assigned work here in the U.S. Senate.

In recent years, this body has too frequently fallen into bitter and sometimes excessively partisan debate. Senator Quentin Burdick was a shy and quietly effective leader whose tenure in office began in a different era. His love of his State and this Nation was reflected in the manner in which he conducted his public life: with dignity, honor, and achievement. He never suffered the vanity and self-aggrandizement that is this town's constant temptation. Quentin had that rare sense of humor that was never biting, and often subtle or ironic. How this institution will miss those special human qualities that Quentin Burdick possessed.

These last years, Quentin Burdick lived in a third floor walk-up apartment, just around the corner from his office in the Hart Senate Office Building. Regardless of the length of the day, or the difficulty of the battle, Quentin always had the strength reserved to walk home, to climb those stairs alone, and to prepare for another day's labor. Is it any wonder that the citizens of the State of North Dakota had the good sense to return this kind and gentle man to the Senate time and time again?

Mr. President, Quentin Burdick was a fighter, who wasn't afraid to lose a battle. He was always ready to rise up and fight on with the coming of a new day. Three days ago, Quentin Burdick's great heart told him the time had come to finally rest from those monumental labors that defined his life. I feel as though a mighty tree has fallen.

MY FRIEND, QUENTIN BURDICK

Mr. EXON. Mr. President, I have no prepared text but I would like to make some brief, from the heart, remarks about our friend and my friend, the late, great, senior Senator from the State of North Dakota.

The Senate leaves in the morning for a very important trek, but an unhappy one, to help lay to rest, to receive his just rewards, our great friend and colleague, Quentin Burdick, from North Dakota.

I knew Quentin Burdick by reputation before I came to the Senate. I must say that with his loss not only the Senate has lost, the American people have lost. Above everything else, maybe the greatness of this body to which he had contributed so very, very much over the years, will receive a severe loss. There will not be another one like Quentin Burdick. I think I can say without fear of contradiction from anyone that, of all of us who have the privilege to serve here in the Senate, 100 of us, probably no Member was more loved and respected on both sides of the aisle than Quentin Burdick.

When he sat down there, over all these months and all these years, he was always a great inspiration to this Senator, as a man of courage, to conviction, and the most unassuming Member, I suggest, of the U.S. Senate. His accomplishments, his integrity, his leadership, his kind, jovial attitude that was always shared by him with all of the other Members of this body, is something that we will miss as much as anything else.

As we move forward as we must—and as Quentin Burdick would expect us to move forward to tackle the continuing problems of the Nation that he labored on so hard for so many years—to his wonderful wife and to the family, my wife Pat and I, who were very close to both of them, send our heartfelt sympathy at the loss of this great man.

I know of no one who better exemplified what a U.S. Senator should be than Quentin Burdick. The people of North Dakota I know share in my feelings. They lose a great, great leader, that great populist from the plains, who had a certain pace, a certain understanding, a certain balance wheel—we all will miss that very, very much. Since his death the other day I have thought about what he meant to me and to all of my colleagues, for the many years of unselfish service that he gave here. But his legend will go on. And the fact that we have been here to walk with and serve with a Quentin Burdick has made our lives that much better. His contributions and great leadership for North Dakota and for the agricultural economy, and the commonsense approach that he always took, are something we should all reflect on as we move forward to tackle the many problems that continue to plague our Nation.

Above all else, he had a very quiet sense of humor. Since I think Quentin Burdick would like us best to remember him for the contributions that he made in always being able to lighten the load when, from time to time, things got the roughest, I want to tell a story that he used to love to tell, especially in my presence. I think I heard him tell this story 20 or 30 or 40 times. It goes back to the football rivalry in the days of yesteryear between my State of Nebraska and his State of North Dakota which played out with regard to Minnesota. Since he went to school at the University of Minnesota he was very closely connected with that State as well.

We used to talk about those old rivalries in football. He father before him was not only a great political leader, a statesman also—as was his son Quentin—but they were both football players and starred at the University of Minnesota and they both played at the University of Nebraska.

Quentin loved to tell this story, and it was a true story. It goes back to the period 1910, 1912, 1913 when the University of Minnesota, with Quentin Burdick's father playing on the team, came to Cornhusker land on a gray, cold, November day to battle the Cornhuskers.

In those days, before the forward pass was a standard play in football, the single wing formation, the power formation, the defensive skills of the teams played a more important part as to who was the victor, probably, than the formations and advancement in football techniques that we have seen today.

But on this gray day at Memorial Stadium, before we had the large stadium that we have today—in those days there was nothing but green wooden bleachers that they put up—the Cornhuskers and Minnesota, with Quentin Burdick's father, were locked in a defensive struggle, 6 to 6 with 7 minutes remaining to play. Nebraska got the ball and was driving down the field in a single-wing formation using power. And they finally reached within 3 yards of the Minnesota goal. Then it was the fourth down and one foot to go, and it was presumed that Nebraska was about ready to win the football game.

On the next play, the description was made the next morning in the Minnesota papers, that Quentin Burdick, of Minnesota, broke through the Nebraska line and threw the Nebraska running back for an 11-yard loss and stemmed the tide and kept Minnesota from being defeated.

And then Quentin would get that twinkle in his eye and he would get that chuckle in his voice, and he would say, in those days when the football jerseys were not as different as they are now, where all of the football players on both sides generally wore dark brown pants, it was a muddy day and the jerseys were pretty well covered up. Indeed, Quentin Burdick did not break through the Nebraska line. When the Nebraska team came out of their huddle and lined up at the line of scrimmage, somehow, some way, Quentin Burdick's father lined up on the Nebraska side of the ball, in the Nebraska line. When the ball was snapped he simply turned around and chase down the ball carrier and threw him for an 11-yard loss.

Those of us who love football, who love football history, get a big kick out of that story. And my fondest remembrance of Quentin Burdick will be the times, the many times that I saw him get that twinkle in his eye and that chuckle in his voice as he told that story about his father, how he saved a game for Minnesota.

Above everything else, Mr. President, I can honestly say that Quentin Burdick had made a contribution to my understanding of mankind and to my understanding of the U.S. Senate. With the ways of Quentin Burdick, with the experience of Quentin Burdick, with the understanding of Quentin Burdick of mankind—if we could all remember and carry on the attitudes of that great individual, the U.S. Senate in years to come would be a tremendously improved institution.

Mr. President, once again, in closing, let me say that Quentin Burdick will be missed. The people of North Dakota will come to realize, probably after his death even more than they did when he served here, just how great and just how important he was. We share, as best we can, the tremendous loss and send our sympathy to the wonderful family that he leaves behind.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

ON THE PASSING OF SENATOR QUENTIN N. BURDICK

Mr. AKAKA. Mr. President, this Tuesday, our beloved colleague from North Dakota, Senator Quentin N. Burdick, passed from this life into life eternal, and we all mourn his loss. My wife, Millie, and I would like Jocelyn Burdick and the rest of the Burdick family to know that we share a bond of strength and Aloha with them in this time of sadness.

For 32 years, as a Member of this distinguished body, Senator Burdick dedicated himself to bettering the lives of the people of his home State, our Nation, and the citizens of the world.

So committed was he to the goal of public service that he forged ahead in his quest undeterred by losing his first six elections in a row. Quentin Burdick never abandoned his dream. He was finally elected to the U.S. House in 1958. Ever since then, the people of North Dakota have never abandoned Quentin Burdick.

Though I knew him personally for but a rather brief span of time, I came to like and respect him immensely. The positions he held were powerful in stature, but the style he displayed was humble in nature. His achievements were manifold, but his demeanor was modest. His authority could have been daunting, but his character was delightful.

Quite frequently, when delivering statements on the floor, I would ask to use his desk, strategically situated as it was. We fell into a comfortable ritual, the essence of which will remain with me forever. I would make my request to impose on his obliging disposition. He would say, "OK, Danny, on one condition. You behave yourself now."

Senator Quentin N. Burdick was, above all, a gracious and dignified gentleman. I admired him, and I will miss him.

THE LATE SENATOR QUENTIN N. BURDICK OF NORTH DAKOTA

Mr. BYRD. Mr. President, on Tuesday morning, a few hours before sunrise, the grim-visaged reaper, whose name is death, and who knocks with equal hand at the door of the peasant's cottage and at the palace gate, had been busy at his appointed work. He made vacant yet another senatorial chair by severing from Earth and from all earthly things our beloved late colleague and friend—Quentin N. Burdick, North Dakota's faithful, favorite son.

When I remember him and the host of other illustrious colleagues across the years—

The friends so linked together
I've seen around me fall,
Like leaves in wintry weather,
I feel like one
Who treads alone
Some banquet hall deserted,
Whose lights are fled,
Whose garlands dead,
And all but him departed!

While this remarkable and good man was in his native State and hoping to return here to resume his service for the people of his State and his country, he was imperiously summoned by the insatiable Enemy of life, who knows no mercy and feels no pity, to that bourne from which no traveler returns. With noble spirit and Christian hope, Quentin Burdick obeyed the summons and went forth across the crystal sea to that beautiful isle of Somewhere, leaving behind him an innumerable throng of friends, who will mourn his loss until they are eventually reunited with him in that—

City of temples and turrets of gold,
That gleam by the sapphire sea,
Like jewels more splendid than earth may behold,
Or are dreamed of by you and by me.

Mr. President, I served with Quentin Burdick's father in the House of Representatives during the 83d, 84th, and 85th Congresses, and I was privileged to serve with Quentin Burdick in the Senate since his election to fill an unexpired term in 1960. I worked particularly closely with Senator Burdick in recent years on the Senate Appropriations Committee. When my Appropriations Committee met for bill markups, Quentin was nearly always the first to arrive.

He was a pleasant man, and his was a course of conduct that inspires confidence; absolute personal dedication; a willingness to serve; and, perhaps above all else, the attainment of being an honorable man. He knew no guide but his judgment, no dictator but his conscience, and no purpose but to love and serve his God, his country, and his fellow man.

Though I often benefited from Quentin Burdick's sage advice and mature experience, my clearest, most indelible memories of him will forever be of his cooperative, quiet, unassuming, irenic spirit and his kind—even sweet—personality. He championed the concerns of North Dakota, and to him, politics was a gracious art. And friendship, comity, civility, and kindness, were more to be valued in the political process than cleverness, one-upmanship, or legislative legerdemain. That spirit will be especially missed here in the Senate, as well as will be the man and the dedicated public servant who embodied that spirit among us.

Mr. President, a good man, a distinguished citizen of the Republic has "reached the silent haven that all the dead have reached," and where the voyage of every life must end. How poor this world would be without the memories of its mighty dead. Only the voiceless speak forever.

No one knows what takes place between the great Creator and His insignificant creature in the last sad moment of life on Earth. But we are assured, beyond the peradventure of a doubt, that the dying thief, while suffering on the cross, received forgiveness from his sins and was promised a triumphant entrance into paradise with the Savior of the world. It is our fervent hope that the same unfailing mercy, the same loving kindness, and the same boundless charity that gave to the malefactor a heritage in that house not made with hands, have long since been extended to Quentin Burdick, and that he is, at this hour, walking the streets of paradise that are paved with stars.

Erma and I extend to Jocelyn Burdick and all the others of Quentin's family and to the people of North Dakota our regrets on this loss of a man who was so beloved by so many and who so well represented all that is good and excellent in the heritage and character of his home state. The memory of this noble and good man will ever be like a star, which is not extinguished when it sets upon the dull horizon; it but goes to shine in other skies, then reappears in ours, as fresh as when it first arose.

Let Fate do her worst; there are relics of joy,
Bright dreams of the past, which she cannot destroy;
Which come in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled.
You may break, you may shatter the vase if you will
But the scent of the roses will hang 'round it still.

TRIBUTE TO SENATOR QUENTIN BURDICK

Mr. DIXON. Mr. President, it is with a deep sense of personal loss that I rise today to pay tribute to a great public servant, a dear friend and colleague, Senator Quentin Burdick. He was loved and respected both in his home State of North Dakota, as well as in the U.S. Senate where he served for 32 years.

Early in his life, Quentin was known for his prowess on the football field, as my friend from Nebraska just indicated, and it was clear to all who served with him that he brought that same toughness, that same firmness, here to the highest legislative body in the Nation.

In an era of big cities, big business, and big government, Quentin served as a tenacious advocate for the other side of America: The small town, the farmer, the schoolteacher, the miner. He represented the average American, people who would have had a much smaller voice were it not for Quentin Burdick.

His accomplishments extend from consistently fighting to provide drought and disaster assistance for farmers, to helping rid our Nation of rural poverty. He has been involved in every major farm bill since 1960, when he first came to the Senate. He formed the Senate Rural Health Caucus to investigate the health care of rural Americans. He has supported the efforts of small towns and rural areas to receive much needed air and train service. He worked to make sure that good highways reach all Americans, not just the big cities. He worked to improve education in low-population areas—and he has done all of this with very little fanfare.

Quentin was a dogged fighter for North Dakota's interests, and he helped to ensure his success by putting together a first-class staff. Led by David Strauss, former AA and current staff director to Chairman Burdick's Environment and Public Works Committee, there can be few of us that do not envy their effectiveness.

I would also like to say what Quentin Burdick, my friend and neighbor who lived across the street, has done for me. As a new Senator, he went out of his way to befriend me, Mr. President. He did not do so because he wanted something from me, but simply because he wanted to help a new Senator.

Quentin always took the time to know his colleagues, and was willing to give us the time to talk things through and because of this, he is an irreplaceable asset to his colleagues, the Senate, and to his State. He was also known for his good common sense and his quiet way of getting things done. He did not make a lot of noise, Mr. President, but he accomplished a great deal.

Quentin will always be remembered for his dedication to North Dakota and all of rural America. He was committed to his role as a public servant and a friend. The U.S. Senate and rural America have, indeed, suffered a great loss.

My wife, Jody, and I would like to extend our deepest personal sympathy to Jocelyn and the entire Burdick family.

TRIBUTE TO SENATOR BURDICK

Mr. LIEBERMAN. Mr. President, today we are one less, very much one less. Senator Quentin Burdick, our esteemed and beloved colleague from North Dakota, passed away Tuesday morning. The Senate, the people of North Dakota, and the Nation lost a good man on Tuesday morning.

Senator Burdick was 84 years old, and served in the Senate for 32 years, more than a third of his lifetime. But no matter how much time he spent in Washington, there was never any doubt about where he came from, the place he called home. Senator Burdick was a man, the man, from North Dakota. He went home every weekend, a longer commute than many of us have, because he belonged there, and he loved the people of North Dakota. And they loved him. They kept sending him back to be their man in Washington.

Reflecting on Senator Burdick's career in the Senate, during which he saw political figures and fashions come and go, I cannot help but think that he embodied three timeless qualities: persistence, loyalty, and love.

Far from being an overnight success, Senator Burdick lost six elections before he was first elected to the Congress in 1958. But, not unlike Charlie Brown and the kite, he persisted until he finally won a seat in the House, following the footsteps of his distinguished father, Usher Burdick. Senator Burdick described the days of his first winning campaign: "I had my own signs. You know, those up-and-down signs you see on telephone booths. I inaugurated them. And I had the hammer and nails in the back end of my old car. * * * This is a poor man's campaign."

Once in the House, it wasn't long before the people of North Dakota elected him to serve in the Senate, where Senator Burdick stayed until his dying day. His loyalty to his home State became legendary in this body, for he was always looking out for a new project, a new program to benefit the farmers, students and folks back home in North Dakota. That is what we are all here for, to represent the interests of our States—and Senator Burdick never, never let his people down.

Last and most, love is what made this man. His love for others was always there, shining in lots of little ways. He was a wonderful storyteller, and took the time to know everybody's name, whether they were colleagues, pages or elevator operators. He never had a bad word to say about a colleague in the Senate. On a personal note, I will always appreciate the warm welcome he gave me, when I was third from last in seniority, and he was third in Senate seniority.

Let us remember him, in closing, in his own plain-spoken words: "This may sound a little corny, but I've tried to respond to the needs of the ordinary person. Mostly poor people. And I think my record will hold that out."

His record will hold that out. That and much more. The Senate bids a sad goodbye to one of our own, and one of our best: Quentin Burdick, the man from North Dakota.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is below the budget resolution by $1.2 billion in budget authority and above by $4 billion in outlays. Current level is $3 billion above the revenue floor in 1992 and above by $3.8 billion over the 5 years, 1992–96. Since my last report, dated July 31, the Congress has cleared and the President has signed a bill providing for partial restoration of highway obligational authority (P.L. 102–334). This action changed the current level estimate of budget authority and outlays.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $352.6 billion, $1.4 billion above the maximum deficit amount for 1992 of $351.2 billion.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through September 8, 1992. The estimates of budget authority outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H.Con.Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 27, 1992, the Congress cleared and the President signed a bill providing for partial restoration of highway obligational authority (P.L. 102–334). This action changed the current level estimate of budget authority and outlays. This report also includes revised budget resolution aggregates for budget authority, outlays and revenues that, in accordance with Section 9 of the Concurrent Resolution on the Budget, were previously changed when legislation dealing with improvements in ongoing health programs were reported in the Senate. Upon the advice of the Senate Budget Committee staff, we are removing changes triggered by H.R. 4210, the Tax Fairness and Economic Growth Act, that was subsequently vetoed.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 102D CONGRESS, 2D SESSION AS OF SEPT. 8, 1992

[In billions of dollars]

	Budget resolution (H. Con. Res. 121)	Current level[1]	Current level +/− resolution
On-budget			
Budget authority	1,270.6	1,269.4	−1.2
Outlays	1,201.6	1,206.0	+4.4
Revenues:			
1992	850.4	853.4	+3.0
1992–96	4,836.2	4,840.0	+3.8
Maximum deficit amount	351.2	352.6	+1.4
Debt subject to limit	3,982.2	3,944.1	−38.1
Off-budget			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note:—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS, SEPT. 8, 1992

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			853,364
Permanents and other spending legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Mandatory adjustments[1]	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted[2]	1,260,314	1,199,389	853,364
Enacted this session			
Emergency Unemployment Compensation Extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102–245)			[3]
Technical Correction to the Food Stamp Act (Public Law 102–265)	[3]	[3]	
Further Continuing Appropriations, 1992 (Public Law 102–266)[4]	14,178	5,724	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS, SEPT. 8, 1992—Continued

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Extend Certain Expiring Veterans' Programs (Public Law 102–291)	(3)	(3)	
1992 Rescissions (Public Law 102–298)	(8,154)	(2,499)	
Emergency Disaster Assistance for Los Angeles and Chicago (Public Law 102–302)[5]	81	15	
Unemployment Compensation Amendments (Public Law 102–318)	980	980	
Transfer of Certain Naval Vessels (Public Law 102–322)			2
Higher Education Amendments (Public Law 102–325)	(305)	(270)	
Partial Restoration of Highway Obligational Authority (Public Law 102–334)	(427)	(33)	
Total enacted this session	9,056	6,620	2
Total current level	1,269,370	1,206,011	853,366
Total budget resolution	1,270,612	1,201,600	850,400
Amount remaining:			
Over budget resolution		4,411	2,966
Under budget resolution	1,242		

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired March 31, 1992.

[3] Less than $500 thousand.

[4] In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

[5] In Accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102–302 does not include $995 million in budget authority and $537 million in outlays in emergency funding.

Note.—Detail may not add due to rounding.

PERMANENT U.N. PEACEKEEPING FORCE

Mr. PELL. Mr. President, I am gratified that in an editorial published on September 1, the New York Times endorsed a proposal that the United Nations establish a permanent U.N. peacekeeping force. This is an extremely important subject and one that I have been involved with for years. I will be chairing hearings September 24 by the Senate Foreign Relations Committee to examine thoroughly the concept of a permanent U.N. peacekeeping force, which is called for in article 43 of the U.N. Charter but has never been implemented.

My colleague on the Senate Foreign Relations Committee, Senator JOSEPH BIDEN, has introduced in the Senate a joint resolution that asks the President to fulfill the provisions of article 43 of the charter. The joint resolution asks that he negotiate a special agreement with the United Nations that would lead to the designation of specific U.S. military forces to be available for use by the U.N. Security Council in maintaining international peace and security. This seems to me an excellent idea.

As a member of the International Secretariat at the San Francisco Conference that drafted the U.N. Charter in 1945, I can attest that the creation of a permanent U.N. peacekeeping force, as envisioned in article 43, was an important—indeed central—concept for those who drafted the original document. The intent was that the Security Council should be able to draw on its own forces, provided in advance by a number of U.N. member states, to meet international aggression and mediate from a position of strength at the onset of any threat to international peace.

Few people realize that legislation already exists authorizing the President to enter into negotiations with the United Nations to realize the intent of article 43. The United Nations Participation Act of 1945 gave the President such authority to negotiate, with the content of any agreement subject to the approval of the Congress. Unfortunately, with the onset of the cold war and the resulting gridlock with the former Soviet Union in the Security Council, implementation of article 43 was never pursued. With the demise of the cold war and the greater cooperation that is now possible in the Security Council, it is time to reexamine this important provision of the U.N. Charter.

In 1990, the U.N. response to Iraq's invasion of Kuwait was taken under article 42 of the U.N. Charter, under which the Security Council authorized the use of force by members of the United Nations. The United States ultimately led a multilateral coalition with U.N. sanction in the successful effort to restore the sovereignty of Kuwait. By contrast, article 43 of the charter would allow for the United Nations to draw upon previously designated military personnel and equipment from many U.N. member states to deal with a threat to international peace. The forces would remain under the control of the Security Council, thus allowing the United States a key leadership role as a permanent member of the Council, but eliminating the need for the United States to make the sole effort to put together laboriously the kind of multinational coalition that was necessary in response to Iraq's invasion of Kuwait.

The concept of a permanent U.N. peacekeeping force deserves attention and discussion. As the New York Times editorial pointed out, such a force would give meaning to the concept of a new world order. Such a force might also enable the international community to react quickly, or even preemptively, to threats to international peace and security. As one who participated in the conference that drafted the U.N. Charter, I must underscore that the ability to meet international threats directly—and perhaps before they escalate into world crises—was a central concept to those who envisioned a U.N. Organization.

Mr. President, I ask unanimous consent that the full text of the New York Times editorial be printed in full at this point in the RECORD.

[From the New York Times, Sept. 1, 1992]

A FOREIGN LEGION FOR THE WORLD

The U.S. Cavalry has finally arrived in Somalia, bringing food and sympathy to a people beset by civil war and famine. Four big American transport planes packed with bags of rice and beans shuttle from an airlift base in Kenya, with 500 American soldiers ready to protect food deliveries in turbulent regions of Somalia.

President Bush deserves much credit for mounting this hazardous humanitarian mission. More than a million civilians are at risk, their haunting desperation evident in unfocused, staring eyes. But when will Mr. Bush gather the political courage to say what this special Somalia operation demonstrates about a larger problem—that the world needs a permanent, multinational cavalry on call for just such emergencies?

Such a force is not a new idea; it was written into the U.N. Charter. President Truman made this promise to the first General Assembly in 1946: "We shall press for the preparation of agreements in order that the Security Council may have at its disposal peace forces adequate to prevent acts of aggression."

But this resolve was paralyzed by cold war rivalries. Article 43 of the Charter was all but forgotten until a few weeks ago when Secretary General Boutros Boutros-Ghali proposed such a standby army.

Mr. Truman's words were pertinently quoted by Senator David Boren, Democrat of Oklahoma, in an Op-Ed article last week calling on the U.S. to take the lead in forming a U.N. force. Senator Boren makes a persuasive argument, along these lines:

Americans rightly wonder if they have the resources to stand alone as global cop, yet they have a moral and security interest in responding to starvation and brutality elsewhere. The very existence of a well-trained mobile force, consisting of volunteers from 40 or so countries, would be a sobering deterrent to petty aggressors or Somalia-style warlords.

Under common leadership and with standardized equipment, this rapid deployment force would be available on 48-hour call to be airlifted to a trouble spot. By sharing intelligence, the U.N. forces could anticipate regional crises, natural disasters or attempts at "ethnic cleansing."

Such a force would give meaning to President Bush's call for a "new world order." But he has yet to spell out just what he means. Not once in his Houston acceptance speech did he even mention the U.N., though he was pleased to take credit for the release of American hostages in Lebanon that U.N. mediation made possible. Evidently the very words "United Nations" are still demonized on the far fringes of the G.O.P.

Still, Mr. Bush did recall the give-'em-hell political courage of Harry Truman. Having acted humanely after the fact in Somalia, why can't the President act soundly before the next fact, to help establish the means for multilateral peacekeeping, and peacemaking? As Senator Boren says: "We must size this moment. History will hold us accountable if we do not."

WILLIAM TAYLOR

Mr. RIEGLE. Mr. President, last month, when the Congress was out of session, William Taylor, Chairman of the Federal Deposit Insurance Corporation died unexpectedly.

Tributes poured in from across the Nation.

It is impossible to express the depth of feeling and sense of shock many of us experienced at this great loss. Bill was a gifted and dedicated public servant. He did not shy away from making the tough decisions and he was the right man for the job throughout his public service career.

Few people knew him better or respected him more than Paul Volcker. Because he expressed the affection of so many, and did it so well, I would like to include in the RECORD Paul Volcker's remarks at the Washington National Cathedral, August 24, 1992, on "Bill Taylor—Public Servant."

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BILL TAYLOR—PUBLIC SERVANT

Bill Taylor always took special pleasure in those rituals and ceremonies that mark important events in our lives, from family birthdays to milestones in a career. He loved to participate in the planning—in fact, to take charge. He always had the apt story, the appropriate words of encouragement and thanks, and typically a carefully "Taylored" certificate to mark the event.

Somehow here, in this great cathedral that has been the setting for commemorating so many important events of our national life, that spirit can be with us still. What could be a more fitting tribute to Bill than, as we mourn his death, we also celebrate his life.

I suppose to someone who didn't know the man, or know finance, or know Washington, the bare facts of his career wouldn't seem so remarkable. Small mid-western college, bank examiner at the Federal Reserve Bank in Chicago where he had grown up, out in the "real world" of banking and real estate for a few years, then back to the Fed, this time in Washington. Finally, there were the ten months at the FDIC. He liked to call himself a bureaucrat, and indeed he was.

But his professional life stands as the strongest kind of rebuke to those who would use that term to disparage the talent and motives of men and women making a career in Government—and the personal satisfaction that can be found in a life of public service.

I was first thrown closely together with Bill Taylor shortly after I myself had returned to Washington.

It was in early 1980 during the silver crisis. For all its oddities, that spectacular effort to corner the silver market was a serious matter. Its unravelling came close to unhinging some of our most prominent financial institutions at a time when the economy was already deeply troubled. There was a desperate need for someone with the practical ability to size up the situation, to get at the facts when those facts were elusive, to assess the potential damage, and most of all to decide, to act, and to follow through. Fortunately, that person existed right there in the Fed, and his name was Taylor.

That now half-forgotten crisis was only the first of many in the decade that followed. The fall (and rescue) of the Continental Illinois Bank; the international debt crisis; the savings and loan debacles in Ohio and Maryland which turned out to be precursors of the much larger thrift crisis that swept across the country; by the end of the decade, the highly visible shocks to the commercial banking system itself—those were all matters in which Bill Taylor was directly involved. As time passed, he increasingly had a lead responsibility for dealing with them; always his experience and advice were crucial.

What a comfort it was to me personally, and how important to the Fed and country, when in the mid-1980's, faced with a sudden vacancy in the position of Director of Supervision and Regulation, there was Bill Taylor ready, willing and more than able to move into the job.

To me, there was no more important and sensitive staff position in the labyrinth of the Washington banking bureaucracy. And there Bill faced challenges literally without precedent.

Of course, he could not single-handedly turn the tide against the financial follies of the 1980's, the consequences of which are still dogging the economy today. No single man or agency—not even all the agencies working together—could do that. But he was a charter member of the small group of officials from various institutions that together devised the ways and means to staunch the financial bleeding well enough to avert a broader economic debacle. And he did so in a way that commanded the respect and the confidence of his peers throughout Government, of Congressional committees and their staff, and of the economic policy makers of the Administration.

So, in the end, it seemed almost inevitable that Bill Taylor—self-styled career bureaucrat, a technical expert—would be called upon to chair the Federal agency that found itself right at the center of the financial storm, and simultaneously in the midst of intense political conflict.

How unusual it is in this town for a career official to reach the very apex of any Federal agency or department.

And the FDIC in the 1990's is not just an agency sailing in the backwaters of government, shielded from public controversy. Instead, it was and is face-to-face with really extraordinary responsibilities, demanding more of its leaders than in all its history.

Bill Taylor's appointment was not a matter of political influence. He had no political sponsorship, nor did he seek it. It was a matter of competence alone.

In fact, from one point of view—that of family and personal peace of mind—there were strong reasons for refusing the job. But all those qualms were put aside in the face of the sheer challenge, and the sure sense that, after all was said and done, he was both prepared for the job and couldn't and wouldn't duck the responsibility.

Less than a year ago he took the oath of office with the whole of the Washington financial establishment, and the President himself, in attendance. That surely was for him the most glorious of all those human rituals he loved so much—and this time it came with an official certificate signed by the President testifying to his personal achievement.

All of us know that Bill had an enormous zest of life. We could all recognize that special bounce in his step, a heritage, I suppose, of those days when he took to the mat as a champion wrestler. There was that characteristic tilt to the jaw when faced with a challenge. Then, there were always the pithy Taylor aphorisms that made us laugh even as they conveyed an important insight.

By experience, training and innate good judgment, Bill had the sixth sense shared by the best financial analysts. He somehow could tell when something was not quite right—and likely to get much worse—even when the formal balance sheets and earnings statements might seem to say otherwise. He warned of the thrift crisis long before it had become evidence to all. He well understood the human equation, how even experienced bankers could be tempted to push expansion beyond the capacity to control or to take exotic new risks before they could be understood.

The 1980's provided object lessons in all of that and much more. Eventually some of those who had bent ethical standards and even the law itself found their fortunes lost and reputations shattered. In observing all that, Bill once permitted himself the wry observation in response to a question from a distinguished group of world financiers that "time wounds all heels".

But he was no cynic. The whole thrust of his work was to build up and reform, to bind wounds, to demand the best of people, not to tear down.

In the process, and as he assumed greater responsibilities, he naturally came to be in a position to have substantial influence—substantial power, in fact—over the fortunes of particular men and institutions. Inevitably, there would be tension and conflict. But never, in this time of skepticism about government, was there a shred of doubt that his aim was to protect and promote the public interest, as he and his agency saw that interest. There can, to my mind, be no more important measure of the work of a public official.

Bill, like most of us, must have experienced the frustrations inherent in work in Government and large organizations. But those frustrations seldom showed.

What all of us who worked with him saw day in and day out was something else—a strong sense of pride, of loyalty, of trust in the institutions that were so large a part of his life and in the people with whom he worked. And it was those very same qualities that, in turn, helped enormously in building the quality and standing of the institutions and people with whom he associated.

His loyalty to the Federal Reserve was so strong and so transparent that I can well understand the uneasiness that some in the FDIC might have felt upon learning Bill would become their Chairman. But I also know first hand that he was as ready to recognize the strengths of his new agency and its staff as he had been at the Fed, and as quick to maintain its strength and integrity.

The simple fact was that Bill Taylor was going to be a leader and a builder wherever he went, drawing on the strength of others where he could find it, but perfectly willing to get out in front when that was what the situation demanded.

I learned only yesterday of the pleasure he took in his last official act. Only a few hours before surgery, with an intravenous tube in one arm and a bible in his free hand, he insisted upon overseeing the swearing in of his friend and colleague C.C. Hope for his second term as FDIC director.

The last time I talked with Bill was the day after his long operation. I was reluctant to call amid the trauma, but I wanted to be sure Sharon knew that a lot of us were concerned, and to offer what little support we could. Much to my surprise, Bill himself seized the phone, buoyantly reassuring one and all that he looked forward to returning soon to harness, promising that he would attend a meeting to which I had invited him a few days earlier, and doing his best to banish any concerns about his health.

What could have been more characteristic of the man—husband, father, friend and truly remarkable public servant—than those spontaneous acts of selflessness.

Most of us knew Bill mainly in his professional life. But we also know enough to understand that all the qualities of trust and loyalty were rooted in home and family.

For Sharon, and Claire, Billy and Emily, the sense of loss we all feel can only be multiplied many times over. But I think they also sense that Bill belonged to a larger family, to all of us—indeed to the country as a whole.

Bill died too young. He leaves a void, a vacuum that will be hard to fill, as we struggle with the process of healing and financial reform that still lies ahead.

At the same time, all of us are better for the simple fact that he was here.

And somehow, I think that if Bill had the chance to relive his life, he'd be perfectly happy to do it the same way, all over again. What greater tribute could there be to the life of any man.—PAUL A. VOLCKER.

Washington National Cathedral, August 24, 1992.

RECOGNITION OF A LIFETIME OF SERVICE JUDGE DAVIS ERWIN NIMS, JR.

Mr. RIEGLE. Mr. President, I stand before you today to honor Judge David Erwin Nims, Jr., bankruptcy judge of the western district of Michigan since 1955, upon his retirement from service at the conclusion of this month. Judge Nims has graced his courtroom in Grand Rapids for the last 37 years with a high degree of compassion, dedication, fairness, honor, and intelligence.

Judge Nims was born in Grand Rapids, MI, on July 15, 1912, to David and Elizabeth Nims. Working his way through college during the Depression, he received his A.B. degree from the College of the City of Detroit, and in 1936 he secured his law degree from the University of Michigan.

A veteran of World War II, Judge Nims served his country in the U.S. Army Infantry from 1941–45. By the conclusion of the war, he had attained the rank of major. As a result of injuries sustained during the Battle of the Bulge, he was awarded the Purple Heart Medal. His exemplary service was also honored with the Bronze Star with Oak Leaf Clusters.

First appointed a bankruptcy referee in 1955, Judge Nims officially retired from the western district court in 1986. As a sign of his dedication to and love for his profession, however, he has since remained on full-time recall status to help alleviate the court's caseload.

Committed to his community, Judge Nims has volunteered for various causes throughout his life, including the Child Guidance Clinic, the Family Services Association of Grand Rapids, the Michigan Institute for Continuing Legal Education, and various legal associations. He has also been a committed member of the First Park Congregational Church.

On December 21, 1943, during a 10 day respite from World War II, he married Sybil Nancy Spencer. They raised 5 children—David, Jr., Nancy, Joan, Steven, and Patrick. The couple has been blessed with 10 grandchildren—Aaron Nims, Meghan Nims, Joshua Nims, Max Sharbach, Jackson Botsford, Tess Botsford, Branden Nims, Hilary Nims, Andrew Nims, and Jason Nims.

At the age of 80, Judge Nims serves as an inspiration to all those with whom he comes in contact. He is to be commended for his service to this country—as a veteran, judge, and volunteer.

ON THE NATIONAL AEROSPACE PLANE

Mr. MACK. Mr. President, when the Senate passed the VA/HUD appropriations bill yesterday, I was disappointed that it contained none of the $80 million requested by NASA for the national aerospace plane, also known as NASP.

It is a sad fact of these times of fiscal constraint that we find ourselves cutting investment programs in favor of simple consumption. Our focus narrows and shortens to the point where we can no longer see the needs and opportunities of tomorrow. In short, we eat our own seed corn rather than exercise the wisdom to plan for tomorrow.

This is not to ignore the needs of today while blithely throwing scarce resources at pie in the sky schemes. We must, in fact, ask the hard question of just what NASP, or any other future technology development program, is likely to give us. Fortunately, NASP scores well on these counts.

In the area of technology development, NASP represents 75 percent of all available Government funding for hypersonic propulsion research. Hypersonic flight requires propulsion systems well beyond the capability of conventional jet engines. One of NASP's major foci is the production of such power plants. Moreover, NASP will run on slush hydrogen, creating an environmentally safe propulsion system whose only exhaust will be water vapor. And NASP has generated remarkable work on advanced lightweight, high-strength and greatly heat-resistant materials, which will have even non-aerospace applications.

In the realm of its positive impact on America's economy, NASP will generate high technology jobs and growth in key industries. In order to foster a growing, forward-looking economy into the next century, we will need to leverage research efforts into actual, tangible production. As we speak, teams in Japan and Europe are hard at work on programs which parallel NASP. America is the world's leader in aerospace, and NASP will help keep us there.

The sum of $80 million for NASP is not an outrageous request. It would have permitted us to move forward on the research phase of the program in order to show us where we are now and what we can expect from technical and logical standpoint. Such funding would not have required a decision on the actual building of test vehicles yet. That could have waited until next year or later. Instead, the decision not to fund NASA's participation in NASP has severely limited our options.

The problem was not that we could not afford to fund the national aerospace plane. I fear that we will soon realize we could not afford not to.

JOHN CRONIN

Mr. KERRY. Mr. President, today I would like to commemorate Mr. John A. Cronin, a truly outstanding citizen from my State of Massachusetts. For the past 12 years, Mr. Cronin has served as the scoutmaster of troop 3 in Milton, MA. During this time, his dedication and hard work have touched the lives of over 1,000 boys.

Mr. President, our Nation needs more individuals like John Cronin. He has spent countless hours of his time and great amounts of energy in Boy Scout activities and events. John also serves as a shoulder of support for the boys in his troop during times of difficulty and disappointment. His only sure reward is the personal gratification that he receives from their success and achievements.

Individuals like John serve as our Nation's finest role-models and mentors. He continues to instill in the boys of troop 3 a strong sense of discipline, dedication and benevolence, all of which are traits that will help those boys live successful and prosperous lives.

I would like to personally thank and recognize John Cronin for his years of service and contribution to society.

DESIGNATING THE QUENTIN N. BURDICK FEDERAL COURTHOUSE IN FARGO, ND

Mr. WARNER. Mr. President, I rise to express my sadness at the death of my late friend and chairman, Quentin Burdick, and to join as a cosponsor of this legislation that will recognize his distinguished career in public service.

Since joining the Environment and Public Works Committee in 1986, where I had the opportunity to work closely with this dedicated public servant on a number of important issues, I admired the perseverance and pioneering spirit which he brought to this institution. A quiet, steady man, Quentin Burdick developed a well-earned reputation as a skilled legislator and an effective leader. He will be remembered by his colleagues as a man of honesty and integrity who was worthy of the public's trust.

Senator Burdick served the people of North Dakota admirably throughout a career that spanned over three decades with constituent service as its registered trademark. He fought for what he believed in and made contributions to this Nation that will carry on for many generations to come. Throughout his tenure in the U.S. Senate, Quentin Burdick remained a strong and reliable voice for freedom and the principles upon which this country was founded. He was above all else a man of his word, a quality valued by his many friends and colleagues.

When Quentin Burdick first placed his hand on the Bible to take the oath of office as a U.S. Senator in 1960, our country faced many challenges as it approached a new decade of uncertainty. Senator Burdick played an integral role in shaping America's role in the world from those early days until the time he left us just 2 days ago. He possessed a strength and fortitude that was unsurpassed and in many ways personified the best traditions of the Senate. I and all other Senators mourn his passing and I am pleased that this bill will establish a fitting memorial to his many contributions.

U.S. SENATOR QUENTIN BURDICK

Mr. KERRY. Mr. President, I would just like to take a couple of minutes to offer some words of affection and respect at the passing of our distinguished colleague and friend, Senator Quentin Burdick of North Dakota.

First of all, I want to extend my sympathies to the Burdick family, including his wife, Jocelyn, their six surviving children and seven grandchildren. The Senator may have passed on, but the pride and traditions of the Burdick family are in good and vigorous hands.

And the Burdick family has cause for great pride, for the senior Senator from North Dakota leaves behind a wonderful legacy of service to State and country. At a time when political leaders are often accused of changing their position on important issues with every shift in the political winds, Senator Quentin Burdick stood firm. He came to Washington as a friend of the farmer, especially family farmers, and never wavered in his commitment to their cause. He believed in the simple principle that farmers who worked the land were entitled to a fair price for their products and a fair shake from their Government. He fought in behalf of his constituents for the water necessary to support an agricultural economy and for the rural electrification and health care needed to sustain a good quality of life.

In the more recent years, after I became a member of this body, I came to respect Senator Burdick particularly as a national leader on economic and environmental issues. As chairman of the Committee on Environment and Public Works, the Senator led the fight to enact major highway and mass transit legislation, and to pass long-delayed and long-needed amendments to the Clean Air and Clean Water Acts.

But it is the way that Senator Burdick approached his job, as much as his long list of specific accomplishments, that will keep his memory alive among us. The principles and beliefs that he brought with him to Washington in 1958 never deserted him during his more than 34 years of service in this Capitol. He believed in an activist government, not a neutral government. He never hesitated to choose sides and never failed to choose the side of the working family, of the farmer and of the wage earner whose hard work built this country and whose values were forged on the wide, sweeping plains of the North Dakota he loved.

In all the years I have served in Washington, I have never heard any Senator of either party say that Quentin Burdick deceived them, or misled them or ever failed in any way to act toward them in a straightforward and honest manner. Like the great President we hear so much about these days, Harry Truman, Quentin Burdick believed in straight talk and plain dealing. He was a down to earth man who exhibited honesty and decency both in his politics and in his personal relationships. Even in recent months, when his physical energies began to diminish, his basic sense of fairness and kindness to others grew, if anything, stronger.

It is said that Quentin Burdick shook more hands than any other man in the history of North Dakota. It also may be that his six electoral losses prior to election to Congress is a record, as well. But certainly, all those callouses and all that persistence paid off. We, in the Senate, owe the people of North Dakota a great deal for their decision, reaffirmed regularly during the past 30 years, to send Quentin Burdick to represent them here. I don't know of a single Senator who did not think of him as a friend, who will not miss him, who did not feel honored by his presence or who will not remember him with warmth and respect.

Quentin Burdick was a special kind of Senator and a special kind of man. We will miss him, but we will not forget his friendship to us or his service to our country.

ORDER OF PROCEDURE

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, what is the order of business at this time?

The PRESIDING OFFICER. The period of morning business was extended to include the remarks of the Senator from Vermont. There is no business before the Senate at this time. A call for the regular order would bring back H.R. 5488.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, FISCAL YEAR 1993

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of H.R. 5488, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. DECONCINI. Mr. President, I believe the Senator from Illinois wants to modify his amendment which will be appropriate to do so at this time, and also I think we are prepared to enter into a unanimous-consent agreement on time on the amendment.

I yield to the Senator from Illinois if he would care to modify the amendment:

AMENDMENT NO. 2968 AS MODIFIED

Mr. SIMON. Mr. President, I want to modify the amendment. I modify the amendment so it takes place after January 1, 1993, and I drop the words "an active." I modify my amendment in this way.

The PRESIDING OFFICER. The Senator has that right. The Senator's amendment is modified accordingly.

The amendment numbered 2968 as modified is as follows:

(Purpose: To prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy)

At the end of the amendment, add the following:

"*Provided*, That after January 1, 1993, none of the funds appropriated or made available under this Act may be used for the payment of salaries or expenses for any Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, to take part in political management or in political campaigns as defined under section 7324(a) of title 5, United States Code".

Mr. SIMON. I might add, Mr. President, I have also indicated to Senator DOMENICI that I am modifying the amendment.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2968 TO THE FIRST COMMITTEE AMENDMENT

Mr. SIMON. Mr. President, I have indicated to Senator DOLE, Senator DOMENICI, and Senator DECONCINI that I will be happy to work under a time agreement, any reasonable time agreement. I understand that that is not completely worked out. But I think I might as well proceed with my amendment at this point.

The amendment is a very simple amendment. It says, after January 1, 1993:

That none of the funds appropriated or made available under this Act may be used for the payment of salaries and expenses for any Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, to take an active part in political management or in political campaigns as defined under section 7324(a) of title 5, United States Code.

It is very simple. Why do we need this amendment? We need this amendment, frankly, because the office of drug czar has become a very political office. I mean political from a partisan point of view. And I might add, I am taking this stand, and I took it from the beginning, and I am going to take this same stand if Bill Clinton is elected President and he nominates somebody to head the office of drug czar. I am going to ask that nominee, if he comes into my office, the same question I asked Governor Martinez.

I said to Governor Martinez, "If you will pledge not to get involved in partisan political activity, I will vote for you. And if you will not make that pledge, I am not going to vote for you."

I was one of two on the floor of the U.S. Senate who voted against Bill Bennett for drug czar. I did it for two reasons, candidly. One, the Presiding Officer may recall, as Secretary of Education, he asked for a 50-percent cut in drug education. That did not strike me as the kind of person who ought to be heading the drug czar's office.

The second reason was the fear that it would be enmeshed in partisan politics. There is no question about the second taking place. And if you will recall, after Bill Bennett stepped down as drug czar, he was named by President Bush to head the Republican National Committee. It was the most natural transition you can imagine, because he had been all over the country speaking in behalf of the Republican National Committee.

My amendment says: Let Governor Martinez and all his people continue their campaigning, as they are doing right now. Let them continue through this election. But as of January 1, 1993, let us take this office out of politics. Let us do the job that needs to be done.

We have a tradition. The head of the FBI does not get involved in politics. The head of the CIA does not get involved in politics. U.S. attorneys do not get involved in politics. I was told—and I do not know if this is true—that the Attorney General of the United States declined to go to the Republican Convention because he felt he should not be involved in partisan politics that way.

The Secretary of State does not get involved in partisan politics. The Secretary of Defense does not get involved in partisan politics. We have that tradition, and that tradition ought to apply to the office of drug czar.

Let me, Mr. President, have printed in the RECORD an article from the National Journal by Neal Peirce, in their August 15 edition. The heading is: "Sweeping Drugs Under the Rug." And the subhead is "President Bush's 'war on drugs,' at $12.7 billion a year—twice what the Reagan administration spent—is a dismal failure."

I ask unanimous consent to print the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SWEEPING DRUGS UNDER THE RUG

(By Neal R. Peirce)

It was a lonely, almost forlorn plea that David N. Dinkens, the mayor of New York City, made in July to the Democratic National Convention: to feel the pain "of tiny babies who crave deadly crack cocaine the way that other babies crave their mother's milk."

The Democratic platform grazed the issue of illegal drugs with a single sentence that suggested expanded drug counseling and treatment programs. President Bush is mostly mum on the subject these days, notwithstanding the bravado-laden pledge in his inaugural address—that "this scourge will stop."

By any rational standard, the Bush Administration's "war on drugs," at $12.7 billion a year (twice what the Reagan Administration spent), is a dismal failure. Despite some apparent reductions in drug use among the middle class, the epidemic of crack cocaine has turned inner-city neighborhoods into bullet-plagued Beiruts. Heroin use across the nation is reportedly rising at an alarming rate, from about 500,000 users a year to more than 750,000 now.

Democratic presidential nominee Bill Clinton has so far failed to offer a clear alternative to Bush's policy and its heavy emphasis on drug sweeps, draconian prison sentences, swarms of planes and boats and police training for South America.

Why are the candidates silent? Perhaps they think the suburbs, where the votes are, don't want to be bothered by the plight of the inner cities. Politicians high and low fear that the "law 'n' order" crowd will jump down their throats if they talk rehabilitation instead of repression.

Yet if there were ever a moment for change, this ought to be it. Even tough prosecutors and cops quietly acknowledge that interdiction and street-level drug sweeps have been an abject bust in choking off the drug trade or driving drug sales off the nation's street corners.

What more, federal drug prosecutions and the rash of mandatory sentencing laws that were passed coast to coast in the 1980s have succeeded only in cursing the United States with the highest incarceration rate in the civilized world.

"The drug problem is a societal problem," said Michael Murphy Jr., the prosecutor in Morris County, N.J. "Swift and sure punishment for drug offenders is essential," he added, noting that it's "simplistic to think the criminal justice system can solve the problem on its own."

There's even a growing, gnawing fear that police and prosecutors have concentrated so much on drug cases that other serious and dangerous criminals—robbers, rapists and assailants—are less likely to be caught and imprisoned than in times past.

At the same time, the nation's prisons, which are overflowing with convicted drug offenders, are placing a horrendous burden on government budgets, with pitiful results in reducing drug trafficking.

Evidence is growing that drug rehabilitation programs, whether offered on the street or behind bars, work for many addicts. "The bad news is that we have all these guys in custody," said John DiIulio of Princeton University. "The good news is that with treatment, we can turn a lot of them around."

Mark A.R. Kleiman of Harvard University, one of the nation's leading experts on drug-control efforts, would have us think anew by offering treatment and probation to drug-addicted thieves and robbers—as long as they pass frequent drug tests. Kleiman estimates that if three-fourths of such offenders actually stopped using drugs, crime would drop dramatically and half the cocaine market would disappear.

And concern is growing in many quarters about the deep social costs of the nation's present course. As Jonathan Marshall, a San Francisco writer, has noted: "The war on drugs has magnified the sense of alienation and economic despair among inner-city residents, particularly minorities. The drug war has wreaked havoc by treating whole classes of Americans as potential suspects, subject to harassment and abuse; and by sweeping vast numbers of petty drug users and sellers into the criminal justice system, thereby branding them as convicts and often destroying their hopes of becoming productive citizens."

According to Alfred Blumenstein, the dean of Carnegie-Mellon University's School of Urban and Public Affairs in Pittsburgh, the drug war triggered an exponential growth rate in arrests of blacks compared with whites. In New York City, for example, 92 per cent of drug charge arrestees are either black or Hispanic.

Small wonder that resentment against established authority has ballooned in black and Hispanic inner-city neighborhoods that have been subjected to a barrage of searches, sweeps and undercover operations.

But is a radically different national policy likely soon?

No, judging from the debate—or lack of one—in this year's presidential campaign. Bush has an entrenched policy to defend. Clinton has offered no more than passing references to the fact that there's a drug problem: He has talked about 100,000 new cops on the streets in a nationwide community policing program (which could help), but he hasn't yet challenged the President directly on the issue.

Something, though, has to break soon. The glaring truth should be evident: It's misguided to continue multibillion-dollar national outlays on a misdirected and failed drug war. Voters—and political candidates—have to think far more seriously about the nations' inner-city social tinderbox. Fiscally strapped states are already being forced to put the brakes on runaway prison construction.

Don't expect the liberal reformers to drive us to our senses on this issue. More likely it will be cops, prosecutors and judges passing the word that today's drug-war tactics simply aren't working. The more the law enforcement community tells that truth, the safer the ground will be for political leaders who dare to suggest creative new drug-fighting strategies. It can't happen too soon.

Mr. SIMON. Mr. President, I do not know whether that analysis is accurate or not, real candidly. What I do know is that we are going to do a much better job on drugs if we take it seriously.

If we simply use the office of drug czar as a dumping ground for people who are active in politics, whatever their politics, frankly, we are not going to do the job that needs to be done. And we are not conveying to the American people that we are taking this seriously.

You will be interested to know, Mr. President, that of the 63 principal agencies of the Federal Government, in the majority of them, less than 1 percent of their employees are political appointees. For those offices generally and for the Federal Government generally, about 1 out of 3,000 employees is a political appointee. But as you go up the ladder, which office is at the top in terms of political appointees? It is the office of drug czar. Forty-two percent of the employees in that office are political appointees.

The Presiding Officer, Senator DODD, and I were up in New York for the Democratic Convention. The Republicans called a press conference to reply. And who was their leadoff hitter? The drug czar.

I say this not because that was a Democratic Convention and I am a Democrat. I think that is wrong.

At the Republican convention, one of the speakers was the associate director of the office of the drug czar.

I think we have to do better, Mr. President. I think if there is any office like the FBI, the CIA and these others, any office where we ought to build tradition, let us take it seriously, let us take it out of partisan politics, it is this office of drug czar. And that is what my amendment does.

Because I do not want to offend my friends on the other side of the aisle—and I want to make clear I am not doing this from a partisan point of view—I do not start it as of October 1, not at the beginning of the fiscal year, I start it as of January 1 of next year. And it will apply whether George Bush is President or Bill Clinton is President.

I think we can do better in this drug fight, Mr. President. One of the ways to do better is to see to it that that office is designed and used for the purpose that we meant, and not—and that is what is happening, Mr. President—not just having anyone and everyone the White House sends over and says, hire Joe Smith or Jane Jones, he has been or she has been a good helper in the Republican Party. We need a professional office. We need to take this drug thing seriously.

I hope my amendment can be adopted.

Mr. President, before I forget, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Mr. President, I yield the floor.

If no one else seeks the floor, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour for debate on the Simon amendment No. 2968, with the time equally divided and controlled in the usual form; that no amendment to the amendment, or the language proposed to be stricken by the committee amendment, be in order; that when the time is used or yielded back, without intervening action or debate, the Senate vote on or in relation to the Simon amendment, and that no points of order be waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, as I understand it, we are now back on the Simon amendment. The Senator from New Mexico controls a half-hour in opposition. I am going to speak for about 3 or 4 minutes, and then I will yield to Senator ROTH and let him control the time while I leave the floor for a while.

Let me make a few objective statements. As I understand it, the office of the drug czar, the entire authorization for the office of National Drug Control Policy, will expire at the end of next year. So what we now have is an office that is going to be reauthorized by the U.S. Congress at some point next year, or terminated. We have an amendment that says starting next year, the Presidentially appointed and Senate confirmed officials of that office, including the head man, the drug czar, will be "Hatched." He and his deputies who normally run a policymaking bureau are going to be subject to the language in the Hatch Act that essentially says they cannot manage anything political. I guess in common parlance, they are to be taken out of politics.

Mr. President, I am not one who condones abusing an office like this or any other for political purposes, but it does seem to me that we are not making a very momentous decision today. Frankly, we are going to adopt an amendment that is going to apply to an agency that is in the last year of its 5-year existence unless the Congress reauthorizes it. I think when we reauthorize it, we can take this kind of suggestion, the suggestion of the Senator from Illinois, into consideration. Do we really want to make the first Cabinet-like position subject to this kind of language? Some will say the FBI director does not engage in politics. Perhaps some will say the Attorney General does not, or some will say the Secretary of Defense and State do not, but there is nothing written into law about that.

It seems to me, from my standpoint, that we are not presented with a very big decision today. In the bill before us, the subcommittee has found that there should be less political appointees in this office, so we have changed what exists now to limit substantially the number of political appointees. I think that is a very appropriate decision to be made on this appropriations bill.

Beyond that, it seems to me that we are being asked to take a position that is mostly policy. There are no arrests made by this drug czar; he is not involved in prosecutions or empowered with operational control over the agencies which implement drug policy. This amendment proposes that we say no politics and I do not really know what that means. Does that mean they cannot support wholeheartedly the President who appoints them who might have a drug program that is very political in the sense that the Congress does not like it? That is, if he is a Democrat, the Republicans do not like it. If he happens to be Republican, the Democrats in the Congress do not like it. Can he speak out for it? Can he travel around the country advocating it under the language my friend from Illinois asks we adopt today?

Frankly, I believe these things could all be looked at better in the full daylight of the authorizing process. We have had a few years to look at this office. I am sure there will be some speeches that this particular drug czar has allegedly gone beyond the bounds and used the office more so for politics than some would like, but I am not so sure that we are getting very far in using a lot of our time on that.

I, for one, will join with Senator ROTH in opposing it. He is the Governmental Affairs Committee ranking member, and he thinks this is an authorizing endeavor; it is part of the Hatch Act and should be looked at there.

Essentially, I do not think it is a very monumental vote especially in light of the chronologies I described. It is going to have only limited effect. Maybe it is intended to decide in advance what we will put in the reauthorization of this office next year.

With that I yield the floor, and in behalf of the minority leader, I designate Senator ROTH to manage the remaining 15 minutes or so until I return.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I rise in support of the pending amendment offered by the Senator from Illinois. It has been nearly 4 years since this body overwhelmingly approved the most comprehensive antidrug anticrime bill enacted, the Anti-Drug Abuse Act of 1988. The 1988 drug bill included a provision many of us in this body, who are still here, had advocated for years. That was the establishment of an office in the Federal Government with the responsibility and authority to direct and coordinate all the Nation's activities in the fight against illegal drugs.

At that time, a bipartisan group of Senators drafted the legislation that is presently in effect but which is due for reauthorization next year but does not expire until November 1993. The objective was to finally put an end to the never-ending turf battles between Federal law enforcement agencies as well as end reports of the duplicative efforts by these agencies, where one did not know what the other was doing, and to have a leader in the war against drugs.

I felt that the creation of the so-called drug czar was probably more important to our country's success in its war against drugs than any other single provision of that crime bill. Well, that determination has turned into complete and utter frustration.

I remember Senator Laxalt from Nevada was the leading Republican in the effort to convince the Reagan administration that it was time to create a national director, a national coordinator, a "drug czar," to lead this fight. What has happened, however, is that the President has shortchanged this office by refusing to elevate it first to a Cabinet-level position.

Quite frankly, I wanted the Office of Drug Control Policy to be a Cabinet-level office. Where this matter was raised it was my recollection that it would not be a Cabinet position but that the drug czar would sit with the Cabinet. We found out as soon as President Bush became President, the drug czar, then Mr. Bennett, and now former Governor Martinez, were not welcome at the table with all the Cabinet Members. As chairman of the appropriations subcommittee with control over the Office of National Drug Control Policy budget, I have been able to keep a very close eye on the activities of this office.

Under President Bush, I have watched this office become yet another ineffective layer of Government bureaucracy operating according to changing political winds from the White House. Never has a better opportunity to accomplish so much accomplished so little.

During Governor Martinez' confirmation hearings, Chairman BIDEN of the Judiciary Committee put the question directly to the then former Governor of Florida. I would like to read several of the Governor's responses to questions on this issue.

> By nature, I don't go out looking for battles in terms of missing the point as to what my mission is. One of the best examples is that I have never taken this drug war to be a partisan war.

At another point in the same hearings, Governor Martinez was asked again by Chairman BIDEN about using the Office for political activities. And the Governor said, "I would hope that I can devote my full take to this position."

He is also quoted as saying, "I will never mix politics with this office."

No other law enforcement agency Director blatantly campaigns for candidates like Governor Martinez has. I understand the loyalty to the President. After all, he is the one who appointed him to that position, and the Governor did spell out a caveat in his hearing that if he was personally asked by the President, yes, he would make political remarks or endorsements on behalf of the President's reelection.

Do you see the Director of the FBI or the DEA out making political statements? Of course not. Do you see the Secretary of Defense, the Director of the Central Intelligence Agency, or Secretary of State traveling around making political statements in a very close election? Of course not.

Nor should we see this individual, who has been selected to lead our country's antidrug effort, out and about making political statements and endorsing candidates.

Mr. President, I have knowledge of at least six trips Governor Martinez has made that either were purely political or mixed trips with a political portion paid by the Republican National Committee.

On a recent trip as pointed out by the Senator from Illinois, Governor Martinez was part of a truth squad in an office building on Madison Avenue. He decided to go up to New York, coincidentally I suspect he might say, and the Democratic Convention was being held at the same time. He was trying to undermine the then nominee of the Democratic Party, Governor Clinton, by criticizing his record on fighting drugs while he was Governor of Arkansas.

In one of those specific criticisms Governor Martinez belittled Governor Clinton for a program that the Governor from Arkansas had put into effect to deny drivers licenses to dropouts. When asked by the press what his reason for being in New York was, the Governor replied, "This is completely consistent with the executive branch of Government."

Martinez further responded, "The President has a right to have his appointees out promoting his politics."

I do not dispute that the President has a right to have his appointee supporting his policies. But I am a bit confused on how traveling to New York at the same time as the Democratic Convention to criticize Governor Clinton's program on denying drivers licenses is promoting antidrug policy. It is ludicrous. It was pure politics. This nominee has traveled to Arizona, to Texas, and to a number of other States on behalf of candidates running for Republican nomination for various positions and he makes no bones about it.

Mr. President, I do not think there can be any doubt that Governor Martinez has failed to keep the promises he made at his confirmation hearings. According to an article in the Orlando Sentinel, as pointed out by the Senator from Illinois a little earlier, 42 percent of the staff at ONDCP is made up of policital appointees.

Based on information provided by the Office of Personnel Management, the White House itself and ONDCP, the average political appointees at 61 other Federal agencies is less than 1 percent. Forty-nine positions out of 109 total in ONDCP are political appointees, or 42 percent—41 percent more than at 61 other Federal agencies.

This is much higher than the level in the Office of Management and Budget, which has 12 percent political appointees; the Council on Environmental Quality, which also has 12 percent political appointees, both of which are under the auspices of the Executive Office of the President, as is the ONDCP.

The Office was established to coordinate the efforts of Federal drug control agencies fighting the war on drugs. But if these figures alone do not indicate the attitude of this administration that this Office is nothing more than a political dumping ground, I do not know what else can be said.

The case is clear. The drug czar's staff and this drug czar are political appointees to promote the President's reelection effort and are not there to win and run the war on drugs.

I remember so well when I sat in President Bush's office in January of his first year in office and he asked me if I would consider being the drug czar. I was honored to be asked. I remember telling him, "Mr. President, you may not want to hear this, but you will be the drug czar. You will have to support the nominee who has to be confirmed; once he is confirmed, then he will speak for you."

And the President looked me square in the eye and said, "That is exactly what I will do, Dennis; the drug czar will speak for me."

We had a lengthy discussion about that. And I really believed, when Mr. Bennett was appointed, he was going to be able to speak for the President. For a while, he did. I did not always agree with him, but for a while he did come down on different agencies, and I applaud Mr. Bennett for the first half of his term in that he spoke to the agencies and told them they had to coordinate their efforts. He worked with Congress and consulted with us.

When he got his political wings and I guess he decided, well, I am going to make speeches now and become a politician. And then we saw when he left, he was appointed to head the Republican Party, which only indicates the political stature of the drug czar's office.

Governor Martinez has engaged in political trips, political speeches, and a completely partisan approach to fighting the drug war since he entered that office. The intent of Congress in creating that office was that it would intensify the resources and the commitment of the Federal Government in stopping drug trafficking. The political nature the Office has assumed detracts from that goal and belittles this very important mission. This war on drugs has not been won. There is still a battle going on out there. If anything, we are losing it. But we cannot win it with political strokes and political rhetoric. It makes it appear that the ONDCP is not taking the commitment seriously.

I may very well support abolishing the Office. I was a strong supporter of it when it was created, and I still believe that if the President himself determined that he was going to be the drug czar through the confirmed nominee, you could have a true, coordinated, effort.

I remember the chief of police of Los Angeles and the Los Angeles County sheriff telling Senator Wilson and myself some 7 years ago, when we were holding hearings in Los Angeles, about having a war on drugs. They both said, Senators, there is no war on drugs. And we take the blame and you have to take the blame, as those of you in the political office talk about the war because it excites people; it gives them a pictorial image of real violence toward an enemy.

But he says: Think about it, when the United States goes to war, what happens? You mobilize your whole society. You spend and commit whatever resources necessary and you know who your enemy is and you go conquer them. And they said then, those two members of law enforcement, and it is still true today, we have never really declared war on the drug dealers in this country, or those outside our borders.

Mr. President, I still believe in the important differences this office could make. But I also believe that until we bring the focus of ONDCP back to what the Congress intended and out of the realm of political gamesmanship it will be a totally ineffective body used by this administration or other administrations at their political whim.

The Senator's amendment that is before us today would do a great deal toward making this war on drugs a war on drug traffickers and not an election year tool.

The war on drugs is simply too important to take a back seat to partisan political activities. And the Senator from Illinois should be complimented.

I think I would like to see the political activities prohibition enacted now when this bill is signed into law and take effect immediately. But because of the political climate today and the election only several months from today—the Senator from Illinois modified his amendment so it does not become effective until January 1993, which means either President Bush will be resworn in as President or Governor Clinton will be sworn in as President, and we may then have a new drug czar and maybe someone will again take this as serious as I believe a matter that it is.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I do not intend to get involved directly in the disputes between Gov. Bob Martinez and the senior Senator from Illinois. But I do think that in fairness to the Governor it should be pointed out that he denies that he has broken a promise made in the course of his confirmation hearings before the Senate Judiciary Committee.

In his statement he says that this is not true because he never promised to abstain from such activity. Indeed, when specifically asked by Senator SIMON if it would be appropriate for him to make appearances on behalf of political candidates, or political organizations, the Governor candidly stated, according to his statement "If I was asked by the President to participate I would certainly do that."

Senator SIMON has stated at the outset that he would not support the nomination unless he got an absolute commitment not to engage in partisan activities. And in the end he voted against the nomination because he did not get that commitment.

Mr. President, I rise to express opposition to the amendment offered by my colleague from Illinois because, while the amendment purports to restrict appropriations to the Office of National Drug Control Policy, it is plainly legislative in nature.

Rule XVI of the Standing Rules of the Senate states clearly that a point of order lies against an amendment which proposes general legislation to an appropriations bill.

The chairman of the Senate Appropriations Committee has argued vigorously against general legislative amendments to appropriations measures, but the amendments take a great amount of time. There are 22 days until the start of a new fiscal year. Only one of 13 appropriations bills have been signed into law. We have a responsibility to send these bills to the President individually and on a timely basis.

The Congress has a tremendous amount of work to do during the next several weeks. This amendment has no place on the bill. This amendment is modeled closely after legislation introduced by the Senator from Illinois and referred to the Committee on the Judiciary. There is a compelling argument that it should have been referred to the Committee on Governmental Affairs since, in effect, it is amending the Hatch Act which, of course, falls under the jurisdiction of Governmental Affairs.

As the ranking member of that committee, I am aware of no hearings on the matter and believe this amendment is clearly out of place during consideration of the Treasury-Postal appropriations measure.

Having said this, Mr. President, there are also substantive reasons for opposing this amendment. More than 50 years ago, a Democratic Congress under the stewardship of a Democratic President, voted to remove partisan politics from the Federal work force and to protect Federal employees from coercive pressures to be involved in partisan activities. For more than 50 years, the Hatch Act has been successful in protecting Federal employees from subtle pressures to become involved in partisan political activity.

The Hatch Act is designed to protect Federal civil servants from coercion and ensure the nonpartisan administration of Federal programs. Placing Presidential appointees confirmed by the Senate under the structures of the Hatch Act fails to serve either of these objectives. During consideration of the Hatch Act in 1939, the Congress considered the unique role played by employees of the President's White House staff and individuals appointed by the President and confirmed by the Senate, and voted to exclude these positions from coverage under the law.

The amendment being offered today rejects the underlying justification for the exclusions under current law. It fails to understand that the Hatch Act is not designed to muzzle Federal employees. Rather, the Hatch Act is designed to protect them. And during consideration of the Hatch Act in 1939, the sponsor of that legislation, Senator Carl Hatch of New Mexico, clearly stated his belief that political appointees should not—and I emphasize the words "should not"—be covered under the new law. He said:

> It is my opinion that a person holding a policymaking position, not only should have the right and opportunity, but he ought to go out and defend his administration and its policy.

"Certainly," he continued, "it is not my intention to prohibit such action."

Senator Hatch reiterated his position later in the debate.

> As I have often said, when policymaking officials in the Government, such as the President and members of the cabinet, inaugurate and carry on great policies of government, they must necessarily frequently go before the country and the people and explain their policies, and often it is true that

they must defend them when they are assailed. It is but right and proper that they should have the full privilege of doing so, and the bill now so provides.

The Hatch Act, of course, prohibits employees from taking an active part in political management or political campaigns. Specifically excluded from this prohibition are: First, employees paid from the appropriation for the Office of the President; second, the head or the assistant head of an executive department or military department; and third, employees appointed by the President by and with the consent of the Senate, who determines policies to be pursued by the United States in its relation with foreign powers, or in the nationwide administration of Federal law.

And the law which creates the Office of National Drug Control Policy states clearly that it is established within the Executive Office of the President. The four positions singled out by the Simon amendment are all appointed by the President, by and with the advice and consent of the Senate, as each appointment is covered by the exemption contained in the Hatch Act for policymaking appointees of the President.

These exemptions stand on very strong ground, Mr. President. We have in existence a very delicate balance to enable the public to determine policy through their newly elected officials. It seems to me clear that any President, no matter what party, necessarily has to have the right to have the appointment of top officials who will implement his or her policies.

We are in a political government, no question about it, and the purpose of the election is to enable the American people to determine what those policies should be. The President, once he is elected, has a right—some would say the duty—and the responsibility under our Constitution, to ensure that these policies for which he is elected are implemented. That is the function of those the President appoints. But once the laws are on the books and they are to be administered, they should be administered by individuals who are not subject to political coercion.

After two centuries of trial and error, America has come to appreciate the genius of a politically neutral Federal work force, responsible to an elected President and his political appointees. This system allows government to be both responsive to popular will, yet, fair and impartial in the administration of our laws. This system rests squarely upon the Hatch Act. It is the reason why a politically neutral work force can function subordinate to political appointees without itself becoming politicized.

I, for that reason, urge that the amendment be defeated. First, this is plainly legislation on an appropriations measure and has not received the necessary consideration by the committee of jurisdiction. Second, the amendment fails to understand the meaning underlying the Hatch Act and attempts to use the Hatch Act to muzzle Presidential appointees, when in fact the Hatch Act is designed to protect Federal employees.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

Mr. DECONCINI. I yield whatever time the Senator from Illinois so desires.

Mr. SIMON. Mr. President, I will be very brief. Let me comment briefly on two things that have been said here. Number one, my friend and colleague—and he is my friend—from New Mexico, Senator DOMENICI, said that the authorization for this office expires as of the first of the year, so we do not need this anyway.

The reality is that it expires November 18 of next year. In all probability, we are going to reauthorize it. We are, I say to my friend from Delaware, trying to establish a tradition that we have for the FBI, the CIA, the Secretary of Defense, the head of Drug Enforcement, and for the Secretary of State, and other offices; and in the Federal Government generally, one three-thousandths, one-thirtieth of 1 percent of our employees are political appointees.

But in the 63 major agencies of the Federal Government, in this office, 42 percent are political appointees. There is just no question that this office is being used for political purposes. Because I do not want to make it a partisan thing, I have said that as of January 1, 1993, not as of October 1. Frankly, some of my colleagues, particularly on this side of the aisle, would have preferred that we started as of October 1, but we say as of January 1, 1993, this office cannot be used for partisan purposes.

As far as the ability of the drug czar to fight for his programs, nothing in this amendment prevents that. The Secretary of State fights for his programs. I have had Jim Baker and George Shultz, and others, contact me on all kinds of issues. The Secretary of Defense does the same, and others do the same.

The drug czar can continue to do that. But under the regulations that we referred to, there are things that they cannot do. They cannot address a political convention or a political caucus; they cannot do those kind of things that, frankly, I think should not be part of the office of the drug czar. We have to make a decision. Is this going to be—if I may use the words of my friend from Arizona, Senator DECONCINI—"a political dumping ground," or is it going to be a place where we really do the job that needs to be done for this drug problem in this country?

I think the American people want us to do the latter, and I think that is what we had in mind when we passed this legislation. We do not need drug czars and their assistants running all over the United States making speeches at Republican rallies or democratic rallies. That is inappropriate. This ought to be a place where we fight the drug war, and that is all this amendment does. I hope it will be accepted, Mr. President.

I yield the floor.

Mr. DECONCINI. Mr. President, I think it is in agreement here that we ask at this time that we vitiate the yeas and nays.

Mr. SIMON. I ask unanimous consent to vitiate the yeas and nays, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I am told by the Senator from New Mexico, and I assume the Senator from Delaware, that we will have a voice vote on this. We are prepared to go to a vote at this time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DECONCINI. We yield back all our time on this side.

Mr. ROTH. We yield our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2968), as modified, was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. I yield to the Senator from Hawaii, who has an amendment that is going to be accepted on both sides.

Mr. AKAKA. I thank the chairman.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 2973

(Purpose: To prevent the introduction of plant and animal pests into Hawaii through the mails and to authorize cooperative agreements to safeguard Hawaii's environment)

Mr. AKAKA. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mr. INOUYE, proposes an amendment numbered 2973.

Mr. AKAKA. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the committee amendment, insert the following new section.

SEC. . ALIEN SPECIES PREVENTION AND ENFORCEMENT.

(a) PESTS IN THE MAILS.—

(1) IN GENERAL.—The Secretary of Agriculture shall operate a program, under the supervision and control of the Postal Service, to protect Hawaii from the introduction of prohibited plants, plant pests, and injurious animals that may be contained in mail received in Hawaii, except that this subsection shall not apply to mail that originates and is intended for delivery outside the United States.

(2) REMEDIAL ACTION.—If, pursuant to the program, mail is found to contain a prohibited plant, plant pest, or injurious animal, the Secretary shall—

(A) make a record of the prohibited plant, plant pest, or injurious animal found in the mail;

(B) take appropriate action to prevent the introduction of the prohibited material into Hawaii; and

(C) determine whether the facts and circumstances warrant seeking prosecution under a law prohibiting the conveyance of a plant, plant pest, or injurious animal.

(3) DEFINITIONS.—As used in this subsection:

(A) INJURIOUS ANIMAL.—The term "injurious animal" means an animal the importation or interstate shipment of which is prohibited by section 42 of title 18, United States Code.

(B) PLANT.—The term "plant" means a plant from any class of plants, or any other article or matter, the importation or interstate shipment of which is prohibited under the Plant Quarantine Act (7 U.S.C. 151 et seq.).

(C) PLANT PEST.—The term "plant pest" means any organism or substance the importation or interstate shipment of which is prohibited under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

(b) COOPERATIVE AGREEMENTS WITH HAWAII TO ENFORCE CERTAIN AGRICULTURAL QUARANTINE LAWS.—

(1) AGREEMENT BETWEEN SECRETARY OF AGRICULTURE AND HAWAII.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State—

(i) the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the Plant Quarantine Act");

(ii) the Federal Plant Pest Act (7 U.S.C. 150aa et seq.); and

(iii) the matter under the heading "ENFORCEMENT OF THE PLANT-QUARANTINE ACT:" of the Act of March 4, 1915 (38 Stat. 1113; 7 U.S.C. 166) (commonly known as the "Terminal Inspection Act").

(B) INSPECTION OF PLANTS AND PLANT PRODUCTS.—The cooperative agreement shall establish a specific procedure for the submission and approval of the names of plants and plant products that the State of Hawaii elects to inspect under the provision of law referred to in subparagraph (A)(iii).

(C) AUTHORITY.—The Secretary shall carry out this paragraph under the authority provided by—

(i) section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a);

(ii) section 3 of the Act of May 29, 1884 (23 Stat. 32, chapter 60; 21 U.S.C. 114); and

(iii) section 11 of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 114a).

(2) AGREEMENT BETWEEN SECRETARY OF THE INTERIOR AND HAWAII.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

(B) AUTHORITY.—The Secretary shall use to carry out this paragraph the authority provided under section 3 of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l).

(3) AGREEMENT BETWEEN POSTAL SERVICE AND HAWAII.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State, under the supervision and control of the Postal Service and in compliance with postal regulations, Public Law 100-574 and the amendments made by such Public Law.

(B) AUTHORITY.—The Postal Service shall use to carry out this paragraph the authority provided under section 3014 of title 39, United States Code.

(4) COOPERATIVES PROGRAMS.—Any program conducted jointly by the State of Hawaii and any Federal agency under this subsection that in any way affects the mail or the postal system of the United States shall comply with postal regulations and shall be conducted under the supervision and control of the Postal Service.

(c) PUBLIC INFORMATION PROGRAM ON PROHIBITIONS AGAINST SHIPMENT OR TRANSPORTATION OF PLANT PESTS AND INJURIOUS ANIMALS.—

(1) IN GENERAL.—The Postal Service, the Secretary of the Interior, and the Secretary of Agriculture shall jointly establish a public information program to inform the public on—

(A) the prohibitions against the shipment or transportation of plant, pests, and injurious animals; and

(B) the consequences of violating Federal laws designed to prevent the introduction of alien species into the State of Hawaii and other areas of the United States.

(2) METHODS.—In carrying out paragraph (1), the Postal Service and Secretaries may—

(A) use public service announcements, mail, and other forms of distributing information, dial-up information services, and such other methods as will effectively communicate the information described in paragraph (1); and

(B) cooperate with State and private organizations to carry out the program established under this subsection.

(3) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of the Interior and the Postal Service, shall—

(A) conduct a study to determine the proportion of plant pests and injurious animals that are introduced into Hawaii by various modes of commerce; and

(B) report the results of the study to Congress.

(d) SHORT TITLE.—This section may be cited as the "Alien Species Prevention and Enforcement Act of 1992".

Mr. AKAKA. Mr. President, briefly, the Postal Service currently operates a program to intercept mail containing pests that are dangerous to agriculture and the environment. My amendment would require that this program be extended to Hawaii.

For the past 2 years, the Postal Service has successfully operated a program to prevent dangerous pests from entering the mainland through the mails. unfortunately, the current program only intercepts pests discovered in the mail leaving Hawaii bound for the mainland, only outbound mail. My amendment then would include inbound mail and becomes very, very important to Hawaii.

I understand the Postal Service has no objections to this. I also understand that the managers of the bill accept this amendment and, therefore, Mr. President, I ask that my amendment be agreed to.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. We have examined the amendment. We have no objection to the amendment. We think it is a good amendment and fair. What comes in and goes out should be treated the same way, and it instructs the Postal Service to do so.

I know the amendment has been cleared on my side and I am advised, and will proceed unless someone on the other side says otherwise, that they have also approved the amendment. We are prepared to accept that amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2973) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. AKAKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I believe we are now going to proceed to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 2974 TO THE FIRST COMMITTEE AMENDMENT

(Purpose: To amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes)

Mr. SANFORD. Mr. President, I have an amendment at the desk, an amendment to the pending amendment. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. SANFORD], for himself, Mr. HARKIN, Mr. REID, Mr. SHELBY, Mr. HEFLIN, and Mr. LUGAR, proposes an amendment numbered 2974 to the first committee amendment.

Mr. SANFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is to ordered.

The amendment is as follows:

At the end of the pending amendment, insert the following new section:

SEC. . ADJUSTMENT TO SOCIAL SECURITY NOTCH.

(a) EXPANSION OF PERIOD OF TRANSITION; NEW ALTERNATIVE FORMULA WITH RESPECT TO SUCH PERIOD.—

(1) EXPANSION OF PERIOD OF TRANSITION.—Section 215(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 415(a)(4)(B)(i)) is amended by striking "1984" and inserting "1989".

(2) ESTABLISHMENT OF NEW TRANSITIONAL FORMULA.—Section 215(a) of such Act (42 U.S.C. 415(a)) is amended by adding at the end the following new paragraph:

"(8)(A) Paragraphs (1) (except for subparagraph (C)(i) thereof) and (4) do not apply to the computation or recomputation of a primary insurance amount for an individual who had wages or self-employment income credited for one or more years prior to 1979, and who was not eligible for an old-age or disability insurance benefit, and did not die, prior to January 1979, if in the year for which the computation or recomputation would be made the individual's primary insurance amount would be greater if computed or recomputed under subparagraph (B).

"(B) The primary insurance amount computed or recomputed under this subparagraph is equal to the sum of the amount which would be computed under this subsection if this paragraph were not applied, plus the product (not less than zero) derived by multiplying—

"(i) the excess of the adjusted old-law benefit amount over the new-law benefit amount, by

"(ii) the applicable reduction factor.

"(C) For purposes of this paragraph, in the case of any individual described in subparagraph (A)—

"(i) The term 'adjusted old-law benefit amount' means the amount computed or recomputed under this subsection as in effect in December 1978 (for purposes of old-age insurance benefits in the case of an individual who becomes eligible for such benefits prior to 1989) or subsection (d) (in the case of an individual to whom such subsection applies), subject to the amendments made by section 5117 of the Omnibus Budget Reconciliation Act of 1990.

"(ii) The term 'new-law benefit amount' means the amount which would be computed under this subsection if this paragraph were not applied.

"(iii)(I) The term 'applicable reduction factor' means the excess of the applicable base percentage determined under subclause (II) over the applicable early retirement percentage determined under subclause (III).

"(II) The applicable base percentage determined under this subclause is the percentage provided in the following table:

"If the individual becomes eligible for old-age insurance benefits in:	The applicable base percentage is:
1979	40
1980	37
1981	34
1982	31
1983	25
1984	20
1985	15
1986	10
1987	5
1988	5

"(III) The applicable early retirement percentage determined under this subclause is the product derived by multiplying 5/12 of 1 percent by the total number of months, before the month in which the individual attains the age of 65, for which an old age insurance benefit is payable to such individual.".

(3) APPLICABILITY OF OLD PROVISIONS.—Section 215(a)(5) of such Act (42 U.S.C. 415(a)(5)) is amended

(A) in subparagraph (A), by striking "subject to subparagraphs (B), (C), (D), and (E)," and inserting "subject to subparagraphs (B), (C), (D), (E), and (F)"; and

(B) by adding at the end the following new subparagraph:

"(F) In applying this section as in effect in December 1978 as provided in subparagraph (A) in the case of an individual to whom paragraph (1) does not apply by reason of paragraph (8)—

"(i) subsection (b)(2)(C) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 65; and

"(ii) the 'contribution and benefit base' (under section 230) with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1981 shall be deemed to be $29,700.".

(4) CONFORMING AMENDMENT.—Section 215(a)(3)(A) of such Act (42 U.S.C. 415(a)(3)(A)) is amended in the matter following clause (iii) by striking "(4)" and inserting "(4) or (8)".

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Except as provided in paragraph (3), the amendments made by this section shall be effective as if included in the amendments made by section 201 of the Social Security Amendments of 1977.

(2) RECOMPUTATION.—In any case in which an individual (under title II of the Social Security Act) is entitled, for the month in which this section is enacted, to monthly insurance benefits under such title which were computed—

(A) under the section 215 of the Social Security Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(B) under section 215 of such Act as in effect prior to January 1979 (and subsequently amended and modified) by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977), the Secretary of Health and Human Services (notwithstanding section 215(f)(1)) of the Social Security Act) shall recompute such individual's primary insurance amount so as to take into account the amendments made by this section.

(3) PROSPECTIVE APPLICABILITY.—The amendments made by this section shall apply only with respect to benefits for months after November 1992.

Mr. SANFORD. Mr. President, I ask that Senators HARKIN, REID, SHELBY, HEFLIN, and LUGAR be listed as cosponsors of this amendment.

This amendment was introduced as a freestanding bill, S. 567, last year. There are 45 cosponsors of this bill. I ask consent that their names be listed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Lugar, Harkin, Grassley, Reid, Ford, Daschle, Shelby, Pressler, Pell, Burns, Kasten, Chafee, Bryan, Hollings, DeConcini, Exon, Hatfield, Akaka, Mikulski, Heflin, Boren, Metzenbaum, Dixon, Fowler, Dodd, McCain, Inouye, Breaux, Conrad, Burdick, Specter, Riegle, Adams, Wellstone, Lott, Wofford, Seymour, Lieberman, Johnston, D'Amato, Lautenberg, Graham, Glenn, and Bumpers.

Mr. SANFORD. Mr. President, notch babies all over this country continue to receive Social Security benefits below those received by people born before and after them. The word notch, of course, comes from the fact that as you look at the average payout of Social Security benefits, it follows a smooth line and then there is a notch beginning in 1917 and working its way back up to about 1923. It is that notch that causes some retirees' benefits to be below those of people born before or after that particular notch period.

They support, indeed they have insisted, on legislation to change this inequity, and they want us to vote on this legislation. They want a vote, and I hope that we now can get a vote on this very important issue.

When I first came to the U.S. Senate, a popular bill before Congress to correct the notch had a 10-year cost estimate in excess of $550 billion. So I set out to craft a more reasonable approach to this problem.

The 10-year cost estimate for this amendment that I now offer is only about $45 billion. I thought that if I could develop legislation that was affordable and fair, as I did, the Congress would give such a bill serious consideration and pass it, that has not happened yet. But I continue to fight for passage and now join with the cosponsors of S. 567 in insisting on a vote in the Senate this year, on this issue. The time has come. People affected by the notch want a vote and they are entitled to a vote.

Last year I introduced this amendment as a bill, the Notch Injustice Act. It was very similar to two other bills to correct the notch that I introduced in earlier years. But S. 567, in the form of this amendment, is different in two very important ways. First, it is a consensus bill. It has more cosponsors than any notch bill has ever had in the U.S. Senate. And the same legislation in the House has almost 285 cosponsors. For the first time there is only one recognized approach to fixing the notch. I worked last year with Congressman ROYBAL and others in the House to draft this one approach. As I have already indicated, both the House and the Senate bills, and this amendment—which is the bill in the form of an amendment now—have more cosponsors than any other legislation to correct the notch injustice has ever had.

Some people are saying that there is no money in the Social Security trust fund to pay for the notch. But they are wrong. The Social Security trust fund surplus this year alone will be about $50 billion. Notch correction would cost less than $3.5 billion in additional benefits this year, if this amendment were the law right now. The cost of this legislation over the next 10 years is less than the total Social Security surplus in this fiscal year alone, and a fraction of the cost of previous legislation to correct the notch.

The previous legislation certainly would have been fairer. But this legislation is at least just in that it begins to bring the notch up to a proper level. But it will not now, nor in the future provide full compensation for these people who have been suffering in the notch for numerous years now.

The cost of this legislation is only a fraction, then, of what it might have cost or of previous bills. I think this kind of compromise, this kind of consensus bill, this kind of effort on the part of those who are entitled to this money, to strike a compromise is the proper way to go. Certainly, now that this kind of compromise has been made, I hope the Congress will agree that this injustice can be corrected. We can afford it. The cost of this amendment is less than Social Security's routine annual cost of living increase. The money is there to make this correction.

Mr. President, one of the things that has bothered me since I have been in the Senate is that we have been misappropriating Social Security money. The money is there. If it is not paid to these people who are entitled to it, it will be spent on something else. I say, spent on something else quite improperly.

In fact, if we were in a private corporation and spending retirement funds in this manner, all the corporate officers would go to jail for misusing pension funds. The funds in the Social Security trust fund belong to Social Security recipients and my amendments would simply make a small amount of additional funds available to those who are entitled to it.

I think the time has come for us to spend this money on Social Security benefits, including the hundreds of thousands of notch babies throughout the country.

Mr. President, this is simply an issue of fairness. The gap in benefits is not due to any fault of those beneficiaries who fall into the notch category. It is not because they paid any less into Social Security as working men and women. It is simply a result of the differences in their birthdays. It is really a result of an accidental calculation, and that certainly is not fair.

As I move around North Carolina, this issue always comes up. Throughout North Carolina there are many people who are working to correct the notch injustice, many people who feel a rising bitterness because Congress has not done something to correct what they see as an injustice—which, of course, I agree it is.

I appreciate their support and their encouragement. It means a great deal to me and it certainly gives strength to the continuing fight for fairness on this issue that is so very real to so very many good people, all over the country. They deserve our support. They deserve our vote. They deserve the Social Security payments to which they are rightfully entitled.

I did want to express my appreciation to the floor manager, Senator DECONCINI. I think his willingness to have that debate during consideration of this bill is an indication of his sense of fairness. I simply wanted to express my appreciation, and the appreciation of all of the cosponsors of this legislation. His willingness to allow this amendment to be considered now, and voted on now, is extremely important to me and every other Member, and certainly to the millions of notch babies all over the country, and I thank the Senator.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, it is sometimes said that all Americans are equal under the law, but some are more equal than others. Sadly, that is certainly true under the current Social Security system. Today, over 10 million Americans born between 1917 and 1921 receive substantially lower Social Security benefits than those born 1 year before them, creating what we know today as the notch years.

Today, Mr. President, we have the opportunity finally to correct this injustice through legislation introduced by my colleague from North Carolina, Senator SANFORD.

I commend him for introducing the Social Security Adjustment Act of 1991, an act that I am proud to have cosponsored.

This act would establish a new formula for computing the primary insurance amount for individuals who reach the age of 65 in or after 1982, and would otherwise be subjected to the benefit computation rules of the Social Security Act of 1977. In addition, this legislation will extend the application of such transitional benefit computation rules to those who became eligible for benefits before 1989.

Mr. President, in my own State of California, there are several million individuals currently receiving less than they deserve as a result of the Social Security notch. These older Americans have worked, toiled, and struggled to provide and invest in their lives, their families, and their country with the universal hope of living a comfortable retirement.

A constituent from Cathedral City, CA, wrote me:

> Senator Seymour, I am one of many Americans born in this country who are being discriminated against by our Government. I am referring to the "notch" situation that affects those of us born between 1917 and 1926. This is an injustice which should never have been allowed to happen and I along with all the others who are not receiving their just due under Social Security want to know why this has not been rectified. I find it hard to understand how our elected officials can sit in session after session and ignore this injustice when all they have to do is vote for what is right and put an end to this discrimination.

Mr. President, I could not agree more with this notch baby from Cathedral City, CA. I do not know how we can sit and allow such a blatant legal injustice to remain in effect. How can we justify paying a group of retirees up to $137 a month less in benefits than others simply because of when they were born? We cannot. There is no justification. This legalized age discrimination has continued for far too long. The notch was created 15 years ago. Even for Congress that is a long time for inaction. These people need our help now. Not tomorrow, not in the next year, or in the next 15 years. But in the 15 minutes that we will be provided to vote on this amendment; 15 minutes to correct 15 years of inequity to millions of Americans. This amendment will serve to correct the Social Security inequity of the past and return to these citizens their just and equitable compensation.

Mr. President, I think I have become known in the last 20 months I have been privileged to serve in the Senate as one who has been very tight and tough with the taxpayers' dollars, and this amendment does not come free, but it is an amendment that is so important to correct the inequity of millions and millions of Americans, including, I might add, Mr. President, my own mother who reminds me constantly when I go back to California: "John, when are you going to vote on the notch baby bill?" And I promised her sometime soon.

I say to Senator SANFORD, I appreciate his leadership in making it now rather than later.

So, yes, this will cost tax dollars, but we have a need to set our priorities, to understand and to support those issues, those programs that provide equity for all of our citizens. This is one of those occasions.

So, Mr. President, I urge my colleagues to support this important legislation, to end this notch discrepancy and to return to those individuals who helped build, develop, educate, and lead this country the benefits that they so justly deserve.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, this is the second time that this body has had an opportunity to vote on the notch issue.

Last year when the budget resolution came before this body, we had the opportunity at that time to vote on notch, and the Senate voted, and they voted the right way. They voted to take away the notch. That matter was taken to the other body and was killed in conference. We are now back with this appropriations bill and have another opportunity to correct an injustice that has been in existence for some time.

Everyone watching on television, that is, the staff of the Senate, should recognize that this is their opportunity to correct an injustice that they know exists. An issue that has been brought up time after time after time at town-hall meetings and other public events in a State when people raise their hand and ask, what is going to happen to the notch issue?

Everyone watching on television and who is assembled in this Chamber today should know that this is their chance to respond to the thousands of people in their State and, in some instances, perhaps a million because there are 10 million notch babies in the country. You will no longer be able to write letters back to people at home saying, "I will do whatever I can to help you in this situation." This is the time. There is no other time, there is no better time than today because if you do not vote in support of this amendment, then you will no longer be able to respond to the notch babies and say you did everything you could do because if you vote against this amendment, you have not done everything you could do.

As I said when this matter came before the Senate last year in an amendment I offered with Senator SANFORD, what are we waiting on? Are we waiting for the notch babies to no longer exist? Are we—putting it another way more direct—waiting for the notch babies to die? Every day around this country, numerous notch babies pass away. That is unfair.

The amendment that we have offered is not a perfect amendment. It does not phase it in immediately, but it goes a long way toward correcting an injustice, an injustice which plagues, as has been indicated on the Senate floor today, a group of older Americans who are affected by the Social Security notch. This problem relates to people born between the years of 1917 and 1926. It affects, as I have already stated, 10 million people and it is no minor notch. It affects some age groups as much as 20 percent a year. It is significant. These retirees receive less in Social Security benefits than Americans born outside those notch years due to changes made in the formula way back in 1977. Under the current formula, benefits for retirees born in these years, as I previously indicated, could be as much as 20 percent less than those received by people born in different years.

I felt compelled over the years to speak out on this issue and talk about the hardship it imposes on a certain group of Americans. It may be easy for a lot of people, including us, to ask what is a few dollars?

A few dollars to somebody on a fixed income can mean a lot. Because of this, older Americans, a large group of these notch babies, must scrimp to afford the most basic necessities. These are people who were hard-working Americans, people who paid into the Social Security system year after year until retirement, expecting, at age 65, to be paid the benefits to which they were entitled.

There is no doubt in my mind that perhaps Congress and the President had good intentions back in 1977, but unfortunately it became evident that these amendments were not calculated fairly. In this attempt to right the formula mistakes, the Social Security notch was inadvertently created. Benefits were reduced for the third time, I think it is important to note, 10 to 20 percent for Americans born in these years. These Americans, whom we now refer to as notch babies, I do not believe deserve this treatment. These are the men and women who lived through the Great Depression, men and some women who fought in World War II, and in spite of these sacrifices to their country they receive hundreds of dollars less in Social Security benefits than their friends and relatives who were just lucky enough to be born a few years outside this security notch.

To protect American seniors, we must assume responsibility without delay. This amendment will pave the way, as it did last year, for us to correct the notch inequity by making room in the bill being debated today for the Social Security Notch Adjustment Act. Let us treat fairly those millions of American seniors who expect the same of us. We need to eliminate the notch.

Mr. President, I have a number of letters that I have received. One is from a man in Carson City, who writes:

> I'm a former marine and was attached to the Second Marine Division during the Second World War, seeing action in the Pacific theater of war. I am also a second class citizen of the United States. That's because I was born in 1920, became a working registrant of the Social Security System since it first started, and paid into it all my life except when I was in the Marine Corps. Yes, I am a notch baby, one of the forgotten citizens of this country, downgraded because I and millions before me were born at the wrong time. Fortunately, those born later or earlier have not had their Social Security payments docked due to the legislation.

I yield the floor, Mr. President.

Mr. EXON. Mr. President, I rise in support of the notch amendment. This legislation is long overdue for passage. Millions of Americans have been waiting for us to correct this inequity.

Approximately 10 million Americans are notch babies. Those people were born between 1917 and 1926, and lose millions of dollars each year. Some will lose up to $2,000 per year due to the inequity.

Senator SANFORD'S bill seeks to restore these benefits. Senator SANFORD'S bill provides for a fair and graduated solution for the notch babies. With S. 567, no longer will we see a situation where two people with identical work records receive vastly different retirement benefits just because they were born in different years.

For 6 years we have been trying, one way or another, to change this notch inequity. It is time to fix this mistake. It is time to restore to the notch babies the benefits for which they worked.

Mr. President, I have fought long and hard to bring down our Federal deficit, but our Government has certain responsibilities to treat people fairly. When legislation is passed which is unfair, then it is our responsibility to correct it. That is what Senator SANFORD'S amendment does.

I will be happily supporting S. 567, and I urge my colleagues in fairness to do the same.

Mr. President, I thank the Chair for his courtesy in recognizing the Senator from Nebraska.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I have been on this floor many a time trying to protect the Social Security trust fund. This is one of those times.

The so-called notch baby, I have heard about as much misrepresentation on this issue as any issue I have seen before this Senate. I have seen a lot of older citizens who really think they have been had in this kind of a situation. And they have received the kind of literature that would convince them of that. Nothing could be further from the truth.

I happen to be one of those so-called notch babies. What you are talking about is an adjustment made in the Social Security trust fund calculations to correct what was a mistake that could wreck the Social Security trust fund. That is what happened in this situation.

What we are talking about today is an amendment that is not paid for, that would have significant impact on the trust fund. We are talking about individuals born between the years 1917 and 1926. In my opinion, this legislation is to correct inequities that just do not exist. It would drain billions of dollars from the Social Security trust funds. It is a serious threat to the financial integrity and safety of those trust funds. And that is our obligation to protect.

It would be an open invitation, if we passed this kind of a proposal and not paying for it, to have other raids on the Social Security trust funds.

The Congressional Budget Office estimates that notch legislation will cost the Social Security trust funds about $22 billion in the first 5 years. But that 5-year cost is just the tip of the iceberg. The Social Security Administration has calculated that in the next 10 years notch legislation would produce additional Social Security costs of $45.1 billion, cause the trust funds to lose some $16 billion worth of interest alone, and that is a total, total reduction of almost $62 billion in the trust fund reserves.

That is not the end of it. By the year 2020, the SSA estimates that the cost in benefit payments and in the interest earnings foregone as a result of notch legislation would be some $300 billion. That is right, $300 billion.

That is what it would cost the trust funds. I think that is an unwarranted, unjustified threat to the safety of the Social Security trust funds. That amendment seeks to take trust funds reserves that are intended to be used for the payment of benefits to today's workers when they retire and use them to pay what amount to windfall benefits to current retirees.

Mr. President, I have spoken many times on this floor about the financial difficulties the Social Security trust funds have experienced during the last 15 to 20 years. I have done everything I know to try to protect that. And now the recent events show while the financial status of the funds is now considerably improved that problems remain and recessions like this extended recession we are having today do not help.

But it does not seem to matter how many times I tell Senators about the trust fund reserves and why this must be protected; we continue to get these kinds of amendments.

It sounds like a lot of people do not listen to the hard facts, do not want to hear the hard facts. The Social Security trust funds went through some dark and dangerous periods of time in the late 1970's and early 1980's. By 1983, the trust funds were literally on the brink of insolvency. There was a real risk that monthly Social Security benefit checks might not go out.

My friend, the senior Senator from New York, well versed in these issues, who has as much knowledge on this issue as anyone in the Senate, has worked very hard to protect that trust fund. When we faced those kinds of problems in 1983 and the Congress acted, Senator MOYNIHAN assisted in that to fix it, to provide financing that over time is building up the overall levels of the Social Security trust fund reserves.

Now, most of the authorities believe that a trust fund reserve of 150 percent sufficient to cover 18 months of out-go is the minimum, that is the minimum safe margin to protect the trust funds against economic downturns and other contingencies.

We are not there yet. We are not up to 150 percent.

Most Senators should know that in the 1992 Social Security trustees' report, issued on April 2, the trustees of the Social Security System were much less encouraging about reaching a safe reserve level than they were just a year ago.

At the start of the calendar year 1992, the reserves of the trust fund were equal to less than 1 year of outgo—less than 12 months of outgo. The trustees are now projecting that the trust fund reserves will not reach the safe 18-month level until sometime in 1996, and then only if the economy and other factors affecting Social Security perform reasonably well. And who has any assurance of that?

Time and time again, we heard the administration say we are coming out of this recession; we are on the way out. But that has not occurred.

What if things are not reasonably well progressing on the economy? The Social Security actuaries each year prepare estimates for the trustees, of course, based on conservative assumptions, assumptions that things might go as well as we hope and expect. These are not the worst-case assumptions, but rather the assumptions a prudent person would make about what could reasonably happen if the circumstances are less favorable than anticipated.

A year ago, the trustees' report estimated that under the intermediate or the most likely assumptions about economic and demographic change, the disability insurance trust fund would not be exhausted until the year 2015. The report also estimated that under the most conservative or pessimistic assumptions, the disability fund would be broke in just 5 years, in 1997.

Last year's pessimistic predictions are becoming this year's most likely estimate of what is going to happen to the disability insurance trust fund.

In the 1992 trustees' report, the trustees estimate that the disability funds will be exhausted in 1997, only 5 years from now, under the intermediate assumption; and in 1995, under the new pessimistic assumption, 3 years from now.

Under this latest set of conservative assumptions, the combined Social Security trust funds will never reach a safe reserve level equal to 18 months of outgo. So why should we be having another raid on the trust funds? What is more, the Social Security trustees tell us the disability insurance trust fund will require more than $75 billion of additional revenues during the next 10 years just to achieve reserve levels of 100 percent, or a year's outgo. That is the minimum level required to pass the trustees' short-range test for financial accuracy.

(Ms. MIKULSKI assumed the chair.)

Mr. BENTSEN. My friends, my colleagues, this is not the time to be adding the large costs, these kinds of large costs, to the Social Security program without paying for it.

What are we considering now, Madam President? We are considering an amendment that would result in $300 billion in benefit costs and revenue losses to the Social Security trust funds by the year 2020, and would provide not one penny to offset those costs.

In short, I think a vote for this legislation would be a vote to recklessly endanger the Social Security program, and I want that in the RECORD and understood as these votes are taken. If we pass notch legislation without paying for it, where are we going to stop this?

These things are fun to vote for. But they are almost impossible to live with. It would be like an open invitation to take it from the trust fund, and endanger the benefits of today's workers. Nearly half of these workers, in the survey conducted only last year, said they did not believe Social Security would be able to pay them benefits when they retire. If we keep on in this direction being advocated by this kind of an amendment, they just might be right.

So it is easy to vote for this proposal when you do not have to raise the tax; you do not have to cut the benefits to pay the costs. If you cross that threshold and you pass notch legislation that is not paid for, it is going to be Katy, bar the door. And current and future Social Security beneficiaries better take note.

Mr. President, just this April, the Senate adopted my Social Security trust fund protection amendment to the budget resolution by a vote of 94 to 3. And by that vote, we established a 60-vote point of order against amendments to future budget resolutions that would reduce the reserves of the Social Security trust funds, and precluded any change that would reduce Social Security reserves in this year's budget resolution.

If you voted for that, if you voted for it on the vote of 94 to 3, how can you then turn around and make this kind of a raid on the Social Security trust fund?

On July 28, the Senate passed my sense-of-the-Senate resolution advocating that the Senate act to improve the Social Security earnings test, but only in a manner which does not reduce the levels of the Social Security trust fund reserve. I take that kind of action by the Senate as an overwhelming endorsement of the fundamental principle. If Senators want to make changes that increase Social Security benefits, then they ought to be willing to pay for it.

This notch amendment is a test of that kind of a principle. You either believe in what you voted for, or you think we ought to forget it because it seriously endangers the trust fund reserves. It endangers the financial integrity of that fund, and it violates the Budget Act. And at the appropriate time, I will surely raise that 60-vote point of order.

So I urge Senators to demonstrate their concern for the financial safety of the Social Security trust fund. It is real, this problem, and you should oppose this notch amendment that is before us.

Madam President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

PRIVILEGE OF THE FLOOR

Mr. HEFLIN. Madam President, I ask unanimous consent that Claude Hooks be given floor privileges at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Madam President, I want to congratulate the distinguished Senator from North Carolina [Mr. SANFORD] for bringing this issue to the floor of the Senate. He has spent long periods of time trying to find a way to bring about justice in this system. He has attempted to bring attention to this problem that people all over America, particularly those in the affected age groups, have on their minds. And he has brought this forward to where we will have a vote on it.

The Senator's amendment may not be the perfect amendment, but at least, in my judgment, it will bring about detailed studies and efforts to try to find a solution to this very serious problem.

The notch problem in the Social Security system is one of which we are all well aware, yet it is one in which a solution, or even a serious debate, continues to elude us. During past Congresses, I have jointly sponsored legislation in the Senate to correct this problem. Unfortunately, these bills have never been brought to the floor of the Senate for consideration up until this time. This inaction by Congress has led to a disillusionment among those who are so unfairly affected by this problem and many have, justifiably, questioned our commitment to finding a solution for this inequity.

Therefore, I take this opportunity to not only join my colleague from North Carolina, but to reaffirm my resolve in seeing that the Congress finds an equitable solution to the notch problem, which is in effect, unfair discrimination against a select group of citizens simply because of their birthdate.

When the 1977 Social Security measure was passed, the year before I was elected to the Senate, a new formula was implemented for calculating benefits dispensed under the program. In order to protect Social Security benefits for people already retired or soon to reach retirement age, a transitional period was established, which caused the notch baby problem that we now have.

When Congress changed the Social Security formula, it intended to prevent the overpayment of benefits to some recipients. I do not believe it was the intent of Congress, in passing the 1977 Social Security amendments to create a situation whereby people born between the years 1917 and 1922 would be penalized. In practice, we have learned that this formula has created approximately a $100 a month disparity between benefits paid to one person born December 31, 1916, and another born January 1, 1917, only 1 day apart, even if they worked on the same job side by side, earning the same amount of money and for the same length of time.

This disparity which exists for all of those who were born in the so-called notch years between 1917 and 1922 is not fair. The notch is also extended on past the year 1922 and includes some years that follow, where the disparity may not be as great. I hope we will move forward to correct this obvious discrimination. Almost everyone has a parent, friend, or acquaintance that was born between those years and is subject to this inequity. It is incredible that my State of Alabama, as of the end of 1990, had over 98,000 retired beneficiaries born during the notch years.

I think it is imperative that we focus the attention of the Senate on this issue and amend the formula to close the benefit disparity which, understandably, has caused wide-spread concern among citizens around the country. Older Americans who have devoted considerable energy to their careers deserve a fair and reasonable return from the Social Security system on the money they have invested.

Therefore, I congratulate the distinguished Senator from North Carolina [Mr. SANFORD] for bringing it to the floor of the Senate in order that this issue might be properly focused.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I rise in strong support of the pending amendment of my colleague, Senator SANFORD. Because of our time constraints, I will make only a brief statement.

First, I want to commend Senator SANFORD for his very long and strong leadership on this issue of correcting the Social Security notch problem. He has been diligent and tireless for a long, long time in getting cosponsors for his legislation and in trying to bring it to the floor for a vote. Senator SANDFORD and others have been working on this for well over a decade.

Madam President, as you may recall, about 2 years ago we were on the Senate floor trying to, once and for all, resolve the notch problem. Senator SANFORD and I, and a bipartisan coalition of our colleagues, offered an amendment to Senator MOYNIHAN'S Social Security tax cut plan that would have brought justice to those Americans born between 1917 and 1926. I might add that the estimated 12.3 million notch babies have been waiting for nearly 15 years now. Unfortunately, our attempt then was thwarted by a procedural problem that we had with the underlying Moynihan amendment. So we did not really get to an up-or-down vote on the notch issue itself.

Today, I hope we can build on that effort and finally get an up-or-down vote on the issue itself. I think the Senate ought to speak on it, and I think the other body ought to also. Let us put this to rest one way or the other.

The amendment before us is a modest, bipartisan compromise that seeks only to restore fairness to Social Security payments to those born between 1917 and 1926. Support for this effort is great both in and out of Congress. Nearly half of the Senate and two-thirds of the House are now cosponsors of bills that sort of mirror this amendment.

Madam President, why is this amendment needed? Because the average-earning person retiring at age 65, born in this period, will receive an average of over $900 a year less in Social Security benefits than the same average worker born before them, between 1912 and 1916, and nearly $500 a year less than the same average worker born after them, between 1927 and 1931. An average wage earner born in 1920 receives 19.5 percent lower monthly Social Security checks than a similar person born just 4 years earlier, with the same earnings rate and everything else, 19.5 percent less.

So the disparity in benefits in some instances is nearly 20 percent. I have seen cases even higher than that, over 25 percent. Two people earning basically the same, paying in the same over the same period of years, one person born just a couple of months before the other person, and this person who is born a couple months later during the notch years is getting 26, 27 percent less than the person born a couple months before.

Madam President, I was not in the Congress in 1972 when this problem arose because of the change in Social Security law. I was, however, in the other body when we sought to correct this problem in the late 1970's, I believe. If I am not mistaken, it was 1977.

I thank the Senator from New York, who I know was here at that time, and I am sure he has a great knowledge of the history of this.

In 1977, we sought to correct this. At that time, I remember going to briefings by the Social Security Administration showing us how, because of the mistake that Congress had made in 1972, in a very short period of time the replacement rate for retirees would be up to 100 percent. Historically, it had always been slightly less than 50 percent. I do not know that I can adequately describe right now exactly how it was done, but it was done because there was a double addition made on both the replacement rate and, I think, on the amount of money, and the years were calculated. I am sure I cannot recall how that was done.

But in 1977 we were told unless we made these changes, the Social Security system is going to go absolutely broke. People retire and make as much money as they did when working. Nobody wanted that to happen.

They devised this scheme whereby there would be a period of years in which we would try to bring this replacement rate line back down to where it had been before 1972. At that time, and I know the record will show I am right because I remember, very clearly, the Social Security Administration said that in no case would any person who falls within this gap of years receive less than 5 percent of what someone before them had made. The maximum discrepancy, they said at that time, would be maximum 5 percent.

That sounded reasonable to me. To fix the Social Security problem some people might have to get 3 or 4, at the most 5 percent, less than someone who paid in the same amount of money a few years before. That sounded reasonable, and based upon that information I voted for the change in the Social Security law in 1977 that created this notch problem.

It was not too long after that, a couple years after that, when it finally went into effect, I think probably around 1980, 1981, when I began receiving calls and letters in from constituents in my then congressional district, calling about the huge discrepancies that they had in their Social Security payments compared to someone else. So I started looking into it at that time.

We found cases in my congressional district of individuals who had paid in the same number of years, the same amount into Social Security and, because one person was born just 4 months earlier, that person received over 26½ percent more every month than the person who was born 4 months later.

I had been told by the Social Security Administration that the maximum discrepancy would be 5 percent, and here we found cases as high—as I said. I found one 26½ percent in my district. The average person, the wage earner born in 1920, is 19½ percent less than a similar person born just 4 years before.

So I, quite frankly, think we were misled—I do not know deliberately—because there was an accounting error, or perhaps they did not understand. But I believe that we were not told correctly in 1977 what those discrepancies would be. I daresay that no one that I know of would have voted for a change in the Social Security law that would create these kinds of discrepancies. It was just totally unfair.

So, a number of us have been working ever since to try to get this thing corrected. That is what this amendment does. It is to correct that mistake that was made in 1977.

Again the question arises, can we afford to do it? Madam President, our amendment in no way threatens the financial security of Social Security. The trust fund reserves will still reach over $1 trillion by the end of the decade, even accounting for the cost of our amendment.

So this is really, I think, a matter of basic fairness, to try to close this gap as much a possible for those persons born in these years, which now comprise the notch years.

So I will close by saying no matter what a person's position is on the notch—and there are those, quite frankly, who said we should not do this. I am sure they have their valid arguments and reasons for opposing it. But I would hope that all Senators would support the right of these 12.3 million Americans to at least be given a straight up-or-down vote on our amendment.

So I say let us get the issue settled. Let us have an up-or-down vote on this amendment. I hope that we will not have any procedural types of motions that will take away the ability of Senators to express themselves clearly and forthrightly on whether or not we ought to fix the notch. I hope we can get an up-or-down vote on the Sanford amendment, and again I congratulate my colleague from North Carolina for all of his diligent work on this and urge all of my colleagues to support the Sanford amendment.

The PRESIDING OFFICER. The manager of the bill.

Mr. DECONCINI. Mr. President, I rise in support of the amendment proposed by the Senator from North Carolina. I have been a longtime supporter of his legislation to correct the glaring inequity in our Social Security System known as the notch problem. In previous Congresses dating as far back as the 99th Congress, I have cosponsored legislation to address this notch disparity. I am an original cosponsor of the legislation introduced earlier in this Congress. I commend Senator SANFORD for his leadership on this important issue.

In 1972, Congress changed the formula for determining Social Security benefits. Social Security payroll contributions and benefits are based upon wages earned. However, because of inflation, increases in benefits are needed to maintain an adequate standard of living for retirees. The Congress sought to ensure in 1972 that these increases would occur automatically in response to rising prices, rather than being dependent upon a mandate from Congress, which might reflect partisan politics. With this intention, Congress changed the formula used to calculate increases so that it would be based on prices, rather than wages. Economic theory suggested that wages tend to rise nearly twice as fast as prices. So if increases were based on prices, benefit levels should keep pace with inflation. The theory also suggested that contributions into the trust funds would keep pace with wage levels and this would ensure the solvency of the trust funds.

Unfortunately, that wage-price economic theory failed. Wages were rising only slightly faster than prices and the Social Security pension fund began to pay out more than it had available and was in danger of bankruptcy. Congress soon realized its mistake and in 1977 it again adjusted the formula for calculating benefits to prevent the Social Security trust funds from going broke.

However, since the 1977 formula provides a lower benefit than the benefit provided by the 1972 formula, and since activating that change immediately would have caused a reduction in benefits for people already receiving Social Security, Congress provided for a period of transition to allow time for people to alter their retirement plans and make decisions based on knowledge of what their Social Security benefits would be.

To its credit, the 1977 law did prevent the Social Security trust funds from becoming insolvent. However, the current debate regarding the notch issue is over how much notice must be given to individuals before the new benefit levels are activated. I have maintained that the original transition period, 6 to 10 years, was far too short to give adequate notice to the people who had or were in the process of making retirement decisions. This short time frame has worked to the detriment of those retirees who fall in the notch category and receive the middle benefit, but who at age 56 to 60 were too close to retirement to change decisions they had made based on their expected Social Security benefits.

Mr. President, the notch benefit level as it exists today is simply not fair. It is not fair to honest, hard working Americans who responsibly planned for their retirement, anticipating certain income levels from their Social Security benefits. We say over and over again that Americans must plan and save and invest for their future. We should not penalize them by turning the tables on them and changing the rules at what is essentially the last minute.

The amendment before us today corrects the grossly unfair situation by enhancing benefit levels during the transition years and extending the transition period to also protect anyone born between 1922 and 1929. It is a fair compromise and it is high time we face up to our mistakes and pass this important legislation.

Again, I thank Senator SANFORD for his leadership on this issue. His efforts are commendable, and I am pleased to support his amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Madam President, I support the pending amendment because I believe that the underlying facts show that there has been unfairness and disparity to those born between 1916 and 1926 on their Social Security benefits. The notch was created in 1977, when Congress enacted a new Social Security benefit formula to replace the earlier one passed in 1972. The aim was to correct the formula that adjusted Social Security benefits for inflation, since there was concern about future benefits and the solvency of the Social Security trust fund.

To protect people from an abrupt change in benefits, the transition formula was included in that new plan. But this formula resulted in a significant disparity between workers with the same earnings record retiring at age 65 and born only a few days apart, one in 1916 and one in 1917.

Those born in this notch between 1917 and 1926 may experience a difference in benefits of up to $1,300 a year.

In my travels through my State, Madam President, I have not found any issue which is as troublesome or as vexing to my constituents as is this issue. There have been arguments on the floor that there is not an inequity, but my analysis of the underlying facts indicates to me that this discrepancy is present. And the senior citizens who were born in this notch period are just adamant and frustrated and beside themselves on why this sort of an inequity continues.

It has been frustrating that the issue has not been brought to the floor for analysis or an up-or-down vote. When the matter came to my attention I cosponsored legislation early on in 1983 and again in 1985, and on the occasions when procedural votes have come to the floor I have supported a correction in this inequity.

Madam President, the time is well overdue for Congress to vote on legislation to restore benefit equity to those members of our society born between 1917 and 1926, the so-called notch babies. Over the past 12 years, as I travel throughout my home State of Pennsylvania, the notch issue is one of the most consistently mentioned problems I hear about from my constituents. Of the 12.3 million Americans unfairly caught in the notch years, 725,228 reside in Pennsylvania. These individuals have worked hard and have earned just and equitable Social Security benefits.

As a strong supporter of S. 567, the Social Security Notch Adjustment Act of 1991, I commend Senator SANFORD's effort is reaching a consensus in how to best address the unfair treatment of those retired workers and their families affected by the notch disparity. This notch consensus bill is responsible legislation. It is both equitable to notch babies and is fiscally sound in that it does not jeopardize the solvency of the Social Security trust funds. In fact, if this correction were to become law, the Social Security trust funds reserve would reach more than $1 trillion by the year 2000. Passage of this bill would guarantee that those affected by the notch would received more equitable Social Security benefits.

I have long supported and worked to correct the notch problem. As early as 1983 and again in 1985, I cosponsored legislation directing the Secretary of Health and Human Services and the Commissioner of Social Security to study the notch benefit disparity and to report to Congress on how this problem could be corrected. In addition, I have introduced and cosponsored legislation in the past three Congresses to amend title II of the Social Security Act to restore benefits to notch babies.

During this Congress, I am a cosponsor of the notch consensus bill being discussed today and am a cosponsor of Senator MCCAIN's bill, S. 964, the Social Security Notch Fairness Investigatory Commission Act of 1991—both of which seek to address the notch problem.

Older Americans across the country, in addition to many senior citizen organizations, have mobilized to protect and preserve their benefits from the budget ax, and to recoup those Social Security benefits lost due to a gross error in the Social Security benefit formula enacted in 1977.

By way of background, in 1977, Congress approved a plan designed to eliminate a perceived overadjustment for inflation contained in the then-existing plan. This provided a new benefit formula for workers born after 1916. To protect people from an abrupt change in benefits, a transition formula was included in the new plan.

The transition formula failed. Supporters of the plan knew that benefits under the new plan would be lower, which was the intent, but they grossly underestimated the disparity they would be creating for those born between 1917 and 1926. Under the new formula, benefits were supposed to be 5 to 7 percent less than those projected under the 1972 law. Instead, workers with the same earnings record, retiring at the age of 65, and born only a few days apart, one in 1916 and one in 1917, experienced a difference in benefits of up to $1,300 each year.

For the first time in the history of Social Security, benefits went down sharply for persons within the notch years. Many individuals affected by the notch have incurred a significant financial loss in benefits because of the transition formula. This random inequity was not the intent of this new formula.

Those retired workers and their families caught in the notch cannot afford to wait any longer while Congress fails to act. These 725,228 Pennsylvanians have been waiting for over a decade for a correction to this inequity. It is time to restore benefit equity and send a strong message to older Americans that this body will preserve and protect benefits which any American citizen has worked for and earned.

Accordingly, I urge my colleagues to join in supporting the consideration of this vital legislation.

Madam President, I thank my colleague from New York for not contesting recognition a moment ago.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Senator from Pennsylvania.

I say to the Senator from Alabama that it will not be extensive, nor need to be, Madam President, because we have been here before and I have a feeling that we will be here again. Although, as time passes, I think the body begins to understand this complicated actuarial subject better. And, I think the distinguished chairman of the Finance Committee has said or implied, there is a wide realization in the Chamber that we have done the right thing here.

We know there is a very large direct mail campaign that keeps pressing this issue because there is in fact money to be made from these matters. Madam President, I regret to say that. But the Subcommittee on Social Security of the Finance Committee has held hearings on this subject, on the increasing harassment of retired Americans by direct mail activities that tell them about injustices that are not there, or rewards that will not be there either. It is a problem that needs to be addressed. I do not know exactly how. But it has come into being in the past 10 years or so.

Madam President, if I may ask the Senate to just attend for a very brief period to this chart, I can explain the best I can what came about and what we are dealing with.

The Senator from Iowa was quite correct. This begins in 1972 as the legislative history, and the key event is 1977.

In 1977, after a long period in which changes in Social Security benefits, dollars amounts, were made every other year in a kind of auction that would take place on the Senate floor, because our rules are more relaxed, and benefits kept going up and up, the decisions was made, a wise decision for a then maturing system, nearly 40 years of age at that point, that, what do you say we index benefits for inflation.

That was just the moment when, for the first time in our economic statistics, prices ran ahead of wages. Basically it was a result of the oil embargo of 1973 and the great inflation of the

1970's. And we discovered the new formula actually overindexed benefits for inflation. Recipients started to receive more than was intended, or affordable.

In 1977, we made a decision to fix this, which was defensible. The actuaries did this. And the Senator from Texas understands this perhaps as no one else in this Chamber.

Replacement rates, that is the benefit amount as a percentage of your average earnings, had started going up, up, up, up. And they were heading for more than 100 percent. This chart stops here because, if I had another 6 feet of chart, it would keep going up, up, and up.

In 1977, we realized this. Robert J. Myers, the chief actuary who had worked on the Witte committee, in 1934, designing this system, said "Oops. Stop. That was a mistake. We will revise the formula for calculating the cost-of-living increase and we will get back down to 41, 42 percent"—41.4 is the way it works out.

In order to do that, we had two choices. I was on that committee of conference at that time. I make no claim to having made any large decisions involved, but I was aware of it. I was a freshman.

We could have taken away the extra benefits of the persons born in the years 1910 to 1916—said, "Sorry, you are getting too much. We are going to cut you back."

We said, "No. That is not the way to run a social insurance system." You do not not tell people we have changed our minds. They will continue to get what they got.

We could have also said, "but from there on out we go back to 41 percent and proceed." We said that is a little hard, too. What do you say we take these persons, who would be called persons in the notch, take them down gently? They will continue to receive a higher replacement rate than the persons after them but—a higher replacement rate than persons before 1972, but a lower one than for the people in that immediately preceding period. And that is what we did.

It was a prudent decision, I thought, and anyone would agree. But we had not calculated on a direct mail firm in California that decided you could make money out of frightening the wits out of people by saying something is being taken away from them.

Madam President, we have studied this subject of the notch. In 1988, BOB DOLE, who was then the ranking minority member of the Social Security Subcommittee and I, asked the National Academy of Social Insurance if they would not look into this matter. And they did. They appointed a panel headed by Robert J. Myers, a person of legendary integrity and authority in this matter. He helped draft the 1935 legislation.

They came before us and they gave us this very able report. I wish I had put it in the RECORD. It is too long for that. But it says, simply, very significantly, that the larger benefits were paid to people in this period, somewhat larger benefits than the people who just followed the notch people, but now we have returned to a stable replacement rate. They said leave it as is.

Simultaneously, we were not aware of that, the distinguished chairman of the subcommittee on the House side, ANDY JACOBS, received from the General Accounting Office a similar assessment and Joseph Delfico, who is a remarkably able, productive, Deputy Comptroller General, gave another large report on the notch issue—"Social Security: the Notch Issue." They came out with exactly the same findings.

If I could make one last point, Madam President. If we are to bring this group back up to something like this same rate, or these same rates that the previous 5 years got, the result will be a new notch for the people who follow, and a new direct mail campaign, and yet another round. There is no way to handle this, save the way we did.

The American Association of Retired Persons came before our subcommittee in January 1989 and said this is a fair arrangement, do not change it—the AARP, with 26 million members, the American Association of Retired Persons.

The National Council of Senior Citizens, an older organization, a membership organization, some 6 million members—they said do not change it.

Finally, just last July the House Committee on Ways and Means held hearings on this. I was asked to testify. They came out just where we are, but I would just like to read these two sentences, if I may. Contemplate this—count our blessings.

> For the present generation of retired American workers, Social Security is a truly generous system. For recent retirees, the present value of expected benefits amounts to anywhere from 1.5 to 3 times what they and their employers paid in old age and survivors insurance taxes, accumulated with interest. It is noteworthy in this regard that those retirees in the so-called notch group paid much less in cumulative Social Security taxes than those who retired or will retire after them.

The chairman of the committee has spoken of the trust funds. We now have a 1-year surplus. We will have in 1996 1½. But may I plead that the measure of our performance as trustees—and we are the trustees, in this body—is to maintain the integrity of the system. To adopt this measure I fear would put it in jeopardy, an indefinite jeopardy, because you no more have resolved this 5-year period group than you would be dealing with another one, ad infinitum, to the point where Social Security as an insured pension system would have lost all its reserves and lost its credibility.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I rise in opposition to the amendment offered by the distinguished Senator from North Carolina, a man I respect greatly. I rise to associate myself with remarks offered by the distinguished Senator, and subcommittee chairman, Senator MOYNIHAN, and the distinguished chairman of the committee.

This would not be a wise course. The distinguished Senator from New York has laid out the history of how we got to this point. I do not think there is a Member of this body who has not encountered senior citizens in the last 6 years who have not felt that they were losing something if they did not get the notch restored.

I just finished a 127-mile coverage of the New Jersey shore, as I do every summer. And, when I run into an occasional senior citizen, the first question is, What about the notch?

After struggling with this question, like many people in the body have done when they encounter senior citizens who believe they are being deprived of something, after a number of years of saying I would look into it, and, yes, I think it is a legitimate point, I felt maybe we ought to just level with them and tell them what the facts are.

Senator MOYNIHAN has given the Senate the benefit of hearing the facts. I would alter the facts somewhat, just to give it a little richer political flavor. How did we get into this position?

In 1972, the distinguished chairman of the Ways and Means Committee, Wilbur Mills, was running for President of the United States. He got in a senior citizen center up in New Hampshire and he said, if you elect me President of the United States, I will index Social Security benefits.

The distinguished chairman of the committee did not get to be President of the United States, but he was still chairman of the Ways and Means Committee. And he kept his word. He indexed Social Security benefits.

Lo and behold, they got into it about 4 or 5 years and they discovered that they had not just indexed Social Security benefits—the erudite presentation on replacement rates by the distinguished Senator from New York indicates that they had not just indexed Social Security benefits once—but they had given it an additional benefit.

So new retirees did not just get inflation but got inflation plus. And it was clear to anyone who talked to any of the actuaries, if you looked at this, if we continued with this formula we would have bankrupted the Social Security fund. So it had to change. That was the occasion for the 1977 amendments.

In an attempt to be fair, what the Congress said was if you are already receiving the so-called double benefit—

those born before 1917—continue to receive the additional benefit.

If you are born between 1917 and 1921, you get a phased benefit. If you are born after 1921, everybody gets the same benefit formula indexed once for Social Security.

Then Dear Abby entered the picture. The letter to Dear Abby: "I'm Losing My Benefit," and Dear Abby, who is a dear friend, empathized. Then I had to deal with Dear Abby. "Dear Abby says * * *" and I said, "The Social Security Administration says * * *" "But Dear Abby says * * *." In an argument between the Social Security Administration and Dear Abby, the Social Security Administration loses.

I figured maybe time will work this thing out, maybe the intensity of feeling will diminish. The intensity of feeling has not diminished, but lo and behold, something else has increased, and that is the number of notch babies.

When this first was raised at a town meeting of mine several years ago, they said, "Take care of the notch babies."

I asked, "Who are the notch babies?" They said those born between 1917 and 1921. My goodness, what if we had taken care of the notch babies that year? What about those born in 1922 or 1923 or 1924 or 1925? They are the notch babies that we would have forgotten. And then entered the unscrupulous mail-order houses that the Senator from New York refers to. People show me pieces of paper that say, "You are deprived of a benefit. The notch benefit. Send us money, association XYZ in Washington, DC, or California, and we will fight for the restoration of your full notch benefit." And unsuspecting citizens sent $5, $8, $7, $6, $4, $10, and another lobbyist is employed.

So, Madam President, it is time that we face the fact that we handled the indexation of Social Security benefits in 1977 in a fair way and that those who want to have a double benefit restored have to realize what that cost is. If we restore the double benefit for those born between 1917 and 1926, 9 years, it would be about $324 billion. Money does not grow on trees.

If we restore it to 1926, what about those born in 1927 or 1928, 1929, or 1930, or 1931? The only answer to the notch problem is to go back to the original 1974 formula and restore the double benefit for everybody. How much would that cost? About $860 billion over the next decade. And even in a Social Security trust fund that has a large surplus, that could very well bankrupt the Social Security trust fund.

So it is time, I believe, for us to face up to this fact and to have the courage to tell senior citizens what the facts are and why they are not losing something that they deserve. To the contrary, they are getting their Social Security indexed benefit. That does not always assuage a group of senior citizens. They say, "But I'm getting less than my sister Mildred who was born in 1914." After a while I suggest, "Well, what if we took it away from sister Mildred, then you would be getting the same." "Oh, I don't want to take it away from sister Mildred." "No, you do not. Of course, you do not." Neither did the Senate, neither did the Congress in 1977. That is why we allowed those sister Mildreds across this country to receive the double benefit, phase it between 1917 and 1921 and give everybody after that one single benefit. I happen to think that is a fair way to go.

Of course, you can go to a group of senior citizens and I guarantee you—I guarantee—applause if you say "I promise you I am going to restore the full notch benefits to every senior citizen." But you could also tell them, "And if I do, I will bankrupt the Social Security Trust Fund." That is the frequent part of the speech that is left out.

So it is, I think, time for us to face up to this. And you know something? We need to sit down and level with the senior citizens and tell them what the facts are. This happened to me just the other day. I had this encounter on the New Jersey shore. I went through a condensed version of what I just shared with the Senate. The senior citizen says, "I just want more money." Who doesn't? The question is, What is the fair way to deal with this? And I believe that the Senate has dealt with it in a fair way.

If somebody could tell me how we could restore triple benefits, quadruple benefits, double benefits and not bankrupt the Social Security trust fund, I would sure want to hear that speech. But remember, for every year you restore what is the equivalent of a double benefit, next year you have another petition and the next year another petition and that lobbying organization that is writing letters and getting $5 and $10 contributions from senior citizens across this country will get bigger and bigger and never end until you restore the double benefit, go back to the 1974 formula; that costs $860 billion and bankrupts the Social Security trust fund. That is what this is all about.

I respect greatly the author of this amendment and those who are supporting it. But I hope we would reject the amendment and strike a blow for candor in a time when it is in somewhat short supply. Seeing that it is September of an election year—although I must tell you, this problem has been here longer than the last 2 months. I think we need to quiet people down, give them the facts, and move on. I hope if this amendment is rejected that we will do that.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I rise in support of the Sanford amendment. I think one of the central issues before us this evening is what is fair? What is fair in America? During my tenure in the Senate, I have supported numerous efforts at notch reform but we have been stymied. I have also shared the frustration of the other proponents of notch reform in the Senate and our inability to pass a notice reform bill. Essentially, Madam President, the persistent objections to correcting notch discrimination involve claims that notch reform will break the Social Security trust fund, which we just heard, or that the so-called notch babies are not discriminated against, which is untrue. In my argument in favor of the Sanford amendment, I hope to refute these two claims.

When the now infamous notch was created in 1977, I do not believe anyone in good faith intended to discriminate against those retirees born between 1917 and 1921.

But in an attempt in Congress to end the explosion in payment rates from the 1972 benefit formula, that has been alluded to on the floor, Congress changed the formula in 1977, as we all know. Then eligible retirees from January 1979 and beyond who were born between 1917 and 1921 were placed under a transitional formula or the 1977 formula, depending upon which formula provided the higher benefit. The result of these changes was to provide higher benefits for those who were born in or before 1916 than to those born during the notch period that I just enumerated. While the discrepancy is not inordinately large for those who retired at age 62, those retiring at age 65 or beyond who were born during the notch period receive substantially lower benefits than those born before 1916. For example, a person born in 1916 and retiring in 1983 received $716 per month in initial benefits.

However, a person born in 1917, a year later, and retiring in 1983 received $592 per month in initial benefit payments; a big discrepancy.

Madam President, something is seriously flawed here. Notch retirees are clearly receiving significantly less benefits than their counterparts under the old formula. I really believe that. Not only is the notch problem unfair, but it also punishes individuals who worked, in most cases, longer and paid more money into the Social Security trust fund. As a reward for remaining in the work force until age 65, instead of retiring at age 62 and paying Social Security taxes until retirement, the notch retiree receives substantially less money than the age 62 retiree or the retiree born before 1916.

Madam President, injustice is often present but unrecognized. However, when we know of an injustice and do not act to correct it, I believe we actively discriminate. We have known about this injustice, about the notch problem, for years but have refused to correct it.

Regardless of whether the notch babies were targeted to be discriminated against or to be cheated out of their money in 1977, they are clearly being discriminated against now, clearly being discriminated against because of when they were born. We know about the problem, Madam President. We recognize the problem's effects. I believe we should fix the problem, Madam President. Anything less is, indeed, discrimination.

Opponents of notch reform claim that correcting the notch would ultimately bankrupt or imperil the trust fund. Under the formula of the distinguished Senator from North Carolina, this would not occur.

(Mr. LAUTENBERG assumed the chair).

Mr. SHELBY. The Social Security trust fund will exceed $1.3 trillion by the year 2000. That is nearly 7 years from now. Because the amendment of Senator SANFORD provides for a 10-year transition period for the correction of the notch disparity, the Social Security Administration estimates that the trust fund growth will fall by about $60 billion over 10 years. This amounts to about $6 billion per year on average.

Relevant to other entitlement expenditures with which we are all familiar, $6 billion per year is nothing. It is a lot of money, but relevant to other entitlements it is not.

This amendment is a cautious and I believe a wise approach to correcting the notch injustice. The Sanford amendment will in no way reduce the fund by a damaging or a significant amount.

Mr. President, if we were arguing over the difference of $100 per month when dealing with benefits of $25,000 per year, then opponents of notch reform might have a somewhat valid objection to this amendment. However, $100 or more a month to a Social Security recipient in the United States who is just scraping by on less than $10,000 a year is a fortune.

Let us remember in this body that the vast majority of the notch retirees are dependent on Social Security as their only source of income. Let us also remember, Mr. President, that in most cases, the notch retiree truly needs the extra income that the Sanford amendment will provide.

Mr. President, I believe the case is clear. The notch problem is real, and it has reached the point of neglect and discrimination. Every year—every year—that Congress pays lip service to notch reform, we tell notch retirees that we are determined to correct the problem. Then we all cosponsor—or a lot of us do—legislation to correct the problem. Subsequently, however, the notch bill stays in the committee and another Congress will expire, as this one soon will.

I hope we are not delaying notch reform in the hope that the affected age group goes away before we are forced to act. A lot of them really believe that.

Voting for Sanford amendment is a chance to do something tangible regarding notch reform. I support this amendment. It is a needed amendment. It is a wise amendment. I urge my colleagues to do the same.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I want to speak against the amendment. I was very impressed by the remarks of Senator BRADLEY. He speaks with such clarity on so many issues that confront the country. He is a lovely friend. I admire him greatly. And here again, he shows his true act of statesmanship.

Yes, there is a reason that the notch baby legislation stays in committee. It is because many of the cosponsors go up to the committee chairman and say: "Will you hold this turkey in the committee and not let it come out?" Because that is exactly what it is—a turkey. It is extraordinary that we deal with it time and time again.

You can go down through the list of the cosponsors. I am not saying this about the principal sponsor today, Senator SANFORD, who is quite up front, quite graphic in what he has tried to do with notch babies through the years. But I know many of the other cosponsors on that bill, and they are people who say: "Well, I got hammered so many times at the town meeting by all the people carrying those placards that I finally got on the bill. But they then say "Do not let that thing out of committee, because it will break the bank. Hold it there. If I could get my fingerprints off of it, I would, but I cannot."

And so the national Committee to Preserve of Social Security and Medicare and some of the other rabid groups just continue to pour out the stuff about the poor old notch babies.

Well, not many of them come to my town meetings anymore, because I get quite candid with them about this issue. I talk about "replacement rates" and other alien concepts.

Senator MOYNIHAN has done a magnificent job pointing that out back there in the Chamber. It is real, the replacement rate was up to 55 percent. It should have been around 40. And what we did not have the courage to do, at the time we made the adjustments in a system which was going to go broke, was call these receiving those rates the windfall babies and go take away from them the extra money they had received in error.

Remember now I have been through plenty of these experiences—you get to the town meeting and somebody jumps up, with hair grayer than mine, and says: "How about the notch babies?" And there is also always one person or two who get up and say: "How about Social Security? I put in it from the beginning. I want all mine out."

I give those people that remarkable, Social Security meeting card, which is postage free, and say "why not send this to Baltimore with your Social Security number, and it will show you what you have paid in to Social Security and what you are taking out. And then you write me again and tell me if you feel aggrieved."

I never hear from them again, because if you are in your 60's, 65, 70, receiving Social Security, go look at what you put in. Many of these people who were in it "from the beginning" have to remember what they put in. In the first 13 years, you paid a maximum FICA tax of $30 a year. And then, for the next 16 years, you never put in over $174 a year. And then in 1968 you got dinged $300 a year, then $500 a year, then $800 a year; then finally, the ultimate indignity; $1,700 a year. And you are drawing $720 a month out of the system with no means test. You could still be earning $100,000 in retirement, drawing benefits, and nothing is done with that with regard to the system.

It is time we stepped up to the plate—and we all know what we have to do. You cannot let a $22 billion cost-of-living allowance continue to go through on Social Security without means of testing that.

A third of the people that get it are comfortable, and another fourth would be described in any country as just plain rich. And there is no means test, there is no income test. Nothing.

Some retirees born later than this date between 1917 and 1921—will continue to notch up. Whatever correction we do here, there will always be another notch. You cannot miss this point. But somehow notch babies feel they are being cheated—cheated is the term they use—out of Social Security benefits. These we refer to as "notch babies," because the benefits they receive differ from the benefits paid to people born in other years.

But I do not know how it could have been done any more appropriately. Senator MOYNIHAN led us through this labyrinth once before, and he deserves great credit. I think the best quote that I ever saw as we have dealt with the notch baby issue is the quote of former Secretary of Health, Education, and Welfare, Wilbur Cohen. I do not know if anyone has yet shared this quote. He was certainly one of the Nation's foremost Social Security advocates. He says this: "Just because someone else gets more than you do does not mean you are getting less than you should." That sums it all up. The "windfall babies" received higher benefits than were intended. The notch babies, who came after them, receive an actuarially correct amount.

We all know what happened. In 1972, the Congress made a very expensive mistake in setting the formulas for computing Social Security's first cost-of-living adjustment. That may have been a mistake in itself. Although congressional action to grant the Social Security recipients an automatic cost-of-living increase was very well intended, the formula developed to calculate the actual increases was terribly flawed. The problem formula, coupled with the high inflation rate of the midseventies, produced benefits—hear this, please—that outpaced the inflation rate and threatened to exceed many recipients' preretirement incomes. That is where it was headed, to exceed the recipients' preretirement income. And most importantly, these increased benefits endangered the solvency of the system—they would have bankrupted the system.

So Congress decided to fix the mistake. We could not bring ourselves to do what we knew we should do—a great phrase for all legislators on both sides of the aisle—which was to lower the benefits to the workers who had already retired. But neither did we want to bankrupt the Social Security System by continuing to pay these mistakenly high benefit levels. Instead, we devised a plan to gradually lower the wage-replacement rates over 5 years for those who retire in the future. This correction resulted in the new benefit levels and the replacement rates that are comparable to the benefit levels established prior to the 1972 era.

The 1977 amendments to Social Security included a 5-year transition period to cushion the impact of the new retirement benefit formula on those born between 1917 and 1921, referred to throughout this debate as the infamous notch babies.

So a more appropriate way, I think, to view the notch is to consider that all persons born during the years 1910 through 1916 received a wholly unintended bonus in their monthly Social Security checks due, first, to Congress' overindexing of the benefit formula during the years the people retired, and, second, the Congress' unwillingness to take away from those retirees that which it had thereby so generously and erroneously bestowed upon them.

Many people born after 1916 are resentful because they did not share in the good fortune. They want in. And usually in deference to one particularly slick and well-financed "advocacy group"—I put that in quotation marks—that makes all of its money peddling fear and outrage to its elderly contributors and sending out junk—and, boy, do they do it—some of my colleagues seem very anxious to oblige them.

It boggles the mind that we should even be considering such a thing. I agree totally with my fine colleague from New Jersey. After all, we have heard and will hear, during this debate, about protecting the Social Security trust funds. If this amendment is the very last notion that anyone should ever entertain. When Social Security was established, the intended replacement rate for an individual who earned an average wage for the large part of his or her career—and, remember, the people that get the most in percentage out of Social Security are the low-income people, the lowest wage earners. The big fat cats do not get near what the others get on the replacement rate. And there is a purpose for that.

Here then was this replacement rate at 43 percent, and it kicked up to 55, and this 43 percent is the goal that we try to reach for the average earner today. In 1983, we were slowly pushing the rate up to 55 percent. It meant the destruction of the system and benefits in excess of earnings.

So now here we are. We will always see a new notch. There would be an extension here of the benefit 1972 computation rules, born several years after the notch. We will only create a new notch to assure another 5 years of victims. They will be called victims, I can assure you. Certain advocacy groups will go to them and write them letters to send 10 bucks to keep them going, and they will keep them going. They will keep them all worked up in the most bizarre way.

Here we are again, and I do not impute ill intent to anyone on the other side of this issue. But I can tell you, we must see what is happening—sure, I know what the Social Security reserves are. They are big. You had better hope they will get bigger, and they will get bigger if we lay off of the Social Security system. I think they could be between $2.5 and $3 trillion in the year 2025, and in the year 2030 the system is headed for the bow-wows. It cannot miss. All you have to do is get out any scenario—and there are three of them. If you look into records and history of the system, you will find in the year 2030, there will be dramatic drawdowns, and the reason is very simple.

When I was a freshman at the University of Wyoming, there were 16 people paying into the Social Security System and one taking out. Today, there are three people paying into the system, and one taking out. And in 25 years, there will be two people paying into the system, and one taking out. How long do you think that the people of America, the young people, are going to sit still and put $12,500 each so somebody can take out $25,000? That is where that system is headed.

We do not touch it. We are terrified of it, terrified of the advocates, terrified of—I am not retiring from the Senate, but it may come—terrified of the National Committee to Preserve Social Security, Families USA, Inc, the Gray Panthers, the Pink Panthers, every other such organization known to man or woman. They just come in and whack this place to shreds. They will be doing it again.

But I can tell you, look at the lost income cost estimates, pick anyone you want. I will pick the least ones. It will cost the Social Security system $45.1 billion over the next 10 years—I do not think anybody can get away from that one—and $324 billion by the year 2020, and $231 billion of that will be lost interest income to the trust funds. That is the way it is.

Proposals such as this one offered to fix the notch would certainly just simply serve to extend a very costly mistake, continue to grant an unwarranted windfall to certain Social Security beneficiaries, and, drain bucks from the Social Security trust funds, putting the system at great economic risk, which it will already be at in the year 2030 anyway, threatening its ability to provide benefits to future retirees.

I do not believe that the sponsors of this amendment genuinely intend to raid the trust funds. That may be the result of this plan, but I do not think that is their intent or their purpose. But this is an election year. I get the stuff from the National Committee to Preserve Social Security and I read it. It asks when is Congress going to produce?

When are they going to step to the floor and do this? And anybody that does not do it, who told us they would, we will destroy on November 3. That is about what they say. They do not mince many words.

This thing is not going to go anywhere. It would never get out of either body. It would get in to conference and then everybody would give it the silent death, hoping they would never have to see it again, because they do not want to be responsible for stepping up in the year 2020 or 10 or 20 years from now saying: "I was involved in that."

So, I think that, obviously, we do sometimes do things for reasons that have more to do with politics than good government. I know that is a truly shocking statement to anyone. Some Members of the body find it easier, more expedient to cave in to the pressures of ginned up hype from these various groups than to attempt the most difficult task of communicating the real, albeit more complex, facts to the folks back home. That is a very sad commentary on our work here.

So I urge my colleagues to take stock of what this amendment would mean for future Social Security retirees. It would mean that the system will not be there in its full force for their retirement.

I urge my colleagues not to lightly cast a vote that would threaten the solvency of the system. That, as we know, presents problems—especially in an election year. But I think it would also be very bad policy. Groups in

America are trying to convince people, by fear and innuendo, that they are being cheated out of full and equal participation in an actuarial mistake.

We did everything we could in Congress to ensure that all Social Security beneficiaries were treated fairly and honestly under the benefit transition rules, right down to giving those caught in the transition the choice of which benefit calculation method they would be covered under. And the worker born between 1917 and 1921 received whichever benefit is higher. In most cases those born in the notch years are receiving benefits higher than those received by comparable individuals born after 1921.

Mr. President, the existing calculation benefit is fair, and I urge my colleagues to reject the amendment.

Mr. BENTSEN. If the Senator will yield, I congratulate him on what I think was an excellent statement as to what would happen and possibly could happen to the Social Security trust system.

One point I would like to clarify—and I am not sure it was clarified—and that is the position of AARP. Let me state that I have a letter here from AARP that very strongly opposes this amendment. They cite points. They say, first, there is no injustice. Everyone is treated fairly and those born from 1917 to 1921, as well as those through 1926, receive an equitable benefit that is consistent with the intent of the program. Their sense of injustice is based on a misleading comparison with those who received extra benefits that were born between 1912 and 1916.

Second, they point out that the cost of changing current law hurts the financial integrity of Social Security and would weaken public support for the program.

Third, that the $300 billion long-term cost of the legislation will be borne by today's workers, the children and grandchildren of current retirees.

That is followed by stating that 20 percent of the members of the Leadership Council on Aging that oppose this legislation.

Mr. SIMPSON. I thank my fine friend from Texas. I indeed would retract all reference to the AARP. They have been most responsible on this notch baby issue, clearly and totally responsible. I was speaking of the Social Security System and what we must do to right it in the year 2030. On that issue and on health care issues, I have serious difficulties and differences with AARP, but certainly not on this issue. I do commend them on this one. In fact, their hard work will help us to carry the day on this vote. Thank you.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of this notch correction amendment.

I have long been a supporter of notch correction legislation. In fact, in an earlier Congress I introduced legislation of my own to correct the notch problem. Since that time I have been a cosponsor of Senator SANFORD's notch correction legislation.

I have sponsored and cosponsored such legislation, because it has seemed to me absurd that the 1977 amendments to the Social Security Act could have created a situation in which there are age-specific disparities in Social Security benefits even though the earnings history of the individuals involved are the same.

Mr. President, as I have said before, these age-specific disparities are a major issue in my State. In Iowa we have perhaps as many as 150,000 people, out of a population of 2.8 million, who are part of the notch cohort.

And the feelings of these notch babies are very intense on this issue, Mr. President. I have probably received as much or more mail on the notch issue in my years in the Senate as I have received on any other issue.

As every Senator knows from the mail on this issue, and from their town meetings with constituents when they go home, the notch babies feel very, very strongly that they have been denied Social Security benefits to which they are entitled.

One of the circumstances contributing to the strong feelings on the part of the notch babies is that Congress has not really responded to their concerns.

It is true that much legislation has been introduced to correct the notch.

It is true that many Members have cosponsored the consensus notch bill introduced in the House and the Senate.

It is true that the Committee on Finance has held hearings on this issue, although the hearing featured testimony by figures well known to oppose correction of the notch.

However, the committee has not had any votes on notch legislation; nor have there been any votes in the Senate on notch legislation.

So, I am pleased that we are considering this amendment offered by Senator SANFORD today, and I congratulate Senator SANFORD on his persistence on this issue.

It is time to give the notch babies their day in court. It is a time to give them a vote on this question.

If fewer than 60 Senators believe that the notch babies have made their case, the amendment will fail. If so, so be it. The Senate will at least have responded to their concerns.

Just one more point, Mr. President, on the cost of the legislation and how it is paid for. My understanding is that this bill has a 10-year cost of $45 billion. This estimate, as I understand it, comes from the Social Security Administration.

This sum will have very little effect on the trust fund reserves over the longer term. The reserves should increase by almost $1 trillion over the next 10 years even if the bill passes.

As I understand it, the Social Security actuaries estimated that the trust fund will remain solvent for 50 years after passage of this legislation, only 1 year less than would be the case if the legislation were not enacted.

Furthermore, the total 30-year cost of the bill represents only about 1 percent of the $31 trillion in total revenues estimated to come into the system over the next 30 years.

So passage of this legislation should not pose a problem to the trust funds. And therefore, Mr. President, I am going to support Senator SANFORD's proposal to correct the notch problem.

Mr. President, in summary this is an issue that I have been waiting for a long time to be able to address. So since I have been a cosponsor of this legislation in the past, I support this amendment.

I have introduced one of the first bills that was ever introduced on this subject, I believe back in 1985, and I did it because at the time it seemed absurd that the 1977 amendments to the Social Security could have created a situation in which there are age-specific disparities in Social Security benefits, even though the earning history of the individuals involved are the same.

Mr. President, as I have said before, these age-specific disparities are a major issue in my State. I have perhaps 150,000 people out of a population of 2⁸⁄₁₀ million who are part of the notch group. The feelings of these citizens are very intense on this issue. I probably have received as much or more mail on the notch issue in my years in the Senate than has been received on almost every other issue. As every Senator knows from their town meetings when they go home, these citizens of notch years feel very, very strongly that they have been denied Social Security benefits which they are entitled to.

First, the circumstances contributing to the strong feeling on the part of these citizens is that Congress has not really responded to their concerns. It is true that much legislation has been introduced to correct the notch. It is also true that many Members have cosponsored the consensus bill introduced in the House and Senate.

It is true that the Committee on Finance has held hearings on this issue, although the hearings featured testimony by figures well known to oppose correction of the notch. However, the committee has not had any votes on the notch legislation, nor have there been any votes in the Senate on the notch.

So I am pleased that this time has come when we will be able to address this issue, and I want to compliment Senator SANFORD for his persistence. It is time that we gave these citizens their day in court. It is time to give them a vote on this question. I favor the adoption of this amendment.

I yield the floor.

Mr. DURENBERGER. Mr. President, I intend to be brief and not say all of the many things that come to mind when this issue is before us.

Let me begin by saying, like all of my colleagues, I have been deluged by the mail, and each of those letters costs $10.29. The stamp is 29 cents, and it is $10 for the privilege to get the mailing that initiates all of this activity.

I just spent 13 days at the Minnesota State Fair. We have 2 million people that go through, and I get to stand there and talk to quite a number of them. I must say that they do not talk a lot about politics this year. They do not have a high opinion of either of the two Presidential candidates, for some reason or other. But everybody 65 and older wants to talk about the notch.

I thought my colleague from California may have misspoken earlier when he characterized the notch as being the Americans born between 1917 and 1921. And then I remembered that was the first year that Jimmy Roosevelt and those guys started selling this notion of the notch. For $10 you could find out that the notch was between 1917 and 1921. If my colleague from California would consult his most recent mailings from these organizations, the notch is now between 1917 and 1926.

So what I tell these people when they come up to talk about the notch is, well, it used to be 1921, now it is 1926. In 8 years, it is going to get to me. I am going to be in the notch in 1934. This notch keeps getting longer and longer.

I said, look, there is only one notch, as has been explained, between 1916 and 1917. My parents are sitting in Florida collecting more money than they should because one is 86 and one is 81. They were born before 1917, and all of the rest of us fall in the notch. That is why you end up with a figure of potentially $324 billion over the next 30 years, because you are going to have a bunch of $129,000 Senators eventually reaching 65 years of age collecting all of this money, and on top of it, $324 billion extra, if in fact we are foolish enough to support the amendment of my colleague from North Carolina.

I can understand how this got started. I mean, in the beginning, the first time we discovered the notch, nobody trusted the Government, nobody trusted the Social Security Administration.

But the issue now ought to be clear to most people that there is no notch except between 1916 and 1917. But I must also say that my most difficult argument with my constituents is: "Senator, there are 45 Senators who say there is a notch; there are 222 Congressmen who say there is a notch. How can you stand here only one of you and tell me there is no notch?"

Mr. President, there is no notch. And the fact that 45 of our colleagues are signed up on this amendment to say there is a notch gives somebody the opportunity to keep sending these mailings out there and if, as I say, we are foolish enough to vote for this, it does the kind of thing to my children and my grandchildren that I think I was elected to do something about.

I want to say something good, since the subject came up about AARP. A lot of us in 1986 and 1987 stood here fighting for Medicare restructuring, putting catastrophic in Medicare, and AARP that year fell on their sword trying to be helpful to do something good for the elderly with that bill. And we lost.

Again on this issue, the only material I have to hand out at my State booth is the letter from AARP explaining that this amendment should not be passed, in effect, and thank God for this organization that they have done that.

That organization has come, I would say, a long way as an organization and a lot of the people that were part of it over the last 7 or 8 years that many of us have been debating this issue of generational equity. As an organization, as our parents and grandparents, a lot of those people believe that the most serious problem facing this country today is that if we continue to insist on having, without paying for it, in this generation, there is a much lesser lifestyle to which our children and grandchildren will be entitled. And I cannot stand here on the floor of the Senate and support an amendment like this which will deprive people of this country who really need the resources we generate in the workplace off of our earnings from that kind of money, particularly when there is no reason to do it.

People are not suffering because of a notch. People are not entitled to a notch as has been described.

I heard the sponsor of the amendment say the money is there; if it is not paid to these people, it will be spent on someone else. I want to tell you who it is going to be spent on. Hopefully it is going to be spent on people who have to retire in the year 2030 when it was originally intended. I hope it is not spent on other people between now and then, because a lot of people are making a lot of sacrifices today off their paychecks, off the first dollar they earn to put money into that fund so that it will be there when they are ready to retire.

Finally, I just want to congratulate those of my colleagues who have not cosponsored this. Particularly this goes to the credibility issue. I just discovered that some of my colleagues in some States have not cosponsored this amendment even though others of their colleagues have. And you know, the way this place works on a really tough issue, that is really political dynamite if your other Senator in your State is signed up on something. Then it is really tougher for you to explain why you are not also on it.

So to some of my colleagues—they know who they are, and some of them are even up for reelection this year—I just want to stand here in my closing comments and salute you for your courage in not sponsoring this amendment and I hope that when Senators come down here to vote on this amendment, they will think about the courage that it does take to go out and face the electorate in a year like this and say: Honest to God, even though I am a politician, I am telling you there is no notch. You are not entitled. But only the decision you make when you come here to vote on this amendment will convey that decision. If you make a different decision, you are making it really difficult for those of those who are candidates to go out and tell the truth as it exists.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I will vote against the Sanford amendment to the Treasury-Postal appropriations bill. In one sense, the Social Security notch is unfair, as some notch babies currently receive lower benefits than some people born before the notch years. However, if we address the notch issue as the Sanford amendment proposes, a new unfairness will be established for the people born subsequent to the notch years—essentially, we will create a new notch.

The Sanford amendment—with an estimated cost of $4.5 billion per year—also raises serious concern about the stability of the Social Security trust fund reserves. According to the AARP, the proposal represents a direct assault on the fiscal integrity of the Social Security trust funds.

When Social Security was taken out of the calculation of the Federal deficit by Congress, trust fund protections were adopted to ensure benefits for both current and future Social Security beneficiaries. Draining $20 million over 5 years from the Social Security trust fund could jeopardize available trust fund reserves for future Social Security beneficiaries.

Also, according to Congressional Research Service, "the notch babies are shown to be part of a group that is receiving the highest benefits that have ever been paid or are projected to be paid over the life of the Social Security Program."

Studies show that 57 percent of Social Security beneficiaries retire at age 62 rather than age 65. This fact is significant because people who are born in 1917 and retired at age 62 receive the highest level of benefits of people who retire at age 62. Their Social Security benefits would replace 35.9 percent of their final year of earnings compared with 35.9 percent for people born in 1916. For people born in 1920, the lowest part of the notch, their replacement rate is still higher than people born before 1914 or after 1937.

For these reasons, I cannot vote for the Sanford amendment.

Mr. FORD. Mr. President, I rise in support of the Sanford amendment to correct the Social Security notch problem, and commend my distinguished colleague, Senator SANFORD for his leadership in this matter.

To the over 146,000 Kentuckians affected by the notch, this debate is about fairness and about Government making good on a promise. We all know the history of the notch, and how we got here, and the simple fact is, Congress made a mistake in 1972. And in correcting that mistake in 1977, Congress mistakenly created the differential in benefits that has come to be known as the notch.

When Congress passed the 1977 legislation creating the notch transition, it was clear that we thought there would be no more than a 5-percent difference in replacement rates for those born in the notch period of 1917–21, and their predecessors. But as those who were affected by the notch began to retire, we found that in some cases, the difference in replacement rates is as much as 14 percent, or three times the impact Congress intended.

Reasonable Members can disagree about whether there is a notch or not, but for those affected by it, there can be no doubt. I do not disagree that those born before 1917 received an unintended windfall. But in correcting that mistake, Congress did not ask those who had already retired, or were eligible to retire, to take a cut in benefits.

Instead, we adjusted the formula to provide for a transition to the level of benefits originally intended. But the fact is, in doing that, Congress believed that the difference in benefits for those born in 1916 and before, and those born in the notch years, would be insignificant. And that simply has not been the case.

It is past time that Congress corrected this unintended effect and increased benefits to those affected by the notch. This legislation will not equalize benefits for those born in the notch period to those born before them. But it is a good faith effort to make good on a promise we made to those retirees that the correction Congress made in 1977 would not result in substantially different benefits for them.

This is a modest response to a real problem, and it is time we acted to fix the notch. I commend my colleague, Senator SANFORD, for his solution, which phases out these increased benefits over a 10-year period, 1917–26, in order not to create another notch situation in the future. I urge my colleagues to waive the Budget Act in order to allow us to pass this important legislation and provide the relief to those born in the notch that they so rightly deserve.

Mr. KASTEN. Mr. President, I rise today in strong support of the amendment that would eliminate the Social Security notch.

This reform is long overdue. For 15 years, we have been debating the unintended consequences of the 1977 Social Security Reform Act. This is typical of the way Congress works—even a minor procedural error like this one can hurt millions of people and take decades to fix. It's time to take the action that justice requires—and start treating fairly the senior citizens born between 1917 and 1926.

In 1977, Congress made changes in the Social Security benefit formula that were designed to slow the growth in future benefits. These changes were not intended to result in a decline in benefits during the transition period. Unfortunately, benefits dropped significantly for those workers born between 1917 and 1926.

According to the Social Security Administration, the average 65-year-old retiree born in the notch years will receive $916 less in benefits than those born from 1912 to 1916, and an average of $480 less than those born from 1927 to 1931.

In Wisconsin, 272,931 retired workers are adversely affected by the Social Security notch. Nationally, the number is 12.3 million.

I am a cosponsor of S. 567, introduced by Senator SANFORD. This proposal repairs the notch pothole without causing harm to other beneficiaries. The legislation provides a smoother transition from the pre-1977 benefit formula to the new formula, and most important, it would not in any way threaten the financial integrity of Social Security. The Social Security Administration confirms that the cost of this proposal would peak in 1995 at $4.8 billion, and decline thereafter.

Mr. President, the time has come, at long last, to fix the Social Security notch. The amendment before us would increase benefits for affected individuals by an average of $550 annually. For workers retiring at age 62, the average increase would be $144 annually.

A lot of senior citizens are counting on us to do the right thing today. I urge my colleagues to vote in favor of this important amendment.

Mr. D'AMATO. Mr. President, I rise today in strong support of this amendment to address the Social Security notch inequity. I think it is high time for us to take meaningful action on this issue—an issue that has caused frustration and hardship for so many older Americans.

It is estimated that over 10 million senior citizens receive lower Social Security payments as a result of the notch, simply because they happened to be born in the wrong year. These so-called notch babies have been dealt arbitrary and harsh cuts in the Social Security checks that provide their lifeline of support. The discrepancy in benefits between those born before the notch years and those born in 1920—the bottom of the notch trough—can exceed 20 percent, or $1,992, a year. This is wrong, and it cannot be allowed to continue.

I have consistently supported measures to correct this injustice. I have sponsored my own notch legislation in the 99th, 100th, and 101st Congresses, and I have supported efforts to bring this matter to a vote on the Senate floor. I am pleased to join in support of this amendment today—which is based on S. 567, a consensus notch bill with over 43 Senate cosponsors.

This legislation, by establishing a new 10-year transition formula, provides a more equitable level of benefits for individuals born between 1917 and 1926 than they receive under current law. And it does this without jeopardizing the financial soundness of the Social Security trust funds. Under this amendment, the average earner born in 1920 who retired in 1985 would receive an additional $1,056 a year in Social Security benefits—greatly reducing the disparity between such an individual and someone with identical earnings born in 1916.

Mr. President, our senior citizens have waited more than long enough for action on this issue. And I don't blame many of them for taking a rather jaundiced view of Congress for dragging its heels. How many of us have not received letters like the one I received just 2 weeks ago which said, "those members who do not express your concern—about correcting the notch—are merely saying 'after a while the notch recipients will be deceased, therefore no voter threat will ever be of concern.'" It is a sad commentary on this body when you have people taking the view that we are waiting around for people to die in order to avoid taking action on this issue, but there you have it. Let's put that unfortunate, and hopefully inaccurate, perception to rest by adopting this reasonable amendment.

Mr. President, I urge my colleagues to join me in supporting this amendment. Let's adopt this amendment without delay to ensure that all of those affected by the notch inequity will, for once and for all, receive the just compensation they need and deserve.

Thank you, Mr. President.

Mr. HELMS. Mr. President, I happen to be a notch baby myself. I was born in 1921. So, I have more than just a passing interest in the matter.

Every Senator and every Congressman who has studied this issue—and I have spent an enormous amount of time on it, trying to find a responsible solution—all of us know that: First, the proposal offered by Senator SANFORD will cost an enormous amount of money that must come from somewhere; and second, there is no money in the so-called Social Security trust fund—just a bunch of IOU's.

Mr. President, most of us are familiar with the "notch" issue but allow me to describe for the record how this situation came about. In 1972, Congress increased Social Security benefits and provided an automatic cost-of-living allowance. An error occurred in establishing the formula for calculating benefits. The formula used both the wage index and the consumer price index. In effect, inflation was counted twice. It became clear that if the error was not corrected, the Social Security system would soon be bankrupt.

In 1977, when Congress corrected the formula, thousands of retirees were already receiving inflated benefits. Instead of admitting the mistake that was made and adjusting the formula as it applied for everyone, Congress did the politically popular thing and decided not to correct the formula for those who were already retired.

For everyone else, Congress adjusted the formula: For those born between 1917 and 1921, benefits are computed by two formulas: one using the correct 1977 formula, and another using a special transition formula. The retiree receives whichever is higher. For those born 1921 and after—the year I was born—benefits are computed by the corrected formula, which yields a lower benefit than that for people who retired before them and receive an unintended windfall from social security.

The National Academy of Social Insurance, which includes prominent experts in the field of social security such as Robert Myers, former chief actuary for the Social Security Administration and Suzanne Dilk, former senior analyst for the SSA, has concluded that the problem of the notch is attributable to the fact that those born shortly before 1917 received benefits which were too large and that it would be unwise to extend this over-generous treatment to additional persons. The panel also found that persons born in 1917-21 do not receive any lower benefits in relative terms than the Social Security Program provides to those born after 1921.

Some have insisted that Social Security has ample reserves to pay for an increase in benefits. What they fail to explain to the American people, however, is that the reserves are in the form of IOU's. If American workers stopped paying into the system, the reserves would be sufficient to meet obligations for only 3 or 4 months. Also, the reserves must be available to pay benefits to the enormous number of baby boomers who will retire just after the turn of the century.

I found it interesting that just today an article by Mr. Robert Ball appeared in the Charlotte Observer. Mr. Ball is a former Social Security Commissioner and a former member of the National Commission on Social Security Reform. Mr. Ball concluded that to raise the benefits for notch babies would cost the Social Security Trust Fund as much as $324 billion.

Mr. President, I ask that Mr. Ball's article entitled "Notch Babies Are Treated Fairly" be included in the RECORD and I urge Senators to put politics aside and consider the ramifications this amendment would have on the future of our children and grandchildren.

One of the analogies I often use when trying to explain this issue to my constituents I noticed was similar to one in Mr. Ball's article. It is that of the bank teller who mistakenly gives a customer $30 for a $20 check. The next person in line, also wanting to cash a $20 check, this time gets $20. Should this person, and the next and the next, have a right to an extra $10 just because a mistake was made the first time? Of course not. What would we be doing to our children and grandchildren? I will not be party to saddling our children and grandchildren with yet another enormous tax burden.

I would remind Senators of the evergrowing Federal debt which, as I have already stated, as of September 8, stood at $4,036,378,351,816.42. I believe that this amendment is a perfect example of that dead cat I spoke of earlier.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, Sept. 10, 1992]

"NOTCH BABIES" ARE TREATED FAIRLY

It's easy to understand why so many people born in the years shortly after 1916—the so-called "notch babies"—feel they've been penalized by Social Security. If they retired after age 62, they are frequently getting less than those born somewhat earlier. But those born earlier are, in many cases, accidentally getting too much, rather than the notch babies getting too little.

In 1972, the procedure adopted by Congress to provide automatic cost-of-living adjustments (COLAs) for Social Security unintentionally resulted in over-indexed benefits under the high inflation and low wage growth then prevailing. Congress knew that unless changes were made, Social Security would greatly exceed the funding provided.

In 1977, Congress changed the benefit formula to prevent potential large overpayments. It decided not to reduce the benefits of those already eligible, even though some were getting higher benefits than intended, because, traditionally, Congress has avoided the disruption of people's lives that can come from reducing benefits that have already been awarded. Instead, the lawmakers developed a plan to pay benefits for those eligible in the future that would be in line with Congress' original intent.

The lawmakers also provided for a transition that applies to those born in the five years after 1916. It helps some get higher benefits than they would under the new formula.

Unfortunately, considerable misinformation has been spread about Congress' actions. Those in the transition period, which has come to be called the "notch," have been discriminated against. Many are under the mistaken impression that people who retire after them will be treated better than they are.

Social Security Commissioner Gwendolyn King has a good analogy for the notch issue. King likens it to people waiting in line for an automatic teller machine. The first person wants $20, but the machine gives her $30 instead. The machine is obviously overpaying, so someone reports the situation to a bank employee, who promptly fixes the machine. The next person in line at the ATM also requests $20 from his account, only this time, he gets $20—no bonanza, is that unfair? Should he and the next person in line (and the next) also be entitled to more money simply because the first person in line was overpaid?

In truth, the notch babies are getting the equitable, actuarially fair benefits that Congress intended.

Current proposals to raise benefits for notch babies would cost the Social Security Trust Fund an estimated $324 billion. Clearly, the current Social Security financing plan—crafted in 1983 after months of bipartisan negotiations—does not provide for this or any other major new expenditure. If people are willing to pay more for Social Security, then benefits should be improved generally—not just for the notch babies who have no special claim on Social Security funds.

Mr. MCCAIN. Mr. President, I rise today to join my colleagues, the distinguished Senator from North Carolina [Mr. SANFORD], the distinguished Senator from Pennsylvania [Mr. SPECTER], and the distinguished Senator from California [Mr. SEYMOUR] in support of an amendment to address an issue of inequity which has troubled so many senior citizens for far too long: the so-called notch in Social Security.

Mr. President, over the last year I have worked with Senator SANFORD and several other of my colleagues to prepare for this day. As a cosponsor of S. 567, the Social Security Notch Adjustment Act, which was referred to the Senate Finance Committee, I wish to commend Senator SANFORD for his leadership in bringing this legislation to the floor of the Senate in the form of an amendment.

Mr. President, I have heard from literally thousands of Arizonans who have voiced their concern about this issue, and their support specifically for the bill which I have cosponsored and have worked to see passed by this body. I am pleased that we will now have the opportunity to have our day in court, and allow the Senate to work its will on this issue of critical importance.

For this reason, I earnestly hope that those who do not support this amendment will not invoke parliamentary procedures to try to cloud this issue. Instead, I urge my colleagues to allow us—and the vast number of older Americans who have contributed tirelessly all of their working lives to make this country what it is today, but who happened to be born in the wrong year—to have a straight, up or down vote on this vital amendment. Mr. President, I will vote against any parliamentary gimmick which might be used to derail our efforts.

Mr. President, I strongly, urge my colleagues to vote for the Sanford amendment.

Mr. PRESSLER. Mr. President, after 10 years of debate, introduction and reintroduction of bills, and promises to correct the Social Security notch—the time of action has finally arrived. This is a day many senior citizens have long waited for and I am pleased to be part of this debate.

As we all know, the Social Security notch affects those Americans born between 1917 and 1921. Nine million retired Americans are adversely affected by this flawed formula.

The Social Security notch was an unintentional error. Congress modified the benefit formula in the early 1970's. It was later discovered that this formula overcompensated beneficiaries. In 1977, further adjustments were made in the benefit formula. This resulted in the benefit disparity, termed the Social Security notch.

South Dakota has an estimated 34,000 notch babies. Conservative estimates indicate these 34,000 South Dakotans are penalized some $20 million a year in reduced Social Security benefits. This clearly illustrates the need for correcting this injustice. During this session of Congress, I have received over 1,000 letters on this issue from senior citizens. These individuals desire a correction of this benefit disparity. The extra cash is needed by some of our poorest citizens. In fact, in my State, the average Social Security benefit is only $500.

The notch is a clear injustice to many Americans who have worked hard and done their best to save for their retirement years. After retiring, they learned that their Social Security retirement benefit is smaller than that received by individuals born before them.

Early last year, I joined in cosponsoring S. 567, the Social Security Notch Adjustment Act of 1991. I urge my colleagues to support this amendment so we can correct this problem once and for all.

As an advocate of a balanced budget who does not encourage excessive Federal spending, I have researched carefully the budget impact of correcting the notch problem on the Social Security trust fund. I am told this amendment would cost about $4 to $5 billion a year. The current Social Security reserves total nearly $280 billion. This surplus is increasing by about $45 billion a year. These funds will be needed for future retirees. However, correcting the notch will not place the Social Security trust fund in financial trouble.

Let us solve this problem now, and eliminate the unfairness of giving notch babies lower Social Security benefits than they deserve.

Mr. FOWLER. Mr. President, I rise today in support of Senator SANFORD's amendment which addresses an issue we are all familiar with, the notch. The distinguished Senator from North Carolina has been one of the leaders in the effort to correct this inequity and I want to commend him for his extraordinary efforts on behalf of the nearly 10 million people affected by this matter.

I can think of very few other subjects which have generated more concern over a longer period of time than the Social Security notch. Regardless of the fact that Congress did not intend to create the notch situation, we cannot continue to tolerate such an inequity. Over the past few years I have heard from many senior citizens from all over Georgia on this issue. And, as we all know, a number of proposals have been introduced to correct this problem. After careful thought and much research, I cosponsored Senator SANFORD's bill, S. 567, which I feel is the most comprehensive and equitable solution yet to be introduced.

I have long felt that both Congress and the administration needed to reach a fair solution to this issue. In the past, many of the proposals were too costly and, in my opinion, would have jeopardized the Social Security trust fund. I do not think Senator SANFORD's measure does this, nor do I think that enactment of this amendment would result in an increase in the Social Security payroll tax. For these reasons and because passage of this amendment would certainly help maintain public confidence in the Social Security system, I support this amendment. As many of you know, it would reduce the current benefit inequities of people born before and after 1917, without creating another notch by using a 10-year transition benefit formula for people born in 1917 through 1926.

I believe that this amendment represents the best balance of benefits equity, technical competence, and fiscal responsibility and that its passage will end the frustrating debate over this issue. I urge my colleagues to support it.

Mr. HOLLINGS. Mr. President, I rise today in support of the Sanford amendment which would provide for a more gradual transition in benefits for those Social Security recipients born after 1916 and before 1927. As an original cosponsor of S. 567, I have long been an advocate of correcting this inequity. For quite a while we have been trying to get a vote on this issue. Now, with the Senate Finance Committee unwilling to act on this legislation, we are left with the unfortunate yet necessary option of attaching this legislation to the Treasury-Postal appropriations bill.

My support for this amendment is based on the need to address a question of fundamental fairness. Under current benefit rules, two individuals who worked the same job for the same number of years and contributed the same amount in Social Security taxes can receive substantially different benefits. We have all heard the stories of those who have suffered significant financial hardship because they chose not to take early retirement options or were born a day too late. We have all seen volley after volley fired from both sides of this debate—charge versus countercharge, study versus counterstudy, chart versus counterchart. However, it is not my intention to restate the plight of these individuals nor to offer any new statistical salvo.

Rather, I rise today to offer my support to this amendment and to persuade my colleagues that we owe the American people a vote on this issue. For too long the strategy of many has been to defer any action rather than achieve a resolution. That, like the notch itself, is unfair. It's high time we break out of this legislative gridlock and become accountable to the American people. I urge my colleagues to vote for the Sanford amendment and give the 12 million Americans affected by this inequity a fair shake.

Mr. GLENN. Mr. President, as a cosponsor of S. 567, the Social Security Notch Adjustment Act, I rise today to express my support for incorporating this legislation into the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1993.

A notch—or a difference in monthly benefits between those born prior to 1916 and those born later—was created by changes to the Social Security program in 1972 and 1977. In 1977, Congress enacted a new benefit computation formula along with a transition formula for retirees born between 1917 and 1921. Hindsight has shown that the transition formula did not provide a fair benefit amount for the so-called notch babies. I believe that these Americans, many of whom served their Nation in World War II, should not receive lower Social Security benefits because of their birthdates. That is why I support the amendment Senator SANFORD is offering today.

Past proposals to rectify the notch have called for providing retroactive payments to notch victims. These remedies were so costly that they could have jeopardized the Social Security trust fund. The Social Security Notch Adjustment Act we are considering today does not provide retroactive benefits, but it does smooth out the transition benefit formula. Passage of this amendment would provide increased benefits for some people born during the notch years without risking their children's and grandchildren's benefits.

Social Security is America's most popular Government program. It is a program for all generations; and it is a compact between the generations to support our young, our old, and our disabled. In the Senate, I have worked to protect and strengthen the Social Security system; I pledge my continuing support to ensure that both present-day and future retirees receive the benefits to which they are entitled.

Mr. President, I urge my colleagues to include the Social Security Notch Adjustment Act in next year's Treasury and Postal Service appropriations bill. It has been nearly 10 years since the notch was created, and it is time that we correct this mistake which has hurt millions of our Nation's retirees.

Mr. BRYAN. Mr. President, for 4 years, I have worked with Senator TERRY SANFORD, and the other Senate supporters of Social Security notch correction legislation.

We have tried throughout that time to bring this issue to the Senate floor.

Today I am hopeful we are finally at the point nearly 10 million seniors across this Nation have been waiting for a Senate vote, up or down, on this important issue.

This Congress, Senator SANFORD's notch bill, S. 567, has garnered the most support a notch bill in the Senate has ever had—44 cosponsors.

These cosponsors reflect the bipartisan understanding that the notch is an error; an error that can and must be corrected.

Correcting the notch is a very basic issue of fairness.

People simply should not have lower Social Security benefits, because they were born in a different year than other Social Security recipients.

The current period of economic difficulty for so many Americans has hit our Nation's seniors particularly hard.

As interest rates have declined, many seniors have found their life savings drastically reduced.

At the same time, seniors face skyrocketing costs of vital health care services, which squeezes their hard-earned resources even further.

What often gets lost or forgotten in the notch debate is that many of the notch seniors are people who must rely solely on Social Security benefits for their income.

For fixed income seniors, any additional benefit amount can ease their daily struggle to make ends meet.

For some seniors, the notch correction may mean an additional $50 or $100 a month in increased Social Security benefits.

For fixed income seniors, such a benefit increase would be a significant amount of additional income.

Income that can go a long way to ease the economic restraints they must live under each day.

It can mean a senior does not have to choose between a cold or warm home, between buying food or prescription drugs.

This amendment is a workable solution to the notch problem.

It corrects the current benefit inequity without creating another notch.

It provides for a fairer level of Social Security benefits for nearly 10 million affected seniors.

It also ensures the future benefits of these yet to retire will not be jeopardized.

With each year I have served in the Senate, the support for the notch correction has increased.

The seniors who have steadfastly continued the fight to correct this injustice exemplify dedication in the face of adversity.

They have continued this fight for many years, and they have been rewarded, this Congress by a record number of cosponsors on this notch amendment.

But these seniors are becoming weary of the wait.

Let us take up the notch amendment.

Let us finally vote on it.

Let us correct this injustice at long last.

Mr. HATFIELD. Mr. President, today the Senate voted twice to waive the Budget Act in order to accommodate amendments related to Social Security offered on the fiscal year 1993 Treasury, Postal Service, and general government appropriations bill. Although I support both underlying issues of correcting the notch and raising the earnings limitation, I opposed these efforts because they were offered under inappropriate legislative scenarios.

I have voted for and am currently cosponsoring legislation to correct both of these issues. However, I am concerned that without a serious commitment from the House of Representatives, it is disingenuous to expect an equitable resolution through conference. Just 3 months ago, my colleague from Oregon, Congressman DEFAZIO was unable to secure a floor vote in the House to rectify the notch inequity, despite his diligent efforts. Clearly, this lack of consensus in the House compromises our ability to legislate a responsible solution. Furthermore, to attach these provisions to appropriations vehicles at this late date in the congressional cycle jeopardizes careful technical consideration of each issue.

I will continue to pursue responsible efforts to resolve these vitally important issues for the senior citizens of Oregon.

So, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. SANFORD. Mr. President, may I inquire whether there is anyone else in the Chamber who cares to speak on the issue, other than the Senator from Texas who has a motion?

Mr. BENTSEN. I say to my distinguished friend from North Carolina I have virtually finished my comments. It will not be over 2 or 3 minutes that I might speak, and as I stated at the beginning of this now somewhat lengthy debate, longer than the Senator and I anticipated I suppose, that I would be making a point of order on it.

Mr. SANFORD. I am ready to conclude it, if there is not someone else who wants to speak on this amendment.

Mr. LUGAR. Mr. President, I rise today to express my support for this amendment. I have been a long-time supporter of attempts to correct this inequity.

In 1972, Congress began the double indexing of benefits for inflation. Left unchecked, this error would have eventually bankrupted the Social Security trust fund. Congress acted again in 1977 to fix this mistake, but did not renege on the over-indexed benefits from those who had already retired and begun relying on the higher income.

Congress gradually realigned the benefits paid to ease the transition. However, the transition formula did not change the fact that a person born in 1916 retiring in 1981 receives $762 a month while someone born a year later and retiring in 1982 receives $607 a month—$155 less.

This amendment evens out the notch by making the necessary adjustment gradually, so as not to upset the stability of the trust fund. It calls for a phase-in of a stable level of Social Security benefits for individuals born between 1917 and 1926, thus targeting benefits to those who need them most.

The measure does carry some cost—specifically $4.65 billion annually over the next 10 years from the Social Security trust fund. These costs will decline over this period and will disappear early in the next century. I am told that this proposal poses no threat to the long-term stability of the trust fund. Even after enactment of this amendment, trust fund surpluses are still expected to exceed $1 trillion by the end of this decade.

Mr. President, this issue is not new to the Senate. The notch has been studied by the Social Security Administration, the GAO and various seniors' groups. Hearings have been held both here and in the House. I suspect, after so many years of deliberation, that most of us have made up our minds on the notch. It is time for us to stand and be counted on this matter of great importance to so many of our Nation's senior citizens.

I am pleased to join in the effort to correct the notch inequity, and I will continue to work to ensure that the Social Security system remains strong and reliable.

Mr. DOMENICI. I know of no one else who wants to speak on our side.

Mr. SANFORD. Mr. President, if colleagues will indulge me for 2 or 3 minutes, I simply want to indicate that the distinguished Senator from Texas certainly has stated the case against doing something very well.

It occurred to me as I sat here listening to several other Senators that they apparently had not examined this particular bill which now is the amendment, or they may be confusing it with previous bills to correct the notch because there have been some assertions about the total cost that really are not justified by the way this bill is drawn. Indeed this bill would cost four times less than the initial bills to correct the notch. Certainly this bill does not set the benefits for notch babies at the 1916 level of benefits as the distinguished Senator, the very knowledgeable Senator from New York, suggested. It corrects the notch at a much lower level. The whole idea is that we go back and level out the amount of benefits on a 10-year span instead of a 5-year span. When the corrections to Social Security were made, it was originally proposed that benefits for those born after 1916 be leveled out in 10 years. However, what was done was a partial leveling out in 5. Now, of course, a number of years have passed. The figure that has been thrown out as the total cost here is $300 billion. Is that the Senator's understanding?

Mr. BENTSEN. That is the number I have been given.

Mr. SANFORD. I must note however, that the $300 billion figure is the total cost over more than 40 years, which is a much longer time range for cost estimated than any other bill we considered. In addition, that figure included foregone interest on the funds being paid out, does it not?

Mr. BENTSEN. That is correct.

Mr. SANFORD. I would like to say if indeed this is injustice, and it seems to me that it is, then we have an obligation to correct it.

I have given the cost of this provision a great deal of study and I tried to get the figures and projections from as many sources as possible. Based on that, I think the $300 billion is probably an outside figure and inflated figure. Certainly it includes foregone interest as if you know what that would have been.

My problem with this is it is a matter of fairness and the $300 billion would cover a period of some 30 or 40 years. I do not believe many people born during the notch years will live too much beyond that, but nonetheless the costs are calculated over a more than 30-year span. To put that in perspective, more than the total figure, even on an inflated basis is about 1 year's defense budget. Yet the Social Security trust with accrued interest will be getting up to around $6 trillion during those years. So it is relatively a small percentage if indeed there is a notch.

If there is not a notch, then this amendment really is not going to cost any money, because it is going to level out benefits to what the future levels of payment are.

I think a greater worry than the limited cost of this amendment is my greater worry over what we are doing with the Social Security trust fund. A member of my staff says it looks like a pay-now-pay-again-later program, because we are taking these Social Security trust funds and we are using them for other purposes. If this were genuine money available to the Government for spending, if it were truly tax money, tax revenues that could appropriately be spent for general purposes, then maybe we should establish an offset for these funds, but that is not the case. All we are saying is that these benefits were calculated wrong and should be recalculated.

Do not go back, as Senator MOYNIHAN suggested, to those higher levels of 1916 and spread it out. That is what I have done. I have not gone back to 1916. Using 1916 figures is the kind of bill I found when I came here.

What I have come up with and what I have proposed today is a fairly reasonable bill that goes back and picks up the concept that if we had spread the changes in benefits out over 10 years, we would not have had a notch. If we spread it now, it gets very small in cost in the outyears and it does not create another notch, as has been suggested.

I think one of my problems, one of my dismays I might say, is that so many Senators speaking here apparently had not appreciated the differences between this bill and previous bills.

In any event, I thank the distinguished Senator from Texas for his participation. I appreciate his resolve to protect the Social Security funds. Certainly that is my resolve. But I think this is a matter of fairness.

Then I think we have a task before us to truly protect the Social Security trust funds from being pillaged, as they have been now for the last dozen years.

I thank the Senator, and I yield the floor.

Mr. BENTSEN. Mr. President, I say to my distinguished friend from North Carolina, I do not question his sincerity, his integrity, or his deep concern or compassion for this issue. The point is, the people between 1910 and 1916 had a windfall.

I used to be the chief executive of a life insurance company and had a lot of actuaries working on policies. I remember one competitor in particular from California was able to sell the policy much cheaper than we could and really was exploding in growth. I could not understand how they could do it.

And then we found what they had done in the way of their actuarial assumptions—far too optimistic, far too optimistic. I said, well, we are not going down that road. Years later, I saw that company go broke.

Actuaries can make mistakes. Economic assumptions are a part of that. And that is what happened between 1910 and 1916 with that kind of a windfall for those people.

Now what you saw in the transition for those that are the notch babies—and I am one of them—what you saw in that kind of a situation is, even after these changes were made, then those people there with what was done for them ended up still getting a better return on their earnings for retirement than people before 1910 or after 1927.

Mr. SANFORD. I do agree with the Senator except in one minor respect, and that is that we are not trying to go back to that line that was running out of the top or even go back and start at the top of it. That is fairly well explained.

But this Senator agrees that the $300 billion is the cost. And when we are talking about this reserve fund ultimately getting to $6 trillion, and when we talk about $300 billion being 1 year's defense budget, roughly speaking, it puts it in perspective.

If, indeed, we have cheated these people, as I think we have, this is a fairly small amount as we make it right.

I rest now on that. If the Senator wants to make a motion, I am prepared.

Mr. BENTSEN. I thank the Senator. I would just finish then by saying that these very responsible organizations for people of this age group, such as AARP, oppose this.

I ask unanimous consent that their letter and a letter from the Leadership Council of Aging Organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AARP,
Washington, DC, September 9, 1992.

Hon. LLOYD BENTSEN,
U.S. Senate,
Hart Office Building, Washington, DC.

DEAR SENATOR BENTSEN: The American Association of Retired Persons [AARP] reaffirms its opposition to any legislative action to "fix" the so-called Social Security notch. Providing extra Social Security benefits to those born from 1917 through 1926 is unwarranted and risks undermining the long-term solvency of the program.

In 1977 Congress acted reasonably and responsibly to correct a 1972 error which resulted in the overly generous benefits to the 1912–1916 cohort. Not only did Congress put in place a new benefit formula for everyone born after 1916, but they also provided those closest to retirement (those born in 1917–1921) with a transition formula. Those born in the transition years have their benefits calculated using both the new and the transition formula and receive the higher amount.

Current Social Security law should be maintained for three reasons:

(1) There is no injustice; everyone is treated fairly. Those who were born from 1917 through 1921 (as well as those through 1926) receive an equitable benefit that is consistent with the intent of the program. Their sense of injustice is based on a misleading comparison with those who received extra benefits—those born from 1912 through 1916.

(2) As pointed out by the Public Trustees of Social Security and Medicare in their July 1 letter, the cost of changing current law hurts the financial integrity of Social Security and could weaken public support for the program, especially among young workers.

(3) The $300 billion long-term cost of the legislation will be borne by today's wokers—the children and grandchildren of current retirees. Current workers pay higher payroll taxes in order to partially prefund their retirement and to protect themselves and their families if they should become disabled or die. "Notch" proposals diminish the benefit promise those higher taxes are supposed to guarantee by reducing the size of the Social Security trust funds.

Changing current law will not put the issue to rest. It simply grants a windfall to an even larger group of persons prompting another round of "they got more than me" complaints.

Attached is the most recent letter from the Leadership Council of Aging Organizations in opposition to any proposals to change current law.

If you need further information, please have a member of your staff contact Evelyn Morton at 202-434-3760.

Sincerely,

HORACE B. DEETS.

LEADERSHIP COUNCIL
OF AGING ORGANIZATIONS,
Washington, DC, September 8, 1992.

DEAR SENATOR: The undersigned members of the Leadership Council of Aging Organizations (LCAO) reaffirm LCAO's long-standing opposition to legislation that would change the way Social Security benefits are calculated for those born between 1917 and 1921 (the so-called Social Security notch) or those born between 1917 and 1926.

Many "notch babies" mistakenly believe they are getting less than they deserve from Social Security. However, there is no injustice and no one is being treated unfairly. Those born between 1917 and 1921, in fact, receive the equitable, actuarially fair benefit Congress intended. Their sense of injustice is based on a misleading comparison with those who received extra benefits—those born from 1912 through 1916.

In 1977, Congress corrected a flawed benefit formula, passed in 1972, which resulted in higher benefits than intended. Because of the flawed formula, those born from 1912-1917 receive higher benefits than they earned. The corrected formula put in place a new benefit formula for everyone born after 1916. However, in order not to disrupt the retirement plans of those closest to retirement (those born 1917-1921), Congress provided them with a special transition formula. Those born in the transition years have their benefits calculated in two ways, and then receive the higher amount. According to the Congressional Research Service and a General Accounting Office report, overall the replacement rates for those born between 1917 and 1921 are more favorable than for those born later.

Efforts by those who think we need to "fix the notch" risk undermining Social Security's financial base. Proposals to change the 1977 law cost $20 billion over a five-year period and a total of $324 billion over the long-term. Spending of this magnitude is a direct assault on the fiscal integrity of the Social Security trust funds.

In addition, legislative proposals to change current law without new financing are not consistent with the budget rules adopted last year when Social Security was taken out of the calculation of the federal deficit. These rules require that any use of the Social Security reserve must be offset by raising payroll taxes or cutting other spending for Social Security.

Finally, action on the notch would ultimately be at the expense of future retirees, today's workers. Current workers pay higher Social Security payroll taxes in order to partially refund their retirement and to protect them and their families if they should become disabled or die. "Notch" proposals diminish the benefit promise those higher taxes are supposed to guarantee by reducing the trust funds by $324 billion over the long-term. Such legislation, if adopted, could undermine confidence in the system's ability to pay benefits to today's workers, tomorrow's retirees and the disabled.

Sincerely,

HORACE B. DEETS.

THE FOLLOWING LEADERSHIP COUNCIL OF AGING ORGANIZATIONS HAVE SIGNED ON TO THIS LETTER

AFSCME Retiree Program.
American Association for International Aging.
American Association of Retired Persons.
American Society on Aging.
Association for Gerontology in Higher Education.
Association for Gerontology and Human Development in Historically Black Colleges and Universities.
Eldercare America, Inc.
The Gerontological Society of America.
National Caucus and Center on Black Aged, Inc.
National Council of Senior Citizens.
National Council on the Aging, Inc.
National Association of Area Agencies on Aging.
National Association of Meal Programs.
National Association of Nutrition and Aging Services Programs.
National Association of Foster Grandparents Program Directors.
National Association of RSVP Directors, Inc.
National Association of Senior Companion Project Directors.
National Pacific/Asian Resource Center on Aging.
Older Women's League.
United Auto Workers Retired Members Department.

Mr. BENTSEN. The AARP went to great lengths in opposing a so-called legislative fix to the so-called Social Security notch.

They go on to state:

> Current Social Security law should be maintained for three reasons:
>
> (1) There is no injustice; everyone is treated fairly. Those who were born from 1917 through 1921 (as well as those through 1926) receive an equitable benefit that is consistent with the intent of the program. Their sense of injustice is based on a misleading comparison with those who received extra benefits—those born from 1912 through 1916.
>
> (2) * * * the cost of changing current law hurts the financial integrity of Social Security and could weaken public support for the program * * *
>
> (3) The $300 billion long-term cost of the legislation will be borne by today's workers—the children and grandchildren of current retirees.

Now, that sentiment is joined in by a substantial number of additional organizations that feel very strongly about the welfare of the people of this age group.

The Leadership Council of Aging Organizations opposes notch legislation. That council represents 17 major organizations concerned with the welfare of retirees, organizations that range in the American Association of Retired Persons to the United Auto Workers Retired Members Department.

So with that, Mr. President, if the Senator is finished, I raise the point of order against the pending amendment because it violates section 302 of the Congressional Budget Act of 1974.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 302(f) of that act for the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER (Mr. HARKIN). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—49

Adams
Akaka
Boren
Breaux
Bryan
Bumpers
Burns
Chafee
Conrad
D'Amato
Daschle
DeConcini
Dodd
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatch
Heflin
Hollings
Inouye
Kasten
Lautenberg
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Mitchell
Murkowski
Nickles
Pell
Pressler
Pryor
Reid
Riegle
Sanford
Sasser
Seymour
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—49

Baucus
Bentsen
Biden
Bingaman
Bond
Bradley
Brown
Byrd
Coats
Cochran
Cohen
Craig
Cranston
Danforth
Dixon
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Hatfield
Helms
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Mack
Metzenbaum
Moynihan
Nunn
Packwood
Robb
Rockefeller
Roth
Rudman
Sarbanes
Simpson
Smith
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—1

Gore

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The adoption and enactment into law of the pending Sanford amendment would provide Social Security outlays in excess of the appropriate allocation of Social Security outlays under the concurrent resolution on the budget by $3.5 billion for fiscal year 1993 and $22 billion for the total of the fiscal years 1993 through 1997, in violation of section 302(f) of the Congressional Budget Act of 1974. Therefore, the point of order is sustained and the amendment falls.

AMENDMENT NO. 2972

(Purpose: To reduce appropriations and prohibit expenditures for use by the Council on Competitiveness)

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I ask unanimous consent that it be in order to submit my amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. LIEBERMAN, Mr. BAUCUS, Mr. INOUYE, Mr. ADAMS, Mr. WOFFORD, Mr. WELLSTONE, Mr. SIMON, Mr. SASSER, Mr. LEVIN, Mr. DASCHLE, and Mr. BRYAN, proposes an amendment numbered 2972.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 9, strike out "$3,150,000." and insert in lieu thereof "$3,064,000: *Provided*, That no part of any appropriation made available under this Act may be used to fund the Council on Competitiveness or any successor organization.".

Mr. GLENN. Mr. President, I rise today to offer an amendment to the Treasury, Postal and General Government appropriations bill to withhold the funding for the Council on Competitiveness. This amendment, I would add, is identical to a provision that passed the House of Representatives on July 1 by a vote of 236 to 183.

Let me start by reminding my colleagues that this amendment to defund the council is not about politics. It is not even simply about the White House organization, that for all intents and purposes has captured the Federal Government's regulatory review process. The amendment, and my deep commitment to it, is about the American people and their rightful expectation that Government will operate openly, and fairly, for everyone.

I think the Congress can take great pride in having increased openness in Government over the years. The way in which Government works, the laws that require agencies to operate in public and be accountable to our citizens, these requirements exist so that Americans can participate in and have confidence in the decisionmaking process that intimately effects their lives and the lives of every business in this country.

Almost half a century ago, Congress created the Administrative Procedure Act to establish basic rules for openness and fairness in Government agency rulemaking. The people may not understand that rules are not just like little rules of a game. These are the rules that govern their lives; they can be taken to court over them. So when we talk about rules and regulations, we are talking about the laws of the United States of America.

Many other laws have since followed, after the Administrative Procedure Act, with the same simple goal, including the Government in the Sunshine Act which was primarily the result of efforts by then-Senator Lawton Chiles, now the Governor of Florida.

These principles of openness and fairness are important because we all depend so much on the decisions of Federal agencies. We in Congress enact legislation, and the President signs the laws with the intent to faithfully uphold and execute them as the Constitution requires. But truly this legislative process is just the beginning of how decisions are made by Government that affect every person in the country.

Laws set forth policy goals and can have many requirements. However, without more detail and implementing provisions, they can just be hollow gestures. It is to administrative agencies that Congress turns to add the needed details, and those are the rules and regulations. We can all agree, we count on the agencies to have the professional, the technical and scientific expertise, to supply the specific details that will make our laws work, to make them apply to individuals and businesses across our country.

Congress assigns regulatory responsibilities to the agencies for a simple reason: They are the ones who have the expertise and experience to make informed and balanced policy decisions. In making those decisions, agencies are required by law to ensure that public policy and regulatory choices are based on the evidence, based on meaningful participation by all interested parties. Often agencies do a fine job. In fact most of the time I think the agencies do a good job.

Needless, to say, there are also times when they do not. Agencies may be inattentive to the letter of the law or the valid concerns of interested parties. They may just be philosophically misguided, or there are some in the agencies who, in their own interest and their own area of expertise just become flat overzealous in implementing the law. And they may even simply be lax or confused.

The public participation and accountability requirements of the Administrative Procedure Act go a long way in fighting these extremes. But they sometimes are not enough. In these cases, something must be done to keep agencies faithful to the letter and the spirit of the legislative history that goes into the law.

Over the last 20 years, Presidential regulatory review has been created by Executive order to perform this important function. In fact, the current OMB review process was established by President Reagan's Executive Orders 12291 and 12498.

Congress, too, has enacted legislation to enhance central review of certain agency decisions. In 1980 we passed the Paperwork Reduction Act which created the Office of Information and Regulatory Affairs in OMB. We gave OIRA the responsibility to review agency information collection activities in an effort to reduce Federal paperwork burdens on the American public. We found at that time there were so many requests going out for duplicative and unnecessary information. It was OIRA's job to try to curtail those excessive information requests.

There is, however, an important distinction between the approaches taken by Congress in the Paperwork Reduction Act, and in the Presidential regulatory review Executive orders, which gave OIRA regulatory review responsibilities in addition to its paperwork reduction duties.

All of us, when we travel around the country, hear complaints, numerous complaints, by businesses, by individuals, about what a major problem redtape is. It is a major expense both for businesses and individuals. And I say at the outset that I fully support the right and the responsibility of the President to oversee Federal agency rulemaking. But this oversight must be consistent with the openness that Congress demands of agencies in their decisionmaking process.

That is what we address today, because such protections for public participation are found in the Paperwork Reduction Act, but they are not present in regulatory review.

For the American public to have any faith in its Government, we must have openness and public accountability throughout the whole process of implementing our laws. It is vital that the President, the Congress, the courts and the American public read off the same page and be confident that each agency's rulemaking record truly reflects the steps taken by the agency in making its rulemaking decisions, with or without regulatory review.

The effort to keep this same page open to all has long been a major concern of the Governmental Affairs Committee, which I chair. Indeed, the committee's study on Federal regulations in the years 1977 through 1979, and its 1981 report on the Regulatory Reform Act, document the committee's early and significant concern for protecting the integrity of the rulemaking process from dangers associated with regulatory review, such as delay, such as undocumented pressure on agency decisionmakers, such as loss of public accountability through loss of public disclosure, and the displacement of discretion vested in agencies by statute.

Numerous hearings and reports on legislation considered over this past decade by the committee reflect our continuing concern for these issues. Let me point out the bipartisan nature of this effort.

Consider the 1982 Levin-Rudman amendment to the Regulatory Reform Act and the 1986 Levin-Rudman-Durenberger Rulemaking Information Act. Both of these pieces of legislation would have provided more public disclosure of the OMB regulatory review process.

Given OIRA's overlapping paperwork clearance and regulatory review functions, when Congress has taken up issues of oversight and reauthorization of the Paperwork Reduction Act, a major concern has been OIRA's use of regulatory powers. The committee often has questioned OMB officials about that process. We have also heard frequent testimony about the problems it has created: Ex parte communications, undue delay, and regulatory decisions unsupported by an agency rulemaking record.

The regulatory review controversy surrounding OIRA frustrated reauthorization between 1983 and 1986, and now, once again, has thwarted our efforts since 1989 to reauthorize the act.

In our most recent effort to reauthorize the Paperwork Reduction Act, the committee came closest to resolving some of the outstanding concerns about regulatory review. Let me review this briefly. Through 1989 and 1990, our committee worked diligently, held hearings, met with all parties concerned, including the administration, to try to fashion a workable compromise on paperwork reauthorization and OIRA regulatory review.

An important leader in this effort was our colleague from New Mexico, Senator BINGAMAN, then Chair of the Subcommittee on Government Information and Regulation.

In the fall of 1990, negotiations with the administration finally led to a compromise that involved a bill to reauthorize the Paperwork Reduction Act and a proposed Executive order to govern OIRA's regulatory review process. The Executive order was built on the disclosure procedures agreed to in 1986 between then-OIRA Administrator Wendy Gramm and Senators CARL LEVIN and DAVE DURENBERGER. That agreement was crucial to the success of the 1986 reauthorization of the Paperwork Reduction Act.

In 1990, as in 1986, Senator LEVIN played a significant role in helping to reach a workable agreement. The Executive order the administration agreed to issue upon the enactment of the Paperwork Reduction Act reauthorization set out: Basic principles for OIRA regulatory review; public disclosure requirements building on the 1986 agreement; and time limits for OIRA regulatory review.

In addition to these provisions, OMB Director Richard Darman assured Senator LEVIN and myself that even under current procedures, OIRA would promptly respond to any request from any Member of Congress as to the status of any rule under review at OIRA.

Unfortunately, the Executive order was never issued because a series of anonymous Republican rolling holds prevented Senate consideration of the paperwork reduction reauthorization bill.

For the RECORD, I have several documents that reflect the administration's support for that bill and its agreement to issue the Executive order.

Mr. President, I ask unanimous consent that these documents be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. I cannot stress enough how our bipartisan agreement with the administration would have provided openness in the regulatory review process to ensure balance and fairness. One need only turn back to the CONGRESSIONAL RECORD on October 27, 1990, when Senator ROTH and I rose to announce how we had achieved a bipartisan, two-House compromise with the administration, just to see how close we came to solving many outstanding problems. I think it was good legislation, and it was put forward in good faith, but it was all for naught.

I might add that I think rolling holds are something people here are familiar with. Anonymous rolling holds are one of the Senate's more obnoxious practices, not often invoked, but they should be targeted for parliamentary reform.

What I did not know at the time of that rolling hold, however, was that there was more at stake than just a few anonymous Republican Senators who would do anything to stop a compromise on the Paperwork Reduction Act and regulatory review. What I did not know until some time later was that while on the one hand the administration was discussing procedures to open up OMB regulatory review and agreeing with us on that, on the other hand it was developing a new process, whereby the new Council on Competitiveness, as it is called, could bypass those very same procedures with a closed and secret process to review and control agency decisions disliked by the White House and disliked by special interests.

So what I thought at the time was a temporary setback, one that would be overcome when we returned to the matter in the new Congress, turned out to be a switch in administration policy and a whole new ball game.

In early 1991, as more and more press reports revealed the Council's heavy hand in agency decisions, Senators LEVIN, KOHL, and I wrote to the Vice President, who chairs the Council, on April 17, 1991. We asked first about the authority and operations of the Council. We asked for a list of rules reviewed by the Council. Remember, OMB Director Darman assured Senator LEVIN and me that our questions about rules undergoing OMB review would be answered.

Further, we asked about what outside parties the Council was meeting with to discuss regulations with the idea of making sure there was fairness, balance, and openness on both sides. It took 6 months to get a meaningful response. I will repeat that: It took 6 months to get a meaningful response from the Vice President. In that time, we wrote again to the Vice President. Senator LEVIN and I met separately, but personally, one-on-one, with the Vice President to talk about this, and we finally scheduled a hearing.

Only then did we get a substantive response. But that response, however, did not answer our basic questions. Even after a third letter to the Vice President, those questions have still gone unanswered. Yes, the Vice President, the Council, the Council staff, all refused to say what rules are being reviewed, and who they are talking to about those rules.

Not only do they refuse to answer our questions, but they also refuse invitations to testify before Congress. Twice I have invited the Vice President to send anyone of his choosing to represent the Council. Twice I have been refused for a hearing, once on October 24, 1991, and again on November 15, 1991.

Not only that, but 3 days after the second hearing, the Competitiveness Council staff appeared before a conference sponsored by the Chamber of Commerce to tell business groups of the wonderful job being done by the Council in influencing regulations, while at the same time refusing to give us the information on them.

So they will talk to business groups. They will spread the word at party fundraisers. They will invite some select groups to come and talk with them. But they will not discuss their work with those who truly matter, and that is the American public.

I must tell you that the Council was neither established by law nor by Executive order. Nevertheless, the Council lays claim to broad authority over OMB regulatory review, as well as the power to engage in regulatory review on its own. On April 12, 1989, the Office of the Vice President simply issued a press release along with a factsheet announcing the establishment of the Council on Competitiveness. A year later, on March 22, 1991, a memorandum from the Vice President stated that President Bush had asked the Council "to oversee the regulatory review process" run by OMB.

According to press reports and the testimony of witnesses before the Governmental Affairs Committee, this has meant private meetings between Council staff and business groups affected by agency regulations, Council staff drafting specific regulatory provisions, regular Council staff meetings with OMB staff to discuss agency rules, and Council staff calls and meetings with agency heads involving specific instructions for regulatory decisions.

The regulatory review process operated by the Council and OMB does not lead to public accountability but it creates a two-track rulemaking system: one track for the public, and a separate and special track for political insiders. And the results are seen in regulations that are secretly, and for the most part adversely, affected by Council activities such as Clean Air Act regulations, wetlands delineation manual, biotechnology regulation, and FAA aircraft noise standards.

It is quite clear that the Council is not adhering to the tenents of openness and fairness that Americans expect from their Government. Indeed, the record is replete with cases in which the helping hand of the Council reaches out, not to ordinary Americans seeking to reduce redtape and duplicative regulations, but to the special interests with the access and funds to seek favors.

A report by Public Citizens' Congress Watch published earlier this year showed that the industry associations that successfully enlisted the Council in their cause contributed approximately $3½ million in the past 3 years to the Bush-Quayle campaign. A coincidence? You have to answer that for yourself.

Just this week, in fact, the publication Legal Times, in a front page article, reported that small- and medium-sized companies that seek Council help to cut back on Government redtape are generally shunted aside in favor of large corporations and big ticket industry groups. Political? Well, you have to decide.

Without objection, I would like to place a few examples of the Council's version of openness and fairness into the CONGRESSIONAL RECORD. There was an article in Time Magazine on November 4, 1991, discussing how the Council is "making sure that the new environmental and health laws are as beneficial to business as possible." A December 16, 1991, New York Times article described how "The council has acted behind closed doors, without disclosing who was seeking" changes in regulations and, indeed, made changes "taken word for word from industry documents." That is in last December's New York Times.

A January 9, 1992, Washington Post article described how Vice President QUAYLE and his aides attempt to leave no fingerprints from their review of agency regulations; and a June 30, 1992, New York Times article that credited the Council Executive Director with "rewriting Federal laws."

I would say, again, I support regulatory review, but I want regulatory review to be open and above-board and for everybody to see that it is fair.

I ask unanimous consent that these news articles that I will submit be published in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
AMERICAN LUNG ASSOCIATION,
AMERICAN CANCER SOCIETY,
July 31, 1992.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned organizations, write to you to express our growing concerns about the role and the power that the Council on Competitiveness has increasingly assumed.

The Council has become what it has criticized others as being, an infringement into the lives of the American people by deciding what is "right" for America without full participation of those who represent diverse interests of our society. It has become a tool of the government for the few rather than government for the people.

The Vice President has made it clear in his speeches that the Council operates on two premises: "First that a free market and a competitive economy are the best allies of the American people and second: The less regulation—the less government intrusion into people's lives—the better."

Such a broad sweeping, unsubstantiated statement of purpose is the fundamental reason why we write. The assumption of the Council is that all regulations are bad, that the less regulation the better off Americans will be. No one disputes the fact that there are areas in which there are excessive, burdensome regulations which either should be removed or modified. But at the same time it is also obvious that there are many areas deserving of regulations which do in fact effectively serve the interests of the citizens of the United States. One only has to look at what deregulation has done to the savings and loan industry and the airline industry to witness that deregulation doesn't necessarily serve the "interests of the people." Compare the negative effects of deregulation with the benefits afforded society by regulations that ensure safety of drugs, foods, the environment, automobiles, and other consumer products.

Regulation can also serve to promote competition among manufacturers who often have to be prodded to develop and manufacture better, safer, or healthier products, giving them a market edge both here and abroad.

If the Vice President and the Council on Competitiveness truly believe the Council stands "up for the real interests of the American people" then it should truly be open to all of the people to participate in its deliberation. It should not make its decisions behind closed doors selecting only input from those who serve its political purpose. It should disclose all of its proceedings to the public. It should open up its doors to the people to voice their views, and it should be balanced, fair, and equitable in the conclusions it draws—conclusions based on the full record of views, not on the views of a select few who view the council as a back door way to circumvent the fundamental principles of democracy contained in the Administrative Procedures Act.

The Administrative Procedures Act was enacted in 1946 after a thorough and comprehensive investigation of practices and procedures by the Attorney General's Committee on Administrative Procedure. The Committee's report had as one of its objectives development of federal agency procedures designed to safeguard individual rights. The act was, as one legal scholar noted in 1953, "designed to protect the individual citizen from the hazards of uncertain and slipshod administration procedures resulting in unfair and arbitrary action, while at the same time seeking to preserve the flexibility, the resourcefulness, and progressiveness of the administration agency at its best."

This remains, and should remain, the purpose under which the requirements of the act are implemented today. The functions of the Council on Competitiveness should be consistent with and complimentary to this process. Instead it seems clear that the Council's function is quickly becoming a means of circumventing the act because of concerns raised by "special interests" that their needs will not be attained when open government and due process is pursued. This, Mr. President, is arbitrary decision making and should be corrected.

The greatest irony of all is that the Council's actions are clearly inconsistent with what it says it believes in—i.e. "making government representative of the needs of the people." The voice of the people and the shaping of our society cannot be heard or achieved when "good intentioned" bodies are created to make decisions behind closed doors with no respect for fairness, equity, or balance.

The Council has also become a political sounding board for the Vice President and your Administration. We urge you to consider taking the ethically right and morally high ground in restoring the Council to a role that it should be playing as an advisory body, that it be administered and operated with concepts of equity and due process, that it cease and desist from serving as a "fourth branch of government" which circumvents the fundamental principles of the Administrative Procedures Act, and which pressures and strong arms agencies to prevent them from doing what the people of the United States expect them to do based upon full and active participation. No, the administrative process is not perfect but it is designed to be democratic.

Senator Orrin Hatch, in a 1990 speech at the Food and Drug Law Institutes 34th Annual Educational Conference said it best when he stated:

"The FDA is a 'can do' agency that must embody fundamental principles of equity and fair play in its regulatory responsibilities. These principles serve it well as the guardian of public health. Decisions ought to be based on sound science, not politics. It is too dangerous to the health of the American public to do otherwise."

For the FDA and other federal agencies responsible for protecting the public's health and welfare, the Council on Competitiveness has increasingly become a body that wields tremendous political and regulatory powers designed to reshape, rewrite, or eliminate regulations, not because they "serve the people" but because they serve a few special interests. Congress does not pass laws and federal agencies are not charged with implementing those laws merely to have an entity that has no legislative or regulatory authority decide independently and without due process what they think is "right for the people."

What will be the fate of regulations that seek to improve nutrition labeling, regulations designed to curtail tobacco use, and regulations designed to improve our environment if the Council has a "veto" power which is used without consideration of Congressional intent or legitimate input from all parties as part of normal rule making procedures? Why isn't the Council being more active and aggressive in taking on the tobacco industry when we know that the products it produces kill 430,000 Americans each year and are subject to virtually no federal health and safety regulation?

Our three organizations represent millions of Americans whose views are not being heard by the Council because it seeks to conduct its business under standards which do not lend themselves to "open" government.

When you became President four years ago, Mr. President, you pledged to have an open White House, a White House that served the people. We hope that you have not abandoned that fundamental principle and that all offices and operations of the Executive Branch will in fact subscribe to that philosophy. A change in the way the Council on Competitiveness does its business will be a good and significant start.

Sincerely,

ALAN DAVIS,
Vice President for Public Affairs, American Cancer Society.

FRAN DU MELLE,
Deputy Managing Director, American Lung Association.

SCOTT D. BALLIN,
Vice President for Public Affairs, American Health Association.

[From Time Magazine, Nov. 4, 1991]

THE ADMINISTRATION: NEED FRIENDS IN HIGH PLACES?

(By Michael Duffy)

WASHINGTON.—William Reilly thought he had a deal. The besieged chief of the Environmental Protection Agency was certain Dan Quayle had agreed that any piece of land that was flooded or saturated with water for 15 consecutive days a year would constitute a "wetland" and deserved protection from private development. The next day Reilly received a call from Allan Hubbard, who heads Quayle's Council on Competitiveness, telling him the deal was off. Within days the council hatched a new plan, narrowing the definition of "wetness" by six extra days, satisfying a powerful coalition of farmers and builders and reducing America's wetlands by as much as 30 million acres.

Reilly was privately steamed. If George Bush persuaded Congress last year to pass most of his kinder, gentler legislation untouched, Quayle's Council on Competitiveness is spending much of this year making sure that the new environmental and health laws are as beneficial to business as possible. California Democrat Henry Waxman calls the council a "shadow government." Senator Albert Gore believes that the mysterious body allows Bush to pose as an environmentalist long enough "to justify a television commercial. Then, behind the scenes, the [council] guts the law."

Bush created the panel in 1989 but gave it new powers a year later, when he began hearing complaints from friends that his government was reregulating industries that the Reagan Administration had sought to deregulate. Not long afterward, the President appeared before aides one morning waving a newspaper clipping about reregulation and asking, "What's going on here?" Bush, who headed a task force on regulatory relief as Vice President, asked Quayle to review new regulations to make sure that costs would not outweigh benefits. Lacking a high-profile White House role at the time, Quayle jumped in with both feet.

This is no renegade operation: Bush, chief of staff John Sununu and Budget Director Richard Darman are fully apprised of the panel's activities. When such agencies as the EPA and the White House differ over how aggressively to implement a law, the council moves in to referee. Staffed by fewer than a dozen officials, who are, even by Bush White House standards, unusually conservative, the council regularly sides with business against the environment. Even Administration officials marvel at how powerful the body has become. "Because Quayle has Bush's total confidence," said a former Administration official, "nobody can touch those guys."

The council's favorite target is the 1990 Clean Air Act, which the White House backed but now fears will cost more than $26 billion to implement. Last summer the council asked the EPA to make more than 100 changes in proposed regulations for carrying out the act, changes that top EPA officials say undercut the law. The most controversial proposed change would allow polluters to unilaterally increase their emissions if states ignore a waiver request for more than seven days. "You could drive a big truck through some of those holes," said a top EPA official.

The council has also opposed an EPA plan to require liners and leachate collection systems at all new solid-waste landfills. For nearly a year, the council argued that the plan was too costly, though other officials noted that in the past five years no city has permitted the construction of a new landfill without such equipment. The nation is short on landfills, and the rules for creating new sites are already three years behind schedule.

Hubbard, a gregarious Indiana entrepreneur who ran Pierre du Pont's 1988 presidential bid, points out that those who object to the council's rulings are free to mount challenges in the courts. Hubbard says the council's goal is to improve the nation's competitiveness, not to shelter industry from regulation. "The higher the cost of the regulation the higher the cost of the product to the consumer," he explains. "Our whole effort is to protect the consumer and the American worker."

There's a little more to it than that. The council is potentially a political gold mine for Quayle, who often refers businesspeople with complaints about government meddling to his eager staff of deregulators. The council spearheaded Quayle's attack on lawyers and excess litigation last August, and is preparing to move beyond reviewing new regulations to tackling rules already in place. While Quayle's detractors dismiss the Vice President as silly and feckless, his shrewd handling of the council's affairs is just another sign that he is taking full advantage of his office.

For Bush, who in the midst of a sluggish recovery can neither pass out tax cuts nor launch spending programs to promote economic growth, the council is "the only game in town," an official said. "The one thing that can cause George Bush problems in 1992 is the recession." The council also exemplifies Bush's have-half approach to political problems. In 1992 he can run as an environmentalist while telling industrialists he's on their side too.

[From the Legal Times, Sept. 7, 1992]

THEY CAN'T COMPETE

(By Daniel Isaac)

Howard Arbaugh is tired of Vice President Dan Quayle's war on the bureaucracy. In his view, it's a war of words, not actions; a war for the rich and well-connected, not for the owners of small and medium-sized businesses like himself.

Arbaugh's company, the ArChem Corp., should have been a prime case for the Council on Competitiveness, the White House panel chaired by Quayle that has emerged as the dominant deregulatory force in Washington in the past three years. Quayle and the council have been on a mission to force federal agencies to curb costly rules and regulations.

It is just such a rule that Arbaugh says has pushed his chemical manufacturing company to the brink of bankruptcy. The Environmental Protection Agency levies fees on the labels it approves for use on such ArChem products as rat poison, and those fees have wiped out all the company's profits, Arbaugh claims. Now, he cannot reinvest in new equipment and research.

But when Arbaugh wrote the Competitiveness Council last spring about the threat that his company and industry were facing, he got only a cursory note back acknowledging receipt of his letter. When he called, he was ignored.

"I can't get to first base—it's pretty discouraging," says Arbaugh, who founded his Ohio-based company 30 years ago. "[Calling the council] sure as hell didn't help me." Unless he receives some form of relief, Arbaugh believes he'll be out of business by next January.

Arbaugh is not the only one disillusioned these days. A review of 96 petitions to the council over the past six months shows that, for the most part, Quayle's much-vaunted deregulatory panel ignores pleas for relief from small businesses, granting access instead to well-endowed companies and associations. Those small firms that do get in the door rarely get results.

The clear pattern emerging from the review is that at the Competitiveness Council, bigger is better. Only a quarter of the companies and associations—24 of the 96—were able to meet with council staffers, even though council policy requires staffers to give an audience to anyone who wants to discuss a regulatory issue, provided the individuals have first touched base with the federal agency overseeing that issue.

The findings appear to contradict Quayle's claims that the council is a free-market advocate and indicate that it is more a tool for big business and political favoritism.

The council "is preserving the old way for a few big companies that have found the way to get in [through] the back door," say Michael Levett, president of Business for Social Responsibility, a non-profit group consisting of 75 companies, including Reebok International Ltd., the Stride-Rite Corp., and Ben & Jerry's Homemade Inc.

"Working on the interests of a few businesses is very different from working for the interests and competitiveness of business as a whole," Levett adds.

Of the 96 companies and associations, which were chosen at random from thousands of letters to the council on file at the Office of Management and Budget, 46 were small and medium-sized businesses with annual revenue under $100 million. Seventeen were major corporations, with revenue exceeding $500 million. Thirty-three were associations and representatives of special-interest groups.

With the exception of three companies, the winners were major corporations or associations representing major corporations, and all were big donors to the Bush-Quayle campaign, the Republican National Committee, or events—such as the President's Dinner—sponsored by the RNC.

In a written response, Quayle's spokesman, David Beckwith, challenged the notion that the council plays favorites in its efforts to help provide regulatory relief.

"The Council staff has a policy of meeting with all individuals who wish to raise a regulatory issue." Beckwith wrote, "The Council works very closely with small- and medium-sized companies to ensure that they are represented in the regulatory process. We suspect the *Legal Times* survey is grossly inaccurate and distorted."

But time and again, it is apparent that businesspersons from the 96 companies and associations interviewed felt left out of the process. Consider the following responses:

Joel Hipp, president of PMI Food Equipment Inc., says he received more of a bureaucratic runaround from Competitiveness Council staff than he did from the bureaucrats he was trying to battle. "I called, and one guy told me he was the wrong person," says Hipp, whose Texas-based firm generates $65 million in business annually. "He referred me to another staffer who also said he was the wrong one. Finally, the third person told me to write a letter. I got a letter back from him, telling me he was the wrong persons. I finally just gave up."

Jerry Johnson, general manager of TimberCo Inc., wanted the council's help in confronting a number of regulatory issues facing his Oregon-based lumber company. But none was forthcoming. "I know our company doesn't have the size, employees, money, or clout of Weyerhaeuser," says Johnson, who recently left TimberCo Inc. "But if the council is for business, it should be listening to all companies. It would have been nice to at least get a letter of acknowledgement back, even a form letter."

Urvan Sternfels, president of the D.C.-based National Petroleum Refiners Association, struggled unsuccessfully to get direct access to the council for his group, then looked on while a much larger, more powerful group—the American Petroleum Institute—held a series of meetings with council staffers, Sternfels is philosophic about the seeming disparity: "If American Petroleum Institute represents 73 percent of the refining capacity, I can understand why they can easily gain access. What that means is that the smaller groups have to kick and shout a lot louder."

Bill Niskanen, chairman of the CATO Institute, a libertarian think tank, notes that such a pattern of access is inevitable.

"It's a problem and there's probably a clear bias," Niskanen says. "But I think it has less to do with the people at the council. It's more of a systemic problem. Such a bias is inevitable."

FALLING THROUGH THE CRACKS

David McIntosh, Quayle's deputy chief of staff, who serves as executive director of the council, declined comment on most of the case studies mentioned in this article, arguing that he did not have adequate opportunity to research them before press time.

McIntosh did say that he was familiar with Hipp's case. He claims his staff directed Hipp, as the owner of a food-equipment company, to steer his suggestions and complaints to the Food and Drug Administration before turning to the council. Hipp counters that he has done that repeatedly and only approached the council as a last resort.

But McIntosh acknowledges that some firms may fall through the cracks, given the overwhelming demand on the council's bare-bones staff. The council, which is funded through the vice president's office, employs six staffers and six interns.

Despite those limitations, McIntosh insists that the council makes an effort to respond to all problems raised by companies—provided that the issues relate to broad regulatory matters and the economy. If a company does not receive a response, McIntosh says, it is probably requesting help on an individual problem.

"It is outside our scope to deal with specific problems a company may be having," says McIntosh.

Furthermore, McIntosh argues, the council's work does affect small and medium-sized businesses, even if the council does not always work with them directly. For example, McIntosh points out that the council has worked closely with the National Association of Manufacturers—admittedly a large group, but one that represents hundreds of small businesses.

"That's bull," Hipp says of McIntosh's explanation. "We've been ignored."

Beckwith, Quayle's spokesman, has emphasized the council's goal of aiding those small and medium-sized businesses directly, agruing in his written response to *Legal Times* that "It is the Council's duty to make sure that they are not ignored by an unelected, uncaring, unsympathetic bureaucracy."

But the council has been derelict in that duty, according to Arbaugh, Hipp, and many other discontents among the small and medium-sized business force—which creates two-thirds of the new jobs in the economy and employs 85 percent of the work force, according to the Commerce Department.

Criticism of the council is not new. In the past two years, five separate congressional comittees have probed the panel's activities—from the financial interest of its staff members to its method of operation. But the political heat has not curbed the council's operations nor diminished the business community's view that it has become an indispensable tool in influencing an unwieldy and, sometimes, hostile bureaucracy—a tool that compensates for federal agencies' natural shortcomings.

"If the council didn't exist, they'd have to invent it," says Galen Reser, government-affairs director for PepsiCo Inc. "Sometimes, when you're in an agency, you get tunnel vision, lose perspective. The council brings back that perspective."

As a result, who gains access to this center of regulatory authority—and how they do it—is a question of increasing importance to the thousands of businesses struggling to cope with the recession.

Of the 24 advocates in the random survey who succeeded in gaining direct access to council officials, 13 were individual companies. Ten of them were Fortune 1,000 companies: the Ford Motor Co., the General Motors Corp., Eli Lilly and Co., Cargill Inc., PepsiCo Inc., the Archer-Daniels-Midland Co., the Atlantic Richfield Co. (ARCO), the Amoco Corp., the Weyerhaeuser Co., and the Martin Marietta Corp. Combined, these firms employ more than 1.6 million people and generate $310 billion in annual revenue, according to Standard & Poor's Register of Corporations.

And while Quayle's spokesman, Beckwith, dismisses any connection between access to the council and campaign contributions, the above-mentioned firms were among the most generous givers to the GOP in the past year.

Top officials at Ford, for example, channeled $10,000 into Bush's re-election effort during the first four months of the year; PepsiCo officials gave $9,000, and ARCO officials donated $6,000. some of these companies also gave to Democrats, but those contributions were far out-weighed by those made to Republicans.

The companies as a whole have been able to give large amounts to the GOP through "soft money" donations for party-building activities. Amoco, for instance, gave $20,000 to the President's Dinner last May and $5,000 to the Republican National Committee in the first quarter of this year.

Aside from individual firms, 10 of the 24 associations included in the review successfully gained access to council officials last spring. They also included some of the largest industry groups, controlled by the largest companies.

The association winners were the Chemical Manufacturers Association, the National Association of Manufacturers, the U.S. Chamber of Commerce, the American Petroleum Institute, the National Association of Home Builders of the United States, the Aerospace Industries Association of America, the Pharmaceutical Manufacturers Association, and the American Bankers Association.

A report completed by Public Citizen's Congress Watch, the advocacy group founded by Ralph Nader, concluded earlier this year that the industry associations that successfully enlisted the council in their cause contributed approximately $3.5 million in the past three years to the Bush-Quayle campaign.

"There is a significant—and disturbing—nexus between interference in rulemaking and campaign contributions to the Republican presidential campaign," the March 1992 report concluded.

Beckwith challenges Public Citizen's accusation that the council's work is tied to the Bush-Quayle campaign.

"The accusation is typical of the liberal special interests who want to preserve the regulatory process as their special playground," Beckwith said in his written response to *Legal Times*. "The Council has no connection with any efforts to engage in fund raising."

Those who have successfully petitioned the Quayle council echo Beckwith's sentiments, dismissing as ludicrous the notion that their access to the council was contingent upon their political and financial support.

Politics and campaign contributions were never discussed in meetings with council staff, they say. What was discussed, the winning advocates say, was the work-force constituency they represent—and the impact of regulations on their industry.

"When you represent the 230,000-worker constituency that we do, of course the White House is going to open its door to us. We can't be ignored." says Dwain Belote, government-affairs representative for Ford. Earlier this year, Ford successfully enlisted the council's support in a bid to relax rules pertaining to the Clean Air Act, fuel efficiency, and alternative fuel.

Gaining access to the council does not guarantee that Quayle's troops will rally to the cause. Executives and lobbyists say that council staffers grill petitioners for information and demand documentation of the case for intervention.

"We really had to do our homework," says Don Fuqua, a former Democratic member of the U.S. House from Florida who now lobbies for the Aerospace Industries Association, a group that represents some of the largest defense contractors in the country.

"They asked for a lot of information and asked a lot of questions," adds Fuqua, who requested the council's help in eliminating fees that defense contractors had to pay for exporting their products. "It was by no ways or means a given that they were going to help us."

But once the Council on Competitiveness has decided to lend its assistance, those who have benefited from its efforts say that council staffers can move swiftly and effectively to right bureaucratic wrongs.

Weyerhaeuser Vice President Fred Benson offers a case in point. Benson says Department of Interior bureaucrats were violating a series of policies and rules regarding preservation of wildlife in forests designated for harvesting. The bureaucrats' stance was threatening Weyerhaeuser's business, as well as that of hundreds of smaller companies, Benson recalls.

Benson says he picked up the phone, called council Director McIntosh, set up a meeting, and told him what had transpired. McIntosh subsequently contacted ranking Interior Department officials, who, according to Benson, acknowledged that the agency was wrong.

"It's not clear how it's going to be resolved, but they were wrong and with the council's help, they acknowledged that they were wrong." Benson says.

UNANSWERED PLEAS

But others have not been as lucky. Take the case of Ray Roenigk, head of Oxid Inc., a Texas-based chemical maker.

Roenigk's company produces a range of pesticides, which often require approval from the Environmental Protection Agency. Last year, the company increased the strength of one of its products by changing the chemical composition, a move that required the company to receive renewed approval for the product from the EPA.

Roenigk says EPA bureaucrats have dug in their heels and refused to sign off on the product. "We're not talking about polluting the air or killing animals," says Roenigk. "We made one small change, and it's costing us hundreds of thousands of dollars in paperwork and they're not even approving it. They can't even explain why."

Roenigk wrote a lengthy letter to McIntosh last March. Five months later, he is still awaiting a reply.

"What's the problem in getting off their duffs and doing something?" asks Roenigk.

In his view, the Competitiveness Council has become just another ineffective Washington institution.

"If every day, the bureaucrats, the congressmen, the council, and the White House corrected one wrong, things would improve dramatically," he says.

Richard Reeves, president of the Tennessee-based Murfreesboro Pharmaceuticals Nursing Supply Co., has a similar story to tell.

Reeves, whose company generates an estimated $200,000 in profits annually by repackaging and selling drugs bought from other companies, says his company teetered on the verge of bankruptcy because of bureaucratic ineptness at the FDA, the agency charged with overseeing the pharmaceutical industry.

The council, in the past year, has repeatedly gone to bat for some of the larger pharmaceutical companies, pressuring the Food and Drug Administration to reduce the amount of time it takes to approve new drugs. The new approval process came at the request of Eli Lilly and Co., Abbott Laboratories, and the DuPont-Merck Cos., the three major U.S. makers of new drugs.

But Reeves' problem was not quite as complex as changing an entire drug-approval system. Early this year, FDA regulators quarantined Murfreesboro's drugs and those of other companies. The reason: The labels on the products did not conform to new agency rules, which, Reeves claims, were never conveyed or explained to his company. By the time Reeves managed to relabel the packages, the product had gone bad, and he lost his profits for the year.

He wrote to the council in April, explaining the sequence of events.

"I don't mind complying with the rules, but at least they should be required to inform and notify industry and companies about these changes," says Reeves.

And even though Reeves had heard rave reviews about the assistance the council provided to other companies in his industry, he never heard back.

"The bureaucrats always go after the small and medium-sized companies because the big ones are too big to touch," says Reeves, adding, with a touch of nostalgia for the deregulatory fervor of the 1980s. "This would have never happened under [Ronald] Reagan."

Reeves' case presented the council with a typical complaint from businesses large and small: that the maze of labeling laws now on the books—and the enforcement regimes that come with them—are ruining U.S. competitiveness. But only a select few companies have gotten the council's help on the issue.

For instance, PepsiCo's director of government affairs, Galen Reser, confronted a situation like the one Reeves faced, but was more successful in gaining access to the council. The FDA has proposed requiring food companies to provide by 1993 clearer and better information for consumers on product labels. The deadline, Reser claims, is unrealistic and will cost the giant soda company more than $30 million.

So, like thousands of other executives unhappy with federal regulators, Reser contacted the council in March. Quayle's staffers, he says, were very responsive. The final rules have not yet been written for the food-labeling initiative, but Reser is confident that the council will help the bureaucracy gain "perspective" on the issue.

That kind of help often earns the council a reputation for favoring the interests of business at the expense of the interests of consumers. But sometimes, the panel helps one segment of an industry at the expense of another.

"In the two cases that I've seen them operate, they've done more damage than good," charges one attorney who worked with the council and the Office of Management and Budget on an environmental matter. "The staff there may know politics, but a lot of times they don't understand the nature of the issues they're dealing with."

For instance, the hazardous-waste-treatment industry and those who produce that waste have been at odds over final EPA rules governing the dumping of hazardous waste at municipal landfills. The council, along with the Office of Management and Budget, which was taking its cues from the council, wound up on the side of the waste producers, the larger and more influential of the two.

The waste-treatment industry wanted the rules written to define the scope of their market, allow appropriate design of the waste sites, and outline the proper insurance programs. The key point of contention was the degree to which the waste has to be diluted in order for producers to dispose of it safely in these landfills. But the set of rules the waste-treatment industry favored were stymied by the EPA, under pressure from the OMB and the council.

Two other sets of rules were then put forward by the EPA and OMB. Both enjoyed the support of the Chemical Manufacturers Association (CMA) and of individual companies that produce waste; their goal is to limit any regulation that could hike the cost of waste disposal.

"We talked to anybody who would listen on this issue," says Mort Mullens, the CMA's head of government affairs.

But both sets of rules were opposed by the hazardous-waste-treatment industry, which argued that the proposals would expose their industry to too much risk.

The fight is not over; the rules have yet to be finalized. But many in the hazardous-waste-treatment industry feel that the debate has turned against them, and the influence that the CMA and other large waste producers enjoy over the council is a big reason why.

"It was clear where OMB and the White House were getting their positions from," says one waste-treatment-industry source.

CALLS FOR REFORM

Even the council's harshest critics say the panel could play an influential role in increasing U.S. competitiveness—if only it would reform its ways.

Michael Levett, the president of Business for Social Responsibility, says he supports the concept of the council, but that, at present, it is sacrificing the long-term ability of the U.S. economy to compete for short-term gains for a few select companies.

"We like the idea of a Council on Competitiveness, but it should really focus on issues that are pertinent to global competition," says Levett.

Meanwhile, business executives like Howard Arbaugh, who feel ignored or forgotten by Washington and Quayle's council, are reaching wit's end.

As he contemplates the strong possibility of closing shop in the next few months, Arbaugh knows that the council is perhaps his last hope.

"It's very disheartening," says Arbaugh. "The pressure [on the bureaucracy] has to come from the outside. Come January, I don't know any way in the world that we'll be able to keep going."

[From the Washington Post, Jan. 9, 1992]

QUAYLE'S QUEST: CURB RULES, LEAVE "NO FINGERPRINTS"

(By Bob Woodward and David S. Broder)

Vice President Dan Quayle, a self-proclaimed "zealot when it comes to deregulation," has made his chairmanship of the President's Council on Competitiveness a command post for a war against government regulation of American business.

Democratic members of Congress, public interest groups, environmentalists and others have attacked the council for intervening in behalf of business to scuttle regulations that are the direct responsibility of other federal agencies. Seven congressional committees are investigating the council's activities. But the council's real role is much larger than even its critics imagine.

A six-month examination of the council's work by The Washington Post shows that Quayle and his small council staff of free-market activists have intervened in dozens of unpublicized controversies over important federal regulations, leaving what vice presidential aides call "no fingerprints" on the results of its interventions.

They have changed or tried to change regulations on federal rules relating to commercial aircraft noise, bank liability on property loans, housing accessibility for the disabled, clothing makers' right to work at home, disclosure requirements on pensions, protection of underground water from landfill runoff, reporting requirements for child-care facilities located in religious institutions, and fees for real estate settlements.

"The future of the country is at stake," Quayle said in an interview, "because if you can't figure out a way to basically tame that bureaucracy, and if we can't do it on our watch . . . then who's going to do it? . . . The bureaucrats are smart, they've been here, they've got more ways to skin a cat than you can think of, [and] they've got the press primarily on their side."

Quayle said he has broad authority from President Bush to step into the process of writing federal regulations—the thousands of rules published each year to implement laws passed by Congress—wherever he deems necessary. "I am doing what the president wants me to do," he said of what has become his most substantive vice presidential role. "That is to make sure that 'regulatory creep'—to use his words—does not get back into his administration."

The council's power is enhanced by what several officials described as an unwritten administration rule that no Cabinet official will appeal its actions to Bush. "I'm the last stop before the president," Quayle said. "I have not had a decision appealed from the Competitiveness Council to the president."

The new White House chief of staff, Samuel K. Skinner, described a "gentlemen's agreement" among administration officials to avoid asking Bush to resolve any disputes except those of utmost importance.

"Why bother the president if you don't have to?" Skinner said in an interview last summer, while he was still serving as transportation secretary. "Number one, you might lose . . . Number two, you're burdening him with something that he does not like to be burdened with. He wants people to work it out. The gentlemen's agreement is, try to work it out before it gets to him." Bush, according to Skinner, says, "'I don't want to have to decide between Cabinet members.' Everybody understands that's what the president wants . . . Anybody that's loyal to the president is going to do it that way."

Together, the "no fingerprints" and "no appeal" rules make Dan Quayle the man to see in the Bush administration for business people across the country and their Washington lobbyists.

Richard Rahn, until recently chief economist of the U.S. Chamber of Commerce, said: "Quayle has gotten into the deregulation battle more substantively than anyone else. He has done his homework. He's forceful. And he's made a difference in the eyes of American business."

In the process, Quayle has infuriated critics such as Rep. Henry A. Waxman (D-Calif.), chairman of the House Energy and Commerce subcommittee on health and the environment, who has accused Quayle of setting up "an illegal shadow government." In an interview, Waxman compared what he called Quayle's "rogue operation" on the domestic front to the Reagan admninistration's secret maneuvers uncovered in the Iran-contra investigations. "The Council on Competitiveness has usurped power, holds secret meetings with industry groups, and violates administrative procedures on public hearings and public access to information on decision-making," Waxman said.

Waxman said he has long suspected that Quayle and the council staff are involved in many more behind-the-scenes activities, but congressional investigations have been able to bring only a few of the actions to light.

By attempting to "rewrite the laws through regulations" that are so technical "that the public cannot understand," Waxman said, "Quayle has set out to make himself the hero of the conservative forces in this country." Unless there is a public outcry, he said, "it's going to be difficult to stop him," because the issues of the council's authority and its interpretations of the law will take years to resolve in federal courts.

Quayle defended all of the council's actions as proper and legal. He called the criticism "good, old-fashioned politics," and a testament to the council's effectiveness in reducing regulations favored by Democrats.

ALTERING AN ESTABLISHED PROCESS

Generally considered a flexible and adaptable politician, Quayle reserves his most passionate political denunciations for "regulatory creep."

As a senator, he kept on his office wall a framed copy of an edition that his greatfather, newspaper publisher Eugene C. Pulliam, wrote in 1971. The title, "Will the Federal Bureaucracy Destroy Individual Freedom in America?," is one that Quayle quotes often.

In his work with the council, as in other aspects of the vice presidency, Quayle has built on the model George Bush established during his eight years in the job. Bush chaired a similar group, called the Task Force on Regulatory Relief, and its annual reports bragged of reducing regulations, liberating free-market forces and getting the bureaucracy off the backs of Americans.

C. Boyden Gray, now Bush's White House counsel, managed the project for non-lawyer Bush and opened the regulatory process to business voices.

A Reagan administration executive order authorized the Office of Management and Budget to review regulations for cost effectiveness before agencies make them final. Frequently, there are bitter disputes between the departments and OMB or between two agencies, over the strictness with which new laws should be applied. In addition, the members of the Democratic-controlled Congress who wrote the bills often want the most rigid interpretations applied, while a business-oriented, Republican administration wants to make the regulatory burden as light as possible.

By putting Quayle and the Competitiveness Council into the game as a kind of Supreme Court of regulations, Bush has altered well-established federal regulatory process, sanctioned by law, that allows all interested parties the opportunity to comment publicly and argue their positions on the record before regulations are issued. The change has lessened the rule-making power of federal agencies and tipped the outcome of these battles against those in Congress who push for strict regulation.

The council consists of seven members: Quayle, the White House chief of staff, the attorney general, the director of OMB, the chairman of the Council of Economic Advisers, and the secretaries of treasury and commerce. Meetings of the full council are rare, and most of the work is done informally by Quayle and his staff. Quayle said this is intentional.

"I'd much rather have the collision below, rather than . . . at the Competitiveness Council," where stories of bureaucratic battles are more likely to leak because more people are involved, Quayle said. "In this town, especially, you don't want that to come out, that you [did] not prevail. Everybody's a winner—as long as it doesn't get out."

The council was relatively inactive until mid-1990, when Bush and the business community perceived backsliding from the Reagan administration's deregulatory victories. Directly charged by the president to address the issue more actively, Quayle hired Allan B. Hubbard as the council's executive director. A graduate of both Harvard law and business schools, and the multimillionaire part owner of an Indiana chemical company, Hubbard had managed former Delaware governor Pierre S. "Pete" du Pont IV's bid for the 1988 presidential nomination. Hubbard's wife, Kathy, had been Quayle's chief fundraiser in his 1980 Senate campaign.

Like others in the libertarian wing of the Republican Party, Hubbard is a strong believer in the efficiency of the free market. "We want to make sure the regulations are consistent with the statutes," he said in an interview. "But we also want to be sure they are the least burdensome to the economy, to protect American competitiveness and preserve American jobs."

As his deputy, Hubbard selected another ardent advocate of free-market economics, David M. McIntosh, a 1983 graduate of the University of Chicago law school and alumnus of the Justice Department .

"Hubbard and McIntosh are the driving force" at the council, said one White House official. Quayle said he encourages and fully supports their conservative activism.

One of Hubbard's first moves as executive director was to ask OMB's Office of Information and Regulatory Affairs for a list of issues on which the agencies had been dragging their feet.

Hubbard and McIntosh began applying the heat to agency lawyers in phone calls or meetings to resolve these issues. Hubbard met personally with the number two officials in many agencies and departments, calling on Quayle to talk to the appropriate Cabinet secretaries when Hubbard was not satisfied.

Word quickly spread through the business community that the Competitiveness Council was ready and able to help on regulatory matters, and its agenda filled up.

In almost every city he visits as a campaigner, Quayle holds closed-door round tables with business people who have made sizable contributions to the local or national GOP. Hubbard, who also has the title of deputy vice presidential chief of staff, often travels with Quayle and sits in on these sessions.

BREAK FOR AIRLINES, NOT FOR EARS

Last July 8, Sen. Wendell H. Ford (D-Ky.), chairman of the Commerce, Science and Transportation subcommittee on aviation, and an author of the 1990 Airport Noise and Capacity Act, wrote to Quayle asking for help. United Parcel Service, which has a major facility in Kentucky, and several commercial airlines had complained to Ford that a proposed Federal Aviation Administration rule implementing part of the legislation would unnecessarily hurt them financially and put them at a competitive disadvantage with foreign carriers.

The act requires U.S. airlines to replace noisy aircraft with new, quieter jets by the year 2000. The proposed FAA regulation spread the timetable for getting rid of the noisy planes at a steady pace over the next 10 years, with 25 percent of them to be phased out by 1994, 50 percent by 1996, and 75 percent by 1998.

The airlines had argued to the FAA and OMB, without success, that the rules should emphasize "phasing in," not "phasing out," thereby giving them credit for the quieter planes they had already purchased and allowing them to retain noisy jets in the fleet for years longer.

Ford insisted that the FAA's proposal was far more stringent than Congress had intended. And, while the solution proposed by the airlines would mean prolonged noise for millions who live near airports, it also would provide a tremendous economic break at a time of airline bankruptcies and mergers. According to one analysis used by the council, the airlines' proposal would save the industry $1.2 billion.

Quayle took up the matter directly with Skinner, then the secretary of transportation, the post that oversees the FAA. The two midwesterners are golfing buddies, having played together several dozen times in the last three years.

"I talked with Sam periodically" about the aircraft issue, Quayle said, asking, "'How's it going?'"

Meanwhile, Hubbard convened a dozen meetings with officials of the FAA, Transportation Department and OMB, seeking an agreement. Hubbard's threat of direct intervention by Quayle and the council ultimately convinced the FAA that a relaxation of the timetable would still comply with the law, and the industry proposal was accepted in its entirety.

"We do not have a monopoly on good ideas," said, Kenneth P. Quinn, the FAA's chief counsel. "We welcomed the input of the Competitiveness Council. We learned something . . . and the final rule was a reasonable balancing of environmental benefits versus the economic costs."

Quinn said he had close to 100 conversations or meetings with Skinner over the year they were considering the issue, and although the Competitiveness Council, OMB and the Council of Economic Advisers were heavily involved, "the secretary's prerogative to decide the issue was legitimately preserved" and Skinner "himself made the decision."

It was Skinner who announced the decision, on Sept. 24. It attracted heavy news coverage, for it involved the economic plans of 30 airlines with 2,000 planes and a delay in relieving the eardrums of 3 million people who live near noisy airport flight paths.

Patrick J. Russell, an attorney for the National Airport Watch Group, which represents 300 local anti-noise groups in 75 cities, complained that citizens had little input in a ruling that directly affected them. A USA Today editorial said Skinner's message to those who live near airports was: "Things will be better in 10 years. Meanwhile stuff it. Uncle Sam knows what's best."

News stories barely mentioned the role played by the Competitiveness Council—and that was just as Quayle wanted it. His staff had discussed the possibility of publicizing his part in the decision and decided not to, because they recognzied it was a "political loser," as one of Quayle's aides said. "Millions of people hate airplane noise, and there was no benefit to be derived from being associated with the decision that would mean more noise longer," the aide said.

DISPUTE ON DEFINING WETLANDS

"We've had sometimes more visibility than I really want," Quayle said of the publicity surrounding the council. He said he would prefer that most of their interventions, like that on aircraft noise, leave no fingerprints.

But at the same time, Quayle and the president derive immense political benefit from business and big-donor Republican circles because of the council's deregulatory activities.

How many issues has the council been involved in? "Whew, quite a few," Quayle said. "I don't have a number, but this is a big government and people know our mandate is to hold down regulations and try to follow the deregulatory effort that the president established when he was vice president."

Other officials said that Quayle and the council staff limit the interventions to about 50 cases a year, tending to choose those with major economic impact. While Hubbard and McIntosh handle the detailed negotiations with the agencies, Quayle's chief of staff, William Kristol, keeps OMB Director Richard G. Darman, presidential domestic policy adviser Roger Porter and the White House chief of staff advised of council activities.

It is the use of informal, back channels outside public or congressional purview—designed partly to thwart publicity and partly to hold down the temperature of disputes within the government—that critics say denies the protections of open government. The approach is illustrated in the case of regulations governing development of the nation's wetlands.

During the 1988 presidential campaign, Bush focused the spotlight on wetlands, pledging "no net loss" of these ecologically fragile areas that foster wildlife and birds, help control floods and filter out contaminants before they enter streams.

Immediately after the election, but before Bush took office, technical specialists at the Environmental Protection Agency and three other agencies issued a manual more strictly defining wetlands in a way that expanded development restrictions on tens of millions of acres.

On his political swings around the country, Quayle said, he heard frequent complaints that the federal government was unnecessarily restricting the use of wetlands for real estate development and other business ventures. Ohio Gov. George Voinovich (R), for whom Quayle had campaigned extensively, "jumped all over me," Quayle recalled, "about one airport expansion project in northwest Ohio" that was being delayed by the wetlands restrictions.

Last May, an official said, Quayle told the council's executive director: "Hubbard, we need to do something about wetlands." EPA Administrator William K. Reilly protested against the intervention. Some White House officials argued that the hot-potato issue should be left to EPA and the other agencies, but Quayle received Bush's approval to become involved.

During the summer, negotiations hit innumerable snags. On the night before Reilly was to testify to the Senate, he, Quayle and Hubbard engaged in a round-robin series of telephone conversations trying to broker a deal. Each time Reilly thought he had Quayle's agreement, Hubbard called Reilly to say he had misunderstood. When their final agreement was presented at a White House senior staff meeting the next morning, Darman and Chief of Staff John H. Sununu erupted, and a last-minute call was made to Reilly—in his car on the way to the hearing—to tell him the deal was off.

After that near fiasco, Quayle convened the full Competitiveness Council on July 29. He began the session by expressing astonishment that vast areas of his home state of Indiana could have been classified as wetlands under the original definition in the manual, when he knew those areas were farmland.

According to those present, it quickly became clear that most of the agencies wanted to open more wetlands to development than Reilly did. But Quayle did not let the matter come to a vote, nor did he announce his own decision. "Didn't want to do it," he said in a recent interview. "Too many people spoke up and I felt that we needed a little cooling-off period to see if we could work this out."

Quayle aides suggested that the vice president was being protective of Reilly, knowing that a formal vote overruling the EPA chief's position would leak to the press and damage Reilly with environmental organizations and EPA professionals.

The opportunity for further negotiation came the next day, when Reilly came to Quayle's office to discuss matters related to the vice president's upcoming trip to Latin America. At the end of the visit, Quayle and Hubbard broached a compromise that had surfaced the previous day. The meeting ended without conclusion, but Quayle sent Hubbard after Reilly to press for an answer. Standing near his car in the driveway between the White House and the Old Executive Office Building, Reilly said he'd think about it overnight. The next day he phoned Hubbard to say yes.

The eventual announcement of the deal, which significantly narrowed the definition of wetlands in a way experts have said would halve the amount of protected acreage, served only to stoke the controversy. Final rules remain under review. Environmental groups have assailed the decision, but Quayle said Republican leaders in states such as Georgia and Louisiana have told him that "the best thing you've done is to stop EPA taking away people's property rights." Rep. Waxman has vowed that "at some point, Reilly is going to be called to face how far he is letting this go."

Quayle insisted that he and Reilly are not antagonists. "We have a very good understanding," Quayle said. "He comes at these issues from a very strong environmental point of view, [and] I argue there's some other things that need to be considered." Reilly, who reportedly blames Sununu for many of his problems, apparently harbors no grudge against Quayle. He has told associates that he does not think the council "compromised the integrity of the regulatory process. We are in a process of give and take."

But the critics are likely to press a procedural issue that troubles even some senior administration officials—the question whether such informal sessions as the Reilly-Hubbard-Quayle meeting violate the rules of open advocacy that govern the regulatory process.

One senior regulatory official, who asked not to be named, said, "I believe in public notice and public comment, and it is not a good idea to have Vice President Quayle and his staff skewing that process."

This official and two senior officials in other agencies said that it was embarrassing that Quayle and his staff could have conversations with business people and others on regulatory matters and not have to report them on the public docket. Said one official of what is standard agency practice, "My people are under strict instructions not to talk to regulated parties, and if they meet someone at a cocktail party and have a discussion inadvertently they must write a memo and file it" with the public record.

Last month, Waxman and others raised conflict-of-interest allegations against Hubbard, who responded by pledging to put his substantial wealth in a blind trust. Waxman, however, is not satisfied and says that Quayle himself should have a blind trust. Quayle has nearly $400,000 of stock in Central Newspapers Inc., which is affected by trash recycling regulations the council has handled.

"I don't think they [Quayle and Hubbard] are motivated by traditional greed," Waxman said. "But the attitude is inconsistent with the standards set by Bush for his administration, which is supposed to be there will be no appearance of a conflict."

Quayle rejected that view. "We are trying to hash out differences within the administration," he said, "and this is a rather normal White House function. . . . Congress doesn't like the White House meddling, period. They feel that EPA, for example, should be more beholden to the Congress than to the executive branch. Well, that's just the normal tension that you have between the legislative and the executive branch. We're just diametrically opposed. The White house should be concerned and involved on a rather detailed basis on what kind of regulations are out there. We get blamed for them."

Quayle promised that the deregulation crusade would go forward, and held two long meetings with his staff before Christmas to draw up a list of regulations and issues the council plans to target in 1992.

[From the Washington Post]

RECENT CASES OF COUNCIL INTERVENTION

Here are some recent cases from the "no fingerprints" file of the Council on Competitiveness. Confirmed by Vice President Quayle, these council actions involve regulations that already have been issued or that are pending:

Ensuring that the Labor Department plans to lift a ban on work done at home by workers in the women's clothing industry, a move long opposed by the International Ladies Garment Workers Union. Quayle said he has spoken with Labor Secretary Lynn Martin and "my understanding is that they are preparing the [new] rule."

A senior administration official said that Quayle and Martin are still discussing the issue, and Martin has made no final decision.

Easing of regulations drafted by the Environmental Protection Agency that would require expensive liners and water runoff systems to be installed at municipal landfills for non-hazardous waste.

Backing the Office of Management and Budget in a dispute with the Pension and Welfare Benefits Administration (PWBA) over investment options for pension plan beneficiaries. OMB argued that a proposed rule would increase administrative costs for small pension plans and also might reduce returns for investors. The final rule, in accordance with OMB wishes, limited the investment choices and the frequency with which beneficiaries could transfer their money among them.

Backing OMB in another dispute with PWBA over the disclosure of information to pension plan beneficiaries. PWBA had outlined specific procedures that pension providers had to follow to alert beneficiaries of news about their plans. The final rule supported OMB's move to trim those procedures.

Easing Department of Housing and Urban Development regulations, opposed by OMB, that pertain to the Fair Housing Amendments Act of 1988. HUD proposed that all apartment buildings covered under the act meet certain standards for accessibility to the handicapped. The new regulations allow an apartment owner to wait until a disabled person rents an individual unit to bring it up to standards.

Mediating between the Labor Department and the Immigration and Naturalization Service over whether the 400,000 foreign students working in this country must be paid the prevailing wage. It was agreed to treat them like American students, who can sometimes be paid less.

Settling a dispute between the Treasury Department and EPA over whether banks could be held responsible for hazardous waste cleanup on property on which they had made loans. The final agreement minimized the banks' liability.

Easing regulations, proposed by the Department of Health and Human Services, that would have required childcare facilities based in churches and other religious institutions to report extensively on their activities to the government.

Intervening on the side of OMB in a dispute with HUD over regulations implementing the Real Estate Settlement and Procedures Act. The council told HUD it disapproved of a rule prohibiting the use of certain computerized loan origination systems that are profitable to businesses; HUD is expected to modify the rule soon to allow for some exceptions to the ban.

[From the Washington Post, Dec. 16, 1991]

QUAYLE COUNCIL DEBATE: ISSUE OF CONTROL

(By Philip J. Hilts)

WASHINGTON, December 16.—The political dust storm stirred up in recent weeks over the actions of the White House Council on Competitiveness involves more than ideology. Behind the arguments over whether the council secretly serves as a back door for business interests seeking regulatory relief is a 200-year-old legal issue: whether Congress or the President controls Federal agencies.

The council, headed by Vice President Dan Quayle, was established by President Bush in 1989 to review regulations issued by Federal agencies, with the aim of insuring that they do not unduly harm the competitiveness of American business.

The President, acting on the theory that the agencies are extensions of his executive-branch power, thought there should be an additional check on the agencies and so last summer gave the council extra power to revise regulations.

But the council has drawn criticism from members of Congress for revising numerous regulations after the rules had already been negotiated and put in place by the federal agencies charged with writing them.

Moreover, the council has acted behind closed doors, without disclosing who was seeking the changes or any other facts of its deliberations. When several Congressional committees sought recently to obtain documents that would shed light on these matters, the council refused, claiming that as an executive-branch agency, it was not required to divulge such information.

MORE 'UNPLEASANTNESS'

As the dispute continues, "the escalation and ratcheting upward of unpleasantness will commence," said Representative John D. Dingell, Democrat of Michigan, the chairman of the House Energy and Commerce Committee who has criticized the agency himself.

The dispute has lawyers in Congress consulting the Constitution and various combatants dragging out old Supreme Court decisions and nineteenth century opinions.

There are two questions at issue: Does the President or the Vice President have the power to tell the head of a Federal agency how to write regulations? And if a branch of the President's office, like the council, makes substantial changes in regulations, should it be required to operate in the open, as other Federal agencies are?

The operations of the council are the latest manifestation of a separation-of-powers problem that has surfaced repeatedly over the years between Presidents and Congress. The courts have addressed various parts of the issue since the Republic was founded.

Article II of the Constitution says that executive power is vested with the President but also declares that Congress, if it sees fit, may vest power in department heads. In practice, this is what Congress has done.

The council, in its role as a "super-reviewer" of all Government regulations, has made numerous important changes that critics say are virtually all pro-business. Critics say the changes the council makes in regulations, in fact, are often copied word for word from industry propaganda.

NO RECORDS MADE PUBLIC

And unlike other Government reviewers, including the powerful White House Office of Management and Budget, the council does not disclose its discussions with lobbyists. Nor does it keep records of who lobbies for what changes, when, and what evidence it uses to alter regulations.

"The council is acting as a nefarious, secret kind of government, outside the constitutional and democratic processes for enacting laws," Representative Henry A. Waxman, the California Democrat who is chairman of the House Subcommittee on Health and the Environment, said in one of his many recent criticisms of the council.

Senator John Glenn, the Ohio Democrat who is chairman of the Senate Government Affairs Committee, said last week that he is not so concerned about what changes are made in regulations, but is concerned that the council is sidestepping Congress.

"The council is operating, perhaps for special interests, to undo the Government's regulatory clout without leaving tell-tale fingerprints," he said. "The central issue is the council's secrecy in thwarting Congressionally mandated policies to protect the public's health and safety.

"We may debate just how to change regulations; we may disagree. But we can't discuss it if we don't know the basis on which they are making their changes."

A PREVIOUS BATTLE

Most frustrating, he said, is the fact that the entire dispute was already fought through in the 1980's when the Office of Management and Budget was given the job of reviewing regulations. By 1986, both the White House and Congress agreed that office must operate in the open, limiting involvement with lobbyists, recording the discussions that did take place, and laying out a record that showed what arguments were made that led to a final position.

Cass R. Sunstein, a University of Chicago law professor who is an authority on administrative law and the executive branch, said that while he believed that the Competitiveness Council served a useful function, the President and the council "must allow the agency head to make the ultimate decision." He also said the council must respect the laws on open government.

Formerly a lawyer in the Justice Department's Office of Legal Counsel during the Reagan Administration, Mr. Sunstein said of the council: "If they review agency decisions, and review means supervise, comment on and give advice about—general oversight—there is no legal problem. What is not legal is if the council is actually making the decision, over the disagreement of the agency, or the assumption by everyone is that the decision is made by the council and should be followed by the agency. If the facts show that the head of the E.P.A. wanted to do something, but didn't because it was generally understood that the council wouldn't let him, that is illegal."

Council staff members say they are not overriding agency heads but merely advising them, while letting them make the final decisions.

But agency heads say they are often told by the council to change regulations. And in Congressional testimony Administration officials have been unable to name an instance in which an agency head overruled the White House council. As one top official with the Environmental Protection Agency put it, "We go up there and negotiate, and so far we have come away, with many of the things we want. But not all."

One example of the process pointed out by Congressional staff members involves about 100 changes in the Clean Air Act that the council sent to the Environmental Protection Agency. Most of the changes came directly from industry groups, in some cases taken word for word from industry documents. For example, the Motor Vehicle Manufacturers Association asked the agency to add a passage saying that the agency would not enforce the act for just any violation, but only if a company's action "is endangering or causing damage to public health or the environment."

The environmental agency rejected the inclusion of this language because it said it could complicate enforcement of some violations. But the Competitiveness Council reinserted the exact phrase in a draft of the regulation. The regulation is now near final, and the phrase remains.

An official at the council who insisted on anonymity said it was not for reasons of principle that the council didn't disclose outside communications, but rather because "there are only about seven of us here; it is in practical terms impossible."

A council official also noted that agency heads should be loyal to the President's policies. "Through the appointment process, the President picks people to work on his agenda," the official said. "He will hear as many opinions as there are, and once he makes a decision, he expects his agency heads to be loyal."

Mr. GLENN. Mr. President, here is one out of Time, in November of last year. It shows a picture with a title "Need friends in high places?" Under the smaller print, "For industries trying to skirt the law, DAN QUAYLE's Council on Competitiveness is a good place to start," and gives examples.

Another one, out of the Washington Post: "Quayle's Quest: Curb Rules, Leave No 'Fingerprints'." It describes their efforts to do this, and how they are not open and above-board. I will submit them for the RECORD as just permitted by unanimous consent.

Again I believe that high-level centralized regulatory review should be used to make regulatory decisions better and to make them less duplicative and less burdensome on the American public. I get complaints all the time from business people about the terrible burden of rules and regulations which in the last 10 years have been increasing. At the same time they keep talking about how they want to cut redtape back over at the White House. Individuals are also affected by burdens like this. People constantly complain about requests for information and the onerous requirements of Government reporting, and regulation.

And what we worked on was to be responsive to that concern to cut back on redtape and to make the process fair.

I do not believe that either executive privilege or respect for the deliberative process should be used to hide back door contacts with individuals powerful enough to have access to the White House. I do not believe they should be used to substitute political opinion for the technical and scientific judgments that Congress delegated to agencies. I do not believe that we can justify yet another regulatory review process by yet another group of unselected, unaccountable staffers or that we can justify agreeing to accountability for OMB regulatory review while simultaneously allowing circumvention of those rules by an organization like the Council.

We must restore the openness, restore the integrity, restore the public accountability that are the cornerstones of our democratic system of government. And Mr. President, I would fully support the Council on Competitiveness and their efforts to reduce regulations if their decisions were made openly, if we had a record of their proceedings, if we knew what they were going to consider, if we knew who the witnesses were, and if we knew that everyone's view was heard and the Council's decision was openly arrived at. That is what we have been striving for on the committee for all these years, and that is what we in the Congress have indicated we want.

Mr. President, if we took the other tack, and we said: "OK, the Congress is going to act just like the Council on Competitiveness," what would it mean? It would mean that Congress would have no hearings, we would have secret committee meetings, we would never announce an agenda, you would not see a schedule of daily events on Capitol Hill or which committees were going to take up what legislation because everything would be secret. We would not announce a decision until the law happened to come out and happened to affect you. We would keep no record of how decisions were arrived at. There would be no committee records. There would be no accountability for individuals voting on legislation.

Was the decision a matter of personal interest? Was it based on the request of the last big contributor that stepped into your office? That is not democracy of the people. That is not our representative form of government and that is what this Government was formed to prevent, not to foster. We must restore that kind of openness and integrity and public accountability, because they are indeed the cornerstones of our democratic system of government.

The American people would be in an uproar if they knew that we were operating that way in the Congress and they are just as much affected by activities of the Council that bypass all the norms of openness that we insist on.

The issue is simple. Whoever is doing regulatory review for the President, wherever the office exists and whatever its name, must be held accountable to Congress, to the courts, and to the American people. It is that simple.

I do not care if the Council does this as long as they are open. I have said that repeatedly. I have been accused of wanting more rules and regulations which is anything but what my record shows I have advocated and worked for and fought for on the Governmental Affairs Committee for all the time I have been on that committee.

Let me point out a few things about this unaccountable Council.

First of all, the Council on Competitiveness disingenuously would have us believe that their main concern is about America's international competitiveness. They should care. Yet in the 1988 Omnibus Trade and Competitiveness Act, Congress specifically mandated the creation of a Competitiveness Policy Council. Do not confuse that with the Council on Competitiveness in the Vice President's office. This was what Congress specifically enacted in 1988, a Competitiveness Policy Council. And the purpose of it was to study and develop recommendations for strategies to promote international competitiveness of American companies.

That was Public Law 100-418. The President signed that into legislation. But do you know what happened? After signing it into law, the proposed budgets for 1991 and 1992 provided zero funding for this Council.

So much for competitiveness.

Senator LIEBERMAN has told us, as perhaps he may say again today, about how when a Connecticut businessman called the Council for help on a competitiveness issue, he was told that was not what they did. They were focusing on reviewing regulations for the Clean Air Act. Once again, so much for competitiveness.

As far as improving the regulatory process, I believe the record is equally clear that the Council is not helping here either. The Council is supervising OMB regulatory review and doing its own reviews with its staff of six or eight individuals—that much is clear.

How does that work? Well, if an official of OIRA meets with someone about a rule, the 1986 Wendy Gramm memo requires that a public record be made of that meeting. But OIRA acting administrator James MacRae told our committee that if the meeting is under the auspices of the Council on Competitiveness, even if OIRA staff attend, no record is made. No record is kept. So much for the regulatory process.

In his testimony before our committee Mr. MacRae also tried to defend OIRA from charges of undue influence by Council staff. He kept saying that the Council staff just gives advice in a collegial give-and-take sort of way.

He said that there were all sorts of contacts, phone calls back and forth every day, a lot of contact between the Council and OIRA staff.

However, when he said it was just advice, I asked him to give me just one example of where OIRA did not take the Competitiveness Council's advice. He sat in embarrassed silence and could not name one single time, could not think of one single example where the advice of the Competitiveness Council was not heeded and implemented by OIRA. So much for the regulatory process and so much for this idea that it is only advice.

I further asked him if he thought of any examples when he went back to his office, would he then write a letter to us so we could make that part of the record. I wanted to be very fair about this. He never did come up with any examples of where the advice of the Competitiveness Council had ever been turned down by OIRA.

So, it is clear to me that the administration is not concerned with making better regulatory decisions, or with creating a fair and open and effective and efficient regulatory review process. I can only conclude that they are mainly concerned about maintaining the powers of the insiders. I can only conclude that they are concerned not about wanting the process to be fair. And I have to conclude that they do not want the American public to have a meaningful opportunity to participate in Government decisions.

Now, it is for this reason that I introduced S. 1942, the Regulatory Review Sunshine Act. The bill is modeled on the 1990 agreement with the administration we had worked out. It was stopped cold before it could get to the floor at the end of that session.

Under this legislation, agencies would be required to publish in the Federal Register a list of the rules being reviewed by the administration, as well as to explain how such review has affected their rulemaking decisions. The council and OMB or anybody else, whoever the President wanted to name who was going to take up these issues, would have to disclose to the public and the rulemaking agency a record of the documents pertaining to the review of the agency's rules, including communications with organizations outside the Government. They would have to comply with reasonable time limits on regulatory review. Those are basically the things we had agreed to with the administration at the end of the last session of Congress.

The Regulatory Review Sunshine Act, which I have proposed, awaits consideration by the Senate. And I urge my colleagues to look at it carefully and to support its requirements for opening up the regulatory review process. I am still hopeful there will be sufficient time left in this session to take up this important legislation.

Let me say once again, for about the third time, I would support the Council on Competitiveness, support their funding, support their activities, if their activities were open, if their activities were made public, so that we would know whose views are being considered, what rules and regulations are being reviewed, and whether it is being done fairly.

I would support the Council if their actions were open and fair and aboveboard. But they are not. They are not open. They are secret. We do not know, we do not have any idea, whether they are fair. All we know is that their advice is not just taken into consideration; it is always acted on.

In the meantime, we are considering the Treasury-Postal, General Government appropriations bill.

As my good friend, CARL LEVIN pointed out at a recent press conference, we are here today not because we think the ultimate solution is to defund by only $86,000 the activities of the Council on Competitiveness. We are here not because we think this is the ultimate solution, and certainly not because defunding some positions in the office of the Vice President is even a preferred solution.

We are here today because this appropriations bill is here and because the administration, in stonewalling Congress, has left us no other alternative than to seek defunding.

Again the administration has refused to answer our questions. It has refused to send Council representatives to testify before us. It has refused to disclose even basic information about the Council's activities. And it has refused to stand by its word and support a reasonable compromise on governing OMB regulatory review that we had worked out completely before the last session of Congress ended.

Now it is for that reason the House, in July of this year, voted by a margin of 236 to 183 to take out $86,000 that goes to support the activities of the Council on Competitiveness.

We in Congress simply cannot allow the Council to continue its secretive ways. It flies in the face of all openness and our efforts to make the process fair.

The House has voted to strike funding for the regulatory review activity of the Council on Competitiveness and I believe it is time for us to do the same. Maybe then the administration will get the message that Government must operate fairly and openly and that the administration has no arbitrary authority to ignore laws and public principles.

Americans will not have faith in their Government so long as they think it operates in secret to serve the administration's special purposes. And if the administration's regulatory decisions cannot withstand the light of day, then they should not be allowed to stand. Credible Government must remain accountable to its citizens.

Mr. President, I know some others may want to speak on this particular issue. I am happy to have them join in. I know they appreciate the seriousness of the issue and the principles that I am seeking to uphold. So I yield the floor for any other statements people may wish to make before we get into final action on the amendment.

EXHIBIT 1

[From the Office of Management and Budget, Washington, DC, Oct. 24, 1990]

STATEMENT OF ADMINISTRATION POLICY

(S. 1742 Federal Information Resources Management Act—Bingaman and Lieberman)

The Administration strongly supports passage of S. 1742 (with Committee amendment substitute) reauthorizing the Office of Information and Regulatory Affairs (OIRA) for four full years from enactment. While S. 1742, as reported by the Committee on Governmental Affairs, contained a number of items on which Senior Advisors recommended veto, a compromise has been reached which accommodates Administration and small business concerns. The amended S. 1742 would no longer significantly intrude on Presidential oversight of regulatory review and paperwork reduction.

The House passed last night a bill which the Administration and small business strongly oppose, but indicated they would accept the amended Senate bill. To not pass the Committee substitute will significantly impair OIRA's ability to operate next year and threaten OIRA appropriations.

Equally important, there is agreement by the Senate Committee on Governmental Affairs to hold hearings early next year on legislation which would remedy the problems created by the Supreme Court's decision in Dole vs. Steelworkers.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 25, 1990.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs,
Washington, DC.

Dear Mr. Chairman: I was pleased to learn through Len Weiss and Frank Hodsoll that we have reached agreement on the major issues concerning a four-year reauthorization of the Paperwork Reduction Act. I appreciate your leadership on these issues and your cooperation in ensuring accountability in the conduct of the regulatory process while maintaining the integrity of the deliberative process within the Executive Branch.

As you know, we are firmly committed to the regulatory principles and the review process set forth in Executive Order No. 12291. In 1986, the Administrator of the Office of Information and Regulatory Affairs (OIRA) published a memorandum to explain the procedures that OIRA would follow in implementing the Executive Order.

For some time now, we have been reexamining these procedures. In light of the stability that a four-year reauthorization would provide, we believe that it would now be appropriate to update them. We plan to issue an Executive Order for this purpose. Under our updated procedures, rulemaking agencies will provide written reasons for changes they make to major final rules between the time such rules are submitted for review under Executive Order No. 12291 and the time of their publication. In addition, OIRA will adhere to time limits for the review of agency rules, and will inform an agency any time the review process is extended in the Federal Register.

We believe that these new procedures will enable Congress and the public to appreciate more fully how the regulatory review process benefits the public interest.

Thank you again for interest in safeguarding the regulatory review process, and for your help in assuring the reauthorization of the Paperwork Reduction Act.

With best regards,

RICHARD G. DARMAN,
Director.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I first want to commend the distinguished Senator from Ohio [Mr. GLENN] who is the chairman of the Senate Committee on Governmental Affairs, for bringing this matter to the attention of the Senate this evening.

I also want to thank him, Mr. President, for offering this particular amendment to cut out the funding, even though it is just $89,000. It is not going to balance the budget, but it would, I think, attempt to rectify some very, very serious mistakes that have been made by this, in my opinion, very, very mischievous Council on Competitiveness.

Very few of us really, Mr. President, realized until recently that the Council on Competitiveness even existed. And one reason that we did not realize its existence was that it operated, it met, and it acted in secrecy. There were no minutes. There were no records. There was no public disclosure of what this particular entity did.

But now we are beginning to see what happens when we create—actually, we did not create this Council. It was created by Executive order. But we now see what truly happens to my entity that is created and that operates in secrecy, and, that has the cloak of Government support on it, or let us say has the stamp of Government power.

Mr. President, just very briefly, I wish to say that this particular Council has been researched by the very able staff of the Senate Committee on Governmental Affairs.

The staff has determined that this particular committee or Council has operated under a no fingerprints theory—a no fingerprints policy. There is no complete list of the interventions of the Council; no minutes; no records. It is possible, however, through some very, very splendid staff work, to piece together at least a partial list based on press accounts, congressional hearings, and other sources, as to some of the activities of this Council. Let us talk about a few.

One related to the incineration of lead batteries. The Council quashed, it killed an EPA proposal to ban the burning of lead batteries in municipal incinerators. This is from a Council fact sheet, interestingly enough, dated December 19, 1990.

By the way, this decision, fortunately, was overturned by the U.S. Court of Appeals, January 14, 1992.

Let's look at something else the Council has been involved in—recycling. Once again, the Competitiveness Council reared its head. It quashed an EPA proposal to implement the President's campaign pledge to achieve a 25-percent recycling of municipal waste reductions. In his campaign of 1988, the President said that we were going to increase recycling of municipal waste 25 percent.

How do they deal with it? How do they handle this campaign promise? Well, they trash this campaign promise, Mr. President. They just put it in the old recycler—they turn it over to the Council on Competitiveness and the Council shreds the EPA proposal, which was the President's own campaign promise.

The Council once again rears its head. This time they are involved in formaldehyde exposure. Who would ever have thought about formaldehyde exposure, except one of the major industries of America?

And, by the way, most of the industries that have access to the Council on Competitiveness, according to the Legal Times, dated September 7, 1992—this is an article that the distinguished Senator from Ohio has referred to, entitled "They Cannot Compete"—are those firms that belong to the Fortune 1,000 group.

If you operate a small- to medium-size business or a small manufacturing company, your chances of access, of getting relief, of having a hearing before the Council on Competitiveness are almost nil, according to witnesses and individuals who have tried to gain that access.

Well, the Council sought to kill an OSHA rule protecting workers from formaldehyde exposure. This was brought out in "OMB Watch" by the publication Public Citizen, dated September 1991.

In the area of child care, the Competitiveness Council has now forced the Department of Health and Human Services to relax reporting rules for certain child care facilities. The Council told the experts that we just do not need all of those reporting requirements. This incident was detailed in a Washington Post article of January 9, 1992.

Mr. President, many people now are becoming more and more conscious and sensitized to the issue of labeling of food products—nutrition labeling. But what is the Council on Competitiveness doing in this area? According to the Washington Post, dated June 17, 1992, just about 2 months ago the Council was pressuring the Food and Drug Administration to delay nutrition labeling regulations.

Once again, who had access to the Council on Competitiveness?

Drug review—they are all over the place, this Council on Competitiveness. They are into incineration of lead batteries, recycling, handicapped access, airline noise, formaldehyde exposure, and according to the New York Times dated March 19, 1992, the Council on Competitiveness has forced the Food and Drug Administration—the Council has forced FDA—to turn review of certain drugs over to private research groups.

To take this from the Food and Drug Administration and give it to private research groups is very troublesome.

Who are these private research groups? Who funds them? I do not know. But I would surmise—I would surmise—they are funded, at least in part, maybe in whole, by the pharmaceutical industry. I am not certain about that. But I would not be surprised.

Mr. President, one final example: Acid rain controls. This Council is all over the place. According to the December 6, 1991, Washington Post, the Council forced EPA to relax monitoring rules for emissions causing acid rain.

Mr. President, I said that this Council is somewhat mischievous in its silence and in its secrecy. But thanks, once again, to the very, very splendid staff of the Governmental Affairs Committee, we are now uncovering what this Council has been doing, what it has been up to.

Mr. President, the Senator from Ohio has offered an amendment that we should adopt. We should adopt it because it would bring the regulation development process back into the sunlight, with everyone having equal access, just as the law provides—just as the public deserves.

I think the Senator's amendment should be adopted, and, once again, I applaud him and his staff for their gallant efforts in reaching this decision to go forward with this amendment.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Ohio, the Chair of the committee on which I am privileged to serve.

Mr. President, this amendment offered by the Senator from Ohio is an expression of frustration and outrage. It comes from a very reasonable man who has been frustrated in his attempts to deal reasonably with a very perplexing problem, and that is the Council on Competitiveness.

The Senator from Ohio has presided over the introduction of legislation that would cure this problem, but has been blocked at every turn in getting that to this Chamber. So this amendment, which defunds the Council on Competitiveness, remains as the only available alternative to express the concern of the Senator from Ohio, and many others of us here in this Chamber, about the work of this Council.

The fact is that it is time to blow the whistle on the Council on Competitiveness. It is time to shine some light on this Council and open the doors of Government to public scrutiny, because power is being wielded through this Council in a way that affects the health and safety and lives of the American people; that undermines the effectiveness of the laws that we have adopted; and, in that sense, diminishes respect and trust for our Government.

The Vice President's Council on Competitiveness has become a little bit like a virus that has infected the body politic.

It is attacking secretly, invisibly, and eating away at the laws passed by Congress designed to protect the health and safety of the American people. The very name itself, Council on Competitiveness, is a misnomer. This Council has not been about competitiveness. It has been about creating an escape hatch from compliance with laws that Congress has passed. It has become, in many ways, an invisible appellate court to which interest groups can go once they have been defeated in their attempts to affect the course of legislation before the Congress of the United States, legislation that is in effect because it has been signed by the President as well.

In its 4 years of existence, this Council has done little or nothing to enhance the competitiveness of American industry in the global economy, which we are all concerned about. If you run a business that wants to be more competitive overseas, that truly wants to find ways to work with the Government and operate more efficiently and succeed in the high-tech, high-skill, high-wage job market of the future, I am afraid the place you should not go is to the Council on Competitiveness.

Mr. President, I share with my colleagues a story which was told to me by an executive of a manufacturing firm in Connecticut deeply concerned about the ability of his and other companies in this country to compete internationally. He wanted to discuss this and went to the Council to discuss with the folks there the need for the Federal Government to play a more active and supporting role for business.

He went to the Council, described his ideas, and was politely shown the door. He was told, "We do not do that kind of work here. If you want to discuss some of EPA's environmental regulations, we will be glad to try and help you, but we are not really here to deal with your concerns about America's competitiveness in world markets."

Mr. President, the Council on Competitiveness has usurped the authority entrusted by Congress to specific administrative agencies to make regulatory decisions, and while making key administrative decisions, the Council operates without any of the critical principles of openness or accountability that are mandated by the Administrative Procedure Act. That act assures us that the agency has relied on valid facts and technical expertise; that it has considered available alternatives; that it has heard from and considered the opinions of all interested parties, and that the record of its decision supports and reflects the ultimate decision. This is what we have come to know and cherish in our system of Government as due process.

But the Council on Competitiveness insists on secrecy, which is a direct affront to this basic bedrock American constitutional principle of due process. It prefers, instead, a no-fingerprints policy, as the Senator from Arkansas indicated earlier. Let me give a citation for that quote. The Washington Post, January 9, 1992:

> We've had sometimes more visibility than I really want, said Vice President Quayle of the publicity surrounding the Council. He said he would prefer that most of their interventions leave no fingerprints.

Mr. President, the Council staff conducts meetings on its own, does not disclose who attends those meetings, what the Council is told, or what impact these communications have on the content of regulations. They conceal their actions even from Congress, which has a duty to ensure that our laws are faithfully implemented.

Professor Cass Sunstein, of the University of Chicago, one of our Nation's leading constitutional scholars and a former employee of the Justice Department under President Reagan, has testified before the House of Representatives:

> Congress has vested the decision whether to issue a rule, what rule to issue in the agency head, not in the Council on Competitiveness. This means, for example, that the EPA Administrator, not the Council, must be allowed to make decisions under the Clean Air Act.

So the actions of the Council not only violate the express congressional authority of agencies to promulgate regulations but pose a fundamental threat to a very basic and conservative principle of our Government, and that is the balance of power between the executive and legislative branches. Because the Council has a consistent record of overruling actions by agencies seeking to properly implement laws enacted by Congress and doing it all in secret, the role of Congress in our constitutional process has been seriously threatened by the work of the Council.

Mr. President, I know that this issue has become politically controversial, and it is too bad that it has, and it is wrong that it has, because, really, all of us, regardless of our party, as a matter of respect for the balance of power and separation of power in our Government, as a matter of pride in the institution that we serve, as a matter of respect for laws that are passed by Congress and, therefore, one would think ought to be enforced, all of us really should be supporting reform in the way this Council works.

This secrecy, these violations of due process are not casual violations without serious consequence to the American people. They go right to the heart of the police power, to protecting the health and safety of the American people. The clearest example of this that I can think of is the Council's usurpation of EPA's authority in direct contravention of Congress' legislative directive, and that is in the recently issued permit rule under the Clean air Act and the specific issue of whether public notice and comment would be required prior to permit revisions.

Mr. President, these are arcane legal issues, but they go, again, to people's health and safety. In this case, the general counsel of EPA and the congressional General Accounting Office both concluded that the Clean Air Act language was clear. Public notice and comment were required. But based on undisclosed information—so how can we argue with it, how can we question it, how can it be subjected to real due process in any kind of adversary proceeding—the staff of the Council on Competitiveness on its own determined that public notice and comment was not required. There is no doubt that the decision to restrict the rights of the public was made by the Council and not by EPA.

Why did EPA Administrator Reilly fight so hard to provide for public participation against the will of the Council? First, because the potential increases in emissions that could occur without the public right to comment do affect people's health.

Second, because the permit program that allows sources significant freedom—factories, for instance, freedom to increase emissions without public scrutiny—raises serious concerns about the enforceability of all requirements of the Clean Air Act amendments.

Third, because the permit program that allows one factory to increase emissions without appropriate public scrutiny, while helping that factory, can, in fact, hurt the economic well-being of the entire area. For instance, if that area does not meet the requirements of the Clean Air Act, sanctions may be imposed, including a prohibition on transportation funds, fees on other sources, other businesses that create emissions, and more onerous requirements on new growth. Other factories, for example, might be forced to adopt stricter requirements because of the loophole created by the Council in this permit requirement.

Fourth, and finally, because the permit rule adopted by the Council on Competitiveness may actually lead to lengthy litigation, those citizens who are frozen out of the process may now be forced to challenge the permit revision in a potentially lengthy State court hearing without the benefit of an administrative record.

Mr. President, the administration, through the Council, has delayed more than 50 rules under the Clean Air Act. Vice President QUAYLE has written that his Council is seeking creative solutions for a healthy environment without breaking the country's economic back.

But environmental cleanup is one of the country's most promising industries of the future. And for this proposition I cite no outside environmental group. I cite the Environmental Protection Agency of the Bush administration which has estimated that the Clean Air Act amendments will create jobs and businesses; 15,000 to 25,000 positions created annually from 1992 to 1995 and an average of 20,000 to 40,000 positions created during 1996 to 2000. Those positions include construction workers, engineers, and manufacturing workers.

According to another study done for EPA, revenues in the clean air industry, if I can call it that, will increase by between $4 and $6 billion annually if the Clean Air Act is fully implemented, representing a cumulative increase of $50 to $70 billion in revenues by the year 2000. So the fact is by frustrating the implementation of the Clean Air Act the Council may have helped a few specific businesses but actually has hurt our economy.

Mr. President, as I said at the outset, this amendment is offered by the Senator from Ohio in frustration. We do not take any pleasure in taking or suggesting the rare and extreme step of working to kill a program by defunding it. But the various attempts, particularly S. 1942 which has come out of our committee, which simply would provide due process and accountability and open Government in the workings of the Council on Competitiveness, have not been allowed to come to this floor. And in reaction to that the chairman has submitted this amendment.

He makes a strong case. I hope that the presentation of the amendment might lead to some discussion that would allow us to bring S. 1942 to the floor. Barring that, I strongly support the amendment offered by the Senator from Ohio.

I yield the floor.

Mr. BAUCUS. Mr. President, I agree with the comments of my colleagues from Ohio. The Vice President's Council on Competitiveness presents a serious threat to our Nation. The Council surely undermines our environmental, health and safety laws.

But it also undermines our democratic process by making decisions in private. By giving special access to special interests, it slams the door on the public interest. This is an inappropriate use of taxpayers' money. And we should not tolerate it.

Since the birth of our Republic, there has been a struggle to open up Government. To have decisions based on a public record, not on private dealings. And to hold decisionmakers accountable for their actions. This is as it should be in a democracy.

The Congress passes legislation—in public. The President signs a bill into law—in public. The agencies propose rules to implement the law—in public. The comments on those proposals are made—in public. The agency reviews the comments and prepares a final rule—in public.

But then the Council on Competitiveness steps in and orders changes in those final rules—in private.

This is wrong. It is a subversion of our open, democratic system of government. It gives access to some while denying it to others. And by operating in secret, the Council destroys the confidence of the American people in their Government.

The Council has become the modern equivalent—a reincarnation—of the old Star Chamber. Only today, it is the public interest that is tortured and subjected to arbitrary judgments in secret sessions. Worse, the taxpayers actually fund this subversion of their own interest.

Just look at the Council's record in undercutting the Clean Air Act. I spent much of the last Congress working to enact that bill. Yet, almost as soon as the signing ceremony was complete, the Council started its campaign to undermine that law.

The administration has missed some 60 deadlines that the law established. And, as in the case of the permits rule issued in June, the Council has played a major role in gutting many of the remaining provisions.

As with the rest of the Council's actions, these activities are conducted beyond the scope of public and congressional scrutiny. By acting in secret, the Council is thwarting the will of Congress and undermining democracy. At the very least, we should not let taxpayers' dollars be used in this way.

Recently on national television, the Vice President said that the Council's actions had never been challenged or overturned in court. This is not true.

In State of New York versus Reilly, the court held that an EPA rule that allowed incinerators to burn lead-acid batteries was unfounded. That provision allowing the burning of lead acid batteries was included on demand from the Council on Competitiveness.

Combustion of lead batteries in municipal incinerators does not produce energy. What it does do is greatly increase emissions of toxic substances, especially lead. Sixty percent of airborne lead from incinerators comes from lead acid batteries.

Lead poisoning continues to be a serious public health problem in this country, especially for children. A ban on incineration of lead batteries, which was originally proposed by EPA, would have protected public health. But the Council does not place a priority on protection of public health.

Some supporters of the Council's actions claim it tries to balance the process and give industry a voice in the process. But industry already has a voice in the regulatory process. The same voice that any member of the public has. That is just fair.

But the Council doesn't even give the same access to all business. It helps the big guys. The industries that can hire former Government officials to help make their case.

Small businesses, according to an article in Legal Times, do not find the Council's door open nearly as wide.

What the Council is doing is really not new. George Bush began it when he ran the Vice President's Task Force on Regulatory Reform in the 1980's. Today, the names have changed, but the mandate is the same: Give relief to special interests and short shrift to the public interest.

The Council also does a disservice by subverting the term "competitiveness." I have spent much of my time and energy on trying to make this country more competitive in world economic markets.

Yet the Council remains stuck in the outdated notion that environmental protection ruins companies and costs Americans jobs. It continues to believe that secretly granted exemptions and special treatment to select industries will help our competitiveness.

But the Council is wrong. In fact, two of our strongest competitors—Germany and Japan—have some of the toughest environmental standards. These countries are highly competitive.

Furthermore, they are placing U.S. market share of environmental goods and services at risk. Weak environmental laws do not help the economy. That was a clear lesson I learned at the Earth Summit in Rio.

If the Clean Air Act is ever implemented by this administration, it would create 40,000 good new jobs. These badly needed jobs are at risk as long as the administration persists in its shortsighted, misguided approach to environmental protection.

Mr. President, the amount of money used to fund the Council is admittedly small. The more important issue is whether we want to perpetuate an organization in the Federal Government that operates in secret. That refuses to have a public record. That gives special access to special interests. And that ignores the public interest.

I believe we must put some sunshine back in the regulatory process. We should say to the Council that the Congress, and the American people, object to its secret proceedings.

I understand that my colleague will withdraw his amendment. But the issue will not go away. In November, I hope the American people will hold the administration, and this President, accountable for the actions of the Council. That is the only sure way to end this abuse of taxpayers' dollars.

Mr. SASSER. Mr. President, I rise today in support of the amendment to eliminate funding for the administration's Council on Competitiveness chaired by Vice President QUAYLE. I support the amendment because the activities undertaken by the Council are against the law and should be stopped.

Mr. President, the name "Council on Competitiveness" is a misnomer. The Vice President's Council does nothing to promote competitiveness. Indeed, the equity of the normal rulemaking process is thwarted by the Council's intervention. The only competition promoted by the Vice President's Council is between the big businesses fighting among themselves to see who can benefit the most from the Council's high-handed influence peddling.

As you know, Mr. President, the administrative rulemaking process is an extension of the lawmaking process. Congress has always maintained strict guidelines over executive branch rulemaking to insure that congressional intent is carried out in the implementation of the law.

One of, if not the key element in the rulemaking process is the public comment period during which any interested citizen or group can make its opinions known about a proposed rule. Such a comment period allows the rulemaking agency a glimpse of how the rule will be perceived by interested parties. Public comments also serve to inform the Agency about some aspects of their proposed rule that they may have overlooked. It also offers equal access to all citizens who care to participate. Indeed, I, myself, often submit comments to agencies during their public comment period to highlight any particular concerns I might have on the issue in question.

The problem with the so-called Council on Competitiveness is that it entirely circumvents the rulemaking process that is required by law. If the Council does not like a proposed rule being promulgated by an agency, it merely recommends that the agency revise the rule and the agency does so.

No matter that the process, with the help of interested citizens, may have produced an excellent rule—a few individuals at the Council, in defiance of 200 years of administrative law, are able to overrule it.

Now proponents of the Council on Competitiveness say that the Council's actions promote competitiveness by reducing the amount of unneeded regulations that are burdening business. They also maintain that the Council's recommendations are merely another opinion the agency takes into consideration along with the many public comments the agency solicits.

But when Mr. Frank Hodsell, the former Director of the Council on Competitiveness, testified before the Governmental Affairs Committee during his confirmation for his current post at OMB, he was asked if he could think of any time when an agency did not follow the Council's recommendations. He responded that he could not remember one single time.

Mr. President, that doesn't sound like just another opinion to me—and it doesn't sound much like democracy either.

The Governmental Affairs Committee has tried to work with the administration to resolve what we perceive to be problems with their regulatory review. In fact, in the fall of 1990 we reached an agreement with OMB on regulatory reform. But OMB has since unilaterally abandoned that agreement. The Governmental Affairs Committee has also held two hearings on the activities of the Council on Competitiveness—yet the administration has refused to send anyone to testify claiming there is nothing to testify about.

Well the Federal courts disagree. On July 14, the U.S. Court of Appeals for the District of Columbia unanimously held two rules forced upon the Environmental Protection Agency by the Council had no justification so were invalid. The rules had no justification because they were dictated by the Council—not produced by the normal rulemaking process.

Clearly, Mr. President, the illegal actions of the so-called Council on Competitiveness must be stopped. Congress has tried to negotiate with the administration in an effort to legitimize the Council's actions, but the administration does not respond. This amendment to delete Council funding is our only remaining alternative, and I urge my colleagues to support it.

I yield the floor.

Mr. COATS. Mr. President, at this moment in particular, our Nation's most pressing concern is the creation of new jobs. But some in the Congress have chosen this moment to attack a council created to ease unnecessary burdens on business. The irony is obvious and disturbing. An essential lesson is being ignored: You cannot help employees without helping employers. You cannot help create jobs without helping those who create them.

Certainly, there are regulations necessary to protect public health and safety; but unnecessary regulations impede the ability of our Nation's businesses to compete with foreign producers, create jobs, and invest in ways that will increase productivity.

In October of 1991, 59 Federal agencies were preparing 4,863 regulations, 919 of which were new. In 1980, the number of pages in the Federal Register reached a record high of 88,000 under President Carter. In 1986 under President Reagan, this number dropped to 47,418. But by 1991, as a result of congressional action, Federal Register pages had started back up again—increasing by 26 percent to 67,715 pages.

The estimates of the cost of these regulations to the economy range from $185 billion per year to $510 billion. OMB estimates that, by the year 2000, the annual costs of Federal regulation will be between $542 billion and $688 billion. Regulatory costs to the American economy each year are approximately equal to the entire gross national product of Canada.

The Vice President's Council on Competitiveness serves to review Federal regulations and, to the extent permitted by law, to require agencies to revise or eliminate unnecessary regulations.

Opponents argue that the Council helps business at the expense of the consumer. In reality, the cost of excessive regulation is passed directly to the consumer through higher prices.

Supporters of the Council on Competitiveness include the American Farm Bureau Federation, Citizens for the Environment, Citizens for a Sound Economy, the National Cattlemen's Association, the National Federation of Independent Businesses, the National Wilderness Institute, the National Association of Home Builders, the National Association of Wholesaler-Distributors, and the U.S. Chamber of Commerce, to name just a few. These associations represent diverse and important industries trying to grow and compete. We cannot ignore the people who create the jobs.

The need for relief from useless regulations is recognized across the political spectrum. In an address to the National Association of Manufacturers, Governor Clinton himself stated, "I think the executive branch, I think the President, should have some sort of review mechanism."

The Council serves as just this kind of mechanism. It lightens the burden of regulation that closes the factory door. Its function could not be more timely, and it deserves our support.

Mr. WOFFORD. Mr. President, this amendment cuts to the core of representative democracy and whether citizens have the right to know the workings of their government. I salute Senator GLENN for bringing this amendment before the Senate. The Council on Competitiveness operates outside the basic rules of openness and fairness established under the Administrative Procedures Act and the Freedom of Information Act.

We do not know what regulations the Council reviews, who it listens to, or what actions it takes. We do know that the American people suffer because of its actions. The Council has delayed or killed rulemakings that could have removed lead from the air through decreased incineration of batteries, provided better access for the handicapped in multifamily housing, and protected workers better from the dangers of formaldehyde. Public rulemaking, open to all Americans, should not be quashed in secret star chamber proceedings.

In Pennsylvania we have an open regulatory review process through the State Independent Regulation Review Commission that works in the open and is accessible to all Pennsylvanians. If proposed regulations are to undergo independent review, open and public access is essential. A recent editorial in the Harrisburg Patriot-News contrasts the secretive Council on Competitiveness with our open regulatory review process in Pennsylvania. I ask unanimous consent that the editorial be printed after my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Harrisburg Patriot-News, Aug. 26, 1992]

REGULATORY REVIEW: PROCESS SHOULD BE OPEN, ACCOUNTABLE

If you never heard of the President's Council on Competitiveness, well, that's probably all right with the president.

The Council on Competitiveness is, after all, the ultimate Washington insider. It is the great "fixer" for those with connections.

Created in 1989 by executive order, the council billed itself as a review agency, dedicated to streamlining redundant and excessive regulations which may hinder American industry's ability to compete in the rough-and-tumble of international marketing, hence the title. Under the guidance of Vice President Dan Quayle, however, it has evolved into a system to short-circuit established regulatory oversight and thwart the will of both Congress and the current and past presidential administrations.

Its ministrations have benefited polluters, developers and pharmaceutical manufacturers. They have thwarted the missions of Congress, the Environmental Protection Agency, and the Occupational Safety and Health Administration, to name just a few.

It operates under the cloak of executive privilege, with no outside accountability. Access is controlled by Vice President Quayle, with the tacit approval of President Bush, who would just as soon keep hands off.

So long as it adhered to its agreed-upon agenda of "getting government off the backs of business," by rolling back stultifying regulations heaped upon business by a Congress run amok, most administration functionaries were content to keep it that way. But once the council began dismantling oversight devised by the Reagan and Bush administrations, some began to protest.

Chief among these was EPA administrator William Reilly. When the council sought to downgrade a toxic-emissions standard, Reilly went to Bush and said such a move would violate the law. Bush had the Department of Justice issue a ruling stating otherwise. Reilly went along reluctantly, but not quietly.

Subsequently, enough has emerged about the mission and the scope of the council to give thinking Americans cause for alarm. The idea of a secret panel operating exclusively under one branch of the government but with power of sway over other branches is clearly frightening. More than that, it is un-American.

There is no doubt that over-regulation exists and that it can be stagnant and unproductive. Overzealous lawmakers and entrenched bureaucrats often do exceed responsibility. In such cases, a standing body of regulatory review would be a desirable foil.

But it should be an inclusive body. If the White House were to seat such a commission, it would draw its members from business, industry, consumer and environmental groups and the legislative branch. It would respond to all aspects of the question. Its debate would be open and vigorous, its findings submitted to the public and effected with due notice.

The Commonwealth of Pennsylvania has such a system of review in the Independent Regulation Review Commission. It is the state's primary review panel; no new proposal or revision of the regulatory process escapes its eye. And it is chaired not by a member of the administration or any other Harrisburg insider, but by the former president of the Scranton City Council. The IRRC would make a good model for the federal government to follow.

Just because a regulation exists does not brand it evil or extraneous. Regulation is the safety valve of raw initiative. It is subject to review, revision and suggestion, but it is not proper that one renegade panel, exclusive of oversight and common access, should dominate the process in the way the Council on Competitiveness does.

Mr. MACK. Mr. President, I am strongly opposed to the amendment of the junior Senator from Ohio. This amendment, which withholds appropriations to fund the Vice President's Council on Competitiveness, amounts to nothing more than petty partisan politics. The Council has been a thorn to my colleagues on the other side of the aisle who want more control over Government regulations.

The American people are becoming more and more alarmed by the regulatory burdens being placed upon individuals and businesses. For example, the Federal Register has grown from 55,000 pages in 1989 to more than 70,000 pages today. The cost of Government regulation approaches $400 billion annually, or approximately $4,000 for each American family of four. Overregulation is destroying jobs, placing many small businesses in jeopardy of becoming bankrupt, and hurting America's ability to compete in the global marketplace.

One of the areas in which the Council has been most effective is getting the Food and Drug Administration to cut the bureaucratic redtape associated with approving lifesaving new drugs for terminally ill patients. Debate has focused on one central question: Does the Federal Government have the moral right to tell a terminally ill patient, and the physician treating that patient, that a potentially lifesaving experimental drug is off limits?

My family was faced with that question in 1979 when my brother, Michael, was diagnosed with end-stage cancer. We shared the grief that many families face today by the lack of opportunity for him to use experimental drugs that could have enhanced his life. For my family, this brought to life a clear absurdity: How can a Government interested in saving or enhancing the lives of terminally ill patients—even with permission from their physicians—not even permit the patient from making this most basic of decisions?

The process by which the FDA approves drugs is cruel and should be an outrage to all Americans. It shatters the hopes of millions of our own citizens with cancer, AIDS, Parkinson's disease, Alzheimers' disease, and other illnesses who must have the right, without government over-regulation, to use experimental drugs with the approval and supervision of their physician.

Mercifully, this is finally beginning to change. Thanks, in large part, to the work of the Competitiveness Council, the process by which FDA approves drugs for life-threatening illnesses has been cut by approximately half. In addition, the FDA has taken the bold step of implementing a parallel track method to permit AIDS patients to have access to experimental therapies, even if the patient is unable to participate in an FDA clinical trial.

I would like to see the same commonsense steps taken on behalf of other terminally ill patients, such as those with cancer. I introduced legislation calling on the FDA to revise the approval process to incorporate a means by which all terminally ill patients, following approval from their physician, may have access to experimental drugs awaiting FDA approval.

While more needs to be done to cut the drug approval process, there is little doubt that the changes that have taken place would not have happened had it not been for the Vice President's Council on Competitiveness.

It's time that congressional Democrats put aside their political harassment of the Council. The American people are fed up with undue mandates and regulations upon virtually every aspect of their lives. American cannot afford an overtaxed, overregulated economy. Americans need more freedom, not less.

Who will be hurt most if the Senator from Ohio's amendment is passed? Small business owners, who must choose between complying with expensive regulations or laying off employees. Americans with cancer, AIDS, Alzheimer's disease, and other illnesses, who are being denied the right to use experimental therapies—even though their own doctor wants to prescribe them. Finally, American workers will be hurt, because over regulation is hurting our Nation's ability to compete in the global marketplace.

Mr. President, these are issues which are far too important to be caught up in petty politics. I urge my colleagues to look beyond the political implications of this amendment and do what is right—vote to defeat this amendment.

Mr. LOTT. Mr. President, regulatory review is not a new or a partisan idea. In fact, regulatory review entities have been in place under the previous four administrations. President Carter established the regulatory analysis review group which was Chaired by the Chairman of his Council of Economic Advisers. This group was staffed by the CEA, the OMB, and the Council on Wage and Price Stability. Governor Clinton has also openly supported an entity such as the Council on competitiveness—a Cabinet-level body to oversee the regulatory process.

Under Executive Order 12291, the Council on Competitiveness has the authority to review certain agency regulations and, to the extent permitted by law, can require agencies to revise or eliminate regulatory requirements that are not cost effective. The Council is charged with ensuring that regulations issued by various executive agencies and departments are well coordinated, cost effective, and achieve their intended objectives in the least burdensome way.

Although opponents have argued the legality of such regulatory review entities for years, no court has taken issue with the President's constitutional right to oversee the operation of the executive branch—including directing the regulatory process and holding it accountable. The Constitution provides for this separation of powers.

We all know that some regulations, and the associated costs, are necessary to protect public health and safety. However, we must take a balanced approach to regulation, using cost-benefit analysis. We have long since passed the balance point. Excessive, unnecessary regulations impede the ability of U.S. firms to compete, to create jobs, and to invest in ways that will increase productivity.

Small businesses, the backbone of this country, continually rank unreasonable Government regulations—and the accompanying Federal paperwork burden—as their primary concern. These requirements burden businesses with significant costs, prohibiting them from using their capital for increased payroll and research.

The people in Taylorsville, MS, understand the need for this type of regulatory review. Just ask Cliff Tucker at Solar Industries, a plant which makes standard mail boxes and employs 200 people in Taylorsville.

The Postal Service recently decided to refine the specifications for the standard curbside mail box. They decided the grooves inside just were not high enough, narrow enough, or numerous enough. They also decided the Postmaster General imprint should be just a little bigger and the flag on the side should be moved an inch or two. Finally, they decided, while they were at it, that the thumb tag on top should be just a little smoother.

They did accept comments on this proposal, but paid little attention to them. Solar Industries received a cease and desist order which instructed them to shut down immediately to retool. The estimated cost of retooling the machinery alone, not including any of the other costs of closing the plant for 3 months, are going to exceed $100,000. For a plant this size, this is certainly significant. The Postal Service has now agreed to grant them a 90 day extension, but will still require the changes.

The new Postmaster General, Marvin Runyon, has recommended that 30,000 jobs be cut from the Postal Service. I would suggest that he begin by looking at the engineering department. I am afraid they may not have enough to do if they have to make changes such as these to justify their existence.

Do we need regulatory review? Just ask the folks at Solar Industries in Mississippi or at any of the other 26 mailbox manufacturing plants located across the Nation from Minnesota to California to Maine. We should support any efforts to ensure that the regulations issued by the Washington-based bureaucrats pass the reality test.

Although opponents of the Competitiveness Council argue that the Council intervenes on behalf of industry at the expense of consumers, the consumers are the ones who pay for the increased regulation in one way or another—through higher prices, lost jobs, lower wages, or limited product and service selection.

These costs amount to an additional tax on the American consumer, which most of them are unaware of. Thomas Hopkins of the Rochester Institute of Technology estimates that gross regulatory costs approach $400 billion annually, or around $4,000 for a family of four. EPA rules alone cost them $1,800. I do not think American families would choose to reduce their income for more regulation.

To Mississippians, this $4,000 represents 16 percent of our median family income; that is more than the average rent Mississippians pay per year. Tragically, that amount is also more than 55,000 Mississippi families earn in a year. If given their own choice, some Mississippians might elect to invest their share of the regulatory costs in telephone service, running water, or better housing.

This review process is critical. Congress often enacts legislation without fully considering the cost-benefit factors. Our society cannot continue to devote limited capital and resources to unnecessary regulation.

I was interested to read the recent Wall Street Journal article by former Senator George McGovern which described the unhappy ending of his longtime dream to run a small hotel and conference facility. He attributes the failure of his small business, in significant measure, to the burdens imposed on him by Government regulation. He suggests that knowing first hand the pressures business operators face, including those imposed by Government, "would have made me a better U.S. Senator and a more understanding Presidential contender."

The Council on Competitiveness has accomplished many tangible, positive results. Specific examples include: payroll tax simplification, lender liability rule clarification, a streamlined drug approval process, and simpler securities registration forms for small businesses attempting to access the capital markets directly. Why, then, would anyone propose to cut the funding for this worthwhile organization? This has come down to politics. I am afraid that, once again, the Congress is risking the economic health and prosperity of our Nation for a few more partisan political games.

The same Congress whose fiscal year 1993 House Appropriations bill allocates $233,000 for eastern filbert blight research, wants to wipe out the $86,000 appropriation for this Council whose regulatory reform efforts have yielded billions in annual savings and saved or created hundreds of thousands of jobs nationwide. In my opinion, the funding for the Council on Competitiveness is an excellent investment in America.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Just a couple of additional words and then I will comment on the disposition of the amendment.

Support for opening up the regulatory review process and the Council on Competitiveness in particular, has come from many quarters. Law professors, government specialists, unions, environmental groups, and other public interest organizations have been very outspoken.

For the record, I asked a little while ago that additional documents be printed in the RECORD and had unanimous consent for that. I want to make special mention of a joint letter from the American Heart Association, the American Lung Association, and the American Cancer Society. These three organizations wrote to President Bush on July 31 of this year asking that he open up the Council on Competitiveness because of its secret operations, which are not consistent with our representative form of Government. I would not read their whole letter. It is lengthy. Let me quote briefly from part of it. It says:

> If the Vice President and the Council on Competitiveness truly believe the Council stands "up for the real interests of the American people"—then it should truly be open to all of the people to participate in its deliberation. It should not make its decisions behind closed doors selecting only input from those who serve its political purpose. It should disclose all of its proceedings to the public. It should open up its doors to the people to voice their views, and it should be balanced, fair, and equitable in the conclusions it draws—conclusions based on the full record of views, not on the views of a select few who view the council as a back door way to circumvent the fundamental principles of democracy contained in the Administrative procedures Act.

Later on in the letter they say:

> The greatest irony of all is that the Council's actions are clearly inconsistent in what it says it believes in—i.e. "making government representative of the needs of the people." The voice of the people and the shaping of our society cannot be heard or achieved when "good intentioned" bodies are created to make decisions behind closed doors with no respect for fairness, equity or balance.

Mr. President, that just encapsulates everything I said earlier. So the issue is simple. Our Government must be open to fair participation by all members of the public. And I am happy the Heart Association, the Lung Association, and the Cancer Society made the same clear call in their letter to the President.

Mr. President, I repeat one more time, I support regulatory review. I am for it. I think there are mistakes made. I think we have too many rules and regulations, and I support their being cut back and reduced, but I want that process to be fair and open.

If the activities of the Council on Competitiveness were open and records kept and a reasonable balance between interested parties was evidenced, I would support the Council's activity and even ask for an increase in its funding, not to cut it out. But that is not the case. I would even support it being in the Vice President's office, if that process was open and accountable.

But, Mr. President, we know the particular situation we are in right now is legislatively difficult. We know it is impossible to get a time agreement on this amendment. Clear assessment of matters on the floor compels me to draw the conclusion that it will be impossible to move now given the legislative press of business, and that it will be necessary to take this up another day. We do not want to get bogged down with a filibuster or other difficulties. It has been impossible to get a time agreement.

So, Mr. President, with that being the case, knowing that the House has voted to defund the Council, I will work with the Senate conferees in an effort to have the Senate recede to the House on this issue and accordingly, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Ohio has that right. The amendment is withdrawn.

The amendment (No. 2972) was withdrawn.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the Senator from Ohio for withdrawing the amendment. I certainly would not want the silence that has taken place prior to the withdrawal of the amendment to be any indication that we agree with the statements that have been made on the floor or that the amendment should be adopted.

Mr. President, I rise in opposition to this attempt to prohibit funding for the President's Council on Competitiveness.

This President has made regulatory reform a top priority of his administration. The Council is charged with the responsibility of ensuring that the benefits of health, environment, and safety regulations are delivered to the American public in the most efficient and effective manner.

The President's regulatory reform initiative directed by the Council is an effort to implement reforms designed to stop Government regulations which slow the economy and impede America's ability to be competitive.

The Council is seeking to promote the general interest of all Americans by reducing excessive, burdensome, and unnecessary regulations that threaten the loss of American jobs, raise the cost of products to American consumers, impose needless government paperwork and requirements on small business, and impose unnecessary mandates on our local governments.

Any President has the right to establish such advisory bodies to enable him to execute the policies of his administration. This falls within the obligation imposed on the President by article II of the Constitution to "take care that the laws be faithfully executed." It is, after all, the President—the elected head of the executive branch—who is held accountable for the actions of each executive branch agency.

Perhaps other Presidents did not have this particular advisory body but other Presidents before this one, including Presidents Carter and Reagan, have had comparable ones.

The Council on Competitiveness was created on March 31, 1989, by the President. It is chaired by the Vice President and comprised of the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the President's Chief of Staff.

In reviewing regulatory issues affecting competitiveness, the Council exercises the same authorities given to the Presidential Task Force on Regulatory Relief pursuant to Executive Order 12291 dated February 17, 1981, and Executive Order 12498 dated January 4, 1985.

The Council serves as a forum where senior agency officials can gather to discuss and resolve policy issues that affect major regulatory proposals.

The Council is not a statutory body. The Council does not have the authority to issue regulations.

The authority to issue regulations is vested in the regulatory agencies of jurisdiction. However, these agencies often have a great deal of discretion in the writing of these regulations while fully implementing the law. The Council simply oversees this process.

Regulatory matters are not black or white situations. There are not always clear right or wrong decisions. These matters most often deal with complex issues affecting varied interests and more than one Federal agency. It is reasonable that there be a forum for discussion. That is what the Council provides, a forum for discussion and resolution of policy issues that arise in this process.

Again, let me reiterate, it is the regulatory agencies that issue regulations. It is to these agencies the Administrative Procedures Act applies. This process requires notice of the proposed rulemaking and a period for public comment.

Nothing the Council does changes this fact. No matter what happens during the review process, the final rule issued by the agency must be supported and justified by the record made by the agency and within the parameters of statutory authority.

It is only the agency's action and the record it has established to justify that action which is the basis for judicial rule.

The process of Council participation in agency rulemaking was recently examined by the D.C. circuit of the U.S. Court of Appeals in *State of New York and State of Florida* v. *EPA, et al.* (July 14, 1992). The plaintiffs had claimed that EPA acted improperly in relying on the opinion of the Council rather than exercising its own expertise. The court held, however, that the Council's role was appropriate and clearly rejected the plaintiff's contentions that Council involvement somehow tainted the rulemaking process. In its opinion, the court indicated "(t)he fact that EPA reevaluated its conclusions in light of the Council's advice * * * does not mean that EPA failed to exercise its own expertise in promulgating the final rule."

The Council has been under attack for acting in secret, refusing to disclose from whom it has heard, the regulations which it has reviewed, or the basis on which it has made its decisions.

Again, the Council is a Cabinet-level body established by the President where representatives of concerned agencies and senior administration officials can clarify relevant policy issues and ensure proper coordination between a given regulatory activity and the administration's overall agenda.

To do this, the Council and its staff seek as much input as possible. It interacts with Government agencies, private sector organizations, interest groups, and individuals. If it is contacted by an outside policy, the Council encourages that party to convey its arguments to the agency responsible for issuing the regulations.

Again, it is important to remind my colleagues, that if the Council has played any part in any rule proposed during the review process, it does not change the fact that the rule issued by an agency must be justified and based on a factual record.

Those that want to take down the Council by prohibiting the use of any funds for its activities object to the fact that they cannot be privy to all communications between the President and his top officials.

Members of this body would find it equally objectionable if their oral and written communications with staff, with other members, with constituents, or outside parties were subject to public disclosure.

The President has the same right to deliberate and discuss issues freely and frankly with his senior advisors.

Essential to the proper functioning of the Executive Office of the President, and this Council, is the confidentiality of predecisional, internal deliberative communications. Such disclosure requirements, if placed on executive branch communications, would not only be unprecedented in scope and intrusiveness but unconstitutional.

Allegations have been made that the Council has refused to cooperate with congressional committees conducting legitimate inquiries about its activities.

With respect to certain individuals from which testimony was sought, this White House has adhered to a longstanding policy of both Republican and Democratic White Houses that any of its staff who are not confirmed by the Senate do not testify before the Congress.

The chairman of the Senate Governmental Affairs Committee has placed a number of requests with executive branch agencies and departments for records pertaining to their communications with the President's Council on Competitiveness.

I understand that Council staff has communicated with committee staff. In fact, through an agreement with various House and Senate committees, the Council has made available literally hundreds of pages of documents to Members of the Congress just in the past year.

Such an arrangement has also been worked out with the Senate Committee on Governmental Affairs. This arrangement provides for compliance with the committee's extensive requests for documents while making certain documents available to Members in a manner which safeguards the need to protect the confidentiality of executive branch internal deliberations.

Under that agreement, pages of documents have now been made available to the committee and agencies are still going through a very time-consuming process to release remaining documents. The committee has been told which documents are categorized for more sensitive handling under the agreement. Under the procedures established, these documents will be made available to the committee at its request.

Mr. President, it is this country and the American people who pay the cost of excessive, burdensome and unnecessary regulation.

High costs to utility companies translate into higher utility bills for homeowners.

Government paperwork and excessive regulatory requirements stifle the growth of small business. And, it is small business which holds the greatest promise for job creation and economic growth.

In driving up the costs of doing business in America, excessive redtape and regulation causes the flight of American jobs overseas and cripples America's competitiveness.

Lengthy bureaucratic delays in the development of new drugs withhold life-saving treatment from cancer, AIDS, cystic fibrosis, and Alzheimer's patients.

The Council is working to carry out the regulatory reform agenda of this administration: to reduce, wherever possible, excessive, burdensome, and unnecessary regulations and Government requirements.

Through the efforts of the Council a new AIDS drug, DDC, was recently released to the public after only 6 months of testing. The Council is continuing its work with FDA and health groups to develop initiatives to speed up the drug approval process, ultimately saving millions of lives by reducing the approval time for drugs to treat life-saving diseases by 4 years.

The Council has worked with the IRS to streamline the tax collection system for small business, making it easier for small businesses to report their withholdings to the IRS. Rather than report to the IRS once or twice a week, some 3.5 million small businesses can now report only once a month, saving them millions of manhours and over $100 million annually.

One of the missions of the Council has been to oversee the OMB review process to ensure that Federal regulations do not place unnecessary burdens on businesses, and that the benefits outweigh the costs.

Let me give you two examples:

In implementing the Fair Housing Act, HUD initially wanted to require all multiunit housing with balconies to make these balconies flush with the inside floor level—in order to achieve wheelchair accessibility. Unfortunately, doing so would have caused water to flood the apartment whenever it rained. After review, HUD modified the requirement to 4 inches.

When OSHA updated its rules on hard hats, it included a new requirement that all hard hats be "disinfected" before exchanging hands. This requirement would have cost some $60 million a year with no measurable benefits. There has not been one documented case of anyone catching anything from an infected hard hat. After review, OSHA decided to drop this requirement from the regulation.

Mr. President, the burden of Government regulation on our economy is high.

Government regulation imposes a hidden tax on our economy in terms of lower productivity, higher prices, lost jobs, increased State and local taxes, global noncompetitiveness, fewer consumer choices, and decreased services.

As fiscal pressures grow, Government is increasingly tempted to use social regulation as a means of achieving political objectives;

Example: Rather than buy land in order to protect wildlife, or simply to preserve it in its undeveloped state, Government regulates the land's use and achieves the preservation objective, without direct Government cost, and without the scrutiny that would occur in the budgetary process. The societal objective is achieved at the expense of the individual landowner's property rights, a fundamental feature of the capitalist system;

Until the President's moratorium on implementation of new regulations, Government regulation was growing at a frightening pace;

Specifics: There are 59 Federal agencies tasked with enforcing nearly 4,900 regulations. The Federal Government spends $14 billion annually enforcing the regulations that it imposes on others. In the last few years, 20,000 new regulators, armed with 15,000 pages of new regulations have been turned loose on our struggling economy;

The best and most current estimate is that Federal regulation's direct cost to society is $400 billion per year, $4,000 per household;

The high cost of compliance with regulation makes claim on national resources that might otherwise be dedicated to more productive uses;

Business is forced to divert capital away from investment and productivity and toward regulation compliance. Employees are taken out of production operations and used to assure compliance and complete regulatory paperwork. Innovative and productivity-enhancing equipment is forsaken in favor of materials and equipment used in compliance;

Effects on productivity impact on global competitiveness, and balances of trade suffer;

Costs of compliance are often passed on to consumers who might otherwise save, invest, buy a car, make a downpayment on a house;

Regulation often limits the products and choices available to consumers, with resultant impact on competition and prices;

The cost of regulation also has job consequences. With an increased cost of doing business, domestic companies seek offshore locations for their operations, and foreign firms are discouraged from establishing operations in the United States;

The growth consequences of the costs of regulation are significant. Lower productivity, decreased global competitiveness, balance of trade and employment effects, higher prices, lower rates of saving and investment all impact on the rate of growth of GDP. The compounding effect of a decreased growth rate over, say a 10-year period, is substantial;

In recent years, with increased focus on the Nation's fiscal problems, Government has developed a growing regulatory appetite as a means of achieving its objectives off-budget. As a result, regulatory systems have grown out of control and legislative processes have been delegated to regulators;

Not only have the relationship between costs and benefits been lost in the rush to regulate, but common sense and fairness have also been orphaned. It is the Council on Competitiveness that has provided the leadership in restoring that common sense and fairness, and it must be allowed to continue.

I support the President in his efforts to reduce these burdens.

I oppose this effort to prohibit funding for the body the President has created to help him carry out his agenda. I urge my colleagues to oppose it as well.

Certainly one can come to the floor and talk all they would like about something being illegal. The truth of the matter is it is not illegal. If it was, something would be done about it. The truth of the matter is this is an act by the executive branch of Government charged with enforcing the laws of the United States. They have constitutional authority to do that—in fact, a mandate to do it.

If one wants to go into detail, you can find that other Presidents chose to do something very similar. In fact, something very similar was done by President Carter. He may not have called it specifically this but clearly it was not open to the public. It was part of the executive branch of Government doing what the executive branch of Government is supposed to do. It did not violate any laws or regulations that Congress had set up, and this one did not either.

So we are delighted that the amendment is now gone. I am very pleased that the Senate, at 7:30 tonight, planning to leave tonight so they can go to a funeral tomorrow of one of our very distinguished Senators, will not have any further debate and votes on this issue. I would be remiss if I did not say that I very much appreciate of the position of the chairman of this committee, Senator DECONCINI, from the other side of the aisle, a Democrat, because in committee and on the floor he has already indicated he was opposed to this amendment, for which I thank him. I am sure the executive branch of Government, in carrying out their mandate, which is difficult enough these days, is appreciative of it.

Mr. HATCH. Mr. President, I am concerned that at this juncture the Glenn amendment to defund the Council on Competitiveness is the wrong move for the American people. Rather, we should commend the Council and its tireless, small staff for the work they have done in saving the American people valuable dollars and keeping American business competitive. While no one in this body would argue against the necessity of certain rules and regulations to protect the American people, we must have mechanisms within the Government to make sure that the solution is not more onerous than the problem. And, that is what the Council is here to do, to mitigate the impact of regulatory costs on the American people and to make certain that these burdens do not hamstring American competitiveness.

Mr. President, Federal regulation is a hidden tax on the American people. The costs of compliance and the costs of enforcement are necessarily passed on to the American people. These are simple economic principles.

For example, if to comply with a regulation a company has to purchase a new scrubber system for a smokestack at a cost of $2 million, the consumers of products produced by that factory will have to pay more.

If other regulations force that same company to spend another $4 to $5 million on special packaging and to hire extra staff to comply with paperwork requirements that document compliance with those regulations, the prices of its goods will rise again to absorb these added costs. If the market in which that company competes cannot bear these extra costs, then the company may even be forced to go out of business.

Mr. President, there are countless examples of costly regulation adversely affecting business, both large and small throughout this Nation. A recent report published by the Manufacturing Institute estimates that "the total cost of regulation of manufacturing approximated—by some estimates, exceeded—aggregate after-tax manufacturing profits."

These regulatory costs steal valuable resources from other sectors of that firm: research and development, upgrading equipment and facilities, job training, and hiring productive staff to produce goods and services.

Mr. President, small business is often the hardest hit by burdensome regulation. Many of these small businesses, for the first few years of existence, operate on a shoestring and make just enough to continue paying their operating costs. Regulation steals these valuable funds for compliance, making business starts more difficult and threatening the ability of small business to succeed.

Unfortunately, Mr. President, we in Congress often forget that someone else is paying for these costs. Let me read to you an excerpt from an article published in the June 1, 1992, Wall Street Journal by our friend and former colleague, George McGovern.

> It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East, and Latin America.
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> In 1988, I invested most of the earnings from this lecture circuit acquiring the leaseholds on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.
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> In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had this firsthand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. Senator and a more understanding presidential contender.

He goes on to say that:

> My business associates and I also lived with Federal, State, and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never have doubted the worthiness of any of these goals, the concept that most often eludes legislators is: Can we make consumers

> pay the higher prices for the increased operating costs that accompany public regulation and reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

Senator McGovern now understands the full impact of regulation on the private sector. He has lived it and watched it stifle his dream. Let me share with you his perception of the economic forces that worked against his business venture. As Senator McGovern noted:

> Consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the sort of people I spent a lifetime trying to help.

It is ironic that the very people these regulations are targeted to benefit are the ones that are often hurt the most.

Mr. President, like many States, Utah relies on small business for a good deal of our products and jobs. Yet, if we continue to regulate without considering the costs then we will continue to fuel inflation and destroy jobs. There is fairly broad bipartisan support for keeping American jobs at home and keeping American firms competitive, yet here we are debating funding for the executive branch tool for regulatory review. If we cut this important tool out of the regulatory process, then we leave the American people and their jobs open to the whims of regulators. We must continue to allow the executive branch to discharge its duties of regulatory review.

Further, the Council's main task is to ensure that regulations issued by various executive agencies and departments are well-coordinated, cost effective, and achieve their intended objectives in the least burdensome manner. This is nothing new. Presidents Ford, Carter, and Reagan organized similar review bodies for the same purpose. They recognized that an independent executive branch coordinating body must review the effects of regulations propounded by agencies with more limited agendas and specific constituencies.

We must remember that the President is an elected official, charged with a constitutional obligation to oversee the operation of the executive branch. This includes monitoring the costs of regulatory activity on the American people.

I believe that we should strengthen the regulatory review process; that is why I introduced the Regulatory Accountability Act of 1992. Agencies must be held accountable for regulating both efficiently and cost effectively. In order to do this, we must know how much each and every regulation costs. Only then can we decide whether or not the regulatory protections being purchased by the American people warrant the costs involved with compliance.

Mr. President, I strongly support President Bush in reviewing the regulatory activities of the executive branch. President Bush understands, as does Senator McGovern, that regulatory costs must be passed on to the American consumer and these costs can adversely affect the growth of American jobs. If we continue to regulate without recognizing this, then long-term economic growth will be placed at risk.

I urge my colleagues to vote against the Glenn amendment and to allow the executive branch, through the Council on Competitiveness, to continue this most important task of reviewing regulations.

Mr. GORTON. Mr. President, our economy is under attack. In this instance, however, the attack comes not from foreign economic powers, nor from our enormous public debt, nor from our trade deficit. It comes from Congress itself. It comes from those Members of the other body who voted to deny funds in the fiscal year 1993 Treasury/Postal appropriations bill for the Vice President's Council on Competitiveness, and will come from this body if it unwisely decides to follow the lead of the other body.

In recent weeks, a great deal of attention has been focused on the Council of Competitiveness. Negative media reports portray the Council as an evil, shadow organization whose sole purpose is to destroy the environment. The Senate Governmental Affairs Committee reported out a bill, called the Regulatory Review Sunshine Act, which is designed to shut the Council down. The bill is now on the majority leader's wish list and can be called up at any time for a vote. In short, these actions point to a concerted effort to cripple the Council and render it ineffective.

But now the Democrats in Congress have found an even more direct approach for advancing a liberal agenda at the expense of the economy—they want to deny funding for the Council, or any potential successor, in this year's Treasury/Postal appropriations bill.

What they want to cut funding for is an organization established to maintain and improve America's competitiveness. It is an organization committed to advancing this country's economic vitality and providing an environment in which business, small business in particular, can prosper.

Providing an environment for small businesses is of particular importance because they are the backbone of our economy and are central to the production of jobs and economic activity for American families. In my State alone, these businesses provide productive jobs for more than 1.5 million people. In 1990, small businesses in Washington State were responsible for creating 22,700 jobs. With over 192,000 small businesses in the State accounting for more than half of the total work force, it is imperative that they are afforded every opportunity to grow and prosper.

As I travel around the State, however, businessowners and their employees constantly tell me how unnecessary Government regulations hinder their ability to succeed. These firms face a complex maze of baffling, costly, and unnecessarily burdensome regulations which stifle their ability to operate and hurt our economy.

Excessive and needless Federal regulations burden the economy because they act as a huge indirect tax. They mandate additional and voluminous paperwork, accounting changes, and other requirements which necessitate the redirection of manpower and other resources from productive uses to satisfying some new Federal mandate. This cost of compliance raises the operating costs for thousands of firms and result in lower pay for employees, or worse yet, increased unemployment. In addition, these businesses are forced to pass on added costs to consumers. The end result of all this is decidedly negative.

Moreover, excessive Federal regulations impact smaller companies more than large ones. Large firms are often better able to internalize added costs while smaller businesses are forced to pass them on. It is no wonder that Federal interference has caused the anger of small business people to reach a boiling point.

For this reason, the Council on Competitiveness has proven to be an extremely valuable asset. The Council tries to cut back on excessive litigation, develop strategies to improve our work force, eliminate Government impediments to bring science to market, and ensure access to capital. Most importantly, however, the Council tries to improve this country's competitiveness by reducing unwise regulatory burdens on the free enterprise system.

Since its inception, the Council spearheaded the effort to provide relief for small businesses. Through regulatory review, it successfully attacked bureaucratic red tape, reduced some of the unnecessary costs of Federal regulations, and brought some reasoned thinking back into the creation of Federal mandates.

One of its primary goals is to work with the Office of Management and Budget's review process to ensure that new Federal regulations do not impose costs on businesses that outweigh their benefits. It also coordinated the President's regulatory relief initiative, which implemented a 90-day moratorium on many new regulations which could hamper economic growth. During that time, the Council led a review of unnecessarily costly Federal regulations.

The Council has a long list of accomplishments. For example, the 90-day moratorium is expected to save our economy between $15 and $20 billion per year. Moreover, with the subsequent extension of this moratorium, the savings will be substantially higher. The Council reduced the costs of the payroll tax system, resulting in substantial savings to small businesses and other employers. The Council also helped to implement streamlined SEC securities registration forms which can save small businesses millions in legal and accounting fees. This is a small, and certainly incomplete, list but it points to real and valuable accomplishments.

The Council reduces the stranglehold that Federal mandates impose on small businesses while providing an impetus to the expansion of economic opportunity and the creation of jobs. These are exactly the kind of things the Democrats in Congress are trying to halt when they attempt to cut funding for the Council on Competitiveness.

Mr. President, the Council on Competitiveness plays an integral and important role in our economy. Shutting it down will be of serious detriment to all businesses. How Democrats in Congress can claim to be working to revitalize our economy, and yet try to cripple an organization which invigorates one of the most productive and dynamic sectors of the economy, is a mystery to this Senator.

I have dedicated myself to fight for jobs and economic opportunity for families and communities in our State. That is why I support funding for the Council on Competitiveness.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I thank my distinguished friend from Ohio, Senator GLENN, for pulling down his amendment. I understand how very strongly he feels about this issue and realize that he could have forced it into a long, extended debate tonight and we could have continued well into the night.

I was prepared to oppose his amendment as the chairman of the subcommittee for a number of reasons. I do not condone what the Competitive Council has done under the Vice President—refusing to cooperate with certain authorizing committees in like Governmental Affairs and I think that that was a mistake that will come back to haunt the Competitive Council and make it ineffective.

I think it is the prerogative of the executive branch to have such a group or organization to work on speeding Government and making it operate the way they want it to operate. I may disagree with that on occasions. But I have to say that I oppose this amendment with vigor.

Mr. President, I oppose the amendment offered by my distinguished colleagues on the Competitiveness Council.

Mr. President, the funding for the Competitiveness Council totals $86,000 for two staff people at the Office of the Vice President.

The Council is chaired by the Vice President and comprised of members of the Cabinet—the Attorney General, Secretary of the Treasury, Secretary of Commerce, and chairman of the Council of Economic Advisors. To my knowledge, no private individuals are on the Council.

Even if Congress denies funding for the Council or a successor organization, there is absolutely nothing in this amendment to stop the executive branch from continuing to meet on regulatory matters, or to intervene in the rulemaking process. This amendment, if adopted, would not accomplish the objectives that I know many of these Members are sincerely trying to achieve. It will not require the executive branch to attend hearings on the Hill or provide full disclosure of any or all contacts it may have on proposed regulations. What it will do is allow the executive branch to operate completely at its own discretion without anyone's knowledge of the existence of a regulatory review panel. By funding the Council, at least we know what organizational entity we are dealing with.

The Council does not have the power under law to suspend current regulations or get involved in rulemaking. The requirements for rulemaking and publication in the Federal Register must still be met. Any opinion that comes from the Council is available for agency comment and public comments.

I am convinced, unlike some of my colleagues, that any President should have the right to look into and review the regulations to be promulgated by its executive branch agencies. If the feeling is that the regulatory review process should be changed, then a separate bill should be taken up to address this issue. That is an issue for the authorizers to deal with in working with the Executive Office of the President. It is not a matter which should be dealt with in the context of appropriations.

Going after the funding for the Council is the wrong approach. If the dispute is how the Council operates, then the solution should be to change the way the executive branch reviews regulations. Eliminating the funding simply allows them to continue meeting with no responsibility to keep documents and make them available to the public nor to disclose the contacts that they have had with other executive branch officials.

The White House has said that it will veto this bill if the Council's activities are restricted or defunded. Do we want to bog down this appropriations bill and the entire process simply to make a statement that will have little or no effect? I think the wise thing to do is to work with the Executive Office of the President and try to come to some agreements about the operations of the Council.

I do not have any qualms about requiring certain individuals who operate the Council to come before the Congress, answer questions about their activities, and provide documents which should be available to the public to disclose the extent of its activities.

But, I do not think defunding is the answer.

The Council was established by Executive Order 12291 by the Reagan administration when Bush was Vice President and was called the Presidential Task Force on Regulatory Relief to review regulatory and competitiveness issues. Under the Bush administration, it was renewed by Executive Order 12498 and renamed the Council on Competitiveness headed by Vice President QUAYLE.

The same authorization exists for both versions of the Council so the charge that it has become a rogue agency is not accurate, because its authorities have not been increased.

Mr. GRAMM. Mr. President, I came over to speak briefly on the amendment. I am not going to engage in any prolonged statement but I have to make a couple of comments in light of what has been said.

First of all, part of the genius of the American Constitution is separation of powers. I have witnessed in my 14 years in Congress a concerted effort by the U.S. Congress to run the executive branch of Government by circumventing the President's power and trying to force the executive branch of Government to conduct policy the way the Senate and the House want it conducted, not the way the President, who has been elected to carry out Executive powers, has chosen to conduct it.

Second, every regulation is issued through only one power, and that is the President's power. To say the President does not have the right through any form he chooses to analyze, debate internally, look at the facts, and make a decision about regulations is totally at variance with the Constitution of the United States.

The statement that was made earlier that these executive deliberations should be opened up to the public and that every group should be allowed access to them, is exactly parallel to a proposal that would require us, when we sit down in the privacy of our offices to think about the issues and decide how we are going to vote, to invite in the TV cameras and which would allow no private consideration of the issue. It is a totally ludicrous proposal, and it has only one objective. And the objective is to take power away from the President. I reject it. It is bad for the country.

I would like to also say, at a time when America is literally being strangled by redtape and regulation, for the Senate to be spending its time debating whether or not to take less than $90,000 away from the President which he would use to analyze how we can make America more competitive by cutting red tape and regulation, is at variance with everything the American people want done by this Government.

So I cannot understand why we do not want the President exercising his constitutional powers to try to come up with ways to make America more competitive. If the President does not carry out the law, we have recourse in the courts. But the President has the opportunity and has the right and the responsibility to make decisions concerning regulations.

We may not agree with it, but the President was elected. We are not elected President. And I quite frankly believe that Congress, in it's own individual fiefdoms, too often wants to play President without the necessity of going out and being elected.

I am glad the amendment was pulled down. I vigorously oppose it. I would be surprised if the President would allow us to fiddle around and micromanage his budget and would not come back and do the same to our budget. We would scream and holler and rant and rave and beat our chest if the President tried to tell us how to allocate our money. But yet we do it to the President.

I am delighted the amendment was pulled down.

I yield the floor.

Mr. DOMENICI. I thank the proponent of the amendment, Senator GLENN, for pulling the amendment. I think we have adequately answered it. I would like to proceed at this time.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the committee amendments to H.R. 5488, with the exception of the committee amendment on page 112, lines 13 thru 17, and the committee amendment on page 110, line 13, be considered and agreed to en bloc; provided that no points of order are waived thereon, and that the measures, as amended, be considered original text for the purpose of further amendments.

The PRESIDING OFFICER. Without objection, it is ordered.

The committee amendments were agreed to en bloc with the following exceptions:

Excepted committee amendment on page 112, lines 13 thru 17; and, excepted committee amendment on page 110, line 13.

Mr. DECONCINI. Further, Mr. President, I ask unanimous consent that the committee amendments be set aside upon the agreement of the managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I yield to the distinguished Senator from Arizona.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have two amendments, one would be very brief and the other I believe, the other side has agreed to the unanimous-consent agreement for 1 hour.

AMENDMENT NO. 2975

(To establish a Social Security Notch Fairness Investigatory Commission)

Mr. McCAIN. Mr. President, I have an amendment at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], proposes an amendment numbered 2975.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Notch Fairness Investigatory Commission Act of 1991".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Social Security Notch Fairness Investigatory Commission (hereafter in this Act referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 12 members as follows:

(A) 2 members appointed by the majority leader of the Senate, of whom 1 member is a proponent of amending the Social Security Act to correct the benefit disparity known as the notch problem (hereafter in this section referred to as a "proponent") and 1 member is an opponent of such amendments (hereafter in this section referred to as an "opponent").

(B) 2 members appointed by the minority leader of the Senate, of whom 1 member is a proponent and 1 member is an opponent.

(C) 2 members appointed by the Speaker of the House of Representatives, of whom 1 member is a proponent and 1 member is an opponent.

(D) 2 members appointed by the minority leader of the House of Representatives, of whom 1 member is a proponent and 1 member is an opponent.

(E) 4 members who are not employees of the Federal Government or of a State or political subdivision of a State appointed by the President.

(2) The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(c) CHAIRMAN AND VICE CHAIRMAN.—The President shall select a Chairman and Vice Chairman from among the members appointed under subparagraphs (A) through (D) of subsection (b)(1).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATIONAL REQUIREMENTS.—The Commission shall convene its first meeting within 60 days after the first date on which all members of the Commission have been appointed.

SEC. 3. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall conduct a study of all matters relating to the disparity under the Social Security Act known as the notch problem.

(b) CRITERIA OF STUDY.—The study conducted by the Commission shall include the following:

(1) A review of the legislative history of the notch problem, including a review of—

(A) the intent of the Congress in enacting legislation establishing the benefit computation formula associated with the notch problem;

(B) any flaw in such formula; and

(C) the intent of the Congress with respect to legislative efforts to make corrections in such formula.

(2) A review of all committee reports, conference reports and records of floor debate of the Congress (for the period of time beginning with the convening of the 92nd Congress through the date of such study) that relate to the matters described in paragraph (1).

(3) A review of the level of benefits of individuals receiving benefits under title II of the Social Security Act to determine whether legislation enacted by the Congress to address the notch problem by making adjustments to the benefit computation formula resulted in an unintended reduction in the level of benefits for certain individuals.

(4) The development of legislative proposals (if determined by the Commission to be appropriate) to address the notch problem.

(5) An assessment of any other legislative proposals (including introduced legislation) relating to the notch problem for the purpose of determining the consistency of such legislative proposals with any legislative proposals developed by the Commission pursuant to paragraph (4).

(6) An assessment of the effect of any legislative proposal determined to be effective in addressing the notch problem by the Commission pursuant to this paragraph on the short-term solvency and long-term solvency of the Federal Old Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 4. REPORT.

Not later than 9 months after the date on which the Commission convenes its first meeting, the Commission shall transmit to the President and to each House of the Congress, a report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, as the Commission or such subcommittee or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Health and Human Services and any other Federal department or agency such information as the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 6. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) A majority of members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission present at a properly called meeting.

(c) SUBCOMMITTEES.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS; ADMINISTRATIVE MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than the full-time equivalent of 5 additional employees as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate of pay prescribed for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(3) Notwithstanding any other provision of law, the compensation of the personnel described in this subsection shall be paid from funds appropriated to the Department of Health and Human Services.

(d) ADMINISTRATIVE MATTERS.—The Secretary of Health and Human Services shall provide the Commission office space and such supplies and equipment as may be necessary to carry out the duties of the Commission under this Act.

(e) APPLICABILITY OF OTHER FEDERAL LAWS.—A member of the Commission appointed under section 2(b) who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of—

(1) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

(2) chapter 171 of title 28, United States Code, relating to torts claims.

SEC. 8. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PROCUREMENT AUTHORITY.—The Commission may procure supplies, services, and property and make contracts, in any fiscal year, in order to carry out its duties, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (c). Contracts and other procurement arrangements may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any similar provision of Federal law.

SEC. 9. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date on which Commission submits its report under section 4.

Mr. MCCAIN. Mr. President, in light of the vote that was just taken on the notch baby situation, I think it is obvious to all of us, sadly, that this issue is not going to be resolved, in a straightforward fashion.

I fully understand the reason why the objection was raised, the budgetary point of order. I fully understand that, but I do not agree with it. This amendment would appoint a commission to study the entire notch situation and be in existence for 9 months and make recommendations to the Congress and the President.

As to what needs to be done to resolve this issue, I could go on for a very long time about the controversy that surrounds this issue. I never attend a senior citizen gathering in my State where it is not brought up immediately. It seems that there is confusion among some Senators as to the exact nature of the notch, who is eligible, who is not, what actions need to be taken to address it.

I think it is pretty obvious, as I mentioned, from the last vote, that we will not have an up-or-down vote on this issue this year or probably any time soon, since the notch issue has been with us for many years.

I remember in 1983, Mr. President, when I first came to the other body, a commission was appointed to study the issue of Social Security. That commission reported out an excellent set of recommendations, which were swiftly adopted in a bipartisan fashion by the Congress of the United States. Frankly, it saved the Social Security system from financial chaos.

I am hopeful that a commission composed of respected Americans from around this country which would have a limited existence, would convene, and then make recommendations as to how we can address this issue. It is a highly emotional one. It is a very difficult and complex one. I think we need this commission to end the delays, and properly address this problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. MOYNIHAN. Mr. President, I rise simply to say that it is easy to understand after the debate we had today—very useful and I think informative debate on this matter—that the Senate is divided, precisely evenly divided, in its judgment on this matter. And as the gallant and distinguished Senator from Arizona says, this is a matter of concern for the Nation. And when we had difficulties with the Social Security Administration, Social Security system, in 1983, we appointed a commission and came up with a very helpful result.

It is the practice of the Social Security system every 4 years to appoint an outside panel to review the system and judge how it is moving and going. The very half century of this practice, I think, helped the Social Security insurance system we have now.

I would like to say that this commission has met twice, or has been formed on two earlier occasions, in a sense. In 1988, the National Academy of Social Insurance, a then new organization, a very important and promising one—Robert M. Ball, the former Social Security Administrator, was the chair at that time. Senator DOLE was the ranking member of the Subcommittee on Social Security and Family Policy, and I, as the chairman of the subcommittee, asked the National Academy, a nonpartisan group of persons whose lives have been involved with Social Security insurance, to study this question. They gave us a handsome, readable, authoritative report, "The Social Security Benefit Notch: A Study."

As this body will know, they concluded that there were no reasons to change the arrangements made in 1977. To do so would produce another notch and a notch after that and notches ad infinitum, to a point where we had done a serious disservice to the Social Security system.

Also, in that same year, in November, was the first report. The second one is from the General Accounting Office, at the request of the chairman of the subcommittee, Mr. Jacobs on the House side, a friend from the Senator from Arizona. They were asked to do a study of the same subject, and they came up with this very able report to the chairman of the Subcommittee on Social Security, Committee on Ways and Means, "Social Security: The Notch Issue."

Again, they reached the identical conclusion. Joseph Delfinco, a very able Deputy Comptroller General, was responsible for that.

I would not judge that a Presidential commission would come out any differently, but it may be that it will have a more authoritative consequence. It will be seen now to have been put to inquiry by a capable, nonpartisan group.

I hope the Senator from Arizona agrees with me that the persons appointed to this commission ought to be persons who have had experience with the subject, not directly, but with actuarial matters, with insurance matters. We are talking about the social insurance.

I repeat once again that Social Security is not an entitlement; it is a contributory pension insurance program. Persons pay into an account, and their name and their number, and payments are kept track of over the years; when they retire, they are paid back according to a formula that has been in law and is predicted and is understood.

We had that one notch glitch that was a perfectly honest mistake that the actuaries made in 1972 and corrected in 1977. This may bring the debate to a close, and if it should, I think there are more important matters to address in the future. So I just want to make that comment.

Mr. McCAIN. Mr. President, I thank the Senator from New York for his, as always, insightful remarks. I certainly appreciate his comments and his providing some important background on this issue. Of course, there is no one who has more expertise or experience on this issue than the Senator from New York. I appreciate very much his comments.

I yield the floor.

Mr. DOLE. Mr. President, this is an issue that has been with us for years, and is likely to continue to recur until addressed. But as is indicated by today's discussion, none of us know quite what to do that won't put the trust fund at risk.

The Social Security system was first indexed to protect beneficiaries from the effects of inflation in 1972. Unfortunately, the legislation enacting this change was technically flawed and actually overadjusted for inflation. The rapid inflation of the 1970's compounded this mistake and led to a largely unintended rise in Social Security benefits paid to people when they initially retired.

The notch results from the decision made by the Carter administration and Congress in 1977 to provide a new system of inflation computations to adjust benefits for inflation. I disagreed with many provisions of this legislation and, as the record shows, I voted against it. Nevertheless, this system is now fully effective for people who attain the age of 65 in 1982 and later.

Although special provisions were included to help smooth the transition from the old system to the new system, certain workers attaining age 65 in 1982 or later will get lower benefits than those who attained age 65 in 1981. But we must remember, this is not due to any penalties imposed on those born between 1917 and 1921, but because people who were born earlier are covered under the old law and, therefore, are still benefiting from the old system's overadjustments for inflation. Also, it is important to note that the people in the 5-year transition group are not treated less favorably than those who will retire in the future under the new system. A "transitional guarantee" in the law provides that they receive at least what would be computed under the new system.

The Government Accounting Office [GAO] completed an exhaustive study on the "notch issue" which offers important guidelines and analysis for further Congressional consideration. GAO confirmed that "social security retirees born just before 1917 generally receive higher benefits than those born in 1917 and after;" but that "notch babies" usually receive more benefits—and never less—than those born after them. The report cautioned that "solutions that would draw money from the trust fund to increase benefits to the notch group could jeopardize the short-run financial condition of the system and its ability to finance the coming retirement of the baby boom generation."

Furthermore, Senator MOYNIHAN and I requested that the National Academy of Social Insurance examine the notch issue. Their report included a recommendation that Congress take no further action. The report states that—

> Since the "notch" arises because the benefits of some of those born prior to 1917 are higher than was intended, there is no reasonable basis for reducing the "notch" by raising the benefits of those born later. Nor is it desirable to reduce the benefits of those already receiving them and counting on their continuation.

The amendment before us today is one of a number of "notch" bills pending before a variety of committees which have varying costs. The Sanford bill would cost approximately $32 billion in the initial 5-year period. The cost estimate is even greater over the next 10 to 20 years.

Mr. President, I am not unsympathetic with those "notch babies" in my own State, or nationwide. But this is not the way to address this issue, nor the place to do it. This Senator is, however, prepared to work with others to try to find some solution.

Mr. GORTON. Mr. President, I rise in support of the amendment offered by my distinguished colleague from Arizona.

This amendment will gradually exempt from the Social Security earnings test income earned by seniors between the ages of 65 and 70. Mr. President, I emphasize the earned portion of my last sentence because we are talking about people being penalized for going to work and being paid for their productive labor.

It is an abomination to discourage the productive behavior of Americans. Especially Americans who are among the most highly trained and motivated workers upon whom our society can call. And, Mr. President, for our Federal Government to discourage the participation of this segment of our society runs counter to the most basic instinct of all Americans.

Every study shows that the "young" old—those between the ages of 62 and 72—can continue to contribute to the productive base of this society. Why is our government's policy designed to penalize them for continued productivity?

Not only does the work of seniors add to our tax base, it also promotes a positive sense of well-being and importance to our senior citizens. It connects our seniors to their community. We shouldn't lock out or penalize seniors who get satisfaction and fulfillment from contributing to our society.

I am talking about fairness, Mr. President. How can anything be fair which compels an individual to participate, in the name of protecting his future, but restricts his ability to positively and productively contribute to his well-being? To this Senator, it is only fair if we allow all of our citizens the full use of every bit of productive capacity they have.

Remember, Social Security was designed to be social insurance. If a private insurer decided the insured really didn't need as much money as the insured contracted and paid for over the life of the policy, he would be thrown in jail for failing to leave up to the agreement. He would be thrown in jail for being unfair to his client.

Mr. President, it is bluntly unfair for the Federal Government to insist that our seniors pay into a social insurance policy then renege on the promise to fully payout based solely on the ability to continue working. If the policy matures at 65 as is the current law, then it is unfair for the Federal Government not to pay out what has been paid for by the seniors.

A basic tenet with which I believe most Americans agree is that everyone should be paid fairly, commensurate with their abilities. Under the current system, because someone is a recipient of Social Security, the applicable taxes and reductions in benefits would end up costing 66 percent of every dollar earned above $9,700. Only because they receive Social Security. Only because the person is over 65 years old.

The highest effective tax rate currently is 31 percent. But, because of the earnings test, our seniors are having their income reduced by more than twice that amount. How can it be fair that every senior who earns more than $9,700 has his total income reduced by more than twice the amount that would occur than if he was paying taxes like everyone else.

To America's seniors, the earnings test is an unfair restriction. To this Senator the Social Security earnings test is bad public policy, which has been in need of change for a long time. It is high time that the Congress of the United States do just that.

Mr. DECONCINI. Mr. President, we are prepared to accept the amendment of the Senator from Arizona.

Mr. DOMENICI. Mr. President, I think it is exactly the right thing to do at this time. I am delighted to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2975) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2976

(Purpose: To amend the Social Security Act to increase the earnings test to $50,000 over 5 years)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. SEYMOUR, proposes an amendment numbered 2976.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RETIREMENT TEST EXEMPT AMOUNT INCREASED.

(a) IN GENERAL.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D) is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be—

"(i) $1,513.33 for each month of any taxable year ending after 1992 and before 1994,

"(ii) $2,176.66 for each month of any taxable year ending after 1993 and before 1995,

"(iii) $2,839.99 for each month of any taxable year ending after 1994 and before 1996,

"(iv) $3,503.32 for each month of any taxable year ending after 1995 and before 1997, and

"(v) $4,166.65 for each month of any taxable year ending after 1996 and before 1998.".

(b) CONFORMING AMENDMENT.—Section 203(f)(8)(B)(ii)(II) of such Act (42 U.S.C. 403(f)(8)(B)(ii)(II)) is amended by striking "for the calendar year before the most recent calendar year in which an increase in the exempt amount was enacted or a determination resulting in such an increase was made under subparagraph (A)" and inserting "for the second calendar year before the calendar year in which the determination under subparagraph (A) is made".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1992.

Mr. DECONCINI. If the Senator will yield, I have been advised by the distinguished chairman of the Finance Committee of the following, and I know the Senator from Arizona agrees.

I ask unanimous consent that there be 1 hour for debate on the pending amendment from the Senator from Arizona, equally divided, half under the control of the Senator from Texas [Mr. BENTSEN] and the other half under the control of Senator DOMENICI and Senator MCCAIN, and that there be no second-degree amendments.

The PRESIDING OFFICER. Is there objection to that request?

Mr. DOMENICI. Mr. President, I am not in control on our side. It is all Senator MCCAIN's.

Mr. DECONCINI. I modify that it be under the control of Senator MCCAIN.

Mr. DOMENICI. No points of order are waived by this unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I know the hour is late, and I am also aware that there is a very important but sad mission to be accomplished by a large number of Members of this body, and so I will try to keep my remarks brief. And I also am aware, as is my colleague from Texas, that we have been over this issue on many occasions. So it is not as if we can add a great deal to a record that has already been written.

The purpose of the amendment is to increase the Social Security earnings test. The amendment specifically would raise the Social Security earnings test to $50,000 over a period of 5 years. Let me repeat. It would raise the Social Security earnings test to $50,000; not lift it completely.

The reason I am here tonight on this issue to bring it up again is because of a series of events that have transpired since last November that create an environment which forces me to at least seek a vote on this amendment.

I might review very rapidly for my colleagues that when the Older Americans Act came to the floor in November of 1991, I offered an amendment to repeal the Social Security earnings test during consideration of that bill. The amendment was accepted and a unanimous voice vote was taken on the amendment.

Following that, the Older Americans Act came through the other body with modifications to the earnings test and the addition of a new entitlement program.

Since that time, the Senate, as is the usual custom, appointed conferees. The other body did not do so. So, in the intervening months there has been no conference action on the bill to bring it to final approval in the form of a conference report.

This has caused, of course, enormous discontent throughout the community of those who rely very heavily on the provisions of the Older Americans Act and who would very much like to enjoy the new benefits which are part of the new act.

Mr. President, because of this earnings test, the entire bill has been held up for a long time. We all know that within a few weeks we will be adjourning for the year and it would not be fair to senior citizens if the Older Americans Act were not reauthorized by that time.

I have gone through various emotions during the course of this, because I felt it was patently unfair for the other body not to appoint conferees and block final action on the Older Americans Act reauthorization bill although it was certainly their right to take no action.

At the same time, however, certain drum beats started throughout the country claiming that the Older Americans Act was being held up by this Member. The fact is, of course, as the President well knows, the conferees could have been appointed, they could have resolved it, and the conference report could have been presented to both bodies.

To this day, a conference has not been held nor has a meeting occurred to try to reach a compromise.

I have sent numerous letters to those relevant chairmen and ranking members reiterating time after time my desire to sit down and see if we could not work out some accommodation on this issue which, frankly, is very important also to senior Americans.

I am sorry to say there has been no response to those letters—a meeting has never been granted. And I know that clearly the individuals to whom those letters were sent are very busy. But I find it unfair.

Yesterday, several hundred seniors from all over the country visited my office and related to me that they have been told not that the House has been unwilling to appoint conferees, not that the Senate accepted the amendment I offered last November, not that many seniors have to quit working midway through the year or be subject to an effective 33 percent surtax, but that I forced the Senate to accept an amendment that threatened to kill the Older Americans Act reauthorization bill.

Mr. President, these were well-intentioned, well-informed, intelligent people. But frankly, they were shocked when I explained to them the series of events that has taken place.

As you know, I did not force the acceptance of the Social Security earnings test amendment on the Senate. No, my amendment was accepted by the entire Senate. Some have suggested that maybe those managing the bill last November 12 never really intended that my amendment become law and accepted it because they did not want to vote against an amendment that has enjoyed such popular support amongst our Nation's elderly.

If that is the case, then I think that the kindest remark I can make is that we are not living up to our duties and our obligations, because in effect, they were saying one thing and doing another.

As we all know, governing and leadership is about being willing to make the tough choices and standing up for your views. Today, we will be considering the earnings test, and I know that it will be subject to a budget point of order, but I want my colleagues to know that many seniors across the country will view this vote not as a technical matter but on the issue of whether we should substantially lift the earnings test which is such a burden on so many of our Nation's citizens or whether we leave that unfair burden and onerous tax in place.

Mr. President, there are certain organizations that have strongly favored repeal of the Social Security earnings test. Mr. President, I ask unanimous consent that the list of those be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION FOR REPEAL OF SOCIAL SECURITY EARNINGS TEST (AS OF JANUARY 22, 1992)

Coalition of nearly 40 seniors organizations and businesses and business groups, representing tens of millions of seniors and employees across this country.

SENIORS GROUPS

National Committee to Preserve Social Security and Medicare.
Seniors Coalition.
The Retired Officers Association.
National Association of Retired Federal Employees.
National Military Family Association.
Seniors Cooperative Alert Network.
Air Force Association.
United Seniors of America.
Air Force Sergeants Association.
Association of Military Surgeons.
Association of U.S. Army.
Enlisted Association of the National Guard of the U.S.
Fleet Reserve Association.
Jewish War Veterans of the U.S.
Marine Corps League.
Marine Corps Reserve Officers Association.
National Association for Uniformed Services.
Naval Reserve Association.
Naval Enlisted Reserve Association.
Navy League of the U.S.
The Retired Enlisted Association.
U.S. Coast Guard CPO Association.

EMPLOYERS AND BUSINESS GROUPS

U.S. Chamber of Commerce.
Sears Roebuck and Company.
National Association of Temporary Services.
National Tax Limitation Foundation.
National Federation of Independent Business.
National Restaurant Association.
American Federation of Small Business.
National Technical Services Association.
Walgreens Company.
Retired Police Assn. of Chicago.
American Farm Bureau.
National Small Business United.
American Farm Bureau.
National Small Business United.
American Health Care Association.
Days Inn of America, Inc.
National Society of Public Accountants.
Citizens for a Sound Economy.
National Council of Chain Restaurants.

Mr. MCCAIN. I would also like to quote to you from a letter from the Committee to Preserve Social Security and Medicare sent to our colleague from the State of Washington, Senator ADAMS.

It says:

> The Older Americans Act adopted by the Senate in November, 1991 includes a provision to repeal the Social Security earnings limit. Although both the Older Americans Act and the earnings limit repeal provision enjoy broad bipartisan support in the Senate, the relatively few opponents of the earnings limit provision have succeeded in delaying action on the Older Americans Act for nearly a year.
>
> The continuing stalemate on the reauthorization of the Older Americans Act is jeopardizing funding for important new programs to benefit senior Americans, particularly low-income seniors. As a result of this stalemate, funding for a new elder rights protection program, strengthening the long-term care ombudsman programs and several other new initiatives may not be provided.
>
> The stalemate also jeopardizes enactment of the important provision repealing the Social Security earnings limit. The current earnings limit rule is archaic and unfair to seniors who desire to remain in or re-enter the work force and it should be repealed or substantially liberalized. Many seniors must work in order to meet basic expenses such as medical bills and housing costs. Congress should remove impediments to senior employment.
>
> Both the House and the Senate have adopted the Older Americans Act. Both bodies have adopted provisions related to the Social Security earnings limits. The differences between the bills can, and should, be resolved by a conference committee without further delay.
>
> I encourage you to urge the Senate leadership to resolve the stalemate and act on both the Older Amerians Act and the Social Security earnings limit issue immediately.

It is signed by Martha A. McSteen, president of the National Committee to Preserve Social Security and Medicare.

I think that President Martha McSteen has it right, Mr. President. We could do this. We could have done both.

But obviously that is not going to happen. I cannot in good conscience allow the reauthorization of the Older Americans Act to languish any longer.

I would like to point out also that Horace Deets, executive director of the AARP, the largest seniors organization in America, is asking the association members to urge their Senators to approve the Older Americans reauthorization bill and legislation to raise the Social Security earnings limit be addressed as part of a conference—and that the conference occur immediately.

Mr. President, this amendment, as opposed to other amendments, does not completely lift the earnings cap. And the reason it does not is because there has been a charge that if we completely lifted the earnings test, that it would be a break for the rich.

Our rough figures indicate that if you raise it to $50,000, then about 95 percent of the seniors of America would be covered. I think that that is the intent of what all of us are seeking to do.

I want to point out again the obvious, and that is that under this earnings test, for every $3 a retiree earns over the $10,200 limit, he or she will lose $1 in Social Security benefits this year. We could go, as I have in the past, into the reasons why these laws came about many years ago, and how the entire senior citizen population has changed; how, tragically, so many seniors in America today have to return to work because of rising health care costs, housing costs, food costs, and other things.

But I think it is also important to point out that the employers in this country eagerly seek seniors as employees.

I was visited by one of the executives of Disney not too long ago, who told me that in his view the finest employees at Disneyland and Disneyworld were our senior citizens.

I was visited by a number of fast-food-chain executives who said that their outstanding employees were senior citizens. It seems to me that we should give them that opportunity.

So what I intend to do tonight, Mr. President, is ask for the yeas and nays, recognizing that my colleagues from Texas, in keeping with his responsibilities as chairman of the Finance Committee, will pose a budget point of order. And then I would obviously request the yeas and nays on that point of order.

I fully understand why the Senator from Texas has to pose the budget point of order under the existing rules of the Senate. I want to make an additional comment about that, though.

We have several studies by very credible institutes that clearly indicate that if the earnings test were repealed, or substantially raised, there would be an extremely large number of seniors who would reenter the work force, who would then be paying additional taxes.

In fact, in the view of many, there would be an increase in revenues into the Social Security Trust Fund, rather than a decrease. That issue has been well ventilated by me on this floor on several occasions, so I will not go into it.

I would finally like to point out, Mr. President, that most seniors in America today view this as simply an issue of fairness. They cannot understand—and I cannot explain to them—why, if they are between ages 65 and 69, if they become wage earners and wage earners only, then they will be subjected to this onerous tax.

I remind my colleagues that if that senior has a large pension plan, a sizable number of stocks, or trust funds from which they gain income, none of that is subject to this taxation; only if they are the citizens of this country who most of the time are required to go out and work in order to take care of themselves and their families.

I am not going to waste too much time of the Members of this body. But I have met couples, one afflicted with Alzheimer's, needing constant care, and the spouse having to go out and find work. And instead of being able to enjoy the fruits of all of those wages on the same level as all other citizens in this country, they are subjected to this discriminatory tax.

And finally, Mr. President, I would like to say that I may not be known for the eloquence that I display on the floor of this body, but I do believe that I am known for a certain degree of tenacity.

I expect to lose this budget point of order vote, but I will revisit this issue time and time again until we get some relief for what many believe are citizens who are least able to defend themselves, our seniors, as well as our children.

Mr. President, I would say that we have experienced significant progress in that the chairman of the Finance Committee has come up with some proposals which I think merit serious consideration. I look forward to the opportunity of sitting down with him, if he will agree to do so, and seeing if there is not something that we can work out.

I also note that the other body has made some efforts at rectifying this error.

So, to my friends all over this country who tonight will be disappointed that we lose this vote again, I say I share your disappointment and even, to some degree, your anger.

But I can tell you, we have made significant progress in the last year. And I think we will continue to make progress, because as long as we bring to the attention of this body the clear inequity that affects a certain segment of our population, I have trust and confidence that we will rectify it over time; perhaps not exactly as this amendment describes, but certainly to relieve the burden that is being borne by so many people in our country who do not deserve it.

Mr. President, I reserve the remainder of my time.

Mr. ADAMS. Will the Senator from Arizona yield for a question and a comment?

Mr. McCAIN. I am happy to yield.

Mr. ADAMS. Mr. President, I just noted that the Senator, my good friend, Senator McCAIN, mentioned my name, that we have not tried to settle this.

I would just like to put in the RECORD my letter of August 12 back to the Senator, and his letter to me of August 10, where I indicated that we have been trying to get this Older Americans Act out for 8 months. And, of course, he and I have had many conversations about this. And this is not in the jurisdiction of the Health and Human Services Committee.

As I stated to the Senator in my letter of August 12, which I will put in the RECORD—and I say this not at all in anger, but in frustration—we have been trying to pass this agreed-upon bill for 8 months, and the sole objector has been the Senator from Arizona, which is his right. I do not deny that right at all, to hold up the bill.

But this bill is a bill that really involves some very serious financial problems, which the Senator from Texas is going to discuss with you. And I want to be certain that the Senator corrected the RECORD, or stated that I always replied to him. And my most recent reply was to his letter of August 10, by my letter of August 12.

I ask unanimous consent that my letter of August 12 be printed in the RECORD at this time, together with the letter I received from Senator McCAIN, dated August 10, 1992, to show that we have at all times tried to accommodate him and have been unable to do so. And that is why this bill has been held up.

I ask unanimous consent that those two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 10, 1992.

Hon. BROCK ADAMS,
Chairman, Subcommittee on Aging, Committee on Labor and Human Resources, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR BROCK: I am enclosing, for your interest, a copy of a letter I recently sent to Senator Bentsen. I am relaying, once again, my desire to negotiate an acceptable resolution to the delay in addressing the Social Security earnings test and the Older Americans Reauthorization Amendments.

As a cosponsor of your original bill to reauthorize the Older Americans Act, and one who highly values its programs, I share your concern about the delay in the passage of this important legislation. I am hopeful that we can meet to discuss this issue and reach a compromise acceptable to all concerned parties.

Thank you for your commitment to the issues that affect our nation's seniors.

Sincerely,

JOHN McCAIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, August 12, 1992.

Hon. JOHN McCAIN,
United States Senator, Washington, DC.

DEAR JOHN: Thank you for sending me a copy of your correspondence with Senator Bentsen on the earnings test.

As Chairman of the Aging Subcommittee, I have been trying for the last eight months to bring an Older Americans Act Reauthorization to the floor of the Senate. There are no outstanding issues between the House and Senate on the OAA Reauthorization. However, one hurdle remains: unanimous consent to getting the bill up on the floor. I have been seeking through the Majority and Minority Leadership a unanimous consent agreement. It is my understanding that you are the sole objector to this request. I have discussed this with you several times.

In view of the Senate's recent and strong vote on the sense of the Senate provision on changes in the earnings test, I see no need to continue to hold up the Older Americans Act Reauthorization. I, too, support changes in the earnings test, and will continue to work with you and Senator Bentsen on this matter. However, failure to reauthorize the OAA is severely harming our ability to maintain appropriations for critical programs, such as home-delivered meals. Money appropriated in the current year for meals programs is contingent upon reauthorization of the OAA and this funding is about to be lost.

I have also discussed this with Senator Bentsen and we are ready to proceed. I would ask that you allow the Senate to proceed to take up and pass the OAA Reauthorization without holding it for further scheduling. If not, I intend to press for adoption of the OAA beginning on September 8, 1992. I hope we can obtain quick movement because too many people will be harmed if we wait any longer.

Sincerely,

BROCK ADAMS,
U.S. Senator.

(Mr. WOFFORD assumed the chair.)

Mr. ADAMS. Mr. President, if the Senator wishes to say anything about the fact that we have discussed these matters for 8 months, I will be pleased to receive it.

Mr. McCAIN. Mr. President, I will be glad to respond to my colleague from

Washington. And since the letters have already been made a part of the RECORD, I will not quote from all of them.

But the Senator from Washington surely knows that the bill was passed by the Senate of the United States and sent to the other body. The bill was passed. The bill was passed with the earnings test repeal on it. In fact, he managed the bill under which it was accepted.

And yet the Senator from Washington introduced another bill. Why did he have to do that? Obviously, the reason he had to do that is because the Older Americans Act, that was passed by this body, was not going to be considered seriously.

So I have to say, with all due respect to my friend from Washington State, categorically, the bill was passed. If the Senator from Washington had used his persuasive powers to get the other body to appoint conferees, perhaps we could have finished with the bill. It would have come back as a conference report.

Mr. ADAMS. The Senator from——

Mr. McCAIN. I am afraid you are going to have to use the time in opposition, but I am not finished either.

The point is, and I repeat, this legislation was passed by the U.S. Senate last November, with an earnings test repeal amendment on it. Senate conferees were appointed. The other body passed the bill, also with some changes to the earnings test, and did not appoint conferees.

So, therefore, the Senator from Washington came back to me and said I am holding up the bill. How could I hold up a bill that was already passed by the Senate? There was no possible way that I could.

Mr. ADAMS. Yes, you could by keeping it from coming before the floor.

Mr. McCAIN. You will have to use the time—Mr. President, I request regular order here.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McCAIN. I suggest to the Senator from Washington I would be more than happy to respond to any questions or comments he has. I would like him to use the time of the Senator from Texas, since our time is equally divided, but I would be more than happy to do so.

Mr. ADAMS. I would be happy to cooperate with the Senator from Texas. I ask for 1 minute, if I might?

Mr. BENTSEN. I yield 1 minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I simply want to state—and I am trying to be as gentle as I can in this debate; and I do not feel gentle about it, but I want to be—that this bill went over there. It was blocked from being considered on this floor by objections of the Senator from Arizona. We could not get the bill up. So, therefore, we had to file another bill, and we did file another bill, a clean bill.

So I am not going to let debate take place on his amendment, which should take place between the Finance Committee and the Senator from Arizona, on how this will be financed, what will happen.

We have had the Older Americans Act passed, agreed upon by both sides, both the ranking member of my subcommittee and myself, to try and get this bill up and before the body. I just wanted that to be clear.

Now the debate I think will take place as it should, with the chairman of the Finance Committee and the Senator from Arizona arguing about the merits of whether or not we should change the Social Security system. That had nothing to do with the Older Americans Act. I regret we were tangled up in it. I thank the Senator from Texas for taking this on, and I appreciate his giving me the time.

Mr. BENTSEN. I thank the distinguished Senator from Washington for his comments. How much time would the distinguished Senator from New Mexico require?

Mr. DECONCINI. Shall I proceed first? Five minutes?

Mr. BENTSEN. I yield 5 minutes to the distinguished Senator from New Mexico and additional time if he so requires.

Mr. DOMENICI. Let me say to my friend from Arizona—before he leaves the floor, might I just say to my friend from Arizona, he is going to win, if not tonight, in due course. There is no question that his tenacity and leadership on this is going to prevail. And I might say to anyone listening, it is obvious that Senator McCAIN has been on an issue that, interestingly enough, is right for senior citizens on Social Security who choose to continue to work. But it is also right for the United States and this particular stage of our economy and the demographics of our work force, because, clearly, seniors are living longer, they are healthier, and we are in desperate need of the kinds of talents that they have.

Just 15 years ago, we used to say when seniors retire we want them retired because we want somebody else to fill and take their job. That is not the case for America today and America of the future. We need seniors who are qualified, trained, and experienced to continue their productive lives in this economic system by taking jobs that fit their capabilities and earning what they can earn.

The problem with the current law is that it is a vestige of the past. First of all, we imposed a huge marginal tax on these people if they earn in excess of the current limitation to their earnings. And why should we almost punitively do that? We thought it was helping the country. Since it does not help the country, what it does is hurt seniors and hurt us.

So the Senator is going to win. He cannot win tonight because it just is not the right place to put this bill. This does not belong on this appropriations bill. The point of order must be made either by the Senator from Texas or the Senator from New Mexico or somebody in this body who is charged with the responsibility of seeing to it that we do not patently violate the principles of our Budget Act and our budget resolutions. So, in that regard, he will not win tonight, I assume. He has almost acknowledged that.

But the time has come to change this law. I regret we cannot use his economic analysis. We must use the existing models which say this will cost money. The Senator from Arizona contends, as many do, that static model is wrong and, if you lift this cap, you are going to add to the Treasury of the United States. But we cannot change the rules every night so we have to use the rules we have been using for years. And it says that this amendment will, indeed, violate the Budget Act because it will cause an expenditure of somewhere around $13.6 billion and we cannot do that and be honest to the budgets that we have passed and the resolutions.

So I say to him, we are all going to remember, when we finally pass it, that he was the one that led us down this proper path for the country and for seniors of this country. It will not happen tonight. But this Senator at least compliments him for his leadership and says I am very hopeful he will be here on that day when we do pass this. We are going to have to find some way to balance the revenues. If I understand the good chairman and his staff, they are going to find a way to do that, and I think the Senate is going to adopt something like that with rather large majorities, where a few years ago we would have been arguing about whether it was the right thing to do.

Mr. BENTSEN. With all due respect to my friend from Arizona, there have been quite a number of us working on this issue for many years. I certainly agree with my friend from New Mexico that the earnings test is in bad need of repair. Those affected by the test are productive people. They can make a contribution to the economy. They want to make it. They want to make it without a penalty. So I have been a strong supporter of responsible measures to raise that earnings test exempt amount in order that people over 65 can work without the kind of penalty we have today.

Last year I introduced S. 2038, which contained a proposal which significantly increased the current test. But the big point is that bill was paid for, every penny of it, and did not take additional money away from the Social Security trust fund.

On June 11, the Finance Committee reported out a new version of S. 2038 containing my proposal to significantly raise the earnings test exempt amount for people from age 64 to 69. Under that committee bill the earnings test exempt amount would go to $21,000 in 1997 and to $51,000 by the year 2001. But that bill paid for every dollar of the cost to the Social Security trust fund, every dollar of it. In fact, in the long range, it increased the funds by .06 percent of the taxable payroll.

Frankly, I would like to pass that bill this year. It is at the desk. But I cannot put it on this particular bill. It is not appropriate that we do it on this particular bill.

If we can get an agreement out of the minority leader and the majority leader that we can bring that bill to the floor without amendments, with a limited time argument so we do not stall the bill, I would be delighted to bring it to the floor and put it to a vote. And I would appreciate very much the support of the Senator from Arizona in that regard.

The proposal before us, though, I think threatens the financial integrity of the Social Security trust fund. Make no mistake about it. It threatens the fund's safety.

Mr. President, on April 2 the Senate adopted my Social Security trust fund protection amendment to the budget resolution by a vote of 94 to 3—94 to 3. By that vote we established a 60-vote point of order against any amendment to the budget resolution that would reduce the reserves of the Social Security trust fund, trying to protect it, ensure it.

On July 28, the Senate passed that sense-of-the-Senate resolution advocating that the Senate act to improve the Social Security earnings test but only in a manner which did not reduce the levels of the Social Security trust funds.

My friend from Arizona voted for that resolution, a resolution that replaced the one that he had offered. Now a little more than a month later, he is offering an amendment that would do exactly what he voted not to do on July 28.

His amendment would reduce the reserves of the Social Security trust fund.

The CBO estimates that the amendment offered tonight by the Senator from Arizona would add to the costs of the Social Security trust fund by the amount of some $13.6 billion over the next 5 years. This amendment before us does not pay for one penny of that. We did not have the time to get the numbers of what would happen beyond the 5 years, but staff made some rough estimates that indicate that over the next 20 years, it would be on the order of $75 billion to $100 billion. So we are talking about some serious money.

Senators will recall that earlier today, I again recited the litany of the past and the current financial difficulties of the Social Security fund and how it was being affected by an extended recession, why we must do nothing to threaten the financial integrity. I am not going to go through that whole litany again. But the essential points are that the trust fund will not reach full, adequate reserve levels until 1996 at the earliest, and that the disability fund is in trouble and needs $75 billion in additional revenues over the next 10 years to meet what the Social Security trustees think is short-term financial soundness. That is the problem we are facing.

So I think it is imperative that we do nothing that adds to the problems of the Social Security trust fund or further weakens public confidence in it. That is what we would be doing if we adopt the program changes such as are in this amendment, changes that drain the trust fund of many billions of dollars and make no provision for replacing those funds.

Is this the time, Mr. President, to begin adding to the large costs of the Social Security trust funds, to be adding very expensive earnings test legislation without paying for it? I think not. I hope that the Congress will act this year to ease that Social Security earnings test in a responsible way by enacting the Finance Committee bill. I want very much to bring it to the floor of the Senate with the necessary limitation so we get it done and it is not stalled and it does not become a Christmas tree. But whatever we do, I think as a first priority we must protect the integrity of the trust funds and honor the budget agreement by paying for any new Social Security entitlement we agree to.

We have already been through this once this afternoon. This proposal completely fails that test. If the Senate approves this amendment, we will be putting the program at great risk and we will be inviting other actions against this fund. We would be putting it at risk not only because of the proposal's effect on the trust funds, but because of the invitation we make to others to adopt costly Social Security proposals without paying for them. Voting for this amendment would be sending a message that the Senate of the United States is ready and willing, for the sake of what is popular at the moment, to recklessly endanger the Social Security trust funds and the future security of millions of Americans.

Mr. President, I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 9 minutes, 17 seconds.

Mr. SEYMOUR. Mr. President, I rise today in support of the Senator from Arizona and join him proudly as a cosponsor of this important amendment. Much like the notch issue we debated earlier, we are faced with another blatant example of legalized age discrimination. Under current law, working seniors and working seniors alone are required to pay a 33.3 percent tax surcharge. Again, I ask, is that fair? Is that just? No, that is discrimination.

Why in this troubled economy are we penalizing our most experienced and creative workers who want to continue to invest their time and their talents in America's economy. Some would like to stay in their present jobs. Others would like to switch careers at this time in their lives. There should be no age limit on any American who wishes to share their experience and knowledge and transfer it to another field.

Many of these elderly Americans would make wonderful teachers. Senator DOMINICI and I offered an amendment to the education bill to allow alternate certification of teachers. Our amendment was offered with America's seniors in mind. I want seniors with a lot to offer our kids to be able to go into the schools and teach, but we continue to discourage them with caps on Social Security earnings.

So many seniors have so much to offer, whether it is in the classroom or the boardroom. Why do we say to them—sorry, you have passed the magic number "65" now give up your job, or give up more of your pay—pay at a marginal tax rate of 70 percent.

Seniors have costs just like they did when they were younger—just like the rest of America. They pay rent or mortgages, food, utilities, and ever-growing health and insurance costs. And they face new realities: The growth of single parents has resulted in more and more grandparents providing for their grandchildren.

There is no rational reason for denying economic opportunity to these individuals on the basis of age. Three out of five persons over age 65 do not have any disability that would preclude them from working. But most important, more and more seniors must work just to meet the most basic expenses. Many elderly have no private pension or liquid investments from their working years. Low-income seniors are particularly hard hit by the earnings test for this reason. They are much less likely to be eligible for employer pension benefits or have saved enough for retirement.

I am of a mind that when people work and produce, they pay taxes, and they spend money. When they have a little more money in their pocket instead of living from month to month and Social Security check to Social Security check, they will go out and spend it.

I, like Senator MCCAIN, would like to see true fairness with a full repeal of the Social Security earnings test. But perhaps at this time the more prudent measure would be partial victory by raising the cap to $50,000. At the very least, if we are going to proceed gradually toward full repeal, let's help America's low-income seniors first.

Current law punishes these Americans the most, and this amendment will do the most good for them.

For these hard-working senior Americans I strongly urge my colleagues to vote in support of this measure.

Mr. BENTSEN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Sixteen minutes, forty-eight seconds for the Senator from Texas.

Mr. McCAIN. Mr. President, I have been through this debate with my colleague from Texas on several occasions, so I will not drag it out. I would like to thank my friend from New Mexico for his kind remarks. I would only make a couple of comments.

One, I appreciate the involvement for many years that the Senator from Texas alluded to. I am sorry there has been no action whatsoever. I also point out that no one in their right mind believes that when hundreds of thousands of seniors go back to work that there is not an increase in revenues into the Federal coffers. No one can believe that.

In this strange and weird place, we can say that the Social Security trust fund is drawn down, but the fact is that objective policy analyses outside of the beltway, outside of CBO, clearly and unequivocally indicate there will be an increase in the Social Security trust fund. And even if there were some decline in the Social Security trust fund, how in the world can anyone base their opposition to this amendment on that when it is so onerous and so unfair and so damaging for only those who are wage earners?

As I mentioned before, if you are rich, you have stocks, you have pension funds, you have trust funds, you have blind trusts. None of that money is subjected to this 33 percent tax. I want to tell the Senator from Texas that if we continue to do this to the American people, I will be coming forward with an amendment to make other forms of income subject to it, at least in the interest of fairness. Talk about benefits for the rich, the rich do not have to pay these. The poor person who has to go out and earn a wage, whose spouse is suffering from Alzheimer's—and I am pleased to hear, again, that there have been many years of effort devoted to rectifying this problem. I am sorry that, as far as I can tell, not one single thing has changed, and it is time for change. I reserve the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise to speak in opposition to the amendment offered by the distinguished Senator from Arizona [Mr. McCAIN].

I share Senator McCAIN's goal of ultimately eliminating the Social Security earnings test. In the past, I have worked with the chairman of the Senate Finance Committee, Senator BENTSEN, to incrementally raise the earnings test.

But there is a difference between the earnings test increases that the Finance Committee has adopted in the past, and the amendment that is currently being offered. When the Finance Committee raised the earnings test, we found revenue offsets to pay for these earnings test liberalizations.

The amendment under consideration has no revenue offset to finance this liberalization of the earnings test. It is not paid for. This amendment will increase the deficit and the national debt by another $13.6 billion. In other words, we are asking our children and grandchildren to finance this amendment.

Mr. President, by the end of this day, we will have added another $1.2 billion to the national debt. The debt will go up another $1.2 billion on Friday, and again on Saturday, and Sunday and every day thereafter for the remainder of this year. The national debt will soon total $4 trillion.

Mr. President, I said trillion. A number that is inconceivable, something that I used to think of when astronomers talked of distances to the stars, $4 trillion.

I urge my colleagues to support the Finance Committee chairman's point of order.

Mr. BENTSEN. Mr. President, we have a bill at the desk that I would like to bring to the floor. I have repeatedly stated that. But the big difference between the bill offered by the Senator from Arizona and the bill reported by the Finance Committee is that the committee bill is paid for, every dollar is paid for. When the Senator from Arizona talks about there being no responsible expert who concludes that his proposal would end up with a net cost to the Social Security trust funds, let us review some of the evaluations of his proposal.

The Congressional Budget Office estimates eliminating the test produces no additional revenues for the trust fund. The Social Security Administration says that administrative savings and additional revenue resulting from the elimination of the test, including all revenues resulting from a net increase in work effort, would almost amount to 10 to 15 percent of the costs of the additional benefits.

So, Mr. President, in my book, and in the opinion of those organizations charged by the Congress and the administration with the responsibility for estimating the costs and revenues associated with Social Security proposals, the proposal of the Senator from Arizona would create a huge drain on the Social Security trust funds.

I would also point out that a study done several years ago by Robbins and Robbins, under the sponsorship of two organizations known as the Institute for Policy Innovation and the National Center for Policy Analysis, have sometimes been cited as a basis for the contention that eliminating the test will have no cost. This study, entitled "Paying People Not to work: The Economic Cost of the Social Security Retirement Earnings Limit," was certainly innovative if not exactly a model of policy analysis.

The Social Security Administration took a very careful look at that study and in 1991, the Office of Research and Statistics published a review of that study showing that the data upon which it was based had been erroneously interpreted and demonstrated that the employment and revenue estimates in the study were absolutely without foundation.

So, once again, in contrast to the amendment by the Senator from Arizona, the amendment reported by the Finance Committee, which we have at the desk, pays for every penny of its costs and is therefore in full compliance with the Budget Act. The costs to Social Security are financed with a wage base stabilization provision that protects the trust funds from an unintended decline in their revenues.

Mr. President, if the Senator from Arizona is prepared to yield back the remainder of time, I am prepared to make the point of order that we agreed would be made.

Mr. McCAIN. I am prepared to do that, Mr. President.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time.

Mr. President, I raise a point of order against the pending amendment because it violates section 302 of the Congressional Budget Act of 1974.

Mr. McCAIN. Mr. President, I yield the remainder of my time.

I move to waive section 302 of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive section 302 of the Budget Act. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from North Carolina [Mr. HELMS], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. SEYMOUR] would vote "yea."

The yeas and nays resulted—yeas 51, nays 42, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—51

Biden
Bond
Brown
Bryan
Bumpers
Burns
Coats
Cochran
Craig
D'Amato
Daschle
DeConcini
Dodd
Exon
Ford
Fowler
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Heflin
Hollings
Jeffords
Kasten
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Sanford
Shelby
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wofford

NAYS—42

Adams
Akaka
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Byrd
Chafee
Cohen
Danforth
Dixon
Dole
Domenici
Durenberger
Glenn
Hatfield
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Levin
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Pryor
Riegle
Robb
Rockefeller
Rudman
Sarbanes
Sasser
Simon
Simpson
Wellstone
Wirth

NOT VOTING—6

Conrad
Cranston
Garn
Gore
Helms
Seymour

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The adoption and enactment into law of the pending McCain amendment would provide Social Security outlays in excess of the appropriate allocation of Social Security outlays under the concurrent resolution on the budget by $940 million for fiscal year 1993 and $13.6 billion for the total of fiscal years 1993 through 1997, in violation of section 302(f) of the Congressional Budget Act of 1974. The point of order is sustained, and the amendment falls.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 2977

(Purpose: To prohibit the appropriation of funds for the purpose of approving a certificate of label approval which authorizes the use of the name Crazy Horse on any distilled spirit, wine, or malt beverage product)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. KERREY, and Mr. ADAMS, propose an amendment numbered 2977.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 117, after line 23, insert the following:

"SEC. 630. Upon the date of enactment of this Act, the Bureau of Alcohol, Tobacco, and Firearms (ATF) shall deny any application for a certificate of label approval, including a certificate of label approval already issued, which authorizes the use of the name Crazy Horse on any distilled spirit, wine, or malt beverage product: *Provided*, That no funds appropriated under this Act or any other Act shall be expended by ATF for enforcement of this section and regulations thereunder, as it relates to malt beverage glass bottles to which labels have been permanently affixed by means of painting and heat treatment, which were ordered on or before September 15, 1992, or which are owned for resale by wholesalers or retailers."

Mr. DASCHLE. Mr. President, I ask unanimous consent that the distinguished Senator from Hawaii [Mr. INOUYE] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, today Senators KERREY, ADAMS, and I are offering an amendment to H.R. 5488, the fiscal year 1993 Treasury-Postal appropriations bill, that would prohibit funds appropriated under this Act or any other Act to be expended by the Bureau of Alcohol, Tobacco and Firearms [ATF] to approve any application for a certificate of label approval that authorizes the use of the name Crazy Horse on any distilled spirit, wine, or malt beverage product.

This amendment is the culmination of months of discussion, debate and controversy surrounding the marketing of The Original Crazy Horse Malt Liquor by Hornell Brewing, Inc. of Brooklyn, NY. In this the Year of the American Indian, and the National Year of Reconciliation Between Indians and non-Indians, the controversy surrounding The Original Crazy Horse Malt Liquor has been watched carefully and commented on by the U.S. Surgeon General, Members of Congress, State, and tribal leaders throughout the Nation, and finally, the direct descendants of the great Oglala Sioux leader, Crazy Horse.

We have expressed our dismay at the actions of Hornell Brewing in invoking the name of Crazy Horse for their latest venture in the alcoholic beverage industry. However, all attempts to persuade them to change the name, as well as negotiations between the company and the Oglala Sioux Tribe, have failed.

The exploitation for commercial purposes of the proud legacy of such an inspirational Oglala Sioux leader is an affront to Indian people across the Nation. Furthermore, it trivializes the complex problems of alcoholism and Fetal Alcohol Syndrome and the struggle of Indian tribes to address those problems that are undermining their very way of life. The fact that the brewers have apparently targeted low-income areas with this overproof product only adds insult to injury.

When Hornell Brewing first proposed the name for its product, the company was advised by the many interested parties, including the Bureau of Alcohol, Tobacco, and Firearms [ATF], the Oglala Sioux Tribe, and others, that their proposed exploitation of the name Crazy Horse would inspire a strong reaction from Native Americans, especially the descendants of Crazy Horse, and from people across the Nation concerned about the targeted marketing of alcoholic beverages to low-income and minority groups. The company chose to ignore that advice and that concern.

On May 19, 1992, the House of Representatives' Select Committee on Children, Youth and Families conducted a hearing to assess the impact of alcohol labeling and marketing on Native American health and culture. At that hearing a young Oglala Sioux boy cried out repeatedly, "Crazy Horse was not an alcoholic." Perhaps nothing else could describe as well the intense pain—and it is real pain—felt by Indian people whose heritage is exploited in this way. Nevertheless, the brewing company was not persuaded to change the name of its malt liquor.

On July 1, 1992, the other body passed its version of H.R. 5488, which contained a provision specifically preventing any reference to Crazy Horse for marketing any distilled spirit, wine, or malt beverage. The company's reaction was to submit an application to ATF to allow them to expand use of the Crazy Horse label to aluminum cans.

When the Senate received H.R. 5488, several of my colleagues and I consulted with the chairman and ranking minority member of the Senate Subcommittee on Treasury-Postal Appropriations about what the best means of stopping the exploitation of the name Crazy Horse for the purpose of marketing alcoholic beverages. Hoping that the need for legislation could be avoided, and after discussions with the Hornell Brewing and the Oglala Sioux Tribe, we agreed on committee report language strongly urging negotiations between the Oglala Sioux Tribe and Hornell Brewing to settle the issue.

That report language, which was approved by the full Appropriations Committee, outlined the parameters for the negotiations, namely that the brewing company would voluntarily remove the Crazy Horse label a long as the company were allowed to use up its existing product stocks and fulfill its obligations to its wholesalers and retailers. Both the brewing company and the tribe agreed to the report language and to enter into negotiations. In effect, the only thing to be negotiated was a date certain by which the stocks would be depleted.

Unfortunately, those negotiations, which began on August 6, appear to have failed. Apparently none of Hornell Brewing's proposals have fallen within the parameters outlined in the committee report language to which the company had agreed. The company reportedly even suggested that Congress appropriate up to $9 million as compensation for phasing out the Crazy Horse label, or, at least, provide indemnification to the company for its potential losses or liabilities.

After a break in the negotiations, the tribe submitted a counterproposal, which was rejected by the company, which stated that it would resume negotiations only if several conditions were met by the tribe. Those conditions involved circumstances over which the tribe has no control and seemed to prove that the company was not negotiating in good faith with the tribe or making a good-faith attempt to follow the recommendations of the Appropriations Committee.

The public outcry over the insensitivity of their actions; a call for a national boycott of this troubling product; negotiations with the Oglala Sioux Tribe; and action by both Houses to address the issue. None of these factors has persuaded the brewers of The Original Crazy Horse Malt Liquor to change the name of their product.

Hornell Brewing understood that if negotiations were unsuccessful, we would be where we are today, and that is, considering this amendment.

It is unfortunate that we cannot today focus on the accomplishments of leaders such as Crazy Horse, or the individuals that have dedicated their lives to preserving and upholding their legacies. These legacies include the everyday experience of survival and celebration of the Lakota way of life incorporating values such as bravery, fortitude, generosity, and wisdom. Great leaders such as Crazy Horse, Spotted Tail, and other Sioux men and women instilled this way of life and a sense of how it should be practiced in subsequent generations, who continue to face the dangers of alcohol and substance abuse.

The challenge of their day was to struggle with an ever-encroaching western society, and in many ways that challenge is the same one facing young Native Americans today. Crazy Horse and other leaders proved that, in spite of such adversity, success is attainable. They gave their lives so that a new generation could live in peace and remain true to their heritage. It troubles me greatly to know that young Indian men and women are again experiencing the pain of knowing that, for some, Indian heritage and accomplishments are symbolized, not through recognition of these or contemporary leaders, but through the marketing of alcohol, a drug that represents one of the greatest dangers facing Americans—both Indian and non-Indian.

I commend the leadership of Representatives PAT SCHROEDER, FRANK WOLF, and BEN NIGHTHORSE CAMPBELL and the House Select Committee on Children, Youth, and Families for recognizing the importance of this amendment and encouraging similar action within the House of Representatives. I commend the leadership of the Oglala Sioux Tribe in keeping the legacy of Crazy Horse alive and, inspired by that legacy, leading the way in this new era of battles to protect Indian culture and heritage. Finally, I thank the Subcommittee on Treasury-Postal Appropriations for its support and continued commitment to resolving this issue in a sensitive and fair-minded way.

Mr. DECONCINI. Mr. President, I want to compliment the Senator from South Dakota. He has worked long and hard, as a number of us have, to try to find a resolution to this very sensitive and very important issue. The parties have sat down and attempted to work out a solution, but they have not been able to do so.

I will, from this side, accept the Senator's amendment, with the hope that this will persuade the parties to continue to work for a valid solution, because there is something in between. The Senator from South Dakota has offered that, and has been a participant, and now we really have no recourse but to move ahead with the Senator's amendment. We are prepared to accept that.

I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have no objection.

Mr. DASCHLE. I thank the Senators for their support, and I ask for the consideration of the amendment.

Mr. DECONCINI. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2977) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on the Daschle amendment, I just wanted to comment for the RECORD that I am hopeful that the parties that are in conflict that are mentioned therein will resolve this matter before we get out of conference, because the Senator from New Mexico has great reservations about that becoming permanent law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 2978

(Purpose: Reduction in appropriations)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 2978.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title V, insert:

SEC. . Notwithstanding any other provision of this Act, each of the following accounts shall be reduced by the dollar amount specified in the following table:

"In the case of:	The dollar reduction is:
Department of the Treasury—	
Departmental Offices—Salaries and Expenses	$3,464,000
Inspector General—Salaries and expenses	4,532,000
Internal Revenue Service—Administration and management	7,329,000
Executive Office of the President—	
The White House Office—Salaries and expenses	1,116,000
Official Residence of the Vice President—Operating expenses	13,000
Special Assistance to the President—Salaries and expenses	218,000
Council of Economic Advisers—Salaries and expenses	163,000
Office of Policy Development—Salaries and expenses	141,000
Office of Management and Budget—Salaries and expenses	2,077,000
Office of Federal Procurement Policy—Salaries and expenses	150,000
Independent Agencies—	
General Services Administration—General Management and Administration—Salaries and expenses	472,000
Office of Personnel Management—Salaries and expenses	3,476,000.

Mr. GRAHAM. Mr. President, the amendment which I offer is an en bloc amendment covering a variety of the central office overhead accounts within this appropriation.

The objective of this amendment is to bring the accounts into a position in which they are frozen at the 1992 level in terms of the activities which were carried out by those central offices in the current fiscal year.

This amendment has been reviewed by the chairman and the ranking member. I believe they are in concurrence.

The PRESIDING OFFICER. Is there further debate? The Senator from Arizona.

Mr. DECONCINI. I thank the Senator for working with us on modifying the amendment, and this side is prepared to accept the amendment.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from New Mexico.

Mr. DECONCINI. Mr. President, we have agreed to take the amendment to conference.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2978) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I commend the authors of this legislation on what they did in connection with the so-called Relief from Disability Program dealing with the Bureau of Alcohol, Tobacco and Firearms.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NOS. 2979, 2980, AND 2981

Mr. DECONCINI. Mr. President, I send to the desk several amendments, and ask unanimous consent for their immediate consideration.

These are noncontroversial amendments, cleared by the minority and the majority side: An amendment on the DEA Task Force; an amendment on behalf of Senator GRAHAM of Florida and Senator MACK of Florida concerning the GSA lease in Orlando; and an amendment on behalf of Senators MOYNIHAN and D'AMATO concerning the courthouse in New York.

I urge adoption of these amendments en bloc.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes amendments en bloc numbered 2979, 2980, and 2981.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2979

PROPOSED MOYNIHAN AMENDMENT

On page 40 of the bill, line 20, strike "$100,000,000" and insert in lieu thereof, "$70,000,000".

On page 42 of the bill, between lines 3 and 4, insert the following:

"Brooklyn, U.S. Courthouse, $30,000,000".

AMENDMENT NO. 2980

GRAHAM/MACK AMENDMENT

At the end of the bill, add the following:

SEC. . Notwithstanding the provisions of this or any other Act, the Administrator of General Services is authorized to enter into a contract with the Greater Orlando Aviation Authority, a subdivision of the state of Florida, for an operating lease under section 210(h) of the Federal Property and Administrative Services Act of 1949: *Provided*, That the lease described herein is determined to be an "operating lease" in accordance with the Budget Enforcement Act of 1990, Public Law 101-508, and the accompanying Conference Report 101-964, for a term not to exceed 27 years: *Provided further*, That the Administrator is not authorized to enter into any lease for the property described herein that is not an "operating lease" as so determined. Such lease should look to consolidating Federal agencies in the Orlando, Florida, area, with any general government purposes excluding specialized research. Specifically, said lease should accommodate those agencies presently located at the Orlando Airport.

AMENDMENT NO. 2981

DECONCINI AMENDMENT

On page 32, line 17, strike "$10,300,000" and insert in lieu thereof: "$2,000,000 shall be transferred to the Drug Enforcement Administration for activities of the District of Columbia Metropolitan Area Task Force; of which $8,300,000".

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments en bloc (Nos. 2979, 2780, and 2981) were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2982

Mr. DECONCINI. Mr. President, I send a series of amendments to technical amendments to the desk, and ask for their immediate consideration en bloc.

These have been cleared by both sides of the aisle, and I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment en bloc numbered 2982.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 16, strike "$48,538,000" and insert in lieu thereof, "; $48,538,000".

On page 21, line 11, strike "The" and insert in lieu thereof "Notwithstanding any other provision of law, the".

On page 26, between lines 19 and 20, insert the following:

"NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; $247,000: *Provided*, That the Council shall carry out only those activities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis.".

On page 30, line 24, strike "Policy" and insert in lieu thereof "Policy's".

On page 32, line 21, after "$2,800,000", insert the following: ", to remain available until expended,"

On page 33, line 15, after "$9,701,000", insert "shall be made available".

On page 33, line 18, insert a comma before the word "to".

On page 33, line 19, insert a comma after the word "expended".

On page 37, line 15, strike "$4,703,808,000" and insert in lieu thereof, "$4,713,808,000".

On page 40, line 10, strike "$1,100,000" and insert in lieu thereof "$5,000,000".

On page 40, line 22, line-type "$57,690,000" and insert at the end thereof "$53,790,000" in italics.

On page 43, at the end of line 3, insert a colon.

On page 51, line 10, strike "$4,703,808,000" and insert in lieu thereof, "$4,713,808,000".

On page 61, line 22, strike "21" and insert in lieu thereof "27".

On page 78, line 24, insert a colon after the word "Act".

On page 90, line 7, strike "24" and insert in lieu thereof "25".

On page 94, line 15, after "Manhattan" insert ", New York City, New York,".

On page 113, beginning on line 7, strike "Now, therefore, be it Resolved, That the" and insert in lieu thereof "The".

At the end of the bill, add the following new section:

"SEC. . None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations."

On page 41, line 18, strike the word "Annex".

On page 36 of the bill, line 17, strike "$320,365,000" and insert in lieu, "$353,516,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2982) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. DECONCINI. No, Mr. President.

Mr. CHAFEE. Mr. President, in the course of considering the annual appropriations bills, we in the Senate deal with some pretty big numbers. For instance, this Treasury-Postal bill before us calls for more than $22 billion in Federal spending for fiscal year 1993. Compared to these figures, provisions which affect only a few million dollars can seem relatively minor and thus, tend to get lost in the shuffle. Today, however, I would like to take a moment to touch on one such provision contained in the bill before us, for which I think the subcommittee deserves to be praised.

Last year, the Bureau of Alcohol, Tobacco and Firearms [BATF] spent about $4 million on a little-known project called the Relief from Disability Program. It sounds like a worthwhile program, does it not? Well, as we often find around here, names can be a bit misleading. Strange as it may sound, the purpose of the Relief from Disability Program is to help convicted felons regain their lawful ability to own a firearm—in other words, to provide relief from the disability of having lost that privilege.

Where did this bizarre program come from? It dates back to 1965, when the Olin Mathieson Corporation, the parent company of the Winchester Arms Company, was convicted of felony charges for its involvement in a kickback scheme. According to Federal law at the time, Olin, as a convicted felon, was permanently prohibited from owning firearms. This, of course, presented a serious obstacle to its continued ownership of the Winchester Co.; so Congress intervened, enacting legislation to allow convicted felons to apply with the BATF to have their gun privileges reinstated.

Unfortunately, the language of the statute allowed individual convicted felons to apply with the Bureau as well. And apply they have. In fact, in the last 10 years, 22,000 convicted felons have filed petitions with the BATF. To its credit, the Bureau treats these applications with the utmost seriousness, thoroughly investigating each one. But it is an arduous and expensive task. More than 40 full-time investigators are employed in this effort, interviewing law enforcement officials, employers, friends, family members, and others in an effort to determine whether or not the applicant is likely to act in a manner dangerous to public safety. All this at a cost of around $4 million per year.

Thankfully, the vast majority of approved applicants are not arrested again. But mistakes are made, mistakes which can have tragic consequences. Dozens of convicted felons who have had their gun rights reinstated have been rearrested on new charges, including attempted murder, robbery, and child molestation.

This program just does not make any sense. At a time when gun violence is exacting terrible costs upon our society, it seems absolutely crystal clear to me that the government's time and money would be far better spent trying to keep guns out of the hands of convicted felons, not helping them regain access to firearms.

I am pleased to note that the Appropriations Subcommittee has come to this same conclusion, and has stipulated in the bill that no appropriated funds may be used to investigate or act upon applications for relief from Federal firearms disabilities. Instead these funds are to be redirected to the Bureau's Armed Career Criminal Program to deal with the problem of violent repeat offenders. This is, in my view, a much better use of taxpayers' money, and I commend the committee for its wisdom.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Post entitled "Why Rearm Felons?"

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, August 2, 1992]

WHY REARM FELONS?

It's not that the Treasury's Bureau of Alcohol, Tobacco and Firearms doesn't have plenty of useful work to do. The agency is a critical part of the government's law enforcement mechanism and in addition regulates and collects taxes from the legal alcohol, tobacco, firearms, and explosives industries. That should be enough, but it has also been charged by Congress with an unwise and unnecessary additional responsibility. Federal law generally prohibits convicted felons from possessing, shipping, transporting or receiving firearms. But a loophole created by statute allows individuals to apply to have these rights restored. BATF agents must investigate each applicant, of whom there are about 1,000 a year, and make recommendations as to whether they are "likely to act in a manner dangerous to public safety." Those turned down can go to court, so every application must be taken seriously.

About a year ago, a small, Washington-based organization called the Violence Policy Center took an interest in this rearmament program and obtained data from BATF about its operation. The center learned a good deal and was persuasive in convincing legislators that the program ought to be abolished. Earlier this month, the House deleted funding for this activity from the Treasury appropriations bill, and the Senate is expected to agree. That kind of prohibition, of course, covers only one fiscal year, but additional legislation has been introduced in each house to permanently eliminate or greatly restrict the program.

It is difficult to expect federal investigative agents to make judgments as to future behavior of criminals based on their past behavior. As every forensic psychiatrist knows, this is risky business, and mistakes can be fatal. Of the thousands of convicted felons who have had their firearms rights restored, for example, dozens have been arrested on new charges including such violent crimes as attempted murder, aggravated robbery and sex offenses. Many others have been brought up on drug charges. The program is also labor-intensive, requiring interviews with lawyers, parole authorities, neighbors, employers, family members and others, and it is expensive for the government to run. Forty agents and $3.75 million a year are required.

The risk of mistake and the cost of the program are both powerful disincentives for continuing it. But our objection is more fundamental. The government ought to be doing more to control the use of guns and nothing to expand that use. One need only follow the statistics in this city to know that more national control is imperative if the slaughter is to be stopped. Not one penny, not one hour of a federal employee's time should be spent so that those who have already been convicted of major crimes can be rearmed.

[From pages 19–20 of the fiscal year 1993 Treasury-Postal Subcommittee Report]

RELIEF FROM FEDERAL FIREARMS DISABILITIES

Under current law, a person convicted of a crime punishable by imprisonment for a term exceeding 1 year, may not lawfully possess, receive, ship, or transport firearms. ATF may grant relief from these disabilities where it is determined that the applicant for relief will not be likely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest. Under the relief procedure, ATF officials are required to determine whether a convicted felon, including persons convicted of violent felonies or serious drug offenses, can be entrusted with a firearm. After ATF agents spend many hours investigating a particular applicant they must determine whether or not that applicant is still a danger to public safety. This is a very difficult and subjective task which could have devastating consequences for innocent citizens if the wrong decision is made. The Committee believes that the approximately 40 man-years spent annually to investigate and act upon these investigations and applications would be better utilized to crack down on violent crime. Therefore, the Committee has included language in the bill which prohibits the use of funds for ATF to investigate and act upon applications for relief from Federal firearms disabilities. Under current policy, States have authority to make these determinations and the Committee believes this is properly where the responsibility ought to rest. The Committee expects ATF to redeploy the positions and funding presently supporting firearms disability relief to the Armed Career Criminal Program.

COLLOQUY OF NSF RELOCATION

Mr. ROBB. Mr. President, I wonder whether the chairman of the subcommittee might answer a question for me. In the fiscal year 1992 appropriations bill for the Treasury, Postal Service, and General Government, the General Services Administration [GSA] received $7 million to relocate the National Science Foundation's [NSF] headquarters to Arlington, VA. I understand that the GSA has transferred that money to NSF. However, there is no evidence that the funds are being used for the purpose for which they were appropriated, moving the Foundation. In fact, the Foundation's director has been heard to claim that he cannot move because NSF doesn't have the necessary funds.

The Arlington, VA, site was selected over 50 other sites in a highly competitive, areawide procurement process conducted by GSA at the request of NSF. The building was designed specifically for the high-technology needs of the Foundation and will consolidate several satellite offices at one location. GSA estimates that this relocation will save the Federal Government $70 million in rental costs over the 20-year life of the lease. The GSA signed the lease for this site in 1990 and if the Foundation refuses to move, the Government will nonetheless be bound to a 20-year, $217 million lease for the new site.

Under the current relocation schedule, the phased move to the new headquarters is to begin in January 1993. GSA estimates that any delay in this schedule will cost approximately $750,000 per month. The lease negotiated for NSF represents the best overall value to the Government at a cost below fair market value.

I am, frankly, perplexed by the Foundation director's statement that he does not have the funds to move. Was not the committee's purpose in providing GSA the $7 million to fund the NSF relocation?

Mr. DECONCINI. Yes, the intent of the Appropriations Committee was that the $7 million appropriated in the fiscal year 1992 Treasury, Postal appropriations be used by the National Science Foundation for the relocation of its headquarters to Arlington, VA.

Mr. ROBB. I thank the chairman for his attention to this matter. I hope we will soon see the National Science Foundation in its new home.

CONTRACTING OUT OF POSTAL RESPONSIBILITIES

Ms. MIKULSKI. Mr. President, will the chairman yield for a brief colloquy on the subject of contracting out certain core postal responsibilities?

Mr. DECONCINI. I am happy to yield.

Ms. MIKULSKI. Mr. President, during the consideration of the Treasury, Postal Service appropriations legislation, the subcommittee was asked by organizations representing postal workers to consider language to block the contracting out by the Postal Service of certain core postal responsibilities. The chairman decided, and subcommittee members agreed, not to include language to this effect in the bill. However, is it accurate to state that the chairman's decision was based in the belief that these are issues which properly come under the jurisdiction of the Senate Governmental Affairs Committee and the House Post Office and Civil Service Committee, and not in a lack of concern over the fate of postal employees who may lose their jobs due to the implementation of new automatic sorting equipment.

Mr. DECONCINI. The Senator from Maryland is correct. In advance of subcommittee action on this legislation, the subcommittee was asked to include language in the bill which would prohibit the Postal Service from transmitting images of addresses or other mail matter to nonpostal employees as part of mail processing. I made the judgment not to include such language in an appropriations bill, based on my belief that such issues more properly should be reviewed by the authorizing committees in the House and Senate.

Ms. MIKULSKI. Mr. President, the issue we are discussing relates to the implementation by the Postal Service of technology—called remote video encoding—which would enable workers to read addresses from a remote site. According to the American Postal Workers Union, as many as 94,000 current postal jobs may be eliminated by 1995 as a result of this new technology, while at the same time, as many as 17,000 new jobs may be created. The problem arises with the fact that, at the present time, the Postal Service is considering contracting out these new jobs to firms using nonpostal employees.

I believe that the Postal Service should make every effort to retrain its existing work force to fill the jobs of the future, and not contract out these jobs if they can be filled by current Postal Service employees. Mr. President, if the Postal Service fails to assist its employees to make the transition to new job categories, the result will be increased cost to the taxpayers in unemployment benefits and a drag on our economy.

If the chairman would answer one final question, I would ask the chairman whether he would encourage the authorizing committees to address the question of whether new jobs created by remote video encoding should be made available to Post Service employees, or should be contracted out to nonpostal employees?

Mr. DECONCINI. It seems to me that the Governmental Affairs Committee is the appropriate committee to determine whether or not the issue should be addressed by its members.

Ms. MIKULSKI. I thank the Chairman, and I yield the floor.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1993

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5488, the Treasury, Postal Service, and General Government appropriations bill, 1993, and has found that the bill is under its 602(b) budget authority allocation by $10 million and right at its 602(b) outlay allocation.

I compliment the distinguished manager of the bill, Senator DECONCINI, and the distinguished ranking member of the Treasury, Postal Service and General Government subcommittee, Senator DOMENICI, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Treasury-Postal appropriations bill and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5488

[Treasury Postal Subcommittee Spending Totals—Senate Reported, dollars in millions]

Bill summary	Budget authority	Outlays
Domestic discretionary	11,320	11,998
Senate 602(b) allocation	11,330	11,998
Difference	10	0
Defense discretionary	48	28
Senate 602(b) allocation	48	31
Difference	0	−3
Mandatory total	10,783	10,621
Senate 602(b) allocation	10,783	10,621
Difference	0	0
Bill total	22,151	22,647
Senate 602(b) allocation	22,161	22,650
Difference	−10	3
Domestic discretionary above (+) or below ( ):		
President's request	233	28
House—passed bill	−124	240
Senate—reported bill		
Defense discretionary above (+) or below (−):		
President's request	48	28
House—passed bill	48	28
Senate—reported bill		

SENATE BUDGET COMMITTEE SCORING OF H.R. 5488—Continued

[Treasury Postal Subcommittee Spending Totals—Senate Reported, dollars in millions]

Note.—Language in this bill (sections 627 and 628) has the effect of increasing revenues by $1 million in fiscal year 93. A cost-estimate will be submitted at time of enactment as required by Section 252(D) of the Budget Enforcement Act of 1990.

SUMMARY OF RECOMMENDATIONS, SUBCOMMITTEE MARKUP

	Budget authority	Outlays
Subcommittee 1993 total	$22,657,042,000	$19,596,037,000
President's estimate 1993	$22,374,481,000	$19,539,323,000
House bill	$22,727,049,000	$19,802,855,000
Subcommittee compared to:		
President	+$282,561,000	+$56,714,000
House bill	−$70,007,000	−$206,818,000
1992 enacted	+$2,754,687,000	
Domestic discretionary only:		
Subcommittee recommendation	$11,320,000,000	$11,998,000,000
House bill	$11,443,507,000	$12,237,898,000
President's estimate 1993	$11,085,439,000	$11,969,366,000
1992 enacted	$10,824,327,000	
602 allocation	$11,330,000,000	$11,998,000,000
Subcommittee Dom. Discretionary Compared To:		
President's request	+$234,561,000	+$28,634,000
House passed	−$123,507,000	−$239,898,000
1992 enacted	+$495,673,000	
602 allocation	−$10,000,000	
Defense Discretionary:		
Subcommittee Recommendation	$48,000,000	$28,080,000
President's estimate 1993		
House bill		
1992 enacted		
602 allocation	$48,000,000	$31,000,000
Subcommittee compared to 602		−$2,920,000
Mandatory:		
Subcommittee recommendation	$11,203,202,000	$10,616,938,000
Fiscal year 1992	$8,735,431,000	
Subcommittee compared to 1992	+$2,467,771,000	

PROPOSED TIME AGREEMENT TREASURY POSTAL APPROPRIATIONS BILL H.R. 5488

Simon Amendment re: Office of National Drug Control Policy—1 hour equally divided.

Glenn Amendment re: Council on Competitiveness—3 hours equally divided.

Graham Amendment re: administrative reductions—1 hour equally divided.

DeConcini Amendment, technical—5 minutes.

Domenici Amendment, re GSA—10 minutes.

DeConcini Amendment re Special Forfeiture Fund—5 minutes.

DeConcini Managers Amendment—30 minutes.

Graham/Mack Amendment re GSA—10 minutes.

Domenici Amendment—unspecified—30 minutes.

ECONOMIC SANCTIONS ON IRAQ

Mr. HELMS. Mr. President, immediately following the Iraqi invasion of Kuwait in August 1990 President Bush issued an Executive order imposing economic sanctions on Iraq. This Senator supported the President in this action, and indeed managed the legislation codifying the economic sanctions.

Pursuant to the sanctions, approximately 1.3 billion dollars' worth of Iraqi assets within the United States were immediately frozen—which was an appropriate response to the invasion. To a large extent, these assets are sitting in bank accounts here in the United States.

These assets have been frozen for over 2 years now, and it is about time the Senate addresses the question of what is to be done with this $1.3 billion of Iraqi assets.

I can tell you, Mr. President, what should not be done with this money. Under no circumstances should it be returned to Iraq, or given to some pet project of the State Department like the United Nations. Rather, these funds should be used to compensate American citizens and companies, and released in a fair and equitable manner.

But unfortunately, Mr. President, that is not what is going on. It has just come to my attention that in implementing the President's order freezing Iraqi assets, the Treasury Department appears to be unfairly favoring some American companies over others—including one in North Carolina.

Here is what happened: Prior to Iraq's invasion of Kuwait, there was a substantial amount of trade taking place between the United States and Iraq. As an aside, this Senator and the Senator from Arizona [Mr. DECONCINI] worked on a series of unsuccessful legislative efforts to restrict this trade.

In a typical transaction, as I understand it, a United States company or one of its domestic or international subsidiaries would sell goods to the Iraqi Government or to a private Iraqi company based on letters of credit issued by one of two Iraqi banks—the Rasheed Bank or the Rafidain Bank.

Since Iraq has no private banks, both the Rasheed Bank and the Rafidain Bank are instrumentalities of the Central Bank—the Government bank—of Iraq. These banks have funds on deposit in United States financial institutions for payment of letters of credit issued to facilitate trade between the United States and Iraq.

Prior to our break in relations with Iraq, it was common for United States companies to ship goods to Iraq based on deferred payment letters of credit. In several instances, United States companies in good faith either shipped goods to Iraq or otherwise performed their contractual obligations based on such letters of credit prior to Iraq's invasion of Kuwait.

In the case of a number of United States companies—including one in North Carolina—before their letters of credit matured, Iraq invaded Kuwait and the United States Government froze Iraqi assets in the United States, including accounts of the Central Bank of Iraq and its instrumentalities in United States financial institutions. As a result of the freeze, the United States companies have not been paid—even though their Iraqi customers are in receipt of their goods, and payment for the goods is on deposit in bank accounts here in the United States.

These United States firms have not been paid for one reason, and one reason only—the Iraqi bank accounts in United States financial institutions from which payment was to have been made have been blocked.

Otherwise, they are legally entitled to get their money based on meeting the terms and conditions of the letters of credit or otherwise based on having performed their contractual obligations.

Mr. President, as I have said, I fully support freezing Iraqi assets. This money should not go back to the Iraqis, and we should continue to disallow trade between our two nations. But that is not the issue here, and the result I have just described is not fair—nor was it, I believe, intended.

I do not believe the United States Government meant to punish United States companies or persons who conducted nonmilitary trade with Iraq at a time when the United States Government was encouraging—wrongly, I may add—trade with Iraq. Innocent United States parties should not be punished by the freeze.

If a United States company or its subsidiary shipped to Iraq before the invasion nonmilitary goods based on a valid letter of credit—or if it otherwise performed its contractual obligations prior to the invasion—and if funds of the Iraqi bank issuing the letter of credit are on deposit in the United States, the United States company should be allowed to collect what it is owed from a blocked account.

Treasury obviously does not see it this way, and thus should be instructed to issue special licenses to United States companies that have experienced this type of problem.

The unfairness of this situation is compounded by the fact that Treasury, in interpreting the Executive orders, promulgated regulations that favor United States financial institutions over other United States companies.

Specifically, under Treasury's Iraqi sanctions regulations, it may already issue special permits to United States financial institutions allowing them to collect funds from frozen Iraqi accounts if the United States financial institutions issued or confirmed letters of credit to facilitate United States exports to Iraq and if goods were shipped to Iraq before the invasion.

However, companies that shipped goods to Iraq or otherwise performed their contractual obligations prior to the invasion based on letters of credit advised rather than issued or confirmed by United States financial institutions, have been denied by Treasury special licenses to collect, from blocked accounts, money that is owed them based on the letter of credit.

So, Mr. President, if an American company holds a confirmed letter of credit, it can collect what it is owed. But if the American company holds an advised letter of credit, it is left out in the cold.

In effect, Treasury has created a preferred class of U.S. creditor—U.S. banks. Certainly United States financial institutions ought to be able to get what is owed them based on letters of credit for goods shipped to Iraq prior to the invasion. But likewise, other United States companies that are owed money based on letters of credit for nonmilitary goods shipped or contracts performed before the freeze ought to be able to collect what is owed them from frozen Iraqi accounts.

Such a result would be consistent with the intent of Congress as provided in the International Economic Emergency Powers Act and with the President's Executive orders.

In addition, Mr. President, there is good reason to believe that unless the Treasury is instructed to release these funds for the benefit of U.S. citizens and companies, the American people may never see this money.

Following the invasion of South Korea setting off the Korean war, President Truman froze North Korean assets here in the United States. That was roughly 40 years ago—and the Treasury is still holding some of these assets. Our Government simply held on to these assets as bureaucrats, I am told, came up with a series of lame-brained ideas—no doubt developed at the State Department—to use this money to help foreigners.

I would not be surprised if the bureaucrats at Foggy Bottom, who can always come up with a multitude of ideas on how to give our money to foreigners, are not now cooking up ideas on how they can use the $1.3 billion in frozen Iraqi assets.

We must not let the State Department or the Treasury use these funds for the benefit of anyone other than Americans, and thus must let them know here and now that this $1.3 billion must be released to U.S. companies and citizens.

In order to protect the interests of our citizens and assure that all United States companies are treated equitably in the release of the $1.3 billion in Iraqi funds, it is my hope that the managers here—and the conferees during the forthcoming conference on this bill—can instruct the Treasury to grant special licenses under its Iraqi sanctions regulations to United States companies, including their domestic and international subsidiaries, to collect from blocked accounts monies owed based on irrevocable letters of credit issued by Iraqi banks and advised by United States financial institutions for nonmilitary goods shipped to Iraq or contracts otherwise performed before the invasion.

Mr. ROBB. Mr. President, I join with the Senator from North Carolina in calling upon the Office of Foreign Assets Control in the Treasury Department to treat United States companies equitably regarding the distribution of the almost $1.3 billion in Iraqi assets frozen after Iraqi's invasion of Kuwait.

I have a constituent company which finds itself in a position similar to that of Senator HELMS' constituent. Specifically, my constituent sold agricultural products to Iraq prior to the invasion on an advised letter of credit—which was the normal way of handling trade with Iraq at that time.

I agree that the Iraqi assets frozen by Treasury must be released for the benefit of American citizens and companies first, and that such assets should be distributed among claimants in an equitable manner.

The current practice of honoring confirmed or issued letters of credits, but not advised is simply unfair—and should be changed. I urge the managers of this legislation to instruct the Office of Foreign Assets Control to begin releasing these assets to the American businesses and citizens who hold irrevocable advised letters of credits for the sale of nonmilitary items to Iraq prior to its invasion of Kuwait.

Mr. WARNER. Mr. President, I join my colleague from Virginia and friend from North Carolina in urging the managers to instruct the Office of Foreign Assets Control to begin releasing these assets to the American businesses and citizens who hold irrevocable advised letters of credits for the sale of nonmilitary items to Iraq prior to its invasion of Kuwait.

As Senator ROBB has pointed out, a constituent of ours conducted a totally legitimate sale to Iraq of agricultural products prior to the invasion of Kuwait.

But now the Treasury Department is preventing my constituent from collecting its due for the sale while others are collecting money from the frozen accounts. This situation must be rectified.

Something is wrong here, Mr. President, and I hope the managers will take this opportunity to instruct the Treasury Department to reexamine its policy to bring more equity to United States companies and citizens who hold advised letters of credits for the sale of nonmilitary goods to Iraq prior to the invasion of Kuwait.

Mr. DECONCINI. Mr. President, I appreciate my colleagues bringing to the attention of the managers this problem involving advised letters of credits issued for the sale of nonmilitary goods to Iraq prior to the invasion of Kuwait.

I agree with my colleagues that the nearly $1.3 billion in Iraqi assets frozen here in the United States should be distributed equitably and for the benefit of American companies and citizens first and foremost.

As the Senator from North Carolina noted, this Senator was one of those who called for the imposition of sanctions on Iraq months prior to the invasion of Kuwait. Our legislative efforts failed, and our Government continued to encourage trade with Iraq.

I join my colleagues in urging the Office of Foreign Assets Control to examine the possibility of releasing frozen Iraqi assets to the American businesses and citizens who hold irrevocable advised letters of credits for the sale of nonmilitary items to Iraq prior to its invasion of Kuwait.

I appreciate the Senator from North Carolina bringing this matter to my attention. I would like some time to look into the situation further and talk to the Treasury Department about this problem. I would be more than happy to work with the Senator to address this issue in conference if the need arises.

Mr. DOMENICI. Mr. President, I agree with the Senator from Arizona that the situation raised by my colleagues needs to be explored further with the Office of Foreign Assets Control, and I am willing to work with the Senator to address this situation in conference if necessary.

Mr. HELMS. I thank the managers.

THE DEFICIT

Mr. BROWN. Mr. President, the No. 1 problem facing this Nation is the deficit. It overshadows and swallows up every issue that we debate on this floor.

Our gross Federal debt in 1950 was $256 billion. By the end of this year it will be over $4 trillion. This Nation is on a course to disaster.

The deficit has eaten up our national savings. In the 1960's, only 2 percent of our net national savings was consumed by the Federal deficit. That rose to 19 percent in the 1970's and skyrocketed to 48 percent in the 1980's. The General Accounting Office estimates that it will be 58 percent in the 1990's—58 percent of all the savings in the entire Nation consumed in public debt, leaving almost nothing for reinvestment in our country.

I believe that by the end of the decade more than 100 percent of all private savings in the Nation will be consumed by Government deficits unless we do something about them.

How did we get into this mess? Well, we got into this mess, in large part, because the Members of this body, on a regular basis, vote to overspend the budget. Every penny that is spent is spent by the Congress. We have these outrageous deficits because Members of the House and the Senate of the United States have voted to put us here.

Last year, 7 of the 12 fiscal year 1992 appropriations bills the Congress sent to the President were overbudget by a total of $1.4 billion in discretionary spending alone, according to the Office of Management and Budget.

The fiscal year 1993 appropriations bill now before us is no different. OMB estimates that as reported by the Senate Appropriations Committee, it exceeds our fiscal year 1993 budget for discretionary spending by almost $100 million in outlays. The bill provides $355 million more in discretionary budget authority than the President requested. And, overall it appropriates $2.75 billion more in fiscal year 1993 than we appropriated in fiscal year 1992, almost a 14-percent increase.

We cannot continue business as usual. Congress must stick with a budget once it adopts it, and approve only that spending which fits within the budget.

This appropriations bill, as reported to the Senate, does not fit within the budget for fiscal year 1993 which Congress agreed to earlier this year. We should reject it.

If Congress won't reject appropriations bills that exceed the budget and our previously aired upon spending limits, then the President should veto such bills.

Last January, I and 34 of my Senate colleagues wrote the President urging him to do just this.

Indeed, the President said he will veto any bill that exceeds his budget request. The bill before us now exceeds the President's request, as well as Congress' own previously adopted budget guidelines for fiscal year 1993.

Should this version of the bill be passed by Congress and sent to the President, I urge him to veto it.

POSSESSING AND TRAFFICKING IN FIREARMS

Mr. LAUTENBERG. Mr. President, I am very pleased that the bill before us includes a provision based on legislation that I introduced with Senator SIMON, to close a loophole in current law that allows convicted violent felons to possess and traffic in firearms, at taxpayer expense.

The provision will ensure that no funds appropriated to the Bureau of Alcohol, Tobacco and Firearms will be used to implement the firearm disability relief procedure. Under that procedure, ATF can waive Federal firearm restrictions for convicted felons, and other individuals otherwise prohibited from possessing firearms.

Most Americans probably would be amazed that this provision is even necessary, Mr. President. How can it be, at a time of rising violence throughout our Nation, that our laws put guns into the hands of convicted violent felons? It defies common sense. But it is true.

Let me explain.

Generally speaking, as one would expect, felons are prohibited by Federal law from possessing firearms. However, there is a gaping loophole. I call it the "guns for felons loophole."

Under this loophole, convicted felons and others prohibited from possessing firearms may submit an application to ATF. The Bureau then performs a broad-based field investigation and background check. If ATF officials believe that the applicant does not pose a threat to public safety, they can grant a waiver.

Since 1985, well over 2,000 waivers have been granted, at a cost to taxpayers of nearly $10,000 per waiver. The total cost from 1985 to 1991 exceeded $20 million.

Think about that, Mr. President. At a time of skyrocketing budget deficits and pressing domestic needs, American taxpayers have paid more than $20 million to put guns in the hands of convicted terrorists, rapists, and armed robbers. It is perverse.

It is also placing innocent Americans at risk. Even after ATF performs a full-blown investigation, there is no way to be sure that a convicted felon isn't going to go out and commit another crime. In fact, there's real cause for concern. Criminals granted relief have later been rearrested for crimes ranging from attempted murder to rape and kidnaping.

The guns for felons loophole also is wasting scarce ATF resources. ATF agents have better things to do than conduct in-depth investigations on behalf of convicted felons. They should be out on the streets, pursuing criminals.

Mr. President, this simply has got to stop. And the bill before us would effectively eliminate the relief procedure for the next fiscal year. I'm hopeful that, before long, we can take the next step, and make the change permanent. In my view, taxpayers shouldn't be forced to pay a single cent to arm a felon.

Mr. President, I want to say a word to the many Americans who are very concerned about any effort that could lead to unreasonable restrictions on the rights of law-abiding citizens to get access to guns for sporting or other lawful purposes. This is an anticriminal provision. And a pro-taxpayer provision. It would have no adverse impact on law-abiding citizens.

I also want to emphasize that we are not criticizing the many dedicated men and women who work for ATF. To the contrary, the role they play is vitally important, and they deserve our appreciation and support. The problem is not the people who work for ATF, but the Federal policies they are obligated to implement.

Mr. President, I also want to point out that there is another guns for felons loophole that must be closed, which is not addressed in this appropriations bill. Beyond the ATF relief procedure, convicted felons are benefitting from a provision in Federal law that gives States the right to rearm even convicted violent felons.

Federal law states that, if all a felon's basic civil rights have been restored under State law—that is, rights like the right to vote, the right to hold public office, and the right to sit on a jury—then the conviction is wiped out and all firearm rights are restored. This is true unless the restoration of rights explicitly maintains the firearm ban.

Many States now automatically restore the civil rights of convicted felons. Sometimes, the restoration is effective immediately after the felon serves his or her sentence. Sometimes, the felon must wait a few years.

Mr. President, just as the ATF relief procedure is a foolish waste of taxpayer dollars, I think most Americans would agree that this second guns for felons loophole makes no sense. Given the severity of our crime problem, we should be looking for ways to get tougher, not easier, on convicted felons. How can the Government claim to be serious about crime, and then turn around and give convicted violent felons their firearms back?

The bill Senator SIMON and I introduced, S. 2304, the Stop Arming Felons Act, would close both these loopholes. I would urge my colleagues to take a look at the bill, and consider cosponsoring.

Mr. President, firearm violence has reached epidemic proportions. And we have a responsibility to the victims and prospective victims to take all reasonable steps to keep this violence to a minimum. Keeping firearms away from convicted violent felons is the least these innocent Americans should be able to expect.

Mr. DECONCINI. Mr. President, I know of no further amendments or business for this bill. I thank my distinguished colleague, Senator DOMENICI of New Mexico, for his work in putting this bill together. We have a tougher bill here to take to conference.

I thank his staffer, Rebecca Davies; also Patty Lynch and Shannon Brown, of our staff; and John Shay, for their work. It has not been easy, Mr. President.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read third time.

The bill was read a third time.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from North Carolina [Mr. HELMS], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 12, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—82

Adams
Akaka
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—12

Baucus
Brown
Burns
Craig
Heflin
Kasten
Lott
Roth
Smith
Symms
Wallop
Wirth

NOT VOTING—5

Cranston
Garn
Gore
Helms
Seymour

So the bill (H.R. 5488), as amended, was passed.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the earlier adopted Akaka amendment No. 2973 be added to the end of the bill, and also unanimous consent to move the Simon amendment No. 2968 to page 30, line 11, after the word "positions."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I move that the Senate insist on its amendments to H.R. 5488, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. DECONCINI, Mr. BYRD, Ms. MIKULSKI, Mr. KERREY, Mr. DOMENICI, Mr. HATFIELD, and Mr. D'AMATO conferees on the part of the Senate.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUENTIN N. BURDICK

Mr. SARBANES. Mr. President, the announcement this week that our beloved colleague Quentin Burdick had died in North Dakota is indeed sad news for Members of the Senate, for the people of North Dakota, and for the people of this Nation.

With his quiet demeanor, humility, and wonderful sense of humor, Quentin Burdick went each day about the task of representing those who elected him with remarkable effectiveness, tenacity, and uncommon political courage.

The political story of Quentin Burdick on his road to the Senate is one of the fascinating political tales of this country. He tended to make light of the losses he suffered early in his life, but most people would have been deterred from ever running for anything after a string of election defeats. However, he knew that those unsuccessful races for State's attorney, State senator, Lieutenant Governor, Governor, and Senator were in the end the basis of his enormous popularity in North Dakota. By the time he ran for and won his Senate seat in 1960, he had literally shaken hands with almost everyone in his State. His official biography proudly lists those earlier efforts to win office.

Born in North Dakota just 18 years after that State was admitted to the Union, Senator Burdick attended the University of Minnesota where he was an outstanding football player. He went on to earn his law degree from the University of Minnesota as well. He then returned to Fargo and he and his father headed the North Dakota Holiday Association which advised farmers to take a holiday against foreclosures during the Depression.

This was in 1932 at the height of the Depression and the great pressure on farm families throughout the Plains States, and this attitude was squarely in the proud populist and independent tradition of North Dakota.

Quentin Burdick said on those times—and I quote him—"I guess I acquired a social conscience during those bad days, and ever since I have had the desire to work toward bettering the living conditions of the people."

It was a desire he translated into meaningful legislation for the benefit of our people.

His independence was evident in the early part of his Senate career when he was an opponent of the war in Vietnam. He was a strong supporter of the civil rights program and the domestic agendas of the Kennedy and Johnson administrations. In 1987, he became chairman of the Senate Environment and Public Works Committee where he shepherded through landmark environmental legislation, including the Clean Water Act of 1987. Later, he lead the successful effort to override the President's veto of that legislation.

More recently, he worked very closely with Senator MOYNIHAN on developing a new approach to our Nation's transportation problems and produced the landmark legislation the Surface Transportation Act of 1991.

Senator Burdick was keenly aware of the unique role of agriculture in his State and chaired the Agriculture Appropriations Committee since 1987.

The farmers of North Dakota were always high in his affection since his work with them during the Depression.

To Quentin Burdick, all politics was personal. He knew thousands upon thousands of his constituents personally and sought their advice and guidance during his 34 years in Congress. Those of us who knew him well in the Senate will never forget the tales of his early campaigns in North Dakota and the warm affection for the people of his State that ran through his stories.

To his wife, Jocelyn, his children and their families, relatives and his many many friends here in Washington and in North Dakota, I want to express my condolences on the loss of a wonderful friend and colleague.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend our distinguished colleague from Maryland for those very timely remarks about Senator Burdick, who was an outstanding Senator, a man I have known and worked with for the past 12 years.

I ask to be associated with the remarks of the distinguished Senator from Maryland.

THE PASSING OF QUENTIN BURDICK

Mr. SANFORD. Mr. President, I am deeply saddened by the occasion which causes me to rise before this body today. With the passing of Quentin Burdick, this Senator has lost a friend, this body has lost a skilled and devoted Member, and this Nation has lost a great public servant.

As I reflect on the life and service of Quentin Burdick, what strikes me is his quiet efficiency at moving the interests of North Dakotans to the forefront of the Senate's agenda. Maybe Quentin picked up this habit of quietly doing the job while he was a lineman on the University of Minnesota football squad. I doubt that Quentin picked up many headlines blocking for Bronko Nagurski, who was the star of that squad, but I am sure that the Hall-of-Famer Nagurski shook Quentin's hand first after every game.

Quentin performed the same way here in the Senate. He was not one to promote himself to the public or to his colleagues. In Quentin Burdick, there was none of the self-congratulation that is all too common today. Instead, Quentin Burdick satisfied himself with promoting the interests of his State, and of the common man. He spent his whole life blocking for North Dakota, and for ordinary people everywhere.

Being from North Carolina, I share many of the causes to which Quentin Burdick dedicated his life. And my State is much the better for having a man like Quentin Burdick serve in this Chamber—blocking for us. His affection and caring for rural America, and his devoted work on behalf of that neglected population, did as much for North Carolinians as it did for North Dakotans. I will be eternally grateful that I shared a friendship with Quentin Burdick.

During his service on nine Senate committees, and especially in his chairmanship of the Environment and Public Works Committee, Quentin Burdick fought for the fairness that is often elusive in politics. While many modern politicians pose and play to the camera, Quentin Burdick played only to the public good. He spent his energies in the trenches. And at the end of a day spent on the Senate floor, Quentin Burdick was sure to have gotten in a lick for the common folks. No matter what side you were on, you knew that Quentin Burdick could be relied on to play hard but fair, to play well but honestly. Quentin Burdick was not a modern politician. He was a timeless statesman.

"Young Burdick," as Quentin was known by many in deference to his father, Usher Burdick, himself a 10-term Congressman, served with distinction in the Senate. He was a man of unquestionable integrity and impeccable character. The persistence with which he represented his constituents is unmatched by any elected official that I have ever known. The fact that he was called on by the people of his State six times to be their Senator speaks to his effectiveness as their representative. The fact that he answered their call for 32 years speaks to his devotion to the State of North Dakota. He has left his indelible mark on the lives of the people of his State and on the lives of all of the people of this Nation.

My wife Margaret Rose shares a special relationship with Jocelyn Burdick. I know that Jocelyn has been, like my wife, a true source of strength and wisdom behind a country boy in Washington. I would like to send to Jocelyn, and to the Burdick children and grandchildren, my family's heartfelt condolences. This Nation shares the Burdick family's great loss.

Mr. WOFFORD. Mr. President, I rise to honor the life and achievements of Quentin Burdick.

As the newest Member of this body, I learned a great deal from the wisdom and experience of one its most senior and respected Members. He was a modest man, but also a great teacher. As a member of the Environment and Public Works Committee, I had the honor of working with him on the Intermodal Surface Transportation Efficiency

Act—one of the most significant pieces of legislation affecting our transportation system.

The world changed a great deal in the 32 years that Quentin Burdick has served in the Senate. He confronted these changes with an unwavering commitment to the people of North Dakota. He has left an indelible mark on the Senate, and we will all miss his wisdom, his experience, and his compassion.

North Dakota and our Nation has lost a great leader and public servant—and I offer my heartfelt sympathy to his wife Jocelyn and his family.

TRIBUTE TO SENATOR QUENTIN BURDICK

Mr. CHAFEE. Mr. President, I want to take a moment to express my sincere regret for the loss of our colleague and my Chairman, Quentin Burdick. My deepest sympathy goes out to Mrs. Burdick and the entire Burdick family.

I had the honor and pleasure of serving with Senator Burdick as the ranking Republican member of the Committee on Environment and Public Works for the past 3 years. I have come to know him as a colleague and a friend. His congenial personality and commitment will be sorely missed on the committee.

Throughout his 32 years of service in the Senate, Senator Burdick worked tirelessly for his constituents. He never forgot where he came from. Quentin Burdick represents the true embodiment of an honest public servant.

I had a unique firsthand opportunity to experience Senator Burdick's commitment to public service. In fact, public service is a way of life in the Burdick family. Senator Burdick's father, Usher, served as a North Dakota State legislator, lieutenant governor and a Member of the U.S. House in the 1940's and 1950's. Like his father, I might add, Senator Burdick started his political career as a Republican. Under the banner of the Democratic Party, however, Quentin was elected to the 86th Congress and served from January 1959 until August 1960. After winning a special election to the Senate in June of 1960, Senator Burdick was reelected in 1964, 1970, 1976, 1982, and 1988.

As chairman of the Committee on Environment and Public Works and the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Senator Burdick fought hard to protect the interests of his home State and rural America. In addition to his efforts on behalf of the Nation's farmers, Senator Burdick was a champion of public works development and the environment. He led the fight to enact the Intermodal Surface Transportation and Efficiency Act and the recent amendments to the Clean Air Act. His low-key style often belied his tireless efforts in the trenches to get the job done.

So it is with great humility and respect that I rise as an original cosponsor of legislation to designate the recently authorized Federal Building in Fargo, ND, as the "Quentin N. Burdick United States Court House." I can think of no greater tribute to a man who gave so much to his beloved home State of North Dakota.

I will miss my friend, but recognize, too, that I worked together with a good and decent man, Quentin Burdick, who through his life made this country a better and stronger nation.

TRIBUTE TO SENATOR QUENTIN BURDICK

Mr. ROTH. Mr. President, I rise to join many of my colleagues in paying tribute to a great man who served this body both honorably and well.

Senator Quentin Burdick was a man of quiet nobility, but a man who firmly stood his ground to protect and care for those who sent him to Washington. On many occasions, Senator Burdick and I had the opportunity to speak, to become acquainted on a personal level. And I quickly discovered that his heart was filled by three specific interests: his family, the people of North Dakota, and University of Minnesota Gopher football, where he had played with some distinction as a young man.

I can honestly say that I always enjoyed myself in his company, as well as in the company of his wonderful wife, Jocelyn. His life represented what is best about America—an embodiment of the values that make this a great country. And in his years on service—34 years on Capitol Hill—he demonstrated a sincere willingness to give back to our Nation all that it had given him. The issues that concerned him most were those issues most pertinent to the heartland—agriculture, rural development, the environment and public works, Native American issues. He was the cofounder of the Rural Health Caucus, and he dedicated his career to giving a stalwart voice in Washington to the hard-working, diligent, quiet Americans that he represented.

Another great Senator, Daniel Webster, once said that "if we work marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble into dust; but if we work upon immortal minds and instill into them just principles, we are then engraving upon tablets which no time will efface, but will brighten and brighten to all eternity."

It can safely be said that the service Quentin Burdick gave to the people of North Dakota and to the United States as a whole will brighten and brighten. His example and his legacy will affect eternity; we will never know where his influence stops.

Mr. SPECTER. Mr. President, earlier today, I voted in favor of cloture to end debate on the motion to proceed to consider product liability legislation because I believe this subject should be considered by the Senate. In voting for cloture today, I note that on May 14, 1992, I opposed consideration of this product liability bill because it was inappropriate to take it up as an amendment to the motor-voter bill then pending before the Senate.

I respectfully take exception to some critical comments from the administration about trial lawyers—with the immediate disclosure that I have been a trial lawyer myself involved on both sides in civil and criminal litigation. I object to that repeated public castigation of trial lawyers because I believe it to be both unwarranted and counterproductive.

American lawyers have made great contributions to our Nation in business and commerce as well as the protection of the constitutional rights and civil liberties of individuals. The trial bar has produced giants such as Andrew Hamilton, Clarence Darrow, Louis Brandeis, Thurgood Marshall, and thousands of others who take on free legal work for the underprivileged and tough cases on unpopular causes.

While some lawyers have high earnings—some may argue excessive—so do corporate executives, doctors, bankers, accountants, and many others.

In our free enterprise system, where individual initiative and earnings are extolled, I believe it is inappropriate to condemn people for such success within the existing system. If the system needs reform, we have the procedures to do so without vilifying those who are lawfully working within the system.

Such criticism is counter productive because it produces an understandable emotional response which makes reform all the more difficult. In any discussion on tort reform much time is consumed by lawyers venting anger and frustration over the torrents of criticism. Let us proceed without unnecessary and harsh rhetoric.

From my experience as a practicing lawyer and more recently as a legislator in the U.S. Senate, I consider it important to proceed with extreme caution in modifying the common law which has been established by centuries of judicial interpretation. I have represented both plaintiffs and defendants in tort litigation and have a deep appreciation of judicial craftsmanship. As a general rule, at least as I see it, the legislative process is not a substitute for the painstaking work of a trial or appellate judge who meticulously analyzes the facts of the case, studies the precedents and then builds on the tradition of common law interpretation. Accordingly, we should proceed with great care in making legislative changes in the judicial precedents.

This bill is significantly more limited than prior legislative proposals. For example, prior legislation contained limits on noneconomic losses and punitive damages while this bill contains no such caps. Prior bills contained a "governmental standards defense" precluding punitive damages if a product met Government-approved standards while this legislation has a much narrower provision. Prior legislation sought total elimination of joint liability while this bill limits that provision to noneconomic losses.

In voting for cloture, I emphasize that I am not committing myself to vote for all provisions of this bill but by voting for cloture—that is, to end debate—I am saying that I believe the bill and prospective amendments should be considered. Illustratively, I support the provision of this bill which provides that intoxification through drugs or alcohol is a defense on the issue of causation to show that injuries occurred for a reason other than a defective product.

Illustrative of the provisions which I oppose, is the change in law to provide that the plaintiff must pay defendant's attorney's fees, subject to certain qualifications, if the verdict is less than the offer with the reciprocal provision that the defendant must pay the plaintiff's attorney's fees where the verdict is greater than the plaintiff's settlement offer. I oppose this provision because I believe it would have a chilling effect on plaintiffs who are not in a position of parity with defendants when it comes to undertaking the risk of litigation on attorney's fees.

I believe that changes in product liability are necessary to help plaintiffs by making it easier for U.S. plaintiffs to sue foreign companies in U.S. courts for defective products manufactured abroad. A 1987 U.S. Supreme Court decision made it very difficult to sue foreign defendants in U.S. courts because of the so-called minimum contacts doctrine. In my opinion, where a foreign manufacturer sells products for use in this country, that defendant should be subject to the jurisdiction of our courts, and a legislative change is necessary to make that happen.

Similarly, it is extraordinarily difficult for plaintiffs to serve legal process on foreign manufacturers. While this might be limited by the complexities of treaty interpretation, it is my judgment that foreign manufacturers should be subject to service of process by means realistically calculated to give actual notice of the lawsuit instead of the highly technical obstacles imposed by foreign governments to protect their manufacturers from lawsuits in U.S. courts.

Beyond the interested parties, there is considerable public concern about the way tort litigation is handled by our courts. Senate consideration of this issue would I believe be a significant step forward to satisfying public concern that these important questions are being aired and are being considered, whatever the ultimate result might be.

At least some minimal changes are necessary in my opinion to benefit both plaintiffs and defendants in the litigation of product liability cases. And, it is toward that end that I voted earlier today because I believe that we should give consideration to Senate bill 640 which could make some modifications in the law on product liability.

Mr. President, I thank the Chair.

Mr. President, I note the absence of any other Senator in the body. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 640, THE PRODUCT LIABILITY FAIRNESS ACT

Mr. WARNER. Mr. President, today the Senate voted not to invoke cloture on the product liability reform legislation. With this vote, the Senate has now completed its consideration of this legislation during this Congress.

Mr. President, we cannot ignore the fact that product liability remains an extremely serious problem for many industries. I recently did some research with respect to the impact of product liability in general aviation. The information available reveals without a doubt that product liability has been the greatest single obstacle to the success and survival of the American light aircraft industry.

General aviation has been seriously impacted. Production of new aircraft has plummeted from 18,000 just a few years ago to 1,021 last year. Industry employment has been cut in half. Cessna Aircraft, which used to produce nearly 9,000 aircraft a year, has not produced a single- or twin-engine piston powered airplane since 1986. Piper Aircraft is in bankruptcy, largely due to product liability costs.

The dire state of this previously healthy industry has serious consequences. If we do not provide new training aircraft for our future pilots, what will happen to our air transportation system? The average age of the single-engine aircraft is now 26 years. Increased foreign competition is targeting the U.S. marketplace with a number of general aviation airplanes.

Mr. President, the general aviation industry is intensely regulated by the Federal Government. Every stage of design, production, and testing is scrutinized by the Federal Aviation Administration. The general aviation industry is in dire need of a uniform Federal standard of liability to dovetail with the existing system of Federal regulation. Senator KASSEBAUM has been a longtime leader in supporting legislation to create a national product liability law for general aviation. Senator KASSEBAUM has introduced S. 645, the General Aviation Accident Liability Standards Act of 1991. This legislation has wide-based support from the administration, in the Congress, and from aviation consumers. The chairman of Cessna has publicly stated that the company would resume production of piston-powered aircraft if the legislation introduced by Senator KASSEBAUM was approved by the Congress.

Mr. President, I urge that action be taken by the Congress to help this important industry to resume production. Mr. President, I ask that an executive summary from the report written by the General Aviation Manufacturers Association entitled "Liability Reform for General Aviation: A Need at the Point of Crisis," be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIABILITY REFORM FOR GENERAL AVIATION: A NEED AT THE POINT OF CRISIS

EXECUTIVE SUMMARY

"The business of making small airplanes is almost dead in this country, wiped out mainly by product liability lawsuits."—The Wall Street Journal, December 11, 1991.

1. The single industry which has been hardest hit by the product liability crisis has been general aviation—the industry that produces light aircraft and business planes. Production of general aviation aircraft has plummeted from 18,000 to 1,000 in 10 years. Industry employment has been cut in half.

2. Because of high damage awards and liability insurance premiums, light aircraft are being priced out of the market. Liability costs have been the largest component in the production of piston engine airplanes causing manufacturers to halt or curtail production.

3. The industry has been targeted for litigation not because of safety reasons—the number of fatal accidents involving small planes has declined, since World War II, by 700 percent. Of accidents that do occur, 93 percent are due to factors beyond the manufacturer's control such as pilot error, weather and maintenance.

4. The industry has been targeted because plaintiffs and their attorneys see manufacturers as having the "deep pockets" necessary for large recoveries; and because under current product liability law, makers of airplanes can be held responsible for every plane they ever made, no matter how long ago. (The average single engine aircraft in the U.S. is 26 years old.)

5. Foreign makers do not operate under the same legal handicaps because they do not have thousands of aircraft in the U.S. fleet. They have seized on the U.S. as a profitable market. Large concerns like France's Aerospatiale and Japan's Toyota are moving into the U.S. market.

6. The general aviation industry needs tort reform legislation to save it from destruction. Legislation pending in Congress with broad support would:

Establish a single national standard of liability for general aviation accidents instead of 50 different state laws.

Allocate damages in such accidents among defendants in proportion to their responsibility for the accident.

Make it more difficult for manufacturers to be sued successfully if their planes have been operating without defect for 20 years or more.

KIDS, INC.

Mr. WARNER. Mr. President, I would like to take this opportunity to recognize and thank the many organizations and volunteers whose contributions are vital to the efforts of KIDS, Inc.

As many of you know, KIDS, Inc. is a national charitable organization whose goal is to fulfill the dreams of gravely ill children. Since it was founded in 1983, KIDS has assisted more than 1,100 children and their families. As of August of this year, 50 children's dreams had been fulfilled. A sample of these dreams include: New Kids on the Block videos for Erin; a new bicycle for Michael; summer camp for Alexandria and Turon; a communication device for Shannon; a tricycle with a ventilator base for Fannie; a trip to Oceana Naval Air Station for Matt; family trips to Walt Disney World for Steven and Heather; and new school clothes for Joseph.

These dreams were made possible by the generosity of the following major supporters: Allied-Signal Aerospace; Auger Enterprises and the Black Rooster Restaurant; BDM International, Inc.; Cassidy & Associates; DuPont; ETA; Ford Motor Co.; General Dynamics; Hughes Aircraft Company; IMO Industries; Independent Insurance Agents of America; Kraft General Foods; Mary & Daniel Loughran Foundation; Man Tech; Martin Marietta; McDonnell Douglas Corp.; Northrop Corp.; Perot Systems; PRC; Philip Morris Companies; the Prudential; Raytheon; RJR Nabisco; Bob Ryan's "1992 Weather Almanac and Guide for the Weatherwise"; SmithKline Beecham; Talley Industries; Time Warner, Inc.; and the Washington Times Corp.

As a member of the board of advisors of KIDS, Inc., I extend my congratulations for the outstanding efforts of all who gave so generously to help fulfill the dreams of children whose time to dream is limited.

REGARDING THE PRODUCT LIABILITY FAIRNESS ACT

Mr. KERREY. Mr. President, today the Senate is considering the motion to end debate and proceed to consideration of the Product Liability Fairness Act. Our product liability laws are in need of reform. While I am not convinced that S. 640 makes the needed changes, the issue does warrant consideration by the Senate.

However, while this issue does need to be debated, there is little chance that the Congress will complete action on it before the end of the session. Even if the Senate did complete action on the bill, the House has not indicated that it intends to take up product liability legislation in the remaining weeks of the 102d Congress. If the Senate proceeds with S. 640, time will be taken away from must-pass legislation such as the remaining appropriations bills and the fiscal year 1993 defense authorization legislation, and conference reports on issues such as comprehensive energy and cable legislation.

For these reasons, I chose to pair my vote with Senator FOWLER, indicating my support for moving forward with the bill but also recognizing the limitations of the Congress' remaining schedule. Small businesses and manufacturers have very legitimate concerns about our present liability system, but these concerns deserve to be fully debated, giving full consideration to the rights of consumers. A bill of this importance is entitled to more than a symbolic gesture of approval.

PRODUCT LIABILITY BILL, S. 640

Ms. MIKULSKI. Mr. President, I want to comment on the pending procedural vote on S. 640, the Product Liability Fairness Act.

I do want to help businesses cut unnecessary liability costs, and want to encourage innovation. I want clear and predictable national standards for liability suits. And I want to encourage faster and fairer settlements to these suits, so that victims get their compensation and victims and businesses don't have to pay unnecessary and exorbitant legal fees.

But I oppose ending debate at this time, because of the provision in this legislation that would prevent Americans from seeking punitive damages if the product in question was approved by the FDA—the so-called FDA Defense.

Mr. President, FDA-approved products are not always safe, and the makers of those products are not always free from blame. There are women who can't have children because the Copper-7 IUD made them sterile. There are families who lost loved ones because of a faulty heart valve that FDA approved. These women and families should be able to seek punitive damages against the companies that put dangerous and deadly products on the market.

Time after time this Congress has heard of medical device scandals and prescription drug scandals where the FDA was supposed to be the watchdog for the American public. But the FDA has had so much to do and so little to do it, with outdated and outmoded facilities, it is impossible for us to rely completely on the word of the FDA. I know this because I am the Senator that has been trying to address some of these problems by making sure we provide modern, consolidated facilities so that FDA can do the job it is supposed to do.

I am committed to improving the health care system in this country, and especially dedicated to making sure that women and other often overlooked groups get the health care and protection they deserve. Our goal should be to protect unsuspecting users of drug and medical devices. Regulatory agencies have a responsibility to accomplish this goal, but if they fail to do so, the courts have a responsibility as well. The FDA Defense contradicts this goal, and I can't support it.

PRODUCT LIABILITY FAIRNESS ACT

Mr. DURENBERGER. Mr. President, I will vote to invoke cloture and proceed to the product liability legislation sponsored by the distinguished Senator from Wisconsin [Mr. KASTEN]. In so voting, I do not mean to imply that I support every provision in the product liability reform bill or that I would vote in favor of this bill in its current form.

However, I believe that the Senate should have the opportunity for a full and fair debate on this legislation including the opportunity to amend this bill. The sponsors have been waiting for years for this debate to take place. It is only fair that they have their day in the Senate.

Mr. President, the issue of overriding 50-State product liability laws represents a fundamental change in our country's tort system. It should not be taken lightly. At the same time, we are aware of numerous instances where companies have opted to leave markets for fear of product liability law suits. Some measure of balance must be achieved to ensure that consumers are protected against unsafe products and manufacturers are not subjected to burdensome lawsuits.

I am willing to work with consumer and industry representatives to achieve a compromise that will satisfy the competing interests in this debate. I hope the motion to invoke cloture and proceed to the bill is approved.

MOTION TO PROCEED TO S. 640, THE PRODUCT LIABILITY BILL

Mr. BRADLEY. Mr. President, while I strongly support the notion of litigation reform, I voice my opposition to the motion to proceed to S. 640, the Product Liability Reform Act. The debate which we have witnessed over the last few days has been extremely educational and spirited. There have been assertions made as to the need for product liability legislation and counterarguments made discounting the need for such legislation. Supporters of the bill have taken to the floor in an effort to clarify the effect the bill would have on our State-based system of product liability. Opponents have charged that the bill will have a negative effect on the ability of those injured by defective products to recover damages and punish activity which caused their injuries. By circulating a proposed substitute bill, Senator ROCKEFELLER has attempted to respond to concerns that others and I have voiced about this legislation. Although I voted against proceeding to the bill at this time, I encourage the supporters of S. 640 to continue to respond to consumer safety concerns so that we can arrive at a bill that is fair to both defendants and plaintiffs and truly reduces the financial burden of litigation in our economy.

Mr. President, we have heard a lot about the litigation explosion during this debate. The supporters of this bill have asserted that the litigation explosion is having a detrimental effect on our ability to compete with Western Europe and Japan in key segments of the world economy. We have been told that research on contraceptive devices, anti-AID's drugs, and other key technologies have all been hampered by the specter of product liability litigation. Although there have been relatively few punitive damage awards in product liability cases over the last 25 years, we have been told that the threat of punitive damages encourages many product manufacturers to settle cases that they would have no problem winning in an effort to avoid having claims for punitive damages go to juries unfamiliar with the precautions that are now taken to insure that products are safe. According to the proponents of this bill, passing product liability reform would send an important message to the public that the U.S. Senate is deeply concerned about a costly and inefficient product liability system.

Mr. President, my initial concerns with S. 640 as reported out of the Commerce Committee were threefold: First, I was concerned that provisions in the bill encouraging settlement and the use of alternative dispute resolution procedures would put potential plaintiffs at a disadvantage vis a vis defendants; second, I was concerned about giving legal effect to premarket approval of a product by the FDA or FAA so that punitive damages would not be available in most cases where those agencies had declared a product safe for sale; and third, I was not convinced that the bill as reported out of the Commerce Committee would have a demonstrable effect on the overall amount of litigation in our society, the backlog of cases in the courts, litigation expenses paid by our Nation's businesses, and our ability to compete with Western European countries and Japan in key industries dependent on new technology. These concerns and concerns about the futility of passing this legislation so late in the session convince me to vote, "no" on the motion to proceed.

The proposed Rockefeller substitute responds to many of my concerns about the settlement, ADR, and punitive damages provisions of the bill and I look forward to considering it next session. While not perfect, the settlement and ADR provisions proposed in the substitute are less onerous for the plaintiff than provisions in the bill reported out of the Commerce Committee. I continue to have concerns about the records of the FDA and FAA in guaranteeing product safety and I believe that Congress might want to reassure itself about those agencies before giving their decisions as to product safety the legal effect called for in the bill. However, no Federal agency can protect against all risks associated with a product and premarket approval of a defendant's product, and adherence to postcertification agency requirements by a defendant would only protect it from punitive damages. As we all know, punitive damages are quasi-criminal and should only be imposed in response to the worst type of behavior. If the supporters of S. 640 craft a flexible, agency-approval defense to punitive damages next session, I will support it.

My third concern about the bill reported out of the Commerce Committee and any bill that focuses solely on product liability is its effectiveness. To put it succinctly, I am not sure that the bill will really do what its proponents say it will do. The proponents of the bill contend that it will decrease the cost of litigation for product manufacturers by encouraging early settlement of cases and lowering the amount of money sought by plaintiffs in product liability suits. They also say that early settlement of cases will mean that lawyers will receive less a percentage of the damage awards going to plaintiffs, leaving more money for the actual victims. The result, according to supporters: less litigation costs, less litigation, less insurance costs, more predictability in the system, less fear about lawsuits, and more money which can be used for research and development to make us more competitive.

Mr. President, no one disagrees that we are an overly litigious society. However, I am not convinced that this bill can correct the problem of litigiousness by focusing on just one aspect of the system. A recent University of Wisconsin study shows that when you take out asbestos cases, the number of product liability cases has actually decreased since 1985 and according to a survey of several State court systems by the National Center for State Courts, "the most dramatic increase in the civil caseloads tended to be for real property rights cases or contract cases, not torts." Nothing in the current bill addresses the other types of cases.

There is also information suggesting that claims about the effect of this bill on U.S. competitiveness are exaggerated. A 1987 Conference Board survey of corporate risk managers found that two-thirds of them believed that product liability contributed 1 percent or less to the final price of their products. Another 11 percent concluded that liability costs accounted for 2 to 3 percent of the final price of their products. Would the change in the product liability system sought by the proponents of this bill make that much of an impact on the price of American products? There may be some credence to the argument that higher litigation and insurance costs place American businesses at a disadvantage vis a vis their foreign-based competitors. However, we must remember that foreign manufacturers who market products in this country are also subject to the jurisdiction of the American courts.

Any bill that attempts to improve U.S. competitiveness by reducing the amount of litigiousness in our society should be comprehensive. It should not focus solely on cases brought by individuals who claim to be injured by certain products, but should also focus on litigation between other actors in the system on a variety of legal theories. Nothing hampers U.S. competitiveness more than a system which encourages our businesses to sue each other over matters that could be resolved outside the courts. In our search for legal reform, let's try to rid the courts of some of these cases as well.

TRIBUTE TO LOUIS L. REDDING

Mr. BIDEN. Mr. President, earlier this year, in my hometown of Wilmington, DE, the building which houses the local governments was renamed and rededicated.

The Louis L. Redding City/County Building now stands as a tribute to one of the most distinguished legal practitioners my State, or this country, has ever known, and one of the most forceful and effective early leaders of the American civil rights movement.

Louis Redding was born on October 25, 1901, the first of his parents' five children.

The years of his growing up were a shameful time in my State's history, as in many others, with racial segregation founded in false prejudice and enforced by unjust laws; Mr. Redding himself has described Wilmington of that time as a "hellhole, in many regards" for its black citizens.

There was only one high school blacks were allowed to attend in the State, Howard High, where the second-rate books came from the wastebaskets of the white schools, but the first-rate teachers, it seems came from the hand of God.

After graduating from Howard, Mr. Redding went to Brown University, and then, following several years in teaching, to Harvard Law School, where he was the only black student in his class.

Home on Christmas break from Harvard in 1926, Mr. Redding went to watch a proceeding in a Wilmington courtroom, a courtroom which he was asked to leave because he had sat on the wrong side.

One of Mr. Redding's earliest actions when he became Delaware's first black lawyer in 1929—and it would be more than 25 years before there was another—was to lead a campaign opposing courtroom segregation.

His more well known campaigns against segregation began in 1949, when a group of black college students came to Louis Redding's office, looking for help in fighting the University of Delaware's policy of not admitting coloreds.

Mr. Redding argued, and won, the case, resulting in the first court-ordered desegregation of a State facility.

Then in 1950, the famous case that would become part of Brown versus the Board of Education came to Mr. Redding in the person of Sarah Bulah.

Sarah Bulah was not out to desegregate the schools; she just wanted the school bus that came right by her house, and went right by the black school on its way to the white school, to accept her daughter as a passenger.

Mr. Redding told Ms. Bulah he would take the case, if instead of working to get the black child on the bus, he could fight to get her in the white school.

He fought, and again he won, when in 1952, then-Vice Chancellor Collins J. Seitz became the first judge in the country to order an all-white public school to admit black students.

In both the college and the school case, Mr. Redding worked with Thurgood Marshall and Jack Greenberg, leaders of the legal defense fund and two of his fellow fathers of the civil rights movement.

Greenberg said later of Louis Redding's role in securing the school desegregation order that it simply, "wouldn't have happened without him"; anyone but Redding, Greenberg said, would have been satisfied to get the child on the bus.

Mr. Redding argued, and won, other influential cases, including the public accommodations case, involving Wilmington City Councilman William "Dutch" Burton, a case that has been studied in law schools and cited in courtroom arguments ever since it was decided.

Up until he closed his Wilmington law office in 1985, Mr. Redding continued to lead the legal battle for civil rights, and he helped guide and encourage many of the young black lawyers who followed him as members of the Delaware bar.

It was during the late sixties and early seventies that, as a young lawyer in Wilmington, I personally encountered Louis Redding. He was much older—and, I might add, a lot better dressed and more well spoken—than I, but the respect he commanded stemmed from more than that.

You felt a strength in Louis Redding, a presence, a confidence of purpose and sincerity of effort flowing through every word and every movement.

Mr. Redding, you see, had known all along that he was right, and each time his assertion of justice had been rejected during the early years, he only grew more certain.

William T. Coleman spoke to that quality of intellectual integrity and unfailing determination, when he said, "The giants of the civil rights movement were Houston, Hastie, Redding, and Thurgood Marshall. The older people were the real intellectual leaders. They took a situation where most of society was against them, without the bullet, without the ballot."

That was the power of spirit I felt when I met Louis Redding.

At the time, I had assumed Mr. Redding lived in Delaware, since his office was in Wilmington, but he explained to me that he lived in nearby Glen Mills, PA.

It struck me then, as it does now, as one of the greatest losses to my State, that the injustice of Delaware laws had driven one of our most distinguished citizens to live beyond our borders. Today, at age 90, Mr. Redding is back in Delaware as a resident.

His mobility, eyesight and hearing are severely impaired now. But on May 18 of this year, Mr. Redding surprised everyone by attending the ceremony dedicating the city/county building, and the sculpture which stands by it, in his honor.

It seems Mr. Redding is still doing what everyone else would have thought impossible.

The bronze sculpture—created by one of our best known artists, Charles Parks, shows Mr. Redding standing with a black boy and a white girl, both carrying school books.

It is a portrait of hard-won victories and a reminder of the vigilance required to secure and continue that progress; it is an expression of respect and gratitude to a man of great ability and even greater character, and an expression of rededication to the cause he served so well; it is like Louis Redding's life, both a symbol of triumph and a never-ending challenge to us all.

Emerson wrote that, "the appearance of a great man draws a new circle outside of our largest orbit. * * *"; and that is what Louis Lorenzo Redding has done in his lifetime—he has extended our vision, shown us a deeper truth and a greater strength within ourselves, and made us more and better than we were.

SIOUX FALLS THE BEST PLACE TO LIVE IN AMERICA

Mr. PRESSLER. Mr. President, today I have the privilege of congratulating Sioux Falls, SD, for having been named the "Best Place to Live in America" according to the September 1992 issue of Money magazine. At last, the country's best kept secret has been discovered.

Sioux Falls' No. 1 rating was determined by a Money magazine survey among the 300 largest U.S. metropolitan areas. Factors considered in this survey include tax climate, crime rate, unemployment figures, recessionary resistance, and educational quality.

Sioux Falls is truly a friendly Midwestern city with a population of approximately 123,000. It's appeal, correctly depicted in Money magazine, lies in low levels of pollution, traffic congestion, or violent crime. Sioux Falls received high marks in health care, housing, and transportation. Further, there is no corporate or personal State income tax. City taxes also are relatively low. However, in my opinion, the city's most desirable feature is its people.

I am particularly pleased to report that Sioux Falls scored a perfect "100" in the survey's economy category. Money magazine recognizes Sioux Falls for having one of the most diverse and robust economies in the Nation. South Dakota's unemployment rate is far below the national average, consistently ranking among the lowest in the Nation. Further, living costs are 7 percent below the national average.

Sioux Falls' recognition as the "best place to live in America" accurately reflects the wonderful living opportunities offered in South Dakota. In fact, Money magazine has acknowledged the city's outstanding assets in its prior surveys. Sioux Falls' ranking has gone up steadily from 123d in 1990, to 12th in 1991, to 1st in 1992.

Sioux Falls, SD, is a shining example of a city that works. I applaud the contributions of the citizens of Sioux Falls for creating the best place to live in America. Sioux Falls city government officials and numerous community organizations deserve to be commended for their tireless contributions to making Sioux Falls the best place to live. These organizations include the Sioux Falls Development Foundation, Forward Sioux Falls, the Sioux Falls Area Chamber of Commerce, and Main Street Sioux Falls. Sioux Falls, I salute you.

Mr. President, I ask unanimous consent that the September 1992 Money magazine article on "The Best Place to Live in America" be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Money magazine, September 1992]

"THE BEST PLACE TO LIVE IN AMERICA"

In many places this year, it's been a time of coping and hoping. But there are surprising pockets of prosperity, most of them tucked in the nation's heartland, virtually untouched by recession's icy hand. Our sixth annual survey of the 300 largest U.S. metropolitan areas reveals that the most livable locales tend to be in the Great Plains and other parts of the Midwest as well as Texas, where jobs have been growing and housing remains affordable. Our No. 1 pick, displacing last year's winner, Provo/Orem, Utah: Sioux Falls, S.D. (pop. 123,000).

Sioux who? Sioux City? No, that's Iowa (and No. 149). This former cow town, nestled in the southeastern corner of the state, has one of the most diverse and robust economies (recent unemployment rate: 2.6%) anywhere in the U.S. Had a problem with your Citibank credit card? A Sioux Falls rep on an 800 line probably took care of it, since Citi does more than 50% of its credit-card processing there. In fact, in the past decade, the Sioux Falls metro area has emerged as a center for national back-office bank operations and a regional stronghold for health care and retailing. What's more, the Snoopy and Spiderman helium balloons in the Macy's Thanksgiving Day parade are created at Aerostar International, a local start-up.

Perhaps the main attractions are not what Sioux Falls has but what it lacks: pollution, traffic congestion, violent crime and state and city income taxes. "South Dakota in general—and Sioux Falls in particular—has made a cottage industry of attracting firms fed up with high tax loads elsewhere," says economist Mark Zandi of Regional Financial Associates, a forecasting firm in West Chester, Pa. "It's a moderate-size city that has retained a small-town atmosphere," notes Don Seten, 34, an urban planner who took a 14% pay cut last year to leave Breckenridge, Colo. and return here.

The prairie city's strong showing reflects the shifting strength of the nation's regional economies. In 1987, seven of our top 10 places were in the Northeast. Now, only two winners are situated east of the Mississippi. Most are small or medium-size and, continuing a pattern that emerged last year, five of our top 10 are college communities with low housing prices and recession-resistant economies: Columbia, Mo.; Austin; Provo/Orem; Gainesville, Fla.; and Madison, Wis. The rest of the best: Minneapolis/St. Paul; Fargo, N.D.; San Francisco; and Honolulu. Provo/Orem slipped from No. 1 to No. 8 as its economy cooled a bit. Geneva Steel there laid off 70 workers, for example.

Our basic survey methodology remains unchanged. First, we asked a representative sample of 254 Money subscribers (median age: 44; median household income: $71,760) what they value in a place to live. Specifically, they rated the importance of 44 factors—ranging from a low crime rate to sunny weather to low local income taxes—on a scale of 1 to 10. For the second consecutive year, our readers' top priorities were (in descending order): clean water, low crime, clean air, abundant medical care and a strong local government. Next we collected the most timely data available on each of the 300 largest U.S. metro areas. Unemployment figures are for February; crime data are from 1990. Century 21, the national real estate brokerage, again provided an exclusive list of prices and property taxes for a typical three-bedroom home in each area, plus appreciation from a year ago. The year's hottest housing markets: Waco, Texas (up 19%); Spokane (18%) and Green Bay (17%).

Then, with the help of Fast Forward, a Portland, Ore. computer consulting firm, we consolidated our subscribers' preferences into nine broad categories such as economy and crime, and awarded points to each metro area depending on how well it delivered on the attributes readers said they wanted in each category. Finally, to discover attractions or drawbacks that our data might have missed, our reporters visited the top five and bottom five places.

In our continuing effort to improve the rankings, we added new data this year. Notably, we included:

State fiscal strength. Metro areas lost points in the 36 states whose budgets were so stretched that they had to raise taxes last year. We also awarded points based on how well each state's finances ranked in a study by City & State, a bimonthly trade newspaper.

Physicians per capita. Leader of the pack, according to the U.S. Census Bureau: Rochester, Minn. (with 1,698 physicians for each 100,000 residents).

Hospital death rates. Comparisons were provided by the Center for the Study of Services, a nonprofit group, in its new book, Consumers' Guide to Hospitals ($12; 800-475-7283).

Environmental report cards. We used rankings from the Green Index ($18.95; 800-828-1302), compiled by the Institute for Southern Studies, for the states' records on overall environmental quality and water pollution.

Public high school graduation rates. This information from the U.S. Department of Education provides one measure of school quality.

The places that jumped most in our rankings (northwest New Jersey, up from 199 to 45; central New Jersey, from 192 to 57; and 1987 winner Nashua, N.H., from 233 to 100) did so largely because of pickups in their depressed economies. This year's bottom five places are ones with shrinking economies in the Northeast and the rust belt: Poughkeepsie, N.Y.; Lima, Ohio; Muskegon, Mich.; Rockford, Ill.; and, at No. 300 for the second year running, Waterbury, Conn. Unemployment rates in Lima, Muskegon, Rockford and Waterbury peaked at around 12% in February. Poughkeepsie and Waterbury lost 4% of their job base over the past year, according to the Economic Outlook Center at Arizona State.

Still, in visits to these cities, stirrings of rebirth are evident. In Lima, Citizens National Bank, the sole locally owned financial institution, opened in June. Muskegon's SPX Corp. recently razed decaying waterfront buildings to erect a handsome office complex complete with marina. (The city's promotional material now compares Muskegon to San Diego.) Rockford is enjoying an influx of newcomers fleeing high housing prices in the Chicago suburbs. And in Waterbury, where in June the former major was sentenced to prison for embezzlement, the city has scored a few modest economic victories. Says Brian Herrman, who is building a new flooring-manufacturing plant in Waterbury: "It's a city on the way back. The business climate is 100% better than three years ago."

Sioux Falls is practically a mirror image of the rest of America. Every business day, while the nation as a whole loses an average of 1,500 corporate jobs, Sioux Falls creates six new ones. "We could become a big city," muses Rob Oliver, president of the Sioux Falls branches of Norwest Banks. "There's a legitimate fear of that."

Not to worry yet. In Sioux Falls, residents still know one another by their first names. And major-league sports haven't arrived here, though folks often make the four-hour drive to Minneapolis to catch some action.

Sioux Falls is actually a magnet in its own right. The local 180-store Empire Mall draws 11 million shoppers a year, many from northwestern Iowa and southwestern Minnesota. The city has also become a regional health-care center. Sioux Valley Hospital, in particular, has been cited for its admirably low mortality rates.

Traditionally, meatpacker John Morrell has been the city's largest employer. Now Morrell and Citibank share the honors, each with about 2,800 workers. In the early '80s, Citibank moved its credit-card operations here partly because the state has no usury limits. Credit divisions of Sears and other banks soon followed.

A dollar really stretches; living costs are 7% below the national average, according to the American Chamber of Commerce Researchers Association. At Minerva's, a popular restaurant, chicken breast with pasta costs only $5.95. You would have trouble finding an authentic sushi bar though: Whites make up 96.8% of the population.

Columbians like to joke that their city has a higher recidivism rate than the state prison in Jefferson City. And it's true that people who lived here once, often as students at the University of Missouri ("Mizzou"), hanker to come back to the Ozark foothills, midway between Kansas City to the west and St. Louis to the east. Says Tom Smith, 33, who returned in 1985 from San Francisco to start a communications-software company, Datastorm Technologies (1991 sales: $17.5 million), with fellow Mizzou alum Bruce Barkelew: "With our success, we could be anywhere. But life in Columbia is so pleasant."

The resilient economy rests on three firm pillars: colleges (Mizzou, Stephens and Columbia), health-care facilities (more than a dozen hospitals and medical centers) and insurance company regional offices. Since 1985, Columbia has added more than 15,000 jobs. Although income taxes and sales levies are a mite high, the cost of living is about 10% below the U.S. metro median and house prices now run roughly 13% less than the national average. But life here is not just inexpensive. It's also clean and green. Columbians brag that their city was the first in the U.S. to pass a recycling deposit law, back in 1977. Like many university towns, the city tolerates a low-level drug trade. "But we've kept the gangs out," says chief of police Ernest Barbee.

For a city its size, the population of Columbia is surprisingly diverse. The 92 houses of worship range from the Beth Shalom synagogue to the Islamic Center mosque. Hickman, the city's largest public high school, currently has a 25% minority-student enrollment, of which 15% are black and 5% are Asian.

The hilly state capital deep in the heart of Texas has made the Money top 10 for two years running (it was ranked No. 9 in 1991). That probably doesn't surprise the crowd flocking to easygoing Austin, which has added about 2% annually to the city's population since 1990. According to recently released U.S. Census Bureau figures, Austin was also the eighth fastest-growing metro area in the U.S. over the past decade. A full third of the 11,000 students who graduate from the University of Texas here each year stay put too, often happy to settle for jobs that are beneath their qualifications. The local joke is that your plumber probably has a Ph.D.

A well-diversified economy, anchored by UT, routinely keeps Austin's unemployment rate low. The state employs 55,000 people here, or roughly 12% of Austin's work force, and Texas hasn't suffered the massive layoffs that so many other state governments have lately. High-tech rules too, especially with the headquarters of mail-order PC manufacturer Dell Computer (sales: $890 million for the year that ended in February 1992, up 62%), founded by the 27-year-old phenomenon Michael Dell. This summer, the company was adding 50 staffers a week to its 3,500-person work force. And Dell, IBM and Motorola, among local employers, are expected to hire some of the 1,000 civilians who will lose their jobs when the Bergstrom Air Force Base closes next September.

Three big Austin draws: low house prices, low taxes and high stepping. Your can buy a luxurious new 3,000-square-foot, four-bedroom home in western Travis County for less than $150,000; an equivalent home on either coast would go for $300,000. And so far, there is no state or local income tax. Meanwhile, Austin's music scene, with more than 100 live music clubs (from country to R&B), rivals offerings in much larger cities.

The commute to work? Not a problem. Says Brenda Band, 35, a Dell human-resources manager who moved here from Chicago last year: "I first thought it was a joke when I heard the radio announcer talking about a three-minute traffic jam."

It's hard to imagine a more livable big city than this. Make that cities: Minneapolis (pop. 368,400) and St. Paul (pop. 272,200). Separated by the Mississippi, the twins are hardly identical. St. Paul, the state capital and older of the two, features Victorian homes on Summit Avenue and gallery hopping on nearby Grand Avenue. Big brother Minneapolis has the glass office towers and Nicollet Mall, an eight-block downtown pedestrian strip featuring four department stores and, in mild weather, a Thursday farmers' market.

While so many other large cities struggle with fiscal woes, stable Minneapolis has a triple-A bond rating. The metropolitan area maintains a solid employment base, anchored by 15 Fortune 500 industrial companies with local headquarters, including General Mills, Honeywell and 3M. Parents and children take education seriously here, as well as in the rest of the state. According to the Department of Education, Minnesota has the third highest public high school graduation rate in the U.S.: 89.75%.

Few places in the nation offer a comparable array of arts and leisure activities. Minneapolis' major contemporary-art museum—the Walker Art Center—and the Guthrie Theater are national institutions. Four pro sports teams play here, and the University of Minnesota, one of 12 four-year colleges in the area, sometimes draws sellout crowds when its Gophers hockey team takes to the ice.

Residents rarely complain about life here. They pooh-pooh the arctic winters (the temperature can hit -20°F) and are even learning to live with last year's double-whammy state tax increases: The top income tax rate rose to 8.5% from 8%, and sales taxes crept up to 6.5% from 6%.

Even its most ardent boosters agree that North Dakota has an image problem. "Newcomers expect to see nothing but frozen tundra," says Kris Hovland-Sheridan, a local real estate agent. What they find instead in Fargo, on the state's eastern fringe, are a busy downtown, even busier malls and an awesome arch of sky overhead.

Fargo (pop. 74,000) and neighboring Moorhead, Minn. (pop. 32,000), which is part of the same metro area, form a booming regional center for health care and financial services. Thanks to some of the world's richest soil, however, companies like Roman Meal Milling and Federal Beef Processing make agribusiness the area's mainstay. A nascent economic upsurge—in 1991, housing permits shot up 39%—lifted Fargo into our top 10 this year. College students are as ubiquitous as the wheatfields: 23,000 undergrads attend five local schools, including North Dakota State University. One special attraction for urban transplants: personal safety. Fargo has the fourth lowest violent-crime rate of the areas we analyzed.

Most artistic and cultural activities are home-grown or do-it-yourself, though the new $48 million Fargo-dome will host touring concerts when it opens in January. Oh, yes, that Fargo winter, when about 35 inches of snow stack up and the mercury can dip to -30°F. "The north wind can make things chilly, so people like to take their vacations then," says Hovland-Sheridan. "But the rest of the year, there's no reason to leave."

BEST PLACES—HOW TO MAKE YOUR MOVE

Maybe you are considering moving to one of the top 10 places on our list. Or maybe even to No. 300: Waterbury, Conn. A little clever research where you live now, followed by a serious scouting trip to the new area, can help you assess whether the city would be a good fit for you and your family. Relocation professionals interviewed by Money offer these four tips:

Subscribe to the weekend edition of the city's daily newspaper so you can review the classifieds for jobs and house prices and get a sense of the community. You can get the name and phone number of the paper at your library in the monthly Standard Rate & Data newspaper directory.

Call the area's chamber of commerce and ask for help arranging your visit. Some chambers will even set up appointments for you with local business people and school officials.

Consider paying a private research firm to help you investigate a big move. For $190, Right Choice, a Derry, N.H. firm (800-872-2294), will send you a customized analysis of what you could expect to pay in the new city in such major budget categories as taxes, commuting and food, based on data you provide about your current living costs. Parents might use SchoolMatch (800-992-5323), which will send out profiles of up to 15 public and private primary or secondary school in an area, including pupil/teacher ratios and how students perform on scholarship exams. Cost: $97.50.

Take along a camcorder when you make your visit to the city. "That way, you won't have to remember everything you see," says Saralee Rosenberg, co-author of the forthcoming book 50 Fabulous Places to Raise Your Family (Career Press, $17.95).

THE TOP 300 PLACES

Last year's ranking appears in parentheses.

1. Sioux Falls, S.D. (12).
2. Columbia, Mo. (20).
3. Austin (9).
4. Minneapolis/St. Paul (63).
5. Fargo, N.D. (11).
6. San Francisco (38).
7. Honolulu (27).
8. Provo/Orem, Utah (1).
9. Gainesville, Fla. (41).
10. Madison, Wis. (8).
11. Bremerton, Wash. (2).
12. Bryan, Texas (3).
13. Galveston/Texas City (13).
14. Duluth, Minn. (21).
15. Oakland (103).
16. Houston (46).
17. Raleigh/Durham, N.C. (43).
18. Boston (96).
19. Phoenix (39).
20. Brownsville, Texas (24).
21. San Diego (52).
22. Seattle (49).
23. Waco, Texas (17).
24. Tacoma, Wash. (18).
25. Tucson (53).
26. New Orleans (23).
27. Lubbock, Texas (5).
28. Kenosha, Wis. (73).
29. Monmouth/Ocean counties, N.J. (158).
30. Fayetteville, Ark. (7).
31. Yakima, Wash. (25).
32. Lincoln, Neb. (10).
33. Springfield, Mo. (111).
34. Los Angeles/Long Beach (95).
35. Green Bay (54).
36. Laredo, Texas (29).
37. Lawton, Okla. (28).
38. McAllen, Texas (26).
39. San Antonio (69).
40. Killeen/Temple, Texas (65).
41. Tampa/St. Petersburg (113).
42. Lafayette, Ind. (14).
43. St. Cloud, Minn. (77).
44. Tallahassee (80).
45. Northwest New Jersey (190).
46. Salt Lake City/Ogden (50).
47. Spokane (32).
48. Cumberland County, N.J. (190).
49. Bradenton, Fla. (90).
50. Amarillo, Texas (22).
51. Norfolk/Virginia Beach (159).
52. Milwaukee (57).
53. Brazoria (55).
54. Topeka (79).
55. Fort Walton Beach, Fla. (135).
56. Mobile (155).
57. Central New Jersey (192).
58. Omaha (78).
59. Boise, Idaho (4).
60. Las Cruces, N.M. (35).
61. Dallas (42).
62. San Jose (154).
63. Baton Rouge (40).
64. Charlottesville, Va (124).
65. Rochester, N.Y. (122).
66. Riverside/San Bernardino, Calif. (99).
67. Las Vegas (37).
68. Wilmington (172).
69. Eau Claire, Wis. (51).
70. Fort Worth/Arlington (87).
71. Miami/Hialeah (133).
72. Panama City, Fla. (171).
73. Billings, Mont. (6).
74. Pittsburgh (137).
75. Pensacola, Fla (151).
76. Sacramento (107).
77. Dothan, Ala. (104).
78. Bellingham, Wash. (68).
79. Denver (72).
80. Monroe, La. (33).
81. Northwest Indiana (64).
82. New York City (58).
83. Ocala, Fla. (168).
84. Jacksonville (183).
85. Knoxville (157).
86. Daytona Beach, Fla. (128).
87. St. Louis (190).
88. Jacksonville, N.C. (136).
89. Orange County, Calif. (150).
90. Reno (34).
91. Lexington, Ky. (127).
92. Tuscaloosa, Ala. (75).
93. Montgomery (146).
94. Oxnard/Ventura, Calif. (152).
95. Syracuse (116).
96. Boulder (74).
97. Baltimore (114).
98. Wichita (205).
99. Clarksville, Tenn. (175).

100. Nashua, N.H. (233).
101. Washington, D.C. (125).
102. Memphis (202).
103. Santa Fe (36).
104. Fort Lauderdale (167).
105. Beaumont, Texas (101).
106. Bloomington/Normal, Ill. (48).
107. Texarkana, Texas (61).
108. Biloxi/Gulfport, Miss. (134).
109. Appleton/Oshkosh, Wis. (132).
110. Charleston, W. Va. (59).
111. Orlando (142).
112. Jackson, Miss. (178).
113. Albuquerque (76).
114. Greensboro, N.C. (234).
115. Pueblo, Colo. (30).
116. Johnson City, Tenn. (201).
117. Abilene, Texas (89).
118. Louisville (184).
119. Athens, Ga. (112).
120. Fort Collins, Colo. (19).
121. Indianapolis (117).
122. Long Island, N.Y. (97).
123. Johnstown, Pa. (106).
124. Joplin, Mo. (223).
125. Midland, Texas (94).
126. Lynchburg, Va. (231).
127. Olympia, Wash. (15).
128. Mercer County, N.J. (121).
129. Sarasota (164).
130. Cleveland (131).
131. Fayetteville, N.C. (259).
132. Portland, Ore. (60).
133. Kansas City (256).
134. Tyler, Texas (139).
135. Orange County, N.J. (123).
136. Akron (85).
137. Nashville (193).
138. Wilmington, N.C. (253).
139. Chicago (110).
140. Longview, Texas (174).
141. Oklahoma City (81).
142. Corpus Christi (162).
143. Fort Pierce, Fla. (188).
144. Santa Cruz, Calif. (177).
145. El Paso (86).
146. Boston's North Shore (237).
147. Fort Myers/Cape Coral, Fla. (206).
148. Buffalo (144).
149. Sioux City, Iowa (118).
150. Racine, Wis. (98).
151. Philadelphia (173).
152. Cincinnati (119).
153. Chattanooga (218).
154. Richmond (282).
155. Wausau, Wis. (109).
156. Lakeland, Fla. (214).
157. Santa Rosa, Calif. (145).
158. Napa Valley, Calif. (179).
159. Vancouver, Wash. (45).
160. Lawrence, Mass. (285).
161. Asheville, N.C. (232).
162. Fresno (156).
163. Muncie, Ind. (153).
164. Albany/Schenectady/Troy, N.Y. (130).
165. Salem, Ore. (44).
166. Colorado Springs (66).
167. Lafayette, La. (62).
168. Atlantic City (244).
169. Wichita Falls, Texas (148).
170. Columbia, S.C. (129).
171. State College, Pa. (105).
172. Birmingham (170).
173. Charleston, S.C. (93).
174. Atlanta (141).
175. Columbus, Ohio (120).
176. Hudson County, N.J. (278).
177. Odessa, Texas (160).
178. Brockton, Mass. (235).
179. Alexandria, La. (47).
180. Eugene/Springfield, Ore. (16).
181. Greeley, Colo. (67).
182. Bergen/Passaic counties, N.J. (242).
183. Bridgeport/Milford, Conn. (265).
184. Danville, Va. (263).
185. Roanoke (294).
186. Harrisburg, Pa. (149).
187. Detroit (224).
188. Florence, Ala. (185).
189. Huntington, W.Va. (115).
190. Little Rock (161).
191. Brevard County, Fla. (165).
192. Stamford, Conn. (83).
193. Norwalk, Conn. (216).
194. Terre Haute, Ind. (70).
195. Santa Barbara (220).
196. Shreveport, La. (197).
197. Pascagoula, Miss. (277).
198. Cedar Rapids, Iowa. (241).
199. Richland, Wash. (56).
200. Danbury, Conn. (204).
201. Columbus, Ga. (195).
202. Lake County, Ill. (138).
203. Champaign, Ill. (71).
204. Huntsville, Ala. (225).
205. Monterey, Calif. (222).
206. Lake Charles, La. (91).
207. Naples, Fla. (140).
208. Anniston, Ala. (181).
209. Charlotte, N.C. (292).
210. Providence (240).
211. Portland, Maine (271).
212. Utica/Rome, N.Y. (102).
213. Fort Smith, Ark. (126).
214. Des Moines (166).
215. Scranton/Wilkes-Barre (212).
216. Medford, Ore. (84).
217. Kalamazoo (226).
218. Janesville/Beloit, Wis. (211).
219. West Palm Beach, Fla. (251).
220. Houma/Thibodaux, La. (31).
221. Merced, Calif. (230).
222. Beaver County, Pa. (248).
223. Anchorage (82).
224. New Haven (272).
225. Ann Arbor (92).
226. Lorain/Elyria, Ohio (163).
227. Waterloo, Iowa (147).
228. Macon (169).
229. Hamilton/Middletown, Ohio (213).
230. Altoona, Pa. (207).
231. Joliet, Ill. (191).
232. Binghamton, N.Y. (196).
233. Niagara Falls (210).
234. Redding, Calif. (180).
235. Chico, Calif. (194).
236. Decatur, Ala. (254).
237. Albany, Ga. (221).
238. Southeast New Hampshire (288).
239. Wheeling, W.Va. (88).
240. Tulsa (186).
241. Fort Wayne (203).
242. Aurora/Elgin, Ill. (187).
243. Burlington, Vt. (268).
244. Tulare County, Calif. (217).
245. Augusta, Ga. (239).
246. Greenville, S.C. (249).
247. Springfield, Ill. (108).
248. Hartford (291).
249. Lowell, Mass. (280).
250. Saginaw, Mich. (284).
251. Sharon, Pa. (182).
252. Savannah (246).
253. Erie, Pa. (260).
254. Hickory, N.C. (274).
255. Springfield, Mass. (261).
256. Stockton, Calif. (245).
257. Lansing (269).
258. New London, Conn. (270).
259. Parkersburg, W.Va. (143).
260. Dayton/Springfield (266).
261. Williamsport, Pa. (229).
262. Toledo (243).
263. Worcester, Mass. (273).
264. Allentown/Bethlehem, Pa. (281).
265. Modesto, Calif. (247).
266. Elkhart/Goshen, Ind. (208).
267. Evansville, Ind. (176).
268. Steubenville, Ohio (228).
269. Grand Rapids, Mich. (255).
270. Bakersfield, Calif. (276).
271. South Bend, Ind. (189).
272. Florence, S.C. (250).
273. Flint, Mich. (262).
274. Lancaster, Pa. (215).
275. Youngstown, Ohio (198).
276. Canton, Ohio (209).
277. Reading, Pa. (283).
278. York, Pa. (258).
279. Pawtucket, R.I. (298).
280. Anderson, S.C. (238).
281. Benton Harbor, Mich. (252).
282. Jackson, Mich. (290).
283. Peoria, Ill. (200).
284. Anderson, Ind. (219).
285. Yuba City, Calif. (227).
286. New Bedford, Mass. (293).
287. Hagerstown, Md. (295).
288. Davenport, Iowa (236).
289. Battle Creek (287).
290. Fall River, Mass. (297).
291. Mansfield, Ohio (275).
292. Manchester, N.H. (296).
293. New Britain, Conn. (299).
294. Decatur, Ill. (257).
295. Glens Falls, N.Y. (279).
296. Poughkeepsie, N.Y. (286).
297. Lima, Ohio (264).
298. Muskegon, Mich. (289).
299. Rockford, Ill. (267).
300. Waterbury, Conn. (300).

FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 2532) entitled "An Act entitled the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act'", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113-114, 118, 126, 134, 136(d) and 146), and the House amendment except title IV), and modifications committed to conference: Mr. Fascell, Mr. Hamilton, Mr. Solarz, Mr. Berman, Mr. Johnston of Florida, Mr. Engel, Mr. Broomfield, Mr. Gilman, Mr. Leach, and Mr. Bereuter.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113-114, 118, 126, 134, 136(d) and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference: Mr. Fascell, Mr. Hamilton, and Mr. Broomfield.

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148-149, 157, 403, and 405 of the Senate bill, and section 702 of the House amendment, and modifications committed to conference: Mr. de la Garza, Mr. Rose, Mr. Penny, Mr. Glickman, Mr. Coleman of Missouri, and Mr. Roberts.

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference: Mr. Aspin, Mr. McCurdy, and Mr. Dickinson.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113-114, 118, 134, 136(d) and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference: Ms. Oakar, Mr. Neal of North Carolina, Mr. LaFalce, Mr. Torres, Mr. Kleczka, Mr. Kennedy, Mr. Wylie, Mr. Leach, Mr. Bereuter, and Mr. McCandless.

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference: Mr. Dingell, Mr. Sharp, Mr. Cooper, Mr. Bruce, Mr. Harris, Mr. Scheuer, Mr. Lent, Mr. Moorhead, Mr. Dannemeyer, and Mr. Oxley.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference: Mr. Dingell, Mr. Sharp, and Mr. Lent.

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference: Mr. Brooks, Mr. Mazzoli, and Mr. Fish.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference: Mr. Roe, Mr. Oberstar, and Mr. Hammerschmidt.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference: Mr. Brown of California, Mr. Boucher, and Mr. Walker.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I move that the Senate disagree to the House amendments, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will state the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to disagree to the House amendments to S. 2, the National Literacy and Strengthening Education for American Families Act:

Paul Simon, Carl Levin, Dennis DeConcini, Bill Bradley, Harris Wofford, Brock Adams, Christopher Dodd, Patrick Leahy, Wendell Ford, John F. Kerry, Jay Rockefeller, Don Riegle, Paul Wellstone, Paul Sarbanes, Dale Bumpers, Richard Bryan, Edward Kennedy, David Pryor, Wyche Fowler.

VOTE ON CLOTURE MOTION TO OCCUR AT 10 A.M., TUESDAY, SEPTEMBER 15

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on this cloture motion occur at 10 a.m., on Tuesday, September 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING AND COMMUNITY DEVELOPMENT PROGRAM REAUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 558, S. 3031, a bill to reauthorize housing and community development programs.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3031) to reauthorize housing and community development programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRANSTON. Mr. President, I am pleased to bring before the Senate legislation reauthorizing the National Affordable Housing Act. Two years ago, the Senate passed the landmark statute by a vote of 96 to 1 in a remarkable display of bipartisan cooperation and effort. Today we have an opportunity to repeat that performance and enact a housing reauthorization bill that joins the best thinking of both parties.

The legislation before us today was approved by the Senate Banking Committee on June 18. At the committee markup, I indicated my intention to continue to work with the administration to resolve their outstanding issues and concerns. Since that time, we have continued to work in a cooperative manner—not only with the administration but with other members of the Banking Committee and interested Members of the Senate as well—to craft what I believe is a solid bipartisan bill. The bill is, therefore, a marriage of different philosophies about the best ways to improve the housing conditions of millions of Americans.

The need for such cooperation has never been greater. The events in Los Angeles have brought us to a crossroads in the Nation's response to the urban crisis. Issues that have been shunted aside for years—urban poverty, pervasive discrimination, lack of affordable housing, the future of innercity youth—have now moved to the front burner of the domestic agenda.

Report after report demonstrates that the Nation's affordable housing crisis, despite the efforts of tens of thousands of committed individuals across the Nation, continues to worsen. Even conservative observers estimate that over 1 million persons are homeless at some point during the year.

The persistent lack of a decent and affordable rental housing supply has also placed many low-income families on the brink of homelessness. And the failure of incomes to keep pace with housing costs over the past two decades has put home ownership beyond the reach of many young, middle-class families. Despite depressed home purchase prices in some markets and low interest rates, the gap between income and price remains difficult to bridge.

As chairman of the Subcommittee on Housing, I began work on this reauthorization bill early this year. In January, Senator D'AMATO, the ranking member of the subcommittee, and I invited a wide variety of housing organizations to submit recommendations for the reauthorization of the National Affordable Housing Act of 1990. The response was overwhelming and many of the recommendations are reflected in this housing reauthorization bill.

The subcommittee also held a number of hearings which focused on a range of topics relevant to the legislation including lead-based paint, multifamily finance, distressed public housing, and housing need.

In addition, the subcommittee held a series of staff symposia designed to explore and discuss specific issues in more detail. These included the HOME Investment Partnerships Program, the Community Development Block Grant [CDBG] Program, the mixing of elderly and disabled populations, the preservation of older housing stock, rural housing, and local housing planning.

Over the course of this year, the subcommittee has built a careful record on what needs to be done in housing and what a reauthorization bill should contain. The bill before the Senate today both builds upon existing efforts and establishes new initiatives to address the Nation's affordable housing problem.

First, the bill would provide additional supports for community-based housing efforts—efforts that enable local communities to identify their housing needs and create programs and strategies to meet those needs. Across the Nation, tenants, advocates, nonprofits, and others have begun implementing the HOME Program—the primary vehicle for community-based housing efforts. In response to virtually hundreds of comments from these people in the trenches, the bill would expand funding for the HOME Program and ease the regulatory restrictions that have inhibited local flexibility such as new construction limitations and matching requirements. The HOME Program is also an important Federal tool for community development and it would be revised to enable States and localities to carry out economic development activities with less regulatory interference.

Second, the bill would use housing development to empower low-income youth, the so-called hardcore unemployed. Most importantly, the bill would establish the YouthBuild Program to help nonprofits train, educate, and employ low-income youth in the construction and rehabilitation of affordable housing. The YouthBuild Program would help replace throughout the Nation exciting and innovative partnerships that, as the New York Times recently reported, are "gaining recognition as a wellspring of human reclamation."

Third, the bill would strengthen fair housing enforcement. Despite passage of fair housing and fair lending laws, recent reports—including the release of Home Mortgage Disclosure Act information last October—show alarming evidence of discrimination in both the rental and mortgage markets. The reauthorization would expand and revise the Fair Housing Initiatives Program, the primary support for private fair housing enforcement efforts around the Nation. It would also increase funding for Federal efforts to weed out discriminatory behavior in the marketplace and to expand the housing options of minorities.

Fourth, the bill would significantly expand Federal efforts to prevent childhood lead poisoning—the No. 1 environmental health problem facing American children today. Despite two decades of congressional mandates, the Federal Government still lacks a comprehensive, coherent, and cost-effective strategy to reduce the hazards of lead-based paint. Yet, lead poisoning is the most serious environmental health problem facing America's children today.

The subcommittee held several hearings and heard some very compelling testimony on the problems associated with lead-based paint.

I believe, however, that we are a watershed in the national response to childhood lead poisoning.

The lead provisions included in this bill would take significant steps in the prevention of childhood lead poisoning by expanding the Federal Government's commitment to the assessment and reduction of lead paint hazards in private, public, and assisted housing. It would put an end to the indecisiveness that has characterized Federal action and get the Nation moving quickly on the most dangerous lead-based paint hazards. The bill would promote sensible solutions to reduce lead hazards in private and assisted housing and would inform parents and others on easy preventive steps that can be taken.

Fifth, the bill would help expand and preserve the supply of affordable rental housing by giving FHA the ability to tap the resources and expertise of State housing finance agencies.

The shutdown of FHA multifamily activity has placed a tremendous strain on the multifamily housing finance system. Since the FHA was created, one of its primary missions has been to provide insurance for low-cost multifamily housing. Despite the mission, and despite the need, HUD effectively is no longer in the multifamily mortgage insurance business. FHA's percentage of insured multifamily mortgages dropped from 35 percent in 1982 to just under 7 percent in 1990. Reports indicate that FHA's current processing capacity is minimal at best. I am continually dismayed that such a vital mission could be so callously disregarded.

To function most effectively, programs like the HOME Program need a vibrant and viable housing finance industry. The multifamily finance demonstration included in this bill was carefully crafted and was recommended by a wide coalition of experts from GAO to a private sector task force on multifamily finance. It will help test new forms of credit enhancement with minimal risk to the Federal Government. The demonstration would expand and preserve the supply of affordable rental housing—the primary source of affordable housing for low-income families—by enabling FHA to tap the resources and expertise of State housing finance agencies, Federal Government sponsored enterprises and other market participants.

Finally, the bill contains many of the initiatives proposed by HUD Secretary Jack Kemp. Most significantly, the bill would fund the HOPE Program at $895 million, $540 million over last year's appropriations. In addition, the bill would incorporate, in whole or in part, other key administration proposals that are designed to help families with children move out of areas with high concentrations of persons living in poverty; to permit recipients of vouchers to use their rental assistance toward mortgage payments; to provide small residential facilities for seriously mentally ill homeless persons; and to enhance owner accountability and increase resident involvement in the preservation of troubled multifamily housing.

Mr. President, I would like to take a moment to thank the chairman of the Banking Committee for his efforts and diligence in helping to bring this measure to the floor for consideration today. I would also like to commend the efforts of Senators D'AMATO and BOND. Senator D'AMATO and I have worked together for many years and I would like to thank him for his service in his capacity as ranking member of the Housing Subcommittee.

Senator BOND has done yeoman's work on this reauthorization bill—often going that extra mile and taking on some very difficult issues in the process. The result of his efforts are reflected in the reauthorization bill and represent sound and constructive housing policies.

I believe that we have before us a very good reauthorization bill. More importantly, it represents a legislative product—which, if enacted, funded, and fully implemented—could provide a direct response to the dire economic and social conditions existing in many of our inner cities, our suburbs, and our rural areas.

Mr. President, our mission is clear and our options straightforward—if we are to make a difference in the urban housing crisis, we must implement solutions that go directly to the heart of the matter. That task begins today.

I urge my colleagues to support this reauthorization.

Mr. RIEGLE. Mr. President, I rise to express my strong support for S. 3031—the National Affordable Housing Act Amendments of 1992. This legislation, like the 1990 Housing Act, is the product of a bipartisan partnership to reestablish housing as a priority on our national agenda. Since the committee marked up the bill in June, we have worked with Members on both sides of the aisle and the administration to produce a package that builds and expands on the foundation set 2 years ago.

I wish to recognize the leadership of Senators CRANSTON and D'AMATO in identifying gaps in our housing finance system and developing an effective strategy to address those gaps. I would like to recognize Senator BOND for his pivotal role in negotiating agreements on many difficult issues. I commend the leadership of many of my colleagues in developing initiatives that address the problems facing our urban and rural communities. Finally, I wish to recognize the commitment of Secretary Kemp in working with us to develop a package that successfully marries different philosophies and ensures that all Americans have access to decent and affordable housing.

This bill is comprised of three major parts. First, it reauthorizes and refines the programs of the National Affordable Housing Act. Second, it incorporates a series of new initiatives proposed by Senate Members. And lastly, it incorporates a series of new initiatives proposed by Secretary Kemp and the administration.

The bill will reauthorize existing housing and community development programs at $22.7 billion in fiscal 1993 and $23.4 billion in fiscal 1994—an increase of $5.9 billion over current baseline levels over the next 2 years. The bill will renew our commitment to our cities by reauthorizing the HOME Investment Partnership and the Community Development Block Grant [CDBG] programs. HOME, which was the cornerstone of the 1990 act and provides a flexible source of financing for affordable housing, will be authorized at $2.1 billion. CDBG, which has been the most effective Federal mechanism for revitalizing our communities for the past two decades, will be authorized at $3.9 billion—an increase of $500 million. Other programs to be reauthorized include public housing, elderly and disabled housing, homeless programs, rural housing, and rental assistance.

The committee held several hearings this year on the state of urban America. Witness after witness testified that lack of economic opportunity is at the heart of our urban problems. Yet, over the last 12 years, the Federal Government retreated from its role in reviving distressed cities and building new ladders of opportunity for low income people. S. 3031 includes several key community development initiatives that put us back on track and form the building blocks of a comprehensive urban strategy:

The bill creates a new $40 million Youthbuild Program which will provide grants to community-based groups to educate and train disadvantaged high school dropouts through construction and rehabilitation of low-income housing. The program's unique, comprehensive approach links job training, education, and leadership development and targets them to the population most at risk in our inner cities—poor undereducated kids between 16 and 24 years old.

The CDBG Program is refined to give States and local governments flexibility in creating and retaining jobs and pursuing other economic development strategies.

The bill includes a revamped low income employment initiative. Existing law requires that, to the greatest extent feasible, jobs and other economic opportunities created by Federal housing and community development assistance be directed to low-income people. An estimated 120,000 jobs a year are created through these programs. The housing bill would update existing law and increase enforceability.

The Community Outreach Partnership is a new initiative designed to build bridges between neighborhoods and institutions of higher education, channel expertise on community problems, and develop new models for urban problem-solving. The $15 million program will provide research and outreach grants to institutions of higher education to assist communities in solving local problems.

Access to capital is one of the greatest impediments to the revitalization of distressed areas. The bill will assist in the creation of new Community Investment Corp. [CIC's]. CIC's are financial institutions whose primary mission is to revitalize their communities by investing in them. Currently, there are four such institutions in the Nation that have proven to be innovative mechanisms for bringing private capital into low-income communities.

The need for new revitalization tools is acute. My home State of Michigan—like other States and their cities—has experienced significant economic decline over the last three decades. The creation of new economic opportunities in distressed areas and among low-income people are, I believe, one of the most important aspects of this bill.

We have a very solid legislative package before us today. S. 3031 provides some of the tools needed by our cities to combat the dire economic and social conditions that threaten the stability of our society. We must make a commitment to the future of our Nation by reestablishing the priority of our cities. This package helps to put us on the right track to accomplish this goal.

I strongly urge my colleagues to join me in supporting this reauthorization.

Mr. DODD. Mr. President, I rise today in strong support of National Affordable Housing Act Amendments of 1992.

First, I would like to compliment Senators CRANSTON and D'AMATO, the chairman and ranking member of the Housing Subcommittee, for their leadership on Housing issues. I also commend the chairman and the ranking member of the Full Banking Committee, Senators RIEGLE, and GARN, for their hard work in bringing this bill before the full Senate.

Mr. President, in early May, the Rodney King verdict and the subsequent violence brought America face-to-face once more with the plight of our Nation's cities. The bill before us today is not the panacea for those problems, but it is an important element of the broader effort we need to prevent that grim history from repeating itself.

Make no mistake about it. Low-income Americans in cities and across the country are increasingly squeezed by high housing costs. In 1989, fully three-quarters of all families below the poverty line paid 50 percent or more of their income in rent. It is next to impossible for any family to make it in America with such a strain on their budget.

This bill gets at the problem by bolstering the Federal effort to form partnerships with State and local governments and private groups to address it. First, this bill renews the Home Program, which we created in 1990 by consolidating several rigid categorical programs into a more flexible block grant approach. Home requires cities and states to identify their housing needs, and then channels Federal money to them to be used in ways that they—not Washington—think best.

Second, it seeks to expand the supply of rental housing by getting the Federal Government back in the business of insuring multifamily mortgages. In the past few years, the Department of Housing and Urban Development has let that effort decline, which is unacceptable. The approach incorporated in the bill would harness the expertise and the knowledge of local housing markets that States have developed, and would begin to make up some of the lost ground in this area.

Mr. President, I also support initiatives to be incorporated into the bill that will give tenants of public housing projects more say in the management of their buildings. Enabling residents to better control the environment in which they live is essential, in my view, if public housing is to remain a safe and decent place in which to live. The administration deserves credit for working to develop these new approaches.

The bill also takes important action against lead-based paint, which is a very real and serious health threat, particularly for children living in poverty. More than 3 million children have unsafe levels of lead in their bloodstream, which can cause learning disabilities, lower IQ's, hyperactivity, and antisocial behavior. Measures included in the bill to boost lead testing and abatement programs are an important step forward in addressing this serious problem.

I would also point out that the bill includes a provision relating to a particular concern of mine—the impact of Federal mandates in cities. One of the reasons so many of our cities are in such dire fiscal condition is that in many ways, during the 1980's the Federal Government served up a full course meal of Federal mandates to cities, and then stuck them with the tab. My measure expresses the sense of the Senate that if we impose mandates on States and cities, we ought to find a way to pay for them.

Mr. President, we must also address other aspects of our affordable housing crunch this year—though I recognize that some of these areas go beyond the scope of this bill, because they deal with the Tax Code. We need to find ways to make home ownership affordable for example, because it is fast slipping beyond the horizon for far too many Americans.

I believe a tax credit for first-time homebuyers would be a good start. I am pleased that the Senate adopted such a credit earlier today, and I would hope we can move forward in short order to approve the urban aid bill to which it is attached.

Mr. President, in sum, to address the problems of cities, we need action on a range of fronts. We need to expand the availability of jobs through enterprise zones and other means, and we need to improve education and training through expansion of Head Start and job training efforts. We need to reform our system of health care. But we cannot separate out the need to ensure that all Americans have a decent place to live from the rest of these issues. They are inextricably linked. This housing bill will help us to better address our Nation's housing needs, and I urge my colleagues to join with me in supporting it.

Mr. SARBANES. Mr. President, I rise in support of S. 3031, the National Affordable Housing Act Amendments of 1992. Over 2 years ago we enacted landmark new housing legislation—the Cranston-Gonzalez National Affordable Housing Act. That bill marked a new beginning by reactivating the Federal commitment to the task of providing affordable housing. It extended a number of important Federal programs that have helped in the past and also authorized the new HOME Program that is really a partnership with State and local governments, nonprofit groups, and others who are best suited to develop housing solutions in each area of our country. The HOME Investment Partnership is a well-thought-out approach originally recommended by a task force of the leading housing experts in our country and chaired by pioneering developer Jim Rouse.

The 1990 Housing Act was only a 2-year authorization, and we now need to pass the bill before us today to reauthorize and revise programs included in the 1990 act so that States and localities in partnership with the private sector can expand the supply of affordable housing and carry out community development activities.

One thing that became clear from the hearings held by the Banking Committee this past spring as this bill was being developed is that there continues to be a great need for affordable housing throughout the country. Over the past decade, as the number of low-income renters has grown, the supply of affordable rental housing has continued to decline. Currently, over 5 million very low-income households are paying over 50 percent of their income for rent. Another 3 million low-income households experience serious housing problems such as overcrowding, substandard conditions, or rent burdens in excess of 30 percent of income. On top of this, over 1 million families are on waiting lists for public housing; and hundreds of thousands of people are homeless.

As we did in 1990, we have included in this legislation a number of proposals submitted by the administration, many of which attempt to increase home ownership opportunities for lower income families. Just as in 1990, when we included the administration's untested HOPE initiative as part of the National Affordable Housing Act, I am willing to include some of the administration's proposals as part of an overall approach to the affordable housing crisis. Increased home ownership is certainly a goal we all share; but it is only a partial solution, as the numbers I mentioned indicate. I remain concerned that the proposed sell-off of scarce affordable rental units in public housing may benefit only a limited number of families and weaken our ability to address the larger need for affordable rental housing.

This legislation does much more than extend and refine the important provisions enacted 2 years ago. S. 3031 also contains a number of proposals recommended by Senators and the administration; and I am pleased to note that we were able to expand the Federal Government commitment to the reduction of childhood lead paint poisoning. This provision is based on legislation introduced by Senator CRANSTON. It represents an important step in the ongoing effort to identify the risk of lead paint exposure in housing and correcting lead paint hazards. It would target resources where they are needed most by increasing awareness of families at risk and by beginning to build an effective private sector capability and local government support for lead paint hazard reduction efforts.

I am pleased that we have been able to pass this housing legislation, and I want to commend Banking Committee Chairman RIEGLE and Housing Subcommittee Chairman CRANSTON for their efforts to work out the many complicated issues that have been resolved. Committee staff members spent long hours and many weeks developing and refining this important legislation, and we thank them for their efforts.

Mr. GRAHAM. Mr. President, I am pleased to have the opportunity to discuss an important, complex, and sensitive issue which is the subject of the Graham-Bryan sense-of-the-Senate resolution included in the managers' amendment to the National Affordable Housing Act amendments bill. Joining us as cosponsors are Senators SASSER, BOND, and DECONCINI. The resolution urges clarification and expansion of Federal housing law to provide elderly persons with the option to live in age-distinct public and assisted housing. Crucial to the proposal is the recognition that alternative housing resources should be made available to the nonelderly disabled who may have sought access to elderly housing.

The resolution reflects the broad outlines of a compromise proposal that we intend to be the basis for an agreement between the House and Senate conferees. Intense discussions with advocates for both the elderly and disabled communities have helped shape the position we have taken.

Currently, nonelderly disabled persons and the elderly are being housed together in public and assisted housing at a growing rate. In fact, some housing developments report that up to half of the applicants for elderly housing are nonelderly disabled persons, some with severe mental and physical disabilities. Housing senior, sometimes frail, persons with younger disabled persons can in some cases create a threatening and untenable environment for the elderly.

The policy of mixing populations has inadvertently forced two of our poorest and most under-housed groups to compete against each other for scarce housing resources. Our resolution makes a series of recommendations to address this problem. First, it states that public and assisted housing owners and managers may designate buildings or portions of buildings as age-distinct. This proposal is made with the understanding that adequate housing options for persons with disabilities are severely limited; therefore the resolution recommends that a range of adequate alternative housing resources should be made available to non-elderly persons with disabilities. Finally, the resolution recommends that more Federal housing resources and management tools be made available to housing managers who choose to operate mixed housing.

We intend to work with the House conferees to ensure that both groups are adequately represented in any changes to current law.

I thank the chairman and ranking member of the Housing Subcommittee, as well as those Senators that have made a fair resolution of this difficult issue a priority.

Mr. D'AMATO. Mr. President, I am pleased to support S. 3031 and the accompanying managers' amendment today. Two years have passed since the Congress enacted the National Affordable Housing Act, which established many important new housing programs and policies, such as the HOME Investment Partnerships program and the Homeownership and Opportunity for People Everywhere [HOPE] Program. During those 2 years, the Housing Subcommittee has analyzed the programs established by the National Affordable Housing Act [NAHA] and reviewed comprehensive comments on national housing policy submitted to us by interested parties.

The result of this review and analysis is this bill, which combines a number of technical improvements to current housing programs with a set of new initiatives from the administration and various Senators to form a balanced and responsible legislative package. This bill consolidates the achievements of the National Affordable Housing Act of 1990 and corrects deficiencies that we have noted while HUD has implemented that legislation. In general, this reauthorization package will help us meet the housing needs of all Americans and will help strengthen our economy by promoting affordable housing programs and encouraging real estate activity.

This bill authorizes the Government to spend $61 billion over the next 2 years to support a variety of important programs to meet the housing needs of our citizens. S. 3031 provides $3.9 billion for the Community Development Block Grants [CDBG] Program, $2.1 billion for the HOME Investment Partnerships Program, $100 million for the AIDS Housing Opportunities Program, $1.7 billion in new section 8 certificates and vouchers, and $3 billion for public housing modernization for fiscal year 1993.

The bill also provides funds for new programs, such as $50 million for the Enterprise Zone Homeownership Opportunity Grants Program and $10 million for the National Cities in Schools Community Development Program. I am pleased to have been able to include these two initiatives in the bill during committee markup. The bill also includes $40 million for the YouthBuild Program, which I cosponsored.

This bill also includes administration initiatives to improve public housing management, promote homeownership through vouchers, improve HUD's multifamily housing management program, create safe havens for mentally ill homeless persons, and promote upward mobility through the Moving to Opportunity Program.

This bill is necessary to make sure that HUD's housing programs operate more effectively. Specifically, the bill includes provisions that allow the HOME Program and other HUD programs to operate better, while maintaining the basic structure that we agreed to in the 1990 National Affordable Housing Act.

The manager's amendment includes additional technical corrections proposed by the administration, provisions to implement a set of agreements reached by the Banking Committee and Secretary Kemp that have made it possible to proceed with administration support, and various legislative items included at the request of particular Senators. I ask unanimous consent that the statement of administration policy and a copy of a letter from HUD Secretary Kemp to Banking Committee Chairman RIEGLE and ranking minority member GARN be printed at the end of the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. D'AMATO. Mr. President, before closing, I congratulate Housing Subcommittee Chairman ALAN CRANSTON for his successful leadership in producing this housing bill. His cooperation and determination have made passage of this bill possible. I expect that this legislation will be the last housing bill that he will shepherd through our intricate and difficult legislative process and I salute him for his efforts while I express by regret that we will not continue this partnership on the subcommittee next year.

I also thank and congratulate HUD Secretary Jack Kemp for making this bill possible and continuing to negotiate and hammer out acceptable compromises despite many moments when it appeared that this housing bill was not consistent with administration priorities. In this legislation, Secretary Kemp has demonstrated again his well-known stamina and dynamism in promoting innovative new ideas and providing leadership on housing issues.

I also recognize and thank the following staff who have worked diligently to make passage of this bill possible. On the Democratic side, Banking Committee staff director Steve Harris, subcommittee staff director Bruce Katz and the entire subcommittee staff, Eileen Gallagher, Cheryl Fox, Nancy Smith, Chandra Williams, and Kris Warren have all done tremendous jobs. Members of my staff, Pam Ray Strunk, Fallie Bolen, and Garth Rieman have done a great job preparing this legislation for Senate action.

Other Banking Committee staff, including Kris Siglin from Senator BOND's staff, Jeannine Jacokes from Senator RIEGLE's staff, and Fred Milhiser from Senator SARBANES' staff, have contributed significantly to this bill. From the administration, I would like to salute Rusty Paul, John Weicher, and John Gauthier, all of whom contributed significantly to the final product we have before us today.

Finally, Mr. President, I would like to add that we still have a long way to go to enact final housing legislation this year. As soon as possible, we will begin to work with the House to develop final legislation that we can support and that the administration will sign. No one should think that this will be an easy task. There are many difficult issues to resolve, but I hope we can reach agreement and get a bill signed into law.

EXHIBIT 1

STATEMENT OF ADMINISTRATION POLICY

S. 3031—NATIONAL AFFORDABLE HOUSING ACT AMENDMENTS OF 1992

The Administration remains committed to working with Congress to build on the new directions in housing policy established by the National Affordable Housing Act of 1990 (NAHA). To that end, the Administration entered into discussions with the leadership of the Senate Banking, Housing, and Urban Affairs Committee to address concerns with S. 3031, as reported.

The Administration is pleased that progress has been made toward resolving its concerns. The Administration supports Senate passage of S. 3031, provided the bill is amended to reflect the agreement reached between the Administration and the Committee leadership. It is understood that the agreement would be the unanimous position of the Senate during a conference with the House.

If the Senate were to consider S. 3031 as reported by the Committee on July 23rd, the Administration would continue to have serious concerns with the bill. These concerns are outlined in the attachment to this Statement of Administration Policy.

ADMINISTRATION CONCERNS WITH S. 3031, AS REPORTED

As reported, S. 3031 moves away from the bipartisan compromises that led to the enactment of NAHA. In particular, the bill would make the HOME Investments partnerships program a less effective tool for meeting the Nation's affordable housing needs. S. 3031 also would revive the costly multifamily coinsurance program and reverse or weaken accomplishments of NAHA and the HUD Reform Act. Finally, the bill would fail to include a number of key Administration initiatives.

The HOME program was established to create a truly national partnership that would address local housing needs and conditions. S. 3031 would weaken the HOME program by:

Substituting the graduated match in current law with a flat 25 percent match for all forms of HOME assistance. This provision would remove the financial incentive for localities to pursue tenant-based assistance, which can serve more families much faster than project-based assistance or new construction.

Allowing tax exempt bond proceeds to count for up to 25 percent of the reduced matching requirement. Because bond proceeds are paid back from tenant rents or higher Federal HOME subsidies, this provision would make the program less of a partnership between the Federal, State, and local governments.

Easing the restrictions in current law on the use of HOME funds for new construction. The bill would allow new construction in any rural area or any neighborhood designated by a city as a "revitalization area." New construction is one of the most costly forms of housing assistance and makes families wait three to five years before they can move in to the new units.

S. 3031 would weaken the HUD Reform Act by allowing subsidy layering decisions to rest with State housing finance agencies rather than the Department of Housing and Urban Development (HUD). Enactment of this provision would open the door for housing fraud and abuse at taxpayer expense. The bill would further remove safeguards against fraud by exempting State and local housing officials from the lobbying disclosure requirements of the HUD Reform Act.

The bill would establish a costly multifamily housing finance demonstration. The demonstration would recreate the risky and abuse-plagued coinsurance program that was terminated because it cost taxpayers billions of dollars. Since HUD already administers acceptable and less costly multifamily housing finance programs, it would be counterproductive to revive the failed coinsurance program.

The bill also would expand the appeals process of the Farmers Home Administration (FmHA) to include multifamily tenants. Tenants now have grievance procedures available to them through State law and the management of the multifamily project. The existing FmHA appeals process is designed to deal with relations between FmHA and its borrowers or applicants. Opening the appeals process would result in costly administrative burdens. There is no need to involve the Federal Government in landlord-tenant disputes of this nature.

Finally, S. 3031 would fail to include key Administration initiatives that would: (1) restore vacant public housing to productive use; (2) break down regulatory barriers to affordable housing; (3) consolidate the Shelter Plus Care programs; and (4) make housing programs more cost-effective.

PAY-AS-YOU-GO SCORING

The lead-based paint provisions of S. 3031 would increase direct spending; therefore, the bill is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). No offsets to the direct spending increases are provided in the bill. A budget point of order applies in both the House and Senate against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the Senate waives any such point of order that applies against S. 3031, enactment of this legislation would be included in a look back pay-as-you-go sequester report at the end of the Congressional session.

OMB's preliminary scoring estimates for this bill are presented in the table below. Final scoring of this legislation may deviate from this estimate. If S. 3031 were enacted, final OMB scoring estimates would be published five days after enactment as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to Congress.

Estimates for pay-as-you-go

[In millions of dollars]

Outlays:	
1993	0
1994	0
1995	12–24
1996	16–35
1997	14–31
1993–1997	42–90

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, August 7, 1992.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC

Hon. JAKE GARN,
Ranking Minority Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR DON AND JAKE: Based on the negotiations which were concluded this afternoon, the Administration has no problems with the Senate version of the Housing bill proceeding to the floor for action. A lot of very hard work, particularly by the staff, has produced a bill I can recommend the President sign.

As we discussed in our phone conversation earlier this evening, this agreement represents the sum total of a bill acceptable to the Administration. As you agreed, the agreement which we reached through this negotiating process, will be the unanimous position of the Senate during any conference with the House on a housing bill this year.

I want to thank you for your perseverance in hammering out a bi-partisan bill that makes useful refinements in Federal housing policy.

Very sincerely yours,
JACK KEMP.

Mr. JEFFORDS. Mr. President, as we all know, you cannot do much to alleviate the housing problems of this country if you cannot get a loan to build. Unfortunately, in our efforts to put tighter controls on the banking industry, we run the risk of undermining our efforts to provide additional housing.

One such example of this tension is section 304 of the Federal Deposit Insurance Corporation Improvement Act of 1991, enacted last December. That provision require the banking agencies to prescribe uniform real estate lending regulations. They have now done so, proposing regulations that would establish uniform loan to value ratios that will become effective in September.

I have heard from a number of constituents who believe that the proposed regulations will bring lending activity in my State to a halt. While I do not claim to be an expert on this issue, these claims strike me as both credible and worth further review.

I suspect this may be a problem to some degree in all States, but it may be particularly acute in my State. Vermont, fortunately, has a fairly stringent environmental review process for development activity, be it condos at a ski area or low-income housing. Some have argued this process saved our State from the speculative real estate activity experienced in some other States over the past few years. But I don't think there is any argument that it adds costs, time and some risk to a project.

In Vermont at least, I just am not sure that builders are liquid enough to tie up half the cost of raw land in cash while waiting the several months or even years it takes to clear the various State and Federal regulatory hurdles.

I do not pretend to know what the answer to these questions might be, but I do think this issue deserves closer scrutiny than it has received to date. I do not fault the banking agencies, as they are trying to comply with their statutory mandate. But I do think it behooves Congress to take a closer look at this issue and its potential impact on the banking and housing industries. To that end, I think the comment period and effective date of these proposed regulations should be pushed back for a short period, and I wonder what my colleagues might think of this idea.

Mr. CRANSTON. The Senator from Vermont makes a good point. While I have not studied this issue closely, I can understand how too strict loan to value ratios might serve to restrict new housing construction. While I do not think it is possible to act on this issue tonight, I pledge to work with the Senator in the weeks to come in an effort to secure a fair resolution of this issue in the conference on the pending housing legislation.

Mr. BOND. I want to concur with the statement by the chairman of the Housing Subcommittee, Senator CRANSTON. This is a serious issue that we need to resolve in the context of the housing bill. I appreciate its being raised and think it is important that our banking and housing policies are coordinated in this area.

Mr. SIMON. My colleague, Senator WELLSTONE, and I would like to engage in a colloquy with the chairman of the Housing Subcommittee, Senator CRANSTON.

I understand the House has passed a measure to address the mixed housing issue in public and federally assisted housing for the elderly and disabled. This provision causes me great concern since it permits people with disabilities to be excluded from existing housing without assurances that other housing will be available to them.

I understand that the manager's amendment to the Senate housing reauthorization bill includes a sense-of-the-Senate resolution which addresses the mixed housing issue. Although it is clear that the Senate resolution supports replacing all units lost to the disabled, how this would be accomplished appears vague.

When considering the details of the mixed housing provision in conference, specific assurances to the disability community should be included. These include the assurance that age-distinct housing decisions will be made only in response to specific problems with mixed populations and where there is evidence that good-faith efforts have been made to resolve those problems and those efforts have failed.

Mr. WELLSTONE. As a result of this, it should be clear that where appropriate, mixed population housing should continue to be encouraged. We need to recognize that problems do not arise wherever elderly people and people with disabilities live together, but only in some of those situations. I want to stress that we are addressing problems that have arisen due to the actions of some individuals rather than a whole category of the population of mixed housing projects. In Minnesota, as well as in other States, the elderly are certainly not alone in their feelings of insecurity in some public housing projects. I have heard from people with disabilities in my State who live in mixed highrises and who are also afraid to walk in the hallways of their buildings. Through incentives for integration, such as on-site management, enhanced security arrangements, and clarification of the eviction process, we should be able to improve tenant satisfaction and safety in mixed housing and the quality of life of elderly and nonelderly disabled individuals.

Mr. SIMON. I agree. In addition, it will be important for HUD to review a public housing authority's allocation plan, to ensure that appropriate efforts were made to maintain integrated housing, including efforts to establish cooperative agreements with local health, mental health, and service providers. HUD must also retain oversight to ensure that disabled individuals continue to have at least the same number and quality of housing options regardless of age-distinct housing decisions.

Mr. WELLSTONE. That is another very important point. An assurance to the disability community should be included that a sufficient amount of alternative housing will be available for disabled individuals at the time age-distinct housing is made available. Promises of housing in the future will not be sufficient.

Mr. SIMON. It will be important for PHA's that choose to designate elderly housing to guarantee housing options to those who are excluded. The housing options for disabled individuals should be as varied as possible and should not include segregated, disabled-only housing. In addition, a grievance process should be put in place for those individuals who may be harmed by age-distinct housing decisions.

Under no circumstances should age-distinct housing result in the displacement of persons with disabilities from their homes or from waiting lists. To the extent that it is possible, this may entail new resources for persons with disabilities, including an expansion of the section 811 program and the creation of a housing voucher program for persons with disabilities. In any event, individuals with disabilities should continue to be eligible for the section 8 rental certificate and voucher programs.

Mr. CRANSTON. I assure my colleagues that I share their concerns about the House mixing-of-populations provisions. During the conference, I will make every effort to ensure that their views are represented and to seek out their continuing advice as this matter is addressed.

HOME MATCH REQUIREMENTS

Mr. GRAHAM. Mr. President, I would like to engage the chairman of the Senate Housing Subcommittee, Senator CRANSTON, in a brief colloquy about the issue of a uniform match for the HOME Program.

Mr. CRANSTON. I would be pleased to.

Mr. GRAHAM. As the chairman knows, one of the HOME Program's goals is to mobilize and strengthen the abilities of States and units of general local governments to provide safe, decent, and affordable housing. In my opinion, the uniform HOME match which was in the committee's reported bill and which passed in the House of Representative's housing bill was a significant step toward fully realizing that goal. The tiered match favored by the administration impedes the very units of governments we are supposedly empowering.

I am aware of the administration's strong opposition to the uniform match. The compromise fashioned in order to satisfy the administration is a lower, but still tiered, match that is biased against growth States and rural areas. I strongly disagree with this compromise, and am concerned that many States' adamant and urgent need for a uniform match will not be adequately presented and defended at the conference on this bill.

Mr. CRANSTON. I am aware of the Senator's opposition to this compromise. I will do my best to present, on his behalf and other Senators', the arguments in favor of a uniform match at the Senate-House conference on the housing reauthorization bill.

Mr. GRAHAM. I thank the chairman. I know that he and Senator D'AMATO have worked hard to craft a bill that the administration could also support. However, the State of Florida's ability to maximize the resources the HOME Program makes available is seriously compromised by the tiered match's bias against new home construction. If Secretary Kemp wants to help empower communities, local governments, and States I suggest he begin by giving these entities the discretion to allocate their resources according to their needs.

Mr. SANFORD. Mr. President, I would like to engage in a colloquy with my friend, the distinguished chairman of the Housing Subcommittee, Mr. CRANSTON.

As the chairman knows, I am a strong supporter of this housing bill and have worked in particular on the provisions in the bill addressing problems with adequate housing in rural areas. I believe we must pass legislation to improve the ability of the Federal Government, in partnership with local and State governments, the private sector, and nonprofit groups, to address the many housing problems facing our Nation.

In addition, I have been concerned with a number of provisions that I believe must be passed if we are to ensure that our banks and thrifts will be competitive and will be able to meet the need for housing finance.

A number of provisions have been passed in recent years which I believe have placed an undue burden on our banks and thrifts or which were simply not well thought out. I believe we must take action on these provisions this year. A number of these provisions have passed the Senate on one or more occasions, but have not made it to conference with the House.

The provisions I am referring to include:

First, appraisals—a confirmation of the regulators' right to set de minimus levels for which appraisals by certified or licensed appraisers would not be necessary.

Second, real estate subsidiaries held by thrifts—provisions which provide a limited stretching out of the timeframe under which thrifts must either sell or hold 100 percent capital against the value of these subsidiaries.

Third, loans to insiders—provisions which exempt from aggregate loan limits loans which are secured by Treasury bills, federally guaranteed bonds, or other obligations fully guaranteed by the United States.

Fourth, executive compensations—precluding bank regulators from setting specific levels or ranges of compensation for bank executives.

Fifth, RESPA—exempts lenders from providing estimates of settlement costs if mortgage loans are denied within 3 days of the date of the application.

Sixth, truth in savings—exempts on premise signs from the advertisement disclosure requirements of the Truth in Savings Act.

Seventh, adjustable rate mortgage caps—clarifies that the requirement that creditors limit the maximum interest rate on adjustable rate mortgage loans only applies to consumer loans and not to commercial loans.

Eighth, truth in lending—providing an exemption from some of the disclosure requirements for large sophisticated borrowers.

Mr. CRANSTON. I agree with the Senator from North Carolina that these provisions place an undue burden on banks and thrifts and could be constricting the amount of credit available in the economy. I also agree with the Senator that these provisions should be enacted this year.

Mr. WALLOP. I would like to note that I am particularly concerned about the provision regarding aggregate limits on insider lender. Both Senator SIMPSON and I have worked to have this provision adopted when the Senate considered the Government sponsored enterprise legislation and I think it is critical that we pass this amendment this year.

Mr. MACK. Mr. President, as my colleagues know, I have been leading the fight to address many of these issues, as I believe that have placed an excessive burden on our banks and thrifts. I too believe we must enact these provisions this year.

Mr. CRANSTON. I would like to pledge to my colleagues from North Carolina and Wyoming that I will do everything I can as a conferee on both the housing bill and the Government sponsored enterprise bill to ensure that these eight provisions are included in one or the other of the two conference reports on these two items. We will work to have these items included.

Mr. BOND. I too hope to be a conferee on these two bills and I also share the concerns of the Senator from North Carolina and others. I will fight to make sure that one of the two conference reports contains these eight provisions.

Mr. RIEGLE. As chairman of the Banking, Housing, and Urban Affairs Committee, I believe that these provisions as passed by the Senate in previous bills reported out of the committee this session should be considered in the conference on the housing and GSE bills and enacted this year, if possible.

ELDERLY HOUSING IN TORRINGTON, WY

Mr. SIMPSON. Mr. President, I rise to enter into a colloquy with the manager of the bill and subcommittee's chairman in order to ascertain his support for a House provision during conference committee deliberations on this legislation.

Included in the other body's version of this bill is a provision to reestablish a loan reservation for the construction of 40 elderly housing units in Torrington, WY. Reinstating the loan reservation for this project would allow it to be converted to the new section 202 program—the capital grants program under the supportive housing for the elderly programs.

Delays caused by a site change and by the Department of Housing and Urban Development led to the cancellation of this project before it could be converted to the new 202 program. Members of the Wyoming delegation have been working with HUD for nearly a year now to get this project back on line, but it cannot be done without this legislation.

Reading from the other body's report, "the Committee believes that this project had been unfairly canceled and denied the right to convert from the old section 202 program to the new program." I hope the chairman shares this position and will work to include this provision in the final bill.

Mr. CRANSTON. I have reviewed the relevant language in the House report to which the Senator refers. Though I regret that timing considerations prevented us from including the same provisions in the manager's amendment to this bill, I assure my friend from Wyoming that I will see that it is included in the conference report.

MANAGERS' AMENDMENT

Mr. GRAMM. Mr. President, I understand that the Department of Housing and Urban Development recently submitted to the Housing Subcommittee a list of concerns regarding the managers' amendment. Furthermore, I understand that changes have been made to the managers' amendment to incorporate agreements regarding most of these items, but that several areas of disagreement remain.

I congratulate the managers of the bill for reaching agreement on some of these issues. I believe that is important, however, that all of the concerns be addressed. While I understand that the timeframe we are operating under does not allow us to resolve these differences tonight or pursue further amendments to the bill or managers' amendment at this time, I hope that they can be addressed during the conference on this bill.

Specifically, HUD has concerns regarding provisions to: establish a new rural homelessness program; increase the FHA multifamily statutory limits; extend the grandfathering period for matching requirements under the original congregate housing services program recipients; amend the McKinney Act homeless programs, SRO programs, and the safe havens proposal; alter the section 232 program; modify HUD's operating loss loan program; and create Community Investment Corporation demonstration. I believe that there are sufficient differences between the House and Senate versions of the housing bill to further review each of these issues, and I hope that the conference committee on this bill will do so. I would ask the manager their views on this.

Mr. CRANSTON. Mr. President, I would like to assure my colleague from Texas that the managers of this bill intend to provide HUD the opportunity to discuss these concerns with this bill during the conference. I agree that these issues remain open for further review and plan to consider them during the conference on this bill.

Mr. D'AMATO. Mr. President, I would like to agree with my colleague from California and confirm my intention to consult with HUD during the conference and to address the remaining issues regarding the managers' amendment that have not been resolved tonight.

AMENDMENT NO. 2983

(Purpose: To revise the National Affordable Housing Act Amendments of 1992)

Mr. MITCHELL. On behalf of Senators CRANSTON and D'AMATO, I send an amendment to the desk which would make a series of modifications to the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], on behalf of Mr. CRANSTON (for himself and Mr. D'AMATO) proposes an amendment numbered 2983.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRANSTON. Mr. President, my colleagues and I on the Banking Committee have been working since June to refine S. 3031, the National Affordable Housing Act amendments, into a consensus document. I believe that the package amendment I offer today achieves that goal. It incorporates a number of new initiatives and revisions proposed by Members of the Senate from both sides of the aisle, and a long series of agenda items from the administration's housing initiative. It also contains several significant amendments to S. 3031 to reflect an agreement struck between the Banking Committee, HUD, and OMB. The package enjoys bipartisan support on the committee, and has been embraced by Jack Kemp, who writes that he will recommend the bill to the President to sign. I have attached a list of the provisions contained in the managers' amendment.

RESOLUTION OF FINAL ADMINISTRATION CONCERNS

The package includes several compromises on issues of key importance to both the Banking Committee and the administration. First among these is an agreement to restore a tiered match structure to the HOME Program. Under the compromise, a 35-percent match would be required for new construction and substantial rehabilitation, and a 25-percent contribution would be required of jurisdictions for moderate rehabilitation and tenant-based housing assistance. This change will enhance the ability of jurisdictions to undertake needed new construction, but will retain the current law's incentive to choose less costly methods of increasing the supply of affordable housing.

The committee has also acceded to the administration's recommendation to include its NIMBY proposal in the managers' package. Technical assistance funds would be made available to help States and localities reduce legal and regulatory barriers to affordable housing and incentives would be provided to communities which develop exceptional barrier removal plans.

In deference to the administration's strong opposition, the package would strike several refinements to the low-income housing preservation program contained in S. 3031. These changes would have increased the loan term for certain assisted housing developments to 40 years, streamlined several loan programs, and made the second notice of intent binding upon owners.

Additionally, changes would be made to the committee's FHA multifamily finance demonstration which would limit its size and scope. Loans originated under the program would not be eligible for securitization by Ginnie Mae, and HUD, and State housing finance agencies would share equally any losses incurred due to defaults.

ADMINISTRATION AND SENATE LEGISLATIVE INITIATIVES

In addition to measures to address the administration's concerns, the manager's amendment also contains some 23 new initiatives that have been put forward by HUD. Among these is a provision which would expand eligibility of CDBG funds for activities to further fair housing goals and to administer enterprise zones. Also included are refinements to the emergency shelter grants program, to enable shelters for the homeless to use Federal funds for staff salaries, and a HUD-initiated consolidation of several other McKinney homeless programs to make the programs more effective and easier to administer. Other elements of the administration's initiative which have been incorporated include refinements to the HOPE programs, public and Indian housing, elderly housing, prepayment, and various mortgage insurance provisions.

Members of the Senate, from both sides of the aisle, have also asked us to include a number of new provisions in the bill. The included items are all directly related to housing, and enjoy bipartisan support on the committee.

The housing reauthorization bill, with the revisions contained in this package, would make needed changes to the 1990 Cranston-Gonzalez National Affordable Housing Act, and would move the housing policy of this country in a direction we, as well as the administration, agree is positive and progressive.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 620, H.R. 5334, the house companion measure; that all after the enacting clause be stricken, and the text of S. 3031, as amended, be inserted in lieu thereof; that the bill be deemed read for the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5334), as amended, was deemed read a third time, and passed.

(The text of H.R. 5334, as amended, as passed, will appear in a future edition of the RECORD.)

Mr. MITCHELL. Mr. President, I ask further that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appointed Mr. RIEGLE, Mr. CRANSTON, Mr. SARBANES, Mr. D'AMATO, and Mr. BOND conferees on the part of the Senate.

MEASURE INDEFINITELY POSTPONED—CALENDAR NO. 558

Mr. MITCHELL. Mr. President, I ask unanimous consent that calendar No. 558 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF NOMINATION

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Robert E. Wallace to be Assistant Secretary of Labor for Veterans' Employment and Training be jointly referred to the Committee on Labor and Human Resources and the Committee on Veterans Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR—NOMINATION OF MARION CLIFTON BLAKEY

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the nomination of Marion Clifton Blakey, to be Administrator of the National Highway Traffic Safety Administration; that the Senate proceed to immediate consideration of the nominee; that the nominee be confirmed; that any statements appear in the CONGRESSIONAL RECORD, as if read, that the motion to reconsider be tabled; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF 10-PERCENT LUXURY EXCISE TAX ON RECREATIONAL BOATS

Mr. DOLE. Mr. President, on behalf of Senator CHAFEE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 339) to express the sense of the Senate that the Congress should act to retroactively repeal the 10 percent "luxury" excise tax on recreational boats.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAFEE. Mr. President, today I am submitting resolution, on behalf of Senator MITCHELL, Senator BREAUX, and myself, which expresses the sense of the Senate that the luxury tax on boats should be repealed. You will recall that the Senate overwhelmingly passed a similar resolution last November by a vote of 82 to 14.

Specifically, this resolution makes the following three declarations: First, that the Federal excise tax on boats should be repealed this year, second, that consideration of the repeal of this tax should not be contingent upon the passage of any other tax legislation, and third, that the repeal of this tax should be effective as of January 1, 1992.

Mr. President, the boatbuilding industry has been devastated since the imposition of the luxury tax beginning in 1991. Certainly the recession has had an impact on the industry, but the ill-conceived luxury tax has also played a big role. Sales of boats subject to the excise tax—those costing more than $100,000—have dropped by 75 percent compared to 1990. This is far greater than the drop in sales that has occurred during similar economic downturns.

Mr. President, there is overwhelming support for repealing this tax. It was included in the tax bill that the President vetoed earlier this year. It is also included in the urban aid bill that was passed by the House and is currently being considered by the Senate.

Why am I introducing this resolution now when it appears that there is support for repealing the luxury tax? Because the American public, and more importantly potential purchasers of these luxury boats, are not so sure. We have talked and talked and talked about the need to end this folly, but yet the tax remains. While we wait for the appropriate legislative vehicle or the right time, the boatbuilding industry is sinking.

As I said, the boatbuilding industry, one of America's oldest domestic industries, has been devastated. This industry, which employed 450,000 people in 1990 has seen unemployment increase by 47 percent since that time. Several well-known boatyards in Rhode Island—Cambria Yachts, Pearson Yachts, O'Day, Shannon and Clark-Rider—have gone out of business as a result of this tax.

This resolution is important because it reaffirms our commitment to limit the economic damage done to the recreational boatbuilding industry by this tax. As I indicated, there is a consensus in Congress that this tax has been a disaster and should be repealed. That recognition on our part has fueled a renewed interest in buying recreational boats. Nevertheless, consumers remain reluctant to finalize boat purchases because they fear that the repeal of the luxury tax might be sidetracked.

It is important that we send a signal to these buyers that Congress is serious about repealing the luxury tax effective January 1st of this year, and it is important that we do that now. One boatbuilder recently had commitments from buyers for five boats with a sales price of $1 million each, but the buyers refused to conclude the deal without knowing that they would not have to pay the luxury tax. The builder could not convince the buyers that congress would retroactively repeal the tax, therefore, the builder could not complete the deal. Ultimately, the builder was forced to file for bankruptcy.

Mr. President, we can put these workers back to work immediately by committing to repeal the luxury tax this year and doing so retroactively to January 1. The International Boat Show is occurring in Newport, RI, this week. By adopting this resolution we can demonstrate that we do recognize the problems we created by enacting this tax. Furthermore, we can demonstrate that we plan to fix these problems this year.

Mr. MITCHELL. Mr. President, I am pleased to join as a principal cosponsor with Senator CHAFEE and Senator BREAUX in support of the resolution to express the sense of the Senate that the Congress should act to retroactively repeal the 10-percent luxury excise tax on recreational boats.

As the resolution makes clear, the recreational boating industry is one of the few American industries with a net export status and positive balance of trade; that it provided approximately 450,000 jobs in this country in 1990; and that the luxury tax on recreational boat sales of over $100,000 has, when combined with the recent long economic recession, caused a decline in boat sales and substantial unemployment in the domestic boat building industry.

Earlier this year, Congress enacted legislation to repeal the luxury excise tax. That was included in the comprehensive tax bill passed by the Congress in March of this year.

Unfortunately, the President vetoed that bill for reasons unrelated to the luxury tax. Nonetheless, the repeal of the luxury tax remained ineffective in light of the President's veto, which was not overridden by the Congress.

It is my hope and my strong desire that the luxury tax repeal be included in the tax legislation that will be before the Senate in the next few days, and that this time we will be able to enact legislation which will be signed into law.

And, therefore, this resolution which expresses the sense of the Senate that the excise tax to which I have referred should be repealed this year, and that the repeal should be effective retroactively to January 1, of this year as was the prior repeal passed by the Congress in March and to which I earlier referred, is in my judgment a necessary and appropriate resolution and I am pleased to join Senator CHAFEE and Senator BREAUX as a cosponsor of that measure, and other Senators as well.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

So, the resolution (S. Res. 339) with its preamble, is as follows:

S. RES. 339

Whereas the recreational boating industry is one of America's oldest domestic industries, composed primarily of small, family-owned businesses,

Whereas the recreational boating industry is one of the few United States industries with a net export status and positive balance of trade,

Whereas the recreational boating industry provided approximately 450,000 domestic jobs in 1990,

Whereas overall sales of boats over $100,000 has dropped 75 percent, and unemployment in the boat building industry rose 47 percent, compared with 1990,

Whereas Congress has indicated its desire to repeal the luxury excise tax in passing previous legislation, and

Whereas the delay in repealing this tax, notwithstanding the general consensus in Congress to do so, is continuing to hamper the economic recovery for these industries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal excise tax on boats should be repealed this year,

(2) consideration of the repeal of the Federal excise tax on boats should not be contingent on the passage of any other tax legislation this year, and

(3) the repeal of the Federal excise tax on boats should be effective as of January 1, 1992.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMODORE JOHN BARRY DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 413, designating "Commodore John Barry Day," just received from the House, that the joint resolution be deemed read three times, passed, the preamble agreed to; and the motion to reconsider laid upon the table; that any statements on this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the joint resolution (H.J. Res. 413) was considered, deemed read the third time and passed, and the preamble agreed to.

ARKANSAS-IDAHO LAND EXCHANGE ACT OF 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 628, S. 2572, relating to a land exchange in Arkansas and Idaho.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2572) to authorize an exchange of lands in the States of Arkansas and Idaho.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill. There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arkansas-Idaho Land Exchange Act of 1992".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The Potlatch Corporation has offered an exchange of lands under which it would receive approximately seventeen thousand six hundred and twenty-five acres of scattered tracts of public land in the State of Idaho in return for conveying to the United States approximately forty thousand nine hundred and twenty-two acres of undisturbed bottomland hardwoods in the State of Arkansas, and an additional approximately one thousand one hundred and seventy acres with important recreational and fisheries values in the State of Idaho, owned by Potlatch;

(2) the lands in Arkansas to be conveyed to the United States are surrounded by Federal and State lands on the Cache and White Rivers which are designated as a "Wetland of International Importance" under the Convention on Wetlands of International Importance (commonly referred to as the "Ramsar Convention"), one of only ten areas in the United States so designated;

(3) acquisition of these lands by the United States will remove the lands from sustained timber production and other development in the heart of this critical wetland ecosystem;

(4) these lands offered to the United States will qualify for inclusion as a Wetland of International Importance;

(5) these lands offered to the United States are outstanding fish and wildlife habitat and should continue to be made available for activities such as public hunting, fishing and trapping, nature observation, enjoyment and education;

(6) the lands the United States would convey to Potlatch do not contain comparable fish, wildlife or wetland values; and

(7) appraisals of all lands to be conveyed in the exchange have been completed and the United States and Potlatch have agreed to the values and boundaries of all Federal and private exchange trades and concur that the lands contained in the two ownerships are of equal value.

(b) PURPOSE.—It is the purpose of this Act to effect an exchange of lands that will provide environmental and economic benefits to the States of Arkansas and Idaho and to the Nation.

SEC. 3. DIRECTION TO EXCHANGE.

(a) INTER-AGENCY LAND TRANSFERS.—(1)(A) Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976, not later than thirty days after the date of enactment of this Act, the Secretary shall transfer to the jurisdiction of the Secretary of Agriculture for inclusion in the National Forest System approximately nine thousand one hundred and fourteen acres of public land in the State of Idaho, as identified upon a map entitled "Arkansas-Idaho Exchange—Idaho Lands", dated July 1992 and available for inspection in appropriate offices of the Secretary.

(B) Subsequent to the exchange required by subsection (b), the Secretary shall transfer to the Secretary of Agriculture for inclusion in the National Forest System approximately eight hundred and ninety-one acres of public land in the State of Idaho identified for postexchange transfer upon the map referenced in subparagraph (A).

(2) Not later than thirty days after the date of the enactment of this Act, the Secretary of Agriculture shall transfer to the Secretary for conveyance to Potlatch pursuant to subsection (b), approximately seven thousand nine hundred and seventy-nine acres of land within the National Forest System in the State of Idaho, as identified upon the map referenced in subparagraph (A).

(b) EXCHANGE OF LANDS.—Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.), within sixty days after the date of enactment of this Act, the Secretary shall convey to Potlatch, in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and subject to valid existing rights, approximately seventeen thousand six hundred and twenty-five acres of public land in the State of Idaho identified for transfer to Potlatch on the map referenced in subsection (a) in exchange for lands owned by Potlatch containing approximately forty thousand nine hundred and twenty-two acres in the State of Arkansas, as depicted for transfer to the United States upon a map entitled "Arkansas-Idaho Land Exchange—Arkansas Lands," dated July 1992 and available for inspection in appropriate offices of the Secretary, and approximately one thousand one hundred and seventy acres in the State of Idaho, as identified for transfer to the United States upon the map referenced in subsection (a): Provided, That title to the lands to be conveyed by Potlatch is in accordance with the Department of Justice standards for the preparation of title evidence in land acquisitions by the United States.

(c) GENERAL PROVISIONS.—

(1) MAPS CONTROLLING.—To ensure the management benefits of consolidating isolated tracts of land, any conflict between the acreage figures cited and the maps referenced in the Act shall be resolved in favor of the maps.

(2) CANCELLATION.—Prior to implementation of the exchange required by subsection (b), if

Potlatch notifies the Secretary in writing that it no longer intends to complete the exchange, the lands referenced in subsection (a) shall revert to their status as of the day before the date of enactment of this Act, and shall be managed in accordance with applicable management plans.

(3) FINAL MAPS.—Not later than six months after the conclusion of the exchange required by subsection (b), the Secretary shall transmit maps accurately depicting the lands transferred and conveyed pursuant to this Act and the acreages and legal descriptions of such transfers and conveyances to the Committee on Interior and Insular Affairs and Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Environment and Public Works of the Senate.

(4) WITHDRAWAL.—Subject to valid existing rights, the lands depicted for conveyance to Potlatch on the map referenced in subsection (a)(1)(A) are withdrawn from all forms of entry and appropriation under the public land laws (including the mining laws) and from operation of the mineral leasing and geothermal leasing laws upon the date of the enactment of this Act. Such withdrawal shall terminate on the date of completion of the exchange required by subsection (b) or on the date of notification by Potlatch of a decision not to complete the exchange pursuant to paragraph (2).

(5) POWER SITE RESERVATIONS.—The following Executive Orders, insofar as they affect the following described lands, are hereby revoked:

(A) the Executive order dated July 2, 1910, which established Powersite Reserve No. 91, with respect to those lands at Boise Meridian, T. 45 N., R. 4 E., Sec. 18, SW1/4NE1/4, comprising approximately forty acres;

(B) the Executive order dated July 2, 1910, which established Powersite Reserve No. 106, with respect to those lands at Boise Meridian, T. 32 N., R. 5 E., Sec. 14, W1/2NE1/4 and SE1/4NE1/4NE1/4, comprising approximately thirty acres; and

(C) the Executive order dated August 31, 1917, which established Power Reservation No. 654, with respect to those lands at Boise Meridian, T. 48 N., R. 1 W., Sec. 3, SE1/4NE1/4, comprising approximately forty acres, and T. 46 N., R. 2 W., Sec. 14, lot 1, comprising approximately 28.15 acres.

(6) INDEMNITY LIST CLASSIFICATION ORDER.—Bureau of Land Management Indemnity List Classification Orders on public lands to be conveyed to Potlatch as required by subsection (b) are hereby removed from such classification.

(7) CONVEYANCE DOCUMENTS; BEFORE SURVEY.—Lands to be conveyed by the United States pursuant to subsection (b) on which any boundary is required to be surveyed in order to describe remaining public lands shall be conveyed by an interim conveyance. An interim conveyance under this paragraph shall convey to and vest in the recipient the same right, title and interest in and to such lands as the recipient would have received in a patent issued pursuant to this Act. Upon completion of the survey, the Secretary shall issue a patent for such lands. The boundaries of such lands shall be those which were defined in and conveyed by the interim conveyance, except that the boundaries may be corrected and redescribed in the patent, where necessary, as a result of the survey of such lands.

SEC. 4. USE OF ACQUIRED LANDS.

(a) NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) ADDITION TO THE SYSTEM.—The Secretary shall add the lands conveyed to the United States in Arkansas pursuant to section 3(b), to the Cache River and White River National Wildlife Refuges, as depicted upon the map described in such section. The Secretary shall manage such lands in accordance with the provisions of the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd–668ee).

(2) PLAN PREPARATION; PUBLIC USE.—(A) Within twenty-four months of the completion of the exchange required by section 3(b), the Secretary shall prepare a single refuge management plan for the Cache River and White River Refuges, as expanded by this Act. Such plan shall recognize the important public purposes served by nonconsumptive activities, other recreational activities, and wildlife-related public use, such as hunting, fishing and trapping. The Secretary shall permit, to the maximum extent practicable, such uses provided that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable law. Any regulations promulgated by the Secretary with respect to fishing, hunting and trapping on those lands referenced in subparagraph (A) shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary shall consult with the Arkansas Game and Fish Commission.

(B) After completion of the exchange pursuant to subsection 3(b) but prior to the implementation of the plan, the duration of any hunting seasons on lands added to the Cache River National Wildlife Refuge and the White River National Wildlife Refuge shall comport with that of State law: Provided, That in all other respects, the administration of the lands by the Secretary shall be in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668d–668ee) and other applicable law.

(b) PUBLIC LANDS.—

(1) STATUS.—Except as provided in section 3(a)(1)(B), the approximately one thousand one hundred and seventy acres in Idaho to be conveyed to the United States pursuant to section 3(b) and depicted for transfer to the Bureau of Land Management upon the map referenced in section 3(a) shall be public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and shall be managed in accordance with the provisions of such Act.

(2) GRANDMOTHER MOUNTAIN AREA.—Subject to valid existing rights, those Federal and non-Federal lands within the Grandmother Mountain Wilderness Study Area which are transferred to the jurisdiction of the Forest Service pursuant to section 3(b), shall be managed so as not to impair the suitability of such lands for preservation as wilderness as provided in section 603 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1782), until the completion of the first revision of the Idaho Panhandle National Forests Land and Resource Management Plan, and the wilderness review conducted therein pursuant to 36 C.F.R. 219.17 or any successor regulation, after the date of the enactment of this Act: Provided, That with respect to the non-Federal lands transferred pursuant to section 3(b), the Secretary of Agriculture shall permit the use of motorized vehicles, on existing routes and at levels of use in effect as of August 1, 1992, as determined by such Secretary.

(3) PLAN AMENDMENTS AND ENVIRONMENTAL ANALYSIS.—Within twenty-four months of the completion of the exchange required by section 3(b), the Secretary and the Secretary of Agriculture shall prepare amendments to applicable resource management plans and accompanying documents pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for lands in Idaho conveyed to the United States pursuant to section 3(b).

SEC. 5. DEFINITIONS.

For purposes of this Act, the term:

(1) "Potlatch" means the Potlatch Corporation, chartered in the State of Delaware;

(2) "Secretary" means the Secretary of the Interior; and

(3) "lands" or "acres" means both the surface and subsurface estates whenever both estates are owned by the United States or Potlatch.

SEC. 6. OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Ouachita National Forest are hereby adjusted to include those lands generally depicted on the map entitled "Proposed Proclamation Boundary Extension, East End of Lake Ouachita" and dated August 3, 1992.

(b) MAP AND LEGAL DESCRIPTION.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the appropriate offices of the Forest Service, United States Department of Agriculture. Not later than ninety days after the date of enactment of this Act, the Secretary of Agriculture is directed to prepare a legal description of the lands depicted on the map referred to in subsection (a). Such map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Ouachita National Forest, as adjusted by this Act, shall be considered to be the boundaries of such forest as of January 1, 1965.

AMENDMENT NO. 2984

Mr. DOLE. Mr. President, on behalf of Senator CHAFEE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Kansas [Mr. DOLE], for Mr. CHAFEE, proposes an amendment numbered 2984.
>
> On page 15, line 21, strike "prepare" and insert in lieu thereof, "prepare and implement".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2984) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2572), as amended, was passed, as follows:

S. 2572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arkansas-Idaho Land Exchange Act of 1992".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The Potlatch Corporation has offered an exchange of lands under which it would receive approximately seventeen thousand six hundred and twenty-five acres of scattered tracts of public land in the State of Idaho in return for conveying to the United States approximately forty thousand nine hundred and twenty-two acres of undisturbed bottomland hardwoods in the State of Arkansas, and an additional approximately one thousand one hundred and seventy acres with important recreational and fisheries values in the State of Idaho, owned by Potlatch;

(2) the lands in Arkansas to be conveyed to the United States are surrounded by Federal and State lands on the Cache and White Rivers which are designated as a "Wetland of International Importance" under the Convention on Wetlands of International Importance (commonly referred to as the "Ramsar Convention"), one of only ten areas in the United States so designated;

(3) acquisition of these lands by the United States will remove the lands from sustained timber production and other development in the heart of this critical wetland ecosystem;

(4) these lands offered to the United States will qualify for inclusion as a Wetland of International Importance;

(5) these lands offered to the United States are outstanding fish and wildlife habitat and should continue to be made available for activities such as public hunting, fishing and trapping, nature observation, enjoyment and education;

(6) the lands the United States would convey to Potlatch do not contain comparable fish, wildlife or wetland values; and

(7) appraisals of all lands to be conveyed in the exchange have been completed and the United States and Potlatch have agreed to the values and boundaries of all Federal and private exchange trades and concur that the lands contained in the two ownerships are of equal value.

(b) PURPOSE.—It is the purpose of this Act to effect an exchange of lands that will provide environmental and economic benefits to the States of Arkansas and Idaho and to the Nation.

SEC. 3. DIRECTION TO EXCHANGE.

(a) INTER-AGENCY LAND TRANSFERS.—(1)(A) Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976, not later than thirty days after the date of enactment of this Act, the Secretary shall transfer to the jurisdiction of the Secretary of Agriculture for inclusion in the National Forest System approximately nine thousand one hundred and fourteen acres of public land in the State of Idaho, as identified upon a map entitled "Arkansas-Idaho Exchange—Idaho Lands", dated July 1992 and available for inspection in appropriate offices of the Secretary.

(B) Subsequent to the exchange required by subsection (b), the Secretary shall transfer to the Secretary of Agriculture for inclusion in the National Forest System approximately eight hundred and ninety-one acres of public land in the State of Idaho identified for postexchange transfer upon the map referenced in subparagraph (A).

(2) Not later than thirty days after the date of the enactment of this Act, the Secretary of Agriculture shall transfer to the Secretary for conveyance to Potlatch pursuant to subsection (b), approximately seven thousand nine hundred and seventy-nine acres of land within the National Forest System in the State of Idaho, as identified upon the map referenced in subparagraph (A).

(b) EXCHANGE OF LANDS.—Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.), within sixty days after the date of enactment of this Act, the Secretary shall convey to Potlatch, in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and subject to valid existing rights, approximately seventeen thousand six hundred and twenty-five acres of public land in the State of Idaho identified for transfer to Potlatch on the map referenced in subsection (a) in exchange for lands owned by Potlatch containing approximately forty thousand nine hundred and twenty-two acres in the State of Arkansas, as depicted for transfer to the United States upon a map entitled "Arkansas-Idaho Land Exchange—Arkansas Lands," dated July 1992 and available for inspection in appropriate offices of the Secretary, and approximately one thousand one hundred and seventy acres in the State of Idaho, as identified for transfer to the United States upon the map referenced in subsection (a): *Provided*, That title to the lands to be conveyed by Potlatch is in accordance with the Department of Justice standards for the preparation of title evidence in land acquisitions by the United States.

(c) GENERAL PROVISIONS.—

(1) MAPS CONTROLLING.—To ensure the management benefits of consolidating isolated tracts of land, any conflict between the acreage figures cited and the maps referenced in the Act shall be resolved in favor of the maps.

(2) CANCELLATION.—Prior to implementation of the exchange required by subsection (b), if Potlatch notifies the Secretary in writing that it no longer intends to complete the exchange, the lands referenced in subsection (a) shall revert to their status as of the day before the date of enactment of this Act, and shall be managed in accordance with applicable management plans.

(3) FINAL MAPS.—Not later than six months after the conclusion of the exchange required by subsection (b), the Secretary shall transmit maps accurately depicting the lands transferred and conveyed pursuant to this Act and the acreages and legal descriptions of such transfers and conveyances to the Committee on Interior and Insular Affairs and Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Environment and Public Works of the Senate.

(4) WITHDRAWAL.—Subject to valid existing rights, the lands depicted for conveyance to Potlatch on the map referenced in subsection (a)(1)(A) are withdrawn from all forms of entry and appropriation under the public land laws (including the mining laws) and from operation of the mineral leasing and geothermal leasing laws upon the date of the enactment of this Act. Such withdrawal shall terminate on the date of completion of the exchange required by subsection (b) or on the date of notification by Potlatch of a decision not to complete the exchange pursuant to paragraph (2).

(5) POWER SITE RESERVATIONS.—The following Executive Orders, insofar as they affect the following described lands, are hereby revoked:

(A) the Executive order dated July 2, 1910, which established Power Site Reserve No. 91, with respect to those lands at Boise Meridian, T. 45 N., R. 4 E., Sec. 18, SW¼NE¼, comprising approximately forty acres;

(B) the Executive order dated July 2, 1910, which established Power Site Reserve No. 106, with respect to those lands at Boise Meridian, T. 32 N., R. 5 E., Sec. 14, W½NE¼ and SE¼NE¼NE¼, comprising approximately thirty acres; and

(C) the Executive order dated August 31, 1917, which established Power Site Reservation No. 654, with respect to those lands at Boise Meridian, T. 48 N., R. 1 W., Sec. 3, SE¼NE¼, comprising approximately forty acres, and T. 46 N., R. 2 W., Sec. 14, lot 1, comprising approximately 28.15 acres.

(6) INDEMNITY LIST CLASSIFICATION ORDER.—Bureau of Land Management Indemnity List Classification Orders on public lands to be conveyed to Potlatch as required by subsection (b) are hereby removed from such classification.

(7) CONVEYANCE DOCUMENTS; BEFORE SURVEY.—Lands to be conveyed by the United States pursuant to subsection (b) on which any boundary is required to be surveyed in order to describe remaining public lands shall be conveyed by an interim conveyance. An interim conveyance under this paragraph shall convey to and vest in the recipient the same right, title and interest in and to such lands as the recipient would have received in a patent issued pursuant to this Act. Upon completion of the survey, the Secretary shall issue a patent for such lands. The boundaries of such lands shall be those which were defined in and conveyed by the interim conveyance, except that the boundaries may be corrected and redescribed in the patent, where necessary, as a result of the survey of such lands.

SEC. 4. USE OF ACQUIRED LANDS.

(a) NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) ADDITION TO THE SYSTEM.—The Secretary shall add the lands conveyed to the United States in Arkansas pursuant to section 3(b), to the Cache River and White River National Wildlife Refuges, as depicted upon the map described in such section. The Secretary shall manage such lands in accordance with the provisions of the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee).

(2) PLAN PREPARATION; PUBLIC USE.—(A) Within twenty-four months of the completion of the exchange required by section 3(b), the Secretary shall prepare and implement a single refuge management plan for the Cache River and White River Refuges, as expanded by this Act. Such plan shall recognize the important public purposes served by nonconsumptive activities, other recreational activities, and wildlife-related public use, such as hunting, fishing and trapping. The Secretary shall permit, to the maximum extent practicable, such uses provided that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and other applicable law. Any regulations promulgated by the Secretary with respect to fishing, hunting and trapping on those lands referenced in subparagraph (A) shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary shall consult with the Arkansas Game and Fish Commission.

(B) After completion of the exchange pursuant to subsection 3(b) but prior to the implementation of the plan, the duration of any hunting seasons on lands added to the Cache River National Wildlife Refuge and the White River National Wildlife Refuge shall comport with that of State law: *Provided*, That in all other respects, the administration of the lands by the Secretary shall be in accordance with the National Wildlife

Refuge System Administration Act of 1966 (16 U.S.C. 668d-668ee) and other applicable law.

(b) PUBLIC LANDS.—

(1) STATUS.—Except as provided in section 3(a)(1)(B), the approximately one thousand one hundred and seventy acres in Idaho to be conveyed to the United States pursuant to section 3(b) and depicted for transfer to the Bureau of Land Management upon the map referenced in section 3(a) shall be public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and shall be managed in accordance with the provisions of such Act.

(2) GRANDMOTHER MOUNTAIN AREA.—Subject to valid existing rights, those Federal and non-Federal lands within the Grandmother Mountain Wilderness Study Area which are transferred to the jurisdiction of the Forest Service pursuant to section 3(b), shall be managed so as not to impair the suitability of such lands for preservation as wilderness as provided in section 603 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1782), until the completion of the first revision of the Idaho Panhandle National Forests Land and Resource Management Plan, and the wilderness review conducted therein pursuant to 36 C.F.R. 219.17 or any successor regulation, after the date of the enactment of this Act: *Provided*, That with respect to the non-Federal lands transferred pursuant to section 3(b), the Secretary of Agriculture shall permit the use of motorized vehicles, on existing routes and at levels of use in effect as of August 1, 1992, as determined by such Secretary.

(3) PLAN AMENDMENTS AND ENVIRONMENTAL ANALYSIS.—Within twenty-four months of the completion of the exchange required by section 3(b), the Secretary and the Secretary of Agriculture shall prepare amendments to applicable resource management plans and accompanying documents pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for lands in Idaho conveyed to the United States pursuant to section 3(b).

SEC. 5. DEFINITIONS.

For purposes of this Act, the term:

(1) "Potlatch" means the Potlatch Corporation, chartered in the State of Delaware;

(2) "Secretary" means the Secretary of the Interior; and

(3) "lands" or "acres" means both the surface and subsurface estates whenever both estates are owned by the United States or Potlatch.

SEC. 6. OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Ouachita National Forest are hereby adjusted to include those lands generally depicted on the map entitled "Proposed Proclamation Boundary Extension, East End of Lake Ouachita" and dated August 3, 1992.

(b) MAP AND LEGAL DESCRIPTION.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the appropriate offices of the Forest Service, United States Department of Agriculture. Not later than ninety days after the date of enactment of this Act, the Secretary of Agriculture is directed to prepare a legal description of the lands depicted on the map referred to in subsection (a). Such map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Ouachita National Forest, as adjusted by this Act, shall be considered to be the boundaries of such forest as of January 1, 1965.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5318

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 596, H.R. 5318, an act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, on Monday, September 14, at 1:30 p.m.; and that it be considered under the following limitation on debate:

That there be 1 hour equally divided and controlled in the usual form for debate on the bill and the committee-reported substitute; that when all time is used or yielded back, the committee substitute be adopted; that the bill be read a third time, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY S. 323

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany S. 323, the title X pregnancy counseling reauthorization bill, on Monday, September 14, at 2:30 p.m., and that the time for consideration of the conference report be limited to 90 minutes, equally divided and controlled between the two leaders, or their designees; that when all time is used or yielded back, the Senate, without any intervening action or debate, proceed to vote on the adoption of the conference report, except that if a rollcall vote is requested on adoption of the conference report, the vote occur on Tuesday, September 15, immediately following the cloture vote now scheduled to occur at 10 a.m., regardless of the outcome of that cloture vote; further, that the live quorum in relation to that cloture vote be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNESHIP—MESSAGE FROM THE PRESIDENT—PM 270

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I transmit herewith the 23rd annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending December 31, 1991, in accordance with the provisions of section 3938(a)(1) of title 42 of the United States Code.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1992.*

ANNUAL REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 271

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1991 annual report of the Federal Prevailing Rate Advisory Committee.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1992.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1991, the following message was transmitted to the Senate on August 14, 1992, during the adjournment of the Senate, and presented to the Senate on today, September 10, 1992:

The House has passed the bill (S. 1731) to establish the policy of the United States with respect to Hong Kong, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 192) to establish a Joint Committee on the Organization of Congress.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 776) to provide for improve energy efficiency; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill (except title XIX), and the Senate amendment (except title XX), and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. MARKEY, Mr. TAUZIN, Mr. TOWNS, Mr. SWIFT, Mr. SYNAR, Mr. LENT, Mr. MOORHEAD, and Mr. DANNEMEYER: *Provided*, That Mr. BLILEY is appointed only for consideration of titles I, VII, XII, XVII, and XXXI of the House bill, and titles V, VI, and XV of the Senate amendment; Mr. FIELDS is appointed only for consideration of titles III, IV, V, XIV, XVIII, and XX of the House bill, and titles IV and XVI of the Senate amendment; Mr. OXLEY is appointed only for consideration of titles II, VI, VIII, IX, X, XI, XIII, XV, XVI, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, and XXX of the House bill, and titles I, II, VIII, IX, X, XI, XII, XIII, XIV, XVII, XVIII, XIX, and XXI of the Senate amendment; and in lieu of Mr. LENT for title VII of the House bill and title XV of the Senate amendment.

From the Committee on Ways and Means, for consideration of title XIX of the House bill, and section 19108 and title XX of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE.

As additional conferees from the Committee on Ways and Means, for that portion of section 1101 of the House bill which adds new sections 1701 and 1702 to the Atomic Energy Act of 1954, and that portion of section 10103 of the Senate amendment which adds new section 1701 and 1702 to the Atomic Energy Act of 1954, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. FORD of Tennessee, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, and Mr. SCHULZE.

As additional conferees from the Committee on Education and Labor, for consideration of sections 20141, 20142, 20143 (except those portions which add new sections 9702(a)(4), 9704, 9705(a)(4), 9706, 9712(d)(5) to the Internal Revenue Code of 1986) of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mrs. ROUKEMA, Mr. FAWELL, and Mr. BALLENGER.

As additional conferees from the Committee on Education and Labor, for consideration of those portions of section 901 which add new sections 1305 and 1312 to the Atomic Energy Act of 1954, that portion of section 1101 which adds a new section 1704 to the Atomic Energy Act of 1954, and sections 4402, 6601–6604, 10104, 13119, and 19113 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, and Mr. GOODLING.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 1205, 1208, 1213, 1214, 1302–1305, 1606, and 2481 of the House bill, and sections 5101–5104, that portion of section 5201 which adds a new section 6 to the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, 14108, 14109, 14301, and 14302 of the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. GEJDENSON, Mr. WOLPE, Mr. LEVINE of California, Mr. FEIGHAN, Mr. JOHNSTON of Florida, Mr. ENGEL, Mr. BROOMFIELD, Mr. ROTH, Mr. MILLER of Washington, and Mr. HOUGHTON.

As additional .conferees from the Committee on Foreign Affairs, for consideration of sections 903, 1205, 1208, 1211, 1213, 1214, 1302–1305, 1607, 2481, and 2704 of the House bill, and sections 1201, 6701, 6702, 10223(b), 13102, 17101, 17102, 19101, and 19109 of the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. GEJDENSON, and Mr. BROOMFIELD.

As additional conferees from the Committee on Government Operations, for consideration of sections 121 (e) and (f), 122, 127, and 128 of the House bill, and sections 6207, 6216, 6218, 6220, and 6221 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. BUSTAMANTE, and Mr. CLINGER.

As additional conferees from the Committee on Government Operations, for consideration of sections 302 and 304–306 of the House bill, and sections 4102, 4105, 4106, 4112, 4113, 4116, and 4119 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. WISE, and Mr. MCCANDLESS.

As additional conferees from the Committee on Interior and Insular Affairs, for consideration of sections 133, 1314, 1403, 1607, 3002, 3004, 3009, 3101, 3102, and 3104 and titles VIII–XI and XXIV–XXIX of the House bill, and sections 5302–5304, 5308, 6303, 6501, 6506, 13115, 13118, 13120, 13121, 14114, 19104, 19110, and 19112 and titles VIII, IX, X, XII, and XVIII of the Senate amendment, and modifications committed to conference: Mr. MILLER of California, Mr. RAHALL, Mr. VENTO, Mr. KOSTMAYER, Mr. DE LUGO, Mr. GEJDENSON, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. MARLENEE, Mrs. VUCANOVICH, and Mr. RHODES: *Provided*, That Mr. MURPHY is appointed in lieu of Mr. DEFAZIO for consideration of title XXV of the House bill and section 14114 of the Senate amendment only. Mr. ABERCROMBIE is appointed in lieu of Mr. DEFAZIO for consideration of section 2481 of the house bill only.

As additional conferees from the Committee on Interior and Insular Affairs, for consideration of that portion of section 723(h) which adds a new section 212(h) to the Federal Power Act, 1312, 1313, 1403, 1607, 2012, 2113, 2307, and 3008 of the House bill, and sections 6501, 6506, 19104, 19110, and 20143(b) and titles VIII and XXI of the Senate amendment, and modifications committed to conference: Mr. MILLER of California, Mr. RAHALL, and Mr. YOUNG of Alaska.

As additional conferees from the Committee on the Judiciary, for consideration of section 3010 of the House bill, and section 19102 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. EDWARDS of California, Mr. GLICKMAN, Mr. FEIGHAN, Mr. STAGGERS, Mr. BERMAN, Mr. WASHINGTON, Mr. FISH, Mr. HYDE, Mr. CAMPBELL, and Mr. SMITH of Texas.

As additional conferees from the Committee on the Judiciary, for consideration of section 11107 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. EDWARDS of California, and Mr. FISH.

As additional conferees from the Committee on the Judiciary, for consideration of section 19106 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. FRANK of Massachusetts, and Mr. GEKAS.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of section 1607 and title XXIV of the House bill, and title XII of the Senate amendment, and modifications committed to conference: Mr. JONES of North Carolina, Mr. STUDDS, Mr. HUGHES, Mr. HUTTO, Mr. HERTEL, Mr. TALLON, Mr. LANCASTER, Mr. DAVIS, Mr. FIELDS, Mr. BATEMAN, and Mr. INHOFE.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 205 and 1602 of the House bill, and sections 5204, 5302, 5304, and 11103 and title XXI of the Senate amendment, and modifications committed to conference: Mr. JONES of North Carolina, Mr. STUDDS, and Mr. DAVIS.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 121–128, 132, 411, 2453, 2461–2464, 2705, 3102, and 3104 and title XVIII of the House bill, and sections 4120, 4401, 5303, 5308, 6101, 6201–6224, 6304, and 10224 of the Senate amendment, and modifications committed to conference: Mr. ROE, Mr. MINETA, Mr. NOWAK, Mr. APPLEGATE, Mr. DE LUGO, Mr. SAVAGE, Mr. BORSKI, Mr. HAMMERSCHMIDT, Mr. SHUSTER, Mr. PETRI, and Mr. INHOFE.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 164(h), that portion of section 723 which adds a new section 212(i) to the Federal Power Act, 410, and 1316 of the House bill, and sections 12103, 12204, and 14113 of the Senate amendment, and modifications committed to conference: Mr. ROE, Mr. MINETA, and Mr. HAMMERSCHMIDT.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 901, 902, 1203, 1207, 1301, 1306–1309, 1318, 1319, 2471, 2502, 2503, 2513, 3005, 3007, and 3009 and titles VI and XX–XXIII of the House bill, and sections 4201–4218, 4305, 4401, 5201, 5202, 5204–5206, 6104, and 6501 and titles II, VIII, X, XIII, and XIV of the Senate amendment, and modifications committed to conference: Mr. BROWN, Mrs. LLOYD, Mr. SCHEUER, Mr. WOLPE, Mr. STALLINGS, Mr. ROEMER, Mr. SWETT, Mr. WALKER, Mr. RITTER, Mr. MORRISON, and Mr. FAWELL.

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Bogart, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5428) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HEFNER, Mr. THOMAS of Georgia, Mr. BEVILL, Mr. ALEXANDER, Mr. EARLY, Mr. DICKS, Mr. FAZIO, Mr. HOYER, Mr. WHITTEN, Mr. LOWERY of California, Mr. EDWARDS of Oklahoma, Mr. DELAY, Mr. LIGHTFOOT, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5482) to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD of Michigan, Mr. WILLIAMS, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. SERRANO, Mr. JEFFERSON, Mr. PASTOR, Mr. GOODLING, Mr. BALLENGER, Mr. KLUG, and Mr. CUNNINGHAM as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BEVILL, Mr. FAZIO, Mr. THOMAS of Georgia, Mr. CHAPMAN, Mr. SKAGGS, Mr. DWYER of New Jersey, Mr. WHITTEN, Mr. MYERS of Indiana, Mr. PURSELL, Mr. GALLO, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. LEHMAN of Florida, Mr. CARR, Mr. DURBIN, Mr. SABO, Mr. PRICE, Mr. COLEMAN of Texas, Mr. WHITTEN, Mr. COUGHLIN, Mr. WOLF, Mr. DELAY, and Mr. MCDADE as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5517) making appropriation for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DIXON, Mr. NATCHER, Mr. STOKES, Mr. SABO, Mr. AUCOIN, Mr. DWYER of New Jersey, Mr. WHITTEN, Mr. GALLO, Mr. REGULA, Mr. DELAY, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of 22 U.S.C. 276a–1, and the order of the House of Wednesday, August 12, 1992, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker appointed to the delegation to attend the Conference of the Interparliamentary Union to be held in Stockholm, Sweden, September 4 through September 10, 1992, the following members on the part of the House: Mr. FEIGHAN, Chairman, Mr. SCHEUER, Vice Chairman, and Mrs. COLLINS of Michigan.

The message further announced that the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) entitled "An act entitled the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act'":

The panel from the Committee on Armed Services is also appointed for consideration of section 135 of the Senate bill.

The message also announced that the House has agreed to the following resolution:

H. Res. 559. A resolution relative to the death of the Honorable Quentin N. Burdick, a Senator from the State of North Dakota.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2144. An act to restore the Federal trust relationship of the United Auburn Indian Community, to establish the Advisory Council on California Indian Policy, and for other purposes;

H.R. 4996. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; and

H.R. 5466. An act to amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system, and for other purposes.

At 5:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 303. Joint resolution to designate October 1992 as "National Breast Cancer Awareness Month".

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. AUCOIN, Mr. BEVILL, Mr. ATKINS, Mr. WHITTEN, Mr. REGULA, Mr. MCDADE, Mr. LOWERY of California, and Mr. SKEEN as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes; it agrees to conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH of Iowa, Mr. ALEXANDER, Mr. EARLY, Mr. CARR, Mr. MOLLOHAN, Ms. PELOSI, Mr. WHITTEN, Mr. ROGERS, Mr. REGULA, Mr. KOLBE, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4394. An act to amend title 46, United States Code, to require merchant mariners' documents for certain seamen; and

H.J. Res. 413. Joint resolution to designate September 13, 1992, as "Commodore John Barry Day."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2144. An act to restore the Federal trust relationship of the United Auburn Indian Community, to establish the Advisory Council on California Indian Policy, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 4394. An act to amend title 46, United States Code, to require merchant mariners' documents for certain seamen; to the Committee on Commerce, Science, and Transportation.

H.R. 4996. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

H.R. 5466. An act to amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3836. A communication from the Secretary of Transportation, transmitting, pursuant to law, the twelfth annual report to Congress on the status of the collision avoidance systems under development; to the Committee on Commerce, Science, and Transportation.

EC-3837. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Environmental Compliance and Restoration Program; to the Committee on Commerce, Science and Transportation.

EC-3838. A communication from the Commissioner of the Department of the Interior, transmitting, pursuant to law, notice of the intent to construct modifications to Como Dam, Bitter Root Project, Montana, in order to preserve its structural safety; to the Committee on Energy and Natural Resources.

EC-3839. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3840. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3841. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, notice of intent to make refunds of offshore lease revenues where a refunds or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3842. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3843. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3844. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, notice of intent to make refunds of offshore lease revenues where a refunds or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3845. A communication from the Assistant Secretary of the Army, transmitting, pursuant to law, a report entitled "Authorized and Operating Purposes of Corps of Engineers Reservoirs"; to the Committee on Environment and Public Works.

EC-3846. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a list of Wetlands Enhancement Opportunities; to the Committee on Environment and Public Works.

EC-3847. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report to Congress on the need for tracking systems on vessels transporting municipal or commercial wastes; to the Committee on Environment and Public Works.

EC-3848. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report regarding El Salvador; to the Committee on Foreign Affairs.

EC-3849. A communication from the Inspector General of the Department of State, transmitting, pursuant to law, a report entitled "Special Review of International Organizations' Hiring Practices"; to the Commitee on Foreign Relations.

EC-3850. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that the President has authorized the use of up to $27,200,000 from the United States Emergency Refugee and Migration Assistance Fund; to the Committee on Foreign Relations.

EC-3851. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report of the Archivist of the United States for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3852. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report to the President and the Congress on the Performance Management and Recognition System; to the Committee on Governmental Affairs.

EC-3853. A communication from the Chairman of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, transmitting, pursuant to law, a report entitled "Building the Future: A Blueprint for Change"; to the Select Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 5620. A bill making supplemental appropriations, transfers, and recissions for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-395).

By Mr. BYRD, from the Committee on appropriations:

Special Report entitled "Revised Allocations to Subcommittee of Budget Totals from the Concurrent Resolution for Fiscal Year 1993" (Rept. No. 102-396).

By Mr. HARKIN, from the Committee on Appropriations, with amendments:

H.R. 5677. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes (Rept. No. 102-397).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER (for himself, Mr. BRADLEY, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, and Mr. WELLSTONE):

S. 3223. A bill to amend the Employee Retirement Income Security Act of 1974 to waive the preemption requirements of that Act to allow States to provide for State universal health plans, State risk pools for the medically uninsurable, or prospective payment systems and to impose State provider taxes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. DOLE, Mr. CONRAD, Mr. BAUCUS, Mr. LAUTENBERG, Mr. GRAHAM, Mr. REID, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. WOFFORD, Mr. WELLSTONE, Mr. SYMMS, Mr. SIMPSON, Mr. DURENBERGER, Mr. WARNER, Mr. JEFFORDS, Mr. SMITH, Mr. ADAMS, Mr. AKAKA, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GORE, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WIRTH, and Mr. GLENN):

S. 3224. A bill to designate the United States Courthouse to be constructed in Fargo, North Dakota, the Quentin N. Burdick United States Courthouse; considered and passed.

By Mr. NICKLES:

S. 3225. A bill to amend the Internal Revenue Code of 1986 to increase the amount of depreciable business assets which may be expensed; to the Committee on Finance.

By Mr. BOREN (for himself and Mr. DANFORTH):

S. 3226. A bill to amend title XIX of the Social Security Act to require States to operate bulk vaccine purchasing systems in order to provide for increased vaccination of Medicaid enrolled children, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 3227. A bill to provide for the resolution of the conflicting water rights claims for lands within the Roosevelt Water Conservation District in Maricopa County, Arizona, and the Gila River Indian Reservation; to the Select Committee on Indian Affairs.

By Mr. BOREN:

S. 3228. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 to strengthen the protection of native biodiversity and to place restraints on clearcutting and certain other cutting practices on the forests of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON:

S. 3229. A bill to protect the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. ADAMS, Mr. BOREN, Mr. BUMPERS, Mr. CONRAD, Mr. CRANSTON, Mr. DASCHLE, Mr. DECONCINI, Mr. DOLE, Mr. GLENN, Mr. INOUYE, Mr. JEFFORDS, Mr. METZENBAUM, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SASSER, Mr. SHELBY, Mr. SIMPSON, and Mr. SPECTER):

S.J. Res. 336. A joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. BREAUX, Mr. MACK, Mr. DODD, Mr. SANFORD, Mr. BRADLEY, and Mr. DOLE)):

S. Res. 339. A resolution to express the sense of the Senate that the Congress should act to retroactively repeal the 10 percent "luxury" excise tax on recreational boats; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBURGER (for himself, Mr. BRADLEY, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, AND Mr. WELLSTONE):

S. 3223. A bill to amend the Employee Retirement Income Security Act of 1974 to waive the preemption requirements of that act to allow States to provide for State universal health plans, State risk pools for the medically uninsurable, or prospective payment systems and to impose State provider taxes; to the Committee on Labor and Human Resources.

STATE HEALTH CARE FINANCING EQUITY ACT

Mr. DURENBERGER. Mr. President, I rise today to introduce on behalf of myself and Senator BRADLEY and others a bill to waive certain of the preemption requirements of the Employee Retirement Income Security Act of 1974.

I do so on the premise that reaching universal access to health care for all Americans is a huge challenge, one that the Federal Government, for the time being, is unwilling to tackle. Fortunately, many States are not waiting for Washington, they are willing today to take on their one-fiftieth of the problem, but the Federal ERISA law stands in their way.

Because of ERISA, they have to finance plans to expand access on the backs of a dwindling minority of employers with the least ability to pay. In other words, they are trying to do a difficult job with one hand tied behind their back. The Durenberger-Bradley bill will change that.

Our bill provides a narrow exception to the ERISA exemption for the States to enact equitable financing schemes which are directed specifically at expanding access to cost-efficient health care. Period.

My own State of Minnesota has such a plan which cannot go forward without a bill of this kind; so does New Jersey. Twenty-six other States have risk pools for people who are uninsurable. Twenty-two States have provider taxes which are potentially jeopardized by recent ERISA court cases.

No, we do not want to repeal ERISA, or the ERISA preemptions or throw open total State authority to tax and regulate self-insured health plans. That would be like untying the hands of the States so they can tie the hands of employers. What we want to do is to remove an unnecessary and unintended impediment to responsible State action while we continue to make the most of employers' willingness to insure their employees.

The States cannot solve America's health crisis. Only the Federal Government can bring us to the goal of universal access to high quality care through universal coverage of financial risk. But it would be foolish to prevent, by our inaction, the States from taking responsible steps in the right direction.

Mr. President, I ask unanimous consent that a copy of the bill we are introducing today, S. 3223, be printed in the RECORD, along with a factsheet, and that Members interested—in addition to Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, and Mr. WELLSTONE, who are already cosponsors—be permitted to add their names until the end of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Health Care Financing Equity Act of 1992".

SEC. 2. WAIVER OF ERISA PREEMPTION FOR STATE UNIVERSAL HEALTH PLANS.

(a) IN GENERAL.—Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end the following new paragraph:

"(9)(A) Upon application by a State, subsection (a) shall not apply to any State program that the Secretary finds to be a qualified State health financing program. The Secretary shall make the finding under this subparagraph within 60 days of receipt of the written determination of the Secretary of Health and Human Services under subparagraph (C).

"(B) For purposes of subparagraph (A), the term 'qualified State health financing program' means a State program which—

"(i) imposes a tax or premium surcharge on, or requires participation in a risk pool for the medically uninsurable by, health plans (including self-insured health plans) doing business within the State,

"(ii) provides that—

"(I) the tax, surcharge, or participation described in clause (i) is imposed in a manner that does not discriminate between health plans on the basis of their types or sizes, regardless of whether such plans are subject to this Act,

"(II) in the case of a State plan to provide a State risk pool for the medically uninsurable, deductions, credits, or exclusions are applied to adjust the taxes, surcharge, or participation described in clause (i) for any health plan to account for the extent to which limitations in coverage or benefits under such plan place individuals who are, or could become, covered under the plan at risk for becoming medically uninsurable, and

"(III) no deductions, credits, or exclusions (other than those required under subclause (II)) are allowed which would directly or indirectly vary the level of tax, surcharge, or participation described in clause (i) among different types and sizes of health plans, and

"(iii) uses the proceeds from the tax, surcharge, or participation described in clause (i) to finance a State risk pool for the medically uninsurable, or to finance a State plan the purpose of which is to significantly improve and expand access of State residents to efficient and cost effective health care services.

"(C)(i) The Secretary shall not make a finding under subparagraph (A) with respect to any State program unless the Secretary of Health and Human Services, after conducting a review of such program, issues a written determination that the State plan—

"(I) has sufficient resources and capacity to accomplish the goals of the plan applicable under subparagraph (B)(iii), and

"(II) meets such other related standards as the Secretary of Health and Human Services may prescribe.

"(ii) The Secretary of Health and Human Services may conduct studies, and collect, analyze, and publish data and information, relating to the implementation and effectiveness of State plans referred to the Secretary for review under clause (i).

"(iii) Not later than 3 years after the third State plan is approved under this paragraph, the Secretary of Health and Human Services shall publish a report on the impact and effectiveness of the first 3 plans so approved in achieving plan goals, including recommendations as to how such plans, or administrative procedures thereunder, may be improved.

"(D) If a plan approved under this paragraph is substantially modified, such modifications must be approved under this paragraph in the same manner as the plan in order for the approval of the plan to remain in effect."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applications filed on and after the date of the enactment of this Act.

SEC. 3. STATE PROVIDER TAXES AND PROSPECTIVE PAYMENT SYSTEMS.

(a) IN GENERAL.—Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)), as amended by section 2, is amended by adding at the end the following new paragraphs:

"(10)(A) Nothing in subsection (a) or any other provision of this Act shall be treated as prohibiting a State from imposing a nondiscriminatory broad-based health care tax.

"(B) For purposes of subparagraph (A), the term 'nondiscriminatory broad-based health care tax' means any tax that—

"(i) either—

"(I) is related to health care items or services (or to the provision of, the authority to provide, or payment for, such items or services), or

"(II) is not limited to such items or services but provides for the treatment of persons providing or paying for such items or services that is different from the treatment provided to other persons,

"(ii) with respect to any class of health care items or services, is imposed at least with respect to all items or services in the class furnished by all non-Federal, nonpublic providers in the State (or, in the case of a tax imposed by a unit of local government, the area over which the unit has jurisdiction) or is imposed with respect to all non-Federal, nonpublic providers in the class or such area; and

"(iii) is imposed uniformly (as determined under subparagraph (C)).

"(C) For purposes of subparagraph (B)(iii), a tax shall be treated as imposed uniformly if—

"(i) in the case of a tax consisting of a licensing fee or similar tax on a class of health care items or services (or providers of such items or services), the amount of the tax imposed is the same for every provider providing items or services within the class;

"(ii) in the case of a tax consisting of a licensing fee or similar tax imposed on a class of health care items or services (or providers of such services) on the basis of the number of beds (licensed or otherwise) of the provider, the amount of the tax is the same for each bed of each provider of such items or services in the class; and

"(iii) in the case of a tax based on revenues or receipts with respect to a class of health care items or services, (or of providers of items or services), the tax is imposed at a uniform rate for all items and services (or providers of such items or services) in the class on all the gross revenues or receipts, or net operating revenues, relating to the provision of all such items or services (or of all such providers) in the State (or, in the case of a tax imposed by a unit of local government within the State, in the area over which the unit has jurisdiction).

A tax imposed with respect to a class of health care items and services shall not be treated as being imposed uniformly if the tax provides for any credits, exclusions, deductions, or discounts for different types of plans, including discounts for plans that are not subject to this Act or discounts for plans based on the size of their plan.

"(D) For purposes of subparagraph (B)(i)(I), a tax shall be treated as related to health care items or services if at least 80 percent of the burden of the tax falls on health care providers.

"(E) For purposes of this paragraph, the term 'tax' includes any licensing fee, assessment, or other mandatory payment.

"(11)(A) Nothing in subsection (a) or any other provision of this Act shall be treated as prohibiting a State from setting hospital rates prospectively, or from using a Diagnosis Related Group payment methodology that either—

"(i) includes a charge for uncompensated care, or

"(ii) includes adjustments to account for costs incurred by statutes and regulations that affect the delivery of health care.

"(B) For purposes of subparagraph (A)(i), the term 'uncompensated care' includes, but is not limited to, care for the indigent and expenses that result from bad debts.

"(C) For purposes of subparagraph (A)(ii), the term 'statutes and regulations that affect the delivery of health care' includes titles XVIII and XIX of the Social Security Act, and regulations thereunder."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes imposed, and rates and methodologies established, after the date of the enactment of this Act.

FACTSHEET ON THE STATE HEALTH CARE FINANCING EQUITY ACT

Problem I: Twenty-six states have established risk pools for insuring the medically uninsurable. Seventeen of these states finance these pools by imposing premium tax assessments on commercial health insurance. The Employee Retirement Income Security Act of 1974 (ERISA) prevents states from levying similar premium taxes on self-insured plans.

Approximately 65 percent of the people who receive employer-provided health insurance receive it through an ERISA-protected self-insured plan. Small businesses have too few employees to effectively self-insure. Therefore, they must shoulder the largest burden of financing risk pools in the 17 states that finance risk pools through premium taxes.

Solution: The State Health Care Equity Financing Act would allow States that establish risk pools for the medically uninsurable to apply to the Department of Labor for a limited ERISA waiver to allow the state to impose a non-discriminatory tax or surcharge on private health insurance premiums and on health insurance plans provided by self-insured companies.

States would be permitted to impose a lower tax rate (or none at all) on health plans that provide coverage to all employees without regard to health status. Since employees in those plans would not need to participate in the risk pool, companies offering such plans would not have to pay the same level of tax as companies that exclude certain employees from health coverage.

The Secretary of Labor would be required to approve this narrow ERISA waiver only if the Secretary of Health and Human Services (HHS) issues a written report finding that the uniform non-discriminatory premium surcharge will be used to finance the state's risk pool. In making this determination, the Secretary would examine the tax or surcharge structure to ensure that it is non-discriminatory.

If, after receiving an ERISA financing waiver, the state modifies its risk pool program, and modifies the premium tax or surcharge, it would have to reapply to the Secretary of Labor for a new ERISA-financing waiver.

Problem II: States are developing programs to finance broad health care access and cost containment programs. Some states would prefer to finance a portion of their health access programs through health care premium taxes similar to the premium taxes used for risk pools. (See above) As in the case of financing risks pools, the base for such a tax is too small and discriminates against companies that are not large enough to self-insure.

Solution: The State Health Care Equity Financing Act would allow a state that enacts a universal health care access program to apply to the Department of Labor for a limited ERISA waiver to allow the state to impose a uniform, non-discriminatory tax or surcharge on private health insurance premiums and on health insurance plans provided by self-insured companies.

The Secretary of Labor would be required to approve this narrow ERISA waiver only if the HHS Secretary is satisfied that the state's program will significantly improve and expand state residents' access to efficient and cost-effective health care services. In addition, the HHS Secretary has authority to issue related standards for judging the effectiveness of state access plans.

If, after receiving an ERISA financing waiver, the state modifies its access program, and modifies the premium tax or surcharge, it would have to reapply to the Secretary of Labor for a new ERISA-financing waiver.

Problem III: Twenty-two states currently impose taxes on hospitals, doctors and other providers for the purpose of financing and subsidizing uncompensated care, state Medicaid programs, and a host of other health programs. Minnesota plans on financing it's state health care access program by a 2 percent tax on hospitals and doctors. Other states are contemplating adopting similar provider taxes as a means of financing proposed universal state health care access programs.

On May 27, 1992, U.S. District Judge Alfred Wolin issued a decision striking down a New Jersey surcharge on hospital patients' billings. The proceeds of the surcharge had been used to finance health care services for the uninsured and for other state health services.

In addition, Judge Wolin struck down the States hospital rate setting method which included a surcharge for uncompensated care and for other health related services.

The judge ruled that the surcharges violated ERISA.[1] As a result of this decision, provider tax programs in 22 states are in jeopardy of being overturned and states and hospitals have potentially lost the capacity to cross-subsidize health care expenses.

Solution: The State Health Care Financing Equity Act of 1992 amends ERISA to make clear that non-discriminatory broad-based health care taxes imposed by states on hospitals, doctors and other providers do not violate ERISA.

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[1] *United Wire, Metal & Machine Health and Welfare Fund* v. *Morristown Memorial Hospital*, Civil Action No. 90-2639 (U.S. District Court, New Jersey)

In addition, the State Health Care Financing Equity Act of 1992 allows states to set hospital rates to include recovery for uncompensated care costs and other health related costs.

These provisions serve to overturn Judge Wolin's decision.

SECTION-BY-SECTION SUMMARY OF THE STATE HEALTH CARE FINANCING EQUITY ACT OF 1992

Section 1.—Short Title: Section 1 sets forth the title of this legislation—The State Health Care Financing Equity Act of 1992.

Section 2.—Limited ERISA Waiver: Section 2 amends Section 514(b) of the Employee Retirement Income Security Act of 1974 (ERISA) to allow states to apply to the Secretary of Labor for a limited ERISA waiver to allow them to more equitably finance state risk pools for the uninsurable or to finance a state universal health care access programs.

If the Secretary of Labor approves the waiver request, a state would be allowed to impose a uniform, non-discriminatory tax on surcharge on private health insurance premiums and on health insurance plans provided by self-insured companies. A lower tax rate (or tax exemption) would be permitted for plans that provide coverage to all employees without regard to health status.

The Secretary of Labor would be required to approve this narrow ERISA waiver only if the Secretary of Health and Human Services (HHS) issues a written report finding that the premium surcharge is nondiscriminatory and that the proceeds will be used to finance the state's risk pool and that the state plan has sufficient resources and capacity to accomplish the goals of the risk pool plan.

In the case of a state health care access program, the Secretary of HHS would have to be satisfied that the state's program will significantly improve and expand state residents' access to efficient and cost-effective health care services before an affirmative recommendation will be issued. In addition, the Secretary of HHS has authority to issue related standards for judging the effectiveness of state access plans.

If, after receiving an ERISA financing waiver, the state modifies its risk pool program and modifies the premium tax or surcharge, it would have to reapply to the Secretary of Labor for a new ERISA-financing waiver.

Section 3.—Clarification of Status of Provider Taxes and DRG Rates: Section 3 amends Section 514(b) of ERISA to make clear that non-discriminatory broad-based health care taxes imposed by states on hospitals, doctors, and other providers do not violate ERISA.

In addition this section clarifies that ERISA is not violated if a state sets hospital rates prospectively, and uses a Diagnosis Related Group (DRG) payment method that includes charges for uncompensated care and for other health care purposes.[2]

STATE RISK POOLS THAT ARE FINANCED BY PREMIUM TAX ASSESSMENTS[3]

Connecticut, Florida, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Carolina, Tennessee, Washington, Wisconsin, Wyoming.

STATES THAT IMPOSE TAXES ON PROVIDERS[4]

Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, Ohio, South Carolina, Tennessee, Vermont, Washington, Wisconsin.

By Mr. NICKLES:

S. 3225. A bill to amend the Internal Revenue Code of 1986 to increase the amount of depreciable business assets which may be expensed; to the Committee on Finance.

INCREASE IN DEPRECIABLE BUSINESS ASSETS WHICH MAY BE EXPENSED

• Mr. NICKLES. Mr. President, in these times of sluggish economic growth it should be the goal of every Member of this body to spur economic activity and to return our country to an acceptable level of growth. According to a report by the U.S. Chamber of Commerce, between 1954 and 1988 our economy grew at an average rate of 3 percent per year. But beginning in the summer of 1988, the economy's growth path began diverging from its historical trend. Consequently, by the end of this year GNP will be 6 percent, or $808 billion, lower than it otherwise would have been if the economy had followed its long-term trend. If action is not taken soon the losses incurred during this extended downturn will continue to weigh on the weakened backs of the American people.

Among the factors contributing to our economic stagnation is the heavy hand of taxation that stifles capital formation and frightens the entrepreneurial spirit. This entrepreneurial spirit is the backbone of our economy. Before we can expect any long-term sustainable economic recovery we must restore to small businesses the incentive and the means by which they may expand and modernize their companies. We must, in effect, reignite the risk-taking spirit which drives our economy.

Today, I am introducing legislation which could be the beginning of a comprehensive growth-enhancing package that would achieve this goal. This legislation would raise the currently mandated $10,000 limit on depreciable assets which may be expensed, to $100,000. This increase in the amount of depreciable assets that may be expensed would give small businesses much needed help in modernizing and expanding their businesses, as well as simplifying their accounting procedures.

According to "The State of Small Business," transmitted to Congress by the President, approximately 20.4 million business tax returns were filed in 1990. Of these, 4.4 million were for corporations, 1.8 million were for partnerships, and 14.2 million were for sole proprietorships. Using an employment measure of 500 employees or less to define small business, only 7,000 of these companies would not qualify as small businesses. Until 1990, this sector of our economy continued to follow our historical growth trend when most other sectors had long since faltered. Beginning in that year small business began to share in the effects of the Nation's economic downturn. New incorporations declined 4.3 percent from the previous year, while business closings increased 20 percent from 1989.

If we are to achieve our common goal we must address the issues that effect such a large sector of our economy. With the introduction of this legislation, I hope to begin the debate on the urgent needs of small businesses. It is time we abandon the stifling policies of bankruptcy and failure and replace them with sound fiscal policies which provide incentive and simplify the means by which the entrepreneurial spirit can once again lead our country in sustainable growth.•

By Mr. BOREN (for himself and Mr. DANFORTH):

S. 3226. A bill to amend title XIX of the Social Security Act to require States to operate bulk vaccine purchasing systems in order to provide for increased vaccination of Medicaid-enrolled children, and for other purposes; to the Committee on Finance.

CHILD IMMUNIZATION ACCESS ACT

• Mr. BOREN. Mr. President, I rise today to introduce, with my friend from Missouri Mr. DANFORTH, the Child Immunization Access Act of 1992.

Child immunization is one of the most effective, and cost effective, means of disease prevention—saving as much as $14 for every $1 vested. Yet a combination of rising vaccine prices and inefficient Medicaid purchasing systems is resulting in declining immunization rates and a rise in childhood disease among Medicaid children—among the most vulnerable members of the preschool population.

Mr. President, even outside the realm of Medicaid, the immunization situation is increasingly alarming. Currently, Mr. President, the United States lags behind 69 others countries—including Cuba, Indonesia, and Jamaica—in immunizing nonwhite infants. According to the Federal Center for Disease Control [CDC], less than half of America's 2-year-olds are fully protected against childhood diseases. One out of four preschool children are never immunized at all, and the rate is even lower in rural and poor urban areas. And incredibly, nearly 28,000 cases of measles were reported in 1990—almost 20 times the number reported in 1983. Along with recent outbreaks of whooping cough and rubella, this measles epidemic has raised concerns across the country.

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[2] This provision serves to overturn the decision in *United Wire, Metal & Machine Health and Welfare Fund* v. *Morristown Memorial Hospital*, Civil Action No. 90-2639 (U.S. District Court, New Jersey), decided May 27, 1992. In this case, the Court struck down a surcharge on patients' billings, the proceeds of which were used to finance health care services for the uninsured, because the Judge found that the surcharge violated ERISA. In addition, the Judge overturned New Jersey's DRG payment methodology because the State-mandated DRG rates included charges for hospitals' uncompensated care, and charges to make up for perceived Medicare underpayments to medical professionals.

[3] Nine other states (California, Colorado, Georgia, Illinois, Louisiana, Maine, Mississippi, Texas and Utah) operate risk pools for the uninsured. However, they do not finance their pools with health insurance premium assessments. Source: Communicating for Agriculture "*Comprehensive Health Insurance for High-Risk Individuals*" Fifth edition, 1991

[4] Source: Congressional Research Service analysis of data from APWA Medicaid Management Institute, October 2, 1991.

There are many ways to approach this difficult problem. My good friend from Arkansas, Senator BUMPERS, has spoken often on the logistical and institutional challenges of increasing access to immunizations. In fact, there are few who have done more than Senator BUMPERS to immunize children and prevent childhood disease. His leadership has made a difference.

In that spirit, Mr. President, I would say that while the problems are complex, there is certainly something that we can do now to begin to bring the immunization rate—and the health of our poorest children—back up to the level it ought to be in America at the end of the 20th century.

This legislation would increase the vaccination of Medicaid-enrolled children by requiring States to set up bulk vaccine purchasing systems. Each State will establish and operate what is called a vaccine replacement system, under which State public health agencies purchase vaccine in bulk at CDC-negotiated prices. The agencies then supply free replacement vaccines to providers who have immunized Medicaid-eligible children.

Let me briefly explain the rationale for such a program. Currently, the CDC buys vaccines in bulk at contract prices which are substantially lower than the catalog prices that physicians pay. As an illustration, oral polio vaccine costs $2 under CDC bulk purchase but $9.45 when privately purchased. However, only a minority of States have moved to rationalize their immunization programs, instead maintaining more costly fee-for-service reimbursement systems. Unfortunately, Medicaid fee-for-service reimbursements are often inadequate to cover catalog prices and administration costs incurred by physicians. As a result, many doctors refer Medicaid children to already overburdened public clinics, leading in turn to lower overall immunization rates.

Under the vaccine replacement system envisioned in this legislation, physicians no longer lose money by helping and immunizing Medicaid-eligible children. And Medicaid programs save money by reimbursing at these lower prices.

The Congressional Budget Office has made a preliminary estimate that this legislation will save $52 million over 5 years. According to the General Accounting Office, Medicaid programs in just the 32 States participating in a recent study could have saved $14.2 million had vaccines been purchased at the CDC contract prices.

These are substantial savings, Mr. President. Savings which can be plowed back into efforts to further improve immunization programs.

We have worked closely in drafting this legislation with State Medicaid directors represented by the American Public Welfare Association, who are understandably concerned about the financial impact of any new mandates.

We have worked to allay their concerns first by providing for an enhanced Federal matching rate to help pay for the start-up and the first year of operation of a vaccine replacement system. We have also included flexible provisions which would allow a State to opt out of this bill's requirements if the State is already operating a more expansive universal vaccine distribution system, or if the State demonstrates that a vaccine replacement system would not be appropriate or cost effective. And we would allow for a 1-year grace period before this bill would take effect.

I would emphasize again, Mr. President, that even with start-up and initial administration costs, this bill will save at least tens of millions of dollars.

The Children's Defense Fund has actively supported this legislation and for years has advocated programs to improve access to efficient and effective immunization programs. The CDF has called specifically for making bulk purchase of vaccine the rule rather than the exception, and I think it is time to do just that.

Marian Wright Edelman, the president of CDF, has said that "the Nation cannot afford and must not tolerate a disintegrating vaccine delivery system in which States both waste public health dollars and create barriers to getting immunized." I would agree, Mr. President. In these difficult economic times, when Medicaid programs across the country are approaching financial crisis, and when diseases thought to have been virtually eradicated are returning with a vengeance, we must think of ways to spend our immunization dollars more wisely.

This legislation is a start. It will save millions of dollars. It will prevent the expenditure or millions more on treatment of preventable childhood diseases. I hope the Senate will look favorably upon it.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Immunization Access Act of 1992".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) preschool immunization rates declined in the 1980's, causing a major 3-year outbreak of measles resulting in over 55,000 cases in 1990 alone;

(2) when the proportion of adequately immunized non-white infants is compared to overall immunization rates of other nations, the United States ranks 70th in the world behind Indonesia, Cuba, and Jamaica;

(3) lack of access to providers for children receiving medical assistance under the medicaid program plays a key role in declining immunization rates and the rising incidence of disease among children; and

(4) any savings realized by the implementation of this Act should be used to improve immunization services to all preschool children enrolled in the medicaid program.

(b) PURPOSE.—The purpose of this Act is to provide increased access to immunization for children under the medicaid program.

SEC. 3. STATE MEDICAID BULK PURCHASING SYSTEMS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (54);

(2) by striking the period at the end of paragraph (55) the first place it appears and inserting a semicolon;

(3) by redesignating paragraph (55) the second place it appears as paragraph (56);

(4) by striking the period at the end of paragraph (58) the first place it appears and inserting a semicolon;

(5) by redesignating paragraph (58) the second place it appears as paragraph (59);

(6) by striking the period at the end of paragraph (59), as redesignated, and inserting "; and"; and

(7) by inserting after paragraph (59) the following new paragraph:

"(60) provide for the establishment and operation of a vaccine replacement system (as described in section 1905(t)(1)), except that if—

"(A) the State operates a universal vaccine distribution system (as described in section 1905(t)(2)), or

"(B) the State demonstrates to the satisfaction of the Secretary that a vaccine replacement system (as described in section 1905(t)(1) would not be appropriate or cost-effective in the State,

then no such replacement system is required to be operated by the State.".

(b) DEFINITION.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end of the following new subsection:

"(t) VACCINE REPLACEMENT SYSTEM AND UNIVERSAL VACCINE DISTRIBUTION SYSTEM.—

"(1) VACCINE REPLACEMENT SYSTEM.—The term 'vaccine replacement system' means a State program which purchases vaccines on behalf of entities providing medical assistance to individuals eligible for such medical assistance under this title at prices negotiated by the Centers for Disease Control's childhood immunization program (or at the lowest practicable prices) and distributes such vaccines free of charge to such entities.

"(2) UNIVERSAL VACCINE DISTRIBUTION SYSTEM.—The term 'universal vaccine distribution system' means a State program under which vaccines are purchased in bulk on behalf of public and private entities providing routine immunization services in the State for distribution, at no charge, to such entities.".

SEC. 4. PAYMENTS TO STATES FOR MEDICAID BULK PURCHASING SYSTEMS.

Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) an amount equal to—

"(A) 80 per centum of the sums expended during such a quarter within the four-quarter period beginning with the first quarter in which a payment is made to the State pursuant to this paragraph, and

"(B) the Federal medical assistance percentage of the sums expended during each succeeding calendar quarter,

with respect to costs incurred during such quarter which are attributable to establishing and operating a vaccine replacement system (as defined in section 1905(t)(1) or which are attributable to a vaccine distribution system (as defined in section 1905(t)(2)) for individuals eligible for medical assistance under this title; plus".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to payments for calendar quarters beginning 1 year after the date of the enactment of this Act.●

By Mr. McCAIN:

S. 3227. A bill to provide for the resolution of the conflicting water rights claims for lands within the Roosevelt Water Conservation District in Maricopa County, AZ, and the Gila River Indian Reservation; to the Select Committee on Indian Affairs.

SETTLEMENT OF CERTAIN WATER RIGHTS CLAIMS

● Mr. McCAIN. Mr. President, I am pleased to introduce today legislation that will ratify a settlement agreement among the Roosevelt Water Conservation District [RWCD], the Gila River Indian Community [GRIC], and the United States that was signed on August 7, 1992.

Under this agreement, the RWCD, an Arizona irrigation district, relinquishes to the Secretary of the Interior all of that portion of its entitlement to water from the central Arizona project [CAP] not previously committed to use under the terms of the Salt River Pima-Maricopa Indian Community Water Settlement Act of 1988. The Secretary is to hold the water relinquished by the RWCD for the use and benefit of the Gila River Indian Community, whether or not an overall water rights settlement for the community, involving many other parties, can be negotiated in the reasonably foreseeable future.

The purpose of the RWCD-GRIC settlement agreement is to settle the water rights claims of the Gila River Indian Community against RWCD and all landowners within RWCD with respect to their use of water within RWCD. In return for settling its claims against RWCD, the community would obtain a source of water that, depending on the total amount of CAP water available to agriculture in any year, could be as much as 63,000 acre-feet, but no less than 27,409 acre-feet.

This agreement is a major step toward achieving an eventual overall settlement of the water rights claims which the United States and the Gila River Indian Community have brought against an array of parties in Arizona Superior Court in a general stream adjudication of the Gila River system. The RWCD water will constitute a significant part of the total water budget that the Secretary and the community have agreed would be desirable in any overall settlement of the community's claims.

I commend the board of directors of the RWCD, its general manager, Michael Leonard, and their able legal counsel for their statesmanlike efforts to bring about this settlement agreement with the Gila River Community and the Secretary. RWCD played a similarly key and constructive role in the lengthy negotiations that led to enactment of comprehensive settlements of the water rights claims of the Salt River and Fort McDowell Indian communities in 1988 and 1990.

I also commend Gov. Thomas White and the council of the Gila River Indian Community, and their counsel, for their diligent efforts to reach agreement with the RWCD. The community, which has committed significant resources and talent to the difficult process of achieving an overall settlement of its water rights claims, can fairly view this agreement as a major accomplishment toward that goal.

Interior Secretary Lujan, Assistant Secretary for Water and Science John Sayre, Commissioner of Reclamation Dennis Underwood, and Assistant Secretary for Indian Affairs Dr. Ed Brown deserve praise for their roles in securing RWCD's water on behalf of the Gila River Indian Community.

It is unlikely that the Roosevelt-Gila River legislation will be enacted in the remaining days of the current Congress. However, I would hope that its introduction will be viewed by the administration and others as evidence of congressional support and as an expression of intent to see that the settlement it would ratify is ultimately realized.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

the Congress finds and declares:

(1) It is the policy of the United States of America, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, water rights of Indian tribes without lengthy and costly litigation.

(2) Meaningful Indian self-determination and economic self-sufficiency largely depend on development of viable Indian reservation economies.

(3) The Gila River Indian Reservation was established by the Act of February 28, 1859 (11 Stat. 388), and was expanded by Executive orders dated August 31, 1876; January 10, 1879; June 14, 1879; May 5, 1882; November 15, 1883; May 8, 1911; July 13, 1911; December 16, 1911; June 2, 1913; August 27, 1914; March 18, 1915; and July 19, 1915.

(4) The Gila River Indian Community is organized under section 16 of the Indian Reorganization Act of June 19, 1934 (48 Stat. 987; 25 U.S.C. 476), and is recognized by the Secretary of the Interior.

(5) The Gila River Indian Community and the United States, as trustee of the Gila River Indian Reservation, have filed claims for such Reservation's water rights in the General Adjudication of the Gila River System and Source currently pending in the Superior Court of the State of Arizona in and for the county of Maricopa.

(6) The United States, as trustee of such Reservation, has filed suit in the United States District Court for the District of Arizona against the Roosevelt Water Conservation District, an irrigation district organized under the laws of the State of Arizona, and others seeking a declaratory judgment, injunctive relief, and money damages.

(7) The delay and expense of litigation perpetuate economically and socially damaging limits to the Gila River Indian Community's access to water, prolong uncertainty as to the availability of water supplies, and seriously impair such Reservation's long-term economic planning and development.

(8) After extensive negotiations among the United States, the Gila River Indian Community, and the Roosevelt Water Conservation District, the United States and the Gila River Indian Community have settled all claims against the Roosevelt Water Conservation District for lands on the Gila River Indian Reservation and have entered into the Settlement Agreement.

(9) The Settlement Agreement represents an important step in the process of settling the water rights dispute between the Gila River Indian Community and the neighboring water users.

(10) To advance the goals of Federal Indian policy and to fulfill the trust responsibility of the United States to such Community, it is appropriate that the Congress of the United States ratify, approve, and confirm the Settlement Agreement to enable the Gila River Indian Community to obtain a significant contribution to the water supply necessary for developing a diverse, efficient reservation economy and to encourage other settlements between such Community and its water-using neighbors.

SEC. 2. RATIFICATION AND RELATED MATTERS.

(a) RATIFICATION.—The Settlement Agreement among the United States, Gila River Indian Community, and Roosevelt Water Conservation District, executed as of July 1992, is hereby ratified, approved, and confirmed. The Secretary of the Interior, for the United States, shall perform the obligations of the United States under the Settlement Agreement and take, or cause to be taken, all actions necessary to implement the Settlement Agreement.

(b) WATER DELIVERY CONTRACT.—The Secretary shall, consistent with the Settlement Agreement, enter into a water delivery contract with the Gila River Indian Community for delivery of the water relinquished by the Roosevelt Water Conservation District for the use and benefit of the Gila River Indian Community.

(c) ALLOCATION AND REPAYMENT OF COSTS.—For the purpose of determining the allocation and repayment of costs of the Central Arizona Project as provided in Article 9.3 of Contract No. 14-06-14-245, Amendment No. 1, dated December 1, 1988, between the United States and the Central Arizona Water Conservation District, a municipal corporation of the State of Arizona, the costs associated with the water delivery contract between the United States and the Gila River Indian Community entered into pursuant to the Settlement Agreement and with exhibit "E" to the Settlement Agreement, shall be nonreimbursable and shall be excluded from the Central Arizona Water Conservation District repayment obligation.

(d) PARTY TO LITIGATION.—Any party to the Settlement Agreement is authorized to name the United States or the Gila River Indian Community, or both, as a party or parties in any litigation brought in a United States district court solely to interpret or enforce the Settlement Agreement. The sovereign immunity of the United States and the Gila River Indian Community from such litigation is hereby waived.

(e) DISCLAIMER.—Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise affect the water rights, claims, or entitlements to water of any Arizona Indian tribe, band, or community, other than the Gila River Indian Community.

SEC. 3. DEFINITION.

As used in this Act, the term "Settlement Agreement" means the agreement executed as of July, 1992, among the United States, the Gila River Indian Community, and the Roosevelt Water Conservation District for the settlement of the water rights claims of the Gila River Indian community and its members against the Roosevelt Water Conservation District and all lands within the Roosevelt Water Conservation District.•

By Mr. BOREN:

S. 3228. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 to strengthen the protection of native biodiversity and to place restraints on clearcutting and certain other cutting practices on the forests of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOREST BIODIVERSITY AND CLEARCUTTING PROHIBITION ACT

• Mr. BOREN. Mr. President, the United States has been the world's leader in the fight to save the planet's forests—from the conifers in Siberia to the rainforests of Brazil and Indonesia. But while we have been waging battles in other countries, our own forests are being ravaged by logging practices in our own country. It was made painfully obvious at the Earth summit in Rio that the United States is willing to play both sides of environmental issues—lecturing other nations to do one thing while ignoring the same problems here at home.

It is high time that we take our own advice and change the way we manage our national forests. The days when we could harvest trees without regard for the long-term effects of logging on our forests are long gone.

In 1905, President Theodore Roosevelt established the Forest Service and for the next 50 years, national forests contributed only a small percentage of national lumber supplies. Instead, nearly 95 percent of the U.S. supply came from privately owned forests. During that time, the Forest Service considered itself to be the custodian and protector of forests rather than a prime supplier of lumber.

Today, the Forest Service has made a fundamental shift in policy from protecting forests to managing trees for commercial purposes. Our national forests now contribute roughly 15 percent of U.S. lumber demands. In addition, the Forest Service currently depends on large sales of lumber to provide a substantial portion of its annual budget.

We have begun to understand that our natural resources are limited and fragile, from the coal that lies beneath the Appalachians to the giant redwood forests. However, we have failed to apply this understanding into restocking our forests as has been in cutting them down.

Since the 1960's, the United States has harvested millions of square miles of timber, chiefly under the clearcutting method. In order to stop the standard practice of these clearcuts, Congress passed the 1976 National Forest Management Act which allowed clearcutting only when it was determined to be the optimum cutting period.

Unfortunately, Mr. President, a virtual scorched earth approach to harvesting lumber has led to a vast reduction of the native species of plants and animals that constitute the native biodiversity of our treasured national forests. The Forest Service, the custodian of the public forests, has allowed these destructive practices to continue unchecked for decades.

Between 1984 and 1991, clearcutting accounted for 63 percent of the area harvested in national forests while seedtree and shelterwood cuts accounted for 29 percent of the area harvested; 92 percent of the lumber coming from our national forests is harvested by some form of clearcut. These figures are an average taken 16 years after Congress passed the 1976 National Forest Management Act which stipulated that clearcutting should only be used if it were the optimum method of cutting. Unfortunately, what may prove optimum for the logging industry has proven devastating for our forests.

The public lands managed by the Forest Service are the tracts of land that were not wanted by homesteaders and others when the West was being settled. Most of the Forest Service's holdings are located at higher elevations and generally have poorer soil characteristics and steeper grades than land in lower elevations.

A clearcut, as its name implies, removes nearly all vegetation from the site, leaving only stumps and scrub brush. Rather than allowing a balanced mixture of native trees and vegetation to recover and reclaim the site, clearcutters use herbicides, poisons and burnings to prepare the location for planting and subsequent development of only one species of tree.

Because of the methods of a clearcut or even-age harvest, the soil is exposed to direct sunlight; compacted by heavy machinery, and deprived of the low-lying vegetation and roots which absorb moisture and prevent rainfall runoff. These factors contribute to soil erosion and the leaching of nutrients in areas where it may have taken thousands of years to develop a soil structure that could sustain a forest.

In many areas clearcuts are undertaken in lands above streams resulting in increased stream sediment, a reduction of water quality, siltation of stream bottoms and the runoff which is carried downstream where it threatens drinking water supplies and spawning grounds of species of fish like salmon and trout.

Clearcutting not only strips the land bare of its natural cover, but it encourages replanting and development of only one species of tree, creating giant expanses of forest monocultures. Replacing the natural habitat, which may include hundreds of varieties of vegetation and trees, with a single genetically engineered superspecies of tree removes any natural buffer that may exist to prevent disease, fire or insect infestations from spreading rapidly over vast areas of forest. Once these monocultures come under attack from insects, for example, the Forest Service's solution to the problem is to clearcut another area of forest to prevent further infestation.

Few Senators would say that logging should be completely stopped in our forests. Logging is an industry that can be considered to be the backbone of the West, just as farming is the backbone of the economy in the Midwest.

The timber industry has argued effectively that jobs will be lost if current logging practice is changed in any manner. Likewise, environmentalists have painted a picture of disaster if logging is not completely stopped.

Neither of these scenarios is entirely true. Logging companies favor the clearcutting method because it is simply the cheapest and most efficient method of harvesting trees. However, companies do not have the same incentive for replanting and caring for the forest on public lands as they do on their own private stands of trees.

At the other end of the spectrum, environmental groups have brought logging operations in some areas to a screeching halt pursuing lawsuit after lawsuit in which the only winners are the lawyers.

Each of the feuding parties needs to move beyond the politics and extreme choices that environmentalists and timber lawyers have perpetuated. Mr.

President, the bill I have proposed today, the Forest Biodiversity and Clearcutting Prohibition Act is a necessary step to preserve and maintain the unique ecosystems that exist in the United States without forcing a complete ban on logging.

My bill would prohibit clearcutting and the environmentally damaging effects that flow from that practice. Logging would be allowed to continue in national forests using the selection management system. Selection management, is a method by which mature and immature trees are removed either singly or in small groups enabling loggers to cut only the trees that have actual commercial value. This method will allow the trees that are not harvested to remain standing. Selection management prevents erosion and stream sedimentation, maintains the habitat of native plants and animals, and preserves the integrity of the forest ecosystem.

Selection logging will not result in a loss of jobs; in fact, it will create jobs due to the need for specialized cutters, methods, and less reliance upon heavy machinery. Selection management reduces the unnatural impact of logging on the forest. It is friendlier on the forest by imitating the natural loss of trees that occur over time.

Selection management not only results in conservation but also in long-term commercial efficiency. Many selectively harvested forests have produced more broad feet of lumber in a timber stand than successive clearcuts would have produced in the same time period.

The bill also directs the Forest Service to provide for the conservation of native biodiversity, including genetic diversity, in each timber stand managed or operated for timber purposes. With the exception of the extraction stage of authorized mineral development and authorized construction projects, the Forest Service shall provide for the conservation of native biodiversity to the extent practicable.

It is a solution that both the timber industry and environmentalists need to take but neither are willing to support. The timber industry feels this bill is not necessary and environmentalists believe this bill does not go far enough.

My bill strikes a balance and brings each side together while helping preserve the diversity of plants and animals that exist in our National Forests. It directs the Forest Service to prohibit clearcutting and other forms of even-age management while preserving the native biodiversity that has existed in these forests for hundreds and thousands of years.

Mr. President, I ask unanimous consent that the full text of the bill appear in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Biodiversity and Clearcutting Prohibition Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Forest Service of the Department of Agriculture engages in even-age management of forests.

(2) Even-age management causes a substantial reduction in native biodiversity—

(A) by emphasizing the production of a limited number of commercial species of trees on each site, generally only one;

(B) by manipulating the vegetation toward greater relative density of the commercial species;

(C) by suppressing competing species; and

(D) by planting, on numerous sites, a commercial strain that was developed to reduce the relative diversity of genetic strains that previously occurred within the species on the same sites.

(3) Even-age management depletes the habitat of deep-forest species of animals.

(4) Even-age management exposes the soil to direct sunlight, impact of rains, disruption of surface, and compaction of organic layers, and disrupts the run-off-restraining capabilities of roots and low-lying vegetation, resulting in—

(A) soil erosion;

(B) leaching of nutrients;

(C) reduction in biological content of the soil;

(D) impoverishment of the soil; and

(E) long-range deleterious effects on all land resources, even timber production.

(5) Even-age management decreases the capability of the soil to retain carbon and, during the critical periods of felling and site preparation, reduces the capacity of the biomass to process and store carbon, with the result of the loss of carbon to the atmosphere.

(6) Even-age management renders the soil increasingly sensitive to acid deposition by—

(A) causing decline of soil wood and coarse woody debris;

(B) reducing site capacity for the retention of water and nutrients;

(C) increasing soil heat; and

(D) impairing the maintenance of protective carbon compounds on the soil surface.

(7) Even-age management results in increased stream sedimentation, siltation of stream bottoms, decline in water quality, and impairment of life cycles and spawning processes of aquatic life from benthic organisms to large fish, thereby depleting the sports and commercial fisheries of the United States.

(8) Even-age management lessens resistance in the plant community (including the commercial tree crop) to insects and diseases, under the ecological principle that as the relative density of a species in a given area approaches totality the population of the species in that area becomes increasingly susceptible to insects and diseases.

(9) Even-age management increases harmful edge effects, including—

(A) blowdowns;

(B) invasions by weed species; and

(C) heavier losses to predators and competitors, from raccoons and hawks to ratsnakes and cowbirds.

(10)(A) Even-age management decreases recreational diversity by reducing the number of deep, canopied, variegated, permanent forests, where the public can fulfill an expanding need for recreation.

(B) Even-age management replaces these forests with clearings that grow into relatively impenetrable thickets of saplings, and then into monotonous plantations.

(11) Human beings depend on native biological resources, including plants, animals, and micro-organisms, for food, medicine, shelter, and other important products, and as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure.

(12) Reduction in native biodiversity has serious consequences for human welfare as the United States irretrievably loses resources for research and agricultural, medicinal, and industrial development.

(13) Reduction of biological diversity in Federal forests adversely affects the functions of ecosystems and critical ecosystem processes that—

(A) moderate climate;

(B) govern nutrient cycles and soil conservation and production;

(C) control pests and diseases; and

(D) degrade wastes and pollutants.

(14) The harmful effects of even-age management on the natural resources of the United States and the quality of life of its people are substantial and avoidable.

(15) By substituting selection management and native biodiversity protection, as prescribed in this Act, for the even-age system, the Federal agencies engaged in even-age management prior to the date of enactment of this Act—

(A) will substantially reduce or eliminate devastation to the environment;

(B) will maintain vital native ecosystems in Federal forests; and

(C) will improve the quality of life of the American people.

(16) Selection management—

(A) is more job intensive and therefore provides more employment than even-age management for the same level of timber production; and

(B) produces higher quality sawlogs.

(b) PURPOSES.—The purposes of this Act are, in all timberland owned or operated by the United States where logging is permitted, to conserve native biodiversity and to protect all native ecosystems against losses that result from clearcutting and other forms of even-age management.

SEC. 3. AMENDMENT OF FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974 RELATING TO NATIONAL FOREST SYSTEM LANDS.

(a) CONSERVATION OF NATIVE BIODIVERSITY.—Subparagraph (B) of section 6(g)(3) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)) is amended to read as follows:

"(B) in each stand throughout each forest managed or operated for timber purposes, provide for the conservation of native biodiversity, except during the extraction stage of authorized mineral development in such a stand and during an authorized construction project in such a stand, when the Secretary shall provide for the conservation of native biodiversity to the extent practicable;".

(b) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—Section 6 of such Act (16 U.S.C. 1604) is amended by adding at the end the following new subsection:

"(n)(1) Notwithstanding subsection (g)(3)(F), the guidelines specified under subsection (g)(3)(B) shall prohibit even-age management.

"(2) As used in subsection (g)(3)(B) and in this subsection:

"(A) The term 'clearcutting' means the logging of the commercial timber in a stand in a short period of time.

"(B) The term 'conservation of native biodiversity', with respect to a stand, means the management of the stand by taking actions to maintain existing native biodiversity and to restore native biodiversity, including actions to protect, restore, and increase (to the extent practicable) the variety of species and communities of living organisms in the stand in such abundance and with sufficient distribution to ensure the continued existence of the species and communities (including the viability of populations throughout the natural geographic distribution of the populations) and the continued normal functioning of the species and communities.

"(C) The term 'cull tree' means a tree that is felled and left because the tree has a significant defect resulting from insects, disease, or injury.

"(D) The term 'ecosystem diversity' means distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

"(E) The term 'even-age management', with respect to commercial timber, means—

"(i) the management of the growing of commercial timber in a stand so that the age of each tree in the stand is generally within 10 years of the ages of all trees in the stand; and

"(ii) the complete logging of the stand (except for designated leave trees or clumps of trees) by clearcutting, salvage logging, seed-tree cutting, or shelterwood cutting.

"(F) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

"(G) The term 'group selection' means a form of selection management—

"(i) that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees, in small groups, where they grow in small groups, with the result of—

"(I) creating openings in a stand that do not exceed in width in any direction the height of the tallest tree standing within 10 feet of the edge of the opening; and

"(II) maintaining different age groups in the stand; and

"(ii) under which in no event will more than 30 percent of a stand be felled within a 30-year-period.

"(H) The term 'native biodiversity'—

"(i) means the full range of variety and variability within and among living organisms and the ecological complexes in which the organisms would have occurred in the absence of significant adverse effects of human activity; and

"(ii) encompasses ecosystem diversity, species diversity, and genetic diversity.

"(I) The term 'salvage logging' means the felling or further damaging of damaged or diseased trees that, collectively, have greater basal area than 20 square feet per acre logged.

"(J) The term 'seed-tree cutting' means a logging operation that leaves one or more seed trees, generally 6 to 10 per acre.

"(K) The term 'selection management', with respect to a stand, means logging and other actions that—

"(i) are necessary to maintain—

"(I) continuous high forest cover;

"(II) recurring natural regeneration of all native species in the stand; and

"(III) the orderly growth and development of trees through a range of diameter or age classes that result in a sustained yield of forest products;

"(ii) include the use of individual-tree selection and group selection cutting methods that develop and maintain the stand;

"(iii) involve the continuous harvesting of the trees that are least likely to contribute to the long-range health of the stand; and

"(iv) are taken with a goal of improving the quality of the stand.

"(L) The term 'shelterwood cutting' means an even-age silvicultural regeneration method under which—

"(i) a minority of the mature trees in a stand, usually 10 to 20 per acre, is retained as a seed source or for protection during the regeneration period; and

"(ii) the retained trees are later removed in one or more cuttings.

"(M) The term 'species diversity' means the richness and variety of native species in a particular location.

"(N) The term 'stand' means a forest or part of a forest, not exceeding 100 acres, that has enough identity by location, topography, or dominant species to be managed as a unit.

"(O) The term 'timber purposes' includes the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees other than for creating land space for a structure or other use.".

SEC. 4. INAPPLICABILITY TO EXISTING CONTRACTS.

The amendments made by this Act shall not apply with respect to any contract to sell timber that was awarded on or before the date of enactment of this Act.•

By Mr. EXON:

S. 3229. A bill to protect the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Commerce, Science, and Transportation.

ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1992

• Mr. EXON. Mr. President, this summer I was contacted by Joe Shea, the president of Rochester Armored Car Co. in Omaha, NE, about a serious problem facing America's armored car industry. I am pleased to rise to introduce the Armored Car Industry Reciprocity Act to address this problem and help protect the security of goods, currency and securities moving in interstate commerce. I am pleased to report that identical legislation has been introduced by Congresswoman CARDISS COLLINS in the House of Representatives.

America transports billions of dollars of cash, securities, food stamps, bullion, and other valuables by armored car. Without armored car transportation, interstate commerce would come to a grinding halt. This mode of transportation which is used extensively by Federal and State governments is absolutely vital to our Nation's economy.

The legislation I introduce today would address a problem which threatens to impede the efficient movement of valuables in interstate commerce. That problem occurs when States and localities have various rules relating to the licensing of weapons which are used by crews working on armored cars. In recent years there have been several instances where armored cars moving in interstate commerce have been stopped and armed guards have been arrested or had their weapons confiscated by local authorities. These individuals were licensed to carry their weapons in their home States. Unfortunately, those permits were not honored in the arresting States.

The legislation I introduce today would grant reciprocity to qualified weapons licenses for armed guards working on armored cars. The legislation establishes minimum State standards for armored car crew weapons licenses. These standards will require criminal background checks, and annual classroom and range training. The legislation will not require States to adopt these minimum standards but will provide reciprocity for the licenses of those states which do so. Most States already meet these standards.

As chairman of the Senate Surface Transportation Subcommittee, I am pleased to introduce this legislation which will facilitate the safe and efficient transport of currency and valuables, improve law enforcement and gun safety. It is a commonsense proposal which has the support of Federal agencies and has not sparked any known opposition. I encourage my colleagues to review and support this important legislation.

I ask unanimous consent that the text of the Armored Car Industry Reciprocity Act be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armored Car Industry Reciprocity Act of 1992".

SEC. 2. FINDINGS.

Congress finds that—

(1) the distribution of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;

(2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than $1,000,000,000;

(3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;

(4) to protect themselves and the items they transport, such crew members are armed with weapons;

(5) various States require both weapons' training and a criminal record background check before licensing a crew member to carry a weapon; and

(6) there is a need for each State to reciprocally accept weapons' licenses of other States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

SEC. 3. STATE RECIPROCITY OF WEAPONS' LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.

(a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.

(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a weapon's license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that the crew member—

(1) has received classroom and range training in weapon's safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

(2) has not been convicted of a felony under any Federal or State law, determined on the basis of a criminal record background check conducted during the current year.

SEC. 4. RELATION TO OTHER LAWS.

This Act shall supersede any provision of State law (or any subdivision thereof) that is inconsistent with this Act.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) The term "armored car crew member" means an individual who provides protection for goods transported by an armored car company.

(2) The term "armored car company" means a company—

(A) subject to regulation under subchapter II of chapter 105 of title 49, United States Code; and

(B) holding the appropriate certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

(3) The term "State" includes the several States and the District of Columbia.●

By Mr. AKAKA (for himself, Mr. ADAMS, Mr. BOREN, Mr. BUMPERS, Mr. CONRAD, Mr. CRANSTON, Mr. DASCHLE, Mr. DECONCINI, Mr. DOLE, Mr. GLENN, Mr. INOUYE, Mr. JEFFORDS, Mr. METZENBAUM, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SASSER, Mr. SHELBY, Mr. SIMPSON, and Mr. SPECTER):

S.J. Res. 336. Joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week"; to the Committee on the Judiciary.

HIRE A VETERAN WEEK

● Mr. AKAKA. Mr. President, I am pleased to join Senators ADAMS, BOREN, BUMPERS, CONRAD, CRANSTON, DASCHLE, DECONCINI, DOLE, GLENN, INOUYE, JEFFORDS, METZENBAUM, MURKOWSKI, PELL, PRESSLER, RIEGLE, ROCKEFELLER, SANFORD, SASSER, SHELBY, SIMPSON, and SPECTER in introducing legislation to designate the week of November 8 as "National Hire a Veteran Week."

The primary goal of National Hire a Veteran Week is to draw the attention of employers across the Nation to the valuable skills offered by former servicepersons and to educate the public about the many veterans employment programs that are currently offered by Federal, State, and local agencies. Such programs include the Veterans' Employment and Training Service, Disabled Veterans' Outreach Program, National Veterans' Training Institute, Federal Contractor Program, and the Job Training Partnership programs for veterans.

These programs provide a framework from which veterans can receive job training, counseling, assistance with job searches, and information to protect their reemployment rights. They also inform employers of tax credits they can receive for employing veterans and eligibility for special Job Training Partnership Act veterans funds.

Encouraging employers to hire veterans is especially important at a time when the Bureau of Labor Statistics reports that a staggering 991,000 veterans are unemployed. To make matters worse, we know that over the next 5 years our armed services will discharge a minimum of 400,000 military personnel and lose another 300,000 per year through attrition. We need to encourage employers to hire veterans, not only out of a sense of gratitude to those who served in defense of our Nation, but also out of a sense of economic self-interest.

Many of the nearly 1 million unemployed veterans in the United States today are having difficulty finding civilian employment because employers do not realize that military experience can translate into civilian job skills. One of the primary aims of "Hire a Veteran Week" is to create an awareness of the job-related qualities that many military personnel possess, such as a sense of discipline, responsibility, and integrity; the ability to work independently or as part of a team; and, the ability to utilize and become quickly familiar with new technology.

Mr. President, the Senate has recognized the need for providing assistance to service members who have risked their lives for the sake of our country by passing legislation establishing the Transition Assistance Program and the Disabled Veteran's Outreach Program; both of which provide vocational guidance to servicemembers before they leave active duty. In conjunction with these programs, Congress enacted the Local Veterans' Representative Program, which directly assists veterans with job placement. In addition to this, there are initiatives that are currently being taken in Congress that would create incentives for employers to hire veterans by authorizing payment for veteran training.

This National Hire a Veteran Week joint resolution will continue Congress' tradition of formalizing our sense of gratitude toward and appreciation of veterans by helping them reenter the civilian job market and by giving them the opportunity to demonstrate their qualifications and capabilities.

Thank you, Mr. President. I urge my colleagues to support this important joint resolution.●

ADDITIONAL COSPONSORS

S. 391

At the request of Mr. REID, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 391, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1146

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1146, a bill to establish a national advanced technician training program, utilizing the resources of the Nation's two-year associate-degree-granting colleges to expand the pool of skilled technicians in strategic advanced-technology fields, to increase the productivity of the Nation's industries, and to improve the competitiveness of the United States in international trade, and for other purposes.

S. 1931

At the request of Mr. STEVENS, the names of the Senator from Utah [Mr. HATCH], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1931, a bill to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs.

S. 2661

At the request of Mr. MOYNIHAN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. ROBB], the Senator from Arkansas [Mr. BUMPERS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Utah [Mr. GARN], the Senator from Virginia [Mr. WARNER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2661, a bill to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2678

At the request of Mr. KASTEN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2678,a bill to provide assistance to communities to improve drug abuse resistance education programs, and for other purposes.

S. 2696

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of S. 2696, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

At the request of Mr. DOMENICI, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. GORE], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 2696, supra.

S. 2804

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2804, a bill to establish a program to provide technical assistance to employers and labor unions, in order to assist in preparing the workplace to employ women in apprenticeable occupations and other nontraditional occupations, and for other purposes.

S. 2846

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2846, a bill to amend the Office of Federal Procurement Policy Act to provide for the participation of historically Black colleges and universities in federally funded research and development activities.

S. 2870

At the request of Mr. RUDMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2870, a bill to authorize appropriations for the Legal Services Corporation, and for other purposes.

S. 2914

At the request of Mr. DURENBERGER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2914, a bill to direct the Secretary of Health and Human Services to make separate payment for interpretations of electrocardiograms.

S. 2949

At the request of Mr. GLENN, his name was added as a cosponsor of S. 2949, a bill to amend the Public Health Service Act to provide for the conduct of expanded research and the establishment of innovative programs and policies with respect to traumatic brain injury, and for other purposes.

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mr. SEYMOUR], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2949, supra.

S. 2953

At the request of Mr. METZENBAUM, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2953, a bill to amend the Endangered Species Act of 1973 to clarify citizen suit provisions, and for other purposes.

S. 2955

At the request of Mr. WARNER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2955, a bill to amend the Internal Revenue Code of 1986 to improve disclosure requirements for tax-exempt organizations.

S. 2982

At the request of Mr. BUMPERS, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2982, a bill to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration, and to amend the Farm Credit Act of 1971, and for other purposes.

S. 3097

At the request of Mr. GORTON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 3097, a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes.

S. 3134

At the request of Mr. KENNEDY, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 3134, a bill to expand the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to improve school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes.

S. 3180

At the request of Mr. LEAHY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 3180, a bill to amend the Social Security Act to provide grants for the establishment of State demonstration projects for comprehensive health care reform, and for other purposes.

S. 3182

At the request of Mr. WOFFORD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 3182, a bill to amend the Trade Act of 1974 with respect to articles not eligible for duty-free treatment under the Generalized System of Preferences.

SENATE JOINT RESOLUTION 300

At the request of Mr. SIMON, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from New York [Mr. D'AMATO], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Michigan [Mr. LEVIN], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 300, a joint resolution to designate the week commencing October 4, 1992, as "National Aviation Education Week."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE CONCURRENT RESOLUTION 127

At the request of Mr. DECONCINI, the names of the Senator from California [Mr. CRANSTON] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 127, a concurrent resolution to express the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, GA.

SENATE RESOLUTION 339—RELATIVE TO REPEAL OF THE LUXURY TAX ON RECREATIONAL BOATS

Mr. DOLE (for Mr. CHAFEE, for himself, Mr. MITCHELL, Mr. BREAUX, Mr. MACK, Mr. DODD, Mr. SANFORD, Mr. BRADLEY, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 339

Whereas the recreational boating industry is one of American's oldest domestic industries, composed primarily of small, family-owned businesses,

Whereas the recreational boating industry is one of the few United States industries with a net export status and positive balance of trade,

Whereas the recreational boating industry provided approximately 450,000 domestic jobs in 1990,

Whereas overall sales of boats over $100,000 has dropped 75 percent, and unemployment in the boat building industry rose 47 percent, compared with 1990,

Whereas Congress has indicated its desire to repeal the luxury excise tax in passing previous legislation, and

Whereas the delay in repealing this tax, notwithstanding the general consensus in Congress to do so, is continuing to hamper the economic recovery for these industries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal excise tax on boats should be repealed this year,

(2) consideration of the repeal of the Federal excise tax on boats should not be contingent on the passage of any other tax legislation this year, and

(3) the repeal of the Federal excise tax on boats should be effective as of January 1, 1992.

AMENDMENTS SUBMITTED

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, FISCAL YEAR 1993

AKAKA (AND INOUYE) AMENDMENT NO. 2973

Mr. AKAKA (for himself and Mr. INOUYE) proposed an amendment to the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place in the committee amendment, insert the following new sec.

SEC. . ALIEN SPECIES PREVENTION AND ENFORCEMENT.

(a) PESTS IN THE MAILS.—

(1) IN GENERAL.—The Secretary of Agriculture shall operate a program, under the supervision and control of the Postal Service, to protect Hawaii from the introduction of prohibited plants, plant pests, and injurious animals that may be contained in mail received in Hawaii, except that this subsection shall not apply to mail that originates and is intended for delivery outside the United States.

(2) REMEDIAL ACTION.—If, pursuant to the program, mail is found to contain a prohibited plant, plant pest, or injurious animal, the Secretary shall—

(A) make a record of the prohibited plant, plant pest, or injurious animal found in the mail;

(B) take appropriate action to prevent the introduction of the prohibited material into Hawaii; and

(C) determine whether the facts and circumstances warrant seeking prosecution under a law prohibiting the conveyance of a plant, plant pest, or injurious animal.

(3) DEFINITIONS.—As used in this subsection:

(A) INJURIOUS ANIMAL.—The term "injurious animal" means an animal the importation or interstate shipment of which is prohibited by section 42 of title 18, United States Code.

(B) PLANT.—The term "plant" means a plant from any class of plants, or any other article or matter, the importation or interstate shipment of which is prohibited under the Plant Quarantine Act (7 U.S.C. 151 et seq.).

(C) PLANT PEST.—The term "plant pest" means any organism or substance the importation or interstate shipment of which is prohibited under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

(b) COOPERATIVE AGREEMENTS WITH HAWAII TO ENFORCE CERTAIN AGRICULTURAL QUARANTINE LAWS.—

(1) AGREEMENT BETWEEN SECRETARY OF AGRICULTURE AND HAWAII.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State—

(i) the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the Plant Quarantine Act");

(ii) the Federal Plant Pest Act (7 U.S.C. 150aa et seq.); and

(iii) the matter under the heading "ENFORCEMENT OF THE PLANT-QUARANTINE ACT:" of the Act of March 4, 1915 (38 Stat. 1113; 7 U.S.C. 166) (commonly known as the "Terminal Inspection Act").

(B) INSPECTION OF PLANTS AND PLANT PRODUCTS.—The cooperative agreement shall establish a specific procedure for the submission and approval of the names of plants and plant products that the State of Hawaii elects to inspect under the provision of law referred to in subparagraph (A)(iii).

(C) AUTHORITY.—The Secretary shall carry out this paragraph under the authority provided by—

(i) section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a);

(ii) section 3 of the Act of May 29, 1884 (23 Stat. 32, chapter 60; 21 U.S.C. 114); and

(iii) section 11 of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 114a).

(2) AGREEMENT BETWEEN SECRETARY OF INTERIOR AND HAWAII.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

(B) AUTHORITY.—The Secretary shall use to carry out this paragraph the authority provided under section 3 of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742*l*).

(3) AGREEMENT BETWEEN POSTAL SERVICE AND HAWAII.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State, under the supervision and control of the Postal Service and in compliance with postal regulations, Public Law 100-574 and the amendments made by such Public Law.

(B) AUTHORITY.—The Postal Service shall use to carry out this paragraph the authority provided under section 3014 of title 39, United States Code.

(4) COOPERATIVES PROGRAMS.—Any program conducted jointly by the State of Hawaii and any Federal agency under this subsection that in any way affects the mail or the postal system of the United States shall comply with postal regulations and shall be conducted under the supervision and control of the Postal Service.

(c) PUBLIC INFORMATION PROGRAM ON PROHIBITIONS AGAINST SHIPMENT OR TRANSPORTATION OF PLANT PESTS AND INJURIOUS ANIMALS.—

(1) IN GENERAL.—The Postal Service, the Secretary of the Interior, and the Secretary of Agriculture shall jointly establish a public information program to inform the public on—

(A) the prohibitions against the shipment or transportation of plant, pests, and injurious animals; and

(B) the consequences of violating Federal laws designed to prevent the introduction of alien species into the State of Hawaii and other areas of the United States.

(2) METHODS.—In carrying out paragraph (1), the Postal Service and Secretaries may—

(A) use public service announcements, mail, and other forms of distributing information, dial-up information services, and such other methods as will effectively communicate the information described in paragraph (1); and

(B) cooperate with State and private organizations to carry out the program established under this subsection.

(3) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of the Interior and the Postal Service, shall—

(A) conduct a study to determine the proportion of plant pests and injurious animals that are introduced into Hawaii by various modes of commerce; and

(B) report the results of the study to Congress.

(d) SHORT TITLE.—This section may be cited as the "Alien Species Prevention and Enforcement Act of 1992".

SANFORD (AND OTHERS) AMENDMENT NO. 2974

Mr. SANFORD (for himself, Mr. HARKIN, Mr. REID, Mr. SHELBY, Mr. HEFLIN, and Mr. D'AMATO) proposed an amendment to the bill H.R. 5488, supra, as follows:

At the end of the pending amendment, insert the following new section:

SEC. . ADJUSTMENT TO SOCIAL SECURITY NOTCH.

(a) EXPANSION OF PERIOD OF TRANSITION; NEW ALTERNATIVE FORMULA WITH RESPECT TO SUCH PERIOD.—

(1) EXPANSION OF PERIOD OF TRANSITION.—Section 215(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 415(a)(4)(B)(i)) is amended by striking "1984" and inserting "1989".

(2) ESTABLISHMENT OF NEW TRANSITIONAL FORMULA.—Section 215(a) of such Act (42 U.S.C. 415(a)) is amended by adding at the end the following new paragraph:

"(8)(A) Paragraphs (1) (except for subparagraph (C)(i) thereof) and (4) do not apply to the computation or recomputation of a primary insurance amount for an individual who had wages or self-employment income credited for one or more years prior to 1979, and who was not eligible for an old-age or disability insurance benefit, and did not die, prior to January 1979, if in the year for which the computation or recomputation would be made the individual's primary insurance amount would be greater if computed or recomputed under subparagraph (B).

"(B) The primary insurance amount computed or recomputed under this subparagraph is equal to the sum of the amount which would be computed under this subsection if this paragraph were not applied, plus the product (not less than zero) derived by multiplying—

"(i) the excess of the adjusted old-law benefit amount over the new-law benefit amount, by

"(ii) the applicable reduction factor.

"(C) For purposes of this paragraph, in the case of any individual described in subparagraph (A)—

"(i) The term 'adjusted old-law benefit amount' means the amount computed or recomputed under this subsection as in effect in December 1978 (for purposes of old-age insurance benefits in the case of an individual who becomes eligible for such benefits prior to 1989) or subsection (d) (in the case of an individual to whom such subsection applies), subject to the amendments made by section 5117 of the Omnibus Budget Reconciliation Act of 1990.

"(ii) The term 'new-law benefit amount' means the amount which would be computed under this subsection if this paragraph were not applied.

"(iii)(I) The term 'applicable reduction factor' means the excess of the applicable base percentage determined under subclause (II) over the applicable early retirement percentage determined under subclause (III).

"(II) The applicable base percentage determined under this subclause is the percentage provided in the following table:

"If the individual becomes eligible for old-age insurance benefits in:	The applicable base percentage is:
1979	40
1980	37
1981	34
1982	31
1983	25
1984	20
1985	15
1986	10
1987	5
1988	5

"(III) The applicable early retirement percentage determined under this subclause is the product derived by multiplying 5/12 of 1 percent by the total number of months, before the month in which the individual attains the age of 65, for which an old age insurance benefit is payable to such individual.".

(3) APPLICABILITY OF OLD PROVISIONS.—Section 215(a)(5) of such Act (42 U.S.C. 415(a)(5)) is amended

(A) in subparagraph (A), by striking "subject to subparagraphs (B), (C), (D), and (E)," and inserting "subject to subparagraphs (B), (C), (D), (E), and (F)"; and

(B) by adding at the end the following new subparagraph:

"(F) In applying this section as in effect in December 1978 as provided in subparagraph (A) in the case of an individual to whom paragraph (1) does not apply by reason of paragraph (8)—

"(i) subsection (b)(2)(C) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 65; and

"(ii) the 'contribution and benefit base' (under section 230) with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1981 shall be deemed to be $29,700.".

(4) CONFORMING AMENDMENT.—Section 215(a)(3)(A) of such Act (42 U.S.C. 415(a)(3)(A)) is amended in the matter following clause (iii) by striking "(4)" and inserting "(4) or (8)".

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Except as provided in paragraph (3), the amendments made by this section shall be effective as if included in the amendments made by section 201 of the Social Security Amendments of 1977.

(2) RECOMPUTATION.—In any case in which an individual (under title II of the Social Security Act) is entitled, for the month in which this section is enacted, to monthly insurance benefits under such title which were computed—

(A) under the section 215 of the Social Security Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(B) under section 215 of such Act as in effect prior to January 1979 (and subsequently amended and modified) by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977), the Secretary of Health and Human Services (notwithstanding section 215(f)(1)) of the Social Security Act) shall recompute such individual's primary insurance amount so as to take into account the amendments made by this section.

(3) PROSPECTIVE APPLICABILITY.—The amendments made by this section shall apply only with respect to benefits for months after November 1992.

McCAIN AMENDMENT NO. 2975

Mr. McCAIN proposed an amendment to the bill H.R. 5488, supra, as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Notch Fairness Investigatory Commission Act of 1991".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Social Security Notch Fairness Investigatory Commission (hereafter in this Act referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 12 members as follows:

(A) 2 members appointed by the majority leader of the Senate, of whom 1 member is a proponent of amending the Social Security Act to correct the benefit disparity known as the notch problem (hereafter in this section referred to as a "proponent") and 1 member is an opponent of such amendments (hereafter in this section referred to as an "opponent").

(B) 2 members appointed by the minority leader of the Senate, of whom 1 member is a proponent and 1 member is an opponent.

(C) 2 members appointed by the Speaker of the House of Representatives, of whom 1 member is a proponent and 1 member is an opponent.

(D) 2 members appointed by the minority leader of the House of Representatives, of whom 1 member is a proponent and 1 member is an opponent.

(E) 4 members who are not employees of the Federal Government or of a State or political subdivision of a State appointed by the President.

(2) The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(c) CHAIRMAN AND VICE CHAIRMAN.—The President shall select a Chairman and Vice Chairman from among the members appointed under subparagraphs (A) through (D) of subsection (b)(1).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATIONAL REQUIREMENTS.—The Commission shall convene its first meeting within 60 days after the first date on which all members of the Commission have been appointed.

SEC. 3. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall conduct a study of all matters relating to the disparity under the Social Security Act known as the notch problem.

(b) CRITERIA OF STUDY.—The study conducted by the Commission shall include the following:

(1) A review of the legislative history of the notch problem, including a review of—

(A) the intent of the Congress in enacting legislation establishing the benefit computation formula associated with the notch problem;

(B) any flaw in such formula; and

(C) the intent of the Congress with respect to legislative efforts to make corrections in such formula.

(2) A review of all committee reports, conference reports and records of floor debate of the Congress (for the period of time beginning with the convening of the 92nd Congress through the date of such study) that relate to the matters described in paragraph (1).

(3) A review of the level of benefits of individuals receiving benefits under title II of the Social Security Act to determine whether legislation enacted by the Congress to address the notch problem by making adjustments to the benefit computation formula resulted in an unintended reduction in the level of benefits for certain individuals.

(4) The development of legislative proposals (if determined by the Commission to be appropriate) to address the notch problem.

(5) An assessment of any other legislative proposals (including introduced legislation) relating to the notch problem for the purpose of determining the consistency of such legislative proposals with any legislative proposals developed by the Commission pursuant to paragraph (4).

(6) An assessment of the effect of any legislative proposal determined to be effective in addressing the notch problem by the Commission pursuant to this paragraph on the short-term solvency and long-term solvency of the Federal Old Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 4. REPORT.

Not later than 9 months after the date on which the Commission convenes its first meeting, the Commission shall transmit to the President and to each House of the Congress, a report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, as the Commission or such subcommittee or member considers advisable.

(b) Information.—The Commission may secure directly from the Department of Health and Human Services and any other Federal department or agency such information as the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 6. COMMISSION PROCEDURES.

(a) Meetings.—The Commission shall meet at the call of the Chairman.

(b) Quorum.—(1) A majority of members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission present at a properly called meeting.

(c) Subcommittees.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) Authority of Individuals To Act for Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS; ADMINISTRATIVE MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than the full-time equivalent of 5 additional employees as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate of pay prescribed for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(3) Notwithstanding any other provision of law, the compensation of the personnel described in this subsection shall be paid from funds appropriated to the Department of Health and Human Services.

(d) Administrative Matters.—The Secretary of Health and Human Services shall provide the Commission office space and such supplies and equipment as may be necessary to carry out the duties of the Commission under this Act.

(e) Applicability of Other Federal Laws.—A member of the Commission appointed under section 2(b) who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of—

(1) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

(2) chapter 171 of title 28, United States Code, relating to torts claims.

SEC. 8. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) Postal and Printing Services.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) Miscellaneous Administrative and Support Services.—The Administrator of General Services shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) Procurement Authority.—The Commission may procure supplies, services, and property and make contracts, in any fiscal year, in order to carry out its duties, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (c). Contracts and other procurement arrangements may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any similar provision of Federal law.

SEC. 9. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date on which Commission submits its report under section 4.

McCAIN (AND OTHERS) AMENDMENT NO. 2976

Mr. McCain (for himself, Mr. Seymour, and Mr. Nickles) proposed an amendment to the bill H.R. 5488, supra, as follows:

At the appropriate place, insert the following:

SEC. . RETIREMENT TEST EXEMPT AMOUNT INCREASED.

(a) In General.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be—

"(i) $1,513.33 for each month of any taxable year ending after 1992 and before 1994,

"(ii) $2,176.66 for each month of any taxable year ending after 1993 and before 1995,

"(iii) $2,839.99 for each month of any taxable year ending after 1994 and before 1996,

"(iv) $3,503.32 for each month of any taxable year ending after 1995 and before 1997, and

"(v) $4,166.65 for each month of any taxable year ending after 1996 and before 1998.".

(b) Conforming Amendment.—Section 203(f)(8)(B)(ii)(II) of such Act (42 U.S.C. 403(f)(8)(B)(ii)(II)) is amended by striking "for the calendar year before the most recent calendar year in which an increase in the exempt amount was enacted or a determination resulting in such an increase was made under subparagraph (A)" and inserting "for the second calendar year before the calendar year in which the determination under subparagraph (A) is made".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1992.

DASCHLE (AND OTHERS) AMENDMENT NO. 2977

Mr. DASCHLE (for himself, Mr. Kerrey, Mr. Adams, and Mr. Inouye) proposed an amendment to the bill H.R. 5488, supra, as follows:

On page 117, after line 23, insert the following:

"Sec. 630. Upon the date of enactment of this Act, the Bureau of Alcohol, Tobacco, and Firearms (ATF) shall deny any application for a certificate of label approval, including a certificate of label approval already issued, which authorizes the use of the name Crazy Horse on any distilled spirit, wine, or malt beverage product: *Provided*, That no funds appropriated under this Act or any other Act shall be expended by ATF for enforcement of this section and regulations thereunder, as it relates to malt beverage glass bottles to which labels have been permanently affixed by means of painting and heat treatment, which were ordered on or before September 15, 1992, or which are owned for resale by wholesalers or retailers."

GRAHAM AMENDMENT NO. 2978

Mr. GRAHAM proposed an amendment to the bill H.R. 5488, supra, as follows:

At the end of title V, insert:

Sec. . Notwithstanding any other provision of this Act, each of the following accounts shall be reduced by the dollar amount specified in the following table:

"In the case of:	The dollar reduction is:
Department of the Treasury—	
Departmental Offices—Salaries and Expenses	$3,464,000
Inspector General—Salaries and expenses	4,532,000
Internal Revenue Service—Administration and management	7,329,000

"In the case of:	The dollar reduction is:
Executive Office of the President—	
The White House Office—Salaries and expenses	1,116,000
Official Residence of the Vice President—Operating expenses	13,000
Special Assistance to the President—Salaries and expenses	218,000
Council of Economic Advisers—Salaries and expenses	163,000
Office of Policy Development—Salaries and expenses	141,000
Office of Management and Budget—Salaries and expenses	2,077,000
Office of Federal Procurement Policy—Salaries and expenses	150,000
Independent Agencies—	
General Services Administration—General Management and Administration—Salaries and expenses	472,000
Office of Personnel Management—Salaries and expenses...	3,476,000.

MOYNIHAN AMENDMENT NO. 2979

Mr. DECONCINI (for Mr. MOYNIHAN) proposed an amendment to the bill H.R. 5488, supra, as follows:

On page 40 of the bill, line 20, strike "$100,000,000" and insert in lieu thereof, "$70,000,000".

On page 42 of the bill, between lines 3 and 4, insert the following: "Brooklyn, U.S. Courthouse, $30,000,000".

GRAHAM (AND OTHERS) AMENDMENT NO. 2980

Mr. DECONCINI (for Mr. GRAHAM, for himself and Mr. MACK) proposed an amendment to the bill H.R. 5488, supra, as follows:

At the end of the bill, add the following:

SEC. . Notwithstanding the provisions of this or any other Act, the Administrator of General Services is authorized to enter into a contract with the Greater Orlando Aviation Authority, a subdivision of the state of Florida, for an operating lease under section 210(h) of the Federal Property and Administrative Services Act of 1949: *Provided*, That the lease described herein is determined to be an "operating lease" in accordance with the Budget Enforcement Act of 1990, Public Law 101-508, and the accompanying conference report 101-964, for a term not to exceed 27 years: *Provided further*, That the Administrator is not authorized to enter into any lease for the property described herein that is not an "operating lease" as so determined. Such lease should look to consolidating Federal agencies in the Orlando. Florida, area, with any general government purpose excluding specialized research. Specifically, said lease should accommodate those agencies presently located at the Orlando Airport.

DECONCINI AMENDMENTS NOS. 2981 AND 2982

Mr. DECONCINI proposed two amendments to the bill H.R. 5488, supra, as follows:

AMENDMENT NO. 2981

On page 32, line 17, strike "$10,300,000" and insert in lieu thereof: "$2,000,000 shall be transferred to the Drug Enforcement Administration for activities of the District of Columbia Metropolitan Area Task Force; of which $8,300,000".

AMENDMENT NO. 2982

On page 5, line 16, strike "$48,538,000" and insert in lieu thereof, "; $48,538,000".

On page 21, line 11, strike "The" and insert in lieu thereof "Notwithstanding any other provision of law, the".

On page 26, between lines 19 and 20, insert the following:

"NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; $247,000: *Provided*, That the Council shall carry out only those activities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis.".

On page 30, line 24, strike "Policy" and insert in lieu thereof "Policy's".

On page 32, line 21, after "$2,800,000", insert the following: ", to remain available until expended,"

On page 33, line 15, after "$9,701,000", insert "shall be made available".

On page 33, line 18, insert a comma before the word "to".

On page 33, line 19, insert a comma after the word "expended".

On page 37, line 15, strike "$4,703,808,000" and insert in lieu thereof, $4,713,808,000".

On page 40, line 10, strike "$1,100,000" and insert in lieu thereof "$5,000,000".

On page 40, line 22, line-type "$57,690,000" and insert at the end thereof $53,790,000" in italics.

On page 43, at the end of line 3, insert a colon.

On page 51, line 10, strike "$4,703,808,000" and insert in lieu thereof, "$4,713,808,000".

On page 61, line 22, strike "21" and insert in lieu thereof "27".

On page 78, line 24, insert a colon after the word "Act".

On page 90, line 7, strike "24" and insert in lieu thereof "25".

On page 94, line 15, after "Manhattan" insert ", New York City, New York,".

On page 113, beginning on line 7, strike "Now, therefore, be it Resolved, That the" and insert in lieu thereof "The".

At the end of the bill, add the following new section:

"SEC. . None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations."

On page 41, line 18, strike the word "Annex".

On page 36 of the bill, line 17, strike "$320,365,000" and insert in lieu, "$353,516,000".

HOUSING AND COMMUNITY DEVELOPMENT REAUTHORIZATION ACT

CRANSTON (AND D'AMATO) AMENDMENT NO. 2983

Mr. MITCHELL (for Mr. CRANSTON, for himself and Mr. D'AMATO) proposed an amendment to the bill (S. 3031) to reauthorize housing and community development programs, and for other purposes, as follows:

On page 6, between lines 17 and 18, insert the following:

(c) ANTIPOVERTY STRATEGY.—Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) in paragraph (15), by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following new paragraph:

"(16) for any housing strategy submitted for fiscal year 1994 or any fiscal year thereafter, and taking into consideration factors over which the jurisdiction has control, describe the jurisdiction's goals, programs, and policies for reducing the number of households with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually), and, in consultation with other appropriate public and private agencies, state how the jurisdiction's goals, programs, and policies for producing and preserving affordable housing set forth in the housing strategy will be coordinated with other programs and services for which the jurisdiction is responsible and the extent to which they will reduce (or assist in reducing) the number of households with incomes below the poverty line.".

On page 10, lines 12 and 13, strike "the agency is certified by the Secretary to be" and insert "such agency certifies to the Secretary that it is".

At the end of page 11, add the following:

SEC. 107. CLARIFICATION ON UTILITY ALLOWANCES.

(a) ELIGIBILITY.—Tenants who—

(1) are responsible for making out-of-pocket payments for utility bills; and

(2) receive energy assistance through utility allowances that include energy costs under programs identified in subsection (b);

shall not have their eligibility (or benefits under other programs designed to assist low-income people with increases in energy costs since 1978, including the Low-Income Home Energy Assistance Program) reduced or eliminated. Such tenants shall be treated identically with other households eligible for such assistance, including in the determination of the home energy costs for which they are individually responsible and in the determination of their incomes.

(b) APPLICABILITY.—This section applies to programs under the United States Housing Act of 1937, the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, section 202 of the Housing Act of 1959, and title V of the Housing Act of 1949.

SEC. 108. GRANTS TO STATES FOR REMOVAL OF REGULATORY BARRIERS.

(a) GRANT PROGRAM.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

"REMOVAL OF REGULATORY BARRIERS TO AFFORDABLE HOUSING

"SEC. 122. (a) AUTHORITY AND ALLOCATION.—Of the amount approved in an appropriations Act for grants under this title in any year, the Secretary shall reserve up to $15,000,000 for each of fiscal years 1993 and 1994 to be allocated to States for grants for further planning and implementation of State strategies for the removal of State and local regulatory barriers to affordable housing. These funds shall be allocated among States that have a Comprehensive Housing

Affordability Strategy approved by the Secretary under section 105 of the Cranston-Gonzalez National Affordable Housing Act, based upon measures of need for the whole State, as determined pursuant to section 217(b)(1)(B) (excluding adjustments under section 217(b)(1)(E)) of such Act, except that the minimum annual grants shall be $100,000. Any amounts allocated to a State pursuant to this section that are not received by the State for fiscal year because of failure to obtain approval of its application for a grant under this section, or which otherwise become available, shall be added to amounts available for grants under section 103 in the succeeding fiscal year.

"(b) DEFINITION.—For purposes of this section, the terms 'regulatory barriers to affordable housing' and 'regulatory barriers' mean any public policies (including policies embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by a jurisdiction in connection with its comprehensive housing affordability strategy under section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act. Such terms do not include policies relating to rents imposed on a structure by a jurisdiction or policies that have served to create or preserve, or can be shown to create or preserve, housing for low- and very low-income families, including displacement protections, demolition controls, replacement housing requirements, relocation benefits, housing trust funds, dedicated funding sources, waiver of local property taxes and builder fees, inclusionary zoning, rental zoning overlays, long-term use restrictions, and rights of first refusal.

"(c) APPLICATIONS.—States shall apply for grants under this section in a form and manner prescribed by the Secretary. Applications shall describe how grant amounts will assist States to further plan and implement strategies to remove regulatory barriers to affordable housing.

"(d) ELIGIBLE ACTIVITIES.—States shall use grants under this section for activities that further develop and implement strategies to remove regulatory barriers, including:

"(1) identifying, assessing, and monitoring State and local regulatory barriers;

"(2) identifying State public policies (including enabling or other legislation), or the absence of such policies, that permit or encourage local regulatory barriers;

"(3) developing a State legislative reform program (as well as a strategy for adoption of the program) intended to reduce State and local regulatory barriers;

"(4) developing model State standards and ordinances to reduce regulatory barriers and assisting in their adoption and use;

"(5) carrying out State administrative reform to reduce regulatory barriers through the simplification and consolidation of State administrative procedures and processes, including the issuance of permits; and

"(6) providing technical assistance and information to local governments for implementation of legislative and administrative reform programs to reduce regulatory barriers.

"(e) PERFORMANCE REPORTS.—States that receive grants under this section shall submit performance reports, in a form and manner prescribed by the Secretary, describing any progress and problems in planning and implementing strategies to remove regulatory barriers to affordable housing.".

(b) ALLOCATION OF GRANT AMOUNTS.—Section 106(a)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(a)(2)) is amended by striking "section 107" and inserting "sections 107 and 122".

(c) AUTHORITY TO REDUCE HOME MATCHING REQUIREMENT.—The Secretary may reduce the matching contribution required under section 220(a) of the Cranston-Gonzalez National Affordable Housing Act by 10 percent for jurisdictions that submit exceptional plans to remove barriers to affordable housing as part of their comprehensive housing affordability strategies.

On page 14, strike lines 1 through 5.

On page 14, line 11, after "planning costs," insert the following: "to provide for the payment of operating expenses of community housing development organizations,".

On page 14, line 18, strike "section" and insert "subtitle".

On page 14, line 24, after "Act." insert the following new subsection:

"(g) LIMITATION ON OPERATING ASSISTANCE.—A participating jurisdiction may not use more than 5 percent of its allocation under this subtitle for the payment of operating expenses for community housing development organizations.".

On page 19, line 5, strike "UNIFORM CONTRIBUTION" and insert in lieu thereof "TIERED CONTRIBUTION".

On page 19, strike lines 8 through 12 and insert the following:

(1) in paragraph (1), by inserting after the semicolon the term "and";

(2) in paragraph (2), by—

(A) striking "33" and inserting in lieu thereof the number "35"; and

(B) striking "; and" and inserting "and new construction."

(3) by striking paragraph (3).

On page 19, line 13, strike "(2)" and insert "(4)".

On page 19, line 24, strike "25" and insert "10".

Strike all from page 20, line 13 through page 22, line 8 and insert instead:

"(1) IN GENERAL.—The Secretary shall reduce the matching requirement by—

"(A) 50 percent for a jurisdiction that certifies that it is in fiscal distress; and

"(B) 100 percent for a jurisdiction that certifies that it is in severe fiscal distress;

"(2) DEFINITIONS.—For purposes of this section—

"(A) 'fiscal distress' means a jurisdiction other than a State that satisfies 1 of the distress criteria set forth in paragraph (3); and

"(B) 'severe fiscal distress' means such jurisdiction that satisfies 2 of the distress criteria;

"(3) DISTRESS CRITERIA.—For purposes of a jurisdiction other than a State certifying that it is distressed, the following criteria shall apply:

"(A) The average poverty rate in the jurisdiction for the calendar year immediately preceding the year in which its fiscal year begins was equal to or greater than 125 percent of the average national poverty rate during such calendar year (as determined according to information of the Bureau of the Census).

"(B) The average per capita income in the jurisdiction for the calendar year immediately preceding the year in which its fiscal year begins was less than 75 percent of the average national per capita income during such calendar year (as determined according to information of the Bureau of the Census).

On page 23, between lines 8 and 9, insert the following:

(c) OTHER REQUIREMENTS.—Section 234(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12774(b)) is amended—

(1) by striking ", together with other Federal assistance,"; and

(2) by inserting before the period the following: "or $50,000 annually, whichever is greater".

On page 25, between lines 8 and 9, insert the following:

SEC. 213. LOW-INCOME AFFORDABILITY RESTRICTIONS.

Section 215(a)(1)(E) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)(1)(E)) is amended by inserting after "Act" the following: ", except that the Secretary may permit termination of occupancy and affordability requirements upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action (i) is required to attract private bank financing without Federal insurance, (ii) is consistent with the purposes of this subtitle, and (iii) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure.".

SEC. 214. RETROACTIVE APPLICATION OF HOME AMENDMENTS.

The amendments made by sections 205, 206, 207, 210, 211 and 212, shall apply to unexpended funds allocated under title II of the Cranston-Gonzalez National Affordable Housing Act in fiscal year 1992.

Beginning on page 44, line 11, strike through page 45, line 4, and insert the following: "that the qualified housing finance agency and the Secretary shall share equally the full amount of any loss on the insured mortgage."

On page 48, strike lines 1 through 2 and insert the following:

"30,000 units over fiscal years 1993, 1994, and 1995. The demonstration authorized under this section shall not be expanded until the reports required under subsection (d) are submitted to the Congress.

On page 48, between lines 8 and 9, insert the following new subparagraph:

"(J) PROHIBITION ON GINNIE MAE SECURITIZATION.—The Government National Mortgage Association shall not securitize any multifamily loans insured under this section.

On page 48, line 25, strike "2" and insert "3".

On page 50, strike lines 16 through 20.

On page 50, between lines 20 and 21, add the following:

SEC. 314. MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES AND BOARD AND CARE HOMES.

Section 232(d) of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) by inserting after "intermediate care facility" the first place it appears the following: ", including a new addition to an existing facility and regardless of whether the existing facility is being rehabilitated,";

(2) in paragraph (3), by adding at the end the following:

"The Secretary shall not promulgate regulations or establish terms or conditions under this section that interfere with the ability of the mortgagor and mortgagee to determine the interest rate."; and

(3) in paragraph (2), before "including", insert the following: "or 95 per centum of the estimated value of the property or project in the case of a mortgagor that is a private nonprofit corporation or association (under the meaning given such term for purposes of section 221(d)(3) of this Act),".

SEC. 315. DEFINITION OF MORTGAGEE.

Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(1) by striking paragraph (6)(D); and

(2) by redesignating paragraph (7) as paragraph (8), and inserting the following after paragraph (6):

"(7) DEFINITION OF 'MORTGAGEE'.—For purposes of this subsection, the term 'mortgagee' means—

"(A) a mortgagee approved under this Act;

"(B) a lender or a loan correspondent approved under title I of this Act;

"(C) a branch office or subsidiary of the mortgagee, lender, or loan correspondent; or

"(D) a director, officer, employee, agent, or other person participating in the conduct of the affairs of the mortgagee, lender, or loan correspondent.".

SEC. 316. STATUTE OF LIMITATIONS ON PAYMENT OF DISTRIBUTIVE SHARES.

(a) DISTRIBUTION OF SHARES.—Section 205(c) of the National Housing Act (12 U.S.C. 1711(c)) is amended by adding at the end the following two new sentences: "The Secretary shall not distribute any share to an eligible mortgagor under this subsection beginning on the date which is 6 years after the date the Secretary first transmitted written notification of eligibility to the last known address of the mortgagor, unless the mortgagor has applied in accordance with procedures prescribed by the Secretary for payment of the share within the 6-year period. The Secretary shall transfer any amounts no longer eligible for distribution under the previous sentence from the Participating Reserve Account to the General Surplus Account.".

(b) EXCEPTION.—Notwithstanding the 6-year limitation on distribution of shares of the Participating Reserve Account under section 205(c) of the National Housing Act, the Secretary shall distribute a share to an otherwise eligible mortgagor in accordance with section 205(c), if the mortgagor applies for payment of the share within 120 days of the date of enactment of this Act in accordance with procedures in effect on such date.

SEC. 317. PAYMENT OF MORTGAGE INSURANCE CLAIMS.

(a) PAYMENT OF INSURANCE.—Section 204 of the National Housing Act (12 U.S.C. 1710) is amended—

(1) in the fifth sentence of subsection (a), by striking ", subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value" and insert in lieu thereof the following: "issue to the mortgagee debentures having a par value";

(2) by striking subsection (c) and inserting the following:

"(c) Debentures issued under this section—

"(1) shall be in such form and amounts;

"(2) shall be subject to such terms and conditions;

"(3) shall include such provisions for redemption, if any, as may be prescribed by the Secretary of Housing and Urban Development, with the approval of the Secretary of the Treasury; and

"(4) may be in book entry or certificated registered form, or such other form as the Secretary of Housing and Urban Development may prescribe in regulations.";

(3) in the first sentence of subsection (d)—

(A) by striking "executed" and inserting "issued"; and

(B) by striking ", shall be signed by the Secretary by either his written or engraved signature, and shall be negotiable" and inserting the following: "and shall be negotiable, and, if in book entry form, transferable, in the manner described by the Secretary in regulations"; and

(4) by striking in the fifth sentence of subsection (d) "and such guaranty" and inserting the following: "and, in the case of debentures issued in certificated registered form, such guaranty".

(b) RENTAL HOUSING INSURANCE.—Section 207 of the National Housing Act (12 U.S.C. 1713) is amended—

(1) by striking in the second sentence of subsection (g) ", subject to the cash adjustment provided for in subsection (j), issue to the mortgagee a certificate of claim as provided in subsection (h), and debentures having a total face value" and inserting the following: "issue to the mortgagee a certificate of claim as provided in subsection (h), and debentures having a par value";

(2) by striking in the first sentence of subsection (i) "shall be signed by the Secretary, by either his written or engraved signature, shall be negotiable" and inserting the following: "shall be negotiable, and, if in book entry form, transferable, in the manner described by the Secretary in regulations";

(3) by striking in the fourth sentence of subsection (i) "and such guaranty" and inserting the following: "and, in the case of debentures issued in certificated registered form, such guaranty"; and

(4) by striking subsection (j) and inserting the following:

"(j) Debentures issued under this section—

"(1) shall be in such form and amounts;

"(2) shall be subject to such terms and conditions;

"(3) shall include such provisions for redemption, if any, as may be prescribed by the Secretary of Housing and Urban Development, with the approval of the Secretary of the Treasury; and

"(4) may be in book entry or certificated registered form, or such other form as the Secretary of Housing and Urban Development may prescribe in regulations.".

(c) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE.—Section 220(h) of the National Housing Act (12 U.S.C. 1715k) is amended—

(1) by striking in the first sentence of paragraph (7), "shall be signed by the Secretary, by either his written or engraved signature, shall be negotiable" and inserting the following: "shall be negotiable, and, if in book entry form, transferable, in the manner described by the Secretary in regulations";

(2) by striking in the fourth sentence of paragraph (h)(7) "and the guaranty" and inserting the following: "and, in the case of debentures issued in certificated registered form, the guaranty";

(3) by striking the sixth sentence of paragraph (7), and inserting the following: "Debentures issued under this subsection shall be in such form and amounts; shall be subject to such terms and conditions; and shall include such provisions for redemption, if any, as may be prescribed by the Secretary of Housing and Urban Development, with the approval of the Secretary of the Treasury; and may be in book entry or certificated registered form, or such other form as the Secretary of Housing and Urban Development may prescribe in regulations."; and

(4) by striking the last sentence of paragraph (7).

(d) HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES.—The second sentence of section 221(g)(4)(A) of the National Housing Act (12 U.S.C. 1715l(g)(4)(A)) is amended by striking ", subject to the cash adjustment provided herein, issue to the mortgagee debentures having total face value" and inserting the following: "issue to the mortgagee debentures having a par value".

SEC. 318. DIVERSION OF REHABILITATION FUNDS A FEDERAL CRIME.

Section 203(k) of the National Housing Act (12 U.S.C. 1709(k)) is amended by adding at the end the following new paragraph:

"(6) Whoever, with intent to defraud, uses or authorizes the use of any proceeds of a loan insured under this subsection for any purposes other than purposes approved by the Secretary and as established by agreement between the mortgagor and mortgagee shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.".

SEC. 319. EXEMPTION FROM SECTION 137(b) OF THE TRUTH IN LENDING ACT.

Section 255(j) of the National Housing Act (12 U.S.C. 1715z-20(j)) is amended by adding at the end the following: "Section 137(b) of the Truth in Lending Act (15 U.S.C. 1647(b)) and any implementing regulations issued by the Board of Governors of the Federal Reserve System shall not apply to a mortgage insured under this section.".

SEC. 320. COVERAGE OF THE MULTIFAMILY MORTGAGE FORECLOSURE ACT.

(a) PURPOSES.—Section 362 of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3701) is amended—

(1) in subsection (a)(1), by striking "real estate" and all that follows through "properties" and inserting: "multifamily mortgages"; and

(2) in subsection (b), by striking "multiunit" and all that follows through "1964" and inserting "multifamily mortgages".

(b) DEFINITION.—Section 363(2) of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3702(2)) is amended to read as follows:

"(2) 'multifamily mortgage' means a mortgage held by the Secretary pursuant to—

"(A) section 608 or 801, or title II or X, of the National Housing Act;

"(B) section 312 of the Housing Act of 1964, as it existed immediately before its repeal by section 289 of the Cranston-Gonzalez National Affordable Housing Act;

"(C) section 202 of the Housing Act of 1959, as it existed immediately before its amendment by section 801 of the Cranston-Gonzalez National Affordable Housing Act;

"(D) section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act; and

"(E) section 811 of the Cranston-Gonzalez National Affordable Housing Act.".

(c) PREREQUISITES TO FORECLOSURE.—The last sentence of section 366 of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3705) is amended by striking "status" and all that follows through "rents" and inserting the following: "status, relief under an assignment of rents, or transfer to a nonprofit entity pursuant to section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act) or section 811 of the Cranston-Gonzalez National Affordable Housing Act".

(d) NOTICE.—Section 367(b)(1) of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3706(b)(1)) is amended to read as follows:

"(b)(1) Except as provided in paragraph (2)(A), the Secretary may require, as a condition and term of sale, that the purchaser at a foreclosure sale under this part agree to continue to operate the security property in accordance with the terms of the program under which the mortgage insurance or assistance was provided, or any applicable regulatory or other agreement in effect with respect to such property immediately prior to the time of foreclosure sale.".

SEC. 321. RECIPROCITY OF APPROVAL AMONG FEDERAL AGENCIES.

(a) RECIPROCITY.—Section 535(b) of the Housing Act of 1949 (42 U.S.C. 1490o(b)) is amended by striking the last sentence and inserting the following: "This subsection shall apply unless the Secretary of Housing and Urban Development withdraws the proposed rule published in the Federal Register on April 16, 1992, concerning subdivision approval.".

(b) ADMINISTRATIVE APPROVAL.—Any administrative approval of any housing subdivision made after the expiration of the 18-month period beginning on the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989 and before the date of the enactment of this Act is hereby approved and shall be considered to have been lawfully made, but only if otherwise made in accordance with the provisions of section 535(b) of the Housing Act of 1949.

SEC. 322. MULTIFAMILY PROJECTS.

(a) OPERATING LOSS LOAN AMOUNT.—Section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)) is amended by adding at the end the following new paragraph:

"(6) In determining the amount of an operating loss loan to be insured pursuant to this subsection, the Secretary shall not reduce such amount solely to reflect any amounts placed in escrow (at the time the existing project mortgage was insured) for initial operating deficits. If an operating loss loan was insured by the Secretary pursuant to this section prior to the effective date of this paragraph and was reduced solely to reflect the amount of an escrow for initial operating deficits, the Secretary shall insure an increase in the existing loan or insure a separate loan in an amount equal to the lesser of—

"(A) the maximum amount permitted under this section and applicable underwriting requirements of the Secretary in effect at the time the loan is to be made; or

"(B) the amount of the escrow for initial operating deficits.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of enactment of this section.

SEC. 323. MORTGAGE LIMITS FOR MULTIFAMILY PROJECTS.

(a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "$33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", "$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(b) SECTION 213 LIMITS.—Section 213(b)(2) (12 U.S.C. 1715e(b)(2)) of the National Housing Act is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(c) BUILDER'S AND SPONSOR'S PROFIT AND RISK IN SECTION 220 PROJECTS.—Section 220(d)(3)(B)(ii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(ii)) is amended by inserting after "percentage)" the following: "except that with respect to any mortgage insured under this section, no allowance for builder's and sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area".

(d) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", "$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this clause shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(e) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715*l*(d)(e)(ii)) is amended—

(1) by striking "$28,032", "$32,321", "$38,979", $49,893", "$55,583", "$29,500", "$33,816", "$41,120", "$53,195", and "$58,392" and inserting "$33,638", "$38,785", "$46,775", "$59,872", "$66,700", "$35,400", "$40,579", "$49,344", "$63,834", and "$70,070", respectively; and

(2) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this clause shall be increased on an annual basis by a factor equal to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary,".

(f) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715*l*(d)(4)(ii) is amended—

(1) by striking "$25,228", "$28,636", "$34,613", "$43,446", "$49,231", "$27,251", "$31,239", "$37,986", "$49,140", and "$53,942" and inserting "$30,274", "$34,363", "$41,536", "$52,135", "$59,077", "$32,701", "$37,487", "$45,583", "$58,968", and "$64,730, respectively; and

(2) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this clause shall be increased on an annual basis by a factor equal to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(g) BUILDER'S AND SPONSOR'S PROFIT AND RISK IN SECTION 221(d)(4) PROJECTS.—Section 221(d)(4)(iii) of the National Housing Act (12 U.S.C.1715*l*(d)(4)(iii)) is amended by inserting the following immediately before the semicolon at the end: ", except that with respect to any mortgage insured under this paragraph, no allowance for builder's and sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area".

(h) BUILDER'S AND SPONSOR'S PROFIT AND RISK-GENERAL.—Section 227(c) of the National Housing Act (12 U.S.C. 1715r(c)) is amended by inserting at the end the following: "With respect to any mortgage insured under any section of this Act, no allowance for builder's and sponsor's profit and risk, builder's profit or sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area.".

(i) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(1) by striking "$23,985", "$26,813", "$32,019", "$38,532", and "$45,300" and inserting "$28,782", "$32,176", "$38,423", "46,238", and "$54,360", respectively;

(2) by striking "$27,251", "$31,239", "$37,986", "$49,140", and "$53,942", and inserting "$32,701", "$37,487", "$45,583", "$58,968", and "$64,730", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(j) BUILDER'S AND SPONSOR'S PROFIT AND RISK IN SECTION 231 PROJECTS.—Section 231(c)(4) of the National Housing Act (12 U.S.C. 1715v(c)(4)) is amended by inserting at the end of the second parenthetical phrase the following: ", except that with respect to any mortgage insured under this section, no allowance for builder's and sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area".

(k) Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "$33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", and"$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

SEC. 324. MORTGAGEE REVIEW BOARD.

Section 202(c)(3)(C) of the National Housing Act (12 U.S.C. 1708C)(3)(C)) is amended—

(1) by inserting "temporarily" after "order";

(2) by inserting "(i)" after "Administration if";

(3) by inserting "(ii)" after "violations and"; and

(4) by striking the period after "6 months" and inserting the following: ", and for not longer than 1 year. The Board may extend the suspension for an additional 6 months if it determines the extension is in the public interest. If the Board and the mortgagee agree, these time limits may be extended."

On page 51, line 9, insert before the semicolon the following: ", up to $4,500,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this title".

On page 51, line 11, insert before the semicolon the following: ", up to $3,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle".

On page 51, line 13, insert before the semicolon the following: ", up to $2,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle".

On page 51, line 23, insert before the semicolon the following: ", up to $4,500,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this title".

On page 51, line 25, insert before the semicolon the following: ", up to $3,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle".

On page 52, line 2, insert before the semicolon the following: ", up to $2,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle".

On page 52, line 6, strike the end quotation marks and period.

On page 52, between lines 6 and 7, insert the following new subsection:

"(c) Technical Assistance.—Technical assistance made available under Title III of the United States Housing Act of 1937, subtitle B or subtitle C may include, but is not limited to, training, clearinghouse services, the collection, processing and dissemination of program information useful for local and national program management, and provision of seed money. Such technical assistance may be made available directly, or indirectly under contracts and grants, as appropriate.

On page 52, between lines 19 and 20, insert the following:

(a) Hope I Matching Funding.—

(1) Replacement housing.—Section 303(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa-2 (c)(1)) is amended by inserting after "expenses" the following: "and replacement housing".

(2) Reduction.—Section 303(c) of the United States Housing Act of 1937 is amended by inserting at the end the following new paragraph:

"(3) Reduction of Requirement.—The Secretary shall reduce the matching requirement for homeownership programs carried out under this section in accordance with the formula established under section 220(d) of the Cranston-Gonzalez National Affordable Housing Act.".

On page 52, line 20, insert "(b) Hope 2 Eligible Property.—" before "Section".

At the bottom of page 82, add the following:

SEC. 404. TRANSFER OF SCATTERED SITE PUBLIC AND INDIAN HOUSING TO THE HOPE PROGRAM.

(a) Amendment to the United States Housing Act of 1937.—Sections 303(b)(2) and 304(d) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa-2(b)(2) and 42 U.S.C. 1437aaa-3(d)) are each amended by striking "(not including scattered site single family housing of a public housing agency)".

(b) Amendment to the Cranston-Gonzalez National Affordable Housing Act.—Section 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12896(4)) is amended by striking "(including scattered site single family properties, and" and inserting "(excluding public or Indian housing under the United States Housing Act of 1937 and including".

SEC. 405. ELIGIBILITY OF OTHER FEDERAL PROPERTY FOR THE HOPE PROGRAMS.

Sections 426(3)(D) and 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12876(3)(D) and 42 U.S.C. 12896(4)) are amended by inserting after "Corporation," the following: "the Federal Deposit Insurance Corporation, the Secretary of Defense, the Secretary of Transportation, the General Services Administration, any other Federal agency,".

On page 90, between lines 19 and 20, insert the following:

(f) Applicability.—

(1) Assessment of resident management corporations.—Section 6(j)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(1)) is amended—

(A) in the first sentence, by inserting before the period "and resident management corporations";

(B) in the third sentence, after "agencies", by inserting "and resident management corporations"; and

(C) in the fourth sentence, by inserting before the period "for public housing agencies".

(2) Procedures.—Section 6(j)(2) of the United States Housing Act of 1937 is amended by adding at the end the following new subparagraph:

"(C) The provisions of this paragraph shall be applied by the Secretary to resident management corporations as well as public housing agency.".

On page 154, line 17, strike "15" and insert "25".

On page 179, lines 1 and 2, strike "assisted" and insert "sold".

On page 179, strike lines 17 through 20.

On page 179, line 21, strike "(b)" and insert "(a)".

At the bottom of page 179, add the following:

SEC. 511. DEFINITION OF ADJUSTED INCOME FOR FAMILIES ASSISTED BY INDIAN HOUSING AUTHORITIES.

Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended—

(1) by striking subparagraph (D) and inserting the following:

"(D) child care expenses to the extent necessary to enable another member of the family to be employed or to further his or her education;";

(2) by striking "and" at the end of subparagraph (E);

(3) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(4) by inserting after subparagraph (F) the following new subparagraph:

"(G) excessive travel expenses, not to exceed $25 per family per week, for employment- or education-related travel, except that this subparagraph shall apply only to families assisted by Indian housing authorities.".

SEC. 512. NONMETROPOLITAN ALLOCATION REQUIREMENT FOR THE PUBLIC AND INDIAN HOUSING AND SECTION 8 PROGRAMS.

The second sentence of section 213(d)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)(2)) is amended by striking "20 nor more than 25" and inserting "15 nor more than 20".

SEC. 513. DRUG ELIMINATION GRANTS.

The Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting immediately after "(including Indian Housing Authorities)" the following: ", public housing resident management corporations that are principally managing, as determined by the Secretary, public housing projects owned by public housing agencies,";

(2) in section 5124, by inserting at the beginning of paragraph (7) "where a public housing agency receives a grant,"; and

(3) in section 5125(a), by inserting immediately after "public housing agency" in the first sentence the following: ", a public housing resident management corporation,".

SEC. 514. FUNDING OF PUBLIC HOUSING MODERNIZATION PROGRAM MONITORING AND MANAGEMENT ASSISTANCE.

Section 14(k)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437l(k)(1)) is amended by inserting "(A)" before "from", and inserting the following new subparagraph at the end:

"(B) From amounts approved in appropriation Acts under this section for fiscal year 1993 and each fiscal year thereafter, and to the extent provided by such Acts, the Secretary may set aside up to $10,500,000 for use by the Secretary to contract for monitoring and inspections of, and management and other technical assistance and services for, public housing agencies receiving financial assistance under this section.".

SEC. 515. USE OF COMPREHENSIVE GRANT FUNDS FOR ACQUISITION OF REPLACEMENT HOUSING UNITS.

Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is amended—

(1) at the end of subsection (a), by adding the following: "With respect to a public housing agency that owns or operates more than 250 public housing dwelling units, it is also the purpose of this section to provide assistance for the development of units through acquisition (with or without rehabilitation) to replace housing units or portions of such projects that have been declared nonviable.";

(2) at the end of subsection (b)(1), by adding the following: "With respect to a public housing agency that owns or operates more than 250 public housing dwelling units, the Secretary may make available and contract to make available such assistance to such public housing agencies for the development of units through acquisition (with or without rehabilitation) to replace housing units in public housing projects or portions of such projects that have been declared nonviable."; and

(3) at the end of subsection (e)(1)(B), by adding the following: "and a comprehensive assessment of the need to acquire housing units to replace housing units in public housing projects or portions of such projects that have been declared nonviable;".

SEC. 516. EXEMPTION FROM LIMITATION ON NEW CONSTRUCTION.

Section 201(c) of the United States Housing Act of 1937 (42 U.S.C. 1437aa(c)) is amended by striking the period at the end and inserting the following: "or section 6(h) of the United States Housing Act 1937 (relating to the prohibition against the Secretary entering into a contract involving new construction unless the public housing agency demonstrates that the cost of new construction is less than the cost of acquisition or acquisition and rehabilitation)".

SEC. 517. PAYMENTS TO MUNICIPALITIES.

Section 203(b) of the United States Housing Act of 1937 (42 U.S.C. 1437cc(b)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of this Act, the Secretary shall make annual payments from funds appropriated under section 9(c) to municipalities providing such roads, facilities, and systems in a amount equal to—

"(1) 10 percent of the applicable shelter rent, minus the utility allowance; or

"(2) $150,

whichever is greater, for each rental housing unit covered by this subsection.".

SEC. 518. RENTAL ASSISTANCE FRAUD RECOVERIES.

(a) IN GENERAL.—Section 326(d) of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437f note) is amended to read as follows:

"(d)(1) The Secretary of Housing and Urban Development shall permit public housing agencies administering the housing assistance payments program under section 8 of the United States Housing Act of 1937 and owners of projects assisted under that section to retain, out of amounts obtained by them from tenants that are due as a result of fraud and abuse, an amount (determined in accordance with regulations issued by the Secretary) equal to the greater of—

"(A) 50 percent of the amount actually collected, or

"(B) the actual, reasonable, and necessary expenses related to the collection, including costs of investigation, legal fees, and collection agency fees.

Amounts retained by an agency or owner shall be made available for use in support of the affected program or project, in accordance with regulations issued by the Secretary. Where the Secretary is the principal party initiating or sustaining an action to recover amounts from families or owners, the provisions of this section shall not apply.

"(2) Amounts may be recovered under this paragraph—

"(A) by an agency or owner through a lawsuit (including settlement of the lawsuit) brought by the agency or owner or through court-ordered restitution pursuant to a criminal proceeding resulting from an agency's or owner's investigation where the agency or owner seeks prosecution of a family or where an agency seeks prosecution of an owner; or

"(B) in the case of a public housing agency, through administrative repayment agreements with a family or owner entered into as a result of an administrative grievance procedure conducted by an impartial decisionmaker in accordance with section 6(k) of the United States Housing Act of 1937."

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to actions by public housing agencies and owners initiated on or after the date of enactment of this Act.

SEC. 519. SALE OF CERTAIN SCATTERED-SITE HOUSING.

The Secretary of Housing and Urban Development shall authorize the Delaware State Housing Authority in the State of Delaware to sell scattered-site public housing of the Authority under the provisions of section 5(h) of the United States Housing Act of 1937. Any proceeds from the disposition of such housing shall be used to purchase replacement scattered-site dwellings, which shall be considered public housing for the purposes of such Act and for which the Secretary shall provide annual contributions for operation, using amounts made available under section 9(c) of such Act.

SEC. 519A. MODERNIZATION OF INDIAN HOUSING.

Section 202(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437bb(b)(2)) is amended by striking "single" in the second sentence.

SEC. 519B. PROJECT-BASED ACCOUNTING.

Section 502(c)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437d note) is amended by adding before the period the following: "for public housing agencies with 500 or more units and not later than January 1, 1994 for public housing agencies with less than 500 units.

SEC. 519C. HOMEOWNERSHIP DEMONSTRATION PROGRAM IN OMAHA, NEBRASKA.

(a) ESTABLISHMENT.—The Secretary shall carry out a program to facilitate self-sufficiency and homeownership of single-family homes administered by the Housing Authority of the city of Omaha, in the State of Nebraska (hereafter in this section referred to as the "Housing Authority"), to demonstrate the effectiveness of promoting homeownership and providing support services.

(b) PARTICIPATING PUBLIC HOUSING UNITS.—For purposes of the demonstration program established pursuant to subsection (a), the Secretary shall allow the Housing Authority to designate single-family housing units for eventual homeownership. Over the term of the demonstration, this section may be applied to not more than 50 percent of the single-family housing units located on scattered sites that are owned or purchased by the Housing Authority.

(c) NONDISPLACEMENT.—No person who is a tenant of public housing may be involuntarily relocated or displaced as a result of the demonstration program.

(d) ECONOMIC SELF-SUFFICIENCY.—

(1) ESTABLISHMENT OF PARTICIPATION CRITERIA.—The Housing Authority shall establish criteria for the participation of families in the demonstration program. Such criteria shall be based on factors that may reasonably be expected to predict a family's ability to succeed in the homeownership program established by this section.

(2) CONTENTS OF PARTICIPATION CRITERIA.—The criteria referred to in paragraph (1) shall include evidence of interest by the family in homeownership, the employment status and history of employment of family members, and maintenance by the family of the family's previous dwelling.

(e) PROVISION OF SUPPORTIVE SERVICES.—The Housing Authority shall ensure the availability of supportive services to each family participating in the demonstration program through its own resources and through coordination with Federal, State, and local agencies and private entities. Supportive services available under the demonstration program may include counseling, remedial education, education for completion of high school, job training and preparation, financial counseling emphasizing planning for homeownership, and any other appropriate services.

(f) REPORTS TO CONGRESS.—

(1) BIENNIAL REPORT.—Upon the expiration of the 2-year period beginning on the date of enactment of this Act, and each 2-year period thereafter, the Secretary of Housing and Urban Development shall submit to the Congress a report evaluating the effectiveness of the demonstration program established under this section.

(2) FINAL REPORT.—Not later than 60 days after termination of the demonstration program pursuant to subsection (h), the Secretary shall submit to the Congress a final report evaluating the effectiveness of the demonstration program.

(g) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations necessary to carry out this section.

(h) TERMINATION.—The demonstration program established under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 519D. PUBLIC HOUSING YOUTH SPORTS PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in subsection (a), by striking "in" and inserting "for residents of";

(2) in subsection (b)(5), after "nonprofit organizations", by inserting "and institutions of higher learning"; and

(3) in subsection (d)(3), after "cultural activities,", by inserting "transportation costs,".

On page 193, between lines 14 and 15, add the following:

SEC. 526. FAMILY SELF-SUFFICIENCY.

(a) VOLUNTARY PARTICIPATION BY FAMILIES.—Section 23(c)(1) of the United States Housing Act of 1937 is amended by inserting at the end thereof the following: "Assistance for a family that elects not to participate in the program shall not be delayed by reason of such election.".

(b) CONTRACT OF PARTICIPATION.—Section 23(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437u(c)(1)) is amended—

(1) in the last sentence, by inserting "without good cause" after "comply"; and

(2) by adding at the end the following: "Good cause may include but shall not be limited to a loss or reduction in access to supportive services, or a change in circumstances that makes the family or individual unsuitable for participation.".

(c) Escrow Savings Accounts.—Section 23(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437u(d)(2)) is amended in the last sentence by striking "only after" and all that follows through the end of the sentence and inserting the following: "after the family ceases to receive Federal, State and local income subsidies or family income exceeds the equivalent of full-time employment at the minimum wage, or under circumstances in which the Secretary determines an exception for good cause is warranted.".

(d) Nondiscrimination.—Section 23(g)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437u(g)(3)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(3) by adding at the end the following:

"(H) assurances satisfactory to the Secretary that nonparticipating families will retain their rights to public housing or section 8 assistance notwithstanding the provisions of this section.".

(e) Reservation of Operating Subsidies.—The last sentence of 23(h)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)(2)) is amended to read as follows: "Of any amounts appropriated under section 9(c) for fiscal years 1993 and 1994, $25,000,000 is authorized in each fiscal year to be used for costs under this paragraph.".

(f) Definitions.—Section 23(n) of the United States Housing Act of 1937 (42 U.S.C. 1437u(n)) is amended by adding at the end the following:

"(3) The term 'eligible family' means a family whose head of household is not elderly, disabled, pregnant, a primary caregiver for children under the age of 3, or for whom the Family Self-Sufficiency program would otherwise be unsuitable. Notwithstanding the preceding sentence, a public housing agency may enroll such families if they choose to participate in the program.".

(g) Indian Housing.—Section 23(o)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437u(o)(2)) is amended to read as follows:

"(2) Applicability to Indian public housing authorities.—Notwithstanding any other provision of law, the provisions of this section shall be optional for Indian housing authorities.".

SEC. 527. SECTION 8 AMENDMENTS.

(a) Additional Adjustments.—Section 8(c)(2)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(B)) is amended by adding after the first sentence the following new sentence: "The Secretary may make additional adjustments in the maximum monthly rent for units under contract (subject to the availability of appropriations for contract amendments) to the extent the Secretary determines such adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the units that have resulted from the expiration of a real property tax exemption.".

(b) Committee for Dignity and Fairness for the Homeless Housing Development, Inc.—Rehabilitation activities undertaken by the Committee for Dignity and Fairness for the Homeless Housing Development, Inc. in connection with 46 dwelling units that were renovated for permanent housing for the homeless and that are located in Philadelphia, Pennsylvania, shall be deemed to have been conducted pursuant to an agreement with the Secretary of Housing and Urban Development under clause (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)(A)).

SEC. 528. EXCLUSION OF INCOME.

(a) Exclusion of Certain Income.—Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(4)) is amended after "family" by inserting the following: "and any amounts which would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7))".

(b) Budget Compliance.—The amendment made by subsection (a) shall apply only to the extent approved in appropriations Acts.

SEC. 529. TECHNICAL AMENDMENT.

(a) Eligibility of Low-Income Families To Receive Rental Vouchers.—Section 8(o)(3)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(3)(A)) is amended—

(1) by striking "or" at the end of clause (iii); and

(2) by inserting before the period the following: ", or (v) a family that qualifies to receive a voucher under section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990".

On page 200, between lines 2 and 3, insert the following:

SEC. 534. SENSE OF THE SENATE.

(a) Findings.—The Congress finds that—

(1) there are not sufficient housing resources to meet the Nation's housing needs;

(2) such a limitation on resources has meant that many low-income people are homeless or ill-housed or have an adequate range of housing options;

(3) affordable and accessible housing options are extremely limited, particularly for people with disabilities; and

(4) the resultant increase in the mixing of elderly and nonelderly persons in certain public and assisted housing has in some cases created problems and less than ideal housing for both groups.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) public and assisted housing owners and managers should be able to designate buildings or portions of buildings as age-distinct, and restrict new entry in such buildings to persons over the age of 62;

(2) to the extent that such designations will result in the loss of access to certain housing now available to some nonelderly persons, adequate alternative housing resources should be made available to nonelderly persons affected by this decision;

(3) these alternative resources should include a range of housing options for those affected by the designation of age-distinct housing, especially for persons with disabilities;

(4) Federal housing policy should target resources and provide management tools to enable housing providers to operate mixed housing successfully; and

(5) the Senate conferees on this Act should craft a provision that embodies these principles.

Beginning on page 200, strike line 22 through line 18 on page 201

On page 201, line 19, strike "(c)" and insert "(a)".

On page 201, line 25, strike "(d)" and insert "(b)".

Beginning on page 202, line 15, strike through page 203, line 3.

On page 204, line 11, strike "(e)" and insert "(c)".

On page 206, between lines 3 and 4, insert the following:

(C) Applicability.—The amendments made by this paragraph apply to a nonprofit organization purchasing an eligible low-income housing project pursuant to the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note).

On page 206, line 4, strike "(f)" and insert "(d)".

On page 206, line 9, strike "(g)" and insert "(e)".

On page 210, line 24, strike "to", and insert the following: "to—

"(1) resident-controlled or community-based nonprofit organizations with experience in resident education and organizing for the purpose of conducting community, city or county wide outreach and training programs to identify and organize residents of eligible low-income housing; and

"(2)".

On page 216, line 3, strike "(h)" and insert "(f)".

On page 217, line 1, strike "(i)" and insert "(g)".

On page 217, between lines 8 and 9, insert the following:

SEC. 603. ELIGIBILITY OF PUBLIC MORTGAGORS FOR SECTION 236 MORTGAGE INSURANCE.

Section 236(j)(4)(A) of the National Housing Act (12 U.S.C. 1715z–1(j)(4)(A)) is amended by striking "private".

On page 219, lines 4 and 5, strike "physically or".

On page 219, between lines 5 and 6, insert the following:

"(C) The extent of physical improvements needed by the project as evidenced by the comprehensive needs assessment submitted in accordance with section 611(i) of the National Affordable Housing Act Amendments of 1992.

On page 219, line 6, strike "(C)" and insert "(D)".

On page 219, line 13, strike "(D)" and insert "(E)".

On page 219, line 19, strike "(E)" and insert "(F)".

On page 227, between lines 5 and 6, insert the following new subsection:

(j) Project Stabilization Assistance.—Section 8(v) of the United States Housing Act of 1937 (42 U.S.C. 1437f(v)) is amended by adding at the end the following new paragraph:

"(3) In order to stabilize the occupancy and financial soundness of a multifamily residential project, any incremental loan management assistance made available under this section after October 1, 1992 shall be attached to a unit for a period of not less than 5 years. Thereafter, the assistance shall ber converted to the voucher program under subsection (0) and each family shall have the discretion to remain in its unit or more.".

On page 242, strike lines 19 through 21, and insert the following:

(a) Study.—The Comptroller General of the United States shall conduct a study, based on the experiences in a representative number of States, of the adequacy of procedures under State law to protect the due process rights of tenants in rental housing who are facing eviction under State judicial action.

(b) Report.—Not later than 270 days after the date of enactment of this section, the Comptroller General shall transmit a report of the findings of the study referred to in subsection (a), together with recommendations concerning protection afforded to tenants of federally assisted rental housing, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

On page 247, line 32, strike "year 1993" and insert "years 1993 and 1994".

On page 248, between lines 3 and 4, insert the following:

SEC. 716. CONSIDERATION OF CERTAIN AREAS AS RURAL AREAS.

Section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by adding at the end the following new sentence: “Notwithstanding any other provision of this section, the city of Plainview, Texas, shall be considered a rural area for purposes of this title.”

On page 250, between lines 5 and 6, insert the following:

SEC. 803. RENTAL ASSISTANCE FOR THE ELDERLY.

Section 202(l)(3) of the Housing Act of 1959 (12 U.S.C. 1701q(l)(3)) is amended by striking “20 percent” and inserting “15 percent”.

SEC. 804. DEMONSTRATION PERIOD FOR HOPE FOR ELDERLY INDEPENDENCE.

(a) Termination of Program.—The second sentence of section 803(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012(a)) is amended by striking “beginning on the date of the enactment of this Act” and inserting “determined by the Secretary”.

(b) Definition.—Section 803(g)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended to read as follows:

“(1) The term ‘demonstration period’ means the 5-year period referred to in subsection (A).”.

SEC. 805. REVISED CONGREGATE HOUSING SERVICES PROGRAM.

Section 802(i)(1)(B)(i) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(i)(1)(B)(i)) is amended by striking “3-year” each place it appears and inserting “6-year”.

On page 250, between lines 18 and 19, insert the following:

SEC. 812. PARTICIPATING ORGANIZATIONS.

Section 811(k)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(6)) is amended—

(1) by striking “incorporated private”;

(2) by redesignating subparagraphs (A), (B), and (C), as subparagraphs (B), (C), and (D), respectively; and

(3) by inserting after “foundation—” the following new subparagraph:

“(A) that has received, or has temporary clearance to receive, tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986;”.

On page 253, strike lines 9 through 14 and insert the following:

“(a) In General.—The Secretary may make grants to applicants to demonstrate the desirability and feasibility of providing very low-cost housing, to be known as Safe Havens, to service-resistent homeless persons who are seriously mentally ill.

On page 253, strike lines 19 through 23 and insert the following:

“(2) the extent to which, after a period of residence in a Safe Haven, residents are willing to participate in mental health treatment programs, substance abuse treatment, or other treatment programs and to move toward a more traditional form of permanent housing and the availability in the community of such permanent housing and treatment programs;”

On page 254, line 3, strike “mental health case management” and insert “services and referrals”.

On page 254, line 8, strike “private nonprofit corporation, public” and insert “public or private”.

On page 254, line 13, after “ill”, insert “or is a chronic abuser of drugs or alcohol”.

On page 254, line 20, after “mental health”, insert “or substance abuse”.

On page 255, strike lines 3 through 10 and insert the following:

“(4) Low-demand services and referrals.—The term ‘low-demand services and referrals’ means the provision of mental health, substance abuse, and other supportive services and referrals for services in a noncoercive manner, which may include medication management and assistance in obtaining entitlement benefits and in obtaining other supportive services including mental health treatment and substance abuse treatment.

On page 255, line 21, before the period, insert “, which may include appropriate outreach and drop-in services”.

On page 256, strike lines 15 and 16, and insert the following:

“(A) that provides 24-hour residence for eligible persons who may reside for an unspecified duration;

On page 256, line 17, insert “that” after “(B)”.

On page 256, line 19, insert “that” after “(C)”.

On page 256, line 21, strike “and”.

On page 256, between lines 21 and 22, insert the following:

“(D) that may provide supportive services to eligible persons who are not residents on a drop-in basis; and

On page 256, line 22, strike “(D)” and insert “(E)”.

On page 256, line 22, before “occupancy” insert “overnight”.

On page 258, lines 8 and 9, strike “mental health case management” and insert “services and referrals”.

On page 258, line 12, strike “management” and insert “services and referrals”.

On page 259, line 21, insert after “include” the following: “any funds derived from another source, occupancy charges paid by residents,”.

On page 260, strike lines 22 through 24 and insert the following:

“(ii) how the applicant will secure low-demand services and referrals to be provided for residents of the Safe Haven who are willing to use them;

On page 261, line 20, strike “non-Federal”.

On page 261, line 22, strike “487(b)” and insert “493(b)”.

On page 262, lines 24 and 25, strike “supportive services” and insert “low-demand services and referrals”.

On page 263, line 14, insert before the period, “for use under this subtitle”.

On page 263, between lines 23 and 24, insert the following:

“(3) the extent to which the Safe Haven would meet the needs of the eligible persons proposed to be served by the applicant;

On page 263, line 24, strike “(3)” and insert “(4)”.

On page 264, between lines 2 and 3, insert the following:

“(5) geographic diversity among applicants selected to receive assistance;

On page 264, line 3, strike “(4)” and insert “(5)”.

On page 264, line 5, strike “(5)” and insert “(6)”.

On page 264, lines 18 and 19, strike “mental health case management” and insert “services and referrals”.

On page 265, lines 3 and 4, strike “supportive services” and insert “low-demand services and referrals”.

On page 265, line 7, strike “and”.

On page 265, between lines 7 and 8, insert the following:

“(9) to utilize, to the maximum extent practicable, eligible persons in renovating, maintaining, and operating facilities assisted under this subtitle and in providing services assisted under this subtitle;

“(10) to provide for the participation of a significant number of homeless individuals or former homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle; and

On page 265, line 8, strike “(9)” and insert “(11)”.

On page 265, between lines 11 and 12, insert the following:

“The Secretary may grant a waiver to an applicant that is unable to meet the requirement of paragraph (10), if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

On page 265, line 19, insert after the period the following: “The recipient may waive occupancy charges for limited periods of time for residents unwilling or unable to pay them.”.

Beginning on page 265, line 22, strike all that follows through page 266, line 11, and insert the following:

“SEC. 496. TERMINATION OF ASSISTANCE.

“If an eligible person who resides in a Safe Haven or who receives low-demand services or referrals endangers the safety, welfare, or health of other residents, or repeatedly violates a condition of occupancy contained in the rules for the Safe Haven (as set forth in the application submitted under this subtitle), the recipient may terminate such residency or assistance in accordance with a formal process, established by the rules for the Safe Haven.

On page 268, line 8, strike “$50,000,000” and insert “$75,000,000”.

On page 268, line 9, strike “$51,600,000” and insert “$77,400,000”.

On page 268, between lines 16 and 17, insert the following:

SEC. 824. STRATEGY TO ELIMINATE UNFIT TRANSIENT FACILITIES.

Section 825(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11301 note) is amended in the first sentence—

(1) by striking “Cranston-Gonzalez National Affordable Housing Act” and inserting “National Affordable Housing Act Amendments of 1992”; and

(2) by striking “July 1, 1992” and inserting “July 1, 1994”.

SEC. 825. SHELTER PLUS CARE PROGRAM.

(a) Authorization of Appropriations.—Section 459 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403h) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) In General.—For purposes of the housing programs under this subtitle, there is authorized to be appropriated $258,600,000 for fiscal year 1993 and $266,875,000 for fiscal year 1994.”;

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(b) Participation of Homeless Individuals.—Section 455 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403d) is amended by adding at the end the following new subsection:

“(c) Participation of Homeless Individuals.—The Secretary shall, by regulation, require each recipient to provide for the participation of a significant number of homeless individuals or former homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any housing, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.".

(c) EMPLOYMENT OF HOMELESS INDIVIDUALS.—Section 456 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403e) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) to employ or otherwise involve, to the maximum extent practicable, homeless individuals and families in constructing or rehabilitating housing assisted under this title and in providing services required under this title.".

(d) REDESIGNATION AND AMENDMENT OF PART II PROVISIONS.—Subtitle F of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403 et seq.) is amended as follows:

(1) PART II HEADING.—By amending the heading for part II to read as follows:

"PART II—TENANT-BASED RENTAL ASSISTANCE".

(2) PARTS III AND IV.—By striking parts III and IV.

(3) PURPOSE.—By striking section 461 and inserting the following new section:

"SEC. 471. AUTHORITY.

"The Secretary may use amounts made available under section 463 to provide tenant-based rental housing assistance for eligible persons in accordance with this part.".

(4) HOUSING ASSISTANCE.—By redesignating section 462 as section 472 and amending such section by striking "Where" and inserting the following: "The eligible person shall select the unit in which such person will live using rental assistance under this part; except that where".

(5) AMOUNT OF ASSISTANCE.—By redesignating section 463 as section 473 and amending such section by striking the last sentence.

(e) TRANSFER, REDESIGNATION, AND AMENDMENT OF GENERAL PROVISIONS.—Subtitle F of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403 et seq.) is amended as follows:

(1) TERMINATION OF ASSISTANCE.—By redesignating section 457 as section 461.

(2) DEFINITIONS.—By redesignating section 458 as section 462 and amending such section—

(A) by striking paragraph (2) and inserting the following new paragraph:

"(2) The term 'applicant' means a State, unit of general local government, Indian tribe, or public housing agency."; and

(B) in paragraph (5), by inserting before the period at the end ", and includes public nonprofit organizations".

(3) AUTHORIZATION OF APPROPRIATIONS.—By redesignating section 459 (as amended by subsection (a) of this section) as section 463.

(4) HOUSING STANDARDS AND RENT REASONABLENESS.—By redesignating section 464 as section 457, and amending subsection (a)(1) of such section by striking "(or if no such agency exists in the applicable area, an entity selected by the Secretary)".

(5) TENANT RENT AND ADMINISTRATIVE FEES.—By redesignating sections 465 and 466 as sections 458 and 459, respectively.

(6) OCCUPANCY.—By inserting after section 459 (as redesignated by paragraph (5) of this subsection) the following new section:

"SEC. 460. OCCUPANCY.

"(a) OCCUPANCY AGREEMENT.—The occupancy agreement between a tenant and an owner of a dwelling unit assisted under this subtitle shall be for at least one month.

"(b) VACANCY PAYMENTS.—If an eligible person vacates a dwelling unit assisted under this subtitle before the expiration of the occupancy agreement, no assistance payment may be made with respect to the unit after the month that follows the month during which the unit was vacated, unless it is occupied by another eligible person.".

(f) PROJECT- AND SPONSOR-BASED RENTAL ASSISTANCE AND SINGLE ROOM OCCUPANCY DWELLINGS.—Subtitle F of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403 et seq.), as amended by the preceding provisions of this section, is further amended by inserting at the end the following new parts:

"PART III—PROJECT-BASED RENTAL ASSISTANCE

"SEC. 476. AUTHORITY.

"The Secretary may use amounts made available under section 463 to provide project-based rental housing assistance for eligible persons in accordance with this part.

"SEC. 477. HOUSING ASSISTANCE.

"Assistance under this part shall be provided pursuant to a contract between the recipient and an owner of an existing structure. The contract shall provide that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

"SEC. 478. TERM OF CONTRACT AND AMOUNT OF ASSISTANCE.

"(a) TERM OF CONTRACT.—Each contract with a recipient for assistance under this part shall be for a term of 5 years, and the owner shall have an option to renew the assistance for an additional 5-year term, subject to the availability of amounts provided in appropriation Acts; except that if an expenditure of at least $3,000 for each unit (including its prorated share of work on common areas or systems) is required to make the structure decent, safe, and sanitary, and the owner agrees to carry out the rehabilitation with resources other than assistance under this subtitle within 12 months of notification of grant approval, the contract shall be for a term of 10 years.

"(b) AMOUNT OF ASSISTANCE.—Each contract shall provide that the recipient shall receive aggregate amounts not to exceed the fair market rental under section 8(e) of the United States Housing Act of 1937 in effect at the time the application is approved.

"PART IV—SPONSOR-BASED RENTAL ASSISTANCE

"SEC. 481. AUTHORITY.

"The Secretary may use amounts made available under section 463 to provide sponsor-based rental assistance for eligible persons in accordance with this part.

"SEC. 482. HOUSING ASSISTANCE.

"Assistance under this part shall be provided pursuant to a contract between the recipient and a private nonprofit sponsor that owns or leases dwelling units. The contract shall provide that rental assistance payments shall be made to the sponsor and that such assisted units shall be occupied by eligible persons.

"SEC. 483. TERM OF CONTRACT AND AMOUNT OF ASSISTANCE.

"(a) TERM OF CONTRACT.—The contract with a recipient of assistance under this part shall be for a term of 5 years.

"(b) AMOUNT OF ASSISTANCE.—Each contract shall provide that the recipient shall receive aggregate amounts not to exceed the appropriate existing housing fair market rental under section 8(e) of the United States Housing Act of 1937 in effect at the time the application is approved.".

SEC. 826. SUPPORTIVE HOUSING PROGRAM.

(a) IN GENERAL.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by striking subtitles C and D and inserting the following new subtitle:

"Subtitle C—Supportive Housing Program

"SEC. 421. PURPOSE.

"The purpose of this subtitle is to promote the development of supportive housing and supportive service programs to assist homeless persons and families, in the transition from homelessness, and to enable homeless persons to live as independently as possible.

"SEC. 422. DEFINITIONS.

"For purposes of this subtitle:

"(1) The term 'applicant' means a State, Indian tribe, metropolitan city, urban county, governmental entity, public or private nonprofit organization, that is eligible to be a recipient under this subtitle and submits an application under section 426(a).

"(2) The term 'person with disabilities' shall mean a person who is under a disability as defined in section 223 of the Social Security Act or a household within the definition of 'person with disabilities' contained in section 811(k) of the National Affordable Housing Act of 1990. Notwithstanding the previous sentence, the term 'persons with disabilities' shall include persons with acquired immunodeficiency syndrome.

"(3) The term 'Indian tribe' has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974.

"(4) The term 'metropolitan city' has the meaning given the term in section 102 of the Housing and Community Development Act of 1974.

"(5) The term 'operating costs' means expenses incurred by a recipient operating supportive housing under this subtitle with respect to—

"(A) the administration, maintenance, repair, and security of such housing;

"(B) utilities, fuel, furnishings, and equipment for such housing; and

"(C) the conducting of the assessment required in section 426(c)(2).

"(6) The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management.

"(7) The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(8) The term 'project' means a structure or structures (or a portion of such structure or structures) that is acquired, rehabilitated, constructed, or leased with assistance provided under this subtitle or with respect to which the Secretary provides technical assistance or annual payments for operating costs under this subtitle, or supportive services.

"(9) The term 'recipient' means any governmental or nonprofit entity that receives assistance under this subtitle.

"(10) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(11) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Palau.

"(12) The term 'supportive housing' means a project that meets the requirements of section 424.

"(13) The term 'supportive services' means services under section 425.

"(14) The term 'urban county' has the meaning given the term in section 102 of the Housing and Community Development Act of 1974.

"SEC. 423. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—The Secretary may provide the following assistance under this subtitle:

"(1) ACQUISITION AND REHABILITATION.—A grant, in an amount not to exceed $200,000, for the acquisition, rehabilitation, or acquisition and rehabilitation of an existing structure (including a small commercial property or office space) to provide supportive housing other than emergency shelter or to provide supportive services. The repayment of any outstanding debt owed on a loan made to purchase an existing structure shall be considered to be a cost of acquisition eligible for a grant under this paragraph if the structure was not used as supportive housing, or to provide supportive services, before the receipt of assistance.

"(2) NEW CONSTRUCTION.—A grant, in an amount not to exceed $400,000, for new construction of a structure to provide supportive housing.

"(3) LEASING.—A grant for leasing of an existing structure or structures, or portions thereof, to provide supportive housing or supportive services during the period covered by the application. Grant recipients may reapply for such assistance as needed to continue the use of such structure for purposes of this subtitle.

"(4) OPERATING COSTS.—Annual payments for operating costs of housing assisted under this subtitle, not to exceed 75 percent of the annual operating costs of such housing. Grant recipients may reapply for such assistance as needed to continue the use of the project for purposes of this subtitle.

"(5) SUPPORTIVE SERVICES.—A grant for costs of supportive services provided to homeless individuals. Such services may be provided independently from housing assisted under this subtitle. Any recipient may reapply for such assistance or for the renewal of such assistance to continue services funded under prior grants or to provide other services.

"(6) TECHNICAL ASSISTANCE.—Technical assistance in—

"(A) establishing supportive housing;

"(B) operating supportive housing; and

"(C) providing supportive services to homeless individuals.

"(b) USE RESTRICTIONS.—

"(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—Projects assisted under subsection (a) (1) or (2) shall be operated for not less than 20 years for the purpose specified in the application.

"(2) OTHER ASSISTANCE.—Projects assisted under subsection (a) (3), (4), (5), or (6) shall be operated for the purposes specified in the application for the duration of the period covered by the grant.

"(3) CONVERSION.—If the Secretary determines that a project is no longer needed for use as supportive housing and approves the use of the project for the direct benefit of very low-income persons pursuant to a request for such use by the recipient operating the project, the Secretary may authorize the recipient to convert the project to such use.

"(c) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

"(1) REPAYMENT AND CONVERSION OF ASSISTANCE.—Subject to the provisions of this section, any grant provided under subsection (a) (1) or (2) shall be repaid if the project ceases to be used as supportive housing prior to the expiration of the time period specified in the grant, on such terms as may be prescribed by the Secretary. The Secretary shall require recipients to repay 100 percent of the grant if the project is used as supportive housing for fewer than 10 years following initial occupancy. If the project is used as supportive housing for more than 10 years, but less than 20 years, the Secretary shall reduce the percentage of the amount required to be repaid by 10 percentage points for each year in excess of 10 that the property is used as supportive housing.

"(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), upon any sale or other disposition of a project assisted under subsection (a) (1) or (2), occurring before the expiration of the 20-year period beginning on the date that the project is placed in service, the recipient shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient from unduly benefiting from such sale or disposition.

"(3) EXCEPTION.—A recipient shall not be required to comply with the terms and conditions prescribed under paragraphs (1)(A) and (2) if the sale or disposition of the project results in the use of the project for the direct benefit of very low-income persons or if all of the proceeds are used to provide supportive housing meeting the requirements of this subtitle.

"SEC. 424. SUPPORTIVE HOUSING.

"(a) IN GENERAL.—Housing providing supportive services for homeless individuals shall be considered supportive housing for purposes of this subtitle if—

"(1) the housing is safe and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located; and

"(2) the housing—

"(A) is transitional housing;

"(B) is permanent housing for homeless persons with disabilities; or

"(C) is, or is part of, a particularly innovative project for, or alternative methods of, meeting the immediate and long-term needs of homeless individuals and families.

"(b) TRANSITIONAL HOUSING.—For purposes of this section, the term 'transitional housing' means housing, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 24 months (or such longer period as the Secretary determines is necessary).

"(c) PERMANENT HOUSING FOR HOMELESS PERSONS WITH DISABILITIES.—For purposes of this section, the term 'permanent housing for homeless persons with disabilities' means community-based housing for handicapped homeless persons that provides long-term housing and supportive services for not more than—

"(1) 8 such persons in a single structure or contiguous structures;

"(2) 16 such persons, but only if not more than 20 percent of the units in a structure are designated for such persons; or

"(3) more than 16 persons if the applicant demonstrates that local market conditions dictate the development of a large project and such development will achieve the neighborhood integration objectives of the program within the context of the affected community.

"(d) SINGLE ROOM OCCUPANCY DWELLINGS.—A project may provide supportive housing in dwelling units that do not contain bathrooms or kitchen facilities and are appropriate for use as supportive housing or in projects containing some or all such dwelling units.

"SEC. 425. SUPPORTIVE SERVICES.

"(a) IN GENERAL.—Each supportive housing project shall ensure the provision of appropriate supportive services for residents of the project.

"(b) REQUIREMENTS.—Supportive services provided in connection with a supportive housing project shall address the special needs of the individuals (such as homeless persons with disabilities and homeless families with children) intended to be served by a project.

"(c) SERVICES.—Supportive services may include the establishment and operation of such activities as child care services programs, child care, employment assistance programs, outpatient health services, meals, case management, assistance in obtaining permanent housing, counseling, including employment and nutritional counseling, security measures, and assistance in obtaining other Federal, State, and local services (including mental health benefits, employment and medical assistance), and providing other appropriate services.

"(d) PROVISION OF SERVICES.—Services provided pursuant to this section may be provided directly by the recipient or by contract with other public or private service providers. Such services may be provided to homeless individuals who do not reside in supportive housing.

"SEC. 426. PROGRAM REQUIREMENTS.

"(a) APPLICATIONS.—

"(1) FORM AND PROCEDURE.—Applications for assistance under this subtitle shall be submitted by applicants in the form and in accordance with the procedures established by the Secretary.

"(2) CONTENTS.—The Secretary shall require that applications contain at a minimum—

"(A) a description of the proposed project, including the activities to be undertaken;

"(B) a description of the size and characteristics of the population that would occupy the supportive housing assisted under this subtitle;

"(C) a description of the public and private resources that are expected to be made available for the project;

"(D) in the case of projects assisted under section 423(a) (1) or (2), assurances satisfactory to the Secretary that the project will be operated for not less than 10 years for the purpose specified in the application;

"(E) in the case of projects assisted under this title that do not receive assistance under such sections, annual assurances during the period specified in the application that the project will be operated for the purpose specified in the application for such period;

"(F) a certification from the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the State or unit of general local government within which the project is located that the proposed project is consistent with the approved housing strategy of such State or unit of general local government; and

"(G) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

"(3) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of a 1-year period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing which will eventually be owned or controlled by the families or individuals served. If any recipient fails to obtain ownership or control of the site within 1 year after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

"(b) SELECTION CRITERIA.—The Secretary shall select applicants approved by the Secretary as to financial responsibility to receive assistance under this subtitle by a national competition based on criteria established by the Secretary, which shall include—

"(1) the ability of the applicant to develop and operate supportive housing;

"(2) the innovative quality of the proposal in providing supportive housing;

"(3) the need for the type of supportive housing proposed by the applicant in the area to be served;

"(4) the extent to which the amount of assistance to be provided under this subtitle will be supplemented with resources from other public and private sources;

"(5) the cost-effectiveness of the proposed project;

"(6) the extent to which the applicant has demonstrated coordination with other Federal, State, local and private entities serving homeless persons in the planning and operation of the project, to the extent practicable; and

"(7) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

"(c) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for any project under this subtitle unless the applicant agrees—

"(1) to operate the proposed project as supportive housing in accordance with the provisions of this subtitle;

"(2) to conduct an ongoing assessment of the supportive services required by homeless individuals served by such projects and the availability of such services to such individuals;

"(3) to provide such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of supportive services to the residents of the project;

"(4) to monitor and report to the Secretary on the progress of the project;

"(5) to develop and implement procedures to ensure (A) the confidentiality of records pertaining to any individual provided family violence prevention or treatment services through any project assisted under this subtitle, and (B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person or persons responsible for the operation of such project;

"(6) to utilize, to the maximum extent practicable, homeless individuals and families in constructing, rehabilitating, maintaining, and operating the project assisted under this subtitle and in providing supportive services for the project; and

"(7) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.

"(d) OCCUPANCY CHARGE.—Each homeless individual or family residing in a project providing supportive housing shall pay an occupancy charge in an amount determined by the recipient providing the project, which may not exceed the amount determined under section 3(a) of the United States Housing Act of 1937. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

"(e) MATCHING FUNDING.—Each recipient shall be required to supplement the amount of assistance provided under paragraphs 423(a) (1) and (2) of this subtitle with an equal amount of funds from sources other than this subtitle.

"(f) FLOOD PROTECTION STANDARDS.—Flood protection standards applicable to housing acquired, rehabilitated, constructed, or assisted under this subtitle shall be no more restrictive than the standards applicable under Executive Order No. 11988 (May 24, 1977) to the other programs under this title.

"(g) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient to provide for the participation of a significant number of homeless individuals or former homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

"(h) LIMITATION ON USE OF FUNDS.—No assistance received under this subtitle (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist homeless persons or handicapped homeless persons.

"(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—No recipient may use more than 5 percent of a grant received under this subtitle for administrative purposes.

"(j) TERMINATION OF ASSISTANCE.—If an individual or family who receives assistance under this subtitle (not including residents of an emergency shelter) from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals receiving such assistance to due process of law.

"SEC. 427. REGULATIONS.

"Not later than the expiration of the 90-day period beginning on the date of the enactment of the Housing and Community Development Act of 1992, the Secretary shall issue interim regulations to carry out this subtitle, which shall take effect upon issuance. The Secretary shall issue final regulations to carry out this subtitle after notice and opportunity for public comment regarding the interim regulations, pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). The duration of the period for public comment shall not be less than 60 days, and the final regulations shall be issued not later than the expiration of the 60-day period beginning upon the conclusion of the comment period and shall take effect upon issuance.

"SEC. 428. REPORTS TO CONGRESS.

"The Secretary shall submit a report to the Congress annually, which summarizes the activities carried out under this subtitle and sets forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 4 months after the end of each fiscal year (except that, in the case of fiscal year 1993, the report shall be submitted not later than 6 months after the end of the fiscal year).

"SEC. 429. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subtitle $187,200,000 for fiscal year 1993.

"(b) SET-ASIDES.—Of any amounts appropriated to carry out this subtitle—

"(1) not less than 25 percent shall be allocated to projects designed primarily to serve homeless families with children;

"(2) not less than 25 percent shall be allocated to projects designed primarily to serve homeless persons with disabilities; and

"(3) not less than 10 percent shall be allocated for use only for providing supportive services under sections 423(a)(5) and 425, not provided in conjunction with supportive housing.

"(c) REALLOCATIONS.—If, following the receipt of applications for the final funding round under this subtitle for any fiscal year, any amount set aside for assistance pursuant to subsection (b) will not be required to fund the approvable applications submitted for such assistance, the Secretary shall reallocate such amount for other assistance pursuant to this subtitle.".

(b) TRANSITION.—Notwithstanding the amendment made by subsection (a), before the date of the effectiveness of the regulations issued under section 427 of the Stewart B. McKinney Homeless Assistance Act (as amended by subsection (a) of this section) the Secretary may make grants under the provisions of subtitles C and D of the Stewart B. McKinney Homeless Assistance Act, as in effect immediately before the enactment of this Act. Any grants made before such effective date shall be subject to the provisions of such subtitles.

SEC. 827. AUTHORIZATION OF APPROPRIATIONS FOR THE INTERAGENCY COUNCIL ON THE HOMELESS.

Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,500,000 for fiscal year 1993, and $1,700,000 for fiscal year 1994.".

SEC. 828. EXTENSION OF INTERAGENCY COUNCIL.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1992" and inserting "October 1, 1994".

SEC. 829. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $180,000,000 for fiscal year 1993, and $200,000,000 for fiscal year 1994.''.

SEC. 830. SINGLE ROOM OCCUPANCY HOUSING FOR THE HOMELESS.

Subtitle E of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401 et seq.) is amended to read as follows:

"Subtitle E—Single Room Occupancy Housing for the Homeless

"SEC. 441. PURPOSE.

"The purpose of the program authorized under this subtitle is to increase the supply of decent, safe and sanitary single room occupancy housing for homeless individuals.

"SEC. 442. DEFINITIONS.

"For purposes of this subtitle:

"(1) APPLICANT.—The term 'applicant' means a State, Indian tribe, metropolitan city, urban county, public housing agency, other governmental entity, or private nonprofit organization that is eligible to be a recipient under this subtitle.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 102(a)(17) of the Housing and Community Development Act of 1974.

"(3) METROPOLITAN CITY.—The term 'metropolitan city' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"(4) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a recipient operating housing under this subtitle with respect to—

"(A) the administration, maintenance, repair, and security of such housing; and

"(B) utilities, fuel, furnishings, and equipment for such housing.

"(5) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(6) PROJECT.—The term 'project' means a structure or a portion of a structure that is acquired or rehabilitated with assistance provided under this subtitle or with respect to which the Secretary provides technical assistance or annual payments for operating costs under this subtitle.

"(7) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given such term in section 3(b)(6) of the United States Housing Act of 1937.

"(8) RECIPIENT.—The term 'recipient' means any governmental or nonprofit entity that is approved by the Secretary as to financial responsibility.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(10) SINGLE ROOM OCCUPANCY HOUSING.—The term 'single room occupancy housing' means residential properties in which some or all of the dwelling units do not contain bathroom or kitchen facilities. Such housing shall be safe and sanitary and meet all applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located.

"(11) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Island, Guam, American Samoa, the Northern Mariana Islands, and Palau.

"(12) URBAN COUNTY.—The term 'urban county' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"SEC. 443. TYPES OF ASSISTANCE.

"(a) IN GENERAL.—The Secretary may provide the following assistance to a project under this subtitle:

"(1) A grant for acquisition, rehabilitation, or acquisition and rehabilitation, of an existing structure to provide single room occupancy dwellings. The repayment of any outstanding debt owed on a loan made to purchase an existing structure shall be considered a cost of acquisition eligible for a grant under this paragraph if the structure was not used as housing for the homeless prior to the receipt of assistance. Such a grant is limited to the portion of the structure used for single room occupancy dwellings and common areas for primary use of the residents or for the provision of supportive services to such residents and other homeless individuals.

"(2) A grant for new construction of a structure to provide single room occupancy dwellings. Such a grant is limited to the portion of the structure used for single room occupancy dwellings and common areas for primary use of the residents or for provision of supportive services to such residents and other homeless individuals.

"(3) Annual payments for operating costs of single room occupancy dwellings, not to exceed 75 percent of the costs of operating such housing, during the 10-year period under section 444(a)(2)(D). Subject to the availability of appropriations, the Secretary may approve payment of operating costs of single room occupancy dwellings beyond the initial 10-year period.

"(4) Technical assistance in establishing or operating single room occupancy dwellings.

"(b) AMOUNT OF ASSISTANCE.—The Secretary may establish a maximum amount that may be awarded to any applicant.

"(c) REPAYMENT.—Any grant provided under paragraphs (1) or (2) of subsection (a) shall be repaid on such terms as may be prescribed by the Secretary if the project is used as single room occupancy dwellings for homeless individuals for fewer than 10 years following initial occupancy. A project may continue to be treated as single room occupancy dwellings for the purposes of this subsection if the Secretary determines that such project is no longer needed for use as single room occupancy dwellings for homeless individuals and approves the use of such project for the direct benefit of low-income persons.

"(d) PREVENTION OF UNDUE BENEFITS.—Upon any sale or other disposition of a project acquired or rehabilitated with assistance under this subtitle prior to the close of 20 years after the project is placed in service, other than a sale or other disposition resulting in the use of the project for the direct benefit of low-income persons or where all of the proceeds are used to provide single room occupancy dwellings for homeless individuals, the recipient shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient from unduly benefiting from the sale or other disposition of the project.

"SEC. 444. PROGRAM REQUIREMENTS.

"(a) APPLICATIONS.—

"(1) IN GENERAL.—Applications for assistance under this subtitle shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

"(2) MINIMUM REQUIREMENTS.—The Secretary shall require that applications contain at a minimum—

"(A) a description of the proposed project;

"(B) a description of the size and characteristics of the population that would occupy the single room occupancy dwellings;

"(C) a description of the public and private resources that are expected to be made available for the project;

"(D) assurances satisfactory to the Secretary that the project assisted will be operated for not less than 10 years for the purpose specified in the application, except that in the case of projects not receiving a grant under paragraph (1) or (2) or section 443(a), assurances under this subparagraph shall be made annually that the project will be operated for the purpose specified in the application for such year;

"(E) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of local government within which the facility is located.

"(F) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

"(3) The Secretary shall require that an application furnish reasonable assurances that the applicant will own or have control of a site for the proposed project not later than 1 year after receiving assistance under this subtitle. If an applicant fails to obtain ownership or control of a site within 1 year after receipt of such assistance, the grant shall be recaptured and reallocated.

"(b) SELECTION CRITERIA.—The Secretary shall establish selection criteria for a national competition for assistance under this subtitle, which shall include—

"(1) the ability of the applicant to develop and operate single room occupancy dwellings for homeless individuals;

"(2) the need for such single room occupancy dwellings in the area to be served;

"(3) the extent to which the amount of assistance to be provided under this subtitle will be leveraged with resources from other public and private sources;

"(4) the cost effectiveness of the proposed project;

"(5) the extent to which the recipient involves homeless and formerly homeless individuals in constructing, rehabilitating, maintaining, and operating the project assisted under this subtitle;

"(6) the extent to which homeless and formerly homeless individuals are represented on boards of directors or policymaking entities, or otherwise consulted in the planning, development, and operation of the project;

"(7) the extent to which the applicant has demonstrated coordination with other entities serving homeless persons in the planning and operation of the project; and

"(8) such other factors as the Secretary determines to be appropriate for purposes of carrying out the project established by this subtitle in an effective and efficient manner.

"(c) REQUIRED AGREEMENTS.—The Secretary may not approve assistance for any project under this subtitle unless the applicant agrees—

"(1) to operate the proposed project as single room occupancy dwellings for homeless individuals in accordance with the provisions of this subtitle;

"(2) to meet housing quality standards established by the Secretary, including the installation of a sprinkler system that protects all major spaces (including hallways, large common areas, and other areas specified in local fire, building, or safety codes), hard-wired smoke detectors, and such other fire and safety improvements as may be required by State or local law;

"(3) to provide such residential supervision as the Secretary determines is necessary to ensure the safety of the residents and the maintenance of the facility;

"(4) to monitor and report to the Secretary on the progress of the project; and

"(5) to comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the program established in this subtitle in an effective and efficient manner.

"(d) OCCUPANT RENT.—Each individual residing in a facility assisted under this subtitle shall pay as rent an amount not to exceed an amount determined in accordance with the provisions of section 3(a) of the United States Housing Act of 1937.

"(e) MATCHING FUNDING.—Each recipient shall be required to supplement the amount of assistance provided under paragraphs 443(a)(1) and (2) of this subtitle with an equal amount of funds from sources other than this subtitle.

"(f) FLOOD PROTECTION STANDARDS.—Flood protection standards applicable to housing acquired, rehabilitated, or assisted under this subtitle shall be no more restrictive than the standards applicable under Executive Order No. 11988 (May 24, 1977) to the other programs under this title.

"(g) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient to provide for the participation of a significant number of homeless individuals or formerly homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

"SEC. 445. GUIDELINES.

"(a) REGULATIONS.—Not later than 90 days following the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle.

"(b) LIMITATION ON USE OF FUNDS.—

"(1) NOT TO REPLACE OTHER FUNDS.—No assistance received under this subtitle may be used to replace other public funds previously used, or designated for use, to assist homeless individuals.

"(2) 10 PERCENT MAXIMUM.—No more than 10 percent of the assistance made available under this subtitle for any fiscal year may be used for projects located within any 1 unit of general local government.

"(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—No recipient may use more than 5 percent of a grant received under this subtitle for administrative purposes.

"SEC. 446. REPORTS TO CONGRESS.

"The Secretary shall submit annually to the Congress a report summarizing the activities carried out under this subtitle. The report shall be submitted not later than 3 months after the end of each fiscal year.

"SEC. 447. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $108,360,000 for fiscal year 1993 and $111,828,000 for fiscal year 1994.".

SEC. 830A. MISCELLANEOUS PROVISIONS.

(a) RESERVATION OF FUNDS.—On or after the effective date of this section, no amounts may be made available for assistance under subtitle E of title IV of the Stewart B. McKinney Homeless Assistance Act, as it existed immediately before the effective date of this section, except for projects for which a reservation of funds was made by the Secretary before that effective date.

(b) GRANTS ALREADY MADE.—Any grant already made under subtitle E of title IV of the Stewart B. McKinney Homeless Assistance Act shall continue to be governed by the provisions of such subtitle.

(c) AMENDMENT TO MCKINNEY ACT.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle H—Miscellaneous Provisions

"SEC. 490. ADMINISTRATIVE PROVISIONS.

"The provisions of, and regulations and procedures applicable under, section 104(g) of the Housing and Community Development Act of 1974 shall apply to assistance and projects under this title.".

SEC. 830B. RURAL HOMELESSNESS GRANT PROGRAM

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a rural homelessness grant program. In carrying out the program, the Secretary may award grants to eligible organizations in order to pay for the Federal share of the cost of—

(1) assisting programs providing direct emergency assistance to homeless individuals and families;

(2) providing homelessness prevention assistance to individuals and families at risk of becoming homeless; and

(3) assisting individuals and families in obtaining access to permanent housing and supportive services.

(b) USE OF FUNDS.—

(1) IN GENERAL.—An eligible organization may use a grant awarded under subsection (a) to provide in rural areas—

(A) rent, mortgage, or utility assistance after 2 months of nonpayment in order to prevent eviction, foreclosure, or loss of utility service;

(B) security deposits, rent for the first month of residence at a new location, and relocation assistance;

(C) short-term emergency lodging in motels or shelters, either directly or through vouchers;

(D) transitional housing;

(E) rehabilitation and repairs such as insulation, window repair, door repair, roof repair, and repairs that are necessary to make premises habitable;

(F) development of comprehensive and coordinated support services that use and supplement, as needed, community networks of services, including—

(i) outreach services to reach eligible recipients;

(ii) case management;

(iii) housing counseling;

(iv) budgeting;

(v) job training and placement;

(vi) primary health care;

(vii) mental health services;

(viii) substance abuse treatment;

(ix) child care;

(x) transportation;

(xi) emergency food and clothing;

(xii) family violence services;

(xiii) education services;

(xiv) moving services;

(xv) entitlement assistance; and

(xvi) referrals to veterans services and legal services; and

(G) costs associated with making use of Federal inventory property programs to house homeless families, including the program established under title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.) and the Single Family Property Disposition Program established under section 204(g) of the National Housing Act (12 U.S.C. 1710(g)).

(2) CAPACITY BUILDING ACTIVITIES.—Not more than 20 percent of the funds appropriated under subsection (i)(1) for a fiscal year may be used by eligible organizations for capacity building activities, including payment of operating costs and staff retention.

(c) AWARD OF GRANTS.—

(1) COMMUNITIES WITH POPULATIONS OF LESS THAN 20,000.—

(A) SET ASIDE.—In awarding grants under subsection (a) for a fiscal year, the Secretary shall make available not less than 50 percent of the funds appropriated under subsection (i)(1) for the fiscal year for grants to eligible organizations serving communities that have populations of less than 10,000.

(B) PRIORITY WITHIN SET ASIDE.—In awarding grants in accordance with subparagraph (A), the Secretary shall give priority to eligible organizations serving communities with populations of less than 5,000.

(2) COMMUNITIES WITHOUT SIGNIFICANT FEDERAL ASSISTANCE.—In awarding grants under subsection (a), including grants awarded in accordance with paragraph (1), the Secretary shall give priority to eligible organizations serving communities not currently receiving significant Federal assistance under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

(3) STATE LIMIT.—In awarding grants under subsection (a) for a fiscal year, the Secretary shall not award to eligible organizations within a State an aggregate sum of more than 10 percent of the funds appropriated under subsection (i)(1), for the fiscal year.

(d) APPLICATION.—In order to be eligible to receive a grant under subsection (a), an organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum the application shall include—

(1) a description of the target population and geographic area to be served;

(2) a description of the services to be provided;

(3) an assurance that the services to be provided are closely related to the identified needs of the target population;

(4) a description of the existing services available to the target population, including Federal, State, and local programs, and a description of the manner in which the organization will coordinate with and expand existing services or provide services not available in the immediate area; and

(5) an agreement by the organization that the organization will collect certain data on the projects conducted by the organization, including services provided, number and characteristics of persons served, causes of homelessness for persons served, and outcomes of delivered services.

(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant under subsection (a) shall include private nonprofit entities, Indian tribes (as defined in section 102(a)(17) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(17)), and county and local governments.

(f) FEDERAL SHARE.—

(1) FEDERAL SHARE.—The Federal share of the costs of providing assistance under this title shall be 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of providing the assistance shall be in cash or in kind, fairly evaluated, including plant, equipment, staff services, or services delivered by volunteers.

(g) EVALUATION.—

(1) EVALUATION.—The Secretary shall perform an evaluation of the program to—

(A) determine the effectiveness of the program in improving the delivery of services to homeless persons in the area served; and

(B) determine the types of services needed to address homelessness in rural areas.

(2) REPORT.—The Secretary shall submit to Congress, not later than 18 months after the date on which the Secretary first makes grants under the program, the evaluation of the program described in paragraph (1), including recommendations for any Federal administrative or legislative changes that may be necessary to improve the ability of rural communities to prevent and respond to homelessness.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible organizations in developing programs in accordance with this section, and in gaining access to other Federal resources that may be used to assist homeless persons in rural areas. Such assistance may be provided through regional workshops, and may be provided directly or through grants to, or contracts with, nongovernmental entities.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal year 1993, and fiscal year 1994.

(2) AVAILABILITY.—Any amount paid to a grant recipient for a fiscal year that remains unobligated at the end of the year shall remain available to the recipient for the purposes for which the payment was made for the next fiscal year. The Secretary shall take such action as may be necessary to recover any amount not obligated by the recipient at the end of the second fiscal year, and shall redistribute the amount to another eligible organization.

(j) DEFINITIONS.—

As used in this section:

(1) HOMELESS.—The term "homeless" has the meaning given the term in section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(2) PROGRAM.—The term "program" means the rural homelessness grant program established under this section.

(3) RURAL AREA; RURAL COMMUNITY.—The term "rural area" or "rural community" means an area or community, respectively, as defined in section 520 of the Housing Act of 1949.

(4) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

At the end of title VII, add the following:

At the bottom of page 269, add the following:

SEC. 834. EMERGENCY SHELTER GRANTS AMENDMENTS.

(a) EMPLOYMENT OF HOMELESS INDIVIDUALS.—Section 415(c) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11375(c)) is amended—

(1) at the end of paragraph (1), by striking the period and inserting a semicolon;

(2) at the end of paragraph (3), by striking "and";

(3) in paragraph (4)—

(A) by inserting "it will" after "State," and

(B) by striking "and" at the end;

(4) in paragraph (5)—

(A) before "develop", by inserting "it will"; and

(B) by striking the period at the end and inserting a semicolon;

(5) by redesignating the paragraph that follows paragraph (5) as paragraph (6) and by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) it will employ and otherwise involve, to the maximum extent practicable, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this subtitle, in providing services assisted under this subtitle, and in providing services for occupants of facilities assisted under this subtitle.".

(b) PARTICIPATION OF HOMELESS INDIVIDUALS.—Section 415 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11375) is amended by adding at the end the following new subsection:

"(d) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient that is not a State to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of such recipient, to the extent that such entity considers and makes policies and decisions regarding any facility, services, or other activities of the recipient assisted under this subtitle, or to otherwise provide for the consultation and participation of such individual or individuals in considering and making such policies and decisions.".

(c) TERMINATION OF ASSISTANCE.—Section 415 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11375) is amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) TERMINATION OF ASSISTANCE.—If an individual or family who receives assistance under this subtitle from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals affected.".

(d) ELIGIBILITY OF STAFF COSTS.—Section 414(a)(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(3)) is amended by striking "(other than staff)".

Beginning with page 274, line 22, strike through page 275, line 18, and insert the following:

"(4) For the purposes of subsection (c)(1)(C)—

"(A) if an employee resides in, or the assisted activity through which he is employed is located in, a census tract that meets the Federal enterprise zone eligibility criteria, the employee shall be presumed to be a person of low- or moderate-income; or

"(B) if an employee resides in a census tract where not less than 70 percent of the residents have incomes at or below 50 percent of the area median, the employee shall be presumed to be a person of low or moderate income."

On page 279, lines 7 and 8, strike "To the extent provided in appropriations Acts, of" and insert "Of".

On page 281, between lines 11 and 12, insert the following:

SEC. 913. CDBG PUBLIC SERVICES CAP.

Notwithstanding any other provision of law, the city and county of Los Angeles may use not more than 35 percent of their allocations under title I of the Housing and Community Development Act of 1974 for public services eligible under section 105(a)(8) of such Act for each of the fiscal years 1993 through 1997.

SEC. 914. ACTIVITIES TO AFFIRMATIVELY FURTHER FAIR HOUSING.

(a) Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(21) activities that affirmatively further fair housing.".

(b) Sections 104(b)(2), 106(d)(5)(B), and 107(e)(1) of the Housing and Community Development Act of 1974 are each amended by striking "Public Law 90-284" and inserting "the Fair Housing Act".

SEC. 915. ELIGIBILITY OF FEDERAL OR STATE ENTERPRISE ZONES UNDER THE CDBG PROGRAM.

Section 105(a)(13) of the Housing and Community Development Act of 1974 is amended by inserting immediately after "(13)" the following: "payment of reasonable administrative costs related to establishing and administering federally approved and equivalent State-approved enterprise zones and".

On page 281, lines 14 and 15, insert before "Section" the following:

(1) AUTHORIZATION.—

On page 281, between lines 17 and 18, insert the following:

(2) FUNCTIONS OF THE COMMISSION.—Section 943(d)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended—

(A) in subparagraph (G), by striking "and" at the end;

(B) by adding after subparagraph (G) the following new subparagraph:

"(H) evaluate the extent to which manufacturers in compliance with Federal standards do and should comply with State implied or expressed warranty requirements; and"; and

(C) by redesignating subparagraph (H) as subparagraph (I).

On page 282, between lines 15 and 16, insert the following:

SEC. 922. MANUFACTURED HOUSING.

Section 604 of the Housing and Community Development Act of 1974 (42 U.S.C. 5403) is amended by adding at the end the following new subsection:

"(j) The Secretary shall develop a new standard for hardboard panel siding on manufactured housing taking into account durability, longevity, consumer's costs for maintenance and any other relevant information pursuant to subsection (f). The Secretary shall consult with the National Manufactured Home Advisory Council in establishing the new standard. The new performance standard developed shall ensure the durability of hardboard sidings for at least a normal life of a mortgage with minimum maintenance required. Not later than 180 days from the date of enactment of this subsection, the Secretary shall update the standards for hardboard siding."

On page 310, line 15, strike "75" and insert "50".

On page 310, line 17, strike "50" and insert "75".

On page 327, between lines 16 and 17, insert the following:

SEC. 948. STUDY OF INSURANCE AVAILABILITY IN CENTRAL CITIES AND DISTRESSED URBAN AREAS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report assessing the market availability of insurance against crime, civil disorders, and related perils for businesses and residences located in central cities and distressed urban areas and the impact of the availability of such insurance on the economic development or redevelopment of such areas.

(b) CONTENTS OF REPORT.—The report required by this section shall address—

(1) whether insurance against crime, civil disorders, and related perils is available at affordable rates in central cities and distressed urban areas either through the private insurance market or through a suitable program adopted under Federal or State law;

(2) whether reinsurance against crime, civil disorders, and related perils is available at affordable rates in central cities and other distressed urban areas either through the private reinsurance market or through a suitable program adopted under State law;

(3) the factors most likely to explain any deficiencies in the availability of such insurance or reinsurance;

(4) whether any deficiencies in the availability of such insurance or reinsurance act as a deterrent or barrier to the economic development or redevelopment of central cities and distressed urban areas;

(5) whether the Federal crime insurance program operated pursuant to title XII of the National Housing Act (12 U.S.C. 1749bbb et seq.) adequately promotes the availability of insurance in central cities and distressed urban areas and whether the program should be modified to more effectively advance that goal;

(6) whether those State plans to assure fair access to insurance (FAIR) that were established pursuant to section 1211 of the National Housing Act (12 U.S.C. 1749bbb-3), or other programs adopted by State governments effectively promote the availability of insurance in central cities and distressed urban areas;

(7) whether reenactment of a Federal riot reinsurance program to promote the availability of insurance against crime, civil disorders, and related perils would effectively promote the availability of insurance against such perils in central cities and distressed urban areas;

(8) whether other action by the Federal Government could promote the availability of insurance against crime, civil disorders, and related perils in central cities and distressed urban areas in order to enhance the prospects for the economic development or redevelopment of such areas; and

(9) such other issues related to the availability of insurance in central cities and other distressed urban areas and the relationship of the availability of such insurance to the economic development or redevelopment of such areas as the Comptroller General considers appropriate.

(c) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) AFFORDABLE RATES.—The term "affordable rates" shall be defined by the Comptroller General, taking into consideration factors such as the nature and degree of risks involved, the protective devices employed, the extent of anticipated losses, the prevailing rates for similar coverages in adjacent or comparable areas, the economic importance of the various individual coverages, the type of property involved, and the relative abilities of the particular classes and types of insureds to pay the costs of coverages.

(2) CENTRAL CITY.—The term "central city" means any political subdivision designated as a central city from time to time by the Office of Management and Budget.

(3) DISTRESSED URBAN AREA.—The term "distressed urban area" means an urban enterprise zone designated pursuant to title VII of the Housing and Community Development Act of 1987 (42 U.S.C. 11501 et seq.) or any other urban area that has a high level of poverty, unemployment, or minority population share, as determined by the Comptroller General.

(d) REFERRAL.—The report required by this section shall be referred in the Senate to the Committee on Banking, Housing, and Urban Affairs, and in the House of Representatives to the Committee on Banking, Finance and Urban Affairs.

SEC. 949. FLOOD ELEVATION REQUIREMENTS FOR ST. CHARLES PARISH, LOUISIANA.

The flood elevation requirements that were in effect pursuant to chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) for St. Charles Parish, Louisiana, in and around the areas surrounding Ormond Country Club Estates, prior to June 16, 1992, shall remain in effect until June 16, 1996, or until completion of the St. Charles Parish portion of the Lake Ponchartrain Hurricane Protection Levee, whichever is earlier.

SEC. 950. EXTENSION OF TIME TO APPEAL FLOOD ELEVATION DETERMINATIONS.

Section 1363(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(c)) is amended in the third sentence by striking "ninety" and inserting "180".

SEC. 951. ADMINISTRATIVE PROVISION.

Subject to the availability of appropriations for this purpose, the Secretary of Housing and Urban Development shall cancel the indebtedness of the town of McLain, Mississippi, relating to the public facilities loan (Project No. MS 94-PFL39456). The town of McLain, Mississippi, is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

SEC. 952. COMMUNITY INVESTMENT CORPORATION DEMONSTRATION.

(a) SHORT TITLE.—This section may be cited as the "Community Investment Corporation Demonstration Act".

(b) COMMUNITY INVESTMENT CORPORATION DEMONSTRATION.—

(1) FINDINGS.—The Congress finds that—

(A) the Nation's urban and rural communities face critical social and economic problems arising from lack of growth; growing numbers of low-income persons and persons living in poverty; lack of employment and other opportunities to improve the quality of life of these residents; and lack of capital for business located in, or seeking to locate in these communities;

(B) the future well-being of the United States and its residents depends on the restoration and maintenance of viable local economies, and will require increased public and private investment in low-income housing, business development, and economic and community development activities, and technical assistance to local organizations carrying out revitalization strategies;

(C) lack of expertise and technical capacity can significantly limit the ability of residents and local institutions to effectively carry out revitalization strategies;

(D) the Federal Government needs to develop new models for facilitating local revitalization activities;

(E) indigenous community-based financial institutions can play a significant role in identifying and responding to community needs; and

(F) financial institutions with a primary mission of promoting community development have proven their ability to promote revitalization and are appropriate vehicles for restoring economic stability and growth in distressed communities and neighborhoods.

(2) PURPOSES.—The demonstration program carried out under this section shall—

(A) improve access to capital for initiatives which benefit residents and businesses in targeted geographic areas; and

(B) test new models for bringing credit and investment capital to targeted geographic areas and low-income persons in such areas through the provision of assistance for capital development services, and technical assistance.

(3) DEFINITIONS.—As used in this section—

(A) the term "Federal financial supervisory agency" means—

(i) the Comptroller of the Currency with respect to national banks;

(ii) the Board of Governors of the Federal Reserve System with respect to State-chartered banks which are members of the Federal Reserve System and bank holding companies;

(iii) the Federal Deposit Insurance Corporation with respect to State-chartered banks and savings banks which are not members of the Federal Reserve System and the deposits of which are insured by the Federal Deposit Insurance Corporation;

(iv) the National Credit Union Administration Board with respect to insured credit union associations; and

(v) the Office of Thrift Supervision with respect to insured savings associations;

(B) the term "community investment corporation" means an eligible organization selected by the Secretary to receive assistance pursuant to this section;

(C) the term "development services" means activities that are consistent with the purposes of this section and which support and strengthen the lending and investment activities undertaken by eligible organizations including—

(i) the development of real estate;

(ii) administrative activities associated with the extension of credit or necessary to make an investment;

(iii) marketing and management assistance;

(iv) business planning and counseling services; and

(v) other capacity building activities which enable borrowers, prospective borrowers, or entities in which eligible organizations have invested, or expect to invest, to improve the likelihood of success of their activities;

(D) the term "eligible organization" means an entity—

(i) that is organized as—

(I) a bank holding company as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841); or

(II) a nonprofit organization—

(aa) that is organized under State law;

(bb) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or other person;

(cc) complies with standards of financial accountability acceptable to the Secretary; and (dd) controls or is affiliated with a nondepository lending institution or a regulated financial institution;

(ii) that has as its primary mission the revitalization of a targeted geographic area through the provision of credit, equity investment, and development services;

(iii) that maintains, through significant representation on its governing board and otherwise, accountability to community residents;

(iv) that—

(I) has conducted business for at least 3 years prior to the date of application for assistance;

(II) is organized for the purpose of applying for assistance, if a majority of its subsidiaries or affiliates has conducted business for at least 3 years prior to the date of application; or

(III) has principals active in the implementation of its programs who possess significant experience in lending and the development of affordable housing, small business development, or community revitalization;

(v) that directly or through a subsidiary or affiliate carries out development services; and

(vi) that will match any equity investment dollar-for-dollar with non-Federal sources of funds;

(E) the term "equity investment" means a capital contribution through the purchase of nonvoting common stock or through equity grants or contributions to capital reserves or surplus, subject to terms and conditions satisfactory to the Secretary;

(F) the term "low-income person" means a person in a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families;

(G) the term "regulated financial institution" means an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), or section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

(H) the term "Secretary" means the Secretary of Housing and Urban Development; and

(I) the term "targeted geographic area" means a geographically contiguous area of chronic economic distress as measured by unemployment, growth lag, poverty, lag in growth of per capita income, extent of blight and disinvestment, fiscal distress, or other indicators deemed appropriate by the Secretary, that has been identified by an eligible organization as an area to be served by it.

(4) SELECTION CRITERIA.—The Secretary shall select eligible organizations from among applications submitted to participate in a demonstration program, using selection criteria based on—

(A) the capacity of the eligible organizations to carry out the purposes of this section;

(B) the range and comprehensiveness of lending, investment strategies, and development services to be offered by the organizations directly or through subsidiaries and affiliates thereof;

(C) the types of activities to be pursued, including lending and development of small business, agriculture, industrial, commercial, or residential projects;

(D) the extent of need in the targeted geographic area to be served;

(E) the experience and background of the principals at each eligible organization responsible for carrying out the purposes of this section;

(F) the extent to which the eligible organization directly or through subsidiaries and affiliates has successfully implemented other revitalization activities;

(G) an appropriate distribution of eligible organizations among regions of the United States; and

(H) other criteria determined to be appropriate by the Secretary and consistent with the purposes of this section.

(5) PROGRAM ASSISTANCE.—The Secretary shall—

(A) carry out, in accordance with this section, a program to improve access to capital and demonstrate the feasibility of facilitating the revitalization of targeted geographic areas by providing assistance to eligible organizations;

(B) accept applications from eligible organizations; and

(C) select eligible organizations to receive assistance pursuant to this section.

(6) ACTIVITIES REQUIRED.—All eligible organizations receiving assistance pursuant to this section are required to engage in activities that provide access to capital for development initiatives which benefit residents and businesses in targeted geographic areas.

(7) CAPITAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall make grants to eligible organizations.

(B) ELIGIBLE ACTIVITIES.—Capital assistance may only be used to support the following activities that facilitate revitalization of targeted geographic areas or that provide economic opportunities for low-income persons—

(i) increasing the capital available for the purpose of making loans;

(ii) providing funds for direct investments in projects; and

(iii) providing a portion of loan loss reserves of regulated financial institutions.

(C) DISTRIBUTION.—

(i) IN GENERAL.—An eligible organization may distribute all or a portion of the capital assistance received under this subsection to its insured depository or nondepository subsidiaries or affiliates.

(ii) CAPITAL STANDARDS APPLY.—If assistance is distributed to a regulated financial institution, the depository and its holding company shall satisfy applicable capital standards from sources other than assistance provided under this section.

(D) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph $25,000,000 for fiscal year 1993 and $26,000,000 for fiscal year 1994 to be used to capitalize eligible organizations. Funds appropriated pursuant to this subparagraph shall remain available until expended.

(8) DEVELOPMENT SERVICES AND TECHNICAL ASSISTANCE GRANTS.—

(A) IN GENERAL.—The Secretary shall—

(i) provide, or contract to provide, technical assistance to eligible organizations to assist in establishing program activities of such organizations that are consistent with the purposes of this section; and

(ii) provide grants to eligible organizations for the provision of development services that support and contribute to the success of the mission of such organizations.

(B) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, $15,000,000 for fiscal year 1993 and $15,600,000 for fiscal year 1994. Funds appropriated pursuant to this subparagraph shall remain available until expended.

(9) TRAINING PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish, or contract to establish, an ongoing training program to assist eligible organizations and their staffs in developing the capacity to carry out the purposes of this section.

(B) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph $2,000,000 for fiscal year 1993 and $2,100,000 for fiscal year 1994. Funds appropriated pursuant to this subparagraph shall remain available until expended.

(10) REPORTS.—The Secretary shall determine the appropriate reporting requirements with which recipients of assistance under this section must comply.

(11) ADVISORY BOARD.—

(A) IN GENERAL.—In establishing requirements to carry out the provisions of this section, and in considering applications under this section, the Secretary shall consult with an advisory board made up of the following members:

(i) the Administrator of the Small Business Administration;

(ii) two representatives from among the Federal financial supervisory agencies who possess expertise in matters related to extending credit to persons in low-income communities;

(iii) two representatives of organizations that possess expertise in development of low-income housing;

(iv) two representatives of organizations that possess expertise in economic development;

(v) two representatives of organizations that possess expertise in small business development;

(vi) two representatives from organizations that possess expertise in the needs of low-income communities; and

(vii) two representatives from community investment corporations receiving assistance under this section.

(B) CHAIRPERSON.—The Board shall elect from among its members a chairperson who shall serve for a term of 2 years.

(C) TERMS.—The members shall serve for terms of 3 years which shall expire on a staggered basis.

(D) REIMBURSEMENT.—The members shall serve without additional compensation but shall be reimbursed for travel, per diem, and other necessary expenses incurred in the performance of their duties as members of the advisory board, in accordance with sections 5702 and 5703 of title 5, United States Code.

(E) DESIGNATED REPRESENTATIVES.—A member who is necessarily absent from a meeting of the board, or of a committee of the board, may participate in such meeting through a duly designated representative who is serving in the same agency or organization as the absent director.

(F) QUORUM.—The presence of a majority of members, or their representatives, shall constitute a quorum.

(12) EVALUATION AND REPORT.—The Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives an annual report containing a summary of the activities carried out under this section during the fiscal year and any preliminary findings or conclusions drawn from the demonstration program.

(13) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subsection.

(14) SAFETY AND SOUNDNESS OF INSURED DEPOSITORIES.—Nothing in this section shall limit the applicability of other law relating to the safe and sound operation and management of the regulated financial institutions

receiving assistance provided under this section.

On page 347, strike lines 9 through 13, and insert the following:

"(B) periodic risk assessments and interim controls in accordance with a schedule determined by the Secretary, the initial risk assessment of each unit constructed prior to 1960 to be conducted not later than January 1, 1996, and, for units constructed between 1960 and 1978—

"(i) not less than 25 percent shall be performed by January 1, 1998;

"(ii) not less than 50 percent shall be performed by January 1, 2000; and

"(iii) the remainder shall be performed by January 1, 2002;"

Beginning with page 355, line 15, strike through page 356, line 18, and insert the following:

"(3) DISPOSITION OF FEDERALLY OWNED HOUSING.—

"(A) PRE-1960 TARGET HOUSING.—Beginning on January 1, 1995, procedures established under paragraphs (1) and (2) shall require the inspection and abatement of lead-based paint hazards in all federally owned target housing constructed prior to 1960.

"(B) TARGET HOUSING CONSTRUCTED BETWEEN 1960 AND 1978.—Beginning on January 1, 1995, procedures established under paragraphs (1) and (2) shall require an inspection for lead-based paint and lead-based paint hazards in all federally owned target housing constructed between 1960 and 1978. The results of such inspections shall be made available to prospective purchasers, identifying the presence of lead-based paint and lead-based paint hazards on a surface-by-surface basis. The Secretary shall have the discretion to waive the requirement of this subparagraph for housing in which a federally funded risk assessment, performed by a certified contractor, has determined no lead-based paint hazards are present.

"(C) BUDGET AUTHORITY.—To the extent that subparagraphs (A) and (B) increase the cost to the Government of outstanding direct loan obligations or loan guarantee commitments, such activities shall be treated as modifications under section 504(e) of the Federal Credit Reform Act of 1990 and shall be subject to the availability of appropriations. To the extent that paragraphs (A) and (B) impose additional costs to the Resolution Trust Corporation and the Federal Deposit Insurance Corporation, its requirements shall be carried out only if appropriations are provided in advance in an appropriations Act. In the absence of appropriations sufficient to cover the costs of subparagraphs (A) and (B), these requirements shall not apply to the affected agency or agencies.

"(D) DEFINITIONS.—For the purposes of this subsection, the terms 'inspection', 'abatement', 'lead-based paint hazard', 'federally owned housing', 'target housing', 'risk assessment', and 'certified contractor' have the same meaning given such terms in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

On page 358, line 10, strike "PRIVATE SECTOR".

On page 358, line 17, after the word "representing", insert the following: "the Department of Housing and Urban Development, the Farmers Home Administration, the Department of Veterans Affairs, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association,".

On page 358, lines 18 and 19, strike "federally-chartered financial institutions,".

On page 361, line 8, strike "9" and insert "12".

On page 363, strike lines 1 through 23.

On page 364, line 10, and on page 367, lines 4 and 5, after "Secretary", insert ", in consultation with the Administrator of the Environmental Protection Agency,".

On page 368, lines 14 and 15, strike "Secretary, in consultation with" and insert "Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development and".

On page 370, line 3, strike "Secretary" and insert "Administrator of the Environmental Protection Agency".

On page 371, line 10, after "with", insert "the Administrator of the Environmental Protection Agency and".

On page 371, line 12, after "poisoning", insert "resulting from lead-based paint hazards".

On page 371, line 15, after "exposure", insert "resulting from lead-based paint hazards".

On page 371, line 17, after "methods", insert "for lead-based paint hazards".

On page 371, line 19, after "exposure", insert "from lead-based paint".

On page 371, strike lines 24 and 25 and insert "activities carried out under this section with the activities of the President's Commission on Environmental Quality, the Environmental Protection Agency, and any".

Insert at the appropriate place in the bill, the following new section:

SEC. . DELAY USE OF 1990 CENSUS HOUSING DATA TO EXAMINE EFFECT ON TARGETING FOR CDBG FORMULA.

Notwithstanding any other provision of law, for fiscal years 1993, no data derived from the 1990 Decennial Census, except those relating to population and poverty, shall be taken into account for purposes of the allocation of amounts under section 106 of the Housing and Community Development Act of 1974.

At the appropriate place add the following new section:

SEC. . INVESTMENT OF FUNDS.

Notwithstanding any other provision of law, funds provided to Montgomery County, Ohio, pursuant to Title II of Public Law 101-625, the Cranston-Gonzalez National Affordable Housing Act, may be spent in any jurisdiction contiguous to Montgomery County, Ohio.

Insert at the appropriate place in the bill:

SEC. . PUBLIC HOUSING AUTHORITY INSURANCE POOLS.

Following the third "Hereafter" under the head "Administrative Provisions", Public Law 102-139, 105 Stat. 758, strike out "that such entities" and all that follows through the period at the end of the sentence and insert in lieu thereof "that such entities are duly constituted and operating according to the laws of the various States in which they operate and meet such other standards as the Secretary deems appropriate."

ARKANSAS-IDAHO LAND EXCHANGE

CHAFEE AMENDMENT NO. 2984

Mr. DOLE (for Mr. CHAFEE) proposed an amendment to the bill (S. 2572) to authorize an exchange of lands in the States of Arkansas and Idaho, as follows:

On page 15, line 21, strike "prepare" and insert in lieu thereof, "prepare and implement".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 10, 1992, at 10 a.m. to hold a hearing on review of the national drug control strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 10, 1992 at 9:30 a.m. to hold a hearing on the North American Free-Trade Agreement and labor issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, September 10, 1992, at 9:30 a.m., for a hearing on "University Responses to Racial and Sexual Harassment on Campus."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent for the Senate Select Committee on POW/MIA Affairs to meet on Thursday, September 10, 1992, at 10 a.m. in room S-407 of the U.S. Capitol for a business meeting of the select committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EUGENE M. LANG

• Mr. SIMON. Mr. President, one of the finest and most inspirational persons I have met in my lifetime is Eugene M. Lang, who became famous for going to a public school in Brooklyn, NY, and telling a group of sixth graders in a depressed area that if they finish school he would pay their way through college. This is an area where the dropout rate was 70 percent, where virtually no one went on to college.

The result has been an astounding one for those young people and around the Nation as others have copied Eugene Lang's vision.

He is the first to say that educational success is more than promising people help when they get to college.

Recently, he spoke at the International Platform Association in Washington, DC, and at the end of my remarks, I ask that the full text of his speech be entered into the RECORD.

There are several things that should be pointed out from his speech.

At the school where he made that promise he recounts:

Against a generally projected 75 percent dropout rate for East Harlem minority students, 90 percent of my Dreamers have their diplomas or equivalency certificates. Moreover, against an almost zero projection, I expect two-thirds of my Dreamers to go to college—more than half are there now and, last year, I had my first BA graduates. Moreover, the statistical experience of my original P.S. 121 Dreamers is now recapitulating with Dreamers of the second generation of Projects that started in 1986.

He also has been able to persuade some 152 others to want similar Projects. He says:

It takes about $350,000 present dollars to sponsor a Project of 40 to 80 Dreamers for at least 10 years—from elementary school, through college. That's less than it costs to keep one youngster in jail for the same period—and, please note: 82 percent of all people in jail right now are drop-outs. In fact, according to the CED, each dropout burdens the community with an average lifetime cost of $400,000.

But he says that the statistics are not really meaningful. What really is important for him is the personal relationships that have been established.

Listen to his accounting of a few of those.

I recall that hour of urgent concern when Maria Ceballos came to me and cried, "I'm pregnant. What can I do?" And the moment of warm glory two years later when, bringing her baby boy with her, Maria proudly came to show me her high school diploma.

I recall that hour of concern when, after years of abusive treatment at home, Denise Purcell phoned, "Mr. Lang, it's no use. I can't go on—I'm gonna jump out the window." And the moment of warm glory three years later when I discussed with Denise the business courses she is now taking at Baruch College.

I recall that hour of urgent concern when 16-year-old Robert Bradford was jailed for armed robbery. And those successive moments of warm glory when I secured his release, when he got his high school diploma, when he took an interim job in the emergency ward of a hospital and when he started taking paramedic courses at LaGuardia College at night. Truly a succession of glorious moments.

But such moments do not assure happy endings. Often they don't—for example, the prospective paramedic Robert Bradford is back in jail for selling crack. Still, he is my Dreamer and there's no giving up. Altogether, the warm dynamic of the I Have a Dream relationship—the wonder of Denise, Maria and most of my Dreamers—the radiance of their present ambitions contrasted with the way it was or would have been—all this makes undaunted hope and uncompromising faith—even for Robert Bradford—our constant dolphins.

But perhaps his most eloquent testimony is about a young man named Rafael.

When I first met Rafael in 1981, he seemed like a born loser—no father, a part-time mother, subsisting in two rat-infested rooms of an old tenement. I didn't know it then, but the school system had classified him as "special ed"—a boy who, for whatever reason or disability, was considered just abut hopeless. "Tell me, Rafael," I asked, "what's your dream?" He couldn't think of any. However, when he told me he enjoyed drawing, I suggested that he might become an architect—and I explained how architects design beautiful buildings. Rafael liked the idea and, without further ado, adopted architecture as his dream. From then on, I never saw Rafael without greeting "my favorite architect."

One Saturday morning, about a year later, Rafael visited me and I asked him about school. As usual, everything was fine—great—until I asked, "How are you doing in math?" He looked at me—surprised—with a vague sense of guilt. "Math? I'm not taking math." If you want to be an architect, you've got to take math!" He said, "Well, Mr. Lang, I applied for math but they told me at school that the classes for math were full and they said I should take Social Studies instead. They said it didn't matter—that I'd get the same amount of credit for my diploma. I did what they told me." There was no point in getting mad at Rafael or the school. That's the way the system functions. The system didn't know Rafael's intention to become an architect. As for Rafael—he accepted its dictum and there was nobody home to suggest otherwise. Well, I was upset—and, bright and early on Monday morning, I called the school—talked to the principal—and as politely as circumstances suggested, proposed that they damn well better get math on Rafael's program. They did—no problem! After all, there was no reason for the school to know about Rafael's dream. Somebody just had to tell them.

Another year went by and one afternoon I got an urgent call from Rafael. "Mr. Lang, I gotta see you right away." He came to my office and told me the problem. "Mr. Lang, my mother's boyfriend threw me out of the house. Where can I live?" That threw me—but I remembered that one of my Dreamers lived in a large flat with his working mother who I had come to know. I called her, and after two minutes of cheerful conversation, I popped the question, "Mrs. Walker, how would you like to have another son?" Silence. Mrs. Walker couldn't see my face get red, as I suddenly realized what she might be thinking—so I hastened to tell her about her son's classmate Rafael, and his need for a home. She responded with heart-warming enthusiasm, "Oh, I know Rafael. Send him right over." That was that—a wonderful ending. What made a particularly wonderful—Rafael, an Hispanic Catholic taken in by a Black Muslim mother. Mrs. Walker needed no sermon on love and brotherhood.

Two more years went by. Rafael got his diploma. He couldn't qualify academically for a good engineering school. However, I arranged for him to take a technical program at Hudson Valley Community College. I also arranged with a neighboring engineering college RPI to accept Rafael if, after two years, his academic deficiencies were resolved. So, full of hope, Rafael went off to Hudson Valley and I subsequently got his letter—I'll read part of it.

"Dear Mr. Lang: * * * I thank you for giving me this opportunity for making my dream a reality.

I'm now at the very start of my dream. I'm sure that with your inspiration, you would be my—guiding light.

I hope that someday I would be able to design your future dream house. Even if you would pass away 'God forbid,' I will still design your house with your name engraved on the side. Stating: 'The man who opened many hearts—and dreams for the children of America.'

Love always
Your son,
RAFAEL.
P.S.—I love college."

He wants us to make education a much greater priority. He knows that we have to do more than give education lip service. We have to give real commitment.

I urge my colleagues to read his eloquent remarks. At this point, I ask to insert his entire statement into the RECORD.

The statement follows:

INTERNATIONAL PLATFORM ASSOCIATION SPEECH—WASHINGTON, D.C., AUGUST 1, 1991

It is a rare experience to be sharing the podium of IPA with such distinguished guests. It reminds me that last month, I was privileged to speak here in Washington to the Conference of State Colleges and Universities—and spoke immediately preceding the person who wants to be known as the education president. I remember confessing—I too am an amateur in education. However, fortified by many years as Chairman of Swarthmore College plus years in the trenches with the I Have A Dream Program, I have learned to speak undaunted by ignorance.

As with most subjects that capture national attention, a mythology has become attached to the general perception of public education and its problems. Myth one—that the problems of at-risk, underprivileged students relate primarily to minorities in big cities. The fact is—the adjectives "at-risk" and "underprivileged" recognize no racial, ethnic or geographic boundaries. Most dropouts—over 60%—are white and two-thirds of them live in cities with populations of 200,000 or less.

Myth two—that the problems of education primarily affect the children we classify as "at-risk" and "disadvantaged". Yes: these children are tragically affected—but, the fact is: so are we. We are at risk when 500,000 children go to school each day carrying a knife or a gun—and become disposed to regard drugs, pregnancy and crime as acceptable options. We are at risk when more than 70% of all minority children who started school this year have no credible expectation of higher education—and this, in an era when 80% of all new jobs require learning equivalent to two years of college. We are at risk when American industry finds only 1 out of 5 candidates with the basic skills necessary to handle entry level jobs, and must factor into its costs and selling prices the marginal productivity of an adult population that is 25% functionally illiterate.

Myth three—that our educational problems are primarily rooted in the needs and deficiencies of our public school system. No one doubts—our schools need more and better facilities, our teachers need adequate authority and compensation, our resources should be more equitably allocated, our methods, curricula and standards must be improved. Still, none of these needs deal effectively with conditions that have abused the system by dumping on it the added roles of parent, provider and policeman. At the bottom line, education starts with having children who want to go to school and who stay in school because they want to learn.

So, rather than disparage the public school system, shouldn't we be deeply concerned that, at all levels of government, inequitable tax structures and misguided budget priorities are accelerating its erosion? Shouldn't we be strongly rejecting political menus that are urging educational goals for the year 2000 in place of meaningful action today? The year 2000 may be a good millennium in which to invest our hopes. But meanwhile, what about the millions of disadvantaged children who start school this year and next, of whom 60% will drop out or have diplomas which they cannot read—children whose opportunities to become educated and productive citizens are going to seed? In Steinback's "Of Mice and Men", you may remember big, simple Lenny soliciting hope from his companion George: "Tell me again, George, what's it gonna be like George? What's it gonna be like?" Well, just as George repeatedly assured the hapless Lenny how good it was gonna be—that "We're gonna live off the fat of the land"—so have many of us been sedated by millennium therapy.

Just after the riots, I had a rap session with 19 minority high school students in Los Angeles. As we got into the dialogue, one student abruptly observed: "This talk is all BS! Don't tell us we mostly hurt ourselves. We know it. But at least violence makes people listen. Give us a better way," he challenged, "give us a better way to make people and gov'ment listen and do something." Jobs, housing, protection, enough to eat, decent treatment by police, fair justice system, good schools! While the student recited this litany of needs, I weighed the popular impact of 1000 points of light against ten Los Angeles bonfires. One young man finally said, "I think we should get education like the white kids so we can stand up for ourselves". There was consensus on this—but clearly no inclination to wait for the year 2000 to see it happen.

Another aspect of the blame-the-school myth has been the growing tendency of many business and political leaders to adopt the word "choice" as the watchword for redeeming our public education system. There are serious delusions implicit in the context in which this watchword is being urged upon us—and deception in its theory. Do we really believe that competitive forces of the market place can function for education as it does for Sears Roebuck and Coca Cola? Do we really expect that school administrators, teachers and students can or will respond effectively to a tournament among public and private institutions? Most educators say emphatically "No".

I believe we must resist attempts by private institutions and their partisans to use the sad condition of the public school system as justification for trying, in effect, to feed off its ravaged carcass. Private schools are already subsidized with tax exemptions and other amenities. But let's draw the line. Particularly at primary and secondary levels, public support of public education must not be further diverted, whether with vouchers or other means, to private educational enterprise. Certainly, private institutions have an essential role in our nation's educational life. But the Judas goat of "choice" has no license to dilute the overriding claim of public education on the public purse. And if the word "choice" is to characterize the answer to educational needs, let it be the choice—"the bottom line" choice of each child to go to school determined to learn.

The I Have a Dream Program is committed to foster that choice.

Most of you have heard the story—how on June 25, 1981 addressing the 6th grade graduating class of my first Alma Mater, P.S. 121 in Harlem, I got carried away by impromptu rhetoric and promised 61 black and Hispanic youngsters a college education.

Twenty-four hours later, after I had sobered up, I realized that my rash promise was more sound than substance. For one thing, the years from elementary school through high school graduation would be a long time for the promise of a college education to remain inspirational. Also, projections were that more than three quarters of these East Harlem youngsters would drop out—not to mention the tragic fact that, even with high school diplomas, few would be academically prepared for college.

I had to do something to keep the children in school—to make my promise more than a grandstand gesture—to make it a genuine opportunity. This resolve was the genesis of what has come to be known as the "I Have a Dream" Program. Let me outline its characteristics.

The Program is founded on the commitment of a Sponsor to establish an "I Have a Dream" Project by, in effect, adopting an entire elementary school grade, at whatever level—the earlier the better. The Sponsor—always an individual—makes at least a 10-year commitment of time and effort, and provides for funding a Project that keeps the children together under their own "I Have a Dream" identity—that enables them, as Dreamers—that's what we call them—to preserve their peer classmate relationships however they may be scattered during their years of schooling.

This Sponsor-Dreamer relationship is the protoplasm of the I Have a Dream Program. It is purely personal. To each child, probably for the first time, it provides an enduring association that combines the attributes of affection and concern with power and resource—in other words, the attributes of middle class parents. It is energized by a Project Coordinator—a suitably qualified person employed by the Sponsor as a full time surrogate to direct Project activities and maintain day-to-day contact with each child. It is further amplified by mentors who establish one-on-one engagements with Dreamers—and by interactions with school systems, colleges, public agencies, corporations and volunteers. Under this inclusionary governance, each I Have a Dream Project maintains a year-round program of academic support, cultural exposure, social and recreational activities in which Dreamers participate individually and as a group.

Over time, self-esteem, group esprit and networks of peer and parent support develop. The Dreamers come to believe in themselves—in the credibility of their goals and the rationale of sustained commitment. I believe you'll agree: the desire to attend school and the rejection of anti-social activity are functions of will, not compulsion-of hope and ambition, not fear.

Up front, every Dreamer is guaranteed a college opportunity. But, contrary to what many believe, this scholarship guarantee is not emphasized as the primary IHAD feature. We encourage the option for higher education. But as our threshold objective, we want each Dreamer to graduate from high school, functionally literate and able to hold a fulfilling job. In fact, to most Dreamers, the college incentive is over-shadowed by the personal elements of the Program. This may explain why public education systems and institutional and corporate programs cannot by themselves satisfy the educational needs of our disadvantaged kids. Institutions just cannot focus their resources to deal effectively with a human condition that requires sensitive, caring and sustained individual attention. They cannot inspire or reciprocate love. As Mother Theresa said—and every I Have a Dream volunteer knows—"The seeds of love must be sowed by hand".

I'd like to comment on the "I Have a Dream" experience from five perspectives:

First, in statistical terms. Against a generally projected 75% dropout rate for East Harlem minority students, 90% of my Dreamers have their diplomas or equivalency certificates. Moreover, against an almost zero projection, I expect ⅔ of my Dreamers to go to college—more than half are there now and, last year, I had my first BA graduates. Moreover, the statistical experience of my original P.S. 121 Dreamers is now recapitulating with Dreamers of the second generation of Projects that started in 1986.

Second, in economic terms. Our Dreamers, in business vernacular, are very cost effective. It takes about $350,000 present dollars to sponsor a Project of 40 to 80 Dreamers for at least 10 years—from elementary school, through college. That's less than it costs to keep one youngster in jail for the same period—and, please note: 82% of all people in jail right now are drop-outs. In fact, according to the CED, each dropout burdens the community with an average lifetime cost of $400,000.

Third, the way the Program has grown and continues to grow. Right now, we have 152 Projects that have established enduring personal engagements with over 10,000 Dreamers in 46 cities across the country. Also, with the cooperation of HUD, we are now experimentally extending our Program to establish the first Projects in inner city public housing developments. We expect this effort to stimulate family involvement in our educational support objectives and improve their living environment. if we succeed, the effort will become national.

Fourth: the inspirational effect the Program has had on others, in their own way, to implement the HUD support concept. Many public and private sector initiatives, individual and institutional, involving hundreds of thousands of youngsters all over the country, have resulted. Also, at state and federal levels, our Program has prompted legislation to provide I Have a Dream-type support for students. We note particularly the early intervention provisions that Congress has just enacted to amend the Federal Higher Education Act. These amendments, which the President signed into law last week, could have landmark significance. They drew directly on the experience of our Program and were prepared with the cooperation of the I Have a Dream Foundation.

Having commented on these four perspectives, I must admit: none of them mean as much to me as the fifth—the personal relationship with my Dreamers. Size and statistics count for zero when I am individually engaged with any one Dreamer at an hour of urgent concern or at a moment of warm glory.

I recall that hour of urgent concern when Maria Ceballos came to me and cried, "I'm pregnant. What can I do?" And the moment of warm glory two years later when, bringing her baby with her, Maria proudly came to show me her high school diploma.

I recall that hour of urgent concern when, after years of abusive treatment at home, Denise Purcell phoned, "Mr. Lang, it's no use. I can't go on—I'm gonna jump out the window." And the moment of warm glory three years later when I discussed with Denise the business courses she is now taking at Baruch College.

I recall that hour of urgent concern when 16-year old Robert Bradford was jailed for armed robbery. And those successive moments of warm glory when I secured his release, when he got his high school diploma, when he took an interim job in the emergency ward of a hospital and when he started taking paramedic courses at LaGuardia College at night. Truly a succession of glorious moments.

But such moments do not assure happy endings. Often they don't—for example, the prospective paramedic Robert Bradford is back in jail for selling crack. Still, he is my Dreamer and there's no giving up. Altogether, the warm dynamic of the I Have a Dream relationship—the wonder of Denise, Maria and most of my Dreamers—the radiance of their present ambitions contrasted with the way it was or would have been—all this makes undaunted hope and uncompromising faith—even for Robert Bradford—our constant dolphins.

While personal caring relationships give the I Have a Dream Program its central force, broad community involvement provides much of its substance. Each Project serves as a matrix, attracting individual and institutional resources of the community and applying them directly, responsively and personally to the needs of its Dreamers.

Still, with all of that, the I Have a Dream Program by itself can hardly dent a national condition that is ejecting one million dropouts each year into our society. For that deeply rooted condition, there is no quick fix and no institutional Messiah. But the I Have a Dream experience does conceptually affirm that there is a solution and, to paraphrase Pogo, "The solution is us"—each of us—doing what we can in a nationwide partnership—a public-private sector partnership that might be characterized as a Marshall Plan for education—or, preferably but in the same sense, a Dreamer Plan for education.

This solution may sound platitudinous—but believe me, after 11 years of hands-on association with the living realities, there's no way I'd settle for catch-phrases. Also, perhaps my record as a successful businessman, accustomed to avoiding gridlock, solving problems and getting things done, is still acceptable (I'm not running for anything) as a positive credential. Anyway, I will try, in these few minutes, to outline some primary elements of attitude and action for the Dreamer Plan.

First, make the American public realize that educational needs now constitute this nation's most vital and urgent issue—and that these needs demand massive and immediate attention. The public must recognize that educating our youth is at the roots of every major national issue. If we think about it, it is the key to our nation's productivity and the creation of jobs, to our fiscal integrity, to our economic and cultural growth, and to establishing conditions of social justice. In ritually proclaiming our youth as America's future, the public must recognize that educating our youth has become America's line of defense—defense not only for our international economic and political interests but also against the social tensions and violence that the present condition is breeding where we live. If it needs bombed out buildings—victims—atrocities—to bar convincing, show the American people their schools adorned with graffiti, shattered windows, leaking roofs, bullet-pocked steel doors—show them their children checked with metal detectors, prey to drug pushers in the hallways, stuffed into overcrowded classrooms sharing broken seats and torn textbooks. It is time for the American people to be aroused, even outraged by these conditions, and to reject cop-out promises. It is time to demand and to keep demanding sustained action to provide proper educational opportunity for all their children—our children—starting now.

Second, money—massive action will cost a lot of money and will be challenged by the bogey of budgetary constraints. These constraints are real and severe—but they did not stand in the way of bailing out the savings and loan banks or the Emir of Kuwait—and they must not be permitted to stand in the way of our children's education. Let us act as if violence and looting were about to erupt in our cities. Or, let us act on the established fact that education is the most cost effective way to spend, to invest public money and to create capital for economic growth. Simple arithmetic tells us: Each dropout that is avoided, each teenage mother that can be educationally weaned from welfare, releases enough resource to build two classrooms and to hire their teachers. Of course, aggressive action involving large expenditures generates waste. But, even now while we wait, our educational assets are wasting. Moreover, from the perspectives of both education and family values, waste of money should be tolerable if, as a consequence, we waste fewer lives of children.

Third, the Dreamer Plan would begin immediately to rebuild and expand the public school system—physically and pedagogically. We need not wait for a national plan, the perfect models, the ultimate best answers. Each community is a discrete arena for action with its own urgencies. Local educational authorities know the local needs and many have blueprints and plans waiting in their files. Accept that the process of rebuilding, although at an accelerated pace, must be evolutionary and piecemeal. Ongoing development and testing of new methods and facilities need not be interrupted. But equally, such development and testing should not defer or confuse immediate efforts to redeem our nation's huge investment in existing facilities and methods. We can build on what we have—improve and adapt them to work more effectively. We know what to do. What we need is the will.

I would urge that action focus particularly on public education systems at pre-school and elementary school levels. For example, the Head Start program, that will demonstrably save the community $7 for each current dollar spent, now includes only 25% of all eligible children. It should be fully extended and funded. If we did nothing more than enable every child to graduate from elementary school at grade level in the basic skills, problems that develop during secondary education—including interest in math and science—would be substantially alleviated.

Fourth, the Dreamer Plan requires broad national involvement to make "I Have a Dream"—type intervention and support accessible to every child, from the first day in school through the K-12 years. If such involvement merely motivated every child to attend school with the will to learn, we would be making the single most important contribution to uplift the morale and quality of public education. And it need not wait for government legislation and funding—although the Dreamer Plan would expect government to do its part. Any member of the community, individual or institutional, can undertake to provide sustained caring support and intervention to children—especially disadvantaged children who now represent over 40% of the public school population. The potential of community power can reasonably be extrapolated from 11 years of "I Have a Dream" experience and from the continuing momentum of its nationwide influence in stimulating educational support initiatives.

Fifth, under the Dreamer Plan, colleges and universities would assume a leadership role in creating a nationwide mosaic of public-private sector partnerships. The scope of our nation's educational needs goes beyond the capacity of individuals. Certainly, no agency of government can give that leadership—nor, for all kinds of reasons, can the corporate world or civic groups. Only higher education, each institution acting individually within a nationwide envelope of shared philosophy and commitment, is positioned to take command—to exercise a leadership role that is logical and would be generally respected. Colleges and universities uniquely have the social franchise, the independence, the professional ability and the flexibility necessary to be effective at community levels. They can learn to implement systemic programs developed by great educators like James Comer, Ted Sizer and Henry Levin. They can learn to attract and organize local support and to stimulate individual initiatives for serving the community's educational condition and social environment.

Since there is insufficient time to rationalize the Dreamer Plan in appropriate detail, let me, as a testament to its purpose and feasibility, close with the story of Rafael Lopez.

When I first met Rafael in 1981, he seemed like a born loser—no father, a part-time mother, subsisting in two rat-infested rooms of an old tenement. I didn't know it then, but the school system had classified him as "special ed"—a boy who, for whatever reason or disability, was considered just about hopeless. "Tell me, Rafael," I asked, "what's your dream?" He couldn't think of any. However, when he told me he enjoyed drawing, I suggested that he might become an architect—and I explained how architects design beautiful buildings. Rafael liked the idea and, without further ado, adopted architecture as his dream. From then on, I never saw Rafael without greeting "my favorite architect".

One Saturday morning, about a year later, Rafael visited me and I asked him about school. As usual, everything was fine—great—until I asked, "How are you doing in math?". He looked at me—surprised—with a vague sense of guilt. "Math? I'm not taking math". I said, "What do you mean—you're not taking math! If you want to be an architect, you've got to take math". He said, "Well, Mr. Lang, I applied for math but they told me at school that the classes for math were full and they said I should take Social Studies instead. They said it didn't matter—that I'd get the same amount of credit for my diploma. I did what they told me". There was no point in getting mad at Rafael or the school. That's the way the system functions. The system didn't know Rafael's intention to become an architect. As for Rafael—he accepted its dictum and there was nobody home to suggest otherwise. Well, I was upset—and, bright and early on Monday morning, I called the school—talked to the principal—and as politely as circumstances suggested, proposed that they damn well better get math on Rafael's program. They did—no problem! After all, there was no reason for the school to know about Rafael's dream. Somebody just had to tell them.

Another year went by and one afternoon I got an urgent call from Rafael. "Mr. Lang, I gotta see you right away?" He came to my office and told me the problem. "Mr. Lang, my mother's boyfriend threw me out of the house. Where can I live?" That threw me—but I remembered that one of my Dreamers lived in a large flat with his working mother who I had come to know. I called her, and after two minutes of cheerful conversation, I popped the question, "Mrs. Walker, how would you like to have another son?" Silence. Mrs. Walker couldn't see my face get red, as I suddenly realized what she might be thinking—so I hastened to tell about her son's classmate Rafael, and his need for a home. She responded with heart-warming enthusiasm, "Oh, I know Rafael. Send him right over." That was that—a wonderful ending. What made it particularly wonderful—Rafael, an Hispanic Catholic taken in by a Black Muslim mother. Mrs. Walker needed no sermon on love and brotherhood.

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"Dear Mr. Lang: * * * I thank you for giving me this opportunity for making my dream a reality.

I'm now at the very start of my dream. I'm sure that with your inspiration, you would be my—guiding light.

I hope that someday I would be able to design your future dream house. Even if you would pass away "God forbid", I will still design your house with your name engraved on the side. Stating: "The man who opened many hearts—and dreams for the children of America".

Love Always
Your Son,
RAFAEL.

P.S. I Love College."

The story of Rafael Lopez is still unfinished. Whether I will live to live in Rafael's dream house—who knows? But, as it stands, the story is a parable for our time. It relates to the lives of millions of children across the country. It urges the Dreamer Plan—underscoring its premise: that every child, as a birthright entitlement, must have a genuine opportunity for a fulfilling education. It reaffirms that premise as a national mandate—as a challenge to our ability to provide equal opportunity in a free society and, Ultimately, to assure the future of our democracy.

That is an awesome challenge—but its immensity must not intimidate us—or immobilize us from doing what we can. As Norman Cousins wrote, "All things are possible once enough human beings realize that the whole of the human future is at stake"—as indeed it is. In her diary, Anne Frank wrote, "How lovely it is to think—no one need wait a moment. We can start now. We can start slowly changing the world".•

NATIONAL DARE DAY

• Mr. KASTEN. Mr. President, I rise today to commemorate National DARE Day—a celebration of one of America's most important—and relatively little-noticed—recent success stories.

It is no longer fashionable for young people to use drugs. This is partly due to a broad social movement against illegal drugs, encouraging children to just say no to the illegal substances.

But intelligent and innovative programs are also playing a role, and one of the most important of these is the Drug Abuse Resistance Education Program or DARE.

DARE is a preventive program designed to stop drug abuse before it starts. It teaches techniques young people can use in their daily lives to resist peer pressure—it helps make just-say-no a practical strategy.

The DARE Program instructors are carefully selected, thoroughly trained uniformed law enforcement officers on full-time duty with the project. They frequent schools to present the units of a comprehensive antidrug education program.

The DARE instructors introduce students to the truth about drugs from a realistic perspective—that of the law enforcement officers who have to deal with the awful public consequences of widespread drug abuse. The students learn that these local police are on their side—and that drugs are the enemy of a successful future.

When I conducted a crime fact-finding tour of the State in August 1991, local law enforcement officials emphasized their need for increased funding and resources for the DARE Program. That is why, last November, I worked to provide an additional $500,000 in Federal funding for DARE officer training.

And this May, I introduced S. 2678, legislation that would provide $50 million in increased operational funding for the DARE Program.

My bill would not just expand the funding—it would expand the scope of the program as well. Today, DARE education in many schools is limited to certain specific grade levels. I think all grades—kindergarten through grade 12—would benefit from this program, as well as the concerned parents who want to help their children grow up drug-free.

All across Wisconsin, parents and law enforcement officers told me how helpful the DARE Program is to the work they are trying to do. I am more committed than ever to the success of this program—and on National DARE Day, I ask my colleagues to join me in expressing our gratitude to America's DARE officers for the terrific front-line job they are doing for our children.•

BLENDING COMMITMENT AND POLITICS

• Mr. SIMON. Mr. President, one of the journals that has stimulated thinking in this country is the Christian Century. Its current editor, the Reverend James M. Wall, is someone who understands the world of religion and theology, as well as the world of politics and government, as few do. Because he understands these two worlds, his comments frequently contain more insight than many who write from one arena about the other.

Recently, he had an editorial that got to the basic question of what motivates us. We need a good shot of idealism in American politics today.

In my opinion, the most unfortunate legacy of the Reagan years has not been the massive deficit that will plague America for generations to come and that has already cost us about 5 percent in growth in our GNP, according to one economic study. The greatest disservice of the Reagan years was the tendency to appeal to selfishness and greed and to sanctify and ennoble selfishness and greed, as though they are goals that somehow serve the national purpose.

While the editorial in the Christian Century does not attack the Reagan years, it does ask some fundamental questions. For example, James Wall writes:

> We have adopted a language that is ethically neutral. That neutrality leads us to elevate secularity to supremacy. The question that excites us is not, What is good? or What is just? or What is best for the larger community? but, Where's mine? The Los Angeles looters were first cousins of the Wall Street pirates who loot our corporations with their buyouts, or the CEOs who demand and receive salaries and bonuses equal to the budgets of some countries.

We're hearing a great deal about family values these days. One of the family values that I grew up with was that we would reach out to others. Somehow that family value seems to be lost in much of the rhetoric. Family values seems to be a series of personal behavior patterns that are perhaps good, but they are a long way from the kind of goals we ought to be striving for.

James Wall concludes his editorial saying:

> It is time we said to our leaders that while we don't expect to elect any saints to public office, we have had more than enough of political pragmatism rooted in nothing but the desire to win the next election.

We need a shot of idealism. We need to be thinking about others more.

Mr. President, I ask to insert the editorial titled, "Blending Commitment and Politics" into the RECORD at this point. I urge my colleague to read what James Wall has to say.

The editorial follows:

BLENDING COMMITMENT AND POLITICS

The notion that politicians must not permit their religious sensibilities to affect political decision-making has reduced political dialogue to a seminar on pragmatism. Political leaders might benefit from reflecting on a distinction Max Weber made between the morality of saints and the morality of politicians. In his classic essay "Politics as Vocation," Weber did not seek to remove ethics from politics but urged politicians to blend ethical commitment with a pragmatic ethic of responsibility.

In our highly secularized environment, politicians are intimidated from expressing a commitment to ethical standards. At best they fall back instead on safe phrases like "family values." Afraid of being branded as moralists, or even worse, proselytizers, politicians cling to surface arguments that remain in the public's comfort zone, choosing sides in the familiar debates on school prayer, pornography, media immorality and abortion.

Without an ethic of commitment behind our ethic of pragmatic responsibility there is no guide to being responsible. We have elevated pragmatism to the sole measurement of our political behavior. What moral discourse there is occurs in easily digestible sound bites: Murphy Brown sets a bad example; adoption is better than abortion; and (one of my favorites from Pat Buchanan) school prayer makes students productive.

Václav Havel, an author and the president of Czechoslovakia, argues in Summer Meditations (Knopf) that "all genuine politics" has a moral origin. Ralf Dahrendorf, writing in the New York Times, reflects on Weber's notion of politics and comments that "Havel's every page breathes the spirit that made him the authentic spokesman of the Eastern European revolution of 1989, which was in his words about 'living in truth.'" What is paramount to Havel the writer and what he now seeks to implement as a political leader is the belief that what finally matters is not power but "decency, reason, responsibility, sincerity, civility and tolerance."

Our attention, however, is focused almost entirely on solving short-term problems. Alice Hoffman's novel Turtle Moon has a character named Lucy, a young divorced mother distressed over the behavior of her teen-age son. Reflecting on the physical complaints she hears from other mothers about their children, she thinks, "There is, after all, strong brown soap for poison ivy, iodine for cuts and bruises, mud for bee stings, honey for sore throats, chalky white casts for broken bones. But where is the cure for meanness of spirit? What remedy is available for unhappiness and thievery? Certainly, if it were anywhere in Florida, Lucy would have found it, since the sharp yellow afternoon sunlight hides nothing. It's the sort of light that makes it difficult to begin all over again and doesn't allow for much invention. You are what you see in the mirror about the sink—in Lucy's case, a pretty woman with slightly green hair whose son hates her."

It is very difficult for our society to acknowledge the reality of "meanness of spirit," for there is no immediate cure for such a fundamental flaw. We do not solve the problems of urban decay by the application of brown soap or iodine. There is something seriously wrong with our society, but we do not begin to identify it. We have allowed the triumph of secularity to lull us into believing that meanness of spirit can be cured by a few Band-Aids, or ballistic missiles, or junk bonds.

To fill the vacuum left by the departure of religion from our public realm, with its diminution of spiritual goals, ideals and priorities, we have adopted a language that is ethically neutral. That neutrality leads us to elevate secularity to supremacy. The question that excites us is not, What is good? or What is just? or What is best for the larger community? but, Where's mine? The Los Angeles looters were first cousins of the Wall Street pirates who loot our corporations with their buyouts, or the CEOs who demand and receive salaries and bonuses equal to the budgets of some countries.

Having lost a sense of transcendence in our common life, we look for meaning in power, achievement and success. As a nation we have no basis of measurement by which to judge what is of value. A recent cover story in *Newsweek* inspired by the Murphy Brown discussion asked, "Whose values?" The question is proper; but the answer from *Newsweek* was remarkably obtuse. Accustomed as I am to seeing religion blanked out in secular discussions, I was still surprised to find that *Newsweek*'s various writers on the topic managed to ignore religion. One interview referred to the Baptist background of a woman who discussed how she raised her four sons. The interview itself, however, allowed for no reference to such basics as, say, the Ten Commandments, or sacrificial love, or loving one's neighbor as oneself.

One headline, "The Original Sin," suggested that here at last the topic might be examined within a religious framework. But alas, the reference was not to Eve, Adam or the fruit of the tree, but to a John F. Kennedy speech calling for deficit spending to jump-start the economy, a step the writer believes started us down the road to economic ruin. The "original sin" of the title referred to a sin against the one god in our culture that really matters.

Religious language is enough a part of our history that the magazine could play with the term "original sin" in the headline. Meanwhile, while media and political leaders carefully avoid religious references, a majority of Americans are expressing their frustration and anger either by not voting or by embracing candidates who promise quick and easy solutions to complex problems. It is time we said to our leaders that while we don't expect to elect any saints to public office, we have had more than enough of political pragmatism rooted in nothing but the desire to win the next election.•

THE ROLE OF THE MILITARY IN DISASTER RELIEF

• Mr. NUNN. Mr. President, the first hurricane of 1992 in the Atlantic—Hurricane Andrew—struck a devastating blow to south Florida and then Louisiana last month. Last week I toured the areas of southern Florida damaged by Hurricane Andrew with our former Senate colleague Governor Chiles. I want to take a few minutes today to share some initial impressions of my trip with my colleagues. I also want to point out several areas of the National Defense Authorization Act for Fiscal Year 1993 currently on hold in the Senate which will help us deal with disasters of this magnitude in the future. These provisions are one more reason why we need to get on with considering this important legislation.

First, Mr. President, I was struck by the enormity of the destruction caused by Hurricane Andrew. There has been a great deal of graphic reporting of the storm's damage in the media, with pictures of the destruction and statistics on the number of homes and businesses damaged or destroyed and on the number of people uprooted by the disaster. These media reports, however, cannot fully capture the scope of the destruction and the personal devastation in individual's lives.

Homestead Air Force Base is almost a total loss. Forty-five percent of the base facilities were totally destroyed, and another 33 percent were severely damaged. The remaining 22 percent of the base facilities were characterized as minimally damaged. The base industrial facilities—hangars and maintenance shops—were all severely to totally damaged. As of last week Air Force and Army engineers had identified 53 facilities on the base that were dangerous and required immediate demolition. The electrical distribution system on the base was totally destroyed.

There has been a lot of discussion over the future of Homestead Air Force Base and whether it will be rebuilt. My own conclusion is that we should not make any definitive decision on this question until next year.

Air Force officials told us that they have 2–3 months of salvage and demolition work on the base before they can even begin any work on reconstruction or restoration. We need to provide the Air Force with any necessary supplemental funds to begin this salvage and demolition work immediately, as well as the flexibility to begin design planning which will last several additional months. However, in my opinion the decision on rebuilding the base should be made in the context of the base closure process already established in law. Under this process, an independent Base Closure Commission will be appointed by the President early next year. This Commission will look at the number of tactical fighter wings in the Air Force and the likely missions needed at Homestead, and conduct a comparative analysis of other existing locations and facilities to determine the future role of Homestead Air Force Base. If the decision is made not to rebuilt Homestead as a military installation, every effort should be made, with Federal assistance, to restore this base to an important Federal, State, or local hub of economic activity.

There is no doubt that the successful efforts of military and civilian officials to evacuate people in the storm's path minimized the loss of life. Governor Chiles indicated that a total of 750,000 people were evacuated from the area. Everyone was evacuated from Homestead Air Force Base. Only 18 people, including Col. Steve Plummer, the commander of the 31st Fighter Wing, and Col. William Rudd, the base commander, remained on the base during the storm.

Mr. President, these 18 people who rode out Andrew's fury at Homestead Air Force Base had a harrowing experience. The base engineers told them that the most secure structure on the base was an F–16 alert facility. Two F–16's with mechanical problems could not be evacuated and remained in the alert hangars. As the eye of the storm approached, Colonel Plummer, Colonel Rudd, and the rest of the remaining party went to the alert facility. Over the next 5–6 hours, the storm blew off the hangar doors of the alert facility and blew the two F-16's out on the parking ramp. As it was blown out, the wing of one of the F-16's punctured the door into the office facility where the Air Force personnel were sheltered, letting in the full force of the storm's winds. Ten of the eighteen Air Force people spent the remainder of the storm huddled under an interior stairwell, and the other 8 were divided between two restrooms. These personnel demonstrated tremendous courage and dedication—the same traits being displayed by the military personnel engaged in assisting the communities today. I am sure there are many stories of personal courage in the civilian community as well.

The damage to the civilian community outside Homestead Air Force Base was just as widespread and pervasive. Ten days after the storm, most homes and businesses showed few signs of life. Large trailer parks were totally devastated. In most cases, nothing was left other than piles of rubble; in some cases, there was nothing more than a clean concrete pad where a trailer had been parked. Agricultural crops, including nurseries with ornamental foliage, limes, and other fruits and vegetables, were totally destroyed.

The devastating force and destruction of Hurricane Andrew were impressive, Mr. President. Just as impressive, though, is the response of Federal, State, and local officials and thousands of volunteers to the relief, recovery, and reconstruction of the area.

There was a lot of initial frustration in the days immediately following the storm, and there is probably going to be a lot more in the weeks and months ahead. But my impression is that there are a great many dedicated people working on the relief and recovery efforts who are doing an excellent job, including a large number of individuals and agencies who are volunteering their time and resources.

The role of the military in the relief and recovery effort is absolutely critical. Units of the Florida National Guard were alerted before the storm struck. As of 10 days ago, half of the total Florida National Guard—approximately 6,100 personnel—had been activated to respond to the disaster. National Guard personnel have been used to help evacuate people; reestablish communications in the disaster area; maintain law and order; provide damage assessments; and assist in the process of road clearing and debris removal.

Active military units are also playing an essential role. Within the Federal Government, the Federal response plan for disasters like Hurricane Andrew was adopted last April. Of the 12 emergency support functions under this April 1992 plan, the Defense Department has primary responsibility for 2—public works and engineering, and urban search and rescue—and secondary responsibility for the remaining 10, including transportation, communications, health and medical services, food, and energy.

During our visit we toured the headquarters of Joint Task Force Andrew at Miami International Airport; met with local officials of the city of Homestead; and visited one of the tent cities that the military was setting up. As we visited these locations, it became clear that in a disaster as enormous as Hurricane Andrew, only the military has the resources, training and capability—particularly equipment and command, control and communications capability—to respond immediately across the whole range of emergency support functions that are required. The April 1992, Federal response plan may assign DOD primary responsibility for only 2 of the 12 major emergency support functions, but the reality is that DOD is also fulfilling the primary role in many of the remaining 10 functions.

Mr. President, Joint Task Force Andrew is headed up by Army Lt. Gen. Sam Ebbeson, the deputy commander of Forces Command headquartered in Atlanta. Most of the Army units in the task force come from Forces Command, and the task force includes units from all of the other military services as well. They are doing an outstanding job in every area of disaster relief, and I want to mention just some of the functions they are performing.

At the time of my visit, the military services were operating 24 mobile kitchens serving 3 hot meals per day. I understand that today there are 49 mobile kitchens in operation.

Four major tent sites were opening, each staffed by military personnel and capable of providing food, water, medical care, and shelter for up to 1,500 people. As building inspectors and safety officials condemn more and more buildings in the coming days, these tent cities will become more important. The tent city I visited in Homestead was truly a joint service operation. It was commanded by a Marine Corps colonel, but personnel from all four services were working there.

Communication with the population is a major challenge in the absence of electricity. Military officials were distributing 15,000 portable transistor radios, and had set up a station for the local authorities to broadcast relief information. Military officials had also established a printing capability and were printing and distributing flyers throughout the area with relief information.

Finally, military logistics and transportation experts were working with State and local officials to set up a distribution system to distribute relief supplies throughout the damaged area.

I want to congratulate General Ebbeson and each and every member of Joint Task Force Andrew for their efforts in bringing relief and hope to the victims of Hurricane Andrew. I think Secretary Cheney and General Powell should give serious consideration to awarding the Humanitarian Service Medal to the military members participating in this relief effort, like their counterparts who participated in relief actions in northern Iraq and Bangladesh.

Mr. President, we will be reviewing the lessons learned from the Hurricane Andrew relief effort for a long time to see how we can improve the Federal Government's disaster relief effort. At this early stage in the process, I want to make several suggestions that should be considered for the future.

First, I think we have to reorganize the coordination of disaster relief services within the executive branch. The Federal Emergency Management Agency has had some serious management problems. The Armed Services Committee has stressed over the last several years that FEMA's civil defense mission should be oriented less toward planning for a nuclear holocaust and more toward planning for natural disasters. I think President Bush's appointment of Secretary of Transportation Card as his personal representative in the relief effort is a recognition that FEMA does not have the clout within the executive branch it needs to do the job it has been assigned to do.

In my view we should give serious consideration to transferring responsibility for disaster relief to the Department of Defense. The relief effort in south Florida has demonstrated that only the military has the resources and the capability to respond to a natural disaster like Hurricane Andrew. One of the primary reasons that the military is so effective is that the units involved in the relief effort—mobile kitchen units; communications units; transportation units; engineer units; and logistics units—spend a tremendous amount of time practicing the skills they are using in south Florida today. There may be some functions in FEMA that can be transferred to other executive departments, but I think responsibility for disaster relief should go where the response capability is—the Department of Defense.

Second, I think we need a Federal rapid reaction emergency response team that can go into an area as soon as a disaster occurs anywhere in the Nation to assess the need for Federal assistance.

Third, I think Federal planning should recognize that the Department of Defense must be prepared to undertake the primary role in disaster relief in areas where the military services have unique capabilities for instant response, such as medical care, food distribution, sanitation and water purification, shelter, and communications.

Finally, I think we should develop a plan for early and substantial provision of information to the population affected by the disaster in the absence of electricity through the distribution of printed materials and portable transistor radios.

Mr. President, there are several important provisions in the National Defense Authorization Act for fiscal year 1993 currently pending before the Senate that will help the Defense Department play a greater and more timely role in future domestic disasters like Hurricane Andrew. These provisions were drawn up before Hurricane Andrew and reflect the committee's belief that our military must play an increasing role in addressing domestic problems, consistent with their primary role of protecting our Nation.

The most important provision in this area is the committee's proposal to establish a Civil-Military Cooperative Action Program. As I outlined in a speech to the Senate on this program on June 23, this program would build on a variety of past DOD efforts to develop programs that are consistent with the military mission and that can assist in meeting domestic needs. The program would be structured to fill needs that are not otherwise being met, and to provide this assistance in a manner that does not compete with the private sector or with services provided by other Government agencies.

Mr. President, I ask unanimous consent that my remarks to the Senate on June 23, as well as the discussion of this program in the Armed Services Committee's report on the National Defense Authorization Act for fiscal year 1993, be inserted in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

The relief activities of the military following Hurricane Andrew represent the type of domestic role that the committee had in mind for the military services in establishing the Civil-Military Cooperative Action Program. The Defense Department's assistance in south Florida makes use of equipment and facilities that were acquired for military purposes; it employs the Armed Forces in activities that provide real training and improve the readiness and morale of the troops and units involved; and it provides assistance that is not otherwise available from the private sector or from other Federal agencies. The Civil-Military Cooperative Action Program is designed to encourage these kinds of activities by the Armed Forces to assist civilian agencies and local communities on an ongoing basis.

Disaster relief has always been a major mission of the National Guard, and the capability of the National Guard to carry out this mission is strengthened in the National Defense Authorization Act for fiscal year 1993. This year the Defense Department proposed deep reductions in the strength of the National Guard that would seriously degrade the capability of the National Guard to respond to natural disasters.

Under the Defense Department's proposal, for example, the Florida National Guard would be reduced to approximately half its current size by fiscal year 1995. Many of the specific units of the Florida National Guard that were needed to respond to this natural disaster would be eliminated. If these cuts had been in place, it is clear that the Florida National Guard could not have played the critical role before and after Hurricane Andrew that they are playing. Although the Armed Services Committee endorsed some reductions in National Guard strength, the committee rejected the Defense Department's proposals for deep reductions in the National Guard in the National Defense Authorization Act for fiscal year 1993 currently pending before the Senate. If we want Congress' position to be clear on this issue to the Defense Department, we have to pass this legislation.

In addition, the National Defense Authorization Act for fiscal year 1993 authorizes $630 million above the budget request to purchase combat support and combat service support equipment, such as medical equipment, aviation and aeromedical evacuation equipment, construction and transportation equipment, and electronic and communications equipment, specifically for National Guard and Reserve units. This equipment will enable these units to provide appropriate assistance to civilian agencies in meeting civilian needs, including the kinds of needs that are so evident in south Florida today. The Armed Services Committee's action in this area represents a shift from the past when the primary equipment authorized for National Guard and Reserve units was combat equipment such as tanks and aircraft.

Mr. President, in closing I want to thank those officials who took time out of their busy schedules to meet with me during my trip to south Florida: Governor Chiles; Lieutenant General Ebbeson, the commander of Joint Task Force Andrew and his staff; Mayor Tad DeMilly and city manager Alex Muxo of the city of Homestead and their staff; and the large number of military members, Federal, State, and local officials, and volunteers working on the frontlines of the relief effort throughout the area. Our thoughts and best wishes are with them as they continue the challenging process of recovery and reconstruction following one of the most destructive natural disasters in our Nation's history.

EXHIBIT 1

FORGING CIVIL-MILITARY COOPERATION FOR COMMUNITY REGENERATION

Mr. President, the end of the Cold War has created a number of opportunities, as well as challenges, for our nation. The collapse of the Warsaw Pact and the Soviet Union give us a chance to make significant reductions in the size of our military forces and our defense budget. Recent nuclear weapons agreements have diffused a portion of the world's arsenal of weapons of mass destruction. But tremors of instability and outright regional conflict are continuing to shake many parts of the globe. There volatile situations, coupled with the changing nature of the world's balance of power, mean that we must still maintain a strong, and perhaps, even more flexible military force.

Over the next few years, the nation will continue the debate over what size the base force should be, what roles and missions it should undertake, and how it should be structured. There is considerable uncertainty at this time on just what kind of a military capability we will need in the future and what size force will be adequate.

We are leaving a security era that demanded large numbers of U.S. combat forces stationed overseas or operating in forward locations at high states of combat readiness in order to confront a large and quantitatively superior opponent. That era has ended. We are entering a security era that permits a shift in our overall strategy more toward smaller force levels, with fewer overseas deployments and lower operating tempos. The exact size and organization of this future base force is still taking shape. It will be a smaller force than we have today. We all know that. No doubt it will be smaller. It will have to be just as professional—and even more flexible. The force will still need a basic amount of combat and operations training to sustain maximum proficiency and as well as readiness. But there will be a much greater opportunity than in the past to use military assets and training to assist civilian efforts in critical domestic needs.

Recent events in Los Angeles, with their terrible cost in life and property, should remind us all that our society faces numerous domestic challenges that in many respects are as daunting as any potential foreign threat to our national security. While the Soviet threat is gone, we are still battling at home drugs, poverty, urban decay, lack of self-esteem, unemployment, and racism. The military certainly cannot solve all of these problems and I don't stand here today proposing any magic solution to the numerous problems we have at home. But I am totally convinced that there is a proper and important role the armed forces can play in addressing many of these pressing issues. I believe we can re-invigorate the military's spectrum of capabilities to address such needs as deteriorating infrastructure, the lack of role models for tens of thousands, indeed hundreds of thousands if not millions, of young people, limited training and education opportunities for the disadvantaged, and serious health and nutrition problems facing many of our citizens, particularly our children.

THE ARMY'S DOMESTIC ACTION PROGRAM

There is a solid precedent for civil-military cooperation in addressing domestic problems. Army Regulation 28–19, developed under the leadership of Secretary Howard "Bo" Callaway in the Ford Administration and issued in 1975, authorized a "Domestic Action Program." The purpose of the program was to authorize "use of Department of the Army human and physical resources to assist and support the continued improvement and development of society." Under this program, local military commanders helped communities with activities such as fixing up recreation facilities and conducting summer programs for disadvantaged young people. The program, however, was decentralized, and, of course, in many respects needed to be decentralized. But it had very little management emphasis from the

Army's leadership. In the 1980's, as the Army increased its focus on military training, interest in the Domestic Action Program faded, and the regulation was rescinded in 1988.

ASSIST MEETING DOMESTIC NEEDS WITH INNOVATIVE MILITARY TRAINING

As we restructure our armed forces over the next decade, the attention of DoD's civilian and military leadership must remain focused on training the armed forces for their primary mission which is the military mission. But that goal, in my view, is compatible with enhancing the military's ability to assist in meeting domestic needs. Creative commanders have always devised numerous innovative activities for their units—beyond routine training—to build morale and also to build unit cohesion. Community service projects present an excellent opportunity for them to do so while providing important services to our society. The military involvement in counter-narcotics activities is a good example of a mission that enhances military skills, helps to address an important domestic problem, and improves the morale of the people involved.

During markup of the National Defense Authorization Act for Fiscal Year 1993, I intend to offer a proposal to authorize the armed forces to engage in appropriate community service programs. I would like to outline the basic concept today, in order to encourage comments and suggestions from my colleagues and from the Department of Defense before the final details are developed during the markup. In other words, Mr. President, I'm not locked in concrete. I'm throwing out these concepts today. I know Senator Warner has been looking on behalf of the minority at a number of concepts and I'm hoping that by stimulating the thinking in this area we can refine this proposal in the next two or three weeks.

PRINCIPLES AND OBJECTIVES OF A CIVIL-MILITARY COOPERATIVE ACTION PROGRAM

Mr. President, I want to stress at the outset that any such programs must be governed by three essential principles:

1. Any such project must be undertaken in a manner that is consistent with the military mission of the unit in question.

2. The project must fill a need that is not otherwise being met, and must not compete with the private sector or with services provided by other government agencies.

3. The program cannot become a basis for justifying additional overall military expenditures or for retaining excess military personnel. Projects should be undertaken only with personnel, resources, and facilities that exist for legitimate military purposes.

Building on the Army's experience with its Domestic Action Program, I would envision a new Civil-Military Cooperative Action Program with the following objectives:

First, enhancing individual and unit training and morale through meaningful community involvement.

Second, encouraging cooperation between civilian and military sectors of our society.

Third, advancing equal opportunity in the nation and helping to alleviate racial tension and conflict and strife and misunderstandings in our nation.

Fourth, enriching the civilian economy by transfer of technological advances and manpower skills.

Fifth, improving the ecological environment and economic and social conditions of the areas that are within the reach of our existing military base structure.

And, finally, increasing the opportunities for disadvantaged citizens, particularly children, to receive employment, training, education, as well as recreation.

The program would be organized under the supervision of the Assistant Secretary of Defense for Force Management and Personnel. I believe that we should give the military departments and the Department of Defense broad discretion to manage the program in a manner consistent with their military missions, who would in turn grant flexibility to local commanders in the implementation of the program. Every base will be different—different missions, different talents, different capabilities, different geographic areas. There won't be one model for the country.

To ensure that projects meet important community needs, and do not compete with the private sector and other government organizations, local installations would establish Advisory Councils on Civil-Military Cooperation. In these groups, officials from the military installations, representatives of appropriate local, state, and federal agencies, leaders of civic and social service organizations, and business and labor representatives from the private sector would meet to provide advice to local commanders in planning and executing civilian-military projects.

Mr. President, if we commit ourselves to it, this plan, as I view it, can make a major contribution to community restoration and regeneration efforts across the country. The American taxpayers have invested in and have build a great stockpile of innovative ideas, knowledge, trained, talented people, and equipment in the military over the years. These resources, if properly matched to local needs and coordinated with civilian efforts, can make a useful contribution to addressing the problems we face in blighted urban areas, in neglected rural regions, in schools, and elsewhere.

OPPORTUNITIES FOR MILITARY ASSISTANCE

Depending on the capabilities and availability of specific units, and the needs of local communities, the armed forces can assist civilian authorities in addressing a significant number of domestic problems.

Role Models

I would put at the top of the list role models. One of the key strengths of the armed forces is developing role models. Hard-working, disciplined men and women who command respect and honor in their very presence can serve as a very powerful force among our young people—especially where family structures are weakened by poverty, drugs, and crime. We should enhance opportunities for good role models to interact with our young people.

Take, for example, the case of Sergeant First Class Lenard Robinson, stationed at Fort Bragg, North Carolina, who actively corresponded with learning handicapped children at a school in California while he was overseas during Operation Desert Storm. Typically, learning handicapped children have great difficulty expressing themselves in writing. Sergeant Robinson's vivid descriptions of his experiences overseas, combined with photos and videos that he sent, has inspired many children to read his letters. And many of the children, who never wrote more than a few words before they heard of Sergeant Robinson, now write long letters to him. We have thousands of Sergeant Robinsons in our military services today.

The YESS program in Michigan is a collaborative effort between the private sector, nonprofit organizations, and the Michigan National Guard to provide disadvantaged young people with role models and specific educational skills. Young people live on a military base for 5 days, receiving science and math tutoring, as well as exposure to military hardware and operations. This provides an exciting, stimulating environment to not only enhance their educational skills, but also to provide them with role models that encourage these young people to set goals for their own lives. It enables them to look at others who have come from similar circumstances and say, "If they did it, I can do it also."

Senator Levin brought this program to my attention. He's very familiar with the program, and will be describing it in more detail when he speaks on this subject. Why not expand this program so that it can benefit young people throughout our nation?

The nation is familiar with our senior military leaders, many of whom are black who served our nation so well during Operation Desert Storm, such as General Colin Powell and Lieutenant General Calvin Waller. Over 400,000 members of the armed forces today who serve our nation well and ably who are black, and over 90,000 who are Hispanic, whose service, in Operation Desert Storm and elsewhere, represent a model for every citizen in our country. These include Marines such as Captain Ed Ray, a light infantry company commander who's testimony before our committee about combat in Operation Desert Storm demonstrated the professionalism and competence of our junior officers. Or Specialist Jonathan Alston of the Second Armored Division who's heroism in Desert Storm earned him the Silver Star and who is featured in the television docudrama "The Heros of Desert Storm." These individuals can serve, not just those who've been in Desert Storm but thousands of others who have achieved great professionalism, can serve as a role model in community service programs throughout our country.

But there must be a structured program to enable community organizations to benefit from the capabilities and qualities of military role models. Military leadership, at both the officer and enlisted level, is an example of unique national resources. Why not use this resource as an example to tens of thousands of inner city and rural youth who, for example, may never have had a father in their own home?

Rehabilitation and Renewal of Community Facilities

Mr. President, all across this country, schools, public housing, and recreational facilities, as well as roads and bridges, need repair in areas where government funds and private sector involvement are simply not available. Active duty and reserve units, particularly those with engineering capabilities, could participate in restoring part of our infrastructure in this country. Military construction units may need to be beefed-up and perhaps redistributed to ensure that capabilities exist in all geographic areas to meet this important need.

Bill Guilfoil of the Atlanta Project at the Carter Center in Georgia reported to me that at least 1600 public housing units are boarded-up and unoccupied in Atlanta because of their state of disrepair. Meanwhile, the city's homeless population numbers at least 12,000. I think this story would be repeated in city after city after city across our land.

There are dozens of combat engineer units, located in Georgia, that really need to do construction and maintenance training in order to keep up their proficiency because that's what they do. That's what they have to do in any kind of conflict. I think it makes sense to put those domestic needs and our military engineering resources together. Army combat engineering units could be effectively used to repair dilapidated public housing, repair aging schools, and refurbish old recreational facilities. They could also provide temporary facilities to meet pressing public needs. As noted in an article, I believe it was the Washington Post last week, the WIC program (Women's Infants and Children program) center that served the south central Los Angeles area was destroyed in the riots, leaving the area without the capability to ensure that children and pregnant mothers receive vital nutrition. The military has the capability to provide temporary buildings on a very short notice. Why not use this capability to deal with such an emergency?

Last year, in Operation Provide Comfort in Iraq, military maintenance and construction units built housing, laid cement roads, put in plumbing systems—and the list goes on and on—for the desperate Kurds. We have desperate people in America. Why not put those resources to work at home?

In many areas, these units are located right next door to blighted areas.

National Guard Bureau for a National Guard Youth Corps

The military should examine ways to refocus local reserve component training on local community support initiatives whenever feasible and operationally justified. I will be proposing a pilot program to be implemented by the National Guard Bureau for a National Guard Youth Corps.

Last year in the Department of Defense Appropriations Act for Fiscal Year 1992, Congress appropriated funds for the National Guard Bureau to develop a program designed to demonstrate how disadvantaged youth can be aided through a program, based on a military model, of education, personal and skills development, and work in service to their communities. This initiative was sponsored by Senator Byrd and I compliment him on his proposal.

The National Guard Bureau has since completed its work on designing a pilot program. I think it's very promising. As it is currently envisioned, the Chief of the National Guard Bureau would be authorized to enter into agreements with the governors of 10 states to operate a military-based training program to improve basic skills and employability of high school dropouts. In this regard, I will be working with Senator Byrd, and with Senator Glenn, who chairs our Manpower Subcommittee, to include a provision in our Defense markup this year authorizing such a pilot program which is really being enthusiastically requested by the Guard Bureau.

The program would require a relatively modest investment of the talent that is already available in National Guard units. I also have been informed that General Colin Powell, Chairman of the Joint Chiefs of Staff, is interested in expanding the Junior ROTC training program, an effort, which I applaud, which could benefit from the types of assistance that I have outlined in these remarks. An expansion of Junior ROTC program, particularly in our inner cities, could be very beneficial. I look forward to getting that proposal from General Powell and others he is working with.

If these plans are implemented, they could do much to help the young people of our country. Why not put our military resources to work on this type endeavor?

Summer Programs

Our young people need other kinds of help. I believe we should investigate ways to refocus DOD summer hire programs to recruit disadvantaged students where feasible. In areas where the DOD operates schools, teachers and perhaps facilities could be involved in summer school outreach to disadvantaged children. Why not put these resources to work in areas of greatest need?

Job Training and Education

There is a dire need for job training and education—especially in the inner cities—to enable men and women to meet the needs of the evolving workplace. While our educational system and private industry must bear the primary responsibility for training and education, there may be opportunities in specific locations for civil-military cooperation in use of military training facilities to assist in meeting these needs. Why not look at our military resources as a resource for this kind of training and education.

Medical Transport

Our ability to transport people to medical facilities in an emergency can never be fast enough, particularly for trauma victims. Every day, military medivac units must log certain hours of flight training. That's what they train for all year long, to be ready in a contingency. That's what they're in business to do, to help evacuate people in a conflict situation. I submit that they should be allowed to do so while helping our own citizens at the same time. Currently, 97 percent of the aeromedical evacuation units are in the Air National Guard and Air Force Reserve. These units provide long distance medical evacuation. In addition, one reserve and 17 active helicopter units in the Army, and one Air Force reserve helicopter unit, provide short distance emergency medical evacuation under the Military Assistance to Safety and Traffic program already available in a number of states. In Georgia, for example, the 498th medical company at Fort Benning has provided critical emergency medical support to assist communities throughout southwest Georgia, particularly in rural areas. I believe that these units can be more centrally integrated and managed as they train to provide even more assistance to our communities.

Communities that do not have access to current military or civilian medical transportation services need these resources. Why not look at the inventory of our military resources, determine which areas can be matched up, determine where the private sector is not able to provide this kind of service, and use the military in meeting these critical needs?

Public Health Outreach

In a similar vein, there are many citizens in both urban and rural areas who lack the very basics of health and medical services. There may be opportunities in specific locations to use DOD medical capabilities to assist civilian authorities in providing a public health outreach to these urban areas. The Center for Disease Control (CDC) in Atlanta estimates that fewer than half of all American children are fully immunized against disease such as polio, diphtheria, tetanus, measles, and rubella. Infant vaccination and basic medical treatment are services that the military provides routinely in humanitarian missions abroad. Why not use these resources at home?

Nutrition

There may be areas in which the military could even play a useful role by assisting civilian authorities in addressing the serious problem of hunger in America. The Food Research and Action Center—which recently honored our colleague Senator Lugar for his leadership on this issue—has estimated that 5 million children under age 12—one in eight in America—suffer from hunger.

An old military saying is that "The Army travels on its stomach." The military has extensive food storage, preparation, and distribution systems. Military units responsible for these systems, including those in the National Guard and Reserve, could play an important role in the distribution of surplus food. They could help provide transportation, storage, and preparation assistance to federal, state, and local agencies while they are preparing for their basic mission. Where civilian agencies need this assistance, and military units are capable of providing it, why not put these resources to work?

AN OPPORTUNITY FOR POSITIVE CHANGE

Mr. President, the time to turn these ideas into action, I think, is this year—during this window of change and flexibility. As we reconfigure our military forces for our future defense requirements, I believe that we can reduce some of the combat missions that have been assigned to the National Guard and Reserves. At the same time, because warning times will be much longer, we should realign more of the military's support missions to the National Guard and the Reserves. These support units must be distributed in a regionally balanced way to provide a more effective capability for each state, with the added benefit of facilitating the opportunities for civil-military cooperation. Pentagon officials should put greater emphasis on coordinating military training with the potential benefits that such training can have in improving our communities. They need authority to do so and they need an expression from the congressional branch to do so.

I am confident that this Civil-Military Cooperative Action Program can be structured in a manner consistent with our military needs, without competing with the private sector or other government agencies. It is imperative that we not undercut private enterprise. But we can all look at the cities of our country today, we can look at the problems in Los Angeles and the problems in Atlanta and the problems in Chicago and the problems in New York and Boston, and on and on, and we can easily say, without any fear of being repudiating that the private sector cannot handle the job that needs to be done. All we have to do is look at the federal budget deficit and know that there is not going to be an instant solution with huge, billions and billions of dollars of new expenditure.

There are many opportunities for the military to get involved. I don't pretend the military can solve all these problems. They would have to be carefully tailored to each individual base, each individual unit's capability, and we'd have to keep our focus on the military mission, first and foremost, but there are many opportunities for military assistance to community needs that cannot be met with current private sector or civilian public resources.

Mr. President, I watch the faces of the people who fought in Desert Storm. I watch the faces of those who provided relief to people who were dying on the desert who they'd been fighting with a few minutes before, and I watched the young people, and the satisfaction they had in helping people who were dying in need. I also talked to people who came back from helping the Kurds. I talked to people who came back from Bangladesh in helping there. Nothing gives military people more pride than carrying out a mission of humanity, a mission of peace, a mission of mercy. This is something they enjoy doing. It gives them tremendous satisfaction and it is something they do well.

By using the capabilities we have in the military, we can assist civilian authorities in addressing the critical fundamentals upon which a healthy society, a healthy economy, and a healthy military are built. I believe this is a sensible investment we can make in our future, and a vital one. I look forward to working with my colleagues in receiving suggestions, additions, warnings, caveats, and so forth to this proposal. I look forward to working with the senior leadership of the Defense Department—Secretary Cheney, General Powell—I've already discussed this with General Sullivan of the Army. I have talked about it with several other individuals and I believe that working together we can develop a vibrant Civil-Military Cooperative Action Program to begin working on some of these problems that afflict our nation.

I thank the Chair.

EXCERPT FROM SENATE REPORT 102-352 ON S. 3114, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

CIVIL-MILITARY COOPERATIVE ACTION PROGRAM

As detailed elsewhere in this report, the end of the Cold War and the related defense build-down mean that the armed forces will have fewer overseas deployments and lower operating tempos. In addition, the roles and missions of the National Guard and Reserve components will be redefined to place greater emphasis on combat support and combat service support. Although it is essential that our nation maintain strong and flexible military forces, the post-Cold War environment means that the armed forces will have a much greater opportunity than in the past to assist civilian efforts to address critical domestic problems.

The American people have made an enormous investment in developing the skills, capabilities, and resources of the armed forces. These resources, if properly matched to local needs and coordinated with civilian efforts, can make a useful contribution to addressing the serious domestic needs of the United States.

There is considerable precedent for such an effort. In 1969, for example, Secretary of Defense Melvin Laird established a DOD Domestic Action Program "to contribute to the improvement of society, including its disadvantaged members." The Army, under the leadership of Secretary Howard "Bo" Callaway, issued a detailed regulation in 1975 authorizing "use of Department of the Army human and physical resources to assist and support the continued improvement and development of society." Under the program, local military commanders helped communities with activities such as fixing up recreation facilities and conducting summer programs for disadvantaged young people. The program was decentralized, and the regulatory guidance was rescinded in 1988, but individual programs at local installations have continued to this day.

The other services have sponsored similar programs over the years. The Navy, for example, established a Personal Excellence Partnership Program in 1985 to help America's youth become better educated, healthy, and responsible citizens. Navy volunteers have assisted thousands of young people with mentoring, tutoring, coaching, health and science fairs, environmental projects, and other community service projects. Six of these projects have been recognized under the President's "Daily Points of Light" program.

As the nation restructures our armed forces over the next decade, the attention of DOD civilian and military leadership must remain focused on training the armed forces for their military missions. That goal, however, is compatible with enhancing the military's ability to assist in meeting domestic needs. Creative commanders have always devised innovative activities for their units, beyond routine training, to build morale and unit cohesion. Community service projects present an excellent opportunity to do so while providing important services to society.

Members of the armed forces have the training, education, and experience to serve as role models for the youth of our nation. The nation has significant domestic needs in areas such as health care, nutrition, education, and infrastructure that cannot be met by current and anticipated governmental and private sector programs. Civil-military cooperative efforts to address these problems can be undertaken in a manner that is consistent with the military mission and does not compete with the private sector.

The committee recommends a provision that would provide a statutory basis for domestic assistance—the Civil-Military Cooperative Action Program. The program would be governed by three essential principles: (1) any project under the program must be undertaken in a manner that is consistent with the military mission of the unit in question; (2) the project must fill a need that is not otherwise being met, and should not compete with the private sector or with services provided by other government agencies; and (3) the program cannot become a basis for justifying additional overall defense expenditures or for retaining excess military personnel. Projects should be undertaken only with personnel, resources, and facilities that exist for legitimate military purposes.

The legislation would authorize the Secretary of Defense to use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet the domestic needs of the United States. The proposal would require that this assistance be provided "in accordance with other applicable law." This means that projects under the Civil-Military Cooperative Action Program would be subject to the same statutes that otherwise govern activities of the Department of Defense.

The Program would have the following objectives: (1) enhancing individual and unit training and morale through meaningful community involvement; (2) encouraging cooperation between civilian and military sectors of society in addressing areas of domestic need; (3) advancing equal opportunity and improving relations among racial and ethnic groups; (4) enriching the civilian economy through education, training, and transfer of technological advances; (5) improving the environment and economic and social conditions; and (6) providing opportunities for disadvantaged citizens. It is not the purpose of the legislation, however, to assign to the Department of Defense the responsibility for accomplishing those objectives. Therefore, while Department of Defense is authorized to use its resources to assist civilian officials, the legislation would not assign to the Department of Defense the primary federal responsibility for addressing these problems.

The legislation would authorize the Department of Defense to use its resources for Civil-Military Cooperative Action projects. The committee intends that the Department do so through the use of resources that have been acquired for military purposes. As a general matter, the committee expects the Department to minimize the number of personnel and resources that are applied exclusively to this Program; rather, it would assign personnel and apply resources to the Program in conjunction with traditional military functions.

For the program to achieve its broader goals, it must be a cooperative effort between the civilian and military sectors, and not simply a military response to domestic problems. The legislation would provide that the Secretary of Defense should encourage the establishment of advisory Councils on Civil-Military Cooperation at the state, regional, and local levels to recommend projects, activities, and guidance for the Program. The committee anticipates that activities of the National Guard will be coordinated at the state level, while activities of active duty installations could be coordinated at the state, local, or regional level. The Councils should include officials from relevant military organizations, representatives of appropriate local, state, and federal agencies, representatives of civic and social service organizations, and business and labor representatives.

The legislation would require the Secretary of Defense to issue regulations governing assistance under this section, including the following: (1) rules governing the types of assistance that may be provided under this section; (2) procedures governing the delivery of assistance so that, insofar as practicable, such assistance is provided in conjunction with, rather than separate from, civilian efforts; (3) procedures for appropriate coordination with civilian officials to ensure that the assistance will meet a valid need and will not duplicate other public services; (4) procedures for the provision of assistance in a manner that does not compete with the private sector; (5) procedures to minimize the degree to which DOD resources, including personnel, are applied exclusively to the program; and (6) standards to ensure that assistance is provided in a manner that is consistent with the military mission of the applicable organization. The committee intends these rules to provide maximum decentralization and minimal approval requirements so that the program is not strangled by paperwork and coordination procedures.

The legislation would make it clear that the provision should not be construed as authorizing use of the armed forces for law enforcement purposes, since military assistance to domestic law enforcement agencies is governed by chapter 18 of title 10, United States Code. However, this does not restrict cooperative action programs with police officials in matters that do not involve enforcement of the laws, such as recreation and education programs. The legislation also would not authorize use of Department of Defense personnel or resources for any program, project, or activity that is otherwise prohibited by law.

The armed forces have earned a well-deserved reputation for the excellence of their training and education programs. Military personnel are particularly well-qualified to provide valuable assistance in addressing the significant problems that challenge our nation's schools. At the present time, several installations have entered into cooperative agreements with local school boards to provide such assistance. The committee believes that such efforts should be given particular attention and support in the implementation of the Civil-Military Cooperative Agreement Program.●

LEAVE RELIGION OUT OF CAMPAIGNS

● Mr. SIMON. Mr. President, I have been concerned for some weeks now by the injection of religion into the political campaign.

I was pleased to see the statement by the Protestant, Catholic, and Jewish theologians, who pointed out that God is neither a Democrat nor a Republican, and not even an American.

There is a tendency to use God to sanctify our own views.

The danger of injecting religion into the political arena includes the fact that in the legislative field and in politics, compromises are essential. In the field of theology, compromise is virtually equated with sin.

When Catholic and Lutheran theologians agree on a common statement on the doctrine of justification, they report that they have reached an understanding. Neither side would want to confess that a compromise has been made. Compromise is, in and of itself in the field of religion, wrong, while compromise in the field of politics is essential.

Recently, Raymond R. Coffey, editor of the editorial pages of the Chicago Sun-Times, ran a column which suggested that we ought to keep religion out of the political campaigns "at least until God becomes a registered voter."

I have always tended to question either religion or patriotism that is too ostentatious.

Ray Coffey puts it somewhat differently: "There is a fine line always between righteousness and self-righteousness."

At this point, I ask to insert the Raymond Coffey article into the RECORD, and I urge my colleagues in both the House and the Senate to read it.

The article follows:

[Chicago Sun-Times, August 27, 1992]

LEAVE RELIGION OUT OF CAMPAIGNS

(By Raymond R. Coffey)

This Bush-Clinton matchup is, obviously, going to be an ugly campaign. It already is.

But do you suppose we might at least get the candidates and their accomplices to leave religion out of it?

Please. At least until God becomes a registered voter.

A lot of the stuff we've had to listen to so far in this campaign—most especially the wife-bashing, which has set a new low, in my view, in our presidential politics—has been niggling, nasty and stupendously irrelevant.

What has been worse, though, and far more unsettling is the deployment of religion as a campaign tool—the "God is on our side" gambit.

This is America. A lot of people, starting with the Pilgrims, came here in quest of religious liberty. Our pluralism, religious and otherwise, is one of our glories. If there is any issue on which we ought be unanimously and unreservedly pro-choice, it is religion.

And any suggestion that any political grouping here—Christian, Jewish, Muslim, Buddhist, whatever—has any monopoly on God or godliness is not only offensive but sinister, scary and, in truth, un-American.

I don't have any problem with George Bush or Bill Clinton bouncing along the campaign trail quoting biblical scripture, ceaselessly proclaiming their "faith in God" and rounding up a preacher, priest, rabbi or patriarch at every stop to deliver an invocation.

That's harmless, if inane, though what it contributes to political understanding I don't know. God is not on the ballot, and the question we will be addressing come Nov. 3 is which one of these guys we are going to put our faith in.

But I do have a problem with Bush trying, as he did last weekend, to make political hay by telling a bunch of evangelicals that the Democrats had used up a lot of words in putting together their platform "but left out three simple letters: G-O-D."

That is cheap-shot stuff, and Bush, who ought to know better, ought to knock it off.

Clinton was dead right when he responded that Bush's implications that "Democrats are somehow Godless are deeply offensive" to all "who cherish our religious convictions but also respect America's tradition of religious diversity."

Bush, Clinton said, was basically saying that "unless you believe in the Republican platform, you don't believe in God and you're not an American."

A few weeks ago, columnist Andrew Greeley, a Catholic priest, opined in these pages, with regard to Clinton and running mate Al Gore, that Catholics are "viscerally edgy" about Southern Baptists on the basis of some (obscure to me) point of Baptist theology and that there exists among Catholics a "strong suspicion" that Southern Baptists are "anti-Catholic" until proved otherwise.

Greeley perhaps knows and hangs out with a different set of Catholics, but I've never felt or encountered any such suspicion, in the army or anywhere else.

Any such denominational distortions would, in any case, be about as baseless, bigoted, inappropriate and preposterous as the 1960 political canard that John F. Kennedy would take his marching orders from the pope.

There is a fine line always between righteousness and self-righteousness. Religious beliefs are essentially matters of faith, not certitude.

And to claim certitude, as do those who claim inferentially that "God is on our side" politically, is to cross that line—cross it not only into the presumptuous absurdity of self-righteousness, but into the unsubtle swamps of intolerance as well.

Intolerance is one commodity we don't need any more of, thank you.●±

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN—THE MILLER FAMILY FROM RIVER ROUGE

● Mr. RIEGLE. Mr. President, I rise today in a continuing effort to put a face on America's health care crisis. Robert Miller and his family from River Rouge, MI, are an example of this problem. Mr. Miller contacted my Detroit office in June of this year.

Robert is a 42-year-old widower and father of three sons, Brian, 5 years of age; Brandon, 9 years of age; and Robert, 21 years of age. Neither Robert nor his children have any health care coverage. Mr. Miller's only source of income is the rent from two homes he owns in Detroit. His total monthly income is $500.

The youngest son, Brian, is in desperate need of tubes for his ears. As is the case in many young boys, Brian's ears are slow in developing. The tubes are needed to drain the fluid that becomes trapped behind his ears but the procedure would require a downpayment for the anesthesiologist, a surgeon and other hospital costs as well as followup visits to remove the tubes.

Mr. Miller simply does not have the funds to pay for the procedure. Without the tubes, Brian must constantly take antibiotics to fight infection and could lose his hearing if he does not receive treatment soon. Mr. Miller has already incurred other expenses for Brian's care and treatment, including a $200 bill for an ambulatory visit and another $900 in outstanding hospital bills. Fortunately, some of Brian's other medical bills have been paid by the county program in Wayne. But they will not pay for the surgery. Brian has also been denied Crippled Children's Fund assistance because his problem is not severe enough. Recently, Mr. Miller has made application for the Caring For Children Program, but now faces a 1-year waiting list even if Brian is accepted for the program.

The eldest son, Robert, has severe allergies. Mr. Miller is unable to afford the tests needed to diagnose the allergy problem or the frequent shots needed to alleviate the symptoms. Robert suffers from severe bloody noses from the allergies and must remain indoors to avoid the misery of his allergies. Treatment could greatly improve the quality of Robert's life. Robert is taking night classes to work on his high school degree. His allergies have made it difficult for him to get a daytime job.

Mr. Miller himself is also in need of surgery for lower back problems and for carpal tunnel syndrome in his hands. This condition causes numbness in the hands and pins-and-needles prickling in the arms. Both conditions are a result of his employment as a welder at Ford Motor Co. In 1980, Robert was laid off, and was on workman's compensation, due to the condition of his hands and arms. In 1983, Ford settled with Robert for $20,000. Robert's condition is not severe enough for him to qualify for Social Security disability insurance. He currently faces over $2,000 in medical bills for the last few months alone due to his health problems.

Robert cannot afford the cost of the surgeries for himself and for his sons' treatments because he does not have any health insurance. Robert and his sons have been denied Medicaid because of Mr. Miller's assets in rental homes, which is his only source of income. Some have suggested that he sell his houses to qualify for Medicaid. He feels that if he got some help now it would prevent him from becoming totally reliant on the government in the future.

Mr. Miller has looked into private insurance policies, but preexisting clauses would prevent coverage of his current back and hand conditions. The cost of a policy for himself and his three sons would be $550 per month—$50 more than his monthly income.

Mr. Miller must live with the constant pain of his health problem and the daily fear that his sons' conditions may deteriorate further. Our country needs comprehensive health care reform so that families like the Millers have access to affordable health care. I will do whatever I can to bring health care coverage to every American and control rising health care costs.•

MALAWI

• Mr. SIMON. Mr. President, one of the most beautiful countries I have visited is Malawi. It is, unfortunately, also a poor country. But the Government of Malawi and the people Malawi have been generous in permitting refugees from the civil war in neighboring Mozambique to come into the country, and so this country of about 7 million people has about 1 million refugees. It is hard for us to even conceive of something like that. That would be like the United States having about 30 million refugees, but you also have to imagine that we're one of the poorest countries in the world.

So there is much in the country and the attitude of the government that I applaud.

But in recent years, particularly, there has been an insensitivity to basic human rights.

A longtime friend of mine, who is now in the Washington area and who once lived in Chicago, Ernest Yancey, sent me a copy of the statement by representatives of the Council of Churches for Britain and Ireland (Anglican, Presbyterian, and Roman Catholic), who issued a statement on Malawi after visiting there.

It says very clearly what needs to be done.

I am grateful for the British church leaders, and I hope that in that beautiful country something constructive can take place.

Mr. President, I ask to insert their statement into the RECORD at this point.

The statement follows:

MALAWI—STATEMENT BY REPRESENTATIVES OF THE COUNCIL OF CHURCHES FOR BRITAIN AND IRELAND

(1) As a group of leaders in the British Churches—Anglican, Presbyterian and Roman Catholic—we were sent to Malawi by the Council of Churches for Britain and Ireland. Our purpose has been to express the fellowship of our Churches with the Churches of Malawi, to learn from their work and witness, and to bring them encouragement from all the British and Irish Churches. We have spent a week in Malawi (18–25 July 1992) meeting representatives and leaders of the Anglican Church in Malawi, the Church of Central Africa, Presbyterian (CCAP), and the Roman Catholic Church, in all three regions of the country. We express our heartfelt thanks to all whom we have met, for their welcome, their hospitality, and the trust which they have placed in us. We have learned again that Malawi is indeed the 'warm heart of Africa'.

(2) The Pastoral Letter of the Catholic Bishops (8 March 1992) opened a new chapter in the history of Malawi. The letter has enabled people to utter thoughts which have been on their hearts, but which they have not been able to express. It carried authority because it was recognised as speaking the truth. A process of change has begun which cannot be reversed.

(3) The letter has also brought the Churches together in a new way. Anglicans and Presbyterians have told us how they were able to recognise the Catholic Bishops as speaking also for them. Clergy and lay people of the Anglican Church and of the CCAP have expressed their whole-hearted support for the Catholic Bishops. The Churches are committed to working together in the name of Christ, and in the service of God's people. As members of one body, they are determined not to be divided.

(4) This is a critical time for the people of Malawi. Whilst there is deep appreciation for the achievement of the Life President, Dr. Hastings Kamuzu Banda, in leading his people to independence and in maintaining its security during the past twenty-eight years, there is now a sense that these achievements are in jeopardy. His government has lost the confidence of his people. Intimidation and corruption are believed to be widespread.

PRESS RELEASE FROM THE CHURCH OF SCOTLAND, 27/07/92—Critical Time for Malawi

Western churches must "continue to be with our Malawian brothers and sisters in their cry for freedom of speech, justice and integrity in public life", says a 2000-word report published today by a delegation of church representatives from the Council of Churches for Britain and Ireland (CCBI).

"Time is short," says the report, "the Malawian people are part of the world-wide human family. They continue to need the aid and support of the international community in building on achievements of the past, overcoming problems of the present and in planning for a future in which there will be justice and peace for all."

The three-man delegation just returned from a visit to Malawi—the Very Rev. Professor Bob Davidson, former Moderator of the General Assembly of the Church of Scotland; the Rt. Rev. James O'Brien, Roman Catholic Bishop in Hertfordshire and the Rt. Rev. Mark Santer, Anglican Bishop of Birmingham—was sent from the CCBI following publication of a pastoral letter in March this year by local Catholic bishops which, the report says, "opened a new chapter in the history of Malawi".

"We have learned again that Malawi is indeed the 'warm heart of Africa'," the report says. This is a critical time, however, and whilst there is "deep appreciation for the achievement of the Life President, Dr. Hastings Kamuzu Banda, in leading his people to independence and in maintaining its security during the past 28 years, there is now a sense that these achievements are in jeopardy. His government has lost the confidence of his people. Intimidation and corruption are believed to be widespread."

And, although Dr. Banda has invited the churches in Malawi to discuss their concerns this has not yet happened.

While accepting that all is not the Malawi government's fault, the churches "have an important contribution to make".

The report highlights five concerns.

Human rights in a police state atmosphere, with interference in public worship, many reports of prison violence, detention without trial, even for mere possession of the Bishop's letter.

Near total mistrust of public statements, because of a Government monopoly of means of communication.

Serious manipulation of recent one-party elections.

Widening gap between rich and poor, aggravated by recent wage increases which especially threaten the Church hospitals.

Severe drought, with reported famine deaths, but also Party threats to withhold aid from those who do not vote for them.

The delegation calls on the world church to continue to sustain the Church in Malawi, which has a vital part to play in planning and effecting change.•

BUSH'S LOGIC BEHIND PLAN TO CUT JOB SAFETY RULES IS ABSURD

• Mr. SIMON. Mr. President, recently, I saw a column in the Los Angeles Times by Harry Bernstein titled, "Bush's Logic Behind Plan To Cut Job Safety Rules Is Absurd."

How right he is.

I remember that while serving in the House, the Reagan administration cut back on mine inspectors, and we saw the numbers of mine-related accidents and deaths go up, and then when some of us pushed and got more mine inspectors back, the figures, not surprisingly, went back down.

The reality is that we have more accidents and deaths in U.S. industry and construction than any Western industrialized country. We have to do better.

It is not simply what one columnist says.

The statistics gathered by Joseph Kinney's National Safe Workplace Institute suggest precisely the same thing.

We do not protect workers by deregulating any more than we protected savings and loans by deregulating.

I ask to insert the Harry Bernstein article into the RECORD at this point, and I urge my colleagues to read it.

The article follows:

[From the Los Angeles Times, Aug. 4, 1992]

BUSH'S LOGIC BEHIND PLAN TO CUT JOB SAFETY RULES IS ABSURD

(By Harry Bernstein)

Sometimes the Bush Administration comes up with absurd proposals to show its endless faith in America's corporate executives.

Best known, of course, is the old "trickle down" trick. It gave hefty tax breaks to wealthy executives and other rich folk on the dubious assumption that they would invest their tax savings to create more jobs for workers.

The theory has failed miserably so far, making the rich richer, the poor poorer, unemployment higher and cutting the real income of the middle class.

Less known and even more absurd is the strange notion coming from President Bush's powerful budget director, Richard Darman:

Reducing government-mandated job safety protections will save workers' lives and improve their health.

Hearings are actually being held in Washington on this amazing idea. The budget director's office demanded that the Occupational Safety and Health Administration stop putting new limits on workplace poisons and reduce old ones unless it can prove that the safety rules do not increase dangers to workers.

If this upside-down logic the Administration calls a "risk-risk analysis" prevails in OSHA, it may then be extended to safety regulations issued by other agencies such as the Food and Drug Administration and the Environmental Protection Agency.

The convoluted theory is that risks to workers' health and lives would be reduced if workplace health and safety regulations are cut back.

So the Administration ordered OSHA to compare the risks of death and illness to the risk stemming from the income that workers lose because of the money employers spend to comply with the regulations.

James MacRae Jr., in charge of Darman's regulatory office, brilliantly explains it all this way:

Employers normally take their costs for complying with health and safety regulations out of the paychecks of workers and by raising prices.

So the Administration figures that if those safety regulations are cut or eliminated, employers would generously pass on their savings to workers. That is really blind faith in management's generosity.

MacRae doesn't put it just this way, but the Administration demand on OSHA is just another version of the trickle down theory. MacRae says in effect that we can rely on corporate executives to share the gains they get from the government with their workers.

To quote MacRae's irrefutable premise of his argument: "The positive effect of wealth on health has been established both theoretically and empirically.

"Richer workers on average take more leisure time, buy more nutritious food, more preventive health care, and smoke and drink less than poorer workers."

His wild conclusion, however, is that by reducing the money corporations are required to pay for health and safety precautions, workers will get pay raises, become richer, healthier and live longer.

The Bush Administration's risk-risk analysis theory was imposed on OSHA after it proposed to put limits on poisonous chemicals in construction, maritime and agricultural industries. The proposed limits are similar to those imposed in 1989 on most other industries, which employ an estimated 21 million workers.

Further confusing the efforts of the Administration to "get government off the backs of corporations" is a recent federal appeals court ruling that struck down the 1989 limits themselves.

The court said those OSHA-imposed limits were too general a fashion—some were too strict, some too lenient and few were based on adequate scientific evidence.

So now, to the delight of hordes of lawyers, we are almost back to square one. Most of the old and all of the proposed new OSHA limits on poisonous chemicals in the workplace are being argued furiously and at length in the courts and in OSHA hearings.

At issue is how much poison workers can take without getting sick or dying, and will limiting the poison be too expensive for corporations.

Also in question is that weird Administration theory that workers might well be healthier and live longer if limits on many poisons were reduced and employers would then magnanimously pass on their savings to the workers, thereby making workers richer and healthier.

The theory doesn't sit well with some managers, and labor is outraged. Margaret Seminario, the AFL-CIO safety and health director, calls it "totally bizarre."

She says "it demonstrates that OMB [Darman's Office of Management and Budget] will employ any means and rationale—no matter how far-fetched—to block or weaken important worker safety and health standards" as it has been doing "since 1981 under a series of Reagan/Bush executive orders."

Evidence of the Administration's faith in corporate management has been shown in a host of other ways, like its startling decision the other day to let coal mine operators continue collecting their own coal dust samples to test for overexposure to the dust that can cause black lung disease.

The unreliability of the mine owners was evidenced last year when the government assessed civil penalties of about $7 million against more than 500 coal companies for submitting tampered dust samples for testing.

It would cost the government an estimated $33 million a year to get the samples and so the Administration says it will continue to put its faith in the integrity of the samples collected by coal company officials.

Richard Trumka, United Mine Workers of America president, said, "The bottom line of that decision is that coal miners will continue to contract black lung and other respiratory diseases . . . as long as a coal operator can collect dust samples from a clean section of a mine, his office, or even the back seat of his car."

There is other clear evidence that this Administration knows its best friends are in America's corporate executive offices, but these two examples should suffice.•

BOUTROS-GHALI AND U.N. PEACEKEEPING

• Mr. SIMON. Mr. President, I confess I am most impressed by the statements that have been made by U.N. Secretary-General Boutros-Ghali. He seems to be a genuine leader, who is willing to talk in more than the usual vagaries that sometimes surround diplomatic language.

Recently, in an interview with Die Zeit, the German publication, he mentioned that one of his problems in doing an effective job is that they do not have the financial means to do all of the things they would like to do and are called upon to do, matters of some urgency. He specifically says: "The member states owe us about $2 billion concerning the regular budget and the costs of peacekeeping. The United States owes us roughly $820 million and all the other members, including the Soviet Union, a total sum of $1.2 billion."

Clearly, the United States ought to be doing better, and we ought gradually to repay this sum, so that we do not hinder the important work of the United Nations.

He has also been sensitive to the situation in Somalia, and I applaud that.

I am not suggesting, nor is he suggesting, that we ignore the situation in Bosnia. But Somalia gets too easily ignored.

Finally, he suggests that he needs some type of rapid deployment force that would be available to the United Nations. Let me insert in the RECORD what the reporter, Matthias Nass, asked and the Secretary-General's response:

NASS. In your "Program for Peace" report, you suggest a rapid deployment force that should be continuously available to the United Nations. Are there already reactions from governments?

BOUTROS-GHALI. Yes. I have a response from France. Mitterrand told me that he is ready to make available 1,000 paratroopers or 1,000 men of special force within 24 hours, and another 1,000 within less than a week. If 20 other countries were ready to do so, I would be in a better position. Then I would be able to tell a country which had been attacked that I could deploy 5,000 paratroops or a rapid deployment force of 5,000 men within 24 hours to protect its borders. That would totally change my situation.

This is in line with my thinking also. Senator JOE BIDEN and I have talked about making a limited number of volunteer personnel available to the United Nations, when called upon by the U.N. Security Council and with the approval of the President.

That makes much more sense than the kind of open-ended authorizations for the use of force that we are called upon generally to give to the President when force is needed.

I ask to put the interview from Die Zeit into the CONGRESSIONAL RECORD at this point.

The interview follows:

[From Die Zeit, Aug. 7, 1992]

BUTRUS-GHALI CALLS ON EUROPE TO ACT IN FRY

(Interview with UN Secretary General Butrus Butrus-Ghali by Matthias Nass; place and date not given: "Too High Hopes Are Being Staked on Us")

NASS. The United Nations is entering a new phase of its history. It is called upon to act in more and more conflicts—conflicts between countries and internal conflicts. Aren't the hopes that have been staked on a stronger international organization bound to be frustrated?

BUTRUS-GHALI. The problem that the United Nations had during the cold war was the lack of confidence in this organization. The problem the United Nations has after the end of the cold war is that too high hopes have been staked on it. In the past the world did not expect much of the United Nations. Now the world expects too much of it.

The first problem is that we now have to deal with 12 or 14 conflicts at a time, whereas in the past we only had to deal with one or two. This means that we are overburdened with new challenges.

The second problem is that our missions are no longer confined to peacekeeping tasks but have become all-encompassing global missions. In addition to peacekeeping, we deal with the reconstruction of a given country, the return of refugees, government reform, and we also work in the administration.

The two cases where this has become clear are El Salvador and Cambodia. We settle everything there—ranging from the creation of a police academy in El Salvador to sending administrative officials to Cambodia, the repair of roads and bridges, to the return of refugees. There are, for instance, 360,000 refugees in Cambodia.

So the second problem means that we no longer only create or keep peace as an impartial organization—through mediation and consultation. We now have many additional new tasks, all of which are related to all aspects of a country's national life.

NASS. Do the UN member states give you the means to cope with all these tasks?

BUTRUS-GHALI. No. This is the third problem—we do not have the necessary financial means. The member states owe us about $2 billion concerning the regular budget and the costs of peacekeeping. The United States owes us roughly $820 million and all the other members, including the Soviet Union, a total sum of $1.2 billion. We have serious financial problems.

NASS. In the Yugoslavia conflict, you called on the Europeans to do more themselves. What should or could the European Community achieve?

BUTRUS-GHALI. To mention a very special example—in the London accord between Lord Carrington and the Bosnian groups, the United Nations is called on to collect the heavy weapons in Bosnia-Hercegovina and place them under its control in certain places.

According to our experts, however, the project will take about three months because, first, we have to transport the soldiers and officers to the region and, second, we must buy or lease cross-country vehicles for the control task, and radio equipment. The Europeans could provide the required logistics within three or four days. They have the infrastructure; they have the aircraft and the vehicles; they have the officers and the telecommunications system. They are geographically close by.

I, however, have to establish contacts with various UN members, put together a force, nominate the commander, and create a balanced relationship between the various nationalities in the units involved. Then I must procure the telecommunications equipment and the money. All this would take three months.

But I will not underrate the problems which the Europeans have regarding this issue. My message to them is: try to do a bit more!

NASS. You reproached the Europeans for dealing too much with Yugoslavia and for being blind to the problems of many countries in the South.

BUTRUS-GHALI. I did not address only the Europeans; rather, I addressed all UN members. Let us take Somalia, for instance. Here the Africans are primarily responsible. There was a clear difference between the civil wars in Somalia and in Yugoslavia. In Somalia 10 times as many people were killed as in the Balkans, but no one bothered. I am not saying that we should not bother about Yugoslavia. I am saying that it is my duty and the duty of the United Nations to give equal attention to all member states.

NASS. The media has quoted you as saying that the Yugoslav conflict is a "war of the rich" * * *.

BUTRUS-GHALI. I do not remember having said that. Compared with what is happening in Somalia, however, it is certainly true.

NASS. In Cambodia the Khmer Rouge refuse to allow UN troops to take their arms away. What are you going to do to make Pol Pot's followers adhere to the provisions of the Paris agreement?

BUTRUS-GHALI. We are negotiating with them. We hope that we will be able to convince them that it is in their interest to adhere to the Paris agreement.

NASS. There is concern at UN Headquarters about an emerging crisis—the concern that the many conflicts with which the world organization has been confronted are just too much for it. Are you anticipating a setback?

BUTRUS-GHALI. No, because for all the difficulties, we have been able to cope with the problems.

I went to El Salvador where we signed a peace treaty. We have been successful in El Salvador, I am in contact with various leaders of the country. I went to Cambodia, and I am in contact with the players there. I appointed a special envoy, Mohamed Sahnoun, who is now in Somalia. He has done an excellent job, and progress has been made. I appointed somebody else for Western Sahara, former Pakistani Minister Yaqub Khan. He, too, has been doing an excellent job.

We have I don't know how many observers in Angola; elections will be held there in September. Nelson Mandela also just asked me to send observers to South Africa.

So far we have been able to meet all requests. I have a list of 12 requests to send election observers to various African countries. We also sent a mission to Nagormo-Karabakh. A UN observer is taking part in the Rome negotiations on Mozambique. Another group of experts was sent to the Caucasus because there are accusations that the Azerbaijanis are using poison gas against the Armenians. At the same time, I am also busy every day trying to find a solution to the Libyan problem. We sent four or five delegations there, and I am in permanent contact with the Libyans.

NASS. Again, is all this not too much for the United Nations?

BUTRUS-GHALI. It is at any rate too much for my health.

If we get more financial and technical support we will, however, be able to act more effectively. In any case, we have extremely motivated people here who are ready to work 10 or 20 hours, if necessary.

NASS. In your "Program for Peace" report, you suggest a rapid deployment force that should be continuously available to the United Nations. Are there already reactions from governments?

BUTRUS-GHALI. Yes. I have a response from France. Mitterrand told me that he is ready to make available 1,000 paratroopers or 1,000 men of a special force within 24 hours, and another 1,000 within less than a week. If 20 other countries were ready to do so, I would be in a better position. Then I would be able to tell a country which had been attacked that I could deploy 5,000 paratroops or a rapid deployment force of 5,000 men within 24 hours to protect its borders. That would totally change my situation.

NASS. Would you like to see German soldiers in such a rapid deployment force?

BUTRUS-GHALI. Yes, certainly. I would welcome German units.

NASS. There is a heated debate going on in Germany on the issue.

BUTRAS-GHALI. I know that there is a heated debate. It is one of my goals to get more support from Germany.

NASS. Should the number of permanent members on the Security Council be increased? The Japanese seem to be quite interested in having a seat, and the Germans are still reserved.

BUTRUS-GHALI. My answer is a classical one. That is not my responsibility. Article 109 stipulates that this requires an amendment to the Charter. If you asked me about the restructuring of the Secretariat, I could tell you a lot, because that is my domain.

NASS. The reform of the Secretariat is considered one of the most important tasks during your term.

BUTRUS-GHALI. Yes, I started it and I am continuing rationalization and restructuring. Various committees are dealing with the matter. One of them deals with the Rio followup meetings, and another will improve cooperation between the United Nations and its special organizations. A third committee is working on a report on how the new commission on sustainable development should be incorporated in the various UN organizations which deal with social and economic developments.

NASS. You mentioned Rio. Do we not need to have a new, more comprehensive security concept?

BUTRUS-GHALI. As I said, we now have an all-encompassing approach. Instead of solely carrying out peacekeeping missions, we create security through reconstruction, the return of refugees, the construction of roads, the distribution of land (as in El Salvador), the reform of the administration. This is not a philosophical or academic concept. No, it is practical work. We will also carry it out in Yugoslavia in the next few months if we can achieve minimum security there.

NASS. You are an optimist.

BUTRUS-GHALI. If I were not an optimist, I would, first, not have accepted this job at my age, and, second, it would have been intolerable for me to be Egyptian foreign minister for 14 years—beginning with my visit to Jerusalem and ending in 1991.

ISLAMIC WORLD GALVANIZED BY REPORTED KILLING OF BOSNIA'S MOSLEMS, DEPLORES INACTION BY UNITED NATIONS

• Mr. SIMON. Mr. President, some of my colleagues may recall that when I spoke about the need for being more vigorous on the Bosnia aggression that I pointed out that, among other things, in the Moslem world the inevitable picture that has to be painted is of Christians attacking Moslems.

While it is true that in Bosnia itself, generally, the three factions: Orthodox Christian, Roman Catholic Christian, and Moslems, got along well until there was a Serbian aggression.

But too little attention has been paid to the impression or lack of sensitivity and lack of action this has caused in the Moslem world.

A recent story by Kim Murphy, of the Los Angeles Times out of Cairo, Egypt, details the reaction in the Moslem world. It should be must reading for the Members of the Senate and the House, as well as leaders in the administration.

I ask to insert into the RECORD the Kim Murphy story.

The article follows:

[From the Los Angeles Times, Aug. 14, 1992]

ISLAMIC WORLD GALVANIZED BY REPORTED KILLING OF BOSNIA'S MUSLIMS, DEPLORES INACTION BY U.N.

(By Kim Murphy)

CAIRO.—The newspaper photograph shows a dark-haired child with a bloody bandage around his head, his mouth open in a silent scream. "Pay a pound, save a Muslim," says the caption.

"A pound from every citizen monthly will keep a nation from extermination," it adds. "God's prophet said, 'He who has no interest in Muslim matters is not one of them.'"

The appeal worked. In poverty-plagued Egypt, $1.9 million in donations has poured in since the Doctors' Syndicate began its appeal last month for Muslim victims of the war in Bosnia-Herzegovina. Poor men have walked into the syndicate's offices and donated watches and wedding rings; one man left his wheelchair.

In Saudi Arabia, King Fahd launched an aid drive with an $8-million personal contribution. Pakistan pledged $10 million. Iranians have called for dispatching Islamic troops and heavy artillery to end the bloodshed. Tens of thousands of Sudanese marched through Khartoum streets this week in support of Bosnia's Muslims.

Throughout the Arab world, the reports of slaughter, captivity and torture of Muslims by Orthodox Christian Serbs in Bosnia-Herzegovina, where 43% of the population is Muslim, have played like the opening chapters of a new Holy War. It is an issue that has galvanized the Islamic community in a way that the Arab-Israeli conflict, the sanctions against Iraq and Libya, even the Gulf War have not.

Muslims, fanned with appeals on street banners and in the press from Islamic fundamentalist groups, want to know why the United Nations was quick to defend Kuwait but slow to try to halt the bloodshed in the former Yugoslav republic. Newspaper headlines are full of Islamic outrage. Sermons at the mosques boom out new orations against the Western response to the crisis—or lack of it.

Ahmed Reda Hussein, an American University of Cairo student, wrote to the Al Ahram newspaper, noting that President Bush, during the Gulf crisis, had said he would not dispatch U.S. troops when there is a "hiccup here or there. . . . Well, excuse me, Mr. President, because I don't think that the killing of thousands of people is less in any way than the Iraqi occupation of Kuwait, and if the President considers it a 'hiccup,' he must consider World War II as nothing more than a bad cold."

Similar messages have been forthcoming in recent weeks from government officials, academics and the official Arab press.

"If those who lived in Bosnia, if the majority were of the Jewish faith, would the slaughtering be going on until now like this?" asked Adnan Omran, assistant secretary general of the Arab League. "To me, following events, reading history, knowing the mentality of leadership in the world, my answer would be no. I believe the reaction would have been different, and it would have been quicker."

Similar sentiments have been raised about the United Nations' stumbles in the African nation of Somalia.

"People have been saying that it's because the people of Bosnia are Muslims . . . and the people in Somalia are black," said Nagui Ghatrifi, spokesman for Egypt's Foreign Ministry. "It's clear that it's not that easy to intervene by force in Yugoslavia. The situation is different from the one in the Gulf. But still there is a feeling that something is wrong with the new world order. And it's hard to believe that the world is incapable of putting an end to the killings and atrocities and the savagery which is being displayed in Yugoslavia."

Egyptians and other Arabs—even at the official level—have particularly criticized U.N. Secretary General Boutros Boutros-Ghali, the first Arab and African to head the international body, for failing to recommend quick, decisive action against the Serbs in Bosnia-Herzegovina. "In this area there's a kind of disappointment," Ghatrifi said.

Other Arab Muslims said there is private talk that Boutros-Ghali's Christian Coptic background has kept him from taking prompt action in Bosnia. "People say that a Copt is sitting in New York, and this is collusion between him and the Christian Serbs," an influential Egyptian said.

But many Arabs complain that the Islamic world has waited ineffectually for the United Nations and the West to act while failing to move on its own.

An emergency meeting of Islamic foreign ministers in Istanbul in June condemned the Serbian aggression and called for international help to stop it; few Islamic governments have recalled their ambassadors to Belgrade or imposed independent economic sanctions. Egypt's troops in the region are limited to a humanitarian peacekeeping role.

Wealthy Arab governments in the Persian Gulf could but are not providing economic incentives to the cash-strapped Serbian government to end the violence, said Mohammad Salim, political science professor at Cairo University. "We are wasting our time crying wolf and crying about harassment of the Muslims and not providing any concrete solutions," he said.•

UNITED STATES MISSES GOLDEN OPPORTUNITY WHILE FORMER SOVIET FOES SUFFER

• Mr. SIMON. Mr. President, our former colleague, Senator Gary Hart, had an article in the Rocky Mountain News which suggests that it is clearly in the self-interest of the United States to pay more attention to what is going on in the former Soviet Union.

I could not agree more.

Our response has been minimal and slow.

We learned to regard Gary Hart as one of the more thoughtful Members of this body, and perhaps from a distance he brings even more perspective.

I urge my colleagues to read his article, and I ask to insert it into the RECORD at this point.

The article follows:

[From the Rocky Mountain News, Aug. 16, 1992]

U.S. MISSES GOLDEN OPPORTUNITY WHILE FORMER SOVIET FOES SUFFER

(By Gary Hart)

The peaceful shift of power from an adversarial Communist Soviet Union to a cooperative, democratic Commonwealth of Independent States—marked most dramatically by the failed coup one year ago—is unrivaled in human history.

For Americans caught up in a half-century of Cold War to secure democracy in the West and contain communism throughout the globe, the opportunity and responsibility represented by this historic power shift have emerged so unexpectedly as to leave us hesitant and drifting even a year later.

We now have the human and financial resources to repair and reform neglected human health, education and housing systems, to rebuild decaying transportation, communications and public infrastructures, to invest in a new peaceful technologies, and to begin the long process of repaying our debts to future generations.

We can convert defense and weapons production to environmental, health and human resource research. We can reform our military institutions to conform to new security challenges and adopt a foreign policy aimed at strengthening democracy in the Third World.

All this, and more, can be done—but will it?

This is a monumental challenge to our will, our imagination and our leadership. But we have yet to respond. After a lost year, the window of opportunity may not be open to us much longer—if for no other reason than the democratic experiment in Russia and the commonwealth may fail for want of help.

Too many American politicians and opinion leaders have invested the past year in pandering to the popular notion that we cannot lead a Western effort to stabilize the ruble and supply loans and credits for food, fuel and medicine in Russia while repairing the damage of the Cold War here at home. This is not only demonstrably wrong, it is antithetical to U.S. interests.

The alternative to democracy in Russia is authoritarianism, a government composed of military and security forces, nationalists, xenophobes and undemocratic interests. But, unlike other dictatorships we have found congenial, this quasi-fascist government will have tens of thousands of nuclear weapons.

Predictably, if our lassitude helps contribute to this result, we can expect a renewed crusade for continued U.S. armament and further postponement of our already long-delayed shift to a post-Cold War, post-industrial economy, one based increasingly on knowledge and information skills.

This is the real revolution offered to America by the historic coup in Moscow a year ago. Because of the wasted year of inaction, however, the outcome is neither guaranteed nor foregone.

Now heading into their second bitter winter since the coup, the people of Russia have seen few benefits of democracy and only capitalism's worst face—inflation and high prices, shortages, corruption, black-markets, unemployment, proverty and homelessness.

They are free to criticize their government, but freedom is no substitute for bread. The Russian people are among the most patient on Earth, but fathers of hungry children have been known to break shop windows to feed them. When this happens—and it could happen very soon—authoritarian forces will have the excuse they need to act.

Then our own Cold War forces of confrontation will have the excuse they need to postpone indefinitely the reform and rebuilding of America.

A century and a half ago the brilliant Frenchman Alexis de Tocqueville predicted that America and Russia would emerge as the greatest powers on Earth, that "each of them seems marked out by the will of heaven to sway the destinies of half the globe."

He also suggested that the fate of these two nations was inextricably bound together. In this he could only have reflected the judgment of fortune itself.•

THE VALUE OF A COLLEGE EDUCATION

• Mr. SIMON. Mr. President, while my family and I were vacationing in Colorado recently, I picked up the Denver Post and read the Kathy Kristof column that is distributed by the Los Angeles Times, and I assume appeared in the Los Angeles Times originally.

In her column she mentions that during the course of a lifetime, a college graduate will earn somewhere between $600,000 and $700,000 more than the person who graduates from high school. I believe this is significant when you recognize the reluctance of some to accept the proposal, which I made along with Senator DAVE DURENBERGER, Senator BILL BRADLEY, and Senator TED KENNEDY, to create a direct loan program in which people would pay back on the basis of income for up to 25 years. If they received substantial income, they would repay their loans more quickly, and if their income was low, it would be paid back more slowly.

The reality is that emphasizing education pays off for the individual, and it also pays off for the Nation.

I hope we can make significant strides in the years ahead, frankly, more significant strides than we have made even with the improved Higher Education Act that passed recently.

I ask to insert this column into the RECORD at this point.

FINANCIAL IMPACT OF A COLLEGE DEGREE FAR-REACHING

(By Kathy Kristof)

About 40 percent of the nation's high school graduates don't go on to college.

Yet, statistics compiled by experts in education and poverty research shown that terminating education after high school could be the biggest financial mistake of your life. The only bigger mistake is to fail to get a high school degree, said Sheldon Danziger, professor of social work and public policy at the University of Michigan in Ann Arbor.

Here are the facts:

Average earnings of a man, aged 25 and over, who had a high school degree amount to $28,043 annually, or $2,156 a month, according to U.S. Department of Education statistics. The average earnings of a male college graduate are $44,554 annually, or $3,713 monthly.

Assuming that the wage gap remains the same, the college graduate will have earned somewhere between $600,000 and $700,000 more than the high school graduate over the course of their careers. But recent trends show that the wage gap is widening. In the 1970s, relative earnings of men with some college experience—not necessarily a degree—averaged about 20 percent more than those who had only high school education. But that gap doubled during the '80s. By 1989, those who spent some time in college were earning between 40 percent and 50 percent more, said Robert M. Hauser, director of the Institute for Research on Poverty at the University of Wisconsin-Madison.

"There is a tremendous and growing gap between the earnings of people who have gone to college and those who haven't" Hauser added.

"When the economy boomed during the 1980s, the people at the bottom were left behind," said Danziger.

Experts believe it is the result of a number of things.

Technology became increasingly prevalent in industry, which necessitated more sophisticated skills. Businesses increasingly formed international ties, which put a premium on knowledge of other cultures and languages. It also became simple and cost-effective to set up manufacturing facilities in other countries where hourly wages for unskilled laborers are low.

Women entered the workforce in greater numbers, increasing the competition for jobs. A larger percentage of high school students opted to go to college, which tended to increase employer expectations and put non-college-educated individuals at a comparative disadvantage. Meanwhile, trade unions, which were once a powerful force battling for higher income levels for both skilled and unskilled labor groups, began to lose their clout.

The end result: College-educated men, aged 25 to 54, saw net income rise by about 7 percent between 1979 and 1989. But those with just a high school degree saw their earnings decline nearly 11 percent. Those without a high school degree suffered even more. Their net earnings fell 23 percent during the 1980s.•

SELF-DEFEATING MYTHS ABOUT AMERICA

• Mr. SIMON. Mr. President, one of the leading financial experts of this country is the senior partner of Lazard Freres investment firm in New York City.

He is Felix G. Rohatyn.

Recently, he had an op-ed piece in the Washington Post that reflects a message that he has been giving to us over and over again, that we pay little attention to.

Members don't have to agree with every detail of what he proposes, but the general concept, it seems to me, is absolutely sound.

I urge my colleagues who did not see the July 6 Washington Post, because we were in recess, to read the Felix Rohatyn item.

I ask to insert it into the RECORD at this point.

The article follows:

[From the Washington Post, July 6, 1992]

SELF-DEFEATING MYTHS ABOUT AMERICA

(By Felix G. Rohatyn)

A remarkable thing has happened over the past two or three years: The collapse of communism and the victory in the Persian Gulf, which represent a spectacular victory for the values and the power of the West, were immediately followed by a collapse of American confidence and self-reliance.

This reaction is at least partly due to the general acceptance of two myths. The first is the myth of government impotence and incompetence. The second is that we are broke.

And yet, our problems are not unsolvable; they are the direct result of our failure to adapt to the competitive requirements of a global economy:

(1) We have not invested adequately in new plants and in research and development to enable American workers to be more productive;

(2) We have not invested adequately in human capital to provide all Americans with the education and training required to fill the available jobs;

(3) We have not invested adequately in public facilities to provide the infrastructure required by a modern industrial society.

The main reason for these failures in our unwillingness to pay for what we need. The net result has been a national debt of $4 trillion, deficits running at $400 billion annually, a stagnating economy and an eroding standard of living for most Americans.

The riots of Los Angeles focused attention on our urban problems. But the answer does not lie in a new urban policy. The answer lies in national policies that will deal not only with urban problems but with many other equally urgent problems facing us, such as employment, education and energy, and that will aid in the creation of human and financial capital.

To rectify out failures in these areas, a more active role for government is an absolute necessity. It will also be necessary to raise significant new revenues. Both ends are within our capacity to accomplish.

We require, for some period of time, a national administration elected on the basis of a specific national recovery program and able to put its program into effect. This is important both from a domestic and foreign policy point of view. We cannot indefinitely fight wars with other people's money. We cannot argue that we have sound foreign policies but are somehow deficient in dealing with our domestic policies. There is no dividing line between domestic and foreign policy today. The United States has to maintain a global position in which our national security strength is directly related to our economic power and to our social cohesion at home.

The coming presidential campaign should be the forum for a rational discussion of the appropriate role for government in a modern industrial democracy. Los Angeles has shown that the government must be more active in dealing with our social problems such as health care, public education, drugs and public safety. The government must also stimulate the economy in order to finance the needed level of social services and eliminate our deficit over the next few years.

Our first priority should be the rebuilding of America. A vast national public investment program should be started promptly, both to meet the needs of the country and to provide a long-term countercyclical effect to the weak economy. It is worth noting that the most competitive economies in the world today are backed by the highest levels of infrastructure investment. Schools and airports, roads and bridges, and many other types of public facilities must be built to support the private sector economy, protect the environment and provide a civilized life to urban and suburban Americans.

The administration and Congress recently came forth with a $150 billion, five-year transportation plan. That is inadequate. Taiwan, approximately the size of Pennsylvania, recently announced a six-year plan that will result in $600 billion of public infrastructure investment. West Germany will have invested $1 trillion in East Germany, a country of 17 million people, by the year 2000.

The federal government should commit to provide at least $500 billion over the next 10 years to supplement existing state and local government efforts to rebuild America by investing in infrastructure.

This should include public/private partnerships for new airports, new air traffic control systems, rapid rail links etc. as well as more traditional public investments in roads, bridges, new schools, mass transit and other basic requirements. Financing such a program, which would amount to less than one percent of the decade's GNP, should be feasible. For instance, a 5-cent-per-gallon gas tax, increasing over 10 years to 50 cents per gallon, would generate $50 billion per annum by 2002.

With the backing of these committed revenues, a Public Investment Fund could raise the necessary capital through the sale of investment-rated bonds, which could be acquired by private and public pension funds as well as the public markets over the 10-year period. The assets of these pension funds now amount to about $3 trillion and will double to $6 trillion over the next 10 years. They could easily accommodate at least three-quarters of such a program, with the public markets absorbing the rest.

A public investment program on such a scale would generate significant employment and could abhor many of the skilled people who will be laid off as a result of defense cutbacks. Study after study has shown that every dollar of public investment generates about 50 cents of additional private investment. Thus $500 billion of public investment would generate another $250 billion of private investment.

Public works construction can deal with the physical decay of the cities. Decent schools, decent housing, safe streets and safe public transport all would contribute to a different social climate. In addition, an organized effort should be part of such a program to provide employment to inner-city youngsters aged 16 to 22. This could be done through some version of the CCC of the 1930s, whereby youngsters would be first trained and then employed in the reconstruction of their own cities. Large public works programs would create real jobs instead of public service jobs.

At the same time, market-related efforts such as Housing Secretary Jack Kemp's proposal for enterprise zones, which would give tax breaks to investment in depressed areas, and private ownership of housing instead of subsidized government projects, should also be part of the mix.

The federal government could work with state and local governments by targeting public investment programs wherever possible and by providing retraining and relocation programs to minimize the impact of defense cutbacks.

Paying for such a program would not be terribly painful. A gasoline tax increase of 5 cents annually for 10 years amounts to about $50 for the average car owner driving 20,000 miles. It would be consistent with efforts to protect the environment, and it would reduce our dependence on Mideast oil.

For once, let us try to agree on something. It is time to get started.•

DAVID AND BARBARA CROCKETT

• Mr. SIMON. Mr. President, some months ago, I met a marvelous couple on a plane, Mr. and Mrs. David Crockett of Newtonville, MA.

Barbara Crockett was having difficulties with cancer and she and David were having difficulties figuring out the complex world of hospital and physician costs; and what would be covered, and what would not be covered.

Unfortunately, I have received word that Barbara has died. But after I met them, I asked them to send me a letter outlining some of their difficulties.

I have since asked them if it would be permissible to put it into the CONGRESSIONAL RECORD.

They have indicated that I could do that.

I ask to insert it into the RECORD at the end of my remarks, Mr. President. But I do it not to criticize any one person or those who helped Barbara Crockett, but rather to suggest that our present system is so complicated that it just baffles most people. David Crockett is a person of much above-average ability, and yet, you sense as you read his letter the complications that he has run into.

We have to have a better health delivery system in this country, Mr. President. We also have to have a health delivery system that covers everyone and that does not include escalating health costs and, finally, we have to have one that is not so complex.

I urge my colleagues to read the statement by the Crocketts, which I ask to insert into the RECORD at this point.

The statement follows:

NEWTONVILLE, MA, *March 12, 1992.*

Senator PAUL SIMON,
Dirksen Building, Washington, DC.
Attn: Ms. Jackie Williams.

DEAR SENATOR PAUL SIMON: Thank you for your letter of February 18 which arrived several days ago. I have been thinking a good deal about the assignment which Barbara and I accepted and enclose the following:

First, it was a great singular pleasure for Barbara and me to meet you on our recent trip from Chicago to Omaha. We were traveling for Barbara's 100 day check-up on her recent transplant. Our son Michael, if you recall, had worked for your campaign here in Massachusetts during the last presidential election. He was pleased that you had signed a business card thanking him. We have forwarded this to him at Wake Forest University. He will graduate this spring and will enter the U.S. Army for commissioning in the fall.

Second, I have taken the liberty to write this letter as a follow up of our conversation. This is to express one major concern regarding our experiences with the "catastrophic" health issue. We realize we are not unique but wish to express one concern for your consideration.

Third, it is with some interest that our family has been watching the Senate and House conferences on the plight of our National Health Care services. I do not necessarily want to discuss the quality of care given Barbara. For the most part it has been excellent. The issue seems to be not only to provide affordable coverage for all for competent services and medical care but beyond this is a question of the techniques and rules by which a provider gets reimbursed by the insurer, and what costs are the patient's responsibility. It is next to impossible for a person to understand when charges are properly made by the health care provider and if these services are properly paid. The next step is how to have these services reviewed if there is a question. (Presently it takes a professional accountant and a corporate lawyer almost to understand what is going on, slight exaggeration.)

Fourth, our family has just experienced and continues experiencing breast cancer treatments for Barbara including a stem cell (bone marrow type) transplant. This was completed recently at the University of Nebraska Medical Center in Omaha, NE. For this transplant, the total cost is now nearly $325,000. We were told, in the beginning, the cost would be somewhere between $125,000 to $150,000 hospital costs plus $25,000 physicians fees providing she had a minimum of complications. We had complications, a total of nearly $200,000 worth and it continues to grow. We, fortunately, have a good provider and worked diligently and tirelessly for agreement with our health insurer to cover expenses before entering the hospital. Coverage had to be guaranteed before any treatment could begin. At present, nearly $225,000 has yet to be paid but, "is in the pipeline" being reviewed.

Fifth, the billings are over 120 pages of statements broken down over a period of 10 to 12 weeks including physicians and hospital charges. It is painful enough to suffer with a "catastrophic" illness. To be given the additional burden of ensuring all charges are legitimately paid without understanding why or how is extremely painful. (It is another lone responsibility of our family.) On each billing page are nearly 20 separate charges for an approximate separate charges of 2,000 items. So far 20% of these items needed review and had to be resubmitted on separate forms. I have spend nearly five to ten hours a week for nearly four months identifying, submitting and officially requesting review of these 400 items. About 60% are under $50, and 30% are under $200 and about 10% are over $500.

Finally, what our family request Congress to consider is how to unify and standardize medical billing and payment procedures nation-wide, in addition to help improve the availability of health care for all. The problem is compounded if the person receiving treatment is also responsible for record keeping.

Respectfully submitted.

Very truly yours,
DAVID and BARBARA CROCKETT,
JOHN and MICHAEL.•

ETHANOL AND THE CLEAN AIR ACT

• Mr. SIMON. Mr. President, I am a cosponsor of the sense-of-the-Senate resolution offered by my friends from Minnesota, Iowa, and South Dakota. This resolution expresses extreme disappointment in the administration's handling of rulemaking procedures on the Clean Air Act as they relate to ethanol.

The administration has an opportunity to take the lead on an important pollution control initiative that would result in our most polluted cities having cleaner air. I am talking about the role of ethanol in the implementation of the Clean Air Act.

In Illinois, we continue to believe that ethanol can play a significant role in our overall air pollution control strategies. It is my understanding that there is a statistically insignificant difference in impact between ethanol blended fuels and other alternative fuels, such as methanol, on ozone air quality. Using the simple model, as the EPA has chosen to do to set guidelines for implementation of various titles of the Clean Air Act is basically unfair to an innovative industry.

Ethanol is a renewable resource that serves as an important new market for farmers and it reduces our dependence on foreign oil. The White House so far has refused to give ethanol a level playing field, despite the undeniable fact that Congress clearly and absolutely directed the administration to treat ethanol fairly. The longer they waffle on this issue the tougher it is for ethanol to assume a fair share of the market.●

PERSIAN GULF WAR VETERANS HEALTH REGISTRY

● Mr. SIMON. Mr. President, I am sure that you and many of our colleagues are beginning to hear, as I am, from military personnel who served in the Persian Gulf war and who now suffer from medical conditions they believe to have been caused by their service in the gulf.

Some have experienced fatigue, chronic cough, aching joints, and other flu-like symptoms that won't go away. Others report heart palpitations, severe weight loss, and sleep disturbance. Doctors at Walter Reed Army Medical Center have diagnosed in gulf war veterans a number of cases of leishmaniasis, a parasitic disease that is transmitted by sandfly bites.

The Department of Veterans Affairs is doing its best to assist veterans with these complaints, and the Department of Defense has begun investigations to determine whether any of these conditions may have been caused by military service in the gulf region. I think it is safe to assume it could take months, perhaps years, to make those determinations.

In the meantime, I believe the most useful steps we can take for the long term are to establish, within the Department of Veterans Affairs, a standardized medical examination for veterans who believe they have diseases or conditions that may be related to their Persian Gulf war service, and to set up a registry of all Persian Gulf war veterans who report medical problems. If a decade of confusion and uncertainty over the agent orange issue taught us anything it is that it is important to establish a mechanism for long term tracking of veterans and their medical conditions and related information.

The standardized medical examination would ensure that information collected on veterans' health status would not vary from one VA medical center to another, making it easier to conduct epidemiologic studies later if they are found to be necessary.

The registry would serve as a sentinel of patterns of diseases or disorders that might develop. It would help scientists design epidemiologic studies to investigate suspected associations of gulf war service and particular health conditions. It would be invaluable as a tool for communicating important scientific or diagnostic information to affected veterans if investigations lead to information about screening or treatment that could benefit veterans.

To his credit, Secretary Derwinski has asked the Congress for new authorities to establish a Persian Gulf war veterans registry and the associated medical examination program. I believe the Secretary is on the right track here and that Congress should assist in whatever way is necessary to establish this important program. It is the very least we can do for those who risked their lives in the Persian Gulf war.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, September 11; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that immediately following the Chair's announcement, there be a period for morning business, not to extend beyond 10:30 a.m., solely for the purpose of Members of the Senate offering eulogies to our late colleague, Quentin Burdick.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is not further business to come before the Senate, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 10:21 p.m., recessed until Friday, September 11, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1992:

DEPARTMENT OF LABOR

ROBERT E. WALLACE, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING, VICE THOMAS E. COLLINS III.

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

WILLIAM J. BYRON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (REAPPOINTMENT.)

THOMAS EHRLICH, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (REAPPOINTMENT.)

GEORGE W. ROMNEY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (REAPPOINTMENT.)

JOHNNIE M. SMITH, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (REAPPOINTMENT.)

GLEN W. WHITE, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (REAPPOINTMENT.)

IN THE AIR FORCE

THE FOLLOWING U.S. AIR FORCE RESERVE OFFICER TRAINING CORPS GRADUATES FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

ALLMART, BARBARA E., [redacted]
ALMQUIST, CHARLES R., [redacted]
ANDERSON, DAGVIN R. M., [redacted]
ANDERSON, MARK C., [redacted]
ANDREOTTI, DINA M., [redacted]
BALLARD, MICKEY L., [redacted]
BALTS, KEITH W., [redacted]
BANHOLZER, DAVID D., [redacted]
BARKER, MATTHEW A., [redacted]
BARTHOLOMEW, DEREK S., [redacted]
BAYLOR, HEATHER L., [redacted]
BILODEAU, PETER M., [redacted]
BLAHNIK, KEVIN MICHAEL, [redacted]
BOWEN, JOHN T., [redacted]
BROWN, HAL D., [redacted]
BURT, DEANNA M., [redacted]
BYROM, CHRISTOPHER L., [redacted]
CABOSKY, STEVEN R., [redacted]
CAMPBELL, JEFFREY S., [redacted]
CANNON, MONTE R., [redacted]
CAREY, JOEL L., [redacted]
CARTER, KIMBERLY J., [redacted]
CATALANO, DEAN J., [redacted]
CATLIN, SCOTT J., [redacted]
CISNEROS, JOE M., JR., [redacted]
CLANCY, CARRIE A., [redacted]
CLAYTON, HERBERT L., [redacted]
COCANOUR, NILES M., [redacted]
COLE, DARREN R., [redacted]
CONLEY, WILLIAM, [redacted]
CORNELL, MICHAEL L., [redacted]
CORNWELL, DYLAN R., [redacted]
DAVEY, DANIEL M., [redacted]
DAVIS, DEREK C., [redacted]
DEARHAMER, AUDREY M., [redacted]
DELAMATER, DOUGLAS C., [redacted]
DEVORE, JEFFREY W., [redacted]
DONOFRIO, MARK, [redacted]
DOZIER, TODD A., [redacted]
DRABEK, KEITH E., [redacted]
DUBOSE, ANTHONY W., [redacted]
DUDAS, BRIAN A., [redacted]
DUNCAN, VERNON F., [redacted]
ECKERT, LINDA N., [redacted]
EDWARDS, HOLLY ANN, [redacted]
ESPINO, ERIC A., [redacted]
FLANNERY, JERRY J., [redacted]
FOLEY, MATTHEW J., [redacted]
FREEMAN, CHRISTOPHER A., [redacted]
GARDNER, SCOTT K., [redacted]
GEOGHAN, ANGELINE P., [redacted]
GAIMMO, TODD M., [redacted]
GILMORE, JENNIFER L., [redacted]
GIONDOMENICA, NICOLE, [redacted]
GREEN, CHRISTY R., [redacted]
GWIN, RIQUE J., [redacted]
HAGAN, THOMAS M., [redacted]
HALDOPOULOS, ALEXANDER G., [redacted]
HALL, KAREN M., [redacted]
HARING, SHAWN L., [redacted]
HARRISON, CRAIG R., [redacted]
HAUGE, ROBERT S., JR., [redacted]
HEADLEY, MICHAEL J., [redacted]
HEIGLE, JAMES M., [redacted]
HENSLEY, DONALD M., JR., [redacted]
HENSLEY, THOMAS K., [redacted]
HERNANDEZ, MICHAEL F., [redacted]
HETLAND, ROBERT A., [redacted]
HEYEN, ROBERT E., [redacted]
HIESTER, JUSTIN T., [redacted]
HILL, LAYNE A. K., [redacted]
HOARD, TOMMY J., JR., [redacted]
HOBSON, GEORGE K., [redacted]
HOLT, KEVIN L., [redacted]
HOPKINS, MICHAEL S., [redacted]
HOWARD, WENDY K., [redacted]
HUMPHREY, JAMES M., [redacted]
HUMPHREY, JIMMY C., [redacted]
IWAI, JEAN K., [redacted]
IWERSEN, KEVIN W., [redacted]
JOHNSON, CRAIG P., [redacted]
JOHNSON, MARK R., [redacted]
JUDY, DARRELL F., [redacted]
KANNING, PAUL A., [redacted]
KARPEL, CHRISTINE A., [redacted]
KEIDEL, WERNER W., [redacted]
KERZIE, THEODORE D., [redacted]
KILIAN, MICHAEL S., [redacted]
KIRBY, KELLY M., [redacted]
KLEIN, JEFFREY S., [redacted]
KLINK, AMANDA C., [redacted]
KOCKLER, JAMES S., [redacted]
KOONTS, TODD D., [redacted]
KUNG, JERRY J., [redacted]
KVIDERA, MARNI D., [redacted]
KYLAR, VICTOR C., [redacted]
LOWNEY, KRISTEN D., [redacted]
LYONS, DAVID BRADLEY, [redacted]
MAGNAN, STEPHEN W., [redacted]
MALTBIE, SEAN C., [redacted]
MARTIN, BRYAN T., [redacted]
MCCARY, MARK E., [redacted]
MCGRATH, STEPHEN F., [redacted]
MCNURLIN, THOMAS C., [redacted]
MEEKS, THOMAS B., [redacted]
MOON, SCOTT D., [redacted]
MORGAN, RICHARD S., [redacted]
MORLEY, W. MATTHEW, [redacted]

MOSLE, WILLIAM B., [redacted]
MOXLEY, RICK G., [redacted]
MURPHEY, TODD A., [redacted]
NAGASAKA, BRUCE J., [redacted]
NAVARRO, JAMES, [redacted]
NEUMANN, AMY M., [redacted]
NILES, LORI L., [redacted]
NOBLE, MICHAEL L., [redacted]
NOONAN, ROBERT T., [redacted]
NORDLOH, GEOFFREY D., [redacted]
NORRIS, JOHN W., [redacted]
ONEIL, BRIAN D., [redacted]
OQUINN, SPENCER F., [redacted]
OSBORNE, TNLE [redacted]
PATEL, PARIMAL R., [redacted]
PATTERSON, TIMMOTHY L., [redacted]
PEIFER, KENNETH V., [redacted]
PELOQUIN, KEITH A., [redacted]
PETERSEN, CHRISTOPHER R., [redacted]
PIAZZA, RICHARD J., [redacted]
PICHON, CHRISTINE G., [redacted]
PILLER, MARSHA D., [redacted]
QUINTINI, MICHAEL R., JR., [redacted]
REED, GREGORY A., [redacted]
READ, TIMOTHY M., [redacted]
REIDY, JOSEPH T., [redacted]
RENNER, STEPHEN L., [redacted]
REYESLATTOUF, OMAR, [redacted]
RICKER, ROBERT A., [redacted]
ROBERTS, ALLEN R., [redacted]
ROSS, CAROLYN L., [redacted]
ROTTMAN, SCOTT A., [redacted]
RUNKLE, BRYAN T., [redacted]
RYE, JOHN D., [redacted]
SAGE, JAMES R., [redacted]
SCHLEISMAN, JULIE I., [redacted]
SCHUETTKE, ADRIAN C., [redacted]
SEALE, DARRELL R., [redacted]
SHIPTON, DONNA D., [redacted]
SMITH, SHANNON D., [redacted]
SPEIDEL, KENNETH S., [redacted]
STRACENER, DANIEL M., [redacted]
SUGIYAMA, STEVE S., [redacted]
TAKAMINE, LINDA H., [redacted]
TAYLOR, ROBERT M., [redacted]
TAYLOR, ROBERT M., II, [redacted]
THEISEN, CRAIG G., [redacted]
THOMAS, GREGORY D., [redacted]
THOMPSON, SCOTT T., [redacted]
UHRICH, JOHN M., [redacted]
VILLANUEVA, ROSE M., [redacted]
VOORHEES, JOHN C., [redacted]
WAGNER, CHRISTINA M., [redacted]
WAITE, RALPH J., IV, [redacted]
WALKER, BRIAN P., [redacted]
WALTON, EDWINA M., [redacted]
WARDELL, JEFFREY S., [redacted]
WELCH, AMY L., [redacted]
WHITE, DAVID L., [redacted]
WILCOX, JOHN T., II, [redacted]
WIMSATT, WILLIAM D., [redacted]
WITZEL, MARK D., [redacted]
WOLFE, PATRICK F., [redacted]
YARBOROUGH, CULLA L., [redacted]
YARBROUGH, ROBERT L., JR., [redacted]
YBALLE, MELANIE A., [redacted]
ZIMMERMANN, JASON R., [redacted]
ZORTMAN, SEAN E., [redacted]
ZUBER, MATTHEW E., [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

WILLIAM AGRELLA, [redacted]
CHANG K. AKANA, [redacted]
ALAN K. ALBERS, [redacted]
MARIAN F. ALEXANDER, [redacted]
WILLIAM L. ALFORD, [redacted]
JULIAN D. ALLEN, [redacted]
MICHAEL D. ALLEN, [redacted]
JAMES E. ALLGOOD, [redacted]
HERBERT K. ANDERSON, JR, [redacted]
MICHAEL D. ARCHER, [redacted]
ANITA M. ARMS, [redacted]
GEORGE A. ARMSTRONG, III, [redacted]
CHARLES W. ASHLEY, [redacted]
DAVID J. ASHTON, [redacted]
THOMAS L. ASLAKSON, [redacted]
DELBERT B. ATKINSON, [redacted]
JAY L. BAIRD, [redacted]
NATHAN R. BARD, JR, [redacted]
RONALD R. BARRETT, [redacted]
HAROLD H. BARTON, JR, [redacted]
JOSEPH S. BARTON, [redacted]
RODNEY L. BATES, [redacted]
JOHN V. BAUMAN, [redacted]
ANTHONY M. BEAT, [redacted]
MASON H. BECKETT, JR, [redacted]
THOMAS I. BEIL, [redacted]
THOMAS M. BELISLE, [redacted]
DAVID G. BELL, [redacted]
DENNIS R. BELL, [redacted]
FRANK L. BELOTE, JR, [redacted]
KEITH A. BENNETT, [redacted]
ROBERT B. BENNETT, [redacted]
MICHAEL J. BERENC, [redacted]
WILLIAM L. BERLAND, [redacted]
RODNEY J. BERLIN, [redacted]
THOMAS J. BERRY, JR, [redacted]
LINDA M. BEULKE, [redacted]
DONALD L. BLACK, [redacted]
LAMBERTH W. BLALOCK, JR, [redacted]
ROBERT R. BLANDIN, [redacted]
JOHN A. BLIND, [redacted]
GARY R. BLUM, [redacted]
RODNEY L. BOATRIGHT, [redacted]
KENNETH R. BOERUM, [redacted]
DANIEL J. BOHLIN, [redacted]
PAUL A. BOISSONNEAULT, [redacted]
WILLIAM A. BONTLY, [redacted]
STEVEN C. BOWMAN, [redacted]
DAVID S. BRACH, [redacted]
GARY C. BRADHAM, [redacted]
ROBERT B. BRADY, [redacted]
MARTIN C. BRANDT, [redacted]
GLENN A. BRAZELTON, [redacted]
TOMMY L. BRAZIE, [redacted]
JAMES E. BROWN, [redacted]
ROBERT C. BROWN, JR, [redacted]
WILLIAM S. BRUENING, [redacted]
TERRY L. BRUMM, [redacted]
LEONARD W. BRYANT, [redacted]
RAYNOR L. BUCKLEY, II, [redacted]
LOUIS W. BUCKNER, [redacted]
DAVID T. BUCKWALTER, [redacted]
JOAN G. BULLOCK, [redacted]
GARY J. BUNDY, [redacted]
BERNARD B. BURKLUND, JR, [redacted]
PATRICK A. BURNS, [redacted]
ROBERT BURNS, III, [redacted]
ROBERT M. BURNSIDE, [redacted]
WILLIAM E. CAFFALL, [redacted]
MARIO S. CAFIERO, [redacted]
JOHN P. CALDWELL, [redacted]
CHARLES K. CAMPBELL, [redacted]
JOHN J. CANTWELL, [redacted]
LAWRENCE D. CARDINAL, [redacted]
STEVEN CARMICHALL, [redacted]
STEPHAN R. CARROLL, [redacted]
RONALD D. CARTER, [redacted]
PAMELA R. CASEY, [redacted]
RICHARD J. CASEY, [redacted]
JOSEPH R. CASPERS, [redacted]
JOHN J. CATTON, JR, [redacted]
KEITH H. CAUDLE, [redacted]
JOHN B. CAULFIELD, [redacted]
ANDREW J. CERONI, JR, [redacted]
ROBERT C. CHAPURAN, [redacted]
THOMAS M. CHESTER, [redacted]
STEPHEN J. CHMIOLA, [redacted]
THOMAS W. CHRISTENSEN, [redacted]
TRUDY H. CLARK, [redacted]
WILLIAM S. COLE, JR, [redacted]
MICHAEL A. COLLINGS, [redacted]
WILLIAM J. COLMER, [redacted]
RICHARD L. COMER, [redacted]
LARRY G. CONKLE, [redacted]
DALE J. COOK, [redacted]
WILLIAM J. COOPER, [redacted]
RICHARD D. COPPS, [redacted]
THOMAS R. CORBITT, [redacted]
JOHN D. W. CORLEY, [redacted]
JOHN S. COSTELLO, [redacted]
STETSON R. COWAN, [redacted]
MICHAEL H. COX, [redacted]
ROBERT L. COX, JR, [redacted]
WALTER M. CRANDALL, III, [redacted]
CHARLES A. CRAW, JR, [redacted]
CAMERON M. CRAWFORD, [redacted]
THOMAS M. CRAWFORD, III, [redacted]
MARIA I. CRIBBS, [redacted]
TERRENCE G. CROSSEY, [redacted]
WILLIAM E. CROWE, JR, [redacted]
ROGER P. CROZAT, [redacted]
BRUCE R. CUCUEL, [redacted]
WILLIAM W. CULTICE, [redacted]
MICHAEL A. CUOIO, [redacted]
JOHN R. CURRY, [redacted]
SCOTT S. CUSTER, [redacted]
DANIEL C. DALEY, [redacted]
STEPHEN H. DALRYMPLE, [redacted]
LARRY D. DANIEL, [redacted]
DANIEL A. DANSRO, [redacted]
LOUIS E. DAVIS, [redacted]
WILLIAM R. DAVIS, [redacted]
JAMES N. DEAN, [redacted]
KENNETH M. DECUIR, [redacted]
DANIEL B. DEDONA, [redacted]
STEVEN J. DEHAVEN, [redacted]
JAMES P. DELOUGHRY, [redacted]
ROSEMARY A. DENTON, [redacted]
DAVID A. DEPTULA, [redacted]
ARTHUR F. DIEHL, III, [redacted]
RONALD E. DIETZ, [redacted]
MARC J. DINERSTEIN, [redacted]
WILLIAM J. DINWOODIE, [redacted]
JOHN R. DIPIERO, [redacted]
DONALD R. DIXON, [redacted]
JOHN C. DOMINICK, JR, [redacted]
WALTER J. DONEGAN, [redacted]
THOMAS DOOLEY, [redacted]
RONALD J. DRAKE, [redacted]
WILLIAM J. DRAKE, [redacted]
SAMUEL N. DREW, [redacted]
FREDERICK J. DRIESBACH, [redacted]
DONALD M. DROLLINGER, [redacted]
WILLIAM H. DUDLEY, [redacted]
MICHAEL J. DUFFEE, [redacted]
LESLIE M. DULA, [redacted]
BOB D. DULANEY, [redacted]
MELVIN A. DUMKE, [redacted]
KENNETH K. DUMM, [redacted]
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DAVID W. DUNTZ, [redacted]
FELIX DUPRE, [redacted]
GARY R. DYLEWSKI, [redacted]
MICHAEL J. DZIEDZIC, [redacted]
EDWARD J. EADON, [redacted]
KENNETH D. EASTMAN, [redacted]
GREGORY A. EBENSPERGER, [redacted]
HALSON K. EDIE, [redacted]
JOSEPH L. EDWARDS, [redacted]
RONALD A. EDWARDS, [redacted]
ROBERT H. EKSTROM, [redacted]
JOSEPH A. ENGELBRECHT, JR, [redacted]
LOUIS E. ENZWEILER, [redacted]
JOHN H. ESTES, IV, [redacted]
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LEWIS V. EVANS, IV, [redacted]
DAN FAGAN, JR, [redacted]
ALBERT A. FALCIONE, [redacted]
LAWRENCE C. FARNELL, [redacted]
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BRIAN G. FINNAN, [redacted]
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PAUL J. FLETCHER, [redacted]
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STEPHEN C. FORGIEL, [redacted]
RANDALL M. FOUNTAIN, [redacted]
JAMES M. FOWLER, [redacted]
LARRY C. FRANKS, [redacted]
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PAUL J. FRICHTL, [redacted]
THOMAS R. FRIERS, [redacted]
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MARK D. GAGE, [redacted]
WESLEY W. GALLOP, [redacted]
LARS E. GARE, [redacted]
JERRY L. GARLINGTON, [redacted]
DAVID D. GARNER, [redacted]
WINFRED J. GARST, JR, [redacted]
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GLENN S. GEARY, [redacted]
MICHAEL E. GEBHARDT, [redacted]
SUZANNE B. GEHRI, [redacted]
FREDERICK B. GERVAIS, [redacted]
WOLFGANG E. K. GESCH, [redacted]
DANNY R. GILBERT, [redacted]
RUSSELL L. GILBERT, [redacted]
ROBERT D. GLASS, [redacted]
BOBBY E. GLISSON, [redacted]
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STEVEN C. GORDON, [redacted]
STANLEY GORENC, [redacted]
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BRYANT E. GROSS, [redacted]
LARRY L. GUINN, [redacted]
HOMER L. GUY, [redacted]
DEXON B. GUZMAN, [redacted]
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LARRY H. HARRIS, [redacted]
BERNARD E. HARVEY, [redacted]
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GENE R. HICKMAN, [redacted]
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HENRY W. HORTON [redacted]
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THOMAS E. HUGHSTON, [redacted]
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DALE E. IRVING, [redacted]
GORDON F. JANTZ [redacted]
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PHARRIS D. JOHNSON [redacted]
OSCAR W. JOHNSTON, [redacted]
BRIAN W. JONES, [redacted]
CHARLES E. JONES [redacted]
DONALD E. JONES, [redacted]
FRANCIS S. JONES [redacted]
GREGORY L. JONES [redacted]
JAMES A. JONES [redacted]
MICHAEL L. JONES [redacted]
TIMOTHY C. JONES, [redacted]
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JOHN W. KUGLER, [redacted]
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MARK C. LEE [redacted]
MARK P. LENNON [redacted]
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MARTIN D. MASUDA, [redacted]
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NORMAN C. MCCASLIN, [redacted]
GEORGE C. MCCLEARY, JR [redacted]
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PAGE G. MCGIRR, [redacted]
TIMOTHY J. MCGOLDRICK, [redacted]
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ALAN R. MERTZ, [redacted]
JAMES A. MEYER [redacted]
JOHN C. MEYER, JR [redacted]
JOSEPH S. MICHALOWSKI, JR [redacted]
ANDREW S. MILLER, [redacted]
THOMAS B. MILLER, [redacted]
THOMAS D. MILLER, [redacted]
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PETER W. MOATES, [redacted]
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JOHN R. MONTAN, [redacted]
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ARTHUR B. MORRILL, III [redacted]
NICHOLAS MOTOWYLAK, JR., [redacted]
STEPHEN J. MOTT [redacted]
RANDOLPH M. MOYER, [redacted]
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ROBERT L. MUNN, [redacted]
JOSEPH C. MUNTER [redacted]
LAWRENCE P. NADIG, [redacted]
ALLAN R. NELSON, [redacted]
MICHAEL A. NEYLAND, [redacted]
EDWARD W. NOLTE, [redacted]
ROLAND D. NYBERG, [redacted]
KENTON F. OAKES, [redacted]
HENRY A. OBERING, III, [redacted]
JAMES R. OBRIEN, JR [redacted]
WILLIAM H. OLDENBURG, II, [redacted]
ROGER A. OLIVER, [redacted]
WILLIAM J. OMEARA [redacted]
EDWARD R. OPHOF, [redacted]
THOMAS A. ORAM, [redacted]
ROBERT A. OSTERHOLTZ, [redacted]
ENRIQUE A. OTI, II, [redacted]
EDWARD S. OWENS, [redacted]
WILLIAM S. OWENS, [redacted]
ARTHUR M. PACKARD, III [redacted]
FREDERICK G. PADGETT [redacted]
THOMAS J. PADGETT, JR [redacted]
STEVEN M. PALADINI [redacted]
JAMES E. PALLAS, III, [redacted]
JEFFREY J. PARKER [redacted]
DENNIS B. PARKHURST [redacted]
ANTHONY O. PATINO [redacted]
BYRON S. PAUL, III [redacted]
DONALD G. PEABODY, [redacted]
GERALD F. PEASE, JR [redacted]
ROBERT R. PEAVEY, [redacted]
JAMES R. PENICK [redacted]
RONALD W. PERKINS, [redacted]
JOHN E. PERRIGO [redacted]
RUSSELL N. PETER [redacted]
ROBERT L. PETERS, II [redacted]
ERIC C. PETERSON, [redacted]
MICHAEL W. PETERSON [redacted]
TERESA M. PETERSON [redacted]
WALTER P. PETROFSKI [redacted]
GAYLE H. PFEIFFER [redacted]
KEVIN D. PHILLIPS, [redacted]
RICHARD C. POCH, [redacted]
RONALD P. POLAND, [redacted]
JOSEPH F. POLITO, JR [redacted]
THOMAS B. POOLE, [redacted]
MICHAEL F. POORE, [redacted]
JOHN P. POPE [redacted]
DAVID B. PORTER, [redacted]
JACKIE C. POTTER [redacted]
DAVID E. POTTS, [redacted]
MICHAEL T. PROBASCO, [redacted]
MICHAEL J. PROWSE [redacted]
DONALD J. QUEEN, [redacted]
CHARLES M. QUILLIN, JR., [redacted]
LARRY G. RADOV, [redacted]
DAVID L. RAKESTRAW, [redacted]
RONALD T. RAND, [redacted]
STEPHEN P. RANDOLPH [redacted]
WAYNE K. RANNE, [redacted]
WAYNE A. RECKNOR, [redacted]
JAMES T. REEVES, [redacted]
MELVIN M. REEVES, JR [redacted]
DANNY C. REHM, [redacted]
ROBERT V. REID [redacted]
PETER H. RENSEMA [redacted]
WILFRED E. RENY [redacted]
MICHAEL A. REUSCHE [redacted]
RICHARD T. REYNOLDS, [redacted]
KATHLEEN I. RHODES [redacted]
ROBERT N. RHODES, [redacted]
EDWARD A. RICE, JR., [redacted]
JAMES L. RICHARDS, [redacted]
DOUGLAS J. RICHARDSON, [redacted]
RICHARD D. RIDER, [redacted]
KENT S. RINDY [redacted]
CHARLES M. ROBARDS, [redacted]
KAREN A. ROBERTON, [redacted]
BEN T. ROBINSON, [redacted]
NEAL T. ROBINSON, [redacted]
WILLIAM E. ROBINSON, [redacted]
JOANNE M. RODEFER [redacted]
CON M. RODI, [redacted]
MARK S. ROMAN, [redacted]
CHARLES S. ROMES, [redacted]
STEPHEN C. ROOT, [redacted]
JOHN W. ROSA, JR. [redacted]
LARRY G. ROSELAND, [redacted]
MICHAEL J. ROSSO, JR [redacted]
CHARLES A. ROYCE, [redacted]
RICHARD E. ROZIER, [redacted]
DONALD W. RUPERT, [redacted]
WILLIAM D. RUSSELL [redacted]
JAMES L. RUTTLER, JR [redacted]
RANDALL L. SAGE, [redacted]
FELIX SANCHEZ, [redacted]
BILL SANDERS, [redacted]
ANTHONY A. SAPUTO, [redacted]
NORMAN SCHAULE, [redacted]
WILLIAM G. SCHAUZ, [redacted]
WILLIAM H. C. SCHELL, JR [redacted]
HERBERT B. SCHERBINSKE [redacted]
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JOHN E. SCHMIDT, [redacted]
DAVID F. SCHREIER, [redacted]
LOREN J. SCHROEDER [redacted]
ROBIN E. SCOTT, [redacted]
RICHARD M. SEE, [redacted]
JOHN C. SHACKELFORD, [redacted]
JAMES W. SHAFFER [redacted]
PHILIP R. SHAW, [redacted]
STEVEN H. SHELDON, [redacted]
HAROLD R. SHELGREN [redacted]
WILLIAM L. SHELTON, [redacted]
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MICHAEL D. SHOEMAKER, [redacted]
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DONALD C. SIEGEL, [redacted]
GREGORY A. SIEGEL, [redacted]
DAVID J. SKALKO, [redacted]
BERNARD K. SKOCH, [redacted]
MARSHALL T. SLATER, JR [redacted]
DAVID F. SLOAN, [redacted]
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MICHAEL W. SMILEY, [redacted]
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LARRY A. SMITH [redacted]
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ROBERT L. SMITH [redacted]
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ANTHONY J. SOBOL, III [redacted]
THOMAS A. SPADA, [redacted]
STEPHEN H. SPENCER [redacted]
PHILLIP W. SPIKER [redacted]
KENNETH SPRAGUE, [redacted]
DAVID C. STAMM, [redacted]
JOHN S. STEPHENS [redacted]
JONATHAN L. STEVENS, [redacted]
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HERBERT L. STODDARD [redacted]
WILLARD N. STOOKE, JR [redacted]
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JAMES SWEEDER [redacted]
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REX B. THOMAS, [redacted]
CHARLES L. THOMPSON, JR [redacted]
DAVID L. THOMPSON, [redacted]
PAUL J. THOMPSON, [redacted]
RONALD L. THURLOW, [redacted]
JOSEPH C. TIMMONS, [redacted]
MARGARET A. TIMMONS, [redacted]
STEVEN L. TINDELL [redacted]
ALBERT N. TINIANOW, [redacted]
ELWOOD C. TIRCUIT, [redacted]
SAMMY S. TODD, [redacted]
JAMES E. TOLES, JR [redacted]
TERRY E. TOMENY [redacted]
JOHN N. TOPLIFFE [redacted]
JAMES P. TOTSCH, [redacted]
HELEN L. TOWNSEND, [redacted]
GARY D. TRENDE, [redacted]
TIMOTHY R. TUGGLE, [redacted]
JOHN L. TULLIS [redacted]
LARRY A. TURNER, [redacted]
MICHAEL J. TYCE, [redacted]
SALLY D. UEBELACKER, [redacted]
KAREN C. UMBERGER, [redacted]
RICHARD J. UNSER, [redacted]
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CARL E. VANPELT [redacted]
RALPH D. VANWAGNER, [redacted]
JOHN T. VENDER, II [redacted]

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JAMES L. VICK, [redacted]
STEPHEN T. VIRGILIO, [redacted]
DAVID A. VOGELGESANG, [redacted]
MARK A. VOLCHEFF, [redacted]
DOSS C. VONBRANDENSTEIN, [redacted]
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CARY M. WALGAMOTT, [redacted]
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RICHARD F. WALSH, [redacted]
THOMAS G. WALTERS, [redacted]
GEORGE W. WALTON, [redacted]
STEPHEN J. WANZEK, [redacted]
JACK D. WARD, [redacted]
WALTER L. WATSON, JR, [redacted]
JOHN B. WATTERSON, [redacted]
SUSANNE M. WAYLETT, [redacted]
EUGENE O. WAYMAN, [redacted]
JAMES L. WEAVER, [redacted]
JOHN A. WEIMER, [redacted]
FRITZ A. WEISE, [redacted]
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LARRY L. WHEELER, [redacted]
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JAMES C. WHITE, [redacted]
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LYNN J. WILLADSEN, [redacted]
JEFFREY N. WILLIAMS, [redacted]
KENNETH W. WILLIAMS, [redacted]
RONALD E. WILLIAMS, [redacted]
JAMES R. WILLIS, [redacted]
JIMMY H. WILSON, [redacted]
KIM M. WINTNER, [redacted]
JAMES L. WISDOM, [redacted]
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STEPHEN G. WOOD, [redacted]
HENRY J. WURSTER, [redacted]
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JAMES M. YOUNG, [redacted]
THOMAS T. YOUNG, [redacted]
TIMOTHY YOUNGBLUTH, [redacted]
RICHARD H. ZEIMET, [redacted]
DAVID R. ZIEGLER, [redacted]
CHARLES A. ZYCHALSKI, [redacted]

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KENNETH G. BEASON, [redacted]
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RICHARD B. HIGGINS, [redacted]
GARY L. HIGGS, SR, [redacted]
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JOEL R. SCHWARTZMAN, [redacted]
JACK D. WILLIAMSON, [redacted]
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WILLIAM E. KRAUSE, JR, [redacted]
ALLEN W. MIDDLETON, [redacted]
GARY J. SPINKS, [redacted]
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ROBERT D. HINDELANG, [redacted]
JAMES F. HOWELL, [redacted]
ANDREW M. JUHAS, [redacted]
WILLIAM J. KELLEHER, [redacted]
ROYETTA MARCONIDOOLEY, [redacted]
CORINNE K. MCNAMEE, [redacted]
MARVIN D. MEINDERS, [redacted]
ROBERT J. PANYIK, [redacted]
ROBERT G. PERRY, [redacted]
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GEORGE W. SEIGNIOUS, IV, [redacted]
JAMES H. YOUNG, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A. VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A. GRADE HIGHER THAN INDICATED.

NURSE CORPS

To be lieutenant colonel

ALMA J. ABALOS, [redacted]
DAVID V. ADAMS, [redacted]
MARTHA W. ADDISON, [redacted]
CHERYL A. ALLEN, [redacted]
DORIS J. ALLSUP, [redacted]
LAURA V. ALVARADO, [redacted]
PHYLLIS L. APPLEWHITE, [redacted]
MARY C. ARELLANEZ, [redacted]
BEVERLY B. BLESSING, [redacted]
JAN S. BOHNENKAM [redacted]
DIANE H. BOUFFARD, [redacted]
CATHERINE M. BOWE, [redacted]
PATRICIA E. BOYLE, [redacted]
LINDA L. BRICKLEY, [redacted]
RHONDA L. BRIDGE, [redacted]
MARY ANN G. BRIGANTE, [redacted]
JOSEPH P. CARDONA, JR, [redacted]
DALE W. CLUKEY, [redacted]
ALFRED M. COLASANTI, JR, [redacted]
VIRGINIA F. CONNELLY, [redacted]
DAVID E. COOPER, [redacted]
BRIGETTA D. CRAFT, [redacted]
PATRICIA L. DAVIS, [redacted]
BONNIE L. DECAMP, [redacted]
KRISTINE C. DECKER, [redacted]
KATHLEEN DOBBS, [redacted]
TERESA J. DOSSEY, [redacted]
BARBARA L. DUBOVECKY, [redacted]
LINDA J. DUFFIELD, [redacted]
NORA M. ERVIN, [redacted]
CONNIE E. FESSLER, [redacted]
LINDA N. FOOTE, [redacted]
DIANNE M. FORTSON, [redacted]
JANE E. FRAHER, [redacted]
CATHY M. GARDNER, [redacted]
CONNIE L. GAVETT, [redacted]
REBECCA A. GOODWIN, [redacted]
JANICE M. GOOKINS, [redacted]
SUSAN E. GRANT, [redacted]
JAN H. HAINES, [redacted]
SUZANNE R. HANSEN, [redacted]
WANDA D. HOFFMAN, [redacted]
GWENDOLYN F. HOLLAND, [redacted]
CHERYL M. HONTZ, [redacted]
FARLEY J. HOWELL, [redacted]
DEBRA S. HUGHES, [redacted]
JUDY L. W. IKIRT, [redacted]
RUTH A. IVERSEN, [redacted]
JOHN R. JOHNSON, [redacted]
DIANA L. KIHLSTADIUS, [redacted]
JANE M. KNIGHT, [redacted]
MARY K. KOOZIN, [redacted]
WILLIAM E. KRAMER, [redacted]
PATRICIA A. LAND, [redacted]
BARBARA A. LARSEN, [redacted]
SUSAN E. LOTT, [redacted]
KRISTIE R. MATHEWS, [redacted]
MARGARET M. MCGUIRE, [redacted]
BONNIE A. MERTELY, [redacted]
WATSON R. MILBERRY, [redacted]
MARK N. MILINSKI, [redacted]
RICHARD E. MILLER, [redacted]
SHEILA A. W. MILLETTE, [redacted]
MADONNA C. MONTOYA, [redacted]
JAMES E. MORGAN, JR, [redacted]
KATHERINE R. MOSLEYCLARK, [redacted]
RAMON L. NAVARRO, [redacted]
TERRY L. NORVELL, [redacted]
JOHN L. OGILVIE, [redacted]
ANDREA L. OMAHONEY, [redacted]
MONICA PAOLINE, [redacted]
ROBERT E. PRICE, [redacted]
SANDRA C. PYANT, [redacted]
THOMAS L. RAMPY, [redacted]
MELISSA A. RANK, [redacted]
JERRY L. REED, [redacted]
ANN REINHART, [redacted]
KATHRYN J. REISENAUER, [redacted]
BETHANY L. H. RICE, [redacted]
KATHLEEN A. ROBERTS, [redacted]
LEOLA MAE ROBINSON, [redacted]
MARION J. ROSE, [redacted]
GLORIA J. ROSEBORO, [redacted]
MICHAEL E. RUSSELL, [redacted]
REBECCA A. RUSSELL, [redacted]
ANTONIA SCIALDO, [redacted]
JOHN A. SEIMETZ, [redacted]
RUDY H. SELLS, [redacted]
DONNA K. SHANKLES, [redacted]
JOLENE J. SHARRETT, [redacted]
SHIRLEY J. SIMPSON, [redacted]
JACQULYN S. SIMPSONHARVEY, [redacted]
DAVID L. SMITH, [redacted]
PAMELA L. SMITH, [redacted]
PATRICIA A. SMITH, [redacted]
MARY A. A. STERLING, [redacted]
PATRICIA A. STEVEN, [redacted]
CHERYL J. STEWART, [redacted]
DONNA J. STROUD, [redacted]
MARY J. STROUP, [redacted]
RENEE G. SUSSMAN, [redacted]
MARY P. SZUTENBACH, [redacted]
THOMAS J. TEGELER, [redacted]
THELMA E. THORN, [redacted]
PAULA E. THUM, [redacted]
GRETA D. TOTH, [redacted]
DARNELL M. WAUN, [redacted]
CHRISTINA P. WESTFIELD, [redacted]
CATHERINE R. WILKALIS, [redacted]
MARK P. WISNIEWSKI, [redacted]
KATHLEEN YOUNG, [redacted]
MARSHA A. ZIMMERMAN, [redacted]

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

FRANZ BADMAEV, [redacted]
DIANE L. BORST, [redacted]
JAMES C. CHAPMAN, [redacted]
RONALD K. CHAPMAN, [redacted]
JOHN T. CODY, [redacted]
DIANE M. CORTNER, [redacted]
MIGUEL A. COTTO, [redacted]
WILLIAM E. DEMPSEY, [redacted]
JOSEPH J. DONNELLY, [redacted]
JAMES W. DOOLEY, [redacted]
VICTORIA S. DUNOVANT, [redacted]
JOHN G. GARLAND, III, [redacted]
GERALD A. GLEASON, [redacted]
TED L. HADFIELD, [redacted]
MICHAEL E. HAYNES, [redacted]
RUSSELL W. HEATH, [redacted]
DAVID L. HERRES, [redacted]
BARNEY H. HUNTER, [redacted]
MARGARET B. JACKSON, [redacted]
JAY K. KIDNEY, [redacted]
GENE A. KILLAN, [redacted]
JAMES J. KUHLMAN, [redacted]
ALAN M. LAFKY, [redacted]
ROBERT G. LAPOE, [redacted]
THOMAS H. LILLIE, [redacted]
DAVID A. LITTS, [redacted]
WILLIAM J. MEHM, [redacted]
ARDIS J. MEIER, [redacted]
FREDERICK M. MEYER, [redacted]
TIMOTHY R. MIDDLETON, [redacted]
ROSS N. MILLER, [redacted]
CARLA A. MONROEPOSEY, [redacted]
THOMAS R. MORGAN, [redacted]
SANDRA K. MURRAY, [redacted]
GARY G. MUTSCHLER, [redacted]
LAURENCE PAZYRA, [redacted]
JULIENELL N. ROBINSON, [redacted]
RANDALL E. SCOTT, [redacted]
GREGORY E. SEELY, [redacted]
HENRY A. SEGNER, [redacted]
SANDRA B. SLOAT, [redacted]
BYRON C. SLUSHER, [redacted]
JOHN V. SMITH, JR, [redacted]
ANDREW J. STOEHR, [redacted]
JEFFREY C. SVENTEK, [redacted]
ALICE A. TARPLEY, [redacted]
DONALD J. TARTASKY, [redacted]
DALE L. THORN, [redacted]
GARY R. UREMOVICH, [redacted]
MARYANN E. WASILESKI, [redacted]
MARK D. WILLIAMS, [redacted]
DAVID B. WIRTH, [redacted]
WILLIAM J. WISNIEWSKI, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

JUDGE ADVOCATE

To be major

RICHARD W. ALDRICH, [redacted]
SUSAN L. ALLEY, [redacted]
AMY M. BECHTOLD, [redacted]
BONNIE J. BLAIR, [redacted]
RAY T. BLANK, [redacted]
LAURA E. CARLAN, [redacted]
GARY L. CONING, [redacted]
CARL P. DENNIS, [redacted]
ARIANE L. DESAUSSURE, [redacted]
BAXTER O. ELLIOTT, [redacted]
THEODORE R. ESSEX, [redacted]
DAVID M. FILLMAN, [redacted]
MARC A. FOX, [redacted]
DAVID L. FRISHBERG, [redacted]
KURT GARNJOST, [redacted]
TERRIE M. GENT, [redacted]
THOMAS J. HASTY, III, [redacted]
THOMAS C. JASTER, [redacted]
RALPH H. KELLER, III, [redacted]
MARSHALL S. KENYON, [redacted]
ZACHARY Z. KINNEY, [redacted]
EUGENE J. KIRSCHBAUM, [redacted]
DENNIS R. LOCKARD, [redacted]
KAREN L. MANOS, [redacted]
GEORGE F. MAY, [redacted]
PAUL D. MCHUGH, [redacted]
GERALD H. MEADER, [redacted]
JOSEPH L. MILLER, [redacted]
ROBERTA MORO, [redacted]
KATHLEEN L. NESSER, [redacted]
STEWART L. NOEL, [redacted]
JEFFREY R. OSBORNE, [redacted]
ROGER W. OVERLAND, [redacted]
TELIN W. OZIER, [redacted]
GREGORY E. PAVLIK, [redacted]
MARY V. PERRY, [redacted]
MATTHEW J. POLGAR, [redacted]
VINCENT J. RAFFERTY, JR, [redacted]

JEFFREY L. ROBB, [redacted]
DANIEL E. ROGERS, [redacted]
GEORGE A. SCHOELLWOLUSKY, [redacted]
STEVEN S. SHOULBERG, [redacted]
PAMELA D. STEVENSON, [redacted]
LAWRENCE W. STUNKEL, [redacted]
STEPHEN D. SUETTERLEIN, [redacted]
ROBERT B. TAUCHEN, [redacted]
RICHARD T. TROWBRIDGE, [redacted]
MALDEGHEM PAUL E. VAN, [redacted]
MICHAEL WELLS, [redacted]
BRIAN J. WELSH, [redacted]

MEDICAL SERVICE CORPS

To be major

MATT ADKINS, JR, [redacted]
MARK L. ALLEN, [redacted]
DOUGLAS E. ANDERSON, [redacted]
HENDRIK J. ANTONISSE, [redacted]
PAULETTA D. BLUEITT [redacted]
RANDY B. BORG, [redacted]
DIANA F. CARROLL, [redacted]
AWILDA CIURO, [redacted]
ALAN R. CONSTANTIAN, [redacted]
VALERIE P. COUNSMAN, [redacted]
STUART R. COWLES, [redacted]
SCOTT M. DAWSON, [redacted]
KERRY M. DEXTER, [redacted]
DANIEL P. DICKINSON, [redacted]
STEPHEN DRINAN, [redacted]
RICHARD D. EDWARD, [redacted]
RUPERT M. EVANS, SR [redacted]
KENT D. FOSTER, [redacted]
KENNETH L. FRANKLIN, [redacted]
WILLIAM J. GAYNOR, [redacted]
STAR C. GRAVETTE [redacted]
ELLEN B. GREIF, [redacted]
FIDEL E. GUILLERMETY, [redacted]
ROBERT U. HAMILTON, [redacted]
MICHAEL R. HARRISON, [redacted]
RAYMOND I. HEIMBUCK, II, [redacted]
CAROL F. HOFFMAN, [redacted]
MICHAEL P. HOLWAY, [redacted]
KENNETH C. JACOBS, [redacted]
MICHELE JAKOBOSKI, [redacted]
CYNTHIA R. JONES, [redacted]
CHRISTOPHER M. KELLEHER, [redacted]
DAVID W. LARGE, [redacted]
KATHLEEN K. LARKIN, [redacted]
LAWRA A. LEE, [redacted]
ROBERT C. LENAHAN, [redacted]
CAREY B. LIEBERMAN, [redacted]
RALPH D. MCBROOM, [redacted]
THOMAS G. MCCAULEY, [redacted]
TIMOTHY R. MCGEE, [redacted]
CYNTHIA L. MCLEMORE, [redacted]
JAMES F. MEYERS, II [redacted]
MICHAEL P. MYATT [redacted]
KRZYSZTOF M. MYSZKOWSKI, [redacted]
MICHAEL K. OCONNOR, [redacted]
GREGORY L. PARISH, [redacted]
RONALD H. PEARSON, [redacted]
THOMAS E. PETERSON, [redacted]
ALFRED E. PLOURDE, JR, [redacted]
DONALD W. SAMPSON, [redacted]
TERESA L. SIROIS, [redacted]
GEORGE R. SNYDER, JR, [redacted]
NORMAN B. SPECTOR, [redacted]
PATRICK H. THROOP, [redacted]
MAURICE V. TURNER, [redacted]
JOHN J. VINACCO, JR, [redacted]
VIRGINIA L. WERESZYNSKI, [redacted]
MARY Z. WHITFIELD, [redacted]
DONNIE R. WIDEMAN, [redacted]
CHARLES K. WOLAK, [redacted]
THOMAS E. YINGST, [redacted]
M. JEANNE YODER, [redacted]

BIOMEDICAL SERVICES CORPS

To be major

ISAAC ATKINS, JR, [redacted]
STEPHEN M. BAKALYAR, [redacted]
JAMES E. BOHNE, JR, [redacted]
RUSSELL S. BOYD, [redacted]
HERBERT BROWN, [redacted]
JOHN W. BULLOCK, [redacted]
MICHEL L. BUNNING, [redacted]
BRUCE R. BURNHAM, [redacted]
PAMELA L. BURR, [redacted]
GARY N. CARLTON, [redacted]
TERRY L. CARPENTER [redacted]
KARAN CHARISSEPIERCY, [redacted]
WAYNE C. CHEATUM, [redacted]
MITCHEL A. COLE, [redacted]
DIANE CONE, [redacted]
WILLIAM G. COURTNEY, [redacted]
FORREST C. CUNNINGHAM, [redacted]
STEVEN R. DEANDA, [redacted]
ROBERT H. DOE, [redacted]
JAMES A. DONNER, [redacted]
BRADFORD R. DUNN, [redacted]
JEROME J. ERSLAND, [redacted]
PAUL W. FISHER, [redacted]
JESSE GARCIA, [redacted]
DAVID P. GIBSON, JR, [redacted]
ROGER L. GIBSON, [redacted]
DANNY J. GLOVER, [redacted]
JOHN K. GRAYSON, [redacted]
CARROLL H. GREENE, III, [redacted]
MARK D. GREGORY, [redacted]
LIANNE W. GROSHEL, [redacted]
RANDALL S. HAGAN, [redacted]
KENNETH E. HALL, [redacted]
KENT K. HALL, [redacted]
MARY E. HILLIS, [redacted]
HAROLD S. HILLMAN, [redacted]
MARK S. HOLDEN, [redacted]
STEVEN J. HUTTON, [redacted]
RONALD E. JEFFCOTT, [redacted]
MARK R. JOHNSON, [redacted]
DANIEL M. KAMIENIECKI, [redacted]
ARTHUR S. KAMINSKI, [redacted]
ROBERT N. KANG, [redacted]
SUSAN E. KNOLL, [redacted]
BILLY M. KNOWLES, JR, [redacted]
ERNEST J. LIDDLE, JR, [redacted]
PETER W. MACARTHUR, [redacted]
ALLEN L. MACOMBER, [redacted]
JOSEPH R. MAIDEN, [redacted]
DAVID L. MARTIN, [redacted]
JOHN M. MCATEE, [redacted]
CANDACE L. MCCALL, [redacted]
RAMON M. MEDINA, [redacted]
JOHN R. MEINHOLD, [redacted]
STEPHEN L. MIKKELSEN, [redacted]
CAROLYN L. MILLER, [redacted]
JAMES E. MITCHELL, [redacted]
EDWARD P. MOLNAR, JR, [redacted]
KARLA A. MOORE, [redacted]
SARAH E. MOORE, [redacted]
KEVIN P. MULLIGAN, [redacted]
KAREN D. NARANJO, [redacted]
DANIEL P. NAUGHTON, [redacted]
DEBRA M. NIEMEYER, [redacted]
DANIEL R. ORME, [redacted]
JAIME B. PARENT, [redacted]
LEONARD C. PERRY, [redacted]
STEPHEN WALTER PRAWDZIK, [redacted]
RONALD W. RICHARDSON, [redacted]
RANDY L. ROBINETTE, [redacted]
JOAN E. SCHNEIDER, [redacted]
THERESA YARBER SCHULZ, [redacted]
JAMES W. SMITH, [redacted]
RICHARD M. SPEER, [redacted]
HENRY J. THOMPSON, JR, [redacted]
RICHARD J. TOKARSKI, [redacted]
BRUCE E. WEAVER, [redacted]
DULCIE A. WEISMAN, [redacted]
WILLIAM A. WRIGHT, [redacted]
MANFRIED K. ZEITHAMMEL, [redacted]

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

ARMY NURSE CORPS

To be lieutenant colonel

FRIEBE B. ABOLEY, [redacted]
NANCY E. ALFORD, [redacted]
JEAN M. ANDERSON, [redacted]
LUCRETIA ANDERSON, [redacted]
JAMES H. ANWAY, [redacted]
JANA C. APGAR, [redacted]
MARY B. ASKEW, [redacted]
LOIS M. AUSTIN, [redacted]
LINDA C. BAIRD, [redacted]
DEE L. BAMBROUGH, [redacted]
MARGARET L. BARKLEY, [redacted]
NANCY J. BARROWS, [redacted]
VIRGINIA W. BASHAM, [redacted]
KATHRYNE A. BELBY, [redacted]
GUY BENDER, [redacted]
JOHN E. BERLAND, [redacted]
BRENDA J. BIDDLE [redacted]
SANDRA L. BOERSTLER, [redacted]
THOMAS R. BOLDUC, [redacted]
KATHLEEN A. BOWLING, [redacted]
GARY R. BOYCE, [redacted]
SUSANNE BRADFORD, [redacted]
CAROL D. BRANNOCK, [redacted]
VIRGINIA L. BRANSON, [redacted]
MARY A. BRUSKEWITZ, [redacted]
ANTHONY T. BRYANT, [redacted]
CATHY M. BURNS, [redacted]
BEVERLY L. BYRON, [redacted]
JOSEPH C. CABRAL, [redacted]
CATHERINE CAMPBELL, [redacted]
LUCINDA L. CARLSON, [redacted]
CONNIE H. CARR, [redacted]
KATHLEEN M. CERONE, [redacted]
SUSAN U. CHIZUM, [redacted]
DEBORAH L. CICERO, [redacted]
TERRY V. CICERO, [redacted]
CYNTHIA A. CLARK, [redacted]
DENNIS C. COLL, [redacted]
CATHERINE COLLINS, [redacted]
PRESTON N. COMEAUX, [redacted]
WILLIAM E. CONNOLLY, [redacted]
PATRICIA H. COX, [redacted]
BARBARA A. DANNA, [redacted]
LYNN C. DENOOYER, [redacted]
NAN M. DIAZ, [redacted]
OLGA M. DIFEO, [redacted]
JEAN E. DILLOW, [redacted]
ELIZABETH DOEHRING, [redacted]
REGINA R. DRURY, [redacted]
SANDRA S. DUFEK, [redacted]
JACK R. DUNCKLEY, [redacted]
ANNA T. EATON, [redacted]
DEBORAH A. ELLIOTT, [redacted]
VINCENT T. ELLIOTT, [redacted]
NELSO ESTEPAMOLINA, [redacted]
THEODOCIA FARRALES, [redacted]
JEANNE F. FENWICK, [redacted]
JENNIFER A. FERRY, [redacted]
JANITH M. FIZER, [redacted]
MARK L. FUTTERMAN, [redacted]
DEVONNA K. GALLAHER, [redacted]
WENDE E. GALLOWAY, [redacted]
JENNIFER S. GARDA, [redacted]
RHONDA E. GARRETT, [redacted]
MICHAEL A. GATEWOOD, [redacted]
SUZETTE M. GEORGE, [redacted]
LUANNE S. GERARD, [redacted]
GENEVIEV GERMANIUK, [redacted]
DEBRA M. GIBBS, [redacted]
KIMBERLY A. GLENN, [redacted]
BERNARD GOLDSTEIN, [redacted]
ANTIONETT GRIFFIN, [redacted]
THOMAS T. GRIFFITH, [redacted]
JANA L. GRUBER, [redacted]
CRYSTAL GUERRETTE, [redacted]
PATRICIA L. HAITH, [redacted]
CARLOTTA HALL, [redacted]
GLORIA N. HALL, [redacted]
DIANA L. HAMILTON, [redacted]
BEATRICE C. HANCOCK, [redacted]
MAUREEN M. HARDEN, [redacted]
KENNETH L. HARDING, [redacted]
ALICE M. HARRER, [redacted]
PATRICIA A. HARVARD, [redacted]
CYNTHIA M. HAWLEY, [redacted]
GLENDA W. HILL, [redacted]
LOYCE B. HILL, [redacted]
LAWRENCE E. HINES, [redacted]
BARBARA J. HOBAUGH, [redacted]
ANN P. HOFFMAN, [redacted]
SHARON L. HOFFMAN, [redacted]
JO M. HORTON, [redacted]
ELIZAB HUGHESCONTE, [redacted]
LINDA A. HUGO, [redacted]
PAULA A. HURST, [redacted]
CHRISTINE L. INGLE, [redacted]
BOBBY L. ISOM, [redacted]
GOLDIE P. JACKSON, [redacted]
MARY E. JACOBS, [redacted]
LEA N. JOHNSON, [redacted]
PHYLLIS M. JOHNSON, [redacted]
MARJORIE J. JONES, [redacted]
MARY L. KANE, [redacted]
JANE A. KARL, [redacted]
MARIANNE F. KASIAN, [redacted]
CHARMAINE D. KAUTH, [redacted]
LARRY S. KELLEY, [redacted]
LINDA R. KIDWELL, [redacted]
KATHERIN KINGSFORD, [redacted]
KATHLEEN M. KLINE, [redacted]
HELEN C. KNUTSON, [redacted]
LILA L. KOPP, [redacted]
JOHN M. KURDZIOLEK, [redacted]
SUE L. LAKE, [redacted]
ERIC E. LARSON, [redacted]
BRENDA L. LEAK, [redacted]
ELISA C. LEDOUX, [redacted]
CHARLENE H. LEE, [redacted]
KATHERINE LINDSEY, [redacted]
SALLY H. LONGBOTTOM, [redacted]
CAROL O. LUCE, [redacted]
JAMES B. LUNSFORD, [redacted]
BERNARD P. MARRONE, [redacted]
ANA MARTINEZRIVERA, [redacted]
FRANCES R. MATTERN, [redacted]
PATSY A. MCCALL, [redacted]
JULI MCCARDELLCROW, [redacted]
GINNY L. MCGRATH, [redacted]
VIRGINIA MCLAURIN, [redacted]
HELEN C. MCSORLEY, [redacted]
CLAIRE D. MENARD [redacted]
ALICE E. MILLER, [redacted]
MARY L. MILLER, [redacted]
JACKIE MISYAK, [redacted]
BARBARA A. MONSON, [redacted]
SUSAN MOSES, [redacted]
LOTTIE M. MOTEN, [redacted]
MARY E. MURPHY [redacted]
DONNA E. MYERS, [redacted]
LOUISE B. NATION, [redacted]
R. W. NORED, [redacted]
JUDITH A. NUPEN, [redacted]
PATRICIA W. OCONNOR, [redacted]
JOHN M. OKAY, [redacted]
DOROTHY J. OLSON, [redacted]
JOAN E. OLSON, [redacted]
KATHLEEN S. OLSON, [redacted]
PAMELA J. OSTMANN, [redacted]
KATHLEEN M. OUZTS, [redacted]
NED PADILLAMORALES, [redacted]
SUSAN L. PARKER, [redacted]
LINDA L. PARRISH, [redacted]
KAREN L. POOLE, [redacted]
ARTIS J. PORTER, [redacted]
MARY K. POWERS, [redacted]
CLAIRE PROVENCHER, [redacted]
WILFRED L. PROVOST, [redacted]
CONSUELO B. PRYOR, [redacted]
JOSEPH L. PYTEL, [redacted]
REID RADULSKI, [redacted]
LOLA J. RATHBONE, [redacted]
CURTIS L. REEP, [redacted]
JOAN E. RICCIO, [redacted]
MARY A. RICH, [redacted]

FE C. RITTENBACH, [redacted]
BARBARA S. ROSEEN [redacted]
MEREDETH A. ROWE, [redacted]
RAYMOND E. SCHALK, [redacted]
MARILEE SCHMELZER [redacted]
CHARLES L. SILCOX, [redacted]
LORENDIS W. SIMMONS, [redacted]
WILLIE SINGLETON, [redacted]
SANDRA G. SMIRLES [redacted]
CHRISTINE B. SMITH [redacted]
MARLYN J. SMITH [redacted]
EDITH SMITHRIDLEY [redacted]
KAREN STARR, [redacted]
BETH L. STEIMER [redacted]
PATRI STEPHENBLAKE [redacted]
SYLVIA B. STEVENSON [redacted]
CAROLYN M. STRAUB, [redacted]
PAULA M. STRUM [redacted]
MARGARET K. SWANSON, [redacted]
EVELY SWENSONBRITT [redacted]
PAMELA R. SYKES [redacted]
HERMA J. TAYLOR, [redacted]
LINDA L. TRAINOR, [redacted]
GENEVA TURNER, [redacted]
ROSALEE E. TUTTLE [redacted]
BEVERLY A. VANCE, [redacted]
ROSALIE E. VILAR [redacted]
ANN M. VOELKER, [redacted]
BARBARA V. WALLACE, [redacted]
BARBARA L. WALLER, [redacted]
SUZANNE M. WARME, [redacted]
PENNY D. WASHINGTON, [redacted]
OLGA I. WASILE, [redacted]
WILLIE L. WATKINS [redacted]
JEANNE A. WEAVER [redacted]
LOIS D. WETZEL [redacted]
DEBORAH C. WHEELING, [redacted]
DORIS A. WHIPPLE [redacted]
ALLEN R. WIATREK, [redacted]
SUSANNE WILKSCHANK, [redacted]
BARBARA A. WILLIAMS, [redacted]
JOANN WILLIAMS [redacted]
KATHRYN M. WILLIAMS, [redacted]
MARGARET WILLIAMS [redacted]
JUDITH E. WILSON [redacted]
LORETTA J. WILSON [redacted]
WAYNE C. WISE, [redacted]
CATHERINE E. WRIGHT [redacted]
GERTRUDE WYNECOOP, [redacted]
OLSON J. YOUD, [redacted]
LUSTRIA YOUNGBLOOD, [redacted]

DENTAL CORPS

To be lieutenant colonel

STEPHEN ALSOBROOK [redacted]
GAILYA L. AXAM, [redacted]
JOHN S. BACKOF [redacted]
VIRGILIO BELTRAN, [redacted]
BARRY A. BERNELL, [redacted]
JERRY P. BROMAN [redacted]
CHARLES A. BROOKS, [redacted]
WILLIAM D. BRYANT, [redacted]
SCOTT J. BUHRMANN [redacted]
WILLIAM BUMGARNER, [redacted]
JEFFREY T. BURTON [redacted]
JOHN E. BUSBY, [redacted]
RICHARD T. CANADA, [redacted]
FRANCIS CHARAPATA, [redacted]
LYNNE CHINNERYMONK, [redacted]
ROBERT E. CROWE, [redacted]
DANIEL P. DIGIACOMO, [redacted]
SCOTT R. DRAKE [redacted]
BRYAN C. EDGAR, [redacted]
THOMAS H. GANN, [redacted]
ROBERT S. GELBERT [redacted]
PAUL F. GETTY [redacted]
LAMONT R. GHOLSTON, [redacted]
ELLIOTT GOYTIA, [redacted]
MICHAEL HABLITZEL [redacted]
HAZEL V. HAYNES, [redacted]
ROBERT L. HERR, [redacted]
THOMAS J. HERRON, [redacted]
KENNY A. HOOPER, [redacted]
STEVEN B. HOOPER, [redacted]
CHARLES K. JOHNSON [redacted]
HAROLD G. JONES, [redacted]
MICHAEL P. JUNG [redacted]
THOMAS KAPCZYNSKI, [redacted]
EDWARD KOLBJORNSEN, [redacted]
DAVID P. LANGSTON, [redacted]
CRAIG V. LEE, [redacted]
MARY A. LICKING, [redacted]
CRAIG M. LINDNER, [redacted]
VINCENT J. MARINO [redacted]
SCOTT R. MCADOO, [redacted]
RICHAR NAKABAYASHI, [redacted]
LOGAN NALLEY, [redacted]
RODNEY B. NESBITT [redacted]
PHILLIP D. PARK [redacted]
OLAN D. PARR, JR [redacted]
MICHAEL J. PINE [redacted]
ROBERT A. POWELL, [redacted]
GEORGE F. PRIEST [redacted]
TITO A. QUIROZ, [redacted]
STANLEY L. QUOCK, [redacted]
JOSE RAUBHERNANDEZ [redacted]
TIMOTHY M. REDDY, [redacted]
SUSIE J. RILEY [redacted]
JAMES R. ROSS [redacted]
PETER J. ROSS [redacted]
ANN P. SABATINO, [redacted]
JOHN S. SCHREIBER [redacted]
LAWRENCE F. SEIBERT, [redacted]
BARNEY E. SELPH [redacted]
HARVEY W. SHAW, [redacted]
JEFFREY M. SHERWOOD [redacted]
GARY E. SICILIANO, [redacted]
DAN B. SIZEMORE, [redacted]
DOUGLAS K. STEPHENS [redacted]
ROGER L. STEVENS [redacted]
DANIEL W. TAYLOR, [redacted]
IVAN D. VOORHEES, [redacted]
SAM E. WILCOX, [redacted]
JOHN E. WOLF, [redacted]

MEDICAL CORPS

To be lieutenant colonel

MASOOD AHMED, [redacted]
MARIAN U. ALLIAN, [redacted]
JONATHAN R. AMY, [redacted]
DAVID P. ATHAS, [redacted]
ARTHUR R. BAKER, [redacted]
JULIAN BALLESTEROS [redacted]
ROBERT S. BARTOLONE [redacted]
ARTURO BETANCOURT, [redacted]
WILLILAM H. BICKELL [redacted]
HOUSTON BOGUS, [redacted]
AARON C. BORNSTEIN, [redacted]
SUSAN E. BRIGGS [redacted]
JAMES L. BROCK, [redacted]
JIMMIE L. BROWNING, [redacted]
WILLIE C. BRUCE, [redacted]
WILLIAM S. BURKES, [redacted]
GREGORY H. CAIN, [redacted]
ELEANOR J. CANOS [redacted]
WILFRE CASTROREYES [redacted]
HARRY S. COLLINS, [redacted]
ELIZABETH J. CONLEY [redacted]
FRANCIS W. CONN, [redacted]
MICHAEL E. COOKE, [redacted]
PATRICIA A. CORNET, [redacted]
RAYMOND S. CORPE, [redacted]
DALLAS COTTAM, [redacted]
STEPHEN L. CULLEN [redacted]
ROMEO N. DAGDAYAN, [redacted]
EDWARD A. DEFREITAS [redacted]
FRANCISCO DELAROSA, [redacted]
SHARADCHANDR DESAI, [redacted]
DAVID A. DEVERE, [redacted]
CLEMENTE DIAZ, [redacted]
ROBERT A. DIETRICH, [redacted]
JOHN L. DILLON, [redacted]
PET DIPIETRANTONIO [redacted]
HONORIO T. DISPO, [redacted]
BRENT L. DIXON, [redacted]
STEPHEN F. EMERY [redacted]
HARRY F. FARMER [redacted]
ANTHONY J. FERRETTI [redacted]
MICHAEL M. FISHKIN, [redacted]
DAVID B. FLACH, [redacted]
WENDELL K. FOO, [redacted]
MICHAEL M. FUENFER [redacted]
THOMAS E. GAINES, [redacted]
LYNN C. GARNER, [redacted]
CAROLINE GELLRICK, [redacted]
LAWRENCE G. GILL, [redacted]
TERRY J. GOLDEN [redacted]
MIGUE GONZALEZSOLA, [redacted]
FREDERICK C. GOOD, [redacted]
MARY GORDIAN, [redacted]
ARTHUR P. GREENBERG [redacted]
JAMES B. HADEN, [redacted]
SCOTT E. HALLGREN, [redacted]
FREDERICK HARLASS [redacted]
WARREN R. HARRISON [redacted]
WILLIAM E. HAUN, [redacted]
JOHN M. HENDERSON, [redacted]
RANDAL H. HENDERSON [redacted]
EDWARD G. HIXON, [redacted]
CORDELL R. HONRADO, [redacted]
THOMAS HORVATH, [redacted]
FRANK R. JAMES, [redacted]
ROBERT G. JEFFERS [redacted]
CHARLES E. JENNINGS [redacted]
ROBERT C. JONES [redacted]
BARRY R. KAPLAN, [redacted]
THOMAS K. KIM, [redacted]
JUDE J. KIRK [redacted]
GARY E. KOLB, [redacted]
STEPHEN H. KOUBA, [redacted]
MARGARET KOWALSKI, [redacted]
KEITH L. KREUTZIGER [redacted]
TERRY J. KYLE [redacted]
DONALD H. LAMBERT, [redacted]
PATRICK W. LANZETTA [redacted]
THOMAS C. LEWIS, [redacted]
RUTH T. LIM, [redacted]
MICHAEL A. MADSEN, [redacted]
MARK P. MAIER, [redacted]
KENNETH L. MARTIN, [redacted]
PAUL K. MAURER, [redacted]
CORNELIU MCDERMOTT [redacted]
CHARLES H. MEDBERY, [redacted]
DEVYANI J. MEHTA, [redacted]
JAMES M. MONROE, [redacted]
DAVID M. MORENS, [redacted]
MOSES T. MUKAI, [redacted]
MICHAEL J. MULVANEY [redacted]
TIMERI M. MURARI [redacted]
RENA M. NORA, [redacted]
MICHAEL A. OKIN, [redacted]
ROSALINDA PARILLA [redacted]
RAMESHBHAI G. PATEL, [redacted]
SILVINO PAZCOGUIN, [redacted]
CARLOS PELLEGRINI [redacted]
KENNETH PETERSON [redacted]
PHILLIP F. PIERCE [redacted]
GEORGE A. PIPES [redacted]
GERALD E. POLEY, [redacted]
WILLIAM K. POSTON, [redacted]
DONALD S. PRIOR, [redacted]
MARIAN H. PUTNAM, [redacted]
ALAN Q. RADKE, [redacted]
WILLIAM ROUNDTREE, [redacted]
BAHMAN SADR, [redacted]
FELICITAS SANTIAGO, [redacted]
MARGARET SAW, [redacted]
ARNOLD D. SCHELLER, [redacted]
EDWARD W. SCHRECK, [redacted]
ARJINDERPAL SEKHON, [redacted]
JOSEPHINE SESSION [redacted]
ALISON M. SHERIDAN, [redacted]
THOMAS H. SIMMONS, [redacted]
CHRISTOPH SIRRIDGE [redacted]
JAMES W. SMALL, [redacted]
STEPHEN W. SMITH [redacted]
JOSE SPIWAK [redacted]
KENNETH STALLINGS, [redacted]
THOMAS S. STANTON [redacted]
LINDA C. TAGGART, [redacted]
CARMEN L. TALARICO, [redacted]
BRUCE D. TAYLOR, [redacted]
ROHITKUMAR TRIVEDI, [redacted]
HARRY L. TUTEN, [redacted]
JOSEPH E. UPSON [redacted]
SANTOS A. UY, [redacted]
EVERY M. VAN, [redacted]
CARLOS VAZQUEZ, [redacted]
ADRIANA P. VIVES, [redacted]
LOUIS E. WALKER, [redacted]
KERRY D. WELCH, [redacted]
PERRY M. WHITE, [redacted]
JERRY C. WIBLE [redacted]
ARVIS G. WILLIAMS, [redacted]
JOHN E. WILLIAMS, [redacted]
LARRY F. WILSON, [redacted]
MICHAEL G. WOODCOCK, [redacted]
ALAN W. YOUNG, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

KENNETH ALEXANDER, [redacted]
DENNIS G. ALLEN, [redacted]
CURTIS M. ANDERSON, [redacted]
PAUL L. ANDREWS, [redacted]
BARRY S. ANTON, [redacted]
ARTHUR P. ARMSTRONG, [redacted]
JOHNNY M. ARNEY, [redacted]
JAMES R. AYARS [redacted]
RICHARD A. BADDOUR, [redacted]
THOMAS J. BAHR, [redacted]
JANET V. BALDINGER [redacted]
STANLEY E. BAXTER [redacted]
SUE A. BECK, [redacted]
BARRY M. BRENNAN, [redacted]
KENNETH E. BROOKMAN, [redacted]
DALE M. BUCHANAN, [redacted]
MICHAEL C. BUCK, [redacted]
VICKY D. BURGESS, [redacted]
ROBERT M. BUTLER [redacted]
RONALD E. CALMAN, [redacted]
VAUGHN E. CAUDILL, [redacted]
CHARLES K. CLARK, [redacted]
KENNETH F. CLAUSEN [redacted]
DAVID C. CLEVELAND, [redacted]
WILLIAM J. COLLINS [redacted]
HOWARD W. CRAGG, [redacted]
ANTHONY L. CREGLER, [redacted]
BLAINE E. CRUMP [redacted]
CLARENCE V. CUFFEE [redacted]
BENJAMIN DELAMATER, [redacted]
MAURICE J. DEMERITT [redacted]
DAVID S. DEPROSPERO, [redacted]
ROBERT S. DRISCOLL [redacted]
GARY M. DWYER, [redacted]
ALAN R. FALKOWSKY [redacted]
KATHLEEN S. FANCHER, [redacted]
STEVEN A. FERRY [redacted]
TERRY A. FLYNN [redacted]
RUSSELL E. FOX [redacted]
STEPHEN E. FRANK, [redacted]
ROBERT S. FRAZIER [redacted]
MICHAEL E. FREVILLE [redacted]
ROBERT W. GANTT, [redacted]
SIDNEY B. GARLAND, [redacted]
CLAUDIA M. GIBSON, [redacted]
VISHNU GOPAUL, [redacted]
JOSEPH GRASSO, [redacted]
FORREST W. GRAVES [redacted]
WALTER J. HAAG, [redacted]
ROBERT D. HALL, [redacted]
DALE R. HAMILTON, [redacted]
KARL M. HARTMANN, [redacted]
ROBERT E. HAUSER, [redacted]
JOHN P. HAWKINS, [redacted]
JOHN W. HEINRICH, [redacted]
DAVID T. HENRY, [redacted]
HOWARD J. HOARD, [redacted]
BRUCE F. HOLLEY, [redacted]
EDWIN H. HOLMES, [redacted]
RICHARD C. HOM, [redacted]
JAMES M. HOWARD, [redacted]
ROBERT J. HOWARD, [redacted]

MICHAEL L. HUGGINS, [redacted]
JOSEPH J. INCORVAIA, [redacted]
JAMIE L. IRVIN, [redacted]
DANNY K. JOHNSON, [redacted]
VIOLET JOHNSON, [redacted]
DAVID E. KAMM, [redacted]
FRED A. KARNIK, [redacted]
PERRY D. KENDRICK, [redacted]
DOUGLAS M. KENNEDY, [redacted]
JOSEPH R. KENTZ [redacted]
ROBERT B. KESSLER [redacted]
STEPHEN B. KING, [redacted]
DENNIS E. KIRKLAND, [redacted]
GORDON L. KOENIG, [redacted]
MIKLOS P. KOLESZAR, [redacted]
JOHN D. KROSS, [redacted]
MICHAEL L. LANGIN, [redacted]
ROBERT T. LAWN, [redacted]
RICHARD F. LEANZA [redacted]
ROBERT W. LEDOUX, [redacted]
CHARLES R. LEE, [redacted]
BARRY F. LEONARD, [redacted]
JACOB R. LEWIS, [redacted]
SUE A. LEWIS, [redacted]
WILLIAM D. LIEBLONG, [redacted]
STEVEN W. LINDELL, [redacted]
MICHAEL J. LORENZO, [redacted]
JAMES H. LOVELACE, [redacted]
DONALD G. LUEDERS, [redacted]
ROY E. MADAY, [redacted]
DEAN A. MAHLER, [redacted]
GREGORY MALKASIAN, [redacted]
ROBERT C. MANGINO, [redacted]
ANDREW MARCANTONIO, [redacted]
RICHARD L. MATTILA, [redacted]
CHARLES B. MAYNARD, [redacted]
JOHN J. MCCORMACK, [redacted]
JOHN S. MCDUFFIE [redacted]
GILBERT W. MCINTOSH, [redacted]
RICHARD F. MCLANE, [redacted]
DAVID R. MCMORRIS, [redacted]
JEANNE M. MCNAMARA, [redacted]
SAMUEL E. MCNEELY, [redacted]
GLENN S. MIDDLETON, [redacted]
MICHAEL H. MILLER, [redacted]
DAVID P. MOSCOVIC, [redacted]
MICHAEL D. MOSER, [redacted]
MICHAEL MURNANE, [redacted]
HARRY W. ORF, [redacted]
GLORIA C. ORTIZ, [redacted]
JAMES H. PARKER, [redacted]
TERRY S. PAULSON, [redacted]
JOYCE C. PELUSO, [redacted]
JOEL L. PENEGAR, [redacted]
JOHN L. PENIDO, [redacted]
MICHAEL D. PERREN, [redacted]
JAMES M. PETERS [redacted]
MICHAEL PETTY, [redacted]
GERALD C. POTAMIS, [redacted]
JUAN L. PUIG, [redacted]
DENNIS N. RAJSICH, [redacted]
GARY F. REEP [redacted]
RAYMOND P. REID, [redacted]
SIDNEY F. RICKS, [redacted]
JACQUELINE ROSALES [redacted]
GREGORY L. ROWE, [redacted]
THOMAS P. RYAN, [redacted]
RUSSELL C. SAGE, [redacted]
WILLIAM R. SANDEL, [redacted]
CHARLES R. SANDERS [redacted]
PAUL J. SCHMID, [redacted]
CHARLES S. SCHWARTZ, [redacted]
THOMAS S. SEMPLE, [redacted]
ANTHONY G. SHOWA, [redacted]
JAMES SIMMONS, [redacted]
JOHN T. SNOOK, [redacted]
RICHARD T. STEVENS, [redacted]
FREDRIC C. SWAIN, [redacted]
GREG S. SWANSON, [redacted]
MICHAEL K. THOMAS, [redacted]
CHRISTINE THOMPSON, [redacted]
RICHARD E. TILLMAN, [redacted]
NORMAN J. TONEY, [redacted]
FRANCIS E. TRAXLER, [redacted]
WILLIAM J. VANZETTA, [redacted]
SAM WAGLIARDO, [redacted]
WILLIAM C. WALDEN, [redacted]
DAVID B. WALSH, [redacted]
SAMUEL R. WALTZ, [redacted]
STEPHEN A. WASNOK, [redacted]
ROBERT D. WEISS, [redacted]
GREGORY E. WELCH, [redacted]
KEITH E. WETHERELL [redacted]
CHRISTOPHE WHALLEY, [redacted]
DIANNE C. WHITEHEAD, [redacted]
ROGER D. WILLIAMS, [redacted]
WAYNE S. YOUNG, [redacted]
RONALD ZALEGOWSKI, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

PAMELA J. AHLGRIM [redacted]
ELIZABETH DOUGLAS, [redacted]
JOHN N. HALL, [redacted]
ETTA M. HARPER, [redacted]
SARAH K. HELMS, [redacted]
DEBORAH A. MILBURN, [redacted]
WANDA A. MORGAN, [redacted]
MARY F. OLAUGHLIN [redacted]
SHARON M. PREHN, [redacted]
IRENE M. RAWLINGS, [redacted]
JENNY S. ROPER [redacted]
KEITH W. SWENSEN, [redacted]
HELEN L. TSAI [redacted]
KATHLEEN YASUMURA, [redacted]

VETERINARY CORPS

To be lieutenant colonel

JOHN B. BELFRAGE, [redacted]
JAMES C. BOONE, [redacted]
WILLIAM T. FERNER [redacted]
MARK R. FISCHER, [redacted]
LYLE R. JACKSON, [redacted]
ROBERT H. JOHNSON, [redacted]
ROBERT D. RUSSELL, [redacted]
JOHN H. SUDDUTH, [redacted]

CONFIRMATION

Executive Nomination Confirmed by the Senate September 10, 1992:

DEPARTMENT OF TRANSPORTATION

MARION CLIFTON BLAKEY, OF MISSISSIPPI, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

EXTENSIONS OF REMARKS

THE NO-FLY ZONE: TAKING THE NEXT STEPS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. ASPIN. Mr. Speaker, the creation of the no-fly zone to ground Iraqi aircraft in southern Iraq was a necessary step, both to help protect the persecuted Shia minority there and to reply to Saddam Hussein's aggressive challenges to the United Nations authority. But it has by no means tied his hands. How the United States and its coalition partners answer Saddam's countermoves will greatly influence our prospects for success

Saddam may, of course, hunker down for a while. He may believe that President Bush is gunning for a fight and decide to deny him one.

If nothing happens for a few months, the no-fly policy is a winner. This is clearly what the administration is hoping will happen. We, however, should not rely on Saddam Hussein's political acumen. Furthermore, let's not kid ourselves, even if Saddam goes away for a while, eventually he'll come back. It is just a question of when and how he will challenge, not if.

That's why we should remember that we don't do very well when we are surprised. We must start thinking now about how we might respond to Saddam's countermoves.

We've already made one mistake that may hamper our responses to Saddam in the future. That was our failure to build political support at the United Nations and in the region for the no-fly zone. Whatever else we have to do will now be that much more difficult.

And, Mr. Speaker, we should realize that Saddam is not without options, both military and nonmilitary, to which we may have to respond.

SADDAM'S MILITARY OPTIONS

Militarily, Saddam can do little to directly challenge the no-fly zone. The superiority of the coalition air forces is overwhelming. He can, however, pursue other military strategies in the north and south that can cause us difficulty.

First, the Iraqis could ratchet up the ground attacks against the Shias in the marsh area of southern Iraq to see how far the coalition is willing to go in their defense. A no-fly zone will alleviate some of the suffering in the south, but it will not necessarily prevent artillery and tank attacks in the area.

Fortunately, more ground attacks against the Shias may turn out to be ineffective. The large number of lakes and streams in the southern marshes make the terrain very inhospitable to heavy armor.

Saddam could also opt for increased attacks against the Kurds in northern Iraq. Such a move could be tougher for us and for the targets—the Kurds.

For one thing, about a third of the Kurdish enclave lies below the 36th parallel, and therefore beyond the official protection of coalition air cover. An air-ground attack against this portion would not violate our prohibition of military activity north of the 36th parallel and would severely test the extent of our commitment to the Kurds.

For another, such an attack would also test our relationship with the Turks, who remain skittish about any actions that could lead to the breakup of Iraq. The Turkish Government is not yet on board with the no-fly zone, raising a question about whether we can use coalition planes located at the air base in Incerlik.

U.S. RESPONSES

I believe the United States and its coalition partners should be ready to use air power to blunt an Iraqi attack in either the north or the south. This would be a significant escalation, but I am not sure we can afford to do otherwise.

First, the establishment of the no-fly zone reinforces the notion that the coalition members have a commitment to protect the Iraqi people from Saddam. Renewed ground action would be devastating, especially for the Kurds below the 36th parallel, and could prompt another mass exodus. Once we have taken the step of setting up the zone, we cannot stand by and watch Saddam renew the genocide in another part of the country.

Moreover, it is very likely that air power would effectively blunt such an attack. During Operation Desert Storm, sustained air attacks destroyed the Iraqi Army's ability to fight effectively. There is no indication now that the Iraqis would have the will to fight when attacked by coalition aircraft.

Finally, our failure to protect persecuted minorities in Iraq would strengthen Saddam when we are trying to weaken him.

SADDAM'S NONMILITARY OPTIONS

In addition to his military options, Saddam also has nonmilitary cards to play.

For example, Saddam Hussein is already using an aggressive propaganda campaign to undermine support for the zone. Saddam's efforts to portray the coalition's no-fly zone as a direct attempt to partition Iraq plays on the fears of both his Sunni political base within Iraq, and the concerns of many other states in the region with their own sectarian divisions to worry about.

Saddam's claim that George Bush has demanded the zone for his own domestic political purposes also resonates throughout the international community. The Iraqi press has described the no-fly zone as "one of the dirtiest games" ever. No country wants to be seen as the lackey for United States election year politics.

Saddam is also in the grimly paradoxical position of being able to strengthen his position by increasing the hardship on segments of his own population, especially in the northern and southern protected zones. To do this, he could tighten the internal embargoes; further restrict humanitarian access to the people; and continue road construction projects in the south to make the area more accessible to Iraqi ground forces.

In addition, Saddam may respond to the no-fly zone by increasing his noncompliance in other areas. We have already seen some evidence of this.

The Iraqis have already banned all non-U.N. relief organizations from the country and even the U.N. relief workers cannot enter most of southern Iraq.

Further, in response to the no-fly zone, Iraq has threatened to expel all remaining U.N. guards, now there to protect United Nations and private relief workers. The number of guards in Iraq has already dwindled to just over 100 from an earlier total of 500, largely because the Iraqis have refused to issue visas and travel papers.

Saddam's noncompliance, however, probably will not stop there. I expect him to continue to reject the recommendations of the U.N. boundary commission working on a border between Iraq and Kuwait and to obstruct the inspection and destruction of Iraq's weapons of mass destruction.

U.S. RESPONSES

The United States and the rest of the coalition must be equally vigilant in responding to these kinds of nonmilitary moves. We have taken the first step toward countering Saddam's propanganda in Iraq and the region by stressing our commitment to Iraq's territorial integrity. We will have to do more.

First, to dull the effects of Saddam's repressive tactics, the United States should consider providing some direct humanitariam relief to the Iraqi people within the northern and the southern zones.

In the north, the United States could encourage the United Nations to partially lift the economic embargo in the Kurdish enclave, perhaps permitting limited exports to finance the care and feeding of the people in the zone. In the south, the coalition partners should mute the effects of Iraqi actions by air-dropping supplies, food, and medicine in southern Iraq.

Also, we should continue high-level meetings and close cooperation with the Iraqi opposition, particularly the Iraqi National Congress. Such support will help to demonstrate to the Iraqi people that there is a credible alternative to Saddam Hussein.

In addition, we should press harder to borrow against frozen Iraqi oil revenues to finance U.N. operations in Iraq. This would alleviate some of the financial pressure on U.N. operations in Iraq and begin the reparations process. These assets would be repaid once Iraq decides to start pumping oil.

Finally, we have to be prepared to deal more forcefully and quickly with any repeat of the delaying tactics Saddam used on U.N. inspectors looking for evidence of programs for weapons of mass destruction at the Agricul-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tural Ministry. Saddam Hussein must understand that we, our allies, and the United Nations will not tolerate his continued cheat-and-retreat tactics on the U.N. inspections.

These steps will mute the effects of any Iraqi response to the no-fly zone and show Saddam that we mean business. But it is going to take both political will and political muscle on the part of the United States and our coalition partners to make it work.

REBUILDING THE COALITION

Imposing the no-fly zone in southern Iraq was a good move. I fear, however, that building support for whatever we have to do next will now be much more difficult. By not pushing for another Security Council resolution authorizing the action, the Bush administration chose the path of least resistance. That bit of expediency may cause us problems in the future.

The coalition forces have invoked the no-fly zone under U.N. Resolution 688, which condemns Iraq's repression of its citizens and demands its cessation.

The administration, at least initially, believed that it needed another resolution authorizing all necessary means to enforce Resolution 688. In fact, on July 29, U.S. Ambassador to the United Nations, Edward Perkins, testified before Congress that the United States intended to approach the Security Council for such a resolution within the next week.

Initial soundings at the Security Council, however, convinced administration officials that such a resolution would be a tough fight. Therefore, the day after Ambassador Perkins' testimony, an unnamed administration official told reporters that Ambassador Perkins had been mistaken.

The administration then decided to try a different tact and set up the no-fly zone without an additional resolution.

The administration convinced the British, the French, and the Russians that Resolution 688, coupled with all of the other resolutions against Iraq, already provided sufficient authority to set up the no-fly zone.

They argued further that ongoing operations in northern Iraq, including a ban on Iraqi aircraft and helicopters above the 36th parallel, provided a precedent for enforcing Resolution 688 without obtaining an additional Security Council resolution.

The French, the British, and the Russians may have accepted this argument, but many experts, both within and outside the United States, do not. They insist that the no-fly zone is beyond the legal scope of Resolution 688 and, therefore, lacks U.N. authorization.

First, the Security Council passed Resolution 688 under Chapter 6 of the U.N. Charter, which deals with pacific settlement of disputes. Resolutions passed under Chapter 6 are generally nonbinding recommendations, intended to be persuasive rather than coercive. For this reason, Resolution 688 does not carry the weight of Resolution 687 and the other U.N. resolutions against Iraq, which were invoked under Chapter 7 of the U.N. Charter and are mandatory and binding upon all members of the United Nations.

Furthermore, since Resolution 687 outlines the terms under which the war ended, Iraq's noncompliance could effectively nullify the ceasefire and makes a resumption of hostilities legally possible. The demands of Resolution 688 are not a part of this ceasefire agreement.

Do these legal technicalities matter? Perhaps not, in and of themselves. But our failure to win support for another U.N. resolution suggests that we may be in a weak position when further action against Iraq becomes necessary.

Since August, 1990, a clear mandate from the Security Council has undergirded the collective response to Saddam Hussein's outrageous behavior. Taking the path of least resistance may have gotten the no-fly zone up and running more quickly, but it may come back to haunt us in future confrontations with Saddam Hussein.

As we saw in the lead up to the gulf war, solid U.N. authority provides important political cover to our regional allies. Our lack of convincing United Nations authorization may, in part, explain the lack of regional support for Operation Southern Watch.

Presently, only Kuwait has stated publicly its support for Operation Southern Watch. Syria has flatly rejected the zone, and the Egyptians are sitting on the sidelines. By imposing a total news blackout, the Saudis seem to be trying to pretend they aren't even participating.

This does not bode well for the future. Eventually Saddam will respond and we must be ready. By failing to do the heavy political lifting to get more countries on board, we may have made the next job—whenever and wherever that might be—much more difficult.

TRIBUTE TO THE DENHAM SPRINGS PARDS GIRLS SOFTBALL TEAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. BAKER. Mr. Speaker, I rise today to recognize the girls 10 and under All Stars PARDS Softball Team from Denham Springs, LA for winning the 1992 National Championship in the Pony League's World Series for fast pitch softball.

Although they lost their very first game of the tournament, the all-star team truly demonstrated their heart and determination by winning every other game and beating the very same team which first defeated them. For exemplifying the winning spirit, it is with my warmest congratulations that I salute the Denham Springs PARDS All Star Team 1992 National Champions.

TRIBUTE TO DR. TERRY DEIDERICK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. TRAFICANT. Mr. Speaker, it gives me great pleasure to stand here today to honor a professor at the local State university whose work over the years is simply outstanding. Mr. Speaker, Dr. E. Terry Deiderick has over 25 years of dedicated university teaching and service devoted to promoting the American free enterprise system to students at Youngstown State University.

Mr. Speaker, in the turbulent economic environment that exists in my 17th Congressional District, Dr. Deiderick has helped students and residents understand how to start their own business. Dr. Deiderick has been the director of the Small Business Institute and a member of the Small Business Institute Directors Association for 10 years and he was an original member of the Small Business Institute's steering committee which created the Small Business Institute Saturday clinic.

This Saturday clinic is a one-of-a-kind operation. Dr. Deiderick brings together undergraduate and postgraduate students, entrepreneurs, and those aspiring to start their own businesses with faculty, administrators, retired executives, members of the Chamber of Commerce, and members of the U.S. Small Business Administration for clinics that evaluate local ventures. The participants are split into teams to observe the business over a 3-month period. Evaluations and recommendations are made following critical analysis and brainstorming.

Mr. Speaker, I don't need to remind you of the problems facing the economy. These problems are only magnified in my district as a result of the steel mills closing many years ago. Without Dr. Deiderick to guide our local entrepreneurs, many local businesses would surely have closed long ago.

Mr. Speaker, I am happy to stand here any time to praise someone like Dr. Deiderick, a man whose knowledge and teaching is vital to the success of the economic situation of Youngstown.

UKRAINE INDEPENDENCE DAY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. NOWAK. Mr. Speaker, the end of the cold war has brought about the creation of several independent states from what previously had been the Soviet Union. One of the largest is Ukraine, which voted for independence on December 1, 1991, and was recognized by the United States as an independent nation on December 25, 1991, Christmas Day.

As a way of honoring the independence of the Ukraine, and to remind us of the sacrifices made to achieve it, Erie County Executive Dennis Gorski proclaimed August 24, 1992, Ukrainian Independence Day.

Following is a copy of the proclamation, which was provided by Mrs. Dasha Procyk, a constituent of mine who is extremely active in the Ukrainian Congress Committee of America and in the western New York Ukrainian-American community.

PROCLAMATION

Whereas, the Ukrainian Nation with a millennium of Christianity and a written history noting the earliest development of the Kievan Nation-State; and

Whereas, the vicissitudes of fate, the rise and fall of political movements, wars of defense and liberation, forced annexations, serfdom and more recently communist genocide did not break the spirit of Ukraine; and

Whereas, the rebirth of an independent Ukraine began in modern times on January 22, 1917 when the Central Rada declared the independence and sovereignty of all Ukrainian territories and culminated in the recent dramatic events; and

Whereas, the December 1, 1991 referendum during which the people of Ukraine peacefully achieved in one day what their forefathers had spent fighting for in the fateful days of 1917–1920 when the fragile republic lost due to communist aggression; and

Whereas, the swift and imperceptibly quiet revolution of the ballot box expressed through an astounding 90.3% endorsement for independence reaffirmed the historic Declaration of Independence adopted by the republican Ukrainian Parliament on August 24th, 1991; and

Whereas, this great democracy called America, saw the wisdom and moral fortitude to extend formal diplomatic recognition to Ukraine on Christmas Day of 1991, thus reinforcing each other's dedication to freedom and human rights; and

Whereas, the Republic of Ukraine has reaffirmed its existence with an impressive degree of unity and consensus thus earning the right to join the family of free and independent nations; and

Now, therefore, I, Dennis T. Gorski, Erie County Executive, do hereby proclaim August 24th, Nineteen Hundred and Ninety Two as "Ukrainian Independence Day" in this Majestic County of Erie, of the Great State of New York—the Empire State.

SCHOOL-CHOICE BENEFITS OVERRATED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. BEREUTER. Mr. Speaker, during the debate on education reform, school choice has been promoted as the ultimate cure for what ails public education in the United States. This Member would like to call to his colleagues' attention this editorial from the September 7, 1992, Omaha World Herald regarding the pitfalls of school choice programs.

[From the Omaha World Herald, Sept. 7, 1992]

SCHOOL-CHOICE BENEFITS OVERRATED

The battle in Washington over school choice has become a symbol of the federal government's unfortunate practice of tying itself in knots.

A number of Americans are upset about schools that pass kids through to graduation without providing the learning to survive in a competitive world.

But as Kenneth J. Cooper of The Washington Post wrote in an article in the "Gridlock in D.C." series, the debate about the federal role in finding a solution has been mired in an argument between the White House and Congress. . . .

In our opinion, . . . the benefits of choice are vastly overrated. Promoters contend that substandard public schools, faced with the potential loss of students and financing, would improve. But no one has explained how a school that is losing students and revenues would improve, or how it would maintain adequate services for the students who remained behind.

Other aspects of the president's program have been stalled in the confrontational climate. Even a modest program to encourage schools to experiment with new programs and methods to improve education has been sidetracked, and the $100 million set aside for that program by Congress has gone back into the treasury to be used for other social programs.

"Choice" is a buzzword that suggests a cheap and easy solution to a difficult problem. Like other quick-fix answers to hard questions, it wouldn't do what supporters claim it would, and it could crowd out other proposals for realistic, innovative ways to improve the school system.

Schools don't need quick fixes. They need strong, sensible administrators. They need teachers dedicated to excellence. They need parents who believe in education, who raise their children with love and discipline and who bring them to school ready to learn. They need children who are motivated and eager. None of that requires vouchers for private schools.

Education has always been a local and state responsibility. If Congress and the White House want the federal government more deeply involved, they should look for ways to improve the public schools. Forget about subsidizing the competition.

HISTORY'S FAMOUS FIBBERS TO CONGRESS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. MICHEL. Mr. Speaker, our distinguished colleague BUD SHUSTER, ranking member of the House Permanent Select Committee on Intelligence, recently wrote a newspaper article on the subject of misleading Congress.

Concerning charges about the Iran-Contra affair made by independent counsel Lawrence Walsh, BUD SHUSTER writes: "Lying cannot be condoned. But honesty and balance require that these allegations be placed in the context of historical practice."

The article goes on to remind us that Presidents as revered as Franklin Delano Roosevelt and John F. Kennedy deliberately misled Congress when they thought it was in the national interest. Amidst the current hysteria generated by the seemingly endless attempts by the independent counsel to win a case, it is useful to be reminded that those who condemn misleading Congress today are often the same people who praise Roosevelt and Kennedy for doing the same thing years ago.

At this time I wish to insert in the RECORD, "History's Famous Fibbers to Congress," by BUD SHUSTER, published in the Washington Times, Saturday, August 29, 1992.

[From the Washington Times, Aug. 29, 1992]

HISTORY'S FAMOUS FIBBERS TO CONGRESS

(By Bud Shuster)

Independent counsel Lawrence Walsh's investigation of the Iran-Contra affair seeks to convict CIA and other officials of misleading or lying to other bodies, especially the U.S. Congress. These alleged or admitted prevarications sometimes have been characterized as unparalleled assaults on the structure of democratic government and the rule of law.

Lying cannot be condoned. But honesty and balance require that these allegations be placed in the context of historical practice. Iran-Contra is hardly the first time witnesses have misled Congress, although it is the first time executive branch officials have been criminally prosecuted for unsworn comments. And it is the only time that political equities allowed investigators with limitless funds and time to pursue their quarry. Investigations like Iran-Contra become uncontrollable when politics are mixed with the broad interpretation prosecutors have given to the federal false statement criminal statute. This practice could be questioned from the standpoint of protections for fundamental individual rights. If applied in past decades, it would have meant that ranking officials could have faced criminal conviction.

President John Kennedy's secret concessions to end the Cuban missile crisis are a case in point. In a publicly broadcast letter, the Soviet Union's Chairman Nikita Khrushchev proposed three conditions for removing missiles from Cuba, all of which Mr. Kennedy accepted: an end to the U.S. quarantine of Cuba, a promise not to invade Cuba and removal of U.S. Jupiter missiles from Turkey.

Mr. Kennedy and his eight top advisers reportedly feared domestic repercussions and European accusations that the United States was "selling out" NATO ally Turkey if we agreed to remove the Jupiters. Therefore, Mr. Kennedy's acceptance of the third condition was transmitted to Mr. Khrushchev only in a secret verbal assurance, not in the published letter, and it was not admitted publicly.

McGeorge Bundy, Mr. Kennedy's national security adviser, wrote that the president and his top aides denied the last part of the deal in "every forum" in a way that was "in the narrowest sense * * * usually true, as far as it went." Rep. Jamie Whitten during a congressional hearing asked Defense Secretary Robert McNamara if he was aware of any assurance to Mr. Khrushchev that in return for the withdrawal of Soviet missiles the United States "would commit itself to any particular course of action." Mr. McNamara testified that "there were absolutely no undisclosed agreements associated with the withdrawal of the Soviet missiles from Cuba." Fortunately for Messrs. McNamara, Kennedy and associates, Judge Walsh and his vigilante prosecutors were not yet legally incarnated.

President Franklin Roosevelt's foresighted efforts to aid Britain and stem Nazi conquests provide another case in point. His desire to aid and ultimately join the battle were long frustrated by both political and legal constrictions—congressional isolationism and the neutrality laws then in effect. So the Roosevelt administration misled Congress and the public by exaggerating German shipbuilding capacity and aircraft production. Gen. George ±Marshall testified that Germany had nearly twice as many aircraft as British intelligence apparently had told the administration.

More blatantly, Mr. Roosevelt misled top congressional leaders regarding the U.S. occupation of Iceland in the summer of 1941. He had secretly promised the British the United States would assume further convoy escort duties, and needed a base farther east to do so. But the British have occupied Iceland since 1940, and the Neutrality Act prohibited U.S. warships from entering the territorial waters of the belligerents. Mr. Roosevelt told top congressional leaders the United States would occupy Iceland in the interests of U.S. defense.

The British publicly announced they were evacuating Iceland, but some of them remained, including a major general who later commanded the U.S. forces. U.S. warships also were based in an area declared a war zone by Germany, despite Neutrality Act provisions. The course of history might have been altered had an independent counsel had Mr. Roosevelt and Gen. Marshall indicted for false and misleading statements to Congress.

Mr. Kennedy, Mr. Roosevelt and their associates lied at least partly because they considered it necessary to achieve goals they judged in the best interest of the United States. Does this sound familiar? Whatever the ultimate righteousness of their cause, they were fortunate that there was no independent counsel in those days. After all, World War II might not have ended so favorably had Mr. Roosevelt and his Cabinet been preoccupied for five or six years defending themselves before grand juries and political show trials.

WINE INDUSTRY

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. HOUGHTON. Mr. Speaker, New York is the second largest wine producing State in our country with over 90 wineries. The Finger Lakes region, a majority of which I represent, has been the center of the New York wine industry since the Civil War. We should applaud and support the wine industry for the economic contributions it has had in New York and the United States. In our State alone, its annual gross sales are over $300 million. I encourage my colleagues to read the following article from the New York Times that recognizes the quality of New York State wines.

[From the New York Times, Sept. 9, 1992]

WINE TALK

Slowly, and much too quietly, New York State has become an important producer of serious chardonnay wine. Not California-style chardonnay and not exactly Burgundian, either, but good wine, much of it, and it's high time it got to be better known.

Chardonnay is a delicate European grape, and for years it was axiomatic that European vinifera grapes like chardonnay could never survive in upstate New York. There was a period of trial and error, accompanied by a few hopeful signs and a lot of discouragement. Then came 1980.

After the harvest that year, the growers in the Finger Lakes region were ecstatic. It had been a textbook-perfect summer, and the vinifera grapes, particularly the chardonnay and riesling, were the best that some long-time growers had ever seen.

Finger Lakes grape growers have to fight nature for every break, and many years they don't get any. In 1980, it seemed they got them all.

The progression from grapes to wine is not complicated. Lots of sun means lots of sugar; the higher the sugar content of the grapes, the more alcohol in the wine, and the greater the potential for intense flavor. In Germany, where vineyard conditions are often similar to those in the Finger Lakes region, 9 percent alcohol is common. In 1980, some New York grapes produced wines that were 13.8 percent alcohol.

People talked of a breakthrough year. In California, 1968 is still thought of as the breakthrough year, producing the vintage that proved incontrovertibly that California wines could stand up to any wines in the world. For growers and skeptical wine makers, 1980 did in fact show what New York could do. But public recognition has proved elusive.

For generations, New York wine makers were content to work with native American labrusca grapes, turning out pungent grapy wines with names like Pink Catawaba, Cayuga, Concord and Niagara. One of the first wine makers to break away from the traditional varieties was Charles Fournier, who came from Veuve Clicquot-Ponsardin, in France, at the end of Prohibition to work at the Urbana Wine company, near Hammondsport, N.Y.

At Urbana, later to become the Gold Seal Wine Company, Fournier experimented with hybrid grapes, developed in France to withstand disease and extreme temperature.

But his real break with local tradition came in 1953, when he hired Konstantin Frank, a Russian immigrant who had managed vineyards in the Soviet Union, vineyards where winter temperatures regularly dropped to 20 or 30 degrees below zero. Fourier asked Frank to develop a vinifera vineyard for him.

Years later, Leon D. Adams, the California wine writer, recalled a 1961 dinner of the San Francisco Wine and Food Society at which Gold Seal 1959 chardonnay and reisling were introduced. To the California vintners, he wrote, "it was a shock to realize that their long-acknowleged monopoly on the production of fine vinifera wines in North America might at last be at an end."

Gold Seal as a separate entity is no more, but the tradition of good chardonnay begun there is kept alive by almost 100 wineries in New York today. First at Gold Seal and later at his own winery, Frank persuaded a generation of wine makers that New York could indeed produce fine wine from European grapes.

The transition was not always easy. Conservative growers who had switched from labrusca grape varieties like concord and cayuga to hybrids like seyval and de Chaunac balked at yet another changeover. Hermann J. Weimer, now one of the foremost producers of riesling and chardonnay in the Finger Lakes region, was dismissed in 1979 from his job as wine maker at Bully Hill Vineyards because his boss there, Walter J. Taylor, considered him disloyal to the cause of hybrids.

In the mid-1970's, a new breed of wine maker arrived. The new people preferred European-style wines and resolved to produce them in New York. They also opened up new wine regions, like the North Fork of Long Island, and rediscovered old ones, like the Hudson Valley.

Gradually, it became clear that while red varieties did particularly well in the Hudson Valley and on Long Island, the whites, particularly chardonnay, did will almost everywhere. That was evident at a recent tasting arranged by the New York State Wine and Grape Foundation which included chardonnays from the important wine regions of the State.

Among the wines tasted were, from Wagner Vineyards in Lodi, a barrel-fermented 1989 and a 1988 reserve; from Glenora, in Dundee, a 1989 "surlie" and a 1988 reserve; from Treleaven, in King Ferry, a barrel-fermented 1990; from Millbrook Vineyards, in Millbrook, a 1990 barrel-fermented Proprietor's Special Reserve; from Hermann J. Wiemer Vineyards, in Dundee, a 1990 reserve; from Casa Larga, in Fairport, a 1990; from Rivendell, in New Paltz, a 1990; from Mattituck Hills, on the North Fork, a 1989; from Peconic Bay, also on the North Fork, a 1990; from Konstantin Frank, at Hammondsport, a 1989 and a 1985 reserve; from Arbor Hill, in Naples, a nonvintage, and from Hunt Country Vineyards, near Branchport, a 1989.

I preferred the wines from Glenora, Wagner, Millbrook and Peconic Bay. But the important point is that while they represented a dozen different styles—some light, some full; some oaky, some not—they were all well-made wines, all worth sampling.

In general, the wines are thinner-bodied than California chardonnays: less buttery, to use the inelegant term favored by fans of the California style. In the sense, the wines are more European—wines that do not necessarily have to be full bodied to have intense flavors. I would be pleasant to be able to report that they are all Burgundian in style, but they are not. Some, like Millbrook, are heading in that direction but sill have some distance to go.

The wines range in price from around $8 to $20. they are not widely available. But anyone who has access to any of them would be wise to give them a try. it's taken a while, but New York chardonnay is making a name for itself.

TASTINGS

It is difficult to conceive of a better value in wine these days. Jean Descombes is one of a handful of artisans who produce truly fine Beaujolais, year in and year out. Morgon and Moulin-a-Vent are generally recognized as the two most impressive village wines of Beaujolais, and Jean Descombes is one of the foremost winemakers in Morgon. Georges Duboeuf bottles and markets Mr. Descombes's wine, and it is very much in the Duboeuf style—round, fruity and accessible. But, being a Morgon, it has body and intensity of flavor one doesn't expect in Beaujolais. For those who think that Beaujolais begins and ends with Beaujolais Villages a Jean Descombes Morgon will be a revelation. This is a Beaujolais that will improve with another year or two in the bottle, but even now there is a richness, a body, that shows what remarkable things can be done with the seemingly simple gamay grape.

WHAT IS THE COST OF LIVES NOT SAVED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, as we debate the cost of health care, we do often forget that one reason—although obviously not the only one—that health care costs have risen is that we are getting a far superior quality of medicine to that which we received only a few years ago. It will be a great mistake to look only at the increased cost and not at the significantly increased benefits that changes in medical care have brought us, and it would be an even graver mistake if we were to do anything legislatively that would endanger the ability of the medical profession to continue to make these improvements and deliver such superb care.

This often overlooked aspect of the debate on medical costs was made last June in a very thoughtful article by Madeline Marget, of Newtonville, MA. Ms. Marget recently wrote a thoughtful book entitled "Life's Blood" about bone marrow transplants and I believe that the message she gives is an important one which has a role in the debate we are having over health care. I therefore ask that her article from the Chicago Tribune be printed here.

[From the Chicago Tribune, June 26, 1992]

WHAT IS THE COST OF LIVES NOT SAVED?

(By Madeline Marget)

The benefits of expensive medical care, as much as its costs, are part of our economic and social well-being. This is true even—maybe especially—on the much-maligned cutting edge.

High-tech, high-cost medicine saves a lot of lives. It is also, often, the means of discovery for actually eradicating the diseases for which the only cure now is, often, a bludgeoning: tricky tests, risky surgery, sickening chemotherapy. It's the agony of the bludgeoning, and the dollars spent on it, that makes us ask if it's worth it. But what's the price of *not* making extreme efforts to save life? When the lives are young, the cost is high, not only for individuals but for society.

A 23-year-old who dies of leukemia, for example, can't contribute his education and energy to the gross national product. His broken-hearted parents are, statistically, overwhelmingly likely to divorce, and so his young brothers and sisters will be afflicted with both loss and disturbance. It will be hard for them to work well in school, and they may be disruptive. They're likely to need extra time from teachers and probably psychotherapy or counseling. Perhaps they'll get these services, which may or may not help. All this is sad, and it's also expensive. Furthermore, it's not inevitable. Not in every instance and not in the long run. Progress against the most horrifying diseases isn't easy to come by, but it's real. Surely it's worth achieving.

It's clear we need to think about the economics of health care in new ways. We should stop thinking simply in terms of trade-offs within a health care budget and take a broader view, one that includes the resources a cured person contributes and the ways in which the failure to heal—and especially the expectation of that failure—defeats us.

The phrase "health care costs," already a cliché, is also becoming a weapon against progress and, in the way of stale rhetoric, a means of limiting our thinking. We should look at the social reality beyond and after the hospital and the clinic and the billing office. What do we—the citizens of our country and of the world—pay for the lack of medical and scientific effort and discovery? What's the price of understanding not gained and of life not preserved?

The choice doesn't have to be between prenatal care for all and bone marrow transplants for a few, or between shots of TPA or streptokinase for heart-attack victims and good roads over which to drive the ambulance. Lives saved and products sold add to the economy. The choice certainly doesn't have to be between an all-out effort at cure—or even at extension of life—and a peaceful, dignified death. Doctors can try the first and, if it doesn't work, they can help a suffering person to be comfortable. They can honestly reassure the family that everything that could be done was done.

The fact that realistic efforts can be made against diseases that were always lethal a few years ago is, like knowledge generally, invigorating. Not, probably, to a family when they are acutely feeling its loss but to all of us, overall. The increase in scientific information and understanding can't eliminate fear or grief, but it provides hope instead of despair. And hope in modern medicine is justified.

The imaginary but representational 23-year-old who died a few paragraphs back might, instead, live. Perhaps he had a particularly deadly kind of leukemia, one that originates in such a basic blood cell that chemotherapy alone can't eradicate it without destroying his bone marrow, thus killing him. In such an instance, terrible as it is, there's still a good possibility he may be able to have a bone-marrow transplant. There's a reasonable probability it will save him. Let's say he has an alert family doctor who promptly sends him to a painstaking, expert and knowledgeable hematologist, and that he has a matched donor—his sister, maybe. The 23-year-old has a dreadful, long, expensive hospital stay and a long recuperation at home.

But he does get well. And in the laboratories of the hospital where he was cured, doctors and basic scientists study samples of his blood, as they did when he was sick and when he was being treated. They find opportunity and inspiration, both emotional and intellectual, in his treatment. From the molecular changes they observe, they continue to learn about cellular growth and interaction, and they add—maybe a tiny bit, maybe a lot—to the store of knowledge that will stop cancer and other diseases in many people and in a variety of ways, some of which they can't yet imagine. Getting this unpredictable work done in a long-term, cost-saving benefit of cutting-edge medicine.

Meanwhile, the young man himself, cured of leukemia, goes to graduate school, gets married and finds a job at which he works, devotedly, for decades. The sister who was his donor remains grateful for the privilege of helping her brother in a unique way. The parents stay together. The whole family remembers, always, the patient's bravery and endurance and is proud of the strength they all found. It makes the people who went through the experience and those who hear about it value life more, and when somebody who's been touched by it has a frightening symptom, she gets medical help immediately. Eventually and gradually, with many mistakes along the way, research and practice make that help more effective and cheaper.

All this does happen. In the health-care debate we need to make room beside the horror stories for the reality of success.

TRIBUTE TO SGT. DONALD WHITE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Sgt. Donald White of the Chicago Police Department on his retirement. Sergeant White has an exemplary record as an officer and is a tremendous community and family leader.

Born on September 24, 1929, at his parents home, Donald White has lived his entire life in Chicago. He attended Doolittle Grammar School and Graduated from the Central YMCA High School in 1948. After working for the U.S. Post Office from 1948 to 1957, Sergeant White was appointed to the Chicago Police Department on July 1, 1957.

Throughout his career, Sergeant White served the community at a number of assignments. He was assigned to Woodlawn, Grand Crossing, Area Four Burglary and the Eighth District. Sergeant White received 1 department commendation during his career and 15 honorable mentions.

Donald White and his wife Rosie have one child, Lazeric, born June 28, 1976. Sergeant White has three children from a previous marriage named Donald, Corliss, and Teressa.

Mr. Speaker, I am pleased to recognize Sgt. Donald Brown for his contributions to our community. As he celebrates his retirement on September 24, 1992, I urge my colleagues to join me in wishing him the best of everything in the years to come.

EARLY EFFORTS OF COLONISTS AND AMERICAN INDIANS TO GET ALONG

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an anonymous statement from a member of the Omaha tribe, as published in a book entitled "Native American Testimony." The editorial comment which precedes the article is provided also.

INCIDENT AT BOYER CREEK

This account of a run-in between Omaha Indian hunters and Mormon farmers in western Iowa dramatizes basic conflicts in Indian and white philosophies of life. Particularly it reveals how the issue of the land simmered just beneath the surface in nearly all Indian and white dealings. Differences in food-gathering habits and in concepts of ownership of property lie behind this story of a skirmish that never became a war. It was told in the 1880s by an unidentified Omaha to the anthropologist J. O. Dorsey; the incident took place in 1853.)

We killed deer when we went on the autumnal hunt. We hunted all sorts of small leaping animals. When we approached any place to pitch the tents, we were in excellent spirits. Day after day we carried into camp different animals, such as deer, raccoons, badgers, skunks, and wild turkeys. We had ten lodges in our party. As we went, we camped for the night. And we camped again at night, being in excellent spirits.

At length we reached a place where some white farmers dwelt. They gave us food, which was very good. At length they assembled us. "Come, ye Indians, we must talk together. Let us talk to each other at night."

"Yes," said we.

As they came for us when a part of the night had passed, we said, "Let us go." They came with us to a very large house. Behold, all of the whites had arrived. That place was beyond the Little Sioux River, at Boyer Creek, where the first white men were across the country from this place. They talked with us.

"Oho! my friends, though I, for my part, talk with you, you will do just what I say," said one.

"We will consider it. If it be good, we will do so," said the Omahas.

"I am unwilling for you to wonder over the land," said the white man.

White Buffalo in the Distance said, "As you keep all your stock at home, you have no occasion to wander in search of them; and you dwell nowhere else but at this place. But we have wild animals, which are beyond our dwelling place, though they are on our land."

"Though you say so, the land is mine," said the white man.

"The land is not yours. The President did not buy it. You have jumped on it. You know that the President has not bought it, and I know it full well," said White Buffalo in the Distance.

"If the President bought it, are you so intelligent that you would know about it?" said the white man, speaking in a sneering manner to the Omaha.

White Buffalo in the Distance hit the white man several times on the chest. "Why do you consider me a fool? You are now dwelling a little beyond the bounds of the land belonging to the President. It is through me that you shall make yourself a person [i.e., you shall improve your condition at my expense]. I wish to eat my animals that grow of their own accord, so I walk seeking them," said White Buffalo in the Distance.

"Nevertheless, I am unwilling. If you go further, instead of obeying my words, we shall fight," said the white man.

"I will go beyond. You may fight me. As the land is mine, I shall go," said White Buffalo in the Distance.

"Yes, if you go tomorrow, I will go to you to see you. I shall collect the young white people all around, and go with them to see you," said the white man.

Having removed the camp in the morning, we scattered to hunt for game. I went with three men. About forty white men arrived, and stood there to intercept us. They waved their hands at us, saying, "Do not come any further." As we still went on, they came with a rush, and tried to snatch our guns from us. When we refused to let them go, they shot at us: "Ku! ku! ku!"

As we went back, we were driven towards the rest of our party. The leader of the white men said, "Do not go. If you go, I will shoot at you." We stood on an island; and the white men surrounded us.

"You have already shot at us," said the Omahas.

The white men doubted their word, saying, "It is not so about us."

"You have already shot at us, so we will go at all hazards. I am following my trail in my own land. I am going to hunt. Why do you behave so? Make way for us. We will go to you," said White Buffalo in the Distance.

"If you speak saucily to me, I will shoot at you," said the white man.

"Ho! if you wish to do that, do it," said the Omahas. As they departed, the whites made way for them.

We went along a bluff, and then downhill, when we reached a creek. It was a good place for us to stay, so we remained there.

At length about two hundred white men came in sight. We were just thirty. We were in the hollow by the edge of the stream. Wanacejiñga . . . arrived in sight. He looked at them. When he made a sudden signal, he was wounded in the arm. "They have wounded me! There is cause for anger! They have wounded me severely," said he.

"Oho! come, let us attack them at any rate," said the Omahas. We all stood, and gave the scalp yell. Having formed a line, we went to attack them. We scared off the white men. All of them were mounted; but only one Omaha, Agahamaci, was on a horse. He rode round and round, and gave us directions what to do. "Miss in firing at the white men. Shoot elsewhere every time," said he.

At length the Omahas intercepted the retreat of the whites. "Come, stop pursuing. Let us cease. It is good not to injure even one of the white people, who are our own flesh and blood," said Agahamaci. We returned to the women. Then we departed. We reached a place where we pitched the tents. There were a great many deer; they were exceedingly abundant.

ANONYMOUS,
Omaha.

TRIBUTE TO THE BATON ROUGE BUSINESS REPORT

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. BAKER. Mr. Speaker, I rise today to express my congratulations for a job well done to all at the Baton Rouge Business Report on its 10th anniversary. The Business Report staff should be commended for its tenacity and commitment to exploring business and economic development issues in our community. The Business Report's thorough and insightful examination of business issues has been a driving force to focus our community leaders' attention on job and economic development priorities. And for that, I express my sincere thanks. So, congratulations for the Business Report's first decade and best wishes for many more.

TRIBUTE TO TONY MARKULIN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to Tony Markulin, a man of many musical talents from the 17th Congressional District. Mr. Markulin has recently been honored for providing 50 years of tamburitza music.

Mr. Speaker, Tony was born on January 16, 1927 in the mill town of McDonald, OH, the eldest son of Louis and Mary Markulin. As tamburitza was a big part to their family life, Tony began playing the vioin at age 6.

Tony studied first under Eugene James for 8 years. He also studied under Carmen Figarelli and Alberto Reardon. Eventually, Tony played with the Youngstown Philharmonic Orchestra under the direction of John Kruegar.

In 1941, Tony began playing tambura with the talented George Skrbina. George also taught Tony's brothers Steve and Lou. With his son Rudy, these four men formed the Balkan Serenaders of Youngstown.

Over the years, Tony has played with many musicians and orchestras such as Biser, Ser Planina, Drina, Dunay, and Star Serenaders. In 1984, Tony joined the Sarajevo Orchestra in the Los Angeles area.

After 50 years of memories, it's hard to summarize the love of music and the art of making others happy with a song in their heart. It reaches far beyond what most of us can understand. Yet, any one of us who has been touched by just one song surely has felt a little of what drives someone that has the talent to want to share it.

Mr. Speaker, it gives me great pleasure to stand here today to honor a man like Tony Markulin. Tony was honored on August 15 in Youngstown for 50 years of tamburitza music. I wish him well and know that the festivities included splendid music.

INTRODUCTION OF THE SECURITY OFFICERS QUALITY ASSURANCE ACT OF 1992

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. MARTINEZ. Mr. Speaker, I am today introducing the Security Officers Quality Assurance Act of 1992 which, when passed, will require each of the States to establish minimum standards for the screening, training, and licensing of private security personnel. While a number of States have established rules in this area, including several that have very stringent requirements and enforcement procedures, there are 11 States that have absolutely no controls or requirements regarding private security personnel. These States do not even require pre-employment screening, minimum training or registration of armed security personnel.

This bill would provide greater protection to the public by ensuring that those people hired as security guards, including armed guards, are properly screened for criminal activity, and properly trained in certain basic aspects of the job.

There are more than 1.5 million persons providing security throughout the United States. Uniformed, plain clothes, armed and unarmed, they guard everything from industrial sites to the U.S. delegation to the United Nations in New York. Private security officers now perform many of the functions normally provided by Federal, State, and local law enforcement authorities.

In some States, private security officers outnumber local law enforcement personnel by as much as two to one.

The level of pre-employment screening and training by each State's law or regulations, the guard company and its clients, or the proprietary guard's employer. There are no minimum standards that apply nationwide, either as a result of Federal action or by agreement within the industry. Thus, absent specific State government requirements, a security officer could be anyone, regardless of background or experience, and could be performing these sometimes dangerous duties with no training.

Currently, 40 States have statutes regulating contract security officers, this is, at best, a patchwork arrangement. Less than 20 States require any training for unarmed guards. Eighteen States have no requirement for training armed guards, and 10 of those States do not require even a minimum background check before the armed guard is employed and operating with a concealed weapon. Almost none of the States have established requirements of any kind governing proprietary guards—those individuals who are hired directly by a company or individual to protect persons or property.

The leading private security companies, who have formed the Committee of National Security Companies, Inc., have developed a model code setting forth minimum standards that employers should follow when employing security personnel. Their efforts to have this code enacted in each State met with limited success, and several companies have turned to the Congress for help. These leading national and regional security companies recognize the need for proper screening of potential employees and the benefits that training and minimum standards of conduct for their personnel provide in terms of safe and effective protection of clients and their property.

Strict standards result in a more stable work force and a security program that meets the client's needs. While the cost to the client may be slightly greater, because of these background checks and training programs, the quality of the security program is greatly enhanced. The bill I have introduced does not create a Federal program to control security personnel. It does not preempt the States. What it does is to establish minimum requirements that the States must include in their law or regulations. Those States that already have laws or procedures in force that are more stringent than these standards need do nothing.

Where State law is less stringent, or nonexistent, the State must take action or face the loss of certain Federal funding. States are given 2 years from date of enactment to enact legislation or establish these rules by regulation, and the attorneys general are required to advise the Attorney General of the United States when compliance is effected.

I believe that this bill will resolve the concerns of many that inadequately screened and trained personnel are providing security services. It would ensure the American public that guards they see in stores, office buildings, and other places are properly trained and know how to respond to situations that might put innocent bystanders in peril.

I believe these standards are needed. I ask my colleagues in this body to join me in sponsoring this legislation.

PRICE PAID FOR FREE TRADE: PART II

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. MAZZOLI. Mr. Speaker, this is to follow up on my statement of yesterday in the CONGRESSIONAL RECORD on the multifold aspects of today's trade picture.

I believe our colleagues will find very interesting—and equally provocative—the following article from the August 24, 1992 edition of Fortune, entitled "The Job Drought."

THE JOB DROUGHT

(By Brian O'Reilly)

The Great American Job Machine, which once routinely churned out millions of highwage jobs and still produces the highest standard of living in the industrialized world, is shifting gears—downward. Solid middle-class jobs, the kind that allow a single worker to be the family breadwinner, have been disappearing in record numbers and are being replaced more often than not by lower-wage jobs, many of them astonishingly inadequate. This change first hit factory floor in the 1970s. Though U.S. manufacturers have since bounced back in the global competition, their ability to generate an abundance of good jobs hasn't. Now the same ugly tend is devastating the long-invulnerable service sector as well.

Suddenly millions of Americans worry not merely about staying employed, but about staying employed in jobs that will support anything close to their current standard of living. That's why, though the present unemployment rate of 7.8% is well below the 10.8% peak it reached in the recession of the early 1980s, the general level of economic anxiety in the country has climbed to unprecedented heights, as poll after poll attests. Declining incomes, or the fear of future declines, also explain why, as consumers, Americans are sitting on the sidelines, forestalling a more robust recovery.

No wonder the Democrats have seized upon the lack of good jobs as their ticket to the White House. In his acceptance speech at the New York City convention, Democratic presidential candidate Bill Clinton declared at the outset that "the most important family policy, urban policy, labor policy, minority policy, and foreign policy America can have is an expanding, entrepreneurial economy of high-skill, high-wage jobs."

Just how serious is the job drought? Serious. Focus on the expansion of the 1980s and leave aside the past few recession-marred years, which would make the numbers look even worse. Though the U.S. economy added 13.6 million full-time jobs between 1979 and 1989, this much-touted boom was a bust for many workers. A *Fortune* analysis of Labor Department wage data reveals that nearly five million of these jobs paid less than $250 a week, or $13,000 a year, after adjusting for inflation. That's below the official poverty level for a family of four. More than 1.6 million of those low-paying jobs were positions in restaurants, stockrooms, and retail sales, where the chances for promotion are low.

Using a slightly different measure, the Census Bureau calculates that 18.9 percent of full-time workers had low-wage jobs in 1979. Ten years later this dismal figure had risen to 23.1 percent of the work force, and the recent recession has since pushed it up to 25.7 percent.

True, given the need to absorb record numbers of baby-boomers and women into the work force during the 1980s, even a shower of low-wage jobs was better than no jobs at all. And the decade was hardly a disaster for everybody. In most of the country in 1989—outside of places like New York and San Francisco—a salary of at least $39,000 a year, or $750 a week, counted as high wages. The economy added an impressive 3.5 million new jobs in this income bracket during the 1980s, with the most rapid growth coming at the very top, among those earning more than $52,000 a year. Their number soared 59 percent, from three million to 5.1 million.

Problem is the center didn't hold. So with more Americans working in lower-paid positions, the median weekly wage for all workers—again in 1989 dollars—dropped from $409 in 1979 to $399 ten years later. It has since slumped to $391. Traditional sources of well-paying, blue-collar jobs, such as steel, autos, and mining, were among the hardest hit. In states like Pennsylvania, laidoff steelworkers have been forced to learn less lucrative new trades, such as refrigeration system repair. This decline in median wages is spread across dozens of industries, both those where employment is expanding and those where it is shrinking (see charts, following pages).

Adding in the growing value of noncash fringe benefits, such as health or disability insurance, improves the income picture somewhat, but doesn't alter the trend. Adjusted for inflation, the Labor Department's tally of average hourly compensation for manufacturing workers, which includes fringes, fell from $14.89 in 1980 to $14.31 in 1989. And because they carry such a high and rising cost, jobs with good benefits are becoming increasingly rare in both services and manufacturing. Harvard economist James Medoff estimates that in 1979, 43 percent of new jobs had pensions and 23 percent had health benefits. By 1988, he figures, only 38 percent had pensions and just 15 percent offered medical care.

What's most troubling is that the climate for nurturing more high-wage jobs and fewer low-paying ones is likely to grow even more parched. Remember the fear, widespread in the late 1980s, that demographic changes would guarantee a shortage of labor in the 1990s? And the attendent, more hopeful thought, that a dearth of native-born white males would force more companies to hire and promote minorities and women? Forget about it. The view of many economists now is that job creation in the years ahead will barely keep pace with this far slower labor force growth. Some even foresee a labor surplus. A. Gary Shilling, a bearish but respected economic forecaster in Springfield, New Jersey, predicts that the U.S. unemployment rate will be stuck above 9% when the next millennium arrives.

What went wrong? The manufacturing sector, which shed 675,000 jobs—many of them well paid—during the 1980s, lost another 1.1 million jobs in the recession. The biggest industrial corporations, which generally pay the best wages and provide the best benefits, have been slashing work forces with a vengeance. The Fortune 500 industrial companies employed 3.7 million fewer workers last year than the top 500 firms did in 1981 (see table), a loss of about one job in four. Hardly any forecaster expects manufacturing to get back to its already diminished pre-recession employment levels.

For industrial workers who thrived on last decade's defense buildup, the peace dividend promises mainly pink slips. Robert Paulson, a consultant with McKinsey & Co. in Los Angeles, estimates that aerospace accounts for 20% of the manufacturing jobs in California. But only about 15% of those workers have easily transferable skills. Many more have arcane talents, those of aerodynamicists or composite-materials shapers, and half are employed in paperwork and support jobs—dealing with federal contract and hiring rules. Demand from nondefense employers for those talents is negligible. "They won't get jobs designing mass-transit systems or environmental technology," says Paulson. "They will wind up working in Kmart or selling real estate."

The most important dynamic behind the worsening job drought, however, is a rapid decline in service sector employment growth. Services—everything from banking to retailing to hairdressing—account for 78% of U.S. employment and have created virtually all the net new jobs of the past ten years. Now many of these businesses are grappling with the same pressures to lift productivity that manufacturers confronted. Says Morgan Stanley senior economist Stephen Roach: "As established service companies face global competition, much of it in the form of direct investment by foreign service companies in the U.S., they are starting to cut back white-collar jobs with a vengeance."

Much of the pain, Roach says, will be felt by the 18 million back-office workers in trade, finance, business services, and transportation. During the 1980s companies invested billions of dollars in computerizing these operations—the service sector equivalent of a factory's assembly line. But rather than redesign the work and eliminate positions to take advantage of that capital investment, firms kept on hiring, and thus enjoyed minimal measurable productivity gains. The coming back-office cuts will nick those making from $20,000 to $30,000, and also slice into better-paid sales jobs in the front office.

What about those at the upper end of the white-collar pay scale? Despite incessant corporate restructurings and occasional (and well-publicized) layoffs at top law offices, advertising agencies, or media companies, most in this well-educated group will fare relatively well. Because these executives, managers, and professionals tend to perform the core activities at the heart of a service business, firms can't eliminate their positions without eliminating the services they provide.

Less essential middle managers will continue to be shed, however, so the number of managers in the 1990s will grow at only half the 4% to 5% annual rate of the late 1980s. Overall, Roach estimates that the U.S. service sector will create four million fewer jobs than it would have if the hiring pace of the 1980s had been maintained.

This slowdown, coupled with the elimination of many existing service jobs, will continue to push down wages. Consider the experience of recent college graduates. While this crowd have long earned a fat premium for their degrees compared with those who merely finish high school, that's mostly because wages for the latter have been dropping. Now real salaries for the college educated are also declining—down 3.1% between 1987 and 1991, according to the Economic Policy Institute, a liberal policy research center in Washington, D.C.

Some of this is the recession, but some of it reflects structural shifts as well. New college graduates are competing with laid-off middle managers for many white-collar job openings, says professor Philip Gardner, head of research at the Collegiate Employment Research Center at Michigan State University. So the grads are taking entry-level jobs that high schoolers with some technical training once took. "There is downward pressure all over," says Gardner. Laments a placement official at a small four-year college on the East Coast: "College graduates are becoming secretaries and assistants to assistant buyers at Kmart."

Eventually, however, a lot of those well-educated or technically trained newcomers can expect to do reasonably well in the 1990s and beyond. Their relatively rare skills command pay premiums and are in demand in the fastest-growing fields, such as medicine and computers. Unfortunately, the jobs increasing fastest in percentage terms generally employ relatively few people, so even rapid growth won't create huge volumes of new job openings.

According to Labor Department data, the ten fastest-growing occupations in the U.S.—a group that includes paralegals, medical assistants, and computer repairers—will generate a total of 694,000 new jobs between 1988 and 2000. That's 36,000 fewer positions than the number of new full-time jobs that will be created in retail sales alone over the same period. Among the other careers that will provide the greatest number of new jobs during the 1990s, says the Labor Department, are janitors and maids (556,000), waiters (551,000), and hundreds of thousands more receptionists, hospital orderlies, and clerks.

What can policymakers do to retune the U.S. economy and improve its ability to generate good jobs? They can start by acknowledging that there's a problem. Says Dan Lacey, publisher of Workplace Trends, a Cleveland newsletter that tracks staff cuts and hiring patterns: "Ever since World War II, when we started counting the number of jobs available for returning GIs, politicians have worshipped job creation." That was all right during the 1950s and 1960s, he maintains, when real wages for virtually every worker were rising and "even lousy jobs eventually became good ones." But 20 years after wages started to drop, says Lacey, "there is still too much focus on the quantity, and not enough on the quality, of jobs that are being created."

Business leaders also need to engage in some serious attitude readjustment. Many are vocal in complaining about the mediocre quality of American high schools, arguing that their illiterate and innumerate graduates aren't productive at work and therefore can't be paid as much. All too often their solution is to quietly announce—to cheers from Wall Street—that they are shutting U.S. plants that pay workers $14 per hour to open new ones in Korea or Portugal, where production workers get less than $4 per hour. And yet the way U.S. businesses have organized their work for decades is at least a partial contributor to the downward spiral in the country's educational performance and wage levels.

Lester Thurow, dean of the business school at MIT, argues that American companies are far more likely than German and Japanese outfits to break complex operations into simple, unchallenging tasks that the dumbest production worker can handle. Because these simplified tasks demand little education or skill farm workers, companies rarely offer a wage premium for a strong academic performance in high school. Researchers for the National Center on Education and the Economy found that 98% of employers don't even bother to review the academic transcripts of high schoolers, believing their course work to be irrelevant. Until that changes, says management guru Tom Peters, business executives' demands for school reform should be dismissed as "just a cop-out for their own shortcomings."

More and more innovative U.S. companies are starting to realize that rather than continue to dumb-down tasks and save money by cutting wages, they'd be better off striving to hire, train, and reward a better-prepared work force. Flexible, responsive delivery of products and services rather than mass production is the new watchword in the global economy, and only highly skilled employees can quickly master these challenging new processes.

Still, despite their growing awareness, only a handful of employers have been able to translate into action their talk about the need for better training and more worker empowerment. Jim Burge, a corporate vice president at Motorola, recently headed a study of hundreds of companies by the National Association of Manufacturers. Of this group, just 5% to 7% have made significant changes, says Burge.

Why do firms that contemplate creating a "high performance" work organization—one that combines high skill levels, high productivity, and relatively high wages—so often give up before they start? One reason is that there's no consensus, even within industries, about how best to do this.

Joel Rogers, a University of Wisconsin political scientist, found that out last year when he and a colleague examined 24 of his state's metalworking companies. Some were eager to provide only narrow technical training, while others thought workers should focus on improving their broad cognitive skills. One firm that was integrating its design and manufacturing wanted to give its engineers complete control of operations; another preferred to keep control on the shop floor. Only two or three of the 24 companies that Rogers surveyed were introducing significant improvements.

The biggest problem for smaller companies, Rogers found, is that most see little advantage in shouldering the cost of worker training themselves. Big firms tend to poach experienced workers from them, and they are unable to pay enough to keep those workers on board.

Some companies that did take the plunge, despite these difficulties, and managed to upgrade the skills of their work force have found that the rewards can come quickly. Four years ago in Newport News, Virginia, officials at a factory now owned by Siemens, a big German manufacturer, wanted to build a new automobile fuel injector that wouldn't clog up. But many of their production workers had spent years doing routine assembly work and didn't have the skills in teamwork, communications, and statistical analysis needed to run sophisticated new machine tools and handle innovative ways of organizing work.

Siemens decided to develop those skills with help from nearby Thomas Nelson Community College. The training program it devised included a course called World-Class Manufacturing, which explained why workers needed to go through the effort of learning new skills.

The result? George Perry, vice president of one of Seimen's auto parts divisions and head of the plant, says sales of the new injector have been rising 40% a year for three years. The part is produced on machine tools that are accurate to tolerances greater than what their makers said was possible. The number of production workers has nearly doubled since 1988 to 620, and salaries, which used to hover around $10 an hour, can now climb to $14. Says Perry: "Cheap labor is available to your competitors too, so it's not a long-lived advantage. The only sustainable advantage is an adaptive, productive work force."

The spillover from this success has altered the whole approach to education in the Newport News area. Siemens and five other local scientific and manufacturing companies have teamed up with the community college to help prepare young students for high-skill jobs. Says Robert Templin, the president of Thomas Nelson: "Many high schoolers were avoiding challenging courses, explaining, 'We won't need them. We're going to work in a factory.'" That's changing. Says Perry: "Uncles and aunts who are sweating over a statistics course in the factory tell their nieces and nephews to study harder."

Now factory technicians even make visits to local junior high schools, and students take class trips to factories to acquire to feel for the course work and training they will need. Tenth-graders get mentor relationships with a worker in the career field they've chosen, and the company plans to give on-the-job training as early as 11th grade. Special programs in factory work, medicine, and other careers are taught at the community college. As the number of skilled workers in the region has risen, turnover at the plants has dropped, and the cost of finding new workers has been reduced.

In Huntsville, Alabama, business and community leaders have also banded together to expand the local supply of higher-wage jobs. Their focus has been not on education reform, but on boosting public awareness of the importance of exporting. In addition to creating a public relations campaign to encourage exports, they developed communications networks among firms and expanded the local airport to make the job easier. The county sponsored lectures on how to export, researched foreign markets, and showed firms how to use a fax machine to communicate abroad.

Exports from the region have risen at a rate twice as fast as the national average, says Peggy Barnard, head of the North Alabama International Trade Association. They include everything from ultrasonic devices for measuring the flow in sewer pipes to high-speed packaging equipment. The new overseas markets have increased the number of manufacturing jobs and also created a demand for international marketers, shipping experts, bankers, interpreters, and other service suppliers.

Huntsville's effort provides a useful model for other U.S. communities. As the Germans and Japanese have shown, nothing is more likely to expand higher-wage jobs than an intensified focus on exports. In the U.S. machine tool industry, which was devastated by overseas competition in the 1980s, the number of workers paid more than $52,000 a year nonetheless jumped by 116,000. One reason is that the companies that survived managed to post the biggest gains in exports of any U.S. industry during that period.

More good news: Though cutbacks and hiring freezes promise to be a way of life among the largest U.S. corporations, the U.S. economy continues to be blessed with an abundance of small but growing firms of every variety. Many are nimble, well focused, and pay well, and happily, their numbers are expected to increase. While most of these roughly half-million fast-growing companies employ fewer than 100 employees and represent just 6% to 7% of the companies in each industry, they consistently account for about 75% of their industries' employment growth, according to David Birch, head of Cognetics, a Cambridge, Massachusetts, economic research firm.

These small outfits succeed by being creative, even in traditional businesses, and pay well to attract the talent they need. Most make far better use of new technology, communications, and marketing methods than bigger and more established companies. Says Birch: "Slice any industry, even by three-digit industry codes, and the pattern holds."

He cites the example of a fish processor near Boston who grew from $10 million in annual sales in 1980 to $78 million by automating and computerizing his traditionally labor-intensive operation. In a field where small family businesses are the norm, this fellow is now one of the biggest processors in the country, employing 130 people—and two robots. That's typical, says Birch, who also estimates that roughly two-thirds of employees in these fast-moving companies have some post-secondary education.

Unfortunately, those positive experiences remain far too rare. Right now the U.S. is still in the midst of a clumsy and incomplete transition to a more highly skilled, technically adept economy and society. Its biggest problem is that its educational apparatus and prevailing cultural attitudes about the role of education haven't caught up with the shifts. As Lawrence Mishel, a labor economist at the Economic Policy Institute, puts it, "We have a manufacturing system designed by geniuses for idiots, with an education system to match."

To complete the transition to a higher plane and improve the quality of the new jobs that are created, more citizens, politicians, and executives need to acknowledge that the successful economies of the late 20th century—and even more so the 21st century—require a work force in which intelligence and technical competence are dispersed more widely than is to be found now in the U.S., with its overconcentration of Ph.D.s at one end and menial workers at the other. At the same time, a nation that has long prided itself on inventiveness and ingenuity needs to acknowledge that the countries that appear to thrive in world markets put a higher premium on efficient, flexible production than on pure invention.

Signs of changing attitudes abound. College freshman are gravitating increasingly to technical careers—and with good reason. College graduates with chemical and electrical engineering degrees earn 50% to 70% more than graduates in the humanities. Community colleges are swamped with students taking technical courses. Paralegals and medical professionals command some of the highest wages of any semiprofessional. When Myra Banke, a physical therapist, moved to the Atlanta area last year, she had three job offers, all paying more than $40,000 per year.

Princeton economist Alan Krueger calculates that anybody who uses a computer earns 15% more than an equally skilled coworker who does not. Robert Swain, head of a New York firm that helps laid-off executives find jobs, tells his clients that it increasingly pays to have technical skills, "like an accountant who knows computing well enough to tie two different computerized accounting systems together."

But as professor Rogers's study of the Wisconsin metalworkers and the National Association of Manufacturers survey of its members reveal, this national grouping toward an increased emphasis on technical talent has yet to filter down to many frontline workers. Employers seem daunted and confused by the task.

What's missing is a powerful incentive system to persuade employers to train workers better and to demand more intelligence from employees further down the ranks in their organizations. MIT's Lester Thurow argues that higher minimum wages would pressure companies, particularly in the service sector, to push for more training and other productivity improvements. Says he: "Relative to average wages, minimum wages in the U.S. are far lower than in other countries." But in the short run, raising the minimum wage might backfire, further reducing employment and driving more jobs overseas.

A better solution would be to urge American companies to sponsor more industry-wide training. In Germany most firms participate in elaborate apprenticeship programs for young workers, some lasting four years or more, and 60% of German youth ages 16 to 18 become apprentices. The programs are designed in collaboration with individual companies, industry councils, and labor unions. Not only do workers learn skills, but information on how to organize work better is shared among companies—and the incentive to raid individual employers who invest more in training is reduced.

In addition to encouraging voluntary industry efforts, Washington could provide tax incentives for training. Howard Rosen, executive director of the Competitiveness Policy Council, a bipartisan commission appointed by Congress and the President, points out that these could take the form either of credits for companies that participate or new levies on those that fail to invest a minimum amount.

Congress and the White House might also finally agree to pass another small incentive—making the temporary R&D tax credit a permanent one. Of all U.S. manufacturers, the industry that scored the highest percentage increase in well-paid jobs in the 1980s was chemicals, with 83%. That translated into 73,000 new workers making over $52,000. Why? Duane Dickson, a vice president with Gemini Consulting, says the industry began boosting R&D after years of coasting on old postwar inventions, and also started putting trained engineers into new factory positions. A permanent R&D credit would well encourage even more industries to go down this road.

Finally, government can avoid doing things such as imposing new trade barriers that will impede the transition to a higher-wage, higher-skilled economy. By reducing competition—and thus the imperative to push harder for gains in productivity—such policies can only backfire. True, the short-term pain of improved productivity is that more work is often done with fewer people. But in the long run, if a nation's workers continue to improve their efficiency, then the total number of good jobs will expand as customers at home and abroad clamor for more of the resulting inexpensive, high-quality goods and services.

If Washington is going to take a more active role in encouraging worker training, it would help if there were some kind of national vision of just what we should be in training for. Does the U.S. want to be rocket builder to the world, or trinket maker? Should it aim to design rocket and trinket factories and industrial management systems, but sell them to foreigners? Will America prosper not by making more things, but by designing wondrous communications, transportation, and environmental systems that make every ordinary thing we do easier, cheaper, and more convenient?

You can recoil at the thought of Congressmen patching together a national industrial policy and still hanker for some high-level thinking on how to channel the nation's considerable energy and talent in some coherent manner. It won't do to train millions of youngsters to become medical technicians if the nation is also planning to cut medical spending.

None of the changes required will be easy. The notion of preparing youngsters for anything but college, or steering them into narrowly defined training programs, runs counter to American ideals of unlimited opportunity and freewheeling individualism. Companies working together on training and comparing notes on optimum work organization won't sit well with a population worried that any corporate collaboration may have evil intent. And any policy changes that make it harder for companies to continue down the low-wage, low-skill path will surely bring howls from outraged business leaders who fear they cannot compete any other way.

What everybody should agree upon is that the U.S. cannot support a thriving consumer ecomomy—or avoid an eventual increase in political and social unrest—if it continues to force the majority of its population into an ever lower standard of living. Sooner or later everyone will pay.

MERRILL LYNCH CHAIRMAN WILLIAM SCHREYER AND VOLUNTEERS TO BE HONORED BY UNITED WAY OF HUDSON COUNTY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. GUARINI. Mr. Speaker, on September 15, 1992, the 57th annual campaign kickoff luncheon will be hosted by the United Way of Hudson County at the Meadowlands Hilton in Secaucus, NJ.

William E. Martin has directed the United Way for 36 years. This campaign kickoff will be featured by the keynote speech of William A. Schreyer, chairman of the board of Merrill Lynch & Co., Inc., Global Financial Services Corp.

More than 700 persons will be in attendance, including special guest, Archbishop Theodore E. McCarrick, of the Archdiocese of Newark.

Mr. Schreyer is the 1992 campaign chairman of the United Ways of Tri-State, which includes New York, New Jersey and Connecticut.

Mr. Schreyer, as chairman of the board of Merrill Lynch & Co., Inc. and chief executive, has been a leading advocate of fair and open global markets, of U.S. Government policies encouraging greater savings and investments to secure the Nation's international competitiveness, and of ethics in business.

Mr. Schreyer is currently a director of Schering-Plough Corp. and has served as vice chairman of the New York Stock Exchange. He has also led stock exchange delegations to the former Soviet Union and to the People's Republic of China to encourage the development of securities markets there.

The Merrill Lynch Co., Inc. has a vast operation with 2,600 employees here at 101 Hudson Street, located at Jersey City's Gold Coast. And I was pleased to participate in ground breaking ceremonies for this new structure about 2 years ago, along with Gov. James J. Florio, and officials of the Merrill Lynch Co., Inc.

It has given me great pleasure to be affiliated with the United Way of Hudson County, which stands as a beacon of hope, providing outstanding social service leadership in our area.

Through its unique partnership of labor, industry, Federal, State and local governments, and public and private agencies, a tapestry of talent and resources work daily, striving to solve problems affecting people of all ages in our communities. In the last year, the estimated number of service calls to individuals and families in need was about 200,000.

The United Way of Hudson County was founded in 1932. It meets human service needs through its 33 agencies working through its organization presidents and professional personnel and approximately 1,100 corporate, labor, government and civic leaders who volunteer service on various board of directors. A mighty army has been available to help those in need of services in various areas.

Two years ago, the United Way of Hudson County created the Congresswoman Mary T. Norton Award. This award was named in the Congresswoman's honor because of her deep commitment to human service needs when she was in Congress. The award—a golden bronze eagle—recognizes women who have made outstanding contributions to the success of the United Way programs both in our community and throughout the Nation. It symbolizes the spirit of the United Way—to increase the organized capacity of people to care for one another.

This year's recipients of this prestigious award are:

Dr. Carol Grasz, who is principal of Washington School, Bayonne, NJ, and a long-time member of the board of directors of the United Way of Hudson County. She has provided outstanding community service working with numerous professionals in the educational and ethnic community, including the National Conference of Christians and Jews, Bayonne Community Mental Health Center, and others.

Lorraine Jordan, who is administrative director, United Way of Hudson County. Following her lifelong career in social service agencies since 1971, including working at the Jersey City Jobs Corps' Center for Women, Division of the Young Women's Christian Association, and Association for Retarded Citizens, and Urban League of Hudson County, where she received the Vernon E. Jordan, Jr. Award for outstanding staff performance;

Joanne Traina, who is director of Hudson County CYO Youth Ministries movement. Since 1970 she has conceived, planned, developed and implemented programs involving Hudson County's children in recreational and social involvement programs;

Janet Wallach, who is director, Big Brothers/Big Sisters Program, Hudson County, headquartered at the Boys Club of Jersey City. She was director of the Youth Achievement Center, and developed a comprehensive counseling program. A teacher, she serves as a consultant to the Boys and Girls Clubs of America.

Congresswoman Norton, in 1925, was one of the very first women elected to the U.S. House of Representatives. She was elected to represent Jersey City and Bayonne 12th District, as the first woman from the Democratic Party and the first woman from an eastern State elected to the House of Representatives in her own right.

More than 40 years ago, Congresswoman Norton was a champion of child care, women's rights, labor safety standards, and education. She was also instrumental in the inclusion of women in high levels of government service. She served 13 terms, retiring in 1950.

At this luncheon, the first annual Louis T. Scialli Memorial Award will be presented to Joseph McLaughlin.

The United Way of Hudson County has initiated the Louis T. Scialli Memorial Award as a tribute to the accomplishments of the membership of the Jersey City Education Association. Mr. Scialli served as president of the Jersey City Education Association from 1969 until his passing in 1990. He developed strong programs, making the Hudson County Human Services network perhaps one of the most effective in the entire Nation.

JCEA members have served magnificently under the late Lou Scialli. It is for this reason that Kenneth Albers, our United Way chairman, and chairman of the Provident Savings Bank, and Thomas Favia, president of the Jersey City Education Association, announced the initiation of the Louis Scialli Memorial Award.

They announced that Joseph McLaughlin is the first recipient of this award. Upon his discharge from the U.S. Marine Corps, Mr. McLaughlin joined the New Jersey Bell Telephone Co. in 1961, and the International Brotherhood of Electrical Workers, Local 827, in 1963, and served 15 years as executive board member of the IBEW, and 6 years as its president, through April 1992. This union, representing 11,000 members, has been a main supporter of the United Way of Hudson County through the leadership of Joseph McLaughlin.

The IBEW's financial support has helped hundreds of human service agencies throughout New Jersey, not only helping IBEW members, but the general public.

I am pleased to note that the Hudson County quota for this year has been met. This indeed is a reflection of Bill Martin's sterling leadership and long-time supporters of the United Way of Hudson County such as Robert Smith, chairman of the finance committee, Attorney David Leff, past President Frank Nilan, of Bayonne, and President-elect Burton Trebour, vice president of APA Transport Co., and his dedicated staff and volunteers who work so closely with the professionals in the agencies.

This year's campaign manager is my longtime friend, William Thornton, past president, who has able assistance from chairpersons William Clossey, Jr., vice president of the Providence Savings Bank, and George W.

Rupp, vice president of the Provident Savings Bank, and Steven Muscat, vice president of the National Community Bank.

I am also pleased to note the progress of the American Way Division of the United Way of Hudson County, which Bill Martin devised 2 years ago. We all have been urged to extend a helping hand to those in need.

Here in Hudson County, which is a complex set of communities, made up of immigrant families from 105 nations, there has to be more than a helping hand to deliver social services. There is a definite need to reach out to those in need and newcomers. I share the enthusiasm with local United Way leaders regarding the recent naming of Elaine T. Chao, the U.S. Director of the Peace Corps, as new director of the United Way of America, with main offices in Alexandria, VA. She was born in China and has had an illustrious career in government. I am sure she will be pleased to learn of the involvement of the American Way Division in Hudson County. Bill Martin reports tremendous success, working with Conrad J. Vuocolo and the Asian-Pacific leadership of Hudson County in this concept.

Having Chairman Schreyer of Merril Lynch & Co., Inc. as the keynote speaker is of tremendous significance. We thank corporate America for their community involvement, not only for employee and corporate financial aid, but for providing volunteers, loaned executives, and important non-cash and in-kind resources.

Business working with our labor forces can help fill the gap caused by cuts in human services funding on Federal or State levels. Corporate social response is important because it acknowledges that companies are indeed a large and important part of the larger community we call America.

I urge my distinguished colleagues here in the House of Representatives to join me in extending congratulations and best wishes to the United Way of Hudson County and all those present at this kickoff luncheon.

MILPITAS, CA, LENDS A HELPING HAND

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. STARK. Mr. Speaker, last Tuesday, the Milpitas, CA, city council resolution approved the donation of three police patrol cars and a public works pickup truck to the city government of Morgan City, LA, to assist in the aftermath of Hurricane Andrew. In my view, the city government of Milpitas, CA, stands as a shining, living example of a point of light.

Milpitas' gift is a very special act of kindness from the heart, an effort in small part to repay those who helped the citizens of the East Bay area after the 1989 northern California earthquake. Words cannot describe the challenges facing any community after a devastating natural disaster such as an earthquake or hurricane. It is these small deeds, however, which make the long recovery possible.

Milpitas is to be commended for its open heart. Special thanks must go out to Milpitas Councilman Skip Skyrud, Assistant City Manager Anthony Constantouros, Cecil Williams, the office of Representative BILLY TAUZIN, and Union Pacific Railroad for making this success possible.

I recommend a San Jose Mercury article on the effort:

[From the San Jose (CA) Mercury News, Sept. 5, 1992]

MILPITAS SENDS HELP ON WHEELS TO LOUISIANA

(By Mark Johnson)

Milpitas is sending some rolling relief to Louisiana hurricane victims—three surplus police cars and a pickup truck.

The city ordinarily sells its surplus vehicles, but Councilman Skip Skyrud got to thinking that "what to us is surplus is a windfall to somebody else."

The Milpitas council approved the donation Tuesday night. The vehicles were delivered to the Union Pacific rail yard in San Jose Friday evening. They will be shipped by train to Morgan City, La., a town that suffered considerable damage from Hurricane Andrew.

Skyrud and Assistant City Manager Anthony Constantouros contacted the offices of U.S. Rep. Pete Stark, D-Hayward, and Rep. Billy Tauzin, D-La., and determined by Wednesday morning that Morgan City, an oil industry town of 15,000 on the Gulf of Mexico, could use the help. Morgan City Mayor Cedric LaFleur gratefully accepted the offer.

"We had a lot of police cars damaged in the storm, and of course we live in a depressed area—we were depressed before this," LaFleur said. "We're amazed that people from so far away would care about us. Thank you, and God bless all the people over there."

The city sought out Union Pacific Railroad on Tuesday for help in hauling the cars to Louisiana.

"Some of our firefighters volunteered to drive the cars to Louisiana," Skyrud said.

Tuesday, city workers outfitted the cars—from the amber lights right down to the 911 window stickers—to be used as police patrol cars the moment they're unloaded. Hearing that the Morgan City work crews also needed chain saws, the Milpitas Employees Association and the city's firefighters gathered funds for tools to be loaded into the trunks of the cars before they're shipped.

IN LOVING MEMORY OF STANLEY ROGOWSKI "UNCLE SKIP"

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Ms. KAPTUR. Mr. Speaker, on September 1, our community lost one of its most beloved citizens—Mr. Stanley Rogowski or "Uncle Skip" as he was known to me, our family and community. He achieved the age of 73.

Born on July 16, 1919, Stanley was a decorated U.S. Army veteran who served in World War II in northern France, the Rhineland, and the Ardennes. He was employed as a road crew and maintenance engineer for the Lucas County Engineer for 24 years, retiring in October of 1982. Previously, he was a general laborer for the Champion Spark Plug Co., and a bag machine operator for the Chase Bag Co. for over 13 years. He was a parishioner of St. Catherine Catholic Church.

He also took his citizenship very seriously. More than any other individual citizen of Ohio's Ninth District, he became our premier U.S.-flag representative, distributing Old Glory to every nook and cranny in northwest Ohio. Upon his death, several boxed American flags proudly awaited delivery in his car.

It is fitting to pay tribute in this RECORD to his life. Stan was a truly good man. In his view of the world, the word family meant everything. He is survived by his beloved wife of 42 years Esther; his devoted sister Anastasia; his nephew Stephen; as well as his brother's wife Stella; and their children, niece Roseann Koperski; nephew John Rogowski; and many other nieces, nephews, and close friends.

Certain words befit his character: Fine, most generous, caring, dear, distinguished and gentle man. He was a rare and precious gift of life and love to us all, who gave so selflessly and unassumingly. Unless one took the time to appreciate his constancy, you might not realize the depth of his devotion to others.

To one side of our family he was always lovingly called Uncle Skip, to the other, Stan. But our love for him was full, and grew with the years. Thank You God for sharing him with us for those 73 rich, memorable and irreplaceable years.

Thank You for not letting him suffer as he said goodbye to us and the transitory moments of life on this Earth.

Thank You God for the younger children, and teenagers who loved him. Let me say to each of them on Uncle Skip's behalf that he—and his wife of 42 years Esther—are so grateful you wish to pay your respects to him. We know for the very young this has been especially difficult because saying goodbye to a dear friend is very, very hard. But You will always remember him, in your hearts and he is a part of you. And so God, we thank You for the courage and love of our young people who have their full lives ahead of them. Each of you honors his life by having cared for him. We thank each of you for giving great joy to Uncle Skip by becoming a friend to him.

We thank You God for the unselfish love that Uncle Skip and Aunt Esther always gave to help nurture and value each one of us, especially in the important early years when we were children. They made us all princes and princesses. We were all flowers in their garden. For those among us who lost our own fathers long ago, Uncle Skip gently filled that void out of a deep sense of duty and love so unusual in today's world. Each of us touched by his and Esther's priceless gifts of love has been blessed beyond measure.

And God, we thank You for his laughter, his jokes, for the back yard roasts, the surprise visits, the birthday cards, the trips to points far and near, the vacations, the family parties, for being Santa Claus, for the weddings, the baptisms, the communions, the holidays, the Halloweens, the graduations, the Tupperware parties, and for being on our side in all life's moments, those of great tragedy and those of great joy. He, along with Esther, were always there. They celebrated life.

We thank him for the laughter, the county maps, the toys, the winks of his eye, the always encouraging words, the gadgets, the advice and insights about life, the handmade items, the tools, the beautiful flowers, the rides to work, to the store, to the doctor, to the family events, to church, and the regular delivery of Grade A Zwyer eggs since 1973, and of course, the handmade congressional podium.

We thank God for Uncle Skip—for Stan—for his open and loving embrace to all who crossed his path. He noticed you. He welcomed you. He loved you.

Thank You for letting him survive the horrors of this country's bloodiest war, to come back home, marry a beloved wife, be reunited with his mother, father, sister, brother, and watch their children be born and grow up. And then their children's children.

God, thank You for sharing him with us for nearly three-fourths of a century before You took him back home.

We shall miss him deeply. That sorrow is our lot to bear. God spared him, thankfully, these moments of sorrow. But our very souls are imbued always with the love he taught us, just by the way he lived. His life was a testament to unequaled generosity, unselfish love, honesty, dependability, humor, great joy, patriotism, and a sacred regard for family.

Though he was a decorated Army combat veteran, somehow the Marine Corps motto befits him best "Semper Fidelis"—Always Faithful, Always Faithful.

In offering our prayers, we recall the beautiful word of Plato to Aster:

Thou Wert the Morning Star Among the Living
Until Thy Fair Light Had Fled;
But Now Thou Art As Hesperus
Giving New Splendor To the Dead

Stanley Rogowski graced us with the simple joy of living. The world smiled as he negotiated its byways. We love you, Stan. Thank You God for letting us know him. We love you, Uncle Skip. We love you: husband, brother, uncle, brother-in-law, great uncle, great-great uncle, wonderful neighbor, dearest friend, distinguished citizen of these United States.

TRIBUTE TO ERNEST W. HAHN: "NICE GUY OF THE YEAR"

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. CUNNINGHAM. Mr. Speaker, I wish to pay tribute today to Mr. Ernest W. Hahn, a living legend to the people of San Diego, CA. Mr. Hahn is chairman of the board of the Hahn Co., a respected shopping center developer who began his successful career in 1946 and quickly becoming the largest general contractor in the United States specializing in retail store construction.

Throughout his lifetime, Ernest Hahn has been, and continues to be, a valuable influence in the business community, a counsel to elected officials, a generous contributor to philanthropies and an inspiration to local organizations. San Diego has been fortunate to have many leaders who have distinguished themselves in business, government, society, and civic organizations but only a few of these outstanding men and women are accomplished in all of these noble fields.

Mr. Hahn initiated a fresh and innovative concept in shopping center design that combines community and cultural facilities with retail operations. This approach has created a new sense of civic spirit and organ revitalization, which has sparked the imagination of the public and encouraged their participation in community planning.

In San Diego, the jewel of downtown's redevelopment effort has been Horton Plaza, which offers visitors, office workers, and nearby residents a unique opportunity to shop, dine, and browse through an architectural tapestry filled with interesting discoveries in an atmosphere of distinction. Of course this triumph would not have been possible if it had not been for Ernest Hahn, who prevailed over unpredictable politicians, erratic city planners and the cumbersome bureaucracy of five public agencies, in addition to maneuvering among the financial jeopardies of numerous bankers and mortgage lenders during a recession.

In addition to his professional accomplishments, Mr. Hahn is the chairman of the board of trustees for the University of San Diego, a life trustee of the University of Southern California, president of the Urban Land Foundation, a trustee of the Urban Land Institute, and vice-president of the San Diego Olympic Training Center. He is also a president emeritus of the Bob Hope Cultural Center and is the founding trustee and donor of the Eisenhower Medical Center & Hospital in Rancho Mirage, a trustee of the Scripps Institute of Medical Sciences in La Jolla, and with his lovely wife Jean, in the founding patron of downtown San Diego's Hahn Cosmopolitan Theatre.

On Saturday, October 3, 1992, Mr. Hahn will be honored as the Nice Guy of the Year by the Nice Guys of San Diego, Inc. for his exceptional contributions of the citizens of San Diego. The Nice Guys were formed in 1980 to provide immediate assistance to individuals, charitable groups, and other nongovernmental organizations.

Mr. Speaker, I would like to take this opportunity to thank Mr. Ernest Hahn for all his efforts to improve our quality of life. We are truly fortunate for having benefited from his vision, commitment, and generosity.

THE ECONOMIST ON CLINTON'S LEFT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. MICHEL. Mr. Speaker, as this election draws ever closer, I think it essential that the American people take a careful look at the agenda of those people who advise Democratic Presidential nominee, Bill Clinton.

One of these advisers, Derek Shearer, is a proponent of economic democracy, which is considered in many circles a code word for socialism.

I submit for the RECORD a story, entitled "The Economist on Clinton's Left," profiling Mr. Shearer, and his economic beliefs. This story originally appeared in the September 10, 1992, issue of the Wall Street Journal.

[From the Wall Street Journal, Sept. 10, 1992]

THE ECONOMIST ON CLINTON'S LEFT

(By Thomas J. DiLorenzo)

If Bill Clinton's economic rhetoric sounds conservative at times, his choice of economic advisers is not. One in particular, Derek Shearer, a professor of urban studies at Occidental College in Los Angeles, has taken public positions miles to the left of the Democratic mainstream.

Mr. Shearer is a longtime friend and adviser of Mr. Clinton's. Indeed, the two met during Mr. Clinton's student days at Oxford, and Mr. Shearer is now widely regarded as a member of Mr. Clinton's inner circle of economic advisers. According to the Washington Post, Mr. Shearer would likely play a prominent role in a Clinton administration, perhaps even as chairman of the Council of Economic Advisers.

Given this prominent role, perhaps it is worth taking a closer look at Mr. Shearer's public pronouncements, his activism in his hometown of Santa Monica, Calif., and his writings, especially his best-known book, "Economic Democracy," published in 1980.

Although the phrase "economic democracy" sounds innocuous, it is a kind of "euphemism," as Mr. Shearer explained in the leftist weekly In These Times a year before his book appeared. "Socialism has a bad name in America," he also wrote in In These Times (as quoted in Reason magazine), "and no amount of wishful thinking on the part of the left is going to change that in our lifetimes. . . . The words Economic Democracy are an adequate and effective replacement."

AVOIDING THE 'S' WORD

At a 1981 conference of left-wing activists hosted by Ralph Nader—featuring I.F. Stone and Studs Terkel, among others—Mr. Shearer elaborated. "While we can't use the 'S' word [socialism] too effectively in American politics," he said, as quoted in Barron's, "we have found that in the greatest tradition of American advertising that the word 'economic democracy' sells. You can take it door to door like Fuller Brushes, and the door will not be slammed in your face."

Mr. Shearer's perspective on the U.S. economy, and on the role of profit in it, has led him to show a certain hostility toward private ownership. In discussing how he and Tom Hayden organized the campaign for rent control in Santa Monica in 1980 and 1981, Mr. Shearer explained to his conference audience that "housing is a basic human right that . . . comes before the need to profit." Guided by this philosophy, Santa Monica has adopted perhaps the strictest, and most destructive, rent control laws in the nation.

In 1982, Mr. Shearer told Ed Bradley of CBS's "60 Minutes"—in a segment about Santa Monica entitled "Left City"—that America is a "profoundly unequal country." To rectify this state of affairs, he explained, the Campaign for Economic Democracy—an activist organization founded by Mr. Hayden—was recommending a radical redistribution of the wealth in Santa Monica. The hope was to "use the power of the . . . government to control the wealth of the city."

The strategy apparently paid off, Mr. Shearer's wife, Ruth Yanatta Goldway, was elected mayor in 1981 and promptly appointed her husband and other CED activists to the city commission. Their harshly anti-business policies soon earned their city the derisive nickname "the People's Republic of Santa Monica."

The philosophy behind this activism may be found, spelled out at length, in "Economic

Democracy." In that book Mr. Shearer, with his co-author Martin Carnoy, addresses essential aspects of the American economy. He does not like what he sees.

Mr. Shearer and Mr. Carnoy write in "Economic Democracy" that corporations are too "impersonal and powerful" and that a strategy to achieve economic democracy "must start by dismantling, or at least restricting, the power of these corporations."

Ignoring the debacles of central planning, Mr. Shearer and Mr. Carnoy call in their book for a "democratically" planned economy—i.e., one planned by government bureaucrats. They also call for nothing less than complete governmental control of the capital markets. "A strategy of reform," the authors write, "must transfer capital from the corporations to the public. . . . The logical vehicle for that process should be the government."

Another "logical vehicle" would be government "holding companies" that would purchase from 10% to 20% of the shares "in at least one major firm in each major industry." The board of directors of such holding companies would include consumer activists, union officials and government bureaucrats. The objective, the authors write, is to provide a vehicle for governmental takeovers of entire industries "without the immediate financial and ideological burdens that large-scale nationalization efforts would entail."

According to "Economic Democracy," Mr. Shearer favors, as an alternative to nationalization, pervasive governmental control of virtually all business behavior. If an industry "refuses to bargain" with the government by, say, objecting to the imposition of price controls, "real sanctions must be levied. . . . These could include denial of tax advantages and other subsidies, denial of export licenses, threat of antitrust suits, and so on."

Mr. Shearer's views don't seem to have shifted much since the publication of "Economic Democracy." A 1983 book (with Mr. Carnoy and Russel Rumberger) entitled "A New Social Contract" calls for government "control of . . . investment." Dozens of newly created government enterprises are "the cornerstones of our New Social Contract," under which private businesses will be "guided by new rules of behavior" enforced by regional and local government planning agencies. Other ideas include a "well planned expansion of the public sector," creation of a "national planning agency," and the implementation of Ralph Nader's "corporate democracy" agenda, according to which corporations would be required to submit a "social balance sheet" to regulators each year.

"A New Social Contract" hails the election of "self-described socialist" Bernie Sanders as mayor of Burlington, Vermont, in 1981. His election is called a significant "political victory," the likes of which the authors hope will someday "lead to a majoritarian movement." The book ends by expressing the hope that economic democracy will play an "influential if not a leading role in the next Democratic administration."

Having developed his basic economic ideas in these two books, Mr. Shearer seems to have turned, in recent years, to strategies for implementing them. A typical example is a 1986 article in the Nation in which he suggests that "progressive" policies, such as those he helped to implement in Santa Monica, will come to other cities only with the election of "a reform-minded democratic President. . . . who will appoint a progressive Secretary of Housing and Urban Development to spread information about progressive programs across the country."

Bill Clinton would seem to fit the bill. He is "pragmatic and wants to get things done," Mr. Shearer recently told the San Francisco Examiner. And he is ideologically compatible apparently. "The best way I can describe Clinton is as a progressive. He believes in activist government," Mr. Shearer told the Washington Post.

When criticized last month in the Orange County Register for his socialist views, Mr. Shearer responded by saying that he was not an advocate of socialism but in fact a "proponent of democratic capitalism" and proudly asserted that he had "served on the board of directors of private corporations, and on the board of the National Consumer Cooperative Bank in Washington, D.C." He recently told The Wall Street Journal that his radical views had "changed," although he did not say how, except to endorse Mr. Clinton's economic program, of which he is an architect.

TAX THE RICH

It is certainly possible that Mr. Shearer has lately revised his leftism, even if none of his published writings, at least those that I have seen, repudiate or significantly alter his celebrated public positions or the views expressed in his most famous intellectual manifesto. It might be mentioned, in this connection, that the National Consumer Cooperative Bank he names in his rebuttal to the Register's critique is not exactly a bastion of free enterprise. It is in fact a product of lobbying efforts by Ralph Nader and his associates during the Carter administration. Its purpose, according to Mr. Nader, is to "replace the existing capitalist economy with a cooperative economy."

Not surprisingly, Mr. Shearer hopes that Mr. Clinton and his Democratic Congress would enact a "tax reform that seriously attempts to increase taxes for the rich," as Mr. Shearer told the Post. He also favors an interventionist industrial policy. In this he is joined by other Clinton economic advisers, like Robert Reich of Harvard's Kennedy School of Government and business consultant Ira Magaziner.

It is hard to say for certain what a Clinton administration would be like, but it is clear that its economic policy would have a marked leftward tilt. Many have criticized the bush administration for increasing domestic spending and adding significantly to government red tape. But judging by the thinking of one of Mr. Clinton's close advisers, a President Clinton would make George Bush look like a piker when it comes to expanding the size and scope of government.

(Mr. DiLorenzo is professor of economics at Loyola College in Baltimore.)

NATIVE AMERICAN APPRECIATION DAY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Ms. SNOWE. Mr. Speaker, I rise to extend my support and appreciation for the efforts of the many people who worked to organize Maine's Native American Appreciation Day on September 12, 1992. This day has been set aside not only to honor these people, but also to celebrate their culture.

The day features exhibitions of singing, drumming, ceremony and worship. There will be many displays including American Indian food. These celebrations are planned in the hope of greater cooperation, understanding and respect in the future.

Native Americans have a wealth of history in Maine. Living in Maine are the Penobscots, the Passamaquoddy, the Houlton Band of Maliseets and the Aroostook Band of Micmacs. Some claim that the earliest recorded contact with the Penobscots was in the spring of 1524 when explorer Verrazzano sailed along the coast of Maine. After this encounter, there were numerous other contacts with Europeans. As the United States was formed, the Maine tribes developed several treaties with the colonies. In fact, several fought on the American side against the British during the Revolutionary War. Even when Maine was part of the State of Massachusetts, the Penobscots and the Passamaquoddy sent representatives to the State legislature, a practice that continues today. However, Maine was the last State in the country to extend voting rights to Indians.

The Maine tribes practiced agriculture, growing corn, squash, and a number of other vegetables. They harvested wild blueberries which is one of Maine's most important agricultural commodities today. In addition, the tribes are known for their basketmaking and beadwork.

I am proud to have been a part of efforts to federally recognize the Passamaquoddy, the Penobscots, the Maliseets and Micmacs. I am also proud that Maine has set aside this day to recognize the achievements and appreciate the culture of Maine's tribes. And, I hope that this day will bring people together to put an end to the discrimination that Native Americans have faced throughout the United States.

TRIBUTE TO LARRY MORRISH AND ANN LOPA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Ms. MOLINARI. Mr. Speaker, on Monday, September 14, 1992 a very special event will take place. The military commands of the five services in the New York metropolitan area will present merit awards to individuals recognizing their efforts to provide major support for activities organized for military members and their families on an annual basis. I would like to take this opportunity to pay tribute to two very special people who have dedicated their time and energy to assist the individuals being honored and are deserving of recognition in their own right. They are Larry Morrish and Ann Lopa.

Larry Morrish has been active on Staten Island and Brooklyn for 25 years, and has been a lifelong friend. His work with Brave Volunteer Ambulance Corps, the American Legion, and the Friends of the Navy Committee are just a few of the many worthwhile groups and causes with which he has been involved in over the years. He has acted as a liaison between our community and the Navy family. Recently, he has been organizing and promoting goodwill between the families of the servicemen and the Staten Island and Brooklyn communities. Larry has done an outstanding job helping the Navy wives and children adjust to their new home. Larry is a very special man who seems to get more hours into his day than the rest of us, and he is responsible for so many victories and takes so little credit.

Ann Lopa has also committed her time and energy to volunteer work for the good of our community. Many of us who get involved in causes, depend heavily on Ann. She is a partner of Help-You-Sell Reality, and offers her real estate expertise to find housing for military personnel and families who want to live off base without charging for her services. She was instrumental in bringing the USO to Staten Island, and has raised thousands of dollars to buy toys for the Navy Christmas party. Ann has helped the serviceman and their families get adjusted to their new surroundings, by taking them on trips to different Staten Island communities and bringing them into Manhattan. And every time a new ship arrives at the homeport, Ann is always there to welcome the servicemen to our community. And through all of her work, Ann never asked for anything back.

Mr. Speaker, Larry Morrish and Ann Lopa have an unselfish devotion to Staten Island and Brooklyn. Those who know them personally, and I am one of the fortunate, know that they are always willing to help whenever you ask for their assistance. They have proven that the ability of the volunteer to keep the spirit of America vital in every corner of our great country is our success story. I extend to them my personal thanks and gratitude on behalf of Staten Island and Brooklyn, for their continual commitment to our communities.

CONGRESSMAN MAVROULES SALUTES BARBARA FRIETCHIE DAY CEREMONY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. MAVROULES. Mr. Speaker, the lasting effect on American life of a quiet, soft-spoken Quaker poet is being reviewed this year.

John Greenleaf Whittier died 100 years ago. The city of his birth, Haverhill, MA, and other places are taking part in a program entitled "Our Whittier Heritage."

The phases of his life that have been reviewed this year started with his earliest labors as one of the most ardent advocates of the abolition of slavery in the young country.

This led to his part in forming a new political party in 1854, to stop the spread of slavery to the new territories of this growing country. He helped to start today's Republican Party.

During that time, he began writing the poetry that brought him international fame.

Some of those poems have been learned and recited by American school children for many years. One is "Snowbound," the story of winter life on a farm. Another is the "Barefoot Boy," he with a cheek of tan. There was "Maud Muller," whose story contained the memorable line about "Of all sad words of tongue or pen, the saddest are these: It might have been."

This month, one of the most impassioned poems by Mr. Whittier is getting special attention. It was on September 10, 1862, that Confederate troops were marching through Frederick, MD, under the command of Gen. Stonewall Jackson when, according to legend, they encountered a feisty elderly woman, Barbara Frietchie.

An American flag was hanging outside her window, we are told, and the Confederate soldiers, heading toward Washington, started shooting at it. To depict her defiance, Whittier had her saying, "'Shoot, if you must, this old gray head, But spare your country's flag,' she said."

According to the poem, General Jackson, who had ordered the shooting, answered her remark by withdrawing the order with another strong line, saying "'Who harms a hair of your gray head, Dies like a dog. March on!' he said."

Poetry like that made Whittier one of the best-known Americans of his time. Two cities and a college bear his name.

This is part of Our Whittier Heritage, a love for liberty and respect for the American flag. Flags will be raised in Haverhill and Frederick on September 10, with a recitation of the poem "Barbara Frietchie." The poem is etched on her tombstone in Frederick.

All Americans can be proud of the principles passed on to them by people like John Greenleaf Whittier, and I urge Congress to join the residents of Haverhill in acknowledging the contributions of Whittier to our heritage.

TRIBUTE TO MR. GEORGE SCHARFF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. PALLONE. Mr. Speaker, I wish to commend Mr. George Scharff, resident of New Jersey and president of the Society for Cultural Advancement and World Brotherhood NOW. Mr. Scharff and his society are currently in the process of condensing the world's greatest motivating thoughts into simple and comprehensible quatrains to instruct young and old alike on the proper way to live. As Mr. Scharff notes in one of his quatrains.

No other scheme will work
No matter how wrought
The only way to improve human action
Is to improve human thought.

Mr. Scharff has grown weary of America's habit of crisis management that is currently being used to solve all of our country's problems. Mr. Scharff's compilation of motivating thoughts seeks to restore integrity, virtue, and honor into our society. Through this work he hopes to provide a base of fundamental principles so that all citizens would have a strong understanding of their relationship to the Government.

This aforementioned program of cultural advancement is crucial to the development of Mr. Scharff's proposed system of world unity. As Mr. Scharff has insightfully noted, to improve each individual a little is to improve the world a lot.

Mr. Speaker, at this point I have taken the liberty to enclose a Joseph Malines poem that Mr. Scharff forwarded to my office entitled "The Fence or the Ambulance." This poem, I think, accurately details Mr. Scharff's hopes and dreams for a less reactive society and for a world of nation builders. The poem is as follows:

'Twas a dangerous cliff as they freely confessed
Though to walk near its crest was so pleasant
But over its terrible edge there had slipped
A Duke and many a Pleasant;
So the people said something would have to be done,
But their projects did not at all tally;
Some said "Put a fence around the edge of the cliff";
Some, "An ambulance down the valley".

"But the cry for the ambulance carried the day
For it spread to the neighboring city;
A fence may be useful or not, it is true,
But for each heart became a brimful of pity
For those who had slipped o'er that dangerous cliff,
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.

"For the cliff is all right if you're careful" they said;
"And if folks even slip or are dropping,
It isn't the slipping that hurts them so much
As the shock down below—when they're stopping."
So day after day, when these mishaps occurred
Quick forth would the rescuers sally
To pick up the victims who fell off the cliff
With their ambulance down in the valley.

Then an old man remarked: "It's a marvel to me
That people give far more attention,
To repairing results than to stopping the cause,
When they'd much better aim at Prevention.
Let us stop at its source all this mischief," cried he,
"Come Neighbors and Friends, let us rally;
If the cliff we will fence, we might also dispense
With the ambulance down in the valley".

"Oh, he's a fanatic," the others rejoined;
"Dispense with the ambulance? Never!
He'd dispense with all the charities too, if he could;
No, no! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
And shall this man dictate to us? Shall he?"

Thus the story so old has beautifully told
How our people with the best of intentions,
Have wasted their years and lavished their tears
On treatment with naught for Prevention.

But a sensible few, who are practical, too
Will not bear with such nonsense much longer;
They believe that Prevention is Better than cure,
And their party will soon be the stronger.
Encourage them then, with your Purse, Voice, and Pen,
And (While other Philanthropists dally)
They will scorn all pretense and put up a stout Fence
On the cliff that hangs over the valley.

Mr. Speaker, George Scharff has undertaken the enormous and laudable task to reform America. His dedication of 35 years to this task is exemplary and inspirational to us all. I take this time to recognize Mr. Scharff's contributions and to wish him the best of luck in his endeavor.

TRIBUTE TO CAPT. DEAN LARSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. VISCLOSKY. Mr. Speaker, it is with great honor that I rise today to pay tribute to a truly extraordinary man, Capt. Dean Larson, who is retiring from the U.S. Naval Reserve.

Captain Larson has served for 28 years in the Navy, both Active and Reserve. He holds the rank of captain with the designation in special operations. He has over 6 years of sea duty with service in both Atlantic and Pacific Fleets. In addition, he has commanded two Naval Reserve ordnance units and, for 4 years, he served as the Reserve Forces training officer for the naval weapons station at Yorktown, VA.

Captain Larson's accomplishments while serving in the Navy are as extensive as they are impressive. He has been decorated with such honors as the Navy Achievement Medal, the Navy Meritorious Unit Commendation, National Defense, Vietnam Service, Naval Reserve Medal, Indiana Commendation Medal, as well as an award from the Republic of South Vietnam.

Captain Larson holds membership with the Naval Reserve Association, the Naval Enlisted Reserve Association, the Naval Order of the United States, the Naval Institute, the Naval Club, the Indiana USNA Parent's Club, and the Naval Historical Society.

In addition, Captain Larson served as the training and QA coordinator in the environment, safety, and health division of Argonne National Laboratory. Prior to his service at Argonne, Captain Larson was a manager for 14 years with the USS Division of USX Corp. at their plant in Gary, IN. During his tenure in the steel industry he worked in production, emergency management, and environment, safety, and health compliance programming for the coke and chemicals operations.

As a native of northwest Indiana, Captain Larson graduated from Horace Mann High School, received his B.S. degree in industrial management from Purdue University in 1965, and an M.S. degree in communications management from the Naval Postgraduate School in 1971. Captain Larson is currently pursuing a doctorate in education from Purdue University in instructional research and design.

Captain Larson's commitment to higher education, as well as his dedicated service to this country, has provided numerous opportunities and advantages for the youth of northwest Indiana. He has generously contributed his time and military acumen toward serving on the First Congressional Service Academy Board. As former chairman of the board, his participation and expertise has proven to be invaluable to myself as well as the youth. He has been instrumental in maintaining a fair and well rounded academy board which has recommended many fine candidates to the U.S. service academies.

Captain Larson's lifetime accomplishments are to be commended and greatly appreciated. His dedication and contribution to society should serve as an inspiration for us all. It is my distinct honor to wish him a most rewarding retirement.

CAMP PENDLETON CELEBRATES 50TH ANNIVERSARY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. PACKARD. Mr. Speaker, September 25th of this year marks the 50th anniversary of the U.S. Marine Corps base, Camp Pendleton. As the congressional representative of Camp Pendleton, I am honored to stand before the House of Representatives to commemorate this important milestone.

Named after the late Maj. Gen. Joseph H. Pendleton and officially dedicated by President Franklin D. Roosevelt in 1942, Camp Pendleton enjoys the honored tradition of training the world's finest fighting force. Pendleton-trained Marines have fought in notable places such as Iwo Jima, Okinawa, Korea, Vietnam, and most recently, Southeast Asia against the forces of Saddam Hussein.

As was the tradition, the first troops to arrive at Camp Pendleton in 1942 came on foot. Commanding officer Col. Lemuel Shepherd kept his troops alert on the 4-day march by conducting simulated attacks along the countryside in preparation for their expected future battle in the Pacific. Commanding officers of the new base were already establishing their invaluable role as the Marine Corps' west coast training facility. Prior to establishment of the base as a permanent installation in 1946, marines from Camp Pendleton honorably fought in World War II, battling in Bougainville, Tarawa, Cape Gloucester, Kwajalein, Eniwetok, Saipan, Guam, Iwo Jima, and Okinawa.

As home to the 1st Marine Division, Camp Pendleton processed and trained thousands of combat troops for the Korean and Vietnam conflicts. Recognizing the importance of adequate training for the extreme temperatures in Korea, a satellite camp was established in 1951 in the high Sierras. Today, Marines continue to train at that camp for severe cold weather conditions and mountain warfare techniques. Battlefield readiness was further tested as tensions in Southeast Asia escalated. Camp Pendleton became the training pipeline for replacement troops going to Vietnam and the 1st Division headquarters would be gone from the base from 1965 to 1971 in that conflict.

The base has also served as training ground for the Navajo code talkers during World War II when the Japanese were utterly confounded by secret code based upon the Navajo unwritten tongue. In 1975, more than 50,000 Southeast Asians took refuge at Camp Pendleton as a result of Communist takeover of their homelands.

Most recently, as Saddam Hussein brutally invaded a neighboring state in August 1990, Camp Pendleton Marines were the first combat troops on the scene, ready to repel Iraq's superior numbers. The short-lived armed conflict proved to the rest of the world what Americans have always known—the men and women of the U.S. Armed Forces are the most professional and best trained fighting force in the world.

As we enter a new era free of the great Soviet menace, the U.S. Armed Forces will undergo sweeping changes. I am confident that Camp Pendleton and the U.S. Marine Corps will continue to play a pivotal role in defending and protecting the United States of America.

TRIBUTE TO NEFFS VOLUNTEER FIRE COMPANY OF NEFFS, PA ON ITS 50TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to the Neffs Volunteer Fire Company of Neffs, PA, as its members celebrate its 50th anniversary, and its legacy of service and fellowship to the town of Neffs and our entire Lehigh Valley community.

In 1942, according to LeRoy Reichenbach, the company's first secretary, the members of the Neffs Air Raid Warden group recognized the need for a local fire fighting organization for their immediate war defense effort, and for the future needs of a growing community.

Air Raid Warden groups were formed during World War II to patrol communities during threats of enemy air raids. Their job was to ensure the safety of the community and to mount an effort that could combat the destruction of an air raid.

On April 28, 1942, a group of 15 concerned citizens from the Neffs Air Raid Warden group met in a two-room schoolhouse to plan for the town's first volunteer fire company. As a result, the first permanent fire company was formed on May 12, 1942, and later incorporated as the Neffs Volunteer Fire Company on November 30, 1942. The company's first fire hall was a converted livery stable, and its first piece of equipment was a Bean pump on a used 1937 Ford chassis.

Over the years, the Neffs Volunteer Fire Company has grown and made many changes. Today, with over 500 members, the company has four first class fire fighting and safety vehicles, and a home in a modern community building. The all-volunteer company serves a community that is 30 times larger than in 1942, and is also an integral part of a countywide fire protection effort.

Mr. Speaker, I am proud to represent the fine volunteer members of the Neffs Volunteer Fire Company. They continue to embody the spirit and philosophy of volunteerism that has met the needs and challenges of the Lehigh Valley and our great Nation. I ask my colleagues to join me in congratulating LeRoy Reichenbach and the volunteer members of the Neffs Volunteer Fire Company on their 50th anniversary. As their U.S. Congressman, I thank them for keeping the town of Neffs safe from the threat of fire, and I wish them many more years of service and prosperity.

THE RIGHT OF SELF DETERMINATION IN PUERTO RICO

HON. STEPHEN J. SOLARZ
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1992

Mr. SOLARZ. Mr. Speaker, I rise today to speak about the need for a Congressionally authorized status referendum in Puerto Rico. The people of Puerto Rico deserve the right to determine their own future.

This year, the people of Puerto Rico celebrate their 75th anniversary as American citizens. Puerto Ricans have fought alongside other American servicemen in every war since World War I. However, despite this sacrifice, Puerto Ricans have not been granted the right to decide their own political future. Puerto Ricans must have the right to choose the future status of their island, whatever that choice may be.

I believe the bringing about of a status referendum by the United States Government is necessary if we are to properly carry out the mandates of our Constitution. The Framers of the Constitution of the United States clearly intended for each of our citizens to enjoy the full right to self-determination. Thus, it is the duty of Congress to facilitate and encourage the full application of the United States Constitution to the citizens of Puerto Rico with the accompanying rights, duties, benefits, and responsibilities.

It is with the intention of carrying out this mandate that I have proudly cosponsored the Puerto Rico Self-Determination Act in both the 101st and 102d Congresses. I have also helped organize field hearings on this bill in New York City. Unfortunately, Congress has not passed this legislation. In fact, during this session, the bill has not even been brought up for a Committee vote in the House.

Clearly, there does not appear to be enough time on the Congressional schedule this year to pass the bill. However, during the next Congress, I plan to make the passage of a bill to authorize a status referendum in Puerto Rico and create a procedure for Congress to monitor its results, one of my highest legislative priorities.

It is time for Congress and the executive branch to review its practices so that they are consistent with all appropriate measures to facilitate the full application of the Constitution to the citizens of Puerto Rico. We have a moral obligation to extend to all United States citizens—including those living in Puerto Rico—the constitutional right of self-determination.

NORTHWEST OHIO JEWISH AND ISLAMIC COMMUNITIES URGE END TO FIGHTING IN BOSNIA AND HERZEGOVNIA

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1992

Ms. KAPTUR. Mr. Speaker, recently, the Islamic Center of Toledo and the Jewish Federation of Greater Toledo joined together in issuing a statement condemning the ongoing violence in Bosnia and Herzegovina. In this sincere spirit of cooperation and peace, the Islamic and Jewish communities in Ohio's Ninth District are urging the President and Secretary of State to explore all possible options to stop the loss of life and protect the human rights of all citizens. I commend this spirit of cooperation and would like to submit their statement for review by my colleagues in the Congress:

> The Islamic Center of Greater Toledo and the Jewish Federation of Greater Toledo express their moral outrage over the brutal, systematic violence perpetuated against the Croatian and Moslem citizens in Bosnia and Herzegovina. We are horrified by the reports of exterminations in concentration camps operated by the Serbs.
>
> These atrocities violate the sacred teachings of Christianity, Islam and Judaism.
>
> The safety of the civilian population of Bosnia and Herzegovina, as well as the other former republics of Yugoslavia, must be guaranteed by the international community. The human rights of all citizens of the former Yugoslavia, regardless of religion or ethnicity, must be upheld.
>
> We demand that the United States, the United Nations and other international agencies mobilize their resources to protect the men, women, and children of Bosnia and Herzegovina.
>
> Our religious faiths teach us we must not be indifferent to the suffering of the peoples of Yugoslavia. We pray for the peace and well-being of our brothers and sisters.

ELIMINATE THE TAXPAYERS FUNDING OF POLITICAL CONVENTIONS

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1992

Mr. CRANE. Mr. Speaker, although the vast majority of Americans did not attend the latest round of Presidential nominating conventions this summer, their wallets did. Indeed, through the Presidential Election Campaign Fund, Americans contributed over $22 million to the galas. This year's amount averages to a taxpayer contribution of $825 per person attending the Democratic Convention and $418 for each person attending the Republican Convention. Not surprisingly, the Government's tab for these conventions has risen sixfold since public financing began in the wake of Watergate. In fact, convention costs have soared from $3.52 million in 1976 to $22.1 million this year.

Today, I am introducing legislation that would eliminate the provision that permits payments from the Presidential Election Campaign Fund to finance the Presidential nominating conventions. With a Federal debt of over $4 trillion, spending $22 million on confetti and balloons is merely a wasteful and foolish abuse of taxpayer funds.

A TRIBUTE TO NARFE CHAPTER 1264 ON THEIR 20TH ANNIVERSARY

HON. GEORGE J. HOCHBRUECKNER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, on October 16, chapter 1264 of the Suffolk County National Association of Retired Federal Employees [NARFE] celebrates its 20th anniversary. I am pleased to mark this event by directing the attention of the House of Representatives and the Nation to the achievements of this local organization.

In 1972, chapter 1264 was founded with 13 charter members and has grown over the years to now include nearly 700 members. Since its inception in 1921, NARFE has been a guardian of the rights of those men and women who devote their careers to the service of our country. NARFE has consistently met its goal of promoting and preserving the interests of its members in a radically changing work force. In its 20 years of service, chapter 1264 has served Suffolk County and its members with pride and dedication.

Mr. Speaker, I ask my colleagues to join with me in congratulating chapter 1264 of the Suffolk County National Association of Retired Federal Employees on its 20th anniversary.

TRIBUTE TO WILFRED WEBB

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1992

Mr. LEVIN of Michigan. Mr. Speaker, Wilfred Webb will be retiring this year from the Michigan House of Representatives after a long and unusually distinguished career.

He began as a young but immensely gifted teacher, and then became superintendent of schools in Hazel Park. Under his tutelage, the Hazel Park School System stimulated tens of thousands of students, providing a high-quality education and inculcating strong moral values. I had the privilege of working with many graduates of the Hazel Park School System who became very successful in both the public and private sectors, in business, the professions, and as community leaders. They considered themselves his proteges and what a wonderful testimony they are to Wilfred Webb.

After retiring as school superintendent, Wilfred Webb continued his activities in the community, in his beloved Hazel Park, in his church, and in many other ways, often in tandem with his wonderful wife and partner, Virginia.

Then, in 1982, when a seat opened in the State legislature, he was urged by his numerous friends to run for the State House. Once again, he answered the call to duty. As a highly respected member, he has been a beacon of strength on many issues. On education he has been a source of both information and inspiration.

He will be sorely missed in Lansing. His presence in Hazel Park will continue to be fully valued by his innumerable friends.

A CONGRESSIONAL SALUTE TO THE DONALD P. AND KATHERINE B. LOKER UNIVERSITY STUDENT UNION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. ANDERSON. Mr. Speaker, on Friday, September 11, 1992, California State University, Dominguez Hills, will witness a long-time dream come to fruition, the grand opening of the Donald P. and Katherine B. Loker University Student Union. Under construction since the fall of 1990, this two story, $10 million structure will make 60,000 square feet accessible to the university's students, faculty, and staff. It will house the university bookstore, campus dining facilities, a coffee shop/bistro, two recreation/game rooms, several lounges, a vending area, and a grand hall for large group activities. The Loker Student Union is but a part of the ongoing development of CSU Dominguez Hills, which was established in 1960 by the legislature of the State of California and enrolled its first students in the fall of 1965.

The theme of the week-long grand opening festivities is "Celebrating Our Cultural Diversity". As part of one of the fastest growing and most ethnically and culturally diverse campuses in the State, the Loker Student Union will serve as a focal point, both physically and socially, for the students to meet and exchange views, ideas, and opinions. CSU Dominguez Hills has long recognized the value of all cultures and the Loker Student Union will continue in this tradition with the implementation of its future projects, services, and programs.

Mr. Speaker, at a time when all Californians are uniting to rebuild its cities and relationships, I rise today to pay tribute to the Donald P. and Katherine B. Loker University Student Union whose purpose is to unite through social means the various races, ethnic groups, and cultures represented on the CSU Dominguez Hills campus. Mr. Speaker, this is what higher education is all about.

My wife, Lee, joins me in extending our congratulations to CSU Dominguez Hills on the completion of the Loker Student Union. We wish CSU Dominguez Hills, its students, faculty, and staff all the best in the years to come.

TRIBUTE TO LEON GRADY MIXON

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. DICKINSON. Mr. Speaker, I was recently informed of the passing of a lifelong resident of the Second Congressional District and a beloved friend to many in his native Butler County, AL.

I am speaking of Mr. Leon Grady Mixon of Georgiana, age 89, who passed away after an extended illness on August 8. To those who knew him, Grady Mixon was a gentleman, a scholar, and a true servant to his fellow man.

Grady Mixon was also a man of many interests and contributions. He is credited with forming the first football team in Flomaton while a teacher in that small Escambia County community in the late 1920's. During the Depression era, his desire to teach also took him to schools in several other south Alabama towns, including Geneva and Starlington. His friendly, folksy classroom and coaching style earned him the respect of many a pupil, and inspired still more.

In 1941, Grady and his wife, Pattye Rue, finally settled in Georgiana where they raised four children, and he followed in his late father's footsteps as a postal clerk. During his 30 years with the U.S. Post Office, Mixon served with distinction. Upon retirement in 1971, Grady Mixon's contributions to his community had only just begun.

Believing in an active retirement, Mr. Mixon answered his community's call to serve as city clerk of Georgiana, and was elected president of the Georgiana Kiwanis Club. He was also quite proud to become a member of the Alabama Chapter of the Sons of the American Revolution. A consummate student of history, Grady Mixon used his golden years to research and compile an articulate and entertaining book profiling the Mixon family in Butler County. This work is filled with Southern colloquial treasures and his own characteristic brand of good-natured humor.

Grady Mixon's dedication to the Georgiana First Baptist Church where he served for many years as a deacon, and his well known love for community service and volunteerism, further serve to illustrate the special mark of the man that he was.

To be sure, Grady Mixon's flavor of popular wisdom and folksy insight will be sorely missed. Today, I join with his family and many fiends in paying homage to the memory of this exemplary citizen.

TRIBUTE TO MR. FRANK FITZPATRICK

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to a good friend and honorable American citizen. Today, Mr. Frank Fitzpatrick is celebrating his 64th birthday.

Having once worked for former Congressman Larry Williams, today Frank Fitzpatrick is a successful businessman, currently serving as the vice president of The Franklin Mint in Wawa, PA. In addition to being a successful working man, Frank is also a devoted husband and father. Frank and his wife, Lucretia, have four beautiful daughters who have distinguished themselves in a variety of fields. A tribute to their parents devotion and their hard work, these four women have earned five professional degrees: Two law degrees, two nursing degrees, one masters degree in social work.

I would like to take this opportunity to acknowledge and thank Frank for all the work he has done in Delaware County. The time and energy he has devoted to many worthwhile causes in southeastern Pennsylvania is recognized and appreciated by many.

It is a great pleasure to honor Frank on his birthday. I feel honored to know and share the friendship of this special man.

SALUTE TO WILLIE PEP, THE GREATEST BOXER THAT EVER LIVED

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mrs. KENNELLY. Mr. Speaker, I rise today to honor Willie Pep, the two-time former world's featherweight champion as he reaches his 70th birthday on September 19. In celebration of Willie's birthday and to mark the occasion of the 50th anniversary of his winning the world's title, friends, family, and many great sports figures and celebrities will gather on September 18, 1992, to pay tribute to this remarkable gentleman.

Born in Middletown, CT, in 1922, Willie spent the first few years of his career boxing in Hartford and other New England towns. By the age of 16, he was Connecticut State Amateur Featherweight Champion. His early outstanding record quickly propelled him into the professional ring and he took on his first professional adversary when he was just 18.

In 1942, Willie was crowned World Featherweight Champion after 56 straight wins, 3 months after his 20th birthday, and was the first boxer ever to win a world championship without losing a fight. In spite of serving in both the Army and the Navy in World War II and surviving a plane crash in 1947 that took five lives, Willie held that title for almost a decade. He relinquished it only once in 1948 to Sandy Sadler, quickly winning it back from him the next year in a 15-round fight.

Willie's outstanding record of 229 wins—65 by knockouts—remains unsurpassed. Fighting a total of 241 fights, he lost only 11, and had just one draw. To this day, Willie is thought of by many experts as the greatest boxer ever. The late boxing writer, Dan Parker, writing in the New York Daily News, paid Willie perhaps the greatest compliment of all when he said: "I'd pay general admission just to see Willie shadow box."

Willie now serves as the honorary president of the Neutral Corner, a boxing fraternity with 100 members, and works as a deputy sheriff at the Hartford Superior Court. To this day, Hartford is lucky to call him one of its own.

Mr. Speaker, I ask my colleagues to join me in saluting Willie Pep on his remarkable career and wishing him a very joyful 70th birthday celebration.

A TRIBUTE TO THE WORLD CHAMPION BRADLEY-BOURBONNAIS PONY LEAGUE TEAM

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to an outstanding group of young men and their dedicated coaches—the World Champion Bradley-Bourbonnais, IL, Pony League All-Star baseball team.

In what has to be perhaps the most thrilling victory in the history of Pony League World Series play, Bradley-Bourbonnais defeated the squad from Pasadena, TX, 4–3 in the championship game August 18, 1992, in Washington, PA. Coach Paul Zeedyk called for a daring double steal in the bottom of the sixth inning that pushed the winning run across the plate.

I had the pleasure of participating in a parade with the World Champions in Bradley 2 days after their victory. The enthusiasm the community showed that day for these fine athletes and their coaches matched in its intensity the outpouring of support witnessed by some of our professional championship teams, such as the Chicago Bulls.

Mr. Speaker, I congratulate the World Champion Bradley-Bourbonnais Pony League All-Stars and extend to them my best wishes for the future.

GATEWAY NATIONAL RECREATION AREA CELEBRATES ITS 20TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. SCHUMER. Mr. Speaker, this year, Gateway National Recreation Area, which comprises 26,000 acres of land and water in New York City and New Jersey, will celebrate its 20th anniversary. I would like to take this opportunity to recognize the contributions Gateway, one of America's first two urban parks, and its hard-working staff have made to the New York community.

Gateway provides opportunities for relaxation and environmental awareness for over 200 million visitors, allowing New York residents the chance to escape from the noise and tension of everyday industry, pollution, and construction, into the peaceful world of nature.

In particular, the park has provided educational opportunities for the children of New York. School-sponsored class trips to Gateway offer these children the opportunity to learn about the environment and the need to preserve our resources.

I would like to extend my thanks and congratulations to all those who made Gateway's first 20 years a success. I am sure that this success will continue for years to come.

"HEATS-ON" PROGRAM

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. GEPHARDT. Mr. Speaker, on October 3, 1992, a very special event will be repeated, for the sixth consecutive year, when the "Heats-On" Program begins in the Greater St. Louis area.

In order to help make sure that when the cold weather comes the "heat's-on," the members of Pipefitters Local 562 and the Mechanical Contractors Association of St. Louis will send working vans, each with two trained tradesmen, to over 600 homes.

The residents, who must be elderly, disabled, or poor in order to qualify, receive free services that include new filters, fan belts, smoke alarm batteries, complete testing of heating units, and identification of dangerous conditions.

The provision of these important services to people in need is made possible by the hard work and cooperation of St. Louis Mayor Vincent C. Schoemehl, Jr., and Deputy Mayor Jack Keane; business manager James E. O'Mara and business representatives Mike O'Connell and Dick Sullivan of Pipefitters Local Union 562; President Thomas J. Corrigan, Jr., John W. Siscel, executive vice president, Debbie Buscher, operations coordinator of Mechanical Contractors Association; executive director Dennis Kelley, of Missouri Energycare; Sister Anne Roddy of the St. Louis Area Agency on Aging; John Vincenzo and Debbie Sabourin of Senior Home Security; Neil Svetanics, fire chief of the city of St. Louis; fire captain Adam Long; police officer Richard Stevens; Joan Moser of McDonald's Restaurants; branch manager Andy Soehrkolb of United Refrigeration; and Ken Otto, president of the Handy Man True Value Hardware Stores.

I know my colleagues will join with me in saluting the many fine people of St. Louis who will join together in the spirit of community service for the sixth annual "Heats-On" Program to help their neighbors stay warm and safe through the winter.

TRIBUTE TO CENTRAL MICHIGAN UNIVERSITY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1992

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding educational institution in Mount Pleasant, MI. On September 13, Central Michigan University will celebrate its centennial birthday.

Initially known as Central Michigan Normal School & Business Institute, the school first prepared eighth-grade students for careers in the teaching profession. As the institute grew, the Michigan State Board of Education assumed control of the school in 1895 and renamed it Central State Normal School. By 1918, the campus encompassed 25 acres and enrollment had more than tripled. It was also in 1918 that the school awarded the first bachelor of arts degree.

Although fire destroyed the main building on campus in 1925, Central State Normal's enrollment continued to increase. Following World War II, residence halls were constructed and the first masters degree was accredited by the North Central Association. On June 1, 1959, with 40 buildings on 235 acres and an enrollment of 4,500 students, the college was renamed Central Michigan University. This designation reflected the tremendous growth in the school's academic curriculum during the postwar period.

Today, Central Michigan University is a comprehensive university that offers its 25,000 students over 22 degrees and more than 150 programs of study. The wealth of opportunity at Central Michigan University attracts students from across the Nation.

Mr. Speaker, Central Michigan University has a colorful history and a bright future indeed. Its commitment to higher education throughout the years has set a high standard. I know you will join me and the students, alumni and faculty in congratulating Central Michigan University on the very special occasion of its 100th birthday and offering encouragement for the next 100 years of quality education.

SENATE—*Friday, September 11, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"Yea, though I walk through the valley of the shadow of death, I will fear no evil * * *."

Gracious God, the great King David expresses this confidence in the Lord, his Shepherd. Even in death he was not alone. We thank You for this beautiful promise and hope that we have, that death is like the valley of a shadow, and that we are never alone even then, because the Lord, the Great Shepherd, is with us.

We thank You this morning for the memory of Senator BURDICK, for his many years of service in the Senate and to the State of North Dakota and the Nation. I can remember, Father, as a child in North Dakota, Burdick was the first name associated with Government when his father was in Congress.

We commend to Thee now the family. Bless his lovely lady, Jocelyn, and all the members of the family on this day and make them conscious of Your loving, caring presence, and be with the Senators who journey to the memorial service. Give them safe passage and return them to their work here in good condition.

Thank You, Father, for Your blessing. Thank You for Your love through the One who is love incarnate, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 11, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., solely for eulogies for Senator BURDICK.

The Chair, acting in the capacity of a Senator from the State of Nevada, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO QUENTIN BURDICK

Mr. SYMMS. Mr. President, I rise this morning to express my condolences to Mrs. Burdick, the Burdick family and staff, and the people of North Dakota. I have had the privilege of having QUENTIN BURDICK as a friend, not only as chairman of a committee where I served these last 12 years in the Senate, but as a neighbor in the Senate. When I first came to the Senate, his office was right across the hall from mine in the Russell Building. We frequently walked to the Senate floor together for votes. We then, as a coincidence, ended up in the Hart Building with the two offices adjoining, and our staffs have had a good relationship over these many years.

I have come to respect and love QUENTIN BURDICK as a person, who was one of the nicest, kindest men I have ever known. We used to have a great time talking about his days at the University of Minnesota when he played football, because he and I had played football in college, and my football coach, the late J. Neil "Skip" Stahley, had played at Penn State. They had played against Minnesota.

I was just visiting with the former Sergeant at Arms of the Senate, who will be attending the services in North Dakota today, Nordy Hoffman. As most Senators know, he played for Knute Rockne, at Notre Dame University, and they used to play against QUENTIN BURDICK, Bronko Nagurski, and those types, who played at the University of Minnesota.

For North Dakotans, QUENTIN represented an institution that may never again exist in the State. QUENTIN and his father, Usher, represented North Dakota in the U.S. Congress for more than half the State's history.

Usher was the Republican and QUENTIN the Democratic. Either way the State was comfortable with the Burdicks. The different party tradition probably came from QUENTIN's early days as a lawyer during the Great Depression. He ran for office six times before being elected as a member of the 1958 Democrat liberal freshman class. Early victories were credited to the Native American vote and use of a novel campaign tactic for the time—billboards. The billboard message was "Beat Benson with Burdick." Benson was not his opponent but rather Ike Eisenhower's Secretary of Agriculture. QUENTIN told me Secretary Benson's low popularity among North Dakotan farmers gave him that first campaign victory.

QUENTIN BURDICK was an excellent Senator for North Dakotans. When I think back about what happened with the highway programs since 1980, the completion of the interstate, the improvement of the infrastructure in this country, it is certain Senator BURDICK was very much a part of all of those important pieces of legislation that have passed this Senate. The 1982 act made it possible to fund the highway programs at a level that will allow us finally to complete the Interstate System. It all happened with QUENTIN'S leadership and counsel on the Public Works Committee. Last year, the Senate passed a historic postinterstate highway program, known as the Intermodal Surface Transportation Efficiency Act on Senator BURDICK'S birthday. As chairman of the full committee, QUENTIN was a steady champion of western interests in the development of the ISTEA.

I appreciated QUENTIN BURDICK'S understanding of differences and similarities between States and U.S. regions. QUENTIN wasn't known for his 30-second sound bites or making decisions based on how short-term media spins. His decisions and rapport with colleagues was based on understanding how North Dakota needs related to other States and regions, as well as, genuine interest in people and their problems.

QUENTIN was really a fine man, an honest man, and I think he represented his State and the country with all of his heart and soul and did exemplary service throughout his career.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We shall miss him, but he had a long, a good, productive life. It is always sad to lose a friend, but his family and all those who loved QUENTIN BURDICK can take comfort in the knowledge he has gone on to a greater glory.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Wyoming is recognized.

QUENTIN BURDICK REMEMBERED

Mr. SIMPSON. Mr. President, I want to join with many of my colleagues and with Senator SYMMS in expressing our sorrow at the news of the passing of our colleague from North Dakota, Senator QUENTIN BURDICK. I greatly regret that I will not be able to attend the services in North Dakota today. That is a sincere regret. I have a long-held family commitment here in Washington, which simply prevents my attendance.

But I think, too, of what Senator SYMMS said of how QUENTIN loved to talk about football. He was one tremendous football player in his youth. I, too, had played at the University of Wyoming and lettered there. I weighed 260 in those days and had hair, which is hard for people to believe, but it is true. And QUENTIN used to love to talk about the sport. He knew the coach I had, too, as Senator SYMMS, Bowdon Wyatt, who later went on to Arkansas and Tennessee, was my college coach. And then we would get into other things and discuss my father, who he served within the U.S. Senate.

My father and QUENTIN were together here in 1962 through 1966. When I came here along with the occupant of the chair, in the same year, my father said, "Look up QUENTIN BURDICK; you will enjoy him. He is a very kind and splendid man." And, indeed, QUENTIN BURDICK was a very special, spirited individual, who was known for a true litany of achievement. He was a fighter and a scrapper, a man who fought like no other one for his constituents. North Dakota came first, always. His constituents came first. He had a passion for his job which drove him on, a passion that endeared him to his friends and his supporters and made him a much more worthy foe for those who may have been on the other side.

One of my favorite Americans in history is Abraham Lincoln, and it is interesting to note that Senator BURDICK shared some common characteristics with him. The two of them fought hard for what they believed in. They both endured a pattern of heartbreak, the loss of a spouse, the loss of a son, heartache and temporary failure. Abe Lincoln lost many elections before he got to where he was. So did QUENTIN BURDICK, four of them, and those temporary failures never deterred him, never deterred Lincoln before him. They finally succeeded in political life. That is an interesting parallel. You look at the lives of those two men.

Then, in 1958, Senator BURDICK was asked to run for Congress. He declined, for the years previous had not been kind to him in politics. He, as I said, had already lost a loving wife, he had been defeated in his campaigns for State's attorney, State senate, Lieutenant Governor, and Governor. So he had decided to sit that one out. He did not need another battle. But his children pleaded with him to run, and the call to public service was simply too strong. So, acting on the advice of his children, and especially his 14-year-old daughter Jennifer, he put his name in the hat for the election, and he won, and the rest is known to us all.

He was a tireless campaigner for causes which he believed in and in a manner which spared, as I say, no effort to serve his constituents. No one, I think, had a more impressive record of bringing Federal assistance to his constituency than Senator BURDICK, and he was not at all apologetic about that. He said, "That is part of my duty." He felt that it was time for his North Dakota constituents to get what they deserved, what they had paid into the Federal Treasury to receive, and if he could be the implement and the catalyst to help in that effort, well, that was just fine with him.

Although there are more than a few times when we disagreed on policy or on our spending priorities, there was no doubting his commitment to "the cause." That commitment made him a champion of his constituents and it also earned him the respect and admiration of his colleagues. Whether you were with him or against him, he was a powerful voice in the things he believed in the Senate that had to be reckoned with.

And as all of us have experienced in this arena, Senator BURDICK also had his own share of highs and lows. I am certain that he was very grateful to have his remarkable helpmate at his side, his beloved Jocelyn, and during these times, as all politicians do, QUENTIN BURDICK caught his share from his adversary and from the "fourth estate." That is our particular part of our profession, the professional hazard.

But there was a time when I had to admit, as I went to North Dakota on behalf of my party during the last election campaign, where some of my own remarks were a bit strident in his home State of North Dakota, as I campaigned for his opponent. And I remember that distinctly.

And I remember when I returned, I visited with QUENTIN BURDICK about that. He said, in essence: Politics is much like football. It is a contact sport. And so it was. And I have always accepted it as that. In my zealotry, I sometimes forget that others do not accept it in that way.

But QUENTIN BURDICK accepted my explanation for those comments in his very gracious way, as did Jocelyn, when I spoke to her of it.

Of course he was very successful in that campaign. The people of North Dakota loved him. They always did. They always will remember and cherish his memory. But he accepted my explanation of all that; never affected his relationship with me on the committee. I think some of his staff still had a little difficulty with it, but not QUENTIN. For that was the kind of man he was.

He was always very swift and ready to put the past behind him, so he could face the challenges and the opportunities of the future head-on and at full speed, just like you do when you are a blocking back for Bronko Nagurski.

QUENTIN recalled my father very well. They served together, as I say, from 1962 to 1966, when my father retired because of Parkinson's disease and arthritis. QUENTIN was very courteous and I believe made some very nice remarks at the time of my father's retirement. He was always very kind and courteous to my father, and my father always appreciated that and our family has always appreciated that.

We also shared a common thread, other than college athletics, that common thread that both of us have relatives who were drawn to public service and served as our own role models, our fathers.

And QUENTIN's devotion, his diligence, and the fruits his labors produced served to instill in me a great appreciation for this man who represented his State so faithfully and so well.

Finally, I always enjoyed my service with him on the Environment and Public Works Committee. I served there with him all of my time in the U.S. Senate.

Truly, I have been spoiled by the leadership of that committee in my time here, for it was Senator Jennings Randolph that chaired the committee, then Senator Bob Stafford, and then Senator QUENTIN BURDICK. They were always exceedingly professional and personally kind to me, as I carried out my duties on the committee.

There are not always many men who leave a void in their passing, and by their passing who affect so many lives and hearts when they leave us, who give us pause, and cause us to reflect that he was part of a very special breed of politicians—the old pro, the old days. And he was all of that, and he will be greatly missed.

He will be remembered by his loving wife and family, his colleagues who respected and admired him, and those who battled with him. I fit in those categories.

We will all remember the man from North Dakota who fought tirelessly for the people of his State in this institution.

As Abe Lincoln once said—and I have always loved this quote, and I am sure it would be one that QUENTIN would remember too. He said, simply:

> I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.

And that is how QUENTIN BURDICK lived his life—always giving his absolute best for what he sincerely believed in. And the end has brought him out all right. He was there, he was here, and he did his level best. For that, he will be remembered with great fondness and affection by those of us here.

So may God bless him and keep him. Our prayers, our best wishes, our sympathy, and our support go out to his lovely wife, Jocelyn, his family, and all of his loved ones.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EMPTY PLACE

Mr. METZENBAUM. Mr. President, the seat next to mine is empty today. Many of us are on our way to the funeral of my good friend, QUENTIN BURDICK.

The passing of QUENTIN BURDICK has left an empty place in my heart as well as an empty seat next to my desk. We shared many a working hour here on this floor. We were allies in many a fight.

QUENTIN BURDICK was a man of extreme and most unusual courage. The working people of this country who may never have heard of QUENTIN BURDICK are far better off today because of his decades of tireless service.

This country's commitment to civil rights and human rights and economic justice is stronger today by reason of QUENTIN's courage and his dedication to those causes.

He was an unusual man. He came from the State of North Dakota. There were not many people in organized labor in that State. Maybe a total of 10,000 in the whole State. But QUENTIN BURDICK was a strong, committed friend of the working man, and the man or woman who was a member of the labor unions.

The skies are clearer and the streams are cleaner because of QUENTIN BURDICK's leadership as chairman of the Environment Committee.

He leaves as his legacy his 11 grandchildren whom he loved so much. And his gift to them was his work to make their future more hopeful, and his successful effort to make this world better than he found it. That is a legacy his family can forever look to with pride, and it is one that each of us should strive to emulate.

I will miss him. Very often, he and I would sit here and talk very softly, very calmly, about the legislation that was pending on the floor. I do not know of any other Member of this Senate who equaled him in his concern for his fellow man, his fellow woman. He was a beautiful human being. He was my friend.

I suffered a loss. The entire Nation has suffered a tremendous loss.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AN EXTRAORDINARY MAN

Mr. RIEGLE. Let me follow my good friend and colleague, Senator METZENBAUM, in his remarks about QUENTIN BURDICK.

QUENTIN was truly an extraordinary man. When you look at the length of his career and his service to the people of North Dakota and to our country, it really is a wonderful example and an inspiration, I think, to everyone who believes in good government. It is a pity that we lost him last weekend, after such a long and distinguished career, that at the end he was struggling against very difficult medical problems.

Many stories have been told about Senator BURDICK's youth, about his football career, and his years as a young lawyer practicing with his father in Fargo, ND. We know during his years in Congress he focused attention on issues that mattered most to the people of his State. He worked relentlessly to make agriculture programs responsive to the needs of family farmers and he championed the issues of particular concern to rural America. The people in rural America have too few champions, and they lost a true champion with the passing of QUENTIN BURDICK. I had the honor of serving with him on the Senate rural health caucus, and I was moved by his commitment to educate all of his colleagues to the difficulties rural people face in obtaining health care. He knew and argued strongly that this could be corrected through Federal action.

He tried in every way to make sure that North Dakota's problems were addressed, those problems that properly would be within the focus of Federal initiative. One example of that I think was his successful fight to bring irrigation and drainage to a large agricultural area through the garrison diversion.

QUENTIN BURDICK was truly a man of the people. That cannot be said of all Senators. It can be said of him. I think the people's needs were truly the heartbeat of the work that he did here, and it was the purpose that drove him forward through all his years of work in the Senate.

It is said that he shook more hands in North Dakota than any other politician and, in so doing, it was clear to us who knew him well that he listened as he was meeting the people and he was guided by those citizen voices that he heard. We will greatly miss his decency, his commitment to vital human issues, and certainly his good humor and his ready smile.

I look down at his desk now and yesterday I took a moment to sit there just to think about him and to hopefully let some of the spirit of this great man infuse me, as he has infused this Chamber with all the work that he has done over such a long period of time.

I know, too, that all of the staff of the Senate who knew Senator BURDICK well and spent hours with him here as we were on the floor and in the cloakroom feel a great sadness, as do I.

I think it is fair to say that, until the very end, he used all the strength that God had given him to try to help people in direct and simple ways. He never laid down that burden. In fact, he used every last bit of strength that he had to try to carry forward that work. And for that I think he will always be admired and remembered. He was an inspiration to us all, and I join my colleagues in extending my deepest sympathy to his family.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIEGLE). Without objection, it is so ordered.

QUENTIN BURDICK—DEDICATED AND WARM INDIVIDUAL

Mr. MURKOWSKI. Mr. President, I rise this morning to honor the parting of our dear colleague and friend, the late QUENTIN BURDICK. When I came to the Senate in 1981, I had the privilege of being on the Environment and Public Works Committee and, as a consequence, served in that timeframe with Senator BURDICK. I found him to be a very humble, very dedicated and a very wonderful and warm individual.

The extended years have brought a different relationship, as I left that committee for another committee, and our association was less frequent. However, being from the northern latitudes, if you will, we had occasion many times to travel back and forth from our offices together. He referred to me as the North Pole from time to time and often gave me a discussion on the severe winter climates in the Dakotas. We talked about things that northern people talk about: the winters, the hardy people, the experiences associated with people who live in a sometimes hostile environment.

He was, indeed, a man of the land and a man of the people. I think as we look at our common interests relative to how this body remembers parting Members, the special reverence to this institution where this gentleman basically dedicated his entire life to this body is a tribute to the continuity of the U.S. Senate. And the recognition of what Senator BURDICK stood for is really, I think, to a large degree what the Senate stands for in the integrity of its Members and the dedication of this one man who dedicated his entire life to making the U.S. Senate a more responsive arm of the legislative branch in addressing the concerns of this Nation.

Mr. President, I, along with my wife Nancy, extend our condolences to Mrs. Burdick and the entire Burdick family. I think, as we recognize his parting, all Americans lost a very special part of the heartland of America. All rural Americans are saddened by his loss. I wish that he may rest in peace, and we thank him for his friendship and his contribution. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

IN MEMORY OF QUENTIN BURDICK

Mr. PRYOR. Mr. President, it is with great sadness I rise today to pay a tribute to a departed colleague and a good friend, QUENTIN BURDICK, the distinguished Senator from North Dakota, and to offer condolences to his family.

QUENTIN BURDICK was one of the most beloved and respected Members of this body during his 32 years of distinguished service. I had the honor of serving with him for the last 14 years, and I have admired his constant dedication to serving his constituents in North Dakota.

QUENTIN BURDICK was elected to the House in 1958, and 2 years later he joined this body after winning in a special election to replace Senator William Langer. Since then the voters of North Dakota have shown their wisdom by reelecting QUENTIN BURDICK five consecutive times.

The voters of North Dakota sent him back to Washington for 34 years in order to do what he always did—represent the voters and interests of his State—and he did it well. I can think of no higher tribute for a Member of this body.

Since 1987, QUENTIN BURDICK has been chairman of the Environment and Public Works Committee, and under his leadership that committee crafted and passed the Clean Air Act of 1990 and the Intermodal Surface Transportation Act of 1991—two vital pieces of legislation for the future of our country's environment and infrastructure.

QUENTIN BURDICK stood solidly and effectively on the side of rural Americans in our increasingly urbanized country. Farmers and rural workers in North Dakota and around the United States should mourn the passing of QUENTIN BURDICK, who always stood on their side. As chairman of the Subcommittee of Agriculture on the Appropriations Committee, QUENTIN BURDICK fought numerous battles for programs that have helped preserve our Nation's family farms.

QUENTIN BURDICK's contribution to this body and to the Nation is much more than a tally of his legislative accomplishments. He was not a showman, he just stuck to the principles he brought with him, day in and day out. He was a voice of compassion to the powerless, and tireless worker for North Dakota and its citizens. I extend my sincere condolences to his wife Jocelyn and his family.

We will miss QUENTIN BURDICK in this body. He has meant a great deal to this institution, his beloved State and our country.

Mr. President, I have chosen to stand this morning behind the empty desk of our departed friend, QUENTIN BURDICK from North Dakota, a man who, in my opinion, will go down in the history books as one of the truly great Members of the U.S. Senate. To me he was a legend, he was a fighter, he was a friend, he was a compassionate individual who cared about people and who took their concerns personally, who fought their battles on the floor of this Senate, in the committees upon which he served, and in any capacity that he could bring about justice.

Mr. President, it is with a sadness that we are now about to depart in a few moments for his beloved State of North Dakota to pay our final tribute to QUENTIN BURDICK of North Dakota. He was elected to the House in 1958. A few years later he joined the U.S. Senate after winning in a special election to replace Senator William Langer. Since that time, the voters of the State of North Dakota have shown their wisdom by reelecting QUENTIN BURDICK five consecutive terms. I say, Mr. President, they have shown their wisdom. They have also shown their love and respect and admiration for this fine man on many, many occasions at the voting booth.

The voters of North Dakota have sent him back 34 years—34 years, 3½ decades—in order to do what he always did: to represent the voters and the interests of his State. He did it, Mr. President, and he did it well. He did it as a champion, and I can think of no higher tribute for a Member of this body to have been returned time and time again by the voters of his State, as was the late QUENTIN BURDICK, our friend.

We are going to miss QUENTIN BURDICK, Mr. President. We are going to miss his counsel, we are going to miss his wisdom, we are going to miss his presence, and I will never pass this desk of his without thinking of him, this great man, who has made the great contributions to this body, to his beloved State and to his beloved United States of America.

THE QUENTIN N. BURDICK COURTHOUSE, FARGO, ND

Mr. CONRAD. Mr. President, I want to express my heartfelt appreciation to the entire Senate, which yesterday acted unanimously to declare that the new Federal building to be constructed in Fargo, ND, be named after my late colleague from North Dakota, Senator QUENTIN N. BURDICK. This is a fitting gesture and a fine tribute to the memory of Senator BURDICK's many contributions to the State of North Dakota and to the United States.

Senator BURDICK's 32 years in the Senate were devoted to furnishing the causes of justice and democracy in our Nation. It is, therefore, appropriate that this building—which will meet Fargo's courthouse needs for the next 30 years—be dedicated to the memory of Senator BURDICK. He was a lawyer by training, and was passionately concerned about eradicating the barriers of discrimination, poverty, hatred, and inequality. These are some of the causes of justice, and I believe that Senator BURDICK would have been proud to have this facility named in his honor. I also believe the people of North Dakota will appreciate this gesture.

I am pleased to have cosponsored this measure, and thank my colleagues for their unanimous support of it.

EULOGY OF SENATOR QUENTIN BURDICK

Mr. GLENN. Mr. President, I want to join my colleagues in paying tribute to the memory of our dearly departed colleague, QUENTIN BURDICK, the senior Senator from North Dakota. His 32 years of distinguished service to this body and to the United States were characterized by his gentle leadership and his quiet, laughing voice.

No one would ever have accused QUENTIN BURDICK of being flamboyant. He was a work horse, not a show horse. He never tried to attract undue attention to himself. In 1960, QUENT began quietly fulfilling his duties to his constituents in North Dakota, a responsibility whose importance he learned from his father, the late Usher Burdick, a former Representative from North Dakota, and one which he readily accepted. Throughout his career, Senator BURDICK kept North Dakota's interests foremost in his mind when making decisions.

Comparisons to the Senator's football days as a blocking back are frequent and appropriate. While the spotlight fell elsewhere at the University of

Minnesota, blocking back QUENTIN BURDICK was doing the less glamorous, but absolutely necessary, work for the team. Senator BURDICK has been fond of telling the story that he scored a touchdown every time he touched the ball. By his own admission, though, he had only been given the ball once.

As a U.S. Senator, QUENTIN BURDICK adopted the same style and worked to help his State and country. For 26 years he was a blocking back in the Senate. Then, in late 1986, the Senate gave him the ball when he rose to become chairman of the Committee on Environment and Public Works. The Senate and the American people needed him to step into the tailback's role.

Senator BURDICK's success as chairman of this committee was largely due to his strong work ethic. He was one of the hardest working people ever to sit in this body. You could always count on him to score when you asked him to carry the ball. Mr. President, QUENTIN BURDICK never once dropped that ball. He served this Nation with honor and distinction and will be sorely missed by me and all of his colleagues. My wife, Annie, joins me in expressing our deepest sympathies to his wife, Jocelyn, and his family. We will keep them in our thoughts and prayers.

IN HONOR OF QUENTIN N. BURDICK

Mr. BOREN. Mr. President, I would like to take a few moments to share with my colleagues my affection and respect for my friend and distinguished colleague from North Dakota, Senator QUENTIN N. BURDICK. We will certainly miss his physical presence in this Chamber, but he leaves an enduring legacy of integrity and devotion which will long remain an example to others.

Senator BURDICK came to Washington as a friend and ally of the American family farmer and never skirted his commitment to that cause. His determination to see family farmers receive a fair price for their product and a fair chance from the Government has never faltered. QUENTIN BURDICK's steadfast efforts to bring electricity, health care, and sufficient water to the land has raised the quality of life for farmers everywhere.

Senator BURDICK has earned the respect of all of us as a national leader on both economic and environmental issues. As chairman of the Committee on Environment and Public Works, the Senator showed a great understanding of the importance of a strong national infrastructure. He also championed important amendments to the Clean Air and Clean Water Acts.

As much as we will remember him for his specific accomplishments, he is truly unforgettable for his straight-talking style and unwavering commitment to his principles and beliefs. In the 34 years he served in Congress he never forgot who sent him here or for what purpose, and carried out that mission even if it meant taking the unpopular side of the issue. He was down to earth; he called it as he saw it.

We owe North Dakota a great debt for having the good judgment to have Senator BURDICK represent them in Washington over these past three decades. All of us benefited from our association with him.

QUENTIN BURDICK was a great Senator and a special person. We will miss him, but will never forget him or his service to our country.

QUENTIN BURDICK: A TRUE PUBLIC SERVANT

Mr. DASCHLE. Mr. President, the death of our colleague, QUENTIN BURDICK, has caused great sadness among us. He was our friend, and he was a true public servant. But in thinking back on QUENTIN's life, and what he has meant to me and to so many people, I am not only saddened by this death, but inspired by his life.

Steady as you go. Stick with it. Nothing flashy, just play it straight and honest.

That is not the choice of too many people these days. Glitz and glamour and allegiance to the trend of the moment are more popular now. In politics and out, it's read the polls and ride the wave.

But that is not how it was for QUENTIN BURDICK. QUENTIN showed his progressive beliefs to be real, his moral compass to exist, in the only way that matters. He lived those beliefs.

He did not talk about them. He did not advertise them. He just made sure they ran through and guided what he did for every one of his 84 years.

It did not matter how long you knew QUENTIN. I knew him over the last decade. Many others knew him longer. But what everyone saw was the same.

QUENTIN BURDICK had the unpretentious, bedrock belief in decency and helping others that is so typical of his region. Whether he was fighting on the floor of the Senate for landmark Clean Air legislation, or stopping to talk with the folks at a corner cafe in his beloved North Dakota, QUENTIN BURDICK was moved by the same values. He wanted to lend a hand.

Through decades in the U.S. Senate, the Vietnam war, the Reagan years, Watergate, the Civil Rights Acts, and environmental revolution, QUENTIN was there. Consistent as he fought for what was fair. And what was fair to QUENTIN, of course, was what would lend the ordinary folks a hand. Do not deprive them of a living wage, do not allow them to be unfairly treated in a draft, help them pull a living wage from their land and find water to make it green.

QUENTIN BURDICK was the kind of Senator who would help a very junior colleague trying to establish his party's policy committee discussions as exchanges worth attending. He faithfully attended and participated in our weekly luncheons.

He was the kind of Senator who worked hard not for personal gain, but because it was the right thing to do. On the Indian Affairs Committee, where I was privileged to join him, he was a strong voice for Indian people. On the Special Committee on Aging, as cochair of the rural health caucus, as chairman of the agriculture appropriations subcommittee and, of course, as chairman of the Environment and Public Works Committee, QUENTIN plugged away. He did good work. He did it year in and year out. He did it because that is the kind of man he was.

He is a loss this body will feel. His values are values this body must not lose. I join my colleagues in tribute to this solid man. And I suggest to you that the finest tribute we could pay him would be to redouble our resolve, individually and as a body, to try to find in our lives and our actions the bedrock decency, the civility and consistent commitment to service that QUENTIN BURDICK so clearly embodied.

For all of his life he lent a hand. He would smile if we would do the same.

My warmest thoughts go out to QUENTIN's wife, Jocelyn, and his children, grandchildren, brother, and sister.

ON THE PASSING OF THE HONORABLE QUENTIN BURDICK SENIOR SENATOR FROM NORTH DAKOTA

Mr. REID. Mr. President, on Tuesday of this week we received the sad news of the passing of our colleague, the Honorable QUENTIN N. BURDICK of North Dakota. Senator BURDICK had a distinguished career in the Senate spanning more than 30 years. I consider myself fortunate to have served with this great man for 6 years in the U.S. Senate.

Senator BURDICK chose a diverse collection of assignments during his long tenure in the Senate and championed issues of importance to his State. His tireless devotion to the people of North Dakota is well understood in this body. He never forgot why he came to Washington, DC.

I had the distinct honor of serving with Senator BURDICK on two committees. He had an unassuming manner. Yet anyone that knew QUENTIN BURDICK understood that he was not to be underestimated. As chairman of the Environment and Public Works Committee, QUENTIN BURDICK urged consensus between all members, regardless of philosophical, political or geographical differences. Under his leadership, monumental environmental programs have been passed into law. Important infrastructure initiatives have also been enacted. He understood the importance of getting the job done.

The same holds true as Senator BURDICK carried out his responsibilities as chairman of the Senate Agriculture Appropriations Subcommittee. Some have characterized QUENTIN BURDICK as the "king of pork." Without question, he worked hard for his State and North Dakota was well-served by her native son.

Senator BURDICK'S reputation was impeccable. His word was his bond. More importantly, QUENTIN BURDICK was also a friend. We will all miss him. My condolences go out both to his family and to the people of North Dakota.

ORDERS FOR MONDAY, SEPTEMBER 14, 1992

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes it business today, it stand in recess until 1 p.m., Monday, September 14; that following the prayer, the Journal of proceedings be deemed approved to date; the following the time for the two leaders, there then be a period for morning business not to extend beyond 1:30 p.m., with Senators permitted to speak therein for up to 5 minutes, with Senator SIMPSON of Wyoming recognized for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, SEPTEMBER 14, 1992, AT 1 P.M.

Mr. PRYOR. Mr. President, if there is not further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 10:41 a.m., recessed until Monday, September 14, 1992, at 1 p.m.

HOUSE OF REPRESENTATIVES—*Monday, September 14, 1992*

The House met at 12 noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 14, 1992.

I hereby designate the Honorable BUTLER DERRICK to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all those who seek to use their abilities in service to others, who dedicate themselves and their energies to the works of justice and peace.

On this day we remember the gifts of our friend and colleague, TED WEISS, who served with distinction and honor in this place for many years. We are thankful for the commitment and loyalty that he shared with the people of his community in New York and with all who serve in this place.

May each of us who continue in our responsibilities be found faithful in our tasks and may we, in all things, seek to do justice, love, mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona [Mr. RHODES] to lead us in the Pledge of Allegiance.

Mr. RHODES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 413. Joint resolution to designate September 13, 1992, as "Commodore John Barry Day."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5488. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 5679. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5488), "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DECONCINI, Mr. BYRD, Ms. MIKULSKI, Mr. KERREY, Mr. DOMENICI, Mr. HATFIELD, and Mr. D'AMATO, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5679), "An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. GARN, Mr. D'AMATO, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2507. An act to amend the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698), to authorize certain uses of water by the Ak-Chin Indian Community, Arizona;

S. 2572. An act to authorize an exchange of lands in the States of Arkansas and Idaho;

S. 2880. An act to authorize appropriations for fiscal years 1993 and 1994 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service, and for other purposes;

S. 3095. An act to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisiana; and

S. 3224. An act to designate the United States Courthouse to be constructed in Fargo, North Dakota the Quentin N. Burdick United States Courthouse.

The message also announced that pursuant to Public Law 102-166, the Chair, on behalf of the Republican leader and the majority leader, appoints Mr. SEYMOUR, as a member of the Glass Ceiling Commission.

The message also announced that pursuant to Public Law 102-166, the Chair, on behalf of the Republican leader, appoints Mrs. Marilyn Pauly of Kansas, as a member of the Glass Ceiling Commission.

CONFERENCE REPORT ON S. 12, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992

Mr. DINGELL submitted the following conference report and statement on the Senate bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-862)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 12), to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cable Television Consumer Protection and Competition Act of 1992".

SEC. 2. FINDINGS; POLICY; DEFINITIONS.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Pursuant to the Cable Communications Policy Act of 1984, rates for cable television services have been deregulated in approximately 97

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

percent of all franchises since December 29, 1986. Since rate deregulation, monthly rates for the lowest priced basic cable service have increased by 40 percent or more for 28 percent of cable television subscribers. Although the average number of basic channels has increased from about 24 to 30, average monthly rates have increased by 29 percent during the same period. The average monthly cable rate has increased almost 3 times as much as the Consumer Price Index since rate deregulation.

(2) For a variety of reasons, including local franchising requirements and the extraordinary expense of constructing more than one cable television system to serve a particular geographic area, most cable television subscribers have no opportunity to select between competing cable systems. Without the presence of another multichannel video programming distributor, a cable system faces no local competition. The result is undue market power for the cable operator as compared to that of consumers and video programmers.

(3) There has been a substantial increase in the penetration of cable television systems over the past decade. Nearly 56,000,000 households, over 60 percent of the households with televisions, subscribe to cable television, and this percentage is almost certain to increase. As a result of this growth, the cable television industry has become a dominant nationwide video medium.

(4) The cable industry has become highly concentrated. The potential effects of such concentration are barriers to entry for new programmers and a reduction in the number of media voices available to consumers.

(5) The cable industry has become vertically integrated; cable operators and cable programmers often have common ownership. As a result, cable operators have the incentive and ability to favor their affiliated programmers. This could make it more difficult for noncable-affiliated programmers to secure carriage on cable systems. Vertically integrated program suppliers also have the incentive and ability to favor their affiliated cable operators over nonaffiliated cable operators and programming distributors using other technologies.

(6) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media.

(7) There is a substantial governmental and First Amendment interest in ensuring that cable subscribers have access to local noncommercial educational stations which Congress has authorized, as expressed in section 396(a)(5) of the Communications Act of 1934. The distribution of unique noncommercial, educational programming services advances that interest.

(8) The Federal Government has a substantial interest in making all nonduplicative local public television services available on cable systems because—

(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of $10,800,000,000 since 1972, that provides public service programming that is responsive to the needs and interests of the local community;

(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than $3,000,000,000 in public broadcasting since 1969; and

(D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

(9) The Federal Government has a substantial interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals is necessary to serve the goals contained in section 307(b) of the Communications Act of 1934 of providing a fair, efficient, and equitable distribution of broadcast services.

(10) A primary objective and benefit of our Nation's system of regulation of television broadcasting is the local origination of programming. There is a substantial governmental interest in ensuring its continuation.

(11) Broadcast television stations continue to be an important source of local news and public affairs programming and other local broadcast services critical to an informed electorate.

(12) Broadcast television programming is supported by revenues generated from advertising broadcast over stations. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

(13) As a result of the growth of cable television, there has been a marked shift in market share from broadcast television to cable television services.

(14) Cable television systems and broadcast television stations increasingly compete for television advertising revenues. As the proportion of households subscribing to cable television increases, proportionately more advertising revenues will be reallocated from broadcast to cable television systems.

(15) A cable television system which carries the signal of a local television broadcaster is assisting the broadcaster to increase its viewership, and thereby attract additional advertising revenues that otherwise might be earned by the cable system operator. As a result, there is an economic incentive for cable systems to terminate the retransmission of the broadcast signal, refuse to carry new signals, or reposition a broadcast signal to a disadvantageous channel position. There is a substantial likelihood that absent the reimposition of such a requirement, additional local broadcast signals will be deleted, repositioned, or not carried.

(16) As a result of the economic incentive that cable systems have to delete, reposition, or not carry local broadcast signals, coupled with the absence of a requirement that such systems carry local broadcast signals, the economic viability of free local broadcast television and its ability to originate quality local programming will be seriously jeopardized.

(17) Consumers who subscribe to cable television often do so to obtain local broadcast signals which they otherwise would not be able to receive, or to obtain improved signals. Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. The regulatory system created by the Cable Communications Policy Act of 1984 was premised upon the continued existence of mandatory carriage obligations for cable systems, ensuring that local stations would be protected from anticompetitive conduct by cable systems.

(18) Cable television systems often are the single most efficient distribution system for television programming. A Government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the "A/B" input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

(19) At the same time, broadcast programming that is carried remains the most popular programming on cable systems, and a substantial portion of the benefits for which consumers pay cable systems is derived from carriage of the signals of network affiliates, independent television stations, and public television stations. Also cable programming placed on channels adjacent to popular off-the-air signals obtains a larger audience than on other channel positions. Cable systems, therefore, obtain great benefits from local broadcast signals which, until now, they have been able to obtain without the consent of the broadcaster or any copyright liability. This has resulted in an effective subsidy of the development of cable systems by local broadcasters. While at one time, when cable systems did not attempt to compete with local broadcasters for programming, audience, and advertising, this subsidy may have been appropriate, it is so no longer and results in a competitive imbalance between the 2 industries.

(20) The Cable Communications Policy Act of 1984, in its amendments to the Communications Act of 1934, limited the regulatory authority of franchising authorities over cable operators. Franchising authorities are finding it difficult under the current regulatory scheme to deny renewals to cable systems that are not adequately serving cable subscribers.

(21) Cable systems should be encouraged to carry low-power television stations licensed to the communities served by those systems where the low-power station creates and broadcasts, as a substantial part of its programming day, local programming.

(b) STATEMENT OF POLICY.—It is the policy of the Congress in this Act to—

(1) promote the availability to the public of a diversity of views and information through cable television and other video distribution media;

(2) rely on the marketplace, to the maximum extent feasible, to achieve that availability;

(3) ensure that cable operators continue to expand, where economically justified, their capacity and the programs offered over their cable systems;

(4) where cable television systems are not subject to effective competition, ensure that consumer interests are protected in receipt of cable service; and

(5) ensure that cable television operators do not have undue market power vis-a-vis video programmers and consumers.

(c) DEFINITIONS.—Section 602 of the Communications Act of 1934 (47 U.S.C. 531) is amended—

(1) by redesignating paragraph (16) as paragraph (19);

(2) by striking "and" at the end of paragraph (15);

(3) by redesignating paragraphs (11) through (15) as paragraphs (13) through (17), respectively;

(4) by redesignating paragraphs (1) through (10) as paragraphs (2) through (11), respectively;

(5) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) the term 'activated channels' means those channels engineered at the headend of a cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided, including any channel designated for public, educational, or governmental use;";

(6) by inserting after paragraph (11) (as so redesignated) the following new paragraph:

"(12) the term 'multichannel video programming distributor' means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only

satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming;”; and

(7) by inserting after paragraph (17) (as so redesignated) the following new paragraph:

“(18) the term ‘usable activated channels’ means activated channels of a cable system, except those channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as determined by the Commission; and”.

SEC. 3. REGULATION OF RATES.

(a) AMENDMENT.—Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended to read as follows:

“SEC. 623. REGULATION OF RATES.

“(a) COMPETITION PREFERENCE; LOCAL AND FEDERAL REGULATION.—

“(1) IN GENERAL.—No Federal agency or State may regulate the rates for the provision of cable service except to the extent provided under this section and section 612. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section. No Federal agency, State, or franchising authority may regulate the rates for cable service of a cable system that is owned or operated by a local government or franchising authority within whose jurisdiction that cable system is located and that is the only cable system located within such jurisdiction.

“(2) PREFERENCE FOR COMPETITION.—If the Commission finds that a cable system is subject to effective competition, the rates for the provision of cable service by such system shall not be subject to regulation by the Commission or by a State or franchising authority under this section. If the Commission finds that a cable system is not subject to effective competition—

“(A) the rates for the provision of basic cable service shall be subject to regulation by a franchising authority, or by the Commission if the Commission exercises jurisdiction pursuant to paragraph (6), in accordance with the regulations prescribed by the Commission under subsection (b); and

“(B) the rates for cable programming services shall be subject to regulation by the Commission under subsection (c).

“(3) QUALIFICATION OF FRANCHISING AUTHORITY.—A franchising authority that seeks to exercise the regulatory jurisdiction permitted under paragraph (2)(A) shall file with the Commission a written certification that—

“(A) the franchising authority will adopt and administer regulations with respect to the rates subject to regulation under this section that are consistent with the regulations prescribed by the Commission under subsection (b);

“(B) the franchising authority has the legal authority to adopt, and the personnel to administer, such regulations; and

“(C) procedural laws and regulations applicable to rate regulation proceedings by such authority provide a reasonable opportunity for consideration of the views of interested parties.

“(4) APPROVAL BY COMMISSION.—A certification filed by a franchising authority under paragraph (3) shall be effective 30 days after the date on which it is filed unless the Commission finds, after notice to the authority and a reasonable opportunity for the authority to comment, that—

“(A) the franchising authority has adopted or is administering regulations with respect to the rates subject to regulation under this section that are not consistent with the regulations prescribed by the Commission under subsection (b);

“(B) the franchising authority does not have the legal authority to adopt, or the personnel to administer, such regulations; or

“(C) procedural laws and regulations applicable to rate regulation proceedings by such authority do not provide a reasonable opportunity for consideration of the views of interested parties.

If the Commission disapproves a franchising authority's certification, the Commission shall notify the franchising authority of any revisions or modifications necessary to obtain approval.

“(5) REVOCATION OF JURISDICTION.—Upon petition by a cable operator or other interested party, the Commission shall review the regulation of cable system rates by a franchising authority under this subsection. A copy of the petition shall be provided to the franchising authority by the person filing the petition. If the Commission finds that the franchising authority has acted inconsistently with the requirements of this subsection, the Commission shall grant appropriate relief. If the Commission, after the franchising authority has had a reasonable opportunity to comment, determines that the State and local laws and regulations are not in conformance with the regulations prescribed by the Commission under subsection (b), the Commission shall revoke the jurisdiction of such authority.

“(6) EXERCISE OF JURISDICTION BY COMMISSION.—If the Commission disapproves a franchising authority's certification under paragraph (4), or revokes such authority's jurisdiction under paragraph (5), the Commission shall exercise the franchising authority's regulatory jurisdiction under paragraph (2)(A) until the franchising authority has qualified to exercise that jurisdiction by filing a new certification that meets the requirements of paragraph (3). Such new certification shall be effective upon approval by the Commission. The Commission shall act to approve or disapprove any such new certification within 90 days after the date it is filed.

“(b) ESTABLISHMENT OF BASIC SERVICE TIER RATE REGULATIONS.—

“(1) COMMISSION OBLIGATION TO SUBSCRIBERS.—The Commission shall, by regulation, ensure that the rates for the basic service tier are reasonable. Such regulations shall be designed to achieve the goal of protecting subscribers of any cable system that is not subject to effective competition from rates for the basic service tier that exceed the rates that would be charged for the basic service tier if such cable system were subject to effective competition.

“(2) COMMISSION REGULATIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall prescribe, and periodically thereafter revise, regulations to carry out its obligations under paragraph (1). In prescribing such regulations, the Commission—

“(A) shall seek to reduce the administrative burdens on subscribers, cable operators, franchising authorities, and the Commission;

“(B) may adopt formulas or other mechanisms and procedures in complying with the requirements of subparagraph (A); and

“(C) shall take into account the following factors:

“(i) the rates for cable systems, if any, that are subject to effective competition;

“(ii) the direct costs (if any) of obtaining, transmitting, and otherwise providing signals carried on the basic service tier, including signals and services carried on the basic service tier pursuant to paragraph (7)(B), and changes in such costs;

“(iii) only such portion of the joint and common costs (if any) of obtaining, transmitting, and otherwise providing such signals as is determined, in accordance with regulations prescribed by the Commission, to be reasonably and properly allocable to the basic service tier, and changes in such costs;

“(iv) the revenues (if any) received by a cable operator from advertising from programming that is carried as part of the basic service tier or from other consideration obtained in connection with the basic service tier;

“(v) the reasonably and properly allocable portion of any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any other fee, tax, or assessment of general applicability imposed by a governmental entity applied against cable operators or cable subscribers;

“(vi) any amount required, in accordance with paragraph (4), to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels or any other services required under the franchise; and

“(vii) a reasonable profit, as defined by the Commission consistent with the Commission's obligations to subscribers under paragraph (1).

“(3) EQUIPMENT.—The regulations prescribed by the Commission under this subsection shall include standards to establish, on the basis of actual cost, the price or rate for—

“(A) installation and lease of the equipment used by subscribers to receive the basic service tier, including a converter box and a remote control unit and, if requested by the subscriber, such addressable converter box or other equipment as is required to access programming described in paragraph (8); and

“(B) installation and monthly use of connections for additional television receivers.

“(4) COSTS OF FRANCHISE REQUIREMENTS.—The regulations prescribed by the Commission under this subsection shall include standards to identify costs attributable to satisfying franchise requirements to support public, educational, and governmental channels or the use of such channels or any other services required under the franchise.

“(5) IMPLEMENTATION AND ENFORCEMENT.—The regulations prescribed by the Commission under this subsection shall include additional standards, guidelines, and procedures concerning the implementation and enforcement of such regulations, which shall include—

“(A) procedures by which cable operators may implement and franchising authorities may enforce the regulations prescribed by the Commission under this subsection;

“(B) procedures for the expeditious resolution of disputes between cable operators and franchising authorities concerning the administration of such regulations;

“(C) standards and procedures to prevent unreasonable charges for changes in the subscriber's selection of services or equipment subject to regulation under this section, which standards shall require that charges for changing the service tier selected shall be based on the cost of such change and shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method; and

“(D) standards and procedures to assure that subscribers receive notice of the availability of the basic service tier required under this section.

“(6) NOTICE.—The procedures prescribed by the Commission pursuant to paragraph (5)(A) shall require a cable operator to provide 30 days' advance notice to a franchising authority of any increase proposed in the price to be charged for the basic service tier.

“(7) COMPONENTS OF BASIC TIER SUBJECT TO RATE REGULATION.—

“(A) MINIMUM CONTENTS.—Each cable operator of a cable system shall provide its subscribers a separately available basic service tier to which subscription is required for access to any other tier of service. Such basic service tier shall, at a minimum, consist of the following:

''(i) All signals carried in fulfillment of the requirements of sections 614 and 615.

''(ii) Any public, educational, and governmental access programming required by the franchise of the cable system to be provided to subscribers.

''(iii) Any signal of any television broadcast station that is provided by the cable operator to any subscriber, except a signal which is secondarily transmitted by a satellite carrier beyond the local service area of such station.

''(B) PERMITTED ADDITIONS TO BASIC TIER.—A cable operator may add additional video programming signals or services to the basic service tier. Any such additional signals or services provided on the basic service tier shall be provided to subscribers at rates determined under the regulations prescribed by the Commission under this subsection.

''(8) BUY-THROUGH OF OTHER TIERS PROHIBITED.—

''(A) PROHIBITION.—A cable operator may not require the subscription to any tier other than the basic service tier required by paragraph (7) as a condition of access to video programming offered on a per channel or per program basis. A cable operator may not discriminate between subscribers to the basic service tier and other subscribers with regard to the rates charged for video programming offered on a per channel or per program basis.

''(B) EXCEPTION; LIMITATION.—The prohibition in subparagraph (A) shall not apply to a cable system that, by reason of the lack of addressable converter boxes or other technological limitations, does not permit the operator to offer programming on a per channel or per program basis in the same manner required by subparagraph (A). This subparagraph shall not be available to any cable operator after—

''(i) the technology utilized by the cable system is modified or improved in a way that eliminates such technological limitation; or

''(ii) 10 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, subject to subparagraph (C).

''(C) WAIVER.—If, in any proceeding initiated at the request of any cable operator, the Commission determines that compliance with the requirements of subparagraph (A) would require the cable operator to increase its rates, the Commission may, to the extent consistent with the public interest, grant such cable operator a waiver from such requirements for such specified period as the Commission determines reasonable and appropriate.

''(c) REGULATION OF UNREASONABLE RATES.—

''(1) COMMISSION REGULATIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish the following:

''(A) criteria prescribed in accordance with paragraph (2) for identifying, in individual cases, rates for cable programming services that are unreasonable;

''(B) fair and expeditious procedures for the receipt, consideration, and resolution of complaints from any subscriber, franchising authority, or other relevant State or local government entity alleging that a rate for cable programming services charged by a cable operator violates the criteria prescribed under subparagraph (A), which procedures shall include the minimum showing that shall be required for a complaint to obtain Commission consideration and resolution of whether the rate in question is unreasonable; and

''(C) the procedures to be used to reduce rates for cable programming services that are determined by the Commission to be unreasonable and to refund such portion of the rates or charges that were paid by subscribers after the filing of such complaint and that are determined to be unreasonable.

''(2) FACTORS TO BE CONSIDERED.—In establishing the criteria for determining in individual cases whether rates for cable programming services are unreasonable under paragraph (1)(A), the Commission shall consider, among other factors—

''(A) the rates for similarly situated cable systems offering comparable cable programming services, taking into account similarities in facilities, regulatory and governmental costs, the number of subscribers, and other relevant factors;

''(B) the rates for cable systems, if any, that are subject to effective competition;

''(C) the history of the rates for cable programming services of the system, including the relationship of such rates to changes in general consumer prices;

''(D) the rates, as a whole, for all the cable programming, cable equipment, and cable services provided by the system, other than programming provided on a per channel or per program basis;

''(E) capital and operating costs of the cable system, including the quality and costs of the customer service provided by the cable system; and

''(F) the revenues (if any) received by a cable operator from advertising from programming that is carried as part of the service for which a rate is being established, and changes in such revenues, or from other consideration obtained in connection with the cable programming services concerned.

''(3) LIMITATION ON COMPLAINTS CONCERNING EXISTING RATES.—Except during the 180-day period following the effective date of the regulations prescribed by the Commission under paragraph (1), the procedures established under subparagraph (B) of such paragraph shall be available only with respect to complaints filed within a reasonable period of time following a change in rates that is initiated after that effective date, including a change in rates that results from a change in that system's service tiers.

''(d) UNIFORM RATE STRUCTURE REQUIRED.—A cable operator shall have a rate structure, for the provision of cable service, that is uniform throughout the geographic area in which cable service is provided over its cable system.

''(e) DISCRIMINATION; SERVICES FOR THE HEARING IMPAIRED.—Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority from—

''(1) prohibiting discrimination among subscribers and potential subscribers to cable service, except that no Federal agency, State, or franchising authority may prohibit a cable operator from offering reasonable discounts to senior citizens or other economically disadvantaged group discounts; or

''(2) requiring and regulating the installation or rental of equipment which facilitates the reception of cable service by hearing impaired individuals.

''(f) NEGATIVE OPTION BILLING PROHIBITED.—A cable operator shall not charge a subscriber for any service or equipment that the subscriber has not affirmatively requested by name. For purposes of this subsection, a subscriber's failure to refuse a cable operator's proposal to provide such service or equipment shall not be deemed to be an affirmative request for such service or equipment.

''(g) COLLECTION OF INFORMATION.—The Commission shall, by regulation, require cable operators to file with the Commission or a franchising authority, as appropriate, within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992 and annually thereafter, such financial information as may be needed for purposes of administering and enforcing this section.

''(h) PREVENTION OF EVASIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish standards, guidelines, and procedures to prevent evasions, including evasions that result from retiering, of the requirements of this section and shall, thereafter, periodically review and revise such standards, guidelines, and procedures.

''(i) SMALL SYSTEM BURDENS.—In developing and prescribing regulations pursuant to this section, the Commission shall design such regulations to reduce the administrative burdens and cost of compliance for cable systems that have 1,000 or fewer subscribers.

''(j) RATE REGULATION AGREEMENTS.—During the term of an agreement made before July 1, 1990, by a franchising authority and a cable operator providing for the regulation of basic cable service rates, where there was not effective competition under Commission rules in effect on that date, nothing in this section (or the regulations thereunder) shall abridge the ability of such franchising authority to regulate rates in accordance with such an agreement.

''(k) REPORTS ON AVERAGE PRICES.—The Commission shall annually publish statistical reports on the average rates for basic cable service and other cable programming, and for converter boxes, remote control units, and other equipment, of—

''(1) cable systems that the Commission has found are subject to effective competition under subsection (a)(2), compared with

''(2) cable systems that the Commission has found are not subject to such effective competition.

''(l) DEFINITIONS.—As used in this section—

''(1) The term 'effective competition' means that—

''(A) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system;

''(B) the franchise area is—

''(i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and

''(ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or

''(C) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area.

''(2) The term 'cable programming service' means any video programming provided over a cable system, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than (A) video programming carried on the basic service tier, and (B) video programming offered on a per channel or per program basis.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act, except that the authority of the Federal Communications Commission to prescribe regulations is effective on such date of enactment.

SEC. 4. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

Part II of title VI of the Communications Act of 1934 is amended by inserting after section 613 (47 U.S.C. 533) the following new section:

"SEC. 614. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

''(a) CARRIAGE OBLIGATIONS.—Each cable operator shall carry, on the cable system of that

operator, the signals of local commercial television stations and qualified low power stations as provided by this section. Carriage of additional broadcast television signals on such system shall be at the discretion of such operator, subject to section 325(b).

"(b) SIGNALS REQUIRED.—

"(1) IN GENERAL.—(A) A cable operator of a cable system with 12 or fewer usable activated channels shall carry the signals of at least three local commercial television stations, except that if such a system has 300 or fewer subscribers, it shall not be subject to any requirements under this section so long as such system does not delete from carriage by that system any signal of a broadcast television station.

"(B) A cable operator of a cable system with more than 12 usable activated channels shall carry the signals of local commercial television stations, up to one-third of the aggregate number of usable activated channels of such system.

"(2) SELECTION OF SIGNALS.—Whenever the number of local commercial television stations exceeds the maximum number of signals a cable system is required to carry under paragraph (1), the cable operator shall have discretion in selecting which such stations shall be carried on its cable system, except that—

"(A) under no circumstances shall a cable operator carry a qualified low power station in lieu of a local commercial television station; and

"(B) if the cable operator elects to carry an affiliate of a broadcast network (as such term is defined by the Commission by regulation), such cable operator shall carry the affiliate of such broadcast network whose city of license reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (in effect on January 1, 1991), or any successor regulation thereto, is closest to the principal headend of the cable system.

"(3) CONTENT TO BE CARRIED.—(A) A cable operator shall carry in its entirety, on the cable system of that operator, the primary video, accompanying audio, and line 21 closed caption transmission of each of the local commercial television stations carried on the cable system and, to the extent technically feasible, program-related material carried in the vertical blanking interval or on subcarriers. Retransmission of other material in the vertical blanking internal or other nonprogram-related material (including teletext and other subscription and advertiser-supported information services) shall be at the discretion of the cable operator. Where appropriate and feasible, operators may delete signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the system headend or headends.

"(B) The cable operator shall carry the entirety of the program schedule of any television station carried on the cable system unless carriage of specific programming is prohibited, and other programming authorized to be substituted, under section 76.67 or subpart F of part 76 of title 47, Code of Federal Regulations (as in effect on January 1, 1991), or any successor regulations thereto.

"(4) SIGNAL QUALITY.—

"(A) NONDEGRADATION; TECHNICAL SPECIFICATIONS.—The signals of local commercial television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal.

"(B) ADVANCED TELEVISION.—At such time as the Commission prescribes modifications of the standards for television broadcast signals, the Commission shall initiate a proceeding to establish any changes in the signal carriage requirements of cable television systems necessary to ensure cable carriage of such broadcast signals of local commercial television stations which have been changed to conform with such modified standards.

"(5) DUPLICATION NOT REQUIRED.—Notwithstanding paragraph (1), a cable operator shall not be required to carry the signal of any local commercial television station that substantially duplicates the signal of another local commercial television station which is carried on its cable system, or to carry the signals of more than one local commercial television station affiliated with a particular broadcast network (as such term is defined by regulation). If a cable operator elects to carry on its cable system a signal which substantially duplicates the signal of another local commercial television station carried on the cable system, or to carry on its system the signals of more than one local commercial television station affiliated with a particular broadcast network, all such signals shall be counted toward the number of signals the operator is required to carry under paragraph (1).

"(6) CHANNEL POSITIONING.—Each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the local commercial television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, or on the channel on which it was carried on January 1, 1992, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator. Any dispute regarding the positioning of a local commercial television station shall be resolved by the Commission.

"(7) SIGNAL AVAILABILITY.—Signals carried in fulfillment of the requirements of this section shall be provided to every subscriber of a cable system. Such signals shall be viewable via cable on all television receivers of a subscriber which are connected to a cable system by a cable operator or for which a cable operator provides a connection. If a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers at rates in accordance with section 623(b)(3).

"(8) IDENTIFICATION OF SIGNALS CARRIED.—A cable operator shall identify, upon request by any person, the signals carried on its system in fulfillment of the requirements of this section.

"(9) NOTIFICATION.—A cable operator shall provide written notice to a local commercial television station at least 30 days prior to either deleting from carriage or repositioning that station. No deletion or repositioning of a local commercial television station shall occur during a period in which major television ratings services measure the size of audiences of local television stations. The notification provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

"(10) COMPENSATION FOR CARRIAGE.—A cable operator shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local commercial television stations in fulfillment of the requirements of this section or for the channel positioning rights provided to such stations under this section, except that—

"(A) any such station may be required to bear the costs associated with delivering a good quality signal or a baseband video signal to the principal headend of the cable system;

"(B) a cable operator may accept payments from stations which would be considered distant signals under section 111 of title 17, United States Code, as indemnification for any increased copyright liability resulting from carriage of such signal; and

"(C) a cable operator may continue to accept monetary payment or other valuable consideration in exchange for carriage or channel positioning of the signal of any local commercial television station carried in fulfillment of the requirements of this section, through, but not beyond, the date of expiration of an agreement thereon between a cable operator and a local commercial television station entered into prior to June 26, 1990.

"(c) LOW POWER STATION CARRIAGE OBLIGATION.—

"(1) REQUIREMENT.—If there are not sufficient signals of full power local commercial television stations to fill the channels set aside under subsection (b)—

"(A) a cable operator of a cable system with a capacity of 35 or fewer usable activated channels shall be required to carry one qualified low power station; and

"(B) a cable operator of a cable system with a capacity of more than 35 usable activated channels shall be required to carry two qualified low power stations.

"(2) USE OF PUBLIC, EDUCATIONAL, OR GOVERNMENTAL CHANNELS.—A cable operator required to carry more than one signal of a qualified low power station under this subsection may do so, subject to approval by the franchising authority pursuant to section 611, by placing such additional station on public, educational, or governmental channels not in use for their designated purposes.

"(d) REMEDIES.—

"(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a local commercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or has otherwise failed to comply with the channel positioning or repositioning or other requirements of this section. The cable operator shall, within 30 days of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning and other requirements of this section. A local commercial television station that is denied carriage or channel positioning or repositioning in accordance with this section by a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall order the cable operator to reposition the complaining station or, in the case of an obligation to carry a station, to commence carriage of the station and to con-

tinue such carriage for at least 12 months. If the Commission determines that the cable operator has fully met the requirements of this section, it shall dismiss the complaint.

"(e) INPUT SELECTOR SWITCH RULES ABOLISHED.—No cable operator shall be required—

"(1) to provide or make available any input selector switch as defined in section 76.5(mm) of title 47, Code of Federal Regulations, or any comparable device; or

"(2) to provide information to subscribers about input selector switches or comparable devices.

"(f) REGULATIONS BY COMMISSION.—Within 180 days after the date of enactment of this section, the Commission shall, following a rulemaking proceeding, issue regulations implementing the requirements imposed by this section. Such implementing regulations shall include necessary revisions to update section 76.51 of title 47 of the Code of Federal Regulations.

"(g) SALES PRESENTATIONS AND PROGRAM LENGTH COMMERCIALS.—

"(1) CARRIAGE PENDING PROCEEDING.—Pending the outcome of the proceeding under paragraph (2), nothing in this Act shall require a cable operator to carry on any tier, or prohibit a cable operator from carrying on any tier, the signal of any commercial television station or video programming service that is predominantly utilized for the transmission of sales presentations or program length commercials.

"(2) PROCEEDING CONCERNING CERTAIN STATIONS.—Within 270 days after the date of enactment of this section, the Commission, notwithstanding prior proceedings to determine whether broadcast television stations that are predominantly utilized for the transmission of sales presentations or program length commercials are serving the public interest, convenience, and necessity, shall complete a proceeding in accordance with this paragraph to determine whether broadcast television stations that are predominantly utilized for the transmission of sales presentations or program length commercials are serving the public interest, convenience, and necessity. In conducting such proceeding, the Commission shall provide appropriate notice and opportunity for public comment. The Commission shall consider the viewing of such stations, the level of competing demands for the spectrum allocated to such stations, and the role of such stations in providing competition to nonbroadcast services offering similar programming. In the event that the Commission concludes that one or more of such stations are serving the public interest, convenience, and necessity, the Commission shall qualify such stations as local commercial television stations for purposes of subsection (a). In the event that the Commission concludes that one or more of such stations are not serving the public interest, convenience, and necessity, the Commission shall allow the licensees of such stations a reasonable period within which to provide different programming, and shall not deny such stations a renewal expectancy solely because their programming consisted predominantly of sales presentations or program length commercials.

"(h) DEFINITIONS.—

"(1) LOCAL COMMERCIAL TELEVISION STATION.—

"(A) IN GENERAL.—For purposes of this section, the term 'local commercial television station' means any full power television broadcast station, other than a qualified noncommercial educational television station within the meaning of section 615(l)(1), licensed and operating on a channel regularly assigned to its community by the Commission that, with respect to a particular cable system, is within the same television market as the cable system.

"(B) EXCLUSIONS.—The term 'local commercial television station' shall not include—

"(i) low power television stations, television translator stations, and passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations, or any successor regulations thereto;

"(ii) a television broadcast station that would be considered a distant signal under section 111 of title 17, United States Code, if such station does not agree to indemnify the cable operator for any increased copyright liability resulting from carriage on the cable system; or

"(iii) a television broadcast station that does not deliver to the principal headend of a cable system either a signal level of −45dBm for UHF signals or −49dBm for VHF signals at the input terminals of the signal processing equipment, if such station does not agree to be responsible for the costs of delivering to the cable system a signal of good quality or a baseband video signal.

"(C) MARKET DETERMINATIONS.—(i) For purposes of this section, a broadcasting station's market shall be determined in the manner provided in section 73.3555(d)(3)(i) of title 47, Code of Federal Regulations, as in effect on May 1, 1991, except that, following a written request, the Commission may, with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section. In considering such requests, the Commission may determine that particular communities are part of more than one television market.

"(ii) In considering requests filed pursuant to clause (i), the Commission shall afford particular attention to the value of localism by taking into account such factors as—

"(I) whether the station, or other stations located in the same area, have been historically carried on the cable system or systems within such community;

"(II) whether the television station provides coverage or other local service to such community;

"(III) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and

"(IV) evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.

"(iii) A cable operator shall not delete from carriage the signal of a commercial television station during the pendency of any proceeding pursuant to this subparagraph.

"(iv) In the rulemaking proceeding required by subsection (f), the Commission shall provide for expedited consideration of requests filed under this subparagraph.

"(2) QUALIFIED LOW POWER STATION.—The term 'qualified low power station' means any television broadcast station conforming to the rules established for Low Power Television Stations contained in part 74 of title 47, Code of Federal Regulations, only if—

"(A) such station broadcasts for at least the minimum number of hours of operation required by the Commission for television broadcast stations under part 73 of title 47, Code of Federal Regulations;

"(B) such station meets all obligations and requirements applicable to television broadcast stations under part 73 of title 47, Code of Federal Regulations, with respect to the broadcast of nonentertainment programming; programming and rates involving political candidates, election issues, controversial issues of public importance, editorials, and personal attacks; programming for children; and equal employment opportunity; and the Commission determines that the provision of such programming by such station would address local news and informational needs which are not being adequately served by full power television broadcast stations because of the geographic distance of such full power stations from the low power station's community of license,;

"(C) such station complies with interference regulations consistent with its secondary status pursuant to part 74 of title 47, Code of Federal Regulations;

"(D) such station is located no more than 35 miles from the cable system's headend, and delivers to the principal headend of the cable system an over-the-air signal of good quality, as determined by the Commission;

"(E) the community of license of such station and the franchise area of the cable system are both located outside of the largest 160 Metropolitan Statistical Areas, ranked by population, as determined by the Office of Management and Budget on June 30, 1990, and the population of such community of license on such date did not exceed 35,000; and

"(F) there is no full power television broadcast station licensed to any community within the county or other political subdivision (of a State) served by the cable system.

Nothing in this paragraph shall be construed to change the secondary status of any low power station as provided in part 74 of title 47, Code of Federal Regulations, as in effect on the date of enactment of this section.".

SEC. 5. CARRIAGE OF NONCOMMERCIAL STATIONS.

Part II of title VI of the Communications Act of 1934 (47 U.S.C. 531 et seq.) is further amended by inserting after section 614 (as added by section 4 of this Act) the following new section:

"SEC. 615. CARRIAGE OF NONCOMMERCIAL EDUCATIONAL TELEVISION.

"(a) CARRIAGE OBLIGATIONS.—In addition to the carriage requirements set forth in section 614, each cable operator of a cable system shall carry the signals of qualified noncommercial educational television stations in accordance with the provisions of this section.

"(b) REQUIREMENTS TO CARRY QUALIFIED STATIONS.—

"(1) GENERAL REQUIREMENT TO CARRY EACH QUALIFIED STATION.—Subject to paragraphs (2) and (3) and subsection (e), each cable operator shall carry, on the cable system of that cable operator, any qualified local noncommercial educational television station requesting carriage.

"(2)(A) SYSTEMS WITH 12 OR FEWER CHANNELS.—Notwithstanding paragraph (1), a cable operator of a cable system with 12 or fewer usable activated channels shall be required to carry the signal of one qualified local noncommercial educational television station; except that a cable operator of such a system shall comply with subsection (c) and may, in its discretion, carry the signals of other qualified noncommercial educational television stations.

"(B) In the case of a cable system described in subparagraph (A) which operates beyond the presence of any qualified local noncommercial educational television station—

"(i) the cable operator shall import and carry on that system the signal of one qualified noncommercial educational television station;

"(ii) the selection for carriage of such a signal shall be at the election of the cable operator; and

"(iii) in order to satisfy the requirements for carriage specified in this subsection, the cable operator of the system shall not be required to remove any other programming service actually provided to subscribers on March 29, 1990; except that such cable operator shall use the first channel available to satisfy the requirements of this subparagraph.

"(3) SYSTEMS WITH 13 TO 36 CHANNELS.—(A) Subject to subsection (c), a cable operator of a cable system with 13 to 36 usable activated channels—

"(i) shall carry the signal of at least one qualified local noncommercial educational television station but shall not be required to carry the signals of more than three such stations, and

"(ii) may, in its discretion, carry additional such stations.

"(B) In the case of a cable system described in this paragraph which operates beyond the presence of any qualified local noncommercial educational television station, the cable operator shall import and carry on that system the signal of at least one qualified noncommercial educational television station to comply with subparagraph (A)(i).

"(C) The cable operator of a cable system described in this paragraph which carries the signal of a qualified local noncommercial educational station affiliated with a State public television network shall not be required to carry the signal of any additional qualified local noncommercial educational television stations affiliated with the same network if the programming of such additional stations is substantially duplicated by the programming of the qualified local noncommercial educational television station receiving carriage.

"(D) A cable operator of a system described in this paragraph which increases the usable activated channel capacity of the system to more than 36 channels on or after March 29, 1990, shall, in accordance with the other provisions of this section, carry the signal of each qualified local noncommercial educational television station requesting carriage, subject to subsection (e).

"(c) CONTINUED CARRIAGE OF EXISTING STATIONS.—Notwithstanding any other provision of this section, all cable operators shall continue to provide carriage to all qualified local noncommercial educational television stations whose signals were carried on their systems as of March 29, 1990. The requirements of this subsection may be waived with respect to a particular cable operator and a particular such station, upon the written consent of the cable operator and the station.

"(d) PLACEMENT OF ADDITIONAL SIGNALS.—A cable operator required to add the signals of qualified local noncommercial educational television stations to a cable system under this section may do so, subject to approval by the franchising authority pursuant to section 611, by placing such additional stations on public, educational, or governmental channels not in use for their designated purposes.

"(e) SYSTEMS WITH MORE THAN 36 CHANNELS.—A cable operator of a cable system with a capacity of more than 36 usable activated channels which is required to carry the signals of three qualified local noncommercial educational television stations shall not be required to carry the signals of additional such stations the programming of which substantially duplicates the programming broadcast by another qualified local noncommercial educational television station requesting carriage. Substantial duplication shall be defined by the Commission in a manner that promotes access to distinctive noncommercial educational television services.

"(f) WAIVER OF NONDUPLICATION RIGHTS.—A qualified local noncommercial educational television station whose signal is carried by a cable operator shall not assert any network nonduplication rights it may have pursuant to section 76.92 of title 47, Code of Federal Regulations, to require the deletion of programs aired on other qualified local noncommercial educational television stations whose signals are carried by that cable operator.

"(g) CONDITIONS OF CARRIAGE.—

"(1) CONTENT TO BE CARRIED.—A cable operator shall retransmit in its entirety the primary video, accompanying audio, and line 21 closed caption transmission of each qualified local noncommercial educational television station whose signal is carried on the cable system, and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes. Retransmission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the cable operator.

"(2) BANDWIDTH AND TECHNICAL QUALITY.—A cable operator shall provide each qualified local noncommercial educational television station whose signal is carried in accordance with this section with bandwidth and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

"(3) CHANGES IN CARRIAGE.—The signal of a qualified local noncommercial educational television station shall not be repositioned by a cable operator unless the cable operator, at least 30 days in advance of such repositioning, has provided written notice to the station and all subscribers of the cable system. For purposes of this paragraph, repositioning includes (A) assignment of a qualified local noncommercial educational television station to a cable system channel number different from the cable system channel number to which the station was assigned as of March 29, 1990, and (B) deletion of the station from the cable system. The notification provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

"(4) GOOD QUALITY SIGNAL REQUIRED.—Notwithstanding the other provisions of this section, a cable operator shall not be required to carry the signal of any qualified local noncommercial educational television station which does not deliver to the cable system's principal headend a signal of good quality or a baseband video signal, as may be defined by the Commission.

"(5) CHANNEL POSITIONING.—Each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the qualified local noncommercial educational television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator. Any dispute regarding the positioning of a qualified local noncommercial educational television station shall be resolved by the Commission.

"(h) AVAILABILITY OF SIGNALS.—Signals carried in fulfillment of the carriage obligations of a cable operator under this section shall be available to every subscriber as part of the cable system's lowest priced service tier that includes the retransmission of local commercial television broadcast signals.

"(i) PAYMENT FOR CARRIAGE PROHIBITED.—

"(1) IN GENERAL.—A cable operator shall not accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local noncommercial educational television station carried in fulfillment of the requirements of this section, except that such a station may be required to bear the cost associated with delivering a good quality signal or a baseband video signal to the principal headend of the cable system.

"(2) DISTANT SIGNAL EXCEPTION.—Notwithstanding the provisions of this section, a cable operator shall not be required to add the signal of a qualified local noncommercial educational television station not already carried under the provision of subsection (c), where such signal would be considered a distant signal for copyright purposes unless such station indemnifies the cable operator for any increased copyright costs resulting from carriage of such signal.

"(j) REMEDIES.—

"(1) COMPLAINT.—Whenever a qualified local noncommercial educational television station believes that a cable operator of a cable system has failed to comply with the signal carriage requirements of this section, the station may file a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to comply with such requirements and state the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data, views, and arguments to establish that the cable operator has complied with the signal carriage requirements of this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed under this subsection, the Commission shall determine whether the cable operator has complied with the requirements of this section. If the Commission determines that the cable operator has failed to comply with such requirements, the Commission shall state with particularity the basis for such findings and order the cable operator to take such remedial action as is necessary to meet such requirements. If the Commission determines that the cable operator has fully complied with such requirements, the Commission shall dismiss the complaint.

"(k) IDENTIFICATION OF SIGNALS.—A cable operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

"(l) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any television broadcast station which—

"(A)(i) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational television broadcast station and which is owned and operated by a public agency, nonprofit foundation, corporation, or association; and

"(ii) has as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B); or

"(B) is owned and operated by a municipality and transmits predominantly noncommercial programs for educational purposes.

Such term includes (I) the translator of any noncommercial educational television station with five watts or higher power serving the franchise area, (II) a full-service station or translator if such station or translator is licensed to a channel reserved for noncommercial educational use pursuant to section 73.606 of title 47, Code of Federal Regulations, or any successor regulations thereto, and (III) such stations and translators operating on channels not so reserved as the Commission determines are qualified as noncommercial educational stations.

"(2) QUALIFIED LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified local noncommercial educational television station' means a qualified noncommercial educational television station—

"(A) which is licensed to a principal community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on March 29, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system; or

"(B) whose Grade B service contour, as defined in section 73.683(a) of such title (as in effect on March 29, 1990), or any successor regulations thereto, encompasses the principal headend of the cable system.".

SEC. 6. RETRANSMISSION CONSENT FOR CABLE SYSTEMS.

(A) AMENDMENT.—Section 325 of the Communications Act of 1934 (47 U.S.C. 325) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting immediately after subsection (a) the following new subsection:

"(b)(1) Following the date that is one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, no cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

"(A) with the express authority of the originating station; or

"(B) pursuant to section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

"(2) The provisions of this subsection shall not apply to—

"(A) retransmission of the signal of a noncommercial broadcasting station;

"(B) retransmission directly to a home satellite antenna of the signal of a broadcasting station that is not owned or operated by, or affiliated with, a broadcasting network, if such signal was retransmitted by a satellite carrier on May 1, 1991;

"(C) retransmission of the signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the household receiving the signal is an unserved household; or

"(D) retransmission by a cable operator or other multichannel video programming distributor of the signal of a superstation if such signal was obtained from a satellite carrier and the originating station was a superstation on May 1, 1991.

For purposes of this paragraph, the terms 'satellite carrier', 'superstation', and 'unserved household' have the meanings given those terms, respectively, in section 119(d) of title 17, United States Code, as in effect on the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992.

"(3)(A) Within 45 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall commence a rulemaking proceeding to establish regulations to govern the exercise by television broadcast stations of the right to grant retransmission consent under this subsection and of the right to signal carriage under section 614, and such other regulations as are necessary to administer the limitations contained in paragraph (2). The Commission shall consider in such proceeding the impact that the grant of retransmission consent by television stations may have on the rates for the basic service tier and shall ensure that the regulations prescribed under this subsection do not conflict with the Commission's obligation under section 623(b)(1) to ensure that the rates for the basic service tier are reasonable. Such rulemaking proceeding shall be completed within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992.

"(B) The regulations required by subparagraph (A) shall require that television stations, within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992 and every three years thereafter, make an election between the right to grant retransmission consent under this subsection and the right to signal carriage under section 614. If there is more than one cable system which services the same geographic area, a station's election shall apply to all such cable systems.

"(4) If an originating television station elects under paragraph (3)(B) to exercise its right to grant retransmission consent under this subsection with respect to a cable system, the provisions of section 614 shall not apply to the carriage of the signal of such station by such cable system.

"(5) The exercise by a television broadcast station of the right to grant retransmission consent under this subsection shall not interfere with or supersede the rights under section 614 or 615 of any station electing to assert the right to signal carriage under that section.

"(6) Nothing in this section shall be construed as modifying the compulsory copyright license established in section 111 of title 17, United States Code, or as affecting existing or future video programming licensing agreements between broadcasting stations and video programmers.".

SEC. 7. AWARD OF FRANCHISES; PROMOTION OF COMPETITION.

(a) ADDITIONAL COMPETITIVE FRANCHISES.—

(1) AMENDMENT.—Section 621(a)(1) of the Communications Act of 1934 (47 U.S.C. 541(a)(1)) is amended by inserting before the period at the end the following: "; except that a franchising authority may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise. Any applicant whose application for a second franchise has been denied by a final decision of the franchising authority may appeal such final decision pursuant to the provisions of section 635 for failure to comply with this subsection".

(2) CONFORMING AMENDMENT.—Section 635(a) of the Communications Act of 1934 (47 U.S.C. 555(a)) is amended by inserting "621(a)(1)," after "section".

(b) FRANCHISE REQUIREMENTS.—Section 621(a) of the Communications Act of 1934 (47 U.S.C. 541(a)) is amended by adding at the end the following new paragraph:

"(4) In awarding a franchise, the franchising authority—

"(A) shall allow the applicant's cable system a reasonable period of time to become capable of providing cable service to all households in the franchise area;

"(B) may require adequate assurance that the cable operator will provide adequate public, educational, and governmental access channel capacity, facilities, or financial support; and

"(C) may require adequate assurance that the cable operator has the financial, technical, or legal qualifications to provide cable service.".

(c) MUNICIPAL AUTHORITIES PERMITTED TO OPERATE SYSTEMS.—Section 621 of the Communications Act of 1934 (47 U.S.C. 541) is amended—

(1) by inserting "and subsection (f)" before the comma in subsection (b)(1); and

(2) by adding at the end the following new subsection:

"(f) No provision of this Act shall be construed to—

"(1) prohibit a local or municipal authority that is also, or is affiliated with, a franchising authority from operating as a multichannel video programming distributor in the franchise area, notwithstanding the granting of one or more franchises by such franchising authority; or

"(2) require such local or municipal authority to secure a franchise to operate as a multichannel video programming distributor.".

SEC. 8. CONSUMER PROTECTION AND CUSTOMER SERVICE.

Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended to read as follows:

"SEC. 632. CONSUMER PROTECTION AND CUSTOMER SERVICE.

"(a) FRANCHISING AUTHORITY ENFORCEMENT.—A franchising authority may establish and enforce—

"(1) customer service requirements of the cable operator; and

"(2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.

"(b) COMMISSION STANDARDS.—The Commission shall, within 180 days of enactment of the Cable Television Consumer Protection and Competition Act of 1992, establish standards by which cable operators may fulfill their customer service requirements. Such standards shall include, at a minimum, requirements governing—

"(1) cable system office hours and telephone availability;

"(2) installations, outages, and service calls; and

"(3) communications between the cable operator and the subscriber (including standards governing bills and refunds).

"(c) CONSUMER PROTECTION LAWS AND CUSTOMER SERVICE AGREEMENTS.—

"(1) CONSUMER PROTECTION LAWS.—Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted by this title.

"(2) CUSTOMER SERVICE REQUIREMENT AGREEMENTS.—Nothing in this section shall be construed to preclude a franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards established by the Commission under subsection (b). Nothing in this title shall be construed to prevent the establishment or enforcement of any municipal law or regulation, or any State law, concerning customer service that imposes customer service requirements that exceed the standards set by the Commission under this section, or that addresses matters not addressed by the standards set by the Commission under this section.".

SEC. 9. LEASED COMMERCIAL ACCESS.

(a) PURPOSE.—Section 612(a) of the Communications Act of 1934 (47 U.S.C. 532(a)) is amended by inserting "to promote competition in the delivery of diverse sources of video programming and" after "purpose of this section is".

(b) COMMISSION RULES ON MAXIMUM REASONABLE RATES AND OTHER TERMS AND CONDITIONS.—Section 612(c) of such Act (47 U.S.C. 532(c)) is amended—

(1) in paragraph (1) by inserting "and with rules prescribed by the Commission under paragraph (4)" after "purpose of this section"; and

(2) by adding at the end the following new paragraph:

"(4)(A) The Commission shall have the authority to—

"(i) determine the maximum reasonable rates that a cable operator may establish pursuant to paragraph (1) for commercial use of designated channel capacity, including the rate charged for the billing of rates to subscribers and for the collection of revenue from subscribers by the cable operator for such use;

"(ii) establish reasonable terms and conditions for such use, including those for billing and collection; and

"(iii) establish procedures for the expedited resolution of disputes concerning rates or carriage under this section.

"(B) Within 180 days after the date of enactment of this paragraph, the Commission shall establish rules for determining maximum reasonable rates under subparagraph (A)(i), for establishing terms and conditions under subparagraph (A)(ii), and for providing procedures under subparagraph (A)(iii).".

(c) ACCESS FOR QUALITY MINORITY PROGRAMMING SOURCES AND QUALIFIED EDUCATIONAL PROGRAMMING SOURCES.—Section 612 of such Act (47 U.S.C. 532) is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding the provisions of subsections (b) and (c), a cable operator required by this section to designate channel capacity for commercial use may use any such channel capacity for the provision of programming from a qualified minority programming source or from any qualified educational programming source, whether or not such source is affiliated with the cable operator. The channel capacity used to provide programming from a qualified minority programming source or from any qualified educational programming source pursuant to this subsection may not exceed 33 percent of the channel capacity designated pursuant to this section. No programming provided over a cable system on July 1, 1990, may qualify as minority programming or educational programming on that cable system under this subsection.

"(2) For purposes of this subsection, the term 'qualified minority programming source' means a programming source which devotes substantially all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned, as the term 'minority' is defined in section 309(i)(3)(C)(ii).

"(3) For purposes of this subsection, the term 'qualified educational programming source' means a programming source which devotes substantially all of its programming to educational or instructional programming that promotes public understanding of mathematics, the sciences, the humanities, and the arts and has a documented annual expenditure on programming exceeding $15,000,000. The annual expenditure on programming means all annual costs incurred by the programming source to produce or acquire programs which are scheduled to be televised, and specifically excludes marketing, promotion, satellite transmission and operational costs, and general administrative costs.

"(4) Nothing in this subsection shall substitute for the requirements to carry qualified noncommercial educational television stations as specified under section 615.".

(d) CONFORMING AMENDMENT.—Paragraph (5) of section 612(b) of the Communications Act of 1934 (47 U.S.C. 532(b)) is amended to read as follows:

"(5) For the purposes of this section, the term 'commercial use' means the provision of video programming, whether or not for profit.".

SEC. 10. CHILDREN'S PROTECTION FROM INDECENT PROGRAMMING ON LEASED ACCESS CHANNELS.

(a) AUTHORITY TO ENFORCE.—Section 612(h) of the Communications Act of 1934 (47 U.S.C. 532(h)) is amended—

(1) by inserting "or the cable operator" after "franchising authority"; and

(2) by adding at the end thereof the following: "This subsection shall permit a cable operator to enforce prospectively a written and published policy of prohibiting programming that the cable operator reasonably believes describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards.".

(b) COMMISSION REGULATIONS.—Section 612 of the Communications Act of 1934 (47 U.S.C. 532) is amended by inserting after subsection (i) (as added by section 9(c) of this Act) the following new subsection:

"(j)(1) Within 120 days following the date of the enactment of this subsection, the Commission shall promulgate regulations designed to limit the access of children to indecent programming, as defined by Commission regulations, and which cable operators have not voluntarily prohibited under subsection (h) by—

"(A) requiring cable operators to place on a single channel all indecent programs, as identified by program providers, intended for carriage on channels designated for commercial use under this section;

"(B) requiring cable operators to block such single channel unless the subscriber requests access to such channel in writing; and

"(C) requiring programmers to inform cable operators if the program would be indecent as defined by Commission regulations.

"(2) Cable operators shall comply with the regulations promulgated pursuant to paragraph (1).".

(c) PROHIBITS SYSTEM USE.—Within 180 days following the date of the enactment of this Act, the Federal Communications Commission shall promulgate such regulations as may be necessary to enable a cable operator of a cable system to prohibit the use, on such system, of any channel capacity of any public, educational, or governmental access facility for any programming which contains obscene material, sexually explicit conduct, or material soliciting or promoting unlawful conduct.

(d) CONFORMING AMENDMENT.—Section 638 of the Communications Act of 1934 (47 U.S.C. 558) is amended by striking the period at the end and inserting the following: "unless the program involves obscene material.".

SEC. 11. LIMITATIONS ON OWNERSHIP, CONTROL, AND UTILIZATION.

(a) CROSS-OWNERSHIP.—Section 613(a) of the Communications Act of 1934 (47 U.S.C. 533(a)) is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) It shall be unlawful for a cable operator to hold a license for multichannel multipoint distribution service, or to offer satellite master antenna television service separate and apart from any franchised cable service, in any portion of the franchise area served by that cable operator's cable system. The Commission—

"(A) shall waive the requirements of this paragraph for all existing multichannel multipoint distribution services and satellite master antenna television services which are owned by a cable operator on the date of enactment of this paragraph; and

"(B) may waive the requirements of this paragraph to the extent the Commission determines is necessary to ensure that all significant portions of a franchise area are able to obtain video programming.".

(b) CLARIFICATION OF LOCAL AUTHORITY TO REGULATE OWNERSHIP.—Section 613(d) of the Communications Act of 1934 (47 U.S.C. 533(d)) is amended—

(1) by striking "any media" and inserting "any other media"; and

(2) by adding at the end thereof the following: "Nothing in this section shall be construed to prevent any State or franchising authority from prohibiting the ownership or control of a cable system in a jurisdiction by any person (1) because of such person's ownership or control of any other cable system in such jurisdiction; or (2) in circumstances in which the State or franchising authority determines that the acquisition of such a cable system may eliminate or reduce competition in the delivery of cable service in such jurisdiction.".

(c) COMMISSION REGULATIONS.—Section 613 of the Communications Act of 1934 (47 U.S.C. 533) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) In order to enhance effective competition, the Commission shall, within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, conduct a proceeding—

"(A) to prescribe rules and regulations establishing reasonable limits on the number of cable subscribers a person is authorized to reach through cable systems owned by such person, or in which such person has an attributable interest;

"(B) to prescribe rules and regulations establishing reasonable limits on the number of channels on a cable system that can be occupied by a video programmer in which a cable operator has an attributable interest; and

"(C) to consider the necessity and appropriateness of imposing limitations on the degree to which multichannel video programming distributors may engage in the creation or production of video programming.

"(2) In prescribing rules and regulations under paragraph (1), the Commission shall, among other public interest objectives—

"(A) ensure that no cable operator or group of cable operators can unfairly impede, either because of the size of any individual operator or because of joint actions by a group of operators of sufficient size, the flow of video programming from the video programmer to the consumer;

"(B) ensure that cable operators affiliated with video programmers do not favor such programmers in determining carriage on their cable systems or do not unreasonably restrict the flow of the video programming of such programmers to other video distributors;

"(C) take particular account of the market structure, ownership patterns, and other relationships of the cable television industry, including the nature and market power of the local franchise, the joint ownership of cable systems and video programmers, and the various types of non-equity controlling interests;

"(D) account for any efficiencies and other benefits that might be gained through increased ownership or control;

"(E) make such rules and regulations reflect the dynamic nature of the communications marketplace;

"(F) not impose limitations which would bar cable operators from serving previously unserved rural areas; and

"(G) not impose limitations which would impair the development of diverse and high quality video programming.".

SEC. 12. REGULATION OF CARRIAGE AGREEMENTS.

Part II of title VI of the Communications Act of 1934 is amended by inserting after section 615 (as added by section 5 of this Act) the following new section:

"SEC. 616. REGULATION OF CARRIAGE AGREEMENTS.

"(a) REGULATIONS.—Within one year after the date of enactment of this section, the Commission shall establish regulations governing program carriage agreements and related practices between cable operators or other multichannel video programming distributors and video programming vendors. Such regulations shall—

"(1) include provisions designed to prevent a cable operator or other multichannel video programming distributor from requiring a financial interest in a program service as a condition for carriage on one or more of such operator's systems;

"(2) include provisions designed to prohibit a cable operator or other multichannel video programming distributor from coercing a video programming vendor to provide, and from retaliat-

ing against such a vendor for failing to provide, exclusive rights against other multichannel video programming distributors as a condition of carriage on a system;

"(3) contain provisions designed to prevent a multichannel video programming distributor from engaging in conduct the effect of which is to unreasonably restrain the ability of an unaffiliated video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation of vendors in the selection, terms, or conditions for carriage of video programming provided by such vendors;

"(4) provide for expedited review of any complaints made by a video programming vendor pursuant to this section;

"(5) provide for appropriate penalties and remedies for violations of this subsection, including carriage; and

"(6) provide penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(b) Definition.—As used in this section, the term 'video programming vendor' means a person engaged in the production, creation, or wholesale distribution of video programming for sale.".

SEC. 13. SALES OF CABLE SYSTEMS.

Part II of title VI of the Communications Act of 1934 is further amended by adding at the end thereof the following new section:

"SEC. 617. SALES OF CABLE SYSTEMS.

"(a) 3-Year Holding Period Required.—Except as provided in this section, no cable operator may sell or otherwise transfer ownership in a cable system within a 36-month period following either the acquisition or initial construction of such system by such operator.

"(b) Treatment of Multiple Transfers.—In the case of a sale of multiple systems, if the terms of the sale require the buyer to subsequently transfer ownership of one or more such systems to one or more third parties, such transfers shall be considered a part of the initial transaction.

"(c) Exceptions.—Subsection (a) shall not apply to—

"(1) any transfer of ownership interest in any cable system which is not subject to Federal income tax liability;

"(2) any sale required by operation of any law or any act of any Federal agency, any State or political subdivision thereof, or any franchising authority; or

"(3) any sale, assignment, or transfer, to one or more purchasers, assignees, or transferees controlled by, controlling, or under common control with, the seller, assignor, or transferor.

"(d) Waiver Authority.—The Commission may, consistent with the public interest, waive the requirement of subsection (a), except that, if the franchise requires franchise authority approval of a transfer, the Commission shall not waive such requirements unless the franchise authority has approved the transfer. The Commission shall use its authority under this subsection to permit appropriate transfers in the cases of default, foreclosure, or other financial distress.

"(e) Limitation on Duration of Franchising Authority Power To Disapprove Transfers.—In the case of any sale or transfer of ownership of any cable system after the 36-month period following acquisition of such system, a franchising authority shall, if the franchise requires franchising authority approval of a sale or transfer, have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with Commission regulations and by the franchising authority. If the franchising authority fails to render a final decision on the request within 120 days, such request shall be deemed granted unless the requesting party and the franchising authority agree to an extension of time.".

SEC. 14. SUBSCRIBER BILL ITEMIZATION.

Section 622(c) of the Communications Act of 1934 (47 U.S.C. 542(c)) is amended to read as follows:

"(c) Each cable operator may identify, consistent with the regulations prescribed by the Commission pursuant to section 623, as a separate line item on each regular bill of each subscriber, each of the following:

"(1) The amount of the total bill assessed as a franchise fee and the identity of the franchising authority to which the fee is paid.

"(2) The amount of the total bill assessed to satisfy any requirements imposed on the cable operator by the franchise agreement to support public, educational, or governmental channels or the use of such channels.

"(3) The amount of any other fee, tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber.".

SEC. 15. NOTICE TO CABLE SUBSCRIBERS ON UNSOLICITED SEXUALLY EXPLICIT PROGRAMS.

Section 624(d) of the Communications Act of 1934 (47 U.S.C. 544(d)) is amended by adding at the end the following new paragraph:

"(3)(A) If a cable operator provides a premium channel without charge to cable subscribers who do not subscribe to such premium channel, the cable operator shall, not later than 30 days before such premium channel is provided without charge—

"(i) notify all cable subscribers that the cable operator plans to provide a premium channel without charge;

"(ii) notify all cable subscribers when the cable operator plans to offer a premium channel without charge;

"(iii) notify all cable subscribers that they have a right to request that the channel carrying the premium channel be blocked; and

"(iv) block the channel carrying the premium channel upon the request of a subscriber.

"(B) For the purpose of this section, the term 'premium channel' shall mean any pay service offered on a per channel or per program basis, which offers movies rated by the Motion Picture Association of America as X, NC-17, or R.".

SEC. 16. TECHNICAL STANDARDS; EMERGENCY ANNOUNCEMENTS; PROGRAMMING CHANGES; HOME WIRING.

(a) Technical Standards.—Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

"(e) Within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall prescribe regulations which establish minimum technical standards relating to cable systems' technical operation and signal quality. The Commission shall update such standards periodically to reflect improvements in technology. A franchising authority may require as part of a franchise (including a modification, renewal, or transfer thereof) provisions for the enforcement of the standards prescribed under this subsection. A franchising authority may apply to the Commission for a waiver to impose standards that are more stringent than the standards prescribed by the Commission under this subsection.".

(b) Emergency Announcements.—Section 624 of such Act (47 U.S.C. 544) is amended by adding at the end the following new subsection:

"(g) Notwithstanding any such rule, regulation, or order, each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations in subpart G of part 73, title 47, Code of Federal Regulations.".

(c) Programming Changes.—Section 624 of such Act (47 U.S.C. 544) is further amended—

(1) in subsection (b)(1), by inserting ", except as provided in subsection (h)," after "but may not"; and

(2) by adding at the end the following new subsection:

"(h) A franchising authority may require a cable operator to do any one or more of the following:

"(1) Provide 30 days' advance written notice of any change in channel assignment or in the video programming service provided over any such channel.

"(2) Inform subscribers, via written notice, that comments on programming and channel position changes are being recorded by a designated office of the franchising authority.".

(d) Home Wiring.—Section 624 of such Act (47 U.S.C. 544) is further amended by adding at the end the following new subsection:

"(i) Within 120 days after the date of enactment of this subsection, the Commission shall prescribe rules concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber.".

SEC. 17. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

The Communications Act of 1934 is amended by adding after section 624 (47 U.S.C. 544) the following new section:

"SEC. 624A. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

"(a) Findings.—The Congress finds that—

"(1) new and recent models of television receivers and video cassette recorders often contain premium features and functions that are disabled or inhibited because of cable scrambling, encoding, or encryption technologies and devices, including converter boxes and remote control devices required by cable operators to receive programming;

"(2) if these problems are allowed to persist, consumers will be less likely to purchase, and electronics equipment manufacturers will be less likely to develop, manufacture, or offer for sale, television receivers and video cassette recorders with new and innovative features and functions; and

"(3) cable operators should use technologies that will prevent signal thefts while permitting consumers to benefit from such features and functions in such receivers and recorders.

"(b) Compatible Interfaces.—

"(1) Report; regulations.—Within 1 year after the date of enactment of this section, the Commission, in consultation with representatives of the cable industry and the consumer electronics industry, shall report to Congress on means of assuring compatibility between televisions and video cassette recorders and cable systems, consistent with the need to prevent theft of cable service, so that cable subscribers will be able to enjoy the full benefit of both the programming available on cable systems and the functions available on their televisions and video cassette recorders. Within 180 days after the date of submission of the report required by this subsection, the Commission shall issue such regulations as are necessary to assure such compatibility.

"(2) Scrambling and encryption.—In issuing the regulations referred to in paragraph (1), the Commission shall determine whether and, if so, under what circumstances to permit cable systems to scramble or encrypt signals or to restrict cable systems in the manner in which they encrypt or scramble signals, except that the Commission shall not limit the use of scrambling or encryption technology where the use of such

technology does not interfere with the functions of subscribers' television receivers or video cassette recorders.

"(c) RULEMAKING REQUIREMENTS.—

"(1) FACTORS TO BE CONSIDERED.—In prescribing the regulations required by this section, the Commission shall consider—

"(A) the costs and benefits to consumers of imposing compatibility requirements on cable operators and television manufacturers in a manner that, while providing effective protection against theft or unauthorized reception of cable service, will minimize interference with or nullification of the special functions of subscribers' television receivers or video cassette recorders, including functions that permit the subscriber—

"(i) to watch a program on one channel while simultaneously using a video cassette recorder to tape a program on another channel;

"(ii) to use a video cassette recorder to tape two consecutive programs that appear on different channels; and

"(iii) to use advanced television picture generation and display features; and

"(B) the need for cable operators to protect the integrity of the signals transmitted by the cable operator against theft or to protect such signals against unauthorized reception.

"(2) REGULATIONS REQUIRED.—The regulations prescribed by the Commission under this section shall include such regulations as are necessary—

"(A) to specify the technical requirements with which a television receiver or video cassette recorder must comply in order to be sold as 'cable compatible' or 'cable ready';

"(B) to require cable operators offering channels whose reception requires a converter box—

"(i) to notify subscribers that they may be unable to benefit from the special functions of their television receivers and video cassette recorders, including functions that permit subscribers—

"(I) to watch a program on one channel while simultaneously using a video cassette recorder to tape a program on another channel;

"(II) to use a video cassette recorder to tape two consecutive programs that appear on different channels; and

"(III) to use advanced television picture generation and display features; and

"(ii) to the extent technically and economically feasible, to offer subscribers the option of having all other channels delivered directly to the subscribers' television receivers or video cassette recorders without passing through the converter box;

"(C) to promote the commercial availability, from cable operators and retail vendors that are not affiliated with cable systems, of converter boxes and of remote control devices compatible with converter boxes;

"(D) to require a cable operator who offers subscribers the option of renting a remote control unit—

"(i) to notify subscribers that they may purchase a commercially available remote control device from any source that sells such devices rather than renting it from the cable operator; and

"(ii) to specify the types of remote control units that are compatible with the converter box supplied by the cable operator; and

"(E) to prohibit a cable operator from taking any action that prevents or in any way disables the converter box supplied by the cable operator from operating compatibly with commercially available remote control units.

"(d) REVIEW OF REGULATIONS.—The Commission shall periodically review and, if necessary, modify the regulations issued pursuant to this section in light of any actions taken in response to such regulations and to reflect improvements and changes in cable systems, television receivers, video cassette recorders, and similar technology.".

SEC. 18. FRANCHISE RENEWAL.

(a) COMMENCEMENT OF PROCEEDINGS.—Section 626(a) of the Communications Act of 1934 (47 U.S.C. 546(a)) is amended to read as follows:

"SEC. 626. (a)(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

"(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) unless—

"(A) such a proceeding is requested by the cable operator by timely submission of such notice; or

"(B) such a proceeding is commenced by the franchising authority on its own initiative.".

(b) PROCEEDING ON RENEWAL PROPOSAL.—Section 626(c)(1) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)) is amended—

(1) by inserting "pursuant to subsection (b)" after "renewal of a franchise"; and

(2) by striking "completion of any proceedings under subsection (a)" and inserting the following: "date of the submission of the cable operator's proposal pursuant to subsection (b)".

(c) REVIEW CRITERIA.—Section 626(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(B)) is amended by striking "mix, quality, or level" and inserting "mix or quality".

(d) CORRECTION OF FAILURES.—Section 626(d) of the Communications Act of 1934 (47 U.S.C. 546(d)) is amended—

(1) by inserting "that has been submitted in compliance with subsection (b)" after "Any denial of a proposal for renewal"; and

(2) by striking "or has effectively acquiesced" and inserting "or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice".

(e) HARMLESS ERROR.— Section 626(e)(2)(A) of the Communications Act of 1934 (47 U.S.C. 546(e)(2)(A)) is amended by inserting after "franchising authority" the following: ", other than harmless error,".

(f) CONFLICT BETWEEN REVOCATION AND RENEWAL PROCEEDINGS.—Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended by adding at the end the following new subsection:

"(i) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.".

SEC. 19. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.

Part III of title VI of the Communications Act of 1934 is amended by inserting after section 627 (47 U.S.C. 547) the following new section:

"SEC. 628. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.

"(a) PURPOSE.—The purpose of this section is to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming market, to increase the availability of satellite cable programming and satellite broadcast programming to persons in rural and other areas not currently able to receive such programming, and to spur the development of communications technologies.

"(b) PROHIBITION.—It shall be unlawful for a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which is to hinder significantly or to prevent any multichannel video programming distributor from providing satellite cable programming or satellite broadcast programming to subscribers or consumers.

"(c) REGULATIONS REQUIRED.—

"(1) PROCEEDING REQUIRED.—Within 180 days after the date of enactment of this section, the Commission shall, in order to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming market and the continuing development of communications technologies, prescribe regulations to specify particular conduct that is prohibited by subsection (b).

"(2) MINIMUM CONTENTS OF REGULATIONS.—The regulations to be promulgated under this section shall—

"(A) establish effective safeguards to prevent a cable operator which has an attributable interest in a satellite cable programming vendor or a satellite broadcast programming vendor from unduly or improperly influencing the decision of such vendor to sell, or the prices, terms, and conditions of sale of, satellite cable programming or satellite broadcast programming to any unaffiliated multichannel video programming distributor;

"(B) prohibit discrimination by a satellite cable programming vendor in which a cable operator has an attributable interest or by a satellite broadcast programming vendor in the prices, terms, and conditions of sale or delivery of satellite cable programming or satellite broadcast programming among or between cable systems, cable operators, or other multichannel video programming distributors, or their agents or buying groups; except that such a satellite cable programming vendor in which a cable operator has an attributable interest or such a satellite broadcast programming vendor shall not be prohibited from—

"(i) imposing reasonable requirements for creditworthiness, offering of service, and financial stability and standards regarding character and technical quality;

"(ii) establishing different prices, terms, and conditions to take into account actual and reasonable differences in the cost of creation, sale, delivery, or transmission of satellite cable programming or satellite broadcast programming;

"(iii) establishing different prices, terms, and conditions which take into account economies of scale, cost savings, or other direct and legitimate economic benefits reasonably attributable to the number of subscribers served by the distributor; or

"(iv) entering into an exclusive contract that is permitted under subparagraph (D);

"(C) prohibit practices, understandings, arrangements, and activities, including exclusive contracts for satellite cable programming or satellite broadcast programming between a cable operator and a satellite cable programming vendor or satellite broadcast programming vendor, that prevent a multichannel video programming distributor from obtaining such programming from any satellite cable programming vendor in which a cable operator has an attributable interest or any satellite broadcast programming vendor in which a cable operator has an attrib-

utable interest for distribution to persons in areas not served by a cable operator as of the date of enactment of this section; and

"(D) with respect to distribution to persons in areas served by a cable operator, prohibit exclusive contracts for satellite cable programming or satellite broadcast programming between a cable operator and a satellite cable programming vendor in which a cable operator has an attributable interest or a satellite broadcast programming vendor in which a cable operator has an attributable interest, unless the Commission determines (in accordance with paragraph (4)) that such contract is in the public interest.

"(3) LIMITATIONS.—

"(A) GEOGRAPHIC LIMITATIONS.—Nothing in this section shall require any person who is engaged in the national or regional distribution of video programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

"(B) APPLICABILITY TO SATELLITE RETRANSMISSIONS.—Nothing in this section shall apply (i) to the signal of any broadcast affiliate of a national television network or other television signal that is retransmitted by satellite but that is not satellite broadcast programming, or (ii) to any internal satellite communication of any broadcast network or cable network that is not satellite broadcast programming.

"(4) PUBLIC INTEREST DETERMINATIONS ON EXCLUSIVE CONTRACTS.—In determining whether an exclusive contract is in the public interest for purposes of paragraph (2)(D), the Commission shall consider each of the following factors with respect to the effect of such contract on the distribution of video programming in areas that are served by a cable operator:

"(A) the effect of such exclusive contract on the development of competition in local and national multichannel video programming distribution markets;

"(B) the effect of such exclusive contract on competition from multichannel video programming distribution technologies other than cable;

"(C) the effect of such exclusive contract on the attraction of capital investment in the production and distribution of new satellite cable programming;

"(D) the effect of such exclusive contract on diversity of programming in the multichannel video programming distribution market; and

"(E) the duration of the exclusive contract.

"(5) SUNSET PROVISION.—The prohibition required by paragraph (2)(D) shall cease to be effective 10 years after the date of enactment of this section, unless the Commission finds, in a proceeding conducted during the last year of such 10-year period, that such prohibition continues to be necessary to preserve and protect competition and diversity in the distribution of video programming.

"(d) ADJUDICATORY PROCEEDING.—Any multichannel video programming distributor aggrieved by conduct that it alleges constitutes a violation of subsection (b), or the regulations of the Commission under subsection (c), may commence an adjudicatory proceeding at the Commission.

"(e) REMEDIES FOR VIOLATIONS.—

"(1) REMEDIES AUTHORIZED.—Upon completion of such adjudicatory proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish prices, terms, and conditions of sale of programming to the aggrieved multichannel video programming distributor.

"(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

"(f) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission's regulations shall—

"(1) provide for an expedited review of any complaints made pursuant to this section;

"(2) establish procedures for the Commission to collect such data, including the right to obtain copies of all contracts and documents reflecting arrangements and understandings alleged to violate this section, as the Commission requires to carry out this section; and

"(3) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(g) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by subsection (c), annually report to Congress on the status of competition in the market for the delivery of video programming.

"(h) EXEMPTIONS FOR PRIOR CONTRACTS.—

"(1) IN GENERAL.—Nothing in this section shall affect any contract that grants exclusive distribution rights to any person with respect to satellite cable programming and that was entered into on or before June 1, 1990, except that the provisions of subsection (c)(2)(C) shall apply for distribution to persons in areas not served by a cable operator.

"(2) LIMITATION ON RENEWALS.—A contract that was entered into on or before June 1, 1990, but that is renewed or extended after the date of enactment of this section shall not be exempt under paragraph (1).

"(i) DEFINITIONS.—As used in this section:

"(1) The term 'satellite cable programming' has the meaning provided under section 705 of this Act, except that such term does not include satellite broadcast programming.

"(2) The term 'satellite cable programming vendor' means a person engaged in the production, creation, or wholesale distribution for sale of satellite cable programming, but does not include a satellite broadcast programming vendor.

"(3) The term 'satellite broadcast programming' means broadcast video programming when such programming is retransmitted by satellite and the entity retransmitting such programming is not the broadcaster or an entity performing such retransmission on behalf of and with the specific consent of the broadcaster.

"(4) The term 'satellite broadcast programming vendor' means a fixed service satellite carrier that provides service pursuant to section 119 of title 17, United States Code, with respect to satellite broadcast programming.".

SEC. 20. CUSTOMER PRIVACY RIGHTS.

(a) DEFINITIONS.—Section 631(a)(2) of the Communications Act of 1934 (47 U.S.C. 551(a)(2)) is amended to read as follows:

"(2) For purposes of this section, other than subsection (h)—

"(A) the term 'personally identifiable information' does not include any record of aggregate data which does not identify particular persons;

"(B) the term 'other service' includes any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service; and

"(C) the term 'cable operator' includes, in addition to persons within the definition of cable operator in section 602, any person who (i) is owned or controlled by, or under common ownership or control with, a cable operator, and (ii) provides any wire or radio communications service.".

(b) ADDITIONAL ACTIONS REQUIRED.—Section 631(c)(1) of the Communications Act of 1934 (47 U.S.C. 551(c)(1)) is amended by inserting immediately before the period at the end the following: "and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator".

SEC. 21. THEFT OF CABLE SERVICE.

Section 633(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended—

(1) in paragraph (2)—

(A) by striking "$25,000" and inserting "$50,000";

(B) by striking "1 year" and inserting "2 years";

(C) by striking "$50,000" and inserting "$100,000"; and

(D) by striking "2 years" and inserting "5 years"; and

(2) by adding at the end thereof the following new paragraph:

"(3) For purposes of all penalties and remedies established for violations of subsection (a)(1), the prohibited activity established herein as it applies to each such device shall be deemed a separate violation.".

SEC. 22. EQUAL EMPLOYMENT OPPORTUNITY.

(a) FINDINGS.—The Congress finds and declares that—

(1) despite the existence of regulations governing equal employment opportunity, females and minorities are not employed in significant numbers in positions of management authority in the cable and broadcast television industries;

(2) increased numbers of females and minorities in positions of management authority in the cable and broadcast television industries advances the Nation's policy favoring diversity in the expression of views in the electronic media; and

(3) rigorous enforcement of equal employment opportunity rules and regulations is required in order to effectively deter racial and gender discrimination.

(b) STANDARDS.—Section 634(d)(1) of the Communication Act of 1934 (47 U.S.C. 554(d)(1)) is amended to read as follows:

"(d)(1) Not later than 270 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, and after notice and opportunity for hearing, the Commission shall prescribe revisions in the rules under this section in order to implement the amendments made to this section by such Act. Such revisions shall be designed to promote equality of employment opportunities for females and minorities in each of the job categories itemized in paragraph (3).".

(c) CONTENTS OF ANNUAL STATISTICAL REPORTS.—Section 634(d)(3) of the Communications Act of 1934 (47 U.S.C. 554(d)(3)) is amended to read as follows:

"(3)(A) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race, sex, and job title the number of employees in each of the following full-time and part-time job categories:

"(i) Corporate officers.
"(ii) General Manager.
"(iii) Chief Technician.
"(iv) Comptroller.
"(v) General Sales Manager.
"(vi) Production Manager.
"(vii) Managers.
"(viii) Professionals.
"(ix) Technicians.
"(x) Sales Personnel.
"(xi) Office and Clerical Personnel.
"(xii) Skilled Craftspersons.
"(xiii) Semiskilled Operatives.
"(xiv) Unskilled Laborers.
"(xv) Service Workers.

"(B) The report required by subparagraph (A) shall be made on separate forms, provided by the Commission, for full-time and part-time employees. The Commission's rules shall sufficiently define the job categories listed in clauses (i) through (vi) of such subparagraph so as to ensure that only employees who are principal decisionmakers and who have supervisory authority are reported for such categories. The Commission shall adopt rules that define the job

categories listed in clauses (vii) through (xv) in a manner that is consistent with the Commission policies in effect on June 1, 1990. The Commission shall prescribe the method by which entities shall be required to compute and report the number of minorities and women in the job categories listed in clauses (i) through (x) and the number of minorities and women in the job categories listed in clauses (i) through (xv) in proportion to the total number of qualified minorities and women in the relevant labor market. The report shall include information on hiring, promotion, and recruitment practices necessary for the Commission to evaluate the efforts of entities to comply with the provisions of paragraph (2) of this subsection. The report shall be available for public inspection at the entity's central location and at every location where 5 or more full-time employees are regularly assigned to work. Nothing in this subsection shall be construed as prohibiting the Commission from collecting or continuing to collect statistical or other employment information in a manner that it deems appropriate to carry out this section.".

(d) PENALTIES.—Section 634(f)(2) of such Act (47 U.S.C. 554(f)(2)) is amended by striking "$200" and inserting "$500".

(e) APPLICATION OF REQUIREMENTS.—Section 634(h)(1) of such Act (47 U.S.C. 554(h)(1)) is amended by inserting before the period the following: "and any multichannel video programming distributor".

(f) BROADCASTING EQUAL EMPLOYMENT OPPORTUNITY.—Part I of title III of the Communications Act of 1934 is amended by inserting after section 333 (47 U.S.C. 333) the following new section:

"SEC. 334. LIMITATION ON REVISION OF EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS.

"(a) LIMITATION.—Except as specifically provided in this section, the Commission shall not revise—

"(1) the regulations concerning equal employment opportunity as in effect on September 1, 1992 (47 C.F.R. 73.2080) as such regulations apply to television broadcast station licensees and permittees; or

"(2) the forms used by such licensees and permittees to report pertinent employment data to the Commission.

"(b) MIDTERM REVIEW.—The Commission shall revise the regulations described in subsection (a) to require a midterm review of television broadcast station licensees' employment practices and to require the Commission to inform such licensees of necessary improvements in recruitment practices identified as a consequence of such review.

"(c) AUTHORITY TO MAKE TECHNICAL REVISIONS.—The Commission may revise the regulations described in subsection (a) to make nonsubstantive technical or clerical revisions in such regulations as necessary to reflect changes in technology, terminology, or Commission organization.".

(g) STUDY AND REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Congress a report pursuant to a proceeding to review and obtain public comment on the effect and operation of the amendments made by this section. In conducting such review, the Commission shall consider the effectiveness of its procedures, regulations, policies, standards, and guidelines in promoting equality of employment opportunity and promotion opportunity, and particularly the effectiveness of its procedures, regulations, policies, standards, and guidelines in promoting the congressional policy favoring increased employment opportunity for women and minorities in positions of management authority. The Commission shall forward to the Congress such legislative recommendations to improve equal employment opportunity in the broadcasting and cable industries as it deems necessary.

SEC. 23. JUDICIAL REVIEW.

Section 635 of the Communications Act of 1934 (47 U.S.C. 555) is amended by adding at the end the following new subsection:

"(c)(1) Notwithstanding any other provision of law, any civil action challenging the constitutionality of section 614 or 615 of this Act or any provision thereof shall be heard by a district court of three judges convened pursuant to the provisions of section 2284 of title 28, United States Code.

"(2) Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of three judges in an action under paragraph (1) holding section 614 or 615 of this Act or any provision thereof unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.".

SEC. 24. LIMITATION ON FRANCHISING AUTHORITY LIABILITY.

(a) AMENDMENT.—Part IV of title VI of the Communications Act of 1934 is amended by inserting after section 635 (47 U.S.C. 555) the following new section:

"SEC. 635A. LIMITATION OF FRANCHISING AUTHORITY LIABILITY.

"(a) SUITS FOR DAMAGES PROHIBITED.—In any court proceeding pending on or initiated after the date of enactment of this section involving any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of a franchise, any relief, to the extent such relief is required by any other provision of Federal, State, or local law, shall be limited to injunctive relief and declaratory relief.

"(b) EXCEPTION FOR COMPLETED CASES.—The limitation contained in subsection (a) shall not apply to actions that, prior to such violation, have been determined by a final order of a court of binding jurisdiction, no longer subject to appeal, to be in violation of a cable operator's rights.

"(c) DISCRIMINATION CLAIMS PERMITTED.—Nothing in this section shall be construed as limiting the relief authorized with respect to any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, to the extent such claim involves discrimination on the basis of race, color, sex, age, religion, national origin, or handicap.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as creating or authorizing liability of any kind, under any law, for any action or failure to act relating to cable service or the granting of a franchise by any franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity.".

(b) CONFORMING AMENDMENT.—Section 635(b) of the Communications Act of 1934 (47 U.S.C. 555(b)) is amended by inserting "and with the provisions of subsection (a)" after "subsection (a)".

SEC. 25. DIRECT BROADCAST SATELLITE SERVICE OBLIGATIONS.

(a) AMENDMENT.—Part I of title III of the Communications Act of 1934 is further amended by inserting after section 334 (as added by section 22(f) of this Act) the following new section:

"SEC. 335. DIRECT BROADCAST SATELLITE SERVICE OBLIGATIONS.

"(a) PROCEEDING REQUIRED TO REVIEW DBS RESPONSIBILITIES.—The Commission shall, within 180 days after the date of enactment of this section, initiate a rulemaking proceeding to impose, on providers of direct broadcast satellite service, public interest or other requirements for providing video programming. Any regulations prescribed pursuant to such rulemaking shall, at a minimum, apply the access to broadcast time requirement of section 312(a)(7) and the use of facilities requirements of section 315 to providers of direct broadcast satellite service providing video programming. Such proceeding also shall examine the opportunities that the establishment of direct broadcast satellite service provides for the principle of localism under this Act, and the methods by which such principle may be served through technological and other developments in, or regulation of, such service.

"(b) CARRIAGE OBLIGATIONS FOR NONCOMMERCIAL, EDUCATIONAL, AND INFORMATIONAL PROGRAMMING.—

"(1) CHANNEL CAPACITY REQUIRED.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

"(2) USE OF UNUSED CHANNEL CAPACITY.—A provider of such service may utilize for any purpose any unused channel capacity required to be reserved under this subsection pending the actual use of such channel capacity for noncommercial programming of an educational or informational nature.

"(3) PRICES, TERMS, AND CONDITIONS; EDITORIAL CONTROL.—A provider of direct broadcast satellite service shall meet the requirements of this subsection by making channel capacity available to national educational programming suppliers, upon reasonable prices, terms, and conditions, as determined by the Commission under paragraph (4). The provider of direct broadcast satellite service shall not exercise any editorial control over any video programming provided pursuant to this subsection.

"(4) LIMITATIONS.—In determining reasonable prices under paragraph (3)—

"(A) the Commission shall take into account the nonprofit character of the programming provider and any Federal funds used to support such programming;

"(B) the Commission shall not permit such prices to exceed, for any channel made available under this subsection, 50 percent of the total direct costs of making such channel available; and

"(C) in the calculation of total direct costs, the Commission shall exclude—

"(i) marketing costs, general administrative costs, and similar overhead costs of the provider of direct broadcast satellite service; and

"(ii) the revenue that such provider might have obtained by making such channel available to a commercial provider of video programming.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'provider of direct broadcast satellite service' means—

"(i) a licensee for a Ku-band satellite system under part 100 of title 47 of the Code of Federal Regulations; or

"(ii) any distributor who controls a minimum number of channels (as specified by Commission regulation) using a Ku-band fixed service satellite system for the provision of video programming directly to the home and licensed under part 25 of title 47 of the Code of Federal Regulations.

"(B) The term 'national educational programming supplier' includes any qualified noncommercial educational television station, other

public telecommunications entities, and public or private educational institutions.".

(b) TECHNICAL AMENDMENT.—Section 331 of such Act as added by Public Law 97-259 (47 U.S.C. 332) is redesignated as section 332.

SEC. 26. SPORTS PROGRAMMING MIGRATION STUDY AND REPORT.

(a) STUDY REQUIRED.—The Federal Communications Commission shall conduct an ongoing study on the carriage of local, regional, and national sports programming by broadcast stations, cable programming networks, and pay-per-view services. The study shall investigate and analyze, on a sport-by-sport basis, trends in the migration of such programming from carriage by broadcast stations to carriage over cable programming networks and pay-per-view systems, including the economic causes and the economic and social consequences of such trends.

(b) REPORT ON STUDY.—The Federal Communications Commission shall, on or before July 1, 1993, and July 1, 1994, submit an interim and a final report, respectively, on the results of the study required by subsection (a) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such reports shall include a statement of the results, on a sport-by-sport basis, of the analysis of the trends required by subsection (a) and such legislative or regulatory recommendations as the Commission considers appropriate.

(c) ANALYSIS OF PRECLUSIVE CONTRACTS REQUIRED.—

(1) ANALYSIS REQUIRED.—In conducting the study required by subsection (a), the Commission shall analyze the extent to which preclusive contracts between college athletic conferences and video programming vendors have artificially and unfairly restricted the supply of the sporting events of local colleges for broadcast on local television stations. In conducting such analysis, the Commission shall consult with the Attorney General to determine whether and to what extent such preclusive contracts are prohibited by existing statutes. The reports required by subsection (b) shall include separate statements of the results of the analysis required by this subsection, together with such recommendations for legislation as the Commission considers necessary and appropriate.

(2) DEFINITION.—For purposes of the subsection, the term "preclusive contract" includes any contract that prohibits—

(A) the live broadcast by a local television station of a sporting event of a local college team that is not carried, on a live basis, by any cable system within the local community served by such local television station; or

(B) the delayed broadcast by a local television station of a sporting event of a local college team that is not carried, on a live or delayed basis, by any cable system within the local community served by such local television station.

SEC. 27. APPLICABILITY OF ANTITRUST LAWS.

Nothing in this Act or the amendments made by this Act shall be construed to alter or restrict in any manner the applicability of any Federal or State antitrust law.

SEC. 28. EFFECTIVE DATE.

Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the date of enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

JOHN D. DINGELL,
EDWARD J. MARKEY,
BILLY TAUZIN,
DENNIS E. ECKART,
THOMAS J. MANTON,
RALPH M. HALL,
CLAUDE HARRIS,

Provided that Mr. Ritter is appointed in place of Mr. Fields for consideration of so much of section 16 of the Senate bill as would add a new section 614(g) of the Communications Act of 1934 and so much of section 5 of the House amendment as would add a new section 614(f) to the Communications Act of 1934.

Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
WENDELL FORD,
JOHN C. DANFORTH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SECTION 1—SHORT TITLE

Senate bill

The Senate bill, in Section 1, provides the following short title: "Cable Television Consumer Protection Act of 1992".

House amendment

The House amendment, in Section 1, provides the following short title: "Cable Television Consumer Protection and Competition Act of 1992"

Conference agreement

The conference agreement adopts the House provision.

SECTION 2—FINDINGS; STATEMENT OF POLICY; DEFINITIONS

Senate bill

The Congress finds that:

(1) Cable rates have increased significantly;

(2) Without a sufficient number of local television stations and another multichannel video programming distributor, cable systems are not subject to effective competition;

(3) There is a substantial governmental and First Amendment interest in promoting a diversity of views through multiple technology media;

(4) The cable industry has become a dominant nationwide video medium;

(5) The cable industry has become more concentrated;

(6) Cable rates other than for basic service should be regulated only when needed to control undue market power;

(7) The cable industry has become more vertically integrated into programming, which may harm competing programmers;

(8) There is a substantial governmental and First Amendment interest in ensuring that cable subscribers have access to local noncommercial educational stations to further education and promote diversity and alternative telecommunications services;

(9) There is a substantial governmental interest in having all non-duplicative public television stations available to: promote education and public service programming; ensure the maximum use of the federal contributions to public broadcasting; and ensure that citizens have access to the public service programming responding to their needs and interests which is provided by the public broadcast stations which they help to fund;

(10) There is a substantial governmental interest in ensuring the continuation of locally originated television broadcasting;

(11) Television stations are an important source of local programming, especially for local news and public affairs programming;

(12) Television broadcasting is especially important for those who cannot afford to pay for video programming;

(13) Over the past decade, the market share of cable television has increased, while that of television broadcasting has decreased;

(14) Cable television and television broadcasting increasingly compete for advertising, and more advertising is aired on cable television;

(15) By carrying television broadcast stations, cable operators may increase the viewership of these stations at the expense of programming aired exclusively on cable systems;

(16) As a result, cable operators have an incentive not to carry television broadcast stations, which may jeopardize the future of these stations and the local programming they air;

(17) Subscribers to cable television often do not have the equipment to make it easy to switch between viewing cable television and television broadcast signals over-the-air;

(18) Cable systems are often the single most efficient distribution system for television programming;

(19) Broadcast programming is the most popular programming on cable systems and as a result, cable operators and programmers dervice substantial benefits from the carriage of local broadcast signals. Since cable systems can take broadcast signals without the consent of the broadcasters, cable systems now are effectively subsidized by broadcast stations;

(20) Franchising authorities had their authority to oversee the cable industry limited by the 1984 Cable Communications Policy Act, especially with regard to franchise renewals;

(21) Given the lack of clear guidelines in applying the First Amendment to cable franchise decisions, franchising authorities are unreasonably exposed to liability for monetary damages under the Civil Rights Acts;

(22) Cable systems should be encouraged to carry those low power television stations that carry a substantial amount of local programming.

Statement of policy

Section 3 of the Senate bill sets forth the policy of the Congress in this Act to:

(1) promote information diversity;

(2) rely on the marketplace, to the maximum extent;

(3) ensure that cable systems can continue to grow and develop;

(4) protect consumers by regulating where effective competition does not exist as a substitute for market forces; and

(5) ensure that consumers and programmers are not harmed by undue market power.

Definitions

The Senate bill amends Section 602 of the Communications Act of 1934 to add the following:

(1) The term "activated channels" means those channels engineered at the headend of a cable system for the provision of services generally available to residential cable subscribers, regardless of whether such services actually are provided, including access channels;

(3) The term "available to a household" or "available to a home" when used in reference to a multichannel video programming distributor means a particular household which is a subscriber of customer of the distributor or a particular household which is actively and currently sought as a subscriber or customer by a multichannel video programming distributor and which is capable of receiving the service offered by the multichannel video programming distributor;

(6) The term "cable community" means all of the households in the geographic area in which a cable system is authorized by a franchising authority to provide cable service, regardless of whether the cable operator is actually providing cable service to such households;

(7) The term "headend" means the location of any equipment of a cable system used to process the signals of television broadcast stations for redistribution to subscribers;

(8) The term "multichannel video programming distributor" means a person who makes available for purchase, by subscribers or customers, multiple channels of video programming;

(9) The term "principal headend" means—(A) the headend, in the case of a cable system with a single headend, (B) in the case of a cable system with more than one headend, the headend designated by the cable operator to the Commission as the principal headend;

(10) (A) The term "local commercial television station" means any commercial television station licensed and operating on a channel regularly assigned to its community by the Commission that, with respect to a particular cable system, is licensed to a community whose reference point is within 50 miles of the principal headend and which delivers to the principal headend either a signal level of −45 dBm (UHF) or −49 dBm (VHF) at the input terminals of the signal processing equipment or a baseband video signal; signals that would be considered distant signals under 17 U.S.C. 111 shall be considered local commercial television stations upon agreement by the station to pay the cable operator the copyright costs of carrying the station;

(B) such term does not include television translator stations, and other passive repeaters;

(11) The term "qualified non-commercial educational television station" means any television broadcast station which (A) under FCC rules is licensed by the FCC as a noncommercial educational television station and which is owned and operated by a public agency or a nonprofit private entity, (B) is owned or operated by a municipality and transmits only noncommercial programs for educational purposes, or (C) has as its licensee an entity which is eligible to receive a community service grant from the Corporation for Public Broadcasting pursuant to 47 U.S.C. 396(k)(6)(b). A "qualified" station also includes any translator which operates at five watts of power or higher and rebroadcasts the signal of a qualified noncommercial educational television station;

(12) The term "qualified low power station" means any station that (a) meets the rules set forth in 47 C.F.R. part 74; (b) meets the minimum number of broadcast hours set forth in 47 C.F.R. part 73 for television broadcast stations; (c) meets the requirements of the Commission that a significant part of its programming be locally originated and produced; (d) meets all of the obligations imposed on television broadcast stations in 47 C.F.R. part 73 with respect to the broadcast of non-entertainment programming; programming and rates involving political candidates and election issues; controversial issues of public importance, and editorials, personal attacks; children's programming; and equal employment opportunity; (e) complies with the interference regulations consistent with their secondary status pursuant to 47 C.F.R. part 74; and (f) is located within 35 miles of the cable system's principal headend, or no more than 20 miles if the station is located in one of the largest 50 markets, and delivers a signal level of −45 dBm for UHF and −49 dBm for VHF stations to input terminals at the cable headend;

(13) The term"usable activated channels" means activated channels of a cable system, except those channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as determined by the FCC;

(14) The term "video programmer" means a person engaged in the production, creation, or wholesale distribution of a video programming service for sale. This term applies to those video programmers who enter into arrangements with cable operators for carriage of a programming service;

(15) The term "Line 21 Closed caption" means the data signal which displays a visual depiction of aural information simultaneously being presented on a television channel.

House amendment

Findings

The Congress finds that:

(1) Fair competition in the delivery of television programming should foster the greatest possible choice of programming and should result in lower prices for consumers;

(2) Since passage of the Cable Communications Policy Act of 1984, rates for cable television services have been deregulated in 97 percent of all franchises. A minority of cable operators have abused their deregulated status and their market power and have unreasonably raised cable subscriber rates. The FCC's rules governing local rate regulation will not provide protection for more than two-thirds of the nation's cable subscribers and will not protect subscribers from unreasonable rates in those communities where the rules apply;

(3) In order to protect consumers, it is necessary for the Congress to establish a means for local franchising authorities and the FCC to prevent cable operators from imposing rates upon consumers that are unreasonable;

(4) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media:

(5) The Federal government has a compelling interest in making all nonduplicative local public television services available on cable systems because:

a. public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

b. public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of $10.8 billion between 1972 and 1990, that provides public service programming that is responsive to the needs and interests of the local community;

c. The Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than $3 billion in public broadcasting between 1969 and 1992; and

d. absent carriage requirements, there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

(6) The Federal Government also has a compelling interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals;

a. promotes localism and provides a significant source of news, public affairs, and educational programming;

b. is necessary to serve the goals contained in the Communications Act of providing a fair, efficient, and equitable distribution of broadcast services; and

c. will enhance the access to such signals of Americans living in areas where the quality of reception of broadcast signals is poor;

(7) Broadcast television programming is supported by advertising revenues. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming;

(8) Television broadcasters and cable television operators compete directly for the television viewing audience, programming materials, and advertising revenue. The Federal interest in ensuring that such competition is fair and operates to the benefit of consumers requires that local broadcast stations be made available on cable systems;

(9) Cable systems should be encouraged to carry low power television stations licensed to the communities served by those systems where the low power station creates and broadcasts, as a substantial part of its programming day, local programming;

(10) Secure carriage and channel positioning on cable television systems are the most effective means through which off-air broadcast television can access cable subscribers. In the absence of rules mandating carriage and channel positioning of broadcast television stations, some cable system operators have denied carriage or repositioned the carriage of some television stations;

(11) Cable television systems and broadcast television stations increasingly compete for television advertising and audience. A cable system has a direct financial interest in promoting those channels on which it sells advertising or owns programming. As a result, there is an economic incentive for cable systems to deny carriage to local broadcast signals, or to reposition signals to disadvantageous channel positions, or both. Absent reimposition of must carry and channel positioning requirements, such activity could occur, thereby threatening diversity, economic competition, and the Federal tele-

vision broadcast allocation structure in local markets across the country;

(12) Cable systems provide the most effective access to television households that subscribe to cable. As a result of the cable operator's provision of this access and the operator's economic incentives to promote channels on which it sells advertising or owns programming, negotiations between cable operators and local broadcast stations have not been an effective mechanism for securing carriage and channel positioning;

(13) Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. A government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the "A/B" input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest;

(14) At the same time, broadcast programming has proven to be the most popular programming on cable systems, and a substantial portion of the benefits for which consumers pay cable systems is derived from carriage of local broadcast signals. Also, cable programming placed on channels adjacent to popular off-the-air signals obtains a larger audience than on other channel positions. Cable systems, therefore, obtain great benefits from carriage of local broadcast signals which they have been able to obtain without the consent of the broadcaster. This has resulted in an effective subsidy of the development of cable systems by local broadcasters. While at one time, when cable systems did not attempt to compete with local broadcasters, this subsidy may have been appropriate, it is no longer and results in a competitive imbalance between the two industries.

The House amendment does not include a Statement of Policy.

The "Definitions" section of the House amendment contains only a definition of "multichannel video programming distributor". That definition is identical to the Senate definition. The remainder of the definitions in the House amendment are dispersed throughout the House amendment.

Conference agreement

Findings

The conference agreement combines, with modification, the findings of the House amendment and the Senate bill, many of which were quite similar. The conferees adopted the following findings:

The Congress finds and declares the following:

(1) Pursuant to the Cable Communications Policy Act of 1984, rates for cable television services have been deregulated in approximately 97 percent of all franchises since December 29, 1986. Since rate deregulation, monthly rates for the lowest priced basic cable service have increased by 40 percent or more for 28 percent of cable television subscribers. Although the average number of basic channels has increased from about 24 to 30, average monthly rates have increased by 29 percent during the same period. The average monthly cable rate has increased almost three times as much as the Consumer Price Index since rate deregulation.

(2) For a variety of reasons, including local franchising requirements and the extraordinary expense of constructing more than one cable television system to serve a particular geographic area, most cable television subscribers have no opportunity to select between competing cable systems. Without the presence of another multichannel video programming distributor, a cable system faces no local competition. The result is undue market power for the cable operator as compared to that of consumers and video programmers.

(3) There has been a substantial increase in the penetration of cable television systems over the past decade. Nearly 56 million households, over 60 percent of the households with televisions, subscribe to cable television, and this percentage is almost certain to increase. As a result of this growth, the cable television industry has become a dominant nationwide video medium.

(4) The cable industry has become highly concentrated. The effects of such concentration are barriers to entry for new programmers and a reduction in the number of media voices available to consumers.

(5) The cable industry has become vertically integrated; cable operators and cable programmers often have common ownership. As a result, cable operators have the incentive and ability to favor their affiliated programmers. This has made it more difficult for non-cable-affiliated programmers to secure carriage on cable systems. Vertically integrated program suppliers also have the incentive and ability to favor their affiliated cable operators over non-affiliated cable operators and programming distributors using other technologies.

(6) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media.

(7) There is a substantial governmental and First Amendment interest in ensuring that cable subscribers have access to local noncommercial educational stations which Congress has authorized, as expressed in section 396(a)(5) of the Communications Act of 1934. The distribution of unique noncommercial, educational programming services advances that interest.

(8) The Federal Government has a substantial interest in making all nonduplicative local public television services available on cable systems because—

(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of $10,800,000,000 since 1972, that provides public service programming that is responsive to the needs and interests of the local community;

(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than $3,000,000,000 in public broadcasting since 1969; and

(D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

(9) The Federal Government has a substantial interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals is necessary to serve the goals contained in section 307(b) of this Act of providing a fair, efficient, and equitable distribution of broadcast services.

(10) A primary objective and benefit of our Nation's system of regulation of television broadcasting is the local origination of programming. There is a substantial governmental interest in ensuring its continuation.

(11) Broadcast television stations continue to be an important source of local news and public affairs programming and other local broadcast services critical to an informed electorate.

(12) Broadcast television programming is supported by revenues generated from advertising broadcast over stations. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

(13) As a result of the growth of cable television, there has been a marked shift in market share from broadcast television to cable television services.

(14) Cable television systems and broadcast television stations increasingly compete for television advertising revenues. As the proportion of households subscribing to cable television increases, proportionately more advertising revenues will be reallocated from broadcast to cable television systems.

(15) A cable television system carries the signal of a local television broadcaster is assisting the broadcaster to increase its viewership, and thereby attract additional advertising revenues that otherwise might be earned by the cable system operator. As a result, there is an economic incentive for cable systems to terminate the retransmission of the broadcast signal, refuse to carry new signals, or reposition a broadcast signal to a disadvantageous channel position. There is a substantial likelihood that absent the reimposition of such a requirement, additional local broadcast signals will be deleted, repositioned, or not carried.

(16) As a result of the economic incentive that cable systems have to delete, reposition, or not carry local broadcast signals, coupled with the absence of a requirement that such systems carry local broadcast signals, the economic viability of free local broadcast television and its ability to originate quality local programming will be seriously jeopardized.

(17) Consumers who subscribe to cable television often do so to obtain local broadcast signals which they otherwise would not be able to receive, or to obtain improved signals. Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. The regulatory system created by the Cable Communications Policy Act of 1984 was premised upon the continued existence of mandatory carriage obligations for cable systems, ensuring that local stations would be protected from anticompetitive conduct by cable systems.

(18) Cable television systems often are the single most efficient distribution system for television programming. A government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the "A/B" input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

(19) At the same time, broadcast programming that is carried remains the most popular programming on cable systems, and a substantial portion of the benefits for which

consumers pay cable systems is derived from carriage of the signals of network affiliates, independent television stations, and public television stations. Also cable programming placed on channels adjacent to popular off-the-air signals obtains a larger audience than on other channel positions. Cable systems, therefore, obtain great benefits from local broadcast signals which, until now, they have been able to obtain without the consent of the broadcaster or any copyright liability. This has resulted in an effective subsidy of the development of cable systems by local broadcasters. While at one time, when cable systems did not attempt to compete with local broadcasters for programming, audience, and advertising, this subsidy may have been appropriate, it is so no longer and results in a competitive imbalance between the two industries.

(20) The Cable Communications Policy Act of 1984, in its amendments to the Communications Act of 1934, limited the regulatory authority of franchising authorities over cable operators. Franchising authorities are finding it difficult under the current regulatory scheme to deny renewals to cable systems that are not adequately serving cable subscribers.

(21) Cable systems should be encouraged to carry low power television stations licensed to the communities served by those systems where the low power station creates and broadcasts, as a substantial part of its programming day, local programming.

Statement of policy

The conference agreement adopts the Senate Statement of Policy.

Definitions

The conference agreement adopts the Senate definitions of "activated channels", "multichannel video programming distributor", and "usable activated channels". Most of the remaining definitions have been included in the relevant sections of the conference agreement. Some definitions have been eliminated entirely.

SECTION 3—REGULATION OF RATES

Senate bill

Section 5 of the Senate bill amends Section 623 of the Communications Act to give the FCC, and in some cases, local authorities, the power to regulate the rates for certain cable services and equipment.

Section 623(a) states that governments may only regulate cable systems to the extent provided in this section.

Section 623(b) states that the FCC shall regulate the rates, terms, and conditions for basic cable service not subject to effective competition, and shall regulate equipment used to receive such service. If fewer than 30 percent of subscribers take only the basic cable tier, then the FCC shall also regulate the next lowest priced service tier subscribed to by at least 30 percent of the system's customers. This subsection also provides that the franchising authority may obtain jurisdiction to regulate cable rates, upon written request, if it adopts laws and regulations conforming to FCC procedures. This subsection further states that a cable operator has no obligation to put programming other than retransmitted local broadcast signals on its basic service tier. A cable operator may file for a basic service rate increase, and such increase shall be granted if it is not acted upon within 180 days of the dated of filing.

Section 623(c) provides that the FCC shall, for systems not subject to effective competition, establish reasonable rates for "cable programming services" if it finds that the current rates are unreasonable. The FCC may act only upon the filing of a complaint that is filed within a reasonable time after a rate increase and that properly establishes that rates are unreasonable. Prior to establishing reasonable rates, the FCC shall determine whether the existing rates can be justified by reasonable business practices. A rate increase can be deemed to result from a change in the service tiers or a change in the per channel price paid by subscribers. In determining whether rates are unreasonable, the FCC shall consider the following factors, among others:

(A) the extent to which service offerings are offered on an unbundled basis;

(B) the rates for similarly-situated cable systems offering comparable services;

(C) the history of rates for such service offerings of the system;

(D) the rates for all cable programming service offerings taken as a whole; and

(E) the rates charged for similar service offerings by cable systems subject to effective competition.

Section 623(d) presumes that effective competition exists when either (1) fewer than 30 percent of the households subscribe to the cable system, or (2) when (A) a sufficient number of local television signals exists and (B) an unaffiliated multichannel video competitor offering comparable service at comparable rates if available to a majority of the homes in the market and is subscribed to by individuals in at least 15 percent of the homes.

Under Section 623(e), cable operators must offer uniform rates throughout the geographic area in which they provide cable service.

Section 623(f) allows governmental authorities to prohibit discrimination among customers of cable service and to require and regulate the installation or rental of equipment used by hearing-impaired individuals.

Section 623(g) defines "cable programming services" to include all video programming services, except basic cable service and premium or pay-per-view channels, and equipment used to receive such services.

Section 623(h) directs the FCC to adopt regulations to prevent cable operators from evading the rate regulation provisions of this section.

House amendment

Section 3 of the House amendment provides a new Section 623 in the Communications Act to ensure that consumers have the opportunity to purchase basic cable service at reasonable rates.

Section 623(a) provides that no government may regulate cable service except as provided under this section. It also expresses a preference for competition and that the rates for cable service shall not be subject to regulation if the cable system is subject to effective competition. This subjection also sets forth the procedures by which a franchising authority may exercise regulatory jurisdiction permitted under this section.

Section 623(b) provides that the FCC shall, by regulation, establish a formula to establish the maximum price of the basic service tier. The formula shall take into account the number of signals carried on the basic tier, the direct costs of providing the services on the basic tier, a portion of the joint and common costs properly allocable to providing such services, a reasonable profit, rates for comparable cable systems that are subject to effective competition, any franchise fee, tax or charge imposed on cable operators or subscribers, and any amount required to satisfy franchise requirements to support public, educational, or governmental channels.

This subsection also directs the Commission to establish a formula to establish the rate for the installation and lease of equipment for subscribers to receive basic cable service and connections for additional television receivers. The Commission shall also establish a formula to identify and allocate costs of satisfying franchise requirements to support public, educational, and governmental channels. The Commission shall also adopt other procedures to implement and enforce the regulations prescribed under this subsection. Such procedures shall require a cable operator to provide 30 days' notice to franchising authorities of any increase of more than five percent in the basic service rate.

Under this subsection, subscription to the basic tier is necessary to receive access to any other tier of service. Under the House amendment, the basic tier must contain all signals required to be carried under sections 614 and 615, any public, educational, and governmental access programming, and any signal of any broadcast station provided by the cable operator, as well as other video programming signals that the cable operator may choose to provide on the basic tier.

This subsection prohibits cable operators from requiring the subscription to any tier other than the basic tier as a condition of access to any programming offered on a per channel or per program basis, except this prohibition shall not apply to a cable system that, because of technical limitations, cannot offer programming on a per channel or per program basis. However, once a cable system's technology is modified to eliminate such technical limitation or after five years, the exception no longer applies. The FCC shall initiate a proceeding to consider the benefits of this prohibition and may extend the five-year period for an additional two years.

The House amendment also provides that cable operators may identify as a separate line item on each bill the amount assessed as a franchise fee, the amount of supporting public, educational, or governmental channels, any other fee, tax, assessment or charge.

Section 623(c) provides for the regulation of cable programming services other than those on the basic tier and those offered on a per program or per channel basis. The subsection directs the FCC to adopt criteria for identifying unreasonable cable programming rates, procedures to handle complaints filed by franchising authorities or other state or local government entities, including the minimum showing that complaints must make to establish a prima facie case that the rate in question is unreasonable, and procedures to reduce rates that the Commission determines to be unreasonable and to refund the portion of the rates paid by subscribers after the filing of the complaint.

In determining the regulations for these programming services, the Commission shall consider, among other factors: (A) the rates for similarly-situated cable systems; (B) the rates for comparable cable systems subject to effective competition; (C) the history of rates of the cable system; (D) the rates as a whole for all the cable programming, equipment, and services provided by the system; (E) the capital and operating costs of the cable system; (F) the quality and costs of the customer service provided by the cable system; and (G) the revenues received by a cable operator from advertising.

Except for the period before 180 days after the effective date of the Commission's regulations, complaints may be filed only within a reasonable time following a change in rates.

Section 623(d), as added by the House amendment, permits state or franchising authorities to regulate any per-program rates charged by a cable operator for any national championship game between professional teams in baseball, basketball, football, or hockey.

Section 623(e), as added by the House amendment, permits any Federal agency, state or franchising authority to require and regulate the installation or rental of equipment to facilitate the reception of basic cable service by hearing impaired individuals and permits such authorities to prohibit discrimination among customers of basic cable service, except that no such government authority shall prohibit a cable operator from offering reasonable discounts to senior citizens or other economically disadvantaged group discounts.

Section 623(f), as added by the House amendment, prohibits a cable operator from charging a subscriber for any individually-priced channel or for any pay-per-view programming that the subscriber has not affirmatively requested.

Section 623(g), as added by the House amendment, requires cable operators to file annually such financial information as may be needed for purposes of administering and enforcing this section. The Commission shall submit to Congress a report on the financial condition, profitability, rates, and performance of the cable industry by January 1, 1994.

Section 623(h), as added by the House amendment, directs the Commission to establish by regulation standards, guidelines, and procedures to prevent evasions of the rates, services, and other requirements of this section and shall periodically review and revise such standards, guidelines, and procedures.

Section 623(i), as added by the House amendment, directs the Commission to design such regulations to reduce the administrative burdens and cost of compliance for cable systems that have 1,000 or fewer subscribers.

Section 623(j), as added by the House amendment, permits a franchising authority to regulate rates in accordance with an agreement made before July 1, 1990 for the regulation of basic cable service rates.

Section 623(k), as added by the House amendment, directs the Commission to publish quarterly statistical reports on the average rates for basic service and other cable programming and equipment both for cable systems that are and are not subject to effective competition.

Under section 623(l), as added by the House amendment, "effective competition" means (A) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system; (B) the franchise areas is served by at least two unaffiliated multichannel video programming distributors offering comparable video programming to at least 50 percent of the households in the franchise area, and at least 15 percent of the households in the franchise area subscribe to the smaller of these two systems; or (C) a multichannel video provider operated by the franchising authority offers video programming to at least 50 percent of the households in that franchise area.

This subsection also defines "cable programming service" as any video programming provided over cable except programming carried on the basic tier and except programming offered on a per channel or per program basis.

Conference agreement

The conference agreement adopts the House language with the amendments described below:

Section 623(b) is amended to state specifically that the Commission shall, by regulation, ensure that the rates for the basic service tier are reasonable, and that the goal of such regulations is to protect subscribers of any cable system that is not subject to effective competition from rates that exceed the rates that would be charged if such cable system were subject to effective competition.

The conference agreement adds a provision that, in prescribing regulations to ensure that rates are reasonable, the FCC shall seek to reduce the administrative burdens on subscribers, cable operators, franchising authorities, and the Commission. Rather than requiring the Commission to adopt a formula to set a maximum rate for basic cable service, the conferees agree to allow the Commission to adopt formulas or other mechanisms and procedures to carry out this purpose. The purpose of these changes is to give the Commission the authority to choose the best method of ensuring reasonable rates for the basic service tier and to encourage the Commission to simplify the regulatory process.

The conferees agreed to the following changes to the factors to be considered in determining the regulations for basic service:

(1) The House language concerning the number of signals carried on the basic service tier is not included in the conference agreement.

(2) The language concerning joint and common costs is clarified to ensure that joint and common costs are recovered in the rates of all cable services, not only in the rates for basic cable service, as determined by the Commission. The language is also clarified to ensure that the direct costs of providing non-basic cable services are not considered joint and common costs and are not recovered in the rates charged for basic cable service. The conferees do not necessarily intend that joint and common costs be recovered on a per channel basis. For instance, the Commission may determine that the amount of joint and common costs allocated to the basic service tier should be less than the amount that would be allocated on a "per channel" basis, both because the basic service tier may contain public, educational, and governmental channels or leased access channels and because the Commission may decide as a policy matter to keep the rates for basic cable service as low as possible. The conferees believe that the basic cable tier should not be required to bear a larger portion of the joint and common costs than what would be allocated on a per channel basis. The regulated, basic tier must not be permitted to serve as the base that allows for marginal pricing of unregulated services.

(3) In addition to considering the revenues received by a cable operator from advertising, the Commission may also consider any other consideration obtained by a cable operator in connection with the basic service tier. This clarification is intended to help to keep the rates for basic cable service low.

(4) The Commission may consider the "reasonably and properly allocable portion" of franchise fees, taxes or other charges imposed by state or local authorities. The purpose of this clarification, as with the previous two clarifications, is to help keep the rates for basic cable service low.

(5) The language concerning "reasonable profit" was amended to strike "on the provision of the basic service tier" and to substitute "consistent with the Commission's obligations to subscribers" to ensure that rates are reasonable. The conferees agree that the cable operators are entitled to earn a reasonable profit. The changes included in the conference agreement reflect the belief that cable operators' profits should be consistent with the goal of ensuring that rates to consumers are reasonable. Further, the changes included in the conference agreement would allow the Commission to examine the profit earned by the cable operators on other cable services as well as the profit earned on the basic cable service tier in determining whether the rates for the basic service tier are reasonable. The intention of this change is, once again, to protect the interests of the consumers of basic cable service.

The conferees agreed to the following changes regarding the regulation of equipment:

(1) Rather than requiring the Commission to adopt a formula to establish the price for equipment, the Commission is given the authority to choose the best method of accomplishing the goals of this legislation.

(2) The "equipment necessary by subscribers to receive the basic service tier" is replaced with "equipment used by subscribers". This change gives the FCC greater authority to protect the interests of the consumer.

In determining the costs of franchise requirements, the conferees agree to replace the term "formula" with "regulations" and "standards" in order to give the Commission the authority to determine the best method of accomplishing the purposes of this legislation.

The conference agreement requires cable operators to give franchise authorities 30 days' notice of any increase in the rate for the basic service tier, rather than limiting the notice requirements to rate increases of more than 5 percent.

The House amendment required that any television broadcast station signal carried by the cable operator be provided on the basic tier, including superstations. The conferees agreed to delete the requirement that superstations be carried on the basic tier. The conference agreement allows cable operators the discretion to decide whether to carry superstations as part of the basic tier or on other tiers.

The House amendment provided an exception to the so-called "anti-buy-through" provision for those systems that, due to technical limitations, could not comply with the requirement. The House amendment limited this exception to five years, but permitted the Commission to extend the waiver for a maximum of two additional years. The conference agreement extends this exception to ten years. The conference agreement also provides that the Commission may grant waivers of the "anti-buy-through" requirement for as long as the Commission determines is reasonable and appropriate if the Commission determines that compliance with the requirement would require the cable operator to increase its rates. Because of these changes, the conference agreement does not include the requirement that the Commission initiate a proceeding to consider the costs and benefits of the "anti-buy-through" provision.

The provision in the House amendment regarding subscriber bill itemization was moved to a separate section of the bill—Section 14.

The conference agreement makes the following changes to section 623(c) concerning the regulation of cable programming services:

The conference agreement permits subscribers, as well as franchising authorities or other relevant State or local government entities, to file complaints. The conference agreement allows the FCC to establish procedures concerning the minimum showing that a complaint must make in order to obtain Commission consideration and resolution of whether the rate in question is unreasonable. The requirement that a complaint must demonstrate a "prima facie case" is not included. The intention of the conferees is to allow consumers to simplify the process of filing complaints concerning unreasonable rates. For instance, it is not the intention of the conferees that the FCC's regulations be so technical or complicated as to require subscribers to retain the services of a lawyer to file a complaint and obtain Commission consideration of the reasonableness of the rate in question.

The conference agreement makes the following changes to the factors to be considered in establishing criteria for determining whether a rate for cable programming service is unreasonable:

(1) The conference agreement allows the Commission to consider the rates as a whole for all cable programming, equipment, and services provided by the cable system, except for the rates for those services offered on a per-program or per-channel basis.

(2) The conference agreement folds the factor concerning the quality and costs of customer service into the factor concerning capital and operating costs.

(3) As in the basic rate regulation section, the Commission is authorized to examine other consideration, in addition to advertising revenues, received by the cable operator in connection with providing cable programming services.

The provision in section 623(d) of the House amendment concerning the regulation of pay-per-view charges for championship sporting events is not included in the conference agreement. The conference agreement substitutes for this provision the Senate provision on uniform rate structure.

The language of section 623(f) from the House amendment regarding negative option billing is replaced with the language in Section 24 of the Senate bill. The language adopted by the conferees ensures that cable operators will not be able to charge customers for tiers or packages of programming services or equipment that they do not affirmatively request as well as individually-priced programs or channels. This provision is not intended to apply to changes in the mix of programming services that are included in various tiers of cable service.

The conference agreement amends section 623(g) to require cable operators to file financial information with the Commission or the franchising authority, as appropriate. The conferees intend that cable operators should file such information as the Commission requires with the franchising authority where the franchising authority is certified to regulate rates. The Congressional report requirement of the House amendment is not included in the conference agreement.

The conference agreement amends section 623(i) to include a reference to evasions that result from retiering as a specific type of evasion that the Commission should consider in establishing standards, guidelines, and procedures to implement the bill. The conferees recognize that many cable operators have shifted cable programs out of the basic service tier into other packages and that this practice can cause subscribers' rates for cable service to increase. The conferees are concerned that such retiering may result in the evasion of the Commission's regulations to enforce the bill. The conferees expect the Commission to adopt procedures to protect consumers from being harmed by any such evasions. In adopting regulations to implement this subsection, the conferees intend that the Commission also adopt regulations to prevent cable operators from evading the "anti-buy-through" provision of the bill.

The conference agreement amends subsection 623(k) as included in the House amendment to require that the Commission publish statistical reports on average cable rates annually rather than quarterly.

Finally, the definition of "cable programming service" is amended to include the installation or rental of equipment used for the receipt of such video programming.

SECTION 4—CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS AND

SECTION 5—CARRIAGE OF NONCOMMERCIAL EDUCATIONAL TELEVISION

Senate bill

Section 16 of the Senate bill adds a new section 614 to the Communications Act of 1934.

Subsection (a) requires each cable operator to carry the signals of local commercial television stations and qualified low power stations in accordance with the provisions of this section, except to the extent that stations elect to exercise their rights to require retransmission consent under section 325(b).

Subsection (b)(1)(A) requires a cable operator with twelve or fewer activated channels to carry at least three local commercial television stations, except that if such a system has 300 or fewer subscribers it will not be subject to any carriage requirements under this section provided that the cable system does not delete from carriage the signal of any broadcast station.

Subsection (b)(1)(B) requires cable operators which have more than 12 usable activated channels to carry the signals of local commercial television stations on up to one-third of the number of usable activated channels on their systems.

Subsection (b)(2) provides that, in situations where there are more local commercial television stations than a cable operator is required to carry, the cable operator will have the discretion to choose which of the local commercial stations it will carry except as follows:

(A) A cable operator shall not carry the signal of a qualified low power station instead of the signal of a local commercial station; and

(B) A cable system which chooses to carry an affiliate of a broadcast network (as defined by the FCC) must, if more than one affiliate of a network qualifies for carriage, carry the affiliate of that network whose city of license reference point is closest to the principal headend of the cable system.

Subsection (b)(3)(A) requires that a cable system retransmit the primary audio and video signal in its entirety of each local commercial television station carried on the system, and in addition that, if technically feasible, it also retransmits any program related material transmitted by the broadcaster on a subcarrier or in the vertical blanking interval. In addition, the cable operator is given the option, if a broadcaster implements signal enhancement technology (such as ghost-canceling) which uses information carried in the vertical blanking interval, to install equipment to use that information to process the signal at the cable headend and thus retransmit an enhanced signal to subscribers.

Subsection (b)(3)(B) requires that cable systems carry the entirety of the program schedule of any television station carried on the cable system, except where FCC rules governing network non-duplication, syndicated exclusivity, sports programming, or similar regulations require the deletion of specific programs by a cable system and permit the substitution of other programs.

Subsection (b)(4)(A) provides that the signals carried under this section shall be retransmitted by cable systems without material degradation. The FCC is directed to adopt any carriage standards which are needed to ensure that, so far as is technically feasible, cable systems afford off-the-air broadcast signals the same quality of signal processing and carriage that they employ for any other type of programming carried on the cable system.

Subsection (b)(4)(B) provides that, when the FCC adopts new standards for broadcast television signals, such as the authorization of broadcast high definition television (HDTV), it shall conduct a proceeding to make any changes in the signal carriage requirements of cable systems needed to ensure that cable systems will carry television signals complying with such modified standards in accordance with the objectives of this section.

Subsection (b)(5) exempts cable systems from the obligation to carry signals that substantially duplicate the signal of another local commercial television station or from having to carry the signal of more than one station affiliated with a particular broadcast network, although the cable system may carry such signals if it chooses. If a cable system chooses to carry duplicating signals of local commercial television stations, all such signals shall be counted towards the cable system's carriage obligations under this section.

Subsection (b)(6) governs the cable system channel position on which signals carried pursuant to this section must be placed. Signals carried pursuant to this section will be carried, at the choice of the station's licensee, on:

(1) the station's on-air channel position; or

(2) the channel on which the station was carried on the cable system on July 19, 1985; or

(3) another channel position mutually agreed upon by the station and the cable operator.

Subsection (b)(7) provides that the signals carried under this section shall be provided to every subscriber of a cable system. The signals of all local commercial television stations carried under this section shall be viewable on each television receiver that the cable operator connects to the cable system or for which it provides a connector. If the cable operator installs wires for connection to a television set or provides materials to connect a television set to the cable system, it must ensure that all must-carry signals can be viewed on that set. If, however, the cable system authorizes subscribers to connect additional receivers, but neither provides the connections nor the equipment or material needed for such connections, its only obligation is to notify subscribers of any broadcast stations carried on the cable system which cannot be viewed via cable without a converter box, and to offer to sell or lease such a converter at reasonable rates.

Subsection (b)(8) requires cable operators to identify, to any person making a request, the signals they carry in fulfillment of their obligations under this section.

Subsection (b)(9) provides that cable systems must give written notice to any local commercial television station carried on the system at least 30 days before dropping that station from carriage or repositioning it. A cable system may not drop or reposition any such station during a "sweeps" period when ratings services measure local television audiences. This notification provision may not be used to undermine or evade the channel positioning or carriage requirements imposed on cable operators by this section.

Subsection (b)(10) bars cable systems from seeking or accepting any consideration, monetary or otherwise, in exchange for carriage in fulfillment of a cable system's must-carry obligations or for carriage or any of the channel positions guaranteed to stations under this section. Three exceptions are provided: (1) a television station may be required by the cable system to pay any costs necessary for the cable system to receive a good quality signal from the station; (2) a cable operator may accept payments from a local commercial television station carried on the cable system which is a distant signal under section 111 of the Copyright Act in the amount of the incremental copyright charges incurred by the cable system from carriage of such a station; and (3) if a cable system and a local commercial television station entered into an agreement relating to carriage or channel positioning prior to June 26, 1990, the cable system may continue to accept any compensation specified in such agreement for the remaining life of the agreement. In no event, however, shall such agreement or the expiration of such agreement relieve a cable system of any carriage or channel positioning obligations imposed under this section.

Subsection (c) provides that, if the number of local commercial television stations carried on a cable system, either pursuant to the obligations of this section or by agreement between the cable operator and the station, is less than the number of usable activated channels which may be used for local commercial television station signals under this section, the cable operator shall carry any qualified low power stations up to the maximum number of signals which it may be required to carry under this section.

Subsection (d) sets forth the procedures to be followed when a cable system fails to meet the obligations imposed in this section and the remedies for such failure. If a local commercial television station believes that a cable system is not in compliance with this section either with respect to carriage or channel positioning, it must so notify the cable system in writing. Within 30 days of being notified, the cable system must either rectify the noncompliance or explain in writing why it believes that it has complied with the requirements imposed in this section. A television station may seek review of any such response by filing a complaint with the FCC. The FCC must provide the cable system with an opportunity to respond to the complaint and to present data and arguments that it has not failed to meet its obligations. The FCC must issue a decision on the complaint within 120 days after it is filed.

If the FCC determines that a cable system has not met its obligations with respect to carriage or channel positioning of one or more local commercial television signals, it shall either order repositioning of a station's signal or order the cable system to carry a signal for at least one year. This subsection is not intended to deprive federal or state enforcement authorities, consumers, or other private parties of any rights or remedies which they may have under federal or state laws safeguarding competition or consumer interests; nor is it intended to deprive parties of any contractual remedies they may have under agreements between cable operators and stations.

Subsection (e) prohibits the imposition on cable systems of any responsibility either to provide subscribers with input selector—so-called "A/B"—switches or inform subscribers of them or other similar devices.

Subsection (f) requires the FCC to conduct a rulemaking and issue regulations implementing the requirements imposed by this section within 180 days after enactment.

Subsection (g) requires the FCC to commence an inquiry within 90 days of enactment to determine whether broadcast television stations whose programming consists predominantly of sales presentations are serving the public interest, convenience, and necessity. The FCC must take into consideration the viewing of such stations, the level of competing demands for the channels allocated to such stations, and the role of such stations in providing competition to nonbroadcast services offering similar programming. In the event that the FCC concludes that one or more of such stations are not serving the public interest, convenience, and necessity, the Commission shall allow the licensees a reasonable period within which to provide different programming and shall not deny such stations a renewal expectancy due to their prior programming.

This section of the Senate bill also amends Part II of title VI of the Act to add a new section 615.

Subsection (a) requires cable operators to carry local public broadcast stations.

Subsection (b)(1) requires cable systems to carry all qualified local noncommercial educational television stations that request carriage of a cable operator.

Subsection (b)(2)(A) specifies that a cable system with 12 or fewer usable activated channels is only required to carry the signal of one qualified local public television station, but such operators must comply with subsection (c) and may carry other noncommercial television stations at their discretion.

Subsection (b)(2)(B) provides that, if there are no qualified local public television stations available, and the operator has 12 or fewer usable activated channels, such operator shall select a qualified noncommercial television station to carry. Such operator shall not be required to move any other programming service carried as of March 29, 1990 to meet the requirements of this section.

Subsection (b)(3)(A) requires an operator with 13 to 36 usable activated channels to carry at least one qualified public television station, but not more than three such stations.

Subsection (b)(3)(B) states that cable systems with 13 to 36 channels have an obligation to carry at least one qualified noncommercial educational television station if no such local station is available.

Subsection (b)(3)(C) provides that cable operators with 13 to 36 channels who carry the signal of a qualified noncommercial educational television station affiliated with a State public television network shall not have to carry the signal of additional qualified noncommercial educational television stations affiliated with the same network, if the programming of the additional station substantially duplicates that of the station receiving carriage.

Subsection (b)(3)(D) requires that cable operators who increased their channel capacity to more than 36 channels on or after March 29, 1990, shall carry the signal of each qualified local noncommercial educational television station requesting carriage subject to subsection (e).

Subsection (c) preserves existing carriage arrangements for qualified noncommercial educational television stations carried on cable systems as of March 29, 1990. This requirement may be waived if agreed to in writing by both the cable operator and the station.

Subsection (d) provides that cable operators required to add qualified noncommercial educational television stations pursuant to this legislation may do so by placing them on unused public, educational, or governmental (PEG) channels not in use for their designated purpose.

Subsection (e) provides that cable operators with 36 or more channels who are required to carry three qualified noncommercial educational television stations shall not be required to carry the signals of additional stations whose programming substantially duplicates the programming of a qualified noncommercial educational television station requesting carriage.

Subsection (f) provides that a qualified local noncommercial educational television station whose signal is carried on a cable system shall not assert its network non-duplication rights provided in 47 C.F.R. 76.92. Non-duplication rights against stations that are not local are preserved.

Subsection (g) requires that a cable system retransmit the primary audio and video signal in its entirety of each local noncommercial educational television station carried on the system, and in addition that, if technically feasible, it also retransmit any program related material transmitted by the broadcaster on a subcarrier or in the vertical blanking interval necessary for the receipt of programming by handicapped persons or for educational or language purposes. Cable operators must provide each qualified local public television stations with bandwidth and technical capacity equivalent to that provided the commercial television broadcast stations carried on their systems. The signals carried under this section shall be retransmitted by cable systems without material degradation. The FCC is directed to adopt any carriage standards which are needed to ensure that, so far as is technically feasible, cable systems afford off-the-air broadcast signals the same quality of signal processing and carriage that they employ for any other type of programming carried on the cable system.

Subsection (g)(3) requires cable systems to carry a qualified local noncommercial educational television station on the channel number on which the station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, at the election of the station, or on such other channel number as is mutually agreed upon. Cable systems must give written notice to any local noncommercial educational television station carried on the system at least 30 days before dropping that station from carriage or repositioning it.

Subsection (g)(4) provides that a cable operator is not required to carry the signal of a station that does not deliver to the cable system's headend a signal of good quality for purposes of retransmission.

Subsection (h) requires cable operators to ensure signals carried pursuant to this section shall be available to every subscriber on the system's lowest priced tier that contains local broadcast signals.

Subsection (i)(1) bars cable systems from seeking or accepting any consideration, monetary or otherwise, in exchange for carriage in fulfillment of a cable system's must-carry obligations or for carriage on any of the channel positions guaranteed to stations under this section; provided, however, that local noncommercial educational television stations may be required by the cable system to pay any costs necessary for the cable system to receive a good quality signal from the station.

Subsection (i)(2) permits a cable operator to accept payments from a local commercial television station carried on its cable system where that station is a distant signal under section 111 of the Copyright Act in the amount of the incremental copyright charges incurred by the cable system from carriage of such a station.

Subsection (j) provides that a qualified noncommercial television station may file a complaint with the FCC if the station believes that a cable operator is not complying with the provisions of this section. The FCC must give cable operators an opportunity to respond and present data, views and arguments to refute any allegations contained in such complaints. The FCC shall resolve any complaints pursuant to this section within 120 days.

Subsection (k) requires cable operators to identify, to any person making a request, the signals they carry in fulfillment of their obligations under this section.

Subsection (l) defines "qualified local noncommercial television station" as a qualified noncommercial educational television station (A) that is licensed to a community whose reference point, as set forth in 47 C.F.R. 76.53 is within 50 miles of the principal headend and (B) whose grade B contour, as defined in 47 C.F.R. 73.683(a) encompasses the principal headend of the cable system.

House amendment

Section 5 of the House amendment amends the Communications Act by adding a new section 614 to define the obligations of cable systems with respect to the carriage of commercial television stations. Section 5 is identical to the new section 614 added by the Senate bill, except as described below.

Subsection (a) of new section 614 in the House amendment does not require cable operators to carry the signals of qualified low power stations in addition to the signals of local commercial television stations. The House amendment makes no exception to the carriage requirements for stations electing to exercise their retransmission rights.

Subsection (b)(2) of the House amendment and subsection (b)(2) of the Senate bill both provides that, in situations where there are more local commercial television stations than a cable opeator is required to carry, the cable operator will have the discretion to choose which of the local commercial stations it will carry. Both the House amendment and the Senate bill require, however, that where a cable system chooses to carry an affiliate of a broadcast network, if more than one affiliate of a network qualifies for carriage, the cable operator must carry the affiliate of that network whose city of license reference point is closest to the principal headend of the cable system. The Senate bill adds a second exception by requiring that a cable operator shall not carry the signal of a qualified low power station instead of the signal of a local commercial station. There is no equivalent exception in the House amendment.

Subsection (b)(6) governs the cable system channel position on which signals carried pursuant to this section must be placed. This provision is identical to subsection (b)(6) of new Section 614 in the Senate bill with one exception. The House amendment adds a fourth option for channel position for the licensee to select: the channel on which the local commercial television station was carried on January 1, 1992.

Subsection (b)(7) of both the House amendment and the Senate bill provides that the signals carried under this section shall be provided to every subscriber of a cable system. The provisions are identical with one exception. The House amendment provides that cable operators must notify subscribers of any broadcast station on the cable system which cannot be viewed via cable without a converter box, and to offer to sell or lease such a converter box to subscribers at rates in accordance with the rate regulation provisions of the House amendment, specifically section 623(b)(1)(B). The Senate bill contains an identical provision, but requires that converter boxes can be offered "at reasonable rates."

The Senate bill, in subsection (c), provides that, if the number of local commercial television stations carried on a cable system is less than the number of usable activated channels which may be used for local commercial television stations signals under this section, the cable operator shall carry any qualified low power stations up to the maximum number of signals required. The House amendment has no equivalent provision.

Subsection (e) of the House amendment requires the FCC to conduct a rulemaking and issue regulations implementing the requirements imposed by this section within 180 days after enactment. The language is identical to subsection (f) of the Senate bill. The House amendment also requires that the implementing regulations include necessary revisions to update Section 76.51 of the Commission's regulations (47 CFR 76.51). There is no comparable provision in the Senate bill.

Subsection (f) of the House amendment provides that a cable operator is not required to carry nor prohibited from carrying on any tier the signal of any commercial television station or video programming service that is predominantly utilized for the transmission of sales presentations or program length commercials.

Subsection (g) of the House amendment states that nothing in this section shall be construed to modify or otherwise affect Title 17 of the United States Code. There is no comparable provision in the Senate bill.

Subsection (h)(1) of the House amendment defines the term "local commercial television station". The definition is similar to the definition in section 4(g) of the Senate bill, which amends Section 602 of the Communications Act to add a new paragraph (20). Subsection (h)(2) of the House amendment excludes low power television stations, television translator stations and passive repeaters from the definition of local commercial television station. The Senate bill defines a local commercial television station as a full power television broadcast station.

Subsection (h)(3) of the House amendment provides that a broadcasting station's market for purposes of this section shall be determined as provided for in the FCC's rules, 47 CFR sec. 73.3555(d)(3)(i), except that, following written request, the FCC may, with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section. The Senate bill includes a similar provision in Section 4(g), the definition of local commercial television station. Subsection (h)(3) of the House amendment also establishes criteria which the FCC shall consider in acting on requests to modify the geographic area in which stations have signal carriage rights. The Senate bill has no comparable provision.

The House amendment, in section 6, amends Part II of title VI of the Communications Act to add a new section 615. This section is identical to the new Section 615 in section 16 of the Senate bill, except as described below.

Subsection (d) of the House amendment is identical to subsection (d) of the Senate bill, with one exception. Subsection (d) provides that cable operators required to add qualified noncommercial educational television stations pursuant to this legislation may do so by placing them on unused public, educational, or governmental (PEG) channels not in use for their designated purpose. The House amendment provides that cable operators may do so subject to the approval of the franchising authority. The Senate bill has no comparable approval requirement.

Subsection (g)(3) of the House amendment requires cable systems to give written notice to any local noncommercial educational television station carried on the system at least 30 days before dropping that station from carriage or repositioning it. Subsection (g)(3) of the Senate bill contains a similar provision. The House amendment defines "repositioning" as (A) assignment to a channel number different from the channel number to which the station was assigned as of March 29, 1990, and (B) deletion of the station from the cable system. The Senate bill provides that repositioning includes deletion. The House amendment provides that the notification provisions of this subsection shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section. The Senate bill does not have a comparable provision.

Subsection (l) defines "qualified noncommercial educational television station" as a television broadcast station which: (A)(i) is licensed by the FCC as a noncommercial educational television broadcast station and which is owned and operated by a public agency, nonprofit foundation, corporation, or association; and (ii) has as its licensee an entity which is eligible to receive a community service grant from the Corporation for Public Broadcasting; or (B) is owned and operated by a municipality and transmits predominantly noncommercial programs for educational purposes.

Conference agreement

The conference agreement adopts the House provisions with amendments. The conference agreement includes a technical amendment to clarify that a "local commercial television station" is defined as any television broadcast station other than a "qualified noncommercial educational television station" within the meaning of section 615(l)(1).

In addition, the conference agreement includes the provisions of the Senate bill concerning carriage of low power television stations with the following amendments. The low power provisions of the Senate bill are amended to provide that cable systems with 35 or fewer channels are required to carry one qualified low power television station and cable systems with 36 or more channels are required to carry up to, but not more than two qualified low power television stations. Cable systems that are required to carry two qualified low power television stations may carry one of those stations on any unused public, educational or governmental access channel, subject to the approval of the franchising authority.

The definition of qualified low power stations is amended to replace the requirement that low power television stations carry a substantial amount of locally originated and produced programming with a requirement that the Commission determine that the provision of programming by a low power station would address the local news and information needs of the community to which it is licensed. In addition, low power television stations must provide an over-the-air signal of good quality to the cable system's headend. The Commission shall determine what constitutes a good quality signal for purposes of this subsection.

The Senate bill is amended to limit carriage of low power stations to cable systems serving communities (1) which are in counties in which there is no full power station licensed, and (2) which are located outside the top 160 Metropolitan Statistical Areas. Moreover, the low power station's community of license must have a population of 35,000 or less to qualify for mandatory carriage. The conferees believe that, in communities in which residents have limited access to the signals of full power stations providing local news and information, the public interest in receiving local news and information warrants carriage of such low power stations.

Under the conference agreement, cable operators are not required to carry the signal of any commercial television station or video programming service that is predominantly utilized for the transmission of sales presentations or program length commercials pending the conclusion of a required new FCC proceeding regarding broadcast television stations that are predominantly utilized for the transmission of sales presentations or program length commercials.

The conference agreement requires the FCC to complete a proceeding within 270 days of enactment to determine, notwithstanding prior proceedings, whether broadcast television stations that are predominantly utilized for the transmission of sales presentations or program length commercials are serving the public interest, convenience, and necessity.

The conference agreement requires the Commission, in conducting such proceeding, to provide appropriate notice and opportunity for public comment. The Commission also is required to consider the viewing of such stations, the level of competing demands for the spectrum allocated to such stations, and the role of such stations in providing competition to nonbroadcast services offering similar programming.

If the Commission concludes that one or more of such stations are serving the public interest, convenience, and necessity, the conference agreement requires the Commission to qualify such stations as local commercial television stations for purposes of must-carry. If the Commission concludes that one or more of such stations are not serving the public interest, convenience, and necessity, the conference agreement requires the Commission to allow the licensees of such stations a reasonable period within which to provide different programming, and shall not deny such stations a renewal expectancy solely because their programming consisted predominantly of sales presentations or program length commercials.

The conferees find that the must-carry and channel positioning provisions in the bill are the only means to protect the federal system of television allocations, and to promote competition in local markets. Other remedies, such as a compliant based, case-by-case process—so-called "negative must-carry"—will not protect these interests. Such post hoc approaches permit significant economic harm to occur before relief is granted. By then it is simply too late. Given the current economic condition of free, local over-the-air broadcasting, an affirmative must-carry requirement is the only effective mechanism to promote the overall public interest.

In no event shall an agreement concerning channel positioning entered into prior to July 1, 1990 or the expiration of such agreement relieve a cable operator of any carriage or channel positioning obligations imposed under this new section 614.

SECTION 6—RETRANSMISSION CONSENT FOR CABLE SYSTEMS

Senate bill

This section amends section 325 of the Act by adding a new subsection (b).

One year after the date of enactment no cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station or any part thereof without the express authority of the originating station, except as permitted by section 614.

The Commission will conduct a rulemaking proceeding to establish rules concerning the exercise of stations' rights of mandatory carriage under sections 614. This rulemaking proceeding is to commence within 45 days after enactment and to be completed within six months.

In such rules, the Commission shall require each television station to elect, within one year after enactment, whether to exercise the authority to grant or withhold retransmission consent under this section or the rights of signal carriage guaranteed by sections 614 of the Act. In situations where there are competing cable systems serving one geographic area, a broadcaster must make the same election with respect to all such competing cable systems.

This subsection makes clear that stations which elect to require retransmission consent from a cable system will not have signal carriage rights under sections 614 or 615 on that cable system for the duration of the stations' election.

By the same token, the election of certain stations to negotiate with cable systems for retransmission consent will not have any effect on the rights of other stations to obtain signal carriage under section 614.

House amendment

No provision.

Conference agreement

The conference agreement adopts the Senate provision. The conferees believe that a broadcaster that elects to exercise its rights to carriage and channel positioning under sections 614 does so with the expectation that it will in fact be carried by the cable system. In the event that the cable system elects not to carry such a signal in fulfillment of its obligations under section 614, for example, because it already has carried enough local broadcast stations to fill one-third of its channel capacity, the conferees intend that the broadcaster be permitted to reassert its right to require consent before carriage by the cable system under other conditions.

The conference agreement provides that the rights granted to stations under sections 614 and 615 will not be affected by the exercise of the right of retransmission consent by another station. For example, the FCC should not permit a station negotiating for retransmission rights to contract with a cable system for a channel position to which another station is entitled under sections 614 and 615.

In the proceeding implementing retransmission consent, the conferees direct the Commission to consider the impact that the grant of retransmission consent by television stations may have on the rates for the basic service tier and shall ensure that the regulations adopted under this section do not conflict with the Commission's obligations to ensure that rates for basic cable service are reasonable.

The principles that underlie the compulsory copyright license of section 111 of the copyright law (18 U.S.C. 111) are undisturbed by this legislation, but the conferees recognize that the environment in which the compulsory copyright operates may change because of the authority granted broadcasters by section 325(b)(1).

Cable systems carrying the signals of broadcast stations, whether pursuant to an agreement with the station or pursuant to the provisions of new sections 614 and 615 of the Communications Act, will continue to have the authority to retransmit the programs carried on those signals under the section 111 compulsory license. The conferees emphasize that nothing in this bill is intended to abrogate or alter existing program licensing agreements between broadcasters and program suppliers, or to limit the terms of existing or future licensing agreements.

SECTION 7—AWARD OF FRANCHISES; PROMOTION OF COMPETITION

Senate bill

Section 20 of the Senate bill amends Section 621(a)(1) of the Communications Act of 1934 to add a new provision which prohibits franchising authorities from unreasonably refusing to award additional franchises. Any applicant for a franchise whose application has been denied may appeal such decision pursuant to Section 635 of the Act.

Section 21 of the Senate bill amends Section 621(a) to add a new provision requiring franchising authorities to give a competing cable operator a reasonable amount of time to build its system and provide service to the entire geographic area.

Section 33 of the Senate bill provides that the Act does not prohibit a franchising authority or its affiliate from operating as a multichannel video distributor within the franchising authority's jurisdiction, even where the franchising authority has granted a franchise to one or more multichannel video distributors. This provision also states that nothing in the Communications Act of 1934 requires a local or municipal authority to secure a franchise to operate as a multichannel video program distributor.

House amendment

Section 4 of the House amendment is similar to Section 20 of the Senate bill, but includes five examples of circumstances under which it is reasonable for a franchising authority to deny a franchise:

technical infeasibility;

failure of the applicant to assure that it will provide adequate public, educational and governmental access channel capacity, facilities or financial support;

failure of the applicant to assure that it will provide universal service throughout the franchise area within a reasonable period of time;

the award would interfere with the ability of the franchising authority to deny renewal of a franchise; and

failure to demonstrate financial, technical or legal qualifications.

In addition, the House amendment specifies that nothing in this provision limits the ability of franchising authorities to assess franchise fees or taxes for access to public rights of way.

Section 4(b) of the House amendment is identical to section 33 of the Senate bill, permitting municipal authorities to operate cable systems.

Conference agreement

The conferees adopt the Senate provision on award of franchises. The conferees believe that exclusive franchises are directly contrary to federal policy and to the purposes of S. 12, which is intended to promote the development of competition. Exclusive franchises artificially protect the cable operator from competition. Moreover, at the time most of the exclusive franchises were awarded, local authorities had the power to regulate the rates for basic cable service. However, the 1984 Cable Act repealed local authorities' ability to regulate rates.

The conference agreement adopts Section 21 of the Senate bill on franchise requirements with amendments. The conference agreement adds the provisions from Section 4 of the House amendment that specify that franchising authorities may require applicants for cable franchises to provide adequate assurance that they will provide adequate public access, educational and governmental channels, and may require adequate assurance that the cable operator is financially, technically and legally qualified to operate a cable system.

The conference agreement adopts the House provisions permitting municipal authorities to operate cable systems.

SECTION 8—CONSUMER PROTECTION AND CUSTOMER SERVICE

Senate bill

The Senate bill amends section 632 of the Communications Act of 1934 to require that the FCC adopt customer service standards. The Senate bill also permits franchising authorities to enforce laws or regulations concerning customer service that impose standards that exceed those adopted by the FCC, and grandfathers any standards in existence on the date of enactment.

The Senate bill further requires the FCC, within 180 days, to adopt customer service standards, gives the franchising authorities the power to enforce the FCC standards, and permits a cable operator to file a complaint with the FCC if the operator believes that customer service standards adopted by a franchising authority are not in the public interest.

House amendment

Section 7 of the House amendment amends section 632 of the Communications Act. Section 632(a) allows franchising authorities to establish and enforce, as part of a franchise, or franchise renewal, modification or transfer, customer service requirements, construction schedules and other construction-related requirements.

Section 632(b) requires the FCC, within 180 days of enactment, to establish federal customer service standards which may be required in local cable franchises and enforced by local franchising authorities. Such standards shall include, at a minimum, cable systems office hours and telephone availability, installations, outages and service calls, and communications between the cable operator and the customer (including standards governing bills and refunds).

Section 632(c) makes it clear that nothing in Title VI is intended to interfere with the authority of a state or local governmental body to enact and enforce consumer protection laws, to the extent that the exercise of such authority is not specifically preempted by the Title. Subsection (c) also provides that franchising authorities and cable operators are permitted to agree to customer service requirements, even if those requirements may result in the establishment and enforcement of customer service standards more stringent than the standards established by the FCC under section 632(b). Finally, this subsection preserves local authority to establish and enforce any municipal law or regulation, or any state law, concerning customer service requirements that are more stringent than, or address matters not addressed by, the standards established by the FCC under section 632(b).

Conference agreement

The conference agreement adopts the House provision.

SECTION 9—LEASED COMMERCIAL ACCESS

Senate bill

The Senate bill amends section 612 of the Communications Act. Subsection 612(a) is amended by adding a new clause that provides that among the purposes of this section is "to promote competition in the delivery of diverse sources of video programming".

Subsection (b) of this section amends section 612(c) of the Act to require the FCC to establish the maximum reasonable rate and reasonable terms and conditions for use of these commercial access channels and for the billing of rates to subscribers, and for the collection of revenue from subscribers by the cable operator for such use.

Subsection (d) creates a new section 612(i) which permits a cable operator to provide programming from a qualified minority programming source or sources on up to 33 percent of the cable system's leased access channels. Programming that was provided over a cable system on July 1, 1990 may not qualify as minority programming under this subsection.

House amendment

Section 18 of the House amendment amends section 612(c) of the Communications Act and requires the Commission, within 180 days after the date of enactment of this legislation, to establish, by regulation, (1) a formula to determine the maximum rates a cable operator may charge for commercial use of channel capacity by persons not affiliated with the cable operator; (2) standards concerning the terms and conditions for such use; (3) standards concerning methods for collection and billing for commercial use of such channel capacity; and (4) procedures for the expedited resolution of disputes concerning rates or carriage under this section.

Section 15(b) contains a further amendment to section 612 of the Communications Act and adds a new subsection (i). Under new section 612(i) a cable operator would be permitted to provide programming from a qualified minority or educational programming source or sources on up to 33 percent of the cable system's leased access channels. Programming that already is being provided over a cable system on July 1, 1990 shall not qualify as minority or educational programming for the purpose of this subsection. A qualified minority programming source is defined as a programming source that devotes a significant amount of its programming to coverage of minority viewpoints, or to programming directed at persons of minority groups, and which is more than 50 percent minority-owned as the term "minority" is defined in 47 U.S.C. 309(i)(3)(C)(ii). For the purposes of this subsection, the term "minority programming sources" is not intended to include television broadcast stations.

A qualified educational programming source is defined as a programming source that devotes significantly all of its programming to educational or instructional programming of such a nature that it promotes public understanding of mathematics, the sciences, the humanities, and the arts and has a documented annual expenditure on programming exceeding $15 million. Programming expenditures include all annual costs incurred by the channel originator to produce or acquire programs that are scheduled to appear on air, and specifically exclude marketing, promotion, satellite transmission and operational costs, and general administrative costs.

Conference agreement

The conference agreement adopts the Senate provision with an amendment to require the Commission to develop procedures for the expedited resolution of disputes concerning rates or carriage under this section. The conference agreement also amends the Senate provision to permit cable operators to carry qualified educational programming sources, as well as minority programming sources, on up to 33 percent of the cable system's leased access channels and to adopt the definition of qualified educational programming source contained in the House amendment.

SECTION 10—CHILDREN'S PROTECTION FROM INDECENT PROGRAMMING ON LEASED ACCESS CHANNELS

Senate bill

Section 27 of the Senate bill amends Section 612(h) of the Communications Act to permit a cable operator to enforce a written and published policy of prohibiting programming on leased access channels that the cable operator reasonably believes to be indecent. Section 612 is further amended to require the Commission to promulgate regulations designed to limit the access of children to indecent programming on leased access channels.

Section 28 of the Senate bill requires the Commission to promulgate regulations to enable a cable operator to prohibit the use of any public, educational, or governmental access facility for any obscene programming.

Section 29 of the Senate bill amends Section 638 of the Communications Act to impose liability on cable operators for obscene programming carried by the cable operator on any channel designated for public, educational, or governmental use.

House amendment

No provisions.

Conference agreement

The conference agreement adopts the Senate provisions.

SECTION 11—LIMITATIONS ON OWNERSHIP, CONTROL, AND UTILIZATION

Senate bill

The Senate bill amends 613(f) of the Communications Act as follows:

Subsection (f)(1) requires the FCC to establish reasonable limits on (A) the number of cable subscribers that any one cable operator may serve through cable systems owned by the operator or in which the operator has an attributable interest; and (B) the number of channels that can be occupied by a programmer that is owned by a cable operator or in which the operator has an attributable interest.

Subsection (f)(2) requires that the FCC, in establishing reasonable limitations pursuant to subsection (f)(1), shall, among other public interest objectives:

(A) Ensure cable operators, alone or in a group, do not impede the flow of video programming to the consumer;

(B) Ensure cable operators do not favor their own programming or unreasonably restrict the flow of such programming to other video distributors;

(C) Take particular account of the market structure, ownership patterns, or other relationships of the cable industry, including the nature and market power of the local franchise, the joint ownership of cable systems and video programmers, and the various types of non-equity controlling interests;

(D) Take account of any efficiencies and other benefits gained through integration;

(E) Ensure its rules reflect the dynamic nature of the communications marketplace;

(F) Not impose barriers to service in rural areas that do not now have service; and

(G) Not impose limitations which would impair the development of diverse and high quality video programming.

The Senate bill amends Section 613(a) of the Communications Act of 1934 by adding a new paragraph (2) which prohibits a cable operator from owning a multichannel multipoint distribution system (MMDS) or a satellite master antenna television service (SMATV) in the same areas in which it holds a franchise for a cable system.

Paragraph (2)(A) grandfathers all existing MMDS and SMATV systems owned by cable systems on the date of enactment.

Paragraph (2)(B) gives the FCC the authority to grant waivers of the provision where it is necessary to ensure that residents in the cable community receive the cable operator's programming.

The legislation amends Section 613(c) by adding a new subsection (c)(2) which provides that, if ten percent of the households in the U.S. with television sets subscribe to multichannel programming services provided via satellite (regardless of frequency band) directly to home satellite antennae, the FCC shall promulgate appropriate regulations (A) limiting ownership of any distributor of such direct to home satellite service by cable operators and other persons having media interests, and (B) requiring access to such service by programmers not owned or controlled by any distributor of such service.

House amendment

Section 21(a)(1)(A) requires the FCC to conduct a study to determine whether it is necessary or appropriate in the public interest to impose limitations on the extent to which a multichannel video programming distributor may engage in the creation or production of such programming. Section 21(a)(1)(B) requires the FCC to impose limitations on the proportion of the market, at any stage in the distribution of video programming, which may be controlled by a single multichannel video programming distributor or other person engaged in such distribution.

Conference agreement

The conference agreement adopts the Senate provisions with an amendment to include section 21(a)(1)(A) of the House amendment and to delete Section 9(b) of the Senate bill which requires the FCC to adopt cross-ownership restrictions for DBS systems and limitations on vertical integration of DBS systems. In view of the fact that there are no DBS systems operating in the United States at this time, it would be premature to require the adoption of limitations now. However, the conferees expect the Commission to exercise its existing authority to adopt such limitations should it be determined that such limitations would serve the public interest.

SECTION 12—REGULATION OF CARRIAGE AGREEMENTS

Senate bill

The Senate bill requires the FCC to adopt regulations, within one year of enactment, governing program carriage agreements between cable operators and video programmers. The regulations shall:

(1) prohibit a cable operator or other multichannel video distributor from requiring a financial interest in a programmer as a condition of carriage;

(2) prohibit a cable operator or other multichannel video distributor from coercing a programmer to provide exclusive rights as a condition of carriage;

(3) prevent a multichannel video programming distributor from interfering with the ability of an unaffiliated video programmer to compete by discriminating in video distribution on the basis of affiliation or nonaffiliation in the selection, terms and conditions of carriage;

(4) provide for expedited review of any complaints brought pursuant to this provision;

(5) provide for appropriate penalties and remedies for violations of this section and clarifying that one of the remedies available to the FCC is to require carriage of the program service; and

(6) provide for the assessment of penalties against persons filing frivolous complaints pursuant to this section.

House amendment

The provisions of the House amendment are virtually identical to those of the Senate bill. However, the prohibitions of the House amendment apply not only to cable operators, but also to other multichannel video programming distributors. Also, under the House amendment, the FCC would be required to implement regulations to prevent a cable operator or other multichannel video provider from retaliating against a video programming vendor for failing to provide exclusive rights to programming.

Conference agreement

The conference agreement adopts the provisions of the House amendment.

SECTION 13—SALES OF CABLE SYSTEMS

Senate bill

No provision.

House amendment

The House amendment adds a new section to Title VI. Subsection (a) prohibits a cable operator from selling or otherwise transferring ownership in a cable system within a 36-month period following either the acquisition or initial construction of such system, except as provided in this section.

Subsection (b) states that in the case of a sale of multiple systems, if the terms of sale require the buyer subsequently to transfer ownership of one or more such systems to one or more third parties, such transfers shall be considered part of the initial transaction.

Subsection (c) exempts any transfer of ownership interest in any cable system that is not subject to Federal income tax liability and any sale required by operation of any law or any act of any Federal agency, any state or political subdivision of a state, or any franchising authority, or any sale, assignment, or transfer, to one or more purchasers, assignees, or transferees controlled by, controlling, or under common control with, the seller, assignor, or transferrer.

Subsection (d) empowers the Commission, consistent with the public interest, to waive the requirements of subsection (a), except that, if a franchise requires franchise authority approval of transfers, the Commission shall not waive such requirements unless the franchise authority has approved such transfer.

Subsection (e) limits the time within which a franchising authority has to disapprove a transfer. After the initial 36-month period following the sale or transfer of ownership of a cable system, if the franchise requires franchising authority approval of a sale or transfer, a franchising authority has 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with Commission regulations. If the franchising authority fails to render a final decision on the request within 120 days, the request shall be deemed granted, unless the requesting party and the franchising authority agree to an extension of time.

The 120-day limitation does not apply to any request for approval of a cable sale or transfer subject to this section. The 120-day limitation also would not apply to requests for approval of sales or transfers submitted prior to adoption of the FCC regulations, given that such requests, by definition, could not include the information required to activate the 120-day limit.

Conference agreement

The conference agreement adopts the House amendment, as a new section 617 of the Communications Act of 1934, with an amendment clarifying that the Commission shall use its waiver authority to permit appropriate transfers in cases of default, foreclosure or other financial distress.

SECTION 14—SUBSCRIBER BILL ITEMIZATION

Senate bill

Section 23 of the Senate bill amends Section 622(c) of the Communications Act to permit each cable operator to identify, in accordance with standards prescribed by the Commission, as a separate line item on each bill of each subscriber: (1) the amount of the total bill assessed as a franchise fee and the identity of the franchising authority to which the fee is paid; (2) the amount of the total bill assessed to satisfy any requirements imposed on the cable operator to support public, educational or governmental channels; and (3) the amount of any other tax, fee, assessment or other charge imposed by any governmental authority on the transaction between the operator and the subscriber.

House amendment

The House amendment contains a virtually identical provision.

Conference agreement

The conference agreement adopts the Senate provision with an amendment clarifying that itemization of subscribers' bills under this section must be done in a manner consistent with the regulations prescribed by the Commission pursuant to Section 623 of the Communications Act of 1934.

SECTION 15—NOTICE TO CABLE SUBSCRIBERS ON UNSOLICITED SEXUALLY EXPLICIT PROGRAMS

Senate bill

Section 26 of the Senate bill requires a cable operator who provides a premium channel without charge to any cable subscriber who does not subscribe to such premium channel to, not later than 60 days before such premium channel is provided without charge: (1) notify all cable subscribers that the cable operator plans to provide a premium channel, without charge; (2) notify all cable subscribers of the date(s) on which the cable operator plans to provide a premium channel without charge; (3) notify all subscribers that they have a right to request that the channel carrying the premium channel be blocked; and (4) block the premium channel upon the request of a subscriber. Under this section, the term "premium channel" is defined as any pay service offered on a per channel or per program basis that offers movies rated by the Motion Picture Association of America as X, NC–17 or R.

House amendment

The House amendment contains a virtually identical provision that substitutes 30 days for 60 days for the notification.

Conference agreement

The conference agreement adopts the House provision.

SECTION 16—TECHNICAL STANDARDS; EMERGENCY ANNOUNCEMENTS; PROGRAMMING CHANGES; HOME WIRING

Senate bill

The Senate bill amends section 624(e) of the Communications Act to:

(1) require that within one year after the date of enactment, the FCC shall establish minimum technical standards to ensure adequate signal quality;

(2) permit the FCC to establish standards for technical operation of cable systems and for any other video signals, including high definition television (HDTV);

(3) give the FCC authority to require compliance with and to enforce the technical standards;

(4) require the FCC to establish procedures for complaints asserting violations of the technical standards against cable operators, except that this section does not preclude other remedies permitted under the franchise agreement or Federal or State law; and

(5) preempt the establishment of any technical standards other than those adopted by the FCC.

The Senate bill adds a new subsection at the end of section 624 of the Communications Act of 1934, which requires that, within 120 days after the date of enactment, the FCC shall prescribe rules concerning the disposition of cable-installed wires within the home when the subscriber terminates service.

House amendment

Subsection (a) of Section 11 of the House amendment amends subsection 624(e) of the Communications Act and requires the FCC, within one year after enactment, to adopt minimum technical and signal quality standards for the operation of cable systems which may be required and enforced by franchising authorities as part of a local franchise (including a modification, renewal or transfer thereof pursuant to the provisions of Title VI). This subsection also requires the FCC to adopt national standards and to update periodically its technical standards to reflect improvements in technology.

Subsection (a) also allows franchising authorities to petition the FCC for a waiver to permit the imposition of technical standards more stringent than those prescribed by the FCC under this subsection. In considering requests for such waivers, the Commission may consider the existence of an agreement between the franchising authority and the cable operator to impose on the cable operator technical standards more stringent than the Commission's standards.

Subsection (b) requires the Commission to prescribe, and cable operators to comply with, standards to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system (EBS) pursuant to Commission regulations in subpart G of part 73, title 47, Code of Federal Regulations.

Subsection (c) authorizes a franchising authority to require a cable operator to do one or more of the following: (1) provide 30 days' advance written notice of any change in channel assignment or in the video programming service provided over any such channel; (2) inform subscribers in writing that comments on programming and channel position changes are being recorded by the franchising authority.

The House amendment, in Section 15, contains a home wiring provision identical to the Senate bill.

Conference agreement

The conference agreement adopts the House provisions.

SECTION 17—CONSUMER ELECTRONICS COMPATIBILITY

Senate bill

The Senate bill amends the Communications Act by adding a new Section 624A. Subsection (b) enumerates findings made by Congress concerning consumer electronics equipment compatibility. Subsection (c) defines terms used in this new section.

Subsection (d) prohibits scrambling or encryption of local broadcast signals, except where necessary to prevent substantial theft of cable service, but permits scrambling and encryption where the use of such technologies does not interfere with the functions of cable subscribers' televisions or videocassette recorders (VCRs). Under this subsection, the Commission is required, within 180 days after the date of enactment of this subsection, to issue regulations under which a cable operator may, if necessary to protect against theft of cable service, scramble or encrypt local broadcast signals. The Commission is required periodically to review and modify such regulations.

Subsection (e) requires the Commission, within 180 days after the date of enactment, to promulgate regulations requiring a cable operator offering any channels the reception of which requires a converter box to: (1) notify subscribers that such converter box may interfere with the enjoyment of certain functions of their televisions or VCRs; (2) offer new and current subscribers who do not receive or do not wish to receive channels that require a converter box for reception the option of having cable service installed or reinstalled by direct connection to the subscriber's television or VCR, without passing through a converter box; and (3) offer subscribers who receive or wish to receive channels that require the use of a converter box the option of having their cable service installed or reinstalled, so that those channels that do not require a converter box for reception are delivered to the subscribers' televisions or VCRs without passing through a converter box.

Subsection (f) requires that any charges for installing or reinstalling cable service pursuant to subsection (e) be subject to the rate regulation provisions under section 623(b)(1).

Subsection (g) requires the Commission, within 180 days after the date of enactment, to promulgate regulations concerning the use of remote control devices. Such regulations shall require a cable operator who offers subscribers the option of renting a remote control unit to: (1) notify subscribers that they may purchase a commercially available remote control device from any source that sells such devices; and (2) specify the types of remote control units that are compatible with the converter box supplied by the cable operator.

Subsection (h) requires the Commission, within 180 days after the date of enactment of this section, to report to the Congress on means of assuring compatibility between televisions and VCRs and cable systems. Such report shall be prepared by the Commission in consultation with representatives of the cable and consumer electronics industries. Subsection (i) requires the Commission to issue such regulations as may be necessary to assure the compatibility interface required under Subsection (h).

House amendment

Section 9 of the House amendment amends the Communications Act of 1934 by adding a new section 624A. Subsection (a) enumerates the findings made by Congress concerning consumer electronics equipment compatibility.

Subsection (b) directs the Commission, within one year after the enactment of this section, in consultation with representatives of the consumer electronics and cable industries, to report to the Congress on the means of assuring compatibility between televisions and VCRs and cable systems, consistent with the need to prevent theft of cable service, so that cable subscribers will be able to enjoy the full benefits of both the programming available on cable systems and the functions available on their televisions and VCRs. Within two years after the date of enactment of this section, the Commission shall issue such regulations as may be necessary to require the use of interfaces that assure such compatibility.

Subsection (c) directs the Commission, within one year after the date of submission of the report required in subsection (b), to prescribe regulations necessary to increase compatibility between television receivers equipped with premium functions and features, VCRs, and cable systems. In prescribing such regulations, the Commission shall consider: (1) the costs and benefits of requiring cable operators to adhere to technical standards for scrambling or encryption of video programming in a manner that will minimize interference with or nullification of the special functions of subscribers' television or VCRs, while providing effective protection against theft or unauthorized reception of cable service, including functions that permit the subscriber (a) to watch a program on one channel while simultaneously using a video cassette recorder to tape a program on another channel or (b) to use a video cassette recorder to tape two consecutive programs that appear on different channels or (c) to use advanced television picture generation and display features; (2) the potential for achieving economies of scale by requiring manufacturers to incorporate technologies to achieve such compatibility in all television receivers; (3) the costs and benefits to consumers of imposing compatibility requirements on cable operators and television manufacturers; and (4) the need for cable operators to protect the integrity of their signals against theft or to protect such signals against unauthorized reception.

Subsection (c) further requires the Commission to prescribe regulations necessary:

(1) to establish the technical requirements that permit a television receiver or video cassette recorder to be sold as "cable ready"; (2) to establish procedures by which manufacturers may certify television receivers that comply with the technical requirements established under this subsection in a manner that, at the point of sale, is easily understood by potential purchasers of such receivers; (3) to provide appropriate penalties for willful misrepresentation concerning such certifications; (4) to promote the commercial availability, from cable operators and retail vendors that are not affiliated with cable systems, of converters and remote control devices compatible with converters; (5) to require a cable operator who offers subscribers the option of renting a remote control (i) to notify subscribers that they may purchase a commercially available remote control from any source that sells such devices rather than renting it from the cable operator and (ii) to specify the types of remote controls that are compatible with the converter box supplied by the cable operator; and (6) to prohibit a cable operator from taking any action that prevents or in any way disables the converter box supplied by the cable operator from operating compatibly with the commercially available remote control units.

Subsection (d) requires the Commission to review periodically and, if necessary, to modify the regulations established under this section in light of any actions taken in response to regulations issued under subsection (c) and to reflect improvements and changes in cable systems, television receivers, VCRs, and similar technology.

Subsection (e) directs the Commission to adopt standards under this section that are technologically and economically feasible, taking into account the cost and benefit to cable subscribers and purchasers of television receivers of such standards.

Conference agreement

The conference agreement adopts the House amendment with amendments. Section 624A(a) is amended to include the findings contained in the House amendment.

Section 624A(b)(1) directs the Commission, within one year after the date of enactment of this section, in consultation with representatives of the consumer electronics and cable industries, to report to the Congress on means of assuring compatibility between cable systems and both televisions and VCRs, consistent with the need to prevent theft of cable service, so that cable subscribers will be able to enjoy the full benefit of both the programming available on cable systems and the functions available on their television and VCRs. The Commission is further directed to issue, within 180 days after the date of submission of the report required under this section, such regulations as are necessary to assure such compatibility.

Section 624A(b)(2) requires the Commission, in issuing the regulations required by section (b)(1), to determine whether and, if so, under what circumstances to permit cable systems to scramble or encrypt signals or to restrict cable systems in the manner in which they encrypt or scramble signals, except that the Commission shall not limit the use of such technology where the use of such technology does not interfere with the functions of subscribers' television receivers or VCRs.

Section 624A(c)(1) requires the Commission, in prescribing the regulations required by this section, to consider: (1) the costs and benefits to consumers of imposing compatibility requirements on cable operators and television manufacturers in a manner that, while providing effective protection against theft or unauthorized reception of cable service, will minimize interference with or nullification of the special functions of subscribers' television receivers or VCRs; and (2) the need for cable operators to protect the integrity of the signals transmitted by the cable operator against theft or to protect such signals against unauthorized reception.

Section 624A(c)(2)(A) requires the Commission, in prescribing regulations under this section, to include such regulations as are necessary to specify the technical requirements with which a television receiver or video cassette recorder must comply in order to be sold as "cable compatible" or "cable ready". The purpose of this paragraph is to make clear what standards need to be met, consistent with and in conformity to the compatibility regulations issued pursuant to subsection (b)(1), in order for televisions or VCRs to be sold as cable ready or cable compatible. The conferees would encourage the development of voluntary efforts by the cable industry and the manufacturers of televisions and VCRs to meet the technical requirements referred to in this paragraph.

Section 624A(c)(2)(B) directs the Commission to require cable operators offering channels whose reception requires a converter box to notify subscribers that they may be unable to benefit from the special functions of their television receivers and VCRs. Under this subsection, cable operators also would be required, to the extent technically and economically feasible, to offer subscribers the option of having all other channels delivered directly to the subscribers' television receivers or VCRs without passing through the converter box.

Section 624A(c) further requires the Commission to prescribe regulations necessary: (1) to promote the commercial availability, from cable operators and retail vendors that are not affiliated with cable systems, of converters and remote control devices compatible with converters; (2) to require a cable operator who offers subscribers the option of renting a remote control to notify subscribers that they may purchase commercially available remote control devices from any source that sells such devices rather than renting them from the cable operator and to specify the types of remote controls that are compatible with the converter box supplied by the cable operator; and (3) to prohibit a cable operator from taking any action that prevents or in any way disables the converter box supplied by the cable operator from operating compatibly with the commercially available remote control units.

Section 624A(d) requires the Commission to review periodically and, if necessary, modify the regulations issued pursuant to this section in light of any actions taken in response to such regulations and to reflect improvements and changes in cable systems, television receivers, VCRs and similar technology.

SECTION 18—FRANCHISE RENEWAL

Senate bill

Section 11 of the Senate bill amends section 626 of the Act to:

(a) clarify that a franchising authority is not required to commence the formal renewal process during the 6 months beginning on the 36th month before the expiration of the franchise;

(b) provide that the formal renewal process can start on the date that the cable operator submits its renewal proposal;

(c) allow the franchising authority to consider in renewal proceedings whether the cable operator has substantially complied with the material terms of the existing franchise and with applicable law throughout the franchise term;

(d) allow the franchising authority to consider the level of service provided over the system throughout the franchise term;

(e) permit a franchising authority to deny a renewal if the cable operator has had notice and an opportunity to cure its failure to comply substantially with the franchise agreement, unless the franchising authority has waived its right to object in writing;

(f) clarify that franchising authorities should be held responsible for non-compliance with the renewal provisions only where a failure to comply actually prejudiced the cable operator; and

(g) provide that any lawful action to revoke a cable operator's franchise for cause shall not be negated by the initiation of renewal proceedings by the cable operator.

House amendment

No provision.

Conference agreement

The conference agreement adopts the Senate provision with the following amendments: Subsection (a) is amended to require that if a cable operator seeks the initiation of a renewal proceeding pursuant to this section, the franchising authority must commence that process within six months of the date that the cable operator submits its request. This amendment is intended to provide the cable operator with the opportunity to initiate the renewal process but give the franchising authority a full six months, after the cable operator submits its request, to take those actions required by this Section.

The conferees have deleted sections 11(c) and 11(d)(2) of the Senate bill which provide that a franchising authority has the right to consider the quality of service provided by the cable operator throughout the franchise term. The conferees believe that franchising authorities have the duty and authority now to consider the quality of the cable operator's service throughout the franchise term. This provision was removed out of concern that it would be applied where a new cable operator acquires a franchise from the operator who initially entered into the franchise agreement during the pendency of the franchise period. As the franchising authority has the power to approve such a transfer, it should address any deficiencies in the service of the original franchisee at the time of the transfer.

The conference agreement also amends subsection (f) of the Senate provision by replacing "and such failure to comply actually prejudiced the cable operator" with "other than harmless error". This change clarifies that it is the intent of the conferees that minor infractions or deviations from the requirements of this section by a franchising authority shall not be grounds for relief pursuant to the provision of this subsection.

Finally, the conference agreement adopts the language in subsection (g) of the Senate provision.

SECTION 19—DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION

Senate bill

The Senate bill bars national and regional cable programmers who are affiliated with cable operators from (1) unreasonably refusing to deal with any multichannel video programming distributor; and (2) discriminating in the price, terms, and conditions in the sale of their programming to multichannel video distributors if such action would impede retail competition.

National and regional programmers affiliated with cable operators are required by the Senate bill to offer their programming to buying groups on terms similar to those offered to cable operators. However, reasonable cost-related conditions and certain other reasonable requirements can be imposed.

The Senate bill also requires any programmer who scrambles satellite cable programming for private viewing to make that programming available for private viewing by C-band home satellite dish owners.

Under the Senate bill, a satellite carrier that provides service pursuant to the provisions of the Home Satellite Viewers Rights Act, 17 U.S.C. Section 119, shall not (1) unreasonably refuse to deal with any distributor of video programming who provides service to home satellite dish subscribers who meet the requirements of the Home Satellite Viewers Right Act, or (2) discriminate in price, terms and conditions of the sale of programming among the distributors to home satellite dish owners qualified under the Home Satellite Viewers Rights Act or between such distributors and other multichannel video distributors.

The Senate bill directs the FCC to prescribe rules to implement this section, including rules for expedited review of complaints made pursuant to this section. This section does not apply to television broadcast signals retransmitted by satellite.

House amendment

The House amendment makes it unlawful for a cable operator or satellite cable programming vendor affiliated with a cable operator to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which is to hinder significantly or prevent any multichannel video programming distributor from providing satellite cable programming to subscribers or consumers. The FCC is required to promulgate regulations to implement this section.

At a minimum, the regulations must prevent a cable operator affiliated with a satellite cable programming vendor from unduly or improperly influencing the vendor's decision to sell, or the price, terms, and conditions of sale of, programming to any unaffiliated multichannel video programming distributor. The regulations also must prohibit a satellite cable programming vendor affiliated with a cable operator from discriminating in the price, terms, and conditions in the sale or delivery of programming to cable operators, other multichannel video programming distributors, and their buying agents. However, such a vendor may impose reasonable cost-related and other reasonable requirements and may grant reasonable volume discounts.

With regard to areas not passed by a cable system, the regulations required by the House amendment prohibit exclusive contracts and other arrangements between a cable operator and a vendor which prevent a multichannel video programming distributor from obtaining programming from a satellite cable programming vendor affiliated with a cable operator.

With regard to areas served by cable operators, the FCC's regulations must prohibit exclusive contracts for satellite cable programming between a cable operator and a satellite cable programming vendor affiliated with a cable interest, unless the FCC determines such a contract is in the public interest. In determining whether such an exclusive contract is in the public interest, the FCC shall consider the effect of the contract on competition in local and national multichannel video programming distribution markets, the effect on competition from multichannel video programming distribution technologies other than cable, the effect on the ability to attract capital investment in new satellite cable programming, the effect on the diversity of programming in the multichannel video programming distribution market, and the duration of the exclusive contract. The House amendment's provisions limiting exclusive contracts in areas served by cable operators expire in 10 years. Exclusive contracts for satellite cable programming that were entered into on or before June 1, 1990 for geographic areas not served by cable operators are grandfathered under the House amendment.

The requirements imposed by this section do not apply to the signals of the broadcast affiliates of the national television networks that are retransmitted by satellite, nor do they apply to internal satellite communications of any broadcast or cable network. Furthermore, the requirements of the House amendment do not require those distributing programming regionally or nationally to make that programming available in any area beyond which it has been authorized or licensed for distribution.

Under the House amendment, any multichannel video programming distributor aggrieved by conduct that it alleges violates this section or the FCC's implementing regulations may begin an adjudicatory proceeding at the FCC. The FCC shall provide for an expedited review of complaints made pursuant to this section and shall order appropriate remedies.

Conference agreement.

The conference agreement adopts the House provisions, with amendments. The conference agreement clarifies that programming distributed by satellite broadcast programming vendors (fixed service satellite carriers) is covered by this section. Satellite broadcast programming vendors are to be held to the same standards as the programming vendors to whom this section applies.

Under the conference agreement, the limitations on exclusive contracts and other arrangements regarding programming distributed within an area served by a cable operator shall expire after 10 years, except that the FCC may extend the limitation if it determines that such limitations are necessary to preserve and protect competition and diversity in the distribution of video programming. For purposes of this section, the conferees intend that an area "served" by a cable system be defined as an area actually passed by a cable system and which can be connected for a standard connection fee.

In lieu of permitting volume discounts, the conference agreement amends the House provision regarding discrimination by satellite cable programming vendors affiliated with cable operators to permit such vendors to establish different prices, terms and conditions which take into account economies of scale, cost savings, or other direct and economic benefits reasonably attributable to the number of subscribers served by the distributor.

In adopting rules under this section, the conferees expect the Commission to address and resolve the problems of unreasonable cable industry practices, including restricting the availability of programming and charging discriminatory prices to non-cable technologies. The conferees intend that the Commission shall encourage arrangements which promote the development of new technologies providing facilities-based competition to cable and extending programming to areas not served by cable.

SECTION 20—CUSTOMER PRIVACY RIGHTS

Senate bill

Section 25 of the Senate bill amends section 631(c)(1) of the Act to require cable operators to ensure that persons, other than the subscriber to the cable system and the cable operator, do not have access to personally-identifiable information about the subscriber.

House amendment

Section 8 of the House amendment redefines the terms "cable operator" and "other service" to ensure that new communications services provided by cable operators are covered by the privacy protections embodied in section 631 of the Communications Act.

The term "other service" is defined to include any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable services.

The term "cable operator" is defined so as to include, in addition to those persons within the definition of cable operator in section 602 of the Communications Act, any person who is owned or controlled by or under common ownership or control with, a cable operator, and provides any wire or radio communications service.

Conference agreement

The conference agreement includes both the Senate and the House provisions. The provisions in the House amendment and the Senate bill amend different subsections of Section 631 of the Communications Act of 1934.

The Senate provision amends Section 631(c)(1) to require that cable operators prevent unauthorized access of personally-identifiable information. It is not intended to prevent local franchising authorities or the Commission from acquiring such information as may be necessary to carry out its obligations in compliance with the provisions of the Communications Act of 1934.

SECTION 21—THEFT OF CABLE SERVICE

Senate bill

No provision.

House amendment

Section 20 of the House amendment amends section 633(b) of the Communications Act and brings into conformity penalties and remedies for theft of cable service with those for theft of satellite signals.

Conference agreement

The Conference adopts the House provision.

SECTION 22—EQUAL EMPLOYMENT OPPORTUNITY

Senate bill

No provision.

House amendment

The House amendment amends section 634(d)(1) of the Communications Act to require the Commission, within 270 days after the date of enactment of this legislation, to adopt revisions in its rules that may be necessary to implement the amendments made to section 634.

Section 634(d)(3) is amended to require cable operators, in their annual statistical reports, to identify by race, sex, and job title the number of employees within each job category. The reports shall be made on separate forms, provided by the FCC, for full-time and part-time employees.

Section 634(d)(3) also expands from nine to fifteen the job categories for which employee information is required, by prescribing six new job categories—Corporate Officers, General Manager, Chief Technician, Comptroller, General Sales Manager, and Production Manager.

The FCC is required to prescribe the method by which entities are required to compute and report the number of minorities and women in the job categories above, with the exception of the office and clerical, skilled craftspersons, semiskilled operatives, unskilled laborers, and service workers categories, and the number of minorities and women in all the job categories above in proportion to the total number of qualified minorities and women in the relevant labor market. The report is required to include information on hiring, promotion, and recruitment practices that the FCC will need to evaluate the compliance of entities with this section. The report will be available for public inspection at the entity's central location and at every location where five or more full-time employees are regularly assigned to work. This subsection does not prohibit the FCC from collecting or continuing to collect statistical or other employment information to implement this section.

Section 634(f)(2) is amended to increase the forfeiture penalty for violations of Section 634 from $200 to $500 for each violation.

Section 634(h)(1) is amended to extend the requirements of this section to not only cable and satellite master antenna television operators, but to any multichannel video programming distributor.

Subsection (f) requires the Commission, within 240 days after the date of enactment of this legislation, and after opportunity for public discussion, to submit to Congress a comprehensive report on the effectiveness of its procedures, regulations, policies, standards and guidelines governing the EEO performance of the broadcast industry. The Commission is expected to evaluate the effectiveness of its "best efforts" policy and all aspects of its EEO enforcement. The Commission is directed to evaluate the effectiveness of its policies in promoting: (1) equal employment opportunities; (2) opportunities for promotion; and (3) the policy of Congress favoring increased employment opportunities for women and minorities in upper management positions.

The House amendment creates a new Section 617, modeled on the cable EEO industry provisions set forth in Section 634, which codifies and strengthens the Commission's existing equal employment opportunity regulations for broadcast television stations. Section 617 requires the Commission to certify annually that an employment unit or "entity," whether a licensee for a television station eligible for carriage under Section 614 or 615, or an entity engaged primarily in the management or operation of any such licensee, is in compliance with prescribed EEO standards. An entity will be in violation of those standards, and subject to penalties under this section, where it does not provide equal opportunity for women and minorities.

Section 617(a) defines which entities are subject to this section's application, and includes both individual licensees and the companies or other entities that are primarily engaged in their management or operation. Section 617 applies to "entities" (including corporations, partnerships, associations, joint-stock companies, or trusts) but not to individual persons, that manage or operate licensees.

Subsection (b) sets forth the requirement that each entity afford equal opportunity in employment, and prohibits discrimination on the basis of race, color, religion, national origin, age, or sex.

Subsection (c) requires each employment unit to establish, maintain, and execute a specific prescribed program of practices designed to ensure the development of equality of employment opportunity and to promote the hiring of a workforce that reflects the diversity of the entity's community. This program shall include: defining and monitoring managerial and supervisory performance of equal employment opportunity goals; informing employees, employee organizations, and sources of qualified applicants of the entity's equal employment opportunity policy; and monitoring the entity's job structure and employment practices in order to eliminate discrimination and to ensure equal opportunity throughout its organizational units, occupations, and levels of responsibility.

Subsection (d) requires the Commission, within two years of the effective date of this title, following notice and an opportunity to comment, to establish prescribed rules to enforce and effectuate the requirements of this Section.

The rules adopted under subsection (d) may be amended from time to time by the Commission. Such rules shall specify, among other things, the terms under which covered entities must: disseminate information concerning their equal opportunity programs to applicants, employees, and others; encourage job referrals from minority and women's organizations or other similar potential sources of minority and female applicants; compare their employment profiles and workforce turnover against the availability of women and minorities in their service areas; undertake to offer promotions of minorities and women to positions of greater responsibility; conduct business with minority and female entrepreneurs; and analyze the results of their equal opportunity programs.

Subsection (d) also requires an employment unit with more than 5 full-time employees to file with the Commission, and make available to the public, an annual statistical report profiling the race and sex of its employees in all full-time and part-time job categories.

The report required by subsection (d) must also state the number of job openings that occurred during the year and must either certify that the openings were filled in accordance with the entity's EEO program (required by subsection (c)) or provide the reasons for not filling those openings in accordance with the program.

Subsection (e) requires the Commission to certify annually that licensees and other entities are in compliance with prescribed EEO standards.

Subsection (f) requires the Commission to establish procedures for the enforcement of this Section, including the investigation of complaints of violations for this Section brought by employees, applicants for employment, and other interested persons. Pursuant to its rules, the Commission may investigate such complaints and enforce the requirements of the Section, or may refer such complaints to any other appropriate Federal agency.

Subsection (g) authorizes the Commission to impose a forfeiture penalty of $200 per day for each violation of the requirements of this Section. This subsection further provides that a licensee or entity shall not be liable for more than 180 days of forfeiture accruing prior to notification by the Commission of a potential violation.

Subsection (g) also authorizes the FCC to condition, suspend, or revoke any license of any person found liable for forfeiture penalty under this section.

Subsection (h) provides that State and local governments may establish or enforce equal employment opportunity standards consistent with this section, including requirements which impose more stringent standards that are provided under this title. Subsection (h) also authorizes State and local authorities to establish or enforce requirements for conducting business with minority or locally-operated enterprises.

Conference agreement

The agreement of the conferees adopts the House amendment as it applies to cable systems. For television licensees and permittees, the conference agreement codifies the Commission's equal employment opportunity rules, 47 C.F.R. 73.2080. It is the intent of the conferees that this statutory provision be applied in the same manner as were the existing rules on September 9, 1992.

The agreement of the conferees also incorporates into the Communications Act the FCC's forms, FCC Form 395-B annual employment report and the FCC Form 396 Broadcast Equal Opportunity Program Report, for television broadcast stations. It is the intent of the conferees that both of these reports continue to be filed with the FCC by television broadcast licensees and permittees in the same manner, with the same format and content and same terms and conditions as in effect on September 1, 1992.

The agreement of the conferees creates an FCC Mass Media Bureau of mid-license term review of television broadcast stations' workforce employment profiles. It is the intent of the conferees that the Commission's Mass Media Bureau staff compare the workforce data submitted in the first two Forms 395 to be filed following the grant of a license renewal with the station's area labor force, utilizing as the geographic area for comparison that which the Commission staff would customarily use for such purposes (MSA or county), and applying the FCC EEO processing guidelines in effect on September 1, 1992. This review is not intended to establish and shall not be considered or utilized in any manner as establishing a quota for the employment of members of any societal group. If this staff level review suggests that improvement in the station's recruitment practices appears necessary, a staff letter shall be sent to the station licensee so indicating. This letter is not and is not to be treated for any purpose as a Commission sanction of the station's EEO practices.

The conference agreement also gives the Commission the authority to make technical and/or clerical revisions as necessary to respond to changes in technology, terminology and Commission organization.

SECTION 23—JUDICIAL REVIEW

Senate bill

Section 17 of the Senate bill amends section 635 of the Communications Act of 1934 by adding at the end a new subsection (c)(1) that provides that any civil action challenging the constitutionality of new sections 614 or 615 shall be heard by a district court of three judges convened pursuant to the provisions of section 24 of title 28, U.S. Code. New subsection (c)(2) states that an interlocutory or final judgment, decree, or order of the court of three judges under paragraph (10 holding sections 614 or 615 unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court.

House amendment

No provision.

Conference agreement

The conferees adopt the Senate provision.

SECTION 24—LIMITATION OF FRANCHISING AUTHORITY LIABILITY

Senate bill

Section 13 of the Senate bill amends part III of title VI of the Communications Act of 1934 to include a new section 628 which exempts local franchising authorities from liability for damages (except for attorneys' fees and legal costs) in cases where the franchising authorities are charged with violating a cable operator's First Amendment rights arising from actions authorized or required by title VI of the Communications Act of 1934. This provision does not apply to cases where a franchising authority has been found by a final order of a court of binding jurisdiction to have violated a cable operator's First Amendment rights and repeats or continues the violation.

House amendment

Section 17(a) of the House amendment amends part IV of title VI of the Communications Act of 1934 to include a new section 635A. Subsection (a) exempts local franchising authorities from liability for damages in cases arising from regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of a franchise. Subsection (b) creates an exception to the exemption for liability set forth in subsection (a) for actions already determined by a final order of a court of binding jurisdiction, no longer subject to appeal, to be in violation of a cable operators rights.

Subsection (c) clarifies that this section does not limit the relief authorized with respect to any claim against a franchising authority which involves discrimination on the basis of race, color, sex, age, religion, national origin, or handicap.

Subsection (d) clarifies that this section does not create or authorize liability of any kind, under any law, for any action or failure to act relating to cable service or the granting of a franchise by any franchising authority.

Section 17(b) of the House amendment is a conforming amendment.

Conference agreement

The Conference agreement adopts the House provision.

SECTION 25—DIRECT BROADCAST SATELLITE SERVICE OBLIGATIONS

Senate bill

Section 22 of the Senate bill directs the Commission, within one year after enactment, to submit to Congress a report analyzing the need for and most appropriate public interest obligations to be imposed upon direct broadcast satellite services in addition to those required below. The Commission is directed to require any DBS provider to reserve between four and seven percent of its channel capacity exclusively for nonduplicated, non-commercial, educational, and informational programming. In complying with this requirement, a DBS provider shall lease its capacity to national educational programming suppliers on reasonable prices, terms, and conditions, and shall not exercise any editorial control over this programming. This section also establishes a study panel, comprised of representatives of the Corporation for Public Broadcasting, the National Telecommunications and Information Administration, and the Office of Technology Assessment. This study panel shall submit a report to Congress within two years after enactment containing recommendations on ways to promote the development of such programming, methods of selecting programming that avoids conflict of interest and editorial control, programming funding sources, and what are reasonable prices, terms, and conditions.

House amendment

Section 21(a)(3) of the House amendment requires the Commission to initiate a rulemaking proceeding, within 180 days, to impose public interest or other requirements on any DBS provider that is not regulated as a common carrier. Such regulations shall, at a minimum, apply the access to broadcast time requirement of section 312(a)(7) of the Communications act and the use of facilities requirements of section 315 of such Act to DBS systems. The proceeding shall also examine regulations by which DBS systems can further the principle of localism.

Subsection (a)(4) directs the Commission to require DBS providers to reserve between four and seven percent of their channel capacity exclusively for noncommercial public service uses. The DBS provider may recover only the direct costs of transmitting such public service programming. The House amendment includes a similar provision to establish a study panel as the Senate bill, but does not direct the panel to examine what constitute reasonable prices, terms, and conditions for the provision of satellite space for public use channels. the House amendment defines "public service uses" to include (i) programming produced by public telecommunications entities, including independent production services; (ii) programming produced for educational, instructional, or cultural purposes; and (iii) programming produced by any entity to serve the disparate needs of specific communities of interest, including linguistically, distinct groups, minority and ethnic groups, and other groups.

Conference agreement

The conference agreement adopts the House amendment with amendments. The purpose of this section is to define the obligation of direct broadcast satellite service providers to provide a minimum level of educational programming. The four to seven percent reserve gives the Commission the flexibility to determine the amount of capacity to be allotted. The pricing structure was devised to enable national educational programming suppliers to utilize this reserved channel capacity.

Subsection (b)(1) mandates that the Commission require, as a condition of any provision, initial authorization, or renewal, of a DBS system providing video programming, that the provider of such service reserve not less than four percent or more than seven percent of the channel capacity of such service exclusively for noncommercial public service uses. The conferees intend that the Commission consider the total channel capacity of a DBS system in establishing reservation requirements. Accordingly, the Commission may determine to subject DBS systems with relatively large total channel capacity to a greater reservation requirement than systems with relatively less total capacity.

Subsection (b)(2) permits a provider of such service to use any unused channel capacity designated pursuant to this subsection until the use of such channel capacity is obtained for public service use.

Subsection (b)(3) requires that a DBS provider make this channel capacity available to national educational program suppliers at reasonable prices, terms and conditions as determined by the Commission.

Subsection (b)(4) provides that, in determining reasonable prices, the Commission shall consider the non-profit character of the programming provider and any Federal funds used to support the programming such as programming funded by the Corporation for Public Broadcasting or other Federal agencies. Prices to such national educational programming suppliers cannot exceed 50 percent of the total direct costs of making a channel available. Direct costs exclude marketing costs, general administrative costs and similar overhead as well as any costs associated with a lost opportunity for commercial profit.

SECTION 26—SPORTS PROGRAMMING MIGRATION STUDY AND REPORT

Senate bill

No provision.

House amendment

Section 21(b) of the House amendment requires the Commission to study carriage of local, regional, and national sports programming by broadcast stations and cable programming networks and pay-per-view services. The study shall investigate and analyze, on a sport-by-sport basis, trends regarding the migration of such programming from carriage by broadcast stations to carriage over cable programming networks and pay-per-view systems, including the economic causes and the economic and social consequences of such trends. This subsection further requires the Commission, on or before July 1, 1993 and July 1, 1994, to submit an interim and final report, respectively, on the results of such study to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation. Such reports shall include a statement of the results, on a sport-by-sport basis, of the analysis of the trends evaluated by the Commission and any appropriate legislative or regulatory recommendations.

Subsection (b)(3) requires the Commission, in conducting the study required by Subsection (b)(4), to analyze the extent to which preclusive contracts between college athletic conferences and video programming vendors have artificially and unfairly restricted the supply of sporting events of local colleges for broadcast on local television stations. Subsection (b)(3) directs the Commission, in conducting such analysis, to consult with the Attorney General to determine whether, and to what extent, such preclusive contracts are prohibited by existing statutes. Under this subsection the Commission is directed to include in the reports required under Subsection (b)(2) the results of the analysis required under Subsection (b)(3) along with any legislative recommendations the Commission considers necessary and appropriate.

Under this subsection, the term "preclusive contract" is defined to include any contract that prohibits: (1) the live broadcast of a sporting event of a local college team that is not carried, on a live basis, by any cable system within the local community served by such local television station; or (2) the delayed broadcast by a local television station of a sporting event of a local college team that is not carried, on a live or delayed basis, by any cable system within the local community served by such local television station.

Conference agreement

The conference agreement adopts the House provision.

SECTION 27—APPLICABILITY OF ANTITRUST LAWS

Senate bill

The Senate bill, in Section 31, provides that nothing in this Act shall be construed to alter or restrict in any manner the applicability of any Federal or State antitrust law.

House amendment

The House amendment, in Section 22, includes a similar provision that states that nothing in the Act shall be construed to create any immunity to any civil or criminal action under any Federal or state antitrust law, or to alter or restrict in any manner the applicability of any Federal or state antitrust law.

Conference agreement

The conference agreement adopts the Senate provision, with a technical amendment to conform the title of the section to be "Applicability of Antitrust Laws." It is the intent of the conferees that the term "antitrust law" as used in this section include Federal and state unfair competition laws.

SECTION 28—EFFECTIVE DATE

Senate bill

The Senate bill provides that, except as otherwise specified in the legislation, the requirements of the legislation shall be effective 60 days after the date of enactment.

House amendment

The House amendment contains a similar provision.

Conference agreement

The conference agreement adopts the House provision.

REQUIREMENT FOR CERTAIN EQUIPMENT ON TELEVISION SETS

Senate bill

Section 12 of the Senate bill gives the FCC the authority to require that television sets have electronic switches permitting users to change readily among video distributors, provided that the FCC determines that such switches are technically and economically feasible.

House amendment

No provision.

Conference agreement

The conference agreement adopts the House position.

FOREIGN OWNERSHIP

Senate bill

No provision.

House amendment

Section 16 of the House amendment establishes restrictions on the ownership by foreign persons or entities of cable systems and other telecommunications properties. Section 16(a) enumerates the findings made by the Congress regarding foreign ownership of cable systems.

The Congress finds that:

(1) Restrictions on alien or foreign ownership of broadcasting and common carriers first were enacted by Congress in the Radio Act of 1912.

(2) Cable television service currently is available to more than 90 percent of American households, more than 62 percent of American households subscribe to such services, and the majority of viewers rely on cable as the conduit through which they receive terrestrial broadcast signals.

(3) Many Americans receive a significant portion of their daily news, information, and entertainment programming from cable television systems, and such systems should not be controlled by foreign entities.

(4) The policy justifications underlying restrictions on alien ownership of broadcast or common carrier licenses have equal application to alien ownership of cable television systems, DBS systems, and multipoint distribution services.

Subsection (b) amends section 310(b) of the Communications Act and provides that no cable system in the U.S. shall be owned or otherwise controlled by any alien, representative, or corporation as described in section 310(b) of the Communications Act. Subsection (b) also provides that no such alien, representative, or corporation shall be required to sell or dispose of any ownership interest held or contracted for on June 1, 1990 and that no such alien, representative, or corporation that owns, has contracted on or before June 1, 1990 to acquire ownership, or otherwise controls two or more cable systems shall be prohibited from acquiring ownership or control of additional cable systems if the total number of households passed by all the cable systems that such alien, representative, or corporation would, as a result of such acquisition, own or control does not exceed 2,000,000.

Subsection (b) defines, for purposes of such restrictions, broadcast station licenses to include licenses or authorizations for: (1) cable auxiliary relay services; (2) multipoint distribution services; (3) DBS services; and (4) other services with licensed facilities that may be devoted substantially toward providing programming or other information services within the editorial control of the licensee.

Conference agreement

The conference agreement adopts the Senate position.

EXPANSION OF THE RURAL EXEMPTION TO THE CABLE TELEVISION CROSSOWNERSHIP PROHIBITION

Senate bill

Section 32 of the Senate bill amends Section 613(b)(3) of the Communications Act of 1934 to revise the definition of rural area to mean an area that has fewer than 10,000 inhabitants or any territory as defined by the Bureau of Census.

House amendment

No provision.

Conference agreement

The conference agreement adopts the House position. The conferees recognize that currently the Federal Communications Commission has the authority to define a "rural area" for purposes of this section of the Act and is conducting a proceeding to determine if this definition should be expanded from 2,500 persons to 10,000. The conferees do not want to prejudice the outcome of this pending proceeding, nor do they want to limit the authority of the Commission should it be determined that the public interest would be served by a broader or narrower definition of rural area.

LEASE/BUY-BACK AUTHORITY

Senate bill

No provision.

House amendment

Section 4(d) of the House amendment amends Section 613(b)(2) of the Communications Act of 1934 and clarifies that common carriers are not prohibited from providing multiple channels of communication to an entity pursuant to a lease agreement under which the carrier retains, consistent with section 616, the option to purchase such entity upon the taking effect of a future amendment that would permit common carriers generally to provide video programming directly to subscribers in such carrier's telephone service area.

Conference agreement

The conference agreement adopts the Senate position.

John D. Dingell,
Edward J. Markey,
Billy Tauzin,
Dennis E. Eckart,
Thomas J. Manton,
Ralph M. Hall,
Claude Harris,

Provided that Mr. Ritter is appointed in place of Mr. Fields for consideration of so much of section 16 of the Senate bill as would add a new section 614(g) to the Communications Act of 1934 and so much of section 5 of the House amendment as would add a new section 614(f) to the Communications Act of 1934.

Managers on the part of the House.

Ernest F. Hollings,
Daniel K. Inouye,
Wendell Ford,
John C. Danforth,

Managers on the Part of the Senate.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON ORGANIZATION OF THE CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Republican leader:

House of Representatives,
Washington, DC, August 10, 1992.

Hon. Thomas S. Foley,
Speaker of the House, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to Section 1(a)(2)(B) of H. Con. Res. 192, I hereby appoint the following Republican Members of the House to serve with me on the Joint Committee on the Organization of the Congress:

Mr. Gradison of Ohio, Vice Chairman,
Mr. Walker of Pennsylvania,
Mr. Solomon of New York,
Mr. Dreier of California,
Mr. Emerson of Missouri, and
Mr. Allard of Colorado.

Sincerely,

Bob Michel,
Republican Leader.

APPOINTMENT AS MEMBER OF NATIONAL COMMISSION ON DEFENSE AND NATIONAL SECURITY

The SPEAKER pro tempore laid before the House the following communication from the Republican leader:

House of Representatives,
Washington, DC, September 11, 1992.

Hon. Thomas S. Foley,
Speaker of the House, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the provisions of Section 8104 of Public Law 101–511, I hereby appoint the following member of the National Commission on Defense and National Security:

Robert E. Pursley of Stamford, Connecticut.

Sincerely,

Bob Michel,
Republican Leader.

REGARDING THE WORK OF THE U.S. MILITARY IN THE RECENT DISASTER AREAS

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, there have been a number of tragedies around the world in recent years, and the United States has had its share. Just in recent weeks, Americans have experienced Hurricane Andrew, that was devastating to Florida and Louisiana, and typhoon Omar in Guam. Then, this weekend Hurricane Iniki struck Kauai, HI.

On Saturday, my colleagues SONNY MONTGOMERY, BEVERLY BYRON, CLAUDE HARRIS, BEN BLAZ, and I visited south Dade County and Homestead Air Force Base. Although Andrew inflicted incredible damage to the people and property, it was good to see the outpouring of support by Americans in the aftermath of this disaster. And I want to particularly commend our Armed Forces, both Active and Guard and Reserve for the fine job they are doing to ease the suffering in all these disaster areas. Another job well done by our military.

THE REAL ENDANGERED SPECIES

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, today, President Bush and Vice President QUAYLE are speaking out against the Endangered Species Act. The American voter should realize that the purpose of this media blitz is to save a political endangered species—the Bush-Quayle Republican species.

It is easy to recognize the Bush-Quayle species. It is a rare species. It is only seen in this country every 4 years and then only on golf courses and in the well-to-do neighborhoods of Kennebunkport, ME. When faced with problems, it buries its head in the sand like an ostrich. As the problems mount, it runs around in circles, does not come up with new ideas, and bellows out its call "don't blame me."

The President wants to blame the loss of jobs on the Endangered Species Act. He is right—the endangered Bush-Quayle species is cause for the loss of 1.3 million American manufacturing jobs alone in the past 4 years.

Mr. Speaker, I support the Endangered Species Act, which has successfully worked to address 27,000 different flora and fauna. I do not favor sacrificing the Endangered Species Act to save the one species that does not deserve protection. It is time to permit the extinction of the Bush-Quayle species at the hands of the voters on November 3.

PRESIDENT SHOULD SIGN FAMILY AND MEDICAL LEAVE ACT

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I come here to urge, almost to beg, the President to sign the Family and Medical Leave Act that is coming before him as proof that he does identify with the problems of America, that he does identify with the hurt in the families of America when the stress and strains of life particularly beset them.

There have been some evidences recently that the President is disconnected from American life. He did not know that there is an electronic counter at the merchandise checkout at supermarkets around the country.

Mr. Speaker, it has been said that the President does not know about the hurt that is out there; that he talks about family values in the abstract, but when it comes to the specifics of the family in pain, where there is a sick child, where there is an ailing parent, he does not seem to comprehend that this is part of a family problem where there is hurt and that family values include recognizing that families occasionally have the need for a worker to take leave and be at home, taking leave without pay.

Mr. Speaker, I hope that his heart, his compassion, will tell him that this is necessary. Most major corporations around the world, both at home and abroad, have these policies. Others do not.

We know how to compel corporations to maintain minimum standards of civility. It was a half century ago that we passed the minimum wage law and half a century ago that we passed the child labor legislation. Surely this is no less urgent than child labor legislation and the minimum wage legislation.

Mr. Speaker, I urge President Bush, I appeal to President Bush, to sign this legislation.

INCLUDE OVERSIGHT OF CONGRESS IN INDEPENDENT COUNSEL REAUTHORIZATION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, very soon now, perhaps this week or next, we will be debating the independent counsel reauthorization bill which will be before us. There will be some major agreements to be reached by the parties, all those involved, on how to limit and make the process more accountable to the taxpayers and to Congress itself. But there might be strong disagreement, and this is what I wish to warn the Members that we will be facing, about whether or not to include Members of Congress as proper targets for investigation for wrongdoing, just as members of the executive are now subject to the gun of the independent counsel in investigations conducted at the authorization of Congress.

Mr. Speaker, I ask Members to make up their minds. Should we include Members of Congress? We believe to have the public have full faith in the institution in which we work, that Members of Congress ought to be included in the aegis of the independent counsel statute.

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THE IMPACT OF HIGHER COLLEGE COSTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the Select Committee on Children, Youth, and Families just finished a very interesting hearing. Many of America's families and many of America's students are feeling that they are being fleeced for their sheepskin. And indeed, we had the GAO come forward with an excellent report showing how the cost of college tuition and the cost of college has risen way, way, way beyond the cost of inflation.

What we are trying to do is educate parents and educate students so they can help the State legislators stand up and ask the very tough questions about, are we getting value for our tuition dollar. We have got to carry that dialog on in an open debate rather than have people stand up and say, "You are institution bashing."

No, we are not institution bashing, but we certainly can be a consumer and make sure that we do not keep seeing more and more and more administrative slots being added and fewer and fewer teaching slots with most young people only getting teaching assistance and not getting the kind of guidance we need to be competitive in this world.

So we are paying more and getting less, and we started today in trying to give people the kind of criteria they need to begin turning that around and get our institutions back to where they are focusing on our young people.

THE LATE HONORABLE TED WEISS, A REPRESENTATIVE FROM NEW YORK

Mr. SCHEUER. Mr. Speaker, I offer a privileged resolution (H. Res. 564) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 564

Resolved, That the House has heard with profound sorrow of the death of the Honorable Ted Weiss, a Representative from the State of New York.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from New York [Mr. SCHEUER] is recognized for 1 hour.

Mr. SCHEUER. Mr. Speaker, this is a sad day for the House. It always is when any Member departs the scene, but it is especially sad to see TED WEISS disappear from the floor. TED WEISS was a man of enormous compassion, an almost infinite capacity to feel hurt, to feel sorrow, to feel pain in the citizenry, both that he represented as well as 250 million Americans.

He had the unlimited ability to see the problems that provided pain, that provided inequality, that produced poverty, that produced a lack of education and lack of training. And he had a marvelous capacity to come up with creative answers.

He represented one of the very few districts in our country that would have supported a Member with such imaginative and, to some perhaps, way out means of meeting national needs.

I honor TEDDY WEISS for his intrepid spirit. He was an unassuming person, a quiet person, a person of infinite dignity, but when he was facing the enemy, so to speak, he lashed out in anger and in passion with a deep intellect, with knowledge in depth of the subject, always answering what he felt was a compassionate need for people to be treated better by their fellows and to be treated better by their government.

When it came to education or health or housing or simply unfairness, inequity, intolerance, TEDDY could be relied on to raise the battle cry, raise the standard of decency and justice and liberty to which all of us could adhere.

We honor him. And I ask again that when we adjourn today, we adjourn in honor of TED WEISS.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, September 11, 1992 at 4:40 p.m. and said to contain a message from President whereby the reports on a waiver of certain restrictions with regard to the export to the People's Republic of China, of U.S.-origin satellites and Munitions List articles, and an attached justification thereon.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.
(By) DALLAS L. DENDY, Jr.,
Assistant to the Clerk.

WAIVING RESTRICTIONS ON EXPORT TO PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-385)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246), and section 608(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (Public Law 102-140), I hereby report to the Congress that it is in the national interest of the United States to waive the restrictions contained in those acts on the export to the People's Republic of China of U.S.-origin satellites and Munitions List articles insofar as such restrictions pertain to the APSAT, Asiasat 2, Intelsat VIIA, STARSAT, AfriSat, and Dong Fang Hong 3 projects.

Attached is my justification for the aforesaid actions.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1992.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow, Tuesday, September 15, 1992.

COLORADO WILDERNESS ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1029) to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes, as amended.

The Clerk read as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Wilderness Act of 1992".

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Basin Resource Area administered by the Bureau of Land Management which comprise approximately 3,800 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness—Proposal", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by Public Law 96-560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 600 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Addition to the Big Blue Wilderness—Proposal", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by Public Law 96-560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 46,910 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposal", dated June 1992, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest (renamed as the Ute National Forest by section 3(f) of this Act) and in the Bureau of Land Management Powderhorn Primitive Area which comprise approximately 60,100 acres as generally depicted on a map entitled "Powderhorn Wilderness—Proposal", dated June 1992, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,020 acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness Proposal", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88-555.

(6) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 30,700 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated June 1992, and which shall be known as the Fossil Ridge Wilderness Area.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposal", dated June 1992, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike and San Isabel National Forests which comprise approximately 13,830 acres, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated June 1992, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96–560: *Provided*, That the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 5,500 acres, as generally depicted on a map entitled "Oh-Be-Joyful Addition to the Raggeds Wilderness—Proposal", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96–560.

(10) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 28,262 acres, as generally depicted on a map entitled "Roubideau Wilderness—Proposal", dated June 1992, and which shall be known as the Roubideau Wilderness.

(11) Certain lands in the Rio Grande National Forest which comprise approximately 212,360 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposal", dated June 1992, and which shall be known as the Sangre de Cristo Wilderness. Any non-Federal lands or interests therein within the Como Lake and Blanca Peak areas, as generally depicted on a map entitled "Como Lake and Blanca Peak Areas", dated June 1992, which hereafter may be acquired by the United States shall be added to the Sangre de Cristo Wilderness and managed accordingly, and if all such lands and interests are so acquired, such areas shall be so added and managed in their entirety.

(12) Certain lands in the Routt National Forest which comprise approximately 47,690 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated June 1992, which shall be known as the Sarvis Creek Wilderness.

(13) Certain lands in the San Juan National Forest which comprise approximately 32,800 acres as generally depicted on a map entitled "South San Juan Expansion Wilderness—Proposal", (V-Rock Trail and Montezuma Peak), dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public Law 96–560.

(14) Certain lands in the San Isabel National Forest which comprise approximately 18,130 acres as generally depicted on a map entitled "Spanish Peaks Wilderness—Proposed", dated June 1992, and which shall be known as the Spanish Peaks Wilderness.

(15) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness—Proposal", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the Hunter Fryingpan Wilderness designated by Public Law 95–327: *Provided*, That no right, or claim of right, to the diversion and use of the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87–590, and the reauthorization thereof by Public Law 93–493, as modified as proposed in the September 1959 report of the Bureau of Reclamation entitled "Ruedi Dam and Reservoir, Colorado", and as further modified and described in the description of the proposal contained in the final environmental statement for said project, dated April 16, 1975, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation thereof, pursuant to the Operating Principles, House Document 187, Eighty-third Congress, and pursuant to the water laws of the State of Colorado: *Provided further*, That nothing in this Act shall be construed to impede, limit, or prevent the use of the Fryingpan-Arkansas Project of its diversion systems to their full extent.

(16) Certain lands in the Arapaho National Forest which comprise approximately 24,250 acres, as generally depicted on a map entitled "Byers Peak Wilderness—Proposal", dated June 1992, and which shall be known as Byers Peak Wilderness.

(17) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests (renamed the Ute National Forest by section 3(f) of this Act) and in the Bureau of Land Management Montrose District which comprise approximately 17,000 acres, as generally depicted on a map entitled "Tabeguache Wilderness—Proposal", dated June 1992, and which shall be known as the Tabeguache Wilderness.

(18) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93–632.

(19) Certain lands in the Rio Grande National Forest which comprise approximately 23,800 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness—Proposal", dated June 1992, and which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness.

(20) Certain lands in the Arapaho National Forest which comprise approximately 16,580 acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposal", dated September 1992, and which shall be known as the Williams Fork Wilderness.

(21) Certain lands in the Arapaho National Forest which comprise approximately 6,400 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness—Proposal", dated June 1992, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a legal description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the Secretary is authorized to correct clerical and typographical errors in such legal descriptions and maps. Such maps and legal descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior (in the case of the portion of Powderhorn Wilderness managed by the Bureau of Land Management) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (1), (2), and (11) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

(b) GRAZING.—Grazing of livestock in wilderness areas designated by this Act, where established prior to the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96–560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(c) STATE JURISDICTION.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) CONFORMING AMENDMENT.—Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System.".

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness area areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within a wilderness areas shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) WILDERNESS NAME CHANGE.—The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96–560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(g) NATIONAL FOREST ADDITIONS.—(1) Except for lands within the Powderhorn Wilderness, any lands designated as wilderness by this Act which as of the date of enactment of this Act were managed by the Secretary of the Interior as public lands (as defined in the Federal Land Policy and Management Act of 1976), are hereby transferred to the jurisdiction of the Secretary of Agriculture, and shall be added to and managed as part of the National Forest System, and the boundaries of the adjacent National Forests are hereby modified to include such lands.

(2) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of affected National Forests, as modified by this subsection, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(3) Nothing in this subsection shall affect valid existing rights of any person under any authority of law.

(4) Authorizations to use lands transferred by this subsection which were issued prior to the date of enactment of this Act, shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this subsection shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 4. WILDERNESS RELEASE.

(a) REPEAL OF WILDERNESS STUDY PROVISIONS.—Sections 105 and 106 of the Act of December 22, 1980 (P.L. 96-560), are hereby repealed.

(b) INITIAL PLANS.—Section 107(b)(2) of the Act of December 22, 1980 (P.L. 96-560) is amended by striking out ", except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressional designated wilderness study areas,".

SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated June 1992.

(b) ADMINISTRATION.—The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the recreation management area except for any minimum necessary to protect the forest from insects and disease, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the recreation management area only on those designated trails and routes existing as of July 1, 1991.

SEC. 6. BOWEN GULCH PROTECTION AREA.

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres as generally depicted as "Area A" and "Area B" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated September 1992.

(b) ADMINISTRATION.—The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.

(e) TIMBER HARVESTING.—No timber harvesting shall be allowed within the protection area except for any minimum necessary to protect the forest from insects and disease, and for public safety.

(f) MOTORIZED TRAVEL.—Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

(g) MANAGEMENT PLAN.—During the preparation of the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public consultation.

SEC. 7. PIEDRA AREA.

Subject to valid existing rights, the area of approximately 56,000 acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Area" dated June 1992, is hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under the mineral and geothermal leasing laws, including all amendments thereto. Until Congress determines otherwise, such area shall be managed by the Secretary of Agriculture so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Livestock grazing in such area shall be permitted and managed to the same extent and in the same manner as on the date of enactment of this Act. Mechanized travel within such area shall be permitted only on those designated trails and routes existing on July 1, 1991. No motorized travel shall be permitted on Forest Service trail number 535 except during periods of adequate snow cover.

SEC. 8. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

SEC. 9. WATER.

(a) RESERVATION.—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes for which such area is designated. The priority date of such reserved rights shall be the date of enactment of this Act.

(b) IMPLEMENTATION.—The Secretary of Agriculture, the Secretary of the Interior, and all other officers of the United States shall take all steps necessary to protect the rights reserved by subsection (a), including the filing of claims for quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of Colorado in which the United States has been or is hereafter properly joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 5460; 43 U.S.C. 666), commonly referred to as the "McCarran Amendment".

(c) CONSTRUCTION.—(1) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Colorado on or before the date of enactment of this Act.

(2) Nothing in this Act or in any previous Act designating any lands as wilderness shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that allocate water among and between the State of Colorado and other States.

(3) Nothing in this Act shall be construed as establishing a precedent with regard to any future designations, including designations of wilderness, or as constituting an interpretation of any other Act or designations made pursuant thereto.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1029, passed by the Senate last year, is a bill for designation of wilderness on national forest lands and certain other Federal lands in Colorado.

Mr. Speaker, the Interior Committee favorably reported S. 1029 after adopting an amendment in the nature of a substitute. Its provisions are explained in the committee's report on the bill. In brief, the bill, as amended, would designate new wilderness areas or additions to existing wilderness areas amounting to about 670,960 acres that include a very diverse array of landforms—mountain peaks, alpine tundra, forests, meadows, lakes, and streams—with extraordinary environmental, wildlife, and recreation values.

In addition, the bill would provide for protection of more than 110,000 additional acres of unique Colorado lands that would not be designated as wilderness but would be protected against adverse impacts from timber harvesting and other activities.

The areas dealt with in this bill are noteworthy and deserving of the special consideration and careful management that would be provided under this bill.

Many of the important attributes of these areas derive from the fact that they are relatively well watered. The mountain ranges of Colorado catch the snows of winter and rains of summer, and wring the moisture from the winds, so that unlike many parts of the arid West, they have the water to support many forms of life. Protection of these water resources is an indispensable part of the proper management of these wilderness areas.

In other wilderness bills, Congress has acted to assure such protection by reserving a Federal water right for each wilderness area. Such reserve water rights are an efficient and effective way to give the land-managing agencies the tools they need to properly do their jobs of preserving the natural attributes of areas designated as wilderness.

However, the bill, as reported from committee, was silent about the subject of wilderness water rights. This silence was the result of a procedural compromise that reflected the fact that in the Interior Committee proposals to reserve Federal water rights have been very divisive, but there is little or no controversy about any other aspect of the bill as reported.

At the suggestion of the gentleman from Colorado [Mr. CAMPBELL], it was agreed to leave the question of water rights for resolution here on the floor. This made it possible for the committee to bring the bill before the House in an expeditious way.

To further expedite matters, in these last days of the session, we are bringing to the floor a revised substitute that includes water rights provisions, so that the House could resolve this water rights issue—the only real issue associated with this bill—through a single vote.

Thus, the bill now before the House is not identical to the versions approved by the Interior and Agriculture Committees. There are two chief differences: First, the bill does not include provisions for renaming three existing national forests. Second, it does include, as section 9, an express reservation of a Federal water right for each of the areas that would be designated as wilderness.

Mr. Speaker, as the Interior Committee has considered this bill, we have been reminded of John Gunther's observation, in his book, "Inside USA," that "Water is blood in Colorado. * * * About water the State is as sensitive as a carbuncle."

That was written in 1947. Since then, many things have changed, but in Colorado there is still no more sensitive issue than the allocation and use of the water that flows down from the State's mountain ranges and into the great rivers—the Rio Grande, the Arkansas, the North Platte, the South Platte, and the Colorado itself—that are so important to so many people in Colorado and nearly a score of other States.

Today, decisions about that water have become even more complicated. Colorado has many more people now—primarily concentrated in the front range area at the eastern edge of the mountains—and the population of downstream States, especially California and Arizona, has also greatly increased.

And, just as important, the Nation has adopted new policies and new priorities for the management of the national forests and other Federal public lands in Colorado and other States.

One of the most significant changes in those priorities was the enactment of the Wilderness Act in 1964. Since then, Congress has acted to protect millions of acres throughout the Nation as part of the national wilderness preservation system, including lands managed by the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management in addition to national forest areas.

In 1980, responding to proposals by President Carter, Congress designated as wilderness 20 areas in Colorado's national forests, but decided to defer any wilderness decision about some other areas. There was an expectation that those decisions would be made a couple of years later, through a followup bill.

The bill before us is exactly that followup bill, but instead of a couple of years, it has taken more than a decade to reach the point where we are today. The reason is that congressional decisions about wilderness in the West have come to involve explicit decisions about water and water law, which in Colorado means that wilderness decisions now are more controversial than they were in 1980 exactly to the extent that they involve water.

Of course, the importance of water for wilderness is not a new discovery. In fact, as noted in the Interior Committee's report about the Colorado wilderness areas designated in the 1980 bill, "Their national production of invaluable supplies of high quality water provide[s] a compelling reason for preserving them in their natural state."

Two things have changed since 1980. First, we have had two successive administrations unwilling to take appropriate steps to protect wilderness water rights. Second, there has been a change in wilderness legislation because of the Senate's reaction to Federal court decisions, starting in Colorado in 1985, repudiating the administration's policy of effectively relinquishing any claims to water rights for wilderness areas that were designated by legislation with no explicit water rights provisions.

It long was the view of the Interior Committee and the House that no such provisions were necessary. However, in response to the court decisions, the Senate has consistently insisted on including in wilderness legislation provisions to specify whether designation of a wilderness area involved a reservation of water by the national Government.

Therefore, to assure that wilderness water will receive the protection so important in the arid States of the West, the Interior Committee has consistently included in wilderness bills for Western national forests and public lands provisions similar to those that this amendment would add to this Colorado wilderness bill. This policy has been strongly supported by the House of Representatives and accepted by the Senate as well.

As a result, since 1986, laws designating wilderness on Western national forest or BLM-managed public lands have included an explicit reservation of a water right. Examples include Public Law 100-225, related to the El Malpais National Monument, national conservation area, and wilderness areas; the Nevada Wilderness Protection Act of 1989; the Arizona Desert Wilderness Act of 1990; and the Los Padres Condor Range and River Protection Act, signed into law on June 19 of this year.

Like the corresponding provisions of those laws, with respect to each designated wilderness area—but not other areas otherwise designated by the bill—this bill would reserve a quantity of water sufficient to fulfill the purpose of wilderness designation.

It is important to note that the bill does not attempt to quantify these reserved water rights, which will date from the bill's date of enactment—so that they will be junior to all other rights in existence when the bill becomes law. Instead, the question of quantification is left for further action by the Forest Service and the Bureau of Land Management.

Section 9 of the bill directs the national administration, including the land-managing agencies, to take whatever steps may be necessary to protect these new reserved water rights. One of these steps would be the filing of claims for the quantification of the rights, in any present or future adjudication in the courts of the State of Colorado to which the United States is properly made a party.

The bill leaves intact existing law that governs such adjudications, including the statute commonly known as the McCarran amendment, by which the United States has waived its sovereign immunity and has consented to be joined as a party in certain State proceedings for adjudication and administration of water rights.

The part of the bill referring to the McCarran amendment are intended to have the same significance and effect as the similar references in the Arizona Desert Wilderness Act and other wilderness acts I have cited. Because some have expressed uncertainty about what was meant by references in those bills to proceedings "in accordance with" the McCarran amendment, S. 1029, as amended, does not use those words. Instead, there is a reference to Colorado State proceedings "in which the United States has been or is hereafter properly joined." The term "properly joined," like the term "in accordance with" is intended to signify a proceeding within the scope of the McCarran amendment's waiver of sovereign immunity, which does not extend to all possible actions related to water in State courts or agencies.

As explained by Prof. David H. Getches, of the University of Colorado, in "Water Law in a Nutshell," 2d edition, 1990, on pages 335 and following—

> The McCarran amendment does not authorize private suits to decide priorities between the United States and particular claimants, only suits to adjudicate the rights of all claimants on a stream. * * * It applies to lawsuits, not proceedings before administrative agencies. The Supreme Court has rejected a Federal claim that the amendment does not apply to reserved water rights. * * * The McCarran amendment's consent to joinder of the United States applies to suits in State or Federal court, but as a practical matter, it is only used in State court proceedings because Federal court jurisdiction would not encompass water rights claims of private parties against one another. Federal court jurisdiction does exist if the United States initiates suit, and the McCarran amendment does not preclude adjudication of the Government's water rights in that forum. * * * Once the Government is joined, it must adhere to State procedural requirements. [Citations omitted.]

That describes the law as it stands today and as it will remain after this bill is enacted.

In short, section 9 of S. 1029 is a conservative measure that provides Federal land managers with the legal basis for proper protection of wilderness without disrupting the adjudication or administration of water rights under State law.

In conclusion, Mr. Speaker, I want to thank the Colorado delegation for their diligence and cooperation in enabling us to bring this bill to the floor.

In particular, Mr. Campbell is to be commended for his hard work and persistence in connection with this important bill, which has been a very long time in coming—more than a decade, as a matter of fact—and another gentleman from Colorado, Mr. SKAGGS, also deserves our thanks, particularly for emphasizing the importance of the Bowen Gulch and Williams Fork areas, and for his support of sound management provisions.

I also want to thank Chairmen DE LA GARZA and VOLKMER of the Committee on Agriculture for their cooperation and assistance.

I urge the House to approve the motion to suspend the rules and pass S. 1029, as amended, with its water rights provisions.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1029, the Colorado Wilderness Act.

In 1980, Congress passed the first statewide RARE II Forest Service wilderness bill. It was for the State of Colorado. That bill designated 1.4 million acres of Forest Service wilderness areas; at the time doubling Federal wilderness area designations in Colorado.

That 1980 bill also designated some 11 areas totaling nearly 500,000 acres as congressional wilderness study areas, and about 160,000 acres remained under administrative further planning status.

The legislation before us today, 12 years later, essentially completes the Forest Service wilderness designations in Colorado by, for the most part, dealing with the study areas which remained following passage of the 1980 Colorado RARE II wilderness bill.

The 1980 Colorado wilderness bill was important in other respects as well. Through intensive negotiations, it established important land-use and wilderness management policy regarding grazing in wilderness areas; release language, and antibuffer zone language, all of which are now routinely included directly or by reference in virtually every western wilderness bill on which the Congress acts.

The entire Colorado congressional delegation, especially Senators HANK BROWN and TIM WIRTH, and our colleagues on the Interior Committee, Congressmen BEN CAMPBELL, JOEL HEFLEY, and WAYNE ALLARD, are to be commended for their leadership and concentrated efforts to move this legislation and finish the work begun in 1980.

Probably the major hurdle that has held up action on the Colorado wilderness bill all these years has been the issue of wilderness water rights.

In 1990, under the leadership of the former chairman of the Interior Committee, Mo Udall, the Arizona congressional delegation brought to this House the final version of the first statewide wilderness bill for Bureau of Land Management lands.

In that bill, we dealt with the wilderness water rights issue for BLM lands. It was at times a difficult and tortured process. Nonetheless, I am pleased we eventually found a consensus on wilderness water rights language which we believe protects the sovereign rights and laws of the State of Arizona.

We concluded that that language was the best we could achieve for the particular needs of the State of Arizona. In the language itself, and during the debate on the legislation, we indicated our intent that the wilderness water language we developed was not necessarily the approach that would work best for the differing water laws and adjudication processes in other Western States.

The statutory language itself says in part: "Nothing in this title related to reserved Federal water rights shall be construed as establishing a precedent * * * nor shall it constitute an interpretation of any other Act* * *"

As I stated at the time, it certainly was not my intent that the water rights language in the Arizona desert wilderness bill would meet the needs of other Western States.

However, what we have witnessed since 1990 is that the Arizona desert wilderness water rights language appears to have become a precedent.

Essentially identical language was included in the House-passed California wilderness bill; the same language is included in Montana wilderness bill that was reported from subcommittee last week and is scheduled for full committee action this week; and now we find the language in the Colorado wilderness bill as it will be amended by the chairman on the floor today.

To play on an old saying * * * If it is often repeated like a precedent; looks like a precedent; and smells like a precedent, it apparently soon becomes a precedent, even when we say it isn't.

I understand why this is happening today. I respect and support the desires of the Colorado congressional delegation to move this legislation along to either further negotiations with the Senate or to a formal conference.

However, that doesn't mean I have to like the use of this language in this bill or the procedural manner in which that language is being inserted in the bill today.

Although they will speak for themselves, I know many in the Colorado delegation are not overly enamored with the language we worked out for Arizona, to say the least.

As it came to the House, the Senate-passed Colorado wilderness bill included exactly opposite wilderness water rights language. Frankly, since most of the Colorado wilderness designations are high-country Forest Service lands, I am not convinced the Arizona language is appropriate or necessary in this bill.

My further concern is with the manner in which this is being done. It was my understanding that as the bill left the Interior Committee, with no water rights language, assurances were given that there would be a full and open opportunity to address this issue through possible amendments on the House floor.

The fact is, bringing this bill to the floor under suspension does not allow the offering of any contrary or perfecting amendments—if any Member wanted to—to what the chairman will be offering.

I find that regrettable.

However, having expressed those personal concerns, I defer, as I usually do when there is consensus, to the State congressional delegations for guidance on these land use issues in their States. I support S. 1029 and respect the desires of the Colorado congressional delegation to move this bill through the process to hopefully deal with this difficult issue before adjournment.

I ask my colleagues to support it as well.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield 10 minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, I thank the gentleman from Minnesota for yielding time to me.

I rise in support of H.R. 1029 but cannot support the water rights language contained in the committee amendment. I will not ask for a recorded vote on the issue because it is vital that the bill be passed so we can begin working with our colleagues from the other body to resolve the differences between the House and Senate passed versions of the bill. Moving this committee bill through the House has the support of the entire Colorado delegation.

In fact, the Colorado delegation first developed a compromise wilderness bill in 1984. The bill passed the House, but before action could be taken by the Senate, Judge Kane issued a decision in the case of the Sierra Club versus Block, which started the wilderness water rights controversy.

The delegation had already worked for more than 4 years to resolve the management controversies surrounding the lands which remained undesignated in the 1980 bill.

Obviously, if wilderness were simply a land management issue it would be an easy matter to separate the areas that have conflicts from those that do not. Wilderness, however, is a complicated issue requiring Members of Congress to make tough choices. Representatives from every State have the opportunity to judge the work we have done and to add areas within my congressional district that they have heard have "outstanding wilderness values."

Passing a Colorado wilderness bill is important to me and my Colorado constituents, and indeed, to all Americans. Designating more high-country lands in Colorado as wilderness has been a goal of many people, including Senators WIRTH and BROWN, and their predecessors, Senators Hart and Armstrong, and of my predecessor, former Third District Congressman Ray Kogvsek.

None of us has succeeded so far, unfortunately, but as I prepared for this day, I way looking through an inspiring book called "Colorado, Our Wilderness Future," that describes the incomparable areas proposed for inclusion in the wilderness system, and I thought, "We have to try harder. Somehow, we have to figure out a way to preserve these incredible treasures for all of us, for our children, and their children."

Therefore, with the cooperation of the Colorado congressional delegation I offered a substitute for the Senate-passed wilderness bill in the Interior Committee. The majority of that substitute is before us now. It is generally a combination of the areas within the Senate-passed bill, my own bill, H.R. 762 and a bill by my colleague Representative SKAGGS. The substitute designates 21 wilderness areas comprising 670,962 acres.

The most significant differences in wilderness designations are the designation of a Spanish Peaks wilderness, which was not in the Senate bill, and the designation of the Fossil Ridge and Bowen Gulch areas which were not in my original bill.

The Senate bill terms the protected nonwilderness near Fossil Ridge as a national conservation area. I have called it a recreation management area to avoid confusing it with a BLM area. In both versions, the area is closed to mineral activities, timber harvest, developed campgrounds, and motorized vehicles are restricted to designated roads and trails in existence on July 1, 1991.

The Senate bill designated the Piedra area as wilderness, but I have elected to protect it in another way. As it is a downstream area, my substitute would withdraw it from mining and mineral leasing, and require it to be managed to preserve wilderness characteristics and potential for inclusion in the National Wilderness Preservation System. The substitute also restricts mechanized travel to designated trails and routes in existence on July 1, 1991, and incorporates the Senate bill's restrictions on motorized travel on a specific Forest Service trail.

The majority of differences in acreage in the areas in actually due to a formal recalculation of the acreage that I asked the Forest Service to conduct.

The substitute would rename the existing Big Blue Wilderness Area as Uncompahgre Wilderness in recognition of the original name of the Forest Service primitive area. The bill did rename the Grand Mesa, Uncompahgre, and Gunnison National Forests, but I have asked that the provisions be removed from the bill.

The substitute simplifies the issue of releasing areas not designated as wilderness by repealing the "release language" provisions of the 1980 Colorado Wilderness Act.

The substitute was also silent on the issue of wilderness water rights. That silence will be broken today because the committee amendment will include language that has been approved three times by the House and has already been included in the soon to be passed Montana wilderness bill.

Although the so-called Arizona water language does defer water rights adjudication to the States pursuant to the McCarren Act, it contains a Federal reserve water right for wilderness. Most Coloradoans fear that this reservation will make the Forest Service the dominant player in terms of State water matters. Fortunately, the Colorado delegation, lead by our colleagues in the other body, have drafted language to protect these new wilderness areas and ensure that Colorado retains primal in Colorado water issues.

Our Senator's agreement resolves the controversy surrounding water rights language, and I respect that agreement. But, although the agreement between the Senators was a major step, that does not make it any easier to pass the bill in the House of Representatives.

It is my sincere belief, however, that the eventual compromise will closely resemble the Senate bill that a majority of people in the State of Colorado support.

I certainly hope we can maintain the basis of this fragile process and get on with what we—most of us—really want: an expanded wilderness system. I also include in the RECORD a resolution of support from the Colorado Water Congress for the process I established.

COLORADO WATER CONGRESS
Denver, CO, March 24, 1992.

Hon. HANK BROWN,
U.S. Senate,
Hon. TIM WIRTH,
U.S. Senate,
Hon. WAYNE ALLARD,
U.S. House of Representatives,
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. House of Representatives,
Hon. JOEL HEFLEY,
U.S. House of Representatives,
Hon. DAN SCHAEFER,
U.S. House of Representatives,
Hon. PATRICIA SCHROEDER,
U.S. House of Representatives,
Hon. DAVID SKAGGS,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR BROWN, SENATOR WIRTH, CONGRESSMAN ALLARD, CONGRESSMAN CAMPBELL, CONGRESSMAN HEFLEY, CONGRESSMAN SCHAEFER, CONGRESSWOMAN SCHROEDER AND CONGRESSMAN SKAGGS: Please be advised that the Colorado Water Congress (CWC) Board of Directors, CWC Federal Affairs

Committee and CWC Special Committee on Colorado Wilderness met on March 23, 1992, in Denver and adopted unanimously the following motion (Miskel Motion, Hobbs Second):

(1) CWC is firmly in support of "The Colorado Wilderness Act of 1991" (S. 1029) as it was passed by the U.S. Senate;

(2) CWC is in strong support of Colorado's Congressional Delegation—particularly Congressman Campbell, in whose District ninety-five percent of the lands to be designated as wilderness are located—in the effort to secure passage of S. 1029 through the U.S. House of Representatives;

(3) The Colorado Water Congress believes that the process to pass S. 1029 should move forward. If attempts to amend S. 1029 are made in the House, CWC urges Colorado's House delegation to do everything in its power to prevent such amendment attempts; and

(4) If the "Colorado Wilderness Act of 1991" (S. 1029) is adopted by the House of Representatives in a form that is different from the Senate version of S. 1029, then CWC requests Colorado's two U.S. Senators to restore S. 1029 to the form that they so carefully crafted in the Senate and sent to the House.

If there are any questions, please do not hesitate to contact us.

Sincerely yours,

ED POKORNEY
President.

SENATE JOINT RESOLUTION 92-9

Whereas, There is currently pending before the United States Congress legislation to establish wilderness areas in Colorado; and

Whereas, The benefits of designating wilderness areas must be balanced against the consequences of such designation upon the economic and social welfare of the citizens of Colorado; and

Whereas, The designation of wilderness areas may significantly affect the economic health of this state by adversely impacting private and public property interests and rights in land, water, and mineral resources, by establishing barriers to access to such property interests, by preempting existing private property rights, and in other ways; and

Whereas, Readily available and reliable water supplies are absolutely vital to the health and economic development of the people of this state; and

Whereas, Uncertainty relative to the existence of implied federal reserved water rights for existing and new wilderness areas clouds property titles, discourages natural resource management and development, and disrupts the State's water rights administration system, resulting in economic stagnation and unproductive litigation; and

Whereas, Federal reserved water rights for wilderness areas in Colorado are inconsistent with the right and ability of Colorado to effectively manage and fully utilize the valuable water resources allocated to it by interstate compacts and equitable apportionment decrees; and

Whereas, The laws of Colorado and the instream flow program of the Colorado Water Conservation Board are adequate to protect water resource values in wilderness areas in Colorado; and

Whereas, National forest lands are foreclosed from multiple use while they retain wilderness study status, resulting in loss of economic and recreational opportunities, and sufficient time has passed for study of the suitability of such lands for wilderness designation; and

Whereas, Congress is considering S. 1029 which represents a legitimate and good-faith balancing of the issues involved in the designation of wilderness, and the compromise inherent in S. 1029 cannot and should not be changed without destroying the consensus which supports this legislation; and

Whereas, S. 1029 will result in the designation of an area larger than the entire state of Rhode Island as wilderness; and

Whereas, The opposition to S. 1029 by extremists on both sides of the issue should not be allowed to jeopardize this unique opportunity for a resolution of this important issue; now, therefore,

Be It Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That Congress is urged to adopt only such wilderness legislation as embodies the following principles:

(1) Wilderness legislation must fully protect private property rights;

(2) Boundaries for wilderness areas must be drawn so as to include only those areas which are suitable for such designation, while excluding conflicting uses within such boundaries to the extent possible;

(3) Reasonable rights of access for private property must be reconfirmed and maintained;

(4) Federal reserved water rights for all existing and new wilderness areas must be expressly disclaimed;

(5) Water resource values in wilderness areas in this state should be protected through the Colorado instream flow program;

(6) The designation of wilderness areas should not interfere with state water allocation and administration, or limit existing or future development and use of Colorado's interstate water allocations; and

(7) Public lands which have been studied for possible designation as wilderness areas and which are not being designated as wilderness areas at this time should be released from study status and returned to multiple use.

Be It Further Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, each Member of Congress from the State of Colorado, the Chairman of the United States Senate Energy and Natural Resouces Committee, and the Chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Minnesota for yielding the time, and just wanted to congratulate both the gentleman from Minnesota and the gentleman from Colorado for bringing this to the floor.

One of the great mysteries in this place is how something can only take 40 minutes. This bill has taken about 12 years. I think we have spent more time talking about the wilderness. We in Colorado feel it is very important, because we view ourselves as the lungs of the Nation, where people come to breathe.

Most of this is in the district of the gentleman from Colorado who just spoke before me, and yet, everybody has wanted to get in, and play, and there has been all sorts of problems. We have had more maps on the wall in this body than we have almost had walls. So the boundaries of this have been discussed over and over again, in many, many forms. Everybody has talked about it, but the bottom line became the very delicate issue the gentleman talked about, and that is the issue of water.

In our State, water is golden. And the fear that the Federal Government might somehow interfere with that has been a very delicate compromise that we think has now been worked out.

I really and truly want to thank Congressman CAMPBELL. I do not think anybody could have worked harder than he has on this. To see 14 years of work compressed into these few minutes on the floor does not quite give the flavor for how many caucuses, meetings, and maps have been drafted around this, and discussions and language and all sorts of different drafts that have floated around about this. But I think for our entire country this wilderness area is indeed a great treasure.

☐ 1240

Today, to be able to act on it and hopefully conclude it in this session after all of these years, would be a terrific, terrific conclusion, because basically the American people will win.

If we do not put this land away, it will get nibbled away, and that is what it is all about, so I thank everybody for working so hard to make sure that this hopefully comes to a conclusion this year, and especially the gentleman from California [Mr. CAMPBELL] for his sweat equity that he put into this wilderness. Believe me he has done an awful lot of work on it.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say, in closing, having gone through this process in Arizona, I know how agonizingly difficult this has been for Colorado. I know how contentious that it has been.

I want to congratulate all of the Members of the delegation for getting to this point. We recognize that what we are doing today is simply moving the process another step, but it is a huge step. It is not over until it is over. But the best of luck to my colleagues from Colorado to get legislation passed and before the President before the end of this Congress.

I wish you my best.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will say that this is a bill that has, as I said 700,000 acres of wilderness, 100,000 acres of other conservation lands, and it is obviously important.

Obviously, the issue of water began in some of the Colorado courts, and it continues. We hope that we can resolve that, these problems, with the members of the Colorado delegation and the Senate and present this bill to the President for enactment before the conclusion of this session.

I urge Members to support the bill.

Mr. HEFLEY. Mr. Speaker, I hope today's action marks the beginning of the end for debate on new Colorado wilderness areas that has lasted for more than a decade. In general, the boundary corrections suggested by the chairman, Mr. VENTO, appear worthwhile and should be considered in this Chamber's consultations with the other body.

Still, I would be remiss if I did not restate my grave reservations concerning the assertion of the Federal reserved water right in the manager's amendment to today's bill. Neither I nor any of the Republican members of this delegation can support such a water right and are today withholding our objections only on the assurance the Senate will not allow such an assertion to stand.

As I have previously stated, Colorado's water laws are among the oldest in the West and have evolved to reflect the needs of a high desert area of moderate population that receives less than a foot of precipitation each year in many places. The laws that govern Colorado's six major rivers reflect not only its own needs but the needs of other Western States, by compact, and of another nation, Mexico, under treaty.

In place of this carefully nurtured body of laws, the chairman proposes to insert a Federal reserved water right for wilderness areas. Even if we set aside the need to assert such rights in a headwaters area, even if we dismiss the argument of States, rights versus Federal preemption, even if we ignore the fact that the S. 1029 language does all a reserved water right does—and more—the most its supporters can say is that a Federal reserved water right stretches to fit all situations. This is too uncertain a theory on which to base the water needs—and the future—of the American West.

In this, I would agree with remarks made Thursday by another member of the Subcommittee on Parks and Public Lands. We westerners want ironclad guarantees on this issue, because water is not a legal theory in the West. It is the source of life. And for that reason, I cannot support the inclusion of a Federal reserved water right in this bill.

Mr. ALLARD. Mr. Speaker, it is clear that Coloradans want more wilderness and I, personally, want to see more wilderness. It is for this reason that Congressman SCHAEFER and myself were the first to put a wilderness bill out on the table.

It is no secret that I have had some serious reservations about the language of the House substitute to S. 1029. Unlike the Senate version, so carefully crafted by Senators BROWN and WIRTH, the bill reported out of two House Committees, Interior and Agriculture, remained silent with respect to water rights so that the legislative process could move forward in the House committees. Undoubtedly, water rights will be one of the main issues to be resolved in conference.

I am not actively opposing the House version of this bill only because of my belief that ensuring negotiations will codify the Senate agreement, which expressly disclaims Federal reserve water rights. Should this bill come back to the House in its present form or any other which strays from protection of private property rights and disclaims the existence of Federal reserve water rights, then I will vigorously work against its passage.

The challenge I see in designating Colorado wilderness is finding that delicate balance, a balance which offers more wilderness without taking away the property rights or water rights. S. 1029, as reported out of the Senate, comes the closest to achieving this balance. S. 1029 broke the stalemate that has existed for more than a decade with Colorado wilderness.

Although S. 1029 may not be the perfect wilderness bill, the main reason it has galvanized so much support stems from its bipartisan input and the fact that there is no preemption of Colorado water law. It is a compromise bill that reflects the interests of a wide spectrum of parties. I am committed to the notion of maintaining Colorado's ability to control its own water, and will therefore vehemently oppose any attempt to create a Federal reserve water right on the final Colorado wilderness bill.

I wish Senators WIRTH and BROWN good luck in their furtherance of this bill, but trust their resolve to abide by the critical elements of their original compromise.

Mr. SKAGGS. Mr. Speaker, I am delighted that we finally have a Colorado wilderness bill before the House of Representatives, for the first time since 1980.

This bill represents several important breakthroughs, including agreements on most boundary matters and, for the time being, an agreement to disagree on water.

Hanging in the balance is some of the most spectacular land in all of America, ranging from mountains more than 14,000 feet high to dramatic river canyons, from sweeping expanses of alpine tundra to enchanting stands of old-growth forests. We who are now alive have been entrusted with these marvelous lands as their temporary stewards. It is our responsibility to ensure that they remain part of the natural heritage that we leave for future generations.

It would be impossible to identify all the work that has gone into preparing this bill for floor action today. I would like to single out for particular appreciation the work of Representative BRUCE VENTO, the chairman of the subcommittee, and Representative BEN NIGHTHORSE CAMPBELL, in whose district most of these lands lie, for their leadership and cooperation in preparing this bill. Both have given me every consideration and every courtesy in listening to my many suggestions, drawn from the Bowen Gulch Wilderness Act—which Representative PAT SCHROEDER and I first introduced in October 1990, and reintroduced in March 1991—and from the comprehensive suggestions I made in May 1991, when I recommended wilderness designation for 1,073,070 acres in Colorado, and wilderness study for another 147,950 acres.

Although this bill does not include protection for all these lands, it would add about 670,000 acres in Colorado to the National Wilderness Preservation System. This would increase from 4 percent to 5 percent the amount of Colorado's land that's been set aside for permanent preservation in its natural state.

The new wilderness areas are spectacular lands that will stir the soul of anybody who sees them. The flagship area of this bill is the Sangre de Cristo Wilderness, to include about one-third of the total acreage in the bill. The Bowen Gulch additions to the Never Summer Wilderness will include major stands of old-growth trees. The new Williams Fork Wilderness will include a portion of the continental divide in the congressional district I represent.

One area, however, that I think deserves additional consideration by the conferees to be appointed on this bill is the Piedra area. In the Senate bill, this would be a new wilderness area; in the House bill, it would remain a wilderness study area. When the conferees consider the boundaries for this area, I urge them to pay particular attention to the spectacular old-growth timber stands in this area, to include as much of these irreplaceable trees as possible in the protected area.

Rather than boundary questions, though, it has been the question of water that has delayed agreement on a new Colorado wilderness bill. The water question has been whether to explicitly create new water rights for these lands to protect their wilderness values.

As we are going to pass this bill today, we will answer that question in the affirmative—we are going to reserve additional water rights for these lands arising from their new wilderness status. This is what Congress has done in every case in recent years when passing new wilderness bills for Western States, and I believe it is an appropriate thing to do today. I have long said, and I still believe, that wilderness needs water. By explicitly reserving water for the wilderness areas, we will ensure that the new wilderness cannot be dried up. By including some important provisions, we will protect western water law and other water users. Those provisions include:

A provision specifying that the extent of the wilderness water rights shall be the amount of water necessary to fulfill the purposes of the wilderness designation—and therefore not necessarily all the water flowing through the wilderness area.

A requirement that the wilderness water rights be adjudicated in State water courts.

A clarification that the seniority of the wilderness water rights is determined by the date of the wilderness designation, not by the date of the creation of an underlying national forest or other land reservation.

Adopting this language would be a good way to settle the water controversy. It is a well-balanced way to ensure that wilderness gets the water it needs and that western water law and water users are protected. And, because it is the language that has been included in other wilderness bills, it avoids balkanizing the national wilderness preservation system—splitting it up into different subsystems, each with its own rules and policies.

We are all aware, of course, that the Senate version of this bill includes different water provisions, and that this will be a matter of some controversy in the conference committee. Because the new areas are almost entirely just headwaters areas—with very little or no opportunity for upstream diversions outside the wilderness areas—this is perhaps more important because of the principles and precedents involved than because of any actual resource conflicts in the areas involved. Because this is so, I think this controversy can be settled in other ways besides finally adopting the explicit reserved water rights language the House is passing today. As I've suggested in testimony to both House and Senate committees, it would be acceptable to me to remain silent on the issue, and continue to leave it to the courts, which, after all, created the reserved water rights doctrine.

The decisions Congress must make about these lands are, literally, decisions for all time. If, for example, the old-growth trees in Bowen Gulch or the Sandbench area are cut, we may not see their kind again in our State for a long, long time. On the other hand, if Congress sets these areas aside as wilderness, that is the best guarantee of protection that has ever been devised by any government. Because no land designated as wilderness has ever been removed from the wilderness preservation system. And, according to the basic Wilderness Act of 1964:

> A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

Nowhere else in the United States Code is there another passage of statutory language with such poetry. That's understandable. Even Congress can have its emotions stirred when it passes a wilderness act. I hope that, after a conference committee meets to resolve the differences between the House and Senate versions of this bill, that this again will be a year when Congress passes a Colorado wilderness act.

Mr. SCHAEFER. Mr. Speaker, I rise today to comment on the legislation now before, us, the Colorado Wilderness Act of 1991. S. 1029 is the culmination of over a decade of attempts to create additional wilderness acreage in Colorado.

I fully support efforts to move forward toward a final resolution to the longstanding disputes we have faced in this debate. Throughout the process, I have fought for two goals: The protection of private property rights, and the guarantee that Colorado maintain control of the water resources flowing through our State.

S. 1029, as passed by the Senate, accomplishes these two goals. Boundary lines and water language were carefully drafted to ensure that result and I am supportive of this carefully constructed compromise. With the changes the House has produced, however, it is clear that these outcomes are now in jeopardy.

The House has ignored the wishes of Colorado's delegation by inserting a Federal reserved right to the water in these newly created wilderness areas. My position on this matter is quite clear: I am firmly opposed to granting the Federal Government such a water right. It is senseless for the purposes of this legislation and is poor public policy. Additionally, there are many private inholdings in some of the areas which will create a burden for both the Federal Government and the property owners for years to come.

I am not enamored with these developments. However, Colorado's two Senators, Messrs. BROWN and WIRTH, have requested that we move ahead. The bill we are considering right now is a bad one. I reluctantly allow this process to move forward only at the Senators' request and with their steadfast assurances that the final product emerging from this Congress will wholly reflect the hard-fought compromise passed by the Senate.

Colorado is a beautiful State and has many areas worthy of the wilderness designation. I look forward to accomplishing this result in a responsible manner and remain hopeful that this can be accomplished prior to our adjournment this year.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DOOLEY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1029, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CIVIL LIBERTIES ACT AMENDMENTS OF 1992

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4551) to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Liberties Act Amendments of 1992".

SEC. 2. AUTHORIZATION FOR TRUST FUND.

Section 104(e) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–3(e)) is amended by striking "$1,250,000,000" and inserting "$1,650,000,000".

SEC. 3. DEFINITIONS.

Section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–7(2)) is amended in the matter preceding subparagraph (A) by inserting ", or the spouse or a parent of an individual of Japanese ancestry," after "Japanese ancestry".

SEC. 4. BENEFIT OF THE DOUBT; JUDICIAL REVIEW.

(a) BENEFIT OF THE DOUBT.—Section 105(a) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–4(a)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) BENEFIT OF THE DOUBT.—When, after consideration of all evidence and relevant material for determining whether an individual is an eligible individual, there is an appropriate balance of positive and negative evidence regarding the merits of an issue material to the determination of eligibility, the benefit of the doubt in resolving each such issue shall be given to such individual.".

(b) JUDICIAL REVIEW.—Section 105 of such Act is amended by adding at the end the following:

"(h) JUDICIAL REVIEW.—

"(1) REVIEW BY THE CLAIMS COURT.—A claimant may seek judicial review of a denial of compensation under this section solely in the United States Claims Court, which shall review the denial upon the administrative record and shall hold unlawful and set aside the denial if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(2) APPLICABILITY.—This subsection shall apply only to any claim filed in court on or after the date of the enactment of this subsection.".

(c) CONFORMING AMENDMENTS.—Section 105 of such Act is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(6)" and inserting "(7)"; and

(ii) by striking "(4)" and inserting "(5)";

(B) in subparagraph (B) of paragraph (4) (as redesignated by subsection (a)(1) of this section)—

(i) by striking "(4)" and inserting "(5)"; and

(ii) by striking "(5)" and inserting "(6)";

(C) in paragraph (6) (as redesignated by subsection (a)(1) of this section)—

(i) by striking "(4)" and inserting "(5)"; and

(ii) by striking "(3)" and inserting "(4)"; and

(D) in paragraph (7) (as redesignated by subsection (a)(1) of this section) by striking "(6)" and inserting "(8)"; and

(2) in subsection (b) by striking "(6)" and inserting "(8)".

SEC. 5. TERMINATION OF DUTIES OF ATTORNEY GENERAL.

Section 105(e) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–4(e)) is amended by striking "when the Fund terminates." and inserting "180 days after the Fund terminates.".

SEC. 6. EXCLUSION OF PAYMENTS AS INCOME FOR VETERANS BENEFITS.

(a) EXCLUSION.—Section 105(f)(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–4(f)(2)) is amended by striking out ", or the" and inserting "or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of August 10, 1988.

SEC. 7. COMPLIANCE WITH BUDGET ACT.

Section 110 of the Civil Liberties Act of 1988 (50 App. 1989b–9) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Subject to";

(2) in subsection (a) (as so designated by paragraph (1))—

(A) in the first sentence, by inserting "and except as provided in subsection (b)" after "105(g) of this title"; and

(B) by striking the second sentence; and

(3) by adding at the end the following new subsections:

"(b) PAYMENTS FROM DISCRETIONARY APPROPRIATIONS.—

"(1) PAYMENTS.—Any such payment made to an individual who is not of Japanese ancestry and who is an eligible individual on the basis of the amendment made by section 3 of the Civil Liberties Act Amendments of 1992 shall not be an entitlement and shall be made from discretionary appropriations.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1993 and each subsequent fiscal year such sums as may be necessary for the payments from discretionary appropriations described in paragraph (1).

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'discretionary appropriations' has the meaning given that term in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(7)); and

"(2) the term 'entitlement' means 'spending authority' as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(C)).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the ranking minority Member for his cooperation in bringing this bill forward.

Mr. Speaker, we passed some time ago, I believe 1988, in the House, in the full Congress, a bill which recognizes the error that was made when innocent people were interned during World War II. We had a procedure set forward at that time to do what we could to undo that error. We could not, of course, totally undo it, but we could do the best that was possible 40-some-odd years later.

I want to commend the Justice Department under this current administration. They have done an excellent job in administering this. You often hear about problems. You hear about money misspent. Here we have had a significant sum of money well spent, well administered. The Justice Department has, in fact, done a better job than we thought they were going to do, and they have, working with the community, effectively the Japanese-Americans, identified a significant number of people we were legally eligible under this bill.

We had a cap on it which now turns out to be an interference with the appropriate administration of the legislation.

We also want to make it clear that spouses not of Japanese ancestry who chose to accompany their spouses when their spouses were incarcerated should be treated in a similar fashion. I should certainly think, with all the emphasis on family, that we would feel that this decision not to have a family split up but to share the fate with one's spouse is a decision that ought to be fully recognized.

These are in the nature of technical amendments. They do not change the decision we made 5 years ago. They simply give effect to it, and I hope that the legislation will be passed.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer to compliment the gentleman from Massachusetts for the speedy consideration of this piece of legislation.

The Congress may have had a division of opinion back in the late 1980's when we first debated this particular issue, and there was heated and proper debate, as I recall. But the ultimate decision of the Congress then was to make sure that every individual illegally interned during that bad period in American history should be placed on the list to later be compensated by the Government which acted so blatantly illegally against that individual, and so we come to a point today where the issue, as far as we are concerned, is moot.

We want to provide the proper remedy for those persons interned. The debate of the past as to whether or not we should do it no longer appears on the horizon, no longer is a part of the debate. The only thing that remains to do is to make sure we complete the job that the original legislation offered to do, namely, to compensate those interned.

The numbers having been now expanded to include people not first contemplated is the right thing to do for the Congress. And so we offer complete and unanimous support for the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS], a very distinguished senior member of the subcommittee.

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time and congratulate him and the gentleman from Pennsylvania [Mr. GEKAS] for the splendid work in bringing this bill to the floor.

Mr. Speaker, I rise today in support of H.R. 4551, the Civil Liberties Act Amendments of 1992. I want to commend my colleagues on the Judiciary Committee for their work in bringing this measure to the floor. I also want to express my deep appreciation for the work of my friend and fellow Californian, NORM MINETA, for his consistent leadership on this issue. Without his persistence, the United States Government may never have issued its long-awaited apology to the Japanese-Americans interned during World War II.

Mr. Speaker, today we are not breaking new ground. We are merely taking the next necessary steps to honor a commitment Congress and the President made to Japanese-Americans in 1988.

During World War II, the United States Government ordered Japanese-Americans from their homes and into internment camps. Practically overnight, these Americans lost much of what they had worked for and what they thought the United States Government would protect.

The experience of Japanese-Americans during World War II shows in painful detail that the protections and rights provided by the Constitution are meaningless unless we as citizens are prepared to make certain they are upheld. In 1942, too many Americans were willing to ignore the Constitution and give in to the mistaken belief that Japanese-Americans would not be loyal to the United States.

All Americans, not just those interned in resettlement camps, were diminished by the arbitrary denial of civil liberties of Japanese-Americans. These rights are meaningless unless everyone enjoys them.

Congress reaffirmed its commitment to individual rights by passing the Civil Liberties Act of 1988. Under this bill, the United States Government issued a formal apology for the internment policy and began making reparations payments to the survivors.

Because original estimates of the number of eligible reparations recipients were low, Congress now needs to authorize additional funds for the program. By passing H.R. 4551 we can ensure that everyone entitled to reparations under the 1988 act will receive them. Not only will the Federal Government's apology then be complete, but we will have also shown that there is meaning behind the words in the Constitution.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4551, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MATSUI. Mr. Speaker, I rise today in strong support of H.R. 4551, the Civil Liberties Act Amendments of 1992. Today we will vote to finish the work which we began in 1988 when we passed the original Civil Liberties Act. That act promised to help America come to grips with one of its darkest moments: the forced internment of Japanese-Americans, citizens of the United States, who were victims of racism and mass hysteria. H.R. 4551 assures that a mere technicality will not prevent eligible and deserving former internees from receiving just compensation, and also provides compensation for deserving individuals who were inadvertently overlooked by the original legislation.

This issue transcends the narrow interests of providing redress to those who were interned during World War II, and symbolizes an affirmation of the Constitution of the United States of America. The Civil Liberties Act of 1988 affirmed one of the fundamental, inalienable rights upon which this country was founded: the right to freedom from unconstitutional interference with liberty of the citizens of the United States of America.

Some historians continue to debate whether there were significant losses when Japanese-Americans were relocated from their homes, or whether the camps provided an idyllic experience. Yet those who merely look at the property and business losses of those who were interned overlook the highest cost of all—individual pride and trust in the American system. This debate has never been about money. The issue cuts to the heart of the foundation of freedom and liberty in American society.

Today we are seeking to fulfill the congressional intent of the redress law and to complete the healing process that is so important to Americans of Japanese ancestry. I wish the original legislation was sufficient, but we are confronted by the fact that the original redress funding request was inadequate. The Office of Redress Administration at the Department of Justice estimates that redress funding will expire before nearly 15,000 eligible recipients receive their payments. If the funding is exhausted, we would be left with an inequity where most would have received payments, but others, whose birthdates came later, would still be awaiting payments.

H.R. 4551 will increase the authorization to provide adequate funding for all eligible recipients. The new authorization would cover the payments for all the surviving recipients and maintain a fund created by Congress to educate the public about the internment history. We have an obligation to make good on reparations for those who were removed from their homes and interned 50 years ago. This legislation will bring that obligation to its fruition and relieve the pains that have not been healed by time. The legislation also incorporates provisions originally introduced in my bill, H.R. 4553, which protects benefits due to veterans and survivors. Without this clarifying language, those veterans and survivors who also receive redress payments would lose their eligibility for VA pension benefits, which is a stark departure from the intent of Congress.

H.R. 4551 is extremely important legislation which will send a signal to the American people that the American system works and that Americans can believe in the safeguards of our Constitution. I ask all Members of Congress to join me in supporting this legislation.

Mr. GEPHARDT. Mr. Speaker, I rise today in strong support of H.R. 4551, additional authorization for the Civil Liberties Act. The passage of the Civil Liberties Act of 1988 represented a courageous and necessary step toward making amends for the harm done to American citizens during World War II. I would like to recognize Representative MINETA for his tireless work and dedication on behalf of this effort.

Fifty years ago our Government issued directives ordering the evacuation and internment of 120,000 persons of Japanese ancestry from the west coast of the United States. Some were forced from their homes with just a few hours' notice. Families could take with them only what could be carried, and they were taken by train to internment camps where they were held for up to 4 years.

Two-thirds of those relocated to the internment camps were U.S. citizens. The others were permanent resident aliens who were ineligible for citizenship because of their race. These acts of injustice were committed on the basis of security reasons although not one act of sabotage or espionage has ever been documented.

The losses incurred by the victims of these events are incalculable. Their deprivations go far beyond the homes, farms and businesses that were left behind or sold for a fraction of their worth. Careers and children's educations suffered irreparable damage. Their basic constitutional rights of due process and equal protection under the law went ignored. They suffered terrible humiliation and shame as they were regarded as disloyal and dangerous to their own country.

Conditions in the internment camps were difficult. Located inland in desolate areas of Wyoming, Colorado, California, Idaho, Utah, Arkansas, and Arizona, the camps offered little or no privacy, a poor diet, and inadequate medical care. The living quarters were cramped, housing an average family of six in one room.

Ironically, while family and loved ones were being held in barbed-wire camps, thousands of Japanese-Americans were serving in the United States military. To prove their loyalty to their country, many joined the military right from the internment camps. The 442d Regimental Combat Team, made up of second generation Japanese-Americans, was one of the most decorated combat teams in World War II.

The 100th Congress took an historic step in adopting the Civil Liberties Act of 1988, which officially apologized for the internment and authorized reparations payments to the survivors. Through this act, Congress acknowledged that those in power at the time failed to uphold the Constitution. We owe it to every American citizen to follow through on the commitment to correcting that miscarriage.

To date, 50,000 individuals have received their redress payments. The Office of Redress Administration in the Department of Justice has identified 95 percent of those eligible for payment. The program is well under way and is achieving the objectives of the legislation. To complete all redress payments, however, an additional authorization is needed.

Congressman MINETA and I have introduced legislation, the Civil Liberties Act Amendments of 1992, to provide the additional authorization that will enable the Department of Justice to fulfill the mandates of the law. Our legislation authorizes an additional $400 million for the civil liberties public education fund, which was created in 1988 by the original act.

One purpose of the fund is to make redress payments of $20,000 to each eligible individual. Earlier it was estimated that 60,000 individual were eligible for payment. The Department of Justice now estimates that the original figure of 60,000 eligible individuals was too low, and has issued its final estimate that a total of 80,000 redress payments will be needed to complete the program.

Once the payments to individuals have been completed, a board of directors of the fund will be named. At that point, moneys in the fund will be used for historical research and public education, with the purpose of ensuring that the internment is remembered and that similar violations of civil liberties never occur again.

Unfortunately, the attitudes that led to the internment have not disappeared. Hate crimes have recently increased dramatically against Asian-Americans and other citizens; suspicion fell on Arab-Americans during the Persian Gulf war, including a troubling program operated by the FBI to interview Arab-Americans about terrorist activity. We cannot afford to relax our efforts to prevent prejudice, discrimination, the abrogation of civil rights, and the violation of civil liberties.

In order to complete the payments to individuals and fulfill the educational purpose of the Civil Liberties Act, I urge support for passage of H.R. 4551 today.

Mr. MINETA. Mr. Speaker, I rise today in strong support of H.R. 4551 and I urge my colleagues to join me in moving for its quick adoption.

Mr. Speaker, the forcible removal and internment of Japanese-Americans during World War II is a stain on our national honor. Thanks to the passage of the Civil Liberties Act of 1988 in the 100th Congress, that stain is finally being erased.

The legislation before us today will complete that process. H.R. 4551, the Civil Liberties Act Amendments of 1992, will authorize the funding necessary to fully implement that act, and will ensure that our Nation lives up to its commitment to redress the wrongs of the internment and evacuation.

As the Commission on Wartime Relocation and Internment of Civilians documented in its report, "Personal Justice Denied," the removal of Japanese-Americans from the west coast was carried out despite the fact that there was not one documented instance of espionage, sabotage or fifth-column activity committed by an American of Japanese ancestry or Japanese resident alien on the west coast.

Without any shred of proof of disloyalty, more than 120,000 Americans of Japanese ancestry were forced from their homes and businesses and into internment camps scattered throughout the country.

When the racial hysteria that followed the attack on Pearl Harbor began to seek out targets, it settled very quickly on Americans of Japanese ancestry. The interviews and arrests were just the beginning. Between December 1941 and February 1942, we were excluded from a growing list of security areas. As we quickly learned, even American citizenship meant nothing if your parents or grandparents happened to have come from Japan.

President Roosevelt's signing of Executive Order 9066 on February 19, 1942, was soon followed by orders from the Army that declared the western halves of the States of California, Oregon, and Washington, and the southern half of Arizona as security zones where Americans of Japanese ancestry would be excluded.

Mr. Speaker, I remember one night in February 1942, when my father called our family together. He told us that he did not know what would happen to him or my mother, since they were resident aliens. Although my father had been in this country for almost 40 years, the oriental exclusion law prevented my parents from becoming U.S. citizens.

But my father was sure that the Constitution of this Nation would protect his children, all of whom were American citizens. For as long as I live, I will never forget my father's shame and disillusionment when he discovered that he was wrong.

On March 2, 1942, Gen. John L. DeWitt issued his Proclamation No. 2, announcing that all individuals of Japanese ancestry alien and nonalien would be excluded from the west coast.

I was no longer recognized as a U.S. citizen. I had become a nonalien.

Mr. Speaker, it was 50 years ago this year that General DeWitt issued his Proclamation No. 4, instituting the mass relocation and internment.

Many were given just a few days, sometimes only hours, to dispose of their possessions and to leave for the assembly centers. We were allowed to take only what we could carry, and none of us knew whether we would ever see our homes again.

We were told that our loyalty this country was in doubt simply because of our ancestry. As General DeWitt said:

> The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become "Americanized," the racial strains are undiluted * * *. That Japan is allied with Germany and Italy in this struggle is no ground for assuming that any Japanese, barred from assimilation by convention as he is, though born and raised in the Untied States, will not turn against this nation when the final test of loyalty comes.

Or, as General DeWitt put it the next day, "a Jap is a Jap."

When we were forced from our homes and into the camps, we were told that we couldn't be trusted. Later, we were told that the evacuation and the internment were being done for our own protection.

Even as a child of 10 years old, I knew this for the lie that it was. If we were being protected, then why did the guards on the train and the guards on the watchtowers have their guns pointed in at us, instead of out?

For up to 4 years, Japanese-Americans were held in the camps, stripped of our most basic rights as Americans. The shame of the internment and the knowledge that out country judged us disloyal remains with us to this day.

But, Mr. Speaker, the story of Japanese-Americans is ultimately one of enduring and unshakable faith in this country. That faith, and our commitment to this Nation, were demonstrated time and again throughout the war.

By the thousands, Japanese-American men and women volunteered from the camps to serve in the United States military. In all, 33,000 Americans of Japanese ancestry served in the Armed Forces during World War II.

They served in the Military Intelligence Service, they served as medics and teachers, they served in the WAC's, and in the Air Corps.

Their most celebrated contributions were in the Army, where the all-Nisei 100th Battalion and 442d Regimental Combat Team became two of the most decorated units in American military history.

The 100th Battalion, originally a part of the Hawaii National Guard, left for the European theater in September 1943. Fighting as part of the Allied campaign in Italy, the 1,400 men of the 100th suffered an extraordinary level of casualties.

In just the first month and a half of fighting, the 100th had 78 killed and 239 wounded or injured. During that campaign the 100th ultimately earned 900 Purple Hearts, earning the nickname "The Purple Heart Battalion."

In June 1944, the 100th merged with the 442d Regimental Combat Team, which was composed of Japanese-American volunteers from Hawaii and the United States mainland.

The 442d suffered 9,486 casualties during the 7 major campaigns it carried out in the European theater. By the war's end the 442d had earned 18,143 individual decorations including one Congressional Medal of Honor, 47 Distinguished Service Crosses, 350 Silver Stars, 810 Bronze Stars, and over 3,600 Purple Hearts.

The unit was cited seven times by President Roosevelt and Truman with the Presidential Distinguished Unit Citation.

Americans of Japanese ancestry also played a pivotal role in fighting the war in the Pacific. The volunteers of the Military Intelligence Service provided vital support in translating captured documents and interrogating prisoners.

Among their most notable accomplishments were translations of captured documents revealing the call signs and code names for the entire Japanese Imperial Navy, its air squadrons, and bases. They also translated documents revealing the entire Japanese naval battle plan for the Philippines.

But as these men and women were giving their all to defend this country and its freedoms, they carried with them the pain of knowing that many of their friends and families sat locked behind barbed wire fences in the United States.

We had always believed that these sacrifices would one day be recognized, and that one day our country would realize how unjust our internment had been. In contrast to the tragic disillusionment of 1942, today we know that our faith in this Nation was not misplaced.

Mr. Speaker, I have served in the House for more than 17 years. I can honestly say that I have never felt such pride in this Congress or in this country than on the day the 100th Congress finally passed H.R. 442, the Civil Liberties Act of 1988. With the passage of the Civil Liberties Act, this Nation firmly rededicated itself to the principles and protections of our Constitution, offering the promise of redress to those who had been wronged by the internment.

The legislation before us today is vitally necessary to ensure the fulfillment of that promise.

H.R. 4551, the Civil Liberties Act Amendments of 1992, introduced by my good friends the House majority leader RICHARD GEPHARDT and the Republican whip NEWT GINGRICH, will provide the $400 million in additional authorization needed to complete the original purposes of the Civil Liberties Act of 1988.

The act authorized $1.25 billion, based on the estimate that 60,000 internees and evacuees were still surviving at the time the Civil Liberties Act of 1988 was signed into law by Ronald Reagan.

As the Department of Justice's Office of Redress Administration [ORA] has verified individual cases, however, it has become clear that the 60,000 estimate was too low. ORA now expects to verify 80,000 redress claims, requiring an additional $400 million.

H.R. 4551 would provide the additional $250 million requested by the President for redress payments in fiscal year 1993. It will authorize $100 million in fiscal year 1994 to make the final 5,000 redress payments.

H.R. 4551 will also expand the Civil Liberties Act to include individuals not of Japanese ancestry who were interned or evacuated along with their Japanese-American spouses and children.

Mr. Speaker, I was tremendously pleased to see that the Justice Department made this request. It affects a relatively small number, currently estimated to be no more than 40 people, but it is an important group nonetheless.

Since they were not themselves Japanese-Americans, these individuals were not directly affected by the orders that excluded and interned Americans of Japanese ancestry. But because they were the wives and husbands, and mothers and fathers of Japanese-Americans, they faced a horrible choice: Either retain their freedom or preserve their families by following their spouses and children into the internment camps.

Many were women with small children, some only infants when the internment orders came. Those orders were not concerned with whether individuals represented a threat to this country. They cared only about race, and struck even at American children of partial Japanese ancestry.

These parents were told that their children must be taken to an internment camp, but that they themselves could remain free. Those who chose to keep their families together by evacuating or entering the camps were no less affected, and to call their internment voluntary would be ludicrous.

H.R. 4551 will at long last recognize and attempt to redress the injustice and the indignity they suffered.

In addition, H.R. 4551 makes administrative and technical changes to the Civil Liberties Act that were requested by the administration, extending the authority of the Attorney General under the program and clarifying the procedure for judicial review for those whose redress claims have been denied.

Finally, Mr. Speaker, H.R. 4551 will preserve the education function of the civil liberties public education fund. The education program is one of the two key goals of the Civil Liberties Act: To help ensure that such a violation of civil liberties never happens again.

In the wake of our current trade frictions with Japan, hate crimes have dramatically increased against Asian-Americans. Especially in my home State of California, the increase has been disturbing.

On December 7, last year in San Francisco, a gasoline bomb was thrown at a Japanese couple. Last November, a Japanese-American community center in Norwalk, CA, was vandalized and racial slurs painted on the walls. In January of this year, a cross was burned in front of an Asian restaurant in Los Angeles. Earlier this year, a bomb threat was made against the Los Angeles office of the Japanese-American Citizens League in connection with the day of Remembrance, the Japanese-American community's annual observance of the anniversary of President Roosevelt's signing of Executive Order 9066.

These are not isolated incidents, Mr. Speaker. A recent report by the United States Civil Rights Commission dramatically demonstrated continued violence and prejudice against Americans of Japanese ancestry and all of Asian-American ancestry.

The education function authorized by the Civil Liberties Act will serve a crucial role in disseminating an understanding of the internment, and its place in American history.

If there were any remaining doubts that the search for scapegoats, and the tendency toward unfounded suspicion remain with us today, they were certainly removed for me by the experience of Arab-Americans during the Persian Gulf war.

In late 1990, my office began hearing reports of interviews of Arab-Americans by agents of the Federal Bureau of Investigation and the Secret Service. Loyal Americans found themselves being asked about terrorist activity in the United States, and about their political views on the war.

These people had no information about terrorist activity. Their political views on the war were none of anybody else's business, and certainly not the government's. It was clear to them, and to me, that they were suddenly under suspicion simply because of their ancestry.

For me, Mr. Speaker, and for every American of Japanese ancestry, those questions were chillingly familiar. Once again, a group of Americans were having their loyalty thrown into doubt because we found ourselves at war and conveniently forgot the difference between ancestry and citizenship.

With the leadership of my good friend, Mr. EDWARDS of California, a meeting was arranged with the FBI to discuss these interviews, and I will never forget that meeting.

In that meeting an official of the FBI told us that the interviews were being conducted with Arab-Americans for their own protection. I probably should not have been surprised. But somehow I thought that over the last 50 years they would at least have thought up a new way to word the excuse.

Has the situation improved in 50 years, Mr. Speaker? Certainly.

Today we have political leaders like DON EDWARDS, MERV DYMALLY, BOB MATSUI, NICK RAHALL, and BARNEY FRANK who stood up and said "no." And there is no doubt in my mind that a heightened awareness of what happened to Japanese-Americans during World War II was a powerful weapon in fighting discrimination against Arab-Americans this time.

But it is clear that the attitudes and the prejudices that led to the internment are still with us, Mr. Speaker. We have a duty and an obligation to do everything within our power to see that the story of the internment is known, understood, and remembered.

The education component of the civil Liberties Act is no less important today than it was in 1988, or in 1941.

Finally, Mr. Speaker, I would like to express my gratitude to Chairman JACK BROOKS for moving this legislation forward today; to Speaker TOM FOLEY, who was the lead sponsor of the Civil Liberties Act during his tenure as majority leader; our current majority leader, my good friend RICHARD GEPHARDT, for introducing H.R. 4551; the distinguished Republican whip NEWT GINGRICH, the Judiciary Committee's ranking Republican, HAMILTON FISH, Representatives HENRY HYDE, DON EDWARDS, BOB MATSUI, PATSY MINK, NANCY PELOSI, and all the Members and staff on both sides of the aisle who have helped in the effort to bring this bill forward today. This has truly been a bipartisan effort.

But I must say a special thanks to the gentleman from Massachusetts [Mr. FRANK] for his continued leadership on this program. He and his dedicated staff are owed a debt of gratitude not only by Americans of Japanese ancestry, but by all Americans who treasure the rights and freedoms guaranteed by our great Constitution.

Mr. Speaker, in passing the Civil Liberties Act of 1988 the Congress made a firm commitment to redressing the injustice of the internment, and this Nation rededicated itself to the protections guaranteed to all Americans by our Constitution. H.R. 4551, the Civil Liberties Act Amendments of 1992, will ensure that we live up to that commitment and live up to the promise of redress for those who were interned. I urge my colleagues to support it and the full implementation of the Civil Liberties Act of 1988.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 4551, the Civil Liberties Act Amendments of 1992. This bill, of which I am an original cosponsor, seeks to fulfill the promise of the Civil Liberties Act of 1988. The Civil Liberties Act of 1988 authorizes compensation of $20,000 to eligible persons of Japanese ancestry who were evacuated, relocated, or interned during World War II. H.R. 4551 would ensure that sufficient funds are available to provide compensation to the more than 75,000 individuals eligible to receive payment.

The act included a specific provision that the redress funding would receive entitlement designation, which would free the program from having to compete against so many other programs and ensure that the internees would receive their long-overdue redress. Now that an additional 20,000 internment survivors have been identified by the Office of Redress Administration, passage of H.R. 4551 is needed to guarantee the successful completion of redress compensation.

Mr. Speaker, in California this week, a group of Japanese-Americans, who were seniors in college when they were forced into internment camps in 1942, will return to the University of California at Berkeley to participate in the commencement ceremonies denied them for over 50 years. I was particularly moved by the story of one student who received her diploma from Berkeley while living in horse stalls at Santa Anita racetrack, awaiting the order that would send her family to a permanent internment camp. I offer my special commendation to Chancellor Chang-Lin Tien for his special efforts in organizing this event.

As our Nation continues the healing process from that terrible time in our history, we must ensure that the promise of redress is met. I urge my colleagues to support H.R. 4551 with the entitlement designation, and urge the President to do so as well.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 4551, as amended.

The question was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JACK ALLEN: THANKS FROM THE CITY OF SAN LEANDRO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, recently, I commented on one of the hardest working community activists and volunteers I know, Mr. Jack Allen of Hayward, CA. He has been an example of civic contribution to countless East Bay residents.

Jack was largely responsible for the development and approval of the Juan Carbillo—Joao Cabrilho is the Portuguese spelling—stamp that will be issued September 29, in San Diego. Jack, who lives in Hayward, CA, was recently thanked by the mayor of San Leandro, Dave Karp, for all the special work he has done on behalf of Portuguese-American clubs and for the Cabrillo festivals in the city of San Leandro.

I would like to include at this point in the RECORD information on this commemorative stamp and the commendation that Jack received from the city of San Leandro:

CABRILLO STAMP TO BE ISSUED SEPT. 28

COMMEMORATIVE HONORS EXPLORER WHO DISCOVERED SAN DIEGO

Four hundred fifty years after landing in San Diego Bay, explorer Juan Rodriguez Cabrillo will be honored with a 29-cent commemorative stamp to be issued there on Sept. 29.

On Sept. 28, 1542, Cabrillo stepped ashore at a harbor he named San Miguel, the site of modern-day San Diego. His landing on the west coast marked the culmination of a journey which began on June 27, 1542, when he set sail from the Mexican port of Navidad with two ships and a small crew. After discovering San Diego, he continued his expedition, ultimately exploring most of the California coast. In his quest, Cabrillo was injured, and according to a ship's log, died on Jan. 3, 1543.

Though he sailed under the Spanish flag, some historians believe Cabrillo was born in Portugal. This is noted with a marginal inscription which reads, "If he was Portuguese as many believe, his name would be spelled Joao Rodrigues Cabrillo."

Since no portraits of him are known to exist, the stamp image is based on an artist's conception. The Cabrillo stamp features a large picture of the bearded conquistador against the backdrop of the sea, with a tall ship in view over his shoulder. The words "Explorer of California 1542" are printed in black type in the upper left corner, with "29 USA" printed in black in the upper right corner. "Juan Rodríguez" is printed in black type, with "Cabrillo" printed in large red capital letters below his picture.

The Cabrillo commemorative stamp was designed by Ren Wicks of Los Angeles, designer of the William Piper and William Saroyan (1991) stamps, and the Igor Sikorsky airmail stamp (1988).

COMMENDATION

Whereas, Jack Allen worked relentlessly for 12 years to realize his dream—to mark the 450th anniversary of the Discovery of California by Juan Rodrigues Cabrillo with a commemorative postage stamp; and

Whereas, during that time, he personally authored over 400 letters to Postal Service officials and elected officials in Washington, D.C. He befriended Frank Thomas, a veteran Postal Service official in charge of the commemorative stamp program. This year, Mr. Thomas rewarded Mr. Allen's persistent efforts; and

Whereas, Jack Allen will finally realize his dream at the official West Coast unveiling of the stamp in San Leandro on Friday, June 12, 1992.

Now, therefore, I, Dave Karp, Mayor of the City of San Leandro, on behalf of our City Council, do hereby congratulate and commend Jack Allen for his tireless efforts in obtaining his dream, and, in so doing, honoring our City. The City of San Leandro, particularly the members of the local Portuguese community, extends a heartfelt "thank you" to Jack and his wife, Elsie.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of San Leandro to be affixed this 12th day of June, nineteen hundred and ninety-two.

DAVE KARP,
Mayor, City of Leandro, California.

□ 1250

THE BANCA NAZIONALE DEL LAVORO SCANDAL: HIGH-LEVEL POLITICS TRY TO HIDE THE EVIDENCE

The SPEAKER pro tempore (Mr. DOOLEY). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, as we know, President Bush wanted to make a friend of Saddam Hussein, and he vigorously pursued that policy right up until the eve of the Iraqi invasion of Kuwait. We also know that while the public part of that policy was to use the CCC Program, in the Department of Agriculture, to sell food to Iraq, there was another, a secret layer to the policy, and that aspect was to allow Saddam Hussein to operate a clandestine military procurement network in this country.

Mr. Speaker, I have made reference to this distinction before because there was some confusion even reflected by the deputy Secretary of State, then, now the acting Secretary of State, saying that the CCC Program was it. It was not. You had commercial, financial transactions also financed through the Banco Nazionale del Lavoro. And this aspect, the commercial, I brought out in detail, so I will not allude to it in detail other than to say that it was this really secret operation that should be of concern particularly to those great guardians of security, all of the vast apparatus of the intelligence that this country has erected, plus the financial institution regulatory network, which we really do not have in our country, to protect our national interest, should be aware that made it possible, this commercial/financial banking access, to procure such things as a .155 artillery shell casing manufactured by an American corporation but into which some Iraqi interests bought the required percentage in order to have access to blueprints and everything else.

So that when our soldiers went to the sands of Araby with their .155 military artillery shells, they had the same shells fired back at them. It is still going on. This is the reason for my concern. Iraq, actually, in all truth, has been one of the minor plans in this very canny, very astute, very knowledgeable way of working through the crevices and the gaps in our international banking regulatory system in America.

The administration, last summer, was willing to admit that its public policy was a mistake: "Oh, made a mistake." But they do not take responsibility for the mistake. It used to be, and it still is in other countries, like in England, Great Britain, when the Foreign Secretary Harrington, later an associate of Henry Kissinger & Associates, and still later recently the envoy to Yugoslavia, supposed to be the peace envoy, when Lord Carrington fouled up in the case of the Malvinas, as the Argentines called them, or the Falklands, as the British call it, he resigned. We used to do that in our country. We used to have members of the Cabinet, when they could not stomach something, they quit, and they say, "Look, we don't go along with that." Not now, not since the ideological compulsion and the takeoff on an ideological basis of our governmental leaders since the President Reagan's advent, and Reagan/Bush, and now Bush. So that they make mistakes and they, "Oh, well, yes, sure, but we will admit now that you brought this out," and they resisted stoutly bringing anything out, but, "Yes, it was a mistake, in retrospect it looks like a mistake, but at that time it was our policy to see how," in the words of the President, "we could bring Saddam Hussein and Iraq into the confraternity of the civilized nations."

You are going to bring that kind of pattern of behavior by a leader of a country and his regime by arming them? It is ridiculous.

So, it still goes to the greatest lengths to prevent anyone from knowing about the secret policy that allowed Iraq to pursue the development of nuclear arms and other aspects and weapons of mass destruction, by means of its clandestine procurement network in Europe and here in the United States. And I say not only Europe, but China, North Korea.

Both the publicly known food policy and the secret weapons procurement network were largely financed through the Atlanta branch or agency, as they call it, chartered by the State of Georgia, of the BNL, or the Banco Nazionale del Lavoro, government-owned, headquartered in Rome, by the Italian Government. Thus, when BNL-Atlanta offices were raided by the FBI almost exactly a year before the Iraqi invasion of Kuwait, alarm bells sounded all over. As the BNL case unraveled, the Bush administration engaged in a concerted effort to control the political damage. For years, the administration had used the CCC Program as a foundation of United States-Iraq policies and relations. The BNL scandal threatened to halt that program, and the administration was quite fearful of losing the most important tool that it was using to engage the government of Saddam Hussein.

In addition, if anybody learned that our Government was permitting Iraq to operate its secret procurement network, this would severely embarrass Washington as well.

On the Italian side, not only were there billions of dollars in potential losses to worry about at BNL and the Italian taxpayer—that is, the Government-owned bank—lost about almost the same amount of money as the American taxpayers have through its operations. That is in excess of $2 billion of taxpayers' money. Here we have, oh, all of these alarms and outcries about appropriating maybe $4 million for an education program. Here we are blowing away that amount of money with the consequences, that are still yet to be fully measured and only time and the future, of the folly of the expedition into the sands of Araby.

So that on the Italian side, not only was there this lost potential but the scandal also had the potential to damage the Government in Italy politically, if BNL's headquarters in Rome were shown to be part of the conspiracy.

From the very beginning, the Justice Department of the United States of America pursued the theory that BNL-Atlanta was a rogue operation that defrauded BNL/Rome, though they knew very different, very well.

As it happens, this was a politically, very convenient theory. It excuses Federal bank regulators who had a completely passive, in fact I will say criminally negligent, approach to regulating foreign banks and left the job to ill-equipped State regulators. It excuses the government back in Rome, which allowed its branch in Atlanta to carry out a multi-billion-dollar criminal enterprise, and the rogue bank theory also makes it easier for government to deny the true extent of its knowledge about this scandalous affair.

□ 1300

But the problem with the rogue bank theory is that it seems highly improbable, in fact it is improbable, and I will say, given my knowledge of the workings of the operations of the state-owned institutions in other countries, not only Italy, it is more than just improbable, it is impossible for them not to have had known that an agency or branch, call it what you will, in Atlanta would be involved in more than $6 billion just in transactions involving Iraq without some level of knowledge or assent or consent from higher authority—namely, DNL headquarters in Rome. So the critically important question arises, what did the higher levels of BNL know about these massive loans to Iraq? Nothing, as they are maintaining, and as I am fighting the Justice Department, the CIA, or rather they are fighting me, the State Department and the Treasury, because I am trying to save the taxpayers more than $395 million that they are being sued for by the BNL bank on the basis that they had no knowledge of these machinations and conspiracies.

How ridiculous and how just absolutely insidious that men and women in power in our government, sworn under oath to uphold the processes and the Constitution, would be so ready because of their overweaning exercise of usurped power to expose the taxpayers to this continued drain of the resources now that are so desperately needed in our country.

A little over a year ago, I asked the Central Intelligence Agency [CIA] for any information it had on the BNL scandal. I received a report, still classified—it had not been—and a separate letter from the CIA, also classified, a separate letter.

Late last July, I asked the CIA to provide declassified versions of those documents. We are still waiting.

However, I can say that the analysis in those documents confirms that more senior BNL officials in Rome in fact, knew what its Atlanta office had been doing—that is, financing important Iraqi military procurement, including the Condor II missile project.

A CIA report says:

> The reports on Iraq and the BNL scandal in general did not add much to our knowledge of the scandal. Most of the reports repeated information available in the press or contained sources' opinion of speculation about the scandal which, although interesting and useful, was not critical. The exceptions are that BNL financing helped pay for the Condor II missile project, and confirmation of press allegations that more senior BNL officials in Rome had been witting of BNL-Atlanta's activities.

The CIA report reveals that the Iraqis originally had accepted loans signed by an Atlanta BNL official, but that later during the relationship as the loans increased in value, the Iraqis wanted authorization from higher level BNL officials in Rome rather than from Atlanta branch officials. The CIA report states: "BNL agreed to this request and the loans were then signed by bank officers in Rome."

I cannot report the exact extent of knowledge of these higher level BNL officials, because vital evidence has been denied to me since the Attorney General decided to claim that national security interests require him to prevent the Congress from seeing so-called classified documents. Among that evidence is a number of intercepted communications between the BNL-Atlanta and its Rome headquarters.

A bank committee investigator had an opportunity and an appointment, he thought, to see those documents in May, but the visit was canceled at the behest of Nicholas Rostow, of the infamous Rostow gang that I have referred to before, the so-called legal adviser of President Bush's National Security Council and the Attorney General, who seem to occupy the position of stonewallers in chief.

In any event, it is clear that the BNL case stirred up a huge political storm, since all sides—Iraq, Rome, and Washington, DC had embarrassing secrets that they wanted to keep. Iraq wanted to keep things cozy with Washington—so they were willing, according to one Federal Reserve memo, to sacrifice one person to United States prosecution in early 1990. The Government of Italy wanted "some kind of damage control" according to a cable from the United States Ambassador, dated October 26, 1989—only a few weeks after the FBI raided BNL's Atlanta office. This cable is worth quoting at greater length:

> The Chairman and the Director General called on the Ambassador (October 19) to express their concerns about developments in the BNL-Atlanta affair. They suggested that the matter should be raised to a political level and indicated their desire to cooperate fully with the U.S. Government authorities while at the same time making it fairly clear they want to achieve some kind of damage control.

It is also worth noting that the cable was not only sent to the State Department; it was also sent from Rome to the Justice Department in Washington. In fact, all the cables from the U.S. Embassy in Rome that contained references to damage control were routed to the Justice Department in Washington.

A few weeks before the October 26 cable, a snippet of information from a source close to the U.S. Embassy in Baghdad reported that the stress of the BNL scandal might have caused the Italian Ambassador in Iraq to collapse. This same source stated that the suicide of the former Italian military attache to Iraq was tied to the BNL scandal. The cable reporting all this clearly shows one reason why, a few weeks later, our Ambassador in Rome was asked to raise the BNL case to a political level and to suggest some kind of damage control.

Clearly, all sides had compelling political reasons to portray the activities of the Atlanta branch as a rogue operation. But the CIA report, which contradicts the rogue operation theory, raises many critical questions:

When did the CIA obtain this information and who at the CIA was aware of it?

Was this information forwarded to the Justice Department and the U.S. attorney's office in Atlanta? If the answer is yes, has the information been thoroughly investigated?

If the information is authentic, why did the Justice Department stick with the rogue bank theory of prosecution?

Was the White House or State Department aware of this information?

Those questions, though I have herein before answered some and in fact put documentation in since February, still need to be further answered. We must find out whether a corrupt and a failed policy toward Iraq also corrupted the criminal investigation of the BNL. We must find out whether or not the fits and starts in the prosecution of the BNL case has anything to do with our Government's or the Italian Government's desire to achieve "some sort of damage control."

□ 1310

From the start of the BNL scandal in August 1989, officials from BNL's Rome headquarters repeatedly contacted the U.S. officials and made it clear that they did not want to be the subject of U.S. law enforcement investigations. In light of today's revelation that BNL's management was indeed aware of the Atlanta office loans to Iraq, it is not surprising that top BNL officials were nervous about becoming the subject of a criminal investigation.

Fallout from the scandal did not limit itself to BNL officials. The Atlanta scandal rocked the highest levels of the Italian Government. A November 1989, CIA report states:

> The BNL affair, in combination with other scandals, has cast a shadow on Prime Minister Andreotti's three month old government.

Since BNL is owned by the Italian Government, the top officials of the bank are political appointees. Any wrongdoing on the part of the top political appointees of BNL could cause considerable embarrassment for the political party that made the appointments. It is reasonable to assume that avoiding personal liability and embarrassing the political apparatus could be prime motivations for BNL officials in

Rome to deny knowledge of the BNL-Atlanta scandal.

It is also reasonable to conclude that fear of political disaster could push BNL officials to the point of approaching U.S. officials to achieve "some sort of damage control." In fact, on numerous occasions BNL officials approached U.S. officials to discuss the BNL scandal.

The scandal forced BNL Chairman Nerio Nesi and Vice Chairman Giacomo Pedde to resign soon after public disclosure of the debacle. Mr. Nesi's replacement was a man named Giampiero Cantoni. Mr. Cantoni had close ties to the Socialist Party and was a close ally of former Prime Minister Craxi. A State Department cable indicates that Cantoni's ties to Craxi were a prerequisite for his selection to replace the discredited Mr. Nesi.

On numerous occasions Mr. Cantoni approached United States Ambassador to Italy, Peter Secchia, about achieving damage control in the BNL investigations. Given the political nature of his appointment, it is not surprising that Mr. Cantoni would approach the U.S. Government to ask for damage control. Mr. Cantoni did not act alone; other BNL officials also approached the United States asking for similar consideration. The United States Government appears to have acquiesced to the Italian requests, and coincidentally, has secrets of its own to keep buried, and, in fact, by now some, if not all, might have been—what do they call it—shredded?

I mentioned earlier Ambassador Secchia's cable of October 26, 1989, in which Mr. Cantoni was portrayed as asking for damage control in the BNL case. Damage control may be just what he got when you consider that less than 10 days after his request, the White House called the Atlanta prosecutor in charge in the BNL case in order to discuss the case. Was this just a coincidence that happened to come less than 10 days after this call? Well, if you believe that, my colleagues, I am sure you believe in the tooth fairy.

Mr. Cantoni's requests for damage control continued well into 1990. Just days before the invasion of Kuwait, a July 25, 1990, cable from Ambassador Secchia to the State Department contains the following passage:

> Professor Cantoni, the Chairman of BNL, and the Ambassador had a long discussion at a local event last week in northern Italy. He (Cantoni) expressed once more his concern over the ongoing investigation of the BNL-Atlanta branch's Iraq loans. Cantoni has spoken to the Ambassador on several occasions about his concerns regarding the BNL Atlanta branch affair. Cantoni did not ask for any intervention . . . Yet, he made a pitch for the U.S. government to go slowly before making indictments.

Evidently Mr. Cantoni was not aware that the case had been delayed by the U.S. attorney's office in Atlanta who had reassigned the lead prosecutor to another case for the entire summer of 1990. This reassignment is most mysterious given that the BNL case was the largest, and arguably, the most important case ever at the U.S. attorney's office in Atlanta.

The reassignment of the lead prosecutor is also arguably the most obvious sign that the BNL indictment was delayed for political purposes. At the time of the reassignment in May 1990, United States-Iraq relations were at a critical juncture. An indictment of BNL or an aggressive investigation of the Italians or Iraqis involved in the scandal at that juncture would certainly have complicated United States-Iraq relations.

In fact, I have placed in the RECORD numerous documents showing exactly that that is what our top level officials were saying, and in fact Secretary Baker himself, and I placed a document in the RECORD saying, he did not want to have anything disturb the United States-Iraqi relations.

In fact, the indictment was not even redrafted until well after the Iraqi invasion of Kuwait and it was not handed down until late February 1991.

The Justice Department in Washington apparently heard loud and clear Cantoni's repeated appeals for damage control and this could have led to a go-slow approach to the BNL investigation. There are several memos that make it crystal clear that when the Justice Department in Washington, DC, took control of the BNL case inexplicable delays and complications occurred.

Transferring control of the case to Washington enabled Bush administration political appointees at the Justice Department to play a direct role in handling the BNL case. This ultimately led to the BNL indictment being delayed and the quashing of any serious investigation of BNL officials in Rome as well as Iraqis involved in the scandal. In other words, by taking control of the case, the Attorney General was in a position to grant the Italians their wish for damage control. He was also able to accommodate White House and State Department concerns about revelations of the administration's own role and participation.

Another CIA memo demonstrates that the United States had granted the Italians, and themselves, some kind of damage control. Regarding the impact of the BNL scandal on United States-Italian relations, the report states:

> Rome appears satisfied to date with cooperation of the U.S. investigating agencies and appreciates the low key manner in which Washington has reacted.

Another memo supporting the assertion that the Justice Department in Washington interfered with the case is a Federal Reserve memo of April 5, 1990, which states:

> The resignation of the U.S. Attorney in Atlanta has led to a number of difficulties in that investigation. These difficulties are compounded by what is perceived as interference from the Justice Department in Washington.

□ 1320

Justice corrupting its own self, corrupting and abdicating and frustrating the very oath of office and constitutional responsibilities inherent in those officials and in those positions.

The committee has additional documents providing evidence that political considerations were translated into damage control. Former investigators assigned to the BNL case in Atlanta have voiced frustration at their inability to vigorously pursue the Iraqis, the Turks, and BNL officials in Rome that were involved in the scandal.

A February 6, 1990, Federal Reserve Bank of New York memo shows how politics influenced events.

The Federal Reserve Bank of New York is the No. 1 in our country, the one that really runs the show for our banking system. I want to remind my colleagues that the Federal Reserve Board is not a Federal agency. It is a creature and a hand maiden of the private commercial banking system of the United States, even though the Congress created them, like it did the CIA.

The Congress created the CIA in the 1947 National Security Act, but it has been used as a tool for personal either vindictiveness or political combat by Presidents.

Presidents have taken over, so the CIA, like the Federal Reserve Board, does not think they have any accountability to the Congress. That means the people.

Oh, my colleagues, our Congresses since 1913 have abdicated their grave responsibilities through the years to the point today of no return, where our country is imperiled as it never has been since our founding, as far as its financial and economic freedom, not to speak of the standard of living, is concerned. It is in grievous peril, and my frustration is that there has been heedless regard of some of us that have spoken out for more than 26 years.

The committee has additional documents providing evidence that political considerations were translated into damage control. I repeat, we know the former investigators have been so frustrated because they were impeded in their obligation to pursue all involved, both Atlanta officials, Turks, Iraqis, and Italians.

A February 6, 1990, Federal Reserve Bank of New York memo shows how politics did and has influenced events.

The memo states, "A planned trip to Italy by criminal investigators was put off because of BNL-asserted concerns regarding the Italian press."

Now, let me say something for the benefit of my colleagues and fellow Americans. The Italian press, particularly in Rome, has been most indefatigable, and the investigating committee of the Roman Senate and its chairman, Senator Carta, with whom I met here in the United States and some of his colleagues, and they have had as a matter of public revelation what the CIA does not want the American people to know, and has written, though they have not come forth, to charge that somehow, somewhere, in some manner, some nebulous manner, amorphous, shapeless, I have violated the national security.

Well, I stand before the bar of judgment of my colleagues, the representatives of the people. I have placed in the Record—what? What the Congress is not supposed to know? Documents that should not be available to the Congress, even though Supreme Court decision after Supreme Court decision has upheld the absolute and supreme power of the Congress to know?

The question then remains why should they not feel in that secret basement, dark and dank areas of the CIA and the other so-called security agencies, not to believe they can do everything, from mayhem and murder, not just to foreign officials, but here in the United States? Even though their charter, the 1947 Security Act, limits the CIA to offshore, they have involved themselves, going back to the famous plumbers and some of the apparatchiks belonging to the CIA and still belonging to the CIA and responsive to them, plotting such things as around the clock surveillance—of whom? Jack Anderson, the columnist, because he had written something that looked like somebody had leaked.

See, in my case they accuse me of having leaked something. You cannot say I leaked. I put it in the Record.

Now, what I say is, gosh, just think how much I have done in behalf of stimulating the subscription to the Congressional Record. If for nothing else I think we ought to be glad that there is interest in reading the Congressional Record nowadays.

But going back to this other, you had plotters accustomed to having been involved in offshore hit operations for the CIA not finding it easy to dispense with that domestically. So there was even comments then about how are you going to get this guy?

So they had round the clock surveillance, 24-hour surveillance, on Jack Anderson for a month. One of them, one of the kooks that had creeped up, guys like G. Gordon Lilly—Liddy—who used to say look, and he would get a match and would burn his own hand and would not wince.

You had E. Howard Hunt. The only thing I know about E. Howard Hunt was 2 years ago in July, in fact July 14, I go back to my district every weekend, and I came in that Saturday morning. I arrived at the San Antonio Airport, and there was a couple there that used to be in my district and moved to a small town up in what we call the hill country.

They recognized me and said, "Oh, Congressman. How are you? We are so glad to see you."

I saluted them and addressed them. I was leaving when this individual comes up. I had never met him before, but from his pictures and all I could tell that what he said was true.

He said, "You are Congressman Gonzalez?"

I said, yes. He said, "Well, I am E. Howard Hunt, and you are nothing but a—" and then he used a bad word.

Well, I had two little bags I was carrying, very small, so I just dropped them. I noticed he had a shoulder holster with a pistol. It was obvious.

So I said, "Mister, since you want to use sailors' language, here is what I think of you." And then I used some choice words.

I said, "Let me tell you something else. You take one step forward closer to me or you make a move for the gun in your shoulder holster, and I will swear to you I will take it from you and in self defense I will kill you with it."

He looked at me startled, turned around, and walked away. I picked up my bags and walked out of the airport.

That is all I know. Now, was he E. Howard Hunt? Well, he sure looked like him. What was his beef? I do not know. What was he doing in San Antonio? I do not know. Why does he still have a shoulder holster and pistol? I do not know. He is ex-CIA. They say ex, but there ain't no such thing.

□ 1330

Given that, all I can say is that we have reached a point in our country where our people are no longer citizens. Our constituents are not citizens any more. They are subjects, like the subjects of the majesties of the King of England and the others have been. And that is what we were supposed to be all about in America, that we were going to get away from that.

We were going to be citizens, sovereign, and the source of all power, as the Constitution says right in its Preamble: "We, the people of the United States," not the President, not the Congress, not the judges or the courts, we, the people, in order to establish, do ordain and establish, we, the people.

We have gotten away from that. We have forgotten it, and even our citizens think that, my gosh, here are these men running for the Presidency, "Elect me, I will solve all problems," as if it was not a tripartite government where the lawmaking, judiciary is coequal, just as sovereign, separate and independent as the executive branch. But there is not anybody, and by the way, I hear some of the minority, ex-administration employers, by their own proclamation, you would think the Presidency is omnipotent.

If we reach that point, we are doomed. We have no Constitution, and once that break is made from our shore mooring, we will be flopping up and down in these heavy waters of distress. And our people will no longer be citizens, as they are not now. They are subjects.

The President is not the President. He is a potentate. He is a Caesar.

Now incidentally, anybody thinks that I am saying that about present Presidents, I inveigh all against, even before I got to this Congress, against the President having the power to compel an unwilling American to go outside of the continental United States and risk his life in an undeclared war, a Presidential.

Our country was made up of people and subsequent influx of people who wanted to get away from the king-made wars.

Why, my colleagues, do you think the makers of the Constitution placed inexorably, undividingly, unqualifying the power to declare war in the Congress? That is all I have been saying since even before I came to this Congress, and I have said that with Presidents in between, Democrat, Republican, what have you.

Now, as I have said, Chairman Cantoni was not the only BNL employee that approached the Embassy about achieving damage control. A cable from Ambassador Secchia, that is our Ambassador in Rome, Ambassador Secchia to the State Department, March 19, 1990, states:

> Executive Vice President DeVito of BNL called on econ officer March 16 to register concern that BNL might be soon indicted in the U.S. for corporate vicarious criminal liability in connection loans by its Atlanta branch to Iraq. DeVito said matter was urgent. The Justice Department he thought has taken the investigation out of the hands of the U.S. Attorney in Atlanta who had regarded BNL as a victim of its own employees in Atlanta. The Justice Department took a different view partly for political reasons.

The DeVito cable went on:

> * * * from the current (BNL) managements point of view * * * an indictment would add insult to injury. The Government of Italy he implied, would be terribly unhappy with such a development. The Government could not stand by idly while the largest bank in Italy—controlled by the Treasury Ministry—suffer such an indignity.

The unmistakable message of DeVito's conversation with the Ambassador is that BNL was fully aware that the Justice Department was calling the shots in the BNL case and that BNL would not tolerate being the subject of the criminal investigation. Of course, Mr. DeVito knew that a BNL indictment would be damaging to Mr. Andreotti's government and it appears he was sent to Ambassador Secchia to get that message across.

Not surprisingly, according to Mr. Barr, the man sitting in the Attorney General's chair today, an August 10, 1992, Special Prosecutor report, it was about this time that the Justice Department found a "lack of culpability" by BNL–Rome.

Here is our Attorney General already saying, look, taxpayers, this suit BNL has, let them collect it, because I say they did not know.

This was August 10, last month.

Since BNL–Rome was never vigorously pursued by the Justice Department, it is safe to conclude that the U.S. Government got the message. How convenient.

As I mentioned, investigators in the BNL case felt frustrated at not being able to vigorously pursue the Iraqis involved in the BNL case. Attorney General Barr addressed this issue in his August 10 Iraqgate report which states:

> The Atlanta prosecutors did not seek any other foreign travel: they believed that the Iraqis would be evasive and uncooperative * * *

That is contradicted by memoranda that I have inserted in the RECORD since February showing clearly that the diplomatic officials wanted to protect and keep any Iraqi and even a Jordanian from getting indicted in the United States. This is quite puzzling, that is, Barr's statement here, given that the fact that on March 15, 1990, the Justice Department wrote the State Department asking to interview a half dozen Iraqis involved in the BNL scandal. The prosecutors in Atlanta were never allowed to talk to the Iraqi targets. Could it be that Mr. DeVito's calls for damage control were heard loud and clear by the State Department and Justice Department? And could it be that the White House didn't want to offend Saddam Hussein, or embarrass itself, which is more likely?

In past reports I have provided overwhelming evidence that shows the U.S. Attorney in Atlanta expected to bring the BNL indictment in early 1990 and that it never materialized after the indictment was sent to the Justice Department in Washington, DC for review. I have quoted from over a half dozen documents that support that fact.

A February 1990 Federal Reserve memo shows how high level politics influenced events. The memo states:

> * * * Entrade is willing to pay a $1 million penalty provided no individual from the firm is convicted. The Iraqis are willing to sacrifice one individual to the vagaries of the U.S. criminal judicial system.

This memo shows that the BNL case was far enough along in early 1990 to have negotiations for a plea agreement with Entrade and the Iraqis related to their role in the BNL case. Regarding the investigation of Entrade for its role in the BNL scandal, the February 1990 Federal Reserve memo goes on to state: "A trip to Istanbul was put off at the request of Attorney General Thornburgh."

The memo says the reason Thornburgh delayed the investigative trip of the U.S. Attorney to investigate Entrade was the stinging criticism of the BCCI criminal settlement.

☐ 1340

The memo states, and I quote,

> The criticism of the BCCI criminal settlement has motivated the Attorney General to have the BNL matter reviewed by main Justice in Washington before any settlement is agreed to by the U.S. Attorney.

This information is in direct conflict with Barr. I just cannot find myself, even though he sits in that position, identifying him as an Attorney General. He has traduced that office. He has traduced his oath of office. He has betrayed a trust, and I cannot respect that. I respect the office of Attorney General, because that has been a traditional office since the first administration in our country, but not Barr.

The Iraqgate report of Barr's claiming the plea agreement was abandoned because of Entrade's change in plans, and it was in fact a political decision, which, of course, the Justice Department denies.

We may never know exactly what has happened in BNL-Atlanta. Much may come out, beginning today, when Christopher Drogoul and the other BNL employees make their statements in court or before our committee. I have signed a subpoena to be dated after sentencing.

Meanwhile, we already know that the government of Italy had plenty of reason not to want all the details of what BNL-Rome knew, to be revealed. We know also that the Italian government worked hard to gain damage control, and events here in the United States would lead a reasonable mind to conclude that they got what they wanted. After all, it was also very much in Washington's interest to keep the details quiet.

And so the Justice Department says in its whitewash report of August 10, that BNL management was more or less careless, but not involved. This is despite the CIA report that says BNL-Rome was asked to sign off on important deals BNL-Atlanta made with Iraq, and agreed to do so—a report that says clearly, Rome knew what was happening, and our Government is aware of that fact.

But then, it is not in our Government's political interest to let the world know just how much the White House and other agencies knew about Saddam Hussein's use of BNL loans to aid its military industrialization effort and the BNL-financed secret military procurement network operating in Europe and in our country.

Everyone, it seems, wanted damage control. That is why the Attorney General wanted to stop my committee's investigation even before it started in 1990. That is why the White House-led Rostow gang set up snares and hurdles to stop anyone who asked questions. That is why the White House and numerous Government agencies today refuse to turn over BNL-related documents to the committee.

Why not? They cannot say that it is an ongoing national security matter, so why? I just ask that question elliptically, because I leave it to the judgment of my colleagues.

That is also why the Attorney General spent months and months reviewing the BNL indictment, which by the way, was not handed down until the day after fighting in the gulf stopped. That same damage control is what undoubtedly accounts for the stonewalling that continues to this day. Mr. Barr, a loyal political appointee, is more interested in damage control than in justice. Clearly his masters have much to fear if all the facts are ever fully disclosed.

What panjandrum in the White House, after all, is willing to acknowledge that it was United States Government policy to provide Iraq with militarily useful technology—even technology for Iraq nuclear weapons program? Sadly, that is exactly what happened. It is too sorry a tale for the President and State Department to admit. One can only wonder: how many other foreign governments have been allowed—or may be allowed today—in fact, I know they are. Does anybody among my colleagues think the kind of crime we have in this country, particularly the mere $1 trillion drug money laundering, would be possible without the deficiencies and if not witting or unwitting collaboration, of banks, regulators, government officials, low- and high-level State, local, and Federal? Of course not.

We get the kind of crime we deserve, because we as a people, I am sorry and sad to say, have been willing to forsake our inheritance for a mess of pottage.

The policy toward Iraq was cynical, unprincipled, and had a tragic outcome, and will continue to have, but the dense curtain of secrecy may forever hide the full extent of this disaster.

It is convenient for all parties to hide the facts. The White House no longer cares about Saddam Hussein, of course, but it surely is caring about burying its mistakes, and that is exactly what they are doing.

Mr. Speaker, I append to my statement the documentation which I mentioned for the references I have made:

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, August 20, 1991.

Hon. WILLIAM H. WEBSTER,
Director of Central Intelligence, Central Intelligence Agency Washington, DC.

DEAR JUDGE WEBSTER: The Banking Committee is conducting an investigation into the operations of the Banca Nazionale del Lavoro (BNL). I ask for your cooperation with the Committee's investigation.

Between 1985 and 1990, BNL provided Iraq with over $4 billion in unauthorized loans that were used to purchase agricultural products and industrial goods. Many of the individuals and beneficiaries of the BNL loans to Iraq are based in foreign countries. The Committee would like to learn more about the foreign beneficiaries of BNL loans to Iraq are based in foreign countries. The Committee would like to learn more about the foreign beneficiaries of BNL loans to Iraq, and respectfully asks the CIA to provide, if available, foreign intelligence information on the following:

1. Wafia Dajani (Jordanian Citizen) and his related companies: Amman Resources, Amman, Jordan; Amman Resources International, Georgetown, Grand Cayman; Araba Holdings, Inc. Panama; Aqaba Packing Co., Amman, Jordan.

2. Technology and Development Group (TDG) London, England.

3. TMG Engineering Limited, London, England.

4. Matrix-Churchill Limited (MCL) Coventry, England.

5. Tigris Trading Company, Baghdad, Iraq.

6. Al-Arabi Trading Company, Ltd.

7. Meed International, Ltd, England.

8. Kintex, Sophia, Bulgaria (aka "Globus" or "Korekom").

9. TechnoExport Foreign Trade Company, Ltd., Czechoslovakia.

10. Bank for Foreign Economic Affairs of the USSR, Moscow, USSR.

11. Exportkhleb, Moscow, USSR.

THE FOLLOWING IRAQI GOVERNMENT ENTITIES AND IRAQI INDIVIDUALS:

12. Ministry of Industry and Military Manufacturing, An Agency of the Republic of Iraq.

13. Nassar State Establishment for Mechanical Industries, An Agency of Republic of Iraq.

14. Central Bank of Iraq, Baghdad, Iraq; Sadik Taha.

15. Rafidain Bank, Baghdad, Iraq.

16. Ali Mutalib Ali, former commercial attache at Iraq's German Embassy.

Thank you for your time and cooperation. With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

CENTRAL INTELLIGENCE AGENCY,
Washington DC, November 12, 1991.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In a letter dated 20 August 1991, the Banking Committee informed us of its investigation into the operations of Banca Nazionale del Lavoro (BNL). As a part of this investigation, the Banking Committee requested any foreign intelligence information this Agency may have on foreign beneficiaries of BNL loans to Iraq. As you are aware, we also are responding to a separate request from your Committee to review summaries of several raw, unevaluated reports on Iraq and BNL. Some of these summaries contain specific information on the Rafidain Bank (item 15 in your 20 August letter).

In addition to the information we are providing at this time, there are other documents, with the security classification TOP SECRET compartmented information, on the Iraq/BNL connection that we are prepared to provide directly to you and the other Committee members. The TOP SECRET compartmented documents also can be made available to staff members when they have obtained the appropriate clearances.

In response to your request, an extensive search of the files and indices of the appropriate CIA offices produced the following results that are keyed to your letter.

[All portions classified secret]

In addition to providing information from our classified files, we also have included some unclassified material from other open source publications (TAB B), and from the Foreign Broadcast Information Service (FBIS) that may assist you in this investigation. (TAB C)

In the course of searching our records, we identified documents relating to this matter that were originated by the Defense Intelligence Agency, the National Security Agency, United States Information Agency, Department of Justice, and the Department of State. We are prepared to provide these agencies with specific document citations to facilitate their response to the Committee if you with to obtain these documents from them.

Sincerely,

STANLEY M. MOSKOWITZ,
Director of Congressional Affairs.

[Enclosures classified secret]

R 2615172 Oct 89
Fm Amembassy Rome
To SecState Wash DC 0695
Treas Dept Wash DC
Info Dept Justice Wash DC
AMConsul Milan
Amembassy Baghdad
Confidential section 01 of 02 Rome 22656
LIHDIS

Please pass Federal Reserve Board and Dir FBI

E.O. 12356: Decl: OADR

Tags: EFIN, ECON, IT

Subject: Banca Nazionale Del Lavoro Concerns re Atlanta Branch

Ref: Rome 22019

1. Confidential—Entire Text.

2. Summary: The chairman and the director general of Banca Nazionale Del Lavoro (BNL) called on ambassador to express their concerns about developments in the BNL-Atlanta affair. They suggested that the matter should be raised to a political level, and indicated their desire to cooperate fully with USG authorities while at the same time making it fairly clear they want to achieve some kind of damage control.

Confidential

Confidential

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Ambassador said he would pass on their concerns but could not otherwise be helpful with or comment on a matter under criminal investigation. Separately, treasury minister Carli has blocked an effort by opposition Senators to conduct an investigation into the BNL-Atlanta affair, end summary.

3. The chairman of Banca Nationale Del Lavoro, Giampiero Cantoni, and the director general, Paolo Savona, called on the ambassador on October 19. The meeting was at Cantoni's request, made during the return flight from the U.S. with President Cossiga. Both Cantoni and Savona had been in the U.S. with President Cossiga's delegation.

4. Contoni expressed concerns about prospective developments in the BNL-Atlanta affair. He said BNL's U.S. lawyers were urging him to raise the issue to a "political" level. He said that his U.S. lawyers thought that charges would be filed under the Rico Act and that BNL/or Iraqi assets could be frozen. Savona was concerned about losing the CCC guarantee on roughly one billion dollars of BNL-Atlanta's three billion dollar exposure. The men alluded to legislation under consideration in congress providing for USG credits to Iraq being affected by the investigation/charges. Cantoni said FBI agents remained in the Atlanta branch, or had sealed the books. He also maintained that the ex-Atlanta branch manager Drogoul was available and willing to testify to appropriate officials.

5. Cantoni and Savona both made the point that they

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Were willing and anxious to cooperate with USG authorities. They also said their U.S. lawyers would be in Rome on October 25.

6. The ambassador said he would pass on the concerns of BNL and their willingness to cooperate to Washington, but that he was unable to comment or otherwise be helpful on a matter under criminal investigation.

7. On a separate note, treasury minister Carli responded negatively on October 24 to a request by opposition Senators to conduct an investigation into the BNL-Atlanta affair. Carli said that a number of investigations by Italian and U.S. officials were underway. He also noted that bank secrecy laws impeded the bank of Italy from providing information to the Senate.

8. Comment: The remarks on the need to raise this to a political level are interesting as the case has already become a political issue in Italy. The President has become involved as witnessed by the inclusion of Cantoni and Savona in his party in the U.S. Cantoni and Savona, while new to BNL, have close political connections, Cantoni to Craxi and the socialists, and Savona to Cossiga (a fellow Sardinian) and to Carli, his mentor at the Bank of Italy and later at Confindustria. The treasury is the majority shareholder of BNL.

BNL is an upstart bank by Italian standards, dating only to 1913 and owing its growth to its role as the key bank for the government in the 1920s and 30s. It continued to grow in the post-war period, but has been having problems in the past few years. The recently sacked Chairman, Nerio Nesi, had been engaged in an effort to pare down the staff of the bank and separate out some functions while at the same time increase the bank's capital. To achieve the latter, he worked out a deal whereby the state-owned insurance agency INA and the state pension system INPS would take the proceeds from the sale of shares in CREDIOP and invest them in BNL. The result will be a capital increase.

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Page 02 ROME 22656 02 of 02 2615987.

That will reduce the treasury's ownership from 75 percent to 56 percent. INA is also making a subordinated loan. The capital increase was approved by the BNL board in mid-October, and is to be presented to the shareholders (treasury, INA, INPS plus a scattering of other, mostly public, institutions) on December 13.

BNL's reputation within the Italian banking community and even among its own staff has been suffering for some time. The BNL-Atlanta affair, even if contained, will aggravate BNL's problems. Not least of these are loan to Latin American countries. BNL is said to be one of the two largest lenders to Mexico and has been active in South America as well.

SECCHIA.

Federal Reserve Bank of New York,
February 6, 1990.

To: Legal Files.
From: Ernest T. Patrikis.
Subject: Recent Developments Regarding Banca Nazionale del Lavoro.

On February 6, I spoke with Ed Willingham, General Counsel of the Atlanta Reserve Bank, and among the topics we discussed was current developments regarding BNL. Obviously, the indictments that were expected to come down in January did not materialize. A planned trip to Italy by criminal investigators was put off because of BNL asserted concerns regarding the Italian press.

A trip to Istanbul was put off at the request of Attorney General Thornburg. The criticism of the BCCI criminal settlement has motivated the Attorney General to have the BNL matter reviewed by main Justice in Washington before any settlement is agreed to by the United States Attorney.

Ed reported that Entrade is willing to pay a $1 million penalty provided no individual from that firm is convicted. The Iraqis are willing to sacrifice one individual to the vagaries of the United States criminal judicial system. Mr. Dragoul has retained high-powered defense counsel. All in all, Ed believes that we will hear little about this matter until some time late in March.

Federal Reserve Bank of New York,
April 5, 1990.

To: Mr. Corrigan.
From: Thomas C. Baxter, Jr.
Subject: Lavoro.

I followed up on your suggestion about a possible connection between Banca Nazionale del Lavoro ("BNL") and the nuclear triggers that were seized in London. As you suspected, there is a connection. Apparently, Von Wedel (a former officer of BNL who is now cooperating with the government) says that one of the transactions done with Rafidian Bank at some point referenced nuclear detonators. According to Von Wedel, this reference scared BNL away from this particular transaction, but it is possible that the lesson the Iraqis learned was to be generic in preparing the credit documentation. Thus, it is entirely possible that BNL financed some of this material.

At any rate, I have been assured that those conducting the criminal investigation in Atlanta are looking into these connections, with a view to developing additional criminal charges. The resignation of the United States Attorney in Atlanta has led to a number of difficulties in that investigation. These difficulties have been compounded by what is perceived an interference from the Justice Department in Washington.

The press has also made a connection between BNL and the detonators. Attached you will find copies of two Financial Times articles doing just that.

Office of International Affairs,
Washington, DC, March 15, 1990.

Re request for meeting with Iraqis.

Michael Young,
Deputy Legal Adviser, U.S. Department of State, Washington, DC.

Dear Mr. Young: The United States Attorney's Office for the Northern District of Georgia is investigating the activities of the Atlanta office of the Banca Nazionale del Lavoro (BNL), an Italian concern. That investigation includes extensions of credit made by BNL to Iraq during the period from January, 1986 to August, 1989. The Government of Iraq is aware of the investigation and has offered on a number of occasions to cooperate with the United States. The investigation is now at a point where the U.S. Attorney's Office wishes to accept the Iraqi offer and invite Iraq to have certain named individuals come to the United States for interviews.

Therefore, we request that the United States extend in an appropriate fashion, both in Washington and Baghdad, an invitation to Iraq to have the persons named on the attached list travel to the United States to meet with the U.S. authorities conducting the investigation.

In issuing this invitation you may tell Iraq that the investigation is for possible violations of U.S. law, including, 18 U.S.C. §§371, 1001, 1341, 1343, and 2314.

We would like to begin the meetings on March 26, 1990, or as soon thereafter as can be arranged. We expect that each of the persons invited will need to allow for a minimum of three days in the United States in connection with the U.S. Attorney's investigation. Further, the United States offers its assurances that for such time as these individuals are in the United States as our guests and cooperating with the U.S. Attorney's Office, that Office will not serve process upon them or otherwise seek to assert jurisdiction over them. In addition, and pursuant to our standard practice, the United States is prepared to make and pay for the travel arrangements and per diem of each of the persons invited.

Finally, the Commodity Credit Corporation (CCC) and the Department of Agriculture (USDA) are considering a request by Iraq to extend $500 million in export credit guarantees under CCC's GSM-102 program for the remainder of fiscal year 1990. The USDA and CCC also need to meet with the persons named above in connection with their own investigation into alleged irregularities concerning extensions of credit by BNL to Iraq for commodity purchases under the GSM-102 program during the period from 1985 to 1988 in order to complete the processing of the Iraqi application. Therefore, and in order to accommodate all concerned, we propose that the USDA and CCC meetings with the Iraqis also be scheduled for the time while they are in the United States. In issuing the invitation for them to meet separately with the USDA and CCC, you may wish to inform them that the U.S. Attorney's Office is unable under our law to share the information it has developed with the USDA and the CCC, thus making it impossible to satisfy all U.S. interests in one meeting alone.

If you need further information, feel free to call me at 786-3500.

Sincerely,

Drew C. Arena,
Director.

List of Invitees

Abdul Hussein Sahib, Director General, State Company for Foodstuffs Trading.

Harith Al-Barazanehi, Director General, State Enterprise for Tobacco and Cigarettes.

Zuhair Daoud, Director General, State Company of Grain Trading and Processing.

Sadik H. Taha, Director General for Agreements and Loans, Central Bank of Iraq.

Ahmed Al-Dulaimi, Under Secretary, Ministry of Industry and Military Manufacturing.

Raja Hassan Ali, Director General, Economic Department, Ministry of Industry.

Dr. Fadel Jawad Kadhum, Legal Adviser.

Dr. Safa Al-Habobi, Director General, Al-Nassar Complex Ministry of Industry, President, Chairman of TDG, President of Matrix-Churchill (England).

U.S. Department of Justice, U.S. Attorney, Northern District of Georgia, Atlanta, GA, January 9, 1990.

Re: Assistance of Robert Kennedy.

Mr. Zane Kelly,
Federal Reserve Bank, Atlanta, GA

Dear Mr. Kelly: As you are aware Mr. Kennedy of your office has been providing essential assistance to this office in the BNL-Atlanta criminal investigation since late July 1989. In fact, without Mr. Kennedy's expertise this major case could not have progressed with the speed and depth accomplished to date. We certainly appreciate his efforts as well as those of yourself, Madeline Marsten and Ed Willingham.

Prior to anticipated indictment early next month, we request additional assistance from Mr. Kennedy, which involves a trip to Rome and Istanbul to interview essential non-grand jury witnesses. Travel may commence as early as January 19, 1990.

The stop in Rome is necessary to speak with a number of BNL-Rome employees, officers, and directors at whom Chistopher Drogoul and other key subjects have leveled charges of complicity in their BNL-Atlanta scheme. A Rome setting is required for immediate access to all relevant records which may assist in defeating these spurious claims by subjects of our criminal investigation.

The Istanbul portion of the trip is necessary to interview Yavus Tezeller, a Turkish national who has essential knowledge and records regarding kickbacks to BNL-Atlanta's First Vice President, Christopher Drogoul, and his father Pierre Drogoul. Tezeller's attorneys also indicate he can provide information regarding "after sale services," unearned consulting fees, and other payments to the Iraqis, as well as kickbacks paid by United States and multinational companies to obtain Iraqi contracts. This is especially important information in light of the prevailing rumors regarding the Paris Club's intent to reschedule Iraqi debt, including a substantial portion of the $1.7 billion guaranteed by the CCC. Other Entrado and Enka officials with their relevant documents should also be available for interview.

Thank you again for the support of your office in this most important investigation.

Sincerely,

Robert L. Barr, Jr.,
U.S. Attorney.

Gale McKenzie,
Assistant U.S. Attorney.

HON. TED WEISS OF NEW YORK

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, I wish to allude for no more than 30 seconds to the sad and distressing event of today, the passing of a great friend and a great Congressman, the Honorable Ted Weiss of New York.

It has been very little noted among us here, but during this last Congress he was assigned to the Committee on Banking, Finance and Urban Affairs, even though he has other official standing committee assignments and obligations. He was there when he was needed, and it was not easy.

Ted was a very principled man. I will just say that I endorse everything that his colleague, the gentleman from New York, the Honorable JIM SCHEUER, said when he introduced the resolution this afternoon that when we adjourn today we do so in the honor and memory of TED WEISS.

COMMUNICATION FROM HON. CHARLIE ROSE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHARLIE ROSE, Member of Congress:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, September 11, 1992.

Hon. TOM S. FOLEY,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, we will determine if the compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 60 minutes each day, on September 15, 16, 17, and 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. DUNCAN.
Mrs. ROUKEMA.
Mr. SOLOMON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. LAFALCE.
Mr. SKELTON in two instances.
Mr. YATRON in two instances.
Mr. STARK in two instances.
Mr. VENTO.
Mr. RANGEL.
Mr. FORD of Michigan.
Mr. LANTOS in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2507. An act to amend the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698), to authorize certain uses of water by the Ak-Chin Indian Community, Arizona; to the Committee on Interior and Insular Affairs.

S. 2572. An act to authorize an exchange of lands in the States of Arkansas and Idaho; to the Committee on Interior and Insular Affairs, Agriculture, and Merchant Marine and Fisheries.

S. 2880. An act to authorize appropriations for fiscal years 1993 and 1994 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service, and for other purposes; to the Committee on Ways and Means.

S. 3095. An act to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisana; to the Committee on Interior and Insular Affairs.

S. 3224. An act to designate the United States Courthouse to be constructed in Fargo, North Dakota the Quentin N. Burdick United States Courthouse; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, pursuant to House Resolution 564, I move that the House do now adjourn in memory of the late Honorable TED WEISS.

The motion was agreed to; accordingly (at 1 o'clock and 48 minutes p.m.) pursuant to House Resolution 564, the House adjourned until tomorrow, Tuesday, September 15, 1992, at 12 noon, in memory of the late Honorable TED WEISS of New York.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4223. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a final rule which revises a number of existing regulations in the area of registration and classification procedures, pesticide policies, and data requirements for registration, pursuant to 7 U.S.C. 136w(a)(4); to the Committee on Agriculture.

4224. A communication from the President of the United States, transmitting revised fiscal year 1992 request for appropriations for the Small Business Administration, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102-386); to the Committee on Appropriations and ordered to be printed.

4225. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1992, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102-387); to the Committee on Appropriations and ordered to be printed.

4226. A letter from the Deputy Secretary of Defense, transmitting a report on the status and cost of U.S. commitment to NATO as reflected in the DPQ Response and defense budget request, pursuant to 22 U.S.C. 1928 note; to the Committee on Armed Services.

4227. A letter from the Department of the Navy, transmitting notification of the proposed transfer of the obsolete vessel *Takelma* (ATF 113) to the Government of Argentina, pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

4228. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend section 2031 of title 10, United States Code; to the Committee on Armed Services.

4229. A letter from the Secretary of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve during the period April 1, 1992 through June 30, 1992, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

4230. A letter from the Department of Energy, transmitting a notice of meetings related to the International Energy Program; to the Committee on Energy and Commerce.

4231. A letter from the Advisory Panel on Alzheimer's Disease, Department of Health and Human Services, transmitting the third report on administrative and legislative actions to improve services for individuals with Alzheimer's disease and related dementias, pursuant to 42 U.S.C. 679; to the Committee on Energy and Commerce.

4232. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs for training (Transmittal No. 92-40), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4233. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Alvin P. Adams, of Virginia, to be Ambassador to the Republic of Peru, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4234. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination 92-44, relative to the eligibility of the Organization of African Unity [OAU] to be furnished defense articles and services under the Foreign Assistance Act and the Arms Export Control Act, pursuant to 22 U.S.C. 2753(a)(i); to the Committee on Foreign Affairs.

4235. A letter from the Department of the Navy, transmitting the 1991 annual report for the Navy Nonappropriated Fund Retirement Plan of Employees of Civilian Morale, Welfare and Recreation, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4236. A letter from the Director, Office of Management and Budget, transmitting OMB's cost estimate for Pay-As-You-Go calculations as of August 31, 1992; to the Committee on Government Operations.

4237. A letter from the Director, Office of Management and Budget, transmitting OMB's cost estimate for Pay-As-You-Go calculations as of September 8, 1992; to the Committee on Government Operations.

4238. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4239. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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4243. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4244. A letter from the Chairman, Administrative Conference of the United States, transmitting the annual report on fees and other expenses awarded pursuant to 5 U.S.C. 504(e) covering the period from October 1, 1990 through September 30, 1991, pursuant to 5 U.S.C. 504(e); to the Committee on the Judiciary.

4245. A letter from the Secretary of Commerce, transmitting a copy of the cooperative program for the development of tuna and other latent fishery resources of the Central, Western, and South Pacific Ocean, pursuant to 16 U.S.C. 758e–1a; to the Committee on Merchant Marine and Fisheries.

4246. A letter from the Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1994; jointly, to the Committee on Appropriations, Energy and Commerce, and Ways and Means.

4247. A letter from the Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1994, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Appropriations, Energy and Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3591. A bill to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such act; with an amendment (Rept. 102–823, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. Conference report on S. 12 (Rept. 102–862). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 4551. A bill to amend the Civil Liberties Act of 1988 to increase the authorization for the trust fund under that act, and for other purposes; with an amendment (Rept. 102–863). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5534. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement with the William O. Douglas Outdoor Classroom; with amendments (Rept. 102–864). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2737. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program; with an amendment (Rept. 102–865, Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Submitted September 11, 1992]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 918. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than September 14, 1992 for consideration of such provisions of the bill and amendment recommended by the Committee on the Interior and Insular Affairs as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X. (Rept. 102–711 Pt. 2). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 918. Referral to the Committee on Merchant Marine and Fisheries extended for a period ending not later than September 15, 1992.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 5933. A bill to implement the recommendations of the Federal Courts Study Committee, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota (for himself, Mr. BEREUTER, Mr. SARPALIUS, Mr. MCCLOSKEY, Mr. LEACH, Mr. NUSSLE, Mr. PENNY, Mr. NAGLE, and Mr. DORGAN of North Dakota):

H.R. 5934. A bill to amend the Agricultural Act of 1949 to improve the Farmer-owned Reserve Program, and for other purposes; to the Committee on Agriculture.

By Mr. SCHEUER:

H. Res. 564. Resolution expressing the profound sorrow of the House of Representatives on the death of the Honorable Ted Weiss, a Representative from the State of New York; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2880: Mr. POSHARD.

H.R. 3928: Mr. HEFLEY and Mr. FROST.

H.R. 4141: Mr. BLACKWELL, Mr. WAXMAN, Mr. HAYES of Illinois, and Mr. RANGEL.

H.R. 4385: Mr. FISH.

H.R. 4399: Mr. SHAYS.

H.R. 4414: Mr. MATSUI.

H.R. 4897: Mr. RITTER.

H.R. 5208: Mr. SKAGGS.

H.R. 5507: Mr. EMERSON, Mr. GILCHREST, and Mrs. MORELLA.

H.R. 5542: Mr. SOLOMON.

H.R. 5610: Mr. ZELIFF.

H.R. 5783: Mrs. UNSOELD, Mr. OLIN, Mr. HENRY, Mrs. KENNELLY, Mr. LIPINSKI, Mr. RANGEL, and Ms. NORTON.

H.R. 5927: Mr. BATEMAN.

H.J. Res. 478: Mr. TAYLOR of North Carolina, Mr. MARTIN, Mr. ROWLAND, Mr. MORAN, Mr. WILLIAMS, Mr. THOMAS of Georgia, Mr. HATCHER, and Mr. BARNARD.

H.J. Res. 520: Mr. CARPER, Mr. FORD of Tennessee, Mr. PURSELL, Mr. SMITH of Texas, and Mr. WELDON.

H.J. Res. 522: Mr. RIGGS, Mr. ZELIFF, Mr. FAWELL, and Mr. BALLENGER.

H.J. Res. 530: Mr. MORAN, Mr. HOYER, Mr. RANGEL, Mr. BLILEY, Mr. BOUCHER, Mr. GEKAS, Mr. JONES of Georgia, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. TAUZIN, Ms. NORTON, Ms. HORN, Mr. RITTER, Mr. GOODLING, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. HAYES of Louisiana, Mr. SCHUMER, Mr. GORDON, Mr. GUNDERSON, Mr. NAGLE, Mr. CARR, Mr. MOODY, Mr. BAKER, Mr. SABO, Mr. CALLAHAN, Mr. GRANDY, and Mr. OBERSTAR.

H. Con. Res. 324: Mr. VANDER JAGT and Mr. CHANDLER.

SENATE—*Monday, September 14, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer to the Almighty Supreme Judge of the world will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson. Dr. Halverson, please.

PRAYER

Let us pray:

* * * *For there is no power but of God: the powers that be are ordained of God.*—Romans 13:1.

Eternal God, almighty in power, full of grace and truth, the Bible is explicit that the endowment of power is at the discretion of the One who is the Lord of history, the Ruler of the nations. It is He who ordains the powerful which, if words mean anything, suggests that the final disposition of the election rests with the sovereign God. Not that we should sit on our hands and do nothing. We should do everything in our power that is right and good to give the people their opportunity for a righteous decision at the polls, aware that the outcome is in sovereign hands. Surely, gracious Father, we ought never to forget that our destiny rests with Thee.

In the light of this reality, mighty Lord, help each candidate to consider well words, actions and attitudes, that they may measure up to the judgment of a righteous God. Let issues, not image, be the rationale for campaigning and the criterion for decision.

In the name of Him who is the Lord of Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. FORD].

RESERVATION OF LEADER TIME

Mr. FORD. I ask unanimous consent that the time for the two leaders be reserved for some time during the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FORD. It is my understanding that the schedule now is that the Senate will proceed as if in morning business until the hour of 1:30, and then it will take up the China most-favored-nation legislation, H.R. 5318.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. Simpson, is recognized under the order previously entered for 5 minutes.

Mr. SIMPSON. Mr. President, I thank the Chair. I will reserve my time for a later period during the business day. I thank the Chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming.

THE PRESIDENT'S ECONOMIC PLAN

Mr. SIMPSON. I thank the Chair.

Mr. President, in morning business, let me say a few words of commendation for the specific economic plan put forward by the President last Thursday in his agenda for American renewal.

I listened closely to the President; I know many millions of Americans did. And I have taken the opportunity to read through the document he discussed. I was singularly impressed by both.

Much of what he has put forward is not new. Restating the President's plans and commitment to reforming the American educational system is certainly not new. He proposed that when he started his first term. Negotiating free trade agreements to benefit our economy is certainly not new. It has been presented before on many occasions, as he stitched together the Canadian-United States Trade Agreement, spelling out what the President has long advocated in budget and tax legislation.

Regrettably, those proposals have been with us for some time, for the basic and simple reason that we, as a Congress, have failed to pass them; and, in some cases, have failed to even consider them. Even noncontroversial parts of the President's tax agenda that have wide bipartisan support have died here in the Congress because they were attached to unacceptable tax hikes totaling more than $70 billion.

I especially noted what the President said about our economic challenges. He said they "have no single cause and no single cure." And no single idea that can be expressed in a sound bite is going to do much to solve them, either.

I was pleased to see that the President has put his ideas forward in a well-organized package. I was impressed by his willingness to see things as they are, and not as they might sell the best. He talked at first about reforming the financial system. That is not exactly a sound-bite issue. But it surely is the economic reality that we are not going to be able to compete in the 21st century so long as our financial system is set to serve the 1930's when it was set up.

What is especially impressive about his document is the way in which it shows the President's clear perception of how all of our national policy challenges interrelate. He first identified those challenges: How America, now that the cold war has been won, must win the international economic competition if our descendants are to thrive and prosper; and then he proposes very clearly things that absolutely must be done if we are to win that economic competition.

The specific proposals put forward by the President regarding the Federal budget and taxes are vital and necessary, but are only part of what we have to do. We are not going to form the capital necessary to invest in our future productivity if we continue to soak up hundreds of billions of dollars every year in the form of the national deficit. So certainly, the line-item veto is scorned by some and ridiculed by others; capped growth of mandatory spending, said by some to be impossible; and the balanced budget amendment, often scoffed at and ridiculed again.

But those are attempts. And without attempts, we will have nothing to stem the flow of what will be an ever-increasing deficit, and will surely be giving up on our children and grandchildren in the year 2030, at which time the Social Security System will be in a dramatic drawdown. And there is not anyone that has yet challenged those figures.

Under any scenario, the year 2030 is the doomsday scenario, unless we do something with the cost-of-living allowance for people who earn over $50,000 a year or $75,000 a year in retirement. And we cannot even touch that unless we do something with people who have over $20,000, $30,000, $40,000, or $50,000 in retirement income, and are only paying 25 percent of their premiums on part B of Medicare, when they should be paying 75 percent if they have the wherewithal to do it.

We do not touch that one, either. No one is going to touch that one, I can assure all of them.

So there we are. We know what we have to do. We have heard so many tell us that. So we talk about these things. Balanced budget; I happen to think that is very vital. Investment tax incentives; that should have been passed by the Congress long ago.

I can surely understand the arguments of those on the other side. The occupant of the chair speaks with eloquence about the balanced budget amendment; with some remarkable vigor and with remarkable potency, also.

At least the President has placed those things in his plan.

The President's plan also recognizes that a properly educated and trained work force is a necessary condition for meeting our future economic challenges. The President, several months ago, sent us his program to allow the principles of competition and decentralized innovation to improve the quality of our schools. The Secretary of Education, Lamar Alexander, is a superb gentleman, a very superb administrator, and an awesome innovator of what has to be done in education. Whatever it will be, we are not doing it enough.

Again, we are already well familiar with this story. But it is presented here very clearly in the context of the President's overall vision for meeting this country's economic challenges—a vision which includes:

Repairing our Federal budget and tax situation;

Reforming our schools;

Negotiating the best possible position for our country in international trade;

Freeing small business from regulatory and litigation burdens;

Controlling the growth of an unaccountable Federal bureaucracy; and

Reforming our health care system, among other specific proposals.

No matter who aspires to sit in the Oval Office next January, or to serve here in Congress, we would all do well to take a good and comprehensive look at the President's presentation of the American agenda. I commend him for uniting his many important proposals in a clear and understandable document that shows how all of them fit into a bold plan for America's future.

I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, it is also interesting and enlightening to listen to my good friend from Wyoming. He is my friend. We disagree on some items, but we are not disagreeable. He lists all of these things the President has put together in the package, and he says it is nothing new.

We have had 12 years of decline. And I think if you look at every economic category in the last 3 years, 3½ years, they are all down; there is no positive side to any of them.

We talk about a balanced budget. We have not seen a budget sent to the Congress in the last 12 years that was balanced.

This year, the House passed their 12 or 13 categories of appropriations, and they are down almost $13 billion, less than the President asked for. And we are along that same route to reducing the request of the President by billions of dollars.

We had a little amendment here not too many days ago on star wars. The President wanted $4.8 billion, I think, and the committee put out about $3.8 billion. There was an amendment on the floor to reduce it another $1 billion; and a motion to table, I believe, failed 43 to 49. Then we had the filibuster, because they do not want the defense authorization appropriations bill to go forward since we cut $1 billion out of star wars.

Somehow or another all of these things that we get do not add up. We talk about the great educational President, and the great educational proposal. We will have to file a cloture motion in order to bring the educational bill up.

We talk about gridlock. Every time we get ready to bring up a bill, just to bring it up to consider it, there is a filibuster and we have to have a cloture motion filed on it. And then it probably comes out 87 to 7 in favor of cloture. But that is the gridlock, and that is what slows us down.

We hear this: I will never, ever tax again. And then, the next day, the White House is trying to repair the damage. But then you read articles where the administration sends their people to Japan to try to get back in good graces with them, and they brag about the tax increase. That is what they brag about to Japan: We bit the bullet; we increased taxes to try to help our economic situation.

But when they come back here, they say it was a mistake; they were put in a corner, and could not get anything else.

So the economy of this country is so important. Our ship of state, as one said, as far as the economy is concerned, is headed for the rocks. This administration is steady as she goes. Others think we ought to change course.

Mr. President, we hear all these grand old sayings which are warmed over. And our friends on the other side admit that, that it has been warmed over. There is nothing new. The economic stimulus package that we sent to the President, he vetoed, and six of the seven requests were made by the President. But we felt the responsibility of not increasing the deficit, so what did the Congress do? They added a little tax onto the millionaires—to the millionaires. And so that was vetoed, because we put a little more tax on the rich in order to pay for all these things; we wanted to help those that made less than $50,000, to pay for reduction in passive losses and capital gains and research and development; let the farmer continue to charge off a portion of his health insurance, all of these things that would help stimulate the economy.

And so, Mr. President, I feel it is important that we look at what is being rewrapped here. It is a present we have had several times. We have turned that down. I think the American people have turned it down, and I believe that they will continue to do that until we find something that will reach the imagination, reach the confidence that we are going to have change, and that change is vital to the future of our country.

Mr. President, I was not able to travel with some of the delegation last Friday, but I stayed here to be with my Congressman, WILLIAM NATCHER, as we broke ground in dedicating a building in his honor at the National Institutes of Health. And Congressman NATCHER said that he believes very strongly as long as you take care of the health of your people and educate your children, you will remain the strongest country in the world.

I believe that, and what we need to do is to be sure that the health of our country is secure and that the education of our children is positive, and we will remain the strongest country in the world.

I yield the floor.

Mr. SIMPSON. Mr. President, I see no one else seeking the floor for the purposes of morning business, so I ask unanimous consent that I might use the remainder of my 5-minute leadership time at this time.

The PRESIDENT pro tempore. Without objection, it is ordered.

POLITICS

Mr. SIMPSON. Mr. President, I do enjoy the senior Senator from Kentucky. He is a spirited man with great energy and great wit and great, good common sense. He and I have served our parties as assistant majority leader and assistant minority leader now for some many months together, and I have enjoyed that. There are many times and opportunities in the course of turmoil of partisanship in our activities where the two of us sit down and say, how can we best move something forward that seems to be tangled inexorably in some kind of net that no one understands. And we can share with each other what it is, and there is the reality of that. There is always a reason for things in politics, but then there is always a real reason. We try to get to that.

Indeed, what my friend is saying is the people do have it figured out; it does not add up. The President of the United States presents a budget. It is not balanced and never has been. And then the Congress passes a budget which is not balanced, and it never has been. And then we point our fingers at the figures. There are some things that the people will have now about 50 days to sort out. I think they will.

Gridlock is not the province of our party. We were still waiting for a vote on the capital gains tax reduction, which I know is arcane and may be abused to some, but that is what the President campaigned on in 1988. All he wanted was a vote. We never got it here. So every time we come up with who did what to whom here, with all sorts of procedural trickery, remember that one, which we never got to once on a clean vote.

There was a so-called misery index. I do not know who put that together, but we remember what it was. It was under the previous Democratic President. Interest rates were at double digit. They have never been lower than now in the last 20 years.

What an advantage for young people if they are willing and able to get into the housing market. An inflation rate of 3 percent now versus double digit in 1980. Capitalists, if you will, were paying 70 percent on their income tax. Now they are paying 31, hopefully releasing that into the economy. At least that is what capitalism is supposed to be about.

But I remember the debate during the Tax Reform Act, when people on the opposite side of the aisle, especially in the House, said that is it, this is the finest piece of legislation that has ever been done because we finally stuck it to the rich. I remember the statement of Tip O'Neill, I remember the statement of Congressman GEPHARDT, I remember a flow of people stepping forward and saying that is it, we finally have done it. Apparently, we did not get that done. If we did not, somebody on the other side of the aisle was dilatory in that activity.

So now we have the opposing candidate suggesting—not suggesting—explaining that he will have a $150 billion tax increase, which he calls simply investment. The people will have to sort that out. And then, of course, they will have to sort out the real issue, that is that poor people do not hire people. The people that hire people are people who accumulate capital. You take away their capital, and they do not hire people. They are called entrepreneurs, employers.

I cannot tell you how many times I have stood here and heard people say this tax does not fall on the taxpayer. Can you not understand? It only falls on the employer.

Well, you have to have your head examined when you consider that statement as to who do they think an employer is. An employer is a taxpayer.

When you say you are going to just do it to people who earn 200,000 bucks, you better listen carefully, because that includes most of the people who file their income returns in the United States because most are filing under subchapter S. There is hardly any business that does not gross that—sole proprietorships gross, partnerships gross. You are affecting about 67 people of the United States in that little outburst. I have not heard anybody sort that out yet. I am sure we will have that.

In any event, it is a great ritual. Wait until the President gets what he asked for and then you stick something in it which he bitterly is opposed to. And then you ship it to him and wonder why we call it gridlock. Not one thing purely that he has asked for has he ever received. It is always loaded with a poison pill hoping to detonate under his chair at the end of 1600 Pennsylvania Avenue forcing him to veto it, and then we come here and sustain the veto and he gets the finger pointed that he is inept, out to lunch, gone out fishing, or golfing or whatever.

The people have that all figured out, or they will within the next 50 days. We will help to do that.

Thank you very much.

Mr. FORD. I ask unanimous consent that I might have another minute.

The PRESIDENT pro tempore. The Senator may be recognized as in morning business for not to exceed 5 minutes.

Mr. FORD. Mr. President, I will only say that we are trying to be diverted here. We get all this big package, but they do not say how they want us to pay for it. So we have to figure out a way to make it revenue neutral and then we tax the millionaires, and that is the bitter pill that the distinguished Senator from Wyoming does not like, or the administration does not like, and so, therefore, it has to be vetoed.

It is a shame that we do all these things to stimulate the economy, and there is one item that is not liked and that is taxing the rich. So, therefore, the legislation is passed. We get a lot of this subchapter S and all that sort of thing. Not many people out there understand what that means, and we will see how things work out in the next 50 days.

I yield the floor.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,038,419,035,499.18, as of the close of business on Wednesday, September 9.

Anybody even remotely familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the Federal debt run up by Congress.

On a per capita basis, every man, woman, and child in the United States owes $15,722.32—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

TRIBUTE TO KEITH KENNEDY, 20 YEARS OF SERVICE TO U.S. SENATE

Mr. COCHRAN. Mr. President, I would like to recognize the contributions of Keith Kennedy as he celebrates 20 years of service to the U.S. Senate.

Keith Kennedy has provided the Appropriations Committee with exemplary leadership as the Republican staff director for many years. He has exhibited professionalism, skill, and poise as he has helped the committee steer to passage its 13 annual appropriations bills, supplementals, and continuing resolutions.

Keith has been very helpful to this Senator in navigating the sometimes treacherous waters of the appropriations process. I commend him for his outstanding service to the Senate and the committee, and I congratulate him on reaching this important milestone in his career.

TRIBUTE TO QUENTIN BURDICK

Mr. FORD. Mr. President, regrettably several longstanding commitments back in the Commonwealth prevented me from attending last Friday's services for our friend and colleague from North Dakota, the late Quentin Burdick. There have been a number of words spoken about Quentin Burdick in the past week, and I can't top the accolades that he has been given. I would like to take a few minutes today to pay tribute to this man who gave so much to the U.S. Senate.

Quentin Burdick's career, I believe, could best be described as a testament to dedication. He didn't succeed in every race he ran. As a matter of fact, he lost the first six he was in. But he persevered, and he won, and he won again and again. In the process, he made the North Dakota Democratic Party a power to be reckoned with, and he went on to become a true power in the Senate himself.

There was a simple reason for Quentin Burdick's success: he never forgot who he was representing. He looked after the farmers, made sure their voices were heard in Washington. He was dedicated to serving the people of North Dakota, and they were committed to him.

Mr. President, we will all miss Quentin. He was a good man. I know I speak for all when I extend my condolences to his family. I look forward to working with his widow, Jocelyn, in the coming days and welcome her to this body.

UNITED STATES-CHINA ACT

The PRESIDENT pro tempore. Under the order the Senate will now proceed to the consideration of H.R. 5318, an act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, under which there will be 1 hour equally divided and controlled in the usual form for debate on the bill and the committee reported substitute; that when all time is used or yielded back the committee substitute will be adopted; the bill will be read a third time and passed, and the motion to reconsider laid on the table.

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, reported with a committee substitute and without recommendation.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-China Act of 1992".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) On June 4, 1989, thousands of Chinese citizens courageously demonstrated that they were prepared to risk their lives and futures in pursuit of democratic freedom and respect for human rights.

(2) Despite this massive outpouring of desire for self-determination and observance of fundamental principles of human rights, the Government of the People's Republic of China, a member of the United Nations Security Council obligated to respect and uphold the United Nations charter and Universal Declaration of Human Rights, continues to flagrantly violate internationally recognized standards of human rights, including—

(A) torture and cruel, inhuman, or degrading treatment or punishment;

(B) arbitrary arrest, unacknowledged detention without charges and trial, and jailing of persons solely for the nonviolent expression of their political views; and

(C) use of prison labor to produce cheap products for export to countries, including the United States, in violation of international labor treaties and United States law.

(3) The Government of the People's Republic of China continues to deny Chinese citizens who have supported the prodemocracy movement and others, the right of free emigration despite having given a pledge to the Secretary of State to do so during his visit last year to China.

(4) The Government of the People's Republic of China continues to use army and police forces to intimidate and repress the Tibetan people who nonviolently seek political and religious freedom.

(5) The Government of the People's Republic of China continues to engage in unfair trade practices against the United States by raising tariffs, employing taxes as a surcharge on tariffs, using discriminatory customs rates, imposing import quotas and other quantitative restrictions, barring the importation of some items, using licensing and testing requirements to limit imports, and falsifying country of origin documentation to transship textiles and other items to the United States through Hong Kong and third countries.

(6) Although the Government of the People's Republic of China has pledged to adhere to the guidelines and parameters of the Missile Technology Control Regime, there are continuing reports of Chinese transfers of missile technology controlled by such regime to the Middle East, Africa, and Asia.

(7) The Government of the People's Republic of China continues to unjustly restrict and imprison religious leaders who do not adhere to the dogma and control of state-sponsored religious organizations.

(8) It is the policy and practice of the Government of the People's Republic of China's Communist Party to control all trade unions and suppress and harass members of the independent labor union movement.

(9) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and restrict broadcasts by the Voice of America.

(b) POLICY.—It is the sense of the Congress that—

(1) with respect to the actions of the People's Republic of China in the areas of human rights, weapons proliferation, and unfair trade practices the President should take such actions as necessary to achieve the purposes of this Act, including but not limited to—

(A) directing the United States Trade Representative to investigate and take necessary and appropriate action pursuant to section 301 of the Trade Act of 1974 with respect to the continuing unfair trade practices of the People's Republic of China which are determined to be discriminatory, and which unreasonably restrict United States commerce; and

(B) encouraging members of the Missile Technology Control Regime and other countries as appropriate, to develop a common policy concerning the People's Republic of China's transfer of missile technology to other countries;

(2) the sanctions being applied against the People's Republic of China on the date of the enactment of this Act should be continued and strictly enforced; and

(3) the President should direct the Secretary of Commerce to consult with leaders of American businesses who have significant trade or investments in the People's Republic of China, to encourage them to adopt a code of conduct which—

(A) follows basic internationally recognized human rights principles,

(B) seeks to ensure that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief,

(C) does not knowingly use prison labor,

(D) recognizes workers' rights to organize and bargain collectively, and

(E) discourages mandatory political indoctrination on business sites.

SEC. 3. MINIMUM STANDARDS WHICH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA MUST MEET TO CONTINUE TO RECEIVE NONDISCRIMINATORY MOST-FAVORED-NATION TREATMENT.

Notwithstanding any other provision of law, the President may not recommend the continuation of a waiver for a 12-month period beginning July 3, 1993, under section 402(d) of the Trade Act of 1974 for the People's Republic of China unless the President reports in the document required to be submitted by such section that the government of that country—

(1) has taken appropriate actions to begin adhering to the provisions of the Universal Declaration of Human Rights in China and Tibet, and is fulfilling the commitment made to the Secretary of State in November 1991 to allow the unrestricted emigration of those citizens who desire to leave China for reasons of political or religious persecution, to join family members abroad, or for other valid reasons;

(2) has provided an acceptable accounting of Chinese citizens detained, accused, or sentenced as a result of the nonviolent expression of their political beliefs and, by the date of the enactment of this Act, has released citizens so detained, accused, or sentenced, to credibly demonstrate a good faith effort to release all those imprisoned as a result of the events which occurred during and after the violent repression in Tiananmen Square on June 3, 1989;

(3) has taken action to prevent export of products to the United States manufactured wholly or in part by convict, forced, or indentured labor and has agreed to allow United States Custom officials to visit places suspected of producing such goods for export; and

(4) has made overall significant progress in—

(A) ceasing religious persecution in the People's Republic of China and Tibet, and releasing leaders and members of religious groups detained, imprisoned, or under house arrest for expressing their religious beliefs;

(B) ceasing unfair trade practices against American businesses, and providing them fair access to Chinese markets, including lowering tariffs, removing nontariff barriers, and increasing the purchase of United States goods and services; and

(C) adhering to the guidelines and parameters of the Missile Technology Control Regime and the controls adopted by the Nuclear Suppliers Group and the Australian Group on Chemical and Biological Arms.

SEC. 4. REPORT BY THE PRESIDENT.

If the President recommends in 1993 that the waiver referred to in section 3 be continued for the People's Republic of China, the President shall state in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974, the extent to which the Government of the People's Republic of China has complied with the provisions of section 3, during the period covered by the document.

SEC. 5. NONDISCRIMINATORY TREATMENT FOR PRODUCTS FROM NONSTATE-OWNED ENTERPRISES.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the occurrence of any event described in subsection (b), nondiscriminatory treatment shall apply to any good that is produced or manufactured by a business, corporation, partnership, qualified joint venture, or other person that is not a state-owned enterprise of the People's Republic of China. Any such

good that is marketed or otherwise exported by a state-owned enterprise of the People's Republic of China shall be ineligible for such nondiscriminatory treatment. Such nondiscriminatory treatment shall be in effect for the period of time the waiver referred to in section 3 would have been effective had it taken effect.

(b) EVENTS.—Nondiscriminatory treatment as described in subsection (a) shall apply if—

(1) the President fails to request the waiver referred to in section 3 and reports to the Congress that such failure was a result of his inability to report that the People's Republic of China has met the standards described in that section; or

(2) the President requests the waiver referred to in section 3, but a disapproval resolution described in subsection (c)(1) is enacted into law.

(c) DISAPPROVAL RESOLUTION.—

(1) IN GENERAL.—For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ______________ with respect to the People's Republic of China because the Congress does not agree that the People's Republic of China has met the standards described in section 3 of the United States-China Act of 1992.", with the blank space being filled with the appropriate date.

(2) APPLICABLE RULES.—The provisions of sections 153 (other than paragraphs (3) and (4) of subsection (b)) and 402(d)(2) (as modified by this paragraph) of the Trade Act of 1974 shall apply to a resolution described in paragraph (1).

(d) DETERMINATION OF DUTY STATUS OF ENTERPRISES.—

(1) Subject to paragraph (2), the Secretary of the Treasury shall determine which businesses, corporations, partnerships, companies, or other persons are state-owned enterprises of the People's Republic of China for purposes of this Act and compile and maintain a list of such businesses, corporations, partnerships, companies, and persons.

(2) For purposes of making the determination required by paragraph (1), the following definitions apply:

(A)(i) The term "state-owned enterprise of the People's Republic of China" means a business, corporation, partnership, company, or person affiliated with or owned, controlled, or subsidized by the government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A business, corporation, partnership, company, or person shall be considered to be state-owned if—

(I) its assets are primarily owned by a central or provincial government authority;

(II) a substantial proportion of its profits are required to be submitted to a central or provincial government authority;

(III) its production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(IV) a license issued by a government authority classifies the enterprise as state-owned.

(ii) Any business, corporation, partnership, company, or person that—

(I) is a qualified foreign joint venture or is defined by such authority as a collective or private enterprise; or

(II) is wholly owned by a foreign business, corporation, company, or person,

shall not be considered to be state-owned.

(B) The term "foreign joint venture" means any business, corporation, partnership, company, or person—

(i) which is registered and licensed in the agency or department of the government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, or contractual joint venture; and

(ii) in which the foreign investor partner and the business, corporation, partnership, company, or person—

(I) combine their assets;

(II) share profits and losses; and

(III) jointly manage the venture.

(C) The term "qualified foreign joint venture" means a joint venture—

(i) in which the foreign investor partner holds or controls at least 33 percent of the investment;

(ii) in which the foreign investor partner is not a business, corporation, partnership, company, or other person of a country the government of which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 to have repeatedly provided support for acts of international terrorism; and

(iii) which does not use state-owned enterprises of the People's Republic of China to export its goods or services.

(e) PETITION FOR CHANGE IN DUTY STATUS.—Any person who believes that a particular business, corporation, partnership, or company should be included on or excluded from the list compiled by the Secretary under subsection (d) may request that the Secretary review the status of the business, corporation, partnership, or company.

SEC. 6. SANCTIONS BY OTHER COUNTRIES.

If the President decides not to seek a continuation of a waiver in 1993 under section 402(d) of the Trade Act of 1974 for the People's Republic of China, he shall, during the 30-day period beginning on the date that the President would have recommended to the Congress that such waiver be continued, undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take similar action with respect to the People's Republic of China.

SEC. 7. DEFINITIONS.

For the purposes of this Act:

(1) DETAINED AND IMPRISONED.—The terms "detained" and "imprisoned" include, but are not limited to, incarceration in prisons, jails, labor reform camps, labor reeducation camps, and local police detention centers.

(2) CONVICT, FORCED, OR INDENTURED LABOR.—The term "convict", "forced", or "indentured" labor has the same meaning given to such term by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(3) VIOLATIONS OF INTERNATIONALLY RECOGNIZED STANDARDS OF HUMAN RIGHTS.—The term "violations of internationally recognized standards of human rights" includes but is not limited to torture, cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life, liberty, or the security of any person.

(4) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology.

(5) SIGNIFICANT PROGRESS.—(A) The term "significant progress" in section 3, means the implementation of measures that will meaningfully reduce, or lead to the end of the practices identified in that section.

(B) With respect to section 3(4)(C), progress may not be determined to be "significant progress" if, after the date of the enactment of this Act, the President determines that the People's Republic of China has transferred—

(i) ballistic missiles or missile launchers for the M–9 or M–11 weapons systems to Syria, Pakistan, or Iran; or

(ii) material, equipment, or technology that would contribute significantly to the manufacture of a nuclear explosive device to another country, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapon.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent that when a quorum call is granted it be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senate majority leader has the floor.

Mr. MITCHELL. Mr. President, we are learning that, unfortunately, the new world order has much in common with the old world order. Nowhere is that more so than for the 1 billion people who live within the borders of the People's Republic of China.

The hand of Communist repression is still at the throat of Chinese freedom. The Government agencies of China, which masquerade as private companies, still dominate the strategic trading partnership.

Most important, despite the claim that a new world order has come into being, in which nations can no longer disregard their international obligations, the Government of Communist China continues to thumb its nose at the international community with impunity.

The single largest reason why the Chinese Government can do this and continues to do this is because of the unfortunate policies being pursued by the United States Government.

China's discredited, hard-line Communist leaders know that regardless of the views of the Congress, regardless of the views of the American public, they have a friend in the White House. As a result, they need do no more than pay lip service to the claims of the international community and to the stated goals of American policy itself.

In June 1989, the Chinese Communists sent tanks against unarmed students and workers before the shocked eyes of the watching world. The administration announced that it was cutting off all high-level contacts with the Chinese Government. And yet just a few months later the President sent a high-level delegation to China secretly. For the past 3 years the administration has overlooked every insult to the free world and every insult to America directly. They have made excuse after excuse for repression within China and intolerable conduct abroad by the Chinese Government.

But it is not America's insistence on democracy and the rule of law which are the problem. It is China's denial of them.

And all the while, our trade deficit with China has grown to $19 billion, second only to our deficit with Japan. The administration has not shown the slightest concern about the effect of this deficit on American jobs, American producers and American economic growth.

In short, the administration's policy is a failure. It is not moving China toward democracy. It is not making China respect international trade laws. It is not making China a reliable member of the law-abiding international community. The policy is a failure. It is time to change that policy.

The measure before us today would change that policy. It would condition the continuation of most-favored-nation trading status with China in 1993 on the President being able to report at that time that China's leaders have taken action in accordance with their own freely made commitments—a minimal requirement of any nation's leaders, asking only that they keep their word, and a minimal requirement for any nation which seeks the trust of others. The President would have to certify that China has:

First, acted to begin adhering to their commitment to the U.N. Universal Declaration of Human Rights in China and Tibet;

Second, acted to fulfill the commitment to Secretary Baker to allow unrestricted emigration of persons subject to persecution;

Third, provided an acceptable accounting of citizens detained, accused or sentenced since the repression in Tiananmen Square for the nonviolent expression of political beliefs;

Fourth, demonstrated a good faith effort to release those imprisoned for such expression; and

Fifth, acted to stop exporting products made by forced labor to the United States, verified by U.S. Customs' access to places where such products are made.

These are minimal human rights requirements. There is nothing unreasonable about asking any government in the world to meet such standards. The claim that internal affairs are no business of any other nation should have been buried with Hitler and Stalin. Today, in the wake of the cold war, there is no longer any basis for suggesting that the government which presides over the lives of fully one-fifth of the human population of the Earth is entitled to an exemption from such minimal standards of decency.

With respect to China's international obligations, the bill would require that the President affirm the following:

First, that China's Government has ceased religious persecution and repression in China and in Tibet;

Second, that China's Government has ceased unfair trade practices with respect to United States-Chinese business;

Third, that China's Government is abiding by the guidelines and parameters of the Missile Technology Control Regime and the Nuclear Suppliers Group. These, too, are modest and minimal expectations of decent international behavior. We do not permit our closest allies to cheat us in trade. China does not deserve better treatment than our best friends. We seek to prevent friends and trade partners from practicing religious persecution. China should face the same minimal expectation. We restrict the export of potentially dangerous arms technology and we ask our allies to do likewise. So should China.

More importantly, the bill would not and will not cut off trade conditions for genuine, bona fide private Chinese companies, operating privately for the benefit of private Chinese citizens.

It would limit MFN status only for government corporations—those entities known to be financed and controlled by the Government.

Relations with private companies and joint venture companies in which American businesses are working would not be affected.

The bill would not, therefore, have the slightest impact on the right of private Chinese citizens to enter and work in the private market. It would not impede the economic growth of the private sector in China. It would not prevent the expansion of private Chinese wealth or the ability of Chinese people to gain a measure of independence from the stranglehold of their Government.

It is hard for me to see how anyone dedicated to the goal of free economics, private ownership, the betterment of private citizens and the reduction of Government influence could possibly take exception to this bill.

It meets every criterion of reason, fairness, and the best national interests of the United States. The conditions to be reached are neither onerous nor unfair. They are conditions that the Chinese Government itself has claimed it can and will meet.

I repeat: The conditions in the bill are conditions which the Chinese Government itself has said that it can and will meet. Why should we object to asking the Chinese to do what they have said they are prepared to do.

The bill is a sharp contrast to the failed policy of the Bush administration, which has produced no results, improved no trade balance, stopped no arms proliferation, and freed no dissidents.

Indeed, to the extent that our national interest lies in a world at peace with expanded trade for private businesses and a growing economy for the world's workers, this bill is a positive step in that direction, because it is the hard currency China's Government earns from United States sales which is today financing the purchase of sophisticated war planes, ships, and weapons from the former Soviet Union.

The bill supports fundamental American values while giving the administration a useful tool over the next year to encourage meaningful progress in human rights and fair international trade by Communist Chinese leaders.

It puts the Communist Chinese leaders on notice that they must keep their commitments or risk losing favorable MFN tariffs on products and exports of State-owned enterprises. It is targeted and tailored precisely to place the responsibility and cost of Chinese policies on those directly responsible for those policies. It is neither over-broad nor indiscriminate in its reach. Instead, it meets the claimed objections of the President by making certain that only those who devise and implement policies inimical to U.S. interests and international order would feel the effects.

Recent news from China reflects the fact that nothing serious has changed, despite almost 4 years of promises by the administration that its policy would produce results. Consider these recent developments: China arrested and jailed Shen Tong, a leader of the pro-democracy movement, upon his return to China, even though he was implicated in no violent or dangerous actions.

China has threatened a trade war against United States products if the United States acts under American trade law to seek access to markets in China. In other words, China wants her trade surplus with the United States, achieved by unfair trading practices, to be guaranteed forever and is willing to fight for it.

China now threatens to walk out of the Middle East peace talks because of the sale of American F-16 fighter jets to Taiwan. President Bush says China's involvement in the talks is proof of China's moderation. Some proof.

News reports have already cited unnamed administration officials as saying, "The Chinese are only in those talks for fear of embarrassment at being outside, they have been the biggest obstacle up to now to any progress and they have been looking for any pretext to leave." Some moderation.

In the near future—the actual date itself remains a state secret in the Communist Regime—the 14th Communist Party Congress will take place in China. The group of seven geriatric leaders now in charge of that nation will face those who now operate the levers of power in provinces and cities around the country, those who hope one day to replace them, those who are striving to preserve and enhance their privileges over the people.

The one interest the Chinese leaders will not see represented at their Party Congress is the interest of people of China—the people who endured martial law, the people who now struggle under the heavy hand of Communist tyranny throughout their country.

China's leaders today are virtually all in their eighties. All of us here in this debate and in this country should recall one inexorable fact: The days of all men are numbered, and the Government of China is not exempted from the common fate of mortals.

One day not too long from now there will be a Government in China made up of people who did not send the tanks into Tiananmen Square, who did not declare martial law, who did not suppress the emergence of China as a free nation.

What will those new leaders think of the United States—the United States which stood foursquare with the forces of reaction and repression while a truly new China was struggling to be born? We have a choice today between aligning ourselves with the old Communist tyrants or with the forces of freedom.

It is in the interests of our Nation, in the future as well as today, to move beyond what I think clearly is a blind spot in the administration with respect to China policy, and forge a policy today that will make America the friend of a new and free China tomorrow.

This legislation is the path to that new policy. It should be passed.

And I want to conclude, Mr. President, and Members of the Senate, by making a statement I made at the Finance Committee when we took this matter up.

We all regret the loss of human life by violent means. Some of us visited the former Yugoslavia recently. We, of course, viewed the events in Persian Gulf as tragic. We observed what has happened in Somalia. We recoiled with horror at the almost infinite capacity of man to punish and kill others.

But one of the most shocking things ever said in my presence was said right out near the Rotunda some months ago and since, when the Dalai Lama, the religious and spiritual leader of Tibet came to this country. We received him with honor. He said that the Chinese have murdered more than 1 million Tibetans.

A country of 5 or 6 million people had more than 1 million of its people murdered by the Chinese. Where is the outrage? Where is the shock? Where is the concern?

I frankly found it and find it hard to believe that it is true. And I have asked over and over again in public: Is there anyone who can stand up and document and state that that this allegation is untrue, that can tell us that it did not happen, that the Dalai Lama is wrong, uninformed, exaggerated?

There has been no such response. I do not know whether it is true. The full sum of my knowledge comes from assertions made by the Tibetan leader who, understandably, is not objective. But even if it is true in small part, is this not a matter of concern to us?

We take far stronger action than we are proposing here for far less in the way of actions by others. And when you combine that with the fact that our trade deficit continues to skyrocket with China, based upon—to a significant degree—their unfair trade practices; combine that with their intransigence with respect to sales of nuclear materials and technologies, this bill is reasonable, moderate, and represents the kind of step that we should be taking.

Mr. President, I urge my colleagues to support the bill. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. I yield to the Senator from Missouri 5 minutes.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH], has the floor.

Mr. DANFORTH. Mr. President, if the issue before the Senate were whether we approve of the People's Republic of China, or whether we want to align ourselves with the Government of the People's Republic of China, the vote would be 100-to-zero in the negative. The People's Republic of China's Government is reprehensible, and everything that was said about it by the majority leader is absolutely correct. But that is not the precise issue that is before us today.

The issue is not whether we like the PRC. The issue is whether or not most-favored-nation status should be withdrawn from the People's Republic of China. The question is whether trade—whether trade sanctions—are useful as a foreign policy tool and, if so, to what extent they should be used.

I would point out to the Senate that, as a general matter, we have refrained from using the withdrawal of most-favored-nation status as a foreign policy tool. Countries with governments that we have had sharp conflicts with continue to have most-favored-nation status. Iraq has most-favored-nation status. So does Iran. So does Libya. To give most-favored-nation status does not mean that we approve of the activities of all of those countries.

It is interesting that what we are doing here in the Senate today is a reversal of the usual role that we have with respect to the executive branch, regardless of who the President is. I can remember back in the days of President Carter, and certainly in the days of President Reagan, and President Bush as well, taking the position that international trade should be elevated; that international trade should have a higher priority with respect to American policy; that trade should not be simply a bargaining chip in foreign policy. That is generally the position that Congress takes against the executive branch no matter who is occupying the White House.

We, Congress, are the advocates of the commerical interests of the United States. We in Congress, closet to the people, are the advocates for jobs for the American people. And, therefore, we have said that trade should have a higher priority and that it should not be simply cashed in to accomplish foreign policy objectives.

In this legislation, trade is cashed in, trade is made secondary in an effort, and I would say a futile effort, to achieve some foreign policy objective. Who among us believes that the Government of the People's Republic of China is going to change its policy if we threaten to withdraw most-favored-nation status? As a matter of fact, now Acting Secretary of State Eagleburger, when he was Deputy Secretary in 1991, was asked this question by the Finance Committee. Mr. Eagleburger was asked whether conditional MFN really meant conditional MFN? And he said, and this is a quote:

> We believe such a solution would be illusory and a recipe of failure. Throwing down the gauntlet with a public ultimatum on MFN—indeed one specific to China—would only make it easier, not harder, for conservative Chinese leaders to claim that national honor and sovereignty precluded any concessions. Our credibility would require us 6 months or 1 year from now to terminate MFN if China failed to meet each and every condition imposed.

So it is the position of Mr. Eagleburger that this would not work; that the Government of China would simply get its back up; that it would make no concessions whatever. And then what would happen? Then what would happen is that Americans who owe their jobs to exports—and there are many Americans who owe their jobs to exports—would simply find their business going elsewhere.

Mr. President, it is absolutely clear that the void that would be created unilaterally by the United States by unilateral trade sanctions not joined in by any other country in the world—that vacuum would simply be filled by other countries.

Wheat sales, aircraft sales would be filled by the Europeans; computer sales would be filled by the Japanese. We would lose. We would gain absolutely nothing. China would maintain its existing policies.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, nondiscriminatory trade with China was established by the United States in 1980. Since then, commercial treaties, consular agreements, cultural exchanges, and business relationships have strengthened the links between our two nations, the United States and China. China's leaders have begun market-oriented reforms which have led to expanded United States trade opportunities and growth in the economies of both of our countries.

This progress was obviously interrupted and suffered a serious setback in 1989 when we observed the Tiananmen Square uprising and the repression of the human rights that were exhibited for all of us to see on television and reported in our newspapers. Of all the Nations in the world, the United States took the strongest stand against that repression. Our country has been the most determined advocate in the world community of changes and reform to provide human rights to the people of China by its Government. Although progress has been slow, progress is being made.

Unfortunately, this legislation would bring that progress and many other reform efforts to a screeching halt. Nondiscriminatory trade treatment is essential to the continued opportunity for us to influence change and reform in China. Americans must be free to do business in China without the restrictions imposed by this legislation. Those who would be hurt are farmers, consumers, and exporters in the United States and reformers in China. The hardliners in Beijing would be helped just at the time when China, stimulated and influenced by trade with the outside world, and in particular by trade with the United States, is undergoing significant economic and political change. The legislation before the Senate is not in the interests of the United States, and the President should veto it if it reaches his desk.

Here are some facts which ought to be considered by the Senate. Over 1,000 United States firms have invested more than $4 billion in China, and another $5 billion in Hong Kong. Our exports to China came to $6.3 billion in 1991, an increase of more than 30 percent over 1990, making China the fastest-growing Asian market for United States exports.

Any change in MFN would hurt south China in particular, where free market and prodemocratic forces are strongest, costing up to 2 million jobs and penalizing those Chinese we should be helping.

An end to MFN would cause major losses to United States wheat and grain growers, whose annual sales in China have averaged over $600 million for the past 3 years; commercial aircraft manufacturers, for whom China has become a $500 million-a-year market; computer and industrial construction machinery manufacturers, whose $1 billion sales last year were up 23 percent over 1990; and phosphate fertilizer manufacturers, who sell one-sixth of their entire annual output to China. If we ended MFN for China, Japanese and European competitors, whose Governments have no intention of restricting their trade, would gain the advantage in the increasingly lucrative Chinese market.

While we cannot and should not ignore violations of law, the answer to such violations should be vigorous law enforcement and aggressive negotiation, not withdrawal or conditionality for China's MFN status.

We should continue to target specific grievances with the tools we already have. This policy of targeted sanctions has already produced results. In weapons proliferation, China acceded to the Nuclear Nonproliferation Treaty earlier this year, and it has agreed to adhere to the Missile Technology Control Regime. In trade, China is implementing reforms it agreed to make under an Intellectual Property Rights Agreement reached in January to improve protection of patents and copyrights, including computer software, and it has agreed to join the Berne Copyright Convention and the Geneva Phonograms Convention.

There are other agreements that have been reached by the U.S. Trade Representative, and others are expected in human rights. And in other areas, progress is being made.

I will conclude, Mr. President, by saying that, according to a recent Forbes magazine article of March 30, 1992:

> Sometime in the coming year in the People's Republic of China, private-sector industrial production will increase to over 50 percent of total output for the first time since before Mao Tse-tung took over in 1949.

This growth in the private sector is loosening the Communist Party's controls over the economy. It is false, plain wrong, to assume that our trade relations are propping up the hardliners in Beijing and undercutting the reformers. It is just the opposite. The fact is U.S. trade and investment are encouraging these reforms.

It would be a mistake for the Senate to pass this bill.

I thank the distinguished Senator for yielding time.

The PRESIDING OFFICER (Mr. KERREY). Who yields time?

Mr. BENTSEN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, today the Senate is again trying to define the objectives of United States relations with the People's Republic of China.

Earlier this year, the Congress passed a bill demonstrating that there was a clear consensus regarding the objectives of United States-China policy. Unfortunately, the President chose to veto it.

Rather than pursuing a path that affirms our commitment to democratic ideals, the administration has spent the last 2 years making apologies for the last great Communist power. Dictators have fallen around the world, but the administration continues to argue for a policy of engagement with the dictators of Beijing.

Until June 1989, most Americans agreed that the United States should be actively working for trade and better relations with China. Each year since 1980, the President extended most-favored-nation treatment to the Chinese. That extension had become routine. But the events of June 1989 brought about a dramatic change in the way Americans think about China. Now when we think of China, we have visions of violence, of repression, of tanks turned upon innocent people.

For 3 years now, we have debated whether we should maintain normal trade ties with the Government that we watched turn so brutally on its own people, and we have been troubled about the continuing business as usual with such a Government.

At first we were patient. We allowed the President to choose the course of our China policy. But that choice has failed. Political repression in China continues unabated, and our patience runs thin. Indeed, it has run out.

In August, we heard testimony in the Finance Committee from President Reagan's last Ambassador to China, Winston Lord. He counseled us to forge a China policy that both conducts requisite business and honors our ideals. He counseled us to pass the bill that is before the Senate today.

This bill really makes only modest demands of China. It asks that before extending China's most-favored-nation status next year, the President review China's record on human rights, trade, and weapons sales, and just find that some improvements have been made, that we are making some progress. But the President claims that we should not even do that.

The conditions set forth in this legislation are reasonable. They are not extreme, as some would claim. The bill only asks for a credible demonstration on China's part that it will account for, and release, citizens arrested for the peaceful expression of their political beliefs. It asks China to fulfill its promises to the Secretary of State regarding free emigration. It asks China to abide by United States laws that forbid imports of products made by forced labor. And finally, the bill just asks China to make progress in ceasing religious persecution, in ending its unfair trade practices, and in abiding by international guidelines on weapons proliferation.

Mr. President, those are not unreasonable conditions. They are not extreme. They are the minimum that we ought to ask a country which is enjoying a highly profitable trade relationship with this country.

Let me address that trade relationship more specifically. When countries agree to grant each other most-favored-nation status, it is the assumption that what you are doing is going to benefit both of these countries involved. But look at what has happened since we gave China most-favored-nation status. China has seen an $18 billion increase in its exports to us. Our exports to China, on the other hand, have only gone up about $4 billion.

As each year passes, our trade relationship looks better for China and looks worse for us. Trade with China added nearly $13 billion to our trade deficit last year. So far this year, the deficit is up nearly 60 percent. We are headed for a $20 billion trade deficit with that country this year.

Now, I understand when you make that kind of MFN agreement, between two countries, you are not sure trade is going to advance equally between the two. It just may not work out that way, particularly if you are talking about free trade.

But if you are talking about a situation where they are putting restraints on your products coming into their country, when they are limiting the imports, applying tariffs as high as 200 percent and requiring import licenses on nearly half of their trade, you don't have fair trade. That is why we disproportionate increase in trade between our two countries.

If the central Government decides that Chinese producers need protecting, or that some particular American product does not fit the Government's development plans, then no imports. That means you see situations like our steel exporters faced. China centralized control of the steel trade, and in 1 year's time, our exports dropped to one-sixth of what they were. That is surely not the free marketplace.

China uses a whole variety of trade barriers that are more subtle but equally effective. For example, it does not publish its trade directives, so the exporters do not know what they are up against. It holds imports up to higher quality standards than Chinese goods. And more often then not, it does not tell our exporters just what those standards are. The bottom line is China refuses to import anything it decides it would rather make itself.

At the same time, China has placed a high priority on increasing its exports, and it sure has an arsenal of tools in that area as well. The USTR reports that at least 90 percent of China's exports receive some kind of Government support. It comes in a variety of forms; for example, lower tax rates, preferential credit rates, and exemptions from import duties. They also have parallel exchange rates which give Chinese exporters a 50 percent to 70 percent premium over the official rate.

When we see the value of our dollar dropping today, it's because of the marketplace not through this kind of official reduction.

When we normalized relations with China, we spoke of the enormous potential for American business. Business today still talks that way. But what is the reality? The reality is the Chinese Government controls or manipulates trade to make sure it works to China's advantage.

China talks a lot about wanting to join the GATT. Under the 1988 Trade Act, the administration cannot grant China benefits of the GATT until China agrees to operate its state trading companies in accordance with commercial considerations. If they do not get such an agreement, the administration needs congressional approval before granting China any GATT benefits. As long as China makes Government-driven rather than market-driven decisions in international trade, and as long as China treats United States companies unfairly by protecting its market while preying upon theirs, I just do not see any reason to let China into GATT.

Mr. President, you will surely hear it said today that, with this bill, China is being singled out, even among the most reprehensible of nations. It will be said we give MFN to Iraq, to Libya, even Serbia, the site of so much bloodshed today. That is true. Technically they receive MFN; that is, if we were letting any imports into the United States from those countries. In fact, we have a much harsher sanction in place for those countries. We have complete commercial embargoes against them. What we are proposing with China is nowhere near the sanction that we have imposed against the worst. So do not be fooled by the suggestion that we are treating China worse than we treat countries like Iraq and Serbia.

I urge my colleagues to join me in voting for this bill. Once again, the Congress needs to deliver the message that fails to come from the President.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 2 minutes, 17 seconds.

Mr. PACKWOOD. How much time do I have?

The PRESIDING OFFICER. Fifteen minutes, 58 seconds.

Mr. PACKWOOD. I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, let us try to put this issue in perspective as to why we are going to treat China differently than other nations are treated. We have heard the argument about China's human rights, weapons proliferation, and trade policies. China has had most-favored-nation status since 1980. It got it in 1980, and thoughout the 1980's it had to be renewed every year. Congress never even asked to vote on it. We expressed no concern at all until the events in Tiananmen Square.

Now, did we know that China was selling weapons overseas in 1980 through 1985? Yes. Did China have what we would regard as an unsatisfactory trade policy? No question. We knew it in 1980, 1981, and throughout the 1980's, and so on. Were they guilty of violating human rights in those days? Yes, they were. Did we know about the atrocities in Tibet? Yes, we did. Yet Congress continued to grant most-favored-nation status year after year without even asking for a vote on the floor of the Senate or the floor of the House, and we could have asked for it. We chose not to. Why is it that we went for a decade and never asked for a vote and then, suddenly, this has become a controversial issue.

The Chair and this body knows there is only one reason; and that is the pictures from Tiananmen Square, not the act of Chinese repression. That we knew. Not the act of selling weapons. That we knew. Not their trade restrictions. That we knew. But because the American public had seen it on television and was justifiably offended, Congress now feels the need to placate public opinion.

I think it is a fair debate whether or not we are going to extend most-favored-nation status to China because they violate human liberties. But if we are going to, then most of the other countries of the world that we extend most-favored-nation status to also violate human liberties. And it is much easier to put it in the negative than the positive as to which countries do not have most-favored-nation status.

When we have finished giving it to Albania and Romania, which we should soon accomplish, and the now commonwealth states of the former Soviet Union, and that should not take too long for most of them, there will be six countries left in the world that do not have most-favored-nation status. Six: Afghanistan, Cuba, Kampuchea—the old Cambodia—Laos, North Korea, and Vietnam. That is it. We give it to Burma, who has had under house arrest for a year and a half the democratic leader of the opposition. We give it to Guatamala, who year after year is cited by the Human Rights Coalition as one of the worst in the world. We give it to Ethiopia, Angola, and even Syria where President Assad bulldozed the town of Hamah and killed 20,000 men, women, and children. We give it to Syria. We put limitations on them, as we can put limits on China in our other laws if we want to. But television did not show the town of Hamah and the 20,000 bodies, so we overlooked it.

In terms of China and weapons proliferation, they have signed, as of

March of this year, the nonproliferation treaty. They agreed, on March 23, to abide by the missile technology control regime. They have agreed to work with us in keeping the North Koreans from developing atomic weapons. They have agreed to let everyone have exit permits in China who do not have criminal proceedings against them. They have agreed to let us check on their prisons and check on prison labor.

They have signed an international property rights agreement with us in which we estimate we will have $300 or $400 million from patents and copyrights that they have otherwise been infringing. All of this they have done. And had any other country done this, we would, with an open hand, have been delighted to give them or extend or continue most-favored-nation status.

So it is one reason and one reason only. We saw it on television. Every one of us has burned into our memory the picture of the young man with the briefcase standing in front of the tanks and the tanks coming to a dead halt; one lonely person against the army.

I say again, Mr. President, if we want to have a debate, it is fair to have a debate on whether we ought to change what has been our historic position on MFN; that is, we will give it to every nation in the world, and we will give it to Communist nations if they allow free emigration, and China does. China's problem is not that she does not allow free emigration. China's problem is that most of the nations of the world will not take in enough Chinese, including the United States. We are not going to get into an argument about our immigration quotas, but China would be happy to let out a lot more people who want out than the rest of the world will take in. So they met that standard.

If the policy of the United States, economic, foreign, military, or otherwise, is going go be based upon whether or not we see it on television and, if we did not see it on television, it in essence did not happen, then we can rest assured that the remainder of the dictatorships in this world—and most of the countries that we deal with in the world are not democracies—are going to make jolly well sure that no Western television or journalists or photographers ever get into their countries.

So I urge that this legislation be defeated. I urge that we have a full-scale debate in this Senate upon what we want most-favored-nation status to be dependent upon. But because we saw television pictures, they separate China out, and say we are going to hold you to a different standard from Burma, Angola, or Guatemala. This bears no relation to reality. Let us have the debate again, Mr. President, but let us not single out China and, in the process, cut off our economic nose to spite our face.

I will reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to comment briefly in response to one of the lines of argument made, and that is about economic effect and also about singling out China. The distinguished Senator from Oregon just stated a list of countries that still have MFN.

First, on the economic effect. According to the administration itself, the Department of Commerce, each $1 billion of trade deficit costs about 20,000 American jobs. That is the figure that is widely used and accepted, and it is, according to my understanding, used by the administration itself. We will have, this year, a trade deficit with China approaching $20 billion. So, according to the administration itself, we are losing 400,000 American jobs as a result of the trade deficit with China.

The discussion here has focused on those American companies that sell goods to China. But what about the 400,000 Americans who have lost their jobs because of unfair competition with goods produced in China, some of it with forced labor? Textiles and apparel is a good example, as is children's clothing, which used to be made in this country by Americans that is no longer made in this country. Those Americans are out of work because they have been placed into an unfair competitive situation.

So when we talk about the economics of it, let us recognize that we are losing about 400,000 American jobs because of this trade deficit.

Second, and just a minor point, but with respect to this list of countries with whom we retain most-favored-nation status, as the Senator from Oregon knows, there are other laws which apply to our trade, such as trading with the enemy and other provisions. So as a matter of fact, we do not trade with Libya; we do not trade with Iraq; we do not trade with several other countries, to my understanding.

Therefore, the argument, at least insofar as it includes those countries with whom we do not trade, is really academic. I think the argument has force with respect to those countries the Senator believes have a worse human rights record and a worse record in international trade but with whom we still trade. I do not think it applies with respect to those countries with which we do not trade at all for other unrelated reasons.

Mr. President, I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I ask unanimous consent that an amendment be permitted to be offered on behalf of Senator JOHN KERRY of Massachusetts and Senator SMITH of New Hampshire. It is part of the House bill and calls for cooperation by the Chinese Government with the United States in efforts to account for United States military or other Government personnel taken prisoner, missing in action, or otherwise unaccounted for as a result of their service in the Korean conflict or the Vietnam conflict.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. Mr. President, we have not seen the amendment. If I could just have a look at it.

Mr. President, just for the moment, I am going to object.

The PRESIDING OFFICER. Objection is heard. All time of the majority leader has expired, and the time is currently being charged to the Senator from Oregon.

Mr. MITCHELL. Mr. President, I yield 5 minutes of my leader time to the distinguished Senator from New Mexico [Mr. BINGAMAN].

THE MOST-FAVORED-NATION ISSUE

Mr. BINGAMAN. Mr. President, I thank the majority leader for the time, and I appreciate very much the opportunity to say a few words about the MFN issue. Particularly, my interest in it was sparked by a hearing we had in the Joint Economic Committee earlier this summer on the Chinese economy.

We have a lot of talk as we approach the election, Mr. President, about jobs and the need to create jobs in this country. We also have a lot of talk about the importance of free trade and the importance of our trade relations, particularly in regard to the North American Free-Trade Agreement. I would like to put some of that into the context of what is happening to our trade relations with China, because I have to say that it seems to me this is a case study of what we do not want to see in the case of Mexico, a case study of what we really do not want to see with regard to any of our trade partners.

Clearly, we all favor more trade. But I think we all also favor maintaining some balance, some reciprocity in our trade relations with other countries. China has made a strategic decision and a concerted effort to pursue a trade export policy, export promotion policy in order to maintain a very large trade surplus with ourselves and the rest of the world. They succeeded beyond anyone's expectation, or at least beyond mine. In 1991, the gross national product in China grew 7 percent. Industrial output grew by 14 percent. The foreign investment sector of their economy grew by 56 percent.

Trade relations with China have become more and more imbalanced in the last 3 or 4 years. During the first year of this administration, the trade surplus that China enjoyed over the United States was in the range of $3 billion. This last year, it was over $12 billion. And the estimate which we got during this hearing is that this year that trade deficit with China could well reach $19 to $20 billion. This makes it the second largest trade deficit that we have with any of our trading partners. Of course, our trade deficit with Japan is first.

The problem is one which has given China a tremendous amount of foreign exchange. The foreign exchange reserves in China today are estimated in the range of $43 billion. That is in the same range as our U.S. foreign exchange reserves, which are now estimated at $44 billion. So we can see how successful the Chinese have been.

As our trade deficit with China has grown and their surplus with us has grown, it has been clear that it is the result of concerted efforts by the Chinese not only to increase their exports to the United States, which have increased very substantially, but also to restrict our ability to export to them. They have imposed tariffs, they have imposed quotas, they have imposed numerous bureaucratic hindrances and obstacles to our ability to sell to their consumers.

We still have some sales to the governmental entities in China but our ability to sell consumer goods to them has been blocked very effectively by them.

This trade imbalance that China has run with the rest of the world has caused other countries to criticize China as well as the United States. But I would say when you look at the other countries it is clear that the United States is carrying the bulk of the burden of trying to absorb this amazing trade imbalance.

There have been some retaliatory actions; very minimal ones. Japan initiated a first ever antidumping investigation. South Korea imposed tariffs on agricultural and industrial products in response to their very large or growing bilateral trade deficit with China. And the Philippines has identified China as the primary reason for steps it is taking to reduce trade imbalances with Socialist countries. China on its own has clearly taken some steps to try to deal with this but they have been much more cosmetic than real.

According to the CIA testimony before our committee, they concluded that many of these well-publicized buying missions that the Chinese have engaged in in this country and in Europe have in fact merely finalized contracts that had already been entered into. There was not in fact any substantial new trade that resulted from it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to continue for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I do not have 2 minutes to give from our side, I do not believe. The sponsor or the manager is not here.

Mr. BENTSEN. Mr. President, I was advised by the majority leader he will respond.

Mr. SIMPSON. Two minutes from the leadership on this side of the aisle if we have remaining.

Mr. MITCHELL. Mr. President, I yield 2 additional minutes of my leader time to the Senator from New Mexico.

Mr. BINGAMAN. I thank the majority leader very much for his courtesy.

Let me point to these two charts in the remaining 2 minutes. One shows the trade imbalance with China as we have gone into 1991. The other shows the same thing in a slightly different form.

Let me cite one other fact for the Senate to consider. Intertwined with trade is the issue of export control restrictions. And a recent article which has concerned me came out in the Japanese magazine Bungei-Shunju which pointed out that in 1985 a Japanese firm knowingly violated Cocom export control by shipping to China semiconductor manufacturing equipment which was used to improve the guidance system in China's nuclear missiles and perhaps to develop MIRV warheads as well.

Mr. President, I will put a little more information in the RECORD about that. But again this is one additional reason we need to have a total review of our trade relations with China.

I think the effort to question the continued MFN status with China is well taken. I support the initiative of the majority leader in that regard, and the leader of the Finance Committee, and I hope the Senate will go along with that effort this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I rise in opposition to H.R. 5318, the bill which would condition the extension of most-favored-nation treatment to the products of the People's Republic of China. I firmly believe that we stand on the edge of making a very serious mistake, should we, even with perceived good intentions, isolate ourselves from China.

In this politically charged year the temptation will be great for many to rise up and speak out in favor of terminating or conditioning MFN status for China as a way of demonstrating concern about human rights abuses in China and Tibet, Chinese arms proliferation and any number of other issues. The administration's policy of engagement allows integral ongoing dialogue on all fronts—most importantly, human rights, nuclear arms proliferation, and trade. We all agree with that.

Threatening China's trade status will not cause China to respond to us on any of those issues—at least to any acceptable degree. Those who understand China intimately know that China will not hesitate to sacrifice trade, sacrifice living conditions within its own country and absorb any kind of outside punishment that we think to apply to them, rather than let itself be seen in the eyes of the rest of the world as succumbing to the kinds of pressures that we, in our own form of political debate and with our own motivations in mind, feel we should apply.

This annual review of MFN for China by Congress is worthwhile. I will not argue one stitch about the need for accountability around that issue. But, the constant threat of the revocation of MFN to China has taken a political life of its own. It rises here only because it is closer, and the closer it gets to the election the closer we want to get MFN. This is one of those blasters that has a detonating cap on it, and those in opposition want to put the plunger down as soon as they can so it will blow up before November 3. We know how that works.

I think this effort is becoming increasingly self-defeating. People come to us and say: We will bargain our position. We were on the other side before. Political, it is. Effective, it cannot be and will not be.

How do you gain from closing off trade with one fifth of the world's population? The hardliners cannot wait for us to make our move. They will simply go back into an isolated cloistered existence, shut away from the rest of the world and say "there", and we will not be able to see or learn what goes on. It is just about the height of absurdity. How it is to our best interest to suddenly put the screws to them and say we are going to do something which is going to recreate more of an ability for China to cloister itself away from the entire world is something I do not understand. It is absolutely absurd. Conditioning would have a similar and only marginally less severe effect. It will cause the United States scarcity of some products now being manufactured or assembled in China and exported to the United States, increased prices for Chinese products, the loss of investment opportunities for many major American corporations, and the outright loss of American jobs in those companies largely involved in this development.

American corporations doing business in Hong Kong and in southeast China are only now beginning to effectively tell their story, and it is compelling indeed. If we cut ourselves off, it will not be too long before industries based in other countries will move in to fill the void we leave in our established markets—such as grain, air transportation, and electronics—and the engines bringing free market enterprise to China will eventually come back to speed without us. We will have simply cut ourselves out of the action. That is reality. These issues are important and diverse. They can be debated on many fronts. One front is economics. American businesses of all kinds continue to be reluctant to go forward with investment opportunities in China due to the prevailing environment of instability. Our threat of MFN revocation, in itself, is restricting the competitiveness of United States businesses in China.

In the decades that lie ahead, as China's more than 1 billion people become ever more productive and ever more involved in the global economy, we Americans will wonder what we were thinking when we isolated ourselves from that trade, and from 22 percent of the world's people. We effectively out ourselves out of an international community. How do you talk about population control and global warming without one-fifth of the world's population. It boggles the mind.

On the human rights front, threatening to terminate MFN, or actually doing so, will have virtually no effect on those people who are imprisoned and persecuted—then what is the advantage to the Chinese people of our pursuing this?

I submit that there is no advantage to doing this to China—or to ourselves, save one: the advantage is raw partisan politics, American style. That is most unfortunate indeed. This bill is being touted as a cure-all for our differences with the hard-line Government leaders of China. If some of my colleagues truly believe that we will influence a small number of top policy makers by conditioning MFN, and will not cause the suffering of tens of millions of Chinese people, they just do not understand China. The people of China will see only one effect; that the United States did something that hurt them. The leaders, whose behavior we are trying to amend, will be unscathed—and probably amused by the lengths we will go in reckless attempts to force changes in their internal policy.

My fine colleague, the majority leader, stated during debate on this issue last year that, "Americans are not hostile to policies that clearly serve important national goals. They are hostile to policies that fly in the face of common sense." The dawning of the free market concept of economics which is driving incredible economic growth—and is spreading American values in southeast China—is good common sense.

That economic growth has very potent and positive political potential to turn the tides toward democracy. The power and influence of the economic development that has sunk a tap root in southeast China continues to be the most effective way to spur long-term positive changes in China.

It is through this development that a growing understanding and appreciation for the outside world is brought to millions of people in China. Chinese leaders cannot enjoy the benefits of trade without accepting all the benefits of information and globalization that are inextricably linked to it.

If we wish to sacrifice our own goals, the precipitous act of conditioning or terminating MFN for China is an excellent way to do so. If we wish to pander to what may be a lack of full understanding of this issue among the American public in order to get reelected, or to hurt the election chances of our President, this may well be an effective way to do it.

I would hope however that we are more thoughtful, more responsible and more statesmanlike. Millions of human beings have a stake in what we are doing here. I urge my colleagues to vote against this effort to condition MFN for China.

The PRESIDING OFFICER. The Senator from Oregon has 1 minute and 39 seconds remaining.

Mr. PACKWOOD. Mr. President, let me ask the chairman about the amendment. There is going to be objection to it right now. I think it might be cleared. I want to note the way we take this; we are going to vote on this tomorrow, we are not going to vote at all today?

Mr. BENTSEN. That is correct.

Mr. PACKWOOD. I do not think there will be objection. I am not in position to say right now. I know it is in the House bill. I suppose we can send it to conference. I just need a little more time to check it.

Mr. BENTSEN. All right, as long as I am not precluded from offering the amendment in the process.

Mr. PACKWOOD. No; as far as I am concerned the Senator is not.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I ask unanimous consent that we be allowed to lay the consideration of this amendment aside until we have completed our business on the gag rule, which I would assume would take about 90 minutes, and that it then be in order to offer it at that point.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MFN FOR CHINA

Mr. DOLE. Mr. President, about the only thing we do more around here more often than MFN for China is morning business. And frankly, the China MFN debate has become so repetitive, and the outcome of our deliberations so predictable, that morning business is usually more exciting.

Do not get me wrong. This is serious business, and the stakes are high.

But we have had this debate time and time and time again. The arguments on both sides have always been essentially the same. The vote has always been essentially the same—and will be again today, or whenever we have a recorded vote.

United States policy is well established; it is not going to change; and everybody knows it.

So are we really here because of policy differences on this issue? Or are we here because some people perceives partisan political advantage in bringing it up, again and again? You decide.

But it is serious business. So, for the umpteenth time, let us review what is at stake.

First, the process of reform in China. The issue is not who wants to encourage reform in China and who does not. The issue is whether MFN is the right tool to push for reform in China.

It seems to me the answer is clear: Denying MFN will not move the process of reform forward 1 inch. In fact, terminating MFN means that we will leave isolated and out on that proverbial Limb the very forces in China which are the strongest proponents of reform, the younger, entrepreneurial class concentrated in southern China—where most American commercial activity is also concentrated.

Denying MFN will not hurt the "old men in Beijing," in important part because no other nation on Earth is contemplating trade sanctions of any kind against China. Indeed, our friends in Japan and Australia and Western Europe and every other country that is competing for a bigger share of the Chinese market would react with glee if we start a trade sanctions war with the People's Republic of China. They know the biggest beneficiaries would be their own factories and farms, and the biggest victims would be American exporters.

Second, the fate of Hong Kong and its several million people is also very much at stake. In 1997, when Hong Kong becomes a part of China, it has the potential to inject into the Chinese system a massive and much-needed dose of experienced entrepreneurship. Hong Kong can change China a lot more than China changes Hong Kong.

But Hong Kong can play that positive, catalytic role only if it remains the kind of large, vibrant free market that it is now. Yet Hong Kong, in the next few years, will remain vitally dependent on the strength of the economy of southern China, and on the economic relations between China and the United States, for which it frequently acts as "middle man." Pulling the plug on MFN will also mean pulling the plug on Hong Kong's economic vitality—and on the positive role it can play in China's future.

As important as these factors are, though, there is one other matter at stake that for the average American far exceeds all others in importance.

Because jobs, hundreds of thousands of American jobs, are at stake.

Exports, billions of dollars of American exports, are at stake.

Imports, billions in low-cost, high-quality goods that are essential to the lives of middle and lower income Americans, are at stake.

That is the heart and soul of this issue.

Let us put the facts on the table. Denying MFN means a trade war with China. A trade war means a drastic drop in exports and the loss of countless jobs. A trade war means no more low-cost, high-quality goods that so many Americans depend on to keep their budgets in balance and their checks from bouncing.

Where we marked up this resolution in the Finance Committee, I noted that many pieces of legislation were termed "jobs bills," but this one could accurately be called a "no jobs" bill. One trade organization has estimated that denying MFN to China would cost us 300,000 jobs in the first year.

Just this year, for example, China signed contracts with the big three automakers to import billions of dollars' worth of American cars—and create some 20,000 jobs. Will China go through with those contracts, or sign future ones, if we terminate MFN? A majority of the Senate may be willing to take that risk, but what about those people—autoworkers, or farmers, or factory workers whose jobs are at stake? Maybe we should at least think about them before we decide whether we risk their livelihood so we can feel good.

Mr. President, none of this is to suggest we do not have very real and serious problems with, and concerns about, some aspect of Chinese policy.

We deplore their human rights abuses, and will—and ought to—use every form of effective leverage and persuasion to foster improvements. But the key word is "effective."

The Chinese do engage in serious trade abuses, denying us fair access to their markets in important areas of international trade. And we ought to—and will—continue to use all the tools available in law and policy to get them to shape up. Our willingness to do that is manifest in the very difficult and contentious so-called 310 talks now under way. Our determination to press as hard as is necessary is manifest in the fact that the Chinese are now operating under a very short-fuse ultimatum to shape up or be faced with retaliatory tariffs that, all else failing, will get the message across: We mean business.

And let me add that I am personally concerned about the Chinese failure to give fair access to American wheat exports, including the exports from my own State of Kansas. Without question, that kind of thoughtless and irresponsible action by the Chinese undermines the support for MFN that does exist in the Senate, and is one reason we have to keep revisiting this issue.

But there are other, effective—and again I underscore that word—effective ways to pressure the Chinese to shape up. And, for the record, I should note that I hope to have a very frank, private discussion with the Chinese Ambassador within the next few days, so he understands our determination and capacity to bring pressure to bear to insure Chinese fairness in treating American exports, including wheat.

Mr. President, in conclusion, I ask unanimous consent to include in the RECORD the text of a letter I have received from President Bush on this issue. Concisely and persuasively, it makes the case to continue MFN for China. I hope all Senators will read the President's words and heed their logic.

Mr. President, the bottom line: Let us do what makes sense for America and for the American people, instead of what plays best in the politically correct media and gives some fleeting partisan advantage to the critics of President Bush.

Let us vote to continue MFN for China, because that makes sense for America.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 13, 1992.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Once again, we find ourselves in agreement on how best to advance our objectives on China. Over the past year, I have worked with Congress to advance our human rights, trade and non-proliferation agenda. The success we have achieved with carefully targeted measures has demonstrated the effectiveness of our current approach.

On the trade front, the Chinese have agreed to establish a model intellectual property rights regime. We are similarly resolved to conclude our market access talks in August—earlier than the statutory deadline—or we will publish a proposed retaliation list. The Chinese are on notice that only an agreement providing for meaningful market access will be sufficient to conclude our 301 investigation and avoid U.S. retaliatory action.

Significant accomplishments have also been achieved in the non-proliferation area. China has acceded to the Nuclear Nonproliferation Treaty and has declared its observance of Missile Control Technology Regime guidelines. These are important steps, but, of course, implementation is the key. I assure you that we are closely monitoring China's compliance; China must live up to its commitments.

In this connection we have been direct with the Chinese about the seriousness of proliferation sanctions under existing U.S. policy and statutes, and about our determination to invoke them if there are Chinese violations. We are equally determined that our policies in the proliferation area, including the implementation of our controls over dual use exports to the PRC, continue to be as effective as possible in advancing China toward our nonproliferation objectives.

To advance our nonproliferation dialogue with China, we will press Beijing to adopt Nuclear Supplier Guidelines and a full-scope safeguards policy as a requirement for all nuclear exports. We have addressed the matter of Chinese observance of the bilateral standard we and the former Soviet Union have adhered to in the Threshold Test Ban Treaty. I have directed Arms Control and Disarmament Director Lehman to begin discussions with the Chinese on this issue.

Like you, I want to see the human rights situation in China improved. I strongly endorse your proposal for the establishment of a bilateral human rights Commission. The Department of State has been tasked with formulating a proposal and presenting it to Beijing on a priority basis. While the bilateral nature of the proposal means we cannot simply create the commission unilaterally, I am confident that the priority I have assigned will demonstrate to the Chinese the seriousness of the initiative.

Although we want to see accelerated action on China's part, our policy is already achieving results in the human rights area. On August 7, we signed an agreement with the Chinese that will prevent Chinese exports of prison labor products to the U.S., including provision of U.S. inspections of facilities in China. With respect to international financial institution lending to China, we have made it clear to the Chinese that we will only support those loans that pertain to basic human needs. On Taiwan, our position is firm that Taiwan's application to the GATT should be resolved favorably; we will not waiver in that commitment. We would be pleased to arrange a briefing for you on Hong Kong. In addition, the administration has recently taken the initiative to expand VOA broadcasts to China and East Asia (described in the enclosure).

Working together, the Administration and Congress constitute a strong force for positive change in China. Your support for our continued commercial engagement with the PRC, advanced by unconditional Most-Favored-Nation status, is a powerful vote for market oriented economic reform in China.

I appreciate your careful consideration of the issues before us and I urge you to support the administration's policy.

Sincerely,

GEORGE BUSH.

TIME TO SUPPORT A NEW CHINA POLICY

Mr. CRANSTON. Mr. President, I rise to lend my full support again this year to H.R. 5318, the United States-China Act of 1992. This well-crafted piece of legislation restores United States leadership in signaling China that irresponsible arms trade, unfair trade practices, and flagrant human rights violations will not be indulged.

This bill does not deny China most-favored-nation trading status. This bill conditions the renewal of special trade privileges upon improvements in China's human rights conditions and trade practices. It also requires China to uphold its obligations under international agreements to control the spread of weapons of mass destruction.

Should China fail to meet the certification requirements in these areas, all products exported by Chinese state-owned enterprises would be subject to a higher, non-MFN duty. This legislation would not affect China's private enterprises. It therefore cannot be argued that this legislation would hurt those economic reformers inside China that we are trying to encourage.

In short, Mr. President, what this bill asks from China is no more, nor no less, than the type of responsible behavior in human rights, in security, and in trade to be expected from any nation that is a member of the international community.

China's renegade behavior indicates that it does not fear reprisals from the United States nor the international community for its reprehensible actions. Why should China worry? This past year alone, China was rewarded with a visit from Secretary Baker and China's premier was granted a meeting with President Bush.

The velvet glove with which the administration deals with China is particularly disturbing in the area of weapons proliferation. In return for a mere promise to abide by the Missile Technology Control Regime and sign the Nuclear-Non Proliferation Treaty [NPT], the administration lifted sanctions against two Chinese companies implicated in past sales of ballistic missiles and their launchers to Pakistan.

Now, following President Bush's announcement last week of the sale of 150 F-16 aircraft to Taiwan, China has grumbled that it will consider pulling out of its new international arms control commitments.

In March, I asked former Assistant Secretary of State for East Asian and Pacific Affairs, Richard Solomon, whether China had signed any new contracts in violation of MTCR guidelines. Secretary Solomon was unable to testify that China had stopped selling missile technology. "The spigot is being turned off" was his response.

Dangerous weapons, dual use technologies and nuclear-related materials continue to flow from China, threatening stability, not only in East Asia, but in other fragile regions.

China also continues to supply lethal weapons to the Burmese military dictatorship. The Burmese regime continues brutally to violate the rights of its citizens. News reports indicate that China has also assisted Burma in transporting troops battling ethnic groups inside Burma.

In May, China shocked the world by conducting the largest underground nuclear blast in the history of its nuclear program. The size of the explosion, capable of producing large yield nuclear warheads, is ominous. In July, the Senate passed an historic measure aimed at phasing out our nuclear testing program by 1996. France and Russia already have unilateral moratoriums on nuclear tests. China's recent behavior hinders the world community's efforts to secure a new era, free from the shadow of nuclear weapons.

Mr. President, it is clear that firmer measures are needed to convey United States concerns about China's ruthless weapons trade. We cannot rely on China's pledges to curb arms sales because China has repeatedly broken such promises in the past. Nor can we simply monitor China's compliance of its arms control commitments. We must prevent China from peddling lethal weapons to unreliable nations.

We can only accomplish this goal by proving to China that it has something to lose if it continues its dangerous trade. Passing this legislation would send that signal.

Mr. President, China works hard to maintain preferential tariff treatment. In fact, according to the South China Morning Post, China's premier, Li Peng, is in charge of Beijing's efforts to retain China's MFN trade status. Every year, when the Chinese want MFN, they announce special trade missions and announce grain purchases. Every year, after they have gotten what they want, the trade missions end, the purchases stop. The South China Morning Post reports that diplomats in Beijing have said that this year the Chinese have targeted their purchases to score maximum political effects in the United States.

Meanwhile, China's trade surplus with the United States continues to grow, stretching to $12.7 billion in 1991. China has acquired this surplus through unfair trade practices. China continues to block United States access to its market through intractable barriers, as described by the State Department's 1991 county report on China's trade practices.

China has also illegally transshipped textile and apparel products to the United States in violation of established quotas. According to the Department of Commerce, China's 1991 Customs Services charges for these violations amount to $247 million for more than 2 million dozen products illegally transshipped.

The legislation before us requires significant progress by China in providing United States exporters fair excess to Chinese markets and increasing the purchase of United States goods and services. If China expects to continue to enjoy preferential tariff treatment by the United States, then it must be prepared to implement a fair trade policy.

Mr. President, this bill also promotes human rights protection, an area where China continues to fail miserably. China has yet to account fully for all those sentenced, arrested, or detained for their participation in peaceful prodemocracy demonstrations in 1989.

Asia Watch has recently documented the existence of more than 200 prodemocracy activists imprisoned in the province of Hunan alone. Only a handful of these individuals' names were on a list that the State Department presented to the Chinese Government in 1991, urging their release. There is no telling how many other counterrevolutionaries are being held today in China for the peaceful advocacy of democracy.

In July, Bao Tong, the architect of earlier political and economic reform in China, was sentenced to 7 years in prison for his alleged role in the prodemocracy movement in 1989. Mr. Bao's trial was a travesty of justice. His lawyers were given little time to prepare his defense and his family was prohibited from attending the trial. He was not granted any of the rights guaranteed to him under international law.

China has begun a campaign to bring home Chinese students who have been living in exile since 1989. The Chinese leadership called for the students to return without fear of retribution for staying abroad or for any role they may have played in events surrounding the Tiananmen Square protests. Shen Tong, a Boston University student, heard the call and chose to return to China. He was arrested without charge several weeks after arriving in the country. His whereabouts are still unknown to his family and associates.

China's systematic pattern of violating fundamental human rights will continue as long as there is no pressure to reform. A human rights dialog, such as the administration advocates, can only accomplish results on a case by case basis. Without economic pressure thousands of Chinese citizens will continue to suffer ruthless persecution and be denied their basic rights.

Mr. President, it is clear that a new approach to United States-China relations is long overdue. We must do now what we should have done in 1989. We must show the Chinese leadership that their egregious behavior will not be tolerated. China must be made to understand that there is a price to be paid for being a member of the international community.

I urge my colleagues to join today in correcting a wayward foreign policy by supporting this important legislation.

Mr. GORTON. Mr. President, if this bill to condition our most-favored-nation trade status with the People's Republic of China were brought before the Senate for a rollcall vote, I would oppose it. It is a bill which should have been considered months ago, and one whose consideration has been delayed solely for the purpose of embarrassing the President with a veto override 7 weeks before the Presidential election.

I remain gravely concerned about our relationship with the PRC. The United

States trade deficit with the PRC has grown substantially in each of the past several years, and it appears that our efforts to improve the PRC's human rights practices have met little success. I have voted in the past to use reasonable conditions to change the PRC's practices. Today I would withhold my vote.

We are not considering this bill in a genuine effort to fix that trade deficit or to improve the PRC's human rights. Instead, the Senate leadership has brought forward the bill, one of the few in which the President faces the possibility of having his veto overridden, at a time when it will be most politically damaging to the President.

This issue deserves serious debate and nonpartisan consideration. That debate and consideration will not take place now and I will not let my vote be used for the sole purpose of embarrassing the President.

TIME TO CONDITION TRADE WITH CHINA

Mr. PELL. Mr. President, I rise in support of H.R. 5319, regarding most-favored nation status to products of the People's Republic of China.

I was an original cosponsor of this bill when first introduced by the majority leader. I continue to believe that this measure is a welcome response to the administration's annual folly of extending to China nondiscriminatory trade treatment without any conditions.

This measure is also a reasoned response. Despite efforts by its opponents to paint it in catastrophic colors, S. 2808 does not end trade with China. It only asks that the President certify that China has begun doing what it has already pledged that it will do in human rights, trade, and the proliferation of weapons of mass destruction.

Chinese Premier Li Peng pledged last January before the U.N. China's commitment to human rights including "not only civil and political rights, but also economic, social and cultural rights."

The Chinese also announced that they would halt the export of slave labor products to the United States, open their markets to American goods, and adhere to international agreements protecting copyrights and trademarks.

On weapons proliferation, the Chinese adhered to the Missile Technology Control Regime and ratified the Nuclear Nonproliferation Treaty.

This bill holds China to its word.

Some could argue that China cannot be held to these standards despite its pledge. There is certainly reason to be concerned about China's intentions. On July 28, I chaired a Foreign Relations Committee hearing on Tibet in which we received extensive testimony about the Chinese treatment of Tibetans. Despite Chinese disclaimers, Tibetans are still being abused and are still valiantly resisting Chinese occupation.

But should we not strive to hold China to its commitments even if its bad faith has been demonstrated? Is this not what we are attempting to do today, at this minute, in Iraq?

These are not onerous commitments. We are not asking China to do what others are not asked. These are international commitments to which most states have acceded. They are the brick and mortar of the world order.

If we are to have a new world order, China must be a part of it, not apart from it. They have agreed in principle to the conditions of the new world order. Now they must be held to these principles.

This bill provides the President with the stick he needs to complement the carrot of most-favored-nation treatment that he has given to the Chinese. He needs the leverage of both if he is to be successful in the policy objective both the Congress and the President desire: China's responsible participation in ensuring world order and development.

I urge my colleagues to vote in favor of this important measure.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD:)

• Mr. KERRY. Mr. President, when legislation to place conditions on MFN for China first came up for Senate consideration during the summer of 1991, it was not an automatic decision for me. I had serious reservations about setting up an equation that would lead inevitably and obviously to a cutoff in normal trade relations with China.

There is no question, as opponents of this kind of legislation have pointed out, that we derive some significant benefits from MFN. Americans have invested a great deal in China, mostly in the south where economic reforms and a free market system have begun to take hold. We export 5 billion dollar's worth of goods to China and we do not want to jeopardize that. Everything we can do to expose China to democratic values and to encourage economic change is important. And there is always an element of risk that sanctions—especially unilateral sanctions—will backfire; that they will trigger a xenophobic reaction and make concessions on key issues more, rather than less, likely to occur.

So this is not a simple or one-sided issue. It is a judgment call. The judgment is whether, by attaching strong but reasonable conditions to MFN, we will in the long run help those seeking democratic change and economic reform in China to succeed; whether we will discourage China's leaders from arms sales and nuclear proliferation policies that are reckless and ill-advised; and whether we will contribute to respect for human and labor rights.

None of us can guarantee that this legislation will have those positive results. But it is very difficult to see how doing nothing would contribute to those goals. The fact is that when China has moved in the right direction—by releasing dissidents, for example, or promising to restrict arms sales—it has been in response to international pressure, not to international benign neglect.

It is also true that MFN status gives us some real leverage with China, because the benefits that China receives from it are so substantial. In 1989, the year of the Tiananmen Square massacre, China had a $6 billion balance of trade advantage with the United States. This year, that number is expected to reach an incredible $20 billion. This gives China, it seems to me, 20 billion reasons to take the conditions in this bill seriously; and it gives us 20 billion reasons to think that the strategy that lies behind this bill may work.

It is important for those historically sympathetic to the administration's view on this issue to understand that this bill takes a less demanding approach to China than some of the proposals put forward last year. There is no huge laundry list of demands. There are no conditions that are unreasonable or that we know in advance the Government of China simply will not meet. This is not an extreme or punitive measure. On the contrary, it sets out conditions for MFN that are reasonable and attainable and that are designed not to sever relations with China, but rather to make better relations possible.

In deciding how to vote on this bill, I would request that my colleagues ask themselves a few basic questions.

Should we or should we not be seeking a full accounting of those detained, accused or sentenced in connection with the events at Tiananmen Square? Should we or should we not be asking China to meet its obligations under the Universal Declaration of Human Rights both within its own borders and in Tibet? Should we or should we not be preventing the importation of goods made by prison labor? Should we or should we not insist that China meet its commitments to prevent the further proliferation of nuclear, chemical and advanced conventional weapons?

Finally, and most immediately and personally, should we or should we not be demanding the release of Shen Tong, Qian Li Yun and Qi Da Feng, the three democratic activists arrested on September 1 for the sole crime of supporting democracy?

It seems to me Mr. President, that the answers to these questions are obvious and that American interests and ideals are clearly served by this legislation.

I hope Members will also note that the bill had been changed to address the administration's most compelling past criticism of this type of legislation. In vetoing last year's bill, the

President said that it would "severely handicap United States business in China, penalizing American workers and eliminating jobs. Conditional MFN status," he said severely damage the Western-oriented, modernizing elements in China, weaken Hong Kong, and strengthen opposition to democracy and economic reform."

This year, the bill has been modified to make the revocation of MFN status applicable only to the products of state-owned enterprises. Thus, the products of private Chinese companies and qualified joint ventures involving American and other western firms would not be affected.

I note, as well, that the bill does not nullify or in any other way affect the President's designation or continued MFN status for China that he made on June 3, 1992. The conditions will not apply until the next required designation in June of next year. This allows China more than 9 months from this debate to meet the very reasonable standards that are set out in this bill.

Now I understand the President's basic position, which is that we will have more leverage with the Chinese by talking to them and trading with them than we would have by reducing trade and running the risk that they will isolate themselves further from the international community. The President has not taken this position with respect to other nations against whom we have imposed sanctions; he has not taken it with respect to Cuba or Vietnam; he did not take it 10 years ago when we imposed sanctions against Nicaragua; he does not take it with respect to Libya; but he has taken it with respect to the leaders of China.

His policy is to sit and wait, to avoid giving offense, to attach great importance to small signs of progress and to hope for the best. As a result, we have lifted virtually every sanction imposed after Tiananmen Square.

There was a time when we were going to suspend high level contacts with China, but the fact is we never did. We suspended sales of high technology equipment, but then lifted those restrictions. We stopped supporting international loans to China, but then resumed. And what do we have to show for this policy of conciliation? The administration asserts there has been progress. But the fact is that there has been no progress on human rights; the Chinese recently conducted a nuclear test that far exceeded normal size limits; there is evidence of continued exports of products made by prison labor; there is continued repression in Tibet; and there are continued sales of sophisticated weapons and technology to outlaw states.

The fundamental question we face is whether to continue business as usual with China if China continues to disregard the basic norms that define responsibility international behavior in the post-cold war era. These standards do not, in my view, reflect an attempt to impose our interests or values on the Chinese—they reflect, instead, a sober assessment of what it will take to make progress towards a more stable and humane world. Consider that we are talking about a regime that is so sensitive to criticism that it banned all unauthorized wreath-laying, memorials, or demonstrations of any kind during the third anniversary of the Tiananmen Square massacre last June. That kind of regime is simply not prepared to do business in a world where, we hope, respect for human rights will become an essential precondition to international standing and leadership. In that sense, this legislation is not designed to confront China, but rather to invite China to join with us in pursuit of shared economic and political goals.

It is, of course, possible that this generation of China's leaders will respond to this bill by choosing badly; we cannot control that. But we can—and in this bill—we do encourage them to choose wisely. We encourage them to join us in making the world safer, freer, more just and more secure.

Some may call that naive.

I think it is leadership.

And I urge my colleagues to join in exercising that leadership by approving this reasonable and constructive and important legislation today.●

RELIGIOUS PERSECUTION IN RED CHINA

Mr. HELMS. Mr. President, church sources in Hong Kong and Washington, have reported that on September 7 the Communist Chinese police raided a Protestant church service in central China. At least 163 people were arrested, including one American citizen of Chinese origin. Church sources report "many have been severely beaten during interrogation."

Upon receiving this report, the State Department was immediately contacted and efforts are now underway to obtain the release of the American citizen. The Chinese police deny that they are holding an American citizen. The State Department has advised me that an officer from the U.S. Embassy is being sent to investigate. This morning, the State Department informed me that the U.S. citizen is still being held in a Chinese guest house, better known as a detention center, and that the United States Embassy has continued to be denied appropriate consular access.

Mr. President, we should not be surprised by these reports. Being persecuted for one's faith is a penalty all citizens of mainland China face. Protestant believers are not alone. Catholic Bishop Fan died in Communist Chinese police custody last year and Buddhists in Tibet are regularly arrested and tortured.

Mr. President, S. 2808, the bill before us, is not the legislation I would prefer. Given the use of foreign exchange by the Communist Chinese to purchase war materials from the now defunct Soviet Union, I believe we should shut them off completely. However, we do not have that option before us.

But, S. 2808 does put limitations on Communist Chinese Government-owned companies if the government's human rights practices, including religious persecution do not improve, and any effort in this case is better than no effort at all.

IN SUPPORT OF RENEWAL OF MFN STATUS FOR CHINA WITHOUT CONDITIONS

Mr. CRAIG. Mr. President, the Senate's debate and vote on S. 2808 will greatly affect the future of relations between the United States and the People's Republic of China [PRC]. S. 2808 would apply a number of conditions to the renewal of most-favored-nation [MFN] trading status for the People's Republic of China.

This debate originally centered around the improvement of human rights in China as a reaction to the Tiananmen Square tragedy of 3 years ago. Today, the debate surrounding renewal of MFN for China has turned into the Pill designed to cure all of China's ills.

We all share the desire to end the human rights abuses and resolve the problems that plague our relations with China. The question we face today is not one of policy goals, but means. We must ask ourselves, Mr. President, what can be done to resolve these problems? Is the best strategy to place conditions on most-favored-nation trade status? I would argue "no."

Mr. President, MFN is a trade relationship that mutually benefits the United States and the corresponding country through lower tariffs and trade barriers. It is a trade relationship that we enjoy with all but a handful of nations: Afghanistan, Cambodia, Cuba, Laos, North Korea, Romania, the Republics of the former Soviet Union—(except Armenia, Russia, and the Baltics)—and Vietman. Libya and Iraq are both denied through embargoes placed on trade with those countries. The list is small, Mr. President. If one looks at our relations with the countries on this list, one can see that applying conditions or revoking MFN for China will certainly not enhance our ability to influence the Government in Beijing.

The human rights situation in China has improved immensely since MFN was first granted in 1980. Part of the improvement has been through the direct contact between United States private industry and agriculture, and their counterparts in China. One of the most effective means we have of causing change in China is through our economic ties with that country, and through continued dialog. If we look at those provinces with the best human rights records we find that they are also the provinces that are most heavily involved in trade with the United States.

Mr. President, United States with China is not merely the trade of economic goods, it is also the trade of ideas—ideas about democracy, capitalism, and freedom. Revoking MFN, or applying conditions to MFN will terminate that grassroots influence in China.

Again, Mr. President, what are we trying to achieve here, and how can we best meet our goal? We are trying to improve human rights in China. Revoking MFN will not resolve that problem. Revoking MFN to improve human rights in a Communist country has not worked in the past, and there is no indication that it will work now. The suspension of MFN for Romania only served to damage our relations with that country, having no effect on the human rights situation there.

Some have said that the United States should take the lead in this problem. If the United States applies conditions, our trading partners will follow suit. Taking unilateral actions such as this legislation would impose, will result in providing a greater market share in China for our trading partners. The increase of Japanese and European activities in China does not support the theory that our trading partners are waiting for the United States to take action. The United States is now alone among Western countries in continuing to maintain its original Tiananmen sanctions against China. No other country has considered withdrawing MFN trade status in response to concerns about Chinese policies. If we take these actions Mr. President, we take them alone, and we put our own producers and manufacturers at a gross disadvantage. The products we sell to China are easily provided by other producers, and given the competition for markets, the void we create in China will quickly be filled by one of our trading partners.

China is an important market for United States agriculture products. For example, China is the United States' largest cash customer for wheat—loss of this market would be devastating to United States farmers. Last year, U.S. farmers sold over $1.9 billion in U.S. agricultural goods. Loss of this market would affect my farmers, as well as the economy of Idaho. The United States also exports hundreds of millions of dollars worth of phosphates to China, a significant portion of which comes from Idaho. Even though the United States has a sizable trade deficit with China, Mr. President, cutting off current trade will not improve our overall trade deficit. Rather, it will aggravate the problem.

Mr. President, there are other options at hand that can be used to resolve these issues—options that will help work to resolve some of the problems that have been highlighted by proponents of conditions. Engagement, rather than confrontation, will lead us toward our goals. The administration has made substantial progress on those areas of concern in our relationship with the People's Republic of China.

Human rights continues to be a focus of our foreign policy. There are sanctions currently in place, targeted at specific problems. Again, let me emphasize that the United States is the only nation today that has not lifted sanctions and returned to pre-Tiananmen relations with China. The following sanctions/actions are currently in place: suspension of military cooperation programs; an embargo on sales to the Chinese police and military; rejection of the easing of cocom controls on China; suspension of trade support programs; and lack of support for loans to China, except for projects directed to meet human needs.

In addition to these actions, there are negotiations on other problem areas. The administration has been committed to an ongoing dialog with the Chinese, addressing human rights problems—this would of course end if conditions are applied to MFN. Progress has occurred, but a great deal remains to be done. Through the commitment of the administration to continue these efforts, our Government will have far greater impact than by cutting off relations with China.

Our current policy is meeting with some success. A great deal remains to be done, but as was pointed out by Under Secretary Arnold Kanter in his testimony before the Senate Finance Committee, a great deal has also been accomplished:

> We have made progress in our dialogue with the Chinese on human rights—though by no means as much as we would wish. We have prompted China to focus on human rights concerns and engage in exchanges of delegations with other countries. We continue to raise with the Chinese the issue of releasing political prisoners. The Chinese confirmed to Secretary Baker the release of 133 prisoners on our list of prisoners of human rights interest as of November 1991. Since then, China has announced the release of additional political prisoners. One dissident informed our Embassy, for example, that 70-80 percent of those detained in Beijing after Tiananmen have now been released.

This is not the record of a failed policy Mr. President. Our efforts should continue to yield positive results.

There have also been successes in other problem areas of our relations with the People's Republic of China. For example, under trade, the administration was able to successfully negotiate an agreement last January on intellectual property rights, improving the protection of U.S. patents and copyrights. In the area of military concerns, China has agreed to observe missile technology control regime guidelines and parameters. They have also conceded to the Nuclear Nonproliferation Treaty. Again, the work is not done, but gains have been made under our policy of engagement with the Chinese.

Mr. President, applying conditions to MFN will not resolve the problems that have been addressed on this floor. In fact, applying conditions to MFN would amount to a public challenge by our Government that would be impossible for the Chinese leadership to meet. The Chinese Government would never succumb to this sort of unilateral pressure because it would imply a weakness on their part. Therefore attaching conditions will simply serve as a notice of termination of relations between the United States and China.

Mr. President, human rights are not going to improve if we apply conditions to MFN. Our trade deficit is not going to lessen if we apply conditions to MFN. Chinese arms sales are not going to end if we apply conditions to MFN. Creative thinking and targeted actions such as those the administration continues to pursue will work toward a resolution of the problems that exist in the relations between the United States and China. I hope my colleagues will join me in voting against S. 2808.

CONDITIONING RENEWAL OF CHINA'S MFN

Mr. ADAMS. Mr. President, I rise today to support the conditioning of most-favored-nation trading status for the People's Republic of China. I do not make this decision lightly, for my State of Washington stands to lose more than virtually any other State in the country if the Chinese should choose not to meet the trade, nonproliferation, and human rights criteria that we are discussing today. If the Chinese lose their MFN status and if they retaliate, Washington State exports will suffer greatly.

Support for the Senate Finance Committee bill represents a calculated and a principled risk. I for one do not believe that the Chinese will risk losing our great domestic market when the conditions we are talking about are so easy to meet. For the most part, meeting the conditions involves nothing more than complying with promises already made and upholding agreements already signed. Indeed, full compliance is not required. Only significant progress.

We went through this debate last year, as well as earlier this year. And we came close to overriding the President's veto. There has been some nominal progress on the trade and nonproliferation fronts: China has signed agreements to protect United States intellectual property rights and to prohibit prison-labor exports. It has signed the Nuclear Nonproliferation Treaty and has pledged to follow the Missile Technology Control Regime. But these are mere promises at this point. This legislation would help ensure Chinese compliance. Moreover, in terms of human rights, we have seen little improvement. In July, I joined with several colleagues in writing a letter to Chinese Premier Li Peng, protesting the strict sentence imposed on Bao

Tong, a leading Government reformer imprisoned after the Tiananmen Square protest. The promises made to Secretary Baker last November with respect to granting exit visas to Chinese dissidents have not been kept. And most recently, Chinese authorities arrested Shen Tong, a student leader in the 1989 democracy movement, who had returned to China to continue his prodemocarcy efforts after 3 years of exile in the United States. In the same week as his arrest, American newspapers published reports of routine torture of political prisoners in Chinese prisons.

I do not want to see the United States-China trade relationship harmed. But I also do not want to stand silent on Chinese abuses in areas of significant concern to the United States. Conditioning MFN is the best tool that we have to influence Chinese policy. And I believe that the Chinese, after weighing the overall importance of the United States-China relationship, will take those steps necessary to maintain MFN and to shore up its position as a cooperative member of the international community.

Mr. HOLLINGS. Mr. President, I rise in strong support of H.R. 5318, and I want to commend the majority leader for his consistent attention to Chinese human rights abuses. This legislation conditions MFN extension to China on achievement of essential human rights, trade, and proliferation objectives. The President should require real and substantial compliance with these conditions before granting any trade benefits to China. We have tried President Bush's approach of granting concessions the last 3 years, and it has not worked.

Many speakers today have outlined the crimes of the Chinese Government in its treatment of Chinese people. I need not repeat the horror stories we have heard described on the floor many times, but I must note the thousands of people shot, jailed, and disappeared, since Tiananmen Square. In addition, why would anyone wish to reward a regime that is capable of exterminating one-fifth of the population of Tibet, perhaps 1 million or more people? I do not understand.

I must call to the Senate's attention the serious charges that have been made regarding China's use of prison labor. Business Week, the Washington Post, and "60 Minutes" have laid out the case. Harry Wu, a former Chinese political prisoner, has testified to the Chinese Government's exploitation of its prisoners. Senator HELMS, joined by me and others, requested that the Customs Service investigate the prison labor allegations in June 1990. In the last year, the Customs Service has begun to enforce U.S. law on prison-labor goods imported into this country. There have been some indictments and I expect more to come.

H.R. 5318 addresses our bilateral trade deficit as well. China had a $12.7 billion trade surplus last year, which is projected by the CIA to increase to over $15 billion this year. China's enormous trade deficit means millions of United States citizens are robbed of their jobs in the United States. We can not allow the Chinese to build up these tidy export profits, while they refuse United States exporters access to their markets. Unconditional MFN extension hurts Americans. It is time that we change this policy.

Moreover, the Chinese defraud the United States by evading duties and bypassing import quotas through transshipments. Over the past year alone, Customs levied nearly a quarter of a billion dollars in penalties against China for illegal shipments. Some officials of the United States Government have estimated that transshipment of Chinese textiles is as much as $2 billion over their legally allowed $3.5 billion quota. I hand it to Customs Commissioner Hallett—she has even caught a Chinese Government official. So, we have George Bush's Justice Department indicting the Chinese Government, while the State Department pushes favorable trade treatment.

In an editorial, the State paper in Columbia, South Carolina, said:

> The potential of the Chinese market is so enormous it cannot be cast aside lightly. But neither should we prostitute ourselves trying to stay on the good side of Beijing or toss aside our substantial concerns about Chinese conduct, as Mr. Bush seems willing to do. MFN status should have a price. After all, the American market is vast, too, and China should appreciate the tidy profits it is making here enough to bend a little.

I agree and that is why I am supporting H.R. 5318.

Mr. SEYMOUR. Mr. President, the Senate once again considers a measure that attaches conditions to the renewal of most-favored-nation trading status for the People's Republic of China.

I strongly believe that this approach will cripple the causes of economic and political reform in China and I will therefore oppose the pending resolution once again this year as I did last year.

To endanger or deny MFN status to this society will deny its most productive, market-oriented, and democratic forces from moving China out from under the oppressive shadow of communism. It will achieve none of the results that its proponents seek, and punish all of the people that they hope to reward.

Without a doubt, the actions of the Chinese Communist leadership in recent years have deeply troubled me. The Tiananmen Square massacre of 1989 led to brutal murders, persecutions, and imprisonments. Our horror at this tragedy led us to expose many other unknown sins of the Beijing government. They use forced labor to make many of the agricultural products that China exports to the West. They sell ballistic missile launchers and warheads to gangster nations such as North Korea, Syria, and Libya. They continue to suppress freedom of thought even though they masquerade as the protectors of freedom for the working class.

But none of these sins came to the surface just 2 years ago. China's biggest sin is communism—with all of its ugly deceits and twisted concepts of collective human life. And the Government of China, Mr. President, has been committing this sin for 43 years.

The People's Republic appeared on the original 1951 list of countries to which the United States refused to extend normal trade treatment. Indeed, the Trade Agreements Extension Act of that year prohibited all Communist States except Yugoslavia from receiving MFN status.

What happened in China between 1951 and 1980, when this country did not belong to the MFN club? We saw Mao consolidate his power, purge his opponents, fill his prisons, and crush the Tibetans.

Between 1966 and 1976, we saw Mao launch his cultural revolution, one of the most murderous and socially destructive campaigns ever conducted by a leader in this century.

In 1978 and 1979, when China still did not have MFN status, we saw a post-Mao leadership slowly reassessing the disasters of communism and introducing profit incentives to the agricultural and manufacturing sectors.

The point, Mr. President, is that in the case of China, the MFN tool has very little effect on the political mercies of an aging leadership. Without this carrot, they murdered millions and buried the legacy of an ancient and glorious society. With this carrot, they still sent the tanks to Tienanmen Square.

I am not suggesting that we take no action to reduce the Communist government's ability to oppress its own people. On the contrary, I am suggesting that we take every action to build economic institutions and political movements in China to divorce the citizens from their dependence on, and their fear of, the State.

MFN status for China has clearly contributed to this goal. It has encouraged entreprenuers in the special economic zones dotting the Cantonese coast to discover new export markets and learn that prosperity is not an exclusive gift from the Government.

It has allowed young farmers in this overwhelmingly rural land—harvesting bumper crops on State-run collectives—to migrate to urban communities where manufacturing jobs and democratic ideas are more common. Indeed, between 1980 and today, the industrial output from Communist-controlled factories dropped from 80 percent to 54 percent.

It has also opened the doors of our cities and universities to thousands of students, tourists, and businessmen who have come to learn how and why American society works.

These people and forces, Mr. President, represent the future of democracy and capitalism in China, and the continued availability of MFN treatment strengthens them and weakens their rulers.

I should also note that important segments of our own economy have benefitted from the opening to China. United States exports to the People's Republic totaled approximately $5 billion last year, sustaining more than 100,000 jobs in this country.

Products leading the way to China included commercial aircraft, wheat, transportation equipment, and electronics. For domestic aerospace, agricultural, and high technology firms strapped by recession at home and subsidized industries abroad, emerging markets such as those in China will become more important to their ability to compete.

From the State of California alone, nearly 550 million dollars' worth of finished goods or production components were marketed in the People's Republic of China. Aircraft manufacturers and machine tool firms had the largest share of this amount.

In addition, between last year and this one, California textile exports to China grew by 340 percent and agricultural exports from the State increased by 73 percent.

But we are left with the question, Mr. President, of what obligations the United States has to punish the Chinese Government for its sins of repression, unfair trading practices, and ballistic missile deals with dictators.

On each of these accounts, the administration has chosen the right penalties for the right crimes.

After the Tiananmen tragedy, the Justice Department took steps to protect the Chinese students living in this country by extending temporary asylum to them. We also stopped supporting multilateral development bank loans to the People's Republic of China, suspended grants from the State Department's trade and development program, and chased all overseas private investment corporation activities.

To address our growing trade deficit with China, the President recently designated the People's Republic as a priority country under the 1988 Trade Act. This classification allows the United States to directly retaliate against unfair importation barriers that a foreign government imposes.

To bring a halt to China's renegade arms peddling, the Defense Department terminated our military relationship with the country, denied all import licenses to Beijing's police organizations, and blocked international talks on relaxing the rules controlling what high-technology products the Chinese can obtain.

These measures, Mr. President, punish the only criminals that I know of in China who cannot be rehibilitated—the Communist leaders. MFN status harms them in a subtle but profound way by slowly building a wall between their interests and those of their citizens. On one side of that wall, the discriminating consumer, the Shanghai trader, and the enterprising farmer will thrive. On the other side, the political leadership, marching to Mao's tune, will rot.

I am surprised that I have heard little from my colleagues about this process of making a penalty suit the crime when we discuss the MFN issue. For years since the original 1951 law and its famous amendment in 1974, Presidents and legislative leaders from both parties have allowed some of the most repulsive regimes in the world to escape the punishment of MFN denial.

Where were we on Iraq before the Persian Gulf conflict?

Where have we been on Yugoslavia, Libya, Syria, Zaire, Uganda, Burma, Ethiopia, or the Sudan?

We have not taken away most-favored-nation trading privileges from any of these murderous regimes of either the past or the present.

And in June 1987, the Senate got around to approving the Armstrong resolution repealing Romania's MFN status for 6 months. But many of my colleagues who will vote against the President on China, including the distinguished majority leader, voted 5 years ago against a 6-month suspension of the same treatment for a regime that equaled or exceeded the Chinese Government's contempt for the rights of its citizens.

Because of our own past refusals to link MFN status with the human rights performance of so many tyrants across the globe, we lack the evidence to claim that this linkage will change the hearts of the Chinese rulers.

And at some point, their hearts will stop beating. But even their persecutions, labor camps, and tanks have not yet cut off the lifeblood to the hearts of democracy and enterprise in the People's Republic of China. It should therefore come as no surprise to any of us that one of my visits to Orange County last year, I was presented with a petition signed by dozens of Chinese students studying in southern California asking the United States not to cut off our own lifeline to their future back home.

Let us look to this future as we debate MFN status for China. Its denial would hurt the wrong people at the wrong time in their nation's history.

Thank you, Mr. President.

Mr. DECONCINI. Mr. President, I rise today to once again voice my strong opposition with the Bush administration's decision to unconditionally extend most-favored-nation status to China for another year, and to express my support for the bill introduced by the distinguished majority leader, Senator MITCHELL.

There are several areas of contention with the Chinese Government that need to be addressed and corrected before I believe MFN should be granted to China. Clearly, the most dangerous issue is China's lack of compliance with the Missile Technology Control Regime and the Nuclear Nonproliferation Treaty. While China has pledged to respect the MTCR, it has yet to put this assurance in writing. Also, the Chinese Government's actions speak louder and more clearly than its words. According to unclassified information supplied by public sources, China has reportedly supplied Pakistan with nuclear weapons designs, nuclear-capable missiles, and enough enriched plutonium to complete two nuclear bombs. Mr. President, as you well know, Pakistan is a country with which we have terminated foreign and economic assistance precisely because of its blatant attempts to build a nuclear weapons program. Now it appears China has given these weapons of mass destruction to a feral nation in an extremely volatile region.

In addition to Pakistan, China sold at least 30 Silkworm antiship missiles to Iraq prior to the Persian Gulf war and helped develop Iraq's nuclear weapons program. Additionally, China has supplied sophisticated weapons, technology, and solid rocket missile fuel to Syria, and delivered arms to Libya after the United Nations placed an embargo against that country. I do not believe such irresponsible international actions are deserving of preferential trade status.

I am also concerned about China's continued trade imbalance with the United States. The United States trade deficit with China has continued to rise steadily, increasing from $12.7 billion in 1991 to $20 billion last year—an increase of 63 percent in 1 year. China is now the United States second largest deficit trading partner after Japan. Much of this deficit has occurred because of product dumping, currency devaluation, and exporting products made by prison labor. President Bush is asking to extend favorable trading status to China knowing full well the Chinese Government is unwilling to compete on a level playing field. This skewed field is costing the United States thousands of jobs and billions of dollars annually.

The most difficult obstacle for China to hurdle to win MFN status from this Senator is its continued suppression of human rights and individual freedoms. The Government of China continues to point to its limited improvements in this area as justification for receiving MFN. However, in yet another instance of actions speaking louder than words, on the third anniversary of the Tiananmen Square massacre a lone demonstrator in the square—the only person with the courage to defy Government warnings of harsh consequences—protested the events of that fateful day in 1989. As a result, the demonstrator was severely beaten and arrested for nothing more that exercising the most basic right of peaceful free speech. The abject fear of official reprisal is evidence of continued tyranny, not an improvement in the exercise of personal freedoms.

This is but one of many reports of human rights abuses which I continually read in newspapers and journals. In fact, only this morning the Christian Solidarity International reported on intensified crackdowns on unsanctioned religious meetings, which have been determined to be counterrevolutionary activities by the Chinese Government. The Chinese secret police force, known as the Public Security Bureau [PSB], responding to innocuous prayer services with brutality and immediate imprisonment. I was appalled to learn of a PSB communique which read: "Bring in one live preacher and receive 300 renminbis—$60; bring in one dead preacher and receive 400 renminbis—$90."

Mr. President, recently a member of my staff traveled to China to present Government officials with a list of individuals who have been imprisoned without trial, appeal, or chance for release, simply for espousing their faith in Catholic beliefs. The respectful presentation of the list fell on deaf ears. It is becoming China's standard reply for the United States to mind its own business, that these cases are internal matters which have nothing to do with United States-Chinese relations. I strongly disagree. On August 17, 1992, I wrote to Zhu Qizhen, Ambassador for the People's Republic of China, to underscore my continued deep concern for the many Catholic priests still languishing in Chinese prisons merely for expressing their religious beliefs. I ask that this letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, the essence of our foreign policy has historically and correctly been the promotion of democracy and the preservation of individual liberties. The Bush administration asserts that its policy of engaging the Chinese Government through continued favorable relations, including the extension of MFN, while merely paying lipservice to the issue of China's blatant disregard for human rights, will positively influence the Chinese Government to institute democratic reforms. The events on the third anniversary of the Tiananmen Square carnage and the continued imprisonment of Catholics, along with many others, demonstrate that the only consequence of China's brutal repression of human rights is that the Beijing government gets wealthy through a favorable, imbalanced trade relationship with the United States while its people continue to suffer. Obviously, this gives China no incentive to change. I urge my colleagues to support the bill before us today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, August 17, 1992.

His Excellency ZHU QIZHEN,
Ambassador, People's Republic of China, Washington, DC.

DEAR MR. AMBASSADOR: I learned last week that the government of China released an elderly Catholic Cleric, Joseph Li Side, from prison. I want you to know that I have taken note of this action and I am most appreciative.

However, notwithstanding this positive development, I continue to have concerns about the other imprisoned Catholics. As you may know, a member of my staff, David Steele, recently visited your country as part of a Congressional staff delegation. While there, he attempted to raise the issue of the imprisoned Catholics on my behalf with the officials with whom he met. He was told that the matter of the imprisoned Catholics had nothing to do with Sino/U.S. relations. I strongly disagree with this assertion.

As you know, I have strongly opposed President Bush's continued unconditional extension of Most-Favored—Nation (MFN) trade status to China in the wake of the Tiananmen Square massacre. Like many of my colleagues, while I am deeply troubled by your country's policies in the areas of trade and weapons proliferation, I am most concerned about China's human rights record.

I continue to be disturbed and deeply dismayed by reports that China has jailed thousands of it citizens for the exercise of their basic human rights. What has touched me most, however, are allegations that scores of Catholic bishops and priests are languishing in prisons and labor camps because of their faith.

I hope that Mr. Li Side's release is an indication that your government is reversing the policies which resulted in his imprisonment and that all of the Catholics who have been incarcerated for exercising their religious beliefs—as well as other detained for peacefully expressing their views—will soon be granted their freedom.

Thank you for your attention to this matter.

Sincerely,
DENNIS DECONCINI,
U.S. Senator.

Mr. DODD. Mr. President, I rise in strong support of the pending measure. I want to commend the distinguished majority leader, Senator MITCHELL, for his perseverance in this very important effort. I also want to commend the distinguished chairman of the Senate Finance Committee, Senator BENTSEN, for his work on this legislation.

Mr. President, the world is undergoing dramatic change. In the former Soviet Union, communism has crumbled from within and 15 independent States have been freed. In Eastern Europe, a long-repressed people have emerged from behind the Iron Curtain and taken bold steps toward democratic plurality and free-market reform.

Over the past few decades, China too has changed. In a country once known for its tight central grip on the levers of the economy, free-market principles have gained widespread support. But political change has not yet come to China—and change has not come to an antiquated and outdated policy that continues to reward the dictators of Beijing with most-favored-nation trade status.

Mr. President, on June 4, 1989, the whole world witnessed in horror the brutal slaughter that took place in Tiananmen Square. The Bush administration responded by sending a top-level official on a secret voyage to Beijing—an undeserved reward for such a brutal act. The administration then successfully opposed congressional efforts to terminate MFN.

Since then, unfortunately, the list of grievances against the Chinese has only grown. Let me identify the major ones:

The Government of China continues to violate internationally accepted standards of human rights, including torture, arbitrary arrest, detention, and the use of prison labor;

The Government of China continues to deny Chinese citizens the right to free emigration;

The Government of China continues to violently repress the Tibetan people who seek political and religious freedom;

The Government of China continues to control trade unions and harass accredited journalists; and

Finally, the Government of China continues to engage in unfair trade practices against the United States, by raising tariffs, using discriminatory customs rates, imposing import quotas, falsifying country of origin documentation, and various other measures.

Mr. President, the debate over China MFN is often described as a debate over political principles and human rights standards—and indeed it is. The refusal of the Bush administration to take a firm stance against these actions is a strong rebuke to the so-called new world order the President has proclaimed.

But there is another side to the debate, and that is the economic side. All told, Mr. President, these unfair trade practices have contributed to a $12.7 billion trade deficit with China in 1991, compared to $6 billion in 1989. In 1992, this trade deficit is projected to rise to nearly $20 billion. In this time of recession, our trade policy with China is costing us jobs.

Accordingly, Mr. President, the legislation before us represents an effort by Congress to set United States-China relations on a wiser course. It would extend MFN for 1 year—but it would not be an open-ended commitment. For the Chinese to gain an additional extension of MFN, they would have to undertake significant reform.

In the area of human rights, the Chinese must begin adhering to the Universal Declaration of Human Rights in China and Tibet and allow the unrestricted emigration of those citizens who desire to leave China for valid reasons. The Chinese must also release those citizens detained for political beliefs, as a means of demonstrating a good-faith effort to release those imprisoned as a result of the Tiananmen Square uprising.

In the area of trade policy, the Chinese must take action to prevent the export of products made by prison labor or forced labor and make substantial progress in providing American businesses with fair access to Chinese markets.

In the area of religious freedom, the Chinese must make substantial progress in ceasing religious persecution in China and Tibet and in releasing those detained for religious beliefs.

In the area of missile proliferation, the Chinese must show progress in adhering to the guidelines of the Missile Technology Control Regime and other international controls on the transfer of weapons technology.

This legislation is similar in many respects to the legislation that has been passed by this body many times before—with one very significant difference: It would address only those products exported by state-run industries in China. In this way the legislation would allow private enterprises and foreign joint ventures in China to continue unimpeded. This is an important change to the legislation that I believe greatly strengthens its effectiveness.

Mr. President, I have heard it said many times during this debate that trade policy should be separated from political pressures whenever possible. It is often said that MFN is a clumsy political tool, that other measures should always be attempted first. On this point I would agree.

But in the case of China, Mr. President, we have simply run out of options. We have held out the carrot; now it is time for the stick. Otherwise we are left with a policy that coddles a repressive and inhumane leadership in Beijing.

I would submit to my colleagues that such a policy no longer deserves support. Mr. President, I urge adoption of this legislation.

Mr. BRADLEY. Mr. President, I am pleased to be a cosponsor of this important piece of legislation. We can no longer justify standing by as China continues to commit serious human rights violations against its own people. We do not want to continue to be the purchaser of goods made by prison labor in a vast, state-run gulag. We cannot continue to wait, as the administration has urged us to do, to see if continued trade with China as a most favored nation will lead to freer markets and greater liberty in China. It has not. We have already seen that.

China has taken advantage of our open markets while restricting our market access with a web of restrictions. The trade deficit with China is soaring. In 1992 the trade surplus with the United States is expected to reach $20 billion—second only to Japan as a source of our trade deficit. Yet by continuing to assure the Chinese regime that we will continue to grant MFN status no matter what, we undercut our own bargaining position. Why should we unilaterally give up one of the strongest bargaining chips we have to encourage positive change?

The Chinese regime continues to resist United States pressure to provide a full accounting of its political prisoners, releasing only a handful to date. Just recently it convicted party chief of staff Bao Tong in closed proceedings for allegedly disclosing state secrets in 1989. As long as these kind of abuses occur, as long as the old faces in China's leadership keep the images of June 4, 1989, fresh in American minds, we cannot just continue business as usual with China.

The United States must continue to condemn the Chinese Government's brutal suppression of the prodemocracy movement. The sanctions we implemented following demonstrations in Beijing in 1989—prohibiting defense-related exports, suspending military cooperation, opposing any further liberalization of export controls, opposing development loans unless they directly promote basic human needs, suspending the activities of the Overseas Private Investment Corporation—were only components of our preliminary response. If the leadership in Beijing continues to show little willingness to moderate its brutal repression of the Chinese people's political and human rights, we must send a stronger message to China—on behalf of those Chinese who cannot speak for themselves.

Mr. SANFORD. Mr. President, I rise to voice my opposition to granting the People's Republic of China [PRC] unconditional most-favored-nation [MFN] status. China's blatant disregard for human rights, unwillingness to curb arms proliferation, impermissible practice of using prison labor, and unfair trading practices have continued unabated since the tragic events at Tianeman Square. The behavior can no longer be tolerated or ignored.

The number of reported human rights violations in China are staggering. Amnesty International reports that hundreds of thousands of individuals were detained without charge last year. International human rights organizations are prohibited from entering the country or attending political trials. More than 1,050 executions were carried out by the Chinese authorities, many of which occurred within a few days after the individuals were arrested.

On April 13, 1992, one of the world's longest serving prisoners of conscience, Bishop Peter Joseph Fan Xueyan, died of pneumonia in China. Chinese Government officials had placed Bishop Fan under detention for some 34 years as a result of his refusal to break ties with the Vatican. The exact circumstances and location of his death went unreported by the Chinese Government. Recently, on July 21, 1992, another prominent Chinese reformer, Bao Tong, was sentenced to 7 years in prison for what the Chinese Government deemed counterrevolutionary incitement during the 1989 democratic movement. Once again, the Chinese found it necessary to block international access to the court proceedings.

Even with the free world's contempt for the Chinese Government's massacre of pro-democracy demonstrators in Tiananmen Square in June of 1989, the Communist Government of China continues to operate a policy of repression and abuse towards its own citizens. Asia Watch recently reported that more than 1,000 people were detained in the central province of Hunan as a result of the protests of 1989, and that at least 151 of these individuals are still in labor camps or prisons.

Perhaps the most blatant and brutal example of China's disregard for human rights has been in its treatment of the people of Tibet. In Tibet, Chinese security forces have killed dozens of people since 1989, and have arrested at least 1,025 pro-independence demonstrators since September 1987. Many of these arrested individuals have been held without charge for up to 3 years. In April 1991, some 20 political prisoners were severely beaten in the capital city of Lhasa.

While China has made a cosmetic attempt to alleviate international criticism of its human rights violations, the fact remains that the Chinese Government has yet to initiate a public inquiry into one of the most witnessed episodes of government execution in world history—the bloody Tiananmen Square massacre. Some 1,000 individuals were killed, several hundreds were arrested, and the fate of thousands of others remains unknown. In another example, the Chinese Government has failed to satisfy international demands to investigate the killing of hundreds of Tibetan independence demonstrators in Lhasa, Tibet from 1987 to 1989. China must be held accountable for these horrible episodes of state murder.

China's policy of preventing free emigration for its citizens also continues. The Jackson-Vanik amendment, which prohibits the granting of MFN status to Communist countries that restrict free emigration, has been waived annually by the Reagan and Bush administrations. In effect, this provision was established to prohibit countries with state-controlled businesses, like China and the former Soviet Union, from benefiting from lower American tariffs. By waiving this provision, President Bush continues to support an economic system which is not fully based on free-market principles, but rather one where the government controls many industries and engages in the practice of price-fixing.

Directly related to the Chinese Governments appalling human rights record has been its usage of prison labor for producing textiles and other products for export. Reports of torture and abuse within the Chinese gulag abound; some official sources estimate that at least 50,000 individuals are sent to labor camps annually under a Chinese law which calls for reeducation through labor. In effect, this practice allows Chinese authorities to detain individuals for up to 4 years without charge.

In September 1991, Harry Wu, a former Chinese political prisoner, presented indisputable evidence to Congress that China continues to use prison labor to produce many of its goods. Mr. Wu, who spent 19 years in Chinese labor camps before coming to America, returned to China posing as a businessman to obtain live footage of prisoners producing goods for export. The result was 240 still photographs and 40 hours of videotape that undeniably demonstrate China's practice of using prison labor for exported goods.

The Congressional Research Service, Asia Watch, and the General Accounting Office have also documented China's use of prison labor. A July 23 1991, GAO report summary stated that "forced labor is an integral part of the political, judicial, penal and economic systems in the People's Republic of China [PRC] and is practiced throughout the country." By law, the importation of goods produced by prison labor is illegal; and by standards of common decency, it is reprehensible.

President Bush's continued devotion to unconditional MFN status for China has resulted in a trade imbalance that has skyrocketed during the past 4 years. Since 1988, the United States trade deficit with China has more than quadrupled to a current level of $12.7 billion. This imbalance is second only to that with Japan, and is projected to rise to nearly $20 billion in 1992. Even more staggering is the fact that 14 percent of America's total imports are Chinese textiles and apparel.

During the Reagan and Bush years combined, United States imports from China increased by 1,694 percent, while exports to China increased a mere 67 percent. What makes this trade imbalance so appalling is the fact that China has cheated and lied to achieve this trading superiority. China continues to use trading practices that employ currency devaluation, product dumping, ignoring quotas on textile exports, and flat out deceit. In May of this year, the United States Customs Service and the Internal Revenue Service announced indictments against a Chinese textile manufacturer, two of its United States affiliates, and four individuals for allegedly conspiring to devalue the Chinese textiles by $2.1 million, and cheat the American taxpayer out of $236,372 in customs duties. This practice of evading custom duties on Chinese textiles, often by transshipment through a false country of origin, is estimated to cost the United States as much as $300 million annually.

The result of this trade imbalance is two-fold: Loss of American jobs and strengthening of the old guard Communists in China. China's illegal trading activities undercut many North Carolina textile companies, forcing them to shut down or lay off workers. It becomes almost impossible for the North Carolina textile industry, which pays workers an average of $9.74 per hour, to compete with the Chinese who pay a mere $0.37 per hour. China's strong trade surplus with the United States also allows the Communist government to accumulate an enormous reserve of hard foreign currency, thus enabling its brutal Government to withstand international pressure to reform.

Finally, China should not be rewarded with unconditional MFN status because of its history of reckless weapons proliferation. Reliable reports indicate that China has exported missile guidance technology to Pakistan, solid fuel missile technology to Syria; and holds one billion dollars' worth of missile contracts with Iran, Syria, Pakistan and other countries of the Middle East. China continues to sell this missile technology even though it gave assurances to Secretary Baker that it would observe the Missile Technology Control Regime [MTCR] guidelines.

Equally discouraging is the fact that, even with our new geopolitical structure, China found it necessary to detonate a 1,000-kiloton nuclear bomb in May—the largest such nuclear test in Chinese history. But comparison, even during the last 40 years of cold war politics, the United States and Soviet Union agreed to limit tests to 150 kilotons.

I find it unpatriotic that the Bush administration continues to support a policy of granting unconditional MFN status to the totalitarian Government of China, while honest and hard-working North Carolina textile workers lose their jobs because of Chinese exports made with prison labor. A country which imprisons individuals who stand up for democracy and individual freedom, uses those individuals for cheap labor, and then violates agreements on textile exports should not be supported by our Government. I cannot think of a reasonable explanation for President Bush to use when he visits the textile towns in North Carolina, and finds devoted and loyal Americans unemployed as a result of the loss of textile jobs to the Chinese.

By continuing to grant unconditional MFN status to China, the administration is, in effect, supporting its brutal, repressive, totalitarian government, while simultaneously providing a subsidy for the export of its goods made from prison labor. Neither of these results are in the best interests of the United States or the world.

URGING CONDITIONS ON MOST-FAVORED-NATION TRADING STATUS FOR CHINA

Mr. KENNEDY. Mr. President I give my strong support to this measure to set conditions on most-favored-nation trading status with the People's Republic of China.

China's Communist leadership is preparing to hold it 14th party congress as early as next month. In light of the critical attention that this gathering will pay to foreign policy and trade, it is imperative that the United States take a strong stand at this time on behalf of democracy and human rights.

Since the bloody Tiananmen Square massacre in June 1989, the Chinese regime has taken steps to change its image as an international pariah. But it has not sought to end its repressive practices.

Last year, Beijing issued a white paper on human rights which stated that Chinese citizens are not subject to punishment on the basis of their political opinions, that there are no political prisoners in China, and that torture is strictly prohibited. Prisoners are so happy, according to Chinese authorities, that they often beg to remain in work camps after the completion of their sentences.

Beijing followed up this report by inviting all Chinese students in exile to return to their homeland without fear of retribution.

In fact, life in China continues to be very different from the rosy picture painted by Beijing. Three years after the Tiananmen Square massacre, the leadership remains far more concerned with retaining power than with democratic reform or respect for human rights.

Contrary to the Chinese Government white paper, since June 1989, the regime had detained over 30,000 pro-democracy advocates. It continues to bring new charges against political dissidents. A report documenting the torture now being inflected on these political prisoners was recently smuggled out of China by the human rights organization Asia Watch.

Political prisoners are typically sent off to gulags, where they are used as slave labor to lower the costs of the country's exports—many of which are targeted for Western markets.

The Beijing Government's invitation for exiled students to return home without fear of retaliation was recently put to the test, and the government once again failed to live up to its word.

Shen Tong, a leader of the 1989 democracy movement at Tiananmen Square, returned to China with the government's permission a month ago, following 3 years in exile in the United States. He was arrested just hours before he was to open the first Chinese chapter of the Democracy for China Fund—an organization Mr. Shen had helped launch in Massachusetts.

Mr. Shen's Chinese colleagues were also seized, and their adviser, Prof. Ross Terrill, a scholar from Harvard University, was expelled from the country. The police confiscated the democracy activists' notebooks and computer discs, endangering every Chinese citizen who had the courage to meet with them. Recent reports indicate that the regime has begun to round up these individuals, too.

In addition to perpetrating these human rights violations, the Beijing regime is also responsible for serious human abuses in Tibet.

Chinese troops continue to occupy Tibet illegally. Under order from Beijing, the army had extended its brutal repression of the Tibetan people and expanded policies designed to destroy Tibetan culture. Reports of torture and murder of Tibetans are common.

Nor is human rights the only area in which the Chinese regime has failed to bring its policies in line with internationally recognized standards of conduct.

The United States Trade Representative reports that China continues to engage in numerous unfair trading practices with the United States. Among the infractions most recently cited are outright bans and quotas, discriminatory licensing requirements, and failure to publish relevant laws and regulations.

China also continues to undermine international peace by transferring advanced weapons and nuclear technology to countries which the White House itself has labeled terrorist regimes.

The possibility of terrorist states acquiring nuclear weapons is alarming. Yet the President opposes sanctioning China for transferring nuclear technology to Iran. He even opposes sanctioning China for providing Saddam Hussein with chemicals for the production of nerve gas and nuclear weapons.

We all support the administration's recent decision to sell F-16 fighter planes to Taiwan to counterbalance China's burgeoning military strength in the region. Clearly and properly, the administration was willing to confront Beijing on this regional security issue. It is hard to understand why the administration doesn't attach similar importance to imposing sanctions on China's sale of missiles, chemical weapons, and nuclear technology to terrorist regimes.

Our trade deficit with China is second to our trades deficit with Japan. Because of the large market in the United States for Chinese products, the United States has significant trade leverage with Beijing, and we should not hesitate to use it to induce essential reforms in Chinese behavior.

Last year, the administration's imposition of tariff penalties for trade infractions brought timely concessions from Beijing with respect to intellectual property rights.

The administration has threatened China with similar sanctions this year. Yet, the President insists that linking tariff penalties to securing the release of pro-democracy activists, ending slave labor, improving human rights in Chinese-occupied Tibet, and honoring arms agreements would jeopardize free market reforms and hurt the Chinese people.

Although the White House seems indifferent to the contradiction between its human rights and trade policies, it cannot have it both ways. The only difference between the administration's position and this legislation is the goals the United States hopes to achieve.

The administration is prepared to take Beijing to task on certain issues but it doesn't care enough to do the same when human rights and the arms race are involved.

The legislation being voted on today conditions MFN status on improvements by China in human rights, trade, and arms sales. It prohibits the President from renewing China's MFN status in July 1993 unless he reports to Congress that the Government of China has:

First, taken steps to adhere to the Universal Declaration of Human Rights for China and Tibet;

Second, accounted for individuals detained in connection with the Tiananmen Square massacre and begun releasing individuals imprisoned for expressing their political beliefs;

Third, taken steps to prevent the export to the United States of products made from slave labor; and

Fourth, made overall significant progress in ending religious persecution in China and Tibet, ending unfair trade practices against the United States, and adhering to the Missile Control Technology Regime and the controls adopted by the Nuclear Suppliers' Group and the Australian Group on Chemical and Biological Arms.

Noncompliance with this bill would bring tariff increases only on goods produced by state-owned enterprises—thereby shielding the nascent free market sector. Accordingly, suspending China's preferential trading status would not directly affect American business or the Chinese civilian population.

Enacting this legislation will place America on the side of human rights, economic reform, and ending the arms race. Our failure to do so will make a mockery of the Goddess of Justice, the sacrifices of the brave students in Tiananmen Square, our commitment to arms control, and our own democratic ideals.

I urge my colleagues to join in affirming America's commitment to those principles by enacting this timely and important measure.

Finally, Mr. President, I heard in the concluding remarks of our friend and colleague from Wyoming, that the only impact that this legislation would have on the people of China would be adverse. The Senator suggested that this legislation would not deal with the Chinese regime which is responsible for these human rights violations and China's outrageous trade and weapons proliferation policies.

We heard similar arguments here on the floor not that long ago when the Senate voted on economic sanctions with regard to South Africa. We can all recall the original response made by the South African Government: The United States can do whatever it wants—it will have absolutely no impact on decisionmaking in South Africa.

Yet, less than 2 years after the United States enacted economic sanctions, we saw the beginning of dramatic and significant reform in South Africa—a direct result of the actions that were taken by this body, the U.S. Senate, in passing those economic sanctions and later overriding the President's veto.

I think we have something to learn from this precedent, Mr. President.

It is also interesting to hear some of our colleagues object to the enactment of sanctions toward China and South Africa. Because when it comes to Cuba, or Vietnam, or North Korea or a whole host of other countries, many of these same Senators favor economic sanctions, and are the first to argue that they will have a positive effect.

Now we are talking about a country which has thumbed its nose at the United States and has recently arrested Shen Tong, one of the most courageous pro-democracy activists living today. I had the opportunity to spend time with Mr. Shen in my home State of Massachusetts and with many of his associates and friends. He is both a tireless advocate of the democratic values to which we are all committed and a patriot who deeply loves his country. I hope that we will stand by him, and the other courageous young pro-democracy activists like Mr. Shen, by passing this important legislation.

TITLE X PREGNANCY COUNSELING ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will now report the conference report on S. 323.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 31, 1992.)

The PRESIDING OFFICER. The debate on the conference report is limited to 90 minutes, equally divided and controlled by the two leaders or their designees.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, the conference report now before the Senate contains legislation to overturn the gag rule and reauthorize the Title X Family Planning Program.

This legislation will reverse one of the most disturbing legacies of the Reagan-Bush years—the controversial regulations that prevent low-income pregnant women from receiving basic and complete information about their health care and all the options available to them.

These regulations clearly interfere with a woman's constitutional right to choose whether to end her pregnancy. And they deprive medical personnel across the country of their first amendment speech right to practice medicine and counsel patients according to the highest professional standards.

When Congress enacted legislation preventing Federal funds from being used to pay for abortions, it never intended to gag health care workers. It never intended to stop them from informing women about the option of abortion, counseling them on abortion, or referring them to health facilities where abortions could be obtained.

The gag rule adopted by the Reagan administration in 1988 was a gross distortion of the actual statutory language enacted by Congress, and an equally gross distortion of the legislative history. Congress never intended any such thing. We never wrote it into law, and we would have rejected out of hand any suggestion that regulations could be written that would interpret the statute in this way.

Nevertheless, in a brazen bow to the right wing in its final year in office, the Reagan administration twisted the statute into a rightwing pretzel and issued regulations creating the gag rule. It was irresponsible far-right jurisprudence of the worst kind—a kind that we often read about on the editorial page of the Wall Street Journal, but that is rarely accepted by responsible lawyers, let alone the Department of Justice of the U.S. Government.

In fact, the gag rule was the product of the same rightwing mentality that has been urging President Bush to unilaterally exercise the line-item veto, to use a pocket veto whenever Congress is out of session for longer than 3 days, and to issue regulations indexing capital gains in the Tax Code.

Fortunately, even the Reagan and Bush Justice Departments have not been able to stomach these extremist proposals. Unfortunately, they let the gag rule through.

A sharply divided Supreme Court sustained the gag rule in a 5-4 decision by the Chief Justice Rehnquist. The majority opinion gave short shrift to the free speech rights of physicians and health care workers. As Justice Blackmum wrote in dissent:

> The majority professes to leave undisturbed the free speech protections upon which our society has come to rely, but one must wonder what force the First Amendment retains if it is read to countenance the deliberate manipulation by the Government of the dialogue between a woman and her physician.

Despite the division on the Supreme Court over the validity of the regulations, all members of the Court would agree that Congress is free to repeal the gag rule regulations. And that is what we will accomplish by passing this conference report.

Virtually every major medical organization, including the American Medical Association, the American Academy of Family Physicians, and the American Nurses Association, have expressed their opposition to the gag rule. So have leading public health schools across the country.

The basis for opposing the regulations is plain. Health professionals must be free to treat patients as they see fit, in accordance with their professional standards and without interference from politicians. The gag rule undermines this fundamental principle.

For years, Congress has worked to provide quality health care to all Americans, regardless of their ability to pay. The gag rule regulations subvert that goal in an insidious fashion. The regulations do not affect the ability of affluent women to get the information they need to exercise their legal rights and make informed decisions on family planning. But low-income women are entitled to receive only limited health care information that has been sanitized and cleared by Government censors.

A double standard in health care is wrong. Such limitations on access to health care information are flatly unacceptable.

The action we take today is an important step in the effort to repeal this foolish rule and let public health clinics get on with the job of providing health care and needed information to the women they serve. I urge the Senate to take this step.

In addition to repealing the gag rule, the conference report also reauthorizes the Title X Family Planning Program for the next 5 years.

Title X of the Public Health Service is one of the most successful and cost-effective health care programs ever enacted. Since 1970, title X has been the core of our national family planning effort, Each year, a network of 4,000 public and private clinics around the country provides medical and educational services to over 5 million low-income women and teenagers.

While their primary focus is contraceptive services, title X-supported clinics offer preventive health care and are often the first place where low-income women—and especially teenagers—receive formal medical care. Among other important health services, the clinics offer health screening assessments and treatments or referrals for anemia, hypertension, cervical cancer, breast cancer, sexually transmitted diseases, kidney disease, and diabetes.

Each year, it is estimated that family planning services prevent 1.2 million unintended pregnancies. Without these services, there would be an additional 509,000 unwanted births and 516,000 abortions each year.

Every public dollar spent to provide contraceptive services saves $4.40 in taxpayer funds in the first year that otherwise would go toward medical care, welfare, and other mandated social services. That means an overall saving of $1.8 billion a year.

Title X is a key part of our effort to cope with the current epidemic of adolescent pregnancies. It is hard to overstate the serious nature of this challenge. Almost 1 million teenagers become pregnant each year. Eighty-four percent of these pregnancies are unintentional. More than three-quarters of these pregnant teenagers are unmarried. Almost half of these pregnancies will end in abortion. And far too many of the teenage pregnancies carried to term are at risk of infant mortality, future child abuse, and future welfare dependency.

Sixty percent of all AFDC payments go to women who were teenage mothers. Welfare-related costs for teenage pregnancy, including AFDC, food stamps, and Medicaid, cost $16 billion per year. If the teenage birth rate were cut in half, the savings would be monumental.

It is no wonder that the Southern Governors' Association Project on Infant Mortality urges the Federal Government to strongly support the title X family planning program which provides 1.5 million teenagers with preventive health services to reduce unintended pregnancies and to improve maternal and child health. The U.S. Conference of Mayors endorses reauthorization and full funding of the title X family planning program.

Overall, there are approximately 39 million low-income women of all ages at risk of unintended pregnancy in the United States. The incidence of unintended pregnancies is a staggering 55 percent.

As the family planning program attempts to deal with the epidemic of teenage pregnancy and the vast unmet need for family planning services, the budgets of the title X clinics are also being overwhelmed by an explosion in the number of patients infected with sexually transmitted diseases, including AIDS. The cost of pap smears, critical to the detection of cervical cancer, has increased nearly fourfold over the last 3 years. Norplant, the newest contraceptive method, will cost clinics $350 and an additional $200-$300 for each implantation—too much for most clinics to pay.

As a result of increased costs, clinics have been forced to ration health care in unacceptable ways, by cutting services, charging higher fees, maintaining long waiting lists for appointments, and curtailing their outreach programs into the community. They have found it difficult to maintain, much less expand, other types of services urgently needed in low-income communities.

Yet at the same time that the demands of family planning clinics are expanding, public funding for the clinics has declined in real dollars. After adjusting for inflation, title X funding has actually declined 58 percent since 1981. One of the reasons the program has suffered in the appropriations process is that the title X program has been unauthorized since 1985. This legislation authorizes the program and provides for modest increases in funding—an additional $45 million in fiscal year 1993 and small additional increases in subsequent years.

No discussion of the need for the family planning program would be complete without reference to the frequent attacks on title X based on spurious allegations that it somehow fosters abortion.

The fact is that since its enactment in 1970, title X has included a prohibition on the use of family planning funds for abortion. Investigations by the General Accounting Office and the inspector general of the Department of Health and Human Services have shown that title X providers are scrupulous in their adherence to the law regarding abortion. Not only have title X funds never been used to pay for an abortion, it is irrefutable that title X has been the most effective Government effort in reducing the need for abortion. As I noted earlier, without family planning services, there would be an additional 500,000 abortions every year.

The pending bill provides a straight dollars and dates reauthorization of the title X program. There are no new initiatives. It simply extends the existing program for an additional 5 years.

The bill does, however, require title X grantees to comply with applicable State law on minors' access to abortions. The legislation specifies that no facility that performs abortions is eligible for title X funding unless it has certified that it is in compliance with its State law regarding parental notification or consent for the performance of an abortion on a minor. Given the wide variation among existing State laws on the issue of minors' access to abortion, and given that title X has no funding or program involvement in the provision of abortions, the conferees decided against establishing a Federal standard and chose to defer to State governments.

The title X family planning program is a program that works. It provides needed health care services; it reduces unintended pregnancies and teenage pregnancies. And it reduces the need for abortion.

In sum, this conference report will accomplish two fundamental objectives. It will overturn the gag rule, so that American women will be entitled to the full information about their medical options that is fundamental to their right to choose. And it will reauthorize a program that is essential to meeting the needs of American women for family planning services and that serves a wide range of other important public health objectives. I urge the Senate to approve this conference report, and I urge President Bush to sign it into law.

Mr. PACKWOOD. Mr. President, will the Senator from Utah yield me 4 minutes?

Mr. HATCH. I will be delighted to.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I rise in strong support of the conference report on S. 323, which would reauthorize the title X Family Planning Program and overturn restrictions on the discussion of abortion, which we have come to know as the gag rule.

Mr. President, as I read back through the legislative and legal history of the gag rule, I am exhausted—exhausted—to recall the discussions we have had, the times we have voted, the amicus curiae briefs, the meetings with agency officials, the phone calls and letters to the administration, and everything else that it has taken to cope with the fallout from this unfortunate and ill-advised policy that originated in 1988, that would keep medical personnel from providing high-quality services, and keep pregnant women from ever learning about their legal and medical options.

But although I may be exhausted, Mr. President, I am not defeated, and the forces who believe in the availability of high-quality family planning services are not defeated, for here we are 4 years later. The gag rule has still not taken effect in most of this country, and that is a critical fact. Family planning clinics still have not lost their funding for merely doing their legal and ethical duty, so we can claim a victory of sorts. But, unfortunately, even as we recognize this, the record of Damocles is poised over the heads of women whose health services depend upon title X funded clinics.

I expect that the Senate will pass the conference report on S. 323, and when it does and it comes before the President, I hope he will sign it. I hope he will see, as I do, the critical necessity of federally funded family planning, which keeps so many families off the poverty roles by giving them control over the size of their families. I hope he will see the vital importance of respecting the rights of medical professionals and American women to communicate confidentially about their options and treatment.

Finally, Mr. President, I urge my colleagues and the President's support of this conference report. Whatever the outcome, I pledge my continuing nonstop efforts to overturn the gag rule and to ensure the future of family planning in this country.

I thank the Chair and I thank Senator HATCH.

Mr. CRANSTON. Mr. President, I rise in strong support of the conference report on S. 323, the reauthorization of the title X Family Planning Program. This legislation would extend the authorization of appropriations for the Federal Family Planning Program, title X of the Public Health Service Act, through fiscal year 1997 and would reverse the gag rule imposed upon Family Planning Program providers by the Reagan administration in 1988. Those regulations, upheld last year by the Supreme Court in the infamous Rust versus Sullivan decision, prohibit health care workers in federally funded family planning programs from providing information to patients regarding the subject of abortion.

The gag rule means that the low-income women who must depend upon these clinics for reproductive health care services will have withheld from them information on all of the options and choices available in dealing with a problem pregnancy. The medical information provided to these women under the gag rule will be determined by the antichoice policies of this administration, not the needs of the patients.

Mr. President, the title X program was first enacted in 1970. I am proud to have been one of the original authors of this program and to have served as chairman of the authorizing subcommittee during the 1970s. Title X is a program that has worked effectively for millions and millions of low-income women. It has provided access to contraceptives for women who would otherwise have faced unintended pregnancies. More than any other federally funded program, title X has reduced the number of abortions in this country. Although in its early years title X enjoyed broad bipartisan support, in the past decade under the Reagan-Bush Administrations, it has become the target of rightwing extremists who have done everything possible to undermine this vital program.

Title X funds have never, ever been used for abortion services. Field investigations by GAO and HHS have repeatedly found no evidence that the provisions of the 1970 law prohibiting the expenditure of title X funds for abortion services have been violated. But health care providers working in title X programs have always been able to provide information to women about their right to terminate a pregnancy. Women who receive family planning services through title X programs are entitled to receive answers to their questions about the option of abortion.

Mr. President, the gag rule is a gross intrusion upon the ability of health care providers to provide information to their patients and the right of patients to receive full and unbiased information. It is unconscionable and should be repealed.

I know that President Bush has promised his antichoice supporters that he will veto this bill. I urge him to reconsider that promise. Enactment of this legislation and reauthorizing the federally funded Family Planning Program will certainly do more to reduce the number of abortions in this country by making contraceptive services available to those who wish to avoid an unintended pregnancy than the cruel and ultimately futile policy of trying to withhold information about the option of abortion from low-income women.

Mr. HATFIELD. Mr. President, I appreciate the opportunity to speak today in support of the conference report to the title X Pregnancy Counseling Act of 1991. As you know, Congress has not reauthorized this important program since 1985.

Approximately 4,000 family planning clinics throughout the United States are administered by title X grantees. These clinics provide family planning services, as well as preventive health care, to more than 4 million women each year. While the majority of family planning clinics are administered by State and local health departments, clinics operated by Planned Parenthood have larger family planning caseloads. In my own State of Oregon, there are 42 clinics which receive title X funds. Depending on clinic size, these clinics serve between 200 and 6,319 patients a year.

My support for family planning programs is well documented. As an opponent of abortion, except when the life of the mother is endangered, I feel it is imperative that we provide family planning services to women to prevent unwanted pregnancies. And I am disturbed by the unwillingness of some who are opposed to abortion to support family planning programs. Despite this opposition, the Appropriations Committee has continued to provide emergency funding for the title X program. I am glad that I have played a role in securing this funding.

The foremost argument raised in opposition to the title X program is that it encourages abortion as a method of family planning. Let me say in the strongest terms possible that this is untrue. Not one case has been documented by the Department of Health and Human Services to show that title X grantees are promoting or encouraging abortion. If this was occurring, I would not support funding for this program. Prior to the implementation of the gag rule regulations, which prohibit abortion counseling or referral, title X grantees were able to provide nondirective, noncoercive abortion counseling and referral. As I stated before, not a single case has shown an abuse of this requirement.

I have supported overturning the gag rule because I believe it was implemented only to further erode our national Family Planning Program. That program places its emphasis upon the prevention of pregnancy. The clinics and health centers which receive funding from the program often are the only care facility poor women visit and therefore many women with unwanted pregnancies come in for testing and counseling. If physicians refuse to work at federally funded clinics because of the gag rule or, if poor women stop coming because they feel that the clinic will not provide basic, nondirective assistance, then the gag rule will only serve to keep family planning services away from those who need their preventive services most. Furthermore, doctors and nurses are bound by oath to advise their patients of all medical options. Prohibiting this nondirective discussion improperly infringes on the patient-physician relationship.

The issues surrounding abortion are extremely divisive and oftentimes irreconcilable. However, I strongly believe there is common ground for both sides to join to stop unwanted pregnancies. Support for increased family planning is one of these areas. We have the resources to make family planning options and education readily available to all women but we have allowed the abortion debate to cloud the issue. I hope my Senate colleagues keep this in mind and support the reauthorization of the title X Family Planning Program.

Mr. COATS. Mr. President, today we are considering the conference report to S. 323, legislation overturning a portion of the Supreme Court's Rust versus Sullivan case which upheld the validity of Federal regulations of the title X family planning program. This legislation is not as simple as one might want to believe. It does not merely address the issue of free speech as the lobbyists have maintained, in fact, it mandates speech without regard to matters of conscience.

S. 323 redefines the entire scope and focus of a program already plagued with controversy.

I regret being in this posture today, because I am generally supportive of the title X program's goals. I feel title X does some things very well. But it should not be involved in counseling for abortion. Clearly, Congress never intended that abortion counseling be a part of our family planning program.

Section 1008 of the Public Health Service Act contains the following prohibition which has not been altered since 1970: "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning." This is the issue we are debating today. Not free speech, but rather whether abortion is a method of family planning. I maintain it is not. Rather abortion is the result of failed family planning. Those of us who believe abortion is not birth control, not family planning, find these regulations very reasonable. If abortion is not family planning then why should Federal taxpayer funds be used to include abortion information in a federally funded family planning program? To do so is simply illogical and inconsistent with existing law.

Section 1008 clearly creates a wall of separation between title X programs and abortion. It embodies a view that abortion is inappropriate as a method of family planning—a view which a majority of Americans share. The Supreme Court has, on several occasions, recognized abortion as "inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life." (Harris versus McRae).

The Court has further stated that there is a "legitimate congressional interest in protecting potential life."

It is important to recognize that the broad language of section 1008 extends to all activities conducted by the federally funded project, not just the use of Federal funds for abortions within the project. Moreover, it is clear that Congress designed the title X program to provide preventative family planning and infertility services, not to provide all possible medical services, including services for the care of pregnant women.

This was the law of the land until 1981, when the Department of Health and Human Services issued revised title X program guidelines. These guidelines went further than permitting so called nondirective abortion counseling, but instead required title X projects to engage in abortion-related activities. S. 323 has the same effect. While cloaked in a mask of protecting free speech for a few—we are mandating speech for all without regard to their conscience, or religious or moral objections—a concept I personally find and would think the medical community would find repugnant.

Mr. President, it is important to remember that these regulations were not promulgated without a purpose. They were in response to programmatic difficulties, concerns from former title X clients, and several audits conducted by the Inspector General and the General Accounting Office. In 1982, both the Department's Office of the Inspector General and the General Accounting Office urged the Department to give more specific formalized direction to programs about the extent of prohibition on abortion as a method of family planning.

The Inspector General, after auditing 32 title X clinics, found that the Department's failure to provide specific program guidance regarding the scope of section 1008 had created confusion about precisely which activities were proscribed by the section 1008 and had resulted in variations in practice by grantees. In particular, the GAO, in a report based on an audit of 14 title X clinics, found that the clinics were relying on the Department's policy of permitting both title X family planning services and separately funded, abortion-related activities to be provided at the same site. In the report, GAO found that some of these providers had engaged in a number of practices which did not present alternatives to abortion, clinic referral practices which went beyond HHS referral policy, and clinic literature promoting abortion as a method of family planning. Further, the GAO found questionable lobbying expenses, including some instances where clinics had used title X funds to pay dues to organizations that lobbied and two instances where small amounts of programs' funds had been used directly for lobbying.

In 1988, the Department responded to these and other concerns when it issued the regulations we are being asked to overturn today. These regulations seek to restore title X to its original mission, the provision of preventative family planning services. And counseling concerning abortion is manifestly not related to preventative family planning services.

To clarify his intent with respect to the doctor-patient relationship, President Bush on November 5, 1991, signed an Executive order which clarified that "nothing in these regulations is to prevent a woman from receiving complete medical information from a physician."

Additionally, the Department's regulations clearly provide every pregnant client will be given a list of appropriate caregivers including hospitals, whose principal business is not abortion. Further, it is absolutely incorrect to say that title X grantees cannot mention abortion when a mother's life is threatened. When the mother's life is threatened, title X health professionals are not only permitted but required by the title X regulations to refer her for proper and immediate medical care.

The regulations were amended after the public comment period to drive this point home, and make clear that title X providers are in fact obligated to provide referrals for immediate and appropriate medical care when confronted with life-threatening medical conditions. In any cases in which emergency referrals are needed, the title X project must expedite the referral and take whatever steps are necessary and appropriate to insure that the client receives the services needed quickly. In addition, title X providers have always been required to refer clients for any and all medical conditions discovered. So it makes perfect sense that pregnant clients would be referred to medical facilities since pregnancy is a medical condition and title X clinics are not required to provide medical services. Less than 25 percent of title X clinics even have a physician at the site. Some physicians, like in my own State have the responsibility to oversee the activities of up to 18 clinics.

Further, prenatal services, like the requirement for pregnancy options counseling, was not a part of the title X program prior to 1981. Under the 1981 program guidelines, prenatal services other than initial diagnosis and counseling could only be provided by title X projects in very specific and limited circumstances and with prior approval from the relevant regional office of the Department. Since 1981, very few title X clinics have requested or received this authority.

At the present time, for instance, HHS is aware of only two grantees in one region that have received approval to provide extended prenatal services as part of their title X projects. Thus, it is not correct, as contended by some, that prenatal services have traditionally been a major component of the title X program. The regulations emphasize the importance of helping clients to receive appropriate prenatal care through referral. Title X projects are required to facilitate access to prenatal care and social services, including adoption services, that might be needed by the pregnant client to promote her well-being and that of her child, while making it abundantly clear that the project is not permitted to promote abortion by facilitating access to abortion through the referral process.

It has been alleged that no organization which performs abortion would be allowed to be on the list. That also, is simply untrue. One need only read the regulations to understand that the regulations only prohibit inclusion on the list providers whose principle business is the performance of abortion. They do not prohibit the inclusion of facilities, such as hospitals, in which abortions are performed if they are also major providers of prenatal care services. The issue is not whether information should be provided, but rather, who is in the best position to provide that information.

We have also heard today that the regulations will result in exposing poor and young women to substantially greater risk or delay in obtaining service related to pregnancy outcome. This contention is based on the assumption of delay or client loss in the referral process.

However, such a risk has always existed in the title X program as it has never provided any pregnancy outcome services, whether abortion services or delivery services. All that the referral requirements do is move what has always been, where pregnancy is diagnosed, an inevitable referral slightly ahead in time. Moreover, there is no reason why a properly operating referral process cannot operate just as efficiently if it refers at the time pregnancy is diagnosed as it can if it first provides options counseling and then refers—in fact, it should be more effective.

Because title X projects do not offer the complete continuum of care from pregnancy diagnosis to childbirth, there may have been and may continue to be some unavoidable delays in individual cases. The only way to completely eliminate any gap in time would be to award title X funds only to organizations which provide the entire spectrum of obstetric and gynecological services. This would eliminate all providers except hospitals.

One could also note that such concern evidences a substantial misunderstanding of—and to the extent they come from title X providers, probable noncompliance with—title X requirements. Contrary to the claims of many providers, title X has never permitted more than mere referral, that is, the provision of the name and telephone number of a provider for abortion. The extensive facilitation of abortion—such as setting up appointments, making transportation arrangements, making arrangements for payment of the abortion—that many consider to have been common practice have never been permissible in the title X program. The administration's regulations make sure that scarce family planning resources are used for the purposes for which they have been appropriated—and not for abortion services.

Planned parenthood, which receives $35 million from title X while being the Nation's single largest provider of abortion services maintains that given the regulation's requirement that abortion not be a part of federally funded title X programs, they would reject title X funds. Thus, they argue, a net loss of services to the population currently served by title X would result and possibly a third of current patients may become unintentionally pregnant within 12 months if their services are interrupted.

Mr. President, there is no reason for title X services to be interrupted. All present title X grantees can continue to receive Federal funds and provide family planning services. Only those organizations which are ideologically more committed to promoting abortion than to providing family planning will no longer get funds. Title X will continue to be provided to clinics committed to providing legitimate family planning services to title X clients. Thus, the regulations help to assure that scarce resources are allocated to preventative family planning and infertility services not to the inappropriate referral of pregnant clients to abortion clinics.

I urge my colleagues to support the administration's regulations and reject the premise that abortion is a method of family planning.

Mr. JEFFORDS. Mr. President, as a proponent of the philosophy and programs within title X, I rise in support of the conference report.

I believe the legislation before us today is of utmost importance. Title X was first enacted in 1970 as a means of providing health assistance to low-income women through grants to public and private agencies. The need for this program was as evident in 1970 as it is today.

Lest we forget, however, let me quickly review some of the facts and figures of my own State of Vermont. Vermont is a small—recent census data show a population of 557,000—rural State. Yet evidence of need is as great in my State as it is in other States. A study done in 1989 suggests that among 15- to 19-year-old women in Vermont, the pregnancy rate is 82 per thousand; the birth rate for this group is 35 per thousand. Although these rates are among the lowest in the Nation, too-early childbearing remains a serious problem in Vermont. In 1987, only 49 percent of pregnant teens in Vermont received prenatal care beginning in the first trimester; 8.2 percent of the babies born to teens were low birthweight. And in Vermont, a single parent under 25 is nine times more likely to be poor than a young woman living on her own without children.

If lowering the numbers of teenage pregnancies and increasing the medical services to low-income women does not persuade, then perhaps the reduction of costs will. In Vermont in 1989, $38.6 million of outlays in the form of AFDC, food stamps, and Medicaid were attributable to teenage childbearing.

I hope that neither the statistics nor the costs are the determinative factor as much as the recognition of the toll on young women and children. For as much as we can speak of reducing costs or numbers it is all moot if we continue to ignore the often terrible toll that early childbearing has on young women today.

These sad statistics need not continue to rise nor, more importantly, can they be ignored. Studies indicate that among the many resources available are education—to reduce the numbers of teen pregnancies—and prenatal services—to reduce the number of low birthweight babies.

But the program, initially instituted to assist and educate, has become so embroiled in political debate that its original functions have been lost. The primary missions of title X clinics are to provide medical assistance and education to low-income women.

Having said that, it is true that reauthorization does lift the administration's 1988 regulations, referred to as the gag rule. The gag rule prohibits counseling regarding pregnancy termination or referral by title X health care practitioners. While this has been an issue of great debate since the 1988 regulations, it was not a question in the original title X bill.

I believe the 1988 regulations are inconsistent with congressional intent. Since its enactment in 1970, title X has included a prohibition on the use of family planning funds for abortion. However, in enacting title X, Congress intended that pregnant patients served by the title X program be provided with nondirective counseling and all information necessary to make an informed choice between parenting, adoption, and pregnancy termination.

Let us go back to the original intent of Congress in passing the title X program and steer away from the politics. This should be an issue of equity—equity for all women regardless of their income level to receive full and adequate health care information. I urge my colleagues to look beyond the politics of today and instead focus on the needs of the recipients of this important program.

UNITED STATES-CHINA ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2985

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 5318; that it be in order to amend the bill with the amendment I now send to the desk on behalf of Senators KERRY and SMITH.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is granted. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. KERRY, for himself, and Mr. SMITH, proposes an amendment numbered 2985.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, after line 19, insert the following new paragraph and resdesignate the succeeding paragraph accordingly:

"(4) is cooperating with the United States in efforts to account for United States military or other government personnel taken prisoner, missing in action or otherwise unaccounted for as a result of their service in—

(A) the Korean conflict; or

(B) the Vietnam conflict."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2985) was agreed to.

Mr. KENNEDY. I move to reconsider.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the bill, as amended, is passed and the motion to reconsider is laid on the table.

So the bill (H.R. 5318), as amended, was passed.

TITLE X PREGNANCY COUNSELING ACT—CONFERENCE REPORT

The Senate continued consideration of the conference report.

The PRESIDING OFFICER. Who yields time on the conference report?

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. I ask further that Judy Applebaum and Karen Lightfoot be granted privileges of the floor during the consideration of the conference report on S. 323.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, today we are debating the bill that would overturn a very reasonable policy that keeps family planning separate from abortion. Some call this policy the gag rule. Let me state, the only gag here is on the truth about the title X regulations. They make sense to most people, if you understand them. I know my colleagues who are as committed to family planning as I am—and I am—would like to see title X passed but not with the language it has in its current form. The U.S. Government, since 1970, and the current administration are also fully committed to funding family planning programs. That is not the argument before us today. The bill we are debating today, S. 323, would mix the abortion business with family planning and use Federal taxpayer dollars to do so. It does not make sense that a program originally intended to reduce abortion should provide counseling and refer women for abortions. Family planning is a separate issue, one that most of us agree to support, and so we should keep the politics of abortion out of it. I am opposed to this bill on those grounds.

The title X regulations, issued in 1987, clarify the roll of title X, that abortion is not an appropriate method of family planning. There have been abuses over the years, such as the commingling of abortion and family planning services, and the regulations help to clarify the role. The regulations do not impede a woman's right to receive family planning services or any medical care or even her right under the law to get an abortion if she wants one.

I want to review the history of the title X program. Title X is a $150 million Federal family planning program serving 4 million clients a year through 4,000 clinics. It was established in 1970 under the Public Health Service Act. The purpose of the title X program is the provision of preventive, prepregnancy family planning services.

The title X program is not a full-service health program, nor could it be. Once a woman is found to be pregnant, she no longer needs and is no longer eligible for the services of title X. Nationwide, 10 percent or less of the total number of clients coming into title X clinics are found to be pregnant. Clients seeking more comprehensive medical services must be referred to another provider.

The regulations are consistent with the administration's policy that abortion is not an appropriate method of family planning. They are consistent with the statute that created title X in 1970, which says "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning." The regulations apply to title X projects, but not to grantee activities that are not part of the title X project.

We all support—well if not all, then nearly all, including myself, family planning program as enunciated under title X. However, when you mix abortion with it, then it becomes offensive, and that is one reason why this particular authorizing legislation has not been reauthorized since 1985.

Family planning should be based on a respect for human life, human dignity, and strengthening families. Family planning should reduce the incidence of abortion. As the Congress has recognized, abortion is not a legitimate method of family planning because it involves the destruction of unborn human life. Family planning is meant to prevent or promote pregnancy, not to promote pregnancy termination.

Part of the mission of the title X program is to help women to avoid unplanned pregnancy and help women plan the timing and spacing of their children.

Despite section 1008 and in the years preceding the issuance of the regulations, both the HHS inspector general and the General Accounting Office urged the Department to give more specific and formal direction to projects about the relation between abortion and family planning. Their reports found confusion in the clinics and variances in program practices to preselect how they would deal with their pregnancy before a pregnancy was even administered, provision of and witnessing execution of abortion consent forms, and counseling solely on abortion.

On September 24, 1982, the GAO summarized the problem in a report titled, "Restrictions on Abortion and Lobbying Activities in Family Planning Programs Need Clarification." The GAO recommended that: "The Department of Health and Human Services [HHS] needs to set forth clear guidance on the scope of abortion restrictions in its title X program regulations and guidelines."

President Reagan issued the regulation guidelines in 1987, and President Bush has continued this sound policy.

The regulation provides clear, operational guidance to title X grantees about the extent of the section 1008 prohibition in their day to day activities.

Specifically, it prohibits title X counselors, volunteers, and nurse practitioners from such activities as counseling, referring, or steering clients for abortion. The regulations do not, however, forbid title X projects from mentioning the word "abortion." (42 CFR 59.8) The regulation restores the integrity of the family planning program to what it was intended to be—a quality preventive health program.

The regulations have been found to be constitutional according to the U.S. Supreme Court. On May 23, 1991, in deciding the case of Rust versus Sullivan, the Court sustained the HHS regulations to clarify the operation of the statutory prohibition on abortion as a method of family planning.

The issue has nothing to do with freedom of speech. The Supreme Court in Rust wrote:

> The Government has no constitutional duty to subsidize an activity merely because it is constitutionally protected and may validly choose to allocate public funds for medical services relating to childbirth but not to abortion. (*Webster* v. *Reproductive Health Services*, 1989). That allocation places no governmental obstacle in the path of a woman wishing to terminate her pregnancy and leaves her with the same choices as if the Government has chosen not to fund family planning services at all.

These regulations provide that when a title X client is found to be pregnant, that she must be provided a list of prenatal and social service providers that promote the welfare of the mother and unborn child. These providers may perform or refer for abortion, such as hospitals or community health centers, as long as their principal business is not the provision of abortion. There, the client can learn about all her options from medical personnel trained in obstetrics±.

This chart shows a memorandum from President Bush to the Secretary of Health and Human Services dated November 5, 1991. Here is what it says:

> Throughout the debate about the relationship of the title X family planning program and abortion counseling, some have raised questions about the regulations dealing with services offered to pregnant women.
>
> We must ensure that the confidentiality of the doctor-patient relationship will be preserved and that the operation of the title X family planning program is compatible with free speech and the highest standards of medical care.
>
> In order to clarify the purpose and intent of these regulations, I am directing that in implementing these regulations you ensure that the following principles, inherent in the statute, are adhered to:
>
> 1. Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.
>
> 2. Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated.
>
> 3. If a woman is found to be pregnant and to have a medical program, she should be referred for complete medical care, even if the ultimate result may be the termination of her pregnancy.
>
> 4. Referrals may be made by title I programs to full-service health care providers that perform abortions, but not to providers whose principal activity is providing abortion services.
>
> I am determined to assure the integrity of the title X program in its mission to provide family planning services to low-income individuals; adherence to this guideline will produce this result.
>
> Signed, George Bush.

These regulations do not interfere with the doctor-patient relationship. The regulation will be implemented in accordance with the November 5, 1991, memorandum which provides, "Nothing in these regulations is to prevent a woman from receiving complete medical information from a physician." This provision is intended to apply to medical information, provided only by a physician directly to his or her patient.

The administration has made it clear that there are no restrictions placed on the medical content of the physician-patient discussion. A physician in title X is able to provide any medical information about abortion that he or she deems necessary for a patient; it is that simple.

Of course, referral to specialized medical care for medical conditions which may complicate pregnancy, even if the ultimate result may be the termination of her pregnancy. If a client is pregnant and suffers from a medical emergency, such as an ectopic pregnancy, the regulations require that the clinic refer her to emergency treatment even if it results in an abortion.

The regulations are pro-prenatal care and pro-woman. They promote services a woman needs if she is found to be pregnant. As I mentioned, if a woman is pregnant she must be referred to full services medical facility who can help her with prenatal care or whatever she needs. That is not the role of the title X clinic. However, a doctor in the title X clinic may give information he deems medically necessary for the client.

Dr. James O. Mason, Assistant Secretary for Health, underscores that point that the regulations are pro-prenatal care. I am quoting from remarks he made in June 1991.

> Let me underscore the importance of this program as a key component in our Department's effort to reduce the national problem of infant mortality.

Dr. Mason said:

> I believe that an important and often overlooked aspect of this regulation is its requirement that if a client is pregnant she will be assisted to obtain access to vital prenatal care. From the point that pregnancy is confirmed, the public health role is to provide quality medical care for two patients—the mother and her unborn child.

The regulations are consistent with medical ethics. No women is denied important medical information. In fact, the title X program serves an important role in linking its clients to other aspects of the medical care system. Title X is an important point of access to the public health system for many women, and serves as a link to specialized service, such as prenatal and other health care. Women will not suffer inferior care as a result of the new regulations. These regulations will not, as some claim, create a two-tiered health care system: one for women who can pay for treatment; the other for poor women who cannot pay.

We are a nation that believes that necessary medical services should be available to all persons. We are a nation that has invested heavily in providing and subsidizing these services. It is my belief that just the opposite is true. Women will have better health and healthier babies due to the services' referrals of the regulations.

If anything, the real two-tiered system is one in which some women who have resources are referred for treatment services, and other women, who may be poor, or teenaged, or unmarried are simply encouraged to have abortions. This thwarts our intention of providing linkages to services for all women. It has the effect of telling them that they are not good enough, and that their babies would not be good enough.

Despite challenges to the regulations, they have been implemented without incidence in five States and U.S. territories since 1988. Those States are Texas, Kentucky, South Dakota, Iowa, and Nevada.

I need not remind my colleagues that the President has vetoed an earlier HHS appropriations bill—containing a similar provision as S. 323—that tried to invalidate the 1988 regulations. That veto was sustained. Likewise, there is currently a senior adviser's veto recommendation on this legislation.

It, too, will be vetoed if it passes, and I am sure it will, but it will be vetoed, and I am confident that that veto will be sustained.

In conclusion, I have to say that I have been interested in this debate through the years because I find it ironic that for some, until recently, the criticism of these regulations has been that they would keep women away from physicians' counseling about the alternatives to pregnancy. In the original debate that did appear to be the case. But since then, the President has issued this Executive statement which now is put into the formal roll of regulations.

The President has clarified this point and stated that family planning clinic physicians are allowed to refer women to full service medical providers.

Now it appears that the opponents of the President want social workers and even those with less than social work backgrounds, volunteers with just plain on-the-job training, to be able to recommend surgical procedures like abortion in family planning clinics.

These nonmedical providers are not trained and do not understand in most cases the risks and effects of these procedures. Would we promote untrained volunteers and social workers recommending coronary artery bypass surgery or some other form of surgery? Of course, we would not. We would have the best physicians, those who are trained and really understand this, make these determinations. Should we want less for the women who appear at these clinics?

I find that there is an all-out devotion by some of the opponents of President Bush to their own version or their own abortion agenda. I find it to be appalling. They are willing to sweep away the health and safety considerations, which the President has raised in this letter and which I have raised here today, of all pregnant women who come to the family planning clinics under title X. Really for what reason? Just to push their pro-abortion agenda. To me, I think that is appalling.

They will do it with such cutesy phrases as "the gag rule." There is no "gag rule" here of any physician. A lot of us worked to make sure that the President issued this letter that the regulations clarified. Frankly, he has done so, and I think this solves the problem.

I urge that my colleagues support the wall of separation between family planning and abortion by voting no on this conference report.

Be that as it may, I think the President is on sound ethical and moral grounds in his approach to this, and sound physical and medical grounds as well. All too often, family planning clinics have become major referral clinics for abortion—not in all cases, and certainly many family planning clinics should not be maligned in this manner. There are some that are doing this, and some that have become major proponents of abortion over every other decision that a woman can make.

Frankly, that is what this debate is all about. That is what the President is fighting for. I have no doubt that when this conference report passes, the President is going to veto it precisely because of allowing people who are not competent to make these recommended referrals of pregnant women, and I am confident that that veto will be sustained.

So instead of having a clean-cut, formally authorized family planning bill, which I think the distinguished Senator from Massachusetts and I would agree on, but because of this one provision, this desire to let almost anybody refer for abortion, this conference report will be vetoed and that veto will be sustained.

I also state that I value—as I always have—the work of social workers. When I started in college, I was going to become a sociologist. Frankly, I have had an interest in it ever since. I understand that social workers do a tremendous job in our society today, and there is no question about nurses and nurse practitioners do a tremendous job. I value them and what they do. I value their training and their skills. I value the volunteer workers in these clinics.

There are a lost of sincere, dedicated volunteers that really do not want to get involved in the abortion debate themselves. I value the work the volunteers do in these clinics. But I also value them in total, in the total context and scope of their training and expertise. When we debated this originally, it was a little less than clear that physicians would be able to refer, physicians would be stopped from being able to talk to their patients, and this might lead to some medical liability, possibly; a myriad of problems that arose in the eyes of some because of that interpretation of the rules. But today, that is not the case.

We are looking at a Presidential order that basically says that physicians can freely counsel their patients. They have the full right of free speech and the full right to counsel, and we hope that that matter has been resolved.

I think this does resolve it. On the other hand, if we go the route of this conference report, then almost anybody in a family planning clinic—I guess anybody— under this conference report would be able to refer for abortion. We get back into the moral and ethical dilemma that really bothers this body all too much when we have so many other important things to do.

I appreciate the distinguished Senator from Massachusetts and his efforts to do a bill on family planning and, of course, to reauthorize this legislation. I wish I could go right down the line with him, because we agree with everything in the bill except for these few provisions—these few provisions that I have been chatting about, which I think are largely cured by President Bush's Executive Order here.

Mr. President, I cannot stay very long today, but I believe that it is important that these principles be articulated, the president's approach be explained, and I hope this will be enough for many here in this body, who are as sincere as I am about the family planning program and its reauthorization, to vote against this particular conference report. Thank you, Mr. President.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 33 minutes remaining.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Mr. President, it is important that the membership should understand exactly where we are with regard to the gag rule regulations. They have effectively been stayed by the courts, and at the present time, they are not in effect. They will go into effect, though, on September 23, 9 days from now. That is why it is important that we act on this measure, hopefully today, so that we can provide guidance to the clinics all over this country, so they can be in compliance with the law. That is why we welcome the fact that the majority leader has scheduled this matter for resolution at the present time.

So the gag rule goes into effect on September 23. Now we have heard an explanation from my friend and colleague from Utah about the Bush directive supposedly clarifying the earlier gag rule provisions. He has described them on the floor. I would like to also comment on that directive.

Last November, the President tried to muffle the widespread opposition to the gag rule by issuing a directive to the Department of Health and Human Services, supposedly intended to clarify the gag rule regulations. Instead, the Bush directive has caused confusion and more litigation over the gag rule. The directive is deliberately ambiguous. It states that nothing in the gag rule regulation is intended "to prevent a woman from receiving complete medical information about her condition from a physician." The administration contends that under this directive title X physicians can counsel women about abortion, but other health practitioners cannot.

This is what the U.S. district court stated about the administration's directive, in the case of National Family Planning, plaintiffs versus Louis Sullivan. I will include the whole order in the RECORD, but let me just mention this part of the order. It reads:

> In allowing only doctors to provide medical advice concerning abortion and in excluding nurse practitioners from their historical role in the program, the 1991 directives impose new requirements and responsibilities on physicians and also limit the current role of nurse practitioners.

We have never had any information that there will be abuses by nurse practitioners or other professionals. The fact is that whoever under the existing law was going to provide information to anyone that requested it had to be a licensed professional. And we have never had any indication that there were abuses by those professionals.

To the contrary, we heard overwhelming evidence that in many, many instances nurse practitioners had a sensitivity and understanding of some of the complex emotional and physical problems that women were facing. For example, in many instances particular women who might have been abused would be willing to share their particular experiences with an experienced nurse practitioner, rather than a male doctor.

But, nonetheless, during the course of the hearings in the House and Senate it has never really been maintained that the nurse practitioners were not doing an excellent job. But the administration's directive refers to only doctors being eligible to provide information. The U.S. district court ruled that "the 1991 directives are clearly legislative rules not merely 'interpretative' statements of the existing statute and regulations."

As such, the court ruled, "the defendant must adhere to the Administrative Procedures Act's notice and comment procedures, which are codified at 5 U.S.C. 553."

So what the court is saying is that the step which HHS has taken, after the initial promulgation of regulations, clearly is in violation of the Administrative Procedures Act. That is, the administration has not followed the procedures by which they have to go out and get public comments, for example from different professional groups.

The court also held that it "agrees with the plaintiffs that the actions taken by the President and the Secretary are arbitrary and capricious in that the directives limit the members of plaintiffs' organizations from the practice of their profession and may very well have the practical effect of denying essential services to low-income recipient under this essential program, in which approximately 33,000 grantees provide assistance each year to at least 200,000 women with diagnosed pregnancies. The record does not provide a reasonable analysis supporting the distinction made by the defendant between doctors and nurse practitioners in the provision of medical advice."

Here we have a completely inappropriate promulgation of a regulation that far exceeds what the legislation provided and then in the firestorm that came afterward a redefinition of that regulation, found by a district court as not complying with the administrative procedures law. Nonetheless, unless we are going to take some action, the regulation is still going to go into effect this month. That is why it is so necessary that we take this action today.

Now, as I mentioned, the gag rule regulation is intended to prevent a woman from receiving complete medical information about her condition from a physician. The administration contends that under the directive, a title X physician can counsel women about abortion but other health practitioners cannot. The directive caused great uncertainty for two reasons: First, the words of directive are so vague and it is unclear what they mean.

It is unclear, for example, whether the words "complete medical information" will encompass abortion counseling. We heard even recently the words "they can get complete medical information." But the question is does that encompass abortion counseling and if it does then why do not we say that, or why does not the administration say it does. It is vague and indefinite. The directive says physicians may refer women for abortion if there is a medical problem but it is unclear how broad that phrase is intended to be.

Are we talking about physical problems or are we talking about mental problems? What conditions will be established in terms of physical or mental problems that allow for abortion referral? It is an enormously complex issue and it is very, very quickly dismissed.

Second, the directive does not have the force of law as I mentioned, because it was not issued pursuant to the Administrative Procedure Act.

Even if the directive stated clearly that the physician may counsel and refer women for abortion, even if the administration issued the directive in the proper fashion, the fundamental problem with the gag rule still exists. The fact is clinics cannot have physicians counsel every woman who comes in for service. That is the bottom line. If you require that only physicians counsel you are dramatically reducing the consultation that would be available and effectively denying hundreds of thousands of low-income women information.

It is clearly a way to undermine the real thrust of the legislation and that would be its practical effect. The primary counseling responsibility is frequently entrusted, as I mentioned earlier, to other health professionals such as nurses, social workers, and other health care professionals licensed by the State.

Individuals who serve in these capacities are certified, licensed, and highly capable. There is no reason to distinguish them from physicians when it comes to counseling. The same Federal court which found the Bush directive improperly issued also found the administration distinction between physicians and health care professionals arbitrary and capricious. Here we have the finding by Federal district court the rationale of HHS arbitrary and capricious. It certainly is.

The President directive put an ambiguous gloss on the regulations. Importantly it did not lift the gag rule on physicians and certainly did not lift the gag rule on nurses, social workers, and other clinic professionals. All the legal confusion created by the 1991 directive is just another reason why the passage of the conference report is absolutely essential. Let us get the clinics out of the court so they can continue to provide high quality care to millions of American women.

Mr. President, I hope that we have the opportunity to move ahead on this very important legislation that relates to the whole question of medical ethics, that relates to the whole question of free speech, that relate to the whole question of physician and patient relationship.

We ought to let that relationship be guided by the ethics of the medical profession, the high standards of the medical profession, and we ought to keep the Federal Government out of that particular relationship.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DECONCINI). Who yields time?

The Senator from New Hampshire.

Mr. SMITH. Mr. President, I rise in opposition to S. 323, the conference report on the title X bill and will try to give some support to my colleague, Senator HATCH, who was out here all alone fighting the good fight on behalf of unborn children.

It is interesting that my colleague from Massachusetts talks about free speech. There are millions of youngsters that never get a chance to speak as a result of abortions and, quite frankly, if they could speak, it might be interesting to hear what they should have to say. Contrary to the somewhat hysterical rhetoric that has surrounded this issue, the question here is not censorship at all. It is not censorship in terms of the so-called gag rule. The question is whether the taxpayers of the United States of America can place restrictions on the uses of the money that they provide this Government to spend. That is the issue, pure and simple.

They have said over and over again that they do not want their tax dollars spent on Federal funding of abortions. They made that very clear. And yet the debate continues in this very political time that we are in.

The title X regulations were originally proposed in response to basically a fraudulent shell game perpetuated by many title X recipients. Prohibited by section 1008 of the Public Health Services Act from using Federal money for abortions, many recipients set up two shell operations, frequently the same building, Mr. President.

The first operation would receive Federal funds and interview pregnant women. This organization would then refer the pregnant women down the hall, frequently the next door to a second organization which would perform the abortion. That was very convenient, very cozy. Suffice it to say that both organizations would be operated by the same group of people. That may not be the case in every case in every building but it does happen and it is wrong.

What are we afraid of? Why are we afraid to provide counseling, the other way counseling, to save a life rather than to take a life?

Mr. President, we would not tolerate this fraudulent behavior in connection with any other Federal program, and we should not tolerate it here. That is the issue.

After today, it is my understanding there certainly will be fewer than 20 voting days of Senate session before we go out for the campaigns. That figure may be as low as 13 days. We are already in the campaigns here, as you can tell.

During this time, we will be faced with some critical national questions, such as how to stimulate economic growth and continue to move this country out of a recession where people are losing their jobs; how to deal with a $4-trillion national debt that is mortgaging the future of our children; how to apportion money among the 12 out of 13 appropriations bills which have not yet been signed into law; how to create new jobs; and how to respond to a tragedy which has struck the Florida and Louisiana coasts.

With all of these national priorities that we have, today we are wasting precious time and energy debating an abortion bill which will never become law during this session of Congress, because the President is going to veto this bill. Everybody knows the President's position on this, and he is going to veto the bill.

So why are we doing this? We are doing this for political expediency, because some read the polls and we know that the issue does not cut very well with the people. So, therefore, let us bring this up and let us embarrass the President.

This same abortion issue, Mr. President, has been or will be tacked onto Labor-HHS. At least it is somewhat related there. It will be tacked onto the Defense bill—the Defense bill. We have abortion language in the Defense bill, so, hopefully by some of the partisans here, we can force the President to veto the Defense bill, a bill that he might like to have because of abortion language.

Also, Mr. President, the word is that it may be put on the emergency supplemental for the hurricane victims in Florida and Louisiana. Now that would be nice, would it not? That is what we ought to do. We ought to hold up aid to the hurricane victims in Florida and Louisiana so we can play politics on the abortion issue.

The American people need to see through, and I believe they do see through, what is going on there. It is outrageous.

The issue of abortion is a very big issue, and it is just as important as these other issues. But the position of the President of the United States is very clear on this issue. And to attach it on such things as aid to hurricane victims or to debate it over and over again in title X and in HHS, knowing full well that it is going to be vetoed, is simply a waste of time, No. 1, and No. 2, it is simply wrong, because we are not focusing on other issues that we ought to be debating here and now, where the President may need to get attention to and the Congress needs to get attention to immediately.

If the Senate leadership places the importance of economic recovery, tax relief, and debt reduction below the importance of repeated nonproductive debates like this, then I am confident there are some issues that some on this side of the aisle could bring up, Mr. President, that might be quite painful on their own.

Maybe they would like to have the death penalty laid down on the supplemental for Florida and Louisiana. How does that relate? Two can play the same game if we are going to play that kind of politics. This is no place for it. It ought not to be done. It should not be the case. But it is happening and the American people need to understand that it is happening.

The choice is up to the leadership, the Democratic leadership, Mr. President.

But, for my part, I recommend that we put garbage like this title X bill where it belongs—in the garbage can—and begin to focus on some of the problems that we need to focus on right now that are before the American people. And it is time to start now.

Mr. President, I yield the floor at this time.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I have two or three purposes in rising, Mr. President. One is to commend the distinguished Senator from New Hampshire for his very lucid and very candid remarks. He has put the matter in proper perspective. I also wish to commend my friend from Utah, Mr. HATCH, for his courageous defense of the unborn.

Mr. President, Senator SMITH has pinned the tail on the donkey. Now the donkey is kicking up his heels. He is doing everything he can to force this thing down the throats of the American people. In the name of election year politics, the Demcorats may succeed. But, as the Senator has said, the President will call their bluff and veto this bill—everybody knows it—even the senior Senator from Massachusetts.

In any case, the pending legislation is just another piece of antifamily legislation. That is all it is. The conference report on title X, S. 323, has been greased to sail through the Senate on a voice vote.

I may be the only one—I do not think I am—but Mr. President, I want it made clear right in the RECORD right now that this Senator is totally opposed to this legislation, because it is a farce, it is a fraud, it is election-year high jinx, it is a crass effort to put the President of the United States on the spot.

Senator HATCH has eloquently touched on the so-called gag rule and other hot button issues surrounding this legislation, and the Senator from New Hamsphire has done the same. I am not going to go over the ground that they have covered.

I simply hope and pray that the American people understand that this bill is not really about family planning. Not at all. What it is about is whether the taxpayers should pump another $150 million into clinics that funnel teenage girls to abortionists without the girls' parents knowing anything about their plight. That is all it is. That is what this is all about.

Mr. President, for 22 years now, Planned Parenthood has been engaged in an experiment, an experiment which has been an abysmal failure. There is absolutely nothing to support the contention that Federal family planning programs have reduced teenage pregnancies or abortion rates, which, by the way, now exceed 400,000 per year for girls ages 15 through 19.

Clearly, the Federal Government has absolutely no business coming between these children and their families in order to substitute the Government's value system for that of the American family.

A lot is being said about the family this year. Most of it is true. But the fact is that the American family is rapidly disappearing. Fifteen million American children are growing up today without a father; one-fourth of all the live births occur out of wedlock. The number of divorces has now reached 1.2 million per year. These numbers represent the greatest social catastrophe in our history.

The disintegration of the family is a prime cause of crime and drug abuse and is the best explanation for the crisis we have reached in education and the continuance of poverty despite the largess of the welfare state. Combine this with our acceptance of violence an pornography in our everyday lives, and you see why we are fast becoming a new Rome.

Mr. President, it is no accident that the totalitarian tyrants of this century have tried to destroy the family unit. From Moscow to Havana, the prophets of government planning have deliberately crushed the family and replaced the authority of the family unit with the power of the tightly controlled party bureaucracy.

Where the family withers away, government moves forward and finally dictates. Our families are withering away under the pressure of constant government interference.

Mr. President, if there is a more destructive Federal family program than title X, I'm hard pressed to find it.

So I am delighted to stand with patriots like my friend from New Hampshire, like ORRIN HATCH, and others. We may lose, but sometimes you win by losing. Sooner or later, the American people are going to say enough is enough and stop the killing.

I came to the floor this afternoon to thank my dear friend for standing up to be counted. Not a lot of people are willing to do that, but he is, and ORRIN HATCH is. I am glad to stand with you.

Mr. SMITH. Will my colleague yield?

Mr. HELMS. You bet. I will be glad to yield.

Mr. SMITH. Mr. President, I just want to say to my colleague from North Carolina, it is great to have him back on the floor of the Senate. We have missed him and we look forward to his being here for a long time, and assisting us with these issues.

I know that he is one who has stood here many times alone—sometimes with one or two—to take on issues that may not have been popular, as they might say, in this body. But I know that he believes that when he casts his vote, he does not look around to see who else is voting one particular way. He casts his vote on what he thinks is right, and then he lets it stand. It if happens to be 99 to 1, so be it.

I respect the Senator very much for that. He is a true leader, and he certainly has been a friend of the unborn children who are affected by this legislation for many, many years, long before I came on the scene. Win or lose, if we are two or three, Senator HELMS and Senator HATCH and myself, so be it.

But I am proud to stand here and support unborn children. I make no excuses for it. I think history someday will judge us, and they will judge us. And I think they are going to judge us as being right. And we have more important things to do, as I tried to point out in my remarks—more important things to do in this country—than take the lives of unborn children. We have listed just a few of them in the debate here, but there are a lot more.

Whatever a person's circumstance may be, poor or rich or whatever, when in some unfortunate situation it does not give one the right to take an unborn child's life. The taxpayers have said that very clearly over and over again, in election after election: They do not support Federal funding for abortion. I think the majority of the people in this body understand that and know that. Yet it still continues to surface on bill after bill after bill, even when the issue is not germane to the piece of legislation that is at hand.

I respect the Senator and want to commend him for his great leadership. I am proud to follow in those big footsteps of his.

Mr. HELMS. Mr. President, I thank my friend. He is far too generous. But it means a great deal to me that he would say the things that he said.

While he was speaking, I was thinking about how it is not difficult—at least it is not difficult for me or BOB SMITH or ORRIN HATCH—to stand up for the most defenseless humanity imaginable, the unborn children. It seems to me that these people who want to kill them ought to take on somebody their own size.

I remember, when I decided reluctantly to run for a fourth term in 1990, we had a big dinner in Raleigh, and some 2,500 or 3,000 people—I do not remember exactly how many—turned out. My campaign advisers wanted to advise me how to run the campaign. Sometimes these advisers are more political than the candidate. They were willing and anxious for me to compromise on issues about which I could not compromise. Abortion was one of them.

So I wrote a little announcement speech that afternoon, and I would not let anybody see it. The first thing I did at the dinner was bring out the members of the Helms family. There gets to be more and more of them every year. We are going to repópulate the Earth if we keep on. But I had all the children and their spouses and all the grandchildren come up to the podium.

I told the people in Raleigh: If I run, you get these, too. There was great applause for that. Then I mentioned some of the things that I intended to continue to stand for, and I remember saying: If staying in the U.S. Senate requires me to turn my back on the most helpless, most defenseless humanity imaginable, that price is too high. I said: If you want me to serve another term in the Senate, just bear in mind that I am not going to waver 1 inch on the question of abortion. I am opposed to it because it is the deliberate termination of the most innocent and most precious gift the Lord can give us.

The campaign started then, I say to my friend from New Hampshire. And then the liberals invaded North Carolina. And in came NARAL, Hollywood and the so-called people for the American Way. They had the phone banks and information centers everywhere, group after group of the most militant leftwing organizations imaginable. Once they came in, of course, the newspapers began to publish their polls forecasting my sure defeat.

I have always contended that, at least in North Carolina—I do not know about anybody else's State, but in North Carolina—I am sure the newspaper polls are taken in their own newsrooms and in their own editorial offices. Because they did not coincide at all with what our own polls were showing. The newspapers said the people of North Carolina would say no to life.

We did not release our polls. The liberals were all ready, on election day, to say "By-By, Birdie" to Jesse Helms. Somebody told me there were 37 televisions trucks, remote trucks, out there in the hotel parking lot that night, all set to tell the world about this old, mean-spirited guy from North Carolina who has finally bitten the dust.

Well, it did not quite work out that way. There were a few more people than they counted on who do not believe it is right to kill innocent, unborn children. There were a few more people than they had counted on who supported other conservative issues.

So if I have one message to conservative political people, it is to stick with your principles, because what is so bad about losing if you lose in a cause in which you fervently believe?

Mr. President, that Senator standing right there, the junior Senator from New Hampshire, is an example of what I mean. I am thankful he is in the Senate, and I am proud to be on the same team with him, and with him I vehemently oppose S. 323.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The time of the opposition has expired.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 22 minutes.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

Mr. President, we have been around here, many of us, long enough to understand one of the familiar techniques used on the Senate floor, and that is to misrepresent and distort what is in the legislation, and then differ with it. It is an old technique. It is often used here on the floor of the U.S. Senate, and it has been used here this afternoon.

The idea that some clinics perform abortions using an artificial division between the title X money and the abortion clinic is just factually not so. Both the General Accounting Office and the inspector general of HHS have found that this was not true. These allegations, these charges have been made year in and year out.

I can remember when the Secretary of HHS, Secretary Heckler, who served in a Republican administration, and was a Republican herself, came before our committee and was challenged about this time in and time out. And she indicated that there was compliance with the Public Health Service Act. There is no evidence that was either presented during the course of this debate or in the course of those hearings that would indicate that there has been any violation of the relevant law.

So this is really about how we are going to prevent unintended pregnancies, how we are going to avoid the circumstances under which abortions might take place. As I stated earlier, it has been demonstrated again and again that if these services were not available, we would be facing dramatically increased numbers of abortions.

Mr. President, I was interested to hear my Republican colleagues claim that this is politics as usual. The interesting thing is that George Bush used to support family planning. This was a program that he supported in the House of Representatives. This was a program that he fought for, he spoke for in the House of Representatives. It is a program that was in effect for some 18 years during Democrat and Republican administrations where we did not see the politicization of this program. It was only in 1988, in the final days of the Reagan administration, that we had the promulgation of the gag rule. The program had been in effect under President Nixon, and President Ford, both Republicans. It just went along underfunded, not meeting the needs, but nonetheless outside of the whole dialog we are having in the Senate on the question of abortion. Family planning was outside the abortion debate because they are not related.

Basically, when we talk about family planning we are talking about preventive services, not just in terms of reproduction but in terms of a whole range of preventive services offered to women in these clinics.

Finally, Mr. President, it is so interesting to me to hear my good friend from New Hampshire talk about why are we doing this when we have so much else to do. Well, why are the Republicans filibustering the reform of elementary and secondary education? We will be here on the floor of the Senate tomorrow morning to try to invoke cloture on that bill. We hear on the one hand, all weekend long, about how this President wants to be the education President. We want to pass the bill that was passed overwhelmingly in the Senate. Now we are facing a filibuster. Come on.

We cannot get a rollcall vote on the family leave bill. Come on. The President spoke about it in the course of his last campaign. That was not politics, no. You could be for family leave 4 years ago, and after you have reversed your position, when the Congress is trying to pass this as a public policy, no, that is not politics. The American people understand.

If we are to follow the logic of my friends and colleagues in these matters, we might as well adjourn now. If you agree with the President, you are a statesman; if you are opposed, you are a politician. Mr. President, that just does not stand up on the basis of the record.

I could engage in further debate on this issue. But I think the Members are familiar enough with it. We have debated it, discussed it on a number of different occasions. Family planning legislation and the gag rule have been before this body time and time again.

This program may not make a great deal of difference to some around here, but it makes an enormous difference to needy women in this country, enormous difference to those in urban areas and those in rural communities, an enormous difference in terms of their lives and their futures and their families.

We believe this is legislation that can and should be accepted. We are quite prepared to go forward on this legislation. We appreciate the scheduling of the bill, and I hope we will pass this legislation today and move ahead to our education legislation tomorrow.

Mr. President, I suggest the absence of a quorum. I ask that the time not be charged to the proponents of the bill.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I urge my colleagues to support S. 323, the Pregnancy Counseling Act of 1992 to reauthorize the title X family planning programs.

This bill will reauthorize family planning programs for the first time in 7 years. Most of us know that the family planning clinics in our States do a great deal more than dispense birth control pills: They provide primary health care screening for low-income women for cancers of the reproductive system, sexually transmitted diseases which can cause birth abnormalities, and health risks exacerbated by pregnancy.

This legislation is fundamental to the primary health care of hundreds of thousands of low-income women around the Nation. It deserves the support of everyone concerned about health care in this country.

The bill will also repeal the gag rule.

Family planning clinics since their inception more than two decades ago have not funded, financed, or pushed abortion.

They have provided counseling to women with crisis pregnancies. They provide information and referral services for women seeking to carry their pregnancies to term and they have provided similar information to women choosing not to do so.

Neutral, nondirective counseling about pregnancy is what every woman rightly expects from her own physician. It is what low-income women should have available to them, as well.

The gag rule does not reflect congressional intent. It reflects Reagan-Bush political efforts to placate opponents of reproductive rights. In the Rust versus Sullivan Supreme Court decision, a 5-4 majority found that the absence of positive congressional statement to the contrary constituted a situation in which those political efforts could supersede the plain sense of the law.

Clearly, the majority of the Court was wrong. The majority misread congressional intent and it is the duty of the Congress to rectify that misreading by making congressional intent so clear that it cannot in the future be misunderstood. This is what the bill before us does.

Congress has never indicated an intention to limit or censor information for those using the public health care system. Congress has never had an intention of providing for second-class care for one group of people compared with another.

That is what the gag rule creates—a second-class system of care for poorer women, where information is censored about a woman's own health care and her own options.

The bill repeals the gag rule and reinstates the right of family planning clinics to provide honest, full, and nondirective counseling to all women with respect to pregnancy. It does nothing more than restore the situation that has existed throughout most of the time title X has been law.

Last year, in response to broad public and medical outrage over the gag rule, the President announced a modification of the regulations to permit physicians to counsel on all options in pregnancy.

However, it is not clear that the administration has the right to unilaterally alter regulations which have the force of law without going through a regulatory process.

But, more importantly, of course, the change is no change at all. The President says his change means that clinic patients will now continue to have access to it. That is not the case. Most clinics operate under cost constraints that make it impossible for them to pay a physician to be on the staff full-time. Instead, health screening, counseling and other services are provided by qualified medical professionals who are not physicians. So changing it to permit only physicians to counsel on all options in pregnancy still effectively denies that counseling to the overwhelming majority of poor women who use the clinics.

The opponents of family planning know this. That is why they did not object to the President's changing the regulations. They did not object because they knew the change would have no practical effect.

That is why legislative repeal of the gag rule remains essential. So long as the gag rule is in place, trained health professionals will be faced with the risk of loss of clinic funds if they provide honest, comprehensive, health care information and risk of serious patient harm if they do not.

It is no accident that the majority of health professionals facing those risks under the Bush gag rule will be women. This administration has consistently demonstrated a lack of understanding and concern about the most fundamental facts of reproductive health, of women's lives, of working women, and low-income women. The creation of an artificial dilemma for health care professionals who are disproportionately women, which is what the gag rule as modified by President Bush achieves, is continued evidence that this administration is completely out of touch with the issues that affect women's working lives as well as their private lives.

The fact is that the choice of an abortion in the first two trimesters is a legal choice for American women today. A conservative Supreme Court recently reaffirmed that right.

I understand that some of my colleagues wish that this were not the case. Nonetheless, it is. So long as a medical procedure is legal, it is unconscionable for a political minority to require health professionals to withhold information about it from their patients.

Funding for title X programs has suffered under the Reagan and Bush administrations. In 1980, $162 million was appropriated for title X. By 1992, funding had dropped to $150 million. At a time of escalating health care costs, general inflation, widespread joblessness, and the accompanying lack of health insurance, family planning clinics are already stretched thin.

In fiscal 1991, clinics served over 4 million patients—for the most part, low-income women whose health needs would otherwise be served by hospital emergency rooms, other overloaded public health clinics and the skimpy network of health care resources that poor people are forced to use.

Title X is a successful and important program for ensuring that Americans have access to reproductive health services regardless of their income.

Title X programs help prevent unwanted pregnancies, the underlying factor in almost all abortions.

Regardless of individual views on abortion, everyone in this Senate should be able to agree that preventing unwanted pregnancies is a better way of reducing abortions than attacking clinic patients or holding political rallies.

Yet, opponents of this legislation have, for a decade, tried to frame it as a debate over encouraging abortion. This is a smokescreen. This bill does nothing to encourage abortions; it provides fundamental reproductive health services to low-income American women.

The family planning legislation was first enacted in 1970. Neither then, nor since, have family planning dollars been used for abortions.

Almost a decade of hunting in the records and finances of family planning clinics by critics determined to find illegal use of Federal funds failed to turn up even a single instance of funding misuse.

Yet the drumbeat of misinformation continues unabated. The gag rule is just the most recent manifestation of this.

The gag rule deserves repeal.

I urge my colleagues to vote for this bill and repeal the gag rule.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I rise today to express my strong support for the reauthorization of the title X Family Planning Program. In addition to extending critically important title X family planning programs for 5 years, it overturns the so-called gag rule which would prevent health care professionals from answering questions and providing full information to women facing unintended pregnancies. This bill will enable the Federal Government to assist in providing women with all the information they need to make responsible decisions about their reproductive health.

Mr. President, since 1988 we have put women's health at risk with an extended and convoluted debate about the gag rule. Millions of Americans were outraged by the Supreme Court's

Rust versus Sullivan decision that upheld the gag rule because it, in effect, institutionalized medical malpractice. The regulation says that we have a Government that prohibits medical professionals from discussing with their patients not only their rights, but what procedures may be in their best interest.

The Rust decision upholds the administration's plan to promote its own policy at the expense of informed decisionmaking. This country would not stand for a government that prohibits a physician from telling a woman all her legal options for treating breast cancer. This country cannot stand for a government that prohibits a physician from telling a woman all her legal options about her pregnancy.

Mr. President, I have to say on the face of it, I am perplexed that this administration would continue to pursue this misguided policy. On one hand, most of the policies advocated by the President are geared toward eliminating Government oversight and regulation. But on the other hand—the hand that we must once again deal with today—he is advocating that the Government intrude into the lives of its citizens and make decisions about reproductive health that a woman should make for herself. To my way of thinking, this is as wrong a policy as there can be.

In its decision, the Supreme Court also upheld the administration's notion that proper and adequate health care is something available only to the monied in this country. If a woman works hard yet still requires Federal assistance to meet her health care needs, she simply won't have access to the same level of care that others do.

She is not allowed the opportunity to know what her options are, what the ramifications of her decision may be, or how her mental or physical wellbeing may be affected. Mr. President, it is an outrage that our Government would promote two types of medical care—limited and censored for the poor and proper and adequate for all others. Evidently, the Supreme Court believes that only women who can afford private health care are entitled to make educated decisions. Is this equal justice? Very simply, it is not, and we must change this policy.

The family planning amendments that we are considering today reauthorize the critical grants to agencies to provide these essential services and to continue technical assistance and training for clinic personnel. Additionally, providing support for community-based information and education programs will enable more and more women to learn about comprehensive family planning, basic health screening and preventative health services and practices available to them.

In my State of Colorado, more than 50,000 women obtain family planning and reproductive health services each year from private nonprofit clinics, hospitals, and public health clinics that receive title X grants. Without these critical funds, these organizations would be unable to meet these essential needs.

These programs, as are all prevention programs, are extremely cost-effective, as well as good practice. In fact, a recent report by the Center for Population Options said the U.S. Government paid more than $21 billion in food stamps, Aid to Families with Dependent Children—welfare—and Medicaid benefits for families in which the first child was born when the mother was a teenager. The study also indicated that about one-third of all families that started with a teenage birth has ended up on public assistance. Certainly we cannot assert that all these pregnancies were preventable—some of these teens most certainly wanted to have a child. But we cannot ignore the immense costs brought on to our country to support low-income families. I would argue that the modest $180 million investment made in family planning services that this bill authorizes would be a dramatic step in reducing the enormous investment in supporting children of teen mothers.

Unfortunately, support for title X has often gotten tangled up in the emotional abortion issue in this country. What we all must understand is that providing effective and extensive family planning services is the most logical road to take to avoid the need to terminate a pregnancy. I strongly believe that counseling more women and sexually active teenagers on the variety of means to avoid pregnancy is what we should be emphasizing and supporting.

The legislation specifically addresses the issue of minors' access to abortions. The legislation clearly states that no entity that performs abortions is eligible for title X funding unless it has certified that it is in compliance with State law regarding parental notification consent for the performance of an abortion on a minor. No Federal standard applies as the bill defers to each State government.

It should not go unsaid here today that we must support programs at home and abroad to stabilize our population. Because of our Nation's high resource consumption and pollution production levels, we need to stabilize our country's population as soon as possible. Providing family planning services to all women, regardless of their income levels, is an obvious step that we should take.

I believe title X family programs must be continued because they represent the only avenue many low-income families have of achieving true economic and reproductive freedom. These services, which have literally prevented millions of abortions by offering a full range of options in making reproductive choices, have enjoyed substantial bipartisan support in both Houses of Congress, and I hope the Senate will see fit to continue that support today.

The political arguments must be set aside and we must consider the relationship between a woman and her health care provider, free speech, and the health of our society. I urge my colleagues to support this conference agreement. We have before us an opportunity—again—to right a wrong and fill a void created by the administration. Let's act on it.

(At the request of Senator MITCHELL, the following statement was ordered to be printed in the RECORD:)

• Mr. DODD. Mr. President, I rise today in support of the conference report for the reauthorization of the title X Family Planning Program, S. 323. Failure to reauthorize this measure will deny millions of women high quality reproductive health care services and preserve the controversial gag rule, which bars federally funded health care clinics from providing information on abortions.

The title X program authorizes grants to nonprofit organizations for the provision of family planning services for nearly 5 million women in this country. Connecticut alone serves more than 50,000 women each year. In addition to providing access to safe, effective, and low-cost contraception and family planning services, title X funds screening for cervical and breast cancer, sexually transmitted disease, anemia, hypertension, and diabetes. For many women these services are the only health care available to them.

The health care and family planning services that title X programs provide are critical in this day and age. Each year these services prevent 1.2 million unintended pregnancies, which will, in turn, reduce the number of abortions performed. It provides vital information and counseling on the HIV virus which is appearing with greater frequency among women. For every dollar spent on federally funded family planning services taxpayers save $4.40 on health and welfare costs. Overall, title X services improve the health of mothers and children, help reduce poverty, and break the cycle of dependency.

Unfortunately, for the past 4 years title X has been the object of scrutiny and debate. In 1988, the Reagan/Bush administration adopted a provision referred to as the gag rule that prevents federally funded title X clinics from providing complete, nonbiased information on reproductive health care.

These regulations pose a serious threat to the ethics that guide health care providers, as well as to the basic principles by which our Nation is defined. Restricting or limiting the amount of information that can be discussed at a federally funded clinic is an infringement on a woman's relationship with her doctor. It also conflicts with a doctor's duty to a patient. However, rather than compromise their judgment and arbitrarily restrict their advice, many facilities have opted to forgo title X funding which will force them to close or reduce their services available.

We cannot delay funding for this measure any longer. Not only does it provide essential family planning services to young and low-income women, but it provides support for the social workers, public health nurses, child care workers, counselors and case workers who confront some of our society's most difficult problems.

Reauthorization of the title X Family Planning Program will guarantee women the health care services and information that they require to make informed, responsible decisions about their health and the health of their children. I urge my colleagues to vote in favor of the conference report today to reverse the gag rule and the onerous restrictions it imposes.●

Mr. BRADLEY. Mr. President, I rise in support of this legislation to state clearly that women who are seeking medical advice are entitled to the best help that medical professionals can offer, unrestricted by anyone's political agenda.

Congress determined that adequate family planning services were in the Nation's interest. Accordingly, a program was established under title X of the Public Health Service Act to provide contraceptive information and services in order to help lower the incidence of unintended pregnancy, improve maternal and infant health, and reduce the incidence of abortion. The law provides that no abortion may be provided with title X funds and both the GAO and Secretaries of HHS have certified that no Federal funds have been utilized for those purposes.

Yet, year after year these programs are blocked, hindered, diluted, or filibustered, not because they are not needed, not because they do not work, but because of an ideological faction that wrongly sees these programs as a battleground against a woman's right to choose a safe and legal abortion.

But, Mr. President, the services the Government should be providing in these programs are safe, unbiased, health services. We should not be using taxpayer dollars to promote anyone's political agenda. Politics has no place shaping what a doctor may or may not say to a woman seeking sound medical advice. Yet, that is precisely what the current regulations, insisted upon by the administration and consistently rejected by Congress, provide.

It is a sad irony that the family planning information established under these programs is supposed to give women knowledge about alternatives and choices that, if allowed to function without interference, will ultimately reduce the number of abortions. It will also reduce the number of low birthweight babies, the number of babies born to mothers who are not emotionally or financially prepared to give them a good life, and the number of children who die before their first birthdays.

Mr. President, we may not be willing right now to devote resources to a basic, cost-effective preventive health network to address grave problems of maternal and child health, but to deny women information—to prevent doctors from offering the best possible medical care—out of a misguided ideological crusade, is an outrage. I urge my colleagues to join me in strongly supporting S. 323, so that we can get on with the business of saving America's children. This legislation will clarify, beyond a shadow of a doubt, that Congress' intention was to help poor women get the best care available, so that their children will be born healthy and survive. To do so, we must let doctors speak freely and advise patients professionally about all their legal health options.

Mr. CHAFEE. Mr. President, I am pleased to support the legislation before us today, the title X Pregnancy Counseling Act of 1991. Passage of this legislation has been a long and often grueling process since I first introduced it as an amendment to a family planning bill in September 1990 and then as a freestanding bill in January 1991.

I doubt that there is a Member of Congress who is not already familiar with the onerous regulations which are the subject of this legislation, the so-called gag rule. These regulations, promulgated by the Department of Health and Human Services in 1988, forbid the discussion of abortion in family planning clinics which receive funding under title X of the Public Health Service Act. Prior to these regulations, a woman would go into a title X funded clinic, discover she was pregnant, ask about her options and would be told in a nondirective manner that she could carry the baby to term and keep the baby, she could put the baby up for adoption or foster care or she could terminate her pregnancy. In 1988, HHS decided to change the rules and, through these new regulations, prohibited clinic workers from telling pregnant women that abortion is one of their options.

Naturally, the clinics were outraged at these new rules, and lawsuits against their implementation were filed in three separate court cases. The case eventually went before the Supreme Court and, in a 5-4 decision in May 1991 the Court ruled that the regulations were in fact legal. This regrettable decision by the Supreme Court meant that it was up to Congress to overturn the gag rule through legislation. So, in July 1991, the Senate approved the measure that I introduced which is before us today. The House passed similar legislation. After my bill was approved by the Senate I entered into extensive negotiations with the administration to try to reach a compromise on this issue. Unfortunately, we were not able to come to a mutually acceptable agreement. In November, both Houses approved language in the fiscal year 1992 Labor-HHS appropriations bill which would have placed a 1-year moratorium on the implementation of the 1988 regulations. That bill was vetoed and we were unable to override the veto.

Due to further lawsuits by the National Family Planning and Reproductive Health Association [NFPRHA] which represents 90 percent of the family planning clinics in the country, the regulations have not yet been implemented. Despite the fact that there is a lawsuit currently on appeal which NFPRHA has already won once, HHS sent out a memorandum in August informing title X recipients that the deadline for compliance with the regulations is September 23, less than 2 weeks away. Passage of the conference report on S. 323 today is really our last chance to make these regulations go away.

I have taken the floor many times over the past 2 years to talk about why I think these regulations are such bad policy, why they are so terribly unfair to the low-income women in this country who rely on title X, sometimes as their only source of medical care. I have talked endlessly about the importance of title X and Federal support for family planning. And I have warned that if these regulations are in fact implemented that they will destroy the title X program, the only Federal program which is solely devoted to reducing the incidence of unintended pregnancy and consequently the need for abortion services. Many have told me I am wrong, that clinics will continue to keep their title X funds and will simply learn to live with the regulations.

Well, Mr. President, I don't know what clinics in your State have decided to do, but in my home State of Rhode Island, virtually all of the community health centers and the hospitals which receive these critical funds have decided that they are unable to comply with the regulations, so, will forego their title X funds. This means that low-income women in Rhode Island will have little, if any, access to family planning because, for all intents and purposes, there will not be a title X program in Rhode Island.

We are at the end of the road. It is hard for me to believe that it has taken us 5 years to get here, but that is the reality. We have an opportunity today to pass this conference report and preserve the title X program. The choice is simple: We can approve this bill and get on with the business of providing critical family planning services to low-income women, or we can defeat this legislation and send a message to poor women that we believe that contraception is only for those who can afford to pay for it. I urge my colleagues to support this measure. Thank you, Mr. President.

Mr. SEYMOUR. Mr. President, I rise today in support of the title X family planning services which will provide the women of this country informative, professional counseling concerning all safe and legal, medical options concerning their unintended pregnancy.

Prior to the Reagan administration from 1971 through 1988, the Department of Health and Human Services required family planning clinics to include the option of abortion in their counseling. However, in 1988 the Department of Health and Human Services released regulations governing grants for family planning services, or simply, the gag rule language which reads:

> A title X project may not provide counseling concerning the use of abortion as a method of family planning or provide referral for abortion as a method of family planning. Once a client is diagnosed as pregnant, she must be referred for appropriate prenatal and/or social services.

Similarly, the title X project may not use referrals as an indirect means of encouraging or promoting abortion nor, may it be physically financially involved in abortion activities.

Quite simply, the gag rule is discrimination. Not only does this rule deny women full and complete information necessary to make an informed health care decision, but discriminates on the basis of women's financial status. These regulations create a two-tiered system of health care whereby low-income women using federally subsidized clinics receive more limited information and services than women who can afford private care services. The intent of the title X program was to provide low-income people with access to services they could not afford elsewhere, not to dissuade them from making informed decisions about family planning.

Family planning clinics are often the only health care service sought out by low-income women. As major providers of preventive health care services, these clinics have helped in early detection of breast and cervical cancer, various diseases such as AIDS, and other potentially dangerous illnesses. Each year, family planning clinics such as these prevent over 1.2 million unintended pregnancies which would result in 509,000 unwanted births and 516,000 abortions.

In these conservative economic times, we cannot afford to make unwise decisions. Let us not begin now. Every public dollar spent to provide contraceptive services saves $4.40 in first-year taxpayer funds that would otherwise go toward medical care, welfare, and other mandated social services—an overall total of $1.8 billion in savings annually.

In this respect, we should not force the women of this country to make uninformed, unwise decisions that will affect them for the rest of their lives. Decisions that may not only be financially devastating, but deadly. Therefore, I urge my colleagues to stand in support for this important legislation to ensure the health and welfare of all women in this country. I thank the Chair.

Mr. MITCHELL. Mr. President, on behalf of the managers of the bill, I yield back all remaining time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I am pleased that the Senate has by voice vote adopted legislation to repeal the notorious gag rule. I will not now restate the entire argument made prior to the vote. But I think it is important to understand that unless the gag rule is repealed there will be two standards of health care for American women.

There is not a member of this administration and not a Member of this Senate who would permit a daughter or a spouse to receive medical attention and medical advice in the circumstances and under conditions which the gag rule imposes on millions of poor American women. It is unconscionable that those in positions of wealth, position, and power, would impose upon others without wealth, position, or power, conditions of health care which they would not find acceptable for themselves and their families.

An American woman ought to have access to full and complete medical information about her condition no matter whose daughter she is or whose wife she is. A society like ours, based upon the fundamental principle of equality, ought not tolerate, let alone encourage, even less insist upon a system in which there are 2 standards of care: One for the wealthy, the affluent, the powerful; and another, lower standard, for the poor.

Every American woman is someone's daughter, someone's spouse, someone's sister, or someone's relative. And they have the same love and care for the members of their families that Members of this Senate, members of the administration, persons in the White House, and other persons in important positions throughout Government have. They ought to be able to know that their wives, their daughters, their nieces, and their sisters are going to get the same full information, despite those vast differences in wealth, position, and power.

So, Mr. President, I hope that the President will reverse his position and sign this legislation. That will be the best possible outcome for all concerned.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF IMMIGRATION JUDGES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 621, S. 2099, a bill to amend the Immigration and Nationality Act; that the Committee substitute be agreed to; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; that the title amendment be agreed to; and that any statements relative to the passage of this item be placed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2099), as amended, was deemed read the third time and passed as follows:

TITLE I—IMMIGRATION JUDGES

SEC. 101. DESIGNATION OF SPECIAL INQUIRY OFFICERS AS IMMIGRATION JUDGES.

(a) Section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)) is amended by striking "special inquiry officer" each of the three places it appears and inserting in lieu thereof "immigration judges".

(b) Section 209(a)(2) of such Act (8 U.S.C. 1159(a)(2)) is amended by striking "a special inquiry officer" and inserting in lieu thereof "an immigration judge".

(c) Section 234 of such Act (8 U.S.C. 1224) is amended by striking "special inquiry officers" and inserting "immigration judges".

(d) Section 235 of such Act (8 U.S.C. 1225) is amended—

(1) in subsection (a)—

(A) by striking "special inquiry officers" each of the three places it appears and inserting in lieu thereof "immigration judges"; and

(B) by striking "special inquiry officer" and inserting in lieu thereof "immigration judge"; and

(2) in subsection (b), by striking "a special inquiry officer" each of the two places it appears and inserting in lieu thereof "an immigration judge"; and

(3) in subsection (c)—

(A) by striking "the special inquiry officer" and inserting in lieu thereof "the immigration judge";

(B) by striking "a special inquiry officer" each of the three places it appears and inserting in lieu thereof "an immigration judge".

(e) Section 236 of such Act (8 U.S.C. 1226) is amended—

(1) by striking "special inquiry officer" each of the 10 places it appears and inserting in lieu thereof "immigration judge";

(2) by striking "a" after "Proceedings before" and inserting in lieu thereof "an";

(3) by striking "a" after "decision of" each of the two places it appears and inserting in lieu thereof "an"; and

(4) by striking "A" and inserting in lieu thereof "An".

(f) Section 242(b) of such Act (8 U.S.C. 1252(b)) is amended—

(1) by striking "special inquiry officer" each of the five places it appears and inserting in lieu thereof "immigration judge";

(2) by striking "A" and inserting in lieu thereof "An";

(3) by striking "a" after "proceeding before" and inserting in lieu thereof "an"; and

(4) by striking "a" after "Proceedings before" and inserting in lieu thereof "an";

(g) Section 242B(1) of such Act (8 U.S.C. 1252b(d)(1)) is amended by striking "a special inquiry officer" and inserting in lieu thereof "an immigration judge".

(h) Section 273(d) of such Act (8 U.S.C. 1323(d)) is amended by striking "special inquiry officers" and inserting in lieu thereof "immigration judges".

(i) Section 292 of such Act (8 U.S.C. 1362) is amended by striking "a special inquiry officer" and inserting in lieu thereof "an immigration judge".

(j) Section 4 of the joint resolution entitled "Joint resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes", approved July 14, 1960 (Public Law 86-648), is amended by striking "a special inquiry officer" and inserting in lieu thereof "an immigration judge".

(k) Section 2 of the Act entitled "An Act to authorize the creation of record of admission for permanent residence in the case of certain Hungarian refugees", approved July 25, 1958 (Public Law 85-559), is amended by striking "a special inquiry officer" and inserting in lieu thereof "an immigration judge".

SEC. 102. COMPENSATION FOR IMMIGRATION JUDGES.

(a) In General.—Chapter 1 of the Immigration and Nationality Act (8 U.S.C. 1101–1105a) is amended by adding at the end thereof the following new section:

"COMPENSATION FOR IMMIGRATION JUDGES

"Sec. 107. (a) Immigration Judge Schedule.—(1) For purposes of determining pay for immigration judges there shall be six rates of basic pay for immigration judges, under the Immigration Judge Schedule, the designation of which shall be 'IJ', and each immigration judge shall be paid at one of those rates in accordance with the provisions of this section. Each rate shall be calculated as a percentage of the rate of basic pay designated as "ES-5", as established and adjusted by the President for the Senior Executive Service under section 5382 of title 5, United States Code.

"(2) The 'IJ' designation for each rate of basic pay under the Immigration Judge Schedule and that rate of basic pay expressed as a percentage of the ES-5 rate of basic pay are as follows:

"(A) For IJ-1: 65 percent.

"(B) For IJ-2: 70 percent.

"(C) For IJ-3: 75 percent.

"(D) For IJ-4: 80 percent.

"(E) For IJ-5: 85 percent.

"(F) For IJ-6: 90 percent.

"(b) Conversion to Immigration Judge Schedule.—(1) The Attorney General shall determine which of the rates of basic pay shall be paid to each immigration judge and shall classify immigration judge positions by the rates of basic pay under the Immigration Judge Schedule. The rate of basic pay for each such immigration judge shall, upon the date of enactment of this section, be at least equal to the rate which was payable to that individual immediately before such date.

"(2)(A) Upon appointment, an immigration judge shall be paid at rate IJ-1, and shall be advanced successively to rates IJ-2, IJ-3, and IJ-4 upon completion of 52 weeks of service in the next lower rate, and to rates IJ-5 and IJ-6 upon completion of 104 weeks of service in the next lower rate.

"(B) Immigration judges receiving converted rates of basic pay under paragraph (1) shall be advanced successively to rates of basic pay under the Immigration Judge Schedule in accordance with this paragraph.

"(3) The Attorney General may provide for appointment of an immigration judge at an advanced rate of basic pay under such circumstances as the Attorney General may determine appropriate.".

(b) Amendment to Table of Contents.—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 106 the following new item:

"Sec. 107. Compensation for immigration judges.".

(c) Effective Date.—The amendments made by this section shall take effect—

(1) October 1, 1992, or

(2) 30 days after the date of enactment of this Act,

whichever is later.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. MEMBERSHIP OF THE COMMISSION ON IMMIGRATION REFORM.

Section 141(a)(1) of the Immigration Act of 1990 (8 U.S.C. 1153 note) is amended—

(1) in the text above subparagraph (A), by striking "Effective" and all that follows through "9 members" and inserting "The Commission on Immigration Reform (hereafter in this section referred to as the 'Commission') shall be composed of 13 members";

(2) in paragraph (1)(B), by striking "Two" and inserting "Three";

(3) in paragraph (1)(C), by striking "Two" and inserting "Three";

(4) in paragraph (1)(D), by striking "Two" and inserting "Three"; and

(5) in paragraph (1)(E), by striking "Two" and inserting "Three".

SEC. 202. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED ABROAD.

Private Law 98-53 (8 U.S.C. 1101 note) is amended—

(1) in the title, by inserting "or by Beirut University College" after "Beirut"; and

(2) in the text, by inserting before the period at the end thereof the following: "or by Beirut University College".

The title was amended so as to read: "A bill to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges, and for other purposes."

THE OLDER AMERICANS ACT

Mr. MITCHELL. Mr. President, I had hoped today that I would be able to, at this point in our proceedings, have by consent the Older Americans Act, S. 3008. That is legislation which is very important to millions of elderly Americans all across the country.

We have been struggling, trying hard to get approval to enact that legislation for several months. We have been prevented from doing so by objections from Republican Senators.

I raise the issue now because, in the last few days, I have begun receiving personal visits from Republican Senators and letters from Republican Senators urging me to proceed to act on the Older Americans Act. I am ready to proceed to it, but I am unable to proceed to it because of objections by other Republican Senators.

I feel the record should be clear in this regard so there can be no misunderstanding. On the one hand, some Republican Senators are making the request so as clearly to create the implication that it is I or other Members of the majority who are preventing action from occurring on the Older Americans Act.

And I make this public statement at this point so that there can be no misunderstanding about it.

We are ready to proceed to act finally on the Older Americans Act at this moment—and, if not now, tomorrow morning; and if not tomorrow morning, tomorrow evening—but we are prevented from doing so by objections by Republican Senators.

Therefore, I want the record to be clear so that, before any other Senators come to me or write me letters asking me to bring it up, they know why the legislation is being blocked. I hope that will not be the case much longer, and I hope that we are going to be able to get it passed, because it is a very important bill.

I have received a large number of requests from elderly Americans, organizations representing elderly Americans, and organizations concerned about and caring for elderly Americans, who stress the important of that legislation.

We want to pass it, and I am going to make this request every day until we do. If we are not able to do it, then it is my intention to break through this objection or this threatened filibuster by filing a cloture motion and having Senators vote on whether or not we should proceed to the bill. And then each Senator can be on record, here in public as opposed to private communication, as to whether or not that Senator wants to proceed to consider and vote upon and approve this important bill.

We are getting down to the end of the session and this is becoming a familiar tactic. And I will address it with respect to other legislation momentarily. But I wanted to make this point in view of the importance of this legislation, in view of the widespread interest, and in view of what appears to be a sudden upsurge in private contacts with me about proceeding on this bill.

And so I hope, Mr. President, to all of those who have expressed concern about the Older Americans Act, who know of its importance, that we are going to be able to act soon and I pledge to them my continued full aggressive efforts to try to get that legislation completed before the Congress adjourns this year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. WOFFORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PACIFIC NORTHWEST TIMBER INDUSTRY

Mr. WIRTH. Mr. President, President Bush was this afternoon in Oregon speaking about the timber old-growth/spotted owl issue, which has been a subject of some significant debate on the floor of the Senate and in the Energy and Natural Resources Committee over the last couple of years. I think now it would be appropriate this afternoon just to spend a few minutes setting the record straight.

The President made a great point that was timed for the Congress to act on a variety of initiatives. Which initiatives, I am not sure, because I do not think we have seen any initiative from the White House related to what ought to be done in the Pacific Northwest. But he said it is time for us to act.

The question which has to be asked is: Where has he been for the last 4 years? During this last 4-year period of time, some 46,000 jobs have been lost in the Pacific Northwest in the timber industry. Where was George Bush? He said it was time to act. Where was he?

During this period of time in 1990, for example, the Forest Service presented to the White House a comprehensive plan as to what ought to be done in the Pacific Northwest, which was rejected by the White House. Why did they not act? Where have they been?

When the issue of job retraining came up, Mr. President, it was rejected out of hand by the White House, in June of 1990, and again in April of 1991, one of precisely the sorts of things that has to be done. When the question of saying to the States, "Let us outlaw log exports" came up, where has the White House been? Nowhere. Where was the administration; what have they done? Nothing.

We are still, at this point, Mr. President, remarkably, the second largest timber-exporting country in the world, after Malaysia. If we are going to be the second largest timber-exporting country in the world, what we are doing is acting as a colony, particularly for the Japanese.

How does that work? We cut down and take out our natural resources and send them to Japan, the mother country. This is what used to happen in the 19th century. You took all your natural resources from a place like Africa, sent them to England, Germany, or Italy, added the value there, and the goods and services were sent back to the colonies to be sold. And the mother country makes a great deal of profit out of that. That is the old colonial model and precisely in part what we are doing now. We are taking our natural resources, sending them to the mother country, which is Japan, they are finished there; value is added there, and they are sent around the world, and the Japanese are making a great deal of money out of it. That is a wonderful colonial model, but this is the late 20th century, and we are the United States of America and should no longer be the colony.

The President does not understand that. He does not understand what is happening to us in timber and so many other resources that are being sent overseas where the value is being added. The issue is one of respect for the people who are working in the mills there, not allowing the mills to be shut down, but when we cut that timber, of which there is a very significant amount remaining, that timber stays here, the value gets added, and we are selling sophisticated wood products, furniture and so on, to the Germans and Japanese, not vice versa. He has it backwards. Not only has he got the economic model backwards, Mr. President, but he also has the history backwards. And when he says it is time for us to act, where has he been for the last 4 years?

That reminded me of a wonderful column that was written by a writer from the Denver Post on the 18th of July, this last summer, during the Democratic Convention. The title is: "Environmental President Wades Through Another Fish Story." I wanted to share that with my colleagues this after, so I will read it at this time:

> George Bush, the environmental president, waded knee-deep into a Wyoming trout stream.
>
> With a fly rod in his hand and the weight of a presidential campaign on his back, Bush was vacationing this week in the Cowboy State—and figuring out how to get himself re-elected.
>
> While contemplating the vision thing, Bush decided to do the fishing thing.
>
> It was a glorious day. The sky was blue, and the Wind River range provided a dramatic backdrop to the Pinedale, Wyo., ranch where Bush was staying. The pressures of the White House seemed a million miles away.
>
> All he wanted was some trout.
>
> As Bush forded a river bend, he basked in the mid-day beauty. Sunbeams played games atop the river current, making the water sparkle, shimmer and glow.
>
> "A thousand points of light!" Bush exclaimed.
>
> Unfortunately, a closer inspection showed that the river's luminescence actually was caused by a sheen of industrial chemicals. A few months earlier, a factory upstream from Bush's fishing hole was granted a special exemption from Clean Water Act pollution standards by Dan Quayle's Council on Competitiveness, and this river stretch now contained no trout.
>
> Bush remained undaunted. A river this big must be chock-full of fish, he figured. It was just a matter of finding them.
>
> A short hike later, Bush came upon another remarkable vista. For as far as he could see, the earth was barren and still.
>
> It looked like the moon. But it really was a giant logging clear-cut in a national forest.
>
> After promising to cut financial losses on federal timber operations, the Rocky Mountain regional office of Bush's U.S. Forest Service actually increased them. Now the Forest Service is losing $11.4 million a year on logging operations.
>
> Bush surveyed the big clear-cut. "Jobs, jobs, jobs," he said
>
> The clear-cut had clogged Bush's trout stream with silt and stripped it of life.
>
> So he continued hiking along the river, searching for a place with some real live trout.
>
> He saw no wetlands. He saw no biodiversity. He saw no acid rain.
>
> But he did find a bear den on the side of the river. Bush poked his head inside and realized that no grizzly bear had lived there for quite some time.
>
> The president remembered that he once had a regional National Park Service director, Lorraine Mintzmyer, who wanted to give more environmental protections to this area around Yellowstone National Park. But Mintzmyer grew so insistent about these protections that she offended some local politicians—and was transferred to Philadelphia.
>
> Bush was glad. If Mintzmyer had her way, Bush might run into a grizzly bear. And Bush wanted nothing to do with a grizzly bear in the backcountry.
>
> "Wouldn't be prudent," he said.
>
> Then suddenly, a Secret Service agent appeared on the river bank with some major news: Ross Perot had just quit the presidential race. Bush should get back to the ranch, fast, to discuss this latest campaign development with all his advisers.
>
> This posed a major problem. After spending so much time on the river, Bush would be expected to bring back some fish. But Bush didn't have anything to show voters. Could he leave the river empty-handed?
>
> No problem, he decided.
>
> I'm the environmental president, Bush said. I'll tell voters another fish story.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

MOTION TO INVOKE CLOTURE

Mr. MITCHELL. Mr. President, at 10 o'clock tomorrow morning the Senate will vote on a motion to invoke cloture on the motion to disagree to the amendments of the House of Representatives to S. 2, the Neighborhood Schools Improvement Act.

That is a legal mouthful, and I would like now to explain in everyday language what it means and what the consequences of the Senate vote tomorrow will be.

Earlier this year the Senate debated, over a period covering 5 legislative days, important legislation to reform and improve America's public schools. This legislation, the Neighborhood Schools Improvement Act, is the product of that debate. Nine separate votes were cast in the Senate in relation to that legislation and the bill which finally emerged was approved in the Senate by a vote of 92 to 6. Overwhelmingly Members of the Senate voted in support of that bill, and understandably so. We all want to act to improve public schools in our society. We all want to act in a manner that will enhance the ability of every American child wherever he or she lives, to whatever school he or she goes, to get a better education.

Sometime later the House passed a similar but not identical bill. It is the normal practice of this Congress, when the Senate passes a bill and the House passes a bill that is not identical, to have a conference between Senators and Representatives to reconcile the two bills, to agree on a single bill, which then goes back to both Houses for final passage.

The vote tomorrow will be on whether we can follow that normal procedure. Our Republican colleagues have objected to doing so. Apparently one or more of them wish to reopen the entire issue in what is a transparent effort to kill the education bill.

There is no possibility of reopening the issue, having another full-fledged debate, having a whole series of additional amendments voted on, and have any prospect of going through the conference and getting the bill passed this year. So this is a naked effort to kill the bill by delay, by taking an action which, to my recollection, has not occurred in all the time I have been majority leader, nor in all the time I have been in the Senate.

I do not recall the Senate having to invoke cloture, that is, get 60 Senators to vote at this point in the proceedings.

I regret very much that we have to. I hope that our Republican colleagues will permit us to proceed with this bill. After all, if the vote was 92 to 6 in favor of the bill, that means the overwhelming majority of Republican Senators voted in favor of the bill.

And on a subject like education, critical to our Nation's future, important to every community and every family in this country, we should be acting, not delaying.

Mr. President, I would not for a moment suggest that the Senate act hastily or without full and deliberate consideration of such important legislation. But we have done that. We debated it over a period of 5 legislative days. There were nine votes cast in relation to this bill. There has been a full and deliberate exploration and debate of the issues on this bill and the Senators acted by the overwhelming margin of 92 to 6. And yet, as we attempt now to proceed toward final action on the bill, a new delay, a new obstacle, a new obstruction is thrust before us in a way that clearly is intended to kill the bill; to prevent it from being enacted.

It is a matter of grave concern to me. It ought to be a matter of grave concern to every Senator, and it surely should concern every American who wants improvement in our system of education.

I hope tomorrow that those 92 Senators who voted for this bill once before will be consistent and vote to let us proceed to bring this bill to completion.

The Senate rules are difficult, they are complex. There are arcane. They are not understood fully by the overwhelming majority of Americans, and there is no reason why they should have to understand them.

But in this case, what it all boils down to is the very simple and direct question: Do we want education legislation this year or not? Do we want to act in a way that will improve the chances for young American boys and girls to get a better education or not?

That will be the issue before us tomorrow morning in what is, at least for me, an extraordinary circumstance under which we must proceed to take this unusual, very rare step to complete action on a measure which has been fully discussed, fully debated, voted on and approved by the Senate by a margin of 92, yes, 6, no.

Mr. President, I ask unanimous consent that a record of that vote be printed in the RECORD.

There being no objection, the result of the vote was ordered to be printed in the RECORD, as follows:

FINAL PASSAGE OF S. 2, NEIGHBORHOOD SCHOOLS IMPROVEMENT

YEAS (92)

Democrats: Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wellstone, Wirth, Wofford.

Republicans: Bond, Brown, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Gorton, Gramm, Grassley, Hatch, Hatfield, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Seymour, Simpson, Specter, Stevens, Thurmond, Warner.

NAYS (6)

Democrats (0).

Republicans (6): Craig, Garn, Helms, Smith, Symms, Wallop.

NOT VOTING (2)

Democrats (2): Harkin, Kerrey.

Republicans. (0).

Mr. MITCHELL. Mr. President, we ought not to be in this situation. But, unfortunately, we are. I urge, I implore my colleagues to join me in supporting this important legislation.

MORNING BUSINESS

NATIONAL AFFORDABLE HOUSING ACT AMENDMENTS

The text of the bill (H.R. 5334) to amend and extend certain laws relating to housing and community development, and for other purposes, as passed the Senate on September 10, 1992, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 5334) entitled "An Act to amend and extend certain laws relating to housing and community development, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Affordable Housing Act Amendments of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS AND POLICIES

Sec. 101. Comprehensive housing affordability strategy refinements.
Sec. 102. Performance goals.
Sec. 103. Subsidy layering review.
Sec. 104. Capacity study.
Sec. 105. Salaries and expenses.
Sec. 106. Regulation of consultants.
Sec. 107. Clarification on utility allowances.
Sec. 108. Grants to States for removal of regulatory barriers.

TITLE II—INVESTMENT IN AFFORDABLE HOUSING

Sec. 201. HOME authorization.
Sec. 202. New construction.
Sec. 203. Administrative costs.
Sec. 204. Tenant-based rental assistance.
Sec. 205. Maximum subsidy limitations.
Sec. 206. Rent calculations.
Sec. 207. Homeownership resale restrictions.
Sec. 208. Rental housing production set-aside.
Sec. 209. Matching requirements.
Sec. 210. Community housing production set-aside.
Sec. 211. Redevelopment of blighted urban areas model program.
Sec. 212. Transitional housing opportunities.
Sec. 213. Low-income affordability restrictions.
Sec. 214. Retroactive application of HOME amendments.

TITLE III—HOMEOWNERSHIP

Subtitle A—Homeownership Initiatives

Sec. 301. National homeownership trust authorization.
Sec. 302. Enterprise zone homeownership opportunity grants.

Subtitle B—FHA and Secondary Mortgage Market

Sec. 311. National Interagency Task Force on Multifamily Housing.

Sec. 312. Multifamily finance demonstration.
Sec. 313. Expenditures to correct defects.
Sec. 314. Mortgage insurance for nursing homes, intermediate care facilities and board and care homes.
Sec. 315. Definition of mortgagee.
Sec. 316. Statute of limitations on payment of distributive shares.
Sec. 317. Payment of mortgage insurance claims.
Sec. 318. Diversion of rehabilitation funds a Federal crime.
Sec. 319. Exemption from section 137(b) of the Truth in Lending Act.
Sec. 320. Coverage of the Multifamily Mortgage Foreclosure Act.
Sec. 321. Reciprocity of approval among Federal agencies.
Sec. 322. Multifamily projects.
Sec. 323. Mortgage limits for multifamily projects.
Sec. 324. Mortgagee Review Board.

TITLE IV—HOPE

Sec. 401. Authorization.
Sec. 402. HOPE amendments.
Sec. 403. HOPE for Youth: Youthbuild.
Sec. 404. Transfer of scattered site public and Indian housing to the HOPE program
Sec. 405. Eligibility of other Federal property for the HOPE programs.

TITLE V—HOUSING ASSISTANCE

Subtitle A—Public and Indian Housing

Sec. 501. Authorizations.
Sec. 502. Reform of public housing management.
Sec. 503. Revitalization of severely distressed public housing.
Sec. 504. Choice in Management Act of 1992.
Sec. 505. Directive to relieve regulatory burden.
Sec. 506. Ceiling rents.
Sec. 507. Replacement housing.
Sec. 508. Income eligibility.
Sec. 509. Applicability of definitions to Indian housing.
Sec. 510. Preference rules.
Sec. 511. Definition of adjusted income for families assisted by Indian housing authorities.
Sec. 512. Nonmetropolitan allocation requirement for the public and Indian housing and section 8 programs
Sec. 513. Drug elimination grants.
Sec. 514. Funding of public housing modernization program monitoring and management assistance.
Sec. 515. Use of comprehensive grant funds for acquisition of replacement housing units.
Sec. 516. Exemption from limitation on new construction.
Sec. 517. Payments to municipalities.
Sec. 518. Rental assistance fraud recoveries.
Sec. 519. Sale of certain scattered-site housing.
Sec. 519A. Modernization of Indian housing.
Sec. 519B. Project-based accounting.
Sec. 519C. Homeownership demonstration program in Omaha, Nebraska.
Sec. 519D. Public housing youth sports programs.

Subtitle B—Low-Income Rental Assistance

Sec. 521. Voucher and certificate homeownership.
Sec. 522. Moving to opportunity for fair housing.
Sec. 523. Family unification assistance.
Sec. 524. Housing assistance in Jefferson County, Texas.
Sec. 525. Applicability of amendment to McKinney Act.
Sec. 526. Family self-sufficiency.
Sec. 527. Section 8 amendments.
Sec. 528. Exclusion of income.
Sec. 529. Technical amendment.

Subtitle C—General Provisions and Other Assistance Programs

Sec. 531. Low-income housing authorization.
Sec. 532. Housing counseling.
Sec. 533. Public and assisted housing drug elimination.
Sec. 534. Sense of the Senate.

TITLE VI—PRESERVATION

Subtitle A—Prepayment of Mortgages Insured Under National Housing Act

Sec. 601. Authorization.
Sec. 602. Prepayment amendments.
Sec. 603. Eligibility of public mortgagors for section 236 mortgage insurance.

Subtitle B—Other Preservation Provisions

Sec. 611. RESTORE for troubled multifamily housing.

TITLE VII—RURAL HOUSING

Sec. 701. Program authorizations.
Sec. 702. Deferred mortgage demonstration.
Sec. 703. Set-aside for underserved areas and colonias.
Sec. 704. Permanent authority for section 523.
Sec. 705. Nonprofit set-aside.
Sec. 706. Housing preservation grants.
Sec. 707. Use of FMHA inventory for transitional housing for homeless persons and for turnkey housing.
Sec. 708. Preservation.
Sec. 709. Disaster assistance.
Sec. 710. Administrative appeals process.
Sec. 711. Prohibition on transfer of rural housing programs.
Sec. 712. FMHA reform provisions.
Sec. 713. Rural voucher program.
Sec. 714. Site acquisition and development.
Sec. 715. Subdivision approval.
Sec. 716. Consideration of certain areas as rural areas.

TITLE VIII—HOUSING FOR PERSONS WITH SPECIAL NEEDS

Subtitle A—Supportive Housing for the Elderly

Sec. 801. Authorization.
Sec. 802. Supportive housing for the elderly.
Sec. 803. Rental assistance for the elderly.
Sec. 804. Demonstration period for HOPE elderly independence.
Sec. 805. Revised congregate housing services program.

Subtitle B—Supportive Housing for Persons With Disabilities

Sec. 811. Authorization.
Sec. 812. Participating organizations.

Subtitle C—Supportive Housing for the Homeless

Sec. 821. Authorization.
Sec. 822. Safe Havens for the homeless.
Sec. 823. Applicability of Shelter Plus Care.
Sec. 824. Strategy to eliminate unfit transient facilities.
Sec. 825. Shelter plus care program.
Sec. 826. Supportive housing program.
Sec. 827. Authorization of appropriations for the interagency council on the homeless.
Sec. 828. Extension of interagency council.
Sec. 829. Authorization of appropriations for Federal emergency management food and shelter program.
Sec. 830. Single room occupancy housing for the homeless.
Sec. 830A. Miscellaneous provisions.
Sec. 830B. Rural homelessness grant program.

Subtitle D—Housing Opportunities for Persons With AIDS

Sec. 831. Authorization.
Sec. 832. Program amendments.
Sec. 833. Housing opportunities for persons with AIDS.
Sec. 834. Emergency shelter grants amendments.

TITLE IX—COMMUNITY DEVELOPMENT AND MISCELLANEOUS PROGRAMS

Subtitle A—Community and Neighborhood Development and Preservation

Sec. 901. Community development authorizations.
Sec. 902. Homeownership assistance under CDBG.
Sec. 903. State set-aside for technical assistance.
Sec. 904. Elimination of nonhousing community development plan.
Sec. 905. Loans of CDBG funds.
Sec. 906. CDBG code enforcement.
Sec. 907. CDBG set-aside for colonias.
Sec. 908. Approval of multijurisdictional agreements.
Sec. 909. Neighborhood-based nonprofit organizations.
Sec. 910. Economic development.
Sec. 911. Neighborhood development program.
Sec. 912. Neighborhood Reinvestment Corporation Act.
Sec. 913. CDBG public services cap.
Sec. 914. Activities to affirmatively further fair housing.
Sec. 915. Eligibility of Federal or State enterprise zones under the CDBG program.

Subtitle B—Regulatory Programs

Sec. 921. National commissions.
Sec. 922. Manufactured housing.

Subtitle C—Miscellaneous Programs

Sec. 931. HUD research and development.
Sec. 932. Fair housing initiatives program.
Sec. 933. Economic opportunities for low- and very low-income persons.
Sec. 934. Study of section 3 of the Housing and Urban Development Act of 1968.
Sec. 935. Study on the housing impact of military base expansion.
Sec. 936. Nehemiah housing opportunity grants.
Sec. 937. Sense of the Senate.
Sec. 938. Improved coordination of urban policy.
Sec. 939. Community Outreach Act.
Sec. 940. Report on community development lending.
Sec. 941. Report on community development banking.
Sec. 942. Flood control restoration zone.
Sec. 943. Energy efficient mortgages pilot program.
Sec. 944. Prohibition of lump-sum payments.
Sec. 945. Smoke detectors.
Sec. 946. The National Cities in Schools Community Development Program.
Sec. 947. Economic independence.
Sec. 948. Studies of insurance availability in central cities and distressed urban areas.
Sec. 949. Flood elevation requirements for St. Charles Parish, Louisiana.
Sec. 950. Extension of time to appeal elevation determinations.
Sec. 951. Administrative provision.
Sec. 952. Community investment corporation demonstration.

TITLE X—RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992

Sec. 1001. Short title.
Sec. 1002. Findings.
Sec. 1003. Purposes.
Sec. 1004. Definitions.

Subtitle A—Lead-Based Paint Hazard Reduction

Sec. 1011. Grants for lead-based paint hazard reduction in target housing.
Sec. 1012. Evaluation and reduction of lead-based paint hazards in federally assisted housing.
Sec. 1013. Disposition of federally owned housing.

Sec. 1014. Comprehensive housing affordability strategy.
Sec. 1015. Task force on lead-based paint hazard reduction and financing.
Sec. 1016. National consultation on lead-based paint hazard reduction.

Subtitle B—Evaluation and Reduction Infrastructure

Sec. 1021. Contractor training and certification.
Sec. 1022. Certification of laboratories.
Sec. 1023. Guidelines for lead-based paint hazard evaluation and reduction activities.
Sec. 1024. Contractor quality control.
Sec. 1025. National clearinghouse on residential lead poisoning.

Subtitle C—Public Information and Technical Assistance

Sec. 1031. Disclosure of information concerning lead upon transfer of residential property.
Sec. 1032. Public awareness.
Sec. 1033. Relationship to other laws.

Subtitle D—Research and Development

PART 1—HUD RESEARCH

Sec. 1051. Research on lead exposure from other sources.
Sec. 1052. Testing technologies.
Sec. 1053. Authorization.

PART 2—GAO REPORT

Sec. 1056. Federal implementation and insurance study.

Subtitle E—Reports

Sec. 1061. Reports of the Secretary of Housing and Urban Development.

TITLE XI—MISCELLANEOUS

Sec. 1101. Delay use of 1990 census housing data to examine effect on targeting for CDBG formula.
Sec. 1102. Investment of funds.
Sec. 1103. Public housing authority insurance pools.

TITLE I—GENERAL PROVISIONS AND POLICIES

SEC. 101. COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY REFINEMENTS.

(a) LINKAGE BETWEEN HOUSING NEED AND ALLOCATION OF HOUSING RESOURCES.—Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by redesignating paragraphs (8) through (15) as paragraphs (9) through (16), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) describe how the jurisdiction's plan will meet the housing needs identified pursuant to subparagraphs (1) and (2), describe the reasons for allocation priorities, and identify any obstacles to addressing underserved needs;".

(b) RURAL HOMELESSNESS.—Section 105(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(2)) is amended by inserting ", including rural homelessness," after "homelessness" the first place it appears.

(c) ANTIPOVERTY STRATEGY.—Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) in paragraph (15), by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following new paragraph:

"(16) for any housing strategy submitted for fiscal year 1994 or any fiscal year thereafter, and taking into consideration factors over which the jurisdiction has control, describe the jurisdiction's goals, programs, and policies for reducing the number of households with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually), and, in consultation with other appropriate public and private agencies, state how the jurisdiction's goals, programs, and policies for producing and preserving affordable housing set forth in the housing strategy will be coordinated with other programs and services for which the jurisdiction is responsible and the extent to which they will reduce (or assist in reducing) the number of households with incomes below the poverty line.".

SEC. 102. PERFORMANCE GOALS.

(a) PERFORMANCE GOALS FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of the Department of Housing and Urban Development (hereafter in this Act referred to as the "Secretary") shall establish performance goals for the major programs of the Department of Housing and Urban Development in order to measure progress towards meeting the objective of national housing policy specified in section 102 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12702).

(2) DEFINITION OF PROGRAM.—Programs referred to in paragraph (1) shall include—

(A) the Federal Housing Administration single-family and multi-family mortgage insurance programs,

(B) the Stewart B. McKinney Homeless Assistance programs,

(C) public housing,

(D) programs to preserve the federally assisted housing inventory,

(E) programs to expand opportunities for homeownership, and

(F) other programs, as appropriate.

(3) FORM OF GOALS.—The performance goals referred to in paragraph (1) shall be expressed in objective, quantifiable, and measurable form.

(4) REPORT.—The Secretary shall prepare an annual report to the Congress on the progress made in attaining the performance goals for each program, citing the actual results achieved in such program for the previous year.

(5) FAILURE TO MEET GOALS.—If a performance standard or goal has not been met, the report under paragraph (4) shall include an explanation of why the goal was not met, propose plans for achieving the performance goal, and recommend any legislative or regulatory changes necessary for achievement of the goal.

(b) PERFORMANCE GOALS FOR THE FARMERS HOME ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall establish performance goals for the major housing programs of the Farmers Home Administration in order to measure progress towards meeting the objective of national housing policy specified in section 102 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12702).

(2) FORM OF GOALS.—The performance goals referred to in paragraph (1) shall be expressed in objective, quantifiable, and measurable form.

(3) REPORT.—The Secretary of Agriculture shall prepare a report to the Congress on the progress made in attaining the performance goals for each program, citing the actual results achieved in such program for the previous year.

(4) FAILURE TO MEET GOALS.—If a performance standard or goal has not been met, the report under paragraph (3) shall include an explanation of why the goal was not met, propose plans for achieving the performance goal, and recommend any legislative or regulatory changes necessary for achievement of the goal.

SEC. 103. SUBSIDY LAYERING REVIEW.

(a) IN GENERAL.—The Secretary shall establish guidelines for housing credit agencies, as defined under section 42 of the Internal Revenue Code of 1986, to implement the requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) for projects receiving assistance within the jurisdiction of the Department of Housing and Urban Development and under section 42 of the Internal Revenue Code of 1986.

(b) IN PARTICULAR.—The guidelines established pursuant to subsection (a) shall require that—

(1) the amount of equity capital contributed by investors to a project partnership is not less than the amount generally contributed by investors in current market conditions, as determined by the housing credit agency; and

(2) project costs, including developer fees, are within a reasonable range, taking into account project size, project characteristics, project location and project risk factors.

(c) EFFECTIVE DATE.—As of January 1, 1993, a housing credit agency shall carry out the responsibilities of section 102(d) of the Housing and Urban Development Reform Act for projects allocated a low income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 if such agency certifies to the Secretary that it is properly implementing the guidelines established under subsection (a).

SEC. 104. CAPACITY STUDY.

Section 110(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12710(a)) is amended—

(1) by striking ", and"; and

(2) by striking the period at the end and inserting the following: ", and the ability to respond to areas identified as 'material weaknesses' by the Office of the Inspector General in financial audits or other reports.".

SEC. 105. SALARIES AND EXPENSES.

Section 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535) is amended by inserting at the end the following new subsection:

"(s)(1) Notwithstanding any other provision of law, there is authorized to be appropriated for salaries and expenses to carry out the purposes of this section $489,000,000 for fiscal year 1993 and $505,540,000 for fiscal year 1994.

"(2) Of the amounts authorized to be appropriated to carry out this section, not less than $5,000,000 of such amount shall be exclusively for the purposes of providing ongoing training and capacity building for Department personnel.".

SEC. 106. REGULATION OF CONSULTANTS.

Section 13(f)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3537b(f)(1)) is amended by striking "authority", "State", and "local government", and by adding immediately before the period at the end the following: ", but does not include a State or local government, or the officer or employee of a State or local government who is engaged in the official business of the State or local government".

SEC. 107. CLARIFICATION ON UTILITY ALLOWANCES.

(a) ELIGIBILITY.—Tenants who—

(1) are responsible for making out-of-pocket payments for utility bills; and

(2) receive energy assistance through utility allowances that include energy costs under programs identified in subsection (b);

shall not have their eligibility (or benefits under other programs designed to assist low-income people with increases in energy costs since 1978, including the Low-Income Home Energy Assistance Program) reduced or eliminated. Such tenants shall be treated identically with other households eligible for such assistance, including in the determination of the home energy costs for which they are individually responsible and in the determination of their incomes.

(b) APPLICABILITY.—This section applies to programs under the United States Housing Act of 1937, the National Housing Act, section 101 of the Housing and Urban Development Act of

1965, section 202 of the Housing Act of 1959, and title V of the Housing Act of 1949.

SEC. 108. GRANTS TO STATES FOR REMOVAL OF REGULATORY BARRIERS.

(a) GRANT PROGRAM.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

"REMOVAL OF REGULATORY BARRIERS TO AFFORDABLE HOUSING

"SEC. 122. (a) AUTHORITY AND ALLOCATION.—Of the amount approved in an appropriations Act for grants under this title in any year, the Secretary shall reserve up to $15,000,000 for each of fiscal years 1993 and 1994 to be allocated to States for grants for further planning and implementation of State strategies for the removal of State and local regulatory barriers to affordable housing. These funds shall be allocated among States that have a Comprehensive Housing Affordability Strategy approved by the Secretary under section 105 of the Cranston-Gonzalez National Affordable Housing Act, based upon measures of need for the whole State, as determined pursuant to section 217(b)(1)(B) (excluding adjustments under section 217(b)(1)(E)) of such Act, except that the minimum annual grants shall be $100,000. Any amounts allocated to a State pursuant to this section that are not received by the State for fiscal year because of failure to obtain approval of its application for a grant under this section, or which otherwise become available, shall be added to amounts available for grants under section 103 in the succeeding fiscal year.

"(b) DEFINITION.—For purposes of this section, the terms 'regulatory barriers to affordable housing' and 'regulatory barriers' mean any public policies (including policies embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by a jurisdiction in connection with its comprehensive housing affordability strategy under section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act. Such terms do not include policies relating to rents imposed on a structure by a jurisdiction or policies that have served to create or preserve, or can be shown to create or preserve, housing for low- and very low-income families, including displacement protections, demolition controls, replacement housing requirements, relocation benefits, housing trust funds, dedicated funding sources, waiver of local property taxes and builder fees, inclusionary zoning, rental zoning overlays, long-term use restrictions, and rights of first refusal.

"(c) APPLICATIONS.—States shall apply for grants under this section in a form and manner prescribed by the Secretary. Applications shall describe how grant amounts will assist States to further plan and implement strategies to remove regulatory barriers to affordable housing.

"(d) ELIGIBLE ACTIVITIES.—States shall use grants under this section for activities that further develop and implement strategies to remove regulatory barriers, including:

"(1) identifying, assessing, and monitoring State and local regulatory barriers;

"(2) identifying State public policies (including enabling or other legislation), or the absence of such policies, that permit or encourage local regulatory barriers;

"(3) developing a State legislative reform program (as well as a strategy for adoption of the program) intended to reduce State and local regulatory barriers;

"(4) developing model State standards and ordinances to reduce regulatory barriers and assisting in their adoption and use;

"(5) carrying out State administrative reform to reduce regulatory barriers through the simplification and consolidation of State administrative procedures and processes, including the issuance of permits; and

"(6) providing technical assistance and information to local governments for implementation of legislative and administrative reform programs to reduce regulatory barriers.

"(e) PERFORMANCE REPORTS.—States that receive grants under this section shall submit performance reports, in a form and manner prescribed by the Secretary, describing any progress and problems in planning and implementing strategies to remove regulatory barriers to affordable housing.".

(b) ALLOCATION OF GRANT AMOUNTS.—Section 106(a)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(a)(2)) is amended by striking "section 107" and inserting "sections 107 and 122".

(c) AUTHORITY TO REDUCE HOME MATCHING REQUIREMENT.—The Secretary may reduce the matching contribution required under section 220(a) of the Cranston-Gonzalez National Affordable Housing Act by 10 percent for jurisdictions that submit exceptional plans to remove barriers to affordable housing as part of their comprehensive housing affordability strategies.

TITLE II—INVESTMENT IN AFFORDABLE HOUSING

SEC. 201. HOME AUTHORIZATION.

Section 205 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12724) is amended to read as follows:

"SEC. 205. AUTHORIZATION.

"There are authorized to be appropriated to carry out this title $2,086,000,000 for fiscal year 1993, and $2,152,752,000 for fiscal year 1994, of which—

"(1) not more than $14,000,000 for fiscal year 1993, and $14,000,000 for fiscal year 1994, shall be for community housing partnership activities authorized under section 233; and

"(2) not more than $11,000,000 for fiscal year 1993, and $11,000,000 for fiscal year 1994, shall be for activities in support of State and local housing strategies authorized under subtitle C.".

SEC. 202. NEW CONSTRUCTION.

(a) RURAL AREAS.—Section 212(a)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)(3)) is amended by adding at the end the following:

"(F) EXCEPTION FOR RURAL AREA.—Notwithstanding subparagraph (A), a participating jurisdiction may use funds made available under this subtitle for construction of affordable housing in any rural area as defined in section 520 of the Housing Act of 1949, if the participating jurisdiction certifies on the basis of objective data in its annual housing strategy that a high priority need for new housing exists in the jurisdiction and that there is not an adequate supply of vacant housing or housing that could be acquired or rehabilitated to meet the need.".

(b) CONDITIONS FOR NEW CONSTRUCTION.—Section 212(a)(3)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)(3)(B)) is amended—

(1) after the second sentence, by inserting "If a participating jurisdiction is added to the list on the basis of additional information, such designation may be for a period of eligibility longer than 1 year."; and

(2) in the last sentence—

(A) by striking "rates, low" and inserting "rates and low"; and

(B) by striking ", and a high proportion of substandard housing".

SEC. 203. ADMINISTRATIVE COSTS.

(a) HOUSING USES.—Section 212(a)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)(1)) is amended by inserting after "organizations," the following: "to provide for the payment of reasonable administrative and planning costs, to provide for the payment of operating expenses of community housing development organizations,".

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Section 212 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742) is amended by adding at the end the following new subsection:

"(f) LIMITATION ON ADMINISTRATIVE COSTS.—A participating jurisdiction may not use more than 7 percent of its allocation under this subtitle to cover administrative expenses in carrying out its responsibilities under this title and planning responsibilities as required by section 105 of this Act, except that a participating jurisdiction may use up to 10 percent of its allocation to cover administrative expenses if the jurisdiction is in fiscal distress, as defined in section 220(d) of this Act.

"(g) LIMITATION ON OPERATING ASSISTANCE.—A participating jurisdiction may not use more than 5 percent of its allocation under this subtitle for the payment of operating expenses for community housing development organizations.".

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF PROHIBITION.—Section 212(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(c)) is amended by striking paragraph (1) and renumbering accordingly.

(2) ADMINISTRATIVE COSTS.—Section 220(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750(b)) is amended—

(A) by striking paragraph (2);

(B) by striking "(1) IN GENERAL.—"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) FORM.—Section 220(c) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4) and (5) as (2), (3) and (4), respectively.

SEC. 204. TENANT-BASED RENTAL ASSISTANCE.

Section 212(a)(4)(A) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)(4)(A)) is amended by striking clause (ii) and inserting the following:

"(ii) the tenant-based rental assistance is provided in accordance with written tenant selection policies and criteria that are consistent with the purposes of providing housing to very low- and low-income families and are reasonably related to preference rules established under section 6(c)(4)(A) of the Housing Act of 1937.".

SEC. 205. MAXIMUM SUBSIDY LIMITATIONS.

Section 212(d)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(d)(1)) is amended by inserting after the second sentence the following: "Limits established under this subsection shall not be adjusted or reduced to reflect any anticipated additional subsidies or to take into account any local matching funds required to be provided.".

SEC. 206. RENT CALCULATIONS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended—

(1) in paragraph (1)(A), by striking "smaller and larger families" and inserting "number of bedrooms in the unit";

(2) in paragraph (3), by adding at the end the following: "The preceding sentence shall not apply with respect to funds made available under this Act for units that have been allocated a low-income housing tax credit by a housing credit agency pursuant to section 42 of the Internal Revenue Code 1986."; and

(3) in the second sentence of paragraph (3), by striking "not less than" and inserting "the lesser of the amount payable by the tenant under State or local law or".

SEC. 207. HOMEOWNERSHIP RESALE RESTRICTIONS.

Section 215(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)) is amended by striking paragraph (4) and inserting the following:

"(4) is subject to resale restrictions that are established by the participating jurisdiction and determined by the Secretary to be appropriate to—

"(A) allow for subsequent purchase of the property only by persons who meet the qualifications specified under paragraph (2), at a price which will—

"(i) provide the owner with a fair return on investment, including any improvements, and

"(ii) ensure that the housing will remain affordable to a reasonable range of low-income homebuyers; or

"(B) recapture the investment provided under this title in order to assist other persons in accordance with the requirements of this subsection; and".

SEC. 208. RENTAL HOUSING PRODUCTION SET-ASIDE.

(a) IN GENERAL.—Section 217(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)(1)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating the following subparagraphs accordingly.

(b) CONFORMING AMENDMENTS.—Section 217(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)(1)) is amended—

(1) in subparagraph (C), as redesignated by subsection (a)—

(A) by striking "Except as provided in subparagraph (A), the" and inserting "The"; and

(B) by striking "(B)" and inserting "(A)";

(2) in subparagraph (D), as redesignated by subsection (a), by striking "(B)" and inserting "(A)";

(3) in subparagraph (E), as redesignated by subsection (a)—

(A) by striking "(B)" in the first sentence and inserting "(A)"; and

(B) by striking the second sentence; and

(4) in subparagraph (F), as redesignated by subsection (a), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A)".

SEC. 209. MATCHING REQUIREMENTS.

(a) TIERED CONTRIBUTION.—Section 220(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750(a)) is amended—

(1) in paragraph (1), by inserting after the semicolon the term "and";

(2) in paragraph (2), by—

(A) striking "33" and inserting in lieu thereof the number "35"; and

(B) striking "; and" and inserting "and new construction."

(3) by striking paragraph (3).

(4) by striking "affordable housing assisted under this title" and inserting "housing that qualifies as affordable housing under this title".

(b) FORM.—Section 220 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750) is amended in subsection (c)—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

"(6) up to 10 percent of proceeds from bond financing validly issued by a State or local government, or political subdivision thereof, and repayable with revenues derived from a multifamily project financed, but not more than 25 percent of the contribution required under subsection (a) may be derived from this source; and

"(7) such other in-kind contributions as the Secretary may approve, including sweat equity.".

(c) REDUCTION OF REQUIREMENT.—Section 220 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750) is amended by striking subsection (d) and inserting:

"(d) REDUCTION OF REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall reduce the matching requirement by—

"(A) 50 percent for a jurisdiction that certifies that it is in fiscal distress; and

"(B) 100 percent for a jurisdiction that certifies that it is in severe fiscal distress;

"(2) DEFINITIONS.—For purposes of this section—

"(A) 'fiscal distress' means a jurisdiction other than a State that satisfies 1 of the distress criteria set forth in paragraph (3); and

"(B) 'severe fiscal distress' means such jurisdiction that satisfies 2 of the distress criteria;

"(3) DISTRESS CRITERIA.—For purposes of a jurisdiction other than a State certifying that it is distressed, the following criteria shall apply:

"(A) The average poverty rate in the jurisdiction for the calendar year immediately preceding the year in which its fiscal year begins was equal to or greater than 125 percent of the average national poverty rate during such calendar year (as determined according to information of the Bureau of the Census).

"(B) The average per capita income in the jurisdiction for the calendar year immediately preceding the year in which its fiscal year begins was less than 75 percent of the average national per capita income during such calendar year (as determined according to information of the Bureau of the Census).

"(4) STATES.—In determining the degree to which a jurisdiction that is a State is distressed, the Secretary shall take into consideration the State's fiscal capacity and expenditure needs as determined by a national organization which compiles the relevant data.".

SEC. 210. COMMUNITY HOUSING PRODUCTION SET-ASIDE.

(a) EXTENSION OF PERIOD.—Section 231 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12771) is amended by striking "18 months" each place it appears in subsections (a) and (b) and inserting "24 months".

(b) ALLOCATION FOR USE BY NONPROFIT ORGANIZATION.—Section 231(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12771(a)) is amended by inserting after the second sentence the following: "If during the first 24 months of its participation under this title, a participating jurisdiction is unable to identify a sufficient number of capable community housing development organizations then up to 10 percent of the funds allocated to that jurisdiction under this section may be made available to nonprofit intermediary organizations to carry out activities that develop the capacity of community housing development organizations in that jurisdiction.".

(c) OTHER REQUIREMENTS.—Section 234(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12774(b)) is amended—

(1) by striking ", together with other Federal assistance,"; and

(2) by inserting before the period the following: "or $50,000 annually, whichever is greater".

SEC. 211. REDEVELOPMENT OF BLIGHTED URBAN AREAS MODEL PROGRAM.

(a) IN GENERAL.—Subtitle D of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12801 et seq.) is amended by adding at the end the following new section:

"SEC. 260. REDEVELOPMENT OF BLIGHTED URBAN AREAS.

"(a) IN GENERAL.—The Secretary shall make available a model program to facilitate the redevelopment of severely blighted inner city areas.

"(b) ELIGIBLE AREAS.—Guidelines to implement this subsection shall require that projects conducted under this model program—

"(1) are located in qualified census tracts in which at least 70 percent of the families have incomes below 80 percent of area median income;

"(2) not less than 30 percent of the residents of which have incomes below the poverty level; and

"(3) are located in areas with a pervasive incidence of vacant land or land occupied by abandoned or substandard buildings.

"(c) INCOME TARGETING.—Notwithstanding section 215(a)(1)(C) and section 215(b)(2) of this title, housing shall count as qualified housing if it meets all of the following conditions:

"(1) Not less than 60 percent of the units are occupied by very low-income families at the time of initial occupancy.

"(2) Not less than 80 percent of the units are occupied by low income families at the time of initial occupancy.

"(3) All of the units are occupied by families with incomes below 100 percent of area median income.

"(d) RENT CALCULATIONS.—For projects conducted under this model program, the second sentence of section 215(a)(3) of this title shall not apply.".

(b) CONFORMING AMENDMENT.—The table of contents of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after the item relating to section 259 the following:

"Sec. 260. Redevelopment of blighted urban areas.".

SEC. 212. TRANSITIONAL HOUSING OPPORTUNITIES.

Section 225(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12755(b)) is amended by adding at the end the following: "In the case of short-term transitional housing, as defined under the Stewart B. McKinney Homeless Assistance Act, that is assisted under this subtitle, the owner may refuse to renew the lease after 2 years.".

SEC. 213. LOW-INCOME AFFORDABILITY RESTRICTIONS.

Section 215(a)(1)(E) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)(1)(E)) is amended by inserting after "Act" the following: ", except that the Secretary may permit termination of occupancy and affordability requirements upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action (i) is required to attract private bank financing without Federal insurance, (ii) is consistent with the purposes of this subtitle, and (iii) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure.".

SEC. 214. RETROACTIVE APPLICATION OF HOME AMENDMENTS.

The amendments made by sections 205, 206, 207, 210, 211 and 212, shall apply to unexpended funds allocated under title II of the Cranston-Gonzalez National Affordable Housing Act in fiscal year 1992.

TITLE III—HOMEOWNERSHIP

Subtitle A—Homeownership Initiatives

SEC. 301. NATIONAL HOMEOWNERSHIP TRUST AUTHORIZATION.

(a) IN GENERAL.—The first sentence of section 308 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12857) is amended to read as follows: "There are authorized to be appropriated to carry out this subtitle $25,000,000 for fiscal year 1993 and $26,100,000 for fiscal year 1994.".

(b) AMENDMENTS.—The Cranston-Gonzalez National Affordable Housing Act of 1990 is amended—

(1) in section 303(a), by adding at the end the following:

"(3) SECOND MORTGAGE ASSISTANCE.—Assistance payments to provide loans (secured by second mortgages) with deferred payment of interest and principal; and

"(4) CAPITALIZATION OF REVOLVING LOAN FUNDS.—Grants to public or private nonprofit organizations or agencies to establish revolving loan funds to provide homeownership assistance

to eligible first-time homebuyers consistent with the requirements of this title. Such grants shall be matched by an equal amount of local investment in such revolving loan funds. Any proceeds or repayments from loans made under this paragraph shall be returned to the revolving loan fund to be used for purposes related to this section."; and

(2) in section 304(e)—

(A) by striking "$20,000,000" and inserting "$5,000,000";

(B) by striking "1991" and inserting "1993"; and

(C) by striking paragraphs (1) through (3) and inserting the following:

"(1) In Salt Lake City, Utah, in an amount not to exceed $2,100,000, for acquisition of land and infrastructure improvements for moderate income residential development."; and

(D) by redesignating paragraph (4) as paragraph (2).

SEC. 302. ENTERPRISE ZONE HOMEOWNERSHIP OPPORTUNITY GRANTS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section—

(1) to encourage homeownership by families in the United States who are not otherwise able to afford homeownership;

(2) to encourage the redevelopment of economically depressed areas; and

(3) to provide better housing opportunities in federally approved and equivalent State-approved enterprise zones.

(b) DEFINITIONS.—For purposes of this section the following definitions shall apply:

(1) HOME.—The term "home" means any 1- to 4-family dwelling. Such term includes any dwelling unit in a condominium project or cooperative project consisting of not more than 4 dwelling units, any town house, and any manufactured home.

(2) METROPOLITAN STATISTICAL AREA.—The term "metropolitan statistical area" means a metropolitan statistical area as established by the Office of Management and Budget.

(3) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means a private nonprofit corporation, or other private nonprofit legal entity, that is approved by the Secretary as to financial responsibility.

(4) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(c) ASSISTANCE TO NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—The Secretary may provide assistance to nonprofit organizations to carry out enterprise zone homeownership opportunity programs to promote homeownership in federally approved and equivalent State-approved enterprise zones in accordance with the provisions of this section. Such assistance shall be made in the form of grants.

(2) APPLICATIONS.—Applications for assistance under this section shall be made in such form, and in accordance with such procedures, as the Secretary may prescribe.

(d) ELIGIBLE USES OF ASSISTANCE.—

(1) IN GENERAL.—Any nonprofit organization receiving assistance under this section shall use such assistance to provide loans to families purchasing homes constructed or rehabilitated in accordance with an enterprise zone homeownership opportunity program approved under this section.

(2) SPECIFIC REQUIREMENTS.—Each loan made to a family under this subsection shall—

(A) be secured by a second mortgage held by the Secretary on the property involved;

(B) be in an amount not exceeding $15,000;

(C) bear no interest; and

(D) be repayable to the Secretary upon the sales, lease, or other transfer of such property.

(e) PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Assistance provided under this section may be used only in connection with an enterprise zone homeownership opportunity program of construction or rehabilitation of homes.

(2) FAMILY NEED.—Each family purchasing a home under this section shall—

(A) have a family income on the date of such purchase that is not more than the median income for a family of 4 persons (adjusted for family size) in the metropolitan statistical area in which a federally approved or equivalent State-approved enterprise zone is located; and

(B) not have owned a home during the 3-year period preceding such purchase.

(3) DOWNPAYMENT.—Each family purchasing a home under this section shall make a downpayment of not less than 5 percent of the sale price of such home.

(4) LEASING PROHIBITION.—No family purchasing a home under this section may lease such home.

(f) TERMS AND CONDITIONS OF ASSISTANCE.—

(1) LOCAL CONSULTATION.—No proposed enterprise zone homeownership opportunity program may be approved by the Secretary under this section unless the applicant involved demonstrates to the satisfaction of the Secretary that—

(A) it has consulted with and received the support of residents of the neighborhood in which such program is to be located; and

(B) it has the approval of each unit of general local government in which such program is to be located.

(2) PROGRAM SCHEDULE.—Each applicant for assistance under this section shall submit to the Secretary an estimated schedule for completion of its proposed enterprise zone homeownership opportunity program, which schedule shall have been agreed to by each unit of general local government in which such program is to be located.

(3) LOCATION.—All homes constructed or rehabilitated under such program will be located in federally approved or equivalent State-approved enterprise zones.

(4) SALES CONTRACTS.—Sales contracts entered into under such program will contain provisions requiring repayment of any loan made under this section upon the sale or other transfer of the home involved, unless the Secretary approves a transfer of such home without repayment (in which case the second mortgage held by the Secretary on such home shall remain in force until such loan is fully repaid).

(g) PROGRAM SELECTION CRITERIA.—

(1) IN GENERAL.—In selecting enterprise zone homeownership opportunity programs for assistance under this section from among eligible programs, the Secretary shall make such selection on the basis of the extent to which—

(A) non-Federal public or private entities will contribute land necessary to make each program feasible;

(B) non-Federal public and private financial or other contributions (including tax abatements, waivers of fees related to development, waivers of construction, development, or zoning requirements, and direct financial contributions) will reduce the cost of home constructed or rehabilitated under each program;

(C) each program will produce the greatest number of units for the least amount of assistance provided under this section, taking into consideration the cost differences among different market areas; and

(D) each program provides for the involvement of local residents in the planning, and construction or rehabilitation, of homes.

(2) EXCEPTION.—To the extent that non-Federal public entities are prohibited by the law of any State from making any form of contribution described in subparagraph (A) or (B) of paragraph (1), the Secretary shall not consider such form of contribution in evaluating such program.

(h) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue final regulations to carry out the provisions of this title. Any such regulations shall be issued in accordance with section 553 of title 5, United States Code, notwithstanding the provisions of subsection (a)(2) of such section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of the fiscal years 1993 and 1994.

Subtitle B—FHA and Secondary Mortgage Market

SEC. 311. NATIONAL INTERAGENCY TASK FORCE ON MULTIFAMILY HOUSING.

(a) PURPOSE.—The purpose of this section is to establish a National Interagency Task Force on Multifamily Housing to develop recommendations for establishing a national database on multifamily housing loans.

(b) ESTABLISHMENT OF TASK FORCE.—There is established a Task Force known as the National Interagency Task Force on Multifamily Housing (hereafter in this section referred to as the "Task Force").

(c) MEMBERSHIP OF TASK FORCE.—

(1) FEDERAL OFFICIALS.—The Task Force shall be composed of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairperson of the Federal Housing Finance Board;

(C) the Comptroller of the Currency;

(D) the Chairperson of the Federal Reserve Board;

(E) the Director of the Office of Thrift Supervision;

(F) the Chairperson of the Federal Deposit Insurance Corporation;

(G) the Chairperson of the Federal National Mortgage Association; and

(H) the Chairperson of the Federal Home Loan Mortgage Corporation,

or their designees, and the persons appointed under paragraphs (2) and (3).

(2) APPOINTMENTS BY THE SECRETARY.—The Secretary shall appoint as members of the Task Force—

(A) 1 individual who is a representative of a State housing finance agency;

(B) 1 individual who is a representative of a local housing finance agency;

(C) 1 individual who is a representative of the building industry with experience in multifamily housing; and

(D) 1 individual who is a representative of the life insurance industry with experience in multifamily loan performance data.

(3) APPOINTMENTS BY THE CHAIRPERSON OF THE FHFB.—The Chairperson of the Federal Housing Finance Board shall appoint as members of the Task Force—

(A) 1 individual who is a representative from the financial services industry with experience in multifamily housing underwriting;

(B) 1 individual who is a representative from the nonprofit housing development sector with experience in subsidized multifamily housing development; and

(C) 1 individual who is a representative from a nationally recognized rating agency.

(d) ADMINISTRATION.—

(1) CHAIRPERSONS.—The Task Force shall be chaired jointly by the Secretary and the Chairperson of the Federal Housing Finance Board.

(2) MEETINGS.—The Task Force shall meet no less than 4 times, at the call of the Chairpersons of the Task Force.

(3) QUORUM.—A majority of the members of the Task Force shall constitute a quorum for the transaction of business.

(4) VOTING.—Each member of the Task Force shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Task Force.

(5) VACANCIES.—Any vacancy on the Task Force shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(6) PROHIBITION ON ADDITIONAL PAY.—Members of the Task Force shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Task Force.

(e) FUNCTIONS OF THE TASK FORCE.—

(1) IN GENERAL.—The Task Force shall conduct a study on multifamily housing finance to determine how best to develop a national database on multifamily housing loans and to utilize this database to develop preliminary recommended risk standards for multifamily housing mortgages. The study shall also—

(A) develop preliminary standards of performance for multifamily housing loans according to factors which include, but are not limited to project credit risk, project underwriting, interest rate risk, real estate market conditions, public subsidies, tax policies, borrower characteristics, program management standards and government policies;

(B) develop preliminary standards for a risk profile of multifamily housing based on the analysis of the factors listed in subparagraph (A);

(C) determine the applicability of these standards for multifamily housing finance, including, but not limited to such uses as project underwriting, secondary market purchase, and risk-assessment of multifamily housing loans;

(D) estimate the costs of developing a national database, including startup costs and data collection costs; and

(E) include any other recommendations determined by the Task Force.

(2) FINAL REPORT.—Not later than 1 year following the enactment of this Act, the Task Force shall submit to the Congress a final report which shall contain the information, evaluations, and recommendations specified in paragraph (1).

(f) AUTHORITY OF TASK FORCE.—

(1) RULES AND REGULATIONS.—The Task Force may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization and personnel.

(2) ACCESS TO DATA.—The members of the Task Force representing the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Secretary of Housing and Urban Development, the Federal Housing Finance Board, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation shall make available to the Task Force a representative sample of multifamily housing mortgage loans in order for the Task Force to make its findings and recommendations, except that—

(A) all information obtained shall be used only for the purposes authorized in this section;

(B) sample loan data shall be confidential and not subject to release under section 552 of title 5, United States Code; and

(C) only aggregate data shall be publicly released by the Task Force unless it receives the explicit permission of the mortgage originator.

(3) SAMPLE DATA.—In order to ensure a representative sample of multifamily housing data, the Department of Housing and Urban Development, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation are authorized to request loan data from a representative sample of mortgage originators or the government-sponsored enterprises regulated by these agencies, and mortgages originated by housing finance agencies and life insurance companies, except that—

(A) all information obtained shall be used only for the purposes authorized in this section;

(B) sample loan data shall be confidential and not subject to release under section 552 of title 5, United States Code; and

(C) only aggregate data shall be publicly released by the Task Force unless it receives the explicit permission of the mortgage originator.

(4) AGENCY RESOURCES.—The Task Force may, with the consent of any Federal agency or department represented on the Task Force, utilize the information, services, staff and facilities of such agency or department on a reimbursable basis, to assist the Task Force in carrying out its duties under this section.

(5) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(6) CONTRACTING.—The Task Force may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts with private firms, institutions, and individuals for the purpose of discharging its duties under this section.

(7) STAFF.—The Task Force may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification of General Schedule pay rates.

(g) INDEPENDENT EVALUATION.—The Comptroller General of the United States shall be authorized to conduct an independent analysis of the findings and recommendations submitted by the Task Force to the Congress under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $10,000,000 for fiscal years 1993 and 1994. Funds appropriated under this subsection shall remain available until expended.

SEC. 312. MULTIFAMILY FINANCE DEMONSTRATION.

Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 256. MULTIFAMILY FINANCE DEMONSTRATION.

"(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate the effectiveness of providing new forms of Federal credit enhancement for affordable multifamily loans.

"(2) EVALUATION OF CONTRACTUAL ARRANGEMENTS.—The demonstration program shall include an evaluation of the effectiveness of entering into partnerships or other contractual arrangements including arrangements with State or local housing finance agencies, the Federal Housing Finance Board; the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and other State or local mortgage insurance companies or bank lending consortia.

"(3) CONSULTATION REQUIREMENTS.—In carrying out the demonstration program under this section, the Secretary shall—

"(A) consult with representatives from the appropriate public or private agencies, organizations or individuals with experience in multifamily lending, underwriting, insurance and development; and

"(B) consider any recommendations made by the Comptroller General pursuant to the study mandated in section 271 of the Cranston-Gonzalez National Affordable Housing Act, in order to design and implement procedures to test new forms of credit enhancement.

"(b) HOUSING FINANCE AGENCY PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a specific pilot program in conjunction with qualified housing finance agencies to test the effectiveness of Federal credit enhancement for affordable multifamily loans through a system of risk-sharing agreements with such agencies.

"(2) PILOT PROGRAM REQUIREMENTS.—

"(A) IN GENERAL.—In carrying out the pilot program authorized under this section, the Secretary shall enter into risk-sharing agreements with qualified housing finance agencies.

"(B) MORTGAGE INSURANCE.—Agreements under subparagraph (A) shall provide for full mortgage insurance through the Federal Housing Administration of the affordable multifamily loans originated by or through qualified housing finance agencies and for reimbursement to the Secretary by such agencies for either all or a portion of the losses incurred on the loans insured.

"(C) RISK APPORTIONMENT.—Agreements entered into under this subsection between the Secretary and a qualified housing finance agency shall specify the percentage of loss that each of the parties to the agreement will assume in the event of default of the insured multifamily mortgage. Such agreements shall specify that the qualified housing finance agency and the Secretary shall share equally the full amount of any loss on the insured mortgage.

"(D) REIMBURSEMENT CAPACITY.—Agreements entered into under this subsection between the Secretary and a qualified housing finance agency shall provide evidence of the capacity of such agency to fulfill any reimbursement obligations made pursuant to this subsection. Evidence of such capacity may include—

"(i) a pledge of the full faith and credit of a qualified State or local agency to fulfill any obligations entered into by the qualified housing finance agency;

"(ii) reserves pledged or otherwise restricted by the qualified housing finance agency in an amount equal to an agreed upon percentage of the loss assumed by the housing finance agency under subparagraph (C);

"(iii) funds pledged through a State or local guarantee fund; or

"(iv) any other form of evidence mutually agreed upon by the Secretary and the qualified housing finance agency.

"(E) UNDERWRITING STANDARDS.—The Secretary shall allow any qualified housing finance agency to use its own underwriting standards and loan terms and conditions for purposes of underwriting loans to be insured under this subsection without further review by the Secretary, except that the Secretary may impose additional underwriting criteria and loan terms and conditions for contractual agreements where the Secretary retains more than 50 percent of the risk of loss.

"(F) QUALIFIED HOUSING FINANCE AGENCY.—For purposes of this section, the term 'qualified housing finance agency' means any State or local housing finance agency that—

"(i) carries the designation of 'top tier' or its equivalent as evaluated by Standard and Poors

or any other nationally recognized rating agency;

"(ii) receives a rating of 'A' for its general obligation bonds from a nationally recognized rating agency; or

"(iii) otherwise demonstrates its capacity as a sound and experienced agency based on, but not limited to—

"(I) years of experience in financing multifamily housing;

"(II) fund balances;

"(III) administrative capabilities;

"(IV) investment policy;

"(V) internal controls and financial management;

"(VI) portfolio quality; and

"(VII) State or local support.

"(G) MORTGAGE INSURANCE PREMIUMS.—The Secretary shall establish a schedule of insurance premium payments for mortgages insured under this subsection based on the percentage of loss the Secretary may assume. Such schedule shall reflect lower or nominal premiums for qualified housing finance agencies that assume a greater share of the risk apportioned according to paragraph (2)(C).

"(H) LIMITATION ON INSURANCE AUTHORITY.—The total unit volume for mortgages insured under this subsection may not exceed 30,000 units over fiscal years 1993, 1994, and 1995. The demonstration authorized under this section shall not be expanded until the reports required under subsection (d) are submitted to the Congress.

"(I) IDENTITY OF INTEREST.—Notwithstanding any other provision of law, the Secretary shall not apply identity of interest provisions to agreements entered into with qualified State housing finance agencies under this section.

"(J) PROHIBITION ON GINNIE MAE SECURITIZATION.—The Government National Mortgage Association shall not securitize any multifamily loans insured under this section.

"(c) QUALIFICATION AS AFFORDABLE HOUSING.—Multifamily loans insured under this section shall qualify as affordable only if the housing is occupied by very low-income families and bears rents not greater than the gross rent for rent-restricted residential units as determined under section 42(g)(2) of the Internal Revenue Code of 1986.

"(d) REPORTS TO CONGRESS.—

"(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Congress an interim report that summarizes the progress of the Secretary in implementing the multifamily demonstration program and the housing finance agency pilot program established under this section.

"(2) COMPREHENSIVE REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the Congress a comprehensive report that evaluates the effectiveness of the multifamily demonstration program and the effectiveness of the housing finance agency pilot program established under this section.

"(e) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue such regulations as may be necessary to carry out this section.

"(f) SUBJECT TO APPROPRIATIONS.—The authority provided by this section shall be effective only to the extent that it is approved in advance in appropriations Acts.".

SEC. 313. EXPENDITURES TO CORRECT DEFECTS.

Section 518(a) of the National Housing Act (12 U.S.C. 1735b(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively; and

(2) by striking out "The Secretary" and all that follows through "make expenditures for" and inserting in lieu thereof the following:

"(1) The Secretary is authorized to make expenditures under this subsection with respect to any property that—

"(A) is a condominium unit (including common areas) or is improved by a one-to-four family dwelling;

"(B) was approved, before the beginning of construction, for mortgage insurance under this Act or for guaranty, insurance, or direct loan under chapter 37 of title 38, United States Code, or was less than a year old at the time of insurance of the mortgage and was covered by a consumer protection or warranty plan acceptable to the Secretary; and

"(C) the Secretary finds to have structural defects.

"(2) Expenditures under this subsection may be made for".

SEC. 314. MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES AND BOARD AND CARE HOMES.

Section 232(d) of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) by inserting after "intermediate care facility" the first place it appears the following: ", including a new addition to an existing facility and regardless of whether the existing facility is being rehabilitated,";

(2) in paragraph (3), by adding at the end the following:

"The Secretary shall not promulgate regulations or establish terms or conditions under this section that interfere with the ability of the mortgagor and mortgagee to determine the interest rate."; and

(3) in paragraph (2), before "including", insert the following: "or 95 per centum of the estimated value of the property or project in the case of a mortgagor that is a private nonprofit corporation or association (under the meaning given such term for purposes of section 221(d)(3) of this Act),".

SEC. 315. DEFINITION OF MORTGAGEE.

Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(1) by striking paragraph (6)(D); and

(2) by redesignating paragraph (7) as paragraph (8), and inserting the following after paragraph (6):

"(7) DEFINITION OF 'MORTGAGEE'.—For purposes of this subsection, the term 'mortgagee' means—

"(A) a mortgagee approved under this Act;

"(B) a lender or a loan correspondent approved under title I of this Act;

"(C) a branch office or subsidiary of the mortgagee, lender, or loan correspondent; or

"(D) a director, officer, employee, agent, or other person participating in the conduct of the affairs of the mortgagee, lender, or loan correspondent.".

SEC. 316. STATUTE OF LIMITATIONS ON PAYMENT OF DISTRIBUTIVE SHARES.

(a) DISTRIBUTION OF SHARES.—Section 205(c) of the National Housing Act (12 U.S.C. 1711(c)) is amended by adding at the end the following two new sentences: "The Secretary shall not distribute any share to an eligible mortgagor under this subsection beginning on the date which is 6 years after the date the Secretary first transmitted written notification of eligibility to the last known address of the mortgagor, unless the mortgagor has applied in accordance with procedures prescribed by the Secretary for payment of the share within the 6-year period. The Secretary shall transfer any amounts no longer eligible for distribution under the previous sentence from the Participating Reserve Account to the General Surplus Account.".

(b) EXCEPTION.—Notwithstanding the 6-year limitation on distribution of shares of the Participating Reserve Account under section 205(c) of the National Housing Act, the Secretary shall distribute a share to an otherwise eligible mortgagor in accordance with section 205(c), if the mortgagor applies for payment of the share within 120 days of the date of enactment of this Act in accordance with procedures in effect on such date.

SEC. 317. PAYMENT OF MORTGAGE INSURANCE CLAIMS.

(a) PAYMENT OF INSURANCE.—Section 204 of the National Housing Act (12 U.S.C. 1710) is amended—

(1) in the fifth sentence of subsection (a), by striking ", subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value" and insert in lieu thereof the following: "issue to the mortgagee debentures having a par value";

(2) by striking subsection (c) and inserting the following:

"(c) Debentures issued under this section—

"(1) shall be in such form and amounts;

"(2) shall be subject to such terms and conditions;

"(3) shall include such provisions for redemption, if any, as may be prescribed by the Secretary of Housing and Urban Development, with the approval of the Secretary of the Treasury; and

"(4) may be in book entry or certificated registered form, or such other form as the Secretary of Housing and Urban Development may prescribe in regulations.";

(3) in the first sentence of subsection (d)—

(A) by striking "executed" and inserting "issued"; and

(B) by striking ", shall be signed by the Secretary by either his written or engraved signature, and shall be negotiable" and inserting the following: "and shall be negotiable, and, if in book entry form, transferable, in the manner described by the Secretary in regulations"; and

(4) by striking in the fifth sentence of subsection (d) "and such guaranty" and inserting the following: "and, in the case of debentures issued in certificated registered form, such guaranty".

(b) RENTAL HOUSING INSURANCE.—Section 207 of the National Housing Act (12 U.S.C. 1713) is amended—

(1) by striking in the second sentence of subsection (g) ", subject to the cash adjustment provided for in subsection (j), issue to the mortgagee a certificate of claim as provided in subsection (h), and debentures having a total face value" and inserting the following: "issue to the mortgagee a certificate of claim as provided in subsection (h), and debentures having a par value";

(2) by striking in the first sentence of subsection (i) "shall be signed by the Secretary, by either his written or engraved signature, shall be negotiable" and inserting the following: "shall be negotiable, and, if in book entry form, transferable, in the manner described by the Secretary in regulations";

(3) by striking in the fourth sentence of subsection (i) "and such guaranty" and inserting the following: "and, in the case of debentures issued in certificated registered form, such guaranty"; and

(4) by striking subsection (j) and inserting the following:

"(j) Debentures issued under this section—

"(1) shall be in such form and amounts;

"(2) shall be subject to such terms and conditions;

"(3) shall include such provisions for redemption, if any, as may be prescribed by the Secretary of Housing and Urban Development, with the approval of the Secretary of the Treasury; and

"(4) may be in book entry or certificated registered form, or such other form as the Secretary

of Housing and Urban Development may prescribe in regulations.".

(c) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE.—Section 220(h) of the National Housing Act (12 U.S.C. 1715k) is amended—

(1) by striking in the first sentence of paragraph (7), "shall be signed by the Secretary, by either his written or engraved signature, shall be negotiable" and inserting the following: "shall be negotiable, and, if in book entry form, transferable, in the manner described by the Secretary in regulations";

(2) by striking in the fourth sentence of paragraph (h)(7) "and the guaranty" and inserting the following: "and, in the case of debentures issued in certificated registered form, the guaranty";

(3) by striking the sixth sentence of paragraph (7), and inserting the following: "Debentures issued under this subsection shall be in such form and amounts; shall be subject to such terms and conditions; and shall include such provisions for redemption, if any, as may be prescribed by the Secretary of Housing and Urban Development, with the approval of the Secretary of the Treasury; and may be in book entry or certificated registered form, or such other form as the Secretary of Housing and Urban Development may prescribe in regulations."; and

(4) by striking the last sentence of paragraph (7).

(d) HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES.—The second sentence of section 221(g)(4)(A) of the National Housing Act (12 U.S.C. 1715l(g)(4)(A)) is amended by striking ", subject to the cash adjustment provided herein, issue to the mortgagee debentures having total face value" and inserting the following: "issue to the mortgagee debentures having a par value".

SEC. 318. DIVERSION OF REHABILITATION FUNDS A FEDERAL CRIME.

Section 203(k) of the National Housing Act (12 U.S.C. 1709(k)) is amended by adding at the end the following new paragraph:

"(6) Whoever, with intent to defraud, uses or authorizes the use of any proceeds of a loan insured under this subsection for any purposes other than purposes approved by the Secretary and as established by agreement between the mortgagor and mortgagee shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.".

SEC. 319. EXEMPTION FROM SECTION 137(b) OF THE TRUTH IN LENDING ACT.

Section 255(j) of the National Housing Act (12 U.S.C. 1715z–20(j)) is amended by adding at the end the following: "Section 137(b) of the Truth in Lending Act (15 U.S.C. 1647(b)) and any implementing regulations issued by the Board of Governors of the Federal Reserve System shall not apply to a mortgage insured under this section.".

SEC. 320. COVERAGE OF THE MULTIFAMILY MORTGAGE FORECLOSURE ACT.

(a) PURPOSES.—Section 362 of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3701) is amended—

(1) in subsection (a)(1), by striking "real estate" and all that follows through "properties" and inserting: "multifamily mortgages"; and

(2) in subsection (b), by striking "multiunit" and all that follows through "1964" and inserting "multifamily mortgages".

(b) DEFINITION.—Section 363(2) of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3702(2)) is amended to read as follows:

"(2) 'multifamily mortgage' means a mortgage held by the Secretary pursuant to—

"(A) section 608 or 801, or title II or X, of the National Housing Act;

"(B) section 312 of the Housing Act of 1964, as it existed immediately before its repeal by section 289 of the Cranston-Gonzalez National Affordable Housing Act;

"(C) section 202 of the Housing Act of 1959, as it existed immediately before its amendment by section 801 of the Cranston-Gonzalez National Affordable Housing Act;

"(D) section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act; and

"(E) section 811 of the Cranston-Gonzalez National Affordable Housing Act.".

(c) PREREQUISITES TO FORECLOSURE.—The last sentence of section 366 of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3705) is amended by striking "status" and all that follows through "rents" and inserting the following: "status, relief under an assignment of rents, or transfer to a nonprofit entity pursuant to section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act) or section 811 of the Cranston-Gonzalez National Affordable Housing Act".

(d) NOTICE.—Section 367(b)(1) of the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3706(b)(1)) is amended to read as follows:

"(b)(1) Except as provided in paragraph (2)(A), the Secretary may require, as a condition and term of sale, that the purchaser at a foreclosure sale under this part agree to continue to operate the security property in accordance with the terms of the program under which the mortgage insurance or assistance was provided, or any applicable regulatory or other agreement in effect with respect to such property immediately prior to the time of foreclosure sale.".

SEC. 321. RECIPROCITY OF APPROVAL AMONG FEDERAL AGENCIES.

(a) RECIPROCITY.—Section 535(b) of the Housing Act of 1949 (42 U.S.C. 1490o(b)) is amended by striking the last sentence and inserting the following: "This subsection shall apply unless the Secretary of Housing and Urban Development withdraws the proposed rule published in the Federal Register on April 16, 1992, concerning subdivision approval.".

(b) ADMINISTRATIVE APPROVAL.—Any administrative approval of any housing subdivision made after the expiration of the 18-month period beginning on the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989 and before the date of the enactment of this Act is hereby approved and shall be considered to have been lawfully made, but only if otherwise made in accordance with the provisions of section 535(b) of the Housing Act of 1949.

SEC. 322. MULTIFAMILY PROJECTS.

(a) OPERATING LOSS LOAN AMOUNT.—Section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)) is amended by adding at the end the following new paragraph:

"(6) In determining the amount of an operating loss loan to be insured pursuant to this subsection, the Secretary shall not reduce such amount solely to reflect any amounts placed in escrow (at the time the existing project mortgage was insured) for initial operating deficits. If an operating loss loan was insured by the Secretary pursuant to this section prior to the effective date of this paragraph and was reduced solely to reflect the amount of an escrow for initial operating deficits, the Secretary shall insure an increase in the existing loan or insure a separate loan in an amount equal to the lesser of—

"(A) the maximum amount permitted under this section and applicable underwriting requirements of the Secretary in effect at the time the loan is to be made; or

"(B) the amount of the escrow for initial operating deficits.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of enactment of this section.

SEC. 323. MORTGAGE LIMITS FOR MULTIFAMILY PROJECTS.

(a) SECTION 207 Limits.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "$33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", "$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(b) SECTION 213 LIMITS.—Section 213(b)(2) (12 U.S.C. 1715e(b)(2)) of the National Housing Act is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(c) BUILDER'S AND SPONSOR'S PROFIT AND RISK IN SECTION 220 PROJECTS.—Section 220(d)(3)(B)(ii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(ii)) is amended by inserting after "percentage)" the following: "except that with respect to any mortgage insured under this section, no allowance for builder's and sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area".

(d) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3))B)(iii)) is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", "$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this clause shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(e) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(e)(ii)) is amended—

(1) by striking "$28,032", "$32,321", "$38,979", $49,893", "$55,583", "$29,500", "$33,816", "$41,120", "$53,195", and "$58,392" and insert-

ing "$33,638", "$38,785", "$46,775", "$59,872", "$66,700", "$35,400", "$40,579", "$49,344", "$63,834", and "$70,070", respectively; and

(2) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this clause shall be increased on an annual basis by a factor equal to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary,".

(f) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii) is amended—

(1) by striking "$25,228", "$28,636", "$34,613", "$43,446", "$49,231", "$27,251", "$31,239", "$37,986", "$49,140", and "$53,942" and inserting "$30,274", "$34,363", "$41,536", "$52,135", "$59,077", "$32,701", "$37,487", "$45,583", "$58,968", and "$64,730, respectively; and

(2) by inserting after "sound standards of construction and design;" the following: "and except that the foregoing dollar amount limitations contained in this clause shall be increased on an annual basis by a factor equal to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(g) BUILDER'S AND SPONSOR'S PROFIT AND RISK IN SECTION 221(d)(4) PROJECTS.—Section 221(d)(4)(iii) of the National Housing Act (12 U.S.C.1715l(d)(4)(iii)) is amended by inserting the following immediately before the semicolon at the end: ", except that with respect to any mortgage insured under this paragraph, no allowance for builder's and sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area".

(h) BUILDER'S AND SPONSOR'S PROFIT AND RISK-GENERAL.—Section 227(c) of the National Housing Act (12 U.S.C. 1715r(c)) is amended by inserting at the end the following: "With respect to any mortgage insured under any section of this Act, no allowance for builder's and sponsor's profit and risk, builder's profit or sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area.".

(i) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(1) by striking "$23,985", "$26,813", "$32,019", "$38,532", and "$45,300" and inserting "$28,782", "$32,176", "$38,423", "$46,238", and "$54,360", respectively;

(2) by striking "$27,251", "$31,239", "$37,986", "$49,140", and "$53,942", and inserting "$32,701", "$37,487", "$45,583", "$58,968", and "$64,730", respectively; and

(3) by inserting after "sound standards of construction and design;" the following : "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

(j) BUILDER'S AND SPONSOR'S PROFIT AND RISK IN SECTION 231 PROJECTS.—Section 231(c)(4) of the National Housing Act (12 U.S.C. 1715v(c)(4)) is amended by inserting at the end of the second parenthetical phrase the following: ", except that with respect to any mortgage insured under this section, no allowance for builder's and sponsor's profit and risk shall be provided with respect to the amount of such mortgage that is eligible for insurance solely by reason of and to the extent of the increases in dollar amount limitations (other than annual increases based on a factor corresponding to the Consumer Price Index) authorized by section 324 of the National Affordable Housing Act Amendments of 1992, unless the mortgagor certifies and agrees that at least 20 percent of the units in the project at initial occupancy will be occupied by tenants whose incomes do not exceed 80 percent of the median income for the area".

(k) Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(1) by striking "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800" and inserting "$30,420", "33,696", "$40,248", "$49,608", and "$56,160", respectively;

(2) by striking "$29,250", "$32,760", "$40,170", "$50,310", "$56,885" and inserting "$35,100", "$39,312", "$48,204", "$60,372", and "$68,262", respectively; and

(3) by inserting after "sound standards of construction and design;" the following : "and except that the foregoing dollar amount limitations contained in this paragraph shall be increased on an annual basis by a factor corresponding to the Consumer Price Index, in accordance with procedures established in regulations issued by the Secretary;"

SEC. 324. MORTGAGEE REVIEW BOARD.

Section 202(c)(3)(C) of the National Housing Act (12 U.S.C. 1708C)(3)(C)) is amended—

(1) by inserting "temporarily" after "order";

(2) by inserting "(i)" after "Administration if';

(3) by inserting "(ii)" after "violations and"; and

(4) by striking the period after "6 months" and inserting the following: ", and for not longer than 1 year. The Board may extend the suspension for an additional 6 months if it determines the extension is in the public interest. If the Board and the mortgagee agree, these time limits may be extended.".

TITLE IV—HOPE

SEC. 401. AUTHORIZATION.

(a) IN GENERAL.—Title IV of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting the following new section after section 401 (42 U.S.C. 1437aaa note):

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"(a) FISCAL YEAR 1993.—There are authorized to be appropriated for grants under this title $895,000,000 for fiscal year 1993, of which—

"(1) not less than $285,000,000 shall be available for activities authorized under title III of the United States Housing Act of 1937, up to $4,500,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this title;

"(2) not less than $285,000,000 shall be available for activities authorized under subtitle B, up to $3,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle;

"(3) not less than $285,000,000 shall be available for activities under subtitle C, up to $2,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle; and

"(4) not less than $40,000,000 shall be available for activities authorized under subtitle D. Any amount appropriated pursuant to this subsection shall remain available until expended.

"(b) FISCAL YEAR 1994.—There are authorized to be appropriated for grants under this title $963,641,000 for fiscal year 1994, of which—

"(1) not less than $294,547,000 shall be available for activities authorized under title III of the United States Housing Act of 1937, up to $4,500,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this title;

"(2) not less than $294,547,000 shall be available for activities authorized under subtitle B, up to $3,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle;

"(3) not less than $294,547,000 shall be available for activities under subtitle C, up to $2,250,000 of which may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this subtitle; and

"(4) not less than $80,000,000 shall be available for activities authorized under subtitle D.

Any amount appropriated pursuant to this subsection shall remain available until expended.

"(c) TECHNICAL ASSISTANCE.—Technical assistance made available under Title III of the United States Housing Act of 1937, subtitle B or subtitle C may include, but is not limited to, training, clearinghouse services, the collection, processing and dissemination of program information useful for local and national program management, and provision of seed money. Such technical assistance may be made available directly, or indirectly under contracts and grants, as appropriate.".

(b) CONFORMING AMENDMENTS.—

(1) HOPE 1.—Section 301(c) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa(c)) is repealed.

(2) HOPE 2 AND HOPE 3.—Title IV of the Cranston-Gonzalez National Affordable Housing Act is amended—

(A) by striking section 421(c); and

(B) in section 441—

(i) by striking "(a) IN GENERAL.—"; and

(ii) by striking subsection (b).

SEC. 402. HOPE AMENDMENTS.

(a) HOPE 1 MATCHING FUNDING.—

(1) REPLACEMENT HOUSING.—Section 303(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa–2 (c)(1)) is amended by inserting after "expenses" the following: "and replacement housing".

(2) REDUCTION.—Section 303(c) of the United States Housing Act of 1937 is amended by inserting at the end the following new paragraph:

"(3) REDUCTION OF REQUIREMENT.—The Secretary shall reduce the matching requirement for homeownership programs carried out under this section in accordance with the formula established under section 220(d) of the Cranston-Gonzalez National Affordable Housing Act.".

(b) HOPE 2 ELIGIBLE PROPERTY.—Section 426(3)(D) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12876(3)(D)) is amended by inserting before the period the following: "or an agency or instrumentality thereof".

SEC. 403. HOPE FOR YOUTH: YOUTHBUILD.

Title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437aaa note et seq.) is amended by adding at the end the following new subtitle:

"Subtitle D—HOPE for Youth: Youthbuild

"SEC. 451. STATEMENT OF PURPOSE.

"It is the purpose of this subtitle—

"(1) to expand the supply of permanent affordable housing for homeless individuals and members of low- and very low-income families by harnessing the energies and talents of economically disadvantaged young adults;

"(2) to provide economically disadvantaged young adults with opportunities for meaningful work and service to their communities in helping to meet the housing needs of homeless individuals and members of low- and very low-income families;

"(3) to enable economically disadvantaged young adults to obtain the education and employment skills necessary to achieve economic self-sufficiency; and

"(4) to foster the development of leadership skills and commitment to community development among young adults in low-income communities.

"SEC. 452. PROGRAM AUTHORITY.

"The Secretary is authorized to make—

"(1) planning grants to enable applicants to develop Youthbuild programs; and

"(2) implementation grants to enable applicants to carry out Youthbuild programs.

"SEC. 453. PLANNING GRANTS.

"(a) GRANTS.—The Secretary is authorized to make planning grants to applicants for the purpose of developing Youthbuild programs under this subtitle. The amount of a planning grant under this section may not exceed $150,000, except that the Secretary may for good cause approve a grant in a higher amount.

"(b) ELIGIBLE ACTIVITIES.—Planning grants may be used for activities to develop Youthbuild programs including—

"(1) studies of the feasibility of a Youthbuild program;

"(2) establishment of consortia between youth training and education programs and housing owners or developers, including any organizations specified in section 457(2), which will participate in the Youthbuild program;

"(3) identification and selection of a site for the Youthbuild program;

"(4) preliminary architectural and engineering work for the Youthbuild program;

"(5) identification and training of staff for the Youthbuild program;

"(6) planning for education, job training, and other services that will be provided as part of the Youthbuild program;

"(7) other planning, training, or technical assistance necessary in advance of commencing the Youthbuild program; and

"(8) preparation of an application for an implementation grant under this subtitle.

"(c) APPLICATION.—

"(1) FORM AND PROCEDURES.—An application for a planning grant shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

"(2) MINIMUM REQUIREMENTS.—The Secretary shall require that an application contain at a minimum—

"(A) a request for a planning grant, specifying the activities proposed to be carried out, the schedule for completing the activities, the personnel necessary to complete the activities, and the amount of the grant requested;

"(B) a description of the applicant and a statement of its qualifications, including a description of the applicant's past experience with housing rehabilitation or construction and with youth and youth education and employment training programs, and its relationship with local unions and apprenticeship programs, and other community groups;

"(C) identification and description of potential sites for the program and the construction or rehabilitation activities that would be undertaken at such sites; potential methods for identifying and recruiting youth participants; potential educational and job training activities, work opportunities and other services for participants; and potential coordination with other Federal, State, and local housing and youth education and employment training activities including activities conducted by Indian tribes;

"(D) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located; and

"(E) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

"(d) SELECTION CRITERIA.—The Secretary shall, by regulation, establish selection criteria for a national competition for assistance under this section, which shall include—

"(1) the qualifications or potential capabilities of the applicant;

"(2) the potential of the applicant for developing a successful Youthbuild program;

"(3) the need for the prospective program, as determined by the degree of economic distress—

"(A) of the community from which participants would be recruited (such as poverty, youth unemployment, and number of individuals who have dropped out of high school); and

"(B) of the community in which the housing proposed to be constructed or rehabilitated would be located (such as incidence of homelessness, shortage of affordable housing, and poverty); and

"(4) such other factors that the Secretary shall require that (in the determination of the Secretary) are appropriate for purposes of carrying out the program established by this subtitle in an effective and efficient manner.

"SEC. 454. IMPLEMENTATION GRANTS.

"(a) GRANTS.—The Secretary is authorized to make implementation grants to applicants for the purpose of carrying out Youthbuild programs approved under this subtitle.

"(b) ELIGIBLE ACTIVITIES.—Implementation grants may be used to carry out Youthbuild programs, including—

"(1) architectural and engineering work;

"(2) acquisition, rehabilitation, acquisition and rehabilitation, or construction of housing and related facilities to be used for the purposes of providing homeownership under subtitle B and subtitle C of this title; residential housing for homeless individuals, and low- and very low-income families; or transitional housing for persons who are homeless, have disabilities, are ill, are deinstitutionalized, or have other special needs;

"(3) administrative costs of the applicant, which may not exceed 15 percent of the amount of assistance provided under this section, or such higher percentage as the Secretary determines is necessary to support capacity development by a private nonprofit organization;

"(4) education and job training services and activities including—

"(A) work experience and skills training, coordinated, to the maximum extent feasible, with preapprenticeship and apprenticeship programs, in the construction and rehabilitation activities described in subsection (b)(2);

"(B) services and activities designed to meet the educational needs of participants, including—

"(i) basic skills instruction and remedial education;

"(ii) bilingual education for individuals with limited-English proficiency;

"(iii) secondary education services and activities designed to lead to the attainment of a high school diploma or its equivalent; and

"(iv) counseling and assistance in obtaining admission to and obtaining financial assistance for enrollment in institutions of higher learning;

"(C) counseling services and other activities designed to—

"(i) ensure that participants overcome personal problems that would interfere with successful participation; and

"(ii) develop a strong, mutually supportive peer context in which values, goals, cultural heritage, and life skills can be explored and strengthened;

"(D) opportunities to develop the decisionmaking, speaking, negotiating, and other leadership skills of participants, such as the establishment and operation of a youth council with meaningful decisionmaking authority over aspects of the program;

"(E) activities designed to maximize the value of the participants as future employees and to prepare participants for seeking, obtaining, and retaining unsubsidized employment; and

"(F) support services and need-based stipends necessary to enable individuals to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through support services in retaining employment;

"(5) wage stipends and benefits provided to participants;

"(6) funding of operating expenses and replacement reserves of the property covered by the Youthbuild program;

"(7) legal fees; and

"(8) defraying costs for the ongoing training and technical assistance needs of the recipient that are related to developing and carrying out the Youthbuild program.

"(c) APPLICATION.—

"(1) FORM AND PROCEDURE.—An application for an implementation grant shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

"(2) MINIMUM REQUIREMENTS.—The Secretary shall require that an application contain at a minimum—

"(A) a request for an implementation grant, specifying the amount of the grant requested and its proposed uses;

"(B) a description of the applicant and a statement of its qualifications, including a description of the applicant's past experience with housing rehabilitation or construction and with youth and youth education and employment training programs, and its relationship with local unions and apprenticeship programs, and other community groups;

"(C) a description of the proposed site for the program;

"(D) a description of the educational and job training activities, work opportunities, and other services that will be provided to participants;

"(E) a description of the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities;

"(F) a description of the manner in which eligible youths will be recruited and selected, including a description of arrangements which will be made with community-based organizations, State and local educational agencies, including agencies of Indian tribes, public assistance agencies, the courts of jurisdiction for status and youth offenders, shelters for homeless individuals and other agencies that serve homeless youth, foster care agencies, and other appropriate public and private agencies;

"(G) a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children);

"(H) a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities conducted by Indian tribes, including vocational, adult and bilingual education programs, job training provided with funds available under the Job Training Partnership Act and the Family Support Act of 1988, and housing and community development programs, including programs that receive assistance under section 106 of the Housing and Community Development Act of 1974;

"(I) assurances that there will be a sufficient number of adequately trained supervisory personnel in the program who have attained the level of journeyman or its equivalent;

"(J) a description of the applicant's relationship with local building trade unions regarding their involvement in training, and the relationship of the Youthbuild program with established apprenticeship programs;

"(K) a description of activities that will be undertaken to develop the leadership skills of participants;

"(L) a detailed budget and a description of the system of fiscal controls and auditing and accountability procedures that will be used to ensure fiscal soundness;

"(M) a description of the commitments for any additional resources to be made available to the program from the applicant, from recipients of other Federal, State or local housing and community development assistance who will sponsor any part of the construction, rehabilitation, operation and maintenance, or other housing and community development activities undertaken as part of the program, or from other Federal, State or local activities and activities conducted by Indian tribes, including, but not limited to, vocational, adult and bilingual education programs, and job training provided with funds available under the Job Training Partnership Act and the Family Support Act of 1988;

"(N) identification and description of the financing proposed for any—

"(i) rehabilitation;

"(ii) acquisition of the property; or

"(iii) construction;

"(O) identification and description of the entity that will operate and manage the property;

"(P) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located; and

"(Q) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

"(d) SELECTION CRITERIA.—The Secretary shall establish selection criteria for assistance under this section, which shall include—

"(1) the qualifications or potential capabilities of the applicant;

"(2) the feasibility of the Youthbuild program;

"(3) the potential for developing a successful Youthbuild program;

"(4) the need for the prospective project, as determined by the degree of economic distress of the community from which participants would be recruited (such as poverty, youth unemployment, number of individuals who have dropped out of high school) and of the community in which the housing proposed to be constructed or rehabilitated would be located (such as incidence of homelessness, shortage of affordable housing, poverty);

"(5) the apparent commitment of the applicant to leadership development, education, and training of participants;

"(6) the inclusion of previously homeless tenants in the housing provided;

"(7) the commitment of other resources to the program by the applicant and by recipients of other Federal, State or local housing and community development assistance who will sponsor any part of the construction, rehabilitation, operation and maintenance, or other housing and community development activities undertaken as part of the program, or by other Federal, State or local activities and activities conducted by Indian tribes, including, but not limited to, vocational, adult and bilingual education programs, and job training provided with funds available under the Job Training Partnership Act and the Family Support Act of 1988; and

"(8) such other factors as the Secretary determines to be appropriate for purposes of carrying out the program established by this subtitle in an effective and efficient manner.

"(e) PRIORITY FOR APPLICANTS WHO OBTAIN HOUSING MONEY FROM OTHER SOURCES.—The Secretary shall give priority in the award of grants under this section to applicants to the extent that they propose to finance activities described in paragraphs (1), (2), and (6) of subsection (b) from funds provided from Federal, State, local, or private sources other than assistance under this subtitle.

"(f) APPROVAL.—The Secretary shall notify each applicant, not later than 4 months after the date of the submission of the application, whether the application is approved or not approved.

"(g) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION PROCEDURE.—The Secretary shall develop a procedure whereby an applicant may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

"SEC. 455. YOUTHBUILD PROGRAM REQUIREMENTS.

"(a) RESIDENTIAL RENTAL HOUSING.—Each residential rental housing project receiving assistance under this subtitle shall meet the following requirements:

"(1) OCCUPANCY BY LOW- AND VERY LOW-INCOME FAMILIES.—In the project—

"(A) at least 90 percent of the units shall be occupied, or available for occupancy, by individuals and families with incomes less than 60 percent of the area median income, adjusted for family size; and

"(B) the remaining units shall be occupied, or available for occupancy, by low-income families;

"(2) TENANT PROTECTIONS.—

"(A) LEASE.—The lease between a tenant and an owner of residential rental housing assisted under this subtitle shall be for not less than 1 year, unless by mutual agreement between the tenant and the owner, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

"(B) TERMINATION OF TENANCY.—An owner shall not terminate the tenancy or refuse to renew the lease of a tenant of residential rental housing assisted under this title except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause. Any termination or refusal to renew must be preceded by not less than 30 days by the owner's service upon the tenant of a written notice specifying the grounds for the action.

"(C) MAINTENANCE AND REPLACEMENT.—The owner of residential rental housing assisted under this subtitle shall maintain the premises in compliance with all applicable housing quality standards and local code requirements.

"(D) TENANT SELECTION.—The owner of residential rental housing assisted under this subtitle shall adopt written tenant selection policies and criteria that—

"(i) are consistent with the purpose of providing housing for homeless individuals and members of very low-income and low-income families;

"(ii) are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;

"(iii) give reasonable consideration to the housing needs of families that would have a preference under section 6(c)(4)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(4)(A)); and

"(iv) provide for the maintenance of a written waiting list in the chronological order of application, and give all applicants due consideration in appropriate sequence, notifying applicants promptly of the results of their applications.

"(3) LIMITATION ON RENTAL PAYMENTS.—Tenants in each project shall not be required to pay rent in excess of that in accordance with section 3(a) of the Housing Act of 1937.

"(4) TENANT PARTICIPATION PLAN.—For each project owned by a nonprofit organization, the organization shall provide a plan for and follow a program of tenant participation in management decisions.

"(b) TRANSITIONAL HOUSING.—Each transitional housing project receiving assistance under this subtitle shall adhere to the requirements regarding service delivery, housing standards, and rent limitations imposed on comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act.

"(c) LIMITATIONS ON PROFITS FOR RENTAL AND TRANSITIONAL HOUSING.—

"(1) MONTHLY RENTAL LIMITATION.—Aggregate monthly rental for each eligible project may not exceed the operating costs of the project (including debt service, management, adequate reserves, and other operating costs) plus a 6 percent return on the equity investment, if any, of the project owner.

"(2) PROFIT LIMITATIONS ON PARTNERS.—A nonprofit organization that receives assistance under this subtitle for a project shall agree to use any profit received from the operation, sale, or other disposition of the project for the purpose of providing housing for low- and moderate-income families. Profit-motivated partners in a nonprofit partnership may receive—

"(A) not more than a 6 percent return on their equity investment from project operations; and

"(B) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

"(d) HOMEOWNERSHIP.—Each homeownership project that receives assistance under this subtitle shall comply with the requirements of either subtitle B or subtitle C of this title.

"(e) RESTRICTIONS ON CONVEYANCE.—The ownership interest in a project that receives assistance under this subtitle may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner.

"(f) CONVERSION OF TRANSITIONAL HOUSING.—The Secretary may waive the requirements of subsection (b) to permit the conversion of a transitional housing project to a permanent housing project only if such housing would meet the requirements for residential rental housing specified in this section.

"(g) PERIOD OF RESTRICTIONS.—A project that receives assistance under this subtitle shall comply with the requirements of this section for the remaining useful life of the property.

"SEC. 456. ADDITIONAL PROGRAM REQUIREMENTS.

"(a) ELIGIBLE PARTICIPANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual shall be eligible to participate in a Youthbuild program receiving assistance under this subtitle if such individual is—

"(A) 16 to 24 years of age, inclusive;

"(B) economically disadvantaged; and

"(C) an individual who has dropped out of high school.

"(2) EXCEPTIONS.—Not more than 25 percent of the participants in a Youthbuild program receiving assistance under this subtitle may be individuals who—

"(A) do not meet the requirement of paragraph (1)(B), but who are members of low-income families; or

"(B) do not meet the requirement of paragraph (1)(C), but have educational needs despite the attainment of a high school diploma or its equivalent.

"(3) PARTICIPATION LIMITATION.—Any eligible individual selected for full-time participation in a Youthbuild program may be offered full-time participation for a period of not less than 6 months and not more than 24 months.

"(b) MINIMUM TIME DEVOTED TO EDUCATIONAL SERVICES AND ACTIVITIES.—A Youthbuild program receiving assistance under this subtitle must be structured so that 50 percent of the time spent by participants in the program is devoted to educational services and activities, such as those specified in section 454(b)(4)(B) through (F) of this subtitle.

"(c) AUTHORITY RESTRICTION.—No provision of this subtitle may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

"(d) STATE AND LOCAL STANDARDS.—All educational programs and activities supported with funds provided under this subtitle shall be consistent with applicable State and local educational standards. Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in such programs shall be consistent with applicable State and local educational standards.

"(e) WAGES, LABOR STANDARDS, AND NONDISCRIMINATION.—To the extent consistent with the provisions of this subtitle, sections 142, 143 and 167 of the Job Training Partnership Act, relating to wages and benefits, labor standards, and nondiscrimination, shall apply to the programs conducted under this subtitle as if such programs were conducted under the Job Training Partnership Act. Nothing in this section shall be construed to prevent recipients from using funds from other sources to pay reasonable wages and benefits at a higher level if appropriate.

"SEC. 457. DEFINITIONS.

"As used in this subtitle:

"(1) ADJUSTED INCOME.—The term 'adjusted income' has the meaning given the term in section 3(b)(5) of the United States Housing Act of 1937.

"(2) APPLICANT.—The term 'applicant' means a public or private nonprofit agency, such as—

"(A) a community-based organization;

"(B) an administrative entity designated under section 103(b)(1)(B) of the Job Training Partnership Act;

"(C) a community action agency;

"(D) a State and local housing development agency, including an agency of an Indian tribe;

"(E) a community development corporation;

"(F) a State and local youth service and conservation corps, including such a service or corps conducted by an Indian tribe; and

"(G) any other entity eligible to provide education and employment training under other Federal employment training programs.

"(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that—

"(A) maintains, through significant representation on the organization's governing board and otherwise, accountability to low-income community residents and, to the extent practicable, low-income beneficiaries of programs receiving assistance under this subtitle; and

"(B) has a history of serving the local community or communities where a program receiving assistance under this subtitle is located.

"(4) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' has the same meaning given the term in section 4(8) of the Job Training Partnership Act.

"(5) INDIVIDUAL WHO HAS DROPPED OUT OF HIGH SCHOOL.—The term 'individual who has dropped out of high school' means an individual—

"(A) who is neither attending any school nor subject to a compulsory attendance law; and

"(B) who has not received a secondary school diploma or a certificate of equivalency for such diploma.

Such term does not include any individual who has attended secondary school at any time during the preceding 6 months.

"(6) HOMELESS INDIVIDUAL.—The term 'homeless individual' has the meaning given the term in section 103 of the Stewart B. McKinney Homeless Assistance Act.

"(7) HOUSING DEVELOPMENT AGENCY.—The term 'housing development agency' means any agency of a State or local government, including an agency of an Indian tribe, or any private nonprofit organization that is engaged in providing housing for homeless or low-income families.

"(8) INCOME.—The term 'income' has the meaning given the term in section 3(b)(4) of the United States Housing Act of 1937.

"(9) INDIAN TRIBE.—The term 'Indian tribe' has the same meaning given such term in section 102(a)(17) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(17)).

"(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965.

"(11) LIMITED-ENGLISH PROFICIENCY.—The term 'limited-English proficiency' has the meaning given the term in section 7003 of the Bilingual Education Act.

"(12) LOW-INCOME FAMILY.—The term 'low-income family' has the meaning given the term 'lower income families' in section 3(b)(2) of the United States Housing Act of 1937.

"(13) VERY LOW-INCOME FAMILY.—The term 'very low-income family' means families whose income does not exceed 50 percent of the median family income determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

"(14) OFFENDER.—The term 'offender' means any adult or juvenile with a record of arrest or conviction for a criminal offense.

"(15) QUALIFIED NONPROFIT AGENCY.—The term 'qualified public or private nonprofit agency' means any nonprofit agency that has significant prior experience in the operation of projects similar to the Youthbuild program authorized under this subtitle and that has the capacity to provide effective technical assistance.

"(16) RELATED FACILITIES.—The term 'related facilities' includes cafeterias or dining halls, community rooms or buildings, appropriate recreation facilities, and other essential service facilities;

"(17) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(18) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, or any other territory or possession of the United States.

"(19) TRANSITIONAL HOUSING.—The term 'transitional housing' means a project that has as its purpose facilitating the movement of homeless individuals and families to independent living within a reasonable amount of time. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

"(20) YOUTHBUILD PROGRAM.—The term 'Youthbuild program' means any program that receives assistance under this subtitle and provides disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low- and very low-income families.

"SEC. 458. MANAGEMENT AND TECHNICAL ASSISTANCE.

"(a) SECRETARY ASSISTANCE.—The Secretary may enter into contracts with a qualified public or private nonprofit agency to provide assistance to the Secretary in the management, supervision, and coordination of Youthbuild programs receiving assistance under this subtitle.

"(b) SPONSOR ASSISTANCE.—The Secretary shall enter into contracts with a qualified public or private nonprofit agency to provide appropriate training, information, and technical assistance to sponsors of programs assisted under this subtitle.

"(c) APPLICATION PREPARATION.—Technical assistance may also be provided in the development of program proposals and the preparation of applications for assistance under this subtitle to eligible entities which intend or desire to submit such applications. Community-based organizations shall be given first priority in the provision of such assistance.

"(d) RESERVATION OF FUNDS.—The Secretary shall reserve 5 percent of the amounts available in each fiscal year under section 402 to carry out subsections (b) and (c) of this section.

"SEC. 459. CONTRACTS.

"Each Youthbuild program shall carry out the services and activities under this subtitle directly or through arrangements or under contracts with administrative entities designated under section 103(b)(1)(B) of the Job Training Partnership Act, with State and local educational agencies, institutions of higher education, State and local housing development agencies, or with other public agencies, including agencies of Indian tribes, and private organizations.

"SEC. 460. REGULATIONS.

"The Secretary shall issue any regulations necessary to carry out this subtitle.".

SEC. 404. TRANSFER OF SCATTERED SITE PUBLIC AND INDIAN HOUSING TO THE HOPE PROGRAM.

(a) AMENDMENT TO THE UNITED STATES HOUSING ACT OF 1937.—Sections 303(b)(2) and 304(d) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa–2(b)(2) and 42 U.S.C. 1437aaa–3(d)) are each amended by striking "(not including scattered site single family housing of a public housing agency)".

(b) AMENDMENT TO THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Section 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12896(4)) is amended by striking "(including scattered site single family properties, and" and inserting "(excluding public or Indian housing under the United States Housing Act of 1937 and including".

SEC. 405. ELIGIBILITY OF OTHER FEDERAL PROPERTY FOR THE HOPE PROGRAMS.

Sections 426(3)(D) and 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12876(3)(D) and 42 U.S.C. 12896(4)) are amended by inserting after "Corporation," the following: "the Federal Deposit Insurance Corporation, the Secretary of Defense, the Secretary of Transportation, the General Services Administration, any other Federal agency,".

TITLE V—HOUSING ASSISTANCE

Subtitle A—Public and Indian Housing

SEC. 501. AUTHORIZATIONS.

(a) PUBLIC HOUSING OPERATING SUBSIDIES.—Section 9(c) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)) is amended to read as follows:

"(c) There are authorized to be appropriated for purposes of providing annual contributions under this section $2,528,400,000 for fiscal year 1993 and $2,609,308,800 for fiscal year 1994.".

(b) SET-ASIDE FOR VACANCY REDUCTION PROGRAM.—Section 14(p)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437l(p)(5)) is amended to read as follows:

"(5) Of any amounts available for allocation under this section to large public housing agencies pursuant to subsection (k)(2), not more than $25,000,000 shall be available in fiscal year 1993 and not more than $25,000,000 shall be available in fiscal year 1994 for carrying out this subsection.".

(c) PUBLIC HOUSING RESIDENT MANAGEMENT.—Section 20(f)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437r(f)(3)) is amended to read as follows:

"(3) FUNDING.—Of amounts made available for financial assistance under section 14, the Secretary may use to carry out this subsection not more than $5,000,000 for each of the fiscal years 1993 and 1994.".

(d) PUBLIC HOUSING FAMILY INVESTMENT CENTERS.—Section 22(k) of the United States Housing Act of 1937 (42 U.S.C. 1737t(k)) is amended to read as follows:

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $26,935,200 for fiscal year 1993 and $27,797,126 for fiscal year 1994.".

(e) PUBLIC HOUSING EARLY CHILDHOOD DEVELOPMENT GRANTS.—Section 222(g) of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—To the extent provided in appropriations Acts, of the amounts made available for public housing grants under section 5(c) of the United States Housing Act of 1937, there shall be set aside to carry out this section $15,700,000 for fiscal year 1993 and $16,202,400 for fiscal year 1994. Any amount appropriated pursuant to such section 5(c) and authorized for use under this subsection shall remain available until expended.".

(f) INDIAN PUBLIC HOUSING EARLY CHILDHOOD DEVELOPMENT DEMONSTRATION PROGRAM.—Section 518(a) of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note) is amended by striking "$5,000,000 in fiscal year 1991 and $5,200,000 in fiscal year 1992" and inserting "$5,200,000 in fiscal year 1993 and $5,366,400 in fiscal year 1994".

SEC. 502. REFORM OF PUBLIC HOUSING MANAGEMENT.

(a) INDEPENDENT MANAGEMENT ASSESSMENT.—Section 6(j)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(2)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) by inserting after subparagraph (A) the following:

"(B) The Secretary shall, upon designating a public housing agency as troubled pursuant to subparagraph (A), provide for an on-site, independent assessment of the management situation of the agency. The independent assessment shall be carried out by a team of knowledgeable individuals selected by the Secretary (hereafter referred to in this section as the 'assessment team') with expertise in public housing and real estate management. To the extent the Secretary deems appropriate (given an agency's performance under the indicators specified under paragraph (1)), the assessment team shall also consider issues relating to the agency's resident population and physical inventory, including the extent to which (i) the agency's comprehensive plan prepared pursuant to section 14 adequately and appropriately addresses the rehabilitation needs of the agency's inventory; (ii) residents of the agency are involved in and informed of significant management decisions; and (iii) any developments in the agency's inventory are severely distressed and eligible for assistance pursuant to section 24. In conducting its independent assessment, the assessment team shall consult with the residents as well as with public and private entities in the jurisdiction in which the public housing is located. The assessment team shall provide to the Secretary and the public housing agency a written report, which shall contain, at a minimum, recommendations for such management improvements as are necessary to eliminate or substantially remedy existing deficiencies."; and

(3) in subparagraph (C), as redesignated by paragraph (1)—

(A) by inserting after the term "agency" the following: ", after reviewing the report submitted pursuant to subparagraph (B) and consulting with the agency's assessment team.".

(B) by striking "setting forth" and inserting: "Such agreement shall set forth"; and

(C) by inserting before the second sentence: "To the extent the Secretary deems appropriate (given an agency's performance under the indicators specified under paragraph (1)), such agreement shall also set forth a plan for enhancing resident involvement in the management of the public housing agency, including resident representation on the governing body of the agency, where appropriate.".

(b) ADDITIONAL STATUTORY REMEDIES.—Section 6(j)(3)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(3)(A)) is amended—

(1) in clause (i), by inserting after "agents" the first place it appears the following: "(which may be selected by existing tenants through administrative procedures established by the Secretary)";

(2) at the end of clause (ii), by striking "and";

(3) by redesignating clause (iii) as clause (iv);

(4) by inserting after clause (ii) the following:

"(iii) solicit competitive proposals from other public housing agencies and private entities with experience in construction management in the eventuality that these agencies or firms may be needed to oversee implementation of assistance made available under section 14; and"; and

(5) by inserting at the end the following new sentence: "Residents of a public housing agency designated as troubled pursuant to paragraph (2)(A) may petition the Secretary in writing to take 1 or more of the actions specified above. The Secretary shall respond to such petitions in a timely manner with a written description of the actions, if any, the Secretary plans to take and, where applicable, the reasons why such actions differ from the course proposed by the residents.".

(c) MANDATORY ACTION.—Section 6(j)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(3)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) The Secretary shall take 1 or more of the actions specified under subparagraph (A) with respect to a public housing agency that has (i) been designated as troubled pursuant to paragraph (2)(A) for 3 consecutive years, or (ii) substantially defaulted pursuant to subparagraph (A) in a manner that is contributing to the substantial deterioration of living conditions in developments administered by the agency. Residents of the public housing agency may petition for the appointment of a receiver pursuant to subparagraph (A)(ii) if the conditions prescribed in the preceding sentence are met and if the Secretary, after formal request, fails to act in a timely manner.

"(C) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as is necessary to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety and welfare of the residents.".

(d) AUTHORIZATION.—Section 6(j) (42 U.S.C. 1437d(j)) of the United States Housing Act of 1937 is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Of amounts made available for financial assistance under section 14, the Secretary may use to carry out paragraphs (2) and (3) not more than $25,000,000 for each of fiscal years 1993 and 1994.".

(e) ANNUAL REPORTS.—Section 6(j)(5)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(4)(E)), as redesignated by subsection (d)(1), is amended by inserting before the semicolon: ", including an accounting of the authorized funds that have been expended to support such actions".

(f) APPLICABILITY.—

(1) ASSESSMENT OF RESIDENT MANAGEMENT CORPORATIONS.—Section 6(j)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(1)) is amended—

(A) in the first sentence, by inserting before the period "and resident management corporations";

(B) in the third sentence, after "agencies", by inserting "and resident management corporations"; and

(C) in the fourth sentence, by inserting before the period "for public housing agencies".

(2) PROCEDURES.—Section 6(j)(2) of the United States Housing Act of 1937 is amended by adding at the end the following new subparagraph:

"(C) The provisions of this paragraph shall be applied by the Secretary to resident management corporations as well as public housing agency.".

SEC. 503. REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"SEC. 24. REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING.

"(a) PROGRAM AUTHORITY.—The Secretary may make—

"(1) planning grants to enable applicants to develop revitalization programs for severely distressed public housing in accordance with this section; and

"(2) implementation grants to carry out revitalization programs for severely distressed public housing in accordance with this section.

"(b) DESIGNATION OF ELIGIBLE PROJECTS.—

"(1) IDENTIFICATION.—Not later than 90 days after the date of enactment of this section, public housing agencies shall identify, in such form and manner as the Secretary may prescribe, those public housing projects that they consider to be severely distressed public housing for purposes of receiving assistance under this section.

"(2) REVIEW BY SECRETARY.—The Secretary shall review the projects identified pursuant to paragraph (1) to ascertain whether the projects are severely distressed housing as defined in subsection (i)(5). Not later than 180 days after the date of enactment of this section, the Secretary shall publish a list of those projects that are severely distressed public housing.

"(3) APPEAL OF SECRETARY'S DETERMINATION.—The Secretary shall establish procedures for public housing agencies to appeal the Secretary's determination that a project identified by a public housing agency is not severely distressed.

"(c) PLANNING GRANTS.—

"(1) IN GENERAL.—The Secretary may make planning grants to applicants for the purpose of developing revitalization programs for severely distressed public housing under this section.

"(2) AMOUNT.—The amount of a planning grant under this section may not exceed $200,000 per project, except that the Secretary may for good cause approve a grant in a higher amount.

"(3) ELIGIBLE ACTIVITIES.—A planning grant may be used for activities to develop revitalization programs for severely distressed public housing, including—

"(A) studies of the different options for revitalization, including the feasibility, costs and neighborhood impact of such options;

"(B) the provision of technical or organizational support to ensure resident involvement in all phases of the planning and implementation processes;

"(C) improvements to stabilize the development, including security investments;

"(D) the conducting of workshops to ascertain the attitudes and concerns of the neighboring community;

"(E) preliminary architectural and engineering work;

"(F) planning for economic development, job training and self-sufficiency activities that promote the economic self-sufficiency of residents under the revitalization program;

"(G) designing a suitable replacement housing plan, in situations where partial or total demolition is considered;

"(H) planning for necessary management improvements; and

"(I) preparation of an application for an implementation grant under this section.

"(4) APPLICATIONS.—An application for a planning grant shall be submitted in such form and in accordance with such procedures as the Secretary shall establish. The Secretary shall require that an application contain at a minimum—

"(A) a request for a planning grant, specifying the activities proposed, the schedule for completing the activities, the personnel necessary to complete the activities and the amount of the grant requested;

"(B) a description of the applicant and a statement of its qualifications;

"(C) identification and description of the project involved, and a description of the composition of the tenants, including family size and income;

"(D) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located; and

"(E) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

"(5) SELECTION CRITERIA.—The Secretary shall, by regulation, establish selection criteria for a national competition for assistance under this section, which shall include—

"(A) the qualities or potential capabilities of the applicant;

"(B) the extent of resident interest and involvement in the development of a revitalization program for the project;

"(C) the extent of involvement of local public and private entities in the development of a revitalization program for the project and in the provision of supportive services to project residents;

"(D) the potential of the applicant for developing a successful and affordable revitalization program and the suitability of the project for such a program;

"(E) national geographic diversity among housing for which applicants are selected to receive assistance;

"(F) whether the development is located in a federally designated enterprise zone, as defined in section 1391 of the Internal Revenue Code of 1986, and to the extent that it is located in such a zone, the development shall receive preference in the award of assistance;

"(G) the extent of the need for and potential impact of the revitalization program; and

"(H) such other factors that the Secretary determines are appropriate for purposes of carrying out the program established by this subtitle in an effective and efficient manner.

"(6) NOTIFICATION.—The Secretary shall notify each applicant, not later than 6 months after the date of the submission of the application, whether the application is approved or disapproved.

"(d) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Secretary may make implementation grants to applicants for the purpose of carrying out revitalization programs for severely distressed public housing under this section.

"(2) ELIGIBLE ACTIVITIES.—Implementation grants may be used for activities to carry out revitalization programs for severely distressed public housing, including—

"(A) architectural and engineering work;

"(B) the redesign, reconstruction or redevelopment of the severely distressed public housing development, including the site on which the development is located;

"(C) covering the administrative costs of the applicant, which may not exceed such portion of the assistance provided under this section as the Secretary may prescribe;

"(D) any necessary temporary relocation of tenants during the activity specified under subparagraph (B);

"(E) payment of legal fees;

"(F) economic development activities that promote the economic self-sufficiency of residents under the revitalization program;

"(G) necessary management improvements; and

"(H) transitional security activities.

"(3) APPLICATION.—An application for an implementation grant shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish. The Secretary shall require that an application contain at a minimum—

"(A) a request for an implementation grant, specifying the amount of the grant requested and its proposed uses;

"(B) a description of the applicant and a statement of its qualifications;

"(C) identification and description of the project involved, and a description of the composition of the tenants, including family size and income;

"(D) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located; and

"(E) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

"(4) SELECTION CRITERIA.—The Secretary shall, by regulation, establish selection criteria for a national competition for assistance under this section, which shall include—

"(A) the qualities or potential capabilities of the applicant;

"(B) the extent of resident involvement in the development of a revitalization program for the project;

"(C) the extent of involvement of local public and private entities in the development of a revitalization program for the project and in the provision of supportive services to project residents;

"(D) the potential of the applicant for developing a successful and affordable revitalization program and the suitability of the project for such a program;

"(E) national geographic diversity among housing for which applicants are selected to receive assistance;

"(F) whether the development is located in a federally designated enterprise zone, as defined in section 1391 of the Internal Revenue Code of 1986, and to the extent that it is located in such a zone, the development shall receive preference in the award of assistance;

"(G) the extent of the need for and potential impact of the revitalization program; and

"(H) such other factors that the Secretary determines are appropriate for purposes of carrying out the program established by this subtitle in an effective and efficient manner.

"(5) NOTIFICATION.—The Secretary shall notify each applicant, not later than 6 months after the date of the submission of the application, whether the application is approved or disapproved.

"(e) EXCEPTIONS TO GENERAL PROGRAM REQUIREMENTS.—

"(1) LONG-TERM VIABILITY.—The Secretary may waive or revise rules established by this title governing rents, income eligibility, and other areas of public housing management, to permit a public housing agency to undertake measures that enhance the long-term viability of a severely distressed public housing project revitalized under this section.

"(2) SELECTION OF TENANTS.—For projects revitalized under this section, a public housing agency may select tenants pursuant to a local system of preferences, in lieu of selecting tenants pursuant to the Federal preferences specified under section 6(c)(4)(A)(i). Such local system shall be established in writing and shall respond to local housing needs and priorities as determined by the public housing agency. The public housing agency shall hold 1 or more public hearings to obtain the views of low-income tenants and other interested parties on the housing needs and priorities of the agency's jurisdiction.

"(f) OTHER PROGRAM REQUIREMENTS.—

"(1) COST LIMITATIONS.—The Secretary may establish cost limitations on eligible activities under this section, subject to the provisions of this section.

"(2) ECONOMIC DEVELOPMENT.—Not more than an aggregate of $250,000 from amounts made available under subsections (c) and (d) may be used for economic development activities under subsections (c) and (d) for any project.

"(g) MODIFICATION TO REPLACEMENT HOUSING REQUIREMENTS.—An applicant seeking to demolish public housing units in connection with a revitalization program under this section shall comply with the provisions of section 18, except that the applicant shall be permitted to provide not less than 1 additional decent, safe, sanitary and affordable dwelling unit for every 2 public housing dwelling units to be demolished.

"(h) ADMINISTRATION.—For the purpose of carrying out the revitalization of severely distressed public housing in accordance with this section, the Secretary shall establish an Office of Severely Distressed Public Housing Revitalization.

"(i) DEFINITIONS.—For the purposes of this section the following definitions shall apply:

"(1) APPLICANT.—The term 'applicant' means—

"(A) a public housing agency that is not designated as troubled pursuant to section 6(j)(2);

"(B) a public housing agency or private housing management agent selected or receiver appointed pursuant to section 6(j)(3); and

"(C) a public housing agency that is designated as troubled pursuant to section 6(j)(2), if such agency acts in concert with a private nonprofit organization, resident management corporation or other entity approved by the Secretary.

"(2) PRIVATE NONPROFIT CORPORATION.—The term 'private nonprofit organization' means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

"(A) is incorporated under State or local law;

"(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

"(C) complies with standards of financial accountability acceptable to the Secretary; and

"(D) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income families.

"(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 3(b)(6), except that it does not include any Indian housing authority.

"(4) RESIDENT MANAGEMENT CORPORATION.—The term 'resident management corporation' means a resident management corporation established in accordance with the requirements of the Secretary under section 20.

"(5) SEVERELY DISTRESSED PUBLIC HOUSING.—The term 'severely distressed public housing' means a public housing project—

"(A) that—

"(i) requires major redesign, reconstruction or redevelopment to correct serious deficiencies in the original design (including appropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the project;

"(ii) is occupied predominantly by families with children who are in a severe state of distress, characterized by such factors as high rates of unemployment, teenage pregnancy, single-parent households, long-term dependency on public assistance and minimal educational achievement;

"(iii) is in a location for recurrent vandalism and criminal activity (including drug-related criminal activity);

"(iv) has suffered from severe management deficiencies, including absence of effective management systems; and

"(v) where the elements of distress specified in clauses (i) through (iv) cannot be remedied through assistance under other programs, such as section 9 or 14, or through other administrative means; or

"(B) that—

"(i) is owned by a public housing agency designated as troubled pursuant to section 6(j)(2);

"(ii) has a vacancy rate, as determined by the Secretary, of 50 percent or more, unless the project or building is vacant because it is awaiting rehabilitation under a modernization program under section 14 that—

"(I) has been approved and funded; and

"(II) as determined by the Secretary, is on schedule and is expected to result in full occupancy of the project or building upon completion of the program; and

"(iii) in the case of individual buildings, the building is, in the Secretary's determination, sufficiently separable from the remainder of the project to make use of the building feasible for purposes of this subtitle.

"(j) ANNUAL REPORT.—The Secretary shall submit to the Congress an annual report setting forth—

"(1) the number, type, and cost of public housing units revitalized pursuant to this section;

"(2) the status of projects identified as severely distressed public housing pursuant to subsection (b);

"(3) the amount and type of financial assistance provided under and in conjunction with this section; and

"(4) the recommendations of the Secretary for statutory and regulatory improvements to the program established by this section.

"(k) TAKE THE BOARDS OFF PUBLIC HOUSING; PROGRAM AUTHORITY.—

"(1) TRANSFER OF ELIGIBLE HOUSING.—The Secretary is authorized, in accordance with the provisions of this subsection through subsection (w), to approve the transfer of vacant or substantially vacant projects, or one or more buildings within projects, that are owned by troubled public housing agencies—

"(A) to private nonprofit organizations that assume ownership of the housing on behalf of public housing residents for the purpose of returning the housing to use as assisted housing; and

"(B) to States, units of general local government, and public housing agencies (other than the agency owning the project) that—

"(i) assume ownership of the housing on their own behalf; or

"(ii) apply on behalf of private or public nonprofit organizations that will assume ownership of the housing for the purpose of providing affordable rental or homeownership opportunities.

"(2) REDEVELOPMENT GRANTS.—The Secretary is authorized to make redevelopment grants under subsection (n) in connection with the transfer of eligible housing to an ownership entity.

"(l) ELIGIBLE HOUSING.—

"(1) IN GENERAL.—

"(A) QUALIFYING HOUSING.—Projects, or one or more buildings within projects, shall be eligible housing if—

"(i) the project is owned by a troubled public housing agency;

"(ii) the project, or building or buildings, as appropriate, has a vacancy rate, as determined by the Secretary, of 50 percent or more; and

"(iii) in the case of individual buildings, the building is, in the Secretary's determination, sufficiently separable from the remainder of the project to make use of the building feasible.

"(B) EXCLUSION OF HOUSING UNDERGOING MODERNIZATION.—Projects and buildings within projects shall not be eligible housing if they are vacant because they are awaiting rehabilitation under a modernization program under section 14 that—

"(i) has been approved and funded; and

"(ii) as determined by the Secretary, is on schedule and is expected to result in full occupancy of the project or building upon completion of the program.

"(2) LIST OF POTENTIAL ELIGIBLE PROJECTS.—To assist applicants in identifying potential eligible housing, the Secretary shall from time to time issue a listing of all projects that have a vacancy rate, as determined by the Secretary, of 20 percent or more. Failure to list a project shall not prevent the project, or one or more buildings within the project, from being eligible housing if it meets the requirements of this subsection.

"(m) ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—Priority applicants and other applicants may submit applications as provided in subsection (o) for the transfer of eligible housing under subsection (k) and for a redevelopment grant under subsection (n).

"(2) PRIOR NOTICE OF OTHER APPLICANT INTENT TO APPLY.—No other applicant may submit an application under subsection (o)—

"(A) unless the applicant has provided such public notice of its intent to apply as the Secretary shall prescribe; and

"(B) until the expiration of the 6-month period beginning on the date that the public notice is first provided.

"(3) FIRST RIGHT TO ACQUIRE OR MANAGE ELIGIBLE HOUSING.—

"(A) PREFERENCE IN ACQUIRING OR MANAGING ELIGIBLE HOUSING.—Except as provided by subparagraph (C), a resident council seeking approval to transfer management of eligible housing (as defined in subsection (x)(3)), and a priority applicant seeking to acquire ownership of eligible housing under subsections (k) through (w), shall be given the opportunity to manage or acquire the housing (as appropriate) before other applicants are given the opportunity to acquire the same housing.

"(B) RETENTION OF FIRST RIGHT TO ACQUIRE.—A resident council that submits an application for the transfer of management of eligible housing in accordance with subtitle A, and a priority applicant that submits an application under subsection (o), shall retain the first right to manage or acquire the housing (as appropriate) as provided by subparagraph (A) if—

"(i) the Secretary deems the application approvable;

"(ii) the resident council or the priority applicant does not receive a rehabilitation grant or a redevelopment grant under subsection (n) (as appropriate) because of insufficient grants funds; and

"(iii) the Secretary does not determine that the application is no longer approvable.

"(C) LOSS OF FIRST RIGHT TO ACQUIRE.—If another applicant submits an application to acquire eligible housing for which no resident council or priority applicant has applied to manage or acquire (as appropriate), but the other applicant does not receive a requested redevelopment grant under subsection (n) because of insufficient grant funds, no resident council or priority applicant shall have a first right to manage or acquire the housing (as appropriate), except if the Secretary determines that the application from the other applicant is no longer approvable.

"(n) REDEVELOPMENT GRANTS.—

"(1) AUTHORITY TO MAKE.—The Secretary is authorized to make redevelopment grants to priority applicants and other applicants in connection with the transfer of eligible housing under subsection (k)(1).

"(2) RELATIONSHIP TO SECTION 14.—Section 14 shall not apply to redevelopment grants under

this section. The Secretary shall establish such requirements for these grants as the Secretary deems appropriate, which may include cost limitations on activities under subsections (k) through (w) not exceeding the per-unit cost limit applicable to the comprehensive grant program under subsection (k)(2). The Secretary may only make an activity eligible for funding under this section if the activity would be eligible for funding by a public housing agency under section 14.

"(3) MATCHING REQUIREMENT FOR OTHER APPLICANTS.—Each other applicant shall assure that contributions equal to not less than 25 percent of the cost of eligible activities funded by redevelopment grants shall be provided for such activities from sources other than redevelopment grants under subsection (k)(2). Contributions shall be in such form as the Secretary may approve.

"(o) APPLICATION.—

"(1) FORM AND PROCEDURES.—

"(A) IN GENERAL.—Applications shall be submitted to the Secretary in such form and in accordance with such procedures as the Secretary shall establish.

"(B) PRIORITY APPLICANTS.—Priority applicants shall submit an application that requests—

"(i) approval of the transfer of eligible housing under subsection (k)(1)(A); and

"(ii) a redevelopment grant under subsection (n).

"(C) OTHER APPLICANTS.—Other applicants shall submit an application that—

"(i) requests approval of the transfer of eligible housing under subsection (k)(1)(B); and

"(ii) proposes the redevelopment of the housing which may include a request for a redevelopment grant under subsection (n).

"(2) RATING AND SELECTION.—The Secretary shall, by regulation, establish criteria for a national competition for applicants under subsections (k) through (w). These criteria shall require the Secretary—

"(A) to rate separately—

"(i) all priority applicants, using the rating criteria contained in subparagraph (3)(B); and

"(ii) all other applicants, using the rating criteria contained in paragraph (4)(B); and

"(B) to make selections from a single list of all applicants, based on the ratings provided under subparagraph (A).

"(3) PRIORITY APPLICANTS.—

"(A) MINIMUM REQUIREMENTS.—The Secretary shall require that an application from a priority applicant contain at a minimum—

"(i) a description of the applicant, including documentation that it is a priority applicant;

"(ii) documentation of the capacity of the applicant to own and operate the eligible housing, or if the applicant is not to operate the housing, documentation of the capacity of the entity that will do so;

"(iii) documentation of the capacity of the applicant to carry out the proposed redevelopment, or if the applicant is not to carry out the redevelopment, documentation of the capacity of the entity that will do so;

"(iv) documentation of resident support for the program proposed in the application;

"(v) documentation that the property proposed to be transferred is eligible housing;

"(vi) a plan for carrying out the responsibilities of the applicant for the redevelopment of the eligible housing;

"(vii) a plan for carrying out the responsibilities of the applicant for the operation of the eligible housing;

"(viii) the basis for the estimate of the request for a redevelopment grant under subsection (n), including—

"(I) the estimate of the housing's need under the public housing agency's comprehensive plan under section 14(e)(1); and

"(II) an explanation, where appropriate, if a higher amount than planned by the agency is being requested;

"(ix) if the applicant proposes to administer a program to enable residents to achieve economic independence and self-sufficiency, a description of the program and evidence of commitment of resources to it;

"(x) an analysis showing that the proposed redevelopment is feasible and will result in full occupancy of the housing within three years after ownership of the housing passes to the ownership entity, or such shorter period as the applicant may propose;

"(xi) if the applicant proposes to use funds other than under subsections (k) through (w), evidence of commitment of those funds;

"(xii) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing; and

"(xiii) such other information as the Secretary may require.

"(B) RATING CRITERIA.—The Secretary shall use the following criteria for rating priority applicants—

"(i) the extent of resident support for the program proposed in the application;

"(ii) the extent of the capacity of the applicant to own and operate the housing, or if the applicant is not to operate the housing, the extent of the capacity of the entity that will do so;

"(iii) the extent of the capacity of the applicant to carry out the proposed redevelopment, or if the applicant is not to carry out the redevelopment, the extent of the capacity of the entity that will do so;

"(iv) the quality of the plan for redeveloping the eligible housing;

"(v) the quality of the plan for the operation of the eligible housing;

"(vi) the extent to which the proposed redevelopment will result in the long-term viability of the housing at a reasonable cost;

"(vii) the extent to which a program is proposed to enable residents to achieve economic independence and self-sufficiency;

"(viii) the extent to which the applicant will provide funding for redevelopment activities eligible under subsection (n) from sources other than under subsections (k) through (w); and

"(ix) such other criteria as the Secretary may require.

"(4) OTHER APPLICANTS.—

"(A) MINIMUM REQUIREMENTS.—The Secretary shall require that applications from other applicants contain at a minimum—

"(i) a description of the entity that will own the housing;

"(ii) documentation of the capacity of the ownership entity to own and operate the housing, or if the entity is not to operate the housing, documentation of the capacity of the entity that will do so;

"(iii) documentation of the capacity of the ownership entity to carry out the reoccupancy or homeownership plan, or if that entity is not to carry out these functions, documentation of the capacity of the entity that will do so;

"(iv) documentation of resident support for the program proposed in the application;

"(v) documentation that the property proposed to be transferred is eligible housing;

"(vi) if the applicant requests a redevelopment grant under subsection (n)—

"(I) documentation of the capacity of the ownership entity to carry out the proposed redevelopment, or if that entity is not to carry out the redevelopment, documentation of the capacity of the entity that will do so;

"(II) the basis for the estimate of the request for the grant, including—

"(aa) the estimate of the housing's need under the public housing agency's comprehensive plan under section 14(e)(1); and

"(bb) an explanation, where appropriate, if a higher amount than planned by the agency is being requested; and

"(III) an analysis showing that the proposed redevelopment is feasible;

"(vii) if the applicant proposes to carry out redevelopment activities only with funds other than under subsections (k) through (w)—

"(I) an analysis showing that the proposed redevelopment is feasible; and

"(II) documentation of the capacity of the ownership entity to carry out the proposed redevelopment, or if that entity is not to carry out the redevelopment, documentation of the capacity of the entity that will do so;

"(viii) a description of the proposed use of the housing and the composition of the prospective residents or homeowners, as appropriate;

"(ix) for housing to be used for rental purposes, a plan for the reoccupancy of the housing, including a schedule for reoccupancy over a period not to exceed three years after ownership of the housing passes to the ownership entity;

"(x) for housing to be used for homeownership opportunities for eligible families, a homeownership program, including a schedule for the transfer of all units in the housing (other than units specified in subsections (s)(2)(B) (i) and (ii)) over a period not to exceed three years after ownership of the housing passes to the ownership entity;

"(xi) for housing to be used for homeownership opportunities for eligible families, a description of the proposed financing for acquisition by eligible families of ownership interests in, or shares representing, units in the housing;

"(xii) the basis for the request for replacement housing under subsection (q)(4) and for transitional operating subsidy under subsection (q)(3).

"(xiii) if the applicant proposes to administer a program to enable residents to achieve economic independence and self-sufficiency, a description of the program and evidence of commitment of resources to it;

"(xiv) an analysis showing that the proposed reoccupancy or homeownership program, as appropriate, is feasible and will result in full occupancy of the housing within three years after ownership of the housing passes to the ownership entity, or such shorter period as the applicant may propose;

"(xv) if the applicant proposes to use funds other than under subsections (k) through (w), evidence of commitment of those funds;

"(xvi) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located;

"(xvii) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing;

"(xviii) a description of and commitment for the resources that are expected to be made available to provide the matching funding required under subsection (k)(3); and

"(xix) such other information as the Secretary may require.

"(B) RATING CRITERIA.—The Secretary shall use the following criteria for rating other applicants under subsections (k) through (w)—

"(i) the extent of resident support for the program proposed in the application;

"(ii) the extent of the capacity of the proposed ownership entity to own and operate the hous-

ing, or if the entity is not to operate the housing the extent of the capacity of the entity that will do so;

"(iii) the extent of the capacity of the proposed ownership entity to carry out the proposed redevelopment, or if the entity is not to carry out the redevelopment, the extent of the capacity of the entity that will do so;

"(iv) the quality of the plan for redeveloping the eligible housing;

"(v) the extent to which the proposed redevelopment will result in the long-term viability of the housing at a reasonable cost;

"(vi) the quality of the proposed reoccupancy plan or the homeownership program, as appropriate;

"(vii) if special needs populations, such as the homeless, are proposed as new residents, the extent to which services proposed are appropriate to the needs of those populations;

"(viii) the extent to which the applicant provides, or arranges for the provision of, resources other than under subsections (k) through (w) as part of a comprehensive redevelopment plan for the neighborhood in which the housing is located;

"(ix) the extent to which the applicant will provide funding for redevelopment activities eligible under subsection (n) from sources other than under subsections (k) through (w);

"(x) the extent to which a program is proposed to enable residents to achieve economic independence and self-sufficiency; and

"(xi) such other criteria as the Secretary may require.

"(p) HOUSING ACQUIRED BY PRIORITY APPLICANTS.—

"(1) IN GENERAL.—

"(A) DUTY TO TRANSFER HOUSING.—After the Secretary approves an application submitted by a priority applicant, the public housing agency shall transfer ownership of the eligible housing to the ownership entity.

"(B) CONTRACTUAL RELATIONSHIP.—The Secretary shall enter into a contract with the ownership entity which shall—

"(i) give the ownership entity the right to receive operating subsidies under paragraph (2) and capital improvement funding under paragraph (3);

"(ii) require the ownership entity to carry out all ownership responsibilities for the eligible housing, as provided in or required by the contract; and

"(iii) provide for redevelopment funding under subsection (n).

"(C) RELATIONSHIP TO 1937 ACT.—When ownership of eligible housing acquired by priority applicants passes to the applicant, the housing is no longer public housing for purposes of this Act, and except as provided in subsections (k) through (w), none of the provisions of this Act that govern public housing shall apply.

"(D) SPECIFIC REQUIREMENTS.—The contract shall require the ownership entity to carry out such responsibilities for operating the housing that apply to public housing agencies that own public housing projects as are determined by the Secretary. These responsibilities shall include maintaining the units in decent, safe, and sanitary condition in accordance with standards established or adopted by the Secretary; determining whether applicants for admission to a unit in the housing are very low-income families or, subject to limitations equivalent to those in section 16 as applied by the Secretary to the housing, low-income families; determining the amount of rent in accordance with section 3(a); assigning applicants to units in accordance with a tenant selection plan that is consistent with the nondiscrimination requirements in title VI of the Civil Rights Act of 1964; and applying the selection preferences under section 6(c)(4)(A). The contract shall require the ownership entity to terminate tenancy in accordance with the procedures applicable to the section 8 new construction program. The contract shall permit, but not require, the ownership entity to select applicants from the public housing waiting list maintained by the public housing agency.

"(2) OPERATING SUBSIDIES.—

"(A) AUTHORITY TO PROVIDE.—The Secretary is authorized to make operating subsidies under section 9 available to priority applicants that acquire eligible housing.

"(B) AMOUNT.—The Secretary shall establish the amount of the operating subsidies in paragraph (1), based on the Secretary's determination of the share for the housing under section 9 (including the share of any reserves established by the agency).

"(C) EFFECT ON PHA GRANT.—Operating subsidies for the public housing agency transferring the eligible housing shall be reduced in accordance with the requirements of section 9.

"(3) ANNUAL CAPITAL IMPROVEMENT FUNDING.—

"(A) AUTHORITY TO PROVIDE.—The Secretary is authorized to make capital improvement funding available annually from amounts under section 14 to priority applicants that acquire eligible housing.

"(B) AMOUNT OF SUBSIDY.—The Secretary shall establish the amount of the funding in subparagraph (A), based on the Secretary's determination of the share for the housing under the accrual portion of the comprehensive grant formula in accordance with section 14.

"(C) EFFECT ON PHA GRANT.—The comprehensive grant formula amount for the public housing agency transferring the housing shall be reduced in accordance with the requirements of section 14.

"(D) RELATIONSHIP TO SECTION 14.—Section 14 shall not apply to capital improvement funding under this subsection. The Secretary shall establish such requirements for this funding as the Secretary deems appropriate. The Secretary may only make an activity eligible for funding under this section if the activity would be eligible for funding by a public housing agency under section 14.

"(4) NO REPLACEMENT HOUSING AT TRANSFER OF OWNERSHIP.—No replacement housing shall be provided in connection with the transfer of eligible housing to priority applicants under subsections (k) through (w).

"(5) AUTHORITY TO APPROVE SUBSEQUENT ALTERNATIVE USE; REPLACEMENT HOUSING.—The ownership entity shall continue to use the housing in accordance with subsections (k) through (w), unless the Secretary approves a request submitted by the entity for an alternative use. The Secretary may approve such a request only if—

"(A) the Secretary determines that—

"(i) the housing is no longer suitable, or is not needed, for low-income families; and

"(ii) the alternative use will principally benefit low-income families; and

"(B) at the same time as approval of the request under this subsection, the Secretary makes assistance available to the public housing agency that previously owned the housing to fund one voucher under section 8(o) for each unit approved for alternative use.

"(6) RELATIONSHIP TO OTHER PROGRAM AUTHORITIES.—

"(A) HOMEOWNERSHIP.—After a transfer of ownership to a priority applicant in accordance with subsections (k) through (w), the housing shall remain eligible for assistance under the HOPE for Public and Indian Housing Homeownership program under title III and for sale under section 5(h) of this Act.

"(B) SELF-SUFFICIENCY.—Where the application proposes a program to enable residents to achieve economic independence and self-sufficiency consistent with the objectives of the program under section 23, and demonstrates that the priority applicant has the capacity to carry out a self-sufficiency program, the Secretary may approve such a program. Where such a program is approved, the Secretary shall authorize the applicant to adopt policies consistent with section 23(d) (maximum rents and escrow savings accounts) and section 23(e) (effect of increases in family income).

"(7) BONDING AND INSURANCE.—Before transfer of eligible housing by the public housing agency, the ownership entity shall obtain fidelity bonding and insurance, or equivalent protection, in accordance with regulations and requirements of the Secretary. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary against loss, theft, embezzlement, or fraudulent acts on the part of the ownership entity or its employees.

"(8) RESTRICTION ON DISPLACEMENT BEFORE TRANSFER OF HOUSING.—

"(A) IN GENERAL.—The public housing agency may not involuntarily displace, as determined by the Secretary, any resident of eligible housing beginning on the date that an application under subsection (o) is submitted by a priority applicant, and continuing through either transfer of ownership of the housing or if the application is disapproved, the date of the disapproval.

"(B) EXCEPTION FOR TEMPORARY RELOCATION.—Subparagraph (A) shall not apply to the temporary relocation of residents in connection with modernization activities under section 14.

"(q) HOUSING ACQUIRED BY OTHER APPLICANTS.—

"(1) DUTY TO TRANSFER HOUSING.—After the Secretary approves an application submitted by another applicant, the public housing agency shall transfer ownership of the eligible housing to the ownership entity.

"(2) CONTRACTUAL RELATIONSHIP.—

"(A) OWNERSHIP ENTITY AND HUD.—Where the other applicant and the ownership entity are the same, the Secretary shall enter into a contract with the ownership entity, which shall—

"(i) give the ownership entity the right to receive transitional operating subsidies under paragraph (3);

"(ii) require the ownership entity to carry out all ownership responsibilities for the housing—

"(I) as provided in subsection (r) (in the case of housing to be used for rental housing) or subsection (s) (in the case of housing to be used for homeownership opportunities for eligible families); and

"(II) as provided in, or required by, the contract; and

"(iii) provide for redevelopment funding under subsection (n).

"(B) OTHER APPLICANT AND HUD.—Where the other applicant is not the ownership entity, the Secretary shall enter into a contract with the applicant, which shall—

"(i) provide that the applicant shall receive transitional operating subsidies under paragraph (3) and redevelopment funding under subsection (n), and shall promptly transfer these amounts to the ownership entity;

"(ii) require the applicant to enter into a contract with the ownership entity under which the ownership entity is required to carry out all ownership responsibilities for the housing—

"(I) as provided in subsection (r) (in the case of housing to be used for rental housing) or subsection (s) (in the case of housing to be used for homeownership opportunities for eligible families); and

"(II) as provided in, or required by, the contract; and

"(iii) require the applicant to take such steps as the Secretary considers appropriate to ensure that the ownership entity fulfills its obligations

under the contract, including the taking of such sanctions as the Secretary may require in the event of a violation of the contract.

"(3) RELATIONSHIP TO 1937 ACT.—When ownership of eligible housing acquired by other applicants passes to the ownership entity, the housing is no longer public housing for purposes of this Act, and except as provided in subsections (k) through (w), none of the provisions of this Act that govern public housing shall apply.

"(4) TRANSITIONAL OPERATING SUBSIDY.—

"(A) AUTHORITY TO PROVIDE.—The Secretary is authorize to make operating subsidies under section 9 available to ownership entities that acquire eligible housing. These subsidies may be made for such period as may be approved by the Secretary, but generally not to exceed three years after ownership of the housing passes to the ownership entity.

"(B) AMOUNT OF SUBSIDY.—The Secretary shall establish the amount of the operating subsidies in paragraph (1) based on the Secretary's determination of the share for the housing under section 9 (including the share of any reserves established by the agency). The amount determined may—

"(i) reflect such differences as the Secretary deems appropriate for units that were occupied or were vacant when ownership of the housing passed to the ownership entity; and

"(ii) be phased out, as determined by the Secretary, in accordance with the schedule for reoccupancy or homeownership, as appropriate, that was approved in the application.

"(C) NO SUBSIDY.—No operating subsidies may be paid with respect to any unit that—

"(i) was occupied when ownership of the eligible housing passed to the ownership entity, but later became vacant; or

"(ii) was vacant when ownership of the eligible housing passed to the ownership entity, but later became occupied.

The Secretary may also terminate any operating subsidies paid with respect to a unit that was vacant when ownership of the housing passed to the ownership entity, and that remains vacant longer than the time specified in the reoccupancy or homeownership plan (as appropriate) approved in the application.

"(D) EFFECT ON PHA GRANT.—Operating subsidies for the public housing agency transferring the eligible housing shall be reduced in accordance with the requirements of section 9.

"(5) REPLACEMENT HOUSING.—When the application is approved, the Secretary shall make available to the public housing agency one voucher for each unit of eligible housing transferred to the ownership entity. The agency shall use these vouchers consistent with section 8(o) and make them available consistent with paragraph (6).

"(6) VOUCHERS.—

"(A) WHO MAY RECEIVE.—At the end of the 3-year period after ownership of the eligible housing passes to the ownership entity, or such other period as the Secretary may approve with respect to the reoccupancy or homeownership plan (as appropriate), the public housing agency shall make a voucher under paragraph (5) available to each eligible family or individual who—

"(i) resided in the eligible housing when ownership passed to the ownership entity; and

"(ii) currently resides in the housing.

"(B) USE.—Residents eligible to receive vouchers under subparagraph (A) may use them to remain in the housing or to move to other property. The public housing agency may also condition the initial use of these vouchers for units in the housing, to make the units affordable to families that agree to move into them.

"(7) RESTRICTION ON DISPLACEMENT BEFORE TRANSFER OF HOUSING.—

"(A) IN GENERAL.—The public housing agency may not involuntarily displace, as determined by the Secretary, any resident of eligible housing beginning on the date that an application under subsection (o) is submitted by another applicant, and continuing through either transfer of ownership of the housing or if the application is disapproved, the date of the disapproval.

"(B) EXCEPTION FOR TEMPORARY RELOCATION.—Subparagraph (A) shall not apply to the temporary relocation of residents in connection with modernization activities under section 14.

"(r) OTHER APPLICANTS: HOUSING TO BE USED FOR RENTAL PURPOSES.—

"(1) LIMITATIONS AND RESTRICTIONS.—Eligible housing that is acquired for use as rental housing under subsection (k)(1)(B) shall meet the requirements of this section for the 15-year period beginning on the date that ownership of the housing passes to the ownership entity.

"(2) RENTS FOR EXISTING RESIDENTS.—Residents of eligible housing immediately before the date upon which ownership passes to the ownership entity shall pay rent as provided in section 3(a) during the period specified in the reoccupancy plan contained in the application and as approved by the Secretary.

"(3) NEW RESIDENTS.—

"(A) INCOME LIMITS FOR ADMISSION.—On and after the date upon which the ownership of eligible housing passes to the ownership entity, dwelling units in the housing shall be rented only to families that at the time of initial occupancy have an income not exceeding 60 percent of the median income for the area, as determined by the Secretary with adjustment for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 60 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

"(B) RENTS.—Families admitted to the housing on and after the date upon which ownership passes to the ownership entity shall pay as rent an amount not greater than the existing fair market rent established for comparable units in the area, as established by the Secretary under section 8.

"(4) NONDISCRIMINATION AGAINST CERTIFICATE AND VOUCHER HOLDERS.—The ownership entity may not refuse to lease to a holder of a voucher or certificate of eligibility under section 8 because of the status of the prospective resident as a holder of such voucher or certificate of eligibility.

"(5) LEASE.—The lease between a resident and an ownership entity shall be for not less than 1 year, unless by mutual agreement between the resident and the entity, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

"(6) TERMINATION OF TENANCY.—An ownership entity shall not terminate the tenancy or refuse to renew the lease of a resident except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; or for other good cause. Any termination for refusal to renew must be preceded, by not less than 30 days, by the ownership entity's service upon the resident of a written notice specifying the grounds for the action.

"(7) RESIDENT SELECTION.—The ownership entity shall adopt written resident selection policies and criteria that—

"(A) are consistent with the purpose of providing housing for families that meet the income eligibility requirements of subsection (r)(3);

"(B) are reasonably related to eligibility to lease a unit, and the family's ability to perform the obligations of the lease;

"(C) give reasonable consideration to the housing needs of families that would have a preference under section 6(c)(4)(A); and

"(D) provide for—

"(i) the selection of residents from a written waiting list in the chronological order of their application, insofar as is practicable; and

"(ii) the prompt notification in writing of any rejected prospective resident of the grounds for any rejection.

"(8) HOUSING STANDARDS.—Housing transferred pursuant to subsections (k) through (w) shall be maintained in compliance with all applicable housing quality standards and local code requirements, as determined by the Secretary.

"(s) OTHER APPLICANTS: HOUSING TO BE USED FOR HOMEOWNERSHIP PURPOSES.—

"(1) IN GENERAL.—Except as provided by paragraph (6) or (7), housing that is acquired for use for homeownership opportunities for eligible families under subsection (k)(1)(B) shall meet the requirements of this section for the 10-year period beginning on the date that ownership of the housing passes to the ownership entity.

"(2) HOMEOWNERSHIP PROGRAM.—

"(A) PROGRAM REQUIRED.—The ownership entity shall have a homeownership program under which eligible families may acquire ownership interests in, or shares representing, units in the housing.

"(B) SCOPE OF PROGRAM.—The program shall cover all the units in the housing, except units occupied by residents who—

"(i) resided in the housing when ownership passed to the ownership entity; and

"(ii)(I) have not chosen, or are not qualified, to participate in the program; and

"(II) continue to rent their units.

"(C) MANNER OF HOMEOWNERSHIP.—Homeownership may be accomplished under any arrangement determined by the Secretary to be appropriate, such as cooperative ownership (including limited equity cooperative ownership) and fee simple ownership (including condominium ownership), for occupancy by the eligible families.

"(3) AFFORDABILITY.—A homeownership program shall provide for the establishment of monthly purchase costs (including principal, interest, taxes, and insurance) for sales to eligible families, such that an eligible family shall not be required to expend more than 30 percent of the adjusted income of the family (as defined in section 3(b)(5)) per month for such costs.

"(4) FINANCING.—Financing for eligible families under the homeownership program may include any sources of financing (subject to applicable requirements), including conventional mortgage loans and mortgage loans insured under title II of the National Housing Act.

"(5) PROTECTION OF NONPURCHASING FAMILIES.—No resident of eligible housing when ownership of the housing passes to the ownership entity may be evicted by reason of a homeownership program approved under subsections (k) through (w).

"(6) PREVENTION OF WINDFALL PROFIT.—If the first sale of a unit to an eligible family is for less than market value, the homeownership program shall provide for appropriate restrictions to ensure that an eligible family may not receive any undue profit. The plan shall provide for—

"(A) authorizing the family to retain a portion of the net proceeds of the sale on a sliding scale over a 10-year period;

"(B) a plan consistent with section 21(a)(4)(D);

"(C) execution by the initial purchaser of a promissory note equal to the difference between the market value and the purchase price, payable to the ownership entity, together with a mortgage securing the obligation of the note; or

"(D) any other appropriate arrangement that the Secretary determines is adequate to prevent undue profit for at least 10 years.

"(7) HOUSING STANDARDS.—Each unit in eligible housing that is sold for the first time to an eligible family shall, at the time of sale, comply with all applicable housing quality standards and local code requirements, as determined by the Secretary.

"(t) CAPABILITY OF RESIDENT MANAGEMENT CORPORATIONS AND RESIDENT COUNCILS.—To be eligible to become an ownership entity under subsections (k) through (w), a resident management corporation or resident council—

"(1) shall demonstrate to the Secretary its ability to operate public housing effectively and efficiently, as determined by the Secretary, which shall include evidence of its most recent financial audit; or

"(2) shall arrange for operation of the housing by a qualified management entity.

"(u) PERFORMANCE REVIEW AND COMPLIANCE; RECORDS, REPORTS, AND AUDITS.—

"(1) MONITORING AND ENFORCEMENT BY THE SECRETARY.—The Secretary shall monitor the performance under subsections (k) through (w) of priority applicants and other applicants that are ownership entities. The Secretary is authorized to take any available action, including any action specified in the contracts referred to in subsections (p)(1)(B) and (q)(2)(A), for violations of the requirements of subsections (k) through (w).

"(2) MONITORING AND ENFORCEMENT; OTHER APPLICANTS.—

"(A) PERIODIC REVIEW.—Each other applicant that is not an ownership entity shall, not less frequently than annually, review the activities of any ownership entity on whose behalf it applied under subsections (k) through (w), to assess compliance with the requirements of subsections (k) through (w). This review shall include on-site inspection to determine compliance with housing codes and other applicable regulations.

"(B) ENFORCEMENT BY OTHER APPLICANT.—Each other applicant that is not an ownership entity shall take such steps as are necessary to enforce the provisions of subsections (k) through (w) and to take any available action, including any action specified in the contract referred to in subsection (q)(2)(B), for violations of the requirements of subsections (k) through (w).

"(C) ENFORCEMENT BY THE SECRETARY.—The Secretary is authorized to take any available action against an ownership entity on whose behalf another applicant applied under subsections (k) through (w), or against another applicant that is not an ownership entity, including any action specified by contract, for violations of the requirements of subsections (k) through (w).

"(3) RECORDS, REPORTS, AND AUDITS.—

"(A) IN GENERAL.—

"(i) OWNERSHIP ENTITIES.—Each ownership entity shall keep such records as may be reasonably necessary to disclose the amount and the disposition by the entity of the proceeds of assistance received and to ensure compliance with the requirements imposed under subsections (k) through (w).

"(ii) OTHER APPLICANTS THAT ARE NOT OWNERSHIP ENTITIES.—Each other applicant that is not an ownership entity shall keep such records as may be reasonably necessary to ensure the applicant's compliance with its responsibilities under subsections (k) through (w).

"(B) ACCESS TO DOCUMENTS.—

"(i) BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of the ownership entity, or other applicants that are not ownership entities, that are pertinent to assistance received under, the requirements of, subsections (k) through (w).

"(ii) BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall also have access for the purpose of audit and examination to any books, documents, papers, and records referred to in clause (i) that are pertinent to assistance received under, and the requirements of, subsections (k) through (w).

"(4) REPORTING REQUIREMENTS.—Each ownership entity, and each other applicant that is not an ownership entity, shall submit to the Secretary such reports as the Secretary determines appropriate to carry out the Secretary's responsibilities under subsections (k) through (w), including an annual financial audit.

"(v) NONDISCRIMINATION.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under subsections (k) through (w). Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

"(w) ANNUAL CONTRIBUTIONS.—Notwithstanding the transfer of eligible housing under subsections (k) through (w), or the purchase of a unit in the housing by an eligible family under subsection (s), the Secretary shall continue to pay annual contributions with respect to the housing. Such contributions may not exceed the maximum contributions authorized in section 5(a).

"(x) DEFINITIONS.—For purposes of subsections (k) through (w):

"(1) The term 'applicant' means priority applicants and other applicants.

"(2) The term 'eligible family' means for purposes of a homeownership program under subsection (s)—

"(A) a family or individual who resides in eligible housing on the date that ownership of the housing passes to the ownership entity; or

"(B) a low-income family.

"(3) The term 'eligible housing' means a public housing project, or one or more buildings within a project, that meets the requirements of subsection (l).

"(4) The term 'other applicant' means a State, unit of general local government, or public housing agency referred to in subsection (k)(1)(B). Other applicants may also be ownership entities.

"(5) The term 'ownership entity' means—

"(A) the priority applicant that assumes ownership of eligible housing under subsection (k)(1)(A); or

"(B) the other applicant, or private or public nonprofit organization, that assumes ownership of eligible housing under subsection (k)(1)(B).

"(6) The term 'priority applicant' means a private nonprofit organization referred to in subsection (k)(1)(A) that represents, in the determination of the Secretary, either—

"(A) present or former residents of the housing; or

"(B) the current residents of any project owned or operated by the public housing agency that owns the housing.

"(7) The term 'private nonprofit organization' means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

"(A) is incorporated under State or local law;

"(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

"(C) complies with standards of financial accountability acceptable to the Secretary; and

"(D) has among its purposes significant activities related to the provision of decent housing that is affordable to low-income families.

The term shall include resident councils representing residents at a project level, and resident management corporations.

"(8) The term 'public housing agency' has the meaning given the term in section 3(b)(6), except that it does not include Indian housing authorities.

"(9) The term 'public nonprofit organization' means any public nonprofit entity, except the public housing agency that owns the eligible housing.

"(10) The term 'resident council' means any nonprofit organization or association that—

"(A) is representative of the residents of the housing;

"(B) adopts written procedures providing for the election of officers on a regular basis; and

"(C) has a democratically elected governing board, elected by the residents of the eligible housing.

"(11) The term 'resident management corporation' means a resident management corporation established in accordance with the requirements of the Secretary under section 20.

"(12) The term 'State' has the meaning given the term in section 3(b)(7), except that it does not include the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and Indian tribes.

"(13) The term 'troubled public housing agency' means a public housing agency that owns or operates 250 or more units and that has been designated as a troubled public housing agency for the current Federal fiscal year, and for the two preceding Federal fiscal years—

"(A) under section 6(j)(2)(i); or

"(B) before the implementation of that authority, under any other procedure for designating troubled public housing agencies that was used by the Secretary and is determined by the Secretary to be appropriate for purposes of subsections (k) through (w).

"(14) The term 'unit of general local government' means a city, town, township, county, parish, village, or other general purpose political subdivision of a State; Guam, the Northern Mariana Islands, the United States Virgin Islands, American Samoa, or a general purpose political subdivision thereof; and any agency or instrumentality thereof (other than the public housing agency that owns the project) that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to the provisions of subsections (k) through (w).".

SEC. 504. CHOICE IN MANAGEMENT ACT OF 1992.

The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end of title I the following new section:

"SEC. 25. CHOICE IN MANAGEMENT.

"(a) SHORT TITLE.—This section may be cited as the 'Choice in Management Act of 1992'.

"(b) FUNDING AUTHORIZATIONS.—

"(1) REHABILITATION AND REDEVELOPMENT GRANTS.—From amounts reserved under section 14(k)(2)(E) for fiscal years 1993 and 1994, the Secretary may reserve not more than $50,000,000 for activities under this section. The Secretary is authorized to make grants to managers and ownership entities to rehabilitate eligible housing in accordance with this section, as appropriate.

"(2) TECHNICAL ASSISTANCE.—The Secretary may use up to 5 percent of the total amount available for any fiscal year under section 14(k)(2)(E) for this subsection to provide, by contract, technical assistance to residents of public housing and resident councils to help them make informed choices about their options for alternative management under this section.

"(c) PROGRAM AUTHORITY.—

"(1) TRANSFER OF MANAGEMENT.—The Secretary is authorized to approve not more than 25 applications submitted for fiscal year 1993 and

fiscal year 1994 by resident councils for the transfer of the management of public housing projects, or one or more buildings within projects, that are owned or operated by troubled public housing agencies, from public housing agencies to alternative managers.

"(2) REHABILITATION AND CAPITAL IMPROVEMENTS.—The Secretary is authorized to make rehabilitation grants and provide capital improvement funding under subsection (e) in connection with the transfer of eligible housing to a manager under this subtitle.

"(d) OPERATING SUBSIDIES.—

"(1) AUTHORITY TO PROVIDE.—The Secretary is authorized to make operating subsidies under section 9 available to managers under this section.

"(2) AMOUNT OF SUBSIDY.—The Secretary shall establish the amount of the operating subsidies in subsection (a), based on the Secretary's determination of the share for the housing under section 9 (including the share of any reserves established by the agency).

"(3) EFFECT ON PHA GRANT.—Operating subsidies for the public housing agency transferring management shall be reduced in accordance with the requirements of section 9.

"(e) REHABILITATION GRANTS AND CAPITAL IMPROVEMENT FUNDING.—

"(1) REHABILITATION GRANTS FROM THE SECRETARY.—An application under subsection (f) may request approval of amounts set aside under subsection (b) for the rehabilitation of eligible housing under this section. The manager and the Secretary shall enter into a contract governing the use of such assistance.

"(2) ANNUAL CAPITAL IMPROVEMENT FUNDING.—

"(A) AUTHORITY TO PROVIDE.—The Secretary is authorized to make capital improvement funding available annually from amounts under section 14 to managers of eligible housing. In accordance with the contract under subsection (h), the manager shall establish a capital improvements reserve account and deposit each year an amount at least equal to the annual amount of comprehensive grant funds it receives from the Secretary. The amounts in the account may be used only for capital improvements and replacements.

"(B) AMOUNT OF SUBSIDY.—The Secretary shall establish the amount of the funding in paragraph (1), based on the Secretary's determination of the share for the housing under the comprehensive grant formula in accordance with section 14.

"(C) LIMITATION IN THE CASE OF RECENT REHABILITATION.—Where eligible housing has received rehabilitation funding under subsection (a) or has otherwise been comprehensively modernized within 3 years before the effective date of the contract between the Secretary and the manager for management of the eligible housing, only the accrual portion of the comprehensive grant formula amount shall be available for payment to the manager.

"(D) EFFECT ON PHA GRANT.—The comprehensive grant formula amount for the public housing agency transferring the housing shall be reduced in accordance with the requirements of section 14.

"(3) RELATIONSHIP TO SECTION 14.—Section 14 shall not apply to rehabilitation grants under paragraph (1) or capital improvement funding under paragraph (2). The Secretary shall establish such requirements for these grants and this funding as the Secretary deems appropriate. The Secretary may only make an activity eligible for funding under this section if the activity would be eligible for funding by a public housing agency under section 14.

"(f) APPLICATION.—

"(1) FORM AND PROCEDURES.—

"(A) IN GENERAL.—Applicants shall submit an application for approval to transfer management from the public housing agency to a manager for a grant under subsection (e). Applications shall be submitted to the Secretary by a resident council in such form and in accordance with such procedures as the Secretary shall establish.

"(B) PHA COMMENT AND PROPOSAL.—

"(i) COMMENT ON APPLICATION.—The resident council shall give the public housing agency that owns or operates the housing involved a reasonable opportunity to comment on the application, as the Secretary shall prescribe.

"(ii) PUBLIC HOUSING AGENCY PROPOSAL.—The public housing agency may present to the resident council a proposal for the continued management of the housing by the agency, and the resident council shall give reasonable consideration to any such proposal.

"(2) MINIMUM REQUIREMENTS.—The Secretary shall require that an application contain at a minimum—

"(A) a description of the resident council and documentation of its authority;

"(B) documentation that a majority of the members of the board of the resident council has voted in favor of the proposed transfer of management responsibilities, and a majority of the residents has also voted in favor of the transfer in an election supervised by a disinterested third party;

"(C) a description of the proposed manager and documentation of its capacity to manage the eligible housing (the proposed manager shall be selected by the applicant in accordance with procedures established or approved by the Secretary);

"(D) a plan for carrying out the manager's responsibilities for managing the eligible housing;

"(E) documentation that the proposed project (or building or buildings) is eligible housing;

"(F) documentation that the public housing agency that owns or operates the housing has been given a reasonable opportunity to comment on the program contained in the application, that the agency has been given a reasonable opportunity to present to the resident council a proposal for the continued management of the housing by the agency, and that the resident council has given reasonable consideration to any such proposal;

"(G)(i) where the application includes a request for a rehabilitation grant under subsection (e) (an application involving eligible housing that is 50 percent or more vacant shall include such a request), the basis for the estimate of the amount requested, including—

"(I) the estimate of the eligible housing's need under the public housing agency's comprehensive plan (see section 14(e)(1)); and

"(II) an explanation, where appropriate, if a higher amount than planned by the agency is being requested; or

"(ii) where the application does not include a request for a rehabilitation grant under subsection (e), a demonstration that needs for capital improvements and replacement for the housing can reasonably be expected to be funded from capital improvements funding under subsection (e);

"(H) if the manager proposes to administer a program to enable residents to achieve economic independence and self-sufficiency, a description of the program and evidence of commitment of resources to it;

"(I) an analysis showing that the planned rehabilitation will result in the long-term viability of the housing at a reasonable cost;

"(J) a certification that the manager will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing; and

"(K) such other information as the Secretary may require.

"(g) REVIEW AND APPROVAL BY THE SECRETARY.—

"(1) APPLICATIONS THAT DO NOT REQUEST REHABILITATION ASSISTANCE.—In the case of applications that do not include a request for rehabilitation assistance under subsection (e), the Secretary may approve an application that meets the requirements of this subtitle for the transfer of management of public housing.

"(2) APPLICATIONS THAT REQUEST REHABILITATION GRANTS.—In the case of applications that include a request for rehabilitation assistance under subsection (e), the Secretary shall, by regulation, establish selection criteria for a national competition under this subtitle providing for separate rating of applicants under this subtitle and of applicants under this section and selections from a single list of all applicants. The criteria shall include—

"(A) the quality of the plan for rehabilitating the eligible housing;

"(B) the extent of the capacity or potential capacity of the proposed manager to manage the housing and to carry out the rehabilitation program;

"(C) the extent to which a program is proposed to enable residents to achieve economic independence and self-sufficiency;

"(D) the extent to which the planned rehabilitation will result in the long-term viability of the housing at a reasonable cost; and

"(E) such other criteria as the Secretary may require.

"(h) CONTRACT BETWEEN THE SECRETARY AND THE MANAGER.—

"(1) DUTY TO TRANSFER.—After the Secretary approves an application, the public housing agency shall permit the manager to carry out all management responsibilities.

"(2) CONTRACTUAL RELATIONSHIP.—After the Secretary approves an application, the Secretary shall enter into a contract with the manager. The contract shall—

"(A) give the manager the right to receive operating subsidies under subsection (d) and capital improvement funding under subsection (e); and

"(B) require the manager to carry out all management responsibilities for the eligible housing, as provided in or required by the contract.

"(3) SPECIFIC REQUIREMENTS.—The contract shall require the manager to carry out such management responsibilities that apply to public housing agencies that own or operate public housing projects, as are determined by the Secretary. These responsibilities shall include maintaining the units in decent, safe, and sanitary condition in accordance with standards established or adopted by the Secretary; determining whether applicants for admission to a unit in the eligible housing are very low-income families or, subject to the limitations in section 16 as applied by the Secretary to the eligible housing, low-income families; determining the amount of rent in accordance with section 3(a); assigning applicants to units in accordance with a tenant selection plan which is consistent with the nondiscrimination requirements in title VI of the Civil Rights Act of 1964; and applying the preferences under section 6(c)(4). The contract shall require the manager to terminate tenancy in accordance with the procedures applicable to the section 8 new construction program. The contract shall permit, but not require, the manager to select applicants from the public housing waiting list maintained by the public housing agency.

"(4) EXTENSION, EXPIRATION, AND TERMINATION OF CONTRACTS.—(A) Periodically, as determined by the Secretary, the resident council shall—

"(i) approve the renewal of the contract between the Secretary and the manager, or

"(ii) disapprove renewal and submit an application to the Secretary, in accordance with subsection (f), proposing another manager, which may be the public housing agency.

"(B) If the Secretary determines the manager is in default of its responsibilities under the contract, the Secretary may require the resident council to submit another application proposing a different manager, which may be the public housing agency.

"(5) RESUMPTION OF MANAGEMENT RESPONSIBILITIES BY PUBLIC HOUSING AGENCY.—Where a public housing agency reassumes management responsibilities for the eligible housing, the housing shall be subject to all requirements that apply to public housing owned or operated by the agency.

"(i) OTHER PROGRAM REQUIREMENTS.—

"(1) COST LIMITATIONS.—The Secretary may establish cost limitations on activities under this subtitle. The amount of rehabilitation funds under subsection (e)(1) that may be approved may not exceed the per unit cost limit applicable to the comprehensive grant program under section 14.

"(2) DEMOLITION AND DISPOSITION NOT PERMITTED.—The manager may not demolish or dispose of eligible housing under this subtitle.

"(3) CAPABILITY OF RESIDENT MANAGEMENT CORPORATIONS.—To be eligible to become a manager, a resident management corporation—

"(A) shall demonstrate to the Secretary its ability to manage public housing effectively and efficiently, as determined by the Secretary, which shall include evidence of its most recent financial audit; or

"(B) shall arrange for operation of the housing by a qualified management entity.

"(4) PHA NOT LIABLE FOR MANAGER OR RESIDENT COUNCIL.—The public housing agency shall not be liable for any act or failure to act by the manager or resident council.

"(5) BONDING AND INSURANCE.—Before assuming any management responsibility for eligible housing, the manager shall obtain fidelity bonding and insurance, or equivalent protection, in accordance with regulations and requirements of the Secretary. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the manager or its employees.

"(6) RESTRICTION ON DISPLACEMENT BEFORE TRANSFER.—

"(A) IN GENERAL.—The public housing agency may not involuntarily displace, as determined by the Secretary, any resident of eligible housing beginning on the date that an application under subsection (f) is submitted by a resident council, and continuing through either transfer of management of the housing or if the application is disapproved, the date of the disapproval.

"(B) EXCEPTION FOR TEMPORARY RELOCATION.—Paragraph (1) shall not apply to the temporary relocation of residents in connection with modernization activities under section 14.

"(j) PERFORMANCE REVIEW AND COMPLIANCE; RECORDS, REPORTS, AND AUDITS.—

"(1) MONITORING AND ENFORCEMENT BY THE SECRETARY.—The Secretary shall monitor the performance of managers under this subtitle. The Secretary is authorized to take any available action, including any action specified in the contracts referred to in paragraph (1), for violations of the requirements of this subtitle.

"(2) RECORDS, REPORTS, AND AUDITS OF MANAGERS.—

"(A) KEEPING OF RECORDS.—Each manager and resident council under this subtitle shall keep such records as may be reasonably necessary to disclose the amount and the disposition by the manager of the proceeds of assistance received under this subtitle and to ensure compliance with the requirements of this subtitle.

"(B) ACCESS TO DOCUMENTS.—

"(i) BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of the manager, the resident council, and the public housing agency that are pertinent to assistance received under, and the requirements of, this subtitle.

"(ii) BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall also have access for the purpose of audit and examination to any books, documents, papers, and records of the manager and the resident council that are pertinent to assistance received under, and the requirements of, this subtitle.

"(C) REPORTING REQUIREMENTS.—Each manager shall submit to the Secretary such reports as the Secretary determines appropriate to carry out the Secretary's responsibilities under this subtitle, including an annual financial audit.

"(D) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress evaluating the management transfer carried out under this section compared to other methods of dealing with severely distressed public housing.

"(k) NONDISCRIMINATION.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

"(l) RELATIONSHIP TO OTHER PROGRAM AUTHORITIES.—

"(1) HOMEOWNERSHIP.—After a transfer of management in accordance with this subtitle, the eligible housing shall remain eligible for assistance under the HOPE for Public and Indian Housing Homeownership program under title III and for sale under section 5(h) of this Act. Participation in a homeownership program shall be consistent with the contract between the Secretary and the manager.

"(2) SELF-SUFFICIENCY.—Where the application proposes a program to enable residents to achieve economic independence and self-sufficiency, consistent with the objectives of the program under section 23, and demonstrates that the manager has the capacity to carry out a self-sufficiency program, the Secretary may approve such a program. Where such a program is approved, the Secretary shall authorize the manager to adopt policies consistent with section 23(d) (maximum rents and escrow savings accounts) and section 23(e) (effect of increases in family income).

"(m) DEFINITIONS.—For purposes of this subtitle—

"(1) The term 'eligible housing' means a public housing project, or one or more buildings within a project, that—

"(A) is owned or operated by a troubled public housing agency;

"(B) has a vacancy rate, as determined by the Secretary, of less than 50 percent, or such higher vacancy rate as the Secretary may establish or approve; and

"(C) has been identified as severely distressed under section 24 of this Act.

In the case of an individual building, the building shall, in the Secretary's determination, be sufficiently separable from the remainder of the project to make use of the building feasible for purposes of this subtitle.

"(2) The term 'manager' means one of the following entities (other than the public housing agency that owns the project) that has entered into a contract with the Secretary for the management of eligible housing under this subtitle—

"(A) a public or private nonprofit organization (including, as determined by the Secretary, such an organization sponsored by the public housing agency);

"(B) a for-profit entity, if it has (i) a proven track record of providing low-income housing, and (ii) is participating in joint venture with an organization described in paragraph (3);

"(C) a public body, including an agency of instrumentality thereof; and

"(D) a public housing agency.

The term does not include a resident council.

"(3) The term 'private nonprofit organization' means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

"(A) is incorporated under State or local law;

"(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

"(C) complies with standards of financial accountability acceptable to the Secretary; and

"(D) has among its purposes significant activities related to the provision of decent housing that is affordable to low-income families.

The term includes resident management corporations.

"(4) The term 'public housing agency' as used in this subtitle has the meaning given such term in section 3(b)(6) of this Act, except that it does not include Indian housing authorities.

"(5) The term 'public nonprofit organization' means any public nonprofit entity, except the public housing agency that owns the eligible housing.

"(6) The term 'resident council' means any nonprofit organization or association that—

"(A) is representative of the residents of the eligible housing;

"(B) adopts written procedures providing for the election of officers on a regular basis; and

"(C) has a democratically elected governing board, elected by the residents of the eligible housing.

"(7) The term 'resident management corporation' means a resident management corporation established in accordance with the requirements of the Secretary under section 20.

"(8) The term 'troubled public housing agency' means a public housing agency with 250 or more units that—

"(A) has been designated as a troubled public housing agency for the current Federal fiscal year, and for the 2 preceding Federal fiscal years—

"(i) under section 6(j)(2)(A)(i); or

"(ii) before the implementation of that authority, under any other procedure for designating troubled public housing agencies that was used by the Secretary and is determined by the Secretary to be appropriate for purposes of this section; and

"(B) has not met targets for improved performance under section 6(j)(2)(B).".

SEC. 505. DIRECTIVE TO RELIEVE REGULATORY BURDEN.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall—

(1) review existing regulations, administrative procedures and recordkeeping, and documentation requirements that govern the use and distribution of funds for the operation, modernization, and development of public and Indian housing under the United States Housing Act of 1937;

(2) review existing regulations, administrative procedures and recordkeeping, and documentation requirements that govern the assessment of the management performance of public and Indian housing agencies pursuant to section 6(j) of the United States Housing Act of 1937;

(3) determine whether the regulations, administrative procedures, and requirements reviewed under paragraphs (1) and (2) impose unnecessary burdens on public and Indian housing agencies; and

(4) identify and revise any such regulations, administrative procedures, and requirements to reduce unnecessary burdens on public and Indian housing agencies.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report describing the results of the review and the revisions made under subsection (a).

(c) CONSULTATION.—The Secretary shall carry out subsection (a) in consultation with organizations and individuals representing public and Indian housing agencies, tenants, management experts, academics, and other interested parties.

SEC. 506. CEILING RENTS.

Section 3(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)) is amended—

(1) by striking "(A)" after "(2)";

(2) in the first sentence of subparagraph (A), by striking "for not more than a 5-year period";

(3) by striking subparagraph (B); and

(4) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively.

SEC. 507. REPLACEMENT HOUSING.

(a) AMENDMENTS TO SECTION 18 OF THE UNITED STATES HOUSING ACT OF 1937.—Section 18(b) of the United States Housing Act of 1937 (42 U.S.C. 1437p(b)) is amended—

(1) in paragraph (1), by inserting after "cooperative" the following: "of the project covered by the application"; and

(2) in paragraph (3)—

(A) by inserting after "for each public housing dwelling unit to be demolished or disposed under such application" the following: "that exceeds in any 5-year period the lesser of 5 dwelling units or 5 percent of the total dwelling units owned and operated by the public housing under this Act";

(B) by striking "and" at the end of subparagraph (F);

(C) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(H) may provide that all or part of such additional dwelling units may be located outside the jurisdiction of the public housing agency (hereafter referred to in this section as the 'original agency') if—

"(i) the location is in the same housing market area as the original agency, as determined by the Secretary;

"(ii) the plan contains an agreement between the original agency and the public housing agency in the alternate location or other public or private entity that will be responsible for providing the additional units in the alternate location (hereafter referred to in this section as the 'alternate agency or entity') that the alternate agency or entity will, with respect to the dwelling units involved—

"(I) provide the dwelling units in accordance with subparagraph (A) of this paragraph;

"(II) complete the plan in accordance with subparagraph (D) of this paragraph;

"(III) work with the original agency in meeting the requirements of subparagraph (E) of this paragraph and the maximum rent provisions of subparagraph (F) of this paragraph; and

"(IV) not impose a local residency preference on any resident of the jurisdiction of the original agency for purposes of admission to any such units; and

"(iii) the arrangement is approved by the unit of general local government for the jurisdiction in which the additional units will be located.".

(b) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by subsection (a) shall also apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

SEC. 508. INCOME ELIGIBILITY.

Section 16(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437n(d)(2)) is amended by inserting before the period "or to dwelling units sold or intended to be sold under section 5(h) of this title".

SEC. 509. APPLICABILITY OF DEFINITIONS TO INDIAN HOUSING.

(a) IN GENERAL.—In accordance with section 201(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437aa(b)(2)), the provisions of sections 572, 573, and 574 of the Cranston-Gonzalez National Affordable Housing Act shall apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian Housing Authority.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as if such provision were enacted upon the date of enactment of the Cranston-Gonzalez National Affordable Housing Act.

SEC. 510. PREFERENCE RULES.

Not later than 30 days after the date of enactment of this Act, the Secretary shall publish final regulations as may be necessary to implement section 6(c)(4)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(4)(A)).

SEC. 511. DEFINITION OF ADJUSTED INCOME FOR FAMILIES ASSISTED BY INDIAN HOUSING AUTHORITIES.

Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended—

(1) by striking subparagraph (D) and inserting the following:

"(D) child care expenses to the extent necessary to enable another member of the family to be employed or to further his or her education;";

(2) by striking "and" at the end of subparagraph (E);

(3) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(4) by inserting after subparagraph (F) the following new subparagraph:

"(G) excessive travel expenses, not to exceed $25 per family per week, for employment- or education-related travel, except that this subparagraph shall apply only to families assisted by Indian housing authorities.".

SEC. 512. NONMETROPOLITAN ALLOCATION REQUIREMENT FOR THE PUBLIC AND INDIAN HOUSING AND SECTION 8 PROGRAMS.

The second sentence of section 213(d)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)(2)) is amended by striking "20 nor more than 25" and inserting "15 nor more than 20".

SEC. 513. DRUG ELIMINATION GRANTS.

The Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting immediately after "(including Indian Housing Authorities)" the following: ", public housing resident management corporations that are principally managing, as determined by the Secretary, public housing projects owned by public housing agencies,";

(2) in section 5124, by inserting at the beginning of paragraph (7) "where a public housing agency receives a grant,"; and

(3) in section 5125(a), by inserting immediately after "public housing agency" in the first sentence the following: ", a public housing resident management corporation,".

SEC. 514. FUNDING OF PUBLIC HOUSING MODERNIZATION PROGRAM MONITORING AND MANAGEMENT ASSISTANCE.

Section 14(k)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437l(k)(1)) is amended by inserting "(A)" before "from", and inserting the following new subparagraph at the end:

"(B) From amounts approved in appropriation Acts under this section for fiscal year 1993 and each fiscal year thereafter, and to the extent provided by such Acts, the Secretary may set aside up to $10,500,000 for use by the Secretary to contract for monitoring and inspections of, and management and other technical assistance and services for, public housing agencies receiving financial assistance under this section.".

SEC. 515. USE OF COMPREHENSIVE GRANT FUNDS FOR ACQUISITION OF REPLACEMENT HOUSING UNITS.

Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is amended—

(1) at the end of subsection (a), by adding the following: "With respect to a public housing agency that owns or operates more than 250 public housing dwelling units, it is also the purpose of this section to provide assistance for the development of units through acquisition (with or without rehabilitation) to replace housing units or portions of such projects that have been declared nonviable.";

(2) at the end of subsection (b)(1), by adding the following: "With respect to a public housing agency that owns or operates more than 250 public housing dwelling units, the Secretary may make available and contract to make available such assistance to such public housing agencies for the development of units through acquisition (with or without rehabilitation) to replace housing units in public housing projects or portions of such projects that have been declared nonviable."; and

(3) at the end of subsection (e)(1)(B), by adding the following: "and a comprehensive assessment of the need to acquire housing units to replace housing units in public housing projects or portions of such projects that have been declared nonviable;".

SEC. 516. EXEMPTION FROM LIMITATION ON NEW CONSTRUCTION.

Section 201(c) of the United States Housing Act of 1937 (42 U.S.C. 1437aa(c)) is amended by striking the period at the end and inserting the following: "or section 6(h) of the United States Housing Act 1937 (relating to the prohibition against the Secretary entering into a contract involving new construction unless the public housing agency demonstrates that the cost of new construction is less than the cost of acquisition or acquisition and rehabilitation)".

SEC. 517. PAYMENTS TO MUNICIPALITIES.

Section 203(b) of the United States Housing Act of 1937 (42 U.S.C. 1437cc(b)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of this Act, the Secretary shall make annual payments from funds appropriated under section 9(c) to municipalities providing such roads, facilities, and systems in an amount equal to—

"(1) 10 percent of the applicable shelter rent, minus the utility allowance; or

"(2) $150,

whichever is greater, for each rental housing unit covered by this subsection.".

SEC. 518. RENTAL ASSISTANCE FRAUD RECOVERIES.

(a) IN GENERAL.—Section 326(d) of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437f note) is amended to read as follows:

"(d)(1) The Secretary of Housing and Urban Development shall permit public housing agencies administering the housing assistance payments program under section 8 of the United States Housing Act of 1937 and owners of projects assisted under that section to retain, out of amounts obtained by them from tenants that are due as a result of fraud and abuse, an amount (determined in accordance with regulations issued by the Secretary) equal to the greater of—

"(A) 50 percent of the amount actually collected, or

"(B) the actual, reasonable, and necessary expenses related to the collection, including costs of investigation, legal fees, and collection agency fees.

Amounts retained by an agency or owner shall be made available for use in support of the affected program or project, in accordance with regulations issued by the Secretary. Where the Secretary is the principal party initiating or sustaining an action to recover amounts from families or owners, the provisions of this section shall not apply.

"(2) Amounts may be recovered under this paragraph—

"(A) by an agency or owner through a lawsuit (including settlement of the lawsuit) brought by the agency or owner or through court-ordered restitution pursuant to a criminal proceeding resulting from an agency's or owner's investigation where the agency or owner seeks prosecution of a family or where an agency seeks prosecution of an owner; or

"(B) in the case of a public housing agency, through administrative repayment agreements with a family or owner entered into as a result of an administrative grievance procedure conducted by an impartial decisionmaker in accordance with section 6(k) of the United States Housing Act of 1937."

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to actions by public housing agencies and owners initiated on or after the date of enactment of this Act.

SEC. 519. SALE OF CERTAIN SCATTERED-SITE HOUSING.

The Secretary of Housing and Urban Development shall authorize the Delaware State Housing Authority in the State of Delaware to sell scattered-site public housing of the Authority under the provisions of section 5(h) of the United States Housing Act of 1937. Any proceeds from the disposition of such housing shall be used to purchase replacement scattered-site dwellings, which shall be considered public housing for the purposes of such Act and for which the Secretary shall provide annual contributions for operation, using amounts made available under section 9(c) of such Act.

SEC. 519A. MODERNIZATION OF INDIAN HOUSING.

Section 202(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437bb(b)(2)) is amended by striking "single" in the second sentence.

SEC. 519B. PROJECT-BASED ACCOUNTING.

Section 502(c)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437d note) is amended by adding before the period the following: "for public housing agencies with 500 or more units and not later than January 1, 1994 for public housing agencies with less than 500 units.

SEC. 519C. HOMEOWNERSHIP DEMONSTRATION PROGRAM IN OMAHA, NEBRASKA.

(a) ESTABLISHMENT.—The Secretary shall carry out a program to facilitate self-sufficiency and homeownership of single-family homes administered by the Housing Authority of the city of Omaha, in the State of Nebraska (hereafter in this section referred to as the "Housing Authority"), to demonstrate the effectiveness of promoting homeownership and providing support services.

(b) PARTICIPATING PUBLIC HOUSING UNITS.—For purposes of the demonstration program established pursuant to subsection (a), the Secretary shall allow the Housing Authority to designate single-family housing units for eventual homeownership. Over the term of the demonstration, this section may be applied to not more than 50 percent of the single-family housing units located on scattered sites that are owned or purchased by the Housing Authority.

(c) NONDISPLACEMENT.—No person who is a tenant of public housing may be involuntarily relocated or displaced as a result of the demonstration program.

(d) ECONOMIC SELF-SUFFICIENCY.—

(1) ESTABLISHMENT OF PARTICIPATION CRITERIA.—The Housing Authority shall establish criteria for the participation of families in the demonstration program. Such criteria shall be based on factors that may reasonably be expected to predict a family's ability to succeed in the homeownership program established by this section.

(2) CONTENTS OF PARTICIPATION CRITERIA.—The criteria referred to in paragraph (1) shall include evidence of interest by the family in homeownership, the employment status and history of employment of family members, and maintenance by the family of the family's previous dwelling.

(e) PROVISION OF SUPPORTIVE SERVICES.—The Housing Authority shall ensure the availability of supportive services to each family participating in the demonstration program through its own resources and through coordination with Federal, State, and local agencies and private entities. Supportive services available under the demonstration program may include counseling, remedial education, education for completion of high school, job training and preparation, financial counseling emphasizing planning for homeownership, and any other appropriate services.

(f) REPORTS TO CONGRESS.—

(1) BIENNIAL REPORT.—Upon the expiration of the 2-year period beginning on the date of enactment of this Act, and each 2-year period thereafter, the Secretary of Housing and Urban Development shall submit to the Congress a report evaluating the effectiveness of the demonstration program established under this section.

(2) FINAL REPORT.—Not later than 60 days after termination of the demonstration program pursuant to subsection (h), the Secretary shall submit to the Congress a final report evaluating the effectiveness of the demonstration program.

(g) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations necessary to carry out this section.

(h) TERMINATION.—The demonstration program established under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 519D. PUBLIC HOUSING YOUTH SPORTS PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in subsection (a), by striking "in" and inserting "for residents of";

(2) in subsection (b)(5), after "nonprofit organizations", by inserting "and institutions of higher learning"; and

(3) in subsection (d)(3), after "cultural activities,", by inserting "transportation costs,".

Subtitle B—Low-Income Rental Assistance

SEC. 521. VOUCHER AND CERTIFICATE HOMEOWNERSHIP.

(a) USE OF VOUCHERS FOR COOPERATIVE AND MUTUAL HOUSING HOMEOWNERSHIP.—Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting "(A)" after "mutual housing"; and

(2) by inserting before the period "; or (B) for families which are first-time homebuyers".

(b) HOMEOWNERSHIP OPTION: VOUCHERS AND CERTIFICATES.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end the following new subsection:

"(y) HOMEOWNERSHIP OPTION: VOUCHERS AND CERTIFICATES.—

"(1) USE OF VOUCHERS AND CERTIFICATES FOR HOMEOWNERSHIP.—A family assisted under the voucher or certificate program may receive assistance for occupancy of a dwelling owned by 1 or more members of the family if the family—

"(A) is a first-time homeowner;

"(B) either—

"(i) participates in the public housing agency's Family Self-Sufficiency program under section 23; or

"(ii) demonstrates that it has income from employment or other sources (other than public assistance), as determined in accordance with the regulations of the Secretary, that is at least equal to twice the payment standard established by the public housing agency (or to such other amount as may be established by the Secretary);

"(C) at the time it initially receives assistance under this subsection, demonstrates that 1 or more adult members of the family, except as determined by the Secretary, has achieved employment for such period as the Secretary shall require;

"(D) participates in a homeownership and fair housing counseling program provided by the agency; and

"(E) meets any other initial or continuing requirements established by the public housing agency in accordance with the regulations of the Secretary.

"(2) ASSISTANCE.—The monthly assistance payment for any family assisted under this subsection shall be the lesser of—

"(A) the amount by which the payment standard established by the public housing agency pursuant to subsection (o) exceeds 30 percent of the family's monthly adjusted income; or

"(B) the amount by which the monthly homeownership expenses, as determined in accordance with the regulations of the Secretary, exceed 10 percent of the family's monthly income.

"(3) RECAPTURE OF CERTAIN AMOUNTS.—In determining the amount of assistance for a family under paragraph (2), the Secretary shall not include in the family's income an amount imputed from its equity in a dwelling occupied by the family with assistance under this subsection. However, upon sale of the dwelling by the family, the Secretary shall recapture from net proceeds, if any, the amount of additional assistance, as determined in accordance with the regulations of the Secretary, paid to or on behalf of the eligible family due to the preceding sentence.

"(4) DOWNPAYMENT REQUIREMENT.—The public housing agency shall assure that each family shall provide from its own resources at least 80 percent of any downpayment in connection with a loan made for the purchase of a dwelling. Up to 20 percent of the downpayment may be provided from other sources, such as from nonprofit entities and programs of States and units of general local government. The family may count amounts from its escrow under section 23(d) that are used for the downpayment toward the 80 percent requirement.

"(5) INELIGIBILITY UNDER OTHER PROGRAMS.—A family may not receive assistance under this subsection during any period when assistance is being provided for the family under other Federal homeownership assistance programs, as determined by the Secretary, including assistance under the HOME Investment Partnerships Act, the Homeownership and Opportunity Through HOPE Act, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and section 502 of the Housing Act of 1949.

"(6) INAPPLICABILITY OF CERTAIN PROVISIONS.—The following provisions shall not apply to assistance under this subsection:

"(A) subsection (c)(3)(B);

"(B) subsection (d)(1)(B);

"(C) provisions (except paragraph (2) of this subsection) governing the determination of the amount of assistance payments on behalf of a family;

"(D) provisions governing the maximum amounts payable to owners and amounts payable by assisted families;

"(E) provisions concerning contracts between public housing agencies and owners; and

"(F) any other provisions of this Act that are inconsistent with the provisions of this subsection.

"(7) REVERSION TO RENTAL STATUS.—If a family receiving assistance under this subsection for occupancy of a dwelling defaults under a mortgage for the dwelling insured by the Secretary under the National Housing Act, the family may not continue to receive assistance under the voucher or certificate program unless the family—

"(A) transfers marketable title to the dwelling to the Secretary;

"(B) moves from the dwelling within deadlines established or approved by the Secretary;

"(C) agrees that any amounts the family is required to pay to reimburse the escrow account as required by section 23(d)(3) may be deducted by the public housing agency from the assistance payment otherwise payable on behalf of the family; and

"(D) meets any other requirements established or approved by the Secretary.

If a family defaults under a mortgage not covered by the preceding sentence, the family may not continue to receive assistance unless it complies with requirements established by the Secretary. A family that defaults under a mortgage may not receive assistance for occupancy of another dwelling owned by 1 or more members of the family.

"(8) DEFINITION OF FIRST-TIME HOMEOWNER.—For purposes of this subsection, the term 'first-time homeowner' means—

"(A) a family, no member of which has had a present ownership interest in a principal residence during the 3 years preceding the date on which the family initially receives assistance for homeownership under this subsection; and

"(B) any other family, as the Secretary may prescribe by regulation.".

(c) CONFORMING AMENDMENT.—The third sentence of section 3(a)(1) of such Act is amended by inserting after "8(o)" the following: "or 8(y)".

(d) CONFORMING FAMILY SELF-SUFFICIENCY AMENDMENTS.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(1) in the last sentence of subsection (d)(2), by striking "Amounts" and inserting "Except as provided in paragraph (3), amounts"; and

(2) by adding at the end of subsection (d) the following new paragraph:

"(3) USE OF ESCROW SAVINGS ACCOUNTS FOR HOMEOWNERSHIP UNDER SECTION 8(y).—A family that uses assistance under section 8(y) to purchase a dwelling may use up to 50 percent of the amount in its escrow account established under paragraph (2) for a downpayment for such purchase. After the family acquires homeownership, it may use the remainder of the escrow account to cover the costs of major repair and replacement needs of the dwelling. If a family defaults on its loan to purchase a dwelling and the mortgage is foreclosed, the remaining amounts in the escrow account shall be recaptured by the Secretary, and the family may be required to reimburse the escrow account for some or all of the amounts used in connection with homeownership.".

(e) USE OF FHA INSURANCE WITH SECTION 8 HOMEOWNERSHIP OPTION.—

(1) AMENDMENT TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(A) by adding at the end of section 203 the following new subsection—

"(u) Notwithstanding section 202, the insurance of a mortgage under this section in connection with the assistance provided under section 8(y) of the United States Housing Act of 1937 shall be an obligation of the General Insurance Fund created pursuant to section 519. The provisions of section 204 (a) through (h) and section 204 (j) and (k) shall apply, except that—

"(1) all references in section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund; and

"(2) the excess remaining, referred to in section 204(f)(1), shall be retained by the Secretary and credited to the General Insurance Fund.";

(B) in the first sentence of section 203(c)(2), by striking "an obligation of the Mutual Mortgage Insurance Fund" and inserting "either an obligation of the Mutual Mortgage Insurance Fund or an obligation of the General Insurance Fund under subsection (u)"; and

(C) in section 519(e), by inserting after "203(b)" the following: "(except as provided in section 203(u))".

(2) OMNIBUS BUDGET RECONCILIATION ACT OF 1990.—The first sentence of section 2103(b) of the Omnibus Budget Reconciliation Act of 1990 is amended by striking "obligations of the Mutual Mortgage Insurance Fund" and inserting "either obligations of the Mutual Mortgage Insurance Fund or obligations of the General Insurance Fund under section 203(u) of the National Housing Act".

(f) APPLICABILITY TO INDIAN HOUSING.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subtitle shall also apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

SEC. 522. MOVING TO OPPORTUNITY FOR FAIR HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall carry out a demonstration program to help minority families with children move out of areas with high concentrations of minority persons living in poverty to areas with low concentrations. The demonstration program carried out under this section shall demonstrate the extent to which mobility initiatives—

(1) further the objectives of title VIII of the Civil Rights Act of 1968;

(2) enhance the short- and long-term employment opportunities of adult participants; and

(3) enhance the short- and long-term educational and employment opportunities of child participants.

The demonstration program carried out under this section shall also compare and contrast the costs associated with implementing such a program (including the costs of counseling, supportive services, housing assistance payments and other relevant program elements) with the costs associated with the routine implementation of the section 8, tenant-based rental assistance programs.

(b) RESERVATION OF SECTION 8 CERTIFICATES.—From amounts approved in appropriations Acts for fiscal years 1993 and 1994 for use under the section 8 existing housing certificate program, the Secretary may reserve amounts for up to 1,500 certificates for each such fiscal year for purposes of carrying out the demonstration program under this section.

(c) QUALIFIED JURISDICTIONS.—The demonstration program carried out under this section shall involve cities with populations exceeding 350,000 that are located in consolidated metropolitan statistical areas, as established by the Office of Management and Budget, with populations exceeding 1,500,000.

(d) CONTRACTING.—The Secretary shall enter into contracts with nonprofit organizations for counseling and other services in connection with the demonstration program under this section and shall enter into annual contributions contracts with public housing agencies for the administration of housing assistance payment contracts.

(e) REPORTING REQUIREMENTS.—Not later than 2 years after the date of enactment of this Act (and biennially thereafter), the Secretary shall submit interim reports to the Congress evaluating the effectiveness of the demonstration program under this section. The interim reports shall include a statement of the number of persons served, the level of counseling and the types of services provided, the cost of providing such counseling and services, updates on the employment record of families assisted under the program, and any other information the Secretary considers appropriate in evaluating the demonstration. Not later than September 30, 2004, the Secretary shall submit a final report to the Congress describing the long-term housing, employment, and educational achievements of the families assisted under the demonstration program.

(f) DIRECTIVE TO FURTHER FAIR HOUSING OBJECTIVES UNDER THE SECTION 8 CERTIFICATE AND VOUCHER PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with individuals representing fair housing organizations, low-income tenants, public housing agencies, and other interested parties, shall—

(1) review and comment upon the study prepared by the Comptroller General of the United States pursuant to section 558(3) of the Cranston-Gonzalez National Affordable Housing Act;

(2) review and comment on existing demonstration and judicially mandated programs that help minority families receiving section 8 certificates and vouchers move out of areas with high concentrations of minority persons living in poverty to areas with low concentrations, including how such programs differ from the routine implementation of the section 8 certificate and voucher programs;

(3) independently assess factors (including the adequacy of section 8 fair market rents, the level of counseling provided by public housing agencies, the existence of racial and ethnic discrimination by landlords) that may impede the geographic dispersion of families receiving section 8 certificates and vouchers;

(4) identify and implement any administrative revisions that would enhance geographic dispersion and tenant choice and incorporate the positive elements of various demonstration and judicially mandated mobility programs; and

(5) submit to the Congress a report describing its findings under paragraphs (1), (2), and (3), the actions taken under paragraph (4), and any recommendations for additional legislative action.

SEC. 523. FAMILY UNIFICATION ASSISTANCE.

Section 8(x)(1) of the United States Housing Act of 1937 (12 U.S.C. 1437f(x)(1)) is amended to read as follows:

"(1) INCREASE IN BUDGET AUTHORITY.—The budget authority available under section 5(c) for assistance under section 8(b) is authorized to be increased by $100,000,000 on or after October 1, 1992, and by $103,200,000 on or after October 1, 1993.".

SEC. 524. HOUSING ASSISTANCE IN JEFFERSON COUNTY, TEXAS.

Section 213(e) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(e)) is amended by striking "the Park Central New Community Project or in adjacent areas that are recognized by the unit of general local government in which such Project is located as being included within the Park Central New Town in Town Project." and inserting "Jefferson County, Texas.".

SEC. 525. APPLICABILITY OF AMENDMENT TO MCKINNEY ACT.

Section 2(b) of Public Law 102–273 (42 U.S.C. 1437f note) is amended by striking "January 1, 1992" and inserting "November 7, 1988".

SEC. 526. FAMILY SELF-SUFFICIENCY.

(a) VOLUNTARY PARTICIPATION BY FAMILIES.—Section 23(c)(1) of the United States Housing Act of 1937 is amended by inserting at the end thereof the following: "Assistance for a family that elects not to participate in the program shall not be delayed by reason of such election.".

(b) CONTRACT OF PARTICIPATION.—Section 23(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437u(c)(1)) is amended—

(1) in the last sentence, by inserting "without good cause" after "comply"; and

(2) by adding at the end the following: "Good cause may include but shall not be limited to a loss or reduction in access to supportive services, or a change in circumstances that makes the family or individual unsuitable for participation.".

(c) ESCROW SAVINGS ACCOUNTS.—Section 23(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437u(d)(2)) is amended in the last sentence by striking "only after" and all that follows through the end of the sentence and inserting the following: "after the family ceases to receive Federal, State and local income subsidies or family income exceeds the equivalent of full-time employment at the minimum wage, or under circumstances in which the Secretary determines an exception for good cause is warranted.".

(d) NONDISCRIMINATION.—Section 23(g)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437u(g)(3)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(3) by adding at the end the following:

"(H) assurances satisfactory to the Secretary that nonparticipating families will retain their rights to public housing or section 8 assistance notwithstanding the provisions of this section.".

(e) RESERVATION OF OPERATING SUBSIDIES.—The last sentence of 23(h)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)(2)) is amended to read as follows: "Of any amounts appropriated under section 9(c) for fiscal years 1993 and 1994, $25,000,000 is authorized in each fiscal year to be used for costs under this paragraph.".

(f) DEFINITIONS.—Section 23(n) of the United States Housing Act of 1937 (42 U.S.C. 1437u(n)) is amended by adding at the end the following:

"(3) The term 'eligible family' means a family whose head of household is not elderly, disabled, pregnant, a primary caregiver for children under the age of 3, or for whom the Family Self-Sufficiency program would otherwise be unsuitable. Notwithstanding the preceding sentence, a public housing agency may enroll such families if they choose to participate in the program.".

(g) INDIAN HOUSING.—Section 23(o)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437u(o)(2)) is amended to read as follows:

"(2) APPLICABILITY TO INDIAN PUBLIC HOUSING AUTHORITIES.—Notwithstanding any other provision of law, the provisions of this section shall be optional for Indian housing authorities.".

SEC. 527. SECTION 8 AMENDMENTS.

(a) ADDITIONAL ADJUSTMENTS.—Section 8(c)(2)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(B)) is amended by adding after the first sentence the following new sentence: "The Secretary may make additional adjustments in the maximum monthly rent for units under contract (subject to the availability of appropriations for contract amendments) to the extent the Secretary determines such adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the units that have resulted from the expiration of a real property tax exemption.".

(b) COMMITTEE FOR DIGNITY AND FAIRNESS FOR THE HOMELESS HOUSING DEVELOPMENT, INC.—Rehabilitation activities undertaken by the Committee for Dignity and Fairness for the Homeless Housing Development, Inc. in connection with 46 dwelling units that were renovated for permanent housing for the homeless and that are located in Philadelphia, Pennsylvania, shall be deemed to have been conducted pursuant to an agreement with the Secretary of Housing and Urban Development under clause (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)(A)).

SEC. 528. EXCLUSION OF INCOME.

(a) EXCLUSION OF CERTAIN INCOME.—Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(4)) is amended after "family" by inserting the following: "and any amounts which would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7))".

(b) BUDGET COMPLIANCE.—The amendment made by subsection (a) shall apply only to the extent approved in appropriations Acts.

SEC. 529. TECHNICAL AMENDMENT.

(a) ELIGIBILITY OF LOW-INCOME FAMILIES TO RECEIVE RENTAL VOUCHERS.—Section 8(o)(3)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(3)(A)) is amended—

(1) by striking "or" at the end of clause (iii); and

(2) by inserting before the period the following: ", or (v) a family that qualifies to receive a voucher under section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990".

Subtitle C—General Provisions and Other Assistance Programs

SEC. 531. LOW-INCOME HOUSING AUTHORIZATION.

(a) AGGREGATE BUDGET AUTHORITY.—Section 5(c)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)(6)) is amended by adding at the end the following new sentence: "The aggregate amount of budget authority that may be obligated for assistance referred to in paragraph (7) is increased (to the extent approved in appropriation Acts) by $15,242,348,288 on October 1, 1992, and by $15,435,634,441 on October 1, 1993.".

(b) UTILIZATION OF HOUSING BUDGET AUTHORITY.—Subparagraphs (A) and (B) of section 5(c)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)(7)) are amended to read as follows:

"(A) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1993, the Secretary shall, to the extent approved in appropriations Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), not more than $541,851,600, of which amount not more than $245,409,600 shall be available for Indian housing;

"(ii) for public housing grants under section 24, not more than $400,000,000;

"(iii) for assistance under subsections (b)(1) and (o) of section 8, not more than $1,658,888,400, of which the Secretary shall use such amounts as may be necessary to provide not more than 1,000 certificates for purposes of replacement assistance under section 304(g) of the United States Housing Act of 1937; except that not more than 50 percent of the amounts appropriated under this clause may be used for vouchers under section 8(o);

"(iv) for comprehensive improvement assistance grants under section 14(k), not more than $3,000,000,000, of which not more than $3,000,000 shall be available for resident homeownership financial assistance under section 21(a)(2)(B);

"(v) for assistance under section 8 for property disposition, not more than $91,728,288;

"(vi) for assistance under section 8 for loan management, not more than $265,224,000;

"(vii) for extensions of contracts expiring under section 8, not more than $7,261,600,000 which shall be for 5-year contracts for certificates under section 8(b)(1) and vouchers under section 8(o), and for assistance under section 8 for loan management;

"(viii) for amendments to contracts under section 8, not more than $1,918,801,000;

"(ix) for public housing lease adjustments and amendments, not more than $21,755,000; and

"(x) for public housing replacement activities, not more than $82,500,000.

"(B) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1994, the Secretary shall, to the extent approved in appropriations Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), not more than $559,190,851, of which amount not more than $253,262,707 shall be available for Indian housing;

"(ii) for public housing grants under section 24, not more than $412,800,000;

"(iii) for assistance under subsections (b)(1) and (o) of section 8, not more than $1,711,972,829, of which the Secretary shall use such amounts as may be necessary to provide not more than 1,000 certificates for purposes of replacement assistance under section 304(g) of the United States Housing Act of 1937; except that not more than 50 percent of the amounts appropriated under this clause may be used for vouchers under section 8(o);

"(iv) for comprehensive improvement assistance grants under section 14(k), not more than $3,096,000,000;

"(v) for assistance under section 8 for property disposition, not more than $94,663,593;

"(vi) for assistance under section 8 for loan management, not more than $273,711,168;

"(vii) for extensions of contracts expiring under section 8, not more than $7,261,600,000 which shall be for 5-year contracts for certificates under section 8(b)(1) and vouchers under section 8(o), and for assistance under section 8 for loan management;

"(viii) for amendments to contracts under section 8, not more than $1,918,801,000;

"(ix) for public housing lease adjustments and amendments, not more than $21,755,000; and

"(x) for public housing replacement activities, not more than $85,140,000.".

SEC. 532. HOUSING COUNSELING.

(a) COUNSELING SERVICES.—The first sentence of section 106(a)(3) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by striking "except that" and all that follows through the period and inserting "except that for such purposes there are authorized to be appropriated $5,200,000 for fiscal year 1993 and $5,318,400 for fiscal year 1994. Of the amounts appropriated for each of fiscal years 1993 and 1994, up to $1,500,000 shall be available for use for counseling and other activities in connection with the demonstration program authorized under section 512 of the National Affordable Housing Act Amendments of 1992.".

(b) EMERGENCY HOMEOWNERSHIP COUNSELING.—The first sentence of section 106(c)(8) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(8)) is amended to read as follows: "There are authorized to be appropriated to carry out this section $7,000,000 for fiscal year 1993 and $7,224,000 for fiscal year 1994, of which *amounts $2,000,000 shall be available in each such fiscal year to carry out paragraph (5)(D).".*

(c) Prepurchase and Foreclosure Prevention Counseling Demonstration.—Section 106(d)(12) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(12)) is amended to read as follows:

"(12) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection $365,000 for fiscal year 1993 and $365,000 for fiscal year 1994.".

SEC. 533. PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION.

(a) Authorization.—Section 5130(a) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11909(a)) is amended to read as follows:

"(a) In General.—There are authorized to be appropriated to carry out this chapter $172,240,800 for fiscal year 1993 and $177,752,506 for fiscal year 1994. Any amount appropriated under this section shall remain available until expended.".

(b) Publication of Regulations.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish such final regulations as may be necessary to implement section 5130(b) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11909(a)).

(c) Drug-Related Activity in Other PHA-Owned Housing.—Section 5124 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903) is amended—

(1) by inserting "(a) Public and Assisted Housing.—" before "Grants"; and

(2) by adding at the end the following new subsection:

"(b) Other PHA-Owned Housing.—Notwithstanding any other provision of this chapter, grants under this chapter may be used to eliminate drug-related crime in housing owned by public housing agencies that is not public housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted, for the activities described in paragraphs (1) through (7) of subsection (a), but only if—

"(1) the housing is located in a high intensity drug trafficking area designated pursuant to section 1005 of this Act; and

"(2) the public housing agency owning the housing demonstrates, to the satisfaction of the Secretary, that drug-related activity at the housing has a detrimental effect on or about the real property comprising any public or other federally assisted low-income housing.".

SEC. 534. SENSE OF THE SENATE.

(a) Findings.—The Congress finds that—

(1) there are not sufficient housing resources to meet the Nation's housing needs;

(2) such a limitation on resources has meant that many low-income people are homeless or ill-housed or have an adequate range of housing options;

(3) affordable and accessible housing options are extremely limited, particularly for people with disabilities; and

(4) the resultant increase in the mixing of elderly and nonelderly persons in certain public and assisted housing has in some cases created problems and less than ideal housing for both groups.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) public and assisted housing owners and managers should be able to designate buildings or portions of buildings as age-distinct, and restrict new entry in such buildings to persons over the age of 62;

(2) to the extent that such designations will result in the loss of access to certain housing now available to some nonelderly persons, adequate alternative housing resources should be made available to nonelderly persons affected by this decision;

(3) these alternative resources should include a range of housing options for those affected by the designation of age-distinct housing, especially for persons with disabilities;

(4) Federal housing policy should target resources and provide management tools to enable housing providers to operate mixed housing successfully; and

(5) the Senate conferees on this Act should craft a provision that embodies these principles.

TITLE VI—PRESERVATION

Subtitle A—Prepayment of Mortgages Insured Under National Housing Act

SEC. 601. AUTHORIZATION.

Section 234 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4124) is amended to read as follows:

"SEC. 234. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated for assistance and incentives authorized under this subtitle $638,252,784 for fiscal year 1993 and $658,676,873 for fiscal year 1994.

"(b) Grants.—Of the amounts made available under subsection (a), not more than $50,000,000 for each of fiscal years 1993 and 1994 shall be available for grants under section 221(d)(2), subject to approval in appropriations Acts.".

SEC. 602. PREPAYMENT AMENDMENTS.

(a) Appraisal Guidelines.—The first sentence of section 213(c) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4103(c)) is amended by inserting before "and costs" the following: "simultaneous termination of any Federal rental assistance,".

(b) Notice of Intent; Plan of Action.—

(1) Notice of intent.—Section 216(d) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4106(d)) is amended by adding at the end the following new paragraphs:

"(3) Filing with the State or local government, tenants, and mortgagee.—Upon filing a second notice of intent under this subsection, the owner shall simultaneously file such notice of the intent with the chief executive officer of the appropriate State or local government for the jurisdiction within which the housing is located and with the mortgagee and shall inform the tenants of the housing of the filing.".

(2) Plan of action.—

(A) Supporting documentation.—Section 217(a)(2) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4107(a)(2)) is amended by inserting after the second sentence the following new sentence: "Each owner and the Secretary shall also, upon request, make available to the tenants of the housing and to the office of the chief executive officer of the appropriate State or local government for the jurisdiction within which the housing is located all documentation supporting the plan of action.".

(B) Supporting documentation regarding revisions.—Section 217(c) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4107(c)) is amended in the second sentence by inserting before the period the following: "and make available all documentation supporting any revision".

(3) Effect of election.—Section 604(a) of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 4101 note) is amended by adding at the end the following sentence: "An owner that elects to be subject to the provisions of the Emergency Low-Income Housing Preservation Act of 1987 shall comply with section 212(b), section 217(a)(2), and section 217(c) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.".

(c) Priority Purchasers.—

(1) Eligibility for assistance.—Section 220(d)(2) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)) is amended by inserting after "purchasers" the following: "(including all priority purchasers other than resident councils acquiring under the homeownership program authorized by section 226)".

(2) Return.—Section 220(d)(2)(E) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(E)) is amended to read as follows:

"(E) receive a distribution equal to an 8 percent annual return on any actual cash investment (from sources other than assistance provided under this title) made to acquire or rehabilitate the project;".

(3) Reimbursement.—Section 220(d)(2)(F) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(F)) is amended to read as follows:

"(F) in the case of a priority purchaser, receive a reimbursement of all reasonable transaction expenses associated with the acquisition, loan closing and implementation of an approved Plan of Action; and".

(4) Project oversight.—

(A) Amount of assistance.—Section 220(d)(2)(D) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 is amended by adding before the semicolon the following: "and in the case of a priority purchaser, meet project oversight costs".

(B) Rent adjustments.—Section 222(a)(2)(G)(i) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 is amended by striking "by making changes in the annual authorized return under section 214" and inserting the following: ", where the owner is a priority purchaser, to the portion of rent attributable to project oversight costs".

(C) Applicability.—The amendments made by this paragraph apply to a nonprofit organization purchasing an eligible low-income housing project pursuant to the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note).

(d) Preemption.—The first sentence of section 232(b) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4122(b)) is amended by striking "and" the first place it appears and inserting "such as any law or regulation".

(e) Technical Assistance and Capacity Building.—Title II of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (42 U.S.C. 4101 et seq.) is amended—

(1) by redesignating section 235 as section 236; and

(2) by inserting after section 234 the following new section:

"SEC. 235. TECHNICAL ASSISTANCE AND CAPACITY BUILDING.

"(a) In General.—The Secretary may provide technical assistance and capacity building to further the preservation program established under this title.

"(b) Purposes.—The purposes of this section are—

"(1) to promote the ability of residents of eligible low income housing to meaningfully participate in the preservation process established by this title and affect decisions about the future of their housing;

"(2) to promote the ability of community-based nonprofit housing developers and resident organizations to acquire, rehabilitate, and competently own and manage eligible housing as rental or cooperative housing for low- and moderate-income people; and

"(3) to assist the Secretary in discharging the obligation under section 220 to notify potential qualified purchasers of the availability of properties for sale and to otherwise facilitate the co-

ordination and oversight of the preservation program established under this title.

"(c) Authorization.—Of amounts made available under section 234(a)(1), the Secretary shall use to carry out this section not more than $25,000,000 for each of the fiscal years 1993 and 1994, of which 90 percent shall be set aside for use in accordance with subsection (d) and 10 percent shall be set aside for use in accordance with subsection (e).

"(d) Grants for Building Resident Capacity and Funding Predevelopment Costs.—

"(1) In general.—Assistance made available under this subsection shall be used for direct assistance grants to resident organizations and community-based nonprofit housing development organizations and resident councils to assist the acquisition of specific projects (including the payment of reasonable administrative expenses to participating intermediaries).

"(2) Set-aside.—30 percent of the assistance made available under this subsection shall be used for resident capacity grants in accordance with paragraph (4). The remainder shall be used for predevelopment grants in connection with specific projects in accordance with paragraph (6).

"(3) Limitation.—Resident capacity grants may not exceed $30,000 per project and grants for predevelopment costs may not exceed $200,000 per project, exclusive of any fees paid to a participating intermediary by the Secretary for administering the program.

"(4) Eligible activities.—Resident capacity grants shall be available to eligible applicants to cover expenses for resident outreach, incorporation of a resident organization, conducting democratic elections, training, leadership development, legal and other technical assistance to the board of directors, staff and members of the resident organization.

"(5) Low-income housing.—Grants shall be provided with respect to eligible low-income housing for which an owner has filed a notice of intent under this title or, pursuant to section 604 of the Cranston-Gonzalez National Affordable Housing Act, title II of the Emergency Low Income Housing Preservation Act of 1987. Eligible applicants shall be resident groups or organizations designated by the residents through a democratic and representative process, as defined by the Secretary.

"(6) Predevelopment grants.—

"(A) In general.—Predevelopment grants shall be made available to community-based nonprofit housing development organizations and resident councils to cover the cost of organizing a purchasing entity and pursuing an acquisition, including third party costs for training, development consulting, legal, appraisal, accounting, environmental, architectural and engineering, application fees and sponsor's staff and overhead costs.

"(B) Low-income housing.—Such grants may be made available with respect to any eligible low-income housing project if the owner has filed an initial notice of intent to transfer the housing to a qualified purchaser in accordance with section 220 of this title, or a notice of intent, and entered into a binding agreement to sell the housing to a resident or community-based nonprofit organization under title II of the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 4101 note et seq.).

"(C) Phase-in of grant payments.—Grant payments shall be made in phases, based on performance benchmarks established by the Secretary in consultation with approved intermediaries.

"(7) Grant applications.—Grant applications for assistance under paragraphs (4) and (6) shall be received monthly on a rolling basis and approved or rejected by approved intermediaries of the Secretary on at least a quarterly basis.

"(8) Appeal.—If an application for assistance under paragraphs (4) and (6) is denied, the applicant shall have the right to appeal the denial to the Secretary and receive a binding determination within 30 days of the appeal.

"(e) Grants for Other Purposes.—Grant assistance under this subsection may be provided to—

"(1) resident-controlled or community-based nonprofit organizations with experience in resident education and organizing for the purpose of conducting community, city or county wide outreach and training programs to identify and organize residents of eligible low-income housing; and

"(2) State and local government agencies and nonprofit intermediaries for the purpose of carrying out such activities as the Secretary deems to further the preservation program established under this title.

"(f) Method for Delivery of Direct Assistance.—The Secretary shall approve and disburse assistance under subsection (d) through eligible intermediaries. Intermediaries shall be selected by the Secretary through a competitive process, which shall include provision for a reasonable administrative fee. If the Secretary does not receive an acceptable proposal from an intermediary offering to administer assistance under subsection (d) in a given State, the Secretary shall administer the program directly.

"(g) Definition of Eligible Intermediaries.—The term 'eligible intermediary' means a State, regional, or national organization (including a quasi-public organization) or a State or local housing agency that—

"(1) has as a central purpose the preservation of existing affordable housing and the prevention of displacement;

"(2) does not receive direct Federal appropriations for operating support;

"(3) in the case of a national nonprofit organization, has been in existence for at least 5 years prior to the date of application and has received a ruling under section 501(c)(3) of the Internal Revenue Code of 1986;

"(4) in the case of a regional or State nonprofit organization, has been in existence for at least 3 years prior to the date of application and has received a ruling under section 501(c)(3) of the Internal Revenue Code of 1986 or is otherwise a tax-exempt entity;

"(5) has a record of service to low-income individuals or community-based nonprofit housing development organizations in multiple communities and, with respect to assistance under subsection (d), has experience with the allocation or administration of grant or loan funds; and

"(6) meets standards of fiscal responsibility established by the Secretary.

"(h) Selection of Eligible Intermediaries.—

"(1) In general.—The Secretary shall develop criteria to select intermediaries through a competitive process.

"(2) Priority.—With respect to all forms of grants available under this subtitle, the Secretary's criteria shall afford a priority to applications from intermediaries with demonstrated expertise or experience with the program established under this title or under the Emergency Low Income Housing Preservation Act of 1987.

"(3) Criteria.—The criteria developed under this subsection shall—

"(A) not assign any preference or priority to applications from intermediaries based on their previous participation in administering or receiving Federal grants or loans (but may exclude applicants who have failed to perform under prior contracts of a similar nature);

"(B) require intermediary applicants to prepare proposals that demonstrate adequate staffing, qualifications, prior experience and a plan for participation; and

"(C) permit an intermediary applicant to serve as the administrator of assistance made available under subsection (d)(4) or (d)(6), based on the applicant's suitability and interest.

"(4) Program limitations.—

"(A) Geographic coverage.—The Secretary may select more than 1 State or regional intermediary for a single State or region. The number of intermediaries chosen for each State or region may be based on the number of eligible low-income housing projects in the jurisdiction, provided there is no duplication of geographic coverage by intermediaries in the administration of the direct assistance grant program.

"(B) National nonprofit intermediaries.—National nonprofit intermediaries shall be selected to administer the assistance made available under subsection (d) only with respect to those States or regions where no other eligible intermediary, acceptable to the Secretary, has submitted a proposal to participate.

"(C) Preference.—With respect to assistance made available under subsection (e), preference shall be given to eligible regional, State and local intermediaries, over national nonprofit organizations.

"(i) Conflict of Interest Provision.—Intermediaries approved for the disbursement of assistance under subsection (d) shall certify that they will serve only as delegated program administrators, charged with the responsibility for reviewing and approving grant applications on behalf of the Secretary. Intermediaries shall—

"(1) establish appropriate procedures for grant administration and fiscal management, pursuant to standards established by the Secretary; and

"(2) receive a reasonable administrative fee, except that they shall be barred from providing other services to grant recipients with respect to properties that are the subject of the grant application and from receiving payment, directly or indirectly, from the proceeds of grants they have approved.

"(j) Definition.—The term 'community-based nonprofit housing developer' means a nonprofit community development corporation that—

"(1) has received a ruling under section 501(c)(3) of the Internal Revenue Code of 1986;

"(2) has been in existence for at least 2 years prior to the date of the grant application;

"(3) has a record of service to low- and moderate-income people in the community in which the project is located;

"(4) is organized at the neighborhood, city, county or multi-county level; and

"(5) agrees to form a purchaser entity that conforms to the title VI regulatory definition of a community-based nonprofit organization and agrees to use its best efforts to secure majority tenant consent to the acquisition of the project for which grant assistance is requested.".

(f) Eligible Low-Income Housing.—

(1) Definition.—Section 229(1)(A)(i) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4119(1)(A)(i)) is amended by striking "assisted under section 101 of the Housing and Urban Development Act of 1965 or section 8 of the United States Housing Act of 1937" and inserting "receiving loan management assistance under section 8 of the United States Housing Act of 1937 due to a conversion from section 101 of the Housing and Urban Development Act of 1965".

(2) Former section 233.—Section 233(1)(A)(i) of the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) is amended by striking "assisted under section 101 of the Housing and Urban Development Act of 1965 or section 8 of the United States Housing Act of 1937" and inserting "receiving loan management assistance under section 8 of the United States Housing Act of 1937 due to a conversion from section 101 of the Housing and Urban Development Act of 1965".

(g) WINDFALL PROFITS TEST.—Section 222(e) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4112(e)) is amended by adding at the end the following: "If the Secretary initially determines that incentive payments under sections 219 or 220 should be denied under this subsection, the Secretary shall notify the tenants and provide a 60-day comment period prior to making a final determination.".

SEC. 603. ELIGIBILITY OF PUBLIC MORTGAGORS FOR SECTION 236 MORTGAGE INSURANCE.

Section 236(j)(4)(A) of the National Housing Act (12 U.S.C. 1715z–1(j)(4)(A)) is amended by striking "private".

Subtitle B—Other Preservation Provisions

SEC. 611. RESTORE FOR TROUBLED MULTIFAMILY HOUSING.

(a) NEW HEADING.—Section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) is amended by striking:

"ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS"

and inserting:

"RESTORE FOR TROUBLED MULTIFAMILY HOUSING".

(b) MANDATORY ELEMENTS.—Section 201(d) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(d)) is amended—

(1) in paragraph (5), by striking "and";

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) all reasonable attempts have been made to take all appropriate actions within the power of the owner or manager of the project and provide suitable housing for project residents;

"(8) the project has a feasible plan to involve the residents in project decisions;

"(9) the affirmative fair housing marketing plan meets applicable requirements; and

"(10) the owner certifies that it will comply with various equal opportunity statutes."

(c) SELECTION CRITERIA.—

(1) REPEAL OF SECTION 201(k)(4).—Section 201(k)(4) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(k)(4)) is repealed.

(2) NEW CRITERIA.—Section 201 of the Housing and Community Development Amendments of 1978 is amended by adding at the end the following new subsection:

"(n)(1) The Secretary shall award assistance under this section to eligible projects on the basis of the following selection criteria:

"(A) The extent to which the project presents an imminent threat to the life, health, and safety of project residents.

"(B) The extent to which the project is financially troubled.

"(C) The extent of physical improvements needed by the project as evidenced by the comprehensive needs assessment submitted in accordance with section 611(i) of the National Affordable Housing Act Amendments of 1992.

"(D) The extent to which there is evidence that there will be significant opportunities for residents (including a resident council or resident management corporation, as appropriate) to be involved in management of the project (except that this paragraph shall have no application to projects that are owned as cooperatives).

"(E) The extent to which there is evidence that the project owner has provided competent management and complied with all regulatory and administrative instructions (including such instructions with respect to the comprehensive servicing of multifamily projects as the Secretary may issue).

"(F) Such other criteria as the Secretary may specify by regulation or in a Federal Register notice of fund availability.

"(2) Eligible projects that have federally insured mortgages in force are to be selected for award of assistance under this section before any other eligible project.".

(d) LOW-INCOME AFFORDABILITY RESTRICTIONS.—Section 201(l)(2)(D) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(l)(2)(D)) is amended by adding at the end the following: "The Secretary may require owners receiving assistance for capital improvements under this section to retain the housing as housing affordable for very low-income families or persons, low-income families or persons and moderate-income families or persons for the remaining useful life of the housing. For purposes of this section, the term 'remaining useful life' means, with respect to housing assisted under this section, the period during which the physical characteristics of the housing remain in a condition suitable for occupancy, assuming normal maintenance and repairs are made and major systems and capital components are replaced as becomes necessary.".

(e) EXCLUSIVITY OF ASSISTANCE.—Section 201 of the Housing and Community Development Amendments of 1978, as amended by this section, is further amended by adding at the end the following new subsection:

"(o) Projects receiving assistance under this section are not eligible for prepayment incentives under the Emergency Low-Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990. Projects receiving financial assistance under such Acts are not eligible for assistance under this section.".

(f) OWNER CONTRIBUTIONS.—Section 201(k)(2) of the Housing and Community Development Amendments of 1978 is amended—

(1) in subparagraph (B), by striking "and";

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the Secretary shall give owners credit for advances made to the project during a 3-year period prior to the application for assistance.".

(g) COORDINATION OF ASSISTANCE.—Section 201 of the Housing and Community Development Amendments of 1978, as amended by this section, is further amended by adding at the end the following new subsection:

"(p) The Secretary shall coordinate the allocation of assistance under this section with assistance made available under section 8(v) of the United States Housing Act of 1937 and section 203 of this Act to enhance the cost effectiveness of the Federal response to troubled multifamily housing.".

(h) AUTHORIZATION.—Section 201(j) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(j)) is amended to read as follows:

"(5) There are authorized to be appropriated for assistance under the flexible subsidy fund not to exceed $52,200,000 for fiscal year 1993 and $53,870,400 for fiscal year 1994.".

(i) MULTIFAMILY HOUSING PLANNING AND INVESTMENT STRATEGIES.—

(1) REQUIRED SUBMISSION.—

(A) IN GENERAL.—The owner of each covered multifamily housing property shall submit to the Secretary of Housing and Urban Development a comprehensive needs assessment of the property under this subtitle.

(B) TIMING.—The Secretary shall require the owners of approximately one-third of the aggregate number of covered multifamily housing properties to submit the comprehensive needs assessments under this section for the properties in each of fiscal years 1993, 1994, and 1995, in a manner designed to ensure that upon the conclusion of fiscal year 1995 the assessments for all such properties have been submitted.

(2) CONTENTS.—Each comprehensive needs assessment for a covered multifamily housing property submitted under this subtitle shall contain the following information with respect to the property:

(A) A description of any financial or other assistance currently needed for the property to ensure that the property is maintained in a livable condition and to ensure the financial viability of the project.

(B) A description of any financial or other assistance for the property that, at the time of the assessment, is reasonably foreseeable as necessary to ensure that the property is maintained in a livable condition and to ensure the financial viability of the project, during the remaining useful life of the property.

(C) A description of any resources available for meeting the current and future needs of the property described under subparagraphs (A) and (B) and the likelihood of obtaining such resources.

(D) A description of any assistance needed for the property under programs administered by the Secretary.

(3) SUBMISSION AND REVIEW.—

(A) FORM.—The Secretary shall establish the form and manner of submission of the comprehensive needs assessments under this subtitle.

(B) RESIDENT REVIEW.—The Secretary shall require each owner of a covered multifamily housing property to make available to the residents of the property the comprehensive needs assessment that is to be submitted to the Secretary. The Secretary shall require each owner to provide for such residents to submit comments and opinions regarding the assessment to the owner before the submission of the assessment.

(C) STATE HOUSING FINANCE AGENCY REVIEW.—To the extent that a covered multifamily housing property is financed or assisted by a State housing finance agency (as such term is defined in section 802 of the Housing and Community Development Act of 1974), the Secretary shall require the owner of the property to submit the comprehensive needs assessment for the property to the State housing finance agency upon submitting the assessment to the Secretary.

(D) REVIEW.—The Secretary shall review each comprehensive needs assessment and shall approve the assessment before the expiration of the 90-day period beginning upon the receipt of the assessment, unless the Secretary determines that the assessment has not been provided in a substantially complete manner.

(E) NOTICE.—The Secretary shall immediately notify each owner submitting a comprehensive needs assessment (and any State housing finance agency to which the owner has submitted an assessment under subparagraph (D)) of the approval or disapproval of the assessment upon making such determination. Within 30 days after disapproving any assessment, the Secretary shall inform the owner in writing of the reasons for disapproval. The Secretary shall require any owner whose assessment is disapproved to resubmit an amended assessment not later than 30 days after the owner receives the notice of disapproval.

(4) DEFINITION.—For purposes of this subsection, the term "covered multifamily housing property" means any housing—

(A) that is—

(i) reserved for occupancy by very low-income elderly persons pursuant to section 202(d)(1) of the Housing Act of 1959;

(ii) assisted under the provisions of section 202 of the Housing Act of 1959 (as such section existed before the effectiveness of the amendment made by section 801(a) of the Cranston-Gonzalez National Affordable Housing Act);

(iii) financed by a loan or mortgage insured, assisted, or held by the Secretary or a State or

State agency under section 236 of the National Housing Act; or

(iv) financed by a loan or mortgage insured or held by the Secretary pursuant to section 221(d)(3) of the National Housing Act; and

(B) that is not eligible for assistance under—

(i) the Low-Income Housing Preservation and Resident Homeownership Act of 1990;

(ii) the provisions of the Emergency Low Income Housing Preservation Act of 1987 (as in effect immediately before the date of the enactment of the Cranston-Gonzalez National Affordable Housing Act); or

(iii) the HOME Investment Partnerships Act.

(j) Project Stabilization Assistance.—Section 8(v) of the United States Housing Act of 1937 (42 U.S.C. 1437f(v)) is amended by adding at the end the following new paragraph:

"(3) In order to stabilize the occupancy and financial soundness of a multifamily residential project, any incremental loan management assistance made available under this section after October 1, 1992 shall be attached to a unit for a period of not less than 5 years. Thereafter, the assistance shall be converted to the voucher program under subsection (o) and each family shall have the discretion to remain in its unit or move.".

TITLE VII—RURAL HOUSING

SEC. 701. PROGRAM AUTHORIZATIONS.

(a) Insurance and Guarantee Authority.—Section 513(a)(1) of the Housing Act of 1949 (42 U.S.C. 1483(a)(1)) is amended to read as follows:

"(a)(1) The Secretary may, to the extent approved in appropriation Acts, insure and guarantee loans under this title during fiscal years 1993 and 1994, in aggregate amounts not to exceed $2,446,855,600 and $2,525,154,979, respectively, as follows:

"(A) For insured or guaranteed loans under section 502 on behalf of low-income borrowers receiving assistance under section 521(a)(1), $1,676,484,000 for fiscal year 1993 and $1,730,131,488 for fiscal year 1994.

"(B) For guaranteed loans under section 502(h) on behalf of low and moderate income borrowers, such sums as may be appropriated for fiscal years 1993 and 1994.

"(C) For loans under section 504, $12,400,000 for fiscal year 1993 and $12,796,800 for fiscal year 1994.

"(D) For insured loans under section 514, $16,821,600 for fiscal year 1993 and $17,359,891 for fiscal year 1994.

"(E) For insured loans under section 515, $739,500,000 for fiscal year 1993 and $763,164,000 for fiscal year 1994.

"(F) For loans under section 523(b)(1)(B), $800,000 for fiscal year 1993 and $825,600 for fiscal year 1994.

"(G) For site loans under section 524, $850,000 for fiscal year 1993 and $877,200 for fiscal year 1994.".

(b) Authorization of Appropriations.—Section 513(b) of the Housing Act of 1949 (42 U.S.C. 1483(b)) is amended to read as follows:

"(b) There are authorized to be appropriated for fiscal years 1993 and 1994, and to remain available until expended, the following amounts:

"(1) For grants under section 502(f)(1), $1,100,000 for fiscal year 1993 and $1,135,200 for fiscal year 1994.

"(2) For grants under section 504, $21,100,000 for fiscal year 1993 and $21,775,200 for fiscal year 1994.

"(3) For purposes of section 509(c), $600,000 for fiscal year 1993 and $619,200 for fiscal year 1994.

"(4) For project preparation grants under section 509(f)(6), $5,300,000 in fiscal year 1993 and $5,469,600 in fiscal year 1994.

"(5) In fiscal years 1993 and 1994, such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to—

"(A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503; and

"(B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary.

"(6) For financial assistance under section 516—

"(A) for low-rent housing and related facilities for domestic farm labor under subsections (a) through (j) of such section, $21,700,000 for fiscal year 1993 and $22,394,400 for fiscal year 1994; and

"(B) for housing for rural homeless and migrant farmworkers under subsection (k) of such section, $10,500,000 for fiscal year 1993 and $10,836,000 for fiscal year 1994.

"(7) For grants under section 523(f), $13,900,000 for fiscal year 1993 and $14,344,800 for fiscal year 1994.

"(8) For grants under section 533, $30,800,000 for fiscal year 1993 and $31,785,600 for fiscal year 1994.".

(c) Rental Assistance Payment Contracts.—Section 513(c)(1) of the Housing Act of 1949 (42 U.S.C. 1483(c)(1)) is amended to read as follows:

"(c)(1) The Secretary, to the extent approved in appropriations Act for fiscal years 1993 and 1994, may enter into rental assistance payment contracts under section 521(a)(2)(A) aggregating $414,100,000 for fiscal year 1993 and $427,351,000 for fiscal year 1994.".

(d) Supplemental Rental Assistance Payment Contracts.—Section 513(d) of the Housing Act of 1949 (42 U.S.C. 1483(d)) is amended to read as follows:

"(d) The Secretary, to the extent approved in appropriations Acts for fiscal years 1993 and 1994, may enter into 5-year supplemental rental assistance contracts under section 502(c)(5)(D) aggregating $12,178,000 for fiscal year 1993 and $12,567,000 for fiscal year 1994.".

(e) Rental Housing Loan Authority.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1992" and inserting "September 30, 1994".

SEC. 702. DEFERRED MORTGAGE DEMONSTRATION.

Section 502(g)(3) of the Housing Act of 1949 (42 U.S.C. 1472(g)(3)) is amended by striking "1991 and 1992" and inserting "1993 and 1994".

SEC. 703. SET-ASIDE FOR UNDERSERVED AREAS AND COLONIAS.

(a) Amendments.—Section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended—

(1) by striking "1991" and inserting "1993"; and

(2) by striking "1992" and inserting "1994".

(b) Colonias Refinements.—Section 509(f)(4) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)) is amended—

(1) in subparagraph (A), by inserting after "(ii)" the following: "in, or in close proximity to, and serving the residents of,"; and

(2) in subparagraph (B)(ii), by inserting before "a colonia", the following ", or in close proximity to, and serving the residents of,".

SEC. 704. PERMANENT AUTHORITY FOR SECTION 523.

Section 523 of the Housing Act of 1949 (42 U.S.C. 1490c) is amended—

(1) in subsection (b)(1)(A), by inserting after "efforts" the following: ", including the repair of units financed under section 502 that are being held in inventory";

(2) by striking subsection (f); and

(3) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 705. NONPROFIT SET-ASIDE.

Section 515(w) of the Housing Act of 1949 (42 U.S.C. 1485(w)) is amended—

(1) by striking "not less than 7 percent of the amounts available in fiscal year 1991 and not less than 9 percent of the amounts available in fiscal year 1992" and inserting "not less than 9 percent of the amounts available in fiscal years 1993 and 1994";

(2) in paragraph (1), in the second sentence by striking "or under whole or partial control with a for-profit entity";

(3) in paragraph (1), by adding at the end the following new sentence: "A nonprofit entity is eligible to receive funds set aside under this subsection to sponsor a project in conjunction with a for-profit entity, in order to use low-income housing tax credits authorized under section 42 of the Internal Revenue Code of 1986. For the purposes of this subsection, a nonprofit entity is an organization that—

(A) will own an interest in a project to be financed under this section and will materially participate in the development and the operation of the project;

(B) is a private organization which has nonprofit, tax exempt status under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code of 1986;

(C) has among its purposes the planning, development, or management of low-income housing or community development projects; and

(D) is not affiliated with or controlled by a for-profit organization;

(4) in paragraph (2), by adding at the end the following: "The Secretary may provide amounts available for reallocation under this subsection in excess of $750,000 in a given State, if such amounts are necessary to finance a project under this section."; and

(5) by striking paragraph (3) and inserting the following:

"(3) Unused Amounts.—Any amounts set aside under this subsection from the allocation for any State in fiscal year 1994 or any fiscal year thereafter that are not obligated by a reasonable date established by the Secretary shall first be pooled and made available to any other eligible nonprofit entity in any State as defined in this subsection. After funds have been pooled and obligated for a reasonable period of time, the Secretary shall return any remaining funds to the States on a proportional basis for use by any other eligible entity as defined in this section.".

SEC. 706. HOUSING PRESERVATION GRANTS.

Section 533 of the Housing Act of 1949 (42 U.S.C. 1490m) is amended—

(1) in subsection (a)—

(A) by inserting "or replace" after "rehabilitate" each place it appears; and

(B) in the second sentence, by inserting "or replaced" after "rehabilitated";

(2) in subsection (b), by inserting "or replacement" after "Rehabilitation" and "rehabilitation" each place it appears;

(3) in subsection (b)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) be used to provide loans or grants, not to exceed $15,000 per unit, to owners of single family housing to replace existing housing if the repair or rehabilitation of the housing is determined not to be practicable and the owner of the housing is otherwise unable to afford a loan under section 502 for replacement housing;"; and

(4) in subsection (d)—

(A) in paragraphs (3)(A), (3)(B), and (3)(C), by striking "repair and rehabilitation" each place it appears and inserting "repair, rehabilitation, or replacement"; and

(B) by adding at the end the following new paragraph:

"(5) A grantee may use housing preservation funds for replacement housing only after providing documentation that—

"(A) the existing housing is in such poor condition that rehabilitation is not economically feasible;

"(B) the owner of the housing lacks the income or repayment ability to qualify for a loan under section 502; and

"(C) the grantee will extend assistance to the owner of the housing on terms that the owner can afford.".

SEC. 707. USE OF FMHA INVENTORY FOR TRANSITIONAL HOUSING FOR HOMELESS PERSONS AND FOR TURNKEY HOUSING.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding at the end the following new section:

"SEC. 542. USE OF FMHA INVENTORY FOR TRANSITIONAL HOUSING FOR HOMELESS PERSONS AND FOR TURNKEY HOUSING.

"(a) IN GENERAL.—The Secretary shall, on a priority basis, lease or sell program and nonprogram inventory properties held by the Secretary under this title—

"(1) to provide transitional housing; and

"(2) to provide turnkey housing for tenants of such transitional housing and for eligible families.

"(b) OTHER PRIORITIES NOT AFFECTED.—The priority uses of inventory property under this section shall not have a higher priority than—

"(1) the disposition of such property by sale to eligible families; or

"(2) the disposition of such property by transfer for use as rental housing by eligible families.

"(c) TRANSITIONAL HOUSING.—

"(1) LEASES AUTHORIZED.—The Secretary shall lease inventory properties to public agencies and nonprofit organizations to provide transitional housing for homeless families and individuals and to provide such agencies the option to provide turnkey housing opportunities for homeless persons and other inadequately housed families.

"(2) RENTAL TO ELIGIBLE FAMILIES.—A public agency or nonprofit organization may rent housing leased to it under paragraph (1) to a family for up to 10 years and may, during that period, assist the tenant in obtaining a loan and credit assistance under this title to purchase the housing from the Secretary.

"(d) LEASE PROCEDURES.—

"(1) IDENTIFICATION OF PROPERTY.—Upon receipt by the Secretary of written notification from a public agency or nonprofit organization that it proposes to lease a property for the purpose of providing transitional housing or for the purpose of providing transitional housing and turnkey housing opportunities, the Secretary shall—

"(A) withdraw the property from the market for not more than 30 days for the purpose of negotiations under subparagraph (B);

"(B) negotiate a lease agreement with the organization or agency; and

"(C) if a lease is agreed to, commence the repairs necessary to make the property meet standards for decent, safe, and sanitary housing.

"(2) LEASE TERMS.—A lease of inventory property under this section shall—

"(A) be for a period of not more than 10 years;

"(B) provide for the payment of $1 for the 10-year lease; and

"(C) provide the nonprofit organization or public agency—

"(i) the right to use the property for transitional housing; and

"(ii) the option to arrange for the sale of the property to an eligible purchaser.

"(e) PURCHASE PROCEDURES.—

"(1) IDENTIFICATION OF PROPERTY.—Upon receipt by the Secretary of written notification from a public agency or nonprofit organization that it proposes to purchase a property for the purpose of providing transitional housing or for the purpose of providing transitional housing and turnkey housing opportunities, the Secretary shall—

"(A) withdraw the property from the market for not more than 30 days for the purpose of negotiations under subparagraph (B);

"(B) negotiate a purchase agreement with the organization or agency; and

"(C) if a purchase agreement is agreed to, commence the repairs necessary to make the property meet standards for decent, safe, and sanitary housing.

"(2) PURCHASE TERMS.—A purchase of inventory property under this section shall provide for a purchase price equal to not more than the fair market value of the property minus 10 percent.

"(f) SUBJECT TO APPROPRIATIONS.—The authority provided to the Secretary under this section is effective only to the extent approved in advance in appropriations Acts.".

SEC. 708. PRESERVATION.

(a) APPLICABILITY.—Section 502 of the Housing Act of 1949 (42 U.S.C. 1472) is amended—

(1) in subsection (c)(1)—

(A) by striking subparagraph (A); and

(B) by striking "(B)" before "The Secretary may not";

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(C) in paragraph (5)(A)(i), by striking "(4)" and inserting "(3)";

(3) in subsection (c)(4)(A), by striking "pursuant to a contract entered into before December 21, 1979";

(4) in subsection (c)(5)(F), by striking "pursuant to a contract entered into before December 21, 1979"; and

(5) in subsection (c)(5)(G), by striking "pursuant to a contract entered into before December 21, 1979".

(b) INCENTIVES.—Section 502(c)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)) is amended by adding the following new clause:

"(vi) In the case of a project that has received rental assistance under section 8 of the United States Housing Act of 1937, permitting the owner to receive rent in excess of the amount determined necessary by the Secretary to defray the cost of long-term repair or maintenance of such a project.".

(c) OFFICE OF RURAL HOUSING PRESERVATION.—Title V of the Housing Act of 1949 is amended by adding at the end the following:

"SEC. 539. OFFICE OF RURAL HOUSING PRESERVATION.

"(a) ESTABLISHMENT.—There is established within the Farmers Home Administration an Office of Rental Housing Preservation (hereafter in this section referred to as the 'Office'). The Office shall be headed by a Director designated by the Secretary of Agriculture.

"(b) PURPOSES.—The purposes of the Office are:

"(1) to review and process applications under section 502(c) and section 515(t) related to the preservation of rural rental housing;

"(2) to provide technical or financial assistance to any other projects needing such assistance;

"(3) to coordinate and direct all other activities related to the preservation of rural housing; and

"(4) to monitor compliance of projects prepaid or receiving incentives under the Housing Act of 1949.".

SEC. 709. DISASTER ASSISTANCE.

Section 541(a)(1) of the Housing Act of 1949 (42 U.S.C. 1490q(a)(1)) is amended in the first sentence by striking "amounts available under this title" and inserting "amounts available to the Secretary through a set-aside of appropriations made available for the Federal Emergency Management Agency".

SEC. 710. ADMINISTRATIVE APPEALS PROCESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study, based on the experiences in a representative number of States, of the adequacy of procedures under State law to protect the due process rights of tenants in rental housing who are facing eviction under State judicial action.

(b) REPORT.—Not later than 270 days after the date of enactment of this section, the Comptroller General shall transmit a report of the findings of the study referred to in subsection (a), together with recommendations concerning protection afforded to tenants of federally assisted rental housing, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

SEC. 711. PROHIBITION ON TRANSFER OF RURAL HOUSING PROGRAMS.

Section 501 of the Housing Act of 1949 (42 U.S.C. 1471) is amended by adding at the end the following new subsection:

"(j) PROGRAM TRANSFERS.—Notwithstanding any other provision of law, the Secretary shall not transfer any program authorized by this title to the Rural Development Administration.".

SEC. 712. FMHA REFORM PROVISIONS.

(a) EQUITY CONTRIBUTION.—Section 515(r) of the Housing Act of 1949 (42 U.S.C. 1485(r)) is amended to read as follows:

"(r) The Secretary shall require a 6-percent contribution to equity, except that the Secretary may require a lower contribution to equity if a project is—

"(1) developed in an area with a high incidence of poverty and substandard housing relative to the national average; or

"(2) sponsored by a nonprofit organization and is not allocated a low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986.".

(b) INDEPENDENT COST CERTIFICATIONS.—Section 517(j)(3) of the Housing Act of 1949 (42 U.S.C. 1487(j)(3)) is amended by inserting after "industry," the following: "independent audits of project expenses,".

(c) COMPETITIVE BIDDING.—The Secretary of Agriculture shall undertake a demonstration program in several States comparing negotiated bid prices to competitively bid prices. The Secretary shall report to the Congress on the results of the demonstration program not later than 18 months after the date of enactment of this Act.

(d) UNIFORM PROJECT COSTS.—The Secretary shall establish standard guidelines for allowable project costs among State offices.

(e) COORDINATION OF HOUSING AND TAX BENEFITS.—The Secretary of Agriculture shall develop, in consultation with housing credit agencies (as that term is defined under section 42 of the Internal Revenue Code of 1986), uniform procedures for identifying and sharing information on project costs, builder profit, identity of interests relationships, and other factors, as appropriate, with the relevant housing credit agency for projects that are allocated a low-income housing tax credit pursuant to section 42(h) of the Internal Revenue Code of 1986 for the purpose of achieving compliance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)).

(f) COORDINATION OF HOUSING RESOURCES.—The Secretary shall establish a process for co-

ordinating the selection of projects under section 515 of the Housing Act of 1949 with the housing needs and priorities as established in a State Comprehensive Housing Affordability Strategy and Low Income Housing Tax Credit allocation plan.

(g) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement this section and to implement cost containment and vulnerability measures to address identity of interest relationships, reserve account abuses, and program enforcement authorities.

SEC. 713. RURAL VOUCHER PROGRAM.

Title V of the Housing Act of 1949 (42 U.S.C. 501 et seq.) is amended—

(1) by striking section 513(e) (42 U.S.C. 1483(e));

(2) by amending the last sentence of section 533(a) (42 U.S.C. 1490m(a)) to read as follows:

"The Secretary may also provide assistance payments as provided by section 542 of this title upon the request of the grantee in order to minimize the displacement of very low-income tenants residing in units rehabilitated with assistance under this section."; and

(3) by adding at the end the following new section:

"SEC. 542. RURAL HOUSING VOUCHER PROGRAM.

"(a) IN GENERAL.—To such extent or in such amounts as are approved in appropriation Acts, the Secretary shall carry out a rural housing voucher program to assist very low-income families and persons to reside in rental housing in rural areas. For such purposes, the Secretary may provide assistance using a payment standard based on the fair market rental rate established by the Secretary for the area. The monthly assistance payment for any family shall be the amount by which the payment standard for the area exceeds 30 per centum of the family's monthly adjusted income, except that such monthly assistance payment shall not exceed the amount which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 per centum of the family's monthly gross income.

"(b) COORDINATION.—In carrying out the rural housing voucher program under this section, the Secretary shall coordinate activities under this section with activities assisted under sections 515 and 533 of this title.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $140,000,000 for fiscal years 1993 and 1994 to carry out this section.".

SEC. 714. SITE ACQUISITION AND DEVELOPMENT.

Section 524(a) of the Housing Act of 1949 (42 U.S.C. 1490d(a)) is amended by—

(1) inserting "(1) IN GENERAL.—" before "The Secretary" in the first sentence; and

(2) adding at the end the following:

"(2) REVOLVING FUNDS.—The Secretary may make grants to nonprofit housing agencies to establish revolving loan funds for the acquisition and preparation of building sites for low-income housing. Any proceeds and repayments from such loans shall be returned to the revolving loan fund to be used for purposes related to this section. Loan funds and interest payments shall be used solely for the acquisition of land; the preparation of land for building sites; the payment of reimbursable legal and technical costs; and technical assistance and administrative costs, not to exceed 10 percent of the fund.".

SEC. 715. SUBDIVISION APPROVAL.

Section 535 of the Housing Act of 1949 (42 U.S.C. 1490o) is amended by adding at the end the following new subsection:

"(d) For loans made under this title, the Secretary shall accept subdivisions that have been approved by local, county or State agencies.".

SEC. 716. CONSIDERATION OF CERTAIN AREAS AS RURAL AREAS.

Section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of this section, the city of Plainview, Texas, shall be considered a rural area for purposes of this title."

TITLE VIII—HOUSING FOR PERSONS WITH SPECIAL NEEDS

Subtitle A—Supportive Housing for the Elderly

SEC. 801. AUTHORIZATION.

(a) SUPPORTIVE HOUSING FOR THE ELDERLY.—Section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)) is amended to read as follows:

"(l) AUTHORIZATIONS.—

"(1) CAPITAL ADVANCES.—There are authorized to be appropriated for the purposes of funding capital advances in accordance with subsection (c)(1) $556,050,000 for fiscal year 1993 and $573,844,000 for fiscal year 1994. Amounts so appropriated, the repayments from such advances, and the proceeds from notes or obligations issued under this section prior to the enactment of the Cranston-Gonzalez National Affordable Housing Act shall constitute a revolving loan fund to be used by the Secretary in carrying out this section.

"(2) PROJECT RENTAL ASSISTANCE.—For the purpose of funding contracts for project rental assistance in accordance with subsection (c)(2) the Secretary may, to the extent approved in an appropriations Act, reserve authority to enter into obligations aggregating $465,638,000 for fiscal year 1993 and $480,538,000 for fiscal year 1994.".

(b) REVISED CONGREGATE HOUSING SERVICES PROGRAM.—Section 802(n)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(n)(1)) is amended by striking "$25,000,000 for fiscal year 1991, and $26,100,000 for fiscal year 1992" and inserting "$35,036,000 for fiscal year 1993 and $36,158,000 for fiscal year 1994".

(c) HOPE FOR ELDERLY INDEPENDENCE.—Section 803 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012) is amended—

(1) in subsection (j), by striking "$34,000,000 for fiscal year 1991, and $35,500,000 for fiscal year 1992" and inserting "$35,500,000 for fiscal year 1993 and $36,636,000 for fiscal year 1994"; and

(2) in subsection (k), by striking "$10,000,000 to become available in fiscal year 1991, and $10,400,000 to become available in fiscal year 1992" and inserting "$10,400,000 to become available in fiscal year 1993 and $10,733,000 to become available in fiscal year 1994".

SEC. 802. SUPPORTIVE HOUSING FOR THE ELDERLY.

Section 202(f)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(f)(2)) is amended by adding at the end ", taking into consideration the availability of public housing for the elderly and vacancy rates in such facilities;".

SEC. 803. RENTAL ASSISTANCE FOR THE ELDERLY.

Section 202(l)(3) of the Housing Act of 1959 (12 U.S.C. 1701q(l)(3)) is amended by striking "20 percent" and inserting "15 percent".

SEC. 804. DEMONSTRATION PERIOD FOR HOPE FOR ELDERLY INDEPENDENCE.

(a) TERMINATION OF PROGRAM.—The second sentence of section 803(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012(a)) is amended by striking "beginning on the date of the enactment of this Act" and inserting "determined by the Secretary".

(b) DEFINITION.—Section 803(g)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended to read as follows:

"(1) The term 'demonstration period' means the 5-year period referred to in subsection (A).".

SEC. 805. REVISED CONGREGATE HOUSING SERVICES PROGRAM.

Section 802(i)(1)(B)(i) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(i)(1)(B)(i)) is amended by striking "3-year" each place it appears and inserting "6-year".

Subtitle B—Supportive Housing for Persons With Disabilities

SEC. 811. AUTHORIZATION.

Section 811(l) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(l)) is amended—

(1) in paragraph (1), by striking "$271,000,000 for fiscal year 1992" and inserting "$106,152,000 for fiscal year 1993 and $109,549,000 for fiscal year 1994"; and

(2) in paragraph (2), by striking "$246,000,000 for fiscal year 1992" and inserting "$103,364,000 for fiscal year 1993 and $106,672,000 for fiscal year 1994".

SEC. 812. PARTICIPATING ORGANIZATIONS.

Section 811(k)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(6)) is amended—

(1) by striking "incorporated private";

(2) by redesignating subparagraphs (A), (B), and (C), as subparagraphs (B), (C), and (D), respectively; and

(3) by inserting after "foundation—" the following new subparagraph:

"(A) that has received, or has temporary clearance to receive, tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986;".

Subtitle C—Supportive Housing for the Homeless

SEC. 821. AUTHORIZATION.

(a) EMERGENCY SHELTER GRANTS PROGRAM.—The text of section 417 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11377) is amended to read as follows: "There are authorized to be appropriated to carry out this subtitle $99,247,000 for fiscal year 1993 and $102,423,000 for fiscal year 1994.".

(b) SUPPORTIVE HOUSING DEMONSTRATION PROGRAM.—Section 428(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11388(a)) is amended to read as follows:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $203,475,000 for fiscal year 1993 and $209,986,000 for fiscal year 1994.".

(c) SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS.—The first sentence of section 434 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11394) is amended to read as follows: "There are authorized to be appropriated to carry out this subtitle $15,278,000 for fiscal year 1993 and $15,767,000 for fiscal year 1994.".

(d) SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.—Section 441(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401(a)) is amended to read as follows:

"(a) INCREASE IN BUDGET AUTHORITY.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $108,360,000 on or after October 1, 1992, and by $111,828,000 on or after October 1, 1993.".

(e) SHELTER PLUS CARE.—Section 459 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403h) is amended to read as follows:

"SEC. 459. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For purposes of the housing program under part II of this subtitle, there are authorized to be appropriated $42,466,000 for fiscal year 1993, and $43,825,000 for fiscal year 1994.

"(b) PART III.—For purposes of the housing program under part III of this subtitle, the budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $83,714,000 on or after October 1, 1992, and $86,392,000 on or after October 1, 1993.

"(c) PART IV.—For purposes of the housing program under part IV of this subtitle, there are authorized to be appropriated $132,420,000 for fiscal year 1993, and $136,658,000 for fiscal year 1994.

"(d) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.".

SEC. 822. SAFE HAVENS FOR THE HOMELESS.

Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle G—Safe Havens for the Homeless

"SEC. 491. ESTABLISHMENT OF DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Secretary may make grants to applicants to demonstrate the desirability and feasibility of providing very low-cost housing, to be known as Safe Havens, to service-resistent homeless persons who are seriously mentally ill.

"(b) PURPOSES.—The demonstration program carried out under this subtitle shall demonstrate—

"(1) whether and on what basis eligible persons choose to reside in Safe Havens;

"(2) the extent to which, after a period of residence in a Safe Haven, residents are willing to participate in mental health treatment programs, substance abuse treatment, or other treatment programs and to move toward a more traditional form of permanent housing and the availability in the community of such permanent housing and treatment programs;

"(3) whether Safe Havens are cost-effective in comparison with other alternatives for eligible persons; and

"(4) the various ways in which Safe Havens may be used to provide accommodations and low-demand services and referrals for eligible persons.

"SEC. 492. DEFINITIONS.

"For purposes of this subtitle:

"(1) APPLICANT.—The term 'applicant' means a public or private nonprofit organization, State, or unit of general local government.

"(2) ELIGIBLE PERSON.—The term 'eligible person' means an individual who—

"(A) is seriously mentally ill or is a chronic abuser of drugs or alcohol and resides primarily in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, which may include occasional residence in an emergency shelter; and

"(B) is currently unwilling or unable to participate in mental health or substance abuse treatment programs or to receive other supportive services.

This definition does not include a person whose sole impairment is substance abuse.

"(3) FACILITY.—The term 'facility' means a structure or a clearly identifiable portion of a structure providing privacy for its occupants that is assisted under this subtitle.

"(4) LOW-DEMAND SERVICES AND REFERRALS.—The term 'low-demand services and referrals' means the provision of mental health, substance abuse, and other supportive services and referrals for services in a noncoercive manner, which may include medication management and assistance in obtaining entitlement benefits and in obtaining other supportive services including mental health treatment and substance abuse treatment.

"(5) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a recipient operating a Safe Haven under this subtitle with respect to—

"(A) the operation of the facility, including the cost of 24-hour management, and maintenance, repair, and security;

"(B) utilities, fuel, furnishings, and equipment for such housing; and

"(C) other reasonable costs necessary to the operation of the facility, which may include appropriate outreach and drop-in services.

"(6) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(7) RECIPIENT.—The term 'recipient' means an applicant that receives a grant under this subtitle.

"(8) SAFE HAVEN.—The term 'Safe Haven' means a facility—

"(A) that provides 24-hour residence for eligible persons who may reside for an unspecified duration;

"(B) that provides private or semiprivate accommodations;

"(C) that may provide for the common use of kitchen facilities, dining rooms, and bathrooms;

"(D) that may provide supportive services to eligible persons who are not residents on a drop-in basis; and

"(E) in which overnight occupancy is limited to no more than 25 persons.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(10) SERIOUSLY MENTALLY ILL.—The term 'seriously mentally ill' means having a severe and persistent mental or emotional impairment that seriously limits a person's ability to live independently.

"(11) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Palau.

"(12) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a)(1) of the Housing and Community Development Act of 1974.

"SEC. 493. PROGRAM ASSISTANCE.

"(a) IN GENERAL.—

"(1) ELIGIBLE ACTIVITIES.—A grant under this subtitle may be used for the following activities:

"(A) The rehabilitation, acquisition or acquisition and rehabilitation of an existing structure for use in providing a Safe Haven.

"(B) The leasing of an existing structure for use in providing a Safe Haven.

"(C) To cover the operating costs of a Safe Haven.

"(D) To cover the costs of administering a Safe Haven program, not to exceed 10 percent of the cost of the activities described in subparagraphs (A) through (C).

"(E) Outreach activities designed to inform eligible persons about and attract them to a Safe Haven program.

"(F) The provision of low-demand services and referrals for residents of a Safe Haven, except that grants under this subtitle may not be used to cover more than 50 percent of the cost of such services and referrals.

"(G) Other activities that further the purposes of this subtitle, including the modification of an existing facility to use a portion of the facility to provide eligible persons with a Safe Haven.

"(2) PERIOD OF GRANTS.—The period of time during which grants may be used under subparagraphs (B), (C), (D), (E) and (F) of paragraph (1) may not exceed 5 years, except that the Secretary may, upon application by the recipient, provide assistance for an additional period of time, not to exceed 5 years, subject to—

"(A) the determination of the Secretary that the performance of the recipient under this subtitle is satisfactory; and

"(B) the availability of future appropriations.

"(3) LIMIT ON AMOUNT.—The total amount of grants under subsection (a) may not exceed such amounts as the Secretary may prescribe by regulation.

"(b) MATCHING FUNDING.—

"(1) IN GENERAL.—Each recipient is required to supplement a grant provided under this subtitle with an equal amount of funds from sources other than this subtitle. Each recipient shall certify to the Secretary that it has complied with this paragraph, and shall include with the certification a description of the sources and amounts of such supplemental funds.

"(2) CALCULATION OF MATCHING AMOUNTS.—In calculating the amount of supplemental funds required under paragraph (1), a recipient may include any funds derived from another source, occupancy charges paid by residents, the value of any lease on a building, any salary paid to staff to carry out the program of the recipient, and the value of the time and services contributed by volunteers, at a rate determined by the Secretary, to carry out the program of the recipient.

"SEC. 494. REQUIREMENTS.

"(a) APPLICATIONS.—

"(1) IN GENERAL.—Applications for grants under this subtitle shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

"(2) MINIMUM REQUIREMENTS.—The Secretary shall require that an application contain at a minimum—

"(A) a description of the proposed facility;

"(B) a description of the number and characteristics of the eligible persons expected to occupy the Safe Haven;

"(C) a plan for identifying and selecting eligible persons to participate;

"(D) a program plan, containing a description of—

"(i) the operation of the facility, including staffing plans and facility rules;

"(ii) how the applicant will secure low-demand services and referrals to be provided for residents of the Safe Haven who are willing to use them;

"(iii) how the applicant will monitor the willingness of residents to engage in treatment programs and other supportive services;

"(iv) how access to supportive services will be secured for residents willing to use them;

"(v) how access to permanent housing with appropriate services, such as the Shelter Plus Care program described in subtitle F, will be sought after residents are stabilized; and

"(vi) how the applicant will conduct outreach activities to facilitate the entrance of eligible persons into the Safe Haven;

"(E) a plan to ensure that adequate security precautions are taken to make the facility safe for the residents;

"(F) an estimate of program costs;

"(G) a description of the resources that are expected to be made available in compliance with section 493(b);

"(H) assurances satisfactory to the Secretary that the facility will have 24-hour, on-site management, if practicable;

"(I) assurances satisfactory to the Secretary that the facility will be operated for the purpose

specified in the application for each year in which assistance is provided under this subtitle;

"(J) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the facility is located;

"(K) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing;

"(L) a plan for program evaluation based on information that is collected on a periodic basis regarding the characteristics of the residents, including their movement in and out of the Safe Haven, their willingness to use low-demand services and referrals, the availability and quality of services used, and the movement of residents toward a more traditional form of permanent housing after a period of residency in the Safe Haven; and

"(M) such other information as the Secretary may require.

"(3) SITE CONTROL.—The Secretary shall require that an applicant furnish reasonable assurances that the applicant will have control of a site for the proposed facility not later than 1 year after notification of a grant award under this subtitle. If an applicant fails to obtain control of the site within this period, the grant shall be recaptured by the Secretary and reallocated for use under this subtitle.

"(b) SELECTION CRITERIA.—The Secretary shall establish selection criteria for assistance under this subtitle, which shall include—

"(1) the extent to which the applicant demonstrates the ability to develop and operate a Safe Haven;

"(2) the extent to which there is a need for a Safe Haven in the jurisdiction in which the facility will be located;

"(3) the extent to which the Safe Haven would meet the needs of the eligible persons proposed to be served by the applicant;

"(4) the extent to which the program would offer opportunities for eligible persons who wish to obtain permanent housing and supportive services after a period of residency in a Safe Haven;

"(5) geographic diversity among applicants selected to receive assistance;

"(6) the cost-effectiveness of the proposed program; and

"(7) such other factors as the Secretary determines to be appropriate for purposes of carrying out the program established by this subtitle in an effective and efficient manner.

"(c) REQUIRED AGREEMENTS.—The Secretary may not make a grant to any program under this subtitle unless the applicant agrees—

"(1) to develop and operate the proposed facility as a Safe Haven in accordance with the provisions of this subtitle;

"(2) to ensure that the facility meets any standards of habitability established by the Secretary;

"(3) to provide low-demand services and referrals for the residents of the Safe Haven;

"(4) to prohibit the use of illegal drugs and alcohol in the facility;

"(5) to ensure that adequate security precautions are taken to make the facility safe for the residents;

"(6) not to establish limitations on the duration of residency;

"(7) not to require participation in low-demand services and referrals as a condition of occupancy;

"(8) to monitor and report to the Secretary on the applicant's progress in carrying out the Safe Havens program;

"(9) to utilize, to the maximum extent practicable, eligible persons in renovating, maintaining, and operating facilities assisted under this subtitle and in providing services assisted under this subtitle;

"(10) to provide for the participation of a significant number of homeless individuals or former homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle; and

"(11) to comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the program established by this subtitle in an effective and efficient manner.

The Secretary may grant a waiver to an applicant that is unable to meet the requirement of paragraph (10), if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

"SEC. 495. OCCUPANCY CHARGE.

"Each eligible person who resides in a facility assisted under this subtitle shall pay an occupancy charge in an amount determined by the recipient, but not to exceed the amount determined under section 3(a) of the United States Housing Act of 1937. The occupancy charge may be phased in or reduced based on the type of living accommodations provided. The recipient may waive occupancy charges for limited periods of time for residents unwilling or unable to pay them. Occupancy charges paid may be reserved to assist residents in moving to a more traditional form of permanent housing.

"SEC. 496. TERMINATION OF ASSISTANCE.

"If an eligible person who resides in a Safe Haven or who receives low-demand services or referrals endangers the safety, welfare, or health of other residents, or repeatedly violates a condition of occupancy contained in the rules for the Safe Haven (as set forth in the application submitted under this subtitle), the recipient may terminate such residency or assistance in accordance with a formal process, established by the rules for the Safe Haven.

"SEC. 497. EVALUATION AND REPORT.

"The Secretary shall conduct an evaluation of the Safe Haven demonstration program and shall submit a report not later than December 31, 1994, to the Congress setting forth the findings of the Secretary as a result of the evaluation.

"SEC. 498. REGULATIONS.

"(a) IN GENERAL.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the amendments made by this subtitle.

"(b) CONSULTATION.—In establishing requirements to carry out the provisions of this subtitle, and in considering applications under this subtitle, the Secretary shall consult with officials of the appropriate agencies of the Department of Health and Human Services and with representative provider and public interest groups.

"(c) ELIGIBILITY FOR SSI AND MEDICAID.—

"(1) SUPPLEMENTAL SECURITY INCOME.—All provisions of the Supplemental Security Income program (title XVI of the Social Security Act), and of State programs in supplementation thereof, shall apply to participants in the Safe Havens Demonstration program, except that no individual living in a Safe Havens Demonstration program residence shall—

"(A) be considered an inmate of a public institution (as provided in section 1611(e)(1)(A) of that Act); or

"(B) have title XVI benefits reduced or terminated because of the receipt of support and maintenance (as provided in section 1612(a)(2)(A) of that Act), to the extent such support and maintenance is received as a result of participation in the Safe Havens Demonstration program.

"(2) MEDICAID.—A Safe Havens Demonstration program residence shall not be considered a hospital, nursing facility, institution for mental disease as defined under section 1905(i) of the Social Security Act, or any other inpatient facility, for purposes of the program under title XIX of that Act, and individuals shall not be denied eligibility for medicaid because of residency in such residence.

"SEC. 499. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $75,000,000 for fiscal year 1993 and $77,400,000 for fiscal year 1994.".

SEC. 823. APPLICABILITY OF SHELTER PLUS CARE.

Section 458(5) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403g(5)) is amended by adding at the end the following: "Such term shall also include any public, nonprofit organization that meets the criteria contained in subparagraphs (A), (B), and (C) of section 104(5) of such Act.".

SEC. 824. STRATEGY TO ELIMINATE UNFIT TRANSIENT FACILITIES.

Section 825(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11301 note) is amended in the first sentence—

(1) by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "National Affordable Housing Act Amendments of 1992"; and

(2) by striking "July 1, 1992" and inserting "July 1, 1994".

SEC. 825. SHELTER PLUS CARE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 459 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403h) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) IN GENERAL.—For purposes of the housing programs under this subtitle, there is authorized to be appropriated $258,600,000 for fiscal year 1993 and $266,875,000 for fiscal year 1994.";

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(b) PARTICIPATION OF HOMELESS INDIVIDUALS.—Section 455 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403d) is amended by adding at the end the following new subsection:

"(c) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient to provide for the participation of a significant number of homeless individuals or former homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any housing, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.".

(c) EMPLOYMENT OF HOMELESS INDIVIDUALS.—Section 456 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403e) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) to employ or otherwise involve, to the maximum extent practicable, homeless individ-

uals and families in constructing or rehabilitating housing assisted under this title and in providing services required under this title.”.

(d) REDESIGNATION AND AMENDMENT OF PART II PROVISIONS.—Subtitle F of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403 et seq.) is amended as follows:

(1) PART II HEADING.—By amending the heading for part II to read as follows:

“PART II—TENANT-BASED RENTAL ASSISTANCE”.

(2) PARTS III AND IV.—By striking parts III and IV.

(3) PURPOSE.—By striking section 461 and inserting the following new section:

“SEC. 471. AUTHORITY.

“The Secretary may use amounts made available under section 463 to provide tenant-based rental housing assistance for eligible persons in accordance with this part.”.

(4) HOUSING ASSISTANCE.—By redesignating section 462 as section 472 and amending such section by striking “Where” and inserting the following: “The eligible person shall select the unit in which such person will live using rental assistance under this part; except that where”.

(5) AMOUNT OF ASSISTANCE.—By redesignating section 463 as section 473 and amending such section by striking the last sentence.

(e) TRANSFER, REDESIGNATION, AND AMENDMENT OF GENERAL PROVISIONS.—Subtitle F of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403 et seq.) is amended as follows:

(1) TERMINATION OF ASSISTANCE.—By redesignating section 457 as section 461.

(2) DEFINITIONS.—By redesignating section 458 as section 462 and amending such section—

(A) by striking paragraph (2) and inserting the following new paragraph:

“(2) The term ‘applicant’ means a State, unit of general local government, Indian tribe, or public housing agency.”; and

(B) in paragraph (5), by inserting before the period at the end “, and includes public nonprofit organizations”.

(3) AUTHORIZATION OF APPROPRIATIONS.—By redesignating section 459 (as amended by subsection (a) of this section) as section 463.

(4) HOUSING STANDARDS AND RENT REASONABLENESS.—By redesignating section 464 as section 457, and amending subsection (a)(1) of such section by striking “(or if no such agency exists in the applicable area, an entity selected by the Secretary)”.

(5) TENANT RENT AND ADMINISTRATIVE FEES.—By redesignating sections 465 and 466 as sections 458 and 459, respectively.

(6) OCCUPANCY.—By inserting after section 459 (as redesignated by paragraph (5) of this subsection) the following new section:

“SEC. 460. OCCUPANCY.

“(a) OCCUPANCY AGREEMENT.—The occupancy agreement between a tenant and an owner of a dwelling unit assisted under this subtitle shall be for at least one month.

“(b) VACANCY PAYMENTS.—If an eligible person vacates a dwelling unit assisted under this subtitle before the expiration of the occupancy agreement, no assistance payment may be made with respect to the unit after the month that follows the month during which the unit was vacated, unless it is occupied by another eligible person.”.

(f) PROJECT- AND SPONSOR-BASED RENTAL ASSISTANCE AND SINGLE ROOM OCCUPANCY DWELLINGS.—Subtitle F of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403 et seq.), as amended by the preceding provisions of this section, is further amended by inserting at the end the following new parts:

“PART III—PROJECT-BASED RENTAL ASSISTANCE

“SEC. 476. AUTHORITY.

“The Secretary may use amounts made available under section 463 to provide project-based rental housing assistance for eligible persons in accordance with this part.

“SEC. 477. HOUSING ASSISTANCE.

“Assistance under this part shall be provided pursuant to a contract between the recipient and an owner of an existing structure. The contract shall provide that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

“SEC. 478. TERM OF CONTRACT AND AMOUNT OF ASSISTANCE.

“(a) TERM OF CONTRACT.—Each contract with a recipient for assistance under this part shall be for a term of 5 years, and the owner shall have an option to renew the assistance for an additional 5-year term, subject to the availability of amounts provided in appropriation Acts; except that if an expenditure of at least $3,000 for each unit (including its prorated share of work on common areas or systems) is required to make the structure decent, safe, and sanitary, and the owner agrees to carry out the rehabilitation with resources other than assistance under this subtitle within 12 months of notification of grant approval, the contract shall be for a term of 10 years.

“(b) AMOUNT OF ASSISTANCE.—Each contract shall provide that the recipient shall receive aggregate amounts not to exceed the fair market rental under section 8(e) of the United States Housing Act of 1937 in effect at the time the application is approved.

“PART IV—SPONSOR-BASED RENTAL ASSISTANCE

“SEC. 481. AUTHORITY.

“The Secretary may use amounts made available under section 463 to provide sponsor-based rental assistance for eligible persons in accordance with this part.

“SEC. 482. HOUSING ASSISTANCE.

“Assistance under this part shall be provided pursuant to a contract between the recipient and a private nonprofit sponsor that owns or leases dwelling units. The contract shall provide that rental assistance payments shall be made to the sponsor and that such assisted units shall be occupied by eligible persons.

“SEC. 483. TERM OF CONTRACT AND AMOUNT OF ASSISTANCE.

“(a) TERM OF CONTRACT.—The contract with a recipient of assistance under this part shall be for a term of 5 years.

“(b) AMOUNT OF ASSISTANCE.—Each contract shall provide that the recipient shall receive aggregate amounts not to exceed the appropriate existing housing fair market rental under section 8(e) of the United States Housing Act of 1937 in effect at the time the application is approved.”.

SEC. 826. SUPPORTIVE HOUSING PROGRAM.

(a) IN GENERAL.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by striking subtitles C and D and inserting the following new subtitle:

“Subtitle C—Supportive Housing Program

“SEC. 421. PURPOSE.

“The purpose of this subtitle is to promote the development of supportive housing and supportive service programs to assist homeless persons and families, in the transition from homelessness, and to enable homeless persons to live as independently as possible.

“SEC. 422. DEFINITIONS.

“For purposes of this subtitle:

“(1) The term ‘applicant’ means a State, Indian tribe, metropolitan city, urban county, governmental entity, public or private nonprofit organization, that is eligible to be a recipient under this subtitle and submits an application under section 426(a).

“(2) The term ‘person with disabilities’ shall mean a person who is under a disability as defined in section 223 of the Social Security Act or a household within the definition of ‘person with disabilities’ contained in section 811(k) of the National Affordable Housing Act of 1990. Notwithstanding the previous sentence, the term ‘persons with disabilities’ shall include persons with acquired immunodeficiency syndrome.

“(3) The term ‘Indian tribe’ has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974.

“(4) The term ‘metropolitan city’ has the meaning given the term in section 102 of the Housing and Community Development Act of 1974.

“(5) The term ‘operating costs’ means expenses incurred by a recipient operating supportive housing under this subtitle with respect to—

“(A) the administration, maintenance, repair, and security of such housing;

“(B) utilities, fuel, furnishings, and equipment for such housing; and

“(C) the conducting of the assessment required in section 426(c)(2).

“(6) The term ‘outpatient health services’ means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management.

“(7) The term ‘private nonprofit organization’ means an organization—

“(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(B) that has a voluntary board;

“(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

“(D) that practices nondiscrimination in the provision of assistance.

“(8) The term ‘project’ means a structure or structures (or a portion of such structure or structures) that is acquired, rehabilitated, constructed, or leased with assistance provided under this subtitle or with respect to which the Secretary provides technical assistance or annual payments for operating costs under this subtitle, or supportive services.

“(9) The term ‘recipient’ means any governmental or nonprofit entity that receives assistance under this subtitle.

“(10) The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(11) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Palau.

“(12) The term ‘supportive housing’ means a project that meets the requirements of section 424.

“(13) The term ‘supportive services’ means services under section 425.

“(14) The term ‘urban county’ has the meaning given the term in section 102 of the Housing and Community Development Act of 1974.

“SEC. 423. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—The Secretary may provide the following assistance under this subtitle:

“(1) ACQUISITION AND REHABILITATION.—A grant, in an amount not to exceed $200,000, for the acquisition, rehabilitation, or acquisition and rehabilitation of an existing structure (including a small commercial property or office space) to provide supportive housing other than emergency shelter or to provide supportive services. The repayment of any outstanding debt owed on a loan made to purchase an existing structure shall be considered to be a cost of ac-

quisition eligible for a grant under this paragraph if the structure was not used as supportive housing, or to provide supportive services, before the receipt of assistance.

"(2) NEW CONSTRUCTION.—A grant, in an amount not to exceed $400,000, for new construction of a structure to provide supportive housing.

"(3) LEASING.—A grant for leasing of an existing structure or structures, or portions thereof, to provide supportive housing or supportive services during the period covered by the application. Grant recipients may reapply for such assistance as needed to continue the use of such structure for purposes of this subtitle.

"(4) OPERATING COSTS.—Annual payments for operating costs of housing assisted under this subtitle, not to exceed 75 percent of the annual operating costs of such housing. Grant recipients may reapply for such assistance as needed to continue the use of the project for purposes of this subtitle.

"(5) SUPPORTIVE SERVICES.—A grant for costs of supportive services provided to homeless individuals. Such services may be provided independently from housing assisted under this subtitle. Any recipient may reapply for such assistance or for the renewal of such assistance to continue services funded under prior grants or to provide other services.

"(6) TECHNICAL ASSISTANCE.—Technical assistance in—

"(A) establishing supportive housing;

"(B) operating supportive housing; and

"(C) providing supportive services to homeless individuals.

"(b) USE RESTRICTIONS.—

"(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—Projects assisted under subsection (a) (1) or (2) shall be operated for not less than 20 years for the purpose specified in the application.

"(2) OTHER ASSISTANCE.—Projects assisted under subsection (a) (3), (4), (5), or (6) shall be operated for the purposes specified in the application for the duration of the period covered by the grant.

"(3) CONVERSION.—If the Secretary determines that a project is no longer needed for use as supportive housing and approves the use of the project for the direct benefit of very low-income persons pursuant to a request for such use by the recipient operating the project, the Secretary may authorize the recipient to convert the project to such use.

"(c) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

"(1) REPAYMENT AND CONVERSION OF ASSISTANCE.—Subject to the provisions of this section, any grant provided under subsection (a) (1) or (2) shall be repaid if the project ceases to be used as supportive housing prior to the expiration of the time period specified in the grant, on such terms as may be prescribed by the Secretary. The Secretary shall require recipients to repay 100 percent of the grant if the project is used as supportive housing for fewer than 10 years following initial occupancy. If the project is used as supportive housing for more than 10 years, but less than 20 years, the Secretary shall reduce the percentage of the amount required to be repaid by 10 percentage points for each year in excess of 10 that the property is used as supportive housing.

"(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), upon any sale or other disposition of a project assisted under subsection (a) (1) or (2), occurring before the expiration of the 20-year period beginning on the date that the project is placed in service, the recipient shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient from unduly benefiting from such sale or disposition.

"(3) EXCEPTION.—A recipient shall not be required to comply with the terms and conditions prescribed under paragraphs (1)(A) and (2) if the sale or disposition of the project results in the use of the project for the direct benefit of very low-income persons or if all of the proceeds are used to provide supportive housing meeting the requirements of this subtitle.

"SEC. 424. SUPPORTIVE HOUSING.

"(a) IN GENERAL.—Housing providing supportive services for homeless individuals shall be considered supportive housing for purposes of this subtitle if—

"(1) the housing is safe and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located; and

"(2) the housing—

"(A) is transitional housing;

"(B) is permanent housing for homeless persons with disabilities; or

"(C) is, or is part of, a particularly innovative project for, or alternative methods of, meeting the immediate and long-term needs of homeless individuals and families.

"(b) TRANSITIONAL HOUSING.—For purposes of this section, the term 'transitional housing' means housing, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 24 months (or such longer period as the Secretary determines is necessary).

"(c) PERMANENT HOUSING FOR HOMELESS PERSONS WITH DISABILITIES.—For purposes of this section, the term 'permanent housing for homeless persons with disabilities' means community-based housing for handicapped homeless persons that provides long-term housing and supportive services for not more than—

"(1) 8 such persons in a single structure or contiguous structures;

"(2) 16 such persons, but only if not more than 20 percent of the units in a structure are designated for such persons; or

"(3) more than 16 persons if the applicant demonstrates that local market conditions dictate the development of a large project and such development will achieve the neighborhood integration objectives of the program within the context of the affected community.

"(d) SINGLE ROOM OCCUPANCY DWELLINGS.—A project may provide supportive housing in dwelling units that do not contain bathrooms or kitchen facilities and are appropriate for use as supportive housing or in projects containing some or all such dwelling units.

"SEC. 425. SUPPORTIVE SERVICES.

"(a) IN GENERAL.—Each supportive housing project shall ensure the provision of appropriate supportive services for residents of the project.

"(b) REQUIREMENTS.—Supportive services provided in connection with a supportive housing project shall address the special needs of the individuals (such as homeless persons with disabilities and homeless families with children) intended to be served by a project.

"(c) SERVICES.—Supportive services may include the establishment and operation of such activities as child care services programs, child care, employment assistance programs, outpatient health services, meals, case management, assistance in obtaining permanent housing, counseling, including employment and nutritional counseling, security measures, and assistance in obtaining other Federal, State, and local services (including mental health benefits, employment and medical assistance), and providing other appropriate services.

"(d) PROVISION OF SERVICES.—Services provided pursuant to this section may be provided directly by the recipient or by contract with other public or private service providers. Such services may be provided to homeless individuals who do not reside in supportive housing.

"SEC. 426. PROGRAM REQUIREMENTS.

"(a) APPLICATIONS.—

"(1) FORM AND PROCEDURE.—Applications for assistance under this subtitle shall be submitted by applicants in the form and in accordance with the procedures established by the Secretary.

"(2) CONTENTS.—The Secretary shall require that applications contain at a minimum—

"(A) a description of the proposed project, including the activities to be undertaken;

"(B) a description of the size and characteristics of the population that would occupy the supportive housing assisted under this subtitle;

"(C) a description of the public and private resources that are expected to be made available for the project;

"(D) in the case of projects assisted under section 423(a) (1) or (2), assurances satisfactory to the Secretary that the project will be operated for not less than 10 years for the purpose specified in the application;

"(E) in the case of projects assisted under this title that do not receive assistance under such sections, annual assurances during the period specified in the application that the project will be operated for the purpose specified in the application for such period;

"(F) a certification from the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the State or unit of general local government within which the project is located that the proposed project is consistent with the approved housing strategy of such State or unit of general local government; and

"(G) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

"(3) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of a 1-year period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing which will eventually be owned or controlled by the families or individuals served. If any recipient fails to obtain ownership or control of the site within 1 year after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

"(b) SELECTION CRITERIA.—The Secretary shall select applicants approved by the Secretary as to financial responsibility to receive assistance under this subtitle by a national competition based on criteria established by the Secretary, which shall include—

"(1) the ability of the applicant to develop and operate supportive housing;

"(2) the innovative quality of the proposal in providing supportive housing;

"(3) the need for the type of supportive housing proposed by the applicant in the area to be served;

"(4) the extent to which the amount of assistance to be provided under this subtitle will be supplemented with resources from other public and private sources;

"(5) the cost-effectiveness of the proposed project;

"(6) the extent to which the applicant has demonstrated coordination with other Federal, State, local and private entities serving homeless persons in the planning and operation of the project, to the extent practicable; and

"(7) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

"(c) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for any project under this subtitle unless the applicant agrees—

"(1) to operate the proposed project as supportive housing in accordance with the provisions of this subtitle;

"(2) to conduct an ongoing assessment of the supportive services required by homeless individuals served by such projects and the availability of such services to such individuals;

"(3) to provide such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of supportive services to the residents of the project;

"(4) to monitor and report to the Secretary on the progress of the project;

"(5) to develop and implement procedures to ensure (A) the confidentiality of records pertaining to any individual provided family violence prevention or treatment services through any project assisted under this subtitle, and (B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person or persons responsible for the operation of such project;

"(6) to utilize, to the maximum extent practicable, homeless individuals and families in constructing, rehabilitating, maintaining, and operating the project assisted under this subtitle and in providing supportive services for the project; and

"(7) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.

"(d) OCCUPANCY CHARGE.—Each homeless individual or family residing in a project providing supportive housing shall pay an occupancy charge in an amount determined by the recipient providing the project, which may not exceed the amount determined under section 3(a) of the United States Housing Act of 1937. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

"(e) MATCHING FUNDING.—Each recipient shall be required to supplement the amount of assistance provided under paragraphs 423(a) (1) and (2) of this subtitle with an equal amount of funds from sources other than this subtitle.

"(f) FLOOD PROTECTION STANDARDS.—Flood protection standards applicable to housing acquired, rehabilitated, constructed, or assisted under this subtitle shall be no more restrictive than the standards applicable under Executive Order No. 11988 (May 24, 1977) to the other programs under this title.

"(g) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient to provide for the participation of a significant number of homeless individuals or former homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

"(h) LIMITATION ON USE OF FUNDS.—No assistance received under this subtitle (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist homeless persons or handicapped homeless persons.

"(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—No recipient may use more than 5 percent of a grant received under this subtitle for administrative purposes.

"(j) TERMINATION OF ASSISTANCE.—If an individual or family who receives assistance under this subtitle (not including residents of an emergency shelter) from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals receiving such assistance to due process of law.

"SEC. 427. REGULATIONS.

"Not later than the expiration of the 90-day period beginning on the date of the enactment of the Housing and Community Development Act of 1992, the Secretary shall issue interim regulations to carry out this subtitle, which shall take effect upon issuance. The Secretary shall issue final regulations to carry out this subtitle after notice and opportunity for public comment regarding the interim regulations, pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). The duration of the period for public comment shall not be less than 60 days, and the final regulations shall be issued not later than the expiration of the 60-day period beginning upon the conclusion of the comment period and shall take effect upon issuance.

"SEC. 428. REPORTS TO CONGRESS.

"The Secretary shall submit a report to the Congress annually, which summarizes the activities carried out under this subtitle and sets forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 4 months after the end of each fiscal year (except that, in the case of fiscal year 1993, the report shall be submitted not later than 6 months after the end of the fiscal year).

"SEC. 429. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subtitle $187,200,000 for fiscal year 1993.

"(b) SET-ASIDES.—Of any amounts appropriated to carry out this subtitle—

"(1) not less than 25 percent shall be allocated to projects designed primarily to serve homeless families with children;

"(2) not less than 25 percent shall be allocated to projects designed primarily to serve homeless persons with disabilities; and

"(3) not less than 10 percent shall be allocated for use only for providing supportive services under sections 423(a)(5) and 425, not provided in conjunction with supportive housing.

"(c) REALLOCATIONS.—If, following the receipt of applications for the final funding round under this subtitle for any fiscal year, any amount set aside for assistance pursuant to subsection (b) will not be required to fund the approvable applications submitted for such assistance, the Secretary shall reallocate such amount for other assistance pursuant to this subtitle.".

(b) TRANSITION.—Notwithstanding the amendment made by subsection (a), before the date of the effectiveness of the regulations issued under section 427 of the Stewart B. McKinney Homeless Assistance Act (as amended by subsection (a) of this section) the Secretary may make grants under the provisions of subtitles C and D of the Stewart B. McKinney Homeless Assistance Act, as in effect immediately before the enactment of this Act. Any grants made before such effective date shall be subject to the provisions of such subtitles.

SEC. 827. AUTHORIZATION OF APPROPRIATIONS FOR THE INTERAGENCY COUNCIL ON THE HOMELESS.

Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,500,000 for fiscal year 1993, and $1,700,000 for fiscal year 1994.".

SEC. 828. EXTENSION OF INTERAGENCY COUNCIL.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1992" and inserting "October 1, 1994".

SEC. 829. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $180,000,000 for fiscal year 1993, and $200,000,000 for fiscal year 1994.".

SEC. 830. SINGLE ROOM OCCUPANCY HOUSING FOR THE HOMELESS.

Subtitle E of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401 et seq.) is amended to read as follows:

"Subtitle E—Single Room Occupancy Housing for the Homeless

"SEC. 441. PURPOSE.

"The purpose of the program authorized under this subtitle is to increase the supply of decent, safe and sanitary single room occupancy housing for homeless individuals.

"SEC. 442. DEFINITIONS.

"For purposes of this subtitle:

"(1) APPLICANT.—The term 'applicant' means a State, Indian tribe, metropolitan city, urban county, public housing agency, other governmental entity, or private nonprofit organization that is eligible to be a recipient under this subtitle.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 102(a)(17) of the Housing and Community Development Act of 1974.

"(3) METROPOLITAN CITY.—The term 'metropolitan city' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"(4) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a recipient operating housing under this subtitle with respect to—

"(A) the administration, maintenance, repair, and security of such housing; and

"(B) utilities, fuel, furnishings, and equipment for such housing.

"(5) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(6) PROJECT.—The term 'project' means a structure or a portion of a structure that is acquired or rehabilitated with assistance provided under this subtitle or with respect to which the Secretary provides technical assistance or annual payments for operating costs under this subtitle.

"(7) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given such term in section 3(b)(6) of the United States Housing Act of 1937.

"(8) RECIPIENT.—The term 'recipient' means any governmental or nonprofit entity that is approved by the Secretary as to financial responsibility.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(10) SINGLE ROOM OCCUPANCY HOUSING.—The term 'single room occupancy housing' means

residential properties in which some or all of the dwelling units do not contain bathroom or kitchen facilities. Such housing shall be safe and sanitary and meet all applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located.

''(11) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Island, Guam, American Samoa, the Northern Mariana Islands, and Palau.

''(12) URBAN COUNTY.—The term 'urban county' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"SEC. 443. TYPES OF ASSISTANCE.

''(a) IN GENERAL.—The Secretary may provide the following assistance to a project under this subtitle:

''(1) A grant for acquisition, rehabilitation, or acquisition and rehabilitation, of an existing structure to provide single room occupancy dwellings. The repayment of any outstanding debt owed on a loan made to purchase an existing structure shall be considered a cost of acquisition eligible for a grant under this paragraph if the structure was not used as housing for the homeless prior to the receipt of assistance. Such a grant is limited to the portion of the structure used for single room occupancy dwellings and common areas for primary use of the residents or for the provision of supportive services to such residents and other homeless individuals.

''(2) A grant for new construction of a structure to provide single room occupancy dwellings. Such a grant is limited to the portion of the structure used for single room occupancy dwellings and common areas for primary use of the residents or for provision of supportive services to such residents and other homeless individuals.

''(3) Annual payments for operating costs of single room occupancy dwellings, not to exceed 75 percent of the costs of operating such housing, during the 10-year period under section 444(a)(2)(D). Subject to the availability of appropriations, the Secretary may approve payment of operating costs of single room occupancy dwellings beyond the initial 10-year period.

''(4) Technical assistance in establishing or operating single room occupancy dwellings.

''(b) AMOUNT OF ASSISTANCE.—The Secretary may establish a maximum amount that may be awarded to any applicant.

''(c) REPAYMENT.—Any grant provided under paragraphs (1) or (2) of subsection (a) shall be repaid on such terms as may be prescribed by the Secretary if the project is used as single room occupancy dwellings for homeless individuals for fewer than 10 years following initial occupancy. A project may continue to be treated as single room occupancy dwellings for the purposes of this subsection if the Secretary determines that such project is no longer needed for use as single room occupancy dwellings for homeless individuals and approves the use of such project for the direct benefit of low-income persons.

''(d) PREVENTION OF UNDUE BENEFITS.—Upon any sale or other disposition of a project acquired or rehabilitated with assistance under this subtitle prior to the close of 20 years after the project is placed in service, other than a sale or other disposition resulting in the use of the project for the direct benefit of low-income persons or where all of the proceeds are used to provide single room occupancy dwellings for homeless individuals, the recipient shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient from unduly benefiting from the sale or other disposition of the project.

"SEC. 444. PROGRAM REQUIREMENTS.

''(a) APPLICATIONS.—

''(1) IN GENERAL.—Applications for assistance under this subtitle shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

''(2) MINIMUM REQUIREMENTS.—The Secretary shall require that applications contain at a minimum—

''(A) a description of the proposed project;

''(B) a description of the size and characteristics of the population that would occupy the single room occupancy dwellings;

''(C) a description of the public and private resources that are expected to be made available for the project;

''(D) assurances satisfactory to the Secretary that the project assisted will be operated for not less than 10 years for the purpose specified in the application, except that in the case of projects not receiving a grant under paragraph (1) or (2) or section 443(a), assurances under this subparagraph shall be made annually that the project will be operated for the purpose specified in the application for such year;

''(E) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the State or unit of local government within which the facility is located.

''(F) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing.

''(3) The Secretary shall require that an application furnish reasonable assurances that the applicant will own or have control of a site for the proposed project not later than 1 year after receiving assistance under this subtitle. If an applicant fails to obtain ownership or control of a site within 1 year after receipt of such assistance, the grant shall be recaptured and reallocated.

''(b) SELECTION CRITERIA.—The Secretary shall establish selection criteria for a national competition for assistance under this subtitle, which shall include—

''(1) the ability of the applicant to develop and operate single room occupancy dwellings for homeless individuals;

''(2) the need for such single room occupancy dwellings in the area to be served;

''(3) the extent to which the amount of assistance to be provided under this subtitle will be leveraged with resources from other public and private sources;

''(4) the cost effectiveness of the proposed project;

''(5) the extent to which the recipient involves homeless and formerly homeless individuals in constructing, rehabilitating, maintaining, and operating the project assisted under this subtitle;

''(6) the extent to which homeless and formerly homeless individuals are represented on boards of directors or policymaking entities, or otherwise consulted in the planning, development, and operation of the project;

''(7) the extent to which the applicant has demonstrated coordination with other entities serving homeless persons in the planning and operation of the project; and

''(8) such other factors as the Secretary determines to be appropriate for purposes of carrying out the project established by this subtitle in an effective and efficient manner.

''(c) REQUIRED AGREEMENTS.—The Secretary may not approve assistance for any project under this subtitle unless the applicant agrees—

''(1) to operate the proposed project as single room occupancy dwellings for homeless individuals in accordance with the provisions of this subtitle;

''(2) to meet housing quality standards established by the Secretary, including the installation of a sprinkler system that protects all major spaces (including hallways, large common areas, and other areas specified in local fire, building, or safety codes), hard-wired smoke detectors, and such other fire and safety improvements as may be required by State or local law;

''(3) to provide such residential supervision as the Secretary determines is necessary to ensure the safety of the residents and the maintenance of the facility;

''(4) to monitor and report to the Secretary on the progress of the project; and

''(5) to comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the program established in this subtitle in an effective and efficient manner.

''(d) OCCUPANT RENT.—Each individual residing in a facility assisted under this subtitle shall pay as rent an amount not to exceed an amount determined in accordance with the provisions of section 3(a) of the United States Housing Act of 1937.

''(e) MATCHING FUNDING.—Each recipient shall be required to supplement the amount of assistance provided under paragraphs 443(a) (1) and (2) of this subtitle with an equal amount of funds from sources other than this subtitle.

''(f) FLOOD PROTECTION STANDARDS.—Flood protection standards applicable to housing acquired, rehabilitated, or assisted under this subtitle shall be no more restrictive than the standards applicable under Executive Order No. 11988 (May 24, 1977) to the other programs under this title.

''(g) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient to provide for the participation of a significant number of homeless individuals or formerly homeless individuals on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

"SEC. 445. GUIDELINES.

''(a) REGULATIONS.—Not later than 90 days following the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle.

''(b) LIMITATION ON USE OF FUNDS.—

''(1) NOT TO REPLACE OTHER FUNDS.—No assistance received under this subtitle may be used to replace other public funds previously used, or designated for use, to assist homeless individuals.

''(2) 10 PERCENT MAXIMUM.—No more than 10 percent of the assistance made available under this subtitle for any fiscal year may be used for projects located within any 1 unit of general local government.

''(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—No recipient may use more than 5 percent of a grant received under this subtitle for administrative purposes.

"SEC. 446. REPORTS TO CONGRESS.

''The Secretary shall submit annually to the Congress a report summarizing the activities carried out under this subtitle. The report shall be submitted not later than 3 months after the end of each fiscal year.

"SEC. 447. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $108,360,000 for fiscal year 1993 and $111,828,000 for fiscal year 1994.".

SEC. 830A. MISCELLANEOUS PROVISIONS.

(a) RESERVATION OF FUNDS.—On or after the effective date of this section, no amounts may be made available for assistance under subtitle E of title IV of the Stewart B. McKinney Homeless Assistance Act, as it existed immediately before the effective date of this section, except for projects for which a reservation of funds was made by the Secretary before that effective date.

(b) GRANTS ALREADY MADE.—Any grant already made under subtitle E of title IV of the Stewart B. McKinney Homeless Assistance Act shall continue to be governed by the provisions of such subtitle.

(c) AMENDMENT TO MCKINNEY ACT.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle H—Miscellaneous Provisions

"SEC. 490. ADMINISTRATIVE PROVISIONS.

"The provisions of, and regulations and procedures applicable under, section 104(g) of the Housing and Community Development Act of 1974 shall apply to assistance and projects under this title.".

SEC. 830B. RURAL HOMELESSNESS GRANT PROGRAM

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a rural homelessness grant program. In carrying out the program, the Secretary may award grants to eligible organizations in order to pay for the Federal share of the cost of—

(1) assisting programs providing direct emergency assistance to homeless individuals and families;

(2) providing homelessness prevention assistance to individuals and families at risk of becoming homeless; and

(3) assisting individuals and families in obtaining access to permanent housing and supportive services.

(b) USE OF FUNDS.—

(1) IN GENERAL.—An eligible organization may use a grant awarded under subsection (a) to provide in rural areas—

(A) rent, mortgage, or utility assistance after 2 months of nonpayment in order to prevent eviction, foreclosure, or loss of utility service;

(B) security deposits, rent for the first month of residence at a new location, and relocation assistance;

(C) short-term emergency lodging in motels or shelters, either directly or through vouchers;

(D) transitional housing;

(E) rehabilitation and repairs such as insulation, window repair, door repair, roof repair, and repairs that are necessary to make premises habitable;

(F) development of comprehensive and coordinated support services that use and supplement, as needed, community networks of services, including—

(i) outreach services to reach eligible recipients;

(ii) case management;

(iii) housing counseling;

(iv) budgeting;

(v) job training and placement;

(vi) primary health care;

(vii) mental health services;

(viii) substance abuse treatment;

(ix) child care;

(x) transportation;

(xi) emergency food and clothing;

(xii) family violence services;

(xiii) education services;

(xiv) moving services;

(xv) entitlement assistance; and

(xvi) referrals to veterans services and legal services; and

(G) costs associated with making use of Federal inventory property programs to house homeless families, including the program established under title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.) and the Single Family Property Disposition Program established under section 204(g) of the National Housing Act (12 U.S.C. 1710(g)).

(2) CAPACITY BUILDING ACTIVITIES.—Not more than 20 percent of the funds appropriated under subsection (i)(1) for a fiscal year may be used by eligible organizations for capacity building activities, including payment of operating costs and staff retention.

(c) AWARD OF GRANTS.—

(1) COMMUNITIES WITH POPULATIONS OF LESS THAN 20,000.—

(A) SET ASIDE.—In awarding grants under subsection (a) for a fiscal year, the Secretary shall make available not less than 50 percent of the funds appropriated under subsection (i)(1) for the fiscal year for grants to eligible organizations serving communities that have populations of less than 10,000.

(B) PRIORITY WITHIN SET ASIDE.—In awarding grants in accordance with subparagraph (A), the Secretary shall give priority to eligible organizations serving communities with populations of less than 5,000.

(2) COMMUNITIES WITHOUT SIGNIFICANT FEDERAL ASSISTANCE.—In awarding grants under subsection (a), including grants awarded in accordance with paragraph (1), the Secretary shall give priority to eligible organizations serving communities not currently receiving significant Federal assistance under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

(3) STATE LIMIT.—In awarding grants under subsection (a) for a fiscal year, the Secretary shall not award to eligible organizations within a State an aggregate sum of more than 10 percent of the funds appropriated under subsection (i)(1), for the fiscal year.

(d) APPLICATION.—In order to be eligible to receive a grant under subsection (a), an organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum the application shall include—

(1) a description of the target population and geographic area to be served;

(2) a description of the services to be provided;

(3) an assurance that the services to be provided are closely related to the identified needs of the target population;

(4) a description of the existing services available to the target population, including Federal, State, and local programs, and a description of the manner in which the organization will coordinate with and expand existing services or provide services not available in the immediate area; and

(5) an agreement by the organization that the organization will collect certain data on the projects conducted by the organization, including services provided, number and characteristics of persons served, causes of homelessness for persons served, and outcomes of delivered services.

(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant under subsection (a) shall include private nonprofit entities, Indian tribes (as defined in section 102(a)(17) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(17)), and county and local governments.

(f) FEDERAL SHARE.—

(1) FEDERAL SHARE.—The Federal share of the costs of providing assistance under this title shall be 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of providing the assistance shall be in cash or in kind, fairly evaluated, including plant, equipment, staff services, or services delivered by volunteers.

(g) EVALUATION.—

(1) EVALUATION.—The Secretary shall perform an evaluation of the program to—

(A) determine the effectiveness of the program in improving the delivery of services to homeless persons in the area served; and

(B) determine the types of services needed to address homelessness in rural areas.

(2) REPORT.—The Secretary shall submit to Congress, not later than 18 months after the date on which the Secretary first makes grants under the program, the evaluation of the program described in paragraph (1), including recommendations for any Federal administrative or legislative changes that may be necessary to improve the ability of rural communities to prevent and respond to homelessness.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible organizations in developing programs in accordance with this section, and in gaining access to other Federal resources that may be used to assist homeless persons in rural areas. Such assistance may be provided through regional workshops, and may be provided directly or through grants to, or contracts with, nongovernmental entities.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal year 1993, and fiscal year 1994.

(2) AVAILABILITY.—Any amount paid to a grant recipient for a fiscal year that remains unobligated at the end of the year shall remain available to the recipient for the purposes for which the payment was made for the next fiscal year. The Secretary shall take such action as may be necessary to recover any amount not obligated by the recipient at the end of the second fiscal year, and shall redistribute the amount to another eligible organization.

(j) DEFINITIONS.—

As used in this section:

(1) HOMELESS.—The term "homeless" has the meaning given the term in section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(2) PROGRAM.—The term "program" means the rural homelessness grant program established under this section.

(3) RURAL AREA; RURAL COMMUNITY.—The term "rural area" or "rural community" means an area or community, respectively, as defined in section 520 of the Housing Act of 1949.

(4) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

Subtitle D—Housing Opportunities for Persons With AIDS

SEC. 831. AUTHORIZATION.

Section 863 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12912) is amended to read as follows:

"SEC. 863. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $100,000,000 for fiscal year 1993, and $103,200,000 for fiscal year 1994.".

SEC. 832. PROGRAM AMENDMENTS.

Section 854 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12903) is amended—

(1) in subsection (c)(1), by inserting before the period at the end of the first sentence "as determined by the Centers for Disease Control"; and

(2) by striking subsection (e) and inserting the following:

"(e) RECIPIENT OF FUNDS.—Each metropolitan area applying for a grant under this section shall designate its chief elected official for receipt and use of amounts received from a grant under this section.".

SEC. 833. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Department of Housing and Urban Development shall publish final regulations as may be necessary to implement the Housing Opportunities for Persons with AIDS program authorized in subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.).

SEC. 834. EMERGENCY SHELTER GRANTS AMENDMENTS.

(a) Employment of Homeless Individuals.—Section 415(c) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11375(c)) is amended—

(1) at the end of paragraph (1), by striking the period and inserting a semicolon;

(2) at the end of paragraph (3), by striking "and";

(3) in paragraph (4)—

(A) by inserting "it will" after "State," and

(B) by striking "and" at the end;

(4) in paragraph (5)—

(A) before "develop", by inserting "it will"; and

(B) by striking the period at the end and inserting a semicolon;

(5) by redesignating the paragraph that follows paragraph (5) as paragraph (6) and by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) it will employ and otherwise involve, to the maximum extent practicable, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this subtitle, in providing services assisted under this subtitle, and in providing services for occupants of facilities assisted under this subtitle.".

(b) Participation of Homeless Individuals.—Section 415 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11375) is amended by adding at the end the following new subsection:

"(d) Participation of Homeless Individuals.—The Secretary shall, by regulation, require each recipient that is not a State to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of such recipient, to the extent that such entity considers and makes policies and decisions regarding any facility, services, or other activities of the recipient assisted under this subtitle, or to otherwise provide for the consultation and participation of such individual or individuals in considering and making such policies and decisions.".

(c) Termination of Assistance.—Section 415 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11375) is amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) Termination of Assistance.—If an individual or family who receives assistance under this subtitle from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals affected.".

(d) Eligibility of Staff Costs.—Section 414(a)(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(3)) is amended by striking "(other than staff)".

TITLE IX—COMMUNITY DEVELOPMENT AND MISCELLANEOUS PROGRAMS

Subtitle A—Community and Neighborhood Development and Preservation

SEC. 901. COMMUNITY DEVELOPMENT AUTHORIZATIONS.

(a) Community Development Block Grants.—Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended by striking the second sentence and inserting the following: "For purposes of assistance under section 106, there are authorized to be appropriated $3,900,000,000 for fiscal year 1993 and $4,024,800,000 for fiscal year 1994. Of any amounts appropriated under this section, the Secretary shall, to the extent approved in appropriation Acts, make available—

"(1) not less than $3,000,000 in each of fiscal years 1993 and 1994 in the form of grants to institutions of higher education, either directly or through areawide planning organizations or States, for the purpose of providing assistance to economically disadvantaged and minority students who participate in community development work study programs and are enrolled in full-time graduate or undergraduate programs in community and economic development, community planning, or community management,

"(2) not less than $6,500,000 for fiscal year 1993 and $6,500,000 for fiscal year 1994 in the form of grants to historically black colleges, and

"(3) not less than $7,000,000 for fiscal year 1993 and $7,000,000 for fiscal year 1994 for grants in Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(b) Section 108 Loan Guarantees.—The fifth sentence of section 108(a) (42 U.S.C. 5308(a)) of the Housing and Community Development Act of 1974 is amended by striking all that follows "amount of" through the end of the sentence and inserting "$300,000,000 during fiscal year 1993 and $300,000,000 during fiscal year 1994.".

SEC. 902. HOMEOWNERSHIP ASSISTANCE UNDER CDBG.

Section 907(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 5305 note) is amended by striking paragraph (2).

SEC. 903. STATE SET-ASIDE FOR TECHNICAL ASSISTANCE.

Section 106(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)) is amended by inserting after paragraph (3) the following:

"(4) From the amounts received under paragraph (1) for distribution in nonentitlement areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments and nonprofit program recipients.".

SEC. 904. ELIMINATION OF NONHOUSING COMMUNITY DEVELOPMENT PLAN.

Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by striking subsection (l) as added by section 922 of the Cranston-Gonzalez National Affordable Housing Act.

SEC. 905. LOANS OF CDBG FUNDS.

Section 105(a)(14) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(14)) is amended by inserting before "activities" the following: "provision of assistance including loans (both interim and long-term) and grants for".

SEC. 906. CDBG CODE ENFORCEMENT.

Section 105(a)(3) of the Housing and Community Development Act of 1974 is amended by striking "improvements and" and inserting "or private improvements or".

SEC. 907. CDBG SET-ASIDE FOR COLONIAS.

Section 916 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 5306 note) is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

"(3) Other Improvements.—Other activities eligible under section 105 of the Housing and Community Development Act of 1974 designed to meet the needs of residents of colonias."; and

(2) in subsection (f), by striking "and 1993" and inserting "1993, and 1994".

SEC. 908. APPROVAL OF MULTIJURISDICTIONAL AGREEMENTS.

Section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)) is amended by inserting after "the Secretary", the first place it appears, the following: "or the State, in the case of nonentitlement areas".

SEC. 909. NEIGHBORHOOD-BASED NONPROFIT ORGANIZATIONS.

Section 105(a)(15) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(15)) is amended by inserting after "corporations," the following: "nonprofit organizations serving the development needs of the communities in nonentitlement areas,".

SEC. 910. ECONOMIC DEVELOPMENT.

(a) Capacity Building.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) at the end of paragraph (19), by striking "and";

(2) by striking the period at the end of paragraph (20) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(21) provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or community economic development, which assistance shall not be considered a planning cost as defined in paragraph (12) or administrative cost as defined in paragraph (13).".

(b) Rebuilding Distressed Neighborhoods.—Section 105(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(c)) is amended by adding at the end the following new paragraph:

"(4) For the purposes of subsection (c)(1)(C)—

"(A) if an employee resides in, or the assisted activity through which he is employed is located in, a census tract that meets the Federal enterprise zone eligibility criteria, the employee shall be presumed to be a person of low- or moderate-income; or

"(B) if an employee resides in a census tract where not less than 70 percent of the residents have incomes at or below 50 percent of the area median, the employee shall be presumed to be a person of low or moderate income.".

(c) Assistance to For-Profit Entities.—Section 105 of Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by inserting at the end the following new subsection:

"(d) In any case in which an activity described in paragraph (17) of subsection (a) is provided assistance—

"(1) such assistance shall not be limited to activities for which no other forms of assistance are available or could not be accomplished but for that assistance; and

"(2) the Secretary shall ensure that grantees have in place an effective mechanism to make determinations that an assisted activity is financially viable and that the amount of assistance is appropriate relative to the amount of public benefit expected to be derived.".

(d) Small and Micro-Business Development Initiative.—Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305), as amended by subsection (c), is further amended by adding at the end the following new subsection:

"(e)(1) In providing assistance pursuant to paragraph (17) of subsection (a) to a small or micro-business, the Secretary shall—

"(A) minimize the paperwork and regulatory burden associated with implementation and monitoring activities;

"(B) apply flexibly those requirements that assistance provided to for-profit entities be appropriate to take into account the special needs

and limitations arising from the size of the entity; and

"(C) not consider training, technical assistance, or other support services costs provided to small or micro-businesses or to grantees and subgrantees to develop the capacity to provide such assistance, pursuant to section 105(a)(12) or an administrative cost pursuant to section 105(a)(13).

"(2) Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to the Congress a report on the effectiveness of assistance provided through title I of the Housing and Community Development Act of 1974 in promoting development of micro-business, including a review of any statutory or regulatory provision that impedes the development of micro-business.".

(e) DEFINITIONS.—Section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) is amended by adding at the end the following new paragraphs:

"(22) The term 'small business' means a business that meets the criteria set forth in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(23) The term 'micro-business' means a commercial enterprise that has 5 or fewer employees, 1 or more of whom owns the business.".

(f) DEVELOPMENT DIRECTIVE.—Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305), as amended by this section, is further amended by adding at the end the following new subsection:

"(f) TRAINING PROGRAM.—The Secretary shall implement, using funds recaptured pursuant to section 119(o), an on-going program for Department personnel who are responsible for monitoring and administering activities pursuant to subsection (a)(17) for the purpose of ensuring that (1) personnel possess a thorough understanding of such activities; and (2) regulations and guidelines are implemented in a consistent fashion.".

(g) ENHANCING JOB QUALITY.—Title I of the Housing and Community Development Act of 1974 is amended by adding the following new section:

"SEC. 122. JOB QUALITY REPORT.

"Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to the Congress a report on the types and quality of jobs created or retained through assistance provided pursuant to title I of the Housing and Community Development Act of 1974 and the extent to which projects and activities assisted under that title enhance the upward mobility and future earning capacity of low- and moderate-income persons who are benefitted by such projects and activities.".

SEC. 911. NEIGHBORHOOD DEVELOPMENT PROGRAM.

(a) AUTHORIZATION.—Section 123(g) of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note) is amended to read as follows:

"(g) AUTHORIZATION.—Of the amounts made available for assistance under section 103 of the Housing and Community Development Act of 1974, $2,500,000 for fiscal year 1993 and $3,000,000 for fiscal year 1994 shall be available to carry out this section.".

(b) PROGRAM REFINEMENTS.—Section 123 of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note) is amended—

(1) by striking:

"NEIGHBORHOOD DEVELOPMENT
DEMONSTRATION",

and inserting the following:

"JOHN HEINZ NEIGHBORHOOD DEVELOPMENT
PROGRAM";

(2) in subsection (b)(1), by striking "a demonstration program to determine the feasibility of supporting" and inserting "a program to support";

(3) in subsection (b)(2)—

(A) by striking "demonstration" in the first sentence; and

(B) by striking "30" and inserting "50" in the second sentence; and

(4) in subsection (e)(3), by inserting after "year" the following: ", except that, if appropriations for this section exceed $3,000,000, the Secretary may pay not more than $75,000 to any participating neighborhood development organization.";

(5) in subsection (e)(6)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively;

(C) by inserting "and" at the end of subparagraph (B), as redesignated; and

(D) by redesignating the remaining subparagraphs accordingly.

(6) in subsection (f), by striking all after "Congress" and inserting "not later than 3 months after the end of each fiscal year in which payments are made under this section, a report containing a summary of the activities carried out under this section during such fiscal year and any suggested legislative refinements necessary for continued program success.".

SEC. 912. NEIGHBORHOOD REINVESTMENT CORPORATION ACT.

Section 608(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)) is amended—

(1) by striking the first sentence of paragraph (1) and inserting the following: "There are authorized to be appropriated to the corporation to carry out this title $40,000,000 for fiscal year 1993 and $41,280,000 for fiscal year 1994."; and

(2) in paragraph (2), by striking "1991 and 1992" and inserting "1993 and 1994".

SEC. 913. CDBG PUBLIC SERVICES CAP.

Notwithstanding any other provision of law, the city and county of Los Angeles may use not more than 35 percent of their allocations under title I of the Housing and Community Development Act of 1974 for public services eligible under section 105(a)(8) of such Act for each of the fiscal years 1993 through 1997.

SEC. 914. ACTIVITIES TO AFFIRMATIVELY FURTHER FAIR HOUSING.

(a) Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(21) activities that affirmatively further fair housing.".

(b) Sections 104(b)(2), 106(d)(5)(B), and 107(e)(1) of the Housing and Community Development Act of 1974 are each amended by striking "Public Law 90-284" and inserting "the Fair Housing Act".

SEC. 915. ELIGIBILITY OF FEDERAL OR STATE ENTERPRISE ZONES UNDER THE CDBG PROGRAM.

Section 105(a)(13) of the Housing and Community Development Act of 1974 is amended by inserting immediately after "(13)" the following: "payment of reasonable administrative costs related to establishing and administering federally approved and equivalent State-approved enterprise zones and".

Subtitle B—Regulatory Programs

SEC. 921. NATIONAL COMMISSIONS.

(a) MANUFACTURED HOUSING COMMISSION.—(1) AUTHORIZATION.—Section 943(f) of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting before the period "to remain available until expended".

(2) FUNCTIONS OF THE COMMISSION.—Section 943(d)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended—

(A) in subparagraph (G), by striking "and" at the end;

(B) by adding after subparagraph (G) the following new subparagraph:

"(H) evaluate the extent to which manufacturers in compliance with Federal standards do and should comply with State implied or expressed warranty requirements; and"; and

(C) by redesignating subparagraph (H) as subparagraph (I).

(b) NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE AND NATIVE HAWAIIAN HOUSING.—

(1) EXTENSION.—Section 602(g) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 1437aa note) is amended by striking "18 months" and inserting "30 months".

(2) AUTHORIZATION.—Section 605 is amended by striking the period at the end of the first sentence and inserting ", and $500,000 for fiscal years 1992 and 1993".

(c) NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING.—

(1) SUNSET.—Section 507 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 1715z-1a note) is amended by striking "18" and inserting "24".

(2) AUTHORIZATION.—Section 506 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 1715z-1a note) is amended by inserting after the first sentence the following new sentence: "There are authorized to be appropriated to carry out this title an amount not to exceed $250,000 for fiscal year 1993.".

SEC. 922. MANUFACTURED HOUSING.

Section 604 of the Housing and Community Development Act of 1974 (42 U.S.C. 5403) is amended by adding at the end the following new subsection:

"(j) The Secretary shall develop a new standard for hardboard panel siding on manufactured housing taking into account durability, longevity, consumer's costs for maintenance and any other relevant information pursuant to subsection (f). The Secretary shall consult with the National Manufactured Home Advisory Council in establishing the new standard. The new performance standard developed shall ensure the durability of hardboard sidings for at least a normal life of a mortgage with minimum maintenance required. Not later than 180 days from the date of enactment of this subsection, the Secretary shall update the standards for hardboard siding."

Subtitle C—Miscellaneous Programs

SEC. 931. HUD RESEARCH AND DEVELOPMENT.

The second sentence of section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1) is amended to read as follows: "There are authorized to be appropriated to carry out this title $27,300,000 for fiscal year 1993 and $28,173,600 for fiscal year 1994.".

SEC. 932. FAIR HOUSING INITIATIVES PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) in the past half decade, there have been major legislative and administrative changes in Federal fair housing and fair lending laws and substantial improvements in the Nation's understanding of discrimination in the housing markets;

(2) in response to evidence of continuing housing discrimination, the Congress passed the Fair Housing Act Amendments of 1988, to provide for more effective enforcement of fair housing rights through judicial and administrative avenues and to expand the number of protected classes covered under Federal fair housing laws;

(3) in the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Congress expanded the disclosure provisions under the Home Mortgage Disclosure Act to provide in-

creased information on the mortgage lending patterns of financial institutions;

(4) in the Americans with Disabilities Act of 1990, the Congress provided a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

(5) in 1991, data collected under the Home Mortgage Disclosure Act disclosed evidence of pervasive discrimination in the Nation's mortgage lending markets;

(6) the Housing Discrimination Survey, released by the Department of Housing and Urban Development in 1991, found that Hispanic and African-American homeseekers experience some form of discrimination in at least half of their encounters with sales and rental agents;

(7) the Fair Housing Initiatives Program should be revised and expanded to reflect the significant changes in the fair housing and fair lending area that have taken place since the Program's initial authorization in the Housing and Community Development Act of 1987;

(8) continuing educational efforts by the real estate industry are a useful way to increase understanding by the public of their fair housing rights and responsibilities; and

(9) the proven efficacy of private nonprofit fair housing enforcement organizations and community-based efforts makes support for these organizations a necessary component of the fair housing enforcement system.

(b) IN GENERAL.—Section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616 note) is amended—

(1) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively;

(2) by inserting after subsection (a) the following new subsections:

"(b) PRIVATE ENFORCEMENT INITIATIVES.—

"(1) IN GENERAL.—The Secretary shall use funds made available under this subsection to conduct, through contracts with private nonprofit fair housing enforcement organizations, investigations of violations of the rights granted under title VIII of the Civil Rights Act of 1968, and such enforcement activities as appropriate to remedy such violations. The Secretary may enter into multiyear contracts and take such other action as is appropriate to enhance the effectiveness of such investigations and enforcement activities.

"(2) ACTIVITIES.—The Secretary shall use funds made available under this subsection to conduct, through contracts with private nonprofit fair housing enforcement organizations, a range of investigative and enforcement activities designed to—

"(A) carry out testing and other investigative activities in accordance with subsection (b)(1), including building the capacity for housing investigative activities in unserved or underserved areas;

"(B) discover and remedy discrimination in the public and private real estate markets and real estate-related transactions, including, but not limited to, the making or purchasing of loans or the provision of other financial assistance sales and rentals of housing and housing advertising;

"(C) carry out special projects, including the development of prototypes to respond to new or sophisticated forms of discrimination against persons protected under title VIII of the Civil Rights Act of 1968;

"(D) provide technical assistance to local fair housing organizations, and assist in the formation and development of new fair housing organizations; and

"(E) provide funds for the costs and expenses of litigation, including expert witness fees.

"(c) FUNDING OF FAIR HOUSING ORGANIZATIONS.—

"(1) IN GENERAL.—The Secretary shall use funds made available under this section to enter into contracts or cooperative agreements with qualified fair housing enforcement organizations, other private nonprofit fair housing enforcement organizations, and nonprofit groups organizing to build their capacity to provide fair housing enforcement, for the purpose of supporting the continued development or implementation of initiatives which enforce the rights granted under title VIII of the Civil Rights Act of 1968, as amended. Contracts or cooperative agreements may not provide more than 50 percent of the operating budget of the recipient organization for any one year.

"(2) CAPACITY ENHANCEMENT.—The Secretary shall use funds made available under this section to help establish, organize, and build the capacity of fair housing enforcement organizations, particularly in those areas of the country which are currently underserved by fair housing enforcement organizations as well as those areas where large concentrations of protected classes exist. For purposes of meeting the objectives of this paragraph, the Secretary may enter into contracts or cooperative agreements with qualified fair housing enforcement organizations. The Secretary shall establish annual goals which reflect the national need for private fair housing enforcement organizations.

"(d) EDUCATION AND OUTREACH.—

"(1) IN GENERAL.—The Secretary, through contracts with one or more qualified fair housing enforcement organizations, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, shall establish a national education and outreach program. The national program shall be designed to provide a centralized, coordinated effort for the development and dissemination of fair housing media products, including—

"(A) public service announcements, both audio and video;

"(B) television, radio and print advertisements;

"(C) posters; and

"(D) pamphlets and brochures.

The Secretary shall designate a portion of the amounts provided in subsection (g)(4) for a national program specifically for activities related to the annual national fair housing month. The Secretary shall encourage cooperation with real estate industry organizations in the national education and outreach program. The Secretary shall also encourage the dissemination of educational information and technical assistance to support compliance with the housing adaptability and accessibility guidelines contained in the Fair Housing Act Amendments of 1988.

"(2) REGIONAL AND LOCAL PROGRAMS.—The Secretary, through contracts with fair housing enforcement organizations, other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, State and local agencies certified by the Secretary under section 810(f) of the Fair Housing Act, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, shall establish or support education and outreach programs at the regional and local levels.

"(3) COMMUNITY-BASED PROGRAMS.—The Secretary shall provide funding to fair housing organizations and other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to support community-based education and outreach activities, including school, church, and community presentations, conferences, and other educational activities.";

(3) in subsection (g), as redesignated by paragraph (1) by striking all in the first sentence after "section," and inserting the following: "$21,000,000 for fiscal year 1993 and $26,000,000 for fiscal year 1994, of which—

"(1) not more than $7,500,000 for fiscal year 1993 and $8,500,000 for fiscal year 1994 shall be for private enforcement initiatives authorized under subsection (b), divided equally between activities specified under subsection (b)(1) and those specified under subsection (b)(2);

"(2) not more than $4,500,000 for fiscal year 1993 and $8,500,000 for fiscal year 1994 shall be for qualified fair housing enforcement organizations authorized under subsection (c)(1);

"(3) not more than $4,000,000 for fiscal year 1993 and $4,000,000 for fiscal year 1994 shall be for the creation of new fair housing enforcement organizations authorized under subsection (c)(2); and

"(4) not more than $5,000,000 for fiscal year 1993 and $5,000,000 for fiscal year 1994 shall be for education and outreach programs authorized under subsection (d), to be divided equally between activities specified under subsection (d)(1) and those specified under subsections (d)(2) and (d)(3)."; and

(4) by striking subsection (h), as redesignated by paragraph (1), and inserting the following:

"(h) QUALIFIED FAIR HOUSING ENFORCEMENT ORGANIZATION.—(1) The term 'qualified fair housing enforcement organization' means any organization that—

"(A) is organized as a private, tax-exempt, nonprofit, charitable organization;

"(B) has at least 2 years experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and

"(C) is engaged in all the activities listed in paragraph (1)(B) at the time of application for assistance under this section.

An organization which is not solely engaged in fair housing enforcement activities may qualify as a qualified fair housing enforcement organization, provided that the organization is actively engaged in each of the activities listed in subparagraph (B).

"(2) The term 'fair housing enforcement organization' means any organization that—

"(A) meets the requirements specified in paragraph (1)(A);

"(B) is currently engaged in the activities specified in paragraph (1)(B);

"(C) upon the receipt of funds under this section will become engaged in all of the activities specified in paragraph (1)(B); and

"(D) for purposes of funding under subsection (b), has at least 1 year of experience in the activities specified in paragraph (1)(B).

"(i) PROHIBITION ON USE OF FUNDS.—None of the funds authorized under this section may be used by the Secretary for purposes of settling claims, satisfying judgments or fulfilling court orders in any litigation action involving either the Department or housing providers funded by the Department. None of the funds authorized under this section may be used by the Department for administrative costs.

"(j) REPORTING REQUIREMENTS.—Not later than 180 days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall prepare and submit to the Congress a comprehensive report which shall contain—

"(1) a description of the progress made in accomplishing the objectives of this section;

"(2) a summary of all the private enforcement activities carried out under this section and the use of such funds during the preceding fiscal year;

"(3) a list of all fair housing enforcement organizations funded under this section during the preceding fiscal year, identified on a State-by-State basis;

"(4) a summary of all education and outreach activities funded under this section and the use of such funds during the preceding fiscal year; and

"(5) any findings, conclusions, or recommendations of the Secretary as a result of the funded activities.".

SEC. 933. ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended to read as follows:

"SEC. 3. ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS.

"(a) FINDINGS.—The Congress finds that—

"(1) Federal housing and community development programs provide State and local governments and other recipients of Federal financial assistance with substantial funds for projects and activities that produce significant employment and other economic opportunities;

"(2) low- and very low-income persons, especially recipients of government assistance for housing, often have restricted access to employment and other economic opportunities;

"(3) the employment and other economic opportunities generated by projects and activities that receive Federal housing and community development assistance offer an effective means of empowering low- and very low-income persons, particularly persons who are recipients of government assistance for housing; and

"(4) prior Federal efforts to direct employment and other economic opportunities generated by Federal housing and community development programs to low- and very low-income persons have not been fully effective and should be intensified.

"(b) POLICY.—It is the policy of the Congress and the purpose of this section to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

"(c) EMPLOYMENT.—

"(1) PUBLIC AND INDIAN HOUSING PROGRAM.—

"(A) IN GENERAL.—The Secretary shall require that public and Indian housing agencies, and their contractors and subcontractors, make their best efforts, consistent with existing Federal, State, and local laws and regulations, to give to low- and very low-income persons the training and employment opportunities generated by development assistance provided pursuant to section 5 of the United States Housing Act of 1937, operating assistance provided pursuant to section 9 of that Act, and modernization grants provided pursuant to section 14 of that Act.

"(B) PRIORITY.—The efforts required under subparagraph (A) shall be directed in the following order of priority:

"(i) To residents of the housing developments for which the assistance is expended.

"(ii) To residents of other developments managed by the public or Indian housing agency that is expending the assistance.

"(iii) To participants in Youthbuild programs receiving assistance under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act.

"(iv) To other low- and very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

"(2) OTHER PROGRAMS.—

"(A) IN GENERAL.—In other programs that provide housing and community development assistance, the Secretary shall ensure that, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the project is located.

"(B) PRIORITY.—Where feasible, priority should be given to low- and very low-income persons residing within the service area of the project or the neighborhood in which the project is located and to participants in Youthbuild programs receiving assistance under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act.

"(d) CONTRACTING.—

"(1) PUBLIC AND INDIAN HOUSING PROGRAM.—

"(A) IN GENERAL.—The Secretary shall require that public and Indian housing agencies, and their contractors and subcontractors, make their best efforts, consistent with existing Federal, State, and local laws and regulations, to award contracts for work to be performed in connection with development assistance provided pursuant to section 5 of the United States Housing Act of 1937, operating assistance provided pursuant to section 9 of that Act, and modernization grants provided pursuant to section 14 of that Act, to business concerns that provide economic opportunities for low- and very low-income persons.

"(B) PRIORITY.—The efforts required under subparagraph (A) shall be directed in the following order of priority:

"(i) To business concerns that provide economic opportunities for residents of the housing development for which the assistance is provided.

"(ii) To business concerns that provide economic opportunities for residents of other housing developments operated by the public and Indian housing agency that is providing the assistance.

"(iii) To Youthbuild programs receiving assistance under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act.

"(iv) To business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is provided.

"(2) OTHER PROGRAMS.—

"(A) IN GENERAL.—In providing housing and community development assistance pursuant to other programs, the Secretary shall ensure that, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, contracts awarded for work to be performed in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

"(B) PRIORITY.—Where feasible, priority should be given to business concerns which provide economic opportunities for low- and very low-income persons residing within the service area of the project or the neighborhood in which the project is located and to Youthbuild programs receiving assistance under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act.

"(e) DEFINITIONS.—For the purposes of this section the following definitions shall apply:

"(1) LOW- AND VERY LOW-INCOME PERSONS.—The terms 'low-income persons' and 'very low-income persons' have the same meanings given the terms 'low-income families' and 'very low-income families', respectively, in section 3(b)(2) of the United States Housing Act of 1937.

"(2) BUSINESS CONCERN THAT PROVIDES ECONOMIC OPPORTUNITIES.—The term 'a business concern that provides economic opportunities' means a business concern that—

"(A) provides economic opportunities for a class of persons that has a majority controlling interest in the business;

"(B) employs a substantial number of such persons; or

"(C) meets such other criteria as the Secretary may establish.

"(f) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Commerce, the Administrator of the Small Business Administration, and such other Federal agencies as the Secretary determines are necessary to carry out this section.

"(g) REGULATIONS.—Not later than 180 days after the date of enactment of the National Affordable Housing Act Amendments of 1992, the Secretary shall promulgate regulations to implement this section.".

SEC. 934. STUDY OF SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall submit to the Congress, not later than 1 year after the date of enactment of this Act, a report describing—

(1) the Secretary's efforts to enforce section 3 of the Housing and Urban Development Act of 1968;

(2) external factors affecting implementation of section 3; and

(3) recommendations for legislative changes to enhance the effectiveness of section 3.

(b) CONTENTS.—The discussion under subsection (a)(2) shall include, at a minimum, a discussion of—

(1) any lack of necessary training for targeted employees and technical assistance to targeted businesses;

(2) any barriers created by Federal, State, or local procurement regulations or other laws;

(3) any difficulties in coordination with labor unions;

(4) any difficulties in coordination with other implicated Federal agencies; and

(5) any lack of resources on the part of recipients of assistance who were charged with carrying out the mandate of section 3.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary shall consult with the Secretary of Labor, the Secretary of Commerce, the Secretary of Health and Human Services, the Administrator of the Small Business Administration, other appropriate Federal officials, and recipients of Federal housing and community development assistance who are charged with executing the mandate of section 3.

SEC. 935. STUDY ON THE HOUSING IMPACT OF MILITARY BASE EXPANSION.

(a) STUDY.—The Secretary shall conduct a study on the availability of housing in areas designated for military expansion or redeployment in cases where the expected civilian and nonbase military resident influx exceeds 2,000 people in a given 2-year span. The study shall examine the ability of the public and private sector to meet the housing demand in the community and the impact of increased demand on housing availability and affordability for both homeowners and renters.

(b) REPORT.—The Secretary shall transmit a report on the results of the study conducted pursuant to subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives not later than 1 year after the date of enactment of this Act.

SEC. 936. NEHEMIAH HOUSING OPPORTUNITY GRANTS.

(a) In General.—Section 604 of the Housing and Community Development Act of 1987 (12 U.S.C. 1715l note) is amended—

(1) in subsection (b)(4), by inserting before the period ", subject to the provisions of subsection (c)"; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Homeowner Incentive.—The nonprofit organization may provide, upon the sale or transfer of the property, that any net proceeds remaining after the first mortgage shall be distributed in the following order:

"(1) The amount of the downpayment made by the seller or the transferor when the property was purchased shall be paid to the seller or transferor.

"(2) Additional amounts shall be shared equally between the Secretary and the seller or transferor until the Secretary has recovered the amount of the loan under this section.

"(3) To the extent the net proceeds from the sale or transfer are insufficient to repay the Secretary for the full amount of the loan made under this section, the second mortgage held by the Secretary shall remain on the property until the loan is paid in full when the purchaser or transferee sells or otherwise transfers the property.".

(b) Conforming Amendments.—Section 606(e)(5) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715l note) is amended—

(1) by inserting after "involved," the following: "subject to the provisions of section 604(c)"; and

(2) by inserting "of such loan" before "(in".

(c) Effective Date.—The amendments made by this section shall be effective for any loan made to a family after July 1, 1990.

SEC. 937. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) Federal mandates such as those contained in the Americans with Disabilities Act of 1990, the Clean Air Act, the Federal Water Pollution Control Act and the Solid Waste Disposal Act often involve substantial costs to implement;

(2) the States and localities required to carry out these mandates are experiencing significant fiscal distress because of economic recession and cutbacks in Federal aid for a variety of domestic programs; and

(3) the Congress should provide explicit guidance on how these mandates can be met through existing resources or should appropriate additional funds to assist the States and localities to comply with such Federal mandates.

SEC. 938. IMPROVED COORDINATION OF URBAN POLICY.

Title VII of the Housing and Urban Development Act of 1970 (42 U.S.C. 4501 et seq.) is amended—

(1) in section 702(d), by striking paragraph (8) and inserting the following:

"(8) increase coordination among Federal programs that seek to promote job opportunities and skills, decent and affordable housing, public safety, access to health care, educational opportunities, and fiscal soundness for urban communities and their residents.";

(2) in section 703(a)—

(A) by striking "during February 1978, and during February of every even-numbered year thereafter," and inserting ", not later than June 1, 1993, and not later than the first day of June of every odd-numbered year thereafter,"; and

(B) in paragraph (8), by striking "such" and all that follows through the end of the sentence and inserting "legislative or administrative proposals—

"(A) to promote coordination among Federal programs to assist urban areas;

"(B) to enhance the fiscal capacity of fiscally distressed urban areas;

"(C) to promote job opportunities in economically distressed urban areas and to enhance the job skills of residents of such areas;

"(D) to generate decent and affordable housing;

"(E) to reduce racial tensions and to combat racial and ethnic violence in urban areas;

"(F) to combat urban drug abuse and drug-related crime and violence;

"(G) to promote the delivery of health care to low-income communities in urban areas;

"(H) to expand educational opportunities in urban areas; and

"(I) to achieve the goals of the national urban policy."; and

(3) by adding at the end of section 703 the following new subsection:

"(d) Referral.—The National Urban Policy Report shall, when transmitted to Congress, be referred in the Senate to the Committee on Banking, Housing, and Urban Affairs, and in the House of Representatives to the Committee on Banking, Finance and Urban Affairs.".

SEC. 939. COMMUNITY OUTREACH ACT.

(a) Short Title.—This section may be cited as the "Community Outreach Partnership Act of 1992".

(b) Purpose.—The Secretary shall carry out, in accordance with this section, a 5-year demonstration program to determine the feasibility of facilitating partnerships between institutions of higher education and communities to solve urban problems through research, outreach, and the exchange of information.

(c) Grant Program.—

(1) In general.—The Secretary is authorized to make grants to public and private nonprofit institutions of higher education to assist in establishing or carrying out research and outreach activities addressing the problems of urban areas.

(2) Use of grants.—Grants under this Act shall be used to establish and operate Community Outreach Partnership Centers (hereafter in this section referred to as "Centers") which shall—

(A) conduct competent and qualified research and investigations on theoretical or practical problems in large and small cities; and

(B) facilitate partnerships and outreach activities between institutions of higher education, local communities, and local governments to address urban problems.

(3) Specific problems.—Research and outreach activities assisted under this Act shall focus on problems associated with housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, community organizing, and other areas deemed appropriate by the Secretary.

(d) Application.—Any public or private nonprofit institution of higher education may submit an application for a grant under this section in such form and containing such information as the Secretary may require by regulation.

(e) Selection Criteria.—

(1) In general.—The Secretary shall select recipients of grants under this section on the basis of the following criteria:

(A) The demonstrated research and outreach resources available to the applicant for carrying out the purposes of this section.

(B) The capability of the applicant to provide leadership in solving community problems and in making national contributions to solving long-term and immediate urban problems.

(C) The demonstrated commitment of the applicant to supporting urban research and outreach programs by providing matching contributions for any Federal assistance received.

(D) The demonstrated ability of the applicant to disseminate results of research and successful strategies developed through outreach activities to other Centers and communities served through the demonstration program.

(E) The projects and activities that the applicant proposes to carry out under the grant.

(F) The effectiveness of the applicant's strategy to provide outreach activities to communities.

(G) The extent of need in the communities to be served by the Centers.

(H) Other criteria deemed appropriate by the Secretary.

(2) Preference.—The Secretary shall give preference to institutions of higher education that undertake research by bringing together knowledge and expertise in the various social science and technical disciplines that relate to urban problems.

(f) Federal Shares.—The Federal share of a grant under this section shall not be more than—

(1) 50 percent of the cost of establishing and operating a Center's research activities; and

(2) 75 percent of the cost of establishing and operating a Center's outreach activities.

(g) Non-Federal Shares.—The non-Federal share of a grant may include cash, or the value of non-cash contributions, equipment, or other in-kind contributions deemed appropriate by the Secretary.

(h) Responsibilities.—A Center established under this section shall—

(1) employ the research and outreach resources of its sponsoring institution of higher education to solve specific urban problems identified by communities served by the Center;

(2) establish outreach activities in areas identified in the grant application as the communities to be served;

(3) establish a community advisory committee comprised of representatives of local institutions and residents of the communities to be served to assist in identifying local needs and advise on the development and implementation of strategies to address those issues;

(4) coordinate outreach activities in communities to be served by the Center;

(5) facilitate public service projects in the communities served by the Center;

(6) act as a clearinghouse for the dissemination of information;

(7) develop instructional programs, convene conferences, and provide training for local community leaders, when appropriate; and

(8) exchange information with other Centers.

(i) National Advisory Council.—

(1) Establishment.—The Secretary shall establish a national advisory council (hereafter in this section referred to as the "council") to—

(A) disseminate the results of research and outreach activities carried out under this section;

(B) act as a clearinghouse between grant recipients and other institutions of higher education; and

(C) review and evaluate programs carried out by grant recipients.

(2) Members.—The council shall be composed of 12 members to be appointed by the Secretary as follows—

(A) 3 representatives of State and local governments;

(B) 3 representatives of institutions of higher education that receive grants under this section; and

(C) 3 individuals or representatives of organizations that possess significant expertise in urban issues; and

(D) 3 representatives from community advisory committees created pursuant to this section.

(3) Vacancies.—A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

(4) Compensation.—Members of the council shall serve without pay.

(5) CHAIRMAN.—The council shall elect a member to serve as chairperson of the council.

(6) MEETINGS.—The council shall meet at least biannually and at such other times as the chairman may designate.

(i) NATIONAL CLEARINGHOUSE.—The Secretary shall establish a national clearinghouse to disseminate information resulting from the research and successful outreach activities developed through the Centers to grant recipients and other interested institutions of higher education.

(j) AUTHORIZATIONS.—

(1) COMMUNITY OUTREACH PARTNERSHIP CENTERS.—There are authorized to be appropriated to enable Centers to carry out research and outreach activities, $15,000,000 for fiscal year 1993 and $15,600,000 for fiscal year 1994.

(2) NATIONAL CLEARINGHOUSE.—There are authorized to be appropriated to establish and operate the national clearinghouse to be established under subsection (i), $500,000 for fiscal year 1993 and $520,000 for fiscal year 1994.

(k) REPORTING.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall contain a summary of the activities carried out under this section during the preceding fiscal year, and findings and conclusions drawn from such activities.

SEC. 940. REPORT ON COMMUNITY DEVELOPMENT LENDING.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Board of Governors of the Federal Reserve System, in consultation with the Comptroller of the Currency, the Chairman of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the Chairman of the National Credit Union Administration, shall submit a report to the Congress comparing residential, small business, and commercial lending by insured depository institutions in low-income, minority, and distressed neighborhoods to such lending in other neighborhoods.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) compare the risks and returns of lending in low-income, minority, and distressed neighborhoods with the risks and returns of lending in other neighborhoods;

(2) analyze the reasons for any differences in risk and return between low-income, minority, and distressed neighborhoods and other neighborhoods; and

(3) if the risks of lending in low-income, minority, and distressed neighborhoods exceed the risks of lending in other neighborhoods, recommend ways of mitigating those risks.

SEC. 941. REPORT ON COMMUNITY DEVELOPMENT BANKING.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Board of Governors of the Federal Reserve System and the Secretary of Housing and Urban Development shall jointly submit a report to the Congress on insured depository institutions that focus on revitalizing low-income, chronically distressed communities.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall discuss—

(1) the extent to which the institutions have contributed to revitalizing low-income, chronically distressed communities;

(2) any unusual risks to the Federal deposit insurance funds posed by the institutions' activities;

(3) the reasons for any success the institutions have had in revitalizing such communities;

(4) whether the institutions' successes can be replicated elsewhere; and

(5) action that the Federal Government may take to assist other insured depository institutions to revitalize such communities.

(c) DEMONSTRATION PROGRAM.—The report required by subsection (a) shall also propose a demonstration program involving Federal assistance to establish or expand the activities of insured depository institutions that focus their activities on revitalizing low-income, chronically distressed communities. Such a program shall—

(1) set forth specific recommendations for congressional and administrative action; and

(2) include appropriate safety-and-soundness protections.

SEC. 942. FLOOD CONTROL RESTORATION ZONE.

Section 1307 of the National Flood Insurance Act of 1968 is amended by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, this subsection shall only apply in a community which has been determined by the Director of the Federal Emergency Management Agency to be in the process of restoring flood protection afforded by a flood protection system that had been previously accredited on a Flood Insurance Rate Map as providing 100-year frequency flood protection but no longer does so. Except as provided in this subsection, in such a community, flood insurance shall be made available to those properties impacted by the disaccreditation of the flood protection system at premium rates that do not exceed those which would be applicable to any property located in an area of special flood hazard, the construction of which was started prior to the effective date of the initial Flood Insurance Rate Map published by the Director for the community in which such property is located. A revised Flood Insurance Rate Map shall be prepared for the community to delineate as Zone AR the areas of special flood hazard that result from the disaccreditation of the flood protection system. A community will be considered to be in the process of restoration if—

"(1) the flood protection system has been deemed restorable by a Federal agency in consultation with the local project sponsor;

"(2) a minimum level of flood protection is still provided to the community by the disaccredited system; and

"(3) restoration of the flood protection system is scheduled to occur within a designated time period and in accordance with a progress plan negotiated between the community and the Federal Emergency Management Agency.

Communities that the Director of the Federal Emergency Management Agency determines to meet the criteria set forth in paragraphs (1) and (2) as of January 1, 1992, shall not be subject to revised Flood Insurance Rate Maps that contravene the intent of this subsection. Such communities shall remain eligible for C zone rates for properties located in zone AR for any policy written prior to promulgation of final regulations for this section. Floodplain management criteria for such communities shall not require the elevation of improvements to existing structures and shall not exceed 3 feet above existing grade for new construction. The Director of the Federal Emergency Management Agency shall develop and promulgate regulations to implement this subsection, including minimum floodplain management criteria, within 24 months after the date of enactment of this subsection.".

SEC. 943. ENERGY EFFICIENT MORTGAGES PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development (hereafter referred to as the "Secretary") shall establish an energy efficient mortgage pilot program in 5 States, to promote the purchase of new and existing energy efficient residential buildings and the installation of cost-effective improvements in existing residential buildings.

(2) PILOT PROGRAM.—The pilot program established under this subsection shall include the following criteria, where applicable:

(A) ORIGINATION.—The lender shall originate a housing loan that is insured under title II of the National Housing Act in accordance with the applicable requirements.

(B) APPROVAL.—The mortgagor's base loan application shall be approved if the mortgagor's income and credit record is found to be satisfactory.

(C) COST OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

(i) 5 percent of the property value (not to exceed $8,000); and

(ii) $4,000.

(3) AUTHORITY FOR MORTGAGEES.—In granting mortgages under the pilot program established pursuant to this subsection, the Secretary shall grant mortgagees the authority—

(A) to permit the final loan amount to exceed the loan limits established under title II of the National Housing Act by an amount not to exceed 100 percent of the cost of the cost-effective energy efficiency improvements, if the mortgagor's request to add the cost of such improvements is received by the mortgagee prior to funding of the base loan;

(B) to hold in escrow all funds provided to the mortgagor to undertake the energy efficiency improvements until the efficiency improvements are actually installed; and

(C) to transfer or sell the energy efficient mortgage to the appropriate secondary market agency, after the mortgage is issued, but before the energy efficiency improvements are actually installed.

(4) PROMOTION OF PILOT PROGRAM.—The Secretary shall encourage participation in the energy efficient mortgage pilot program by—

(A) making available information to lending agencies and other appropriate authorities regarding the availability and benefits of energy efficient mortgages;

(B) requiring mortgagees and designated lending authorities to provide written notice of the availability and benefits of the pilot program to mortgagors applying for financing in those States designated by the Secretary as participating under the pilot program; and

(C) requiring each applicant for a mortgage insured under title II of the National Housing Act in those States participating under the pilot program to sign a statement that such applicant has been informed of the program requirements and understands the benefits of energy efficient mortgages.

(5) TRAINING PROGRAM.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Energy, shall establish and implement a program for training personnel at relevant lending agencies, real estate companies, and other appropriate organizations regarding the benefits of energy efficient mortgages and the operation of the pilot program under this subsection.

(6) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit a report to the Congress describing the effectiveness and implementation of the energy efficient mortgage pilot program as described under this subsection, and assessing the potential for expanding the pilot program nationwide.

(7) EXTENSION OF PROGRAM.—Not later than 2 years after the date of the implementation of the Energy Efficient Mortgage Pilot Program, the Secretary shall extend the pilot program nation-

wide, unless the Secretary can demonstrate to the Congress that such an extension would not be practicable.

(8) DEFINITIONS.—As used in this subsection—

(A) the term "energy efficient mortgage" means a mortgage on a residential property that recognizes the energy savings of a home that has cost-effective energy saving construction or improvements (including solar water heaters, solar-assisted air conditioners and ventilators, super-insulation, and insulating glass and film) and that has the effect of not disqualifying a borrower who, but for the expenditures on energy saving construction or improvements, would otherwise have qualified for a base loan;

(B) the term "cost-effective" means those energy efficiency improvements to an attached or unattached single family residence that will produce an immediate and quantifiable positive cash flow and will result in monthly energy savings greater than the resulting increase in the monthly loan payment when 100 percent of the cost of improvements is added to the base loan;

(C) the term "base loan" means any housing loan insured under title II of the National Housing Act that does not include the cost of cost-effective energy improvements; and

(D) the term "residential buildings" means any attached or unattached single family residence.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the demonstration program established under this section.

SEC. 944. PROHIBITION OF LUMP-SUM PAYMENTS.

The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended by adding at the end the following new section:

"PROHIBITION OF LUMP-SUM PAYMENTS

"SEC. 14. In providing relocation assistance in connection with any program administered by the Department of Housing and Urban Development, the Secretary may not make lump-sum payments to any displaced residential tenant, except where necessary to cover—

"(1) moving expenses;

"(2) a downpayment on the purchase of a replacement residence, including a condominium unit or membership in a cooperative housing association; or

"(3) any incidental expenses related to paragraph (1) or (2).".

SEC. 945. SMOKE DETECTORS.

Not later than 30 days after the date of enactment of this Act, the Secretary shall publish final regulations as may be necessary to require the installation of smoke detection devices in all residential dwelling units, the construction, rehabilitation, modernization, acquisition, or rental of which is financed or assisted under title II of the National Housing Act, under the United States Housing Act of 1937, under section 202 of the Housing Act of 1959, or under any other program specified by the Secretary. The promulgation of regulations under this subsection shall be in accordance with section 553 of title 5, United States Code.

SEC. 946. THE NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM.

(a) PURPOSE.—The purposes of this section are—

(1) to empower the local community by investing in its human capital through a private-public partnership to rebuild urban and rural communities through schools and other community organizations, including public housing communities; and

(2) to ensure that by December 1997, the Cities in Schools Program, through the National Center for Partnership Development, will have developed the capacity to reach 500,000 at-risk youth and their families through community-wide programs that channel existing community resources to provide personal, coordinated and accountable support.

(b) GRANTS TO STRENGTHEN THE NATIONAL CITIES IN SCHOOLS PROGRAM.—The Secretary of Housing and Urban Development shall make grants to expand the National Cities in Schools Program and operations of the National Center for Partnership Development to—

(1) develop, establish, and support projects to strengthen local community dropout prevention programs in elementary and secondary schools;

(2) train community leaders responsible for the implementation of local community Cities in Schools dropout prevention programs; and

(3) disseminate to, and support replication by, States and communities of effective dropout prevention strategies.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1993 and 1994.

SEC. 947. ECONOMIC INDEPENDENCE.

(a) FINDINGS.—The Congress finds that—

(1) certain Federal laws have had the effect of discouraging many low-income families receiving Federal assistance from moving into economic independence;

(2) unemployed recipients of Federal assistance face numerous disincentives to gaining employment and accumulating assets;

(3) a transition period from unemployment to employment would serve to encourage unemployed recipients of Federal assistance to become economically independent;

(4) the Cranston-Gonzalez National Affordable Housing Act contains a provision which addressed this situation by limiting annual rent increases resulting from employment; and

(5) this provision limits rent increases to 10 percent per family per year for a 3-year period following the initial date of such employment.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development should immediately implement section 957 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12714). Other Federal agencies authorized to assist low-income families should take similar steps to encourage economic independence and the accumulation of assets.

SEC. 948. STUDY OF INSURANCE AVAILABILITY IN CENTRAL CITIES AND DISTRESSED URBAN AREAS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report assessing the market availability of insurance against crime, civil disorders, and related perils for businesses and residences located in central cities and distressed urban areas and the impact of the availability of such insurance on the economic development or redevelopment of such areas.

(b) CONTENTS OF REPORT.—The report required by this section shall address—

(1) whether insurance against crime, civil disorders, and related perils is available at affordable rates in central cities and distressed urban areas either through the private insurance market or through a suitable program adopted under Federal or State law;

(2) whether reinsurance against crime, civil disorders, and related perils is available at affordable rates in central cities and other distressed urban areas either through the private reinsurance market or through a suitable program adopted under State law;

(3) the factors most likely to explain any deficiencies in the availability of such insurance or reinsurance;

(4) whether any deficiencies in the availability of such insurance or reinsurance act as a deterrent or barrier to the economic development or redevelopment of central cities and distressed urban areas;

(5) whether the Federal crime insurance program operated pursuant to title XII of the National Housing Act (12 U.S.C. 1749bbb et seq.) adequately promotes the availability of insurance in central cities and distressed urban areas and whether the program should be modified to more effectively advance that goal;

(6) whether those State plans to assure fair access to insurance (FAIR) that were established pursuant to section 1211 of the National Housing Act (12 U.S.C. 1749bbb–3), or other programs adopted by State governments effectively promote the availability of insurance in central cities and distressed urban areas;

(7) whether reenactment of a Federal riot reinsurance program to promote the availability of insurance against crime, civil disorders, and related perils would effectively promote the availability of insurance against such perils in central cities and distressed urban areas;

(8) whether other action by the Federal Government could promote the availability of insurance against crime, civil disorders, and related perils in central cities and distressed urban areas in order to enhance the prospects for the economic development or redevelopment of such areas; and

(9) such other issues related to the availability of insurance in central cities and other distressed urban areas and the relationship of the availability of such insurance to the economic development or redevelopment of such areas as the Comptroller General considers appropriate.

(c) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) AFFORDABLE RATES.—The term "affordable rates" shall be defined by the Comptroller General, taking into consideration factors such as the nature and degree of risks involved, the protective devices employed, the extent of anticipated losses, the prevailing rates for similar coverages in adjacent or comparable areas, the economic importance of the various individual coverages, the type of property involved, and the relative abilities of the particular classes and types of insureds to pay the costs of coverages.

(2) CENTRAL CITY.—The term "central city" means any political subdivision designated as a central city from time to time by the Office of Management and Budget.

(3) DISTRESSED URBAN AREA.—The term "distressed urban area" means an urban enterprise zone designated pursuant to title VII of the Housing and Community Development Act of 1987 (42 U.S.C. 11501 et seq.) or any other urban area that has a high level of poverty, unemployment, or minority population share, as determined by the Comptroller General.

(d) REFERRAL.—The report required by this section shall be referred in the Senate to the Committee on Banking, Housing, and Urban Affairs, and in the House of Representatives to the Committee on Banking, Finance and Urban Affairs.

SEC. 949. FLOOD ELEVATION REQUIREMENTS FOR ST. CHARLES PARISH, LOUISIANA.

The flood elevation requirements that were in effect pursuant to chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) for St. Charles Parish, Louisiana, in and around the areas surrounding Ormond Country Club Estates, prior to June 16, 1992, shall remain in effect until June 16, 1996, or until completion of the St. Charles Parish portion of the Lake Ponchartrain Hurricane Protection Levee, whichever is earlier.

SEC. 950. EXTENSION OF TIME TO APPEAL FLOOD ELEVATION DETERMINATIONS.

Section 1363(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(c)) is amended in the third sentence by striking "ninety" and inserting "180".

SEC. 951. ADMINISTRATIVE PROVISION.

Subject to the availability of appropriations for this purpose, the Secretary of Housing and

Urban Development shall cancel the indebtedness of the town of McLain, Mississippi, relating to the public facilities loan (Project No. MS 94-PFL39456). The town of McLain, Mississippi, is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

SEC. 952. COMMUNITY INVESTMENT CORPORATION DEMONSTRATION.

(a) SHORT TITLE.—This section may be cited as the "Community Investment Corporation Demonstration Act".

(b) COMMUNITY INVESTMENT CORPORATION DEMONSTRATION.—

(1) FINDINGS.—The Congress finds that—

(A) the Nation's urban and rural communities face critical social and economic problems arising from lack of growth; growing numbers of low-income persons and persons living in poverty; lack of employment and other opportunities to improve the quality of life of these residents; and lack of capital for business located in, or seeking to locate in these communities;

(B) the future well-being of the United States and its residents depends on the restoration and maintenance of viable local economies, and will require increased public and private investment in low-income housing, business development, and economic and community development activities, and technical assistance to local organizations carrying out revitalization strategies;

(C) lack of expertise and technical capacity can significantly limit the ability of residents and local institutions to effectively carry out revitalization strategies;

(D) the Federal Government needs to develop new models for facilitating local revitalization activities;

(E) indigenous community-based financial institutions can play a significant role in identifying and responding to community needs; and

(F) financial institutions with a primary mission of promoting community development have proven their ability to promote revitalization and are appropriate vehicles for restoring economic stability and growth in distressed communities and neighborhoods.

(2) PURPOSES.—The demonstration program carried out under this section shall—

(A) improve access to capital for initiatives which benefit residents and businesses in targeted geographic areas; and

(B) test new models for bringing credit and investment capital to targeted geographic areas and low-income persons in such areas through the provision of assistance for capital development services, and technical assistance.

(3) DEFINITIONS.—As used in this section—

(A) the term "Federal financial supervisory agency" means—

(i) the Comptroller of the Currency with respect to national banks;

(ii) the Board of Governors of the Federal Reserve System with respect to State-chartered banks which are members of the Federal Reserve System and bank holding companies;

(iii) the Federal Deposit Insurance Corporation with respect to State-chartered banks and savings banks which are not members of the Federal Reserve System and the deposits of which are insured by the Federal Deposit Insurance Corporation;

(iv) the National Credit Union Administration Board with respect to insured credit union associations; and

(v) the Office of Thrift Supervision with respect to insured savings associations;

(B) the term "community investment corporation" means an eligible organization selected by the Secretary to receive assistance pursuant to this section;

(C) the term "development services" means activities that are consistent with the purposes of this section and which support and strengthen the lending and investment activities undertaken by eligible organizations including—

(i) the development of real estate;

(ii) administrative activities associated with the extension of credit or necessary to make an investment;

(iii) marketing and management assistance;

(iv) business planning and counseling services; and

(v) other capacity building activities which enable borrowers, prospective borrowers, or entities in which eligible organizations have invested, or expect to invest, to improve the likelihood of success of their activities;

(D) the term "eligible organization" means an entity—

(i) that is organized as—

(I) a bank holding company as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841); or

(II) a nonprofit organization—

(aa) that is organized under State law;

(bb) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or other person;

(cc) complies with standards of financial accountability acceptable to the Secretary; and

(dd) controls or is affiliated with a nondepository lending institution or a regulated financial institution;

(ii) that has as its primary mission the revitalization of a targeted geographic area through the provision of credit, equity investment, and development services;

(iii) that maintains, through significant representation on its governing board and otherwise, accountability to community residents;

(iv) that—

(I) has conducted business for at least 3 years prior to the date of application for assistance;

(II) is organized for the purpose of applying for assistance, if a majority of its subsidiaries or affiliates has conducted business for at least 3 years prior to the date of application; or

(III) has principals active in the implementation of its programs who possess significant experience in lending and the development of affordable housing, small business development, or community revitalization;

(v) that directly or through a subsidiary or affiliate carries out development services; and

(vi) that will match any equity investment dollar-for-dollar with non-Federal sources of funds;

(E) the term "equity investment" means a capital contribution through the purchase of nonvoting common stock or through equity grants or contributions to capital reserves or surplus, subject to terms and conditions satisfactory to the Secretary;

(F) the term "low-income person" means a person in a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families;

(G) the term "regulated financial institution" means an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), or section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

(H) the term "Secretary" means the Secretary of Housing and Urban Development; and

(I) the term "targeted geographic area" means a geographically contiguous area of chronic economic distress as measured by unemployment, growth lag, poverty, lag in growth of per capita income, extent of blight and disinvestment, fiscal distress, or other indicators deemed appropriate by the Secretary, that has been identified by an eligible organization as an area to be served by it.

(4) SELECTION CRITERIA.—The Secretary shall select eligible organizations from among applications submitted to participate in a demonstration program, using selection criteria based on—

(A) the capacity of the eligible organizations to carry out the purposes of this section;

(B) the range and comprehensiveness of lending, investment strategies, and development services to be offered by the organizations directly or through subsidiaries and affiliates thereof;

(C) the types of activities to be pursued, including lending and development of small business, agriculture, industrial, commercial, or residential projects;

(D) the extent of need in the targeted geographic area to be served;

(E) the experience and background of the principals at each eligible organization responsible for carrying out the purposes of this section;

(F) the extent to which the eligible organization directly or through subsidiaries and affiliates has successfully implemented other revitalization activities;

(G) an appropriate distribution of eligible organizations among regions of the United States; and

(H) other criteria determined to be appropriate by the Secretary and consistent with the purposes of this section.

(5) PROGRAM ASSISTANCE.—The Secretary shall—

(A) carry out, in accordance with this section, a program to improve access to capital and demonstrate the feasibility of facilitating the revitalization of targeted geographic areas by providing assistance to eligible organizations;

(B) accept applications from eligible organizations; and

(C) select eligible organizations to receive assistance pursuant to this section.

(6) ACTIVITIES REQUIRED.—All eligible organizations receiving assistance pursuant to this section are required to engage in activities that provide access to capital for development initiatives which benefit residents and businesses in targeted geographic areas.

(7) CAPITAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall make grants to eligible organizations.

(B) ELIGIBLE ACTIVITIES.—Capital assistance may only be used to support the following activities that facilitate revitalization of targeted geographic areas or that provide economic opportunities for low-income persons—

(i) increasing the capital available for the purpose of making loans;

(ii) providing funds for direct investments in projects; and

(iii) providing a portion of loan loss reserves of regulated financial institutions.

(C) DISTRIBUTION.—

(i) IN GENERAL.—An eligible organization may distribute all or a portion of the capital assistance received under this subsection to its insured depository or nondepository subsidiaries or affiliates.

(ii) CAPITAL STANDARDS APPLY.—If assistance is distributed to a regulated financial institution, the depository and its holding company shall satisfy applicable capital standards from sources other than assistance provided under this section.

(D) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph $25,000,000 for fiscal year 1993 and $26,000,000 for fiscal year 1994 to be used to capitalize eligible organizations. Funds appropriated pursuant to this subparagraph shall remain available until expended.

(8) DEVELOPMENT SERVICES AND TECHNICAL ASSISTANCE GRANTS.—

(A) IN GENERAL.—The Secretary shall—

(i) provide, or contract to provide, technical assistance to eligible organizations to assist in

establishing program activities of such organizations that are consistent with the purposes of this section; and

(ii) provide grants to eligible organizations for the provision of development services that support and contribute to the success of the mission of such organizations.

(B) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, $15,000,000 for fiscal year 1993 and $15,600,000 for fiscal year 1994. Funds appropriated pursuant to this subparagraph shall remain available until expended.

(9) TRAINING PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish, or contract to establish, an ongoing training program to assist eligible organizations and their staffs in developing the capacity to carry out the purposes of this section.

(B) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph $2,000,000 for fiscal year 1993 and $2,100,000 for fiscal year 1994. Funds appropriated pursuant to this subparagraph shall remain available until expended.

(10) REPORTS.—The Secretary shall determine the appropriate reporting requirements with which recipients of assistance under this section must comply.

(11) ADVISORY BOARD.—

(A) IN GENERAL.—In establishing requirements to carry out the provisions of this section, and in considering applications under this section, the Secretary shall consult with an advisory board made up of the following members:

(i) the Administrator of the Small Business Administration;

(ii) two representatives from among the Federal financial supervisory agencies who possess expertise in matters related to extending credit to persons in low-income communities;

(iii) two representatives of organizations that possess expertise in development of low-income housing;

(iv) two representatives of organizations that possess expertise in economic development;

(v) two representatives of organizations that possess expertise in small business development;

(vi) two representatives from organizations that possess expertise in the needs of low-income communities; and

(vii) two representatives from community investment corporations receiving assistance under this section.

(B) CHAIRPERSON.—The Board shall elect from among its members a chairperson who shall serve for a term of 2 years.

(C) TERMS.—The members shall serve for terms of 3 years which shall expire on a staggered basis.

(D) REIMBURSEMENT.—The members shall serve without additional compensation but shall be reimbursed for travel, per diem, and other necessary expenses incurred in the performance of their duties as members of the advisory board, in accordance with sections 5702 and 5703 of title 5, United States Code.

(E) DESIGNATED REPRESENTATIVES.—A member who is necessarily absent from a meeting of the board, or of a committee of the board, may participate in such meeting through a duly designated representative who is serving in the same agency or organization as the absent director.

(F) QUORUM.—The presence of a majority of members, or their representatives, shall constitute a quorum.

(12) EVALUATION AND REPORT.—The Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives an annual report containing a summary of the activities carried out under this section during the fiscal year and any preliminary findings or conclusions drawn from the demonstration program.

(13) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subsection.

(14) SAFETY AND SOUNDNESS OF INSURED DEPOSITORIES.—Nothing in this section shall limit the applicability of other law relating to the safe and sound operation and management of the regulated financial institutions receiving assistance provided under this section.

TITLE X—RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992

SEC. 1001. SHORT TITLE.

This title may be cited as the "Residential Lead-Based Paint Hazard Reduction Act of 1992".

SEC. 1002. FINDINGS.

The Congress finds that—

(1) low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under age 6, with minority and low-income communities disproportionately affected;

(2) at low levels, lead poisoning in children causes intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems;

(3) pre-1980 American housing stock contains more than 3,000,000 tons of lead in the form of lead-based paint, with the vast majority of homes built before 1950 containing substantial amounts of lead-based paint;

(4) the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children;

(5) the health and development of children living in as many as 3,800,000 American homes is endangered by chipping or peeling lead paint, or excessive amounts of lead-contaminated dust in their homes;

(6) the danger posed by lead-based paint hazards can be reduced by abating lead-based paint or by taking interim measures to prevent paint deterioration and limit children's exposure to lead dust and chips;

(7) despite the enactment of laws in the early 1970's requiring the Federal Government to eliminate as far as practicable lead-based paint hazards in federally owned, assisted, and insured housing, the Federal response to this national crisis remains severely limited; and

(8) the Federal Government must take a leadership role in building the infrastructure—including an informed public, State and local delivery systems, certified inspectors, contractors, and laboratories, trained workers, and available financing and insurance—necessary to ensure that the national goal of eliminating lead-based paint hazards in housing can be achieved as expeditiously as possible.

SEC. 1003. PURPOSES.

The purposes of this Act are—

(1) to develop a national strategy to build the infrastructure necessary to eliminate lead-based paint hazards in all housing as expeditiously as possible;

(2) to reorient the national approach to the presence of lead-based paint in housing to implement, on a priority basis, a broad program to evaluate and reduce lead-based paint hazards in the Nation's housing stock;

(3) to encourage effective action to prevent childhood lead poisoning by establishing a workable framework for lead-based paint hazard evaluation and reduction and by ending the current confusion over reasonable standards of care;

(4) to ensure that the existence of lead-based paint hazards is taken into account in the development of Government housing policies and in the sale, rental, and renovation of homes and apartments;

(5) to mobilize national resources expeditiously, through a partnership among all levels of government and the private sector, to develop the most promising, cost-effective methods for evaluating and reducing lead-based paint hazards;

(6) to reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the Federal Government; and

(7) to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

SEC. 1004. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) ABATEMENT.—The term "abatement" means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate Federal agencies. Such term includes—

(A) the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil; and

(B) all preparation, cleanup, worker protection, disposal, and postabatement clearance testing activities associated with such measures.

(2) ACCESSIBLE SURFACE.—The term "accessible surface" means an interior or exterior surface painted with lead-based paint that is accessible for a young child to mouth or chew.

(3) CERTIFIED CONTRACTOR.—The term "certified contractor" means—

(A) a contractor, inspector, or supervisor who has completed a training program certified by the appropriate Federal agency and has met any other requirements for certification or licensure established by such agency or who has been certified by any State through a program which has been found by such Federal agency to be at least as rigorous as the Federal certification program; and

(B) workers or designers who have fully met training requirements established by the appropriate Federal agency.

(4) CONTRACT FOR THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY.—The term "contract for the purchase and sale of residential real property" means any contract or agreement in which one party agrees to purchase an interest in real property on which there is situated 1 or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons.

(5) DETERIORATED PAINT.—The term "deteriorated paint" means any interior or exterior paint that is peeling, chipping, chalking or cracking or any paint located on an interior or exterior surface or fixture that is damaged or deteriorated.

(6) EVALUATION.—The term "evaluation" means risk assessment, inspection, or risk assessment and inspection.

(7) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means residential dwellings receiving project-based assistance under programs including—

(A) section 221(d)(3) or 236 of the National Housing Act;

(B) section 1 of the Housing and Urban Development Act of 1965;

(C) section 8 of the United States Housing Act of 1937; or

(D) sections 502(a), 504, 514, 515, 516 and 533 of the Housing Act of 1949.

(8) FEDERALLY OWNED HOUSING.—The term "federally owned housing" means residential dwellings owned or managed by a Federal agen-

cy, or for which a Federal agency is a trustee or conservator. For the purpose of this paragraph, the term "Federal agency" includes the Department of Housing and Urban Development, the Farmers Home Administration, the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, the General Services Administration, the Department of Defense, the Department of Veterans Affairs, the Department of the Interior, the Department of Transportation, and any other Federal agency.

(9) FEDERALLY SUPPORTED WORK.—The term "federally supported work" means any lead hazard evaluation or reduction activities conducted in federally owned or assisted housing or funded in whole or in part through any financial assistance program of the Department of Housing and Urban Development, the Farmers Home Administration, or the Department of Veterans Affairs.

(10) FRICTION SURFACE.—The term "friction surface" means an interior or exterior surface that is subject to abrasion or friction, including certain window, floor, and stair surfaces.

(11) IMPACT SURFACE.—The term "impact surface" means an interior or exterior surface that is subject to damage by repeated impacts, for example, certain parts of door frames.

(12) INSPECTION.—The term "inspection" means a surface-by-surface investigation to determine the presence of lead-based paint as provided in section 302(c) of the Lead-Based Paint Poisoning Prevention Act and the provision of a report explaining the results of the investigation.

(13) INTERIM CONTROLS.—The term "interim controls" means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(14) LEAD-BASED PAINT.—The term "lead-based paint" means paint or other surface coatings that contain lead in excess of limits established by the Secretary of Housing and Urban Development pursuant to this Act.

(15) LEAD-BASED PAINT HAZARD.—The term "lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

(16) LEAD-CONTAMINATED DUST.—The term "lead-contaminated dust" means surface dust in residential dwellings that contains an area or mass concentration of lead in excess of levels determined by the appropriate Federal agency to pose a threat of adverse health effects in pregnant women or young children.

(17) LEAD-CONTAMINATED SOIL.—The term "lead contaminated soil" means bare soil on residential real property that contains lead at or in excess of the level determined to be hazardous to human health by the appropriate Federal agency.

(18) MORTGAGE LOAN.—The term "mortgage loan" includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first lien on any interest in residential real property; and

(B) either—

(i) is insured, guaranteed, made, or assisted by the Department of Housing and Urban Development, the Department of Veterans Affairs, or the Farmers Home Administration, or by any other agency of the Federal Government; or

(ii) is intended to be sold by each originating mortgage institution to any federally chartered secondary mortgage market institution.

(19) ORIGINATING MORTGAGE INSTITUTION.—The term "originating mortgage institution" means a lender that provides mortgage loans.

(20) PRIORITY HOUSING.—The term "priority housing" means target housing that qualifies as affordable housing under section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745), including housing that receives assistance under subsection (b) or (o) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(b) or (o)).

(21) PUBLIC HOUSING.—The term "public housing" has the same meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1)).

(22) REDUCTION.—The term "reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

(23) RESIDENTIAL DWELLING.—The term "residential dwelling" means—

(A) a single-family dwelling, including attached structures such as porches and stoops; or

(B) a single-family dwelling unit in a structure that contains more than 1 separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons.

(24) RESIDENTIAL REAL PROPERTY.—The term "residential real property" means real property on which there is situated 1 or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons.

(25) RISK ASSESSMENT.—The term "risk assessment" means an on-site investigation to determine and report the existence, nature, severity and location of lead-based paint hazards in residential dwellings, including—

(A) information gathering regarding the age and history of the housing and occupancy by children under age 6;

(B) visual inspection;

(C) limited wipe sampling or other environmental sampling techniques;

(D) other activity as may be appropriate; and

(E) provision of a report explaining the results of the investigation.

(26) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(27) TARGET HOUSING.—The term "target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling. In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, the Secretary, at the Secretary's discretion, may designate an earlier date.

Subtitle A—Lead-Based Paint Hazard Reduction

SEC. 1011. GRANTS FOR LEAD-BASED PAINT HAZARD REDUCTION IN TARGET HOUSING.

(a) GENERAL AUTHORITY.—The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in priority housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section.

(b) ELIGIBLE APPLICANTS.—A State or unit of local government that has an approved comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) is eligible to apply for a grant under this section.

(c) FORM OF APPLICATIONS.—To receive a grant under this section, a State or unit of local government shall submit an application in such form and in such manner as the Secretary shall prescribe. An application shall contain—

(1) a copy of that portion of an applicant's comprehensive housing affordability strategy required by section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.);

(2) a description of the amount of assistance the applicant seeks under this section;

(3) a description of the planned activities to be undertaken with grants under this section, including an estimate of the amount to be allocated to each activity;

(4) a description of the forms of financial assistance to owners and occupants of priority housing that will be provided through grants under this section; and

(5) such assurances as the Secretary may require regarding the applicant's capacity to carry out the activities.

(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the merit of the activities proposed to be carried out and on the basis of selection criteria, which shall include—

(1) the extent to which the proposed activities will reduce the risk of lead-based paint poisoning to children under the age of 6 who reside in priority housing;

(2) the degree of severity and extent of lead-based paint hazards in the jurisdiction to be served;

(3) the ability of the applicant to leverage State, local, and private funds to supplement the grant under this section;

(4) the ability of the applicant to carry out the proposed activities; and

(5) such other factors as the Secretary determines appropriate to ensure that grants made available under this section are used effectively and to promote the purposes of this Act.

(e) ELIGIBLE ACTIVITIES.—A grant under this section may be used to—

(1) perform risk assessments and inspections in priority housing;

(2) provide for the interim control of lead-based paint hazards in priority housing;

(3) provide for the abatement of lead-based paint hazards in priority housing;

(4) provide for the additional cost of reducing lead-based paint hazards in units undergoing renovation funded by other sources;

(5) ensure that risk assessments, inspections, and abatements are carried out by certified contractors in accordance with section 1021 of this Act;

(6) monitor the blood-lead levels of workers involved in lead hazard reduction activities funded under this section;

(7) assist in the temporary relocation of families forced to vacate priority housing while lead hazard reduction measures are being conducted;

(8) educate the public on the nature and causes of lead poisoning and measures to reduce exposure to lead, including exposure due to residential lead-based paint hazards;

(9) test soil, interior surface dust, and the blood-lead levels of children under the age of 6 residing in priority housing after lead-based paint hazard reduction activity has been conducted, to assure that such activity does not cause excessive exposures to lead; and

(10) carry out such other activities that the Secretary determines appropriate to promote the purposes of this Act.

(f) FORMS OF ASSISTANCE.—The applicant may provide the services described in this section through a variety of programs, including grants, loans, equity investments, revolving loan funds, loan funds, loan guarantees, interest write-downs, and other forms of assistance approved by the Secretary.

(g) TECHNICAL ASSISTANCE AND CAPACITY BUILDING.—

(1) IN GENERAL.—The Secretary shall develop the capacity of eligible applicants to carry out the requirements of section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act and to carry out activities under this section. In fiscal years 1993 and 1994, the Secretary may make grants of up to $200,000 for the purpose of establishing State training, certification or licensing programs that meet minimum national criteria.

(2) SET-ASIDE.—Of the total amount approved in appropriation Acts under subsection (n), there shall be set aside to carry out this subsection $3,000,000 for fiscal year 1993 and $3,000,000 for fiscal year 1994.

(h) MATCHING REQUIREMENT.—Each recipient of a grant under this section shall make contributions toward the cost of activities that receive assistance under this section in an amount not less than 10 percent of the total grant amount under this section.

(i) PROHIBITION OF SUBSTITUTION OF FUNDS.—Grants under this subtitle may not be used to replace other amounts made available or designated by State or local governments for use for the purposes under this subtitle.

(j) LIMITATION ON USE.—An applicant shall ensure that not more than 10 percent of the grant will be used for administrative expenses associated with the activities funded.

(k) FINANCIAL RECORDS.—An applicant shall maintain and provide the Secretary with financial records sufficient, in the determination of the Secretary, to ensure proper accounting and disbursing of amounts received from a grant under this section.

(l) REPORT.—An applicant under this section shall submit to the Secretary, for any fiscal year in which the applicant expends grant funds under this section, a report that—

(1) describes the use of the amounts received;

(2) states the number of risk assessments and the number of inspections conducted in residential dwellings;

(3) states the number of residential dwellings in which lead-based paint hazards have been reduced through interim controls;

(4) states the number of residential dwellings in which lead-based paint hazards have been abated; and

(5) provides any other information that the Secretary determines to be appropriate.

(m) NOTICE OF FUNDING AVAILABILITY.—The Secretary shall publish a Notice of Funding Availability pursuant to this section not later than 120 days after funds are appropriated for this section.

(n) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this Act, there are authorized to be appropriated $250,000,000 for fiscal year 1993 and $250,000,000 for fiscal year 1994.

SEC. 1012. EVALUATION AND REDUCTION OF LEAD-BASED PAINT HAZARDS IN FEDERALLY ASSISTED HOUSING.

(a) GENERAL REQUIREMENTS.—Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822) is amended—

(1) by striking the title of the section and inserting:

"REQUIREMENTS FOR HOUSING RECEIVING FEDERAL ASSISTANCE";

(2) in the first sentence of subsection (a)—

(A) by striking "The Secretary" and inserting the following:

"(1) ELIMINATION OF HAZARDS.—The Secretary"; and

(B) by inserting before the period "or otherwise receives more than $5,000 in project-based assistance under a Federal housing program";

(3) by striking the second sentence of subsection (a) and inserting: "Beginning on January 1, 1995, such procedures shall apply to all such housing that constitutes target housing, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, and shall provide for appropriate measures to conduct risk assessments, inspections, interim controls, and abatement of lead-based paint hazards. At a minimum, such procedures shall require—

"(A) the provision of lead hazard information pamphlets, developed pursuant to section 1031(c) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, to purchasers and tenants;

"(B) periodic risk assessments and interim controls in accordance with a schedule determined by the Secretary, the initial risk assessment of each unit constructed prior to 1960 to be conducted not later than January 1, 1996, and, for units constructed between 1960 and 1978—

"(i) not less than 25 percent shall be performed by January 1, 1998;

"(ii) not less than 50 percent shall be performed by January 1, 2000; and

"(iii) the remainder shall be performed by January 1, 2002;

"(C) inspection for the presence of lead-based paint prior to federally funded renovation or rehabilitation that is likely to disturb painted surfaces;

"(D) reduction of lead-based paint hazards in the course of rehabilitation projects receiving less than $25,000 per unit in Federal funds;

"(E) abatement of lead-based paint hazards in the course of substantial rehabilitation projects receiving more than $25,000 per unit in Federal funds;

"(F) where risk assessment, inspection, or reduction activities have been undertaken, the provision of notice to occupants describing the nature and scope of such activities and the actual risk assessment or inspection reports (including available information on the location of any remaining lead-based paint on a surface-by-surface basis); and

"(G) such other measures as the Secretary deems appropriate."; and

(4) in the third sentence, by striking "The Secretary may" and inserting the following:

"(2) ADDITIONAL MEASURES.—The Secretary may".

(b) MEASUREMENT CRITERIA.—Section 302(b) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822(b)) is amended by striking "for the detection" and all that follows through the end of paragraph (2) and inserting "for the risk assessment, interim control, inspection, and abatement of lead-based paint hazards in housing covered by this section shall be based upon guidelines developed pursuant to section 1023 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.".

(c) INSPECTION.—Section 302(c) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822(c)) is amended—

(1) in the second sentence, by striking "qualified" and inserting "certified"; and

(2) in the third and fourth sentences, by inserting "or 0.5 percent by weight" after "squared".

(d) PUBLIC HOUSING.—Section 302(d)(1) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822(d)(1)) is amended—

(1) in the heading, by striking "CIAP" and inserting "MODERNIZATION"; and

(2) in the fourth sentence, by striking "to eliminate the lead-based paint poisoning hazards" and inserting "of lead-based paint and lead-based paint hazards".

(e) HOME INVESTMENT PARTNERSHIPS.—Section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) is amended by adding at the end the following new paragraph:

"(5) LEAD-BASED PAINT HAZARDS.—A participating jurisdiction may use funds provided under this subtitle for the evaluation and reduction of lead-based paint hazards, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.".

(f) COMMUNITY DEVELOPMENT BLOCK GRANTS.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(21) lead-based paint hazard evaluation and reduction, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.".

(g) SECTION 8 RENTAL ASSISTANCE.—Section 8(c)(2)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(B)) is amended by adding at the end the following: "The Secretary may (at the discretion of the Secretary and subject to the availability of appropriations for contract amendments), on a project by project basis for projects receiving project-based assistance, provide adjustments to the maximum monthly rents to cover the costs of evaluating and reducing lead-based paint hazards, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.".

(h) HOPE FOR PUBLIC AND INDIAN HOUSING HOMEOWNERSHIP.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 302(b)—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) inspection for lead-based paint hazards, as required by section 302(a) of the Lead-Based Paint Poisoning Prevention Act;"; and

(2) in section 303(b)—

(A) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively; and

(B) by adding after paragraph (3) the following:

"(4) Abatement of lead-based paint hazards, as required by section 302(a) of the Lead-Based Paint Poisoning Prevention Act.".

(i) HOPE FOR HOMEOWNERSHIP OF MULTIFAMILY UNITS.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.) is amended—

(1) in section 422(b)—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) inspection for lead-based paint hazards, as required by section 302(a) of the Lead-Based Paint Poisoning Prevention Act;"; and

(2) in section 423(b)—

(A) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) Abatement of lead-based paint hazards, as required by section 302(a) of the Lead-Based Paint Poisoning Prevention Act.".

(j) HOPE FOR HOMEOWNERSHIP OF SINGLE FAMILY HOMES.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.) is amended—

(1) in section 442(b)—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) inspection for lead-based paint hazards, as required by section 302(a) of the Lead-Based Paint Poisoning Prevention Act;"; and

(2) in section 443(b)—

(A) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) Abatement of lead-based paint hazards, as required by section 302(a) of the Lead-Based Paint Poisoning Prevention Act.".

(k) FHA INSURANCE FOR SINGLE FAMILY HOMES.—

(1) HOME IMPROVEMENT LOANS.—Section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended in the fifth paragraph—

(A) by inserting after the first sentence the following: "Alterations, repairs, and improvements upon or in connection with existing structures may also include the evaluation and reduction of lead-based paint hazards."; and

(B) by adding at the end the following:

"(4) the terms 'evaluation', 'reduction', and 'lead-based paint hazard' have the same meanings given those terms in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.".

(2) REHABILITATION LOANS.—Section 203(k)(2)(B) of the National Housing Act (12 U.S.C. 1709(k)(2)(B)) is amended by adding at the end the following: "The term 'rehabilitation' may also include measures to evaluate and reduce lead-based paint hazards, as such terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.".

(l) FHA INSURANCE FOR MULTIFAMILY HOUSING.—Section 221(d)(4)(iv) of the National Housing Act (12 U.S.C. 1715l(d)(4)(iv)) is amended by inserting after "rehabilitation" the first time it appears the following: "(including the cost of evaluating and reducing lead-based paint hazards, as such terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992)".

(m) RURAL HOUSING.—Section 501(a) of the Housing Act of 1949 (42 U.S.C. 1471) is amended by adding at the end the following:

"(5) DEFINITIONS.—For purposes of this title, the terms 'repair', 'repairs', 'rehabilitate', and 'rehabilitation' include measures to evaluate and reduce lead-based paint hazards, as such terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.".

SEC. 1013. DISPOSITION OF FEDERALLY OWNED HOUSING.

Section 302(a) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822(a)) (as amended by section 1012(a)) is amended by striking the fourth sentence and adding at the end the following:

"(3) DISPOSITION OF FEDERALLY OWNED HOUSING.—

"(A) PRE-1960 TARGET HOUSING.—Beginning on January 1, 1995, procedures established under paragraphs (1) and (2) shall require the inspection and abatement of lead-based paint hazards in all federally owned target housing constructed prior to 1960.

"(B) TARGET HOUSING CONSTRUCTED BETWEEN 1960 AND 1978.—Beginning on January 1, 1995, procedures established under paragraphs (1) and (2) shall require an inspection for lead-based paint and lead-based paint hazards in all federally owned target housing constructed between 1960 and 1978. The results of such inspections shall be made available to prospective purchasers, identifying the presence of lead-based paint and lead-based paint hazards on a surface-by-surface basis. The Secretary shall have the discretion to waive the requirement of this subparagraph for housing in which a federally funded risk assessment, performed by a certified contractor, has determined no lead-based paint hazards are present.

"(C) BUDGET AUTHORITY.—To the extent that subparagraphs (A) and (B) increase the cost to the Government of outstanding direct loan obligations or loan guarantee commitments, such activities shall be treated as modifications under section 504(e) of the Federal Credit Reform Act of 1990 and shall be subject to the availability of appropriations. To the extent that paragraphs (A) and (B) impose additional costs to the Resolution Trust Corporation and the Federal Deposit Insurance Corporation, its requirements shall be carried out only if appropriations are provided in advance in an appropriations Act. In the absence of appropriations sufficient to cover the costs of subparagraphs (A) and (B), these requirements shall not apply to the affected agency or agencies.

"(D) DEFINITIONS.—For the purposes of this subsection, the terms 'inspection', 'abatement', 'lead-based paint hazard', 'federally owned housing', 'target housing', 'risk assessment', and 'certified contractor' have the same meaning given such terms in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'risk assessment', 'inspection', 'interim control', 'abatement', 'reduction', and 'lead-based paint hazard' have the same meaning given such terms in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

SEC. 1014. COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY.

Section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) is amended—

(1) in subsection (b)(14), by striking "and" at the end;

(2) in subsection (b)(15), by striking the period at the end and inserting "; and";

(3) by inserting after paragraph (15) of subsection (b) the following new paragraph:

"(16) estimate the number of housing units within the jurisdiction that are occupied by low-income families or very low-income families and that contain lead-based paint hazards, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, outline the actions proposed or being taken to evaluate and reduce lead-based paint hazards, and describe how lead-based paint hazard reduction will be integrated into housing policies and programs."; and

(4) in subsection (e)—

(A) by striking "When preparing" and inserting the following:

"(1) IN GENERAL.—When preparing"; and

(B) by adding at the end the following new paragraph:

"(2) LEAD-BASED PAINT HAZARDS.—When preparing that portion of a housing strategy required by subsection (b)(16), a jurisdiction shall consult with State or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead poisoned.".

SEC. 1015. TASK FORCE ON LEAD-BASED PAINT HAZARD REDUCTION AND FINANCING.

(a) IN GENERAL.—The Secretary shall establish a task force to make recommendations on expanding resources and efforts to evaluate and reduce lead-based paint hazards in private housing.

(b) MEMBERSHIP.—The task force shall include individuals representing the Department of Housing and Urban Development, the Farmers Home Administration, the Department of Veterans Affairs, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, landlords, tenants, primary lending institutions, private mortgage insurers, single-family and multifamily real estate interests, nonprofit housing developers, property liability insurers, public housing agencies, low-income housing advocacy organizations, national, State and local lead-poisoning prevention advocates and experts, and community-based organizations located in areas with substantial rental housing.

(c) RESPONSIBILITIES.—The task force shall make recommendations concerning—

(1) incorporating the need to finance lead-based paint hazard reduction into underwriting standards;

(2) developing new loan products and procedures for financing lead-based paint hazard evaluation and reduction activities;

(3) adjusting appraisal guidelines to address lead safety;

(4) incorporating risk assessments or inspections for lead-based paint as a routine procedure in the origination of new residential mortgages;

(5) revising guidelines, regulations, and educational pamphlets issued by the Department of Housing and Urban Development and other Federal agencies relating to lead-based paint poisoning prevention;

(6) reducing the current uncertainties of liability related to lead-based paint in rental housing by clarifying standards of care for landlords and lenders, and by exploring the "safe harbor" concept;

(7) increasing the availability of liability insurance for owners of rental housing and certified contractors and establishing alternative systems to compensate victims of lead-based paint poisoning; and

(8) evaluating the utility and appropriateness of requiring risk assessments or inspections and notification to prospective lessees of rental housing.

(d) COMPENSATION.—The members of the task force shall not receive Federal compensation for their participation.

SEC. 1016. NATIONAL CONSULTATION ON LEAD-BASED PAINT HAZARD REDUCTION.

In carrying out this Act, the Secretary shall consult on an ongoing basis with the Administrator of the Environmental Protection Agency, the Director of the Centers for Disease Control, other Federal agencies concerned with lead poisoning prevention, and the task force established pursuant to section 1015.

Subtitle B—Evaluation and Reduction Infrastructure

SEC. 1021. CONTRACTOR TRAINING AND CERTIFICATION.

All federally supported risk assessments, inspections and abatement of lead-based paint hazards shall be conducted by certified contractors. For 2 years following the date of enactment of this Act, this requirement may be met by successful completion of a federally sponsored training course. Federally approved training and certification programs shall be established in every State.

SEC. 1022. CERTIFICATION OF LABORATORIES.

All federally supported laboratory tests and analyses of lead in paint film, dust, soil, and other media shall be conducted by laboratories certified by the appropriate Federal agency.

SEC. 1023. GUIDELINES FOR LEAD-BASED PAINT HAZARD EVALUATION AND REDUCTION ACTIVITIES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Labor, and the Secretary of Health and Human Services (acting through the Director of the Centers for Disease Control), shall issue guidelines for the conduct of federally supported risk assessments, inspections, interim

controls, and abatement of lead-based paint hazards. Such guidelines shall be based upon criteria that measure the condition of the housing (and the presence of children under age 6 for the purposes of risk assessments) and shall not be based upon criteria that measure the health of the residents of the housing.

(b) STATE AND LOCAL REGULATIONS.—Federally supported work shall be conducted in accordance with the guidelines issued under this section unless any State or local regulations impose more stringent standards or requirements than the Federal guidelines, in which case such work shall be conducted in accordance with the State or local regulations.

SEC. 1024. CONTRACTOR QUALITY CONTROL.

(a) PENALTY FOR NONCOMPLIANCE.—Any contractor who performs lead-based paint hazard work under this Act and who fails to comply with the certification requirements of this subtitle, or who substantially fails to comply with applicable Federal regulations or guidelines or applicable State or local regulations or guidelines, shall be subject to the penalty described in subsection (b).

(b) DETERMINATION BY SECRETARY.—After providing the contractor with notice concerning the nature of the noncompliance and an opportunity to respond, the Secretary shall determine whether the contractor should be declared ineligible to perform any or all work authorized by the Department of Housing and Urban Development. The Secretary may establish procedures for agency review of such determinations, which shall otherwise be final and nonreviewable in any court.

(c) OTHER REMEDIES.—A penalty under this section does not preclude the Department of Housing and Urban Development, or any party aggrieved by a contractor, from seeking redress through other means.

Subtitle C—Public Information and Technical Assistance

SEC. 1031. DISCLOSURE OF INFORMATION CONCERNING LEAD UPON TRANSFER OF RESIDENTIAL PROPERTY.

(a) LEAD DISCLOSURE PROVISIONS IN CONTRACT FOR PURCHASE AND SALE OF TARGET HOUSING.—

(1) LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations under this subsection for the disclosure of lead-based paint hazards in target housing which is offered for sale. The regulations shall require that, before the purchaser is obligated under any contract to purchase the premises, the seller shall—

(A) provide the purchaser with a lead hazard information pamphlet, as prescribed in subsection (c);

(B) disclose to the purchaser the presence of any known lead-based paint or any known lead-based paint hazards in such housing and provide to the purchaser any lead hazard evaluation report available to the seller; and

(C) permit the purchaser a 10-day period (unless the parties mutually agree upon a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint hazards.

(2) CONTRACT FOR PURCHASE AND SALE.—Regulations promulgated under this subsection shall provide that every contract for the purchase and sale of any interest in target housing shall contain a Lead Warning Statement and a statement signed by the purchaser that the purchaser has—

(A) read the Lead Warning Statement and understands its contents,

(B) received a lead hazard information pamphlet, and

(C) had a 10-day opportunity (unless the parties mutually agreed upon a different period of time) before becoming obligated under the contract to purchase the premises to conduct a risk assessment or inspection for the presence of lead-based paint hazards.

(3) CONTENTS OF LEAD WARNING STATEMENT.—The Lead Warning Statement shall contain the following text printed in large type on a separate sheet of paper attached to the contract:

"Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.".

(4) COMPLIANCE ASSURANCE.—Whenever a seller has entered into a contract with an agent for the purpose of selling a unit of target housing, the regulations promulgated under this subsection shall require the agent, on behalf of the seller, to ensure compliance with the requirements of this subsection.

(b) LEASE OF TARGET HOUSING.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations under this subsection for the disclosure of lead-based paint hazards in target housing that is offered for lease. The regulations shall require that before the lessee is obligated under any such lease, the lessor shall—

(1) provide the lessee with a lead hazard information pamphlet, as prescribed in subsection (c);

(2) disclose to the lessee the presence of any known lead-based paint or any known lead-based paint hazards in such housing and provide to the lessee any lead hazard evaluation report available to the lessor; and

(3) include the following Lead Warning Statement in any lease for a term of 1 year or more:

"Every lessee of any residential dwelling built prior to 1978 is notified that such dwelling may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The lessor of a residential dwelling is required to provide the lessee with any information on lead-based paint hazards from risk assessments or inspections in the lessor's possession and notify the lessee of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to entering into a lease.".

(c) LEAD HAZARD INFORMATION PAMPHLET.—Not later than 1 year after the date of enactment of this Act, after notice and opportunity for comment, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development and with the Secretary of Health and Human Services, shall publish, and from time to time revise, a lead hazard information pamphlet to be used in connection with this title. The pamphlet shall—

(1) contain information regarding the health risks associated with exposure to lead;

(2) provide information on the presence of lead-based paint or lead-based paint hazards in federally assisted, federally owned, and target housing;

(3) describe the risks of lead exposure for children under 6 years of age, pregnant women, women of child bearing age, persons involved in home renovation, and others residing in a dwelling with lead-based paint hazards;

(4) describe the risks of renovation in a dwelling with lead-based paint or lead-based paint hazards;

(5) provide information on approved methods for evaluating and reducing lead-based paint hazards and their effectiveness in identifying, reducing, eliminating, or preventing exposure to lead-based paint hazards;

(6) advise persons how to obtain a list of contractors certified pursuant to section 1021 in lead-based paint hazard evaluation and reduction in the area in which the pamphlet is to be used;

(7) state that a risk assessment or inspection for lead-based paint is recommended prior to the purchase, lease, or renovation of target housing;

(8) state that certain State and local laws impose additional requirements related to lead-based paint in housing and provide a listing of Federal, State, and local agencies in each State, including address and telephone number, that can provide information about applicable laws and available governmental and private assistance and financing; and

(9) provide such other information about environmental hazards associated with residential real property as the Administrator of the Environmental Protection Agency deems appropriate.

(d) PENALTIES FOR VIOLATIONS.—

(1) MONETARY PENALTY.—Any person who knowingly violates any provision of this section shall be subject to civil money penalties in accordance with the provisions of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

(2) ACTION BY SECRETARY.—The Secretary is authorized to take such lawful action as may be necessary to enjoin any violation of this section.

(3) CIVIL LIABILITY.—Any person who knowingly violates the provisions of this section shall be jointly and severally liable to the mortgage applicant, purchaser, or lessee in an amount equal to 3 times the amount of damages incurred by such individual.

(4) COSTS.—In any civil action brought for damages pursuant to paragraph (3), the appropriate court may award court costs to the party commencing such action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(e) VALIDITY OF CONTRACTS AND LIENS.—Nothing in this section shall affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor shall anything in this section create a defect in title.

SEC. 1032. PUBLIC AWARENESS.

(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop and undertake a campaign to increase public awareness of the dangers of childhood lead poisoning resulting from lead-based paint hazards. The campaign shall be designed—

(1) to inform the public of the health consequences of lead exposure resulting from lead-based paint hazards;

(2) to describe risk assessment and inspection methods for lead-based paint hazards; and

(3) to provide advice about measures to reduce the risk of lead exposure from lead-based paint. The campaign carried out under this subsection shall target parents of young children and persons involved in the rental, sale, and renovation of residential properties.

(b) COORDINATION.—The Secretary shall coordinate activities carried out under this section with the activities of the President's Commission on Environmental Quality, the Environmental Protection Agency, and any other public education efforts being undertaken by Federal agencies.

(c) AUTHORIZATION.—Of the total amount approved in appropriation Acts under section 1011(n), there shall be set aside to carry out this section $1,000,000 for fiscal year 1993 and $1,000,000 for fiscal year 1994.

SEC. 1033. RELATIONSHIP TO OTHER LAWS.

(a) STATE LAWS.—Nothing in this title shall annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the provision of information concerning lead, except to the extent that the Secretary determines that any such law is inconsistent with this title, in which event, such law shall be affected only to the extent of remedying the inconsistency.

(b) ESTABLISHMENT OF MORE STRINGENT STANDARDS.—Nothing in this title shall be construed as precluding a State from establishing any standard of liability or other requirement concerning the disclosure of information concerning lead that is more stringent than the requirements of this title.

Subtitle D—Research and Development

PART 1—HUD RESEARCH

SEC. 1051. RESEARCH ON LEAD EXPOSURE FROM OTHER SOURCES.

The Secretary, in cooperation with other Federal agencies, shall conduct research on strategies to reduce the risk of lead exposure from other sources, including exterior soil and interior lead dust in carpets, furniture, and forced air ducts.

SEC. 1052. TESTING TECHNOLOGIES.

The Secretary, in cooperation with other Federal agencies, shall conduct research to—

(1) develop improved methods for evaluating lead-based paint hazards in housing;

(2) develop improved methods for reducing lead-based paint hazards in housing;

(3) develop improved methods for measuring lead in paint films, dust, and soil samples;

(4) establish performance standards for various detection methods, including spot test kits;

(5) establish performance standards for lead-based paint hazard reduction methods, including the use of encapsulants;

(6) establish appropriate cleanup standards;

(7) evaluate the efficacy of interim controls in various hazard situations;

(8) evaluate the relative performance of various abatement techniques;

(9) evaluate the long-term cost-effectiveness of interim control and abatement strategies; and

(10) assess the effectiveness of hazard evaluation and reduction activities funded by this Act.

SEC. 1053. AUTHORIZATION.

Of the total amount approved in appropriation Acts under section 1011(n), there shall be set aside to carry out this part $5,000,000 for fiscal year 1993, and $5,000,000 for fiscal year 1994.

PART 2—GAO REPORT

SEC. 1056. FEDERAL IMPLEMENTATION AND INSURANCE STUDY.

(a) FEDERAL IMPLEMENTATION STUDY.—The Comptroller General of the United States shall assess the effectiveness of Federal enforcement and compliance with lead safety laws and regulations, including any changes needed in annual inspection procedures to identify lead-based paint hazards in units receiving assistance under subsections (b) and (o) of section 8 of the United States Housing Act of 1937.

(b) INSURANCE STUDY.—The Comptroller General of the United States shall assess the availability of liability insurance for owners of residential housing that contains lead-based paint and persons engaged in lead-based paint hazard evaluation and reduction activities. In carrying out the assessment, the Comptroller General shall—

(1) analyze any precedents in the insurance industry for the containment and abatement of environmental hazards, such as asbestos, in federally assisted housing;

(2) provide an assessment of the recent insurance experience in the public housing lead hazard identification and reduction program; and

(3) recommend measures for increasing the availability of liability insurance to owners and contractors engaged in federally supported work.

Subtitle E—Reports

SEC. 1061. REPORTS OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

(a) ANNUAL REPORT.—The Secretary shall transmit to the Congress an annual report that—

(1) sets forth the Secretary's assessment of the progress made in implementing the various programs authorized by this title;

(2) summarizes the most current health and environmental studies on childhood lead poisoning, including studies that analyze the relationship between interim control and abatement activities and the incidence of lead poisoning in resident children;

(3) recommends legislative and administrative initiatives that may improve the performance by the Department of Housing and Urban Development in combating lead hazards through the expansion of lead hazard evaluation and reduction activities;

(4) describes the results of research carried out in accordance with subtitle D; and

(5) estimates the amount of Federal assistance annually expended on lead hazard evaluation and reduction activities.

(b) BIENNIAL REPORT.—

(1) IN GENERAL.—24 months after the date of enactment of this Act, and at the end of every 24-month period thereafter, the Secretary shall report to the Congress on the progress of the Department of Housing and Urban Development in implementing expanded lead-based paint hazard evaluation and reduction activities.

(2) CONTENTS.—The report shall—

(A) assess the effectiveness of section 1031 in making the public aware of lead-based paint hazards;

(B) estimate the extent to which lead-based paint hazard evaluation and reduction activities are being conducted in the various categories of housing;

(C) monitor and report expenditures for lead-based paint hazard evaluation and reduction for programs within the jurisdiction of the Department of Housing and Urban Development;

(D) identify the infrastructure needed to eliminate lead-based paint hazards in all housing as expeditiously as possible, including cost-effective technology, standards and regulations, trained and certified contractors, certified laboratories, liability insurance, private financing techniques, and appropriate Government subsidies;

(E) assess the extent to which the infrastructure described in subparagraph (D) exists, make recommendations to correct shortcomings, and provide estimates of the costs of measures needed to build an adequate infrastructure; and

(F) include any additional information that the Secretary deems appropriate.

TITLE XI—MISCELLANOUS PROVISIONS

SEC. 1101. DELAY USE OF 1990 CENSUS HOUSING DATA TO EXAMINE EFFECT ON TARGETING FOR CDBG FORMULA.

Notwithstanding any other provision of law, for fiscal year 1993, no data derived from the 1990 Decennial Census, except those relating to population and poverty, shall be taken into account for purposes of the allocation of amounts under section 106 of the Housing and Community Development Act of 1974.

SEC. 1102. INVESTMENT OF FUNDS.

Notwithstanding any other provision of law, funds provided to Montgomery County, Ohio, pursuant to title II of Public Law 101-625, the Cranston-Gonzalez National Affordable Housing Act, may be spent in any jurisdiction contiguous to Montgomery County, Ohio.

SEC. 1103. PUBLIC HOUSING AUTHORITY INSURANCE POOLS.

Following the third "Hereafter" under the head "Administrative Provisions", Public Law 102-139, 105 Stat. 758, strike out "that such entities" and all that follows through the period at the end of the sentence and insert in lieu thereof "that such entities are duly constituted and operating according to the laws of the various States in which they operate and meet such other standards as the Secretary deems appropriate.".

WAIVER OF CERTAIN TRADE RESTRICTIONS WITH RESPECT TO THE PEOPLES' REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 272

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on September 11, 1992, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246), and section 608(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (Public Law 102-140), I hereby report to the Congress that it is in the national interest of the United States to waive the restrictions contained in those acts on the export to the Peoples' Republic of China of U.S.-origin satellites and Munitions List articles insofar as such restrictions pertain to the APSAT, Asiasat 2, Intelsat VIIA, STARSAT, AfriSat, and Dong Fang Hong 3 projects.

Attached is my jurisdiction for the aforesaid actions.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1992.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3854. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Minimum Wage and Maximum Hours Standards under the Fair Labor Standards Act"; to the Committee on Labor and Human Resources.

EC-3855. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the budget request of the Office of Inspector General, U.S. Railroad Retirement Board, for fiscal year 1994; to the Committee on Labor and Human Resources.

EC-3856. A communication from the Secretary of Education, transmitting, pursuant to law, notice of Final Regulation—Assistance to States for Education of Handicapped Children Program and the Early Intervention Program for Infants and Toddlers with Disabilities; to the Committee on Labor and Human Resources.

EC-3857. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the National Technical Institute for the Deaf for fiscal year 1991 with the Rochester Institute of Technology NTID Overhead Study for the period July 1, 1990 through June 30, 1991; to the Committee on Labor and Human Resources.

EC-3858. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, to the Committee on Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Armed Services, to the Committee on Commerce, Science and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Foreign Relations, to the Committee on Labor and Human Resources.

EC-3859. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "The Economic and Budget Outlook: An Update"; pursuant to the order of January 30, 1975, as modified on April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Select Committee on Indian Affairs, to the Select Committee on Intelligence, to the Special Committee on Aging.

EC-3860. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual Horse Protection Enforcement Report; to the Committee on Agriculture, Nutrition and Forestry.

EC-3861. A communication from the Under Secretary of Defense, transmitting, pursuant to law, notice that the current Future Years Defense Program fully funds the support costs associated with the GPS Navstar Satellite Program; to the Committee on Armed Services.

EC-3862. A communication from the Acting Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, notice of the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter April 1, 1992 through June 30, 1992; to the Committee on Armed Services.

EC-3863. A communication from the Director of the Office of Dependents Schools of the Department of Defense, transmitting, pursuant to law, the Annual Test Report for the Department of Defense Dependents Schools for the School Year 1991-1992; to the Committee on Armed Services.

EC-3864. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "De Minimis Levels For Commercial Real Estate Appraisals"; to the Committee on Banking, Housing and Urban Affairs.

EC-3865. A communication from the Acting Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the Federal Deposit Insurance Corporation's annual report for the calendar year 1991; to the Committee on Banking, Housing and Urban Affairs.

EC-3866. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3867. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3868. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3869. A communication from the Deputy Associate Director for Collection and Disbursement for the Department of the Interior, transmitting, pursuant to law, a report on the refunds of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3870. A communication for the President of the United States, transmitting, a draft of proposed legislation entitled the "Idaho Public Lands Wilderness Act"; to the Committee on Energy and Natural Resources.

EC-3871. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the Expenditure and Need for Worker Adjustment Assistance Training Funds Under the Trade Act of 1974; to the Committee on Finance.

EC-3872. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the activities after April 30, 1990 of the United Nations Educational, Scientific and Cultural Organization (UNESCO); to the Committee on Foreign Relations.

EC-3873. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of the President's determination that the furnishing, sale, and/or lease of defense articles and services to Zambia will strengthen the security of the United States and promote world peace; to the Committee on Foreign Relations.

EC-3874. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report entitled "Specific Human Rights Conditions in Ethiopia, April 15-July 14, 1992"; to the Committee on Foreign Relations.

EC-3875. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report from an Accountability Review Board on an incident which occurred on February 11, 1992 in Lima, Peru; to the Committee on Foreign Relations.

EC-3876. A communication from the Acting Secretary of the Postal Rate Commission, transmitting, pursuant to law, Rules of Practice and Procedure; to the Committee on Governmental Affairs.

EC-3877. A communication from the Secretary of Education, transmitting, pursuant to law, the biennial report to Title III Higher Education Act Strengthening Institutions Program Waivers Approval List and Minority Enrollment; to the Committee on Labor and Human Resources.

EC-3878. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report to Congress on the Health Care for the Homeless Program for the calendar year 1990; to the Committee on Labor and Human Resources.

EC-3879. A communication from the Secretary of Education, transmitting, pursuant to law, final regulation for student assistance general provisions; to the Committee on Labor and Human Resources.

EC-3880. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for fiscal year 1993—transitional bilingual education program; special alternative instructional program; to the Committee on Labor and Human Resources.

EC-3881. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Federal Election Commission fiscal year 1994 budget request; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-458. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

"ASSEMBLY JOINT RESOLUTION NO. 66

"Whereas, California is one of the richest, most diverse agricultural regions in the world, with productive soils, a favorable climate, and available irrigation water; and

"Whereas, California produces 11 percent of the nation's agricultural products, has 10 percent of the nation's population, and would have the world's seventh highest gross national product if it were a nation; and

"Whereas, California's soil and water resources are essential to the economic viability of the state's economy, but California has many significant soil and water-related problems, including soil erosion, salinity, toxicity, contamination, loss of organic matter, agricultural land conversion, compaction, subsidence, and water management; and

"Whereas, California's 116 resource conservation districts work in partnership with the Soil Conservation Service of the United States Department of Agriculture (USDA) to address local, state, and federal resource problems, and to promote voluntary resource conservation; and

"Whereas, The USDA Soil Conservation Service in California receives only 2.3 percent of the national Soil Conservation Service budget, which is inadequate to effectively address California's critical soil and water resource needs and priorities; and

"Whereas, California's contribution to national agricultural production and its population is disproportionate to the small share of funding California's USDA Soil Conservation Service receives to address California's many and diverse resource problems; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature urges that federal funding for USDA Soil Conservation Service activities in California be increased in proportion to the state's identified conservation needs and contributions to the nation as a whole, to avoid impairment of some of the nation's most productive resources; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-459. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations:

"JOINT RESOLUTION 42

"Whereas the Federal Women, Infants, and Children Program (WIC) provides medical care and nutritious supplemental food to women and children, including prenatal care to pregnant women; and

"Whereas WIC's supplemental food and medical care give children the healthy start they need to learn well in school and achieve their full potential as human beings; and

"Whereas WIC's early prenatal care for pregnant women significantly improves pregnancy outcomes, decreasing the number of fetal deaths that might otherwise occur and averting low-birth-weight babies who would otherwise get off to a slow start in life; and

"Whereas WIC is highly cost effective in the long run because healthy, educated children can become the productive citizens our country needs to remain competitive in an increasingly international economy; and

"Whereas WIC is also highly cost effective in the short run because low-birth-weight babies and malnourished children would require more expensive health care under other public assistance programs; and

"Whereas WIC currently serves only 9,174 of the estimated 25,821 potentially eligible women, infants, and children in Alaska; and

"Whereas Alaska has one of the highest infant mortality rates in the country; and

"Whereas food costs in Alaska are high, especially in rural areas, so that WIC dollars based on current allocations from insufficient funds can serve fewer participants compared to other states; and

"Whereas the Congress, through the work of the Budget and Appropriations Committees, has been regularly increasing WIC funding levels, but this year's funding level will still serve only 54 percent of those who are eligible nationwide, leaving 4,000,000 women, infants, and children without the benefits of the program; and

"Whereas the Bush Administration has recommended further increases in WIC funding for fiscal year 1992 but the program would still be grossly underfunded; and

"Whereas full funding of WIC is an important cornerstone in building toward the national goal of ensuring that, by the year 2000, all children should start school ready to learn;

"*Be it resolved* that the Alaska State Legislature commends the Administration and the Congress for their prior actions that have increased funding for WIC, and be it

"*Further resolved* that the legislature strongly urges the Administration and the Congress to continue to invest in our future by increasing WIC funding so that all eligible women, infants, and children will be served no later than fiscal year 1995."

POM-460. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation:

"JOINT RESOLUTION 52

"Whereas, in June 1991, the North Pacific Fishery Management Council approved plans to allocate specific percentages of the fishery resources of the Gulf of Alaska and the Bering Sea to the inshore processing sector and to the offshore processing sector; and

"Whereas the plans are being reviewed by the U.S. Department of Commerce; and

"Whereas the plans cannot be implemented until they are approved by the Secretary of Commerce; and

"Whereas the offshore processing sector, commonly known as factory trawlers, has launched an extensive lobbying campaign in Washington D.C. with the goal of convincing the Secretary of Commerce to reject the proposed plans to allocate between inshore and offshore processors; and

"Whereas factory trawlers practice highly wasteful fishing techniques; and

"Whereas, in the Gulf of Alaska and the Bering Sea, factory trawlers discard approximately one pound of fish for every 2.5 pounds of fish utilized; and

"Whereas, in the Gulf of Alaska, the shore based catcher fleet utilizes six pounds of fish for every pound of fish discarded; and

"Whereas, in the Bering Sea, the shore based catcher fleet utilizes 34 pounds of fish for every pound of fish discarded; and

"Whereas factory trawlers harvest fishery resources that are the common property of the United States, yet do not pay any royalties, bonuses, or taxes on these resources; and

"Whereas the shore based harvesting and processing sectors pay State of Alaska, and often municipal, fisheries taxes on fish landed; and

"Whereas the taxes paid by shore based harvesters and processors help pay for fisheries management, enforcement, research, and local support services; and

"Whereas shore based processing facilities must satisfy both state and federal food processing regulations in order to ensure the wholesomeness of the product and are inspected regularly while the factory trawlers are not held to these same standards; and

"Whereas federal and state law pertaining to worker safety are enforced at shore based processing facilities while working conditions aboard factory trawlers are virtually unregulated; and

"Whereas shore based processing facilities are strictly regulated for pollutant discharge in order to ensure protection of the environment while factory trawlers are subject to less strict standards and, by the nature of their operations, can make illegal discharges that are less likely to be detected; and

"Whereas the approval of the inshore and offshore fisheries allocation plans is one of the most critical issues now facing the State of Alaska; and

"Whereas the approval of the inshore and offshore fisheries allocation plans is an absolute necessity for the economic stability of Alaska's coastal communities and for the economic and social well-being of the thousands of people who live and work in those communities;

"*Be it resolved* that the Alaska State Legislature respectfully requests the Secretary of Commerce to approve and implement the inshore and offshore fisheries allocation plans proposed by the North Pacific Fishery Management Council."

POM-461. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources:

"JOINT RESOLUTION 62

"Whereas the United States is recognized as the world leader in stimulating the pursuit of global democracy; and

"Whereas the United States supports the extension of self-determination to all peoples, especially to those in territories under is jurisdiction; and

"Whereas the Alaska State Legislature supports the search by each territory governed by the United States for the political standing best suited to its people; and

"Whereas the citizens of the Territory of Alaska fought long and hard for their own self-determination within the United States and eventually achieved it in 1959 with statehood; and

"Whereas Alaskans recognize and identify with the desire of the people of Guam to determine their own political, social, and economic future; and

"Whereas the Territory of Guam is attempting to establish a just political relationship between the people of Guam and the United States and is trying to allow its people to participate in this attempt; and

"Whereas the Guam Territorial Legislature has obtained introduction of the Commonwealth Act of Guam in the United States Congress that would accord the Territory commonwealth status; and

"Whereas there is growing support for providing commonwealth status for Guam, as evidenced by the policy statements and resolutions of various national groups, including members of Congress and the current administration, the National Governors Association, the National Conference of State Legislatures, the Western Legislative Conference, and the United States Conference of Mayors; and

"Whereas the people of Guam are citizens of the United States and should be given all the rights afforded citizens in the United States Constitution;

"*Be it resolved* that the Alaska State Legislature supports the people of Guam's efforts to achieve commonwealth status and a just and permanent relationship with the United States; and be it

"*Further resolved* that the Alaska State Legislature urges the United States government to allow the people of Guam to determine their own political, social and economic future while retaining the protection of the U.S. Constitution."

POM-462. A resolution adopted by the Council of the County of Maui, Hawaii urging the President and the Congress to honor and fulfill the Federal trust relationship and obligation to Native Hawaiians; to the Committee on Energy and Natural Resources.

POM-463. A resolution adopted by the Council of the County of Kauai, Hawaii urging the President and the Congress to honor and fulfill the Federal trust relationship and obligation to Native Hawaiians; to the Committee on Energy and Natural Resources.

POM-464. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION NO. 59

"Whereas, Wetlands are a critically important natural resource, constituting habitat for threatened and endangered species and Pacific Flyway waterfowl, and serving as flood storage and groundwater recharge areas; and

"Whereas, Over 90 percent of the state's historical wetlands acreage has been converted to other uses, and the quality of many of the remaining wetlands has been reduced by pollution, water diversions, and drought; and

"Whereas, California's remaining wetlands cover approximately 450,000 acres, and these are considered by experts to be a baseline beyond which further losses would cause irreparable damage to the state's natural resources; and

"Whereas, These remaining wetlands are currently eligible for protection under the federal Clean Water Act (33 U.S.C. Sec. 1251 and following), but revisions to the federal Wetlands Delineation Manual proposed by the Environmental Protection Agency could result in fully half of the state's wetlands no longer being afforded federal protection; and

"Whereas, As much as 75 percent of currently protected coastal wetlands in southern California, including important habitat for migratory and local birds at Bolsa Chica, Ballona, and Batiquitos, would no longer be eligible for federal protection; and

"Whereas, The Central Valley, containing over two-thirds of the state's wetlands, would lose federal protection for over half of the 150,000 acres of historical wetlands; and

"Whereas, Over half of the essential habitat for shorebirds and many fish species within San Francisco Bay would lose federal protection under the proposed plan; and

"Whereas, The primary reason for the loss of federal protection in all these areas would be the hydrology requirement of inundation of 15 days and saturation at the surface for 21 days during the growing season which, in California's arid, often drought stricken climate, would eliminate by definition much of the state's historic wetlands; and

"Whereas, The state has neither the financial resources nor the regulatory authority to undertake the responsibilities required to continue the current level of protection; and

"Whereas, The current system is subject to complaints of having subjected property owners to costly and time consuming regulatory burdens, but these problems will not be solved and many be worsened if the proposed changes are implemented before there has been an opportunity to develop a comprehensive, statewide approach to prevent short-term loss and achieve long-term gain in critically necessary wetlands; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President of the United States to continue the use of the wetlands definition currently in use by the federal government in California and not adopt the proposed new wetlands policy; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-465. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 72

"Whereas, The national defense buildup has required a significant commitment of this country's fiscal, scientific, and human resources into research and development, state of the art technology, and manufacturing; and

"Whereas, The current trend away from a national manufacturing-based economy toward an economy fueled by service industries has accelerated as a result of both defense industry downsizing and a tendency for United States manufacturing to seek lower cost production sites offshore; and

"Whereas, The unprecedented expenditures of national defense dollars in research and development and high-technology production should be considered a national commitment to the creation of a manufacturing powerhouse of world class workers; and

"Whereas, A high priority must be given to public policy development that assists in redirecting these skills and technologies to high value, nondefense industries; and

"Whereas, Domestic industry development in areas which serve to improve quality of life and support environmental protection will have long-term national benefit; and

"Whereas, Recent federal policies have committed significant resources to research, development, and production of clean advanced transportation technologies; and

"Whereas, Stringent California environmental laws requiring introduction of low and zero emission vehicles over the next decade have created both a market and a mandate for this production; and

"Whereas, National incentives are needed to encourage consumer investments in these new socially and environmentally responsible industries; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to secure prestige for America as a forerunner in the development of a clean fuel vehicle industry by providing consumer investment tax credits to stimulate a national market for the purchase of electric and other alternative fuel vehicles; and be it further

Revolved, That the Chief of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-466. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations:

JOINT RESOLUTION 48

"Whereas the past year's fluctuations in prices and supply patterns for oil once again demonstrate that the access of the United States to this vital strategic resource is vulnerable to concerted political action by governments in the Middle East; and

"Whereas, in 1990, the reliance of the United States on imported oil increased to 47 percent, the highest percentage in nine years, and with the demand in the United States for oil increasing at an average rate of three percent each year for the past five years, this reliance on imported oil will increase because the domestic oil exploration and production capability of the United States has seriously eroded; and

"Whereas, until 1986, the United States had successfully increased its import of petroleum products from its neighbors in the Western Hemisphere and decreased its imports from the volatile Middle East, but this positive trend has been reversed, and Middle East imports of crude oil to the United States continue to increase; and

"Whereas the energy crisis of the 1970's taught the United States that manipulation of the world oil market by sovereign governments can run counter to the interests of the United States; and

"Whereas the energy crisis of the 1970's also proved that several of the trading allies of the United States could be counted on for support in troubled times, since Venezuela, Mexico, and Canada increased their exports of oil to the United States during the crisis while other nations reduced their exports to the United States; and

"Whereas Canada and the United States have the most extensive reciprocal trade situation in the world, and each is the other's largest export market, with Canada selling three-quarters of its exports to United States markets while absorbing almost one-quarter of the total exports of the United States; and

"Whereas Canada and the United States have a history of cooperation and trade as energy partners; Canada currently supplies about 12 percent of the oil consumed in the United States and approximately seven percent of the natural gas consumed in the United States, the equivalent of over 700,000 barrels of crude oil a day; if United States oil and natural gas supplies are reduced, imports of Canadian gas will contribute greatly to the energy security of the United States; and

"Whereas Mexico shares not only a common border but also a rich cultural heritage with the southwestern part of the United States, and has developed into one of the major sources of imported oil and natural gas for the United States; Mexico was the sixth largest supplier of crude oil to the United States during 1990; and

"Whereas Mexico depends on oil earnings to provide revenue for its government, and the investments by Peteroles De Mexicana, a company owned by the Mexican government, in future oil and gas development, and the United States' clear need for stable, long-term supplies of oil suggest that the United States' trading relationship with Mexico will grow in the future; and

"Whereas more than one-half of all Venezuelan oil exports are made to the United States and, during 1990, Venezuela was the leading exporter of petroleum products and the second largest of crude oil to the United States; Venezuela is second only to Saudi Arabia as the most significant oil exporter to the United States; and

"Whereas Venezuela has the ability to export large quantities of crude oil and petroleum products for many decades, and the United States and Venezuela are close geographical neighbors that, along with Mexico and Canada, share similar forms of democratic government; and

"Whereas, since the United States will need to rely on foreign sources of oil for the foreseeable future and the oil situations and long-term energy interests of Venezuela and the United States are complementary, the United States and Venezuela should continue to be important commercial partners for many years under fair conditions of trade; and

"Whereas Canada, Mexico, Venezuela, and the United States are long-standing energy trading partners who share a history of working together in successful oil and gas exploration and development and who share the fluctuations of a rapidly changing energy environment; and

"Whereas Canada, Mexico, Venezuela, and the United States share a common vision of the future in which a sound energy industry in each of the counties is able to provide the energy security needed to ensure the health and vitality of the entire economy of the American nations; and

"Whereas the governments of the United States, Canada, Mexico, and Venezuela are striving to improve the overall well-being of all of their citizens while providing rich opportunities for individual freedom and growth, and it is natural for their representatives to explore options that will increase the energy security of the Western Hemisphere; and

"Whereas the Energy Council, of which Alaska is a member, actively supports and promotes the concept of an energy alliance among the nations of the Western Hemisphere;

"Be it resolved that in recognition of the long-standing trading history with Canada, Mexico, and Venezuela and, in order to plan for increased security of the people and economies of the United States, Canada, Mexico, and Venezuela, the Alaska State Legislature urges the President of the United States and the United States Congress to engage in formal talks with the governments of Canada, Mexico, and Venezuela, as well as with other interested American countries, to develop a Pan-American energy alliance to provide reciprocal energy security measures for the nations of the Western Hemisphere; and be it

"Further resolved that the Alaska State Legislature supports the efforts and work of the Energy Council to promote a Pan-American energy alliance and urges Governor Hickel and the current administration of the state to participate in these efforts."

POM-467. A joint resolution adopted by the Legislature of the State of Alaska; to the Select Committee on Indian Affairs:

"JOINT RESOLUTION 73

"Whereas 25 U.S.C. 1901-1963 (Indian Child Welfare Act) (ICWA) requires that adoption and custody proceedings for an Alaska Native child be conducted in a way that emphasizes the child's tribal heritage and the rights of the child's tribe or village to intervene in the proceedings to protect the tribe's or village's rights; and

"Whereas ICWA's purpose was to protect American Indian and Alaska Native children from being removed from their tribes or villages due to social, emotional, or family problems; and

"Whereas the effect of ICWA has been that placement decisions and social services related to Alaska Native children are handled differently than they are for non-Native children; and

"Whereas it has been 14 years since passage of ICWA, and no comprehensive study of its effects has ever been done;

"Be it resolved that the Alaska State Legislature urgently requests the Bureau of Indian Affairs, the General Accounting Office of the Congress, and the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives to cooperate in a comprehensive review of the implementation of the Indian Child Welfare Act, with particular attention to the following issues:

"(1) whether Alaska Native children are being well protected by ICWA and whether improvements could be made in ICWA so that Alaska Native children are better protected;

"(2) whether tribes and villages are aided by ICWA in maintaining their cultural integrity;

"(3) whether Alaska Natives or others have personal comments to make about implementation of ICWA and whether ICWA has caused any problems;

"(4) whether related funding and provision of social services to strengthen Alaska Native families, tribes, and villages has kept pace with the goals of ICWA and the needs of Alaska Natives;

"(5) whether, based on the last 14 years of experience in implementing ICWA, changes are now needed in the law to better achieve its purposes."

POM-468. A joint resolution adopted by the Legislature of the State of Alaska; to the Select Committee on Indian Affairs:

"JOINT RESOLUTION 68

"Whereas the filing deadline for Alaska Native allotments fell on December 18, 1971, a date during the United States' involvement in the conflict in Vietnam; and

"Whereas many Alaska Natives participated in the military during the Vietnam conflict; and

"Whereas many Alaska Native Vietnam veterans were not notified and were not aware of the Native allotment process during the filing period; and

"Whereas veterans should not be denied benefits that they would have received if they had not been in the military service;

"Be it resolved that the Alaska State Legislature urges the Congress to amend federal law in a manner that would allow otherwise eligible Alaska Native veterans a new 18-month filing period for Native land allotments."

POM-469. A resolution adopted by the Senate of the State of Alaska; to the Committee on Appropriations:

"SENATE RESOLUTION 9

"Whereas the United States Geological Survey Volcano Hazards Program in the Department of Interior, through its Alaska Volcano Observatory, provides warnings and advisories concerning impending and ongoing volcanic eruptions in Alaska to business, government, and the public; and

"Whereas these warnings and advisories save lives and property in Alaska and in aircraft flying over Alaska; and

"Whereas the future of Alaska depends upon a safe environment for business and commerce and a growing role as a stopping place for the world's airlines; and

"Whereas the airline industry has voiced its concern about proper monitoring of Alaska's volcanoes; and

"Whereas Alaska contains most of the hazardous volcanoes in the United States; and

"Whereas the Alaska Volcano Observatory is the only source of volcano hazard expertise in Alaska;

"Be it resolved that the Alaska Senate respectfully requests the United States Congress to restore funding in fiscal year 1993 for the Alaska Volcano Observatory to the 1992 level, and to appropriate sufficient additional funds to include the heavily traveled Aleutian region in the volcano monitoring effort; and

"Be it further resolved that the Alaska Senate respectfully requests the Department of Interior to include the Alaska Volcano Observatory in its budget for the U.S. Geological Survey Volcano Hazards Program at a level that provides for the safety of the public and commerce in Alaska."

POM-470. A petition from a citizen of Springfield, Missouri, relative to limits on congressional terms; to the Committee on the Judiciary.

POM-471. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION NO. 5

"Whereas, California's criminal justice system is presently inundated with pending criminal cases involving drug-related offenses and felonies; and

"Whereas, a significant number of these accused individuals are undocumented persons; and

"Whereas, the minority of undocumented persons who engage in criminal activity has an impact on the overall cost of the California criminal justice system; and

"Whereas, California would benefit by a more efficient screening and subsequent deportation of these convicted felons by the United States Immigration and Naturalization Service; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the United States Immigration and Naturalization Service to identify each person in California who has a final conviction for a drug-related felony offense or a violent felony, regardless of race, national origin, or ancestry, for the purpose of determining whether he or she is an undocumented person, and to direct the Department of Corrections to request the Federal Bureau of Prisons to take custody of these persons for the remainder of their prison terms and surrender those undocumented persons to the United States Immigration and Naturalization Service for formal deportation; and be it further

"*Resolved*, That for these purposes, a judgment or conviction is final after all direct appeal rights have been exhausted or waived, or the appeal period has lapsed; and be it further

"*Resolved*, That the United States Department of Justice should fully enforce all applicable federal laws upon reentry of these undocumented persons who violate the provisions of the federal Immigration and Nationality Act; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Attorney General of the United States, to each Senator and Representative from California in the Congress of the United States, and to each United States Attorney in California."

POM-472. A joint resolution adopted by the Legislature of the State of Alaska; to the Select Committee on POW/MIA affairs:

"JOINT RESOLUTION 41

"Whereas there are more than 88,000 American service personnel missing in action from World War II, the Korean War, and the Vietnam conflict; and

"Whereas recent information has been released regarding American service personnel held against their will after World War II, the Korean War, and the Vietnam conflict; and

"Whereas on April 12, 1973, the United States Department of Defense publicly stated that there was no evidence of live American prisoners of war in Southeast Asia; and

"Whereas the public statement was given nine days after Pathet Lao leaders had declared that Laotian communist forces did in fact have live American prisoners of war in their control; and

"Whereas the prisoners of war held by the Laotian government and its military forces were never released; and

"Whereas there have been more than 11,700 live sighting reports received by the Department of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number of unresolved and discrepancy cases; and

"Whereas there is conjecture that congressional inquiries into the POW/MIA issue have been hampered by information that was concealed from committee members or that was misinterpreted or manipulated in government files; and

"Whereas the POW/MIA Truth Bill has been introduced into the United States Congress, and the bill would direct the heads of the federal government agencies and departments to disclose information concerning the United States service personnel classified as prisoners of war or missing in action from World War II, the Korean War, and the Vietnam conflict; and

"Whereas the bill protects national security by censoring the sources and methods used to collect the live sighting reports; and

"Whereas the families of these missing service personnel need and deserve the opportunity to have access to the information concerning the status of their loved ones; and

"Whereas the Senate Select Committee on POW/MIA Affairs has been established in the United States Congress to resolve the POW/MIA issue;

"Be it resolved that the Alaska State Legislature urges the United States Congress to oppose lifting trade embargoes, lifting economic sanctions, and normalizing affairs with Vietnam and Laos until the Congress resolves the POW/MIA issue in Southeast Asia based on the recommendations of the Senate Select Committee on POW/MIA affairs; and be it

"Further resolved that the Alaska State Legislature requests the United States Congress to continue funding its investigation into the status of missing American service personnel, which is vital to resolving the POW/MIA issue."

POM-473. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 53

"Whereas, the California State Legislature hereby expresses consternation at the decision by the Secretary of the Department of Veterans Affairs, Edward Derwinski, to close the Veterans Affairs Medical Center at Martinez, California; and

"Whereas, on August 9, 1991, at a time when Congress was in summer recess, Secretary Derwinski suddenly announced the Martinez center would close within 120 to 180 days of August 12, 1991; and

"Whereas, this decision results in the virtual abandonment of 420,000 northern California veterans, one of the largest service catchment areas in the Department of Veterans Affairs health care system and essentially eliminates their ability to access Department of Veterans Affairs medical care; and

"Whereas, the closure of this facility potentially transfers the financial burden for veterans' medical care to California counties, which are ill prepared to meet the need and are indeed struggling to meet their existing obligations; and

"Whereas, the Department of Veterans Affairs apparently did not follow protocol prior to making a decision of this magnitude by not consulting with local medical staff, local providers who contract with the Department of Veterans Affairs, veterans' organizations, county veteran service officers, but, most important, veterans themselves; and

"Whereas, the Martinez center closure was initiated without a transitional plan and replacement facilities in place, causing veterans to experience severe anxiety due to access and transportation problems; and

"Whereas, the Department of Veterans Affairs apparently did not address the significant negative economic impact of rapidly closing a 359-bed facility with 1,500 employees and an extensive support system, the loss of the $70,000,000 per year in expenditures, and the loss of comprehensive outpatient services and research programs; and

"Whereas, the Department of Veterans Affairs has not provided evidence pertaining to the "seismic deficiencies of the facility" for public or congressional scrutiny, while the City of Martinez has provided evidence that Martinez does not sit on an earthquake fault as the Department of Veterans Affairs alleges; and

"Whereas, since the facility was built in 1961 and opened in 1963, it has withstood every major and minor earthquake in the bay area since that time; and

"Whereas, the ongoing closure of the Martinez center seems contradictory because of the Department of Veterans Affairs' assurance that Martinez was structurally sound and safe following the 1989 Loma Prieta earthquake and the designation of the facility as a backup treatment center for Persian Gulf War casualties as recently as January 1991; and

"Whereas, the absence of concern for patient and staff safety during the early 1980's when the Department of Veterans Affairs first learned about the "alleged" seismic deficiencies at the facility suggests the need for further explanation of these unwarranted actions; and

"Whereas, it is not the intent of the Legislature to minimize the significance of the services which dedicated Department of Veterans Affairs employees render to our veterans, their dependents, and survivors; and

"Whereas, when a decision by the Department of Veterans Affairs is detrimental to thousands of veterans and their families, it is imperative that the information on which the decision is based be available for public scrutiny. It is in this spirit that we question the closure of the Veterans Affairs Medical Center at Martinez; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to mandate a moratorium on the closure schedule, and conduct a congressional hearing to determine the need to close the Veterans Affairs Medical Center at Martinez; and be it further

"*Resolved*, That the Department of Veterans Affairs be instructed to develop a comprehensive transition plan, and have replacement facilities in place before the closure of the Martinez center or any medical center, if the findings of the hearing indicate the Veterans Affairs Medical Center at Martinez should be closed; and be it further

"*Resolved*, That the Chief Clerk of the Assembly shall send copies of this resolution to the President of the United States, to the Secretary of the Department of Veterans Affairs, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. 3230. An original bill to amend title 31 of the United States Code, to establish a Department of the Treasury Forfeiture Fund (Rept. No. 102-398).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 5465. A bill to amend title XIII of the Federal Aviation Act of 1958 relating to aviation insurance (Rept. No. 102-399).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2899. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

SUMMARY OF PROVISION IN S. 2899

The provisions of S. 2899 are, in virtually all respects, identical to the provisions of H.R. 2507. The authors of the new legislation incorporate by reference the description of those provisions and the legislative intent laid out in the Senate and House Committee reports and the Conference report for the earlier bill. This summary is intended to describe those areas in which S. 2899 differs from H.R. 2507.

BUDGET

The legislation includes authorization for the same activities as were included in H.R. 2507. In an effort to address concerns that the bill authorized too large an increase in specific spending programs, however, authorizations in S. 2899 have been generally changed from dollar amounts to the traditional authorization of "such sums as may be necessary." The authorizations that have been retained from the earlier bill are special legislative initiatives that have been supported by a wide range of Members of the House and the Senate. These are Women's Health Initiatives (including expanded breast, ovarian, and other gynecological cancer research programs, and an osteoporosis program) as well as a prostate cancer program.

FETAL TISSUE TRANSPLANTATION

The legislation includes the provisions of H.R. 2507 regarding fetal tissue transplantation research. These original provisions contain safeguards against potential abuse, including the prohibition of the sale of tissue; the prohibition of directed donations; the requirement that informed consent for the abortion procedure be obtained separately from and before the informed consent for the donation of fetal tissue; and the requirement that health care providers certify that no alternation has been made in the method or timing of the abortion for the sole purpose of acquiring fetal tissue. (A full discussion of these provisions appears in the

Conference Report and the House and Senate Committee reports that accompanied H.R. 2507 and this discussion remains an accurate description of these issues in this legislation and the legislative intent behind them.)

In addition to these provisions that are retained from the original bill, the legislation also includes a modification regarding the use of tissue from the Fetal Tissue Transplantation Bank established under Executive Order 12806 of May 19, 1992. The legislation maintains the current moratorium on NIH-funded fetal tissue transplantation research using tissue from induced abortions through May 19, 1993. From that date forward, the moratorium is lifted: Research on fetal tissue transplantation may be funded by the NIH if the principal investigator for the research project declares that the tissue used for transplantation is to be either (a) obtained from the Bank established under Executive Order 12806 or (b) obtained from other sources after a request has been submitted to this Bank and 14 days have elapsed without the bank providing tissue that the researcher finds appropriate for the purposes of the research.

This change has been adopted in order to provide an opportunity for the Bank to begin operation and to prove itself effective without jeopardizing the potential for research if it is not. There has been a great deal of debate about whether the Bank can successfully supply appropriate tissue for transplantation research. The Administration has argued that tissue from miscarriages and from abortions for ectopic pregnancies will be adequate; many other researchers have argued that such tissue will be inappropriate because of genetic disease, viral and bacterial contamination, and inaccessibility for timely donation. Under the terms of the legislation, the research will be allowed to proceed, whichever position is correct.

ETHICS ADVISORY BOARDS

The legislation also differs for H.R. 2507 in provisions regarding ethics advisory boards. In the original legislation, if an ethics advisory board found that the proposed research is ethical and should proceed, the Secretary could not override the decision. In response to concerns that the Secretary should have final say in such a matter, a provision has been added to allow the Secretary to review the decision of an ethics advisory board and to set it aside if, on the basis of its report, the Secretary finds that the decision is arbitrary and capricious. This common and well-known standard of administrative process is readily implemented and would provide both the researchers and the Secretary clear guidance as to the course to be pursued.

WOMEN'S HEALTH

The legislation includes the provisions of H.R. 2507 regarding the inclusion of women and racial and ethnic minorities in clinical research. A full discussion of these provisions appears in the Conference Report and the House and Senate Committee reports that accompanied H.R. 2507 and this discussion remains an accurate description of these issues in this legislation and the legislative intent behind them.

In addition, S. 2899 contains further provisions regarding the guidelines to be established by the Director of NIH regarding this inclusion and the circumstances under which cost may be considered as a reason not to do so. The general rule provides that cost is not a permissible consideration for excluding women from a project or for excluding minorities from research. As was discussed fully in the reports accompanying H.R. 2507, the goal of such a general rule is to ensure that government-sponsored clinical research is used to improve the health of as many Americans as possible.

The authors of the legislation recognize, however, that there are limited circumstance in which a researcher seeks to study a population that does not include women and minorities for reasons that may include cost. Under terms of S. 2899, the guidelines established by the Director may allow cost to be considered in some circumstances, so long as data of comparable quality regarding the excluded populations will be obtained by other means.

In sum, these provisions are intended to ensure that research on diseases or conditions affecting both sexes will, in virtually all cases, produce results that are applicable regardless of gender. Such results in most cases will be available because women are included in trials as study participants. In those projects in which women are not included, similar results will be available because parallel research of comparable quality will be conducted or exists already. This principal is to be executed by the Director, both through specific authority to establish guidelines that recognize cost and general authority for designating inclusion as inappropriate.

If, for example, it is suggested that the cost of expanding the sample size to include a statistically useful number of women in a large trial on heart disease and aspiring is justification for excluding women from the trial, this legislation would allow the conduct of a men-only trial only if there are data of comparable quality already extant or being gathered for women. This showing of comparable data is, of course, the responsibility of the researcher applying for funding for a design that excludes women from the trial. (It should be noted that no change has been made from the original provisions allowing the Director general discretion over study design. For instance, if it is suggested that the inclusion of women is unworkable for non-cost reasons (e.g., a disease that affects women only rarely as breast cancer affects men only rarely), this legislation would not require the inclusion of women because it is impracticable.) The same basic provisions apply to the inclusion of minorities in clinical research, although the requirements apply to the general research portfolio and not to each project.

"Data of comparable quality" is understood to be information of similar utility in the development and use of clinical care. Thus, the development of theoretical application or models of a drug's utility in women is not comparable to a randomized trial of that drug with women as subjects because such theory cannot be turned to similar application. Conversely, if drug trials are already underway that will produce data on women, a similar trial using men need not include women also unless the men-only trial produce data not obtainable in the study in which women are participants. It is recognized that the question of "comparability" is a complex issue: Data gathered by different means may be of comparable worth in developing and using clinical care; data gathered by the same means but in different settings may be of unequal value. The authors of the legislation would expect the Director to develop general guidelines on this issue, as well as to evaluate carefully with the advisory panels each application for exclusion of subjects.

In addition, S. 2899 provides that, if there is substantial scientific data demonstration that there is no significant scientific difference between the genders or racial and ethnic groups, the Director may establish guidelines overriding the general requirement that women and minorities be included in trials. This may be considered to be a change from the assumptions made in the construction of research trials in the past: It has been reported by Congressional witnesses and in scientific journals that women and minority group members have often been excluded from trials unless there was an affirmative showing that they might respond differently to the conditions of the trial; in contrast, this legislation would generally require that women and minority group members be included unless there is an affirmative showing that they will not respond differently to the conditions of the trial. By reversing the presumption in this case, this legislation would reach more health conditions for more Americans and, it is hoped, provide more clinical applications and basic research knowledge.

PROTECTION OF HEALTH FACILITIES

The legislation also makes changes in the provisions of H.R. 2507 regarding the protection of health facilities. The new legislation deletes the authority for such an entity to pursue civil remedies in Federal court for damages resulting from violation of the statutory protections contained in these provisions. The legislation does not, however, affect rights to pursue a civil action that may otherwise exist under State or other Federal law. In addition, the legislation clarifies that existing State or Federal "whistleblower" protection laws are not altered or otherwise affected by the provision protecting health facilities. Finally, a conforming change is included regarding the elements of the crime of burglary for purposes of this legislation.

MINORITY HEALTH

The legislation establishes within the Office of the Director of NIH an Office of Research on Minority Health.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN from the Committee on Finance:

S. 3230. An original bill to amend title 31 of the United States Code, to establish a Department of the Treasury Forfeiture Fund; placed on the calendar.

By Mr. PELL (by request):

S. 3231. A bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, with annexes, done at Madrid October 4, 1991, and an additional annex done at Bonn October 17, 1991, enact a prohibition against Antarctic mineral resource activities, amend the Antarctic Conservation Act of 1978, and repeal the Antarctic Protection Act of 1990; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL (by request):

S. 3231. A bill to implement the protocol on environmental protection to the Antarctic Treaty, with annexes, done at Madrid, October 4, 1991, and an additional annex done at Bonn, October

17, 1991, enact a prohibition against Antarctic mineral resource activities, amend the Antarctic Conservation Act of 1978, and repeal the Antarctic Protection Act of 1990; to the Committee on Foreign Relations.

ANTARCTIC ENVIRONMENTAL PROTECTION ACT

• **Mr. PELL.** Mr. President, by request, I introduce for appropriate reference a bill to implement the protocol on environmental protection to the Antarctic Treaty, with annexes, done at Madrid, October 4, 1991, and an additional annex done at Bonn, October 17, 1991, enact a prohibition against Antarctic mineral resource activities, amend the Antarctic Conservation Act of 1978, and repeal the Antarctic Protection Act of 1990.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the statement of purpose and need, the section-by-section analysis, and the letter from the Assistant Secretary of State for Legislative Affairs, which was received on August 6, 1992.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. SHORT TITLE.

This Act may be cited as the "Antarctic Environmental Protection Act of 1992."

TITLE I—AMENDMENT TO THE ANTARCTIC CONSERVATION ACT OF 1978 (16 U.S.C. 2401 ET SEQ.)

SEC. 102. FINDINGS POLICY, DESIGNATION AND PURPOSE.

Section 2 (16 U.S.C. 2401) is amended—

(1) by adding ", POLICY, DESIGNATION" after "FINDINGS" in the heading;

(2) in paragraph (a)(1) by striking "Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting" and inserting "Protocol and Environmental Protection to the Antarctic Treaty"; and by adding "the comprehensive protection of the Antarctic environment," after the words "firm foundation for";

(3) by striking the words in paragraph (a) (2) and inserting—"the protection of the Antarctic environment and dependent and associated ecosystems and the intrinsic value of Antarctica, including its wilderness and aesthetic values and its value as an area for the conduct of scientific research, in particular research essential to understanding the global environment, shall be fundamental considerations in the planning and conduct of all activities in the Antarctic Treaty area;";

(4) by striking existing paragraph (b) and inserting—

"(b) POLICY.—

"(1) It is the national policy of the Untied States that activities in Antarctica are to be planned and conducted so as to limit adverse impacts on the Antarctic environment and dependent and associated ecosystems and avoid—

"(A) adverse effects on climate or weather patterns;

"(B) significant adverse effects on air or water quality;

"(C) significant changes in the atmospheric, terrestrial (including aquatic), glacial or marine environments;

"(D) detrimental changes in the distribution, abundance or productivity of species or populations of species of fauna and flora;

"(E) further jeopardy to endangered or threatened species or populations of such species; or

"(F) degradation of, or substantial risk to, areas of biological, scientific, historic, aesthetic or wilderness significance.

"(2) It is the national policy of the United States that activities in Antarctica are to be planned and conducted on the basis of information sufficient to allow prior assessments of, and informed judgments about, their possible impacts on the Antarctic environment and dependent and associated ecosystems and on the value of Antarctica for the conduct of scientific research, taking full account of—

"(A) the scope of the activity, including its area, duration and intensity;

"(B) the cumulative impacts of the activity, both by itself and in combination with other activities in the Antarctic Treaty area;

"(C) whether the activity will detrimentally affect any other activity in the Antarctic Treaty area;

"(D) whether technology and procedures are available to provide for environmentally safe operations;

"(E) whether there exists the capacity to monitor key environmental parameters and ecosystem components so as to identify and provide early warning of any adverse effects of the activity and to provide for such modification of operating procedures as may be necessary in the light of the results of monitoring or increased knowledge of the Antarctic environment and dependent and associated ecosystems; and

"(F) Whether there exists the capacity to respond promptly and effectively to accidents, particularly those with potential environmental effects.

"(3) It is the national policy of the United States that regular and effective monitoring take place to allow assessment of the impacts of ongoing activities, including the verification of predicted impacts.

"(4) It is the national policy of the United States that regular and effective monitoring take place to facilitate early detection of the possible unforeseen effects of activities carried out both within and outside the Antarctic Treaty area on the Antarctic environment and dependent and associated ecosystems.

"(5) It is the national policy of the United States that activities in Antarctica be planned and conducted so as to accord priority to scientific research and to preserve the value of Antarctica as an area for the conduct of such research, including research essential to understanding the global environment.

"(6) It is the national policy of the United States that activities in Antarctica subject to U.S. jurisdiction take place in a manner consistent with the Protocol, and be modified, suspended or cancelled if they result in or threaten to result in impacts upon the Antarctic environment or dependent or associated ecosystems inconsistent with the Protocol."

(5) by adding a new paragraph (c) as follows—

"(c) DESIGNATION.—Antarctica is hereby designated as a natural reserve, devoted to peace and science;";

(6) by adding a new paragraph (d) as follows—

"(d) PURPOSE.—The purpose of this Act is to provide the legislative authority necessary to implement, with respect to the United States, the Protocol on Environmental Protection to the Antarctic Treaty, provide for the conservation and protection of the Antarctic environment and Antarctic flora and fauna, and preserve Antarctica for scientific monitoring and research."

SEC. 103. DEFINITIONS.

Section 3 (16 U.S.C. 2402) is amended—

(1) by striking paragraphs (1), (3), (5), (8), (10), (13) and (16);

(2) by renumbering paragraphs (2), (4), (6), (9), (11), (12), (14), (15) as paragraphs (1), (3), (5), (11), (13), (14), (16), (17) respectively;

(3) in paragraph (7), by striking ", other than any species regulated by the International Whaling Commission,";

(4) in renumbered paragraph (13), by adding "Antarctic" after the open quotation mark and before the term "specially protected area"; and by striking "(4)" at the end of the sentence and inserting "(3)";

(5) in renumbered paragraph (15), by striking "(5)" at the end of the sentence and inserting "(4)";

(6) in renumbered paragraph (16), by adding "or "Antarctic Treaty"" after the term ""Treaty""; and by adding "and any recommendations in effect thereunder" to the end of the sentence;

(7) in renumbered paragraph (17), by striking the words ", including the Government of the Northern Mariana Islands" and adding the words "the Commonwealth of the Northern Mariana Islands, any other commonwealth, territory or possession of the United States," after the word "Guam,"; and

(8) by adding the following new paragraphs:

"(2) The term "Committee for Environmental Protection" means the Committee for Environmental Protection established pursuant to Article 11 of the Protocol,";

"(4) The term "harmful interference" means to engage or attempt to engage in the following conduct—

"(i) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds and seals;

"(ii) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds and seals;

"(iii) using explosives or firearms in a manner that disturbs concentrations of birds and seals;

"(iv) willfully disturbing breeding or molting birds or concentrations of birds and seals by persons on foot;

"(v) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, walking on them, or by other means; and

"(vi) any activity that results in significant adverse modification of habitats of any native mammal, bird, plant or invertebrate.";

"(6) The term "native invertebrate" means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is designated as such by the Director under section 6(b)(1).";

"(8) The term "native plant" means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi and algae, at any stage of its life cycle (including seeds and other propagules), which is designated as such by the Director under section 6(b)(1).";

"(9) The term "nonnative species" means any species of animal or plant which is not native to Antarctica.";

"(10) The term "person" means an individual, partnership, corporation, trust, association, or other entity subject to the jurisdiction of the United States; and any department, agency, or other instrumentality of the Federal Government or of any State or local government, and any officer, employee, or agent of any such instrumentality.";

"(12) The term "Protocol" means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto.";

"(15) The term "take" or "taking" means to kill, injure, capture, handle or molest, a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected, or to attempt to engage in any such conduct.";

SEC. 104. PROHIBITED ACTS.

Section 4 (16 U.S.C. 2403) is amended as follows:

(1) in paragraph (a)(1) by striking "United States citizen" and inserting "person";

(2) by striking paragraphs (a)(1) (A)–(E), and inserting the following:

"(A) to engage in any taking or harmful interference in Antarctica;

"(B) to introduce into Antarctica any nonnative species;

"(C) to enter any Antarctic Specially Protected Area; or

"(D) to discharge, dispose of or otherwise introduce any waste or pollutant within Antarctica, except as otherwise permitted by the Act to Prevent Pollution from Ships, 33 U.S.C. section 1901 et seq.;";

(3) in paragraphs (a) (2) and (3) by striking "United States citizen wherever located, or any foreign person while within the United States," and inserting "person";

(4) in paragraph (a)(4) by striking ", whether or not a United States citizen,";

(6) in the last sentence of paragraph (a), by striking the comma after the word "committed"; and by striking "to prevent the loss of human life" and inserting "involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment".

SEC. 105. PERMITS.

Section 5 (16 U.S.C. 2404) is amended—

(1) in paragraph (e) by adding after the title "For Takings, Harmful Interference and Introduction of Non-Native Species";

(2) in paragraph (e)(1), to insert "authorizing a taking or harmful interference or the introduction of a non-native species" after "section";

(3) by amending paragraph (e)(1)(A)(ii) to read:

"(ii) if a taking or harmful interference is authorized, the manner in which such action must be accomplished (which manner must be determined by the Director to involve the least degree of pain and suffering practicable), the area in which it must occur, and the person who will take the action,";

(4) by amending the end of paragraph (e)(1)(A)(iii) to add "and";

(5) by amending the end of paragraph (e)(1)(A) to add the following:

"(iv) the species, numbers and, if appropriate, age and sex of non-native animals and/or plants to be introduced, and the reasons therefor; and the precautions to be taken to prevent escape or contact with native fauna and flora;"

(6) in paragraph (e)(2)(A), by striking "the taking" and inserting "a taking or harmful interference";

(7) in paragraph (e)(2)(A)(i)(I) by striking the word "or";

(8) in paragraph (e)(2)(A)(i)(II) by inserting the word "herbaria," before "zoological" and the words "and botanical" before "gardens," and by striking the word "and" at the end of the paragraph and inserting "or";

(9) by inserting a new paragraph (e)(2)(A)(i)(III) as follows—

"(III) to provide for unavoidable consequences of scientific activities, or of the construction and operation of scientific support facilities."

(10) by striking the text of paragraph (e)(2)(A)(ii) and inserting the following—

"(ii) shall ensure that—

"(I) no more native mammals, birds, or plants are taken than are strictly necessary to meet the purposes set forth in section 5(e)(2)(a)(i) above,

"(II) only small numbers of native mammals or birds are killed and in no case more native mammals or birds are killed from local populations than can, in combination with other permitted takings, normally be replaced by natural reproduction in the following season, and

"(III) the diversity of species, as well as the habitats essential to their existence, and the balance of the ecological systems existing within Antarctica are maintained."

(11) at the end of paragraph (e)(2)(B)(i), by striking "and";

(12) in paragraph (e)(2)(B)(ii), by adding "or recovery" after "survival", and adding "; and" at the end of the paragraph;

(13) at the end of paragraph (e)(2)(B), by adding the following:

"(iii) the taking involves nonlethal techniques, where appropriate.";

(14) by striking paragraph (e)(2)(C) and (D) and inserting the following—

"(C) Permits authorizing entry into any Antarctic Specially Protected Area may only be issued consistent with the provisions of the management plan prescribed under section 6(b)(3) for that Area.

"(D) Permits allowing the importation of non-native species—

"(i) shall not be issued, unless such importation is allowed under terms of the Protocol;

"(ii) shall require that, prior to the expiration of the permit, all non-native species, including any progeny, shall be removed from Antarctica or disposed of by incineration or equally effective means that eliminate risk to native fauna and flora;

"(iii) shall not permit the importation of dogs or live poultry or other living birds; and

"(iv) shall require that precautions be taken to prevent the introduction of microorganisms (e.g., viruses, bacteria, parasites, yeasts and fungi) not present in native fauna and flora.

"(3) No permit shall be required for the importation of food into Antarctica, provided that—

"(A) no live animals are imported for this purpose,

"(B) all plants and animal parts are kept under carefully controlled conditions and are disposed of in accordance with the provisions of this Act, and

"(C) before dressed poultry is packaged for shipment to Antarctica, it shall be inspected for evidence of disease, such as Newcastle's Disease, tuberculosis and yeast infection."

(15) by renumbering the second paragraph (e), and paragraphs (f) and (g), as paragraphs (f), (g) and (h), respectively;

(16) in renumbered paragraph (g)(1)(B) by striking the words "the purpose of this Act" and inserting "the purposes and provisions of this Act or the Protocol";

(17) at the end of renumbered paragraph (g)(1)(C) by adding "or the Protocol".

SEC. 106. REGULATIONS.

Section 6 (16 U.S.C. 2405) is amended—

(1) in paragraph 6(a) by striking the word "are" and inserting "the Director deems", and at the end of paragraph 6(a) by adding "and the Protocol";

(2) at the end of paragraph (b)(1)(B) by deleting "and";

(3) at the end of paragraph (b)(1)(C) by adding the word "and";

(4) after paragraph (b)(1)(C) by adding—

(D) "each species of invertebrate,"

(5) at the end of paragraph (b)(1) striking the term "in Antarctica through natural agencies of dispersal" and inserting "there seasonally through natural migrations."

(6) in paragraph (b)(2) by striking "Agreed Measures" and inserting "Protocol";

(7) in paragraphs (b) (3) and (4) striking the existing tests and inserting—

"(3) identify, as an Antarctic Specially Protected Area or Antarctic Specially Managed Area, each area approved by the United States in accordance with the Protocol, and prescribe a management plan for such site which is consistent with any management plan approved by the United States for such site in accordance with the Protocol";

(8) in paragraph (b)(5) striking the term "Agreed Measures" and inserting "Protocol";

(9) in paragraph (b)(6) by inserting the words "waste or" after the words "designate as" and by inserting after the second use of the word "Antarctica" the words ", or which the Director finds must be regulated under the Protocol;";

(10) in paragraph (b)(7) by inserting the words "waste or" after the words "disposal of";

(11) striking paragraph (b)(9), and adding the "and" to the end of paragraph (b)(8);

(12) renumbering paragraphs (b)(5), (6), (7), (8) and (10) as (4), (5), (6), (7) and (8), respectively;

(13) after paragraph (b)(10) by adding—

"(c) Time Period for Regulations.—The regulations to be prescribed under subsection (b) shall be promulgated within 24 months of the enactment of this amendment."

SEC. 107. NOTIFICATION OF TRAVEL TO ANTARCTICA.

Section 7 (16 U.S.C. 2406) is amended to read as follows—

"(a) The Secretary of State shall, within 24 months of the enactment of this amendment, prescribe such regulations as are necessary and appropriate to implement, with respect to any person, paragraph 5 of article VII of the Treaty pertaining to the filing of advance notifications of expeditions to, and within, Antarctica.

"(b) The Secretary of State, in conjunction with the Director and with the Secretary of the department in which the Coast Guard is operating, shall, within 24 months of the enactment of this amendment, prescribe such regulations as are necessary and appropriate to require nongovernmental activities in Antarctica, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty, to provide for prompt and effective response action to such emergencies as might arise in Antarctica and to comply with contingency plans in effect in Antarctica.

SEC. 108. ENVIRONMENTAL IMPACT ASSESSMENT.

Insert new section 8 as follows—

"The Secretary of State, in conjunction with the Chairman of the Council on Environmental Quality, shall, within 24 months of the enactment of this amendment, prescribe such regulations as are necessary and appropriate to implement the environmental impact assessment provisions of the Protocol (Article 8; Annex I) with respect to non-governmental activities in Antarctica, including tourism, for which the United States is required to give advance notice under paragraph 5 of article VII of the treaty."

SEC. 109. REPRESENTATION.

Insert new section 9 as follows—

"(a) The Secretary of State, with the concurrence of other appropriate federal officials, shall designate the United States representative to the Committee for Environmental Protection.

"(b) The United States representative shall receive no additional compensation by reason of service as such representative."

SEC. 110. CIVIL PENALTIES.

Section 8 (16 U.S.C. 2407) is renumbered as section 10 and is amended by—

(1) adding "or the Secretary of State" after "the Director" wherever it appears;

(2) in paragraph (a), by striking "$5,000 for each violation unless the prohibited act was knowingly committed, in which case the amount of the civil penalty shall not exceed $10,000" and inserting "$50,000"; and by striking "or to have violated any regulation prescribed under section 107";

(3) by adding a new paragraph as follows—

"(d) Whenever on the basis of any information, the Director or the Secretary of State determines that any person has violated or is in violation of any requirement of this Act or any regulation promulgated hereunder, the Director or the Secretary of State may commence a civil action in the appropriate United States District Court, pursuant to Section 13 of this Act, for appropriate relief, including a temporary or permanent injunction or to assess and recover a civil penalty not to exceed $50,000 per day for each past or current violation, or both.";

(4) by renumbering paragraph (d) as paragraph (e), adding "s" after the word "subsection" and adding "or (d)" after "(a)".

SEC. 111. CRIMINAL OFFENSES.

Section 9 (16 U.S.C. 2408) is renumbered as section 11, and is amended as follows—

(1) in paragraph (a) by striking "willfully" and inserting "knowingly";

(2) in paragraph (b) by striking "of $10,000" and inserting "not less than $5,000 nor more than $50,000 per day of violation", by striking "one year" and inserting "five years" and by adding a new sentence as follows: "If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment."

SEC. 112. ENFORCEMENT.

Section 10 (16 U.S.C. 2409) is renumbered as section 12.

SEC. 113. JURISDICTION OF COURTS.

Section 11 (16 U.S.C. 2410) is renumbered as section 13.

SEC. 114. FEDERAL AGENCY COOPERATION.

(1) Section 12 (16 U.S.C. 2411) is amended by adding to the end of the sentence the words "; and any department or agency with expertise relevant to the conduct of United States activities in Antarctica shall also so cooperate with the Director".

(2) Section 12 is renumbered as section 14.

SEC. 115. RELATIONSHIP TO EXISTING TREATIES.

Section 13 (16 U.S.C. 2412) is renumbered as section 15.

Section 14 is renumbered as section 16.

TITLE II. PROHIBITION OF ANTARCTIC MINERAL RESOURCE ACTIVITIES; REPEAL OF ANTARCTIC PROTECTION ACT (16 U.S.C. 2461 ET SEQ.)

SEC. 201. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the prohibition of Antarctic mineral resource activity will contribute to protection of the Antarctic environment and dependent and associated ecosystems by avoiding potential environmental degradation which could result from mineral resource activities.

(b) PURPOSE.—The purpose of this title is to provide the legislative authority necessary to implement the provisions of the Protocol relating to Antarctic mineral resource activity, including the prohibition of any activity relating to Antarctic mineral resources, other than scientific research, by persons subject to the jurisdiction of the United States.

SEC. 202. DEFINITIONS.

For the purposes of this title, the term—

(1) "Antarctica" means the area south of 60 degrees south latitude;

(2) "Antarctic mineral resource" means any nonliving natural nonrenewable resource (or part or product thereof) found in or recovered from Antarctica, including fossil fuels, rocks and minerals, whether metallic or nonmetallic, except that the term does not include ice, water, snow or any mineral resource removed prior to the date of enactment of this title;

(3) "Antarctic mineral resource activity" means collecting, removing or transporting, or prospecting for, or exploration or development of, an Antarctic mineral resource, except that the term does not include those activities that are undertaken in the course of and that are directly related to:

(i) scientific research;

(ii) construction, operation and maintenance of research stations, field camps or other such facilities; or

(iii) providing, and with the advance written consent of the recipient institution, an Antarctic mineral resource specimen to a museum or other institution with a similar public function;

(4) "Antarctic Treaty" means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

(5) "development" means any activity, including logistic support, which takes place following exploration, the purpose of which is the exploitation of specific Antarctic mineral resource deposits, including processing, storage and transport activities;

(6) "exploration" means any activity, including logistic support, the purpose of which is the identification or evaluation of specific Antarctic mineral resource deposits for possible development. The term includes exploratory drilling, dredging, and other surface or subsurface evacuations undertaken to determine the nature and size of mineral resource deposits and the feasibility of their development;

(7) "import" means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

(8) "person" means any individuals, partnership, corporation, trust, association, or other instrumentality of the Federal Government or of any State or local government, and any officer, employee, or agent of any such instrumentality;

(9) "prospecting" means any activity, including logistic support, the purpose of which is the identification of Antarctic mineral resource potential for possible exploration and development;

(10) "Protocol" means the Protocol on Environmental Protection to the Antarctic treaty, signed October 4, 1991, in Madrid, and all annexes thereto;

(11) "Secretary" means the Secretary of Commerce;

(12) "United States" means the several states of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, any other commonwealth, territory or possession of the United States, and the Trust Territory of the Pacific Islands; and

(13) "Vessel subject to the jurisdiction of the United States" includes any "vessel of the United States" and any "vessel subject to the jurisdiction of the United States" as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. §2432).

SEC. 203. PROHIBITED ACTS.

It is unlawful for any person to—

(1) engage in, provide assistance (including logistic support) to, or knowingly finance any Antarctic mineral resource activity;

(2) violate any provision of this title or any regulation promulgated pursuant to this title;

(3) ship, transport, offer for sale, sell, purchase, import, export, or have custody, control or possession of any Antarctic mineral resource which that person knows, or reasonably should have known, was recovered or otherwise possessed as a result of Antarctic mineral resource activity, without regard to the citizenship of the person that engaged in, or the vessel used in engaging in, the Antarctic mineral resource activity;

(4) refuse to permit any authorized officer or employee of the United States to board a vessel, vehicle or aircraft subject to the provisions of this Title for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulations promulgated pursuant to this title;

(5) forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (4);

(6) resist a lawful arrest or detention for any act prohibited by this section;

(7) interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section; or

(8) attempt to commit any act prohibited by this section.

SEC. 204. REGULATIONS.

The Secretary of Commerce, after consultation with the Secretary of State and other appropriate Federal officials, shall, within 24 months of the enactment of this title, prescribe such regulations as are necessary and appropriate to implement the provisions of this title, taking into account the Antarctic Treaty, any measures adopted thereunder, the Protocol and any awards issued thereunder by a competent tribunal, and including regulations distinguishing between prospecting or other prohibited activities and scientific research.

SEC. 205. CIVIL PENALTIES.

(a) ASSESSMENT OF PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with subsection (b) of this section, to have committed any act prohibited by section 203 of this title, shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $50,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require, to the extent such information is reasonably available to the Secretary.

(2) The Secretary may compromise, modify, remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(b) HEARINGS.—Hearings for the assessment of civil penalties under subsection (a) of this section shall be conducted in accordance with section 554 of title 5. For the purposes of conducting any such hearing, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under subsection (a) of this section may obtain review thereof in the appropriate district court of the United States by filing a complaint in such court within 30 days from the date of such order and by simultaneously sending a copy of such complaint, by certified mail to the Secretary, the Attorney General and the appropriate United States Attorney. The Secretary shall promptly file in such court a certified copy of the record upon which the violation was found or such penalty imposed, as provided in section 2112 of title 28. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5.

(d) ACTION UPON FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who may recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(e) CIVIL JUDICIAL PENALTY.—Whenever on the basis of any information, the Secretary determines that any person has violated or is in violation of any requirement of this Act or any regulation promulgated hereunder, the Secretary may commence a civil action in the appropriate United States District Court, pursuant to section 208(c) of this title, for appropriate relief, including a temporary or permanent injunction or to assess and recover a civil penalty not to exceed $50,000 per day for each past or current violation, or both.

(f) IN REM JURISDICTION.—Any vessel, vehicle or aircraft (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 203 of this Title shall be liable in rem for any civil penalty assessed for such violation under this section and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 206. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if he knowingly commits any act prohibited by section 203 of this Title.

(b) PUNISHMENT.—Any offense described in subsection (a) of this section is punishable by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than five years, or by both; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer or employee of the United States described in section 208(b)(1) of this title, or places any such officer or employee in fear of imminent bodily injury, the offense is punishable by a fine of not more than $100,000 per day of violation, or by imprisonment for not more than 10 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

(c) FEDERAL JURISDICTION.—There is Federal jurisdiction over any offense described in subsection (a) of this section.

SEC. 207. CIVIL FORFEITURES.

(a) IN GENERAL.—Any vessel, vehicle or aircraft (including its gear, furniture, appurtenances, stores and cargo) used, and any Antarctic mineral resource (or the fair market value thereof) recovered or possessed, in any manner, in connection with or as a result of the commission of any act prohibited by section 203 of this title shall be subject to forfeiture to the United States. All or part of such vessel, vehicle or aircraft may, and all such Antarctic mineral resource (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States which has jurisdiction under section 208(c) of this title shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) of this section and any action provided for under subsection (d) of this section.

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained under subsection (d) of this section. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeiture incurred, or alleged to have been incurred, under the provisions of this title, unless such customs law provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 208(c) of this title shall—

(A) stay the execution of such process; or

(B) discharge any property seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person (i) delivering such property to the appropriate court upon order thereof, without any impairment of its value, or (ii) paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court. Nothing in this paragraph may be construed to require the Secretary, except in the Secretary's discretion or pursuant to the order of a court under section 208(c) of this title, to release on bond any seized Antarctic mineral resource or other property or the proceeds from the sale thereof.

(2) Any Antarctic mineral resource seized pursuant to this Title may be sold, subject to the approval and direction of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, it is a rebuttable presumption that all mineral resources found on board a vessel, vehicle or aircraft which is seized in connection with an act prohibited by section 203 of this Title are Antarctic mineral resources.

SEC. 208. ENFORCEMENT.

(a) RESPONSIBILITY.—The provisions of this title shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels) and facilities of any other department or agency of the United States in the performance of such duties.

(b) POWERS OF AUTHORIZED OFFICERS AND EMPLOYEES.—

(1) Any officer or employee of the United States who is authorized (by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any department or agency of the United States which has entered into an agreement with either Secretary under subsection (a) of this section) to enforce the provisions of this title and of any regulation promulgated pursuant to this title may—

(A) secure, execute, and serve any order, warrant, subpoena, or other process, which is issued under the authority of the United States or by any court of competent jurisdiction;

(B) with or without a warrant or other process—

(i) search any person, place, vessel, vehicle, or aircraft subject to the provisions of this title where there are reasonable grounds to believe that evidence of a violation of this title will be found;

(ii) board, and search or inspect, any vessel, vehicle or aircraft subject to the provisions of this title;

(iii) seize any evidence relating to a violation of this title;

(iv) seize any Antarctic mineral resource (wherever found) recovered or possessed in violation of this title;

(v) seize any vessel, vehicle or aircraft subject to the provisions of this title (including its gear, furniture, appurtenances, stores and cargo) or other equipment used in, or that reasonably appears to have been used in a violation of this title.

(vi) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 203 of this title;

(C) offer and pay a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment or forfeiture of property for any violation of any provision of this title; and

(D) exercise any other lawful authority.

(2) Subject to the direct of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of this title may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(c) JURISDICTION OF COURTS.—The district courts of the United States shall have jurisdiction over any case or controversy arising under the provisions of this title. Any such court may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

(d) LIABILITY FOR COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this title, shall be liable for the cost incurred in storage, care, and maintenance of any Antarctic mineral resource or other property seized in connection with the violation.

(e) PAYMENTS OF STORAGE AND OTHER COSTS.—Notwithstanding any other provision of law, the Secretary or the Secretary of the Treasury shall pay from sums received as fines, penalties, and forfeitures of property for violations of any provisions of this title:

(1) the reasonable and necessary costs incurred in connection with the seizure and forfeiture of property pursuant to this title, including in providing temporary storage, care, and maintenance of such property pending disposition of any civil or criminal proceeding alleging a violation of any provision of this title;

(2) any expenses directly related to investigations and civil or criminal enforcement proceedings, including any necessary expenses for equipment, training, travel, witnesses, and contracting services directly related to such investigations or proceedings; and

(3) to a qualifying person any reward offered pursuant to section 208 of this title.

(f) PROCEEDINGS UNDER OTHER LAWS.—Legal proceedings brought under any section of this title with respect to any act shall not be deemed to preclude proceedings with respect to such Act under any other provision of this title or any other law.

SEC. 209. RELATIONSHIP TO EXISTING TREATIES AND STATUTES.

(a) IN GENERAL.—Nothing in this title shall be construed as contravening or superseding the provisions of any international treaty, convention, or agreement, if such treaty, convention, or agreement is in force with respect to the United States on the date of enactment of this Act, or of any statute which implements such treaty, convention, or agreement.

(b) STATUTE.—For purposes of any Antarctic mineral resource, the provisions of this title prevail over any inconsistent provision of the Deep Seabed Hard Mineral Resources Act (Pub. L. 96-283, 30 U.S.C. 1401–1471.)

(c) REPEAL.—The Antarctic Protection Act of 1990 (Pub. L. 101-594, 16 U.S.C. 2461-2466) is repealed.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, and to the Secretary of the Department in which the Coast Guard is operating, such sums as may be necessary for each of fiscal years 1993 and 1994 to carry out this title.

STATEMENT OF PURPOSE AND NEED

THE PROTOCOL

The Antarctic Treaty Consultative Parties adopted and opened for signature the Protocol on Environmental Protection to the Antarctic Treaty, with four annexes, on October 4, 1991, in Madrid. Twenty-five Consultative Parties have signed the Protocol, including the United States. The Protocol, and an additional annex, done at Bonn October 17, 1991, were transmitted by the President to the Senate for advice and consent to ratification on February 14, 1992. The draft bill contains proposed legislation to implement the Protocol.

The Protocol builds upon the Antarctic Treaty to extend and improve the Treaty's effectiveness as a mechanism for ensuring the protection of the Antarctic environment. It designates Antarctica as a natural reserve, devoted to peace and science, and sets forth environmental protection principles applicable to human activities in Antarctica that will be binding under international law. These include obligations to accord priority to scientific research and a prohibition of Antarctic mineral resource activities. The Protocol is intended to replace existing Treaty recommendations addressing the protection of the Antarctic environment, including the Agreed Measures for the Conservation of Antarctic Fauna and Flora. It does not affect other treaties in force in the Antarctic Treaty area to which the U.S. is a party, including the Convention on the Conservation of Antarctic Marine Living Resources, and the Convention on the Conservation of Antarctic Seals.

More detailed mandatory rules for environmental protection are incorporated in a system of annexes that forms an integral part of the Protocol. Specific annexes on environmental impact assessment, conservation of Antarctic fauna and flora, waste disposal and waste management, and the prevention of marine pollution were adopted with the Protocol. A fifth annex on area protection and management was adopted subsequently by the Antarctic Treaty Consultative Parties. The Protocol establishes a Committee for Environmental Protection to provide advice and recommendations to the Antarctic Treaty Consultative Meetings on the implementation of the Protocol.

The Protocol incorporates provisions to ensure effective compliance with its requirements, including compulsory and binding procedures for settlement of disputes relating to mineral resource activities, environmental impact assessment and emergency response action, as well as over the detailed rules included in the annexes.

THE DRAFT BILL

The draft bill is called the Antarctic Environmental Protection Act of 1992. Title I amends the Antarctic Conservation Act of 1978 (ACA), Pub. L. No. 95-541 (16 U.S.C. §§2401 et seq.), to bring the provisions of that Act into line with the new provisions of the Protocol and annexes. Title II repeals the Antarctic Protection Act of 1990, Pub. L. 101-594 (16 U.S.C. §§2461 et seq.), replacing the temporary provisions of that Act with a new prohibition on mineral resource activities in Antarctica that is consistent with the Protocol.

Title I of the draft bill amends the ACA to establish a more comprehensive statutory scheme for the conservation of Antarctic fauna and flora as set forth in the Protocol. Existing authority of the Director of the National Science Foundation ("NSF Director") to promulgate regulations to control waste disposal in Antarctica, and to protect and manage designated areas with great environmental sensitivity or scientific value, is also revised consistent with the Protocol. In addition, Title I expressly extends the NSF Director's current general authority to promulgate regulations to carry out any provision of the ACA, to cover any provision of the Protocol. This provision ensures that regulatory power will exist to address any environmental issues under the Protocol that may arise.

Title I provides for the Secretary of State to prescribe regulations, in conjunction with the Chairman of the Council on Environmental Quality, to implement the environmental impact assessment provisions of the Protocol with respect to non-governmental activities, including tourism, in Antarctica, and in conjunction with NSF and the Coast Guard, to require private persons to comply with the provisions of the Protocol related to emergency response action. These tasks can be carried out by the Department as part of its current responsibilities for gathering and circulating information about non-governmental activities in Antarctica.

Other aspects of the Protocol, including environmental impact assessment and emergency response requirements for the U.S. Antarctic Program (USAP), can be adequately implemented through existing legislative, executive and regulatory authority already applicable to Antarctica, and are not addressed in Title I. With the exception of sewage disposal which is included in the authority granted to the NSF Director to promulgate waste disposal regulations, implementation of the provisions of the Protocol concerning prevention of marine pollution is already provided for in the Act to Prevent Pollution from Ships, 33 U.S.C. §1901 et seq.

Civil and criminal penalties under the ACA are strengthened to increase the deterrent effect of the legislation.

Title II of the draft bill implements Article 7 of the Protocol, which states: "Any activity relating to mineral resources, other than scientific research, shall be prohibited." Title II repeals the Antarctic Protection Act of 1990, which was intended as an interim measure pending entry into force of an international agreement providing an indefinite ban on Antarctic mineral resource activities. Article 7, which has no termination date and is not reviewable for fifty years following entry into force of the Protocol, constitutes such an indefinite ban.

Title II prohibits Antarctic mineral resource activities by persons subject to the jurisdiction of the United States. The prohibition covers prospecting, exploration and development activities, as well as collecting, removing or transporting such resources. Activities exempted from the prohibition are those directly related to scientific research, construction, operation and maintenance of facilities, and provision of mineral resource specimens for museums and similar institutions. Title II provides for implementation by the Secretary of Commerce and authorizes the Coast Guard to exercise certain enforcement powers.

SECTION-BY-SECTION ANALYSIS

Section 101. Short title

The short title of the bill is the "Antarctic Environmental Protection Act of 1992."

TITLE I—AMENDMENT TO THE ANTARCTIC CONSERVATION ACT OF 1978

Section 102. Findings, policy, designation and purpose

The bill amends the Findings and Purpose section of the Antarctic Conservation Act of 1978 ("ACA"), which was enacted to implement the Agreed Measures for the Conservation of Antarctic Fauna and Flora, to conform with the Protocol.

The bill adds a new paragraph (b) incorporating the environmental principles of Article 3 of the Protocol as a statement of U.S. national policy.

The bill also adds a new paragraph (c) to designate Antarctica as a natural reserve, devoted to peace and science, in conformity with Article 2 of the Protocol.

Section 103. Definitions

The bill amends the Definitions section of the ACA to conform with the Protocol. The definitions include language from specific provisions of Annex II (Conservation of Antarctic Fauna and Flora).

The definition of the United States is amended to reflect changes since the ACA was adopted in 1978.

The definition of "citizen" is replaced with a definition of "person," following the example of the Antarctic Marine Living Resources Convention Act of 1984 ("AMLR"). The bill applies to any natural or corporate person subject to the jurisdiction of the United States, including Federal, State or local government entities.

Section 104. Prohibited Acts

The bill amends the Prohibited Acts section of the ACA to conform with the Protocol, and to simplify its scope of applicability to all "persons" as defined in section 103.

Paragraph (a)(2)(E) of the ACA, that makes it a prohibited act to "discharge, or otherwise dispose of, any pollutant within Antarctica," is broadened. The bill makes it a prohibited act to "discharge, dispose of or otherwise introduce any waste or pollutant within Antarctica, except as otherwise permitted by the Act to Prevent Pollution from Ships ("APPS"), 33 U.S.C. §1901 *et seq.*" The broader scope of this provision is consistent with the Protocol and also implements Article 6 of Annex IV (Prevention of Marine Pollution), which prohibits sewage discharge and is the only provision of Annex IV not already implemented by APPS. The reference to APPS is intended to make clear that, consistent with Article 14 of Annex IV, the bill does not go beyond the provisions of APPS where APPS expressly implements the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto.

Section 105. Permits

The bill amends the Permits section of the ACA to conform with the Protocol, in particular the detailed provisions of Annex II (Conservation of Antarctic Fauna and Flora).

Paragraphs (g)(1) (B) and (C) are amended to clarify that the Director may modify, suspend or revoke any permit where there is a change in conditions that makes the permit inconsistent with the Protocol, or a violation of any provision of the Protocol.

Section 106. Regulations

The bill amends paragraph (a) of the ACA (general regulatory authority) to clarify that the Director is given the discretion to promulgate regulations necessary and appropriate to implement the provisions of the Protocol as well as the ACA. This provision authorizes the Director, after consultation with the Secretary of State and other appropriate Federal officials, to issue regulations to cover any activities not already specifically covered by the amended ACA.

The bill amends paragraph (b) of the ACA (specific regulatory authority) to conform with the Protocol, in particular the provisions of Annex II (Conservation of Antarctic Fauna and Flora), Annex III (Waste Disposal and Waste Management), and Annex V (Area Protection and Management). The bill adds a requirement that all regulations under this paragraph be promulgated within 24 months of its enactment into law.

The Director has published proposed regulations governing waste disposal and waste management by the USAP and by private persons that take into account the new rules of the Protocol. Minor revisions may be necessary following passage of the proposed bill. Current regulations implementing the Agreed Measures for the Conservation of Antarctic Fauna and Flora, including the current system of Antarctic protected areas, will be revised following passage of the proposed bill, and will apply to the USAP and private activities.

Section 107. Notification of travel to Antarctica

In paragraph (a), the bill replaces "citizen" with "person" as defined in section 103, and better conforms the text of section 7 of the ACA with Article VII (5) of the Treaty.

In paragraph (b), the bill authorizes the Secretary of State, in conjunction with the NSF Director and the Secretary of the department in which the Coast Guard is operating, to prescribe regulations to require non-governmental activities, including tourism, for which the United States must provide advance notification under Article VII (5) of the Antarctic Treaty, to provide for prompt and effective emergency response action and to comply with contingency plans in effect in Antarctica.

The bill adds a requirement that all regulations under this section be promulgated within 24 months of its enactment into law.

Section 108. Environmental impact assessment

The bill adds a new section providing for the Secretary of State, in conjunction with the Chairman of the Council on Environmental quality, to prescribe such regulations as are necessary and appropriate to implement the environmental impact assessment provisions of the Protocol (Article 8 and Annex I) for non-governmental activities, including tourism, for which the United States must provide advance notification under Article VII (5) of the Treaty. It is anticipated that these regulations will incorporate time periods allowing sufficient time for consultations and other procedures as required by the Protocol. The bill includes a requirement that such regulations be promulgated within 24 months of its enactment into law.

Authority to issue regulations covering U.S. government activities in Antarctica is provided in Executive Order 12114 (Jan. 4, 1979). Pursuant to this authority, the Director of NSF has published proposed regulations for the U.S. Antarctic Program ("USAP") on environmental impact assessment that take into account the new rules of the Protocol. These proposed regulations are currently under review prior to their publication as a final rule.

Section 109. Representation

The bill adds a new section providing for the Secretary of State, with the concurrence of appropriate agency officials, to appoint the U.S. representative to the Committee for Environmental Protection created under the Protocol.

Section 110. Civil penalties

Section 8 of the ACA is amended to give the Secretary of State authority to conduct hearings and assess administrative penalties for violations of section 4 involving regulations promulgated under sections 7 and 8. The reference to section 7 is deleted as redundant.

A new section (d) is added to give the NSF Director and the Secretary of State the option of seeking civil judicial penalties, including injunctive relief, for violations of the Act direct from the U.S. District Court. This option would be useful in cases where urgent measures are necessary to prevent imminent harm, or where it is otherwise not appropriate to conduct an administrative hearing.

The maximum penalty under this section is increased to $50,000 per day per violation to be in conformity with contemporary legislation.

Section 111. Criminal offenses

Section 9 of the ACA is amended to increase the maximum penalties for criminal violations to the felony level. This should provide a higher deterrent effect for would-be violators, and reflects the greater protection provided by the Protocol to the important environmental and scientific values in Antarctica. The new penalties are in conformity with contemporary federal criminal legislation.

Section 112. Enforcement.
Section 113. Jurisdiction of Courts.
Section 114. Federal Agency Cooperation.
Section 115. Relationship to Existing Treaties.

Sections 110–115 of the bill renumber sections 8–13 of the ACA.

TITLE II—ANTARCTIC MINERAL ACTIVITY PROHIBITION ACT OF 1992

Section 201. Findings and purpose

The bill describes the need for a prohibition on mineral resource activities to protect the Antarctic environment and dependent and associated ecosystems. New legislation is necessary for this purpose because the existing prohibition on Antarctic mineral resource activities, found in section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. §2463), will expire when the Protocol comes into force for the United States.

Section 202. Definitions

The bill makes clear that all mineral resource-related activities are included in the prohibition, with the exception of scientific research, the construction, operation and maintenance of stations and similar facilities, and the provision of mineral resource specimens for museums and similar institutions. In addition to prospecting, exploration and development activities, the bill specifies that collecting, removing and transporting Antarctic mineral resources are prohibited activities. This is intended to reach collection of mineral resources for souvenirs and for other private purposes not included in the exemptions. Collection for a museum or similar institution is only permitted where advance written consent is obtained from that institution.

The definitions of "prospecting", "exploration" and "development" are based on existing definitions in the Antarctic Protection Act and are intended to be construed broadly.

The definition of "person" is also intended to apply broadly to any natural or corporate person subject to the jurisdiction of the United States, following the definition in the Antarctic Living Marine Resources Convention Act ("AMLR") (16 U.S.C.§2432(7)). Governmental entities are included.

The definition of "import" is based on the similar definition in AMLR, which includes importation into the territorial sea of the United States. The definition is modified to clarify that "any place subject to the jurisdiction of the United States" includes the 12-mile territorial sea of the United States.

Section 203. Prohibited acts

This section of the bill specifies the applicable prohibited acts. These include not only engaging in Antarctic mineral resource activity, but also providing assistance (including logistic support), and providing financing for an activity which that person knows is an Antarctic mineral resource activity.

Consistent with the purpose of prohibiting any activity relating to Antarctic mineral resources to the extent consistent with U.S. jurisdiction, paragraph 3 of this section also prohibits specified acts, with regard to an Antarctic mineral resource, by a person (subject to the jurisdiction of the United States) who knows or reasonably should have known that such resource was recovered or possessed as a result of Antarctic mineral resource activity, without regard to the nationality of the person or the vessel used in the Antarctic mineral resource activity.

Thus, for example, a person who imports into the United States an Antarctic mineral resource which that person knows was recovered (by anyone) as a result of an Antarctic mineral resource activity, would be subject to enforcement action. A similar provision with regard to Antarctic living marine resources is found in AMLR (16 U.S.C. §2435(3)).

Section 204. Regulations

This section authorizes the Secretary of Commerce to promulgate regulations necessary and appropriate to implement the Title, taking into account the Antarctic Treaty, any measures adopted thereunder, the Protocol and any awards that may be issued thereunder by a competent tribunal.

Section 205. Civil Penalties.
Section 206. Criminal Offenses.
Section 207. Civil Forfeitures.
Section 208. Enforcement.

The provisions of sections 205 through 208 of the bill, relating to civil penalties, criminal offenses, civil forfeitures and enforcement are principally based on relevant provisions in the Magnuson Fishery Conservation and Management Act (16 U.S.C. §§1858–1861; "Magnuson Act"). These provisions are the most appropriate model because they have most recently been amended and refined to take into account legal developments.

The civil penalty of $50,000 in section 205 is derived from Title III of the Marine Protection, Research, and Sanctuaries Act (16 U.S.C. §1437). It is higher than that provided by AMLR, but lower than the Magnuson Act.

Section 207 includes a provision that any vessel, aircraft or vehicle used in connection with an act prohibited by section 203 of the bill is subject to forfeiture to the United States pursuant to section 207. This provision is applicable to any vessel, vehicle or aircraft to the extent the United States exercises jurisdiction over it.

Section 209. Relationship to existing treaties and statutes

This section clarifies the relationship of Title II to existing treaties and statutes. Subsection 209(a) is based on AMLR. Subsection 209(b) is principally intended to assure that the Deep Seabed Hard Mineral Resources Act is not construed to authorize prospecting or the issuance of authorizations to engage in deep seabed mining in Antarctica. Subsection 209(c) repeals the Antarctic Protection Act, which expires upon entry into force of the Protocol for the United States, and is therefore superseded by this bill.

Section 210. Authorization of appropriations

This section authorizes the appropriation of funds to the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating for two years to carry out the Title.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 6, 1992

DEAR MR. PRESIDENT: I have the honor to transmit for the consideration of the Congress a draft bill, called the Antarctic Environmental Protection Act of 1992, implementing the Protocol on Environmental Protection to the Antarctic Treaty, and four annexes thereto, done at Madrid on October 4, 1991, and an additional annex done at Bonn on October 17, 1991. The Protocol, with all five annexes, was transmitted by the President to the Senate on February 14, 1992, for advice and consent to ratification.

Title I of the draft bill amends the Antarctic Conservation Act of 1978 (16 U.S.C. §2401 *et seq.*), to bring it into line with the Protocol and annexes. Title II repeals the Antarctic Protection Act of 1990 (16 U.S.C. §2461 *et seq.*), replacing it with a new prohibition on mineral resource activities in Antarctica that is consistent with the Protocol.

We are advised by the Office of Management and Budget that there is no objection to our submission of this legislative proposal to the Congress, and that its enactment would be in accord with the President's program.

Sincerely,

JANET G. MULLINS
Assistant Secretary, Legislative Affairs.●

ADDITIONAL COSPONSORS

S. 767

At the request of Mr. SANFORD, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 767, a bill to designate certain lands in the State of North Carolina as wilderness, and for other purposes.

S. 1372

At the request of Mr. GORE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Indiana [Mr. LUGAR], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1931

At the request of Mr. STEVENS, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1931, a bill to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2667

At the request of Mr. HEFLIN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2667, supra.

S. 2707

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Missouri [Mr. DANFORTH], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2707, a bill to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes.

S. 2714

At the request of Mr. SANFORD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2714, a bill to amend the Internal Revenue Code of 1986 to assist in the recruitment and retention of mathematics and science teachers, to provide matching funds for the promotion of mathematics or science secondary schools, and for other purposes.

S. 2810

At the request of Mr. GORE, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 2810, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 2835

At the request of Mr. HATCH, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 2835, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements.

S. 2837

At the request of Mr. HARKIN, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. HATCH], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2837, a bill to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

S. 2904

At the request of Mr. MURKOWSKI, the names of the Senator from Utah [Mr. GARN], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 2904, a bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Forces.

S. 2949

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2949, a bill to amend the Public Health Service Act to provide for the conduct of expanded research and the establishment of innovative programs and policies with respect to traumatic brain injury, and for other purposes.

S. 2952

At the request of Mr. METZENBAUM, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2952, a bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

S. 2953

At the request of Mr. METZENBAUM, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Indiana [Mr. LUGAR] were withdrawn as cosponsors of S. 2953, a bill to amend the Endangered Species Act of 1973 to clarify citizen suit provisions, and for other purposes.

S. 3008

At the request of Mr. ADAMS, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 3008, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

S. 3117

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 3117, a bill to amend title XVIII of the Social Security Act to enhance certain payments made to medicare-dependent, small rural hospitals.

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 330

At the request of Mr. KENNEDY, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 330, a joint resolution to designate March 1993 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 333

At the request of Mr. DECONCINI, the names of the Senator from California [Mr. CRANSTON] and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 333, a joint resolution designating the week beginning February 7, 1993, as "Lincoln Legacy Week."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

AMENDMENTS SUBMITTED

UNITED STATES-CHINA ACT OF 1992

KERRY (AND SMITH) AMENDMENT NO. 2985

Mr. KENNEDY (for Mr. KERRY, for himself and Mr. SMITH) proposed an amendment to the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, as follows:

On page 19, after line 19, insert the following new paragraph and redesignate the succeeding paragraph accordingly:

"(4) is cooperating with the United States in efforts to account for United States military or other government personnel taken prisoner, missing in action or otherwise unaccounted for as a result of their service in—

(A) the Korean conflict; or

(B) the Vietnam conflict."

ADDITIONAL STATEMENTS

IN RECOGNITION OF D.W. DEMPSEY

• Mr. PRYOR. Mr. President, today I stand to recognize D.W. Dempsey of Huntsville, AR, and his plan to speed up emergency service, especially to individuals in rural communities outside of 911 emergency service. This plan, known as the Dempsey plan, could be a very helpful outlet which could save lives.

As we all know, the emergency service profession [EMS] is a vital part of our society. If the members of this profession are unable to reach their destination within a certain amount of time, lives can be lost. The Dempsey plan is a simple, time-saving plan that would be easy to implement and be very effective.

In many emergency situations, the individual calling for help is unable to give accurate directions to their location to the dispatcher. Everyone in our society is bound by the law to file county taxes. On such tax forms there lists the words "town," "range," and "section" with appropriately assigned two digit numbers which represent the exact location of a residence. If each household would simply register these three numbers on the inside of their telephone receiver, they could relay the numbers to the dispatcher and the emergency vehicle could be sent immediately. People who live outside of the 911 service must take the responsibility to record these numbers and remember to use them.

As I have stated, the Dempsey plan is a very easy system that could benefit all 50 States. There is a large concern for emergency assistance, and the rural areas in our country are in great need for a service such as this.

Mr. President, I must graciously thank D.W. Dempsey, officials, and citizens of Madison County for bringing this to my attention. They have done a great deal to see that this beneficial plan does not go unnoticed. Special thanks to Mr. Dempsey for his continual efforts. The Dempsey plan would not only help emergency personnel, but it could give some people the chance to keep something very dear to them—life.•

TRIBUTE TO BRAD RICHARDSON PRESIDENT OF THE GREATER LOUISVILLE ECONOMIC DEVELOPMENT PARTNERSHIP

• Mr. McCONNELL. Mr. President, I rise today to recognize a fellow Kentuckian for his outstanding contributions to my home State. Brad Richardson was recently named president of the Greater Louisville Economic Development Partnership. Mr. Richardson comes from a behind-the-scene position as senior vice president of the partnership to this more visible position, and I am confident he will do a tremendous job.

Mr. Richardson has made a career out of attracting businesses to the Commonwealth of Kentucky. He previously was an industrial recruiter in the commerce cabinet during the administration of John Y. Brown. In his current position he will be responsible for luring national and international corporations to the Louisville area. He oversees a staff of eight with an annual budget of $1.2 million. Mr. Richardson is not daunted by his new-found exposure, rather he is intrigued by the challenges it presents.

When asked about his upcoming task Mr. Richardson said that his "challenge is to be more helpful and creative than the next guy. It is a challenge, and things don't happen quickly." Yet he doesn't feel the need to make drastic changes; rather he will continue to try and diversify the economy of the Louisville area as well as encourage companies currently located in the Louisville area to expand.

Mr. President, I pay tribute as well as wish much success to Brad Richardson. I also ask that an article from the August 17, 1992, Business First be included in the RECORD.

The article follows:

NEW POSITION BRINGS RICHARDSON OUT OF SHADOWS

(By Rachael Kamuf)

Brad Richardson has headed the Greater Louisville Economic Development Partnership for less than two months and may not be as well known as his predecessors, but is by no means a novice to the organization.

Richardson, 43, was senior vice president of the Partnership for three years until he was tapped to succeed Crit Luallen as president. Yet, in that role and during the six years he was involved in promoting the entire state of Kentucky as a place for national and multinational corporations to do business, Richardson purposely stayed behind the scenes.

"Brad wasn't in the light. He didn't have the profile I did. But without Brad, I wouldn't have had the successes I had," says Luallen, who left Louisville in June to become secretary of the Kentucky Tourist Cabinet. "He was the glue that held the business-attraction side together."

Now he has more management duties, overseeing marketing of the Louisville area as an attractive business location, as well as a responsibility for putting together the right package to entice individual companies.

He doesn't work alone; eight others are employed at the Partnership, which has an annual budget of $1.2 million. It does mean, however, that the tall, lanky former club professional golfer is in the spotlight as he has never been before.

The experience may be new for him, but the transition has been graceful, according to his colleagues who have applauded the Partnership board's decision to promote Richardson.

Robert Gayle, president of the Louisville Area Chamber of Commerce says: "I have always found Brad to be very professional in dealing with prospects. Now I have seen another side of him. He is articulate when he speaks to different groups on different subjects, and he is decisive when a decision needs to be made."

The novelty of such public exposure doesn't particularly excite Richardson. "Being behind the scenes doesn't threaten me. Me bring the focus is not what this is all about," says Richardson, who is thrilled more by the intricacies of business attraction and retention.

"The challenge is to be more helpful and creative than the next guy," he adds. "It is a challenge, and things don't happen quickly."

Richardson says he has made some minor alterations since becoming president, but has no plans for major overhauls in the operation of the group.

"I don't see drastic changes ahead. That may not be visionary, but the original vision was a worthy one, and meeting those goals is quite a task," Richardson says. "We want to continue to diversify the economy of this area."

He doesn't limit his outlook to luring new employees either. Richardson is as equally enthused about the potential that companies already located here offer for growth.

As an example, he referred to Ford Motor Co.'s announcement last month that it will follow through with plans to spend $650 million to expand its truck production here. To increase the capacity at the Kentucky Truck Plant, Ford will hire 1,400 new employees.

"There are so many factors you can't control. Perseverance is the key," says Richardson, noting that the roots of the recent Ford decision date back to the mid-1980s, when the state put up $10 million to help the company retrain in Louisville workers.

"The competition was intense. We were told there either had to be an upgrading of skills or jobs would be lost to other Ford plants," he says. "Ford didn't promise new jobs then, but we are seeing the results now. Ford, the state and the community proved it can be done in Louisville, Ky."

Paul Thistleton, director of the Louisville-Jefferson County Office of Economic Development, says Richardson's perspective on the Partnership's agenda speaks well of his outlook on the future.

"We need to continue the momentum. He will be very effective," says Thistleton.

As its name implies, one of the objectives of the organization is for governments and businesses in the entire seven-county metropolitan areas to join forces to promote the region. Richardson and other key officials have done more than pay lip service to that goal, says Darrell Voelker, executive director of the Harrison County, Ind., Chamber of Commerce.

"I was truly delighted when he was named president," Voelker says. "He has shown us that the Partnership wanted to work with us. He showed up in Corydon (Ind.) at 4 o'clock on a Saturday afternoon to meet with a prospect. . . . Without the Partnership, there have been prospects that would not even have looked at us."

Thomas Meeker, chairman of the partnership's executive board, says Richardson was the unanimous choice to replace Luallen. A national search was considered, but that idea was scotched after the executive committee talked with Richardson, who is being paid about $100,000 a year.

Meeker says: "It would have been a useless exercise to go outside when we had the best guy sitting in front of us."

Richardson's training for his current job actually began in a bank in his hometown of Elizabethtown, Ky. He spent five years there as a loan officer.

He took the job after graduating in 1974 from Georgetown College in Central Kentucky. During his time at Georgetown, Richardson earned a spot on the honor roll for two years while majoring in political science and business administration, and working full time.

Although it has been nearly two decades since he was a vice president of consumer lending at the bank, Richardson says the experience has proven worthwhile in discussing financial concerns with prospective employers.

Frankfort, Ky., however, was where he truly honed what his associates refer to as his impressive economic-development skills.

He began as an industrial recruiter after a friend, Bruce Ferriell, asked him to join the Commerce Cabinet in the administration of Gov. John Y. Brown. "We were looking for bright, energetic, talented people," says Ferriell, then Commerce's legal counsel. "He's bright and a quick learner. I told him, 'This would be perfect for you.'"

Richardson wasn't so sure. "My initial reaction was, I don't want to be a bureaucrat pushing papers," he recalls.

Ferriell, now corporate counsel and secretary of Andalex Resources Inc., persevered, and in 1981 Richardson became an economic-development coordinator.

To his relief, he found that he enjoyed recruiting industries to the commonwealth. In fact, Richardson says, "I loved it."

Bruce Lunsford, chairman of Vencor Inc., was Brown's commerce secretary. He remembers the team of "young aggressive marketing types—just like IBM," and how Richardson stood out as "one of the hot shots."

The two have kept up with each other over the years, and Lunsford, whom Richardson refers to as his mentor, foresees great things ahead for his former protege. "There is no frontier for him. He is tenacious. He doesn't take no for an answer and then go on. He has the background to be a success."

Richardson's "education" in economic development took a different form in 1984 when he became director of the Kentucky Tomorrow Futures Commission, which was set by then-Lt. Gov. Steve Brashear to map out a long-term strategy to prepare the state for the 21st Century.

Dealing with futuristic concepts was exciting, recalls Richardson. He says it also taught him how education, work-force training and social programs are related to developing a diverse economic base.

Richardson left the commission a year later when its report to Brashear was finished and rejoined the Commerce Cabinet as Director of Industrial Development and Marketing.

Again he was involved in the day-to-day recruitment of new industries to Kentucky.

He was part of the team that helped convince Budd Co. to locate a plant to make auto parts in Shelby County. "It was a very competitive situation," and Shelbyville could have lost out to Seymour, Ind., he says.

Budd wanted to be located in an industrial park and Shelbyville's was not large enough for the plant the German-owned company was proposing to build.

The state acquired additional land, turned it over to the Shelby County Industrial Foundation, and worked with the Kentucky Highway Department and local governments to build access roads. Utility companies also became involved to meet Budd's construction schedule.

Richardson calls the process a "classic example" of teamwork, an important element to any economic development endeavor.

In his years in Frankfort, not every project turned into a success story like the Budd venture. One of the most publicized Cinderella-before-the-ball stories was the state's second-place finish to Tennessee for General Motors Corp.'s Saturn plant.

But, Richardson points out, the work on Saturn was not in vain. "It made everyone more savvy. It was good practice.

To illustrate, he said, the lessons learned in dealing with Saturn helped Kentucky land the larger Toyota Motor Co. facility in Georgetown.

"It is a roller coaster," he says. "One minute, you are up and the next, you are down. Then you cry for a few minutes, then get up and take off again."

Richardson learned that lesson from a different angle in 1987 when he left state government to become the Kentucky, Kansas, Missouri and Southern Indiana sales representative for The Binswanger Co., a Philadelphia real estate firm that specializes in industrial properties.

He took the job for two reasons. One was an opportunity to sell real state, which he had been considering for some time, and to make more money to support his family.

The experience only reinforced his belief that it "takes 100 contacts to make three or four sales," says Richardson, who still has a Realtor's license. It also taught him that perseverance takes on a different meaning when a person isn't backed by the auspices of state government.

"Getting in the door is always the challenge. When the governor of Kentucky writes a letter—doors open. When you walk in and say, 'Hi, I'm Brad Richardson,' they give you a cup of coffee—if you are lucky—and say, 'There is the door.'"

The Binswanger job came along at about the same time the foundation was being laid for the quasi-public organization that became the Greater Louisville Economic Development Partnership.

In fact, Richardson was approached by Jim Roberson—president of the Louisville chamber at the time and one of the driving forces behind the effort to raise $10 million from public and private sources to lure new businesses to this area—about signing on.

No formal employment offer was made, however, because the group was still being organized.

Meanwhile, Richardson accepted the position with Binswanger.

His circumstances had changed by 1989 when Luallen called Richardson and asked if he would be interested in taking charge of the Partnership's business-attraction section.

He says family considerations made up his mind for him, although it meant a cut in income.

His three daughters from his first marriage—Dawn, now 24, Stephanie, 22, and Carrie, 20,—had asked their father to relocate to Louisville, where they were living, from Frankfort so they make their home with him.

"That says a lot about him," Leigh Richardson says of her husband of seven years. "He was at a point where he was making quite a bit of money. But coming here meant he could stay home and be with his family."

"He doesn't regret it. It was a good move for us. Being the objective observer I am, it was also good for Louisville," she adds.

Tom Tyce, a longtime friend who lives in Hillsboro, Ohio, also talked about Richardson's move to Louisville, saying it was a reflection of his strong personal values. "He is honest, warm, loving and a great father. What you see is Brad Richardson."

Richardson describes himself as "personally, sort of boring." Years ago, before his "knees and ankles gave out," he rode a bicycle as many as 110 miles a week. Now he walks the family dog, a 110-pound giant Schnauzer, twice a day for exercise.

The family menagerie also includes three cats, Chopin, Mozart and Trucco. The latter was named by his daughter, Dawn, but the others' names reflect his and his wife's interest in classical music.

Richardson also likes rock 'n' roll, but his passion is golf. "I used to be pretty good," says the former scratch player who managed the Elizabethtown Country Club for a year to fulfill his fantasy of being a club golf pro.

He passed the player's test, hitting the prescribed score for the course while carrying his own golf clubs, "which I could do back then." Now, Richardson, who sports a six handicap, prefers to use a cart.

Luallen says the only time she ever saw Richardson's commitment to putting the customer first waver was during a golf outing.

The occasion, she says, was a tournament sponsored by the Partnership and Jefferson County Judge-Executive David Armstrong for managers of Japanese companies that have located here.

When play ended, Richardson shared the victory with his three partners and carried away the trophy for the longest drive. "He didn't hold back. He takes his golf very seriously," Luallen says.

He is also very serious about the Partnership. Richardson says he has been intrigued with the concept since his first discussions with Roberson and was delighted to become a part of it.

"I had wanted to do this. The opportunity just hadn't presented itself. Well, opportunity knocked, and I answered."

At the same time, he says, he is grateful for the lessons he's learned as a real estate broker. Now, Richardson says, he has a better understanding of what a company faces when sites are being surveyed for a possible expansion or relocation.

He says: "It helped me tremendously. I know how consultants work. I know corporate mentalities . . . what the hot buttons are."

Brian de St. Croix, executive director of the Southern Indiana Economic Development Council, says Richardson—"the consummate professional—is very knowledgeable of the realities of the economic development world. Brad has the benefit of lengthy hands-on experience. That is a real plus. Not only for the Partnership, but for the companies that would be looking at this area."

Meeker, the Partnership chairman, shares de St. Croix's faith in Richardson.

"Brad has an appetite for growth. He is a risk taker and is willing to work hard. One of these days, we will see him at the lead of bringing a major company to this area."

BIO: BRAD RICHARDSON

Title: President, Greater Louisville Economic Development Partnership.

Age: 43

Hometown: Elizabethtown, Ky.

Education: Bachelor of arts degree, Georgetown College, Georgetown, Ky.

Family: Wife, Leigh; daughters: Dawn, 24, Stephanie, 22, Carrie, 20.•

CRAZY HORSE MALT LIQUOR

• Mr. ADAMS. Mr. President, late Thursday night, I was pleased to join with the Senator from South Dakota [Mr. DASCHLE] in offering an amendment to the Treasury, Post Office, and Civil Service Appropriations Act, H.R. 5488, dealing with the use of the name of the late Oglala Sioux spiritual leader, Crazy Horse. I am grateful that the managers of the bill accepted our amendment, but I remain deeply disappointed and angered by the insensitive and disrespectful attitude of the Hornell Brewing Co. toward the very reasonable request of the Sioux Tribe that the company discontinue marketing Crazy Horse malt liquor.

This amendment to deny a certificate of label approval for any product which uses the name Crazy Horse is warranted and sound in its reasoning and its prescribed action. Hornell Brewing Co. has had more than ample opportunity to address and resolve this issue in good faith. It is unfortunate that this legislation must be offered today, but tolerance and patience have run out in light of constant delay and unworkable counteroffers by Hornell.

In May of this year, Surgeon General Novello cited this product as the latest example of irresponsible behavior by some segments of the alcohol industry whose pursuit of profits is devoid of any semblance of ethical considerations.

Those of us who represent States with native American populations living on reservations and in urban centers are well aware of the devastating impact that alcohol has had on those communities. This product, sold in a 40-ounce bottle, contains more alcohol than a normal six-pack of beer, and closely resembles the packaging associated with whiskey and other grain spirits. This is a shameless attempt at encouraging irresponsible consumption.

How could any responsible brewer insult the memory of Crazy Horse, the great Sioux spiritual leader, and tempt the current native American youth of this country, through a slick media campaign promoting this product? That such crass and offensive behavior could occur in the very year this Nation commemorates the 500th anniversary of the voyage of Columbus through a year of reconciliation with native Americans adds insult to the injury.

Since March 1991, when Crazy Horse was put on the market, Hornell Brewing Co. and its parent company, Heilman Brewing, have shown a complete unwillingness to constructively address this situation. Only a few days ago, Mark Rodman, representing Hornell Brewing Co., was quoted in the Rapid City Journal as saying, "It's asking too much to expect two guys from Brooklyn to be aware of the resurrection of Indian pride and heritage." Mr. President, it is not asking too much to be tasteful, respectful, and responsible in the marketing of a product, especially an alcoholic beverage. Mr. Rodman's comment is an insult to native Americans, and an insult to the good citizens of Brooklyn as well.

It is my sincere hope that the Hornell Brewing Co. will reconsider its position and will come to realize what is painfully obvious to many of us: The good name and memory of Crazy Horse should not be desecrated on a malt liquor product. I urge my colleagues to support this amendment to revoke the approval of the name Crazy Horse. I am proud to be a cosponsor of this amendment and commend my friend and colleague, Senator DASCHLE, for his leadership on this matter.●

TRIBUTE TO TAYLORSVILLE

● Mr. McCONNELL. Mr. President, I rise today to recognize the town of Taylorsville in Spencer County.

Taylorsville is a small rural town about 30 miles northwest of Louisville. It seems decades away from the wave of technology that has swept across Kentucky in recent years. However, there are new efforts underway to make sure that Taylorsville is able to retain its small-town charm without suffering setbacks because of lack of growth.

Growth in Taylorsville is an ongoing process. Roads have been improved, including a new bypass to Taylorsville Lake. A new $500,000 sewage treatment plant is being planned, and the town is looking into bringing water from Louisville for a larger portion of Spencer County. Efforts are being made to bring more industry to the immediate region to stabilize the farming-based economy. The community is also working to increase the revenue generated from tourism at nearby Taylorsville Lake.

The strength of Taylorsville is its citizens. Locals still wave to strangers on Main Street, and the front steps of the red brick courthouse are a place for anything from local gossip to passionate debate. Crime is almost nonexistent, with only 16 of Kentucky's 120 counties having a lower crime rate than Spencer. This is visible in the relaxed atmosphere throughout the town.

I applaud Taylorsville's efforts to maintain its historical charm, but at the same time its move forward, making it one of the finest towns in Kentucky.

Mr. President, please enter the following article from Louisville's Courier-Journal in today's CONGRESSIONAL RECORD.

The article follows:

[From the Louisville Courier-Journal, Sept. 7, 1992]

TAYLORSVILLE—PROGRESS MAKES INROADS, BUT IT'S STILL A COZY PLACE

(By Joseph Gerth)

The first time Jack Jezreel walked into a Taylorsville hardware store, the woman behind the cash register introduced him to everyone in the business.

"We had heard about the rural propensity toward friendliness, but it struck me in almost a comical way, given my wife and I have always lived in urban areas," Jezreel said.

But what Jezreel found to be a bit odd, even hokey, when he moved from Jefferson County to an organic farm 10 months ago is typical. Folks still wave to strangers on Main Street. They sit in front of the red-brick courthouse chewing the fat and maybe a wad of tobacco.

One tobacco farmer runs a small barber shop across from the courthouse because the shop is the best place to learn the latest news and gossip.

Now, if you're thinking Mayberry, you're not far off.

Taylorsville is rural. The simplicity comes through in its street names: Back Alley runs behind the Spencer County Courthouse, Railroad Street runs next to the tracks; and Main Cross intersects Main Street in the center of town.

With 774 residents, it's smaller than it was 10 years ago, And 10 years before that. And 10 years before that.

"Maybe, in a way it's a little backward," said Dolly Brock, former publisher of the Spencer Magnet. "But I like it a lot."

In a more pretentious town, the mayor might take offense at someone calling his town backward. Not in Taylorsville where Mayor Walter Hahn agrees with the sentiment, if not the wording.

"Dolly sure has a way of saying things, doesn't she," he chuckled.

Taylorsville, incorporated in 1829, is nestled between the Salt River and Breshears Creek. It's named after Richard Taylor, the original owner of the 160 acres that make up the city. By the mid-19th century, Taylorsville was a bustling village of 500.

The town's growth slowed, in part because floods ravaged the city every few years until a levee was built in 1948. During the 1937 flood, residents watched as water rose to a depth of nearly 10 feet at the courthouse.

Just 35 minutes by car from downtown Louisville, Taylorsville seems decades away once you park and start visiting residents.

Patrick Bennett works in the hardware store his grandfather, J.A. Bennett, started in 1875. Today, J.A. Bennett's True Value Hardware is just across the street from the original shop, and you still get the same personal service others received over the years.

You don't need Visa, MasterCard or even cash to make a purchase if Pat Bennett knows you've been around town for a while. "I'll risk you for it," he told one long-time customer who has said she would be back the next day to pay for an item—when she had the money.

The customers all know Bennett by his first name—typical in a town of 774—and that's one of the things that keeps Bennett in town.

Ike Irvine, 64, said that despite appearances Taylorsville has changed some over the years. He remembers when Main Street was a dirt road and when livestock was sold in front of the courthouse.

One thing, however, remains the same—Taylorsville is the safest place he knows.

"The people are more friendly, and you don't have to worry about who's behind you or who's going to knock you in the back of the head."

In fact, there were no murders in Spencer County last year and only one robbery, nine rapes and 10 assaults. Only 16 Kentucky counties had less crime than Spencer.

"You can go out on the side of the road and take a nap and nobody will bother you," Hahn said. "Somebody might stop by to check on you, but that's it."

Residents agree that if there is a flaw in Taylorsville it's the lack of industry. Business at Bennett's hardware store is good, but his store is one of a handful in town still operating and still making money. A quick check of Main Street turns up several empty stores and several others that appear stocked but are closed.

Bennett said that 30 years ago more than 100 business called Taylorsville home. Now, the number is closer to 40.

Hahn said the problem is that a county with just 6,800 residents has trouble paying for the water and sewer lines and roads needed to attract new industry. Taylorsville has never been able to convert from a farming to an industrial economy.

The county is moving in the right direction, Hahn said, but he acknowledged it will be a long haul.

The roads have improved with the recent widening of Kentucky 155 and a new bypass that goes to Taylorsville Lake, which is about 3 miles outside town. A new $500,000 sewage treatment plant is being planned, and the city is looking into bringing Louisville water to a larger portion of the county.

New subdivisions have sprouted along Kentucky 155 between Taylorsville and Jeffersontown. With the county finally starting to grow, residents say the future looks good.

Hahn, however, is a realist, "All of these people coming into the county really doesn't help the city all that much. We need to get industry in here to keep our people at home and some of our bucks at home."

The lack of industry, Hahn said, will keep Taylorsville and Spencer County somewhat economically depressed, no matter how much residential development goes on. The county's brightest young people generally leave as soon as they have a chance. They go to Jefferson County where there are colleges and jobs, Hahn said.

"They don't leave for any reason other than the fact that they can't find jobs," Brock said. "I don't blame them. If they're not farmers, there's not a whole hell of a lot to do here."

Nor has Taylorsville Lake been the boon that people predicted when Congress first appropriated money in 1967 to build a dam on the Salt River. Plans called for the Army Corps of Engineers to build a $28 million dam to control flooding downstream, especially at Shepherdsville, and to create a 17,000-acre recreational lake and park where the Van Buren community once stood.

The corps estimated that the project would return nearly $3 for every $1 spent on the dam. Officials predicted industry and residents would flock to Spencer County. Real estate prices soared, but sales were slow. Some residents feared the lake would be nothing more than a playground for rich people in Jefferson County.

And there were delays. Federal laws and the Kentucky Constitution clashed over the condemnation of property. After residents complained that the corps was treating property owners unfairly in acquiring the land, the project was delayed again.

Finally, in April, 1983, the lake was filled. Many believed it was time for Taylorsville Lake to pay off.

"Some, including my husband (late Spencer Magnet publisher Claude Brock), thought the lake was really going to put Taylorsville on the map," said Dolly Brock. "But I never believed it."

She was right.

The lake brought droves of people through town on Ky. 44 and Ky. 155. They all had one thing in common—none of them stopped in Taylorsville on the way to the lake.

"When people come here they come here with their cars loaded and their boats loaded, and they stay at the lake," she said. "Then they load up, turn around and go home."

Mayor Hahn said one reason the lake hasn't generated much business is that Spencer County is dry. When vacationers head to the lake, they stop in Jefferson or Bullitt County for groceries and drinks because they know they can't buy beer once they get there.

A referendum to allow alcohol sales failed in 1975 after churches mounted a campaign against it. But figuring that plenty of booze already comes into the county in coolers, Hahn said he'd like to see the county go wet.

The presence of the lake prompted Frankfort to put a state park on its shores, but the park has little to offer other than boat ramps, a marina and riding trails. Local interests have pushed for a lodge and other facilities at Taylorsville Lake State Park. The state has no plans for a lodge but eventually wants a campground there, said Bod Bender, a deputy parks commissioner.

While most business haven't seen the economic benefit they had hoped for 25 years ago, Mayor Hahn said the lake has been good for the community.

"It kinda gives Taylorsville, Spencer County, some notoriety. It used to be that you could ask people in Jefferson County where Spencer County was and they didn't know. Now they do. Especially the bass fishermen."

The community has begun to mobilize in an effort to make the most of the 25-mile long lake. A local group is trying to renovate and revitalize the city's Main Street.

One man is trying to get property owners to paint murals on the sides of their old brick buildings. And Hahn said he hopes to see business along Main switch to touristy, crafts-type stores. "You know, you bring the wife down to Taylorsville. You go bass fishing, and she can just hang around the city."

But Jezreel, the transplanted organic farmer, hopes the county doesn't change too much.

"Where we live, we cannot see another house. At night there is not a single light I can see from where I live. For me there's something wonderful about the quiet. * * * This is an ideal place."

Transportation: Highways: Taylorsville is served by Ky. 44 and Ky. 155. Rail: CSX and Norfolk Southern Corp. offer rail service at Shelbyville, 20 miles northeast. Air: Standford Field is 28 miles northwest in Louisville. Trucking: Fifteen companies serve the county.

Education: Spencer County schools, 1,373 students.

Topography: Taylorsville is situated on 160 acres of bottomland at the confluence of the Salt River and Brashears Creek.

Population (1990): Taylorsville, 774; Spencer County, 6,801.

Per capita income (1990): Spencer County, $10,041 or $1,958 below the state average.

Jobs (1989): Wholesale and retail trade, 184; service occupations, 119; state and local government, 241; contract and construction, 26; manufacturing, 20 jobs.

Big employers: Herlock Industries, 35 employees; B & B Screw Machine Specialists Ltd., 27 employees.

Media: Newspapers: Spencer Magnet and the Arcedian.

FAMOUS FACTS AND FIGURES

The original Spencer County courthouse was one of 21 Kentucky courthouses burned during the Civil War. In 1863 the building fell victim to a Confederate guerrilla raid. The current courthouse was built on the same site.

Taylorsville grabbed the national spotlight briefly in January 1950 when the "Washington Merry-Go-Round," a column by Drew Pearson, published a story about the treatment of youths jailed in the United States. The column touched off a furor when it said a juvenile had been housed in Taylorsville's log jail with a "screaming, laughing maniac." The Spencer Magnet debunked the story, and the Courier-Journal pointed out that Taylorsville didn't even have a log jail; it was made of concrete.

Spencer County was carved out of parts of Bullitt, Nelson and Shelby counties in 1824. It was named after Capt. Spear Spencer, who led troops at the battle of Tippecanoe in 1811. He fought on despite being critically wounded in the head and thighs. Another shot killed him.

Taylorsville is one of the smallest towns in the country with a major flood wall. Following five floods in 10 years, the Army Corps of Engineers built an 8,200-foot levee. Flood waters from the Salt River and Brashears Creek have yet to rise above the wall.

Proving that Taylorsville is actually years ahead of the game, the city in 1974 commemorated Kentucky's 200th, Taylorsville's 175th and Spencer County's 150th anniversaries with a festival and parade. Most Kentucky towns waited until this year to celebrate the state's bicentennial. Kentucky, after all, was chartered in 1792.•

REAUTHORIZATION OF THE NATIONAL AFFORDABLE HOUSING ACT

• Mr. ADAMS. Mr. President, I rise today in support of the National Affordable Housing Act reauthorization legislation which was passed by the Senate on September 10. I supported the original National Affordable Housing Act, and I am pleased that we passed this important reauthorization bill.

This legislation includes a provision that is of particular interest to me and was added at my request. This provision would require the Secretary of Housing and Urban Development to conduct a study on the impact and availability of off-base housing for military personnel and their families in areas of the country designated for military redeployment and expansion. The study would be based on consultation with State and local housing officials, nonprofit housing organizations, local financial institutions, and Department of Defense officials involved in the expansion.

In my own State of Washington, the number of military personnel at Fort Lewis is expected to grow from 15,300 to 23,500 by 1995—an increase of 53 percent. We cannot overlook the housing needs of the military and civilian personnel who will move into areas such as Fort Lewis as a result of military expansion of this magnitude. I am concerned that many individuals and families, both military and civilian, may not have adequate, affordable housing. In addition, it is important that such an influx does not push out of the housing market current residents of the areas designated for military expansion. I believe the inclusion of this housing study is an important means to address the off-base housing needs of our Nation's military personnel and their families.

Other provisions of this bill will reauthorize several important Federal programs such as the HOME Program and the Community Development Block Grant Program. This reauthorization legislation is the result of months of work in the Senate, and will expand the availability of, and access to, affordable housing for millions of Americans. I am pleased that Housing Secretary Kemp has indicated his support for the Senate reauthorization bill. I thank the chairman of the Banking Committee, Senator RIEGLE, for his effort to bring this legislation to a vote, and I urge the conferees to complete the reauthorization of this act prior to the end of this Congress.•

HONORING BERNIE SCHREINER

• Mr. KASTEN. Mr. President, I rise today to recognize the achievement of one of my most distinguished constituents—Mr. Bernie Schreiner of Fond du Lac, WI.

Bernie is a personal friend of mine. Looking back, I have many fond memories of visiting Schreiner's Restaurant with my family and friends. I can certainly attest to the exceptional quality and atmosphere that makes dining at Schreiner's a memorable experience. It is known for its famous clam chowder and delicious pies, among many other dishes.

Bernie Schreiner is the example for all restauranteurs to follow. A leader in the field, Bernie was formerly head of the Wisconsin Restaurant Association—through which organization he emphasized the three standards of success at the forefront of the Wisconsin restaurant industry—quality, service, and sanitation.

"These are the secrets to success," claims Bernie. And he is right.

Schreiner's has been a vital part of Fond du Lac for 54 years, starting in 1938 when the North Main Street restaurant was run by Bernie's parents, Albert and Regina Schreiner.

Mr. President, I ask my Senate colleagues to join me in saluting the contributions of Bernie Schreiner. He is a shining example of the class of family-style restaurateurs that the people of Fond du Lac—and America—deeply cherish.•

RESPONDING TO SMALL BUSINESS CONCERNS

• Mr. GORTON. Mr. President, small businesses in Washington State provide jobs and economic opportunities for more than 1.5 million people, employing more than half of the total job force. These individually owned businesses truly are the backbone of communities throughout America.

Recently I contacted small business men and women in my home State of Washington about what role we must take to preserve small business in America. Among the responses received from these constituents were pleas for Government to reduce regulations that are making it more and more difficult for these businesses to survive. Small business operators need relief from overzealous regulations. Specifically, concern was expressed about proposed pay-or-play health care reform and mandated medical leave. The implementation of either of these proposals would devastate many small businesses and would potentially put the people they intended to help out of business.

I have cosponsored S. 1872 and S. 1936, two pro-small business alternatives designed to create more affordable health care options that are based on tax incentives. In our efforts to assist individuals involved in small business ventures we must not overwhelm them with complex, obscure, and costly regulations. I will continue to support small business alternatives that work to assure the stability of the thousands of jobs and economic opportunities these important businesses provide.•

TRIBUTE TO DICK KIRK

• Mr. WIRTH. Mr. President, I would like to take just a few minutes to comment on the retirement last week of Dick Kirk, who for many years has been a major force in Colorado economics and in Colorado banking circles while serving as president of the United Bank of Denver. His contribution does not end there. Dick Kirk has displayed leadership on one activity after another, from the Denver Chamber of Commerce, of which he was president, to a broad spectrum of education activities.

Most recently he was honored by his colleagues in the banking profession for his service as chairman of the American Banking Association, a responsibility that Dick carried out with admirable energy and intellect over the last 2 years. Dick announced his retirement last week, and I wanted to congratulate him on a distinguished career and offer my best wishes for a well deserved retirement. I am sure we have not heard the last from Dick Kirk.•

TRIBUTE TO RICHARD D. REMINGTON

• Mr. HARKIN. Mr. President, I rise to give tribute to a great American public health scholar, teacher, administrator, and public health servant, Prof. Richard D. Remington, who died in Iowa City, IA, on July 26 of this year. Professor Remington made an enormous contribution to the field of public health over his 40-year career. He provided national leadership in recognizing the declining role of prevention in health care and in prescribing prevention measures to serve as the foundation upon which we must rebuild our national health care system.

Mr. President, Professor Remington was first and foremost a public health scholar. Using his expertise in biostatistics he provided national and international leadership in the design and implementation of hypertension detection, evaluation, and control studies that led to very significant advances in the control of high blood pressure and prevention of hypertension-related heart disease and stroke. Professor Remington worked tirelessly to complete and publish community-based intervention studies that conclusively proved the efficacy of these blood pressure control measures. For this work, which has saved so many lives, he quite justly received the Albert and Mary Lasker Special Public Health Award, the highest award in the field of public health. His hypertension control research was also recognized by the American Heart Association through its most prestigious honor, the Gold Heart Award. While he was best known for his research on hypertension control, he made many other important contributions in the field of biostatistics and cardiovascular disease prevention research. Perhaps his most important research contribution was in the design and implementation of community-based prevention studies, which continue to guide today's scientists seeking to prevent a wide array of other preventable diseases.

Mr. President, Professor Remington also made very important contributions as a teacher of public health statistics. He was for many years a renowned professor of biostatistics at the University of Michigan. He authored a biostatistics text which was for many years the standard text in this field. As a teacher of biostatistics, he served as mentor for several prominent biostatisticians who themselves have become teachers and leaders in public health statistics. At the close of his career, Richard Remington had returned to the role of teacher as the University of Iowa Foundation Distinguished Professor of Preventive Medicine and Environmental Health. Professor Remington was one of the few who excel in research and teaching who then go on to become widely recognized for his skill as an administrator. Following his position as professor of biostatistics at the University of Michigan, he held a succession of academic positions including associate dean for research at the University of Texas School of Public Health, dean of the University of Michigan School of Public Health, vice president for academic affairs at the University of Iowa, and finally interim president of the University of Iowa. In all of these positions, he quickly gained the confidence of faculty, staff, and students, and provided highly effective leadership.

Mr. President, Richard Remington was a dedicated servant to the field of public health. He chaired and served on dozens of committees for the National Institutes of Health, the American Heart Association, the American Public Health Association, and many other organizations. In these many capacities he gave generously of his wisdom and expert judgment. He brought both scientific vigor and compassion for those afflicted with disease to all of these efforts. Through his chairmanship of the Institute of Medicine report on the future of public health, he provided bold national leadership in calling for a revitalization of public health. Today, as we debate the major reforms necessary to rebuild America's health care system, it has become widely recognized that preventive health measures and public health programs must be put first, rather than last. For this perspective, we owe much to Richard Remington.

Mr. President, just as Richard Remington was multidimensional as a professional, so was he personally. He served as a city councilman in Ann Arbor, MI, and as a member of the Huron River Watershed Commission. He had a lifelong interest in music, directing church choirs and playing the tuba and string bass. Many who knew Richard Remington as a public health professional were not aware that he was also one of America's leading jazz tuba players who performed professionally with many well-known jazz musicians and who made a number of recordings playing the tuba with the Boll Weevil Jass Band and the Alamo City Jazz Band.

Mr. President, I ask my colleagues to join me in giving tribute to this remarkable American scholar, teacher, administrator, public health servant, and musician. While his passing is a profound loss to his family, to the University of Iowa, to the Nation's public health community, and to his hundreds of friends from his many walks of life, he left this world with the satisfaction that he made a real difference in the Nation's health and in providing guidance and inspiration to all who seek to prevent disease and improve health.•

THE COUNCIL ON COMPETITIVENESS: A KEY TO OUR ECONOMIC ENGINE

Mr. SEYMOUR. Mr. President, during our debate on the fiscal year 1993 Treasury and Postal appropriations bill last week, the distinguished Senator from Ohio offered an amendment to eliminate all funding for the Council on Competitiveness. Because of this institution's importance in streamlining Federal regulations which strangle American business, I was glad to see this measure withdrawn.

The Council on Competitiveness is crucial to both the environmental and economic well-being of our country and should be allowed to continue and expand its work. I would like to take a few minutes today to further explain my reasons for supporting the Council.

Benjamin Franklin once said that the only two guarantees in life were death and taxes. He should have added a third: regulation. Regulatory measures have played a constant and often appropriate role in the development of American society. However, while regulations may be needed, they must also be tempered.

In balancing the many vociferous and competing interests of today's complex world, every President since 1968 has authorized and used a regulatory review body of some kind. The Council on Competitiveness is the most recent and active of these bodies.

But Congress should encourage rather than condemn such energy and initiative. Years of Government regulations and mandates now cost us over $400 billion each year—that's more than $4,000 per household. Flying below our economic radar, this stealth tax continues to inflict real damage on the taxpayers' earning power. While ensuring adequate environmental and safety standards, the Council has saved the American taxpayer and consumer at least $15-$20 billion this year alone.

The Council has been attacked on the grounds that its work is both illegal and conducted in secret. The plain fact of the matter is that neither of these assertions are true.

In using the Council to ensure that the totality of agency regulations is effective, efficient, and rational, the President is only fulfilling his constitutional duty to be responsible and accountable for the actions of his administration. The legality of such action was reconfirmed as recently as July of this year in a U.S. appeals court decision.

As for the accusation of a secret government, the Council welcomes representatives from all sides of a debate and it frequently announces regulatory initiatives through fact sheets and press releases. Furthermore, the Council cannot issue regulations, but can only advise the relevant agencies of its suggestions and concerns. Lastly, all final agency regulations, regardless of the Council's involvement, must be published in conjunction with, and supported by, a factual record of evidence.

Mr. President, the Council on Competitiveness not the handmaiden of big business or any one special interest as many of its opponents would have you believe. Rather, it interacts with and represents a broad range of groups who are all working toward a common goal: a clean, safe, and productive America.

In fulfilling its mission, the Council weighs the needs of every citizen, no matter where they live, what nationality they are, or what job they hold. The Council exists precisely to prevent private, wealthy interests or narrow-minded bureaucrats from using the regulatory process to circumvent the intent of Congress and ignore the welfare of hard-working men and women.

And 83 percent of the people questioned in a recent Penn and Schoen Poll cannot be wrong: This country has many unnecessary and costly regulations. Numerous members of both parties, including the Democratic Presidential nominee, believe that a regulatory review mechanism in the White House is appropriate and essential. In a time of recession, the Council should be bolstered, not attacked. Its actions so far this year have put an average of $250 back into the pockets of the American family—that's real money to get our economy moving again.

Regulatory review is not some wicked conspiracy to pollute the land and endanger the worker. Instead, it is the modern fruition of what Alexander Hamilton predicted more than two centuries ago:

> 'Tis time only that can mature and perfect so compound a system, can liquidate the meaning of all the parts, and can adjust them to each other in a harmonious and consistent whole.

The $86,000 budget for the Council is one line item of spending that I can proudly support. The Council on Competitiveness should be fully funded in fiscal year 1993 and I will actively oppose any attempt to eliminate this worthy organization.

NATIONAL REHABILITATION WEEK

• Mr. HARKIN. Mr. President, July 26, 1990 was my proudest day in Congress. On that day, more than 2 years ago, Congress opened doors to all Americans with disabilities. On that day, we said "no" to fear, we said "no" to ignorance, we said "no" to injustice. For more than 2 years, the Americans With Disabilities Act has been the law of the land. Finally, Americans with disabilities have equal access to the American dream.

The ADA is not about handouts. It is not about giving something to people with disabilities.

It is about civil rights. It is about putting people with disabilities on an equal footing with everyone else. It is about breaking down barriers and opening doors of opportunity to bring all Americans with disabilities into the mainstream of American life. It is about leaving that ladder or ramp of opportunity there so all people can achieve that American dream. Above all, the ADA is about one clear and forthright message: Discrimination has no place in America.

The legislation is certainly a groundbreaking effort, but the ADA alone does not ensure equal access to all that we, as a nation, have to offer. We need a national disability policy that is based on the precepts of the ADA—respect for individual dignity, self-determination, inclusion, integration, and full participation of individuals with disabilities in all aspects of society.

We need a national disability policy that: Empowers individuals with disabilities to make meaningful contributions to their family and their community; provides individuals with disabilities with the choice to live in their own homes and communities and receive an education, work, and play alongside their nondisabled peers; guarantees affordable health care, including the elimination of exclusions for preexisting conditions; addresses the need for consumer-directed personal assistance services; and provides a Social Security system that rewards independence, not dependence.

Mr. President, today marks the beginning of National Rehabilitation Week. National Rehabilitation Week will celebrate the programs that best exemplify the future of disability policy in America: Vocational rehabilitation. Barring employment discrimination opens doors of opportunity, but how can we assure that a person with a disability will be qualified to hold a job? Vocational rehabilitation programs set out to make the employment goal of the ADA a reality by providing job training so that people with disabilities possess the skills necessary to compete in the competitive labor market. Vocational rehabilitation pays for itself in the long run by facilitating movement off of public assistance and empowering individuals with disabilities to become taxpayers.

Beyond the workplace, our national disability policy can further serve people with disabilities through independent living programs. Perhaps more than any other program or movement in this country, independent living has made its mission the education and training of persons with disabilities to give them the power to control their own lives. Independent living means empowerment, integration, and contribution to American life. Independent living puts the spirit of the Americans With Disabilities Act into practice on a daily basis.

It is quite a coincidence that during National Rehabilitation Week, a conference committee is convening to draft a compromise version of S. 3065, the Rehabilitation Act Amendments of 1992. With the reauthorization of the Rehabilitation Act, it is my hope that we will assure greater independence, full inclusion, and economic and social self-sufficiency for persons with disabilities. In short, it is the mission of this conference committee to reflect the spirit of the ADA in the reauthorization of Rehabilitation Act. I am absolutely committed to this goal, and I will approach this task with that mission in mind at all times.

The major themes of the Senate version of the reauthorization are as follows.

First, ensure that the precepts and values embedded in the ADA are reflected in the Rehabilitation Act.

Second, improve the functioning of the vocational rehabilitation system by streamlining access, ensuring appropriate access for those individuals with the most severe disabilities, improving interagency working relationships and cooperation, improving relationships with business, industry, and labor, and providing for a comprehensive system of personnel development.

Third, increase consumer choice and involvement at the individual level—individualized written rehabilitation programs—and system level—creation of consumer councils.

Fourth, increase accountability and quality.

Fifth, ensure that basic formula grant programs remain state of the art by ensuring that the discretionary programs of research, demonstrations, and training respond to identified needs.

Sixth, update terminology.

I commend all the people who are working to assure that rehabilitation programs reflect the spirit of the ADA, and I hope that everyone involved in rehabilitation will use this week to celebrate their successes and look to the future with hope.•

COMMENDING NEVADA'S OLDEST BANK

• Mr. BRYAN. Mr. President, I rise today to recognize Nevada's oldest bank, the First Interstate Bank of Nevada which was founded in 1902 and this year is celebrating its 90th year of providing banking services to Nevadans.

First Interstate Bank of Nevada has played an important role in the history of the State. Throughout its 90 years in business, First Interstate Bank has supported many organizations that have greatly benefited the State and its communities. The bank has supported the United Way, arts organizations, the Nathan Adelson Hospice and Opportunity Village among others.

First Interstate Bank has also been a major benefactor to higher education in the Silver State. The bank committed $1 million each to the University of Nevada, Reno and the University of Nevada, Las Vegas.

First Interstate Bank of Nevada and its employees at all 69 branches will be celebrating the bank's 90th anniversary during Founders Week, September 14 through 18. On September 17, 1992, the bank will officially celebrate its 90th birthday. I would like to congratulate First Interstate Bank on 90 years of dedicated services to the people of Nevada.•

TRAGEDY OF WAR

• Mr. SIMON. Mr. President, recently, George Anastaplo, a law professor at Loyola University in Chicago, had a letter to the editor in the Southern Illinoisan, which touches on the whole tragedy of war and why we have to pursue any authorization of the use of force with great caution.

I ask to insert his letter in the RECORD at this point.

The letter follows:

CHICAGO, IL,
July 22, 1992.

A Letter to the Editor, Southern Illinoisan, Carbondale, IL.

DEAR SIR: I read with considerable interest your recent article (June 29, p. 1B) about the great sacrifices made on behalf of their country by the Boren family of Carterville during the Second World War. I had occasion to recall these and similar sacrifices in a recently published book of mine, "The American Moralist," which opens with the following dedication: "To the sacred memory of seven very young men we grew up with in Carterville, Illinois and who went off to war with us a half-century ago but who never returned."

The seven young men referred to in my dedication were among the twenty-six casualties of that war from the town in which I was privileged to grow up: John L. Boren, Joseph S. Boren, William Lee Craig, James Fozzard, Ralph G. Halstead, Dennis Jones, and George R. Priddy.

There were nineteen other Carterville men, whom I did not happen to know personally, who died in that war. They were Robert Adams, Otis Chambers, William J. Chronister, Smith Edwards, Raymond Frost, Charles C. Ghent, Jr., Ray J. Grimes, William Hall, George Harris, Robert V. Jeter, Guy E. Lauder, Gather Phillips, Paul Smith, Albert Stephenson, Wilbern Tottleben, Ivan W. Williams, Milton R. Williams, Frank J. Winters, and James Woolerton.

We are again and again reminded by such recollections as are reported in your article that even a just war leaves in its wake profound personal as well as political consequences that continue across many decades. This makes it obligatory upon us never to resort to war without full and open deliberation by those entrusted by the Constitution with the power to declare war.

Respectfully yours,
GEORGE ANASTAPLO,
Professor of Law,
Loyola University of Chicago.•

CREDIT UNIONS REMAIN CREDIBLE INSTITUTIONS

• Mr. GORTON. Mr. President, I would like to address the recent failure of savings and loan institutions in the United States and the effects this has had on other financial institutions.

The failure of savings and loan institutions in America has left the Federal Government hundreds of thousands of dollars in debt. It has also raised concerns about the stability of other financial institutions, mainly credit unions.

As the Federal Government faces this burdensome debt, the U.S. Senate confronts the question of what went wrong with these institutions and what can be done in the future to prevent further financial disasters. In efforts to reevaluate our Nation's financial institutions, some Members feel that there is a need to examine more closely the role of credit unions.

Recently, I sought advice from Washington State citizens regarding the role credit unions play in light of the failure of other financial institutions. I feel, and am supported by constituents in Washington State, that there is no need to implement regulations on credit unions. These financial institutions have offered competent and necessary services in the past and give no indication that services may differ in the future.

At this time, I do not support an investigation into America's credit unions. Such an investigation would be costly and an inefficient use of time. The respondents from Washington State overwhelmingly agree that credit unions have earned their credible status and should be left alone. The time and efforts of Congress would be better employed in other ventures.•

APPOINTMENT OF JOCELYN BURDICK TO THE SENATE

Mr. MITCHELL. Mr. President, Gov. George A. Sinner of North Dakota has appointed Jocelyn Burdick to fill the seat of her late husband, Senator Quentin Burdick. Under North Dakota law, this appointment is until the Senate seat is filled by election.

Mrs. Burdick will be sworn in at 12 noon on this Wednesday, September 16.

I urge all Senators to be present on the floor for this ceremony to welcome Mrs. Burdick as a Member of the U.S. Senate.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Tuesday, September 15; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the time until 10 a.m. tomorrow be for debate on the motion to invoke cloture on the motion to disagree to the amendments of the House to S. 2, the education bill, with the time equally divided and controlled in the usual form; and that on Tuesday, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. MITCHELL. Mr. President, with respect to the Senate's schedule, I met with the distinguished Republican leader on Friday. I also spoke with the chairman of the Senate Appropriations Committee and a number of other interested Senators regarding the schedule for tomorrow and the days immediately following tomorrow.

The Senate Appropriations Committee has reported out a supplemental appropriations bill that is intended to provide appropriations for the various national disasters which have occurred tragically in recent days and weeks.

Therefore, I am now announcing my intention that as soon as we can dispose of the education bill, to which I earlier referred, we will take up the supplemental appropriations bill dealing with the national disasters in Florida—I hope that Hawaii will be included in that—and Louisiana, of course, as well in connection with the same storm that struck Florida, and other matters that are in that bill. This is very important to the millions of people affected by these natural disasters and I hope we can get on to those bills as soon as possible.

Therefore, just as soon as we can dispose of the education bill to which I earlier referred, it is my intention to seek to have the Senate consider the supplemental appropriations bill to deal with these emergencies.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no other business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:47 p.m., recessed until Tuesday, September 15, 1992, at 9 a.m.

EXTENSIONS OF REMARKS

GROUNDBREAKING FOR THE WILLIAM H. NATCHER BUILDING

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. McDADE. Mr. Speaker, this past Friday morning, at the National Institutes of Health campus in Bethesda, MD, Dr. Bernadine Healy, the Director of the National Institutes of Health, broke ground for a new building. That building will serve as the gateway headquarters for the Nation's—and arguably the world's—premier biomedical research science program. The building has been named aptly the William H. Natcher Building, and Mr. Speaker, that dedication is an appropriate one.

That honor could not have been bestowed on a finer man. BILL NATCHER came to the House of Representatives on January 26, 1954, and a year later joined the Committee on Appropriations. Everything about NATCHER is precise. He dresses carefully, votes carefully, and keeps a detailed diary of his everyday life. He is a southern gentleman in every sense of the word. He has recently stepped in to preside over the Committee on Appropriations with evenhanded precision. And he has not missed a vote since the day he took his oath of office—over 39 years ago. To date, BILL NATCHER has cast 13,431 rollcall votes and has responded to 4,219 quorum calls for a total of 17,650 votes—a record unparalleled by any Member of this body.

BILL NATCHER has been a member of the Subcommittee on Appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies since 1955 and the chairman of the subcommittee since 1967. When BILL NATCHER came to the Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies, appropriations for the National Institutes of Health totaled $74 million. In fiscal year 1993, appropriations are estimated to reach over $9.2 billion. During his tenure, appropriations for NIH have increased exponentially. There is not a more appropriate investment for limited Federal dollars, and BILL NATCHER has been there to orchestrate the growth all along.

This past Friday, my dear friend from Kentucky also celebrated his birthday. How fitting it is this fine and honorable man is praised and commemorated for his efforts on this day. I ask this body to join me in wishing BILL NATCHER my sincere wishes for many more happy years here in the House of Representatives and congratulations for his triumphs as the chairman of the Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies.

Mr. Speaker, at this point in the RECORD, I place the remarks of the Director of the National Institutes of Health, Bernadine Healy, and the Secretary of Health and Human Services, Louis Sullivan, that were given on Friday at the groundbreaking for the William H. Natcher Building:

DOIN' A-WHAT COMES NATCHER-LY

(By Bernadine Healy, M.D.)

Congressman Natcher, Secretary Sullivan, Secretary Lujan, distinguished members of Congress, ladies and gentlemen, welcome to the groundbreaking ceremony for the William H. Natcher Building.

Last Wednesday I had a picnic with my staff over at the Navy Pavilion. I overheard one staff member tell another that this groundbreaking was to be held on Mr. Natcher's 83rd birthday. His companion said "Well, I guess we're just doin' a-what comes Natcher-ly."

With all due respect to Rodgers and Hammerstein, indeed we are doing a-what comes Natcher-ly, for there could be no more suitable honor for a more worthy recipient. William H. Natcher embodies that which is best in this nation, he is a man of honor and honesty, rigor and vigor, clarity and charity.

It is fitting that this NIH building be named after someone who is Kentucky to the core, for Kentucky is symbolic of much of what is best about the NIH, and best about America.

Daniel Boone opened the Wilderness Road into Kentucky and established Boonesborough. He is buried in Kentucky with his wife Rebecca. His pioneering spirit is very much alive today in the state, particularly finding its expression in politics. Kentucky has often been at the political crossroads of this country. Abraham Lincoln and Jefferson Davis were both born in Kentucky, within one year and one hundred miles of each other. Kentuckian Laura Clay, daughter of the abolitionist Cassius M. Clay, was the first woman to have her name placed in nomination for president in 1920.

Kentucky may not be the geographic center, but it certainly is the literal crossroads of this nation. To the north it touches Ohio, Indiana, and Illinois, the heartland of the Midwest. To the east Kentucky is deep in Appalachia, which it shares with Virginia and West Virginia. Below it is bordered by Tennessee, the bridge into the Deep South. And at its westernmost point, Kentucky dips its toe in the Mississippi River, marking the traditional border between "The East" and "The West." The fairness and even-handedness for which Mr. Natcher is famous, I believe, derives in part from his origins in a state that is, both geographically and politically, so central to the nation.

Like Kentucky, NIH has a foot in the East, the Midwest, the South, and the West. For some of you, this is your first visit to the NIH. It is easy to think that this beautiful campus is all there is to the NIH.

In truth these 318 acres, fifty buildings, and 16,000 employees—the largest biomedical research facility in the world—are only the tip of the iceberg. The real NIH campus is out there all across America. The country is our campus.

NIH conducts research in every state in the union, at more than 1,800 universities, supporting a portfolio of more than 24,000 research grants. Every member of Congress here today has within their own state dozens of institutions where hundreds or even thousands of people are conducting research on NIH funds. Approximately 100,000 people, in addition to the 16,000 here in Bethesda, are working on NIH-supported research nationwide. Eighty percent of NIH's nine billion dollar budget, or more than seven billion dollars, is dispensed primarily in the form of grants across the nation. The country is our campus, and the Natcher Building will be the crossroads for that national campus.

The Natcher Building will house the extramural programs, the grant-making offices, for several of our institutes. It will also provide conferencing facilities that will be used by all of our institutes as they conduct the peer-review process.

The core of the "hidden NIH," the grant-making NIH, is the peer review process. It is an eminently fair system where each grant proposal is judged by a group of non-government scientists expert in that field. These scientists come to Bethesda from all over the country.

The peer review system has served NIH and the nation wonderfully well. To use just one measure, 78 NIH-grantee scientists have won the Nobel prize. You can see their pictures on display here in the tent. They represent more than half the Nobel prizes won by Americans in all categories since the Nobel Prizes have been awarded.

The Natcher Building will house a national research effort, renowned for its excellence and fairness, that will result in better health for all Americans. Could anything be more appropriate? We are indeed doin' a-what comes Natcher-ly.

As a symbol of the future role of the Natcher Building, this tent with its many exhibits this Saturday will be the site of a great public NIH Open House where everyone is welcome. On Monday we will have a "School Day" Open House in the tent. Thousands of middle-income students from the Washington area will arrive on buses to experience the excitement of a career in health research. Even the "Natcher Tent" is a crossroads for NIH and the nation.

I suppose the question that many of us have asked ourselves is why Mr. Natcher is such an ardent supporter of the NIH. Like most Kentuckians, he was raised on a farm, the son of Joseph and Blanche Natcher. He earned a law degree, and was elected to local political office. He served in the Navy in World War II, and was elected to Congress in 1953. Since his second year in Congress, Mr. Natcher has served on the Appropriations committee. In 1979 he became the chair of the DHHS-Labor Subcommittee that oversees the NIH appropriation.

As Mr. Natcher likes to point out, when he entered the House of Representatives, NIH's budget was $73 million. Thirty-nine years, and nearly 17,650 consecutive votes later, NIH's budget is over $9 billion. As he would be the first to point out, Mr. Natcher isn't the only reason for this exponential increase in health research dollars. The biomedical research enterprise is the result of a bi-partisan commitment by many key players and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

supporters. However, through all of those years, as we scientists like to say, Mr. Natcher is the only constant.

I believe his support for NIH's mission and goals is due in part, once again, to his origins. NIH is a pioneering agency, and as a Kentuckian he shares our spirit.

Secondly, Kentuckians have an intuitive grasp of America's most promising growth industry—biotechnology. Simply put, biotechnology is using nature to transform nature. Fermentation is classic biotechnology, using yeast to transform sugar into alcohol. Kentuckians were ardent practitioners of biotechnology for centuries before the word existed and the state is the nation's leading producer of bourbon whiskey.

Biotechnology today, thanks to Mr. Natcher's lasting support of NIH research, is transforming America's and the world's economy. Some futurists are now using the term "bioeconomy" to describe the promise of this field. America leads in biotechnology, with continued support it will lead to new jobs for thousands of Americans.

But most importantly, the impact of biotechnology on the nation's health will be enormous. While genetically-engineered vaccines may one day eradicate HIV infection or prevent cancer from spreading, gene therapy for previously untreatable diseases is a reality today here at NIH. The potential is enormous, the early results heartening.

How could Mr. Natcher have foreseen this in 1953 when he began his lifelong support of the NIH and our mission? He couldn't, but he had his principles to guide him. Listen to his words: "I have always believed that if you take care of the health of your people and educate your children, you continue living in the strongest country in the world."

Others have said it longer, but none have said it better. Congressman Natcher, thank you for your lasting support of biomedical research, and thank you for your shining example of integrity and fairness. I know your colleagues on both sides of the aisle respect what you have done to advance the nation's health so that America will continue to be the strongest nation. This building will stand as a living testament to your commitment to America, and it will be the national crossroads for biomedical research.

Now we will hear from a great crusader for better health for all Americans. It is particularly appropriate that Secretary Sullivan speak at this event, for many years he was a grantee researcher of the NIH, and he participated fully in the study sections and advisory council processes that are going to be conducted in the Natcher building. As Secretary of Health and Human Services he has continued to be an ardent supporter of the NIH and biomedical research.

REMARKS BY LOUIS SULLIVAN, SECRETARY OF HEALTH AND HUMAN SERVICES

Thank you, Dr. Healy. I appreciate that kind introduction. I think this is also a good time to say how much I appreciate the good work you are doing as head of the National Institutes of Health. The research that is done here on the campus of NIH is critical beyond calculation to the ultimate advances in the health and welfare of everyone. So a "thank you" is in order here to you, Dr. Healy, and to all of those at NIH who have dedicated themselves to advancing our medical knowledge for the betterment of mankind.

Congressman Natcher, Members of Congress, distinguished guests; what a pleasure it is for me to join you this morning. Congressman Natcher, what a tremendous day this is for you, sir. Congratulations on this great honor. Not many men or women have the honor of having a building named after them. And here it is on your 83rd birthday, to boot! Happy Birthday!

I am especially pleased to be able to participate in this groundbreaking ceremony for a building that will become so integral to the advancement of biomedical research and, ultimately, to the betterment of mankind.

When I first began as Secretary of Health and Human Services, I made a list of seven priorities on which I wanted to concentrate the time and resources of the Department. Number one on that list was biomedical research.

Biomedical research is crucial because it is an investment in a better future—for the children of this nation and every nation. The key to understanding diseases that have plagued mankind for centuries may be found inside a tiny cell. Biomedical research is about unlocking improved chances for a healthier life.

Biomedical research will help people in this country and around the world address immediate health care crises that involve diseases like cancer, AIDS, and heart disease.

With the tremendous potential for good that can result from biomedical research, it is worth investing time, money and effort to make it happen as quickly and as efficiently as possible.

The William H. Natcher Building will go a long way toward making that happen. Here, all those involved in awarding and receiving grants can meet in a comfortable, convenient location—one which will facilitate the grant-making process, which is critical to the work of NIH.

We often forget that more than 80 percent of NIH's biological research is done not on the campus of NIH, but through grants which are awarded to researchers who work at clinics and universities around the country.

In fact, I have some personal history of that for, earlier in my career, I was an NIH grantee in hematology while at Boston University. So I fully appreciate what this building means, both symbolically as well as in real terms.

I could talk at length about the importance of biomedical research, and the great things being done here. But for now, let me just say, again, congratulations to Congressmen Natcher for this great honor. And I hope for you many more birthdays to come!

TRIBUTE TO EUGENE SABATINO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to Capt. Eugene Sabatino, commander of the "C" turn of the Youngstown Police Department who will be retiring due to a disability on September 18, 1992.

Mr. Speaker, Eugene John Sabatino was born in Youngstown on December 12, 1932, a son of Michelina and Anthony Sabatino. He was a 1950 graduate of East High School. In 1951, he left Youngstown to enter the Marine Corps and returned in 1954. Shortly thereafter, he began working at the Youngstown Steel Door. On June 1, 1960, Patrolman Sabatino was hired by the Youngstown Police Department and became a detective on January 1, 1971. On November 1, 1974, Gene was promoted to the rank of lieutenant and later became a captain on November 27, 1980. Captain Sabatino's career with the Youngstown Police Department has been both colorful and distinguished, as the man himself. His fierce loyalty to the department, fairness to his officers, and aggressive police work has earned him the respect and admiration of the entire department. Captain Sabatino is married to the former Mary Serbati. He has three daughters and one son.

On Sunday, September 20, 1992, coworkers, family, and friends are honoring Captain Sabatino with a retirement party. After so many years of true dedication, Gene has earned the right to spend some time with loved ones and friends.

Mr. Speaker, as a former sheriff, I know the kind of life that the law enforcement official leads. I wish him well in his retirement and may God bless him.

A TRIBUTE TO DAVID LOUIE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. LANTOS. Mr. Speaker, on Friday, August 28, the Asian American Journalist Association [AAJA] honored its national president, Mr. David Louie, the Emmy Award winning reporter for KGO-TV in San Francisco. I, too, wish to pay tribute to David for his extraordinary contribution to the field of journalism.

A well-known and respected figure in the bay area, David Louie holds the distinction of being the dean of Asian-American TV journalists in northern California. Whether in San Francisco covering economic issues or overseas covering problems of international importance, David's work has always reflected the finest tradition of American journalism.

David was awarded the prestigious Emmy Award on two occasions—the first for his coverage of a sniper incident in San Francisco and the second for a half-hour documentary on California's links to the economic development of the fast-growing Pacific rim countries of Asia.

In a career spanning three decades, David has reported on some of the most fascinating events of our time. He was in the Philippines for the "People Power" movement that swept Ferdinand Marcos from office and propelled Corazon Aquino into the Presidency of the nation. He was in Paris when Chinese student exiles there launched a worldwide protest movement after the Tiananmen Square massacre. David was also a member of the reporting team awarded the Peabody for coverage of the deadly 1989 Loma Prieta earthquake.

The Asian American Journalist Association, the organization which David so ably leads as national president, provides career support for journalists, scholarship aid for students, and works with the newspaper, magazine, and broadcast industries to promote diversity in the newsroom. By all accounts, his tenure as president of the association has been a highly successful one.

Mr. Speaker, it is my great pleasure to bring David Louie's numerous accomplishments to the attention of my colleagues. He is a responsible and diligent journalist whose work is highly respected by his peers and the residents of the bay area. I commend him for his past achievements and at the same time wish him the best as he meets his future professional challenges.

TRIBUTE TO VICTOR LODGE NO. 73

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a prominent organization that has made a positive and lasting impact upon Pennsylvania's Sixth Congressional District. It is a great honor for me to be able to come before the House of Representatives and tell my colleagues that Victor Lodge No. 73 in Reading, PA, is celebrating its 100th anniversary this September.

One hundred years ago, the Most Worshipful Prince Hall Grand Lodge authorized the founding of Victor Lodge No. 73 in Reading, PA. For the past century, the brothers of Victor Lodge No. 73 have proudly put the tenets of Masonry into action for betterment of Reading, Berks County, and the Commonwealth of Pennsylvania. The dedicated brothers of Victor Lodge have ably demonstrated their commitment to their fellow man, and they have quickly answered each and every call to duty that the Nation has issued to its citizens.

The brothers of Victor Lodge No. 73 have renewed their 100-year-old pledge to improve their community and they will take the lead in making Berks County a healthy, productive, and stimulating place to live in the coming century. On September 27, 1992, Victor Lodge No. 73 is holding a centennial affair to celebrate its first 100 years in existence. I know my colleagues here in the House join me in congratulating Victor Lodge No. 73 on its remarkable achievements. I also would like to wish all the brothers only the best of health, luck, fortune and prosperity as they embark upon their second century of promoting the values of citizenship and honor.

IN RECOGNITION OF THE SUSSEX COUNTY ADULT DAY CARE CENTER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mrs. ROUKEMA. Mr. Speaker, I would like to take this opportunity to pay special tribute to the Sussex County Adult Day Care Center. On September 15, 1992, the friends and family of the day care center will celebrate 5 outstanding years of service.

The Sussex County community has clearly benefited from the services offered by the center. On September 15, 1987, the center began its tradition of excellence in public service with funding from the Sussex County Board of Chosen Freeholders and the Catholic Family and Community Services Agency. While only four seniors attended on that first day, over 90 Sussex County seniors have been served to date. The center's success illustrates the positive impact that dedicated staff and volunteers can contribute through a public/private sector partnership.

Although the center began as a part-time operation, the growing need in the county for specialized services for the elderly, including transportation and full meal preparation necessitated the growth of the center into a full-time effort. Currently, the center provides daily services to an average of 17 senior citizens.

Mr. Speaker, the Sussex County Adult Day Care Center allows our mothers and fathers, our aunts and uncles, our family and friends in their golden years, a more enjoyable and rewarding retirement. The center provides the opportunity to share some time with a friend, eat a hot meal or enjoy the comfort of a neighbor. I ask my colleagues to join with me today to recognize the important role which the center plays.

HONORING BRONX PSYCHIATRIC CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. ENGEL. Mr. Speaker, this week in my district, a special event is taking place at the Bronx Psychiatric Center, known as "Patient Recognition Day." On this occasion, the staff, the center and family members of the patients gather to acknowledge the progress made in their programs.

The Board of Visitors of the Bronx Psychiatric Center should be commended for organizing this event because it truly goes to the heart of how to properly deal with mental illness. It takes a cooperative effort of professionals, community leaders, family members and the patients themselves to make meaningful progress. As an advocate of the rights of these patients, I know an event like "Patient Recognition Day" goes a long way toward removing the stigma that is often attached to mental illness.

When the community can see the progress being made at places like the Bronx Psychiatric Center, we all make great strides toward addressing these issues seriously and effectively.

THE 60TH ANNIVERSARY OF LAKESIDE MEMORIAL HOSPITAL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. LAFALCE. Mr. Speaker, I wish to extend my congratulations to the Lakeside Memorial Hospital in Brockport, NY, as they prepare to celebrate their 60th anniversary on September 25, 1992.

Lakeside Hospital is a classic success story. In 1932, the hospital was a six-bed facility in a three story house on Main Street in Brockport. Today, it is a 72-bed acute care facility. With one of the highest utilization rates of any hospital in western New York, it cares for more than 15,000 people each year. The Lakeside health system now includes a hospital, a nursing home, a child care center and offers its patients some of the most advanced technology available, including laproscopic lasers and a permanent CT scan unit.

I recently had the pleasure of touring the facilities at Lakeside, including their Family Wellness Center. I came away very impressed with Lakeside's commitment to a program of comprehensive health care that begins with strong preventative health care programs.

As a fitting tribute to Lakeside's 60th anniversary, one of the Nation's leading experts on health care, former Surgeon General C. Everett Koop, is scheduled to speak at the 1992 Lakeside Foundation Annual Dinner on September 25, 1992.

I want to extend my heartiest congratulations to Lakeside for its six decades of dedicated service to the community. And I particularly wish to express my appreciation to the men and women who proudly work there.

LAKESIDE HEALTH SYSTEM,
Brockport, NY, July 30, 1992.

Mr. JOHN J. LAFALCE,
Federal Building,
Rochester, NY.

DEAR MR. LAFALCE: It is my pleasure to inform you that Lakeside Memorial Hospital in Brockport, N.Y. is celebrating its 60th anniversary this year.

I am writing to you to request that September 25, 1992 be proclaimed as "Lakeside Memorial Hospital 60th Anniversary Day."

September 25th is a very important day for Lakeside. Former Surgeon General, C. Everett Koop, M.D. will be speaking at Lakeside's Annual Dinner celebration that evening at the Stouffer Rochester Plaza Hotel, Rochester, N.Y. This will mark the culmination of our anniversary celebration.

Lakeside is a vital and dynamic organization. In 1932, the hospital was a three story house on Main Street in Brockport. Today, it is a 72 bed acute care facility with the highest utilization rate of any hospital in the Monroe, Orleans and Genesee Counties. Lakeside now includes a hospital, nursing home, and child care center.

For sixty years Lakeside has been providing "quality care close to home". This anniversary is commemorating our tradition of quality care. Your official declaration would be a significant and greatly appreciated part of our anniversary celebration.

Sincerely,

THEODORE R. HART,
CFRE Vice President, Planning, Development and Community Relations.

A TRIBUTE TO MAJ. GEN. BERNARD LOEFFKE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. SKELTON. Mr. Speaker, I want to pay tribute to Maj. Gen. Bernard Loeffke, West Point Class of 1957, who recently retired after a distinguished career in the U.S. Army.

To the troops and young officers, Loeffke was not your average general. According to the Pentagram, 5 days before he retired on June 17, 30 members of company B, Third U.S. Infantry, many of them less than half his age, were persuaded by General Loeffke to join in one of his infamous Friday morning workouts. After 100 pushups in 4 minutes, and an additional 100 situps in a second 4 minute period, the Old Guard troops, led by Loeffke, ran 3 miles in 21 minutes carrying 11-pound mock M–16 rifles. Afterward, a young soldier admitted he felt "a bit smoked." Loeffke, who is a member of the President's Council on Physical Fitness and a former collegiate and Army swimming champion, believes that "the first priority to soldiers is keeping physically fit." That applies from the most senior to the most junior military personnel.

General Loeffke was not your average general, in fact, by any standard. His career gives new meaning to the phrase "soldier-statesman." As a soldier, General Loeffke commanded a battalion in Vietnam, where he served two-and-a-half tours, and became one of the most highly decorated soldiers of the war. He earned four Silver Stars, five Bronze Stars, a Distinguished Flying Cross, a Purple Heart, the Air Medal, and other decorations. Later, he commanded a brigade, was chief of staff of the Eighteenth Airborne Corps, and became the commanding general of U.S. Army Forces in Panama. In rising to those command positions, General Loeffke was an Infantry officer and a Special Forces officer.

If this account ended here Americans could be well-satisfied with the results of the Nation's midfifties investment in a military education at West Point for young Bernie Loeffke. That investment yielded an eminently qualified combat leader possessing three complex warfare skills who voluntarily served almost three combat tours, led troops, performed with uncommon valor, and shed blood for his country. According to Joint Chiefs of Staff Chairman Gen. Colin Powell, who spoke at his retirement, General Loeffke became a legend in the Army. His physical ability, tactical skills, love of country, and mission orientation inspired more than one generation of young soldiers to follow him.

But his combat-related activities, however praiseworthy, constitute only a portion of General Loeffke's service to the Nation. The true soldier, in addition to being a warrior contributes to his country and his service in many other ways. General Loeffke's career exemplifies what it means to be a soldier.

He has been a lifelong student, continuously building his capacity for leadership and service. His formal education, in addition to his 1957 bachelor's degree from the Military Academy, includes a master's in Russian language and Soviet area studies and a doctorate in international relations. He is a linguist, fluent in French, Portuguese, Russian, and Spanish. I am told that he is now focusing on Russian and Chinese and that he learns to read and write 10 Chinese characters per week.

Intellectual development and military experience made it possible for General Loeffke to serve brilliantly in a variety of assignments. Like most great soldiers, he has been an educator and a staff officer. He shared his knowledge with succeeding generations as an instructor at West Point, as head of the Inter-American Defense College, and in other assignments. He developed strategic plans for the Army general staff. He was a staff officer and military adviser at the highest level of government, the National Security Council staff of the President. While there he helped to shape U.S. policy in the strategic arms limitation negotiations with the Soviet Union.

Also like many of our greatest soldiers, General Loeffke was a military diplomat. He holds the unique distinction of having been a military attache in both the Soviet Union and China. When he learned of his assignment to China, he somehow arranged to go first to Hong Kong and live in an apartment with a Chinese family to learn as much as he could about the Chinese people, their language, and their culture. It worked. He gained the confidence of the Chinese. A paratrooper, he became the first foreign officer to jump with the People's Liberation Army. The Chinese agreed to the jump, I am told, only after General Loeffke persuaded Secretary of Defense Weinberger during a visit to China to assure the Chinese that the United States has plenty of generals and that, if Loeffke's chute did not open, Weinberger would send them another general.

As a military diplomat, General Loeffke also negotiated with the Soviets on strategic issues in Geneva. He served as a link to the private sector defense establishment as a Council on Foreign Relations fellow. In his final assignment he followed in the footsteps of Gen. Matthew Ridgway as Chairman of the Inter-American Defense Board, the military coordination body of the Organization of American States.

I started by referring to General Loeffke as a soldier-statesman. He is also the epitome of a public servant—a person whose entire life is dedicated to serving the common good. Within days after completing 35 years of military service, he immersed himself in Outward Bound, acting as a group leader. The program is designed to challenge young people through rugged outdoor adventure experiences and to instill strength of character to meet life's challenges.

Later this year, General Loeffke will preside over his brainchild, a 500th anniversary long-distance run commemorating Columbus' discovery of America. Beginning in Argentina and snaking their way across the Andes for 1,492 kilometers to the tip of Chile runners representing most of the countries of the Americas will participate. At his retirement, General Loeffke reminded the audience of Simon Boliver's exhortation: "Let us unit and we will be invincible." Loeffke's trans-Andes run echoes the unity theme. It is intended to remind us, again in Boliver's words, that "in the Americas we are all Americans."

The proceeds from subscriptions for each kilometer of the run will go to the Organization of American States Children's Fund established by General Loeffke's wife Francesca during their assignment with the Inter-American Defense Board. The Loeffkes will also continue to support the Johns Hopkins Center in Nanking, China and look forward to participating in its program.

But these activities are only a prelude to General Loeffke's most noteworthy future undertaking. Somewhere along the way he became a mid-wife. He plans to return to school for 2 years to become a physician's assistant so that he and Francesca will be qualified to perform mission work.

At General Loeffke's retirement ceremony, General Powell, described him as the epitome of "hard work, total dedication, quick intellect, and iron self-discipline." General Powell remembered his friend for many things, to include Loeffke's "making me do push-ups in a Chinese airliner at 25,000 feet so that I could qualify for some PT certificate he was putting out." Most of all, Powell said, he has never forgotten what General Loeffke drummed into him and his peers about the role of a leader two decades earlier: "purposeful leadership is to keep hope alive." That seems to be the most fitting description of what Bernie Loeffke is about, whether in uniform or mufti.

Mr. Speaker, as we completed the preparation of this tribute to General Loeffke, I was informed of a remarkable development. General Loeffke is returning to active service. It was Gen. Shy Meyer who insisted that Loeffke go almost directly from the Moscow to the Beijing assignment. Meyer reportedly brushed aside objections that Loeffke did not know Chinese, commenting that Loeffke was "so damn good" that he would overcome the handicap somehow. Well, Loeffke is "so damn good" that the Army wants him back to serve on the newly formed commission to examine Soviet archives in search of information about American prisoners.

Mr. Speaker, I am so impressed with General Loeffke's record of service that I decided not to wait until he retires again to honor him with this account of his accomplishments.

Today, I congratulate General Loeffke upon his most distinguished service to America. He is certainly a role model for those fine young soldiers who will follow in the service to our country.

BISHOP TOKES BRINGS ETHNIC UNREST IN ROMANIA TO THE ATTENTION OF THE WORLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. LANTOS. Mr. Speaker, the Right Reverend Bishop Laszlo Tokes, who not long ago offered an inspiring prayer before this body as a guest chaplain, has just ended a 9-day hunger strike. He took this drastic and dramatic action in an effort to bring to the attention of the world the deteriorating state of affairs in Romania.

Events in postrevolution Romania have not been kind. The former Soviet dominated country's transition from Communist rule has been volatile as social and ethnic unrest is widespread. Of particular concern to Bishop Tokes is the continued intimidation and persecution of ethnic Hungarians throughout the country.

On September 2, 1992, the day he began his hunger strike, Bishop Tokes issued a statement that reflects his deep despair over unrest in his native country. The document paints a disturbing picture. It is imperative that we in Congress pay close attention to the developments in a rapidly changing Romania.

The potential for strife is great; the threat of serious and lasting turmoil is real.

Mr. Speaker, I ask that Bishop Tokes' statement be printed in today's RECORD and I urge my colleagues read it carefully:

For Zion and for Justice

(Statement by Bishop László Tókés)

In 1989 the former satellite states of the Soviet Union underwent change, in most cases without bloodshed. The Communist dictatorships in the these countries collapsed under their own weight in a relatively peaceful manner.

In contrast to its neighboring countries, blood flowed in Rumania, and violence of the most brutal kind raged. In December 1989, still unidentified perpetrators fired into crowds of demonstrators, and hundreds of people were tortured and executed, or disappeared under suspicious circumstances. The number of victims who have been identified is close to One-Thousand-Five-Hundred.

While in the one-time "fraternal states," the administration of—at least symbolic—justice regarding the past is a central topic of intense political and constitutional struggle, in our country no accounting has occurred with respect to those responsible for the murders of victims (no longer hailed, but now derided, as "revolutionaries"), or the perpetrators of other criminal acts. Two and a half years have passed, and even the publicly identified killers have yet to be charged for their acts.

The blood of the martyrs of Temsvár (Timisoara), Bucharest, Kolozsvár (Cluj), Marosvásárhely (Tirgu Mures), Nagyszeben (Sibiu) and Brassó (Brasov) cries out for justice. The black veil of mourning and powerless rage of parents, siblings, children, widows and orphans point the finger of accusation at the murderers.

The League of Martyr Cities and the National Anti-Communist Alliance for Justice (ANADA) face the cynicism of the government, while the victims' deprived families are confronted by the disgracefully empty provisions of the Compensation Law, No. 42/1990.

The President distributes post mortem decorations, and "revolutionary memorials" are dedicated in the midst of elaborate ceremonies—but justice waits to be served. The government flaunts the colors of democracy and boastfully recalls the "Rumanian Revolution"—but remains idle in the administration of justice.

The new conspiratorial regime, wittily called a "democratatorship," sets the murderers free to walk the streets. In fact, it successively readmits into its ranks those who are guilty of the crimes of the past.

Col. Gheorghe Gambra was commanding officer of the Maros (Mures) County Police [Militia] in 1989 when police used force to repress the demonstrations in Marosvásárhely (Tígu Mures). To this day, none of the murderers of Sándor Bodoni, Lajos Hegyi, Adrian Hidos, Ilie Muntean, Károly Pajkó and Ernō Tamás have been held accountable for their crimes. Col. Gambra was still commanding officer of the Maros County Police in March 1990, when police officers welcomed with open arms the thugs transported to the scene from the surrounding countryside to carry out the programs of Marosvásárhely. Today, Gheorghe Gambra has been promoted to the rank of Brigadier General, and is Commander at the National Police Headquarters.

Where is there justice?

Who will pass sentence on the instigators of the thugs transported from the Görgény Valley to Marosvásárhely?

Who will pass judgment on the organizers of the violent attack against the Hungarian Democratic Alliance of Rumania (RMDSz) headquarters in Marosvásárhely? Or the perpetrators of the attempt on the life of András Sütó? Or the initiators of the attack on the peaceful Hungarian demonstrators of March 20, 1990—those who subsequently turned the demonstration into a bloody street battle?

Who will answer for the young victims of Temesvár, for the revolutionaries whose corpses were burned in the crematorium in Bucharest, and for the mutilated bodies in the [Temesvár] Cemetery of the Poor? Radu Tinu, a Major in the Securitate who played a "leading role" in the events of Temesvár, was set free on the anniversary (exactly one year to the day) of the revolution. His accomplice, Viorel Bucur, was also set free and—after a job well done—now requests his re-admission into the police forçe.

And who cares about Ernō Újvárossy and Árpád Toszó, members of the revolutionary Hungarian Reformed congregation of Temesvár? What about the other victims liquidated by the repressive organs of the state under unknown circumstances? Who has been assigned to investigate the unclear circumstances surrounding the death of the Hungarian theological student from Kolozsvár, István Lukács Kiss?

And who will bring to justice the organizers of the repeated miners' rampages in Bucharest? Who dares to question the behavior of the President, the person who encourages and rewards these "heroes," responsible for brutal devastation and violence?

The failure to administer justice, along with the cynical attitude on the part of the government today, even as the national elections draw near, produce an atmosphere of widespread mistrust and fear among the people, and threaten the country with a resurgence of violence.

And to complete the picture, the nationalist-Communist, pseudo-democratic apparatus—with an entire hierarchy and well-trained personnel preserved intact—provoke sentiments of xenophobia and anti-Hungarianism akin to anti-Semitism. But circumstances, and the government itself, do require the naming of "guilty parties" and the service of "justice" even in this country. This is the purpose served by identifying the Hungarian minority as the enemy, and assigning it the role of "guilty nation." In the meantime, the war criminal Marshall Ion Antonescu is rehabilitated as a national hero.

This is how it could happen that today, the victims of the anti-Hungarian pogrom in Marosvásárhely are charged, at one and the same time, as the perpetrators of the violence. This is why two law-abiding citizens of Marosvásárhely, Ferenc Szabados and Pál Cseresznyés, who fell victim to nationalist provocation, and those simple peasant folk from Oroszhegy (Dealu) and Zetelaka (Zetea), who foolishly believed that Rumania was undergoing genuine change, ended up in prison.

This is the reason for the [Parliamentary] Report on Hargita-Kovászna, and for the ongoing chativinist provocations. The post-Communist regime—concerned with preserving its own power and using the nationalist card to exercise control over the restless masses—needs victims in order not to become a victim itself. The selected victims are the Hungarians, the Gypsies and the now vilified revolutionaries; so, too, are the opposition which is accused of pro-Hungarian sympathies, the rebellious youth and even the minority churches.

"J'accuse!" This was the summary conclusion reached by a writer from Bucharest after considering the show-trials, the complicity of the President, and the social injustice which is raised to the level of national policy. The revived ghost of the Dreyfus affair long ago forced the issue of the administration of social justice from the daily agenda; it mortally endangers the floundering democracy, the rule of law, civil freedoms, human and minority rights—and, last but not least, the upcoming general elections.

As the onetime pastor of the Reformed Church congregation of Temesvár (Timişoara), I feel duty bound to raise my voice in defense of the kidnapped revolution. I raise my voice for all the martyrs of Temesvár and of December 1989, and for the victims persecuted since that time by the post-Communist, nationalistic regime, which seeks only to conserve its own power. I raise my voice for the truth, and for the administration of social justice.

DEMANDS

Administer justice for the victims of the revolution.

Bring to justice the perpetrators of the mass murders of December 1989.

Investigate and administer justice in the matter of the violent acts perpetrated in Marosvásárhely and Bucharest.

Release from prison the victims of the anti-Hungarian show-trials from Marosvásárhely, Oroszhegy and Zetelaka.

Investigate the persecution in 1989 of the leaders and members of the Temesvár Reformed Church congregation, and bring the perpetrators to justice.

Determine the circumstances surrounding the deaths of Ernō Újvárossy and Árpád Toszó, two Temesvár Reformed Church leaders, and administer justice in their cases.

To support my demands—in the revolutionary spirit of Temesvár—from this day forward I shall undertake a hunger strike of undefined duration in the building of the Reformed Church in Temesvár.

I ask for support of my protest from the Temesvár Reformed Church congregation, the people of Temesvár, my Reformed Church and our sister churches, the victims' families, organizations seeking the administration of justice, the domestic and international community, the free and democratic countries of the world, and churches and ecumenical organizations abroad.

"For Zion's sake I will not keep silent, for Jerusalem's sake I will not remain quiet, till her righteousness shines out like the dawn, her salvation like a blazing torch." (Is. 62:1)

ENACT LINE-ITEM VETO NOW

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. SOLOMON. Mr. Speaker, last Thursday I was honored to join in a news conference held by a group of citizen groups to call on President Bush and candidate Clinton to urge Congress to enact a line-item veto this year.

Earlier in the week, I introduced H.R. 5915, the Legislative Line Item Veto Act of 1992 to give the President line-item veto, enhanced rescission authority over any item in any of the fiscal 1993 appropriations bills. This bill is identical to the amendments I attempted to offer earlier this year to the firewall bill and the

Interior and supplemental appropriations bill. On the latter bill, we fell just eight votes short of making my line-item veto amendment under the rule.

I want to commend Chairman BUTLER DERRICK of the Rules Committee's Subcommittee on the Legislative Process for scheduling hearings on the line-item veto this coming and the following Fridays. I hope the full committee will report a bill yet this month. If not, I intend to again offer this as an amendment to the next major appropriations bills likely to come before us, the anticipated continuing resolution in late September.

At this point in the RECORD, Mr. Speaker, I include the press release of Citizens Against Government Waste, my own press statement, and the letter to President Bush and Governor Clinton urging them to pressure Congress to enact a line item-veto this year. The items follow:

CITIZEN GROUPS CHALLENGE BUSH AND CLINTON ON LINE-ITEM VETO AND PORK

WASHINGTON.—The Council for Citizens Against Government Waste (CCAGW), a half-million member, Washington, D.C.-based lobbying organization, along with other major citizen groups, today issued a challenge to both presidential candidates to influence their respective party members in the House and Senate to pass a line-item veto measure before the November election.

"Proponents of the line-item veto in the House and Senate will be pushing for votes before the end of the 102nd Congress. The members of Congress joining us here today—Senator McCain (R-AZ) and Representatives Allard (R-CO), Dreier (R-CA), Penny (D-MN), Solomon (R-NY) and Zimmer (R-NJ)—have led the fight to eliminate pork barrel spending and obtain line-item veto authority for the president. We will join them in the charge to wipe out items from CCAGW's 1993 'Pork Alert,' such as $4 million for the World University Games (NY); $1 million to research improvements in truck cab ergonomics; $500,000 to prepare a unique 10-county feasibility study of the regional transportation needs of central West Virginia; and $150,000 for historic preservation and conservation for the sites of the Eastport and steamboat Dix shipwrecks," said Thomas A. Schatz, President of CCAGW.

"Both President Bush and Governor Clinton promise to end the gridlock on Capitol Hill. Here is their opportunity to demonstrate that they can—today—and not after the election. They both support giving the president line-item veto authority. Together they ought to be able to make it happen. It's time to back up their words with deeds," added Schatz.

One of the items on CCAGW's list is $200,000 for research on locoweed in New Mexico. Schatz said, "Some members of Congress must be smoking this stuff and they must be inhaling it."

Attempts to pass line-item veto legislation earlier this year failed. In July, 207 House Democrats voted against providing line-item veto authority. All House Republicans voted in favor. The Senate defeated a similar measure in February, when 47 Democrats and 7 Republicans went on record in opposition to the line-item veto. But, Schatz argued, "Things will be different this time. The American people are angrier than ever. It's time for a clean sweep of the wasteful spending practices on Capitol Hill. Let's ax the pork barrel. Both presidential candidates favor the line-item veto. Representatives and Senators cannot afford to fail this test of public character."

In a recent study, the General Accounting Office (GAO) found that a line-item veto could have reduced discretionary spending by $70.7 billion over the six-year period from 1984 through 1989. CCAGW's previous publications on this subject, the Congressional Pig Book Summary for fiscal years 1991 and 1992, documented some of the worst examples of pork: $25 million for a supercomputer at the University of Alaska to study how to trap energy from the aurora borealis; $25 million for a federal building and U.S. Courthouse in Beckley, West Virginia; and, $2.5 million to construct bikepaths in the affluent community of North Miami Beach. Pork-barrel spending over the past two fiscal years exceeded $12 billion, according to CCAGW. Others, with a broader definition of pork, claim as much as $97 billion annually falls into this category.

At the press conference, CCAGW unveiled its "1993 Pork Alert"—a list of the top 25 pork-barrel items either enacted by Congress to date or those still under consideration. Among the 25 projects CCAGW targets are: $3.2 million for the Poultry Center of Excellence in Arkansas; $1.3 million for a new national program at the University of Maine to study uses of wood; and, $94,000 for apple quality research. Citing these and other items, Schatz argued: "Pork-barrel spending is easy to find and difficult to justify. It would be easy to eliminate—if the President had a line-item veto. Billions could be cut, and taxpayers would be grateful. The only distress call would come from special interests."

"It is time for a change," Shatz concluded. "Taxpayers cannot afford business as usual and neither can the country. Members of Congress must take this crucial step forward now. If they don't, they will be axed by the taxpayers."

SOLOMON SUPPORTS ENACTMENT OF LINE-ITEM VETO THIS YEAR

WASHINGTON, D.C.—Congressman Gerald B. Solomon (R-NY), the Ranking Republican on the House Rules Committee, today joined with the Council for Citizens Against Government Waste and other groups in urging President Bush and Governor Clinton to call on Congress to enact a line-item veto this year.

In Solomon's words, "On July 28th, the House came within eight votes on the rule for the supplemental appropriations bill of making in order my amendment to give the President line-item veto, enhanced rescission authority. I am convinced that with a little extra nudge from the President and Democratic nominee we can enact a legislative line-item veto this year."

Yesterday, Solomon introduced his amendment, which has been the subject of three previous procedural floor fights this year, as the "Legislative Line-Item Veto Act of 1992."

"The day after the July 28th vote," said Solomon, "the Rules Committee's Subcommittee on the Legislative Process, chaired by Congressman Butler Derrick (D-SC) scheduled hearings for Sept. 18th and 25th on various line-item veto proposals. And the Speaker reportedly told one of the proponents, Congressman Tom Carper (D-DE) that he would consider scheduling a House vote on line-item veto legislation in September."

"I think that our efforts are beginning to bear fruit. Now is the time to pick and harvest the fruits of our labors by enacting a strong legislative line-item veto bill before this Congress adjourns. I intend to testify before the Rules Committee's subcommittee hearings on September 18th and urge it to report a bill to the full committee or at least support the line-item veto as an amendment to the expected continuing appropriations resolution."

"My bill would provide the President with special rescission authority for all fiscal year 1993 appropriations bills on a one-year trial basis. It would reverse the current rescission approval process by allowing presidentially proposed rescissions to take effect unless Congress enacts a rescission disapproval bill. That means that it would take a two-thirds majority of both Houses to override the expected presidential veto of a disapproval bill. That's the same threshold some 33 states now have for overriding gubernatorial line-item vetoes. Only five States have a majority override, four have a three-fifths override, and one has a three-fourths override. The remaining seven states do not give their governors a line-item veto."

"A General Accounting Office report released in January of this year discloses that if the President had had the line-item veto in fiscal years 1984 through 1989, the deficit could have been reduced by about $70 billion based on Administration policy statements on appropriations bills. That ain't chicken feed."

"While I am under no illusion that the line-item veto alone will produce a balanced budget, I think it can be a very valuable tool in making substantial deficit reductions. Congress is well known for larding its spending bills with all manner of wasteful pork. The time has come for us to give the President the precision cleaver of the line-item veto so that he can trim all that fat."

"I have long been a supporter of giving the President either a permanent line-item veto by constitutional amendment or through legislative, enhanced rescission powers and continue to support such permanent authority. But at the very least I think we owe it to ourselves, the President and the American taxpayers to try this on a one-year, pilot basis to determine whether it can and will work. And that is what my compromise bill is all about."

"If the Rules Committee does not report this as separate legislation, I intend to once again press to attach this as an amendment to the next piece of must legislation to come before us—not likely a short-term continuing appropriations resolution."

SEPTEMBER 10, 1992.

HON. GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: American taxpayers are angry. They are tired of wasteful spending, higher taxes and business as usual. They are insisting on change—not merely after the November election—but now.

The Council for Citizens Against Government Waste (CCAGW) and the other undersigned groups of concerned citizens are insisting that the line-item veto be brought to a vote before November. We are challenging Governor Clinton to pressure members of his party in the House and Senate to vote in favor of such legislation. And, Mr. President, we are issuing this same challenge to you.

Both you and Governor Clinton have indicated your support for the line-item veto. We challenge you to use your influence with the members of your party in Congress to pass this vital legislation now. While all House

Republicans supported attempts to provide line-item veto authority in July, seven Republican Senators went on record in opposition to the line-item veto in February. If we are to ensure a victory for American taxpayers, it is clear that you must take the lead with these members of your party and convince them of the rightness of your position.

At our press conference today, we made this challenge public. We showed the nation that, on this issue, you and Governor Clinton are in agreement. We reminded the country that you both promise to end the gridlock. We released the names of proponents and opponents of the line-item veto as well as a list of pork-barrel projects that have already found their way into the FY 1993 proposed appropriations bills. We informed taxpayers that this vote will test the public character of our elected representatives in Washington.

Whatever the outcome, we will make certain that the millions of taxpayers whom we represent know who their friends are. Enclosed is a list of those Republican members who are currently on the wrong side of this issue. We appreciate your help in changing their minds.

It is our sincere wish that we all work together to make the line-item veto a reality and to provide taxpayers with a victory this fall in the fight against government waste.

Sincerely,
Americans for a Balanced Budget.
Americans for Tax Reform.
Citizens for a Sound Economy.
Competitive Enterprise Institute.
Council for Citizens Against Government Waste.
National Taxpayers Union.
U.S. Business and Industrial Council.

SEPTEMBER 10, 1992.

Hon. BILL CLINTON,
Office of the Governor,
State Capitol Building,
Little Rock, AR.

DEAR GOVERNOR CLINTON: American taxpayers are angry. They are tired of wasteful spending, higher taxes and business as usual. They are insisting on change—not merely after the November election—but now.

The Council for Citizens Against Government Waste (CCAGW) and the other undersigned groups of concerned citizens are insisting that the line-item veto be brought to a vote before November. We are challenging President Bush to pressure members of his party in the House and Senate to vote in favor of such legislation. And, Governor, we are issuing this same challenge to you.

Both you and President Bush have indicated your support for the line-item veto. We challenge you to use your influence with the members of your party in Congress to pass this vital legislation now. In February, 47 Democratic Senators voted against the line-item veto. In July, 207 House Democrats voted against it. If we are to ensure a victory for American taxpayers, it is clear that you must take the lead with these members of your party and convince them of the rightness of your position.

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Citizens for a Sound Economy.
Competitive Enterprise Institute.
Council for Citizens Against Government Waste.
National Taxpayers Union.
U.S. Business and Industrial Council.

HONORING ANNE FEDDERMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I rise today to acknowledge a dear friend, Anne Fedderman, on the occasion of her 75th birthday.

For many years, Anne Fedderman was an integral part of the Co-op City community, where I reside. Whether it was as president of the Temple Judea Sisterhood, or as an executive board member of the Co-op City Democratic Club, Anne has always given generously of her time and energy in order to improve the lives of her neighbors. In recognition of her community work, Anne was honored by Federation of Jewish Philanthropies.

Anne also has a loving family of which I know she is very proud. Her son, Richard, works as a staff assistant in my office, and he has clearly inherited his mother's dedication and good will. I know the entire family joins me in wishing Anne a happy and healthy 75th birthday. We all look forward to sharing many more years together.

IRAN CONTRA IS A WASTE OF TAXPAYERS' MONEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. DUNCAN. Mr. Speaker, the Iran-Contra investigation has been a ridiculous waste of taxpayers' money. I would like to call to the attention of my colleagues and other readers of the RECORD a column by Ralph Looney, a columnist for the Scripps-Howard News Service:

IRAN-CONTRA PROBE NOT SERVING BEST INTERESTS OF U.S. TAXPAYERS

(By Ralph Looney)

Like the Energizer rabbit, some things just keep going and going and going.

If you don't believe that, take a look at the Congress-inspired Iran-Contra probe that's been going and going and going for more than five years.

And at the same time spending and spending and spending taxpayer money to accomplish absolutely nothing.

At last count the inquiry headed by independent prosecutor Lawrence Walsh has already cost Uncle Sam $32 million.

Actually, it may be even more, since expenses apparently have never been audited by the congressional General Accounting Office.

Rep. Gerald Solomon, R-N.Y., says he's seen expense vouchers totaling $300,000 for Walsh and his main prosecutor, Craig Gillen.

Spending $32 million might be worthwhile if Walsh and staff had uncovered a scandal of Watergate proportions. But their performance has worked out more like "Casey at the Bat" than Babe Ruth.

Since the fiasco began back in the 1980s Walsh has managed to get only one conviction that stuck. Two other convictions, Lt. Col. Oliver North and Rear Adm. John Poindexter, were reversed or set aside on appeal. Guilty pleas were entered by seven on lesser charges, most of whom were probably unable to pay the enormous cost of legal defense.

Walsh now has been reduced to what some consider harassment of lesser fry and still failing to prove wrongdoing.

Just a few weeks ago Walsh and Gillen lost out again when the case of CIA spy chief Clair George wound up in a mistrial.

George had pleaded innocent to three counts of obstructing Congress and a federal grand jury and six counts of making false statements. Jury votes ranged from 7 to 5 and 10 to 2 for acquittal. Jury foreman Steven Kirk told reporters he thought a retrial probably would be unnecessary.

"There was never a point in our deliberations where a majority found the defendant guilty," Kirk said. "Twelve other jurors would have a hard time finding the defendant guilty of these charges."

Kirk also said the jurors "were not prepared to convict anybody based on questions which contained ambiguous phrases."

The mistrial verdict reportedly cost the government (and taxpayers) another $1 million, but Walsh and Gillen are preparing for a retrial Oct. 19 anyway.

No figures have been released on the cost of the defendant's defense, but it may have equaled the $1 million spent by the prosecution. The retrial may double George's costs.

Meanwhile, the 80-year-old Walsh and the 40-year-old Gillen keep going and going and going. Besides the retrial of George, they're preparing to try former Defense Secretary Casper Weinberger and Duane "Dewey" Clarridge, former chief of the CIA Western Europe Division on charges.

Both George and Clarridge are patriots who had distinguished careers serving their country. Weinberger is highly respected. His record of service is without blemish. He is, like the others, a patriot.

Walsh's Iran-Contra probe is looking more and more like a political vendetta than a legitimate inquiry every day.

Walsh doesn't seem to recognize that the ballgame is over, the crowd has gone home and he's left at homeplate unaware that he has struck out.

IN RECOGNITION OF MICHAEL DEL VECCHIO

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mrs. ROUKEMA. Mr. Speaker, On September 11, the men and women of the Haledon, NJ Police Department gathered to mark the retirement and celebrate the career of Deputy Chief Michael Del Vecchio. Joining the members of the police family were elected officials, civic leaders, representatives of the New Jersey State Policeman's Benevolent Association, and the family and friends of Michael Del Vecchio.

Michael Del Vecchio is retiring after over two decades of service as a police officer. He has earned the respect and admiration of his community and his colleagues.

His distinguished career as a police officer, protecting the community from those that would seek to undermine its streets and homes, would fill volumes. My intention here today, however, is to honor and acknowledge the great debt we owe to Michael Del Vecchio's service to the people, his tireless involvement as an advocate for law enforcement professionals, and his service to the PBA. His service has been above and beyond the call of duty and exemplifies the best in his profession.

In December 1967, Officer Del Vecchio was graduated from the New Jersey Police Academy and New Jersey Police Training Commission in Paterson. He began his service as a patrol officer on the Paterson, NJ Police Department that same year. He served the residents of Paterson until 1969, when he joined the Haledon squad. In Haledon, Officer Del Vecchio served as sergeant, captain, and most recently deputy chief of police.

During his years of service, Officer Del Vecchio has committed himself to an expanded knowledge of law enforcement procedures. He has completed 20 years of specialized training courses including workshops on communicating with the deaf and hard of hearing, crisis intervention with the mentally ill, and domestic violence seminars.

Officer Del Vecchio has also worked for the benefit of his fellow officers as he held the posts of PBA local secretary from 1971–72; PBA local president from 1972–73; and, PBA delegate from 1973–77.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, the rewards freely given by ones peers. And that is why the friends and family of Officer Michael Del Vecchio gathered to recognize his achievements. I ask my colleagues to join in that recognition.

HAMPDEN FIRE CO., NO. 6 CELEBRATES ITS 125TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. YATRON. Mr. Speaker, with great pleasure I rise today to ask my colleagues in the House to join me in recognizing the Hampden Fire Co., No. 6, as it celebrates its 125th anniversary. On Saturday, September 19, 1992, the Hampden Fire Co. will hold a dinner-dance in celebration of its 125th anniversary at the Goodwill Beneficial Association in Hyde Park, Reading, PA.

Hampden Steam Fire Engine Co. was formed in September, 1867, as the sixth engine company in the department. Because of the distance and heavy grades between the Hampden community and the nearest fire company, community leaders and common citizens responded to the need for a fire company in the northeast section of Reading. In 1887, the company moved from its small, original building into a new engine house and is now located at Ninth and Marion Streets in Reading.

Over the years, the company has responded to many fires and participated in many flood responses throughout Pennsylvania and the Middle Atlantic region. The company's brave and courageous members have served the Reading area proudly by protecting the schools, the churches, the hospitals, and the homes in the surrounding community.

For the past 125 years, citizens in northeast Reading have been able to rest comfortably, secure in the knowledge that the dedicated members of Hampden Fire Co. were at the ready should their talents be needed. I want to offer my personal thanks to the company and all of its members for their service to community and country. And I know my colleagues join me in congratulating the company on its past 125 years and wish the company only the best of good luck and good fortune in its next 125 years.

MISSOURI QUALITY AWARD ENCOURAGES BUSINESS COMPETITIVENESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. SKELTON. Mr. Speaker, I rise today with great concern about the condition of our Nation's economy. Although America experienced a period of effortless economic superiority in the wake of World War II, its experience has been quite different recently.

The growth of our country's gross national product [GNP] has been faltering. For years the financial system of the Nation has suffered from fundamental flaws in our lending institutions, and today both consumer and business confidence is at an alltime low.

Today, however, I am proud to say that the State of Missouri is in the forefront of promoting a recovery. To boost consumer and business confidence, to emphasize education, quality production and global competitiveness, the Excellence in Missouri Foundation has established the "Missouri Quality Award."

The concept is simple. Patterned after Malcolm Baldridge National Quality Award, the Missouri Quality Award is a cooperative business, academic, labor, and government initiative aimed at educating managers and the workforce, as well as improving both business performance and resource management.

Each business or organization competing for an award completes a detailed, confidential application. Award categories include manufacturing, services, health care, education, and Government. Each category, moreover, is divided into three different size classifications to accommodate small, medium, and large businesses alike. As with the program at the national level, winners are encouraged to publicize and advertise all awards, provided they agree to share successful strategies with other Missouri organizations.

Mr. Speaker, to achieve significant growth in our economy we must invest in our people. The Excellence in Missouri Foundation promises to encourage such investment strategies. The Quality Award Program represents a significant step toward improving Missouri's competitiveness. And, more importantly, the establishment of the award will invigorate national efforts to increase investment and productivity. It is my hope that other States will take note of the Missouri initiative.

TRIBUTE TO MONIKA FEALKO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. TRAFICANT. Mr. Speaker, today I rise to pay tribute to a young lady from my 17th Congressional District who exemplifies the true meaning of the well-rounded, student-athlete.

Mr. Speaker, Monika Fealko is a standout both on the track and in the classroom. Over her scholastic career, she earned no less than seven varsity letters. Three of these came in the grueling sport of cross country where the athletes run 2½ miles over hilly and grassy terrain. She twice qualified for cross country regionals and won the conference meet. Her other four letters came in the equally difficult sport of track and field. That is right, Mr. Speaker, Monika lettered all 4 years of high school in track.

Meanwhile, Monika upheld a 3.7 grade point average. She was selected to the National Honor Society and was ranked sixth in her class.

Currently, Monika is a post-secondary option student at Kent State University at the Trumbull campus. Mr. Speaker, it gives me great pride to honor someone like Monika Fealko. She has a great running ability and a very sharp mind as well. I wish her well in both her athletic and academic career.

NATIONAL POW/MIA RECOGNITION DAY—SEPTEMBER 18, 1992

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. FORD of Michigan. Mr. Speaker, it is fit and proper that we dedicate this day to America's POW/MIA's. Veterans Day serves to commemorate the sacrifice of all veterans. Memorial Day serves to commemorate the sacrifice of those veterans who gave their lives for their country. This day, September 18, serves to commemorate the sacrifice of those veterans who suffered so horribly as wartime prisoners, and those veterans whose fate we still do not know. These men and their families deserve the special recognition this day affords.

Nearly 2,300 Americans remain unaccounted for from Vietnam. The families of these missing men have carried the heaviest burden of all those families who suffered the loss of a loved one in war—the burden of never knowing what became of their son, husband, or father.

In several respects, I feel particularly honored to play a part in this day's events. As a veteran, like many of you, I feel a kinship with the men who remain missing to this day. I served in the Navy during World War II. I also served in the Air Force during the Korean war. Speaking from my own experience, I can tell you that the fear of capture by the enemy weighed almost as heavily on a soldier as the fear of dying. POW's could face torture and a lifetime away from their homes and families. It was a fate a soldier wished on no one.

As a father whose son served in the military during the Vietnam war and as a Member of Congress during that war, I feel a particular bond with the men who remain unaccounted for from that war. Bill Jr. thankfully completed his term in the Army without event. I, nevertheless, worried over his welfare and safety throughout his service.

As a Member of the House since 1965, I had to vote for funding legislation for the war. These votes were probably the most difficult of my career. My greatest hope was that the Americans our Government sent to Vietnam would go there, do their job, and safely return home to their friends and family. Unfortunately, war does not lend itself to such a neat conclusion. Over 58,000 men and women died in Indochina and, to this day, we still do not know what happened to another 2,300. While nearly 20 years have passed since our Nation's formal involvement in the war ended, the legacy of the dead and missing means that our involvement there will never end. We left a part of ourselves in that faraway nation, a part we will never be able to fully retrieve.

I will continue to work toward the fullest possible accounting of American POW/MIA's. This Congress, I am cosponsor of three bills which work toward this end. H.R. 1147 directs the Federal departments and agencies to make available to the public any information they may have concerning live sightings of American military personnel held prisoner in Communist countries. H.R. 1730 amends the Missing Persons Act of 1942 by opening up the process for any change of status of a person listed as missing in action. Finally, H.R. 1900 provides for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Myanmar who assist in the return to the United States of living POW/MIA's.

Outside of my personal involvement in this issue, national attention on POW/MIA's has grown significantly over the past year. I am pleased to witness this increased attention. It has been too long in coming. I am further pleased that Congress has taken a leading role in the matter. The Senate Select Committee on POW/MIA Affairs, created by legislation I supported, has conducted a series of hearings on the Pentagon's efforts to account for POW/MIA's from the Vietnam war. The select committee has also sponsored tours of crash sites in Indochina. In addition, the select committee has finally applied the necessary pressure on the administration to open up the intelligence files of missing men that do not endanger U.S. security. I applaud the work of the select committee and look forward to their final report which should yield some definitive answers for the families of the missing men.

While we may never be able to learn the fate of every missing American, we must keep the memory of these missing men alive. I commend you for your efforts on this front. Together let us continue to educate all Americans as to the thousands of Americans who remain missing from all wars.

A NECESSARY REVOLUTION IN AMERICA

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. GUNDERSON. Mr. Speaker, Col. Charles Cooper, USAF-Ret., recently published an article in The Retired Officer Magazine about the need for revolutionary changes in our country. Such changes have been outlined by our colleague, NEWT GINGRICH of Georgia, on this floor.

Colonel Cooper's column makes several important points, which parallel Mr. GINGRICH's remarks, on channeling public anger at our current system into positive action.

I commend his thoughtful words to you.

[From The Retired Officer Magazine, July 1992]

A NEW AMERICAN REVOLUTION

(By Col. Charles D. Cooper)

"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."—Abraham Lincoln, First Inaugural Address

Little more than two centuries have passed since our forefathers found themselves embroiled in the great war for national independence. As a result of the colonists' victory in that conflict, remembered today as the Revolutionary War, our United States came into being. Some 4,435 patriots gave their lives in the eight-year war to gain independence from the mother country. That number seems infinitesimal when compared with the losses of America's more recent wars, yet the deeper significance of their sacrifice in the birthing of this nation cannot be measured in mere casualty figures alone. The bold revolution led to the creation of what is still recognized as the only remaining superpower on our globe today.

That status notwithstanding, our nation is currently undergoing a period of severe Angst. The effects of recession, though apparently waning, still linger persistently. Unemployment remains high. The streets of our nation's capital, and many other cities across the land, are lethal combat zones. The country's leadership is viewed to be foundering in a deep morass.

In a speech on the House floor, Newt Gingrich, Minority Whip, recently expounded. "America is at a crossroads. * * * I think Americans know we are winning the Cold War and losing the competitive war * * * they know we are defeating the Soviet empire but that we are losing the domestic struggle against drugs, crime, ignorance and welfare. They know we are losing faith in our constitutional system, that they do not see it working. They do not see their votes mattering. They do not see their leaders being affective. They do not see the structures their Founding Fathers gave them producing results, and so they are almost in agony."

And at what door does Mr. Gingrich lay this malady? The Whip attributes it to a welfare state that is literally crippling our country.

Says Gingrich. The core values of the welfare state, when put into practice, have the effect of protecting the criminal at the expense of the innocent. They encourage 12-year-old girls to have children, 15-year-old boys to promiscuously * * * father without becoming a father. These values have the effect of spending more and more resources on unproductive bureaucracies while taxing and regulating small businesses and job creators until they either leave for a better environment or simply close and kill the jobs they have created."

And the solution? Gingrich sees replacement of the welfare state as essential to the survival of America as a prosperous, free country.

"The national transformation must start with a peaceful, political revolution. No reforms within the welfare state can be effective. For more than a decade we have participated in partial reforms affecting welfare, crime, education, health and the effectiveness of government bureaucracies. By any measure, these reforms have failed. Revolution is necessary because the welfare state has failed both to achieve its goals and to reform itself."

And how would this revolution be carried out? Gingrich notes that the Founding Fathers created a powerful system for each generation to have its own necessary revolution; the vote.

"Every citizen who has complained about taxes, bureaucracy, inefficiency, indifference, and ineffectiveness of the welfare state now has an alternative.

"Most Americans are tired of violent crime, drugs, inadequate education, overly expensive health care, too many lawsuits, welfare that encourages decay and taxes, and bureaucracies that kill American jobs and weaken the American standard of living. If every person who is fed up with these failures will register and vote to replace the welfare state, the revolution will occur in 1992 and 1993."

The time appears to be ripe. Possibly not since the colonists turned Boston Harbor into a teapot and the "shot heard round the world" was fired at North Bridge has the electorate been so ready for change. Yet, if that readiness is to be converted to positive action, we have to turn Angst and verbiage into deeds. If a successful peaceful revolution is to be mounted, then we have to know the issues, study the candidates, and reverse America's lackadaisical response to the ballot box. The system is in place. Are you ready to be a "minuteman" in the new American revolution?

THE AMERICAN LEGION SUPPORTS NOTCH ISSUE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, at the American Legion convention held in August in Chicago, the delegation from Massachusetts presented a resolution in support of the pending bill to address the unfairness created by the Notch Act in the late 1970's. The operative clause of the resolution is "that the American Legion support any initiative by the Congress for the passage of legislation to address the Notch issue." As one of the cosponsors of legislation that would provide assistance to people who receive less in Social Security because of the notch, I very much appreciate the American Legion speaking out on this matter. I am proud of the Legion members from Massachusetts who took the lead in getting this resolution adopted. The American Legion represents a broad range of individuals, and is obviously one of the major organizations concerned with the welfare of those who fought and won World War II—the very people who most suffer from the current effects of the Notch Act. I am very pleased that the American Legion has officially joined our effort in this way.

NANCY WALTERS NAMED TEACHER OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. THOMAS of California. Mr. Speaker, I would like to recognize the outstanding achievement of Nancy Walters upon being named the 1992 Bishop Union Elementary School District Teacher of the Year. This honor is bestowed upon Nancy because of her significant contributions to the education of young people in Bishop, CA.

Nancy has taught second grade at Elm Street School for over 20 years. During her tenure, Nancy has demonstrated time and again her unwavering commitment and devotion to her students and their educational needs. Nancy has also earned the respect and admiration of her peers and has been active in improving the school system as a whole. As an educator myself, I know that far too often these efforts go unrecognized, but their positive impacts are long lasting.

Nancy Walters is an excellent example of what is right with our education system. She has always put her students first and has striven to ensure that they receive the best education possible. I am pleased to join the Bishop Union Elementary School District, the faculty of Elm Street Elementary, and Nancy's students, both past and present, in congratulating Nancy on being named the 1992 Teacher of the Year—an award of which she is most deserving.

TRIBUTE TO SUTTER SENIORCARE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise today to honor Sutter SeniorCare on the occasion of their grand opening. On September 17, 1992, their celebration will be among only 15 demonstration sights selected nationwide to participate in the Program for All-Inclusive Care for the Elderly [PACE].

Sutter SeniorCare is designed to replicate the comprehensive service and financing model created by On Lok Senior Health Services in San Francisco. This health care program focuses on the frail elderly who meet their State's Medicaid health standards of eligibility for institutional care. Participants receive medical, restorative, social, and supportive care they need in their own homes and SeniorCare health center rather than entering long-term institutions. Their philosophy anticipates maintaining and preserving as much of the participant's independence, family relationships, and daily life style.

Sutter SeniorCare's dedicated team is made up of physicians, nurses, social workers, therapists, drivers, health aides, and others. Their health care network works together in determining each health care plan, providing exclusive care and services, and monitoring each participant's progress with a preventative approach. The Sutter SeniorCare Program is an affiliate of Sutter Health, a Sacramento, CA based nonprofit, multiservice health care organization.

Mr. Speaker, I ask my colleagues to join me in saluting the opening of Sutter SeniorCare. Sacramento is proud and honored to have this health care program which will enhance the quality of life for our senior citizens.

H.R. 4551, THE CIVIL LIBERTIES AMENDMENTS ACT OF 1992

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mrs. MINK. Mr. Speaker, I rise today in support of H.R. 4551, the Civil Liberties Amendments Act of 1992, which is necessary to fulfill the commitment that was made by this Congress in 1988 to the 120,000 Americans of Japanese ancestry who were denied their fundamental rights of liberty and freedom during World War II.

Forced to leave their homes, abandon their possessions, and endure the harsh conditions of internment camps during World War II, Japanese-Americans were treated as enemies in their own country simply because of their ethnic heritage.

In 1988 the Congress enacted the Civil Liberties Act to apologize for this egregious violation of personal liberty against Americans of Japanese ancestry, and to provide a payment of $20,000 to each living survivor of the evacuation and internment in an attempt to redress this terrible wrong.

In 1988 it was estimated that there were 60,000 eligible individuals still living, and that a total of $1.2 billion would be required for these payments. However, during the implementation of this act we found that the original estimates were too low and that there could be over 75,000 individuals eligible for the redress payments.

The original estimates relied upon actuarial tables based on the life expectancy of caucasians, rather than persons of Japanese ancestry, who tend to have longer than average life expectancies. The estimates also did not take into account those individuals who were evacuated, but not actually interned. This was the situation for many in Hawaii who were forced from their homes situated near military installations, but were not sent to the camps.

H.R. 4551 is necessary to ensure that all eligible individuals receive their redress payment. The bill authorizes an additional $400 million to make the remaining payments, and to extend eligibility to non-Japanese spouses who were also interned. The funds will also be used for the purpose of educating future generations about this experience in our Nation's history as prescribed in the original act.

Mr. Speaker, these payments are more than just money to the survivors of this terrible ordeal. No amount of money could ever make up for the loss of liberty and the indignity of being treated as an enemy in one's own country.

H.R. 4551 symbolizes the commitment of a Nation to right this terrible wrong and to begin a healing process. For many it also symbolizes the restoration of their rights as American citizens and gives them hope that we will learn from our mistakes, and that we will never again breech our commitment to the rights guaranteed by the Constitution to every individual in our Nation. We do not seek to preserve and perpetuate this experience to dwell on the mistakes of the past, but to move forward and to assure all people of this country that never again, whether in time of war or peace, will we chose to violate the precious rights guaranteed to every American citizen.

I urge my colleagues to vote for H.R. 4551, the Civil Liberties Amendments Act of 1992.

IN TRIBUTE TO THE MODERN JAZZ QUARTET

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus Foundation to bring to the attention of my colleagues the distinguished cultural achievements of the Modern Jazz Quartet (MJQ). This extraordinary unit has reigned for over 40 years at the forefront of America's own classical music and national American treasure known as jazz. As founder of the jazz issues forum, I am pleased to join the CBCF, BMI, and numerous fans and friends in leading tribute to this extraordinary jazz unit on September 24 during the CBCF'S Eighth Annual Jazz Issues Forum.

During the 40 years that the MJQ has performed together, it has done a great deal to help realize the potentialities of jazz while simultaneously enlarging its audience. With the subtlety that identifies its performances, the MJQ has brought a sense of dignity to being a jazz musician—a calling that long has been demeaned by those unfamiliar with it. The quartet, in addition, has figured prominently in developing respect for black musicians and material stemming from the black tradition.

And as Boston Globe jazz critic Bob Blumenthal has noted: "No ensemble in jazz history has made a better case for the music's ability to enhance individuality through collective effort and to reconcile distinct and even clashing personalities on common melodic ground."

Evolution and growth is what the Modern Jazz Quartet is all about. Since it became a working, recording group in 1952—featuring John Lewis, piano, Milt Jackson, vibraharp, Percy Heath, bass, and Kenny Clarke, drums—it has progressively developed, reaching into a variety of musical areas, ranging from the mother lode, the blues, to forms more basic to European music.

The MJQ, as it has become to be known, has its own sound and way of doing things. Over the years, its identity has not radically changed—there is no doubt that the quartet's stock in trade is jazz. Its individuality springs from how the foursome performs and its poise and sense of self-respect on stage.

As musicians out of the Dizzy Gillespie big band and small group, vintage late 1940's-early 1950's, the quartet was compatible from the outset. After making some recordings in the spring of 1952, it was decided that the group would stay together and try to make a go of things. Lewis says: "Since all four had reputations—Kenny was the most famous—no one could afford to pay the other three, so we had to make the band a cooperative." Each man had his own set of duties. Everything was equally shared.

Lewis became musical director. He had his own vision of the quartet—what it should be like musically, visually, philosophically. He wanted to make the music more than just a jam session—something more substantial. He felt a particular need for compositional order and form.

He wanted as well to project an image. Percy Heath adds: "* * * the dress, the wearing of tuxedos, and trying to perform in concert rather than always in nightclubs, was part of what he envisioned to change the whole attitude about music."

The overall plan has worked. What Lewis and his colleagues desired has become reality. The group has become a major factor here and abroad; it has opened the way for others in many fields, including education, film, public performance—its pioneering work with symphony orchestras, dance companies, string quartets has been extremely important.

With music itself, the MJQ bears primary responsibility for extending the world of jazz, marrying it compatibly with elements from the relatively unexplored classical world, evolving music now known as Third Stream. Lewis and distinguished composer-conductor-educator Gunther Schuller have made this music worldwide phenomenon.

The quartet always has looked to itself for direction. John Lewis has given the unit structure, form, a philosophical and musical focus. Milt Jackson, a truly major vibraharpist and composer and great source of heat and excitement, has provided a sense of balance and deeply rooted jazz identity. Bassist Percy Heath, a very thoughtful musician whose ideas have been incorporated into what the unit does, is the heartbeat of the foursome. He ties in particularly well with drummer Connie Kay—who has brought unusual dimensional and subtlety to the drumming process.

Over the entire history of the Quartet, there has been only one personnel change. In 1955, just as the band was beginning to take hold, Kenny Clarke, the highly innovative drummer, left after an important engagement at Birdland in New York City. Kay replaced Clarke, a difficult thing at best. To achieve a highly positive and musical result, he combined his excellent instincts and varied experiences with such top jazzmen as Lester Young, Coleman Hawkins, the legendary Charlie Parker, Miles Davis, and Stan Getz, and readily took suggestions from his colleagues, notably Lewis. And he became a key, contributing element in the four-part compound that is the MJQ.

Lewis, as composer of consequence and a readily identifiable pianist, is a product of both the conservatory and the "streets". He studied at the University of New Mexico and the Manhattan School of Music and worked with such jazz luminaries as Lester Young, Charlie Parker, Illinois Jacquet and Ella Fitzgerald. His work as an educator is widely recognized as is his ability to lend character to small and large bands. He is cofounder of the American Jazz Orchestra.

Jackson, like Lewis, participated in the bebop jazz revolution of the 1940's. He brought modern ideas and techniques to the vibraharp, defining a style others have used as a model. A number of his compositions have become jazz standards. His experience as a jazz musician is enviable. A Gillespie veteran, an experience he shares with Lewis and Heath, he has played and/or recorded with Woody Herman, Thelonious Monk, Charlie Parker and many others.

Heath, one of the most widely recorded bassists, is an excellent ensemble player and soloist who became very serious about the bass and jazz after coming out of the service, following World War II. He has continued to develop over the years, becoming increasingly proficient and adaptable. He has played with most of the leading jazz modernists, including Miles Davis, Fats Navarro, Charlie Parker, Thelonious Monk, J.J. Johnson and so many others. He is a member of an outstanding jazz family. His brothers Jimmy—a composer and saxophonist and Albert—a drummer—are widely admired around the world.

Forty years together—with time out for pursuing individual interests—the Modern Jazz Quartet looks to the future with a sense of anticipation. It is with great relief to note that this glorious jazz story is far from over.

IN OPPOSITION TO H.R. 5466

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1992

Mr. FROST. Mr. Speaker, I rise in opposition to H.R. 5466. The bill includes several provisions that would abridge traditional contract rights. Moreover, H.R. 5466 includes a provision that would abrogate thousands of existing private contracts between CRS vendors and travel agents. These intrusions upon the liberty to contract are unjustified.

Proponents of the bill claim that the restrictions on contractual freedom are necessary to promote competition in the CRS market. However, the courts, the Department of Transportation Enforcement Office and legal commentators have thoroughly reviewed the contractual rights at issue and agree that they are reasonably related to legitimate business concerns and are not anticompetitive. Indeed, the Federal antitrust laws govern and address anticompetitive business practices, and the courts have repeatedly upheld under those laws the contractual provisions that would be outlawed by H.R. 5466.

Most notably, the bill would deny CRS vendors the right to seek lost profits as a component to damages where there is a breach of contract. The right to seek lost profits is a basic remedy under contract law, and it is an essential measure of damages if a party is to be put in as good a position as if the contract had been performed, which is the object in awarding damages.

Lost profits are particularly important in the economic relationship between CRS vendors and travel agents. Since travel agents pay relatively little for the use of the vendor's CRS equipment—in many cases the travel agent may have the use of millions of dollars of equipment—there must be some expectation that a certain number of bookings will be generated. This arrangement also helps to lower travel agents' subscription fees.

In case of a breach, therefore, to be put in as good as if the contract had been performed, it is necessary that the CRS vendor be allowed to seek foreseeable lost booking fees as a component to its damages. To deny these damages would put at risk the hundreds of millions of dollars in equipment provided by CRS vendors to travel agents.

In addition, H.R. 5466 would limit subscriber leases to no more than 3 years. This limitation would apply to existing contracts as well as future contracts. H.R. 5466 would not—as its proponents claim—grandfather existing CRS contracts, because the bill would void any subscription contract of more than 3 years, unless both parties agree in writing that the contract should remain in effect. This is not a serious attempt to grandfather existing agreements. The effect of the bill would be to void literally thousands of CRS contracts.

Such an action would be inordinately intrusive and would disrupt the stability of the CRS marketplace. In addition to destroying the value of those agreements voided, such an act by Congress would send the wrong signal to investors at a critical time for the airline industry. When commercial agreements are easily subjected to revision or abrogation, we have learned that investors will be hesitant to commit resources, increasing the cost of capital and impeding economic growth in the affected industry. We see this every day in foreign countries.

U.S. CRS companies are now engaged in fierce competition in foreign markets. To remain competitive, U.S. CRS companies will have to continue to attract capital, and this requires investor confidence. Now is not the time to be voiding thousands of CRS contracts just because a couple of CRS vendors have been more successful than others.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 15, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 1622, to revise the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, S. 2837, DES Education and Research Amendments, S. 492, Live Performing Arts Labor Relations Amendments, S. 3179, authorizing funds for the Agency for Health Care Policy and Research, Department of Health and Human Services, S. 1777, Breast Cancer Screening Safety Act, S. 3134, Ready to Learn Act, H.R. 4773, Fertility Clinic Success Rate and Certification Act, and to consider pending nominations.

SD–430

10:00 a.m.

Appropriations

Defense Subcommittee

Business meeting, to mark up H.R. 5504, making appropriations for fiscal year 1993 for the Department of Defense.

SD–116

Finance

International Trade Subcommittee

To hold hearings to examine the environmental impact of the proposed North American Free Trade Agreement.

SD–215

Governmental Affairs

Business meeting, to consider pending calendar business.

SD–342

Joint Economic

To hold hearings to examine what industry and government can do to create high-wage jobs in today's global economy.

2359 Rayburn Building

10:30 a.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on implementation of the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240).

SD–406

11:00 a.m.

Conferees

On H.R. 776, to provide for improved energy efficiency.

SH–216

11:30 a.m.

Foreign Relations

Closed briefing on the proposed sale of F-15 aircraft to Saudi Arabia.

S–116, Capitol

SEPTEMBER 17

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the implementation of the research and education provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624), focusing on the Department of Agriculture's effort to ensure that research activities supported by the Agricultural Research Service, the National Research Initiative, and the Sustainable Agriculture, Research and Education program foster the development of sustainable agriculture systems.

SR–332

Energy and Natural Resources

To hold hearings on provisions of S. 2335, National Beverage Container Reuse and Recycling Act, relating to the energy conservation implications of beverage container recycling.

SD–366

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine long-term strategies for urban revitalization.

SD–538

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold oversight hearings on implementation of the Marine Plastic Pollution Research and Control Act (title II of P.L. 100-220).

SD–406

Judiciary

Business meeting, to consider pending calendar business.

SD–226

2:00 p.m.

Finance

Social Security and Family Policy Subcommittee

To hold hearings to review a Supreme Court ruling that limits the right of beneficiaries under the Adoption Assistance and Child Welfare Act of 1980 to go to court to enforce its provisions.

SD–215

SEPTEMBER 18

9:30 a.m.

Governmental Affairs

To hold hearings on the nominations of Shirley Chilton-O'dell, of California, and Stephen Norris, of Virginia, each to be a Member of the Federal Retirement Thrift Investment Board.

SD–342

10:00 a.m.

Environment and Public Works

To hold hearings on S. 2132, to direct the Administrator of the Environmental Protection Agency to establish advisory boards and conduct research with respect to assessing and reducing environmental risks.

SD–406

Select on Indian Affairs

Business meeting, to mark up S. 2975, to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, H.R. 5686, to make specified land description changes with respect to the Reservation of the Confederated Tribes of the Grand Rhode Community of Oregon, S. 3155, to estabish the National Indian Policy Research Institute, S. 3157, to provide for a National Native American Veterans' Memorial, and proposed legislation on Phoenix Indian schools.

SR–485

SEPTEMBER 21

9:30 a.m.

Select on POW/MIA Affairs

To hold hearings to review the Paris Peace Accord negotiations and aftermath.

SH–216

SEPTEMBER 22

9:00 a.m.

Finance

To resume hearings on issues relating to the North American Free Trade Agreement.

SD–215

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations by the American Legion.

334 Cannon Building

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review allegations of bias within the Social Security disability program.

SD–342

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings to examine issues relating to genetic patenting.

SD–226

Select on POW/MIA Affairs

To continue hearings to review the Paris Peace Accord negotiations and aftermath.

SH–216

10:00 a.m.

Select on Indian Affairs

To hold joint hearings with the House Interior Committee on S. 2977, to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands.

SR–485

11:00 a.m.

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 2256, to revise the Lanham Act to mandate that each public exhibition of a materially altered motion pictice bear a label conspicuously disclosing the nature of the alteration, and any objections thereto raised by its artistic author.

SD–226

SEPTEMBER 23

9:00 a.m.

Finance

To continue hearings on issues relating to the North American Free Trade Agreement.

SD-215

SEPTEMBER 24

9:30 a.m.

Select on POW/MIA Affairs

To resume hearings to review the Paris Peace Accord negotiations and aftermath.

SH-216

SEPTEMBER 25

10:00 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 2977, to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands.

SR-485

SEPTEMBER 29

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the implementation of the Alternative Agriculture Research and Commercialization (AARC) Act of 1990 (P.L. 101-81), focusing on the current activities of the AARC Board and future activities with regard to establishment of regional AARC centers and the development of patent and licensing agreements.

SR-332

SENATE—*Tuesday, September 15, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 9 a.m., on the expiration of the recess and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

Eternal God of truth and righteousness, in this kaleidoscopic melee of crises, profound issues and superficial opinions, grant to the Senators and their staffs the wisdom of objectivity, grace to resist political expediency, patience in debate and negotiation. Give them determination to decide issues on their merits—restraint in destructive personal attacks. Infuse this place with a sense of Your transcendent presence and the desire to please You with righteous judgments and just decisions.

Gracious Father, despite all the cynicism, negativism, and anger of these days, transform aggravation and frustration into a productive legislative miracle.

In the name of Him who is righteousness incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will now be 1 hour for debate on a motion to invoke cloture to permit the Senate to proceed to conference with the House of Representatives on important education legislation. I will have a statement on the matter prior to 10 a.m.

Am I correct in my understanding the time is to be equally divided and controlled in the usual form?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. So, Mr. President, for the moment I suggest the absence of a quorum and ask the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

MOTION TO DISAGREE TO THE AMENDMENTS OF THE HOUSE

Mr. KENNEDY. Mr. President, I understand the time is evenly divided; am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this morning the Senate will conduct a cloture vote as part of our effort to proceed to a conference on S. 2, the Neighborhood Schools Improvement Act.

As the Members of this body know, this legislation is designed to assure that the Federal Government plays a more effective role in the current national effort to improve our public schools. The majority leader indicated in January 1991, that education reform would be one of the priorities of this Congress and he designated the school reform bill S. 2.

The Bush administration also pledged its commitment to education reform and announced the America 2000 program in April 1991. A month later, the administration submitted legislative proposals, and Senator PELL and I, along with a number of Republicans, introduced the legislation. The Senate Labor Committee held several hearings on education reform and on the ideas included in S. 2 and in the administration's bill.

S. 2 was the first issue put before the second session of the 102d Congress. For 2 days in January, the Senate considered this legislation and we had nine separate votes on amendments that were proposed. The vote on final passage of this bill was 92–6.

The House of Representatives carefully considered this issue in the subsequent months and, shortly before the August recess, the House passed its companion bill by a vote of 279–124.

The appropriate next step, of course, is a conference to resolve the differences between the two bills, followed by consideration of the conference report by both the House and the Senate. For the last week, the Senate has been trying to appoint conferees so that we can get on with the legislative process.

Unfortunately, we have not been able to do so because some Members of the Senate have refused to give unanimous consent to permit the appointment of conferees.

A similar obstruction took place in the closing days of the last Congress 2 years ago. The Senate tried to consider an education reform bill that was backed enthusiastically by the Bush administration. A small group of Senators refused to permit the bill to come up for action. As a result the bill died and we were prevented from acting to improve America's schools.

The bills we have before us have passed both Houses of Congress by wide margins. They have broad bipartisan support and they deserve to be sent to conference so that the Senate and House can complete action on them before the Congress adjourns.

Education is one of the Nation's most pressing domestic needs. Too many

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

students are not ready to learn when they start school. The achievement levels of students need to be boosted across the board. Too many students leave school without graduating. Millions of other students leave school without the skills they need for our increasingly technological work force.

If America's faltering economic performance teaches us anything, it is that nations which invest in high-quality education and training will outperform those which do not. The United States spends a great deal of money on education. But there can be no doubt that we do not get the results we need if we are to be an economic power in the next century. We must improve our schools, and the Neighborhood Schools Improvement Act is an essential step in achieving that goal.

Many States and local communities have already adopted measures to upgrade the quality of education in the last decade. But the Federal Government has not yet met its responsibilities to improve the Nation's schools.

The Senate bill begins to correct that deficiency. Under the Neighborhood Schools Improvement Act, Federal funds would be distributed to the States on a formula basis and the States would use the money to conduct a competition among all the public schools in the State for grants to improve academic achievement. Five-year grants will be awarded to the schools and local communities with the strongest proposals.

This is a result of the strong recommendations that were made to our committee that what the schools basically need is continuity, predictability, certainty in terms of funding. What we are attempting to do is to balance that concept of continuity and predictability with accountability. So that at the end of the third year there has to be a demonstration that they are achieving some of the academic achievements which the proposal has enumerated in its program. If those academic achievements are being attained, there is the possibility that particular school might apply and have a follow-on grant for an additional 5 years. Schools must demonstrate progress in improving their academic achievement, or they lose their grants. We put the decisionmaking in the hands of school officials, so that funds will not be siphoned off by the school bureaucracies.

This has been a challenge, because we know of the tensions that exist between various groups at the local levels. What we have tried to do is recognize that the teachers are the ones in the schools, working with parents, who can really make the important difference in terms of enhancement of academic achievement.

So we have given new recognition to that importance, with new flexibility to the teachers, working with the parents in making the applications, which are granted on a competitive basis so that the funding will not be siphoned off by bureaucracies.

The bill includes several other important provisions.

First, it would facilitate the further development of national educational standards so that, for the first time, our Nation would have some agreement on what we expect children to know and be able to do in the most important academic subjects—math, science, history, civics, reading, and geography—at different grade levels.

Second, the Senate bill would allow the Nation to begin to develop national assessments test to better measure the educational achievement of individual students.

This is not an easy issue to try to resolve among the American people. There is enormous diversity about what we ought to do in terms of attempting to measure different kinds of performance. What we have tried to develop is a proposal that has been able to gather very considerable bipartisan support, and support among parents and among those in the education profession.

Third, the bill contains a regulatory flexibility provision to test the effect of relaxing Federal education regulations in States that reduce the amount of State regulation of their public schools.

We basically know there are a number of States making an effort to dramatically reduce the regulation, to simplify it so there will be a less onerous burden on local communities. We want to try that, as well. We have initiated a limited program that we will be able to evaluate and, hopefully, if there are good and positive results, we will share that with the rest of the country.

What we have seen in the past is that, in many instances, for example, in the chapter 1 program, where we have an overly strict regulatory process, it is working counterproductively to the goals of chapter 1.

On the other hand, at another time, a number of years ago, when we were trying to target resources on the neediest children, we found those resources were siphoned off to build swimming pools and buy pads for the football team.

We are trying to achieve a balance. We are constantly experimenting with recommendations and suggestions that are made by school teachers at the local level.

But the centerpiece of this bill is the effort to help restructure and revitalize the public schools. The legislation represents a new approach built on the kinds of reforms that are underway in many schools across the Nation. It does not just set up new Federal initiatives to solve a problem; it promotes systemic change in individual schools.

When I think of what this bill will do, I think, for example, of the Mason School in Roxbury, MA, where every child in the school has a personal learning plan designed by parents and teachers working together.

I think of Nashaba Valley, MA, where high school students are tutoring each other to improve academic achievement, and where all students—not just those being tutored—are getting higher grades.

I think of Quincy High School in Quincy, MA, where students are learning physics not just from a textbook but by building machines and learning about technology and its importance in their daily lives.

In all of these schools, the students are not bored or turned off. They are eager to learn and actively involved in what they are doing and what they are studying. These are not isolated projects in one or two classrooms—they are buildingwide projects that are part of a total restructuring of the school.

Public schools in communities across the country know what improvements are needed. They know how to improve the quality of education that is offered to their students. They recognize the importance of this legislation.

The Senate bill is widely supported in the education community. It draws on the best available research about educational achievement. Even the Bush administration, which has a different set of educational priorities in some respects, has indicated that it can accept the Senate bill. There is no justification for this last-minute effort to delay final action.

Tomorrow's economic growth and progress depend on the steps we take today to improve our schools. The Neighborhood Schools Improvement Act is vital to the Nation's future. I urge my colleagues to vote to invoke cloture on S. 2, and to permit the conference to take place.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I listened to my colleague with a great deal of interest, and I have to say this really is not a debate. Debate usually connotes two opposing sides on an issue, and there is not an opposing side, as far as I am concerned, on our committee.

In this instance, I—along with most of my colleagues—share the desire of the distinguished majority leader to proceed to conference on S. 2; and certainly the desire of our committee chairman, Senator KENNEDY, that we proceed to conference on S. 2. So there is really no reason to have a cloture vote. I do not think that it really is helpful.

But since we are going to have one, I urge my colleagues to vote for cloture so that we can go ahead and go to conference on this bill.

However, a few of my colleagues do have serious concerns—in fact, a number of my colleagues have certain concerns—with the House bill, as has been enumerated by our distinguished chairman. They want to reserve their rights to review and amend the House amendments. And, of course, that is their prerogative under Senate rules.

I understand the desire of the majority leader to complete work on education reform prior to our adjournment. However, I disagree with his analysis of this particular vote. I do not believe this action necessarily means that those colleagues who exercise this right—or any of us, for that matter—are trying to kill this bill.

In fact, I want to make it clear that the administration does not want to delay this bill. And I do not intend—and have never intended—to delay this bill. As I have said, I will vote for cloture, in other words, to end whatever debate there may be. I urge all of my Republican colleagues to do the same.

Since the inception of S. 2, we have been more than willing to work with my colleagues on the other side of the aisle on education reform. Education bills coming out of the Labor Committee have traditionally been bipartisan. The famous firm of Pell and Stafford—now Pell and Kassebaum—have produced many bills that all of us have been pleased to support, or at least the vast majority have been pleased to support.

I am sorry the consideration of this education bill has involved any form of partisanship. I would like to see that ended.

I might add that the House bill does have a serious number of deficiencies that I do not think the administration can accept. If political games are played and the conference report becomes the House bill, it may very well be vetoed. Of course, when I say political games, there are those who really want the President to veto an education bill so they can say he is against education in this very volatile and difficult political year.

Some of the things they are concerned about in the House bill happen to involve the possible use of funds from this bill to develop school-based clinics. This may open the whole abortion issue, for no good reason, in our educational process. I think we ought to try to avoid that issue when we can, especially in this bill, for the best interest of education.

The new American schools provision of the House bill is unacceptable to the administration and to many of us. It is just a very bad provision.

There will also be additional financial burdens placed on the States if the House bill passes. I think the States have enough financial burdens placed on them by Members of Congress. I think that is something that should be seriously considered.

In addition, the House bill would be less flexible than S. 2, the Senate bill.

Then, of course, there is little attention given in the House bill to the Secretary of Education's concept of break-the-mold schools. Here we have an active Secretary of Education. He is certainly a moderate, a former Governor who was rated very high because of his leadership in education, who wants break-the-mold schools, demonstrating new and innovative ideas in schools, and the idea is completely ignored.

It looks as though, to many people, that innovative ideas are ignored in the interest of playing politics. Naturally, the administration is very distressed, and I think concerned, that their school choice initiative was not adopted in S. 2.

But we had a good debate on the school choice demonstration amendment to S. 2. We fought it out here on the floor. That was my amendment, and I think we got 36 or 37 votes.

We clearly had a good debate; we clearly fought it out. It is an idea whose time will come in the future, it seems to me. Sooner or later the American families, especially those living in the inner city, will demand flexibility so they can send their kids to the best schools.

As you recall, in my amendment school choice only applied to those families that are 185 percent of poverty or less, the poorest of the poor, and then only to the tune of $30 million, which is really a small percent of the total funds in here.

It was a pilot program in six areas of the country, and our fellow Senators here on the floor were not even willing to try that—an innovative, new idea that might work. One reason they were not willing to try such a small project is because the education lobby is so strong in Washington and they are opposed to any ideas of school choice. They will do anything to stop it and stop these innovative ideas that just might possibly break the mold and help us to get out of the morass that we are in with regard to our school systems in this country.

I do not see any reason in the world why we should not have done that for that very small group of people, 185 percent of poverty or less, whose kids qualify for school lunches, to the tune of only $30 million, about 1 percent of the Federal education budget, in only six areas of the country.

Where is education heading when the leaders of education are afraid to try new and innovative ideas? If it does not work, we are not going to expand it. It would have had a sunset provision whereby it would have ended if it did not work. But boy, if it did work, poor families would have a chance to have their kids get the best education. It put competition into our schools, public, private and religious, and it would have been done in a constitutionally sound way. Parents would have received the vouchers and they could have spent them any way they wanted. If it would work, my goodness gracious, how much better off would be the future of America.

It was not a great risk. It was not a great cost. It was not really a great deal of difficulty to do something like this. But our colleagues voted it down. The education lobby has fought this tooth and nail all over this country, the latest of which has been in California, where they threw out thousands and thousands of names, derived from fraudulently signed petitions, to keep it off the ballot. They were so afraid of the intellectual public debate that would have occurred. And they will throw it into next year's election, which will not be nearly as important, not nearly the turnout, and hopefully they can beat it at that time.

But I serve notice to them that these ideas are here to stay, and they are going to be brought back again and again and again until they are ultimately given an opportunity to be fully debated, considered and passed, to be implemented, and to see if we can do something to help our schools and our kids throughout the country.

There is one other thing I wanted to bring to the attention of our colleagues. I personally oppose the use of the chapter 1 formula in the House bill to distribute the funds. It is a very unfair formula, more than 10 years old. It is based on an out-of-date census, and it really does mistreat some of the States whose populations of poor students have grown and are making an effort to educate these kids but do not have the resources of wealthier States. The chapter 1 formula just has to be changed to be more equitable.

Now, to the credit of my colleague from Massachusetts, he has indicated we will hold hearings on this and look at it, and I know he will do that. This is very important to us.

The Senate bill uses both chapter 1 and chapter 2 and, therefore, I support the Senate provision. I think it is a much more fair, much more equitable, and much more workable and considerate provision. We need education reform in all schools.

We can all do something right for America if we will hold to the Senate bill and not take the House bill. If the House bill passes, I cannot guarantee the administration will not veto it. If this occurs we may not have this education bill with some of the good ideas that are still in it. I think that might be a harmful thing to our country.

On the other hand, if the House insists on having its bill and our colleagues in the Senate give them their way, then I suspect that in the final package, the conference report will be vetoed, and I personally believe that a veto will be sustained.

Now, who knows? It all comes down to whether people want to play politics with it. I personally would like to pass an education bill. I have lost on something that is very important to me and I think something that has merit. However, I think there are enough provisions in the Senate bill that justify passing this bill.

I have to say that I believe the Senator from Massachusetts and the Senator from Rhode Island, the two leaders on the Democrat side of the committee, have been very sincere in trying to get a bill through that will work and will do a lot of good in our society.

I wish to pay special tribute to Senator KASSEBAUM, who is the ranking minority leader on the Education Subcommittee, for her work on S. 2 and for the long, hard hours she has put in to try to bring parties together and resolve the problems involved.

So I do not consider this a debate. It is an exercise to go through an hour before a cloture vote, which I know will pass and which I encourage all of our Republican colleagues to support. I am sure our Democratic colleagues should support it as well, and I think it is right to do so. I hope we can go to conference and hold on to the Senate language if we can. If we can do this, we are going to have a piece of legislation that, though somewhat deficient in my view, is still worthwhile and which I think the President will sign into law. If we play politics with it, who knows what is going to happen in these waning hours of this session. It could be we will not have this type of an innovative education bill this year, and I for one would hate to see it come to that under the circumstances.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the reason we are having the cloture vote at this time is that there has been objection to the majority leader's request to appoint conferees so that we could go into the conference and consider the differences between the House and Senate.

When we conferenced on the higher education legislation, it was a difficult, complicated series of issues. There were areas where the administration had strong reservations. We went to the conference and worked out a compromise in the positions between the House and Senate, taking into consideration the views of the administration, and we were able to move forward with support by the President.

The issue at stake at that time was the new direct loan program which will offer new opportunities for working families to acquire additional loan resources at reasonable rates to fund the education of their children. That was a matter of some dispute. We worked that out.

Now, I do not think we can expect to give an ultimatum to the House of Representatives in terms of take the Senate bill or nothing, nor should they expect to tell us to take the House bill or nothing. We have worked in good faith with our colleagues in the House. They approach some of these issues differently. I think some of the areas, at least the policy matters which they are attempting to try and legislate, have some sound basis from a public policy in fact.

But nonetheless, we are attempting now just to move to see whether we get to the conference. And there has been objection that has been raised to the appointment of the conferees. There is no other opportunity under the Senate rules to move toward appointing the conferees so we can get into the conference unless we go through this rather arcane procedure. And it is an arcane procedure. Here you have the ranking minority member of the committee. In my conversations with the minority member of the education committee—Senator KASSEBAUM can speak for herself and will—but it indicated that she was prepared to vote for cloture.

So we have those individuals who want to move toward cloture, but nonetheless under the Senate rules there are attempts to sidetrack this legislation. And it is important legislation. There are moneys which have already been set aside and appropriated that can go into effect immediately and help schools.

Of course this is across this country, and every day we delay on that we are delaying giving help and further support for local schools across this country.

People ought to have an idea about at least who wants to take this process further forward and who wants to resist it.

So I am very hopeful that we can move ahead with a strong vote this morning and hopefully permit the majority leader to name the conferees so we can get about the business which I think the American people want us to get about, and that is in terms of education reform.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 14 minutes 30 seconds. The Senator from Utah, 14 minutes 53 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. HATCH. Mr. President, the bottom line is that really no one on this side of the aisle wants to play politics with the Senate bill. We made this agreement. Many of the House bill provisions, either because they go in the wrong direction or because they will authorize Federal taxpayer dollars for more programs, with more strings, are just business as usual. But we are going to take our disagreements into conference, and see what can be done.

I hope that our distinguished friend from Massachusetts, the chairman of the committee, Senator KENNEDY, will remain committed to the bipartisan compromise that we have worked out in the Senate bill. I hope that he will join us in supporting all of these provisions in the conference because if he does not, I think it gets into nothing but a political battle. At that point, I just think that education suffers.

I do not fault my colleagues who desire to tackle these House provisions here in the Senate but I have to say I am ready to fight for the Senate position in conference, and I hope that we will all stand united as we always have. It is the way to get education bills done. My experience on the Labor and Human Resources Committee over the last 16 years is that we have worked together, and generally we have come out with bills that have brought the sides together rather than play politics with them.

So again, I urge my colleagues to support cloture, and I ask unanimous consent that a quorum call be entered with the time divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 10 minutes remaining.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, earlier this morning, I had the opportunity to meet with some of those teachers and principals that have been invited to Washington in a sponsored program, actually by the Burger King Corp. They have developed this program over recent years. We had, last year, the opportunity, the full Senate—the Labor Committee had a hearing listening to some of the teachers in the course of the morning, and it was really some of the most inspirational, moving testimony that our committee had received about what was really happening on the firing line in the schools of this country with a number of very valuable suggestions and recommendations.

And again, this morning, over the period of today, I believe, somewhat yesterday, perhaps tomorrow, they are continuing their program and meeting with those up in the House and the Senate who spend their time on education issues; and it always has struck me, this morning as at other times, that we as a nation, although we talk about education and many different forums, and I am sure there are 30 different politicians at this very moment making speeches about education, talking about it as a high priority, and it is a high priority.

We do not reflect that in terms of the total resources that we provide. Money is not everything. But it is also a pretty good indication about the things that we believe are important in our society. And we have not given that kind of elementary secondary education effort, the kind of commitment as a nation that we should. But as we think about what the needs are in education, I think it is entirely appropriate that we, as a country, really honor those individuals that are spending the time with the children in this Nation day in and day out, complicated by the whole range of the additional kind of social problems that the Nation is facing, and are still out there giving their best, inspiring young people to give something back to their community and country.

So I think and urge all of our colleagues to continue to emphasize the importance of our school teachers in the classroom and what a difference they make. In the brief comments that I had the opportunity to make, I have indicated those teachers that had inspired me in school and later in college. I can remember both President Kennedy and Robert Kennedy having similar experiences, and I am sure every Member of this body on both sides of the aisle could give similar stories.

So I do think as we are considering this legislation, we ought to give consideration and recognition and additional kind of respect for teachers, for what they do for all of our families.

I might mention, Mr. President, just in the time that remains, what we are really trying to do in terms of the local school. These are the kinds of activities which we are attempting to encourage in the legislation, and we would hope that in the development of the various grants—this is not an exclusive list—but we try to indicate in the legislation some of the possibilities that could be put into a program that the State might support. I will mention some of those.

One is for the continuous and comprehensive early childhood education. We know the principal instrument for that is the Head Start Program. I am a strong believer that we should make it an entitlement. We debated that in our committee and, to some extent, on the floor. We could not find the billions of dollars to make that an entitlement phased in over a period of time, but we find billions of dollars at the drop of a hat for other policy considerations.

There are enhanced academic programs, including supplemental instruction programs, thinking skills, and activities to increase the participation of minority and female students in math and science courses. We are missing extraordinary talent from women and minorities in our science and math fields. And in the whole areas of research, the clinical research, advanced research in both the public as well as the private area, we have to find areas. The National Science Foundation has a responsibility in this area as well.

We look at the disparity in the recent test between the female students and male students in areas of science, and it is significant and true in minorities as well, those individuals. Those individuals need the further nurturing in terms of continuation in math and science areas, so that we will not, as a country, lose those particular talents.

Third, school-based management programs designed to move forward for decisionmaking in the school building level and increase the participation of teachers, parents, and school governors. I think all of us are very much aware of some of the very exciting undertakings of school-based management. We have seen it; I have seen it down in Dade County, FL, and in a number of different communities. The budget is a key item. States are slow, and communities are slow to give that kind of authority to teachers. We have to move down that road, I believe, if we are going to be serious about bringing change.

Fourth, the provision of coordinated educational-vocational services within the school which may include comprehensive programs developed with input from local, State, and area business leaders to provide options for those high school students unlikely to attend a postsecondary school, and academic instruction with technical schools to provide training necessary to succeed in the technical career.

Sixty percent of our high school students do not go on to higher education, and we do very little. What we do, we do rather poorly in terms of moving from school to work, in the private sector areas. This is an area of public policy where our competitors do extremely well. European countries do extremely well. Other nations in the Far East do well. We do not have to replicate their particular program, but we have to be more sensitive to that particular challenge.

The excellent program that has been developed by Ray Marshall and Bill Brock—a bipartisan program—made some interesting recommendations. We have legislation, bipartisan legislation, in our Senate committee as a high priority. We intended to move that as soon as we dispose of this legislation, and every delay on this delays us on that.

Furthermore, fifth, projects to increase the knowledge and skills of school teachers in a variety of different proposals. Some communities had sabbaticals for teachers. That exists in our country; not frequently, but it does exist. Obviously, increasing the opportunity for teachers to upgrade their own skills in terms of teaching is something we ought to give priority to.

Sixth, educational enrichment projects to meet the needs of educationally disadvantaged students with disabilities, limited English proficient students; those are in particular communities. There are very special needs we have seen.

How much time does Senator HATCH have?

The ACTING PRESIDENT pro tempore. The Senator from Utah has 9 minutes.

Mr. KENNEDY. I yield myself 6 minutes of Senator HATCH'S time.

We have found, for example, there are over 100,000 new immigrants in my own city of Boston from Brazil. I had mentioned earlier at the teachers meeting this morning that Lowell, MA, has the second highest number of Cambodians from Phnom Penh. Many immigrants settled in the United States; a second wave came and they wanted to be close together. They came and are making important contributions to that community. It is an old, depressed community, old, industrial community. They are doing their best in the private sector being creative and imaginative. We have to be sensitive for the very special needs that those communities have.

Seventh, the project to improve conditions of adequacy of buildings. Institutional facilities and equipment are directly related to improved student achievement. This is particularly a problem in many older cities of this country. Half of the school buildings in my own city of Boston are over 50 years old with all the different challenges that they face. We cannot expect that this legislation is going to be a massive rebuilding for the institutions, but some understanding of that.

Just finally, Mr. President, I will mention very quickly the projects to strengthen parents' involvement in education to increase the partnership between families and schools. We are finding in a number of different schools where they are improving and strengthening the literacy programs of parents, particularly if they are foreign language parents, the impact that has on the students has been very, very positive.

Extended days a year projects, especially projects with academic components, some schools are experimenting with that. This is an area where Chairman CLAIBORNE PELL has been particularly interested. Our competitors are up to 240 days a year; we are about 180 days a year. We ought to be experimenting with that so there will not be the reluctance because of parents, but quite frankly the initial programs have been very, very positively received.

Mr. President, I hope that our colleagues will review the legislation, pages 62, 63, and 64. This is, as I mentioned, a noninclusive list but basically reflection of the number of excellent selections primarily by teachers that have been provided and there is a continuation of those kind of programs, and I think they really represent the best that we have been able to gather in terms of the types of activities that should be encouraged.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I am reminded today of a comment I heard in Oregon recently: Education is too important to leave to the politicians. Many outside of Washington do not expect to see Federal education reform from the Congress in this election year. Much to my disappointment, the procedural dilemma we find ourselves in this morning confirms their view. Our time should be spent considering the merits of this legislation rather than deciding whether to send this bill to a much-needed conference committee.

I will cast my vote to move S. 2 and H.R. 4323 to conference. Several meaningful concepts of education reform are included in S. 2. I am particularly gratified by the Senate's vote of 95-0 earlier this year to add en-flex provisions to the bill. While the House has included flexibility provisions in H.R. 4323, it is imperative that we have an opportunity to resolve critical differences between the two versions.

I join with my colleagues on the Senate Labor Committee in endorsing efforts to resolve these issues and move a comprehensive elementary and secondary education reform bill to the President.

Mr. SIMPSON. Mr. President, I rise today to support the motion to invoke cloture on the motion to disagree to the House amendments to S. 2, the education bill. I do not believe that delaying the process any longer will aid the children we are trying to help.

We have heard the pleas from the parents, teachers, and students of this Nation asking for some help with their efforts to expand innovative education projects. The President responded with his America 2000 plan, which encourages and rewards change. The Democrats in Congress responded with their own versions of an education bill. This past January, we had a very lively and thoughtful debate on the Senate version of the education bill.

Certainly, the final provisions of the Senate education bill were not entirely what I would have wished for—we lost a tough one on Senator HATCH's amendment to provide a pilot program for low-income students to participate in a school-choice program. But taken as a whole, the bill did offer several provisions that I believe will offer some concrete assistance to schools in my home State of Wyoming and throughout America.

The education bill passed by the House on August 11 is not as comprehensive or as fair as the Senate bill. The House bill includes no funding for any school choice program—even in public schools. The Senate bill provides funding for a public school choice program. The House bill also does not provide the flexibility for schools receiving Federal funding which the Senate bill does. Furthermore, it places additional undue financial burdens on States to pay for these programs, which may well be very expensive to implement.

The Senate bill, in contrast, offers more flexibility. Our version of the bill is closer to the President's America 2000 education plan—which, by the way, has never been considered on the floor by either body. It will certainly not solve all the problems that plague the American education system, but it is a start.

I have all the faith in the world that my Republican and Democratic colleagues who will be appointed to the conference committee on this bill will "fight the good fight" to see that the best provisions of the Senate bill are kept in the conference report. I urge my colleagues to join me in voting for cloture.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I wonder if the Senator will yield me what time is remaining.

Mr. KENNEDY. I yield whatever time remains to the majority leader.

Mr. MITCHELL. Mr. President, the Senate finds itself in an extraordinary situation. Earlier this year over a period of 5 legislative days, the Senate debated at length a bill to improve our Nation's system of education. It is a very important bill, one which everyone ascribes a high priority to. During that time nine separate votes were cast in the Senate in relation to the legislation and the bill was finally approved by a vote of 92 to 6; 92 Senators voted for the bill and only 6 voted against it.

Later on the House acted on the measure and passed a bill which is similar but not identical to the Senate bill.

Now, under the ordinary procedures of this body followed nearly 100 times previously in this Congress, the House and Senate appoint conferees who meet in conference, reconcile the differences between the two bills, and a single bill comes back from both Houses for enactment and the President's signature.

Under the Senate rules, which are complex and arcane, three separate legislative steps are necessary to proceed to conference. Not in my memory in the Senate and surely not since I have been majority leader, and that is nearly 4 years, have we ever had to have a cloture vote to take those three steps. That is a vote which requires 60 Senators to vote in the affirmative, and yet we are being forced to do that today because of a Republican objection, an objection which will not be stated publicly.

We scheduled 1 hour of debate this morning and not a single word has been said publicly as to why the Senate is being forced to take this extraordinary step. What kind of a position is it that no one will stand up and publicly defend? And yet the Senate is forced to use up precious time and the most important fact is that this legislation, important legislation, to improve our public school system is being delayed in what is an obvious effort to kill the bill.

Mr. President, I hope that those 92 Senators who voted for this bill will now vote to permit the bill to go to conference. It is a logical extension of the legislative process that after we pass a bill and the House passes a bill we have to go to conference to reconcile it.

Once we complete action on this bill and get it to conference—and I am going to take the remaining steps immediately after this vote if 60 or more Senators vote in the affirmative, after we complete that we will proceed to the supplemental appropriations bill and I hope that there will be no delay in permitting us to proceed to that bill. That is emergency disaster relief for the people of Florida, Louisiana, and Hawaii on which the Senate must act.

If there is to be objection, I hope the objection will be stated publicly and the reasons for the objection stated publicly.

It is extraordinary that the Senate should be required to go through this procedure and then even more extraordinary that not a single word has been stated publicly as to why the Senate is being required to go through this procedure.

I encourage my colleagues to cast a decisive, even overwhelming vote so that not only will we get action on this bill, important as that is, but that we will not be required to go through the time-consuming, indeed time-wasting process through which we have had to go to get to this point on this bill.

It seems to me that when the Senate debates a bill for a week, when it casts a substantial number of votes in relation to the bill, and then when 29 Senators vote for the bill, that is a pretty clear indication of the Senate's sentiments on such a measure.

That is the case here. Education is critical in our society. We all know that. This is a very important bill and I encourage my colleagues to vote in the affirmative to invoke cloture on the motion to disagree to the amendments of the House of Representatives to the Neighborhood Schools Improvement Act. As I said, following this vote, if 60 or more Senators vote in the affirmative, as I hope they will, then I intend to seek consent to complete the final steps to get this bill to conference and to enable us to proceed immediately to the supplemental appropriations bill, which is very important pending emergency legislation.

Mr. President, I thank my colleagues for their courtesy, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The ACTING PRESIDENT pro tempore. Two minutes remain.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of the time for both sides.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The hour of 10 a.m. having arrived, under the previous order the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to disagree to the House amendments to S. 2, the National Literacy and Strengthening Education for American Families Act:

Paul Simon, Carl Levin, Dennis DeConcini, Bill Bradley, Harris Wofford, Brock Adams, Christopher Dodd, Patrick Leahy, Wendell Ford, John F. Kerry, Jay Rockefeller, Don Riegle, Paul Wellstone, Paul Sarbanes, Dale Bumpers, Richard Bryan, Edward Kennedy, David Pryor, Wyche Fowler.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. By unanimous consent the quorum call has been waived.

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the motion to disagree to the amendments of the House of Representatives on S. 2, the Neighborhood Schools Improvement Act, shall be brought to a close. The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. DOMENICI] would vote "yea."

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 6, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—85

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—6

Craig
Gramm
Helms
Smith
Symms
Wallop

NOT VOTING—8

Chafee
Dodd
Domenici
Gore
Lugar
Murkowski
Rudman
Seymour

The PRESIDING OFFICER. On this vote the yeas are 85, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. If there is no further debate on the motion to disagree, the question occurs on the motion to disagree.

QUORUM CALL

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Fowler
Inouye
Kennedy
Lieberman
Mitchell
Roth
Sasser

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. MITCHELL. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 12, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—80

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—12

Bond
Craig
Helms
Kasten
Lott
McCain
McConnell
Nickles
Smith
Specter
Symms
Wallop

NOT VOTING—7

Chafee
Domenici
Gore
Lugar
Murkowski
Rudman
Seymour

So the motion was agreed to.

The PRESIDING OFFICER (Mr. ROBB). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIOUX FALLS, SD: CITY GOVERNMENT MERITS NATIONAL RECOGNITION

Mr. PRESSLER. Mr. President, last week I had the pleasure to report to the U.S. Senate that Sioux Falls, SD had been named "the best place to live in America" by Money magazine. This distinguished award was made as part of Money magazine's annual survey of the country's 300 largest metropolitan areas.

Today, I am again privileged to have the opportunity to sing Sioux Falls' praises. The city once again has received national recognition, this time for its excellent city government.

The Sioux Falls city government is listed in the top 10 percent nationwide according to the publication, Municipal Analysis Services Inc. The publication rated city and county governments based on their effective use of financial resources. The rankings are based on several factors, including:

Diversified funding sources;

High employee productivity;

Controlled expenses in Government departments;

Careful use of Federal and State aid; and

Use and control of debt.

There is a definite correlation between the city government's high rating and the city of Sioux Falls being named the best place to live in America. This effective local government, comprised of the mayor and four commissioners, is a key factor in Sioux Falls' success. I commend Sioux Falls city officials—Mayor Jack White, Utility Commissioner Gary Hanson, Public Works Commissioner Robert Jamison, Finance Commissioner Matt Stabb, and Public Safety Commissioner Craig Steensland—for their tireless contributions to the Sioux Falls community.

Typical of most political years, the Nation is inundated by the press with negative stories on America's governmental system, touting ineffectiveness and the need for reform. I am pleased to report that America's Government can and does work. Sioux Falls, SD, is an excellent example of one local government that works extremely well.

Today, Vice President QUAYLE and Senator GORE will be visiting South Dakota and the city of Sioux Falls. They will have the opportunity to see first hand this country's No. 1 city and more importantly, meet its No. 1 citizens.

Mr. President, I ask unanimous consent that an article from the Sioux Falls Argus Leader and a profile of the city's local government be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIOUX FALLS GOVERNMENT IN TOP 10

(By Corrine Olson)

Sioux Falls received high marks from a publication that looked at how good a job governments nationwide are doing.

Municipal Analysis Services Inc., a publication based in Austin, Texas, rated city and county governments on the basis of how effectively they used their financial resources.

City government in Sioux Falls received a 68 on a scale of 100, but it's still listed in the top 10 percent nationwide.

"They have to be doing better than almost everyone else," said Greg Michels, editor of the publication. "Other cities would tend to look at Sioux Falls and see how they do things. That is the kind of trend we hope to encourage."

The government rankings are based on factors including:

Diversified funding sources.

High employee productivity.

Controlled expenses in government departments.

Carefully using federal and state aid.

Using and controlling debt.

While the city of Sioux Falls performed well in the survey, Minnehaha County received a rating of 37. County Auditor Sue Roust said she has no record of the company asking for information and isn't sure what that low number is based on.

A recent bond rating in preparation for financing of a work-release jail and additional office space convinced Roust that the county is financially sound.

"We have absolutely no debt, so we had to get a credit rating," she said. "We got a AA-1, an exceptionally high rating. Anything in the A category is a good, solid investment."

Mayor Jack White said the city performed well in the study because it watches finances closely.

"We're very careful to pay our bills," he said. "We have a debt limit that we're not even close to. We're, in a way, frugal. Our background and our heritage lead us to act in government like we would act privately."

Michels said the ratings show that, generally, all governments have room for improvement.

"Theoretically, the best governments would rank in the 90th percentile, so there's room for improvement," he said. "They're all working in the context that it is difficult for government to change."

SIOUX FALLS LOCAL GOVERNMENT

SIOUX FALLS CITY GOVERNMENT

The City of Sioux Falls has a five-person city commission form of government, a Mayor and four Commissioners, all full time. The Mayor and Commissioners were elected for one-to-five-year terms when the five-member commission was initiated in 1986. As these original terms expire, subsequent commissioners will be elected for five-year terms. Each has one vote in City Commission meetings. Although the Mayor does not have the power to veto, he does have the final vote on all issues before the City Commission. The responsibility for the various departments of the City of Sioux Falls is partially designated by South Dakota law with the remainder being divided between the Mayor and the four Commissioners by resolution each year.

ZONING DISTRICTS

District and Use:
A-1—Agricultural.
AG—Agricultural.
RR—Rural Residential.
RS-1—Residential.
RS-2—Residential.
RD—Residential.
RA-1—Residential.
RA-2—Residential.
RC—Recreation/Conservation.
C-1—Neighborhood Commercial.
C-2—General Commercial.
C-3—Central Business.
C-4—Planned Commercial.
I-1—Light Industrial.
I-2—General Industrial.
O—General Office.
S—Institutional.
PD—Planned Development.

MINNEHAHA COUNTY GOVERNMENT

Sioux Falls is the county seat of Minnehaha County. Five county commissioners, five circuit judges and six county officials are selected. Seventeen other county officials and two law-trained magistrates are appointed.

SIOUX FALLS LAW ENFORCEMENT

Police Department:

The Sioux Falls Police Department maintains a force of 166 persons, including 148 officers and 18 non-sworn employees. The high number of police cruisers per capita in the patrol division accounts for a low average response time.

Sheriff's Department:

The Minnehaha County Sheriff's Department is staffed by 73 full-time and 6 part-time employees.

CRIME STATISTICS

The low crime rate in Sioux Falls has resulted in the community being named one of "America's 50 safest cities."

1990 Major Crimes in Sioux Falls (Annual Total):

Criminal Homicide, 4; Rape, 48; Robbery, 33; Aggravated Assault, 178; Burglary, 661; Larceny, 3,624; Auto Theft, 175.

SIOUX FALLS FIRE DEPARTMENT

The Sioux Falls Fire Department has a total force of 167 people, including the chief, the deputy chief and five battalion chiefs. The department responds to emergency calls from eight stations that are strategically located throughout the city. One is located at the airport and another in the Sioux Empire Development Park.

Total Annual Fire Loss in Sioux Falls: 1980, $1,481,760; 1990, $1,396,057.

STREETS AND HIGHWAYS

The City of Sioux Falls maintains over 456 miles of paved streets. Several U.S. highways and the interstate highways also make up part of the city's total transportation network. A 100 mile system of emergency snow routes is kept clear at all times and snow removal in residential areas is normally completed in 12 to 16 hours following an accumulation of more than two inches of snow.

Sioux Falls City Budget—1991

[Functions and Activities]

	Appropriations	Percent
General Government	$14,081,752	13.76
Public Safety	15,452,685	15.10
Highway & Streets/Sanitation	8,170,316	7.99
Health	1,912,680	1.87
Culture & Recreation	6,317,610	6.18
Conservation & Development	2,572,221	2.51
Debt Service	276,000	.27
Enterprise Funds	24,560,107	24.01
Agency Funds	8,798,856	8.60
Internal Service Funds	1,830,321	1.79
Total	102,300,184	100

VITAL STATISTICS—CITY OF SIOUX FALLS

Date of Incorporation: March 20, 1889.
Charter Adopted: May 24, 1889.

Area: 47.24 square miles.

Altitude of Downtown Business Area: 1,395 feet above sea level.

Latitude: 43° 32′ 35″.

Longitude: 96° 43′ 35″.

Paved Streets: 456.92 miles.

Storm Sewers: 372.63 miles.

City Employees: 920.

Registered Voters: 56,645.

Percent Registered Voters Voting in 11/6/1990 Election: 62.3.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now agree to the motion to disagree to the House amendment, agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The PRESIDING OFFICER (Mr. Robb) appointed Mr. Kennedy, Mr. Pell, Mr. Metzenbaum, Mr. Dodd, Mr. Simon, Ms. Mikulski, Mr. Bingaman, Mr. Wellstone, Mr. Hatch, Mrs. Kassebaum, Mr. Cochran, Mr. Jeffords, Mr. Thurmond, and Mr. Coats conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 661, H.R. 5620, an Act making supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

International Trade Administration

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", **[**$1,795,000**]** *$3,000,000,* to remain available until expended.

National Oceanic and Atmospheric Administration

FOREIGN FISHING OBSERVER FUND

(RESCISSION)

Of the unobligated balances in the Foreign Fishing Observer Fund, $1,309,000 are rescinded.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING RESCISSION)

Of the funds available under this heading, $3,500,000 are rescinded.

For an additional amount for "Operations, research, and facilities", $1,500,000, to remain available until expended, for lease costs of the National Marine Fisheries Service laboratory at Sandy Hook, New Jersey.

Economic Development Administration

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $2,100,000 are rescinded.

DEPARTMENT OF JUSTICE

Legal Activities

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

Amounts appropriated under this title by Public Law 101-515 and available through September 30, 1992, for debt collection training, locating debtors and their property, and selling debtor property also may be used for processing and tracking debts owed to the United States Government.

[DEPARTMENT OF STATE

[International Organizations and Conferences

[CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

[For an additional amount for "Contributions for International Peacekeeping Activities", $80,000,000.**]**

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services

[DEFENDER SERVICES

[For an additional amount for "Defender Services", $31,250,000, to remain available until expended.**]**

National Commission on Judicial Discipline and Removal

The language under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" in Public Law 102-27 is amended by deleting "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

Notwithstanding the requirement of section 415 of Public Law 101-650 to submit the report mandated by said section not later than one year after the date of the Commission's first meeting, the National Commission on Judicial Discipline and Removal shall submit to each House of Congress, the Chief Justice of the United States, and the President, the report mandated in said section no later than August 1, 1993.

[RELATED AGENCY

[Equal Employment Opportunity Commission

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $1,000,000, to remain available until September 30, 1993.**]**

TITLE II

DEPARTMENT OF DEFENSE—MILITARY SUPPLEMENTAL APPROPRIATIONS

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and maintenance, Army", $116,000,000, to remain available for obligation until September 30, 1992.

Operation and Maintenance, Navy

For an additional amount for "Operation and maintenance, Navy", $33,000,000, to remain available for obligation until September 30, 1992.

Operation and Maintenance, Air Force

For an additional amount for "Operation and maintenance, Air Force", $263,000,000, to remain available for obligation until September 30, 1992.

Operation and Maintenance, Defense Agencies

For an additional amount for "Operation and maintenance, Defense Agencies", **[**$69,700,000**]** *$19,700,000,* to remain available for obligation until September 30, 1992**[**: *Provided,* That $50,000,000 of this appropriation shall be used to provide educational assistance related to the education of dependents of members of the Armed Forces in areas which have a significant increase in the number of such dependents as the result of relocation or realignment of Armed Forces personnel: *Provided further,* That the $50,000,000 specified in the preceding proviso shall be made available only to supplement, not supplant, the amount of any other Federal, State, or local government funds otherwise authorized or expended for education of dependents of members of the Armed Forces: *Provided further,* That a portion of that $50,000,000 may be made available for construction**]**.

Environmental Restoration, Defense

For an additional amount for "Environmental Restoration, Defense", $447,500,000, to remain available for obligation until September 30, 1992.

Administrative Provision

Of the funds appropriated in the above accounts for environmental restoration and compliance, $730,500,000 shall be obligated and expended not later than September 30, 1992.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Defense Agencies

For an additional amount for "Research, Development, Test and Evaluation, Defense Agencies", **[**$7,000,000**]** *$69,800,000,* to remain available for obligation until September 30, 1993.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

For an additional amount for "Pentagon Reservation Maintenance Revolving Fund", $80,100,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $3,400,000.

TRANSFER OF FUNDS

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF ADDITIONAL FUNDS)

For additional incremental costs of the Department of Defense associated with operations in and around the Persian Gulf resulting from Operation Desert Shield/Desert Storm, and under the terms and conditions of the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102–28), in addition to the amounts that may be transferred to appropriations available to the Department of Defense pursuant to that Act and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102–229), not to exceed [$5,182,878,000] *$2,375,974,000* may be transferred during fiscal years 1992 and 1993 to then currently applicable appropriations[, from either the Defense Cooperation Account, or as appropriate, the Persian Gulf Regional Defense Fund,] *from the defense cooperation account*, to the following accounts in not to exceed the following amounts:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", [$1,037,261,000] *$399,000,000.*

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", [$205,700,000] *$30,000,000.*

[MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for "Military Personnel, Marine Corps", $20,227,000.

[MILITARY PERSONNEL, AIR FORCE

[For an additional amount for "Military Personnel, Air Force", $333,500,000.]

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", [$2,383,890,000, of which $616,500,000 shall remain available for transfer and obligation until September 30, 1994] *$1,355,274,000.*

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", [$101,000,000] *$75,000,000.*

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", [$433,000,000, of which $167,000,000 shall remain available for transfer and obligation until September 30, 1994] *$224,600,000.*

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", [$657,600,000, of which $136,800,000 shall remain available for transfer and obligation until September 30, 1994] *$247,200,000.*

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", [$10,700,000] *$4,900,000.*

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF EXISTING FUNDS)

For the purpose of adjusting amounts which may be transferred to military personnel and operation and maintenance appropriations pursuant to the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102–28) and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102–229) and under the terms and conditions of those Acts, the Secretary of Defense may make adjustments to the amounts provided for transfer by such Acts in amounts not to exceed $611,010,000 and provide for the transfer of such amounts to the following accounts in not to exceed the following amounts to be available to the Department of Defense during fiscal years 1992 and 1993: *Provided*, That the Secretary of Defense shall provide prior notification to the Committees on Appropriations of the House of Representatives and the Senate indicating the accounts from which the funds will be derived for such transfers:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

NATIONAL GUARD PERSONNEL, ARMY

To be derived by transfer, $12,500,000 for "National Guard Personnel, Army".

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

To be derived by transfer, $341,310,000 for "Operation and maintenance, Army".

OPERATION AND MAINTENANCE, NAVY

To be derived by transfer, $257,200,000 for "Operation and maintenance, Navy".

RESCISSION OF FUNDS

PERSIAN GULF REGIONAL DEFENSE FUND

(RESCISSION)

Of the funds made available under this heading in the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102–28; 105 Stat. 161), [$12,485,446,313] *$14,696,040,000* is hereby rescinded: *Provided*, That the Persian Gulf Regional Defense Fund is hereby terminated.

GENERAL PROVISIONS—TITLE II

(TRANSFER OF FUNDS)

SEC. 201. Section 103 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102–229; 105 Stat. 1707) is amended by striking out "fiscal years 1991 and 1992" and inserting "fiscal years 1992 and 1993" in lieu thereof and by striking out "through February 1992".

[SEC. 202. The Secretary of Defense shall transfer, without reimbursement, five Black Hawk helicopters, together with associated spares, from the United States Army to the Drug Enforcement Administration.

[SEC. 203. Section 8090 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1193) is amended—

[(1) in subsection (b) by striking out "subject to the provisions of subparagraph (c)" and inserting in lieu thereof "and shall be available only for the V–22 aircraft program";

[(2) by striking out subsections (c) and (d); and

[(3) in subsection (e) by striking out "(e)" and inserting in lieu thereof "(c)".]

Sec. 204. (a) The Secretary of Defense shall transfer up to $40,000,000 in additional funds from the Defense Cooperation Account to the appropriate appropriations accounts within the Department of Defense to remain available until expended for Kurdish humanitarian needs and related transportation costs to include, but not limited to, the prepositioning of emergency food stocks, water and seed, the provision of medical assistance, the establishment of regional medical clinics in recognized Kurdish areas of Iraq and the extension of technical assistance for land mine clearing, the drilling of water wells and the construction of temporary shelters.

(b) Wherever possible, the President shall make available personnel from the Department of Defense in preference to those of the United Nations to carry out the intent of this provision.

(c) The Secretary of Defense shall report to the Committees on Appropriations and Armed Services of the Senate and the House at the start of each quarter in fiscal year 1993 on the steps taken to bring relief and restore the well-being and security of the people of recognized Kurdish areas of Iraq.

SEC. 205. In addition to any other transfer authority contained in this Act, amounts from the Defense Business Operations Fund shall be transferred to the following appropriations in the amounts specified to be merged with and be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: $320,598,000 to Military Personnel, Army; $134,400,000 to Military Personnel, Navy; $17,127,000 to Military Personnel, Marine Corps; and $367,200,000 to Military Personnel, Air Force: Provided, That, for the purpose of maintaining the industrial base, $60,000,000 of the funds available in the Defense Business Operations Fund, combined with funds otherwise available to the Department of Defense, shall be obligated forthwith for the purchase of 2.88 million cases of Meals Ready to Eat.

SEC. 206. Funds appropriated to the Department of Defense in the Department of Defense Appropriations Act, 1991 (Public Law 101–511) and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments significantly impacted by reductions in defense industry employment or reductions in the number of military and civilian personnel residing in such States and communities shall be available until September 30, 1997.

SEC. 207. Notwithstanding section 2391 of title 10, United States Code, the Secretary of Defense may make a grant of $1,100,000 to assist Astoria, Oregon in the planning, design and modification of facilities and support infrastructure to accommodate new Navy Minesweeper/Minehunter vessels.

TITLE III

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $237,652,000 to remain available until September 30, 1993.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

Funds appropriated in Public Law 102–170 under the heading "Human Development Services" for the "Family Violence Prevention and Services Act", shall remain available until expended.

GENERAL [PROVISION] *PROVISIONS—*

TITLE III

SEC. 301. Notwithstanding any other provision of law, no funds shall be expended hereafter by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in section 303 of Public Law 102–27, 105 Stat. 151.

SEC. 302. Notwithstanding any other provision of law, no funds shall be available to enforce or otherwise implement the regulations of the Secretary of Health and Human Services published at 42 C.F.R. 59.8 or to promulgate any other regulations having the same substance pending resolution of NFPRHA v. Sullivan.

TITLE IV

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Base Realignment and Closure Account, Part II", $162,700,000, to be available solely for environmental restoration and to remain available until expended: *Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.*

For an additional amount for "Base Realignment and Closure Account, Part II", $69,000,000, to be derived by transfer from the "Environmental Restoration, Defense" account of Public Law 102–172, to be available solely for environmental restoration and to remain available until expended: *Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.*

TITLE V

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $500,000,000, to remain available until expended.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

The limitation on direct loans in the current fiscal year for the "Vocational rehabilitation loans program account" is increased, within existing funds, by $350,000 to not to exceed $2,038,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Notwithstanding any other provision of law, not less than $8,700,000,000 of the sums appropriated under this heading in fiscal year 1992 shall be available only for expenses in the personnel compensation and benefits object classifications.

TRANSITIONAL HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,000, as authorized by Public Law 102–54, section 8: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $30,000. In addition, for administrative expenses to carry out the direct loan program, $25,000, which may be transferred to and merged with the appropriation for "Medical care": *Provided further*, That the sums herein appropriated are to be derived by transfer from the "Medical care" appropriation provided in Public Law 102–139.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $14,100,000, to remain available until September 30, 1992.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The unreserved balances of funding provided under this heading in Public Law 102–139 and prior years for contracts for capital advances, including amendments to contracts for capital advances, and for project rental assistance, and amendments to contracts for project rental assistance, for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended, and for housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), shall be merged.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8

SUBSIDY CONTRACTS

(TRANSFER OF FUNDS)

For an additional amount of up to $407,000,000, to remain available until expended, and to be derived by transfer from the unreserved amounts in "Annual contributions for assisted housing": *Provided*, That the amount earmarked for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, shall be reduced accordingly.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102–139, $250,000,000 is rescinded: *Provided*, That the $294,156,000 under this heading in the aforementioned Act which is not available until September 20, 1992, shall be reduced by $250,000,000 to $44,156,000.

For an additional amount for "Payments for operation of low-income housing projects", $250,000,000, to remain available until September 30, 1993: *Provided*, That these funds shall be available for obligation without regard to section 9(d) of the United States Housing Act of 1937, as amended: *Provided further*, That these funds shall not become available for obligation until September 20, 1992.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES

LOAN GUARANTEE ACCOUNT

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall be increased by $25,000,000,000 and shall not exceed $99,769,293,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The $140,000,000 under this heading in Public Law 102–139 for commitments to guarantee loans shall be increased by $85,000,000 to $225,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 101–507, the $500,000 earmarked for the National Commission on Manufactured Housing in Public Law 102–27, is rescinded.

For an additional amount for "Research and technology", $500,000, to remain available until September 30, 1993: *Provided*, That these funds shall be made available for the National Commission on Manufactured Housing.

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, not more than $405,000 of the funds provided under this heading in Public Law 102–139 shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102–139, the $950,000 earmarked for financial assistance for legal representation costs in Public Law 102–229, is rescinded.

For an additional amount for "Salaries and expenses", $950,000, to remain available until September 30, 1994: *Provided*, That these funds shall be available under the same terms and conditions as authorized for the funds under this heading in Public Law 102–229.

[ENVIRONMENTAL PROTECTION AGENCY

[ABATEMENT, CONTROL, AND COMPLIANCE

[Notwithstanding any other provision of law, the Administrator is authorized to award a grant under section 8001 of the Solid Waste Disposal Act, as amended, for the purchase of a building and associated costs to support a program for the environmental restoration of the Lackawanna Valley as described in House Report 102–226, the conference report accompanying H.R. 2519 (Public Law 102–139).]

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $250,000, to remain available until expended, and to be derived by transfer from amounts provided to the Department of Housing and Urban Development under the heading "Research and technology" in Public Law 102–139.

TITLE VI

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992 (Public Law 102–142) is amended, under the heading "Coop-

erative State Research Service" in the last item of the first paragraph of that heading, for necessary expenses of Cooperative State Research Service activities pertaining to a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, by striking "$8,580,000" and inserting in lieu thereof "$10,250,000".

COMMODITY CREDIT CORPORATION

The item relating to the "COMMODITY CREDIT CORPORATION" under the heading "DEPARTMENT OF AGRICULTURE" in chapter III of title I of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102–229; 105 Stat. 1712) is amended by inserting after "provided to the producer" in the third proviso the following: ", and may be available for grants to assist low-income migrant and seasonal farmworkers as provided in section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a)".

[SOIL CONSERVATION SERVICE

[WATERSHED AND FLOOD PREVENTION OPERATIONS

[For an additional amount for "Watershed and flood prevention operations" to meet the needs of the emergency watershed protection program, $7,500,000, to remain available until expended.]

TITLE VII

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for "Construction program" to meet the emergency needs for areas stricken by drought, [$30,000,000] *$20,000,000*, to remain available until expended: *Provided*, That this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to the Congress: *Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

[UNIVERSITY RESEARCH INSTITUTES

[Section 11(c)(6) of the Federal Transit Act (49 U.S.C. App. 1607c(c)(6)) is amended by adding at the end the following new sentence: "For fiscal year 1992, the Secretary shall expend from administrative and research funds deducted for such fiscal year under section 104(a) of title 23, United States Code, $1,000,000 for making grants under paragraph (3) to North Carolina A. and T. State University through the Institute for Transportation Research and Education and shall use all amounts appropriated for such fiscal year pursuant to this paragraph to carry out paragraph (3) for making grants to the University of South Florida and a consortium of Florida A and M, Florida State University, and Florida International University.".]

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred for grants-in-aid for airport planning and development under section 14 of Public Law 91–258, as amended, and under other law authorizing such obligations and obligations for noise compatibility planning and programs, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

TITLE IX

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $320,000, for repairs and improvements to the Main Treasury building and annex, to remain available until expended: Provided, That language under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 834), is amended by deleting the following: "not to exceed $490,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex"; and inserting in lieu thereof: "not to exceed $1,690,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

INTERNATIONAL AFFAIRS

The language under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 834), is amended by inserting after "system modernization requirements" the following: "; not to exceed $300,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,298,000, for systems modernization activities, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, for systems modernization activities, to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $270,000, for expansions and improvements to existing Mint facilities, to remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", $5,226,000, for systems modernization activities, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,400,000, for the White House armored window project, to remain available until expended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,273,000 are rescinded.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $220,000 are rescinded.

PROCESSING TAX RETURNS AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,460,000 are rescinded.

TAX LAW ENFORCEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $2,999,000 are rescinded.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $270,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $4,292,000 are rescinded.

TITLE X

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Jocelyn Burdick, widow of Quentin N. Burdick, late a Senator from North Dakota, $129,500.

TITLE XI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS PROVIDING ASSISTANCE FOR NEEDS RESULTING FROM NATURAL DISASTERS

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities" to cover the costs for the restoration of facilities damaged or destroyed by Hurricane Andrew, $12,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program", $25,000,000, to remain available until the end of fiscal year 1993: Provided, That funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That $8,500,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover the incre-

mental costs of crop losses arising from the consequences of Hurricane Andrew, or from damaging weather or related condition, as defined in section 2251 of Public Law 101-624, $320,000,000 to remain available until expended: Provided, That this additional amount is hereby made available as authorized by the terms and conditions specified in Public Law 101-624 and Public Law 102-229 and shall include the costs of re-planting, re-seeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the "Commodity Credit Corporation Fund" to cover the incremental costs arising from the consequences of Hurricane Andrew and other natural disasters during 1992, up to $100,000,000, for payments to aquaculture producers and to oyster farmers who harvest oysters commercially, to remain available until expended: Provided, That such payments shall be under the same terms and conditions as payments authorized to crop producers under Public Law 101-624: Provided further, That such payments shall be made available at a rate not to exceed the pro-rata payment rate received in fiscal year 1993 by producers as a result of appropriations made by this Act and Public Law 102-229: Provided further, That the entire amount shall be made available only if designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" $3,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural Water and Waste Disposal Grants" $24,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For an additional amount for "Rural housing for domestic farm labor" $10,000,000, to remain available until the end of fiscal year 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for "Emergency Community Water Assistance Grants" $12,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE PROGRAM ACCOUNT

For an additional amount for "Agricultural Credit Insurance Program Account" $40,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $150,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural Housing Insurance Program Account" for the cost of section 504 housing repair loans $5,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $10,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Insurance Fund Progrom account" for the costs of direct and guaranteed loans, to remain available until the end of fiscal year 1993: $5,000,000 for the cost of water and sewer facility direct loans, to subsidize additional gross obligations for the principal amount of loans not to exceed $30,000,000; and $3,000,000 for the cost of guaranteed industrial development loans, to subsidize total loan principal any part of which is to be guaranteed, not to exceed $50,000,000: Provided, That no application for a loan guarantee under this section shall be denied on the basis that an organization, tribe, or entity engages in whole or in part in production agriculture: Provided further, That the entire amount appropriated shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL DEVELOPMENT LOAN PROGRAM ACCOUNT

For an additional amount for the "Rural Development Loan Program Account" for the cost of rural development loans, $7,058,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $13,500,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations," $50,000,000, to remain available until the end of fiscal year 1993: Provided, That $15,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Of the amounts available under this heading in the Department of Justice Appropriations Act, 1992, not to exceed $510,000 to be used by the Executive Office of Immigration Review may be available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and expenses, United States Marshals Service" to cover the incremental costs arising, from the consequences of Hurricane Andrew, $10,724,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,691,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,139,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $451,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $16,559,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUILDING AND FACILITIES

For an additional amount for "Building and facilities" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,000,000 to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities" to cover the incremental costs arising from the consequences of Hurricane Andrew, $9,891,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operations, research and facilities" for a grant to the Louisiana Department of Wildlife and Fisheries, pursuant to Section 308(b) of the Fishery Conservation and Management Act (P.L. 99-659), $8,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" pursuant to the Public Works and Economic Development Act of 1965 as amended, to be used for grants to assist states and local communities in recovering from the consequences of Hurricane Andrew and Typhoon Omar, $50,000,000, to remain available until expended; and in addition, $5,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans, $140,365,000 to remain available until expended; and in addition, for administrative expenses to carry out the disaster loan program, an additional $80,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for the cost of emergency disaster loans and associated administrative expenses, $75,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency pursuant to section 251 of said Act: Provided further, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $5,890,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $10,700,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $58,200,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $8,800,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,900,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $142,900,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $228,000,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $3,300,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $13,200,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $2,000,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $31,500,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Flood control, Mississippi River and Tributaries" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,100,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $40,000,000, to remain available until expended, of which $25,000,000 is to cover the incremental costs arising from the consequences of Hurricane Andrew and $15,000,000 is for replenishment of this account for future emergency response: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

CHAPTER V

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,300,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESOURCE MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $26,000,000, to remain available until expended: Provided, That $24,500,000 of these funds are to be provided as a grant from the Fish and Wildlife Service to the Louisiana Department of Wildlife and Fisheries: Provided further, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of National Park System" to cover the incremental costs arising from the consequences of Hurricane Andrew, $15,200,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HISTORIC PRESERVATION FUND

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $18,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GEOLOGICAL SURVEY

SURVEYS, AND INVESTIGATIONS AND RESEARCH

For an additional amount for "Surveys, investigations and research" to cover the incremental costs arising from the consequences of Hurricane Andrew, and Typhoon Omar, $2,800,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $1,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $1,200,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $2,900,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER VI

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for Training and Employment Services, $30,000,000, to be available for obligation for the period July 1, 1992–July 30, 1993, for training in areas affected by recent natural disasters: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH EMERGENCY FUND

For carrying out section 319(a) of the Public Health Service Act with respect to public health emergencies created by natural disasters such as Hurricane Andrew and Typhoon Omar, not to exceed $83,600,000, to remain available until expended: Provided, That these amounts shall be available for any activity authorized under the Public Health Service Act, for repairs or replacement of property used in connection with a Federal or Federally-assisted program but damaged or destroyed by the natural disaster, and for the provision to individuals and families directly affected by the disaster of services of the type provided under a program conducted or assisted by the Department: Provided further, That notwithstanding sections 214 and 513 of Public Law 102–170, and any other provision of law, amounts spent for travel associated with the performance of additional functions or duties necessitated by Hurricane Andrew or Typhoon Omar shall not be counted against the limits that apply by reason of any such provision: Provided further, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

For an additional amount for "Human Development Services," $2,000,000, for the United Houma Nation, Terrebonne Parish: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

IMPACT AID

For an additional amount for "Impact aid", $22,500,000, to remain available through September 30, 1993, of which $10,000,000 shall be for carrying out disaster assistance activities authorized by section 7(a) of Public Law 81–874, as amended, and of which $12,500,000 shall be to help pay for operating costs for schools affected by Hurricane Andrew and Typhoon Omar: Provided, That notwithstanding any other provision of law, the payments for operating costs shall be provided on a noncompetitive basis upon the request of the affected school district and the Governor and on such terms and conditions as the Secretary of Education may reasonably require: Provided further, That notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall not be required to issue regulations to implement this authority to pay for operating costs: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATIONAL EXCELLENCE

For an additional amount for "Educational excellence", $40,000,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards for award year 1992–1993, made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended prior to enactment of Public Law 102–325, $40,000,000: Provided, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of said Act that the Secretary deems necessary to assist individuals who suffered financial harm from Hurricane Andrew or Typhoon Omar, and who, at the time Hurricane Andrew struck the United States or Typhoon Omar struck Guam, were residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from Hurricane Andrew, and who resided, or was employed in such an area at that time): Provided further, That notwithstanding section 431 of the General Education

Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise this authority, through publication of waivers or modifications of statutory and regulatory provisions, as he deems necessary to assist such individuals: Provided further, That such authority shall be in effect only for awards for award year 1992–1993: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 601. WAIVER AUTHORIZATION.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Education is authorized to grant waivers to recipients of Federal funds under any of the programs described in subsection (b) that are substantially affected by Hurricane Andrew or Typhoon Omar to waive the restrictions regarding the uses of funds under any such programs, but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (d) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(2) REQUIREMENTS.—The Secretary shall only grant waivers under this section—

(A) for school year 1992–93; and

(B) if the application submitted under subsection (d) contains the approval of the Governor subsequent to a request of the school districts.

(b) PROGRAMS.—The programs for which waivers may be granted under subsection (a) are programs under—

(1) the Carl D. Perkins Vocational Education and Applied Technology Act;

(2) the Drug-Free Schools and Communities Act of 1986;

(3) subtitles A, B, and C of title VII of the Stewart B. McKinney Homeless Assistance Act;

(4) The Jacob K. Javits Gifted and Talented Students Education Act of 1988;

(5) chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(6) chapter 2 of title I of the Elementary and Secondary Education Act of 1965;

(7) the Dwight D. Eisenhower Mathematics and Science Education Act;

(8) the School Dropout Demonstration Assistance Act; and

(9) the Adult Education Act.

The Secretary shall grant waivers only for maintenance of effort and matching requirements under this section for the Rehabilitation Act of 1973.

(c) LIMITATIONS.—Subsection (a) shall not be construed as permitting the Secretary of Education—

(1) to authorize any changes in, substitutions for, or lessening of the mandates and protections of Federal laws and regulations regarding civil rights, discrimination, and safety, and the procedural safeguards contained therein;

(2) to affect regulations and prohibitions concerning the diversion of Federal funds for private use;

(3) to absolve any State of—

(A) any purposes, goals, or objectives for students targeted by the programs described in subsection (b); or

(B) any requirement to provide for the equitable participation of private school students according to the requirements of the programs described in subsection (b); or

(4) to reduce services to schools unaffected by Hurricane Andrew or Typhoon Omar, or

(5) to change the way funds are utilized for programs which are not described in subsection (b), except as otherwise provided in this Act.

(d) APPLICATION.—Each recipient of Federal funds under any of the programs described in subsection (b) desiring a waiver under this section shall submit an application to the Secretary of Education at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,000,000, to remain available until September 30, 1997: Provided, That this appropriation is consistent with the provisions of Public Law 101–510.

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $7,600,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, DEFENSE

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew, $16,000,000, to remain available until September 30, 1997: Provided, That this appropriation is consistent with the provisions of Public Law 101–510.

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,200,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

"MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $60,130,000, to remain available for obligation until September 30, 1996: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,400,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps", $56,700,000, to remain available for obligation until September 30, 1996: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from the consequences of Typhoon Omar, $30,500,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $13,806,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements" to cover the incremental costs arising from the consequences of Hurricane Andrew, $11,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

For an additional amount for "Facilities and equipment" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $15,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

EMERGENCY TRANSPORTATION

For an additional amount for "Emergency transportation" to cover the incremental costs arising from the consequences of Hurricane Andrew, $44,000, to be derived by transfer from "Research and technology", to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For an additional amount to carry out a feasibility study, $300,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IX

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $590,000, to remain available until expended: Provided, That this entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of *the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $4,670,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount for "Operation and maintenance, air and Marine interdiction programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For an additional amount for "Customs air interdiction facilities, construction, improvements and related expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $19,250,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For an additional amount for "Tax law enforcement" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,173,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS FOR NATURAL DISASTERS

To enable the President to meet unanticipated needs to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, there is appropriated $350,000,000, to remain available until expended, of which $300,000,000 may be transferred to "Disaster relief", Federal Emergency Management Agency, for disaster assistance payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and of which $50,000,000 may be transferred to any other account only for unanticipated incremental costs arising from the consequences of Hurricane Andrew: Provided, That all of these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount for "Real Property Operations" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,500,000, to remain available until expended: Provided, That the aggregate limitation on Federal Buildings Fund obligations established in Public Law 102–141 is hereby increased by such amount: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PERSONAL PROPERTY ACTIVITIES

FEDERAL SUPPLY SERVICE

For an additional amount for the "Federal Supply Service" to cover the incremental costs arising from the consequences of Hurricane Andrew, $700,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 901. AGENCY ACCEPTANCE OF DONATIONS FOR FEDERAL EMPLOYEES.

(a) Notwithstanding any other provision of law, Federal agencies may accept gifts of property, money, or anything else of value from non-Federal sources for extraordinary and unanticipated expenses incurred by agency employees in their personal capacity within the areas designated as disaster areas pursuant to the President's declaration of a disaster resulting from Hurricane Andrew and Typhoon Omar.

(b) Agencies shall established written procedures to implement this program, which shall, at a minimum, include provisions that ensure that (1) all money or cash gifts shall be collected directly by the agency before distribution, (2) all property or other tangible gifts shall be recorded and approved by the agency before deliverance to any individual employee, and (3) these gifts are distributed to agency employees in a fair and equitable manner.

(c) Agencies may accept gifts designated for individual employees. Agencies shall ensure that any gift designated for an individual employee is appropriate under the circumstances, taking into account, among other things, the official relationship of the employee to the source of the gift.

(d) This provision shall be effective through September 30, 1993.

CHAPTER X

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to cover the incremental costs arising from the consequences of Hurricane Andrew, $15,793,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $156,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount for "Annual contributions for assisted housing" for voucher assistance for the victims of Hurricane Andrew, not to exceed $183,000,000, to be derived by transfer prior to October 1, 1993, from the "Disaster relief" account of the Federal Emergency Management Agency: Provided, That such amounts shall be for rental housing voucher assistance pursuant to section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(o)): Provided further, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except provisions requiring nondiscrimination, in connection with the obligation by the Secretary or the use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOUSING COUNSELING ASSISTANCE

For an additional amount for "Housing counseling assistance" for contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $500,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FHA GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for the "General and Special Risk Program Account" for the cost of guaranteed loans authorized by the National Affordable Housing Act, as amended (12 U.S.C. 1715z—3(b) and 1735c(f)), $20,397,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed prior to the end of fiscal year 1993, not to exceed $1,628,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, $3,800,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act, $1,904,000,000, to remain available until expended, of which $35,295,630 shall be made available to reimburse the State of South Carolina for costs incurred due to Hurri-

cane Hugo, and of which $143,000,000 shall be available only to the extent that an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251 of said Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans to cover the incremental costs arising from the consequences of Hurricane Andrew, $15,000,000, to remain available through September 30, 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans for the "Community Disaster Loan Program," not to exceed $60,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Typhoon Omar, and other Presidentially-declared natural disasters, $5,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE XII—ADDITIONAL ASSISTANCE TO DISTRESSED COMMUNITIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount to carry into effect the Job Corps Program under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1692 et seq.), $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for the community health centers program under section 329 and section 330 of the Public Health Services Act (42 U.S.C. 254c), $20,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for the Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

For projects with respect to high risk youth under section 517 of the Public Health Service Act (as amended by the ADAMHA Reorganization Act), $10,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

OFFICE OF THE SECRETARY

NATIONAL COMMUNITY ECONOMIC PARTNERSHIP

For the National Community Economic Partnership program, $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

For the YouthBuild program under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, $15,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

OFFICE OF COMMUNITY BANKING

For the Enterprise Capital Access Fund Demonstration Program, $25,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $10,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

INTERAGENCY COUNCIL

BLOCK GRANT FUNDING FOR ELIGIBLE PROGRAMS

For the interagency council for assistance on behalf of each tax enterprise zone designated under section 1391 of the Internal Revenue Code of 1986, $300,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

This Act may be cited as the "Supplemental Appropriations, Transfers, and Rescissions Act, 1992".

Mr. MITCHELL. Mr. President, while awaiting the arrival of the managers of the appropriations supplemental bill, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 5620.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, H.R. 5620, the supplemental appropriation bill as reported by the Appropriations Committee, includes the committee's recommendations not only for the regular fiscal year 1992 supplemental appropriations that were included in the House-passed bill, but also contains emergency appropriations to assist those people and communities affected by Hurricane Andrew and Typhoon Omar. In addition, title XII of the bill contains fiscal year 1993 appropriations for urban aid, contingent on enactment of authorizing legislation.

I will now provide a summary of the major items contained in each of these categories.

The regular supplemental appropriations, rescissions, and transfers are contained in titles I–X of the bill on page 1 through line 17 page 29. Among the major items included in these titles are:

First, an appropriation of $879.2 million for operations and maintenance costs of the Department of Defense. These funds are necessary to assure compliance with environmental statutory requirements.

Second, transfers from the Defense cooperation account totaling $2.376 billion to reimburse DOD for its costs related to Desert Shield/Storm. Members will recall that the Defense cooperation account consists of allied contributions toward DOD's costs in the Persian Gulf war. This appropriation will fully deplete the Defense cooperation account and will fully reimburse DOD for its war-related costs.

Third, a rescission of the remaining balance of $14.7 billion in the Persian Gulf Regional Defense Fund. This fund contained an appropriation of U.S. funds totaling $15 billion, which could be drawn down, if needed, for the gulf war. Three hundred million of U.S. funds were, in fact, drawn down and used for Kurdish relief. The balance, $14.7 billion, will not be needed and is, therefore, being rescinded and will be returned to the Treasury.

Fourth, an appropriation of $237.7 million in advances to the unemployment trust fund, as requested by the administration for this mandatory program.

Fifth, an emergency appropriation of $162.7 million, as requested by the administration for the base closure account.

Sixth, an appropriation of $500 million for veterans compensation and pensions, a mandatory appropriation.

Seventh, an appropriation of $14.1 million for VA's operating expenses.

Title X of the bill, page 29 lines 18–25, contains the usual gratuity provided to the widow of deceased Members of Congress, in this case to Jocelyn Burdick, widow of Quentin N. Burdick.

Title XI of the bill, pages 30–81, contains appropriations totaling $4.505 billion and direct loan and loan guarantees totaling $2.947 billion for disaster assistance to those affected by Hurricane Andrew, Typhoon Omar, and other disasters such as tornadoes, floods, and drought.

Of these amounts, $1.9 billion, the full budget request, is recommended for the Federal Emergency Management Agency [FEMA]; $420 million is provided for the disaster assistance programs of the Commodity Credit Corporation; $50 million for the watershed and flood prevention operations of the Soil Conservation Service; $25 million for the Emergency Conservation Program of the Agricultural Stabilization Service; $109,058,000 for various emergency programs of the Farmers Home Administration, as well as $203.5 million in direct loans and $50 million in guaranteed loans for the Farmers Home Administration; $75.4 million for the Department of Commerce, of which $55 million is appropriated to the Economic Development Administration; $51.6 million for the Department of Justice; direct loan limits totaling $1.006 billion as well as appropriations totaling $295.4 million for the disaster program of the Small Business Administration; appropriations totaling $503.3 million for the Department of Defense; $46 million for Corps of Engineers operations and maintenance and flood control programs; appropriations totaling $74.8 million for programs under the jurisdiction of the Interior Subcommittee for various emergency programs of the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, and the Forest Service; appropriations totaling $218.1 million for various emergency health and education needs; emergency appropriations totaling $223.5 million for military construction and family housing; $40.6 million for transportation emergencies of the Coast Guard and FAA; $389.4 million for programs under the Treasury/Postal Service Subcommittee, including a contingency fund of $350 million for the President's use, if needed, to meet unanticipated disaster needs; and, finally, $1.6 billion in guaranteed loans for HUD and $40.6 million in incremental costs for HUD and VA.

In total, the committee recommendations for title XI for direct loans and loan guarantees are the same as the President's request and the total budget authority recommended is $4.505 billion, or $22.253 million above the President's request. All of the emergency appropriations recommended by the committee for which no budget requests have been received will only be made available if the President designates them as emergency spending.

Finally, title XII of the bill contains fiscal year 1993 appropriations of $500 million for urban aid programs, contingent on authorization. As Members may know, H.R. 11, the tax bill passed by the House, contained $500 million in urban aid appropriations. The Senate has not yet passed its version of H.R. 11. I have the assurances of Chairman BENTSEN that he will not agree to any appropriations in H.R. 11. Therefore, in order to fund urban aid at the levels agreed to by the administration, the bill before the Senate includes this level of appropriations, which will only be obligated if they are authorized. Among the programs to receive these funds are:

Training and employment services, $40 million; health resources and services, $20 million; programs for children and families, $110 million; HOPE grants, $15 million; enterprise capital access demo, $25 million; Neighborhood Reinvestment Corporation, $10 million; and block grants for eligible programs, $300 million.

Mr. President, by a vote of 12 for and 8 opposed, the Appropriations Committee adopted an amendment by Senator REID which limits the appropriations for military construction at Homestead Air Force Base to $26 million, rather than the appropriations totaling $480.6 million as requested by the President.

The amount recommended by the committee is sufficient to begin the cleanup of Homestead Air Force Base and is at the right level for this bill. I wish to call all Senators attention to the fact that the committee has also included nearly $275 million additionally for personnel and operations and maintenance costs to cover costs resulting from the devastation that visited Homestead Air Force Base and its people. This includes a total of $75.6 million for military personnel, specifically to cover costs of relocation and housing on a temporary basis for personnel formerly housed at Homestead; and $199.7 million for various operations and maintenance costs, specifically: cleanup of facilities, particularly in cases when emergency procedures are required to prohibit environmental damage to the surrounding area; airlift of supplies and equipment to assist in the cleanup; payment of personal property damage claims; related medical costs; and renovation of the Army National Guard Homestead Armory.

Sixteen million dollars is appropriated for the cleanup and necessary demolition of the family housing complex, and funds for additional preliminary planning and design for reconstructing the base. This is all that can be done during the next few months until the detailed plans for rebuilding the base can be developed, if it is decided that they should be developed. It is a very extensive and lengthy task even under the most expeditious circumstances.

Currently, such plans do not exist. The bill contains sufficient funds within the operations and maintenance account for developing a master plan to rebuild the base, if that is the decision. There is as yet no plan to be funded, and the earliest it could be available is late spring, 1993. Once such a plan is done, if it is done, then the $10 million additional in the bill in the military construction account can be used to provide long-lead facilities.

The final decision on the disposition of the base, whether it should be completely rebuilt, and for what purpose, such as for counternarcotics as the President has suggested, or for a combination of functions, or whether it should be put on the closure list, is a decision for the Base Closure Commission. The Secretary of Defense makes his recommendations by March 1993 to the Base Closure Commission on this matter, and the new Commission is to make its recommendations on Homestead and other bases no later than July 1, 1993. It could, of course make its recommendation on Homestead earlier than that, as early as March or April, depending on the timing of the Secretary's recommendations.

Any attempt to add funds for the rebuilding of this base would undermine the authority of the Base Closure Commission and threaten its ability to act independently in the future. The Base Closure Commission was created in the 1991 National Defense Authorization Act after a 1990 Department of Defense list of bases slated for closure was judged to be driven more by political considerations than by true military utility. Therefore, the Congress set up the process for selecting domestic military bases for closure or realignment in 1991, 1993, and 1995. This process was further refined in the 1992 DOD authorization bill, reflecting the experience of the first round of base closings. An eight-member Defense Base Closure and Realignment Commission is nominated by the President and confirmed by the Senate. This Commission is an independent body, meant to provide a nonpartisan, impartial review using Department of Defense criteria to weigh the military utility for each base. Once a list is generated, reviewed, and opened for public debate, the President can approve or disapprove the list and then forward it to the Congress for final review, so everyone gets a chance for input. The President approved the first list.

This process works and we should not now abandon it. Secretary of Defense Richard Cheney said of the procedure, "I do give you high marks, say, B+, on the Base Closing Commission—while a tough decision, those closures will help us take money out of unneeded infrastructure and put it into essential military capability."

I would point out to my colleagues that this is an urgent supplemental bill and we have included some $300 million, which is all the short-term funding that is possible to be spent on Homestead—including $16 million for the necessary work of family housing debris removal and demolition, and $10 million more for planning in order to go forward when and if the Base Closure Commission recommends the base be rebuilt. Any additional funds cannot be spent on an urgent basis over the next 6 months because there is no decision to rebuild the base and keep it in service by the Base Closure Commission, and the design for a new base does not yet exist and must be put together. So if the Senate were to include several hundred million more dollars for family housing, reconstruction, and other rebuilding, it would appear to be doing something further, which might be misconstrued and would be a misrepresentation of what is going to happen at Homestead over the next 6 months. It would be a deception, or, at best, just raise false expectations. Why should we do that? The people of Florida need to have help now, and need to know what kind of help is coming. There is no need for us to put additional window dressing in here which will have no practical impact other than appear to be expending resources which cannot be spent in the short run.

Mr. President, let me also point out to Senators, particularly Senators INOUYE and AKAKA, that the bill as reported does not contain funding necessary to address the needs of the people of Hawaii caused by Hurricane Iniki. This tragedy occurred after the committee had reported the bill. The committee staff, however, has worked with the staff of the two distinguished Senators from Hawaii, as well as with the Office of Management and Budget, and based on these efforts I will shortly offer an amendment, which the distinguished ranking member of the committee, Mr. HATFIELD, will join in cosponsoring, to add additional funding to cover the costs of Hurricane Iniki.

Additionally, the committee, working with OMB and the Florida and Louisiana Senators, has had a chance to review additional disaster needs for victims of Hurricane Andrew. The managers' amendments, which I will offer, along with Senator HATFIELD, include these additional items and have been cleared by OMB and the managers.

I thank Senators GRAHAM, MACK, INOUYE, and AKAKA, and their staffs, for the splendid cooperation and for the knowledgeable input of those Senators and those staffs. I congratulate the Senators for their dedication and their deep interest in bringing relief to their people.

As the chairman of the Appropriations Committee, I certainly have the deepest sympathy for the peoples of these areas which have been so hard hit. I have done everything that I could to be fair and to try to bring succor, comfort, and assistance to them.

When the bill was put before the committee, there were additional requests for moneys, particularly from the Florida Senators, and the people of Florida and the Governor of Florida, at which time I was not in a position to support the requests because the appropriations subcommittees that have jurisdiction in the particular areas had not had an opportunity to study the requests.

It was my thought that by the time the bill reached the floor, those subcommittees would have an opportunity to view the requests, and my own appropriations staff and the staff of the minority would have an opportunity to run these requests by the subcommittees and by the Office of Management and Budget and the administration, so that we could have a meeting of the minds and a consensus in support of the managers' amendment to be offered on the floor. And that is what has occurred.

I thank my own staff members on the Appropriations Committee for their good work. I thank the subcommittee staff people and the subcommittee chairmen and the ranking members on the other side of the aisle. All have done a good piece of work.

This is an important bill, one which I hope the Senate will complete action on quickly, without extraneous amendments. We owe it to the people who have suffered devastating losses of their homes and schools and businesses to get this bill through Congress and on the President's desk as expeditiously as possible.

I also thank the majority leader and the minority leader for scheduling this measure very quickly. We reported it out of the Appropriations Committee last Thursday, and so the leadership on both sides has cooperated to act quickly in bringing the bill to the floor.

I urge my colleagues to support the bill and to refrain from offering amendments, or as much as they possibly can.

I am sure that my distinguished ranking colleague, Mr. HATFIELD, will make some comments.

I also want to take this opportunity to thank the Senator for what is so characteristic of him, and always has been: The leadership that he demonstrates on the committee. He was chairman of the Appropriations Committee at one time, and I have learned from his experience and from his knowledge.

I thank him not only for his cooperation, but for his dedication to duty and high and noble purposes. He is always most charitable to me, and I am extremely grateful. I am fortunate to have him as my colleague, as ranking member on the other side. He is a very distinguished Senator from the State of Oregon, the senior Senator, Mr. HATFIELD.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Oregon.

Mr. HATFIELD. Mr. President, the bill before us serves a number of purposes that have been described by our chairman, Senator BYRD.

First, titles I through X provide the regular supplemental appropriations for several departments and agencies of Government, pursuant to a request of the President on July 8 of this year. The other body responded to that request by passing H.R. 5620 on July 28.

In our committee's action last Thursday, September 10, emergency supplemental appropriations for disaster relief and special 1993 appropriations for certain urban aid programs were added under title XI and title XII.

Since our markup, Hurricane Iniki struck Kauai, and earlier estimates of damage inflicted by Hurricane Andrew and Typhoon Omar have been reviewed, resulting in a package of additional appropriations, which Chairman BYRD and I will offer as a managers' amendment, with the support of the administration.

The funds provided in titles I through X of the bill are either offset, fall within the discretionary spending caps and thus do not require an offset, or are mandatory accounts excluded from the discretionary caps.

Funds provided in title XI for disaster relief are all subject to emergency declarations by the President and Congress, and, as such, are excluded from discretionary spending caps. Funds in title XII are fiscal year 1993 appropriations made subject to the enactment of authorizing legislation.

I hope and expect that we will move quickly on this bill so we can get to conference with the House and enact this bill as soon as possible.

Before yielding, I want to comment briefly on the package of amendments Chairman BYRD and I will offer as a managers' amendment. As I said, these additional appropriations have been agreed to by the administration. The additional amounts above that were adopted by the committee last week total $1.2 billion in budget authority and $1.7 billion in direct and guaranteed loans.

Mr. President, I find it interesting that officials of the administration, in hurried meetings over the last few days, have agreed to a $3 billion funding package while those very same officials in the very same administration are threatening to advise a Presidential veto on fiscal year 1993 appropriations bills that exceed, by the administration's measure, the President's budget.

The President's advisers know very well that our 1993 appropriations bills in the aggregate are substantially below the President's request. They know that our nondefense domestic discretionary accounts in our appropriations bills are in compliance with the discretionary spending caps of the budget summit agreement, in which the President was represented by his budget director and other officials of the administration, and on which they agreed and signed off.

They know that the appropriations bills that do exceed the President's budget do so in large part because Congress has failed to enact separate legislation, such as reform of postal subsidies or the sale of Elk Hills, and, in the absence of that authorizing legislation, the Appropriations Committee has little choice but to provide funding above the President's request.

The President's advisers know all this, yet they still threaten to advise the President to apply a veto. They know all of this, and yet they endorse the expenditures of additional billions of dollars for disaster relief. The administration is supporting more money for disaster relief than would be saved if the appropriations bills that supposedly exceed the President's request were reduced to the level of that request.

I do not oppose disaster relief. On the contrary, I support disaster relief. We need to use the Nation's resources to help fellow citizens in trouble. I simply point out this inconsistency on the part of the President's advisers. I hope the President will reject the advice, if it is forthcoming, that some may give him, or threaten to give him, and will sign appropriations bills that are consistent with the summit agreement, which are within, obviously, the followup to the 602(b) allocations.

Mr. President, I commend the chairman of the committee again for handling a very complex issue. All of us on that committee would like to have been able to respond more generously to the requests of the Senators from Florida, Louisiana, and Hawaii, as well as to the Governors of those States. But we feel that, again, based upon the statistics, the data which are very difficult to come by quickly in a disaster, that we have responded in an appropriate way based upon those statistics and data.

I would like to add, at least as one member of the committee I do not feel that this is, perhaps, the end of the Federal Government's involvement. But I think, until we can acquire the data base that they need and could respond perhaps to the 1993 appropriations measures, that this bill does meet the task that was assigned to our committee. The chairman has done an extraordinary job, and I find it not only a pleasure to work with him, but I, of course, hold him in the deepest respect.

The PRESIDING OFFICER. Who seeks recognition? The Senator from West Virginia.

Mr. BYRD. Mr. President, I am going to ask unanimous consent shortly that the committee amendments be agreed to en bloc and that no points of order shall be considered to have been waived if the request be agreed to and that the amendments be considered as original text for the purposes of further amendment.

But before I do that—I understand that there will be an objection so I will just go ahead and make the request.

I ask unanimous consent that the committee amendments be agreed to en bloc, that no points of order should be considered to have been waived if that request be agreed to, and that the amendments be considered as original text for the purposes of further amendment.

The PRESIDING OFFICER. Is there objection? The Senator from Oregon.

Mr. HATFIELD. Mr. President, I am informed by our leadership staff that Senator SMITH has raised an objection to this unanimous-consent request. Therefore, I, on his behalf, have to object.

The PRESIDING OFFICER. Objection having been heard, the unanimous-consent request is not agreed to.

Mr. BYRD. Mr. President, let me explain the amendments that I am prepared to offer en bloc on behalf of Mr. HATFIELD; on behalf of Mr. INOUYE, the distinguished ranking member of the Appropriations Committee on my side of the aisle; on behalf of Mr. AKAKA, his distinguished colleague from Hawaii; on behalf of Mr. GRAHAM, the distinguished senior Senator from Florida; and on behalf of his distinguished colleague, and ours, Mr. MACK, the junior Senator from Florida; on behalf of Mr. JOHNSTON, the distinguished senior Senator from Louisiana; and on behalf of his distinguished colleague, and ours, Senator BREAUX.

This is a series of amendments that have been agreed to by the Florida, Louisiana, and Hawaii delegations. These amendments have been cleared by the appropriate appropriations Subcommittees, as well as by the authorizing Committees where necessary. In addition, Mr. President, the Office of Management and Budget has been apprised of these amendments and has no objection to them.

These amendments will provide additional assistance to cover the updated disaster needs resulting from Hurricane Andrew in Florida and Louisiana, as well as to cover current estimates of damage resulting from Hurricane Iniki in Hawaii.

Mr. President, the amendments provide for the following:

First, they reduce the appropriation for disaster assistance from $320,000,000 to $300,000,000, as proposed by the President. In addition, $30,000,000 is provided as a separate appropriation for the tree assistance program. Of this amount, $10,000,000 is subject to an emergency designation by the President. Also, the amendment gives the Secretary of Agriculture discretion to adjust sugarcane and sugar beet yields for adverse weather conditions during the 1989, 1990, and 1991 crop years.

Second, an increase in the loan level for industrial development loans through the Farmers Home Administration from $50,000,000 to $300,000,000. This change results in an increase of the appropriation for the cost of these guaranteed loans from $3,000,000 to $18,000,000. The additional $15,000,000 is made subject to an emergency designation by the President. In addition, this amendment waives certain density requirements under the industrial loan program so that certain entities, particularly those around the Homestead Air Force Base in Florida, can qualify for these loans.

Third, an increase for the Economic Development Administration's title IX grant assistance from $50,000,000 to $70,000,000. The amendment also qualifies Hawaii for such priority economic development recovery assistance.

Fourth, an increase in the appropriation for the Small Business Administration Disaster Loan Program by $116,435,000 as requested by a budget amendment submitted on September 11, 1992. This action ensures that the full additional $1,200,000,000 in SBA disaster loans will be available as requested by the President. It also should be noted that exclusive of this action, almost $900,000,000 remains available for requirements nationwide, including those resulting from Hurricane Iniki.

We have provided an additional $20,000,000, subject to a Presidential budget submission, for SBA administrative costs needed to administer SBA disaster loans in Hawaii.

Fifth, an appropriation of $20,000,000 for the Alcohol, Drug Abuse and Mental Health Administration. Based on reports from alcohol and drug abuse treatment providers in South Carolina, hurricane disaster areas can expect at least a 10-percent increase in requests for services. In addition, the appropriation for the public health emergency fund decreases by $20,000,000 to a total of $63,600,000.

In Florida, Hurricane Andrew interrupted the activities of street drug markets, causing a short-term reduction in the drug supply in some locations. Consequently, there has been an increased demand for detoxification services. These street markets have moved to other less affected areas of the county, thus straining the ability of law enforcement and treatment providers to interdict suppliers and provide rehabilitation services.

Sixth, an appropriation of $20,000,000 for the Child Care Development Block Grant. Families in areas affected by the hurricanes are in need of child care services so parents can attend to restoration of basic living needs.

Seventh, an increase from $22,500,000 to $42,500,000 for impact aid in the Department of Education. As a result of Hurricane Andrew, Dade County will have to implement a Saturday-Sunday school program to provide special counseling, tutorial sessions and recreational programs to its students.

Already, Dade County schools have begun holding double sessions in 79 schools, all of which suffered physical damage as a result of the hurricane. Double sessions mean increased costs for teacher salaries, utilities, and food services.

In addition, the bill language would grant authority to the Secretary of Education to provide waivers to areas affected by Hurricane Andrew and Typhoon Omar. Under the waiver, these areas could access up to 70 percent of excess amounts available for reallotment under sections 110, 633, and 703 of the Rehabilitation Act for fiscal years 1992 and 1993.

Eighth, an appropriation of $60,000,000 for the housing under the HOME investment partnerships program in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters.

The PRESIDING OFFICER. The Chair informs the Senator that under the previous order, the Senate was to recess at the hour of 12:30.

DELAYING TIME FOR RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate continue in its session until such time as I can complete the statement I am making and hopefully offer the amendments en bloc and have them agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, ninth, an increase in the guaranteed loan level for the Federal Housing Administration from $1,628,000,000 to $2,428,000,000 resulting in an increase in the subsidy appropriation from $20,397,000 to $30,397,000. The $10,000,000 increase would become available only upon emergency designation by the President. In addition, an increase in the salaries and expenses for HUD of $200,000 is provided also upon emergency designation by the President.

Tenth, an increase in disaster relief for the Federal Emergency Management Agency from $1,904,000,000 to $2,843,000,000. The increase of $939 million would become available only upon emergency designation by the President. An increase in the direct loan level from $60,000,000 to $200,000,000, resulting in an increase in the subsidy from $15,000,000 to $50,000,000. Again, the $35,000,000 would only become available upon emergency declaration by the President. In addition, the salaries and expenses account is increased from $5,000,000 to $15,000,000 in order to provide this additional assistance. The $10,000,000 is also subject to a Presidentially designated emergency.

Mr. President, I ask unanimous consent that a table which indicates the effects of the manager's amendment be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 5620 selected programs	Committee report	Managers' proposed change	Revised funding level
TITLE XI—NATURAL DISASTERS			
Commodity Credit Corporation			
Disaster assistance	$320,000,000	−$20,000,000	$300,000,000
Tree assistance program		30,000,000	30,000,000
Farmers Home Administration			
Industrial development loans:			
Guaranteed loan level	50,000,000	250,000,000	300,000,000
Budget authority for loan subsidy	3,000,000	15,000,000	18,000,000
Economic Development Administration			
Economic development assistance program	50,000,000	20,000,000	70,000,000
Small Business Administration			
Disaster Loan Program:			
Direct loan level	656,000,000	544,000,000	1,200,000,000
Budget authority for loan subsidy	140,365,000	116,435,000	256,800,000
Salaries and expenses	80,000,000	20,000,000	100,000,000
Public health emergency fund	83,600,000	−20,000,000	63,600,000
ADAMHA block grant		20,000,000	20,000,000
Child care development block grant		20,000,000	20,000,000
Department of Education			
Impact aid	22,500,000	20,000,000	42,500,000
Department of Housing and Urban Development			
HOME investment partnership program		60,000,000	60,000,000
Salaries and expenses	3,800,000	200,000	4,000,000
Federal Housing Administration:			
Guaranteed loan level	1,628,000,000	800,000,000	2,428,000,000
Budget authority for loan subsidy	20,397,000	10,000,000	30,397,000
Federal Emergency Management Agency			
Disaster relief	1,904,000,000	939,000,000	2,843,000,000
Direct loan level	60,000,000	140,000,000	200,000,000
Budget authority for loan subsidy	15,000,000	35,000,000	50,000,000
Salaries and expenses	5,000,000	10,000,000	15,000,000
Subtotal, budget authority	2,647,662,000	1,275,635,000	3,923,297,000
Direct loans	716,000,000	684,000,000	1,400,000,000
Loan guarantees	1,678,000,000	1,050,000,000	2,728,000,000
Subtotal, loans	2,394,000,000	1,734,000,000	4,128,000,000
Total, budget authority and loans, selected programs	5,041,662,000	3,009,635,000	8,051,297,000

BILL WITH MANAGERS' AMENDMENT

H.R. 5620	President's request	Recommendation plus amendment	Revised bill versus request
TITLES I THROUGH X—REGULAR SUPPLEMENTALS			
Function 050, national defense:			
Defense	909,200,000	1,032,500,000	123,300,000
Defense cooperation account		[1] 2,375,974,000	[1] +2,375,974,000
Military construction	162,700,000	162,700,000	
Subtotal, national defense (050)	1,071,900,000	1,195,200,000	123,300,000
International	80,000,000		−80,000,000
Domestic discretionary (net)	40,817,000	31,691,000	−9,126,000
Subtotal, discretionary	1,192,717,000	1,226,891,000	34,174,000
Mandatory programs	737,781,500	737,781,500	
TITLE XI—NATURAL DISASTERS			
Defense	503,300,000	503,300,000	
Military construction	480,600,000	223,530,000	−257,070,000
Domestic discretionary	3,498,880,000	5,063,838,000	1,564,958,000
Subtotal, budget authority in title XI	4,482,780,000	5,790,668,000	1,307,888,000
Direct loans	1,269,500,000	1,953,500,000	684,000,000
Loan guarantees	1,678,000,000	2,728,000,000	1,050,000,000
Subtotal, loans in title XI	2,947,500,000	4,681,500,000	1,734,000,000
Subtotal, budget authority and loans in title XI	7,430,280,000	10,472,168,000	3,041,888,000
TITLE XII—DISTRESSED COMMUNITIES			
Fiscal year 1993 appropriations		500,000,000	500,000,000

BILL WITH MANAGERS' AMENDMENT—Continued

H.R. 5620	President's request	Recommendation plus amendment	Revised bill versus request
RECAP			
Discretionary:			
Titles I through X	1,192,717,000	1,226,891,000	34,174,000
Title XI	4,482,780,000	5,790,668,000	1,307,888,000
Title XII (FY 1993 appropriations)		500,000,000	500,000,000
Mandatory	737,781,500	737,781,500	
Total, budget authority in bill	6,413,278,500	8,255,340,500	1,842,062,000

[1] By transfer.

Note.—Includes managers' amendment; excludes committee proposed rescission of $14,696,040,000 from the Persian Gulf Regional Defense Fund.

Mr. BYRD. Mr. President, I ask unanimous consent that there also be printed in the RECORD an editorial from the New York Times of September 14 supporting the action of the Appropriations Committee of the Senate in connection with the Homestead Air Force Base. The editorial being titled "Yes, Close Homestead A.F.B."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 14, 1992]

YES, CLOSE HOMESTEAD, A.F.B.

It is difficult to say no to anything that could relieve the devastation of southern Florida by Hurricane Andrew. But the Senate Appropriations Committee has rightly rejected President Bush's transparent proposal to rebuild Homestead Air Force Base.

Embarrassed by his Administration's slow response to the catastrophe, and desperate for Florida's electoral support, Mr. Bush put $480 million for the base's reconstruction in the aid package he submitted to Congress last week. The base was key to the economy of southernmost Florida. Its restoration would give the area a desperately needed lift. But, hardhearted as it may seem, military need comes first.

Defense Secretary Dick Cheney has rightly insisted in the past that the Pentagon is not and should not be "a social welfare agency." The military value of Homestead Air Force Base was already in question before Hurricane Andrew. Homestead was on and off this year's list of base closings, and has been regarded as a strong candidate for next year's list.

Now 80 percent destroyed by an act of nature, Homestead's closing makes even more sense. By the same reasoning, the Pentagon decided to abandon Clark Air Force Base in the Philippines after its devastation by a volcano.

What's more, the Administration appears to have low-balled the likely cost of rebuilding. According to Senator Jim Sasser, chairman of the Military Construction subcommittee and one of three committee Democrats who favored rebuilding, the probable cost would be $300 million more than the Administration says.

Besides offering to rebuild the base, Mr. Bush told Floridians that Washington would pay 100 percent of the cleanup costs eligible for Federal aid, instead of the normal 75 percent. Then he granted Louisiana equal treatment, even though its losses were much less serious. And then, inspired by the President, Senator Ernest Hollings of South Carolina got the Appropriations Committee to vote retroactive equal treatment for Hurricane Hugo in 1989—another $35 million.

In an election year, the political will to relieve suffering knows few limits. All the more credit to the senators—Democrats and Republicans—who had the courage to curb President Bush's self-serving generosity.

AMENDMENT NO. 2986

(Purpose: To provide for additional assistance for natural disasters, including the recent Hurricane Iniki)

Mr. BYRD. Mr. President, in view of the fact that these amendments have been worked out among the Senators from the affected States—Senator INOUYE, Senator AKAKA, Senator GRAMM, and Senator MACK, Senator JOHNSTON, Senator BREAUX—and they are agreed upon by the ranking member, by the managers of the bill and by the Office of Management and Budget of the administration, I send these to the desk and I ask unanimous consent that I be permitted to offer them at this time, notwithstanding the fact that the committee amendments have not been agreed to, and I ask that these amendments be considered and agreed to en bloc; that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2986) was considered and agreed to, as follows:

On Page 31, on line 23, before the colon, insert: ": *Provided further*, That in establishing yields for disaster payments to producers of the 1992 crop of sugarcane and sugar beets, the Secretary of Agriculture may make adjustments to county yields for adverse weather conditions during the 1989, 1990 and 1991 crop years".

On page 31, line 16, strike "$320,000,000" and insert in lieu thereof: "$300,000,000".

On page 31, line 20 strike "and shall include . . ." through "and nursery inventory" on line 23.

On page 32, between lines 2 and 3 insert: "For an additional amount for the "Commodity Credit Corporation Fund" to cover the costs arising from the consequences of natural disasters, $30,000,000, for the Tree Assistance Program, to remain available until the end of fiscal year 1993: *Provided*, That $10,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That such funds shall be used to fund the costs of replanting, re-seeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: *Provided further*, That payments under this program shall be determined in accordance with Public Law 101-624: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985."

On page 35, line 11, strike "$3,000,000" and insert in lieu "$18,000,000".

On page 35, line 14, strike "$50,000,000" and insert in lieu "$300,000,000".

On page 35, on line 17, after "agriculture" insert: "nor shall such a loan guarantee be denied under provisions of 7 U.S.C. 1926(a)(7)".

On page 35, on line 24, before the period, insert: ": *Provided further*, That $15,000,000 of the $18,000,000 provided for the cost of guaranteed industrial development loans shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress".

On page 42, line 10, strike "and Typhoon Omar, $50,000,000" and insert in lieu thereof: ", Hurricane Iniki, and Typhoon Omar, $70,000,000".

On page 43, line 16, strike the sum "$140,365,000" and insert in lieu thereof: "$256,800,000".

On page 43, after line 25, insert the following:

"In addition $20,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries an expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress."

On page 60, line 10, strike "$83,600,000" and insert in lieu thereof "$63,600,000".

On page 61, line 2, insert the following:

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, Drug Abuse, and Mental Health", to carry out Section 1911 of the Public Health Service Act for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, of which $10,000,000 shall be for mental health services, to remain available through September 30, 1993: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, line 20, strike "$22,500,000" and insert in lieu thereof "$42,500,000".

On page 61, line 21, strike "$10,000,000" and insert in lieu thereof "$30,000,000".

On page 62, line 14 before the period insert: ": *Provided further*, That $20,000,000 of these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, line 3, insert the following:

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For an additional amount for "Payments to States for Child Care Assistance", for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 65, strike lines 20 through 22 and insert the following in lieu thereof:

(c) Notwithstanding any other provision of law, the Secretary of Education is authorized to grant to recipients of Federal funds under programs authorized by the Rehabilitation Act of 1973, as amended, that are substantially affected by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar, a waiver or modification of restrictions regarding requirements for the matching of Federal funds, maintenance of effort, and time period for the obligation of Federal funds, but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (c) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(*1*) The Secretary shall only grant waivers under this authority for fiscal years 1992 and 1993.

(*d*) REALLOCATION OF FUNDS.— (1) For fiscal year 1992, the Secretary shall make up to seventy-five percent of excess amounts available for reallotment under Sections 110, 633, and 703 of the Rehabilitation Act of 1973 to recipients of Federal funds under the Act substantially affected by Hurricane Iniki, Hurricane Andrew or Typhoon Omar, upon the receipt of an application submitted under subsection (c).

(*e*) APPLICATION.—Each recipient of Federal funds under programs authorized the Rehabilitation Act desiring a waiver and/or reallotment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

On page 65 at line 23 strike "(c)" and insert: "(f)".

On page 66 at line 21 strike "(d)" and insert: "(g)".

On page 73 at line 25 after the word "Andrew" insert: "Hurricane Iniki".

On page 74 at line 8 before the colon insert: "and Hurricane Iniki".

On page 77, line 9, after "Andrew," insert: "Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters,".

On page 77, line 18, after "Andrew," insert: "Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters,".

On page 78, after line 4 insert the following:

"(INCLUDING TRANSFER OF FUNDS)"

On page 78, line 7, after "Andrew," insert: "*Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters,*".

On page 79, after line 24, insert the following new paragraph:

"HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $60,000,000, to remain available until expended: *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided under this heading, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of Public Law 101-625: *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring nondiscrimination, in connection with the obligation by the Secretary or any use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921.

On page 79, line 17, strike, "$20,397,000" and insert in lieu thereof: "$30,397,000".

On page 79, line 21, strike "$1,628,000,000" and insert in lieu thereof: "$2,428,000,000".

On page 79, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

Page 81, line 2, insert the following before the period: ": *Provided further*, That, notwithstanding any other provision of law, amounts provided under this paragraph shall be made available to the State of Hawaii under the same terms and conditions as funds made available to the State of Florida."

On page 80, line 6, strike "$3,800,000" and insert in lieu thereof: "$4,000,000".

On page 80, line 11, immediately before the period, insert the following new proviso: ": *Provided further*, That $200,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

On page 80, line 16, strike "$1,904,000,000" and insert in lieu thereof: "$2,843,000,000".

On page 80, line 19, strike $143,000,000 and insert in lieu thereof: "$493,000,000".

On page 81, line 2, immediately before the period, insert the following new proviso: ": *Provided further*, That $589,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

On page 81, line 7, after "Andrew," strike "$15,000,000," and insert in lieu thereof:

"Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $50,000,000,".

On page 81, line 11, strike "$60,000,000" and insert in lieu thereof: "$200,000,000".

On page 81, line 15, immediately before the period, insert the following new proviso: ": *Provided further*, That $35,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

SALARIES AND EXPENSES

On page 81, line 19, after "Andrew," insert: "Hurricane Iniki,".

On page 81, line 20, strike "$5,000,000" and insert in lieu thereof: "$15,000,000".

On page 81, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

Mr. BYRD. Mr. President, I again thank all Senators, especially those Senators whose names have been mentioned, and I should also express appreciation to the Governor of Florida and commend him for the attention that he has given to this disaster. I know that it has been a terrible problem for him, as it has been for the Senators and the House Members from the affected areas. I compliment them and want to express the hope that what the Senate is doing today will be looked upon as a sensitive and understanding reaction and approach and as a sincere desire on the part of Senators to help the people of Florida and Hawaii and Louisiana in this great hour of their tribulation and suffering. I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to thank the distinguished chairman, the

Senator from West Virginia, and the ranking minority member of the Appropriations Committee for their leadership and expeditious response to the needs of the people of Hawaii arising from Hurricane Iniki which struck the islands last Friday, and also to the needs of the people of Guam arising from Typhoon Omar which recently struck these islands, important Pacific islands.

Mr. President, I just returned from a long journey to inspect the tragedy and destruction caused by Hurricane Iniki, the most powerful hurricane to hit the State of Hawaii this century. A category 4 hurricane, like Hurricane Andrew, Hurricane Iniki hit the Hawaiian Islands with winds as high as 160 miles per hour and waves as high as 30 feet.

Mr. President, I witnessed the devastation and the anguish of the victims who lost their homes and businesses. Although I wanted very much to remain in Hawaii to provide solace and comfort to the victims, I knew my place was in Washington to ensure adequate Federal support to help the people of Hawaii recover from this devastating hurricane. An estimated 10,000 homes on the Island of Kauai, hardest hit by the hurricane, were destroyed or damaged, roughly a third of all the homes on the island. Over 8,000 are still in shelters or homeless.

President Bush has declared most of the State of Hawaii a major disaster area.

In 1982, Hurricane Iwa, a category 1 hurricane, devastated the Island of Kauai with 110-mile-per-hour winds and caused $216 million in damage. According to FEMA, damages resulting from Hurricane Iniki will be comparable to those resulting from Hurricane Andrew.

Mr. President, I thank the managers of this bill for including my request for increases in the various disaster relief accounts to make more than $1.2 billion available to the State of Hawaii for hurricane disaster relief in the form of FEMA disaster assistance, FEMA disaster loans, Small Business Administration disaster loans, FHA loans, EDA economic development assistance, agricultural programs, and public housing construction.

Mr. President, my request for disaster relief assistance is based on very preliminary estimates of damages resulting from Hurricane Iniki. Over the next few days, I expect to receive more detailed breakdowns like those which are in H.R. 5620 for Hurricane Andrew and Typhoon Omar. And so, Mr. President, I may seek additional funds if more Federal funds for Hurricane Iniki disaster assistance are needed, including during the conference on this or any other appropriations, measures, and hopefully there will be favorable consideration of my further additional requests for disaster assistance.

Mr. President, FEMA is faced with a disaster of its own. I am informed that by the end of this week FEMA will run out of disaster relief funds, and so we must provide funds to FEMA now. I urge my colleagues to join me in supporting the expeditious passage of this measure.

In addition, extraordinary efforts are being made by all concerned Federal agencies to cut through the redtape and minimize bureaucratic requirements in their work at speeding disaster relief assistance and services, to the citizens and State governments affected by Hurricanes Andrew and Iniki, and Typhoon Omar. To ensure the quickest recovery possible to victims of the disasters in Florida, Louisiana, Guam, and Hawaii, these agencies should continue to use whatever existing authorities they have to modify or waive conditions for assistance in the major disaster declaration areas that would otherwise prevent or delay providing assistance under Federal programs.

Finally, Mr. President, I would like to thank members of the Florida and California delegations, and members of the Senate Agriculture Committee who provided me with support and information over the last few days, to better enable me to respond to the victims of Hurricane Iniki. Their advice, based on the recent tragedies they were faced with, was invaluable.

I thank the Chair.

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Senate was to have stood in recess. The junior Senator from Hawaii is seeking recognition.

Mr. BYRD. I ask unanimous-consent that the Senate continue until the Senator from Hawaii [Mr. AKAKA] has had a chance to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii.

Mr. AKAKA. I thank the Chair and the Senator from West Virginia.

Mr. President, I rise in strong support of the proposed committee amendment which includes emergency funding for Hawaii communities devastated by Hurricane Iniki last Friday. I deeply appreciate the committee's willingness to work with the Hawaii delegation and Governor Waihee in securing adequate emergency funding in this supplemental appropriations measure for the hurricane's victims.

At the outset, Mr. President, I would like to recognize the assistance and cooperation of the chairman of the Appropriations Committee, the ranking minority member, and the committee members in developing this amendment.

I would like to reserve special praise for my friend and colleague, Senator DAN INOUYE, for the central role he played in crafting the particulars of this amendment and for ensuring that Hawaii's needs as currently known have been properly transmitted to and characterized by the Appropriations Committee. As a senior member of the appropriations panel, Senator INOUYE's experience and leadership have never been more important to the Aloha State than at this moment. This crisis has once again demonstrated how fortunate the 50th State is to be so effectively represented in Washington by the senior Senator from Hawaii.

Mr. President, Hawaii is known for many things, but we are most famous for our aloha spirit. Each year millions of Americans travel to Hawaii to enjoy the warm spirit of the islands and its people, which we call aloha. Now, because of the severe physical damage inflicted by Hurricane Iniki, the Nation should show its aloha for Hawaii. We need the Nation's help and we need it badly. We ask for this help so that the island of Kauai can become again the "Garden Isle."

The American public has been generous with gifts and money and other assistance for the victims of Hurricane Andrew, and today, we ask for that same help for Hawaii.

I feel personally that the best way to show your support is to contribute to voluntary service organizations, two of the most prominent of which are the American Red Cross and the Salvation Army. May I mention here, Mr. President, that those who want to help the victims of Iniki can call (800) 842-2200, toll free, to show their generosity to the American Red Cross.

Mr. President, this amendment represents the Federal Government's commitment to provide relief. This bill will help the victims of Hurricane Iniki rebuild their shattered lives. It gives full force and effect to the disaster declaration which President Bush issued on Saturday. This measure answers Hawaii's call for help. It is a message of hope amidst an ocean of despair.

The disaster supplemental as modified by the committee amendment contains increases of more than $1.2 billion to accommodate Hawaii's needs. However, I would like to point out that the funds provided in this measure for Hurricane Iniki, over and above those included for Hurricanes Andrew and Omar, are based only on preliminary estimates of Hawaii's needs. For this reason, I hope my colleagues will bear in mind that as Hawaii works its way through this disaster, we may discover significant additional needs that may have to be satisfied by the Federal Government. In such an eventuality, I hope Members will understand and support any effort on our part to seek additional Iniki-related funds, either in conference on the pending measure or in other appropriations vehicles.

Mr. President, the media have reported extensively on Hurricane Iniki. However, the full impact of the disaster visited on Hawaii, particularly the island of Kauai and the western coast of Oahu, cannot truly be comprehended unless one were to witness it in person. Over the weekend, the Hawaii delegation flew to Hawaii, arriving just hours after Hurricane Iniki had hammered its way through the western half of the Hawaiian Islands. From Oahu, we went directly to Kauai where we viewed what was left of the Garden Isle by helicopter.

Mr. President, in simple words, Kauai is the scene of unimaginable devastation. From the air we saw shorelines washed out by ocean surf, broken boats hurled high over the tide line and breakwaters, homes and hotels and office buildings smashed and exposed, telephone and power poles littering the landscape. About 90 percent of the electric poles on the island were down. Trees literally had been stripped of leaves, and when you see coconut trees stripped bare of their leaves, you know the winds were strong.

The island's extensive sugarcane fields were blown flat as were the banana, papaya, and macadamia nut trees.

And everywhere, Mr. President, you could see Iniki's survivors, lone individuals or families picking through the wreckage, waiting for food and water and help, hoping to salvage something of their former lives.

We later met with Kauai County Mayor JoAnn Yukimura and representatives of FEMA, State civil defense, the National Guard, and the military who noted that Kauai's situation is critical.

Since Friday, the island has been without electricity or communication, neither of which is expected to be fully restored for several weeks if not months. Many roads are blocked with debris, and extensive damage has been done to the water and sewer facilities. While the major hospital is operational, two of the health clinics have sustained some damage. Little is known of the condition of the schools. As of yesterday morning, FEMA estimated that up to 1,000 homes had been destroyed, another 3,000 suffered major damage, and 4,000 inflicted with minor damage, leaving an estimated 8,000 of the islands 50,000 permanent residents without shelter.

Mr. President, in spite of the extraordinary emergency response on the part of the Federal, State, and local authorities, as well as private relief agencies the wounds left by Hurricane Iniki will take many years to heal.

I would like to add that the response and coordination of the Federal, State, and local agencies, as well as the military and the Coast Guard, was extraordinary.

The cyclone brutalized Kauai, brought untold misery to its residents, and left its economy and infrastructure in ruins. While I have not personally viewed the destruction caused by Hurriance Andrew, I would speculate that the people of Kauai are facing the same level of hardship as that experienced by the people of south Florida, and Louisiana.

It is therefore appropriate that funding for victims of Hurricane Iniki is included in the same legislation that provides for victims of Hurricane Andrew.

In this regard, Mr. President, I am very pleased that the aid provided in this amendment is to be offered on the same terms as aid offered to the victims of Hurricane Andrew; that is to say, Federal funds will be provided at a 100-percent basis rather than on the traditional 90–10 or 75–25 match.

Mr. President, we look forward to this aid from our Nation, from this body, and from the executive branch. We look forward to the day when the emergency relief provided for in this bill can reach not only Hurricane Iniki's victims, but those of Hurricanes Andrew and Omar as well.

Thank you very much, Mr. President, I yield the remainder of my time.

Ms. MIKULSKI. Mr. President, I rise in strong support of H.R. 5620, the emergency supplemental appropriation bill.

This legislation includes $2.8 billion for the Federal Emergency Management Agency to provide assistance to individuals and families, as well as economic assistance needed as a result of the devastation wrought by Hurricane Andrew which struck Florida and Louisiana; Hurricane Iniki, which struck Hawaii just this past weekend; and Typhoon Omar which hit Guam.

These disasters are truly major disasters. In Florida, at least 70,000 houses were destroyed or sustained major damage. Crops of avocadoes, limes, mangoes, bananas, and other fruits were wiped out. In Florida City, over 75 percent of the buildings were deemed unsafe and are being condemned. Damage to public school facilities in Dade County is estimated at $300 million. In Louisiana, sugar cane and fisheries—the mainstays of the local economy—were devastated.

The funds contained in this bill are desperately needed to enable individuals whose lives are in shambles to get back on their feet, and to enable communities to provide basic services.

The funds provided to FEMA will assist more than 70,000 households in Florida with rental assistance of up to 18 months; individual and family grants to replace household goods and personal belongings; clearing of roads and removal of debris; repairs to schools and hospitals severely damaged by the storm; repair of city halls, courthouses, police stations, transit facilities, and sewer and water treatment plants.

The bill also includes $200 million in loan authority to enable FEMA to make loans to communities which have lost their tax base as a result of a disaster. The low-interest loans will enable local governments to continue providing essential services when their revenue base has been depleted.

I must continue to tell my colleagues, that when it comes to disasters, FEMA is a disaster itself. FEMA just is not fit for duty when it comes to major disasters—when you need FEMA the most.

While FEMA seems to be doing a better job in Hawaii, I was so troubled by the fact that the victims of Hurricane Andrew were victimized twice—once by Hurricane Andrew, and then by their own Government headed by a slow-moving bureaucracy which just wasn't prepared.

While most people realize that the cold war is over, FEMA is planning for nuclear war rather than natural disasters. The fact is, people are more likely to be hit by a hurricane or earthquake than by nuclear war. That's why I have been asking FEMA for the past several years to develop a strategy based on real risk and flexible response.

Unfortunately, FEMA has been sluggish. FEMA has shown it has not learned its lesson from disasters like Hurricane Hugo and the San Francisco earthquake.

So 2 weeks ago, I asked the General Accounting Office to launch a major review of the Federal response plan, to ensure that the Federal Government is fit for duty when disaster strikes and hits the ground running immediately so that the real needs of people—food, water, clothing, and medical care—are met. I will ask consent that a copy of that letter be included in the RECORD, immediately following my remarks.

We do not know where the next accident will come from, but we should know we can rely on the Federal Government's response.

For the Department of Veterans Affairs, the bill provides almost $16 million for incremental costs VA has incurred in providing medical care to victims of Hurricane Andrew; as well as repair and replacement of equipment damaged at the Miami VA hospital; and travel costs of VA staff sent to help out at the disaster relief area.

In the area of housing, the bill provides funds for the development or acquisition of public housing in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters. The bill also increases the total FHA loan limitation by $2.4 billion, to enable the Federal Housing Administration to provide approximately 100,000 mortgages and loans for the construction, reconstruction, rehabilitation, and purchase of homes and health care facilities.

Mr. President, in closing, I urge immediate passage of this legislation to begin healing the communities which have suffered such serious devastation.

I ask unanimous consent that the letter to which I earlier referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 3, 1992.
Hon. CHARLES BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am outraged by the Federal Government's pathetically sluggish and ill-planned response to the devastating disaster wrought by Hurricane Andrew in Florida and Louisiana, which has left many lives in shambles. Time and again, the Federal Government has failed to respond quickly and effectively to major disasters, and no lessons have been learned from past mistakes.

Therefore, I am hereby requesting you to undertake an extensive and expedited review of the nation's federal disaster policy, including recommendations for a major overhaul of policy, procedures, and responsibilities to implement early in the next Administration.

The review should address the following areas.

First, disaster mobilization readiness. It is obvious that the current manner in which the Federal Government plans for disaster relief efforts is totally inadequate. The review should recommend the optimal manner in which the Federal Government should preposition the necessary supplies, materials, and people for rapid deployment soon after disaster strikes.

The review should answer the following questions:

Why isn't the Federal Government better prepared for disasters for which some advance warning exists, such as hurricanes?

What changes are needed to the Federal Response Plan to ensure that it is the best blueprint for planning for disasters?

Second, damage assessment. Under current law, federal disaster relief hinges on the state making a damage assessment and then requesting help from the Federal Government after this assessment is made. This seems to be a major stumbling block in getting disaster assistance in to a state quickly, particularly as states don't always have the resources necessary to make damage assessments quickly and accurately.

How should the Federal Government, rather than the state, be responsible for conducting initial damage assessments following major disasters, in order to trigger a faster federal response?

Under what circumstances should the Federal Government have the authority, independent of a governor's request, to declare an area a disaster?

Third, federal response to disasters. The review should include recommended standard operating procedures the Federal Government should use in responding to disasters. Questions I want answered include:

What should the chain of command be?

What is the best way to maximize initial disaster response?

What are the existing bottlenecks in the current system that impede prompt federal response?

How can the Federal Government be a "first responder" to major disasters where state and local governments are clearly incapable of meeting the needs of disaster victims?

Fourth, the role of the Department of Defense and other agencies. My primary question here is:

Should DOD be placed in charge of domestic disaster relief? If so, why do we need a Federal Emergency Management Agency?

What is the proper role of other agencies? How should those efforts be coordinated and how should they integrate private voluntary efforts to ensure there is not duplication and inefficient allocation of limited disaster relief resources?

Finally, FEMA organization. If FEMA is not to be dismantled, there must be significant changes to the organization. Your review should include a top-to-bottom review of FEMA's mission, how it organizes its people, how it allocates resources, and how it manages both, to determine how it can best utilize its resources to serve as a first-responder to disaster areas.

I understand this task is a significant one, and therefore I would be willing to receive your recommendations in a series of reports, in order that I may receive this information in a timely manner. However, I want this material available so that it may be used quickly by the next administration and the new Congress to overhaul existing federal disaster assistance policies. I look forward to hearing from you within the next two weeks as to your plans and time frame for undertaking this report.

Thank you for your immediate attention to this matter. If you have any questions about my request, please call Kevin Kelly, staff director of the VA, HUD, and Independent Agencies Appropriations Subcommittee, at 224-7211.

Sincerely,

BARBARA A. MIKULSKI,
Chair, VA, HUD, and
Independent Agencies Subcommittee.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be allowed to proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPONSE TO PRESIDENT BUSH'S ECONOMIC SPEECH

Mr. ROCKEFELLER. Mr. President, like many Americans I have been waiting for President George Bush to use the occasion of this very difficult Presidential campaign to outline his vision of America's economic future. Like most Americans—even Democrats—I had hoped that the President's reelection bid would be driven by a plan to reenergize a flat American economy and to restructure a trade policy that now is mired in nostalgia and confusion.

Last Thursday, in a speech preceded by more hype than Murphy Brown's baby, George Bush gave what was billed as a "major economic address."

I watched that speech, Mr. President, thinking that the President just might use this chance to prove that he did indeed have a plan for the future. He is the President.

But even while the networks are coming out with new shows for the fall season, George Bush unveiled nothing more than a bunch of reruns. He left out the fundamental change in the policy and direction on the economy that the American people rightfully and desperately demand.

Unfortunately, like most television, the vast majority of President Bush's speech was composed of worn, old ideas—like his capital gains tax giveaway for anyone who can still afford to buy a vowel, "Unsolved Mysteries"—in the form of unspecified budget cuts, and made-for-TV gimmicks, a deficit reduction checkoff on the 1040 forms and then—his to say—the least modest health insurance reforms.

And when the going gets tough, George Bush resorts to meetings, summits, negotiations, treaties. But if summit economics worked, we would be out competing with Japan instead of buying their TV's.

The Uruguay round would be moving forward with a good text instead of sitting dead in the water with a bad text. As it is, Bush's negotiations to achieve multilateral agreements on shipbuilding and also on steel have failed on his watch. An agreement with the Europeans on the Airbus has been rightly criticized by both parties for allowing subsidies. And the Japan semiconductor agreement is a failure.

It is not surprising that the President is looking backward for inspiration. More and more Americans have to look themselves backward to find a time when they felt economically secure. "Leave it to Beaver" was never real but it did not seem like science fiction. Families really could hope for their own home, college-bound kids, and a secure job.

According to the Competitiveness Policy Council, the average real wages are lower now than they were 20 years ago. The job picture is even gloomier. The rate of employment growth in the 1980's was a third lower, 33 percent lower, than in the 1970's. This current, endless slump, almost 10 million still unemployed; a net loss of private sector jobs in 1989; and an economy mired in the doldrums, according to every reliable statistical measure—all of this did not come about overnight, Mr. President. It is the result of fading ability to compete in an increasingly competitive marketplace.

It is the result of Washington's longest running tragedy, Reaganomics. When Ronald Reagan was inaugurated we manufactured more cars than any other nation. We were leaders in virtually all of the emerging and advanced technologies of the day, telecommunications, computers, fiber optics, semiconductors. But the Reagan revolution changed all that. The

Reagan blend of trickle-down economics and supply side rhetoric measured economic success by the lifestyles of the rich and the famous.

While the trade deficit ballooned and the Federal deficit sucked up venture capital while family income fell, over 60 percent of steel employment disappeared overnight, hundreds of thousands of jobs, while tax shelters and homeless shelters boomed. The Republicans watched passively.

Even now, as the President pursues the North American Free-Trade Agreement, he fails to understand that in global competitiveness the real battleground is microeconomics, not macroeconomics. The real struggle is not global economic structure—tariffs and the like. Rather it is in a hundred individual critical technologies and industries whose success or failure will determine our future economic health.

Opening markets will not help if we have nothing good to sell.

Yet a recent National Science Foundation report found that:

> The real rate of growth in U.S. industrial R&D spending has declined since the late 1970's and early 1980s.
>
> Domestic industrial R&D expenditures slowed from an average annual growth rate of 7.5 percent—constant dollars—during 1980–85 to only 0.4 percent during 1985–91. The federally-supported portion of these expenditures dropped from a growth rate of 8.1 percent to −1.7 percent over these two periods—

That I mentioned—

> The United States now trails Japan and (West) Germany, its strongest competitors, in nondefense R&D spending as a percentage of gross domestic product (GDP).

Mr. President, until this year the Bush administration regularly opposed efforts to increase Federal technology research and development activity. Indeed, last year the President threatened to veto the entire budget for the National Institute of Standards and Technology, an incredible Federal establishment with 700 Ph.D.'s planning the manufacture of products and future of the world. He threatened to veto that entire budget, because Congressman MINETA and I, supported by the Presiding Officer, proposed to spend $20 million on technology commercialization, because it was something called evidently industrial policy.

One result of his tunnel vision is a serious continuing lack of venture capital. The Government's two major manufacturing technology extension and diffusion programs, the Hollings manufacturing technology centers, No. 1, and the State technology extension program, No. 2, are badly underfunded and have little support from this administration. I expect the President to oppose and threaten to veto the State, Justice and Commerce appropriation which contains additional funding for these critical programs.

The Bush administration has condemned anything remotely related to critical technology policy to a kind of political twilight zone. They have regularly opposed any funding for research in high definition systems and displays and have attempted unsuccessfully to eliminate ongoing DARPA funding in that area.

In 1989, when then-Secretary of Commerce—and he was a good one—Bob Mosbacher attempted to develop a HDTV research program he was taken to the White House woodshed and ordered to drop his plans.

And the President refused to appoint anyone to the Competitiveness Policy Council for 3 years, and this was in the 1988 omnibus trade bill. Instead, he gave the support to Vice President QUAYLE's Council on Competitiveness, whose activities seem more dedicated to interfering with the regulatory process than to anything related to competitiveness. When will the Vice President come clean and tell us on whose behalf he has made all of these interventions and what anticompetitive practices he is helping to prop up.

The Bush programming has bombed, panned by the critics who count: voters, investors, workers, and our trading partners. Right now the American people are reaching for their remotes, ready to switch channels on George Bush.

The problem with George Bush and with his proposals for a NAFTA and other free agreements is that they ignore the real competitiveness problems that our country faces. They attempt to substitute the process of negotiations for the hard work of restoring through many individual actions our manufacturing base, improving our productivity, and creating jobs. George Bush still does not want to stay home. Like some members of his cultural elite, he prefers foreign programming and travelog to our domestic product, even though all the summits and treaties in the world will not educate a single child, hold up a single bridge, retrain a single displaced worker, or build a single scientific lab.

We have done more than watch Bush economics and neglect at work. We have lived through it and will pay for the bill for the decades to come.

The President now has confirmed that he is sticking with the same script of passive and failed policies. It is time, therefore, for us to turn the page and, in the judgment of this Senator, elect the person, Bill Clinton, who is ready to stage a new era of growth and problem solving where there is a central role for all Americans.

Mr. President, we have seen this tired act one time too many. Let us give George Bush what he deserves; let us give him the gong.

I thank the Chair, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. LIEBERMAN. Mr. President, I am pleased to be able to follow the distinguished Senator from West Virginia, the occupant of the Chair, who spoke eloquently and, if I may say so, right on target about what ails the American economy.

If I might say just a few words to reinforce the very strong and I think compelling message that the Senator from West Virginia has just given to our colleagues here in the Senate, the fact is that the American economy shows very, very few signs of recovering from this extremely painful and hurtful recession. Growth is sluggish and the public's confidence is at an all-time low.

As you know, the President has complained a great deal about negative campaigning by Governor Clinton, but the most damaging attacks on the President's reelection efforts come from the economic reports that we hear almost every day.

Today's depressing news is the half a percentage point drop in August in retail sales, the biggest drop since March, and an 18-month low in the sale of big-ticket items. Equally disturbing was today's announcement that our second quarter trade deficit soared to nearly $18 billion, which is the biggest gap since 1990.

Mr. President, these are numbers; they are economic statistics. But the truth is they are bells that are tolling, and they are tolling for us, for the American economy, for American businesses, for American workers, and for America's future. And the question is: What are we going to do about it?

Last week in Detroit, President Bush told us what he intends to do about it: A six-point economic plan. But unfortunately, his suggestion are too little, too old, and too late.

For the last 4 years, this administration has followed a policy of benign neglect toward the American economy, toward American businesses, and toward American workers. And that has left us in the desperate straits that we are in today: Far behind our competitors in the fast-paced global marketplace, and with millions of Americans literally out of work.

Now the President, in presenting his program last week in Detroit, would have us believe that he is, as one cartoonist recently suggested, preparing a wonderful new economic entree here, a tax cut here, a spending cut there, some spending for education programs, a knock at Congress here, and voila, we have the perfect economic souffle. The problem is, however, when you look at the details, the results are much more like yesterday's hash.

Today, I want to discuss one aspect of the President's speech—his focus on competitiveness, particularly our Nation's spending on cutting-edge research and development, and describe why I think his remedy is woefully inadequate when one considers the ailment that we are suffering from. And let us not go to some partisan source, the Democratic National Committee or some so-called left-leaning economists. Let us go to the National Science Board, the NSB, with members appointed by Presidents Reagan and Bush.

Last month, it issued a report entitled "The Competitive Strength of U.S. Industrial Science and Technology: Strategic Issues," and it reached some very sobering conclusions about the state of our Nation's investment in competitive R&D. Not only is that falling off, but what we are investing, we are not investing wisely.

As the report states, in classic bureaucratese:

> * * * the distribution and allocation of those (R&D) expenditures is not optimal.

You can say that again. It is far from optimal.

For example, the balance between defense and nondefense expenditures is off when compared to spending by our foreign competitors.

The study also finds that the United States is spending much less on process-oriented R&D, on fundamental research, and on emerging and precompetitive technologies, and that we risk losing our traditional strength in pioneering discoveries and inventions because of cutbacks in spending on corporate labs and research universities.

The study points out that R&D expenditures are not as effective as they ought to be in producing the desired results. We no longer have an across-the-board competitive position in important technologically based industries. We are losing our leadership in several key technologies, and that means we are losing jobs. We simply do not translate the results of our basic research in this country, which is still the best in the world, into products that people want to buy, and therefore products that Americans will have jobs making.

The real rate of growth in industrial R&D spending has been in decline since the 1970's, and particularly in decline as against our competitors. When you put it all together, Japan is investing $5,320 per capita, the equivalent of equipping their workers with electronic work stations, while the United States invests only $2,177 per capita, which is the equivalent of equipping our workers with old-fashioned typewriters.

This anemic investment in research and development is a major reason why our economy is stalled. Since 1988, America's GDP growth has averaged only 2.5 percent, the lowest in the postwar era. Job creation and the increase in disposable income are at their lowest point since the end of World War II. Disposable income is a technical term, hard to understand. But when you get into it, it really deals with how much people's incomes are going up in relationship to the rate of increase in the rate of inflation.

And what you find from these numbers is something that the American people know. They are working harder and effectively making less. They are playing by the rules. Very often in a family, the husband and wife are both working, and working harder than they worked before. But the money that they bring home buys them less than it used to buy them. They are under tremendous stress in affording and paying for what they want and need for their families—education, housing, and health care. The common denominator for all of these weak statistics is the anemic rate of investment and growth in our country.

Mr. President, the answer of President Bush to this problem in his six-point plan was simply to make the R&D tax credit permanent. Well, that is a little like trying to bail out the Titanic with a teacup. We are all for making the R&D tax credit permanent. I have not met a person here on either side of the aisle in either Chamber who thinks we should not do that.

But I am afraid what we have learned and should learn from the facts is that that is not enough. We need to create a whole new relationship between Government and business. No longer can Government stand by timidly and just say it is all going to work out in the marketplace. That is not what is happening in Europe; that is not what is happening in Japan; and that is what we cannot allow to continue to happen here in the United States of America.

Governor Clinton has made some economic proposals which suggest a bold new leadership by the Federal Government, a constructive new partnership by the public and private sectors for growth.

The distinguished occupant of the chair and I, and others in this Chamber, have fashioned a similar approach. We have called it our national economic leadership strategy, much of which has been worked on in a bipartisan fashion in this Chamber, and is moving its way through this Chamber and on to the House, proposals that would increase spending on nondefense R&D; that would establish new programs to stimulate the redirection of resources from defense to nondefense R&D; that would increase support for process research and development by expanding and strengthening the so-called Hollings centers; increasing support for engineering research by encouraging and assisting in the expansion of Federal support for this fundamental research; and increasing funds for R&D on these precompetitive technologies that will take the basic research and convert it to commercialized products that people around the world will want to buy.

We have talked about creating more opportunities that encourage the interaction of scientists and engineers and the academic world and the business world to explore joint research interests that could lead to new discoveries, new inventions, new products, and new jobs.

We have talked about improving the speed and effectiveness of moving these R&D results from the lab to the marketplace; and improving the quality and adequacy of the data by carrying out assessments that identify missing information and examines the feasibility and cost of developing and tracking a set of industrial science and technology indicators that would be of value to policymakers.

Mr. President, there is a bottom line to all this.

If we keep on going in the direction we are going—and that is exactly what the President did in his speech in Detroit last week, just repackaged the failed policies of these last 3½ years—more Americans are going to lose their jobs. More businesses are going to go into bankruptcy. More homes are going to be foreclosed upon.

The reality is that this is a recession not like ones we have had, typically. This is not a recession in which people are just being laid off and then they are going to be rehired when demand rises. This is a recession and a fundamental restructuring in our economy in which jobs are being lost and we are not going to regain our strength, we are not going to reemploy our people unless Government works with business to create new jobs.

Governor Clinton sees this. As he said recently:

> We've got a great opportunity to change course—to invest, to cooperate, to compete, to educate * * *.

He is right. It is time we took advantage of that opportunity and changed course and stopped the drift of the American economy. We have to fight the inertia that has gripped our economy for the past 4 years because of the timidity and dispassion of the administration whose responsibility it has been to guide us. We have to take the public's discontent, and hear it as a call to action to get America moving again, working again, and winning again.

I yield the floor.

TERRORISM

Mr. COHEN. Mr. President, I would like to take this opportunity to talk about the very important issue of terrorism. The world we live in today is a violent one and the ramifications of violence touch us all—no matter where we live.

I am sure we are all familiar with the heinous crime that occurred in the Washington area last week. As Pamela Basu took her daughter to preschool she was held up by two men attempting to steal her car who dragged her over a mile to her death.

Ms. Basu's death is truly a tragedy for her family and for us all. Who does not shudder at the thought that we too could find ourselves the victims of such a horrendous crime.

We have heard a lot about carjackings and all of us fear the armed gunmen who terrorize innocent citizens going about their daily lives. Carjackings solidify the growing fear Americans have of leaving their home because they no longer feel safe anywhere. Carjackings are not a phenomena of the inner city; they happen in the suburbs, once the tranquil refuge free of violence. We are all vulnerable; rich and poor alike.

This kind of terrorism is alarming because it occurs in our neighborhoods at the hands of our neighbors and I do not need to remind anyone that it is on the rise. The statistices are frightening. According to the Washington Post, between January 1 and August 16 this year, 245 carjackings have occurred in the Washington metropolitan area, of which 5 resulted in death. Just this past weekend, five carjackings occurred within a 24-hour period. In New York, over 1,000 cars were carjacked in each of the past 2 years. In Los Angeles, over 4,100 took place in 1990.

This spread of domestic terrorism brings to mind a second point. Carjackings are not the only item on the rise; incidents of international terrorism also rose last year, according to a report released by the Department of State in May. There were 557 incidents in 1991, compared with 456 incidents in 1990. Fortunately, both these numbers are below that of 1988, the year of the Lockerbie incident. The United States has made an effort to increase international cooperation and bring an end to conflicts in volatile areas such as the Middle East.

Indeed, although we have witnessed the end of the cold war and it has been over a year since the return of our troops from the Persian Gulf, we must not forget that the threat of international terrorism still exists. The United Nations sanctions put in place against Libya, as the international community works to obtain the extradition of the two men indicted last year, further illustrate that there are still many unresolved issues. The U.N. Security Council has also accused Libya of failing to cooperate with an investigation into the midair bombing of a French airliner over Niger in 1989. Iran still approves or condones the acts of the Hezbollah.

It was less than 4 years ago that Pan Am flight 103 exploded over Lockerbie, Scotland. On December 21, 1988, all 259 passengers and 11 persons on the ground were killed when a bomb planted in the cargo hold of the plane exploded. The Federal Aviation Administration deemed this tragedy to have been preventable. Earlier this summer, the families of the victims won $9.23 million in suits against the company for negligence, but they would all give up that settlement for the return of their loved ones. The fact remains that airline security measures, ones not significantly different than those in place today in most airports, failed to detect a bomb in a cassette player radio hidden inside an unaccompanied suitcase.

Some may question whether the bombing was preventable, but it is important that the American public not forget that the real culprits are the terrorists who carried out the bombing with the support of their state sponsors. We should not delude ourselves in thinking that Lockerbie was the last incident of terrorism.

In response to the threat to airline safety, and the bombing of Pan Am flight 103 in particular, Congress passed the Aviation Security Improvement Act of 1990. Central to that legislation were provisions requiring the Federal Aviation Administration [FAA] to support the development and deployment of devices that will keep bombs off planes.

The Aviation Security Improvement Act of 1990 mandates the development of FAA-certified explosive detection systems [EDS] at all international airports served by U.S. carriers. Pursuant to section 108(b) of the act, the FAA was required to complete certification and testing procedures of the new EDS by May 16, 1992. The act provides that, before the FAA can require the airlines to purchase and deploy new EDS, the Administrator must certify that the new equipment can detect "the amounts, configurations, and types of explosive material which would be likely to cause catastrophic damage to commercial aircraft." Section 108(a) of the act further requires that the certification of EDS be "based on the results of tests conducted pursuant to protocols developed in consultation with expert scientists from outside the FAA." As of September 1992, the FAA has not approved the final version of the test protocols, has not issued new standards, and has not commenced testing of the new technology. Meanwhile, in part because these standards have not yet been approved, the National Academy of Science has been unable to complete its efforts to approve a protocol for testing such devices.

This failure to meet the deadline established in law is not the result of technological barriers facing scientists or engineers. The FAA's technical and security personnel drafted explosive detection standards months ago. But the draft standards have been languishing in the bureaucracy ever since, undergoing legal and regulatory reviews. Meanwhile, a number of private vendors claim to have developed machines that can safely and efficiently screen passengers and baggage. I have personally met with officials of one firm, Invision Technologies, Inc., and I am sure there are many such firms that have developed new technologies. They are eager to have their machines tested and installed in airports. But these new systems cannot be produced, or even tested at the present time, due to bureaucratic redtape.

Last year, the Governmental Affairs Committee, on which I serve, held a hearing to assess Federal efforts to develop high-technology defenses against terrorist attacks. At that time we discovered that a number of worthwhile research projects were not funded, even though their costs were extremely low.

During the war in the Persian Gulf, we witnessed the dramatically effective use of technology to minimize U.S. casualties and speed the defeat of Sadam Hussein's army. Now we should use America's technological edge to explore new technologies that can defend against a possible increase in terrorist threats in the world.

I have advocated cuts in spending for many programs this year. But as I have said time and time again, budget priorities should not be the victims of cuts that will wind up costing more in the future. One need only look at the unaccountable costs of Pan Am flight 103 to know that we should stand by our commitment to air safety. We need to remain mindful of the events and statistics surrounding the incidents.

The United States has been more effective in countering attacks through international cooperation, yet the measures in place today still might not detect the type of bomb that killed those 270 people in 1988. Just as we must work to combat crimes like the recent carjackings in the United States, it is important that we remain committed to protecting air travel for our citizens both at home and abroad.

But it is imperative that we and the Federal Government, the FAA in particular, move forward as quickly as possible to implement the provisions of the legislation that require us to set forth the kind of standards for the approval of the technologies which are currently available.

We tend to forget about the existence of these terrorists. They are out there.

They remain. Any time there is an international crisis we can count on the fact that there will be a rise in terrorist actions directed toward the passengers. And I urge the FAA to move as quickly as possible to implement the legislation that we passed last year.

SETTING THE RECORD STRAIGHT

Mr. LIEBERMAN. Mr. President, I would like to voice my strong support for the conference report on S. 12, the Cable Television Consumer Protection and Competition Act. It is especially important now for all of us who support this measure to speak out on the strengths of the legislation in view of the massive and misleading advertising campaign that the cable industry is conducting against it. It is really time to set the record straight.

Mr. President, the cable companies are not telling the truth to the American public, or at least to the 37 million Americans who they intend to reach with their direct mail fliers, and the millions of others who have been subjected to their television advertising campaign. Children watching cartoons on cable television tell their parents about seeing a man with an umbrella that rains on the man, meaning of course that this bill allegedly rains on the American consumer.

The other ad is of a much more serious event. It portrays a U.S. Senator scolding his staff for allowing so-called special interests to prevail in designing this Cable Television Consumer Protection and Competition Act.

The message behind both ads is that people will have to pay more for cable television if this bill passes. Mr. President, that is exactly the opposite of the truth. For the cable industry to claim that it is now coming to the rescue of the American consumer is like a shark claiming that it is swimming to the rescue of a drowning man.

Our legislation enjoys the wholehearted approval of a number of respected advocacy organizations including the Consumer Federation of America and the National Council of Senior Citizens. The real special interests at work here are the cable television folks themselves who are doing everything in their considerable power to convince the American public that they have their best interests at heart and that this bill will not really protect them.

The reason that the cable television industry is against this bill is the same reason that the rest of us should be for it: Because it will put a stop to cable television raising the price of its services whenever it wants. Given the freedom that the current state of no regulation and no competition gives cable television, we know just what the cable companies will continue to do, which is that they will continue to raise prices over and over again.

Mr. President, this bill will soon put a stop to that. Under the proposal, cable companies would have to justify cable rate increases to local franchising authorities or the FCC, a very moderate and reasonable form of regulation. These rate reviews will protect consumers against unreasonable rate increases like the ones we have seen all too often over the last 5 years. The fact is that the cost of cable has risen three times the rate of inflation in the last 5 or 6 years.

This bill will open the gates to competition. It will not just impose regulation; it will eventually end the game of monopoly in the cable market. Competition is clearly the best way to where we want to go, which is fair rates, better services, and diverse programming in the cable television industry, which so many Americans have come to depend on for entertainment and information.

Competition produces the best results for the consumer in any industry, and cable TV is no exception. In fact, in cable markets where competition exists, rates are already 30 percent lower than they are in the monopoly markets.

This bill prevents cable companies that also own cable channels from using their control of these channels to keep competitors—whether they are cable overbuilders, wireless cable operators, or satellite TV companies—out of the market. In short, it clears the way for every cable company, new or old, to do business with every other cable company on a fair footing.

Mr. President, this conference report, when we receive it, would take two significant steps; one in the short term and one in the long term.

Over the shortrun, it is important for Government to play its proper role in protecting consumers from paying excessive prices in a monopoly market.

That is why this bill comes to the rescue of cable consumers now and puts a little bit of oversight into a system where there are absolutely no controls on what cable can charge consumers. And then over the long run Government will step aside, not need to play this part in the cable business, restore a competitive market, and that market will make sure that cable TV will be a much better deal for all Americans.

So this this conference report, when we get it, is good for both now and then. That is the truth about the Cable Television Consumer Protection and Competition Act, contrary, I am afraid, to what the cable television industry has been trying to convince the American public.

Mr. President, I thank the Chair. I yield the floor.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,032,389,586,853.81, as of the close of business on Friday, September 11, 1992.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers **$286,022,000,000** just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the intent on the existing Federal debt.

On a per capita basis, every man, women, and child owes **$15,698.84**—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to **$1,127.85** per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to **$4,511.40** per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

CONCURRENT RECEIPT

Mr. PELL. Under current law, disabled veterans must give up an equal amount of their retired pay in order to receive VA compensation for a service connected disability. I believe this policy unfairly discriminates against career military personnel disabled during service to our country, and have cosponsored legislation introduced by Senator GRAHAM to correct this inequity. This bill, S. 1381, would allow disabled veterans to receive military retired pay and veterans disability compensation benefit concurrently, with an offset that is inversely related to the degree of disability.

I have heard from many of my constituents and a number of veterans organizations in support of this legislation. I wanted to bring to my colleagues attention a copy of an eloquent letter the Governor of Rhode Island, Bruce Sundlun, wrote to the President urging his support for the legislation. In addition, the Rhode Island General Assembly unanimously adopted resolution urging the Congress to adopt legislation to correct the inequity.

Recently, the Senate Armed Services Committee recommended a provision in S. 3114, the 1993 Defense Authorization Act, directing the Department of Defense to submit legislation to the Congress to permit the concurrent receipt of military retired pay and veterans disability compensation. After holding a hearing on this issue earlier this year, the Senate Armed Services Committee agreed that the current 100 percent offset is unfair. Due to the complexity of the proposals to correct this injustice, as well as the costs associated with them, the Senate Armed Services Committee has asked the Department of Defense to study the proposals and submit appropriate legislation with the intention of adopting a correction next year. I was pleased that the Armed Services Committee recognized the inequity of this offset and I continue to support congressional action to allow the concurrent receipt of benefits in order to provide some relief to the more than 400,000 retired disabled career soldiers who have been denied full compensation for their service and sacrifices in behalf of our country.

I ask unanimous consent that a copy of the letter Governor Sundlun wrote to the President and copies of resolutions passed by the Rhode Island General Assembly urging congressional action on this issue be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS,
Providence, RI, November 21, 1991.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to urge your support of two bills, Senate Bill S. 1381 and House Bill H.R. 3164, which would allow military retirees with service-related disabilities to concurrently collect both retirees' pay and Veterans' Administration Disability Compensation.

As a veteran of World War II and a recipient of the Purple Heart, I can empathize with those military personnel who find themselves ineligible for a pension that rightly should be given to them. Veterans and their families have made monumental sacrifices for this great country, and respect should be accorded to them by means of appropriate pension compensation.

Current Veterans' Administration policy discriminates unfairly against the combat-wounded, prisoners of war, and their dependents by forcing them to forego a portion of their military retirement pay equal to the amount received from the Veterans' Administration Compensation. This is reportedly to qualify them for the tax break accorded to combat-wounded retirees and POW's.

Because Veterans' Administration Compensation was meant to provide special benefits for veterans whose impairments render them thirty percent or more disabled, as well as their dependents, and because ordinary military retirement pay has no provision for dependents' allowance, the current procedures hurt not only certain combat-wounded veterans but also their dependents.

Once these bills are passed, they can go a long way towards remedying this unfair situation. I hope you will give serious consideration to this matter.

Best personal wishes.

Sincerely,

BRUCE SUNDLUN.

STATE OF RHODE ISLAND—SENATE RESOLUTION

Whereas, military retirees have earned their military pensions by remaining in the military, through reenlistment, during a minimum of twenty years of the prime of their youth; and

Whereas, if after ninety or more days of active duty, a veteran incurs a service-related disability, such as deformity, pain, wounds, injuries, disease, loss of earning power, or loss of limb, Veterans' Administered Compensation is meant to give them the special assistance they need; and

Whereas, current Veterans' Administration policy is penalizing the combat-wounded, POW's, and their dependants by forcing them to waive receiving a portion of their military pension equivalent to the amount they receive from Veterans' Administered Compensation in order to qualify for the tax break accorded to combat-wounded retirees and POW's; and

Whereas, Veterans' Administered Compensation was meant to provide special benefits for veterans whose impairments render them 30% or more disabled. These benefits include the cost of aid and attendance for some veterans who need it, and an allowance for each of their dependents. In contrast, the ordinary military retirement pension has no provision for dependent's allowance; and

Whereas, the principle of recognizing and compenating veterans who suffered injury or loss of capacity by providing them more funds and services than the uninjured military retiree has been seriously eroded. The current policy bodes ill for injured veterans of the Persian Gulf as well; now, therefore, be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby respectfully requests the Congres of the United States to pass House Bills 303 and 304 and Senate bill 190 so that military retirees who are combat-wounded can receive the retirement pay they have earned as well as the Veterans' Administered Benefits including dependents' allowances, aid, and assistance, with no offset in their military retirement pay; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

STATE OF RHODE ISLAND—HOUSE RESOLUTION

Whereas, military retirees have earned military retirement pay through reenlistment incentives and use of one's physical capacity during prime youth years for a minimum of twenty years; and

Whereas, the purpose of Veterans Administered Compensation is to assist those who have completed ninety days or more of active duty and have incurred service connected disabilities during that time such as deformities, pains, wounds, injuries, diseases, loss of earning power, or loss of limbs; and

Whereas, thirty percent or more rated disabilities include an allowance for each dependent and a military retirement for longevity has no dependent allowance; and

Whereas, military retirees who are combat wounded and their dependents are discriminated against by wavering the retirees earned retirement pay on a dollar for dollar basis with Veterans Compensation only to receive a tax break for the Combat Wounded retiree and dependents; now, therefore, be it

Resolved, That this house of representatives of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to pass House Bill 303 so that military retirees who are combat wounded can receive earned retirement pay from the Armed Forces and also receive Veterans Administered Compensation including dependent allowances with no offset to military retirement pay; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

REAUTHORIZATION OF TITLE X, FAMILY PLANNING PROGRAM

Mr. ADAMS. Mr. President, I rise to voice my strong support for the conference bill on the reauthorization of title X, the Family Planning Program. This bill would reauthorize the 22-year-old title X program and would overturn the gag rule once and for all.

Title X has been one of our Nation's most effective preventive health efforts, providing low-income women with essential medical care they otherwise would not receive.

Title X family planning services are proven and cost effective. Every public dollar spent to provide contraceptive services saves $4.40 in taxpayer funds that otherwise would go toward medical care, welfare, and other mandated social services. Overall, title X saves the Government and the taxpayers $1.8 billion each year.

Despite the health care need, title X services have been the target of zealous abortion opponents—even though title X is the Government's only effective abortion prevention program.

One of the Reagan and Bush administration's most successful assaults on title X is the infamous gag rule.

The gag rule mandates second rate health care for low-income pregnant women and prohibits doctors from fully caring for some women patients.

Under the gag rule, family planning counselors are prohibited from telling a woman her full range of legal medical options about an unwanted pregnancy. Counselors cannot even refer a women to another medical facility where she could get abortion information or services.

If the woman asks about abortion, the doctor is permitted only one response: This facility does not consider abortion an appropriate method of family planning. The response is the same even if the woman is the victim of a rape or incest; even if the pregnancy is life-threatening; and even if the woman is paying for the medical services herself.

Simply put, with the gag rule, a woman who can pay for private health services gets better information and better care than a woman who must depend on a title X clinic—even when her life is in danger.

And that is why we must pass this conference bill and outlaw the gag rule.

This conference bill reverses the gag rule on title X clinics. Clinics that receive title X funds will comply with applicable State law regarding a minor's access to abortion. Individual professionals in the title X clinic are excused from counseling or referring women for abortion as a result of the long-standing conscience clause.

Nonetheless, the conference bill requires that a grantee provide such counseling and referral at the clinic site directly or through an arrangement with another entity.

Mr. President, title X is a program that works well. Seventy-eight national organizations, including the American Medical Association and the American Hospital Association, have all opposed the gag rule regulations. So have 36 State governments, 145 Members of Congress and all 25 schools of Public Health in this country.

We are at a critical moment in our history. I urge each of my colleagues to vote in favor of this conference bill and I urge the President to sign it into law.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15.

Thereupon, at 1:21 p.m., the Senate recessed until 2:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is H.R. 5620, the supplemental appropriations bill.

Who seeks recognition?

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is H.R. 5620, the supplemental appropriations.

Mr. BYRD. I thank the Chair.

AMENDMENT NO. 2987

(Purpose: Anti-stalking provision)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the committee amendments? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. SPECTER, Mr. THURMOND, Mr. GRASSLEY, Mr. CHAFEE, Mr. D'AMATO, Mr. BIDEN, and Mr. COATS, proposes an amendment numbered 2987.

Mr. COHEN. Mr. Speaker, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. .

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the criminal act of stalking other persons is a problem of deep concern;

(2) previously available legal recourse against stalking, such as restraining orders, have proven largely ineffective;

(3) anti-stalking legislation has been enacted or proposed by several of the States;

(4) the constitutionality of several of the States' anti-stalking statutes may be in question; and

(5) the Congress has an interest in assisting the States in enacting anti-stalking legislation that is constitutional and enforceable.

(b) EVALUATION.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(1) evaluate anti-stalking legislation and proposed anti-stalking legislation in the States;

(2) develop model anti-stalking legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as a result of the evaluation; and

(4) not later than 1 year after the date of enactment of this Act, report to the Congress the findings and the need or appropriateness of further action by the Federal Government.

(c) EXPENSES.—Expenses incurred in conducting the evaluation and developing model legislation under subsection (b) shall be paid out of funds that are available to the National Institute of Justice for fiscal year 1992.

Mr. COHEN. Mr. President, let me be very brief explaining this amendment. There are various types of emergencies that we are confronted with and talking about here today, and certainly the devastation afflicting Florida and Hawaii are principal among them. But there is another type of epidemic that is spreading across this country, and it is called stalking. It may come as a shock to my colleagues that today the leading cause of injury among American women is being beaten by a man. And nationally an estimated 4 million men kill or violently attack the women they live with or date.

We are seeing State after State rush to pass legislation dealing with anti-stalking laws. And the difficulty is that a number of the laws are drawn so broadly that they are unconstitutional. Others are drawn so narrowly they are ineffective.

Senators BIDEN, THURMOND, and others have joined me in sponsoring this amendment and my legislation on this issue has some 37 cosponsors.

The legislation would simply call upon the National Institute of Justice to examine the existing 23 or 24 stalking laws currently on the books in the various States, and to then develop a proposed model piece of legislation, so that States who are now considering this very serious subject matter can feel reasonably confident that their laws, if they pattern them and base them upon the model law, will survive constitutional scrutiny. It would be a tragedy for States to pass laws that they think will satisfy the requirements of constitutional provisions, and only to have them struck down at a later time.

Mr. President, this would call upon the Institute to formulate a model law. It would then have that legislation disseminated to the various States and require the Institute to report back to Congress within a year's time.

In early June, the dinner patrons of the Philadelphia Steak and Hoagie Shop in suburban Boston watched in horror as 21-year-old Kristin Lardner was shot to death by her ex-boyfriend in the street outside.

Kristin, a budding young artist and the daughter of veteran Washington Post reporter George Lardner, had tried to keep Michael Cartier away from her. Just 6 weeks before he murdered Kristin, Cartier had left her unconscious in a Boston street after he kicked her repeatedly in the head and legs.

After this incident, Kristin sought protection from the courts. A 1-year restraining order was issued in mid-May, ordering Cartier to stay away from Kristin's home and job, and to stop abusing her. Cartier had bragged to Kristin that restraining orders would do no good. On May 30, Michael Cartier proved to the world that he was right.

Kristin Lardner was an extraordinary young woman who died in what is becoming a disturbingly ordinary way. As I have mentioned, the leading cause of injury among American women is being beaten by a man.

Women who seek protection from this abuse often face a judicial system that has traditionally viewed such violence as domestic disputes. Even when protection is sought, there is no guarantee that the abuse will stop. Studies in Detroit and Kansas City reveal that 90 percent of all those murdered by their intimate partners called police at least once; more than half had called five times or more.

The difficulty that our legal system has in protecting individuals from former intimates also extends to cases where the abuse comes from a complete stranger.

Ten years ago in Vermont, Rosealyce Thayer's 11-year-old daughter, Caty, was stalked by a man for 19 months and the police did nothing. One day Mrs. Thayer found Caty organizing her dolls. When her mother asked her what she was doing, the little girl said she was deciding which dolls would go to various friends after the man killed her.

Despite Rosealyce Thayer's efforts to protect her daughter when the police would not, little Caty was kidnaped and later found dead. She had been raped repeatedly and stabbed.

Men can be victims to stalkers as well. Just last week, in my hometown of Bangor, ME, novelist Stephen King was the target of a California man who believed, after decoding secret messages in news magazines, that King, not Mark David Chapman, had killed John Lennon and that former President Reagan and others were part of a conspiracy to cover it up. Luckily, Maine law enforcement officials were alerted to the Berkeley man's cross-country odyssey when his van was pulled over in Maryland earlier in the week. But this bizarre incident indicates how the bubble of personal privacy, even for a public figure, can so easily be broken.

We do not need to comb through the headlines or flip through the channels to find stories about men and women being victimized by stalkers. As I have taken a closer look at this issue, I have discovered that at least two members of my staff have been pursued and harassed by complete strangers on a repeated basis. In one of these cases, the stalker placed a foreign substance in my staff member's gas tank, causing hundreds of dollars' worth of damage to her car.

Only recently have the States begun to enact legislation that gives law enforcement officials the power to act against stalkers before they reach their prey. The Nation's first antistalking law was enacted in California in 1990 after actress Rebecca Schaeffer was shot by a deranged fan. To date, 20 States have antistalking statutes and similar legislation is under consideration in may others.

I believe that responsibility for enacting and enforcing antistalking legislation should remain in the hands of the States. Unfortunately, I am concerned that many of these statutes are so broad that they may not pass constitutional muster. For instance, many observers have been critical of a Florida antistalking statute that allows police to make an arrest without obtaining a warrant or catching the suspect in the act of stalking. Others have called for modifications to the California statute because it is not strict enough.

Jeffrey Weiner, president of the National Association of Criminal Defense Lawyers, has followed this issue carefully. In a recent Chicago Tribune article he states: "Stalking is a serious problem that should be dealt with, but it [must be addressed] in a constitutional fashion. It does a disservice to those stalking victims to rush through a law that likely will not hold up in court."

The American Civil Liberties Union's Loren Siegel has questioned whether some perfectly legitimate activities could be curtailed under overly broad antistalking statutes. For instance, could an investigative reporter trying to do a story on a public figure be arrested for pursuing the subject of his or her report. Some statutes may also prevent a father who is being unfairly denied visitation rights from watching his children from a distance to make sure that they are all right.

Today, I am offering an amendment that will ensure that these difficult issues receive proper attention and action at the national level.

I would also note that all expenses related to enacting this legislation will be drawn from nonearmarked funds appropriated to the National Institute of Justice. The amendment provides for no new spending.

It is my hope that adoption of this amendment will help us to focus national attention on a very serious problem and ensure that our citizens are protected by enforceable antistalking statutes, no matter where they reside.

Justice Louis Brandeis identified the "right to be left alone as the most comprehensive of rights and the right most valued by civilized men." Kristin Lardner only wanted to be left alone. There should have been no need for little Caty of Vermont to bequeath her doll collection to friends. Indeed, no American should feel that they have no place to turn when they are the prey of stalkers.

My legislation represents a small but significant step in ensuring that our most comprehensive of rights is protected at the expense of no other right. I ask for the support of my colleagues and I urge them to join me in addressing this important issue.

I know of no objection to my amendment. It has strong bipartisan support. And I ask that it be considered by my colleagues.

To my knowledge, it has no objection from the minority side, and I am not aware of any objection on the majority side.

Mr. THURMOND. Mr. President, I rise today to join with my colleague, Senator COHEN, in offering an amendment to the bill pending before the Senate. I am pleased to be a cosponsor of this amendment. The amendment is identical to the antistalking legislation introduced by Senator COHEN, which I cosponsored earlier this term.

This amendment addresses the problems of ineffective antistalking statutes enacted by some States. Victims of stalkers are being denied basic rights to safety and protection from harassment guaranteed by our Government simply because current antistalking laws may be unenforceable. Convicted stalkers are often released on successful constitutional challenges and free to further harass their victims. This amendment directs the Department of Justice to draft model antistalking legislation.

I am pleased to be a cosponsor of the bill and of this amendment. This is very important legislation, and I urge my colleagues to adopt it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I had previously indicated to the distinguished Senator that I had no problem with the amendment. I do not. But I think there are indications that I should contact the committee of jurisdiction and see if it has any problems. Therefore, if the distinguished Senator will indulge me, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, earlier I had asked consent that all of the committee amendments be adopted en bloc under certain conditions and there was an objection.

I understand now that there is no objection to the following request: I ask unanimous consent that the committee amendments as amended where amended be agreed to en bloc, that no points of order shall be considered to have been waived, that the request is agreed to, and that the amendments be considered as original text for the purpose of further amendment, with one exception, that exception being the amendment on page 16, lines 1 through 6. I make the request with the exception of the one committee amendment that I have referred to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc, with the exception of excepted committee amendment on page 16, lines 1 through 6.

AMENDMENT NO. 2988

Mr. BYRD. Mr. President, I understand that there is an amendment proposed by Senator DOLE to H.R. 5620. It would read as follows:

> On page 42, line 10, after "Iniki," insert the following: "the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992."

Mr. President, this is cleared on my side of the aisle.

I ask unanimous consent that I may offer this amendment on behalf of Senator HATFIELD and myself, and on behalf of Senator DOLE, and that the pending amendments be temporarily set aside. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2988) was considered and agreed to as follows:

> On page 42, line 10, after "Iniki," insert the following: "the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992,".

AMENDMENT NO. 2989

Mr. BYRD. Mr. President, I have an amendment by Senator REID, which was offered by Senator REID at the time of the Appropriations Committee markup of the bill. He indicated that he had an amendment, and that he would not offer it in committee but would offer in on the floor. This amendment is cleared on both sides of the aisle.

I ask unanimous consent that this amendment be in order at this time, that it be agreed to, the motion to reconsider laid on the table, and that a statement by Mr. REID in explanation thereof be included in the RECORD as though stated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2989) was considered and agreed to as follows:

At the appropriate place insert the following new section:

SEC. . Funds appropriated for the Office of Economic Adjustment at the Department of Defense for Fiscal Year 1992 are reduced by $1,000,000, and funds appropriated for the Office of the Secretary of Defense for fiscal year 1992 are increased by $1,000,000 for the purpose of making an economic impact grant to Nye County, Nevada.

NYE COUNTY GRANT

Mr. REID. Mr. President, last year, the Defense Subcommittee directed the Office of Economic Adjustment [OEA] to provide a grant to Nye County, NV, for impact assistance. The county had issued a $1 million school bond to support the children of employees at the Tonopah Test Range.

The Stealth fighter was moved to New Mexico, and Nye County was left holding the bag. The Defense Subcommittee recognized this and directed that a grant in the amount of $1 million be made to the county.

The Office of Economic Adjustment, however, has refused to make the grant. It appears that the report language directing them to do so was not good enough for them.

This is why I am offering this amendment reducing the fiscal year 1992 OEA appropriation by $1 million and transferring it to the Secretary of Defense so that he can make the grant.

Nye County has waited long enough for this money.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2987

Mr. BYRD. Mr. President, I have now resolved the matter which I wished to examine in connection with the amendment by Mr. COHEN. I am prepared on this side to accept the amendment. I understand that Mr. HATFIELD is likewise prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2987) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it is my understanding, word having reached me by the proverbial grapevine, that there are some Senators who have amendments to the pending measure.

I urge those Senators, if they have amendments, to get to the floor and call them up. I will wait a reasonable length of time, after which I will move to go to third reading, and we will have a rollcall vote on that, probably.

I urge Senators to get to the floor and call up their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, if Senators have amendments, they should come to the floor and call them up. This is a bill to bring relief to the people of three States who have suffered enormous losses, and Senators who have amendments should be prepared to call them up.

I suggest the absence of a quorum. This will be a live quorum, Mr. President. I hope it will bring Senators to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am informed that Senator CRAIG is on his way to offer an amendment.

I will suggest the absence of a quorum so that Senator CRAIG may get here without the quorum having become a live quorum, but if I wait longer than 10 minutes, I will put in a quorum call again and it will be live. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senator CRAIG has an amendment which he is prepared to call up. I hope he would get recognition and offer his amendment or take whatever action he wishes.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG] is recognized.

AMENDMENT NO. 2990

(Purpose: To strike provisions relating to the implementation of certain Davis-Bacon regulations)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2990:

Beginning on page 15, strike out lines 21 through 25.

Mr. CRAIG. Mr. President, the amendment I am offering is very straightforward in dealing with this most important supplemental appropriations bill.

A year ago, when we passed the dire emergency supplemental, better known as Desert Storm, we acted to temporarily disallow funding the implementation of regulations from the Department of Labor, better known as the helper regulations, or the temporary helper regulations, that deal with the use of semi- or non-skilled labor in Davis-Bacon qualified projects. We were talking about the ability of a Davis-Bacon contractor to find and hire part-time help to fill the unskilled categories at less than prevailing wage. The action of a year ago banned us from doing that in a temporary way.

Since that time, the Court has ruled in the context of Davis-Bacon that in fact the Congress did act temporarily. The provision I am asking be stricken from this supplemental appropriation would not temporarily extend this prohibition but it would make it permanent.

It was argued that we should act temporarily a year ago because the standing committees were reviewing the regulations to see whether in fact they did comply or they would comply with Davis-Bacon and the prevailing wage requirements.

Those standing committees have not reviewed. Those standing committees have in fact not acted in the fashion they should have acted, and they argued they would act, over a year ago during the supplemental on Public Law 102-27. That was April 10, 1991.

Now we are here in October, at a time when we have experienced major national disasters in this country, and this supplemental, as argued by the chairman of the Appropriations Committee, is very important to a lot of people. My colleagues from Florida recognize its importance, colleagues from Louisiana are going to recognize benefit from it, and Hawaii, which has now been swept by a major disaster. What we want to do, I think all of us want to do, is in an immediate way get as much money as we can on the ground in the States that have experienced a major national disaster to work as efficiently as it can under the conforms of the law itself.

Yet the thing that I find most fascinating in dealing with this issue is that simply will not be the case. One of the reasons we find this most complicated in dealing with the issue is the question of the efficiency of the dollars involved. For example, in the billions of dollars that are utilized in this supplemental which will actually go into construction as it relates to the compliance itself, we are going to find certain kinds of complications.

We are not talking about doing something extraordinary or something that is not done in practice today. It is a very widespread practice in private construction in the use of temporary help. It has been disallowed in Federal Davis-Bacon jobs because of the definition of semiskilled or unskilled. And yet the Department of Labor over the last good number of years has worked to conform these rules and regulations to make sure that they were within the compliance of Davis-Bacon itself.

What this amendment is attempting to do is allow these regulations to go forward, not to ban them at a time when we need to arrive at efficiencies, when we need to put local people to work in their own communities again.

Another thing that is interesting as it relates to these kinds of prohibitions is that we will find that where Federal dollars are involved in construction and/or reconstruction, Mr. President, and there needs to be a compliance with Davis-Bacon, my amendments would allow regulations that fit the norm of the local environment, that are not outside or extraordinary. If semiskilled or nonskilled workers are used in the local environment, then the regulations would allow that to happen. If they are not, then they would be disallowed. So these kinds of conformities are in existence and would fit. Labor is allocated inefficiently without this. The costs generally rise.

Here is an interesting figure for 1993 general federally sponsored construction. This does not deal with the tremendous increase we are going to have in the State of the chairman, or in the State of Florida, or in the State of Louisiana because of these natural and national disasters where there is going to be even an acceleration beyond what was projected in 1993. So the figure I am about to give you is a phenomenally conservative figure of increased costs if we disallow these regulations from going into effect.

For fiscal 1993, it is estimated that approximately $735 million in budget authority and about $162 million in outlays could be saved if these regulations were allowed to go on the books so as to become implemented in compliance with the Court cases and in compliance with the effort of the Department of Labor over the last several years. Now, that is outside the extraordinary money we are beginning to spend at this time to meet the construction from the disasters this country has experienced.

If we expand that—and this is just over projected federally sponsored or federally participated in construction cost—over the next 5-year period, we would reduce by $3.8 billion the budget authority and about $2.6 billion in outlays.

I am not talking about anything but semiskilled and unskilled helpers, not the professionals, not the union people who are truly skilled in their profession and that are necessary and important on the job with their skills and with their talents to make sure the quality of construction or reconstruction goes forward.

I am talking about people that pack the lumber around; I am talking about being able to hire a local, unskilled person at a time when we are going to have a major labor shortage in Florida for the purpose of bringing this State back on line and the area where Andrew swept out literally thousands of homes and thousands of small businesses; being able to ask and being able to employ those people. It cannot be done today. It cannot be done where Federal dollars will be involved, where Davis-Bacon will have to be complied with. The rules and regulations by this supplemental appropriation will be disallowed by a permanent ban.

I ask: Does the Congress want to ban in a permanent way that which we have worked to bring into compliance over the last 5 years and which the appropriate committees have not even reviewed?

I would suggest that is not the case. Last year we chose to do a temporary ban for the purpose of reexamination, to see whether it fit. Since that time there has been a court test that has loudly argued in behalf of the regulation itself.

In April of this year, in building and construction trades departments in AFL-CIO versus Mark, the U.S. Court of Appeals for the District of Columbia found that Public Law 102-27 which was the supplemental of April of last year was in fact a limitation of temporary nature that would expire at the end of fiscal 1991. It was under that that my colleagues on this floor a year ago argued that we would deal with it after the temporary disallowing of funding went into place. Nothing has happened since that time.

Now we have in this supplemental an effort to ban in a permanent fashion. It is for this reason at a time when this Nation and its taxpayers are stressed beyond their capability, at a time when there is a tremendous desire on the part of all taxpayers to help their fellow persons in Florida, in Louisiana, and now in Hawaii, that we should at best work with local authorities for maximum cooperation, work with qualifying Davis-Bacon contractors in those States, to hire the help they can and must have in a temporary and unskilled way and save as many dollars as we can to do as much as we can.

I have already once cited those figures, and I would suggest that anything less than that would be adding undue costs and unnecessary costs to this very important issue. It is with that in mind that the amendment is offered.

I reserve the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise to inquire if it would be possible to get a time agreement on this amendment.

Mr. CRAIG. I appreciate the urgency with which the chairman is attempting to move this, and yes, I would agree to some time limitation.

Mr. HARKIN. If the distinguished Senator will yield, I think I would desire no more than 10 minutes. I do not know if anyone else on this side wishes to speak.

Mr. President, if the distinguished chairman might, I wonder if I might be recognized to make my remarks, and I will not speak for any longer than 7 or 10 minutes. By that time I think Senators may be here who may want to speak on it. I do not know yet. I am told a couple of Senators may want to speak on this amendment.

Mr. CRAIG. Mr. President, I have a couple of Members on this side who have asked to speak. I am sure there is no need for any great extension of time, but I to do want to accommodate them within reason.

Mr. BYRD. Could we agree on 1 hour, equally divided?

Mr. CRAIG. Yes.

Mr. HARKIN. I would be more than happy to do that.

Mr. BYRD. Very well.

Mr. CRAIG. Did the chairman say 1 hour, equally divided?

Mr. BYRD. One hour, equally divided, in accordance with the usual form, with the time to be controlled by Mr. CRAIG and Mr. HARKIN.

Mr. HARKIN. I think that would be more than adequate.

Mr. BYRD. If Senators want to include any provision with respect—this is amendment to the amendment, to the committee amendment, or did the Senate give consent to set aside the committee amendment?

The PRESIDING OFFICER. The pending amendment is a motion to strike.

Mr. BYRD. That is my request, equally divided, 1 hour, in accordance with the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendment be in order to the language proposed to be stricken.

Either that, or we should put a time limit on the amendment to the language proposed to be stricken. I would rather not do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank both Senators.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. Mr. President, I wish to speak in opposition to the amendment offered by the distinguished Senator from Idaho.

Mr. President, in April of 1991, the President signed Public Law 102-27, the dire emergency supplemental appropriations bill, which contained a provision prohibiting the Secretary of Labor from implementing regulations that would have created a new class of "helper" workers on Federal construction projects under the Davis-Bacon Act.

This proviso also bans the implementation of proposed apprenticeship regulations under the National Apprenticeship Act. I want to say the President signed this bill. The House voted 244 to 173 and the Senate voted 63 to 37 to reject motions to strike the provision.

I say that is the Senate that is sitting today. It was just a year and half ago. So it was this Senate in this Congress that voted 63 to 37 to reject the motion to strike the provision.

Mr. President, over the last decade, the Senate has repeatedly rejected attempts to weaken rules governing apprentice trades in the construction industries. In the fiscal 1992 Labor-HHS appropriations bill under my jurisdiction, both the House and Senate versions took the position that the language in the supplemental is a permanent provision of law and therefore it was not repeated.

The Senate version specifically deleted $750,000 requested for the Employment Standards Administration to implement helper regulations. In conference, the House receded to the Senate and cut the $750,000.

Let me read the conference language:

> The conference agreement reflects the permanent prohibition on implementation of the Davis-Bacon helper regulations enacted in section 303 of Public Law 102-27.

Nonetheless, Mr. President, the Labor Department is proceeding to implement the helper regulations. Therefore, the House-passed fiscal year 1992 supplemental, H.R. 5620, once again includes a bill language prohibition, but this time more clearly stipulating that the provision is a permanent ban in implementing new helper and apprenticeship programs.

That is the recap of the history on this matter. As I said, we passed it last year. Numerous times we voted to reject motions to strike this provision. And just like a bad bed of weeds, it comes up every year, and someone offers this amendment.

Mr. President, these regulations would have had a devastating impact on hundreds of thousands of journeymen employed in the construction industry. Employers would have been allowed to hire low-wage, low-skilled workers for many jobs now performed by journeymen, bypassing the traditional apprenticeship system that has protected high quality in Federal construction projects.

Shoddy construction may be cheaper in the short run, but it is certainly more costly in the long run for our taxpayers. Since 1937, we have had these apprenticeship programs.

Over 30 States have apprenticeship councils and programs, and all of the building trades have these apprenticeship programs. I heard the Senator from Idaho talk about undue costs and unnecessary costs in construction. Well, Mr. President, you know what wastes money? What wastes money is shoddy construction. That is what wastes money. Shoddy construction projects that do not last very long. That is what you are going to get if you strike these provisions and enact these helper regulations. What we have had for a long time is an apprenticeship program that takes young people into the trades and says if you learn how to do menial jobs like carry the bricks and push the wires through the walls, and you learn bit by bit the construction industry, or perhaps the electrical part of it, or the masonry part of it, or the dry wall part of it, or the carpentry part of it, you can progress up and be a journeyman, and later on somebody else could come as an apprentice and learn that trade also.

It has benefited us well in this country to have an apprenticeship program, Mr. President. I daresay that the other industrialized countries in the world all have these programs. It gives a young person a start in life, lets them know they are not going to have a menial job, and if they learn the trade, they can become a journeyman carpenter, or electrician, or bricklayer, or whatever trade they are interested in.

But this amendment offered by the Senator from Idaho basically would establish a whole subculture of helpers with subminimum wages, low wages, with no hope of ever climbing up that ladder of apprenticeship and being a journeyman.

So, again, Mr. President, it is shoddy construction that wastes our money. You can go out and look for yourself. I am telling you, if my taxpayers—and myself as taxpayer—if I am going to be paying money to build something under the auspices of the Federal Government, I want it built well, and I want it built to last a long time. I want it to be built with journeyman labor and skilled labor.

If you want to waste money, adopt this amendment of the Senator from Idaho. You will waste a lot of money. Oh, you will get a cheap building. It will cost a little less in the short run, and it will cost a heck of a lot more in the long run.

So, again, penny-wise and pound-foolish, that is what I call this amendment by the Senator from Idaho. You will save a penny today, and it will cost you a lot of money tomorrow. That is not in the best interest of our taxpayers, Mr. President.

So that is why I oppose this amendment. Because I think we have an obligation to our taxpayers, to make sure that the Federal construction projects are built the best, built to last and not built with shoddy construction.

Second, because I think we have an obligation to the working men and women of this country to say if you are willing to start at the bottom, you can climb to the top. Start as an apprentice and learn this trade, every aspect of it, and you can become a journeyman carpenter or bricklayer, or whatever it might be, and then somebody can start to learn it after you. That has been the system since 1937, and it has served us well, Mr. President. It is not time to throw it out.

I urge my colleagues to reject the amendment of the Senator from Idaho.

Mr. President, I reserve the remainder of my time. How much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 22 minutes remaining.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I have heard my colleagues from Iowa say, well, the President signed 102-27, the dire supplemental, better known as Desert Storm supplemental. The President signed that supplemental recognizing the temporary—the temporary—prohibition of the two areas that we are discussing today in my amendment, the helper provision and the apprenticeship and training, better known as the HAT regulations, recognizing that they were temporary and for that argument to be confirmed by a U.S. court of appeals decision here in the District in April of this year is to argue that it was the intent of this Congress and the appropriate committees to go in and examine these regulations as proposed by the Department of Labor, and those committees have not done that.

Now we find, without that kind of responsible and thorough examination at a time when no one can argue that we need to stretch the Federal dollar as thin as we can stretch it, while accommodating those people in need in Florida and Louisiana and Hawaii, that we at least ought to allow these regulations to go into place. Shoddy construction? Are you suggesting that union construction is shoddy construction? Most assuredly, it is not. And we are talking about Davis-Bacon jobs and union workers, but we are also talking about journeymen today that are doing unskilled tasks, when in fact they could be doing the other types of things they are most qualified to do while, under them, the bricks that would be brought to them would be by the local unskilled labor that is dying to have a job in these areas where jobs simply do not exist today because of the conditions and the situation.

That is really the issue at hand. This is an argument that we have heard for 10 years in court test after court test, and in all of those tests, the courts have found that the Department of Labor's helper regulations are absolutely consistent with the Davis-Bacon Act, that they do conform, that they are clearly within those provisions, and that is why today I have in front of me a letter from the Secretary of Labor, Lynn Martin, and she says:

> The purpose of this letter is to express the administration's strong opposition to the provisions which would ban enforcement of the Davis-Bacon helper regulations. If this legislation were enacted with this provision, I and other senior advisers would urge the President to veto the bill.

This Senate will say, surely, Mr. President, you would not veto this bill. You would not veto the aid going to Florida. I think our President knows that the aid going to Florida is going to get to Florida, and I think our President knows that the aid going to Louisiana is going to get there. But what our President recognizes, and what the American people recognize, is that these regulations will save at least $700 million in fiscal year 1993 and could well save $1 billion, and at the same time, the construction would be just as safe and just as sound; it would be inspected by inspectors, and it would be dealt with within the confines of Davis-Bacon contractors. To use that old worn out argument that somebody who can pack bricks and pack lumber to a site is somehow by their presence is going to produce shoddy construction is just that, Mr. President, a worn-out argument.

I will tell you that a $357 billion deficit and the need to supply help to our friends in Florida, Hawaii, and Louisiana, and the needs of billions of dollars, and to be able to save a little money while putting local people to work and local contractors who can comply with Davis-Bacon to work, is not a shoddy argument. And that is why the Secretary of Labor today says she will recommend a veto on this legislation, if this amendment does not pass.

I ask unanimous consent that the entirely of her letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
Washington, DC, September 15, 1992.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: It is my understanding that on September 15, 1992, the Senate is expected to consider H.R. 5620, the 1992 Supplemental Appropriations bill. The purpose of this letter is to express the Administration's strong objection to the provision which would ban enforcement of the Davis-Bacon helper regulations. If this legislation were enacted with this provision, I and other senior advisors would urge the President to veto the bill.

This provision would once again prohibit the Department of Labor from expending funds to administer regulations governing the use of semi-skilled helpers on federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts [DBRA]. Helpers are semi-skilled workers who directly assist and are supervised by skilled journeymen.

The Administration opposes the Davis-Bacon helper regulations provision for substantive and procedural reasons. Substantively, this provision destroys job opportunities just when they are vitally needed in Florida, Hawaii and Louisiana. Procedurally, I oppose legislating substantive labor policy in an appropriations bill, which is not an appropriate vehicle for introducing significant reversals in established governmental policies.

The issues underlying the DBRA regulations have been extensively examined over the past decade. The objections to these regulations were considered in the courts and were rejected.

After many legal challenges, the Court of Appeals for the District of Columbia recently upheld the validity of all but one of the challenged helper provisions. The court invalidated the regulatory provision that set a maximum allowable ratio of helpers to journeymen on covered construction projects, but sustained the remaining portions of the helper regulations, which are not dependent upon the ratio requirement. Moreover, the court did not enjoin their implementation. We understand that a petition for certiorari has been filed with the Supreme Court.

We believe that it is important for the government to move forward and implement these long overdue regulatory improvements. Permitting the use of helpers according to local construction industry practices will:

Provide increased job opportunities for semi-skilled workers and encourage their use in a manner which provides training;

Eliminate outmoded constraints under Davis-Bacon in order to reflect widespread industry practices, thereby enhancing private sector competition on Federal construction projects;

Reduce Federal expenditures on construction projects by approximately $550 million per year; and

Allow the victims of the recent hurricane who have skills not related to construction, but are unemployed as a result of these natural disasters, to help rebuild their own communities.

Since the Court of Appeals decision, the Department has been moving expeditiously to implement these regulations. We have issued a memorandum to all Federal contracting agencies, notifying them of the Court of Appeals' recent decision and providing additional implementing instructions. We have also revised the regulations by removing the section that was invalidated by the court.

The provision would also enjoin the Department from promulgating final regulations pertaining to revisions to the apprenticeship programs in the construction industry. Regarding the apprenticeship program, on August 24, 1990, following two years of research, review and discussion, the Department of Labor published proposed changes to the regulations governing the registration of apprenticeship programs under the National Apprenticeship Act. The proposed changes would:

Ensure that all registered programs meet consistent high quality standards;

Ensure that all potential program sponsors are treated fairly, through a Departmental appeals process; and

Establish uniform Federal standards for registering apprenticeship programs, with allowances for State flexibility for specific State purposes.

There has been extensive interest in the proposed regulations. The Department received over 59,000 letters on the proposed changes, the vast majority of which are favorable. Since publication of the proposed amendments, the Department has held long and productive conversations with organized labor and others in the apprenticeship community. The issues of concern have been thoroughly discussed.

For the foregoing reasons, the Administration strongly urges the provision banning implementation of the apprenticeship and Davis-Bacon helper regulations be removed from the bill.

The Office of Management and Budget advised that there is no objection to the transmittal of this letter from the standpoint of the President's program.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

Mr. CRAIG. Mr. President, with that, I will reserve the remainder of my time.

Mr. HARKIN. Mr. President, rather than having time run, I respond to my friend from Idaho by quoting from a former Republican Secretary of Labor, John Dunlop, I am sure my friend remembers him.

In spite of the claim that the helper regulation will save some $600 million in Davis-Bacon costs, this claim has been categorically rejected by former

Secretary of Labor, John Dunlop, a Republican, whose own economic analysis of the issue concluded:

> There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower costs to the public, without looking at the total costs of the system used.

So, again, a former Secretary of the Department of Labor saying that there is no sound basis for assuming you are going to get lower costs to the public, without looking at the total system. I believe what he is talking about is what I just alluded to.

Again, the Senator from Idaho said there is no basis to assume that we are going to get shoddy construction if we have these helpers packing the bricks and pulling the wire and stuff like that. If allowed to remain in force, Mr. President, these higher regulations will, according to the associated builders and contractors, the people who are supporting the amendment of the Senator from Idaho, the associated builders and contractors said that his amendment would replace up to 40 percent of the current Davis-Bacon work force with lower paid and lower skilled workers.

That is really what we are talking about. Again let us be clear what we are talking about. We are talking about Davis-Bacon Federal building projects, not private. It does not cover private. It covers Federal building projects, projects where we had asked taxpayers to give their money to build something.

It may be a bridge. Think about that. We are going to use taxpayers money. We are going to use your money, Mr. President, to build a bridge. You are going to drive over that bridge; your kids are going to school in a school bus over that bridge.

You tell me, who would you like that bridge built by? Unskilled, low skilled, low paid workers who have not gone through an apprenticeship program and do not know how to do all the intricacies of putting a bridge together, from the pilings down below the piers, to the girders up on top; or would you rather have that bridge built by people who have experience, or journeymen, who started out as apprentices working on bridges before, and learned the trade, learned how to build the bridges, and then they became skilled workers later on?

I know what your answer would be, Mr. President: You want that bridge built well; you do not want it falling down. That is what we are talking about here; it is safety. Yes, it is safety. A lot of the projects the Federal Government is involved in is building facilities that require safety.

We are also talking about investing the taxpayers' money wisely.

That is why I say sure, you will save. If the amendment of the Senator from Idaho is adopted, you will save some money. I grant you will save some money, probably in year 1. But in year 2 and year 5 and year 10, when this shoddy construction starts to fall down and you have to patch it up and fix it, that is when it is going to cost you the money.

Let us quit being pennywise and pound foolish around this place. Let us protect the taxpayers' dollars. Let us keep the apprenticeship programs in there, whereby our taxpayers know when their dollars are used for Federal building projects, they are going to be built well and last and not going to fall down; and they are going to be safer.

Mr. President, that is why I oppose the amendment of the Senator from Idaho. Again, I point out that we have spoken repeatedly on this in the Senate. The Senate has repeatedly rejected the provisions to try to strike these apprenticeship programs. They have served us well for over 50 years, and I say now is not the time to throw them out the window.

Mr. President, how much time do I have remaining?.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Iowa has 17 minutes remaining.

Mr. HARKIN. Mr. President, I yield 10 minutes to the distinguished chairman of the Labor Committee.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I oppose the motion to strike offered by my colleague from Iowa.

The issue before us was considered and fully debated in the first session of this Congress when the Department of Labor first announced its intention to implement its proposed new helper regulations and the proposed changes to the longstanding apprenticeship regulations. For reasons that are as valid today as they were then, the members of this body voted overwhelmingly against the new regulation. I urge my colleagues today to reaffirm that vote.

The provision my colleague seeks to strike from this bill would prohibit the Department of Labor from implementing regulations whose combined effect would be to undermine the craft apprenticeship system which has proved so effective in producing a well-trained, highly skilled construction work force. At a time of deep national concern about the skill levels of the American work force, it is highly disturbing that this administration should be promoting measures like these.

If these helper regulations are allowed to go into effect, contractors working on federally funded and federally assisted construction projects will be permitted to replace apprentices enrolled in certified training programs with low-wage, low-skilled helpers who get no employment training and have no opportunity for career advancement.

At the same time, implementation of the proposed apprenticeship regulations would downgrade Federal standards for apprentice training programs and prevent States from enforcing standards that are higher than the Federal standards.

Mr. President, it is particularly ironic that the Department of Labor should be pressing these initiatives, when its own research and reports underscore the value and the importance of building trades training programs.

The Department's 1990 Report on Work-Based Learning, completed under the direction of then Secretary Elizabeth Dole, states for example that we need more, not fewer, Government incentives to encourage employers to adopt structured word-based training programs. The report also notes that among the few Government incentives we do have to encourage employers to provide training for their workers are the prevailing wage requirements in the Davis-Bacon Act, which "have traditionally been a strong incentive to train within the construction industry."

It simply makes no sense for the administration to be pursuing a course that seeks to eliminate those incentives by allowing employers on Davis-Bacon projects to replace up to 40 percent of the existing trained work force with workers in low-paid helper classifications that need not be provided with any form of training whatsoever.

Mr. President, there are a number of myths that are frequently circulated about the Davis-Bacon prevailing wage requirements.

One of those myths is that construction workers are overpaid, and that the Davis-Bacon Act requires that they be paid inflated wages that unfairly enrich these workers at the expense of Federal taxpayers.

This is simply untrue. The Davis-Bacon Act merely requires that construction workers on Federal projects be paid the prevailing wage—that is the wage that is paid to the majority of workers doing similar work in the community.

Construction workers are not overpaid. In fact, the average hourly wage of a construction worker in this country is $14.16 an hour. Because construction workers work on a project-by-project basis, and are affected by weather and other conditions, the typical construction worker—even in the best of times—is likely to find work only about 1,400 to 1,600 hours a year, which, at $14.15 an hour, produces annual earnings ranging from $19,800 a year to $22,600 a year.

This is hardly the kind of income that any family lives royally on.

And we all know that these are hardly the best of times for construction workers. In August the unemployment rate among construction workers nationwide was a whopping 17 percent, and I know for a fact that in some construction locals in my own State of Massachusetts the unemployment rate is well in excess of 50 percent. They have members who have not been able to find any work for more than a year.

For the Department of Labor to be seeking to drive down their earnings still further is, in my mind, simply unconscionable.

There is another myth about Davis-Bacon which is that the act requires all workers on federally funded construction to be paid full journeyman wages, even if they are performing unskilled work, and that the helper regulations are necessary in order to provide job opportunities for unskilled or low-skilled workers. Again, this is simply untrue.

On every federally funded construction project, there are workers employed who are of varying skill levels. The most skilled work is performed by journeymen craft workers who, in most cases, have completed years of training, on the job and in the classroom. But there are also large numbers of laborers, apprentices, and trainees who are paid a fraction of the journeyman's wages to perform the less skilled work on the job.

All that Davis-Bacon requires is that the less skilled laborers be paid the wage that is prevailing in the community for workers performing work at that level. Apprentices and trainees may also be paid substantially less than the journeyman wage, but only if they are enrolled in registered training programs.

The provision we are debating would in no way prohibit contractors on Federal construction projects from continuing to employ unskilled or semiskilled workers as laborers and apprentices at below journeyman wage rates. It will, however, prevent employers from being able to force those workers into lower paid helper classifications with reduced wages and benefits and no opportunity to obtain the training necessary to advance to a higher paid classification.

These lower paid helpers would be performing the very same work that is currently performed by laborers, apprentices and trainees. The only difference is that they would earn less and be denied the opportunity for training that would help them acquire the skills to advance up the career ladder to higher paid status.

One of the other big myths about these helper regulations is that they will somehow enhance employment opportunities for minorities and women.

But, in fact, experts in the construction field have concluded just the opposite.

Perhaps the leading expert on construction labor markets and employment in the construction industry is Dr. John Dunlop, a Republican who served as Secretary of Labor under President Ford and who currently heads the Business and Government Center of the John F. Kennedy School of Government at Harvard.

Dr. Dunlop, I might add, also served the Nixon administration in the early 1970's as chairman of the Construction Industry Stabilization Committee, which sought to control and moderate labor costs in the construction industry.

Because of Dr. Dunlop's stature and unchallenged expertise, his analysis of the impact of the Reagan administration's helper proposal on minority employment is well worth repeating.

This is what Dr. Dunlop had to say in an affidavit submitted to the court in connection with litigation challenging the regulation. Dr. Dunlop said:

> I would disagree with the unsupported conclusion that providing financial incentives to introduce the helper classification throughout the entire construction industry will enhance work opportunities for minorities, youth or women.
>
> My experience teaches that formal training programs are essential to recruit and train minorities for the construction industry. Indeed, this is how progress has been made.

If the helper regulations are implemented, Dr. Dunlop predicted:

> It is clear what will happen is that minority laborers will now find work in the construction industry drastically reduced, and that the concept of a "construction laborers" union with various classifications developed to improve the lot of persons on the bottom rung of the economic ladder will be undermined by administrative fiat.

Mr. President, a substantial percentage of the existing construction laborer work force that will be displaced if these helper regulations are implemented are women and minorities. Indeed, in recent years, a full 40 percent of the laborers trained by the Laborers Union-Associated General Contractors Joint Educational and Training Fund have been women and members of minority groups.

Implementation of the proposed new helper regulations will either displace those laborers or allow contractors to require those laborers to perform the same work at lower wages and will severely limit the employment standards and opportunities of that segment of the construction work force.

That is why Judge Harold Greene of the U.S. District Court for the District of Columbia concluded, when he examined the proposed helper regulations, that far from enhancing minority employment, the regulations were "likely to have the effect of allowing contractors to replace higher wage minority laborers with lower wage minority helpers."

As Norman Hill, president of the A. Philip Randolph Institute has stated, minority workers are "particularly vulnerable to exploitation such as the Davis-Bacon Act is designed to prohibit." That is why it is so important that we keep those protections against exploitation intact.

It seems to me, Mr. President, somewhat ironic that, as I mentioned earlier, we have former Secretary of Labor Dole identifying building trades apprenticeship programs as just the type of programs that are necessary to enable our work force to obtain higher skills and earn higher wages in our country—and that is not one of us on this side of the aisle making those claims, that is a former Secretary of Labor in the Bush administration identifying these kinds of programs as being the most effective programs in terms of training. And then we hear on the campaign trail, in the last few weeks or so, how the President of the United States wants to spend $10 billion more for training programs to bring skills to American workers so that they can be internationally competitive. But at the same time we have an attempt by this administration to try to dismantle the very programs that have been tried and tested and found effective in providing opportunities for advancement to millions of workers on the bottom rung of the economic ladder.

Mr. President, this amendment should be defeated.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CRAIG. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Idaho has 25 minutes. The opposition has 6 minutes and 25 seconds.

Mr. CRAIG. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho yields himself 5 minutes.

Mr. CRAIG. Mr. President, when we are dealing with finite dollars and wanting to expand the opportunity not only for the recipients of the dollars but for those who participate in the delivery of the service, then we ought not stand here today and suggest that we would do anything less than what my amendment would propose.

For 10 years, the Department of Labor has pursued expanding and offering greater opportunity in the area. Our President is talking about greater training programs. And while he talks about that and while he talks about bringing more people into the system and while some would suggest on the floor today that if we vote for this amendment, we are voting against minorities, that we are discriminating, let me suggest that the National Association of Minority Contractors has criticized Davis-Bacon for excluding helpers and thereby shutting out small minority firms and minority employees.

Now that is a quote from their organization. And the reason that happens is because of the complications that this Congress, through rule and regulation, have put down on the Federal dollar that is expended for construction under Davis-Bacon.

What we find across the country today are a limited number of very large contractors who chase the Davis-Bacon dollar. They are not interested in putting minorities to work. They do not do it in the way that we are talking about.

We are talking about expanding the use of the Federal dollar, giving greater opportunity to the local work force, and doing it in such a way that we are going to save money at the same time.

It is now projected by CBO that these proposed regulations, both the helper regulation and the apprenticeship program regulation, would save about 1.2 percent on Federal construction projects.

But the apprenticeship program that this amendment would allow to go forward for discussion and formulation under regulation is just that at this moment. Mr. President, we are only talking about proposed regulations on which the Department of Labor would continue to talk to unions and affected and affiliated parties for the purpose of formulating that regulation to become part of the process.

And yet what we are hearing today is they do not even want to talk about it. They do not want to talk about expanding opportunity for all people and stretching the Federal dollar so that we can lessen the deficit, while reasonably meeting those kinds of obligations that I think collectively this Congress needs or wants to respond to, where Federal construction is direly needed in Florida, Louisiana, and probably in Hawaii. That is the issue at hand today.

We can talk about the logic of 1932 or we can talk about the realistic practicalities of 1992: A President who wants to expand opportunity, under the confines of Davis-Bacon, meeting the standard of the Federal regulation, meeting the standard of the inspector, making darn sure that construction is as sound and safe as any construction in which the Federal dollar is spent. And this Congress is saying, no, we do not want to do that. That is exactly what it is saying by this supplemental appropriation, unless you accept this amendment.

Now those are the issues at hand today. Ten years in court—10 years—to clarify and confine and conform to Davis-Bacon, and those regulations are not now being allowed to go on the books, not even in a temporary fashion. That is the issue at hand.

Would my colleague from Oklahoma at this time wish to speak?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Oklahoma.

Mr. CRAIG. I yield 10 minutes to my colleague.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. I thank the Senator. I may not take the full 10 minutes.

Mr. President, I wish to compliment my colleague and friend from Idaho, Senator CRAIG, for his leadership in trying to strike a provision that does not belong in the supplemental appropriations bill.

I thought when we were taking up the supplemental appropriations bill, we were going to be dealing with assistance to people who really needed it, people in Florida and Louisiana who suffered a real natural disaster, one of the largest and most expensive natural disasters in our Nation's history. And yet we find a provision in here that is basically a power grab by some of the leaders in organized labor to prohibit the employment of helpers.

I thought we were going to try to help people in Louisiana and Florida, yet we find some people are trying to say we do not want helpers to be involved in this work, not just in this work but in any work. This is a permanent—permanent—statutory change.

It does not belong in a supplemental appropriations bill. Frankly it does not belong in any appropriations bill, and it certainly does not belong in this urgent supplemental where we are trying to help the people who need the help.

The net result of it would be that we are going to deny the opportunity for a lot of people who are unskilled from getting work on rebuilding southern Florida and Louisiana. We are going to tell them the Federal Government says it is "Katie, bar the door. You do not get a job." The Federal Government says, too bad, we are sorry that you are unskilled but we are going to insist the contractors pay prevailing wage. That means very high union scale wage. And therefore if you are unskilled, if you happen to be 18 years old, unemployed, black, in southern Florida, or Hispanic, or Cuban, and you are unemployed: Tough luck because you do not get a job. Need not apply. We do not want helpers in these jobs.

I heard my colleague from Iowa say that is going to mean there is going to be shoddy workmanship. I disagree. Maybe my colleague thinks that every building that is built in private, non-Federal Government construction is shoddy. I disagree. I happen to think that private construction holds up quite well as compared to Federal construction or Government construction or construction that has to comply with all the Federal Government rules and regulations.

I believe that a contractor, working with employees, can hire and decide who should be paid what. They should mutually decide what their wages should be. It should not be dictated and mandated by Washington, DC. Why in the world should we insist on a policy that goes all the way back to 1935, that says that all wisdom comes from Washington, DC, and that Washington, DC, Department of Labor, should set wage rates on every single little item, every single piece of work that is done dealing with Federal construction if the project amount exceeds $2,000? That is absurd, that is obsolete; it does not belong; it is discriminatory.

It hurts the blacks. It hurts the minorities. It hurts the Cubans. It hurts the Hispanics. Those are the populations with the largest unemployment rate. Those populations are very large in southern Louisiana, in southern Florida, and basically we are putting up a sign that says: "Need not apply. Do not apply unless you qualify for prevailing wage."

What contractor will go out and hire unskilled people, "in the helper classification," if they have to pay journeyman rates? They will not do it. They are not likely to go out and pay an unskilled, 18-, 19-, 21-year-old worker $17 an hour to do carpentry work. The chances are they are not going to do it.

If we allow this provision to stay in this bill, we are going to pass a law and make it a permanent law—it does not belong in a temporary urgent supplemental, but we are going to make it permanent law—that says you cannot hire helpers. The net result for taxpayers is too bad, too, because the 5-year cost is over $2.5 billion.

Some people around here—maybe a few people around here—are still concerned about the deficit. My concern about Davis-Bacon is financial for one but probably more so because it excludes so many people from the work force. It says if you cannot make this so-called prevailing wage doctrine, "need not apply." You are out of luck. The Federal Government rules and regulations prohibit you from working on this.

We have the same thing, same issue, same discussion, same debate, and probably the same result as when we debated the assistance to Los Angeles County as a result of the riots. This Senator tried to make the same exception as the Senator from Idaho. I looked up the prevailing wages in Los Angeles county. They are some of the highest wages anywhere in the country. The lowest wages in Los Angeles County, for unskilled labor, still was $25 an hour, $30 an hour in some cases. I thought, wait a minute, we are going to be asking Oklahomans who possibly are making $7 or $8 or $9 or $10 an hour to pay more taxes to pay off the debt, at least pay the interest on debt to be giving some jobs in Los Angeles County for $20, $25, $30 an hour. And we are telling a lot of people who lived in Watts, who lived in the burned-out areas, too bad, you do not get a job.

So they are going to sit by, unemployed. They have an unemployment rate in that part of Los Angeles County, I believe, of about 75 percent. We are going to tell them to sit back and watch as an outside contractor brings in high-skilled, high-wage workers to build up and rebuild these projects. Then they will have no investment in those projects. They will have no sweat equity in those projects. And unfortunately they will not have had the opportunity to learn a skill to start climbing that economic ladder.

One of the things that is good about a helper classification is they get a job, they get started, they know what it means to work, and they can become skilled. They work through the process. We are passing a law, if we allow this provision to stay in this urgent supplemental, that says "need not apply." Frankly, if you cannot make prevailing wage we do not want you to have a job. And we are going to be denying economic opportunity for hundreds of thousands of workers and, primarily, I will say, hundreds of thousands of minority workers in many areas of the country.

I think that is a serious mistake. I think it is a doubly serious mistake as it applies to Los Angeles, but also to the victims of the recent disasters of Hurricane Andrew. Certainly, if you look in southern Florida and Louisiana and now Hawaii, this makes no sense.

So, the Senator from Idaho is exactly right. I compliment him for his excellent argument. I wish we would have the votes to prevail. I do not know we do, but I think he is right.

When people see the outcome of this vote I hope they will come back to their Congressman or Senator and say: Wait a minute, do you believe in free enterprise? If someone says they believe in the free enterprise system and they vote against the Craig amendment, I think they are speaking with a forked tongue. Because his amendment is a free enterprise amendment. His amendment says that employers and employees should set wages instead of having it dictated by the Department of Labor, using, in many cases, obsolete, inaccurate, so-called prevailing wage surveys; surveys that do nothing but increase the cost of Federal construction and deny countless thousands of people economic opportunity.

I hope the amendment of the Senator from Idaho will be adopted and I thank him for yielding me the time.

The PRESIDING OFFICER. The Senator from Oklahoma yields the floor. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Idaho controls 12 minutes and 45 seconds. The Senator from Iowa has 6 minutes and 25 seconds.

Mr. CRAIG. Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will use 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I heard my friend from Oklahoma describe how he seems to think the Davis-Bacon statute operates, but he is not describing the law accurately. There is room in every Federal construction project for unskilled and semiskilled workers. The only thing that Davis-Bacon is saying is, if you hire that unskilled or semiskilled worker, rather than the Federal Government using its spending power to drive wages down, you should pay those workers what other employers in the community are paying to workers performing that kind of work.

So this idea that the Davis-Bacon Act prevents employers from hiring unemployed and unskilled workers, that just does not happen to be accurate.

I hope my friend from Oklahoma will identify where he gets his claim that unskilled workers are getting wages of $25 to $30 an hour. The average construction wage in this country, as I mentioned, is $14 an hour. And the average annual earnings for construction workers are between $18,000 and $21,000. Obviously, construction laborers and others at the lower end of the skill spectrum make, on average, even less than that. Our Republican friends want to go after people who are trying to provide for their families on $18,000 and less per year. That is really wonderful—very courageous. They are not after all those CEO's whose salaries have gone right through the roof, and who are passing those costs on down to the consumer. No, they do not talk about that. They are saying, let us go after construction workers that are trying to provide for their families on $15,000, $20,000 or even $25,000 a year. Let us get those workers and put their earnings at risk.

There is one final myth about these helper regulations which also needs to be exposed, and that is the myth that implementation of the helper regulations will save the Federal taxpayers millions of dollars by lowering the cost of Federal construction.

This myth is based on the premise that lowering the wages of workers on Federal construction projects necessarily results in lower construction costs.

Mr. President, let me go back on this question of how Davis-Bacon affects Federal construction costs to John Dunlop, the Republican former Secretary of Labor, who has studied this issue exhaustively. This is what Dr. Dunlop has said:

> There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower cost to the public.

The administration's conclusion that increased use of helpers will save tax dollars "was reached by use of a simplistic formulation which is wanting from an economists' point of view and which I find to be totally insupportable." Dr. Dunlop has stated:

> Its methodology is based on a formula which utterly fails to take into account of all the real economic factors and forces which contribute to costs on a construction project.

Dunlop continues:

> [I]n the real world helpers are used in a system which requires more supervisors and uses less journeymen than the system that does not use helpers. While in the former, wage costs may be lower, labor costs may be higher because of the greater costs of supervision.

In other words, you are going to need more supervisors with less trained and less skilled people.

> Also, increased use of the helpers quite frequently leads to lower productivity of workers, or inferior products.
>
> When more supervisors are needed, that will tend to balance off any assumed helper savings. If helpers cannot do the job as quickly as a qualified mechanic, then there may be no cost savings in fact.
>
> These and myriad other inquiries suggest that cost savings can only be arrived at after a comparative cost determination on the increased use of helpers, taking into account all relevant factors.

These are the statements of a Republican Secretary of Labor. And yet the argument being made in favor of this amendment is that you are being un-American unless you support it.

Mr. President, these helper regulations did not make sense before. They do not make any sense now.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized. He has 12 minutes and 31 seconds.

Mr. CRAIG. Mr. President, my colleague from Massachusetts is spending a fair share of the time this afternoon quoting a John Dunlop. Let me quote a Ralph Thomas, executive director of the National Association of Minority Contractors, when he said Davis-Bacon is poison to minority contractors. Why? Because they tend to hire helpers. They tend to try to bring in those who are truly out of work. In areas where there are high levels of unemployment, they themselves suggest that if you wish to expand the pie and bring more people into it, that these are the kinds of regulations they need to be able to effectively operate and to meet the criteria of Davis-Bacon.

Remember, we are talking in the area of helper regs, final regulations. We are talking in the area of apprentice programs proposed regulations and yet this supplemental appropriation will wipe them both out, will not even allow the Department of Labor to engage in discussions, to engage in decisionmaking with labor unions as to how we might take a 1931 concept and make it a 1992 expanded, modern concept that brings more of those people into the work force who are currently underemployed, who are unemployed or who are minorities locked inside of the poverty of an inner city. That is the issue at hand.

Mr. President, when Andrew swept through Florida a Democratic Senator from Florida and a Republican Senator from Florida and a Democrat Governor and a Republican President said we are going to help. People of Idaho and other States asked, "Where are you going to get the money? You have already $357 million in deficit. Where are you going to get the money?"

I said, "Well, we are going to borrow the money."

And that is what we are doing today. We are borrowing from the taxpayers of this country billions of dollars to help our citizens.

All I am suggesting is that when we do that we ought to be able to expand that dollar just a little more, make it do just a little more. CBO scores this and CBO says you can save 1.2 percent on all Federal construction with these regulations or it might suggest that you could build that many more homes, that many more federally assisted or federally funded projects for the dollars involved.

Mr. President, that is the issue at hand. All of the other arguments are arguments that have been used for 30 years. Let us look at the problems today. Let us look at the people who are out of work. Let us look at an opportunity for them to be employed, to be given or provided something meaningful with which they can learn and begin the upward process instead of to be denied because they simply cannot be afforded based on their level of skill. That is really the issue at hand.

I say save the helper, and the reason I am saying that is because without these amendmends, you will not save the helper; you will deny them the opportunity. You will force a level of wage that will ultimately produce a relatively small number of contractors who are not local, they travel the Nation, they do not put local people to work oftentimes, they bring their labor force with them.

Yes, my colleagues from Massachusetts said Federal regulations require a certain amount of training in apprenticeship programs, and that it does, and I am not arguing that. But I am also arguing it denies the helper because that is the regulation finally we are looking at that is banned. We are not looking at the proposal that is now banned.

In other words, this Senate today is saying you cannot talk about it: "Department of Labor, you cannot engage yourself in discussions that will expand and modernize the apprenticeship program even with the cooperation of organized labor in this country today."

That is phenomenally blind sighted. It is not even narrow sighted, it is blind sighted. But we will not even talk about trying to improve something that probably would expand the opportunity.

That is why I have offered this amendment, and I think the taxpayers of this country cry out for this kind of reform. It is reform that would save literally hundreds of millions of dollars annually and billions of dollars over a 5-year period and would allow us to do more for less.

That is the issue at hand, under the same standards of quality construction, under the same inspection standards. We are not talking about waiving any of that. We are talking about making sure that the job is done right, but when the job is done with the Federal dollar that we include more of our citizens in the process.

With that, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho yields the floor.

The distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Iowa has 2 minutes, 32 seconds. The Senator from Idaho has 7 minutes, 23 seconds.

Mr. HARKIN. I yield 1½ minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1½ minutes.

Mr. WOFFORD. Mr. President, since 1937, the Federal and State governments have shared the regulation of apprenticeship programs. This amendment would permit the U.S. Department of Labor to preempt the authority of State apprenticeship programs to set standards.

Before coming to the Senate, I was the Pennsylvania Secretary of Labor and Industry. For firsthand experience in overseeing Pennsylvania's apprenticeship programs, I know that the proposed Department of Labor regulations would undermine over 50 years of hard work in building quality apprenticeship programs in Pennsylvania.

At a time when we should be training our youth with increased skills, the proposed Labor Department regulations do the opposite. For example, if these regulations go into effect, the current minimum requirement of 144 hours of annual instruction, in addition to time on the job, is eliminated. In its place, the Department proposes to merely recommend that instruction approximate one-twelfth of on-the-job training time. Mr. President, this proposal will frustrate the training of skilled workers and creation of a highly skilled work force.

In addition, this proposal reduces the role of the States in apprenticeship training to an essentially meaningless one. State apprenticeship councils would be abolished. States would no longer have the authority to establish higher standards than the Federal minimum ones. Furthermore, under this proposal employers can temporarily employ apprentices in States other than where they are registered. This provision denies States and their apprenticeship councils any voice over apprenticeship standards and programs that will work in their own States.

So from personal experience, I ask that this amendment, which undercuts the ability of States like Pennsylvania to establish and maintain high quality apprenticeship programs, be defeated.

Mr. President, let us keep apprenticeship training at a high quality and reject this amendment and the Labor Department's proposed regulations. We need to build up our training programs and worker skills, not tear them down.

I ask unanimous consent that a letter on this amendment from the Pennsylvania Secretary of Labor and Industry be printed in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR AND INDUSTRY,
Harrisburg, PA, September 15, 1992.

Senator HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR HARRIS: It is my understanding that the Senate will vote today on an amendment which would strip language from the HHS/Labor appropriations bill which prohibits the Federal Department of Labor's apprenticeship regulations from going into effect.

I am writing to urge your active opposition to this amendment and to encourage you to support language in the bill which ensures the continuation of the Pennsylvania Apprenticeship Council and the integrity of apprenticeship programs in Pennsylvania. The attempt to "nationalize" the apprenticeship program will in effect preempt the programs of some 30 states, and will undermine the quality of apprenticeship programs in Pennsylvania.

Pennsylvania has an active apprenticeship council which has been able to successfully train thousands of highly skilled workers. The regulations proposed by the Department of Labor will only result in lower standards and a less skilled workforce for Pennsylvania.

I believe that it is essential for states like Pennsylvania who are proactive and are working to strengthen the skill level of our workforce to be given the flexibility needed to achieve those goals, as opposed to Federal standards which may be acceptable in some regions of the country, but inappropriate for others.

Sincerely,

THOMAS P. FOLEY,
Secretary.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I will close by saying, first of all, the Senator from Oklahoma is in the wrong. We do not pay journeyman's wages for apprentices. He is talking about hiring minorities. Sure, I suppose you could hire more minorities if, according to them, they want to hire them at substandard wages and keep them there without any hope of climbing up the ladder.

Mr. President, I mentioned about $20 an hour for some of these carpenters and others in Los Angeles County. If they are working about 1,400 hours a year, that is $28,000 a year.

Let us keep in mind what we are talking about. For laborers, the average national wage is $9 an hour. We are talking about less than $14,000 a year, Mr. President. Let us keep that in mind. Let us not destroy a good apprenticeship program that lets them make more money and feed their families.

Mr. DURENBERGER. Mr. President, I oppose the amendment offered by my distinguished colleague Senator CRAIG. The supplemental appropriations bill prohibits the Department of Labor from implementing the so-called helper regulations for Davis-Bacon, federally funded projects, and the Craig amendment seeks to strike that provision from the bill.

Mr. President, I have long been a supported of the Davis-Bacon Act. Under that law, contractors that perform public works construction projects must pay their workers the prevailing wage. This assures that the Federal Government does not undercut local wage conditions. At the same time, by assuring that workers receive the prevailing wage, the Davis-Bacon Act promotes quality construction. This is an important reason why I support Davis-Bacon. The American public should be assured that their tax dollars are well spent.

In the early 1980's, a question arose whether nonskilled construction workers could receive less than the journeyman rate. After a lengthy rulemaking process and litigation in the Federal courts, a determination was made that a contractor could pay less than the journeyman prevailing rate to nonskilled workers when the use of such helpers was the prevailing practice in the area.

The Craig amendment seeks to allow contractors to use helpers. In my view, this would have an unfortunate result. I believe that union-made products are generally of higher quality. Sometimes they cost a little bit more, but I have no doubt that the quality more than compensates for the cost. Employers claim that they could save millions of dollars by paying nonskilled workers less than the prevailing rate. But the American public gets what it pays for. By not paying the prevailing rate for construction work, the public receives inferior work product. In the long run, that ends up costing more money than would be saved by paying helper wages.

Mr. President, I support Davis-Bacon and, therefore, will vote against the Craig amendment.

The PRESIDING OFFICER. The distinguished Senator from Iowa yields the floor. His side has used its time. The distinguished Senator from Idaho has 7 minutes, 13 seconds.

Mr. CRAIG. Mr. President, let me conclude this debate on my amendment that would strike the provision to make permanent the ban on funding necessary for the implementation of the helper regulations and prohibit the ongoing proposed regulations on apprenticeship programs.

It has been argued that we are changing Davis-Bacon. I argue just the opposite. I suggest that the courts have already said the regulations on temporary helpers that my colleague from Iowa is attempting to ban at this moment and that this legislation would ban do conform.

I ask unanimous consent that we place in the RECORD the arguments of October 30, 1991, in the U.S. Court of Appeals for the District of Columbia. And those arguments say it does conform with Davis-Bacon. It reflects the intent of Davis-Bacon as it was proposed and argued decades ago, that it would work to develop the practices for local and private sector to improve those kinds of programs and that it would enhance the local environment.

The helper regulations move us in that direction. Denial of the implementation of those regulations moves us away from the very principle involved with this, so I suggest that the ban in the balance does change the Davis-Bacon Act, whereas my proposed amendment brings us back into conformity with the intent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S.App.D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.)

[U.S. Court of Appeals for the District of Columbia Circuit, No. 90-5345]

BUILDING & CONSTRUCTION TRADES DEPARTMENT, AFL–CIO, ET AL., APPELLANTS *v.* LYNN MARTIN, SECRETARY OF LABOR, ET AL.

Argued October 31, 1991; decided April 21, 1992.

Appeal from the United States District Court for the District of Columbia

(Civil Action No. 82-01631)

Terry R. Yellig for appellant Building and Construction Trades Department, Inc.

Robert J. Connerton, with whom Paul Greenberg was on the brief, for appellant Laborers' International Union of North America, AFL–CIO.

Robert M. Loeb, Attorney, Department of Justice, with whom Stuart M. Gerson, Assistant Attorney General, Jay B. Stephens, United States Attorney, and Anthony J. Steinmeyer, Attorney, Department of Justice, were on the brief, for appellees.

Jerry L. Hill and Mark Bredemeier were on the brief for amicus curiae Landmark Center for Civil Rights, urging that this Court uphold the validity of the helper regulations.

Maurice Baskin and Patrick J. Stewart were on the brief, for amicus curiae Associated Builders and Contractors, Inc., urging that the District Court's decision be affirmed.

Before D.H. Ginsburg, Sentelle and Henderson, Circuit Judges.

Opinion for the Court filed by Circuit Judge Sentelle.

Sentelle, Circuit Judge: The Building and Trades Department, AFL–CIO, and the Laborers' International Union, AFL–CIO, (the "unions") appeal from an order of the District Court vacating its injunction of the implementation of five regulations promulgated by the Secretary of Labor pursuant to the Davis-Bacon Act. The provisions in question regulate the wages and use of the "helper" class of workers on federal construction projects. We uphold four of the challenged provisions, but strike down as arbitrary and capricious a formula for calculating a cap on the ratio of helpers to journeymen on federal construction projects.

BACKGROUND

In 1931, Congress enacted the Davis-Bacon Act (the "Act"), 40 U.S.C. §276a et seq. (1986), to ensure that workers on federal construction projects were paid no less than prevailing wage rates in the locality of such projects. 74 CONG. REC. 6510 (1931) (statement of Sen. Bacon). As noted by this Court,

"[t]he evil sought to be remedied was that, with the precise specifications set out in federal contracts and the increasing standardization of building-material prices, the low-bidding contractor on a federal job was generally the one who paid the lowest wages. . . . The contractor would accomplish this by taking advantage of widespread unemployment in the construction industry and hiring workers at substandard wages, often bringing a low-paid crew in from distant areas."

Building and Construction Trades' Dept., AFL–CIO v. *Donovan*, 712 F.2d 611, 613–14 (D.C. Cir. 1983) (citations omitted), *cert. denied*, 464 U.S. 1069 (1984). Under the Act, the advertised specifications for each federal construction project in excess of $2,000 must contain minimum wage provisions for each class of laborer and mechanic based upon prevailing wages in the locality of performance as determined by the Secretary of Labor. 40 U.S.C. §276a(a) (1986).

Pursuant to the broad statutory mandate to set wages and classify workers, the Secretary of Labor has by regulation recognized several categories of workers and set out rules governing their employment on federal construction projects. Prior to 1982, the regulations permitted the use of the helper classification only where the tasks to be performed by helpers were defined and coud be differentiated from the duties of journeymen, and where the helper classification prevailed in the area where the contract was to be performed. Regulatory changes proposed in 1982 attempted to redefine helper as a "semi-skilled worker (rather than a skilled journeyman mechanic) who works under the direction of and assists a journeyman." 29 C.F.R. §5.2(n)(4) (1991). The new regulation went on to permit an overlap of duties between those of a helper and those of a journeyman. Where the older regulations had permitted the use of the helper classification in areas where that job title prevailed, the new regulation permitted the use of the classification where the use of helpers was an "identifiable" local practice. 47 Fed. Reg. 23,655 (1982). The regulation further permitted the use of no more than two helpers for every three journeymen. 29 C.F.R §5.5(a)(4)(iv) (1991).

The unions immediately sued to enjoin implementation of the 1982 helper regulations and several other of the Secretary's new proposals. Finding for the unions in part, the District Court enjoined implementation of the helper provisions. *Building and Construction Trades Dept., AFL–CIO* v. *Donovan*, 553 F. Supp. 352 (D.D.C. 1982). On appeal, we affirmed the District Court's judgment in part and reversed in part. *Building and Construction Trades' Dept.*, 712 F.2d at 633. We agreed that the Secretary had improperly permitted the use of helpers in localities where their actual use was merely "identifiable" as opposed to "prevailing." *Id.* at 624–26. However, we found acceptable the Secretary's broad definition of helper. *Id.* at 626–30. The District Court modified its judgment accordingly by rescinding its injunction as to the definition of helper, while leaving in place its injunction as to the test for whether helpers are "prevailing" and as to the other helper provisions. *Building and Construction Trades Department, AFL–CIO* v. *Donovan*, 102 Lab. Cas. (CCH) ¶34,648 (D.D.C. 1984). The District Court expressed its willingness to consider rescinding its remaining injunction if the Department of Labor ("DOL") revised the helper regulations. *Id.*

The Secretary proposed new helper regulations on August 19, 1987, 52 Fed. Reg. 31,366 (1987), and gave notice of their adoption on January 27, 1989, 54 Fed. Reg. 4234–44 (1989). Obedient to our holding in *Building and Construction Trades' Dept.*, that a "prevailing" use of helpers is more than merely an "identifiable" use, the new proposal set forth two alternative tests for determining whether the use of helpers "prevails" in a particular locality. The regulation provides:

"(1) If the prevailing wage for a particular journeyman classification is a wage that is paid to the majority of the journeymen . . ., then the practice followed by those contractors whose rates are adopted as prevailing for the journeyman shall also be deemed the prevailing practice in determining whether to issue a helper classification. Any ambiguity with regard to such practice, will be resolved by following the rule in paragraph (d)(2) of this section with respect to those contractors.

"(2) If the prevailing wage for a particular journeyman classification is the average of the wages paid to the journeymen, weighted by the total number of journeymen . . ., then the total number of workers in the classification employed by contractors utilizing helpers (journeymen plus apprentices, trainees, and helpers as defined in §5.2(n)(4) of this chapter) on reported projects will be compared to the total number of workers in the classification employed by contractors not utilizing helpers . . ., and the practice which covers the majority of such workers shall be deemed the prevailing practice in determining whether to issue a helper classification." 29 C.F.R. §1.7(d)(1)–(2) (1991).

In other words, where the Secretary verifies that the prevailing journeyman wage in a locality where a federal construction project is to be situated is the wage paid to the majority of journeymen in that locality, then the helper classification is deemed to prevail if contractors who pay the prevailing wage use helpers. The classification is deemed not to prevail if contractors who pay the prevailing journeyman wage do not use helpers. Second, if the Secretary has used a weighted average method to determine the prevailing wage for journeymen, then the Secretary compares the total number of workers employed by contractors in the area who use helpers to the total number of workers employed by contractors who do not. The practice followed by the employers of the larger number is deemed the prevailing practice. *Id.* In the present appeal the unions attack these new tests.

The 1989 regulations also revised the "conformance" procedure prescribed by the Secretary. The conformance procedure is a long-used device for adding an employee classification to the specifications of an existing government contract. Generally, the conformance procedure provides that whenever an existing contract does not contain a classification otherwise necessary to perform a government contract, the contracting officer may propose the appropriate classification and wage rate to the Administrator of the Wage and Hour Division, who is authorized to approve, modify, or disapprove the contacting officer's action within thirty days. *See* 29 C.F.R. §5.5(a)(1)(ii) (1991).

The revised conformance procedure provides that the contracting officer may approve an additional classification and wage rate only when the work to be performed is not already performed by a classification in the existing wage determination, the proposed classification "is *utilized* in the area by the construction industry," and the proposed wage rate bears a reasonable relationship to the wage rate contained in the determination. 29 C.F.R. §5.5(a)(1)(ii)(A) (emphasis supplied). The 1989 revision excepted the helper classification from the prohibition against performance of work already assigned to another classification in the contract. 29 C.F.R. §5.5(a)(1)(ii)(A)(*1*) (1991). Additionally, the Secretary of Labor, in a new provision, expressly added the requirement that "with respect to helpers . . . such a classification *prevails* in the area in which work is to be performed," 29 C.F.R. §5.5(a)(1)(ii)(A)(*4*) (emphasis supplied), not merely is "utilized."

On September 24, 1990, the District Court vacated the remaining portions of its injunction. It thereby rejected all of the unions' challenges, concluding that our prior opinion compelled it to uphold these regulations. *Building and Construction Trades Department, AFL-CIO* v. *Dole*, 116 Lab. Cas. (CCH) ¶35,395 (D.D.C. 1990). Subsequently, the unions appealed to this Court. The unions contend that the "prevailing" test undermines the purpose and objectives of the Act by, among other things, recognizing "non-prevailing practices." They further argue that the DOL's definition of helper subverts the purpose of the Act by allowing two or more worker classes to perform the same task. The unions also object to both of the 1989 modifications to the conformance procedures and to the cap of two-to-three on the ratio of helpers to journeyman employable on federal construction projects, 29 C.F.R. §5.5(a)(4)(iv) (1991), which remained unaffected by the 1989 modifications.

DISCUSSION

A. The appropriations bill rider

Before discussing the substance of the regulations, we first note that the unions object to the authority of the Secretary to implement the helper regulations. On April 10, 1991, Congress attached a rider to an emergency supplemental appropriations bill making funds available for the United States military operation in the Middle East. Dire Emergency Supplemental Appropriations for Consequence of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991, Pub. L. No. 102–27 §303, 105 Stat. 130, 151 (1991). The rider prohibited the Secretary from spending any funds to implement the helper regulations, stating:

"Notwithstanding any other provision of law, no funds shall be expended by the Secretary of Labor to implement or administer the [helper definition, the 2:3 ratio, the test for when helpers are prevailing, and the revised conformance provision] . . . or to implement or administer any other regulation that would have the same or similar effect."

Id. The unions argue that the rider is permanent legislation—a congressional directive barring implementation. They note that the rider has no expiration date apparent on its face and submit that when a rider's language suggests a congressional intent that it be made permanent law, this Court must respect that intent. See, e.g., *Elizabeth Norcross* v. *United States*, 142 Cl. Ct. 767 (1958). The difficulty with the unions' argument is that we see no evidence of a congressional intent that this rider be made permanent law.

While appropriation acts are "Acts of Congress" which can substantively change existing law, there is a very strong presumption that they do not, see *TVA* v. *Hill*, 437 U.S. 153, 190 (1978), and that when they do, the change is only intended for one fiscal year. See *Minis* v. *United States*, 40 U.S. 132, 15 Pet. 443 (1841); *National Treasury Employees Union* v. *Devine*, 733 F.2d 114, 120 (D.C. Cir. 1984); General Accounting Office, Principles of Federal Appropriations Law, 2–34 (1982). In fact, a federal appropriations act applies only for the fiscal year in which it is passed, unless it expressly provides otherwise. See 31 U.S.C. §1301(c)(2) (1991). Accordingly, a provision contained in an appropriations bill operates only in the applicable fiscal year, unless its language clearly indicates that it is intended to be permanent.

The unions argue that a clear intent to establish a permanent bar in this case is present in Congress' statement that "no funds shall be expended by the Secretary of Labor to implement or administer" the disputed regulations. The unions claim that the location of this statement in a rider attached to an act that did not appropriate any funds for that purpose further establishes clarity of intent to bar implementation permanently.

It is true, as the unions note, that the General Accounting Office (the "GAO"), in its publication, GAO, Principles of Federal Appropriations Law, recognizes that the absence of an appropriation for the purpose limited by the rider is some indication of permanence. Id. at 2–34—2–37. However, while the absence of such an appropriation may be useful in ascertaining congressional intent, standing alone it is not enough to indicate permanence. As the GAO has also stated, "the presence or absence of words of futurity remains the crucial factor, and the additional factors have been used for the most part to support a conclusion based primarily on this presence or absence." Id. at 2–37. Similarly, as GAO has explained, "a proviso or general provision [in an appropriations act] that does not contain words of futurity will generally not be construed as permanent." See id. at 2–34—2–35. Principally, courts have recognized that when Congress intends a provision in an appropriations bill to have permanent effect, it uses words of permanency or futurity (such as "to apply in all years hereafter"). See *Minis*, 40 U.S. at 134, 15 Pet. at 445; *Norcross*, 142 Cl. Ct. at 768. In this case Congress used no words of futurity or permanency. Consequently, we do not infer from the absence of an appropriation standing alone that Congress intended to impose a permanent ban.

The unions offer snippets of legislative history in support of their argument for futurity, but legislative history can only help to explain a statute; it cannot reconstruct it. The unions also stress the presence of the words "notwithstanding any other provision of law . . ." in the rider. Pub. L. No. 102–27, §303, 105 Stat. 130, 151. This language, however, goes to the breadth of the amendment's effect, not its duration.

In short, nothing in the rider affects the ability of the Secretary to promulgate the present regulations at any time other than during the 1991 fiscal year. The record before us indicates that the Secretary did not expend any funds to implement or administer the new helper regulations during the 1991 fiscal year. Therefore, the presence of the appropriations rider offers us no reason to find error in the District Court's order.

B. The content of the regulations

Having determined that the Secretary retains the statutory authority to implement the regulations, our function remains the same as it was for our previous review of these regulations. As we stated then, "our task is limited to ensuring that the new definition [of helper] is not one 'that bears no relationship to any recognized concept of [the statutory term] or that would defeat the purpose of the [statutory] program.'" *Building and Construction Trades' Dept.*, 712 F.2d at 616, quoting *Batterton* v. *Francis*, 432 U.S. 416, 428 (1977). In other words, we must ensure that the Secretary "is acting consistently with the purposes of the statute and that his choice is not arbitrary." *Building and Construction Trades' Dept.*, 712 F.2d at 618.

1. The Revised Tests for "Prevailing" Use of Helpers

The unions have in no way demonstrated that the Secretary acted arbitrarily in designing the new tests, or that the tests defeat the purpose of the Act by recognizing "non-prevailing practices." In striking the old "identifiable" standard, we concluded that it defeated the purpose of the Act. That is, if a federal project could use the helper classification in a locality where it merely could be "identified," but in which, for example, the majority of workers were on union projects not employing the helper category and were receiving higher wages than helpers, then according to any definition of "prevailing," the contractor on the project "would not be paying the wage prevailing for the corresponding class of workers in that city." *Building and Construction Trades' Dept.*, 712 F.2d at 625.

The new tests do not suffer from the same defect, especially as, between them, they cover each possibly applicable concept of "prevailing." Any federal project employing the helper category will reflect either the practice of contractors employing a majority of journeymen in the locality or a majority of workers engaged in relevant employment in a weighted average locality. In neither instance can the Secretary's determination that a practice prevails be said to be arbitrary or contrary to the Act's purpose of aligning wages on federal projects with local rates.

2. Definition of "Helper"

Under the rubric of "underclassification," the unions renew an attack on the definition of helper rejected by this Court in Building and Construction Trades' Dept., 712 F.2d at 626–30. The underclassification theory holds that the Act's attempt to mirror the local wage is subverted when a regulatory definition allows members of a lower paid and lower skilled class to be hired to perform tasks which a higher class normally performs in cases where tasks overlap. The unions contend that the supervision-based helper definition now proposed by the Secretary, rather than one based on task surveys, will bring work performed in the past by unionized laborers into the job description of lower paid helpers.

The short answer to this objection is that we already approved the definition in Building and Construction Trades' Dept. and, consequently, it will, as the law of the case, survive the present challenge. See 712 F.2d at 629–30. Furthermore, we remain fully satisfied with our treatment of this issue in our previous decision. As we discussed at length in the earlier opinion, the Secretary's statutory authority does not require task-oriented definitions. Id. Insofar as the unions' objection is based on the failure of the Secretary to employ task surveys in implementation of the regulation, that question is not before us. In this case we review its validity, not its implementation.[1]

The argument that the regulation sweeps "higher paid" laborers into the category of "lower paid" helpers is illusory. There is no reason in reviewing the facial validity of this regulation to believe that the unions' assumptions are accurate. That semi-skilled helpers will be paid less than unskilled or semi-skilled laborers is far from a foregone conclusion. In any event, the whole argument focuses on the styling of workers rather than either what they do or who supervises them, and, as we have noted, nothing in the statute requires the Secretary to implement "the union[s] classification scheme." Building and Construction Trades' Dept., 712 F.2d at 627.

The argument also ignores the proposal by the DOL before us here, which would give full weight to the wages normally paid to unionized laborers when calculating the "prevailing wage" to be paid to helpers. First, it would count as helpers all unionized workers who fit the helper definition. Then, if a helper classification is determined to prevail in the area, the wages normally paid to unionized laborers would be given "full weight" in the calculation of the prevailing helper wage. "Full weight," according to the DOL, means that "if these union workers are the majority of the helpers in the area, then, generally, their 'majority wage' will be paid to all helpers. And if they are not the majority, their union wage will still be accounted for in the weighted average used to establish the prevailing wage." Brief of Appellees Secretary of Labor, *et al.*, at 34.

We approve of, and consider this proposal a necessary interpretation of, the "prevailing" test. Thus laborers will be counted as helpers, and the helper wage will be either that paid to the majority of the average of the wages paid to the total employed in the helper class. This method is not only sensible, it is consistent with relevant provisions of the regulations. 29 C.F.R. §1.2(a)(1) (1991) in its entirety states:

"The *prevailing wage* shall be the wage paid to the majority (more than 50 percent) of the laborers or mechanics in the classification on similar projects in the area during the period in question. If the same wage is not paid to a majority of those employed in the classification, the *prevailing wage* shall be the average of the wages paid, weighted by the total employed in the classification."

3. Conformance Provision

The unions raise several challenges to the revised conformance regulation. First, they contend that under the regulation a helper classification can be added when it is not "prevailing" in the area. However, the regulation expressly refutes that contention: "The contracting officer shall approve an additional classification . . . only when . . . [w]ith respect to helpers . . . such a classification *prevails* in the area in which the work is performed." 29 C.F.R. §5.5(a)(1)(ii)(A)(*4*) (1991) (emphasis supplied).

Second, the unions assert that a contracting officer could add a helper class without DOL approval. This assertion also is simply incorrect. The conformance regulation expressly requires DOL approval before a helper class can be added, *see* 29 C.F.R. §5.5(a)(1)(ii)(B)-(C) (1991)—approval the DOL cannot grant unless the class prevails in the area.

They further object to the regulation's excepting the helper classification from the requirement that the work performed by the requested classification not be performed by a class already in the wage determination. They fear that his provision will allow a lower-paid helper classification to replace a higher-paid class of semiskilled laborers already in the wage determination and working under the supervision of a journeyman.

As explained by the Secretary upon adoption of the regulation, however, the revision to the conformance regulation accommodates the helper definition by allowing a helper's duties to overlap with a journeyman's duties. 54 Fed. Reg. 4240–41 (1989). At the same time, the regulation specifically prohibits the addition of a lower-paid classification to replace an existing classification of semiskilled workers, by providing that: "any class of laborers or mechanics, including helpers, *which is not listed in the wage determination* and which is to be employed under the contract shall be classified in conformance with the wage determination." 29 C.F.R. §5.5(a)(ii)(A) (1991) (emphasis supplied). By the terms of this section, if a class of workers whose members meet the helper definition is already listed in a wage determination (regardless of the name given to the classification in the wage determination), an additional helper classification would not be issued. Thus, if a laborer subclassification listed in the wage determination meets the helper definition, an additional helper classification would not be added to the contract. We therefore agree with the District Court that the revised conformance regulations survive the unions' challenge.

4. The 2:3 ratio

In 1982 the Secretary added to the helper regulations a cap of 2:3 on the ratio of helpers to journeymen. *See* 29 C.F.R. §5.5(a)(4)(iv) (1991). Neither this Court nor the District Court has ruled on the validity of the 2:3 ratio, but we noted in 1983 that we would not be barred from considering the issue later if it remained a part of any reissued regulations. *Building and Construction Trades' Dept.*, 712 F.2d at 624 n.7. Today we conclude that the regulation setting the ratio reflects a purely arbitrary choice without rational decisionmaking.

The basis upon which the forty percent cap was selected by the Secretary as the numerical limit on the use of helpers on Davis-Bacon projects is unexplained. Neither the 1982 regulations nor the Notice of Proposed Rulemaking which preceded the final rulemaking, *see* 52 Fed. Reg. 31,366 (1987), explains its origin. At oral argument, counsel suggested that the Secretary may have relied on a ratio of nonjourneymen to journeymen found in a particular project agreement negotiated by the Building and Construction Trades Department, AFL–CIO, but the Secretary has provided no justification for making it a national standard. The administrative record shows little consideration of the ratios appearing in the industry and only minimal experimentation with a 1:5 ratio. *See* 46 Fed. Reg. 41,463 (1981).

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[1] We do not understand the use of the supervision-based definition to preclude any role for task-based surveys in implementation.

Such an unsubstantiated imposition of a fixed ratio in a regulatory scheme based on a statute designed to implement prevailing practices represents the very essence of arbitrariness. It is true that a regulation must be sustained as long as the agency has articulated a reasonable basis for its decision. *American Trucking Associations, Inc.* v. *ICC*, 697 F.2d 1146 (D.C. Cir. 1983). Here, however, all the agency has done is to state that a 2:3 ratio better reflects industry use of helpers than did the 1:5 ratio. 55 Fed. Reg. at 50,148–49 (1990). To state a conclusion is not to reason. We therefore reverse the District Court's vacation of its injunction as to the 2:3 ratio.

CONCLUSION

We affirm the District Court's vacation of the injunction against enforcement of 29 C.F.R. §§1.7(d), 5.5(a)(1)(ii)(A)(*1*), and 5.5(a)(1)(ii)(A)(*4*). In so doing, we uphold the revisions of the "prevailing" test and of the conformance provision. However, we reverse the District Court's vacation of the injunction against the enforcement of 29 C.F.R. §5.5(a)(4)(iv), the formula of 2:3 for calculating a cap on the ratio of helpers to journeymen on federal construction projects, and invalidate this one provision as arbitrary and capricious.

Affirmed in part and reversed in part.

Mr. CRAIG. What are we talking about? The ability to take billions of Federal dollars, taxpayers' dollars, deficit dollars, borrowed dollars, and spend them wisely to build for people who are in need, to put people who are out of work to work, to give them meaningful skills and meaningful tasks to be able to provide for themselves and their families, and to do so in a cost-effective and a cost-efficient way, to save 1.2 percent annually on all federally paid for construction or to be able to use that money for expanded purposes, to save hundreds of millions of dollars annually or billions of dollars over the 5-year proposal.

That is the intent. You can use all of the other arguments you want that have been used on the floor for years and years.

Mr. President, let me suggest that this is a new time and I would hope a different place. When this Nation and its people cry out for fiscal responsibility from this body, when we are $300-plus billions in deficit and $4 trillion, give or take a few billion, in debt, that we would try to be wise and judicious while trying to help all others. And that is the reason this administration has moved these regulations; that is the reason the Secretary of Labor has said she will recommend to our President a veto of this supplemental until this Congress cleans it up and they clean it up by taking off the ban.

So we are talking about a little flexibility, a change in place and a change in time for Federal contracts to be operated in 1992 versus the context of the 1930's.

Those are the issues at hand. That is why the amendment is offered. With those thoughts, I yield back the remainder of my time.

The PRESIDING OFFICER. The distinguished Senator from Idaho yields back the remainder of his time. All time has expired.

The question now is on agreeing to the amendment offered by the distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—37

Bentsen
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Dole
Garn
Graham
Gramm
Grassley
Hatch
Helms
Jeffords
Kassebaum
Kasten
Lott
Mack
McCain
McConnell
Nickles
Nunn
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Symms
Thurmond
Wallop
Warner

NAYS—58

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gorton
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wirth
Wofford

NOT VOTING—4

Domenici
Gore
Lugar
Murkowski

So the amendment (No. 2990) was rejected.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, no action having been taken on the committee amendment which appears on page 16 of the bill, lines 1 through 6, under the rules the manager of the bill has the right to withdraw the amendment if he is authorized by a majority of the Appropriations Committee to do so.

Twenty-four out of the 28 members of the committee have authorized me to withdraw that amendment and I so withdraw it.

The PRESIDING OFFICER. The Senator has that right as chairman of the committee and the amendment is withdrawn.

Excepted committee amendment on page 16, lines 1 through 6, was withdrawn.

Mr. BYRD. Mr. President, I will very shortly yield to the distinguished majority leader, but I want to say to Senators that I think we can wrap up final action on this bill within 10 minutes if we have everybody's cooperation.

I yield to the majority leader without losing my right to the floor.

The PRESIDING OFFICER. The majority leader is recognized.

APPOINTMENT OF THE CHAIRMAN OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be read and immediately considered.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 340) to appoint the chairman of the Committee on Environment and Public Works.

S. RES. 340

Resolved, That the Senator from New York, Daniel Patrick Moynihan, be and he is hereby, appointed chairman of the Committee on Environment and Public Works.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 340) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, we are moving toward completion of the supplemental appropriations bill and I will, therefore, be brief in my remarks.

I merely want to say that this action reflects the confidence which all Members of the Senate have in the ability, the integrity and the leadership of the distinguished Senator from New York [Mr. MOYNIHAN] and I take particular pleasure as a member of that committee in welcoming and congratulating our distinguished colleague for his chairmanship.

I ask my colleagues to join me in that.

[Applause, Senators rising.]

Mr. MOYNIHAN. Mr. President, I would like to express with less emotion than I feel my thanks to the Senate, thanks to my colleagues of the caucus, and my dear friends Senator CHAFEE and Senator SYMMS who are here. I join a succession that goes back to 1819, as the President pro tempore knows. In this committee the most recent chairmen include our beloved Jennings Randolph, Bob Stafford and, of course, the late Senator Burdick. If I dare not hope to equal their achievements, I shall hope I might equal their standards. I certainly shall attempt to do so.

I thank the Senate and I thank the President pro tempore.

The PRESIDING OFFICER. (Ms. MIKULSKI). The Senator from Rhode Island.

Mr. BYRD. I have the floor. I yield to the distinguished Senator from Rhode Island.

Mr. CHAFEE Madam President, I want to say as the ranking Republican on the Committee that we are absolutely delighted that Senator MOYNIHAN will be our chairman. He has been an outstanding leader on this committee. He has been on it I believe ever since he has been in the Senate. We both came to the Senate the same time, 16 years ago and, Senator MOYNIHAN has been a very, very valuable leader of that committee and we are proud of that committee.

We are delighted that the majority leader is on it. We are delighted that the Republican whip is on it. And we are absolutely certain that under the leadership of Senator MOYNIHAN it will continue the high standard of those who have gone before since we have been on it. As the Senator from New York mentioned Jennings Randolph was our leader for many, many years and then Bob Stafford and then Senator Burdick.

I must say I am not getting into how long Senator MOYNIHAN will be the chairman of the Committee, because those things go, as we know, in cycles. One party or the other party takes over. But as long as he is there we have absolute confidence he will do a superb job and we wish him well.

Mr. BYRD. Madam President, Plato thanked the gods for permitting him to live in the age of Socrates. I thank the benign hand of destiny for permitting me to live and serve in the Senate at a time when the distinguished Senator from New York [Mr. MOYNIHAN,] has served on that committee and will now serve as the chairman of the committee with a degree of dignity, fairness, aplomb and poise so rare as a day in June. And I personally commend my good friend, the Senator whose heart is as stout as the Irish Oak and as pure as the lakes of Killarney.

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2991

AMENDMENT NO. 2992

AMENDMENT NO. 2993

(Purpose: To make agricultural producers who have suffered damages as a consequence of a microburst wind occurrence eligible for disaster assistance from Emergency Crop Loss Assistance, Emergency Livestock Feed, and loan guarantees from the Rural Development Insurance Fund)

AMENDMENT NO. 2994

(Purpose: To require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes)

Mr. BYRD. Madam President, I offer on behalf of Senator HATFIELD, my colleague, four amendments en bloc: One by Mr. SANFORD, one by Mr. LEAHY, one by Mr. JEFFORDS, and one by Mr. INOUYE and Mr. STEVENS and I ask unanimous consent that they be considered en bloc, agreed to en bloc, the motion to reconsider laid on the table and statements in explanation of the amendments be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, these have been agreed to on both sides.

So, the amendments (No. 2991, No. 2992, No. 2993, and No. 2994) were agreed to en bloc as follows:

AMENDMENT NO. 2991

On page 2, line 24, after the word "Jersey." insert the following new paragraph:

"Notwithstanding section 318(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(d)), amounts provided pursuant to Public Law 101-162 for the acquisition of Buxton Woods shall remain available to the State of North Carolina through September 30, 1993.".

BUXTON WOODS AMENDMENT

Mr. SANFORD. Madam President, I want to thank the distinguished Chairman Senator BYRD and Senator HATFIELD for agreeing to include my National Oceanic and Atmospheric Administration [NOAA] amendment to H.R. 5620.

This amendment is very simple. It allows the State of North Carolina an additional year to receive its Federal share of a NOAA Coastal Zone Management Act grant to preserve a portion of the Buxton Woods on Hatteras Island. This amendment has no spending impact since the funds appropriated in fiscal year 1990 were made available until expended.

Madam President, this is a small amendment, but a very important amendment. Buxton Woods is a unique maritime forest standing on the Outer Banks. Preservation of this forest was a high priority to my good friend, Congressman WALTER JONES. As chairman of the House Merchant Marine and Fisheries Committee he worked tirelessly to help preserve this environmentally sensitive habitat.

I know all of my colleagues were saddened to learn that Chairman JONES passed away earlier today. And, I think it is appropriate to honor our good friend today with the passage of this amendment.

AMENDMENT NO. 2992

On page 6 of the committee reported bill beginning on line 16 strike the matter up to the period on line 17 and insert in lieu thereof: "shall remain available until September 30, 1993".

Mr. INOUYE. Mr. President, this amendment will extend the availability of funds provided in title II of this act for environmental funds for the Defense Department.

Mr. President, the House included an amendment which would require that the funds provided for environmental restoration and compliance be obligated and expended prior to the end of the fiscal year. The Defense Department originally stated that it could meet this requirement if the legislation was enacted by around September 15 to September 20. Therefore, the committee agreed with the House provision.

We now are informed that the Defense Department will not be able to obligate all of these funds prior to the end of this fiscal year. Therefore, the amendment I am offering would extend the availability of these funds so that they could be used effectively by the Department of Defense for environmental cleanup.

Mr. President, this amendment will decrease outlays in the current year and increase them in fiscal year 1993. Therefore, the committee will be required to lower its planned 1993 outlays. Even though we will be forced to make adjustments in our fiscal year 1993 bill, the benefits gained by allowing these funds to be obligated more judiciously instead of rushing to spend the funds in the next 15 days outweigh the adjustments in the 1993 bill.

AMENDMENT NO. 2993

At the end of the line 2, page 32 add:

"Notwithstanding any other provision of law or statute, any producer of crops and livestock who has suffered at least 40 percent loss to a program crop, 25 percent loss of livestock, and damage to building structures in 1992 as a consequence of a microburst wind occurrence shall be eligible for Emergency Crop Loss Assistance and Emergency Livestock Feed assistance as set forth in the Disaster Assistance Act of 1990, Public Law 101-624 (7 U.S.C. 1421 note), and loan guarantees from the Rural Development Insurance Fund program (7 U.S.C. 1929a)."

AMENDMENT NO. 2994

At the appropriate place, insert the following new section:

SEC. . WORKERS' FAMILY PROTECTION

(a) SHORT TITLE.—This section may be cited as the "Workers' Family Protection Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereinafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers'.

(B) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(vi) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(A) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director, in cooperation with the National Institute of Environmental Health Services, shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars and a review by the National Research Council, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagrpah (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

Mr. BYRD. Madam President, as far as I know there is only one amendment that remains to be acted upon, an amendment by Mr. GRAHAM, and that as far as I am concerned will be accepted on the part of both managers. So that has been agreed to.

How much time does the Senator need?

Mr. GRAHAM. Madam President, I am delighted as what the chairman just said to do this in very quick time. I would like 2 minutes and then my colleague from Florida and I believe the Senator from Georgia would like to make a few comments on this amendment.

Mr. BYRD. Madam President, I ask unanimous consent that the time on the amendment be limited to 6 minutes to be equally divided between Mr. GRAHAM and Mr. MACK in accordance with the usual form, that on disposition of that amendment, only one amendment, one possible amendment remain, an amendment by Mr. SPECTER. We should know shortly as to whether or not he intends to offer that amendment. So it is with the understanding that I am not asking for a time limitation on the Specter amendment; I am simply seeking to limit further amendments to one amendment by Mr. SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 2995

(Purpose: To make an additional appropriation for the Department of Defense for military construction activities at Homestead Air Force Base, FL)

Mr. GRAHAM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. MACK, and Mr. NUNN, proposes an amendment numbered 2995.

Mr. GRAHAM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, between lines 12 and 13, insert the following:

For an additional amount for "Military Construction, Air Force", $66,000,000, for the limited purpose of restoring airfield operations, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions pending completion of the 1993 Base Closure process.

Mr. GRAHAM. Madam President, this amendment focuses on the two functions which are currently being conducted at Homestead Air Force Base. One of those functions is the operation of an active Air Force wing, the 32d Tactical Fighter Wing.

This amendment expressly states that no funds under this amendment are available for construction of facilities to support those active Air Force uses. The future of those activities will be determined by the Base Closure Commission of 1993. It will be in the hands of that impartial entity to determine what the future of Homestead Air Force Base as an operational mission base shall be.

However, Homestead Air Force Base serves an important second function as the landlord, the hosts, of some 30 other civilian and defense missions ranging from major customs facilities, which are used for drug interdiction, to a Federal prison site. This will provide the funds for the restoration of those necessary functions to allow those tenant activities to continue at Homestead Air Force Base while a judgment is being reached on its future function as an operational Air Force facility.

Madam President, I wish to particularly thank our distinguished chairman, Senator BYRD. I also thank Senator NUNN; my colleague, Senator MACK; as well as Governor Chiles, staffs of all of the above, and others who have been actively involved in developing this important amendment, for which I urge the Senate's adoption.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Florida.

Mr. MACK. Thank you, Madam President.

First of all, I had intended to offer an amendment restoring the entire $480 million for construction at Homestead Air Force Base in order to get it back to its condition prior to Hurricane Andrew.

I understand the sentiments of the Senate. And I want to say at this point that I appreciate the efforts that have been made on behalf of Homestead Air Force Base and the citizens of south Florida. I thank Senator GRAHAM and Governor Chiles for their efforts, as well as their staffs. And I would like to extend particular thanks to Senator BYRD, the distinguished chairman of the Appropriations Committee, for his sensitivity in working through these issues and extending vital help to the people of the State of Florida.

I have focused particularly on the importance of Homestead Air Force Base, because I see it as the anchor economic activity in this storm-ravaged region. We must move forward to someday restore that base to full operation, because it is again a shining symbol of hope for the people of Homestead and the surrounding area. Eight thousand small businesses were destroyed by Hurricane Andrew, and thousands of homes were demolished. If we are in fact, going to offer the people of south Florida a brighter future, we must commit ourselves to rebuilding Homestead Air Force Base back to the full strength and capability with which it has served America so long and so well.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. BYRD. Madam President, I ask unanimous consent that I may speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I am willing to accept the amendment offered by the distinguished senior Senator from Florida [Mr. GRAHAM] and cosponsored by the distinguished junior Senator from Florida [Mr. MACK] to provide $66 million in order to restore airfield operations at Homestead. It is my understanding that the money will be used for, and only for the restoration of the aircraft control tower, navigational aids, fuel facilities, and runway, and associated environmental rehabilitation in order to put the airfield into operational condition. This does not authorize the Air Force to operate the facility as an active military base, and I am assured that the amendment specifically excludes that contingency so as not to preclude the decision-making process and power of the Base Closure Commission.

Thus, the amendment reads that none of the $66 million is "available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions pending completion of the 1993 Base Closure process." It may well be, Madam President, that this airfield will in the future be utilized for civilian operations. We are not prejudicing the case with this amendment one way or the other. We are only putting back into operation the basic airfield facilities which will allow it to be used for air operations in the future. This is one task that can be performed without being included in the planning process for the overall base that I alluded to in my earlier remarks, that is part of the base closure process, and so I am pleased to accept the diligent work of the Senator from Florida in his efforts to attend to repairs which can be done in this urgent supplemental, over the next 6 months.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I rise to support the amendment that has now been offered by the Senators from Florida, Senator GRAHAM and Senator MACK.

I visited Homestead Air Force Base and the surrounding community about 10 days ago. I witnessed firsthand the devastation of Hurricane Andrew on the entire region. It was a sobering experience and one that helps me appreciate the serious needs—both short-term damage repair as well as long-term economic redevelopment—of the people of the area.

I also appreciate the important role which Homestead Air Force Base plays in the economy of the region, and I can certainly sympathize with those who would restore the base to its full mission capability.

However, Madam President, as I stated last week, I do not believe that the decision to rebuild Homestead Air Force Base should be made at this time. The expected drawdown of Air

Force units around the country and the anticipated closure of additional air bases both argue that the future of Homestead AFB as a major Air Force operating location ought to be decided within the overall context of Defense Department needs. This is exactly what the defense base closure and realignment process is meant to do. A new commission will be nominated early next year, and I would expect that it would carefully consider the difficult question of the future of Homestead Air Force Base.

I do support the amendment to restore the airfield operations, because it does not prejudge the work of the Base Closure Commission.

Madam President, let me state what I understand the amendment does do, and what it does not do. If I am in error on this, I would certainly invite the correction.

First of all, what the amendment would not do:

It would not fund restoration of the base to its "prestorm" status as a major F-16 base for the active and reserves.

Second, it would not reconstruct the mission facilities supporting other Defense Department activities, or those of other Federal agencies.

Third, it would not prejudge the 1993 recommendations of the Secretary of Defense regarding needed base closures or realignments, nor the independent deliberations of the Defense Base Closure and Realignment Commission.

Madam President, what the amendment would do, as I understand the amendment, is it would restore the airfield—that is, the runway, air traffic control complex, utilities, and aviation support infrastructure—to an operational status.

Second, it would fund the environmental cleanup associated with storm damage. This is a governmental liability, whether the base is restored to its former military mission or converted to civilian use, or redeveloped for other purposes. Timely cleanup usually saves money. And that is what we would be doing in this instance.

Third, it provides the Air Force and the Homestead community with an operational aviation asset upon which to plan the return of some or all previous military activities, or to plan redevelopment as a civil airport, possibly supporting some lesser military presence, or to provide industrial development possibilities with a very significant asset and very powerful sales tools.

Madam President, those are my understandings of the amendment.

I congratulate the Senator from Florida, as well as the Governor of Florida, who have worked diligently to reach this point.

I know they would prefer to have the full restoration but I think they have made the best possible and constructive step here that is possible to offer at this time.

I yield the floor.

Mr. BYRD. Madam President, I ask unanimous consent that Mr. LAUTENBERG be permitted to offer an amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. All time on this amendment has expired. Therefore we will now move to the adoption of this amendment.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2995) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, the bill is open to amendments by Mr. LAUTENBERG and by—and/or by Mr. SPECTER. I hope that those two Senators will decide not to offer their amendments but they certainly have a right to do so. I would, therefore, hope that we would see the door open and also see coming through that door, one or both Senators with their amendments in hand.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I am advised there is a desire to have a rollcall on final passage. I, therefore, so that all Senators will be on notice there will be a rollcall, ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Madam President, I think it is appropriate to note at this moment, as the Senate moves to a conclusion of this supplemental appropriations bill, that there are an awful lot of people throughout this country that those States deserve to say a big thank you to. I think Americans are unique in times of natural disasters or in times of emergencies, in the sense that all Americans respond to natural disasters and all Americans show a desire to be of help.

In my State of Louisiana, as well as the State of Florida, we saw countless thousands of individuals getting in their own vehicles, in their own trucks, and driving to my State of Louisiana just to be helpful—not getting paid, not particularly doing it for any reason other than out of the kindness of their hearts.

That is the true spirit of America that I think we saw so clearly in these two tragic events, and now the event in the State of Hawaii.

I think we all owe a particular debt of gratitude for the prompt response that the Appropriations Committee under the very able leadership of the chairman has shown in presenting to this Congress, in such a quick fashion, the moneys that are needed to reach out to those countless thousands of people who are in destitute circumstances because of events that are beyond their control. The committee, under the leadership of the Senator from West Virginia, shows that the Congress really in a sense belongs to all of us, in the sense that every American can feel very proud of their Government and the response they are getting from the appropriate committees that address these issues in the Congress.

Over half of my State of Louisiana is a declared disaster area. Thousands and thousands of people have had their lives changed, their businesses destroyed, their homes lost, and even countless injuries that they have experienced during these tragic times. So, while dollars are never going to replace some of those memories that have been lost, certainly funding in an adequate fashion is a major part of that recovery that they need so desperately.

i just want to say, as one Member of the Senate, a particular note of appreciation for my colleagues who have supported and will support this legislation and in particular the distinguished chairman of the Appropriations Committee for his very prompt response in a manner that we can only say thank you, as well, to.

I yield the floor.

Mr. BYRD. Madam President, I thank the distinguished junior Senator from Louisiana for his overly charitable remarks. I want to thank him and his staff for their efforts, which were most helpful and which made it possible for us to expedite the work in such a fashion.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, the hour is late. The Sun is rapidly descending toward the western hills. The shadows are lengthening. If a Senator is not on the floor within 15 minutes to call up his amendment, I will move to third reading and get the yeas and nays on that motion. And so the time is, I believe, 20 minutes of 6 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Only two amendments are in order. One of the Senators has indicated he will not call up his amendment if the other Senator does not call up his. So we will wait 15 minutes. And if no Senator appears on the floor by that time, then I will move to go to third reading and, if necessary, ask for the yeas and nays on that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 15 MINUTES

Mr. BYRD. Madam President, with the foregoing statement very much in mind, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 5:42 p.m., recessed until 5:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

Mr. SANFORD. Madam President, I rise in support of the emergency supplemental appropriations bill that is directed toward assisting the victims of natural disasters. The hurricanes, storms, and typhoons that ripped through Florida, Louisiana, Hawaii, and Guam, left many folks homeless, and their businesses completely destroyed. Devastation by natural disaster demands cooperation from everyone. As only fate would have it, a natural disaster occurred in North Carolina on September 10, 1992. An unexpected freak cloudburst shed tremendous amounts of rain in western North Carolina severely flooding the Cherokee Reservation in Swain County, NC.

The ravages of the flood destroyed major aquaculture projects located on the reservation—the livelihood of many of the folks. I am pleased to note that this important emergency legislation has a provision under the Department of Agriculture's Commodity Credit Corporation that covers "the incremental costs arising from the consequences of Hurricane Andrew and other natural disasters during 1992, up to $100,000,000 for payments to aquaculture producers * * *." Madam President, I am particularly pleased to see that this bill recognizes the importance of helping folks suffering from all natural disasters, not just those of Hurricane Andrew. I am pleased that the folks of North Carolina will be able to take advantage of this disaster funding to help them recover their businesses.

Mr. BREAUX. Madam President, I rise in support of the supplemental appropriations bill and thank the distinguished chairman of the Appropriations Committee for his expeditious consideration of this bill.

We all watched with dismay as Hurricane Andrew devastated areas of Florida and Louisiana, and recently as Hurricane Iniki struck Hawaii. These hurricanes made war zones out of the impacted areas. The damage from Hurricane Andrew is estimated to be the costliest in history.

In Louisiana alone:

Nearly half the State has been declared a disaster area with 23,121 disaster assistance applications filed;

Nearly $300 million in agricultural losses have been documented; and

Over 200 million fish have been killed.

The provisions in this bill will provide much needed assistance to the citizens of Florida, Louisiana, Guam, and now Hawaii, to rebuild their lives. The bill contains important assistance for individuals, small businesses, and farmers in the forms of grants, loans, and loan guarantees. The bill provides $7.5 billion in emergency funding, which is the level of support requested by the President. In addition, this bill contains many other assistance payments that can be released only after the President makes an emergency determination and requests the funds. Unfortunately, the tight Federal budget precludes full funding of all the need that is out there.

Clearly, these disasters have created an emergency. I am hopeful that when Congress clears a bill for the President, and if the final version of that bill contains this type of conditional funding, that the President will quickly make the emergency determinations necessary to release the funds so that farmers, fishermen, and other small businessmen can get back to work.

This bill is vitally important, and I commend the chairman of the Appropriations Committee for a fair bill given the high level of need and tight budget constraints. After the damage is repaired, Congress needs to take a long hard look at the Federal disaster relief system. I have contacted both Senator MOYNIHAN, chairman of the Environment and Public Works Committee and Senator RIEGLE, chairman of the Banking Committee, both of which have jurisdiction over FEMA, requesting hearings on our current emergency response system.

After Hurricane Hugo ravaged the South Carolina coast in 1989, victims complained bitterly that the Federal Emergency Management Agency [FEMA] was slow to respond to the catastrophe. Now, 3 years later, similar criticism has been leveled against FEMA in the face of a natural disaster which is the costliest in our Nation's history. In fact, the committee report accompanying this bill, expresses the dissatisfaction of the committee with FEMA and the current response system. Although, in Louisiana I witnessed good cooperation between the Federal officials working with Governor Edwards and local officials to assist our citizens, I do believe that the system itself can be improved. In Florida, we have seen real confusion and delays that have caused unnecessary suffering.

There is confusion over who is in charge. Is it FEMA, the Department of Defense or the Department of Transportation? Such confusion has led to spoilage of donated food and the discard of clothing left lying in mud puddles. Although FEMA is a civilian agency whose primary mission is to develop Federal response plans to disasters, it is not equipped under the current system to launch a relief effort in the immediate aftermath of a disaster. A closer look may reveal that the fault of a slow Federal response does not solely lie with FEMA, but lies with the disaster relief system currently in place.

Immediately after Andrew hit Florida and Louisiana, those areas resembled war zones. When a hurricane like Andrew hits, there are no communication services since telephone lines, radio and television facilities are rendered inoperable. There are injured citizens. There is no food, shelter, or fresh water. In Florida, there are real personal security risks posed by looters and other criminals. FEMA clearly does not have the resources to make an immediate response to these needs, the Department of Defense [DOD] does.

In the Oil Pollution Act of 1990 the Congress established an emergency oil response system. Strike teams are in place that can be immediately dispatched when an oil spill has occurred. Oil spill equipment is strategically placed so that it is readily available in the case of oilspills. Oil spill response plans are developed by vessel owners and operators and by areas that are at the greatest risk of oilspills. We can use this law as a possible model for disaster response and establish strike teams, staffed by DOD for National Guard personnel, that have the clear authority and resources, without FEMA's or any other agency's direction, to provide immediate relief to the impacted areas. Also needed, are prepositioned emergency supplies that can be readily accessed in the event of a disaster.

I am hopeful that once this bill is signed by the President, we can begin looking at improving the disaster response system. Once again, I thank the distinguished chairman from West Virginia and yield the floor.

WORKERS' FAMILY PROTECTION ACT

Mr. JEFFORDS. Madam President, I know there is great pressure to keep this bill clean so as to speed aid to the victims of recent disasters. It is not my wish to impede enactment of this bill. However, the year is coming to an end and many important issues have not been addressed by this Congress. This may be one of the last bills the President signs; thus, I see little choice but to offer an amendment to this bill.

Before discussing this amendment, however, I would like to make one point about the recent disasters. While I feel compassion for the victims, I must also express my concern that citizens of many States time and time again have to pay for the foreseeable disasters in other States. We are forced to subsidize the mistakes of others. Let me give an example.

Many homes were destroyed in south Florida. Many of these same homes, however, were not built in compliance with local building codes designed to prevent hurricane damage. Habitat for Humanity built, I believe, 15 homes in south Florida that were directly in the hurricane path. They were built to code. They are still standing. Why should citizens of my State continue to have to pay to replace shoddy construction? Every one knows hurricanes hit Florida, that is why tourist rates are lower this time of year. Hurricanes are not unexpected. I question whether or not it is fair for Vermonters, or South Dakotans, or Oklahomans to have to pay billions to rebuild houses not built properly in the first place.

Wait until the big earthquake hits Memphis. Everyone knows it is coming, but building codes in this area are much less restrictive than, say, California's codes even though because of the soil characteristics the potential for damage is far greater. Someday we will be back on this floor providing emergency relief in the billions for Memphis, TN. It seems to me that before we are called on to provide billions, the State and local governments have to do their part to enact and enforce effective legislation to reduce the potential costs of disasters. We do not give States their highway funds if they do not meet any number of conditions, why not have some basic criteria for disaster relief assistance. How about some assurance that Florida is going to enforce its building codes so that the next time a hurricane strikes, Vermonters are not paying for Florida's mistakes? I urge my colleagues, in conference, to place some conditions on this money, such as some guarantee that rebuilt homes will meet codes.

Now for the amendment at hand. This amendment has passed the Senate three times, the last time as part of the NIH conference report which was vetoed. I know of no opposition to this bill from labor, industry, the administration, or anyone else. In fact, labor, environmental groups, childrens' groups, health groups all support enactment of this amendment.

So what is the amendment? It is the Workers' Family Protection Act which is based on a bill cosponsored by Senators CHAFEE, CONRAD, DODD, D'AMATO, MOYNIHAN, GLENN, LEVIN, LIEBERMAN, REID, SASSER, METZENBAUM and others. The amendment is identical to S. 353 which first passed the Senate on February 19, 1992. I realize a few staff are now scrambling to find out what they can about this bill. The text of the bill can be found on page S1699 of the February 19 CONGRESSIONAL RECORD. The House also agreed to inclusion of the measure in the NIH bill; thus, both Houses have acted favorably on the bill. Unfortunately, it became a casualty of the abortion debate when it was contained in the NIH bill. I fear the same result when NIH comes before the Senate again.

What problem does the amendment address? It addresses the problem of workers inadvertently carrying toxic materials out of the workplace on their clothing into their homes. Exposure to family members results sometimes with disastrous results. Let me give a few examples.

In Arizona, a 3-year-old girl died from liver cancer resulting from arsenic exposure in the home. The father worked with arsenic at a copper smelter. In Hawaii, pesticide workers had 10 times the levels of arsenic in their homes than nonpesticide workers' homes.

In Kentucky, workers at a laundry contaminated their homes with asbestos as a result of removing insulation at work. They asked their employer for permission to change their clothes at work before going home and were told "no." Then they were fired when their homes were found to be contaminated. Auto workers in Michigan have had their homes contaminated with asbestos, as have North Carolina textile workers, Mississippi paper mill and shipyard workers, and Florida airport workers. Many people have died as a result of home exposure to asbestos.

Lead has been found in homes many, many times as a result of workplace exposure. Home contamination incidents involving lead have occurred in Minnesota, South Carolina, Oregon, Iowa, Alabama, Indiana, Texas, Pennsylvania, North Carolina, Kentucky, New Jersey, Colorado, Tennessee, Virginia, and my home State of Vermont. The dangers of lead are well-known, but did my colleagues know that the blood from newborn babies' umbilical cords have significantly higher blood lead levels when the fathers work with lead than when the fathers are not involved with lead? I have found documented cases where babies had to be hospitalized because of home exposure to workplace lead.

These are not the only contaminants that have been transported from the workplace to the home. Mercury, PCB's, dioxins, pesticides, even radionuclides from the workplace have been found in homes. Wives of PCB workers, for example, have been found to have PCB's in their blood. Many cases where family members have died or have been permanently injured have been documented. Children have even been poisoned by exposure to contaminants left by the previous occupant of a home or by their parents before they were even born. I have even found cases of home contamination dating back to the 1930's and in most States of the union. Thus, to my colleagues, this is a problem that most certainly affects your constituents.

I do not know the extent of this problem, though some experts have estimated that 1 million workers may be endangering their families. Numerous studies have been done showing a relationship between a parent's occupation and cancer in their children. Exposure to workplace chemicals in the home is one hypothesized exposure route. Given that this problem was identified as early as 1935, in Pennsylvania I might add, it's well past time we started addressing it.

So what does this bill do? This bill simply asks the five agencies with some responsibility for preventing or responding to home contamination to work together on a defensible strategy to first assess the scope of the problem, and then to act to prevent future incidents. The National Institutes for Occupational Safety and Health, or NIOSH, is given the lead role. NIOSH is to collect the available information on this problem. I plan to make my files on this subject available to NIOSH to assist in this effort. Then, experts from various professions from industrial hygiene to medicine are to review this information and determine what if any data gaps exists and how best to fill these data gaps. This strategy for assessing the problem is then to be peer reviewed, finalized, and implemented.

As I mentioned, at least five agencies have a role in this problem. They are OSHA, EPA, the Department of Energy, NIOSH, and the Agency for Toxic Substances and Disease Registry, the ATSDR. Each of these Agencies have some program underway to investigate or respond to this problem. Would not it be a good idea if they cooperated on a joint strategy to save time and money? That's really what this amendment accomplishes. It asks the various agencies along with technical experts to sit down at the same table and work on a joint response. Then, when all the data is collected, OSHA is simply asked to figure out how to prevent future incidents.

Well, I have mentioned a few agencies that may give some of my colleagues heartburn, like EPA and OSHA. I want to make it clear, no new statutory authority to issue regulations or standards is provided by this bill. None. The maximum cost of this bill is estimated to be roughly $200,000. That is right, for a few hundred thousand dollars we can put an end to the endangerment of the American worker's family. There has been much discussion of family values. What better statement on the value of families could be made today. In a year when we have not accomplished as much as we would have liked here is a simple measure that will protect families in every State.

As you can imagine, home contamination is a very volatile and sensitive issue. This amendment, however, is a responsible approach to addressing this problem supported by both labor and industry. Neither I nor to my knowledge any of my colleagues know the extent of this problem. This approach will provide the answers we need without taking money from other health programs. I wish I did not have to offer this amendment on this bill, but I see little choice. Not much is left this year. Not much remains that will be enacted. I feel for the families struck by the recent disasters and do not wish to impede progress on this bill, but if you asked any family to whom home contamination has occurred if they felt as if disaster has struck, you would get a definite yes. Why overlook their needs?

I know of no one that opposes this bill. As I mentioned, it has passed the Senate three times, once by unanimous consent. The House has even acted on it favorably. The only thing left is to find a vehicle, and this is one of the few remaining. I strongly believe we need to enact this measure, and I believe most if not all of my colleagues want to see American families protected. In my view, there is no reason why this amendment should not pass and survive conference. To ensure this end, I urge my colleagues to go on record as being in support of protecting American families from exposure to toxic materials.

Thank you, Madam President.

Mr. KENNEDY. Mr. President, I support the pending emergency supplemental appropriations bill. I commend the action by the Appropriations Committee last week, under the leadership of Senator BYRD. The committee included $500 million for critically needed public investments in enterprise zones and other low-income communities. Expenditure of these funds is contingent on passage of the enterprise zone legislation.

Last spring, Congress provided funds in an earlier supplemental appropriations bill for time-sensitive job, education, and community programs targeted to inner-city youth. As a result of that initiative, 400,000 more teenagers earned a paycheck this summer—nearly doubling the Federal summer jobs program.

That was a worthwhile bipartisan step toward reinvesting in America, and I hope that we can take the next step in the bill now before us.

The provision that we are considering is designed to enhance the enterprise zone concept by incorporating the basic principle that tax breaks alone are not enough to make the concept work.

This provision assures that we will also invest directly in the people in the enterprise zones, and that these investments in people will be approximately equal in dollar amount to the tax incentives offered to businesses that invest in the zones.

The provision has two parts. Part 1 appropriates $200 million a year for proven approaches to urban and rural revitalization, with funds available to eligible communities throughout the country, not just to enterprise zones. Funds are included under this part for Head Start, Job Corps, and Community Health Centers.

Also incorporated in part 1 is additional funding for community development corporations to make technical and financial assistance available to small businesses suffering from the continuing credit crunch.

Part 2 of this provision assures that the new tax benefits to encourage private investment in enterprise zones will be accompanied by $300 million a year in new public investments in jobs, job training, housing rehabilitation, education, and health care in the zones, so that the residents themselves can participate more effectively in the benefits of the businesses that move in.

Funding is also provided to improve law enforcement in the zones through programs that encourage neighborhood policing and alternative sentencing options, such as boot camps and community service.

Again, I commend the leadership of Senator BYRD and I thank Senators RIEGLE, SASSER, MITCHELL, and BIDEN for their effective work on these revisions, and I urge the Senate to approve it.

Mr. DURENBERGER. Madam President, I rise today in opposition to H.R. 5620, the emergency supplemental appropriations bill for the residents of Florida and Hawaii who have been affected by disasters caused by hurricanes during the past month.

In coming to the floor today, I do not seek to engage in debate as to whether the destruction caused by these disasters warrant Federal emergency funds. The victims of these hurricanes deserve assistance, just as victims of hurricanes, droughts and earthquakes have deserved our assistance in the past.

When we spent more than $1 billion for homeowners and businesses who suffered damage from Hurricane Hugo, I do not remember any Senator voting "no" because the victims chose to build their homes on perilous ocean vistas.

When tornadoes destroy homes on Tornado Alley, none of us vote "no" because the residents should have known that tornadoes regularly hit that area.

When we voted more than $2.8 billion to assist the victims of the 1989 San Francisco earthquake, none of us stood up here and voted "no" because the residents of the area should have known better than to build their houses so near the San Andreas fault.

When drought hit the Midwest 2 years ago, I do not remember any Minnesota Senator voting against emergency assistance for farmers who failed to purchase crop insurance.

And when we spent $2 billion to rebuild the cities of Los Angeles and Chicago, few of us stood up and voted against the funding—despite the fact that we did not have the money to spend.

The fact is, it is right to help the victims of this disaster—and any other disaster. Including those that are caused by man himself—like the Los Angeles riots a few months ago.

But is wrong for us not to pay for this assistance within our existing budget, and instead to pass on the costs to our children and our grandchildren.

Earlier this year we charged up to $2 billion on our children's credit card for the Los Angeles riots and Chicago flood. Today we are going to burn another $7.7 billion of our children's plastic. That is wrong and every Senator knows it.

Unfortunately, Mr. President, the Committee on Appropriations has compounded our collective fiscal irresponsibility. They have seen these tragedies of Florida, Louisiana, and Hawaii as an open door for more spending.

This bill contains $300 million for block grants in tax enterprise zones, $40 million for the Job Corps, $40 million for the Head Start Program, $10 million for the High Risk Youth Program, and $40 million for Kurdish humanitarian relief operations.

It seems to me, Madam President, that all we have to do to avoid any sense of fiscal restraint is to have the President declare an emergency. We just send the bill to our children.

Madam President, when our Nation has been confronted with domestic and international emergencies and disasters the best in our people's spirit has always come through. Many times in the 203-year history of our Republic we have asked our citizens to make personal and financial sacrifices for the good of our Nation. And they always have. That is the American way.

But the unchecked spending habits of the President and the Congress have changed the American way to one of waiting for the Government check—a check that is borrowed from the future viability of our country. Can we not ask Americans who were not devastated to pay for those who are? Isn't that the American way? Yes, a very minuscule and modest increase in any number of taxes could easily pay for this supplemental appropriation.

I asked in June during the Los Angeles riots supplemental, and I ask again, do not these disasters merit a change in spending or taxing policy, or have we as a nation become so politically paralyzed that we refuse to ever ask our citizens to sacrifice?

That is not to say that this bill is unnecessary. This bill contains excellent provisions that are needed not only by the victims of these disasters, but also by others across this land who have been affected by disasters all year, such as our Nation's farmers.

This bill increases the disaster aid for farmers through the U.S. Department of Agriculture from $755 million to $1.075 billion. These funds are wisely not earmarked only for farmers in Florida, Hawaii, and Louisiana because there are farmers throughout the Nation who need these funds badly.

In my own State of Minnesota, I have farmers who lost everything in the spring to tornadoes and hail. The estimated crop damage from that storm is more than $40 million. And now I have wheat farmers in the northwest part of my State who can't get in their fields to harvest because of extensive rains. The wheat is rotting in the fields. This is expected to cost Minnesota farmers an additional untold millions of dollars.

My farmers in Minnesota need help just as the victims in Florida and Hawaii do. And they ought to get every penny that they need.

My point here today is not to debate who is more deserving of aid—or who should sacrifice to help who during times of disaster. Every victim of a disaster is equally deserving of aid. The point is that our Federal budget this year is $1.5 trillion dollars. We should be able to find a way to pay for these disaster programs without saddling our kids with the bill.

Our refusal to tax ourselves and our refusal to reduce consumption to pay for the natural and other disasters that areas of our country have endured perpetuate our irresponsibility as servants of the public. I cannot take part in this fiscal foolishness and will vote against this bill.

Mr. DOLE. Madam President, I would like to congratulate the Appropriations Committee for moving at light speed on disaster assistance for Florida, Guam, Louisiana, and Hawaii. There has been a lot of talk about partisan gridlock, but this bill proves that Congress and the President work quickly to pass needed legislation.

Aside from all the good that is in this legislation, there is one provision that must be addressed in conference.

Specifically, if the language precluding the implementation of the so-called helper regulations is not deleted, I will encourage the President to veto this legislation and I will support that veto.

At this point, however, I am assuming that this provision will be remedied and therefore I shall vote for this bill.

We should not be playing politics with disaster relief. This type of provision has absolutely no place in this important legislation.

Those who want to stop the implementation of the regulations should do so through separate legislation—not on the backs of those who are suffering.

Then a proper debate of these issues can take place. I for one strongly support the helper regulations which are a step in the right direction of getting rid of the antiquated Davis-Bacon Act and of opening up Federal contract projects to less skilled workers and those most in need of help such as minorities and women.

Again, it is my hope and expectation that this provision will be deleted in conference.

HAZARDS PREVENTION ASSISTANCE

Mr. HARKIN. I wonder if the distinguished chairman of the Appropriations Committee would engage me in a brief colloquy relative to this bill?

Mr. BYRD. I would be pleased to do so.

Mr. HARKIN. I want to draw attention to the very significant public health hazards that now exist, and which will continue, as the relief, demolition, and reconstruction of homes, businesses, and other public buildings progress in the aftermath of Hurricanes Andrew and Iniki and Typhoon Omar. A substantial number of health and safety hazards will be faced by the thousands of family members, by relief workers, by demolition workers, and by the thousands of members of the several construction trades that will be working in these disaster areas. These individuals will be at increased risk to electrocution and burns from electrical hazards, drowning from floodwaters, lacerations and puncture wounds from storm debris, injury from use of unfamiliar equipment such as chain saws, crush injuries and death from motorized construction equipment and other motorized vehicles, and exposure to toxic gases from sump pumps and generators in confined spaces. All of these people will also be at increased risk to a number of other medical conditions because of fatigue, stress, and lack of readily available medical care.

Mr. BYRD. I agree with my colleague from Iowa that there are indeed significant occupational and public health risks to workers and family members alike. It is my understanding that the number of deaths from these hazards in the aftermath of Hurricane Hugo were actually greater than from the storm itself.

Mr. HARKIN. The Senator from West Virginia is correct in his understanding regarding the several deaths following Hurricane Hugo. To prevent a similar tragedy following Hurricanes Andrew and Iniki and Typhoon Omar, I propose that the Federal Emergency Management Agency enter into an interagency agreement with the National Institute for Occupational Safety and Health to provide technical assistance in areas of hazard identification, hazard information and education, industrial hygiene and occupational medicine assistance, medical surveillance, and hazard prevention. It is my understanding that up to $5,000,000 will be needed for NIOSH to provide such technical assistance, and I would hope that FEMA would enter into an interagency agreement with NIOSH to provide this technical assistance.

Mr. BYRD. I agree with my colleague that there is a clear need for this technical assistance, and I would encourage FEMA to enter into an interagency agreement with NIOSH.

Mr. HARKIN. I thank my friend from West Virginia for his understanding of the importance of this public health problem and for his support of this initiative.

Mr. McCONNELL. Madam President, a few weeks ago, the only storm people associated with the name "Andrew" was the supermarket tabloid account of the rocky marriage of Andrew Windsor and Sarah Ferguson, the Duke and Duchess of York. I can only imagine Buckingham Palace gasped when it read the cover of Newsweek's September 7 edition—"Andrew's Wrath: Did It Have To Be So Bad?"

People on this side of the Atlantic knew exactly what the headline meant, and what destruction Mother Nature unleashed on Florida and Louisiana. Madam President, Hurricane Andrew left billions of dollars' worth of damage in its wake, and destroyed the homes of countless Americans.

The bill before us today, H.R. 5620, provides disaster relief for distressed communities in those States. In addition, it contains relief for the havoc of Typhoon Omar in Guam, and of Hurricane Iniki in Hawaii. While we can measure the property losses in billions of dollars, there is no way to quantify the lost hopes and dreams of Americans whose earthly possessions were destroyed by high winds and rain.

While I come to the floor to express my appreciation to the President and the administration for their quick response to the natural disasters, I would be terribly amiss if I also did not recognize the genuine concern and generous contributions of the American people to their fellow countrymen. The outpouring of food and supplies will no doubt quicken the recovery for victims of the storms.

I want to take this opportunity to extend my personal thanks to the many Kentuckians who gave generously to the relief effort. Their actions are further proof of the unity of the United States, and of the deep concern we all have for our fellow men. Kentuckians take to heart our State's motto, which proudly declares "United We Stand, Divided We Fall."

Madam President, I intend to vote for this bill, and urge my colleagues to do the same.

Mr. SEYMOUR. Madam President, Hurricane Andrew was a tragedy for thousands of homeowners living in south Florida, along the Louisiana coast and in Hawaii. While it is difficult to downplay this loss, there is at least one saving grace for these homeowners: nearly all of them had private insurance. Most of these families will receive a check from their insurance companies, which will allow them to repair or rebuild their homes. The almost universal availability of private insurance for windstorm damage also greatly diminishes the amount of Government disaster assistance that could have been included in this supplemental appropriations bill.

I am afraid, Madam President, that the situation would have been substantially more devastating for homeowners and the Federal Government without insurance. But this is precisely the scenario we face in California with the earthquake risk. Only about 25 percent of California homeowners have earthquake shake insurance because of high premiums and deductibles. Unlike the case of Hurricane Andrew, when the big one occurs in California, most homeowners will not receive an insurance check to pay for repairs and rebuilding. These homeowners will have little recourse but to seek Federal disaster aid which seldom affords quick and complete compensation. This reliance on disaster assistance also represents an additional drain on the Federal Treasury.

There is a better way to deal with the earthquake risk. It is legislation (S. 2533) I have sponsored with Senator INOUYE and several others which creates a Federal earthquake insurance program. The legislation makes earthquake coverage available and affordable to earthquake-prone States, which scientists say could be about 39 States. This legislation, in effect, would reduce the amount of any disaster and supplementals that would need to be enacted following a major earthquake.

The 1989 World Series earthquake in the bay area provides an illustration. The Congress quickly passed a supplemental appropriations bill to provide disaster assistance to these earthquake victims, most of whom did not have insurance. One estimate is that every taxpayer paid $17 for this supplemental appropriation. This need for disaster aid would clearly have been lower if earthquake insurance were universally available, as it is for the windstorm peril and would be if S. 2533 were enacted by Congress.

For these reasons, I believe the experience with Hurricane Andrew underscores the need to enact earthquake insurance legislation like S. 2533. I urge the Senate to act on this legislation in the next Congress so that we may reduce human loss and reliance on Federal disaster assistance.

EXTENSION OF DEFENSE CONVERSION FUNDS

Mr. RIEGLE. Madam President, I am pleased that this legislation contains a provision to ensure the continued availability of funds appropriated 2 years ago for defense conversion programs.

In 1990, I chaired a Senate Democratic Task Force on Defense Conversion. The result of that task force was an amendment to the 1991 Defense bill by myself and the distinguished Senator from Rhode Island [Mr. PELL] to help communities and workers hurt by defense cutbacks and base closings. That amendment established an advanced warning function in the Defense Department to give communities adequate notice of possible cutbacks. More importantly, it transferred $150 million from the Defense Department to the Labor Department for worker retraining programs and $50 million from the Defense Department to the Economic Development Administration [EDA] of the Commerce Department for community adjustment assistance.

Under these programs, workers who lose their jobs directly due to defense cutbacks or base closing would be eligible for job training, adjustment assistance, and employment services. Communities hurt by cutbacks or base closings would be eligible for planning grants to help them make the transition from a defense to civilian based economy.

These programs were funded in the Department of Defense Appropriations Act for fiscal year 1991. That act stipulated that the funds were to be available until September 30, 1993—a not unreasonable time period. However, the administration has been very low to utilize these funds. Thus, there is a danger of the time period elapsing before these very much needed funds can be utilized. Section 206 of the bill we have before us today extends the availability of the funds from September 30, 1993 until September 30, 1997. Such an extension was one of the items recommended by the recent Senate Democratic Task Force on Defense/Economic Conversion, which was so ably chaired by Senator PRYOR.

I would like to thank Senator BYRD, the chairman of the Appropriations Committee, Senator INOUYE, the chairman of the Defense Appropriations Subcommittee and my colleagues on the committee for including this provision in the supplemental appropriations bill.

Mr. RIEGLE. Madam President, I rise in support of the supplemental appropriations bill that we are considering today. The devastation inflicted by Hurricane Andrew has caused great suffering for many Americans. I applaud the bipartisan response reflected in the more than $7 billion of Federal relief assistance in today's bill.

In addition to hurricane relief, provisions relating to Operation Desert Storm and general 1992 supplemental appropriations, this bill also appropriates, contingent on the passage of authorizing legislation, $500 million for programs to help American cities and their residents. I want especially to speak in support of this last provision. This provision reflects the first year costs of a public investment program to provide the other half of the strategy needed to give the Federal enterprise zone experiment the chance to make a difference in some of our most distressed communities.

This spring, I visited Benton Harbor, an inner city community in Michigan that is home to the State's only enterprise zone. The lesson that Benton Harbor has learned from its experience is one that Washington must listen to as we craft Federal enterprise zone legislation: tax incentives alone do not generate sufficient new investment to turn around our inner cities.

Benton Harbor's experience has been shared by enterprise zones in 35 other States and the District of Columbia. Studies of State zones have shown that infrastructure quality, labor force skills, and community characteristics like public safety are at least as important in business location decisions as taxes.

In July, I introduced S. 2998 to create enhanced enterprise zones by pairing tax incentives with targeted investments in housing, infrastructure, public safety, job training, economic development and other needed services. Based in part on that bill, and with the assistance of Senators SASSER, BIDEN, LEAHY, and MITCHELL, Senator KENNEDY and I have crafted a program of investment in distressed areas. I will offer this authorizing legislation as an amendment to the enterprise zone bill when the Senate resumes consideration of that bill. Contingent on the passage of our amendment, the supplemental appropriations bill we are considering today appropriates the funds needed to pay for the program in 1993.

The urban aid program that we will attempt to add to the enterprise zone bill reflects an agreement reached through negotiations between Congressional leaders, led by House Majority Leader GEPHARDT, and the President that the tax-side incentives for enterprise zones would be matched by equivalent Federal investments. The $500 million for 1993 is equivalent to the amount included in H.R. 11 when it passed the House with broad bipartisan support.

Of the $500 million for 1993, $300 million would be allocated to a block grant program for enterprise zones. The money would be evenly divided among the zones in proportion to each zone's relative share of low-income people. Zones would be able to choose from a menu of Federal programs in five areas on which to spend the money: First, crime and community policing; second, job training; third, child care and education; fourth, health, nutrition and family assistance; and fifth, housing and community development.

The remaining $200 million would be reserved for nationwide programs that empower local communities through public-private partnerships between Government and community-based organizations: The Head Start Preschool Education Program would receive $40 million. Community health centers, which provide primary care in low income areas, would receive $20 million. Job Corps, which trains disadvantaged youth in a boot camp-like environment, would receive $40 million. The High Risk Youth Program, which targets social services to youth likely to become involved in crime and drugs, would receive $10 million. The Neighborhood Reinvestment Corporation, which makes grants to community-based groups that develop affordable housing, would also receive $10 million. Youthbuild—a new program developed by Senator KERRY and included in the housing reauthorization bill in which community groups educate and train low-income youth while they rehab and construct affordable housing—would receive $15 million.

Two new programs to increase the availability of capital for business development would also be funded: The Enterprise Capital Access Program, which was included in my enhanced enterprise zone bill, would be funded with $25 million to make grants to nonprofit, community-based lenders to provide loans for business and other community development in distressed communities. And a National Community Economic Partnership Program would be funded with $40 million to provide grants to community development corporations to capitalize revolving loan funds for business development lending.

With this investment program, the enterprise zone tax breaks present a promising experiment to address the challenges confronting some of our most distressed inner city and other communities. But Federal enterprise zones are only an experiment and will reach, at least initially, only a few communities.

As chairman of the Senate Democratic Task Force on Community and Urban Revitalization, I have heard from local leaders about hopelessness and frustration in our inner cities that are reaching the breaking point. We saw in Los Angeles what happens when that point is past, and I am afraid that, if we do not act quickly with more resolve and more forcefulness, we will see more Los Angeles in communities across the Nation.

In July, I outlined a $6.7 billion program of investment in our cities and other distressed communities. I continue to support that program, but I believe we are better off accepting what little urban aid the administration will allow us to provide now rather than prompt a veto. Nonetheless, I will continue working as chairman of the Banking Committee and chairman of the Task Force on Community and Urban Revitalization for a full scale effort to provide the investment in our infrastructure and our people that we need to make our cities and our Nation healthy and competitive.

IMPACT AND SCHOOL DISTRICTS

Mr. DIXON. Madam President, I want to take a moment of the Senate's time to discuss Department of Defense funding for impact aid school districts.

I would hope that the committee will consider receding to the House language which provides $50 million to support community social services and education to school districts receiving impact aid. Although these funds are not included in the Senate committee reported bill, I applaud the Honorable JOHN MURTHA, chairman of the House Defense Appropriations Subcommittee, for his efforts on the House side.

However, I would like to express my concern over one very important aspect of the House language—the designation of these impact aid funds for construction purposes.

As we all know, most of the revenues used to support public school districts come from local property taxes and State taxes. However, this system creates unique revenue problems for public schools located near military bases. Military members stationed on the base, whose dependents attend these schools, are not required to pay property taxes. Also, if the military member's official residence is outside of the State where he or she is stationed, that military member does not pay taxes to the State where he or she is temporarily living. The result is a school with a lower tax base, but more students.

Although the Impact Aid Program was created to offset the revenue losses borne by these schools, the last administration and this one have reduced impact aid funding. In fact, this administration is recommending a $250 million cut for fiscal year 1993. Clearly, this is not the time to cut education assistance to our schools. Impact aid funding has not kept pace with inflation. Troop realignments associated with base closings and the drawdown of U.S. forces in Europe further burden school budgets. Where impact aid does not meet all the costs of education, communities often must pick up the difference. Many public schools with large concentrations of military dependents are in a financial crisis. This is unfair to the school districts, and unfair to our military personnel and their families.

Just recently, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee, I worked to authorize $58 million for fiscal year 1993 to provide additional financial assistance to public schools serving students who are dependents of the Armed Forces or civilian employees of the Department of Defense.

Madam President, military dependent students who attend these public schools are there to acquire an education. Money should not be designated for both education and construction with the assumption education will benefit. Construction might well exhaust the bulk of these funds.

In order to direct the Defense Department on how the funds should be allocated, I would urge my good friend the honorable Senator from Hawaii to recede to the language contained in the House version of this bill providing $50 million in impact aid funds, and to replace the language pertaining to construction with language employed in the fiscal year 1993 defense authorization bill as approved by the Senate Armed Services Committee.

Thank you, Madam President.

DEFENSE TRANSITION

Mr. PRYOR. Madam President, today we are considering a bill which will attempt to provide some needed relief to the victims of Hurricane Andrew and Typhoon Omar. This massive relief effort is not only necessary but timely and I would like to express my appreciation to Senator ROBERT C. BYRD and the Appropriations Committee for the expedient manner in which they worked to bring this measure before the full Senate for prompt consideration.

Upon reading this legislation, I came across section 206 on page 14 of the bill. Section 206 is related to another important relief effort in our country, the defense conversion relief effort. This section addresses the extension of funds previously approved for economic devastation grants for defense-impacted communities and retraining assistance for defense workers.

The defense conversion relief effort is the ongoing challenge of easing the transition for defense workers, communities, and businesses who won the cold war for our country, but now must accept the reality of reduced defense budgets.

Reduced defense budgets means fewer defense contracts, fewer bases, fewer soldiers, and fewer sailors. The impact of our military downsizing is already being felt. Just last week, the Hughes Corp. announced plans to consolidate their missile production operations, thus terminating thousands of jobs in

California and hundreds more in my hometown of Camden, AR.

Madam President, thanks to the foresight of Senator RIEGLE and Senator PELL back in 1990, there are programs in place to help displaced defense workers find and develop a new skill and a new profession. There is also a program in place which promotes economic development in communities like Camden, AR, that must fill the economic void created by defense reductions.

Specifically, back in 1990 the Congress approved a measure to transfer $150 million in DOD funds to the Department of Labor and $50 million in DOD funds to the Commerce Department. This program, initiated by the Congress, began our nation's defense conversion relief effort.

Unfortunately, this important initiative was slowed by the Bush administration, and the money was not released by the Pentagon until recently. As a result, when the Democratic task force, which I chaired, issued our report in May of this year, only $150,000 of the $50 million in Commerce Department funds had actually reached distressed defense communities. In addition, only $22 million of the $150 million in Department of Labor funds for job retraining had been disbursed. To date, the Commerce Department has released $1.9 million to committees for economic development, while the Labor Department has spent $30 million on retraining defense workers.

Obviously, as defense transition takes place, workers and communities will need more help. The task force recommended extending funding for these programs through the end of fiscal year 1997. I am pleased that this bill includes these extensions, and I wish to again thank Senator BYRD for including this measure in the supplemental bill.

MINNESOTA CROP DAMAGES

Mr. WELLSTONE. Madam President, I rise to engage in a brief colloquy with my colleague, the senior Senator from my State, Senator DURENBERGER, and also with Chairman BUMPERS of the Agriculture, Rural Development and Related Agencies Subcommittee of the Appropriations Committee.

I understand that this supplemental appropriations bill includes $320 million for additional disaster assistance as authorized by previous congressional actions. I appreciate the Chairman's efforts on this matter, and I earnestly hope that this amount, when combined with the $755 million released in recent weeks by the President's declaration of emergency, will be sufficient to provide adequate relief to all of this country's farmers who have suffered damages from hurricanes, tornadoes, and other natural disasters during the past 2 years.

My colleague, Senator DURENBERGER, and I, however, are concerned, by the fact that we really do not know what the crop damages will be from the hurricanes in Florida, Louisiana, and Hawaii. Therefore, we do not yet know whether claims from those damages might actually exceed the amount of new agricultural disaster relief money we are appropriating today. Of course, if those damages do exceed our appropriation, then farmers in our State, in the Chairman's State, and in others, would receive less relief than they are rightly expecting under the terms of the recent release of the $755 million.

I believe Senator DURENBERGER would like to mention briefly one or two of the situations in Minnesota that lead us to worry about this matter. But we both would like the Chairman's assurance that, should the amount we appropriate here today prove, once all the claims have been totaled, clearly inadequate to address the problems of the many farmers who have suffered terrible losses, then we will have his cooperation in returning to this issue next year in the context of another supplemental spending bill.

We were considering proposing an amendment to this bill, increasing the appropriation for agricultural disaster relief. But because we can not know for certain whether or not the amount will be adequate, we chose not to take action at this time.

Mr. DURENBERGER. I thank my colleague. I share his hope that the additional funding of $320 million, which will bring total funding to $1.075 billion of agricultural disaster relief, that is provided in H.R. 5620 will be appropriate to help farmers in Minnesota, as well as other States that have more recently been devastated by natural disasters.

Last spring more than 200 tornadoes ripped through southwestern Minnesota, devastating the farms, as well as leveling three entire towns. Though the Federal Emergency Management Agency, Small Business Administration, and Farmers Home Administration were helpful in rebuilding structures that were lost, the President had not yet released the disaster aid for crop losses.

It has been estimated that farmers in southwestern Minnesota lost $40 million to the tornadoes—almost none of which has been recouped. This disaster aid is badly needed not only for the farmers themselves, but for the small communities and businessmen who rely on them.

To illustrate the magnitude of the loss, I will use Nobles County, MN, as a specific example. Nobles County suffered a tornado on June 16, and hail storms on July 1 and August 17. The resulting damage to the corn and soybean crops was $12.5 million.

In other Minnesota counties, Yellow Medicine County suffered $22 million in crop losses; Murray County lost $147,000 in livestock, $1.3 million in crop losses, and $6.6 million in farm buildings and machinery; Redwood County lost $3 million in crops and $4.25 million in farm buildings and machinery; Rock County lost $2.85 million in crops; and Pipestone County lost $2.5 million in crops.

Furthermore, northwest Minnesota wheat and barley growers are now unable to get into their fields to harvest as a result of heavy rains. With the prospect of an early frost these farmers also could suffer untold millions of dollars of damages.

Minnesota farmers have enjoyed excellent crops for the past several years. Now they have suffered some hardship and are in need of Federal support. It is my hope, as it is Senator WELLSTONE's that if the $1.075 billion of assistance for farmers who have suffered crop losses is not enough, we will revisit this issue at a later date and provide adequate funding.

Mr. BUMPERS. I thank both of my colleagues, and assure them that I both understand and share their concerns. Our committee provided an amount of agricultural disaster relief that we believe addresses the problems of the Nation's farmers. We certainly hope that it is enough to do so. The farmers in my state also have suffered losses as a result of natural disasters in recent years, and they are able only partially to recover some of those losses through the disaster relief programs that we have funded. I do not wish to diminish further the amount they can recover, or to add to their financial suffering.

If, for the reasons the Senators both mention, the amount of agricultural disaster assistance in this bill proves clearly inadequate, I will certainly be willing to return to this matter early during the next session as they requested, and I will be happy to cooperate with them both on this issue at that time.

EDUCATION IMPACT AID

Mr. JOHNSTON. I draw the distinguished Labor/HHS Subcommittee chairman's attention to page 57 of the committee's report, and specifically to the committee's recommendation of an additional $10 million for Department of Education, impact aid. This is a very important program, one which I strongly support, and I commend the chairman for approving $22.5 million for this badly needed component of the disaster assistance program included in the committee's recommendations.

St. Mary Parish in Louisiana was one of the areas most severely impacted by Hurricane Andrew. Sadly, the library of this parish's largest public high school was destroyed, including over 20,000 volumes used by the 1,200 high school students and students from other public schools in the area. In addition, other educational materials used by the St. Mary Parish school system were destroyed, including materials in a number of elementary and middle schools. This is a terrible loss, at the very beginning of the new school year, for this small rural area of 58,000, which had a prehurricane per capita income of about $8,700, almost $6,000 below the Nation's average per capita income. In addition, I would point out that almost one-quarter of this Parish's population is school-aged children.

My concern is this: On page 57, a number of purposes for which the $22.5 million provided can be used are specifically described. I assume that these purposes are intended to be examples of the types of assistance which can be provided through this fund, and that this is not an exclusive list. Is it the chairman's understanding that impact aid funds can be used to replace library books, textbooks, and other educational materials and that St. Mary Parish could apply for funds from this impact aid program to help finance replacement volumes for this library and to replace other necessary educational materials which were lost?

Mr. HARKIN. Yes, it is my understanding that the impact aid program can help fund needs such as this in addition to those purposes specifically described in the committee's report. I would encourage the Department of Education to consider a request for assistance from St. Mary Parish expeditiously since the new school year has begun and these materials are needed for classwork which is underway. I certainly understand the Senator's concern about the need to replace these books and materials as soon as possible given the beginning of the new school year.

Mr. JOHNSTON. I thank the Senator for this very important clarification and know that the children, their parents and teachers in the St. Mary Parish school district will also be grateful for his assistance in this very important matter.

GAG RULE

Mr. SPECTER. Madam President, when the chairman of the Senate Appropriations Committee polled members of the committee to obtain their support for striking the gag rule provisions from the supplemental appropriations bill, I strongly objected, because I believe this is an appropriate item for this bill. The provision contained in the bill placed a moratorium on the implementation of regulations promulgated by the Department of Health and Human Services which would prevent federally funded family planning clinics from answering a pregnant patient's questions about her options when facing an unintended pregnancy. Unfortunately, only 3 out of my 28 colleagues on the committee joined me in objecting to removing the gag rule prohibition from the bill.

Madam President, this proposed moratorium would last only through the final resolution of the Government's appeal of NFPRHA versus Sullivan, a case decided in U.S. district court, in which the court ruled that the implementation procedures developed by HHS were unlawful. If the district court decision is upheld, HHS could be forced to reverse implementation of the gag rule as early as mid-November. In my view, it would be absolutely negligent to spend scarce health care dollars implementing a policy which could very well be reversed in the next 2 months. In addition, imposing drastic changes on the patient care procedures in nearly 4,000 clinics in the United States, only to have those procedures reversed within a few weeks, is not in the best interest of providing consistent patient care.

In my view, the proposed implementation of the gag rule is untimely, and unwise. If the administration is unwilling to place a moratorium on the implementation of the gag rule pending the appeals court decision, Congress must act to ensure quality health care services for all pregnant women.

Mr. BREAUX. Madam President, I rise today for the purposes of a colloquy on the supplemental appropriations, transfers, and rescissions bill, 1992, for hurricane relief to recognize the extent of the disaster that struck a major segment of industry, the commercial fisherman. Fishermen have been severely damaged by Hurricanes Andrew, Hugo, and Iniki, and face huge losses not adequately covered by other disaster programs. I would like to ask if my esteemed colleague, the Senator from South Carolina [Mr. HOLLINGS], knows of the disaster experienced by commercial fishermen?

Mr. HOLLINGS. I would assure the Senator from Louisiana that I know of the losses experienced as a result of another hurricane, Hurricane Hugo. Hurricane Hugo caused massive destruction to South Carolina and substantial losses to all industries, including commercial fishing.

I understand that the Senator from Louisiana [Mr. BREAUX] has been working with my staff on an amendment to provide assistance to commercial fishermen who have suffered losses as a direct result of the Hurricane Hugo and Andrew disasters. An amendment to provide Federal assistance to commercial fishermen for natural disaster relief requires authorization from my Commerce Committee, and also the Appropriations Committee. As I also understand, Senator BREAUX, you obtained the necessary clearances but were unable to obtain those clearance in sufficient time to present the amendment?

Mr. BREAUX. Yes, that is correct. I thank the chairman for his help. I am hopeful we can continue to work to have the conference approve this needed assistance. I would like to explain the provisions of the amendment if I may.

The Louisiana Department of Wildlife and Fisheries estimates that over 300 million freshwater and 10 million saltwater fish were killed as a result of this unprecedented disaster. The dollar value of the fish lost to the commercial fishermen for the Hurricane Andrew fishery disaster is estimated to exceed $52 million. With losses of this magnitude to commercial fishermen, many of these fishermen will be driven out of the industry.

When natural disaster hit farmers and the farming industry, farmers are provided Federal grants to maintain their families and farms until the next harvest season. These farmers provide the food for this Nation and we rely on their tradition of farming to maintain the food supply. Fishermen also provide food to this Nation.

Hurricane Andrew has devastated the Louisiana fishing industry and caused fish kills of staggering proportions. Without assistance, commercial fishermen will be forced out of the fishing industry because of this recent natural disaster. It is only fair that commercial fishermen be compensated for losses, just as is the farmer.

I wished to introduce this amendment to bring parity to the commercial fishermen who, like farmers, have suffered losses as a result of natural disasters. Hurricanes Andrew, Iniki, and Hugo, devastating natural disasters to Louisiana, Florida, Hawaii, and South Carolina, will force commercial fishermen out of business should assistance not be provided.

Under my proposed amendment, the Secretary of Commerce would determine the extent and the beginning and ending dates of the commercial fishery natural disaster, and would identify the disaster as a fishery resource disaster. All fishery resource disasters, including Hurricanes Andrew, Hugo, and Iniki, and as determined by the Secretary, would be eligible for this grant program.

My amendment will provide Federal grants, under the Interjurisdictional Fishery Act, to commercial fishermen for up to 75 percent of their direct, uninsured losses. Total grants to any fisherman are limited to $100,000. In addition, the Secretary will establish necessary guidelines to establish this grant program.

I would like to continue to work with you and the conference committee to obtain agreement on the provisions of the amendment to assist commercial fishermen who have suffered losses as a result of these recent natural disasters.

Mr. HOLLINGS. It would be a pleasure to continue working with the Senator on disaster relief for our commercial fishermen.

Mr. BREAUX. I thank my colleague, the esteemed Senator from South Carolina and the chairman of the Commerce Committee, for his efforts to save our threatened commercial fishing industry and the individual commercial fishermen who have lost so much in Hurricane Andrew, Hurricane Hugo, Hurricane Iniki, and the other recent natural disasters.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, under the unanimous-consent order that was entered, Senators SPECTER and LAUTENBERG are accorded privileges of offering one amendment each. Senator LAUTENBERG indicated he will not offer his amendment, if Senator SPECTER does not offer his.

Senator SPECTER is now on the floor. I am informed by Senator SPECTER that he does not plan to offer his amendment. Does he wish to speak briefly?

Mr. SPECTER. Madam President, if the distinguished chairman of the Appropriations Committee will yield, I would like to make a very brief statement.

Mr. BYRD. Madam President, I ask unanimous consent therefore that the order providing for amendments to be offered by either Senator SPECTER or Senator LAUTENBERG be vitiated; that there be no further amendments; and that upon the conclusion of the remarks by Mr. SPECTER, the Senate proceed to the third reading of the bill and final passage.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there had been consideration given on my part to two amendments on this supplemental appropriations bill. One involved the issue of trash in my State, which is the recipient of the tremendous influx of trash. A bill was passed by the Senate by an overwhelming majority dealing with the subject. But it appears that bill will not be, consideration having been given by the distinguished Senator from Indiana [Mr. COATS] and myself, of putting that issue on this bill. The decision has been made not to proceed at this time, to await the later bill.

I have given consideration also to a possible amendment on weed and seed where the expectation had been that it be agreed to, but I had wanted to reserve the opportunity to offer the amendment to both if necessary. But that will not be done at this time. It may be taken up on a later bill.

The circumstances there are that the expectation has been for agreement. But that did not occur when some Members felt that it would not be in accordance with the agreement already made on enterprise zones.

The thought on my part, on the administration's part, is the request would be made directly by Attorney General Barr, and that the funding would go to weed and seed which would be very similar on the enterprise zone legislation. But we cannot reach agreement on that issue as well. So that amendment will not be offered.

I thank my colleague from West Virginia for his courtesies.

I yield the floor.

Mr. BYRD. Madam President, I thank the distinguished Senator from Pennsylvania for his decision. I likewise thank the distinguished Senator from New Jersey [Mr. LAUTENBERG].

I ask unanimous consent that the third reading of the bill be waived, and that the Senate proceed immediately without further debate or amendment to vote on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 10, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—84

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wellstone
Wofford

NAYS—10

Brown
Craig
Durenberger
Helms
Nickles
Pressler
Smith
Symms
Wallop
Warner

NOT VOTING—5

Domenici
Gore
Lugar
Murkowski
Wirth

So the bill (H.R. 5620), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON conferees on the part of the Senate.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MISCELLANEOUS APPROPRIATIONS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 554, S. 3008, the Older Americans Act reauthorization.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 3008) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I am pleased to support S. 3008, which reflects a compromise on the differences in the bills to reauthorize the Older Americans Act as passed by each body in the last session.

This legislation also accommodates some concerns that were raised by the administration with regard to several provisions in one or the other versions of the legislation. I am pleased that some of those concerns are accommodated in this compromise agreement.

I am especially pleased that this bill does not contain a provision proposed in the House bill as reported last year that would have granted subpoena power to a new Federal ombudsman officer within the Administration on Aging. I share the administration's concerns that such a grant of power is unnecessary and would duplicate the existing authority of the Office of Inspector General at the Department of Health and Human Services.

Reauthorization of the White House Conference on Aging was another issue on which the administration expressed concerns. The approach to the White House Conference issue as passed by the Senate last year was preferred by the administration, and I am pleased that the bill before us today includes a modification of the earlier House language so that the President will have more discretion in the appointment of members to the new policy committee established for the White House Conference.

Although S. 3008 does not resolve all concerns to the satisfaction of the administration and others, I believe that all who were involved in the process agree that its provisions will continue and improve the delivery of services to help meet the nutrition, health and social needs of many older Americans. As my colleagues know, the Older Americans Act has become the major vehicle by which federally supported nutrition and social services are organized and delivered to the elderly.

Mr. President, as a member of both the Select Committee on Indian Affairs and the Subcommittee on Aging, I am also pleased that this legislation provides for reauthorization of the Native Americans Programs Act. I commend Chairman INOUYE and Vice Chairman MCCAIN of the Select Committee on Indian Affairs for their leadership in developing that legislation.

Mr. President, this legislation was drafted and refined after a number of hearings and a considerable amount of consultation with those who are most directly involved in providing the services to those older Americans who are in the greatest social and economic need.

In-home services to the frail elderly and assistance to family care-givers are matters in which I have had a particular interest during this reauthorization process, and I am pleased that S. 3008 retains the additional authorization levels for in-home services that was added by my amendment at our full committee markup. I am also pleased that the agreement will provide some new support services for care-givers.

Mr. President, this legislation recognizes the special problems and needs of many older Americans. It authorizes programs that will make a significant difference in the quality of many lives, and I hope my colleagues will support its passage.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, as chairman of the Subcommittee on Aging, I am very pleased that the Senate is now taking up S. 3008, my Older Americans Act [OAA] reauthorization legislation, and will pass it without any further delay. This is one of the most important legislative tools we have to assure that older Americans have proper nourishment, are protected against abuse, and have new opportunities to live a full and useful life.

This act is very important to millions of older Americans, including low-income and minority seniors. The improvements we are making in the act through the 1992 amendments will mean a better and more responsive array of services and assistance to seniors who are in need.

I also feel a great deal of relief about this action to complete action on the OAA reauthorization. This has been a very long and trying process and there has been tremendous anxiety among both those served by the OAA and those who provide services under it that we would not complete the reauthorization before the 102d Congress adjourned. While we are not yet done—the bill must now go back to the House for concurrence—I am confident that we will soon send the legislation to the President for his signature.

Frankly, we could not have cut it much closer. Later this week, the Senate will take up the fiscal year 1993 Labor, HHS, Education and Related Agencies appropriations bill. The House, in passing their version of the appropriations bill, has approved cutting OAA programs by 1 percent stating that they would approve no increases because the act had not been reauthorized. This would mean real cuts in key services such as congregate and home-delivered meals and in-home services. The Senate bill, fortunately, calls for level funding for most OAA programs and slight increases in meals programs and in-home services for the frail elderly. Completing the reauthorization before the appropriations conference is done should help if we are to convince the House to agree to the Senate's figures.

Moreover, completing the reauthorization before October 1 will mean an additional $10 million in funding for meals programs that were appropriated for fiscal year 1992 but that the U.S. Department of Agriculture would not release without the act's reauthorization.

Mr. President, I won't take the time to outline the many provisions that are included in this reauthorization bill. It is filled with important changes, both large and small, that will mean better services for seniors, more accountability by those who provide services, and services that are better targeted to those in the greatest need, especially low-income minorities.

These amendments will improve a great number of programs and services under the OAA, including nutrition, transportation, ombudsman, legal assistance, grants to Indian tribes, employment of low-income seniors, and many others.

I do want to mention, however, three additions to the act of which I am particularly proud. These are: First, the new program to support family members and others who provide voluntary long-term care services to their loved ones; second, the new program to provide seniors meals in public school settings to promote intergenerational activities with at-risk kids; and third, the new elder rights title that will focus much more effort on State and local programs to protect the rights and well-being of older persons who are particularly vulnerable, such as those victimized by elder abuse, those residing in nursing homes, and those denied crucial benefits to which they are lawfully entitled, such as Medicaid and food stamps.

This legislation also includes a number of other very important provisions, including the reauthorization of the Administration for Native Americans which was developed by the Select Committee on Indian Affairs under the leadership of Senator INOUYE.

It also contains authorization for the next White House Conference on Aging. Last held in 1981, the 1987 amendments authorized a 1987 White House conference. Unfortunately, the President failed to call it in time and then, in response to congressional efforts to change it to a congressional conference, called for it to be held in 1992. That required congressional authorization through this set of amendments. Because of the late date of this reauthorization, we are now approving a White House conference to be held by the end of 1994.

At the end of my statement I intend to include a summary of these and other key provisions in this legislation.

Mr. President, this legislation reflects the hard work and thoughtful input of many of our colleagues from both sides of the Capitol and both sides of the aisle. I greatly appreciate the substantial contributions of so many Senators and their staffs in crafting this bill. In particular, I want to express my gratitude to the chairman of the committee, Senator KENNEDY, and the ranking member of my subcommittee, Senator COCHRAN.

The bill also reflects tremendous work by national and State organizations, local providers of services, and individuals who serve the elderly, who have contributed so much to these amendments.

When I took over the chairmanship of the Subcommittee on Aging in the summer of 1990 I was told that the subcommittee's responsibility to reauthorize the OAA would be achieved with little difficulty because the act was so popular. I was told that the act is always reauthorized routinely and easily.

Well, it turned out to be very different than that. While the OAA is still popular and politicians are all in favor of it, its popularity was not enough to keep it from being embroiled in controversy throughout the reauthorization process. On at least three different matters, the act has been under the threat of a veto.

The most significant of these, of course, has been the amendment concerning the Social Security earnings test. This provision has been the subject of great controversy since it was added to the reauthorization legislation last November, and has been the reason that we have not been able to make further progress on the act until now.

But that matter has been resolved for purposes of moving the Older Americans Act reauthorization—and I am grateful for that. The matter of the earnings test itself, however, has not been resolved and will continue to be an issue to be addressed, certainly in the next Congress. I believe the earnings test needs to be significantly liberalized and I hope that the Congress will accomplish that soon.

Mr. President, this has been a very hard year and in many respects a frustrating one for all of us in Congress as well as for the American people. In particular, the frustration has been over the gridlock that has blocked us from completing so many important items on our agenda. I think that we all should be relieved that the gridlock over the OAA appears to be ended. Now, all Members of Congress can return to their States and their districts and talk about their accomplishments in enacting the 1992 amendments to the Older Americans Act.

I ask unanimous consent that the joint statement of the Committees of Jurisdiction and the summary of key provisions in the reauthorization legislation be printed in the RECORD following my statement:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT OF THE COMMITTEES OF JURISDICTION OLDER AMERICANS ACT AMENDMENTS OF 1992

This joint explanatory statement explains new provisions of the version of the legislation reauthorizing the Older Americans Act being considered and states the legislative intent of the members of the committees of jurisdiction. Provisions not discussed in this statement are fully discussed in the Senate report (S. Rpt. 102-151), the House report (H. Rpt. 102-199), or both.

TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

1. Objectives: Section 101 modifies the objectives of the Act to include support to family members and others who provide voluntary long-term care services.

2. Definitions: Section 102 adds new, and relocates existing, definitions to title I.

By including physical and mental disabilities within the definition of "greatest social need" it is intended that when using such a definition for the purpose of developing statistics for older individuals with physical and mental disabilities, the Commissioner and States should not use age as a substitute criterion to determine the number of such older individuals in the state. Statistics on older individuals with physical and mental disabilities will be gathered in accordance with guidelines issued by the Commissioner.

Such guidelines will ensure that a State's statistics are drawn from relevant data bases that consider older individuals with disabilities and restricted access to services, and may include the use of Medicaid and Medicare data, as well as other pertinent available and verifiable state data for determining the number of older individuals with physical and mental disabilities.

Development of such frailty statistics and their use to target services must not result in discrimination against low-income minority older individuals in the state.

The bill includes definitions of "art", "dance-movement", and "music" therapies. It is intended that therapists administering, providing or otherwise involved in such therapies shall be individuals trained in such therapies or otherwise having educational qualifications or experience to provide such services. In particular, music therapists shall be board-certified by the National Association of Music Therapists.

It is intended that case management services will not be provided in a manner which overrides the wishes of the older individual or the older individual's guardian.

TITLE II—ADMINISTRATION ON AGING

1. Administration on Aging: Section 201 provides that functions of the Commissioner carried out through regional offices shall not be delegated.

The bill requires the Associate Commissioner on Native Americans to be an advocate with the Indian Health Services; to collect information on problems unique to older Native Americans; to promote better coordination between the programs and administration of titles III and VI; and to be an effective and visible advocate on the state level.

The bill establishes in AoA an Office of Long-Term Care Ombudsman Programs to be headed by an Associate Commissioner for Ombudsman Services.

The bill requires the Ombudsman to have expertise and background in the field of long-term care advocacy and management. It is intended that the person selected by the Commissioner to serve as Associate Commissioner for Ombudsman Services will have sufficient training and experience relevant to the functions and responsibilities of the Office of Long-Term Care Ombudsman Programs. Examples of areas of training and experience considered relevant include gerontology, knowledge of long-term care facility requirements and the needs of residents of such facilities, and skills and techniques relating to investigation, negotiation and dispute and complaint resolution. The bill disallows the appointment of an Associate Commissioner who has a conflict of interest.

The bill lists the functions the Associate Commissioner should perform. It is intended that the Secretary of Health and Human Services, the Inspectors General, the Attorney General of the United States, and other Federal and State agencies shall work cooperatively with the Associate Commissioner for Ombudsman Programs in securing needed information that has been willfully withheld and for which non-disclosure might result in physical or monetary harm to residents of long-term care facilities, including board and care facilities. Such agencies shall exercise whatever legal authority, including subpoena power, they possess to satisfy the Associate Commissioner's request for information in timely fashion.

2. Functions of the Commissioner: Section 202 clarifies the functions of the Commissioner to include assisting the Secretary directly in aging matters, and coordinating federal programs and activities relating to the Act. It also clarifies that technical assistance be given regarding those in greatest need with particular attention to low-income minorities.

The bill requires the National Ombudsman Resource Center to establish a national program for the recruitment of ombudsman volunteers, to conduct research, and assist State Ombudsmen. The bill requires the Commissioner to fund such a Center at levels not less than it received in FY 1990.

The bill requires the Commissioner to issue regulations and monitor State compliance with the prohibition on conflicts of interest. The bill also requires area agencies on aging (AAAs) to disclose to the Commissioner information regarding public/private partnerships required in Sec. 306.

The bill requires the Commissioner to establish information and assistance as a priority service, to develop guidelines and a model job description for AAAs when choosing legal assistance developers, and to study ways to more effectively target low-income, minority, and rural older individuals, as well as States with a disproportionate number of older individuals.

The bill requires the Commissioner to encourage and provide technical assistance to State Units on Aging (SUAs) and AAAs regarding SSI, Medicaid, and Food Stamp outreach; to design (with assistance from the DHHS Assistant Secretary of Planning and Evaluation and consultation from others) and implement uniform data collection procedures for SUAs within one year of the OAA amendments' enactment; to ensure that all federal grants and contracts made under titles II and IV be made in accordance with a competitive bidding process established by the Commissioner; to participate and provide leadership within the Federal government regarding the development and implementation of a national community-based long-term care program for older individuals; and to assist State and area volunteer service coordinators.

The bill establishes in statute a National Center on Elder Abuse administered by the Commissioner.

The bill requires the Commissioner to establish a National Aging Information Center. The Center is to annually compile, publish, and disseminate data regarding older individuals (including older Native Americans), and SUA and AAA staffing and funding patterns. The Center will also provide training and technical assistance regarding data collection and analysis and disseminate title IV reports. The Center should be funded at $1,000,000 for FY 1992 and then such sums as may be necessary.

3. Federal Agency Consultation: Section 203 adds the Department of Labor (DOL) and ACTION to the list of federal agencies to consult and requires the DOL to consult and cooperate with the commissioner on the Job Training Partnership Act.

The bill requires the head of each Federal agency administering aging-related programs to collaborate with the Commissioner and to develop a written analysis of the impact of these programs on older individuals. The bill requires the Commissioner to "coordinate" with other Federal agencies, including the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

4. Consultation with SUAs, AAAs, and native American grant recipients: Section 204 requires the Commissioner to consult with SUAs, AAAs, and title VI grantees.

5. Federal Council on the Aging: Section 205 defines the terms of Members and adds new functions to the Federal Council on the Aging and requires Council members to have aging expertise and experience.

6. Nutrition officer: Section 206 requires the Commissioner to designate an officer or employee with nutritional science and planning expertise to coordinate nutrition services under the Act. The Secretary must issue regulations within 120 days of the enactment of the OAA Amendments of 1992.

7. Evaluation: Section 207 requires the Secretary to evaluate the Act's effectiveness in targeting unserved individuals with greatest economic and social need.

The bill requires the Commissioner to evaluate nutrition services provided under the Act and issue interim guidelines and specific nutrition standards in regulation to ensure service provider compliance of Sections 331 and 336 of the Act.

An advisory council should be established to advise the Commissioner. The council, described in Sec. 206(g)(2)(A)(i), shall develop recommendations on the need for minimum standards for meals, particularly when a project provides more than one meal each day.

The bill authorizes up to $3,000,000 for such evaluation, of which no greater than $1.5 million shall come from title III and no greater than $1.5 million from title IV.

8. Reports: Section 208 requires the Commissioner to describe the implementation of the national plan for training personnel in the field of aging, changes the Commissioner's reporting deadline regarding the Ombudsman program to March 1 of each year, requires the Commissioner to report on the evaluation of the effectiveness of targeting those in greatest need, and requires the Commissioner to provide training and technical assistance regarding data collection and analysis.

9. Nutrition education: Section 209 authorizes the Commissioner and Secretary of Agriculture to provide technical assistance and appropriate material to agencies that carry out nutrition education programs.

10. Authorization of appropriations: Section 210 authorizes from Section 205 of the Act such sums as may be necessary for each of the fiscal years 1992 through 1995.

The bill authorizes $17,000,000 in FY 1992, $20,000,000 in FY 93, $24,000,000 in FY 94, and $29,000,000 in FY 95 for Administration on Aging (AoA) salaries and expenses and such sums as may be necessary in each fiscal year to provide for 300 full-time (or equivalent) AoA employees.

11. Studies: Section 211 requires the Commissioner to study the effectiveness of State Long-Term Care Ombudsman Programs.

Section 212 requires the Commissioner to make arrangements with the Institute of Medicine to study board and care facility quality and home care quality.

The National Academy of Sciences, working through the Institute of Medicine, shall appoint members of the Board and Care study committee consistent with the Academy's own appointment procedures. Members appointed should include expertise in state legislation and in other areas as specified in Sec. 212. The recent DHHS/IG report (OEI-02-89-01860) includes reference to the American Bar Association's model Act as a resource to measure state legislation and compliance, which should also be considered as part of the Institute of Medicine study. The study of home care quality to be conducted by the Institute of Medicine should encompass the range of entities providing home care services, including public, nonprofit, and privately owned entities and examine the quality of services provided by such entities either directly or through contract with other entities.

Section 212 also authorizes $1,500,000 in FY 1992 and such sums as may be necessary in fiscal years 1993, 1994 and 1995 for a study of board and care quality.

Section 213 authorizes $1,000,000 for FY 1992 for a study of home care quality and such sums as may be necessary in subsequent fiscal years.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

1. Purpose: Section 301 adds as a purpose of this title to secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

2. Definitions: Section 302 modifies the definition of "comprehensive and coordinated system" to include encouraging entities with "unrealized potential" to serve older individuals.

3. Authorizations of appropriations; uses of funds: Section 303 sets authorization levels for title III.

The bill authorizes $461,376,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part B, $505,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for congregate meals, $120,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for home-delivered meals, $15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for school-based meals, $45,388,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part D, such sums as may be necessary for fiscal years thereafter for Part E, $25,000,000 for FY 92 and then such sums as may be necessary for fiscal years thereafter for Part F, and $15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part G—supportive services for caregivers.

The bill deletes all limitations on authorizations of appropriations (i.e. triggers) and repeals Sec. 303(h).

4. Allotment; Federal Share: Section 304 changes the hold harmless level for state allotments from 1984 to 1987, increases minimum allotment for SSI, Medicaid and Food Stamp outreach to $150,000, and sets a minimum allotment of $50,000 per State for Supportive Services for Individuals Who Provide In-home Services under Part G added by the bill.

The bill also requires the Commissioner to use Census Bureau and "other reliable demographic data" to determine the number of 60+ individuals and expects that such data will be updated on an least an annual basis consistent with current practice, and that the Administration on Aging will specify this in regulation.

The bill also requires the Commissioner to withhold a State's allotment if the Commissioner disapproves its intrastate funding formula.

The bill requires there to be allotted to each State not less than $150,000 and not more than 4 percent of the State's title III-B 1991 appropriations on demonstration projects regarding SSI, Medicaid, and Food Stamp outreach from the States' allotment. Program requirements for the demonstration projects are described in title VII.

The bill also allows title II grants to be used to pay State and area volunteer services coordinators.

5. Organization: Sec 305 requires the SUA to be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the OAA.

The bill requires intrastate funding formulas to be developed in consultation with AAAs and in accordance with the Commissioner's guidelines. The formula should take into account distribution of older individuals within the State and distribution of individuals with the greatest economic need and individuals with the greatest social need with particular attention to low-income minority individuals. The SUA must submit its formula to the Commissioner for approval.

The bill requires SUAs to use special outreach efforts to also identify certain targeted populations and clarifies that older individuals with the greatest economic need (with particular attention to low-income minority individuals), individuals with greatest social need, who are frail, and who are of limited English-speaking ability should be identified through outreach efforts.

The bill requires SUAs to set specific objectives and describe actions used to increase participation of low-income minority older individuals.

The bill requires SUAs to establish due process procedures when the SUA revokes an AAA's designation, adds additional PSAs, divides PSAs, or otherwise affects the boundaries of PSAs. These procedures shall include providing notice, documenting need, conducting a public hearing, involving those affected, and allowing the Commissioner to hear appeals. A decision may be appealed based on the facts and merits of the matter or on procedural grounds. The Commissioner may affirm or set aside an SUA's decision.

6. AREA PLANS: Sec. 306 requires the area plan to provide assurances to adequately fund "case management services" as a type of access service.

The bill allows community action agencies who operate multipurpose senior centers to receive special consideration in the designation of focal points. The bill also requires the identity of focal points to be specified in AAA's grants, contracts, and agreements.

The bill requires information and assistance services to emphasize linking services for older individuals (and their uncompensated caregivers) who are isolated or have Alzheimer's disease.

The bill requires area plans to include specific service objectives for minority targeting and provide assurances that providers serve low-income minority individuals in accordance with their need for service, instead of (current law) their proportion in the population. The providers must meet specific objectives for minority targeting set by the AAA. The bill also requires area plans to include information on the extent to which minority targeting objectives were met in the preceding fiscal year. Additionally, all AAA activities must include a focus on the needs of low-income minority older individuals.

The bill requires AAAs to provide "timely information" in a timely manner; to advocate for older individuals in cooperation with agencies, local governments, organizations, and individuals involved with the area plan; to enter into arrangements and coordinate with community action agencies and programs, if possible; to coordinate entities that receive OAA funds within the PSA and other programs serving older individuals which receive Federal funds; to establish grievance procedures for individuals who are dissatisfied or denied service;[1] to identify the transportation needs of older individuals and to coordinate planning and delivery of transportation services; to assist providers of housing for older individuals develop and expand housing, support services, referrals, and living arrangements for older individuals; to list the AAA in a uniform manner in telephone listings; and to fund the State Long-Term Care Ombudsman program at not less than 1991 funding levels for ombudsman programs.

AAAs have been given this discretion in establishing such grievance procedures in the interest of providing administrative flexibility. However, if the AAAs fail to act in good faith to provide grievance procedures that respond to the complaints of older individuals, a requirement for AAAs to establish specific formal procedures for responding to such complaints will be considered in the next reauthorization.

The bill allows the AAA to provide an area volunteer services coordinator.

The bill adds provisions regarding public/private partnerships and adds requirements for AAAs to coordinate programs under title III and VI and to increase access to programs and services by older Native Americans.

The bill requires AAAs to provide assistance to nutrition projects to reasonably accommodate individuals with special health or religious requirements or ethnic backgrounds.

The bill specifies how AAAs should provide case management services and clarifies that case management services may be offered by nonprofit, not "non-public" agencies.

The bill allows States to withhold an AAA's funds. The State agency will provide an AAA with a due process procedure (as established by the State agency but to include at a minimum, notification of action to withhold funds, documentation of need, and, if requested, a public hearing) before withholding any funds. It also provides for the administration of programs in areas in which funds have been withheld.

7. State plans: Sec. 307 adds new state plan requirements.

The bill allows the Commissioner to require States not in compliance with title III to submit a State plan for a 1-year period until the Commissioner determines the State is in compliance.

The bill requires State agencies to evaluate the need for supportive services using a standard method to determine unmet needs; to evaluate the unmet need for transportation services; to establish and publish procedures for requesting and conducting hearings regarding plans submitted to the State agency; and to include assurances in their State plans that would prohibit conflicts of interest within SUAs and AAAs.

Over the past several years, a small number of local governments, which have been designated as AAAs by their respective States, have successfully provided a full range of direct services in a cost-efficient manner. Congress does not wish to foster or construct barriers to the provision of such services by these local governments, which have long and proven records of efficiently providing direct services.

Current law prohibits AAAs from providing services directly, but allows State agencies to waive the prohibition under certain circumstances. This current law provision has not been changed. The law provides sufficient flexibility to accommodate circumstances where waivers may be needed. While it is not the intent of the members of the committees of jurisdiction to encourage the granting of waivers, the members note that the law should not be construed to prevent the granting of waivers to local government-based AAAs with a proven record of providing services of comparable quality more efficiently, and a commitment to contribute significant amounts of local resources to the provision of services for older individuals, or otherwise meet the other waiver conditions set forth in the law.

The bill requires SUAs to disclose to the Commissioner the identity and nature of each nongovernmental entity with which it has a contract or commercial relationship to provide services to older individuals and demonstrate that such contract or relationship has not and will not decrease, but enhance, the quantity or quality of services provided. The Commissioner may request SUAs to disclose all sources and expenditures of funds that the agency receives or expends to provide services to older individuals.

The bill requires SUAs and AAAs to give special consideration to hiring individuals with formal training or professional experience in the field of aging. In providing special consideration to hiring individuals with formal training or professional experience in the field of aging, it is not intended that individuals without certifications, diplomas, degrees, or other formal credentials be excluded from such consideration.

The bill requires SUAs to carry out a State Long-Term Care Ombudsman program. Specific provisions relating to the ombudsman program are moved to the new title VII, added by the bill.

The bill exempts title III C-3 funds from being used for home-delivered meals.

The bill requires nutrition projects to be administered with the advice of "dietitians"; to provide nutrition education on a semiannual basis to all III C-1 and C-2 participants; and to comply with State and local sanitation laws.

The bill requires SUAs to monitor, coordinate and assist in the planning of nutrition services, with the advice of a dietician or an individual with comparable skills and experience of a dietician.

The bill requires SUAs to develop nonfinancial criteria for home-delivered meals eligibility and to periodically evaluate recipients to determine if they meet the criteria.

The bill requires SUAs to give priority to certain legal problems, including age discrimination. The members of the committees of jurisdiction recognize that litigating age discrimination cases is difficult and costly and many legal assistance providers are prohibited from accepting fee-generating cases. Therefore direct legal assistance providers should help identify cases of age discrimination and, where appropriate, refer older individuals to other legal channels, including the Equal Employment Opportunity Commission.

The bill requires SUAs to designate a legal assistance developer.

The bill requires SUAs to spend on ombudsman programs not less than what was spent on such programs in FY 1991; to require outreach efforts especially to older individuals and their caretakers who are rural residents, isolated, or have Alzheimer's disease.

The bill requires assurances regarding compliance with the Elder Rights Title requirements to be included in the State's Plan.

The bill requires that if one-half or more of the area plans provide for an area volunteer coordinator, then the State plan must provide for a State volunteer coordinator who will, among other things, provide technical assistance to area volunteer service coordinators. If fewer than half of area plans provide for volunteer service coordinators, then the State has the option to support a State volunteer service coordinator.

The bill adds a requirement for SUAs to provide technical assistance to minority service providers.

The bill requires SUAs to spend funds on supportive services for providers of in-home services if they receive funds for such services.

The bill requires State plans to include a funding formula with a demonstration of the allocation of funds. The Commissioner must approve each formula for the entire State plan to be approved.

The bill requires the State agencies to establish a State advisory group; to coordinate programs under titles III and VI; to specify how they plan to increase access by older Native Americans to title III programs and benefits; and to comply with case management service requirements when case management services are provided as an access service.

Case management services were added to the category of access services under section 306(a)(2)(A). Such services are one of four types of services listed in the category of access services that can be provided in meeting the requirement that funds must be allotted for the category of "services associated with access to services."

The bill requires SUAs to identify the actual and projected additional costs of providing services in rural areas and prohibits SUAs from using title III funds to carry out a contract or commercial relationship which does not relate to title III.

The bill also requires State plans to provide assurances that AAAs will not give preference to individuals as a result of a contract or commercial relationship which does not relate to title III.

The bill requires a SUA who receives funds for part G, to spend such funds on part G activities.

The bill requires SUAs to coordinate OAA and other State aging programs; to provide multi-generational activities; to coordinate transportation services to increase access to services; and to provide an informal procedure to review refusals to serve older individuals and issue guidelines regarding such procedures.

The bill includes a provision for SUAs to provide a mechanism to ensure quality in the provision of in-home services as part of the State plan requirements. It is expected that the Commissioner will provide guidance and assistance to the States in developing and implementing such mechanisms.

The bill requires the Commissioner to approve the intrastate funding formula described in the State Plan and establishes further appeal processes for States whose plans have been disapproved.

The bill deletes requirements for SUAs regarding the distribution of outreach funds to AAAs, submission of area plans, distribution of Food Stamp, SSI, and Medicaid information, and submission of AAA evaluations to the Commissioner.

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[1] With respect to developing such grievance procedures, it is intended that denial of service to an older individual is a legitimate action if the service provider or the AAA has insufficient resources to provide services requested by such an individual.

8. Planning, coordination, evaluation, and administration of State plans: It is the intent of the members of the committees of jurisdiction that nothing in the Act or this reauthorization precludes states from coordinating services for senior citizens at the state or local levels.

Section 308 adds a limitation for FY 1993 on the amount of funds which may be transferred between title III B and C to 30%. The bill allows SUAs to apply for a waiver from the transfer limitations between Parts B and C. Such limitation on transfer amounts decrease to 25% in FY 1994 and 1995, and 20% in FY 1996. SUAs may also apply for an additional waiver of 5% in FY 1994 and FY 1995 and 8% in 1996.

The bill also adds limitations on the amount of funds which may be transferred between sub-parts 1 and 2 of title III-C to 30%. The bill limits the extra amount waived to 18% in FY 1993, 15% in FY 1994 and 1995, and 10% in FY 1996.

The bill also adds waiver application requirements for transfers between Parts B and C, and Subparts C1 and C2. The bill requires State agencies to demonstrate to the satisfaction of the Commissioner that funds allotted are insufficient to meet the needs for services under this title. It is intended that the Commissioner use the strictest scrutiny in reviewing the application made by each state seeking such transfer. It is intended that the Commission specifically evaluate the impact of such a transfer on the states' nutrition programs. For example, such an application shall not be to the satisfaction of the Commissioner if such a transfer will reduce the number of meals served or result in the closure of any congregate or home-delivered meal facility or service.

The bill prohibits SUAs from delegating transfer authority and requires the Commissioner to collect information on the amount, rationale, and effect of all transferred funds.

9. Disaster relief reimbursements: Section 309 allows SUAs to be reimbursed for supportive services (and related supplies) provided during disaster relief programs.

The bill allows the Commissioner to advance up to 75% of funds available for disaster relief to SUAs within 5 working days after a disaster has been declared.

The bill limits the amount SUAs may be reimbursed for disasters to 2% of title IV funds. This new requirement directly responds to the Administration's legislative proposal to determine funds available for disaster relief services to the amount appropriated to carry out title IV instead of amounts appropriated to carry out Section 422 Demonstration Projects. The 2 percent amount, linked to the aggregate level of title IV funding, reflects the equivalent of spend-outs in previous years, which never exceeded $500,000 per fiscal year.

10. Availability of surplus commodities: Section 310 sets the USDA per meal reimbursement rate for FY 1992 at the amount appropriated divided by the number of meals served or at a rate of 61 cents per meal, whichever is greater. In subsequent years, the 61 cent rate shall be adjusted annually to reflect changes in the CPI food away from home series based on the prior July.

11. Rights relating to in-home services for frail older individuals: Section 311 directs the Commissioner to require entities that provide in-home services under this title to promote the rights of individuals who receive such services.

12. Supportive services: Section 312 adds the following services as supportive services: information and assistance, language translation, services which receive applications from older individuals for section 202 housing, advice, and informational services regarding elder rights, permanency planning for older individuals with adult children with disabilities and other services designed to help older individuals who are caretakers of adult children with disabilities, second career counseling, information on age-related diseases and chronic disabling conditions, support for voluntary long-term care caretakers, information and training on guardianship or representative payees, and multigenerational activities.

The bill clarifies pre-retirement counseling and assistance.

The bill also defined counseling on pension rights and benefits as a type of financial counseling.

The bill includes representation of wards, individuals who are allegedly incapacitated, and, under certain circumstances, older individuals seeking to become guardians as types of legal assistance.

The bill adds music, art, and dance-movement therapy as services designed to enable older individuals attain and maintain physical and mental well-being.

The members of the committees of jurisdiction are concerned about reports that older residents of board and care facilities and other older individuals with disabilities may be denied access to this Act's programs and services in some communities. The members believe it is important to stress that the Act's programs are intended to be available to all older individuals, with particular emphasis on those in greatest economic and social need, including those who reside in various residential environments such as section 202 housing, public housing and board and care facilities.

In circumstances where board and care residents (or other older individuals in similar living environments) wish to participate in OAA meals programs, it would not be inappropriate for such residents to contribute to the cost of such meals and, in such cases, to be reimbursed by the board and care provider for meals consumed outside the board and care facility.

13. Congregate nutrition services and home delivered nutrition services: Sections 313 and 314 allow congregate and home-delivered nutrition projects in rural areas to serve fewer than five meals a week and delete current law requirements regarding recommended daily allowances.

14. Criteria: Section 315 adds to the Dietary Managers Association to the list of organizations to be consulted regarding home-delivered meals.

15. School-based meals for volunteer older individuals and multigenerational programs: Section 316 establishes a new nutrition program: school-based meals for volunteer older individuals and multigenerational programs.

Title VI grantees have been included as eligible entities for this program. Their inclusion is intended to encourage Title VI grantees to seek grants to operate such programs in cooperation with Bureau of Indian Affairs schools. SUAs are encouraged to approve the grant applications of eligible Title VI grantees.

Monies for administrative costs cannot be taken from title III-C.

This program is added in response to the concern that:

(1) there are millions of older individuals who could benefit from congregate nutrition services, but live in areas where meals are unavailable or limited;

(2) there are millions of elementary and secondary school students who need positive role models, tutors, enhancement of self-esteem, and assistance with multiple and complex economic, health, and social problems;

(3) older individuals have a unique range of knowledge, talents, and experience, which can be of immeasurable value to students as a part of the educational process;

(4) multigenerational programs can provide older individuals with the opportunity to contribute skills and talents in the public schools;

(5) programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process, promoting more positive and balanced views of the realities of aging, and reducing negative stereotyping of older individuals;

(6) unused or under-used space in school buildings can be used for multigenerational programs serving older individuals in exchange for good faith commitments by older individuals to provide volunteer assistance in the public schools; and

(7) school districts need broad-based community support for school initiatives, and multigenerational programs can help to enrich that support.

It is intended that such program shall:

(1) create and foster multigenerational opportunities for older individuals and elementary and secondary students in the schools, where meals and social activities are provided;

(2) create school-based programs for older individuals to assist elementary and secondary students who have limited-English proficiency or are at risk of—

(A) dropping out of school;

(B) abusing controlled substances;

(C) remaining illiterate; and

(D) living in poverty.

(3) provide older individuals with opportunities to improve their self-esteem and make major contributions to the educational process of the youth of the United States by contributing the unique knowledge, talents, and sense of history of older individuals through roles as volunteer tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and many other school support roles;

(4) provide an opportunity for older individuals to obtain access to school facilities and resources, such as libraries, gymnasiums, theaters, cafeterias, audiovisual resources, and transportation; and

(5) create other programs for group interaction between students and older individuals, including class discussions, dramatic programs, shared school assemblies, field trips, and mutual classes.

16. Dietary guidelines, payment requirement: Section 317 adds requirements regarding nutrition programs funded under this title. Meals provided by a project must comply with the Dietary Guidelines for Americans. Additionally, if a project serves one meal a day, each meal—whether provided in a congregate setting or home-delivered—must provide one-third of the daily RDA established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences. If a project provides two meals a day to the same individual, the meals must contain two-thirds of these allowances; and if three meals a day are provided to the same individual, the meals must contain 100 percent of these allowances.

This provision was included to offer providers of nutrition services greater flexibility in the planning of meals and to encourage more providers to offer two and three meals each day. It is not expected that providers will dramatically change the content or amount of food provided in any meal provided. It is also expected that they will assure that all food components provided are adequate to provide nutritions, satisfying, and attractive second and/or third meals as well as meeting 2/3 or 100% of the RDA requirements.

Furthermore, it is expected that the USDA will continue to reimburse providers for all meals provided, as long as the average RDA is met.

The members of the committees of jurisdiction are concerned that some nutrition providers may be using dietary supplements in lieu of food to meet the present requirement that each meal served contain at least one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science—National Research Council. Therefore the members direct the Commissioner to address potential abuse of this practice as part of the Commissioner's requirement to oversee nutrition services under the Act.

17. In-home services: Section 318 adds personal care services and other in-home services as defined by SUAs and AAAs in their respective plans.

18. Preventive health services: Section 319 adds several new sites to the list of sites where preventive health services can be provided.

The bill deletes current prohibitions against providing Medicare-reimbursable preventive health services and makes a conforming amendment. In deleting the present prohibition against providing Medicare-reimbursable preventive health services, it is intended that AAAs will not offer, when feasible, services that are generally available through private health services or reimbursable under private or public health insurance.

The bill clarifies existing, and adds new, definitions of disease prevention and health promotion services. The bill also renames Part F of title III as "Disease Prevention and Health Promotion Services".

19. Supportive services for caretakers who provide in-home services to frail older individuals: Section 320 adds a new Part G to title III for the purpose of providing supportive services to caretakers who provide in-home services to frail older individuals.

20. Effective date: The Committees of Jurisdiction recognize that the Secretary of Health and Human Services will be unable to implement regulations for requirements in this Act regarding Section 304, interstate funding formula; Section 306, area plans; and Section 307, state plans, by October 1, 1992, the effective date for these provisions. Consequently, the Committees of Jurisdiction recognize that such regulations will not be drafted or implemented for a reasonable period of time following the enactment of these amendments, not to exceed 180 days after the date of enactment of these amendments. The Committees of Jurisdiction anticipate that there will need to be reasonable transition times for these new provisions during the 180 day period and will work with the Secretary to ensure prompt drafting and implementation of such regulations.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

1. Statement of purpose: Section 401 clarifies that the purpose of this title is also to include dissemination of innovative ideas for replication.

2. Priorities: Section 402 requires the Commissioner to consult with SUAs and AAAs to develop funding priorities. The Commissioner is also required to ensure title IV grants and contracts benefit older individuals and OAA programs, and comply with OAA requirements.

This new requirement for the Commissioner is to ensure that title IV grants and contracts benefit older individuals and other programs under the Act. The grants and contracts are to be used only for those purposes within the scope of the Act.

3. Purpose: Section 403 clarifies the purpose of title IV training grants by placing emphasis on attracting qualified minority personnel.

4. Grants and contracts: Section 404 adds gerontologists to the list of practitioners who may receive training and education under the title. The bill also adds an emphasis on using culturally sensitive practices in-service training. Counseling programs may receive such in-service training.

The bill provides for annual national meetings to train directors of title VI grants. For the past several years, the Commissioner has convened a national meeting to train directors of title VI grants. This event has proved to be very beneficial to all involved. By adding this requirement, it is intended that the training should continue to occur on a national basis, not just on a state or regional level.

A new training program has been added to train service providers who serve older individuals (including family physicians, clergy and other professionals).

5. Multidisciplinary centers of gerontology: Section 405 adds "counseling service" to the kinds of emphasis gerontology centers receiving grants may have. The bill also add schools of social work and psychology to the schools that develop training programs with title IV funds. "Counseling services" are added as a special emphasis of multidisciplinary centers of gerontology.

6. Demonstration projects: Section 406 authorizes several new demonstration projects, including projects that: furnish multigenerational services by older individuals addressing the needs of children; meet the service needs of older individuals who are caretakers with disabled adult children; provide music, art, dance-movement therapy and gerontological education and training on music therapy; or establish model volunteer service credit projects to demonstrate methods to improve or expand supportive or nutrition services or otherwise promote the well-being of older individuals.

The members of the committees of jurisdiction strongly endorse the concept of voluntary service credit programs which have been successfully implemented in a number of States. Therefore the members encourage the Commissioner on Aging to fund innovative voluntary service credit programs.

7. Special projects in comprehensive long-term care: Section 407 deletes the current provision regarding special projects in comprehensive long-term care; adds a new section that requires the Commissioner to fund not fewer than four or more than seven resource centers for long-term care; specifies the functions of the centers; lists areas of specialty for resource centers; requires the Commissioner to fund at least 10 such projects; prescribes the use of funds, reimbursable direct services, preference in awarding grants, application and report requirements, and eligible entities; and requires the Commissioner to fund these projects at not less than the amount awarded for long-term care centers in FY 1991, and to obligate funds within 60 days after the enactment of the bill.

8. Ombudsman and advocacy demonstration projects: Section 408 adds legal assistance agencies to the agencies coordinating within ombudsman and advocacy demonstration projects.

9. Demonstration projects for multigenerational activities: Section 409 requires the Commissioner to award funds for demonstration projects for multigenerational activities affording older individuals opportunities to serve as mentors or advisors in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

10. Supportive services in federally assisted housirg demonstration program: Section 410 requires the Commissioner to award funds to establish demonstration programs to provide supportive services in federally assisted housing. The bill specifies that agencies eligible to receive grants under this section include SUAs and AAAs.

The members of the committees of jurisdiction intend that these demonstration programs will demonstrate the involvement of the aging network in the development of the Comprehensive Housing Affordability Strategies and other programs serving older individuals under the Cranston-Gonzalez National Affordable Housing Act of 1990 (Public Law 101-625, 104 Stat. 4079);

11. Neighborhood senior care program: Section 411 authorizes the Commissioner to award grants to establish neighborhood senior care programs to draw on the professional and volunteer services of local residents; requires the Commissioner to give preference to applicants experienced in operating community programs and those meeting the independent living needs of older individuals; and requires the Commissioner to establish an Advisory Board and a technical resource center on neighborhood senior programs.

To support the addition of a Neighborhood Senior Care Program in the Act, the Commissioner should consult with the director of ACTION, the Points of Light Foundation, and other organizations that advocate and administer volunteer services.

12. Information and assistance systems development projects: Section 412 authorizes the Commissioner to make grants to support improvement of information and assistance services at the State and local levels and to continue to support and evaluate the national telephone information access service.

13. Senior transportation demonstration program grants: Section 413 requires the Commissioner to award at least five grants (not less than 50% to be used in rural areas) to improve the mobility and transportation services of older individuals. Eligible agencies include SUAs, AAAs, and other public agencies and nonprofit organizations.

14. Resource centers on native American elders: Section 414 requires the Commissioner to establish between two and four Resource Centers on Native American Elders.

15. Demonstration programs for older individuals with developmental disabilities: Section 415 requires the Commissioner to establish demonstration projects for older individuals with developmental disabilities.

16. Housing demonstration programs: Section 416 requires the Commissioner to award funds to establish housing ombudsman demonstration projects and adds specific provisions regarding eviction and foreclosure notification.

The members of the committees of jurisdiction are concerned that there are not adequate programs available to assist older tenants of publicly assisted housing to resolve their complaints and problems. Such problems include but are not limited to: legal and nonlegal issues, housing quality issues, security and suitability problems, and issues related to regulations of the Department of Housing and Urban Development and the Farmers Home Administration.

This demonstration project will demonstrate a mechanism to assist such older residents in resolving their problems, and protecting the rights, safety, and welfare of such individuals;

The members note that the State Long-Term Care Ombudsman programs established under the Older Americans Act of 1965 have exhibited great success in protecting the rights and welfare of nursing home residents through work on complaint resolution and advocacy and that a similar approach could be used to address the housing problems experienced by these older residents.

17. Private resource enhancement projects: Section 417 authorizes the Commissioner to fund SUAs and AAAs to establish demonstration projects that generate non-Federal resources in order to increase resources available to provide additional title III services.

18. Career Preparation for the field of aging: Section 418 adds new requirements for the Commissioner to make grants to educational institutions (including historically Black colleges or universities and Hispanic Centers of Excellence with programs of applied gerontology) that serve the needs of minority students to prepare them for careers in aging.

19. Pension information and counseling demonstration projects: Section 419 requires the Commissioner to fund pension information and counseling demonstration projects.

20. Authorization of appropriations: Section 420 authorizes $72 million to be appropriated to carry out this title for fiscal year 1992 and such sums as may be necessary in subsequent years.

There are also authorized to be appropriated $450,000 for each of fiscal years 1992, 1993, 1994, and 1995 to carry out a program to train service providers as described in Section 411(e).

21. Payments of grants for demonstration projects: Section 421 requires the Commissioner when issuing grants and contracts within a State to inform the SUA of their purpose.

22. Responsibilities of commissioner: Section 422 specifies that the annual report on title IV awards be submitted to Congress not later than January 1 following each fiscal year, expands the required content of the report, and requires the Commissioner to evaluate the activities funded under title IV, make the evaluations available to the public, and use the evaluations to improve service delivery or program operation.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

1. Older American community service employment program: Title V of the Older Americans Act authorizes the Senior Community Service Employment Program (SCSEP), which provides part-time employment and training opportunities for low-income persons 55 years of age and older. As enrollees in a Federal employment and training program, participants in the SCSEP historically have not been considered "employees" of grantees. The members of the committees of jurisdiction believe that benefits associated with employment should be funded by the Federal government.

Section 501 adds a provision which includes individuals with poor employment prospects as potential title V participants; requires projects to hire individuals with greatest economic need, and prepare an assessment of participants; requires the Secretary of Labor to consult with the Secretary of Health and Human Services on the cost of programs; requires national contractors to consult with and submit project descriptions to SUAs and AAAs in areas where they are operating; and requires the Secretary to issue criteria for experimental projects and require projects in such experiments to coordinate with JTPA programs.

2. Coordination: Section 502 requires the Secretary to consult with the Commissioner to increase job opportunities for older individuals. Section 502(c)(1) of the Act requires that Community Service Employment for Older Americans (CSEOA) sponsors pay 10 percent of the cost of CSEOA projects. It is the intent of the Committees of Jurisdiction that whenever an Indian tribal entity, or an association representing such entities, with which the Secretary has an agreement under Section 502(b) of the Act, demonstrates to the Secretary that a project serving primarily Indians or on an Indian Reservation, located in an economically depressed area, does not have adequate non-federal resources available, the Secretary may pay all of the costs of any such project.

3. Interagency cooperation: Section 503 requires the Secretary to coordinate this program with other Federal jobs programs and other titles of the OAA.

4. Equitable distribution of assistance: Section 504 establishes a minimum funding base for all title V national contractors of 1.3 percent of FY 91 total appropriations (i.e., $5,135,000). The base will help to ensure that all contractors have a minimum level of funds to administer effectively the program on a national basis. Currently, only two of the ten national contractors are funded at below this minimum funding base; in FY 1992, they each received a little over $1.3 million. By contrast, the next smallest contractors received approximately $11 million; the largest contractor received over $100 million.

This amendment gradually increases these contractors to the minimum funding base by reserving a portion (at least 25 percent) of increased appropriations. This reservation cannot occur until appropriations exceed 102% of FY 91 appropriations (i.e., $398,000,000). Since this was not achieved for FY 92 (final title V appropriation is $395,818,000), the amendment would not be triggered in FY 1992. By requiring that the reserved portion be taken only from increases in appropriations, the funding levels for national contractors essentially are being held harmless to their FY 92 appropriations. Importantly, given that only a portion of increased appropriations will be reserved, all national contractors will still receive increased funding if appropriations increase.

Once a national contractor has achieved the minimum funding base, it is intended that such base shall, at a minimum, be maintained.

Some individuals have indicated that the problem of inadequate funding for these two contractors is best addressed through an administrative solution. Normally, the members of the committees of jurisdiction would agree. However, despite congressional efforts to assure an adequate funding amount, the Department of Labor has shown no intentions of addressing the current funding disparity.

The bill also requires the Secretary to take into account the distribution of older individuals with the greatest social and economic need and minority individuals when apportioning funds within the states.

5. Authorizations of appropriations: Section 505 authorizes $470,671,000 for FY 1992 and such sums as may be necessary in fiscal years 1993, 1994, and 1995. The bill also authorizes enough appropriations to fund 70,000 title V positions in each fiscal year.

6. Dual eligibility and treatment of assistance provided under this title: Section 506 requires that when title V projects are carried out jointly with JTPA programs, title V participants will be eligible for JTPA. It also stipulates that assistance from title V will not be considered financial assistance under the Immigration and Nationality Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

1. Applications by tribal organizations: Section 601 adds provisions requiring title VI applicants to assure coordination with other title III programs.

2. Distribution of funds among tribal organizations: Section 602 requires the Commission to first fund FY 1991 title VI grantees at their FY 1991 levels before funding new title VI grants. By including this provision, the members of the committees of jurisdiction emphasize that the participation of new tribal organizations in this program is not precluded.

The bill also requires the Commissioner to direct any additional appropriations to organizations who received title VI grants in FY 1980 and received lower funding in succeeding years or to organizations who did not receive a grant in FY 1980 or FY 1991.

3. Applications by organizations serving native Hawaiians: Section 603 requires applicants to assure they will coordinate with title III programs.

4. Distribution of funds among organizations: Section 604 requires the Commissioner to fund native Hawaiian organizations at least at their FY 1991 level.

5. Authorizations of appropriations: Section 605 authorizes $30,000,000 in FY 1992 and then such sums as may be necessary for fiscal years thereafter for title VI: 90 percent to go to Part A, 10 percent to go to Part B.

TITLE VII—ELDER RIGHTS SERVICES

The bill creates a new title VII regarding elder rights services. The new title is based, in part, upon a finding that there is a need to consolidate and expand State responsibility for the development, coordination, and management of statewide programs and services directed toward ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights.

While more than persons in any other age group, older individuals rely on public benefit programs and services to meet income, housing, and health and supportive services needs, the members of the committees of jurisdiction are concerned that: it is estimated that only half of older individuals eligible for benefits under the supplemental security income program are currently enrolled; it is estimated that only half of older individuals eligible for food stamps receive assistance; and that it is estimated that less than half of older individuals eligible for benefits under the medicaid program are currently enrolled in the medicaid program.

Critical purposes for establishing this title include, but are not limited to, the need to:

(1) assist States in securing and maintaining for older individuals dignity, security, privacy, the exercise of individual initiative, access to resources and benefits to which the individuals are entitled by law, and protection from abuse, neglect, and exploitation;

(2) require States to undertake a comprehensive approach in developing and maintaining elder rights programs;

(3) require States to give priority to protecting the rights of, and securing and maintaining benefits and services for, older individuals with the greatest economic or social need;

(4) require States, in making grants and entering into contracts to carry out programs to protect elder rights, to give preference as appropriate to AAAs and other entities with a proven track record in performing elder rights activities; and

(5) authorize States to plan and develop programs and systems of individual representation, investigation, advocacy, protection, counseling, and assistance from older individuals.

The State agency is required to submit annually to the Commissioner on Aging and to other appropriate State agencies a report of elder rights activities and issues. Such report shall include an analysis of data regarding elder rights based on reports of abuse, neglect, or exploitation; complaints regarding long-term care or from residents of long-term care facilities; reports of consumer fraud and abuse; reports of requests for and the provision of emergency protective services; reports of legal assistance and advocacy required to provide protection; and reports regarding the failure of older individuals to secure benefits for which the persons are eligible.

1. Authorizations for vulnerable elder rights protection activities: Section 701 authorizes appropriations of $40,000,000 for the ombudsman provisions for FY 1992 and then such sums as may be necessary for fiscal years thereafter; $15,000,000 for the prevention of abuse, neglect, and exploitation of older individuals in FY 1992 and then such sums as may be necessary for fiscal years thereafter; $10,000,000 for state elder rights and legal assistance development programs for FY 1992 and such sums as may be necessary for fiscal years thereafter; and $15,000,000 for the outreach, counseling, and assistance program for FY 1992 and then such sums as may be necessary for fiscal years thereafter.

The bill also authorizes $5,000,000 for FY 1992 and such sums as may be necessary for fiscal years thereafter for a program to fund organizations who serve Native Americans to protect the rights of vulnerable elderly.

Title VII funds are to be allotted differently than allotments in title III. It is the intent of the members of the committees of jurisdiction that funds should first be allotted on the basis of population and then adjusted on a pro rata basis to ensure that minimum amounts have been allotted. The bill requires States to provide additional assurances related to Title VII as part of the state plan submitted under section 307. However, the current Title III requirements governing the allocation of funds within states are not applicable to funds made available under any part of Title VII nor are area agencies the only entities eligible to receive grants from states under any part of Title VII. In addition, states may use funds available under Title VII to directly carry out vulnerable elder rights protection activities.

2. Ombudsman programs: Section 702 adds new requirements regarding residents receiving timely access to the Ombudsman service, representation of residents' rights, the provision of administrative and technical assistance, the procedures for access and consent for Ombudsmen, protection of Ombudsmen from retaliation, and the training of the Ombudsman and her/his representatives.

Because of the responsibility of Ombudsmen to investigate and resolve complaints pertaining to the health, safety, welfare and rights of long-term care facility residents, the members of the committees of jurisdiction emphasize that it is essential that such ombudsmen have full access to facilities, residents and appropriate records, including the records of facility residents.

Nothing in this Act is intended to preclude or deter States from providing additional authorities to the Ombudsman if deemed appropriate or necessary. A State may find it appropriate and necessary to provide Ombudsmen with a right of access to such records in a manner at least consistent with the access authority of State's long-term care facility licensure and certification officials. In the event a State provides the Ombudsman with such authority it is incumbent upon the SUA to vigorously protect the Ombudsman program's ability to thoroughly investigate and resolve complaints.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-term health care workers

The bill requires the Directors of the National Center for Health Statistics and the Centers for Disease Control to collect data and prepare a report regarding long-term care for health care workers, including those employed by adult day care centers and other community-based settings.

Subtitle B—National School Lunch Act

The bill amends the National Student Lunch Act to clarify a USDA interpretation that classified group homes in the community as "institutions" under the School Lunch Act. This amendment goes into effect as if it were part of the 1987 Older Americans Act amendments.

Subtitle C—Native American Programs

Sections 821 and 822 amend the Native American Programs Act of 1974.

The bill establishes within the DHHS the Administration for Native Americans to be headed by a Commissioner. The Commissioner shall be appointed by the President and approved by the Senate. The Commissioner's duties shall include administration of grant programs, coordination of departmental activities affecting Native Americans, service as their active and visible advocate within the Department and compilation of information for the Secretary's annual report on social conditions of Native Americans.

The bill also requires that the Secretary assure that staff and administrative support is provided adequately to the Administration to meet responsibilities described in this legislation and to establish within the Secretary's Office, the Intra-Departmental Council on Native American Affairs, made up of the heads of principal operating divisions within the Department and others designated by the Secretary.

The bill identifies the Office of Hawaiian Affairs of the State of Hawaii as a revolving loan fund recipient (described in Sec. 803(a)(1) of the Act), by ending the prohibition against loans after a five year period, by authorizing the Native Hawaiian Revolving Loan Fund through 1994 and requiring matching contributions from the Office of Hawaiian Affairs. These amendments also repeal 1987 amendments that would have required certain funds to be deposited in the Treasury and the Secretary to deliver certain reports in 1989 and 1991, and prescribe new requirements for annual reports to the Congress from the Commissioner with respect to the loan fund.

The bill requires the Commissioner to provide technical assistance to potential applicants for funding and to applicants initially denied awards, and to provide short term training for persons carrying out funded projects.

The bill requires the Secretary of HHS to report annually by January 31 to the Congress on the social and economic conditions of Native Americans and to make recommendations as appropriate.

The bill provides for Secretarial review of the Commissioner's finding that an organization or proposed activity is ineligible for funding and gives the authority of providing procedure for appeals, notice and hearing to the Commissioner instead of the Secretary. The bill also changes the authority to provide financial assistance through grants or contracts for research, demonstration, or pilot projects, and the authority to make public announcements regarding such projects from the Secretary of HHS to the Commissioner.

The bill authorizes the Commissioner to extend employment preference to Native Americans, based upon the Office of Indian Education preference provision (P.L. 100-297).

The bill requires the Commissioner of the Administration for Native Americans (ANA) to give preference in contracting to individuals who are eligible for assistance under this title, and requiring the Commissioner to encourage agencies receiving grants to give preference to such individuals.

The bill requires evaluations of ANA-assisted projects to be evaluated at least every three years.

The bill authorizes "such sums as may be necessary" for fiscal year 1992 for all programs under this Act with certain exceptions.

The bill eliminates the threshold for eligibility for grants to Pacific Islanders.

In addition, no statutory change is required to assure the eligibility of the Office of Hawaiian Affairs and Department of Hawaiian Homelands, as both are clearly eligible as "public . . . agencies serving Native Hawaiians" (42 U.S.C. 2991b). Further, it is hoped that provisions in the bill expanding the amount of discretionary funding available to the ANA will enable the Administration to provide improved levels of technical assistance to applicants and grantees in noncontiguous areas through contractors or subcontractors in those areas.

Finally, the Department of Health and Human Services through ANA is directed to enter into discussions as soon as possible with appropriate officials of the Department of Defense to develop and execute a memorandum of understanding, memorandum of agreement, interagency agreement or other appropriate vehicle to provide procedures for disbursement of the $8 million appropriated for the Department of Defense for mitigation of environmental damage to Indian tribes from defense operations. The disbursement of these funds through competitive grants to tribes and tribal membership organizations will assist in their planning, development and implementation of programs for such environmental defense mitigation.

Subtitle D—White House Conference on Aging

As demographers project that the portion of the population age 55 or older will continue to increase well into the next century, the need for a national strategy session to address the implications of an aging population is imperative. With these changes private individuals and groups representing the field of aging will, for the first time, participate equally in the development of Federal aging policy.

It is intended that the mission of this Conference will continue to be that of assessing the most appropriate public policies to meet the needs to enhance the contributions of older Americans. The Conference must be free to make any recommendations for action which are necessary to realize the goals of health, happiness, and security for all older Americans. Recommendations from the Conference should consider the overall aging of the population in the context of the relationship between the generations.

It is the intent of the members of the committees of jurisdiction that the Conference includes a conference on the needs of older Indians and that such conference be conducted on a national basis in coordination with national entities having expertise in the needs of older Indians. Furthermore, in conducting such conference on older Indians, the White House Conference on Aging is to provide such resources as are necessary to support such a conference.

Section 832 requires the President to convene a White House Conference on Aging not later than 1994. It also requires delegates to the Conference to include professionals, nonprofessionals, minorities, and low-income family members.

Sections 833, 834, and 835 add new requirements regarding the administration of the Conference, including the composition and duties of the Policy Committee, necessary record keeping, and approval of the Conference report.

Section 836 authorizes such sums as may be necessary for FY 92 and FY 93, with funds available until Jan. 1, 1995 or one year after the Conference adjourns, whichever is earlier. Funds not expended or obligated shall go to carry out the Older Americans Act.

Section 838 states the sense of the Congress that impact of the Social Security earnings test should be considered by the Conference.

TITLE IX—GENERAL PROVISIONS

Section 905 states these amendments shall take effect upon enactment of this Act, except that Sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, 320, 410, 411, 413, 414, 415, 416, 418, 419, 501, 504, 506, 601, 603, and all sections in title VII shall not apply for fiscal year 1992.

Summary of Key Provisions in the Older Americans Act Amendments of 1992 Agreed To By Senate and House Committees of Jurisdiction

New elder rights title—Consolidates and strengthens provisions relating to elder abuse prevention, long-term care ombudsman services, legal assistance, and outreach and public benefit and insurance counseling programs.

Increased Low-Income Minority Participation—Requires State Units on Aging, area agencies on aging, and service providers to set specific objectives with the goal of improving participation by low-income minority older persons in supportive and nutrition services. Also requires intrastate funding formulas to take into account the number of individuals in greatest economic and social need, with particular attention to low-income minorities.

Supportive services for family caregivers of frail individuals—Authorizes a new program to assist caregivers, including counseling and training.

Intergenerational services at meal sites in public schools—Authorizes meals for older individuals in public schools to promote intergenerational activities with at-risk kids (based upon Seattle's highly successful SPICE program).

Transfers of funds—Limits the amount of transfers among title III programs, both between title III-B (supportive services) and III-C (congregate and home-delivered nutrition programs) and within title III-C. This amendment will limit the trend to transfer funds appropriated for nutrition services to other services that has occurred in recent years. Transfers between title III-B and III-C will be limited to 30% in 1993, 25% in 1994 and 1995 with an additional 5% waiver, and 20% in 1996 with an additional 8% waiver. Transfers within title III-C will be limited to 30% with additional waivers of 18% in 1993, 15% in 1994 and 1995, and 10% in 1996.

USDA per meal reimbursement rate—Sets the reimbursement level at 61 cents, with annual adjustments to account for increases in the consumer price index, or at the total amount appropriated divided by the number of meals served, whichever is greater. The current rate has been fixed at 57.76 cents per meal since 1986. This amendment will ensure that nutrition programs receive a higher reimbursement rate, as well as the full amount of the appropriation.

White House Conference on Aging—Authorizes a conference to be conducted no later than December 31, 1994 (the President has called for the conference in 1993). Provides for the first time an expanded Congressional role in the Conference by including Congressional appointees with the President's appointees to the conference policy committee. Specifies that the conference will have a focus on intergenerational policies and issues.

Special consideration for rural areas—requires states to identify the actual and projected costs of delivering services in rural areas.

Minimum funding base for title V older worker program sponsors—Ensures a minimum funding base for all national sponsors under the Department of Labor-administered program which provides part-time minimum wage jobs to low-income individuals age 55 and over. The minimum base would be approximately $5 million. This amendment would close the funding gap between national sponsors serving Indian and Pacific Island and Asian elders and other national sponsors.

Database on Long-Term Care Health Workers—Establishes requirements for national demographic information on non-professional health care workers employed by nursing homes and home health agencies.

Funding for Title IV (Training, Research, and Discretionary Programs)—Authorizes a number of new research and demonstration programs including programs to provide intergenerational services, pension counseling, ombudsmen for older tenants of publicly assisted housing, long-term care research, and others. Authorizes $72 million for FY 1992 with no individual program within title IV earmarked for a specific amount.

Studies of quality in board and care facilities and in in-home care services—Authorizes two studies to be conducted by the Institute of Medicine (IoM) at the National Academy of Science: one on quality of care and services for older individuals in board and care facilities; and the other on quality of home care quality. These studies are modeled on the highly regarded 1986 study on nursing home quality.

Authorizations of Appropriations—In general, the higher authorization figures from both bills were accepted for FY 92 and "such sums as may be necessary" authorized in FY 93 and beyond for most programs. The Act's many vital services include, but are not limited to, congregate and home-delivered meals, transportation, in-home care, information and referral, services for Native American elders, part-time employment for low-income seniors, and legal assistance.

Reauthorization of the Administration for Native Americans [ANA]—includes reauthorization of the Administration for Native Americans Programs Act of 1974. The ANA provides for financial assistance to tribal governments and Native American organizations to promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, other Native American Pacific Islanders, and Alaska Natives.

Ms. MIKULSKI. Constituent recreational therapists have expressed concern as to whether or not this bill's amendments on music, art, and dance therapy preclude the use of recreational therapists who provide these therapies under title III, part B of the act. Will the distinguished Senator from the State of Washington tell me that I am correct in my assumption that this is not the case? I also want to be certain that when the Congress noted in title I that "it is intended that therapists providing or otherwise involved in such therapies shall be individuals trained in such therapies" this does include the thousands of certified recreational therapists having educational qualifications or experience to provide such services.

Mr. ADAMS. As chairman of the Subcommittee on Aging, I too have heard from recreational therapists from my home State of Washington and from all across the country about this matter. I assure my esteemed colleague from the State of Maryland she is correct. Certified recreational therapists qualified to help patients through music, art, and dance utilized within their therapy are not precluded from receiving the same consideration from this bill as specialized music, art, and dance therapists. I agree it would be a disservice to older Americans being treated by certified recreational therapists if the bill only applied to specialty therapists. Recreational therapists make a substantial contribution to the health and quality of life of older persons, including those with Alzheimer's disease, and other persons with disabilities.

Ms. MIKULSKI. The Aging Subcommittee chairman's point is well made and I am pleased there are so many trained and experienced recreational therapists and older individuals who may benefit from this legislation.

Mr. REID. Mr. President, I would like to concur with the view expressed by my distinguished colleague from Maryland, and the chairman of the Subcommittee on Aging, the Senator from Washington, regarding the benefits of recreational therapy. Please be assured that my amendment to the Older Americans Act was not intended to preclude the services of recreational therapists qualified in music, art, and dance therapies. The Special Committee on Aging, upon which I serve, has held hearings on the benefits of music, art, and dance therapies, and an impressive record of evidence has been compiled as to the effectiveness of these innovative approaches. I believe recreational therapists also contribute to the health and well-being of older Americans in significant ways.

Mr. SIMON. Illinois is very proud of the community-based case management system established through collaborate efforts of the Illinois Department of Aging, the area agencies on aging, and the public and not-for-profit organizations which have been designated case coordination units under both the Illinois Community Care Program—which is partially supported through a Medicaid waiver and primarily by the State of Illinois—and title III of the Older Americans Act.

We are very pleased that a definition of case management is included in the very first title of the act—title I, Section 102, Definitions, No. 22—with this reauthorization and is now a stated goal of title III under the purpose section—title III, Grants for State and Community Programs on Aging, Part A—General Provisions—Purpose; Administration Section 301(a)(1)(D).

The definition of case management includes the concept that trained or experienced individuals are "to assess the needs and to arrange, coordinate, and monitor an optimum package of services to meet the needs of the older individual."

Those case managers are responsible for the "development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual including coordination of the resources and services: First, with any other plans that exist for various formal services, such as hospital discharge plans; second, with the information and assistance services provided under this Act; and third, coordination and monitoring to ensure that services are specified in the plan are being provided, * * *" all at the direction of the older individual or family member of the individual.

I ask the distinguished Senator from Washington if the intention of this definition is to assure that the case manager is primarily an advocate for the older person with total responsibility for providing the most complete and best service for that older person?

Mr. ADAMS. My esteemed colleague, the Senator from Illinois, has raised an important question. Yes, our intent is to assure that the case manager is functioning as an agent for the older person and not as the promoter of any particular organization's services and programs. This is a position that requires the utmost professional objectivity and independence.

Mr. SIMON. In Illinois the case management system has been essential in not only providing appropriate plans of care for senior individuals but in the management of scarce public funds, performing what is called a gatekeeper function. Is this type of case management consistent with the intent of the definition presented in the Older Americans Act amendments?

Mr. ADAMS. This is a common approach to case management services in most States. The best service for an older person is one that is truly responsive to the individual's needs, is cost-effective, efficient, and promotes continued independence and self-sufficiency to the greatest extent feasible.

Mr. SIMON. I would like to bring to the attention of the chairman of the Subcommittee on Aging section 306(a)(F)(20) on area plans.

This is a new provision to the act which restricts providing case management services under title III by prohibiting the duplication of case management services provided through other Federal and State programs, requiring the coordination of the service with other programs identified in the act, private agencies, restricting nonprofit agencies to those that do not provide and do not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides services other than case management services under this title, and finally permits a waiver of the requirement for area agencies located in rural areas.

Am I correct in understanding the ownership or controlling interest language is an administrative method to assure that providing case management will not become the promotion of any one type or provider of a direct service meant to assist the older individual or family?

Mr. ADAMS. Yes. The goal is to prohibit any organization from providing a case management service that performs an intake type function for the services they provide either directly or indirectly. The highest priority must be the older person and to ensure full integrity in the provision of services. We want the older person to benefit from a total service plan with use of informal care as well as any needed formal service. The case manager cannot do this function when there is intraorganizational pressure to use services offered by that agency.

Mr. SIMON. I support the Senator from Washington's concern that the client be primary in the case management system. I ask if this service is at odds with several Older Americans Act principles such as: The emphasis on coordination of services; the emphasis on access to services at community focal points; the concept of colocation of services; the emphasis on multipurpose senior centers; the involvement of volunteers and informal supports for the older person; the facilitation of accessibility to and use of all supportive services and nutrition services provided within the geographic area served by such system; the development and the making of the most efficient use of supportive services; and the efficient use of available resources?

Mr. ADAMS. No. The case management service is one that should include all the above concepts and implement them directly on behalf of the older person.

Mr. SIMON. Then am I correct that this new section should not detract from the service network developed under the act?

Mr. ADAMS. The Senator from Illinois is correct. These provisions should advance the concepts of the act.

Mr. SIMON. Then I assume that if this section does not advance these concepts, it will be reconsidered at the earliest possible time.

Do the other services mentioned in this subsection have a relationship to the actual care plan developed for the client? Is it correct to assume that running a senior center, providing congregate meals, or providing a transportation service are not contrary other services to the purpose of case management?

Mr. ADAMS. The other services referenced in this section must have some direct bearing on the service planning for the older individual. We realize that to contain costs and to assure functioning organizations in the community there will be combinations of activities performed by agencies. The most important protection in this section is from the promotion and delivery of a service that benefits the agency at the expense of an objective, complete, and fair assessment and arrangement of all types of services for the older person.

Mr. SIMON. If the area agency on aging has a plan for its area, which identifies gaps in services and directs resources to fill those gaps, resulting in an increase of options available for senior individuals, would the package of services which may include home-delivered meals and in-home care to be considered to be other services and contrary to the provision of case management?

Mr. ADAMS. This would depend on the methods used by the area agency to assure that the common goals are being met through the community agency providing services designed primarily around the needs of the older person. The prohibition introduced in this act is directed to stop any attempt to make the case management service a promotional tool or to otherwise provide an unfair advantage for the provider agency and thus violate their commitment and the attention required to fully assist the older individual and his or her family. If the grant arrangement passes a test that the service or services will meet the client's needs first, and foremost with available services best suited for those needs, and no other funding or promotional efforts are included in the agency's plans, then it would appear that continued use of that service package would not be in violation of this section. There must be assurances that the case manager's actions are not driven by the necessity for the agency to draw down the resources through the provision of a particular service by the agency or affiliated agencies.

As the Senator knows, State agencies on aging are primarily responsible for setting policy which implements the Older Americans Act within their borders. As part of that responsibility, the State agency on aging must assure that the case management provisions of this act are implemented in a manner that does not duplicate case management services provided through other Federal and State programs. In addition, the act gives State agencies the authority to develop policy on the direct provision of services by area agencies on aging, including the direct provision of case management.

Mr. SIMON. I thank the distinguished Senator from Washington for the clarification. I appreciate the excellent job that he and his subcommittee staff performed in developing these amendments to the Older Americans Act.

Ms. MIKULSKI. Mr. President, I would like to echo the comments just made by my esteemed colleagues from Illinois and Washington. As the sponsor of the case management provisions in the Older Americans Act reauthorization legislation, I appreciate the points raised by the Senator from Illinois and agree with the clarification offered by the chairman of the Subcommittee on Aging.

Mr. MACK. Mr. President, I would like to take a few moments to seek clarification from the Senator from Washington who, as chairman of the Subcommittee on Aging, has had primary responsibility for bringing the Older Americans Act reauthorization legislation before us.

I note that S. 3008, the reauthorization legislation, includes a provision to put in statute the current practice of the Administration on Aging [AOA] to use the most recent data available from the Census Bureau in distributing OAA funds under the interstate funding formula.

My home State of Florida has one of the Nation's fastest, if not the fastest, growing older populations. When we speak of the graying of America we are truly speaking of Florida. Many of these seniors are in need of the critical services provided under the OAA. Therefore, it is essential that Florida's OAA programs receive their fair share of OAA funds to meet the rapidly expanding demands that our State's demographics require.

Therefore, I want to be certain that it is the Congress' intent that the population data used is the most recent annual data available from the Census Bureau. Am I correct in that understanding?

Mr. ADAMS. The distinguished Senator from Florida raises an important point and he is correct in his understanding. The set of amendments that we are considering in this reauthorization include codifying the current practice of the Administration on Aging in using annually updated data from the Census Bureau in alloting funds to the States. This is a practice that has been followed by the AOA for at least 18 years and it is our intent to ensure that that practice continues and our language does that.

Just today I received a letter from Dr. Joyce Berry, the U.S. Commissioner on Aging, saying that she "cannot foresee that any U.S. Commissioner on Aging in the future could deviate from this practice of using annual estimates provided by Census Bureau data unless otherwise directed by Congress." I will put Commissioner Berry's letter in the RECORD following these comments.

As the Senator from Florida has laid out, the number of older Floridians is rapidly increasing as a percentage of the Nation's overall population aged 60 and over. Thus, Florida is expected to continue to be a principal beneficiary of this practice. I would like to also point out that the provision amends the act to require the use of the most recent data. In the event that data more current than even annual updates should be available from the Census Bureau, then the OAA would require the AOA to use such data. I would expect that Florida would again be a principal beneficiary of such data in terms of their OAA funding.

Because of the Senator's concern about this matter I also believe that the AOA must specify in regulation that "most recent data available from the Bureau of the Census" means the most recent annual estimates of population based on age from the Bureau of the Census. Therefore, the joint statement of the committees of jurisdiction regarding these amendments will be modified to indicate clearly that data used for the interstate funding formula must be updated on an annual basis. I am pleased to say that our House counterparts have agreed to accept this change in the joint statement.

Mr. MACK. The Senator from Washington has satisfied my concerns regarding this matter and I thank him for his comments.

Mr. COCHRAN. Mr. President, I would like to commend my colleagues, Senator MACK and Senator ADAMS, for addressing this matter. I understand the nature of the concern raised by the Senator from Florida and am confident that their exchange and the modification to the joint statement of the committees of jurisdiction will provide firm direction to continue a satisfactory and longstanding practice. In addition, I expect to join with the Senator from Florida and the Senator from Washington, who chairs the Subcommittee on Aging, in sending a letter to the Administration on Aging emphasizing our intent in this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY,
ADMINISTRATION ON AGING,
Washington, DC.

Hon. BROCK ADAMS,
Chairman, Subcommittee on Aging, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your inquiry regarding the U.S. Administration on Aging's practices in allocating federal Older Americans Act funding to the states. As you know, current law directs that states are to be allotted an amount in the same ratio as the population aged 60 or older in the State bears to the population aged 60 or older in all of the States. The law states that the population numbers are to be determined on the basis of the most recent satisfactory data available to me.

S. 3008, under consideration by the Senate, and H.R. 2967, as passed by the House of Representatives on April 9, 1992, codify the longstanding practice of the Administration on Aging by inserting "data available from the Bureau of the Census, and other reliable demographic data satisfactory". As I understand, this language would seek to ensure that the Administration on Aging's practice of at least 18 years of using annually updated population estimates from the Bureau of the Census would continue. Under the current law, as would be amended by the reauthorization language in S. 3008 and H.R. 2976, I cannot foresee that any U.S. Commissioner on Aging in the future could deviate from this practice of using annual estimates provided by Census Bureau data unless otherwise directed by Congress.

Sincerely,
JOYCE T. BERRY, Ph.D.,
Commissioner on Aging.

Mr. KENNEDY. Mr. President, I am pleased that the Senate has acted favorably on the Older Americans Act reauthorization bill. It has been a lengthy process, and over the past several weeks I have been contacted by many senior citizens urging passage of this important legislation.

The Older Americans Act Program has, for more than a quarter century, served millions of senior citizens with critically needed services such as Meals-on-Wheels for the home bound elderly, and the Senior Employment Program for modest income senior citizens who need the security of a job. Equally important, the act has created other vital programs for senior citizens, such as the nursing home ombudsmen, who provide a voice for individuals least able to speak for themselves.

I commend Senator ADAMS for the remarkable job he has done in crafting this reauthorization bill. He has provided leadership in consolidating and improving the most important services under the act which protect the rights, autonomy, and independence of older persons. This effort, S. 1471, the elder rights amendments to the Older American Act, is one that I endorsed and which I joined as an original cosponsor. It is now a centerpiece of the consensus bill we are introducing today.

Over the past decade, the increasing population of elderly citizens in the Nation has caused us to seek better answers to the growing need for long-term care. I am pleased that this consensus bill will continue the long-term care resources centers, including the Brandeis Center in Massachusetts. It also authorizes a new demonstration project to improve the delivery of long-term care services. The latter project is an initiative which I developed with Senator PRYOR, the chairman of the Senate Special Committee on Aging.

I also commend Senator COCHRAN, the ranking minority member of the Aging Subcommittee of the Senate Labor Committee, for his excellent work on this reauthorization bill. We have today passed a measure which reaffirms our commitment to helping older Americans maintain their independence and dignity. I look forward to this measure's swift enactment.

Mr. McCAIN. Mr. President, I want to express my strong support for this legislation which will reauthorize the many critical programs under the Older Americans Act [OAA]. These programs help so many of our Nation's senior citizens such as Meals on Wheels, the Senior Employment Program, and nursing home ombudsmen to name a few. I have long been a supporter of these programs and was a cosponsor of the original bill to reauthorize OAA, S. 243, and I am a cosponsor of this bill.

But Mr. President, I must also express my extreme frustration that the Congress has let yet another opportunity go by to do something about the onerous Social Security earnings test which penalizes senior citizens between the ages of 65 and 69 for earning more than $10,200 per year. Mr. President, I have on many occasions come to the floor to express my very strong belief that the current law must be changed. It is unfair, outdated, and it must go.

Mr. President let me just go through a brief history of the consideration of the Social Security earnings limit during this Congress.

On January 14, 1991, I introduced S. 194, the Older Americans' Freedom to Work Act together with 26 other Senators. The bill was referred to the Senate Finance Committee.

On November 12, 1991, after S. 194 had sat in committee for some 10 months, I offered an amendment to S. 243, the older Americans reauthorization amendments, a bill of which I was a cosponsor, to repeal the Social Security earnings limit. The amendment was accepted by the Senate.

In April, the House of Representatives passed legislation to reauthorize the OAA, and included a provision to raise the Social Security earnings limit.

On July 28, 1992, the Senate adopted a sense of the Senate resolution which clearly stated that the earnings limit must be changed.

Just 5 days ago, I again offered an amendment to the Treasury and Postal appropriations bill to raise the earnings limit to $50,000. A majority of Senators voted in favor of my amendment—51 Senators.

Yet, here we are, some 21 months after I introduced legislation to address the onerous Social Security earnings test, and the Congress has still not changed the law. Mr. President, as a cosponsor of the bill, I am very pleased that it is being considered and is likely to be signed into law within days.

However, we have let another opportunity to rectify an extremely inequitable situation slip by. Mr. President, how long will it take? How long will it take for the Congress to realize that the American people simply will not accept that, despite the fact that a clear majority sees the importance of acting, and despite that 22 months has passed since I introduced my legislation, nothing has been done.

Mr. President, I urge my colleagues to support S. 3008, and I hope that the bill will be swiftly enacted. But let me be clear. The Congress must address the Social Security earnings test, and I will not give up the fight to see that it does.

Mr. ADAMS. Mr. President, I want to thank the majority leader and minority leader, and particularly Senator THAD COCHRAN, for their assistance in the passage of this bill. It is a wonderful thing for older Americans.

Mr. DURENBERGER. Mr. President, it is my pleasure to express my support for the reauthorization of one of our most important legislative accomplishments of the last 30 years, the Older Americans Act.

This act has done an incalculable amount of good across the country. And it does it by helping people in communities help one another, one person at a time.

Art Stevens, a resident of Becker, MN, is 99 years old. Every lunchtime a volunteer from the Meals on Wheels Program comes by with a nutritious meal and some welcome companionship. Without this meal and the visits of a nurse and a kindly neighbor, Mr. Stevens would have to be in a nursing home. Instead, he expects to see 100 and intends to stay right at home. He's one of over 100,000 Minnesota seniors who benefit from the act's nutrition programs.

In Cokato, MN, Gladys Axelson was diagnosed with cancer in March. She underwent surgery and has to travel 45 miles into the Twin Cities for radiation treatments. Without the county's transportation services funded by the Older Americans Act, she might have had to quit her job and go on long-term disability. Instead, the transportation service has allowed her to keep her job, keep her insurance coverage, and remain a taxpaying member of the labor force.

Connie Bagley, director of the Area Agency on Aging in Rochester, MN, shares her own personal story. "My 95-year-old grandmother still manages to live in an apartment on her own. However, as you might imagine she is quite frail. Her husband of 72 years is also 95 years old but in a nursing home 1 mile from my grandmother. It has become increasingly difficult for her to visit him regularly because she now needs a kind of transportation service that provides personal assistance to and from the home."

The Older Americans Act provides this special transportation need for Connie's 95-year-old grandmother.

There are literally millions more of these stories in our country. The reauthorization bill builds on the act's successes, updates the authorization amounts to move realistic levels and strengthens the act in many areas, including elder abuse, preventive health services and training for people who care for frail family members.

The reauthorization bill was originally introduced in January 1991. It has been a long and difficult process to get it passed, despite widespread support among Republicans and Democrats in both the House and the Senate.

For the first time in my 14 years in the Senate, I had to vote against it when it was reported out of committee last fall because it included an unrelated amendment that threatened the integrity of the Pension Benefit Guaranty Corporation. I then succeeded in having that provision struck from the bill in a vote on the Senate floor.

For months since then the bill has been held up by controversy over another unrelated issue, the Social Security earnings test. I was pleased that we dealt with that issue last Thursday. I now would like to express my gratitude to all those Senators whose work has made it possible to bring this important bill to a vote. It's an excellent bill and millions of Americans will benefit from it every day.

The PRESIDING OFFICER. Are there any amendments?

If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 2967, the Native Americans Programs Act and the Older Americans Act amendments bill.

The Presiding Officer laid before the Senate the amendment of the House of

Representatives to the amendment of the Senate to the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes."

(The amendment of the House is printed in the RECORD of April 9, 1992, beginning at page 9087.)

Mr. MITCHELL. I move that the Senate concur in the House amendment with a substitute amendment consisting of the text of S. 3008.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The text of the amendment is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Older Americans Act Amendments of 1992".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OBJECTIVES AND DEFINITIONS

Sec. 101. Objectives.
Sec. 102. Definitions.

TITLE II—ADMINISTRATION

Sec. 201. Administration on Aging.
Sec. 202. Functions of Commissioner.
Sec. 203. Federal agency consultation.
Sec. 204. Consultation with State agencies, area agencies on aging, and Native American grant recipients.
Sec. 205. Federal Council on the Aging.
Sec. 206. Nutrition officer.
Sec. 207. Evaluation.
Sec. 208. Reports.
Sec. 209. Nutrition education.
Sec. 210. Authorization of appropriations.
Sec. 211. Study of effectiveness of State long-term care ombudsman programs.
Sec. 212. Study on board and care facility quality.
Sec. 213. Study on home care quality.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

Sec. 301. Purpose of grants for State and community programs on aging.
Sec. 302. Definitions.
Sec. 303. Authorization of appropriations; uses of funds.
Sec. 304. Allotment; Federal share.
Sec. 305. Organization.
Sec. 306. Area plans.
Sec. 307. State plans.
Sec. 308. Planning, coordination, evaluation, and administration of State plans.
Sec. 309. Disaster relief reimbursements.
Sec. 310. Availability of surplus commodities.
Sec. 311. Rights relating to in-home services for frail older individuals.
Sec. 312. Supportive services.
Sec. 313. Congregate nutrition services.
Sec. 314. Home delivered nutrition services.
Sec. 315. Criteria.
Sec. 316. School-based meals for volunteer older individuals and multigenerational programs.
Sec. 317. Dietary guidelines; payment requirement.
Sec. 318. In-home services.
Sec. 319. Preventive health services.
Sec. 320. Supportive activities for caretakers who provide in-home services to frail older individuals.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Sec. 401. Statement of purpose.
Sec. 402. Priorities for grants and discretionary projects.
Sec. 403. Purposes of education and training projects.
Sec. 404. Grants and contracts.
Sec. 405. Multidisciplinary centers of gerontology.
Sec. 406. Demonstration projects.
Sec. 407. Special projects in comprehensive long-term care.
Sec. 408. Ombudsman and advocacy demonstration projects.
Sec. 409. Demonstration projects for multigenerational activities.
Sec. 410. Supportive services in federally assisted housing demonstration program.
Sec. 411. Neighborhood senior care program.
Sec. 412. Information and assistance systems development projects.
Sec. 413. Senior transportation demonstration program grants.
Sec. 414. Resource Centers on Native American Elders.
Sec. 415. Demonstration programs for older individuals with developmental disabilities.
Sec. 416. Housing demonstration programs.
Sec. 417. Private resource enhancement projects.
Sec. 418. Career preparation for the field of aging.
Sec. 419. Pension information and counseling demonstration projects.
Sec. 420. Authorization of appropriations.
Sec. 421. Payments of grants for demonstration projects.
Sec. 422. Responsibilities of Commissioner.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Sec. 501. Older American Community Service Employment Program.
Sec. 502. Coordination.
Sec. 503. Interagency cooperation.
Sec. 504. Equitable distribution of assistance.
Sec. 505. Authorization of appropriations.
Sec. 506. Dual eligibility.
Sec. 507. Treatment of assistance provided under the Older American Community Service Employment Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

Sec. 601. Applications by tribal organizations.
Sec. 602. Distribution of funds among tribal organizations.
Sec. 603. Applications by organizations serving Native Hawaiians.
Sec. 604. Distribution of funds among organizations.
Sec. 605. Authorization of appropriations.

TITLE VII—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

Sec. 701. Allotments for vulnerable elder rights protection activities.
Sec. 702. Ombudsman programs.
Sec. 703. Programs for prevention of elder abuse, neglect, and exploitation.
Sec. 704. State elder rights and legal assistance development program.
Sec. 705. Outreach, counseling, and assistance programs.
Sec. 706. Native American organization provisions.
Sec. 707. General provisions.
Sec. 708. Technical and conforming amendments.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

Sec. 801. Definitions.
Sec. 802. Information requirements.
Sec. 803. Reports.
Sec. 804. Occupational code.

Subtitle B—National School Lunch Act

Sec. 811. Meals provided through adult day care centers.

Subtitle C—Native American Programs

Sec. 821. Short title.
Sec. 822. Amendments.

Subtitle D—White House Conference on Aging

Sec. 831. White House Conference on Aging.
Sec. 832. Conference required.
Sec. 833. Conference administration.
Sec. 834. Policy committee; related committees.
Sec. 835. Report of the conference.
Sec. 836. Authorization of appropriations.
Sec. 837. Savings provision.
Sec. 838. Sense of the Congress.
Sec. 839. Technical amendments.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Limitation on authority to enter into contracts.
Sec. 902. Regulations.
Sec. 903. Sense of Congress.
Sec. 904. Technical amendments.
Sec. 905. Effective dates; application of amendments.

TITLE I—OBJECTIVES AND DEFINITIONS

SEC. 101. OBJECTIVES.

Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting ", including support to family members and other persons providing voluntary care to older individuals needing long-term care services" after "homes".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(13) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

"(14) The term 'Administration' means the Administration on Aging.

"(15) The term 'adult child with a disability' means a child who—

"(A) is 18 years of age or older;

"(B) is financially dependent on an older individual who is a parent of the child; and

"(C) has a disability.

"(16) The term 'aging network' means the network of—

"(A) State agencies, area agencies on aging, title VI grantees, and the Administration; and

"(B) organizations that—

"(i)(I) are providers of direct services to older individuals; or

"(II) are institutions of higher education; and

"(ii) receive funding under this Act.

"(17) The term 'area agency on aging' means an area agency on aging designated under section 305(a)(2)(A) or a State agency performing the functions of an area agency on aging under section 305(b)(5).

"(18) The term 'art therapy' means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

"(19) The term 'board and care facility' means an institution regulated by a State pursuant to section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)).

"(20) The term 'caregiver' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

"(21) The term 'caretaker' means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

"(22) The term 'case management service'—

"(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual—

"(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B); and

"(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

"(B) includes services and coordination such as—

"(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

"(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

"(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

"(II) with the information and assistance services provided under this Act;

"(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

"(iv) periodic reassessment and revision of the status of the older individual with—

"(I) the older individual; or

"(II) if necessary, a primary caregiver or family member of the older individual; and

"(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

"(23) The term 'dance-movement therapy' means the use of psychotherapeutic movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive, or physical health of an older individual.

"(24) The term 'elder abuse' means abuse of an older individual.

"(25) The term 'elder abuse, neglect, and exploitation' means abuse, neglect, and exploitation, of an older individual.

"(26) The term 'exploitation' means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(27) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.

"(28) The term 'frail' means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—

"(A)(i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

"(ii) at the option of the State, is unable to perform at least three such activities without such assistance; or

"(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

"(29) The term 'greatest economic need' means the need resulting from an income level at or below the poverty line.

"(30) The term 'greatest social need' means the need caused by noneconomic factors, which include—

"(A) physical and mental disabilities;

"(B) language barriers; and

"(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

"(i) restricts the ability of an individual to perform normal daily tasks; or

"(ii) threatens the capacity of the individual to live independently.

"(31) The term 'information and assistance service' means a service for older individuals that—

"(A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;

"(B) assesses the problems and capacities of the individuals;

"(C) links the individuals to the opportunities and services that are available;

"(D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and

"(E) serves the entire community of older individuals, particularly—

"(i) older individuals with greatest social need; and

"(ii) older individuals with greatest economic need.

"(32) The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(33) The term 'legal assistance'—

"(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and

"(B) includes—

"(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

"(ii) counseling or representation by a nonlawyer where permitted by law.

"(34) The term 'long-term care facility' means—

"(A) any skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a));

"(B) any nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));

"(C) for purposes of sections 307(a)(12) and 712, a board and care facility; and

"(D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).

"(35) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

"(36) The term 'music therapy' means the use of musical or rhythmic interventions specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

"(37) The term 'neglect' means—

"(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

"(B) the failure of a caregiver to provide the goods or services.

"(38) The term 'older individual' means an individual who is 60 years of age or older.

"(39) The term 'physical harm' means bodily injury, impairment, or disease.

"(40) The term 'planning and service area' means an area designated by a State agency under section 305(a)(1)(E), including a single planning and service area described in section 305(b)(5)(A).

"(41) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(42) The term 'representative payee' means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

"(43) The term 'State agency' means the agency designated under section 305(a)(1).

"(44) The term 'supportive service' means a service described in section 321(a).".

(b) Technical and Conforming Amendments.—

(1)(A) Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), and 411(b) of the Older Americans Act of 1965 (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), and 3031(b)) are amended by striking "Administration on Aging" and inserting "Administration".

(B) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking "of the Administration on Aging".

(2) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the first sentence by striking—

(A) "(hereinafter in this Act referred to as the 'Administration')"; and

(B) "(hereinafter in this Act referred to as the 'Commissioner')".

(3) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (2) through (6), (9), (11), and (14) through (21); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (2) and (3).

(4) Paragraphs (2)(A) and (4) of section 306(a) and sections 307(a)(9), 422(c)(3), 614(a)(6), and 624(a)(7) (42 U.S.C. 3026(a)(2)(A) and (4), 3027(a)(9), 3035a(c)(3), 3057e(a)(6), and 3057j(a)(7)) are amended by striking "information and referral" each place the term appears and inserting "information and assistance".

(5) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by striking "section 342(1)" and inserting "section 342".

(6) Section 341(b) of the Older Americans Act of 1965 (42 U.S.C. 3030h) is amended by striking "caregivers" and inserting "caretakers".

(7) Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i) is amended—

(A) by amending the heading to read as follows:

"DEFINITION OF IN-HOME SERVICES";

(B) by striking paragraph (2);

(C) in paragraph (1)—

(i) in subparagraph (E) by striking "; and" and inserting a period; and

(ii) by indenting 2 ems the left margin of subparagraphs (A) through (E) and redesignating such subparagraphs as paragraphs (1) through (5), respectively; and

(D) by striking "part—" and all that follows through "includes—", and inserting "part, the term 'in-home services' includes—".

(8) Section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056e(1)) is amended by striking "poverty guidelines established by the Office of Management and Budget" and inserting "poverty line".

(9)(A) Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended by striking "designated under section 305(a)(1)".

(B) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended by striking "designated under clause (1)".

(C) Section 308(b)(3)(B)(iii) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(3)(B)(iii)) is amended by striking "designated under section 305".

(D) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by striking "designated under section 305(a)(1)".

(E) Section 503(a) of the Older Americans Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking "on aging designated under section 305(a)(1)".

(10)(A) Sections 202(a)(18), 307(a)(14), 308(b)(3)(B)(iii), 310(a)(1), 311(d)(1), and 411(a)(2) (42 U.S.C. 3012(a)(18), 3027(a)(14), 3028(b)(3)(B)(iii), 3030(a)(1), 3030a(d)(1), and 3031(a)(2)) are amended by striking "area agencies" and inserting "area agencies on aging".

(B) Section 305(b)(5)(A) (42 U.S.C. 3025(b)(5)(A)) is amended in the second sentence by striking "area agency" each place the term appears and inserting "area agency on aging".

(C) Sections 305(c)(2), 306(a)(5)(A)(ii), 306(a)(6)(F), 306(b)(2)(C), 307(a)(13)(B), 307(a)(13)(I), 307(a)(15)(B), and 341(b) (42 U.S.C. 3025(c)(2), 3026(a)(5)(A)(ii), 3026(a)(6)(F), 3026(b)(2)(C), 3027(a)(13)(B), 3027(a)(13)(I), 3027(a)(15)(B), and 3030h(b)) are amended by striking "area agency" and inserting "area agency on aging".

(D) Section 305(c) (42 U.S.C. 3025(c)) is amended in the first sentence, in the matter following paragraph (5), by striking "area agency" and inserting "area agency on aging".

(E) Sections 306(a)(6)(N), 307(a)(13)(H), and 307(a)(22) (42 U.S.C. 3026(a)(6)(N), 3027(a)(13)(H), and 3027(a)(22)) are amended by striking "area agency" each place the term appears and inserting "area agency on aging".

(F) Section 307(a)(1) (42 U.S.C. 3027(a)(1)) is amended by striking "agencies in" and inserting "agencies on aging in".

(G) Section 362 (42 U.S.C. 3030n) is amended in the section heading by striking "AREA AGENCIES" and inserting "AREA AGENCIES ON AGING".

(H) Section 411(b)(2) (42 U.S.C. 3031(b)(2)) is amended by striking "State and area agency" and inserting "State agency and area agency on aging".

(I) Section 412(a)(6) (42 U.S.C. 3032(a)(6)) is amended by striking "State and area agencies" and inserting "State agencies and area agencies on aging".

TITLE II—ADMINISTRATION

SEC. 201. ADMINISTRATION ON AGING.

(a) LIMITATION ON DELEGATION OF FUNCTIONS.—The last sentence of section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by inserting "(including the functions of the Commissioner carried out through regional offices)" after "Commissioner" the first place it appears.

(b) COORDINATION.—Section 201(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(c)(3)) is amended—

(1) in subparagraph (B) by inserting ", with particular attention to services provided to Native Americans by the Indian Health Service" after "affecting older Native Americans";

(2) in subparagraph (F) by inserting ", including information (compiled with assistance from public or nonprofit private entities, including institutions of higher education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans" after "Native Americans";

(3) in subparagraph (G) by striking "and" at the end;

(4) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

"(I) promote coordination—

"(i) between the administration of title III and the administration of title VI; and

"(ii) between programs established under title III by the Commissioner and programs established under title VI by the Commissioner;

including sharing among grantees information on programs funded, and on training and technical assistance provided, under such titles; and

"(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this Act and other Federal Acts, for the benefit of such individuals.".

(c) OFFICE OF LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(d)(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the 'Office').

"(2)(A) The Office shall be headed by an Associate Commissioner for Ombudsman Programs (in this subsection referred to as the 'Associate Commissioner') who shall be appointed by the Commissioner from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Associate Commissioner shall report directly to the Commissioner.

"(B) No individual shall be appointed Associate Commissioner if—

"(i) the individual has been employed within the previous 2 years by—

"(I) a long-term care facility;

"(II) a corporation that then owned or operated a long-term care facility; or

"(III) an association of long-term care facilities;

"(ii) the individual—

"(I) has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or long-term care service; or

"(II) receives, or has the right to receive, directly or indirectly remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; or

"(iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.

"(3) The Associate Commissioner shall—

"(A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government regarding all Federal policies affecting such individuals;

"(B) review and make recommendations to the Commissioner regarding—

"(i) the approval of the provisions in State plans submitted under section 307(a) that relate to State Long-Term Care Ombudsman programs; and

"(ii) the adequacy of State budgets and policies relating to the programs;

"(C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Commissioner regarding—

"(i) policies designed to assist State Long-Term Care Ombudsmen; and

"(ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 307(a)(12) and section 712, including provision of service to residents of board and care facilities and of similar adult care facilities;

"(D) keep the Commissioner and the Secretary fully and currently informed about—

"(i) problems relating to State Long-Term Care Ombudsman programs; and

"(ii) the necessity for, and the progress toward, solving the problems;

"(E) review, and make recommendations to the Secretary and the Commissioner regarding, existing and proposed Federal legislation, regulations, and policies regarding the operation of State Long-Term Care Ombudsman programs;

"(F) make recommendations to the Commissioner and the Secretary regarding the policies of the Administration, and coordinate the activities of the Administration with the activities of other Federal entities, State and local entities, and nongovernmental entities, relating to State Long-Term Care Ombudsman programs;

"(G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs;

"(H) administer the National Ombudsman Resource Center established under section 202(a)(21) and make recommendations to the Commissioner regarding the operation of the National Ombudsman Resource Center;

"(I) advocate, monitor, and coordinate Federal and State activities of Long-Term Care Ombudsmen under this Act;

"(J) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the effectiveness of services provided under section 307(a)(12) and section 712;

"(K) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals; and

"(L) not later than 180 days after the date of the enactment of the Older Americans Act Amendments of 1992, establish standards applicable to the training required by section 712(h)(4).".

SEC. 202. FUNCTIONS OF COMMISSIONER.

(a) TECHNICAL AMENDMENTS.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (3) by inserting "directly" after "(3)";

(2) in paragraph (11) by striking "provide for the coordination of" and insert "coordinate";

(3) in paragraph (18)—

(A) by inserting ", and service providers," after "agencies"; and

(B) by striking "the greatest economic or social needs" and inserting "greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals"; and

(4) in paragraph (19)—

(A) in subparagraph (A) by inserting "or activity" after "service" each place it appears; and

(B) in subparagraph (C) by striking "and" at the end.

(b) FUNCTIONS.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (20) by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

"(21)(A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the 'Center'), under the administration of the Associate Commissioner for Ombudsman Programs, that will—

"(i) by grant or contract—

"(I) conduct research;

"(II) provide training, technical assistance, and information to State Long-Term Care Ombudsmen;

"(III) analyze laws, regulations, programs, and practices; and

"(IV) provide assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs;

relating to Federal, State, and local long-term care ombudsman policies; and

"(ii) assist State Long-Term Care Ombudsmen in the implementation of State Long-Term Care Ombudsman programs; and

"(B) make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 1990;

"(22) issue regulations, and conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships, and include in such regulations a requirement that as a condition of being designated as an area agency on aging such agency shall—

"(A) disclose to the Commissioner and the State agency involved—

"(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(B) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

"(C) demonstrate that the quantity or quality of the services to be provided under this Act by such agency will be enhanced as a result of such contract or such relationship; and

"(D) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds received or expended to provide services to older individuals;

"(23) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.), and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), of the requirements for eligibility to receive such benefits and such assistance;

"(24) establish information and assistance services as priority services for older individuals;

"(25) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance;

"(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in sections 307(a)(18) and 731(b)(2);

"(27)(A) conduct a study to determine ways in which Federal funds might be more effectively targeted to low-income minority older individuals, and older individuals residing in rural areas, to better meet the needs of States with a disproportionate number of older individuals with greatest economic need and older individuals with greatest social need;

"(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the needs of States with disproportionate numbers of older individuals, including methods of allotting funds under title III, using the most recent estimates of the population of older individuals; and

"(C) not later than January 1, 1994, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Speaker of the House of Representatives and the President pro tempore of the Senate;

"(28) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis;

"(29) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

"(A) uniform definitions and nomenclature;

"(B) standardized data collection procedures;

"(C) a participant identification and description system;

"(D) procedures for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services; and

"(E) procedures for the assessment of unmet needs for services under this Act; and

"(30) require that all Federal grants and contracts made under this title and title IV be made in accordance with a competitive bidding process established by the Commissioner by regulation.".

(c) COMMUNITY-BASED LONG-TERM CARE PROGRAM.—Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals.".

(d) VOLUNTEER SERVICE COORDINATORS.—Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) In executing the duties and functions of the Administration under this Act and in carrying out the programs and activities provided for by this Act, the Commissioner shall act to encourage and assist the establishment and use of—

"(i) area volunteer service coordinators, as described in section 306(a)(12), by area agencies on aging; and

"(ii) State volunteer service coordinators, as described in section 307(a)(31), by State agencies.

"(B) The Commissioner shall provide technical assistance to the area and State volunteer services coordinators.".

(e) NATIONAL CENTER ON ELDER ABUSE.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended by adding at the end the following:

"(d)(1) The Commissioner shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the 'Center').

"(2) In operating the Center, the Commissioner shall—

"(A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;

"(B) develop and maintain an information clearinghouse on all programs (including private programs) showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; and

"(E) conduct research and demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation.

"(3)(A) The Commissioner shall carry out paragraph (2) through grants or contracts.

"(B) The Commissioner shall issue criteria applicable to the recipients of funds under this subsection. To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) The Commissioner shall—

"(i) establish research priorities for making grants or contracts to carry out paragraph (2)(E); and

"(ii) not later than 60 days before the date on which the Commissioner establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

"(4) The Commissioner shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year 1990.".

(f) NATIONAL AGING INFORMATION CENTER.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(e)(1)(A) The Commissioner shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the 'Center') to—

"(i) provide information about education and training projects established under part A, and research and demonstration projects, and other activities, established under part B, of title IV to persons requesting such information;

"(ii) annually compile, analyze, publish, and disseminate—

"(I) statistical data collected under subsection (a)(19);

"(II) census data on aging demographics; and

"(III) data from other Federal agencies on the health, social, and economic status of older individuals and on the services provided to older individuals;

"(iii) biennially compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

"(iv) analyze the information collected under section 201(c)(3)(F) by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, and the information provided by the Resource Centers on Native American Elders under section 429E;

"(v) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

"(vi) be a national resource on statistical data regarding aging;

"(B) To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) Entities eligible to receive a grant or enter into a contract under subparagraph (A) shall be organizations with a demonstrated record of experience in education and information dissemination.

"(2)(A) The Commissioner shall establish procedures specifying the length of time that the Center shall provide the information described in paragraph (1) with respect to a particular project or activity. The procedures shall require the Center to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project or activity.

"(B) The Commissioner shall establish the procedures described in subparagraph (A) after consultation with—

"(i) practitioners in the field of aging;

"(ii) older individuals;

"(iii) representatives of institutions of higher education;

"(iv) national aging organizations;

"(v) State agencies;

"(vi) area agencies on aging;

"(vii) legal assistance providers;

"(viii) service providers; and

"(ix) other persons with an interest in the field of aging.".

(g) OBLIGATION OF FUNDS.—Not later than March 1, 1993, the Commissioner shall obligate, from the funds appropriated under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) for fiscal year 1993—

(1) to carry out section 202(a)(21) of such Act (as added by subsection (b)(2) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Long-Term Care Ombudsman Resource Center; and

(2) to carry out section 202(d)(4) of such Act (as added by subsection (e) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Aging Resource Center on Elder Abuse.

(h) DEADLINE FOR DEVELOPMENT OF PROCEDURES.—Not later than 1 year after the date of the enactment of this Act, the data collection procedures required by section 202(a)(29) of the Older Americans Act of 1965 shall be developed by the Commissioner on Aging, jointly with the Assistant Secretary of Planning and Evaluation of the Department of Health and Human Services, after—

(1) requesting advisory information under such Act from State agencies, local governments, area agencies on aging, recipients of grants under title VI of such Act, and local providers of services under such Act; and

(2) considering the data collection systems carried out by State agencies in the States then identified as exemplary by the General Accounting Office.

Not later than 1 year after developing such data collection procedures, the Commissioner on Aging shall test such procedures, submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing the results of such test, and implement such procedures (as modified, if appropriate, to reflect such results).

SEC. 203. FEDERAL AGENCY CONSULTATION.

(a) IN GENERAL.—Section 203(a) of the Older Americans Act of 1965 (42 U.S.C. 3013(a)) is amended to read as follows:

"(a)(1) The Commissioner, in carrying out the objectives and provisions of this Act, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or administering programs or services substantially related to the objectives of this Act, with respect to such programs or services. In particular, the Commissioner shall coordinate, advise, consult, and cooperate with the Secretary of Labor in carrying out title V and with the ACTION Agency in carrying out this Act.

"(2) The head of each department, agency, or instrumentality of the Federal Government proposing to establish programs and services substantially related to the objectives of this Act shall consult with the Commissioner prior to the establishment of such programs and services. To achieve appropriate coordination, the head of each department, agency, or instrumentality of the Federal Government administering any program substantially related to the objectives of this Act, particularly administering any program referred to in subsection (b), shall consult and cooperate with the Commissioner in carrying out such program. In particular, the Secretary of Labor shall consult and cooperate with the Commissioner in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

"(3) The head of each Federal department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this Act shall collaborate with the Commissioner in carrying out this Act, and shall develop a written analysis, for review and comment by the Commissioner, of the impact of such programs and services on—

"(A) older individuals (with particular attention to low-income minority older individuals) and eligible individuals (as defined in section 507); and

"(B) the functions and responsibilities of State agencies and area agencies on aging.".

(b) RELATED PROGRAMS.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) in paragraph (16) by striking "and" at the end;

(2) in paragraph (17) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750-3766b)).".

SEC. 204. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 203 the following:

"SEC. 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

"The Commissioner shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under title VI in the development of Federal goals, regulations, program instructions, and policies under this Act.".

SEC. 205. FEDERAL COUNCIL ON THE AGING.

(a) ESTABLISHMENT.—Section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence by striking "Members shall serve for terms of three years" and inserting "Except as provided in subsection (b)(1)(A), members shall serve for terms of 3 years, ending on March 31 regardless of the actual date of appointment,"; and

(B) in the third sentence by inserting "from among individuals who have expertise and experience in the field of aging" after "appointed"; and

(2) in paragraph (2) by striking "1984" and inserting "1992".

(b) TERMS OF APPOINTMENT.—Section 204(b)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(1)(A)) is amended to read as follows:

"(A)(i) The initial members of the Federal Council on the Aging shall be appointed on April 1, 1993, as follows:

"(I) 5 members, who shall be referred to as class 1 members, shall be appointed for a term of 1 year;

"(II) 5 members, who shall be referred to as class 2 members, shall be appointed for a term of 2 years; and

"(III) 5 members, who shall be referred to as class 3 members, shall be appointed for a term of 3 years.

"(ii) Members appointed in 1994 and each third year thereafter shall be referred to as class 1 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1996 and each third year thereafter shall be referred to as class 3 members.".

(c) DUTIES OF COUNCIL.—Section 204(d) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)) is amended—

(1) in paragraph (2) by inserting before the semicolon at the end the following: "and of identifying duplication and gaps among the types of services provided under such programs and activities";

(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) directly advise the Commissioner on matters affecting the special needs of older individuals for services and assistance under this Act;".

(d) REPORTS.—Section 204(f) of the Older Americans Act of 1965 (42 U.S.C. 3015(f)) is amended by striking "such interim reports as it deems advisable" and inserting "interim reports".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section $300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.".

SEC. 206. NUTRITION OFFICER.

Section 205(a) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2)(A) The Commissioner shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in subparts 1, 2, and 3 of part C of title III and shall have duties that include—

"(i) designing, implementing, and evaluating nutrition programs;

"(ii) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;

"(iii) disseminating information to nutrition service providers about nutrition advancements and developments;

"(iv) promoting coordination between nutrition service providers and community-based organizations serving older individuals;

"(v) developing guidelines on cost containment;

"(vi) defining a long range role for the nutrition services in community-based care systems;

"(vii) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; and

"(viii) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).

"(B) The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in clauses (ii), (iii), and (v) of subparagraph (A) to State agencies, area agencies on aging, and persons that provide nutrition services under part C of title III.

"(C) The officer or employee designated under subparagraph (A) shall—

"(i) have expertise in nutrition and dietary services and planning; and

"(ii)(I) be a registered dietitian;

"(II) be a credentialed nutrition professional; or

"(III) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.".

SEC. 207. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in the first sentence of subsection (a) by inserting after "related programs," the following:

"their effectiveness in targeting for services under this Act unserved older individuals with greatest economic need (including low-income minority individuals) and unserved older individuals with greatest social need (including low-income minority individuals),"; and

(2) by striking subsection (g) and inserting the following:

"(g)(1) Not later than June 30, 1994, the Commissioner, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this Act, to evaluate for fiscal years 1992 and 1993—

"(A) their effectiveness in serving special populations of older individuals;

"(B) the quality of nutrition provided by such services;

"(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

"(D) the characteristics of participants;

"(E) the applicability of health, safety, and dietary standards;

"(F) the appraisal of such services by recipients;

"(G) the efficiency of delivery and administration of such services;

"(H) the amount, sources, and ultimate uses of funds transferred under section 308(b)(5) to provide such services;

"(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this Act are used to generate additional funds to provide such services;

"(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

"(K) nonfood cost factors incidental to providing nutrition services under this Act;

"(L) the extent to which commodities provided by the Secretary of Agriculture under section 311(a) are used to provide such services;

"(M) and for the 8-year period ending September 30, 1992, the characteristics, and changes in the characteristics, of such nutrition services;

"(N) differences between older individuals who receive nutrition services under section 331 and older individuals who receive nutrition services under section 336, with specific reference to age, income, health status, receipt of food stamp benefits, and limitations on activities of daily living;

"(O) the impact of the increase in nutrition services provided under section 336, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 336;

"(P) how, and the extent to which, nutrition services provided under this Act generally, and under section 331 specifically, are integrated with long-term care programs;

"(Q) the impact of nutrition services provided under this Act on older individuals, including the impact on their dietary intake and opportunities for socialization;

"(R) the adequacy of the daily recommended dietary allowances described in section 339; and

"(S) the impact of transferring funds under section 308(b)(5) and how funds transferred under such section are expended to provide nutrition services.

"(2)(A)(i) The Commissioner shall establish an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services described in subparts 1, 2, and 3 of part C of title III.

"(ii) The council shall be composed of members appointed by the Commissioner from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

"(B) Not later than June 30, 1993, the Commissioner, in consultation with the Secretary of Agriculture and taking into consideration the recommendations of the council, shall publish interim guidelines of the kind described in subparagraph (A)(i).

"(3) Not later than September 30, 1994, the Secretary shall—

"(A) submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate recommendations and final guidelines to improve nutrition services provided under this Act; and

"(B) require the Commissioner to implement such recommendations administratively, to the extent feasible.

"(h) The Secretary may use such sums as may be necessary, but not to exceed $3,000,000 (of which not to exceed $1,500,000 shall be available from funds appropriated to carry out title III and not to exceed $1,500,000 shall be available from funds appropriated to carry out title IV), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.".

SEC. 208. REPORTS.

(a) ANNUAL REPORT.—Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) a description of the implementation of the plan required by section 202(a)(17).".

(b) Deadline.—Section 207(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(1)) is amended by striking "January 15" and inserting "March 1".

(c) Report on Evaluations.—Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) the effectiveness of State and local efforts to target older individuals with greatest economic need (including low-income minority individuals) and older individuals with greatest social need (including low-income minority individuals) to receive services under this Act.".

SEC. 209. NUTRITION EDUCATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011-3020d) is amended by adding at the end the following:

"SEC. 214. NUTRITION EDUCATION.

"The Commissioner and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 307(a)(13)(J).".

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011-3020d), as amended by section 209, is amended by adding at the end the following:

"SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

(a) Administration.—For purposes of carrying out this Act, there are authorized to be appropriated for the Administration such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

"(b) Salaries and Expenses.—There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

"(1) $17,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, $24,000,000 for fiscal year 1994, and $29,000,000 for fiscal year 1995; and

"(2) such additional sums as may be necessary for each such fiscal year to enable the Commissioner to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.".

SEC. 211. STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

Not later than January 1, 1994, the Commissioner on Aging shall, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center established under section 202(a)(21) of the Older Americans Act of 1965 (as added by section 202(b)(2) of this Act), and professional ombudsmen associations, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of such Act, analyzing separately with respect to each State—

(1) the availability of services, and the unmet need for services, under the State Long-Term Care Ombudsman programs in effect under sections 307(a)(12) and 712 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to residents of long-term care facilities (as defined in section 102 of such Act);

(2) the effectiveness of the programs in providing the services to the residents, including residents of board and care facilities (as defined in section 102 of such Act) and of similar adult care facilities;

(3) the adequacy of Federal and other resources available to carry out the programs on a statewide basis in each State;

(4) compliance and barriers to such compliance of the States in carrying out the programs;

(5) any actual and potential conflicts of interest in the administration and operation of the programs; and

(6) the need for and feasibility of providing ombudsman services to older individuals (as defined in section 102 of such Act) who are not in long-term care facilities and who use long-term care services and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombudsmen provide services to older individuals in settings in addition to long-term care facilities, taking into account variations in—

(A) settings where services are provided;

(B) the types of clients served;

(C) the types of complaints and problems handled;

(D) State regulation of long-term care provided in settings other than long-term care facilities; and

(E) possible conflicts of interest between the State Long-Term Care Ombudsman programs under such Act and area agencies on aging (as defined in section 102 of such Act) who provide to older individuals long-term care services both in such settings and in long-term care facilities.

SEC. 212. STUDY ON BOARD AND CARE FACILITY QUALITY.

(a) Arrangement for Study Committee.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of board and care facilities for older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the disabled.

(b) Scope of Study.—The study shall include—

(1) an examination of existing quality, health, and safety requirements for board and care facilities and the enforcement of such requirements for their adequacy and effectiveness, with special attention to their effectiveness in promoting good personal care;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in assuring the health and safety of residents of board and care facilities; and

(3) specific recommendations to the Congress and the Secretary, by not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of residents of such facilities and the enforcement of such standards.

(c) Composition of Study Committee.—The study committee shall be composed of members as appointed from among the following:

(1) National Academy of Sciences.—The members of the National Academy of Sciences with experience in long-term care. The members so appointed shall include—

(A) physicians;

(B) experts on the administration of drugs to older individuals, and disabled individuals receiving long-term care services; and

(C) experts on the enforcement of life-safety codes in long-term care facilities.

(2) Residents.—Residents of board and care facilities (including privately owned board and care facilities), and representatives of such residents or of organizations that advocate on behalf of such residents. Members so appointed shall include—

(A) residents of a nonprofit board and care facility; or

(B) individuals who represent—

(i) residents of nonprofit board and care facilities; or

(ii) organizations that advocate on behalf of residents of nonprofit board and care facilities.

(3) Operators.—Operators of board and care facilities (including privately owned board and care facilities), and individuals who represent such operators or organizations that represent the interests of such operators. Members so appointed shall include—

(A) operators of a nonprofit board and care facility; or

(B) individuals who represent—

(i) operators of nonprofit board and care facilities; or

(ii) organizations that represent the interests of operators of nonprofit board and care facilities.

(4) Officers.—

(A) State officers.—Elected and appointed State officers who have responsibility relating to the health and safety of residents of board and care facilities.

(B) Representatives.—Representatives of such officers or of organizations representing such officers.

(C) Other individuals.—Other individuals with relevant expertise.

(d) Use of Institute of Medicine.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the study committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) Involvement of Others.—

(1) Government officials.—The study committee shall conduct its work in a manner that provides for the consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the study committee.

(2) Experts.—The study committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the study committee.

(f) Report.—Not later than 20 months after an arrangement is entered into under subsection (d), the study committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a) and the recommendations made under subsection (b).

(g) Board and Care Facility Defined.—In this section, the term "board and care facility" means a facility described in section 1616(e) of the Social Security Act (42 U.S.C. 1372e(e)).

(h) Authorization.—There are authorized to be appropriated to carry out this section $1,500,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

SEC. 213. STUDY ON HOME CARE QUALITY.

(a) ESTABLISHMENT OF STUDY COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of home care services for older individuals and disabled individuals.

(b) SCOPE OF STUDY.—The study shall include—

(1) an examination of existing quality, health and safety requirements for home care services and the enforcement of such requirements for their adequacy, effectiveness, and appropriateness;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in ensuring the health and safety of patients and clients of home care services; and

(3) specific recommendations to the Congress and the Secretary, not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of patients and clients of such services and the enforcement of such standards.

(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members appointed from among—

(1) individuals with experience in long-term care, including nonmedical home care services;

(2) patients and clients of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such patients and clients or organizations that advocate on behalf of such patients and clients;

(3) providers of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such providers or organizations that advocate on behalf of such providers;

(4) elected and appointed State officers who have responsibility relating to the health and safety of patients and clients of home care services, or representatives of such officers or of organizations representing such officers; and

(5) other individuals with relevant expertise.

(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) INVOLVEMENT OF OTHERS.—

(1) MEMBERS AND OFFICIALS.—The committee shall conduct its work in a manner that provides for consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the committee.

(2) INDIVIDUAL OR ORGANIZATION WITH EXPERTISE.—The committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the committee.

(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a).

(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

SEC. 301. PURPOSE OF GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended to read as follows:

"(a)(1) It is the purpose of this title to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

"(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

"(B) remove individual and social barriers to economic and personal independence for older individuals;

"(C) provide a continuum of care for vulnerable older individuals; and

"(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

"(2) The persons referred to in paragraph (1) include—

"(A) State agencies and area agencies on aging;

"(B) other State agencies, including agencies that administer home and community care programs;

"(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

"(D) the providers, including voluntary organizations or other private sector organizations, of supportive services, nutrition services, and multipurpose senior centers; and

"(E) organizations representing or employing older individuals or their families.".

SEC. 302. DEFINITIONS.

Section 302(1) of the Older Americans Act of 1965 (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (B) by striking "and" at the end;

(2) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

(a) AUTHORIZATION FOR PART B.—

(1) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(1)) is amended by striking "$379,575,000" and all that follows through "1991", and inserting "$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 303(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(2)) is amended to read as follows:

"(2) Funds appropriated under paragraph (1) shall be available to carry out section 712.".

(3) REPEAL RELATING TO OUTREACH.—Section 303(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(3)) is repealed.

(b) AUTHORIZATION FOR PART C.—

(1) CONGREGATE NUTRITION SERVICES.—Section 303(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended by striking "$414,750,000" and all that follows through "1991", and inserting "$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) HOME-DELIVERED NUTRITION SERVICES.—Section 303(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(2)) is amended by striking "$79,380,000" and all that follows through "1991", and inserting "$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(3) AUTHORIZATION OF APPROPRIATIONS FOR SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(3) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart 3 of part C of this title (relating to school-based meals for volunteer older individuals and multigenerational programs).".

(c) AUTHORIZATION FOR PART D (RELATING TO IN-HOME SERVICES).—Section 303(d) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)) is amended by striking "$25,000,000" and all that follows through "1991", and inserting "$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(d) AUTHORIZATION FOR PART E (RELATING TO SPECIAL NEEDS).—Section 303(e) of the Older Americans Act of 1965 (42 U.S.C. 3012(e)) is amended by striking "Subject to" and all that follows through "1991", and inserting "There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995,".

(e) AUTHORIZATION FOR PART F (RELATING TO DISEASE PREVENTION AND HEALTH PROMOTION).—Section 303(f) of the Older Americans Act of 1965 (42 U.S.C. 3012(f)) is amended—

(1) by striking "Subject to subsection (h), there" and inserting "There"; and

(2) by striking "$5,000,000" and all that follows through "1991", and inserting "$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(f) AUTHORIZATION FOR PART G (RELATING TO SUPPORTIVE ACTIVITIES FOR CARETAKERS).—Section 303(g) of the Older Americans Act of 1965 (42 U.S.C. 3023(g)) is amended to read as follows:

"(g) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part G (relating to supportive activities for caretakers).".

(g) REPEAL OF LIMITATION.—Section 303(h) of the Older Americans Act of 1965 (42 U.S.C. 3023(h)) is repealed.

SEC. 304. ALLOTMENT; FEDERAL SHARE.

(a) AMOUNT OF ALLOTMENTS.—Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (2) by striking "1984" and inserting "1987";

(2) by amending paragraph (3) to read as follows:

"(3) No State shall be allotted, from the amount appropriated under section 303(g), less than $50,000 for any fiscal year."; and

(3) in paragraph (4) by striking "satisfactory data available" and inserting "data available from the Bureau of the Census, and other reliable demographic data satisfactory".

(b) WITHHOLDING OF ALLOTMENTS.—Section 304(c) of the Older Americans Act of 1965 (42 U.S.C. 3024(c)) is amended by inserting "or the Commissioner does not approve the funding formula required under section 305(a)(2)(C)" after "requirements of section 307".

(c) OUTREACH DEMONSTRATION PROJECTS.—Section 304(d)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(C)) is amended to read as follows:

"(C) not less than $150,000 and not more than 4 percent of the amount allotted to the State for carrying out part B, shall be available for conducting outreach demonstration projects under section 706; and".

(d) VOLUNTEER SERVICES COORDINATORS.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by adding at the end the following:

"(e) Grants made from allotments received under this title may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 306(a)(12)) or a State volunteer services coordinator (as described in section 307(a)(31)).".

SEC. 305. ORGANIZATION.

(a) PLANNING; CONSULTATION; LOW-INCOME MINORITY OBJECTIVES AND FOCUS.—Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) by amending paragraph (1)(C) to read as follows:

"(C) be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives of this Act;"; and

(2) in paragraph (2)—

(A) by amending subparagraph (C) to read as follows:

"(C) in consultation with area agencies, in accordance with guidelines issued by the Commissioner, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—

"(i) the geographical distribution of older individuals in the State; and

"(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;";

(B) in subparagraph (D) by striking "for review and comment" and inserting "for approval";

(C) in subparagraph (E) by striking "and" at the end;

(D) by amending subparagraph (F) to read as follows:

"(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(24); and"; and

(E) by adding at the end the following:

"(G)(i) set specific objectives, in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals;

"(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

"(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency.".

(b) PROCEDURES; REVIEW OF BOUNDARIES.—Section 305(b)(5) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)(5)) is amended by adding at the end the following:

"(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

"(I) revoke the designation of the area agency on aging under subsection (a);

"(II) designate an additional planning and service area in a State;

"(III) divide the State into different planning and services areas; or

"(IV) otherwise affect the boundaries of the planning and service areas in the State.

"(ii) The procedures described in clause (i) shall include procedures for—

"(I) providing notice of an action or proceeding described in clause (i);

"(II) documenting the need for the action or proceeding;

"(III) conducting a public hearing for the action or proceeding;

"(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

"(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Commissioner.

"(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

"(I) the facts and merits of the matter that is the subject of the action or proceeding; or

"(II) procedural grounds.

"(iv) In deciding an appeal described in clause (ii)(V), the Commissioner may affirm or set aside the decision of the State agency. If the Commissioner sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of clause (i), the State agency shall nullify the action.".

SEC. 306. AREA PLANS.

(a) CASE MANAGEMENT SERVICES.—Section 306(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)(A)), as amended by section 102(b)(4) of this Act, is amended by striking ", and information and assistance" and inserting ", information and assistance, and case management services".

(b) IDENTITY OF FOCAL POINT.—Section 306(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(3)) is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))" after "centers";

(3) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;".

(c) OBJECTIVES FOR LOW-INCOME MINORITY INDIVIDUALS.—

(1) INFORMATION AND ASSISTANCE SERVICES.—Section 306(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(4)) is amended by inserting before the semicolon at the end the following: ", with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders)".

(2) OUTREACH AND INFORMATION.—Section 306(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking "preference will be given to" and inserting "the area agency on aging will set specific objectives for"; and

(II) by striking "with particular attention" and inserting "include specific objectives for providing services";

(ii) in clause (ii)—

(I) in subclause (I) by striking "and" at the end;

(II) by amending subclause (II) to read as follows:

"(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and"; and

(III) by adding at the end the following:

"(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and"; and

(iii) in clause (iii)—

(I) by striking "and" at the end of subclause (I); and

(II) by adding at the end the following new subclause:

"(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i);";

(B) by amending subparagraph (B) to read as follows:

"(B) provide assurances that the area agency on aging will use outreach efforts that will—

"(i) identify individuals eligible for assistance under this Act, with special emphasis on—

"(I) older individuals residing in rural areas;

"(II) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(III) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(IV) older individuals with severe disabilities;

"(V) older individuals with limited English-speaking ability; and

"(VI) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

"(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and"; and

(C) by adding at the end the following:

"(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals;".

(d) COORDINATION; HOUSING ARRANGEMENTS; TELEPHONE LISTING.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)) is amended—

(1) in subparagraph (B) by inserting ", and timely information in a timely manner," after "assistance";

(2) in subparagraph (D) by inserting "(in cooperation with agencies, organizations, and individuals participating in activities under the plan)" after "community by";

(3) in subparagraph (E)—

(A) by inserting "(i)" after "(E)";

(B) by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(ii) if possible regarding the provision of services under this title, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

"(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790) for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

"(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs;

and that meet the requirements under section 675(c)(3) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(3));";

(4) by amending subparagraph (H) to read as follows:

"(H) establish effective and efficient procedures for coordination of—

"(i) entities conducting programs that receive assistance under this Act within the planning and service area served by the agency; and

"(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b), within the area;";

(5) in subparagraph (I) by striking "emphasize the development" and all that follows through the semicolon at the end, and inserting "include the development of case management services as a component of the long-term care services;";

(6) in subparagraph (O) by striking "and" at the end;

(7) by striking subparagraph (P); and

(8) by adding at the end the following:

"(P) establish a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

"(Q) enter into voluntary arrangements with nonprofit entities (including public and private housing authorities and organizations) that provide housing (such as housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q) to older individuals, to provide—

"(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

"(ii) advance notification and nonfinancial assistance to older individuals who are subject to eviction from such housing;

"(R) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

"(i) under the name 'Area Agency on Aging';

"(ii) in the unclassified section of the directory; and

"(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Commissioner by regulation; and

"(S) identify the needs of older individuals and describe methods the area agency on aging will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area;".

(e) State Long-Term Care Ombudsman Program.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (9) by striking "and" at the end;

(2) in paragraph (10) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(11) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 1991 in carrying out such a program under this title;".

(f) Volunteers To Assist Older Individuals; Public Disclosure; Relationship With Private Sector; Assurances of Coordination and Access.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(12) in the discretion of the area agency on aging, provide for an area volunteer services coordinator, who shall—

"(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of older individuals within the planning and service area;

"(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

"(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;

"(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

"(B) provide an assurance that the activities conform with—

"(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

"(ii) the laws, regulations, and policies of the State served by the area agency on aging;

"(14) provide assurances that the area agency on aging will—

"(A) maintain the integrity and public purpose of services provided, and service providers, under this title in all contractual and commercial relationships;

"(B) disclose to the Commissioner and the State agency—

"(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not resulted and will not result from such contract or such relationship;

"(D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship; and

"(E) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

"(15) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title;

"(16) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

"(17) provide assurances that projects in the planning and service area will reasonably accommodate participants as described in section 307(a)(13)(G);

"(18) provide assurances that the area agency on aging will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under title VI;

"(19)(A) provide an assurance that the area agency on aging will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

"(B) specify the ways in which the area agency on aging intends to implement the activities; and

"(20) provide that case management services provided under this title through the area agency on aging will—

"(A) not duplicate case management services provided through other Federal and State programs;

"(B) be coordinated with services described in subparagraph (A); and

"(C) be provided by—

"(i) a public agency; or

"(ii) a nonprofit private agency that—

"(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this title; or

"(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I).".

(g) Withholding of Area Funds.—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the following:

"(e)(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title.

"(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

"(B) At a minimum, such procedures shall include procedures for—

"(i) providing notice of an action to withhold funds;

"(ii) providing documentation of the need for such action; and

"(iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

"(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this title in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

"(B) If the State agency determines that the area agency on aging has not taken corrective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.".

SEC. 307. STATE PLANS.

(a) Compliance With Title III.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in the first sentence by inserting "the succeeding sentence and" after "provided in";

(2) by inserting after the first sentence the following:

"If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this title, then the State shall submit to the Commissioner a State plan for a 1-year period that meets such criteria, for subsequent years until the Commissioner determines that the State is in compliance with such requirements."; and

(3) in paragraph (3)(A)—

(A) by inserting "and transportation services" after "assistance"; and

(B) by adding at the end the following:

"To conduct the evaluation, the State agency shall use the procedures implemented under section 202(a)(29).".

(b) Procedures.—Section 307(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(5)) is amended by adding at the end the following: "The State agency shall establish and publish procedures for requesting and conducting such hearing.".

(c) Fiscal Control and Fund Accounting.—Section 307(a)(7) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(7)) is amended—

(1) by inserting "(A)" after "(7)"; and

(2) by adding at the end the following:

"(B) The plan shall provide assurances that—

"(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

"(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

"(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act.

"(C) The plan shall provide assurances that the State agency and each area agency on aging will—

"(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

"(ii) disclose to the Commissioner—

"(I) the identity of each nongovernmental entity with which the State agency or area agency on aging has a contract or commercial relationship relating to providing any service to older individuals; and

"(II) the nature of such contract or such relationship;

"(iii) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

"(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

"(v) on the request of the Commissioner, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.".

(d) Evaluation.—Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by adding at the end the following:

"In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgable about the needs and concerns of low-income minority older individuals.".

(e) Employment Preference.—Section 307(a)(11) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(11)) is amended by striking "governments," and all that follows through "older", and inserting the following:

"governments—

"(A) preference shall be given to older individuals; and

"(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;".

(f) State Long-Term Care Ombudsman Program.—Section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:

"(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title.".

(g) Use of Funds; Nutrition Education and Sanitary Handling of Meals.—Section 307(a)(13) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(13)) is amended—

(1) in subparagraph (B) by inserting "(other than under section 303(b)(3))" after "available under this title";

(2) in subparagraph (F)—

(A) by striking "may" and inserting "will"; and

(B) by inserting "dietitians (or individuals with comparable expertise)," after "advice of";

(3) in subparagraph (H) by striking "and" at the end;

(4) in subparagraph (I) by striking the period at the end and inserting a semicolon;

(5) by adding at the end the following:

"(J) each nutrition project shall provide nutrition education on at least a semiannual basis to participants in programs described in part C;

"(K) each project shall comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual;

"(L) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the advice of a dietitian or an individual with comparable expertise; and

"(M) the State agency will—

"(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 336; and

"(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.".

(h) Legal Problems.—Section 307(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(15)) is amended—

(1) in subparagraph (C) by striking "and" at the end;

(2) in subparagraph (D) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) the plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.".

(i) Programs for Prevention of Abuse, Neglect, and Exploitation.—Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended in the matter preceding subparagraph (A)—

(1) by striking "that" the first place it appears and inserting a comma; and

(2) by striking ", if funds are not appropriated under section 303(g) for a fiscal year, provide that for such" and inserting "provide for a".

(j) Legal Assistance Developer.—Section 307(a)(18) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(18)) is amended by inserting "(one of whom shall be known as a legal assistance developer)" after "personnel".

(k) Expenditures Under State Long-Term Care Ombudsman Program.—Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

"(21) The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this title.".

(l) Outreach and Information.—Section 307(a)(24) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(24)) is amended to read as follows:

"(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

"(A) identify individuals eligible for assistance under this Act, with special emphasis on—

"(i) older individuals residing in rural areas;

"(ii) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(iii) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(iv) older individuals with severe disabilities;

"(v) older individuals with limited English-speaking ability; and

"(vi) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

"(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance;".

(m) Elder Rights Requirements.—Section 307(a)(30) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(30)) is amended to read as follows:

"(30) The plan shall include the assurances and description required by section 705(a).".

(n) Requirements.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by striking paragraph (31) and inserting the following:

"(31)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(12), the State plan shall provide for a State volunteer services coordinator, who shall—

"(i) encourage area agencies on aging to provide for area volunteer services coordinators;

"(ii) coordinate the volunteer services offered between the various area agencies on aging;

"(iii) encourage, organize, and promote the use of older individuals as volunteers to the State;

"(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

"(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

"(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).

"(32) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.

"(33) The plan—

"(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

"(B) may not be approved unless the Commissioner approves such statement and such demonstration.

"(34) The plan shall provide an assurance that the State agency will coordinate programs under this title and title VI, if applicable.

"(35) The plan shall—

"(A) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

"(B) specify the ways in which the State agency intends to implement the activities.

"(36) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(20).

"(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this title, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Commissioner).

"(38) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

"(39) The plan shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

"(40) The plan shall provide assurances that if the State receives funds appropriated under section 303(g) the State agency and area agencies on aging will expend such funds to carry out part G.

"(41) The plan shall provide assurances that demonstrable efforts will be made—

"(A) to coordinate services provided under this Act with other State services that benefit older individuals; and

"(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

"(42) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance.

"(43) The plan shall provide that the State agency shall issue guidelines applicable to grievance procedures required by section 306(a)(6)(P).

"(44) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title.".

(o) APPROVAL OF STATE PLAN.—Section 307(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)(1)) is amended by inserting before the period at the end the following: ", except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 305(a)(2)(D) complies with the guidelines in effect under section 305(a)(2)(C)".

(p) DETERMINATION OF DISAPPROVAL.—Section 307(c) of the Older Americans Act of 1965 (42 U.S.C. 3027(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

"(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e). For purposes of appellate review under the preceding sentence, a reference in subsection (e) to the Commissioner shall be deemed to be a reference to the Secretary.".

(q) REPEAL OF EXPIRED PROVISION.—Section 307(f) of the Older Americans Act of 1965 (42 U.S.C. 3027(f)) is repealed.

(r) PROTECTION OF COMMERCIAL INFORMATION.—Section 307(g) of the Older Americans Act of 1965 (42 U.S.C. 3027(g)) is amended—

(1) by striking "(g)" and inserting "(f)(1)"; and

(2) by adding at the end the following:

"(2) Information disclosed under section 306(a)(14)(B)(i) or subsection (a)(7)(C)(ii)(I) may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5, United States Code, by an agency of the United States.".

SEC. 308. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308 of the Older Americans Act of 1965 (42 U.S.C. 3028) is amended—

(1) in subsection (a)(3) by inserting "been" after "which has"; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) by inserting "(A)" after "(4)";

(ii) in the first sentence—

(I) by inserting "and except as provided in subparagraph (B)" after "this title";

(II) by striking "received under section 303(b)(1) and (2), a" and inserting "received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the"; and

(III) by striking "a portion of the funds appropriated" and inserting "not more than 30 percent of the funds so received"; and

(iii) by adding at the end the following:

"(B) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), including funds transferred under subparagraph (A) without regard to this subparagraph, for fiscal year 1993, 1994, 1995, or 1996 are insufficient to satisfy the need for services under subpart 1 or subpart 2 of part C, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need—

"(i) an additional 18 percent of the funds so received for fiscal year 1993;

"(ii) an additional 15 percent of the funds so received for each of the fiscal years 1994 and 1995; and

"(iii) an additional 10 percent of the funds so received for fiscal year 1996."; and

(B) by striking paragraph (5) and inserting the following:

"(5)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, not more than 25 percent for fiscal year 1995, and not more than 20 percent for fiscal year 1996, between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

"(B)(i) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1994 or 1995 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.

"(ii) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1996 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 8 percent of the funds so received for such fiscal year.

"(C) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Commissioner shall approve or deny the application in writing.

"(6) A State agency may not delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (4)(A) or (5)(A).

"(7) The Commissioner shall annually collect, and include in the report required by section 207(a), data regarding the transfers described in paragraphs (4)(A) and (5)(A), including—

“(A) the amount of funds involved in the transfers, analyzed by State;

“(B) the rationales for the transfers;

“(C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—

“(i) subpart 1 of part C; and

“(ii) subpart 2 of part C; and

“(D) in the case of transfers described in paragraph (5)(A)—

“(i) in the case of transfers to part B, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

“(ii) the effect of the transfers on the provision of services provided under—

“(I) part B; and

“(II) part C, including the effect on the number of meals served.”.

SEC. 309. DISASTER RELIEF REIMBURSEMENTS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting “(and related supplies)” after “supportive services”; and

(B) by adding at the end the following:

“(3) If the Commissioner decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State, then the Commissioner shall provide not less than 75 percent of such amount to such State not later than 5 days after the date of such decision.”; and

(2) in subsections (a)(2) and (b)—

(A) by striking “5 percent” each place it appears and inserting “2 percent”; and

(B) by striking “for carrying out the purposes of section 422” each place it appears and inserting “to carry out title IV”.

SEC. 310. AVAILABILITY OF SURPLUS COMMODITIES.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (a)(4)—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second and third sentence as subparagraph (B), and indenting accordingly; and

(C) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking “shall maintain” and all that follows, and inserting the following:

“shall maintain—

“(i) for fiscal year 1992, a level of assistance equal to the greater of—

“(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or

“(II) 61 cents per meal; and

“(ii) for fiscal year 1993 and each subsequent fiscal year, an annually programmed level of assistance equal to the greater of—

“(I) a per meal rate equal to the amount appropriated under subsection (c) for the fiscal year, divided by the number of meals served in the preceding fiscal year; or

“(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year.”; and

(2) in subsection (c)—

(A) in paragraph (1)(A) by striking “$151,000,000” and all that follows through “1991”, and inserting “$250,000,000 for fiscal year 1992, $310,000,000 for fiscal year 1993, $380,000,000 for fiscal year 1994, and $460,000,000 for fiscal year 1995”; and

(B) in paragraph (2)—

(i) by striking “(2) In” and inserting “(2)(A) Except as provided in subparagraph (B), in”; and

(ii) by adding at the end the following new subparagraph:

“(B) In each fiscal year, the final reimbursement claims shall be adjusted to use the full amount appropriated under this subsection for the fiscal year.”.

SEC. 311. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

Part A of title III of the Older Americans Act of 1965 (42 U.S.C. 3021–3030c) is amended by adding at the end the following:

“SEC. 314. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

“(a) PROMOTION.—The Commissioner shall require entities that provide in-home services under this title to promote the rights of each older individual who receives such services. Such rights include the following:

“(1) The right—

“(A) to be fully informed in advance about each in-home service provided by such entity under this title and about any change in such service that may affect the well-being of such individual; and

“(B) to participate in planning and changing an in-home service provided under this title by such entity unless such individual is judicially adjudged incompetent.

“(2) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

“(3) The right to confidentiality of records relating to such individual.

“(4) The right to have the property of such individual treated with respect.

“(5) The right to be fully informed (orally and in writing), in advance of receiving an in-home service under this title, of such individual's rights and obligations under this title.”.

SEC. 312. SUPPORTIVE SERVICES.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (3) by inserting “(including information and assistance services)” after “and services”;

(2) in paragraph (3) by inserting before the semicolon at the end the following: “, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this title”;

(3) in paragraph (4)—

(A) by striking “or (C)” and inserting “(C)”; and

(B) by inserting “; or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q)” before the semicolon at the end;

(4) by amending paragraph (6) to read as follows:

“(6) services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

“(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

“(B) representation—

“(i) of individuals who are wards (or are allegedly incapacitated); and

“(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

“(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children;”;

(5) in paragraph (7) by striking “physical activity and exercise” and inserting “physical activity, exercise, music therapy, art therapy, and dance-movement therapy”;

(6) in paragraph (9) by striking “preretirement” and all that follows and inserting “, for older individuals, preretirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;”;

(7) in paragraph (11) by inserting before the semicolon the following: “, and of older individuals who provide uncompensated care to their adult children with disabilities”;

(8) in paragraph (12) by inserting “and second career” after “including job”;

(9) in paragraph (17) by inserting “, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions” before the semicolon at the end;

(10) in paragraph (18) by striking “or” at the end;

(11) by redesignating paragraph (19) as paragraph (22); and

(12) by inserting after paragraph (18) the following:

“(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services;

“(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

“(21) services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings; or”.

SEC. 313. CONGREGATE NUTRITION SERVICES.

Section 331(1) of the Older Americans Act of 1965 (42 U.S.C. 3030e(1)) is amended—

(1) by inserting “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)” after “week”; and

(2) by striking “, each of which” and all that follows through “Research Council”.

SEC. 314. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended—

(1) by inserting “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)” after “week”; and

(2) by striking “, each of which” and all that follows through “Research Council”.

SEC. 315. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by inserting “the Dietary Managers Association,” after “Dietetic Association,”.

SEC. 316. SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by adding at the end the following:

"Subpart 3—School-Based Meals for Volunteer Older Individuals and Multigenerational Programs

"SEC. 338. ESTABLISHMENT.

"(a) In General.—The Commissioner shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2)) that—

"(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

"(A) while such schools are in session;

"(B) during the summer; and

"(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

"(2) provide multigenerational activities in which volunteer older individuals and students interact;

"(3) provide social and recreational activities for volunteer older individuals;

"(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

"(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

"(b) Federal Share.—The Federal share of the cost of establishing and operating nutrition and multigenerational activities projects under this subpart shall be 85 percent.

"SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.

"(a) Contents of Application.—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

"(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

"(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

"(4) information demonstrating the need for such project, including a description of—

"(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

"(B) the manner in which the project will be coordinated with such services; and

"(5) such other information and assurances as the Commissioner may require by regulation.

"(b) Selection Among Applicants.—In selecting grant recipients from among entities that submit applications under subsection (a) for a fiscal year, the State agency shall—

"(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

"(2) give second priority to entities that carried out a nutrition project under subpart 1 or title VI in the preceding fiscal year; and

"(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, and the number of children who have limited-English proficiency or who participate in projects under section 1015 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2025)).

"SEC. 338B. REPORTS.

"(a) Reports by States.—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Commissioner a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

"(1) a description of—

"(A) persons served;

"(B) multigenerational activities carried out; and

"(C) additional needs of volunteer older individuals and students; and

"(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

"(b) Reports by Commissioner.—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Commissioner shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year.".

(b) Limitation on Administrative Costs.—Section 303(c) of the Older Americans Act of 1965 (42 U.S.C. 3023(c)) is amended—

(1) by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C,"; and

(2) in paragraph (2) by inserting "under subparts 1 and 2 of part C" after "nutrition services".

SEC. 317. DIETARY GUIDELINES; PAYMENT REQUIREMENT.

Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), as amended by section 316, is amended by adding at the end the following:

"Subpart 4—General Provisions

"SEC. 339. COMPLIANCE WITH DIETARY GUIDELINES.

"A State that establishes and operates a nutrition project under this part shall ensure that the meals provided through the project—

"(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

"(2) provide to each participating older individual—

"(A) a minimum of 33⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project provides 1 meal per day;

"(B) a minimum of 66⅔ percent of the allowances if the project provides 2 meals per day; and

"(C) 100 percent of the allowances if the project provides 3 meals per day.".

"SEC. 339A. PAYMENT REQUIREMENT.

"Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C may not be reduced to reflect any increase in the level of assistance provided under section 311.".

SEC. 318. IN-HOME SERVICES.

Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i), as amended by section 102(b)(7) of this Act, is amended—

(1) in paragraph (4) by striking "and" at the end;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) personal care services; and

"(7) other in-home services as defined—

"(A) by the State agency in the State plan submitted in accordance with section 307; and

"(B) by the area agency on aging in the area plan submitted in accordance with section 306.".

SEC. 319. PREVENTIVE HEALTH SERVICES.

(a) Program Authorized.—Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Commissioner shall consult with the Directors of the Centers for Disease Control and the National Institute on Aging.";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) Definition.—Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is amended to read as follows:

"SEC. 363. DEFINITION.

"As used in this part, the term 'disease prevention and health promotion services' means—

"(1) health risk assessments;

"(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

"(3) nutritional counseling and educational services for individuals and their primary caregivers;

"(4) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

"(5) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by—

"(A) an institution of higher education;

"(B) a local educational agency, as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891); or

"(C) a community-based organization;

"(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

"(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(10) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

"(11) gerontological counseling; and

"(12) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (11).

The term shall not include services for which payment may be made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).".

(c) CONFORMING AMENDMENT.—Part F of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m et seq.) is amended in the part heading by striking "PREVENTIVE HEALTH SERVICES" and inserting "DISEASE PREVENTION AND HEALTH PROMOTION SERVICES".

SEC. 320. SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

Part G of title III of the Older Americans Act of 1965 (42 U.S.C. 3021–3030p) is amended to read as follows:

"PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

"SEC. 381. PROGRAM AUTHORIZED.

"The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program to provide supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease or related disorders with neurological and organic brain dysfunction). Such supportive activities may include—

"(1) providing training and counseling for such caretakers;

"(2) technical assistance to such caretakers to assist them to form or to participate in support groups;

"(3) providing information—

"(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and

"(B) to caretakers who provide such services, regarding—

"(i) how to provide such services; and

"(ii) sources of nonfinancial support available to them as a result of their providing such services; and

"(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

"SEC. 382. DEFINITIONS.

"For purposes of this part, the term 'in-home services' has the meaning given such term in section 342.

"SEC. 383. MAINTENANCE OF EFFORT.

"Section 344 shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D.".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. STATEMENT OF PURPOSE.

Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3030aa) is amended in the matter preceding paragraph (1) by inserting "and publicly disseminate the results of the tests, to replicate such programs and services under this Act," after "individuals,".

SEC. 402. PRIORITIES FOR GRANTS AND DISCRETIONARY PROJECTS.

Section 402 of the Older Americans Act of 1965 (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(d) The Commissioner shall, in developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title, consult annually with State agencies, area agencies on aging, recipients of grants under title VI, institutions of higher education, organizations representing beneficiaries of services under this Act, and other organizations, and individuals, with expertise in aging issues.

"(e) The Commissioner shall ensure that grants and contracts awarded under this title—

"(1) are evaluated for their benefit to older individuals, and to programs under this Act; and

"(2) comply with the requirements under this Act.".

SEC. 403. PURPOSES OF EDUCATION AND TRAINING PROJECTS.

Section 410(3) of the Older Americans Act of 1965 (42 U.S.C. 3030jj(3)) is amended by inserting ", with particular emphasis on attracting minority individuals," after "qualified personnel".

SEC. 404. GRANTS AND CONTRACTS.

(a) IN GENERAL.—Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended—

(1) in paragraph (1) by inserting "gerontology," after "(including mental health) care,";

(2) in paragraph (2)—

(A) by inserting "and counseling" after "nutrition"; and

(B) by inserting ", with special emphasis on using culturally sensitive practices" before the period; and

(3) by adding at the end the following:

"(5) To provide annually a national meeting to train directors of programs under title VI.".

(b) TRAINING OF SERVICE PROVIDERS.—Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end the following:

"(e) From amounts appropriated under 431(b), the Commissioner shall make grants and enter into contracts under this part to establish and carry out a program under which service providers (including family physicians, clergy, and other professionals) will receive training—

"(1) comprised of—

"(A) intensive training regarding normal aging, recognition of problems of older individual, and communication with providers of mental health services; and

"(B) advanced clinical training regarding means of assessing and treating the problems of older individuals;

"(2) provided by—

"(A) faculty and graduate students in programs of human development and family studies at an institution of higher education;

"(B) mental health professionals; and

"(C) nationally recognized consultants with expertise regarding the mental health problems of individuals residing in rural areas; and

"(3) held in public hospitals throughout each State in which the program is carried out.".

SEC. 405. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in the first sentence by inserting "counseling services," after "maintenance,"; and

(2) in paragraph (4) by inserting "social work, and psychology," after "education,".

SEC. 406. DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)(2) by striking "preventive health service programs" and inserting "disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process)";

(2) in subsection (b)—

(A) in paragraph (8) by striking "and" at the end;

(B) in paragraph (9) by striking "include" and all that follows and inserting the following: "include projects furnishing multigenerational services by older individuals addressing the needs of children, such as—

"(A) tutorial services in elementary and special schools;

"(B) after school programs for latchkey children; and

"(C) voluntary services for child care and youth day care programs;"; and

(C) by adding at the end the following:

"(10) meet the service needs of older individuals who provide uncompensated care to their adult children with disabilities, for supportive services relating to such care, including—

"(A) respite services; and

"(B) legal advice, information, and referral services to assist such older individuals with permanency planning for such children;

"(11) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance-movement therapy to older individuals through—

"(A) projects that—

"(i) study and demonstrate the provision of music therapy, art therapy, or dance-movement therapy to older individuals who are institutionalized or at risk of being institutionalized; and

"(ii) provide music therapy, art therapy, or dance-movement therapy—

"(I) in nursing homes, hospitals, rehabilitation centers, hospices, or senior centers;

"(II) through disease prevention and health promotion services programs established under part F of title III;

"(III) through in-home services programs established under part D of title III;

"(IV) through multigenerational activities described in section 307(a)(41)(B) or subpart 3 of part C of title III;

"(V) through supportive services described in section 321(a)(21); or

"(VI) through disease prevention and health promotion services described in section 363(5); and

"(B) education, training, and information dissemination projects, including—

"(i) projects for the provision of gerontological training to music therapists, and education and training of individuals in the aging network regarding the efficacy and benefits of music therapy for older individuals; and

"(ii) projects for disseminating to the aging network and to music therapists background materials on music therapy, best practice manuals, and other information on providing music therapy to older individuals; and

"(12)(A) establish, in accordance with subparagraph (B), nationwide, statewide, regional, metropolitan area, county, city, or community model volunteer service credit projects to demonstrate methods to improve or expand supportive services or nutrition services, or otherwise promote the wellbeing of older individuals;

"(B) for purposes of paying part or all of the cost of developing or operating the projects, in the fiscal year, make not fewer than three and not more than five grants to, or contracts with, public agencies or nonprofit private organizations in such State; and

"(C) ensure that the projects will be operated in consultation with the ACTION Agency and will permit older individuals who are volunteers to earn, for services furnished, credits that may be redeemed later for similar volunteer services."; and

(3) in subsection (d)(2)—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end the following:

"(B) An agency or organization that receives a grant or enters into a contract to carry out a project described in subparagraph (A) or (B)(i) of subsection (b)(11) shall submit to the Commissioner a report containing—

"(i) the results, and findings based on the results, of such project; and

"(ii) the recommendations of the agency or organization, if the agency or organization provided music therapy, regarding means by which music therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy.".

SEC. 407. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

(a) IN GENERAL.—Section 423 of the Older Americans Act of 1965 (42 U.S.C. 3035b) is amended to read as follows:

"SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

"(a) DEFINITIONS.—As used in this section:

"(1) PROJECT.—The term 'Project' means a Project to Improve the Delivery of Long-Term Care Services.

"(2) RESOURCE CENTER.—The term 'Resource Center' means a Resource Center for Long-Term Care.

"(b) RESOURCE CENTERS.—

"(1) GRANTS AND CONTRACTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than four and not more than seven Resource Centers in accordance with paragraph (2).

"(2) REQUIREMENTS.—

"(A) FUNCTIONS.—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area of specialty of the Resource Center—

"(i) perform research;

"(ii) provide for the dissemination of results of the research; and

"(iii) provide technical assistance and training to State agencies and area agencies on aging.

"(B) AREA OF SPECIALITY.—For purposes of subparagraph (A) the term 'area of speciality' means—

"(i) Alzheimer's disease and related dementias, and other cognitive impairments;

"(ii) client assessment and case management;

"(iii) data collection and analysis;

"(iv) home modification and supportive services to enable older individuals to remain in their homes;

"(v) consolidation and coordination of services;

"(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

"(vii) decisionmaking and bioethics;

"(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;

"(ix) rural issues, including barriers to access to services;

"(x) chronic mental illness;

"(xi) populations with greatest social need and populations with greatest economic need, with particular attention to low-income minorities; and

"(xii) an area of importance as determined by the Commissioner.

"(c) PROJECTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 Projects.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity may use funds received under a grant or contract—

"(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Amendments of 1992; or

"(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

"(2) REIMBURSABLE DIRECT SERVICES.—None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

"(e) PREFERENCE.—In awarding grants, and entering into contracts, under this section, the Commissioner shall give preference to entities that demonstrate that—

"(1) adequate State standards have been developed to ensure the quality of services provided under the grant or contract; and

"(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency responsible for the administration of title XIX or XX of the Social Security Act.

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) PROJECT APPLICATION.—An entity seeking a grant or contract under subsection (c) shall submit an application to the Commissioner containing, at a minimum—

"(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—

"(i) duplication of functions in the delivery of such services, including duplication at the State and local level;

"(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;

"(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;

"(iv) lack of financing for such services;

"(v) lack of availability of adequately trained personnel to provide such services; and

"(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;

"(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v); and

"(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

"(g) ELIGIBLE ENTITIES.—

"(1) RESOURCE CENTERS.—Entities eligible to receive grants, or enter into contracts, under subsection (b)(1) shall be—

"(A) institutions of higher education; and

"(B) other public agencies and nonprofit private organizations.

"(2) PROJECTS.—Entities eligible to receive grants, or enter into contracts, under subsection (c) include—

"(A) State agencies; and

"(B) in consultation with State agencies—

"(i) area agencies on aging;

"(ii) institutions of higher education; and

"(iii) other public agencies and nonprofit private organizations.

"(h) REPORT.—The Commissioner shall include in the annual report to the Congress required by section 207, a report on the grants awarded, and contracts entered into, under this section, including—

"(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) in the fiscal year for which the Commissioner is preparing the annual report; and

"(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c).

"(i) AVAILABILITY OF FUNDS.—The Commissioner shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 as in effect on the day before the date of the enactment of the Older Americans Act Amendments of 1992.".

(b) OBLIGATION.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall obligate, from the funds appropriated under section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)) for fiscal year 1992—

(1) not less than the amount described in section 423(i) of such Act (42 U.S.C. 3035b(i)) for carrying out section 423(b)(1) of such Act; and

(2) such sums as may be necessary for carrying out section 423(c) of such Act.

SEC. 408. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by inserting ", legal assistance agencies," after "ombudsman program".

SEC. 409. DEMONSTRATION PROJECTS FOR MULTI- GENERATIONAL ACTIVITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) is amended by adding at the end the following:

"SEC. 429. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

"(a) GRANTS AND CONTRACTS.—The Commissioner may award grants and enter into contracts with eligible organizations to establish demonstration projects that provide older individuals with multigenerational activities.

"(b) Use of Funds.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

"(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

"(2) to evaluate the project in accordance with subsection (f).

"(c) Awards.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to—

"(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

"(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

"(d) Application.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

"(e) Eligible Organizations.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

"(f) Local Evaluation and Report.—

"(1) Evaluation.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the activities assisted under the project to determine the effectiveness of multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact on older individuals involved in such project.

"(2) Report.—The organization shall submit a report to the Commissioner containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

"(g) Report to Congress.—Not later than 6 months after the Commissioner receives the reports described in subsection (f)(2), the Commissioner shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

"(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

"(2) a description of the nature and operation of the projects;

"(3) the name and address of the individual or governmental entity that conducted the projects;

"(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the project;

"(5) a description of the success of the projects retaining older individuals involved in the projects as employees and as volunteers; and

"(6) the rate of turnover of older individual employees and volunteers in the projects.

"(h) Definition.—As used in this section, the term 'multigenerational activity' includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.".

SEC. 410. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by section 409) is amended by adding at the end the following:

"SEC. 429A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

"(a) Grants.—The Commissioner shall award grants to eligible agencies to establish demonstration programs to provide services described in subsection (b) to older individuals who are residents in federally assisted housing (referred to in this section as 'residents').

"(b) Use of Grants.—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to residents services including—

"(1) meal services;

"(2) transportation;

"(3) personal care, dressing, bathing, and toileting;

"(4) housekeeping and chore assistance;

"(5) nonmedical counseling;

"(6) case management;

"(7) other services to prevent premature and unnecessary institutionalization; and

"(8) other services provided under this Act.

"(c) Award of Grants.—The Commissioner shall award grants under subsection (a) to agencies in a variety of geographic settings, including urban and rural settings.

"(d) Application.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) information demonstrating a lack of, and need for, services described in subsection (b) in federally assisted housing projects in the geographic area proposed to be served by the applicant;

"(2) a comprehensive plan to coordinate with housing facility management to provide services to frail older individuals who are in danger of premature or unnecessary institutionalization;

"(3) information demonstrating initiative on the part of the agency to address the supportive service needs of residents;

"(4) information demonstrating financial, in-kind, or other support available to the applicant from State or local governments, or from private resources;

"(5) an assurance that the agency will participate in the development of the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

"(6) an assurance that the agency will target services to low-income minority older individuals and conduct outreach;

"(7) an assurance that the agency will comply with the guidelines described in subsection (f); and

"(8) a plan to evaluate the eligibility of older individuals for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify such individuals.

"(e) Eligible Agencies.—Agencies eligible to receive grants under this section shall be State agencies and area agencies on aging.

"(f) Guidelines.—The Commissioner shall issue guidelines for use by agencies that receive grants under this section—

"(1) regarding the level of frailty that older individuals shall meet to be eligible for services under a demonstration program established under this section; and

"(2) for accepting voluntary contributions from residents who receive services under such a program.

"(g) Evaluations and Reports.—

"(1) Agencies.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) Commissioner.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 411. NEIGHBORHOOD SENIOR CARE PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429B. NEIGHBORHOOD SENIOR CARE PROGRAM.

"(a) Definitions.—As used in this section:

"(1) Health and social services.—The term 'health and social services' includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

"(2) Volunteer services.—The term 'volunteer services' includes peer counseling, chore services, help with mail and taxes, transportation, socialization, health and social services, and other similar services.

"(b) Service Grants.—

"(1) In general.—The Commissioner may award grants to eligible entities to establish neighborhood senior care programs, in order to encourage professionals to provide volunteer services to local residents who are older individuals and who might otherwise have to be admitted to nursing homes and to hospitals.

"(2) Preference.—In awarding grants under this section, the Commissioner shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

"(3) Advisory board.—The Commissioner shall establish an advisory board to provide guidance to grant recipients regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the advisory board shall be residents in communities served by the grant recipients.

"(4) Application.—To be eligible to receive a grant under this section, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each application shall—

"(A) describe the activities in the program for which assistance is sought;

"(B) describe the neighborhood in which volunteer services are to be provided under the program, and a plan for integration of volunteer services within the neighborhood;

"(C)(i) provide assurances that nurses, social workers, and community volunteers providing volunteer services and an outreach coordinator involved with the project live in the neighborhood; or

"(ii)(I) reasons that it is not possible to provide such assurances; and

"(II) assurances that nurses, social workers, community volunteers and the outreach coordinator will be assigned repeatedly to the particular neighborhood; and

"(D) provide for an evaluation of the activities for which assistance is sought.

"(c) Technical Resource Center.—The Commissioner shall, to the extent appropriations are available, enter into a contract with an applicant described in subsection (b)(2) to establish a technical resource center that will—

"(1) assist the Commissioner in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b);

"(2) assist communities interested in establishing such a neighborhood senior care program;

"(3) coordinate the neighborhood senior care programs;

"(4) provide ongoing analysis of and collection of data on the neighborhood senior care programs and provide such data to the Commissioner;

"(5) serve as a liaison to State agencies interested in establishing neighborhood senior care programs; and

"(6) take any further actions as required by regulation by the Commissioner.".

SEC. 412. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

"(a) Grants.—The Commissioner may—

"(1) make grants to State agencies, and, in consultation with State agencies, to area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

"(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers of supportive services—

"(A) to support a national telephone access service to inform older individuals, families, and caregivers about State and local information and assistance services funded under this Act; and

"(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

"(b) Application.—To be eligible to receive a grant under subsection (a) an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may specify.

"(c) Guidelines.—The Commissioner shall establish guidelines for the operation of the national telephone access service described in subsection (a)(2)(A).

"(d) Evaluation and Report.—

"(1) Evaluation.—The Commissioner shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(2)(A) in providing information and assistance services to older individuals, families, and caregivers about State and local information and assistance services.

"(2) Report.—Not later than January 1, 1995, the Commissioner shall submit the evaluation described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 413. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

"(a) Establishment.—The Commissioner shall establish and carry out senior transportation demonstration programs. In carrying out the programs, the Commissioner shall award grants to not fewer than five eligible entities for the purpose of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as 'senior transportation services').

"(b) Use of Funds.—Grants made under subsection (a) may be used to—

"(1) develop innovative approaches for improving access by older individuals to supportive services under part B of title III, nutrition services under part C of title III, health care, and other important services;

"(2) develop comprehensive and integrated senior transportation services; and

"(3) leverage additional resources for senior transportation services by—

"(A) coordinating various transportation services; and

"(B) coordinating various funding sources for transportation services, including—

"(i) sources of assistance under—

"(I) sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.); and

"(II) titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

"(ii) State and local sources.

"(c) Award of Grants.—

"(1) Preference.—In awarding grants under subsection (a), the Commissioner shall give preference to entities that—

"(A) demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area served by the entities;

"(B) establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

"(C) demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

"(D) demonstrate the capacity and willingness to coordinate senior transportation services with services provided under title III and with general public transportation services and other specialized transportation services; and

"(E) establish plans for senior transportation demonstration programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

"(2) Rural entities.—The Commissioner shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

"(d) Application.—An entity that seeks a grant under this section shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including at a minimum—

"(1) information describing senior transportation services for which the entity seeks assistance;

"(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

"(3) information describing the extent to which the applicant intends to coordinate the services of the applicant with the services of other transportation providers;

"(4) a plan for evaluating the effectiveness of the proposed senior transportation demonstration program and preparing a report containing the evaluation to be submitted to the Commissioner; and

"(5) such other information as may be required by the Commissioner.

"(e) Eligible Entities.—Entities eligible to receive grants under this section shall be—

"(1) State agencies;

"(2) area agencies on aging; and

"(3) other public agencies and nonprofit organizations.

"(f) Report.—

"(1) Preparation.—The Commissioner shall prepare, either directly or through grants or contracts, annual reports on the senior transportation demonstration programs established under this section. The reports shall contain an assessment of the effectiveness of each demonstration project and recommendations regarding legislative, administrative, and other initiatives needed to improve the access to and effectiveness of transportation services for older individuals.

"(2) Submission.—The Commissioner shall submit the report described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 414. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

"(a) Establishment.—The Commissioner shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as 'Resource Centers'). The Commissioner shall make such grants or enter into such contracts for periods of not less than 3 years.

"(b) Functions.—

"(1) In general.—Each Resource Center that receives funds under this section shall—

"(A) gather information;

"(B) perform research;

"(C) provide for the dissemination of results of the research; and

"(D) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

"(2) Areas of concern.—In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

"(A) health problems;

"(B) long-term care, including in-home care;

"(C) elder abuse; and

"(D) other problems and issues that the Commissioner determines are of particular importance to Native Americans who are older individuals.

"(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to institutions of higher education that have conducted research on, and assessment of, the characteristics and needs of Native Americans who are older individuals.

"(d) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Commissioner shall consult with the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

"(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant or enter into a contract under subsection (a) shall be institutions of higher education with experience conducting research and assessment on the needs of older individuals.

"(f) REPORT TO CONGRESS.—The Commissioner, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs including the priority areas of concern of Native Americans who are older individuals.".

SEC. 415. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

"(a) DEFINITION.—As used in this section:

"(1) DEVELOPMENTAL DISABILITY.—The term 'developmental disability' has the meaning given the term in section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

"(2) IN-HOME SERVICE.—The term 'in-home service' has the meaning given the term in section 342.

"(b) ESTABLISHMENT.—The Commissioner shall make grants to State agencies to provide services in accordance with subsection (c).

"(c) USE OF FUNDS.—A State agency may use a grant awarded under subsection (b) to provide services for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children, including—

"(1) child care and youth day care programs;

"(2) programs to integrate the individuals into existing programs for older individuals;

"(3) respite care;

"(4) transportation to multipurpose senior centers and other facilities and services;

"(5) supervision;

"(6) renovation of multipurpose senior centers;

"(7) provision of materials to facilitate activities for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children;

"(8) training of State agency, area agency on aging, volunteer, and multipurpose senior center staff, and other service providers, who work with such individuals; and

"(9) in-home services.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.".

SEC. 416. HOUSING DEMONSTRATION PROGRAMS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429G. HOUSING DEMONSTRATION PROGRAMS.

"(a) HOUSING OMBUDSMAN DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall award grants to eligible agencies to establish housing ombudsman programs.

"(2) USE OF GRANTS.—An eligible agency shall use a grant awarded under paragraph (1) to—

"(A) provide the services described in subparagraph (B) through—

"(i) professional and volunteer staff to older individuals who are—

"(I) participating in federally assisted and other publicly assisted housing programs; or

"(II) seeking Federal, State, and local housing programs; and

"(ii)(I) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;

"(II) a legal services or assistance organization or through an organization that provides both legal and other social services;

"(III) a public or not-for-profit social services agency; or

"(IV) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

"(B) establish a housing ombudsman program that provides information, advice, and advocacy services including—

"(i) direct assistance, or referral to services, to resolve complaints or problems;

"(ii) provision of information regarding available housing programs, eligibility, requirements, and application processes;

"(iii) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

"(iv) advocacy related to promoting—

"(I) the rights of the older individuals who are residents in publicly assisted housing programs; and

"(II) the quality and suitability of housing in the programs; and

"(v) assistance with problems related to housing regarding—

"(I) threats of eviction or eviction notices;

"(II) older buildings;

"(III) functional impairments as the impairments relate to housing;

"(IV) unlawful discrimination;

"(V) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

"(VI) disability issues;

"(VII) intimidation, harassment, or arbitrary management rules;

"(VIII) grievance procedures;

"(IX) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

"(X) issues related to transfer from one project or program to another; and

"(3) AWARD OF GRANTS.—The Commissioner shall award grants under paragraph (1) to agencies in rural, urban, and other settings.

"(4) APPLICATION.—To be eligible to receive a grant under paragraph (1), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(A) an assurance that the agency will conduct training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program;

"(B) in the case of an application submitted by an area agency on aging, an endorsement of the program by the State agency serving the State in which the program will be established, and an assurance by the State agency that the agency will work with the area agency in carrying out the program; and

"(C) a plan to involve in the demonstration program the Secretary of the Department of Housing and Urban Development, the Administrator of the Farmers Home Administration, any individual or entity described in paragraph (2)(A) through which the agency intends to provide the services, and other agencies involved in publicly assisted housing programs.

"(5) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include—

"(A) State agencies;

"(B) area agencies on aging; and

"(C) other nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in chapters 2 and 4, respectively, of subtitle A of title VII.

"(b) FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall make grants to States to carry out demonstration programs to develop methods or implement laws—

"(A) to prevent or delay the foreclosure on housing owned and occupied by older individuals or the eviction of older individuals from housing the individuals rent;

"(B) to obtain alternative housing as a result of such foreclosure or eviction; and

"(C) to assist older individuals to understand the rights and obligations of the individuals under laws relating to housing ownership and occupancy.

"(2) NOTIFICATION PROCESS.—A State that receives a grant under paragraph (1) shall establish methods, including a notification process—

"(A) to assist older individuals who are incapable of, or have difficulty in, understanding the circumstances and consequences of foreclosure on or eviction from housing the individuals occupy; and

"(B) to coordinate the program for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing the individuals occupy.

"(c) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency or State that receives a grant under subsection (a) or (b) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards a grant under subsection (a) or (b)—

"(A) evaluate the effectiveness of each demonstration program that receives the grant; and

"(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 417. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429H. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

"(a) GRANTS.—

"(1) IN GENERAL.—The Commissioner may make grants to, and enter into contracts with, State agencies and area agencies on aging, to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under title III.

"(2) MAINTENANCE OF RESOURCES.—Resources generated with a grant made, or contract entered into, under subsection (a) shall be in addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, area agency on aging, or unit of general purpose local government (as defined in section 302(2)) to provide such services.

"(3) USE OF RESOURCES.—Resources generated with a grant made, or a contract entered into, under subsection (a) shall be used to provide supportive services in accordance with title III. The requirements under this Act that apply to funds received under title III by States to carry out title III shall apply with respect to such resources.

"(b) AWARD OF GRANTS AND CONTRACTS.—

"(1) REGIONAL DISTRIBUTION.—The Commissioner shall ensure that States and area agencies on aging in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) on an equitable basis.

"(2) DISTRIBUTION BASED ON NEED.—Within such regions, the Commissioner shall give preference to applicants that provide services under title III in geographical areas that contain a large number of older individuals with greatest economic need or older individuals with greatest social need.

"(c) MONITORING.—The Commissioner shall monitor how—

"(1) grants are expended, and contracts are carried out, under subsection (a); and

"(2) resources generated under such grants and contracts are expended,

to ensure compliance with this section.".

SEC. 418. CAREER PREPARATION FOR THE FIELD OF AGING.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429I. CAREER PREPARATION FOR THE FIELD OF AGING.

"(a) GRANTS.—The Commissioner shall make grants to institutions of higher education, historically black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

"(b) DEFINITIONS.—For purposes of subsection (a):

"(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

"(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

"(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

"(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

"(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SEC. 419. PENSION INFORMATION AND COUNSELING DEMONSTRATION PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429J. PENSION RIGHTS DEMONSTRATION PROJECTS.

"(a) DEFINITIONS.—As used in this section:

"(1) PENSION RIGHTS INFORMATION PROGRAM.—The term 'pension rights information program' means a program described in subsection (c).

"(2) PENSION AND OTHER RETIREMENT BENEFITS.—The term 'pension and other retirement benefits' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

"(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

"(D) the Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.).

"(b) ESTABLISHMENT.—The Commissioner shall establish and carry out pension rights demonstration projects.

"(c) PENSION RIGHTS INFORMATION PROGRAMS.—

"(1) USE OF FUNDS.—In carrying out the projects specified in subsection (b), the Commissioner shall, to the extent appropriations are available, award grants to six eligible entities to establish programs to provide outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

"(2) AWARD OF GRANTS.—

"(A) TYPE OF ENTITY.—The Commissioner shall award under this subsection—

"(i) four grants to State agencies or area agencies on aging; and

"(ii) two grants to nonprofit organizations with a proven record of providing—

"(I) services related to retirement of older individuals; or

"(II) specific pension rights counseling.

"(B) PANEL.—In awarding grants under this subsection, the Commissioner shall use a citizen advisory panel that shall include representatives of business, labor, national senior advocates, and national pension rights advocates.

"(C) CRITERIA.—In awarding grants under this subsection, the Commissioner, in consultation with the panel, shall use as criteria—

"(i) evidence of commitment of an agency or organization to carry out a proposed pension rights information program;

"(ii) the ability of the agency or organization to perform effective outreach to affected populations, particularly populations identified as in need of special outreach; and

"(iii) reliable information that the population to be served by the agency or organization has a demonstrable need for the services proposed to be provided under the program.

"(3) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(i) a plan for the establishment of a pension rights information program to serve a specific geographic area; and

"(ii) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan.

"(B) PLAN.—The plan described in paragraph (1) shall provide for a program that—

"(i) establishes a State or area pension rights information center;

"(ii) provides counseling (including direct counseling and assistance to individuals needing information) and information that may assist individuals in establishing rights to, obtaining, and filing claims or complaints related to, pension and other retirement benefits;

"(iii) provides information on sources of pension and other retirement benefits, including the benefits under programs described in subsection (a)(1);

"(iv) makes referrals to legal services and other advocacy programs;

"(v) establishes a system of referral to State, local, and Federal departments or agencies related to pension and other retirement benefits;

"(vi) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

"(vii) provides training programs for staff members, including volunteer staff members of the programs described in subsection (a)(1);

"(viii) makes recommendations to the Administration, the Department of Labor and other local, State, and Federal agencies concerning issues for older individuals related to pension and other retirement benefits; and

"(ix) establishes an outreach program to provide information, counseling, referral, and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, and low-income retirees.

"(d) TRAINING PROGRAM.—

"(1) USE OF FUNDS.—In carrying out the projects described in subsection (b), the Commissioner shall, to the extent appropriations are available, award a grant to an eligible entity to establish a training program to provide—

"(A) information to the staffs of entities operating pension rights information programs; and

"(B) assistance to the entities and assist such entities in the design of program evaluation tools.

"(2) ELIGIBLE ENTITY.—Entities eligible to receive grants under this subsection include nonprofit private organizations with records of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(e) DURATION.—The Commissioner may award grants under subsection (c) or (d) for periods not to exceed 18 months.

"(f) REPORT TO CONGRESS.—

"(1) PREPARATION.—The Commissioner shall prepare a report that—

"(A) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

"(B) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

"(C) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

"(D) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers, and other similar entities.

"(2) SUBMISSION.—Not later than 30 months after the date of the enactment of this section, the Commissioner shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(g) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 431(a)(1) to carry out this section for a fiscal year, not more than $100,000 may be used by the Administration for administrative expenses in carrying out this section.".

SEC. 420. AUTHORIZATION OF APPROPRIATIONS.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended by striking subsections (a) and (b) and inserting the following:

"(a)(1) There are authorized to be appropriated to carry out the provisions of this title (other than the provision specified in subsection (b)) $72,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(2) Not less than 1 percent of the amount appropriated under paragraph (1) for each fiscal year shall be made available to carry out section 202(d).

"(b) There are authorized to be appropriated to carry out section 411(e), $450,000 for each of fiscal years 1992, 1993, 1994, and 1995.".

SEC. 421. PAYMENTS OF GRANTS FOR DEMONSTRATION PROJECTS.

Section 432(c) of the Older Americans Act of 1965 (42 U.S.C. 3037a(c)) is amended by striking "unless the Commissioner" and all that follows and inserting "unless the Commissioner—

"(1) consults with the State agency prior to issuing the grant or contract; and

"(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.".

SEC. 422. RESPONSIBILITIES OF COMMISSIONER.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Not later than January 1 following each fiscal year, the Commissioner shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

"(A) for which funds were provided under this title; and

"(B) that was completed in the fiscal year for which such report is prepared.

"(2) Such report shall contain—

"(A) the name or descriptive title of each project or program;

"(B) the name and address of the individual or governmental entity that conducted such project or program;

"(C) a specification of the period throughout which such project or program was conducted;

"(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

"(E) an abstract describing the nature and operation of such project or program; and

"(F) a bibliography identifying all published information relating to such project or program."; and

(2) by adding at the end the following:

"(c)(1) The Commissioner shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

"(2) The Commissioner shall—

"(A) make available to the public each evaluation carried out under paragraph (1); and

"(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older American Community Service Employment Act (42 U.S.C. 3056) is amended—

(1) in subsection (a) by inserting "and who have poor employment prospects" after "or older";

(2) in subsection (b)(1)—

(A) in subparagraph (M) by inserting ", and eligible individuals who have greatest economic need, at least" after "individuals";

(B) by redesignating subparagraphs (N) and (O) as subparagraphs (O) and (P), respectively; and

(C) by inserting after subparagraph (M) the following:

"(N)(i) will prepare an assessment of—

"(I) the participants' skills and talents;

"(II) their need for supportive services; and

"(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.));

"(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment provided for in clause (i); and

"(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;";

(3) in subsection (c)(1)(B) by striking "Director of the Office of Community Services of the Department" and inserting "Secretary";

(4) in subsection (d)(1) by striking "within a State such organization or program sponsor shall submit to the State agency on aging" and inserting "within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging"; and

(5) in subsection (e)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "Not" and all that follows through "1981, the" and inserting "The"; and

(ii) by inserting ", and amend from time to time," after "issue";

(B) in subparagraph (A) by striking "and" at the end;

(C) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(C) require the coordination of projects carried out under such agreements, with the programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534).".

SEC. 502. COORDINATION.

(a) INCREASING JOB OPPORTUNITIES.—Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by adding at the end the following:

"(2) The Secretary of Labor and the Commissioner shall coordinate the programs under this title and the programs under titles III, IV, and VI to increase job opportunities available to older individuals.".

(b) COORDINATION OF ADMINISTRATION.—The first sentence of section 503(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)(1)) is amended—

(1) by striking "If" and all that follows through "authorized to", and inserting "The Secretary shall";

(2) by inserting after the first sentence the following: "The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Commissioner, to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services."; and

(3) by adding at the end the following: "The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence.".

SEC. 503. INTERAGENCY COOPERATION.

Section 505 of the Older American Community Service Employment Act (42 U.S.C. 3056b) is amended—

(1) in subsection (a) by striking "of the Administration on Aging"; and

(2) by adding at the end the following:

"(d)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts that provide training and employment opportunities to eligible individuals.

"(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with employment and training programs in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).".

SEC. 504. EQUITABLE DISTRIBUTION OF ASSISTANCE.

(a) Allocation.—Paragraphs (1) and (2) of section 506(a) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)) are amended to read as follows:

"(1)(A) Subject to subparagraph (B) and paragraph (2), from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or nonprofit private organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.

"(B)(i)(I) For each fiscal year in which the sums appropriated under this title exceed the amount appropriated under this title for fiscal year 1978, the Secretary shall reserve not more than 45 percent of such excess, except as provided in subclause (II), to carry out clauses (ii), (iii), and (v).

"(II) The Secretary shall reserve a sum sufficient to carry out clauses (iii) and (v).

"(III) The Secretary in awarding grants and contracts under this paragraph from the sum reserved under this paragraph shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.

"(ii) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

"(iii) If the amount appropriated under this title for a fiscal year exceeds 102 percent of the amount appropriated under this title for fiscal year 1991, for each fiscal year described in clause (iv), the Secretary shall reserve for recipients of national grants and contracts under this paragraph such portion of the excess amount as the Secretary determines to be appropriate and is—

"(I) at least 25 percent of the excess amount; or

"(II) the portion required to increase the amount made available under this paragraph to each of the recipients so that the amount equals 1.3 percent of the amount appropriated under this title for fiscal year 1991.

"(iv) From the portion reserved under clause (iii), the Secretary shall increase the amount made available under this paragraph to each of the recipients—

"(I) for each fiscal year before the fiscal year described in subclause (II), so that such amount equals, or more closely approaches, such 1.3 percent; and

"(II) for the first fiscal year for which the portion is sufficient to make available under this paragraph to each of the recipients the amount equal to such 1.3 percent, so that such amount is not less than such 1.3 percent.

"(v) For each fiscal year after the fiscal year described in clause (iv)(II), the Secretary shall make available under this paragraph to each of the recipients an amount not less than such 1.3 percent.

"(C) Preference in awarding grants and contracts under this paragraph shall be given to national organizations, and agencies, of proven ability in providing employment services to eligible individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States, subject to subparagraph (B)(i)(III).

"(2)(A) From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is at least 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

"(B) After the Secretary makes the reservations required by paragraph (1)(B) and subparagraph (A), the remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3).".

(b) Apportionment Within States.—Section 506(c) of the Older American Community Service Employment Act (42 U.S.C. 3056d(c)) is amended—

(1) by striking "and (2)" and inserting "(2)"; and

(2) by inserting before the period at the end the following: ", and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individuals who are minority individuals, and (C) such individuals who are individuals with greatest social need".

(c) Technical and Conforming Amendments.—

(1) Section 502(c)(1), paragraphs (3) and (4) of section 506(a), and section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(c)(1), 3056d(a) (3) and (4), and 3056e(1)) are amended by striking "per centum" each place the term appears and inserting "percent".

(2) Section 502(e)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(e)(1)) is amended by striking "506(a)(1)(B)" and inserting "506(a)(2)(A)".

(3) Section 506(a)(4)(B) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(4)(B)) is amended by striking "him" and inserting "the Secretary".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) $470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and";

(2) in paragraph (2) by striking "62,500" and inserting "70,000"; and

(3) by striking "clause" and inserting "paragraph".

SEC. 506. DUAL ELIGIBILITY.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g) is amended by adding at the end the following:

"SEC. 510. DUAL ELIGIBILITY.

"In the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of section 203 of such Act (29 U.S.C. 1603) that are applicable to adults.".

SEC. 507. TREATMENT OF ASSISTANCE PROVIDED UNDER THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g), as amended by section 506, is amended by adding at the end the following:

"SEC. 511. TREATMENT OF ASSISTANCE.

"Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(1)(A)).".

TITLE VI—GRANTS FOR NATIVE AMERICANS

SEC. 601. APPLICATIONS BY TRIBAL ORGANIZATIONS.

Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.".

SEC. 602. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended by inserting after section 614 the following:

"SEC. 614A. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

"(a) Maintenance of 1991 Amounts.—Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

"(b) Use of Additional Amounts Appropriated.—If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

"(1) increased by such amount as the Commissioner considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for fiscal year 1980; or

"(2) an amount the Commissioner considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991.".

SEC. 603. APPLICATIONS BY ORGANIZATIONS SERVING NATIVE HAWAIIANS.

Section 624(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3057j(a)(3)) is amended by inserting "and with the activities carried out under title III in the same geographical area" before the semicolon at the end.

SEC. 604. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended by inserting after section 624 the following:

"SEC. 624A. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

"Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to an organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the organization for fiscal year 1991.".

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 633. (a) There are authorized to be appropriated $30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this title (other than section 615).

"(b) Of the amount appropriated under subsection (a) for each fiscal year—

"(1) 90 percent shall be available to carry out part A; and

"(2) 10 percent shall be available to carry out part B.".

TITLE VII—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

SEC. 701. ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

"Subtitle A—State Provisions

"CHAPTER 1—GENERAL STATE PROVISIONS

"SEC. 701. ESTABLISHMENT.

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the cost of carrying out vulnerable elder rights protection activities.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, $40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, $10,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out chapter 5, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"SEC. 703. ALLOTMENT.

"(a) IN GENERAL.—

"(1) POPULATION.—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population of older individuals in the State bears to the population of older individuals in all States.

"(2) MINIMUM ALLOTMENTS.—

"(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments on a pro rata basis in accordance with subparagraphs (B) and (C).

"(B) GENERAL MINIMUM ALLOTMENTS.—

"(i) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

"(i) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of elder abuse, neglect, and exploitation under title III.

"(D) DEFINITION.—For the purposes of this paragraph, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subtitle, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) WITHHOLDING.—If the Commissioner finds that any State has failed to carry out this title in accordance with the assurances made and description provided under section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse the funds withheld directly to any public or nonprofit private institution or organization, agency, or political subdivision of the State submitting an approved plan containing the assurances and description.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this subtitle—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) each area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS.

"(a) ELIGIBILITY.—In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307—

"(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter;

"(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;

"(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out the vulnerable elder rights protection activities described in the chapter;

"(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5);

"(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

"(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent elder abuse;

"(ii) receipt of reports of elder abuse;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and

"(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

"(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

"(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except—

"(i) if all parties to such complaint consent in writing to the release of such information;

"(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(iii) upon court order;

"(7) an assurance that the State agency—

"(A) from funds appropriated under section 702(d) for chapter 5, will make funds available to eligible area agencies on aging to carry out chapter 5 and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

"(i) the number of older individuals with greatest economic need, and older individuals with greatest social need, residing in their respective planning and service areas; and

"(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in chapter 5;

"(B) will require, as a condition of eligibility to receive funds to carry out chapter 5, an area agency on aging to submit an application that—

"(i) describes the activities for which such funds are sought;

"(ii) provides for an evaluation of such activities by the area agency on aging; and

"(iii) includes assurances that the area agency on aging will prepare and submit to the State agency a report of the activities conducted with funds provided under this paragraph and the evaluation of such activities;

"(C) will distribute to area agencies on aging—

"(i) the eligibility information received under section 202(a)(20) from the Administration; and

"(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(D) will submit to the Commissioner a report on the evaluations required to be submitted under subparagraph (B); and

"(8) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in paragraphs (1) through (7).

"(b) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this subtitle to reveal any information that is protected by the attorney-client privilege.

"SEC. 706. DEMONSTRATION PROJECTS.

"(a) ESTABLISHMENT.—From amounts made available under section 304(d)(1)(C) after September 30, 1992, each State may provide for the establishment of at least one demonstration project, to be conducted by one or more area agencies on aging within the State, for outreach to older individuals with greatest economic need with respect to—

"(1) benefits available under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State program established in accordance with such title);

"(2) medical assistance available under title XIX of such Act (42 U.S.C. 1396 et seq.); and

"(3) benefits available under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(b) BENEFITS.—Each outreach project carried out under subsection (a) shall—

"(1) provide to older individuals with greatest economic need information and assistance regarding their eligibility to receive the benefits and assistance described in paragraphs (1) through (3) of subsection (a);

"(2) be carried out in a planning and service area that has a high proportion of older individuals with greatest economic need, relative to the aggregate number of older individuals in such area; and

"(3) be coordinated with State and local entities that administer benefits under such titles.".

SEC. 702. OMBUDSMAN PROGRAMS.

Title VII of the Older Americans Act of 1965 (as added by section 701 of this Act) is amended by adding at the end the following:

"CHAPTER 2—OMBUDSMAN PROGRAMS

"SEC. 711. DEFINITIONS.

"As used in this chapter:

"(1) OFFICE.—The term 'Office' means the office established in section 712(a)(1)(A).

"(2) OMBUDSMAN.—The term 'Ombudsman' means the individual described in section 712(a)(2).

"(3) LOCAL OMBUDSMAN ENTITY.—The term 'local Ombudsman entity' means an entity designated under section 712(a)(5)(A) to carry out the duties described in section 712(a)(5)(B) with respect to a planning and service area or other substate area.

"(4) PROGRAM.—The term 'program' means the State Long-Term Care Ombudsman program established in section 712(a)(1)(B).

"(5) REPRESENTATIVE.—The term 'representative' includes an employee or volunteer who represents an entity designated under section 712(a)(5)(A) and who is individually designated by the Ombudsman.

"(6) RESIDENT.—The term 'resident' means an older individual who resides in a long-term care facility.

"SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(a), a State agency shall, in accordance with this section—

"(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

"(B) carry out through the Office a State Long-Term Care Ombudsman program.

"(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals with expertise and experience in the fields of long-term care and advocacy.

"(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

"(A) identify, investigate, and resolve complaints that—

"(i) are made by, or on behalf of, residents; and

"(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees), of—

"(I) providers, or representatives of providers, of long-term care services;

"(II) public agéncies; or

"(III) health and social service agencies;

"(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

"(C) inform the residents about means of obtaining services provided by providers or agencies described in subparagraph (A)(ii) or services described in subparagraph (B);

"(D) ensure that the residents have regular and timely access to the services provided through the Office and that the residents and complainants receive timely responses from representatives of the Office to complaints;

"(E) represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

"(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

"(ii) recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and

"(iii) facilitate public comment on the laws, regulations, policies, and actions;

"(H)(i) provide for training representatives of the Office;

"(ii) promote the development of citizen organizations, to participate in the program; and

"(iii) provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and

"(I) carry out such other activities as the Commissioner determines to be appropriate.

"(4) CONTRACTS AND ARRANGEMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

"(B) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

"(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

"(ii) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

"(5) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

"(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

"(B) DUTIES.—An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

"(i) provide services to protect the health, safety, welfare and rights of residents;

"(ii) ensure that residents in the service area of the entity have regular, timely access to representatives of the program and timely responses to complaints and requests for assistance;

"(iii) identify, investigate, and resolve complaints made by or on behalf of residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents;

"(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents; and

"(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

"(vi) support the development of resident and family councils; and

"(vii) carry out other activities that the Ombudsman determines to be appropriate.

"(C) ELIGIBILITY FOR DESIGNATION.—Entities eligible to be designated as local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall—

"(i) have demonstrated capability to carry out the responsibilities of the Office;

"(ii) be free of conflicts of interest;

"(iii) in the case of the entities, be public or nonprofit private entities; and

"(iv) meet such additional requirements as the Ombudsman may specify.

"(D) POLICIES AND PROCEDURES.—

"(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

"(ii) POLICIES.—In a case in which the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies in consultation with the area agencies on aging. The policies shall provide for participation and comment by the agencies and for resolution of concerns with respect to case activity.

"(iii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this subtitle regarding confidentiality and conflict of interest.

"(b) PROCEDURES FOR ACCESS.—

"(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

"(A) access to long-term care facilities and residents;

"(B)(i) appropriate access to review the medical and social records of a resident, if—

"(I) the representative has the permission of the resident, or the legal representative of the resident; or

"(II) the resident is unable to consent to the review and has no legal representative; or

"(ii) access to the records as is necessary to investigate a complaint if—

"(I) a legal guardian of the resident refuses to give the permission;

"(II) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident; and

"(III) the representative obtains the approval of the Ombudsman;

"(C) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities; and

"(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

"(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

"(c) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

"(1) collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems; and

"(2) submit the data, on a regular basis, to—

"(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

"(B) other State and Federal entities that the Ombudsman determines to be appropriate;

"(C) the Commissioner; and

"(D) the National Ombudsman Resource Center established in section 202(a)(21).

"(d) DISCLOSURE.—

"(1) IN GENERAL.—The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (b)(1) or (c).

"(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

"(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

"(B) prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless—

"(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

"(ii)(I) the complainant or resident gives consent orally; and

"(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

"(iii) the disclosure is required by court order.

"(e) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of area agencies on aging, older individuals, and providers of long-term care.

"(f) CONFLICT OF INTEREST.—The State agency shall—

"(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

"(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

"(3) ensure that the Ombudsman—

"(A) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

"(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

"(C) is not employed by, or participating in the management of, a long-term care facility; and

"(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; and

"(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

"(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

"(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

"(g) LEGAL COUNSEL.—The State agency shall ensure that—

"(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

"(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents; and

"(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

"(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

"(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents.

"(h) ADMINISTRATION.—The State agency shall require the Office to—

"(1) prepare an annual report—

"(A) describing the activities carried out by the Office in the year for which the report is prepared;

"(B) containing and analyzing the data collected under subsection (c);

"(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;

"(D) containing recommendations for—

"(i) improving quality of the care and life of the residents; and

"(ii) protecting the health, safety, welfare, and rights of the residents;

"(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care facilities; and

"(ii) identifying barriers that prevent the optimal operation of the program; and

"(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers;

"(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to long-term care facilities and services, and to the health, safety, welfare, and rights of residents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

"(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

"(i) the problems and concerns of older individuals residing in long-term care facilities; and

"(ii) recommendations related to the problems and concerns; and

"(B) make available to the public, and submit to the Commissioner, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

"(4)(A) not later than 1 year after the date of the enactment of this title, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Associate Commissioner for Ombudsman Programs, in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

"(i) specify a minimum number of hours of initial training;

"(ii) specify the content of the training, including training relating to—

"(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State determines to be appropriate; and

"(iii) specify an annual number of hours of in-service training for all designated representatives; and

"(B) require implementation of the procedures not later than 21 months after the date of the enactment of this title;

"(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) unless the representative—

"(A) has received the training required under paragraph (4); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office;

"(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

"(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.); and

"(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means; and

"(8) permit any local Ombudsman entity to carry out the responsibilities described in paragraph (1), (2), (3), (6), or (7).

"(i) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(j) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Commissioner) shall be unlawful;

"(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"SEC. 713. REGULATIONS.

"The Commissioner shall issue and periodically update regulations respecting—

"(1) conflicts of interest by persons described in paragraphs (1) and (2) of section 712(f); and

"(2) the relationships described in subparagraphs (A) through (D) of section 712(f)(3).".

SEC. 703. PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) PURPOSE.—The purpose of this section is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.

(b) PROGRAMS.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by section 702) is amended by adding at the end the following:

"CHAPTER 3—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

"SEC. 721. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"(a) ESTABLISHMENT.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(b), a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of elder abuse, neglect, and exploitation.

"(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

"(1) providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;

"(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

"(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

"(4) conducting analyses of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

"(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

"(6) providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect, and exploitation and for family members of the victims;

"(7) conducting special and on-going training, for individuals involved in serving victims of elder abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined to be a State agency to be appropriate; and

"(8) promoting the development of an elder abuse, neglect, and exploitation system—

"(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

"(B) under which a State agency—

"(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

"(ii) on a finding of elder abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited older individual;

"(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

"(i) such administrative procedures;

"(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

"(iii) such training procedures;

"(iv) such institutional and other facilities (public and private); and

"(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

"(D) that preserves the confidentiality of records in order to protect the rights of older individuals;

"(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

"(F) that enables an older individual to participate in decisions regarding the welfare of the older individual, and makes the least restrictive alternatives available to an older individual who is abused, neglected, or exploited; and

"(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

"(i) the problems of elder abuse, neglect, and exploitation;

"(ii) the facilities described in subparagraph (C)(iv); and

"(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

"(c) APPROACH.—In developing and enhancing programs under subsection (a), the State agency shall use a comprehensive approach, in consultation with area agencies on aging, to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older individuals who live in State licensed facilities, unlicensed facilities, or domestic or community-based settings.

"(d) COORDINATION.—In developing and enhancing programs under subsection (a), the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

"(1) area agency on aging programs;

"(2) adult protective service programs;

"(3) the State Long-Term Care Ombudsman program established in chapter 2;

"(4) protection and advocacy programs;

"(5) facility and long-term care provider licensure and certification programs;

"(6) medicaid fraud and abuse services, including services provided by a State medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));

"(7) victim assistance programs; and

"(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

"(e) REQUIREMENTS.—In developing and enhancing programs under subsection (a), the State agency shall—

"(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

"(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i), and making a referral described in subsection (b)(8)(B)(ii), shall remain confidential except—

"(A) if all parties to such complaint or report consent in writing to the release of such information;

"(B) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(C) upon court order; and

"(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirement described in paragraph (2).

"(f) DESIGNATION.—The State agency may designate a State entity to carry out the programs and activities described in this chapter.".

SEC. 704. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.

Title VII of the Older Americans Act of 1965 (as added by section 701 and amended by the preceding sections) is amended by adding at the end the following:

"CHAPTER 4—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

"SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

"(2) COORDINATION AND ASSISTANCE.—In carrying out the program established under this chapter, the State agency shall coordinate, and provide assistance to, area agencies on aging and other entities in the State that assist older individuals in—

"(A) understanding the rights of the older individuals;

"(B) exercising choice;

"(C) benefiting from services and opportunities authorized by law;

"(D) maintaining the rights of the older individuals and, in particular, of the older individuals with reduced capacity; and

"(E) solving disputes.

"(b) FUNCTIONS.—In carrying out this chapter, the State agency shall—

"(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolution;

"(2) provide an individual who shall be known as a State legal assistance developer, and other personnel, sufficient to ensure—

"(A) State leadership in securing and maintaining legal rights of older individuals;

"(B) State capacity for coordinating the provision of legal assistance;

"(C) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate; and

"(D) State capacity to promote financial management services for older individuals at risk of conservatorship;

"(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

"(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals;

"(4) provide consultation to, and ensure, the coordination of activities with the legal assistance provided under title III, services provided by the Legal Service Corporation, and services provided under chapters 2, 3, and 5, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

"(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

"(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

"(A) the powers and duties of guardians or representative payees; and

"(B) alternatives to guardianship;

"(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, programs and curricula, related to the rights and benefits of older individuals, in law schools and other institutions of higher education, and other methods to expand access by older individuals to legal assistance and advocacy and vulnerable elder rights protection activities;

"(8) provide for periodic assessments of the status of elder rights in the State, including analysis—

"(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decisionmaking systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

"(B) of problems and unmet needs identified in programs established under title III and other programs; and

"(9) for the purpose of identifying vulnerable elder rights protection activities provided by the entities under this chapter, and coordinating the activities with programs established under title III and chapters 2, 3, and 5, develop working agreements with—

"(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other State agencies; and

"(B) Federal entities, including the Social Security Administration, Health Care Financing Administration, and the Department of Veterans' Affairs, and other entities.".

SEC. 705. OUTREACH, COUNSELING, AND ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide outreach, counseling, and assistance in order to assist older individuals in obtaining benefits under—

(1) public and private health insurance, long-term care insurance, life insurance, and pension plans; and

(2) public programs under which the individuals are entitled to benefits, including benefits under—

(A) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(B) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(C) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(b) PROGRAM.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"CHAPTER 5—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

"SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.

"(a) DEFINITIONS.—As used in this section:

"(1) INSURANCE BENEFIT.—The term 'insurance benefit' means a benefit under—

"(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(C) a public or private insurance program;

"(D) a medicare supplemental policy; or

"(E) a pension plan.

"(2) MEDICARE SUPPLEMENTAL POLICY.—The term 'medicare supplemental policy' has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

"(3) PENSION PLAN.—The term 'pension plan' means an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

"(4) PUBLIC BENEFIT.—The term 'public benefit' means a benefit under—

"(A) the Federal Old-Age, Survivors, and Disability Insurance Benefits programs under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the medicare program established under title XVIII of the Social Security Act, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act;

"(C) the medicaid program established under title XIX of the Social Security Act;

"(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

"(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or

"(G) a program determined to be appropriate by the Commissioner.

"(5) STATE INSURANCE ASSISTANCE PROGRAM.—The term 'State insurance assistance program' means the program established under subsection (b)(1).

"(6) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term 'State public benefit assistance program' means the program established under subsection (b)(2).

"(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

"(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and

"(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

"(c) INSURANCE AND PUBLIC BENEFITS.—The State agency shall—

"(1) in carrying out a State insurance assistance program—

"(A) provide information and counseling to assist older individuals—

"(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

"(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

"(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

"(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

"(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

"(vi) in comparing other forms of insurance policies not described in clause (v), in comparing pension plans, and in filing claims and obtaining benefits under such policies and plans as the State agency may determine to be necessary; and

"(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of benefits under such plans to insurance benefits and public benefits;

"(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health insurance benefits, other insurance benefits, and public benefits;

"(C) give priority to providing assistance to older individuals with greatest economic need;

"(D) ensure that services provided under the program will be coordinated with programs established under chapters 2, 3, and 4, and under title III;

"(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

"(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

"(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance benefits and public benefits;

"(H) provide for the coordination of information on insurance benefits between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

"(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance benefits; and

"(2) in carrying out a State public benefits assistance program—

"(A) carry out activities to identify older individuals with greatest economic need who may be eligible for, but who are not receiving, public benefits;

"(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such benefits;

"(C) assist older individuals in applying for such benefits;

"(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefits;

"(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

"(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits;

"(G) provide for the coordination of information on public benefits between the staff of State entities and the staff (including volunteers) of the State public benefits assistance program; and

"(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, public benefits.

"(d) ADMINISTRATION.—The State agency may operate the State insurance assistance program and the State public benefits assistance program directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, an area agency on aging, or another public or nonprofit agency or organization.

"(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this chapter shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program providing insurance benefits or public benefits.

"(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant to provide services under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b-4) shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b).".

SEC. 706. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle B—Native American Organization Provisions

"SEC. 751. NATIVE AMERICAN PROGRAM.

"(a) ESTABLISHMENT.—The Commissioner, acting through the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

"(1) assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights; and

"(2) making grants to eligible entities to carry out vulnerable elder rights protection activities that the entities determine to be priorities.

"(b) APPLICATION.—In order to be eligible to receive assistance under this subtitle, an entity shall submit an application to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require.

"(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

"(1) an Indian tribe; or

"(2) a public agency, or a nonprofit organization, serving older individuals who are Native Americans.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.".

SEC. 707. GENERAL PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle C—General Provisions

"SEC. 761. DEFINITIONS.

"As used in this title:

"(1) ELDER RIGHT.—The term 'elder right' means a right of an older individual.

"(2) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITY.—The term 'vulnerable elder rights protection activity' means an activity funded under chapter 2, 3, 4, or 5 of this title.

"SEC. 762. ADMINISTRATION.

"A State agency or an entity described in section 751(c) may carry out vulnerable elder rights protection activities either directly or through contracts or agreements with public or nonprofit private agencies or organizations, such as—

"(1) other State agencies;

"(2) area agencies on aging;

"(3) county governments;

"(4) institutions of higher education;

"(5) Indian tribes; or

"(6) nonprofit service providers or volunteer organizations.

"SEC. 763. TECHNICAL ASSISTANCE.

"(a) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such Federal entities as may be appropriate.

"(b) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to persons and entities that administer programs established under this title.

"SEC. 764. AUDITS.

"(a) ACCESS.—The Commissioner, the Comptroller General of the United States, and any duly authorized representative of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to financial assistance received under this title.

"(b) LIMITATION.—State agencies, area agencies on aging, and entities described in section 751(c) shall not request information or data from providers that is not pertinent to services furnished under this title or to a payment made for the services.".

SEC. 708. TECHNICAL AND CONFORMING AMENDMENTS.

(a) OMBUDSMAN PROGRAM.—

(1) SOCIAL SECURITY ACT.—

(A) Section 1819 of the Social Security Act (42 U.S.C. 1395l-3) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(B) Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(2) OLDER AMERICANS ACT OF 1965.—

(A) Section 207(b) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)) is amended—

(i) in paragraph (1)(A), by striking "section 307(a)(12)(C)" and inserting "titles III and VII in accordance with section 712(c)"; and

(ii) in paragraph (3)—

(I) by striking "by section 307(a)(12)(H)(i)" and inserting "under titles III and VII in accordance with section 712(h)(1)"; and

(II) by striking subparagraph (E) and inserting the following:

"(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A).".

(B) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking "section 307(a)(12), and to individuals designated under such section" and inserting "section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712".

(C) Section 351(4) of the Older Americans Act of 1965 (42 U.S.C. 30301(4)) is amended by striking "section 307(a)(12)" and inserting "titles III and VII in accordance with section 712".

(b) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 321(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(15)) is amended by striking "clause (16) of section 307(a)" and inserting "chapter 3 of subtitle A of title VII and section 307(a)(16)".

(c) OUTREACH PROGRAMS.—

(1) Section 202(a)(20) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)) is amended by striking "under section 307(a)(31)".

(2) Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(A) in the first sentence, by striking "on the evaluations required to be submitted under section 307(a)(31)(D)" and inserting "on the outreach activities supported under this Act"; and

(B) in paragraph (1), by striking "outreach activities supported under section 306(a)(6)(P)" and inserting "the activities".

(3) Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by striking "for purposes other than outreach activities and application assistance under section 307(a)(31)".

(4) Section 307(a)(20)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(20)(A)) is amended by striking "sections 306(a)(2)(A) and 306(a)(6)(P)" and inserting "section 306(a)(2)(A)".

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

SEC. 801. DEFINITIONS.

As used in this subtitle:

(1) NURSING HOME NURSE AIDE.—The term "nursing home nurse aide" means an individual employed at a nursing or convalescent home who assists in the care of patients at such home under the direction of nursing and medical staff.

(2) HOME HEALTH CARE AIDE.—The term "home health care aide" means an individual who—

(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or nurse.

SEC. 802. INFORMATION REQUIREMENTS.

(a) NATIONAL CENTER FOR HEALTH STATISTICS.—The Director of the National Center for Health Statistics of the Centers for Disease Control shall collect, and prepare a report containing—

(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

(B) location of facilities at which the aides are employed in—

(i) rural communities; or

(ii) urban or suburban communities; and

(2) information on the role of the aides in providing institution-based and home-based long-term care.

(b) DEPARTMENT OF LABOR.—The Secretary of Labor shall—

(1) collect, and prepare a report containing, information on home health care aides, including—

(A) information on conditions of employment, including—

(i) the length of employment of the aides with the current employer of the aides;

(ii) the number of aides who are—

(I) employed by a for-profit employer;

(II) employed by a nonprofit private employer;

(III) employed by a charitable employer;

(IV) employed by a government employer; or

(V) independent contractors;

(iii) the number of full-time, part-time, and temporary positions for the aides;

(iv) the ratio of the aides to professional staff;

(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks, and whether the tasks are completed in a institution-based or home-based setting; and

(vi) the average number and range of hours worked each week by the aides; and

(B) information on availability of the employment benefits for home health care aides and a description of the benefits, including—

(i) information on health insurance coverage;

(ii) the type of pension plan coverage;

(iii) the amount of vacation leave;

(iv) wage rates; and

(v) the extent of work-related training provided; and

(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

(B) information on—

(i) the type of facility of the employer of the aides, such as a skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)), or an intermediate care facility within the meaning of section 1121(a) of the Social Security Act (42 U.S.C. 1320a(a));

(ii) the number of beds at the facility; and

(iii) the ratio of the aides to residents of the facility.

SEC. 803. REPORTS.

(a) REPORTS TO COMMISSIONER ON AGING.—

(1) TRANSMITTAL.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—Not later than March 1, 1994, the Director of the National Center for Health Statistics of the Centers for Disease Control shall transmit to the Commissioner on Aging the report required by section 802(a).

(B) DEPARTMENT OF LABOR REPORTS.—

(i) HOME HEALTH CARE AIDES.—Not later than March 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than March 1, 1995, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

(ii) NURSING HOME NURSE AIDES.—Not later than March 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

(2) PREPARATION.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

(B) DEPARTMENT OF LABOR REPORTS.—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

(b) REPORT TO CONGRESS.—The Commissioner on Aging shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

(1) the reports required by section 802;

(2) the comments of the Commissioner on the reports; and

(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965.

SEC. 804. OCCUPATIONAL CODE.

The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act.

Subtitle B—National School Lunch Act

SEC. 811. MEALS PROVIDED THROUGH ADULT DAY CARE CENTERS.

(a) IN GENERAL.—Section 17(o)(2)(A)(i) of the National School Lunch Act (42 U.S.C. 1766(o)(2)(A)(i)) is amended by inserting ", or a group living arrangement," after "homes".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if the amendment had been included in the Older Americans Act Amendments of 1987.

Subtitle C—Native American Programs

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Native American Programs Act Amendments of 1992".

SEC. 822. AMENDMENTS.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

(1) in section 803 (42 U.S.C. 2991b)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner"; and

(B) in the first sentence of subsection (a)—

(i) by striking "Indian organizations" and inserting "Indian and Alaska Native organizations"; and

(ii) by striking "nonreservation area" and inserting "area that is not an Indian reservation or Alaska Native village";

(2) in section 803A (42 U.S.C. 2991b-1)—

(A) in subsection (a)(1)—

(i) by striking "one agency" and all that follows through "of Native Hawaiians" and inserting "the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the 'Office')";

(ii) by striking "5-year"; and

(iii) in subparagraph (A) by striking "such agency or Native Hawaiian organization" and inserting "the Office";

(B) by striking "agency or organization to which a grant is awarded under subsection (a)(1) of this section" each place the term appears and inserting "Office";

(C) by striking "agency or organization" each place the term appears and inserting "Office";

(D) by striking "Secretary" each place the term appears and inserting "Commissioner";

(E) in subsection (a)(2) by inserting before the period at the end the following: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(F) by striking subsection (b)(6);

(G) in subsection (f)(1) by striking "fiscal years 1988, 1989, and 1990 the aggregate amount of $3,000,000 for all such fiscal years" and inserting "each of the fiscal years 1992, 1993, and 1994, $1,000,000";

(H) by striking subsection (f)(3); and

(I) by striking subsection (g) and inserting the following:

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(3) after section 803A (42 U.S.C. 2991b-1) by inserting the following:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"SEC. 803B. (a) There is established in the Department of Health and Human Services (referred to in this title as the 'Department') the Administration for Native Americans (referred to in this title as the 'Administration'), which shall be headed by a Commissioner of the Administration for Native Americans (referred to in this title as the 'Commissioner'). The Administration shall be the agency responsible for carrying out the provisions of this title.

"(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Commissioner shall—

"(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities, described in this title;

"(2) serve as the effective and visible advocate on behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

"(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary;

"(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing an annual report to the Congress about such conditions;

"(5) give preference to individuals who are eligible for assistance under this title, in entering into contracts for technical assistance, training, and evaluation under this title; and

"(6) encourage agencies that carry out projects under this title, to give preference to such individuals in hiring and entering into contracts to carry out such projects.

"(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner shall be the chairperson of such Council and shall advise the Secretary on all matters affecting Native Americans that involve the Department. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

"(2) The membership of the Council shall be the heads of principal operating divisions within the Department, as determined by the Secretary, and such persons in the Office of the Secretary as the Secretary may designate.

"(3) In addition to the duties described in subsection (c)(3), the Council shall, within 180 days following the date of the enactment of the Native American Programs Act Amendments of 1992, prepare a plan, including legislative recommendations, to allow tribal governments and other organizations described in section 803(a) to consolidate grants administered by the Department and to designate a single office to oversee and audit the grants. Such plan shall be submitted to the committees of the Senate and the House of Representatives having jurisdiction over the Administration for Native Americans.

"(e) The Secretary shall assure that adequate staff and administrative support is provided to carry out the purpose of this title. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the activities of the Council, the additional reporting requirements established, and the staffing levels previously maintained in support of the Administration.";

(4) by striking section 804 (42 U.S.C. 2991c) and inserting the following:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements—

"(1) technical assistance to the public and private agencies in planning, developing, conducting, and administering projects under this title;

"(2) short-term in-service training for specialized or other personnel that is needed in connection with projects receiving financial assistance under this title; and

"(3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(5) in section 805 (42 U.S.C. 2991d) by striking "Secretary" each place the term appears and inserting "Commissioner";

(6) in section 806 (42 U.S.C. 2991d-1) by striking "Secretary" each place the term appears and inserting "Commissioner";

(7) in section 807 (42 U.S.C. 2991e) by striking "Secretary" each place the term appears and inserting "Commissioner";

(8) in section 808 (42 U.S.C. 2991f) by striking "Secretary" each place the term appears and inserting "Commissioner";

(9) in section 809 (42 U.S.C. 2991g) by striking "Secretary" each place the term appears and inserting "Commissioner";

(10) in section 810 (42 U.S.C. 2991h)—

(A) by striking "Secretary" and inserting "Commissioner";

(B) by designating the text as subsection (a); and

(C) by adding at the end the following:

"(b) If an application is rejected on the grounds that the applicant is ineligibie or that activities proposed by the applicant are ineligible for funding, the applicant may appeal to the Secretary, not later than 30 days after the date of receipt of notification of such rejection, for a review of the grounds for such rejection. On appeal, if the Secretary finds that an applicant is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.";

(11) in section 811 (42 U.S.C. 2992)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner";

(B) in subsection (a)—

(i) by inserting "(1)" after "(a)", and

(ii) by adding at the end the following:

"(2) The projects assisted under this title shall be evaluated in accordance with this section not less frequently than at 3-year intervals.";

(12) after section 811 (42 U.S.C. 2992) by inserting the following:

"ANNUAL REPORT

"SEC. 811A. The Secretary shall, not later than January 31 of each year, prepare and transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives an annual report on the social and economic conditions of American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives, together with such recommendations to Congress as the Secretary considers to be appropriate.";

(13) after section 812 (42 U.S.C. 2992a) by inserting the following:

"STAFF

"SEC. 812A. In all personnel actions of the Administration, preference shall be given to individuals who are eligible for assistance under this title. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in section 2108(3)(C) of title 5, United States Code. The Commissioner shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.";

(14) by striking section 813 (42 U.S.C. 2992b) and inserting the following:

"ADMINISTRATION

"SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.";

(15) in section 816(a) (42 U.S.C. 2992d(a))—

(A) by striking "1988" and all that follows and inserting "1992, 1993, 1994, and 1995."; and

(B) by striking "and 803A" and inserting a comma and "803A, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations;

(16) in section 816(b) (42 U.S.C. 2992d(b)) by striking "and 803A" and inserting a comma and "803A, 804, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations";

(17) in section 816(c)(1) (42 U.S.C. 2992d(c)(1))—

(A) by striking "(1) Except as provided in paragraph (2), there are" and inserting "There are"; and

(B) by striking "1988, 1989, 1990, and 1991" and inserting "1992, 1993, 1994, and 1995";

(18) by striking section 816(c)(2) (42 U.S.C. 2992d(c)(2));

(19) in section 816(d) by striking "1991,";

(20) in section 816 (42 U.S.C. 2992d) by adding at the end the following:

"(e)(1) For fiscal years 1992 and 1993, there are authorized to be appropriated such sums as may be necessary for the purpose of—

"(A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and

"(B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development.

"(2) Such a plan shall be delivered to the Congress not later than 30 days after the date of enactment of this subsection."; and

(21) in sections 802, 803(a), 806(a)(2), 808, and 815(2) (42 U.S.C. 2991a, 2991b(a), 2991d-1(a)(2), 2991f, and 2992c(2)) by striking "Alaskan Native" each place the term appears and inserting "Alaska Native".

Subtitle D—White House Conference on Aging

SEC. 831. WHITE HOUSE CONFERENCE ON AGING.

(a) NAME OF CONFERENCE.—The heading of title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"TITLE II—WHITE HOUSE CONFERENCE ON AGING"

(b) FINDINGS.—Section 201(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1)—

(A) by striking "51,400,000 in 1986" and inserting "52,923,000 in 1990"; and

(B) by striking "101,700,000" and inserting "103,646,000";

(2) in paragraph (2) by striking "every 6" and inserting "every 8"; and

(3) by amending paragraph (3) to read as follows:

"(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988,".

SEC. 832. CONFERENCE REQUIRED.

Section 202 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "The President may call a White House Conference on Aging in 1991" and inserting "Not later than December 31, 1994 the President shall convene the White House Conference on Aging";

(2) in subsection (c) by striking paragraphs (1) through (6) and inserting the following:

"(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

"(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

"(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

"(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

"(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

"(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging."; and

(3) in subsection (d)(2) by adding at the end the following: "Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals, and individuals from low-income families.".

SEC. 833. CONFERENCE ADMINISTRATION.

Section 203 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "(including organizations representing older Indians)" after "appropriate organizations";

(B) in paragraph (3)—

(i) by striking "prepare and"; and

(ii) by inserting ", prepared by the Policy Committee," after "agenda";

(C) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(D) by inserting before paragraph (2), as so redesignated, the following:

"(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "assure" and inserting "and as part of the White House Conference on Aging, ensure";

(B) in paragraph (1), by striking "will" and inserting "shall";

(C) by striking paragraphs (2) and (3);

(D) by inserting after paragraph (1) the following:

"(2) the agenda prepared under subsection (a)(4) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda,"; and

(E) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively; and

(3) by adding at the end the following:

"(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title.

"(d) RECORDS.—The Secretary shall maintain records regarding—

"(1) the sources, amounts, and uses of gifts accepted under subsection (c); and

"(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.".

SEC. 834. POLICY COMMITTEE; RELATED COMMITTEES.

Section 204 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by amending the heading to read as follows:

"SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.";

(2) in subsection (b) by striking "(b) OTHER COMMITTEES.—" and inserting the following: "(2) OTHER COMMITTEES.—";

(3) in subsection (a)—

(A) by striking "(a) ADVISORY COMMITTEE.—The Secretary" and inserting "(b) ADVISORY AND OTHER COMMITTEES.—

"(1) IN GENERAL.—The President"; and

(B) by adding at the end the following: "The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.";

(4) by inserting before subsection (b), as so redesignated, the following:

"(a) POLICY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 25 members to be selected, not later than 90 days after the enactment of the Older Americans Act Amendments of 1992, as follows:

"(A) PRESIDENTIAL APPOINTEES.—Thirteen members shall be selected by the President and shall include—

"(i) 3 members who are officers or employees of the United States; and

"(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations, and minority aging organizations.

"(B) HOUSE APPOINTEES.—Four members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Education and Labor of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Select Committee on Aging of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(C) SENATE APPOINTEES.—Four members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources of the Senate, the Committee on Finance of the Senate, and the Special Committee on Aging of the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(D) JOINT APPOINTEES.—Four members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

"(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

"(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

"(B) formulate and approve a proposed agenda for the Conference not later than 60 days after the first meeting of the Policy Committee;

"(C) make recommendations for participants and delegates of the Conference;

"(D) establish the number of delegates to be selected under section 202(d)(2); and

"(E) formulate and approve the initial report of the Conference in accordance with section 205.

"(3) Quorum; Committee Voting; Chairperson.—

"(A) Quorum.—Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agenda required by paragraph (2)(B) and the report required by paragraph (2)(E).

"(B) Voting.—The Policy Committee shall act by the vote of the majority of the members present.

"(C) Chairperson.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee."; and

(5) in the first sentence of subsection (c)—

(A) by striking "Each such committee" and inserting "Each committee established under subsection (b)"; and

(B) by inserting ", and individuals who are Native Americans" before the period at the end.

SEC. 835. REPORT OF THE CONFERENCE.

Section 205 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "60" and inserting "90";

(2) in subsection (b) by striking "Secretary, not later than 180" and inserting "Policy Committee, not later than 90";

(3) in subsection (c)—

(A) by striking "(c) Final Report.—The Secretary" and inserting the following:

"(c) Reports.—

"(1) Initial report.—The Policy Committee";

(B) by striking "prepare a final report" and inserting "prepare and approve an initial report"; and

(C) by adding at the end the following:

"(2) Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary may republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate."; and

(4) in subsection (d)—

(A) in the heading of such subsection by striking "Secretary" and inserting "Policy Committee"; and

(B) by striking "Secretary" and inserting "Policy Committee".

SEC. 836. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization.—

"(1) In general.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 through 1994 to carry out this title.

"(2) Contracts.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriations Acts.

"(b) Availability of Funds.—

"(1) In general.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 203(c) shall remain available for obligation or expenditure until June 30, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier.

"(2) Unobligated funds.—Except as provided in paragraph (3), any such funds neither expended nor obligated before June 30, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier, shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(3) Conference not convened.—If the Conference is not convened before June 30, 1994, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.".

SEC. 837. SAVINGS PROVISION.

All personnel assigned or engaged under section 202(b) or section 203(a)(5) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this subtitle.

SEC. 838. SENSE OF THE CONGRESS.

It is the sense of the Congress that the White House Conference on Aging should consider the impact of the earnings test in effect under section 203 of the Social Security Act (42 U.S.C. 403) on older individuals who are employed.

SEC. 839. TECHNICAL AMENDMENTS.

(a) Definitions.—Section 206 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1), by striking "means" and all that follows and inserting "has the meaning given the term in section 102(17) of the Older Americans Act of 1965 (42 U.S.C. 3002(17)),"; and

(2) in paragraph (4) by striking "authorized in subsection (b)".

(b) Table of Contents.—The table of contents of the Older Americans Act Amendments of 1987 (42 U.S.C. note) is amended—

(1) by striking the item relating to title II and inserting the following:

"TITLE II—WHITE HOUSE CONFERENCE ON AGING";

and

(2) by striking the item relating to section 204 and inserting the following:

"Sec. 204. Policy committee; related committees.".

TITLE IX—GENERAL PROVISIONS

SEC. 901. LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS.

Any authority to enter into contracts under this Act or an amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

SEC. 902. REGULATIONS.

Except as otherwise specifically provided, the Secretary of Health and Human Services shall, not later than 120 days after the date of the enactment of this Act, issue proposed regulations to carry out the amendments made by titles I through VII.

SEC. 903. SENSE OF CONGRESS.

(a) In General.—It is the sense of the Congress that a recipient of a grant or other Federal financial assistance awarded under this Act or an amendment made by this Act to assist the recipient in purchasing equipment or products should, in expending the assistance, purchase American-made equipment or products, respectively.

(b) Notice.—The Secretary of Health and Human Services shall provide procedures to inform such recipients of the sense of the Congress under subsection (a).

SEC. 904. TECHNICAL AMENDMENTS.

(a) The Older Americans Act of 1965 (42 U.S.C. 3001–3057n) is amended—

(1) in section 101(8) by striking "the vulnerable elderly" and inserting "vulnerable older individuals";

(2) in section 102(2) by striking "Virgin Islands" and inserting "United States Virgin Islands";

(3) in section 201(c)(3)—

(A) in subparagraphs (A)(i), (B), (E), and (G) by inserting "individuals who are" after "older" the first place it appears in each of such subparagraphs;

(B) in subparagraph (B) by striking "older Native Americans" the last place it appears and inserting "such individuals"; and

(C) in subparagraph (E) by striking "the Act" and inserting "this Act";

(4) in section 202—

(A) in subsection (a)—

(i) in paragraph (1) by striking "the elderly" each place it appears and inserting "older individuals";

(ii) in paragraph (15)—

(I) by striking "the elderly" and inserting "older individuals"; and

(II) by striking "older people" and inserting "such individuals"; and

(iii) in paragraphs (13), (15), (16), and (17) by striking "purposes" and inserting "objectives";

(B) in subsection (b)—

(i) in paragraph (1) by striking "with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 3001–4),"; and

(ii) in paragraph (3) by striking "the elderly" and inserting "older individuals";

(5) in section 203(b) by striking "purposes" the second place it appears and inserting "objectives";

(6) in section 204—

(A) in subsection (b)(4) by striking "the daily rate specified for grade GS–18 in section 5332" and inserting "the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316"; and

(B) in paragraphs (1), (3), and (4) of subsection (d), as amended by section 205(c), by striking "Americans" and inserting "individuals";

(7) in section 205(a)(1), as so redesignated by section 206—

(A) by striking "purposes" and inserting "objectives"; and

(B) by striking "to:" and inserting "to—";

(8) in section 207(a)(4) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(9) the last sentence of section 211 is amended by striking "purposes" and inserting "objectives";

(10) in section 304(a)(1)—

(A) by striking "aged 60 or older" each place it appears, and inserting "of older individuals";

(B) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands"; and

(C) in the last sentence by striking "clause" and inserting "subparagraph";

(11) in section 305—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (E) by striking "individuals aged 60 and older" and inserting "older individuals"; and

(III) in subparagraph (E) by striking "Indians" and inserting "individuals who are Indians"; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A) by striking "clause" and inserting "paragraph";

(II) in subparagraph (D) by striking "subclause" and inserting "subparagraph"; and

(III) in subparagraph (E) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(B) in subsection (b)—

(i) in paragraphs (1) and (4) by striking "clause (1) of subsection (a)" and inserting "subsection (a)(1)"; and

(ii) in paragraph (2) by striking "designated under such clause" and inserting "designated under subsection (a)(1)"; and

(C) in subsection (d) by striking "clause" and inserting "paragraph";

(12) in section 306—

(A) in subsection (a)—

(i) in paragraph (1) by striking "Indians" and inserting "individuals who are Indians";

(ii) in paragraph (2)(B) by striking "elderly" and inserting "older individuals who are"; and

(iii) in paragraph (5)(A)(i) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need"; and

(iv) in paragraph (6)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (G) by striking "clause" and inserting "paragraph";

(III) in subparagraph (N) by striking "Indians" the first place it appears and inserting "individuals who are Indians"; and

(IV) in subparagraph (N) by striking "elder Indians in such area and shall inform such older Indians" and inserting "such individuals in such area and shall inform such individuals"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting "on aging" after "area agency" the first place it appears; and

(II) by striking "clause" each place it appears and inserting "paragraph"; and

(ii) in paragraph (2)(D) by striking "clause" and inserting "paragraph";

(13) in section 307—

(A) in subsection (a)—

(i) in paragraph (8) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(ii) in paragraph (13)—

(I) in subparagraph (A) by striking "individuals aged 60 or older" and inserting "older individuals";

(II) in subparagraph (A) by striking "the elderly" and inserting "older individuals";

(III) in subparagraph (B) by striking "subclause" and inserting "subparagraph"; and

(IV) in subparagraph (I) by striking "elderly participants" and inserting "participating older individuals";

(iii) in paragraph (14)(D) by striking "clause" and inserting "subparagraph"; and

(iv) in paragraph (16)(B) by striking "clause" and inserting "paragraph"; and

(B) in subsection (b)(2) by striking "clause" and inserting "paragraph";

(14) in section 308(b)—

(A) in paragraphs (1)(B) and (2)(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(B) in paragraphs (3)(B)(iii) and (4) by striking "purposes" each place it appears and inserting "objectives";

(15) in section 321(a)—

(A) in paragraph (4) by striking "elderly" and inserting "older";

(B) in paragraph (14)—

(i) by striking "older, poor individuals 60 years of age or older" and inserting "low-income older individuals"; and

(ii) by striking "the older poor" and inserting "low-income older individuals"; and

(C) in paragraph (15) by striking "clause" and inserting "paragraph";

(16) in section 402(b) by striking "Alcohol" and inserting "the Alcohol";

(17) in section 412(b) by striking "purposes" and inserting "objectives";

(18) in section 421(a) by striking "purposes" and inserting "objectives";

(19) in section 422—

(A) in the second sentence of subsection (a)(1) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(B) in subsection (b)—

(i) in paragraph (1) by striking "elderly" and inserting "older individuals who are";

(ii) in paragraph (2) by striking "the elderly" and inserting "older individuals";

(iii) in paragraph (6) by striking "the rural elderly" and inserting "older individuals residing in rural areas"; and

(iv) in paragraph (8) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(20) in section 602 by striking "older Indians, older Alaskan Natives, and older Native Hawaiians" and inserting "older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians";

(21) in section 611(a)—

(A) in the matter preceding paragraph (1) by inserting "individuals who are" after "older"; and

(B) in paragraph (9) by striking "Indian elderly population" and inserting "population of older individuals who are Indians";

(22) in section 613 by inserting "individuals who are" after "older"; and

(23) in section 614(a)—

(A) in paragraph (7) by striking "Indians aged 60 and older" and inserting "older individuals who are Indians";

(B) in paragraph (8) by striking "clause" and inserting "paragraph"; and

(C) in paragraphs (1), (6), (8), and (10) by inserting "individuals who are" after "older" each place it appears.

(b) The Older Americans Community Service Employment Act (42 U.S.C. 3056 et seq.) is amended—

(1) in section 502(b)(1)—

(A) in subparagraph (C) by striking "1954" and inserting "1986"; and

(B) in subparagraph (J) by striking "persons" each place it appears and inserting "individuals"; and

(2) in paragraphs (3) and (4)(A) of section 506(a) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands".

SEC. 905. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in section 811(b), any other provision of this Act (other than this section), and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) FEDERAL COUNCIL ON AGING.—Incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) as amended by section 205 of this Act.

(2) STATE AND COMMUNITY PROGRAMS ON AGING.—The amendments made by sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, and 320 shall not apply with respect to fiscal year 1992.

(3) PROJECT REPORTS.—The amendments made by sections 410, 411, 413, 414, 415, 416, 418, and 419 shall not apply with respect to fiscal year 1992.

(4) COMMUNITY SERVICE EMPLOYMENT.—The amendments made by sections 501, 504, and 506 shall not apply with respect to fiscal year 1992.

(5) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—The amendments made by sections 601 and 603 shall not apply with respect to fiscal year 1992.

(6) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.—The amendments made by title VII shall not apply with respect to fiscal year 1992.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. I ask unanimous consent that S. 3008 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleague for his cooperation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FACES OF THE HEALTH CARE CRISIS: WHEN THE LOSS OF A JOB MEANS THE LOSS OF HEALTH CARE COVERAGE

Mr. RIEGLE. Mr. President, I rise today in a continuing effort to put a face on America's health care crisis. I have been speaking, now, for the last few weeks about individual cases that come to my attention in Michigan of individuals and families with major health care problems they are not able to manage because they lack health insurance or are not in a financial position to pay for private health insurance.

The case I want to talk about today is the family of Anthony and Judith Pyrkosz of Livonia, MI, who wrote to me in August of this year about their family's health care problems.

Anthony and his wife, Judith, and their children Andrea, 13; Debbie, 12; and Michael, 10, were insured through Anthony's employer. Unfortunately in January 1987, due to cutbacks and a company buyout, Anthony was laid off from his senior position as a technical specialist. He had been employed at the company for 22 years. At the time of Anthony's layoff, the family could not afford to continue paying premium payments of $400 per month after termination of his employment. Since that time, the family has been without health care coverage.

After Anthony's layoff, both he and Judith began an active search for job opportunities utilizing Anthony's high level of technical expertise. Unable to find employment, Anthony started his own business doing home repairs. Judith, who has a bachelor of arts in music from Wayne State University, went back to college to obtain a bachelor's in computer programming under a grant from Madonna University.

In 1990, Judith's daughter, Debbie, became ill with a condition requiring multiple doctor visits and consultations. Judith had difficulty even finding a doctor to treat her daughter because of their lack of health insurance. The cost of Debbie's doctor visits and procedures over a 1-year period totaled about $2,000. This cost could only be paid off by taking out a loan through Judith's mother. At this time, Judith was forced to quit school just two classes away from finishing her degree. She had obviously hoped to find a job with health benefits.

Currently, Anthony's home repair business is doing better and Judith works part time as an organist and piano teacher and takes temporary jobs as a clerk/typist. Money is very tight for the Pyrkosz family. The recession has adversely affected the job market, therefore limiting the job opportunities available to Judith and Anthony. Anthony's home repair business is variable because of the recession and people's reluctance to spend money when the economy is in the tough situation that we know about.

Two years ago, when they looked into purchasing health insurance through the National Association for Self-Employed, the monthly premium cost was between $350 to $500 for family coverage. Judith and Anthony were still unable to afford that extra cost in their family budget.

Judith has put off preventative treatments for her arthritic hip. Standing for any long period of time causes a great deal of pain in her hip. In order to prevent faster degeneration of the bone tissue, doctors recommend cortisone shots to reduce inflammation of the hip. Unfortunately, Judith is unable to afford the $50 shot and the $35 office visit to administer it. And without preventive treatments, her arthritic condition will only worsen over time.

That is obviously not what we want for her, nor is that good for our country. So Judith has been unable to afford doctor's visits for her children when they become sick with colds or the flu. In her letter to me, which I have here, she writes: "My husband and I do live in fear of any of us developing medical problems of a more serious nature."

Their family, I might say, has a history of heart disease which also weighs heavily on their mind in light of this situation where they are just not able to afford health insurance or to find work that has health insurance coverage with it. The loss of the job and high cost of health insurance have caused this particular family to lose not only their health care coverage but also the peace of mind so essential for the welfare and well-being of any family. It is increasingly true for many families across the country that affordable health care is simply beyond reach and unavailable and families are going without that protection, and that is a risk to them and, as I say, a risk to the well-being of our country.

We can do something about this. I have presented a plan in the Senate, together with Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER, cosponsored by other Senators, a plan called Health America, which would control health care costs and provide coverage in stages to everybody in our country. It is a reasonable and sensible approach.

I noticed just today one of the major physician groups has come out in favor of exactly the kind of program that we proposed that would establish cost controls on a national basis and to provide coverage to people throughout the country. I applaud that physicians group for doing so.

Mr. President, I ask unanimous consent that the letter that I received from Judith dated August 7 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LIVONIA, MI, *August 7, 1992.*

DEAR SENATOR RIEGLE: I have heard you were interested in hearing from people who cannot afford medical insurance for themselves and/or their families. We are in just that type of situation.

Five years ago my husband and I, and our three small children were insured through my husband's employer. Unfortunately, due to cutbacks, he was laid off. I was working a part-time job which did not offer benefits. Since then our situation has only worsened. Despite having an excellent work record and being highly skilled, my husband has not been able to find work. I also have not done well in the job market, and thus far have only found temporary work as a clerk/typist.

As can be expected these circumstances dictate a rather restricted life style in which the cost of medical or health insurance cannot be supported. We have already experienced some difficulties simply because we do not have the money necessary to carry health insurance. When my husband was laid off I returned to school to earn a Bachelor's in Computer Programming. I had only two classes left (8 hours) when my daughter became ill and needed a small operation. It was not a serious situation and only required a simple in-office operation, however, I had difficulty even finding a doctor to treat her because of our lack of health insurance. As it was, the financial drain was enough, that I have been unable to finish those last two classes, finish my degree, and possibly find a job with health insurance benefits.

Through the mercy of God, none of us has yet been very ill or seriously injured (my daughter's ailment was not a major ailment). However, my husband and I do live in fear of any of us developing medical problems of a more serious nature. As it is now, I have a condition for which early medical treatment is recommended for immediate and as a preventive measure (arthritis) but cannot afford.

I have often felt that with a National Health Insurance Policy in effect, our plight might be less precarious. Additionally, with such a policy in force, businesses, that have long carried the financial burden of insuring their employees, may gain enough additional resources to enable them to hire more people, people like me and my husband.

My husband and I appreciate that you care enough about your constituents to pursue this policy on the behalf of people like us. We endorse your every effort and wish you success in your endeavors, if only for the sake of our children.

Thank you for your consideration.

Sincerely,

JUDITH A. PYRKOSZ.

PREVENTING A WIDER BALKAN WAR

Mr. BOREN. Mr. President, several weeks ago, the Senate declared its willingness to consider the use of force in the former Yugoslavia. While I supported that resolution, I would like to speak today about the need to focus on diplomacy in this ongoing conflict.

Much of the outrage about the violence in Bosnia has centered around allegations of genocide in Serbian detention centers. There can be no doubt that the hideous policy of "ethnic cleansing" is morally repugnant, and it is something many of us never expected would occur again in our lifetimes. But it is important, Mr. President, to keep our eyes open to something else which, not too long ago, few would have expected: the possibility of a wider Balkan and Islamic war.

As the fighting in Bosnia continues, many believe that the spread of violence to Kosovo, the Albanian enclave in Serbia, is inevitable. While 90 percent of Kosovo's population is Albanian, Kosovo's institutions, security forces, and media are controlled by the Serbs. The Albanians of Kosovo want their own independent state with no ties to Serbia. But the seventh century kingdom of Serbia was born in Kosovo, and many Serbs continue to regard this land as the cradle of their nation. Furthermore, Slobodan Milosevic, the president of Serbia, is said to believe that he has a sacred mandate to rid Kosovo of its 2 million Moslems, who are mostly Albanian.

Consider the regional ramifications. As some have surmised, a move by Milosevic to drive the Moslems out of Kosovo could draw neighboring Albania into the battle. Macedonia's Albanians, about a third of the population, could then join in a struggle for a single Moslem state in the region. Greece, a historical ally of Serbia, could enter the fray, as could Bulgaria, under pressure from Macedonia's Slavs. At some point, Turkey would want to act on behalf of the Moslems and to counter Greece's entry into the war. And, Mr. President, there is increasing concern that Iran and other Islamic nations may feel compelled to provide direct assistance to the Moslems of the region.

Of course, Mr. President, this is speculation, and alarmism certainly has no place in the crafting of our foreign policy in this delicate region. Perhaps the ongoing peace conference in London will resolve this crisis. But the point is clear: Our objective must be to prevent a wider conflict. This is in our national interest.

I would argue, in fact, that the possibility of a greater Balkan war is the single factor which distinguishes the fighting in Bosnia from other civil wars that are raging across the globe.

The United States should take a number of concrete and urgent measures to minimize this possibility.

We should immediately initiate diplomatic overtures to leaders of the major Islamic nations. If we are to avert, or limit, state-sponsored Moslem intervention in the Yugoslavian crisis, the United States should make clear that we have no intention of letting Serbian aggression against Moslems go unchecked. A perceived Western blind spot for such aggression is an invitation for wider and more uncontrollable participation in the Balkan conflict. Already there are reports that Iran is sending materiel to the Moslems in Bosnia.

We should seriously consider the option of persuading the United Nations to impose a multilateral no-fly and no-artillery zone around Sarajevo. The purpose of such an initiative would be to ensure that humanitarian relief delivery is not disrupted and to prevent further senseless violence against the civilians of Sarajevo. Any Serbian fixed wing aircraft or helicopter gunship that flies in the zone would be intercepted or fired upon by a multinational air force. Any active Serbian artillery battery in the zone would be subject to prompt counterfire.

We should also encourage the United Nations to place peacekeepers on the various borders of the region in order to preempt the kind of escalation and military mobilization which in the past have made Balkan wars so explosive.

The President should send a highly visible United States emissary to consult not only with leaders from Islamic countries but from Greece, Bulgaria, Italy, and other nations in the region. Much of the violence that has already occurred in the former Yugoslavia could possibly have been averted with active preventive diplomacy. This is not to cast blame, or to lament over what might have been. I say this simply to warn my colleagues that if we neglect preventive diplomacy on a regional scale, then we risk regional war.

And in addition, Mr. President, I believe the United States should make clear its support for Secretary General Boutros Ghali in his call for a multinational military force, as provided for in article 43 of the U.N. Charter. I have written on this subject, and I would remind the Senate that our colleague from Delaware, Senator BIDEN, has already introduced a resolution calling upon the President to initiate the establishment of such a force. It is time to fulfill the promise of the United Nations, and to meet the goal articulated by Harry Truman when he called for a standing U.N. military force in 1947.

If we are debating the possibility of sending American troops to the region, then it is incumbent upon us, Mr. President, to exhaust every diplomatic avenue first. There are ways to exercise American leadership without immediately resorting to military action.

Of course, military action may well become necessary. And if so, Mr. President, it must be guided by two principles. First, of course, any military action be multilateral. Second, military force should not be used solely to punish the Serbs, who are the widely acknowledged aggressors and provocatuers, but rather to complement a concerted and rational diplomatic effort. Again, Mr. President, aggressive diplomacy must be the backbone of American efforts in the region.

This is truly a decisive test for the post-cold war world, Mr. President. We need not freeze ourselves between the unappealing and false choice of doing nothing or going in alone. American leadership does not mean bearing all the burdens of intervention. But it is still absolutely necessary. I call upon President Bush, and upon the Senate, to act now—with moral certainty and practical urgency—to help bring an end to this conflict.

TRIBUTE TO MAJ. GEN. WILLIAM R. BERKMAN

Mr. THURMOND. Mr. President, I rise to pay tribute to an outstanding soldier and true patriot, Maj. Gen. William R. Berkman, who recently retired after serving 6 years on active duty as military executive of the Reserve Forces Policy Board in the Office of the Secretary of Defense and 7 years as Chief of the U.S. Army Reserve. General Berkman is a man of great character, courage, and capacity, and his long and distinguished career includes more than 42 years of service to his country. I would like to commend him for his many contributions to our national security.

General Berkman was commissioned a second lieutenant in June 1950, and served on active duty from 1952 to 1954. His Army Reserve assignments include service in various positions in the 445th Civil Affairs Company and the 351st Civil Affairs Command. He served as commander of the 351st, a major U.S. Army Reserve command including all civil affairs, psychological operations, special forces, and civil preparedness support units in the 6th U.S. Army area, from June 1975 until his return to active duty in 1979.

As military executive of the Reserve Forces Policy Board from August 1986 until July of this year, General Berkman demonstrated outstanding leadership, professional knowledge, and skill in developing and recommending policies on a broad range of Reserve component issues. These policies substantially contributed to the readiness and effectiveness of National Guard and Reserve Forces, as demonstrated during Operations Desert Shield, Desert Storm, and Provide Comfort. In recognition of his efforts, he has been awarded the Department of Defense Distinguished Service Medal.

He continues to serve as the honorary Chief of the U.S. Army Reserve Civil Affairs Corps. In this capacity, he conceived and spearheaded an important project to document civil affairs efforts in the Persian Gulf war. This vital information will prove to be a valuable legacy to the Department of Defense.

As a civilian, General Berkman majored in economics at the University of California, Berkeley, where he earned his A.B. and J.D. degrees. He is also a graduate of the Army War College.

Mr. President, I have worked very closely with General Berkman on issues affecting the National Guard and Reserve and the civil affairs community. I have been consistently impressed by his intimate knowledge of the needs of our Reserve components, as well as his commitment to seeing that those needs are met.

I want to take this opportunity to commend General Berkman for his outstanding record of service to our Nation, and his distinguished tenure as military executive of the Reserve Forces Policy Board. My best wishes are with the general and his lovely wife, Betty Ann, as they begin this new chapter of their lives.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 662, H.R. 5677, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

MOTION TO PROCEED

Mr. MITCHELL. Mr. President, I now move to proceed to calendar 662, H.R. 5677, and I send to the desk a cloture motion on the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to proceed to H.R. 5677, an act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1993, and for other purposes:

Robert C. Byrd, Daniel K. Akaka, Harry Reid, Dennis DeConcini, Carl Levin, Tom Harkin, Herb Kohl, Paul Wellstone, Joe Biden, B.A. Mikulski, Brock Adams, Paul Simon, Joseph Lieberman, Richard Bryan, Tom Daschle, George Mitchell.

CALL OF THE ROLL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the mandatory quorum, as required under rule XXII, be waived in relation to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I would like to now state the significance of the action that has just occurred and the consequences which flow from that action. We are attempting to complete congressional action on all of the 13 appropriations bills prior to the end of the fiscal year on September 30. We have been strongly urged to do so by the President repeatedly, including a statement made just a few days ago by the President in that regard.

We have completed action on nine of those bills in the Senate, and this Labor-HHS bill was to be the 10th. It had been my intention to begin action on that bill this evening and to complete action on that bill tomorrow night and then, as I had publicly stated earlier, to return to consideration of the defense authorization bill on Thursday in the hope that we could complete action on that bill by the close of business on Friday evening.

Since objection has been made to proceeding to the Labor-HHS appropriations bill, the filing of a cloture motion to terminate debate on the motion to proceed to that bill has been required and the vote on cloture will therefore occur on Thursday morning. That means we will for the next 24 hours debate the motion to proceed to the bill as opposed to debating and voting on the bill itself.

The consequence of that is if cloture is invoked on Thursday morning, we will proceed to take this bill up on Thursday and, therefore, not begin the defense authorization bill until Friday. That means we will be in on Saturday doing the defense appropriations bill, and the consequence of this action will be that we will work on debating and voting on a bill on Saturday instead of on Wednesday.

I recognize that every Senator has a right under the rules to object to proceeding to a bill and can, thereby, delay commencement of consideration of the bill for 2 days. That will occur here. But I think the consequences are unfortunate because this means that instead of the possibility of a Saturday session, we will now have the virtual certainty of a Saturday session. I make this announcement so that Senators can plan their schedules accordingly.

It remains my intention to complete action on the Labor-HHS appropriations bill and the defense authorization bill this week, whatever time it takes to complete that, including Saturday and, if necessary, Sunday. I regret that, but unfortunately there appears to be no alternative to that.

Mr. President, I yield the floor and I invite any comment which the distinguished Republican leader may have.

Mr. DOLE. Mr. President, I understand—I have not looked at the bill myself—I understand from colleagues on my side that a couple of matters inserted in committee may necessitate all this extra parliamentary maneuvering with regard to tobacco and the so-called Beck decision. I am not sure, with a combination of those two forces, whether cloture can be invoked. They are important, and there are a number of Senators on each side interested in at least one or the other of these objectionable provisions in the appropriations bill. If they were not in the bill, then we would have no objection, of course, to proceeding.

But I understand the majority leader's concern. There will be Members here to address the motion to proceed.

It would be my hope rather than take all day tomorrow on the motion to proceed that we might find a substitute so we can avoid a Saturday session, if that is at all possible. We are willing to cooperate, depending on what it may be.

Mr. MITCHELL. Mr. President, I assure my colleagues I will make every effort to do that. We will begin immediately seeing if there is some alternative which we can employ to make a Saturday session less likely. So far, we have not had success in that regard because of a confluence of events of which the Republican leader is aware. We will do our best in that regard.

With respect to the pending motion, it has not been my practice to insist that Senators come and debate the motion to prevent the Chair from putting the question to the Senate. But I think in view of the lateness of the session and the universal desire of Senators, the leaders included, to complete this session by the weekend of October 3 and 4, that I have an obligation to insist upon that at this time and for the remainder of this session. Therefore, those Senators who have expressed an objection will have to be present to protect their rights and to continue the debate to prevent the Chair from putting the question.

I also state now and thereby provide notice that if Senators simply put in quorum calls, we will have to have votes on motions to instruct the Sergeant at Arms to provide the presence of Senators. We simply now, given the lateness of the session, and the need—not the desire alone—but the need to complete action on these appropriations bills, will have to maintain a discipline that was not required at an earlier time in the session.

So I thank my colleagues for their courtesy, but I now again wish to reiterate and make clear to Senators that there may be rollcall votes this evening and tomorrow, if it is necessary to get out of quorum calls. And there is now a very high likelihood of a session this Saturday and possibly on Sunday to complete action on the Defense authorization bill, if that is necessary. I hope it will not be. We will do everything possible to obviate that, but we are going to complete action on these bills this week, if at all possible, because of the importance of completing action on these measures prior to the end of the fiscal year.

Mr. EXON. Will the leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. EXON. Mr. President, I know the majority leader and the minority leader have very difficult decisions to make during these timeframes, and as far as staying here and working Saturday on the Defense authorization bill, although I, like others, had plans, I am willing to do that. I think we have to have some accommodation back and forth. Everyone has a right to object, and the majority leader has had to go through the cloture procedure.

Is there any possibility—there is not going to be any difference, I suggest, on the cloture whether we would wait until Thursday or whether we could by unanimous consent agree to have a cloture vote in the morning. It would seem to me that might expedite things a great deal, and I am just making inquiry of the majority leader and the Senator from Kansas as to whether or not that might be a possibility to accommodate everyone. I do not see that those who are objecting are going to be any better off by delaying 1 more day, although they have that right.

Has the Senator tried to get unanimous consent for a cloture vote in the morning?

Mr. MITCHELL. Yes.

Mr. EXON. And that was turned down?

Mr. MITCHELL. We have, and we were advised it was not possible.

Mr. EXON. With regrets, I yield the floor.

Mr. MITCHELL. Mr. President, I now yield the floor.

Mr. DOLE. Mr. President, in my previous remarks, I may have been in error. As I understand now correctly, there are no tobacco provisions in the bill which are objectionable. I guess the objection was based on what might have been offered as an amendment. So I want the record to reflect that.

Mr. MITCHELL. Mr. President, I now suggest——

Mr. SASSER. Mr. President, let me inquire of the majority leader. Is objection being made to going to the health and human services bill because someone may offer an amendment dealing with tobacco? Is that the objection?

Mr. MITCHELL. Well, I did not make the objection.

Mr. DOLE. No. I corrected that.

Mr. MITCHELL. My understanding is that the objection is based in part upon that and also in part upon other provisions which are in the bill to which some Senators object. But it is both the possibility of an amendment relating to tobacco that may be offered and a provision in the bill unrelated to that. And I am not clear on what the other provision is. That is in part the reason.

Mr. SASSER. I thank the majority leader.

Mr. ADAMS. Will the majority leader yield?

Mr. MITCHELL. Certainly.

Mr. ADAMS. I did not hear the early part of the colloquy. But is the Senator going to move under the 2-hour rule, is that it, tomorrow morning to proceed? I just did not get which bill the Senator was going to apply that to.

Mr. MITCHELL. I have made no decision beyond this evening.

Mr. ADAMS. I see.

Mr. MITCHELL. I sought unanimous consent to proceed to the bill and objection was made to that. I moved to proceed to the bill and filed cloture on that motion to proceed. Under the rules, that cloture vote will occur Thursday morning.

Mr. ADAMS. That is Labor-HHS, is that correct?

Mr. MITCHELL. Yes. That is right.

Mr. ADAMS. I thank the majority leader.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints Dr. Stanley Z. Koplik, of Kansas, to the Advisory Committee on Student Financial Assistance, for a term beginning October 1, 1992.

The Chair, on the behalf of the President pro tempore, pursuant to Public Law 98-399, as amended, appoints the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Massachusetts [Mr. KENNEDY], to the Martin Luther King, Jr., Federal Holiday Commission.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. KOHL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRY BECK

Mr. GRAMM. Mr. President, we are engaged in a dispute here that should really have nothing to do with an appropriations bill that will soon be before the Senate. I thought it would be instructive to come over and talk about what the issue is that is in dispute, so that people who are following the deliberations of the Senate will know what it is we are debating, and why there are such deep differences over it.

What I would like to do is simply go through and talk about the issue, what gave rise to it, why it is so fundamentally important, and why some of us feel very strongly about it. At least then we will all have a better perception as to what the issue is and where I stand.

This issue originated with one person, a fellow named Harry Beck. Harry Beck was an employee of the then Bell Telephone System, who was not a member of the union. Harry decided he did not want to be a member of the union, but the courts had ruled that since such employees were getting services from the union, that to eliminate what they called "free riders", those non-union employees such as Harry Beck had to pay what was called an "agency fee." Even though he did not want to be a member of the union, the courts had determined that he was benefitting from the union's collective bargaining representation, and so he was required to pay the equivalent of union dues, called "agency fees." And Harry did that.

Then, in 1976, Harry filed a lawsuit saying that although the court said that he had to pay for collective bargaining services, and that he had to pay an agency fee equal to union dues, he believed that the funds he was paying as the dues equivalent were far more than was being expended in representing him in collective bargaining.

This started an incredible 12-year lawsuit. Along the way, a lower court determined that only 21 percent of Harry's dues, or the equivalent of dues, was going to what is termed "core services." Those core services include collective bargaining, contract administration, and grievance adjustments. The courts determined that 79 percent of Harry's dues were not spent on representing him in collective bargaining, or giving him a grievance procedure, or paying for the overhead related to it; and that, in fact, those funds were spent on something else.

Well, 12 years later, after this citizen, Harry Beck, went to court and protested that his union dues were being used for activities that he did not support, that they were being used for purposes other than simply paying for collective bargaining, the Supreme Court ruled in the now famous Beck decision that Harry had to only pay the cost of the collective bargaining services, that he did not have to pay the union, which he did not want to join, money that might be used, for example, for political purposes, to support candidates that Harry did not support.

So 12 years later, after this man had gone through the whole legal process, the Supreme Court found that Harry Beck was not required to pay that portion of this fee, that, in fact, the only fee he was required to pay was the fee that was directly related to collective bargaining. The court said that the union had no right to take Harry's money and use it to support political candidates or political causes that he did not support or to do anything else with it other than to represent Harry Beck in collective bargaining.

Now, President Bush, in implementing the Beck decision under the Constitution, has directed that guidelines be issued which will outline the procedures needed to inform employees where their money is going, and what it is being used for, so that they can determine if those activities are what they want their money to be spent on.

The President directed that that be done by companies performing Federal contract work, and, in addition, on April 13, 1992, the President announced that the Labor Department would issue rules clarifying what the Court decision said, what employers and unions were required to do in notifying workers of their constitutional rights as determined by the Supreme Court.

What has happened? What has happened is that the Appropriations Committee has decided that it is going to override the Court decision, that Harry may have spent 12 years in court trying to get rights, but that they are going to take them away from him indirectly by not allowing any money to be spent to promulgate these new rules and regulations to implement the Supreme Court decision.

In essence, it is similar to when John Marshall, as Chief Justice of the Court, announced a Supreme Court decision and Andrew Jackson said, "He made the decision; now let him enforce it."

What is happening here is that the courts have moved to protect Harry Beck's rights and the rights of millions of Harry Becks all over America by saying that unions have to tell workers what they spend their dues on, so that the workers can determine whether or not that is what they want the money spent on, and now the Congress is going to come in and say, well, the Supreme Court may have found that Harry Beck had a constitutional right, but we are not going to let him be notified, we are not going to let these regulations that come from the Supreme Court decision be implemented, because we are going to specifically prohibit funds from being spent to revise and update these Labor Department regulations as directed by the President.

So the issue, Mr. President, is a very, very simple issue. I wish every American understood this issue. My guess is they might never know what the issue is. But I am going to give them an opportunity to know it, by outlining it over the next few days.

One man, a guy named Harry, went into court and said, "I do not want to be a member of this union. This is a free country. I live in America, and I do not want to be a union member."

Now, there probably would be 100 Members of the Senate who would stand up if Harry said, "I want to be a union member and nobody will let me be a member." Every Member of the Senate would stand up and say that man was wronged. Well, there are many who will stand up and say he is wronged when he says he does not want to be a member and yet is forced to pay money for activities he opposes.

The court had said, a person does not have to join a union, but must pay union dues, because, if not, individuals may get collective bargaining services they do not pay for, you become a free rider, and that undermines the union.

Harry, however, went to court and said, "But if not all of my money that I am paying is being used for that purpose, do I have to pay money to the unions to use to support candidates and to support causes that I do not support? Don't I have a constitutional protection against my money being taken from me against my will to support people and causes and activities that I do not support?"

The lower court, in fact, determined that only 21 percent of Harry's union dues equivalent was used for the purpose that he was required to pay it; 79 percent was used for something else. Twelve years later—it is an amazing thing sometimes how hard it is to get justice in this great land of ours—but 12 years later the Supreme Court, in a historic ruling, said Harry does have rights, that the union has to tell Harry what is being done with his money, and he is required to pay only for the services of collective bargaining, which is what originally the courts had intended to require in any case.

So they said that Harry and millions of Harrys all over America have to be notified that there has been a Supreme Court ruling and they have to be told what their union dues or union dues equivalent are used for. They have to be provided with that information. And they can choose not to pay dues for purposes, other than collective bargaining, that they do not individually support. If they do support them and they want to go on paying for them, they certainly are free to do so, but they do not have to do it. Twelve years after this man Harry went into court, the Supreme Court ruled in his favor.

Now the President has implemented regulations that are aimed at notifying people of the rights that the Supreme Court, based on the action of this one man, found that they had. What this Congress, if it adopts the bill that is being brought up here, would be doing is saying, "Look, Harry, the Supreme Court may say you have rights, but we are not going to give them to you." We are not going to give him those rights, because we are going to put a rider on this bill that says the Supreme Court said to Harry, "You have a right to know what your union dues are used for," but it is illegal for the executive branch of Government to take appropriated funds and to notify people what those rights are. It would be illegal to implement these regulations. Now, that is the issue, pure and simple.

Do we want to pass a bill that prohibits the use of funds to revise regulations and to revise the notification process based on the Supreme Court ruling in the Beck decision? I say, no, we do not want to prohibit that, because the Supreme Court said that Harry had these rights, and I want him to have them. In fact, I think every American ought to have those rights. In fact, I think most of the 250 million people who live in this country would be shocked, absolutely shocked, at the prohibition proposed in the bill that would have the effect of preventing workers from knowing what their rights are.

But what this bill is attempting to do is to undo that Supreme Court decision through the back door with a little rider that says, "We will not let the Government propose regulations which would implement the Supreme Court ruling. We will not let the Government tell workers through the notification process what their rights are."

I would be embarrassed if I were for this provision. I would be embarrassed for people to know that I was trying to prevent the workers of America from getting notification of rights that the Supreme Court of the United States has found that they have.

I would have a difficult time explaining to people why we did not want workers to know that they had rights as determined by the Supreme Court. I would have a hard time explaining to my mama or my kinfolk or my constituents why I would not allow money to be spent to revise regulations and update procedures to tell people what their constitutional rights are as found by the Supreme Court of the United States. And I am grateful that I am not in a position that I am trying to deny people the right to know and the right to respond.

Now, there is a real question here. We all want to adjourn. Nobody wants to adjourn by October 3 more than I do. I want to bring up our appropriation bills, I want to pass them, I want to pass them at a level the President can sign them, I want him to sign them, then I want all of us to go home and take our case to the American people and let them decide about this election.

But I want to make it clear I feel strongly about this issue. Harry spent 12 years, 12 long years, waiting for the courts to determine what his constitutional rights were. The courts found that Harry had rights. I am going to use all the powers that I have as an individual Senator to see that we do not, through the back door, through a manipulation in a little provision on a great big appropriation bill, take those rights away from millions of Harrys all over this country.

I do not know how far I can get in trying to stop this from happening. I do not know where the votes are going to be. But I know this: I am going to oppose this by every measure that is available. I am going to oppose bringing it up. I am going to move to knock it out of the bill. I am going to move to amend it many times on many subjects. Because this one man spent 12 years trying to get these rights for himself and for millions of people in this country, and I do not intend, if I am able to control it, to see his rights taken away.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CABLE CONFERENCE REPORT

Mr. GORTON. Mr. President, as a former attorney general, I have spent many years fighting on the side of consumers. Continuing that record in the Senate, I am proud to have joined with Senator DANFORTH, the cable bill's sponsor, and other proponents such as Senator LIEBERMAN. It's no small coincidence that so many former AG's are sponsors of this bill.

I support the cable bill because it will protect consumers from the kind of monopoly abuses that have sent cable rates skyrocketing by approximately 60 percent in the last 4 years.

I find it ironic, given this record, that the cable industry now has the audacity to try to blame the Congress, and this legislation, for raising rates. I hope my colleagues and the public won't be fooled by this misinformation campaign.

The reason the cable industry is spending millions of dollars fighting this bill, and sending out 37 million pieces of mail to their customers to defeat it, is a simple one. It recognizes that this bill is going to result in the one thing it fears most—consumer choice, an end to its monopoly, what every other unregulated business in America faces—competition.

Let's look at what this bill will really do.

In areas where there is no competition—practically everywhere—the cable bill allows for rate regulation of basic cable service, defined as the tier of programming that the broadcast channels are on, as well as the equipment used for the provision of that service. It also allows a customer or a local official to bring a complaint to the Federal Communications Commission that the next tier of programming is offered at an unreasonable rate. These provisions are quite different from the Senate bill which would have allowed for rate regulation of the lowest tier of programming to which at least 30 percent of people subscribe. The administration characterized S. 12 as re-regulatory; I would point out that we have come a long way in addressing that concern with this conference report which is clearly less regulatory. And, of course, under this bill rate regulation disappears entirely as soon as competition in a given area exists.

The conference report also includes a Senate provision which requires cable systems to deal fairly with local broadcast stations. Presently, cable systems pay for all the programming they show except for what people watch the most, the local broadcast stations. The cable companies have been taking these signals for free. The conference report allows local stations to negotiate for retransmission consent or carriage. Many stations will negotiate for nonmonetary compensation such as channel position or promotional consideration. I believe this is an important provision as it will strengthen local television stations so that they can maintain their ability to provide news, sports, weather and other local programming in competition with the cable systems.

The cable companies have said that this provision will be very costly. I disagree. First, the conference report specifically gives the FCC the authority to ensure that retransmission consent does not adversely affect subscribers' rates. Second, this is the tier of programming subject to rate regulation in areas where there is no effective competition. Third, the Consumer Federation of America has estimated that this bill could save consumers up to $6 billion per year. This estimate is based on the 30 percent lower rates that consumers, on the average, pay in areas where competition exists multiplied by the approximately $20 billion spent on cable services. With profit margins this large, it tells me that there is room for the cable industry to absorb whatever small costs this provision may bring.

In my mind, the most important provisions of this bill are those that encourage competition. Chairman Al Sikes of the Federal Communications Commission [FCC] stated before the Commerce Committee, that in order to foster competition, Congress should eliminate monopoly franchising. I worked with the FCC and included in the Senate bill three provisions to encourage competition during the franchising process. These provisions have been included in the conference report. I agreed with Chairman Sikes because out of the nearly 11,000 cable systems nationwide, only 53 are in direct competition with another franchise. The rates for these systems are about 30 percent lower than in areas with only 1 franchise and on a per-channel basis, the rates are 50 percent lower.

Another important competitive provision I backed in the Senate bill, and Congressman TAUZIN included in the House bill, will force cable-affiliated programmers to make their programming available to competitors at reasonable rates. Consumers, predominately in rural areas, have suffered far too long from artificially high rates. On the average, the price of programming provided to satellite distributors is four to five times higher than that which is provided to cable systems. This bill will end that practice. Not only will this mean that rates will decrease for satellite dish subscribers, but it will mean that with lower operating costs, dishes will become more competitive in areas already serviced by cable. No wonder this is the single provision for which cable has fought the hardest. Once again, cable fears an end to its monopoly.

The cable industry has launched a full fledged campaign to try to mislead the public into thinking that this bill will raise their rates. Let's look at what Senator LIEBERMAN and I call cable's fables. First, they mailed a flyer to all their customers quoting a Department of Commerce study which they know was based substantially on the data they provided to them. Next, they quoted newspapers out of context to make it look like those papers oppose the bill when in fact most of the editorials pointed out good points, and weaker points, about earlier versions of the bill. It would be just as simple for me to quote other portions of those same editorials supporting provisions in the bill but I'm not about to stoop to their methods. They have spent countless dollars keeping the advertising companies in business churning out clever ads saying this bill is bad for consumers when the truth is that the largest consumer group in the country, the Consumer Federation of America strongly supports this bill.

Let's not be fooled by cable's fables, the phony statistics, neon green mailings, expensive ads, and out-of-context quotes. Read the bill for yourself. Look who is really for and against this bill and ask yourself who are you going to trust—Hollywood and the cable industry, the only two opponents or consumer groups, labor organizations, seniors' groups and our local officials.

I have worked for 4 long years to get to this point. I have done so because I have heard cable customer's complaints week after week, year after year. I have done so because I do not believe that it is right to let an unregulated monopoly continue untouchable and unchallenged. I come to the floor today to urge my colleagues to look beyond the surface of the cable association's rhetoric. Take a look at what this legislation will really do and then ask yourself if you are willing to continue to go along with the status quo or if it is time for a change. You know what the status quo means—rate increases that average three times the inflation rate and little chance for competitors to challenge the cable monolith. Change means two things—minimal rate reregulation in the short-term and a chance for other multichannel providers to get in and compete against the incumbent cable system. If you believe as I do, in the free market, in competition, then I urge you to vote for change and vote for the cable conference report.

A SUDDEN, SENSELESS LOSS

Mr. COATS. Mr. President, on Friday, in one tragic instant, the State of Indiana was left in mourning. Six hoosiers, four of them public men, died in an airplane collision. For 4 days, we have felt the shock and horror of sudden, senseless loss. Today, these men are buried, and we remember the accomplishments of leaders: Mike Carroll, Frank McKinney, Robert Welch, and John Weliever, each showed a genius for civic contribution. Day by day, they did the quiet work of building Indiana.

They were some of the central contributors to the renaissance of Indianapolis in the 1980's, from its emphasis on amateur sports, to its landing of an NFL team, to making neighborhoods a major focus of city administration.

These were men whose minds were always full of plans and projects. They worked with enthusiasm, but served without fanfare. They held a vision of what Indiana could become—and they turned that vision into buildings and parks and stadiums. They defined their own success as the success of their community.

These were rare qualities of rare men. Each will be missed and mourned and remembered with respect.

I want to add that my colleague Senator LUGAR is in Indiana today to give the eulogy for his friend, Mike Carroll. Mike was a deputy mayor of Indianapolis when Senator LUGAR was mayor. Afterward, he also served as Senator LUGAR'S State Director. I would like especially to offer my condolences and thanks to Senator LUGAR as he comforts a family and speaks for the sorrow of our State.

These four men, Republicans and Democrats, were headed together to a meeting where they would study ways to promote the White River Urban Park in Indianapolis. They went without press releases and attention, just one more act of civic pride and confidence in the future. Those acts were countless. Our gratitude is endless.

There is no adequate explanation for a loss of this kind, particularly for family and friends who are left with grief beyond comfort. Sudden tragedy leaves a ragged wound. It attacks our trust in a just and gentle future.

There is refuge and comfort in one fact alone. As Martin Luther King wrote: "We don't know what the future holds, but we know who holds the future." And so we trust in a God who holds all our moments, past and future; we pray for those who feel this sudden loss; and we remember the lasting contributions of exceptional men.

NATIONAL POW/MIA RECOGNITION DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 337 designating National POW/MIA Recognition Day, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table, the preamble agreed to, and that any statements relating to this joint resolution appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I be named as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I make a similar request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 337) deemed to have been read three times and passed, and its preamble is as follows:

S.J. RES. 337

Whereas the United States has fought in many wars, most recently in unprecedented unity with Allied forces in the Persian Gulf;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute and continuing hardships;

Whereas, in Public Law 101–355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 18, 1992, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1993 (Memorial Day), September 18, 1992 (National POW/MIA Recognition Day), and November 11, 1992 (Veteran's Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 18, 1992; as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service Commission.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101–355.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4484. An act to authorize appropriations for fiscal year 1993 for the Maritime Administration;

H.R. 4706. An act to amend the Consumer Product Safety Act to extend the authorization of appropriations under that Act, and for other purposes;

H.J. Res. 409. Joint resolution designating January 16, 1993, as "National Good Teen Day"; and

H.J. Res. 422. Joint resolution designating November 1992 as "Neurofibromatosis Awareness Month."

The message further announced that the House has agreed to the following resolution:

H. Res. 564. A resolution relative to the death of the Honorable Ted Weiss, a Representative from the State of New York.

The message also announced that pursuant to section 1(a)(2)(B) of House Concurrent Resolution 192, the minority leader appoints the following Republican Members of the House to serve as members of the Joint Committee on the Organization of the Congress: Representatives GRADISON, vice chairman, WALKER, SOLOMON, DREIER of California, EMERSON, and ALLARD.

The message further announced that pursuant to the provisions of section 8104 of Public Law 101–511, the minority leader appoints from private life, Mr. Robert E. Pursley of Stamford, CT, to serve as a member on the National Commission on Defense and National Security on the part of the House.

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROYBAL, Mr. HOYER, Ms. PELOSI, Mr. COLEMAN of Texas, Mr. SKAGGS, Mr. VISCLOSKY, Mr. WHITTEN, Mr. WOLF, Mr. LIGHTFOOT, Mr. ROGERS, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. TRAXLER, Mr. STOKES, Mr. MOLLOHAN, Mr. CHAPMAN, Mr. ATKINS, Ms. KAPTUR, Mr. WHITTEN, Mr. GREEN of New York, Mr. COUGHLIN, Mr. LOWERY of California, and Mr. MCDADE as managers of the conference on the part of the House.

The message further announced that the Senate has passed the bill (S. 1029) to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4451. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 323. An act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes;

S.J. Res. 303. Joint resolution to designate October 1992 as "National Breast Cancer Awareness Month"; and

H.J. Res. 413. Joint resolution to designate September 15, 1992, as "Commodore John Barry Day."

The enrolled bill and joint resolutions were subsequently signed by President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4706. An act to amend the Consumer Product Safety Act to extend the authorization of appropriations under that Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 409. Joint resolution designating January 16, 1993, as "National Good Teen Day"; to the Committee on the Judiciary.

H.J. Res. 422. Joint resolution designating November 1992 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4484. An act to authorize appropriations for fiscal year 1993 for the Maritime Administration.

H.R. 4551. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the trust fund under that act, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with amendments:

S. 2974. A bill to amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court of Veterans Appeals, and for other purposes (Rept. No. 102–400).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2575. A bill to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes (Rept. No. 102–401).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 3232. A bill to amend title XVIII of the Social Security Act to expand coverage of speech-language pathology and audiology services under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. JEFFORDS):

S. 3233. A bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 3234. A bill to amend title 38, United States Code, to provide an additional opportunity to enroll for educational assistance to certain individuals who receive voluntary separation from active duty in the Armed Forces, and for other purposes; to the Committee on Veterans Affairs.

By Mr. PELL:

S. 3235. A bill to extend the coverage of certain Federal labor laws to foreign-flag vessels, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. SMITH, Mr. MITCHELL, Mr. MCCAIN, Mr. ROBB, Mr. GRASSLEY, Mr. REID, Mr. BROWN, Mr. DASCHLE, Mrs. KASSEBAUM, Mr. KERREY, Mr. KOHL, Mr. HELMS, Mr. PELL, Mr. SPECTER, Mr. CONRAD, Mr. COATS, Mr. SANFORD, Mr. COHEN, Mr. LEAHY, Mr. PRESSLER, Mr. SARBANES, Mr. BRYAN, Mr. CRANSTON, Mr. BINGAMAN, Mr. SASSER, Mr. BOREN, Mr. BUMPERS, Mr. SHELBY, Mr. FOWLER, and Mr. DOLE):

S.J. Res. 337. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day", and authorizing display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 340. A resolution to appoint the Chairman of the Committee on Environment and Public Works; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 3232. A bill to amend title XVIII of the Social Security Act to expand coverage of speech-language pathology and audiology services under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE COMMUNICATION DISORDERS AND SERVICES AMENDMENTS ACT OF 1992

• Mr. SHELBY. Mr. President, today I am introducing the Medicare Communication Disorders and Services Amendments Act of 1992. Current Medicare regulations severely limit the access of Americans with communication disorders to beneficial rehabilitation services. Over 8 million Americans over the age of 65 suffer from some degree of hearing loss and 11 of every 1,000 Americans over 65 have a speech disorder.

These individuals do not have access to the rehabilitation services that could markedly improve their lives. Communication rehabilitation is limited to speech language pathologists who work in hospitals, nursing homes, or rehabilitations agencies. As a result, those in need of communications rehabilitation must often seek Medicaid approved pathologists in areas far distant from their homes where clinic based pathologists are employed. In addition, Medicare may not cover hearing loss if the cause of that loss cannot be determined nor will it cover hearing disorders if the patient takes a hearing test and no active ear disease is discovered. Furthermore, audiologists are not reimbursed for rehabilitative services that teach the hearing impaired how to cope with their environment.

Advances in treatment technology for communication disorders have produced numerous devices which effectively allow those individuals with communications disorders to regain the ability to communicate. However, Medicaid provides no reimbursement for the purchase of these devices.

The bill that I am introducing today will amend title 18 of the Social Security Act. This legislation will clarify hearing test rules, provide for greater access to speech language pathologists' and audiologists' services and make rehabilitation devices available to older Americans with various communication disorders.

We should not leave these people behind, Mr. President. Speech pathology and audiology treatments are no less valuable to one's total health and quality of life than visual or physical rehabilitation. I urge my colleagues to support this measure that will raise the priority of these services to their necessary level.•

By Mr. COCHRAN (for himself and Mr. JEFFORDS):

S. 3233. A bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Labor and Human Resources.

WORKPLACE LEAVE FAIRNESS ACT

Mr. COCHRAN. Mr. President, today, I am pleased to introduce the Workplace Leave Fairness Act, a bill that will amend the Fair Labor Standards Act so that employers may allow their employees to take unpaid partial day leave without risking the loss of their exemption from Federal overtime pay requirements. The distinguished Senator from Vermont, Mr. JEFFORDS, is a cosponsor of the bill.

The dynamics of today's workplace are dramatically different than in 1938 when the Fair Labor Standards Act was enacted. More and more employers are adapting to change by adopting flexible schedules for their employees and more and more employees are allowed to set their own flexible work schedules.

Mr. President, while most of us would agree with and encourage this flexibility, some of my colleagues may be surprised to learn that recent court decisions and Department of Labor regulations have called into question the flexible policies adopted by employers who have tried to meet the home and family needs of their employees. Employers in both the public and private sectors are finding themselves in violation of the overtime pay requirements of Federal wage and hour laws. Many could owe huge amounts of back pay to their salaried employees who were never intended to be covered by those requirements.

Employees whose duties are administrative, executive, or professional and who are paid on a salary basis—so-called white collar employees—are exempt from the minimum wage and overtime pay requirements of the act. Under Department regulations, an employer may dock an employee's pay for 1 full day or more for absences for personal reasons, illness or injury without losing the exemption. Under recent rulings and interpretations by the Federal courts and the Department of Labor, if an employer docks an employee's pay for absences of less than 1 full day—even where the employee has used up all available paid leave—the employee is no longer exempt from the minimum wage and overtime pay requirements of the act.

These rulings with regard to partial day docking for unpaid leave purposes have put employers in the position of having to tell their exempt employees that, if they wish to take any unpaid leave, they have to take it in full-day increments. This inflexible requirement imposes a real burden on the working parent who has used up his or her paid leave but still needs to take a few hours off on an occasional basis to drive a child or an elderly parent to the doctor.

It is even more disturbing, Mr. President, that if an employer docks an exempt employee's pay for a partial days absence, not only that employee, but every other exempt employee of the city, county, State government or private firm may no longer be exempt. Furthermore, the employer may be held liable for back overtime pay for any hours those previously exempt employees may have worked in excess of a 40 hour week—even though their administrative, professional or executive duties exempted them from the act.

This could be financially devastating for employers—both public and private—who could be liable for large amounts of back overtime pay at 1½ times regular pay over a period of several years for all hours worked in excess of 40 hours per week by previously exempt employees. State and local governments, as well as large and small companies could be liable for millions of dollars owed to employees who everyone intended to be exempt under the act.

One example of the impact this may have on small businesses is illustrated by the case of Linda Froehlich who has 14 employees at her environmental consulting firm in Ohio. Ms. Froehlich's policy allowed her employees to take partial day absences for any reason—a policy which was especially beneficial to those employees who were working parents and needed the flexible leave policy to respond to family needs. Although she thought she was in full compliance with the rules, Ms. Froehlich learned that she was in violation of the regulations under the Fair Labor Standards Act and owed $19,000 in back pay to current and former employees.

Mr. President, the Workplace Leave Fairness Act will correct this problem by allowing employers to dock less than a full days pay for a professional, administrative and executive employee who has exhausted his or her paid leave and wishes to take unpaid leave for a partial day absence. The bill will restore the exemption retroactively to conform the law to what employees and employers in both the public and private sectors thought it was all along, and will protect public and private sector employers from large and unintended back pay judgments.

The Department of Labor on August 19, took a first step toward addressing this problem by issuing regulations that apply to employees in the public sector. These rules will allow public sector employers to provide unpaid partial day absences without having the employees lose their exempt status. However, I am advised that the Department did not provide retroactive relief in the regulations, pending specific legislative authority.

Mr. President, I urge those of my colleagues who have worked hard for enactment of federally mandated family and medical leave to take a careful look at the current rules and court decisions interpreting the FLSA that punish employers who are trying to provide their employees with unpaid family and medical leave. I hope they will agree with me that if we really want to encourage more flexibility and fairness in the workplace to ensure that working parents will get the unpaid leave they really need, we ought first ensure that current law and the regulations and decisions that interpret it will encourage, rather than discourage, those employers who would provide unpaid family and medical leave.

I invite my colleagues to join me in this effort by supporting enactment of the Workplace Leave Fairness Act.

By Mr. CRANSTON (by request):

S. 3234. A bill to amend title 38, United States Code, to provide an additional opportunity to enroll for educational assistance to certain individuals who receive voluntary separation incentives upon separation from active duty in the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL OPPORTUNITIES FOR ENROLLMENT IN EDUCATIONAL PROGRAMS

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 3234, a bill to provide an additional opportunity to enroll for educational assistance to certain servicemembers who receive voluntary separation incentives upon discharge from active duty in the Armed Forces. The Secretary of Veterans Affairs submitted this legislation by letter dated July 24, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and the enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. OPPORTUNITY TO ENROLL FOR CERTAIN ACTIVE-DUTY PERSONNEL WHO RECEIVE VOLUNTARY SEPARATION INCENTIVES UPON SEPARATION FROM SERVICE.

(a) IN GENERAL.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018A the following:

"§ 3018B. Opportunity to enroll for certain active-duty personnel who participate in voluntary separation incentives programs

"(a)(1) Notwithstanding any other provision of law, and except as provided in paragraph (2), an individual who—

"(A) after September 30, 1991, and before October 1, 1995, is separated from the active military, naval, or air service with an honorable discharge and receives voluntary separation incentives under section 1174a or 1175 of title 10, United States Code;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in clause (C) of this paragraph, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before such separation elects to receive assistance under this section pursuant to procedures referred to in clause (C) of this paragraph,

"is entitled to basic educational assistance under this chapter.

"(2)(A) Notwithstanding the election provisions of paragraph (1) of this subsection, an individual described therein who is so discharged prior to, or within 180 days after, the date of enactment of this section without having been afforded notice and opportunity to make the election required by paragraph (1) (including the withdrawal of election required by clause (C) of that paragraph) and who makes such election, pursuant to subparagraph (B) of this paragraph, within 180 days after the date of enactment of this section is entitled to basic educational assistance under this chapter.

"(B) The Secretary of Defense shall assure that each individual described in subparagraph (A) of this paragraph is afforded such notice and opportunity, within 180 days after the date of enactment of this section, to make the election (or withdrawal of election) required by paragraph (1) of this subsection, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for such purpose or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

"(b)(1) The basic pay or the separation incentives of an individual described in subsection (a)(1) of this section shall be reduced by $1,200.

"(2) In the case of an individual described in subsection (a)(2) of this section, the Secretary of Defense, through the Secretary of the military department concerned, shall collect $1,200 from each such individual who makes the election (or withdrawal of election) required to become entitled to basic educational assistance under this chapter, which amount shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c) A withdrawal referred to in subsection (a)(1)(C) of this section and made under that subsection or subsection (a)(2) is irrevocable.

"(d)(1) An individual described in subsection (a)(1)(D) or (a)(2) of this section who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(1)(D) or (a)(2) of this section shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund, as provided in section 3223 (b) or (c) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018A the following new item:

"3018B. Opportunity to enroll for certain active-duty personnel who participate in voluntary separation incentive programs".

(c) CONFORMING AMENDMENT.—Section 3013(d) of such title is amended by inserting "or 3018B" after "3018A".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall be effective as of October 1, 1991, but in no event shall an individual described therein be paid basic educational assistance under chapter 30 of title 38, United States Code, based on entitlement established under that section, for any period of education or training pursued prior to the date, as determined by the Secretary of Defense, that the individual makes the election (or withdrawal of election) required to receive such assistance under that section.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, July 24, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to provide an additional opportunity to enroll for educational assistance to certain individuals who receive voluntary separation incentives upon separation from active duty in the Armed Forces, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This measure would allow participants in the Special Separation Benefits (SSB) program and the Voluntary Separation Incentive (VSI) program to participate in the Montgomery GI Bill (MGIB). To be eligible, the individual must voluntarily separate from active duty with an honorable discharge on or after October 1, 1991, and before October 1, 1995, the "sunset" date for both the SSB and VSI programs. (The retroactive nature of this proposal will provide equity to those who have already voluntarily separated under SSB/VSI.) Acceptance of this opportunity for MGIB enrollment would require a formal election by the participant which, generally, must be made before such voluntary separation, and would require a $1,200 reduction in the individual's basic pay or voluntary separation incentive. (Where such reduction is not feasible, the Secretary of Defense would collect that amount directly from the eligible participant.)

The end of the cold war has allowed the United States to begin the process of major downsizing of its military forces. To facilitate that effort, in 1990, Congress passed Public Law 101-510 which provided for various benefits and services to assist those servicemembers being separated or who had been recently separated. As part of those benefits, that law amended chapter 30 of title 38 to permit individuals who are involuntarily separated from active duty to participate in the MGIB program if they agreed to a $1,200 basic pay reduction. This included individuals who previously made an election not to participate in that program.

This draft bill seeks to continue the smooth transition to the civilian economy of those individuals who will be leaving active-duty service in the military due to the current force drawdown. Thus, it would further amend chapter 30 to permit VSI and SSB participants to avail themselves of the educational assistance benefits provided under the MGIB program.

This draft bill would affect direct spending and, therefore, is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget estimates that enactment of this legislation would decrease direct spending by $11 million in FY 1992 and increase direct spending by $174 million for the period FY 1993 through FY 1997.

To offset the pay-as-you-go cost of this draft bill, the President's FY 1993 Budget included $72.4 billion in mandatory savings proposals for the period FY 1992 through FY 1997. Of this total amount, $3 billion falls within the jurisdiction of the Veterans' Affairs Committees. The Administration respectfully urges the Committees to consider selecting from among these proposals to offset the direct spending costs of this draft bill.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Opportunity to enroll for certain active-duty personnel who receive voluntary separation incentives upon separation from service

This section would amend chapter 30 of title 38, United States Code, by adding a new section, section 3018B, to permit certain individuals who have served more than 6 years on active duty and receive voluntary separation incentives upon being voluntarily separated from active duty with an honorable discharge to receive chapter 30 Montgomery GI Bill (MGIB) education benefits. This offer to receive MGIB education benefits would be available only to participants in the Special Separation Benefits (SSB) or Voluntary Separation Incentive (VSI) programs (under 10 U.S.C. §1174a or §1175, respectively) who voluntarily separate from active duty after September 30, 1991, and before October 1, 1995 (the "sunset" date for both the SSB and VSI programs).

The new section 3018B would afford eligible voluntary separatees the opportunity to enroll in the MGIB under the same concepts that currently apply to persons involuntarily separated from active duty as described in section 3018A. Thus, an individual offered eligibility by this measure who initially opted not to participate in chapter 30 must withdraw that election and elect to enroll in that chapter prior to the individual's voluntary separation. Similarly, an eligible participant in the chapter 32 Post-Vietnam Era Educational Assistance Program (VEAP) must make an irrevocable election, prior to voluntary separation, to receive chapter 30 benefits in lieu of chapter 32 educational assistance. Covered individuals who do not otherwise qualify for either chapter 30 or 32 benefits likewise must make a preseparation election to receive MGIB assistance under the provisions of section 3018B.

The new section 3018B, however, includes an exception to the preseparation election requirement to accommodate individuals who are made potentially eligible for MGIB benefits under the section but who are not afforded an opportunity to make the required election. This would include, for example, individuals who voluntarily separate before the date of enactment and those serving in remote areas who are not given access to the administrative procedures for making the election prior to separation. Such individuals are permitted 180 days after the date of enactment within which to make the required election to receive MGIB benefits. The Secretary of Defense is directed to assure that these individuals receive appropriate notice and opportunity to make an election within such period.

The basic pay or voluntary separation incentive of an eligible individual under this section who makes the required preseparation election to enroll in chapter 30 will be reduced by $1,200. In the case of an individual who makes a post-enactment election under the previously mentioned exception, the Secretary of Defense is directed to collect $1,200 directly from the individual and deposit same in the U.S. Treasury.

A chapter 32 contributory program participant who makes such election will be disenrolled from that program as of the date of election, and his or her unused contributions to that program will be refunded by the Secretary of Veterans Affairs.

Each individual who establishes entitlement to chapter 30 education benefits under this section would be entitled to the lesser of 36 months (or the part-time equivalent) of educational assistance or the number of months of such assistance matching the number of months the individual served on active duty. Before applying for such MGIB benefits, however, the entitled individual must have completed the requirements of a secondary school diploma (or equivalency certificate) or successfully completed 12 credit hours in a standard college degree program.

Funding for this expanded MGIB entitlement would be provided by the Department of Veterans Affairs from funds appropriated or otherwise available to the Department for the payment of readjustment benefits.

SECTION 2

Effective date

This section would provide that the amendments made by section 1 of this measure, extending entitlement to MGIB educational assistance to certain individuals who are voluntarily discharged from active duty and receive voluntary separation incentives from the military, would be effective as to eligible individuals who are voluntarily separated on or after October 1, 1991, but no payment of MGIB benefits based on entitlement established under that section shall be made for any period prior to the date, as determined by the Secretary of Defense, that the individual makes the election (or withdrawal of election) required to receive such benefits.●

By Mr. PELL:

S. 3235. A bill to extend the coverage of certain Federal labor laws to foreign-flag vessels, and for other purposes; to the Committee on Foreign Relations.

MARITIME FAIR LABOR ACT

● Mr. PELL. Mr. President, today I am introducing legislation to extend coverage of the National Labor Relations Act and the Fair Labor Standards Act to certain foreign-flag ships which are based or do substantial business in U.S. ports and are engaged in commerce primarily in American waters.

It is no secret that loopholes in American law allow vessels working for the most part in U.S. waters to operate under foreign flags. This exploitation of American law gives foreign-flagged vessels a competitive advantage over U.S.-flagged vessels because foreign-flagged vessels are not required to pay the same level of fees and taxes required of U.S. vessels. However, the most glaring competitive advantage enjoyed by foreign-flagged vessels is the right to ignore basic labor standards in the employment of maritime workers.

Foreign-flagged vessels, typically registered in countries such as Panama, Liberia and Honduras, are able to avoid minimum accepted standards of pay, health, safety and the rights of association and collective action generally found in developed nations. Crews of foreign-flagged cargo vessels are typically drawn from undeveloped nations such as the Philippines, Burma and Pakistan. These crews of convenience are hired because of their willingness to accept extremely low wages, sometimes less than a dollar an hour, along with terrible working and living conditions.

At one time, a vessel's flag represented the nationality of the owner or the home port of the vessel. However, over the last several decades, it has been acceptable business practice for ship owners from developed countries to register their ships in countries that offer flags of convenience. A flag of convenience is usually offered by a country with no history as a maritime nation and with no desire or ability to administer the ships registered under its own flag.

In addition to low flag registration fees and little or no taxes, foreign-flag vessels avoid the minimal safety standards and wage standards imposed by developed nations with legitimate maritime oversight operations. The avoidance of these basic labor standards puts U.S. maritime workers at a distinct disadvantage because it encourages foreign-flag ship owners to obtain crews of convenience rather than operate with a U.S. crew.

The legislation I am introducing today would narrow the competitive advantage currently enjoyed by foreign-flag vessels working in U.S. waters. The narrowing of this gap will help the U.S. maritime industry in general and U.S. maritime workers in particular by providing at least a fighting chance to compete against foreign-flagged vessels. More important, this legislation would force foreign-flag vessels to obey basic standards of fair play and treatment for workers that have little or no protection even though they are working within a stone's-throw of our shores.

I realize that we all think of the cargo sector of the foreign-flagged maritime industry when we look to overcome the competitive obstacle faced by U.S. maritime workers. However, this legislation is also directed at increasing job opportunities for U.S. workers within the foreign-flagged cruise industry as well.

The cruise industry is a growing sector of the travel and tourism market. This growth is evident not only in the traditional ports of Miami, Portland, Maine, and Alaska, but also in newly emerging centers of tourism such as my home city of Newport, RI. According to the Newport County Convention and Visitors Bureau, cruise ship traffic through Newport has increased steadily over the last few years with the number of cruise ships stopping in Newport increasing from 27 5 years ago to 41 in 1992.

I want to make sure that American workers are given every opportunity to be a part of this healthy segment of travel and tourism industry. We should not be content with merely providing places to shop and eat for cruise passengers that come ashore for the afternoon; we should also be aggressive in encouraging the hiring of American workers by the foreign-flagged cruise industry. I believe that by applying American labor standards to the foreign-flagged cruise industry, we are giving American workers a chance to compete for a growing number of jobs available on foreign-flagged cruise vessels serving U.S. passengers and stopping at U.S. ports.

In introducing this legislation, I recognize that there may be concerns about passing legislation that targets workers from other nations. However, we have acted several times in the past on legislation affecting foreign business interests. There are U.S. securities laws and seaworthiness laws that apply to ships registered with other countries. Except for a few provisions in the U.S. shipping codes, however, the treatment of the crew on those ships is exempt from U.S. laws.

In addition, we have laws regulating aliens who live and work in this country, tax laws regulating international industries, securities laws regulating all foreign securities firms doing business in the United States and oilspill prevention laws specifically regulating the delivery of petroleum to U.S. ports.

The United States has a history of passing legislation that regulates foreign interests doing business in the United States, enough so that the lack of substantive U.S. oversight of maritime labor in our home waters and ports is an exception rather than the norm. I am also convinced that this legislation will only affect those nations that operate flag-of-convenience operations and will not burden nations with adequate labor standards and the ability to enforce them.

In closing, I would like to point out that this legislation is a modified version of legislation introduced in the House of Representatives by Congressman WILLIAM CLAY of Missouri. I look forward to the ultimate approval of this important legislation.●

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 2103

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 2103, supra.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians.

S. 2389

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2661

At the request of Mr. MOYNIHAN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2661, a bill to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Delaware [Mr. ROTH], the Senator from Utah [Mr. HATCH], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2837

At the request of Mr. HARKIN, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2837, a bill to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

S. 2904

At the request of Mr. MURKOWSKI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2904, a bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Forces.

S. 2922

At the request of Mr. COHEN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 2966

At the request of Mr. HATFIELD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2966, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 2970

At the request of Mr. SASSER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2970, a bill to amend the Cash Management Improvement Act of 1990, and for other purposes.

S. 2985

At the request of Mr. BIDEN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2985, a bill to authorize the Board for International Broadcasting to support a "Radio Free China."

S. 3096

At the request of Mr. DANFORTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3096, a bill to establish a grant program under the Administrator of the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by children under the age of 16.

S. 3169

At the request of Mr. LAUTENBERG, the names of the Senator from Utah [Mr. GARN] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 3169, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 3177

At the request of Mr. KOHL, the names of the Senator from Nevada [Mr. REID] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 3177, a bill to amend title 13, United States Code, to require the Secretary of Commerce to notify the Senate and House of Representatives about changes in the methodology for producing numbers used in any Federal funding formula.

S. 3221

At the request of Mr. LAUTENBERG, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from North Carolina [Mr. HELMS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 3221, a bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met.

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 325

At the request of Mr. BIDEN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 325, a joint resolution entitled the "Collective Security Participation Resolution."

SENATE JOINT RESOLUTION 328

At the request of Mr. COCHRAN, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Tennessee [Mr. SASSER], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from Illinois [Mr. DIXON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 328, a joint resolution to acknowledge the sacrifices that military families have made on behalf of the Nation and to designate November 23, 1992, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 330

At the request of Mr. KENNEDY, the names of the Senator from Kentucky [Mr. FORD], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 330, a joint resolution to designate March 1993 as "Irish-American Heritage Month."

SENATE RESOLUTION 340—APPOINTING THE CHAIRMAN OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 340

Resolved, That the Senator from New York, Daniel Patrick Moynihan, be and he is hereby, appointed Chairman of the Committee on Environment and Public Works.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

BYRD (AND OTHERS) AMENDMENTS NO. 2986

Mr. BYRD (for himself, Mr. HATFIELD, Mr. INOUYE, Mr. AKAKA, Mr. GRAHAM, Mr. MACK, Mr. JOHNSTON, and Mr. BREAUX) proposed an amendment to the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 31, on line 23, before the colon, insert: *Provided further*, That in establishing yields for disaster payments to producers of the 1992 crop of sugarcane and sugar beets, the Secretary of Agriculture may make adjustments to county yields for adverse weather conditions during the 1989, 1990 and 1991 crop years

On page 31, line 16, strike "$320,000,000" and insert in lieu thereof: "$300,000,000"

On page 31, line 20, strike "and shall include . . ." through "and nursery inventory" on line 23.

On page 32, between lines 2 and 3 insert: "For an additional amount for the "Commodity Credit Corporation Fund" to cover the costs arising from the consequences of natural disasters, $30,000,000, for the Tree Assistance Program, to remain available until the end of fiscal year 1993: *Provided*, That $10,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That such funds shall be used to fund the costs of replanting, re-seeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: *Provided further*, That payments under this program shall be determined in accordance with Public Law 101-624: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985."

On page 35, line 11, strike "$3,000,000" and insert in lieu thereof: $18,000,000

On page 35, line 14, strike "$50,000,000" and insert in lieu thereof: $300,000,000

On page 35, line 17, after "agriculture" insert: nor shall such a loan guarantee be denied under provisions of 7 U.S.C. 1926(a)(7)

On page 35, on line 24, before the period, insert: *Provided further*, That $15,000,000 of the $18,000,000 provided for the cost of guaranteed industrial development loans shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress

On page 42, line 10, strike "and Typhoon Omar, $50,000,000" and insert in lieu thereof: Hurricane Iniki, and Typhoon Omar, $70,000,000

On page 43, line 16, strike the sum "$140,365,000" and insert in lieu thereof: $256,800,000

On page 43 after line 25, insert the following: In addition $20,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress.

On page 60, line 10, strike "$83,600,000" and insert in lieu thereof "$63,600,000"

On page 61, after line 2, insert the following: Alcohol, Drug Abuse, and Mental Health Administration.

For an additional amount for "Alcohol, Drug Abuse, and Mental Health", to carry out Section 1911 of the Public Health Service Act for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, of which $10,000,000 shall be for mental health services, to remain available through September 30, 1993: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, line 20, strike "$22,500,000" and insert in lieu thereof "*$42,500,000*"

On page 61, line 21, strike "$10,000,000" and insert in lieu thereof "*$30,000,000*"

On page 62 on line 14 before the period insert: *Provided further*, That $20,000,000 of these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, after line 3, insert the following: Payments to States for Child Care Assistance

For an additional amount for "Payments to States for Child Care Assistance", for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and

Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 65, strike lines 20 through 22 and insert the following in lieu thereof:

(6) Notwithstanding any other provision of law, the Secretary of Education is authorized to grant to recipients of Federal funds under programs authorized by the Rehabilitation Act of 1973, as amended, that are substantially affected by Hurricane Andrew, Hurricane Iniki or Typhoon Omar, a waiver or modification of restrictions regarding requirements for the matching of Federal funds, maintenance of effort, and time period for the obligation of Federal funds, but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (c) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(1) The Secretary shall only grant waivers under this authority for Fiscal Years 1992 and 1993.

(*d*) REALLOCATION OF FUNDS.

(1) For Fiscal Year 1992, the Secretary shall make up to seventy-five percent of excess amounts available for reallotment under Section 110, 633, and 703 of the Rehabilitation Act of 1973 to recipients of Federal funds under the Act substantially affected by Hurricane Iniki, Hurricane Andrew, or Typhoon Omar, upon the receipt of an application submitted under subsection (c).

(*e*) APPLICATION.

Each recipient of Federal funds under programs authorized the Rehabilitation Act desiring a waiver and/or reallotment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require."

On page 65 at line 23 strike "(c)" and insert:

On page 66 at line 21 strike "(d)" and insert: "*(g)*"

On page 73 at line 25 after the word "Andrew" insert: , "*Hurricane Iniki*"

On page 74 at line 8 before the colon insert: "*and Hurricane Iniki:*"

On page 77, line 9, after "Andrew," insert: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters.*"

On page 77, line 18, after "Andrew," inserts: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters,*"

On page 78, after line 4 insert the following: "*(Including Transfer of Funds)*"

On page 78, line 7, after "Andrew," insert: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters,*"

On page 79, after line 24, insert the following new paragraph: "HOME Investment Partnerships Program

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters, $60,000,000, to remain available until expended: *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided under this heading, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of Public Law 101–625: *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring nondiscrimination, in connection with the obligation by the Secretary or any use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921."

On page 79, line 17, strike, "$20,397,000" and insert in lieu thereof "*$30,397,000*"

On page 79, line 21, strike "$1,628,000,000" and insert in lieu thereof "*$2,428,000,000*"

On page 79, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

Page 81, line 2, insert the following before the period: ": *Provided further*, That, notwithstanding any other provision of law, amounts provided under this paragraph shall be made available to the State of Hawaii under the same terms and conditions as funds made available to the State of Florida."

On page 80, line 6, strike "$3,800,000" and insert in lieu thereof "*$4,000,000*"

On page 80, line 11, immediately before the period, insert the following new proviso: ": *Provided further*, That $200,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

On page 80, line 16, strike "$1,904,000,000" and insert in lieu thereof "*$2,843,000,000*"

On page 80, line 19, strike "$143,000,000" and insert in lieu thereof "*$493,000,000*"

On page 81, line 2, immediately before the period, insert the following new proviso: ": *Provided further*, That an additional $589,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

On page 81, line 7, after "Andrew," strike "$15,000,000," and insert in lieu thereof: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $50,000,000,*"

On page 81, line 11, strike "$60,000,000" and insert in lieu thereof "*$200,000,000*"

On page 81, line 15, immediately before the period, insert the following new proviso: ": *Provided further*, That $35,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

On page 81, line 19, after "Andrew," insert *Hurricane Iniki,*"

On page 81, line 20, strike "$5,000,000" and insert in lieu thereof "*$15,000,000*"

On page 81, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

COHEN (AND OTHERS) AMENDMENT NO. 2987

Mr. COHEN (for himself, Mr. SPECTER, Mr. THURMOND, Mr. GRASSLEY, Mr. CHAFEE, Mr. D'AMATO, Mr. BIDEN, and Mr. COATS) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. .

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the criminal act of stalking other persons is a problem of deep concern;

(2) previously available legal recourse against stalking, such as restraining orders, have proven largely ineffective;

(3) anti-stalking legislation has been enacted or proposed by several of the States;

(4) the constitutionality of several of the States' anti-stalking statutes may be in question; and

(5) the Congress has an interest in assisting the States in enacting anti-stalking legislation that is constitutional and enforceable.

(b) EVALUATION.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(1) evaluate anti-stalking legislation and proposed anti-stalking legislation in the States;

(2) develop model anti-stalking legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as a result of the evaluation; and

(4) not later than 1 year after the date of enactment of this Act, report to the Congress the findings and the need or appropriateness of further action by the Federal Government.

(c) EXPENSES.—Expenses incurred in conducting the evaluation and developing model legislation under subsection (b) shall be paid out of funds that are available to the National Institute of Justice for fiscal year 1992.

DOLE AMENDMENT NO. 2988

Mr. BYRD (for Mr. DOLE) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 42, line 10, after "Iniki," insert the following: "the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992,".

REID AMENDMENT NO. 2989

Mr. BYRD (for Mr. REID) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the appropriate place insert the following new section:

SEC. . Funds appropriated for the Office of Economic Adjustment at the Department of Defense for fiscal year 1992 are reduced by $1,000,000, and funds appropriated for the Office of the Secretary of Defense for fiscal year 1992 are increased by $1,000,000 for the purpose of making an economic impact grant to Nye County, Nevada.

CRAIG AMENDMENT NO. 2990

Mr. CRAIG proposed an amendment to the bill H.R. 5620, supra, as follows:

Beginning on page 15, strike out lines 21 through 25.

SANFORD AMENDMENT NO. 2991

Mr. BYRD (for Mr. SANFORD) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 2, line 24, after the word "Jersey." insert the following new paragraph:

"Notwithstanding section 318(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(d)), amounts provided pursuant to Public Law 101-162 for the acquisition of Buxton Woods shall remain available to the State of North Carolina through September 30, 1993."

INOUYE (AND STEVENS) AMENDMENT NO. 2992

Mr. BYRD (for Mr. INOUYE, for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 6 of the committee reported bill beginning on line 16 strike the matter up to the period on line 17 and insert in lieu thereof: "shall remain available until September 30, 1993".

LEAHY AMENDMENT NO. 2993

Mr. BYRD (for Mr. LEAHY) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the end of line 2, page 32, add: "Notwithstanding any other provision of law or statute, any producer of crops and livestock who has suffered at least 40-percent loss to a program crop, 25-percent loss to livestock, and damage to building structures in 1992 as a consequence of a microburst wind occurrence shall be eligible for emergency crop loss assistance and emergency livestock feed assistance as set forth in the Disaster Assistance Act of 1990, Public Law 101-624 (7 U.S.C. 1421 note), and loan guarantees from the Rural Development Insurance Fund program (7 U.S.C. 1929a).".

JEFFORDS AMENDMENT NO. 2994

Mr. BYRD (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . WORKERS' FAMILY PROTECTION

(a) SHORT TITLE.—This section may be cited as the "Workers' Family Protection Act".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.

(1) STUDY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplace is of such workers.

(B) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(vi) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(A) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director, in cooperation with the National Institute of Environmental Health Services, shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars and a review by the National Research Council, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagraph (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

GRAHAM (AND OTHERS) AMENDMENT NO. 2995

Mr. GRAHAM (for himself, Mr. MACK, and Mr. NUNN) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 67, between lines 12 and 13, insert the following:

For an additional amount for "Military Construction, Air Force", $66,000,000, for the limited purpose of restoring airfield operations, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions pending completion of the 1993 base closure process.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on allegations of bias within the Social Security Disability Program, on Tuesday, September 22, 1992, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 15, at 10 a.m. to hold a hearing on the Radio Free China Act—S. 2985.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, September 15, 1992, at 11 a.m. for a hearing on the promise of mental health research.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, September 15, 1992, at 10 a.m. to conduct a hearing on the Community Reinvestment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., September 15, 1992, to receive testimony on H.R. 3638, making technical amendments to the law which authorizes modification of the boundaries of the Alaska Maritime National Wildlife Refuge; S. 2353, to provide for a land exchange with the city of Tacoma, WA; S. 2653 and H.R. 3457, to amend the Wild and Scenic Rivers Act by designating certain segments and tributaries of the Delaware River in Pennsylvania and New Jersey for study for potential addition to the National Wild and Scenic Rivers System and by authorizing the Secretary of the Interior to designate as components of the National Wild and Scenic Rivers System those segments and tributaries that the Secretary determines are eligible for designation, and for other purposes; H.R. 2859, a bill to direct the Secretary of the Interior to conduct a study of the historical and cultural resources in the vicinity of the city of Lynn, MA, and make recommendations on the appropriate role of the Federal Government in preserving and interpreting such historical and cultural resources; and S. 3217, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Great Egg River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System, and for other purposes.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

THE 1992 NATIONAL EDUCATION AND LEADERSHIP AWARD CEREMONY

• Mr. LAUTENBERG. Mr. President, I want to commend and congratulate the Sons of Italy Foundation [SIF] for its highly successful National Education and Leadership Awards ceremony, in which I had the pleasure of participating on May 14.

On that day, the foundation awarded scholarships to the winners of the 1992 National Leadership Grant Competition and established a perpetual scholarship in the name of Anthony S. Fauci, M.D., Director of the National Institute of Allergy and Infectious Disease and the Office of AIDS Research, at the National Institutes of Health. A leader in our Nation's fight against AIDS, Dr. Fauci is a researcher and public servant highly deserving of such recognition. The SIF has shown superb judgment in publicly recognizing his significant achievements with an honor that will inspire outstanding young men and women in perpetuity.

In addition to the Anthony S. Fauci Scholarship, the foundation has established perpetual scholarships in the name of U.S. Supreme Court Justice Antonin Scalia, our deceased former colleague, U.S. Congressman Silvio O. Conte, former St. John's University head basketball coach Lou Carnesecca, and Vincenzo Sellaro, M.D., the founder of the Order Sons of Italy in America [OSIA] which established the SIF in 1959. In addition, an award was made for the second consecutive year in the name of Maj. Marie T. Rossi, a courageous American aviator who was killed in action last year in the Persian Gulf. I am proud to say that I personally contributed to this year's Marie T. Rossi Scholarship, and I had the pleasure of meeting the outstanding young woman who was this year's recipient.

OSIA's long and distinguished record of generous support for the education of America's youth should be recognized by this revered body and indeed, by all citizens concerned about our educational system. During the past quarter century, OSIA has contributed more than $15 million in educational scholarships to deserving youth. In order to secure support for future generations, the board of directors of the Sons of Italy Foundation has launched plans to establish a $1 million permanent educational trust to endow the perpetual scholarship program.

The awards ceremony was attended by Senators LIEBERMAN and SPECTER, Representatives FOGLIETTA, GUARINI, MORELLA, and MANTON, HUD Under Secretary Alfred Delli Bovi, former president of the Catholic University of America, the Reverend William J. Byron, and American hero Joseph Ciccippio. Retired Speaker of the House, Thomas P. "Tip" O'Neill returned to Capitol Hill to address the assembled guests.

The leaders of the Order of the Sons of Italy in America and the Sons of Italy Foundation have demonstrated great foresight by encouraging the outstanding young people of America through merit-based financial aid for higher education and by recognizing them at a gala event in the Nation's capital. I commend Peter R. Zuzolo, national president of OSIA and chairman of SIF; Valentino Ciullo, vice chairman of the SIF; Frank J. Montemuro, Jr., chairman of the 1992 National Education and Leadership Awards ceremony; Joanne L. Strollo, chairlady of the OSIA national education committee; Joseph Sciame, vice president of the St. John's University and master of ceremonies; and Philip R. Piccigallo, Ph.D., national executive director of OSIA and the SIF, for their leadership roles in the 1992 national education and leadership award ceremony and the national leadership grant competition.

I now have the pleasure of sharing with you the 14 winners of the 1992 National Leadership Grant Competition, as follows:

Rosario Vaina, of Brooklyn, NY.

Gregory Francis Corbett, of Weymouth, MA.

Alicia Fedorczak, of Brookfield, WI.

Joanne E. Labriola, of Pittsburgh, PA.

Julie Lomonaco, of Dallas, TX.

Melissa Marie Santory, of Butler, PA.

Peter C. Amuso, of Kane, PA.

Maria A. Cucolo, of Wilmington, DE.

Melissa A. Napolitano, of Valhalla, NY.

Derek J. Purdy, of Santa Clara, CA.

Liza S. Reichenbach, of Philadelphia, PA.

Alexander R. Agosti, of Huntingon, NY.

Karen Biagini, of San Jose, CA.

Fred J. Donodeo, of Long Island City, NY.•

TRIBUTE TO DR. LINDA GLEIS, MODERN DAY HEROINE

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a woman whose life should serve as an example to all. Dr. Linda Gleis of Louisville is a mother of four who also serves as chairman of the Jefferson County Medical Society. While both of these accomplishments are noteworthy in their own right, let me list other activities that Dr. Gleis is involved with.

Dr. Gleis is one of five partners in Rehabilitation Associates PSC, specializing in physical medicine and rehabilitation. Dr. Gleis is the residency training director at the Frazier Rehab Center. She is chief of rehab medicine service at the VA Medical Center; assistant clinical professor of medicine at the University of Louisville School of Medicine, as well as chair of the Jefferson County Medical Society Board.

As if that were not enough, Mr. President, Dr. Gleis has also been elected to the board of Republic Bank & Trust Co. She is on the Metro United Way Leadership Circle Campaign; the Metro United Way Cabinet; the Archdiocese of Louisville salute steering committee; and the Jefferson County Office for Women Advisory Council. Mr. President, those are obligations which could wear out even the most enthusiastic. This is what makes Dr. Gleis so exceptional. She is the mother of four young children and still gives unselfishly of her valuable time.

If one were to glance at Dr. Gleis' résumé, one would, I believe, correctly come to the conclusion that she is an exceptionally qualified person. Dr. Gleis takes a much more humble view however, saying, "I view myself as an average person who has been in situations that have led to leadership roles. There's no way I view my skills as superior." Perhaps when I listed her accomplishments I should have included understatement among them.

Dr. Gleis handles her responsibilities with grace and charm, never seeming to let the demands frazzle her nerves. Instead she seems to run on nervous energy and just a few hours of sleep a night. She makes a point to try and be home for dinner with her family each night, often going to meetings once her children are in bed.

Many would be unable to finish what they start when faced with the demands that Dr. Gleis has grown accustomed. But by devoting her entire focused energy to each project she makes sure that she sees them through to completion. Dr. Linda Gleis is truly an example of how hard-working Americans can help improve their cities and towns through active participation.

I ask that my colleagues join me in recognizing this exceptional Louisvillian. I can think of few others who are so deserving of this body's praise. I also ask that an article from the August 10, 1992, Business First be printed in the RECORD.

The article follows:

WONDER WOMAN LIVES: SHE'S DISGUISED AS A DOCTOR

(By Eric Benmour)

It would be easy to confuse Dr. Linda Gleis and Wonder Woman. After all, friends and family gave her that nickname because of her physical resemblance to actress Lynda Carter, who played the character on television.

But more than that, Gleis does so much that it sounds like fiction.

"I don't know how she does it," says Terry Haag, who has known Gleis since the two were in high school. "I don't know how she sleeps. She amazes me."

Gleis, 40, is one of five partners in Rehabilitation Associates PSC, which specializes in physical medicine and rehabilitation and provides medical services to Frazier Rehab Center, where Gleis is residency-training director.

She is also chief of rehab medicine service at the VA Medical Center, assistant clinical professor of medicine at the University of Louisville School of Medicine, and chair of the Jefferson County Medical Society board.

Gleis also has been elected to the board of Republic Bank & Trust Co.; is married to Dr. Gregory E. Gleis, an orthopedic surgeon; has four children; is active in her church; and plays tennis.

Wait! That's not all.

She's also on the Metro United Way Leadership Circle Campaign; the Metro United Way Cabinet; the Archdiocese of Louisville Salute steering committee; and the Jefferson County Office for Women Advisory Council.

Over the years, Gleis has been honored by the University of Louisville School of Medicine with its service award; she received Bellarmine College's outstanding alumnus of the year award in 1991; and the first Salute to Catholic School alumni award.

"She's not one to sit and watch television," Greg Gleis says. "When I'm away from work, I calm down a lot more than she does. She's always into a project, whether it's cleaning the closet or working on the next committee or playing tennis with girlfriends."

"When Linda Gleis was attending Louisville's Assumption High School, her friends called her hyper," Haag says.

"Nobody wanted to sit behind her in class. She rocks all the time. She was always full of energy."

Gleis' mother, Joan Hulsey, says Gleis—the eldest of four children—rocks when she is concentrating.

"She has to be moving," she says.

Gleis is aware people call her Wonder Woman, but she downplays her accomplishments.

"I view myself as an average person who has been in situations that have led to leadership roles," says Gleis, who was a member of the 1991–92 Leadership Louisville class. She says people can do more than they realize, and one person can make a difference.

"There's no way I view my skills as superior," she says.

Greg Gleis says his wife is efficient, "but it's still a lot of time."

Linda Gleis says she has to sacrifice sleep, getting by on four hours at times.

Greg Gleis says that on the "average day," his wife is gone by 6:30 a.m. to 7 a.m., some days before 6 a.m. She's rarely home before 6 p.m. and frequently it's 7 p.m. It's not unusual for her to go to the hospital once or twice a week after 9 p.m.

His parents help take care of the children.

"The greatest day in our life was when my dad retired," Greg Gleis says. This freed up both parents to be home to meet the children after school and provide transportation for them.

Gleis says he recently told his wife she could slow down. The next day she said no.

Home-cooked meals are a luxury.

"If it represents cooking, it's a Domino's pizza night," he says.

Linda Gleis never seems frazzled or overwhelmed by all the responsibilities, though, friends say.

Ethel Penny, who has known Gleis since the two were 8 years old, says friends aren't jealous of Gleis. Instead, they are surprised by how much she can accomplish, "and she seems to do it with such ease and such graciousness."

When asked how Gleis does it, Penny says: "She goes on nervous energy and I don't think she gets much sleep."

Gleis also served as president of the JCMS from May 1991 to May 1992. Greg Gleis says he supported his wife's efforts during the election.

"But I would not have been upset if she lost," he says. "I knew what was involved."

For example, someone has to take care of their four children—Eric, 11, Matthew, 9, Kevin, 5, and Anna, 1.

"There was no way I could be president of the medical society if I was a single parent," Linda Gleis says.

Linda Gleis says she and her husband feel it is important to be involved in the community and to balance their needs with those of the community.

Greg says before she was elected president of the JCMS, they divided up the morning time required to get their four children ready for school and day care.

After the election, "She was out of the house before the kids were up," he says.

Greg says he doesn't think the people at their day care would know Linda if they saw her.

While acknowledging her schedule is a hectic one, Gleis says she makes an effort to be home as much as possible.

Typically, Gleis says she makes it home for dinner and leaves after the children's bedtime. She only works one weekend out of five, and she says her morning obligations are primarily due to her private practice, which will add a sixth partner soon.

Gleis says she feels she's maintained a good balance between family life and her civic work, and she says no to requests that may be interesting but too time-consuming.

"The positive has outweighed the negative," she says.

Some of the positives include her accomplishments during her term as president of the medical society.

She wanted to make doctors and the public aware of the impact family violence can have, and in January began a year-long effort to increase such awareness through articles and questionnaires in the medical society's monthly magazine.

She supported efforts to get a mandatory seat-belt law passed in Kentucky.

She also suggested physicians give as a group to United Way, to make people realize the amount the physicians do contribute to the community.

During Gleis' term, the JCMS Foundation gave money to help plan a center for teaching children and adults about healthy lifestyles.

"She has boundless energy, she's interested in the problems of medicine, and she seems to be exceptionally well-organized to wear all the hats she does," says Dr. Arnold Belker, who preceded Gleis as JCMS president.

Belker says that through all the meetings and activities during her term, Gleis was "always cheerful."

Gleis also serves as a role model for other female physicians to get involved in the medical society because she showed "not only can you get involved, but this is what can happen," says Dr. Beverly Gaines, a member of the JCMS board.

Linda Gleis says by being so involved, she can make Louisville—the place where she grew up—a better place to live.

Joan Hulsey says she would like to take credit for her daughter's accomplishments, but believes much of Linda's energy is something she was born with.

Hulsey points to her grandmother on her father's side, who was a schoolteacher until she was 75.

Ethel Penny remembers her friend always having a lot of energy.

Hulsey says she tried to teach two lessons to her children—be honest and finish what you start.

Friends and associates say Gleis definitely finishes what she starts. She doesn't just sit on a board or take a job, she does her homework.

"When she is working on a project her entire self is into that project," says Joanne Berryman, president and chief executive officer of Frazier Rehab Center.

"That's unique."

Dr. Gaines says that when Gleis was treasurer of the medical society, "She gave concise reports everyone could understand."

Gleis says she decided to make medicine her career when she was in high school.

She says she was good in science and became a member of the National Honor Society. She decided to become a medical technologist and attended Bellarmine College.

But professors and the staff at St. Anthony Medical Center, where she worked during her studies, encouraged her to become a doctor.

She met Gregory in high school and they married before their senior year of college.

Linda Gleis says rehabilitation medicine appealed to her because it involved using a variety of disciplines. She works with newborns, infants, adults and the elderly, and not only deals with their physical problems, but emotional ones as well.

"Physical medicine brought it all together for me," she says.

Through her work with patients, she realized society could help prevent some injuries from occurring, such as those caused by people not wearing seat belts or from injuries caused during family violence, or from unhealthy lifestyles.

"You start to see where the real impact is on education and preventing them (injuries) from happening in the first place," she says.

She says she will continue to support legislation and education to help people prevent injuries.

As her duties with the medical society decline, Gleis says she will evaluate other requests. She decided to join Republic Bank's board because it was involved with the medical society's business bureau. In that capacity, the bank was helping develop private banking for physicians and donating funds so the medical society could recognize some of its members who contributed to the community.

She also knew Scott Trager, president and chief executive officer of Republic, from their work together on the Bellarmine Board of Overseers.

"She brings another view to our board, not only business matters but social matters," Trager says. He says Gleis is a good listener, a statement echoed by Dr. Gaines.

"She takes the time to listen to people," she says. "That always goes very well with people."

Gleis "extends herself through the talents of others," Berryman adds.

When Gleis isn't working on a project, she might be at a ball field, watching a son in a sport. Or she might be playing tennis.

She plays once a week and may run back to work afterwards, but it helps her keep her sanity, says tennis partner Karen Wimsatt.

"That's my only physical outlet," Gleis says.

She says she started playing about three years ago. She plays in a competitive league.

"She's a good player," Wimsatt says.

While Wimsatt says tennis helps Gleis keep her sanity, Gleis says she's never been close to being burned out.

She says her activities are varied, between work and personal activities, and she hasn't done too much.

"I don't want to be overextended," she says.

Wimsatt says Gleis doesn't do all she does for recognition.

"It's just the way she is," she says. "She likes to be busy." Wimsatt says Gleis doesn't show signs of being overwhelmed by all her obligations.

Gregory Gleis echoed Wimsatt's comment.

"I am surprised she tolerates it as well as she does," he says.

BIO: LINDA HOOD GLEIS

Title: Physician, chairman of the Jefferson County Medical Society.

Age: 40.

Hometown: Louisville.

Education: Bachelor of arts degree, medical technology, Bellarmine College, 1974; medical degree, University of Louisville, 1978.

Family: Husband, Gregory; children: Eric Raymond, 11; Matthew Gregory, 9; Kevin Graham, 5; Anna Gale, 1.•

CABRINI MEDICAL CENTER ANNIVERSARY

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Cabrini Medical Center in Manhattan on the occasion of their 100th anniversary. The Cabrini Medical Center, founded by St. Frances Xavier Cabrini, will celebrate its 100th anniversary at a dinner on Thursday, September 17 at the Waldorf-Astoria Hotel, Manhattan.

In 1892, St. Frances Xavier Cabrini, the first American saint, and Patroness of Immigrants, set up 10 beds in two East Side tenements, and along with six of her Missionary Sisters of the Sacred Heart, took in the sick and poor. They called this humble beginning Columbus Hospital.

Amid the squalor and despair of wave after wave of poor immigrants, the hospital and the Sisters became a haven of love, compassion and caring. It grew and moved to larger and larger quarters. In 1974, it merged with Italian Hospital and was renamed in honor of its visionary founder, St. Frances Xavier Cabrini.

Today, Cabrini is a 499-bed voluntary acute care facility, a major teaching facility of New York Medical College, with broad health care programs, a school for nursing, outpatient services at affiliated Stuyvesant Polyclinic, and a State designated HIV/AIDS center.

Cabrini Medical Center will kick off their year long centennial celebration with the benefit dinner, proceeds of which will go to the Cabrini HIV/AIDS program. Chairpersons are actress Isabella Rossellini and former Ambassador to Italy, Maxwell M. Raab. Ms. Rossellini's sister, TV personality Pia Lindstrom, will be mistress of ceremonies. Grace Mirabella, publication director of Mirabella magazine, will receive the St. Frances Cabrini Gold Medal Award for her service to the hospital's HIV/AIDS program. Broadway producer Martin Richards and executive director Ganga Stone will receive Gold Medal Community Service Awards.

This is a very special year for Cabrini Medical Center. They have much to celebrate and deserve our support since they are on the front lines everyday dealing with tragic and terrifying diseases. We must insure that they are not forgotten. The legacy of St. Frances Xavier Cabrini has surpassed the vision of this truly humanitarian woman. Let us not forget the Cabrini legacy as they plunge into the next century.●

TRIBUTE TO PADUCAH

●Mr. McCONNELL. Mr. President, I rise today to recognize Paducah, a historic river city in McCracken County.

Paducah is located along the Ohio River in far western Kentucky at the intersection of the Tennessee and Ohio rivers. It is a city rich with tradition, founded by the mythical Chickasaw Indian Chief Paduke, for which the town is named.

Though the river trade is in rapid decline, many still visit Paducah for its culture and entertainment. Paducah distinguishes itself by having its own symphony orchestra, an unusual accomplishment for a town of its size. There are also a number of museums, as well as a monthly foreign-film series. The Market House Theater leads a thriving theater scene, offering many well-known productions put on by volunteers of all ages. In addition, Paducah is home of the Museum of the American Quilter's Society. Its annual quilt show draws some 30,000 visitors from as far away as Europe and Asia. this show also coincides with the Dogwood Festival, at which time the city is covered in thousands of blooming dogwood trees.

Paducah was home to the famous correspondent and writer for the Saturday Evening Post, Irvin S. Cobb. Mr. Cobb helped Paducah achieve national recognition in his many speaking engagements across the United States. Another famous resident of Paducah was the former Vice President, Alben W. Barkely.

Though the population of Paducah has declined in recent years, many new homes and subdivisions are being built on the western edge of town near the expansive Kentucky Oaks Mall. Recently, the groundbreaking ceremony was held for the Information Age Park, a high-tech business park which will create thousands of new jobs in telecommunications. This will further broaden Paducah's economic base that is currently dependent on the Paducah gaseous diffusion plant, which employs nearly 2,000 of the town's residents.

Although Paducah suffers from many of the social problems of larger cities, Paducah has sparked a renaissance. This includes spending millions of dollars on downtown improvements, upgrading the convention center, and implementing a program called Pride 2000. This monumental domestic improvement program enlists hundreds of volunteers from every neighborhood to improve the city's appearance and help maintain its upkeep. I would like to recognize their significant accomplishments and applaud their success in making their city one of the finest in the State.

Mr. President, I ask that an article from Louisville's Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

PADUCAH

(By Mark Schaver)

Perhaps every town is founded on a myth, a myth that grows with time and becomes one of many myths. Paducah is such a town.

The first and most enduring myth is the legend of Chief Paduke, who is honored with a statue as the Chickasaw Indian who deeded the town its name. But even the sculptor who carved it in the early 1900s publicly doubted Chief Paduke's existence, only to be shouted down by a chorus of outraged citizenry.

When a professor at Paducah Community College, John E. L. Robertson, wrote a history of the town for its 150th anniversary, he reintroduced evidence that Chief Paduke was most likely a fable, thinking it so obvious and unremarkable that he relegated the information to the preface.

Instead, he provoked more indignation, and to this day the historic markers and tourist brochures speak of Chief Paduke as if there is no question he had been flesh and blood.

Paducah has always had its mythmakers. One was the humorist Irvin S. Cobb, who was born in Paducah in 1876 and became famous as a World War I correspondent and writer for the Saturday Evening Post. Cobb published more than 30 books and lived for a time in California where he had a short-lived radio show called "Paducah Plantation" and appeared in forgotten Hollywood motion pictures as the caricature of a julep-swilling Southerner.

Cobb served as Paducah's goodwill ambassador in his many speaking engagements across the United States. In his most quoted line, he said, "It is better to be born a homeless orphan in Paducah than duly certified twins anywhere else on earth."

He is less remembered for this recollection from his autobiography, "Exit Laughing," which was written with the honesty that comes with approaching death;

"It had its baser aspects . . . the petty feuds, the small pretensions, the spleens and jealousies and all such bilious little spites as thrive like bad weeds in any spot where human beings herd together. And beyond doubt it was a sloven and leisurely town, one that was untidy and content to be untidy. . . ."

In the late 19th century, Paducah was known as a boisterous and dangerous river town. It is at the intersection of the Tennessee and Ohio rivers and near the Cumberland and the Mississippi, so it became a way station for wild assortment of roustabouts, brigands and adventurers. Liquor flowed and prostitution flourished.

The river trade has long since settled into dull middle age, but for some who live in the surrounding small towns of Purchase and Pennyrile, Paducah still offers its share of pleasures, forbidden and otherwise. It's where they come to shop, watch a movie at the 12-screen theater, eat Mexican food in a sit-down restaurant or buy a Japanese car. But with its liquor stores, X-rated bookstores and strip shows, it's also a place that trafficks openly in the sins that are less visible back home.

Many visit Paducah because it is the region's cultural and entertainment center. It is the rare town of its size that can boast of having its own symphony orchestra. Country singing stars appear weekly at the Executive Inn; comedians make appearances at bars; and the new Mid-America X-Po Center has begun promoting professional boxing. There's an art museum, a history museum and a museum to honor Alben W. Barkley, a Paducah lawyer who became a Senate majority leader and vice president under Harry S. Truman. There's even a monthly foreign-film series.

Paducah has a thriving theater scene, with hundreds of volunteers of all ages participating in the many productions put on each year by the Market House Theater (although cuss words are censored lest part of the audience walk out). Two years ago the Brelco Theater opted to offer more daring plays than the Neil Simon and Gilbert-and-Sullivan fare offered by the more established theater, but it has yet to develop a large audience, averaging only 20 people a performance.

Paducah has dubbed itself "Quilt City USA" because it is the home of the Museum of the American Quilter's Society and its annual quilt show, which draws 30,000 visitors from as far away as Europe and Asia. The show coincides with the springtime Dogwood Festival, when many homes spotlight their flowers for the thousands of cars that drive by each evening.

What they see are many fine homes and prosperous neighborhoods. Although the population of Paducah has declined in the last decade, some areas are sprouting new homes and subdivisions, especially the western edge of the town, where the opening of the Kentucky Oaks Mall 10 years ago touched off the flight of businesses from downtown.

Yet just as one part of Paducah is growing, another part has been in a long decline. Many of the homes that once formed the core of Paducah have either fallen into neglect or been torn down, leaving behind empty, weed-strewn lots. Twenty percent of the population lives in subsidized housing, and in recent years there has been a sharp increase in crime, fueled by the crack cocaine trade.

Although Paducah suffers from many of the social ills that afflict bigger cities, it is too small to qualify for federal aid targeting those problems. "We're too rural to be urban and too urban to be rural," Mayor Gerry Montgomery said.

Like most other members of the City Commission, Montgomery lives in the prosperous western half of town. That irritates some in Paducah's poorer precincts, who complain they are left out of the city's politics. They have managed to get enough signatures on a petition that will allow a referendum in November on whether to choose city commissioners by district—a change that could give greater representation to the poor and minorities—rather than at-large, as under the current system.

Some African Americans, meanwhile, say that, although they have been represented on the City Commission for most of the last 25 years, they have been excluded from much social and economic life, have been woefully underrepresented in most community organizations and have gotten, at best, the worst jobs for the lowest pay.

Montgomery acknowledges the sentiment. "I think there are some who feel excluded from economic life, but I don't think it's any different from anywhere else," she said, noting the black representation on city boards and commissions.

"This is a community which is very hidebound," said Joe Freeland, a white lawyer who won a court case desegregating what is now Paducah Community College in the early 1950s.

People who were born elsewhere but have lived in Paducah for years are still referred to as "transplants," yet townspeople insist they are willing to embrace the new. They offer as proof the recent groundbreaking for the Information Age Park, a high-tech business park they hope will generate thousands of jobs in data-processing telecommunications.

If successful, the park will help Paducah broaden an economic base that depends heavily on the Paducah Gaseous Diffusion Plant, which employs about 1,800. The federally owned plant, which enriches uranium for nuclear power plants, was built in the early 1950s, thanks to the influence of Vice President Barkley.

Construction of what locals call the "Atomic Plant" was accompanied by numerous wildcat strikes, and the influx of 20,000 workers put such a strain on Paducah's housing that people began renting out their spare bedrooms. Some believe the turmoil brought on by sudden growth so rent the social and economic fabric that Paducah took years to recover.

Despite being the home of two of Kentucky's 10 largest banks and the region's medical center, the economy of Paducah has long been stagnant, and it offers few well-paid manufacturing jobs. Once in its history it saw itself as competing with Owensboro and Bowling Green, but those cities have grown past it. Some say one reason Paducah has fallen behind is because it lacks a four-year college.

Paducah is trying to spark a renaissance. It has, for example, a 3-year-old Main Street program to promote downtown and fill its vacant storefronts. The city is also spending millions on downtown improvements, including building a new parking lot, widening the flood wall so the Ohio River is more visible and upgrading the Julian Carroll Convention Center (named for the former governor from McCracken County). The city has also begun a program called Pride 2,000 to enlist volunteers in every neighborhood to improve the town's appearance. Many have great hopes for the debut of riverboat gambling across the river at Metropolis, Ill., next year.

But it can be hoped that Paducah will always remain a quirky place. It is, after all, the only town in America that offers visitors numerous antique shops and candlelight riverboat cruises as well as "Speedy," the mummified corpse of Charles Atkins, a penniless man who drowned while fishing in 1928. Atkins earned his nickname for his talent working with tobacco, and he became famous nationwide more than a decade ago after an appearance on the TV show "That's Incredible!"

He can be found at the Hamock Funeral Home, where he is kept propped up against the wall in a storage room filled with coffins. Dust has once again begun to settle on the folds of his tuxedo, which still bears a souvenir pin from an appearance last year on the tabloid TV news show "A Current Affair."

"Speedy put Paducah on the map all over the world," said Velma Hamock, the widow of the man who embalmed him. "I've never seen a dead man make so many people happy."

Transportation: Air—Baridey Regional Airport (commuter flights to Nashville, Memphis and St. Louis). Railroads—Paducah & Louisville Railway; Burlington Northern Railroad. Bus—Greyhound; Brooks Bus Line; Reta's Charter; Paducah Area Transit System. Water—18 towing companies. Truck—26 lines serve Paducah.

Education: Paducah City Schools, 3,700 students; McCracken County Schools, 6,600; four church-supported schools, 498; Paducah Community College, 2,400; Western Kentucky State Vocational/Technical School, 800; Paducah Area Vocational School, 300; Franklin College, 80.

Topography: Low, rolling country, Paducah sits at the confluence of the Tennessee and Ohio rivers.

Population (1990): Paducah, 27,258; McCracken County, 52,605.

Per capita income: McCracken County (1990), $17,450, or $2,458 above the state average.

Jobs: (McCracken County, 1990): Manufacturing, 3,461; wholesale/retail, 10,488; services, 8,347; state/local government, 2,956; contract construction, 1,495; transportation/communications/utilities, 2,607; finance/insurance/real estate, 1,094.

Big employers: Martin Marietta Energy Systems (Paducah Gaseous Diffusion Plant), 1,800; Western Baptist Hospital, 1,641; Lourdes Hospital, 1,500.

Media: Newspapers—The Paducah Sun (daily); West Kentucky News (weekly), Television—WPSD-TV (NBC affiliate), Radio—WPAD-AM (oldies); WDDJ-FM (contemporary hits); WDXR-FM (country); WKYQ-FM (country); WKYK-AM (oldies); WREZ-FM (light adult contemporary). Comcast cable TV.

FAMOUS FACTS AND FIGURES

The land on which Paducah was founded in 1830 was part of 37,000 acres that the explorer William S. Clark had bought three years earlier for $5.

Paducah, Texas, is named after the Kentucky city. Two men from Kentucky, who helped found the Texas town, suggested the name.

Gen. Ulysses S. Grant occupied Paducah during the Civil War. In his memoirs, he wrote that on entering the town, "I never saw such consternation on the faces of the people. . . . They were expecting rebel troops that day."

John Thomas Scopes, who became famous when Clarence Darrow and William Jennings Bryan clashed at his 1925 trial for teaching evolution theory in a Tennessee school, was born and raised in Paducah. He is buried in Oak Grove Cemetery.

Sen. Alben Barkley of Paducah coined the phrase "New Deal" during his keynote address at the 1932 Democratic Convention, which nominated Franklin Delano Roosevelt for president. Paducah has an Alben Barkley Museum to honor "The Veep."

A flood wall was built after the Ohio River flooded 90 percent of Paducah in 1937, causing $22 million in damage and producing 22,000 refugees. A cow fled to a second story, and her owner milked her throughout the seige.

The Paducah City Hall, built in 1965, is a replica of the U.S. Embassy in India.

Paducah has more historical markers than any other Kentucky city.

The state welcome center on Interstate 24 is a restored mansion known as Whitchaven.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of Rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Scott Bunton, a member of the staff of Senator KERRY, to participate in a program in Germany, sponsored by the Friedrich-Naumann-Stiftung, from August 28 to September 6, 1992.

The committee determined that participation by Mr. Bunton in this program, at the expense of the Friedrich-Naumann-Stiftung is in the interest of the Senate and the United States.●

HONORING FAMILY DAY

● Mr. KASTEN. Mr. President, I rise today to salute the efforts of the pastor and congregation of the Community Baptist Church of Greater Milwaukee on the occasion of their Fifth Annual Family Day event.

On September 27, designated as Community Family Day, families will be given the opportunity to share their ideas and perspectives with the congregation, in a true celebration of the family values that have kept them strong.

These men, women, and children remind all of us that "family values" is not just a slogan or an abstract idea. Family values are life itself, as it is lived by hard-working people in a spirit of love, faith, hope, and true belief in the word of God.

Pastor Roy B. Nabors, Rev. Roosevelt Savage, chairpersons Helen R. Rent and Clorine Harris, and the families of Community Baptist Church have an important message for America. I ask my colleagues to join me in sending our best wishes on this special occasion.•

THE NATIONAL INSTITUTES OF HEALTH REAUTHORIZATION ACT OF 1992

• Mr. KENNEDY. Mr. President, the National Institutes of Health Reauthorization Act of 1992 was reported favorably by the Committee on Labor and Human Resources on July 29, 1992. S. 2899 is a modified version of the legislation, H.R. 2507, that passed the Senate on last June 4 by a vote of 85 to 12. That bill was vetoed by President Bush and the veto was sustained in the House. I hope the Senate will approve this new version, and that President Bush will sign it.

S. 2899 is a good faith effort to meet all four of the concerns raised by the President in his veto message. The provisions of S. 2899 are, in other respects, identical to the provisions of H.R. 2507.

In an effort to address concerns that the previous bill authorized too large an increase in certain spending programs, most of the authorizations in S. 2899 have been changed from dollar amounts to the traditional authorization of such sums as may be necessary. The authorizations that have been retained from the earlier bill are special legislative initiatives. These include the women's health initiative for expanded breast, ovarian, and other gynecological cancer research programs, and an osteoporosis program, as well as a prostate cancer program.

The legislation also includes the provisions of H.R. 2507 on fetal tissue transplantation research. We have retained the provisions in the previous bill containing safeguards against abuse, including a prohibition of the sale of tissue; a prohibition of directed donations; a requirement for informed consent for the abortion procedure be obtained separately from and before the informed consent for the donation of fetal tissue; and a requirement for health care providers to certify that no change has been made in the method or timing of the abortion for the sole purpose of acquiring fetal tissue. A discussion of these provisions appears in the conference report and the House and Senate committee reports that accompanied H.R. 2507. This discussion is an accurate description of these priorities in this legislation and the legislative intent with respect to them, and there is no need to repeat that discussion here.

In addition to these provisions, the pending legislation includes a modification on the use of tissue from the fetal tissue transplantation bank established under President Bush's Executive order of May 19, 1992. The legislation maintains the current moratorium on NIH-funded fetal tissue transplantation research using tissue from induced abortions through May 19, 1993. After that date, the moratorium is lifted under certain conditions. Research on fetal tissue transplantation may be funded by the NIH if the principal investigator for the research project declares that the tissue used for transplantation is to be obtained from other sources, because a request has been submitted to the bank and 14 days have elapsed without the bank providing tissue appropriate for the research.

This modification has been adopted to provide an opportunity for the bank to begin operation and prove itself, without jeopardizing the potential for research if it is not effective. There has been a great deal of debate about whether the bank can successfully supply appropriate tissue for transplantation research. The administration has argued that tissue from miscarriages and abortions for ectopic pregnancies will be adequate. Many other researchers have argued that such tissue will be inappropriate because of genetic disease, viral and bacterial contamination, and the difficulty of obtaining the tissue in a timely way. Under the terms of the legislation, the tissue bank will have a fair opportunity to fulfill its mission, and the research will be allowed to proceed, whichever position is correct.

The legislation also differs from H.R. 2507 in the provisions on ethics advisory boards. In the original legislation, if an ethics advisory board found that the proposed research is ethical and should proceed, the Secretary could not override the decision. In response to concerns that the Secretary should have the final say in such matters, a provision has been added to allow the Secretary to review the decision of a board and set it aside if, the Secretary finds that the decision is arbitrary and capricious. This common and well-known standard of review is readily implemented and will provide both the researchers and the Secretary with clear guidance on the course to be pursued.

In addition, the legislation contains the provisions of H.R. 2507 regarding the broader inclusion of women and racial and ethnic minorities in clinical research. A full discussion of these provisions appears in the conference report and the House and Senate Committee reports that accompanied H.R. 2507 and this discussion remains an accurate description of these provisions and the legislative intent behind them.

S. 2899 modifies the provisions in H.R. 2507 on the guidelines to be established by the Director of NIH regarding this inclusion and the circumstances under which cost may be considered as a reason not to do so. As a general rule, cost is not a permissible consideration for excluding women from a project or for excluding minorities from research. As was discussed fully in the reports accompanying H.R. 2507, the goal of such a general rule is to ensure that Government-sponsored clinical research is used to improve the health of as many Americans as possible.

The pending legislation recognizes, however, that there are limited circumstances in which a researcher seeks to study a population that does not include women and minorities for reasons that may include cost. Under the terms of S. 2899, the guidelines established by the Director may allow cost to be considered in some circumstances, as long as data of comparable quality regarding the excluded populations is obtained by other means.

In sum, these provisions are intended to ensure that research on diseases or conditions affecting both sexes will, in virtually all cases, produce results that are applicable regardless of gender. In most cases, women will be included in trials as study participants. In those projects in which women are not included, similar results will be available because parallel research of comparable quality will be conducted or exists already. This principle is to be implemented by the Director, through specific authority to establish guidelines that recognize cost and through general authority for designating inclusion as inappropriate.

For example, if it is suggested that the cost of expanding the sample size to include a statistically useful number of women in a large trial on heart disease and aspirin is justification for excluding women from the trial, this legislation would allow a men-only trial only if there are data of comparable quality already available, or being gathered for women. This showing of comparable data is, of course, the responsibility of the researcher applying for funding for a design that excludes women from the trial.

No change has been made from the original provisions allowing the Director general discretion over study design. For instance, if it is suggested that the inclusion of women is unnecessary for noncost reasons since the disease affects women only rarely, this legislation would not require their inclusion of women.

The same basic provisions apply to the inclusion of minorities in clinical research, although the legislation does not require that minorities be included in every research project.

Data of comparable quality is understood to be information of similar utility in the development and use of clinical care. Thus, the development of theoretical applications or models of a drug's utility in women is not comparable to a randomized trial of that drug with women as subjects. Conversely, if drug trials are already underway that will produce data on women, a similar trial using men need not include women, unless the men-only trial produces data not obtainable in the study in which women are participants.

We recognize that the question of comparability is a complex issue: Data gathered by different means may be of comparable worth in developing and using clinical care; data gathered by the same means but in different settings may be of unequal value. We expect the Director to develop general guidelines on this issue, as well as to evaluate carefully with the advisory panels each application for exclusion of subjects.

In addition, S. 2899 provides that, if there is substantial scientific data demonstrating that there is no significant scientific difference between the genders or among racial and ethnic groups, the Director may establish guidelines overriding the general requirement that women and minorities be included in trials. In the past, women and minorities have often been excluded from trials unless there was an affirmative showing that they might respond differently to the conditions of the trial. In contrast, this legislation will generally require that women and minorities must be included, unless there is an affirmative showing that they will not respond differently to the conditions of the trial. By reversing the presumption in this case, the legislation will reach more health conditions for more Americans. It will provide more clinical applications, and generate greater basic research knowledge.

The legislation also makes changes in the provisions of H.R. 2507 regarding the protection of health facilities. The pending bill deletes the authority for a facility to pursue civil remedies in Federal court for damages resulting from violation of the statutory protections contained in these provisions. The legislation does not, however, affect rights to pursue a civil action that may otherwise exist under State or other Federal law.

In addition, the legislation clarifies that existing State or Federal whistleblower protection laws are not altered or otherwise affected by the provision protecting health facilities. A conforming change is included regarding the elements of the crime of burglary for purposes of this legislation.

Finally, the legislation establishes within the Office of the Director of NIH an Office of Research on Minority Health.

All of the remaining provisions in the bill before us are unchanged from the previous bill. I ask that a summary of the entire bill be printed in the RECORD after my remarks.

We all know the vital importance of biomedical research and the central role of the NIH. This is major legislation that should not have been vetoed in the first place. With these good-faith revisions, it deserves to be enacted, and I urge my colleagues to support it.

The summary follows:

NATIONAL INSTITUTES OF HEALTH REVITALIZATION BILL, S. 2899, JULY 29, 1992—SUMMARY OF BILL

I. MAJOR PROVISIONS

Research freedom, Sec. 101–115

The bill revises the research on transplantation of fetal tissue provision in the conference report. The bill would require that a researcher obtain tissue from the tissue bank established by the President's executive order. If, after 14 days, the tissue bank has not provided tissue appropriate for the purposes of the transplantation research, then the researcher will be able to obtain tissue from other sources. The effective date of this provision would be May 19, 1993, one year from the date of the President's executive order.

The safeguard provisions that passed the Senate by a vote of 85 to 12 on June 4, 1992 were retained in their entirety. The bill ensures that a woman's decision to donate fetal tissue is separate and independent of her decision to undergo an abortion.

In summary, the bill establishes procedures for the review and approval of research proposals. It prohibits the Secretary from withholding funding, on ethical grounds, for research that has been approved by the merit review system unless the Secretary convenes an ethics advisory board and a majority of such board recommends, on ethical grounds, that such funding be withheld.

The bill authorizes the Secretary to conduct or support research on the transplantation of human fetal tissue for therapeutic purposes, subject to specified review, notice, and consent requirements, as recommended by the 1988 NIH Human Fetal Tissue Transplantation Research Panel and as passed by the Senate. These requirements include, among others, the prohibition of the purchase or sale of human fetal tissue or the directed donation of such tissue and the subjecting of violators to a fine and/or imprisonment.

Clinical Research Equity Regarding Women and Minorities

Women's health research, Sec. 131–141

This provision requires the inclusion of women and minorities as subjects in clinical research conducted or supported by NIH. It provides statutory authority for the Office of Research on Women's Health, already established administratively at NIH, to ensure that research pertaining to women's health is identified and addressed throughout NIH. An Advisory Committee on Research on Women's Health is provided for, as is a data bank and clearinghouse on women's health research.

Minority health research, Sec. 151

This provision provides statutory authority to establish an Office of Research on Minority Health at the NIH. This provision will ensure that research pertaining to minority health issues is identified and addressed throughout NIH.

Scientific integrity, Sec. 161–165

This provision requires the Secretary of Department of Health and Human Services to establish, through rule making, standards and procedures with regard to the handling of cases of alleged misconduct, conflicts of interest, or retaliation against whistleblowers. The provision codifies a process of generating standards in these areas that has been ongoing between Department of Health and Human Services and the university and research communities. It directs the Secretary to establish a definition for scientific misconduct and to respond promptly and appropriately to allegations; to establish standards for the protection of complainants who make allegations in good faith; and to define financial conflicts of interest as well as to establish standards by which institutions may manage, reduce, or eliminate such conflicts of interest.

National Cancer Institute, Sec. 501–503

The legislation authorizes such sums as are necessary for fiscal year 1993–1996. In addition, it authorizes $400 million for research on breast cancer and other gynecologic cancers and $72 million for prostate cancer research. The provision sets aside 10 percent of appropriations for cancer control programs.

National Heart, Lung, and Blood Institute, Sec. 601–603

The legislation authorizes such sums as are necessary for fiscal years 1993–1996 and sets aside 10 percent of appropriations for prevention and control programs.-

The provision expands the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program to include support for intramural training and education and to authorize a new centers program for the study of pediatric cardiovascular diseases.

National Institute on Aging, Sec. 901–904

The legislation authorizes such sums as are necessary for fiscal years 1993–1996. The bill contains a provision for a program of research on the aging of women and a reauthorization of the Alzheimer's disease registry.

National Library of Medicine, Sec. 1501–1532

This legislation authorizes such sums as are necessary for fiscal years 1993–1996 for the National Library of Medicine, Medical Library Assistance Act Programs, the National Center for Biotechnology Information, and the National Information Center on Health Services Research and Health Care Technology.

Research facilities construction, Sec. 1602–1603

The bill establishes an extramural grants program for biomedical and behavioral research facilities construction to be located in the National Center for Research Resources. It authorizes "such sums as may be necessary" for fiscal years 1993–1996. Public and nonprofit research institutions may apply for merit-based, matching grants to expand or renovate existing research facilities or to construct new facilities. Up to 25 percent of appropriated funds may be set aside for the support of Institutions of Emerging Excellence. The bill sets aside $7 million in fiscal years 1993–1996 for renovation of Regional Primate Research Centers.

National Research Service Awards, Sec. 1701

The legislation reauthorizes the NRSA program at such sums as are necessary for fiscal years 1993–1996 and to provide that grants may be made for comprehensive programs to recruit women and individuals from disadvantaged backgrounds into biomedical or behavioral research and research training.

II. OTHER PROVISIONS RETAINED FROM THE CONFERENCE REPORT

TITLE II—PROTECTION OF HEALTH FACILITIES

Protection of health facilities, Sec. 202

Under this provision, it is a violation of Federal law to break and enter into a health facility for the purpose of destroying or altering records, injuring real property, injuring any research animal, or to steal property.

TITLE III—NATIONAL INSTITUTE OF HEALTH IN GENERAL

Health promotion research dissemination, Sec. 301

Ensures that health education, health promotion, and disease prevention materials are adequately disseminated to target audiences, including elementary, secondary, and post-secondary school students. Ensures that health education and health promotion material is in a form easily understood by a majority of the public.

Program to enhance research competitiveness, Sec. 302

Provides for an experimental program to assist institutions in States in which such institutions, relative to those in other States, have historically and collectively had low success rates in obtaining new and competing grant support, in establishing plans to enhance the competitiveness of health-related research proposals.

Children's vaccine initiative, Sec. 303

Establishes a program to develop affordable new and improved vaccines for the prevention of infectious diseases in children.

Plan for use of animals in research, Sec. 304

Requires the Director of NIH prepare a plan to conduct or support research into (1) methods of biomedical research and experimentation that do not require that use of animals; (2) methods of such research and experimentation that reduce the number of animals used in such research; and (3) methods of such research and experimentation that produce less pain and distress in such animals. In addition, this provision encourages the Director to become more actively involved in establishing the validity and reliability of such research methods, in encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and in training scientists in the use of such methods that have been found to be valid and reliable.

Increased participation of women and disadvantaged individuals in research, Sec. 305

Establishes a program to recruit and to provide research training to women and individuals from disadvantaged backgrounds who are underrepresented in biomedical and behavioral research fields.

Requirements for surveys of sexual behavior, Sec. 306

Requires that NIH not conduct or support any survey of human sexual behavior unless—(1) the proposal has undergone peer-review in accordance with sections 491 and 492 of the Public Health Service Act and (2) the Secretary determines that the information expected to be obtained from the survey will assist in reducing the incidence of sexually transmitted diseases, HIV or any other infectious diseases, or improving reproductive health.

Discretionary fund of Director of NIH, Sec. 307

Authorizes "such sums as may be necessary" for a discretionary fund, to allow the Director to respond to new needs, opportunities, or emergencies.

TITLE IV—GENERAL PROVISION FOR NATIONAL RESEARCH INSTITUTES

Authority of Directors of research institutes, Sec. 401

Provides that each of the 13 national research institutes shall receive directly, from the President and the Office of Management and Budget, all funds appropriated by the Congress for obligation and expenditure by the institutes. The effect of this requirement is to codify the Office of Management and Budget's current practice of apportioning NIH funding by institute rather than by contract, grant or other support mechanism.

Osteoporosis, Paget's Disease Research, Sec. 402

Authorizes a program for intensified basic, clinical, and behavioral research on osteoporosis, Paget's disease, and related bone disorders. Establishes an information clearinghouse to facilitate and enhance the understanding of bone disorders by health professionals and the public alike. Authorizes $40 million in fiscal year 1993 and "such sums as may be necessary" for fiscal years 1994 through 1996.

Interagency program for trauma research, Sec. 403

Establishes a comprehensive program of basic, clinical, and behavioral research on trauma. Creates a Trauma Research Interagency Coordinating Committee to establish and implement the program.

TITLE VII—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Nutritional disorders program, Sec. 701

Requires the establishment of a research program at NIH to focus critical research resources upon nutritional disorders and obesity. The primary expansion of research involves the establishment of a new research and training centers program on nutritional disorders and obesity. This program is to be administered by the Director of the National Institute on Diabetes, Digestive and Kidney Diseases in collaboration with the National Cancer Institute and such other institutes as the Director of the National Institutes of Health determines to be appropriate. The new centers program is designed to stress four critical elements: (1) the development of core research activity in areas such as energy metabolism, trace metals, and nutrient availability; (2) the development of models of nutritional care for patients suffering from obesity, low birth weight, AIDS, critical care, cancer, and others; (3) technology transfer to bring needed information on nutrition to health professionals and the public; and (4) the training of personnel for clinical research.

TITLE VIII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASE

Juvenile Arthritis program, Sec. 801

Establishes a multipurpose arthritis and musculoskeletal disease research center program to expand research into the cause, diagnosis, early detection, prevention, control, treatment, and rehabilitations of children suffering from arthritis and musculoskeletal disease.

TITLE X—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Tropical diseases research program, Sec. 1001

Provides that research on tropical diseases be added to the mission statement of NIAID.

Chronic Fatigue Syndrome, Sec. 1002

Authorizes the Director of the National Institute of Allergy and Infectious Diseases (NIAID) to establish centers to conduct basic and clinical research on chronic fatigue syndrome. In addition, this provision establishes an extramural study section to review proposals to conduct research on chronic fatigue syndrome.

TITLE XI—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Research centers on contraception and infertility, Sec. 1101

Creates a program within the National Institute of Child Health and Human Development to support five centers for research and training on contraception and infertility. Authorizes "such sums as may be necessary" for fiscal years 1993–1996.

Loan repayment program, Sec. 1102

A loan repayment program is authorized to repay educational loans of health professionals who agree to conduct research on contraception or infertility.

Program on obstetrics and gynecology, Sec. 1111

Establishes an intramural and clinical research program in obstetrics and gynecology within NICHD.

Research centers on child health, Sec. 1121

The Child Health Research Centers program within the National Institute of Child Health and Human Development, is given statutory authority to support centers for research with respect to child health.

Adolescent health study, Sec. 1131

The Director of the National Institute of Child Health and Human Development will conduct a study on the general health and well-being of adolescents in the United States.

TITLE XII—NATIONAL EYE INSTITUTE

Research centers on diabetic eye care, Sec. 1201

Authorizes the National Eye Institute to establish and support centers for clinical research on diabetic eye care.

TITLE XIII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Research on multiple sclerosis, Sec. 1301

Requires the National Institute of Neurological Disorders and Stroke to expand the level of research committed to better understanding the causes and development of treatments for multiple sclerosis.

TITLE XIV—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Applied toxicological research and testing program, Sec. 1401

Establishes a program of Applied Toxicological Research and Testing within the National Institute of Environmental Health Sciences.

TITLE XVI—OTHER AGENCIES OF THE NIH

National Center for Research Resources, Sec. 1601

Redesignates the Division of Research Resources as a Center.

National Institute of Nursing Research, Sec. 1611

Redesignates the Center for Nursing Research as an Institute.

National Center for Human Genome Research, Sec. 1621

The Center, already established administratively at NIH, is given statutory authority to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes.

TITLE XVII—AWARDS AND TRAINING

AIDS Loan repayment program, Sec. 1711

Reauthorizes the program to repay the educational loan of health professionals who agree to conduct research at NIH with respect to AIDS. Authorizes "such sums as may be necessary" for fiscal years 1993 through 1996.

Other Research loan repayment program, Sec. 1721

Establishes a research repayment program similar to the AIDS loan repayment program in research areas of demonstrated need at the NIH.

Disadvantaged scholarship and loan repayment program, Sec. 1731

Establishes a scholarship and loan repayment program to address the continued underrepresentation of individual from disadvantaged backgrounds pursuing professional careers in the life sciences and in mid-level and senior scientific and administrative positions at NIH.

TITLE XVIII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Miscellaneous provisions, Sec. 1801

Extends the authorization for the Foundation to 1997.

TITLE XIX—AIDS RESEARCH

Expands AIDS program, Sec. 1901

Requires a study of HIV vaccines for therapy and prevention of HIV infection in women, infants and children to assess the safety and effectiveness of these vaccines for the treatment of HIV infection, and for the prevention of the infection in unborn infants of HIV-infected pregnant women.

Requires that the Secretary provide for three studies on drug development and approval, and reimbursement for care provided in clinical trials. Reauthorizes until 1996 the programs that support the development of model protocols for the clinical care of AIDS patients and the efforts to promote international research on AIDS vaccines and treatments.

Directs the NIH's clinical evaluation units to conduct trials of treatments for opportunistic infections and cancers. Requires the Secretary, acting through the NIH Director, to develop and implement a comprehensive plan for AIDS activities and the evaluation of such activities.

Expands the authority of the AIDS Advisory Committee of the National Institute of Allergy and Infectious Diseases (NIAID) to make recommendations on research on opportunistic infections and cancers.

TITLE XX—CENTERS FOR DISEASE CONTROL

Screening and early detection of Prostate Cancer, Sec. 2001

Establishes a prostate cancer prevention program to provide early detection, screening, and prevention services to high-risk and low-income individuals through programs administered by the Centers for Disease Control.

National cancer registry program, Sec. 2002

The Director of the Centers for Disease Control will be responsible for establishing a national system of cancer registries and conduct a study on excess breast cancer mortality rates. Authorizes "such sums as may be necessary" for fiscal years 1993 through 1996.

Traumatic brain injury registry, Sec. 2003

Authorizes "such sums as may be necessary to the Centers for Disease Control to determine the extent and nature of data collection on traumatic brain injury and to establish traumatic brain injury as a reportable condition or disability in disease and injury reporting systems.

TITLE XXI—STUDIES

Report on the twenty leading causes of death, Sec. 2102.

Study on malnutrition in the elderly, Sec. 2103.

Study on behavioral factors in trauma prevention, Sec. 2104.

Study on the consumption of legal and illegal drugs, Sec. 2105.

Research activities on chronic fatigue syndrome, Sec. 2106.

Report on medical defense against biological warfare, Sec. 2107.

Evaluation of employee-transported contaminant releases, Sec. 2108.

Study of personnel at NIH, Sec. 2109.

Develop a streamlined procurement system, Sec. 2110.

TITLE XXII—MISCELLANEOUS PROVISIONS

Designation of Senior Biomedical Research Service in honor of Silvio Conte, Sec. 2201

This section designates the Senior Biomedical Research Service (SBRS) in honor of the late Congressman Silvio Conte, increases the number of scientists that may comprise the SBRS, prohibits reductions in the size of the Regular Corps, Reserve Corps or the Senior Executive Service to offset the number of members serving the Silvio Conte Senior Biomedical Research Service.

Prohibition against SHARP and American Teenage sex surveys, Sec. 2203

Prohibits federal funding of the Sharp and American Teenage.

Biennial report on carcinogens, Sec. 2204

Provides that the annual report on carcinogens be made a biennial report.

Report on sleep disorders research, Sec. 2205

Requires the Secretary to report to Congress with an analysis of the final report of the National Commission on Sleep Disorders Research and a plan for the conduct and support of sleep disorders research.

Master plan for NIH physical infrastructure, Sec. 2206

Requires that within 90 days of enactment of this legislation, the NIH must present a master plan for the replacement or renovation of inadequate buildings and basic and clinical research facilities.●

EXTENSION OF MOST-FAVORED-NATION TRADE STATUS TO THE PRC

● Mr. McCONNELL. Mr. President, yesterday—once again—we debated the merits of conditioning extension of most-favored-nation training status to the People's Republic of China. In case anyone is counting, we've voted on this issue four times since 1991. Yesterday's vote was the third this year. If I didn't know better, Mr. President, I'd think someone around here is trying to make political hay out of the President's China policy. And that's a real mistake, because our diplomatic and economic interests in China are of paramount importance—using them as pawns in an election year is a very dangerous game.

Conditioning MFN for the PRC, no matter how its packaged, is a bad idea. It was a bad idea when we considered it before, and its still a bad idea. The President has announced he will veto this bill, and I applaud that decision.

Let me make clear that this debate is not about whether or not China needs to reform its political and social system. Human rights violations, illegal trade practices, and dangerous arms sales are all serious problems which both the administration and Congress have a responsibility to address. The question before us, Mr. President, is how to best address them.

I believe—and many in Hong Kong and China believe—that MFN is simply the wrong tool with which to address them. President Bush's policy of active engagement with China is, I believe, the right tool.

When you think about it, active engagement is really a very simple concept—even Members of this body should be able to figure it out. By engaging economically with the PRC, the United States supports and promotes continued economic development in China. Economic development undermines central political control, which brings about the social and political reforms we all want to see in China.

For proof that capitalism conquers communism, look no further than Guangdong Province. Guangdong is a bustling, economically liberated, free-market province. If you visit around Canton or Shenzhen and talk to the people, you quickly realize that Beijing is largely irrelevant to the lives of the people there. Even the party leaders in Guangdong believe in the capitalist system. To put it bluntly, everyone is too busy making money to be concerned with party dogma. And you can bet on this: the next thing this new generation of capitalists is going to want is some say in how their Government operates.

Word about the economic success in Guangdong is spreading to the interior. Peasants who leave the rice paddies of interior China to take jobs in the coastal provinces return to their villages with news of opportunity, prompting more people to head for the coast. In fact, controlling the population shifts from the interior provinces to the economically free coastal provinces is a major problem for Beijing.

There promising developments, however, will be quickly snuffed out with a simple congressional withdrawal of MFN. And make no mistake about it, conditioning MFN is tantamount to withdrawing it.

The proponents of this bill claim that because it targets only state-controlled enterprises, economic development in southern China will be unaffected. That's a nice idea, but it simply won't work. Under perfect conditions, distinguishing between state and private sector goods is extremely difficult. Given that China is sure to play a shell game with the origin of its state-produced goods, identifying them would be next to impossible. Even if the distinction could be made, the state-controlled sector's share of the Chinese economy has shrunk to the point that hitting it alone will have little real economic impact.

President Bush's policy of active engagement is having an impact. For example, the PRC ratified the Nuclear Nonproliferation Treaty and has agreed to abide by the Missile Technology Control Regime. Selective use of our trade laws have wrung significant concessions from China on intellectual property rights protection. China also has signed an agreement that prevent the export of falsely labeled goods and products manufactured by prison labor.

Moreover, the administration's policy toward the PRC is anything but laissez-faire. President Bush is poised to hit China with punitive tariffs if current market-access negotiations are not successfully concluded by next month. Under pressure from the administration and the rest of the world community, China is slowly releasing political prisoners and has accounted for others still held.

The administration has endorsed the establishment of a bilateral human rights commission to resolve that important issue and will soon sign by bill, the United States-Hong Kong Policy Act. This bill, vociferously opposed by China, commits the United States to supporting Hong Kong's autonomy after the colony reverts to Chinese control in 1997.

Admittedly, the pace of progress in China is frustratingly slow. The harassment of Washington Post reporter Lena Sun and the sale of nuclear reactor technology to Iran are deeply discouraging signs. And as China's political leadership prepares for the 14th Party Congress this fall, we can expect more such occurrences. We shouldn't forget that in China, like here, 1992 is a political year and the struggle between the conservatives and the reformers is particularly acute this time around.

However, withdrawing or conditioning China's MFN status would only play into the hands of the hard liners—those who want less engagement with the United States and less influence from the West. While it might provide some emotional satisfaction, such a diplomatic blunder would most definitely retard, not speed, the process of reform in China.

I urge President Bush to veto this bill.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, September 16; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators MCCAIN, SEYMOUR, and HATCH recognized for up to 5 minutes each; that at 10 a.m. the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 5677, the Labor-HHS appropriations bill; further, that if cloture is invoked on the motion to proceed to H.R. 5677, there then be 1 hour for debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:05 p.m. recessed until Wednesday, September 16, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 15, 1992:

DEPARTMENT OF JUSTICE

ANNETTE L. KENT, OF HAWAII, TO BE U.S. MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF 4 YEARS. VICE FAITH P. EVANS, RESIGNED.

IN THE ARMY

THE U.S. ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. RICHARD C. ALEXANDER, [redacted]
BRIG. GEN. JAMES A. BARNEY, JR., [redacted]
BRIG. GEN. DONALD W. LYNN, [redacted]
BRIG. GEN. WILLIAM MIRANDA-MARIN, [redacted]
BRIG. GEN. JOSEPH F. PERUGINO, [redacted]

To be brigadier general

COL. CECIL L. DORTEN, [redacted]
COL. TERRY L. HOLDEN, [redacted]
COL. JOHN S. MARTIN, [redacted]
COL. JOHN C. BRIDGES, [redacted]
COL. ROSS S. FORTIER, [redacted]
COL. EDMUND J. GIERING, III, [redacted]
COL. JAMES S. KESSLER, [redacted]
COL. BENTON D. MURDOCK, [redacted]
COL. CECIL L. PEARCE, [redacted]
COL. EDWIN W. SMITH, [redacted]
COL. WALTER J. WHITFIELD, [redacted]
COL. THOMAS C. CARROLL, [redacted]

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

ADESTE F. FUENTES
LAWRENCE J. MUSARRA
THOMAS P. VIETEN
JAMES A. SARTUCCI
JODY B. TURNER
KENNETH J. THORKILDSEN
GERALD A. DEMETRIFF
DANIEL R. MACLEOD
MELISSA A. WALL
RICHARD A. CURRIER
ROBERT M. WILKINS
WILLIAM H. DAUGHDRILL
SCOTT M. POLLOCK
CURTIS A. SPRINGER
ROBERT M. PALATKA
TIMOTHY G. JOBE
CHRISTIAN BROXTERMAN
STEPHEN G. KINNER, JR.
SCOTT C. SCHLEIFFER
RICKEY W. GEORGE
ELMO L. ALEXANDER, II
ROBERT D. CASTLE, JR.
MARK E. LICKERS
WALTER T. HUNNINGS
JOHN J. COOK
MARK A. ROSE
JOHN F. KAPLAN
TIMOTHY M. CLOSE
PAMELA A. RUSSELL
WILLIAM T. DEVEREAUX
STEVEN A. MUNSON
MATTHEW J. GLOMB
DAVID C. ELY
STEPHAN A. BILLIAN
MARK E. BUTT
PETER S. SIMONS
THADDEUS G. SLIWINSKI
GREGORY W. BUIE
STEVEN R. CORPORON
KRISTIN J. ARNOLD
WILLIAM J. REICKS
STEPHEN E. FLYNN
JAMES Y. POYER
VINCE S. SEDWICK
PETER S. MARSH
EUGENE F. CUNNINGHAM
JOSEPH E. MIHELIC
LOUISE A. STEWART
STEVEN E. CARLSON
PAUL H. TINGLEY
SAMUEL R. WATKINS
MICHAEL C. COSENZA
RAYMOND J. PETOW
DANIEL J. MCCLELLAN
ARTHUR C. WALSH
MICHAEL R. KELLEY
JOHN A. WATSON
DAVID A. DURHAM
LEONARD R. RADZIWANOWICZ
MICHAEL N. PARKS
CRAIG A. BENNETT
DOUGLAS G. RUSSELL
THOMAS R. HALE
GEORGE P. HANNIFIN
JAMES L. MCDONALD
KEVIN M. O'DAY
WILLIAM J. DIEHL
TERRY A. BICKHAM
MORRIS B. STEWART
EDMUND H. TUPAY
BRIAN D. KELLEY
THOMAS F. ATKIN
MICHAEL F. FLANAGAN
JOSEPH A. SERVIDIO
JOSEPH P. SEEBALD
EDWARD W. GREINER
MARC L. DEACON
JEFFREY S. HAMMOND
JOHN M. WEBER
CHARLEY L. DIAZ
DAVID A. CULVER
FRED M. MIDGETTE
ROSS E. BRYANT
MARK J. DANDREA
THOMAS R. GREENE
JEFFREY C. GOOD
DREW A. RAMBO
JEFFREY S. GRIFFIN
WILLIAM M. RANDALL
CHARLES A. MATHIEU
EVAN Q. KAHLER
SANDRA L. STOSZ
RICHARD L. ARNOLD
GEORGE P. CUMMINGS
FRED T. WHITE
ANDREW J. BERGHORN
KIMBERLY J. DAISHER
STEPHEN P. METRUCK
VINCENT B. ATKINS
THOMAS S. MORRISON
THOMAS A. ABBATE
ROGER E. DUBUC, JR.
KEVIN S. WELLS
JOHN S. EARLY
ROBERT S. HOLZMAN
MICHAEL E. LEHOCKY
NORMAN S. SELLEY
EDWARD SINCLAIR
MARK A. TORRES
THOMAS S. KUHANECK
DOUGLAS A. BLAKEMORE
DAVID R. CALLAHAN
WILLIAM F. MCMEEKIN
MICHAEL E. SULLIVAN
KARL R. BALDESSARI
LANCE O. BENTON
ROBERT G. MUELLER
KEVIN B. ASBURY
DAVID H. BOYD
GREGORY A. TAYLOR
DENNIS S. OTOSHI
RICHARD L. WHARTON
HAL R. SAVAGE, JR.
RUDY T. HOLM
RANDALL D. JOHNSON
DAVID D. SIMMS
RICHARD G. EHRET
JAY E. MANTHORNE
RONALD R. KAETZEL
GARY R. COLLINS
EDWARD D. ZACHARIAS
PERRY J. COLBURN
DAVID A. FLAGG
STEVEN R. BAUM
LYLE A. RICE
PAUL J. CORMIER
JOSEPH M. HANSON
PAUL D. WALTON
JAMES B. MCPHERSON
SPENCER L. BYRUM
STEPHEN M. WHEELER
JOHN C. OWENS
RICHARD G. BRUNKE
LEONARD L. RITTER, JR.
MICHAEL J. FOLEY
MARK M. CAMPBELL
FRED R. CALL, III
CHRISTOPHER W. DOANE
KEITH D. WARD
MICHAEL A. HAMEL
PAYTON M. COLEMAN
STEVEN C. TAYLOR
JERRY R. WILSON
THOMAS E. ATWOOD
WILLIAM L. KASPAREK
THOMAS G. EDMONDS
JOSEPH J. LISKO
ROBERT F. SALMON
OSCAR L. RAY
JAMES P. GROSSMAN
JOSEPH S. PUNTINO
MICHAEL D. DAWE
LLOYD A. GUTHRIE
TERRENCE M. MURPHY
MICHAEL T. DEBETTENCOURT
FRANK M. REED, JR.
KIMBERLY J. DAVIS
THOMAS M. HEITSTUMAN
MICHAEL E. KENDALL
TROY DEGROOT
MARK F. BOEHM
SHELBY R. KIRK
STEPHEN M. HICKOK
THOMAS H. ENGLISH
ROBERT L. MCALLISTER
CHARLES O. BOLL, JR.
ROBERT L. DESH
DANIEL B. ABEL
RICHARD T. GROMLICH
LINCOLN D. STROH
MATTHEW E. CUTTS
KETH G. CURRAN
KEITH A. TAYLOR
JAMES W. SEEMAN
MARK R. HIGGINS
FREDERICK W. TUCHER
KRISTY L. PLOURDE
ROBERT V. FOGEL
RICHARD D. BELISLE
MAURA S. VASSAR
DAVID H. GORDNER
PAUL E. WEIDENHOEFT
JOHN C. O'DELL
WILLIAM H. TIMBS, JR.
KARL L. SCHULTZ
BRUCE L. TONEY
TERRY A. BOYD
EDWIN B. THIEDEMAN
KENNETH K. MOORE
THOMAS C. HICKMAN
MATHEW D. BLIVEN
SCOTT BURLINGAME
TODD GENTILE
VINCENT WILCZYNSKI
RICHARD K. MURPHY
KIRK E. HILES
EUGENE GRAY
JOHN J. JENNINGS
BRIAN K. WRIGHT
ROBERT M. PYLE
THOMAS D. WADE
KEVIN H. MILLER
GILBERT E. TEAL
RICHARD H. SCHLATTER, JR.
JAMES E. RENDON
JOHN P. PHILBIN
KARL H. CALVO
TERRY D. GILBREATH
ROBERT M. DIEHL
RODERICK L. SMITH
SHELDON B. BLUE
LIAM J. SLEIN
JOHN J. MACALUSO
SCOTT P. LAROCHELLE
MICHEAL A. TEKESKY
PATRICK H. KNOWLES
THOMAS M. CULLEN
GERALD R. DOSTIE
JAMES A. SWEET
NICHOLAS J. STAGLIANO
ROBERT F. FINLEY
JOHN L. STURTZ
DAVID J. SWATLAND
BRIAN J. MARVIN
SARAH J. DRUPA
JOSEPH C. SINNETT
JAMES B. ROBBINS
KENNETH D. NORRIS
MICHAEL J. BACA
PAUL J. RODEN
ERIC D. HULTMARK
PAUL L. HUMPHREYS
MARK L. PORVAZNIK
MICHAEL F. LEONARD
CHARLES JAGER
JAMES J. O'CONNOR
PAUL A. STEWARD
JAMES B. KIDWELL
ERIC J. MOSHER
JACQUELINE A. STAGLIANO
MARY K. JAGER
PETER J. BERGERON
BRYAN J. SEALE
PETER J. ZOHORSKY
PAUL F. GUINEE
DOUGLAS J. SMITH
ANTHONY J. PALAZZETTI
THOMAS J. VITULLO
EDWARD P. NAGLE
SCOTT W. ROBERT
CHARLES V. STRANGFELD
STEVEN L. HUDSON
ALAN M. MARSILIO

STEVEN L. KOSKA
LISA R. TAMBLINGSONRICE
JENNIFER E. LAY
EDWARD P. SEEBALD
CHRISTOPHER E. ROBERTS
ORLANDO A. ARENAS
GREGG R. FONDACABE
ROBERT S. WALTERS
CHARLES R. DUDLEY
JEFFREY S. LEE
KINGSLEY J. KLOSSON
LAWRENCE E. CORNWELL
STEVEN J. O'MALLEY
MARK J. FALLER

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADE OF LIEUTENANT:

MARK E. MARRO
CHRISTOPHER N. HOGAN
ROBERT R. DUBOIS
COSMIN THEODORE
SEAN A. MCBREARTY
ERIC P. CHRISTENSEN
LOUIS M. MAGYAR
WALTER A. WESTIN
JAMES D. JENKINS, IV
WILLIAM J. BOEH
MARC P. LEBEAU
KRISTIN A. WILLIAMS

HOUSE OF REPRESENTATIVES—*Tuesday, September 15, 1992*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O God, that Your word to us tells of the way life should be and points us in the direction of justice and truth. Yet we acknowledge, gracious God, that we are responsible not only to hear the words of righteousness and see the vision of the way ahead, but also to use our hands and hearts and minds in doing the good works of justice. We pray for the strength and the courage and the wisdom to use our abilities in ways that benefit people and bind all together in the spirit of respect and in the bonds of peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. JACOBS] to lead us in the Pledge of Allegiance.

Mr. JACOBS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5318. An act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes; and

H.R. 5334. An act to amend and extend certain laws relating to housing and community development, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5334) "An act to amend and extend certain laws relating to housing and community development, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. CRANSTON, Mr. SARBANES, Mr. D'AMATO, and Mr. BOND, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2099. An act to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 323) entitled "An act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes."

PRIVATE CALENDAR

The SPEAKER. Today is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

POSTPONING CONSIDERATION OF CERTAIN BILLS

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that H.R. 760, Calendar No. 12; H.R. 1100, Calendar No. 14; H.R. 1123, Calendar No. 16; H.R. 1280, Calendar No. 17; and H.R. 2345, Calendar No. 32, be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOUCHER. Mr. Speaker, pursuant to a request by the Committee on Merchant Marine and Fisheries, I ask unanimous consent that Private Calendar Nos. 35 through 53 be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The Clerk will call the next bill on the Calendar.

ROLLINS H. MAYER

The Clerk called the bill (H.R. 4069) for the relief of Rollins H. Mayer.

There being no objection, the Clerk read the bill as follows:

H.R. 4069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF ROLLINS H. MAYER FOR FUTURE RETIRED PAY.

(a) IN GENERAL.—For purposes of section 1331(c) of title 10, United States Code, the service of Colonel Rollins H. Mayer, United States Air Force Reserve, retired, as a uniformed operations analyst with the 11th Army Air Force in the Asiatic Pacific theater combat zone from January 15, 1945, to September 29, 1945, shall be considered the performance of active duty. Rollins H. Mayer shall be entitled, upon application, to retired pay under chapter 67 of such title if he otherwise meets the requirements in section 1331 of such title.

(b) COMPUTATION OF RETIRED PAY.—Any retired pay to which Colonel Rollins H. Mayer is entitled by reason of this section shall be determined as if the section had been in effect on the date that Colonel Rollins H. Mayer became sixty years of age.

(c) APPLICABILITY.—This section shall apply to retired pay payable for any month beginning more than thirty days after the date of any determination by the Secretary of the Air Force that Colonel Rollins H. Mayer is entitled to retired pay by reason of this section.

SEC. 2. LUMP SUM PAYMENT OF ACCRUED RETIRED PAY.

(a) IN GENERAL.—If the Secretary of the Air Force determines that Colonel Rollins H. Mayer is entitled to retired pay by reason of section 1, the Secretary of the Treasury shall make a lump sum payment to Colonel Rollins H. Mayer out of the Department of Defense Military Retirement Fund. Such payment shall be in an amount equal to the total amount of accrued retired pay to which Colonel Rollins H. Mayer would have been entitled if section 1 applied to the period beginning on the date that Colonel Rollins H. Mayer became sixty years of age and ending on the last day of the month that precedes the first month to which section 1 applies, plus interest.

(b) LIMITATION OF AGENTS AND ATTORNEYS FEES.—It shall be unlawful for an amount that exceeds 10 percent of the amount described in subsection (a) to be paid to or received by any agent or attorney for any service rendered in connection with the benefits provided by this Act. Any person who violates this subsection shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

With the following committee amendment in the nature of a substitute:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. DETERMINATION OF RETIRED PAY.

The Secretary of the Air Force shall determine the total amount, if any, of retired pay under chapter 67 of title 10, United States Code, to which the late Colonel Rollins H. Mayer, United States Air Force Reserve, retired, would have been entitled for the period beginning on the date that he became 60 years of age and ending on the date of his death if—

(1) he had submitted an application for retired pay under section 1331 of such title to

the Secretary of the Air Force on the date on which he completed the requirement of section 1331(a)(2) of such title; and

(2) his service as a uniformed operations analyst with the 11th Army Air Force in the Asiatic-Pacific theater combat zone from January 15, 1945, to September 29, 1945, had been considered at the time of such application to be the performance of active duty for purposes of section 1331(c) of such title.

SEC. 2. PAYMENT OF CLAIM.

The Secretary of the Treasury shall pay to Sylvia N. Mayer, the widow of Colonel Rollins H. Mayer, out of the Department of Defense Military Retirement Fund, the amount, if any, determined under section 1.

SEC. 3. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount that exceeds 10 percent of the amount referred to in section 2 to be paid to or received by any agent or attorney for any service rendered in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. SENSENBRENNER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment to the committee amendment in the nature of a substitute offered by Mr. SENSENBRENNER: Page 4, strike lines 3 through 8 and insert the following:

(2) his service as a member of the Naval Reserve from September 1925 to June 1928 had been disregarded for purposes of section 1331(c) of such title.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the amendment to the committee amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The amendment to the committee amendment in the nature of a substitute was agreed to.

The SPEAKER. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of Sylvia N. Mayer."

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will call the next bill on the Private Calendar.

TERRILL W. RAMSEY

The Clerk called the bill (H.R. 5265) for the relief of Terrill W. Ramsey.

There being no objection, the Clerk read the bill as follows:

H.R. 5265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT OF RELOCATION EXPENSES FOR TERRILL W. RAMSEY.

For the purposes of permitting relocation expenses authorized by sections 5724 and 5724a of title 5, United States Code, incident to travel performed from Richmond, Virginia, to the District of Columbia in April 1991, Terrill W. Ramsey is deemed to be an employee transferred in the interest of the Federal Government by the United States Department of Education from one official station to another for permanent duty without a break in service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BEAR CLAW TRIBE, INCORPORATED

The Clerk read the resolution (H. Res. 492) referring the bill (H.R. 5426) for the relief of Bear Claw Tribe, Incorporated, to the chief judge of the U.S. Claims Court.

There being no objection, the Clerk read the resolution as follows:

H. RES. 492

Resolved, That the bill (H.R. 5426) entitled "A bill for the relief of Bear Claw Tribe, Incorporated", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the United States Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with section 2509 of such title.

With the following committee amendment: Page 1, line 1, strike "(H.R. 5426)" and insert "(H.R. 5784)."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution referring the bill (H.R. 5784) for the relief of Bear Claw Tribe, Incorporated, to the chief judge of the United States Claims Court.".

A motion to reconsider was laid on the table.

POLITICAL CAMPAIGNING REGARDING CLINTON DRAFT RECORD DISTASTEFUL

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, in the primaries of 1960 John F. Kennedy was campaigning in West Virginia. Some workmen along the road shouted at him, "Kennedy, I heard you never worked a day in your life." While Senator Kennedy was trying to think of some response, the workmen added, "You haven't missed a thing."

I think it is accurate to say that in 1988, when practically everybody across the country was dumping on our Vice President, a Member of the other body than mine, I was one of the comparatively few who stood up for him. I like him very much. When they complained about his not serving in the Vietnam war I stood up for him because it was a very controversial war.

Now, here they go again. This time it is Mr. Clinton, and I think the taste is just as bad.

It was a very controversial war and there was a lot of soul searching. Some people went to Canada and some did not. The ones that did not and complied with the law are patriots, whether they were in college or however else they spent their time during the Vietnam war.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 520

Mr. GOSS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 520.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CLINTON CHANGING STORY ON DRAFT DODGING

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, I came of military age during the first part of the Vietnam war. I was not drafted, I volunteered, and I am proud to have served in the U.S. Air Force. Many of my friends and contemporaries did not serve on active duty, and there is nothing wrong with that. Some joined the Reserve and the National Guard, and many others received deferments or were married, which made them exempt from the draft. But no one that I knew of, no one, dodged the draft by the kind of maneuvering, manipulation, and plain deception of that used by Bill Clinton.

The issue is not whether Bill Clinton served, but the shabby way he used to dodge the draft and his lack of candor in trying to cover it up.

Bill Clinton says he is for change. The only change I have seen is the way he changes his story every time new information comes up about how he dodged the draft to let someone else serve in his place.

BUSH DODGING DEBATE

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, George Bush has become the ultimate debate dodger, and surprise, nobody is surprised. Saddled with a record he cannot defend and a program he cannot justify, it is little wonder that he is trying to squirm out of having an honest, direct debate with Bill Clinton.

The latest reason he does not want to debate is his old economic plan he tried to repackage last week in Detroit. Once again, the President has fashioned a plan that would give huge tax breaks to the super-rich while raising middle class taxes and cutting middle class benefits.

If enacted, Bush's economic plan would give a $100,000 tax break to those who earn over $1 million and a $14,000 tax break to those who earn over $200,000. However, if your family earns about $40,000 a year, Bush's plan would give you less than $5 per week.

And how does Bush plan to pay for this millionaire giveaway? He wants to slash Medicare, slash benefits for disabled veterans, and charge students another $2,100 when they repay their student loans.

That is the choice President Bush has given the American people. It is Medicare versus millionaires. No wonder he is dodging this debate.

□ 1210

THE PRESIDENTIAL DEBATES

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I regret the kind of remarks we just heard from the last speaker.

Mr. Speaker, for months, while the President's job rating was sinking like a lead weight, he kept telling us, "Just wait until I get into my campaign mode. Then you're going to see a political fighter."

Well, now it appears he was not really all that anxious. The Presidential Commission on Debates recommends three debates with a moderator. Immediately the President rejected and Mr. Clinton accepted. Now his handlers are trying to find ways to avoid having the President debate at all.

For months the President has been dodging tough questions about his record. Now he is spending his time dodging debates.

Oh, he is a fighter all right. He goes to those flag factories. He stops down at every airport and drops off $100 million worth of pork.

In fact, yesterday he went one-on-one at a lumber camp with a spotted owl. He is a fighter all right, but do my colleagues know what the American people would like? They would like Mr. Bush and Mr. Clinton to come with no notes, no handlers, no research to a no-holds-barred debate about their hopes for the future of this country. That is what the American people want for a Presidential campaign. Will someone please tell the President about that?

INTRODUCTION OF WORKPLACE EDUCATION ACT OF 1992

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I am introducing the Workplace Education Act of 1992 to bridge the critical gap that now exists between businesses and institutions which provide employee education and high skills training.

The Workplace Education Act follows the model of the well-respected Cooperative Extension Service which was set up to address productivity in the agricultural sector through a network of local county agents. This low-cost, highly effective program works with farmers to address their particular needs.

The analogies between Cooperative Extension and workplace education in small firms are obvious. Most farmers are small businessmen, and most small businessmen are strong individualists. They want to be involved in customizing workplace education programs.

My legislation would create a similar system of work force agents. The work force specialists, much like the extension officers, would serve as points of contact, brokers of information, and providers of technical assistance.

No new money is required because this bill would redirect money currently allocated to the noneconomically disadvantaged adults served by the job training partnership into a system of grants. Grants would be provided to States for businesses willing to reeducate or train their workers.

This legislation is based on "The Missing Link," written by the Southport Institute for Policy Analysis, and will help to meet our national need for worker education and high skill training in a responsible manner. Finally, businesses will be encouraged, not punished, for their efforts to improve their productivity by further educating their work force.

GEORGE BUSH DUCKING PRESIDENTIAL DEBATES

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, why won't George Bush debate?

The American people are trying to decide who they want to lead us into the 21st century. They deserve to see the two candidates, head-to-head, on the same stage.

The Commission on Presidential Debates—the bipartisan Commission on Presidential Debates—has made a modest proposal that makes sense. Three 90-minute debates, one moderator, no panel of journalists. Governor Clinton has stated he's more than willing to debate on those terms.

But President Bush's minions are bobbing and weaving, trying to force the same overly structured, formal debate format—with a panel of journalists and specific times for answers and rebuttals—used in previous elections. Almost everyone agrees this format does not serve the public well, and it ought to be junked.

Why is George Bush afraid to meet Bill Clinton one-on-one, without a shield of journalists? Is he worried that Governor Clinton might smoke out the abysmal economic record of this administration? Is he worried that he might be asked why we should just trust him when his stock in trade is misrepresentation of his opponents' record?

Is he worried that Governor Clinton will ask him what programs he will cut to finance his proposed tax cut?

Mr. Speaker, George Bush has apparently decided he can win this election, not by providing a vision of what he wants to do, but by belittling the vision of his opponent. He flies from campaign stop to campaign stop in his taxpayer-financed jet, criticizing the Democratic ticket and glossing over his 4 years of abject failure to take care of America's business and Americans' jobs?

The American people deserve better. They deserve to see George Bush and Bill Clinton on the same stage, without buffers—to see who can offer the best prescription for our sick economy.

I know already—and so do many Americans—the answer to that question. Perhaps George Bush is afraid that, after he debates Bill Clinton, many others will, too.

WE'VE TRIED THEIR WAY; IT DOESN'T WORK

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the urban liberals say they have the right answers to fight crime. For years this country tried their way—and it doesn't work. Urban crime is everywhere—in the cities, in the countryside, in the quiet suburban communities, in our homes, even in our cars. Many Americans are terrified—and understandably so. We read of one violent crime more horrible than the next—now we are stunned and outraged that a young mother, whose infant was tossed from her car during a carjacking, was dragged for 2 miles alongside the car to a grisly death. No place seems safe—and that is because crime in this country still pays. This week's New York Times talks of young criminals who say prison is not so bad, and who are worshipped by the next generation of criminals as cool and heroic because they served time. President Bush has urged this Congress to abandon its liberal attitude and pass tough anticrime legislation. The death penalty, tighter evidentiary rules, reform of the habeas corpus rules—these are reforms we urgently need. We've tried the liberal way—it doesn't work. How many more people have to die?

PRESIDENTIAL DEBATES IN JEOPARDY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I first want to extend my condolences to Sonny Hoover Weiss, the widow of our colleague, Ted Weiss, who unfortunately passed away this past week. Ted was a classmate of mine, a great American, an outstanding Member of Congress, somebody that both sides of the aisle, liberals and conservatives, all will miss very, very much indeed.

Mr. Speaker, this week President Bush may have jeopardized the Presidential debates by refusing to face Governor Clinton in a head-to-head discussion of the issues. It is unbelievable that the President of the greatest and strongest Nation in the world is putting up roadblocks to debating the issues in this Presidential election.

The issues people care about this year relate to the economy and jobs. People want to know if they face a future of economic hope or decline. They want to know what the two candidates are going to do to move us toward prosperity. They are entitled to a direct debate on those issues. They are entitled to a direct debate on what the candidates are going to do about jobs, the economy and budget deficit.

Governor Clinton has taken the high road. He has accepted the direct debate format and is eager to attend. But Mr. Bush has not. Is he afraid? Is he not competent?

I think it is time to stop playing games with these debates and get on with them.

THE PEACE DIVIDEND

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, now that the cold war is over, there has been much talk in this Chamber about a so-called peace dividend.

I want to discuss a peace dividend of a different sort, a peace dividend that has cost the jobs of 1 million American workers.

I asked the General Accounting Office earlier this year to analyze the economic impact of defense spending reductions since 1985. That report is out today, Mr. Speaker.

The GAO found that from 1985, when defense spending will total $320 billion, until fiscal year 1993, when defense spending will total $278 billion, 1 million Americans employed in the military and in defense-related industries lost their jobs.

A reduction of just $40 billion has led to tremendous job loss and economic devastation around the country.

There are some Members of this Chamber and one candidate running for the Presidency who would slash the defense budget by an additional $40, $80, or $100 billion. I would ask them: How many more jobs would they sacrifice to get their much-believed peace dividend?

THE PRESIDENT'S LATEST ECONOMIC PLAN

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, President George Bush has said "I'll do anything to get reelected." Last week, he kept his word and announced a warmed-over economic plan that is designed primarily to divert the American people's attention from 12 years of voodoo economics and bad policy.

While he is busy flip-flopping on everything from taxes to farm subsidies, George Bush refuses to specify how he will pay for all of the election year goodies he has recently proposed.

How will he pay for his $1 billion expansion of agricultural export enhancement programs?

How will he pay for his precious cut in the capital gains tax that will cost $15.4 billion?

How will he pay for his proposed across-the-board tax cut?

This dangerous election year pandering will only add to our crippling $4 trillion Federal debt without addressing the serious problems that threaten our Nation's future.

Mr. Speaker, we are tired of reading George Bush's lips. We need an honest plan that will promote economic growth and put Americans back to work.

THE PRESIDENT IS RIGHT—THE ENDANGERED SPECIES ACT NEEDS BALANCE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, people are as important as birds and plants. Unfortunately, the Endangered Species Act does not take this into account, and Americans are losing their jobs by the thousands as a result.

Some of us have been demanding changes in the Endangered Species Act to give it more balance and to give greater weight to the employment effects of efforts to protect plants and animals. Yesterday President Bush joined our effort, saying he will not sign an extension of the Endangered Species Act unless it gives greater consideration to communities whose livelihoods depend on natural resources.

This is good news. We can protect the environment and jobs as well if we seek a balance in the process.

Bill Clinton says he wants to put people first, but he is not doing it. Senator GORE seems to put people last. Only President Bush really is putting people first.

□ 1220

APPOINTMENT OF CONFEREES ON H.R. 5488, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1993

Mr. HOYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will report the motion.

The Clerk read as follows:

Mr. WOLF moves that the managers on the part of the House on the conference of the disagreeing votes of the two Houses on the bill, H.R. 5488, be instructed to insist on the

House position on the amendment of the Senate numbered 154.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WOLF] is recognized for 30 minutes.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move that the House instruct its conferees to insist on the House language in H.R. 5488 to increase penalties for anyone who knowingly transports goods made wholly or in part by convicts or prisoners from $1,000 to $50,000 and increase imprisonment time from 1 year to 2 years.

Section 307 of the Tariff Act of 1930, 18 U.S.C. 1307, clearly states that any good mined, produced, or manufactured by convict, forced or indentured labor is forbidden from import into the United States. The Customs Service is responsible for determining if any imports are produced in such a manner and can forbid their entry into the United States.

Mr. Speaker, it is time to update the law; $1,000 is pocket change for companies which bring in boatloads of goods made in labor camps. This amendment would increase the penalties to $50,000 or 2 years in jail, thus making the crime a felony. Businesses which knowingly transport prison-made goods will take notice of these penalties, and will start to ask the simple question—were those goods made in forced labor camps?

It is time to get tough on firms that are not only breaking U.S. trade law, but are committing a moral crime. I think this amendment is a start and I urge my colleagues to join me in supporting it.

Mr. Speaker, it is an open secret that political prisoners are being kept away in forced labor camps in the People's Republic of China, producing goods for the international marketplace. I have expressed my concern about this topic on this floor several times. During a trip to China last year I visited Beijing Prison No. 1 where 40 prodemocracy demonstrators, arrested after the Tiananmen protests, were and are still imprisoned. While there I picked up some socks made by the prisoners—clearly socks aimed at a western market.

Many may have seen the "60 Minutes" show last year in which Harry Wu, a Chinese citizen risking his life by returning to China, and Ed Bradley exposed the ongoing human rights violations by Chinese officials in forced labor camps. Human rights groups estimate that the population of the camps is between 12 million to 16 million people, including hundreds of thousands of political prisoners.

No one knows the exact size of the Chinese prison export system but, according to experts, 50 percent of all prison goods are going overseas. They are shipping machinery, textiles, and agricultural goods—tucked away in China's burgeoning flow of exported goods. The People's Republic of China had about $60 billion in export last year, and our trade deficit with China is between $12 billion and $13 billion.

It is not easy to determine if the goods entering U.S. markets are actually made with prison labor. Credit should be given to the U.S. Customs Service for their recent investigations and for their actions enforcing the ban on importing products made with slave labor. But even the most tenacious investigator would be thrown off track by the tangled web of Asian middlemen usually based in Hong Kong, the nucleus of China's export business.

Imagine a labor force of 12 to 16 million, paid nothing, given minimal food and shelter; some prisoners are even beaten and whipped if they do not meet quotas. American companies should not have to compete against this sort of trade practice. And the fact is, this business is getting bigger and bolder. Of more importance, tacit acceptance only encourages and promotes this enormous violation of human rights.

When will the international community, led by the United States, which does far and away the most business with China, call a halt to China's gulag economy? We have heard about United States firms, and the Customs Service has identified many of them, that have hand-in-glove relationships with the Chinese labor camps. These relationships only serve to tighten the chains around the feet of men and women, young and old, who courageously took to the streets in 1989 to express their political convictions, an internationally recognized human right. You remember the pictures, the solitary man in front of the line of tanks, chanting students crowding into Tiananmen Square, only to be gunned down and then imprisoned.

As pointed out in Business Week recently, how can we morally accept and trade comfortably with a country that exploits a vast gulag labor supply, hundreds of thousands of which are prisoners of conscience?

I, therefore, offer this motion to instruct House conferees to insist on House language in the Treasury bill which amends title 18 of the United States Code by increasing penalties from $1,000 to $50,000 and 1 year to 2 years for anyone who knowingly imports any prison-made goods.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, we have no objection to the motion offered by the gentleman from Virginia, and we will support its implementation.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia [Mr. WOLF].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. ROYBAL, Mr. HOYER, Ms. PELOSI, and Messrs. COLEMAN of Texas, SKAGGS, VISCLOSKY, WHITTEN, WOLF, LIGHTFOOT, ROGERS, and MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5679, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1993

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

The Chair hears none, and without objection, appoints the following conferees: Messrs. TRAXLER, STOKES, MOLLOHAN, CHAPMAN, and ATKINS, Ms. KAPTUR, and Messrs. WHITTEN, GREEN of New York, COUGHLIN, LOWERY of California, and MCDADE.

There was no objection.

SUPPORT THE TOURISM REAUTHORIZATION ACT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

IN MEMORY OF THE HONORABLE TED WEISS

Mr. THOMAS of Wyoming. Mr. Speaker, I want to talk a little bit about tourism, but before I do, I, too, want to recognize the passing of our colleague, the gentleman from New York, Ted Weiss.

I am the ranking Republican on the subcommittee which Mr. Weiss chaired during this past 2 years. I want to tell the Members that I do not know of anyone in this House who has been more dedicated to the proposition of supporting the things that he thought were right for his people and for the people of this country. We will miss Ted Weiss very much.

Mr. Speaker, I am pleased to see the Tourism Reauthorization Act finally come to the floor. As the Members know, the House passed similar legislation last November, and it is time this bill moves forward.

Tourism continues to be a key industry for the State of Wyoming. It's crucial to many local economies and will be a vital part of my State's future. As a member of the House tourism caucus, I am committed to enacting the necessary steps that foster continued growth of the tourism industry, especially to rural areas of this country.

Statistics show that more and more people are traveling to regional attractions nearby, such as, in the West, Yellowstone Park. S. 680 recognizes this trend with its establishment of a Rural Tourism Development Foundation to develop and promote rural tourism.

Mr. Speaker, again, I express my support and praise the approach of this bill.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

TIME TO PUT AMERICA FIRST

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I rise in support of the administration's request to sell 72 F-15 fighter aircraft to our allies in Saudi Arabia.

Although this sale will affect my district. I held off on endorsing it because I felt it important to ensure it was compatible with Middle East peace.

Having seen it, I believe it is, and believe it would be economically irresponsible for America not to take advantage of this opportunity to ensure thousands of jobs.

Two issues are important. Will the jobs and profits be taken elsewhere if we stop the sale, and will it harm Israel?

The answers are also simple. Saudi Arabia will take the sale elsewhere, and take the jobs to Britain or France if we do not agree.

To my colleagues who are concerned about Israel, as we go through this process, I would caution them to let Israel speak for Israel. Do not let others speak for her. If Israel says no, then I would understand.

Mr. Speaker, America needs this sale. To those who say "Put America first," it is time to show they really mean it.

□ 1230

MEXICO FREE-TRADE AGREEMENT BAD FOR AMERICAN JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President has called the free-trade agreement with Mexico our savior. Mr. Speaker, if this trade agreement is our savior, I say get ready, strap on your seatbelts because the Four Horsemen are soon to be visiting America.

Let us look at the record. Since 1983 trade has doubled, but the paychecks of American workers have shrunk 20 percent.

If this trade agreement is passed, Ohio alone is predicted to lose over 60,000 jobs in the first 18 months.

Mr. Speaker, I say it is time for both Mr. Clinton and Mr. Bush to stop walking, talking, and acting like Harry Truman—Harry Truman is dead—but to look us in the eye in a face-to-face debate, and tell the American people what they will do as President, so we can make a decision where our country may go in the future. We are in trouble.

DISCOURTEOUS ACTIONS TOWARD PRESIDENTIAL CANDIDATES

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, on Sunday the President of the United States, George Bush, visited Orange County. Along with President Bush, former President Reagan attended a rally, a political rally held by Republicans. In the middle of that rally, 150 or so demonstrators waving proabortion signs and chanting Clinton slogans decided to disrupt the right of assembly and the right of speech of those Republicans so gathered.

Someone decided that he would work his way to the front of the podium and proceeded to give the finger to the President of the United States. The demonstrators chanted "— George," to the President of the United States.

Is this the type of disgraceful activity that is coming out of the Clinton campaign? I do not think so. I think it is simply discourtesy. But let us decide right now as this campaign proceeds that we will not put up with this type of discourtesy from anyone, whether those people are supporting George Bush or supporting Mr. Clinton. And I would hope that those people are listening to this and are ashamed of what they did.

DUCKING DEBATES BY ALLEGING CLINTON DODGED DRAFT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, President George Bush's administration and his reelection campaign are riddled with people who avoided service in Vietnam or avoided military service altogether—for example, Vice President DAN QUAYLE, Secretary of Defense Dick Cheney, campaign official Charles Black, and leading campaign bullhorns such as Senator PHIL GRAMM and Patrick Buchanan.

I note with some irony that George Bush was a Member of the House in 1967 when the Congress extended the draft law that provided those student and other determents that largely benefited the children of middle-class and affluent families—which is to say, the children of Members of Congress. Indeed, I doubt if the number of children of Members of Congress who served in Vietnam would be sufficient to complete one-single platoon.

Representative Otis Pike offered an amendment to eliminate student deferments, but it was defeated by an unrecorded vote. Several Members, including Representative Frank Evans, spoke against the inequity of deferring college students while others died in Vietnam.

Then-Representative George Bush was absent on May 27, 1967, the day the House debated and passed the draft law extension, 362 to 9. Several weeks later, when the House approved the draft law conference report, 377 to 29, Representative Bush voted yea.

The law not only extended the unfair student deferment program, it expressly prohibited the President from instituting a random selection program. Former Assistant Attorney General Burke Marshall, who chaired Lyndon Johnson's draft advisory commission, said that the bill "made the system worse than it was before."

Twenty-five years later, President George Bush is attacking someone who took advantage of a draft law Representative George Bush helped pass. Go figure.

SALE OF F-15'S TO SAUDI ARABIA

(Mr. BERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, last Friday President Bush announced a plan to sell 72 advanced F-15 warplanes to Saudi Arabia, a sale that will trigger a major escalation of the Middle East arms race. This is the same President Bush who just last year proclaimed his support for multinational efforts to limit arms sales to the Middle East. This is from the same administration whose Secretary of State told the House Foreign Affairs Committee during the height of the gulf war:

> The time has come to try to change the destructive pattern of military competition and proliferation in the Middle East and to reduce the arms flow into an area that is already over-militarized.

However, Mr. Baker's statement turns out to be just another policy disregarded by a President who says that he will do anything to win reelection. It is a sad commentary that the administration's idea of a job program is selling some of our most advanced and dangerous weapons to anyone who is prepared to pay cash up front.

Has the President announced a policy to deal with the obvious fact that the massive defense spending that fueled our past prosperity is gone for good? By continuing our business-as-usual policy of selling weapons to the Middle East, we undermine our moral authority to persuade other countries to stop dangerous arms transfers.

How can we tell the cash-strapped nations of Russia and China to restrain their sales when we ourselves continue to push weapons and vigorously pursue new markets? And how can we expect Britain and France to work with us in building a responsible arms supplier regime if we proceed with unrestrained sales?

It is my intention, Mr. Speaker, together with a number of my colleagues, to introduce a resolution to disapprove this sale. I am under no illusions about our likelihood of success. However, I think it is important that we send a message that we must stop fueling the arms spiral. If we do not, then one day we will have to face the responsibility of being the world's premier arms pusher, and the terrible consequences that will flow from that fact.

SALE OF F-15'S TO SAUDI ARABIA SHOULD BE STOPPED

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in May 1991, I was very excited because the President announced a policy to restrain arms sales to the Middle East in order not to further destabilize that region. As we remember, back in May 1991, we had just emerged from the gulf war.

However, just this week the President has given formal notice that he proposes to sell 72 F-15 airplanes to Saudi Arabia, jet fighter planes, weapons of war. It is business as usual, unfortunately, the arms business as usual, not the business of peace, but the business of war.

I am a proud cosponsor of a resolution just discussed a moment ago by my friend from California, Mr. BERMAN, who along with others will drop this resolution today in seeking to disapprove this arms sale in an effort to try to promote peace, not war in the Middle East. I think we have an opportunity at this juncture when the Warsaw Pact is dissolved, and when we have a new type of thinking in the world, to actually achieve peace. I believe that this weapons sale would not serve that end, and it ought to be disapproved.

DODGING THE PRESIDENTIAL DEBATE

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, in Michigan "dodge" is a word with both a good and a bad meaning. We are very proud of Dodge motor vehicles. But when the word "dodge" means to duck, many, many in Michigan object.

The Presidential debate has been tentatively scheduled for next Tuesday in East Lansing, MI, under terms set by the bipartisan commission. But President Bush is ducking it. He says he wants to debate, but only if he can do so the way he did 4 years ago.

But this election is about the future, not the past. The President should come to Michigan next Tuesday. He should trust the American people to decide whom they trust to take us into the future.

OPENING OF SOCIAL SECURITY LIAISON OFFICE

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, today I have sent to Members a letter informing them of the opening of the new Social Security Administration liaison office in the House of Representatives. I was pleased to be involved in the establishment of the office. Special thanks should go to Social Security Subcommittee Chairman ANDY JACOBS—who was instrumental in assuring the opening of the office—and to the leadership for making space available for this office.

This office will assist Members and their staffs in resolving constituent problems—such as lost benefit checks and inquiries about benefit eligibility and delays in disability benefits. Because the office is equipped with a computer linked directly to Social Security's main data banks, the office can also take applications for Social Security numbers, make name or address changes, and allow individuals to check their earnings records.

The office is located in the Rayburn Building on level G3—just around the corner from the subway to the Capitol.

I believe this new office will provide a significant improvement in services to Members and their constituents.

TRIBUTE TO LATE HONORABLE TED WEISS

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, I rise to pay tribute to a colleague from the Committee on Government Operations on which I serve, a man of conviction who always pursued the best interests of the country as he saw them.

All of us, Republicans and Democrats, should mourn the passing of our colleague, Ted Weiss, because he represented something so unique in politics these days. He was a man uncompromisingly committed to his principles. Whatever one might say about his ideology—and it was very different from my own—Ted Weiss always concerned himself with the health, the safety, and the constitutional rights of every American. He was extraordinarily liberal, even Socialist on some matters, but that did not prevent us on many occasions, for example dealing with human rights, from coming to common cause with respect to, say, the Communist government in Beijing.

Mr. Speaker, I learned as a student and a faculty member at Harvard University, home to so many political liberals, that there is no correlation between intelligence and good political judgment. So I can admire Ted Weiss' intelligence, his hard work, and his commitment to principle.

The state and the stock of politicians has fallen very low these days, but there are among us men and women who are committed to their better vision of America.

And as radically different as his path was to that goal, there is no question Ted Weiss was such a man. I am proud to have worked with him.

THE ISSUE OF DRAFT STATUS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the draft status is nothing more than a bogus issue. When I am out on the campaign trail, I do not talk about the draft status of DAN QUAYLE or Dick Cheney or NEWT GINGRICH. That is a personal thing.

I would rather talk about the issues.

But the attacks on Bill Clinton are deplorable. There is nothing more here than a coverup for the important issues that face this Nation—and I would say that the Republicans know a lot about coverups.

Mr. Speaker, people want George Bush and Bill Clinton to debate one-on-one, not a staged theater. They want to hear talk about jobs, the economy, and trade, how they are going to house, clothe, and feed their families, talk about veterans and senior citizens and education.

I hope that President Bush will reconsider his position to these debates, but I can understand why he hides.

You can run for President of the United States, Mr. Bush, but you cannot hide from your record.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members not to address the President directly but through the Chair.

INTRODUCTION OF BILL TO GIVE FULL TAX CREDIT FOR PROVIDING DRUG AND ALCOHOL ABUSE PROGRAMS TO WORKERS

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. JONES of Georgia. Mr. Speaker, today I am introducing a bill which would encourage employers to provide their employees with drug and alcohol abuse programs by creating a 100-percent tax credit for that purpose.

Mr. Speaker, drug and alcohol abuse is our No. 1 health problem, and an enormous economic problem. Half of the populations of our prisons and our hospitals are filled with its victims.

Substance abuse costs our economy tens of billions per year, weakening our competitiveness.

Treatment is the most effective, and the most cost-effective means we have to combat this epidemic.

I ask my colleagues to cosponsor this vital legislation.

PROVIDING FOR CONSIDERATION OF H.R. 3724, INDIAN HEALTH AMENDMENTS OF 1992

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 5752. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, all time yielded during debate on House Resolution 562 is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 562 is an open rule providing for the consideration of H.R. 3724, the Indian Health Amendments of 1992. The rule provides for 1 hour of general debate, 30 minutes of which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and 30 minutes which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

Mr. Speaker, House Resolution 562 provides that when the bill is considered for amendment under the 5-minute rule that it shall be in order to consider as original text for the purpose of amendment, the amendment in the nature of a substitute consisting of the text of H.R. 5752. H.R. 5752 represents a compromise reached between the two committees of jurisdiction which is to serve as the amendment vehicle for this legislative initiative. The rule further provides that the amendment in the nature of a substitute shall be considered by title rather than by section and that each title shall be considered as having been read.

House Resolution 562 also provides that at the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted. Under the rule, any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. Finally, Mr. Speaker, the rule provides that the previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, access to health care is an issue of primary importance to every American. The delivery of health care services to Native Americans is an important element of the general health care crisis in this country. H.R. 3724 seeks to improve the current state of health care delivery to native Americans on reservations and in urban areas and the compromise bill recommended by the Interior and Energy and Commerce Committees represents policy initiatives which will carry the Indian Health Service into the year 2000. Mr. Speaker, in order that the House may address this critical issue prior to adjournment, I urge adoption of the rule and H.R. 3724.

□ 1250

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from New York for yielding me this time. She has ably explained the provisions of the rule.

Mr. Speaker, I urge the adoption of this open rule, which allows Members the opportunity to offer any appropriate amendments.

The Federal Government has a longstanding responsibility to provide health services to Indian tribes and Alaskan Natives. Yet despite the various expansions and improvements to Indian health care programs over the years, the general health status of American Indians and Native Alaskans remains poor.

The Committee on Energy and Commerce and the Committee on Interior and Insular Affairs have put forth a compromise bill which reauthorizes funding for a number of Indian health programs through the fiscal year 2000.

Additionally, to address the need to further improve the health status of these people, the bill contains 56 specific objectives identified by the Department of Health and Human Services and gives the Indian Health Service and Indian tribes the tools they need to achieve these objectives.

Mr. Speaker, the first Americans deserve not only this, but other attributes of health care which this bill does not contain. They need help. They also need to be brought up out of the forgotten ages, because they truly are Americans, too.

Mr. Speaker, I urge the adoption of this rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New Mexico [Mr. Richardson].

Mr. RICHARDSON. Mr. Speaker, I rise in support of the rule, and commend the gentleman from California [Mr. Miller], the gentleman from California [Mr. Waxman], and the very sensitive statement by the gentleman from Tennessee [Mr. Quillen] for a good piece of legislation.

Mr. Speaker, I rise in strong support of H.R. 3724, the Indian Health Amendments of 1992. New Mexico's Third Congressional District, which I represent, has the largest native American constituency of any Member in the House with 19 Pueblos, the Navajo Nation, and the Jicarilla Apache Tribe; 21 percent of my district's population is native American.

What is happening, Mr. Speaker, is that the rich historical and cultural heritage of our Nation's Indians is being destroyed daily by high unemployment, poverty, and a health status that is far below that of the general population. The original Americans, to whom the U.S. Government has a trust responsibility, are falling through the cracks.

A recent Washington Post story on a survey of the status of native American teenagers just hints at the overwhelming problems faced by native Americans. Some of the conclusions of the study are and I quote: "[Native American teenagers are] the most devastated group of adolescents in the nation," and "for every risk factor, with the exception of homicide, Native [American] kids are in far worse shape than African-American kids."

From the drugs and violence we here about daily and sometimes experience firsthand here in the Nation's Capital, we know that the status of African-American teenagers is appalling. This does not say much about the U.S. Government's trust responsibility to native Americans.

For the Record, I will delineate only some of the statistics from the Post article; however, I highly recommend the article and will attach it for the Record. Eleven percent of native American teenagers reported that one or both of their parents were dead, compared to 5 percent of Minnesota teenagers; 22 percent of 12th-grade girls reported having been victims of sexual abuse compared to 19 percent in the Minnesota sample; 22 and 12 percent of native American girls and boys respectively reported attempting suicide; and 27 percent of 12th graders reported drinking weekly or more.

A 1990 Department of Health and Human Services "Healthy People 2000" report notes that native American populations, relative to other populations, are young and impoverished with one in four living below the poverty level. The telling factor in the report, however, is the explanation for the relative youth and poverty of native Americans, that is, that so many native Americans die before age 45. The exceedingly high death rate is traced to six causes; Unintentional injuries, cirrhosis, homicide, suicide, pneumonia, and diabetes.

H.R. 3742 will give the Indian Health Service the resources it needs to begin to deal with many of these problems. I am particularly pleased that the legislation contains several important provisions I authored regarding fetal alcohol syndrome [FAS] which strikes without regard to race or socioeconomic status. While FAS affects 1 in 250 live births, the incidence is 30 times higher among native Americans. The physical and mental birth defects which are symptomatic of FAS can occur whenever a woman drinks alcohol during pregnancy.

FAS threatens to destroy whole generations on some Indian reservations if stronger Federal action is not taken soon. Despite the statistics, FAS is 100 percent preventable, simply by not drinking during pregnancy.

Among other things, the FAS provisions in H.R. 3742 will direct the Indian Health Service to expand the community health representative curriculum beyond the medical model of health care to include training in lifestyle-related matters such as alcoholism, family dysfunction, and poverty and how these factors impact health. Since CHR's are frequently the front line, and sometimes the only line of defense in providing health care services on reservations, it is important that CHR's understand the devastating effects of alcohol on pregnant women and be able to recognize FAS children on their reservations so that they can receive appropriate care.

The provisions will also require the IHS, in consultation with tribes and alcohol and substance abuse experts, to develop community-based training models addressing the elevated risk of alcohol and substance abuse faced by children of alcoholics, and the cultural and multigenerational aspects of alcohol and substance abuse. A 1987 IHS study found that children of alcoholics are six times more likely than the general population to come from homes where one or both parents were alcoholic. The study also found that 80 percent of all adolescent suicides are by children of alcoholics.

Finally, with respect to the critical problem of Indian alcoholism, I am pleased H.R. 3742 includes a provision to expand alcohol and substance abuse treatment services in the city of Gallup in McKinley County, NM. The scourge of alcoholism in Indian country is nowhere more evident than in Gallup on the edge of the Navajo reservation. Alcohol-related traffic accidents are seven times higher in Gallup than in the rest of the Nation and McKinley County has been cited by the National Institute on Alcohol and Alcohol Abuse for having the highest composite index of alcohol-related problems of all of the Nation's 3,106 counties. In 1990, the Gallup alcoholism crisis gained national media coverage on the NBC "Today Show," ABC's "20/20" documentary, and the "McNeil-Lehrer News Hour."

H.R. 3742 contains these and other important provisions to begin to address the crisis in Indian health. I urge my colleagues' support of this critical legislation.

Mr. Speaker, I include an article from the Washington Post of March 25, 1992, as follows:

[From the Washington Post, Mar. 25, 1992]

SURVEY PRESENTS BLEAK CIRCUMSTANCES OF NATIVE AMERICAN TEENAGERS

(By David Brown)

Thousands of Native American teenagers inhabit a world so filled with alcoholism, violent death and personal despair that by the end of high school 1 out of 5 girls and 1 out of 8 boys have attempted suicide.

Those were among the bleakest statistics of a generally bleak survey of more than 13,000 Indian and Alaska Native teenagers published yesterday in the Journal of the American Medical Association.

"This is the most devastated group of adolescents in the United States," Michael D. Resnick, an epidemiologist and one of the authors of the survey, said at a news conference yesterday.

Though certain risky behaviors—sexual activity and drinking in the late high school years, for example—are no more common among Native Americans than among some other racial groups, the total constellation of stresses on Native American teenagers seems to be greater, the survey suggested.

"For every risk factor with the exception of homicide, the Native kids are in far worse shape than African-American kids," said Robert W. Blum, a pediatrician and coauthor of the study, citing a population of adolescents thought to be under severe stress.

Other studies have shown that Native American teenagers have approximately twice the death rate of teenagers in any other racial group. In 1986, the rate for Indians and Alaska Natives between 15 and 19 years old was 190 deaths per 100,000 population, compared to 81 per 100,000 among all U.S. teenagers.

In the new study, University of Minnesota researchers gave a 162-item questionnaire to Indian and Alaska Native youngsters in 7th through 12th grades. All the respondents lived on reservations or in predominantly Native American communities in dozens of states. Urban populations were not surveyed, nor were high school dropouts.

The researchers compared some of their results with those from a similar survey of white, rural teenagers in Minnesota. Among the findings:

Eleven percent of Native American teenagers reported that one or both of their parents were dead, compared to 5 percent of the Minnesota teenagers.

About 46 percent reported living in dual-parent homes, compared to 87 percent of the Minnesota sample.

About 22 pecent of 12th grade girls reported having been victims of sexual abuse. About

19 percent of similar girls in the Minnesota sample reported sexual abuse.

About 27 percent of 12th grade youths reported drinking weekly or more frequently. This is not significantly different from the Minnesota sample. However, among Native Americans, drinking begins at a younger age, with 9 percent of the 8th graders drinking at least weekly, compared to 5 percent of their Minnesota counterparts.

About 31 percent of teenagers in the 7th through 9th grades reported using marijuana, with usage rising to 50 percent in the 10th through 12th grades. A national survey of teenagers last year showed that 42 percent of all 12th-graders had used marijuana at least once.

About 22 percent of the female Native American respondents, and 12 percent of the males, reported attempting suicide. Thirty percent of teenagers whose families had a suicide history had attempted suicide. Among U.S. teenagers as a whole in 1990, 10.3 percent of girls and 6.2 percent of boys had attempted sucide at least once.

Eleven percent of the Native American sample reported knowing someone who had committed suicide.

Almost one-fifth of the students said that they had been knocked unconcious by another person at least once.

The survey was answered anonymously. The researchers did not attempt to verify any of the answers, though certain statistical maneuvers were performed to eliminate clearly bogus responses.

Resnick acknowledged that many of the teenagers who said they had attempted suicide may not have actually performed a life-threatening act, but that the message from the survey was nevertheless clear.

"It is the teenagers' definition of the situation that is really critical. Young people who view themselves as having attempted suicide are a far more distressed group of kids, " the researcher said. "Whether or not an adult could question the veracity of the attempt misses the point. It is a warning signal."

The rate of death by suicide among Native American youth is 26.3 per 100,000 compared to 12.4 per 100,000 for the teenage population as a whole.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 450, STOCK RAISING HOMESTEAD ACT AMENDMENTS OF 1992

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 561 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 561

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as on original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 450, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 1187, and it shall be in order in the House to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 450 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1187 and to request a conference with the Senate thereon.

□ 1300

The SPEAKER pro tempore (Mr. MAZZOLI). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 561 is an open rule providing for the consideration of H.R. 450, the Stock Raising Homestead Act Amendments of 1992.

The rule waives points of order against consideration of the bill for failure to comply with rule XXI, clause 8, requiring a Congressional Budget Office pay-as-you-go cost estimate to be included in any legislation providing for or changing receipts or direct spending.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior.

Further, the rule makes in order the Interior Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered by title, with each title considered as read.

The rule provides for one motion to recommit with or without instructions.

Finally, after the passage of H.R. 450, the rule provides that the Senate companion bill, S. 1187 be discharged from the Committee on Interior and Insular Affairs. It shall be in order to move to strike out all after the enacting clause of the Senate bill and insert the provisions of H.R. 450 as passed by the House. If the motion is adopted, a second motion to insist on the House amendments and request a conference is in order.

Mr. Speaker, H.R. 450, the bill for which the Rules Committee has recommended this rule, would establish a sound balance between prospecting and mining interests and those who own the surface grazing rights on over 70 million acres of public land. The bill would require notification to the surface rights owner and the Bureau of Land Management before prospecting activities begin. H.R. 450 would also require reclamation of damaged areas and compensation for damage to surface improvements.

Mr. Speaker, I ask my colleagues to support this open rule so that we may proceed with consideration of the merits of this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this open rule and urge its adoption.

The Stock Raising Homestead Act of 1916 allowed individuals to gain title from the Federal Government to the surface of public lands for grazing livestock. The Federal government retains all subsurface mineral rights on these lands.

However, conflicts arise when those interested in the raising of livestock and those engaged in the occupation of mineral exploration and development seek to gain the use of the same parcel of land. This bill seeks to establish a sound process for balancing the property rights of surface owners with prospecting and mining interests.

As you will recall, H.R. 450 was considered on the House floor in late July of this year under suspension of the rules. However, it failed to get the necessary two-thirds vote for passage.

The administration is opposed to this bill because it would unduly restrict the right to prospect for minerals and would impose inflexible and costly reclamation standards of miners. Additionally, the bill would place the Secretary of the Interior in the position of authorizing activities on the surface estate without the owner's consent and would essentially give subsurface mineral rights to the surface owner without fair compensation to the United States.

This open rule would allow the House to address these concerns and others, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INDIAN HEALTH AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3724.

□ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, with Mrs. SCHROEDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 15 minutes, the gentleman from Arizona [Mr. RHODES] will be recognized for 15 minutes, the gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 3724, a bill I sponsored with Mr. WAXMAN of California, reauthorizes the programs and services of the Indian Health Service. This bill has been the subject of four hearings in the Interior Committee, one of which focused on the tragic problem of fetal alcohol syndrome among Indian people. Our committee has worked very closely with the Energy and Commerce Committee to craft this bill which reflects the agreements of both committees.

Madam Chairman, since the 19th century the Federal Government has had the responsibility to provide health services to Indian people. This responsibility stems from the numerous treaties between the Federal Government and Indian tribes. Unfortunately, the Federal Government has not fully carried through on these obligations.

According to the Indian Health Service, Indian people still suffer the highest mortality rates in this Nation. Indian people are 400 percent more likely to die from tuberculosis than the rest of the country, Indian people are over 300 times more likely to die from alcoholism, and Indian people are over 100 times more likely to die from diabetes. According to a recent study by the University of Minnesota, Indian adolescents are four times more likely to attempt suicide than all other ethnic groups.

Madam Chairman, it is not an exaggeration to say that Indian people have the lowest health status in this Nation. In recent years we have seen a great deal of improvement in the health status of Indian people. But still, it is not enough.

This bill includes several innovative programs to address some very serious health problems confronting Indian people. The bill includes programs to address fetal alcohol syndrome, adolescent suicide, child sexual abuse, alcoholism, diabetes, and long-term care for elderly Indian people.

In addition, the bill incorporates 58 specific health objectives developed by the administration and published in the "Healthy People 2000 Report." It is our goal that through this legislation these objectives can be achieved by the year 2000.

I urge my colleagues to support this very important legislation which has bipartisan support.

Madam Chairman, I reserve the balance of my time.

Mr. RHODES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in full support of H.R. 3724, the Indian Health Amendments Act of 1992.

The United States has a continuing government-to-government relationship with Indian tribes and their members, entailing certain legal and moral responsibilities. These responsibilities to approximately 1.2 million Indians and Alaska Natives flow from treaties dating from the mid-1700's, and have been further delineated and defined by congressional statutes, Executive orders, judicial decisions and administrative regulations.

While the Government has provided health care services to native Americans since the 19th century as part of this responsibility, disturbingly glaring disparities have existed between the health status of native Americans and other American citizens. For example, in 1940 the life expectancy at birth of American Indians was 13.2 years shorter than that of the white population. By 1960, there was still a difference of 8.9 years.

In recognition of such disparities, Congress passed the Indian Health Care Improvement Act of 1976. A principal purpose of the act was to raise Indian health status to a level comparable with that of the general population over a 7-year period ending in 1984. The act was reauthorized in 1988 until the year 1993, and would be extended again by the present legislation until the year 2000.

The gentleman from California [Mr. MILLER] has already touched on some of the specifics of this legislation, so I will simply point out some important statistics. Despite the enormity of the task, the Indian Health Service has made great strides in raising the health status of Indians and Alaska Natives over the past years. In 1981-83, the mortality rate for tuberculosis was 96 percent less than in 1954-56. Mortality rates for infants during the same periods decreased by 82 percent, as did pneumonia and influenza deaths. The mortality rate for gastrointestinal diseases declined by 93 percent.

Still, much remains to be done before Indian and Alaska Native people attain health parity with other U.S. citizens. For example, in 1988, the age-adjusted mortality rates from the following causes were still alarmingly higher than those for the total U.S. all races population: Alcoholism, 438 percent greater; tuberculosis, 400 percent; diabetes mellitus, 155 percent; pneumonia and influenza, 32 percent.

Passage of H.R. 5752 will assure Indian people of continuing access to high-quality, comprehensive health services appropriate to their needs; it will assist Indian tribes and Alaska Native corporations in developing their capacity to staff and manage health programs and provide tribal organizations with the opportunity to assume operational authority for Indian Health Service programs serving their communities; and it will aid them in gaining access to other Federal, State, and local programs to which they are entitled.

Given the real need in Indian country for the services provided by this legislation, I wholeheartedly urge my colleagues to support passage of H.R. 3724.

□ 1310

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 3724, the Indian health care amendments.

Under the rule, the House is considering the text of H.R. 5752, a bill introduced by Chairman MILLER and myself that reflects a compromise between the amendments reported by the Committee on Energy and Commerce and those reported by the Committee on Interior and Insular Affairs.

I want to thank Chairman MILLER and his staff for their cooperation in bringing this important legislation to the House floor. I also want to recognize the contributions that members of my subcommittee especially Mr. SYNAR, Mr. RICHARDSON, Mr. SIKORSKI, and Mr. STUDDS, made to improving this bill. I would also like to thank Chairman DINGELL and his staff for their cooperation and support.

The purpose of this legislation is to revise and extend the Indian Health Care Improvement Act, which expires this year. The act is one of the basic statutory authorities for the provision of health care to American Indians and Alaska Natives. This year, the Federal Government, through the Indian Health Service, will spend about $1.7 billion delivering health care to roughly 1.2 million American Indians and Alaska Natives.

The act was first enacted in 1976 with the purpose of improving the health status of American Indians and Alaska Natives. While many gains have been made since then, the fact is, the health status of native Americans is still well below that of the U.S. population as a whole. Indians are a youthful population, and many die young—many before the age of 45. The causes of death are primarily: Unintentional injuries, cirrhosis, homicide, suicide, pneumonia, and complications of diabetes. The tragedy is that these kinds of deaths are largely preventable—and not necessarily by the simple existence of an IHS hospital or clinic.

In "Healthy People 2000," the Secretary of HHS spelled out some very specific health objectives for American Indians and Alaska Natives. The legislation before us today is a 10-year reauthorization that is designed to give the IHS and the tribes the resources and the policy tools they need to achieve these objectives. It revises and reauthorizes programs relating to Indian health professionals, health services delivery, facilities construction and modernization, health services for urban Indians, and mental health and substance abuse treatment programs.

I want to emphasize that this bill contains no entitlement spending and has no pay-as-you-go effect. CBO estimates that this will result in new budget authority of $925 million in fiscal year 1993, and $5.538 billion over the next 5 years. Actual spending on the programs authorized by this bill will be determined by the Appropriations Committees within the limitations imposed by the Budget Act.

I would urge my colleagues to support this legislation and reserve the balance of my time.

Mr. DANNEMEYER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise to express strong concern about some provisions of this legislation.

I am well aware that the administration is not opposing passage of this legislation. I know that the bill was reported out of the Energy and Commerce Committee by voice vote after the gentleman from Virginia offered an amendment to address the administration's primary concern with the legislation at that time. I also understand that the bill was reported out of the Interior Committee with the support of Members from both sides of the aisle.

My primary objection is that several additional provisions were added by the Interior Committee to the bill as reported out by the Energy and Commerce Committee. These provisions authorize additional categorical activities, some of which will duplicate existing IHS services. The addition of these provisions also limits the ability of the Indian Health Service [IHS] to administer an effective program. By authorizing many additional activities, when the agency has difficulty accomplishing the current programs and priorities, Congress essentially dooms the agency to failure.

The bill also contains a provision which would eliminate the Secretary's right to recover reasonable expenses for health services if the condition for which health services were provided is covered under a tribe's self-insurance plan. Not only is the administration opposed to this provision, it is contrary to this Nation's health policy with respect to every other Federal health care program. I plan to offer an amendment to strike this opposition. I urge my colleagues to support my amendment.

Mr. RHODES. Madam Chairman, I yield 4 minutes to the gentleman from Alaska [Mr. YOUNG], the ranking member of the full Committee on Interior and Insular Affairs.

Mr. YOUNG of Alaska. Madam Chairman, I am pleased to offer my support to H.R. 3724, the Indian Heath Care Improvement Act. This bill is the result of the hard work of the Interior and Insular Affairs Committee and the Energy and Commerce Committee. H.R. 3724 proposes to authorize the Indian Health Care Improvement Act [IHCIA] originally signed into law in 1976, revised and reauthorized a couple of times since then. The law was the first comprehensive Federal law to define the Indian health care programs and was in response to documented flaws in the health status of Indians and Alaska Natives. I am pleased to be an original cosponsor of the bill and urge favorable consideration by this body.

H.R. 3724 makes a number of important changes to the Indian Health Care Improvement Act which will affect many of my Native constituents in Alaska. Title I of this bill was designed to accomplish two goals: First, to increase the number of Indians trained in health professions; and second, to provide a larger pool of health professionals to serve Indian people.

Title II of the Indian Health Care Improvement Act was a congressional mandate to the Indian Health Service to begin an incremental program to raise the health status of Indians to a level equal to the rest of the Nation.

Title III of the act pertains to the construction of health facilities, including hospitals, clinics, and health stations including necessary staff quarters, and of sanitation facilities for Indian communities and homes.

Title IV of the act relates to the collection and use of Medicare/Medicaid reimbursements by the Indian Health Service. The act established a program of grants and contracts with tribal organizations to assist eligible Indians in obtaining Medicare or Medicaid benefits.

Title V of the act, as amended by the 1980 amendments, authorized grants to urban Indian organizations to provide outreach and referral services to Indians in urban and other areas.

Title VI provides organizational improvements in the Indian Health Service.

Title VII directs the Secretary, acting through IHS, to provide a program of substance abuse prevention and treatment to members of Indian tribes.

Title VIII directs the President to include certain reports and statements on meeting the objective of this act with the submission of the budget. It also authorizes appropriations for Indian health care programs through fiscal year 2000.

Madam Chairman, I rise in support of this bill as it contains provisions for the Tanana Chiefs Conference and the Southeast Alaska Regional Health Corporation to staff and to operate residential youth treatment facilities in Alaska. Alaska has one of the highest substance abuse rates in the Nation and Tanana Chiefs Conference and the Southeast Alaska Regional Health Corporation will attempt to address the substance abuse problems with a youth facility program. I urge final passage of this bill and thank everyone for their efforts in finalizing a comprehensive Indian health bill.

Mr. FORD of Michigan. Madam Chairman, since 1975, pursuant to clause 1(g) of House rule X, the Committee on Education and Labor has had jurisdiction over Indian education programs and schools funded through the Bureau of Indian Affairs and serving Indians. The committee has taken actions in the past to expand the education programs in BIA schools to encompass substance abuse prevention and treatment and other health-related matters.

Provisions in this bill clearly lie within the jurisdiction of the Committee on Education and Labor, and, under ordinary circumstances, would justify and require a jurisdictional claim and review. The program authorized in section 210 of the bill as reported by the Committee on Interior and Insular Affairs, section 211 of the amendment in the nature of a substitute which adds a new section 215 to the Indian Health Care Improvement Act, is an example. It authorizes grants to Indian tribes to develop and implement comprehensive health education programs for children from preschool to grade 12 in schools located on Indian reservations. It addresses programs affecting Indian students in public schools. While the committee recognizes the great need for such programs, it is also concerned that in this time of fiscal restraint, there is a need to be sure that such programs in public schools do not duplicate ongoing Federal, State, or local efforts in this area. For this reason, the committee would, under other circumstances, request time to review this provision.

In the same section, the Interior Committee directs the Secretary of Interior to develop and implement a specific program of comprehensive health education in schools operated by the Bureau of Indian Affairs. This, also, is a matter within the jurisdiction of the Committee on Education and Labor. The legislative mandate for standards and curriculum for these schools is found in title XI of Public Law 95–561, the Education Amendments of 1978, as amended, in particular sections 1121, 1126, and 1128. This statute, which is the basis for BIA education administration, curriculum and school programs, and funding, is the product of years of careful consideration and effort by our committee. Changes to the BIA school programs should be made in coordination with the programs and policies required and funded by these provisions, and not in isolation. For instance, this provision appears to violate the requirements for local control and local school board involvement in curriculum and school programs, required by section 1130 of title XI.

Additionally, we have a number of very practical concerns regarding this provision. First, it is not coordinated with other legislative requirements placed on BIA schools by this committee, such as the requirements in the Drug Free Schools and Communities Act and the substance abuse prevention curriculum mandated by section 1121(i) of the Education Amendments of 1978. Second, it only applies to BIA operated schools. That term does not include schools operated by tribes under grant or contract with the BIA. This committee would probably not want the Secretary of the Interior to mandate the content of curricula for those schools. However, the committee would want to be sure that those schools were involved in any decisions which could create programs they might wish to implement and in any decisions affecting funding for all BIA funded education programs. Finally, the funding for this new, required program will take funds from other school programs and activities. Given the severe underfunding of the BIA school accounts, the committee is concerned that new mandates, without new funds, could be a mistake.

Having expressed these concerns and noting the committee's clear jurisdictional claim, I do note that current, extraordinary circumstances must be considered. H.R. 3724 contains many worthwhile provisions in addition to those of jurisdictional interest to the Committee on Education and Labor. Time in this session is short. I am well aware that action by the Committee on Education and Labor to exercise its jurisdiction over these activities, and others in the bill involving education activities, could impair the chances of this much needed legislation becoming law. I would not want this to happen.

However, I want to serve notice that we are concerned that this action was taken without notice to the committee or its involvement, and that restraint on its part, in this specific instance, should not be construed as precedent warranting or justifying similar actions in the future. The Committee on Education and Labor maintains its sole jurisdiction in the area of Indian education, including jurisdiction over these newly created activities.

Mr. BEREUTER. Madam Chairman, this Member rises today in support of H.R. 3724, the Indian Health Amendments of 1992. This legislation will take positive steps toward improving the health of all native Americans.

It is a well documented fact that the health care status of native Americans is far below the status of the non-Indian population in the United States. This legislation is designed to help prevent many of these health problems and provide better access to care.

As you may know, the mortality rates of American Indians and Alaska Natives continue to exceed that of the non-Indian population in the United States by staggering percentages. For example, in 1988, the Indian Health Service [IHS] reported that the alcoholism mortality rate for native Americans is 438 percent higher than the overall U.S. population, the tuberculosis rate is 400 percent higher, diabetes mellitus is 155 percent higher, and accident fatalities are 131 percent higher than the U.S. population.

There are several sections of the legislation that this Member would like to highlight today. Section 304 of the bill amends section 307 of the Indian Health Care Improvement Act that authorizes an Indian health care delivery demonstration project. This program authorizes the funding of demonstration projects for innovative health care systems. Since Indian Health Service has not yet written regulations for this program, this reauthorization will hopefully encourage them to implement this program.

Representing Indians on four reservations located wholly or partially within the First Congressional District I serve in Nebraska, this Member understandably has had a long standing interest and concern about the severe alcohol and drug abuse problems among Indian people. These tribes, the Santee Sioux, Omaha, Winnebago, and the re-recognized Northern Ponca, reside in the First Congressional District of Nebraska and a small part of the Iowa-Sac reservation is also in the district.

There are several provisions in the bill that deal with substance abuse. The distinguished former Member of the House from South Dakota, Mr. DASCHLE, who is now a Member of the other body, and this Member introduced legislation in the 98th and 99th Congress to create Indian juvenile alcohol and drug abuse treatment centers and programs. Our purpose was to stress prevention efforts aimed at very young children and to provide early treatment for drug and alcohol abuse by young people—to stop the terrible cycle of substance abuse—especially alcohol abuse that exists on so many American Indian reservations. It is startling to note that according to a study released in February 1992, on the state of native American youth health conducted by Dr. Robert W. Blum of the University of Minnesota Hospital and Clinic, by 12th grade, 27 percent of native American males surveyed were heavy users of alcohol.

The legislation we are now considering reauthorizes the establishment of these adolescent treatment centers. While adolescents in each service area are currently receiving treatment, regrettably only about half of the service areas have established treatment centers. The other areas are either in the process of creating centers or using contract care to provide service to these youth. The legislation before us today properly encourages IHS and the areas providing contract care to establish their own regional centers. In addition, the legislation provides funds to develop outpatient care for family members of the person receiving treatment.

For decades, researchers have documented the use and consequences of alcohol and drug abuse among Native Americans. Inevitably, stereotypes developed about Indian drinking, although the phenomenon began with the introduction of alcohol by early European explorers, who brought whiskey, horses, guns, and tools for trading purposes. While the reasons leading to such high rates of alcohol and drug abuse among Indian people are complex, most Indian and non-Indian researchers alike point to joblessness, dislocation from tribal homelands, decline in traditional culture and spirituality, and stresses on the family unit, as being among the major causes of alcohol and drug abuse. Clearly many things need to be done to fight this insidious problem.

Alcohol-related illnesses and deaths among Indian people are considerably higher than among non-Indian people. For example, on many reservations, alcohol plays a role in 95 percent of automobile fatalities. On some reservations, fetal alcohol syndrome [FAS] occurs as frequently as 1 in 100 births, whereas its occurrence in non-Indian populations is approximately 1 in 700 births. I want my colleagues to know that native American infants are 20 times more likely to be born with fetal alcohol syndrome than other U.S. infants. As we now know the children born to alcohol-abusing mothers are frequently retarded, and a great many suffer facial abnormalities and abnormalities of the extremities. In addition, delays in physical growth and impairment of the central nervous system are common among children with FAS.

A few years ago, this Member visited a school on an Indian reservation. According to the school superintendent, 30 children out of a special education population of 140, mentally or physically handicapped, were victims of fetal alcohol syndrome. This special education population of 140 was found in a total population of 440 children. Retardation, and physical handicaps are 8 to 10 times higher on some Indian reservations than the national average.

In addition, at the time of my visit, the superintendent estimated that there were many, many more children in the school suffering from this fetal alcohol syndrome or fetal alcohol effect who had not yet been accurately diagnosed. This means that almost certainly at least 25 percent of the special education students in that school were suffering from a condition, that with alcoholism prevention and prenatal education, could have been prevented. More recently, the superintendent of that same school made the absolutely shocking statement that perhaps as many as one out of three babies born on the reservation had either fetal alcohol syndrome or fetal alcohol effect. Currently, over one-third of the children in the school are enrolled in special education programs, and most are victims of FAS or FAE. Tragically, too, this problem is only getting worse.

In addition, it must be noted that it is very difficult to diagnose fetal alcohol effect. The children are normal in appearance and until they begin school, the results of FAE are not seen, because it effects their capacity for reasoning. Many FAE children will never read above a third or fourth grade level, will not be able to perform simple math functions, and will eventually drop out of school.

For all of these children, their life prospects become very bleak. A great many Indian communities where so many Indian children live are losing the battle against alcohol and drug abuse. They are losing their hopes and dreams for a better future for they are losing the productive, healthy lives of their children.

Madam Chairman, this legislation, H.R. 3724, includes provisions a fetal alcohol syndrome prevention measure sponsored by the distinguished gentlemen from Colorado [Mr. CAMPBELL]. It authorizes the Secretary of Health and Human Services to make grants for community training, education and prevention programs for FAS and FAE. This Member strongly and enthusiastically supports these provisions.

Madam Chairman, and colleagues, there is an urgent need to effectively combat fetal alcohol syndrome and fetal alcohol effect on a broad scale across this country especially among the native American population where it is such a common problem. This effort must be a national priority for this disease reaps tragic, irreversible consequences on its innocent and helpless victims. This human tragedy can be prevented with the health and education programs created or reauthorized by this legislation.

Madam Chairman, this Member strongly encourages his colleagues to support this legislation.

Mr. CAMPBELL of Colorado. Madam Chairman, I rise to voice my support of H.R. 3724, the Indian Health Amendments of 1992. I would also urge my colleagues to support all amendments that will be offered today. The reauthorization of this important piece of legislation will ensure the continued support for Indian health care services to all native Americans, residing on reservations and in large urban areas, until the year 2000.

This legislation incorporates 59 health status objectives developed by the U.S. Department of Health and Human Services that serve two primary goals. First, they will provide a measuring device for comparing the current health status of native Americans to their health status in the year 2000. Second, the objectives will serve to provide valuable resource data for the Indian health care improvement fund.

Currently all statistics show that the native American population is the most at risk group in the country, suffering from the highest mortality rate of all population groups in the United States and facing alcohol, diabetes, tuberculosis, and suicide rates much higher than the national average. The Indian health amendments before us today incorporate legislation I have introduced this Congress that address the high occurrence of fetal alcohol syndrome in native American infants, who are 20 times more likely to be born with fetal alcohol syndrome than other U.S. Infants.

Although native Americans represent the smallest population group in the United States, the resources needed to effectively address the plethora of health issues are among the greatest. With the passage of the Snyder Act in 1921, Congress formally obligated itself to provide quality health care to the native American population and should make a concerted effort this day to uphold that trust responsibility.

In spite of the circumstances that native American communities are facing, there is hope. For example UNITY [the United National Indian Tribal Youth, Inc.], a national organization comprised of 45 native American youth councils, has designated sobriety and heritage as key paths in the "Journey to the 2000." It is groups like this that will propel a renewed generation of Indian people toward a healthier tomorrow.

Again, I would urge my colleagues to support passage of H.R. 3724, the Indian Health Amendments of 1992 and to further support all amendments to be offered.

Mr. THOMAS of Wyoming. Madam Chairman, as chairman of the newly formed Indian Health Care Task Force for the Rural Health Care Coalition, I am pleased to support the Indian health amendments bill, and thank both Chairman MILLER and Chairman WAXMAN for moving it forward. Today's vote brings this bill's admirable goal—to raise the health status of the native American population—within reach.

There are many worthwhile components of this bill, especially in the area of substance abuse. I want to thank Chairman MILLER and my colleagues for agreeing to include authorization language for the Thunder Child Residential Treatment Center in Sheridan, WY. It is the first, and to date, the only multitribal effort to combat the debilitating impact of alcohol and substance abuse in the Indian Health Service Billings area. I am also pleased with the provision to provide demonstration grants to tribal and eligible community colleges for the training of substance abuse counselors.

While there are worthwhile provisions, such as educational opportunities for health professionals, there seems to be a feeling that additional funding and increased Federal control is the answer to reducing poverty rates, diabetes and other health-related diseases. I am, however, more interested in improving the efficiency of IHS services through local control rather than expanding Federal bureaucracy.

There are some overwhelming objectives in this bill—some can expect funding and some cannot—but whatever the intention, we need to continue our goal at making services more accessible on a cost containment basis. Today's vote will help us move toward that goal so we may raise the health status of American Indians and Alaska Natives from fiscal year 1993 and beyond.

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Mr. WAXMAN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. RHODES. Madam Chairman, I yield back the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield back the balance of my time.

Mr. DANNEMEYER. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the bill H.R. 5752 shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The Clerk will designate section 1.

Mr. MILLER of California. Madam Chairman, I ask unanimous consent that the amendment in the nature of a substitute consisting of the text of H.R. 5752 be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Health Amendments of 1992".

SEC. 2. AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

SEC. 3. FINDINGS; POLICY; AND DEFINITIONS.

(a) FINDINGS.—Section 2 of the Act (25 U.S.C. 1601) is amended—

(1) in paragraph (d), by striking out the second sentence; and

(2) by striking out paragraphs (e), (f), and (g).

(b) DECLARATION OF POLICY.—Section 3 of the Act (25 U.S.C. 1602) is amended to read as follows:

"DECLARATION OF HEALTH OBJECTIVES

"SEC. 3. (a) The Congress hereby declares that it is the policy of this Nation, in fulfillment of its special responsibilities and legal obligation to the American Indian people, to assure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.

"(b) It is the intent of the Congress that the Nation meet the following health status objectives with respect to Indians and urban Indians by the year 2000:

"(1) Reduce coronary heart disease deaths to a level of no more than 100 per 100,000.

"(2) Reduce the prevalence of overweight individuals to no more than 30 percent.

"(3) Reduce the prevalence of anemia to less than 10 percent among children aged 1 through 5.

"(4) Reduce the level of cancer deaths to a rate of no more than 130 per 100,000.

"(5) Reduce the level of lung cancer deaths to a rate of no more than 42 per 100,000.

"(6) Reduce the level of chronic obstructive pulmonary disease related deaths to a rate of no more than 25 per 100,000.

"(7) Reduce deaths among men caused by alcohol-related motor vehicle crashes to no more than 44.8 per 100,000.

"(8) Reduce cirrhosis deaths to no more than 13 per 100,000.

"(9) Reduce drug-related deaths to no more than 3 per 100,000.

"(10) Reduce pregnancies among girls aged 17 and younger to no more than 50 per 1,000 adolescents.

"(11) Reduce suicide among men to no more than 12.8 per 100,000.

"(12) Reduce by 15 percent the incidence of injurious suicide attempts among adolescents aged 14 through 17.

"(13) Reduce to less than 10 percent the prevalence of mental disorders among children and adolescents.

"(14) Reduce the incidence of child abuse or neglect to less than 25.2 per 1,000 children under age 18.

"(15) Reduce physical abuse directed at women by male partners to no more than 27 per 1,000 couples.

"(16) Increase years of healthy life to at least 65 years.

"(17) Reduce deaths caused by unintentional injuries to no more than 66.1 per 100,000.

"(18) Reduce deaths caused by motor vehicle crashes to no more than 39.2 per 100,000.

"(19) Among children aged 6 months through 5 years, reduce the prevalence of blood lead levels exceeding 15 ug/dL and reduce to zero the prevalence of blood lead levels exceeding 25 ug/dl.

"(20) Reduce dental caries (cavities) so that the proportion of children with one or more caries (in permanent or primary teeth) is no more than 45 percent among children aged 6 through 8 and no more than 70 percent among adolescents aged 15.

"(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 35 percent among children aged 6 through 8 and no more than 40 percent among adolescents aged 15.

"(22) Reduce to no more than 20 percent the proportion of individuals aged 65 and older who have lost all of their natural teeth.

"(23) Reduce the prevalence of gingivitis aged 35–44 to no more than 50 percent.

"(24) Reduce the infant mortality rate to no more than 8.5 per 1,000 live births.

"(25) Reduce the fetal death rate (20 or more weeks of gestation) to no more than 4 per 1,000 live births plus fetal deaths.

"(26) Reduce the maternal mortality rate to no more than 3.3 per 100,000 live births.

"(27) Reduce the incidence of fetal alcohol syndrome to no more than 2 per 1,000 live births.

"(28) Reduce stroke deaths to no more than 20 per 100,000.

"(29) Reverse the increase in end-stage renal disease (requiring maintenance dialysis or transplantation) to attain an incidence of no more than 13 per 100,000.

"(30) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(31) Reduce deaths from cancer of the uterine cervix to no more than 1.3 per 100,000 women.

"(32) Reduce colorectal cancer deaths to no more than 13.2 per 100,000.

"(33) Reduce to no more than 11 percent the proportion of individuals who experience a limitation in major activity due to chronic conditions.

"(34) Reduce significant hearing impairment to a prevalence of no more than 82 per 1,000.

"(35) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(36) Reduce diabetes-related deaths to no more than 48 per 100,000.

"(37) Reduce diabetes to an incidence of no more than 2.5 per 1,000 and a prevalence of no more than 62 per 1,000.

"(38) Reduce the most severe complications of diabetes as follows:

"(A) End-stage renal disease, 1.9 per 1,000.

"(B) Blindness, 1.4 per 1,000.

"(C) Lower extremity amputation, 4.9 per 1,000.

"(D) Perinatal mortality, 2 percent.

"(E) Major congenital malformations, 4 percent.

"(39) Confine annual incidence of diagnosed AIDS cases to no more than 1,000 cases.

"(40) Confine the prevalence of HIV infection to no more than 100 per 100,000.

"(41) Reduce gonorrhea to an incidence of no more than 225 cases per 100,000.

"(42) Reduce chlamydia trachomatis infections, as measured by a decrease in the incidence of nongonococcal urethritis to no more than 170 cases per 100,000.

"(43) Reduce primary and secondary syphilis to an incidence of no more than 10 cases per 100,000.

"(44) Reduce the incidence of pelvic inflammatory disease, as measured by a reduction in hospitalization for pelvic inflammatory disease to no more than 250 per 100,000 women aged 15 through 44.

"(45) Reduce viral hepatitis B infection to no more than 40 per 100,000 cases.

"(46) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals aged 25 and younger, 0.

"(B) Tetanus among individuals aged 25 and younger, 0.

"(C) Polio (wild-type virus), 0.

"(D) Measles, 0.

"(E) Rubella, 0.

"(F) Congenital Rubella Syndrome, 0.

"(G) Mumps, 500.

"(H) Pertussis, 1,000.

"(47) Reduce epidemic-related pneumonia and influenza deaths among individuals aged 65 and older to no more than 7.3 per 100,000.

"(48) Reduce the number of new carriers of viral hepatitis B among Alaska Natives to no more than 1 case.

"(49) Reduce tuberculosis to an incidence of no more than 5 cases per 100,000.

"(50) Reduce bacterial meningitis to no more than 8 cases per 100,000.

"(51) Reduce infectious diarrhea by at least 25 percent among children.

"(52) Reduce acute middle ear infections among children aged 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(53) Reduce cigarette smoking to a prevalence of no more than 20 percent.

"(54) Reduce smokeless tobacco use by Indian and Alaska Native youth to a prevalence of no more than 10 percent.

"(55) Increase to at least 65 percent the proportion of Indian and Alaska Native parents and caregivers who use feeding practices that prevent baby bottle tooth decay.

"(56) Increase to at least 75 percent the proportion of Indian and Alaska Native mothers who breast feed their babies in the early postpartum period, and to at least 50 percent the proportion who continue breast feeding until their babies are 5 to 6 months old.

"(57) Increase to at least 90 percent the proportion of pregnant Indian and Alaska Native women who receive prenatal care in the first trimester of pregnancy.

"(58) Increase to at least 70 percent the proportion of Indians and Alaska Natives who have received, as a minimum within the appropriate interval, all of the screening and immunization services and at least one of the counseling services appropriate for their age and gender as recommended by the United States Preventive Services Task Force.

"(c) It is the intent of the Congress that the Nation increase the proportion of all degrees in the health professions and allied and associated health profession fields awarded to Indians and Alaska Natives to 0.6 percent.

"(d) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the progress made in each area of the Service toward meeting each of the objectives described in subsection (b).".

(c) DEFINITIONS.—Section 4 of the Act (25 U.S.C. 1603) is amended by adding at the end the following new subsections:

"(m) 'Service area' means the geographical area served by each area office.

"(n) 'Substance abuse' includes inhalant abuse.

"(o) 'FAE' means fetal alcohol effect.

"(p) 'FAS' means fetal alcohol syndrome.".

TITLE I—INDIAN HEALTH PROFESSIONALS

SEC. 101. PURPOSE.

Section 101 of the Act (25 U.S.C. 1611) is amended to read as follows:

"PURPOSE

"SEC. 101. The purpose of this title is to increase the number of Indians entering the health professions and to assure an adequate supply of health professionals to the Service, Indian tribes, tribal organizations, and urban Indian organizations involved in the provision of health care to Indian people.".

SEC. 102. HEALTH PROFESSIONS.

(a) RECRUITMENT PROGRAM.—Section 102(a) of the Act (25 U.S.C. 1612(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) identifying Indians with a potential for education or training in the health professions, including family medicine, internal medicine, pediatrics, obstetrics and gynecology, podiatric medicine, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, and environmental health and engineering, and encouraging and assisting them—

"(A) to enroll in courses of study in such professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;";

(2) in paragraph (2)—

(A) by striking out "school" both places it appears and inserting in lieu thereof the following: "course of study"; and

(B) by striking out "clause (1)(A)" and inserting in lieu thereof the following: "paragraph (1)"; and

(3) in paragraph (3)—

(A) by striking out "Indians," and inserting in lieu thereof "Indians in,";

(B) by inserting a comma before "courses";

(C) by striking out ", in any school"; and

(D) by striking out "clause (1)(A)" and inserting in lieu thereof the following: "paragraph (1)".

(b) PREPARATORY SCHOLARSHIP PROGRAM.—Section 103 of the Act (25 U.S.C. 1613) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) have demonstrated the capability to successfully complete courses of study in the health professions, including family medicine, internal medicine, pediatrics, obstetrics and gynecology, podiatric medicine, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, or environmental health and engineering.";

(2) in subsection (b)(1), by inserting before the period at the end the following: "on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary)";

(3) by amending subsection (b)(2) to read as follows:

"(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved course of study preparatory to a field of study specified in subsection (a)(2), such scholarship not to exceed 4 years (or the part-time equivalent thereof, as determined by the Secretary).";

(4) in subsection (c), by striking out "full time"; and

(5) by amending subsection (e) to read as follows:

"(e) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.".

(c) HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104 of the Act (25 U.S.C. 1613a) is amended—

(1) in subsection (a)—

(A) by striking out "Indian communities" and inserting in lieu thereof the following: "Indians, Indian tribes, tribal organizations, and urban Indian organizations";

(B) by striking out "full time" and inserting in lieu thereof the following: "full or part time"; and

(C) by striking out "of medicine" and all that follows through "social work" and inserting in lieu thereof the following: "and pursuing courses of study in the health professions, including family medicine, internal medicine, podiatric medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, or environmental health and engineering";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking out "full time" and inserting in lieu thereof "full or part time"; and

(ii) by striking out "health profession school" and inserting in lieu thereof "course of study";

(B) in paragraph (3)—

(i) by striking "(3)" and inserting "(3)(A)";

(ii) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively; and

(iii) by inserting at the end the following new subparagraphs:

"(B) A recipient of an Indian Health Scholarship may, at the election of the recipient, meet the active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A) that—

"(i) is located on the reservation of the tribe in which the recipient is enrolled; or

"(ii) serves the tribe in which the recipient is enrolled.

"(C) Subject to subparagraph (B), the Secretary, in making assignments of health professionals required to meet the active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m), shall give priority to assigning individuals to service in those programs specified in subparagraph (A) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section."; and

(C) by adding at the end the following new paragraph:

"(4) In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

"(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

"(B) the period of obligated service specified in section 338A(f)(1)(B)(iv) of the Public Health Service Act (42 U.S.C. 254m(f)(1)(B)(iv)) shall be equal to the greater of—

"(i) the part-time equivalent of one year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

"(ii) two years; and

"(C) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.";

(3) by amending subsection (c) to read as follows:

"(c) The Secretary shall, acting through the Service, establish a Placement Office to develop and implement a national policy for the placement, to available vacancies within the Service, of health professionals required to meet the active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) without regard to any competitive personnel system, agency personnel limitation, or Indian preference policy."; and

(4) by striking out subsection (d).

(d) EFFECTIVE DATE.—The amendments made by subsection (c)(1)(C) and subsection (c)(2)(B) shall apply with respect to scholarships granted under section 104 of the Indian Health Care Improvement Act after the date of the enactment of this Act.

(e) EXTERN PROGRAM.—Section 105 of the Act (25 U.S.C. 1614) is amended—

(1) in subsection (a), by striking out "section 757 of the Public Health Service Act" and inserting in lieu thereof "section 104"; and

(2) in subsection (b), by striking out "school of medicine" and all that follows through "health professions" and inserting in lieu thereof "course of study in the health professions, including family medicine, internal medicine, podiatric medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering, or other health profession".

SEC. 103. BREACH OF CONTRACT PROVISIONS RELATING TO INDIAN HEALTH SCHOLARSHIPS.

Section 104(b) of the Act (25 U.S.C. 1613a(b)) (as amended by section 102(c) of this Act) is amended by adding at the end the following new paragraph:

"(5)(A) An individual who has, on or after the date of the enactment of this paragraph, entered into a written contract with the Secretary under this section and who—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary),

"(ii) is dismissed from such educational institution for disciplinary reasons,

"(iii) voluntarily terminates the training in such an educational institution for which he is provided a scholarship under such contract before the completion of such training, or

"(iv) fails to accept payment, or instructs the educational institution in which he is enrolled not to accept payment, in whole or in part, of a scholarship under such contract,

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to him, or on his behalf, under the contract.

"(B) If for any reason not specified in subparagraph (A) an individual breaches his written contract by failing either to begin such individual's service obligation under this section or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection.".

SEC. 104. NURSING.

(a) CONTINUING EDUCATION ALLOWANCES.—Section 106(a) of the Act (25 U.S.C. 1615(a)) is amended by inserting "nurses," after "dentists,".

(b) TRAINING FOR NURSE MIDWIVES AND NURSE PRACTITIONERS.—Section 112 of the Act (25 U.S.C. 1616e) is amended—

(1) in subsection (b)—

(A) at the end of paragraph (4), by striking out "or";

(B) in paragraph (5), by striking out the period at the end and inserting in lieu thereof ", or"; and

(C) by adding at the end the following new paragraph:

"(6) establish and develop clinics operated by nurses, nurse midwives, or nurse practitioners to provide primary health care services to Indians.".

(2) by amending subsection (f) to read as follows:

"(f) Beginning with fiscal year 1993, of the amounts appropriated under the authority of this title for each fiscal year to be used to carry out this section, not less than $1,000,000 shall be used to provide grants under subsection (a) for the training of nurse midwives and nurse practitioners.".

(c) RETENTION BONUS FOR NURSES.—Section 117 (25 U.S.C. 1616j) of the Act is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by adding after subsection (a) the following new subsection (b):

"(b) Beginning with fiscal year 1993, not less than 25 percent of the retention bonuses awarded each year under subsection (a) shall be awarded to nurses."; and

(3) by amending subsection (f) (as amended by paragraph (1)) to read as follows:

"(f) The Secretary may pay a retention bonus to any physician or nurse employed by an organization providing health care services to Indians pursuant to a contract under the Indian Self-Determination Act if such physician or nurse is serving in a position which the Secretary determines is—

"(1) a position for which recruitment or retention is difficult; and

"(2) necessary for providing health care services to Indians.".

(d) RESIDENCY PROGRAM.—Title I of the Act is amended by adding at the end the following new section:

"NURSING RESIDENCY PROGRAM

"SEC. 118. (a) The Secretary, acting through the Service, shall establish a program to enable licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian health program (as defined in section 108(a)(2)(A)), and have done so for a period of not less than one year, to pursue advanced training.

"(b) Such program shall include a combination of education and work study in an Indian health program (as defined in section 108(a)(2)(A)) leading up to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse) or a bachelor's degree (in the case of a registered nurse).

"(c) An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least three times the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection.".

SEC. 105. MAINTENANCE OF COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

Section 107(b) of the Act (25 U.S.C. 1616(b)) is amended—

(1) in paragraph (2), in the material preceding subparagraph (A), by inserting "and maintain" after "develop";

(2) in paragraph (2)(B), by adding at the end the following: "with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty,";

(3) in paragraphs (3) and (5), by striking out "develop" each place it appears and inserting in lieu thereof "maintain"; and

(4) in paragraph (4), by striking out "develop and".

SEC. 106. CHANGES TO INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

(a) ELIGIBILITY REQUIREMENTS.—Section 108 of the Act (25 U.S.C. 1616a(b)) is amended—

(1) in subsection (a)(1), by striking out "physicians," and all that follows through "professionals" and inserting in lieu thereof the following: "health professionals in family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering and other health professions"; and

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by amending clause (i) to read as follows:

"(i) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or"; and

(ii) in clause (ii), by striking out "medicine" and all that follows through "dentistry," and inserting in lieu thereof the following: "family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering,";

(B) in paragraph (1)(B)—

(i) by inserting "and" at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii);

(ii) in clause (i), by striking out "medicine, osteopathy, dentistry," and inserting in lieu thereof the following: "family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering,"; and

(iii) in clause (ii) (as redesignated by clause (i) of this subparagraph), by striking out "medicine, osteopathy, dentistry," and inserting in lieu thereof the following: "family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering,"; and

(C) in paragraph (2), by inserting "and" at the end of subparagraph (D), by striking out paragraphs (3) and (4), and by inserting after paragraph (2) the following:

"(3) submit to the Secretary an application for a contract described in subsection (f).".

(b) BECOMING A PARTICIPANT.—Paragraph (1) of section 108(e) (25 U.S.C. 1616a(e)) is amended to read as follows:

"(1) An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).".

(c) EXTENSION OF OBLIGATED SERVICE.—Paragraph (2)(A) of section 108(e) (25 U.S.C. 1616a(e)) is amended by inserting before the semicolon the following: ", including extensions resulting in an aggregate period of obligated service in excess of 4 years".

(d) CLARIFICATION REGARDING UNDERGRADUATE LOANS.—Paragraph (1) of section 108(g) (25 U.S.C. 1616a(g)) is amended in the matter preceding subparagraph (A) by striking out "loans received by the individual for—" and inserting in lieu thereof "loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—".

(e) PAYMENT.—Section 108(g)(2)(A) (25 U.S.C. 1616a(g)(2)(A)) is amended to read as follows:

"(2)(A) For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $35,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(ii) provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

"(iii) provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.".

(f) TAX LIABILITY.—(1) Paragraph (3) of section 108(g) (25 U.S.C. 1616a(g)(3)) is amended to read as follows:

"(3) For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual, the Secretary—

"(A) in addition to such payments, may make payments to the individual in an amount not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.".

(2) The amendment made by paragraph (1) shall apply only with respect to contracts under section 108 of the Indian Health Care Improvement Act entered into on or after the date of enactment of this Act.

(g) STAFFING NEEDS.—Section 108(k) (25 U.S.C. 1616a(k)) is amended to read as follows:

"(k) The Secretary, in assigning individuals to serve in Indian health programs pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Indian health programs administered by any Indian tribe or tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.".

(h) ANNUAL REPORT.—Subsection (n) of section 108 is amended to read as follows:

"(n) The Secretary shall submit to the President, for inclusion in each report required to be submitted to the Congress under section 801, a report concerning the previous fiscal year which sets forth—

"(1) the health professional positions maintained by the Service or by tribal or Indian organizations for which recruitment or retention is difficult;

"(2) the number of Loan Repayment Program applications filed with respect to each type of health profession;

"(3) the number of contracts described in subsection (f) that are entered into with respect to each health profession;

"(4) the amount of loan payments made under this section, in total and by health profession;

"(5) the number of scholarship grants that are provided under section 104 with respect to each health profession;

"(6) the amount of scholarship grants provided under section 104, in total and by health profession;

"(7) the number of providers of health care that will be needed by Indian health programs, by location and profession, during the three fiscal years beginning after the date the report is filed; and

"(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes or tribal or Indian organizations for which recruitment or retention is difficult.".

SEC. 107. RECRUITMENT ACTIVITIES.

Section 109 of the Act (25 U.S.C. 1616b) is amended—

(1) by amending the heading to read as follows: "RECRUITMENT ACTIVITIES"; and

(2) by amending subsection (b) to read as follows:

"(b) The Secretary, acting through the Service, shall assign one individual in each area office to be responsible on a full-time basis for recruitment activities.".

SEC. 108. ADVANCED TRAINING AND RESEARCH.

Section 111 of the Act (25 U.S.C. 1616d) is amended—

(1) in subsection (b), by amending the last sentence to read as follows: "In such event, with respect to individuals entering the program after the date of the enactment of the

Indian Health Amendments of 1992, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection."; and

(2) by striking out subsection (d).

SEC. 109. INMED PROGRAM.

Section 114(b) of the Act (25 U.S.C. 1616g(b)) is amended—

(1) by striking out "(b)" and inserting in lieu thereof "(b)(1)"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary shall provide one of the grants authorized under subsection (a) to a college or university to establish and maintain a program parallel to the INMED program for the nursing profession.

"(3) The Secretary shall provide one of the grants authorized under subsection (a) to a college or university to establish and maintain a program parallel to the INMED program for the mental health profession.".

SEC. 110. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

Title I of the Act is amended by inserting after section 108 the following new section:

"SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND

"SEC. 108A. (a) There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'Fund'). The Fund shall consist of such amounts as may be appropriated to the Fund under subsection (b). Amounts appropriated for the Fund shall remain available until expended.

"(b) For each fiscal year, there is authorized to be appropriated to the Fund an amount equal to the sum of—

"(1) the amount collected during the preceding fiscal year by the Federal Government pursuant to—

"(A) the liability of individuals under subparagraph (A) or (B) of section 104(b)(5) for the breach of contracts entered into under section 104; and

"(B) the liability of individuals under section 108(l) for the breach of contracts entered into under section 108; and

"(2) the aggregate amount of interest accruing during the preceding fiscal year on obligations held in the Fund pursuant to subsection (d) and the amount of proceeds from the sale or redemption of such obligations during such fiscal year.

"(c)(1) Amounts in the Fund and available pursuant to appropriation Acts may be expended by the Secretary, acting through the Service, to make payments to an Indian tribe or tribal organization administering a health care program pursuant to a contract entered into under the Indian Self-Determination Act—

"(A) to which a scholarship recipient under section 104 or a loan repayment program participant under section 108 has been assigned to meet the obligated service requirements pursuant to sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104 or section 108.

"(2) An Indian tribe or tribal organization receiving payments pursuant to paragraph (1) may expend the payments to recruit and employ, directly or by contract, health professionals to provide health care services.

"(d)(1) The Secretary of the Treasury shall invest such amounts of the Fund as such Secretary determines are not required to meet current withdrawals from the Fund. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(2) Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.".

SEC. 111. COMMUNITY HEALTH AIDE PROGRAM.

Title I of the Act (as amended by section 104 of this Act) is amended by adding at the end the following new section:

"COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA

"SEC. 119. (a) Under the authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary shall maintain a Community Health Aide Program in Alaska under which the Service—

"(1) provides for the training of Alaska Natives as health aides;

"(2) uses such aides in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

"(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides.

"(b) The Secretary, acting through the Community Health Aide Program of the Service, shall—

"(1) using trainers accredited by the Program, provide a high standard of training to community health aides to ensure that such aides provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

"(C) promotes the achievement of the health status objectives specified in section 3(b);

"(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

"(4) develop and maintain a system which identifies the needs of community health aides for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

"(5) develop and maintain a system that provides close supervision of community health aides; and

"(6) develop a system under which the work of community health aides is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.".

SEC. 112. TRIBAL HEALTH PROGRAM ADMINISTRATION.

Title I of the Act (as amended by section 111 of this Act) is amended by adding at the end the following new section:

"TRIBAL HEALTH PROGRAM ADMINISTRATION

"SEC. 120. The Secretary shall, by contract or otherwise, provide training for individuals in the administration and planning of tribal health programs.".

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title I of the Act (as amended by section 112 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 121. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title I of the Act is amended—

(1) in section 102, by striking out subsection (c);

(2) in section 105, by striking out subsection (d);

(3) in section 106 (as amended by section 104(a) of this Act), by striking out "(a)" and by striking out subsection (b);

(4) in section 108, by striking out subsection (o);

(5) in section 110, by striking out subsection (c);

(6) in section 113, by striking out subsection (c);

(7) in section 114, by striking out subsection (e);

(8) in section 115, by striking out subsection (f); and

(9) in section 116, by striking out subsection (e).

TITLE II—HEALTH SERVICES

SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

(a) IN GENERAL.—Section 201 of the Act (25 U.S.C. 1621) is amended—

(1) in subsection (a)—

(A) in the material preceding paragraph (1), by striking out "subsection (h)" and inserting in lieu thereof "this section";

(B) by amending paragraph (1) to read as follows:

"(1) eliminating the deficiencies in health status and resources of all Indian tribes,"; and

(C) in paragraph (4), in the material preceding subparagraph (A)—

(i) by inserting after "responsibilities" the following: ", either through direct or contract care or through contracts entered into pursuant to the Indian Self-Determination Act,"; and

(ii) by striking out "resources deficiency" and inserting in lieu thereof the following: "status and resource deficiencies";

(2) in subsection (b)—

(A) in paragraph (1), by striking out "subsection (h)" and inserting in lieu thereof "this section";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(A) (as redesignated by subparagraph (B))—

(i) by striking out "subsection (h)" and inserting in lieu thereof "this section";

(ii) in the first sentence, by striking out "but such allocation" through "met";

(iii) in the second sentence—

(I) by striking out "(in accordance with paragraph (2))"; and

(II) by striking out "raise the deficiency level" and inserting in lieu thereof the following: "reduce the health status and resource deficiency"; and

(D) in paragraph (2)(B) (as redesignated by subparagraph (B)), by inserting after "consultation with" the following: ", and with the active participation of,";

(3) in subsection (c)—

(A) by striking out paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(B) by amending paragraph (1) (as redesignated by subparagraph (A) above) to read as follows:

"(1) The term 'health status and resource deficiency' means the extent to which—

"(A) the health status objectives set forth in section 3(b) are not being achieved; and

"(B) the Indian tribe does not have available to it the health resources it needs."; and

(C) in paragraph (3) (as redesignated by subparagraph (A) above)—

(i) by striking out "Under regulations, the" and inserting in lieu thereof "The"; and

(ii) by striking out "health resources deficiency level" and inserting in lieu thereof "extent of the health status and resource deficiency";

(4) in subsection (d)(1), by striking out "subsection (h)" and inserting in lieu thereof "this section";

(5) in subsection (e)—

(A) in the material preceding paragraph (1)—

(i) by striking out "60 days" and inserting in lieu thereof "3 years";

(ii) by striking out "Indian Health Care Amendments of 1988" and inserting in lieu thereof "Indian Health Amendments of 1992"; and

(iii) by striking out "health services priority system" and inserting in lieu thereof "health status and resource deficiency";

(B) in paragraph (1), by striking out "health resources deficiencies" and inserting in lieu thereof "health status and resource deficiencies";

(C) in paragraph (2), by striking out "the level of health resources deficiency for" and inserting in lieu thereof the following: "the extent of the health status and resource deficiency of";

(D) in paragraph (3), by striking "raise all" and all that follows through the semicolon and insert in lieu thereof the following: "eliminate the health status and resource deficiencies of all Indian tribes served by the Service; and"; and

(E) by striking out paragraphs (4) and (5) and redesignating paragraph (6) as paragraph (4); and

(6) in subsection (f), by striking out "(f)(1)" and all that follows through the paragraph designation for paragraph (2) and inserting in lieu thereof "(f)".

(b) EFFECTIVE DATE.—Except with respect to the amendments made by subsection (a)(5), the amendments made by subsection (a) shall take effect three years after the date of the enactment of this Act. The amendments made by subsection (a)(5) shall take effect upon the date of the enactment of this Act.

(c) TECHNICAL AMENDMENT.—The heading for section 201 of the Act (25 U.S.C. 1621) is amended to read as follows:

"INDIAN HEALTH CARE IMPROVEMENT FUND".

SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

Section 202 of the Act (25 U.S.C. 1621a) is amended—

(1) in subsection (a)(1)(B), by striking out "under subsection (e)" and inserting in lieu thereof "to the Fund under this section";

(2) in subsection (b)(2), by striking out "shall establish at not less than $10,000 or not more than $20,000;" and inserting in lieu thereof the following: "shall establish at—

"(A) for 1992, not less than $15,000 or not more than $25,000; and

"(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;"; and

(3) in subsection (c), by striking out "Funds appropriated under subsection (e)" and inserting in lieu thereof "Amounts appropriated to the Fund under this section".

SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION.

Section 203 of the Act (25 U.S.C. 1621b) is amended—

(1) in subsection (a), by inserting before the period at the end the following: "so as to achieve the health status objectives set forth in section 3(b)";

(2) in subsection (b), in the material preceding paragraph (1), by striking out "section 201(f)" and inserting in lieu thereof "section 801"; and

(3) by striking out subsection (c).

SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

Section 204 of the Act (25 U.S.C. 1621c) is amended—

(1) by amending subsection (c) to read as follows:

"(c)(1) The Secretary shall continue to maintain through fiscal year 2000 each model diabetes project in existence on the date of the enactment of the Indian Health Amendments of 1992 and located—

"(A) at the Claremore Indian Hospital in Oklahoma;

"(B) at the Fort Totten Health Center in North Dakota;

"(C) at the Sacaton Indian Hospital in Arizona;

"(D) at the Winnebago Indian Hospital in Nebraska;

"(E) at the Albuquerque Indian Hospital in New Mexico;

"(F) at the Perry, Princeton, and Old Town Health Centers in Maine;

"(G) at the Bellingham Health Center in Washington;

"(H) at the Fort Berthold Reservation;

"(I) at the Navajo Reservation;

"(J) at the Papago Reservation;

"(K) at the Zuni Reservation; or

"(L) in the States of Alaska, California, Minnesota, Montana, Oregon, or Utah.

"(2) The Secretary may establish new model diabetes projects under this section taking into consideration applications received under this section from all service areas, except that the Secretary may not establish a greater number of such projects in one service area than in any other service area until there is an equal number of such projects established with respect to all service areas from which the Secretary receives qualified applications during the application period (as determined by the Secretary)."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking out "and" after the semicolon;

(B) in paragraph (3), by striking out the period and inserting in lieu thereof the following: "; and"; and

(C) by adding at the end the following new paragraph:

"(4) evaluate the effectiveness of services provided through model diabetes projects established under this section.".

SEC. 205. MENTAL HEALTH PREVENTION AND TREATMENT SERVICES.

Section 209 of the Act (25 U.S.C. 1621h) is amended—

(1) in subsection (j) (as redesignated by section 902(3)(B) of this Act), by striking out "submit to the Congress an annual report" and inserting in lieu thereof the following: "submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report"; and

(2) by adding at the end the following new subsections:

"(l) LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.—Any person employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under the authority of this Act or through a contract pursuant to the Indian Self-Determination Act shall—

"(1) in the case of a person employed as a psychologist, be licensed as a clinical psychologist or working under the direct supervision of a licensed clinical psychologist;

"(2) in the case of a person employed as a social worker, be licensed as a social worker or working under the direct supervision of a licensed social worker; or

"(3) in the case of a person employed as a marriage and family therapist, be licensed as a marriage and family therapist or working under the direct supervision of a licensed marriage and family therapist.

"(m) INTERMEDIATE ADOLESCENT MENTAL HEALTH SERVICES.—(1) The Secretary, acting through the Service, may make grants to Indian tribes and tribal organizations to provide intermediate mental health services to Indian children and adolescents, including—

"(A) inpatient and outpatient services;

"(B) emergency care;

"(C) suicide prevention and crisis intervention; and

"(D) prevention and treatment of mental illness, and dysfunctional and self-destructive behavior, including child abuse and family violence.

"(2) Funds provided under this subsection may be used—

"(A) to construct or renovate an existing health facility to provide intermediate mental health services;

"(B) to hire mental health professionals;

"(C) to staff, operate, and maintain an intermediate mental health facility, group home, or youth shelter where intermediate mental health services are being provided; and

"(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units.

"(3) Funds provided under this subsection may not be used for the purposes described in section 216(b)(1).

"(4) An Indian tribe or tribal organization receiving a grant under this subsection shall ensure that intermediate adolescent mental health services are coordinated with other tribal, Service, and Bureau of Indian Affairs mental health, alcohol and substance abuse, and social services programs on the reservation of such tribe or tribal organization.

"(5) The Secretary shall establish criteria for the review and approval of applications for grants made pursuant to this subsection.

"(6) There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 206. NEW STUDIES AND DEMONSTRATION PROGRAM.

(a) HOSPICE CARE.—Title II of the Act is amended by inserting after section 204 the following:

"HOSPICE CARE FEASIBILITY STUDY

"SEC. 205. (a) The Secretary, acting through the Service and in consultation with representatives of Indian tribes, tribal organizations, Indian Health Service personnel, and hospice providers, shall conduct a study—

"(1) to assess the feasibility and desirability of furnishing hospice care to terminally ill Indians; and

"(2) to determine the most efficient and effective means of furnishing such care.

"(b) Such study shall—

"(1) assess the impact of Indian culture and beliefs concerning death and dying on the provision of hospice care to Indians;

"(2) estimate the number of Indians for whom hospice care may be appropriate and determine the geographic distribution of such individuals;

"(3) determine the most appropriate means to facilitate the participation of Indian tribes and tribal organizations in providing hospice care;

"(4) identify and evaluate various means for providing hospice care, including—

"(A) the provision of such care by the personnel of a Service hospital pursuant to a hospice program established by the Secretary at such hospital; and

"(B) the provision of such care by a community-based hospice program under contract to the Service; and

"(5) identify and assess any difficulties in furnishing such care and the actions needed to resolve such difficulties.

"(c) Not later than the date which is 12 months after the date of the enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section; and

"(2) a discussion of the findings and conclusions of such study.

"(d) For the purposes of this section—

"(1) the term 'terminally ill' means any Indian who has a medical prognosis (as certified by a physician) of a life expectancy of six months or less; and

"(2) the term 'hospice program' means any program which satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)); and

"(3) the term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)).".

(b) MANAGED CARE.—Title II of the Act is amended by adding at the end the following new section:

"MANAGED CARE FEASIBILITY STUDY

"SEC. 210. (a) The Secretary, acting through the Service, shall conduct a study to assess the feasibility of allowing an Indian tribe to purchase, directly or through the Service, managed care coverage in circumstances where such tribe—

"(1) does not have an inpatient hospital located on the tribal reservation; and

"(2) is not located within close proximity to a Service hospital.

"(b) Not later than the date which is 12 months after the date of the enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section; and

"(2) a discussion of the findings and conclusions of such study.".

(c) CONTRACT CARE.—Title II of the Act (as amended by subsection (b) of this Act) is amended by adding at the end the following new section:

"CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM

"SEC. 211. (a) The Secretary shall establish a demonstration program to evaluate the use of a contract care intermediary to improve the accessibility of health services to California Indians.

"(b)(1) In establishing such program, the Secretary shall enter into an agreement with the California Rural Indian Health Board to reimburse the Board for costs (including reasonable administrative costs) incurred, during the period of the demonstration program, in providing medical treatment under contract to California Indians described in section 809(b) throughout the California contract health services delivery area described in section 810 with respect to high-cost contract care cases.

"(2) Not more than 5 percent of the amounts provided to the Board under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the Board during such fiscal year.

"(3) No payment may be made for treatment provided under the demonstration program to the extent payment may be made for such treatment under the Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

"(c) There is hereby established an advisory board which shall advise the California Rural Indian Health Board in carrying out the demonstration pursuant to this section. The advisory board shall be composed of representatives, selected by the California Rural Indian Health Board, from not less than 8 tribal health programs serving California Indians covered under such demonstration, at least one half of whom are not affiliated with the California Rural Indian Health Board.

"(d) The demonstration program described in this section shall begin on January 1, 1993, and shall terminate on September 30, 1997.

"(e) Not later than July 1, 1998, the California Rural Indian Health Board shall submit to the Secretary a report on the demonstration program carried out under this section, including a statement of its findings regarding the impact of using a contract care intermediary on—

"(1) access to needed health services;

"(2) waiting periods for receiving such services; and

"(3) the efficient management of high-cost contract care cases.

"(f) For the purposes of this section, the term 'high-cost contract care cases' means those cases in which the cost of the medical treatment provided to an individual—

"(1) would otherwise be eligible for reimbursement from the Catastrophic Health Emergency Fund established under section 202, except that the cost of such treatment does not meet the threshold cost requirement established pursuant to section 202(b)(2); and

"(2) exceeds $1,000.

"(g) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 such sums as may be necessary to carry out the purposes of this section.".

SEC. 207. COVERAGE OF SCREENING MAMMOGRAPHY.

(a) IN GENERAL.—Title II of the Act (as amended by section 206(c) of this Act) is amended by adding at the end the following new section:

"COVERAGE OF SCREENING MAMMOGRAPHY

"SEC. 212. The Secretary, through the Service, shall provide for screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian and urban Indian women 35 years of age or older at a frequency, determined by the Secretary (in consultation with the Director of the National Cancer Institute), appropriate to such women, and under such terms and conditions as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act.".

(b) CONFORMING AMENDMENT.—Section 201(a)(4)(B) of the Act (25 U.S.C. 1621(a)(4)(B)) is amended by striking the semicolon at the end and inserting the following: ", including screening mammography in accordance with section 212;".

SEC. 208. PATIENT TRAVEL COSTS.

Title II of the Act (as amended by section 207 of this Act) is amended by adding at the end the following new section:

"PATIENT TRAVEL COSTS

"SEC. 213. (a) The Secretary, acting through the Service, shall provide funds for the following patient travel costs associated with receiving health care services provided (either through direct or contract care or through contracts entered into pursuant to the Indian Self-Determination Act) under this Act—

"(1) emergency air transportation; and

"(2) nonemergency air transportation where ground transportation is infeasible.

"(b) There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 209. THIRD PARTY REIMBURSEMENT.

(a) RECOVERY BY INDIAN TRIBE.—Section 206 of the Act (25 U.S.C. 1621e) is amended—

(1) by inserting ", an Indian tribe, or a tribal organization" after "United States" each place it appears;

(2) in subsection (a), by inserting ", an Indian tribe, or a tribal organization" after "Service"; and

(3) in subsection (a) and subsection (e)(1)(A), by inserting ", an Indian tribe, or a tribal organization" after "Secretary" each place it appears.

(b) SPECIAL RULE WITH RESPECT TO SELF-INSURANCE PLAN.—Section 206 of the Act (25 U.S.C. 1621e) is amended—

(1) by striking "(a) The" and inserting the following: "(a) Except as provided in subsection (f), the"; and

(2) by adding at the end the following new subsection:

"(f) The United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization.".

SEC. 210. EPIDEMIOLOGY CENTERS.

Title II of the Act (as amended by section 208 of this Act) is amended by adding at the end the following new section:

"EPIDEMIOLOGY CENTERS

"SEC. 214. (a) The Secretary shall establish an epidemiology center in each Service area to carry out the requirements of subsection (b).

"(b) In consultation with the Service, Indian tribes, and urban Indian communities, each area epidemiology center established under this section shall—

"(1) establish a methodology to define baseline data for each of the health status objectives specified in section 3(b);

"(2) determine the most effective way to establish and maintain a surveillance system for monitoring the progress made toward meeting each of the health status objectives described in section 3(b);

"(3) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health and the resources available to deliver, monitor, or evaluate those systems;

"(4) develop methods to obtain, for the purpose of assessing Indian health, data on services provided to Indians—

"(A) by the Service;

"(B) under State plans for medical assistance under title XIX of the Social Security Act;

"(C) under title XVIII of the Social Security Act;

"(D) under medical programs of the Department of Veterans Affairs; and

"(E) under private insurance systems;

"(5) assist tribes and urban Indian communities in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

"(6) make recommendations for the targeting of services needed by tribal, urban, and other Indian communities;

"(7) make recommendations to improve health care delivery systems for Indians and urban Indians;

"(8) work cooperatively with tribal providers of health and social services in order to avoid duplication of existing services; and

"(9) provide technical assistance to Indian tribes and urban Indian organizations located in the service area in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community.

"(c) The director of the Centers for Disease Control shall provide technical assistance to the centers in carrying out the requirements of this section.

"(d) The Service shall assign one epidemiologist from each of its area offices to each area epidemiology center to provide such center with technical assistance necessary to carry out this section.

"(e) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the extent to which the area epidemiology centers established under this section have aided in assessing the progress made toward meeting the health status objectives specified in section 3(b).".

SEC. 211. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

Title II of the Act (as amended by section 210 of this Act) is amended by adding at the end the following new section:

"COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS

"SEC. 215. (a) The Secretary, acting through the Service and in consultation with the Secretary of the Interior, may award grants to Indian tribes to develop comprehensive school health education programs for children from preschool through grade 12 in schools located on Indian reservations.

"(b) Grants awarded under this section may be used to—

"(1) develop health education curricula;

"(2) train teachers in comprehensive school health education curricula;

"(3) integrate school-based, community-based, and other public and private health promotion efforts;

"(4) encourage healthy, tobacco-free school environments;

"(5) coordinate school-based health programs with existing services and programs available in the community;

"(6) develop school programs on nutrition education, personal health, and fitness;

"(7) develop mental health wellness programs;

"(8) develop chronic disease prevention programs;

"(9) develop substance abuse prevention programs;

"(10) develop accident prevention and safety education programs;

"(11) develop activities for the prevention and control of communicable diseases; and

"(12) develop community and environmental health education programs.

"(c) The Secretary shall provide technical assistance to Indian tribes in the development of health education plans, and the dissemination of health education materials and information on existing health programs and resources.

"(d) The Secretary shall establish criteria for the review and approval of applications for grants made pursuant to this section.

"(e) Recipients of grants under this section shall submit to the Secretary an annual report on activities undertaken with funds provided under this section. Such reports shall include a statement of—

"(1) the number of preschools, elementary schools, and secondary schools served;

"(2) the number of students served;

"(3) any new curricula established with funds provided under this section;

"(4) the number of teachers trained in the health curricula; and

"(5) the involvement of parents, members of the community, and community health workers in programs established with funds provided under this section.

"(f)(1) The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools operated by the Bureau of Indian Affairs.

"(2) Such program shall include—

"(A) school programs on nutrition education, personal health, and fitness;

"(B) mental health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) accident prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education curricula;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

"(g) There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 212. INDIAN YOUTH GRANT PROGRAM.

Title II of the Act (as amended by section 211 of this Act) is amended by adding at the end the following new section:

"INDIAN YOUTH GRANT PROGRAM

"SEC. 216. (a) The Secretary, acting through the Service, is authorized to make grants to Indian tribes, tribal organizations, and urban Indian organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian preadolescent and adolescent youths.

"(b)(1) Funds made available under this section may be used to—

"(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional healers; and

"(B) develop and provide community training and education.

"(2) Funds made available under this section may not be used to provide services described in section 209(m).

"(c) The Secretary shall—

"(1) disseminate to Indian tribes information regarding models for the delivery of comprehensive health care services to Indian and urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian tribe, provide technical assistance in the implementation of such models.

"(d) The Secretary shall establish criteria for the review and approval of applications under this section.

"(e) There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title II of the Act (as amended by section 212 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 217. Except as provided in sections 209(m), 211, 213, 215, and 216, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title II of the Act is amended—

(1) in section 201(h), by striking out the first sentence and striking out "subsection" and inserting in lieu thereof "section".

(2) in section 202—

(A) by striking out subsection (e);

(B) in subsection (a)(1)(B), by striking out "under subsection (e)" and inserting "to the Fund under this section"; and

(C) in subsection (c), by striking out "Funds appropriated under subsection (e)" and inserting "Amounts appropriated to the Fund under this section";

(3) in section 204(e), by striking out the first sentence and striking out "subsection (c)" and inserting in lieu thereof "this section"; and

(4) in section 209 (as amended by section 902(3)(B) of this Act)—

(A) by striking out subsections (c)(5), (d)(6), (f)(4), and (g)(5);

(B) in subsection (h)—

(i) by striking out paragraph (2) and by striking out "(1)";

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(iii) by striking out "subparagraph (A)" and inserting "paragraph (1)"; and

(iv) by striking out "subparagraph (B)" and inserting "paragraph (2)";

(C) in subsection (i), by striking out paragraph (2) and by striking out "(1)";

(D) in subsection (d)(3)(B), by striking out "this subsection" and inserting in lieu thereof "this section"; and

(E) in subsection (k)(6), by striking out the first sentence and in the second sentence by striking out "subsection" and inserting in lieu thereof "section".

TITLE III—HEALTH FACILITIES

SEC. 301. HEALTH FACILITIES CLOSURE AND PRIORITIES.

Section 301 of the Act (25 U.S.C. 1631) is amended—

(1) in subsection (b)(1)—

(A) in the material preceding subparagraph (A), by striking out "other" before "outpatient";

(B) by striking out "and" at the end of subparagraph (D);

(C) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon; and

(D) by adding at the end the following new subparagraphs:

"(F) the level of utilization of such hospital or facility by all eligible Indians; and

"(G) the distance between such hospital or facility and the nearest operating Service hospital.";

(2) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(3) in subsection (c)(1) (as redesignated by paragraph (2) of this subsection), by amending the material preceding subparagraph (A) to read as follows—

"(c)(1) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report which sets forth—"; and

(4) by striking out paragraph (2) of subsection (c) (as redesignated by paragraph (2)) and redesignating paragraphs (3), (4), and (5) of such subsection as paragraphs (2), (3), and (4), respectively.

SEC. 302. SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES.

Section 302 of the Act (25 U.S.C. 1632) is amended—

(1) by amending subsection (e) to read as follows:

"(e)(1) The Secretary is authorized to provide financial assistance to Indian tribes and communities in an amount equal to the Federal share of the costs of operating, managing, and maintaining the facilities provided under the plan described in subsection (c).

"(2) For the purposes of paragraph (1), the term 'Federal share' means 80 percent of the costs described in paragraph (1).

"(3) With respect to Indian tribes with fewer than 1,000 enrolled members, the non-Federal portion of the costs of operating, managing, and maintaining such facilities may be provided, in part, through cash donations or in kind property, fairly evaluated.";

(2) in subsection (f)(1), by striking out "subsection (h)" and inserting in lieu thereof "this section"; and

(3) in subsection (g)—

(A) in paragraph (1), by striking out "The Secretary" through "report" and inserting in lieu thereof the following: "The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report"; and

(B) by striking out paragraph (2) and redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

SEC. 303. AMBULATORY CARE FACILITIES GRANT PROGRAM.

Section 306 of the Act (25 U.S.C. 1636) is amended to read as follows:

"GRANT PROGRAM FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES

"SEC. 306. (a)(1) The Secretary, acting through the Service, shall make grants to tribes and tribal organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons as provided in subsection (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) A grant under paragraph (1) may only be made to a tribe or tribal organization operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to a tribe or tribal organization) pursuant to a contract entered into under the Indian Self-Determination Act.

"(b)(1) A grant provided under this section may be used only for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 307; and

"(C) which, upon completion of such construction, expansion, or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) serve no less than 500 eligible Indians annually; and

"(iii) provide ambulatory care in a service area (specified in the contract entered into under the Indian Self-Determination Act) with a population of not less than 2,000 eligible Indians.

"(2) The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to a tribe or tribal organization applying for a grant under this section whose tribal government offices are located—

"(A) on an island; and

"(B) more than 75 miles from the tribal government offices of the nearest other Indian tribe.

"(c)(1) No grant may be made under this section unless an application for such a grant has been submitted to and approved by the Secretary. An application for a grant under this section shall be submitted in such form and manner as the Secretary shall by regulation prescribe and shall set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out pursuant to a grant received under this section—

"(A) adequate financial support will be available for the provision of services at such facility;

"(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

"(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

"(2) In awarding grants under this section, the Secretary shall give priority to tribes and tribal organizations that demonstrate—

"(A) a need for increased ambulatory care services; and

"(B) insufficient capacity to deliver such services.

"(d) If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be utilized for the purposes of providing ambulatory care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States.".

SEC. 304. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.

(a) AWARDING OF GRANTS.—Section 307 of the Act (25 U.S.C. 1637) is amended—

(1) in subsection (a), by striking "The Secretary" and inserting "Subject to subsection (c)(3), the Secretary"; and

(2) in subsection (c)(3), by amending subparagraph (B) to read as follows:

"(B) Beginning October 1, 1994, the Secretary may enter into contracts or award grants under this section taking into consideration applications received under this section from all service areas. In entering into such contracts and awarding such grants, the Secretary shall give priority to service units identified in subparagraph (A) that meet the criteria specified in paragraph (1) and that have not received funding under this section. The Secretary may not award a greater number of such contracts or grants in one service area than in any other service area until there is an equal number of such contracts or grants awarded with respect to all service areas from which the Secretary receives applications during the application period (as determined by the Secretary) which meet the criteria specified in paragraph (1).".

(b) REPORTS.—Section 307(h) of the Act (25 U.S.C. 1637(h)) is amended to read as follows:

"(h)(1) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted to the Congress under section 801 for fiscal year 1997, an interim report on the findings and conclusions derived from the demonstration projects established under this section.

"(2) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted to the Congress under section 801 for fiscal year 1999, a final report on the findings and conclusions derived from the demonstration projects established under this section, together with legislative recommendations.".

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title III of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 308. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title III of the Act is amended—

(1) in section 302, by striking out subsection (h); and

(2) in section 307, by striking out subsection (i).

TITLE IV—ACCESS TO HEALTH SERVICES

SECTION 401. TREATMENT OF PAYMENTS TO INDIAN HEALTH SERVICE FACILITIES UNDER MEDICARE AND MEDICAID PROGRAMS.

(a) MEDICARE PROGRAM.—Section 401 of the Act (42 U.S.C. 1395qq note) is amended to read as follows:

"TREATMENT OF PAYMENTS UNDER MEDICARE PROGRAM

"SEC. 401. (a) Any payments received by a hospital or skilled nursing facility of the Service for services provided to Indians eligible for benefits under title XVIII of the Social Security Act shall not be considered in determining appropriations for health care and services to Indians.

"(b) Nothing in this Act authorizes the Secretary to provide services to an Indian beneficiary with coverage under title XVIII of the Social Security Act, as amended, in preference to an Indian beneficiary without such coverage.".

(b) MEDICAID PROGRAM.—(1) Section 402 of the Act is amended to read as follows:

"TREATMENT OF PAYMENTS UNDER MEDICAID PROGRAM

"SEC. 402. (a) Notwithstanding any other provision of law, payments to which any facility of the Service (including a hospital, nursing facility, immediate care facility for the mentally retarded, or any other type of facility which provides services for which payment is available under title XIX of the Social Security Act) is entitled under a State plan by reason of section 1911 of such Act shall be placed in a special fund to be held by the Secretary and used by him (to such extent or in such amounts as are provided in appropriation Acts) exclusively for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve compliance with the applicable conditions and requirements of such title. In making payments from such fund, the Secretary shall ensure that each service unit of the Service receives at least 80 percent of the amounts to which the facilities of the Service, for which such service unit makes collections, are entitled by reason of section 1911 of the Social Security Act.

"(b) Any payments received by such facility for services provided to Indians eligible for benefits under title XIX of the Social Security Act shall not be considered in determining appropriations for the provision of health care and services to Indians.".

(2) The increase (from 50 percent) in the percentage of the payments from the fund to be made to each service unit of the Service specified in the amendment made by paragraph (1) shall take effect beginning with payments made on January 1, 1993.

SEC. 402. REPORT.

Section 403 of the Act (25 U.S.C. 1671 note) is amended by striking out "The Secretary" and all that follows through "section 701" and inserting in lieu thereof the following: "The Secretary shall submit to the President, for inclusion in the report required to be transmitted to the Congress under section 801,".

SEC. 403. GRANTS TO AND CONTRACTS WITH TRIBAL ORGANIZATIONS.

Section 404(b)(4) of the Act (25 U.S.C. 1622) is amended to read as follows:

"(4) develop and implement—

"(A) a schedule of income levels to determine the extent of payments of premiums by such organizations for coverage of needy individuals; and

"(B) methods of improving the participation of Indians in receiving the benefits provided under titles XVIII and XIX of the Social Security Act.".

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title IV of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 406. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Section 404 of the Act is amended by striking out subsection (c).

TITLE V—HEALTH SERVICES FOR URBAN INDIANS

SEC. 501. GRANT AUTHORITY.

(a) IN GENERAL.—Section 502 of the Act (25 U.S.C. 1652) is amended—

(1) by striking "contracts with" and inserting the following: "contracts with, or make grants to,";

(2) by inserting after "enters into with" the following: ", or in any grant the Secretary makes to,"; and

(3) by amending the heading to read as follows:

"CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS".

(b) CONFORMING AMENDMENTS.—(1) Section 503 of the Act (25 U.S.C. 1653) is amended—

(A) in subsection (a), in the material preceding paragraph (1)—

(i) by inserting ", or make grants to," after "contracts with"; and

(ii) by inserting "or grant" after "such contract";

(B) in subsection (b)—

(i) in the material preceding paragraph (1), by inserting "or receive grants" after "enter into contracts"; and

(ii) in paragraph (5), by inserting "or to meet the requirements for receiving a grant" after "Secretary";

(C) in subsection (c)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(D) in subsection (d)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(E) in subsection (e)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(F) in subsection (f), by inserting "or receiving grants under subsection (a)" after "this section"; and

(G) by amending the heading to read as follows:

"CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES".

(2) Section 504 of the Act (25 U.S.C. 1654) is amended—

(A) by striking "SEC. 504." and all that follows through the end of subsection (a) and inserting the following:

"SEC. 504. (a) Under authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary, through the Service, may enter into contracts with, or make grants to, urban Indian organizations situated in urban centers for which contracts have not been entered into, or grants have not been made, under section 503. The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the urban Indian organization which the Secretary has entered into a contract with, or made a grant to, under this section.";

(B) in subsection (b)—

(i) in the material preceding paragraph (1), by inserting ", or grant made," after "contract entered into"; and

(ii) in paragraph (2), by striking "within one year" and all that follows through the period at the end and inserting the following: ", or carry out the requirements of the grant, within one year after the date on which the Secretary and such organization enter into such contract, or within one year after such organization receives such grant, whichever is applicable.";

(C) in subsection (c), by inserting ", or grant made," after "entered into"; and

(D) by amending the heading to read as follows:

"CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS".

(3) Section 505 of the Act (25 U.S.C. 1655) is amended—

(A) in subsection (a), by inserting "compliance with grant requirements under this title and" before "compliance with,";

(B) in subsection (b)—

(i) by inserting "or received a grant" after "entered into a contract"; and

(ii) by inserting before the period at the end the following: "or the terms of such grant";

(C) in subsection (c)—

(i) by inserting "the requirements of a grant or complied with" after "complied with";

(ii) by inserting "or grant" after "such contract" each place it appears";

(iii) by inserting "or make a grant" after "enter into a contract"; and

(iv) by inserting "or grant" after "whose contract";

(D) in subsection (d), by inserting "or grant" after "a contract" each place it appears; and

(E) by amending the heading to read as follows:

"EVALUATIONS; RENEWALS".

(4) Section 506 of the Act (25 U.S.C. 1656) is amended—

(A) in subsection (b), by inserting "or grants" after "any contracts";

(B) in subsection (d), by inserting "or grant" after "contract" each place it appears;

(C) in subsection (e)—

(i) by inserting ", or grants to," after "Contracts with"; and

(ii) by inserting "or grants" after "such contracts"; and

(D) by amending the heading to read as follows:

"OTHER CONTRACT AND GRANT REQUIREMENTS".

(5) Section 507 of the Act (25 U.S.C. 1657) is amended—

(A) in subsection (a)—

(i) in the material preceding paragraph (1), by inserting ", or a grant received," after "entered into"; and

(ii) in paragraphs (1) and (2), by inserting "or grant" after "contract" each place it appears; and

(B) in subsections (b) and (c), by inserting "or grant" after "contract" each place it appears.

(6) Section 509 of the Act (25 U.S.C. 1659) (as amended by section 902(5)(A) of this Act) is amended by inserting "or grant recipients" after "contractors" each place it appears.

SEC. 502. ALCOHOL AND SUBSTANCE ABUSE.

(a) AUTHORIZATION.—Title V of the Act is amended by inserting after section 510 (as redesignated by section 902(5)(B) of this Act) the following new section:

"GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE RELATED SERVICES

"SEC. 511. (a) GRANTS.—The Secretary may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in, alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under this title.

"(b) GOALS OF GRANT.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

"(1) size of the urban Indian population;

"(2) accessibility to, and utilization of, other health resources available to such population;

"(3) duplication of existing Service or other Federal grants or contracts;

"(4) capability of the organization to adequately perform the activities required under the grant;

"(5) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

"(6) identification of need for services.

"The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

"(d) TREATMENT OF FUNDS RECEIVED BY URBAN INDIAN ORGANIZATIONS.—Any funds received by an urban Indian organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title V of the Act is amended by inserting after section 511 (as added by section 502 of this Act) the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 512. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title V of the Act (25 U.S.C. 1650 et seq.) is amended—

(1) in section 503—

(A) in subsection (c), by striking out "(c)(1)" and inserting "(c)" and by striking out paragraph (2);

(B) in subsection (d), by striking out paragraph (4);

(C) in subsection (e), by striking out paragraph (4); and

(D) in subsection (f), by striking out paragraph (5); and

(2) in section 509 (as redesignated by section 902(5)(A) of this Act), by striking out the last sentence.

TITLE VI—ORGANIZATIONAL IMPROVEMENTS

SEC. 601. INDIAN HEALTH SERVICE.

Section 601(c) of the Act (15 U.S.C. 1661(c)) is amended—

(1) in paragraph (2), by striking out "and" after the semicolon;

(2) in paragraph (3), by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) all scholarship and loan functions carried out under title I.".

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Title VI of the Act (25 U.S.C. 1661 et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 603. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

TITLE VII—SUBSTANCE ABUSE PROGRAMS

SEC. 701. REDESIGNATION OF EXISTING TITLE VII.

(a) TITLE HEADING.—Title VII of the Act (25 U.S.C. 1671 et seq.) is redesignated as title VIII and the title heading is amended to read as follows:

"TITLE VIII—MISCELLANEOUS"

(b) REDESIGNATION OF SECTIONS.—Sections 701 through 720 of the Act (25 U.S.C. 1671 et seq.) are hereby redesignated as sections 801 through 820, respectively.

(c) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 207(a), by striking out "section 713" and inserting in lieu thereof "section 813";

(2) in section 307(e), by striking out "section 713" and inserting in lieu thereof "section 813"; and

(3) in section 405(b)—

(A) in paragraph (1), by striking out "sections 402(c) and 713(b)(2)(A)" and inserting in lieu thereof "sections 402(a) and 813(b)(2)(A)"; and

(B) in paragraph (4), by striking out "section 402(c)" each place it appears and inserting in lieu thereof "section 402(a)".

(d) REFERENCES.—Any reference in a provision of law other than the Indian Health Care Improvement Act to sections redesignated by subsection (b) shall be deemed to refer to the section as so redesignated.

SEC. 702. SUBSTANCE ABUSE PROGRAMS.

(a) IN GENERAL.—The Act is amended by inserting after title VI the following new title:

"TITLE VII—SUBSTANCE ABUSE PROGRAMS

"INDIAN HEALTH SERVICE RESPONSIBILITIES

"SEC. 701. The Memorandum of Agreement entered into pursuant to section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"INDIAN HEALTH SERVICE PROGRAM

"SEC. 702. (a) COMPREHENSIVE PREVENTION AND TREATMENT PROGRAM.—(1) The Secretary, acting through the Service, shall provide a program of comprehensive alcohol and substance abuse prevention and treatment which shall include—

"(A) prevention, through educational intervention, in Indian communities;

"(B) acute detoxification and treatment;

"(C) community-based rehabilitation;

"(D) community education and involvement, including extensive training of health care, educational, and community-based personnel; and

"(E) residential treatment programs for pregnant and post partum women and their children.

"(2) The target population of such program shall be members of Indian tribes. Efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b) CONTRACT HEALTH SERVICES.—(1) The Secretary, acting through the Service, may enter into contracts with public or private providers of alcohol and substance abuse treatment services for the purpose of assisting the Service in carrying out the program required under subsection (a).

"(2) In carrying out this subsection, the Secretary shall provide assistance to Indian tribes to develop criteria for the certification of alcohol and substance abuse service providers and accreditation of service facilities which meet minimum standards for such services and facilities as may be determined pursuant to section 4205(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411(a)(3)).

"INDIAN WOMEN TREATMENT PROGRAMS

"SEC. 703. (a) The Secretary may make grants to Indian tribes and tribal organizations to develop and implement a comprehensive alcohol and substance abuse program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

"(b) Grants made pursuant to this section may be used to—

"(1) develop and provide community training, education, and prevention programs for Indian women relating to alcohol and substance abuse issues, including fetal alcohol syndrome and fetal alcohol effect;

"(2) identify and provide appropriate counseling, advocacy, support, and relapse prevention to Indian women and their families; and

"(3) develop prevention and intervention models for Indian women which incorporate traditional healers, cultural values, and community and family involvement.

"(c) The Secretary shall establish criteria for the review and approval of applications for grants under this section.

"(d)(1) There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) Twenty percent of the funds appropriated pursuant to this subsection shall be used to make grants to urban Indian organizations funded under title V.

"INDIAN HEALTH SERVICE YOUTH PROGRAM

"SEC. 704. (a) DETOXIFICATION AND REHABILITATION.—The Secretary shall develop and implement a program for acute detoxification and treatment for Indian youth who are alcohol and substance abusers. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis. These regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b) TREATMENT CENTERS OR FACILITIES.—(1) The Secretary shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, a youth regional treatment center in each area under the jurisdiction of an area office. For the purposes of this subsection, the area offices of the Service in Tucson and Phoenix, Arizona, shall be considered one area office and the area office in California shall be considered to be two area offices, one office whose jurisdiction shall be considered to encompass the northern area of the State of California, and one office whose jurisdiction shall be considered to encompass the remainder of the State of California.

"(2) For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

"(3) Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

"(A) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

"(B) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(4) A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

"(c) FEDERALLY OWNED STRUCTURES.—

"(1) The Secretary, acting through the Service, shall, in consultation with Indian tribes—

"(A) identify and use, where appropriate, federally owned structures suitable as local residential or regional alcohol and substance abuse treatment centers for Indian youth; and

"(B) establish guidelines for determining the suitability of any such federally owned structure to be used as a local residential or regional alcohol and substance abuse treatment center for Indian youth.

"(2) Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure.

"(d) REHABILITATION AND AFTERCARE SERVICES.—

"(1) The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each Service service unit community-based rehabilitation and follow-up services for Indian youth who are alcohol or substance abusers which are designed to integrate long-term treatment and to monitor and support the Indian youth after their return to their home community.

"(2) Services under paragraph (1) shall be administered within each service unit by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff shall include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(e) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youth authorized by this section, the Secretary shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (d) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(f) MULTIDRUG ABUSE STUDY.—(1) The Secretary shall conduct a study to determine the incidence and prevalence of the abuse of multiple forms of drugs, including alcohol, among Indian youth residing on Indian reservations and in urban areas and the interrelationship of such abuse with the incidence of mental illness among such youth.

"(2) The Secretary shall submit a report detailing the findings of such study, together with recommendations based on such findings, to the Congress no later than two years after the date of the enactment of this section.

"TRAINING AND COMMUNITY EDUCATION

"SEC. 705. (a) COMMUNITY EDUCATION.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education in alcohol and substance abuse to political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical members of each tribal community.

"(b) TRAINING.—The Secretary shall, either directly or by contract, provide instruction in the area of alcohol and substance abuse, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol syndrome to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) COMMUNITY-BASED TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, acting through the Service and in consultation with tribes and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and substance abuse faced by children of alcoholics;

"(2) the cultural and multigenerational aspects of alcohol and substance abuse prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating alcohol and substance abuse.

"GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER

"SEC. 706. (a) GRANTS FOR RESIDENTIAL TREATMENT.—The Secretary shall make grants to the Navajo Nation for the purpose of providing residential treatment for alcohol and substance abuse for adult and adolescent members of the Navajo Nation and neighboring tribes.

"(b) PURPOSES OF GRANTS.—Grants made pursuant to this section shall (to the extent appropriations are made available) be used to—

"(1) provide at least 15 residential beds each year for adult long-term treatment, including beds for specialized services such as polydrug abusers, dual diagnosis, and specialized services for women with fetal alcohol syndrome children;

"(2) establish clinical assessment teams consisting of a clinical psychologist, a part-time addictionologist, a master's level assessment counselor, and a certified medical records technician which shall be responsible for conducting individual assessments and matching Indian clients with the appropriate available treatment;

"(3) provide at least 12 beds for an adolescent shelterbed program in the city of Gallup, New Mexico, which shall serve as a satellite facility to the Acoma/Canoncito/Laguna Hospital and the adolescent center located in Shiprock, New Mexico, for emergency crisis services, assessment, and family intervention;

"(4) develop a relapse program for the purposes of identifying sources of job training and job opportunity in the Gallup area and providing vocational training, job placement, and job retention services to recovering substance abusers; and

"(5) provide continuing education and training of treatment staff in the areas of intensive outpatient services, development of family support systems, and case management in cooperation with regional colleges, community colleges, and universities.

"(c) CONTRACT FOR RESIDENTIAL TREATMENT.—The Navajo Nation, in carrying out the purposes of this section, shall enter into a contract with an institution in the Gallup, New Mexico, area which is accredited by the Joint Commission of the Accreditation of Health Care Organizations to provide comprehensive alcohol and drug treatment as authorized in subsection (b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to carry out the purposes of subsection (b)(1)—

"(A) $400,000 for fiscal year 1993;

"(B) $400,000 for fiscal year 1994; and

"(C) $500,000 for fiscal year 1995;

"(2) to carry out the purposes of subsection (b)(2)—

"(A) $100,000 for fiscal year 1993;

"(B) $125,000 for fiscal year 1994; and

"(C) $150,000 for fiscal year 1995;

"(3) to carry out the purposes of subsection (b)(3)—

"(A) $75,000 for fiscal year 1993;

"(B) $85,000 for fiscal year 1994; and

"(C) $100,000 for fiscal year 1995;

"(4) to carry out the purposes of subsection (b)(4), $150,000 for each of fiscal years 1993, 1994, and 1995; and

"(5) to carry out the purposes of subsection (b)(5)—

"(A) $75,000 for fiscal year 1993;

"(B) $90,000 for fiscal year 1994; and

"(C) $100,000 for fiscal year 1995.

"REPORTS

"SEC. 707. (a) COMPILATION OF DATA.—The Secretary, with respect to the administration of any health program by a service unit, directly or through contract, including a contract under the Indian Self-Determination Act, shall require the compilation of data relating to the number of cases or incidents in which any Service personnel or services were involved and which were related, either directly or indirectly, to alcohol or substance abuse. Such report shall include the type of assistance provided and the disposition of these cases.

"(b) REFERRAL OF DATA.—The data compiled under subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan under section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2471 et seq.).

"(c) COMPREHENSIVE REPORT.—Each service unit director shall be responsible for assembling the data compiled under this section and section 4214 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2434) into an annual tribal comprehensive report. Such report shall be provided to the affected tribe and to the Director of the Service who shall develop and publish a biennial national report based on such tribal comprehensive reports.

"FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS

"SEC. 708. (a)(1) The Secretary may make grants to Indian tribes and tribal organizations to establish fetal alcohol syndrome and fetal alcohol effect programs as provided in this section for the purposes of meeting the health status objectives specified in section 3(b).

"(2) Grants made pursuant to this section shall be used to—

"(A) develop and provide community and in-school training, education, and prevention programs relating to FAS and FAE;

"(B) identify and provide alcohol and substance abuse treatment to high-risk women;

"(C) identify and provide appropriate educational and vocational support, counseling, advocacy, and information to FAS and FAE affected persons and their families or caretakers;

"(D) develop and implement counseling and support programs in schools for FAS and FAE affected children;

"(E) develop prevention and intervention models which incorporate traditional healers, cultural values and community involvement;

"(F) develop, print, and disseminate education and prevention materials on FAS and FAE; and

"(G) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools for use in tribal and urban Indian communities.

"(3) The Secretary shall establish criteria for the review and approval of applications for grants under this section.

"(b) The Secretary, acting through the Service, shall—

"(1) develop an annual plan for the prevention, intervention, treatment, and aftercare for those affected by FAS and FAE in Indian communities;

"(2) conduct a study, directly or by contract with any organization, entity, or institution of higher education with significant knowledge of FAS and FAE and Indian communities, of the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians and Alaska Natives with FAS or FAE;

"(3) establish a national clearinghouse for prevention and educational materials and other information on FAS and FAE effect in Indian and Alaska Native communities and ensure access to clearinghouse materials by any Indian tribe or urban Indian organization.

"(c) The Secretary shall establish a task force to be known as the FAS/FAE Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the National Institute on Drug Abuse, the National Institute on Alcohol and Alcoholism, the Office of Substance Abuse Prevention, the National Institute of Mental Health, the Service, the Office of Minority Health of the Department of Health and Human Services, the Administration for Native Americans, the Bureau of Indian Affairs, Indian tribes, tribal organizations, urban Indian communities, and Indian FAS/FAE experts.

"(d) The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian tribes, tribal organizations, universities working with Indian tribes on cooperative projects, and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide aftercare for Indians and urban Indians affected by FAS or FAE.

"(e)(1) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the status of FAS and FAE in the Indian population. Such report shall include, in addition to the information required under section (3)(d) with respect to the health status objective specified in section (3)(b)(27), the following:

"(A) The progress of implementing a uniform assessment and diagnostic methodology in Service and tribally based service delivery systems.

"(B) The incidence of FAS and FAE babies born for all births by reservation and urban-based sites.

"(C) The prevalence of FAS and FAE affected Indian persons in Indian communities, their primary means of support, and recommendations to improve the support system for these individuals and their families or caretakers.

"(D) The level of support received from the entities specified in subsection (c) in the area of FAS and FAE.

"(E) The number of inpatient and outpatient substance abuse treatment resources which are specifically designed to meet the unique needs of Indian women, and the volume of care provided to Indian women through these means.

"(F) Recommendations regarding the prevention, intervention, and appropriate vocational, educational and other support services for FAS and FAE affected individuals in Indian communities.

"(2) The Secretary may contract the production of this report to a national organization specifically addressing FAS and FAE in Indian communities.

"(f)(1) There are authorized to be appropriated to carry out this section $22,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) Ten percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian organizations funded under title V.

"PUEBLO SUBSTANCE ABUSE TREATMENT PROJECT FOR SAN JUAN PUEBLO, NEW MEXICO

"SEC. 709. The Secretary, acting through the Service, shall continue to make grants, through fiscal year 1995, to the 8 Northern Indian Pueblos Council, San Juan Pueblo, New Mexico, for the purpose of providing substance abuse treatment services to Indians in need of such services.

"THUNDER CHILD TREATMENT CENTER

"SEC. 710. (a) The Secretary, acting through the Service, shall make a grant to the Intertribal Addictions Recovery Organization, Inc. (commonly known as the Thunder Child Treatment Center) at Sheridan, Wyoming, for the completion of construction of a multiple approach substance abuse treatment center which specializes in the treatment of alcohol and drug abuse of Indians.

"(b) For the purposes of carrying out subsection (a), there are authorized to be appropriated $2,000,000 for fiscal years 1993 and 1994. No funding shall be available for staffing or operation of this facility. None of the funding appropriated to carry out subsection (a) shall be used for administrative purposes.

"SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT

"SEC. 711. (a) The Secretary, acting through the Service, may enter into contracts with, or make grants to, tribally controlled community colleges and eligible community colleges to establish demonstration projects to develop educational curricula for substance abuse counseling.

"(b) Funds provided under this section shall be used only for developing and providing educational curricula for substance abuse counseling (including paying salaries for instructors).

"(c) A contract entered into or a grant provided under this section shall be for a period of one year. Such contract or grant may be renewed for an additional one year period upon the approval of the Secretary.

"(d) Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with Indian tribes and administrators of tribally controlled community colleges and eligible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of tribally controlled community colleges and eligible community colleges to educate substance abuse counselors.

"(e) The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(f) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section.

"(g) For the purposes of this section, the following definitions apply:

"(1) The term 'educational curriculum' means one or more of the following:

"(A) Classroom education.

"(B) Clinical work experience.

"(C) Continuing education workshops.

"(2) The term 'eligible community college' means a community college that—

"(i) is located on or near an Indian reservation;

"(ii) has entered into a cooperative agreement with the governing body of such Indian reservation to carry out a demonstration project under this section; and

"(iii) has a student enrollment of not less than 10 percent Indian.

"(3) The term 'tribally controlled community college' has the meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

"(h) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997, such sums as may be necessary to carry out the purposes of this section. Such sums shall remain available until expended.".

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 712. Except as provided in sections 703, 706, 708, 710, and 711, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out the provisions of this title.".

(b) REDESIGNATION AND REPEAL OF EXISTING PROVISIONS.—

(1) REDESIGNATION.—The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is amended by redesignating section 4224 as section 4208A.

(2) REPEAL.—Part 6 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2471 et seq.), as amended by paragraph (1), is hereby repealed.

SEC. 703. INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986 AMENDMENTS.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is amended—

(1) in section 4206—

(A) in subsection (c)—

(i) in paragraph (2)—

(I) by striking "(2) the" and inserting "(B) the";

(II) by striking "(3) the" and inserting "(C) the";

(III) by striking "(4) the" and inserting "(D) the";

(IV) in subparagraph (D) (as redesignated by subclause (III)), by striking "and" at the end;

(V) in subparagraph (E), by striking the period at the end and inserting ", and"; and

(VI) by adding at the end the following new subparagraph:

"(F) an evaluation component to measure the success of efforts made."; and

(ii) by adding at the end the following new paragraph:

"(3) All Tribal Action Plans shall be updated every 2 years."; and

(B) in subsection (d), by amending paragraph (2) to read as follows:

"(2) There are authorized to be appropriated for grants under this subsection not more than $2,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000."; and

(C) by adding at the end the following new subsection:

"(f)(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) to implement and develop community and in-school training, education, and prevention programs on alcohol and substance abuse, fetal alcohol syndrome and fetal alcohol effect.

"(2) Funds provided under this section may be used for, but are not limited to, the development and implementation of tribal programs for—

"(A) youth employment;

"(B) youth recreation;

"(C) youth cultural activities;

"(D) community awareness programs; and

"(E) community training and education programs.

"(3) There are authorized to be appropriated to carry out the provisions of this subsection $5,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(2) in section 4207(b), by amending paragraph (3) to read as follows:

"(3) The Assistant Secretary of the Interior for Indian Affairs shall appoint such employees to work in the Office of Alcohol and Substance Abuse, and shall provide such funding, services, and equipment as may be necessary to enable the Office of Alcohol and Substance Abuse to carry out its responsibilities.";

(3) in section 4210, by amending subsection (b) to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(4) in section 4212(a), by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000";

(5) in section 4213(e), by amending paragraphs (1) and (2) to read as follows:

"(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian youth, there are authorized to be appropriated $10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) For the staffing and operation of emergency shelters and half-way houses, there are authorized to be appropriated $5,000,000 for fiscal year 1993 and $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(6) in section 4216(a)(1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(C) the Makah Indian Tribe of Washington for the investigation and control of illegal narcotic traffic on the Makah Indian Reservation arising from its proximity to international waters.";

(7) by amending section 4216(a)(3) to read as follows:

"(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—

"(A) $500,000 under paragraph (1)(A) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000,

"(B) $500,000 under paragraph (1)(B) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000, and

"(C) $500,000 under paragraph (1)(C) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(8) by amending section 4216(b) to read as follows:

"(b)(1) MARIJUANA ERADICATION AND INTERDICTION.—The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation, and interdiction, investigation, and control of illegal narcotics trafficking within Indian country as defined in section 1152 of title 18, United States Code. The Secretary shall establish a priority for the use of funds appropriated under paragraph (2) for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

"(2) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated $2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(9) in section 4218, by amending subsection (b) to read as follows:

"(b) AUTHORIZATION.—For the purposes of providing the training required by subsection (a), there are authorized to be appropriated $2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999 and 2000."; and

(10) in section 4220(b), by amending paragraphs (1) and (2) to read as follows:

"(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a), there are authorized to be appropriated $10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) For the purpose of staffing and operating juvenile detention centers, there are authorized to be appropriated $7,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

TITLE VIII—MISCELLANEOUS

SEC. 801. REPORTS.

Section 801 of the Act (25 U.S.C. 1671) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"REPORTS

"SEC. 801. The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress a report containing—

"(1) a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians, and ensure a health status for Indians, which are at a parity with the health services available to and the health status of, the general population;

"(2) a separate statement which specifies the amount of funds requested to carry out the provisions of section 201;

"(3) a separate statement of the total amount obligated or expended in the most recently completed fiscal year to achieve each of the objectives described in section 814, relating to infant and maternal mortality and fetal alcohol syndrome;

"(4) the reports required by sections 3(d), 108(n), 203(b), 209(j), 214(e), 301(c), 302(g), 403, 708(e), and 817(a);

"(5) for fiscal year 1997, the interim report required by section 307(h)(1); and

"(6) for fiscal year 1999, the reports required by sections 307(h)(2), 711(f), and 821(g).".

SEC. 802. REGULATIONS.

Section 802 of the Act (25 U.S.C. 1672) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"REGULATIONS

"SEC. 802. Prior to any revision of or amendment to rules or regulations promulgated pursuant to this Act, the Secretary shall consult with Indian tribes and appropriate national or regional Indian organizations and shall publish any proposed revision or amendment in the Federal Register not less than sixty days prior to the effective date of such revision or amendment in order to provide adequate notice to, and receive comments from, other interested parties.".

SEC. 803. EXTENSION OF TREATMENT OF ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

Section 808 of the Act (25 U.S.C. 1678) (as redesignated by section 701(b) of this Act) is amended by striking out "1991" and inserting in lieu thereof "2000".

SEC. 804. INFANT AND MATERNAL MORTALITY; FETAL ALCOHOL SYNDROME.

Section 814 of the Act (25 U.S.C. 1680d) (as redesignated by section 701(b) of this Act) is amended—

(1) by striking out "(a)"; and

(2) by striking out subsection (b).

SEC. 805. REALLOCATION OF BASE RESOURCES.

Section 817(a) of the Act (25 U.S.C. 1680(g)) (as redesignated by section 701(b) of this Act) is amended by striking out "Secretary has submitted to the Congress" and inserting in lieu thereof the following: "Secretary has submitted to the President, for inclusion in the report required to be transmitted to the Congress under section 801,".

SEC. 806. CHILD SEXUAL ABUSE TREATMENT PROGRAMS.

Section 819 of the Act (25 U.S.C. 1680i) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"CHILD SEXUAL ABUSE TREATMENT PROGRAMS

"SEC. 819. (a) The Secretary and the Secretary of the Interior shall, for each fiscal year through fiscal year 1995, continue the demonstration programs involving treatment for child sexual abuse provided through the Hopi Tribe and the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

"(b) Beginning October 1, 1995, the Secretary and the Secretary of the Interior may establish, in any service area, demonstration programs involving treatment for child sexual abuse, except that the Secretaries may not establish a greater number of such programs in one service area than in any other service area until there is an equal number of such programs established with respect to all service areas from which the Secretary receives qualified applications during the application period (as determined by the Secretary).".

SEC. 807. TRIBAL LEASING.

Section 820 of the Act (25 U.S.C. 1680j) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"TRIBAL LEASING

"SEC. 820. Indian tribes providing health care services pursuant to a contract entered into under the Indian Self-Determination Act may lease permanent structures for the purpose of providing such health care services without obtaining advance approval in appropriation Acts.".

SEC. 808. EXTENSION OF TRIBAL MANAGEMENT DEMONSTRATION PROJECT TERMINATION DATE IN CERTAIN CASES.

Section 818(d) of the Act (25 U.S.C. 1680h(d)) (as redesignated by section 701(b) of this Act) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ", or, in the case of a demonstration project for which a grant is made after September 30, 1990, three years after the date on which such grant is made"; and

(2) in paragraph (2), by striking "1994" and inserting "1996".

SEC. 809. LONG-TERM CARE DEMONSTRATION PROJECT.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 of this Act) is amended by adding at the end the following new section:

"LONG-TERM CARE DEMONSTRATION PROJECT

"SEC. 821. (a) The Secretary, acting through the Service, is authorized to enter into contracts with, or make grants to, Indian tribes or tribal organizations providing health care services pursuant to a contract entered into under the Indian Self-Determination Act, to establish demonstration projects for the delivery of home- and community-based services to functionally disabled Indians.

"(b)(1) Funds provided for a demonstration project under this section shall be used only for the delivery of home- and community-based services (including transportation services) to functionally disabled Indians.

"(2) Such funds may not be used—

"(A) to make cash payments to functionally disabled Indians;

"(B) to provide room and board for functionally disabled Indians;

"(C) for the construction or renovation of facilities or the purchase of medical equipment; or

"(D) for the provision of nursing facility services.

"(c) Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with Indian tribes and tribal organizations, shall develop and issue criteria for the approval of applications submitted under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of tribes and tribal organizations to deliver, or arrange for the delivery of, high quality, culturally appropriate home- and community-based services to functionally disabled Indians;

"(d) The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(e) At the discretion of the tribe or tribal organization, services provided under a demonstration project established under this section may be provided (on a cost basis) to persons otherwise ineligible for the health care benefits of the Service.

"(f) The Secretary shall establish not more than 24 demonstration projects under this section. The Secretary may not establish a greater number of demonstration projects under this section in one service area than in any other service area until there is an equal number of such demonstration projects established with respect to all service areas from which the Secretary receives applications during the application period (as determined by the Secretary) which meet the criteria issued pursuant to subsection (c).

"(g) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section, together with legislative recommendations.

"(h) For the purposes of this section, the following definitions shall apply:

"(1) The term 'home- and community-based services' means one or more of the following:

"(A) Homemaker/home health aide services.

"(B) Chore services.

"(C) Personal care services.

"(D) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

"(E) Respite care.

"(F) Training for family members in managing a functionally disabled individual.

"(G) Adult day care.

"(H) Such other home- and community-based services as the Secretary may approve.

"(2) The term 'functionally disabled' means an individual who is determined to require home- and community-based services based on an assessment that uses criteria (including, at the discretion of the tribe or tribal organization, activities of daily living) developed by the tribe or tribal organization.

"(i) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.".

SEC. 810. RESULTS OF DEMONSTRATION PROJECTS.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 809 of this Act) is amended by adding at the end the following new section:

"RESULTS OF DEMONSTRATION PROJECTS

"SEC. 822. The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.".

SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 810 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 823. Except as provided in section 821, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title VIII of the Act (25 U.S.C. 1671 et seq.) (as redesignated by subsections (a) and (b) of section 701 of this Act) is amended—

(1) in section 807 (as redesignated by section 701(b) of this Act), by striking out subsection (f); and

(2) in section 818 (as redesignated by section 701(b) of this Act), by striking out subsection (e).

SEC. 812. TRIBAL SELF-GOVERNANCE PROJECT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is amended—

(1) in section 301, by inserting after "Interior" the following: "and the Secretary of Health and Human Services (hereafter in this title referred to as the 'Secretaries') each";

(2) in sections 302, 303, 304, and 305, by striking "Secretary" each place it appears and inserting in lieu thereof "Secretaries";

(3) in section 303(a)(1), by inserting after "Interior" the following: "and the Indian Health Service of the Department of Health and Human Services"; and

(4) by adding after section 309 the following new section:

"SEC. 310. For the purposes of providing one year planning and negotiations grants to the Indian tribes identified by section 302, with respect to the programs, activities, functions or services of the Indian Health Service, there are authorized to be appropriated such sums as may be necessary to carry out such purposes.".

TITLE IX—TECHNICAL CORRECTIONS

SEC. 901. REPEAL OF EXPIRED REPORTING REQUIREMENTS.

The Act is amended—

(1) in section 116, by striking out subsection (d);

(2) in section 204(a)—

(A) by striking out paragraph (2);

(B) by striking out "(a)(1)" and inserting in lieu thereof "(a)";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in paragraph (2) (as redesignated by subparagraph (C)), by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)";

(3) in section 602, by striking out subsection (a)(3); and

(4) by striking out section 803 (as redesignated by section 701(b) of this Act).

SEC. 902. OTHER TECHNICAL CORRECTIONS.

The Act is amended—

(1) in section 4(c), by striking out "sections 102, 103, and 201(c)(5)," and inserting in lieu thereof the following: "sections 102 and 103,";

(2) in title I—

(A) in section 102(b)(1), by striking ": *Provided*, That the" and inserting in lieu thereof ". The";

(B) in section 105(c), by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services";

(C) in section 108(d)(1)(A), by striking out "Indian Health" and inserting in lieu thereof "Indian health"; and

(D) in section 108(i), by striking out "Service manpower programs" and inserting in lieu thereof "health professional programs of the Service".

(3) in title II—

(A) by striking out "**SEC. 209. MENTAL HEALTH PREVENTION AND TREATMENT SERVICES.**" and inserting in lieu thereof the following:

"MENTAL HEALTH PREVENTION AND TREATMENT SERVICES

"SEC. 209."; and

(B) in section 209, by redesignating subsections (c) through (l) as subsections (b) through (k), respectively;

(4) in title III—

(A) by striking out "**SEC. 307. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.**" and inserting in lieu thereof the following:

"INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT

"SEC. 307."; and

(B) in section 301(d) (as redesignated by section 301(2) of this Act), by striking out "sections 102 and 103(b)" and inserting in lieu thereof "section 102";

(5) in title V—

(A) by striking out "**SEC. 409. FACILITIES RENOVATION.**" and inserting in lieu thereof the following:

"FACILITIES RENOVATION

"SEC. 509."; and

(B) by striking out "**SEC. 511. URBAN HEALTH PROGRAMS BRANCH.**" and inserting in lieu thereof the following:

"URBAN HEALTH PROGRAMS BRANCH

"SEC. 510.";

(6) in section 601(c)(3)(D), by striking out "(25 U.S.C. 2005, et seq.)" and inserting in lieu thereof "(42 U.S.C. 2005 et seq.)";

(7) in section 601(d)(1)(C), by striking out "appropriate" and inserting in lieu thereof "appropriated";

(8) in section 813(b)(2)(A) (as redesignated by section 701(b) of this Act), by striking out "section 402(c)" and inserting in lieu thereof "section 402(a)"; and

(9) by amending the heading for section 816 (as redesignated by section 701(b)) to read as follows:

"INDIAN HEALTH SERVICE AND DEPARTMENT OF VETERANS AFFAIRS HEALTH FACILITIES AND SERVICES SHARING".

The CHAIRMAN. Are there any amendments to the amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 75, after line 4, insert the following:

SEC. 306. BUY AMERICAN REQUIREMENT FOR FEDERAL AGENCIES.

(a) APPLICABILITY OF BUY AMERICAN REQUIREMENTS.—The Secretary of Health and Human Services shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in the amendment made by section 305(a).

(b) REPORTS ON PROCUREMENTS FROM FOREIGN ENTITIES.—The Department of Health and Human Services shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal years 1993 and 1994 with funds provided pursuant to an authorization contained in the amendment made by section 305(a). Such report shall separately indicate the dollar value of items procured with such funds for which the Buy American Act was waived pursuant to the Trade Agreement Act of 1979 or any international agreement to which the United States is a party.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to an authorization contained in the amendment made by section 305(a), pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 thro0ugh 9.409 of title 48, Code of Federal Regulations.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "Any Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, specifically, my amendment targets title III. It would require that moneys expended to construct, renovate, maintain, or modernize health facilities, water supply and sanitary solid waste systems and solid waste disposal systems as well as ambulatory care centers comply with our "Buy American" law, that there be a report where, in fact, there is any procurement outside of America by foreign entities, and finally, anybody having such a contract who, in fact, puts a sticker on "Made in America" where the product was not made in America would be ineligible to participate in the contracts under the bill.

Initially, I would like to commend the chairmen on their commitment to improving the quality of health care available to the native American community.

I gladly lend my support to this legislation because it is designed to improve the health status of American Indians and Alaska Natives whose health care status is substantially inferior to the U.S. population as a whole. Certainly, because of the continued mistreatment of the original people of America by the Federal Government, we should take responsibility for the betterment of their health status.

The comprehensive programs set forth in the proposed legislation demonstrates an all out assault on the health care problems of American Indians and Alaska Natives.

Specifically, my amendment targets title III of the legislation, in regard to health facilities. The legislation authorizes money for the construction and renovation of Indian Health Service [IHS] health facilities. It also authorizes the provision of safe water supply systems and sanitary sewage and solid waste disposal systems. Moreover, the bill authorizes the Secretary of HHS to make grants to tribes or tribal organizations for the construction, expansion or modernization of facilities for the provision of ambulatory care services primarily eligible to Indians.

My amendment would require that moneys expended to construct, renovate, maintain, or modernize health facilities, water supply and sanitary solid waste systems and solid waste disposal systems as well as ambulatory care centers comply with the buy American requirements.

The amendment would also require that the Department of Health and Human Services submit to Congress a report on the amount of procurements from foreign entities made in fiscal year 1993 and 1994 with funds provided pursuant to the authorization.

It also prohibits a person from receiving any contract or subcontract made with funds provided pursuant to the authorization if that person intentionally affixed a label bearing a "Made in America" inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States.

By permitting a buy American on this legislation we act not only to promote the health status of American Indians and Alaska Natives but we also promote a buy American policy that is designed to enhance the lives of all Americans as well as the revitalization of the faltering American economy.

I would like to thank the chairman for giving me the opportunity to present my amendment. I hope that this legislation will result in the betterment of lives for American Indians and Alaska Natives.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, we have had an opportunity to review the amendment, and we find the amendment to be acceptable to our committee.

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, I have had an opportunity to review the amendment. We have no problems with the amendment and accept the amendment.

Mr. TRAFICANT. Madam Chairman, I appreciate the support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 56, line 4, strike "(a) RECOVERY BY INDIAN TRIBE.—".

Page 56, strike line 14 and all that follows through line 2 on page 57.

Mr. DANNEMEYER. Madam Chairman, under existing law, if an Indian tribe, for example, would insure the employees of that tribe with health insurance and there would be Indians in the insurance plan as well as non-Indians and should those Indian employees then decide that in pursuit of medical care that they would go to a facility of the Indian Health Service, then under the existing law the Indian Health Service could seek reimbursement from the insurance company that the Indian tribe had contracted to bring into existence.

That is normal practice. If any of us with insurance used the facilities of a public facility, that the public facility, paid with taxpayers' dollars, does and should have the right to be paid from the insurance funds that an insured contributes to the pot. It makes sense. That is what the existing law does.

Under this bill, as it came out of the Committee on Interior and Insular Affairs, that would be changed. And it would be changed uniquely enough because, under the existing configuration of the Indian tribes of America, it would appear that it would be applicable to just one Indian tribe, the Navajos, because they—apparently—currently are the only tribe that has an insurance plan for their employees, both Indian and non-Indian.

So if this bill, in the form that it is before the House now, is adopted, the law will be modified so that if one of these Indian employees of this tribe with health insurance goes to a facility of the Indian Health Service, the Indian Health Service, paid for with taxpayers' dollars, will not be able to get reimbursed from the insurance company.

That may not be a bad idea, if you are in the business of running an Indian tribe, paying premiums for an insurance policy for health purposes. But we are here dealing with the expenditure of public funds, taxpayers' money. And it just does not seem right or fair that the effect of this law without my amendment will be to diminish the health services that are available to the very people for whom this health system exists, because bear in mind, Members, that we are appropriating a fixed sum each year to take care of the needs of the Indian Health Service.

And when the Indian Health Service is approached by Indians who utilized those services, then to that extent that facility is not available to treat other people. And when the Indian Health Service cannot seek reimbursement from the insurance company, that means they have that much less money and staff around to take care of those in that tribe who are really in need.

It is interesting to me that this bill, in the form that it is before the House and the committee that is considering it right now, was produced by a committee the majority of whom are made up of my Democrat friends who are suggesting that we need a national health insurance plan that would require every employer to have health insurance for employees in one form or another. And yet it would seem that that principle is being fractured by this bill because it really says that when that insurance policy is in existence, if an employee would, for instance, take or receive medical services from a particular facility, then there would be no right of reimbursement for the receipt of that service.

The administration is opposed to this bill without my amendment, and I would hope that the committee will adopt it, because I think it makes sense to have the existing law continue in force.

Mr. RICHARDSON. Madam Chairman, I move to strike the last word.

Madam Chairman, the provision Mr. DANNEMEYER is attempting to strip out at the request of the administration addresses a problem brought to my attention by the Navajo nation and the Alamo Navajo School Board. Specifically, the Navajo nation has had a contract with a private carrier since 1988 to provide health insurance coverage to the nation's approximately 7,000 employees who are both Indian and non-Indian.

WHAT THE NAVAJO NATION HEALTH INSURANCE POLICY COVERS

The policy covers only those employees who are ineligible for IHS services or who need health services which cannot be met by the IHS.

More importantly, the policy is paid for entirely by funds from the Navajo nation's general fund.

Furthermore, the insurance policy reimburses the IHS for all medical services provided by the IHS to non-Indian Navajo nation employees.

IHS ACTIONS

Despite these efforts, the IHS notified the Navajo nation in April 1989 that it would begin billing and collecting from the Navajo nation's health insurance policy.

RICHARDSON PROVISION

My provision simply allows the Navajo nation to use their health care policy the way it was designed, thus providing health care to those who otherwise would not have access to IHS services and providing additional health care benefits to tribal employees willing to pay extra for them.

In short, the Richardson provision clearly states that the IHS may not attempt recovery of any kind from any self-insurance plan funded by an Indian tribe or tribal organization.

NAVAJO NATION STATISTICS

The Navajo nation has many problems including a deep and abiding poverty, alcoholism, suicide, and an unemployment rate which tops the Nation, ranging from 38 to 50 percent depending upon the season.

Despite the overwhelming problems facing the Navajo nation, the nation acted as a responsible employer providing health insurnce to non-Indian employees, a population which otherwise would have no health insurance.

They did so within their means, in an effort to keep premiums affordable, tailoring the program only to those who had no access to IHS services or those who needed services IHS could not provide.

I might add that since the administration has done little to stop the skyrocketing cost of health care, you can hardly blame poverty stricken tribes from tailoring their insurance program to avoid high cost premiums.

Additionally, without the Navajo nation's actions to provide insurance for its non-Indian employees, this population would have been added to the existing 37 million Americans with no health insurance.

Quite frankly, there are many areas in which IHS is clearly inadequate including long waits, overcrowded, and old facilities, inadequate medical equipment, and lack of specialists. Why should Navajo's be any different from any other American? They want the same right to choose their doctor as every other American and they should not be prevented by the administration from getting the best care available if they are willing to pay for it.

I believe my colleague, Mr. DANNEMEYER, has neglected to factor in that the Navajo nation's initiative in this area saves the IHS a considerable amount of money, time, and effort as those tribal members who choose to obtain private health care using their private insurance are not using IHS facilities and doctors, thus greatly reducing the burden on IHS.

DANNEMEYER AMENDMENT VIOLATES U.S. TRUST RESPONSIBILITY

Finally, and most importantly, the Dannemeyer amendment reinstating the right of IHS to collect from tribal insurance policies violates the treaty agreements of 1850 and 1868 which establish the trust responsibility of the U.S. Government to our Nation's Indians to provide medical services and care to native Americans.

The fact is, native Americans are entitled to use IHS facilities and services without being charged for them.

DANNEMEYER AMENDMENT VIOLATES NAVAJO NATION SOVEREIGNTY

The Dannemeyer amendment also violates the sovereignty of the Navajo nation. As a sovereign nation, the Navajo's may exercise their right of self-government by creating and administering its own health insurance program.

We have done precious little in the way of living up to the treaties our country entered into with this country's first Americans. We stole their land, and if we didn't steal it, we exchanged it for arid, barren and worthless property. We fail to provide minimal appropriations for education, health care, sewer and water treatment, and other social needs. By these past and present actions we continue to keep native Americans poverty stricken.

And yet when they do for themselves or pull themselves up by their bootstraps as we and the administration continue to exhort them to do, we make it all the more difficult for them by taking from those who have nothing. If we won't do anything else, the least we can do is allow the Navajo nation to fend for itself and provide health insurance to its employees.

I urge my colleagues to oppose the Dannemeyer amendment.

□ 1330

PASSING OF THE HONORABLE WALTER JONES

(Mr. ROSE asked and was given permission to speak out of order.)

Madam Chairman, I regret to inform the House of the passing of the Honorable WALTER JONES, dean of the North Carolina delegation. He served as chairman of the Committee on Merchant Marine and Fisheries since 1981, and has been a Member of Congress since February 1966. Funeral arrangements will be announced as soon as completed.

Mr. RHODES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, existing law basically codifies the old insurance principle of coordination of benefits, whereby an individual who is covered by two insurance policies is covered by a policy that is considered to be primary in coverage and a policy that is considered to be secondary in coverage, and under the principle of coordination of benefits, benefits that are provided by the secondary carrier can be reimbursed and must be reimbursed to that secondary carrier by the primary carrier.

By law, we have determined that, in the case of individuals who are eligible for Indian Health Service coverage, if they also have commercial insurance by law we have determined that IHS is the secondary carrier, and therefore can recover the cost of the services provided to a covered individual from its primary carrier.

Also, under existing law, if a tribe provides benefits to its members through a self-insured plan, with no insurance coverage involved, the self-insured plan is likewise considered by law to be the primary carrier, thereby allowing the Indian Health Service to recover the costs of the services provided from that self-insured plan.

The bill as reported to the floor removes that provision, removes the provision that the IHS can recover the cost of its services from an Indian self-insured plan. This is apparently for the benefit of one tribe, the Navajo nation, and consequently really creates some inequities. It creates inequities because it differentiates between tribes which have purchased commercial insurance and whose commercial insurance will be called upon to reimburse the Indian health insurance, therefore adding to their premium burden.

It likewise creates a situation where the Navajo nation has a contractual obligation with its employees to provide them with health insurance benefits, and yet it allows the Navajo nation to have its employees receive their benefits through the Indian Health Service, and not cause any cost to the self-insurance plan of the Navajo nation.

This is unfair to other beneficiaries of the Indian Health Service, it is unfair to other tribes which have commercial insurance, and it is basically a provision being added to a law that benefits or that is for the benefit only of one native American nation.

As a consequence, I think that the provision is ill advised, and the amendment of the gentleman from California [Mr. DANNEMEYER] would restore this status quo as it exists under current law, and the amendment of the gentleman from California should be supported.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Dannemeyer amendment. This amendment would strike a position authorized by the gentleman from New Mexico [Mr. RICHARDSON] to protect the efforts of the Navajo nation to extend health insurance to their community. I think we ought to support the efforts of the gentleman from New Mexico. The Richardson provision was adopted by the Committee on Interior and Insular Affairs, and as a matter of comity the Committee on Energy and Commerce accepted it in a compromise.

I would urge the defeat of the Dannemeyer amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join the gentleman from California [Mr. WAXMAN] in opposition to this amendment. I think we should recognize what is happening here. That is that this is an attempt by the Indian nation to extend health care coverage to its members. What we have is the Indian Health Service, the Federal Government, coming along, seeing a pool of money that they would like to glom onto, and take that away from this effort to enhance the health service of the employees of this tribe.

□ 1340

This in fact is a health insurance policy that is designed to extend the coverage beyond what is covered by the Indian Health Service. These are not for services that are rendered by the Indian Health Service and, therefore, nonreimbursible. So you are asking the Indian Health Service to get reimbursed for programs that this insurance plan does not cover.

So it suggests between the relationship between a primary and secondary health insurance does not quite exist here because the people who are purchasing this policy and the people who are extending this policy are not extending it for the services of which the Indian people are already entitled to as a part of their membership in the Indian nation.

And so I think what we are doing here is we simply have a run on what would in any other incident be considered private money. We just have a run on that money by the Federal Government because they are seeking to be reimbursed for the cost of the Indian Health Services, an obligation which they have to extend what services they can and are recognized by the Federal Government to the Indian people. And we are not talking about a substantial amount of money. The IHS does have a small third-party collection system for ineligible members where they render service to people who do have insurance, and I think nationwide it runs about $8 million.

We are talking here about one tribe, for a select group, small group of people within that tribe that are employed by the nation and for services that are not billed. This is not a question of double coverage. This is not a question of going out and buying two insurance policies. It is a simple fact that the nation is taking the initiative to try to improve and extend the health care coverage of its employees. And I would hope that we would reject the amendment.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 199, not voting 68, as follows:

[Roll No. 391]

AYES—165

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Boucher
Broomfield
Bunning
Burton
Callahan
Campbell (CA)
Carper
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis

DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Green
Hall (TX)
Hammerschmidt
Hancock
Harris
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Lagomarsino
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morella
Myers
Nichols
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pickett
Pickle
Porter
Pursell
Ramstad
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Santorum
Sarpalius
Saxton
Schroeder
Schulze
Sensenbrenner
Shays
Shuster
Sisisky
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOES—199

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Bacchus
Beilenson
Bennett
Berman
Bevill
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Collins (IL)
Collins (MI)
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fazio
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kyl
LaFalce
Lancaster
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Markey
Marlenee
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Moran
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Pease
Peterson (FL)
Peterson (MN)
Poshard
Price
Quillen
Rahall
Ravenel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roth
Rowland
Russo
Sangmeister
Savage
Sawyer
Schaefer
Scheuer
Schumer
Sharp
Shaw
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Spratt
Staggers
Stallings
Stark
Stokes
Swett
Swift
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOT VOTING—68

Ackerman
Alexander
Aspin
Atkins
AuCoin
Barnard
Boehlert
Boxer
Bryant
Chandler
Coleman (TX)
Conyers
DeFazio
Derrick
Donnelly
Dornan (CA)
Early
Engel
Espy
Feighan
Flake
Foglietta
Ford (TN)
Gallegly
Gunderson
Hansen
Hatcher
Hayes (LA)
Holloway
Huckaby
Ireland
Jefferson
Kaptur
Kennedy
Kostmayer
Lantos
Levine (CA)
Luken
Manton
Mavroules
McCurdy
Moakley
Molinari
Morrison
Mrazek
Murphy
Neal (MA)
Owens (NY)
Owens (UT)
Payne (VA)
Pelosi
Perkins
Rangel
Roukema
Roybal
Sabo
Sanders
Schiff
Serrano
Sikorski
Skeen
Solarz
Studds
Synar
Torricelli
Towns
Traxler
Waters

□ 1403

The Clerk announced the following pair:

On this vote:

Mr. Synar for, with Mr. Dornan against.

Mr. FORD of Michigan and Mr. ROWLAND changed their vote from “aye” to “no.”

Messrs. EDWARDS of Oklahoma, LIVINGSTON, SKELTON, and RAY, and Mrs. LLOYD changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the permanent CONGRESSIONAL RECORD reflect that I voted against in the pair versus aye.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: Page 124, after line 4, insert the following new section (and redesignate succeeding sections of the bill accordingly):

SEC. 810. SHARED SERVICES DEMONSTRATION PROJECTS.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 809 of this Act) is amended by adding at the end the following new section:

“SHARED SERVICES DEMONSTRATION PROJECT

“SEC. 822. (a) The Secretary, acting through the Service and notwithstanding any other provision of law, is authorized to enter into contracts with Indian tribes or tribal organizations to establish shared services demonstration projects for the delivery of long-term care to Indians. Such projects shall provide for the sharing of staff or other services between a Service facility and a nursing facility owned and operated (directly or by contract) by such Indian tribe or tribal organization.

“(b) A contract entered into pursuant to subsection (a)—

“(1) may, at the request of the Indian tribe or tribal organization, delegate to such tribe or tribal organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

“(2) shall provide that expenses (including salaries) relating to services that are shared between the Service facility and the tribal facility be allocated proportionately between the Service and the tribe or tribal organization; and

“(3) may authorize such tribe or tribal organization to construct, renovate, or expand a nursing facility (including the construction of a facility attached to a Service facility), except that no funds appropriated for the Service shall be obligated or expended for such purpose.

“(c) To be eligible for a contract under this section, a tribe or tribal organization, shall, as of the date of the enactment of this Act—

“(1) own and operate (directly or by contract) a nursing facility;

“(2) have entered into an agreement with a consultant to develop a plan for meeting the long-term needs of the tribe or tribal organization; or

“(3) have adopted a tribal resolution providing for the construction of a nursing facility.

“(d) Any nursing facility for which a contract is entered into under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

“(e) The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(f) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the findings and conclusions derived from the demonstration projects conducted under this section.”.

Page 117, line 11, strike “and 817(a)” and insert “817(a), and 822(f)”.

Page 124, line 7, strike “809” and insert “810”.

Page 124, line 11, strike “822” and insert “823”.

Page 124, line 17, strike “810” and insert “811”.

Page 124, line 20, strike “823” and insert “824”.

Mr. WILLIAMS (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WILLIAMS. Madam Chairman, I strongly support this bill. I thank the chairman and the ranking members of both the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce for their commitment to the provisions of quality health care for American Indians.

The elderly population on reservations has been increasing at accelerated rates, highlighting the urgency for greater attention to be given to the long-term-care needs of tribal elders.

The bill already provides a much-needed boost to home and community-based care on the reservation, but the bill could go farther, however. It could go farther in assuring continuing care. The legislation does not fully address the immediate and crucial needs for improved nursing-home care on the reservation.

My amendment would allow the Indian tribes—tribes, that is—to provide nursing home care for their elderly by sharing services with an Indian Health Service facility. The Indian Health Service does not now provide nursing homes for American Indians. Given the economic times we find ourselves in, I am not at all sure that we will provide nursing homes for native Americans in the foreseeable future; however, some tribes have already entered into the business of owning and operating nursing homes out of the necessity to keep their loved ones close. Thus my amendment. Let me explain it to my colleagues.

My amendment creates six model programs in the Nation that would first negotiate a shared service contract between IHS and Indian tribes that have nursing homes. Shared services would include employees and facilities.

A second point of the amendment is that it would allow tribes to attach their own nursing homes, paid for by themselves, to an IHS facility for the purpose of consistency of service. All of this, all of these points that I am going to enumerate, would have to be agreeable to IHS as they interact with the various tribes.

□ 1410

The third point that my amendment would allow is the nursing home to pay the salaries and expenses of shared services proportionately. For example, if dietary services are used to feed 40 nursing home patients and 60 hospital patients, the tribe under this agreement would pay 40 percent of the costs, and IHS would pay 60 percent.

The fourth point of my amendment, the final point that I will share with my colleagues, is that in the shared services agreement IHS is authorized to allow supervision authority of IHS employees to the tribe, but that, of course, must be part of the negotiated agreement.

Let me tell my colleagues what my amendment does not do. CBO that has costed this amendment says there is no cost to the IHS, the Federal Government associated with it. Under my amendment IHS cannot spend, cannot spend, Medicare or Medicaid money on any arrangement they would agree to with the tribes. If the negotiations are not satisfactory to the tribe or IHS, for the connection of nursing homes with hospital facilities or for the provision of shared services, that either IHS or the tribe can back out. My amendment limits this effort to only six national models.

By the way, IHS has been approached by Montana tribes and has declined to negotiate the shared services agreement without this amendment. With the amendment, of course, they would be pleased to move into Montana and elsewhere, wherever the six models are accepted. IHS would be willing to move into some type of shared negotiated agreement. My amendment simply allows them to sit down with the tribes and try to work out an agreement whereby the tribes can take care of their own elders at their own cost and share services with IHS if there is no cost to IHS.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for yielding, and we have had a chance to examine this amendment, and we have worked with the gentleman on this amendment; the committee staff has. We think this is a progressive amendment. We think it is an opportunity to extend this health care to the elderly, which we would not otherwise be able to do, and to do it on favorable terms and conditions to the Federal budget process.

Madam Chairman, I want to commend the gentleman from Montana for bringing this problem to the attention of the committee and also for working out this solution to that problem, and we would be willing to accept the amendment.

Mr. WILLIAMS. Madam Chairman, I thank the gentleman from California [Mr. MILLER] for that statement of support.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from California.

Mr. WAXMAN. Madam Chairman, I want to join in support of this amendment on behalf of those of us on the Committee on Energy and Commerce. They have had a chance to look at it.

Madam Chairman, I think the amendment offered by the gentleman from Montana [Mr. WILLIAMS] is a constructive amendment.

Mr. WILLIAMS. Madam Chairman, I appreciate the gentleman's comment.

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, I certainly applaud the purposes for which this amendment is offered. My only concern with the amendment is, very frankly, the process. We did not have hearings. We do not know if IHS is prepared to carry out the responsibilities under the amendment. I understand that they do have to agree on a case-by-case basis on whether they are going to, so I have no objection to the amendment and would agree to its adoption.

Mr. WILLIAMS. Madam Chairman, I appreciate the gentleman's acceptance of the amendment, and, Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: page 84, line 5, insert before the period the following: "or under section 201".

Mr. WILLIAMS. Madam Chairman, this amendment serves to clarify that the Indian alcohol and substance abuse programs which are authorized under title II of the bill and have received funding along with title V programs in the past can continue to receive those funds. It has come to my attention that many substance abuse programs across the country receive their authorization and funding under title II. That program has been in existence since 1973, almost 20 years, and have proven records of success.

This amendment is technical in nature in that it does not create a new program nor substantively change the program. It simply ensures that programs that have been eligible in the past for substance abuse resources would continue to be eligible under the current bill.

Madam Chairman, I think that is the intention of the sponsors of the bill, but it has come to their attention, as well as mine, that we may need this technical amendment in order to ensure that title II funding is used as we intended.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for yielding to me, and he is quite correct. We do accept the technical amendment.

Mr. WILLIAMS. Madam Chairman, I thank the gentleman from California [Mr. MILLER].

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, we have no objection to the amendment.

We accept the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

Mr. BEREUTER. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Madam Chairman, I thank the distinguished gentleman from Montana [Mr. WILLIAMS] for yielding to me.

Madam Chairman, this initiative, the need for this initiative, has been brought to my attention. I want to commend the gentleman for his initiative, and I certainly support it.

Mr. WILLIAMS. Madam Chairman, I want the gentleman from Nebraska [Mr. BEREUTER] to know that I know of his attention to this matter, and I appreciate his work and encouragement on behalf of the amendment.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from California.

Mr. WAXMAN. Madam Chairman, I just had the gentleman yield to me so I could urge our colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 90, after line 16, insert the following:

"(c) GRANTS FOR MODEL PROGRAM.—The Secretary, as part of the program required under subsection (a), shall, subject to the availability of appropriations, make grants to the Standing Rock Sioux Tribe for the purpose of developing, in consultation with Federal and State officials, an alcohol and substance abuse program to serve as a model for Indian alcohol and substance abuse programs nationwide.

Mr. DORGAN of North Dakota (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DORGAN of North Dakota. Madam Chairman, I rise to offer an amendment to H.R. 3724, the Indian health amendments to address a critical health care need on Indian reservations today—the treatment of alcoholism and substance abuse.

Alcoholism and substance abuse have reached crisis proportions among native Americans in this country. The alcoholism rate among native Americans is six times the national average, and the alcoholism death rate for native Americans is four times the national average.

In the Aberdeen area of the Indian Health Service, in which my district is located, native American women are nearly 12 times more likely to die of cirrhosis than are other Americans. This is an unjustified tragedy that we must address.

Unfortunately, most substance abuse programs don't address the unique circumstances of native Americans, especially those living on Indian reservations. But in North Dakota and South Dakota, on the Standing Rock Indian Reservation, the Standing Rock Sioux Tribe has been working with State officials and the IHS to develop a new, innovative alcoholism and substance abuse program to serve as a model for reservations across the country.

This model program offers both residential and outpatient treatment services. The program addresses both the root causes of substance abuse and the dangerous effects of addiction, including a high incidence of domestic violence and sexual abuse often related to alcoholism. And even though this program is less than 2 years old, the Standing Rock Treatment Program has seen remarkable successes.

My amendment directs the Secretary of Health and Human Services, through IHS, to provide a grant to the Standing Rock Sioux Tribe to develop a program for the treatment of alcoholism and substance abuse among native Americans. This program would be used as a model for combatting substance abuse on reservations across the country.

This amendment doesn't request any new money for the program. But it does acknowledge the extent of the problems of alcoholism and substance abuse among native Americans, and it recognizes the pain and despair suffered by each native American who suffers from these diseases. This is a problem that we can fix, and I urge your support for this amendment.

Mr. MILLER of California. Madam Chairman, I rise in support of the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

Madam Chairman, we have had a chance to review the amendment offered by the gentleman from North Dakota, and we accept it and think it is a good amendment.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. WAXMAN. Madam Chairman, as the manager of the bill from the Committee on Energy and Commerce, we have had a chance to look at this amendment, as well, and do support it.

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, on behalf of the minority, we have examined the amendment, we have no objection to the amendment and we accept the amendment.

Mr. BEREUTER. Madam Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

Madam Chairman, many Americans know, alcohol-related illnesses and deaths among Indian people are considerably higher than among non-Indian people. Therefore, it is imperative that Indian Health Service [IHS] make a priority of treating substance abuse among native Americans. While Congress has provided a mandate for substance abuse treatment for youth, the mandate for adult treatment has not been as clear. In fact, the director of the Indian Health Service has told this Member that the Indian Health Service is not authorized in clear terms, by Congress to establish substance abuse treatment centers for adults.

This Member would like to share with you an example of how effective an adult substance abuse treatment center can be. The Winnebago IHS Hospital contains a highly successful adult drug dependency unit [DDU] that is located in the First Congressional District in Nebraska. In fact the public employees roundtable gave its sole prestigious Public Service Excellence Award for the Federal programs category to the Winnebago DDU this year. The DDU has an amazingly high success rate when compared with other programs that treat native Americans. It is reported that it has a 50-percent success rate in treating alcohol and substance abuse while non-Indian treatment programs serving Indian people have a 0- to 5-percent success rate. Not only is the DDU the first adult inpatient substance abuse program in the Indian Health Service system, it also has the highest success rate of programs assisting native Americans.

The Winnebago and Omaha Tribes of Nebraska jointly created this unit in cooperation with the IHS to help stem an extraordinarily serious problem in Indian country. The tragic results of alcoholism and substance abuse can be seen throughout the United States, and especially among Indian people. The Winnebago DDU has developed an innovative treatment program for native Americans that deserves to be considered elsewhere.

Madam Chairman, it is critical that Indian Health Service increase its efforts to fight drug and alcohol abuse. The Dorgan amendment gives IHS clear authority to establish a demonstrative adult substance abuse treatment program. It is regrettable only that this amendment had to be cut back and is thus not a general authorization for adult substance abuse centers. Yet this Member urges his colleagues to support this demonstrative effort at the Standing Rock Reservation and hopes that this demonstration program can be applied to the whole Nation.

□ 1420

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

Mr. DANNEMEYER. Madam Chairman, I thought I would call the attention of my colleagues to a little extrapolation that I made concerning this bill, if we are interested as to what the cost of a Federal medical program for American could cost us.

Madam Chairman, this year we are appropriating about $1.4 billion to take care of the health care needs of roughly 2 million Indians in America. If we extrapolate that across the population of 250 million Americans, if my math is correct, that would come to about $175 billion.

Under Medicaid spending today we are spending about $125 billion State and Federal combined, to take care of 30 million beneficiaries. I suppose if we want to come close to comparing apples to apples, we should add to the total what we are spending for Medicare.

But the point I would like to make is that when we go down the road of a national health insurance plan that some in this House seek to do, the question that all of us have to ask ourselves is where is the money going to come from? I realize that that is not a question that dwells long on the floor of this House, because cost historically has been irrelevant.

The constituencies to be served out there are principally the ones for whose benefit some of this legislation is adopted, that is, if you exclude from the definition of the constituency the taxpayer. But I believe there are times when we should have concern for the welfare of taxpayers.

Madam Chairman, I thought I would just share this interesting analysis with my colleagues.

The CHAIRMAN pro tempore (Mr. KANJORSKI). Are there further amendments to the bill? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. KANJORSKI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, pursuant to House Resolution 562, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yes 330, nays 36, not voting, 66, as follows:

[Roll No. 392]

YEAS—330

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Bacchus
Baker
Ballenger
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hefley
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Markey
Marlenee
Martin
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Sharp
Shaw
Shays
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—36

Allard
Allen
Archer
Armey
Barton
Bilirakis
Bliley
Boehner
Burton
Coble
Crane
Dannemeyer
DeLay
Doolittle
Dreier
Duncan
Fawell
Fields
Gekas
Goodling
Hancock
Hastert
Henry
Johnson (TX)
McEwen
Miller (OH)
Pursell
Ritter
Rohrabacher
Sensenbrenner
Shuster
Solomon
Stearns
Stump
Upton
Walker

NOT VOTING—66

Ackerman
Alexander
Aspin
Atkins
AuCoin
Barnard
Boehlert
Boxer
Bryant
Bustamante
Campbell (CO)
Chandler
Coleman (TX)
Conyers
DeFazio
Donnelly
Dornan (CA)
Dymally
Early
Engel
English
Espy
Flake
Foglietta
Ford (TN)
Gallegly
Gunderson
Hansen
Hayes (LA)
Holloway
Huckaby
Ireland
Jefferson
Kaptur
Kennedy
Lantos
Levine (CA)
Luken
Manton
Mavroules
McCurdy
Moakley
Molinari
Morrison
Murphy
Neal (MA)
Owens (NY)
Owens (UT)
Payne (VA)
Pelosi
Perkins
Rangel
Roukema
Roybal
Sabo
Sanders
Schiff
Serrano
Sikorski
Skeen

Solarz
Studds
Synar
Torricelli
Towns
Traxler

☐ 1448

Mr. MILLER of Ohio changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3724 and H.R. 5752.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. GUNDERSON. Mr. Speaker, today the House voted on H.R. 3724, the Indian Health Amendment Act. Because I was attending farm progress days in Eau Claire, WI, I was unable to vote on this legislation.

Farm progress day is one of the largest agriculture expositions in the Midwest, highlighting research and technology in the agriculture field. The event regularly attracts 100,000 people each day.

Given the significance of this event on the lives and livelihood of those I represent in western Wisconsin, I opted to attend the farm progress days with my constituents. While I regret missing the vote in the House, the interests of my district and those I represent were best served by my participation in this important event.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3724 AND H.R. 5752, INDIAN HEALTH AMENDMENTS OF 1992

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3724 and H.R. 5752, as amended, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

STOCK RAISING HOMESTEAD ACT AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 561 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 450.

☐ 1448

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes, with Mrs. SCHROEDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 30 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

☐ 1450

Mr. RAHALL. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Stock Raising Homestead Act of 1916 was one of the last in a series of laws designed to encourage settlement of the West.

This 76-year-old law enabled individuals to gain title to the surface of the land under certain conditions while reserving the potentially more valuable mineral estate in the public domain; that is, in Federal ownership.

Today, throughout the Western States there are approximately 70 million acres of land on which title to the surface is held by private individuals as a result of the Stock Raising Homestead Act.

Meanwhile, the underlying mineral estate to these lands continues to be owned by the United States and subject to various mining laws.

Unfortunately, because of the way current law is written, this split-estate arrangement has left surface owners vulnerable to other individuals who wish to use the same lands for mineral activities.

In other words, the rights of these surface owners are subordinate to the rights of individuals seeking to develop the so-called locatable minerals—such as gold, silver, or copper—of the reserved Federal mineral estate.

This right to mine can preempt the rights of the surface owner, resulting in a variety of injustices including the disruption if not outright destruction of ongoing ranching and farming operations.

The pending measure, H.R. 450, seeks to address the inevitable conflict which arises in this type of split-estate arrangement when those interested in raising livestock, and those engaged in mineral exploration and development, want to use the same parcel of land.

H.R. 450 seeks a balance between the rights of the surface owner, and those interested in the underlying locatable minerals, by providing a straightforward and equitable procedure for gaining access to, and undertaking mining activities on, Stock Raising Homestead Act lands.

This would be accomplished by requiring that miners give notice to the surface owner before entering the land in order to prospect or locate mining claims.

If the claim holder then wants to then develop and mine the claim, it would be preferable that it be done with the consent of the surface owner.

However, in the event consent is not forthcoming, this legislation would require that the claimholder have a plan of operation approved by the Secretary of the Interior, fully reclaim damaged areas, and provide compensation to the surface owner for any loss of income or damage that results.

Today, the increased interest in gold exploration and development in States like California and Nevada has aggravated the inherent conflicts of split-estate land ownership on stock raising homestead lands.

Enactment of this measure could avert a modern day range war between the cowboys and the miners, especially as gold fever continues to sweep through the Western States.

Madam Chairman, H.R. 450 was introduced and has been tenaciously supported by our colleague, RICK LEHMAN of California.

He has dubbed the bill, the "Ranchers' Rights" bill because, if enacted, it would place ranchers who own stock raising homestead lands on an even playing field with those who wish to prospect for and develop hardrock minerals from those lands.

Madam Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to H.R. 450 as amended by the Committee on Interior and Insular Affairs. Once again, the Interior Committee has subverted proper legislative process and marked up a bill upon which not one person has testified, nor was any comment from the administration sought. This blatant disregard for the views of our affected constituents is becoming routine. Let me explain.

Madam Chairman, H.R. 450 began life as the same bill which passed this body by voice vote in the 101st Congress. The Mining Subcommittee held a field hearing in Fresno, CA in July 1989, to take testimony from Stock Raising Homestead Act surface owners and the Bureau of Land Management. H.R. 737, as amended, was a compromise that ranchers and miners could support. At issue then, as now, were the relative rights of the surface owner and the holder of the rights to the mineral estate, which is reserved to the United States in Stock Raising Homestead Act deeds.

It has been the policy of the Federal Government since 1916 that the so-called hardrock minerals beneath such lands are available for disposition under the mining law, as modified by the 1916 act. In other words, prospectors and miners can locate mining claims on these lands, and may operate on such mining claims upon receiving permission from the surface owner and providing compensation for damages to the surface estate.

However, under current law, if a surface owner refuses such permission to reenter the lands, the miner has the option of proffering a bond to the BLM for the estimated damages to the surface estate and operating without the surface owner's consent. This step is necessary if the mineral estate reserved to the United States is to be accessible, but few legitimate mining interests will ever choose to exercise it because a good working relationship with the landowner is always better than forced access.

Madam Chairman, the bill we passed last Congress tightened up some requirements on miners for advance notice and reclamation but it did not make the reserved mineral estate off limits. The substitute to H.R. 450 adopted in the Interior Committee would, in effect, do so. Again, let me emphasize to my colleagues, neither the Mining Subcommittee, nor the full Interior Committee, held a hearing on this substitute. It was brought to a markup in subcommittee less than 1 week after its release to the Members—1 week. The only views solicited by the majority were those of the California Cattleman's Association. They persuaded the national association to support the substitute as well, despite the group's earlier support of the Bingaman-Wallop bill in the Senate, S. 1187.

The substitute goes far beyond the original bill which had broad support, including that of the administration. The substitute would unduly restrict the right and ability to prospect for minerals that are strategic and critical to our Nation's needs. How would it do this? By imposing standards that ignore regional differences in soils, climate and vegetation and dictate the manner in which mining and reclamation must occur before a plan of operations would be approved by the Bureau of Land Management. This is contrary to the conclusions reached by the Committee on Surface Mining and Reclamation [COSMAR] of the National Academy of Sciences in the 1979 report to Congress, "Surface Mining of Non-Coal Minerals." This panel was convened under a mandate in the Surface Mining Control and Reclamation Act of 1977 [SMCRA] to assess whether or not the national standards adopted for coal mine reclamation should be applied to hardrock mining. COSMAR concluded national standards were unworkable. I know of no study since which concludes otherwise.

Madam Chairman, H.R. 450 would bar mineral activities where rigid environmental standards could not be met. The administration is quite concerned about the Federal Government's potential liability in approving mining plans of operation on private lands. Yes, the conditions imposed are very strict, but will a surface owner be allowed to sue the United States if a BLM-approved plan causes unanticipated damages?

Furthermore, decisions concerning water quantity that, heretofore, have been the sole domain of the States would now be the decision for a Federal Government authorized officer. I say to my friends, that this is a dangerous precedent. But, since we had no hearing on the substitute there was no one to sound the alarm.

Let me finish, Madam Chairman, on this note. As my ranching constituents will tell you, I have supported them in their issues in Congress for my entire tenure. So have I supported miners. These are two basic industries in my State and district. The subcommittee chairman would have you believe that this bill would avert a modern-day range war. I say to my colleagues that I come from the home of the Sagebrush Rebellion, and I know quite well that if there were to be such a war it would not pit public lands users against each other. Rather, miners, ranchers, lumbermen, and other people who earn a living from resources on the public lands are united in their opposition to Federal Government intrusion into their livelihoods.

Madam Chairman, I do not intend to call for a recorded vote on this bill. I am anxious to see some resolution of split-estate mining issues, but I simply cannot support this heavy-handed approach. The other body passed a reasonable bill sponsored by Senators WALLOP and BINGAMAN. Those gentlemen represent the two States with by far the most Stock Raising Homestead Act acreage and potential mining conflicts. I am confident that a compromise acceptable to all parties can be reached in conference with the Senate.

Madam Chairman, I reserve the balance of my time.

□ 1500

Mr. RAHALL. Madam Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. LEHMAN], without whose leadership we would not be considering this legislation, and I commend him for his having the subcommittee into his State for hearings on this and for his work on this legislation.

Mr. LEHMAN of California. Madam Chairman, I rise today in support of H.R. 450, the Homestead Stock Raising Act. I want to thank the gentleman from West Virginia [Mr. RAHALL], chairman of the subcommittee, for the work he has done on this bill and for coming out to California and looking at the problem firsthand, holding a hearing and then going forth with this legislation.

This bill addresses an ongoing problem that exists in the West with regard to the land with a split estate, that is lands where title of the surface is held by a private landowner and the title of the mineral interests is held by the United States.

This bill, which is supported by the National Cattlemen's Association, the California Cattlemen's Association, and the National Wildlife Federation strikes a balance between the rights of private surface owners and those with interest in gaining access to the lands for mining.

In effect, it updates this act, written over 100 years ago, to meet the realities that we face today in the cattle business and in the mining industry as well.

This bill provides for four basic provisions to establish a sound process. First, prospectors must give a 30-day notice to surface owners; second, prospectors must have a plan of operation approved by the Secretary of the Interior; third, prospectors must fully reclaim damaged areas; and fourth, prospectors must compensate for the loss of surface use and the disruption of the surface operation.

As an aside, I would like to mention at this point that I think there has been unfortunate confusion over this bill particularly with some Members of Congress from the East and coal producing States. This bill does not affect coal mining or leasing in any way. This bill only applies to those States, primarily Western States, in which stockraising homestead lands were acquired by a private owner and the mineral rights stayed with the Federal Government.

This bill was not brought up by a consultant back here or a committee staff; it came from actual cattle ranchers in my district who had a very specific problem and needed it drafted and came to this Congress to do so.

In closing, I have worked very closely with cattlemen who have been affected by this type of situation, in order to craft a piece of legislation which they feel adequately meets their concerns.

This bill does. It is worthy of adoption today. I thank the chairman. I urge passage of the bill.

Mrs. VUCANOVICH. Madam Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentlewoman for yielding this time to me.

Madam Chairman, I rise today to again oppose H.R. 450 as amended by the Committee on Interior and Insular Affairs and as brought up and defeated on July 27, 1992, on the suspension calendar. And, once again, my opposition is based on the disappointing process used to advance this bill.

And the fact that this bill imposes an excessive number of regulations in an area where we now have a satisfactory amount of regulation or at least could do with the Senate bill, with somewhat less.

It is interesting that almost daily Members of this body rise and complain about overregulation. I think they hear it quite often from their constituents. I think also they quite often say it is the agencies that do that. The fact is that it is not always the agencies, and this is the case here.

At the heart of this legislation is a balancing of the rights of surface owners whose title is derived under the Stock Raising Homestead Act of 1916, and that is now in private ownership. I think that is an important note to remember, that this is private ownership, owned by private owners; and the interests of miners who seek to locate minerals under the Mining Act of 1872.

Although this has generally resulted in a fairly friendly relation between the two estates, there have been questions of notice and protection. In the 101st Congress, the Mining and Natural Resources Subcommittee worked, through a process which included field hearings, to build a compromise bill, H.R. 737. That bill was one that all parties—miners, stock growers, and others—could support or at least not oppose. H.R. 737 provided for advanced notice and reclamation standards, but it did not, in effect, make the mineral estate off limits.

Today the House is again asked to take up the substitute version of H.R. 450, a substitute that has never had the benefit of the hearing in the 101st or any other Congress, and which was offered to the Subcommittee on Mining and Natural Resources just 1 week before markup.

And what does H.R. 450 offer? This bill would unduly restrict the rights and the abilities to prospect for minerals that are strategic and critical to our national needs and security. This bill also ignores regional differences in soil, climate, and vegetation, with the usual one-fits-all kind of Federal regulation.

In fact, H.R. 450 would serve to bar mining activities due to rigid environmental standards, even if the surface owner under existing law, both State and national, agrees to allow for mining. In other words, as the permit issuing agency, the Bureau of Land Management would be placed in the position of dictating how a private landowner would be impacted by mining.

In addition, water quality decisions, previously the sole domain of the States, would now be made by an officer designated by the Federal Government. These are dangerous precedents which should cause alarm to all of us.

Madam Chairman, in short, the language of this bill is fundamentally flawed, and I firmly believe there is no chance of it becoming law. But even worse, this bill is a perfect example of legislation adopted without the benefit of full and fair comment and, instead, brought forward and forced to the floor, where it appears the House again will be compelled to consider it again and again until it passes.

Mr. RAHALL. Madam Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the chairman.

Madam Chairman, I know that the distinguished vice chairlady here of the committee has some concerns, and her concerns are justified. I want to say, in starting out, that there will be some tailoring done to this if this measure becomes law, and I think her concerns are well known and I support her in making some of those changes to protect those concerns she has.

They make sense.

Madam Chairman, here is my concern today: I am concerned that America is being auctioned off and sold off here to the highest bidders. Foreign interests are beginning to buy America, from Wall Street to Main Street to side street to country roads, right from under our noses. I do not even think we are keeping statistics on how much it really is.

Even though this bill deals with specific minerals, I want to talk about the general milieu of foreign ownership and then focus in on this particular bill with my amendment.

First, Japanese own 50 percent of the banks in Los Angeles, 40 percent of the banks in Minnesota, Minneapolis-St. Paul. They own the racehorse Sunday Silence, Rockefeller Center, CBS Records. 7-Eleven is owned by foreign interests, "I Love Lucy" reruns; on and on and on.

But an American can buy a Japanese racehorse, but he or she cannot race that horse in Japan. An American could buy a company in Japan, buy stock in that company, be the biggest shareholder, but cannot have a seat on the board of directors.

Madam Chairman, something is wrong, folks. America is being bought out right from under us, from our minerals to our fertile farmland, our assets.

What will we as Americans really own? We could fish with a fishing permit on the property, but foreign interests will own the gold, the lead, the zinc, the copper, and the silver underneath that land.

Madam Chairman, we have the raw resources. We are turning them over left and right, and we in fact, in my opinion, are making a tremendous mistake. My amendment, which I will be offering later today, simply says that the foreign ownership and control of those particular properties and lands and facilities, under this particular bill, have to be reported so that we know at least what is going on.

□ 1510

In my opinion, the foreign interests do not give a damn about Uncle Sam. They are only here to make a buck, and I think it is our job and our responsibility to protect the interests of our Nation.

So with that in mind, Madam Chairman, I am glad to see that the subcommittee chairman here supports the bill. I want to commend him for the job that he has done throughout Pennsylvania, Ohio, and West Virginia in the coal mining industry. If it were not for the leadership of this chairman, I shudder to think at some of the mining activities in this Nation.

I am proud to have the support of the committee chairman. I hope the concerns that are justifiable by our subcommittee chairman here and the ranking subcommittee member are incorporated. I have no objection to that.

I just think it is time the American people know what is going on and who really owns a piece of the rock.

Mr. THOMAS of Wyoming. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Madam Chairman, there are two areas that are specifically set forth in this bill. One is the surface, which is privately owned and which has been homesteaded. The other is the mineral estate under it and facilities that would go to mine that estate.

Does the gentleman intend that the Secretary of the Interior would be responsible for transactions on these private lands that are involved here?

Mr. TRAFICANT. No.

Mr. THOMAS of Wyoming. Or is the gentleman talking about only the Government-owned minerals?

Mr. TRAFICANT. I would support the concerns that have been brought forward by the committee in regard to the differences of opinion and would support and ask that my language be tailored in conference, so as not to belabor it here today, toward the ends of satisfying both sides; but if it were truly up to me, I would know every piece of property in America, who owns it and what its value is, and have an annual report.

But who am I? What do I know?

So I am willing to bow to at least the concerns of the committee.

I want to say this to you. If the minority side completely rejects this and we do win, then I am going to play hard ball.

Mrs. VUCANOVICH. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT LANDS.

(a) MINERAL ENTRY UNDER THE STOCK RAISING HOMESTEAD ACT.—Section 9 of the Act of December 29, 1916, entitled "An act to provide for stock-raising homesteads, and for other purposes (43 U.S.C. 299) is amended by adding the following at the end thereof:

"(b) EXPLORATION; LOCATION OF MINING CLAIMS; NOTICES.—

"(1) IN GENERAL.—(A) Notwithstanding subsection (a) and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this Act to explore for, or to locate, a mining claim on such lands without—

"(i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and

"(ii) providing notice to the surface owner pursuant to paragraph (3).

"(B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this Act to undertake mineral activities related to exploration that cause no more than a negligible disturbance of surface resources and do not involve the use of mechanized equipment, explosives, the construction of roads, drill pads, or the use or toxic or hazardous materials.

"(C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 60-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2)(B).

"(2) NOTICE OF INTENTION TO LOCATE A MINING CLAIM.—Any person seeking to locate a mining claim on lands subject to this Act in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) may file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on his land status records. Whenever any person has filed a notice under this subparagraph with respect to any lands, during the 60-day period following the date of such filing, no other person (including the surface owner) may—

"(A) file such a notice with respect to any portions of such lands;

"(B) explore for minerals or locate a mining claim on any portion of such lands; or

"(C) acquire any interest in any portion of such lands pursuant to section 209 of the Federal Land Policy and Management Act of 1977 (43 U.S.C. 1719).

"(3) NOTICE TO SURFACE OWNER.—Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this Act shall provide written notice of such filing by registered or certified mail with return receipt to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). Possession of the return receipt signed by the surface owner shall be necessary prior to entering such lands. The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

"(A) A brief description of the proposed mineral activities.

"(B) A map and legal description of the lands to be subject to mineral exploration.

"(C) The name, address and phone number of the person managing such activities.

"(D) A statement of the dates on which such activities will take place.

"(4) ACREAGE LIMITATIONS.—The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this Act in any one State and 160 acres or one-tenth of any contiguous parcel of land, whichever is greater (except that in no instance shall the total acreage exceed 640 acres), for a single surface owner. For purposes of this paragraph, the term 'affiliate' means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

"(c) CONSENT.—Notwithstanding subsection (a) and any other provision of law, after the effective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)B)) on a miing claim located on lands subject to this Act without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d).

"(d) AUTHORIZED MINERAL ACTIVITIES.—The Secretary may authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on lands subject to this Act without the consent of the surface owner thereof if such person complies with the requirements of subsections (e) and (f).

"(e) BOND.—(1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to insure the completion of reclamation satisfying the requirements of this subsection and subsection (h). The bond or other financial guarantee shall be held for the duration of the mineral activities and for an additional period to cover the responsibility of the person conducting such mineral activities for revegetation under subsection (h)(6). Such bond or other financial guarantee shall also insure—

"(A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and

"(B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.

"(2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

"(f) PLAN OR OPERATIONS.—(1) Before the Secretary may authorize any person to conduct mineral activities on lands subject this Act, the Secretary shall require such person to submit a plan of operations. The Secretary shall require that mineral activities and reclamation under such plan be conducted in such a way so as to minimize adverse impacts to the environment. A plan under this subsection shall also include procedures for—

"(A) the minimization of damages to crops and tangible improvements of the surface owner;

"(B) the minimization of disruption to grazing or other uses of the land by the surface owner; and

"(C) payment of a fee equivalent to the loss of income to the ranch operation as established pursuant to subsection (g).

"(2) The Secretary shall provide a copy of the proposal plan of operations to the surface owner at least 60 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this subsection. During such 60-day period the surface owner may submit comments and recommend modifications to the proposed plan of operations to the Secretary.

"(3) The Secretary may approve, require modifications to, or deny a proposed plan of operations. To approve a plan of operations, the Secretary shall make each of the following determinations:

"(A) The proposed plan of operations is complete and accurate.

"(B) The person submitting the proposed plan of operations has demonstrated that reclamation as required under subsection (h) can be accomplished under the plan and would have a high probability of success based on an analysis of such reclamation measures in areas of similar geochemistry, topography and hydrology.

"(C) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.

"(4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g).

"(g) FEE.—The fee referred to in subsection (f)(2) shall be—

"(1) paid to the surface owner by the person submitting the plan of operations;

"(2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and

"(3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses (including the loss of income to the surface owner and such surface owner's operations due to the loss or impairment of existing surface uses for the duration of the mineral activities).

"(h) RECLAMATION.—Except as provided under paragraphs (5) and (7), lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) shall be reclaimed to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Except as provided under paragraphs (5) and (7), the surface area disturbed by mineral activities shall be backfilled, graded and contoured to its natural topography. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities. For the purposes of such reclamation, the Secretary shall establish reclamation standards which shall include, but not

necessarily be limited to, provisions to require each of the following; except that any such standard may be modified only with the consent of the surface owner as part of an approved plan of operations:

"(1) TOPSOIL.—(A) Topsoil removed from lands affected by mineral activities shall be segregated from other spoil material and protected for later use in reclamation. If such topsoil is not replaced on a backfill area within a timeframe short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be used so that the topsoil is preserved from wind and water erosion, remains free of any contamination by acid or other toxic material, and is in a useable condition for sustaining vegetation when restored during reclamation.

"(B) In the event the topsoil from lands affected by mineral activities is of insufficient quantity or of inferior quality for sustaining vegetation, and other suitable growth media removed from the lands affected by the mineral activities are available that shall support vegetation, the best available growth medium shall be removed, segregated and preserved in a like manner as under subparagraph (A) for sustaining vegetation when restored during reclamation.

"(2) STABILIZATION.—All surface areas affected by mineral activities, including spoil material piles, waste material piles, ore piles, subgrade ore piles, and open or partially backfilled mine pits which meet the requirements of paragraph (5) shall be stabilized and protected during mineral activities and reclamation so as to effectively control erosion and minimize attendant air and water pollution.

"(3) EROSION.—Facilities such as but not limited to basins, ditches, streambank stabilization, diversions or other measures, shall be designed, constructed and maintained where necessary to control erosion and drainage of the area affected by mineral activities including spoil material piles and waste material piles prior to the use of such material to comply with the requirements of this subsection, and for the purposes of paragraph (7), and including ore piles and subgrade ore piles.

"(4) HYDROLOGIC BALANCE.—(A) Mineral activities shall be conducted to minimize disturbances to the prevailing hydrologic balance of the area subject to mineral activities and adjacent areas and to the quality and quantity of water in surface and ground water systems in the area subject to mineral activities and adjacent areas.

"(B) Mineral activities shall, to the extent possible, prevent the generation of acid or toxic drainage during the mineral activities and reclamation; and the operator shall prevent the contamination of surface and ground water with acid or other toxic mine drainage and shall prevent or remove water from contact with acid or toxic producing deposits.

"(C) Mineral activities shall be conducted to prevent, to the extent possible, disruption to streamflow, or runoff outside the area covered by the plan of operations, and in no event shall be in excess of requirements set by applicable State or Federal law.

"(D) Reclamation shall, to the extent possible, also include restoration of the recharge capacity of the area subject to mineral activities to approximate premining condition; except that where surface or underground water sources used for domestic or agricultural use have been diminished, contaminated or interrupted as a proximate result of mineral activities, such water resource shall be restored or replaced.

"(5) PIT BACKFILLING/GRADING VARIANCE.—(A) The requirement to backfill, grade and contour land to its natural topography shall not apply with respect to an open mine pit if the Secretary finds that such open pit or partially backfilled pit would not pose a threat to the public health or safety or have an adverse effect on the environment in terms of surface or ground water pollution.

"(B) In instances where complete backfilling of an open pit is not required, the pit shall be graded to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(6) REVEGETATION.—(A) Except in such instances where the complete backfill of an open mine pit is not required under paragraph (5), the area affected by mineral activities, including any excess spoil material pile and excess waste pile, shall be revegetated in order to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, capable of self-regeneration and plant succession and at least equal in extent of cover to the natural revegetation of the surrounding area.

"(B) In order to insure compliance with subparagraph (A), the period for determining successful revegetation shall be for a period of 5 full years after the last year of augmented seeding, fertilizing, irrigation or other work, except that such period shall be 10 full years where the annual average precipitation is 26 inches or less.

"(7) EXCESS SPOIL AND WASTE.—(A) Excess spoil material and excess waste material shall be transported and placed in approved areas, in a controlled manner in such a way so as to assure long-term mass stability and to prevent mass movement. In addition to the measures described under paragraph (3), internal drainage systems shall be employed, as may be required, to control erosion and drainage. The design of such excess spoil material piles and excess waste material piles shall be certified by a qualified professional engineer.

"(B) Excess spoil material piles and excess waste material piles shall be graded and contoured to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(8) SEALING.—All drill holes, and openings on the surface associated with underground mineral activities, shall be sealed when no longer needed for the conduct of mineral activities to ensure protection of the public, wildlife and the environment.

"(9) STRUCTURES.—All buildings, structures or equipment constructed, used or improved during the mineral activity shall be removed, unless the Secretary determines that the buildings, structures or equipment shall be of beneficial use in accomplishing the post-mining uses or for environmental monitoring.

"(i) STATE LAW.—(1) Nothing in this Act shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act to the extend that such law or regulation is not inconsistent with this title.

"(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by mineral activities.

"(j) INSPECTIONS.—(1) The Secretary shall make such inspections of mineral activities under a plan of operations approved under subsection (f) so as to ensure compliance with the terms and conditions of such plan. The Secretary shall establish a frequency of inspections for mineral activities conducted under such an approved plan of operations, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter.

"(2) Any surface owner of land subject to this Act has reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f), such surface owner may request an inspection. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owners alleges and provides reason to believe that an imminent danger, as provided in subsection (k)(2), exists the 10 day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this paragraph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

"(k) ENFORCEMENT.—(1) If the Secretary or the authorized representative of the Secretary determines, on the basis of an inspection that the operator is in violation of the terms and conditions of a plan of operations approved under subsection (f), the Secretary or his authorized representative shall issue a notice of violation to the operator describing the violation and the corrective measures to be taken. The Secretary or his authorized representative shall provide such operator with a reasonable period of time to abate the violation. If, upon the expiration of time provided for such abatement, the Secretary or his authorized representative finds that the violation has not been abated he shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

"(2) If the Secretary or his authorized representative determines, on the basis of an inspection, that any condition or practice exists with respect to mineral activities conducted on lands subject to this Act, or that an operator is in violation of the surface management requirements established pursuant to this section, and such condition, practice or violation is causing, or can reasonably be expected to cause—

"(A) an imminent danger to the health or safety of the surface owner of land subject to this Act, or

"(B) significant, imminent environmental harm to land, air or water resources,

the Secretary or his authorized representative shall immediately order a cessation of such mineral activities or the portion thereof causing such condition, practice or violation.

"(3)(A) A cessation order by the Secretary or his authorized representative pursuant to paragraphs (1) or (2) shall remain in effect until the Secretary or his authorized representative determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Secretary or his authorized representative. In any such order, the Secretary or his authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order. The Secretary shall require appropriate financial assurances to insure that the abatement obligations are met.

"(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated or terminated by the Secretary or his authorized representative. An operator, or person conducting mineral activities under section 201(b)(2), issued any such notice or order shall be entitled to a hearing on the record.

"(4) If, after 30 days of the date of the order referred to in paragraph (3)(A), the required abatement has not occurred the Secretary shall take such alternative enforcement action against the responsible parties as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action shall include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement.

"(5) In the event an operator conducting mineral activities under a plan of operations ap-

proved under subsection (f) is unable to abate a violation or defaults on the terms of the plan of operation the Secretary may cause forfeiture of the bond or other financial guarantee for the plan of operations to the extent necessary to ensure abatement and reclamation.

"(l) COMPLIANCE.—The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, in the district court of the United States for the district in which the mineral activities are located whenever an operator: (A) violates, fails or refuses to comply with any order issued by the Secretary under subsection (k); or (B) interferes with, hinders or delays the Secretary in carrying out an inspection under subsection (j). Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under clause (A) shall continue in effect until the completion or final termination of all proceedings for administrative review of such order, unless the district court granting such relief sets it aside or modifies it.

"(m) PENALTIES.—(1) Any operator who fails to comply with the terms and conditions of a plan of operations approved under subsection (f) shall be liable for a penalty of not more than $5,000 per violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. No civil penalty under this subsection shall be assessed until the operator charged with the violation has been given the opportunity for a hearing.

"(2) An operator who fails to correct a violation for which a cessation order has been issued under subsection (k) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues, but in no event shall such assessment exceed a 30-day period.

"(n) DAMAGES FOR FAILURE TO COMPLY.—(1) Whenever the surface owner of any land subject to this Act has suffered any permanent damages to crops or tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, the surface owner may bring an action in the appropriate United States district court for treble damages, and the court may award such damages if such damages or loss results—

"(A) from any mineral activity undertaken without the consent of the surface owner under subsection (c) or an authorization by the Secretary under subsection (d); or

"(B) from the failure of a person conducting mineral activities on lands subject to this Act approved under subsection (f) to abate a violation under subsection (k).

"(2) The surface owner of any land subject to this Act may also bring an action in the appropriate United States district court for treble damages against any person undertaking any mineral activities on lands subject to this Act in violation of any requirement of subsection (b).

"(3) Treble damages awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e).

"(o) PAYMENT OF DAMAGES.—The surface owner of any land subject to this Act may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent or temporary loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

"(p) BOND RELEASE.—The Secretary shall release the bond or other financial guarantee required under subsection (e) upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f).

"(q) CONVEYANCE TO SURFACE OWNER.—(1) The Secretary may convey interests owned by the United States (including mineral interests) in lands subject to this Act to the surface owner pursuant to the provisions of section 209 of the Federal Land Policy and Management Act of 1976 without regard to the requirements contained in such provisions that findings be made under subsection (b) of such section.

"(2) The Secretary shall take such actions as may be necessary to simplify the procedures which must be complied with by surface owners of lands subject to this Act who apply to the Secretary to obtain title to interests in such lands owned by the United States.

"(3) Notwithstanding any other provision of law, the Secretary may not convey mineral interests in lands subject to this Act to any person other than the surface owner of such lands without obtaining the consent of such surface owner.

"(r) DEFINITIONS.—For the purposes of subsections (b) through (q)—

"(1) The term 'mineral activities' means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term—

"(A) The term 'exploration' means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value;

"(B) The term 'mining' means the processes employed for the extraction of a locatable mineral from the earth; and

"(C) The term 'beneficiation' means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

"(2) The term 'mining claim' means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (q) of this section.

"(s) MINERALS COVERED.—Subsections (b) through (q) of this section apply only to minerals not subject to disposition under—

"(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

"(2) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

"(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).".

(b) FEES.—The Secretary may establish such user fees as may be necessary to reimburse the United States for expenses incurred in administering this section.

(c) TECHNICAL CONFORMING AMENDMENT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299) is amended by inserting "(a) GENERAL PROVISIONS.—" before the words "That all entries made".

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment.

(e) REGULATIONS.—The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act not later than the effective date of this Act. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (d).

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Page 23, after line 15, insert:

"(3) The term 'tangible improvements' includes agricultural, residential and commercial improvements, including improvements made by residential subdividers."

Mr. RAHALL. Madam Chairman, this is a technical amendment. It would define the term "tangible improvements" used in the bill as including residential and commercial improvements, as well as agricultural improvements, made to stock raising lands.

Again, it is a technical amendment and it is my understanding this has been cleared with the minority. I ask for the adoption of the amendment.

Mrs. VUCANOVICH. Madam Chairman, if the gentleman will yield, the minority has no objection to the amendment.

Mr. RAHALL. Madam Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new section:

SEC. . Report to Congress on Foreign Interest Landholdings.

The Secretary of the Department of Interior is directed to report annually to Congress on the control by foreign firms of the acreage and facilities on lands covered by the 1916 Stock Raising Homestead Act.

(a) DEFINITIONS.—For purposes of this amendment:

(1) The term "domestic firm" means a business entity that is incorporated in the United States, conducts business operations in the United States, and at least 50 percent of its assets are held by private citizens and/or business entities of the United States.

(2) The term "foreign firm" means a business entity that is not described under paragraph (1).

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, I would just like to offer this in addition to the statement made earlier. In a pamphlet in a paper prepared by the Mineral Policy Center, Washington, DC, in June 1991, headed by the caption, "Who Owns the Gold Mines in America?"

Now, 18 of the mines of the top 25 on the list, 18 or at least 40 percent or more are controlled or owned by foreign interests now.

As I look briefly at America, and we are moving into the future, we talk about competitiveness which is another bill coming up today, here is a country, Japan, half the size of us in population, about 130 million people, located in a country the size of California with no natural resources, we have the resources, we have the technology, we are going bankrupt and we are in fact surrendering our raw resources to foreign ownership, and we are not even making reports around here.

When we talk about reports, they say we are bogging the Government down with paperwork. Even the gentleman from Pennsylvania [Mr. MURTHA] knows that cannot be tolerated.

I just would like to say that my amendment is designed to deal with the interests of the vice chairman of the subcommittee. I have talked with the gentlewoman from Nevada [Mrs. VUCANOVICH] on that.

I would in fact agree to any tailoring to be made in that regard. The major concerns are for those minerals that were listed earlier.

So I would ask, I know there might be some problem with this thing in conference the way it looks. I would hope that when that is all ironed out that my amendment would be accepted without prejudice, make the changes necessary to incorporate the legislative intent that we have discussed and keep it in the bill.

Mr. RAHALL. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from West Virginia [Mr. RAHALL], the chairman of the subcommittee.

Mr. RAHALL. Madam Chairman, the gentleman from Ohio raises an interesting point with his amendment.

The fact of the matter is that a good deal of hardrock mining that occurs on Federal lands in the West is done, as the gentleman has so well stated, by foreign-controlled corporations.

In fact, 18 of the top 25 hardrock mines in the West have foreign interests involved. Moreover, under U.S. mining law, these foreign companies can mine valuable minerals on Federal land for free.

No rentals and no royalties accrue to the Treasury from the use of, and production of minerals from, these lands. And I would remind my colleagues that these are minerals owned by the American taxpayer.

The gentleman's amendment makes a great deal of sense, and I would urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mrs. SCHROEDER, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes, pursuant to House Resolution 561, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution, 561, the Committee on Interior and Insular Affairs is discharged from further consideration of the Senate bill (S. 1187) to amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RAHALL moves to strike all after the enacting clause of the Senate bill, S. 1187, and to insert in lieu thereof the provisions of the bill, H.R. 450, as passed by the House, as follows:

SECTION 1. MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT LANDS.

(a) MINERAL ENTRY UNDER THE STOCK RAISING HOMESTEAD ACT.—Section 9 of the Act of December 29, 1916, entitled "An act to provide for stock-raising homesteads, and for other purposes (43 U.S.C. 299) is amended by adding the following at the end thereof:

"(b) EXPLORATION; LOCATION OF MINING CLAIMS; NOTICES.—

"(1) IN GENERAL.—(A) Notwithstanding subsection (a) and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this Act to explore for, or to locate, a mining claim on such lands without—

"(i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and

"(ii) providing notice to the surface owner pursuant to paragraph (3).

"(B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this Act to undertake mineral activities related to exploration that cause no more than a negligible disturbance of surface resources and do not involve the use of mechanized equipment, explosives, the construction of roads, drill pads, or the use or toxic or hazardous materials.

"(C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 60-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2)(B).

"(2) NOTICE OF INTENTION TO LOCATE A MINING CLAIM.—Any person seeking to locate a mining claim on lands subject to this Act in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) may file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on his land status records. Whenever any person has filed a notice under this subparagraph with respect to any lands, during the 60-day period following the date of such filing, no other person (including the surface owner) may—

"(A) file such a notice with respect to any portions of such lands;

"(B) explore for minerals or locate a mining claim on any portion of such lands; or

"(C) acquire any interest in any portion of such lands pursuant to section 209 of the Federal Land Policy and Management Act of 1977 (43 U.S.C. 1719).

"(3) NOTICE TO SURFACE OWNER.—Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this Act shall provide written notice of such filing by registered or certified mail with return receipt to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). Possession of the return receipt signed by the surface owner shall be necessary prior to entering such lands. The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

"(A) A brief description of the proposed mineral activities.

"(B) A map and legal description of the lands to be subject to mineral exploration.

"(C) The name, address and phone number of the person managing such activities.

"(D) A statement of the dates on which such activities will take place.

"(4) ACREAGE LIMITATIONS.—The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this Act in any one State and 160 acres or one-tenth of any contiguous parcel of land, whichever is greater (except that in no instance shall the total acreage exceed 640 acres), for a single surface owner. For purposes of this paragraph, the term 'affiliate' means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

"(c) CONSENT.—Notwithstanding subsection (a) and any other provision of law, after the ef-

fective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)B)) on a mining claim located on lands subject to this Act without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d).

"(d) AUTHORIZED MINERAL ACTIVITIES.—The Secretary may authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on lands subject to this Act without the consent of the surface owner thereof if such person complies with the requirements of subsections (e) and (f).

"(e) BOND.—(1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to insure the completion of reclamation satisfying the requirements of this subsection and subsection (h). The bond or other financial guarantee shall be held for the duration of the mineral activities and for an additional period to cover the responsibility of the person conducting such mineral activities for revegetation under subsection (h)(6). Such bond or other financial guarantee shall also insure—

"(A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and

"(B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.

"(2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

"(f) PLAN OR OPERATIONS.—(1) Before the Secretary may authorize any person to conduct mineral activities on lands subject this Act, the Secretary shall require such person to submit a plan of operations. The Secretary shall require that mineral activities and reclamation under such plan be conducted in such a way so as to minimize adverse impacts to the environment. A plan under this subsection shall also include procedures for—

"(A) the minimization of damages to crops and tangible improvements of the surface owner;

"(B) the minimization of disruption to grazing or other uses of the land by the surface owner; and

"(C) payment of a fee equivalent to the loss of income to the ranch operation as established pursuant to subsection (g).

"(2) The Secretary shall provide a copy of the proposal plan of operations to the surface owner at least 60 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this subsection. During such 60-day period the surface owner may submit comments and recommend modificatiors to the proposed plan of operations to the Secretary.

"(3) The Secretary may approve, require modifications to, or deny a proposed plan of operations. To approve a plan of operations, the Secretary shall make each of the following determinations:

"(A) The proposed plan of operations is complete and accurate.

"(B) The person submitting the proposed plan of operations has demonstrated that reclamation as required under subsection (h) can be accomplished under the plan and would have a high probability of success based on an analysis of such reclamation measures in areas of similar geochemistry, topography and hydrology.

"(C) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.

"(4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g).

"(g) FEE.—The fee referred to in subsection (f)(2) shall be—

"(1) paid to the surface owner by the person submitting the plan of operations;

"(2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and

"(3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses (including the loss of income to the surface owner and such surface owner's operations due to the loss or impairment of existing surface uses for the duration of the mineral activities).

"(h) RECLAMATION.—Except as provided under paragraphs (5) and (7), lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) shall be reclaimed to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Except as provided under paragraphs (5) and (7), the surface area disturbed by mineral activities shall be backfilled, graded and contoured to its natural topography. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities. For the purposes of such reclamation, the Secretary shall establish reclamation standards which shall include, but not necessarily be limited to, provisions to require each of the following; except that any such standard may be modified only with the consent of the surface owner as part of an approved plan of operations:

"(1) TOPSOIL.—(A) Topsoil removed from lands affected by mineral activities shall be segregated from other spoil material and protected for later use in reclamation. If such topsoil is not replaced on a backfill area within a timeframe short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be used so that the topsoil is preserved from wind and water erosion, remains free of any contamination by acid or other toxic material, and is in a useable condition for sustaining vegetation when restored during reclamation.

"(B) In the event the topsoil from lands affected by mineral activities is of insufficient quantity or of inferior quality for sustaining vegetation, and other suitable growth media removed from the lands affected by the mineral activities are available that shall support vegetation, the best available growth medium shall be removed, segregated and preserved in a like manner as under subparagraph (A) for sustaining vegetation when restored during reclamation.

"(2) STABILIZATION.—All surface areas affected by mineral activities, including spoil material piles, waste material piles, ore piles, subgrade ore piles, and open or partially backfilled mine pits which meet the requirements of paragraph (5) shall be stabilized and protected during mineral activities and reclamation so as to effectively control erosion and minimize attendant air and water pollution.

"(3) EROSION.—Facilities such as but not limited to basins, ditches, streambank stabilization, diversions or other measures, shall be designed, constructed and maintained where necessary to control erosion and drainage of the area affected by mineral activities including spoil material piles and waste material piles prior to the use of such material to comply with the requirements of this subsection, and for the purposes of paragraph (7), and including ore piles and subgrade ore piles.

"(4) HYDROLOGIC BALANCE.—(A) Mineral activities shall be conducted to minimize disturbances to the prevailing hydrologic balance of the area subject to mineral activities and adjacent areas and to the quality and quantity of water in surface and ground water systems in the area subject to mineral activities and adjacent areas.

"(B) Mineral activities shall, to the extent possible, prevent the generation of acid or toxic drainage during the mineral activities and reclamation; and the operator shall prevent the contamination of surface and ground water with acid or other toxic mine drainage and shall prevent or remove water from contact with acid or toxic producing deposits.

"(C) Mineral activities shall be conducted to prevent, to the extent possible, disruption to streamflow, or runoff outside the area covered by the plan of operations, and in no event shall be in excess of requirements set by applicable State or Federal law.

"(D) Reclamation shall, to the extent possible, also include restoration of the recharge capacity of the area subject to mineral activities to approximate premining condition; except that where surface or underground water sources used for domestic or agricultural use have been diminished, contaminated or interrupted as a proximate result of mineral activities, such water resource shall be restored or replaced.

"(5) PIT BACKFILLING/GRADING VARIANCE.—(A) The requirement to backfill, grade and contour land to its natural topography shall not apply with respect to an open mine pit if the Secretary finds that such open pit or partially backfilled pit would not pose a threat to the public health or safety or have an adverse effect on the environment in terms of surface or ground water pollution.

"(B) In instances where complete backfilling of an open pit is not required, the pit shall be graded to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(6) REVEGETATION.—(A) Except in such instances where the complete backfill of an open mine pit is not required under paragraph (5), the area affected by mineral activities, including any excess spoil material pile and excess waste pile, shall be revegetated in order to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, capable of self-regeneration and plant succession and at least equal in extent of cover to the natural revegetation of the surrounding area.

"(B) In order to insure compliance with subparagraph (A), the period for determining successful revegetation shall be for a period of 5 full years after the last year of augmented seeding, fertilizing, irrigation or other work, except that such period shall be 10 full years where the annual average precipitation is 26 inches or less.

"(7) EXCESS SPOIL AND WASTE.—(A) Excess spoil material and excess waste material shall be transported and placed in approved areas, in a controlled manner in such a way so as to assure long-term mass stability and to prevent mass movement. In addition to the measures described under paragraph (3), internal drainage systems shall be employed, as may be required, to control erosion and drainage. The design of such excess spoil material piles and excess waste material piles shall be certified by a qualified professional engineer.

"(B) Excess spoil material piles and excess waste material piles shall be graded and

contoured to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(8) SEALING.—All drill holes, and openings on the surface associated with underground mineral activities, shall be sealed when no longer needed for the conduct of mineral activities to ensure protection of the public, wildlife and the environment.

"(9) STRUCTURES.—All buildings, structures or equipment constructed, used or improved during the mineral activity shall be removed, unless the Secretary determines that the buildings, structures or equipment shall be of beneficial use in accomplishing the post-mining uses or for environmental monitoring.

"(i) STATE LAW.—(1) Nothing in this Act shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act to the extend that such law or regulation is not inconsistent with this title.

"(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by mineral activities.

"(j) INSPECTIONS.—(1) The Secretary shall make such inspections of mineral activities under a plan of operations approved under subsection (f) so as to ensure compliance with the terms and conditions of such plan. The Secretary shall establish a frequency of inspections for mineral activities conducted under such an approved plan of operations, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter.

"(2) Any surface owner of land subject to this Act has reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f), such surface owner may request an inspection. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owners alleges and provides reason to believe that an imminent danger, as provided in subsection (k)(2), exists the 10 day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this paragraph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

"(k) ENFORCEMENT.—(1) If the Secretary or the authorized representative of the Secretary determines, on the basis of an inspection that the operator is in violation of the terms and conditions of a plan of operations approved under subsection (f), the Secretary or his authorized representative shall issue a notice of violation to the operator describing the violation and the corrective measures to be taken. The Secretary or his authorized representative shall provide such operator with a reasonable period of time to abate the violation. If, upon the expiration of time provided for such abatement, the Secretary or his authorized representative finds that the violation has not been abated he shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

"(2) If the Secretary or his authorized representative determines, on the basis of an inspection, that any condition or practice exists with respect to mineral activities conducted on lands subject to this Act, or that an operator is in violation of the surface management requirements established pursuant to this section, and such condition, practice or violation is causing, or can reasonably be expected to cause—

"(A) an imminent danger to the health or safety of the surface owner of land subject to this Act, or

"(B) significant, imminent environmental harm to land, air or water resources,

the Secretary or his authorized representative shall immediately order a cessation of such mineral activities or the portion thereof causing such condition, practice or violation.

"(3)(A) A cessation order by the Secretary or his authorized representative pursuant to paragraphs (1) or (2) shall remain in effect until the Secretary or his authorized representative determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Secretary or his authorized representative. In any such order, the Secretary or his authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order. The Secretary shall require appropriate financial assurances to insure that the abatement obligations are met.

"(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated or terminated by the Secretary or his authorized representative. An operator, or person conducting mineral activities under section 201(b)(2), issued any such notice or order shall be entitled to a hearing on the record.

"(4) If, after 30 days of the date of the order referred to in paragraph (3)(A), the required abatement has not occurred the Secretary shall take such alternative enforcement action against the responsible parties as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action shall include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement.

"(5) In the event an operator conducting mineral activities under a plan of operations approved under subsection (f) is unable to abate a violation or defaults on the terms of the plan of operation the Secretary may cause forfeiture of the bond or other financial guarantee for the plan of operations to the extent necessary to ensure abatement and reclamation.

"(l) COMPLIANCE.—The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, in the district court of the United States for the district in which the mineral activities are located whenever an operator: (A) violates, fails or refuses to comply with any order issued by the Secretary under subsection (k); or (B) interferes with, hinders or delays the Secretary in carrying out an inspection under subsection (j). Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under clause (A) shall continue in effect until the completion or final termination of all proceedings for administrative review of such order, unless the district court granting such relief sets it aside or modifies it.

"(m) PENALTIES.—(1) Any operator who fails to comply with the terms and conditions of a plan of operations approved under subsection (f) shall be liable for a penalty of not more than $5,000 per violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. No civil penalty under this subsection shall be assessed until the operator charged with the violation has been given the opportunity for a hearing.

"(2) An operator who fails to correct a violation for which a cessation order has been issued under subsection (k) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues, but in no event shall such assessment exceed a 30-day period.

"(n) DAMAGES FOR FAILURE TO COMPLY.—(1) Whenever the surface owner of any land subject to this Act has suffered any permanent damages to crops or tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, the surface owner may bring an action in the appropriate United States district court for treble damages, and the court may award such damages if such damages or loss results—

"(A) from any mineral activity undertaken without the consent of the surface owner under subsection (c) or an authorization by the Secretary under subsection (d); or

"(B) from the failure of a person conducting mineral activities on lands subject to this Act approved under subsection (f) to abate a violation under subsection (k).

"(2) The surface owner of any land subject to this Act may also bring an action in the appropriate United States district court for treble damages against any person undertaking any mineral activities on lands subject to this Act in violation of any requirement of subsection (b).

"(3) Treble damages awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e).

"(o) PAYMENT OF DAMAGES.—The surface owner of any land subject to this Act may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent or temporary loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

"(p) BOND RELEASE.—The Secretary shall release the bond or other financial guarantee required under subsection (e) upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f).

"(q) CONVEYANCE TO SURFACE OWNER.—(1) The Secretary may convey interests owned by the United States (including mineral interests) in lands subject to this Act to the surface owner pursuant to the provisions of section 209 of the Federal Land Policy and Management Act of 1976 without regard to the requirements contained in such provisions that findings be made under subsection (b) of such section.

"(2) The Secretary shall take such actions as may be necessary to simplify the procedures which must oe complied with by surface owners of lands subject to this Act who apply to the Secretary to obtain title to interests in such lands owned by the United States.

"(3) Notwithstanding any other provision of law, the Secretary may not convey mineral interests in lands subject to this Act to any person other than the surface owner of such lands without obtaining the consent of such surface owner.

"(r) DEFINITIONS.—For the purposes of subsections (b) through (q)—

"(1) The term 'mineral activities' means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term—

"(A) The term 'exploration' means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value;

"(B) The term 'mining' means the processes employed for the extraction of a locatable mineral from the earth; and

"(C) The term 'beneficiation' means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

"(2) The term 'mining claim' means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (q) of this section.

"(3) The term 'tangible improvements' includes agricultural, residential and commercial improvements, including improvements made by residential subdividers.

"(s) MINERALS COVERED.—Subsections (b) through (q) of this section apply only to minerals not subject to disposition under—

"(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

"(2) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

"(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).".

(b) FEES.—The Secretary may establish such user fees as may be necessary to reimburse the United States for expenses incurred in administering this section.

(c) TECHNICAL CONFORMING AMENDMENT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299) is amended by inserting "(a) GENERAL PROVISIONS.—" before the words "That all entries made".

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment.

(e) REGULATIONS.—The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act not later than the effective date of this Act. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (d).

SEC. 2. REPORT TO CONGRESS ON FOREIGN INTEREST LANDHOLDINGS.

The Secretary of the Department of Interior is directed to report annually to Congress on the control by foreign firms of the acreage and facilities on lands covered by the 1916 Stock Raising Homestead Act.

(a) DEFINITIONS.—For purposes of this amendment:

(1) The term "domestic firm" means a business entity that is incorporated in the United States, conducts business operations in the United States, and at least 50 percent of its assets are held by private citizens and/or business entities of the United States.

(2) The term "foreign firm" means a business entity that is not described under paragraph (1).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 450) was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 450 and S. 1187, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

□ 1520

WE NEED TO TAKE A LOOK AT FEMA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I rise to tell my colleagues that I had the privilege of going to south Florida this last Saturday. I took a four-man/woman congressional delegation to Florida.

Mr. Speaker, it reminded me of a war zone when we landed there. The buildings were down; trees were blown down. We saw military helicopters, a lot of personnel, and it was really just like a war zone, like there had been an awful fight there.

Luckily, Mr. Speaker, there were no casualties to speak of on that base, and we did have a good visit. It looked to me, Mr. Speaker, that probably we can take the Florida National Guard off of active duty and send them back to their respective homes. They have done a terrific job. They have been on active duty now for 22 days in south Florida.

Mainly, Mr. Speaker, the National Guard has been doing security work, which is protection of property, traffic control, arrests, guarding against looting and stealing, and they have done very well. There are about 21,000 active-duty troops on the ground there working in humanitarian areas, such as working on feeding and housing, and so the military has gotten a lot out of this.

I think the bottom line to me is, Mr. Speaker, that we need to take a good, hard look at FEMA, the Federal Emergency Management Agency, and see if they should have some hearings, as well as our committees, on what action we should take with FEMA. I am convinced FEMA really cannot handle a major, large disaster, and we have to call in the military, we have to call in the Active Forces and the National Guard. So, I would hope that we would start taking some looks at FEMA and maybe consider putting that operation under the Secretary of Defense, not doing away with FEMA, but maybe giving them a little more clout when we do have those major disasters.

ANNOUNCEMENT OF SPECIAL ORDER ON THE LATE JOSEPH L. RAUH

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, I would like to remind my colleagues that later this evening, later this afternoon, I will be in charge of a special order so that we may pay tribute to the late Joseph L. Rauh of Washington, DC, one of the great civil rights and constitutional leaders, who passed away last week. It will be later today, and I am hoping to have wide participation.

APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE OF THE LATE TED WEISS

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 564, the Chair announces as members of the funeral committee of the late Ted Weiss the following Members on the part of the House: Mr. HORTON of New York; Mr. FOLEY of Washington; Mr. GEPHARDT of Missouri; Mr. HOYER of Maryland; Mr. FISH of New York; Mr. LENT of New York; Mr. RANGEL of New York; Mr. GILMAN of New York; Mr. SCHEUER of New York; Mr. DOWNEY of New York.

Mr. LAFALCE of New York; Mr. MCHUGH of New York; Mr. NOWAK of New York; Mr. SOLARZ of New York; Mr. GREEN of New York; Mr. SOLOMON of New York; Mr. MARTIN of New York; Mr. MCGRATH of New York; Mr. SCHUMER of New York; Mr. BOEHLERT of New York.

Mr. MRAZEK of New York; Mr. OWENS of New York; Mr. TOWNS of New York; Mr. ACKERMAN of New York; Mr. MANTON of New York; Mr. FLAKE of New York; Mr. HOCHBRUECKNER of New York; Mr. HOUGHTON of New York; Ms. SLAUGHTER of New York; Mr. ENGEL of New York.

Mrs. LOWEY of New York; Mr. MCNULTY of New York; Mr. PAXON of New York; Mr. WALSH of New York; Ms. MOLINARI of New York; Mr. SERRANO of New York; Mr. FASCELL of Florida; Mr. ROSTENKOWSKI of Illinois; Mr. EDWARDS of California; Mr. ALEXANDER of Arkansas.

Mr. COUGHLIN of Pennsylvania; Mr. DELLUMS of California; Mrs. COLLINS of Illinois; Mr. MILLER of California; Mr. MINETA of California; Mr. RUSSO of Illinois; Mr. WAXMAN of California; Mr. GLICKMAN of Kansas; Mr. PANETTA of California; Mr. VENTO of Minnesota.

Mr. GUARINI of New Jersey; Mr. WILLIAMS of Montana; Mr. WOLPE of Michigan; Mr. FOGLIETTA of Pennsylvania; Mr. FRANK of Massachusetts; Mrs. KENNELLY of Connecticut; Mr. CARR of Michigan; Mr. BERMAN of California; Mr. SMITH of Florida; Mr. TORRES of California.

Mr. WISE of West Virginia; Mr. HAYES of Illinois; Mr. KLECZKA of Wisconsin;

Mr. LEWIS of Georgia; Ms. PELOSI of California; Mr. MCDERMOTT of Washington; Mr. PAYNE of New Jersey; Mr. WASHINGTON of Texas; Mr. SANDERS of Vermont; Mr. BLAZ of Guam; and Mr. FALEOMAVAEGA of American Samoa.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 16, 1992.

TOURISM POLICY AND EXPORT PROMOTION ACT OF 1991

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill (S. 680) to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendments: In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Tourism Policy and Export Promotion Act of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.).

SEC. 2. FINDINGS.

The Congress finds that—

(1) the travel and tourism industry is the second largest retail or service industry in the United States;

(2) travel and tourism receipts make up over 6.7 percent of the United States gross national product;

(3) in 1991, the travel and tourism industry generated about six million jobs directly and about two million five hundred thousand indirectly;

(4) travel and tourism expenditures in 1991 were approximately $352,000,000,000;

(5) forty-two million international visitors spent approximately $64,700,000,000 in the United States in 1991;

(6) travel and tourism services ranked as the largest United States business services export in 1991, providing a United States travel trade balance of $16,800,000,000;

(7) many local communities with significant tourism potential are unable to realize the economic and employment opportunities that tourism provides because they lack the necessary local resources and expertise needed to induce tourism trade;

(8) increased efforts directed at the promotion of rural tourism will contribute to the economic development of rural America and further the conservation and promotion of natural, scenic, historic, scientific, educational, inspirational, and recreational resources for future generations of Americans and foreign visitors;

(9) foreign tourists entering the United States are frequently faced with unnecessary delays at the United States border;

(10) advanced technologies, industrial targeting, the industrialization of the Third World, and the flight of some United States manufacturing capacity to overseas locations have affected the international competitiveness of the United States;

(11) exporting those goods and services which United States industry can produce at a comparative cost advantage, such as travel and tourism services, will be in the Nation's long-term strategic interest; and

(12) the emergence of democratic governments in the formerly Communist nations of Eastern Europe and in the former Soviet Union provide new opportunities for United States firms engaged in both the inbound and outbound tourism markets.

SEC. 3. SURVEY OF INTERNATIONAL AIR TRAVELERS.

The Secretary of Commerce, to the extent available resources permit, shall improve the survey of international air travelers conducted to provide the data needed to estimate the Nation's balance of payments in international travel by—

(1) expanding the survey to cover travel to and from the Middle East, Africa, South America, and the Caribbean and enhancing coverage for Mexico, Oceania, the Far East, and Europe; and

(2) improving the methodology for conducting on-board surveys by (A) enhancing communications, training, and liaison activities in cooperation with participating air carriers, (B) providing for the continuation of needed data bases, and (C) utilizing improved sampling procedures. The Secretary of Commerce shall seek to increase the reporting frequency of the data provided by Statistics Canada and the Bank of Mexico on international travel trade between the United States and both Canada and Mexico. The Secretary shall improve the quarterly statistical report on United States international travel receipts and payments published in the Bureau of Economic Analysis document known as "The Survey of Current Services" and heighten its visibility.

SEC. 4. RURAL TOURISM DEVELOPMENT FOUNDATION.

(a) ESTABLISHMENT OF FOUNDATION.—In order to assist in the development and promotion of rural tourism, there is established a charitable and nonprofit corporation to be known as the Rural Tourism Development Foundation (hereafter in this section referred to as the "Foundation").

(b) FUNCTIONS.—The functions of the Foundation shall be the planning, development, and implementation of projects and programs which have the potential to increase travel and tourism export revenues by attracting foreign visitors to rural America. Initially, such projects and programs shall include—

(1) participation in the development and distribution of educational and promotional materials pertaining to both private and public attractions located in rural areas of the United States, including Federal parks and recreational lands, which can be used by foreign visitors;

(2) development of educational resources to assist in private and public rural tourism development; and

(3) participation in Federal agency outreach efforts to make such resources available to private enterprises, State and local governments, and other persons and entities interested in rural tourism development.

(c) BOARD OF DIRECTORS.—

(1) COMPOSITION.—(A) The Foundation shall have a Board of Directors (hereafter in this section referred to as the "Board") that—

(i) during its first two years shall consist of nine voting members; and

(ii) thereafter shall consist of those nine members plus up to six additional voting members as determined in accordance with the bylaws of the Foundation.

(B)(i) The Under Secretary of Commerce for Travel and Tourism shall, within six months after the date of enactment of this Act, appoint the initial nine voting members of the Board and thereafter shall appoint the successors of each of three such members, as provided by such bylaws.

(ii) The voting members of the Board, other than those referred to in clause (i), shall be appointed in accordance with procedures established by such bylaws.

(C) The voting members of the Board shall be individuals who are not Federal officers or employees and who have demonstrated an interest in rural tourism development. Of such voting members, at least a majority shall have experience and expertise in tourism trade promotion, at least one shall have experience and expertise in resource conservation, at least one shall have experience and expertise in financial administration in a fiduciary capacity, at least one shall be a representative of an Indian tribe who has experience and expertise in rural tourism on an Indian reservation, at least one shall represent a regional or national organization or association with a major interest in rural tourism development or promotion, and at least one shall be a representative of a State who is responsible for tourism promotion.

(D) Voting members of the Board shall each serve a term of six years, except that—

(i) initial terms shall be staggered to assure continuity of administration;

(ii) if a person is appointed to fill a vacancy occurring prior to the expiration of the term of the person's predecessor, that person shall serve only for the remainder of the predecessor's term; and

(iii) any such appointment to fill a vacancy shall be made within sixty days after the vacancy occurs.

(2) EX-OFFICIO MEMBERS.—The Under Secretary of Commerce for Travel and Tourism and representatives of Federal agencies with responsibilty for Federal recreational sites in rural areas (including the National Park Service, Bureau of Land Management, Forest Service, Corps of Engineers, Bureau of Indian Affairs, Tennessee Valley Authority, and such other Federal agencies as the Board determines appropriate) shall be nonvoting ex-officio members of the Board.

(3) CHAIR.—The Chairman and Vice Chairman of the Board shall be elected by the voting members of the Board for terms of two years.

(4) MEETINGS.—The Board shall meet at the call of the Chairman and there shall be at least two meetings each year. A majority of the voting members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Foundation shall have an official seal, which shall be judicially noticed. Voting membership on the Board shall not be deemed to be an office within the meaning of the laws of the United States.

(d) COMPENSATION AND EXPENSES.—No compensation shall be paid to the members of the Board for their services as members, but they may be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of Foundation funds available to the Board for such purposes.

(e) ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.—

(1) IN GENERAL.—The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with rural tourism, except that the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of rural tourism.

(2) INDIANS.—A gift, devise, or bequest accepted by the Foundation for the benefit of or in connection with rural tourism on Indian reservations, pursuant to the Act of February 14, 1931 (25 U.S.C. 451), shall be maintained in a separate accounting for the benefit of Indian tribes in the development of tourism on Indian reservations.

(f) INVESTMENTS.—Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer and may retain any property accepted by the Foundation.

(g) PERPETUAL SUCCESSION; LIABILITY OF BOARD MEMBERS.—The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(h) CONTRACTUAL POWER.—The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(i) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the provisions of this section, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may hire officers and employees and contract for any other necessary services. Such officers and employees shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and may be paid without regard to the provisions of chapters 51 and 53 of such title relating to classification and General Schedule pay rates.

(2) SERVICES.—The Secretary of Commerce may accept the voluntary and uncompensated services of the Foundation, the Board, and the officers and employees of the Foundation in the performance of the functions authorized under this section, without regard to section 1342 of title 31, United States Code, or the civil service classification laws, rules, or regulations.

(3) CONSTRUCTION.—Neither an officer or employee hired under paragraph (1) nor an individual who provides services under paragraph (2) shall be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(j) EXEMPTION FROM TAXES; CONTRIBUTIONS.—The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of the Board, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of this subsection or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contributions, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

(k) LIABILITY OF UNITED STATES.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

(l) ANNUAL REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

(m) DEFINITIONS.—As used in this section—

(1) the term "Indian reservation" has the meaning given the term "reservation" in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d));

(2) the term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(3) the term "local government" has the meaning given that term in section 3371(2) of title 5, United States Code; and

(4) the term "rural tourism" has the meaning given that term by the Secretary of Commerce and shall include activities related to travel and tourism that occur on Federal recreational sites, on Indian reservations, and in the territories, possessions, and commonwealths of the United States.

(n) ASSISTANCE BY SECRETARY OF COMMERCE.—Section 202(a) of the International Travel Act of 1961 (22 U.S.C. 2123(a)) is amended by striking paragraph (15) and inserting in lieu thereof the following new paragraph:

"(15) may assist the Rural Tourism Development Foundation, established under section 4 of the Tourism Policy and Export Promotion Act of 1992, in the development and promotion of rural tourism.".

SEC. 5. POLICY CLARIFICATIONS.

Section 101(b) (22 U.S.C. 2121(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) optimize the contributions of the tourism and recreation industries to the position of the United States with respect to international competitiveness, economic prosperity, full employment, and the balance of payments;";

(2) by redesignating paragraphs (2) through (12) as paragraphs (6) through (16), respectively; and

(3) by inserting immediately after paragraph (1) the following new paragraphs:

"(2) increase United States export earnings from United States tourism and transportation services traded internationally;

"(3) ensure the orderly growth and development of tourism;

"(4) coordinate and encourage the development of the tourism industry in rural communities which—

"(A) have been severely affected by the decline of agriculture, family farming, or the extraction or manufacturing industries, or by the closing of military bases; and

"(B) have the potential necessary to support and sustain an economy based on tourism;

"(5) promote increased and more effective investment in international tourism by the States, local governments, and cooperative tourism marketing programs;".

SEC. 6. DUTIES OF THE SECRETARY OF COMMERCE.

(a) DUTIES OF SECRETARY.—Section 201 (22 U.S.C. 2122) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) in paragraph (3) (as so redesignated) by striking "tourist facilities," and all that follows and inserting in lieu thereof the following: "receptive, linguistic, informational, currency exchange, meal, and package tour services required by the international market;";

(3) by inserting immediately after paragraph (1) the following:

"(2) provide export promotion services that will increase the number of States, local governments (as defined in section 3371(2) of title 5, United States Code), and companies in the United States that sell their tourism services in the international market, expand the number of foreign markets in which exporting States, cities, and companies are active, and inform States, cities, and companies in the United States regarding the specialized services the international market requires;";

(4) by striking the period at the end of paragraph (7) (as so redesignated) and inserting in lieu thereof the following: "and the use of other United States providers of travel products and services; and"; and

(5) by inserting immediately after such paragraph (7) the following new paragraph:

"(8) advise and provide information and technical assistance to United States firms seeking to facilitate travel to and from the emerging democracies of Eastern Europe and the former Soviet Union and compile statistics, as available, regarding such travel.".

(b) PERFORMANCE OF DUTIES.—Section 202(a) (22 U.S.C. 2123(a)) is amended—

(1) by amending paragraph (5) to read as follows:

"(5) shall provide financial assistance under section 203 to cooperative tourism marketing programs;";

(2) in paragraph (9), by striking "United States travel and tourism interests" and inserting in lieu thereof "the United States national tourism interest"; and

(3) in paragraph (12), by inserting immediately before the semicolon at the end the following: "and the use of other United States providers of travel products and services".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 202 (22 U.S.C. 2123) is amended—

(1) in the first sentence of subsection (c), by striking "paragraph (5) of subsection (a)" and inserting in lieu thereof "section 203";

(2) in the second sentence of subsection (c), by striking "paragraph" and inserting in lieu thereof "subsection";

(3) in the third sentence of subsection (c), by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "section 203"; and

(4) in subsection (d), by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "section 203".

SEC. 7. TOURISM TRADE DEVELOPMENT.

Section 202 (22 U.S.C. 2123) is amended by adding at the end the following new subsection:

"(e)(1) The Secretary's tourism trade development efforts shall focus on the markets which have the greatest potential for increasing travel and tourism revenues.

"(2) By October 1 of each year (commencing October 1, 1993), the Secretary shall publish a notice in the Federal Register soliciting comment, from persons interested in tourism trade,

concerning markets that would be an appropriate focus of tourism trade development efforts to be carried out in the twelve-month period that begins twelve months after the notice is published.

"(3) Not later than three months after the notice is published under paragraph (2), the Secretary shall select the markets that the Secretary determines are an appropriate focus of tourism trade development efforts to be carried out in the twelve-month period described in paragraph (2). The selection shall be announced by publication in the Federal Register.

"(4) At the same time the Secretary announces the selection of markets under paragraph (3), the Secretary shall issue a request for proposals from cooperative tourism marketing programs to develop and implement tourism trade development programs applicable to the markets so selected. The Secretary shall provide financial assistance in accordance with section 203 to carry out proposals submitted under this subparagraph. Such financial assistance shall be provided on or before September 30 of the year in which the markets are selected under paragraph (3).

"(5) During each twelve-month period described in paragraph (2), tourism trade development efforts shall be directed at the markets selected under paragraph (3).".

SEC. 8. TOURISM MARKETING PROGRAMS.

(a) FINANCIAL ASSISTANCE.—Sections 203 and 204 (22 U.S.C. 2123a and 2123b) are repealed and the following new section is inserted immediately after section 202:

"SEC. 203. (a) The Secretary shall provide financial assistance to cooperative tourism marketing programs in accordance with this section.

"(b)(1) To be eligible for financial assistance under subsection (a), a cooperative tourism marketing program shall, at a minimum—

"(A) involve the participation of—

"(i) two or more States;

"(ii) one or more States and one or more political subdivisions of States; or

"(iii) one or more States and one or more nonprofit organizations;

"(B) be established for the purpose of increasing the number of foreign visitors to the region in which such States or local governments are located; and

"(C) have a written regional tourism marketing plan which includes advertising, publication of promotional materials, or other promotional or market research activities designed to increase the number of foreign visitors to such region.

"(2) Financial assistance may be provided under subsection (a) if the applicant for the assistance demonstrates to the satisfaction of the Secretary that the assistance will be used for a purpose described in subsection (c) and that—

"(A) such cooperative tourism marketing program for which the financial assistance will be provided will increase the travel of foreign visitors to the region for which the assistance is sought;

"(B) such program will contribute to the economic well-being of such region;

"(C) such region is developing or has developed a regional transportation system that will enhance travel to the facilities and attractions in such region; and

"(D) such program will focus its efforts on the countries in the markets selected by the Secretary under section 202(e)(3).

"(c) Financial assistance provided under subsection (a) may be used for the purpose of—

"(1) promoting or marketing to foreign visitors or potential foreign visitors the tourism and recreational opportunities in the region for which such financial assistance is sought;

"(2) targeting foreign visitors to develop or enhance their interest in tourism and recreational opportunities in such region;

"(3) encouraging the development by such cooperative tourism marketing program of regional strategies for international tourism promotion and marketing; or

"(4) developing and implementing tourism trade development programs applicable to markets selected under section 202(e)(3).

"(d) In connection with financial assistance provided under subsection (a), a cooperative tourism marketing program may enter into agreements with individuals and private profit and nonprofit businesses and organizations who will assist in carrying out the purposes for which such financial assistance is provided. Such an agreement shall be disclosed in any application for financial assistance under subsection (a) and such an application may be approved by the Secretary only if the Secretary finds that such agreement meets all applicable legal requirements and is consistent with the purposes of this Act.

"(e) After notice and opportunity for public comment and within one hundred and eighty days after the date of enactment of the Tourism Policy and Export Promotion Act of 1992, the Secretary shall issue rules and guidelines to carry out this section. Proposed rules and guidelines shall be issued within ninety days after such date of enactment.

"(f)(1) The total amount of financial assistance that may be provided under subsection (a) shall, in each of the fiscal years 1994, 1995, and 1996, be not less than 25 percent of the amount appropriated to the Secretary for such fiscal year under section 304.

"(2) Not more than 50 percent of the financial assistance provided under subsection (a) for any fiscal year may be used for tourism trade development designed to promote travel and tourism in the United States generally without promotion of a particular area of the United States. Cooperative tourism marketing programs receiving financial assistance under subsection (a) shall pool 50 percent of their financial assistance for such general tourism trade development in each market selected by the Secretary under section 202(e)(3). The Secretary shall provide technical assistance to recipients of such financial assistance and coordinate such efforts.".

(b) FEDERAL SHARE OF PROJECT COSTS.—The first sentence of section 202(c) (22 U.S.C. 2123(c)) is amended by striking all after "sources" and inserting in lieu thereof a period and the following new sentence: "Any recipient of financial assistance under section 203 shall provide matching funds (consisting of actual dollar expenditures on the program for which such financial assistance is provided) equal to at least 25 percent of such financial assistance.".

SEC. 9. TOURISM TRADE BARRIERS.

Title II (22 U.S.C. 2122 et seq.), as amended by section 8 of this Act, is further amended by adding at the end the following new section:

"SEC. 204. For each calendar year beginning with calendar year 1994, the Secretary shall—

"(1) identify and analyze acts, policies, or practices of each foreign country that constitute significant barriers to, or distortions of, United States travel and tourism exports;

"(2) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under paragraph (1); and

"(3) make an estimate, if feasible, of the value of additional United States travel and tourism exports that would have been exported to each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.".

SEC. 10. ACTION TO FACILITATE ENTRY OF FOREIGN TOURISTS.

Title II (22 U.S.C. 2122 et seq.), as amended by section 9, is further amended by adding at the end the following new section:

"SEC. 205. The Secretary shall, in coordination with appropriate Federal agencies, take appropriate action to ensure that foreign tourists are not unnecessarily delayed when entering the United States and to ensure that the international processing standard of the International Civil Aviation Organization is met.".

SEC. 11. PERFORMANCE OF THE UNITED STATES TRAVEL AND TOURISM ADMINISTRATION.

Title II (22 U.S.C. 2122 et seq.), as amended by section 10 of this Act, is further amended by adding at the end the following:

"SEC. 206. (a) Beginning October 1, 1994, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the goals of the United States Travel and Tourism Administration for the applicable forthcoming fiscal year, including quantifiable measures on which such Administration's performance can be evaluated. Such goals shall include—

"(1) the number of written and telephone inquiries regarding the possibility of foreign travel to the United States expected to be generated by the financial assistance provided to cooperative tourism marketing programs under section 203;

"(2) the number of tour packages for foreign visitors to the United States expected to be sold in connection with such financial assistance;

"(3) the number of tourists from countries in markets selected under section 202(e)(3) expected to visit the United States destinations being promoted in such countries in connection with such financial assistance; and

"(4) the actions recommended to eliminate acts, policies, and practices of foreign countries identified under section 204 that constitute significant barriers to or distortions of United States travel and tourism exports.

"(b) By December 31, 1995, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report outlining the degree to which the goals set forth for the prior fiscal year have been attained. Such report shall include—

"(1) the number of written and telephone inquiries regarding the possibility of foreign travel to the United States actually received by the Secretary and by persons receiving financial assistance under section 203;

"(2) the number of tour packages for foreign visitors to the United States actually sold in connection with such financial assistance;

"(3) the number of tourists from countries in markets selected under section 202(e)(3) that actually visited the United States destinations being promoted in such countries in connection with such financial assistance;

"(4) an evaluation of the effectiveness of such financial assistance; and

"(5) an evaluation of the effectiveness of any actions recommended under subsection (a)(4) which were taken to eliminate acts, policies, and practices that constitute significant barriers to, or distortions of, United States travel and tourism exports.

"(c) The Secretary shall collect from persons receiving financial assistance under section 203 such information as may be necessary to enable the Secretary to comply with subsections (a) and (b). The Secretary may condition the receipt of such financial assistance on the agreement of the recipient to provide such information to the Secretary at such times and in such manner and form as the Secretary deems appropriate.".

SEC. 12. ADMINISTRATION.

Section 301(a) (22 U.S.C. 2124(a)) is amended—

(1) by striking the third and fourth sentences;

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall designate a Deputy Under Secretary for Tourism Trade Development who shall be drawn from, and serve as a member of, the career service. The Deputy Under Secretary shall have responsibility for—

"(A) facilitating the interaction between industry and government concerning tourism trade development;

"(B) directing and managing field operations;

"(C) directing program evaluation research and industry statistical research;

"(D) developing an outreach program to those communities with underutilized tourism potential to assist them in development of strategies for expansion of tourism trade;

"(E) implementing the program to provide financial assistance under section 203 in support of non-Federal tourism trade development activities; and

"(F) performing such other functions as the Under Secretary may assign.".

SEC. 13. COORDINATION.

Section 301 (22 U.S.C. 2124) is amended by adding at the end the following new subsection:

"(c) The Under Secretary of Commerce for Travel and Tourism shall continue to seek the assistance of the United States and Foreign Commercial Service and shall continue to be available to assist the United States Travel and Tourism Administration at locations identified by the Under Secretary, in consultation with the Director General of the United States and Foreign Commercial Service, as necessary to assist the Administration's foreign offices in stimulating and encouraging travel to the United States by foreign residents and in carrying out other powers and duties of the Secretary specified in section 202.".

SEC. 14. LIMITATION ON CERTAIN EXPENDITURES.

Section 301 (22 U.S.C. 2124), as amended by section 13, is further amended by adding at the end the following new subsection:

"(d) The expenditures for personnel compensation, rental payments, communications, utilities, miscellaneous charges, and equipment shall not exceed—

"(1) in fiscal year 1993, 55 percent of the amount appropriated to the Secretary under section 304;

"(2) in fiscal year 1994, 52.5 percent of the amount appropriated to the Secretary under section 304; and

"(3) in fiscal year 1995 and in subsequent fiscal years, 50 percent of the amount appropriated to the Secretary under section 304.".

SEC. 15. TOURISM POLICY COUNCIL.

(a) MEMBERSHIP.—Section 302(b)(1) (22 U.S.C. 2124a(b)(1)) is amended—

(1) by redesignating subparagraphs (H) and (I) as subparagraphs (O) and (P); and

(2) by inserting immediately after subparagraph (G) the following new subparagraphs:

"(H) the Secretary of Agriculture;

"(I) the Chairman of the Tennessee Valley Authority;

"(J) the Commanding General of the Corps of Engineers of the Army, within the Department of Defense;

"(K) the Administrator of the Small Business Administration;

"(L) the Commissioner of the Immigration and Naturalization Service;

"(M) the Chief Executive Officer of the National Railroad Passenger Corporation;

"(N) the Commissioner of Customs;".

(b) DETAILS.—Section 302(d) (22 U.S.C. 2124a(d)) is amended by adding at the end the following new paragraph:

"(4)(A) Every year, upon designation by the Secretary in accordance with subparagraph (B), up to three Federal departments and agencies represented on the Council shall each detail to the Council for that year one staff person and associated resources.

"(B) In making the designation referred to in subparagraph (A), the Secretary shall designate a different group of agencies and departments each year and shall not redesignate any agency or department until all the other agencies and departments represented on the Council have been designated the same number of years.".

SEC. 16. ADVISORY BOARD.

(a) MEMBERSHIP.—Section 303(a)(3) (22 U.S.C. 2124b(a)(3)) is amended—

(1) in subparagraph (A), by striking "and";

(2) in subparagraph (B), by striking "one shall be a representative of the States who is" and inserting in lieu thereof "two shall be representatives of the States who are" and by striking the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) at least one shall be a representative of a city who is knowledgeable of tourism promotion.".

(b) TERMS.—The last sentence of section 303(b) (22 U.S.C. 2124b(b)) is amended by striking "two consecutive terms of three years each" and inserting in lieu thereof "six consecutive years or nine years in the aggregate".

(c) ADVICE.—The first sentence of section 303(f) (22 U.S.C. 2124b(f)) is amended by striking "and shall advise" and all that follows through "202(a)(15)".

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 304 (22 U.S.C. 2126) is amended—

(1) in the first sentence, by inserting immediately before the period the following: ", not to exceed $21,000,000 for fiscal year 1993, not to exceed $22,500,000 for fiscal year 1994, not to exceed $24,000,000 for fiscal year 1995, and not to exceed $26,000,000 for fiscal year 1996"; and

(2) by striking the last two sentences and inserting in lieu thereof the following: "Funds appropriated under this section may be expended by the Secretary without regard to sections 501 and 3702 of title 44, United States Code. Funds appropriated under this section for the printing of travel promotional materials shall remain available for 2 fiscal years.".

SEC. 18. REPORT ON TOURISM AND TRAVEL ACTIVITIES.

The Secretary of Commerce shall, within 18 months after the date of the enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on—

(1) the status of the actions required by section 3 and the desirability and feasibility of publishing international travel receipts and payments on a monthly basis;

(2) the Secretary's actions under section 201(8) of the International Travel Act of 1961 (as amended by section 6 of this Act), regarding the inbound and outbound tourism trade between the United States and emerging democracies of Eastern Europe and the former Soviet Union (including statistics, as available, on the number of inbound and outbound tourists, receipts from and expenditures by such tourists, the number of tourists traveling into and out of Eastern Europe and the former Soviet Union on American carriers, and other relevant matters);

(3) the activities of the Department of Commerce and other Federal agencies to increase tourism opportunities for, and encourage travel by, disabled persons; and

(4) efforts undertaken under section 205 of the International Travel Act of 1961 (as amended by section 13 of this Act) to improve visitor facilitation and the effect on United States travel and tourism as a result of those improvements.

SEC. 19. REPORT ON FOREIGN OFFICES.

(a) REPORT BY SECRETARY.—The Secretary of Commerce shall, within one year after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the offices of the United States Travel and Tourism Administration located in foreign countries.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) DESCRIPTION OF OFFICES.—A description of each foreign office of the United States Travel and Tourism Administration, including the number of United States national employees, foreign national employees, and contract personnel who perform duties for the foreign office and a statement as to how many of each category of employees or personnel are part-time and full-time.

(2) INFORMATION ON LOCAL LAWS.—Information on the laws of the country in which each foreign office is located. The information shall state the country's legal requirements concerning the termination or reassignment of employees or contract personnel, any actions altering the terms or conditions of employment that will result in a requirement to pay additional compensation to the affected employee, and the legally mandated duties to affected employees and contract personnel where an entire foreign office is closed after appropriate notice.

(3) EXISTING LEASES.—Information on all existing leases of office space (or space sharing arrangements with the United States embassy) applicable to each foreign office, including an analysis of the Secretary's ability to terminate such leases or other arrangements and the costs associated with such termination.

(4) COST REDUCTIONS AND MARKETING EFFICIENCIES.—Analysis of and recommendations for possible cost reductions and marketing efficiencies with respect to the activities of foreign offices, including the advantages and disadvantages of consolidating foreign office functions by establishing three regional offices of the United States Travel and Tourism Administration based in and responsible for the following respective geographic areas:

(A) Europe and Africa.

(B) Asia and the Pacific region.

(C) North America, South America, and the Caribbean region.

(5) ORGANIZATIONAL FLEXIBILITY.—Analysis and recommendations concerning methods for increasing organizational flexibility (particularly with respect to the establishment, operations, closing, and relocation of foreign offices) in response to changing market conditions, fiscal constraints, and policy conditions.

(c) DELAY IN CERTAIN ADMINISTRATIVE ACTIONS.—At offices of the United States Travel and Tourism Administration located in foreign countries—

(1) no new foreign national employees nor contract personnel may be hired, except for employees or contract personnel that directly replace foreign national employees or contract personnel; and

(2) no new leases of office space, nor renewals of existing leases for longer than two years, may be executed,

until six months after the report required by subsection (a) is received.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment to the House amendments to S. 680.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House today S. 680, the Tourism Policy and Export Promotion Act, which reauthorizes the U.S. Travel and Tourism Administration and attempts to focus the agency's efforts more on helping areas of the country with underutilized tourism potential promote themselves more effectively.

S. 680 contains a number of initiatives developed in response to criticisms voiced about USTTA. These include creating a career civil servant Deputy Under Secretary, limiting the amount of money that USTTA can spend on overhead expenses, creating a Rural Tourism Development Foundation, and establishing a financial assistance program for States and localities to help them conduct tourism promotion.

The bill before the House today is a compromise between the Committee on Energy and Commerce and our counterparts in the other body. The bill is similar to the version passed by the House last November; however, we have made several changes to that legislation in an effort to address some of the concerns raised by USTTA.

The legislation passed by the House last year required USTTA to establish three regional offices, and to restructure its foreign operations. In an attempt to address concerns raised about the potential costs of this restructuring, the legislation now requires USTTA to conduct a comprehensive study of its office operations, including the feasibility of, and the costs associated with, establishing the regional offices. The bill forbids USTTA from signing any new leases, or hiring any foreign service nationals or contract personnel, until such time as the study is completed. I look forward to working with USTTA and my colleagues to ensure that these provisions are implemented in a timely and proper manner.

Mr. Speaker, passage of this legislation will enable our national tourism agency to better assist our States and localities in the promotion of travel and tourism. A reauthorization bill for this agency has been long overdue. I would like to thank and commend the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, for his leadership in moving this bill forward. I would also like to thank Messrs. LENT and RITTER for their important contributions to the passage of this legislation.

I urge my colleagues to support passage of this bipartisan legislation.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. RITTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the leadership of the Energy and Commerce Committee—the chairman, Mr. DINGELL, the subcommittee chairman, Mr. SWIFT, and the ranking member, Mr. LENT—for their diligent work in preparing this consensus legislation and reaching agreement with the Senate. I also want to acknowledge the vital technical assistance provided throughout the legislative process by the U.S. Travel and Tourism Administration itself, particularly by Under Secretary John Keller and his staff.

The U.S. Travel and Tourism Administration, part of the Department of Commerce, performs a function that is vital to our international financial and competitive position—the promotion of tourist expenditures by foreign visitors in the United States.

Just how important is foreign tourism to the United States. Well, in 1990, it generated a trade surplus of $5 billion in our intentional accounts. In 1991, that positive balance had grown to $16.8 billion. This is a source of international earnings that we cannot afford to ignore. Overall some 42 million international visitors spent $64.7 billion in 1991.

After all, the basic infrastructure for tourism is there—the many scenic, historical and cultural attractions that our Nation has to offer along with an excellent transportation network. What is needed is effective overseas marketing and promotion of those attractions. And that is where USTTA comes in.

Under this legislation, USTTA will be working more closely than ever before with State, local, and regional groups to foster regional orientation in the pitch the United States makes to potential foreign tourists. In my own area of the Lehigh Valley in Pennsylvania, I might note, we have had success with the regional promotion of events such as our Musikfest and other festivals such as the Celtic Classic. This kind of regional marketing takes advantage of the economies of scale in activities like advertising and promotion, and allows all of the attractions of a region to be portrayed as an integrated, coherent whole. Underlying this new regional emphasis, the legislation also sets up a new system of direct financial assistance for promotional activities in targeted foreign markets on behalf of State and local entities.

Another key feature of this legislation is its focus on future strategic planning by USTTA to increase its adaptability and flexibility in meeting changing market conditions in the future. One key effort provision in the bill requires a report on possible impediments to USTTA's relocating overseas offices or altering the emphasis and allocation to particular overseas offices as market conditions change.

I look upon this new focus on strategic planning as another effort to bring the quality process to Government. Especially in a case such as this, where Government resources should be used to exploit market conditions favorable to increased tourist travel to the United States, we need to make sure that the agency in charge is not only dedicated, but is also given the flexibility it needs to respond to problems and changes with a true quality approach. This legislation is an important step in that direction. I strongly urge its approval.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I am pleased this afternoon to voice my support for this bill, Senate bill 680, the reauthorization of the U.S. Travel and Tourism Administration. Tourism is a key industry not only in the United States, but in my State of Virginia. It is essential for our economic vitality. We, like many other areas, are feeling the upcoming defense cuts, and we are also feeling a languishing economy. We are depending more and more heavily on the travel and tourism industry to provide jobs and revenue to States and localities.

Mr. Speaker, tourism is an underutilized economic development tool that we must capitalize on. By supporting this legislation, I would say to my colleagues, you will be aiding rural areas, like much of my district, by establishing a Rural Tourism Development Foundation to develop and promote tourism in rural areas.

Throughout Virginia, people, including small businesses, are beginning to realize the benefits of what a vigorous, healthy travel and tourism industry can do for their communities. Tourism to historic sites, to battlefields, to natural beauty, whether it is the Blue Ridge Parkway or the Skyline Drive, and also to recreational areas are clean industries that provide thousands of jobs in our State and certainly millions of jobs across the country.

Tourists, whether they come from out of State, out of the region, or from foreign countries, come into your area, they spend money, help out all the tourist-related industries, and that provides thousands of jobs and millions of dollars in revenue, and then they leave and your localities do not have to then educate their children, which is a big cost for local governments.

In Virginia alone, and I am sure this is the case in many other States, tourists spend over $2 million every day. That translates into over 126,000 jobs statewide. We must support such vital, positive economic development ideas and efforts as are represented in this bill.

Mr. Speaker, I hope my colleagues will join me in supporting this good legislation.

Mr. RITTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], who represents what I understand to be the kind of Cape Cod area of the Midwest in northeast Wisconsin.

Mr. ROTH. Mr. Speaker, I thank the gentleman from Pennsylvania for allowing me this time.

Mr. Speaker, I am delighted to see that the Rural Tourism Development Foundation is included in the Tourism Reauthorization Act.

I want to thank the members of the subcommittee, and especially the chairman and the ranking member, for the great job they did on this piece of legislation. This is a piece of legislation that the entire Congress and country can be proud of.

The Rural Tourism Development Foundation, for example, is a nonprofit, privately funded organization that will promote tourism in rural America.

□ 1540

Last year I held a travel and tourism conference in Shawano, WI. During the conference scores of small business owners and community leaders testified to the importance of tourism to their local economies. The U.S. Travel and Tourism Administration director, Linda Misloui, and other leaders, attended and saw firsthand the economic value of tourism in rural Wisconsin.

We formulated the Rural Tourism Development Foundation from the ideas at the Shawano conference, and I am pleased to see this new opportunity for our rural communities.

Tourism is an exploding industry in America. Already travel and tourism has provided a needed injection to our Nation's economic health. Six million jobs, yes, 6 million jobs are directly affected by tourism, and an additional 6.4 million jobs are indirectly affected by this industry.

In the last 2 years, travel and tourism has grown at twice the rate of the next closest industry. So if we want to have a good and stronger economy in America, this is one route that we can take.

Jobs, jobs, jobs is what the tourism industry offers to the American worker and tax dollars to our local and State coffers. Almost $44 billion in Federal and State and local taxes were collected last year because of tourism in America, $44 billion.

I am especially proud of the role that rural America is playing in this evergrowing industry. In my State of Wisconsin, tourism was the largest employer last year and has been for a number of years.

Tourism brought into our one State, the State of Wisconsin, $5.4 billion. Just that one industry, resulted in some $225 million in State and local revenues.

The economic benefits are clear as a bell. With a huge trade surplus. This is a huge industry that has not even begun to see its full potential.

This potential is now being revealed and coming into its own. This is an excellent bill.

I am pleased that my colleagues agree that rural tourism is so important to our economy, and I commend my friends on both sides of the aisle and the subcommittee for looking at this and for passing this legislation.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I would simply like to recognize the gentleman for his leadership. He is not on the committee, but he has been a strong proponent of this legislation for a very long time.

His leadership, particularly with regard to the provision that establishes the Rural Tourism Foundation, has been stellar.

I want to thank the gentleman for his help to me and to the committee in passage of this legislation.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his kind words. I remember the day that the chairman of this subcommittee traveled over to the other body to appear before the Senate for JAY ROCKEFELLER's committee and talk about this legislation, and I realize full well that I could not have done this alone. I appreciate the gentleman's help, and I am delighted that he put this into the legislation.

Mr. RITTER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his remarks and would add that tourism expenditures are not only direct; that is, the payment for the ticket, the payment for the hotel room, the payment for the meal, the payment for the entry into the amusement facility or whatever. Tourism expenditures are indirect, and they involve the construction of the hotel, the construction jobs, the concrete, the steel, the glass, the electrical wiring, the furnishings, the appliances, and so on and so forth.

They involve the transportation vehicles, the planes, the trains, the automobiles, the rental cars, all of this.

And so modern America really benefits from a healthy tourism industry because there is a ripple effect of expenditures in tourism that really impact on most of our jobs and most of our economy. So it is a real job stimulant in every sense of the word.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 680, a bill that seeks to reform the U.S. Travel and Tourism Administration [USTTA].

I first wish to commend the gentleman from the State of Washington, the chairman of our Subcommittee on Transportation and Hazardous Materials, AL SWIFT, for his untiring efforts to enact meaningful legislation in this area. I also wish to commend Mr. LENT, the ranking Republican member of the full committee, and Mr. RITTER, the ranking Republican of the Subcommittee on Transportation and Hazardous Materials, for the bipartisan cooperation we have enjoyed at every step during this lengthy and difficult matter. I also wish to convey my sincere appreciation to the chairman of the Senate Committee on Commerce, Science, and Transportation, Mr. HOLLINGS, and the chairman of the Senate Subcommittee on Foreign Commerce and Tourism, Mr. ROCKEFELLER. Together with their Republican counterparts, they have helped us to craft an acceptable reform measure that could form a constructive basis for the continuation of USTTA.

It has been a decade since the enactment of authorization legislation for USTTA. Despite the stalemate in the authorization process, the Appropriations Committees have seen fit to provide Federal taxpayer dollars for the agency's operations. I have tried to make it abundantly clear during these past few years that I am certainly no fan of USTTA. My overt criticism of the agency stems from the fact that no one has ever been able to demonstrate convincingly that the USTTA brings into our country more than what it costs the American taxpayer to support the agency. Given the backdrop of skyrocketing Federal deficits, I have been unable to find a compelling reason to support the continuation of authorizing the expenditures of general tax funds in the absence of such evidence. When other meaningful Federal programs—that have real, proven, and palpable public benefits—are feeling the massive effects of budgetary cutbacks, and when other serious national problems remain unfunded and unaddressed, I have not been able to support in good conscience the authorization of an agency whose primary mission has amounted to nothing more than a corporate welfare program.

Two years ago, our committee considered legislation that would have funded USTTA from user fees. While noting my continuing objections to the complete lack of accountability of the agency, as well as the complete dearth of believable evidence supporting the agency's effectiveness, I supported the user fee legislation as a compromise measure. My support for such legislation was premised on two primary notions. First, I believed that by eliminating general taxpayer support for the agency's questionable programs and practices, we at least would be removing the most egregious and fundamental public policy problem presented by the agency's continued miserable existence. Second, I believed that a user fee approach would bring some measure of accountability to the agency by forcing those who benefit from its current programs to examine—as well as to pay for—the agency's actual operations. While Congress enacted a USTTA user fee provision as part of the Omnibus Budget Reconciliation Act of 1990, the provision unfortunately has been invalidated since its enactment. Thus, early in this Congress, I found myself back at square one in the consideration of legislation to authorize USTTA's programs.

Primarily because of the persistence of Chairman SWIFT and Chairman ROCKEFELLER, we thereafter embarked on a course to consider legislation that would reform the agency, provide accountability to the Congress and the public, and significantly revamp the direction of the agency's programs. While I would have preferred a stronger approach in some areas, I can support the compromise legislation we are considering today because of the meaningful and substantial changes it will make in the way that USTTA operates.

Chairman SWIFT and others have described some of the provisions that make this legislation acceptable. I would like to highlight some of the provisions that are of particular importance to me and to indicate in the strongest possible terms my intention to conduct strict and rigorous oversight of the agency's implementation of these new legislative directives.

First and foremost, the bill requires USTTA to provide financial assistance to so-called cooperative tourism marketing programs—that is, programs consisting of States, local jurisdictions and private nonprofit interests established for tourism promotion—for the promotion of both regional and national tourism efforts in the United States. Our committee's numerous investigations in the area have revealed that regional and State tourism programs—not the USTTA—have been the most effective means of promoting American tourism efforts. The bill requires USTTA to provide financial assistance to cooperative tourism marketing programs of not less than 25 percent of all funds appropriated to the agency for fiscal years 1994–96. The bill requires a significant actual dollar contribution level from such marketing programs of not less than 25 percent of the amount of Federal financial assistance provided to ensure the good faith and commitment of such programs to these new promotion activities. Other provisions of the legislation require the marketing programs to have written plans for increasing foreign visitors to the regions represented, as well as requiring USTTA to conduct an annual participative process for identifying particular foreign markets that will be targeted by the cooperative tourism marketing programs. In all, this new program of financial assistance should provide regional programs with needed wherewithal to implement effective promotion activities. Financial assistance from USTTA thus will be used to effectuate both the specific tourism promotion objectives of each selected cooperative tourism marketing program as well as a cooperative venture by all selected cooperative tourism marketing programs to provide coordinated national tourism promotion.

Additionally, the legislation makes important changes to the accountability and organic structure of USTTA. For example, the bill requires the agency to improve the collection and data relative to tourism, to conduct an annual analysis of acts, practices, and policies of foreign countries that constitute significant barriers to our country's travel and tourism exports, to improve relevant statistical information regarding various aspects of tourism and travel, to provide the committees of jurisdiction with annual goals of the agency together with quantifiable measures for evaluating the agency's performance, and to provide the committees of jurisdiction with annual follow-up reports relative to the agency's attainment of such goals. Additionally, the bill requires the Secretary of Commerce to designate a career service employee as the Deputy Under Secretary for Tourism Trade Development to have responsibility for certain designated responsibilities. The legislation also limits the agency's expenditures for specified administrative expenses, including personnel compensation and rents, to a specific level of appropriated funds. This should help to ensure that the agency is expending taxpayer dollars for the programs designated in the bill, not on more people and foreign offices. In connection with USTTA's foreign offices, the bill requires USTTA to provide a comprehensive report to the committees of jurisdiction within 1 year that sets forth a description of each office; the precise rental arrangement in each instance; number of employees in each office—including full-time, part-time, contract, and foreign nationals; and an analysis of possible cost reductions and marketing efficiencies that could be realized from consolidating or eliminating foreign offices.

In researching the issues surrounding USTTA foreign offices, it astounds me that the agency takes the position that elimination or possible consolidations of existing foreign offices could be more costly than continuation of such offices because of foreign laws governing USTTA's employment of foreign nationals. USTTA staff informed by staff recently that the hiring of foreign nationals in certain countries is tantamount to guaranteed lifetime employment. In opposing the House authorization bill last year, Secretary Mosbacher wrote me to complain of the provision in the bill that limited administrative expenses, including rental expenses. Secretary Mosbacher's November 18, 1991 letter states that:

> USTTA's work is necessarily dependent on the provision of core services as well as administrative support for its tourism offices. Rents alone for these offices total *nearly $2 million*. These are *fixed costs* without which USTTA's programs cannot be implemented; thus, these expenditures are *essential* to the accomplishment of USTTA's mission. (italic added.)

While I find such a defense of USTTA's essential rental agreements in foreign countries to be laughable, I was not aware at that time that these expenses are also perpetual. Needless to say, a complete review of USTTA's foreign office operations, including detailed information on USTTA's ability to close or consolidate such offices—and the precise costs associated therewith—is sorely needed and long overdue. In order to underscore the necessity for such a report, we have prohibited the agency from hiring new employees, entering into new leases, or renewing any existing lease for more than 2 years, until 6 months after the report is submitted to our committee. It is more than interesting to note that a 10-year renewal of one of USTTA's Canadian offices was executed in June this year, representing by far the longest term arrangement in the history of the agency. From the agency's words and deeds, it is clear that USTTA will do everything in its power to perpetuate its existence. We wish to make it equally clear to the agency that the prohibition on leases and employees set forth in the legislation had better be adhered to meticulously and without exception. I would hope sincerely that the administration would support our oversight and examination of USTTA's foreign office operations and rental payments—which alone amounts to one-seventh of its current total appropriations—in an effort to avoid continuing and wasteful Government spending.

In summary, Mr. Speaker, I again wish to commend in particular my good friends and colleagues, Chairman SWIFT and Chairman ROCKEFELLER, for their unflagging determination to enact the bill before us. I also wish to indicate the necessity for full and prompt compliance with the letter and spirit of this legislation by USTTA. Any other course of action by the agency certainly will be met with even greater scrutiny and more drastic action by our committee than USTTA has ever experienced.

I urge my colleagues to support this legislation and yield back the balance of my time.

Mr. LENT. Mr. Speaker, I want to commend our committee chairman, the gentleman from Michigan; our Transportation Subcommittee chairman, the gentleman from Washington, and our subcommittee's ranking member, the gentleman from Pennsylvania. All three have been most diligent and resourceful in helping to fashion this legislation, move it through the House, and reach ultimate agreement with the other body.

This final version of the U.S. Travel and Tourism Administration's reauthorization represents a hard-won bipartisan consensus with the Senate. I am particularly gratified that we are giving USTTA its first statutory authorization in several years.

This agency is performing a vital service—promoting the visits of foreign travelers to the United States. The money foreign tourists spend here helps to offset part of our trade deficit in other areas, and is an important source of earnings for the American Economy. In 1991, for example, the net trade surplus generated by foreign tourist expenditures in the United States was $16.8 billion. This is a contribution to our international economic stature and our competitiveness that we cannot afford to ignore.

In the New York area, we have known for many years what a major economic contribution our tourist attractions can make if they are effectively marketed. This legislation will help to improve and focus the Federal efforts to promote foreign tourism in the United States. In particular, USTTA will be given the tools for a new emphasis on regional tourism promotion, so that several cities, States, or other organizations can pool their resources in a more cost-effective marketing effort to attract foreign tourists.

This kind of strategic thinking, where we work smart to get the most out of both public and private resources, is a major theme in this legislation. I strongly support this bill and its renewed charter for USTTA, and I urge my colleagues to do so as well.

Mr. BLAZ. Mr. Speaker, I would like to express my support for S. 680, the Tourism Policy and Export Promotion Act of 1991. This measure is near and dear to the people of Guam since a major component of our economy rests on tourism. This industry generates hundreds of millions of dollars in revenue for the territory as well as thousands of high paying jobs. Tourism has given our people the chance to attain a measure of economic self sufficiency and has released us from being economic wards of the United States.

The establishment of the Rural Tourism Development Foundation is a particularly beneficial provision of this bill for it will assist in the development of rural tourism, a potentially lucrative market.

Our territory's reliance on the tourism market has been made possible by our geographical location and our political status as the American territory in the Pacific Basin nearest Asia. As we strive to recover and rebuild from the devastation wrought by Typhoon Omar 3 weeks ago, we are encouraged by this bill which will amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States.

I fully support the provision of this bill and urge its passage which will add more jobs to the over 6 million directly affected by the tourism industry which generates an annual revenue of over $44 billion for the entire Nation.

Mr. WOLF. Mr. Speaker, I am pleased to rise in support of S. 680, the reauthorization of the U.S. Travel and Tourism Administration for fiscal years 1993, 1994, 1995, and 1996.

Tourism is of crucial importance to the economic health of not only my home State of Virginia but our Nation as a whole. One aspect of this legislation which I find of utmost importance is the creating of a Rural Tourism Development Foundation to develop and promote rural tourism.

I have worked hard to promote tourism, as our Nation, especially in many rural areas, is which in natural and scenic beauty as well as renowned for its historical significance. In the Commonwealth of Virginia, for example, tourism is an $8 billion industry, and during 1991 tourism was up over 3 percent statewide. For every $1 invested in tourism, Virginia receives $8 in return—an outstanding 8-to-1 return on investment. In 41 of 50 States, the tourism industry is among the top 3 employers, and in Virginia tourism is the second-leading industry statewide. Over the last 7 years, requests for Virginia travel guides have increased from 120,000 in 1985 to 480,000 in 1992—an excellent indicator of the increasing interest visitors have in traveling to the Old Dominion, and how much tourism can help the economy nationwide. In 1990, 5.86 million people were employed nationwide in the tourism industry, and that was a 3-percent increase over figures from the previous year.

Travelers buy food, buy gasoline, stay at hotels and motels, purchase souvenirs, visit and enjoy new places and old favorites. The economic benefits are excellent across a wide array of diverse businesses. I have worked closely with State and local leaders to promote tourism, as this important industry stimulates much-needed economic growth and creates jobs. I am pleased to support the outstandng work of the USTTA, and join my colleagues in support of S. 680.

Mr. RITTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

THE LATE HONORABLE WALTER B. JONES, A REPRESENTATIVE FROM NORTH CAROLINA

Mr. ROSE. Mr. Speaker, I offer a privileged resolution (H. Res. 567) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 567

Resolved, That the House has heard with profound sorrow of the death of the Honorable Walter B. Jones, a Representative from the State of North Carolina.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. ROSE] is recognized for 1 hour.

Mr. ROSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with the passing of the Honorable WALTER B. JONES today, the House will miss the spirit, and the wisdom, of a great person, and a great legislator.

As a fellow North Carolinian, he will be sorely missed by the delegation. His wise counsel, and his steady hand, have been of immeasurable benefit to the State, as well as to his constituents.

WALTER B. JONES spent over 40 years in service to others—as a mayor, a State representative and a State senator—and since 1966, as a Member of the U.S. House of Representatives.

As the chairman of the Committee on Merchant Marine and Fisheries, he has been credited with having strongly influenced the face and character of maritime policy, both the United States and abroad.

But I knew him best as a partner on the Agriculture Committee, and as a champion of North Carolina farmers. He was a great teacher, and I learned my lessons from his stewardship of the Tobacco Subcommittee.

There is so much about the life of this quiet and gentle man that needs to be said, and I will insert in the RECORD a brief statement of his remarkable career and life.

As we adjourn today, I would like to honor his contributions to North Carolina agriculture and coastal policy. They have left a legend of treasures for us all to enjoy for many years to come. We shall certainly miss his never ending commitment to improve the quality of life for all Americans by ensuring the preservation of our natural resources.

WALTER B. JONES

WASHINGTON, DC.—Walter B. Jones (D-NC), Chairman of the House Merchant Marine and Fisheries Committee, died this afternoon. He had been hospitalized at Sentara Norfolk General Hospital since August 25 for the treatment of pneumonia and complications from that illness.

The 79 year old U.S. Representative earlier this year announced that he would retire at the end of this Congress.

He is survived by his wife, Elizabeth Fischer Jones, and two children, Walter and DotDee, from his marriage to Doris Long (deceased). His son, Walter Jones, Jr., a member of the North Carolina State House of Representatives, and his wife, Joe Anne, have one child, Ashley. His daughter, DotDee, is married to Jack Slaughter and has three children, Jayme, Chris, and Valerie Fountain.

Funeral arrangements are incomplete. The family suggests that donations in the Chairman's name can be made to the Walter B. Jones, Sr. Scholarship Fund at the North Carolina State University Humanities Foundation.

Congressman Jones was born in Fayetteville, North Carolina, and graduated from North Carolina State University in 1934. He was in the office supply business from 1934 until 1949 when he was elected mayor of Farmville, North Carolina. He served as mayor until 1953. He was a representative in the North Carolina General Assembly in 1955, 1957, and 1959, and the State Senate in 1965.

Chairman Jones was first elected to Congress in a special election on February 5, 1966. The voters of northeastern and coastal North Carolina returned him to office in every succeeding election. He was elected Chairman of the House Merchant Marine and Fisheries Committee in 1981, and also served as Chairman of the Merchant Marine Subcommittee. He has been a Member of the House Agriculture Committee and chaired that panel's Subcommittee on Tobacco for many years prior to taking the helm of the Merchant Marine and Fisheries Committee.

With a jurisdiction as wide as the oceans, the Merchant Marine and Fisheries Committee Chairmanship afforded Chairman Jones the opportunity to play a leadership role in issues ranging from promoting the rebirth of the United States Merchant Marine to overhauling federal laws designed to prevent, and assess liability for, marine oil spills.

Following is a summary of major accomplishments of the Merchant Marine and Fisheries Committee under Chairman Jones' leadership:

The Oil Pollution Act of 1990 (OPA 90) put in place new standards to prevent oil spills, drastically increased liability limits for those responsible for spills, and established an industry-financed fund to compensate those injured by a spill.

Jones' amendments in 1990 to the Coastal Zone Management Act (CZMA) overturned a Supreme Court decision which had diminished a state's right to review federal actions that affected that state's coastal areas.

The Chairman was an avid opponent of the imposition of a Coast Guard "user fee" on the nation's recreational boaters and has been a vocal leader in the effort to repeal this tax—an effort that is now on the threshold of Congressional approval.

Seeking a balance between legitimate concerns for the arctic environment and the nation's energy needs, Chairman Jones has advocated opening portions of the Arctic National Wildlife Refuge to explore and develop potential energy resources only under the most stringent environmental safeguards.

Chairman Jones has also been in the forefront of efforts to limit offshore oil and gas development. He authored the provisions of the energy bill currently in conference which impose a ten-year moratorium on outer Continental Shelf (OCS) lease sales virtually everywhere except in the Gulf of Mexico and parts of Alaska. The Jones' provisions also call for the "Buy-back" of existing leases in particularly sensitive areas offshore North Carolina, Florida, and in Bristol Bay, Alaska.

Jones has been a strong proponent of efforts to strengthen American capacities for oceanographic research, successfully resisting relentless Administration efforts to eliminate the Sea Grant program and pushing hard for a modern and efficient fleet of research ships for the National Oceanic and Atmospheric Administration.

Chairman Jones was the prime sponsor of the Shipping Act of 1984, a major rewrite of the laws regulating the ocean transportation of goods to and from the United States. He most recently served on an Advisory Commission which reviewed the implementation of the 1984 Act and made recommendations for change.

After many years of being a lonely voice for the U.S. merchant fleet, Chairman Jones' advocacy of a strong domestic fleet became a popular cause after the Persian Gulf War when it became obvious that this critical component of our military readiness, though manned by patriotic and valiant mariners, no longer had a sufficient number of ships to meet our sealift needs. For many years, Jones has led Congressional efforts to bring back a U.S.-flag merchant fleet that would be capable of being pressed into service during an emergency, and has most recently been behind successful proposals to include specific sealift monies in DOD appropriations bills.

Chairman Jones was the author of the Foreign Shipping Practices Act that gave the Federal Maritime Commission the authority to investigate and take action against foreign policies discriminatory to U.S. carriers.

Under Chairman Jones' leadership, the National Marine Sanctuary Program has blossomed. Enacted by his Committee to protect valuable coastal or ocean areas, the first sanctuary designated was the site of the USS MONITOR off Cape Hatteras. When Congressman Jones took over the Committee, the Sanctuary program consisted of three sites covering 1,350 square miles. By the end of this year, it will include 13 sites totalling nearly 11,000 square miles.

Throughout the tenure of Chairman Jones, the Committee has been a major force in fisheries policy. Successes include prohibitions on the use of large-scale driftnets in tuna fishing, a method of fishing which can kill dolphin and other untargeted marine fish and birds; and, successful efforts to rebuild declining striped bass stocks, including those in the Albemarle-Pamlico Sound. Over the past four years, Chairman Jones has won over $1 million in improvements for the National Marine Fisheries Service Laboratory in Beaufort, North Carolina.

While his duties as Chairman involved Congressman Jones in national and international issues, he was also an outstanding steward of the interests of the people of the First District of North Carolina. His position allowed him to have an impact on many questions vital to the interests of North Carolina's coastline.

During the final day of the Conference Committee on the Oil Pollution Act of 1990, a Conference which Congressman Jones chaired, he added a provision delaying a proposal by Mobil Oil to drill a gas well off Cape Hatteras until a panel of scientists reviewed the existing environmental data and reported on its sufficiency. The Panel has recommended the completion of six additional studies and Interior Secretary Lujan has said he will comply with these recommendations before going forward with approval of the Mobil project.

Chairman Jones authored legislation to reform the National Flood Insurance program to help homeowners and communities deal with coastal erosion and save money for both property owners and the federal goernment. This program has proved critically important to North Carolina's Outer Banks where violent weather puts many coastal homes at risk.

The Congressman amended the Clean Water Act to establish the Albermarle-Pamlico Estuarine System in North Carolina—the second largest estuary in the country—in a federal effort to recognize nationally important estuarine habitat and develop comprehensive management planning for these ecosystems.

Chairman Jones has been the leading voice in Congress to eliminate bureaucratic roadblocks that have prevented the construction of jetties to stabilize Oregon Inlet. Legislation he introduced in 1984 to allow the jetties to be built passed the House but died in the Senate.

During Chairman Jones' tenure in Congress, the number of National Wildlife Refuges in North Carolina's First Congressional District a program authorized by his Committee, has increased from seven to 11, protecting approximately 400,000 acres of natural areas.

Chairman Jones secured more than $3 million in federal funds for the acquisition of land in the sensitive Buxton Woods maritime forest. The Congressman also worked with conservation and community groups to force the Resolution Trust Corporation to sell the Nags Head Woods maritime forest, at a reduced price, to the North Carolina Nature Conservancy.

The expansion of the Fort Raleigh Historic Site has been a priority of Congressman Jones' for several years. He was successful last year in earmarking $5.6 million to buy land adjacent to Fort Raleigh that was threatened with development.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GOVERNMENT SECURITIES REFORM ACT OF 1992

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1699) to prevent false and misleading statements in connection with offerings of government securities, as amended.

The Clerk read as follows:

S. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Reform Act of 1992".

TITLE I—GOVERNMENT SECURITIES SECONDARY MARKET REGULATION

SEC. 101. EXTENSION OF GOVERNMENT SECURITIES RULEMAKING AUTHORITY.

Section 15C(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(g)(1)) is amended by striking "October 1, 1991" and inserting "October 1, 1997".

SEC. 102. RECORDKEEPING.

Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end thereof the following new subsection:

"(i) GOVERNMENT SECURITIES RECORDKEEPING.—

"(1) MAINTENANCE OF RECORDS.—The Commission may prescribe rules to require any government securities broker or government securities dealer to make, keep, and maintain for prescribed periods, in a form and containing such information as may be specified by the Commission, records of government securities transactions, including (but not limited to) records of the date and time of execution of trades.

"(2) EXAMINATION OF RECORDS.—Every government securities broker and government securities dealer shall make such records available for examination to representatives of the appropriate regulatory agency for such government securities broker or government securities dealer and furnish copies thereof to such representatives on request.

"(3) FURNISHING RECORDS TO RECONSTRUCT TRADING.—Every government securities broker and government securities dealer shall furnish to the Commission on request such of the information required to be made, kept, or maintained under this subsection as the Commission may require to reconstruct trading in furtherance of the purposes of this title. In requiring information pursuant to this paragraph, the Commission shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission, to the Federal Reserve Bank of New York, or to an appropriate regulatory agency or self-regulatory organization with responsibility for examining the government securities broker or government securities dealer. The Commission may require that such information be furnished in machine readable form.

"(4) LIMITATION; CONSTRUCTION.—The Commission shall not utilize its authority under this subsection to develop regular reporting requirements for information concerning a substantial segment of all daily transactions in government securities; however, the Commission may require information to be furnished under this subsection as frequently as necessary for particular inquiries or investigations. The Commission shall, where feasible, avoid requiring any information to be furnished under this subsection that the Commission may obtain from the Federal Reserve Bank of New York.

"(5) CONSULTATION REQUIREMENT.—In making rules under this subsection applicable to government securities brokers and government securities dealers for which a Federal banking agency is the appropriate regulatory agency, the Commission shall consult with and consider the views of each such appropriate regulatory agency. If a Federal banking agency comments in writing on a proposed rule under this subsection that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule. The Commission shall, at the request of the Federal banking agency, publish such comment and response in the Federal Register at the time of publishing the adopted rule. For purposes of this paragraph, the term 'Federal banking agency' has the meaning provided in subsection (h)(3)(G).

"(6) Authority of the Commission to Limit Disclosure of Information.—Notwithstanding any other provision of law, the Commission and the appropriate regulatory agencies shall not be compelled to disclose any information required under this subsection. Nothing in this subsection shall authorize the Commission or any appropriate regulatory agency to withhold information from Congress, or prevent the Commission or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States, the Commission, or the appropriate regulatory agency. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.".

SEC. 103. LARGE POSITION REPORTING.

(a) Amendment.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h); and

(2) by inserting after subsection (e) the following new subsection:

"(f) Large Position Reporting.—

"(1) Reporting Requirements.—The Secretary may adopt rules to require specified persons holding, maintaining, or controlling large positions in to-be-issued or recently issued Treasury securities to file such reports regarding such positions as the Secretary determines to be necessary or appropriate for the purpose of monitoring the impact in the Treasury securities market of concentrations of positions in Treasury securities and for the purpose of otherwise assisting the Commission in the enforcement of this title. Reports required under this subsection shall be filed with the Federal Reserve Bank of New York, acting as agent for the Secretary, and shall be provided by that Federal Reserve Bank to the Commission on a timely basis.

"(2) Limitation on Requiring Certain Reports.—The Secretary may not require under this subsection—

"(A) reports from persons that are not government securities brokers or government securities dealers, or

"(B) reports from government securities brokers and government securities dealers that identify particular customers and customer positions,

except when the Secretary determines, after consultation with the Commission and the Board of Governors of the Federal Reserve System, that market conditions exist that require such information be obtained to carry out the purposes of this subsection.

"(3) Additional Considerations.—In making determinations under paragraphs (1) and (2), the Secretary shall take into account any impact on the efficiency and liquidity of the Treasury securities market and on the cost to the taxpayers of funding the Federal debt.

"(4) Recordkeeping Requirements.—Rules under this subsection may require persons holding, maintaining, or controlling large positions in Treasury securities to make and keep for prescribed periods such records as the Secretary determines are necessary or appropriate to ensure that such persons can comply with reporting requirements under this subsection.

"(5) Aggregation Rules.—Rules under this subsection—

"(A) may prescribe the manner in which positions and accounts shall be aggregated for the purpose of this subsection, including aggregation on the basis of common ownership or control; and

"(B) may define which persons (individually or as a group) hold, maintain, or control large positions.

"(6) Definitional Authority; Determination of Reporting Threshold.—

"(A) In prescribing rules under this subsection, the Secretary may, consistent with the purpose of this subsection, define terms used in this subsection that are not otherwise defined in section 3 of this title.

"(B) Rules under this subsection shall specify—

"(i) the minimum size of positions subject to reporting under this subsection, taking into account the purposes of this subsection and the potential for price distortions or other anomalies resulting from large positions;

"(ii) the types of positions (which may include financing arrangements) to be reported;

"(iii) the securities to be covered; and

"(iv) the form and manner in which reports shall be transmitted, which may include transmission in machine readable form.

"(7) Limitation on Disclosure of Information.—Notwithstanding any other provision of law, the Secretary and the Commission shall not be compelled to disclose any information required to be kept or reported under this subsection. Nothing in this subsection shall authorize the Secretary or the Commission to withhold information from Congress, or prevent the Secretary or the Commission complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States, the Secretary, or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.".

(b) Conforming Amendment.—Section 15C(d)(2) of such Act is amended to read as follows:

"(2) Information received by an appropriate regulatory agency, the Secretary, or the Commission from or with respect to any government securities broker, government securities dealer, any person associated with a government securities broker or government securities dealer, or any other person subject to this section or rules promulgated thereunder, may be made available by the Secretary or the recipient agency to the Commission, the Secretary, the Department of Justice, the Commodity Futures Trading Commission, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve Bank.".

SEC. 104. AUTHORITY OF THE COMMISSION TO REGULATE TRANSACTIONS IN EXEMPTED SECURITIES.

(a) Prevention of Fraudulent and Manipulative Acts and Practices.—Section 15(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "fictitious quotation, and no municipal securities dealer" and inserting the following:

"fictitious quotation.

"(B) No municipal securities dealer";

(3) by striking "fictitious quotation. The Commission shall" and inserting the following:

"fictitious quotation.

"(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or induce or attempt to induce the purchase or sale of, any government security in connection with which such government securities broker or government securities dealer engages in any fraudulent, deceptive, or manipulative act or practice, or makes any fictitious quotation.

"(D) The Commission shall"; and

(4) by inserting at the end thereof the following:

"(E) The Commission shall, prior to adopting rules or regulations under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury or the Board of Governors of the Federal Reserve System comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule.".

(b) Fraudulent and Manipulative Devices and Contrivances.—Section 15(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(1)) is amended—

(1) by inserting "(A)" after "(c)(1)";

(2) by striking "contrivance, and no municipal securities dealer" and inserting the following:

"contrivance.

"(B) No municipal securities dealer";

(3) by striking "contrivance. The Commission shall" and inserting the following:

"contrivance.

"(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

"(D) The Commission shall"; and

(4) by inserting at the end thereof the following:

"(E) The Commission shall, prior to adopting rules or regulations under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury or the Board of Governors of the Federal Reserve System comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule.".

SEC. 105. BROKER/DEALER SUPERVISION RESPONSIBILITIES.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end thereof the following new subsection:

"(h) POLICIES AND PROCEDURES TO PREVENT AND DETECT VIOLATIONS.—Every government securities broker and government securities dealer shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of such person's business, to prevent and detect in connection with the purchase or sale of government securities, insofar as practicable, fraud and manipulation in violation of this title and the rules and regulations thereunder and violations of such other provisions of this title and the rules and regulations thereunder as the Commission shall designate by rule. The Commission, as it deems necessary or appropriate in the public interest or for the protection of investors, shall prescribe rules or regulations to require specific policies or procedures reasonably designed to prevent such violations.".

SEC. 106. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) SALES PRACTICE RULES.—(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B) of this section, the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.

"(B) Each appropriate regulatory agency shall consult with the other appropriate regulatory agencies for the purpose of ensuring the consistency of the rules prescribed by such agencies under this paragraph. The appropriate regulatory agencies shall consult with and consider the views of the Secretary and the Commission with respect to the impact of such rules on the operations of the market for government securities, consistency with analogous rules of self-regulatory organizations, and the enforcement and administration of such rules. The consultation required by this paragraph shall be conducted prior to the appropriate regulatory agency adopting a rule under this paragraph, unless the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary or the Commission comments in writing to the appropriate regulatory agency on a proposed rule that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before adopting the rule.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—

(1) REMOVAL OF LIMITATIONS ON AUTHORITY.—(A) Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended—

(i) by striking subsections (f)(1) and (f)(2); and

(ii) by redesignating subsection (f)(3) as subsection (f).

(B) Section 15A(g) of such Act is amended—

(i) by striking "exempted securities" in paragraph (3)(D) and inserting "municipal securities";

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4).

(2) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(A) in subsection (b), by adding at the end thereof the following new paragraph:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule change filed by a registered securities association that primarily concerns conduct related to transactions in government securities, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary comments in writing to the Commission on such proposed rule change that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule change.";

(B) in subsection (c), by adding at the end thereof the following new paragraph:

"(5) Before adopting a rule to amend a rule of a registered securities association that primarily concerns conduct related to transactions in government securities, the Commission shall consult with and consider the views of the Secretary, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary comments in writing to the Commission on such proposed rule change that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule change.".

(3) CONFORMING AMENDMENT.—

(A) Section 3(a)(12)(B)(ii) of such Act (15 U.S.C. 78b(a)(12)(B)(ii)) is amended by striking "15, 15A (other than subsection (g)(3)), and 17A" and inserting "15 and 17A".

(B) Section 15(b)(7) of such Act (15 U.S.C. 78o(b)(7)) is amended by inserting "or government securities broker or government securities dealer registered (or required to register) under section 15C(a)(1)(A)" after "No registered broker or dealer".

SEC. 107. MARKET INFORMATION.

(a) TRANSPARENCY.—The Securities Exchange Act of 1934 is amended by adding at the end of section 11A (15 U.S.C. 78k-1) the following:

"MARKET INFORMATION WITH RESPECT TO GOVERNMENT SECURITIES

"SEC. 11B. (a) FINDINGS.—The Congress finds that—

"(1) it is necessary and appropriate for the protection of investors to assure public dissemination of information concerning government securities transactions and quotations;

"(2) government securities brokers, government securities dealers, and government securities information systems have created substantial transparency through the dissemination of information concerning government securities transactions and quotations and are expected to maintain and improve such transparency through voluntary actions; and

"(3) if such voluntary actions do not attain the objectives stated in subsections (b) and (c), the Commission should have the authority, in accordance with the requirements of this section, to assure the attainment of those objectives.

"(b) GOVERNMENT SECURITIES INFORMATION SYSTEMS.—

"(1) CONDITIONAL AUTHORITY.—Upon a finding by the Commission that information available to investors generally through government securities information systems taken as a whole does not meet the objectives set forth in paragraph (2) with respect to a class or category of regularly traded government securities, the Commission, having due regard for the public interest, the protection of investors, the maintenance of fair and orderly markets, the integrity, liquidity, and efficiency of the government securities market, and the fostering of competition, may prescribe rules applicable to government securities information systems to the extent necessary to assure that government securities information systems meet the objectives set forth in paragraph (2) with respect to such class or category of securities. The Commission (A) shall not utilize its authority under this paragraph to regulate the amount of fees charged for information, and (B) shall not require dissemination through government securities information systems of information not transmitted by or through government securities interdealer brokers (or their functional equivalents).

"(2) OBJECTIVES.—The Commission may not take action under paragraph (1) of this subsection unless the Commission makes the finding required by paragraph (1) and determines that such action is necessary or appropriate—

"(A) to assure that information on transactions in and quotations for a class or category of regularly traded government securities being reported through government securities information systems taken as a whole is available to investors generally and includes—

"(i) information concerning price and volume with respect to a reasonably sufficient number or proportion of transactions in any security in such class or category to permit the determination of the prevailing market price for such security; and

"(ii) reports of the highest bids and lowest offers for any security in such class or category being reported through such systems (including the size at which government securities brokers and dealers are willing to trade with respect to such bids and offers);

"(B) to assure that such information is timely reported;

"(C) to assure that such information is made available to investors generally on a fair, reasonable, and nondiscriminatory basis; and

"(D) to assure the ability of investors to obtain and retain such information for analytical purposes.

"(c) STANDBY AUTHORITY WITH RESPECT TO MARKET INFORMATION.—

"(1) AUTHORITY.—Subject to paragraph (2), the Commission by rule—

"(A) may require any government securities broker or government securities dealer that regularly trades a security as to which the Secretary of the Treasury has made a determination under paragraph (2) to report any purchase or sale of such a security to any securities information processor that has the capability and agrees to disseminate such reports or, if there is no such processor, to a self-regulatory organization designated by the Commission to receive such reports, and may require such securities information processor or self-regulatory organization to make information with respect to such purchase or sale publicly available on fair, reasonable, and nondiscriminatory terms and conditions; and

"(B) may require any self-regulatory organization, and any government securities broker or government securities dealer that regularly trades such securities, to act jointly in planning, developing, or operating facilities for the dissemination of information with respect to purchases or sales of government securities.

"(2) Inadequate price information finding required.—The Commission may not take an action authorized by paragraph (1) of this subsection with respect to any class or category of regularly traded government securities unless the Secretary of the Treasury, after consultation with the Commission, determines that information that is available to investors generally with respect to such class or category either—

"(A) does not permit investors in general to determine readily the prevailing market price of securities in such class or category of regularly traded government securities; or

"(B) is no longer representative of the market for such class or category of government securities.

"(3) Rule of construction.—This subsection is not intended to authorize the Commission to require the establishment or use of a consolidated trading system for government securities.

"(d) Rulemaking.—

"(1) Consultation.—In making rules under this section, the Commission shall consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury or the Board of Governors of the Federal Reserve System comments in writing on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule. Prior to prescribing a rule pursuant to subsection (c), the Commission shall consult with representatives of the persons described in subsection (a)(2).

"(2) Standards.—In making rules under this subsection, the Commission may designate classes or categories of government securities, establish standards for determining whether they are regularly traded, and establish standards for determining whether a person regularly trades such government securities or a class or category of such government securities.

"(e) Examination Access.—

"(1) Authority to examine.—Systems and operations of government securities information systems (and records relating thereto) are subject to reasonable examination by representatives of the Commission—

"(A) to assess whether the objectives set forth in subsection (b)(2) of this section are being met; and

"(B) to assess compliance with any rules or regulations under this section.

"(2) Limitations.—The Commission shall have no authority under this section—

"(A) to examine the financial, personnel, marketing, sales, product, and service development, or similar business records of such person; or

"(B) to examine systems and operations unrelated to dissemination of government securities information.

The Commission may not examine contracts except to the extent necessary to assess whether the objectives set forth in subsections (b)(2)(C) and (b)(2)(D) of this section are being met, and to determine compliance with rules prescribed for purposes of such subsections.

"(3) Protection of information.—Notwithstanding any other provision of law, the Commission (and any Federal agency or department to which such information is disclosed) shall not be compelled to disclose any information obtained by the Commission in an examination under this subsection. Furthermore, the Commission (and any Federal agency or department to which such information is disclosed) shall not publicly disclose information obtained by the Commission in such an examination, except that this sentence shall not prohibit the disclosure of such information in a proceeding brought by the Commission. Nothing in this section shall authorize the Commission to withhold information from Congress, or prevent the Commission or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States, the Commission, or the appropriate regulatory agency. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

"(f) Violations of Rules Prohibited.—No government securities broker, government securities dealer, securities information processor, or government securities information system shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, to induce the purchase or sale of, or to distribute or disseminate any quotation or transaction report for, any government security in contravention of any rule adopted pursuant to this section.

"(g) Effective Date of Rulemaking Authority.—The authority of the Commission to prescribe rules under subsections (b) and (c) is effective on October 1, 1993.

"(h) Definition.—For purposes of this section, the term 'government securities' does not include a security secured by an interest in pools of mortgages representing liens on residential real estate.".

(b) Conforming Amendments.—The Securities Exchange Act of 1934 is amended—

(1) by striking "(other than an exempted security)" in section 3(a)(22)(A);

(2) by adding at the end of section 3(a) the following:

"(53) The term 'government securities information system' means any person engaged in the business of operating a system for the timely, automated dissemination to more than 10 persons of (A) quotations for government securities of or through government securities interdealer brokers (or their functional equivalents), or (B) reports of purchases or sales of government securities by or through government securities interdealer brokers (or their functional equivalents)."; and

(3) by inserting at the end of section 11A(b)(1) the following: "The Commission shall not require any securities information processor to register under this section in connection with its activities with respect to quotations for or transactions in exempted securities.".

(c) Studies With Respect to Mortgage-Backed Government Securities.—

(1) Studies required.—With respect to government securities (as defined in section 3(a)(42) of the Securities Exchange Act of 1934) that are secured by an interest in pools of mortgages representing liens on residential real estate (hereafter in this subsection referred to as 'mortgage-backed government securities'), the Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate mortgage-backed government securities price and volume information, and determine whether such efforts—

(A) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in mortgage-backed government securities and the fairness and usefulness of the form and content of such information;

(B) assure that all mortgage-backed government securities information processors may, for the purpose of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in mortgage-backed government securities, as reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(C) assure that all mortgage-backed government securities brokers, mortgage-backed government securities dealers, mortgage-backed government securities information processors, and other appropriate persons may obtain on nondiscriminatory terms such information with respect to quotations for and transactions in mortgage-backed government securities as is distributed or published.

(2) Reports.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall each submit a report to the Congress describing its findings under this subsection and any recommendations for legislation not later than 18 months after the date of enactment of this Act.

SEC. 108. STUDY OF REGULATORY SYSTEM FOR GOVERNMENT SECURITIES.

(a) Joint Study.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall—

(1) evaluate the effectiveness of any rules promulgated or amended after October 1, 1991, pursuant to section 15C of the Securities Exchange Act of 1934 or any amendment made by this title, and any national securities association rule changes applicable principally to government securities transactions approved after October 1, 1991, in carrying out the purposes of such Act;

(2) evaluate the effectiveness of surveillance and enforcement with respect to government securities, and the impact on such surveillance and enforcement of defects in any available audit trails with respect to transactions in such securities; and

(3) submit to the Congress, not later than March 31, 1997, any recommendations they may consider appropriate concerning—

(A) the regulation of government securities brokers and government securities dealers,

(B) the dissemination of information concerning quotations for and transactions in government securities,

(C) the prevention of sales practice abuses in connection with transactions in government securities, and

(D) such other matters as they consider appropriate.

(b) GAO Study.—The Comptroller General shall—

(1) conduct a study of the effectiveness of regulation of government securities brokers and government securities dealers pursuant to section 15C of the Securities Exchange Act of 1934 and the effectiveness of the amendments made by this title; and

(2) submit to the Congress, not later than March 31, 1996, the Comptroller General's

recommendations for change, if any, or such other recommendations as the Comptroller General considers appropriate.

SEC. 109. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G) (relating to the definition of appropriate regulatory agency), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25A of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;";

(2) by amending paragraph (46) (relating to the definition of financial institution) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6) of this subsection);

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation."; and

(3) by redesignating paragraph (51) (as added by section 204 of the International Securities Enforcement Cooperation Act) as paragraph (52).

(b) EFFECTIVE DATE OF BROKER/DEALER REGISTRATION.—

(1) GOVERNMENT SECURITIES BROKERS AND DEALERS.—Section 15C(a)(2)(ii) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(a)(2)(ii)) is amended by inserting before "At the conclusion" the following: "The order granting registration shall not be effective until such government securities broker or government securities dealer has become a member of a national securities exchange registered under section 6 of this title, or a securities association registered under section 15A of this title, unless the Commission has exempted such government securities broker or government securities dealer, by rule or order, from such membership.".

(2) OTHER BROKERS AND DEALERS.—Section 15(b)(1)(B) of such Act (15 U.S.C. 78o(b)(1)(B)) is amended by inserting before "At the conclusion" the following: "The order granting registration shall not be effective until such broker or dealer has become a member of a registered securities association, or until such broker or dealer has become a member of a national securities exchange if such broker or dealer effects transactions solely on that exchange, unless the Commission has exempted such broker or dealer, by rule or order, from such membership.".

SEC. 110. OFFERINGS OF CERTAIN GOVERNMENT SECURITIES.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by inserting after paragraph (6) of subsection (c) the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading. For purposes of the preceding sentence, the term 'government security' shall not include any public debt obligation (as defined in section 3121(i)(3)(A) of title 31, United States Code)."

SEC. 111. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Except as provided in section 3121(i) of title 31, United States Code, as added by section 201 of this Act, no provision of, or amendment made by, this title may be construed—

(1) to apply to the initial issuance of any public debt obligation, or

(2) to grant any authority to (or extend any authority of) the Securities and Exchange Commission—

(A) to prescribe any procedure, term, or condition governing such initial issuance,

(B) to require any recordkeeping, or the furnishing of any information, with respect to such initial issuance, or

(C) to otherwise regulate in any manner such initial issuance.

(b) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term "public debt obligation" means an obligation subject to the public debt limit established in section 3101 of title 31, United States Code.

TITLE II—PRIMARY MARKET TRANSACTIONS IN PUBLIC DEBT SECURITIES

SEC. 201. ANTI-FRAUD PROVISIONS.

Section 3121 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) In connection with any bid for or purchase of a public debt obligation related to an offering of public debt obligations under this chapter or otherwise by or on behalf of the issuer, no government securities broker, government securities dealer, or bidder for or purchaser of obligations in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.

"(2) All provisions of law (including penalties) applicable to section 15(c)(7) of the Securities Exchange Act of 1934 shall apply with respect to paragraph (1) of this subsection in the same manner as if such paragraph were a part of such section 15(c)(7).

"(3) As used in this subsection—

"(A) 'public debt obligation' means an obligation subject to the public debt limit established in section 3101 of this title,

"(B) 'government securities broker' has the meaning prescribed in section 3(a)(43) of the Securities Exchange Act of 1934, and

"(C) 'government securities dealer' has the meaning prescribed in section 3(a)(44) of the Securities Exchange Act of 1934."

SEC. 202. ANNUAL REPORT ON PUBLIC DEBT.

(a) GENERAL RULE.—Subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§ 3130. Annual public debt report

"(a) GENERAL RULE.—On or before June 1 of each calendar year after 1992, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on—

"(1) the Treasury's public debt activities, and

"(2) the operations of the Federal Financing Bank.

"(b) REQUIRED INFORMATION ON PUBLIC DEBT ACTIVITIES.—Each report submitted under subsection (a) shall include the following information:

"(1) A table showing the following information with respect to the total public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(2) A table showing the following information with respect to the net public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(C) The interest cost on such debt for prior fiscal years and the projected interest cost on such debt for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(D) The interest cost to outlay ratios for prior fiscal years and the projected interest cost to outlay ratios for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(3) A table showing the maturity distribution of the net public debt as of the time the report is submitted and for prior years, and an explanation of the overall financing strategy used in determining the distribution of maturities when issuing public debt obligations.

"(4) A table showing the following information as of the time the report is submitted and for prior years:

"(A) A description of the various categories of the holders of public debt obligations.

"(B) The portions of the total public debt held by each of such categories.

"(5) A table showing the relationship of federally assisted borrowing to total Federal borrowing as of the time the report is submitted and for prior years.

"(6) A table showing the annual principal and interest payments which would be required to amortize in equal annual payments the level (as of the time the report is submitted) of the net public debt over the longest remaining term to maturity of any obligation which is a part of such debt.

"(c) REQUIRED INFORMATION ON FEDERAL FINANCING BANK.—Each report submitted under subsection (a) shall include information on the levels and categories of the lending activities of the Federal Financing Bank for the current fiscal year and for prior fiscal years.

"(d) RECOMMENDATIONS.—The Secretary of the Treasury may include in any report submitted under subsection (a) such recommendations to improve the issuance and sale of public debt obligations (and with respect to other matters) as he may deem advisable.

"(e) DEFINITIONS.—For purposes of this section—

"(1) CURRENT FISCAL YEAR.—The term 'current fiscal year' means the fiscal year ending in the calendar year in which the report is submitted.

"(2) TOTAL PUBLIC DEBT.—The term 'total public debt' means the total amount of the obligations subject to the public debt limit established in section 3101 of this title.

"(3) NET PUBLIC DEBT.—The term 'net public debt' means the portion of the total public debt which is held by the public.

"(4) DEBT TO GDP RATIO.—The term 'debt to GDP ratio' means the percentage obtained by dividing the level of the total public debt or net public debt, as the case may be, by the gross domestic product.

"(5) INTEREST COST TO DEBT RATIO.—The term 'interest cost to outlay ratio' means, with respect to any fiscal year, the percentage obtained by dividing the interest cost for such fiscal year on the net public debt by the total amount of Federal outlays for such fiscal year."

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"3130. Annual public debt report."

"3130. Annual public debt report."

SEC. 203. TREASURY STUDY ON MODIFICATIONS TO AUCTION SYSTEM.

(a) GENERAL RULE.—The Secretary of the Treasury shall conduct a study on—

(1) proposals for reforming the system for issuing public debt obligations (including the use of a uniform-price, open auction system), and

(2) the impact (if any) on the primary market for public debt obligations of recent administrative and legislative changes with respect to public debt markets.

(b) REPORT.—Not later than January 1, 1993, the Secretary of the Treasury shall submit to the Congress a report on the study conducted under subsection (a), together with such recommendations as he may deem advisable.

(c) SPECIAL RULE.—The Secretary of the Treasury shall not implement a uniform-price, open auction system for issuing public debt obligations before the date on which the report on the study conducted under subsection (a) is submitted as required in subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

Mr. GONZALEZ. Mr. Speaker, I would like to ask the gentleman from New Jersey [Mr. RINALDO] if he is opposed to the bill.

Mr. RINALDO. Mr. Speaker, I am not opposed to the bill.

Mr. GONZALEZ. Mr. Speaker, then I demand time because I am in opposition to the bill.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] qualifies and is recognized for 20 minutes in opposition to the bill.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that our time be subdivided so that I may yield 10 minutes to the gentleman from Texas [Mr. PICKLE] from the Committee on Ways and Means for his control as well in the course of this hearing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1550

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1699, and I hope that the Members of this body will support it as well.

The government securities marketplace is a $4 trillion market that finances the U.S. Government's debt, serves as the benchmark for interest rates throughout the global economy, is used by the Federal Reserve to carry out monetary policy, and is the primary investment held by the State and local governments.

Given its unique importance to the well-being of our Nation's economy, many may be surprised to learn that the Government securities market has largely been exempted from the Federal securities laws.

The Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce began its investigation into the regulation of the Government securities market in September of 1990, when the gentleman from Tennessee [Mr. COOPER] and I asked that the SEC undertake a study of the reauthorization of the Government Securities Act of 1986.

This investigation led to a May 1991 subcommittee hearing on sales practices and their abuses in the Government securities market. The following month the subcommittee initiated inquiries with the SEC, with Treasury, and the Fed regarding reports of persistent short squeezes in recently issued Treasury securities.

By August 1991, the Salomon Brothers scandal dramatically underscored the need for Government securities market reform. The Salomon revelations provided the first public evidence connecting the report of manipulative short squeezes in the Treasury securities market to wrongdoing by a specific Government securities dealer. It triggered industry-wide probes by the SEC and the Department of Justice into fraudulent and manipulative activities in the Government securities market.

By January 1992, these allegations resulted in 98 securities firms and bank dealers being found culpable for security law violations involving inflated customer order information in conjunction with sales of Government agency securities and maintaining false books and records.

In June 1992, the SEC and the Justice Department reached a settlement with Salomon Brothers. The firm agreed to pay a total of $290 million in fines for submitting 10 false bids totaling $15.5 billion in nine Treasury auctions, failing to supervise its employees, maintaining false books and records, and failing to disclose material information.

In addition, the Justice Department found that Salomon's actions were part of a conspiracy to manipulate prices following the May 1992 Treasury auction of 2-year Treasury notes.

SEC and Justice Department investigations into wrongdoing by former Salomon Brothers officers and employees are continuing, along with SEC investigations into noncompetitive bidding abuses, possible short squeezes in connection with other recent Treasury auctions, and pre-auction conduct by Government securities dealers.

The subcommittee and full committee's investigation into the Salomon scandal revealed that the Treasury Department and the Federal Reserve largely turned a blind eye to the potential for wrongdoing in the Government securities market.

At the same time, the committee found that the Securities and Exchange Commission, which is supposed to be the Nation's cop on the beat, lacked many of the tools it needed in order to detect and to deter and bring wrongdoers to justice.

This bill rectifies that situation by reemphasizing the applicability of the basic antifraud provisions of the Federal securities laws through bids of purchasers of Government securities, extending the SEC's authority to prescribe specific antifraud and antimanipulation rules for the Government securities market, requiring Government securities brokers and dealers to develop internal controls aimed at preventing fraud, manipulation, and other wrongdoing, providing regulators with an early warning of potential problems by requiring reports of large concentrations of positions in the Treasury market, and ensuring that Government securities brokers and dealers maintain transaction records adequate to allow the SEC to carry out its surveillance, so it can track down the wrongdoers, so it can prevent the wrongdoing from occurring in the first instance.

This enables the marketplace to work more effectively, more honestly. The SEC is empowered to be the cop on the beat. It wants that job. These other agencies basically do not think of themselves as cops on the beat.

The Committee on Energy and Commerce, working through the chairman, the gentleman from Michigan [Mr. DINGELL], and the minority, working with the Committee on Ways and Means, led by the gentleman from Illinois [Mr. ROSTENKOWSKI] and the gentleman from Texas [Mr. PICKLE], have been able to work out an agreement with regard to how this marketplace should be monitored in the future.

We have presented to the House floor this afternoon the final results of our negotiations between our committees. We think it represents a solution to a problem which is now past its first anniversary, and we think with its passage we will be able to say to the investing public in our country that we have protected those investors and the public from wrongdoing.

Mr. Speaker, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we have all learned and continue to learn from the very expensive savings and loan crisis that banking regulators need to have full authority to regulate all activities of the insured depository institutions within their jurisdiction. The Garn-St Germain Act of 1982 hobbled the ability of the thrift regulators to regulate all activities of savings and loans, and was partly responsible for the savings and loan crisis. We have corrected that problem with the passage of comprehensive regulatory reform.

Last year's banking bill gave the bank regulators broad regulatory authority over insured depository institutions in order to preserve the safety and soundness of the industry and protect the deposit insurance funds. And under current law, each insured depository institution is under the supervision of one primary Federal banking regulator. Each primary bank regulator has the power to regulate all activities of the insured depository institutions within their jurisdiction. This is the most efficient way to protect the deposit insurance funds: One regulator, a banking regulator, for each insured depository institution, and for all its activities.

Now the Energy and Commerce Committee comes along, and under suspension, suspension, tries to slip through what I would define as the "Salomon Bros. defense and protection act," and all of those similarly situated as Salomon Bros., and it acts as if the agency that they have direct responsibility over did something about the Salomon Bros. scandal, and they act as if, after a rigorous investigation by whom, this committee that has jurisdiction, prime jurisdiction, exclusive jurisdiction; no, the SEC and the Justice Department.

What happened? Salomon Bros. robbed the Treasury of the United States out of close to $2 billion. How much did we get back from them? About $200 million.

I ask the gentleman that is passing this exercise today as an answer to the prevention of the repetition, how and wherein this bill attempted to be sneaked through without much debate, and without the sequential referrals, referrals demanded with the Committee on Banking, Finance and Urban Affairs? Why?

Now this Committee on Energy and Commerce comes forth and it wants to establish the SEC, the Securities and Exchange Commission, I would say to the gentleman from New Jersey [Mr. RINALDO], as the primary regulator of banks in this respect, notwithstanding the fact that unlike the securities concerns, these banks are involved in insured deposits that ultimately must be accounted for by the taxpayers, as the Members are finding out, and will continue to find out in the immediate future.

□ 1600

This is preposterous—it opens a yawning chasm in bank regulation, by splitting responsibilty in a vital area—Government securities trading. This bill expands the reach of the SEC, but severely limits the power of those who must regulate banks.

The banking regulators have the accumulated expertise in banking regulation, not the SEC.

If the SEC had been on top of this, why did it not expose, before the taxpayer was robbed, such entities as a Salomon Bros.?

The banking regulators have the access to examination, enforcement, and other confidential data that is needed to preserve the safety and soundness of the banking industry.

This bill also runs contrary to over 50 years of well reasoned statutory separations between the regulation of banks and the regulation of securities firms. These separations are reflected in the Securities Act of 1933, the Securities Exchange Act of 1934, the Glass-Steagall Act, and more recently the Government Securities Act of 1986, to which the gentleman referred to before.

The Government Securities Act of 1986 gave the Department of the Treasury the responsibility for developing rules with respect to transactions in Government securities, and left the implementation and enforcement of those rules to banking regulators in the case of banks, and the SEC in the case of securities firms. This has worked very well. But the Energy and Commerce Committee does not like that framework because the Treasury Department is not within its jurisdiction. So it decides to toss 50 years of consistent regulation out the window and have the SEC—which it does have jurisdiction over—regulate the Government securities activities of banks.

This is nothing more than another insatiable grab for jurisdiction by this power hungry, insatiable committee known as the Energy and Commerce Committee. A vote for this bill could turn out to be a vote for another taxpayer bailout. If for no other reason than this, the bill must be defeated.

We cannot sit here and allow this legislation solely and exclusively intended to protect the Salomon Brothers and their ilk into the future after having been allowed to get away with stealing a mere $2 billion from the taxpayers' pockets; to wit: the U.S. Treasury.

I urge my fellow Members to reject this senseless, badly written, ill-intended legislation.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Texas [Mr. GONZALEZ] has consumed 7 minutes. The gentleman from Massachusetts [Mr. MARKEY] has 4 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. RINALDO], the ranking member of the committee.

Mr. RINALDO. Mr. Speaker, I rise in support of the amendments to the Government Securities Act.

Public confidence in the integrity of the market for U.S. Government securities is essential. Without the support of the investing public it would be impossible for the Federal Government to sell its securities at the lowest possible interest cost. To help preserve that confidence and support, Congress enacted the Government Securities Act of 1986 and brought registration, record keeping, capital adequacy, financial reporting, and audit requirements to the previously unregulated market.

In 1986, Congress made the Department of the Treasury the principal regulator of the Government securities market. The Department's knowledge of the intricacies of this market, and its responsibility for managing the public debt, made Treasury the logical choice at that time. It continues to be so and this legislation does not change the status of the Department.

Our committee reviewed the overall success of the 1986 act, and examined those areas in which improvement could be made. For the most part, we believe that only refinement, and not radical restructuring, of the regulation of this market is appropriate. The legislation before us today is designed not to disturb the functioning and integrated regulatory system currently in operation.

The market for Treasury, Federal agency, and Government-sponsored mortgage backed securities is enormous. In 1990, an average of over $118 billion of U.S. Treasury securities traded daily among the primary dealers alone. Every Member of this body understands that whatever new regulations are imposed in this area, they must not inadvertently damage the market. Such damage would make it harder for Treasury to sell its securities, and the higher interest rates it would have to pay translate into bigger deficits and higher taxes.

The legislation before us today was carefully shaped by the Energy and Commerce Committee and its Subcommittee on Telecommunications and Finance with the help and constructive criticism of the Department of the Treasury, the Federal Reserve Board, the Securities and Exchange Commission, and the securities industry. Throughout the deliberation process, carefully focused solutions to specific problems have been developed. The result of our collective and cooperative effort is that the regulators and the regulated both agree that the bill before us will foster improvements in market operations, market efficiencies, and investor protection without disruption of these vitally important securities markets.

Mr. Speaker, originally there were a number of areas of conflict in the bill. A provision of the bill requiring dealer internal procedures to ensure compliance with the Government Securities Act was saved with careful redrafting. A second problem arose concerning dealer reporting of large positions in Government securities. this too remains in the final legislation as the result of careful redrafting.

The most troublesome questions we dealt with concerned regulations to ensure the transparency of the marketplace. During our deliberations in the subcommittee, we heard testimony about rapidly developing private sector initiatives providing information about the Government securities market on a profitable basis and for fees that industry participants were willing to pay. These commercial systems operate with their own capital at risk and in a highly competitive field. Our examination of this issue showed us that the status quo in market transparency, (that is, a rapidly envolving environment in which commercial vendors are competing against each other to provide better information, faster and cheaper) is, for the most part, acceptable.

We also saw that the status quo is not static. New systems are being developed along corporate timetables that meet the demands of the marketplace and the need of the business entrepreneurs for an acceptable rate of return on the capital they invest and put at risk. Because the system seems to be functioning well, this legislation wisely defers to the private sector initiatives, and places the Government in a backup role, in which it will intervene in the markets only in the most severe situations and circumstances.

Mr. Speaker, I want to commend my good friend, Chairman JOHN DINGELL, for his leadership on this issue, as well as Chairman EDWARD MARKEY, for his great efforts in guiding the development of this legislation. I would also like to recognize the always valuable contributions of my good friend from New York, Congressman NORMAN LENT, the ranking Republican on the committee. Once again, our committee has been able to function in a bipartisan manner that works in the best interests of the people of this country, and I urge the adoption of the legislation.

Mr. PICKLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1699, the Government Securities Reform Act of 1992. It is very important legislation.

Let me review for the Members of this body some of the steps we have taken. Over a year ago it became apparent there were some violations in the Government securities market. Our subcommittee became concerned about these attempts to manipulate the market and held hearings. It was obvious that Salomon Bros., one of the largest brokerage houses in the country, had violated Treasury Department rules governing the issuance of various Federal debt obligations. These repeated violations involved the purchase and sale of tens of billions of dollars of Government securities in an attempt to corner and to squeeze the market in certain issues of Treasury debt.

The Subcommittee on Oversight held hearings in September 1991, and again in February 1992. On March 12, on a bipartisan basis, our Oversight Subcommittee reported recommendations to the full Ways and Means Committee. On June 24, 1992, the committee passed out a measure that attempted to correct some of these violations. This measure is now title II of the amendment before us. These facts are not in controversy. Salomon Bros. has admitted to the wrongdoing, and we have reacted properly.

These are the steps from my committee which we have taken in this bill that are helpful, and let me note them for the Members.

First, title II of the amendment to this bill would make it an explicit violation of Federal law to knowingly or willfully make any false or misleading written statement in connection with the issuance of any public debt obligation. Such violation would be subject to criminal and civil penalties. The civil penalties could potentially amount to millions of dollars, as much as three times the amount of money that is alleged to have been gained through the violation. The criminal penalties would treat these violations as a felony. This provision reflects the intent of the committee that such violations in the Government securities law would be subject to the same standards that are now applied to other securities under the antifraud and the antimanipulation provisions of the Securities and Exchange Act.

Second, title II of this amendment would require the Secretary of the Treasury to make an annual report to the Committee on Ways and Means and the Senate Finance Committee on the Treasury's public debt activities and the operation of the Federal Financing Bank. For the first time it makes them give us a study to show completely what is the status of our public debt, and that is something we all should be much, much more concerned about.

□ 1610

And third, the Secretary of the Treasury would be required to study and report to Congress on reforms to the current system of issuing public debt obligations and the impact of recent legislative and administrative changes on the primary market for such obligations. This report from the Treasury is supposed to be given to the Congress by January 1, 1993.

These are three strong corrective provisions that say we are not going to allow the securities market to go unchecked and unregulated.

If there are violations, we will have strong laws to penalize them for it. This is very much needed. This is important legislation.

Mr. Speaker, these provisions were put in the law, and they have been added to this measure on a bipartisan basis. The Committee on Energy and Commerce and, I think, the Committee on Banking, Finance and Urban Affairs are in full favor of these kinds of provisions. The controversy we have today did not apply to these kinds of regulations. Perhaps some of them might have wanted to go further. But this is a clear pronunciation that it is going to be against the law to try to squeeze the market. We have one of the biggest financial houses in the United States which violated the law in purchasing billions of dollars in bonds and obligations which they had no market for, and which they were just cornering to sell them at a higher price. That is admitted; that is a fact. This corrects it.

Therefore, this bill should be advanced. Whether you want to put something more into it is another proposition. But the fact is this is very important. I think this bill should be advanced.

Mr. Speaker, I rise today in strong support of the amendments to S. 1699, the Government Securities Reform Act of 1992. This legislation represents an important and appropriate legislative response to the misconduct which occurred last year in the primary market for Federal Government securities.

Just over 1 year ago the Congress and the public were shocked to learn that employees at the highest levels of Salomon Brothers, one of our country's largest brokerage houses, had violated Treasury Department rules governing the issuance of Government securities. These repeated violations involved the sale of tens of billions in Government securities in an attempt to corner and squeeze the market in certain issues of Treasury debt. Such actions, left unpunished, would undermine the integrity of the entire Government securities market and threaten the issuance of the bonded debt of the United States.

After hearing these shocking allegations of misconduct in the Government securities market, the Oversight Subcommittee of the Committee on Ways and Means has worked diligently to ensure that the Government securities market continues to operate fairly and efficiently. The subcommittee held hearings on September 26, 1991, to receive testimony from Salomon Brothers, the administration, and other concerned market participants. The subcommittee's investigation revealed significant shortcomings in the manner in which Treasury securities were marketed.

Acceding to the requests of the administration, the subcommittee withheld taking legislative action at that time. On February 3, 1992, the subcommittee held additional hearings to review the administrative and legislative recommendations of the administration. On March 12, 1992, on a bipartisan basis, the subcommittee issued a report to the full Committee on Ways and Means containing several recommendations for reforming the Government securities market.

After earlier voting to approve this report, the committee marked up and approved the legislative provisions that are contained in title II of the amendments now before the House of Representatives.

Title II of the amendments to S. 1699 would make it an explicit violation of Federal law to knowingly or willfully make any false or misleading written statement in connection with the issuance of any public debt obligation. Such violations would be subject to criminal and civil penalties. This provision reflects the intent of the committee that such violations in the Government securities market should be subject to the same standard that is now applied to other securities under the antifraud and antimanipulation provisions of the Securities and Exchange Act.

Title II of these amendments would also require the Secretary of the Treasury to make an annual report to the Committee on Ways and Means and the Senate Finance Committee on the Treasury's public debt activities and the operations of the Federal Financing Bank.

In addition, the Secretary of the Treasury would be required to study and report to Congress on reforms to the current system for issuing public debt obligations, and the impact of recent legislative and administrative changes on the primary market for such obligations. This report would be due on January 1, 1993.

Mr. Speaker, these reforms which have been developed on a bipartisan basis, and which have been supported by the administration, represent a measured and meaningful response to the market manipulations uncovered last year. This legislation reflects the work and concerns not only of the members of the Committee on Ways and Means, but of those who serve on the Committee on Energy and Commerce and the Committee on Banking and Urban Affairs. I know that some Members would favor enacting additional reforms now. I understand their concerns, but I think it is best to act without further delay on those primary market reforms for which a consensus has already been reached over the course of the past year. Further, I believe that the information provided to the Congress in the two studies required by these amendments will provide the basis for future consideration of additional reforms to the Government securities market. I look forward to continuing to work cooperatively with all my colleagues in our mutual efforts to ensure the fair and efficient operation of all aspects of the Government securities market.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Texas [Mr. PICKLE] has consumed 4 minutes.

Mr. GONZALEZ. Mr. Speaker, I yield 5 minutes to the distinguished minority ranking member of the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I rise in opposition to the bill before us. While I can and do support many of the substantive issues of this bill, this is my way of registering my opposition to the procedure which brought this bill to the House floor today. I will speak to some of the substantive issues a little later today and why I object to them, but putting S. 1699 on the suspension calendar without at least consulting the Banking Committee is an obvious attempt to circumvent the jurisdiction of the Banking Committee and denies those of us interested in this legislation the opportunity to offer perfecting amendments to the bill. This is not a good precedent.

The Dingell substitute is essentially H.R. 3927, legislation that was sequentially referred to the Banking Committee. Acting within our referral, the Committee on Banking, at the behest of Chairman GONZALEZ, promptly marked up H.R. 3927 and reported it to the House. In the course of the Banking Committee markup, amendments within the Banking Committee's jurisdiction were offered and agreed to. One of the amendments adopted by the committee was an amendment which I offered which gives Federal banking regulators rulemaking authority over banks engaged in the sale of Government securities. My amendment requires banking regulators to enact substantially similar regulations to those formulated by the SEC for brokers and dealers. My amendment stays within the spirit of the Energy and Commerce bill, but recognizes the important differences between banks and securities firms. These regulatory differences have long been recognized in statute. My amendment is clearly germane to the bill and clearly within the jurisdiction of the Banking Committee.

In contrast, the Dingell substitute grants rulemaking authority over banks to the SEC. This violates years of legislative precedent and represents a huge jurisdictional grab by the SEC and the Energy and Commerce Committee.

Frankly, I am at a loss to understand why, after weeks of apparent cooperation among the relevant committees, the Democratic leadership has now seen fit or felt it necessary to participate in this end run around jurisdiction of the Banking Committee. After being given a sequential referral and acting within the allotted time, why is the Banking Committee being denied the opportunity to offer amendments on which the House should work its will?

This precedent, in my judgment, makes a mockery of the committee process. This is not a noncontroversial bill. The question before the House today is: Will we vote this bill down and uphold the legitimate committee process, a process that protects us all?

Now, besides the jurisdictional problem and the method by which this bill is brought to the floor, there are some problems with the Dingell substitute itself. The Treasury, the Fed, and the securities industry are concerned that some of the changes that this legislation proposes are unnecessary in light of recent Treasury reforms and that others are unduly burdensome.

I have just received a statement of administration policy on the Dingell substitute. The administration says it strongly objects to Energy and Commerce's transparency provisions and the new recordkeeping authority granted to the SEC. OMB fears that the Dingell transparency provisions may impede the development of market-based initiatives. The market is already the most efficient in the world, trading on spreads of less than one thirty-second of a basis point. The bill also raises the question whether the Government can better determine what information is best for the investors than the market itself.

Furthermore, OMB fears that the new recordkeeping authority would largely duplicate the Treasury's existing authority under the Government Securities Act.

In addition, the statement of administration policy concludes that the Dingell substitute would: "grant unwarranted and potentially harmful new regulatory authority. It would risk impairing the efficiency and liquidity of Government securities markets and raising the taxpayers' cost of financing the public debt." Again, just a 1-basis-point increase in funding translates into an additional $300 million a year for the taxpayer. We should be very careful of tampering with a market that has worked. Regulators and industry have voiced serious concerns.

Now, much has been said about the Treasury auction scandal. However, it is important to note that regulators did uncover the problems, that they have begun prosecuting the wrongdoers, and that they have instituted important reforms.

Several of Salomon Brothers' top executives, including its CEO, have resigned. Mr. Speaker, I would suggest that if the system is not broken, do not try to fix it. I am worried that is what we are doing here.

But putting aside the substantive issues, we must protect the legitimate committee process. We must maintain the jurisdiction of the Banking Committee.

Mr. PICKLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there are still some unsettled questions in this whole controversy. I think all three committees recognize it.

On May 28 our committee wrote the Honorable James Powell, Assistant Secretary for Domestic Finance for the Treasury Department. We raised certain questions. I do not think it is inappropriate to point out some of the questions we raised in May and for which we have not received an answer.

These are some of the questions that are being asked. For instance, how was the $290 million settlement arrived at? Has anyone been put in jail because of these violations? Has anyone even been indicted for these violations? How much, if any, of the $290 million settlement will be tax deductible by the Salomon Brothers? Did the Federal investigators find any evidence that Salomon Brothers manipulated the Government securities market in order to benefit in the foreign exchange markets? And why did the Salomon Brothers, why were they suspended from doing business with the Federal Reserve Bank in New York for only 2 months?

These are serious questions. We have asked those of the Treasury and have not gotten that information. At the same time, what we have done in this bill is we have specifically made it against the law to make these violations in the securities market. We cannot leave that loop open—this legislation closes it. The other committee may want to do more, and I can understand that. But there is no controversy that this should be done. If we do not do it, then it seems to me like we are just giving a free ride to market violators because of our inaction.

I regret that there are jurisdictional differences here. At the same time, this bill does make specific corrections that are badly needed. Nobody disagrees with that. It just did not go as far as one committee did.

These questions should be answered, Mr. Speaker, and action taken now. If we do not act, then we leave the public confused and unprotected.

Mr. GONZALEZ. Mr. Speaker, may I inquire as to exactly how much time I have?

The SPEAKER pro tempore. (Mr. SKAGGS). The gentleman from Texas [Mr. GONZALEZ] has 8 minutes remaining.

Mr. GONZALEZ. Mr. Speaker, I wonder if I could ask the gentleman from Texas [Mr. PICKLE] to yield for a question with respect to time? Will I be recognized for that purpose?

The SPEAKER pro tempore. The Chair is uncertain as to what the gentleman is requesting.

Mr. GONZALEZ. Did the gentleman object?

Mr. PICKLE. I do not object to a question, Mr. Speaker.

Mr. GONZALEZ. What I was going to ask, since the gentleman raised the issue of the possibility of some very substantive reasons why, beyond the jurisdictional questions, we should do more, Mr. Speaker, I do not know how much time the gentleman has left, but would he yield 2 minutes to us because we have more speakers than we have time.

Mr. PICKLE. Mr. Speaker, I do not want to interrupt the gentleman, I am willing to try to respond, but I want the question to be on his time, not my time.

Mr. GONZALEZ. That was not my understanding. That is why I asked consent, whether it was on my time?

The SPEAKER pro tempore. The Chair is not charging any member with time at the moment.

The gentleman from Texas [Mr. PICKLE] has 4 minutes remaining, and the gentleman from Texas [Mr. GONZALEZ] has 8 minutes remaining.

□ 1620

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield us 2 minutes to accommodate other Members here?

Mr. PICKLE. I have already yielded time of mine to other members of the committee. If I take this time in colloquy with the gentleman from Texas, I will not have any time left.

Mr. GONZALEZ. Mr. Speaker, does the gentleman mean that he yielded to the Ways and Means Committee?

Mr. PICKLE. No, no.

Mr. GONZALEZ. The gentleman has taken time from the Ways and Means Committee.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio [Ms. OAKAR], one of the top-flight committee members.

Ms. OAKAR. Mr. Speaker, I rise in opposition to the bill, because since the enactment of Glass-Steagall in 1933, the permissible activities of banks in the area of Government securities have been regulated by bank regulatory agencies, not by the SEC.

To bring this bill up under Suspension when you are in changing wholesale that regulation is wrong. It should be debated and we ought to have a full debate on it.

Another issue is the substantive issue. Under S. 1699 for the first time we would be adding the SEC as an additional regulator of banks. This would be the bank's most dramatic regulatory burden since the 1930's.

S. 1699 may also adversely affect the ability of the bank regulators to oversee what they should be doing, all—underline all—of the bank's activities.

So I hope we defeat the bill and go into what should be a fair and equal jurisdictional issue.

Mr. PICKLE. Mr. Speaker, I yield my remaining 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I reserve the balance of our time so that I can yield the time to our concluding speaker.

Mr. GONZALEZ. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. VENTO. Mr. Speaker, I rise in opposition to this amendment.

I realize a lot of work has been done on the part of oversight by the committees of the House. It is regrettable that we come here today to oppose the bill because I think that the bill is fundamentally flawed. It is flawed in the sense that it sets up a contradiction among the various regulators that we have that are responsible for banking, responsible for investment banking types of activities.

My colleagues argue for consistency, but frankly what we are asking for is holistic regulation of banks. We have insurance funds. We have serious problems in terms of the banks. We are asking that we not continue this pattern of cutting the bank regulatory system up into bits and pieces, as this bill proposes to do.

To give a separate function to the SEC with regard to Government securities is simply not necessary. It is not justified based on what is going on.

I mean, I hardly would hold the SEC up as an institution that has never had any problems with regard to regulation. When we look at the stocks and other activities they have been engaged in, there are plenty of problems there.

I hope that we defeat this bill and provide a holistic regulation so that we have the insurance fund and the other programs safeguarded from this type of multijurisdiction regulation that is put in place by this bill, S. 1699.

Mr. Speaker, I rise in opposition to S. 1699 the Government Securities Reform Act of 1992. The legislation attempts to make improvements in the regulation of Government securities, but is inadequate to the task.

Importantly, the legislation does not incorporate key elements, as adopted by the Committee on Banking, Housing, and Urban Affairs. Such amendments would have preserved, the separation of banking regulation and securities regulation and this measure before the House, S. 1699, undermines the authority of bank regulators without the necessary key Banking Committee amendments.

I urge my colleagues to reject the approach advocated in this bill. By superimposing the SEC into the regulation of banks, we will be blurring the lines of responsibility and accountability. There is nothing that will please the regulators more than laying the blame at the doorstep of some other regulator, when there is a bank failure—passing the buck back and forth will not solve the problems with Government securities. And while this blame game goes on, we in Congress will no doubt be held responsible.

We should not be dispersing regulatory authority or accountability. Instead we should preserve what works today, the existing workable framework. The bank regulators are responsible for the safety and soundness of the banking system and the deposit insurance fund. That system should remain intact, rather than fractured between different regulators. Rather than regulate by activity or function, having two different regulators for financial institutions, the present system is holistic, examination of different activities by a single regulator who we can hold accountable. This Senate measure confuses the issue and the task. In the name of conformity and uniformity it cuts a financial institution into bits and pieces. The rule can be the same, even if the regulators—specialists dealing with the commercial or investment banking Government securities sales, are not the SEC.

This topic and reforms incorporated in this legislation are important and Government securities reform is much needed, but the problems affecting financial institutions cannot be dismissed or glossed over. This legislation takes a step backward from the hard-fought reforms that the Congress has written into law. There is no sound purpose served by the provisions of S. 1699 that could not and should not be addressed in the existing bank regulatory framework. Different accounting and reporting requirements, and confusion not conformity will prevail.

I urge the defeat of S. 1699 and recommend that we consider a bill that incorporates the safeguards adopted by the Banking Committee.

Mr. GONZALEZ. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I rise in strong opposition to this bill.

As was stated before by the gentleman from Ohio [Mr. WYLIE], the Treasury Department and the administration are opposed to this bill. When the Treasury Department is opposed and people like the gentleman from Texas [Mr. GONZALEZ], the gentleman from Massachusetts [Mr. FRANK], the gentleman from New York [Mr. SCHUMER], and the gentleman from Minnesota [Mr. VENTO] are opposed, you know something is the matter with it, and there is plenty the matter with this bill both from a jurisdictional basis and a substantive basis.

On a jurisdictional basis, we have had irregular order here. The Committee on Energy and Commerce marked up a bill. The Committee on Banking, Finance and Urban Affairs was given sequential referral. It made changes, and somehow because those changes were not to the liking of the other committee, we now have a bill on suspension that rolls over every other committee's jurisdiction.

I ask every one of you on your committees to think, if there were times when you did not like what was done by another committee and they just rolled over you and put a bill on the floor under suspension, how would you react?

My colleagues, this would set an awful precedent. We may as well get rid of the whole rule on sequential jurisdiction if we go ahead and pass this suspension.

But far more important than the jurisdictional fight is the substantive argument. For 50 years, we have regulated Government securities in a different way and for a good set of reasons. Government securities are not two-penny stocks or anything like that.

This was true in the act of 1993 and 1934 in Glass-Steagall and as late as 1986.

Are we going to change all of that now without even a major debate on the floor? That makes no sense.

I think this body should have learned its lesson during the S&L crisis. Where we make quick changes without debating, without exploring, trouble occurs.

So I say to my colleagues, yes, there must be changes made. The scandal was a bad one. Although I did not see the Committee on Energy and Commerce willing to relinquish jurisdiction after the Milken scandals because the SEC had not done the job, they instead went ahead and diligently worked to fix it. That is what we should be doing here, not rushing something through that does not make any sense from either a jurisdictional or a substantive point of view.

Mr. GONZALEZ. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I hope the bill is defeated at this point. It is simply inappropriate and not helpful for this process to proceed this way. There are other irreconcilable conflicts that will arise inevitably without our creating them when there is no necessity to have them created.

There was here a sequential referral. The committees had somewhat differing approaches. The committees have talked about different levels of regulation, different regulators being involved.

Unilaterally to break off those conversations in this way I think ill serves the process.

I think my friends on the Committee on Energy and Commerce are making a mistake. This is simply an unnecessary division they are introducing into the body. We will have enough differences where ideology, where partisanship, where region will inevitably divide us.

To respond in so unparliamentary a fashion to an area of sure jurisdiction is in error.

I believe it is the interests of the civility and good functioning of the House for the membership to say at this point, no; work this out. There is a better way to do it.

Mr. MARKEY. Mr. Speaker, if the gentleman from Texas will permit, another member of his committee has arrived who would like to be recognized before our concluding speaker, if that is acceptable to him.

Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise today to express my support for Senate bill 1699, the Government Securities Reform Act. The Government securities market is the mechanism that the Federal Government uses to finance our multitrillion dollar debt. The efficient operation of this market is essential to the economic well-being of this Nation.

The scandals at Salomon Brothers and in the GSE markets seriously undermined investors' confidence in the Government securities markets. Clearly, new reporting and enforcement procedures are warranted following the revelations of the systematic abuses of the present auction and bid methods.

Senate bill 1699 both renews the Treasury Department's authority to regulate this market as well as extending the oversight and enforcement authority of the Securities and Exchange Commission in this area.

Chairman DINGELL, Chairman MARKEY, Chairman ROSTENKOWSKI, Chairman PICKLE, Congressmen LENT, ARCHER, SCHULZE, and RINALDO, and their staffs should be commended for their efforts to uncover fraud and abuse, and for their diligent work to give the regulatory agencies the tools that they need to ensure the continued viability of the Government securities market.

I urge my colleagues to vote in favor of this Senate 1699.

□ 1630

Mr. GONZALEZ. Mr. Speaker, I yield 1½ minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, the amendment in the nature of a substitute which the Committee on Energy and Commerce will offer to S. 1699 is an obvious attempt to transfer an enormous amount of the House Banking Committee's jurisdiction to the Committee on Energy and Commerce.

The regulation of banks' functions needs to be done by one regulator, a regulator with expertise. Today the bank regulators have full responsibility. Under the Energy and Commerce amendments, the Securities and Exchange Commission [SEC] becomes an additional bank regulator. Confusion is certain; ineffective regulation almost as sure.

And why? So the Energy and Commerce Committee can have more jurisdiction? So the SEC can gain jurisdiction over banks?

It was entities under the SEC's jurisdiction that caused the Salomon Brothers scandal, not banks.

These amendments may be duplicative, the result may be confusing and inefficient, but one thing is for sure, this will not be functional.

This attempt to usurp the Banking Committee's jurisdiction has been orchestrated without my knowledge or that of any other member of the Banking Committee. Our committee staff was not invited to, and was kept unaware of, any meetings held between the Committees on Energy and Commerce and Ways and Means during the month of August.

Prior to the recess, our staff was continually meeting with those two committees to resolve our substantive and jurisdictional differences on H.R 3927. The Banking Committee staff was also led to believe that those discussions would continue after the recess.

Now, however, the questionable drive of the Energy and Commerce Committee for jurisdictional expansion has resulted in a situation which jeopardizes the passage of a good bill and is instead only an attempt to use S. 1699 to usurp the longstanding jurisdiction of the Banking Committee.

Our Banking Committee stands ready to work with the other committees of the House to enact meaningful Government securities reforms in light of recent scandals. However, under the circumstances I have described, I am compelled to urge my colleagues to vote "no" tomorrow on S. 1699.

Mr. GONZALEZ. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I sat here today and listened to some important debate, debate I believe the taxpayers of America deserve to hear more about; 1699 is an important piece of legislation, a piece of legislation that we need to hear from all sides, because this legislation affects the safety and soundness of financial institutions in this great country of ours.

Mr. Speaker, I would urge my colleagues today to listen to this debate and realize that we need more discussion before voting. I regret that a bill of this magnitude and importance to the taxpayers of this country is being brought up under suspension. I will vote against this bill for that reason.

Please give us the opportunity for full debate in all committees of jurisdiction.

Mr. Speaker, the purpose of this legislation is to prevent fraud and manipulation of the securities market, and to promote confidence in our markets. The public needs to know that transactions in Government securities are on the up and up.

This bill, however, goes well beyond these purposes. S. 1699 grants the SEC new power over commercial banks.

Financial institution regulators, the bank regulators, are responsible for the safety and soundness of the deposit insurance funds. That is their paramount concern. When rules and regulations regarding these banks are handed out, those writing those rules and regulations need to keep that in mind: The safety and soundness of the deposit insurance funds. The banking regulators do that, not the SEC.

When the Banking Committee considered this bill, we added language to make sure that the banking regulators maintained that authority. That language has been omitted in this version.

For these reasons, I object to this bill being considered under suspension of the rules.

Mr. GONZALEZ. Mr. Speaker, I yield 1½ minutes, for the purpose of closing, to the gentleman from Idaho [Mr. LAROCCO], one of our real up and coming freshman Members of the Committee on Banking, Finance and Urban Affairs.

Mr. LAROCCO. Mr. Speaker, I rise in opposition to Senate bill 1699. This bill does not belong on suspension—at least not yet.

The Banking Committee has been working with the Ways and Means Committee and the Energy and Commerce Committee to reconcile differences between their version of a Government Securities Reform Act and ours. Instead of continuing this process, we are asked today to suspend the rules and pass H.R. 3927, the Energy and Commerce Committee version, as a substitute for Senate bill 1699.

Whether or not the SEC regulates bank activities is an important issue. It is controversial. The Bank Committee has held hearings and markups on this legislation. We met the 2-week deadline for sequential consideration of H.R. 2927. Banking staff has continued to meet with staffs of the other relevant committees.

I believe we may yet be able to reach a consensus. If there are issues where we cannot reach agreement, let the House decide them by bringing the Government Securities Reform Act up under regular procedure so it can be amended as needed.

Do not allow this backdoor procedure to succeed.

Mr. MARKEY. Mr. Speaker, I yield the remaining 4 minutes to the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL.]

Mr. DINGELL. Mr. Speaker, it is time for us to address the facts. There has been a great deal of misinformation presented to this body. The administration does not oppose this legislation. As a matter of fact, they have said:

> The Administration will work in conference to achieve an acceptable bill which ensures that the taxpayers get the most efficient and effective regulation and supervision of the government securities market.

Let me point out to my colleagues that it was requested that the Federal Reserve and other regulators take interest in this matter. Mr. Corrigan had this to say in testimony before us; he is the president of the Federal Reserve Bank of New York:

> I don't personally think it's necessary for us to get into the compliance and enforcement business. Nor do I even think it is desirable. That would be a different ball game.

The Salomon Bros. scandal happened 1 year ago. It happened on the watch of the Federal Reserve which is charged with supervision of the primary dealers in the Treasury auction. This is not bank regulatory legislation, despite what the Committee on Banking, Finance and Urban Affairs says. This is not a raid on banking jurisdiction. This is legislation which deals with securities.

Chairman GONZALEZ refers to the amendment in the nature of a substitute that the Committee on Ways and Means and Committee on Energy and Commerce offered to S. 1699, as an unprecedented attempt to transfer jurisdiction from one committee to another by making the SEC the direct regulator of insured depository institutions.

That statement is not accurate. Assignment of securities regulatory functions to the SEC is not unprecedented, does not undermine the authority of bank regulators, and is the only way to address comprehensively securities market abuses.

There are two statutory precedents now for SEC regulation. First in 1934, the Securities Exchange Act granted the SEC antifraud rulemaking authority applicable to all persons. Under that authority, the Commission has adopted rules applicable to banks.

Second, and more directly relevant, the Securities Acts Amendments of 1975, granted the SEC substantial authority over bank municipal securities dealers. For example, section 15B(a)(1) of the Exchange Act requires bank municipal securities dealers to register with the SEC. Banks have the option of registering the entire bank or a separately identifiable department or division. If registered as a separately identifiable department or division, the Commission's jurisdiction is limited to that registered department or division. Section 17 of the Exchange Act authorizes the Commission to establish recordkeeping and reporting requirements for bank municipal securities dealers and to examine the books and records of bank securities dealers. Section

15B(c)(2) of the Exchange Act authorizes the Commission to bring disciplinary actions against bank municipal securities dealers. In addition, the 1975 amendments included amendments to sections 15(c)(1) and 15(c)(2) extending those provisions to municipal securities transactions by all such municipal securities dealers, including banks. Those amendments parallel amendments contained in section 104 of the amendment to S. 1699.

And if my colleagues want another scandal, and another scandal, and another scandal in this area, support the position of the Committee on Banking, Finance and Urban Affairs because they are expert in scandals in the banking industry, and I would say to my colleagues, "Certainly, if you want a repetition of some of the things you saw with the savings and loans and on banks, then you have a splendid opportunity to encourage a repetition of those events by rejecting this legislation."

The Committee on Banking, Finance and Urban Affairs had some interesting comments on the legislation before the House today. Here is what they said:

> The substantive provisions of H.R. 3927, as reported by the Committee on Energy and Commerce, were recommended by one or more of the agencies which produced the Joint Report on the Government Securities Market. The [Banking] Committee also believes that those provisions represent sound public policy and supports their passage. Therefore, the [Banking] Committee elected to exercise its jurisdiction by retaining the substance of all provisions of the bill.

Now they wake in a remarkable ill humor. They want the House to reject the one opportunity we have during this session to clean up the Government securities market and to prevent a set of circumstances which created an intolerable situation.

What happened in the Salomon Bros. scandal? Quite honestly, the banking regulators did not do what they should. They did not regulate. It was, interestingly enough, an event which cost the Government a lot of money. It resulted in a fine of $290 million, but the events which occasioned this fine were as follows: false bids in the Treasury auction, fictitious tax trades, and numerous violations involving false books and records.

What does the bill do? It requires intelligent regulation by the SEC of all securities dealers. Some banks are securities dealers, and banks, when they sell securities, should be treated like any other security dealer, not given special privilege of the kind they got when the savings and loans all failed because the regulators did not require proper accounting, proper bookkeeping, proper recordkeeping, did not bother auditing and did not do other things.

This Congress is going to adjourn shortly. I would urge my colleagues to recognize that people are wondering about what we are going to do in the Congress to protect the American people against the kind of abuses which we saw bring on the Salomon scandal, which we saw in the savings and loan industry, which have cost this Nation $500 billion, one-half of our annual budget. We have here a chance to do something. The Committee on Banking, Finance and Urban Affairs has been consulted extensively. Long negotiations went on with that committee. They chose not to come to agreement. They chose not to do what should be done in terms of presenting legislation to the floor.

I urge my colleagues not to view this as a jurisdictional question. View it as an opportunity to correct an evil. View it as an opportunity to see to it that wrongdoers cannot and do not thrive in the Government securities market.

□ 1640

Support the bill, support the amendment, and let us get on with the Nation's business.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in support of the amendments to S. 1699, the Government Securities Reform Act of 1992. The Committee on Ways and Means has spent a significant amount of time holding public hearings and investigating problems in the primary market for Federal Government securities. On April 1 of this year the committee approved a report of the Subcommittee on Oversight recommending reforms to prevent violations in the marketing of Government securities.

Further, on June 24 the committee held a markup and approved legislative provisions that constitute title II of the amendments now before the House. Mr. Speaker, the Committee on Ways and Means amendments to S. 1699, embodied in title II of the amendments before the House, represent the committee's efforts to ensure a lawful, efficient primary market for Federal Government securities and to enhance congressional oversight of that important market.

Title II of the pending amendments would make it an explicit violation of Federal law knowingly to make false or misleading written statements in connection with the primary issuance of any public debt obligation. Such violations would be subject to criminal and civil penalties.

In addition, title II of the amendments would require an annual report by the Secretary of the Treasury to the Committee on Ways and Means and the Committee on Finance of the Senate to assist the committees in their oversight of the Nation's debt management. This study would include data on the Treasury's public debt activities and the operations of the Federal financing bank, information on current and historical levels of public debt, holders of public debt, maturities of obligations constituting the debt, and costs associated with repaying the existing Federal debt. The first annual report would be due on June 1, 1993.

Further, title II of the amendments would require the Secretary of the Treasury to study potential improvements to the current system for offering bonded debt securities, and the impact on the primary market of recent administrative and legislative changes with respect to public debt markets. The report would be due on January 1, 1993.

Mr. Speaker, I want to thank Mr. ARCHER, the ranking member of the Committee on Ways and Means, who helped in a bipartisan manner to craft the Ways and Means amendments contained in title II of this legislation. Further, I wish to especially credit JAKE PICKLE, chairman of the oversight subcommittee, for his tireless efforts in bringing the management of the Federal debt to the attention of us all.

Mr. Speaker, S. 1699 will vastly increase the fairness and efficiency, and investor confidence in the Nation's system of selling and reselling Government securities. I urge support for this important measure.

Mr. ANNUNZIO. Mr. Speaker, I rise in opposition to S. 1699, as amended by the Energy and Commerce Committee. Not only is this bad legislation, but it should not be on the suspension calendar.

The amendment to the bill would, for the first time, authorize the Securities and Exchange Commission to regulate the Government securities activities of banks. This is a reversal of current law, in which the banking agencies regulate the securities activities of banks. Congress enacted that regulatory scheme to assure comprehensive regulation of banks. Fragmented regulation, with one agency in charge of some bank activities and another agency in charge of other activities, will weaken bank regulation. It increases the chances that banks could hide or disguise problems by dividing them up among different regulators. Keeping a single experienced bank regulator responsible for all of a bank's activities assures comprehensive and complete bank regulation. The House should not enact a reduction in effective bank regulation.

The Securities and Exchange Commission has no expertise in regulating banks. To make it a bank regulator would actually lessen effective bank regulation while it tries to gain the necessary expertise in an area in which it has no experience.

The House is forced to vote on this bad bill because it is being brought up under suspension rather than regular order. Had it come up under regular order, the Banking Committee, which has also reported out legislation regulating the Government securities activities of banks, could have its proposal considered by the House. That proposal contained important, but noncontroversial, provisions relating to the Government securities auction process. It was that process which was the subject of manipulation and scandal in 1990. Since the Banking Committee is not before the House today, those important reforms are not contained in the bill, and the House will not have an opportunity to consider them.

This bill damages the committee structure of the House. By having the Energy and Commerce Committee version of this bill on the suspension calendar, the House is denied the opportunity to consider the work of the Banking Committee, and precludes the Ways and Means Committee, to whom the bill was also referred, from considering it. The House is being denied the expertise of the these two major committees on this legislation.

Mr. Speaker, I urge the House to vote no on the motion to suspend the rules so this bill can be brought up under regular order.

Mr. LENT. Mr. Speaker, I rise in support of this legislation.

In response to the failures of a number of unregulated Government securities dealers between 1975 and 1985, Congress passed the Government Securities Act of 1986. That act established, for the first time, a Federal system for the regulation of the entire Government securities market, including previously unregulated brokers and dealers, in order to protect investors and to ensure the maintenance of fair, honest, and liquid markets.

At that time, the Department of the Treasury was instructed to adopt rules to prevent fraudulent and manipulative acts and practices. They did and their efforts have been successful. The rules have improved and strengthened investor safety in the market. The rules were timely and fairly implemented, and they have not imposed excessive and overly burdensome requirements. Most importantly they have not impaired the liquidity, efficiency, and the integrity of the Government securities market. The appreciation of the Congress for the disciplined and cautious manner in which Treasury enacted rules that overlay the market with a new regulatory structure is why the bill we consider today reauthorizes Treasury as the principal regulatory authority over the Government securities market.

In 1987, Treasury, the Federal Reserve, and the GAO agreed that interdealer brokers should make more information available because such information would make financial markets more efficient without any risk to market safety. Since that time, the firms in the communications industry have been building their own computerized systems to display this information. No Government mandates were necessary to get them started or to keep them competing. In light of the existence of these free-market-generated systems, is it necessary for Congress to mandate more disclosure of pricing and other information in the Government securities market? The answer is no, and the legislation before us today does not.

Personally I believe the time to debate the need for sales practice regulation has passed. The 1986 act did not give Treasury authority to enact sales practice rules, and it restricted the National Association of Securities Dealers from applying its already existing sales practice rules to its member Government securities dealers. Since securities exchanges and bank regulators are allowed to apply their rules, the NASD's inability to enforce sales practice rules against over 1,300 dealers creates a major gap in investor protection. Our committee has crafted legislation that eliminates the restriction and closes the gap.

Today, as in 1986, the legislative issue that is before Congress is not how we respond to any inadequacy of regulation that has been highlighted by a scandal. Instead we have examined the regulation of the Government securities market and attempted to fine tune it, determining where it can be improved.

As important as what this bill does, is what it does not do. It does not create a new standard of fraud under the Federal securities laws to be applied to Government securities transactions or dealers. It does not interfere with the stock exchanges enforcing their self-regulations on their members. It does not realign the relationships between the regulators of banks, the regulators of brokers and dealers, and the regulator of the auction of Treasury securities. Most importantly, this bill does not remove the incentives for private firms, both as traders and as the reporters of trading information, to continue to place their capital at risk and develop, expand, and innovate.

I urge all of my colleagues to vote in favor of the bill.

The SPEAKER pro tempore (Mr. SKAGGS). All time has expired.

The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the Senate bill, S. 1699, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PIPELINE SAFETY IMPROVEMENT ACT OF 1992

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1489) to increase the safety to humans and the environment from the transportation by pipeline of natural gas and hazardous liquids, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Safety Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—NATURAL GAS PIPELINE SAFETY

Sec. 101. Environmental protection.
Sec. 102. High-density population areas.
Sec. 103. Increased inspection requirements.
Sec. 104. Excess flow valves.
Sec. 105. Technical pipeline safety standards committee.
Sec. 106. Operator testing.
Sec. 107. Replacement of cast iron pipelines.
Sec. 108. Pipeline facility inspection amendments.
Sec. 109. Gathering lines.
Sec. 110. Revised reporting requirements.
Sec. 111. Authority of Secretary.
Sec. 112. Enforcement.
Sec. 113. Participation in agreement proceedings.
Sec. 114. Authorization of appropriations.
Sec. 115. Customer-owned service lines.
Sec. 116. Additional State standards.
Sec. 117. Underwater abandoned pipeline facilities.
Sec. 118. Natural Gas Pipeline Safety Act of 1968 table of contents.

TITLE II—HAZARDOUS LIQUID PIPELINE SAFETY

Sec. 201. Environmental protection.
Sec. 202. Environmentally sensitive and high-density population areas.
Sec. 203. Increased inspection requirements.
Sec. 204. Technical Pipeline Safety Standards Committee.
Sec. 205. Operator testing.
Sec. 206. Low internal stress hazardous liquid pipeline facilities.
Sec. 207. Pipeline facility inspection amendments.
Sec. 208. Gathering lines.
Sec. 209. Revised reporting requirements.
Sec. 210. Authority of Secretary.
Sec. 211. Enforcement.
Sec. 212. Emergency flow restricting devices.
Sec. 213. Participation in agreement proceedings.
Sec. 214. Authorization of appropriations.
Sec. 215. Additional State standards.
Sec. 216. Underwater abandoned pipeline facilities.

TITLE III—GENERALLY APPLICABLE PIPELINE SAFETY PROVISIONS

Sec. 301. Grants-in-aid authorization.
Sec. 302. Underground storage tanks.
Sec. 303. Pipeline accident investigations.
Sec. 304. One-call enforcement.
Sec. 305. Additional inspectors.
Sec. 306. Development of underground utility location technologies.
Sec. 307. Study of underwater abandoned pipeline facilities.

TITLE IV—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Sec. 401. Research and Special Programs Administration.

TITLE V—HAZARDOUS MATERIALS TRANSPORTATION ACT TECHNICAL AMENDMENTS

Sec. 501. Correction to reference to Indian Self-Determination and Education Assistance Act.
Sec. 502. Definitions of HAZMAT employee and employer.
Sec. 503. Technical corrections to section 106.
Sec. 504. Technical correction to section 115.
Sec. 505. Technical corrections to section 116.
Sec. 506. Technical correction to section 118.
Sec. 507. Uniformity of State motor carrier permitting forms and procedures.
Sec. 508. Exemption for certain rail-motor carrier mergers.

TITLE I—NATURAL GAS PIPELINE SAFETY

SEC. 101. ENVIRONMENTAL PROTECTION.

(a) FEDERAL SAFETY STANDARDS AND REPORTS.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)) is amended—

(1) in paragraph (1) by inserting "and the protection of the environment" after "need for pipeline safety";

(2) in paragraph (1)(D) by inserting "and the protection of the environment" after "contribute to public safety"; and

(3) in paragraph (3)(A) by striking "or property" and inserting ", property, or the environment".

(b) CORRECTIVE ACTION.—Section 12(b) of such Act (49 U.S.C. App. 1679b(b)) is amended—

(1) in paragraph (1) by striking "or property," and inserting ", property, or the environment,";

(2) in paragraph (2)(A) by striking "or property," and inserting ", property, or the environment,";

(3) in paragraph (2)(B)—

(A) by striking "or property," and inserting ", property, or the environment,"; and

(B) by striking "or property." and inserting ", property, or the environment."; and

(4) in paragraph (5) by striking "or property." and inserting ", property, or the environment.".

SEC. 102. HIGH-DENSITY POPULATION AREAS.

(a) Pipeline Inventory.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is amended—

(1) in subsection (f)—

(A) by inserting "(and, to the extent the Secretary considers necessary, operators of gathering lines that are not regulated gathering lines as such term is defined pursuant to section 21(b))" after "subject to this Act"; and

(B) by inserting after the first sentence the following new sentence: "Such inventory shall also include an identification of each of the pipeline facilities of such operator which pass through an area described in regulations issued under subsection (i)(1)."; and

(2) by adding at the end the following new subsection:

"(i) High-Density Population Areas.—

"(1) Identification of facilities.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the identification, by operators of pipeline facilities, of all pipeline facilities that are located in high-density population areas. Such regulations shall provide for such identification to be carried out through the inventory required under subsection (f).

"(2) Exclusion of natural gas distribution lines.—Natural gas distribution lines shall not be included among pipeline facilities required to be identified pursuant to paragraph (1).".

(b) Maps.—Section 3(e)(2) of such Act is amended by inserting "including an identification of areas described in regulations issued under subsection (i)(1)," after "supplementary geographic description,".

(c) Inspection and Maintenance Plans.—Section 13(a)(4) of such Act (49 U.S.C. App. 1680(a)(4)) is amended by inserting "and the protection of the environment" after "public safety".

SEC. 103. INCREASED INSPECTION REQUIREMENTS.

Section 3(g) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1) Federal safety standards.—" after "Inspection Devices.—";

(3) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and moving such paragraph (1) (including subparagraphs (A) and (B), as designated by paragraph (1) of this subsection) 2 ems to the right;

(4) by adding at the end of paragraph (1), as designated by paragraph (2) of this subsection, the following new sentence: "The Secretary may extend such regulation to require existing transmission facilities, whose basic construction would accommodate an instrumented internal inspection device, to be modified to permit the inspection of such facilities with instrumented internal inspection devices."; and

(5) by adding at the end the following new paragraph:

"(2) Periodic inspections.—Not later than 3 years after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring the periodic inspection of each pipeline identified pursuant to subsection (i) by the operator of the pipeline. In issuing the regulations, the Secretary shall prescribe the circumstances, if any, under which such inspections shall be conducted with an instrumented internal inspection device. In those circumstances under which an instrumented internal inspection device is not required, the Secretary shall require the use of an inspection method that is at least as effective as the use of such a device in providing for the safety of the pipeline.".

SEC. 104. EXCESS FLOW VALVES.

Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is further amended by adding at the end the following new subsection:

"(j) Excess Flow Valves.—

"(1) Regulations prescribing installation circumstances.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing the circumstances, if any, under which operators of natural gas distribution systems must install excess flow valves in such systems. In prescribing such circumstances, the Secretary shall consider—

"(A) the system design pressure and the system operating pressure;

"(B) the types of customers to which the distribution system supplies natural gas, including hospitals, schools, and commercial enterprises;

"(C) the technical feasibility and cost of the installation of such valves;

"(D) the public safety benefits of the installation of such valves;

"(E) the location of customer meters; and

"(F) such other factors as the Secretary determines to be relevant.

"(2) Regulations prescribing notification to customers of availability.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall issue regulations requiring operators of natural gas distribution systems to notify, in writing, their customers with lines in which excess flow valves are not required by law, but can be installed in accordance with the performance standards developed under paragraph (4)—

"(A) of the availability of excess flow valves for installation in such systems,

"(B) of any safety benefits to be derived from the installation, and

"(C) of any costs associated with the installation.

Such regulations shall provide that, except in circumstances under which the installation is required under paragraph (1), excess flow valves shall be installed at the request of a customer if the customer will pay all costs associated with the installation.

"(3) Report.—If the Secretary determines under paragraph (1) that there are no circumstances under which operators must install excess flow valves, the Secretary shall transmit to Congress, not later than 30 days after the date of such determination, a report on the reasons for such determination.

"(4) Performance standards.—Not later than 18 months after the date of the enactment of this paragraph, the Secretary shall develop standards for the performance of excess flow valves used to protect lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary under this subsection. All installations of excess flow valves shall be made in accordance with such standards.

"(5) Applicability of regulations and standards.—Regulations and standards issued under paragraphs (1), (2), and (4) shall only apply to—

"(A) natural gas distribution systems installed after the effective date of such regulations; and

"(B) other natural gas distribution systems where repairs to such system require the replacement of parts in a manner to accommodate the installation of excess flow valves.".

SEC. 105. TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE.

Section 4 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1673) is amended—

(1) in subsection (a)(3) by striking the period and inserting ", including 2 members who have education, background, or experience in environmental protection or public safety. At least 1 of the members selected under this paragraph shall have no financial interests in the pipeline, petroleum, or natural gas industries."; and

(2) in subsection (b) by inserting after the sixth sentence the following new sentence: "The Committee, if requested by the Secretary, shall make recommendations to the Secretary concerning policy development.".

SEC. 106. OPERATOR TESTING.

Section 3(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)(1)) is further amended—

(1) in the third sentence by striking "may" and inserting "shall"; and

(2) by inserting after the third sentence the following new sentence: "Such certification may, as the Secretary considers appropriate, be performed by the operator. Such testing and certification shall address the ability to recognize and appropriately react to abnormal operating conditions which may indicate a dangerous situation or a condition exceeding design limits.".

SEC. 107. REPLACEMENT OF CAST IRON PIPELINES.

Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is amended by adding at the end the following new subsection:

"(c) Replacement of Cast Iron Pipelines.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SEC. 108. PIPELINE FACILITY INSPECTION AMENDMENTS.

Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(h)) is amended—

(1) in paragraph (2)(A) by striking "pipeline facility operators described in paragraph (1)(A)" and inserting "operators of pipeline facilities described in paragraph (3)";

(2) in paragraph (2)(B) by striking "paragraph (1)(A)" and inserting "paragraph (3)";

(3) in paragraph (3) by striking "periodic inspection program" and all that follows through "and its inlets" and inserting the following:

"periodic inspection program of—

"(A) all offshore pipeline facilities; and

"(B) any other pipeline facilities which cross under, over, or through navigable waters, as such term is defined by the Secretary, if the location of such pipeline facilities in such navigable waters could pose a hazard to navigation or public safety, as determined by the Secretary";

(4) in paragraph (4) by striking "offshore pipeline facility" and inserting "pipeline facility described in paragraph (3)"; and

(5) by adding at the end the following new paragraph:

"(5) SUPPLEMENTARY INITIAL INSPECTION.—

"(A) REQUIREMENT.—Not later than—

"(i) 3 years after the date of the enactment of this paragraph; or

"(ii) 6 months after the establishment of standards under subparagraph (D),

whichever occurs first, the operator of each offshore pipeline facility not described in paragraph (1)(A) shall inspect such pipeline facility and report to the Secretary on any portion of the pipeline facility which is exposed or is a hazard to navigation. This subparagraph shall apply only to pipeline facilities between the high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water.

"(B) EXTENSION.—The Secretary may extend the time period for compliance under subparagraph (A) with respect to a pipeline facility for an additional period of up to 6 months if the operator of the pipeline facility demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subparagraph (A).

"(C) PRIOR INSPECTION RECOGNITION.—Any inspection of a pipeline facility which has occurred after October 3, 1989, may be used for compliance with subparagraph (A) if the inspection conforms to the requirements of that subparagraph.

"(D) ESTABLISHMENT OF STANDARDS.—The Secretary shall, within 2 years after the date of the enactment of this paragraph, establish, for the purposes of this paragraph, standards—

"(i) for what constitutes an exposed pipeline facility; and

"(ii) for what constitutes a hazard to navigation.".

SEC. 109. GATHERING LINES.

(a) DEFINITION OF TRANSPORTATION OF GAS.—

(1) AMENDMENTS.—Section 2(3) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(3)) is amended—

(A) by inserting ", other than gathering through regulated gathering lines," after "include the gathering of gas"; and

(B) by inserting ", but such term shall include the movement of gas through regulated gathering lines" after "a nonrural area".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the effective date of the regulations required under section 21 of the Natural Gas Pipeline Safety Act of 1968, as added by subsection (b) of this section.

(b) REGULATIONS DEFINING GATHERING LINES.—Such Act is further amended by adding at the end the following new section:

"SEC. 21. GATHERING LINES.

"(a) GATHERING LINES DEFINED.—The Secretary shall, within 2 years after the date of the enactment of this section, define by regulation the term 'gathering line'. In defining such term, the Secretary shall consider functional and operational characteristics of the lines to be included in the definition and shall not be bound by any classifications established by the Federal Energy Regulatory Commission under the Natural Gas Act.

"(b) REGULATED GATHERING LINES DEFINED.—The Secretary shall, within 3 years after the date of the enactment of this section, define by regulation the term 'regulated gathering line'. In defining such term, the Secretary shall consider such factors as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas in determining the types of lines which are functionally gathering but which, due to specific physical characteristics, warrant regulation under this Act.".

SEC. 110. REVISED REPORTING REQUIREMENTS.

(a) PROPERTY DAMAGE THRESHOLD.—Section 5(a)(ii) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1674(a)(ii)) is amended by striking "$5,000" and inserting "an amount established by the Secretary".

(b) DATE OF ANNUAL REPORT TO CONGRESS.—Section 16(a) of such Act (49 U.S.C. App. 1683(a)) is amended by striking "April 15" and inserting "August 15".

SEC. 111. AUTHORITY OF SECRETARY.

The first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1674(a)) is amended by striking "when" and inserting "to the extent that".

SEC. 112. ENFORCEMENT.

(a) MAXIMUM CIVIL PENALTY.—Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679a(a)(1)) is amended by striking "$10,000" and inserting "$25,000".

(b) ENFORCEMENT ORDERS.—Section 14 of such Act (49 U.S.C. App. 1681) is amended by adding at the end the following new subsection:

"(f) ENFORCEMENT ORDERS.—In case of contumacy or refusal to obey a subpoena, or refusal to allow officers, employees, or agents authorized by the Secretary to enter, conduct inspections, or examine records and properties for purposes of determining compliance with this Act, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Attorney General, acting at the request of the Secretary, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by that court as a contempt of court.".

SEC. 113. PARTICIPATION IN AGREEMENT PROCEEDINGS.

(a) IN GENERAL.—Section 12(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679b(b)) is amended by adding at the end the following new paragraph:

"(6) OPPORTUNITY FOR STATE COMMENT.—The Secretary shall provide, to appropriate State officials responsible for pipeline safety in any State in which a pipeline facility is located, notice and an opportunity to comment on any agreement proposed to be entered into by the Secretary to resolve a proceeding initiated under this section with respect to such pipeline facility. Comment submitted under this paragraph shall incorporate comments of affected local officials.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 180th day following the date of the enactment of this Act.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) $6,405,000 for the fiscal year ending September 30, 1992;

"(11) $6,857,000 for the fiscal year ending September 30, 1993;

"(12) $7,000,000 for the fiscal year ending September 30, 1994; and

"(13) $7,500,000 for the fiscal year ending September 30, 1995.".

SEC. 115. CUSTOMER-OWNED SERVICE LINES.

(a) SERVICE LINE MAINTENANCE INFORMATION.—Section 18 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1685) is amended—

(1) by inserting "(a) PUBLIC EDUCATION PROGRAM.—" before "Each person"; and

(2) by adding at the end the following new subsection:

"(b) SERVICE LINE MAINTENANCE INFORMATION.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations requiring operators of natural gas distribution pipelines which do not maintain customer-owned service lines up to building walls to advise their customers of the requirements for maintenance of those lines, any resources known to the operator that could aid customers in doing such maintenance, any information that the operator has concerning the operation and maintenance of its lines that could aid customers, and the potential hazards of not maintaining service lines.".

(b) MAINTENANCE OF CUSTOMER-OWNED SERVICE LINES.—

(1) DOT SAFETY REVIEW.—Within 18 months after the date of the enactment of this Act, the Secretary of Transportation shall conduct a review of Department of Transportation and State rules, policies, procedures, and other measures with respect to the safety of customer-owned natural gas service lines, including the effectiveness of such rules, policies, procedures, and other measures. The Secretary of Transportation shall include in the review an evaluation of the extent to which lack of maintenance of customer-owned natural gas service lines raises safety concerns and shall make recommendations regarding maintenance of such lines, including the need for any legislative changes or regulatory action. In conducting the review and developing the recommendations, the Secretary of Transportation shall consider the following factors: State and local law, including law governing private property and rights, and including State pipeline safety regulation of distribution operators; the views of State and local regulatory authorities; the extent of operator compliance with the program for advising customers regarding maintenance of such lines required under section 18(b) of the Natural Gas Pipeline Safety Act of 1968; available accident information; the recommendations of the National Transportation Safety Board; costs; the civil liability implications of distribution operators taking responsibility for customer-owned service lines; and whether the service line maintenance information program required under such section 18(b) sufficiently addresses safety risks and concerns involving customer-owned service lines.

(2) OPERATION AND MAINTENANCE RESPONSIBILITY.—Within 18 months after the date of the enactment of this Act, the Secretary of Transportation shall conduct, with the participation of the operators of natural gas dis-

tribution facilities, a survey of owners of customer-owned service lines to determine the views of such owners regarding whether distribution companies should assume responsibility for the operation and maintenance of customer-owned service lines. In conducting the survey, the Secretary of Transportation shall ensure that such customers are aware of any potential safety benefits, any potential implementation issues (including any property rights or cost issues), the recommendations of the National Transportation Safety Board, and accidents that have occurred, related to customer-owned service lines.

(3) APPLICABILITY.—Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy) shall not apply to the conduct of the review or survey under this subsection.

(4) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the review and survey conducted under this subsection, together with any recommendations (including legislative recommendations) regarding maintenance of customer-owned natural gas service lines.

(c) SAFETY MEASURES.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (14 U.S.C. App. 1672) is further amended by adding at the end the following new subsection:

"(k) SAFETY MEASURES.—The Secretary shall, within 1 year after transmitting the report required by section 115(b) of the Pipeline Safety Act of 1992, taking into consideration such report, and in cooperation and coordination with appropriate State and local authorities, take action, as appropriate, to promote the adoption of measures that would improve the safety of customer-owned service lines.".

SEC. 116. ADDITIONAL STATE STANDARDS.

Section 3(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)(1)) is further amended by inserting "that has submitted a current certification under section 5(a)" after "Any State agency".

SEC. 117. UNDERWATER ABANDONED PIPELINE FACILITIES.

Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(h)) is further amended by adding at the end the following new paragraph:

"(6) ABANDONED PIPELINE FACILITIES.—

"(A) TREATMENT.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—

"(i) IDENTIFICATION OF HAZARDS.—In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) OTHER REQUIREMENTS.—In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of the enactment of this paragraph, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—

"(i) FORM.—The operator of a pipeline facility abandoned after the date of the enactment of this paragraph shall report such abandonment to the Secretary in a manner specifying whether the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) PRE-ENACTMENT ABANDONED PIPELINES.—Within 3 years after the date of the enactment of this paragraph, the operator of a pipeline facility abandoned before the date of the enactment of this paragraph shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly abandoned pursuant to applicable law, and such other relevant information as the Secretary may require. The Secretary shall, within 18 months after the date of the enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) MAINTENANCE OF RECORDS BY UNITED STATES.—The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) COLLISIONS.—The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) ABANDONED DEFINED.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

SEC. 118. NATURAL GAS PIPELINE SAFETY ACT OF 1968 TABLE OF CONTENTS.

The first section of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Natural Gas Pipeline Safety Act of 1968'.

"(b) TABLE OF CONTENTS.—

"Sec. 1. Short title; table of contents.
"Sec. 2. Definitions.
"Sec. 3. Standards established.
"Sec. 4. Technical Pipeline Safety Standards Committee.
"Sec. 5. State certifications and agreements.
"Sec. 6. Standards for LNG facilities.
"Sec. 7. Financial responsibility for certain LNG activities; studies.
"Sec. 8. Judicial review.
"Sec. 9. Cooperation with Federal Energy Regulatory Commission and State commissions.
"Sec. 10. Compliance.
"Sec. 11. Penalties.
"Sec. 12. Specific relief.
"Sec. 13. Inspection and maintenance plans.
"Sec. 14. Powers and duties of the Secretary.
"Sec. 15. Natural gas safety cooperation and coordination.
"Sec. 16. Annual report.
"Sec. 17. Appropriations authorized.
"Sec. 18. Consumer education.
"Sec. 19. Citizen's civil action.
"Sec. 20. Minimum requirements for one-call notification systems.
"Sec. 21. Gathering lines.".

TITLE II—HAZARDOUS LIQUID PIPELINE SAFETY

SEC. 201. ENVIRONMENTAL PROTECTION.

(a) FEDERAL SAFETY STANDARDS AND REPORTS.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is amended—

(1) in subsection (a)(1) by inserting "and the protection of the environment" after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A) by striking "or property" and inserting ", property, or the environment"; and

(3) in subsection (b)(4) by inserting "and the protection of the environment" after "contribute to public safety".

(b) CORRECTIVE ACTION.—Section 209(b) of such Act (49 U.S.C. App. 2008(b)) is amended—

(1) in paragraph (1) by striking "or property," and inserting ", property, or the environment,";

(2) in paragraph (2)(A) by striking "or property," and inserting ", property, or the environment,";

(3) in paragraph (2)(B)—

(A) by striking "or property," and inserting ", property, or the environment,"; and

(B) by striking "or property." and inserting ", property, or the environment.";

(4) in paragraph (3)(C) by inserting "proximity of such areas to environmentally sensitive areas," after "associated with such areas,"; and

(5) in paragraph (5) by striking "or property." and inserting ", property, or the environment.".

SEC. 202. ENVIRONMENTALLY SENSITIVE AND HIGH-DENSITY POPULATION AREAS.

(a) PIPELINE INVENTORY.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is amended—

(1) in subsection (j)—

(A) by inserting "(and, to the extent the Secretary considers necessary, operators of gathering lines that are not regulated gathering lines as such term is defined pursuant to section 220(b))" after "subject to this title"; and

(B) by inserting after the first sentence the following new sentence: "Such inventory shall also include an identification of each of the pipeline facilities and gathering lines of such operator which pass through an area described in regulations issued under subsection (m), whether or not such pipeline facility or gathering line is otherwise subject to regulation under this Act."; and

(2) by adding at the end the following new subsection:

"(m) ENVIRONMENTALLY SENSITIVE AND HIGH-DENSITY POPULATION AREAS.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the identification, by operators of pipeline facilities and operators of gathering lines, of—

"(1) all pipeline facilities and gathering lines, whether otherwise subject to regulation under this Act or not, that are located in areas that are described, by the Secretary in consultation with the Administrator of the Environmental Protection Agency, as unusually sensitive to environmental damage in the event of a pipeline accident; and

"(2) all pipeline facilities, whether otherwise subject to regulation under this Act or not, that—

"(A) cross a navigable waterway, as such term is defined by the Secretary by regulation; or

"(B) are located in areas that are described in such criteria as high-density population areas.

Such regulations shall provide for such identification to be carried out through the inventory required under subsection (j). In describing areas that are unusually sensitive to environmental damage, the Secretary shall consider including earthquake zones and areas subject to substantial ground movements such as landslides; areas where ground water contamination would be likely in the event of the rupture of a pipeline facility; freshwater lakes, rivers, and waterways; and river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

(b) MAPS.—Section 203(i)(2) of such Act (49 U.S.C. App. 2002(i)(2)) is amended by inserting "including an identification of areas described in regulations issued under subsection (m)," after "supplementary geographic description,".

(c) INSPECTION AND MAINTENANCE PLANS.—Section 210 of such Act (49 U.S.C. App. 2009) is amended—

(1) in subsection (b)(4) by inserting "and the protection of the environment" after "public safety"; and

(2) in each of subsections (c)(2)(D) and (d)(2)(D) by inserting "the proximity of such areas to areas that are unusually sensitive to environmental damage," after "pipeline facilities are located,".

SEC. 203. INCREASED INSPECTION REQUIREMENTS.

Section 203(k) of the Hazardous Liquids Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1) FEDERAL SAFETY STANDARDS.—" after "INSPECTION DEVICES.—";

(3) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and moving such paragraph (1) (including subparagraphs (A) and (B), as designated by paragraph (1) of this subsection) 2 ems to the right;

(4) by adding at the end of paragraph (1), as designated by paragraph (2) of this subsection, the following new sentence: "The Secretary may extend such regulation to require existing transmission facilities whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices."; and

(5) by adding at the end the following new paragraph:

"(2) PERIODIC INSPECTIONS.—Not later than 3 years after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring the periodic inspection of each pipeline identified pursuant to subsection (m) by the operator of the pipeline. In issuing the regulations, the Secretary shall prescribe the circumstances, if any, under which such inspections shall be conducted with an instrumented internal inspection device. In those circumstances under which an instrumented internal inspection device is not required, the Secretary shall require the use of an inspection method that is at least as effective as the use of such a device in providing for the safety of the pipeline.".

SEC. 204. TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE.

Section 204 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2003) is amended—

(1) in subsection (a)(3) by striking the period and inserting ", including 2 members who have education, background, or experience in environmental protection or public safety. At least 1 of the members selected under this paragraph shall have no financial interests in the pipeline, petroleum, or natural gas industries."; and

(2) in subsection (b) by inserting after the sixth sentence the following new sentence: "The Committee, if requested by the Secretary, shall make recommendations to the Secretary concerning policy development.".

SEC. 205. OPERATOR TESTING.

Section 203(c) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(c)) is amended—

(1) in the second sentence by striking "may" and inserting "shall"; and

(2) by inserting after the second sentence the following new sentence: "Such certification may, as the Secretary considers appropriate, be performed by the operator. Such testing and certification shall address the ability to recognize and appropriately react to abnormal operating conditions which may indicate a dangerous situation or a condition exceeding design limits.".

SEC. 206. LOW INTERNAL STRESS HAZARDOUS LIQUID PIPELINE FACILITIES.

Section 203(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(b)) is further amended by inserting after paragraph (4) the following new sentence: "In exercising any discretion under this Act, the Secretary shall not provide an exception to regulation under this Act for any pipeline facility solely on the basis of the fact that such pipeline facility operates at low internal stress.".

SEC. 207. PIPELINE FACILITY INSPECTION AMENDMENTS.

Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(l)) is amended—

(1) in paragraph (2)(A) by striking "pipeline facility operators described in paragraph (1)(A)" and inserting "operators of pipeline facilities described in paragraph (3)";

(2) in paragraph (2)(B) by striking "paragraph (1)(A)" and inserting "paragraph (3)";

(3) in paragraph (3) by striking "periodic inspection program" and all that follows through "and its inlets" and inserting the following:

"periodic inspection program of—

"(A) all offshore pipeline facilities; and

"(B) any other pipeline facilities which cross under, over, or through navigable waters, as such term is defined by the Secretary, if the location of such pipeline facilities in such navigable waters could pose a hazard to navigation or public safety, as determined by the Secretary";

(4) in paragraph (4) by striking "offshore pipeline facility" and inserting "pipeline facility described in paragraph (3)"; and

(5) by adding at the end the following new paragraphs:

"(5) TRANSFER PIPELINE FACILITIES.—The Secretary shall not exempt from regulation under this Act any offshore pipeline facility solely on the basis of the fact that such pipeline facility serves to transfer hazardous liquids in underwater pipelines between vessels and onshore facilities.

"(6) SUPPLEMENTARY INITIAL INSPECTION.—

"(A) REQUIREMENT.—Not later than—

"(i) 3 years after the date of the enactment of this paragraph; or

"(ii) 6 months after the establishment of standards under subparagraph (D),

whichever occurs first, the operator of each offshore pipeline facility not described in paragraph (1)(A) shall inspect such pipeline facility and report to the Secretary on any portion of the pipeline facility which is exposed or is a hazard to navigation. This subparagraph shall apply only to pipeline facilities between the high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water.

"(B) EXTENSION.—The Secretary may extend the time period for compliance under subparagraph (A) with respect to a pipeline facility for an additional period of up to 6 months if the operator of the pipeline facility demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subparagraph (A).

"(C) PRIOR INSPECTION RECOGNITION.—Any inspection of a pipeline facility which has occurred after October 3, 1989, may be used for compliance with subparagraph (A) if the inspection conforms to the requirements of that subparagraph.

"(D) ESTABLISHMENT OF STANDARDS.—The Secretary shall, within 2 years after the date of the enactment of this paragraph, establish, for the purposes of this paragraph, standards—

"(i) for what constitutes an exposed pipeline facility; and

"(ii) for what constitutes a hazard to navigation.".

SEC. 208. GATHERING LINES.

(a) DEFINITION OF TRANSPORTATION OF HAZARDOUS LIQUIDS.—

(1) AMENDMENTS.—Section 202(3) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001(3)) is amended—

(A) by striking "any such";

(B) by inserting ", other than regulated gathering lines," after "through gathering lines"; and

(C) by inserting ", but such term shall include the movement of hazardous liquids through regulated gathering lines" after "any of such facilities".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the effective date of the regulations required under section 220 of the Hazardous Liquid Pipeline Safety Act of 1979, as added by subsection (b) of this section.

(b) REGULATIONS DEFINING GATHERING LINES.—Such Act is further amended by adding at the end the following new section:

"SEC. 220. GATHERING LINES.

"(a) GATHERING LINES DEFINED.—The Secretary shall, within 2 years after the date of the enactment of this section, define by regulation the term 'gathering lines'.

"(b) REGULATED GATHERING LINES DEFINED.—The Secretary shall, within 3 years after the date of the enactment of this section, define by regulation the term 'regulated gathering lines'. In defining such term, the Secretary shall consider such factors as location, length of line from the well site, operating pressure, throughput, diameter, and the composition of the transported hazardous liquid in determining the types of lines which are functionally gathering but which, due to specific physical characteristics, warrant regulation under this Act. Such definition shall not include crude oil gathering lines that are of a nominal diameter of 6 inches or less, are operated at low pressure, and are located in rural areas that are not unusually sensitive to environmental damage.".

(c) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end the following new item:

"Sec. 220. Gathering lines.".

SEC. 209. REVISED REPORTING REQUIREMENTS.

(a) PROPERTY DAMAGE THRESHOLD.—Section 205(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(a)) is amended by striking "$5,000" and inserting "an amount established by the Secretary".

(b) DATE OF ANNUAL REPORT TO CONGRESS.—Section 213(a) of such Act (49 U.S.C. App. 2012(a)) is amended by striking "April 15" and inserting "August 15".

SEC. 210. AUTHORITY OF SECRETARY.

The first sentence of section 205(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(a)) is amended by striking "when" and inserting "to the extent that".

SEC. 211. ENFORCEMENT.

(a) MAXIMUM CIVIL PENALTY.—Section 208(a)(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007(a)(1)) is amended by striking "$10,000" and inserting "$25,000".

(b) ENFORCEMENT ORDERS.—Section 211 of such Act (49 U.S.C. App. 2010) is amended by adding at the end the following new subsection:

"(f) ENFORCEMENT ORDERS.—In case of contumacy or refusal to obey a subpoena, or refusal to allow officers, employees, or agents authorized by the Secretary to enter, conduct inspections, or examine records and properties for purposes of determining compliance with this Act, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Attorney General, acting at the request of the Secretary, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by that court as a contempt of court.".

SEC. 212. EMERGENCY FLOW RESTRICTING DEVICES.

Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is further amended by adding at the end the following new subsection:

"(n) EMERGENCY FLOW RESTRICTING DEVICES.—

"(1) SURVEY AND ASSESSMENT.—The Secretary shall, within 2 years after the date of the enactment of this subsection, survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities.

"(2) REGULATIONS.—Not later than 2 years after the completion of the survey and assessment required by paragraph (1), the Secretary shall issue regulations prescribing the circumstances under which operators of hazardous liquid pipeline facilities must use emergency flow restricting devices and other procedures, systems, and equipment described in paragraph (1) on such facilities.".

SEC. 213. PARTICIPATION IN AGREEMENT PROCEEDINGS.

(a) IN GENERAL.—Section 209(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2008(b)) is amended by adding at the end the following new paragraph:

"(6) OPPORTUNITY FOR STATE COMMENT.—The Secretary shall provide, to appropriate State officials responsible for pipeline safety in any State in which a pipeline facility is located, notice and an opportunity to comment on any agreement proposed to be entered into by the Secretary to resolve a proceeding initiated under this section with respect to such pipeline facility. Comment submitted under this paragraph shall incorporate comments of affected local officials.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 180th day following the date of the enactment of this Act.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) $1,600,500 for the fiscal year ending September 30, 1992;

"(11) $1,728,500 for the fiscal year ending September 30, 1993;

"(12) $1,866,800 for the fiscal year ending September 30, 1994; and

"(13) $2,000,000 for the fiscal year ending September 30, 1995.".

SEC. 215. ADDITIONAL STATE STANDARDS.

Section 203(d) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(d)) is further amended by inserting "that has submitted a current certification under section 205(a)" after "Any State agency".

SEC. 216. UNDERWATER ABANDONED PIPELINE FACILITIES.

Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(l)) is further amended by adding at the end the following new paragraph:

"(7) ABANDONED PIPELINE FACILITIES.—

"(A) TREATMENT.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—

"(i) IDENTIFICATION OF HAZARDS.—In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) OTHER REQUIREMENTS.—In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of the enactment of this paragraph, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—

"(i) FORM.—The operator of a pipeline facility abandoned after the date of the enactment of this paragraph shall report such abandonment to the Secretary in a manner specifying whether the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) PRE-ENACTMENT ABANDONED PIPELINES.—Within 3 years after the date of the enactment of this paragraph, the operator of a pipeline facility abandoned before the date of the enactment of this paragraph shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly abandoned pursuant to applicable law, and such other relevant information as the Secretary may require. Within 18 months after the date of the enactment of this paragraph, the Secretary shall specify the manner in which such information shall be reported.

"(iii) MAINTENANCE OF RECORDS BY UNITED STATES.—The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) COLLISIONS.—The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) ABANDONED DEFINED.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

TITLE III—GENERALLY APPLICABLE PIPELINE SAFETY PROVISIONS

SEC. 301. GRANTS-IN-AID AUTHORIZATION.

Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(c)) is amended by striking "and $5,500,000 for the fiscal year ending September 30, 1991" and inserting "$5,500,000 for the fiscal year ending September 30, 1991, $7,750,000 for the fiscal year ending September 30, 1992, $7,750,000 for the fiscal year ending September 30, 1993, $9,000,000 for the fiscal year ending September 30, 1994, and $10,000,000 for the fiscal year ending September 30, 1995".

SEC. 302. UNDERGROUND STORAGE TANKS.

Section 9001(1)(D) of the Solid Waste Disposal Act (42 U.S.C. 6991(1)(D)) is amended to read as follows:

"(D) pipeline facility (including gathering lines)—

"(i) which is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.),

"(ii) which is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.), or

"(iii) which is an intrastate pipeline facility regulated under State laws as provided in the provisions of law referred to in clause (i) or (ii) of this subparagraph,

and which is determined by the Secretary to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline,".

SEC. 303. PIPELINE ACCIDENT INVESTIGATIONS.

Section 304(a)(1)(D) of the Independent Safety Board Act of 1974 (49 U.S.C. App. 1903(a)(1)(D)) is amended by inserting "or significant injury to the environment" after "substantial property damage".

SEC. 304. ONE-CALL ENFORCEMENT.

(a) ONE-CALL ENFORCEMENT.—Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1687) is amended by adding at the end the following new subsections:

"(g) VIOLATIONS.—Any person who knowingly and willfully—

"(1) engages in excavation activities—

"(A) without first using an available one-call notification system to determine the location of underground facilities in the area being excavated; or

"(B) without heeding appropriate location information or markings established by an operator of a natural gas or hazardous liquid pipeline facility; and

"(2) subsequently damages—

"(A) a natural gas pipeline facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000; or

"(B) a hazardous liquid pipeline facility resulting in death, serious bodily harm, actual damage to property exceeding $50,000, or release of more than 50 barrels of product,

shall, upon conviction, be subject, for each offense, to a fine under title 18, United States Code, imprisonment for a term not to exceed 5 years, or both.

"(h) MARKING OF FACILITIES.—Upon notification by an operator of a damage prevention program or by a contractor, excavator, or other person planning to carry out demolition, excavation, tunneling, or construction in the vicinity of a natural gas or hazardous liquid pipeline facility, the operator of the pipeline facility shall accurately mark, in a reasonable and timely manner, the location of the pipeline facilities in the vicinity of such demolition, excavation, tunneling, or construction.".

(b) TECHNICAL AMENDMENTS.—Subsections (a)(1) and (c)(1) of section 11 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1678) are each amended by inserting "or section 20(h)" after "section 10(a)".

(c) NOTIFICATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.—The Secretary of Transportation shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accident in which an excavator, causing damage to a pipeline, may have violated Occupational Safety and Health Administration regulations.

SEC. 305. ADDITIONAL INSPECTORS.

To the extent and in such amounts as are provided in advance in appropriations Acts, the Secretary of Transportation, in fiscal year 1993, shall employ and retain thereafter an additional 12 employees for regional or field pipeline safety offices above the number of such employees authorized for fiscal year 1992. The primary functions of such additional employees shall be—

(1) to provide technical assistance and training to State pipeline inspectors and to assist in the review and management of pipeline safety grants;

(2) to inspect pipeline facilities, including interstate and intrastate hazardous liquid pipeline facilities in those States that do not have a hazardous liquid pipeline safety program that meets the requirements of section 205(a) or (b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(a) or (b));

(3) to assist the States identified in paragraph (2) in developing hazardous liquid pipeline safety programs that meet such requirements; and

(4) to inspect interstate hazardous liquid pipeline facilities constructed before 1971.

SEC. 306. DEVELOPMENT OF UNDERGROUND UTILITY LOCATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a research and development program on underground utility location technologies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 307. STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES.

(a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities and with pipeline owners and operators, the fishing and maritime industries, and other affected groups, shall undertake a study of the abandonment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(3) an analysis of alternative methods and requirements for abandonment as well as the relevant costs and other factors associated with those alternative methods and requirements;

(4) an analysis of the navigational, safety, and environmental impacts and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(5) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(6) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the results of the study undertaken under this section, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of the study undertaken under this section, the Secretary may require, by regulations issued under the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979, operators of facilities abandoned before the date of the enactment of this Act to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for fiscal years beginning after September 30, 1992. Such funds shall remain available until expended.

TITLE IV—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

SEC. 401. RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION.

(a) ESTABLISHMENT.—Chapter 1, title 49, United States Code, is amended by adding at the end the following new section:

"§ 112. Research and Special Programs Administration

"(a) ESTABLISHMENT.—There is established in the Department of Transportation a Research and Special Programs Administration.

"(b) ADMINISTRATOR.—

"(1) APPOINTMENT.—The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) REPORTING.—The Administrator shall report directly to the Secretary.

"(c) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary of Transportation. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(d) RESPONSIBILITIES OF ADMINISTRATOR.—The Administrator of the Administration shall be responsible for carrying out the following:

"(1) HAZMAT TRANSPORTATION SAFETY.—Duties and powers vested in the Secretary of Transportation with respect to hazardous materials transportation safety, except as otherwise delegated by the Secretary.

"(2) PIPELINE SAFETY.—Duties and powers vested in the Secretary with respect to pipeline safety.

"(3) ACTIVITIES OF VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER.—Duties and powers vested in the Secretary with respect to activities of the Volpe National Transportation Systems Center.

"(4) OTHER.—Such other duties and powers as the Secretary shall prescribe, including such multimodal and intermodal duties as are appropriate.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall affect any delegation of authority, regulation, order, approval, exemption, waiver, contract, or other administrative act of the Secretary with respect to laws administered through the Research and Special Programs Administration of the Department of Transportation on the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following new item:

"112. Research and Special Programs Administration.".

(c) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Administrator, Research and Special Programs Administration.".

TITLE V—HAZARDOUS MATERIALS TRANSPORTATION ACT TECHNICAL AMENDMENTS

SEC. 501. CORRECTION TO REFERENCE TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 103(8) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1802(8)) is amended by inserting after "Education" the following: "Assistance".

SEC. 502. DEFINITIONS OF HAZMAT EMPLOYEE AND EMPLOYER.

Section 103 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1802) is amended in each of paragraphs (5)(B) and (6)(A)(iii)—

(1) by striking "reconditions" and inserting "manufactures, reconditions,"; and

(2) by inserting "as qualified" after "represented".

SEC. 503. TECHNICAL CORRECTIONS TO SECTION 106.

(a) IN GENERAL.—Section 106 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1805) is amended—

(1) in subsection (c)(1)(C) by inserting "(in other than a bulk packaging)" after "5,000 pounds or more";

(2) in subsection (c)(8) by inserting ", or carries out an activity at more than one location," after "one activity";

(3) in subsection (c)(12) by striking "117(h)" and inserting "117A(h)";

(4) in subsection (d)(5) by striking "this section" and inserting "this subsection"; and

(5) in subsection (d)(5) by inserting ", in quantities established by the Secretary," after "motor carrier".

(b) SUBSECTION DESIGNATION AND HEADING.—Section 8 of the Hazardous Materials Transportation Uniform Safety Act of 1990 is amended by inserting before "Section 106" the first place it appears the following: "(a) IN GENERAL.—".

SEC. 504. TECHNICAL CORRECTION TO SECTION 115.

Section 115(a) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1812(a)) is amended by inserting ", 117A, 118," after "117".

SEC. 505. TECHNICAL CORRECTIONS TO SECTION 116.

Section 116 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1813) is amended—

(1) in subsection (c) by inserting "and" after "alternative routes,"; and

(2) by adding at the end the following new subsection:

"(e) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' has the meaning given such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)).

"(2) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).".

SEC. 506. TECHNICAL CORRECTION TO SECTION 118.

Section 118(d) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1816(d)) is amended by striking "117(h)" and inserting "117A(h)".

SEC. 507. UNIFORMITY OF STATE MOTOR CARRIER PERMITTING FORMS AND PROCEDURES.

(a) WORKING GROUP.—Section 121(a) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1819(a)) is amended—

(1) in paragraph (1) by striking "States that" and inserting "a State to";

(2) in paragraph (1) by striking ", by motor vehicle" and inserting "by motor vehicle in such State and for a State to permit the transportation of hazardous materials in such State"; and

(3) in paragraph (2) by inserting "and permit" before "forms and".

(b) CONSULTATION REQUIREMENT.—Section 121(b) of such Act is amended by inserting "and permit" before "requirements".

SEC. 508. EXEMPTION FOR CERTAIN RAIL-MOTOR CARRIER MERGERS.

Any transaction in which a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of title 49, United States Code (or a person controlled by or affiliated with such a rail carrier) seeks to acquire control of a motor carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of such title shall be exempt from the fourth sentence of section 11344(c) of such title (1) if, during the period between November 30, 1987, and May 1, 1992, such rail carrier or person acquired a minority stock interest in the motor carrier, and (2) if such rail carrier or person (or a person controlled by or affiliated with such rail carrier or person) was authorized by the Commission to provide transportation as a motor carrier before the acquisition of such minority stock interest.

The SPEAKER. pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. MINETA] be yielded 10 minutes of my 20 minutes. This is a joint effort by the Committee on Energy and Commerce and the Committee on Public Works and Transportation.

The SPEAKER. pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SHUSTER] be given 10 minutes of my time.

The SPEAKER pro tempore. Is these objection to the request of the gentleman from California?

There was no objection.

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Energy and Commerce Committee is pleased to join with the Public Works Committee in recommending that the House pass H.R. 1489, the Pipeline Safety Act of 1992. I also would like to thank Chairman DINGELL and ROE of the two committees; my colleagues on the two committees involved, particularly the comanager of the bill, Chairman MINETA; and Mr. LENT, Mr. MOORHEAD, Mr. BREWSTER, Mr. VENTO, and Mr. TAUZIN.

The Public Works Committee and the Energy and Commerce Committee this year have continued the spirit of cooperation on pipeline safety that has enabled us to continually improve this program over the past decade. In this spirit, we are jointly offering a substitute amendment. The substitute amendment draws from the best of the wisdom embodied in the Energy and Commerce Committee version, the Public Works version, and the Senate version.

This legislation is important because between 1971 and 1986, pipeline failures caused an average of 11 deaths and 48 injuries annually and incurred an average annual cost of $25 million in property damage, product loss, and cleanup charges. This includes an estimated 309,000 barrels of oil lost. This legislation will reduce those risks.

Among the highlights of the legislation are, first, a new emphasis on environmental protection, including several specific near-term actions that the Department of Transportation [DOT] must take, as well as new authority which DOT can use to protect the environment;

Second, the bill improves damage prevention, by means of increased inspection requirements, a national program to inspect underwater pipelines to ensure they are properly buried and do not impose a hazard to navigation—in 1990, Congress required such a program for the Gulf of Mexico—better operator training, penalties for pipeline operators and excavators who fail to participate in State and local damage prevention programs, and analysis and corrective action regarding abandoned underwater pipelines;

Third, it expands the universe of pipelines covered by the safety acts, including elimination of the blanket exemption for low internal stress pipelines, and creating a program to require some DOT regulation of some gathering lines;

Fourth, it establishes requirements to improve safety by using state of the art technology, including excess flow valves, smart pigs, and emergency flow restricting devices;

Fifth, the bill authorizes the full 50 percent funding of State pipeline safety programs allowed under the existing pipeline safety statutes, which is financed by a user fee;

Sixth, it requires that States be given notice and an opportunity to comment on consent agreements between DOT and pipeline operators; and

Seventh, it establishes requirements for improving the safety of customer-owned natural gas service lines.

The requirements for improving the safety of customer-owned pipe merit some discussion. Mr. MINETA and I are pleased that we were able to reach a reasonable compromise on this matter. We want everyone to know that the controversy over these provisions has led us to take a deep personal interest in the safety of customer-owned pipe. Next Congress, we intend to actively oversee DOT's and the natural gas industry's compliance with the law. We plan to ensure that the safety review is completed in the time and manner specified in the legislation; that the public is aggressively brought into the regulatory process through the survey; and that the public safety is protected. We are optimistic that no additional legislation on this matter will be necessary, but if we learn that it is, we will take the lead in ensuring that it is enacted, if necessary, before the next reauthorization cycle.

The customer-owned pipe issue merits some further discussion. The three organizations responsible for ensuring pipeline safety have identified customer-owned natural gas service lines as a major cause for concern: the National Transportation Safety Board, the Department of Transportation, and the National Association of State Pipeline Safety Representatives. I support and agree with the views of all of these organizations on this matter.

The National Transportation Safety Board addressed this issue in its report entitled "Kansas Power and Light Company Natural Gas Accidents September 16, 1988 to March 29, 1989" (NTSB/PAR–90/01). The report says,

> The actions of both the KCC, Kansas Corporation Commission and of RSPA, the Research and Special Programs Administration of DOT, the Federal organization responsible for pipeline safety, recognized that to attain reasonable public safety, specific tests must be performed on buried gas pipelines without regard to ownership and that gas customers generally cannot be expected to recognize or to perform these tests.

In a January 24 letter to me and to several members of the Public Works Committee, the NTSB said,

> According to testimony given at the Safety Board's public hearing on the KPL accidents, local plumbers would not be adversely affected by requiring gas operators to periodically survey for gas leaks and for corrosion in all buried customer-owned pipe between the gas main and the building being served. Plumbers and other local contractors generally do not perform or offer to perform such services; rather they respond to customers' repair requests after the customers or others have detected the odor of leaking gas. Furthermore, a plumber in the Kansas City area testified that residents who owned a segment of the buried pipe generally refused to protect their lines from corrosion because they did not understand why such protection was needed and because other plumbers told them that corrosion protection was not required. Whether or not it is the supplying gas company that repairs or replaces the customer's pipe, the Safety Board believes the gas company should be required to perform the leak and corrosion tests on buried customer-owned piping that transports gas to buildings. Usually only the gas company has the equipment and qualified people needed to perform such tests. When hazards are detected, the gas company should be required to discontinue gas service until the hazards have been eliminated.

As the Secretary of Transportation said in his May 14, 1991, letter to the Speaker of the House transmitting DOT's proposed pipeline safety legislation,

> Within the last several years, gas explosions have destroyed homes and killed and injured residents in Kansas and Missouri. The explosions were due to deteriorated gas lines located in the homeowners' yards. These accidents might have been averted had the distribution company provided necessary maintenance for the lines.

I completely agree with the Secretary's assessment.

The Secretary has repeated in numerous letters to the many parties who have expressed interest in the customer-owned pipe provisions, "We at RSPA [DOT] are concerned about the safety of customer-owned gas piping and are examining ways of assuring greater oversight of these pipelines." I support these efforts, and I expect them to accelerate after this bill passes.

Subsection (c) of section 115 does not expand, limit, or change the definition of "transportation of gas" in section 2(3) of the Natural Gas Pipeline Safety Act. Rather, it requires that the Department of Transportation, the States, the pipeline operators, and the customers will take whatever action is necessary to address this important safety issue.

The smart pig provisions also merit some elaboration. The Secretary must require periodic inspection by a smart pig or by an equally effective method. In determining whether alternatives provide an equivalent degree of safety to that provided by smart pigs, the Secretary should place the greatest weight on the comparative predictive capability.

In sum, the bill continues the steady congressional effort to improve the safety of our pipelines, and I urge the House to pass it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1489, the Pipeline Safety Act of 1992. This bill, which I was pleased to cosponsor with Subcommittee Chairman SHARP, reauthorizes the natural gas and hazardous liquids pipeline safety programs through 1995. The bill also makes significant substantive changes in existing law which will improve our pipeline safety programs.

I believe this is a good bill because it requires the Department of Transportation to undertake new pipeline safety measures only where safety considerations warrant them. Thus, H.R. 1489 includes provisions for expanded jurisdiction to protect the environment, increased inspection requirements, operator certification, customer notifications, penalties for failure to use an available one-call system, and use of new technology designed to improve pipeline safety.

H.R. 1489 matches new safety initiatives with demonstrated safety needs. Importantly, this bill does not require pipelines or local distribution companies to make expensive modifications to existing facilities except where necessary.

I believe the changes embodied in H.R. 1489 are constructive and will further enhance the safety of natural gas and hazardous materials pipelines.

Thus, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. VENTO], who has brought to the subcommittee's attention on several occasions some of the serious problems which must be addressed.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Indiana [Mr. SHARP], as well as the members of the committees of jurisdiction who have worked on this matter.

Mr. Speaker, this has long been an interest of mine. In the early 1980's, along with other Members, such as the gentleman from Indiana [Mr. SHARP], we asked for GAO studies. I introduced legislation because I was concerned about the environmental impact of natural gas and hazardous liquid pipelines. We had problems, frankly, in my district, and I found that the law was very inadequate at that time to deal with them.

Subsequent to that, in July 1986, there was a loss of life in my district in Mounds View, MN, when a pipeline erupted and there was no way to shut it off, and those fuels and liquid gasoline ignited, killing a mother and child as they walked out the front door of their suburban home. I think that served notice to me and the Nation to try to improve the laws that deal with pipeline safety.

I am pleased to say in 1988, and again now in 1992, we are improving that, both in terms of enhanced inspection and in terms of mapping.

This specific legislation deals with one of the primary goals that we have had in terms of providing for automatic flow control devices to shut off those pipelines when they do have a leakage or break in the security of that system so that we will not have the continued accumulation of literally hundreds of thousands of gallons of fuel that leak into the environment, down the sewers, creating really a nightmare in some urban or suburban or rural communities.

Mr. Speaker, this legislation, of course, goes beyond that, adding to the number of inspectors dealing with environmentally sensitive areas, dealing with fines for noncompliance in terms of the on-call or one-call systems. I think it picks up on many of the studies and work we have been engaged in over the last 10 years.

Mr. Speaker, I commend the chairman, the ranking member, and others that have taken an active interest on both the Committee on Energy and Commerce and the Committee on Public Works and Transportation, and hope that this will be guided to enactment during this session. I look forward to working with these Members.

□ 1650

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1489 as amended, the Pipeline Safety Act of 1992, which authorizes funds to carry out the safety programs established under the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act. These pipeline safety programs were last authorized by the Pipeline Safety Reauthorization Act of 1988.

Pipeline transportation is, by far, the safest form of transportation in our Nation and yet every pipeline accident that does occur can lead to tragedy and devastation. In 1990, pipeline accidents caused 8 deaths and 74 injuries. Third party damage is the most frequent cause of pipeline accidents. H.R. 1489 was introduced in the House to address concerns regarding these accidents. In the Senate, S. 1583 was introduced for similar purposes.

H.R. 1489 was referred jointly to the Committee on Energy and Commerce and the Committee on Public Works and Transportation. The Committee on Energy and Commerce reported the bill on October 8, 1991. The Committee on Public Works and Transportation reported an amendment in the nature of a substitute to the bill on July 27, 1992. The Senate Committee on Commerce, Science, and Transportation reported S. 1583 on September 16, 1991, and the full Senate passed the bill on October 7, 1991. The Senate bill and the two House versions of H.R. 1489 shared many of the same goals and objectives. The three bills also differed in certain respects.

I am proud to report that, through a strong cooperative and bipartisan effort, a compromise package has been developed that incorporates the strengths of all three bills. Mr. SHARP and I offer to the full body this package, which we understand the Senate is willing to take.

At this time, I would like to thank my esteemed colleagues for their efforts on this legislation. First, my thanks go to the leadership of our committee who have worked on this bill; namely, Chairman ROBERT A. ROE, Congressman JOHN PAUL HAMMERSCHMIDT, Congressman BUD SHUSTER, and Congressman BILL BREWSTER. I also wish to thank the leadership of the House Committee on Energy and Commerce; namely, Chairman JOHN DINGELL, Chairman SHARP, and the ranking minority members of the full committee and subcommittee, Congressman NORMAN LENT and Congressman CARLOS MOORHEAD. Finally, I would like to thank Senators HOLLINGS and DANFORTH, chairman and ranking minority member of the Senate Commerce, Science, and Transportation Committee.

The bill, as amended, which is before you, provides for: A new emphasis on environmental protection; improved identification of pipelines in environmentally sensitive and high-density population areas through the use of inventory and mapping; penalties for pipeline operators and excavators who fail to participate in one-call systems; analysis and corrective action regarding abandoned underwater pipelines; and increased use of state-of-the-art technology, including excess flow valves for natural gas pipelines and excess flow restricting devices for hazardous liquid pipelines.'

In addition, the amendment provides for: Increased inspection requirements, including use of instrumental internal inspection devices—often referred to as smart pigs; a program to improve the operation and maintenance of customer-owned service lines; improved operator testing; a national program to inspect underwater pipelines to ensure they are properly buried and do not impose a hazard to navigation; elimination of the blanket exemption for low internal stress pipelines; safety coverage of some gathering lines; guidelines for replacement of cast iron pipelines; and authorizations for carrying out both Pipeline Safety Acts through fiscal year 1995. The amendment also establishes the Research and Special Programs Administration [RSPA] as a statutory administration within the Department of Transportation. Finally, the amendment makes various technical amendments to the Hazardous Materials Transportation Act.

A more detailed description of the compromise provisions is attached.

I strongly urge my colleagues to support this legislation.

COMPROMISE PROVISIONS

The major differences between the amendment in the nature of a substitute to H.R. 1489 and H.R. 1489, as reported by the Public Works and Transportation Committee, are as follows:

SMART PIGS

The amendment provides that the Secretary, in issuing regulations requiring the periodic inspection of pipelines, is required to prescribe the circumstances, if any, under which such inspections shall be conducted with an instrumented internal inspection device, commonly called a smart pig. The amendment also provides that, in those circumstances under which a smart pig is not required, the Secretary shall require the use of an inspection method that is at least as effective as the use of such a device.

This requirement is not intended to provide a back door for requiring the use of smart pigs. It is intended only to ensure that, if a method other than a smart pig is selected, that method must provide for an equivalent level of safety.

EXCESS FLOW VALVES

The amendment clarifies that the Secretary is required to issue a regulation prescribing the circumstances, if any, under which operators of natural gas distribution systems must install excess flow valves. It also requires the issuance of a regulation prescribing notification requirements to customers of the availability of excess flow valves which provides that, in circumstances under which installation is not required, customers have the right to request installation of excess flow valves provided the customer pays all costs associated with the installation. If installation is required by regulation, the operator must pay all costs.

The amendment also extends from 18 months to 2 years the date by which the Secretary is required to issue regulations prescribing notification to customers and clarifies that all installations, whether requested by the customer or required by regulation, must be made in accordance with performance standards established by the Secretary.

USER FEES

The amendment strikes the provision on user fees which was contained in sections 107 and 207 of H.R. 1489, as reported by the Public Works and Transportation Committee.

REPLACEMENT OF CAST IRON PIPELINES

The amendment includes a provision that requires the Secretary to publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines.

PIPELINE FACILITY INSPECTION AMENDMENTS

The amendment extends from 2 to 3 years after enactment, or 6 months after establishment of standards, whichever occurs first, the date by which operators of certain offshore pipeline facilities are required to inspect such facilities and report to the Secretary on portions which are exposed or are a hazard to navigation. It also extends from 6 to 18 months after enactment the date by which the Secretary is required to establish standards for what constitutes an exposed pipeline facility and for what constitutes a hazard to navigation.

GATHERING LINES

The amendment extends from 1 to 2 years after enactment the date by which the Secretary is required to define by regulation a natural gas "gathering line" and "regulated gathering line."

AUTHORIZATION OF APPROPRIATIONS

The amendment reduces the authorization levels for fiscal year 1993 to provide for reasonable increases in the programs that are consistent with the figures in the 1993 appropriations bills. It further reduces the authorization levels for subsequent years as follows: The Natural Gas Pipeline Safety Act of 1968 is reduced from $7,400,000 and $7,770,000 to $7,000,000 and $7,500,000 for fiscal years 1994 and 1995; the Hazardous Liquid Pipeline Safety Act of 1979 is reduced from $2,015,000 and $2,116,000 to $1,866,800 and $2,000,000 for fiscal years 1994 and 1995.

The amendment no longer includes in the authorizations under either act for fiscal year 1994 a specific reference to the availability of funds for employing additional employees under section 305 for regional or field pipeline safety officers.

The amendment also reduces the grants-in-aid authorizations from $9,500,000, $9,500,000, and $10,500,000 to $7,750,000, $9,000,000 and $10,000,000 for fiscal years 1993, 1994, and 1995.

CUSTOMER-OWNED SERVICE LINES

The amendment extends from 6 months to 1 year after date of enactment the date by which the Secretary must issue regulations requiring operators that do not maintain customer-owned service lines up to building walls to educate their customers about maintenance of those lines.

It further requires the Secretary, within 18 months after enactment, to conduct a review of DOT and State rules, policies, and procedures with respect to the safety to customer-owned natural gas service lines, including the effectiveness of such rules policies and procedures, and make recommendations regarding maintenance of such lines, including the need for any legislative action.

Within 18 months after date of enactment, the Secretary must conduct a survery of owners of customer-owned service lines, with the participation of operators of natural gas distribution facilities, to determine the views of such owners regarding whether distribution companies should assume responsibility for the operation and maintenance of customer-owned service lines.

The Secretary must transmit to Congress a report on the results of the study and review, with any recommendations for legislation within 2 years after date of enactment; and within 1 year after transmitting the report take appropriate action to promote adoption of measures to improve the safety of customer-owned service lines.

Subsection (c) of section 115 does not expand, limit, or change the definition of "transportation of gas" in section 2(3) of the Natural Gas Pipeline Safety Act.

ONE CALL ENFORCEMENT

The amendment clarifies that any person who knowingly and willfully engages in excavation activities without first using an available one-call system to determine the location of underground facilities in the area being excavated; or without heeding the appropriate location information or markings established by an operator of a natural gas or hazardous liquid pipeline facility; and subsequently damages: (A) a natural gas pipeline facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000; or (B) a hazardous liquid pipeline facility resulting in death, serious bodily harm, actual damage to property exceeding $50,000 or release of more than 50 barrels of product, shall upon conviction, be subject to a fine under title 18, United States Code, imprisonment for up to 5 years, or both, for each offense.

EMERGENCY FLOW RESTRICTING DEVICES

The amendment divides the provision on emergency flow restricting devices into two parts. First, it provides that within 2 years after date of enactment, the Secretary must conduct a survey and assessment of the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities.

Second, the amendment further provides that not later than 2 years after completion of the survey and assessment, the Secretary shall issue regulations prescribing the circumstances under which operators of hazardous liquid pipeline facilities must use emergency flow restricting devices and other procedures, systems, and equipment to detect and locate pipeline ruptures and minimize product release from pipeline facilities.

EXEMPTION FOR CERTAIN RAIL-MOTOR CARRIERS MERGERS

The bill provides for an exemption from certain requirements under subchapter 1 of chapter 105 of title 49, United States Code, for rail-motor carrier mergers that took place between November 30, 1987, and May 1, 1992.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased we are able to bring this important piece of legislation to the floor today. I would like to commend my colleagues on the Public Works and Transportation Committee—Chairman BOB ROE, subcommittee Chair NORM MINETA, and ranking Republican JOHN PAUL HAMMERSCHMIDT for their leadership in putting this bill together. My thanks is also extended to our colleagues on the Energy and Commerce Committee—Chairman JOHN DINGELL, subcommittee Chair PHIL SHARP, Congressman NORMAN LENT, and Congressman CARLOS MOORHEAD for their cooperation in resolving the minor differences between the two committees' bills so that we could come to the floor in agreement today.

The safety of our natural gas and hazardous liquid pipeline systems is of utmost importance. The Department of Transportation has authority over approximately 1.6 million miles of natural gas pipeline and 151,000 miles of hazardous liquid pipeline. These pipelines transport precious energy and heat to our Nation's homes and industries everyday.

The fact that the safety record of these pipelines is already excellent is a tribute to the industry itself, the Office of Pipeline Safety at the Department of Transportation, and the Congress for its diligent oversight of this safety program. Of the over 43,000 transportation fatalities in the United States last year, only 14 were attributed to pipelines. The bill before us will continue the industry's strong record and give direction to DOT to proceed with safety initiatives in some new areas to ensure that record improves.

I speak in full support of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. MINETA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, I rise today in support of H.R. 1489, the Pipeline Safety Act of 1992. I would also like to take this opportunity to thank NORM MINETA and PHIL SHARP for their efforts on this legislation. I have appreciated the time they spent working to address some of the concerns I have about the legislation. The amendment before us today represents a balanced approach to improving pipeline safety without placing an undue financial burden on natural gas customers.

The natural gas industry has an outstanding safety record that should be the model for other industries. However, there is always room for improvement. Additionally, many of the safety initiatives undertaken by the industry have been voluntary with little technical assistance or regulatory directions from the Department of Transportation. H.R. 1489 will establish industry-wide safety guidelines on smart pigs, excess flow valves, and customer-owned lines. The Department of Transportation will be required to identify pipelines that can be easily modified to accommodate the use of instrumented internal inspection devices. DOT will also issue regulations to specify the circumstances, if any, under which natural gas pipeline operators must install excess flow valves. The legislation will also require minimum operator training requirements and mandate additional pipeline safety inspectors at DOT. H.R. 1489 will also improve the one-call utility locator systems, perhaps the most important natural gas pipeline safety programs. Overall, the legislation vastly improves the inspection role of DOT and will enhance safety for gas customers.

Again, Mr. Speaker I would like to thank NORM MINETA and PHIL SHARP, as well as the staff who have produced not only a good piece of legislation, but sound public policy, as well

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to express my support for H.R. 1489, the Pipeline Safety Act. This bill serves the important purpose of ensuring this safety through increased public education and use of modern technologies for early detection and prevention of problems associated with pipelines.

In light of the recent proposed pipeline construction in Newtown, CT, in the Fifth District, I have become acutely aware of the very valid concerns of the Newtown residents, regarding the safety of their community.

Among the provisions in this bill are those which require that pipeline customers be educated as to the maintenance of non-customer-owned lines. Such education will serve to advise consumers of potential hazards, and allow them to maintain lines in a way that will reduce the risk of accidents. It is important to note that these accidents have, in the past, resulted in death, injury and property damage, therefore, measures must be taken to reduce the risks in the future.

Inspection of existing pipelines through the use of advanced technology, as provided for in H.R. 1489, will also help to ensure that the pipelines are in the best possible condition, and to quickly identify problem situations. This bill also increases the instances for which a pipeline accident must be investigated by the National Transportation Safety Board. These investigations can provide important information for other pipeline areas as to the prevention of similar accidents.

As we move forward in meeting our energy needs through the use of increasingly advanced technology, we must also take care to examine the consequences of this progress, and ensure that its liabilities do not outweigh its advantages. In this regard, it is important that we carefully examine proposals for pipeline construction and involve the public to the greatest possible extent. The most important way to prevent pipeline accidents is to keep the public informed of the responsibilities it has in keeping the pipelines safe and productive to the communities they serve. I again wish to state my support for this legislation, as I feel that it will arm our citizens with the information and protection they need and deserve.

Mr. LENT. Mr. Speaker, I rise in support of H.R. 1489, the Pipeline Safety Act of 1992.

This bill extends the authorization of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

This bill makes some important substantive changes in the existing laws. Among other things, it provides for environmental protection; enhanced accident prevention, through increased inspection requirements, operator training, and customer notifications; and rulemakings to deal with the use of new technology such as excess flow valves, instrumented internal inspection devices, and emergency flow restricting devices.

It does not change the law in one important respect: The Department of Transportation is given no additional authority to regulate customer-owned service lines where the local distribution company currently does not maintain such lines.

However, to assure the safety of these lines, the Department of Transportation is specifically directed to require customer notification of proper pipeline maintenance, conduct a safety review of current State and Federal regulations in this area, and work with the appropriate State and local authorities to promote the adoption of measures to improve the safety of such lines.

Overall, I believe this is a good bill because it puts our resources to their best use. It focuses on specific safety needs and directs the Department of Transportation to give them priority. It does not mandate excessive regulation where there is not a need for change.

For these reasons, I urge my colleagues to support this bill.

Mr. ROE. Mr. Speaker, I rise in support of H.R. 1489 as amended, the Pipeline Safety Act of 1992. This legislation represents a compromise worked out with our colleagues on the House Energy and Commerce Committee and the Senate Committee on Commerce, Science, and Transportation. I want to thank my colleagues and the leadership of those committees for their cooperation and hard work. I also wish to thank NORM MINETA, chairman of the Subcommittee on Surface Transportation, and BUD SHUSTER, the ranking Republican on that subcommittee and Congressman JOHN PAUL HAMMERSCHMIDT, ranking Republican on the full Committee on Public Works and Transportation, for their leadership on this legislation.

The legislation provides for new initiatives in the pipeline safety programs, with additional emphasis on environmental concerns and technology designed to enhance safety. For example, the new technology is designed to shut down pipelines automatically when a leak occurs. This will be accomplished by the use of excess flow valves in gas pipelines and emergency flow restricting devices in hazardous liquid pipelines.

Section 206 of the bill, as amended, will prohibit any exception from hazardous liquid pipeline safety regulations based solely on the fact that the facility operates at low internal stress. Enactment of this provision will go a long way to prevent incidents such as the oil spill that occurred 150 yards off the New Jersey coast in January 1990, which leaked approximately 567,000 gallons of No. 2 heating oil into the Arthur Kill waterway.

The amendment imposes increased inspection requirements for pipelines that traverse high density areas and environmentally sensitive areas. In addition, customer-owned pipelines are scheduled for a safety review in order to determine the future course of Government responsibility for the safety of those pipelines. The amendment awards no new authority to the Department for the regulation of these pipelines, and it, in no way is meant to limit any authority now held by the Department.

Finally, the amendment makes adjustments in the pipeline safety laws: First, to clarify State enforcement agreements with the Federal Government; second, to amend some procedures at the Department of Transportation; and third, to authorize funds for carrying out the pipeline safety programs.

Title IV of the amendment establishes the Research and Special Programs Administration [RSPA], which currently exists by administrative delegation within the Department of Transportation [DOT], as a statutory administration within the Department on a par with the other statutory administrations such as the Federal Highway Administration.

Title V contains some technical amendments relating to the Hazardous Materials Transportation Act. I would like to make specific comments about section 507. That section is amended to include permitting within its scope. Permitting was inadvertently omitted from section 22 of the Hazardous Materials Transportation Uniform Safety Act of 1990.

The addition of the word "permitting" clarifies the original intent of section 22. Moreover, it allows the committee to reaffirm its strong interest in eliminating duplicative and conflicting State administrative burdens on shippers and motor carriers of hazardous materials, including hazardous substances and hazardous wastes.

The amendment, I believe goes a long way toward the continued enhancement of safety in pipeline transportation, which is, by far, the safest form of transportation in our Nation.

I, therefore, ask my colleagues to join with me in support of this legislation.

Mr. VENTO. Mr. Speaker, I rise in strong support of H.R. 1489, the Pipeline Safety Authorization Act, which amends the Hazardous Liquid and Natural Gas Pipeline Safety Acts to protect public safety.

I want to commend the gentleman from Indiana [Mr. SHARP], as well as the members of both the Energy and Commerce and Public Works and Transportation Committees for their diligent work in bringing this important legislation to the floor today.

Mr. Speaker, in July 1986, the people of Mounds View, MN, in the congressional district which I represent, learned all too well how important pipeline safety is when an underground liquid pipeline carrying gasoline ruptured and exploded. The subsequent fire killed a young mother and her daughter and severely injured another woman.

The National Transportation Safety Board [NTSB] investigation following this tragedy revealed that a significant amount of gasoline had flowed back past the point of the pipeline failure and fed the ensuing fire. That fire could have been limited had this pipeline been equipped with rapid shutoff valves. Instead, a Williams Pipeline Co. employee had to drive 10 miles away to the nearest valve and manually shut down the flow of gasoline in the damaged pipeline.

In the last pipeline safety reauthorization bill that finally passed in 1988, the House included a provision which called upon the Department of Transportation [DOT] to assess the feasibility of requiring the installation of automatic or rapid shutoff valve technology on certain hazardous liquid and natural gas pipelines. The results of that study, which was released by DOT in 1991, found that such technology is available and would also be cost effective.

I am especially pleased that the bill before the House today retains a provision from legislation which I sponsored that calls upon DOT to move forward on requiring the installation of rapid shutoff valves on certain pipelines. Additionally, the bill requires DOD to identify, inventory, and map all natural gas and hazardous liquid pipelines that pass through densely populated areas and hazardous liquid lines that pass through environmentally sensitive areas, such as rivers, lakes, and wetlands. The bill also requires new minimum training standards for pipeline system operators.

H.R. 1489 increases from $10,000 to $25,000 the maximum civil penalty for violations of pipeline requirements. Environmental protection is also designated for the first time as one of the key purposes of the act.

The measure before the House provides additional environmental protection to sensitive areas, streams, rivers, and lakes, as well as special problems in the Gulf of Mexico. The bill authorizes a total of $80.5 million through fiscal year 1995 for pipeline safety activities and assistance, including $28 million over 4 years for DOT activities under the Natural Gas Pipeline Safety Act and $7 million over 4 years for activities under the Hazardous Liquid Pipeline Safety Act. Finally, $45.5 million over 6 years is provided for grants to help cover the costs of State pipeline safety activities—increasing from $5.5 million in fiscal year 1991 to $10 million in fiscal year 1995.

Mr. Speaker, my interest in pipeline safety studies and legislation began in 1982, when environmental problems were experienced by homeowners in Maplewood, MN, and never did I expect the catastrophic events in the 1986 Mounds View, MN, loss of life. I hope that no one else will ever experience what the people of Mounds View, MN, experienced in 1986. This legislation moves in the direction of improving pipeline safety in a cost-effective manner. Our Nation's infrastructure, including its underground pipelines and utilities, are aging and will require significant capital investments for repairs and replacement over coming years. But until that time, we must closely monitor these systems to insure public safety and the protection of the environment and our natural resources. I strongly urge my colleagues to support this vital measure.

Mr. WELDON. Mr. Speaker, I rise today in strong support of H.R. 1489, the Pipeline Safety Act of 1991. First, I would like to commend PHIL SHARP, NORM LENT, JOHN DINGELL, NORM MINETA, BUD SHUSTER, JOHN PAUL HAMMERSCHMIDT, ROBERT ROE, and the many others who worked so hard on this important legislation. Because of their key roles in the development of H.R. 1489, they all deserve special recognition for their devotion to public safety.

As chairman of the congressional fire and emergency services caucus, I know that our natural gas delivery systems, while safe generally, pose potential safety risks for the public. For this reason, I introduced H.R. 977, which would mandate the installation of excess flow valves [EFV] on new or renewed natural gas pipelines that service certain medium and high pressure systems. Although a flexible version of my proposal was incorporated into H.R. 1489 by the Committee on Energy and Commerce, the Committee on Public Works and Transportation further amended this provision.

As you know, an EFV is a safety shutoff device installed by some local natural gas utilities at the time service is first installed or subsequently replaced. These valves are placed underground at the point where the service line connects to the main gas supply, which is located in the street or curb. When set in position, an EFV responds like an electrical circuit breaker. The valve, which is designed to sense a greater than normal flow of gas should the service line leak or rupture, automatically shuts off the gas.

Since 1971, the National Transportation Safety Board [NTSB] has advocated the use of excess flow values to eliminate or minimize damage, injuries, and fatalities caused by natural gas explosions. The NTSB, after some extensive investigations of gas accidents, has determined that a number of explosions could have been prevented by the installation of an EFV. The device costs about the same as a good home smoke detector, which is about $20. Like electrical fuses or circuit breakers, they are considered to be essential safety devices by the NTSB.

Despite the NTSB's vocal support, EFV's have been widely ignored by both Government and industry. While a few utilities reported some difficulty with EFV's following their introduction many years ago, the problems often resulted from improper installation. Today, those using this technology have had very positive results.

Although H.R. 1489 contains a watered-down version of my legislation, I support this provision, which requires the Department of Transportation [DOT] to issue regulations outlining the circumstances in which excess flow valves must be used. Obviously, I would be surprised and suspicious if the DOT does not find any circumstances at all. Needless to say, I plan to closely follow this process and to take any necessary action.

As a Republican, I am wary of imposing a mandate on any entity. But, because the cost of EFV's is so low, our priority should be consumer safety.

Mr. WYDEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, first I want to thank the chairman, the gentleman from Massachusetts [Mr. FRANK]. He, along with the gentleman from California [Mr. WAXMAN], have been extraordinarily supportive of this legislation with their staffs for many, many months, and we simply would not be out here if it were not for their commitment to low income people and the advocacy of this cause.

I think the gentlewoman from Connecticut [Mrs. JOHNSON] put it very well, that this legislation is truly bipartisan legislation. The gentlewoman from Connecticut and I have been pursuing this for several years now on a bipartisan basis in discussions with the Justice Department and in discussions with the minority on the Committee on Energy and Commerce, in conjunction with the ranking minority member, the gentleman from California [Mr. DANNEMEYER]. This is truly a bipartisan bill.

I would offer up first to my colleagues that I think this legislation is potentially the bill in this session of Congress to provide for a significant expansion of access to health care for low-income people in this country.

H.R. 3591 will provide malpractice coverage under the Federal Torts Claims Act—the FTCA—to the centers, their officers, and the health care providers they employ. Part-time contractors employed by the centers who provide obstetric services would also be eligible for coverage under the bill.

Under the bill, the centers will pay their anticipated claims costs up front into the federal judgment fund from their annual federal grants. This will be in lieu of paying for private malpractice insurance. Malpractice suits against the centers will be defended by the Justice Department, and the FTCA will be the exclusive remedy for malpractice claims arising from care provided by these centers whether it is the centers, their officers, members of their boards of directors, or their health care providers being sued.

We know that, dollar-for-dollar, the community health clinics are perhaps our best buy for health services in our country. They put a focus on preventive health care with a special emphasis on prenatal care, on obstetrical services, on care for young women, on care for low-income persons who fall between the cracks.

Each year these clinics get over $500 million. Last year it was about $530 million. They paid out about $58 million for malpractice insurance.

What we have found again and again is that these clinics are paying very few, if any, claims. For example, last year in a visit that I made to the Salud Medical Clinic, a short distance from my congressional district, we found that their malpractice insurance rose from $28,000 to about $160,000 in just 1 fiscal year.

What is important about this is not only that they have this dramatic increase in their malpractice insurance, but they had never paid one single claim. They had never had to pay out a claim for malpractice.

So what you have is a situation where the Salud Medical Clinic, the kind of excellent program that the gentlewoman from Connecticut [Mrs. JOHNSON], just mentioned in her district, they are being chewed up in insurance and legal costs, care that could go for low-income persons.

What we believe is that this legislation, as a result of the stipulation that claims would be made against the Government rather than these clinics having to purchase malpractice insurance, will free up about $100 million over the next 3 years that could go to serving patients, and accordingly to the community health clinics. They believe that they will be able to serve with that sum of money about 500,000 additional persons at these clinics each year. So what that means is over the life of this authorization 1,500,000 of our neediest citizens, poor children, poor women, those who are falling between the cracks of our health system would be able to get access to life-line health services, preventive health services, which as the gentlewoman from Connecticut pointed out would be done without any additional cost to the Federal deficit.

There are about 2,000 of these sites nationwide. They serve about 6 million of our neediest citizens. And the evidence is that in addition to being about to serve 500,000 patients more each year, what we believe will happen is that more retired physicians, physicians who want to volunteer and help out in these programs will be able to because they will be covered under this legislation. These clinics will not be jeopardized any further, even though they have a better track record in terms of claims payouts than do private programs. I think this is an example, as the gentlewoman from Connecticut [Mrs. JOHNSON] has indicated, of what can happen when people on both sides of the aisle come together and stop some of the bickering about health care, and actually talk about concrete solutions.

I mentioned a number of the heroes of this legislation, Congressman FRANK, Chairman WAXMAN, NANCY JOHNSON, GEORGE GEKAS, HENRY HYDE at a key point in the Judiciary Committee was invaluable.

Also, I want to thank the staffers who have put many months of effort into this bill: Molly Frantz of Congresswoman JOHNSON's office, David Naimon from Congressman FRANK's subcommittee staff, and Grady Forrer and Josh Kardon of my staff. These guys put a lot of thought, sweat, and hours into this bill, and we would not be here today if not for their heroic efforts.

I think what persons who come to these clinics are ultimately going to say is that this is what health policy is all about. Instead of seeing scarce resources chewed up in unnecessary insurance payments and legal costs, we are going to get this help to people and serving people is what these clinics see their charge is all about, and I want again to thank Chairman FRANK.

Mr. SHARP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 1489, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1583) to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The clerk read the Senate bill, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Improvement Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) NATURAL GAS PIPELINE SAFETY.—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $5,562,000 for the fiscal year ending September 30, 1992;

"(11) $5,807,000 for the fiscal year ending September 30, 1993; and

"(12) $6,062,000 for the fiscal year ending September 30, 1994.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $1,391,000 for the fiscal year ending September 30, 1992;

"(11) $1,452,000 for the fiscal year ending September 30, 1993; and

"(12) $1,516,000 for the fiscal year ending September 30, 1994.".

(c) GRANTS-IN-AID.—Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(c)) is amended—

(1) by striking "and" immediately after "1990,"; and

(2) by inserting ", $7,000,000 for the fiscal year ending September 30, 1992, $7,280,000 for the fiscal year ending September 30, 1993, and $7,557,000 for the fiscal year ending September 30, 1994" after "1991".

DEFINITIONS

SEC. 3. (a) NATURAL GAS PIPELINE SAFETY.—Section 2 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(18) 'Environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined, except to the extent that the Secretary finds that such inclusion will not contribute substantially to public safety or to the protection of the environment.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 202 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(12) 'environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

ENVIRONMENTAL PROTECTION

SEC. 4. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(a)) is amended—

(1) in paragraph (1), by inserting "and the protection of the environment" immediately after "need for pipeline safety";

(2) in paragraph (1)(D), by inserting "and the protection of the environment" immediately after "contribute to public safety"; and

(3) in paragraph (3)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended—

(1) in subsection (a)(1), by inserting "and the protection of the environment" immediately after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property"; and

(3) in subsection (b)(4), by inserting "and the protection of the environment" immediately after "contribute to public safety".

IDENTIFICATION OF CERTAIN PIPELINES

SEC. 5. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(e)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(e)(2)) is amended by adding at the end the following: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(i)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(i)(2)) is amended by adding at the end the following new sentence: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

RAPID SHUTDOWN OF PIPELINE FACILITIES

SEC. 6. Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended by adding at the end the following new subsection:

"(m) RAPID SHUTDOWN OF PIPELINE FACILITIES.—The Secretary shall, within 24 hours after the date of enactment of this subsection, survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. The Secretary shall, within 12 months after the completion of such survey and assessment, issue regulations to establish standards for, and to require to the maximum extent practicable, procedures, systems, and equipment for as rapidly as possible—

"(1) detecting and locating ruptures of pipelines; and

"(2) shutting down those pipeline facilities, located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages, posing an imminent risk to such areas or such cities, towns, or villages.".

EXCESS FLOW VALVES

SEC. 7. (a) REGULATIONS AND STANDARDS.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672) is amended by adding at the end the following new subsection:

"(i) EXCESS FLOW VALVES.—

"(1) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow valves in new or renewed gas service lines. Such regulations shall be effective upon issuance.

"(2) PERFORMANCE STANDARDS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop standards for the performance of excess flow valves used to protect service lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary to require the use of excess flow valves. For cases where excess flow valves are in use but are not required to be used under such regulations, the Secretary shall publish such standards as guidance for State agencies which have filed certifications in accordance with section 5(a), and for operators of natural gas distribution systems.".

(b) STUDY.—The Secretary of Transportation shall undertake a study to evaluate the use of excess flow valves to improve safety in natural gas distribution systems. The study shall at a minimum include an assessment of the findings of the Gas Research Institute on the issue. The results of the study shall be used by the Secretary in the development of the performance standards for the use of excess flow valves under subsection (i) of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as added by subsection (a) of this section.

REPLACEMENT OF CAST IRON PIPELINES

SEC. 8. Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is amended by adding at the end the following new subsection:

"(c) REPLACEMENT OF CAST IRON PIPELINES.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SAFETY OF PIPE NOT OWNED BY PIPELINE OPERATORS

SEC. 9. Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as amended by section 7 of this Act, is further amended by adding at the end the following new section:

"(j) PIPE NOT OWNED BY OPERATORS.—The Secretary shall conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial non-operators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream.".

ONE-CALL NOTIFICATION SYSTEMS

SEC. 10. (a) CIVIL PENALTY.—(1) Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687) is amended by adding at the end the following new subsection:

"(g) VIOLATION.—It shall be a violation of this Act for any person, prior to excavating with power operated equipment (other than for routine agricultural purposes)—

"(1) to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated; and

"(2) thereafter in the course of such excavation to damage a natural gas or hazardous liquid pipeline facility with the result that there is a pipeline incident required to be reported to the Secretary under this Act or the Hazardous Liquid Pipeline Safety Act.".

(2) Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a(a)(1)) is amended by inserting "or section 20(g)," immediately after "section 10(a)".

(b) NOTIFICATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.—(1) Section 15 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1682) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

(2) Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2011) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 11. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(h)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

"(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(l)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 12. (a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities, with pipeline owners and operators, with the fishing and maritime industries, and with other affected groups, shall undertake a study of the abandonment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of whether abandonment in place should be discontinued;

(3) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(4) an analysis of alternative methods and requirements for abandonment, as well as the relevant costs and other factors associated with those alternative methods and requirements;

(5) an analysis of the navigational safety, environmental impacts, and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(6) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(7) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the results of such study, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of such study, the Secretary of Transportation may by regulation require operators of pipeline facilities abandoned before November 16, 1990, to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

TECHNICAL CORRECTION

SEC. 13. Section 106(c)(1)(C) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(C)) is amended by inserting ", in other than bulk packaging," immediately after "commerce".

EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS

SEC. 14. The Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

MOTION OFFERED BY MR. SHARP

Mr. SHARP. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SHARP moves that the House strike all after the enacting clause of the Senate bill S. 1583, and insert in lieu thereof the provisions of H.R. 1489, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana Mr. [SHARP].

The motion was agreed to.

The Senate bill was ordered to be read a third time, as read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to increase the safety to humans and the environment from the transportation by pipeline of natural gas and hazardous liquids, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1489) was laid on the table.

□ 1700

FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1992

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3591) to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such act, as amended.

The Clerk read as follows:

H.R. 3591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federally Supported Health Centers Assistance Act of 1992".

SEC. 2. LIABILITY PROTECTIONS FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following new subsection:

"(g)(1) For purposes of this section, an entity described in paragraph (4) and any officer, employee, or contractor (subject to paragraph (5)) of such an entity who is a physician or other licensed or certified health care practitioner shall be deemed to be an employee of the Public Health Service for a calendar year that begins during a fiscal year for which a transfer was made under subsection (k)(3) (subject to paragraph (3)).

"(2) If, with respect to an entity or person deemed to be an employee for purposes of paragraph (1), a cause of action is instituted against the United States pursuant to this section, any claim of the entity or person for benefits under an insurance policy with respect to medical malpractice relating to such cause of action shall be subrogated to the United States.

"(3) This subsection shall apply with respect to a cause of action arising from an act or omission which occurs on or after January 1, 1993. This subsection shall not apply with respect to a cause of action arising from an act or omission which occurs on or after January 1, 1996.

"(4) An entity described in this paragraph is a public or non-profit private entity receiving Federal funds under any of the following grant programs:

"(A) Section 329 (relating to grants for migrant health centers).

"(B) Section 330 (relating to grants for community health centers).

"(C) Section 340 (relating to grants for health services for the homeless).

"(D) Section 340A (relating to grants for health services for residents of public housing).

"(5) For purposes of paragraph (1), an individual may be considered a contractor of an entity described in paragraph (4) only if—

"(A) the individual normally performs on average at least 32 1/2 hours of service per week for the entity for the period of the contract; or

"(B) in the case of an individual who normally performs on average less than 32 1/2 hours of services per week for the entity for the period of the contract and is a licensed or certified provider of obstetrical services—

"(i) the individual's medical malpractice liability insurance coverage does not extend to services performed by the individual for the entity under the contract, or

"(ii) the Secretary finds that patients to whom the entity furnishes services will be deprived of obstetrical services if such individual is not considered a contractor of the entity for purposes of paragraph (1).".

(b) REQUIREMENT OF APPROPRIATE POLICIES AND PROCEDURES REGARDING HEALTH CARE PROFESSIONALS.—Section 224 of the Public Health Service Act, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(h) The Secretary may not make a grant under this Act to an entity described in subsection (g)(4) unless the entity—

"(1) has implemented appropriate policies and procedures to reduce the risk of malpractice and the risk of lawsuits arising out of any health or health-related functions performed by the entity;

"(2) has reviewed and verified the professional credentials, references, claims history, fitness, professional review organization findings, and license status of its physicians and other licensed or certified health care practitioners, and, where necessary, has obtained the permission from these individuals to gain access to this information;

"(3) has no history of claims having been filed against it or against its officers, employees, or contractors as provided for under this section, or, if such a history exists, has fully cooperated with the Attorney General in defending against any such claims and either has taken, or will take, any necessary corrective steps to assure against such claims in the future; and

"(4) has fully cooperated with the Attorney General in providing information relating to an estimate described under subsection (k).".

(c) AUTHORIZATION FOR THE ATTORNEY GENERAL TO EXCLUDE CERTAIN HEALTH CARE PROFESSIONALS FROM COVERAGE.—Section 224 of the Public Health Service Act, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

"(i)(1) Notwithstanding subsection (g)(1), the Attorney General, in consultation with the Secretary, may determine, after notice and opportunity for a hearing, that an individual physician or other licensed or certified health care practitioner who is an officer, employee, or contractor of an entity described in subsection (g)(4) shall not be deemed to be an employee of the Public Health Service for purposes of this section, if treating such individual as such an employee would expose the Government to an unreasonably high degree of risk of loss because such individual—

"(A) does not comply with the policies and procedures that the entity has implemented pursuant to subsection (h)(1);

"(B) has a history of claims filed against him or her as provided for under this section that is outside the norm for licensed or certified health care practitioners within the same specialty;

"(C) refused to reasonably cooperate with the Attorney General in defending against any such claim;

"(D) provided false information relevant to the individual's performance of his or her duties to the Secretary, the Attorney General, or an applicant for or recipient of funds under this Act; or

"(E) was the subject of disciplinary action taken by a State medical licensing authority or a State or national professional society.

"(2) A final determination by the Attorney General under this subsection that an individual physician or other licensed or certified health care professional shall not be deemed to be an employee of the Public Health Service shall be effective upon receipt by the entity employing such individual of notice of such determination, and shall apply only to acts or omissions occurring after the date such notice is received.".

SEC. 3. HOSPITAL ADMITTING PRIVILEGES FOR CERTAIN HEALTH CARE PROVIDERS.

Section 224 of the Public Health Service Act, as amended by section 2, is further amended by adding at the end the following new subsection:

"(j) In the case of a health care provider who is an officer, employee, or contractor of an entity described in subsection (g)(4), section 335(e) shall apply with respect to the provider to the same extent and in the same manner as such section applies to any member of the National Health Service Corps.".

SEC. 4. PAYMENT OF JUDGMENTS.

Section 224 of the Public Health Service Act, as amended by sections 2 and 3, is further amended by adding at the end the following new subsection:

"(k)(1)(A) For each of the fiscal years 1993, 1994, and 1995, the Attorney General, in consultation with the Secretary, shall estimate by the beginning of the year (except that an estimate shall be made for fiscal year 1993 by December 31, 1992, subject to an adjustment within 90 days thereafter) the amount of all claims which are expected to arise under this section (together with related fees and expenses of witnesses) from the acts or omissions, during the calendar year that begins during that fiscal year, of entities described in subsection (g)(4) and of officers, employees, or contractors (subject to subsection (g)(5)) of such entities.

"(B) The estimate under subparagraph (A) shall take into account—

"(i) all claims for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions by entities described in subsection (g)(4) or by officers, employees, or contractors (subject to subsection (g)(5)) of such entities who are deemed to be employees of the Public Health Service under subsection (g)(1) that, during the preceding 5-year period, are filed under this section or, with respect to years occurring before this subsection takes effect, are filed against persons other than the United States, and

"(ii) the amounts paid during that 5-year period on all claims described in clause (i), regardless of when such claims were filed.

"(2) For each of the fiscal years 1993, 1994, and 1995, the Secretary shall withhold from the total amount appropriated for the fiscal year for each of the grant programs described in paragraph (4) of subsection (g) an amount equal to the amount estimated under paragraph (1) that is attributable to entities receiving funds under such grant program.

"(3) The total amount withheld under paragraph (2) for a fiscal year shall be transferred not later than the December 31 that occurs during the fiscal year to the appropriate accounts in the Treasury in order for payments to be made for judgments against the United States (together with related fees and expenses of witnesses) pursuant to this section arising from the acts or omissions of entities described in subsection (g)(4) and of officers, employees, or contractors (subject to subsection (g)(5)) of such entities.".

SEC. 5. REPORT ON RISK EXPOSURE OF COVERED ENTITIES.

(a) IN GENERAL.—Not later than April 1, 1995, the Attorney General, in consultation with the Secretary of Health and Human Services (hereafter referred to as the "Secretary"), shall submit a report to Congress on the medical malpractice liability claims experience of entities subject to section 224(g) of the Public Health Service Act (as added by section 2(a)) and the risk exposure associated with such entities.

(b) EFFECT OF LIABILITY PROTECTIONS ON COSTS INCURRED BY COVERED ENTITIES.—The Attorney General's report under subsection (a) shall include an analysis by the Secretary comparing—

(1) the Secretary's estimate of the aggregate amounts that such entities (together with the officers, employees, and contractors of such entities who are subject to section 224(g) of such Act) would have directly or indirectly paid to obtain medical malpractice liability insurance coverage had section 224(g) of the Public Health Service Act not been enacted into law, with

(2) the aggregate amounts by which the grants received by such entities under the Public Health Service Act were reduced as a result of the enactment of section 224(k)(2) of such Act.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. SKAGGS). Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would think that Members would look at the two Members in charge of this bill and they would very likely figure that they are going to fit somewhere in the middle and before it, so I do not anticipate a great deal of disagreement.

Mr. Speaker, I would point out that this came to my attention through the efforts of the gentleman from Oregon [Mr. WYDEN], to whom I will yield 10 minutes on behalf of the Committee on Energy and Commerce, which in this bill is in one of its more cooperative moods.

What the gentleman from Oregon pointed out was that the neighborhood health centers were paying a large amount of money compared to their total budget for malpractice insurance. There has been a great deal of discussion about how we can reduce legal costs in this society. I think that the Committee on the Judiciary and the Committee on Energy and Commerce, with the gentleman from Pennsylvania [Mr. GEKAS], the ranking Republican member of the Committee on the Judiciary, and myself and the people in the Committee on Energy and Commerce, aided by the work of the gentleman from Oregon [Mr. WYDEN] and the gentlewoman from Connecticut [Mrs. JOHNSON], have come up with a way that will substantially reduce legal costs without in any way depriving anyone of his or her rights.

The neighborhood health centers have doctors who are not full-time Federal employees. They have been forced to pay very high premiums for malpractice insurance. We decided after conversations that the best way to deal with this was to extend to these people coverage under the Federal Tort Claims Act. Under the Federal Tort Claims Act, malpractice suits can be brought and they are brought under the law of the State in which the allegation is made, but there are no punitive damages and no jury trials, and the Federal Government is a self-insurer.

As a consequence of all this, we believe that the national program of neighborhood health centers will save a very significant amount of money. I believe it is something like $11 million will probably be available. That is what we are doing here. We are paying the cost of the Federal charges out of their budget but saving them thereby the need to pay for private malpractice insurance. It is, I think, a very good example of how we can creatively reduce legal costs.

I am grateful to, among others, the gentleman from Oregon [Mr. WYDEN] and the gentlewoman from Connecticut [Mrs. JOHNSON] for bringing this to our attention and for working with us, and I appreciate the cooperation we have received, after some skepticism, from the Civil Division of the Department of Justice, because they also worked with us, and we were able to come up with, I think, a very good consensus bill.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, the gentleman in his last statement said what I want to bring out, a recognition of the Department of Justice and the Secretary of Health and Human Services, who believe, with us, that this is very workable.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the gentleman's comments, but I did not want to mention the Secretary of Health and Human Services because I did not want to trample upon the jurisdiction of the Committee on Energy and Commerce.

Mr. GEKAS. Mr. Speaker, if the gentleman would continue to yield, I would ask the gentleman what he is doing there and I am doing here. I would ask him what happened with this legislation. It is now cross-questioned with the Committee on Energy and Commerce, is that correct?

Mr. FRANK of Massachusetts. Mr. Speaker, I would respond to the gentleman that yes, it is, because it was jointly referred to the Committee on Energy and Commerce, and I think Members just thought that the natural way to present this was with myself and the gentleman from California [Mr. DANNEMEYER], that being the obvious way they would want to present this.

Mr. GEKAS. If the gentleman would continue to yield, Mr. Speaker, I have no objection. I thank the gentleman for his comments, and I will ask for additional time to speak further on this subject from the gentleman on this side.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. It will, I think, do a sensible thing in the sense that taxpayers' dollars will be more available for services to persons who come into health care centers, rather than paying premiums on the medical malpractice insurance. For once Government, I think, is doing the correct thing.

We have some members of the House who have been very instrumental in developing this legislation. One of them is here.

Mr. Speaker, I yield 3 minutes to my colleague, the gentlewoman from Connecticut [Mrs. JOHNSON]. If she needs additional time, I think we can arrange that.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DANNEMEYER] for yielding time to me.

Mr. Speaker, it is really a pleasure to be here on the floor with so many who have worked so long and so hard for, in a sense, a very small bill to come to the attention of the House and I think be passed and ultimately signed by the President.

This may be the only real health care reform bill we pass this year, and if it is, it at least is exactly the kind of bill that ought to receive our first attention. First of all, it better uses existing resources. Instead of wasting money on millions and millions of dollars of malpractice premiums for our community health centers, it frees those dollars to provide direct care for thousands, hundreds of thousands of women and children who have no other access to health care, so we not only are going to expand access to care, but for those who most need it.

In Connecticut our community health centers are doing an admirable job of providing health care for those who have been unemployed, and particularly for those who have been unemployed so long that they have lost any other access to health care.

We need as a Congress to improve the funding for the publicly funded infrastructure that provides that back-up for all of us, that is able to provide care on an income-related basis, on a sliding scale fee basis, so that in fact it can serve, really, the great body of Americans in those areas where it needs to.

This is the right kind of legislation, and it has come to life in the right way. I want to thank my colleagues from the Committee on the Judiciary, the gentleman from Massachusetts [Mr. FRANK], the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from Illinois [Mr. HYDE], and many other members of the Committee on the Judiciary who have worked hard to help us deal with some of the implications of the Federal Government taking on tort liability for non-Federal employees.

I particularly want to thank my colleague, the gentleman from Oregon [Mr. WYDEN], without whose constant care and attention this bill certainly would not be here today, for his endless advocacy and deep concern, and for the help of the gentleman from California [Mr. DANNEMEYER] and the other gentleman from California [Mr. WAXMAN] from the Committee on Energy and Commerce, and the good will of so many on both of these committees.

We do have a chance here today to act on legislation that is going to make a very real, concrete, palpable difference in access to health care for thousands and thousands of Americans.

I also want to recognize the hard work of Stuart Gerson, Assistant Attorney General of the Department of Justice, because many times when others perhaps on his side were not excited about this bill, he was willing to work through ideas, possibilities, alternatives, and in fact the bill is a better bill because of his concern for quality assurance programs that would minimize the possibility of malpractice among the physicians that so nobly and ably serve in our community health centers.

I also want to thank many staffers associated with all of us: Grady Forrer and Josh Karden, and Molly Franz, Ray Smietanka, and David Naimon. We certainly could not have carried through the long discussions and negotiations that brought this bill to life without their help.

I thank my colleagues, and I ask the support of the body.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding the time. I simply want to add to the list of congratulations that have already been offered.

When NANCY JOHNSON, our colleague, first came to me on this issue, when they knew that we in the Judiciary Committee had the responsibility of trying to find a solution to a rather vexing problem, we began to wrestle around with physicians' fees, if you will recall, and some other methodologies to try to clamp down on the cost of insurance, et cetera. When we finally came up with the idea that now has formed a part of the bill, we looked to the staff of the gentleman from Massachusetts [Mr. FRANK] and my own with Ray Smietanka, the gentleman from Oregon [Mr. WYDEN], and the gentlewoman from Connecticut [Mrs. JOHNSON]. And as the gentleman from California said in his opening remarks, we made government work through our committee staff in trying to solve this particular problem.

What has happened now is that health centers with which we have checked are very happy about the prospect of having additional funds for their various purposes without having to worry about money that goes down the black hole that is insurance premiums. So we have done a service not just to the committee process in trying to find innovative ways in which to solve a problem, but actually have caused a result which health centers themselves can use for further benefit for their charges.

I too am very happy about the result here, and will hope for a unanimous adoption of this bill.

Mr. GOSS. Mr. Speaker, we all know that health care costs are skyrocketing, effectively outpricing millions of Americans who need basic medical care, but Congress has stood by, watching the costs bankrupt families and individuals across the country. However, yesterday, we scored a victory over waste and mismanagement by passing legislation (H.R. 3591) which would protect health care professionals working in community or migrant health centers from legal liability. The legislation we sent to the Senate would cover health care professionals in the centers under the Federal Tort Claims Act. As a proud cosponsor of this bill, I know the amazing work community health care centers accomplish every day. Malpractice costs are tying their hands and forcing these community-based, sliding-fee clinics to cut back on services. Malpractice premium costs are rising 30 and 40 percent every year. The costs are the same in the private sector, but community health care centers cannot pass on the added costs to patients, because these patients are receiving services on an ability-to-pay basis already. Low-income patients have been perceived as high risk even though the community health centers pay malpractice premiums almost 15 times more than the amount paid out by insurers on claims against the clinics.

In my own district, family health centers provide services in three locations. Even though not one lawsuit had been filed in over the past 4 years these health centers paid over $685,000 in malpractice premiums. These centers expect to pay another $229,000 this year. These are wasted dollars which are going down a black hole when they could be providing desperately needed primary health care services to medically underserved populations. I applaud our legislative initiative, for if this bill passes the Senate and is signed by the President, the $58 million currently being spent on malpractice premiums in community and migrant health centers across the country, could be used to serve an additional 500,000 patients. This is a prime example of waste and mismanagement in our current system, but covering these health care workers under the Federal Tort Claims Act will halt this drain on a vital health care delivery system. Because family health centers know the community best, they are able to serve the community best. I am gratified that we have taken steps to allow them to do their job, for it takes real leadership to find a cure to a problem as complex as our health care crisis. I only wish the community and migrant health centers could write a prescription for the rest of the country.

Mr. DANNEMEYER. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 3591, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3591, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COOPERATIVE AGREEMENT WITH WILLIAM O. DOUGLAS OUTDOOR CLASSROOM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5534) to authorize the Secretary of the Interior to enter into a cooperative agreement with the William O. Douglas Outdoor Classroom as amended.

The Clerk read as follows:

H.R. 5534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—(1) The Secretary of the Interior, acting through the Director of the National Park Service, is hereby authorized to enter into one or more cooperative agreements as specified in paragraph (2) that meet the requirements of subsection (b).

(2) The cooperative agreements authorized by this Act are:

(A)(i) with appropriate organizations or groups, on the basis of equal-dollar matching, in order to promote education concerning the natural and cultural resources of the Santa Monica Mountain National Recreation Area and lands adjacent thereto; and

(ii) with the William O. Douglas Outdoor Classroom whereby the Secretary agrees to maintain the facilities at 2600 Franklin Canyon Drive in Beverly Hills, California for nine years and to provide funding for programs of the William O. Douglas Outdoor Classroom that utilize such facilities for a maximum of nine years after the date of enactment of this Act, and whereby in return the William O. Douglas Outdoor Classroom agrees that at the end of the term of such agreement, all right, title, and interest in such facilities shall be donated to the United States for addition to and operation as a part of the Santa Monica Mountains National Recreation Area; and

(B) with the Santa Monica Mountains and Seashore Foundation and the University of California at Los Angeles (jointly) for completion of an archaeological survey, vegetation mapping, historical context, and history of lands within the Santa Monica Mountains National Recreation Area.

(3) Federal funds may be expended on non-Federal property located within the Santa Monica Mountains National Recreation Area pursuant to any cooperative agreement described in paragraph (2) that meets the requirements of subsection (b) of this section.

(b) REQUIREMENTS.—(1) The provisions of clause (i) of subsection (a)(1)(A) shall apply only to a cooperative agreement under which there will be visits by students or other beneficiaries to Federally-owned lands within the Santa Monica Mountains National Recreation Area and under which the responsibility of the Secretary will be limited to the providing of interpretation services concerning the natural and cultural resources of the Santa Monica Mountain National Recreation Area, while the other party or parties will be responsible for all other costs.

(2) The Secretary may enter into the agreement specified in clause (ii) of subsection (a)(1)(A) only if the Secretary determines that acquisition of the facilities described therein would further the purposes of the Santa Monica Mountain National Recreation Area. The provisions of such clause shall not be construed as authorizing an agreement by the Secretary for reimbursement of expenses incurred by such organization that are not directly related to use of the facilities specified in such clause (ii) for environmental education and interpretation of the resources and values of the Santa Monica Mountain National Recreation Area and associated lands and resources.

(3) The provisions of subsection (a)(1)(B) shall apply only to a cooperative agreement under which work on non-Federal lands shall be done only with the consent of the owner thereof and under which all information obtained will be used by the Secretary to further public education and the interpretation and management of the resources and values of the Santa Monica Mountain National Recreation Area.

(c) AMENDMENT.—The first sentence of section 507(r) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(r)) is hereby amended to read as follows: "There are hereby authorized to be appropriated such sums as may be necessary for acquisition of lands and interests therein within the boundaries of the recreation area established under this section, to remain available until expended. At the time the President submits a budget request for fiscal 1995, the Secretary of the Interior shall submit to the Congress a detailed acquisition-priority list (developed with appropriate public involvement) and cost estimates for completion of acquisitions within the recreation area in accordance with the land-protection plan or revisions thereof."

SEC. 2. AUTHORIZATION.

There are hereby authorized to be appropriated not to exceed $2,100,000 to implement the provisions of section 1(a)(2)(A) and not to exceed $300,000 to implement the provisions of section 1(a)(2)(B).

The SPEAKER pro tempore (Mr. ROEMER). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5534.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5534 is a bill by Representative BERMAN of California that would authorize a cooperative agreement between the National Park Service and the William O. Douglas Outdoor Classroom, a nonprofit organization in Los Angeles that is active in furthering environmental education in the Santa Monica Mountains National Recreation Area.

Earlier this year, the Appropriations Committee included in the Interior appropriations bill for fiscal year 1993 a provision authorizing expenditure of Federal funds on non-Federal property under such a cooperative agreement. This was one of the instances in which the bill as reported proposed an appropriation for an unauthorized purpose—and was one of the parts of the reported bill against which a point of order was raised and sustained during consideration in committee of the whole.

H.R. 5534 would authorize a cooperative agreement with the outdoor classroom organization. If it is enacted, and the National Park Service does enter a cooperative agreement, funds could be appropriated to implement the agreement.

As reported by the Interior Committee, the bill would authorize several different cooperative agreements. The National Park Service could enter into any, all, or none of them.

First, there could be one or more cooperative agreements with the National Park Service to provide interpretive services concerning the resources and values of the Santa Monica Mountains National Recreation Area, as part of a program involving field visits to the national recreation area. Such agreements could be with the William O. Douglas Outdoor Classroom or other appropriate organizations or groups.

Second, the bill, as amended, would authorize a specific cooperative agreement with the William O. Douglas Outdoor Classroom. This authorization would be dependent on a determination that it would further the purposes of the national recreation area for the National Park Service to acquire the outdoor classroom's existing facilities. These facilities are located on land owned by the city of Los Angeles within the boundaries of the Santa Monica Mountains National Recreation Area—but acquisition of these lands would not be part of the agreement.

If it was determined that acquisition of the facilities would further the purposes of the national recreation area, the National Park Service could enter into an agreement to maintain the facilities for up to 9 years, and to fund environmental education programs of the outdoor classroom organization using the facilities, in return for a commitment that the facilities would then be donated to the United States.

Expenditures under any of these cooperative agreements, with the outdoor classroom or with others, would be capped at $2.1 million.

The bill, as amended, would also authorize a cooperative agreement with a consortium involving a local foundation and the University of California at Los Angeles [UCLA], for a survey of archaeological, vegetative, and other resources of lands within the national recreation area.

If this agreement is completed, any work under it done on lands not owned by the United States would require the permission of the owner, and the authorization would be capped at $300,000.

Finally, the bill would lift the current ceiling on appropriations for land acquisition within the boundaries of the Santa Monica Mountains National Recreation Area. This provision is identical to one that passed the House in the last Congress, as part of a measure involving exchange of BLM-managed public lands in Nevada for lands within the Santa Monica Mountains National Recreation Area, on which the Senate did not complete action.

Mr. Speaker, H.R. 5534 is a worthwhile bill that would give the National Park Service options for ways to better manage the Santa Monica Mountains National Recreation Area and to advance environmental education. I urge its approval.

Mr. Speaker, I reserve the balance of my time.

□ 1720

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consum

Mr. Speaker, I rise today in opposition to H.R. 5534, a bill which the National Park Service estimates will end up costing this Nation $500 million in land acquisition costs alone.

I certainly have no objection to the basic purpose of the original bill, which was limited to the William O. Douglas classroom bill. Educating people about the environment has always been one important goal of our National Park System.

However, with a national debt of over $4 trillion, I simply cannot believe that we would even consider this kind of spending. This is completely ridiculous. We are losing well over $1 billion every day at the Federal level, and unless we get our spending under control, I am convinced that we will do very serious damage to our economy. This bill might be acceptable if we had a surplus of cash, but we do not. In fact, we do not even have enough money, and we will run up the deficit, to cover emergency spending like the recent hurricane damage. This bill is certainly no emergency. In addition, I object to the authorization of $2.1 million over the next 9 years to purchase and maintain a building which has never been found necessary for park purposes. By the Park Service itself.

This is exactly the sort of wasteful, pork barrel spending that has brought this Nation to the verge of bankruptcy. We simply should not be proposing projects and studies that are not absolutely vital to the country. While I am sure that an outdoor classroom sounds like a wonderful thing, my personal feeling is that it ranks fairly low in priority compared to helping the sick and hungry and reducing our national debt.

H.R. 5534 also authorizes an additional 300,000 dollars' worth of studies to be performed by the Santa Monica Mountains and Seashore Foundation and UCLA.

During the Interior Committee hearing on this bill, no justification was presented why these institutions should be automatically favored over any others.

If any studies of this kind are called for, I think that they should be subject to regular contract procedures to make sure that the American taxpayer is getting his or her money's worth.

The main priority for Interior appropriations funds should be for the upkeep of current park lands. It should not be wasted on highly questionable projects like this one.

The Federal Government currently is, in one way or another, responsible for over 662 million acres of land—or about 29 percent of the entire area of this country.

The only way we stand a chance of maintaining our parks and public lands is to stop finding new ways to spend scarce funds and start taking care of what we have.

Above all, I am highly opposed to the open-ended land acquisition funding authorized in this bill. The National Park Service has testified before the Interior Committees in both Houses that the completion of the current acquisition plan for the Santa Monica Mountains Recreation Area would end up costing $500 million in current dollars.

The sum of $130 million has been spent on this boondoggle already, $10 million of which was spent on land not even in the acquisition plan.

I think that it is very sad that so much money has been poured into this project already, and that we are not even one-third of the way to completing this project.

At the rate of $15 million annually, which is the annual amount that the CBO expects to be spent on this project, our grandchildren will finish paying this park off in 2025, assuming that there is no inflation.

Finally, combining this with other legislation, the Interior Committee has passed over $2 billion in land acquisition authorization for California in this Congress alone.

In my opinion, this bill, as insignificant as it may seem at first glance, is a symptom of this Congress' total inability to control its spending habits.

For these reasons, I rise in opposition to this bill and I encourage all my colleagues to oppose it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON], a supporter of the bill.

Mr. BEILENSON. Mr. Speaker, I rise in support H.R. 5534, which authorizes cooperative agreements between the National Park Service and nonprofit organizations for particular purposes associated with the Santa Monica Mountains National Recreation Area [NRA]. This legislation will enable the National Park Service to better fulfill its mission in the Santa Monicas by taking advantage of some of the resources in our community which serve the purposes of this park. The bill also removes the ambiguity in existing law about the authorization for appropriations for land acquisition in the park, clarifying that there is no ceiling on such appropriations.

Mr. Speaker, I would like to express my gratitude to the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO, and to Mr. LAGOMARSINO, a member of the subcommittee who has had a longstanding interest in protecting the Santa Monicas, for their help with the bill before us today. Their assistance in formulating this legislation and in moving it forward is greatly appreciated by Mr. BERMAN and myself, as well as by the millions of Americans who live in or visit southern California, who benefit from having a national recreation area in the Santa Monicas.

The primary cooperative agreement authorized by this legislation concerns the William O. Douglas Outdoor Classroom, [WODOC] as it is known locally. WODOC is a nonprofit organization which provides an extremely important service to our community by providing environmental education programs for about 100,000 people annually, many of whom are innercity schoolchildren whose only opportunity to learn about the environment in a natural setting is provided by WODOC.

Because WODOC has become an integral part of the Santa Monica Mountains National Recreation Area, officials at WODOC and at the National Park Service want to make a gradual transition to full National Park Service ownership and management of WODOC's facilities and programs. This legislation will enable the National Park Service and WODOC to enter into an agreement providing for the National Park Service to assume ownership of WODOC's facilities 9 years from now, while the Park Service provides $250,000 annually for educational programs during the next 9 years.

The second specific cooperative agreement authorized by this legislation concerns a $300,000 cultural resources study of lands within the boundaries of the Santa Monica Mountains National Recreation Area. This study would help identify the historic and natural resources in the mountains and thus provide a better foundation for decisions about acquiring and managing lands, as well as more information to use in educational programs.

The National Park Service would enter into an agreement with the Santa Monica Mountains and Seashore Foundation, a nonprofit organization which has done extensive research, planning, publications, workshops and mapping the Santa Monicas, and the University of California at Los Angeles [UCLA], to conduct this study, which would include an archeological survey, vegetation mapping, historical context, and history of lands. The project would cover Topanga Canyon, where a wealth of artifacts from the Chumash and Gabrielino Indians has already been discovered, as well as coastal and inland canyons near Malibu and other lands within the NRA, including private lands where the owners have given their consent to the study.

Mr. Speaker, when the Appropriations Subcommittee on Interior held hearings on National Park Service programs earlier this year, UCLA archeologist Lynn Gamble testified about the need for a cultural resources study of the Santa Monicas, urging that this study be done as soon as possible because of the rapid rate at which Native American heritage sites in southern California are being lost to development. Unfortunately, the subcommittee did not include the cultural resources study in the fiscal year 1993 Interior appropriations bill, but we hope that by authorizing the study this year, it will be included in the fiscal year 1994 bill.

At this point, I would like to include an excerpt from Ms. Gamble's testimony about what the study would cover:

TESTIMONY OF LYNN GAMBLE, PH.D.

This study would involve several phases of work. In the initial phase, the maps and records of the recorded sites housed at the Archaeological Information Center at UCLA would be consulted. A detailed map of the sites could then be produced using computerized geographical mapping systems. All pertinent information on the archaeological sites in the Santa Monica Mountains that is available in published and unpublished sources would be documented at this time. Archaeological field work in areas that have not been previously studied would constitute the second phase of work. In addition, background studies on the Santa Monica Mountains would be conducted in order to document the environmental context of the archaeological sites within the study area. These studies would include the collection of botanical and geological information that is relevant to the prehistoric Native Americans use of their environment. The final phase of work would be the synthesis of this information into a report that can be used to document the significance of the archaeolgical sites in the Santa Monica Mountains, and in particular the Summerhill property. This document can be used to help set land acquisition priorities and management practices in conjunction with other planning studies. It would also be useful in determining the National Register eligibility of sites on public and private lands in the Santa Monica Mountains.

Third, the bill contains a provision which clarifies that there is no authorization ceiling on appropriations for land acquisition in the Santa Monicas. The enabling legislation for the Santa Monica Mountains National Recreation Area, Public Law 95-625, limited the amount of funding that could be appropriated for Federal land acquisition in each of the 5 fiscal years that followed the 1978 authorizing legislation to a total of $125 million. While that law appears to provide for an unlimited amount of appropriations in the following years, we want it to be absolutely clear that that, in fact, is the case.

As the author of the original 1978 legislation establishing the Santa Monicas, I believe that the confusion over whether an authorization ceiling for appropriations for land acquisition exists stems from the fact that we planned for the land acquisition program to be completed in the five fiscal years that followed enactment. Unfortunately, budget constraints on land acquisition funding in the early 1980's, which have continued to the present time, made the 5-year timetable for completing the acquisition program an impossibility. As a result, we lost the opportunity to buy the land the Park Service needs when land was less expensive.

Nevertheless, significant progress has been made in the land acquisition program, and we anticipate that the Park Service will continue to add key properties to the park in the coming years. To help Members of Congress have a better understanding of the cost of acquiring the lands the Park Service needs in order to complete the Santa Monica Mountains NRA, this bill also calls on the Secretary of Interior to provide Congress with a cost estimate and list of priorities for completing land acquisition in the Santa Monicas at the time the administration submits its fiscal year 1995 budget. However, the information submitted to Congress will not be precise because estimates of land costs can vary significantly from one time period to another, and because priorities may change if particular properties are lost to development.

Mr. Speaker, I urge our colleagues to support H.R. 5534.

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, you know, we have been talking about wasteful Government spending and pork-barrel projects here for the last 3 or 4 years. We get closer and closer each month, each year, to what I call the apocalypse as far as the economy is concerned.

We are heading toward, by the year 2000, a $13.5 trillion-plus national debt and interest on that debt that will be probably as much as all the income taxes coming into the Treasury. It means we are going to have a terrible time dealing with our problems across this country.

So what we± have been trying to do is to convince our colleagues to cap entitlements and do what is necessary to bite the bullet so we do not have hyperinflation to deal with down the road that is really going to kill the people on fixed incomes, the people of Social Security, welfare, and so forth.

☐ 1730

In addition to the entitlements we have talked about, we have also talked about specific pork-barrel projects, and the one before us now is a perfect example of how we waste money around this place.

Now, let us just take a look at this William O. Douglas Outdoor Classroom bill. It authorized the Federal Government to partially fund the operation of a privately owned outdoor classroom in Santa Monica, CA.

In the past, total funding for this program, about $350,000 a year, has been provided by private sources; however, evidently from these private sources dried up because they did not think it was a worthwhile project.

Last year then, $250,000 was included in the budget of the national parks to fund two-thirds of this program. This bill authorizes the National Park Service to give grants totaling $2.1 million over the next 9 years, but that is not all. In return, the Park Service receives a building which has never been identified as necessary for the park's purposes.

The bill also includes an open-ended future land acquisitions provision which is estimated to cost the Federal Government—now get this—$500 million.

The gentleman from Tennessee [Mr. DUNCAN] just talked about this.

To date, the Federal Government has already spent $130 million for land acquisition at this park. This includes $10 million for land last year which was not identified as a Park priority.

The bill also authorizes a $300,000 grant, as the gentleman from Tennessee [Mr. DUNCAN] said, to the Santa Monica Mountains and Seashore Foundation and UCLA to conduct studies. That is what we need, more studies funded by the taxpayer.

The administration states the administration of this bill "is duplicative of current law, unnecessary and detrimental to the long-term interests of the National Park Service."

This is not only typical pork barrel spending, this is "park barrel spending" at its worst.

If we had oodles and gobs of money, you would not see me and the gentleman from Tennessee [Mr. DUNCAN] and others down here fighting these projects; but we do not have oodles and gobs of money.

The fact of the matter is 10 years ago we reached the first $1 trillion of national debt in this country. It took us 200 years to get there. Now we are at $4 trillion. We have increased it 400 percent in just 10 years, and in the next 7½ years we are going to be at $13½ trillion. The interest alone on the debt is going to be almost as much as all the tax revenues coming in.

How are we going to pay for Social Security, welfare, food stamps, aid to dependent children, the health care problems of the Nation, the infrastructure and the defense of the Nation if we cannot even pay the interest on the debt with the taxes coming in?

We have to prioritize spending around here. It is absolutely essential that we make hard choices.

Now, this should not be a hard choice. This should be an easy choice. This is not a necessary project right now. It has open-ended funding for park acquisition and we should kill this thing before it gets out of the hole any further.

I think we will call for a vote and I am confident we will get at least more than the one-third necessary to kill this thing.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I just want to take up the issue that has been made by the opponents apparently of the Santa Monica Mountains National Recreation Area, and that is that the clarification in this bill that clarifies or restates, in other words, as the testimony stated, that there is an authorization to continue purchase of land within the designated boundaries of the Santa Monica Mountains National Recreation Area.

While there were dollars spent in the first years and some $130 million has been spent in these areas to buy these lands, there have, of course, been donations and other types of acquisition that have occurred; but there is a considerable program.

This legislation really restates the fact that the Park Service can continue to do the obvious, and that is to purchase land within the designated area of the Santa Monica Mountains National Recreation Area. That was designated in 1978. At that time we decided to take the dollars as we expend resources in the Outer Continental Shelf, the money, the $7 billion that is credited to the land-water conservation fund that has accumulated over the year, has not been expended, and take some of those dollars and expend them on the purchase of national parks: in other words, depleting one resource and preserving or at least conserving another resource. That is what we are supposed to be about.

Every year there is $900 million that is authorized and that is earned from the Outer Continental Shelf gas and oil that is put into that fund.

Unfortunately, it is easy to get the money into Washington, but it is very hard to get it back out for the purposes of protecting our national resources and national parks, because at this particular juncture we have visited upon the parks, on the conservation and preservation of lands in this country every single fiscal problem that exists in Washington, that we cannot, and I think have demonstrated time and again, that the Congress and the administration apparently are not going to be trusted to take the dollars that they earned from these trust funds and to put them into what we said we are going to do. No, we are not going to do that. We are going to use them and spread them around to buy other objects of affection of some Members of this body with regard to how those dollars can be spent. So that is partly what this argument is about. If we could just take half that money, we could complete the purchase of the Santa Monica Mountains National Recreational Area in the given year. So that is redundant. That is in the legislation. Clearly, we meant what we said when we designated this park.

The truth of the matter is that we have in-holdings across this country in some of our parks and recreation areas that are not just 14 years old, but that are 100 years in reservation and in the Park System since its inception in 1916, because there is this effort to drag their feet, to frustrate the efforts of preservation and conservation of these lands that really represent all of America's heritage, and that is what this argument to some extent is about.

I think, yes, this is a priority, that the heritage of our children in terms of the parks and wild lands is important.

Now, second, with regard to the William O. Douglas Outdoor Classroom, I want to remind my colleagues where this is. This is adjacent to Los Angeles. There were some problems in Los Angeles this year. I guess I would equate it to be an epicenter of concern with regard to issues. These dollars that we are talking about here, the $300,000 or $350,000 of cooperative voluntary agreements that we are going to let the Park Service enter into if they choose to enter into it, these types of agreements were to serve the underserved individuals and kids in that particular community.

I personally think that when the welfare rate in Los Angeles County has gone from something less than 800,000 in 1988 to 1.3 million, a 500,000 increase in 3½ years, that we begin to understand that maybe these kids in this particular area, these children in this area, need some help, that these kids deserve an opportunity to get out and to enjoy and to utilize these recreational opportunities.

What this legislation attempts to do is to recognize that there are some kids that have problems. We know one in five kids in this country, in fact about 22 percent, live below the poverty level. They need some help. We need to reach out to them and give them some help.

We have got some ambitious packages moving through this body that are trying to do that; but here is a specific issue that we are trying to reach out and help those kids on a voluntary basis. That is what this is all about.

It only authorizes such cooperative agreements, which I think are reasonable. I think they are prudent. I think in an authorizing sense here we have looked at this and come to the conclusion that this is an appropriate thing to do.

The National Park Service has this mandate of interpretation, education, and in this particular context is part of the basic mission of the Park Service, especially in urban areas.

I know that many people think of national parks as being something that are thousands of miles away, but these national parks, these urban parks, like the Santa Monica Mountains National Recreation, is a national park and resource at the doorstep really of urban America. We need to reach out and provide the opportunity for kids who do not have that opportunity living in L.A. County and that area today. That is really what this particular purpose is about.

Now, the gentleman challenged us and said is this what we want as a priority. I would answer the gentleman, yes. This is what I want as a priority. I want to try and preserve and conserve some of the natural resources we have in an area of the country where there is a significant population and a degradation of those resources and I want to reach out and deal with what I consider the human deficit in our society in terms of people who need help.

Yes, that is what I want to do. I want to see the Park Service engaged in that.

□ 1740

I want to put this Government back together so it starts to meet the needs of people in this country so that we do not have them unnecessarily feeling frustrated with a lack of connection and a lack of stake in our society today, as we have today, so that we can move to a different type of opportunity for these young people tomorrow, and this bill attempts to do that.

Mr. Speaker, I commend the gentleman from California [Mr. BEILENSON] and others that have worked on this, and I have worked on this, and the committee, the work they have done on it, and the gentleman from California [Mr. BERMAN], and we are not coming through the appropriation process without a hearing. We are out here in the light of day having votes on this particular issue, not attempting to bring it down.

I would note that I was the one in this particular process that struck some 25 to 30 different provisions from the appropriation bill or subjected them to appropriation. I note that very few Members rose to strike dollars from that bill that were in that bill while they complained about the individual authorization bill, that very few Members rose to strike dollars from the bill in the context of the complaints about the authorization legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time to me, and I rise in strong support of H.R. 5534, and I would like to take just a moment to speak to my friends on the other side regarding the very specific authorization in this bill for the William O. Douglas Outdoor Classroom.

The Park Service is charged with a very difficult mission. It has to both preserve and protect our natural resources and at the same time provide for their use and enjoyment. I would suggest that the Santa Monica National Recreational Area, that nowhere is this better carried out than in the WODOC program, support for which is authorized by this legislation.

WODOC is a nonprofit organization. It is dedicated to providing low-income children an opportunity to learn about the environment through a public-private partnership with the Park Service. They have exposed several hundred thousand young people going through formal programs through the schools from all over the Los Angeles Basin to nature's wonders. It has instilled them with desirable environmental values and lessons.

I say to my colleagues, you have to understand Los Angeles to understand the nature of this program. This is a mountain range which bisects the middle of the City of Los Angeles. It provides within just a few minutes a totally different outdoor wilderness recreational experience for hundreds and hundreds of thousands of children who cannot get to that kind of experience in the other parks in the National Park System. Here is a program which has taken kids from all over the area, kids who cannot afford any other kind of experience.

This is the best example of the Park Service working nonprofit to maximize utilization. This is not a preserve for a few number of complicated environmentalists who want to enjoy the wilderness experience. This is something which has brought the wilderness and the outdoor experience to millions of people, and I would really hope that in the context of deciding how to vote in this that my colleagues might consider the track record of a program that has worked well that is simply being authorized. It gives the Park Service the full authority to decide what to do in terms of any cooperative agreement.

Support this measure.

Mr. DUNCAN. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN] for yielding this time to me.

First of all, the gentleman from California [Mr. BERMAN] is a good friend of mine on the Committee on Foreign Affairs, and I regret that I have to oppose this legislation, as does the gentleman from Tennessee [Mr. DUNCAN].

The fact of the matter is that I know this legislation is well intentioned. I understand the comments that the gentleman from Minnesota [Mr. VENTO] just made about the inner-city students and children who might benefit from this. I am sure that is going to solve the social problems that we see in Los Angeles, but certainly anytime young people have the opportunity to visit the wilderness and get a chance to learn about the environment, it is going to be positive. But the fact remains that this has openended land acquisition in it totaling $500 million. This legislation is not requested by the parks department. There are a lot of places that young people from Los Angeles County and elsewhere in this country can go to learn about the environment through our Park System.

Mr. Speaker, this is legislation that should not and is not a high priority, and that is my concern. We have to prioritize spending now. The deficit is out of control and getting worse daily. If we do not make the hard choices, then this country is going to face economic chaos.

□ 1750

So for that reason all of us have to be very diligent in making sure that we cut out any kind of program that borders on wastefulness. I believe this one does. The Parks Department does not want it. It is openended land acquisition totaling $500 million.

Although it is well-intended, this legislation should be defeated, and I will urge so when we ask for a rollcall vote.

Mr. VENTO. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would read from page 6 of the report from the CBO. It says:

> The bill also includes an authorization for the appropriation of "such sums as be necessary for acquisition of lands and interest" in the SMMNRA. Current law already includes identical language, with specific authorization ceilings amounting to a total of $125 million for fiscal years 1979–1983. Thus, we have not included costs associated with this authorization in the above estimate. To date, the Congress has appropriated $129 million for this purpose and the President requested an additional $14 million for 1993.

Mr. Speaker, I am trying to point out to the gentleman and others that we are clarifying what is already there. The boundaries are there. It is obvious to anyone, or should be clearly, that there is already authorization that has been and is being utilized. So if the Park Service disagrees with the cooperative agreements, they do not have to enter into them. Last year they chose to do so when there were dollars available. They did not have to enter into an agreement.

Mr. Speaker, I think this is really an issue where I understand the sentiments of the gentleman from Indiana [Mr. BURTON] and have voted with him on a variety of efforts to try to eliminate problems, but I think in this case the committee has sufficient limitations in it that the measure should justify passage.

Mr. Speaker, this is only a clarification. I hope we can straighten it out before there is a vote on the measure.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Minnesota [Mr. VENTO] has just read from a CBO letter, but the gentleman stopped reading at the sentence where the CBO says,

> Based on information from the National Park Service, CBO expects that continued appropriations of about $15 million annually would be necessary for many years in the future to complete the purchase of land in the SMMNRA.

As the gentleman from Indiana [Mr. BURTON] and I pointed out earlier, we have a national debt today of over $4 trillion. Almost every leading economist says that this country would be booming economically if we were not so far in the hole, if we were not so deeply in debt.

If that were not bad enough, we are losing $1 billion a day on top of that every day in this fiscal year and probably in the next. We are hurting the working men and women of this country right where it hurts the most, in the pocketbook, by continually daily passing legislation that we cannot afford and by continuing to spend money that we do not have.

Mr. Speaker, every bill that has been introduced in the history of this Congress has a wonderful apple pie and motherhood title to it. Every bill sounds good on the surface.

That is true of this bill, the William O. Douglas Outdoor Classroom bill. Who can be against that? But I would say again and point out to my colleagues that that is just the surface of the bill. The first part of this bill authorizes $2.1 million for the outdoor classroom. The second part of this bill authorizes $300,000 for another study. As the gentleman from Indiana [Mr. BURTON] said, we certainly do not need another study in the Federal Government, but this is for a study by the Santa Monica Seashore Foundation, whatever that is.

But the most dangerous part of this bill is the third part, which is the open-ended authorization of land acquisition. This bill authorizes land acquisition which the National Park Service says will cost $500 million over the next several years.

This is a bill that we cannot afford. It is a bill that we do not need.

Mr. Speaker, I would like to also point out that even if we do not vote for this bill here, it will not do away with the Santa Monica Park. The 15,000-acre park that is already there will stay there. The Park Service says that it has a multi-million-dollar shortfall in taking care of the needs of the present park at this time. Yet what we are going to do is going to add additional costs to what the Park Service has when it cannot even take care of what it already has.

In addition to that, the gentleman from Minnesota [Mr. VENTO] talked about the children. The Topanga-Las Virgenes Soil Conservation District had over twice as many children for their programs in the same park as did the William O. Douglas Outdoor Classroom. Yet we provide no money for that district in this bill. We provide money only for the classroom.

There are other examples that I could give of that same nature. This is a bad bill. It is a bill that should be defeated. I would urge all of my colleagues to vote against this bill in order to have some type of secure economic future for the children of this Nation.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say the gentleman from Tennessee [Mr. DUNCAN] has read correctly that the CBO expects that continued appropriation of $15 million annually would be necessary for many years in the future to complete the purchase of land in the Santa Monica Mountains National Recreational Area.

But whether this bill passes or not, that is their view of what the need is. It is my point and I think the point we have repeatedly made that we are just clarifying what already is the law with regard to authorization for appropriation. So that was really a technical amendment. I do not think the bill should be judged on that particular basis.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROEMER). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5534, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING IN ORDER ON WEDNESDAY, SEPTEMBER 16, 1992, CONSIDERATION OF MOTIONS TO SUSPEND THE RULES ON S. 3175 AND H.R. 5925

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow, Wednesday, September 16, 1992, for the Speaker to entertain motions to suspend the rules with respect to S. 3175, National and Community Services Act Technical Corrections, and H.R. 5925, EEOC Technical Revolving Fund Act.

The SPEAKER pro tempore (Mr. ROEMER). Is there objection to the request of the gentleman from Missouri?

Mr. MICHEL. Reserving the right to object, Mr. Speaker, and I really do not intend to object because the distinguished majority leader and I have had a conversation relative to the schedule for tomorrow, but I do want to make a point from our side with respect particularly to the supplemental appropriation, the urgent supplemental, having to do with the assistance to the folks in Florida and Louisiana. Hopefully, we will be able to get that thing concluded this week.

Now, unfortunately two of our Members have passed away, and in due respect to those Members we have traditions to which we must abide. By the same token, Mr. Speaker, we are really getting in a bind here timewise, and I would hope the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT] could assure me that we could get this supplemental out of the way this week before we adjourn at least for the weekend.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, we certainly agree with that goal. We want very much to finish that work, get the bill to the President, because the people in Florida, Louisiana, and Hawaii now are needing that assistance very much. We very much want to get that work finished.

Mr. Speaker, we will work with the minority and with the gentleman from Illinois [Mr. MICHEL] to try to make sure that that happens and to work out the procedures to see that it does happen.

We also, as the gentleman stated, have the unfortunate circumstance of two Members dying in the past few days. In a moment I am going to ask unanimous consent to meet tomorrow at 2 o'clock so that we can accommodate the needs of Members to travel to one of the funerals in the State of New York. We will then on the next day have to deal with a similar situation with the unfortunate passing of Representative JONES of North Carolina.

Mr. Speaker, we have business that we are tying to finish this week in addition to the supplemental, urgent supplemental appropriation.

Mr. MICHEL. Further reserving the right to object, Mr. Speaker, might I inquire of the majority leader if there is a possibility then on Thursday of our meeting early on Thursday and having some time off for transportation to and from the funeral in North Carolina and reconvening later the same day for urgent business? Is that a possibility?

Mr. GEPHARDT. Mr. Speaker, if the gentleman would continue to yield, it is a distinct possibility, and if all of the business could be completed, it might be possible to be able to finish sometime Thursday, but we are not sure of all of that yet. We will take it a day at a time.

Mr. MICHEL. Mr. Speaker, I hope we can get the assurance of the distinguished gentleman that we will definitely be moving just as expeditiously as we can on the urgent supplemental. It is still, as I understand, pending in the other body, and hopefully, if it does not get bogged down with extraneous material, we could have a House amendment to the Senate-passed bill, and without going to conference, that could expedite matters here, and I think we have got an understanding here that that would be the scenario if we could work it out appropriately.

Mr. GEPHARDT. That is our goal.

Mr. MICHEL. Mr. Speaker, with that I certainly withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF ADDITIONAL MEMBERS TO FUNERAL COMMITTEE OF THE LATE HONORABLE TED WEISS

The SPEAKER pro tempore. Pursuant to House Resolution 564, the Chair announces the following additional appointments to the funeral committee of the late Ted Weiss on the part of the House: Mr. KOSTMAYER of Pennsylvania; Mr. DE LUGO of the Virgin Islands, and Mr. DURBIN of Illinois.

CLINTON IN ENGLAND

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, yesterday, the Washington Times ran a column that raises alarming questions about Bill Clinton's antiwar activities as a student in England.

Entitled "Clinton's Early Dovecote Updated," this column exposes the Democratic Presidential nominee's relationship with activists in Great Britain who opposed America's involvement in Vietnam.

One of these activities wrote a book which, according to the column,

> * * * puts Bill Clinton squarely in the lead of a series of demonstrations with public support of the British Peace Council, an affiliate of the World Peace Council and as obvious a front group for the Soviet KGB's international department as any that ever was.

There have been questions raised about Mr. Clinton's various positions on draft dodging. But there have been few inquiries into his actual activities while he was in Europe.

Mr. Speaker, the question of whether Mr. Clinton dodged the draft is one thing. But is it true that Bill Clinton spent his time in England working as a dupe for a KGB front group?

I urge Mr. Clinton to answer these charges immediately. If these allegations are true, Bill Clinton is not fit to be Commander in Chief of the Armed Forces of the United States.

Mr. Speaker, for the RECORD I include the newspaper article referred to.

CLINTON'S EARLY DOVECOTE UPDATED

Bill Clinton's draft record has dogged him since serious questions were first raised in the Wall Street Journal last February. After a hollow attempt (in the name of "full disclosure") by his friend and fellow Rhodes Scholar, Strobe Talbott, to put the charges to rest in the April issue of Time, a series of new revelations has raised more questions about Mr. Clinton's truthfulness in reporting his record.

But there is a more fundamental dimension of Mr. Clinton's anti-war activities during his Oxford days that neither he nor Mr. Talbott has yet addressed. This new information raises questions that are just as troubling as whether Mr. Clinton dodged the draft then and whether he is lying now.

To learn this story, we turn to the Rev. Richard McSorley, a Jesuit priest and professor of peace studies who has taught at Georgetown University since Bill Clinton's undergraduate days there. Father McSorley's memoir about his international travels with the pacifist movement, Peace eyes, was published in 1977 and is now out of print. Peace Eyes begins: "When I got off the train in Oslo, Norway, I met Bill Clinton of Georgetown University. He asked if he could go with me visiting peace people. We visited the Oslo Peace Institute, talked with conscientious objectors, with peace groups, and with university students. At the end of the day as Bill was preparing to leave, he commented, 'This is a great way to see a country.'"

Father McSorley was so impressed with Bill Clinton that he wrote in his Foreword, "I thought at the time that this his [Mr. Clinton's] words summarized what I wanted to say in this book. To see a country with a peace focus, through the eyes of peace people is a good way to travel, a good way to see a country and the world."

As a Rhodes Scholar in England, Bill Clinton learned to see the world, including his native America, through the eyes of the international peace movement. The details of this perspective, and its influence on Bill Clinton's worldview, have received no attention. The record should be set straight for all voters, regardless of how they feel about his response to service in the U.S. armed forces.

Father McSorley recalls that on "Nov. 15, 1969, I participated in the British moratorium against the Vietnam War in front of the U.S. Embassy at Grosvenor Square in London. Even the appearance of the Embassy stressed the over-exaggerated nature of America's power. * * * The total effect of architecture and decor says to the passer-by, 'America is the biggest and greatest power on the globe' * * * That day in November about 500 Britons and Americans were meeting to express their sorrow at America's misuse of power in Vietnam * * * Most of them carried signs which said, Americans out of Vietnam."

Father McSorely goes on to describe vividly the demonstration, which ended with a chorus of "We shall overcome."

"The activities in London supporting the second stage of the moratorium and the March of Death in Washington, were initiated by Group 68 [Americans in Britain]," wrote Father McSorely. "This group had the support of British peace organizations, including the Committee on Nuclear Disarmament, the British Peace Council, and the International Committee for Disarmament and Peace."

Then comes this revelation: "The next day I joined with about 500 other people for the interdenominational service. Most of them were young, and many of them were Americans. As I was waiting for the ceremony to begin, Bill Clinton of Georgetown, then studying as a Rhodes Scholar at Oxford, came up and welcomed me. He was one of the organizers. * * * After the service Bill introduced me to some of his friends. With them, we paraded over to the American Embassy, carrying white crosses made of wood about 1 foot high. There we left the crosses as an indication of our desire to end the agony of Vietnam."

Father McSorely can hardly be called a tool of the opponents to Bill Clinton's candidacy for president. Yet his prosaic, thorough depiction of those events, puts Bill Clinton squarely in the lead of a series of demonstrations with the public support of the British Peace Council, an affiliate of the World Peace Council and as obvious a front group for the Soviet KGB's international department as any that ever was.

Now, Bill Clinton at Oxford was no naif. He was a calculating political analyst, already confirmed in his ambition as a leader of his generation. By his own testimony, in his letter to ROTC Director Col. Eugene Holmes, Bill Clinton was taking great care to preserve what he considered his "political viability." In this letter, Mr. Clinton also maintained that "not many people had more information about Vietnam at hand than I did."

With this in mind, cooperation alone in anti-American demonstrations abroad would raise eyebrows. But Bill Clinton did more that cooperate; Bill Clinton was a leader of a movement under the direct aegis and support of one of the most notorious communist front organizations in Europe.

Further, it was at Oxford that Mr. Clinton gathered around him the advisors who still constitute some of the senior leadership of his campaign. The American people deserve a full accounting, now, of Bill Clinton's contacts in and coordination with the World Peace Council's British leadership.

Spare us Strobe Talbott's "full disclosure" and your own pussyfooting, Governor. Tell us everything, tell us yourself, and tell us now.

CHANGES IN EEO LANGUAGE ON THE CABLE BILL

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. RICHARDSON. Mr. Speaker, I am deeply upset about changes made by House and Senate conferees to the equal employment opportunity [EEO] section of the cable bill. These EEO changes are not in the public interest.

H.R. 4850, which passed the House in July, would have put into place strong EEO rules on the cable and broadcasting industries. The House cable bill, which I supported, strengthened the EEO rules as they applied to cable and, for the first time, extended these standards to the broadcasting industry. That was good public policy.

Now, lo and behold, these EEO standards for the broadcasting industry are gone. The broadcast EEO language that passed the House of Representatives has been deleted. So we now have a conference report that, on the issue of EEO rules, tells minorities and women who work at television broadcast stations to get to the back of the bus. You will not be afforded the same opportunities as your counterparts in the cable industry.

Why were changes made to the EEO section? Because the broadcasting industry exercised its veto powers in the conference committee. They did not like the broadcast EEO language supported by the House, and therefore conferees were instructed to take it out.

Mr. Speaker, congratulations are in order for the broadcasters' lobby. They managed successfully to convince conferees that on the issue of equal employment opportunities for minorities and women, broadcasters can play by different rules. Mr. Speaker, EEO rules are written for the benefit of minorities and women. They should not be written to benefit broadcasters.

There is no policy justification for this double-standard on EEO requirements between broadcast stations and cable operators. The House-passed cable bill would have corrected this inequity, but now we are putting this double-standard into the statute. Congress should not give this EEO policy its stamp of approval.

Mr. Speaker, I include for the RECORD the following letters with regard to this cable legislation:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 1992.

Hon. ED PASTOR,
Longworth House Office Building, Washington, DC.

DEAR ED: I am writing to express my strong opposition to changes made to the equal employment opportunity [EEO] section of the cable bill by the House and Senate conferees. I want to bring this matter to your personal attention.

When H.R. 4850 passed the House of Representatives on July 23, it contained a strong EEO policy to improve existing rules on the cable industry and to extend, for the first time, the same EEO standards for minorities and women who work in the television broadcasting industry. For those deeply concerned about the chronic under-representation of minorities and women in policy and decisionmaking positions in mass media companies, the House-passed cable bill did something to address those concerns. The Conference Report does nothing, and, in fact, rejects the extension of these EEO rules to the broadcast industry.

Specifically, the Conference Report deleted provisions that would have (1) directed the FCC to annually certify broadcaster compliance with EEO obligations; (2) instructed the FCC to review broadcaster performance as part of the license renewal process; and (3) encouraged broadcasters to take affirmative steps to do business with minority and female entrepreneurs.

In an effort to make it appear that something has been done about increasing equal employment opportunities for minorities and women in the broadcast industry, House and Senate conferees agreed to simply reaffirm existing FCC regulatory provisions on the broadcast industry. In other words, there will be no change in the EEO policies and programs of television broadcast stations. The status quo prevailed.

Increasing equal employment opportunities for minorities and women in mass media companies is a long stated policy goal of the Congress, and it has been upheld by the courts. EEO guidelines work. They now govern the employment practices of the cable industry, whose record of employing more minorities and women has improved under the EEO rules now being rejected by the conference report.

Congress passed a strong EEO cable policy as part of the 1984 Cable Act because it considered the representation of minorities and women in the industry integral to the larger principle of diversity of views in electronic media. The importance of a meaningful EEO policy is even greater within the context of the television broadcasting industry, which reaches a larger and more diverse viewing audience than the cable industry. Congress should not lend its support to a double-standard on the principle of representation and professional advancement of minority and female workers in the television broadcast industry.

The sad fact remains that minorities and women continue to be under-represented as employees, decisionmakers, and owners in the broadcast industry. Maintaining the status quo on regulations governing the employment practices of television broadcast stations is not the step Congress should be taking.

I will be opposing the Conference Report on the cable bill. I intend to address this issue on the House floor at the time of debate.

With warm regards,

BILL RICHARDSON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1992.

DEAR CABLE BILL CONFEREE: We are writing to express our strong support for Section 12 of H.R. 4850 on equal employment opportunity. This provision improves the existing EEO requirements on the cable industry and extends these standards to assure that equal employment opportunities are afforded by television broadcasting stations.

Minorities and women remain significantly under-represented in our nation's media companies. This serious problem is recognized by Section 634 of the Communications Act, under which the cable industry is required to afford equal opportunity in employment. Congress included this provision in the 1984 Cable Act because it considered the representation of minorities and women in the industry integral to the larger principle of diversity of views in electronic media.

The importance of a meaningful EEO policy is even greater within the context of the television broadcasting industry, which reaches a larger and more diverse viewing audience than the cable industry. Despite the existence of regulations governing the employment practices of television broadcast stations, the sad fact remains that minorities and women continue to be under-represented as employees, decision-makers, and owners in the industry.

H.R. 4850, which passed the House of Representatives overwhelmingly, contained an EEO provision that reaffirmed existing FCC regulatory provisions under which television broadcasters (1) are required to afford equal opportunity in employment, and (2) are prohibited from discriminating on the basis of race, color, religion, national origin, or sex. In addition, this broadcast EEO provision (1) requires broadcasters to adopt detailed EEO policies and programs; (2) directs the FCC to annually certify broadcaster compliance with EEO obligations; (3) instructs the FCC to review broadcaster performance as part of the license renewal process; and (4) encourages broadcasters to take affirmative steps to do business with minority and female entrepreneurs.

Congress has consistently taken steps to remedy the under-representation of minorities and women in the mass media area. H.R. 4850 passed with a strong EEO policy. We hope that attempts to weaken this section of the bill are defeated. We would like to thank you in advance for your support.

Sincerely,

BILL RICHARDSON,
CARDISS COLLINS,
EDOLPHUS TOWNS,
PATRICIA SCHROEDER,
ED PASTOR,
Members of Congress.

WHY DO WE CRITICIZE BILL CLINTON?

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, during the past several weeks outspoken members of the Republican Conference have criticized the fact that Governor Clinton of Arkansas did not serve with the active military during the Vietnam war.

Republicans of this House have implied that Mr. Clinton did something illegal, immoral, or un-American. Nothing could be further from the truth.

Why do we criticize Bill Clinton?

Bill Clinton, like most young men of the period, struggled with the idea of fighting in the Vietnam war—but he clearly stated in his correspondence of the time, that if called upon he would serve his country. As a result of a congressionally legislated lottery system, he received a high number and thus was not called upon to serve.

In legally not serving in Vietnam he is joined by more than two-thirds of the Republicans in Congress—both the House and Senate—who were of draft age and likewise did not serve in the Active Forces.

It is not my intention to criticize in any way this vast majority of the Republican Conference who did not serve in Vietnam. I assume that their reasons for not serving in the war were as perfectly legitimate and legal as were Bill Clinton's.

A former Member of the House, who now serves as the Secretary of Defense and sends young men into combat, some of whom do not return, did not serve in Vietnam because of an educational deferment that permitted him to study at Harvard.

Another former Member of Congress, who is this country's current Vice President, sought the perfectly legal safehaven of the National Guard, as did four current Republican Members of Congress. I have absolutely no criticism of these men. They all seized a legal option to avoid active military service.

Mr. Speaker, I submit with my statement for the record, a list of Republicans who did serve in Vietnam as well as the more than two-thirds who avoided the option of serving with active military forces, who I am sure have reasons as fully legitimate as Bill Clinton for not joining the active military forces in Vietnam.

Source: Almanac of American Politics 1992.

Criteria: The set "Of Draft Age" includes current Republican members of the House and Senate who were between the ages of 18 and 25 during the years 1963 to 1974. Note: Certain exceptions made for those Members who served in Vietnam despite being outside the age requirements.

REPUBLICAN SENATORS OF DRAFT AGE WHO SERVED IN THE U.S. MILITARY DURING THE VIETNAM ERA—7 MEMBERS

Sen. John McCain (R-AZ) b. 8/29/36.
Sen. Hank Brown (R-CO) b. 2/12/40.
Sen. Steve Symms (R-ID) b. 4/23/38.
Sen. Daniel Coats (R-IN) b. 5/16/43.
Sen. Bob Smith (R-NH) b. 3/30/41.
Sen. Larry Pressler (R-SD) b. 3/29/42.
Sen. Bob Kasten (R-WI) b. 6/19/42.

REPUBLICAN CONGRESSMEN OF DRAFT AGE WHO SERVED IN THE U.S. MILITARY DURING THE VIETNAM ERA—19 MEMBERS

John J. Rhodes (R-AZ) b. 9/8/43.
Jim Kolbe (R-AZ) b. 6/28/42.
Frank Riggs (R-CA) b. 9/5/50.
Randy Cunningham (R-CA) b. 12/8/41.
Duncan Hunter (R-CA) b. 5/31/48.
Bill McCollum (R-FL) b. 7/12/44.
Cliff Stearns (R-FL) b. 4/16/41.
John Porter (R-IL) b. 6/1/35.
Bob Livingston (R-LA) b. 4/30/43.
Wayne Gilchrest (R-MD) b. 4/15/46.
Doug Bereuter (R-NE) b. 10/6/39.
William Zeliff (R-NH) b. 6/12/36.
David Martin (R-NY) b. 4/26/44.
Paul Gillmor (R-OH) b. 2/1/39.
John Boehner (R-OH) b. 11/17/49.
Tom Ridge (R-PA) b. 8/26/45.
Ron Machtley (R-RI) b. 7/13/48.
Sam Johnson (R-TX) b. 10/11/30.
Frank Wolf (R-VA) b. 1/30/39.

REPUBLICAN SENATORS OF DRAFT AGE WHO DID NOT SERVE IN THE U.S. MILITARY DURING THE VIETNAM ERA—6 MEMBERS

Sen. Connie Mack (R-FL) b. 10/29/40.
Sen. Larry Craig (R-ID) b. 6/20/45.
Sen. Mitch McConnell (R-KY) b. 2/20/42.
Sen. Richard Cohen (R-ME) b. 8/28/40.
Sen. Trent Lott (R-MS) b. 10/9/41.
Sen. Phil Gramm (R-TX) b. 7/8/42.

REPUBLICAN CONGRESSMEN OF DRAFT AGE WHO DID NOT SERVE IN THE U.S. MILITARY DURING THE VIETNAM ERA—50 MEMBERS

Jon Kyl (R-AZ) b. 4/25/42.
Wally Herger (R-CA) b. 5/20/45.
Tom Campbell (R-CA) b. 8/14/52.
John Doolittle (R-CA) b. 10/30/50.
Elton Gallegly (R-CA) b. 3/7/44.
David Dreier (R-CA) b. 7/5/52.
Christopher Cox (R-CA) b. 10/16/52.
Bill Lowery (R-CA) b. 5/2/47.
Dana Rohrabacher (R-CA) b. 6/21/47.
Wayne Allard (R-CO) b. 12/2/43.
Christopher Shays (R-CT) b. 10/18/45 (Served in Peace Corps).
Gary Franks (R-CT) b. 2/9/53.
Craig James (R-FL) b. 5/5/41.
Porter Goss (R-FL) b. 11/26/38 (served in the C.I.A.).
Newt Gingrich (R-GA) b. 6/17/43.
Dennis Hastert (R-IL) b. 1/2/42.
Jim Leach (R-IA) b. 10/15/42.
Fred Grandy (R-IA) b. 6/29/48.
Jim McCrery (R-LA) b. 7/18/49.
Richard Baker (R-LA) b. 5/22/48.
Clyde Holloway (R-LA) b. 11/28/43.
Fred Upton (R-MI) b. 4/23/53.
Paul Henry (R-MI) b. 7/9/42 (served in Peace Corps).
Dave Camp (R-MI) b. 7/9/53.
Vin Weber (R-MN) b. 7/24/52.
Jim Ramstad (R-MN) b. 5/6/46.
Tom Coleman (R-MO) b. 5/29/43.
Chris Smith (R-NJ) b. 3/4/53.
Dick Zimmer (R-NJ) b. 8/16/44.
Jim Saxton (R-NJ) b. 1/22/43.
Steven Schiff (R-NM) b. 3/18/47.
Ray McGrath (R-NY) b. 3/27/42.
Bill Paxon (R-NY) b. 4/29/54.
Jim Walsh (R-NY) b. 6/19/47 (served in Peace Corps).
Charles Taylor (R-NC) b. 1/23/41.
Michael Oxley (R-OH) b. 2/11/44.
Bob McEwen (R-OH) b. 1/12/50.
John Kasich (R-OH) b. 5/13/52.
Curt Weldon (R-PA) b. 7/22/47.
Don Ritter (R-PA) b. 10/21/40.
Joe Barton (R-TX) b. 9/15/49.
Jack Fields (R-TX) b. 2/3/52.
Larry Combest (R-TX) b. 3/20/45.
Lamar Smith (R-TX) b. 11/19/47.
Tom DeLay (R-TX) b. 4/8/47.
Dick Armey (R-TX) b. 7/7/40.
Tom Petri (R-WI) b. 5/28/40.
Scott Klug (R-WI) b. 1/16/53.
Steve Gunderson (R-WI) b. 5/10/51.
Jim Sensenbrenner (R-WI) b. 6/14/43.

REPUBLICAN SENATORS AND CONGRESSMEN OF DRAFT AGE WHO LEGALLY AVOIDED ACTIVE SERVICE BY SERVING IN THE NATIONAL GUARD—4 MEMBERS

Sen. Don Nickles (R-OK) b. 12/6/48.
Robert Walker (R-PA) b. 12/23/42.
John Duncan (R-TN) b. 7/21/47.
Rod Chandler (R-WA) b. 7/13/42.

Republican Members of the House and Senate of draft age who legally avoided active service in the U.S. military during the Vietnam era: 60.

As a percentage of all eligible Republican members: 69 percent.

Republican Members of the House and Senate of draft age who served: 26.

As a percentage of all eligible Republican members: 21 percent.

SOUTHERN CALIFORNIA EDISON: A LEADER IN PROTECTING THE ENVIRONMENT

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. HOAGLAND. Mr. Speaker, California has always been on the front lines of social change in America. Now it is on the front lines of economic difficulties as well. We know how serious so many of these economic problems are. Those of us from elsewhere in the country, of course, are hoping that we do not have the pleasure of experiencing those ourselves sometime in the future.

But there are bright examples of genuine leadership coming from California as well, and one of those leaders is John Bryson, chairman and chief executive officer of Southern California Edison.

Let me tell Members just briefly about some of the things that he is doing as chairman and CEO of Southern California Edison to protect the environment and to address global warming. John Bryson is no stranger to environmental protection. He is a cofounder of the Natural Resources Defense Council, is on the board of directors of both the World Resources Institute and the California Environmental Trust, and is a member of the National Commission on the Environment. He is also no stranger to big business or to government, having served as president of the California Public Utilities Commission and as chairman of the California Water Resources Board, as well as now heading the second largest electric utility in the Nation.

In a Business Week supplement entitled: "Saving the Planet: Environmentally Advantaged Technologies for Economic Growth," presented in cooperation with the World Resources Institute, Mr. Bryson demonstrates that promoting a cleaner environment and economic growth are compatible, and in fact, are mutually beneficial. He describes what Southern California Edison has done, under his leadership, to prove that environmentally sensitive companies are successful companies and that industry has an obligation to protect the environment. The entire article appears below.

At Bryson's urging, Southern California Edison has also initiated a new program to reduce its carbon dioxide emissions voluntarily called a "no regrets" policy. The goal of this policy is to reduce Edison's carbon dioxide emissions by 10 percent by the year 2000 and 10 percent more by 2010 through conservation, energy efficiency improvements and improvements in its existing gas and oil fired power plants.

What does Mr. Bryson mean by "no regrets"? Put simply, it means that if companies voluntarily take action now to reduce their carbon dioxide emissions based on sound economics such as increasing energy efficiency, industry avoids expensive mandatory actions that might be unnecessary should future scientific studies show that increased carbon dioxide does not contribute to global warming. If it turns out that carbon dioxide does in fact adversely affect the global climate, steps taken now will mean fewer costs down the road.

In a letter to President Bush, which I submit below, Mr. Bryson suggests that the administration propose such a policy. I too urge the President to seriously consider this policy. Reducing carbon dioxide emissions through efficiency and conservation can save American industry and consumers untold millions of dollars and provide this country with a much needed sense of energy security that we now do not have because of our dependency on imported oil.

[From Business Week, Dec. 30, 1991]

ELECTRONIC UTILITIES AND THE ENVIRONMENT: PARTNERS FOR THE 21ST CENTURY

(By John E. Bryson, Chairman and CEO)

At Southern California Edison, we are seeking to achieve regional and national environmental objectives while meeting our customers' needs for reliable, reasonably priced electricity. To do so, we are departing from traditional utility paths.

For example, when a recent National Academy of Sciences report noted the accumulation of carbon dioxide (CO_2) poses a potential threat sufficient to merit actions today, despite uncertainties about greenhouse warning. Edison was persuaded to act now to reduce CO_2 emissions at little or no cost to our customers.

In May, Edison and the Los Angeles Department of Water & Power jointly announced that each utility would reduce its CO_2 emissions by 10% each by the next decade, and by an additional 10% by the year 2010.

This spring, Edison announced it would support stringent new air-quality rules in Southern California requiring an 86% reduction of nitrogen-oxide (NO_x) power plant emissions.

Such environmental-protection initiatives by electric utilities will best succeed if utilities are allowed to apply their experience and judgment to solving environmental problems. Environmental and utility regulators should establish broad policy goals, then allow utilities to achieve environmental goals in the least costly manner possible. Ultimately, environmental issues have to compete with a multitude of concerns for utilities' limited financial resources.

Edison plans to take several steps to achieve these CO_2 and NO_x reductions. Most important, we will expand our energy conservation programs to help customers use energy more efficiently. One of our 55 energy-efficiency programs improves air quality by replacing internal-combustion motors used in agriculture and manufacturing with cleaner electric motors. Our Welcome Home Program gives residential builders incentives to surpass state energy-efficiency standards for housing.

We have also given low-income customers more than 1 million free compact fluorescent light bulbs, which use 75% less energy and last nine times as long as than conventional bulbs. Since the program's inception six years ago, these new bulbs have saved enough energy to eliminate 437,000 pounds of CO_2, 4,000 pounds of NO_x, and 31,000 pounds of sulfur-dioxide emissions annually.

While expanding our conservation programs will enable us to supply most of our future load growth, Edison will take two additional steps to increase generating capacity while reducing air-polluting emissions. we plan to convert our older steam plants into combined-cycle systems, that use combustion turbines to generate electricity and also capture the exhaust heat to make steam that generates more electric power. These more efficient, repowered plants will reduce CO_2 emissions by 600,000 tons annually by the year 2000. We will also consider how we can increase our use of alternate and natural resources. We now provide electricity from oil, natural gas, hydroelectric, coal, nuclear, biomass, solar, wind, and geothermal. Edison will pursue cost-effective alternative and renewable technologies such as wind and solar power—in the future.

Solar power looks especially promising. Together with Texas Instruments Inc., we will develop an innovative solar cell that will convert sunlight to electricity—at about one-fifth the cost of conventional solar cells. Edison is also taking the lead in cooperating and other utilities to construct Solar Two, the most advanced solar-power plant in the world.

Edison stands committed to further developing non-polluting electric transportation too. Electric cars are 97% cleaner than the conventionally powered vehicles now operating on Southern California highways, taking into account power plant emissions and the generation resource mix available in the area. So their widespread use can significantly reduce vehicular emissions, which account for about two-thirds of the air pollution in the Los Angeles Basin.

Edison scientists are also advancing the use of electro-technologies to improve product quality while reducing air-polluting emissions. One example, ultraviolet curing, offers an energy-efficient alternative to the high-polluting, solvent-based coatings used by furniture makers, metal finishers, and printers.

Southern California Edison is not the only electric utility seeking to protect the environment. This year, about 200 U.S. utilities will spend $2 billion on about 1,300 conservation programs. The Edison Electric Institute expects these program to "supply" 24,000 megawatts—or about 24 large power plants' worth of electricity—by the year 2000.

Protecting the environment not only improves life for electric utilities' customers; it is also sound business. Edison envisions a myriad of business opportunities arising from our commitment to clean air and sees no inherent conflict between operating a profitable business while improving the quality of life. On the contrary, the two goals enhance each other.

SOUTHERN CALIFORNIA EDISON CO.,
Rosemead, CA, March 5, 1992.

Hon. GEORGE BUSH,
President of the United States, the White House, Washington, DC.

DEAR MR. PRESIDENT: I write to congratulate you on the Administration's recent announcement that it will make funds available to assist developing countries in dealing with the climate change issue and to underwrite international research on this very important issue. You are to be applauded for these actions.

I also want to suggest that the Administration take a leadership position on the carbon dioxide (CO_2), climate change issue by advancing a "no regrets" policy on CO_2. "No regrets" means taking voluntary actions now to limit or reduce CO_2 that are justified on the basis of sound economics or other social benefit. By adopting a "no regrets" policy, we avoid expensive actions that might be unnecessary should additional scientific research show that the rise in man-made CO_2 poses no significant threat. On the other hand, if it turns out that there is a cause and effect link between the rise in CO_2 emissions and adverse climate change, the steps we take now will stand us in good stead.

In May 1991, Southern California Edison and the Los Angeles Department of Water and Power announced such a "no regrets" CO_2 policy. Edison committed to reduce its 1988 base year CO_2 emissions 10% by the year 2000 and aim at another 10% reduction by the year 2010. We were able to make such a commitment because we plan to rely heavily on conservation, energy efficiency improvements, and environmentally sound repowering of existing gas and oil fired power plants on our system. These steps will gain great reductions in CO_2 emissions while giving us an economical way to serve the 12 million customers we expect in our service area by the year 2000.

A key feature of Edison's CO_2 policy recognizes that each sector of the economy is different. Not all sectors or individual companies can make the same level of commitment as we did at little or no cost. However, as the National Academy of Sciences reported in Policy Implications of Greenhouse Warming, it should be possible for the country as a whole to reduce its present level of CO_2 emissions by from 10 to 40 percent by the year 2030 at ". . . very low cost."

The Administration has already taken the lead with its "Green Lights" policy and other programs aimed at improving energy efficiency in all sectors of the economy, to demonstrate the economic advantages as well as emission reduction benefits of cost-effective conservation. SCE was privileged to be the first investor owned electric utility to commit to the "Green Lights" policy. I urge you to consider using the voluntary "Green Lights" model to propose a "no regrets" policy in the Convention for Climate Change now underway. This policy initiative could include commitments or targets for CO_2 or not. The important step would be to foster inquiry by all sectors of the economy on cost effective actions that could be taken to improve energy efficiency, while at the same time dealing with the CO_2 emissions question.

Sincerely,

JOHN E. BRYSON.

THE TRAGEDY OF YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, the past 3 years have witnessed astonishing changes in the world—changes that none of us thought we would see in our lifetimes. The Communist countries of Eastern Europe were freed. The Berlin Wall fell. The Soviet Union dissolved, freed from the shackles of communism.

These changes are breathtaking; they are exhilarating. But they have a dark side. We have all been saddened by the widespread outbreaks of ethnic violence. Nowhere has this been worse, than in the former Yugoslavia.

Mr. Speaker, I am terribly saddened by what has happened to what used to be one of the loveliest of the Eastern European countries. Tourists flocked to Yugoslavia's beaches. The 1984 Winter Olympics were held in the charming city of Sarajevo. Today, that is all gone.

It is tragic that this country has been reduced to civil war—neighbor against neighbor. Those who have lived peacefully with each other for 50 years are now engaged in a brutal struggle for domination.

Yugoslavia has not been a country of harmony—except as forcibly imposed by the Communist regime under Tito. It has been a patchwork since its inception in 1918. Its history has been turbulent for that very reason. Yugloslavia is a patchwork of six major nationalities, as well as a dozen other distinguishable ethnic groups—a heterogeneity accentuated by religious, historical, cultural, and linguistic diversity.

Yet, despite its turbulent history—and atrocities committed during intercommunal fighting during World War II—no one was prepared for the sudden and extraordinarily violent breakdown of order in Yugoslavia following the fall of the Communist regime. Perhaps the world should have been better prepared because Yugoslavia's history has been marked by recurring tension between Serbian efforts to dominate a centrally controlled state and other groups' resistance to those efforts.

But we were not prepared. We have not acted with dispatch. Nor have we acted with a great deal of compassion. The United States has acted as if we had little reason to do anything about this terrible situation. Yugoslavia's tragedy is that warfare has caused tens of thousands of deaths and created over 2 million refugees. Our tragedy is that we have done so little to stop it.

It is clear that the situation in what used to be Yugoslavia has spun completely out of control. The coming to power of Serbian leader Slobodan Milosevic has been the engine driving the resurgence of Serbian nationalism. The extent to which Milosevic directly controls the Serbian military and paramilitary armed forces is not clear. What is clear, however, is that he lit the fire, and has fanned the flames of Serbian nationalism. His goal is an ethnically pure greater Serbia.

But since Serbs live—or lived—in many of the republics, this drive has taken the form of a repulsive practice of ethnic cleansing. It has many manifestations: shooting of non-Serbians, expelling non-Serbians from their homes, burning their villages, deporting them to death camps and leaving them to starve to death, or die of wounds and disease. Sometimes it takes only the execution of a few in a town or a village to scare the other residents into leaving, voluntarily. Sometimes, whole villages are destroyed. Once prosperous farms now lie fallow, vacant, and deserted.

All the world has seen the footage of the death camps and been outraged.

But what has been done? The United Nations and the European Community have negotiated cease-fire after cease-fire between warring Serbian and Croatian, and Serbian and Bosnian forces. All to no avail. The Serbs do not want to stop fighting.

What has the United States done to try to bring about peace? We dawdled on recognizing the independence of Slovenia until April 1992—nearly a year after the Republic had proclaimed its independence. We sat on our hands while local paramilitary Serbian forces teamed up with the Federal Yugoslav Army in a land grab that won for the Serbs about one-third of Croatia's territory. What have we done while Serb forces have forcibly seized between two-thirds and three-quarters of Bosnian territory? Not much.

It is true that the United States has imposed economic sanctions on Yugoslavia, suspending trade benefits, assistance programs, and textile agreements, last December 6, 1991. We imposed additional sanctions in May and suspended landing rights for the Yugoslav national airline on May 20. Three days later, we severed military contacts with Yugoslavia, drew down United States embassy personnel in Belgrade, and closed Yugoslav consulates in New York and San Francisco. The United States has also refused to recognize the new Federal Republic of Yugoslavia proclaimed on April 27, 1992, by Serbia and Montenegro.

Sounds impressive? Well, it's not. What have we really accomplished with these sanctions? Nothing. The fighting has not stopped; it hasn't even diminished, except in Croatia. Even the sweeping U.N. sanctions severing all air travel, freezing all Yugoslav assets abroad, and banning all trade with Serbia and Montenegro, except for medicine and humanitarian assistance, have not caused the conflict to end.

Negotiation after negotiation has taken place. The United Nations has sent peacekeeping troops—which helped damp down the fighting in Croatia. But efforts by U.N. peacekeepers in Sarajevo to keep the airport open for airlift of humanitarian relief have been foiled repeatedly by incessant Serbian shelling.

So, what more can be done? I do not believe that negotiation is a fruitless exercise. But, for negotiations to succeed, the parties must be persuaded that it is in their interests to reach a conclusion. That will not happen until there is concerted, high-level, and sustained commitment by the U.S. Government, the European governments, and the United Nations to bring about an end to this tragic conflict.

What has disturbed me about our handling of this conflict is the apparent belief that it is insoluable. Military intervention would not work, say our armed forces, because the country is too mountainous. It would be too hard to keep open the roads for overland humanitarian relief. "I know, said one United States military commentator, "I was in Vietnam and was charged with the same mission." I guess I don't see how Vietnam's jungles are much like Yugoslavia's terrain.

At bottom, I fear, our lack of concerted action—our tentativeness and hesitation—stem from an assessment by the U.S. Government that we have no interests at stake. This is not only morally wrong, it is politically muddle-headed. This is the same attitude that we exhibited toward the Iran-Iraq war that started in 1980. Look where that got us—the Persian Gulf war of 1991, which even now, is still unsettled. We—and much of the rest of the world—were content to let Iraqis and Iranians spend years killing each other. It was a safe way to keep two bullies occupied. At least if they were killing each other, they weren't going to be subverting their neighbors.

So, I suspect, reason our Government and those of the European countries, there are no real economic interests at stake in Yugoslavia—minimal for the Europeans and none for the United States.

But that attitude smacks of hypocrisy—that as the leading power in the world, the only superpower since the demise of the Soviet Union—the force and weight of our Government will be exerted only when our direct economic interests are threatened—such as our oil supply.

We should never forget, when we think that Yugoslavia doesn't matter—that World War I began in Sarajevo with an assassin's bullet. While the conflict may not have spilled beyond Yugoslavia's borders yet, the ugly sentiments underlying it—ethnic cleansing, ethnic purity—already, in lesser form, have surfaced in many of the republics of the former Soviet Union, and elsewhere.

Our Government's inaction reflects badly on all of us. Polls tell us that the American people are uneasy that we have done so little, and that what we have done is so ineffective.

On August 13, the U.N. Security Council voted overwhelmingly to authorize the use of "all necessary means" to ensure that relief supplies reach civilians in Sarajevo. U.N. peacekeeping forces in Bosnia are to be quadrupled from the current 1,500 level. But there is no peace to be kept. Relief supplies, while essential, do not bring peace.

What the United States, the Europeans, and the United Nations must do is make a high-level, sustained commitment to bring peace to Yugoslavia. If concerted world pressure could help bring about an end to apartheid in South Africa, surely it can help in Yugoslavia. Together, with the Europeans and the United Nations, we must use all necessary means to halt this tragedy.

FEDERAL ASSISTANCE FOR SPECIAL CENSUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation which would require the Federal Government to fund special censuses that are necessary as a result of a disaster. This legislation was prompted by the fact that under current law, local jurisdiction are required to fund special censuses, even if an undercount is the result of a disaster. In the fall of 1989, the devastating Loma Prieta earthquake struck and did extensive damage to areas in my district. The earthquake caused millions of dollars of damage and cost many lives. In addition to the physical harm done, a good number of people were displaced as a result of this disaster. Some earthquake victims remain homeless today.

Because of the displacement that occurred as a result of the Loma Prieta earthquake, the city of Watsonville was significantly undercounted in the 1990 decennial census. They have repeatedly requested that the numbers be adjusted to reflect the true number of people residing in the city of Watsonville. But, the Bureau of the Census claimed that they could not make this adjustment, but rather that a special census would be necessary. The city of Watsonville and many other localities cannot afford to fund a special census in addition to the financial burden that they are carrying as a result of the earthquake.

The legislation I am introducing is designed to ensure a fairer arrangement for jurisdictions that have been undercounted as a result of a disaster. It frankly, doesn't make sense to require local and State jurisdictions to pay for special censuses when the undercount was through no fault of their own.

Our Constitution requires that a census be taken every 10 years. The census is required to count every personal living in the United States, and it is the constitutional obligation of the Federal Government to pay for special censuses when a disaster results in a significant undercount.

Mr. Speaker, this legislation is essential. I invite my colleagues' review and cosponsorship of this important legislation and urge its timely adoption by the full House. For the convenience of my colleagues the text of the bill is printed below.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CONDUCT SPECIAL CENSUSES.

The Secretary of Commerce shall conduct a special census for the government of a State, or of a county, city, or other political subdivision within a State, for the government of the District of Columbia, or for the government of any possession or area (including political subdivisions thereof) referred to in section 191(a) of title 13, United States Code, without charge to such government, if—

(1) the special census is necessary to correct a significant undercount which occurred in the most recent decennial census of population with respect to the area involved;

(2) a natural disaster or other emergency affecting such area, as declared by the President, was a major factor contributing to the undercount; and

(3) a request for such a census is made by such government within such time and in such manner as the Secretary shall be regulation prescribe, except that the deadline for such a request may not be fixed at a point before the end of the 18-month period beginning on the most recent decennial census date.

SEC. 2. METHODOLOGY TO BE USED IN SPECIAL CENSUSES.

A special census under this Act with respect to a particular area shall, to the extent practicable, be conducted in the same manner and using the same methodologies as were used with respect to such area in the decennial census last taken before the special census.

SEC. 3. PURPOSES FOR WHICH DATA MAY BE USED.

Data collected pursuant to a special census under this Act may be used for any purpose which would be allowable if it ad been conducted under section 196 of title 13, United States Code.

SEC. 4. EXPEDITIOUS ACTION REQUIRED.

Upon receiving a request for a special census under this Act—

(1) a determination as to whether or not the criteria under section 1 have been met shall be made as expeditiously as possible; and

(2) if the criteria under section 1 are determined to have been met, the special census conducted under this Act pursuant to such request shall, in the allocation of personnel and resources, be given priority over any special census under section 196 of title 13, United States Code.

SEC. 5. DEFINITIONS.

For the purpose of this Act, the term "decennial census date" shall have the meaning given such term under section 141 of title 13, United States Code.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—A special census under this Act may be conducted to correct an undercount in—

(1) the 1990 decennial census, if appropriate application is submitted within 18 months after the date as of which regulations to carry out this Act become effective; or

(2) any decennial census subsequent to the 1990 decennial census.

(b) REGULATIONS.—Regulations to carry out this Act shall become effective not later than 3 months after the date of the enactment of this Act.

ETHNIC DISAGREEMENTS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I come here tonight, as many of us in this country are thinking about the whole situation where we find ourselves some 7 weeks outside of our election for President of the United States. I have just talked a great deal about what is going on in Yugoslavia, the difficulty in Eastern Europe, the fact that so many nations held under the yoke of communism find themselves now with the ability and hopefully the future to be free. And yet they see that certain dispositions, certain hatreds, certain past situations have come to the forefront. And they have allowed themselves to indulge in these types of ethnic disagreements to the point, as I said, of hatred.

As a result, these countries that had hoped to be free, had hoped to continue into a whole new future have been bogged down in this kind of situation.

We certainly hope that Yugoslavia does not have that happen, but one cannot help but think at this point, 7 weeks out of time for our election, that we should take stock of what is happening around the world and really look to our own democratic system and know that when we are talking about what our Presidential election involves, no matter which side you are on, Republican or Democrat, that we go back to the very basics of our democratic system, being founded on freedom, the fact of free speech and tolerance.

I hope that we will do that for the next 7 weeks.

□ 1810

TRIBUTE TO JOSEPH L. RAUH

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, more than a half century ago, when some of us were young and many of us had not yet been born, President Franklin D. Roosevelt signed an Executive order outlawing racial discrimination in the war production plants.

That Presidential Executive order had been drafted by a young lawyer, first in his class at Harvard Law School, who was soon to join the United States Army for service in the Philippines. His name was Joseph L. Rauh.

Joe had come to Washington in 1936 as a law clerk for Supreme Court Justice Benjamin N. Cardozo. The following year he had clerked for Justice Felix Frankfurter.

Joe Rauh entered the private practice of law in 1947. From that day on he became the Nation's leading defender of the American people's constitutional and civil rights. When Joe passed on Thursday, September 3, we lost the people's most formidable force for decency and fairplay.

Mr. Speaker, I know that a number of my colleagues who are speaking today will review the remarkable career of Joe Rauh and his enormous contributions to our country. It was my privilege to know him personally, to be honored by a warm and affectionate friendship with him, his wonderful wife, Olie, and his two talented sons, Michael and Carl. Joe and his family have played an enriching role in my life, and that of my wife, Edie Wilkie, for many years.

I first met Joe and Olie Rauh in about the year 1948 when I attended the national convention of the Americans for Democratic Action here in Washington, DC. Joe, with Eleanor Roosevelt, Walter Reuther, Reinhold Niebuhr, and others had founded the ADA in 1947 to support liberal causes and to oppose communism. From that date until the present, Joe and Olie have been important influences in my personal and political life. I have a deep feeling of loss and bereavement that has darkened every hour since I learned of Joe's passing.

I was sworn in as a freshman Congressman in January 1963, and as a new member of the House Judiciary Committee almost immediately became involved in President John F. Kennedy's effort to have Congress enact the omnibus civil rights bill. It was able to be enacted by the House and Senate only after his assassination in November and after the new President, Lyndon B. Johnson, in 1964 asked Congress to pass the bill as a monument to the martyred President Kennedy.

During the entire process of endless hearings and negotiations by Judiciary Committee members, Joe Rauh was my constant adviser and confidant. He was the same for key members of both the Senate and House committees, and it is clear that the very strong law that emerged had Joe Rauh's mark on every important paragraph.

For the next three decades the intense contests continued in Congress, the Voting Rights Act of 1965, the Fair Housing Act, the seating of the Mississippi Freedom Democratic Party, and the final elimination of the abusive House Un-American Activities Committee. Joe was a trusted adviser in all of these endeavors, at all times supported and comforted by the eloquent editorial writer for the Washington Post, Alan Barth.

Mr. Speaker, a remarkable aspect of Joe's tumultuous career, where day after day, year after year, he did combat with some of the country's most powerful adversaries, he never made any personal enemies. Like Franklin Roosevelt he was the true happy warrior who never, never, spoke an unkind personal word. His battles were always on the issues, never the personalities.

In my total experience I have never known a more kindly, lovable person.

Mr. Speaker, in March 1991, Joe Rauh submitted his resignation as general counsel of the Leadership Conference on Civil Rights. At the dinner on May 17, Joe responded to the avalanche of tributes and thanks by saying in part:

> Together we forged a revolution in the law of our country from a legal system that supported segregation and discrimination to one that bars both those cruel blots on our Nation.
>
> Together we dreamt of a fairer and more equitable society built on the firm foundation of this new legal system.
>
> Together we worked to make those dreams come true and our determination to do so remains unshaken.

And Joe ended his remarks by repeating these lines from an old hymn of hope:

> We have come this far always believing that justice will somehow prevail. This is the verdict, this is the promise, and this is why we will not fail.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I rise to pay tribute to my dear friend and counselor, my mentor and constituent, Joseph L. Rauh, a man whose unique contributions include many for which this body now takes credit.

This House, Mr. Speaker, is full of Members on both sides of the aisle who would agree that Joe Rauh made a greater contribution to legislation that has civilized our Nation's approach to human rights, civil liberties, and workers' rights than most Members, past or present.

Joe was a creator of modern liberalism. He was not simply there at the creation, he used his brilliant mind and indominable energy to create and recreate solutions to the changing challenge to American liberalism and American life throughout his own lifetime.

In 1986, Joe retired from active law practice after almost half a century, almost 50 extraordinary years. Characteristically, he did not leave his post as general counsel of the Leadership Conference on Civil Rights, a post that was one of the anchors of his leadership and perhaps his most devoted cause.

That devotion, as measured by Joe's diverse and long list of contributions, was unequaled, to civil rights and civil liberties, to American labor and working men and women, and to full equality that his leadership has by now all but gathered under the umbrella of equal protection under law.

If Joe had had only one of the extraordinary talents he gave so generously to others, he would have buoyed mightily any of his multiple causes: His indefatigable energy alone; his extraordinary analytical and creative mind, by itself; his principled, often lonely dedication to issues on which others wavered; his extraordinary stump speaking ability; his unflagging determination to stick with issues abandoned by others with greater ease; his original wit.

Any one of these talents, applied to Joe's crusades, would have brought them riches hard to match. But when Joe landed on a cause with all his talents and energy combined, you had best pray not for yourself but for the opposition, because you are going to win. It might not be instantaneous as it was when he orchestrated Hubert Humphrey's successful civil rights challenge during the 1948 Democratic National Convention. That was of course the first and most dramatic blow that transformed first the Democratic Party and then our country.

□ 1820

Sometimes it took longer, as his lifelong fight for civil rights did, as his fight against corruption in the United Mine Workers did, as his vindication in the fight for civil liberties against McCarthyism did, and as his fight for statehood for the District of Columbia did.

Because Joe knew he was tackling his country's most resistant problems, he early became a long-distance runner. Like champion marathoners, he got better with each race. No man or woman ran more worthy races in his time. No man or woman got to the finish line more often. No man or woman in private life has served the public better.

Mr. Speaker, the balcony above this chamber has often made history by virtue of some who sat there. Joe Rauh time and again sat there to see what he had shaped become law. Today we stand here in the well to honor Joe.

Joe needed no honors to spur him on. The memory of his awesomely productive and principled life, however, will spur on Americans in this chamber, in the Senate, and in this country.

Mr. Speaker, I have written remarks I have just made because I wanted to make sure that the highlights of Joe's great meaning to the public were in the printed RECORD. But if I may, Mr. Speaker, I would like to say a few words about what it was like to have the great privilege to work with and to work for Joe Rauh.

I first had that privilege as a young woman fresh out of law school who thought she was on her way to Mississippi for the second consecutive year to work with Bob Moses in the Delta. After all, the Mississippi Freedom Democratic Party had been formed, and I wanted to go back in order to help bring the members of the party to the Democratic National Convention in New Jersey, and to work with them a few months before doing so. I had just finished the bar exam, and I talked to Bob Moses, the leader of the party in the Delta region, and he said, "Oh no, ELEANOR, I want you to stay right where you are, because Joe Rauh is writing the brief for the Mississippi Freedom Democratic Party, and we don't have many law students who are members of SNCC, so we ask you to stay right there and to go down and talk with Joe Rauh. He knows you're coming."

And so I went down to talk to one of the great lawyers of my time, thrilled to have the opportunity, thrilled to have the opportunity to work for Joe. And what I discovered was a man who did not allow people to work for him. What I discovered was a lawyer who treated all his associates as associates, those who were in law school, those who were fresh and green out of law school.

So that summer I worked as a colleague with one of America's great lawyers. It is impossible for me to describe the thrill it was as a young woman just out of the bar review course of the bar itself going downtown every day to work "with," as he insisted, Joe Rauh. And so we would sit around the table in his library, he and a young man, I believe it was Miles Jaffrey, green like me, and Joe Rauh. And he would discuss the unprecedented issues in the Mississippi Freedom Democratic Party Challenge as if more than he at the table knew what he was talking about. And he would indicate where he thought we might go that day as we sojourned to the law library at the Library of Congress. And each and every day we would come back and talk about what we had found, and give him what we had written, and hear what Joe sitting at his library table, as if he and we were working for paying clients somewhere, never rushing us so that he could get back to some other work that surely paid him more, as this paid him nothing, except what all of his crusades paid him, and it was each and every day a great thrill not simply to be in his presence, but to see the way his extraordinary mind operated.

On one level there was sheer brilliance. On another level there was sheer creativity. And on some level all of those things came together and made us just shake our heads. Believe me, you needed all of those in a mentor to work on this brief, because after all, the Mississippians had not exactly gone to the meetings of the Democratic Party in any structured way. They had simply gone as other Mississippians had gone, to seek to be a part of the caucuses.

When all was said and all was done, that little brief has come for me a more prized document than the briefs, many more in number, that I helped write as an assistant legal director for the American Civil Liberties Union to the Supreme Court of the United States, and then there were wonderful causes, there were briefs about the first amendment, and there were briefs about the fourth amendment, and the fifth amendment. There were briefs about almost every amendment, and there were briefs of certiorari, and there were briefs to the Court itself on cases argued before them. But there was no brief like the Mississippi Freedom Democratic Party brief, because there was no lawyer with whom I have been associated that was the equal of Joseph L. Rauh. And somehow it never stopped.

When I finally got to this Chamber I was not surprised to see him here as well. During the Clarence Thomas hearings, there was Joe. During our great fight, the fight of the last year to get the Civil Rights Act of 1991 passed, there was Joe. Joe was always there, and always more than there. He was there for us, he was there with his gifts. He was always there for me personally. There have been times in my life when I needed not only his wonderful mind and his great wit, and his public gifts, but his private counsel, and he was as generous with that as he was with his public gifts.

And so, Joe has left me. And there are times when I shall have no one to turn to, because Joe was and is irreplaceable.

□ 1830

When you have unique gifts and you have so many of them and you leave, you leave all of us without the slightest hope that there will ever come this way one like you.

But what Joe created, instead, was a legion of disciples who feel that they must reach for his high standards. Without his gifts, we must somehow try to be like him.

Leave it to Joe; ever the romantic, always full of wit, he has had the last laugh because he has left us and left us the impossible, for every day when I am in this Chamber I shall look up and I shall remember Joe and I shall remember that he has left me an impossible mission to reach.

And so he has left me with the ultimate existential goal, to reach and then reach further and then when you have reached that goal, reach further still; for to the very last day of his life that was the way he conducted his life.

We thank Joe, Mr. Speaker, we are grateful for his family which had lent him to us on so many of their own hours. We know that his work and his life shall always inspire us all.

Mr. EDWARDS of California. We thank the gentlewoman for those very eloquent words. I am wondering if the gentlewoman remembers—I think she was too young—but it is historical that Joe and two or three friends desegregated Washington, DC. It was a segregated southern city when Joe and Olie moved here, and it was just about the first city in the country that was desegregated, with their arduous, skillful efforts.

I am sure the gentlewoman has heard that when she was in law school.

Ms. NORTON. I certainly did. And in the very first year of the sit-ins, when I came home from college and was looking for places to go to sit in, Joe was right there with the young people, helping them to find places to go to sit in.

Joe, of course, was one of the first great crusaders for the elimination of discrimination in this, my hometown. That was perhaps his greatest local fight.

Mr. EDWARDS of California. And the gentlewoman remembers, and mentioned in her wonderful remarks, his leadership of the Mississippi Freedom Democratic Party that in the election actually won the election but was declared illegal. When Fannie Lou Hamer, one of the candidates who claimed victory, and two other women from Mississippi came to Washington, Joe came to me and Manny Cellar and said that they are entitled to sit in the House during a vote on whether or not they will be accepted. And they sat right over there to my left. There was quite a space around them. I remember a few of us went down and sat with them.

Joe had told us that was the thing to do, that they were entitled under the rules to be here waiting for the vote.

It was quite an important moment in my life.

During the consideration of the omnibus civil rights bill in 1964, there was a speaker who was standing exactly where the gentlewoman is now in the well, and from that door over to my right a white person in blackface burst in. He had been hidden in the men's room that is behind that door. And he came in with obscene remarks and rushed up to where the gentlewoman is standing. The police came in.

That is the kind of world we had then. That is the kind of world we hope we do not have now.

So much of that is due to the efforts of Joe and people like the gentlewoman in the well, and we are very grateful for her wonderful remarks today.

Ms. NORTON. I thank the chairman. The chairman is referring to the occasion when Fannie Lou Hamer, herself, ran for Congress and thereafter challenged the seating of others in this body. The gentleman mentioned that Joe pointed out that she was entitled to sit while the matter was being decided. What the gentleman reminds me of is Joe was, among other things, a great technical lawyer. That is to say he had all of the wonderful flourish of the great legal orators in the history of the United States. But he had something many of them did not have; that was the command of the technical legal details.

So that I am not surprised that Joe had researched the law and put together an argument for doing what at that time most of us would have considered impossible, and that is to seat the likes of Fannie Lou Hamer on the floor of the House of Representatives.

I again thank the chairman.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentlewoman from Hawaii [Mrs. MINK] who was a good friend of Joe Rauh's and who has been a champion of civil rights for many years. And we welcome her back.

Mrs. MINK. I thank the chairman, the distinguished chairman, for yielding me this opportunity to rise and join my colleagues in expressing our deepest sorrow in the loss of a good friend, whom I have know for years, and a great American, of course. I will sorely miss the moral vision and political inspiration that Joe Rauh provided so many of us for such a long period of time.

I do not know quite how many of us are going to adjust to the fact that we cannot rely on his wisdom and his strong advice and leadership that he has provided our Nation, telling us when we ought to be doing something or when we ought not to be doing something. He always stood for what was right. It is fitting this afternoon that we honor Joe by remembering his tireless and courageous struggles on behalf of those who were neglected, excluded, or repressed by Government and society.

More fitting still, we must carry Joe's vigilant pursuit of freedom, equality, and opportunity for all Americans on into the 21st century.

I first met Joe Rauh at the 1960 Democratic National Convention when we worked to put together a strong civil rights plank in the Democratic platform. It was an enormous, exciting experience for me to witness the effectiveness of Joe and the intensity of his commitment to things that I cared about. During the nomination process I witnessed his vigorous demonstrations as each matter was debated. He taught me the importance of intensity, of belief and commitment, not just a superficial awareness or consciousness, but getting out there to work and do the hard things that are necessary in order to make progress.

For more than 30 years our paths have been interwoven in a variety of causes of civil rights and civil liberties. Joe was an effective lawyer, and he distinguished himself in the legal field in so many ways. But unlike most lawyers, he was willing to play the hard battles on the political field as well. And he was an astute, key principal leader in turning the Democratic Party around to an awareness and a consciousness of their responsibility for racial equality. I can think of no one who played that role more importantly and more effectively as a political leader than Joe Rauh.

□ 1840

In 1948, way back then, he helped to write the Democratic Conventions, his historic civil rights plank, and in 1960 brought it to its living potential, which then as we all know was enacted in 1964 as the Civil Rights Act.

He argued the Mississippi Freedom Democratic Party's case to the convention credentials committee, and all of us who were there and witnessed it can remember that electrifying appearance that he made, accompanying Fannie Lou Hamer, something that I shall never forget.

And of course, his efforts involving all our efforts in civil rights, in voting rights and rights for women and minorities and the disabled, he was such a powerful thinker. He could think in the future and he could analyze all these different nuances of things that people were raising and barriers of one thing or another, and penetrate them with such brilliance, enabling our country to steer the right course in terms of civil liberties and basic human rights in this country.

In the early seventies, I recall when I served in the Congress, he organized opposition to the confirmation of Supreme Court nominees Haynesworth and Carswell, and again it was not just the brilliance of the arguments that he brought in testifying that these people should not be confirmed, but being able to generate with his enormous capacity to organize people, to have correct thinking about these matters and to bring that force to bear so that these two gentleman were ultimately not confirmed.

His presence, of course, was noted in the recent confirmation of Clarence Thomas.

Throughout his whole career he fought to break down these barriers of racial segregation and to point out the hypocrisy of privilege in our society when we are based upon the simple concept of equity and quality.

I must say that there are so many things that I can remember about Joe Rauh. We worked together in the Americans for Democratic Action. I had the privilege of serving as President of that organization for 3 years. He was always present every time we had a big issue or Presidential candidate to endorse. He was always there providing the organization with leadership in his capacity to understand the political nuances of Presidential campaigns was always amazing.

But for me, I must end my remarks by acknowledging the gratitude of the Japanese-American community for what he did in understanding the plight and the suffering of that community in World War II. He began a legal movement really to raise the issue of the unfairness and injustice of the treatment of Japanese-Americans who were interned in these camps in World War II. It was his relentless arguments and tenacity in hanging onto this issue, he took the infamous Hirabayashi decision to court and argued for its rescission and for the restitution of the Japanese-Americans for the lands that had been seized from them.

In the end, I believe that history will credit his early championing of this cause and the ultimate repeal of the Executive Order 9066 and the Presidential decision to never again in this country to tolerate that kind of treatment of our citizens and the persons who are legally within our country. The repudiation of that Executive order paved the way ultimately for the Congress of the United States finally to enact the law that provided reparations to those who suffered during that period.

There are countless other examples, I am sure, that other Members can recount, but surely America is a better place, a safer place, our constitutional rights are more secure because Joe Rauh dedicated his life to their preservation.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentlewoman from Hawaii for those wonderfully eloquent remarks.

The gentlewoman from Hawaii mentioned the redress bill, the Civil Liberties Act of 1988. The author will be the next speaker, who was assisted, of course, in its enactment by the gentleman from California [Mr. MATSUI], the gentlewoman from Hawaii [Mrs. MINK], and numerous others and, of course, encouraged by Joe Rauh at the Leadership Conference on Civil Rights. It indeed was a great victory for America, not only for the Japanese-Americans who had been treated unconstitutionally and so cruelly, but for all of us. The author of the bill, the leader is here.

Mr. Speaker, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, it is an honor for me to join my colleagues as the House honors the late Joseph L. Rauh, Jr.—surely one of the greatest civil rights advocates of this or any other century. And I would like to express my appreciation to my colleague from San Jose, Congressman DON EDWARDS, a Member of this body unequalled in his devotion to protecting everyone's civil and constitutional rights, for reserving this time for this appreciation of our friend Joe Rauh, who passed away on September 3.

For more than 50 years, Joe Rauh stood up for the rights of the American individual, even when it was extremely difficult to do so.

Forty-five years ago—after clerking for two progressive U.S. Supreme Court Justices, Felix Frankfurter and Benjamin Cardozo—Joe Rauh helped found Americans for Democratic Action. And just 1 year later, Joe Rauh wrote that most controversial section of the Democratic National Committee platform which proclaimed civil rights for all Americans.

Today, Mr. Speaker, when our President strains to liken himself to Harry Truman, it is important to remember those principles for which Harry Truman stood. Harry Truman stood for and spoke for universal civil rights at a time when segregation divided the Nation. That is who Harry Truman was: a leader. And one of the men helping Harry Truman take that lead was Joe Rauh in 1948.

I could go on, Mr. Speaker, and talk about Joe Rauh's fights against McCarthyism in the 1950's and for fair housing throughout America in the 1960's. I will leave that to others, however, and speak only of one fight—a fight that Joe Rauh valiantly fought, but lost. The fight was about the internment of Americans of Japanese ancestry during the Second World War.

Japanese-Americans had few friends in those days, and there were very few people who tried to argue on our behalf for our rights.

In early February 1942, U.S. Attorney General Francis Biddle asked three lawyers to evaluate the legality of any evacuation and internment. One of those lawyers was Jose Rauh, who was then working in the Office of Emergency Management.

Yes, the memorandum they produced contended that the evacuation was legal; and I consider it an American tragedy that the U.S. Supreme Court has to this day refused all petitions to declare that the evacuation was in fact unconstitutional.

However, the memo Joe helped write said in part, and I quote, "It is well to remember that unnecessarily harsh action is not justified just because the legal power to take such action exists."

Joe Rauh later wrote, and again I quote, "The memorandum was the final effort by the three of us to prevent evacuation and internment."

□ 1850

Mr. Speaker, this was not a popular position to take at the time. In the days leading up to Executive Order 9066, which officially ushered in the evacuation and internment of Japanese-Americans, our Nation suffered from wartime hysteria, racism, and weak political leadership.

Joe Rauh did what he could to mitigate the tragedies he sensed were coming. That foresight and vision were the hallmarks of Joe Rauh's career and his work.

Throughout his life, Joe Rauh was there fighting for civil rights. He deeply cherished the belief that, for all our diversity, Americans can live together with dignity and respect.

Joe Rauh dedicated his life and his career to making that belief a reality. Joe and Olie were close friends of my late brother-in-law, Mike Masaoka and his wife, Etsu, my sister. We are all going to miss this warm and wonderful gentleman, but because of Joe Rauh we are a better Nation and a better people.

Mr. EDWARDS of California. Mr. Speaker, we are grateful to the gentleman from California [Mr. MINETA] for those moving remarks. I know how highly Joe thought of NORMAN MINETA, and of course the gentlewoman from Hawaii [Mrs. MINK] and the gentlewoman from the District of Columbia [Ms. NORTON], and I know how delighted he was when the redress bill was finally passed. It was one of the great moments in American history.

Mr. Speaker, I do not think Joe would want us to be sad on this day. I think that he would want us to be celebrating his life, which I believe we are, and the gentlewoman from the District of Columbia [Ms. NORTON] mentioned his wit and good humor which was extraordinary at all times.

Those who participated in the baseball games, the softball games on Sunday morning in the park, with Joe and the rest of the friends will never forget the joy that emanated from him as he stood up to bat and hit the ball out of the park. Then there was his ardent game of tennis.

I will not forget that he certainly was not afraid of Joe McCarthy, one of the few, nor was he afraid of the House Un-American Activity Committee that had Hollywood, and indeed many people in the United States, terrorized for years.

When the famous playwright Arthur Miller, was subpoenaed to appear before the committee, he and Marilyn Monroe stayed at the Rauh home, and with a twinkle in his eye, Joe told us that Carl and Michael, who were just boys then, came down to breakfast on Sunday morning, and there, sitting at the breakfast table in a negligee, was Marilyn Monroe. I am sure that was an experience for all of them.

Mr. Speaker, as has been mentioned, Joe Rauh was one of the founders of Americans for Democratic Action. The national board of ADA on September 12, 1992, unanimously adopted a resolution in tribute to Joe.

I would like to insert as part of this special order the text of that resolution:

JOSEPH L. RAUH, JR.

On Thursday, September 3, a giant fell.

Joseph L. Rauh, Jr.—Joe—ADA founder and leader was irreplaceable and without peer. Throughout his life, Joe served as our friend, our mentor and our conscience.

His vision created and nurtured us. His steadfast determination kept us on track. His ideas kept us thinking and creating—always on the cutting edge. Always a liberal, never a progressive, he never shied away from the tough battle. His unabashed liberalism ensured we never did either, whether the fight was over a piece of legislation, a judicial appointment, the rights of individuals or an idea for effecting basic change in the direction of government. Always he was and shall be our model. His spirit became our spirit and we shall be eternally grateful to him.

The legacy he left to ADA, the country and generations of liberals yet to be born is matchless.

To his wife Olie, his sons Carl and Michael, and to his grandchildren go our heartfelt condolences and our deepest gratitude for sharing his magnificent spirit with us.

Mr. Speaker, a number of newspapers, the London Times, the New York Times, the Washington Post and others, have published tributes to Joe Rauh in recent weeks. I would like to insert at this point several of these articles.

The articles referred to are as follows:

[From the Los Angeles Times, Sept. 5, 1992]

JOSEPH RAUH: CIVIL RIGHTS LAWYER, LOBBYIST

(By Myrna Oliver)

Joseph L. Rauh Jr., a Washington civil rights lawyer and advocate who founded the liberal Americans for Democratic Action, has died. He was 81.

Rauh suffered a heart attack Thursday night when he returned home from a reception. He died at Washington's Sibley Hospital.

A great friend and supporter of Vice President Hubert H. Humphrey, Rauh was a major lobbyist in winning passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

"I'm proud of our laws," he once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

Born Jan. 3, 1911, in Cincinnati to an immigrant shirt manufacturer, Rauh excelled in athletics in high school and played on the varsity basketball team at Harvard College.

"It has been suggested," one biographer noted, "that it was as a member of that undermanned squad that he really acquired his sympathy for the underdog."

Graduating with an economics degree into the Great Depression, Rauh opted to go to Harvard Law School, earning his degree at the head of his class.

He spent his entire career in the capital, starting out as senior law secretary to liberal Supreme Court Justice Benjamin N. Cardozo. He also worked as enforcement attorney for the Wage and Hour Administration and as counsel for the Lend-Lease Administration.

Joining the Army in 1942, Rauh was attached to the staff of Gen. Douglas MacArthur as lend-lease expert. He advanced to the rank of lieutenant colonel and earned the Legion of Merit and Distinguished Service Star.

In 1946, Rauh organized the anti-Communist, liberal organization that became known as the Americans for Democratic Action. It was begun not only to launch political campaigns against conservatives, but also as a barrier against the extreme leftist Progressive Party.

He chaired the ADA's executive committee from 1947 through 1952, held the title of national ADA chairman from 1955 to 1957, and for many years served as vice chairman.

A senior partner of the firm he founded in 1947, Rauh & Levy, he attracted primarily labor and civil rights clients. These included the United Auto Workers and Brotherhood of Sleeping Car Porters, as well as playwrights Lillian Hellman and Arthur Miller, both accused of contempt after refusing to identify writers and artists known to be communists.

In answer to assertions that the Americans for Democratic Action had outlived its usefulness after the end of the McCarthy era, Rauh said in 1955: "It is a group of independent-minded people grappling with the old-line machines of both parties on behalf of good government."

He said the group continued to be needed to champion civil rights, health insurance and "real" public housing.

Active in several national Democratic conventions, Rauh futilely favored Humphrey over the 1960 nominee, John F. Kennedy.

Influential among mainstream Democrats, Rauh was elected in 1964 to a four-year term as chairman of the District of Columbia Central Committee of the Democratic Party.

He was also active as a lifelong member of the National Assn. for the Advancement of Colored People.

In 1965, Rauh received an ADA citation "for the happy life of service to a humane and civilized democracy."

[From the New York Times, Sept. 5, 1992]

JOSEPH RAUH JR., GROUNDBREAKING CIVIL LIBERTIES LAWYER, DIES AT 81

(By Wolfgang Saxon)

Joseph L. Rauh Jr., for decades one of the nation's leading champions of civil rights and liberal causes, died Thursday night at Sibley Memorial Hospital in Washington. He was 81 years old.

Americans for Democratic Action, which Mr. Rauh helped found 45 years ago, said he died soon after suffering a heart attack at his Washington home.

For almost half a century Mr. Rauh was among America's foremost civil liberties lawyers, battling McCarthyism, laying the foundation for much of the civil rights legislation of the 1960's and serving as a leader not only of the A.D.A. but also of the National Association for the Advancement of Colored People and the Leadership Conference on Civil Rights.

NEVER LOST HIS ZEAL

"Joe's imprint was all over the civil rights era," Benjamin L. Hooks, the N.A.A.C.P.'s executive director, said yesterday.

Mr. Rauh (the name rhymes with "brow") went to Washington to "work for the New Deal," as he once put it, and in a sense he never stopped doing so. A number of his old associates later despaired of the fight for groundbreaking social programs, and some turned their backs on liberalism entirely. But as Mr. Hooks noted, Mr. Rauh "never lost his zeal for the battle."

Much of his work was performed for little or no pay. "Other people may have made more money," he said in 1985, his 50th year in Washington. "But no one has had more fun."

FROM HARVARD TO WASHINGTON

Joseph Louis Rauh Jr. was born in Cincinnati on Jan. 3, 1911, where both his father and his grandfather, German-born immigrants, had settled and begun manufacturing shirts. He entered Harvard University, majored in economics, played center on the basketball team and, in 1932, graduated magna cum laude.

After graduation from Harvard Law School, where he was first in his class, he served at the Supreme Court as a law clerk, first to Justice Benjamin N. Cardozo and then to Justice Felix Frankfurter. During this period he also counseled several New Deal agencies as well as the Lend-Lease Administration.

Commissioned an Army lieutenant in 1942, he joined Gen. Douglas MacArthur's staff as a lend-lease expert. He was reassigned to the Pacific Command's civil affairs section, rose to the rank of lieutenant colonel and won decorations, including the Distinguished Service Star (Philippine Islands).

After the war Mr. Rauh returned to Washington, went into private practice and undertook his civil liberties career in earnest.

THE FOUNDING OF THE A.D.A.

He was a member of a small group of people who in 1947 founded Americans for Democratic Action, which they conceived as a liberal stronghold that they would prevent from being hijacked by Communists. Mr. Rauh was the organization's chairman from 1955 to 1957 and remained active in it for the rest of his life. At his death, he was an A.D.A. vice president.

Mr. Rauh was a regular participant at the Democratic National Convention, a role that in 1948 allowed him to make a milestone contribution to civil rights. That year he had a leading part in writing a strong civil rights plank that was adopted in the party's platform and provided a foundation for much of the Federal rights legislation that would be enacted in the decades ahead.

But he was perhaps better known for his strenuous Capitol Hill lobbying on behalf of such bills. That lobbying was prominent in passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

By the 1950's Mr. Rauh was the nation's premier civil liberties lawyer, and he took aim at efforts, then in full swing in Congress, to compel testimony as a way of identifying Communists across a broad spectrum of American life.

Among his clients were the writers Lillian Hellman, who was subpoenaed by the House Committee on Un-American Activities in 1952, and Arthur Miller, who was indicted on contempt charges in 1956 for refusing to identify for the committee former associates with left-wing sentiments. Mr. Miller was convicted of the charges but was later cleared by a Federal appeals court.

BACKER OF U.M.W. REFORMS

Another Rauh client, in the early 1970's, was Joseph A. Yablonski, the challenger to W.A. (Tony) Boyle's corrupt leadership of the United Mine Workers. After Mr. Yablonski, his wife and their daughter had been found slain at their Pennsylvania home, Mr. Rauh was among those who pressed for a Federal investigation that ultimately found that Mr. Boyle had ordered the slayings. In April 1974, Mr. Boyle was convicted of first-degree murder.

At various times Mr. Rauh also represented Walter Reuther's United Automobile Workers; the Mississippi Freedom Democratic Party, formed as a counterpart to the state's segregationist Democratic Party, and the Leadership Conference on Civil Rights, an umbrella organization for which he was general counsel for more than 40 years. He also sat on the executive board of the N.A.A.C.P.

But of the many figures he encountered over the decades, he said in 1985, he was perhaps most fond of A. Philip Randolph, longtime head of the Brotherhood of Sleeping Car Porters. "Mr. Randolph—I never called him anything but Mr. Randolph—was the most dignified man who ever lived," he said.

Mr. Rauh had abandoned the practice of law in recent years but to the end kept an active schedule as a public speaker. He also continued to lobby strenuously against the Reagan and Bush Administrations' conservative nominees to the Supreme Court. And he remained mindful of a national legacy that he helped create.

"I'm proud of our laws," he once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

Mr. Rauh is survived by his wife of 57 years, the former Olie Westheimer; two sons, B. Michael Rauh and Carl S. Rauh, both lawyers in private practice in Washington, and three grandchildren.

[From the New York Times, Sept. 5, 1992]

DEMOCRACY'S PITCHMAN

The life story of Joseph Rauh, who died on Thursday at 81, had many histories. The most famous, perhaps, were his strenuous lobbying in behalf of every major civil rights bill from 1957 on, his battle against McCarthyism and his struggles over the conscience and membership of the U.S. Supreme Court.

He was also the proud partner of Clarence Mitchell when the two served as co-chairman of the Leadership Conference on Civil Rights. He treasured the day when Senator Harry Byrd Sr., the Virginia segregationist, gestured toward the gallery and cried, "There they are, the Gold Dust twins."

Generations of Washingtonians enjoyed the spectacle of the private Joe Rauh holding forth on a softball diamond on Sunday afternoons. When he chose up sides with Alan Barth, the Washington Post editorial writer, he did so shrewdly and competitively after scouting the day's array of talent.

Pitching for his side, he would hurl the ball past all batters, old and young, male and female, with equal speed and spin. Later, over lemonade, he'd savor the day's political developments and tell of his hopes and worries for a Supreme Court he had revered since his time as law clerk to Justices Benjamin Cardozo and Felix Franfurter.

He continued to thank the Court until the end. A friend who saw him at lunch Thursday heard his guarded optimism about the election and his prediction that Democratic appointees could help correct the Court's rightward course.

Mostly he pitched for democracy. His deep, craggy voice resonated through the halls and chambers of Congress. He demanded to be heard and he got his hearings through lean and fat years for his causes. Those who knew him will miss his attentiveness—and his pressure on others to be attentive—to human rights. Many who never knew him are the beneficiaries of that pressure and passion.

[From the Washington Post, Sept. 5, 1992]

JOSEPH L. RAUH JR., A LIFE OF ACTIVISM; CIVIL RIGHTS LAWYER CALLED EMBODIMENT OF AMERICAN LIBERALISM

(By Bart Barnes)

Joseph L. Rauh Jr., 81, who died of a heart attack Thursday night at Sibley Memorial Hospital, was a legal and political activist and a major influence in the growth and development of political liberalism in 20th century America.

Rauh was a champion of racial integration and the rights of minorities, labor unions, union reform and home rule for the District of Columbia.

His legal career began in the New Deal and extended through the civil rights period and the antiwar movement of the Vietnam era.

Exuberant, optimistic, idealistic and irrepressible, he believed passionately in the causes he supported, and he fought for them vociferously.

Rauh, a Washington resident at the time of his death, was a founder and former president of Americans for Democratic Action and a member of the executive board of the NAACP.

He wrote the minority civil rights plank at the 1948 Democratic National Convention that provided that foundation for much of the human rights and equality-under-law legislation that was passed in the ensuing decades.

Newpapers sometimes described him as "the personal embodiment of American Liberalism." Rauh was an engaging conversationalist and storyteller.

He used to say he acquired his sympathy for the underdog as a result of playing three years on a hapless Harvard basketball team.

As a lawyer, he took only those cases he believed in, and he suggested that no lawyer ever should do otherwise. He was disdainful of bar associations, and unlike many of the other young lawyers who came to Washington with the New Deal, he remained an advocate of the outcast and downtrodden throughout his career.

Joseph Louis Rauh, Jr., was born in Cincinnati, where his father, a German immigrant, operated a shirt factory. He graduated from Harvard College and the Harvard Law School, where he was first in his class.

In 1936, he came to Washington as law clerk to Supreme Court Justice Benjamin N. Cardozo. The following year he clerked for Justice Felix Frankfurter, who had been one of Rauh's professors at Harvard. Later he was an enforcement officer for the Wage and Price Administration and counsel to the

Lend-Lease Administration and other agencies.

In 1942, he joined the Army for World War II service. He served in the Philippines. In 1945, he returned to Washington and became deputy to Wilson Wyatt, the head of the Veterans Emergency Housing Program.

In 1947, he joined Wyatt and other liberals in resigning from the government to protest what they perceived as growing conservatism in the Truman administration. Rauh opened his law practice in Washington at that time.

Among his first clients were Walter Reuther and the United Auto Workers of America. He also represented artists and government employees accused of being security risks during the "Red Scares" of the 1950s, Quakers who challenged Interior Department limitations on the number of demonstrators permitted near the White House, the musicians union at the National Symphony Orchestra and the Brotherhood of Sleeping Car Porters.

Although he considered communism "a shabby cause," he opposed legislation such as the Smith Act and the McCarran Internal Security Act, which outlawed membership in the Communist Party and required that it be reported to the government.

It also was in 1947 that Rauh collaborated with Eleanor Roosevelt, Walter Reuther, Reinhold Niebuhr and others in founding Americans for Democratic Action. Started to support liberal causes and oppose communism, the organization came to embody many of the most important strains of American liberalism, and it was much prized as a target by conservatives. For much of its early existence, Rauh was its primary spokesman.

From 1947 to 1967, Rauh was chairman of the city's Democratic Central Committee, and he transformed the organization from a clubby group of party regulars to a broadly based popular movement that became a driving force for home rule in the nation's capital.

In 1947, years before the Civil Rights Movement became a national cause, Rauh marched on picket lines outside the National Theatre to protest the exclusion of black people from the audience, and over the years, he became a leading figure in opposition to racial segregation in Washington.

He was general counsel for the Leadership Conference on Civil Rights, and he was an influential lobbyist for virtually all of the major civil rights legislation of the 1950s and 1960s.

In the summer of 1964, he attracted national publicity with his representation of the Mississippi Freedom Democratic Party in a challenge to the seating of the entrenched, all-white Mississippi Democratic Organization at the Democratic National Convention.

Arguing the Freedom Party's case before the convention's Credentials Committee, Rauh called on a stream of witnesses who electrified the convention with their testimony about Mississippi police brutality and systematic victimization of blacks seeking to vote. But he failed to unseat the regular Mississippi delegation and eventually settled for a compromise that included two at-large convention seats for the Freedom Party.

In 1969, Rauh represented Joseph A. "Jock" Yablonski in his effort to unseat W.A. "Tony" Boyle as president of the United Mine Workers of America. After Yablonski, his wife and daughter were murdered in their Pennsylvania home, Rauh helped bring about a federal investigation into the slaying. Later he played a pivotal role in helping reform candidate Arnold R. Miller unseat Boyle as union president. Boyle later was convicted of complicity in Yablonski's murder and jailed, along with other union officials.

As counsel for the NAACP Legal Defense Fund, Rauh instituted a 1972 lawsuit that during the next decade brought about a series of federal ultimatums for the dismantling of racially segregated school systems in 17 Southern and border states.

Not only did Rauh prevail as a matter of law in that case, he also won a federal court order directing the government to pay him $97,500 in legal fees. He followed a similar strategy with the mine workers, winning a court order directing the UMW to pay him $90,000 as his legal fees for representing the reform slate. He won similar court orders directing that his fees be paid by the people and organizations he sued in other cases.

A frequent witness at hearings on Capitol Hill, Rauh helped organize opposition that led to the denials of Senate confirmation for President Nixon's Supreme Court nominees G. Harrold Carswell and Clement F. Haynsworth Jr. and for President Reagan's nomination of Robert H. Bork. He was unsuccessful in his opposition to confirmation of William H. Rehnquist as chief justice and to the confirmation of President Bush's nomination of David H. Souter to the court, arguing that both were insensitive to the rights and needs of minorities.

Earlier, he opposed legislation sought by then-Attorney General Robert F. Kennedy to legalize Federal and State wiretaps, arguing that this was an impermissible invasion of privacy, and he was eloquent in support of Federal legislation mandating redress for Japanese Americans who had been interned during World War II.

He represented playwrights Lillian Hellman, during her 1952 testimony before the House Un-American Activities Committee, and Arthur Miller, in his 1957 trial on charges of contempt of Congress for refusing to identify other writers and artists whom he knew to be communists. Miller was convicted, but the conviction was overturned on appeal.

In national politics, Rauh backed his old friend and ADA colleague Hubert Humphrey for the 1960 Democratic presidential nomination, then cast his lot with John F. Kennedy when Humphrey quit the race. He considered Kennedy's selection of Lyndon B. Johnson as his running mate a "betrayal," but later he came to admire Johnson for his support of far-reaching civil rights legislation.

He was a vocal and staunch opponent of U.S. participation in the Vietnam War, and initially supported Minnesota Sen. Eugene McCarthy for the Democratic presidential nomination in 1968. Rauh's enthusiasm for his old friend Humphrey had cooled by then, primarily because of the vice president's ties to Johnson's war policies. Rauh's backing for the Democratic presidential ticket of 1968 was lukewarm, much to the dismay of many of his friends and colleagues. His participation in electoral politics declined in the 1970's. He did not attend the 1976 Democratic National Convention, and his support of the Jimmy Carter presidency was tepid. But his law practice was vigorous and litigious well into the seventh and eighth decades of his life.

Survivors include his wife of 57 years, Olie W. Rauh of Washington; two sons, Washington lawyers B. Michael Rauh of Alexandria and Carl S. Rauh of Washington; and three grandchildren.

[From the Associated Press, Sept. 4, 1992]

LONGTIME CHAMPION OF CIVIL RIGHTS DIES

(By Jonathan Moore)

Joseph L. Rauh, Jr., a respected champion of civil rights and liberal causes, has died. He was 81.

Rauh died Thursday night at Sibley Hospital after suffering a massive heart attack at his home.

He was remembered by those who knew him as an accomplished lawyer and an unstinting defender of equal rights.

Rauh founded Americans for Democratic Action and served as its president, and he sat on the executive board of the National Association for the Advancement of Colored People. He also served as general counsel of the Leadership Conference of Civil Rights for more than 40 years.

"Joe's imprint was all over the civil rights era," said NAACP Executive Director Benjamin Hooks, who had worked with Rauh for 20 years.

Rauh's involvement in civil rights legislation began in the Eisenhower administration when he helped push for the establishment of the Civil Rights Commission, an independent government agency that was charged with protecting voting rights and equal opportunities.

Hooks said during the Reagan-Bush administration many activists were discouraged at seeing reform blocked or rolled back.

But, Rauh "never lost his zeal for the battle," Hooks said.

Rauh was born in Cincinnati and graduated from Harvard in 1932. After graduating from Harvard Law School in 1935, he served as a law clerk to Supreme Court Justice Benjamin N. Cardozo.

He opened a law office in 1947 after serving in the Pacific in World War II.

He was a regular participant of Democratic conventions beginning in 1948 when he wrote the strong civil rights language that was included in the party's platform. Rauh's civil rights plank provided the foundation for much of the human rights legislation of ensuing decades.

"I'm proud of our laws," Rauh once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

Clark Clifford, a former secretary of defense and an advisor to Democratic presidents and policymakers for more than four decades, said Rauh played a major role in a bitter fight to include the language that led to a number of delegates quitting the convention.

"He stood tall and sturdy at the time because so many in the party wanted to water it down," Clifford said.

"He has a perfect record as a defender of liberal causes," Clifford said, adding, "I consider him to be an extraordinarily able lawyer, one of the best at the bar in Washington."

Clifford is currently facing state and federal charges in the BCCI banking scandal.

Rauh was a staunch foe of the House Un-American Activities Committee in the 1950s, which destroyed the reputations of artists, scholars and public officials in its relentless endeavour to expose communists.

"He took the lead in combatting the activities of that hysterical committee, and I think that's where he possibly earned his reputation as a defender of personal rights of our citizens," Clifford said.

Rauh represented playwrights Lillian Hellman and Arthur Miller who came under congressional scrutiny during the anti-communist scare.

Another of Rauh's causes was the fight for home rule, or statehood, for the District of Columbia.

John Hechinger, who was the first D.C. City Council chairman when the city achieved self-government in 1972, said "one of the major disappointments of his (Rauh's) life was the fact that we didn't get full home rule for the District of Columbia."

[From the Reuter Library Report, Sept. 4, 1992]

CIVIL RIGHTS, LIBERAL FORCE JOSEPH RAUH DIES

Joseph Rauh, a major force behind the U.S. civil rights movement and a founder of the liberal Americans for Democratic Action, died on Thursday night after a heart attack, ADA national director Amy Issacs said on Friday.

Rauh, 81, had an active law practice until he was sidelined at age 78 by a heart attack. He remained an ADA adviser and a force in civil rights and other liberal issues.

In recent years he worked behind the scenes to defeat President Ronald Reagan's nomination of conservative Judge Robert Bork to the Supreme Court.

Born in Cincinnati in 1911, Rauh received his law degree from Harvard in 1935 and clerked for Supreme Court justices Benjamin Cardozo and Felix Frankfurter.

He came to Washington in the midst of the depression to work for Franklin Roosevelt's New Deal programme for recovery.

Rauh founded ADA with Eleanor Roosevelt and Hubert Humphrey after World War Two and served as its president from 1955 to 1957. He was an architect of the Democratic party's 1948 platform plank on civil rights that formed the basis of many of the civil rights laws enacted decades later.

He combatted Senator Joseph McCarthy and represented playwrights Lillian Hellman before the House Un-American Activities Committee and Arthur Miller when he refused to name writers and artists who allegedly supported communism.

[From United Press International, Sept. 4, 1992.]

RAUH, LIBERAL STALWART, DIES

Joseph L. Rauh Jr., who helped lead the fight for liberal causes and civil rights over a half century, has died of a heart attack. He was 81.

Rauh, author of the civil rights plan at the 1948 Democratic National Convention, was stricken at his home Thursday night shortly after returning from a dinner engagement and died at a hospital. Funeral arrangements were pending Friday.

"He was perkey right up to the end," a family spokesman said. Earlier this week, he and his wife observed their 57th wedding anniversary.

Rauh started fighting for liberal causes in the New Deal and continued right up his final years. He could be seen standing in back of the room during the recent nomination hearings of Clarence Thomas to the Supreme Court.

Rauh was a key lobbyist for the historic Civil Rights Act to 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

He was founder and former president of Americans for Democratic Action and a member of the executive board of the NAACP.

"I'm proud of our laws," Rauh once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

The civil rights plank for the 1948 Democratic National Convention provided the basis for much of the human rights and equality-under-the-law legislation of the following decades.

Rauh was counsel for the Mississippi Freedom Democratic Party at the 1964 Democratic National Convention and was successful in unseating the regular delegation and obtaining an offer to seat part of the Freedom delegation and a promise of desegregated delegations in the future.

At the 1968 Democratic National Convention he helped obtain the seating of the Mississippi and Georgia Loyal Democrats and a rules change for the 1972 democratizing the method of delegate selection.

Rauh was the attorney for labor organizer John T. Watkins, and won Supreme Court reversal of the Watkins conviction for contempt of Congress in a decision that has far-reaching effects on the power of Congressional investigations.

He was one of the first and staunchest opponents of McCarthyism. Among his civil liberties victories is the case of Arthur Miller, whom he successfully defended following the playwright's contempt of Congress charges for refusing to name others involved with him in a previous political association.

He also represented playwright Lillian Hellman before the House Committee on Un-American Activities, which inspired her book, "Scoundrel Time."

In 1946, Rauh was one of a small group of people who conceived the idea of a broadly based anti-Communist liberal organization that later became the Americans for Democratic Action. He served as the ADA national chairman from 1955–1957.

Joseph Rauh was born in Cincinnati, Ohio. He graduated Harvard University magna cum laude in 1932 and continued at Harvard Law School and was graduated LL.B. magna cum laude in 1935. He was law secretary to Justice Benjamin N. Cardozo and Justice Felix Frankfurter from 1935 to 1942.

Rauh was admitted to the District of Columbia bar in 1946 and held private practice in Washington.

He was married to the former Olie Westheimer and had two sons, Michael and Carl.

[From the London Times, Sept. 7, 1992]

JOSEPH RAUH

Joseph Louis Rauh Jr., one of America's leading crusaders for civil rights and liberal causes, died at Sibley Memorial Hospital in Washington on September 3 age 81. He was born in Cincinnati, Ohio, on January 3, 1911.

Joseph Rauh went to Washington, in the depths of the Great Depression, to fight for President Franklin Roosevelt's New Deal. When the New Deal faded into history, and others abandoned the seemingly hopeless task of bringing fairness and a semblance of equality to American society, Joe Rauh never gave up. For nearly six decades he was the champion of the underdog, the defender of the working man and a pain in the neck to fundamentalists, segregationists, witch-hunters, and a large slice of the American establishment.

"Many who never knew him," said The New York Times in an editorial tribute, "are the beneficiaries of that pressure and passion."

The son of a German-born shirt manufacturer, Rauh took a major in economics at Harvard University, graduating with distinction in 1932. But 1932 was not a good year to go looking for a job, so he stayed at Harvard, attended the Law School and again came first in his class. The distinction won him an appointment as law clerk to Justice Benjamin Cardozo, who had succeeded Justice Oliver Wendell Holmes on the United States Supreme Court, but he combined the job with active work for several of Roosevelt's New Deal agencies and the Lend-Lease Administration. During the second world war Rauh served in the US Army, joining the staff of General Douglas MacArthur as an expert on lend-lease. Discharged with the rank of lieutenant colonel in 1945, he was admitted to the Washington Bar and began a career that was to be equally divided between the courts and active backstage politics.

In 1947, with a group of fellow liberals, he founded Americans for Democratic Action an organization conceived as a bulwark against communist domination of liberal politics, but which grew into a ginger group devoted to keeping the Democratic Party true to its principles.

"The only difference between Americans for Democratic Action and the Democrats," Rauh said in 1955, "is that we believe in their platform and they don't." He was to remain active in the association, latterly as vice president, for the rest of his life.

As a white man, and a Jew, Rauh enjoyed the unusual distinction of serving on the executive council of the National Association for the Advancement of Coloured People. For 40 years he was general counsel for the Leadership Conference on Civil Rights, and also represented the Mississippi Freedom Democratic Party, the United Auto Workers Union, the Brotherhood of Sleeping Car Porters, and other labour organisations.

"Joe's imprint was all over the civil rights era," said Benjamin Hooks, executive director of the NAACP. Rauh was a regular participant at Democratic Party national conventions, and it was at his first, in 1948, that he made one of his most important contributions to the liberal cause. He took a leading part in writing the strong civil rights plank that was adopted in the party's platform and provided the foundation for the federal legislation that was to come. It also led to a walk-out by segregationist Democrats from the Deep South, splitting the party wide open.

By the 1950s, when anti-communist paranoia reached its height, Rauh was acknowledged as the leading civil liberties lawyer in the United States, and he became the attorney of choice for those who were being pilloried in the McCarthy witch-hunts of the period. Among his clients were the writer Lillian Hellman, who was subpoenaed by the House Committee on Un-American Activities in 1952, and playwright Arthur Miller.

Miller was indicted on contempt charges in 1956 for refusing to identify former associates with left-wing sentiments. He was convicted, but Rauh later won the case in a federal appeals court.

A powerful figure, 6 ft. 2 ins. tall and addicted to colourful bow ties, Rauh became more than familiar to politicians on Capitol Hill during the Johnson administration. He lobbied loudly and constantly for passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, but his pride in their adoption was not unqualified. "I'm proud of our laws," he once said. "What our generation has done is to bring equality in law. The next generation has to bring equality in fact."

In recent years Rauh abandoned the practice of law, but kept an active schedule as a public speaker to the end. He also continued to lobby strenuously against the conservative nominations to the Supreme Court of the Reagan and Bush administrations. He never became rich, having performed much of his work for little or no pay. "Other people may have made more money," he said in 1985. "But no one has had more fun."

Joseph Rauh is survived by Olie, his wife of 57 years, and two sons.

Joe did enjoy life, and he made life much pleasanter and more meaningful for all of us.

Mr. Speaker, I thank my colleagues for joining me in this special order tonight.

Mr. OWENS of Utah. Mr. Speaker, a great man has passed on, Joseph L. Rauh. Mr. Rauh's greatness was made in the courtrooms and on the streets of our Nation. He championed civil rights for all humankind at a time when such beliefs were not acceptable. Mr. Rauh's tenacity and willingness to battle for what he believed in should be a lesson for us all. His life was a monument to the belief in basic human rights and the need for average citizens to fight to preserve those rights.

Mr. Rauh had a very long and successful career as a proponent of civil rights beginning in 1947, when he opened a law firm in the Washington DC, area. It was in that same year that he began his fight against racial segregation and took on the post of chairman of the Democratic Central Committee of Washington.

During the 1950's Mr. Rauh again plunged into the fight for civil and human rights, defending those accused of having Communist ties during the McCarthy era witch hunts. Some of his more famous defendants were the writer Lillian Hellman and playwright Arthur Miller.

In the 1960's, Joseph Rauh was involved in the fight for the passage of the Civil Rights and Voting Rights Acts of 1964 and 1965 respectively. But the 1960's were full of civil strife and Mr. Rauh was not afraid of taking a personal stand on such issues as the war in Vietnam and the Fair Housing Act of 1968.

Joe Rauh challenged intrusive government and fought for the rights of human beings in every facet of American life. He fought for the rights of mine and auto workers when big business held the upperhand, and fought for artists when the unwarranted fear of Government threatened their livelihood and basic freedoms. Above all else, he fought for the rights of humankind and each individual's right to dignity and fairness under the law.

Mr. Rauh was never a rich man in a material sense. Rather, his richness eminated from something that very few men possess: An inbred richness for wanting to fight for the rights of the individual. The qualities of Joseph Rauh will be sorely missed in this country, but we are a better, more decent Nation because of him.

Mr. DELLUMS. Mr. Speaker, I rise to honor the memory of a diligent fighter of the people, Joe Rauh.

He leaves a true historical legacy. The most famous, perhaps, were his committed lobbying in behalf of major civil rights bills from 1957 on, his battle against McCarthyism and his struggle over the conscience and membership of the U.S. Supreme Court.

Joseph L. Rauh, Jr., has been, for decades, one of our Nation's leading champions of civil rights. For almost half a century he dedicated his life to the struggle for civil liberties and human rights. He spent a lifetime trying to make America live up to the ideals professed in the Declaration of Independence and the Bill of Rights.

He was a member of a small group, including Eleanor Roosevelt and Hubert Humphrey, who, in 1947, founded Americans for Democratic Action. He was the organization's chair from 1955 to 1957 and remained active until his death at which time he was its vice chair.

During his legal practice he represented the Mississippi Freedom Democratic Party which was formed as a counterpart to the State's segregationist Democratic Party, the Leadership Conference on Civil Rights, an umbrella organization for which he was general counsel for more than 40 years. He also was a member of the executive board of the NAACP. Also among his clients was the Brotherhood of Sleeping Car Porters, founded by A. Philip Randolph, of whom he said "Mr. Randolph—I never called him anything but Mr. Randolph—was the most dignified man who ever lived."

Joe Rauh was one of the Nation's foremost premier civil liberties lawyers who has left an indelible imprint on the civil rights movement. Without his effort, the historic Civil Rights Act of 1964, Voting Rights Act of 1965 and the Fair Housing Act of 1968 would not have been possible. His pride in their adoption was not unqualified. "I'm proud of our laws," he once said. "What our generation has done is to bring equality in law. The next generation has to bring equality in fact."

After leaving his career which spanned from the New Deal, extended through the civil rights period and the antiwar movement of the Vietnam era, Mr. Rauh became an active public speaker and strenuously lobbied against the Reagan and Bush administration's conservative nominees to the Supreme Court in the spirit of a legacy he helped create.

We owe Joe Rauh a debt of gratitude. He was a true voice for democracy. Those who knew him will miss his larger than life presence and voice of persuasive concern. Many who never knew him are the beneficiaries of his passion for justice. Let us honor him best by committing ourselves, individually and collectively, to the goals of social and economic justice and civil and constitutional rights for which he worked during his lifetime. Joe truly gave his life trying to help others, in witness to Dr. Martin Luther King, Jr.'s pledge "to make this old world a new world." We can do no less.

Mr. TORRES. Mr. Speaker, I would like to thank my good friend and colleague, Representative DON EDWARDS, for permitting me and the other Members of the House the opportunity to pay tribute to the passing of an extraordinary American, Joseph L. Rauh, Jr.

As we are hearing, and will hear tonight, Joe Rauh's rich life touched many people, from diverse walks of life. Indeed, the diversity of Joe's network of friends stands witness to the breadth of his personal and professional reach. There are however, common values which link together Joe's friends and associates into a tight network.

Joe Rauh believed compassionately in ethical affirmative government, civil freedom, economic and political security, and fairness. Joe Rauh believed in the Bill of Rights and to each individual's right to a life of dignity without discrimination. He embellished his deadly serious advocacy of social and political rights with a warm, captivating sense of humor. Joe never forgot the importance of laughter to carry one through the darkness of the never ending struggle for full human rights.

Joe Rauh's friends stand in elegant testimony to the huge expansive nature of his reach. Many of us in the U.S. Congress knew Joe Rauh, and have our selective memories of this encounter. We are here tonight to share these stories. Many who met Joe are not here tonight, and do not have the opportunity to place their tribute to Joe Rauh before the American people. So, I thought, that as my tribute to this rare human being, I would open up a window, and let you look into the impressions of three persons, who in their unique way, have had their lives touched indelibly by Joe Rauh.

Victor Reuther, a surviving member of the legendary United Auto Workers Union's, Reuther brothers triumvirate, said this about Joe Rauh:

> By age, Joe was a member of my generation, yet, to me he always loomed as a father figure! In my personal, family, and organizational involvements, there were numerous crises, and Joe was always there with wise counsel, a steady hand and warm compassion. When the hired thugs of Corporate America sought to snuff out my life and that of my brother, Joe bore down on the Justice Department and the indifferent J. Edgar Hoover. Since the inception of the modern U.S. Labor Movement, Joe was on the side of workers, and I mean rank and file workers and union members. From rescuing coal miners from the clutches of a murdering Tony Boyle, to defending the electoral rights of Ed Sadlovsky in the Steel Workers Union, to aiding Teamsters For a Democratic Union clean house, more recently his courageous support for the New Directions reform efforts within the Auto Workers Union * * * Joe's words and deeds were always on the side of internal democracy and justice.
>
> Joe's leadership in Civil Rights, and in strengthening the quality of our Judicial system are legendary. American democracy has been enriched by his life! Generations still unborn will be the beneficiaries of his labors. To those who toil in the mines, mills and workshops of our great country, they knew they had a strong ally in Joe, who understood the meaning of "solidarity."

David Wigdor, assistant director of the manuscript division at the Library of Congress, had these words to share about Joe:

> Joseph L. Rauh, Jr. played a central role in the modern liberal tradition. His long career as a public interest attorney demonstrated how the reform philosophies and civil liberties principles of early 20th-century progressive spokesmen such as Louis Brandeis and Benjamin Cardozo could be reshaped to meet the new challenges of his own time. Although he was the subject of many headlines during his long struggle for social justice and civil rights, one of his greatest if unheralded legacies was the gift of his extensive personal papers to the Library of Congress. This rich collection, like the life it mirrors, is a distillation of modern liberal reform, for it helps recapture his creative role in the New Deal, the modern social welfare and civil rights movements, the defense of civil liberties during the Cold War's dark-

> est days, and the struggle to make labor unions the vanguard of industrial democracy. Many scholars have begun to study the Rauh papers, and the books and articles that are emerging will help retain the vitality of his vision of a liberal tradition that 'expresses an abiding and compassionate faith in ethical affirmative government and civil freedom and supports the right of the individual to a fair measure of economic security, to the fullest protection of liberties encompassed by the Bill of Rights, and to a life of dignity without discrimination.—Rauh, address, University of Oregon, April 19, 1989.

Mr. Wigdor, is the assistant director of the manuscript division at the Library of Congress, where Joe's papers are stored.

Finally, there are the stories of Joe Rauh's legendary swimming pool gatherings. Philip Dine, the dedicated labor reporter for the St. Louis Post-Dispatch, spent a recent afternoon at Joe's pool and wrote the following.

> So this is where Marilyn Monroe relaxed by the pool on some muggy Washington afternoons back in the mid-1950's. More significantly, it's where a goodly number of political, labor, and civil rights leaders have gotten to know one another over the decades * * * Sunday afternoons for 40 years, a handful of people have gathered here in ever-changing constellations at Rauh's invitation * * * Nuggets of conversation float by. Bill Webster, Rauh is saying, was the 'last good director of the CIA.' Senator John Danforth, is embarrassed by the performance of his protege, Supreme Court Justice Clarence Thomas, someone says. Not so, it's countered; Danforth is proud of Thomas. The Rauhs speak of Tom and Barbara Eagleton, friends and frequent travel partners. And Marilyn Monroe? She passed a couple of weeks here while Rauh successfully defended her husband, playwright Arthur Miller, from congressional witch hunts in the McCarthy era.

This country owes a depth of gratitude to Joseph Rauh, Jr. We have been enriched by his life journey, by his willingness to do battle for causes which were many times unpopular, but which represented issues of deep civil, social, and political justice. He lived a standard of ethical behavior and fairness which has inspired and guided new generations.

Thank you, Joe. We will carry on.

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to Joseph Louis Rauh, Jr., who will be remembered as one of America's leading crusaders, extensively dedicated to civil rights issues and liberal causes. Known as a champion of the underdog and the defender of the working man, Mr. Rauh spent the bulk of his life working tirelessly to insure the fairness and semblance of equality to American society. On behalf of this lifetime pursuit, he lobbied fervently and constantly for passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Joseph Rauh was actively involved in organizations which sought to embody the spirit of the Democratic Party's general principles, thus his cofounding of Americans for Democratic Action. Mr. Rauh was also a distinguished member of the executive council of the National Association for the Advancement of Colored People. For 40 years he was general counsel for the Leadership Conference on Civil Rights, and also represented such organizations as the Mississippi Freedom Democratic Party, the United Auto Workers Union, the Brotherhood of Sleeping Car Porters, and other labor organizations.

Through Joseph Louis Rauh, Jr.'s professional career, he sought to enhance and secure equality in the personal lives of all Americans. As he once said after final passage of the 1964 civil rights legislation, "I'm proud of our laws. What our generation has done is to bring equality in law. The next generation has to bring equality into fact." Through his truly altruistic actions and zealous commitment, Mr. Rauh enriched the lives of many. Therefore, I ask my colleagues in the U.S. House of Representatives to join me in extending sincere condolences to his wife Olie of 57 years, sons B. Michael Rauh and Carl S. Rauh, and three grandchildren.

Mr. GILMAN. Mr. Speaker, it is with considerable regret that I rise to join my colleagues in mourning the passing of Joseph L. Rauh, Jr., on September 5, 1992. Mr. Rauh dedicated many years of his life to the noble cause of civil rights and civil liberties, with which our Nation struggled for decades. He played an instrumental role in the passage of measures like the Civil Rights Act of 1964, the Voting Rights Act, and the Fair Housing Act.

Mr. Rauh's quest for fostering human rights and liberties began in the 1930's, following his graduation from Harvard Law School. He first served as a clerk to Supreme Court Justices Benjamin Cardozo and Felix Frankfurter. After World War II, where he was an Army officer in the Pacific, Joseph Rauh went on to cofound Americans for Democratic Action with the help of Eleanor Roosevelt, Walter Reuther, and Reinhold Neibuhr.

Later, Mr. Rauh was elected chairman of the D.C. Democratic Central Committee where he served for 20 years and wrote the minority civil rights plank for the 1948 Democratic National Convention which played a central role in the subsequent civil rights revolution.

In addition to his many accomplishments regarding civil rights and liberties, Mr. Rauh played a central role in implementing the policy of home rule for the District of Columbia.

I had the occasion to come to know and to work with Joe Rauh in the unsuccessful campaign to save the Antioch Law School. His devotion to this cause was inspiring to all of us.

Mr. Speaker, I encourage our colleagues to join in extending my deepest condolences to the family and loved ones of Joseph L. Rauh, Jr. He was a great contributor to the welfare of the District of Columbia and of his Nation. His dedication to these noble national and local causes will not be forgotten. His life was an inspiration to all Americans.

Mr. YATES. Mr. Speaker, I was shocked and deeply saddened to learn that Joe Rauh had died. He was a very dear friend of mine and I will miss him greatly.

I have known Joe since my earliest days in Washington and I always liked him. He was a most delightful man. Joe was a rare combination of intelligence, wit, humanity, candor, dedication, and total decency. There was no one like him in my experience.

Joe's life is an example for all of us. He fought for civil rights and stood for social and economic justice when these issues were very unpopular in this country and he never wavered. I was proud to be with him in many of these battles and I will never forget his passion and fundamental sense of justice.

Joe Rauh never got rich in the material sense of this world, but the United States is richer and a much more decent, better country for what he accomplished and what he has left us. Washington and the Nation have lost a giant and he will not be replaced. Addie joins me in extending our most sincere and personal sympathy to Olie and the Rauh family.

Mr. PANETTA. Mr. Speaker, I rise today in tribute to the distinguished Joseph L. Rauh, Jr. As Director of the Office of Civil Rights in 1969, I had the distinct privilege of working with this extraordinary man. Joseph L. Rauh, Jr.'s life will continue to inspire millions.

Joe Rauh was a man of pure principle and conviction. He had the good fortune of being blessed with unrivaled intelligence and the good heart to dedicate himself to making this world a better place. His accomplishments in the civil rights movement during his 50-year career are truly remarkable. He was a relentless defender of civil rights and fought for justice until the very end. He knew well how important our laws are, and persevered to win the passage of just laws. He also knew that laws were not enough, that living a just life is required. He once said that "What our generation has done is bring equality in law. The next generation has to bring equality in fact." Civil rights are violated every day and prejudice remains rampant. Still, because of Joe Rauh, the incidence of civil rights violations is lower today, and the capacity for redress is greater. In the vision of this great man, it is my fervent hope that we can "bring equality in fact," and that civil rights laws will be rendered obsolete.

Mr. HORTON. Mr. Speaker, I join with my colleagues in paying tribute to Joseph L. Rauh, Jr., who died earlier this month. A leader in the struggle for equality and justice for all Americans, Joseph Rauh's legacy will be one of advocacy on behalf of the little guy, the poor, and those left behind or ignored by society.

I had the privilege of working with Mr. Rauh on a number of issues since I came to Congress in 1963. I worked very closely with Mr. Rauh on home rule for the District when I served on the District of Columbia Committee. It was during this time that I was able to witness first-hand his commitment to justice as we worked together to provide D.C. residents with the same voice in local matters that Americans in other cities and towns enjoy. And though we did not achieve everything that we had set to do, we did establish a workable system of local government for the District of Columbia and made it more accountable and responsive to local residents.

Beyond the District of Columbia, Mr. Rauh played a major role in shaping our Nation's civil rights laws, he was a vocal leader of the labor movement, and he lead the fight against the witch hunts of the 1950's. In all of these issues, Joseph Rauh fought for those who could not fight for themselves. More importantly, he usually won.

Most people in this world can only hope to accomplish a fraction of what Joseph Rauh achieved during his time on Earth. Dr. Martin Luther King, Jr., fittingly once said, "If a man has done nothing for a cause worth dying for, then he is not fit to live." Mr. Speaker, there is no doubt in my mind that Joseph L. Rauh, Jr., will live on forever through his legacy.

Mr. FORD of Michigan. Mr. Speaker, Joe Rauh is best known as the champion of civil rights and civil liberties, but he also championed the rights of the working men and women of America.

He served as general counsel for a number of unions: The United Auto Workers, the United Shoe Workers, the Brotherhood of Sleeping Car Porters, and the Agricultural Workers Union. In addition, he was retained by a number of other unions to litigate the novel, the difficult, the significant labor issues of the day.

His victories were legion.

He solidified the rights of black firemen to fair representation from the white-only union certified by the Railway Labor Board as their bargaining agent. The union had tried to eliminate black firemen from their jobs when diesel supplanted the back-breaking work of shoveling coal. See *Steel* v. *Louisville & Nashville Ry. Co.,* 323 U.S. 192 (1944). When the courts rejected Rauh's claim that fair representation by the union was impossible without union membership—a voice and a vote inside the unon—he saw to it that the subsequent 1964 Civil Rights Act prohibited union discrimination based on race or color.

Moving beyond this, his was the case that initially persuaded the National Labor Relations Board to outlaw discrimination at the union hiring halls because of personal animosity toward the aggrieved worker. Miranda Fuel, 140 NLRB 181 (1962). Here, as always, Rauh was protecting the rights of the little guy.

Rauh recognized the importance of strike action, and fought like a tiger when the State of Virginia seized a privately owned ferry boat company and ordered the striking employees back to work—all on the theory that they were now public employees, and that the strike was now against the Commonwealth of Virginia. Local 333B, International Longshoremen's Union versus Battle.

He understood the travail of the picket line, when scabs go through to take one's job. In the famous Kohler case, the Labor Board agreed with the United Auto Workers that the strike was caused by management's refusal to recognize and bargain with the union. But the Labor Board refused to reinstate the workers who had engaged in back-to-belly mass picketing when the strike first began. They had voted with their feet to convince the employer of their solidarity with the Union. Rauh persuaded the court that this kind of misconduct does not automatically preclude reinstatement, and that the Labor Board must take into account the employer's blatant unfair labor practices that provoked the mass picketing. Local 833 UAW versus NLRB.

On another important labor front, Rauh persuaded the Supreme Court that good faith bargaining requires the parties to be open and above board, to share pertinent information: In particular, that the employer must explain the whereabouts of missing machinery in an arbitration proceeding when the UAW believed the company had violated the agreement not to subcontract unit work. *NLRB* v. *Acme Industrial Co.,* 385 U.S. 432 (1967). And, if the employer's information does not ring true, Rauh won the right for the union to enter the work stations and make its own time studies. Fafnir Bearing Co.

Rauh believed in and understood collective bargaining. He knew that the complete satisfaction of all union members with a negotiated contract is hardly to be expected. Some may want a larger pay check, others may prefer putting part of the pie into fringe benefits like health care or pensions. So he persuaded the Supreme Court that a union, when making bargaining demands, is free to exercise its best discretion within reasonable bounds of relevancy, particularly that it was okay for the union to bargain for seniority credit based on military service performed prior to entering the company's employ. *Ford Motor Co.* v. *Huffman,* 345 U.S. 330 (1953).

Many labor cases are won or lost at the Labor Board level, and Rauh won the right of unions to intervene and participate in the agency proceedings even when they are not named as parties to the dispute. For good measure, he won the corresponding right to participate in any appeal taken from the Labor Board to the courts. *Scofield* v. *NLRB,* 394 U.S. 423 (1969).

Rauh saw the need for unions to engage in politics—so they would not lose at the legislature what they had won at the bargaining table—and in 1957 he won a landmark victory for the United Auto Workers when the Supreme Court held that the Union publication—via television—of candidates' voting records did not violate the Corrupt Practices Act of 1954. Rauh had argued that as a matter of free speech a union could support a political agenda with union dues; not with a money contribution to a candidate, but with a money expenditure to inform the public of the issues involved. But at the same time he insisted that his union clients create a rebate system so the members—Republicans for example—would not be forced to support Democratic candidates with their dues money. All workers who benefit from the union must pay their fair share of the collective bargaining costs, but political objectors must get the return of that portion of their union dues that went into political action.

Rauh often told law classes that there is nothing more beautiful than a beautiful union, and he fought to keep them so. His most notable endeavor in this regard was his representation of Jock Yablonski in his run for the presidency of the United Mine Workers against incumbent Tony Boyle. When Yablonski, his wife and daughter were all murdered in their beds, Rauh traced the killings back to Boyle and saw him jailed for murder, all the while paving the way for the election of the new reform candidate, Arnold Miller.

Rauh continued to represent insurgent candidates in union elections, stumping for them in the hustings, litigating their cases in the Supreme Court. He won some cases: *Dunlop* v. *Bachowski,* 421 U.S. 560 (1975) (Secretary of Labor must give written reasons to the court when he declines to pursue allegations of union election fraud); *Trbovich* v. *United Mine Workers,* 404 U.S. 528 (1972) (when Secretary initiates an action, affected union members may intervene); and he lost a few: *United Steelworkers of America* v. *Sadlowski,* 457 U.S. 102 (unions may prohibit insurgents from accepting financial support from nonmembers during international union elections).

Joe Rauh was well versed in the intricacies of Supreme Court litigation, but he also was the master in the rough and tumble of ordinary lawyering. The National Labor Relations Act authorizes an appeal from the Labor Board to any number of Federal courts of appeals; to the one wherein the unfair labor practices took place, to any one wherein the aggrieved party does business, or to the Court of Appeals in the District of Columbia. This leads to forum shopping; and a race to the circuit; because the court which gets the appeal first generally keeps it.

In the Kohler case, the company wanted desperately to appeal the issues to the Court of Appeals in Chicago; and the United Auto Workers wanted with equal desperation to have the appeal heard in the District of Columbia.

The race to the circuit began at 9 a.m. when the Labor Board, as announced in advance, handed down its opinion. The company attorney grabbed a copy, raced to a waiting cab, and from his office used the open line to an associate in the Chicago courthouse, telling him to file an appeal. This was done at approximately 8:30, central standard time—the court having opened early at the request of Kohler. The appeal document was bland, not specifying the alleged error.

Joe Rauh, in contrast, had prepared six different appeal papers, covering all contingencies. When the Labor Board opened, UAW officials in Washington took control of all the public phone booths, and Rauh stationed an associate at the clerk's office in the Washington, DC, U.S. Court of Appeals. When the Labor Board decision came down, Rauh read it hurriedly, rushed to the nearest pay phone—where a UAW official was talking to the Rauh associate at the clerk's office, and shouted "file appeal number four." This was done, at approximately 9:15, eastern standard time. Since 9:15 eastern standard time is earlier than 8:30 central standard time, Rauh had won the race to the circuits, and ultimately the appeal.

Elbert Hubbard, the turn of the century sage of East Aurora, NY, advised that the only way to avoid controversy is to say nothing, do nothing, be nothing. This was not Joe Rauh. He believed passionately in the causes he supported and fought for them without compromise with all he had. He was the center of controversy, and made enemies.

At a recent birthday dinner he said that in his prime his friends thought he was lovable, while his enemies thought he was a son of a bitch. Now, continued Rauh, since he had grown old, his friends still thought of him as lovable, his enemies thought of him as a lovable son of a bitch.

I am among the many who now think, and always have thought of Joe Rauh as lovable, as one who always appealed to the best of our nature and spirit.

Mr. HAYES of Illinois. Mr. Speaker, I would like to take this opportunity to pay tribute to a great American, one of uncompromisable talent, integrity, and conscience—Mr. Joseph Rauh. I'd known Joe Rauh for more than 30 years and worked closely with him throughout the labor and civil rights movements. While one would expect with all his credentials Mr. Rauh would have become a super lawyer, counting among his clients the captains of industry, I was most impressed by his ability to be a part of the legal community without becoming consumed by the status quo. Early in his career, Joseph Rauh decided that unlike many of his colleagues, he could not separate his personal beliefs from his professional responsibilities. He felt that if you have strong personal beliefs which conflict with your business interests it becomes increasingly difficult to ignore your professional life and behave as though the two are unrelated. Rauh's law practice was an extension of his life, therefore he did not have to keep separate the professional and personal aspects of his life. Instead, the personal and professional fed and supported each other and as a result, he became the best at what he did.

I most admired Rauh for his strong convictions on each and every case he took on. Joe only took on those cases he believed in and because of that choice, was never tied unwillingly to a client or interest he did not feel strongly about. He was instrumental in drafting the 1948 civil rights platform at the Democratic National Convention, was one of the main lobbyists for the Civil Rights Act of 1964, as well as the Voting Rights Act and the Fair Housing Act. His death is a reminder to all of us what one man with exemplary morals and strong convictions can accomplish. Few men have contributed as much to improve race relations in this Nation as has Joe, we all owe him our utmost respect and admiration.

Joe Rauh was the kind of man who always had time to help his friends. He was a warm man who defended those who did not have the means to defend themselves. He was a voice for the voiceless, a man of undeniable moral fiber, one whose convictions far outweighed his material desires. I am deeply saddened by his passing, in an era when kind, gentle individuals—advocates for the defenseless are scarce. His death marks the end of an era in which America had the courage and desire to look at itself critically and make the changes necessary to live up to the mandate set forth by the Founding Fathers of our Nation, freedom and justice for all its citizens, and equal opportunity under the law. I will miss him deeply as will the entire Nation.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to share in the mourning with my colleagues for the loss of one of this country's great civil rights leaders and activists, Joseph L. Rauh.

Mr. Rauh had a profound impact on me back in the 1960's, when I watched this extraordinary lawyer stand up time and again to defend the defenseless and speak out for the underprivileged. Mr. Rauh never lost his enthusiasm for his optimistic and often idealistic views on how to make his country a better place for all to live.

His accomplishments are too numerous to recount. From being the founder of Americans for Democratic Action, to executive board member for the NAACP, his loyalty to human rights and equity-under-law legislation was unwavering.

Joseph Rauh's legal life and political life were often entwined, but government wasn't threatening to him. Throughout the years, he challenged policies and laws he deemed unconstitutional or detrimental to minorities and the poor. In 1972 as counsel for the NAACP Legal Defense Fund, Rauh brought on a lawsuit instrumental in dismantling racially segregated school systems in 17 states. As general counsel for the Leadership Conference on Civil Rights, he was pivotal in drafting virtually all of the major civil rights legislation of the 1950's and 1960's.

Mr. Speaker, I have always looked up to Joseph Rauh as a role model, as I'm sure many of my colleagues have as well. His absence will be felt for years to come, and his memory will live forever.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this tribute to Joe Rauh.

The SPEAKER pro tempore (Mr. ROEMER). Is there objection to the request of the gentleman from California?

There was no objection.

THE AFTERMATH OF HURRICANE INIKI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK. Mr. Speaker, I take the time this evening to address the House on a matter of very grave concern to the people of my district. I suspect that nearly everyone on Capitol Hill is aware of the tremendous hurricane storm Iniki that hit Hawaii on Friday and caused such tremendous damage, and loss of property, and three reported deaths and 300-plus injuries on the Island of Kauai. Several millions of dollars of damage was also done on Oahu and on the other neighbor islands, all of them in my district.

I want to say, first of all, that so many people have expressed their concern about the well-being and welfare of the people of my district, and I thank them deeply for expressing their concerns in the way that they have over the last day or so.

Immediately after being informed of the onslaught of the hurricane, Mr. Speaker, Senator DAN INOUYE made arrangements for the entire Hawaii delegation to fly back to Hawaii, which we did early Saturday morning, arriving about 1:30 in the afternoon, and shortly thereafter we were flown by military helicopters to the Island of Kauai, and we were able then to have at least a preliminary view of the damage that the people there have suffered. All during the 13 hours that it took us to return home, Mr. Speaker, I kept thinking about what it might look like and what the hazards might be for the people of my district. But I must say that I was not prepared to witness what we did on Saturday afternoon.

Mr. Speaker, the destruction was almost total. There were very, very few homes, or businesses, or buildings that I could see that had been spared. The destruction was virtually complete. The authorities advised us that the hurricane was in a category higher than the hurricane that hit Florida. It was in category 5, and the maximum speed of the winds that hit the Island of Kauai was in the vicinity of 160 miles per hour. So, as we flew over the island, Mr. Speaker, it was evident that the damage was not isolated to one corridor. It was the entire island, and right around the airport we could see damage. The airports were closed. There was no water on the island at all. The electricity was down. The companies advised that 95 percent of all their electric poles were knocked down by the hurricane and that it will take 2 or 3 months before electrical power is fully restored to the island.

The crisis was enormous; the people were very calm, however. The actions of the Federal Government were on time, and appropriate and vigorous.

□ 1900

I must take this opportunity to commend FEMA, the military, the civil defense people, the mayor of Kauai, Joann Yukimura, and all of her staff, for the enormous efforts that they put together on such short notice.

My office here in Washington was informed of the coming of the hurricane about 12 hours before it hit. I thank FEMA for that early warning. It gave us an opportunity to check numerous places in Hawaii to make sure that they were alerted, and indeed they were. They were probably notified several hours before we were. All of the people cooperated magnificently.

Having said that, the hurricane, of course, made it impossible for normal life to be conducted on the island. So the thousands of tourists who were stranded on the island have become a very great concern. The airports were only opened today on a limited basis, so some of the tourists are being able to be flown out for connecting flights. I know that a lot of them were very angry and disturbed.

All I can say is that we did our best to try to accommodate their needs and concerns, and apologize on behalf of the people of Hawaii if they were discomforted and inconvenienced in any way.

I feel that the authorities did the best that they could under those trying circumstances. We hope that they will not go away disaffected by the grace and beauty of the Island of Kauai because of circumstances beyond our control.

We are being kept advised almost by the hour of all the efforts that are being made. We are told that the post office is in operation. So if there are families across the country who have people there, feel free to write a letter, because it will be delivered.

There are now emergency telephones that have been posted in significant population areas. Unfortunately, no incoming calls can be received as yet, but outgoing calls are being made. My office is being constantly requested by people all over the country to try to make contact. In reaching these individuals it is comforting to know that many of these families have been reunited because the people on the island have stood the lines and have made their outgoing calls. So in a day or so surely the families ought to be connected with one another with the services that have been put into effect.

The shipping lines are open. The boat service and barge service is available, and that is how the emergency supplies are coming in.

The State of Hawaii and people throughout the country have been most generous, for which I express the gratitude of the victims on Kauai, because food is coming in in sufficient quantities to provide for the people who are still in the evacuation areas.

To give you a picture of the island, there are about 51,000 persons living on the island. If you add the number of visitors that were undoubtedly on the island we are talking about a population that was there of about 60,000 individuals. It is an island of about 550 square miles.

We are also talking about a neighboring island called Niihau, which has about 230 people on it. It is a privately owned island. The Governor assured me in his flyover of Niihau that the people there and most of the buildings were saved.

The potential number of homes that are on the Island of Kauai is roughly about 16,000. We are told by those who have made assessments that about 90 percent of the homes were damaged or destroyed during the storm. So we have a massive effort to rebuild the island, the homes, businesses, and services that the people require.

The economic hardships for the island are beyond description. I suppose that in the long run that is the greatest harm that the storm has caused. We have no idea how long economic recovery will take.

You can rebuild a house, but can you rebuild the agriculture economy, for instance, which is the base of that economy of that island?

The sugar fields were simply destroyed. It was as though a clipper went right across the fields, thousands and thousands of acres, and just cut off the tops of all the sugar cane.

The banana trees were just crumpled over as though someone just came and crushed them. The macadamia nuts and the guava trees, virtually all of the agricultural industry of the Island of Kauai has been destroyed.

Together with the destruction of the hotels and the resort communities, the economy of Kauai has been devastated. The estimates of what it is going to take to help at least bring the material physical aspects back to where they were before the storm, the estimates now exceed $1 billion. I am advised that the Senate either is debating or has concluded the debate on the supplemental appropriations this evening and is adding $1.2 billion for the State of Hawaii, specifically and principally for the damage on the Island of Kauai. Whether that is sufficient we will not know, but that is at least the preliminary estimates, and the Senate appears to be agreeing with that amount.

I hope that the House will be able to take up the bill in all due speed and bring the necessary relief to the people of this devastated island. I know that FEMA teams are there and they are about ready to open the disaster centers, but this supplemental appropriation needs to pass in order to provide the funding necessary.

We need the tremendous support and cooperation from all the various agencies. I have not considered myself a disaster assistance expert, but I am beginning to understand the enormity of the problem, because all the services are so disparate and the difficulty of starting it even requires the cooperation of the private sector, the insurance companies. If a property is insured, the claim has to go through that process rather than the Federal Government. It is only in uninsured circumstances that the Federal Government enters.

So our plea is out to the private sector to hurry on in and establish cooperative centers where people can take in their claims and have them reviewed and assessed and approved to determine the extent to which the Federal Government can offer assistance.

We need the Small Business Administration. To the credit of the Administrator, the Honorable Pat Saiki, she was out there the same day we arrived surveying the necessity of her administration getting in there. The head of the civil defense national office was also there.

The agricultural areas are beyond description right now. I am not sure how we are going to get these agricultural interests to come back onstream without totally going down. Sugar is already having a difficult time, and whether there can be sufficient timely help to restore these crops and to start all over again without forcing them into bankruptcy, which would be a terrible tragedy for the island, is something that requires an enormous amount of our effort.

So I again say I am heartened by the words of my colleagues of this House. I ask for their swift approval of the supplemental appropriation, because that more than anything else will give the signal to the people out there that help is coming and that the words that have been spoken to them about help is real and meaningful.

The final thing I would like to say is that we have been messaged that the Presidential Executive order was signed on Friday, but it neglected to provide assurances of 100 percent funding. So tonight I call upon the White House and upon the President to assure the people of Hawaii the same equitable consideration that was given to the other communities.

□ 1910

Kauai is a devastated place. It has really no way to rehabilitate itself, to pay its 25 percent share as provided by the law.

I would hope that the President's ears and his heart are listening tonight and that he will accord the people of my constituency that same consideration.

PRIORITY REFORMS FOR A NEW HOUSE

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 15 minutes.

Mr. SOLOMON. Mr. Speaker, today I am introducing the priority reforms for a new House resolution—a series of 14 amendments to House rules designed to make the legislative process in this institution more orderly, deliberative and accountable.

Mr. Speaker, as many of my colleagues are aware, when I was a member of the bipartisan leadership task force on administrative reform earlier this year, I attempted to forge a linkage between House administrative and procedural reform. The majority leadership was initially open to this overture. The Speaker indicated a willingness to have the task force develop reforms that might be proposed to our respective caucuses for inclusion in the House rules resolution recommended on opening day of the 103d Congress.

Unfortunately, that effort was abandoned when bipartisan negotiations on administrative reform broke down. I renewed my efforts when we revised the resolution creating a Joint Committee on the Organization of Congress. The Rules Committee accepted my amendment to authorize the House membership of that joint committee to report House reform proposals to our respective party caucuses by November 6 of this year.

Unfortunately, that provision was deleted by the other body in the final version of the resolution creating the joint committee. However, as I established in a floor colloquy with Representatives HAMILTON and GRADISON on August 6, when the House concurred in the Senate version of House Concurrent Resolution 192, nothing in the resolution prevents the House membership of the joint committee from making bipartisan recommendations for House reforms that could be adopted on January 4 of next year.

Therefore, my main purpose in introducing this resolution today is to initiate these bipartisan discussions and negotiations with a view to putting at least some of them in place when the new Congress convenes.

I am convinced that the mood both of returning Members and the expected large class of freshman Members will be very strongly in favor of making some immediate changes in the way we do things around here. I do not think this will do any violence to the work of the joint committee in succeeding months. In fact, it should enable the joint committee to focus on larger issues which affect both bodies and our relations with the executive.

The reforms I am proposing, on the other hand, affect only the internal operations of the House and its committee. But I do not want to mislead anyone into thinking that by only addressing internal House problems they are not significant changes.

To the contrary, my proposed changes are far reaching in their potential impact on the House as we know it because they are based on the premise that the House can and should operate in a more conscientious, coherent, deliberative, and orderly way.

I appreciate the argument that our system of government was deliberately designed by the Framers to be inefficient and contentious. But that is no excuse for all the myriad ways we have found to make it even more inefficient and contentious. There are ways we can address legislative gridlock without having to amend the Constitution. That is what my priority reforms for a new House are all about.

The main complaints voiced by Members about this institution center on legislative scheduling—both at the committee level and on the floor. Members have too many committee and subcommittee assignments to begin with. All the work of these panels is crammed into 3-day work weeks at best during the early part of a session when most work is supposed to be done by committees.

Because committees find it difficult to garner even one-third quorums to do work during these narrow windows, given Members' conflicting responsibilities, more and more work is pushed over into the second half of a session when committees should have already reported. Further complicating timely reporting of authorization bills are multiple referrals whereby some bills must be reported by several committees before they can be considered.

Ironically, despite the requirement that authorizations should be enacted before we even consider appropriations bills, nowadays appropriations bills tend to be the first major bills considered in a session. The authorization bills are somehow sandwiched in between or are put off until after we appropriate. In short, we've turned the whole authorization-appropriations process on its head.

As a result, more and more authorizing is done in appropriations bills and important spending decisions are made without prior policy guidance from the authorizing committees. And then the authorizing committees complain that they are ignored by the appropriators. Is it any wonder?

Mr. Speaker, my package of House reforms tries to bring some sanity back into the process by requiring the Speaker to announce a schedule for the consideration of major legislation at the beginning of each year, and scheduling 5-day work weeks separated by periodic district work periods; requiring committees to be elected and organized within the first 2 weeks of a Congress; requiring committee party ratios to reflect that of the House; reducing subcommittees, Member assignments and committee staff; abolishing select committees; abolishing proxy voting and requiring majority quorums for doing business; abolishing joint bill referrals; requiring committees to adopt oversight agendas by March 1 of the first session; and requiring committees to report their authorization bills no later than May 15.

In short, Mr. Speaker, we can do a lot better job of conducting our business if we just get down to business from the outset of each Congress and proceed according to a well-established and enforced timetable for its completion. To do this we must be willing to defer to leadership scheduling decisions and be willing to better focus the efforts of Members and committees on more limited assignments and responsibilities.

It does us little good to flail away haphazardly and ineffectively at the executive branch bureaucracy when we remain entangled in our own legislative branch bureaucracy of overlapping jurisdictions, excessive subcommittees and staff, and an overly duplicative, inefficient and topsy-turvy budgetary-authorization-appropriations process.

While some of the larger problems of jurisdictions and budgetary reforms must be addressed by the Joint Committee on the Organization of Congress, the internal House reforms I have proposed will go a long way toward putting us back on the right track.

I urge my colleagues, especially the leadership on both sides and our caucuses, to give serious consideration now to putting these internal reforms in place before we recreate our own monster bureaucracy at the beginning of the new Congress.

At this point in the RECORD, Mr. Speaker, I include a summary of my priority reforms for a new House. I hope this can be addressed in a bipartisan manner this fall so that we can hit the ground running rather than stumbling come next January. The summary follows:

H. RES. 565, SUMMARY OF PRIORITY REFORMS FOR A NEW HOUSE RESOLUTION

House Scheduling Reform—The Speaker would be required to announce the legislative schedule for the House at the beginning of each session, including target dates for floor consideration of major legislation; those weeks during which the House will be in session, with five-day work weeks would be assumed unless otherwise announced; the dates of district work periods and holidays; and the target date for adjournment.

Early Organization of Committees—Committees must be elected no later than seven calendar days after the commencement of a new Congress, begin their organizational meetings not later than four days after they are elected, and conclude the meetings not later than seven calendar days after their election.

Equitable Party Ratios on Committees—The membership of all House committees and subcommittees (except the Committee on Standards of Official Conduct and the House Administration Subcommittee on Administrative Oversight) and conference committees must reflect the party into ratio of the House.

Limit on Subcommittees—No committees (except Appropriations) can have more than six subcommittees.

Limit on Subcommittee Assignments—No Member may have more than four subcommittee assignments.

Oversight Reform—Committees must develop and adopt oversight plans for a Congress by March 1st of the first session, and submit them to the Committee on House Administration. Not later than March 15th, after consultation with a bipartisan leadership group, the Committee on House Administration shall publish the plans together with any comments or recommendations by the committee or leadership group. Committees would be required to give an accounting of their oversight plans and accomplishments in their final activity report at the end of each Congress.

Multiple Referral Reform—The joint referral of bills to two or more committees would be abolished; a principal committee would be designated by the Speaker when a bill is introduced, sequential referrals would be retained subject to appropriate time limits set by the Speaker, either upon introduction or when a bill is reported by the principal committee.

Proxy Voting Ban—Proxy voting would be prohibited in all House committees and subcommittees.

Open Meetings—Committee meetings could only be closed by the vote of a committee on the determination that national security, personal privacy or committee personnel matters are involved.

Majority Quorums—A majority of the members of any committee or subcommittee must be present for the conduct of any business, including bill markup.

Committee Staffing Reform—Before any committee funding resolution can be considered by the House, the House must first adopt a resolution from the House Administration Committee establishing an overall ceiling on the number of committee staff for the House. Expense resolutions for committees must be within the ceiling of authorized committee staff. Committee staff would be cut by 10% in each of the next three years (1993-95). The minority would be entitled to one-third of the investigative staff funds on request.

Motion to Recommit With Instructions—The Rules Committee would be prohibited from denying the minority its right to offer amendatory instructions in a motion to recommit a bill.

Abolition of Select Committees—All current select committees (except Intelligence) would be abolished at the end of the 102nd Congress and could not be renewed in the first session of the 103rd Congress except by a two-thirds vote.

Authorization Reporting Deadline—All authorization bills must be reported no later than May 15th preceding the beginning of the fiscal year (as required in the original 1974 Budget Act).

Effective Date—The provisions of the resolution would take effect immediately prior to noon on January 3, 1993.

CONFERENCE REPORT ON H.R. 5373

Mr. BEVILL submitted the following conference report and statement on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-866)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5373) "making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 12, 24, 26, 32, 38, 49, 52, 53, 54, 56, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 13, 14, 20, 25, 30, 33, 41, 42, 50, 51, and 55, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$175,780,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows

Restore the matter stricken amended as follows:

In lieu of the sum named in said amendment insert *$1,000,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,541,668,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,540,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$274,760,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

Restore the matter stricken amended to read as follows: *:Provided further, That of the funds appropriated herein, $3,250,000 shall be available for environmental studies associated with the renewal of Central Valley Project, California, water contracts and environmental compliance*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,417,784,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 19, 21, 22, 27, 31, 34, 35, 36, 37, 39, 43, 44, 45, 46, 47, 48, 57, and 58.

Tom Bevill,
Vic Fazio,
Lindsay Thomas,
Jim Chapman,
David E. Skaggs
(except No. 37),
Bernard J. Dwyer,
Jamie L. Whitten,
John T. Myers,
Carl D. Pursell,
Dean A. Gallo,
Joseph M. McDade,
Managers on the Part of the House.

J. Bennett Johnston,
Robert C. Byrd,
Ernest F. Hollings,
Jim Sasser,
Dennis DeConcini,
Harry Reid,
Mark O. Hatfield,
Jake Garn,
Thad Cochran,
Pete V. Domenici,
Arlen Specter,
Don Nickles,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I

Department of Defense—Civil

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

GENERAL INVESTIGATIONS

Amendment No. 1: Appropriates $175,780,000 for General Investigations instead of $177,831,000 as proposed by the House and $156,450,000 as proposed by the Senate.

The conference agreement includes $200,000 for the San Joaquin River Basin, Tule River, California, project for the Corps of Engineers to continue the feasibility study and design of the spillway raise at Success Lake, California.

The conference agreement includes $100,000 for the Corps of Engineers to undertake reconnaissance studies for two areas impacted by the Chena River Lakes Flood Control Project in Alaska: (1) the Aztec subdivision area, a flood control project (in cooperation with the Soil Conservation Service) and (2) dredging in the Chena River in Fairbanks to remove sediments impacting commerce and transportation in the Chena River and at the confluence of the Chena and Tanana Rivers.

The conferees have reviewed the Corps of Engineers plan of action for conducting the feasibility study of temperature control measures at the Blue River and Cougar Dams in the McKenzie River drainage in Oregon. The conferees believe that the Corps should produce a feasibility report that fully analyzes and evaluates the alternatives and, therefore, concurs in the Corps' proposed time and cost estimate. The Corps is to provide sufficient funds during fiscal year 1993 from within available funds to meet the proposed completion date of April 1995.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Los Angeles County Drainage Area Water Conservation and Supply, California, $200,000;

Los Angeles River Watercourse Improvement, California, $300,000;

Rancho Palos Verdes, California, $400,000;

Miami River Sediments, Florida, $50,000;

Monroe County (Smathers Beach), Florida, $500,000;

Casino Beach, Illinois, $110,000;

Chicago Shoreline, Illinois, $600,000;

McCook and Thornton Reservoirs, Illinois, $3,500,000;

Lake George, Hobart, Indiana, $260,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $170,000;

Mississippi River, Vicinity of St. Louis, Missouri, $500,000;

Ste. Genevieve, Missouri, $750,000;

Passaic River Mainstem, New Jersey, $10,000,000; and

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, $2,800,000:

Provided further, That using $320,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the cost-shared feasibility study of the Calleguas Creek, California, project based on the reconnaissance phase analyses of full intensification benefits resulting from a change in cropping patterns to more intensive crops within the floodplain. The feasibility study will consider the agricultural benefits using both traditional and nontraditional methods, and will include an evaluation of the benefits associated with the environmental protection and restoration of Mugu Lagoon: Provided further, That using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a cost-shared feasibility study for flood control at Norco Bluffs, California, based on flood related flows and channel migration which have caused bank destabilization and damaged private property and public utilities in the area: Provided further, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to expand the study of long-term solutions to shoaling problems in Santa Cruz Harbor, California, by incorporating the study of erosion problems between the harbor and the easterly limit of the City of Capitola, particularly beach-fill type solutions which use sand imported from within or adjacent to the harbor: Provided further, That using $210,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to include the study of Alafia River as part of the Tampa Harbor, Alafia River and Big Bend, Florida, feasibility study: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a study of a greenway corridor along the Ohio River in New Albany, Clarksville, and Jeffersonville, Indiana, using $125,000 of the funds appropriated under this heading in Public Law 101–101 for Jeffersonville, Indiana, $127,000 of the funds appropriated under this heading in Public Law 101–514, and $250,000 of the funds appropriated under this heading in Public Law 102–104: Provided further, That using $450,000 of the funds appropriated herein, the Secretary of the Army, act-

ing through the Chief of Engineers, is directed to continue the development of a comprehensive waterfront plan for the White River in central Indianapolis, Indiana: Provided further, That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a feasibility study of the Muddy River, Boston, Massachusetts: Provided further, That using $50,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake feasibility phase studies for the Clinton River Spillway, Michigan, project: Provided further, That using $600,000 of the funds appropriated herein and $900,000 of the funds appropriated under this heading in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the St. Louis Harbor, Missouri and Illinois, project: Provided further, That using $3,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project in accordance with the design directives for the project contained in Public Law 100–202: Provided further, That using $440,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to review and evaluate the plan prepared by the City of Buffalo, New York, to relieve flooding and associated water quality problems in the north section of the city and to recommend other cost-effective alternatives to relieve the threat of flooding: Provided further, That using $150,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a reconnaissance study of the existing resources of the Black Fox and Oakland Spring wetland areas in Murfreesboro, Tennessee, and examine ways to maintain and exhibit the wetlands, including an environmental education facility: Provided further, That using $950,000 of the funds appropriated under this heading in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Richmond Filtration Plant, Richmond, Virginia, project: Provided further, That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the study of the disposition of the current Walla Walla, Washington, District headquarters including preparation of the environmental assessment and design work associated with demolition of the building: Provided further, That using $2,800,000 of the funds appropriated herein, the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to evaluate the results of completed research and development associated with an advanced high speed magnetic levitation transportation system and to prepare and present documents summarizing the research findings and supporting the resultant recommendations concerning the Federal role in advancing United States maglev technology: Provided further, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate the feasibility phase of the study of the Devil's Lake Basin, North Dakota, and shall address the needs of the area for water management; stabilized lake levels, to include inlet and outlet controls; water supply; water quality; recreation; and enhancement and conservation of fish and wildlife: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize up to $100,000, within available funds, to initiate studies to determine the necessary remedial measures to restore the environmental integrity of the lake area and channel depths necessary for small recreational boating in the vicinity of Drakes Creek Park on Old Hickory Lake, Tennessee: Provided further, That using $500,000 of available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design; and environmental studies for the Kaumalapau Harbor, Lanai, Hawaii, project

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes provisions contained in both the House- and Senate-passed bills for the following projects: Los Angeles County Drainage Area Water Conservation and Supply, California; Rancho Palos Verdes, California; Miami River Sediments, Florida; Casino Beach, Illinois; Calleguas Creek, California; Norco Bluffs, California; Santa Cruz Harbor, California; Tampa Harbor, Florida; Muddy River, Boston, Massachusetts; Clinton River Spillway, Michigan; St. Louis Harbor, Missouri and Illinois; Murfreesboro, Tennessee; and Richmond Filtration Plant, Virginia.

The conference agreement restores provisions included by the House and stricken by the Senate for the following projects: Los Angeles River Watercourse Improvement, California; Monroe County (Smathers Beach), Florida; Lake George, Hobart, Indiana; New Albany, Clarksville, and Jeffersonville, Indiana; White River, Indianapolis, Indiana; and Walla Walla, Washington.

The conference agreement restores funding levels proposed by the House and amended by the Senate for the following projects: McCook and Thornton Reservoirs, Illinois; Mississippi River, Vicinity of St. Louis, Missouri; Ste. Genevieve, Missouri; Passaic River Mainstem, New Jersey; Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas; Raritan River Basin, Green Brook Sub-Basin, New Jersey; and Buffalo, New York.

The conference agreement provides $600,000 for the Chicago Shoreline, Illinois, project instead of $800,000 as proposed by the House and $400,000 as proposed by the Senate and provides $170,000 for the Little Calumet River Basin (Cady Marsh Ditch), Indiana, project as proposed by the Senate instead of $400,000 as proposed by the House.

The conference agreement includes provisions proposed by the Senate for the following projects or programs: magnetic levitation transportation research and development; Devil's Lake Basin, North Dakota; Old Hickory Lake, Tennessee; and Kaumalapau Harbor, Lanai, Hawaii.

The conference agreement includes $3,500,000 for preconstruction engineering and design of the McCook and Thornton Reservoirs project in Illinois as proposed by the House. Notwithstanding the language contained in House Report 102–555, the conferees have been advised that although progress has been made regarding the acquisition of lands for the project, no formal agreement has yet been reached between the owners of the property needed for construction of the McCook Reservoir and the local sponsors of the project. The conferees would therefore urge the parties to continue with their negotiations so that the project may proceed in a timely manner. The conferees expect the Corps of Engineers to take such actions as necessary in the planning, engineering and design of the McCook project so that construction could be initiated in fiscal year 1994.

The conference agreement includes $440,000 for the Corps of Engineers to review the North Buffalo flood control plan for the City of Buffalo, New York. The conferees direct the Corps to use its technical expertise to evaluate the present Buffalo plan including recommendations for possible other cost-effective alternatives, and not initiate a new study for this project.

The conferees direct the Secretary to use the same methodologies and interest rate to derive benefits, costs, benefit-cost ratio, and cost allocations for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project as was used for the previous portions of the Red River Waterway project.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Army to utilize $500,000 to undertake a reconnaissance study of flooding problems associated with the sanitary landfill on the Salt River Pima-Maricopa Indian Reservation in the vicinity of the Salt River, Arizona.

Amendment No. 4: Reported a technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Army to utilize $500,000 to continue preconstruction engineering and design for the Kentucky Lock, Kentucky, project in accordance with the Report of the Chief of Engineers dated June 1, 1992.

Amendment No. 5: Deletes language proposed by the Senate that directs the Secretary of the Army to complete preconstruction engineering and design for the McCook and Thornton Reservoirs project in Illinois, including all activities necessary to ready the project for construction in fiscal year 1994.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$1,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,000,000 for the Corps of Engineers to carry out the purposes of section 411 of Public Law 101–640. Of these funds, $150,000 is available for the Corps of Engineers to continue its support of the Onondaga Lake Management Conference and $850,000 is available for preconstruction engineering and design of demonstration projects to address water quality problems in Onondaga Lake, New York.

CONSTRUCTION, GENERAL

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,230,503,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,230,503,000 for Construction, General excluding the Red River Waterway Project instead of $1,235,502,000 as proposed by the House and $1,233,937,000 as proposed by the Senate.

The conferees are aware that the Corps of Engineers is currently proceeding with preparation of the design memorandum for phase II of the Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, project which includes a dredging-only process for maintaining the channel. The approval of the design memorandum is scheduled for the end of calendar year 1992, with execution of the LCA occurring shortly thereafter. Previous delays in completing this phase are of great concern to the House and Senate Committees, therefore, the Corps is directed to use the funds included herein to initiate and expedite construction of phase II, as authorized by the Water Resources Development Acts of 1986 and 1988, immediately after the execution of the LCA.

The budget request included $25,406,000 for the Corps of Engineers to settle a claim at the Joe Pool Lake, Texas, project. The conferees have been advised that the claim is still under consideration by the courts. Therefore, the conferees have deleted the funding for settlement of the claim and direct the Corps of Engineers to rebudget for the claim when the final settlement is reached.

The conferees recognize that the funding identified for the 31-acre Sonoma Baylands Coastal America site should also be considered for use in the overall 320-acre Sonoma Baylands Wetland Demonstration Project, provided that the project is authorized by Congress.

The conferees have been advised that the Corps of Engineers will propose a reprogramming of $10,000,000 to accelerate work on the Kill Van Kull and Newark Bay Channel, New York and New Jersey, project. The conferees fully support this project and the House and Senate Committees look forward to receiving the reprogramming request.

Within available funds, the Corps of Engineers is directed to use up to $10,000,000 for the continuation of the NW 86 Street Extension to Interstate 35/80 at the Saylorville Lake project in Iowa.

The conference agreement includes funds for the following projects within the Corps of Engineers Continuing Authorities Programs:

Emergency Streambank and Erosion Control (Section 14).—Indian Creek, Burton Road, Morgan County, Indiana, $72,000; Watermelon Hollow Road, Sugar Creek, Montgomery County, Indiana, $63,000; Terre Haute Waste Treatment Plant, Vigo County, Indiana, $180,000; St. Joseph River at Indiana University, Indiana, $200,000; and Sequoyah Hills Park, Knoxville, Tennessee, $450.000.

Small Navigation Projects (Section 107).—Cooley Canal, Lucas County, Ohio, $100,000; Neabsco Creek, Virginia, $70,000; and Drum Inlet, North Carolina, $167,000.

Small Flood Control Projects (Section 205).—Northport, Alabama, $200,000; Jackson, Kentucky, $205,000; Mayfield Creek, Kentucky; Windsor Park, Las Vegas, Nevada, $100,000; Lytle Creek, Murfreesboro, Tennessee, $105,000; Pike Creek, Alexandria, Indiana, $120,000; and Duck Creek, Elwood, Indiana, $100,000.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that permits the use of funds available in the Inland Waterways Trust Fund for rehabilitation of Locks and Dams 13 and 15 on the Mississippi River and Brandon Road, Dresden Island, Marseilles, and Lockport Locks and Dams on the Illinois Waterway.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Kissimmee River, Florida, $8,000,000;

O'Hare Reservoir, Illinois, $3,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $2,500,000;

Red River Basin Chloride Control, Texas and Oklahoma, $6,000,000;

Wallisville Lake, Texas, $500,000; and

LaConner, Washington, $870,000:

Provided further, That using $7,653,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the project to correct seepage problems at Beaver Lake, Arkansas, and all costs incurred in carrying out that project shall be recovered in accordance with the provisions of section 1203 of the Water Resources Development Act of 1986: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to base all economic analyses of the Sacramento River Flood Control (Deficiency Correction), California, project on the benefits of the entire project, rather than the benefits of individual increments of the project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall expend $500,000 of the funds appropriated herein and additional amounts as required from previously appropriated funds to continue plans and specifications, environmental documentation, and the comprehensive hydraulic modeling necessary to achieve to the maximum extent practicable in fiscal year 1993 the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California, for purposes of stabilizing the level of the river and establishing the proper hydraulic head to facilitate new fish protection facilities, the planning, design and implementation of which are integrally related to the planning, design and implementation of the project to restore the flood-damaged riverbed gradient: Provided further, That using $660,000 in funds previously appropriated in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to develop a floodplain management planning model for the Yolo Bypass and adjacent areas as deemed appropriate, except, as provided in section 321 of Public Law 101–640, such funds shall not be subject to cost-sharing requirements. The one-time construction of operation and maintenance facilities associated with the Yolo Basin Wetlands, Sacramento River, California, project shall be included as part of project costs for the purposes of cost-sharing authorized by law: Provided further, That using $4,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the San Timoteo feature of the Santa Ana River Mainstem, California, project: Provided further, That using funds available in this Act or any previous appropriations Act, the Secretary of the Army shall undertake at Federal expense such actions as are necessary to ensure the safety and integrity of the work performed under Contract Number DACW05–86–C–0101 for the Walnut Creek, California, flood control project: Provided further, That using $700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on project modifications for the improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, under the authority of section 1135 of Public Law 99–662, as amended: Provided further, That using $3,000,000 of the funds appropriated under this heading in Public Law 101–514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete real estate appraisals and make offers to willing sellers for the purchase of land at Red Rock Lake and Dam, Iowa, no later that October 31, 1993, in accordance with Public Law 99–190: Provided further, That with $22,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Barbourville, Kentucky, and the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367: Provided further, That with $20,565,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367: Provided further, That with $23,000,000 of prior year appropriations to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367: Provided further, That with $1,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction, using continuing contracts, of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367: Provided further, That with $1,195,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to expedite completion of specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Upper Tug Fork Tributaries, West Virginia, Tug Fork, West Virginia, and Pike County, Kentucky: Provided further, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia, Hatfield Bottom, West Virginia, Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project; and specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Folk Tributaries, West Virginia, Upper Tug Fork, West Virginia, and Pike County, Kentucky: Provided further, That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Salyersville cut-through as authorized by Public Law 99–662, section 401(e)(1), in accordance with the Special Project Report for Salyersville, Kentucky, concurred in by the Ohio River Division Engineers on or about July 26, 1989: Provided further, That using $7,700,000 of the funds appropriated herein and $4,300,000 of the funds appropriated in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to incorporate parallel protection along the Orleans and London Avenue Outfall Canals into the authorized Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project and award continuing contracts for construc-

tion of this parallel protection to be cost-shared as part of the overall project, not separately, in accordance with the cost-sharing provisions outlined in Public Law 89–298 and Public Law 102–104. Therefore, agreements executed prior to June 1, 1992, between the Federal Government and the local sponsors for the authorized project shall suffice for this purpose and will not require any additional local cost-sharing agreements or supplements: Provided further, That using $4,400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue design and construction of the Ouachita River levees, Louisiana, project in an orderly but expeditious manner including rehabilitation or replacement at Federal expense of all deteriorated drainage structures which threaten the security of this critical protection: Provided further, That the project for flood control, Sowashee Creek, Meridian, Mississippi, authorized by the Water Resources Development Act of 1986 (Public Law 99–662) is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct the project with an expanded scope recreation plan, as described in the Post Authorization Change Report of the Chief of Engineers dated August 1991, and at a total project cost of $31,994,000 with an estimated first Federal cost of $19,706,000 and an estimated non-Federal cost of $12,288,000. The Federal share of the cost of the recreation features shall be 50 percent exclusive of lands, easements, rights-of-way and relocations: Provided further, That using $175,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to provide sewage disposal hookup for the Crosswinds Marina at the B. Everett Jordan Dam and Lake, North Carolina, project: Provided further, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Feature Design Memorandum for the Forest Ridge Peninsula Recreation Area at the Falls Lake, North Carolina, project: Provided further, That using $5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the New York Harbor Collection and Removal of Drift, New York and New Jersey, project including the continuation of engineering and design of the remaining portions of the Brooklyn 2, Kill Van Kull, Shooters Island, Bayonne, and Passaic River Reaches, the completion of the design memoranda for the Arthur Kill, New York, and Arthur Kill, New Jersey, reaches, the continuation of construction on the Weehawken-Edgewater, New Jersey and Brooklyn 2 reaches, and the completion of construction on the Jersey City North 2 reach: Provided further, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the project for flood control, Molly Ann's Brook, New Jersey, in compliance with cost-sharing provided in section 1062 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240): Provided further, That using $2,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pay such sums or undertake such measures as are necessary to compensate for costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington: Provided further, That using not to exceed $2,000,000 of the funds appropriated herein for the Columbia River Juvenile Fish Mitigation, Washington, project, the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake advanced planning and design of modifications to public and private facilities that may be affected by operation of John Day Dam at minimum operating pool (elevation 257 feet): Provided further, That using $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed upon dissolution of the injunction by the United States District Court, to conduct the necessary engineering and design, and prepare the plans and specifications to resume construction of the Elk Creek Dam in Oregon: Provided further, That the Secretary of the Army is directed to permit the non-Federal sponsor of recreation facilities at Willow Creek Lake in Oregon to contribute, in lieu of cash, all or any portion of its share of the project with work in-kind, including volunteer labor and donated materials and equipment: Provided further, That with $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake further construction aspects of the Bethel, Alaska, Bank Stabilization Project as authorized by Public Law 99–662 including but not limited to the installation of steel whalers and additional rock toe protection to the pipe pile, bulkheads and other areas vulnerable to collapse: Provided further, That no fully allocated funding policy shall apply to construction of the Bethel, Alaska, Bank Stabilization Project and to the greatest extent possible the work described herein should be compatible with the authorized project: Provided further, That using funds made available in this Act or any previous appropriations Act, the Secretary of the Army shall construct a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, Tennessee, at a total cost of $600,000, with an estimated first Federal cost of $450,000 and an estimated first non-Federal cost of $150,000: Provided further, That with $3,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to excavate the St. George Harbor, Alaska, entrance to -20 MLLW in accordance with the cost-sharing provisions in Public Law 99-662

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes provisions contained in both the House- and Senate-passed bills for the following projects: O'Hare Reservoir, Illinois; Red River Basin Chloride Control, Texas and Oklahoma; Wallisville Lake, Texas; Beaver Lake, Arkansas; Sacramento River, California; Yolo Bypass, California; San Timoteo, Santa Ana River Mainstem, California; Walnut Creek, California; Anacostia River, District of Columbia and Maryland; Red Rock Lake and Dam, Iowa; Sowashee Creek, Mississippi; B. Everett Jordan Dam and Lake, North Carolina; Forest Ridge Peninsula Recreation Area, Falls Lake, North Carolina; and New York Harbor Collection and Removal of Drift, New York and New Jersey.

The conference agreement restores provisions included by the House and stricken by the Senate for the following projects: Kissimmee River, Florida; Sacramento River Flood Control (Deficiency Correction), California; and Salyersville, Kentucky.

The conference agreement provides $2,500,000 for the Des Moines Recreational River and Greenbelt, Iowa, project as proposed by the House instead of $1,000,000 as proposed by the Senate.

The conference agreement deletes language proposed by the House and stricken by the Senate for the Ouachita-Black Rivers, Arkansas and Louisiana, and the Falls Lake, North Carolina, projects. The Falls Lake project is addressed in Amendment No. 11.

The conference agreement amends House language for the Harlan and Barbourville, Kentucky; Lake Pontchartrain and Vicinity, Louisiana; and Little Goose and Lower Granite, Washington, projects as proposed by the Senate.

The conference agreement includes provisions proposed by the Senate for the following projects: Matewan, West Virginia; Lower Mingo County, West Virginia; Hatfield Bottom, West Virginia; specific project reports for various elements of the project authorized by section 202 of Public Law 96–367; Ouachita River levees, Louisiana; Columbia River Juvenile Fish Mitigation, Washington; Elk Creek Dam, Oregon; Willow Creek Lake, Oregon; Bethel, Alaska; Sequoyah Hills Park, Knoxville, Tennessee; and St. George Harbor, Alaska.

The conference agreement also includes funds for the LaConner, Washington, project, and the Molly Ann's Brook, New Jersey, project.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that provides $250,000 for the Corps of Engineers to demolish and remove the India Point Railroad Bridge over the Seekonk River in Providence, Rhode Island, as authorized by section 1166(c) of Public Law 99–662.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Army to correct a design deficiency at the Falls Lake, North Carolina, project. The House-passed bill contained similar language that was stricken by the Senate in Amendment No. 9.

Amendment No. 12: Deletes Senate language that provides $500,000 for the Ventura Harbor, California, project. Funding for this project is included in the amount appropriated in Amendment No. 7.

Amendment No. 13: Appropriates $130,000,000 for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project as proposed by the Senate instead of $90,000,000 as proposed by the House.

The conferees are very concerned about delays in the acquisition of mitigation lands for wildlife losses associated with the construction and operation of the project; specifically, lands in the authorized areas of Loggy Bayou and Bayou Bodcau. Therefore, the Corps of Engineers is urged to expedite all appropriate procedural requirements necessary for land acquisition to begin and to provide a report to the Committees on Appropriations on the overall acquisition schedule, status of the Real Estate Design Memorandum and Local Cooperation Agreement for each area.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

Amendment No. 14: Appropriates $351,182,000 for Flood Control, Mississippi River and Tributaries, as proposed by the Senate instead of $365,432,000 as proposed by the House.

The conferees agree with the language contained in the House Report regarding the Yazoo Basin, Mississippi, Demonstration Erosion Control Program.

Within the funds available, the conference agreement includes an additional $1,200,000 to complete the construction of levee step-paving and other improvements in Baton Rouge, Louisiana.

Amendment No. 15: Restores House language stricken by the Senate that directs the Corps of Engineers to continue work on the Eastern Arkansas Region, Arkansas, project amended to provide that $1,000,000 shall be available for that purpose instead of $2,000,000 as proposed by the House.

OPERATION AND MAINTENANCE, GENERAL

Amendment No. 16: Appropriates $1,541,668,000 for Operation and Maintenance, General instead of $1,551,905,000 as proposed by the House and $1,522,961,000 as proposed by the Senate.

The conference agreement includes $628,000 for operation and maintenance of the Oceanside, California, Experimental Sand Bypass System. The conferees direct the Corps of Engineers to continue the development of this system through completion of Phase III to demonstrate the ability of the system to reduce channel maintenance costs.

Under the Local Cooperation Agreement between the Department of the Army and the State of Texas for the Cooper Lake and Channels, Texas, project, the Government has an obligation to determine when and where shoreline erosion threatens the Federal investment and to determine what economically feasible measures may be undertaken to protect the Federal investment. The conferees are aware that shoreline erosion is already occurring at the Cooper Lake, Texas, project and that a concept proposal has been drafted by the Corps to address this problem. The conferees are concerned about the high cost of the rudimentary solution proposed by the Corps, particularly when compared to a private study that has been conducted for a larger shoreline area and uses a more advanced design and technology for shoreline protection. The conferees direct the Secretary to conduct a comprehensive erosion control study, to be submitted to the House and Senate Committees on Appropriations by February 1, 1993, that will focus on cost efficiencies and utilization of advanced erosion control measures in order to protect both the Federal investment and potential public/private development at Cooper Lake.

The conferees are concerned about the boat safety problems occurring at the Highway 155 bridge area of Lake O' The Pines, Texas. Within available funds, the Secretary is directed to perform necessary dredging and stump removal maintenance and to mark a 50-foot wide boat lane to the main body of water along the existing creek channel as previously marked by the Corps of Engineers.

The Allegheny River Navigation System was constructed in the 1930's and is in a state of disrepair. Consequently, the conferees have provided an additional $3,000,000 for maintenance of the antiquated Allegheny River Navigation System. The funds are required to overhaul the failing gate operating machinery at Locks 2 and 5, repair the severely damaged concrete walls at Locks 7 and 8, and replace the unsafe tow haulage unit at Lock 5.

Within available funds, the conferees direct the Corps of Engineers to utilize $45,000 to develop and execute a local cooperation agreement, design and construct a permanent fish screen, and complete all other actions necessary to turn over the Kankakee River Ice Management Project at Wilmington, Illinois, to the local sponsor for operation and maintenance.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *Provided further, That $2,285,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Hansen Dam, California: Provided further, That $2,000,000 of the funds appropriated herein, to remain available until expended, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Sepulveda Dam, California: Provided further, That using $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the repair and rehabilitation of the Flint River, Michigan, flood control project: Provided further, That $40,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the project for removal of silt and aquatic growth at Sauk Lake, Minnesota: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $1,200,000 of available funds to undertake high priority recreational improvements at the Skiatook Lake, Oklahoma, project: Provided further, That using $1,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on measures needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam, Montana, as authorized by section 33 of the Water Resources Development Act of 1988: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain at Federal expense the Passaic River flood warning system element to the Passaic River Mainstem Project, New Jersey, prior to construction of the project, and using $350,000 of the funds appropriated herein, the Secretary shall operate and maintain such element: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to work with the U.S. Environmental Protection Agency to begin the immediate cleanup of the Ashtabula River, Ohio: Provided further, That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to update the project Master Plan for the Raystown Lake, Pennsylvania, project: Provided further, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and dredge an access channel and berthing area for the vessel NIAGARA at Erie Harbor, Pennsylvania, in an area known at the East Canal: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use up to $5,000,000 of available funds to undertake necessary maintenance of the Kentucky River Locks and Dams 5–14, Kentucky, prior to transfer of such facilities to the Commonwealth of Kentucky pursuant to the Memorandum of Understanding executed in 1985 concerning the Kentucky River Locks and Dams 5–14: Provided further, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct and maintain bank stabilization measures along the west bank of the Calcasieu River Ship Channel in Louisiana from mile 11.5 through mile 15.5*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes provisions contained in both the House- and Senate-passed bills for the following projects: Missouri River below Fort Peck Dam, Montana; Ashtabula River, Ohio; and Raystown Lake, Pennsylvania.

The conference agreement restores House language stricken by the Senate for the Hansen Dam, California; Sepulveda Dam, California; Flint River, Michigan; and Sauk Lake, Minnesota, projects.

The conference agreement includes language proposed by the Senate for the Skiatook Lake, Oklahoma; Kentucky River, Kentucky; and Calcasieu River, Louisiana, projects.

The conference agreement also includes funds for operation and maintenance of the Passaic River, New Jersey, Flood Warning System and additional funds for the Erie Harbor, Pennsylvania, project for dredging of an access channel in the East Canal.

From within funds provided for the Kentucky River, Locks and Dams 5-14, project, the conferees direct the Corps of Engineers to spend not more than $300,000 to identify, in concurrence with officials from the Commonwealth of Kentucky, the most critical items in need of repair and that are required to enhance the dependability of the dams for their water supply function.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of "475.5" named in said amendment, insert *475.6*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that directs the Secretary of the Army to maintain a minimum conservation pool at Wister Lake, Oklahoma, amended to make a technical correction.

REGULATORY PROGRAM

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

None of the funds in this Act shall be used to identify or delineate any land as a "water of the United States" under the Federal Manual for Identifying and Delineating Jurisdictional Wetlands that was adopted in January 1989 or any subsequent manual adopted without notice and public comment.

Furthermore, the Corps of Engineers will continue to use the Corps of Engineers 1987 Manual, as it has since August 17, 1991, until a final wetlands delineation manual is adopted.

None of the funds in this Act shall be used to finalize or implement the proposed regulations to amend the fee structure for the Corps of Engineers regulatory program which were published in Federal Register, Vol. 55, No. 197, Thursday, October 11, 1990.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate regarding Corps of Engineers procedures for delineating jurisdictional wetlands amended to provide that none of the funds appropriated in the Act shall be used to delineate any land as a "water of the United States" using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands issued in January 1989 or any subsequent manual adopted without notice and public comment and that none of the funds appropriated in the Act may be used to implement proposed regulations to amend the fee structure for the Corps' regulatory program. The conference agreement deletes language included in the Senate amendment that referred to the Administrative Procedure Act and that established a procedure for handling ongoing permit and enforcement actions.

FLOOD CONTROL AND COASTAL EMERGENCIES

Amendment No. 20: Appropriates $10,000,000 for Flood Control and Coastal Emergencies as proposed by the Senate instead of $15,000,000 as proposed by the House.

GENERAL EXPENSES

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that prohibits the use of funds to close any district office of the Corps of Engineers and permits the Secretary of the Army to transfer not to exceed $7,000,000 from other appropriations in Title I to General Expenses to further a more efficient headquarters and division office structure.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Public Law 101–302 (104 Stat. 213) is amended by striking the words "to meet the present emergency needs" under the General Expenses appropriation title of Corps of Engineers—Civil.

SEC. 102. Any funds heretofore appropriated and made available in Public Law 99–88 for construction of facilities at the Mill Creek recreation area of the Tioga-Hammond Lakes, Pennsylvania, project; in Public Law 100–71 for initiation of land acquisition activities as described in section 1114 of Public Law 99–662; and in Public Law 101–101 for construction of the Satilla River Basin, Georgia, project, and for acquisition of an icebreaking boat and equipment for the Kankakee River, Illinois, project, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain in caretaker status the navigation portion of the Fox River System in Wisconsin. The Assistant Secretary of the Army for Civil Works shall take over negotiations with the State of Wisconsin for the orderly transfer of ownership and operation of the Fox River Lock System to a non-Federal entity. These negotiations shall commence immediately, be conducted in good faith, and be completed as soon as possible. The terms of a negotiated settlement shall be presented to Congress immediately upon the completion of these negotiations. The settlement shall include provisions for both the logistics and timing of the transfer of the Lock System, as well as a negotiated recommendation for monetary compensation to the non-Federal entity for the repair and rehabilitation of damage and deterioration associated with all appropriate portions of the Fox River System which are being transferred.

SEC. 104. The requirements of section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as pertains to the Moorefield and Petersburg, West Virginia, flood protection projects, are deemed satisfied, in consideration of the transfer of Grandview State Park by the State of West Virginia to the National Park Service for inclusion in the New River Gorge National River.

SEC. 105. None of the funds appropriated in this Act shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 106. In fiscal year 1993, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement: includes language proposed by the Senate in section 101 that will permit the Corps of Engineers to utilize the unobligated balances remaining from funds appropriated in Public Law 101–302 for costs incurred as a result of a fire that damaged the Corps' Washington headquarters; includes language proposed by the Senate in section 102 that permits the Corps of Engineers to utilize funds previously appropriated for the Tioga-Hammond Lakes, Pennsylvania, the Cross Florida Barge Canal, Florida, the Satilla River Basin, Georgia, and the Kankakee River, Illinois, projects for other activities funded in the Act; includes language proposed by the Senate in section 103 that directs the Chief of Engineers to maintain in caretaker status the navigation portion of the Fox River, Wisconsin, project and directs the Assistant Secretary of the Army for Civil Works to take over negotiations with the State of Wisconsin for the orderly transfer of ownership and operation of the Fox River system to a non-Federal entity; amends language proposed by the Senate in section 104 regarding the Moorefield, West Virginia, and Petersburg, West Virginia, flood control projects; includes language proposed by the Senate in section 105 that provides that none of the funds appropriated in the Act shall be used to implement the proposed rule amending regulations on "ability to pay" published in the Federal Register on June 13, 1991; and amends language proposed by the Senate in section 106 regarding the Corps of Engineers hopper dredge fleet. The amended language provides that in fiscal year 1993 the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of hopper dredge volume accomplished with government-owned dredges in fiscal year 1992 and includes a provision that authorizes the Secretary to use the Corps of Engineers dredge fleet to undertake projects under certain conditions. The conferees direct that the Corps of Engineers hopper dredges continue to be homeported in their current locations.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	ALABAMA				
(N)	CHICKASAW CREEK, AL	165,000	---	165,000	---
(FDP)	CHOCTAWHATCHEE AND PEA RIVER BASINS, AL & FL	400,000	---	400,000	---
(FDP)	METROPOLITAN HUNTSVILLE-MADISON CO., AL	500,000	---	500,000	---
(FC)	VALLEY CREEK, WARRIOR RIVER AND TRIBUTARIES, AL	---	200,000	---	---
	ALASKA				
	CHENA RIVER COMPREHENSIVE STUDY, AK	---	---	100,000	---
(N)	CHIGNIK HARBOR, AK	125,000	---	125,000	---
(N)	COOK INLET, AK	400,000	---	400,000	---
(FDP)	SEWARD AREA RIVERS, AK	300,000	---	300,000	---
(FDP)	SEWARD, FOURTH OF JULY CREEK, AK	149,000	---	149,000	---
(FDP)	SEWARD, LOWELL CREEK, AK	220,000	---	220,000	---
(N)	SITKA HARBOR, AK	---	360,000	---	360,000
(N)	WRANGELL NARROWS AND DRY STRAITS, AK	300,000	---	300,000	---
	ARIZONA				
(FDP)	CENTRAL MARICOPA COUNTY DRAINAGE AREA, AZ	400,000	---	400,000	---
(FDP)	HASSAYAMPA RIVER AT WICKENBURG, AZ	230,000	---	230,000	---
(FC)	LOWER SANTA CRUZ RIVER, AZ	---	100,000	---	100,000
(FC)	RILLITO RIVER, AZ	---	866,000	---	866,000
	SALT RIVER, AZ	---	---	500,000	---
(FDP)	TUCSON DRAINAGE AREA, AZ	330,000	---	330,000	---
	WILLCOX, AZ	---	---	100,000	---
	ARKANSAS				
(FDP)	ARCHEY FORK, CLINTON, AR	200,000	---	200,000	---
(FDP)	ARKANSAS RIVER WETLANDS AND FLOOD CONTROL, AR	200,000	---	200,000	---
(FDP)	CENTRAL ARKANSAS STUDY, AR	200,000	---	200,000	---
(FDP)	LITTLE RIVER COUNTY, AR	237,000	---	237,000	---
(FDP)	OUACHITA RIVER BASIN, HOT SPRINGS, AR	850,000	---	850,000	---
(N)	WHITE RIVER AND TRIBUTARIES, AR & MO	123,000	---	623,000	---
(FDP)	RED RIVER BANK STAB., INDEX, AR TO DENISON DAM, TX	---	---	400,000	---
	CALIFORNIA				
(FC)	AMERICAN AND SACRAMENTO RIVERS, CA	---	5,000,000	---	5,000,000
(FDP)	CALLEGUAS CREEK, CA	320,000	---	320,000	---
(FC)	CARNEROS CREEK, CA	---	670,000	---	670,000
	CITY OF OCEANSIDE SHORELINE, CA	---	---	100,000	---
(SPE)	COAST OF CA, SOUTH COAST REGION (ORANGE COUNTY)	250,000	---	250,000	---
(FC)	COYOTE AND BERRYESSA CREEKS, CA	---	866,000	---	866,000
(N)	HUMBOLDT HARBOR AND BAY, CA	255,000	---	255,000	---
(FC)	KAWEAH RIVER, CA	---	500,000	---	---
	LACDA WATER CONSERVATION AND SUPPLY, CA	---	---	200,000	---
(N)	LOS ANGELES - LONG BEACH HARBORS, CA	---	1,600,000	---	900,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	---	3,100,000	---	3,100,000
	LOS ANGELES COUNTY SHORELINE, PT MUGU TO SAN PEDRO, CA	---	---	175,000	---
	LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, CA	---	---	300,000	---
(FC)	LOWER MISSION CREEK, CA	---	180,000	---	180,000
(FDP)	MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA	390,000	---	390,000	---
(SP)	MISSION BAY, SAN DIEGO COUNTY, CA	200,000	---	200,000	---
(FDP)	MISSION ZANJA CREEK, CA	300,000	---	300,000	---
(N)	MORRO BAY HARBOR, CA	---	420,000	---	420,000
(FC)	NAPA RIVER, CA	---	400,000	---	400,000
(N)	NEWPORT BAY HARBOR, CA	150,000	---	150,000	---
	NORCO BLUFFS, SANTA ANA RIVER, CA	---	---	200,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, CACHE CREEK BASIN, CA	200,000	---	200,000	---
	NORTHERN CALIFORNIA STREAMS, MORRISON CREEK STREAM GRO	---	---	600,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, YOLO BYPASS, CA	180,000	---	---	---
	NORTHERN CALIFORNIA STREAMS, WESTSIDE TRIBS TO YOLO BY	---	---	600,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, YUBA RIVER BASIN, CA	250,000	---	250,000	---
(N)	NOYO RIVER & HARBOR, CA	---	970,000	---	970,000
(SP)	PACIFIC COASTLINE, CARLSBAD, CA	350,000	---	350,000	---
(FDP)	PAJARO RIVER, WATSONVILLE, CA	470,000	---	470,000	---
(N)	POINT ARENA, CA (BREAKWATER)	390,000	---	390,000	---
	PORT HUENEME, OXNARD, CA	---	---	200,000	---
	RANCHOS PALOS VERDES, CA	---	---	400,000	---
(SPE)	SACRAMENTO-SAN JOAQUIN DELTA, CA	500,000	---	500,000	---
	SAN DIEGO COUNTY WATER SUPPLY, CA	---	---	100,000	---
(SP)	SAN FRANCISCO COUNTY, OCEAN BEACH, CA	665,000	---	665,000	---
(N)	SAN FRANCISCO HARBOR, CA	290,000	---	290,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, ARROYO PASAJERO CK, CA (FRESN	350,000	---	350,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, CALIENTE CREEK STREAM GROUP,.	230,000	---	230,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, PINE FLAT DAM, F&WL RESTORATI	300,000	---	250,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, SAN JOAQUIN R MAIN STEM & TRI	270,000	---	270,000	---
	SAN JOAQUIN RIVER BASIN, TULE RIVER, CA	---	---	---	200,000
(FDP)	SAN LORENZO RIVER, CA	133,000	---	133,000	---
(N)	SAN RAFAEL CANAL, CA	---	800,000	---	300,000
(N)	SANTA BARBARA HARBOR, CA	---	380,000	---	380,000
(N)	SANTA CRUZ HARBOR SHOALING, CA	300,000	---	300,000	---
(N)	SANTA MONICA BREAKWATER, CA	100,000	---	100,000	---
(FDP)	SEVEN OAKS AND PRADO DAMS WATER CONSERVATION, CA	100,000	---	100,000	---
(FDP)	UPPER GUADALUPE RIVER, CA	580,000	---	580,000	---
	UPPER SACRAMENTO RIVER HABITAT RESTORATION, CA	---	---	500,000	---
(FDP)	WALNUT CREEK BASIN, CA	80,000	---	80,000	---
(FDP)	WHITEWATER RIVER BASIN, CA	100,000	---	100,000	---
	COLORADO				
(FC)	ALAMOSA, CO	---	131,000	---	131,000
(FDP)	BOXELDER, SPRING, AND DRY CREEKS, FT. COLLINS, CO	55,000	---	55,000	---
(FDP)	DRY GULCH, DENVER, CO	180,000	---	180,000	---
(FDP)	RALSTON AND LEYDEN CREEKS, CO	44,000	---	44,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	CONNECTICUT				
(COM)	CONNECTICUT R BASIN-NATURAL VALLEY STORAGE, CT, MA, NH	340,000	---	340,000	---
	DELAWARE				
(N)	C&D CANAL-BALTIMORE HBR CONNECTING CHLS, DE & MD (DEEP	500,000	---	500,000	---
(SP)	DELAWARE BAY COASTLINE, DE & NJ.......................	450,000	---	450,000	---
(SP)	DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, D	500,000	---	500,000	---
	FLORIDA				
(SP)	BREVARD COUNTY, FL....................................	78,000	---	78,000	---
(FDP)	COAST OF FLORIDA STUDY, FL............................	475,000	---	475,000	---
(SP)	DAYTONA BEACH SHORES, FL..............................	100,000	---	100,000	---
(FDP)	HILLSBORO CANAL, FL...................................	79,000	---	79,000	---
	JACKSONVILLE HARBOR, FL...............................	---	---	150,000	---
(BE)	MARTIN COUNTY, FL.....................................	---	300,000	---	300,000
	MIAMI RIVER SEDIMENTS, FL.............................	---	---	---	50,000
	MONROE COUNTY (SMATHERS BEACH), FL....................	---	---	---	500,000
	NAPLES SHORELINE, FL..................................	---	---	100,000	---
(BE)	NASSAU COUNTY, FL.....................................	---	350,000	---	350,000
(N)	PALM VALLEY BRIDGE, FL................................	210,000	---	210,000	---
(BE)	PANAMA CITY BEACHES, FL...............................	---	900,000	---	900,000
(N)	PANAMA CITY HARBOR, FL................................	---	440,000	---	440,000
(FDP)	PERDIDO KEY,FL..	300,000	---	300,000	---
(N)	PONCE DE LEON INLET, FL...............................	170,000	---	170,000	---
(FDP)	TAMPA BAY, FL (COASTAL AREAS).........................	200,000	---	200,000	---
(N)	TAMPA HARBOR, ALAFIA RIVER AND BIG BEND, FL...........	210,000	---	210,000	---
	GEORGIA				
(BE)	GLYNN COUNTY BEACHES, GA..............................	---	100,000	---	---
(N)	LOWER SAVANNAH RIVER BASIN, GA & SC...................	75,000	---	225,000	---
(N)	SAVANNAH HARBOR COMPREHENSIVE, GA.....................	---	616,000	---	616,000
	HAWAII				
	KAUMALAPAU HARBOR, HI.................................	---	---	---	500,000
(N)	KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI.................	---	180,000	---	---
(FDP)	WAILUPE STREAM FLOOD CONTROL STUDY, OAHU, HI..........	308,000	---	308,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	PLANNING
	ILLINOIS				
(FDP)	ALEXANDER AND PULASKI COUNTIES, IL......................	75,000	---	75,000	---
(FDP)	APPLE CREEK, IL..	50,000	---	50,000	---
	CASINO BEACH, IL..	---	---	---	110,000
(RDP)	CHICAGO RIVER, NORTH BRANCH (1946 MOD), IL............	100,000	---	100,000	---
	CHICAGO SHORELINE, IL..................................	---	---	---	600,000
(FDP)	DES PLAINES RIVER, IL..................................	300,000	---	300,000	---
(RDP)	FREEPORT, IL...	200,000	---	200,000	---
(FDP)	KASKASKIA RIVER BASIN, IL..............................	195,000	---	195,000	---
	MCCOOK AND THORNTON RESERVOIRS, IL....................	---	---	---	3,500,000
	SOUTHEAST CHICAGO, IL..................................	---	---	100,000	---
(RCP)	UPPER MISSISSIPPI & ILLINOIS NAV STUDY, IL, IA, MN, MO	2,490,000	---	2,490,000	---
(RDP)	WAUKEGAN HARBOR, IL....................................	70,000	---	70,000	---
	INDIANA				
(FC)	FORT WAYNE METROPOLITAN AREA, IN.......................	---	240,000	---	240,000
	INDIANA SHORELINE EROSION, IN..........................	---	---	---	26,000
(FDP)	INDIANAPOLIS, MARION COUNTY SOUTH, IN..................	456,000	---	456,000	---
(FDP)	INDIANAPOLIS, WHITE RIVER BASIN, IN....................	350,000	---	350,000	---
	KOONTZ LAKE, IN..	---	---	100,000	---
	LAKE GEORGE, HOBART, IN................................	---	---	---	260,000
	LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), IN......	---	---	---	170,000
	ORANGE COUNTY (LOST RIVER), IN.........................	---	---	200,000	---
(FDP)	WABASH RIVER BASIN COMPREHENSIVE, IN & IL (MIDDLE REAC	165,000	---	265,000	---
(N)	WHITE RIVER, INDIANAPOLIS CENTRAL WATERFRONT, IN.......	250,000	---	450,000	---
	IOWA				
(FC)	PERRY CREEK, IA..	---	133,000	---	---
(FDP)	THURMAN TO HAMBURG, PUMPING FACILITIES, IA............	14,000	---	14,000	---
(FC)	THURMAN TO HAMBURG, PUMPING FACILITIES, IA............	---	40,000	---	---
	KANSAS				
(FC)	ARKANSAS CITY, KS......................................	---	347,000	---	347,000
(MP)	KANOPOLIS LAKE, KS.....................................	---	---	250,000	---
(FDP)	MARYSVILLE, KS...	103,000	---	103,000	---
(RCP)	SOLDIER CREEK DIVERSION UNIT, TOPEKA, KS..............	127,000	---	127,000	---
(FDP)	TURKEY CREEK BASIN, KS & MO............................	250,000	---	250,000	---
(FC)	WINFIELD, KS...	---	350,000	---	350,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	KENTUCKY				
	BEAVER CREEK BASIN, KY	---	---	---	300,000
	CUMBERLAND - TENNESSEE RIVERS, KY & TN	---	---	---	500,000
(FDP)	EAGLE CREEK, KENTUCKY RIVER, KY	100,000	---	100,000	---
	EAST FORK OF THE LITTLE SANDY RIVER, KY	---	---	200,000	---
	EASTERN KENTUCKY COMPREHENSIVE, KY	---	---	100,000	---
	GREEN AND BARREN RIVERS, KY	---	---	870,000	---
(FC)	HAZARD, KY	---	443,000	---	443,000
(N)	MCALPINE LOCKS AND DAM, IN & KY	---	1,900,000	---	1,900,000
(FDP)	METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	534,000	---	534,000	---
(FDP)	METROPOLITAN LOUISVILLE, POND CREEK, KY	364,000	---	364,000	---
(FDP)	SALT RIVER BASIN, KY	350,000	---	350,000	---
(N)	UNIONTOWN LOCKS AND DAM, KY, IL & IN	1,000,000	---	1,000,000	---
(FDP)	WEST LIBERTY, KY	100,000	---	100,000	---
	LOUISIANA				
(FDP)	AMITE RIVER AND TRIBUTARIES, LA	550,000	---	550,000	---
(FDP)	BOSSIER PARISH, LA	200,000	---	200,000	---
(FC)	COMITE RIVER, LA	---	1,200,000	---	1,200,000
(FC)	EAST BATON ROUGE PARISH, LA	---	100,000	---	100,000
(N)	INTRACOASTAL WATERWAY LOCKS, LA	1,200,000	---	1,200,000	---
(FDP)	JEFFERSON - ORLEANS PARISHES,LA	800,000	---	800,000	---
(FDP)	LAKE CATAOUATCHE LEVEE, LA	400,000	---	400,000	---
	MISSISSIPPI RIVER GULF OUTLET (BANK EROSION), LA	---	---	240,000	---
(N)	PORT OF CAMERON, LA	200,000	---	200,000	---
(FC)	WEST BANK - EAST OF HARVEY CANAL, LA	---	1,600,000	---	1,600,000
	MAINE				
(FDP)	ST JOHN RIVER, ME	96,000	---	96,000	---
(N)	WELLS HARBOR, ME	60,000	---	60,000	---
	MARYLAND				
	OCEAN CITY, MD AND VACINITY	---	---	700,000	---
(FDP)	ANACOSTIA RIVER AND TRIBUTARIES, MD & DC	500,000	---	500,000	---
(N)	BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD	260,000	---	260,000	---
	BALTIMORE METROPOLITAN STREAMS AREA, MD	---	---	240,000	---
(FC)	JENNINGS RANDOLPH LAKE REALLOCATION, MD & WV	---	150,000	---	---
	MASSACHUSETTS				
(N)	BOSTON HARBOR, MA	---	560,000	---	560,000
(N)	HYANNIS HARBOR, MA	115,000	---	115,000	---
	MUDDY RIVER, MA	---	---	250,000	---
(FC)	SAUGUS RIVER AND TRIBUTARIES, MA	---	2,660,000	---	2,660,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	MICHIGAN				
(RCP)	CLINTON RIVER SPILLWAY, MI	50,000	---	50,000	---
(FC)	ECORSE CREEK, MI	---	280,000	---	280,000
(N)	GRAND HAVEN HARBOR, MI	---	460,000	---	460,000
(N)	ST. JOSEPH HARBOR, MI	150,000	---	150,000	---
	MINNESOTA				
(FDP)	CROOKSTON, MN	230,000	---	230,000	---
(N)	GREAT LAKES CONNECTING CHNLS & HBRS, MN, MI & WI	---	230,000	---	230,000
(FC)	HOUSTON, MN	---	147,000	---	147,000
(FC)	MARSHALL, MN	---	182,000	---	182,000
	MISSISSIPPI				
(FDP)	EAST FORK BASIN FISH AND WILDLIFE RESTORATION, MS	100,000	---	100,000	---
(FDP)	JACKSON METROPOLITAN AREA, MS	463,000	---	463,000	---
(FDP)	PASCAGOULA RIVER BASIN, MS	100,000	---	100,000	---
	WOLF AND JORDAN RIVERS, MS	---	---	---	200,000
	MISSOURI				
(FC)	BLUE RIVER BASIN, KANSAS CITY, MO	---	50,000	---	50,000
(FDP)	CLEARWATER LAKE RESTUDY (SEC. 216), MO	---	---	110,000	---
(SPE)	JEFFERSON COUNTY, MO	50,000	---	50,000	---
	MISSISSIPPI RIVER, VICINITY OF ST LOUIS, MO	---	---	500,000	---
(RCP)	MISSOURI RIVER LEVEE SYSTEM, UNIT L-246, CUTOFF LAKE,	131,000	---	131,000	---
(FDP)	ST. GENEVIEVE, MO	---	---	---	750,000
(N)	ST. LOUIS HARBOR, MO & IL	---	---	---	600,000
(FDP)	SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	175,000	---	175,000	---
	NEBRASKA				
(FDP)	ANTELOPE CREEK, LINCOLN, NE	106,000	---	106,000	---
(FDP)	BURT-WASHINGTON COUNTIES, NE	32,000	---	32,000	---
	LEWIS AND CLARK LAKE, NE AND LAKE SAKAKAWEA, ND	---	---	250,000	---
(FC)	WOOD RIVER, GRAND ISLAND, NE	---	300,000	---	300,000
	NEVADA				
(FDP)	LAS VEGAS WASH AND TRIBS (PITTMAN WASH), NV	280,000	---	280,000	---
(FDP)	LOWER TRUCKEE RIVER, NV	300,000	---	300,000	---
(FC)	TROPICANA AND FLAMINGO WASHES, NV	---	4,000,000	---	4,000,000
	WASHOE VALLEY, BATTLE MOUNTAIN, NV	---	---	400,000	---
(FDP)	WASHOE VALLEY, ELKO, NV	200,000	---	200,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	NEW JERSEY				
(N)	ARTHUR KILL CHANNEL EXTENSION-CARTERET, NJ & NY	450,000	---	450,000	---
(SP)	BRIGANTINE INLET TO GREAT EGG HARBOR (NJ SHR PRT), NJ.	400,000	---	400,000	---
(N)	DELAWARE RIVER COMPREHENSIVE NAVIGATION STUDY, NJ, PA.	222,000	---	222,000	---
(N)	DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	---	2,000,000	---	2,000,000
	HACKENSACK RIVER BASIN, NJ	---	---	100,000	---
	LAKE LEFFERTS, MONMOUTH COUNTY, NJ	---	---	375,000	---
	LAKE MATAWAN, MONMOUTH COUNTY, NJ	---	---	375,000	---
(SP)	LOWER CAPE MAY MEADOWS (NJ SHR PRT), NJ	300,000	---	300,000	---
(FC)	LOWER SADDLE RIVER, NJ	---	1,000,000	---	1,000,000
(FDP)	MANASQUAN RIVER BASIN, NJ	300,000	---	300,000	---
(FC)	MOLLY ANN'S BROOK AT HALEDON, PROSPECT PARK AND PATERS	---	568,000	---	568,000
(N)	NEW YORK HBR & ADJACENT CHANNELS, CLAREMONT TERMINAL,.	---	300,000	---	500,000
(FC)	PASSAIC RIVER MAINSTEM, NJ	---	3,000,000	---	10,000,000
(SP)	RARITAN BAY AND SANDY HOOK BAY, NJ	500,000	---	500,000	---
(SP)	RARITAN BAY AND SANDY HOOK BAY (CLIFFWOOD BEACH), NJ..	---	---	---	700,000
(FC)	RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	---	---	---	3,500,000
(N)	SALEM RIVER, NJ	---	85,000	---	85,000
(SP)	TOWNSENDS INLET TO CAPE MAY INLET (NJ SHR PRT), NJ	200,000	---	200,000	---
	NEW MEXICO				
(FDP)	ALBUQUERQUE ARROYOS, NM	200,000	---	200,000	---
(FDP)	ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	250,000	---	250,000	---
(FDP)	LAS CRUCES, EL PASO AND VICINITY, NM	150,000	---	150,000	---
(FDP)	RIO RANCHO, RIO GRANDE AND TRIBUTARIES, NM	230,000	---	230,000	---
	NEW YORK				
	BUFFALO, NY	---	---	440,000	---
(SP)	LONG BEACH ISLAND, NY	220,000	---	220,000	---
	MARINE PARK (PLUMB BEACH), BROOKLYN, NY	---	---	450,000	---
(N)	NEW YORK HARBOR ANCHORAGE AREAS, NY	500,000	---	500,000	---
(SPE)	ONONDAGA LAKE, NY	150,000	---	150,000	850,000
	RARITAN BAY ANCHORAGE, NY & NJ	---	---	500,000	---
	ROCHESTER HARBOR (WAVE SURGE), NY	---	---	100,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	NORTH CAROLINA				
(FC)	BRUNSWICK COUNTY BEACHES, NC-OCEAN ISLE BEACH PORTION.	---	200,000	---	200,000
(N)	CAPE FEAR-NORTHEAST (CAPE FEAR) RIVER, NC.............	585,000	---	585,000	---
(SP)	DARE COUNTY BEACHES, NC...............................	180,000	---	180,000	---
(BE)	FORT FISHER AND VICINITY, NC..........................	---	296,000	---	296,000
	MANTEO (SHALLOWBAG) BAY, NC...........................	---	---	---	600,000
(FC)	SUGAR CREEK BASIN, NC & SC............................	---	300,000	---	300,000
(BE)	WEST ONSLOW BEACH & NEW RIVER INLET, NC...............	---	304,000	---	304,000
(N)	WILMINGTON HARBOR OCEAN BAR, NC.......................	---	400,000	---	800,000
(N)	WILMINGTON HARBOR, CHANNEL WIDENING, NC...............	---	600,000	---	---
	NORTH DAKOTA				
(FDP)	DEVILS LAKE, ND.......................................	---	---	300,000	---
(FDP)	GRAND FORKS, ND.......................................	200,000	---	200,000	---
	OHIO				
(FDP)	BELMONT AND JEFFERSON COUNTIES, OH....................	100,000	---	100,000	---
	BELMONT AND JEFFERSON COUNTIES (ACID MINE DRAINAGE), O	---	---	250,000	---
(FDP)	CLINTON COUNTY, CAESAR CREEK LAKE, WATER SUPPLY, OH...	250,000	---	250,000	---
(N)	CUYAHOGA RIVER, OH....................................	50,000	---	50,000	---
(FDP)	DAYTON, OH - MIAMI RIVER BASIN........................	300,000	---	300,000	---
	GREAT LAKES SHORELINE, GENEVA STATE PARK, OH..........	---	---	250,000	---
(FC)	HOLES CREEK AT WEST CARROLLTON, OH....................	---	144,000	---	144,000
(FC)	METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH, KY.	---	570,000	---	---
(FC)	WEST COLUMBUS LPP, OH.................................	---	2,000,000	---	---
	OKLAHOMA				
	WISTER LAKE, OK.......................................	---	---	250,000	---
	OREGON				
(FDP)	AMAZON CREEK WETLANDS, OR.............................	167,000	---	167,000	---
(N)	COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA..	800,000	---	800,000	---
(MP)	COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA...	---	294,000	---	294,000
(FDP)	COLUMBIA SLOUGH, OR...................................	190,000	---	190,000	---
(N)	COOS BAY, OR (DEEP DRAFT NAVIGATION)..................	---	800,000	---	800,000
(FDP)	JOHNSON CREEK, OR.....................................	200,000	---	200,000	---
(FDP)	WILLAMETTE RIVER BASIN REVIEW, OR.....................	500,000	---	500,000	---
(FDP)	WILLAMETTE RIVER TEMPERATURE CONTROL, OR..............	542,000	---	542,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	PENNSYLVANIA				
(FC)	CHARTIERS CREEK, PA	---	250,000	---	---
	CONEMAUGH RIVER BASIN, PA	---	---	500,000	---
(FC)	CURWENSVILLE LAKE, PA - REALLOCATION	---	400,000	---	400,000
(FC)	LACKAWANNA RIVER, PA	---	850,000	---	850,000
(FDP)	LEHIGH RIVER BASIN, PA	450,000	---	450,000	---
(N)	LOCKS AND DAM 2, 3 AND 4, MONONGAHELA RIVER, PA	---	1,900,000	---	4,100,000
	PORT OF PITTSBURGH, PA	---	---	300,000	---
(FC)	RAYSTOWN LAKE, PA - REALLOCATION	---	400,000	---	---
(FDP)	SAW MILL RUN BASIN, PA	30,000	---	30,000	---
(FC)	SAW MILL RUN, PA	---	300,000	---	300,000
(FDP)	SCHUYLKILL RIVER BASIN, READING AREA, PA	250,000	---	250,000	---
(SPE)	SUSQUEHANNA RIVER BASIN FISH RESTORATION, PA, NY, & MD	150,000	---	150,000	---
(FC)	WYOMING VALLEY LEVEE RAISING, PA	---	700,000	---	1,675,000
	PUERTO RICO				
(FC)	ARECIBO RIVER, PR	---	400,000	---	---
(N)	GUAYANES, LAS MAREAS AND GUAYANILLA HARBORS, PR	110,000	---	110,000	---
(FC)	RIO DE LA PLATA, PR	---	984,000	---	984,000
(FC)	RIO GRANDE DE LOIZA, PR	---	850,000	---	850,000
(FDP)	RIO GUANAJIBO, PR	229,000	---	229,000	---
(FDP)	RIO NIGUA AT SALINAS, PR	107,000	---	107,000	---
(FC)	RIO PUERTO NUEVO, PR	---	250,000	---	250,000
(N)	SAN JUAN HARBOR, PR	---	324,000	---	324,000
	RHODE ISLAND				
(N)	BLOCK ISLAND HARBOR, RI	60,000	---	60,000	---
	SOUTH CAROLINA				
(N)	CHARLESTON HARBOR, SC (DEEPENING/WIDENING)	300,000	---	300,000	---
(BE)	MYRTLE BEACH, SC	---	531,000	---	531,000
	POCOTALIGO RIVER AND SWAMP, SC	---	---	400,000	---
(SP)	SOUTH CAROLINA SHORES, NORTH PORTION, SC	390,000	---	390,000	---
	SOUTH DAKOTA				
(FDP)	ABERDEEN AND VICINITY, SD	19,000	---	19,000	---
(SPE)	BIG BEND DAM - LAKE SHARPE, SD	45,000	---	45,000	---
(FC)	BIG SIOUX RIVER, SIOUX FALLS, SD	---	400,000	---	400,000
(SPE)	JAMES RIVER ENVIRONMENTAL, SD	200,000	---	200,000	---
(SPE)	OAHE DAM - LAKE OAHE (WILDLIFE RESTORATION), SD	120,000	---	120,000	---
(FDP)	VERMILLION RIVER BASIN, SD	117,000	---	117,000	---
(FC)	WATERTOWN AND VICINITY, SD	---	175,000	---	175,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	TENNESSEE				
	BLACK FOX/OAKLAND SPRINGS WETLANDS, MURFREESBORO, TN.	---	---	150,000	---
(FDP)	METROPOLITAN CHATTANOOGA-HAMILTON CO., TN	350,000	---	350,000	---
(FDP)	METROPOLITAN NASHVILLE, HARPETH RIVER, TN	300,000	---	300,000	---
	OLD HICKORY LAKE, TN	---	---	100,000	---
	TEXAS				
(FC)	ARROYO COLORADO, TX	---	170,000	---	170,000
(FC)	BRAYS BAYOU (HOUSTON), TX	---	1,000,000	---	1,000,000
	CORPUS CHRISTI SHIP CHANNEL (50' CHANNEL), TX	---	---	250,000	---
(FC)	CYPRESS CREEK, TX	---	1,250,000	---	1,250,000
(FC)	DALLAS FLOODWAY EXTENSION, TRINITY RIVER PROJECT, TX.	---	650,000	---	650,000
(RCP)	FERRELLS BRIDGE DAM-LAKE O' THE PINES, TX	50,000	---	50,000	---
(FC)	FIVE MILE CREEK, DALLAS, TX	---	103,000	---	103,000
(RCP)	GIWW-ARANSAS NATIONAL WILDLIFE REFUGE, TX	400,000	---	400,000	---
	GIWW-CORPUS CHRISTI TO PORT ISABEL, TX (SEC. 216)	---	---	300,000	---
(N)	GIWW-SARGENT BEACH, TX	---	1,000,000	---	1,000,000
(FDP)	GRAHAM, TX (BRAZOS RIVER BASIN)	250,000	---	250,000	---
(FC)	GREENS BAYOU (HOUSTON), TX	---	900,000	---	900,000
(N)	HOUSTON-GALVESTON NAVIGATION CHANNELS, TX	---	4,200,000	---	4,200,000
(FDP)	LOWER TRINITY RIVER BASIN, TX	300,000	---	300,000	---
(N)	MATAGORDA SHIP CHANNEL, TX	50,000	---	50,000	---
(FC)	MCGRATH CREEK, WICHITA FALLS, TX	---	309,000	---	309,000
(RDP)	PECAN BAYOU LAKE, TX	400,000	---	400,000	---
	RED RIVER WW, SHREVEPORT, LA TO DAINGERFIELD, TX	---	---	---	2,800,000
	SABINE NECHES WATERWAY, CHANNEL TO ORANGE, TX	---	---	300,000	---
(FC)	SHOAL CREEK, AUSTIN, TX	---	170,000	---	170,000
(FC)	SOUTH MAIN CHANNEL, TX	---	350,000	---	350,000
(FDP)	UPPER TRINITY RIVER BASIN, TX	850,000	---	850,000	---
	UTAH				
(FDP)	SEVIER RIVER AND TRIBUTARIES, UT	500,000	---	500,000	---
	VERMONT				
(FDP)	WINOOSKI RIVER AND TRIBUTARIES, ICE FLOW	---	---	250,000	---
	VIRGINIA				
(SPE)	JAMES RIVER BASIN F & WL RESTORATION, VA	400,000	---	400,000	---
(BE)	VIRGINIA BEACH, VA (HURRICANE PROTECTION)	---	875,000	---	875,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	WASHINGTON				
(FC)	CHEHALIS RIVER, SOUTH ABERDEEN, COSMOPOLIS, WA........	---	900,000	---	900,000
(SPE)	CHIEF JOSEPH POOL RAISING, WA........................	200,000	---	200,000	---
(RCP)	HOWARD HANSON DAM, ADDITIONAL STORAGE, WA............	324,000	---	324,000	---
(RCP)	LAKE WASHINGTON SHIP CANAL, WA.......................	277,000	---	277,000	---
(FDP)	NOOKSACK RIVER, WA...................................	153,000	---	153,000	---
(FDP)	SKAGIT RIVER, WA.....................................	138,000	---	138,000	---
	WALLA WALLA DISTRICT DISPOSITION STUDY, WA...........	---	---	250,000	---
(FDP)	WALLA WALLA RIVER BASIN, WA & OR.....................	235,000	---	235,000	---
	WEST VIRGINIA				
(FC)	ISLAND CREEK AT LOGAN, WV............................	---	304,000	---	304,000
(COM)	KANAWHA RIVER BASIN COMPREHENSIVE, WV (MARLINTON/GREEN	320,000	---	500,000	---
(N)	KANAWHA RIVER NAVIGATION, WV.........................	1,050,000	---	1,050,000	---
(FC)	MOOREFIELD, WV.......................................	---	585,000	---	585,000
(SPE)	WEST VIRGINIA COMPREHENSIVE, WV......................	200,000	---	500,000	---
(N)	WEST VIRGINIA PORT DEVELOPMENT, WV...................	---	---	500,000	---
	WISCONSIN				
(RCP)	FOX RIVER, WI..	125,000	---	125,000	---
(FDP)	MILWAUKEE METROPOLITAN AREA, WI......................	400,000	---	400,000	---
(FC)	PORTAGE, WI..	---	375,000	---	375,000
	WYOMING				
(FDP)	JACKSON HOLE RESTORATION, WY.........................	105,000	---	105,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	REVIEW OF AUTHORIZED PROJECTS				
	COORDINATION STUDIES WITH OTHER AGENCIES	8,530,000	---	8,530,000	---
	COLLECTION AND STUDY OF BASIC DATA				
	MISCELLANEOUS				
	CLIMATE CHANGE RESEARCH PROGRAM	600,000	---	400,000	---
	COASTAL FIELD DATA COLLECTION	3,400,000	---	3,000,000	---
	CONSTRUCTION PRODUCTIVITY ADVANCEMENT RESEARCH (CPAR)	6,000,000	---	4,500,000	---
	DEVELOPMENT OF A FEDERAL INFRASTRUCTURE STRATEGY	1,786,000	---	1,786,000	---
	EARTHQUAKE ENGINEERING RESEARCH PROGRAM	500,000	---	---	---
	ENVIRONMENTAL DATA STUDIES	150,000	---	150,000	---
	ENVIRONMENTAL SERVICE PARTNERSHIPS	1,500,000	---	1,000,000	---
	FLOOD PLAIN MANAGEMENT SERVICES	7,400,000	---	7,100,000	---
	HYDROLOGIC STUDIES	440,000	---	300,000	---
	INTERNATIONAL WATER STUDIES	1,000,000	---	700,000	---
	MAGNETICALLY-LEVITATED TRANSPORTATION RESEARCH PROGRAM	13,000,000	---	2,800,000	---
	NATIONAL WATER MANAGEMENT DURING DROUGHT	1,404,000	---	1,404,000	---
	PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	500,000	---	450,000	---
	REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	200,000	---	150,000	---
	SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	200,000	---	130,000	---
	STREAM GAGING (U.S. GEOLOGICAL SURVEY)	650,000	---	600,000	---
	TRANSPORTATION SYSTEMS	1,200,000	---	800,000	---
	VALUATION OF ENVIRONMENTAL INVESTMENTS PROGRAM	2,000,000	---	---	---
	TOTAL	41,930,000	---	25,270,000	---
	RESEARCH AND DEVELOPMENT	23,500,000	---	22,000,000	---
	SUBTOTAL, GENERAL INVESTIGATIONS	123,747,000	69,517,000	122,712,000	90,285,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-23,519,000	---	-37,217,000	---
	TOTAL, GENERAL INVESTIGATIONS	100,228,000	69,517,000	85,495,000	90,285,000

TYPE OF PROJECT:

(N)	NAVIGATION
(BE)	BEACH EROSION CONTROL
(FC)	FLOOD CONTROL
(MP)	MULTIPURPOSE, INCLUDING POWER
(SP)	SHORELINE PROTECTION
(FDP)	FLOOD DAMAGE PREVENTION
(RCP)	REVIEW OF COMPLETED PROJECT
(RDP)	REVIEW OF DEFERRED PROJECT
(COMP)	COMPREHENSIVE
(SPEC)	SPECIAL

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	ALABAMA		
(N)	BAYOU LA BATRE, AL..	1,600,000	1,600,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	300,000	300,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL &	10,000,000	10,000,000
(FC)	VILLAGE CREEK, JEFFERSON COUNTY, AL......................	7,200,000	7,200,000
(N)	WILLIAM BACON OLIVER LOCK AND DAM, AL....................	2,324,000	2,324,000
	ALASKA		
	BETHEL, AK...	---	2,000,000
(N)	KODIAK HARBOR, AK..	350,000	350,000
	ST. GEORGE HARBOR, AK....................................	---	3,000,000
	ARIZONA		
(FC)	CLIFTON, AZ..	3,300,000	3,300,000
(FC)	HOLBROOK, AZ...	1,000,000	1,000,000
(FC)	PHOENIX ARIZONA AND VICINITY, AZ (STAGE 2)...............	9,942,000	9,942,000
	ARKANSAS		
(MP)	BEAVER LAKE, AR (DAM SAFETY).............................	---	7,653,000
(MP)	BEAVER LAKE, AR (WATER QUALITY ENHANCEMENT)..............	1,000,000	1,750,000
(MP)	DARDANELLE L&D, (POWERHOUSE), AR (MAJOR REHAB)...........	1,150,000	1,150,000
(N)	MCCLELLAN-KERR AR RIVER NAV SYSTEM, LOCKS AND DAMS, AR	12,000,000	13,500,000
(N)	RED RIVER EMERGENCY BANK PROTECTION.......................	---	3,500,000
	RED RIVER LEVEES AND BANK STABILIZATION BELOW DENISON DAM, AR................................	---	1,500,000
	CALIFORNIA		
(FC)	GUADALUPE RIVER, CA......................................	10,000,000	10,000,000
(FC)	MARYSVILLE - YUBA CITY LEVEE RECONSTRUCTION, CA..........	800,000	800,000
(FC)	MERCED COUNTY STREAMS, CA................................	1,500,000	1,500,000
(FC)	NEW MELONES LAKE, CA.....................................	---	1,000,000
(N)	OAKLAND HARBOR, CA.......................................	3,200,000	3,200,000
(N)	OCEANSIDE HARBOR, CA.....................................	2,660,000	2,660,000
(FC)	REDBANK AND FANCHER CREEKS, CA...........................	9,172,000	9,172,000
(N)	RICHMOND HARBOR, CA......................................	1,330,000	1,330,000
(FC)	SACRAMENTO RIVER BANK PROTECTION PROJECT, CA.............	2,230,000	2,230,000
(N)	SACRAMENTO RIVER DEEPWATER SHIP CHANNEL, CA..............	3,500,000	100,000
(FC)	SACRAMENTO RIVER FLOOD CONTROL PROJECT, CA (DEF CORR).	2,250,000	2,250,000
	SACRAMENTO RIVER FLOOD CONTROL PROJECT (GCID), CA.....	---	500,000
(N)	SAN FRANCISCO BAY TO STOCKTON, CA........................	1,250,000	1,250,000
(FC)	SAN LUIS REY RIVER, CA...................................	16,200,000	16,200,000
(FC)	SANTA ANA RIVER MAINSTEM, CA.............................	90,800,000	90,800,000
(FC)	SANTA PAULA CREEK CHANNEL, CA............................	1,000,000	1,000,000
(FC)	SWEETWATER RIVER, CA.....................................	1,121,000	1,121,000
	VENTURA HARBOR, CA.......................................	---	500,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
(FC)	WILDCAT AND SAN PABLO CREEKS, CA	2,000,000	2,000,000
(FC)	YOLO BASIN WETLANDS, SACRAMENTO RIVER, CA	1,400,000	1,400,000
	DELAWARE		
(FC)	DELAWARE COAST PROTECTION, DE	175,000	175,000
	FLORIDA		
(N)	CANAVERAL HARBOR DEEPENING, FL	2,500,000	1,000,000
(FC)	CENTRAL AND SOUTHERN FLORIDA, FL	18,200,000	18,200,000
(FC)	DADE COUNTY, FL	2,900,000	2,900,000
(BE)	DUVAL COUNTY, FL	7,900,000	7,900,000
(FC)	FOUR RIVER BASINS, FL	200,000	200,000
	KISSIMMEE RIVER, FL	---	8,000,000
(BE)	MANATEE COUNTY, FL	3,648,000	3,648,000
(N)	MIAMI HARBOR CHANNEL, FL	12,500,000	12,500,000
(BE)	PALM BEACH ISLAND, FL (REIMBURSEMENT)	5,566,000	5,566,000
(BE)	PINELLAS COUNTY, FL	3,600,000	3,600,000
	GEORGIA		
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC	19,000,000	19,000,000
	HAWAII		
(FC)	ALENAIO STREAM, HAWAII, HI	3,382,000	3,382,000
(N)	KAWAIHAE SMALL BOAT HARBOR, HAWAII, HI	1,150,000	1,150,000
(N)	MAALAEA HARBOR, MAUI, HI	2,000,000	2,000,000
	ILLINOIS		
(FC)	ALTON TO GALE ORGANIZED LEVEE DISTRICT, IL & MO (DEF C	415,000	415,000
(FC)	EAST ST LOUIS, IL	6,900,000	6,900,000
(N)	ILLINOIS WATERWAY, 4 LOCKS, IL (MAJOR REHAB)	2,620,000	1,500,000
(FC)	LOVES PARK, IL	2,000,000	2,000,000
(N)	MELVIN PRICE LOCK AND DAM, IL & MO	9,700,000	9,700,000
(N)	MELVIN PRICE LOCK AND DAM, SECOND LOCK, IL & MO	37,848,000	37,848,000
(N)	MISSISSIPPI RIVER, LOCK & DAM 13, IL (MAJOR REHAB)	796,000	796,000
(N)	MISSISSIPPI RIVER, LOCK & DAM 15, IL (MAJOR REHAB)	3,658,000	2,500,000
	O'HARE RESERVOIR, IL	---	3,000,000
(N)	OLMSTED LOCKS AND DAM, IL & KY	60,000,000	60,000,000
(N)	UPPER MISS RIVER SYSTEM ENV MGMT PROG, IL, IA, MO, MN.	19,455,000	19,455,000
	INDIANA		
(FC)	EVANSVILLE, IN	800,000	800,000
(FC)	LITTLE CALUMET RIVER, IN	11,000,000	11,000,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	IOWA		
	DES MOINES RECREATIONAL RIVER AND GREENBELT, IA	---	2,500,000
(N)	MISSOURI RIVER F&WL MITIGATION, IA, NE, KS & MO	5,600,000	7,600,000
(FC)	MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS, & MO	1,450,000	1,450,000
(FC)	PERRY CREEK, IA	---	1,000,000
(FC)	WEST DES MOINES DES MOINES, IA	800,000	800,000
	KANSAS		
(FC)	GREAT BEND, KS	3,809,000	3,809,000
(FC)	HALSTEAD, KS	3,659,000	3,659,000
	KENTUCKY		
(FDP)	FRANKFORT, SOUTH FRANKFORT, KY	---	500,000
	SALYERSVILLE, KY	---	400,000
(FC)	YATESVILLE LAKE, KY	514,000	514,000
	LOUISIANA		
(FC)	ALOHA-RIGOLETTE, LA	760,000	760,000
(FC)	LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	11,607,000	19,307,000
(FC)	OUACHITA RIVER LEVEES, LA	---	4,400,000
(FC)	LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	2,330,000	2,330,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA	2,000,000	2,000,000
(N)	MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	5,796,000	5,796,000
(FC)	NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	5,355,000	5,355,000
(N)	RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	35,000,000	130,000,000
(FC)	WESTWEGO TO HARVEY CANAL, LA (HURRICANE PROTECTION)	7,400,000	7,400,000
	MARYLAND		
	ANACOSTIA RIVER, MD	---	700,000
(BE)	ATLANTIC COAST OF MARYLAND, MD	5,000,000	5,000,000
	MASSACHUSETTS		
(FC)	TOWN BROOK, QUINCY AND BRAINTREE, MA	8,000,000	8,000,000
	MINNESOTA		
(FC)	BASSETT CREEK, MN	2,125,000	2,125,000
(FC)	CHASKA, MN	4,600,000	4,600,000
(N)	DULUTH-SUPERIOR CHANNEL EXTENSION, MN & WI	500,000	500,000
(FC)	ROCHESTER, MN	15,100,000	15,100,000
(FC)	ST PAUL, MN	4,200,000	4,200,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	MISSISSIPPI		
(N)	GULFPORT HARBOR, MS	10,000,000	10,000,000
	SOWASHEE CREEK, MERIDIAN, MS	---	1,000,000
(FC)	TOMBIGBEE RIVER AND TRIBUTARIES, MS & AL	5,000,000	5,000,000
	MISSOURI		
(FC)	BLUE RIVER CHANNEL, KANSAS CITY, MO	10,300,000	10,300,000
(FC)	BRUSH CREEK, KANSAS CITY, MO	4,100,000	4,100,000
(FC)	CAPE GIRARDEAU-JACKSON, MO	7,800,000	7,800,000
(MP)	HARRY S TRUMAN DAM AND RESERVOIR, MO	3,268,000	3,268,000
(FC)	MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	3,100,000	3,100,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	5,800,000	5,800,000
	NEBRASKA		
(FC)	MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	56,000	56,000
(FC)	PAPILLION CREEK AND TRIBUTARIES LAKES, NE	1,442,000	1,442,000
	NEW JERSEY		
(BE)	CAPE MAY INLET TO LOWER TOWNSHIP, NJ	1,665,000	1,665,000
(FC)	GREAT EGG HARBOR INLET AND PECK BEACH, NJ	14,342,000	14,342,000
	MOLLY ANN'S BROOK, NJ	---	1,000,000
(BE)	SANDY HOOK TO BARNEGAT INLET, NJ	18,000,000	18,000,000
	NEW MEXICO		
(FC)	ACEQUIAS IRRIGATION SYSTEM, NM	2,000,000	2,000,000
(FC)	ALAMOGORDO, NM	400,000	400,000
	COCHITI LAKE, NM	---	1,900,000
(FC)	MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	400,000	400,000
(FC)	RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	6,000,000	6,000,000
	NEW YORK		
(BE)	ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	4,300,000	4,300,000
(BE)	FIRE ISLAND INLET - JONES INLET, NY	4,600,000	4,600,000
(N)	KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ	36,000,000	36,000,000
(N)	NEW YORK HARBOR COLLECTION AND REMOVAL OF DRIFT, NY &.	3,420,000	5,000,000
(FC)	NORTH ELLENVILLE, NY (DEF CORR)	2,110,000	2,110,000
(N)	SHINNECOCK INLET, NY	7,043,000	7,043,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	NORTH CAROLINA		
(N)	AIWW-REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC	8,000,000	8,000,000
(FC)	B. EVERETT JORDAN DAM AND LAKE, NC	3,340,000	3,515,000
(FC)	CAROLINA BEACH AND VICINITY, NC	140,000	140,000
(FC)	FALLS LAKE, NC	7,200,000	7,530,000
(N)	MOREHEAD CITY HARBOR, NC	100,000	100,000
	NORTH DAKOTA		
(FC)	SHEYENNE RIVER, ND	1,768,000	1,768,000
(FC)	SOURIS RIVER BASIN, ND	13,078,000	13,078,000
	OHIO		
(FC)	MILL CREEK, OH	5,100,000	2,500,000
(FDP)	WEST COLUMBUS, OH	---	4,800,000
	OKLAHOMA		
(FC)	FRY CREEKS, BIXBY, OK	200,000	200,000
(FC)	MINGO CREEK, OK	16,000,000	16,000,000
	OREGON		
(N)	BONNEVILLE NAVIGATION LOCK, OR & WA	26,520,000	26,520,000
(MP)	BONNEVILLE POWERHOUSE, OR & WA (MAJOR REHAB)	8,000,000	5,000,000
(MP)	BONNEVILLE SECOND POWERHOUSE, OR & WA	3,200,000	3,200,000
(FC)	ELK CREEK LAKE, OR	200,000	2,500,000
	PENNSYLVANIA		
(N)	GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PA	30,000,000	30,000,000
(FC)	LOCK HAVEN, PA	21,100,000	21,100,000
(N)	POINT MARION, LOCK AND DAM 8, MONONGAHELA RIVER, PA &	26,000,000	26,000,000
(BE)	PRESQUE ISLE PENINSULA, PA (PERMANENT)	1,901,000	1,901,000
(FC)	TURTLE CREEK, PA	1,600,000	1,600,000
	PUERTO RICO		
(FC)	PORTUGUES AND BUCANA RIVERS, PR	14,600,000	14,600,000
	RHODE ISLAND		
	CLIFF WALK, NEWPORT, RI	---	750,000
	SEEKONK RIVER, PROVIDENCE, RI	---	250,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	SOUTH CAROLINA		
(N)	CHARLESTON HARBOR, SC	3,200,000	3,200,000
(BE)	FOLLY BEACH, SC	12,104,000	12,104,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, WILDLIFE MITIGATION, SC	12,000,000	12,000,000
	TENNESSEE		
(MP)	CENTER HILL DAM, TN (DAM SAFETY)	1,700,000	1,700,000
	TEXAS		
(FC)	BEALS CREEK, BIG SPRING, TX	500,000	500,000
(N)	BRAZOS ISLAND HARBOR, TX	5,500,000	5,500,000
(N)	CHANNEL TO VICTORIA, TX	1,000,000	1,000,000
(FC)	CLEAR CREEK, TX	4,100,000	4,100,000
(FC)	COOPER LAKE AND CHANNELS, TX	11,100,000	11,100,000
(FC)	EL PASO, TX	7,300,000	7,300,000
(N)	FREEPORT HARBOR, TX	6,700,000	6,700,000
	GREENS BAYOU BRIDGE, TX	---	450,000
(FC)	JOE POOL LAKE, TX	26,212,000	806,000
(FC)	LAKE WICHITA, HOLLIDAY CREEK AT WICHITA FALLS, TX	3,400,000	3,400,000
(N)	MOUTH OF COLORADO RIVER, TX	300,000	300,000
(FC)	RAY ROBERTS LAKE, TX	4,000,000	4,000,000
	RED RIVER BASIN CHLORIDE CONTROL, TX & OK	---	6,000,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX (DAM SAFETY)	1,000,000	1,000,000
(FC)	SAN ANTONIO CHANNEL IMPROVEMENT, TX	7,400,000	7,400,000
(FC)	SIMS BAYOU AT HOUSTON, TX	10,000,000	10,000,000
(FC)	TAYLORS BAYOU, TX	1,800,000	1,800,000
	WALLISVILLE LAKE, TX	---	500,000
	UTAH		
(FC)	LITTLE DELL LAKE, UT	3,341,000	3,341,000
	VERMONT		
(FC)	CONNECTICUT RIVER BASIN, TOWNSHEND & BALL MOUNTAIN DAM	429,000	429,000
	VIRGINIA		
(FDP)	BUENA VISTA, VA	---	1,300,000
(N)	NORFOLK HARBOR AND CHANNELS, VA	600,000	600,000
(FC)	RICHMOND, VA	18,028,000	18,028,000
(FC)	ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	5,100,000	5,100,000
(BE)	VIRGINIA BEACH, VA (REIMBURSEMENT)	850,000	850,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	WASHINGTON		
(FDP)	CHEHALIS RIVER, SOUTH ABERDEEN, WA	---	500,000
(MP)	CHIEF JOSEPH ADDITIONAL UNITS, WA	2,100,000	2,100,000
(MP)	COLUMBIA RIVER JUVENILE FISH MITIGATION, WA, OR & ID.	45,100,000	47,100,000
(N)	GRAYS HARBOR, WA	9,300,000	9,300,000
	LACONNER, WA	---	870,000
(MP)	LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	11,500,000	11,500,000
(FC)	MUD MOUNTAIN DAM, WA (DAM SAFETY)	14,500,000	14,500,000
	WEST VIRGINIA		
(N)	GALLIPOLIS LOCKS AND DAM, WV & OH	25,000,000	25,000,000
(FC)	LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	44,500,000	69,375,000
(FC)	PETERSBURG, WV	900,000	900,000
(N)	WINFIELD LOCK AND DAM, WV	38,500,000	38,500,000
	WISCONSIN		
(FC)	STATE ROAD AND EBNER COULEES, WI	3,948,000	3,948,000
	MISCELLANEOUS		
	AQUATIC PLANT CONTROL (1965 ACT)	9,000,000	9,000,000
	BEACH EROSION CONTROL PROJECTS (SECTION 103)	1,500,000	1,500,000
	CLEARING AND SNAGGING (SECTION 208)	500,000	500,000
	EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14)	6,500,000	10,000,000
	EMPLOYEES' COMPENSATION	19,296,000	19,296,000
	FLOOD CONTROL PROJECTS (SECTION 205)	23,000,000	20,000,000
	INLAND WATERWAYS USERS BOARD - BOARD EXPENSES	35,000	35,000
	INLAND WATERWAYS USERS BOARD - CORPS EXPENSES	165,000	65,000
	NAVIGATION MITIGATION (SECTION 111)	500,000	500,000
	NAVIGATION PROJECTS (SECTION 107)	4,000,000	4,000,000
	PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	10,000,000	7,500,000
	SECTION 933 1986 WRDA	1,000,000	1,000,000
	WETLAND AND AQUATIC HABITAT CREATION	5,000,000	---
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-96,310,000	-118,694,000
	TOTAL, CONSTRUCTION GENERAL	1,230,488,000	1,360,503,000

TYPE OF PROJECT:

(N)	NAVIGATION
(BE)	BEACH EROSION CONTROL
(FC)	FLOOD CONTROL
(MP)	MULTIPURPOSE, INCLUDING POWER

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	GENERAL INVESTIGATIONS		
	SURVEYS:		
	GENERAL STUDIES:		
(FDP)	ALEXANDRIA, LA	400,000	400,000
	MORGANZA, LA TO GULF OF MEXICO	---	400,000
(FDP)	MISSISSIPPI DELTA, MS	1,200,000	1,200,000
(FDP)	JACKSON AND TRENTON, TN	510,000	510,000
	COLLECTION AND STUDY OF BASIC DATA	300,000	300,000
	PRECONSTRUCTION ENGINEERING AND DESIGN:		
(FC)	LOWER WHITE RIVER, BIG CREEK & TRIBUTARIES, AR	280,000	280,000
(FC)	WHITEMAN'S CREEK, AR	560,000	560,000
	EASTERN ARKANSAS REGION (COMPREHENSIVE STUDY), AR.	---	1,000,000
	SUBTOTAL, GENERAL INVESTIGATIONS	3,250,000	4,650,000
	CONSTRUCTION		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	93,000,000	93,000,000
(N)	HELENA HARBOR, PHILLIPS COUNTY, AR	8,408,000	5,008,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	20,500,000	20,500,000
(FC)	ST FRANCIS BASIN, AR & MO, CONSOLIDATED	9,600,000	9,600,000
(FC)	ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	8,700,000	8,700,000
(FC)	ATCHAFALAYA BASIN, LA	27,000,000	27,000,000
(FC)	MISSISSIPPI & LOUISIANA ESTAURINE AREAS, MS & LA	6,900,000	6,900,000
(FC)	MISSISSIPPI DELTA REGION, LA	8,000,000	8,000,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA	3,900,000	3,900,000
(FC)	HORN LAKE CREEK & TRIBUTARIES (INCL. COW PEN CREEK), M	681,000	681,000
(FC)	SARDIS DAM, MS (DAM SAFETY)	3,100,000	3,100,000
	YAZOO BASIN, MS:	(42,789,000)	(43,739,000)
(FC)	BIG SUNFLOWER RIVER, MS	4,800,000	5,750,000
(FC)	DEMONSTRATION EROSION CONTROL, MS	23,000,000	23,000,000
(FC)	MAIN STEM, MS	25,000	25,000
(FC)	REFORMULATION UNIT, MS	1,200,000	1,200,000
(FC)	TRIBUTARIES, MS	6,289,000	6,289,000
(FC)	UPPER YAZOO PROJECTS, MS	6,800,000	6,800,000
(FC)	YAZOO BACKWATER F&WL MITIGATION LANDS, MS	500,000	500,000
(FC)	YAZOO BACKWATER, MS	175,000	175,000
(FC)	NONCONNAH CREEK, TN & MS	3,450,000	3,450,000
(FC)	WEST TENNESSEE TRIBUTARIES, TN	774,000	774,000
	SUBTOTAL, CONSTRUCTION	236,802,000	234,352,000
	MAINTENANCE		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	67,669,000	67,669,000
(FC)	LOWER ARKANSAS RIVER - NORTH BANK, AR	128,000	128,000
(FC)	LOWER ARKANSAS RIVER - SOUTH BANK, AR	173,000	173,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	7,308,000	7,308,000
(FC)	ST. FRANCIS RIVER BASIN, AR & MO	9,711,000	11,111,000

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	TENSAS BASIN, BOEUF & TENSAS RIVERS, AR & LA	2,573,000	2,573,000
(FC)	WHITE RIVER BACKWATER, AR	786,000	786,000
(FC)	LAKE NO. 9 PUMPING PLANT, KY	140,000	140,000
(FC)	ATCHAFALAYA BASIN, LA	12,937,000	12,937,000
(FC)	BATON ROUGE HARBOR - DEVIL SWAMP, LA	230,000	230,000
(FC)	BAYOU COCODRIE & TRIBS, LA	115,000	115,000
(FC)	BONNET CARRE, LA	767,000	767,000
(FC)	LOWER RED RIVER - SOUTH BANK LEVEES, LA	67,000	67,000
(FC)	MISSISSIPPI DELTA REGION - CAERNARVON, LA	188,000	188,000
(FC)	OLD RIVER, LA	3,901,000	3,901,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA	2,545,000	2,545,000
(N)	GREENVILLE HARBOR, MS	238,000	238,000
(N)	VICKSBURG HARBOR, MS	195,000	195,000
	YAZOO BASIN, MS:	(14,420,000)	(27,720,000)
(FC)	ARKABUTLA LAKE, MS	2,415,000	3,515,000
(FC)	BIG SUNFLOWER, MS	343,000	2,343,000
(FC)	ENID LAKE, MS	2,521,000	4,721,000
(FC)	GREENWOOD, MS	604,000	604,000
(FC)	GRENADA LAKE, MS	2,834,000	4,834,000
(FC)	MAIN STEM, MS	884,000	3,384,000
(FC)	SARDIS LAKE, MS	2,753,000	4,753,000
(FC)	TRIBUTARIES, MS	1,001,000	2,501,000
(FC)	WILL M WHITTINGTON AUX CHAN, MS	386,000	386,000
(FC)	YAZOO BACKWATER, MS	306,000	306,000
(FC)	YAZOO CITY, MS	373,000	373,000
(FC)	WAPPAPELLO LAKE, MO	3,695,000	4,055,000
(N)	MEMPHIS HARBOR (MCKELLAR LAKE), TN	1,540,000	1,540,000
(FC)	INSPECTION OF COMPLETED WORKS	1,152,000	1,152,000
(FC)	MAPPING	884,000	884,000
	SUBTOTAL, MAINTENANCE	131,362,000	146,422,000
	REDUCTION FOR SAVINGS AND SLIPPAGE	-23,692,000	-34,242,000
	TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	347,722,000	351,182,000

TYPE OF PROJECT:
(N) NAVIGATION
(FC) FLOOD CONTROL

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	ALABAMA		
(FC)	ALABAMA - COOSA RIVER COMPREHENSIVE WATER STUDY, AL	1,000,000	3,000,000
(N)	ALABAMA - COOSA RIVER, AL	4,768,000	6,400,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	13,462,000	18,000,000
(N)	DAUPHIN ISLAND BAY, AL	447,000	447,000
(N)	GULF INTRACOASTAL WATERWAY, AL	2,981,000	3,600,000
(MP)	MILLERS FERRY LOCK & DAM - WILLIAM "BILL" DANNELLY LAK	3,411,000	3,411,000
(N)	MOBILE HARBOR, AL	14,446,000	16,800,000
(MP)	ROBERT F. HENRY LOCK AND DAM, AL	5,235,000	5,235,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY, AL & MS	17,040,000	18,000,000
(MP)	WALTER F. GEORGE LOCK AND DAM, AL & GA	7,983,000	7,983,000
	ALASKA		
(N)	ANCHORAGE HARBOR, AK	1,750,000	1,750,000
(FC)	CHENA RIVER LAKES, AK	1,270,000	1,270,000
(N)	DILLINGHAM SMALL BOAT HARBOR, AK	515,000	515,000
(N)	HOMER SMALL BOAT HARBOR, AK	263,000	263,000
(N)	HUMBOLDT HARBOR, AK	251,000	251,000
(N)	NINILCHIK HARBOR, AK	175,000	175,000
(N)	NOME HARBOR, AK	544,000	544,000
(N)	OLD HARBOR, AK	429,000	429,000
(N)	WRANGELL HARBOR, AK	211,000	211,000
	ARIZONA		
(FC)	ALAMO DAM, AZ	894,000	894,000
(FC)	PAINTED ROCK DAM, AZ	922,000	922,000
(FC)	WHITLOW RANCH DAM, AZ	152,000	152,000
	ARKANSAS		
(MP)	BEAVER LAKE, AR	11,770,000	4,117,000
(MP)	BLAKELY MT DAM - LAKE OUACHITA, AR	3,273,000	3,273,000
(FC)	BLUE MOUNTAIN LAKE, AR	986,000	986,000
(MP)	BULL SHOALS LAKE, AR	4,938,000	4,938,000
(MP)	DARDANELLE LOCK AND DAM, AR	4,758,000	4,758,000
(MP)	DEGRAY LAKE, AR	3,498,000	3,498,000
(FC)	DEQUEEN LAKE, AR	1,003,000	1,003,000
(FC)	DIERKS LAKE, AR	1,030,000	1,030,000
(FC)	GILLHAM LAKE, AR	1,006,000	1,006,000
(MP)	GREERS FERRY LAKE, AR	4,631,000	4,631,000
(N)	HELENA HARBOR, AR	466,000	466,000
(N)	MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	24,891,000	24,891,000
(FC)	MILLWOOD LAKE, AR	2,307,000	2,307,000
(MP)	NARROWS DAM - LAKE GREESON, AR	3,168,000	3,168,000
(FC)	NIMROD LAKE, AR	1,468,000	1,468,000
(MP)	NORFORK LAKE, AR	3,473,000	3,473,000
(N)	OSCEOLA HARBOR, AR	584,000	584,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	OUACHITA AND BLACK RIVERS, AR & LA	5,102,000	5,102,000
(MP)	OZARK-JETA TAYLOR LOCK AND DAM, AR	4,065,000	4,065,000
(N)	WHITE RIVER, AR	2,033,000	3,233,000
(N)	YELLOW BEND PORT, AR	3,000	3,000
	CALIFORNIA		
(FC)	BLACK BUTTE LAKE, CA	1,428,000	1,428,000
(FC)	BUCHANAN DAM - H.V. EASTMAN LAKE, CA	1,489,000	1,489,000
(N)	CHANNEL ISLANDS HARBOR, CA	2,496,000	2,496,000
(FC)	COYOTE VALLEY DAM, CA (LAKE MENDOCINO)	2,543,000	2,543,000
(N)	CRESCENT CITY HARBOR, CA	720,000	720,000
(FC)	DRY CREEK - WARM SPRINGS LAKE AND CHANNEL, CA	2,595,000	2,595,000
(FC)	FARMINGTON DAM, CA	144,000	144,000
(FC)	HIDDEN DAM - HENSLEY LAKE, CA	1,478,000	1,478,000
(N)	HUMBOLDT HARBOR AND BAY, CA	3,642,000	3,642,000
(FC)	ISABELLA LAKE, CA	705,000	705,000
(N)	LOS ANGELES - LONG BEACH HARBOR MODEL, CA	155,000	155,000
(N)	LOS ANGELES - LONG BEACH HARBORS, CA	395,000	2,395,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	2,674,000	4,959,000
	MARINA DEL RAY, CA	---	1,400,000
(FC)	MERCED COUNTY STREAMS, CA	160,000	160,000
(FC)	MOJAVE RIVER DAM, CA	246,000	246,000
(N)	MONTEREY HARBOR, CA	---	1,500,000
(N)	MORRO BAY HARBOR, CA	236,000	236,000
(N)	MOSS LANDING HARBOR, CA	803,000	803,000
(FC)	NEW HOGAN LAKE, CA	1,822,000	1,822,000
(MP)	NEW MELONES LAKE, CA	793,000	793,000
(N)	NOYO RIVER & HARBOR, CA	555,000	555,000
(N)	OAKLAND HARBOR, CA	2,799,000	2,799,000
(N)	OCEANSIDE EXPERIMENTAL SAND BYPASS SYSTEM, CA	628,000	628,000
(N)	OCEANSIDE HARBOR, CA	85,000	1,085,000
(FC)	PINE FLAT LAKE, CA	1,896,000	1,896,000
(N)	REDONDO BEACH (KING HARBOR), CA	40,000	40,000
(N)	REDWOOD CITY HARBOR, CA	3,499,000	3,499,000
(N)	RICHMOND HARBOR, CA	2,285,000	2,285,000
(N)	SACRAMENTO RIVER - SHALLOW DRAFT CHANNEL, CA	86,000	86,000
(N)	SACRAMENTO RIVER AND TRIBUTARIES, CA (DEBRIS CONTROL)	778,000	778,000
(N)	SACRAMENTO RIVER, CA (30 FOOT PROJECT)	2,050,000	2,050,000
(N)	SAN FRANCISCO BAY - DELTA MODEL STRUCTURE, CA	1,635,000	1,635,000
(N)	SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA	1,778,000	1,778,000
(N)	SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	1,915,000	1,915,000
(N)	SAN FRANCISCO HARBOR, CA	1,915,000	1,915,000
(N)	SAN JOAQUIN RIVER, CA	1,341,000	1,341,000
(N)	SAN LEANDRO MARINA - JACK D. MALTESTER CHANNEL, CA	1,276,000	1,276,000
(N)	SAN PABLO BAY AND MARE ISLAND STRAIT, CA	2,446,000	2,446,000
(N)	SAN RAFAEL CREEK, CA	2,276,000	2,276,000
(FC)	SANTA ANA RIVER BASIN, CA	2,305,000	2,305,000
(N)	SANTA BARBARA HARBOR, CA	905,000	905,000
(FC)	SEPULVEDA DAM, CA	---	2,000,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	SUCCESS LAKE, CA	1,465,000	1,465,000
(N)	SUISUN BAY CHANNEL, CA	1,101,000	1,101,000
(FC)	TERMINUS DAM (LAKE KAWEAH), CA	1,324,000	1,324,000
(N)	VENTURA HARBOR, CA	1,106,000	1,106,000
(N)	YUBA RIVER, CA	28,000	28,000
	COLORADO		
(FC)	BEAR CREEK LAKE, CO	336,000	336,000
(FC)	CHATFIELD LAKE, CO	1,299,000	1,299,000
(FC)	CHERRY CREEK LAKE, CO	867,000	867,000
(FC)	JOHN MARTIN RESERVOIR, CO	1,502,000	1,502,000
(FC)	TRINIDAD LAKE, CO	640,000	640,000
	CONNECTICUT		
(FC)	BLACK ROCK LAKE, CT	246,000	246,000
(FC)	COLEBROOK RIVER LAKE, CT	439,000	439,000
(FC)	HANCOCK BROOK LAKE, CT	223,000	223,000
(FC)	HOP BROOK LAKE, CT	720,000	720,000
(FC)	MANSFIELD HOLLOW LAKE, CT	566,000	566,000
(FC)	NORTHFIELD BROOK LAKE, CT	270,000	270,000
(FC)	STAMFORD HURRICANE BARRIER, CT	265,000	265,000
(FC)	THOMASTON DAM, CT	369,000	369,000
(FC)	WEST THOMPSON LAKE, CT	464,000	464,000
	DELAWARE		
(N)	CHESAPEAKE AND DELAWARE CANAL, ST. GEORGES BRIDGE REPL	14,000,000	14,000,000
(N)	INTRACOASTAL WATERWAY, DE RIVER TO CHESAPEAKE BAY, DE.	11,069,000	11,069,000
(N)	INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	434,000	434,000
(N)	MISPILLION RIVER, DE	961,000	961,000
(N)	MURDERKILL RIVER, DE	390,000	390,000
(N)	WILMINGTON HARBOR, DE	2,545,000	2,545,000
	DISTRICT OF COLUMBIA		
(N)	ANACOSTIA RIVER BASIN, DC	192,000	192,000
(N)	POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	636,000	636,000
(N)	POTOMAC RIVER BELOW WASHINGTON, DC	270,000	270,000
(N)	WASHINGTON HARBOR, DC	25,000	25,000
	FLORIDA		
(N)	AIWW, NORFOLK TO ST. JOHNS RIVER, FL, GA, SC, NC, & VA	326,000	326,000
(N)	APALACHICOLA BAY, FL	12,000	12,000
(N)	BLACKWATER RIVER, FL	347,000	347,000
(N)	CANAVERAL HARBOR, FL	2,206,000	2,206,000
(FC)	CENTRAL & SOUTHERN, FL	5,958,000	5,958,000
(N)	CHARLOTTE HARBOR, FL	70,000	70,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	CLEARWATER PASS, FL..	30,000	30,000
(N)	CROSS FLORIDA BARGE CANAL, FL................................	458,000	458,000
(N)	EAST PASS CHANNEL, FL..	35,000	35,000
(N)	ESCAMBIA-CONECUH RIVERS, FL..................................	7,000	7,000
(N)	FERNANDINA HARBOR, FL..	753,000	753,000
(N)	FORT MYERS BEACH, FL...	347,000	347,000
(N)	FORT PIERCE HARBOR, FL.......................................	488,000	488,000
(N)	HORSESHOE COVE, FL...	30,000	30,000
(N)	INTRACOASTAL WATERWAY, CALOOSAHATCHEE R. TO ANCLOTE R.	132,000	132,000
(N)	INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL......	2,937,000	2,937,000
(N)	JACKSONVILLE HARBOR, FL......................................	2,756,000	2,756,000
(MP)	JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	4,427,000	4,427,000
(N)	LA GRANGE BAYOU, FL..	7,000	7,000
(N)	MIAMI HARBOR, FL...	5,286,000	5,286,000
(N)	OKEECHOBEE WATERWAY, FL......................................	2,575,000	2,575,000
(N)	OKLAWAHA RIVER, FL...	81,000	81,000
(N)	PALM BEACH HARBOR, FL..	1,007,000	1,007,000
(N)	PANACEA HARBOR, FL...	7,000	7,000
(N)	PANAMA CITY HARBOR, FL.......................................	442,000	442,000
(N)	PONCE DE LEON INLET, FL......................................	62,000	62,000
(N)	PORT ST. JOE HARBOR, FL......................................	20,000	20,000
	REMOVAL OF AQUATIC GROWTH, FL................................	2,753,000	2,753,000
(N)	ST AUGUSTINE HARBOR, FL......................................	125,000	125,000
(N)	ST MARKS RIVER, FL...	7,000	7,000
(N)	ST. LUCIE INLET, FL..	2,094,000	2,094,000
(N)	TAMPA HARBOR, FL...	2,824,000	2,824,000
(N)	WITHLACOOCHIE RIVER, FL......................................	735,000	735,000
	GEORGIA		
(MP)	ALLATOONA LAKE, GA...	6,518,000	6,518,000
(N)	APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	4,016,000	4,016,000
(N)	ATLANTIC INTRACOASTAL WATERWAY (SAVANNAH DISTRICT), GA	1,601,000	1,601,000
(N)	BRUNSWICK HARBOR, GA...	2,894,000	2,894,000
(MP)	BUFORD DAM AND LAKE SIDNEY LANIER, GA........................	5,884,000	5,884,000
(MP)	CARTERS DAM AND LAKE, GA.....................................	3,063,000	3,063,000
(MP)	HARTWELL LAKE, GA & SC.......................................	7,450,000	7,450,000
(MP)	J. STROM THURMOND LAKE, GA & SC..............................	7,648,000	7,648,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC.......................	4,523,000	4,523,000
(N)	SAVANNAH HARBOR, GA..	7,225,000	9,725,000
	SAVANAH HARBOR LONG TERM MNGT. STRATEGY, GA & SC........		950,000
(N)	SAVANNAH RIVER BELOW AUGUSTA, GA.............................	133,000	133,000
(MP)	WEST POINT DAM AND LAKE, GA & AL.............................	5,513,000	5,513,000
	HAWAII		
(N)	BARBER'S POINT HARBOR, HI....................................	73,000	73,000
(N)	HONOLULU HARBOR, HI..	100,000	100,000
(N)	PORT ALLEN HARBOR, KAUAI.....................................	4,580,000	4,580,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	IDAHO		
(MP)	ALBENI FALLS DAM, ID	4,876,000	4,876,000
(MP)	DWORSHAK DAM AND RESERVOIR, ID	6,283,000	6,283,000
(FC)	LUCKY PEAK LAKE, ID	1,025,000	1,025,000
	ILLINOIS		
(N)	CALUMET HARBOR AND RIVER, IL & IN	1,159,000	1,159,000
(FC)	CARLYLE LAKE, IL	4,090,000	4,090,000
(N)	CHICAGO HARBOR, IL	2,306,000	2,306,000
(N)	CHICAGO RIVER, IL	419,000	419,000
(FC)	FARM CREEK RESERVOIRS, IL	306,000	306,000
(N)	ILLINOIS WATERWAY, IL & IN	16,437,000	16,437,000
(N)	ILLINOIS WATERWAY, IL (LMVD PORTION)	1,339,000	1,339,000
(N)	KASKASKIA RIVER NAVIGATION, IL	1,700,000	1,700,000
(N)	LAKE MICHIGAN DIVERSION, IL	529,000	529,000
(FC)	LAKE SHELBYVILLE, IL	4,319,000	4,319,000
(N)	MISS RIVER BTWN MISSOURI RIVER & MINN, IL, IA, MN, MO.	77,846,000	77,846,000
(N)	MISS RVR BTWN MO RIVER & MINNEAPOLIS, IL & MN (LMVD PO	9,104,000	9,104,000
	NORTH BRANCH CHICAGO RIVER, IL	---	150,000
(FC)	REND LAKE, IL	3,590,000	3,590,000
(N)	WAUKEGAN HARBOR, IL	1,205,000	1,205,000
	INDIANA		
(FC)	BEVERLY SHORES, IN	48,000	48,000
(FC)	BROOKVILLE LAKE, IN	627,000	627,000
(N)	BURNS WATERWAY HARBOR, IN	616,000	1,016,000
(N)	BURNS WATERWAY SMALL BOAT HARBOR, IN	150,000	150,000
(FC)	CAGLES MILL LAKE, IN	483,000	483,000
(FC)	CECIL M. HARDEN LAKE, IN	578,000	678,000
(FC)	HUNTINGTON LAKE, IN	570,000	570,000
(N)	INDIANA HARBOR, IN	401,000	401,000
(N)	MICHIGAN CITY HARBOR, IN	68,000	68,000
(FC)	MISSISSINEWA LAKE, IN	724,000	724,000
(FC)	MONROE LAKE, IN	585,000	585,000
(FC)	PATOKA LAKE, IN	524,000	524,000
(FC)	SALAMONIE LAKE, IN	566,000	566,000
	IOWA		
(FC)	CORALVILLE LAKE, IA	2,697,000	2,697,000
(N)	MISSOURI R, SIOUX CITY, IA TO THE MOUTH, IA, NE, KS &.	6,390,000	6,390,000
(FC)	MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA..	60,000	60,000
(FC)	RATHBUN LAKE, IA	2,171,000	2,171,000
(FC)	RED ROCK DAM - LAKE RED ROCK, IA	2,769,000	2,769,000
(FC)	SAYLORVILLE LAKE, IA	4,256,000	4,256,000
(N)	SMALL NAVIGATION PROJECT AT SIOUX CITY, IA - SECTION 1	5,000	5,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	KANSAS		
(FC)	CLINTON LAKE, KS.	1,540,000	1,540,000
(FC)	COUNCIL GROVE LAKE, KS	956,000	956,000
(FC)	EL DORADO LAKE, KS.	585,000	585,000
(FC)	ELK CITY LAKE, KS.	765,000	765,000
(FC)	FALL RIVER LAKE, KS.	947,000	947,000
(FC)	HILLSDALE LAKE, KS.	853,000	853,000
(FC)	JOHN REDMOND DAM AND RESERVOIR, KS.	994,000	994,000
(FC)	KANOPOLIS LAKE, KS.	1,149,000	1,149,000
(FC)	MARION RESERVOIR, KS.	1,250,000	1,250,000
(FC)	MELVERN LAKE, KS.	1,546,000	1,546,000
(FC)	MILFORD LAKE, KS.	1,627,000	1,627,000
(FC)	PEARSON - SKUBITZ BIG HILL LAKE, KS.	899,000	899,000
(FC)	PERRY LAKE, KS.	1,684,000	1,684,000
(FC)	POMONA LAKE, KS.	1,577,000	1,577,000
(FC)	TORONTO LAKE, KS.	420,000	420,000
(FC)	TUTTLE CREEK LAKE, KS.	1,391,000	1,391,000
(FC)	WILSON LAKE, KS.	1,413,000	1,413,000
	KENTUCKY		
(MP)	BARKLEY DAM AND LAKE BARKLEY, KY.	5,765,000	5,765,000
(FC)	BARREN RIVER LAKE, KY.	1,239,000	1,239,000
(N)	BIG SANDY HARBOR, KY.	995,000	995,000
(FC)	BUCKHORN LAKE, KY.	837,000	837,000
(FC)	CARR FORK LAKE, KY.	1,005,000	1,005,000
(FC)	CAVE RUN LAKE, KY.	660,000	660,000
(FC)	DEWEY LAKE, KY.	1,789,000	1,789,000
(N)	ELVIS STAHR (HICKMAN) HARBOR, KY.	517,000	517,000
(FC)	FISHTRAP LAKE, KY.	1,126,000	1,126,000
(FC)	GRAYSON LAKE, KY.	837,000	837,000
(N)	GREEN AND BARREN RIVERS, KY.	1,386,000	1,386,000
(FC)	GREEN RIVER LAKE, KY.	1,338,000	1,338,000
(N)	KENTUCKY RIVER, KY.	989,000	989,000
	KENTUCKY RIVER L/D 5-14, KY.	---	5,000,000
(MP)	LAUREL RIVER LAKE, KY.	1,174,000	1,174,000
(N)	LICKING RIVER OPEN CHANNEL WORK, KY.	17,000	17,000
(FC)	MARTINS FORK LAKE, KY.	581,000	581,000
(FC)	MIDDLESBORO, KY.	38,000	38,000
(FC)	NOLIN LAKE, KY.	1,452,000	1,452,000
(N)	OHIO RIVER LOCKS AND DAMS, KY, IL, IN, OH, PA & WV.	19,510,000	19,510,000
(N)	OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV.	3,462,000	3,462,000
(FC)	PAINTSVILLE LAKE, KY.	771,000	771,000
(FC)	ROUGH RIVER LAKE, KY.	1,276,000	1,276,000
(FC)	TAYLORSVILLE LAKE, KY.	793,000	793,000
(MP)	WOLF CREEK DAM - LAKE CUMBERLAND, KY.	5,024,000	5,024,000
(FC)	YATESVILLE LAKE KY.	865,000	865,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	LOUISIANA		
(N)	ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	5,587,000	5,587,000
(N)	BARATARIA BAY WATERWAY, LA.	135,000	135,000
(FC)	BAYOU BODCAU RESERVOIR, LA.	402,000	402,000
(FC)	BAYOU PIERRE, LA.	25,000	25,000
(N)	BAYOU TECHE, LA.	239,000	239,000
(FC)	CADDO LAKE, LA.	119,000	119,000
(N)	CALCASIEU RIVER AND PASS, LA.	9,800,000	9,800,000
(N)	FRESHWATER BAYOU, LA.	880,000	880,000
(N)	GULF INTRACOASTAL WATERWAY, LA.	13,007,000	13,007,000
(N)	HOUMA NAVIGATION CHANNEL, LA.	210,000	210,000
(N)	LAKE PROVIDENCE HARBOR, LA.	285,000	285,000
(N)	MADISON PARISH PORT, LA.	75,000	75,000
(N)	MERMENTAU RIVER, LA.	690,000	690,000
(N)	MISSISSIPPI RIVER - BATON ROUGE TO GULF OF MEXICO, LA.	42,803,000	44,803,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA.	13,591,000	15,591,000
(N)	MISSISSIPPI RIVER, OUTLETS AT VENICE, LA.	2,348,000	2,348,000
(N)	RED RIVER WATERWAY - MISSISSIPPI RIVER TO SHREVEPORT,.	6,629,000	6,629,000
	REMOVAL OF AQUATIC GROWTH, LA.	1,644,000	1,644,000
(FC)	WALLACE LAKE, LA.	196,000	196,000
(N)	WATERWAY FROM INTRACOASTAL WATERWAY TO B DULAC, LA.	20,000	20,000
	MAINE		
	NEW ENGLAND COASTAL DREDGED MATERIAL STUDY, ME & NH.	---	500,000
	MARYLAND		
(N)	BALTIMORE HARBOR AND CHANNELS, MD & VA.	12,852,000	12,852,000
(N)	BALTIMORE HARBOR, MD (DRIFT REMOVAL).	348,000	348,000
(N)	BALTIMORE HARBOR, MD (PREVENTION OF OBSTRUCTIVE DEPOSI	400,000	400,000
(N)	CHESTER RIVER, MD.	70,000	70,000
(FC)	CUMBERLAND, MD AND RIDGELEY, WV.	83,000	83,000
(N)	HONGA RIVER, TAR BAY, MD.	70,000	70,000
(FC)	JENNINGS RANDOLPH LAKE, MD & WV.	1,281,000	1,281,000
(N)	NANTICOKE AT NANTICOKE, MD.	35,000	35,000
(N)	NORTHEAST RIVER, MD.	60,000	60,000
(N)	RHODES POINT TO TYLERTON, MD.	35,000	35,000
(N)	SLAUGHTER CREEK, MD.	30,000	30,000
(N)	WICOMICO RIVER, MD.	628,000	628,000
	MASSACHUSETTS		
(FC)	BARRE FALLS DAM, MA.	403,000	403,000
(FC)	BIRCH HILL DAM, MA.	489,000	489,000
(FC)	BUFFUMVILLE LAKE, MA.	386,000	386,000
(N)	CAPE COD CANAL, MA.	9,620,000	9,620,000
(FC)	CHARLES RIVER NATURAL VALLEY STORAGE AREAS, MA.	182,000	182,000
(FC)	CONANT BROOK LAKE, MA.	166,000	166,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	EAST BRIMFIELD LAKE, MA	401,000	401,000
(FC)	HODGES VILLAGE DAM, MA	400,000	400,000
(FC)	KNIGHTVILLE DAM, MA	667,000	667,000
(FC)	LITTLEVILLE LAKE, MA	430,000	430,000
(FC)	NEW BEDFORD, FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	186,000	186,000
(N)	NEWBURYPORT HARBOR, MA	482,000	482,000
(FC)	TULLY LAKE, MA	417,000	417,000
(FC)	WEST HILL DAM, MA	444,000	444,000
(FC)	WESTVILLE LAKE, MA	436,000	436,000
	MICHIGAN		
(N)	ALPENA HARBOR, MI	122,000	122,000
(N)	ARCADIA HARBOR, MI	53,000	53,000
(N)	BOLLES HARBOR, MI	61,000	61,000
(N)	CHANNELS IN LAKE ST. CLAIR, MI	170,000	170,000
(N)	CHARLEVOIX HARBOR, MI	246,000	246,000
(N)	CLINTON RIVER, MI	629,000	629,000
(N)	DETROIT RIVER, MI	5,074,000	5,074,000
	FLINT RIVER FLOOD CONTROL, MI	---	2,000,000
(N)	FRANKFORT HARBOR, MI	613,000	613,000
(N)	GRAND HAVEN HARBOR, MI	1,234,000	1,234,000
(N)	HARBOR BEACH HARBOR,MI	957,000	957,000
(N)	HARRISVILLE HARBOR, MI	174,000	174,000
(N)	HOLLAND HARBOR, MI	1,169,000	1,169,000
(N)	INLAND ROUTE, MI	223,000	223,000
(N)	KEWEENAW WATERWAY, MI	1,463,000	1,463,000
(N)	LAC LA BELLE, MI	80,000	80,000
(N)	LELAND HARBOR, MI	143,000	143,000
(N)	LITTLE LAKE HARBOR, MI	147,000	147,000
(N)	LUDINGTON HARBOR, MI	380,000	380,000
(N)	MANISTEE HARBOR, MI	673,000	673,000
(N)	MANISTIQUE HARBOR, MI	362,000	362,000
(N)	MARQUETTE HARBOR, MI	210,000	210,000
(N)	MENOMINEE HARBOR, MI & WI	82,000	82,000
(N)	MONROE HARBOR, MI	306,000	306,000
(N)	MUSKEGON HARBOR, MI	621,000	621,000
(N)	ONTONAGON HARBOR, MI	1,480,000	1,480,000
(N)	PENTWATER HARBOR, MI	168,000	168,000
(N)	POINT LOOKOUT HARBOR, MI	170,000	170,000
(N)	PORT AUSTIN HBR, MI	305,000	305,000
(N)	PORTAGE LAKE HARBOR, MI	92,000	92,000
(N)	PRESQUE ISLE HARBOR, MI	319,000	319,000
(N)	ROUGE RIVER, MI	800,000	800,000
(N)	SAGINAW RIVER, MI	2,336,000	2,336,000
(N)	SAGINAW RIVER, MI-DIKE DISPOSAL	356,000	356,000
(N)	SAUGATUCK HARBOR, MI	121,000	121,000
(FC)	SEBEWAING RIVER (ICE JAM REMOVAL), MI	12,000	12,000
(N)	SOUTH HAVEN HARBOR, MI	473,000	473,000
(N)	ST. CLAIR RIVER, MI	1,330,000	1,330,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	ST. JOSEPH HARBOR, MI	1,331,000	1,331,000
(MP)	ST. MARYS RIVER, MI	15,250,000	15,250,000
	MINNESOTA		
(FC)	BIGSTONE LAKE, WHETSTONE RIVER, MN & SD	199,000	199,000
(N)	DULUTH - SUPERIOR HARBOR, MN & WI	4,731,000	4,731,000
(N)	GRAND MARAIS HARBOR, MN	154,000	154,000
(FC)	LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	534,000	534,000
(N)	MINNESOTA RIVER, MN	175,000	175,000
(FC)	ORWELL LAKE, MN	283,000	283,000
(FC)	RED LAKE RIVER, MN	183,000	183,000
(N)	RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	2,665,000	2,665,000
	SAUK LAKE, MN	---	40,000
(N)	WARROAD HARBOR, MN	558,000	558,000
	MISSISSIPPI		
(N)	BILOXI HARBOR, MS	88,000	88,000
(N)	CLAIBORNE COUNTY PORT, MS	78,000	78,000
(FC)	EAST FORK, TOMBIGBEE RIVER, MS	246,000	246,000
(N)	GULFPORT HARBOR, MS	1,995,000	1,995,000
(N)	MOUTH OF YAZOO RIVER, MS	152,000	152,000
(FC)	OKATIBBEE LAKE, MS	1,312,000	1,312,000
(N)	PASCAGOULA HARBOR, MS	4,571,000	4,571,000
(N)	PEARL RIVER, MS & LA	236,000	736,000
(N)	ROSEDALE HARBOR, MS	368,000	368,000
(N)	YAZOO RIVER, MS	79,000	79,000
	MISSOURI		
(N)	CARUTHERSVILLE HARBOR, MO	387,000	387,000
(MP)	CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,270,000	5,870,000
(FC)	CLEARWATER LAKE, MO	2,011,000	2,011,000
(MP)	HARRY S. TRUMAN DAM AND RESERVOIR, MO	7,571,000	7,571,000
(FC)	LITTLE BLUE RIVER LAKES, MO	1,055,000	1,055,000
(FC)	LONG BRANCH LAKE, MO	719,000	919,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	15,463,000	15,463,000
(FC)	POMME DE TERRE LAKE, MO	2,027,000	2,027,000
(FC)	SMITHVILLE LAKE, MO	1,017,000	1,017,000
(N)	SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO	236,000	236,000
(MP)	STOCKTON LAKE, MO	2,636,000	2,636,000
(MP)	TABLE ROCK LAKE, MO	4,925,000	4,925,000
(FC)	UNION LAKE, MO	17,000	17,000
(FC)	WAPPAPELLO LAKE, MO	100,000	100,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	MONTANA		
(MP)	FT. PECK DAM AND LAKE, MT	3,522,000	3,522,000
(MP)	LIBBY DAM, LAKE KOOCANUSA, MT	5,136,000	5,136,000
	MISSOURI R BTWN FT PECK DAM, MT AND GAVINS PT DAM, SD.	---	1,500,000
	NEBRASKA		
(MP)	GAVINS POINT DAM - LEWIS AND CLARK LAKE, NE & SD	4,535,000	4,535,000
(FC)	HARLAN COUNTY LAKE, NE	1,499,000	1,499,000
(MP)	MO R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO, MT, ND	1,000,000	1,000,000
	MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	---	200,000
(FC)	PAPILLION CREEK & TRIBUTARIES LAKES, NE	645,000	645,000
(FC)	SALT CREEK AND TRIBUTARIES, NE	763,000	763,000
	NEVADA		
(FC)	MARTIS CREEK LAKE, NV & CA	371,000	371,000
(FC)	PINE AND MATHEWS CANYONS DAMS, NV	118,000	118,000
	NEW HAMPSHIRE		
(FC)	BLACKWATER DAM, NH	386,000	386,000
(FC)	FRANKLIN FALLS DAM, NH	459,000	459,000
(FC)	HOPKINTON-EVERETT LAKES, NH	1,239,000	1,239,000
(FC)	OTTER BROOK LAKE, NH	450,000	450,000
(FC)	SURRY MOUNTAIN LAKE, NH	447,000	447,000
	NEW JERSEY		
(N)	BARNEGAT INLET, NJ	1,003,000	1,003,000
(N)	COLD SPRING INLET, NJ	769,000	769,000
(N)	DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	435,000	435,000
(N)	DELAWARE RIVER-PHILADELPHIA TO THE SEA, NJ, PA & DE	14,442,000	14,442,000
(N)	NEW JERSEY INTRACOASTAL WATERWAY, NJ	1,792,000	1,792,000
(N)	NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	210,000	210,000
	PASSAIC RIVER FLOOD WARNING SYSTEM, NJ	---	350,000
(N)	RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	980,000	980,000
(N)	SHOAL HARBOR AND COMPTON CREEK, NJ	205,000	205,000
(N)	SHREWSBURY RIVER, NJ-MAIN CHANNEL	55,000	55,000
	NEW MEXICO		
(FC)	ABIQUIU DAM, NM	1,256,000	1,256,000
(FC)	COCHITI LAKE, NM	1,725,000	1,725,000
(FC)	CONCHAS LAKE, NM	864,000	864,000
(FC)	GALISTEO DAM, NM	260,000	260,000
(FC)	JEMEZ CANYON DAM, NM	375,000	375,000
(FC)	SANTA ROSA DAM AND LAKE, NM	775,000	775,000
(FC)	TWO RIVERS DAM, NM	329,000	329,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	NEW YORK		
(FC)	ALMOND LAKE, NY	354,000	354,000
(FC)	ARKPORT DAM, NY	200,000	200,000
(N)	BAYRIDGE AND RED HOOK CHANNELS, NY	1,944,000	1,944,000
(N)	BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	2,011,000	2,011,000
(N)	BUFFALO HARBOR, NY	1,828,000	1,828,000
(N)	BUTTERMILK CHANNEL, NY	145,000	145,000
(N)	CATTARAUGUS CREEK HARBOR, NY	482,000	482,000
(N)	CONEY ISLAND CHANNEL, NY	770,000	770,000
(N)	DUNKIRK HARBOR, NY	290,000	290,000
(N)	EAST CHESTER CREEK, NY	70,000	70,000
(N)	EAST ROCKAWAY INLET, NY	764,000	764,000
(FC)	EAST SIDNEY LAKE, NY	347,000	347,000
(N)	GOWANUS CREEK CHANNEL, NY	427,000	427,000
(N)	GREAT SOUTH BAY, NY	387,000	387,000
(N)	HUDSON RIVER CHANNEL, NY	780,000	780,000
(N)	HUDSON RIVER, NY	3,203,000	3,203,000
(N)	IRONDEQUOIT BAY HBR, NY	339,000	339,000
(N)	JAMAICA BAY, NY	513,000	513,000
(N)	JONES INLET, NY	50,000	50,000
(N)	LONG ISLAND INTRACOASTAL WATERWAY, NY	578,000	578,000
(N)	MAMARONECK HARBOR, NY	50,000	50,000
(N)	MILTON HARBOR, NY	168,000	1,368,000
(FC)	MT. MORRIS LAKE, NY	1,332,000	1,332,000
(N)	NARROWS OF LAKE CHAMPLAIN, NY & VT	41,000	41,000
(N)	NEW YORK AND NEW JERSEY CHANNELS, NY	1,315,000	1,315,000
(N)	NEW YORK HARBOR, NY	6,923,000	6,923,000
(N)	NEW YORK HARBOR, NY (DRIFT REMOVAL)	4,199,000	4,199,000
(N)	NEW YORK HARBOR, NY (PREVENTION OF OBSTRUCTIVE DEPOSIT	720,000	720,000
(N)	NEWTOWN CREEK, NY	225,000	225,000
(N)	OSWEGO HARBOR, NY	398,000	398,000
(N)	ROCHESTER HARBOR, NY	769,000	769,000
(N)	SHINNECOCK INLET	2,416,000	2,416,000
(FC)	SOUTHERN NEW YORK PROJECTS, NY	2,186,000	2,186,000
(FC)	WHITNEY POINT LAKE, NY	399,000	399,000
(FC)	EDWARD MACDOWELL LAKE, NH	433,000	433,000
	NORTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY, NC (WILMINGTON DISTRIC	5,345,000	5,345,000
(FC)	B. EVERETT JORDAN DAM AND LAKE, NC	1,070,000	1,070,000
(N)	BEAUFORT HARBOR, NC	400,000	400,000
(N)	BOGUE INLET AND CHANNEL, NC	776,000	776,000
(N)	CAPE FEAR RIVER ABOVE WILMINGTON, NC	923,000	923,000
(N)	CAROLINA BEACH INLET, NC	800,000	800,000
(N)	CHANNEL FROM BACK SOUND TO LOOKOUT BIGHT, NC	470,000	470,000
(FC)	FALLS LAKE, NC	960,000	960,000
(N)	LOCKWOODS FOLLY RIVER, NC	906,000	906,000
(N)	MANTEO (SHALLOWBAG) BAY, NC	6,014,000	6,500,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	MASONBORO INLET AND CONNECTING CHANNEL, NC............	1,741,000	2,100,000
(N)	MOREHEAD CITY HARBOR, NC..............................	2,546,000	3,500,000
(N)	NEW RIVER INLET, NC...................................	946,000	946,000
(N)	NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC.........	648,000	648,000
(N)	OCRACOKE INLET, NC....................................	278,000	278,000
(N)	ROLLINSON CHANNEL, NC.................................	389,000	389,000
(N)	SILVER LAKE HARBOR, NC................................	772,000	772,000
(N)	SMITHS CREEK, PAMLICO COUNTY, NC......................	548,000	548,000
(N)	STUMPY POINT BAY, NC..................................	648,000	648,000
(FC)	W. KERR SCOTT DAM AND RESERVOIR, NC..................	1,726,000	1,726,000
(N)	WATERWAY CONNECTING PAMLICO SOUND AND BEAUFORT HARBOR,	270,000	270,000
(N)	WILMINGTON HARBOR, NC.................................	3,975,000	4,400,000
	NORTH DAKOTA		
(FC)	BOWMAN-HALEY LAKE, ND.................................	278,000	278,000
(MP)	GARRISON DAM, LAKE SAKAKAWEA, ND......................	8,212,000	8,212,000
(FC)	HOMME LAKE AND DAM, ND................................	239,000	239,000
(FC)	LAKE ASHTABULA AND BALDHILL DAM, ND...................	917,000	917,000
	LAKE SAKAKAWEA..	---	50,000
(FC)	PIPESTEM LAKE, ND.....................................	378,000	378,000
	OHIO		
(FC)	ALUM CREEK LAKE, OH...................................	549,000	549,000
(N)	ASHTABULA HARBOR, OH..................................	952,000	952,000
(FC)	BERLIN LAKE, OH.......................................	1,849,000	1,849,000
(FC)	CAESAR CREEK LAKE, OH.................................	806,000	806,000
(FC)	CLARENCE J. BROWN DAM, OH.............................	600,000	600,000
(N)	CLEVELAND HARBOR, OH..................................	5,495,000	5,495,000
(N)	CONNEAUT HARBOR, OH...................................	652,000	652,000
(FC)	DEER CREEK LAKE, OH...................................	516,000	516,000
(FC)	DELAWARE LAKE, OH.....................................	896,000	896,000
(FC)	DILLON LAKE, OH.......................................	563,000	563,000
(N)	FAIRPORT HARBOR, OH...................................	57,000	57,000
(N)	HURON HARBOR, OH......................................	42,000	42,000
(N)	LORAIN HARBOR, OH.....................................	965,000	965,000
(FC)	MASSILLON, OH...	25,000	25,000
(FC)	MICHAEL J. KIRWAN DAM AND RESERVOIR, OH...............	799,000	799,000
(FC)	MOSQUITO CREEK LAKE, OH...............................	651,000	651,000
(FC)	MUSKINGUM RIVER LAKES, OH.............................	5,598,000	5,598,000
(FC)	NORTH BRANCH KOKOSING RIVER LAKE, OH..................	256,000	256,000
(FC)	PAINT CREEK LAKE, OH..................................	547,000	547,000
(N)	PORTSMOUTH HARBOR, OH.................................	75,000	75,000
(FC)	ROSEVILLE, OH...	25,000	25,000
(N)	SANDUSKY HARBOR, OH...................................	559,000	559,000
(N)	TOLEDO HARBOR, OH.....................................	7,174,000	7,574,000
(FC)	TOM JENKINS DAM, OH...................................	279,000	279,000
(FC)	WEST FORK OF MILL CREEK LAKE, OH......................	416,000	416,000
(N)	WEST HARBOR, OH.......................................	347,000	347,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	WILLIAM H. HARSHA LAKE, OH	749,000	749,000
	OKLAHOMA		
(FC)	ARCADIA LAKE, OK	363,000	363,000
(FC)	BIRCH LAKE, OK	703,000	703,000
(MP)	BROKEN BOW LAKE, OK	1,695,000	1,695,000
(FC)	CANDY LAKE, OK	41,000	41,000
(FC)	CANTON LAKE, OK	1,543,000	1,543,000
(FC)	COPAN LAKE, OK	1,012,000	1,012,000
(MP)	EUFAULA LAKE, OK	4,490,000	4,490,000
(MP)	FORT GIBSON LAKE, OK	3,579,000	3,579,000
(FC)	FORT SUPPLY LAKE, OK	731,000	731,000
(FC)	GREAT SALT PLAINS LAKE, OK	348,000	348,000
(FC)	HEYBURN LAKE, OK	627,000	627,000
(FC)	HUGO LAKE, OK	1,500,000	1,500,000
(FC)	HULAH LAKE, OK	422,000	422,000
(FC)	KAW LAKE, OK	1,814,000	1,814,000
(MP)	KEYSTONE LAKE, OK	2,745,000	2,745,000
(FC)	OOLOGAH LAKE, OK	1,315,000	1,315,000
(FC)	OPTIMA LAKE, OK	514,000	514,000
(FC)	PENSACOLA RESERVOIR - LAKE OF THE CHEROKEES, OK	6,000	6,000
(FC)	PINE CREEK LAKE, OK	890,000	890,000
(MP)	ROBERT S. KERR LOCK & DAM AND RESERVOIRS, OK	2,926,000	2,926,000
(FC)	SARDIS LAKE, OK	904,000	904,000
(FC)	SKIATOOK LAKE, OK	1,301,000	1,301,000
(MP)	TENKILLER FERRY LAKE, OK	2,972,000	2,972,000
(FC)	WAURIKA LAKE, OK	1,318,000	1,318,000
(MP)	WEBBERS FALLS LOCK AND DAM, OK	2,557,000	2,557,000
(FC)	WISTER LAKE, OK	669,000	669,000
	OREGON		
(FC)	APPLEGATE LAKE, OR	602,000	602,000
(FC)	BLUE RIVER LAKE, OR	249,000	249,000
(MP)	BONNEVILLE LOCK AND DAM, OR	14,376,000	14,376,000
(N)	CHETCO RIVER, OR	684,000	684,000
(N)	COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	9,245,000	9,245,000
(N)	COLUMBIA RIVER AT MOUTH, OR & WA	7,934,000	7,934,000
(N)	COLUMBIA RIVER BETWEEN VANCOUVER, WA & THE DALLES, OR.	370,000	370,000
(N)	COOS BAY, OR	5,100,000	5,100,000
(N)	COQUILLE RIVER, OR	399,000	399,000
(FC)	COTTAGE GROVE LAKE, OR	629,000	629,000
(MP)	COUGAR LAKE, OR	1,063,000	1,063,000
(N)	DEPOE BAY OR	2,000	2,000
(MP)	DETROIT LAKE, OR	1,892,000	1,892,000
(FC)	DORENA LAKE, OR	532,000	532,000
(FC)	FALL CREEK LAKE, OR	462,000	462,000
(FC)	FERN RIDGE LAKE, OR	652,000	652,000
(MP)	GREEN PETER FOSTER LAKES, OR	2,327,000	2,327,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(MP)	HILLS CREEK LAKE, OR	703,000	703,000
(MP)	JOHN DAY LOCK AND DAM, OR	14,400,000	14,400,000
(MP)	LOOKOUT POINT LAKE, OR	3,538,000	3,538,000
(MP)	LOST CREEK LAKE, OR	3,472,000	3,472,000
(MP)	MCNARY LOCK AND DAM, OR	10,689,000	10,689,000
(N)	PORT ORFORD, OR	401,000	401,000
(N)	ROGUE RIVER, OR	828,000	828,000
(N)	SIUSLAW RIVER, OR	847,000	847,000
(N)	SKIPANON CHANNEL, OR	353,000	353,000
(N)	TILLAMOOK BAY & BAR, OR	8,000	8,000
(N)	UMPQUA RIVER, OR	1,428,000	1,428,000
(N)	WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	749,000	749,000
(FC)	WILLAMETTE RIVER BANK PROTECTION, OR	169,000	169,000
(FC)	WILLOW CREEK LAKE, OR	444,000	444,000
(N)	YAQUINA BAY & HARBOR, OR	693,000	2,193,000
	PENNSYLVANIA		
(N)	ALLEGHENY RIVER, PA	8,367,000	11,367,000
(FC)	ALVIN R. BUSH DAM, PA	443,000	443,000
(FC)	AYLESWORTH CREEK LAKE, PA	172,000	172,000
(FC)	BELTZVILLE LAKE, PA	744,000	744,000
(FC)	BLUE MARSH LAKE, PA	1,550,000	1,550,000
(FC)	CONEMAUGH RIVER LAKE, PA	927,000	927,000
(FC)	COWANESQUE LAKE, PA	1,340,000	1,340,000
(FC)	CROOKED CREEK LAKE, PA	1,166,000	1,166,000
(FC)	CURWENSVILLE LAKE, PA	476,000	476,000
(FC)	EAST BRANCH CLARION RIVER LAKE, PA	1,002,000	1,002,000
(N)	ERIE HARBOR, PA	396,000	1,396,000
(FC)	FOSTER JOSEPH SAYERS DAM, PA	576,000	576,000
(FC)	FRANCIS E. WALTER DAM, PA	484,000	484,000
(FC)	GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	241,000	241,000
(FC)	JOHNSTOWN, PA	2,028,000	2,028,000
(FC)	KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,308,000	1,308,000
(FC)	LOYALHANNA LAKE, PA	974,000	974,000
(FC)	MAHONING CREEK LAKE, PA	715,000	715,000
(N)	MONONGAHELA RIVER, PA	14,803,000	14,803,000
(N)	OHIO RIVER LOCKS AND DAMS CONSTRUCTION, PA	11,164,000	11,164,000
(N)	OHIO RIVER OPEN CHANNEL, PA	120,000	120,000
(FC)	PROMPTON LAKE, PA	531,000	531,000
(FC)	PUNXSUTAWNEY, PA	192,000	192,000
(FC)	RAYSTOWN LAKE, PA	2,111,000	2,711,000
(N)	SCHUYLKILL RIVER, PA	105,000	105,000
(FC)	SHENANGO RIVER LAKE, PA	2,069,000	2,069,000
(FC)	STILLWATER LAKE, PA	261,000	261,000
(FC)	TIOGA-HAMMOND LAKES, PA	1,459,000	1,459,000
(FC)	TIONESTA LAKE, PA	1,077,000	1,077,000
(FC)	UNION CITY LAKE, PA	295,000	295,000
(FC)	WOODCOCK CREEK LAKE, PA	728,000	728,000
(FC)	YORK INDIAN ROCK DAM, PA	925,000	925,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	YOUGHIOGHENY RIVER LAKE, PA...........................	1,807,000	1,807,000
	PUERTO RICO		
(N)	ARECIBO HARBOR, PR....................................	495,000	495,000
(N)	SAN JUAN HARBOR, PR...................................	1,070,000	1,070,000
	SOUTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY, SC (CHARLESTON DISTRIC	2,075,000	2,075,000
(N)	CHARLESTON HARBOR, SC.................................	3,708,000	3,708,000
(N)	COOPER RIVER, CHARLESTON HARBOR, SC...................	4,702,000	4,702,000
(N)	FOLLY RIVER, SC.......................................	240,000	240,000
(N)	GEORGETOWN HARBOR, SC.................................	1,723,000	1,723,000
(N)	JEREMY CREEK, SC......................................	3,000	3,000
(N)	LITTLE RIVER INLET, SC & NC...........................	236,000	236,000
(N)	MURRELLS INLET, SC....................................	134,000	134,000
(N)	PORT ROYAL HARBOR, SC.................................	231,000	231,000
	SHEM CREEK, SC..	---	300,000
(N)	SHIPYARD RIVER, SC....................................	323,000	323,000
(N)	TOWN CREEK, SC..	245,000	245,000
	SOUTH DAKOTA		
(MP)	BIG BEND DAM - LAKE SHARPE, SD........................	6,163,000	6,163,000
(FC)	COLD BROOK LAKE, SD...................................	255,000	255,000
(FC)	COTTONWOOD SPRINGS LAKE, SD...........................	187,000	187,000
(MP)	FT. RANDALL DAM - LAKE FRANCIS CASE, SD...............	8,359,000	8,359,000
(FC)	LAKE TRAVERSE AND BOIS DE SIOUX, SD & MN..............	542,000	542,000
(MP)	OAHE DAM-LAKE OAHE, SD & ND...........................	9,388,000	9,388,000
	TENNESSEE		
(MP)	CENTER HILL LAKE, TN..................................	5,424,000	5,424,000
(MP)	CHEATHAM LOCK AND DAM, TN.............................	4,176,000	4,176,000
(MP)	CORDELL HULL DAM AND RESERVOIR, TN....................	3,566,000	3,566,000
(MP)	DALE HOLLOW LAKE, TN..................................	3,502,000	3,502,000
(MP)	J. PERCY PRIEST DAM AND RESERVOIR, TN.................	3,602,000	3,602,000
(MP)	OLD HICKORY LOCK AND DAM, TN..........................	5,253,000	5,253,000
(N)	TENNESSEE RIVER, TN...................................	10,817,000	10,817,000
(N)	WOLF RIVER HARBOR, TN.................................	674,000	674,000
	TEXAS		
(FC)	AQUILLA LAKE, TX......................................	699,000	699,000
(FC)	ARK-RED RIVER CHLORIDE CONTROL-AREA VIII, TX..........	713,000	713,000
(FC)	BARDWELL LAKE, TX.....................................	1,048,000	1,048,000
(FC)	BELTON LAKE, TX.......................................	1,915,000	1,915,000
(FC)	BENBROOK LAKE, TX.....................................	1,411,000	1,411,000
(N)	BRAZOS ISLAND HARBOR, TX..............................	3,146,000	3,146,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	BUFFALO BAYOU AND TRIBUTARIES, TX	1,717,000	1,717,000
(FC)	CANYON LAKE, TX	1,408,000	1,408,000
(N)	CHANNEL TO HARLINGEN, TX	700,000	700,000
(N)	CHANNEL TO PORT MANSFIELD, TX	100,000	100,000
(N)	CHANNEL TO VICTORIA - GIWW, TX	1,498,000	1,498,000
(N)	CHOCOLATE BAYOU - GIWW, TX	250,000	250,000
(FC)	COOPER LAKE AND CHANNELS, TX	739,000	739,000
(N)	CORPUS CHRISTI SHIP CHANNEL, TX	5,228,000	5,228,000
(MP)	DENISON DAM - LAKE TEXOMA, TX	6,257,000	6,257,000
(FC)	ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	5,000	5,000
(FC)	FERRELLS BRIDGE DAM - LAKE O'THE PINES, TX	1,903,000	1,903,000
(N)	FREEPORT HARBOR, TX	2,198,000	2,198,000
(N)	GALVESTON HARBOR AND CHANNEL, TX	2,541,000	3,500,000
(FC)	GRANGER DAM AND LAKE, TX	1,161,000	1,161,000
(FC)	GRAPEVINE LAKE, TX	1,837,000	1,837,000
(N)	GREENS BAYOU, TX	342,000	342,000
(N)	GULF INTRACOASTAL WATERWAY, TX	13,316,000	13,316,000
(FC)	HORDS CREEK LAKE, TX	870,000	870,000
(N)	HOUSTON SHIP CHANNEL, TX	3,008,000	3,008,000
(FC)	JOE POOL LAKE, TX	672,000	672,000
(FC)	LAKE KEMP, TX	173,000	173,000
(FC)	LAVON LAKE, TX	2,094,000	2,094,000
(FC)	LEWISVILLE DAM, TX	2,169,000	2,169,000
(N)	MATAGORDA SHIP CHANNEL, TX	3,953,000	3,953,000
(N)	MATAGORDA SHIP CHANNEL TO RED BLUFF, TX	---	750,000
(FC)	NAVARRO MILLS LAKE, TX	1,193,000	1,193,000
(FC)	NORTH SAN GABRIEL DAM AND LAKE, GEORGETOWN, TX	1,249,000	1,249,000
(FC)	O. C. FISHER DAM AND LAKE, TX	1,012,000	1,012,000
(FC)	PAT MAYSE LAKE, TX	1,207,000	1,207,000
(FC)	PROCTOR LAKE, TX	1,274,000	1,274,000
(FC)	RAY ROBERTS LAKE, TX	664,000	719,000
(N)	SABINE-NECHES WATERWAY, TX	7,282,000	7,282,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX	2,584,000	3,800,000
(FC)	SOMERVILLE LAKE, TX	2,342,000	2,342,000
(FC)	STILLHOUSE HOLLOW DAM, TX	1,332,000	1,332,000
(MP)	TOWN BLUFF DAM-STEINHAGEN LAKE-WILLIS HYDROPOWER, TX	1,315,000	1,390,000
(N)	TRINITY RIVER AND TRIBUTARIES, TX	1,060,000	1,060,000
(FC)	WACO LAKE, TX	1,893,000	1,893,000
(FC)	WALLISVILLE LAKE, TX	428,000	428,000
(MP)	WHITNEY LAKE, TX	2,762,000	2,762,000
(FC)	WRIGHT PATMAN DAM AND LAKE, TX	1,942,000	1,942,000
	VERMONT		
(FC)	BALL MOUNTAIN LAKE, VT	640,000	640,000
(FC)	NORTH HARTLAND LAKE, VT	477,000	477,000
(FC)	NORTH SPRINGFIELD LAKE, VT	493,000	493,000
(FC)	TOWNSHEND LAKE, VT	434,000	434,000
(FC)	UNION VILLAGE DAM, VT	373,000	373,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	VIRGINIA		
(N)	APPOMATTOX RIVER, VA	164,000	164,000
(N)	ATLANTIC INTRACOASTAL WATERWAY, VA	3,591,000	3,591,000
(N)	BONUM CREEK, VA	299,000	299,000
(N)	CHANNEL TO NEWPORT NEWS, VA	975,000	975,000
(N)	CHINCOTEAGUE INLET, VA	945,000	945,000
(FC)	GATHRIGHT DAM AND LAKE MOOMAW, VA	1,345,000	1,345,000
(N)	HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	615,000	615,000
(N)	JAMES RIVER CHANNEL, VA	2,157,000	2,157,000
(MP)	JOHN H. KERR DAM AND RESERVOIR, VA & NC	7,061,000	7,061,000
(FC)	JOHN W. FLANNAGAN DAM AND RESERVOIR, VA	1,265,000	1,265,000
(N)	LAFAYETTE RIVER, VA	431,000	431,000
(N)	NORFOLK HARBOR AND CHANNELS, VA	7,593,000	7,593,000
(N)	NORFOLK HARBOR, VA (PREVENTION OF OBSTRUCTIVE DEPOSITS	102,000	102,000
(FC)	NORTH FORK OF POUND RIVER LAKE, VA	376,000	376,000
(N)	OYSTER CHANNEL, VA	73,000	73,000
(N)	PARKER CREEK, VA	353,000	353,000
(MP)	PHILPOTT LAKE, VA	1,969,000	1,969,000
(N)	QUINBY CREEK, VA	34,000	34,000
(N)	RUDEE INLET, VA	338,000	338,000
(N)	STARLINGS CREEK, VA	132,000	132,000
(N)	TANGIER CHANNEL, VA	30,000	30,000
(N)	THIMBLE SHOAL CHANNEL, VA	1,197,000	1,197,000
(N)	TYLERS BEACH, VA	100,000	100,000
(N)	WATERWAY ON THE COAST OF VIRGINIA, VA	1,341,000	1,341,000
	WASHINGTON		
(MP)	CHIEF JOSEPH DAM, WA	10,764,000	10,764,000
(N)	COLUMBIA RIVER AT BAKER BAY, WA & OR	333,000	333,000
(N)	COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA	676,000	676,000
(MP)	COLUMBIA RIVER SYSTEM OPERATION REVIEW, WA, OR, ID & M	1,100,000	1,100,000
(N)	ELOCHOMAN SLOUGH, WA	108,000	108,000
(N)	EVERETT HARBOR AND SNOHOMISH RIVER, WA	937,000	937,000
(N)	GRAYS HARBOR AND CHEHALIS RIVER, WA	3,981,000	4,500,000
(FC)	HOWARD HANSON DAM, WA	1,338,000	1,338,000
(MP)	ICE HARBOR LOCK AND DAM, WA	6,053,000	6,053,000
(N)	LAKE WASHINGTON SHIP CANAL, WA	5,391,000	5,391,000
(MP)	LITTLE GOOSE LOCK AND DAM, WA	6,434,000	6,434,000
(MP)	LOWER GRANITE LOCK AND DAM, WA	5,329,000	5,329,000
(MP)	LOWER MONUMENTAL LOCK AND DAM, WA	6,321,000	6,321,000
(FC)	MILL CREEK LAKE, WA	660,000	660,000
(FC)	MT. ST. HELENS, WA	788,000	788,000
(FC)	MUD MOUNTAIN DAM, WA	1,949,000	1,949,000
(N)	PUGET SOUND AND TRIBUTARY WATERS, WA	788,000	788,000
(N)	QUILLAYUTE RIVER, WA	538,000	538,000
(N)	SEATTLE HARBOR, WA	462,000	462,000
(FC)	STILLAGUAMISH RIVER, WA	150,000	150,000
(FC)	TACOMA - PUYALLUP, WA	50,000	50,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(MP)	THE DALLES LOCK AND DAM, WA	8,222,000	8,222,000
(N)	WILLAPA RIVER AND HARBOR, WA	533,000	533,000
	WEST VIRGINIA		
	CHARLESTON WATERFRONT PARK, WV	---	1,400,000
(FC)	BEECH FORK LAKE, WV	679,000	679,000
(FC)	BLUESTONE LAKE, WV	1,078,000	1,278,000
(FC)	BURNSVILLE LAKE, WV	1,241,000	1,241,000
(FC)	EAST LYNN LAKE, WV	1,052,000	1,052,000
(N)	ELK RIVER HARBOR, WV	314,000	314,000
(FC)	ELKINS, WV	6,000	6,000
(N)	KANAWHA RIVER LOCKS AND DAMS, WV	8,829,000	8,829,000
(N)	OHIO RIVER LOCKS AND DAMS HUNTINGTON, WV	14,196,000	14,196,000
(N)	OHIO RIVER OPEN CHANNEL WORK, HUNTINGTON, WV	1,833,000	1,833,000
(FC)	R. D. BAILEY LAKE, WV	1,322,000	1,322,000
(FC)	STONEWALL JACKSON LAKE, WV	892,000	892,000
(FC)	SUMMERSVILLE LAKE, WV	1,476,000	1,476,000
(FC)	SUTTON LAKE, WV	1,750,000	1,750,000
(N)	TYGART LAKE, WV	1,078,000	1,078,000
	WISCONSIN		
(N)	ALGOMA HARBOR, WI	256,000	256,000
(N)	ASHLAND HARBOR, WI	735,000	735,000
(N)	BIG SUAMICO HARBOR, WI	204,000	204,000
(FC)	EAU GALLE RIVER LAKE WISCONSIN, WI	436,000	436,000
(N)	FOX RIVER, WI	2,199,000	2,199,000
(N)	GREEN BAY HARBOR, WI	2,066,000	2,066,000
(N)	GREEN BAY HARBOR, WI - DIKE DISPOSAL	1,705,000	1,705,000
(N)	KEWAUNEE HARBOR, WI	290,000	290,000
(FC)	LA FARGE LAKE, WI	30,000	30,000
(N)	MANITOWOC HARBOR, WI	358,000	358,000
(N)	MILWAUKEE HARBOR, WI	1,618,000	1,618,000
(N)	SHEBOYGAN HARBOR, WI	425,000	425,000
(N)	STURGEON BAY, WI	536,000	536,000
	WYOMING		
(FC)	JACKSON HOLE LEVEES, WY	1,040,000	1,040,000
	MISCELLANEOUS		
	COASTAL INLET RESEARCH PROGRAM	3,500,000	---
	COST SHARE BEACH DISPOSAL (SECTION 933)	600,000	600,000
	DREDGING RESEARCH PROGRAM (DRP)	4,000,000	4,000,000
	ENVIRONMENTAL REVIEW GUIDE FOR OPERATIONS (ERGO)	4,000,000	2,500,000
	INSPECTION OF COMPLETED WORKS	7,330,000	7,330,000
	MONITORING OF COMPLETED COASTAL PROJECTS	2,000,000	2,000,000
	NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	8,000,000	7,000,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION....	3,931,000	---
	POLICY AND PROCEDURES OPTIONS FOR PROJECT O&M.........	100,000	100,000
	PROJECT CONDITION SURVEYS.............................	10,252,000	9,000,000
	PROTECTION, CLEARING, AND STRAIGHTENING OF CHANNELS...	50,000	50,000
	RECREATION PARTNERSHIP INITIATIVES (RPI).............	1,000,000	200,000
	REMOVAL OF SUNKEN VESSELS.............................	1,000,000	1,000,000
	REPAIR, EVALUATION, MAINTENANCE, AND REHABILITATION RE	6,000,000	6,000,000
	RIVER CONFLUENCE ICE RESEARCH.........................	650,000	---
	SCHEDULING RESERVOIR OPERATIONS.......................	3,150,000	3,150,000
	SURVEILLANCE OF NORTHERN BOUNDARY WATERS..............	3,537,000	3,537,000
	TECHNICAL ADVISORY FOR RESERVOIR MANAGEMENT...........	200,000	---
	WATER CONTROL RESEARCH PROGRAM........................	675,000	---
	WATERBORNE COMMERCE STATISTICS........................	4,079,000	4,079,000
	WETLANDS ACTION PLAN AND DEMONSTRATION PROGRAM........	1,000,000	1,000,000
	WETLANDS RESEARCH PROGRAM.............................	8,036,000	7,000,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-32,471,000	-51,066,000
	TOTAL, OPERATION AND MAINTENANCE..................	1,524,534,000	1,541,668,000

TYPE OF PROJECT:

(N)	NAVIGATION
(BE)	BEACH EROSION CONTROL
(FC)	FLOOD CONTROL
(MP)	MULTIPURPOSE INCLUDING POWER

TITLE II

DEPARTMENT OF THE INTERIOR

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

Amendment No. 23: Appropriates $12,540,000 for General Investigations instead of $13,700,000 as proposed by the House and $12,390,000 as proposed by the Senate.

CONSTRUCTION PROGRAM

Amendment No. 24: Appropriates $470,568,000 for Construction Program as proposed by the House instead of $466,334,000 as proposed by the Senate.

Amendment No. 25: Provides that $154,868,000 shall be available for transfer to the Lower Colorado River Basin Development Fund as proposed by the Senate instead of $156,168,000 as proposed by the House. This amendment reflects the fact that the conference agreement provides $154,868,000 to continue construction of the Central Arizona Project as proposed by the Senate instead of $156,168,000 as proposed by the House.

Amendment No. 26: Restores House language stricken by the Senate that raises the authorized cost ceiling of the Trinity River Restoration Program of the Central Valley Project, California.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That pursuant to section 406(c)(2) of Public Law 101–628, the Secretary of the Interior is directed to reimburse, in an amount not to exceed $800,000, the City of Prescott, Arizona, for funding advanced by Prescott, Arizona, to the Bureau of Reclamation for hydrological studies required by section 406(c)(1) of Public Law 101-628: Provided further, That the prohibition against obligating funds for construction until after sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Bitter Root Project, Como Dam, Montana, to allow for an earlier start of emergency repair work.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that directs the Secretary of the Interior to reimburse, in an amount not to exceed $800,000, the City of Prescott, Arizona, for funds advanced by the city to the Bureau of Reclamation for hydrological studies required by section 406(c)(1) of Public Law 101-628.

The conference agreement also includes language that will permit the Bureau of Reclamation to initiate safety of dams work at Como Dam, Bitter Root Project, Montana, immediately. The Commissioner of Reclamation transmitted the required Safety of Dams modification report for Como Dam to the Congress on August 17, 1992. In his transmittal letter, the Commissioner advises that "immediate modification measures are needed for Como Dam before the spring runoff of 1993 to ensure the safety of the public." In light of the emergency nature of the situation, the conferees agreed to include language in the Act that waives the required 60-day review period by the Congress so that work can begin immediately.

OPERATION AND MAINTENANCE

Amendment No. 28: Appropriates $274,760,000 for Operation and Maintenance instead of $284,010,000 as proposed by the House and $269,760,000 as proposed by the Senate.

The conference agreement includes funding for the projects and programs listed in the House and Senate reports.

Amendment No. 29: Restores House language stricken by the Senate that makes available $3,250,000 for environmental studies associated with the renewal of the Central Valley Project, California, water contracts and environmental compliance and deletes House language stricken by the Senate that provides that those funds shall be treated as capital expenses in accordance with Federal reclamation law.

LOAN PROGRAM

Amendment No. 30: Appropriates $3,502,000 for the Bureau of Reclamation Loan Program, excluding administrative expenses, as proposed by the Senate instead of $2,202,000 as proposed by the House. The conference agreement also provides $600,000 for administrative expenses of the Loan Program as proposed by the House and the Senate.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$8,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a loan obligation ceiling of $8,000,000 instead of $5,060,000 as proposed by the House and $6,000,000 as proposed by the Senate. The Bureau of Reclamation has advised the conferees that a loan obligation ceiling of $8,000,000 is necessary to carry out the fiscal year 1993 program.

Amendment No. 32: Deletes language proposed by the Senate that provides funds for the Ft. McDowell Indian Community, Arizona, project. Funds for this project are included in the amount appropriated in Amendment No. 30.

GENERAL ADMINISTRATIVE EXPENSES

Amendment No. 33: Deletes language proposed by the House and stricken by the Senate which provides that none of the funds appropriated in the Act may be expended to implement the transfer of the Central Valley Project to the State of California unless subsequently authorized by Congress. This provision is addressed in Amendment No. 34.

ADMINISTRATIVE PROVISIONS

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that none of the funds appropriated in the Act may be expended to implement the transfer of title or ownership of the Central Valley Project to the State of California unless subsequently authorized by Congress. The House bill contained the same provision under General Administrative Expenses.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 206. Subsection (a) of section 7 of the Federal Water Project Recreation Act (79 Stat. 216 16 U.S.C. 460l-18) is amended by deleting the Proviso from the first sentence and by changing the colon after the word "purposes" to a period.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate which removes the $100,000 limit on the Federal share of recreation facility development at Bureau of Reclamation operated water resources projects. The Senate language has been amended to make technical corrections.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Interior to conduct an analysis of alternatives for the design, construction, and operation of the Sykeston Canal as a functional replacement for the Lonetree Reservoir feature of the Garrison Diversion Unit in North Dakota.

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
GENERAL INVESTIGATIONS		
ARIZONA		
TUCSON/PHOENIX WATER CONSERVATION AND EXCHANGE STUDY..	150,000	150,000
UPPER SAN PEDRO RIVER OPTIMIZATION STUDY............	175,000	175,000
CALIFORNIA		
AMERICAN RIVER FOLSOM SOUTH OPTIMIZATION STUDY........	75,000	75,000
DELTA WATER MANAGEMENT................................	---	50,000
OFFSTREAM STORAGE INVESTIGATION.......................	---	50,000
PUTAH CREEK FLOW OPTIMIZATION INVESTIGATION...........	50,000	50,000
SACRAMENTO VALLEY RICELANDS/WETLANDS CONJUNCTIVE USE S	---	300,000
SAN JOAQUIN BASIN ACTION PLAN.........................	50,000	50,000
SAN JOAQUIN RIVER BASIN RESOURCE MGMT. INITIATIVE.....	600,000	600,000
SAN JOAQUIN VALLEY CONVEYANCE.........................	---	10,000
SOUTHERN CALIFORNIA COMPREHENSIVE WATER...............	165,000	165,000
COLORADO		
DOLORES RIVER WATER QUALITY IMPROVEMENT STUDY.........	125,000	125,000
UPPER ARKANSAS RIVER BASIN WATER QUALITY INVEST.......	200,000	200,000
UPPER GUNNISON-UNCOMPAHGRE BASIN PROJECT..............	70,000	70,000
IDAHO		
IDAHO RIVER SYSTEMS MANAGEMENT........................	150,000	150,000
MINIDOKA, NORTHSIDE PUMP. DIV DRAINWTR MGMT STUDY.....	120,000	120,000
KANSAS		
ARKANSAS RIVER WATER MGMT. IMPROVEMENT STUDY..........	50,000	50,000
MONTANA		
FLATHEAD RIVER BASIN STORAGE OPTIMIZATION STUDY.......	56,000	56,000
MUSSELSHELL RIVER WATER MANAGEMENT PLAN...............	80,000	80,000
NEW MEXICO		
MIDDLE RIO GRANDE ASSESSMENT/MGMT STUDY...............	150,000	150,000
NEW MEXICO REGIONAL WATER RESOURCES STUDY.............	100,000	100,000
PECOS RIVER BASIN FISH AND WILDLIFE...................	100,000	100,000
SAN JUAN - GALLUP WATER SUPPLY STUDY..................	---	300,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
OREGON		
GRANDE RONDE WATER OPTIMIZATION STUDY.................	150,000	150,000
JOSEPHINE COUNTY WATER MGMT IMPROVEMENT STUDY.........	100,000	100,000
OREGON STREAM RESTORATION PLANNING STUDY..............	100,000	100,000
OREGON SUBBASIN CONSERVATION PLANNING.................	100,000	100,000
OWYHEE PROJECT STORAGE OPTIMIZATION STUDY.............	75,000	75,000
UPPER DESCHUTES RIV BASIN WATER CONSERVATION PROJ.....	120,000	120,000
UPPER JOHN DAY WATER OPTIMIZATION PROJECT.............	120,000	120,000
WILLAMETTE RIV BASIN WATER OPTIMIZATION STUDY.........	125,000	125,000
SOUTH DAKOTA		
BLACK HILLS REGIONAL WATER MANAGEMENT STUDY...........	100,000	100,000
LEWIS AND CLARK RURAL WATER SUPPLY STUDY..............	100,000	100,000
TEXAS		
LOWER RIO GRANDE BASIN STUDY..........................	185,000	185,000
RINCON BAYOU-NUECES MARSH WETLANDS....................	150,000	150,000
UTAH		
UTAH LAKE WATER MANAGEMENT STUDY......................	150,000	150,000
WEBER BASIN WATER QUALITY/WATERSHED...................	50,000	50,000
WYOMING		
WIND RIVER BASIN STUDY................................	175,000	175,000
VARIOUS		
BEAR RIVER BASIN WATER QUALITY/WATERSHED..............	50,000	50,000
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM......	1,115,000	1,465,000
DROUGHT INVESTIGATIONS................................	30,000	30,000
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES...	3,140,000	2,700,000
FISH & WILDLIFE HABITAT PRESERVATION & ENHANCEMENT....	375,000	250,000
FOUR CORNERS WATER ASSESSMENT.........................	89,000	89,000
GENERAL PLANNING STUDIES..............................	950,000	900,000
INVESTIGATION OF EXISTING PROJECTS....................	565,000	400,000
MINOR WORK ON COMPLETED INVESTIGATIONS................	525,000	525,000
TECHNICAL ASSISTANCE TO STATES........................	1,375,000	1,375,000
UPPER SNAKE RIVER BASIN STORAGE OPTIMIZATION..........	50,000	50,000
WALLA WALLA RIVER STREAMFLOW IMPROVEMENT PROJECT......	200,000	130,000
WETLANDS PRESERVATION/RESTORATION.....................	50,000	50,000
REDUCTION FOR SAVINGS AND SLIPPAGE....................	---	-450,000
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TOTAL, GENERAL INVESTIGATIONS.........................	12,680,000	12,540,000
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BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
CONSTRUCTION PROGRAM		
CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS		
ARIZONA		
INDIAN WATER RIGHTS SETTLEMENT PROJECTS	1,090,000	1,090,000
CALIFORNIA		
CENTRAL VALLEY PROJECT:		
AUBURN-FOLSOM SOUTH UNIT	1,500,000	2,250,000
MISCELLANEOUS PROJECT PROGRAMS	10,000,000	10,800,000
SACRAMENTO RIVER DIVISION	5,592,000	10,592,000
SAN FELIPE DIVISION	---	150,000
SAN LUIS UINT	1,000,000	1,000,000
TRINITY RIVER RESTORATION PROGRAM	5,366,000	10,366,000
COLORADO		
GRAND VALLEY UNIT, TITLE II, CRBSCP	16,993,000	16,993,000
LOWER GUNNISON BASIN UNIT, TITLE II, CRBSCP	5,363,000	5,363,000
PARADOX VALLEY UNIT, TITLE II, CRBSCP	3,701,000	3,701,000
NEBRASKA		
NORTH LOUP DIVISION, P-SMBP	18,780,000	18,780,000
NORTH DAKOTA		
GARRISON DIVERSION UNIT, P-SMBP	30,000,000	30,000,000
OREGON		
UMATILLA BASIN PROJECT	---	11,000,000
SOUTH DAKOTA		
BELLE FOURCHE UNIT, P-SMBP	6,352,000	6,352,000
MNI WICONI PROJECT	---	5,000,000
WASHINGTON		
COLUMBIA BASIN PROJECT:		
IRRIGATION FACILITIES	2,110,000	3,410,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
VARIOUS		
BOULDER CANYON PROJECT, AZ-NV	10,159,000	10,159,000
COLORADO RIVER BASIN SALINITY CONTROL PROJ., TITLE I	8,634,000	8,634,000
SUBTOTAL, REGULAR CONSTRUCTION	126,640,000	155,640,000
DRAINAGE AND MINOR CONSTRUCTION:		
BOISE PROJECT, PAYETTE DIVISION, IDAHO	1,564,000	1,564,000
BRANTLEY PROJECT, NEW MEXICO	917,000	917,000
BUFFALO BILL DAM MODIFICATION, P-SMBP	320,000	320,000
COLORADO RIVER FRONT WORK & LEVEE SYSTEM, AR, CO	3,719,000	3,719,000
CULTURAL RESOURCES ACT., ID,ND,MT,OR,SE,WA,WY	300,000	300,000
FRYINGAN-ARKANSAS PROJECT, COLORADO	525,000	525,000
KLAMATH PROJECT, OREGON-CALIFORNIA	2,146,000	2,146,000
LOWER COLORADO WATER SUPPLY PROJECT	201,000	201,000
HEADGATE ROCK HYDROELECTRIC PROJECT	851,000	851,000
MINIDOKA PROJECT, IDAHO	175,000	175,000
MOUNTAIN PARK PROJECT, OKLAHOMA	25,000	25,000
NEWLANDS PROJECT, NEVADA	2,525,000	2,525,000
PICK-SLOAN MISSOURI BASIN PROGRAM:		
BOSTWICK DIVISION, NEBRASKA	---	1,100,000
EAST BENCH UNIT, MONTANA	50,000	50,000
FARWELL UNIT, NEBRASKA	425,000	425,000
OAHE UNIT, SOUTH DAKOTA	174,000	174,000
OWL CREEK UNIT, WYOMING	15,000	15,000
RECREATION FACILITIES AT EXISTING RESV, VARIOUS	48,000	48,000
SAN LUIS VALLEY PROJECT, CLOSED BASIN DIVISION	503,000	503,000
WETLANDS DEVELOPMENT, VARIOUS	3,200,000	3,500,000
YAKIMA FISH PASSAGE/PROTECTIVE FACILITIES, WA	550,000	550,000
SUBTOTAL, DRAINAGE AND MINOR CONSTRUCTION	18,233,000	19,633,000
SAFETY OF DAMS PROGRAMS:		
BIA - DAM SAFETY PROGRAM	12,000,000	---
BOISE PROJECT, DEER FLAT DAM, IDAHO	100,000	100,000
CENTRAL VALLEY PROJ, FOLSOM DAM, CALIFORNIA	5,951,000	5,951,000
DEPARTMENT OF INTERIOR DAM SAFETY PROGRAM	650,000	650,000
HYRUM PROJECT, UTAH	100,000	100,000
INITIATE SOD CORRECTION ACTION, VARIOUS	28,443,000	28,443,000
MODIFICATION REPORTS & PRECONSTRUCTION ACTIVITY	2,500,000	2,500,000
SALT RIVER PROJECT, BARTLETT DAM, ARIZONA	3,885,000	3,885,000
SALT RIVER PROJECT, HORSESHOE DAM, ARIZONA	2,429,000	2,429,000
SALT RIVER PROJECT, STEWART MTN. DAM, ARIZONA	1,958,000	1,958,000
SAN CARLOS IRRIGATION - COOLIDGE DAM, ARIZONA	18,480,000	18,480,000
SUBTOTAL, SAFETY OF DAMS	76,496,000	64,496,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
REHABILITATION AND BETTERMENT:		
MILK RIVER, GLASGOW DIVISION, MT	410,000	410,000
MILK RIVER, MALTA DIVISION, MT	50,000	50,000
OGDEN RIVER PROJECT, UTAH	1,234,000	1,234,000
SHOSHONE PROJECT, WYO	---	1,000,000
SARGENT UNIT, NE	---	450,000
WEBER BASIN PROJECT, UTAH	3,887,000	3,887,000
SUBTOTAL, REHABILITATION AND BETTERMENT	5,581,000	7,031,000
SCIENCE AND TECHNOLOGY:		
DESALTING TECHNOLOGY	1,000,000	1,000,000
GLOBAL CLIMATE CHANGE	2,308,000	2,308,000
GROUNDWATER RECHARGE DEMONSTRATION PROGRAM	2,408,000	2,408,000
WATER TECHNOLOGY/ENVIRONMENTAL RESEARCH	3,500,000	3,500,000
SUBTOTAL, SCIENCE AND TECHNOLOGY	9,216,000	9,216,000
TOTAL, CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS	236,166,000	256,016,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
COLORADO RIVER STORAGE PROJECT		
UPPER COLORADO RIVER BASIN FUND AND PARTICIPATING PROJECTS		
COLORADO		
ANIMAS-LA PLATA PROJECT	11,000,000	11,000,000
DOLORES PROJECT	35,098,000	35,098,000
UTAH		
CENTRAL UTAH PROJECT, BONNEVILLE UNIT	23,000,000	23,000,000
CENTRAL UTAH PROJECT, UINTAH UNIT	25,000	25,000
DRAINAGE & MINOR CONSTRUCTION:		
PARTICIPATING PROJECTS:		
DALLAS CREEK PROJECT	210,000	210,000
RECREATIONAL AND FISH AND WILDLIFE FACILITIES:		
RECREATIONAL FACILITIES	2,658,000	2,658,000
FISH AND WILDLIFE FACILITIES	6,960,000	6,960,000
TOTAL, COLORADO RIVER STORAGE PROJECT	78,951,000	78,951,000
COLORADO RIVER BASIN PROJECT		
CENTRAL ARIZONA PROJECT		
ARIZONA		
CENTRAL ARIZONA PROJECT, WATER DEVELOPMENT (LCRBDF)	156,168,000	154,868,000
CENTRAL ARIZONA PROJECT, NON-INDIAN DIST. SYSTEMS	100,000	100,000
CENTRAL ARIZONA PROJECT, SAFETY OF DAMS	18,823,000	18,823,000
TOTAL, COLORADO RIVER BASIN PROJECT	175,091,000	173,791,000
ASSOCIATED ITEMS		
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS	-29,574,000	-38,190,000
TOTAL, CONSTRUCTION PROGRAM	460,634,000	470,568,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
LOAN PROGRAM		
ADMINISTRATION OF LOAN PROGRAM	---	600,000
EASTERN MUNICIPAL CALIFORNIA WATER DISTRICT NO. 3	1,000,000	2,202,000
FT. MCDOWELL COMMUNITY, AZ	---	1,300,000
TOTAL, LOAN PROGRAM	1,000,000	4,102,000

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Department of Energy. Additional items of conference agreement are discussed below.

APPLICATION OF GENERAL REDUCTIONS

With regard to any general reductions contained in the Fiscal Year 1993 Energy and Water Development Appropriations Act, with the exception of activities specifically addressed by the Committees, the conferees recommend that the Department of Energy apply those reductions in the most prudent and practical manner. Any such reduction should be taken in a manner that is cost effective and generally least disruptive to the Department's missions and programs. Furthermore, the Department shall consult with and make their plans for these reductions available to the House and Senate Energy and Water Development Appropriations Subcommittees prior to implementing the reductions.

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$3,015,793,000 to remain available until expended, of which $94,800,000 shall be available only for the Bishop Science Center, State of Hawaii; the Ambulatory Research and Education Building, Oregon Health Sciences University; the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana; the Advanced Technologies Institute, University of Connecticut; the Biomedical Research Facility, University of Alabama at Birmingham; the Cancer Treatment Facility for the Indiana University School of Medicine at Indianapolis, Indiana; the Cancer Institute of New Jersey; the Northeast Environmental Resource and Renewal Facility, Mayfield, Pennsylvania; Center for Advanced Industrial Process, Washington State University, Washington; and the Hahnemann University Ambulatory Care and Teaching Center in Philadelphia, Pennsylvania.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Appropriates $3,015,793,000 for Energy Supply, Research and Development Activities instead of $2,947,633,000 as proposed by the House and $2,971,583,000 as proposed by the Senate.

SOLAR AND RENEWABLE ENERGY PROGRAMS

For solar buildings technology research the conferees recommend $3,000,000 including $1,000,000 in direct support of the PV buildings program and coordination of activities with the PV:BONUS Program. Funds are included for cost-shared violation of enhanced active solar water heating and cooling.

For solar thermal energy systems, the conferees recommend $27,000,000 as proposed by the Senate including $100,000 for capital equipment.

For photovoltaic energy systems, the conference recommendation provides $65,500,000 including an additional $1,200,000 in direct support of the PV:BONUS Program.

From within the available photovoltaic funds, an addition of $1,000,000 should be made available to the polycrystalline thin-film program for the industrial development of large-area modules by the private sector. Also, from within the available photovoltaic funds, the recommendation includes an additional $1,000,000 for the User Scale Applications of Photovoltaics project (USAPV) as provided by the House.

For biofuels energy systems, the conferees agree that the short rotation woody crops program should be continued at $4,000,000. The Committee has supported the management of this program by the Department's Oak Ridge National Laboratory and expects that this management authority will continue.

The conference agreement includes the fiscal year 1992 level of $2,500,000 to provide for the Midwest Plant Biotechnology Consortium. The consortium is directed to continue its practice of funding university research on a competitive basis, with a funding match provided by industry counterparts, to improve alternative renewable energy sources. The conferees have been pleased with the work of this regional alliance but, due to budgetary constraints, are unable to increase funding at this time. The conferees have been concerned with the Department's delay in granting funds to the Midwest Plant Biotechnology Consortium and direct the Department to expedite this process.

The conferees agree with the Senate on the use of $1,000,000 for ocean energy systems.

For geothermal programs, the conferees agree the Department should continue the cost-shared project to demonstrate the economic benefits of improved electric generators in geothermal projects at $2,000,000.

ELECTRIC ENERGY SYSTEMS AND STORAGE

The conference includes $4,500,000 for hydrogen research as proposed by the Senate. From within the amount provided for energy storage, $1,000,000 is for diurnal and industrial research and $1,100,000 is for the seasonal thermal energy storage program.

No funds are included for a superconducting magnetic energy storage system.

The conferees recognize that the superconducting magnetic energy storage (SMES) program represents a critical technology. Development of an SMES system offers the military a wide range of options for high-pulsed power, secure remote site-power source, heavy object electromagnetic launch research, and advanced materials research. In the civilian sector, SMES would be a valuable contributor to environmental protection, national competitiveness, and commercial market opportunities for U.S. firms. Its highly efficient energy storage capability would reduce dependence on foreign energy sources, and lower emissions of greenhouse gases. Accordingly, the conferees direct the Department of Energy to provide the Appropriations Committees of the House and Senate with a report on this program.

NUCLEAR ENERGY

For advanced reactor research and development, the conference recommendation provides a total of $60,039,000. The allowance includes $3,500,000 for the continuation of the funding for the University Research program in Robotics. The recommendations also includes $18,000,000 for the High Temperature Gas Reactor program, $23,000,000 for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR), $9,000,000 for the Liquid Metal Reactor (LMR), and $6,500,000 for the actinide recycle program.

The conference recommendation continues the Civilian Radioactive Waste Research and Development at the fiscal year 1992 rate of $4,700,000, of which $4,000,000 is to complete the cooperative demonstration project for transportable storage systems and dry spent fuel transfer being conducted by the Department.

LIQUEFIED GASEOUS FUELS SPILL TEST FACILITY

The conferees have included $1,000,000 to continue operational support for the Liquefied Gaseous Fuels Spill Test Facility for fiscal year 1993.

BIOLOGICAL AND ENVIRONMENTAL RESEARCH

The conferees are concerned with the lack of available domestically-produced radioisotopes in this Nation. A Department of Energy sponsored report published in 1991 indicated that the United States is approaching a critical shortage of these materials, which would seriously jeopardize the future of the biomedical industry in this Nation and endanger the treatment of millions of nuclear medicine patients. The Department of Energy is urged to address the situation by providing adequate funds to begin the one-year National Biomedical Tracer Facility Project Definition Phase, as outlined in the 1991 DOE report, in the fiscal year 1994 budget submission to Congress. The Department is also directed to report back to Congress by February 1, 1993, on the status of this action.

MAGNETIC FUSION

The conferees provide $339,710,000 for the magnetic fusion program. The conferees direct the Department of Energy to apply this reduction in a manner that is cost effective and least disruptive to the mission and priorities of the magnetic fusion program.

The conferees note with approval the recent agreement to proceed with the engineering design activity phase of the International Thermonuclear Experimental Reactor (ITER). The conferees provide funds to meet fully the U.S. commitment to ITER and direct the Department to provide a plan for selection of a U.S. candidate site for future construction of ITER.

The conferees recognize the technical progress that has been achieved in magnetic fusion energy here and abroad. The conferees direct the Department to assure that ITER, DT in TFTR, and the DIII-D program receive the highest funding priority within the magnetic fusion program. The conferees have also provided funds for design work leading to a steady-state advanced tokamak planned for operation as a national facility.

SUPPORTING RESEARCH

The managers concur with the direction in the Senate report to DOE that it proceed expeditiously with a decision regarding construction of the Advanced Neutron Source (ANS). The managers are concerned that after making a substantial investment in research and preconstruction activities in the ANS over the course of several years, DOE is presently evaluating the need for a new high flux research reactor such as the ANS versus an accelerator-based system. The Congress has consistently expressed its support for the ANS and the managers urge DOE to take into account that support and the substantial Federal commitment already made to the ANS in making its decision about proceeding with the project.

The conference agreement includes $94,800,000 for new energy, educational and medical facilities. The distribution of this funding is to be made as follows: $10,000,000 for the Bishop Science Center, State of Hawaii; $10,000,000 for the Ambulatory Research and Education Building, Oregon Health Sciences University; $10,000,000 for the Center for Energy and Environmental Resources, Louisiana State University, Baton

Rouge, Louisiana; $10,000,000 for the Advanced Technologies Institute, University of Connecticut; $10,000,000 for the Biomedical Research Facility, University of Alabama at Birmingham; $10,000,000 for the Cancer Treatment Facility for the Indiana University School of Medicine at Indianapolis, Indiana; $10,000,000 for the Cancer Institute of New Jersey; $6,800,000 for the Northeast Environmental Resource and Renewal Facility, Mayfield, Pennsylvania; $8,000,000 for the Center for Advanced Industrial Process, Washington State University, Washington; and $10,000,000 for the Hahnemann University Ambulatory Care and Teaching Center in Philadelphia, Pennsylvania.

POLICY AND MANAGEMENT

The conferees agree with the funding of policy and management as proposed by the Senate. The recommendation includes an increase of $2,356,000 to $5,215,000 for support of planning, analysis, and technology evaluation and ADP support for cross-cutting and market sector activities related to solar and renewable energy program to become available from within the funds under the jurisdiction of that office. These additional funds are to be derived from the solar activities as described by the Senate.

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conferees agree that the funding for the West Valley Demonstration project is included at the budget request of $134,000,000.

Amendment No. 38: Deletes language proposed by the Senate providing planning funds for an energy research facility.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,286,320,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,286,320,000 for Uranium Supply and Enrichment Activities instead of $1,335,320,000 as proposed by the House and $1,321,320,000 as proposed by the Senate.

As proposed by the Senate, the conferees direct that the Department rescope the demonstration program and continue efforts related to supporting AVLIS deployment in fiscal year 1993 and that $7,500,000 of the $70,000,000 appropriated in fiscal year 1993 for AVLIS be redirected to support predeployment activities. Specifically, the Department/corporation is directed to competitively select a single commercial deployment contractor, as per the Secretary's 1990 plan, as soon as possible.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

Amendment No. 40: Appropriates $1,417,784,000 for General Science and Research Activities instead of $998,884,000 as proposed by the House and $1,460,784,000 as proposed by the Senate.

The conferees agree with the Senate with regard to the asymmetric B meson production facility (B-Factory) and the $2,500,000 for high energy physics research eliminated by the House.

The conferees recommend $517,000,000 for the Superconducting Super Collider (SSC), a level $133,000,000 less than the budget request, for this high-priority national project.

Construction of the SSC is the highest priority in particle physics today and absolutely critical for progress into the 21st century. The SSC is the next logical step in high energy physics, springing from human ambition to expand scientific knowledge and technological capability.

The conferees recognize the importance of the SSC to the Nation's technological health. More than just an investment in U.S. scientific leadership, the SSC is the impetus for new directions in industry, education, and economic growth. Over 100 American universities and nearly 900 American scientists are preparing to do research utilizing the SSC. By the end of fiscal year 1992, SSC educational programs will have directly reached more than 30,000 students and educators. More than 6,000 jobs across the country have been created by the SSC, including new opportunities for engineers, technicians, construction, and other workers experiencing reduced job opportunities as a result of cutbacks in the defense industry.

The SSC laboratory and the Department of Energy have maintained the baseline cost outlined in the Superconducting Super Collider cost and schedule baseline, presented to the Congress in January 1991. Critical path milestones are being met, including industrial assembly of superconducting magnets, occupation of the magnet development laboratory, and completion of the cryogenic facility. The accelerator systems string test building is completed and magnets have been installed and all testing has been successful. The conferees are deeply concerned that any further reductions in Federal appropriations will jeopardize this substantial progress.

The conferees recognize the historically international character of high energy physics research and the fact that the Superconducting Super Collider will be used by scientists from many nations. The Secretary of Energy is encouraged to continue with efforts seeking significant foreign investment in the construction of the project.

The SSC is the largest and most important science project ever conceived and undertaken by mankind. Americans have led the world in basic science research for most of this century, with researchers winning 156 Nobel Prizes in physics, chemistry, physiology, and medicine—nearly twice as many as Germany, France, and Japan combined.

However, this country's investments in basic research and scientific facilities produced far more than Nobel Prizes. No nation in history has ever been blessed with high returns on investment in fundamental science and technology as the United States of America has been. The conferees believe that the SSC represents an investment in the future that will make the American people more productive and raise the quality of life. And the conferees believe that the amount of money we are spending on the SSC is not too large because of this investment in science, in industry, in education, and in America. We have not been making enough investment for our country. Investment in the SSC is an investment in the future of America.

Medicine and high energy physics are not remote from each other. X-rays used to determine the structure of the AIDS virus came from electron synchrotons that were first used in high energy physics research; doctors will use excess protons produced by SSC's linear accelerators to destroy cancerous tumors with fewer side effects than traditional radiation therapy; and diagnostic techniques used in medicine have been greatly improved through computerized axial tomography (CAT) and magnetic resonance imaging (MRI). These are but a few of the by-products of previous high energy physics investment.

Some people raise questions as to the value of fundamental research on the nature of matter. Knowing about the elements of matter is to know what is central to science, central to our being, central to the whole future of technology, and central to the future of scientific endeavor in the world.

As previously stated, the Superconducting Super Collider is the next logical, meaningful, and significant step in the progress of high energy physics; it is planned to be the largest and most powerful particle accelerator ever built. It will consist of four increasingly powerful booster accelerators that will propel a beam of protons up to an energy level of two trillion electron volts before inserting it into two separate rings located in an underground tunnel 54 miles in circumference. The two beams of protons will each be accelerated to an energy level of 20 trillion electron volts—more than twenty times the energy available anywhere else in the world. The counter-rotating beams will then be brought into collisions that will be studied in huge detectors located in underground interaction regions. By examining the debris from the collisions, which will occur at the rate of 100 million per second, scientists will learn much about the fundamental particles and forces that compose the world around us.

Since the Department of Energy introduced its report on the Superconducting Super Collider cost and schedule baseline, the SSC has remained on time and within budget. Key dates in the schedule are being met. All key SSC laboratory and Department of Energy positions are filled. The magnet industrialization program has been successful, meeting its milestones on or ahead of time in order to complete the accelerator systems string test in the summer of 1992. Technology transfer from Fermilab and Brookhaven National Laboratory to General Dynamics and Westinghouse is proceeding on schedule; they have built and successfully tested 50 millimeter dipole magnets. The magnet development laboratory and central facility are both completed and in use. The string test building is completed and magnets are being installed for testing. Two large detector collaborations have been organized and are well underway in the planning and design of the experimental program.

The SSC is currently the largest construction project underway in the United States. The research and construction work surrounding the SSC is generating jobs and economic activity across a wide range of large industry, manufacturing, and academic institutions around the country.

The conferees agree with funding the Los Alamos Meson Physics Facility (LAMPF) in Atomic Energy Defense Activities as proposed by the Senate.

Amendment No. 41: Deletes language proposed by the House requiring Presidential certification with regard to the Superconducting Super Collider.

Amendment No. 42: Deletes language proposed by the House providing for transfers from the Superconducting Super Collider Trust Fund.

NUCLEAR WASTE DISPOSAL FUND

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as *amended, including the acquisition of real property or facility construction or expansion, $275,071,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: Provided, That of the amount herein appropriated, within available funds, not to exceed $5,000,000 may be provided to the State of Nevada, for the sole purpose in the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: Provided further, That of the amount herein appropriated, not more than $6,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy (DOE) and made available to the State and affected units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, each entity shall provide certification to the DOE, that all funds expended from such direct payment monies have been expended for activities as defined in Public Law 97-425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: Provided further, That none of the funds herein appropriated may be used for litigation expenses: Provided further, That grant funds are not to be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That of the amount appropriated herein, up to $3,700,000 shall be available for infrastructure studies and other research and development work to be carried out by the Universities in Nevada, Reno, and Las Vegas, and the Desert Research Institute, and at least $750,000 to continue funding for the Mobile Sampling Platform developed and operated by the Environmental Research Center at the University of Nevada, Las Vegas. Funding to the universities will be administered by the DOE through a cooperative agreement.*

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the Fund.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees continue to be concerned with the spiralling cost estimates for the characterization of Yucca Mountain. The conferees believe these excessive costs stem in large part from a misallocation of emphasis away from Yucca Mountain and towards headquarters. The conferees are also concerned with the explosive growth which has been proposed for the management and operations (M&O) contract at OCRWM, particularly given the higher than average annual employee cost of the current M&O contractor. The conferees are concerned that the M&O contractor is assuming responsibility more appropriately left to the national laboratories or other DOE contractors. Finally, the conferees believe that the Department's budget submission requests more money than is necessary for the monitored retrievable storage facility and the waste transportation program.

While the conferees are reluctant to give specific line item direction in this year's appropriations bill, OCRWM should not assume that this restraint will continue. Absent meaningful progress in the characterization of Yucca Mountain, a significant reduction in the size and expense of the M&O contractor, and a redirection in programmatic emphasis, the Committees are prepared to undertake this responsibility in future appropriations bills.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of $4,523,249,000 named in said amendment, insert: *$4,568,749,000*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $4,568,749,000 for Weapons Activities instead of $4,548,749,000 as proposed by the House and $4,523,249,000 as proposed by the Senate. The amendment deletes language proposed by the House and stricken by the Senate which provided funds for nuclear nonproliferation activities and the reduced enrichment test reactor program. The amendment also restores House language deleted and restored by the Senate pertaining to the consolidation of nonnuclear facilities of the Department of Energy.

Within available funds for research and development, the conferees have provided $64,500,000 for operation of the Los Alamos Meson Physics Facility in New Mexico.

The managers recognize the increasingly important role played by DOE weapons production facilities in technology commercialization and transfer activities. With the end of the Cold War, these facilities can become equal partners with other DOE laboratories in this important effort to enhance U.S. competitiveness.

In the statement of managers accompanying the Fiscal Year 1992 Energy and Water Development Appropriations Bill, the conferees cited the technology transfer proposal between Sandia National Laboratory and the Diagnostic Instrumentation and Analysis Laboratory as being a "prime example of the technology transfer effort that is needed at DOE." The conferees are concerned that the Department virtually ignored this clear intent for many months, but acknowledge that some progress has apparently been made. The conferees direct the Department to expedite its work toward reaching an agreement on this proposal, and have included $3,000,000 for fiscal year 1993 technology transfer work at DIAL.

The conferees agree that a total of $12,057,000 is available for the krypton fluoride program conducted by the Naval Research Laboratory (NRL) and the Los Alamos National Laboratory. Funding of $5,457,000 is provided for NRL with the remainder to be allocated between the laboratories after a review of the program by the Department.

The House report accompanying the Fiscal Year 1992 Energy and Water Development Appropriations Bill contained a directive that the Secretary of Energy pay the contractor not less than $3,400,000 nor more than $10,000,000 before December 31, 1991, to cover the close out and transition costs associated with DOE contract DE-03-87DP10560. Recent information brought to the Committee's attention indicates that additional funds may be needed in connection with this matter as a result of negotiated settlement or litigation. Concerns have also been raised that any required additional funds would seriously disrupt the ICF program. Therefore, the conferees recommend that, without prejudice to any negotiations or litigation, any required additional funds are to be derived from other sources available to the Department. In order to avoid further delays and costs to the ICF program, the conferees encourage the Department to commence settlement negotiations with the contractor as soon as possible.

The conferees agree with the House report language concerning efforts by the Department to ease the impacts on workers and communities of reductions in employment and other changes in the defense nuclear weapons production complex. The conferees also note that, since the adoption of that report, the full House and Senate Committees on Armed Services have each approved virtually identical statutory provisions in the Defense authorization bill for fiscal year 1993 concerning those subjects. Therefore, the conferees direct the Department to use its best efforts, consistent with existing statutory authority, to address and mitigate the effects of down-sizing and other changes in the nuclear weapons complex on defense nuclear workers and neighboring communities.

NEW PRODUCTION REACTOR

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$34,028,000*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $34,028,000 instead of $171,800,000 as proposed by the House and $170,028,000 as proposed by the Senate.

In addition, the program has available an estimated $150,000,000 in unobligated balances from prior fiscal years, for a total obligational availability of $184,028,000.

A reduction in tritium requirements has allowed the Department to defer efforts on the design and construction of a new tritium reactor. The conference agreement allocates $154,028,000 for closeout of the New Production Reactor program, including $18,000,000 for research on the accelerator production of tritium. Funds are available for use as necessary for operating expenses, capital equipment, and construction.

The conference agreement provides $30,000,000 under the New Production Reactor program to continue work beyond the termination phase of the two existing NPR design teams to address key technical risks and initiation of detailed design of two electric power producing reactor concepts including an Advanced Light Water Reactor, such as the AP-600, and the Modular High Temperature Gas Reactor to undertake the added mission of plutonium disposal. This will capitalize on the opportunity to quickly and efficiently study means to reduce the plutonium stockpile by burning it in reactors. The large inventories of plutonium pose a significant storage and safeguarding challenge which may be resolved by using the plutonium to fuel electrical power producing reactors at a DOE reservation. Electrical revenues would offset capital and O&M costs.

These funds would help realize this opportunity by continuing design activities and by focusing them on such reactors. $15,000,000 is provided to develop each advanced conceptual design of alternate technologies. The cost of this work can and should be minimized by refocusing the existing program, by using the existing design teams with in-place experienced personnel, procedures and working relations with all of the national laboratories, thereby avoiding additional costs of completing this work and the inefficiencies of new design teams.

In the statement of the managers accompanying the fiscal year 1992 Energy and Water Development Appropriations conference report, the conferees directed that the Department close out all work associated with light water reactor target development during fiscal year 1992. Accordingly, none of the funds provided under this appropriation account, nor any prior year unobligated balances, may be used for any light water reactor target activities during fiscal year 1993.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$4,831,547,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $4,831,547,000 instead of $4,603,009,000 as proposed by the House and $4,802,047,000 as proposed by the Senate.

The conferees expect the Secretary to provide adequate Federal personnel to improve contractor oversight of the Environmental Restoration and Waste Management program and to augment and allocate Federal staff at the field office and headquarters level to accomplish this. There is much concern that inadequate contractor oversight is responsible for the continually increasing cost estimates for this program.

The conference agreement includes funding for the TMI fuel storage project in the nondefense environmental restoration and waste management program.

The conferees have not provided additional funding for the accelerator transmutation of waste in the technology development program. The Department may use $5,000,000 of weapons research and development funds for the laboratory work in this area.

The conference agreement does not approve the Senate report language urging the Department to delay the environmental restoration management contract at Hanford.

MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$2,584,301,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $2,584,301,000 instead of $2,550,901,000 as proposed by the House and $2,523,301,000 as proposed by the Senate.

The conference agreement provides $327,715,000 for verification and control technology activities which is an increase of $97,715,000 over the fiscal year 1992 funding of $230,000,000. This will provide increased funding for a technology development program at the national laboratories to support implementation of nuclear nonproliferation initiatives.

The conferees have included $45,000,000 for the Office of Intelligence as proposed by the House.

DEFENSE NUCLEAR WASTE DISPOSAL

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that establishes a Defense Nuclear Waste Disposal appropriation of $100,000,000. These funds will provide for the Department's cost for the disposal of defense high level waste in a Federal nuclear waste repository.

DEPARTMENTAL ADMINISTRATION

The conferees strongly support the Department's efforts to improve financial and project management. Ongoing reviews have resulted in the identification and correction of irregular financial management practices. The conferees believe that a significant expansion of the Chief Financial Officer's financial examination and audit program under the Federal Financial Managers Act would provide substantial benefits in improving financial management and accountability.

The conferees have provided the budget request of $1,300,000 for the reduced enrichment test reactor program. The Department is directed to prepare a report which provides a full description of all research and test reactors in foreign countries which could be converted to use low enriched uranium, the interest of each country in the conversion program, and a schedule and total cost estimate by year for the fuel development program. This report should be available for review during the hearings on the Department's fiscal year 1994 budget.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION

The conferees have provided $417,100,000 in new borrowing authority for fiscal year 1993 for the Bonneville Power Administration (BPA). This amount includes $44,300,000 in upfront funding from the non-Federal participants in the Third A.C. Intertie since it is unlikely that non-Federal funds will be available soon enough in fiscal year 1993 for BPA to incur the planned obligations. When BPA receives the $44,300,000 from the non-Federal participants, the conferees expect these funds to be used to reduce BPA's outstanding debt to the Treasury.

Each year Bonneville's budget request for new borrowing authority is reviewed and approved by the Congress. The conferees expect Bonneville to adhere to the total amount of new borrowing authority provided by the conference agreement, and expect to be informed of any exceptional circumstances which would necessitate the need for BPA to borrow in excess of this amount.

WESTERN AREA POWER ADMINISTRATION

Amendment No. 49: Appropriates $326,634,000 as proposed by the House instead of $336,634,000 as proposed by the Senate.

FEDERAL ENERGY REGULATORY COMMISSION

Amendment No. 50: Appropriates $158,639,000 for salaries and expenses of the Federal Energy Regulatory Commission as proposed by the Senate instead of $142,801,000 as proposed by the House.

Amendment No. 51: Appropriates $158,639,000 for revenues of the Federal Energy Regulatory Commission as proposed by the Senate instead of $142,801,000 as proposed by the House.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

Amendment No. 52: Deletes language proposed by the Senate concerning the use of trust funds for the Superconducting Super Collider.

Amendment No. 53: Deletes language proposed by the Senate concerning implementation of an environmental restoration management contract at the Hanford, Washington, site.

Amendment No. 54: Deletes language proposed by the Senate concerning the acquisition of components for the Superconducting Super Collider.

Department of Energy	Budget Estimate	Conference
ENERGY SUPPLY RESEARCH AND DEVELOPMENT		
I. Solar applications		
A. Solar building technology research - OE.	2,000,000	3,000,000
B. Photovoltaic energy systems		
Operating expenses	62,500,000	64,500,000
Capital equipment	1,000,000	1,000,000
Subtotal, Photovoltaic energy systems	63,500,000	65,500,000
C. Solar thermal energy systems		
Operating expenses	26,900,000	26,900,000
Capital equipment	100,000	100,000
Subtotal, Solar thermal energy systems	27,000,000	27,000,000
D. Biofuels energy systems		
Operating expenses	44,800,000	44,800,000
Capital equipment	3,550,000	3,550,000
Subtotal, Biofuels energy systems	48,350,000	48,350,000
E. Wind energy systems		
Operating expenses	21,100,000	23,100,000
Capital equipment	900,000	900,000
Subtotal, Wind energy systems	22,000,000	24,000,000
F. Ocean energy systems - OE	---	1,000,000
Subtotal, Solar applications	162,850,000	168,850,000

Department of Energy

	Budget Estimate	Conference
II. Other solar energy		
A. International solar energy program - OE........	2,000,000	2,000,000
B. Solar technology transfer - OE................	2,000,000	2,000,000
C. National Renewable Energy Laboratory		
Capital equipment................................	50,000	50,000
Construction:		
General plant projects........................	2,348,000	2,348,000
91-E-100 Solar energy research facility SERF.	4,157,000	4,157,000
Subtotal, Construction.........................	6,505,000	6,505,000
Subtotal, National Renewable Energy Laboratory....	6,555,000	6,555,000
D. Resource assessment		
Operating expenses..............................	1,110,000	1,110,000
Capital equipment...............................	90,000	90,000
Subtotal, Resource assessment....................	1,200,000	1,200,000
E. Program support - OE..........................	948,000	948,000
F. Program direction - OE........................	5,872,000	5,872,000
Subtotal, Other solar energy........................	18,575,000	18,575,000
TOTAL, SOLAR ENERGY..............................	181,425,000	187,425,000
(Operating expenses).............................	(169,230,000)	(175,230,000)
(Capital equipment).............................	(5,690,000)	(5,690,000)
(Construction).............................	(6,505,000)	(6,505,000)

Department of Energy

	Budget Estimate	Conference
GEOTHERMAL		
II. Geothermal technology development - OE..........	22,500,000	21,500,000
III. Program direction - OE..........................	1,000,000	1,000,000
IV. Capital equipment................................	900,000	900,000
TOTAL, GEOTHERMAL....................................	24,400,000	23,400,000
(Operating expenses).................................	(23,500,000)	(22,500,000)
(Capital equipment).................................	(900,000)	(900,000)
HYDROPOWER		
I. Small scale hydropower development - OE..........	960,000	960,000
II. Program direction - OE...........................	90,000	90,000
TOTAL, HYDROPOWER....................................	1,050,000	1,050,000
ELECTRIC ENERGY SYSTEMS AND STORAGE		
I. Electric energy systems		
A. Electric field effects research - OE..........	7,500,000	6,000,000
B. Reliability research - OE.....................	3,100,000	3,100,000
C. System and materials research - OE............	21,900,000	21,900,000
D. Program direction - OE........................	700,000	700,000
E. Capital equipment.............................	600,000	600,000
Subtotal, Electric energy systems....................	33,800,000	32,300,000
II. Energy storage systems		
A. Battery storage - OE..........................	4,000,000	4,000,000
B. Thermal and chemical storage - OE.............	1,500,000	5,500,000
C. Program direction - OE........................	500,000	500,000
D. Capital equipment.............................	300,000	300,000
Subtotal, Energy storage systems.....................	6,300,000	10,300,000
TOTAL, ELECTRIC ENERGY SYSTEMS AND STORAGE...........	40,100,000	42,600,000
(Operating expenses).................................	(39,200,000)	(41,700,000)
(Capital equipment).................................	(900,000)	(900,000)

Department of Energy

	Budget Estimate	Conference
NUCLEAR		
I. Nuclear energy R & D		
A. Light water reactor - OE	58,700,000	58,700,000
B. Advanced reactor R & D		
Operating expenses	49,039,000	59,039,000
Capital equipment	1,000,000	1,000,000
Subtotal, Advanced reactor R & D	50,039,000	60,039,000
C. Space reactor power systems		
Operating expenses	30,000,000	30,000,000
D. Advanced radioisotope power system		
Operating expenses	46,840,000	45,000,000
Capital equipment	5,000,000	5,000,000
Subtotal, Advanced radioisotope power system	51,840,000	50,000,000
E. Space exploration initiative		
Operating expenses	10,000,000	---

Department of Energy

	Budget Estimate	Conference
F. Facilities		
Operating expenses	89,665,000	88,665,000
Capital equipment	2,200,000	2,200,000
Construction:		
GPN-102 GPP	1,365,000	1,365,000
93-E-200 Modifications to reactors	300,000	300,000
93-E-202 Analytical Lab. upgrades, ANL	1,500,000	1,500,000
89-N-115 Fire safety improvements, ANL	35,000	35,000
Subtotal, Construction	3,200,000	3,200,000
Subtotal, Facilities	95,065,000	94,065,000
G. Program direction - OE	13,950,000	13,950,000
Subtotal, Nuclear energy R & D	309,594,000	306,754,000
(Operating expenses)	(298,194,000)	(295,354,000)
(Capital equipment)	(8,200,000)	(8,200,000)
(Construction)	(3,200,000)	(3,200,000)
II. Civilian waste R & D		
A. Spent fuel storage R&D - OE	590,000	4,590,000
B. Program direction - OE	110,000	110,000
Subtotal, Civilian waste R & D	700,000	4,700,000
TOTAL, NUCLEAR	310,294,000	311,454,000
(Operating expenses)	(298,894,000)	(300,054,000)
(Capital equipment)	(8,200,000)	(8,200,000)
(Construction)	(3,200,000)	(3,200,000)

Department of Energy

	Budget Estimate	Conference
ENVIRONMENT, SAFETY AND HEALTH		
I. Environment, safety and health		
Operating expenses	165,070,000	158,070,000
Capital equipment	1,600,000	1,600,000
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	166,670,000	159,670,000
OFFICE OF NUCLEAR SAFETY		
I. Nuclear safety		
Operating expenses	20,490,000	---
Capital equipment	50,000	---
TOTAL, OFFICE OF NUCLEAR SAFETY	20,540,000	---
LIQUIFIED GASEOUS SPILL TEST FACILITY		
I. Spill test facility - OE	---	1,000,000

Department of Energy

	Budget Estimate	Conference
ENVIRONMENT R & D		
I. Biological and environmental research		
Operating expenses	344,700,000	344,700,000
Capital equipment	27,500,000	27,500,000
Construction:		
GP-E-120 General plant projects	3,500,000	3,500,000
93-E-337 Structural biology addition, NSLS	1,800,000	1,800,000
91-E-310 Biomedical isotope facility	600,000	600,000
Subtotal, Construction	5,900,000	5,900,000
Subtotal, Biological and environmental research	378,100,000	378,100,000
II. Program direction - OE	6,600,000	6,600,000
General reduction	---	-28,000,000
TOTAL, ENVIRONMENT R & D	384,700,000	356,700,000
(Operating expenses)	(351,300,000)	(323,300,000)
(Capital equipment)	(27,500,000)	(27,500,000)
(Construction)	(5,900,000)	(5,900,000)

Department of Energy

	Budget Estimate	Conference
FUSION		
I. Fusion energy		
A. Confinement systems............................	182,780,000	182,780,000
B. Development and technology......................	67,550,000	67,550,000
C. Applied plasma physics..........................	62,450,000	62,450,000
D. Planning and projects...........................	4,800,000	4,800,000
E. Inertial fusion energy..........................	8,150,000	8,150,000
F. Program direction - OE..........................	8,800,000	8,800,000
G. Capital equipment...............................	20,980,000	20,980,000
H. Construction:		
GPE-900 General plant projects, var. locations..	2,000,000	2,000,000
Infrastructure:		
92-E-340 Fire & safety protection improve, PPPL	2,200,000	2,200,000
Subtotal, Construction.............................	4,200,000	4,200,000
General reduction..................................	---	-20,000,000
Total, Fusion energy...............................	359,710,000	339,710,000
(Operating expenses)...............................	(334,530,000)	(314,530,000)
(Capital equipment)...............................	(20,980,000)	(20,980,000)
(Construction)...............................	(4,200,000)	(4,200,000)

Department of Energy

	Budget Estimate	Conference
SUPPORTING RESEARCH AND TECHNICAL ANALYSIS		
I. Basic energy sciences		
A. Materials sciences	290,227,000	290,227,000
B. Chemical sciences	175,400,000	175,400,000
C. Applied mathematical sciences	91,000,000	91,000,000
D. Engineering and geosciences	39,540,000	39,540,000
E. Advanced energy projects	11,900,000	11,900,000
F. Energy biosciences	27,600,000	27,600,000
G. Program direction - OE	8,400,000	8,400,000
H. Capital equipment	46,300,000	46,300,000
I. Construction:		
GPE-400 General plant projects	5,500,000	5,500,000
93-E-305 Accelerator and reactor improvements	7,626,000	7,626,000
89-R-402 6-7 GeV syn. radiation source, ANL	110,407,000	110,407,000
Facilities		94,800,000
Subtotal, Construction	123,533,000	218,333,000
General reduction	---	-49,000,000
Subtotal, Basic energy sciences	813,900,000	859,700,000
(Operating expenses)	(644,067,000)	(595,067,000)
(Capital equipment)	(46,300,000)	(46,300,000)
(Construction)	(123,533,000)	(218,333,000)

Department of Energy

	Budget Estimate	Conference
II. Energy oversight, research analy. and univ support		
A. Energy research analyses - OE..................	4,020,000	4,020,000
B. University and science education programs - OE		
1. Laboratory coop science centers............	36,563,000	25,563,000
2. University program.........................	9,750,000	20,750,000
3. University reactor fuel assistance..........	3,730,000	3,730,000
4. University research instrumentation.........	5,647,000	5,647,000
Subtotal, University & science education programs.	55,690,000	55,690,000
C. ER laboratory tech transfer...................	15,080,000	10,080,000
D. Advisory and oversight - OE...................	16,218,000	10,218,000
Subtotal, Energy oversight, res analy, and univ sup...	91,008,000	80,008,000
III. Multiprogram energy laboratories - facility sup		
A. Multiprogram general purpose facilities		
Construction:		
Infrastructure:		
93-E-310 Upgrade site mech util, ph II (LBL)	800,000	800,000
93-E-311 Upgrade lab space support sys.(ANL)	3,080,000	3,080,000
93-E-313 Elec system upgrade, phase II (ANL)	3,000,000	3,000,000
93-E-314 Sitewide conv. substation feeder (SLAC)...............................	2,220,000	2,220,000
93-E-316 Underground power & comm system upgrade phase I (BNL)....................	1,400,000	1,400,000
93-E-325 Potable water system upgrade phase I (BNL).............................	3,500,000	3,500,000
93-E-326 Lab addition Building 205 (ANL)....	620,000	620,000

Department of Energy

	Budget Estimate	Conference
93-E-327 Safety & support services fac (LBL)	2,980,000	2,980,000
93-E-328 Central research & support building (ORNL)............................	4,400,000	4,400,000
93-E-329 Roofing improvements (ORNL)........	4,024,000	4,024,000
93-E-332 Materiels handling center (BNL).....	3,270,000	3,270,000
93-E-333 Applied science center-phase I(BNL)	500,000	500,000
93-E-336 HVAC mech sys upgr phase I (PNL)...	1,000,000	1,000,000
92-E-309 Sanitary system mod phase I - (BNL)	2,762,000	2,762,000
92-E-312 Roof replacement - phase I - (LBL).	500,000	500,000
92-E-321 Fire safety improve (ANL).........	1,117,000	1,117,000
92-E-322 East canyon electrical safety (LBL)	1,507,000	1,507,000
92-E-323 Upgrade steam distrib. (ORNL)......	5,607,000	5,607,000
92-E-324 Safety comp. mods., 326 bldg (PNL).	6,000,000	6,000,000
92-E-329 Electrical substation upgrade (ANL)	4,470,000	4,470,000
92-E-328 Tec. & admin. ser. fac (AMES)......	1,557,000	1,557,000
91-E-323 Building 90 seism rehab (LBL)......	422,000	422,000
90-R-112 Measurements and controls support facility, ORNL....................	464,000	464,000
88-R-806 Environmental health & safety project, LBL..............................	1,500,000	1,500,000
Subtotal, Multiprogram general purpose facilities	56,700,000	56,700,000

Department of Energy

	Budget Estimate	Conference
B. Multiprogram energy labs - tiger team report		
Capital equipment	3,000,000	3,000,000
Construction:		
Infrastructure:		
93-E-315 Roof replacement, Phase I (BNL)	1,130,000	1,130,000
93-E-317 Life safety code compliance (PNL)	1,000,000	1,000,000
93-E-320 Fire & safety improvements Phase II (ANL)	1,870,000	1,870,000
93-E-323 Fire & safety system upgrade Phase I (LBL)	1,500,000	1,500,000
93-E-324 Hazardous materials safeguards Phase I (LBL)	1,500,000	1,500,000
Subtotal, Construction	7,000,000	7,000,000
Subtotal, Multiprogram energy labs - tiger team	10,000,000	10,000,000
General reduction	---	-40,000,000
Subtotal, Multiprogram energy laboratories - fac sup	66,700,000	26,700,000
(Capital equipment)	(3,000,000)	(3,000,000)
(Construction)	(63,700,000)	(63,700,000)
TOTAL, SUPPORTING RESEARCH AND TECHNICAL ANALYSIS	971,608,000	966,408,000
(Operating expenses)	(735,075,000)	(635,075,000)
(Capital equipment)	(49,300,000)	(49,300,000)
(Construction)	(187,233,000)	(282,033,000)

Department of Energy

	Budget Estimate	Conference
POLICY AND MANAGEMENT		
I. Policy and management		
A. Policy and management - ER......................	1,913,000	1,913,000
B. Policy and management - NE......................	35,100,000	35,100,000
C. Policy and management - CE......................	2,859,000	2,859,000
TOTAL, POLICY AND MANAGEMENT...........................	39,872,000	39,872,000

Department of Energy

	Budget Estimate	Conference
ENERGY APPLICATIONS		
I. Technical information management program		
Operating expenses	14,300,000	14,300,000
Capital equipment	700,000	700,000
Subtotal, Technical information management program	15,000,000	15,000,000
II. In-house energy management		
Operating expenses	3,590,000	3,590,000
Construction:		
IHE - 500 Modifications for energy mgmt	17,360,000	17,360,000
Subtotal, In-house energy management	20,950,000	20,950,000
TOTAL, ENERGY APPLICATIONS	35,950,000	35,950,000

Department of Energy

	Budget Estimate	Conference
ENVIRONMENTAL RESTORATION AND WASTE MGMT (NON-DEFENSE)		
I. Corrective activities		
A. Nuclear energy		
Operating expenses	247,000	247,000
B. Energy research		
Operating expenses	1,193,000	1,193,000
Construction:		
92-E-601 Melton Valley LLLW collection and transfer system upgrade (ORNL)	15,900,000	15,900,000
91-E-307 Remedial alternative for 800 area sanitary landfill, (ANL)	501,000	501,000
91-E-601 Canal water treatment plant/rehabilitation (ANL)	827,000	827,000
Infrastructure:		
91-E-304 Sanit wastewater treatment plant improvements, (ANL)	532,000	532,000
Subtotal, Construction	17,760,000	17,760,000
Subtotal, Energy research	18,953,000	18,953,000
Subtotal, Corrective activities	19,200,000	19,200,000
(Operating expenses)	(1,440,000)	(1,440,000)
(Construction)	(17,760,000)	(17,760,000)

Department of Energy

	Budget Estimate	Conference
II. Environmental restoration		
Operating expenses:		
1. Facilities and sites	215,241,000	215,241,000
2. Formerly utilized sites, remedial action projects	40,900,000	40,900,000
3. Uranium program mill tailings, remedial action projects	143,100,000	143,100,000
4. Uranium mill tailings, groundwater restoration project	4,600,000	4,600,000
Subtotal, Environmental restoration	403,841,000	403,841,000
(Operating expenses)	(403,841,000)	(403,841,000)
III. Waste management		
Operating expenses:		
1. Waste operations	107,875,000	107,875,000
2. West valley	134,000,000	134,000,000
3. Low level waste	9,000,000	9,000,000
Subtotal, Operating expenses	250,875,000	250,875,000
Capital equipment	5,027,000	5,027,000
Construction:		
GP-E-600 General plant projects	18,768,000	18,768,000
93-E-631 Hazardous waste management upgrade II, BNL	700,000	700,000
93-E-632 Laboratory floor drain collection system upgrades, BNL	959,000	959,000
93-E-633 Upgrade sanitary sewer system (ORNL)	2,000,000	2,000,000
93-E-900 Long-term storage TMI-2 fuel, INEL	---	2,720,000
91-E-305 Waste minimization fac. upgrade (BNL)	53,000	53,000
91-E-306 Hazardous waste treatment fac. (PNL)	102,000	102,000
91-E-600 Rehab of waste management bld 306, ANL	1,729,000	1,729,000
91-E-602 Hazardous, radioactive and mixed waste storage facility (ANL)	1,231,000	1,231,000

Department of Energy

	Budget Estimate	Conference
Infrastructure:		
91-E-322 329 Building compliance (PNL).........	2,489,000	2,489,000
Subtotal, Construction.........................	28,031,000	30,751,000
Subtotal, Waste management.........................	283,933,000	286,653,000
(Operating expenses)...........................	(250,875,000)	(250,875,000)
(Capital equipment)...........................	(5,027,000)	(5,027,000)
(Construction)...........................	(28,031,000)	(30,751,000)
TOTAL, ENVIRON RESTOR AND WASTE MGMT (NON-DEFENSE)....	706,974,000	709,694,000
(Operating expenses)...........................	(656,156,000)	(656,156,000)
(Capital equipment)...........................	(5,027,000)	(5,027,000)
(Construction)...........................	(45,791,000)	(48,511,000)
Subtotal, Energy supply research and development......	3,243,293,000	3,174,933,000
Lease purchase adjustment...........................	1,560,000	1,560,000
Use of prior year balances...........................	-34,000,000	-104,300,000
Education programs...........................	-22,400,000	-52,400,000
Geothermal resources development fund..............		-4,000,000
TOTAL, ENERGY SUPPLY RESEARCH AND DEVELOPMENT..........	3,188,453,000	3,015,793,000
(Operating expenses)...........................	(2,797,417,000)	(2,527,287,000)
(Capital equipment)...........................	(120,847,000)	(120,797,000)
(Construction)...........................	(270,189,000)	(367,709,000)

Department of Energy

	Budget Estimate	Conference
URANIUM ENRICHMENT		
I. Uranium enrichment activities		
A. Gaseous diffusion operations and support		
Operating expenses	1,013,681,000	1,013,681,000
Capital equipment	10,100,000	10,100,000
Construction:		
GP-N-501 GPP	9,000,000	9,000,000
93-U-200 UF6 cylinders and storage yards	5,863,000	5,863,000
92-U-200 Sanitary water system upgrading	4,500,000	4,500,000
91-U-201 Refurbish int. purge fac., GDP, Portsmouth	2,000,000	2,000,000
91-U-207 Roof upgrading, GDP, Portsmouth	11,000,000	11,000,000
91-U-208 S & S upgrading, GDP, Portsmouth	3,950,000	3,950,000
90-N-501 Cooling tower mods	1,496,000	1,496,000
89-N-501 UF6 cylinders	1,723,000	1,723,000
87-N-502 Coding tower upgrade, GDP, Paducah	1,300,000	1,300,000
Subtotal, Construction	40,832,000	40,832,000
Subtotal, Gaseous diffusion operations and support	1,064,613,000	1,064,613,000
B. Atomic vapor laser isotope separation		
Operating expenses	97,700,000	67,700,000
Capital equipment	2,000,000	2,000,000
Construction:		
GP-N-600 General plant projects	300,000	300,000
Subtotal, Atomic vapor laser isotope separation	100,000,000	70,000,000

Department of Energy

	Budget Estimate	Conference
D. Corrective activities		
Operating expenses	4,316,000	4,316,000
Construction:		
GP-N-205 General plant projects	1,450,000	1,450,000
91-U-206 Reduction of PCB contamination	23,981,000	23,981,000
Subtotal, Construction	25,431,000	25,431,000
Subtotal, Corrective activities	29,747,000	29,747,000
E. Environmental restoration - OE	155,700,000	155,700,000
F. Waste management		
Operating expenses	26,220,000	26,220,000
Construction:		
GP-N-210 General plant projects	3,800,000	3,800,000
93-U-201 Solid waste landfill	400,000	400,000
93-U-202 Mixed waste storage	1,000,000	1,000,000
Subtotal, Construction	5,200,000	5,200,000
Subtotal, Waste management	31,420,000	31,420,000
G. Program direction - OE	9,840,000	9,840,000
Subtotal, Uranium enrichment activities	1,391,320,000	1,361,320,000
(Operating expenses)	(1,307,457,000)	(1,277,457,000)
(Capital equipment)	(12,100,000)	(12,100,000)
(Construction)	(71,763,000)	(71,763,000)

Department of Energy

	Budget Estimate	Conference
Revenues..	-1,462,000,000	-1,462,000,000
Use of prior year balances.............................	---	-75,000,000
TOTAL, URANIUM ENRICHMENT ACTIVITIES..................	-70,680,000	-175,680,000
(Operating expenses)......................................	(-154,543,000)	(-259,543,000)
(Capital equipment)......................................	(12,100,000)	(12,100,000)
(Construction)...	(71,763,000)	(71,763,000)

Department of Energy

	Budget Estimate	Conference
GENERAL SCIENCE AND RESEARCH		
I. High energy physics		
A. Physics research - OE	145,900,000	145,900,000
B. Facility operations		
Operating expenses	281,909,000	281,909,000
Capital equipment	69,090,000	69,090,000
Construction:		
GP-E-103 General plant projects, various locations	12,835,000	12,835,000
93-G-301 Accelerator improvements & mods	15,095,000	15,095,000
92-G-302 Fermilab main injector	30,000,000	15,000,000
Subtotal, Construction	57,930,000	42,930,000
Subtotal, Facility operations	408,929,000	393,929,000
C. High energy technology - OE	69,425,000	69,425,000
D. SSC laboratory research - OE	2,500,000	---
E. Other capital equipment	4,130,000	4,130,000
Subtotal, High energy physics	630,884,000	613,384,000
(Operating expenses)	(499,734,000)	(497,234,000)
(Capital equipment)	(73,220,000)	(73,220,000)
(Construction)	(57,930,000)	(42,930,000)

Department of Energy

	Budget Estimate	Conference
II. Nuclear physics		
A. Medium energy physics - OE	111,400,000	58,000,000
B. Heavy ion physics - OE	67,900,000	67,900,000
C. Low energy physics - OE	26,100,000	26,100,000
D. Nuclear theory - OE	14,800,000	14,800,000
E. Capital equipment	30,330,000	29,330,000
F. Construction:		
GP-E-300 General plant projects, various locations	3,500,000	3,500,000
93-G-302 Accelerator improvements & mods	3,200,000	3,200,000
91-G-300 Relativistic heavy ion collider	71,400,000	71,400,000
87-R-203 Continuous electron beam accelerator facility, Newport News, VA	33,000,000	33,000,000
Subtotal, Construction	111,100,000	111,100,000
G. Other capital equipment - CE	1,870,000	1,870,000
Subtotal, Nuclear physics	363,500,000	309,100,000
(Operating expenses)	(220,200,000)	(166,800,000)
(Capital equipment)	(32,200,000)	(31,200,000)
(Construction)	(111,100,000)	(111,100,000)

Department of Energy

	Budget Estimate	Conference
III. General science program direction - OE	8,300,000	8,300,000
IV. Superconducting super collider		
Operating expenses	116,828,000	116,828,000
Capital equipment	63,000,000	63,000,000
Construction:		
90-R-106 Superconducting super collider	470,172,000	370,172,000
General reduction	---	-33,000,000
Subtotal, Superconducting super collider	650,000,000	517,000,000
Use of prior year balances	---	-30,000,000
TOTAL, GENERAL SCIENCE AND RESEARCH	1,652,684,000	1,417,784,000
(Operating expenses)	(845,062,000)	(726,162,000)
(Capital equipment)	(168,420,000)	(167,420,000)
(Construction)	(639,202,000)	(524,202,000)

Department of Energy

	Budget Estimate	Conference
ISOTOPE PRODUCTION AND DISTRIBUTION FUND		
Isotope production......................................	1,500,000	5,000,000

Department of Energy

	Budget Estimate	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
WEAPONS ACTIVITIES		
I. Research and development		
A. Research and development - core		
Operating expenses	1,044,600,000	1,098,100,000
Capital equipment	83,120,000	84,120,000
Construction:		
GPD-101 General plant projects, various locations	21,000,000	21,000,000
Infrastructure:		
92-D-102 Nuclear weapons research, development and testing facilities revitalization, phase IV, various locations	35,000,000	35,000,000
90-D-102 Nuclear weapons research, development, and testing facilities revitalization, phase III, various locations	50,120,000	50,120,000
88-D-106 Nuclear weapons research, development, and testing facilities revitalization, phase II, various locations	34,400,000	34,400,000
Subtotal, Infrastructure	119,520,000	119,520,000
Subtotal, Construction	140,520,000	140,520,000
Subtotal, Research and development - core	1,268,240,000	1,322,740,000
B. Inertial fusion		
Operating expenses	174,300,000	181,300,000
Capital equipment	20,700,000	31,010,000
Subtotal, Inertial fusion	195,000,000	212,310,000

Department of Energy

	Budget Estimate	Conference
C. Safeguards and security		
Construction:		
Infrastructure:		
88-D-104 Safeguards and security upgrade, phase II, LANL, Los Alamos, NM................	1,000,000	1,000,000
Subtotal, Research and development....................	1,464,240,000	1,536,050,000
II. Testing		
A. Weapons program		
Operating expenses.........................	429,500,000	375,000,000
Capital equipment..........................	31,100,000	31,100,000
Construction:		
GP-D-101 General plant projects, various locations...........................	7,650,000	7,650,000
Infrastructure:		
93-D-102 Nevada support facility, North Las Vegas, NV........................	2,000,000	2,000,000
Subtotal, Construction.......................	9,650,000	9,650,000
Subtotal, Weapons program.......................	470,250,000	415,750,000

Department of Energy

	Budget Estimate	Conference
B. Safeguards and security		
Construction:		
Infrastructure:		
85-D-105 Combined device assembly facility, Nevada Test Site, NV	3,610,000	3,610,000
Subtotal, Testing	473,860,000	419,360,000
Subtotal, Research, development and testing	1,938,100,000	1,955,410,000
(Operating expenses)	(1,648,400,000)	(1,654,400,000)
(Capital equipment)	(134,920,000)	(146,230,000)
(Construction)	(154,780,000)	(154,780,000)
III. Production and surveillance		
Operating expenses	2,172,600,000	2,142,600,000
Capital equipment	80,685,000	80,685,000
Construction:		
Production base:		
Facilities capability assurance program:		
Infrastructure:		
88-D-122 Facilities capability assurance program (FCAP), various locations	87,100,000	87,100,000
Production support facilities:		
GPD-121 General plant projects, various locations	27,350,000	27,350,000
86-D-130 Tritium loading facility replacement, Savannah River Plant, Aiken, SC	4,865,000	4,865,000
Subtotal, Production support facilities	32,215,000	32,215,000
Subtotal, Production base - construction	119,315,000	119,315,000

Department of Energy

	Budget Estimate	Conference
Environment, safety and health:		
93-D-122 Life safety upgrades, Y-12 Plant, Oak Ridge, TN	2,700,000	2,700,000
Infrastructure:		
92-D-122 Health, physics/environmental projects, RFP, Golden, CO	5,300,000	5,300,000
92-D-123 Plant fire/security alarm system replacement, RFP, Golden, CO	8,700,000	8,700,000
92-D-126 Replace emergency notification systems, various locations	10,900,000	10,900,000
90-D-126 Environmental, safety and health enhancements, various locations	9,200,000	9,200,000
91-D-127 Criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, CO	6,300,000	6,300,000
Subtotal, Infrastructure	40,400,000	40,400,000
Subtotal, Environment, safety and health	43,100,000	43,100,000
Subtotal, Construction	162,415,000	162,415,000
Use of prior year balances (Operating expenses)	---	-26,570,000
Use of prior year balances (Plant & capital equipment)	---	-15,500,000
Subtotal, Production and surveillance	2,415,700,000	2,343,630,000

Department of Energy

	Budget Estimate	Conference
IV. Program direction		
Operating expenses	325,909,000	325,909,000
Capital equipment	3,930,000	3,930,000
Construction:		
93-D-123 Complex - 21, various locations	26,000,000	26,000,000
Subtotal, Program direction	355,839,000	355,839,000
Use of prior year balances	-87,550,000	-86,130,000
TOTAL, WEAPONS ACTIVITIES	4,622,089,000	4,568,749,000
(Operating expenses)	(4,059,359,000)	(4,010,209,000)
(Capital equipment)	(219,535,000)	(215,345,000)
(Construction)	(343,195,000)	(343,195,000)

Department of Energy

	Budget Estimate	Conference
NEW PRODUCTION REACTORS		
I. New production reactors		
Operating expenses....................................	130,800,000	184,028,000
Use of prior year balances (Operating expenses).......	---	-150,000,000
Use of prior year balances (Plant & capital equipment)	-126,772,000	---
TOTAL, NEW PRODUCTION REACTORS........................	4,028,000	34,028,000
(Operating expenses)..................................	(130,800,000)	(34,028,000)
(Capital equipment)..................................	---	---
(Construction).......................................	(-126,772,000)	---

Department of Energy

	Budget Estimate	Conference
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT		
I. Corrective activities		
A. Environmental management		
Operating expenses	2,431,000	2,431,000
Construction:		
GP-D-171 General plant projects	528,000	528,000
Subtotal, Environmental management	2,959,000	2,959,000
B. Defense programs		
Operating expenses	7,386,000	7,386,000
Capital equipment	1,120,000	1,120,000
Construction:		
GP-D-171 General plant projects	1,720,000	1,720,000
92-D-403 Tank upgrades project, LLNL	10,100,000	10,100,000
90-D-103 Environment, safety and health improvements, weapons R&D complex, LANL	6,315,000	6,315,000
Infrastructure:		
92-D-402 Sanitary sewer system rehab. LLNL	5,500,000	5,500,000
Subtotal, Construction	23,635,000	23,635,000
Subtotal, Defense programs	32,141,000	32,141,000
Subtotal, Corrective activities	35,100,000	35,100,000
(Operating expenses)	(9,817,000)	(9,817,000)
(Capital equipment)	(1,120,000)	(1,120,000)
(Construction)	(24,163,000)	(24,163,000)

Department of Energy

	Budget Estimate	Conference
II. Environmental restoration		
Operating expenses:		
1. Facilities and sites	1,448,427,000	1,448,427,000
III. Waste management		
Waste operations - OE	2,252,037,000	2,252,037,000
Capital equipment	132,749,000	132,749,000
Construction:		
GP-D-171 General plant projects	81,037,000	81,037,000
93-D-173 Long-term storage TMI-2 fuel, INEL	2,720,000	---
93-D-174 Plant drain waste water treatment upgrades, Y-12	1,800,000	1,800,000
93-D-175 Industrial waste compact fac., Y-12	2,200,000	2,200,000
93-D-176 Oak Ridge reservation storage facility, Oak Ridge, TN	4,000,000	4,000,000
93-D-177 Disposal of K-1515 sanitary water treatment plant waste, K-25	1,500,000	1,500,000
93-D-178 Building 374 liquid waste treatment facility, RF	2,700,000	2,700,000
93-D-180 Environmental monitoring-RCRA groundwater monitoring installation, RL	8,700,000	8,700,000
93-D-181 Radioactive waste line replacement, RL	350,000	350,000
93-D-182 Replace of cross-site trans system, RL	4,495,000	4,495,000
93-D-183 Multi-tank waste storage facility, RL	10,300,000	10,300,000
93-D-184 325 facility compliance/renov., RL	1,500,000	1,500,000
93-D-186 200 area unsecured core area fabrication shop, RL	1,000,000	1,000,000
93-D-187 High level waste removal from filled waste tanks, SR	2,000,000	2,000,000
93-D-188 New sanitary landfill, SR	2,000,000	2,000,000

Department of Energy

	Budget Estimate	Conference
92-D-171 Mixed waste receiving and storage facility, LANL	3,000,000	3,000,000
92-D-172 Hazardous waste treatment and processing facility, Pantex Plant	1,900,000	1,900,000
92-D-173 NOx abatement facility, ID	7,000,000	7,000,000
92-D-177 Tank 101-AZ waste retrieval system, RL	3,000,000	3,000,000
92-D-180 Inter-Area line upgrade, SR	3,170,000	3,170,000
92-D-188 Waste management ES&H, and compliance activities, various locations	1,000,000	1,000,000
91-D-171 Waste receiving and processing facility, module 1, Richland, WA	21,800,000	21,800,000
91-D-172 High-level waste tank farm replacement, Idaho chemical processing plant, INEL, ID	57,530,000	57,530,000
91-D-173 Hazardous low-level waste processing tanks, Savannah River Site, SC	15,300,000	15,300,000
90-D-176 Transuranic (TRU) waste facility, Savannah River, SC	5,000,000	5,000,000
90-D-177 RWMC transuranic (TRU) waste characterization and storage facility, ID	41,700,000	41,700,000
89-D-122 Production waste storage facilities, Y-12 plant, Oak Ridge, TN	4,200,000	4,200,000
89-D-172 Hanford environmental compliance, Richland, WA	49,950,000	49,950,000
89-D-173 Tank farm ventilation upgrade, Richland, WA	7,000,000	7,000,000
89-D-174 Replacement high level waste evaporator, Savannah River, SC	15,795,000	15,795,000
89-D-175 Hazardous waste/mixed waste disposal facility, Savannah River, SC	7,900,000	7,900,000
88-D-173 Hanford waste vitrification plant (HWVP), Richland, WA	81,471,000	81,471,000
87-D-180 Buriel ground expansion, SR	8,800,000	8,800,000

Department of Energy

	Budget Estimate	Conference
87-D-181 Diversion box and pump pit containment buildings, Savannah River, SC......	1,904,000	1,904,000
81-T-105 Defense waste processing facility, SR....................................	32,600,000	32,600,000
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA..................	2,755,000	2,755,000
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC..................	10,330,000	10,330,000

Department of Energy

	Budget Estimate	Conference
Infrastructure:		
93-D-172 Electrical upgrade, INEL	1,000,000	1,000,000
93-D-185 Landlord program safety compliance, phase II, RL	849,000	849,000
92-D-181 INEL Fire and life safety improvements ID	8,000,000	8,000,000
92-D-182 INEL sewer system upgrade, ID	3,700,000	3,700,000
92-D-183 INEL transportation complex, ID	5,860,000	5,860,000
92-D-184 Hanford infrastructure underground storage tanks, RL	3,700,000	3,700,000
92-D-185 Road, ground, and lighting safety improvements, 300/1100 areas, RL	6,500,000	6,500,000
92-D-187 300 area electrical distribution conversion & safety improvements, Phase II, RL.	1,724,000	1,724,000
91-D-175 300 area electrical distribution conversion and safety improvements, Phase I, RL	981,000	981,000
90-D-174 Decontamination laundry facility, Richland, WA	7,442,000	7,442,000
90-D-175 Landlord program safety compliance-I, Richland, WA	4,753,000	4,753,000
Subtotal, Infrastructure	44,509,000	44,509,000
Subtotal, Construction	553,916,000	551,196,000
Subtotal, Waste management	2,938,702,000	2,935,982,000
(Operating expenses)	(2,252,037,000)	(2,252,037,000)
(Capital equipment)	(132,749,000)	(132,749,000)
(Construction)	(553,916,000)	(551,196,000)

Department of Energy

	Budget Estimate	Conference
IV. Technology development		
Operating expenses	300,700,000	320,700,000
Capital equipment	16,200,000	16,200,000
Construction:		
91-EM-100 Environmental & molecular sciences laboratory, Richland, Washington	28,500,000	28,500,000
Subtotal, Technology development	345,400,000	365,400,000
V. Transportation Management		
Operating expenses	19,335,000	19,335,000
Capital equipment	465,000	465,000
Subtotal, Transportation Management	19,800,000	19,800,000
VI. Facility transition		
Operating expenses	17,861,000	17,861,000
VII. Program direction		
Operating expenses	48,136,000	48,136,000
Capital equipment	2,664,000	2,664,000
Subtotal, Program direction	50,800,000	50,800,000
Subtotal, Defense Environ restoration and waste mgmt	4,856,090,000	4,873,370,000
Use of prior year balances	-30,598,000	-41,823,000
New Production Reactor balances	-20,000,000	---
TOTAL, DEFENSE ENVIRONMENTAL RESTOR AND WASTE MGMT	4,805,492,000	4,831,547,000
(Operating expenses)	(4,045,715,000)	(4,074,490,000)
(Capital equipment)	(153,198,000)	(153,198,000)
(Construction)	(606,579,000)	(603,859,000)

Department of Energy

	Budget Estimate	Conference
MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS		
MATERIALS PRODUCTION		
I. Reactor operations		
Operating expenses	553,209,000	553,209,000
Construction:		
Environment, safety and health:		
Infrastructure:		
92-D-141 Reactor seismic improvement, Savannah River, SC	5,000,000	5,000,000
90-D-150 Reactor safety assurance, Phase I, II, and III, Savannah River, SC	4,210,000	4,210,000
Subtotal, Infrastructure	9,210,000	9,210,000
89-D-148 Improved reactor confinement system, Savannah River, SC	4,240,000	4,240,000
86-D-152 Reactor electrical distribution system, Savannah River, SC	5,647,000	5,647,000
85-D-145 Fuel production facility, Savannah River, SC	17,000,000	17,000,000
Subtotal, Construction	36,097,000	36,097,000
Subtotal, Reactor operations	589,306,000	589,306,000

Department of Energy

	Budget Estimate	Conference
II. Processing of nuclear materials		
Operating expenses	491,992,000	491,992,000
Construction:		
Environment, safety and health:		
Infrastructure:		
92-D-142 Nuclear material processing training center, Savannah River, SC	11,700,000	11,700,000
90-D-141 Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho Falls, ID	1,553,000	1,553,000
Subtotal, Infrastructure	13,253,000	13,253,000
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	12,500,000	12,500,000
Subtotal, Construction	25,753,000	25,753,000
Subtotal, Processing of nuclear materials	517,745,000	517,745,000

Department of Energy

	Budget Estimate	Conference
III. Supporting services		
Operating expenses	308,736,000	307,136,000
Construction:		
Programmatic projects:		
GP-D-146 General plant projects, various locations	32,260,000	32,260,000
93-D-148 Replace high level drain line Savannah River, SC	800,000	800,000
93-D-153 Uranium recovery hydrogen fluoride upgrade, Y-12 Plant, OR	2,400,000	2,400,000
Infrastructure:		
93-D-147 Domestic water system upgrades Phase I, Savannah River, SC	1,000,000	1,000,000
93-D-152 Environmental modification for production facilities, Savannah River, SC	2,000,000	2,000,000
92-D-150 Operations support facilities, Savannah River, SC	4,100,000	4,100,000
92-D-153 Engineering support facility, Savannah River, SC	3,500,000	3,500,000
86-D-149 Productivity retention program, Phases I, II, III, IV, V and VI, various locations	11,651,000	11,651,000
Subtotal, Infrastructure	22,251,000	22,251,000
Subtotal, Programmatic projects	57,711,000	57,711,000

Department of Energy

	Budget Estimate	Conference
Environment, safety and health:		
Infrastructure:		
92-D-143 Health Protection Instrumentation Calibration Facility, Savannah River, SC	8,000,000	8,000,000
90-D-149 Plant wide fire protection, phases I and II, Savannah River, SC	39,685,000	39,685,000
Subtotal, Environment, safety and health	47,685,000	47,685,000
Safeguards and security:		
Infrastructure:		
89-D-140 Additional separations safeguards, Savannah River, SC	13,104,000	13,104,000
Subtotal, Construction	118,500,000	118,500,000
Subtotal, Supporting services	427,236,000	425,636,000
V. Capital equipment	80,900,000	80,900,000
VI. Program direction	66,538,000	66,538,000
Subtotal, Materials Production	1,681,725,000	1,680,125,000
(Operating expenses)	(1,420,475,000)	(1,418,875,000)
(Capital equipment)	(80,900,000)	(80,900,000)
(Construction)	(180,350,000)	(180,350,000)
General reduction	---	-5,000,000
Anticipated savings	---	-40,000,000
Use of prior year balances	---	-31,082,000
TOTAL, MATERIALS PRODUCTION	1,681,725,000	1,604,043,000
(Operating expenses)	(1,420,475,000)	(1,342,793,000)
(Capital equipment)	(80,900,000)	(80,900,000)
(Construction)	(180,350,000)	(180,350,000)

Department of Energy

	Budget Estimate	Conference
OTHER NATIONAL SECURITY PROGRAMS		
I. Verification and control technology		
Operating expenses	406,215,000	301,215,000
Capital equipment	11,500,000	16,500,000
Construction:		
90-D-186 Center for national security and arms control, Sandia National Laboratories Albuquerque, NM	10,000,000	10,000,000
Subtotal, Verification and control technology	427,715,000	327,715,000
II. Nuclear safeguards and security		
Operating expenses	96,837,000	86,837,000
Capital equipment	5,327,000	5,327,000
Construction:		
GPD-186 General plant projects, Central Training Academy, Albuquerque, NM	2,000,000	2,000,000
Subtotal, Nuclear safeguards and security	104,164,000	94,164,000
III. Security investigations - OE	58,289,000	58,289,000
IV. Security evaluation		
Operating expenses	15,150,000	15,150,000
V. Office of Nuclear Safety		
Operating expenses	---	25,490,000
Capital equipment	---	50,000
Subtotal, Office of Nuclear Safety	---	25,540,000
TOTAL, OTHER NATIONAL SECURITY PROGRAMS	605,318,000	520,858,000
(Operating expenses)	(576,491,000)	(486,981,000)
(Capital equipment)	(16,827,000)	(21,877,000)
(Construction)	(12,000,000)	(12,000,000)

Department of Energy

	Budget Estimate	Conference
NAVAL REACTORS		
I. Naval reactors development		
A. Plant development - OE	105,000,000	105,000,000
B. Reactor development - OE	306,300,000	306,300,000
C. Reactor operation and evaluation - OE	206,000,000	206,000,000
D. Capital equipment	60,400,000	60,400,000
E. Construction		
GP-N-101 General plant projects, various locations	8,500,000	8,500,000
90-N-102 Expended core facility dry cell project, naval reactors facility, ID	13,600,000	13,600,000
90-N-103 Advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, ID	500,000	500,000
Infrastructure:		
93-D-200 Engineering services facilities Knolls Atomic Power Laboratory, Niskayuna, NY	2,200,000	2,200,000
92-D-200 Laboratories facilities upgrades, various locations	7,500,000	7,500,000
90-N-104 Facilities renovations, Knolls Atomic Power Laboratory, Niskayuna, NY	2,900,000	2,900,000
Subtotal, Infrastructure	12,600,000	12,600,000
Subtotal, Construction	35,200,000	35,200,000
F. Program direction	17,100,000	17,100,000
Subtotal, Naval reactors development	730,000,000	730,000,000

Department of Energy

	Budget Estimate	Conference
II. Enrichment materials		
Operating expenses	77,000,000	77,000,000
TOTAL, NAVAL REACTORS	807,000,000	807,000,000
(Operating expenses)	(711,400,000)	(711,400,000)
(Capital equipment)	(60,400,000)	(60,400,000)
(Construction)	(35,200,000)	(35,200,000)
Savannah river pension refund	-400,000,000	-400,000,000
Anticipated savings	-29,423,000	---
Education programs	22,400,000	52,400,000
TOTAL, MATERIALS PROD. AND OTHER DEF. PROGRAMS	2,687,020,000	2,584,301,000
(Operating expenses)	(2,301,343,000)	(2,193,574,000)
(Capital equipment)	(158,127,000)	(163,177,000)
(Construction)	(227,550,000)	(227,550,000)
Defense nuclear waste disposal	---	100,000,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	12,118,629,000	12,118,625,000
(Operating expenses)	(10,537,217,000)	(10,312,301,000)
(Capital equipment)	(530,860,000)	(531,720,000)
(Construction)	(1,050,552,000)	(1,174,604,000)

Department of Energy

	Budget Estimate	Conference
DEPARTMENTAL ADMINISTRATION		
I. Administrative operations		
A. Office of the secretary - salaries and expenses.	3,365,000	2,886,000
B. General management - personnel compensation and benefits	180,453,000	159,360,000
C. General management - other expenses		
1. Travel	6,809,000	5,477,000
2. Services	160,936,000	180,936,000
3. Capital equipment	9,225,000	6,862,000
Subtotal, Other expenses	176,970,000	193,275,000
D. Program support		
1. Policy analysis and system studies	6,687,000	4,351,000
2. Consumer affairs	49,000	47,000
3. Public affairs	200,000	55,000
4. International policy studies	2,960,000	1,660,000
5. Office of minority economic impact	3,701,000	3,640,000
Subtotal, Program support	13,597,000	9,753,000
Subtotal, Administrative operations	374,385,000	365,274,000
II. Cost of work for others	74,636,000	40,382,000
Subtotal, Departmental administration	449,021,000	405,656,000
Miscellaneous revenues	-318,381,000	-318,381,000
TOTAL, DEPARTMENTAL ADMINISTRATION	130,640,000	87,275,000
(Operating expenses)	(121,415,000)	(80,413,000)
(Capital equipment)	(9,225,000)	(6,862,000)

Department of Energy

	Budget Estimate	Conference
OFFICE OF THE INSPECTOR GENERAL		
Office of the inspector general........................	30,362,000	30,362,000

Department of Energy

	Budget Estimate	Conference
ALASKA POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	3,777,000	3,777,000
2. Use of prior year balances	-200,000	-200,000
TOTAL, ALASKA POWER ADMINISTRATION	3,577,000	3,577,000
SOUTHEASTERN POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	2,849,000	2,849,000
2. Purchase power and wheeling	23,786,000	31,562,000
3. Use of prior year balances	-2,000,000	-2,000,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	24,635,000	32,411,000

Department of Energy

	Budget Estimate	Conference
SOUTHWESTERN POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	18,102,000	18,102,000
2. Purchase power and wheeling	7,333,000	7,333,000
3. Construction	10,659,000	10,659,000
4. Use of prior year balances	-14,187,000	-14,187,000
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	21,907,000	21,907,000
WESTERN AREA POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Construction and rehabilitation	112,790,000	112,790,000
2. System operation and maintenance	123,868,000	123,868,000
3. Purchase power and wheeling	115,293,000	115,293,000
4. Use of prior year balances	-4,800,000	-25,317,000
5. Transfer of permanent authority from Dept. of Interior (non-add)	(6,563,000)	(6,563,000)
TOTAL, WESTERN AREA POWER ADMINISTRATION	347,151,000	326,634,000

Department of Energy

	Budget Estimate	Conference
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	163,639,000	158,639,000
FERC revenues	-163,639,000	-158,639,000
NUCLEAR WASTE DISPOSAL FUND		
Nuclear waste disposal fund	391,976,000	275,071,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND		
Program direction	-4,000,000	---

Department of Energy

	Budget Estimate	Conference
ENERGY AND WATER DEVELOPMENT ACCOUNTS:		
Energy supply research and development		
Operating expenses	2,797,417,000	2,527,287,000
Plant and capital equipment	391,036,000	488,506,000
Total, Energy supply research and development	3,188,453,000	3,015,793,000
Uranium enrichment		
Operating expenses	1,307,457,000	1,202,457,000
Plant and capital equipment	83,863,000	83,863,000
Subtotal, Uranium enrichment	1,391,320,000	1,286,320,000
Revenues	-1,462,000,000	-1,462,000,000
Total, Uranium enrichment	-70,680,000	-175,680,000
General science and research activities		
Operating expenses	845,062,000	726,162,000
Plant and capital equipment	807,622,000	691,622,000
Total, General science and research activities	1,652,684,000	1,417,784,000
Isotope production and distribution fund	1,500,000	5,000,000

Department of Energy

	Budget Estimate	Conference
Atomic energy defense activities		
Weapons activities		
Operating expenses	4,059,359,000	4,010,209,000
Plant and capital equipment	562,730,000	558,540,000
Total, Weapons activities	4,622,089,000	4,568,749,000
New production reactors		
Operating expenses	130,800,000	34,028,000
Plant and capital equipment	-126,772,000	---
Total, New production reactors	4,028,000	34,028,000
Defense environmental restoration & waste mgmt.		
Operating expenses	4,045,715,000	4,074,490,000
Plant and capital equipment	759,777,000	757,057,000
Total, Def. environmental restor. & waste mgmt	4,805,492,000	4,831,547,000
Materials production and other defense programs		
Operating expenses	2,301,343,000	2,193,574,000
Plant and capital equipment	385,677,000	390,727,000
Total, Materials production & other def. programs	2,687,020,000	2,584,301,000
Defense nuclear waste disposal	---	100,000,000
Total, Atomic energy defense activities	12,118,629,000	12,118,625,000
Departmental administration		
Operating expenses	121,415,000	80,413,000
Plant and capital equipment	9,225,000	6,862,000
Total, Departmental administration	130,640,000	87,275,000
Office of the inspector general	30,362,000	30,362,000

Department of Energy

	Budget Estimate	Conference
Power marketing administrations:		
Alaska power administration	3,577,000	3,577,000
Southeastern power administration	24,635,000	32,411,000
Southwestern power administration	21,907,000	21,907,000
Western area power administration	347,151,000	326,634,000
Total, Power marketing administrations	397,270,000	384,529,000
Federal energy regulatory commission	---	---
Nuclear waste disposal fund	391,976,000	275,071,000
Geothermal resources development fund	-4,000,000	---
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS	17,836,834,000	17,158,759,000

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

Amendment No. 55: Appropriates $190,000,000 as proposed by the Senate instead of $185,000,000 as proposed by the House.

The conference agreement provides for only the following allocations of fiscal year 1993 funds.

A total of $36,000,000 is provided for corridor construction in Alabama, and a total of $47,000,000 is provided for Corridor L in West Virginia.

The conferees have provided $5,000,000 to initiate the design, engineering, and construction required for a water resources development project in Ritchie County, West Virginia, and $5,000,000 for a water resources development project in Cullman County, Alabama.

The conferees have provided $5,000,000 for local access roads in Mississippi including funds for the access road at Holly Springs, Mississippi.

The conferees have included $400,000 to continue the tourism development work being conducted in accordance with Senate report 101-378 accompanying the fiscal year 1991 appropriations Act.

TENNESSEE VALLEY AUTHORITY

Amendment No. 56: Deletes language proposed by the Senate limiting the funds which could be transferred from the Alabama Elk River Development Agency Trust fund.

The conference agreement provides $1,500,000 from the trust fund for the Elkmont Rural Village to be administered solely by the Alabama Elk River Development Agency. Of the remaining funds, up to $1,500,000 is available for the cooperative, cost-shared development of a Telecommunications Rural Application Center in a ten-county area of south central Tennessee and northern Alabama. Any funds remaining in the trust fund after providing for these activities are to be available for other TVA programs.

TITLE V

GENERAL PROVISIONS

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 507. (a) Hereafter, funds made available by this Act or any other Act for fiscal year 1993 or for any other fiscal year may be available for conducting a test of a nuclear explosive device only if the conduct of that test is permitted in accordance with the provisions of this section.

(b) No test of a nuclear weapon may be conducted before March 1, 1993.

(c) On and after March 1, 1993, a test of a nuclear weapon may be conducted—

(1) only if—

(A) the President has submitted the annual report required under subsection (d);

(B) 90 days have elapsed after the submittal of that report in accordance with that subsection; and

(C) Congress has not agreed to a joint resolution described in subsection (d)(3) within that 90-day period; and

(2) only if the test is conducted during the period covered by the report.

(d)(1) Not later than March 1, of each year beginning after 1992, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(A) A schedule for resumption of the Nuclear Testing Talks with Russia.

(B) A plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

(C) An assessment of the number and type of nuclear warheads that will remain in the United States stockpile of active nuclear weapons on September 30, 1996.

(D) For each fiscal year after fiscal year 1992, an assessment of the number and type of nuclear warheads that will remain in the United States stockpile of nuclear weapons and that—

(i) will not be in the United States stockpile of active nuclear weapons;

(ii) will remain under the control of the Department of Defense; and

(iii) will not be transferred to the Department of Energy for dismantlement.

(E) A description of the safety features of each warhead that is covered by an assessment referred to in subparagraph (C) or (D).

(F) A plan for installing one or more modern safety features in each warhead identified in the assessment referred to in subparagraph (C), as determined after an analysis of the costs and benefits of installing such feature or features in the warhead, should have one or more of such features.

(G) An assessment of the number and type of nuclear weapons tests, not to exceed 5 tests in any period covered by an annual report under this paragraph and a total of 15 tests in the 4-fiscal year period beginning with fiscal year 1993, that are necessary in order to ensure the safety of each nuclear warhead in which one or more modern safety features are installed pursuant to the plan referred to in subparagraph (F).

(H) A schedule, in accordance with subparagraph (G), for conducting at the Nevada test site, each of the tests enumerated in the assessment pursuant to subparagraph (G).

(2) The first annual report shall cover the period beginning on the date on which a resumption of testing of nuclear weapons is permitted under subsection (c) and ending on September 30, 1994. Each annual report thereafter shall cover the fiscal year following the fiscal year in which the report is submitted.

(3) For the purposes of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the Committees referred to in that paragraph receive the report required by that paragraph the matter after the resolving clause of which is as follows: "The Congress disapproves the report of the President on nuclear weapons testing, dated .'' (the blank space being appropriately filled in).

(4) No report is required under this subsection after 1996.

(e)(1) Except as provided in paragraphs (2) and (3), during a period covered by an annual report submitted pursuant to subsection (d), nuclear weapons may be tested only as follows:

(A) Only those nuclear explosive devices in which modern safety features have been installed pursuant to the plan referred to in subsection (d)(1)(F) may be tested.

(B) Only the number and types of tests specified in the report pursuant to subsection (d)(1)(G) may be conducted.

(2)(A) One test of the reliability of a nuclear weapon other than one referred to in paragraph (1)(A) may be conducted during any period covered by an annual report, but only if—

(i) within the first 60 days after the beginning of that period, the President certifies to Congress that it is vital to the national security interests of the United States to test the reliability of such a nuclear weapon; and

(ii) within the 60-day period beginning on the date that Congress receives the certification, Congress does not agree to a joint resolution described in subparagraph (B).

(B) For the purposes of subparagraph (A), "joint resolution" means only a joint resolution introduced after the date on which the Congress receives the certification referred to in that subparagraph the matter after the resolving clause of which is as follows: "The Congress disapproves the testing of a nuclear weapon covered by the certification of the President dated ." (The blank space being appropriately filled in).

(3) The President may authorize the United Kingdom to conduct in the United States, within a period covered by an annual report, one test of a nuclear weapon if the President determines that it is in the national interests of the United States to do so. Such a test shall be considered as one of the tests within the maximum number of tests that the United States is permitted to conduct during that period under paragraph (1)(B).

(f) No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless Russia or another country has conducted a nuclear explosive test after this date and such test is inimical to the security interests of the United States as certified by the President in written explanation to the Congress, and after 60 days have elapsed from the date of submission of the certification, the prohibition on United States nuclear testing is lifted.

In addition, no underground testing of nuclear weapons may be conducted by the United States after September 30, 1996, unless the President determines that it is in the urgent national interest for the purpose of safety only, to conduct nuclear explosive testing, and such certification and proposals thereon are included in the President's annual message and budget submitted to the Congress in January for the ensuing fiscal year: Provided, That such testing shall not occur until after October 1 of the fiscal year for which such certification and budget proposal are submitted.

(g) In the computation of the 90-day period referred to in subsection (c)(1) and the 60-day period referred to in subsection (e)(2)(A)(ii), the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded.

(h) In this section, the term "modern safety feature" means any of the following features:

(1) An insensitive high explosive (IHE).

(2) Fire resistant pits (FRP).

(3) An enhanced detonation safety (ENDS) system.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 508. Notwithstanding any other provision of this Act, $5,000,000 of the funds appropriated in Title I shall be available for the Central Maine Water Supply Project, to remain available until September 30, 1993, and to become available only upon enactment into law of authorizing legislation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that provides $5,000,000 for the Central Maine Water Supply Project, subject to authorization. The Senate language has been amended to delete the reference to Title II since the conferees understand that if this project is authorized, it will fall within the jurisdiction of the Corps of Engineers.

Amendment No. 59: Deletes language proposed by the Senate expressing the sense of the Senate on Low-Level Radioactive Waste Policy.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1993 recommended by the Committee of Conference, with comparisons to the fiscal year 1992 amount, the 1993 budget estimates, and the House and Senate bills for 1993 follow:

New budget (obligational) authority, fiscal year 1992	$21,839,500,000
Budget estimates of new (obligational), authority fiscal year 1993	22,419,288,000
House bill, fiscal year 1993	21,324,064,000
Senate bill, fiscal year 1993	22,005,446,000
Conference agreement, fiscal year 1993	22,005,643,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1992	+166,143,000
Budget estimates of new (obligational) authority, fiscal year 1993	−413,645,000
House bill, fiscal year 1993	+681,579,000
Senate bill, fiscal year 1993	+197,000

TOM BEVILL,
VIC FAZIO,
LINDSAY THOMAS,
JIM CHAPMAN,
DAVID E. SKAGGS, (except No. 37)
BERNARD J. DWYER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
CARL D. PURSELL,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

J. BENNETT JOHNSTON,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
JIM SASSER,
DENNIS DECONCINI,
HARRY REID,
MARK O. HATFIELD,
JAKE GARN,
THAD COCHRAN,
PETE V. DOMENICI,
ARLEN SPECTER,
DON NICKLES,
Managers on the Part of the Senate.

PERSONAL EXPLANATION

Mr. SANTORUM. Mr. Speaker, I was inadvertently added as a cosponsor to House Joint Resolution 503, the National Military Families Recognition Day. I have spoken about this with the bill's sponsor, Representative MIKE ESPY, and would like the RECORD to reflect my desire to have had my name withdrawn as a cosponsor to the legislation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SERRANO (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. PAYNE of Virginia (at the request of Mr. GEPHARDT) for today on account of medical reasons.

Mr. BARNARD (at the request of Mr. GEPHARDT) on September 15 and 16 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. SOLOMON, for 15 minutes, today.

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. MINK, for 60 minutes, today.

Mr. HOAGLAND, for 60 minutes each day, on September 17, and October 1 and 2.

Mr. SAVAGE, for 60 minutes, on September 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous material:)

Mr. RHODES.
Mr. BROOMFIELD in two instances.
Mr. HOUGHTON.
Mr. ROTH.
Mr. MICHEL.
Mr. STUMP.
Mr. SAXTON.
Mr. EMERSON.
Mr. BLILEY.
Mr. DREIER of California.
Mrs. MORELLA.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous material:)

Mr. LANTOS.
Mr. MCMILLEN of Maryland.
Mr. MATSUI.
Mr. TRAXLER in two instances.
Mr. TOWNS.
Mr. FASCELL in two instances.
Mrs. KENNELLY.
Mr. JACOBS.
Mr. FEIGHAN in two instances.
Mr. CLAY.
Mr. CONYERS.
Mr. COLEMAN of Texas.
Mr. SKELTON.
Mr. WILSON.
Mr. HERTEL in two instances.
Mr. BERMAN.
Mr. FALEOMAVAEGA in four instances.
Mr. HUGHES.
Ms. OAKAR.
Mr. LIPINSKI in four instances.
Mr. YATES.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2099. An act to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges, and for other purposes; to the Committee on the Judiciary.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 323. An act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes.

S.J. Res. 303. Joint resolution to designate October 1992 as "National Breast Cancer Awareness Month."

ADJOURNMENT

Mrs. MINK. Mr. Speaker, pursuant to House Resolution 567, I move that the House do now adjourn in memory of the late Honorable WALTER B. JONES.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.) pursuant to House Resolution 567, the House adjourned until tomorrow, Wednesday, September 16, 1992, at 2 p.m., in memory of the late Honorable WALTER B. JONES of North Carolina.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4248. A communication from the President of the United States, transmitting an amendment to the fiscal year 1993 request for appropriations for the Department of Energy, pursuant to 31 U.S.C. 1107 (No. 102–388); to the Committee on Appropriations and ordered to be printed.

4249. A letter from the Inspector General, Department of State, transmitting a copy of the Department's report, "Special Review of International Organizations' Hiring Practices"; to the Committee on Appropriations.

4250. A letter from the Director, Office of Dependents Schools, transmitting the annual test report for school year 1991–92 for the overseas dependents' schools administered by the Department, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

4251. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 1991, pursuant to 42 U.S.C. 5617; to the Committee on Education and Labor.

4252. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4253. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4254. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Court will open the October 1992 Term on Monday, October 5, 1992, at 10 a.m.; to the Committee on the Judiciary.

4255. A letter from the Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to ensure the continuing access of law enforcement to the content of wire and electronic communications when authorized by law, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

4256. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the need for tracking systems on vessels transporting municipal or commercial wastes, pursuant to 33 U.S.C. 2621; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

4257. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS], pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

4258. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting a list of wetlands enhancement opportunities associated with the construction and operation of the Army Corps of Engineers projects, pursuant to Public Law 101-640, section 409 (104 Stat. 4648); jointly, to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEVILL: Committee of conference. Conference Report on H.R. 5373 (Rep. 102-866). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 918. Referral to the Committee on Merchant Marine and Fisheries extended for a period ending not later than September 16, 1992.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK of Massachusetts:

H.R. 5935. A bill to amend title 31, United States Code, with respect to the receipt of compensation by executive branch employees for outside speaking, teaching, and writing that relates to official duties, and for other purposes; jointly, to the Committees on Post Office and Civil Service, the Judiciary, and Government Operations.

By Mr. COOPER (for himself, Mr. ANDREWS of Texas, Mr. STENHOLM, Mr. MCCURDY, Mr. GLICKMAN, Mr. CARPER, Mr. CLEMENT, Mr. COX of Illinois, Mr. DOOLEY, Mr. HUBBARD, Mr. LIPINSKI, Mr. MCMILLEN of Maryland, Mr. MONTGOMERY, Mr. PAYNE of Virginia, Mr. PETERSON of Florida, Mr. RAY, and Mr. SWETT):

H.R. 5936. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, and the Judiciary.

By Mr. ANDERSON (for himself, Mr. LEVINE of California, Mr. DIXON, Mr. BERMAN, and Mr. ROYBAL):

H.R. 5937. A bill to establish a demonstration program to encourage the full restoration of the Ballona Wetlands, Los Angeles, California, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mrs. SCHROEDER, Mrs. LLOYD, Mr. FORD of Michigan, Mr. SIKORSKI, Mr. BRUCE, Mr. ROWLAND, Mr. TOWNS, Mr. STUDDS, Mr. SCHEUER, Mr. WYDEN, Mr. RICHARDSON, Mr. SYNAR, and Mr. BILIRAKIS):

H.R. 5938. A bill to amend to Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 5939. A bill to amend title 31, United States Code, to establish an interest penalty for failure to make prompt payments under service contracts with small business concerns; to the Committee on Government Operations.

By Mr. HOCHBRUECKNER (for himself, Mr. SCHEUER, and Mr. DOWNEY):

H.R. 5940. A bill to provide for the payment of sums in lieu of taxes with respect to certain property seized by the United States; to the Committee on the Judiciary.

By Mr. HUGHES:

H.R. 5941. A bill to designate tributaries of the Maurice River in the State of New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. JACOBS:

H.R. 5942. A bill to amend the Internal Revenue Code of 1986 to permit certain volunteer fire departments to issue tax-exempt bonds for purposes of acquiring ambulances or other emergency response vehicles; to the Committee on Ways and Means.

By Mr. JONES of Georgia:

H.R. 5943. A bill to amend the Internal Revenue Code of 1986 to encourage employers to provide drug and alcohol abuse treatment programs to their employees by providing a credit for the cost of such programs; to the Committee on Ways and Means.

By Mr. KOSTMAYER (for himself, Mr. BOEHLERT, Mr. SIKORSKI, Mr. JONTZ, and Mr. WALSH):

H.R. 5944. A bill to designate certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Agriculture.

By Mr. PANETTA:

H.R. 5945. A bill to provide that a special census be conducted, without charge to a requesting State, county, or other unit of government, if necessary to correct a significant undercount in a decennial census which is due, in whole or in part, to a natural disaster or similar situation; to the Committee on Post Office and Civil Service.

By Mr. REGULA:

H.R. 5946. A bill to amend the National Literacy Act of 1991 to establish in the Department of Labor an Office of Workplace Education to provide workplace education services to small businesses and to provide grants to States to improve the productivity of those businesses; to the Committee on Education and Labor.

By Mr. RHODES (for himself and Mr. STUMP):

H.R. 5947. A bill amending the Metric Conversion Act of 1975 to prohibit the expenditure of Federal funds for highway signs expressed solely in metric system measurements; jointly, to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mr. STUMP (for himself and Mr. RHODES):

H.R. 5948. A bill to prohibit the expenditure of Federal funds for constructing or modifying highway signs that are expressed only in metric system measurements; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mr. LAGOMARSINO, Mr. ALLEN, Mr. DAVIS, Mr. HANSEN, Mr. CAMPBELL of Colorado, Mr. ALLARD, and Mr. PANETTA):

H.R. 5949. A bill to amend certain general authorities relating to the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILSON:

H.R. 5950. A bill to repeal the act entitled "An Act to designate the building located at 1515 Sam Houston Street in Liberty, Texas, as the 'M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building'", approved May 17, 1990; to the Committee on Post Office and Civil Service.

By Mr. BERMAN (for himself, Mr. LEVINE of California, Mr. KASICH, Mr. OBEY, Mr. GREEN of New York, Mrs. LOWEY of New York, and Mr. MAZZOLI):

H.J. Res. 548. Joint resolution to prohibit the proposed sale to Saudi Arabia of F-15 aircraft; to the Committee on Foreign Affairs.

By Mr. SCHUMER:

H.J. Res. 549. Joint resolution prohibiting the proposed sale of F-15 fighter jets to Saudi Arabia until that country renounces and no longer observes the boycott of Israel by Arab countries; to the Committee on Foreign Affairs.

By Mr. TOWNS:

H.J. Res. 550. Joint resolution designating the week beginning October 18, 1992, as "National Radon Action Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON (for himself, Mr. DREIER of California, and Mr. EMERSON):

H. Res. 565. Resolution to amend the Rules of the House of Representatives to ensure a more orderly, deliberative, and accountable legislative process; to the Committee on Rules.

By Mr. FASCELL:

H. Res. 566. Resolution calling for the United States to host the 1998 Plenipotentiary Conference of the International Telecommunications Union; to the Committee on Foreign Affairs.

By Mr. ROSE:

H. Res. 567. Resolution expressing sorrow of the House at the death of the Honorable Walter B. Jones; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. EDWARDS of Texas introduced a bill (H.R. 5951) for the relief of Jung Ja Golden; which was referred to the Committee on the Judiciary

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. PALLONE.

H.R. 423: Mr. COLEMAN of Texas.

H.R. 682: Mrs. LOWEY of New York.

H.R. 919: Mr. RINALDO.

H.R. 1049: Mr. JEFFERSON.

H.R. 1147: Mr. MCEWEN.

H.R. 1245: Mr. ANTHONY.

H.R. 1502: Mr. UPTON and Mr. HYDE.

H.R. 1541: Mr. CALLAHAN.

H.R. 1726: Mr. FAWELL.

H.R. 1820: Mr. FISH and Mrs. LLOYD.

H.R. 1886: Mr. MILLER of California.

H.R. 2126: Mr. LANCASTER.

H.R. 2349: Mr. ERDREICH.

H.R. 2772: Mr. WILSON, Mr. FORD of Michigan, Mr. MCMILLEN of Maryland, and Mr. RAVENEL.

H.R. 3216: Mr. WYLIE.

H.R. 3769: Mr. COLEMAN of Texas.

H.R. 3915: Mr. CARPER, Mr. GINGRICH, and Mr. SISISKY.

H.R. 3920: Mr. FISH.

H.R. 4124: Mr. MINETA.

H.R. 4141: Mr. FROST and Mr. RINALDO.

H.R. 4427: Mr. SKAGGS and Mrs. MORELLA.

H.R. 4491: Mr. FISH, Mrs. VUCANOVICH, Mr. ZELIFF, Mr. LAGOMARSINO, Mr. ROGERS, Mr. PAXON, Mr. ATKINS, and Mr. MORAN.

H.R. 4498: Mrs. COLLINS of Michigan and Mr. FISH.

H.R. 4595: Mr. FISH.

H.R. 4716: Mr. SISISKY.

H.R. 4725: Mr. PASTOR, Mrs. MINK, Mr. SANDERS, Mr. BEVILL, and Mr. LAGOMARSINO.

H.R. 4754: Mr. BENNETT.

H.R. 4929: Mr. FISH.

H.R. 5028: Mrs. COLLINS of Michigan, Ms. HORN, and Mr. BUSTAMANTE.

H.R. 5106: Mr. BORSKI.

H.R. 5216: Mr. MCCOLLUM, Mr. SMITH of Texas, Mr. WISE, Mr. HYDE, and Mr. DOWNEY.

H.R. 5331: Mr. HUGHES, Mr. ZELIFF, Mr. SABO, Mr. MORRISON, Mr. MURPHY, Mr. FRANK of Massachusetts, and Mr. JOHNSON of South Dakota.

H.R. 5360: Mr. SHAYS and Mrs. SCHROEDER.

H.R. 5374: Mr. TOWNS.

H.R. 5501: Mr. HOBSON, Mr. PAXON, Mr. RITTER, Mr. SKEEN, Mr. SCHAEFER, Mr. GALLEGLY, Mr. SOLOMON, Mr. EWING, and Mr. WELDON.

H.R. 5538: Mrs. LLOYD.

H.R. 5570: Mr. ZELIFF.

H.R. 5600: Mr. KILDEE.

H.R. 5625: Mr. LAGOMARSINO.

H.R. 5681: Mr. FORD of Michigan, Mr. DELLUMS, and Mr. POSHARD.

H.R. 5745: Mr. GOODLING, Mr. HASTERT, Mr. GILLMOR, Mr. CALLAHAN, Mr. LAGOMARSINO, and Mr. VALENTINE.

H.R. 5768: Mr. SKEEN and Mr. KASICH.

H.R. 5773: Mr. DORNAN of California, Mr. EWING, Mr. BALLENGER, Mr. IRELAND, Mr. CAMP, Mr. HANCOCK, Mr. SANTORUM, Mr. OXLEY, and Mr. RAVENEL.

H.R. 5777: Mr. MILLER of California, Mr. CAMPBELL of Colorado, Mr. RHODES, Mr. HORTON, Mr. BEREUTER, and Mr. PETERSON of Minnesota.

H.R. 5792: Mr. MINETA.

H.R. 5798: Mrs. COLLINS of Illinois, Mr. WAXMAN, Mr. SYNAR, Mr. BARNARD, Mr. LANTOS, Mr. WISE, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. MARTIN, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. THORNTON, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. ABERCROMBIE, Mr. BLACKWELL, Mr. BOEHLERT, Mrs. COLLINS of Michigan, Mr. DELLUMS, Mr. DE LUGO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mr. LIPINSKI, Mr. MAZZOLI, Mr. MFUME, Ms. NORTON, Mr. NOWAK, Mr. OLVER, Mr. PASTOR, Mr. SERRANO, Mr. SAWYER, Mr. STAGGERS, Ms. WATERS, and Mr. WHEAT.

H.R. 5800: Mr. SCHULZE.

H.R. 5812: Mr. TOWNS and Mr. LANCASTER.

H.R. 5832: Mr. EDWARDS of California, Mr. ROYBAL, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. KENNEDY, and Mr. BILBRAY.

H.R. 5862: Mr. LENT, Mr. ANNUNZIO, Mr. BRYANT, Mr. COYNE, Mr. STARK, Mr. VANDER JAGT, Mr. WALSH, Mr. WELDON, Mr. EVANS, Mr. MCNULTY, Mr. FROST, and Mr. GUARINI.

H.R. 5863: Ms. MOLINARI.

H.R. 5887: Mr. OWENS of New York.

H.J. Res. 152: Mr. KENNEDY, Mr. TALLON, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. ROBERTS, Mr. GILMAN, and Mr. SHUSTER.

H.J. Res. 238: Mr. DORGAN of North Dakota, Mr. ATKINS, Mr. FRANKS of Connecticut, Mr. KLECZKA, Mr. PALLONE, Mr. LEVINE of California, Mr. HERTEL, Mr. RHODES, Mr. SLATTERY, Mr. YOUNG of Florida, Mr. KLUG, and Mr. WHEAT.

H.J. Res. 325: Mr. DEFAZIO, Ms. NORTON, Mr. MFUME, Mr. SANGMEISTER, Mr. WYDEN, Mr. SERRANO, and Mr. MARKEY.

H.J. Res. 399: Mr. GUARINI, Mr. RAY, Mr. TRAFICANT, and Mr. SCHEUER.

H.J. Res. 455: Mr. STOKES, Mr. PETRI, Mr. STUMP, and Mr. GILLMOR.

H.J. Res. 461: Mr. FOGLIETTA, Mr. ABERCROMBIE, and Mr. BORSKI.

H.J. Res. 467: Mr. BAKER, Mr. BEILENSON, Mr. CHANDLER, Mr. DELLUMS, Mr. FAZIO, Mr. FORD of Tennessee, Mr. GALLO, Mr. GOODLING, Mr. JONES of Georgia, Mr. MFUME, Mr. SAVAGE, Mr. SHAYS, Mr. STALLINGS, Mr. VENTO, Mr. WILSON, Mr. WISE, Mr. HOYER, Mr. SPRATT, and Mr. EWING.

H.J. Res. 476: Mr. LUKEN, Mr. GOODLING, Mr. KILDEE, Mr. EWING, Mr. STUMP, Mr. PARKER, Mr. YATES, Mr. DORNAN of California, Mr. FASCELL, Mr. ROBERTS, Mr. HENRY, Mr. GILCHREST, Mr. GALLEGLY, Mr. GINGRICH, Mr. PICKETT, Mr. HEFNER, Mr. HANSEN, Mr. KOSTMAYER, Mr. BENNETT; Mrs. MEYERS of Kansas, Mr. MURTHA, Mr. CONYERS, Mr. TORRES, Mr. GEKAS, and Mr. BOUCHER.

H.J. Res. 478: Mrs. KENNELLY, Mr. JENKINS, Mr. HAMILTON, Mr. HOAGLAND, Mr. BLILEY, Mrs. BYRON, Mr. CALLAHAN, Mr. CUNNINGHAM, Mr. DANNEMEYER, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DREIER of California, Mr. EDWARDS of Oklahoma, Mr. FIELDS, Mr. GILLMOR, Mr. GINGRICH, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GOSS, Mr. HANCOCK, Mr. HANSEN, Mr. HOUGHTON, Mr. KOLBE, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LOWERY of California, Mr. MCCANDLESS, Mr. MINETA, Mr. MYERS of Indiana, Mr. PACKARD, Mr. RHODES, Mr. RICHARDSON, Mr. RINALDO, Mr. SCHULZE, Mr. SMITH of Oregon, Mr. THOMAS of California, Mr. VENTO, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Florida, and Mr. DARDEN.

H.J. Res. 495: Mr. BOUCHER, Mr. TORRICELLI, Mr. FAZIO, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. HUNTER, Mrs. COLLINS of Illinois, Mr. RAY, Mr. FAWELL, Mr. WELDON, and Mr. MILLER of Washington.

H.J. Res. 503: Mrs. BENTLEY, Mr. SANTORUM, Ms. SLAUGHTER, Mr. APPLEGATE, Mr. WELDON, Mr. JOHNSON of South Dakota, Mr. INHOFE, Mr. DE LA GARZA, Mr. JENKINS, Mr. LOWERY of California, Mr. NAGLE, Ms. OAKAR, Mr. HAYES of Louisiana, Mr. KLUG, Mr. SMITH of Florida, Mrs. BOXER, Mr. FORD of Tennessee, Mr. EDWARDS of California, Mr. RAMSTAD, Mr. VALENTINE, Mrs. LLOYD, Mr. TORRES, and Mr. DYMALLY.

H.J. Res. 520: Mr. GILCHREST.

H.J. Res. 523: Mr. BROOMFIELD, Mr. BORSKI, Mr. BURTON of Indiana, Mr. COYNE, Mr. BILIRAKIS, Mr. CLEMENT, Mr. ESPY, Mr. GALLO, Mr. GILCHREST, Mr. GOODLING, Mr. LAGOMARSINO, and Mr. KILDEE.

H.J. Res. 531: Mr. LIPINSKI, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Ms. NORTON, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. TALLON, Mr. ESPY, Mr. GILMAN, Mr. ANNUNZIO, Mr. TOWNS, Mr. TORRICELLI, Mr. BERMAN, Mr. LEVIN of Michigan, Mrs. UNSOELD, Mr. DE LUGO, Mr. VENTO, Mr. GUARINI, Mr. SCHUMER, Mr. MAZZOLI, Mr. FALEOMAVAEGA, Mr. PASTOR, Mr. LAGOMARSINO, Mr. LEACH, Mr. LEWIS of California, Mr. MONTGOMERY, Mr. MURPHY, Mr. OBERSTAR, Mr. OLVER, Mr. PERKINS, Mr. SCHEUER, Mr. ROYBAL, Mr. FAWELL, Mr. OWENS of Utah, Mr. BROWN, Mr. FASCELL, Mr. SHAYS, and Mr. ALEXANDER.

H.J. Res. 538: Mr. HOBSON, Mr. PASTOR, Mr. WALSH, Mr. CLAY, Mr. ROYBAL, Mr. GUARINI, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. RHODES, Mr. HANSEN, Mr. DOWNEY, Mr. BEILENSON, Mr. NATCHER, Mr. FORD of Michigan, Mr. GREEN of New York, Ms. PELOSI, and Mr. SAWYER.

H.J. Res. 543: Mr. BERMAN, Mr. MOORHEAD, Mr. MANTON, Mr. ANDREWS of New Jersey, Mr. BLAZ, Ms. LONG, Mr. NATCHER, Mr. DYMALLY, Mr. MAZZOLI, Mr. SCHAEFER, Mr. VANDER JAGT, Mr. ESPY, Mr. HAMILTON, Mr. STAGGERS, Mr. HAYES of Louisiana, Mr. MYERS of Indiana, Mr. CLEMENT, Mr. CALLAHAN, Mr. HARRIS, Mr. DORNAN of California, Mr. BORSKI, Mr. HOCHBRUECKNER, Mr. GUNDERSON, Mr. COLEMAN of Texas, Mr. CHAPMAN, Mr. MCEWEN, Mr. BLILEY, Mr. MOODY, Mr. NEAL of Massachusetts, Mr. HUTTO, Mr. ORTON, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. PETERSON of Florida, Mr. ROEMER, Mr. LEVINE of California, Mr. GORDON, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MARTINEZ, Mr. HEFNER, Mr. PACKARD, Mr. SHARP, Mr. SCHEUER, Mr. PERKINS, Mr. HANSEN, Mr. OBEY, Mr. PANETTA, Mrs. KENNELLY, Mr. NOWAK, Mr. JOHNSON of South Dakota, Mr. WALSH, Mr. MONTGOMERY, Mr. MURPHY, Mr. SAWYER, Mr. GILCHREST, Mr. GUARINI, Mr. ASPIN, Mr. DWYER of New Jersey, Mr. BREWSTER, Mr. GEREN of Texas, Mr. HUNTER, Mr. ROYBAL, Mr. HUBBARD, Mr. FROST, Mr. KASICH, Mr. TORRES, Mr. RHODES, Mr. HAYES of Illinois, Mr. GILMAN, Mr. HALL of Texas, Mr. LEHMAN of Florida, Mr. MCGRATH, and Mr. COOPER.

H.J. Res. 547: Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. MARTINEZ, Mr. MONTGOMERY, Mr. LAGOMARSINO, Mr. WYLIE, Mr. OWENS of Utah, Mr. MOORHEAD, Mr. MFUME, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. RAVENEL, Mr. RAY, Mr. RIGGS, Mr. ROE, Mr.

OBERSTAR, Mr. BALLENGER, Mr. MCEWEN, Ms. PELOSI, Mr. JEFFERSON, Mr. TAUZIN, Mr. TRAFICANT, Mr. TALLON, Mr. LANTOS, Mr. LEVINE of California, Mr. ANDREWS of Maine, Ms. OAKAR, Mr. ABERCROMBIE, Mr. MORAN, Mr. PRICE, Mr. ROYBAL, Mr. NATCHER, Mr. PASTOR, Mr. WALSH, Mr. PICKETT, Mrs. BYRON, Mr. LEWIS of Georgia, Mrs. MYERS of Kansas, Mr. SAVAGE, Mr. TAYLOR of North Carolina, and Mr. SHAYS.

H. Con. Res. 11: Mr. YOUNG of Alaska.

H. Con. Res. 334: Mr. HOCHBRUECKNER, Mr. PORTER, Mr. HORTON, Mr. HUGHES, and Mr. SHAYS.

H. Con. Res. 358: Mr. BOUCHER.

H. Res. 204: Mr. SUNDQUIST.

H. Res. 515: Mr. PETERSON of Florida, Mr. SCHUMER, Mr. WOLPE, Mr. STARK, Mr. MATSUI, and Mr. COLEMAN of Texas.

H. Res. 538: Mr. RITTER, Mr. MILLER of Washington, Mr. SAXTON, Mr. TORRICELLI, Mr. LEVINE of California, Mr. MARTINEZ, Mr. APPLEGATE, Mr. LEVIN of Michigan, Mr. SISISKY, Mr. SCHUMER, Mr. KASICH, Mr. FAWELL, Mr. HUGHES, and Mr. BUSTAMANTE.

EXTENSIONS OF REMARKS

REPORT BY THE WORKING GROUP OF THE INTERPARLIAMENTARY UNION

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. FEIGHAN. Mr. Speaker, the Interparliamentary Union, the world's oldest and largest parliamentary association held its 88th interparliamentary conference in Stockholm, Sweden last week.

Representatives from 101 nations, including the United States, attended this meeting and participated in a variety of debates and discussions on strengthening the United Nations, the Third World debt crisis, the impact of mass migration of peoples and an emergency item on the situation in Bosnia-Hercegovina.

One of the products of the conference was a report by the Working Group of the Twelve Plus, a caucus of parliamentary democracies from Western and Central Europe plus the United States, Canada, Australia, and New Zealand, on possible reforms to the IPU's conference format.

As president of the U.S. group, I have shared my concerns with the IPU Secretariat over the factors that hamper U.S. participation in IPU conference, primarily the scheduling of conferences when both the U.S. House and Senate are in session. I am pleased to see that several related recommendations are included in the working group's report. Given the tremendous changes now underway in the world, the IPU, representing the elected parliamentary leadership of the majority of the world's people, now has an historic opportunity to play a pivotal role in shaping priorities in the post-cold war world.

I am hopeful that the working group's recommendations will enhance the ability of the IPU to seize that opportunity. A copy of the report follows:

REPORT ON POSSIBLE CHANGES AND IMPROVEMENTS IN THE FORMAT OF IPU CONFERENCES

(Report presented at the meeting of the Twelve Plus Working Group in Stockholm on September 5, 1992)

(Federal Republic of Germany, Italy, Canada, Sweden and the United Kingdom)

REPORT ON POSSIBLE CHANGES AND IMPROVEMENTS IN THE FORMAT OF IPU CONFERENCES

The Twelve Plus Working Group has the mandate to deal with possible changes and improvements in the format of IPU Conferences and to submit a corresponding report at the meeting of the Twelve Plus Group in Stockholm on September 5, 1992.

At the 87th IPU Conference held in Yaoundé in April 1992 the members of the Working Group discussed options for reorganizing the IPU and arrived at the conclusions and recommendations listed below.

With regard to reorganization of the IPU the Working Group wishes to underscore the following objectives:

(1) giving the work of the IPU a larger measure of political relevance and response,

(2) cutting costs in connection with the organization of IPU Conferences and

(3) easing the burden on the small IPU Secretariat

With regard to the format of IPU Conferences the Working Group wishes to make recommendations on the following points: conference frequency, conference duration, conference dates, conference schedule (plenary and committee work), conference themes, and new areas of IPU activity.

CONFERENCE FREQUENCY

At the present time IPU Conferences are held in accordance with the following schedule: two IPU Conferences of 6 days duration per year as well as one meeting of the IPU Council and the Executive Committee in connection with each of the two IPU Conferences. The existing structure based on the holding of two IPU Conferences per year has existed since the reorganization carried out in 1984. Prior to that the IPU had restricted itself to holding one ten-day conference per year and a preparatory meeting of about half a conference's size during a week in spring.

The holding of two IPU Conferences, attended in each case by a relatively large number of people, constitutes a considerable cost factor in the IPU budget. Special or regional conferences attended by smaller numbers of people would give the IPU an opportunity to work more effectively on specific topics and in this way to achieve a larger measure of political relevance and a greater international response.

WORKING GROUP RECOMMENDATIONS

(1) That one IPU Conference of the present size be held per year but with a different procedural structure;

(2) That a meeting of the IPU Council and the Executive Committee be convened in connection with the annual IPU Conference;

(3) That one theme-related regional or special conference be held per year for a limited group of participants consisting of specialists or representatives of the region in question; and

(4) That at least one further meeting of the Executive Committee be held in Geneva.

DURATION OF CONFERENCES

The duration of IPU Conferences is six days. In addition to this, meetings of the Executive Committee, the Twelve Plus Group and the Group of Women Parliamentarians take place a few days before the actual Conference begins. For the members of the Executive Committee as well as for the persons attending the meetings of the Twelve Plus Group the duration of IPU Conferences amounts to eight or nine days. Many parliamentarians are unable to attend Conferences for the full period of six or nine days, since their duties in their respective national parliaments prevent them from being away for longer periods of time.

WORKING GROUP RECOMMENDATIONS

(1) That the Conference agenda be streamlined by shortening plenary debates and assigning theme-related work to the relevant committees;

(2) That the duration of regional or special conferences be definitely limited to a maximum of five days;

(3) That the meeting of women parliamentarians be integrated into the normal agenda of the IPU Conferences; and

(4) That plenary debates be shortened at regional or special conferences in favour of hearings and expert discussions.

SCHEDULING OF CONFERENCES

Since 1984 the IPU Conferences have been held in spring (March or April) and in autumn (September or October). A number of IPU delegations—particularly members of the U.S. Congress—regularly have scheduling problems when conferences are held in March, September or October.

WORKING GROUP RECOMMENDATIONS

(1) That the IPU Conference be held in the present format in mid-April (if possible in connection with the Easter recess); and

(2) That the regional or special conference be held in autumn.

CONFERENCE AGENDA (PLENARY AND COMMITTEE WORK)

At present a great deal of time is taken up at the IPU Conferences with plenary debates in which the speakers generally read out prepared statements. As a result of the long lists of speakers it is frequently necessary to extend the meetings on into the evening hours. All told, the plenary debates in their present form contribute little towards genuine discussion and dialogue among the parliamentarians.

In contrast to this, little time remains for work in the four Conference committees. Discussions of focal topics rarely take place in the committees. Substantive work is generally assigned to the drafting committees comprised in each case of fewer than fifteen parliamentarians. In order to be able to involve a larger number of parliamentarians in substantive activities, the work carried out in the committees should be intensified at the expense of long and unproductive plenary debates.

WORKING GROUP RECOMMENDATIONS

(1) That the plenary debate be limited to a general debate on the political, economic and social situation in the world, connected with an emergency debate;

(2) That substantive work and debates on focal conference topics be assigned to the relevant committees;

(3) That the general debate during the IPU Spring Conference be held in part parallel to committee work;

(4) That the committees be convened only during the IPU Spring Conference;

(5) That a focal topic be discussed in each of the committees without a resolution necessarily being formulated but that the results of the discussion be summed up by the committee rapporteurs at the final plenary session;

(6) That the committee meetings be held in the form of a seminar with hearings and expert discussions with a view to strengthening parliamentary debate as well as dialogue with experts;

(7) That substantive preparations be made for regional or special conferences in the relevant committee meetings at the IPU Spring Conference;

(8) That ad hoc committees be formed at the theme-related regional or special con-

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• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ferences held in autumn for the purpose of discussing the different aspects of the theme in question;

(9) That IPU Council meetings held at conferences be streamlined and shortened in duration to half a day;

(10) That day time sessions start punctually and no evening and night sessions be held; and

(11) That parliamentarians whose names were duly entered on the list of speakers and who were not able to speak owing to lack of time be given an opportunity to have their speeches included in the record of the proceedings.

CONFERENCE TOPICS

With regard to agenda items at IPU Conferences, the failure to formulate concise topics of current interest is often the result of an effort made to select topics on which a general consensus can be achieved. In order to evoke a stronger international response the IPU should deal in the future to an increased extent with briefly formulated topics of current interest and of major importance in the international sphere.

WORKING GROUP RECOMMENDATIONS

(1) That topics be formulated which are timely, concise, relevant and opportune;

(2) That the focal topics for the IPU Spring Conferences be identified in the relevant committees and that decisions on topics for regional or special conferences continue to be made by the IPU Council;

(3) That the supplementary agenda item be established by the IPU Council;

(4) That the practice of formulating reports, position statements or resolutions on the different focal topics in the committees, drafting committees or ad hoc committees be continued; and

(5) That resolution texts in the traditional sense not be formulated if these texts do not contain new and independent thinking on the part of IPU parliamentarians on the topic in question.

NEW AREAS OF ACTIVITY FOR THE IPU

In order to achieve a larger measure of political importance in the international sphere the IPU should dedicate itself to new areas of activity to a greater extent in the future. The IPU, which is currently providing effective support under a technical cooperation programmed for the establishment of representative institutions in numerous new democracies, should dedicate itself in the future to two further areas of activity in particular, i.e. the monitoring of elections as well as more intensive cooperation with the United Nations.

WORKING GROUP RECOMMENDATIONS

(1) That the IPU be developed into a parliamentary counterpart to the United Nations since both organisations are complementary in role and activities;

(2) that parliamentarians seek to stimulate new ideas and prospects for the future of the United Nations and, at the same time, support the wide-ranging UN-activities from a parliamentary standpoint; and

(3) That IPU parliamentarians be sent on election-monitoring missions to a greater extent with a view to supporting the democratization processes taking place in many parts of the world.

TRIBUTE TO MARTIN CALDERON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Martin A. Calderon, an outstanding young individual who achieved the rank of Eagle Scout on July 9, 1992.

Martin's scouting career began when he joined Cub pack, sponsored by St. Stephen Catholic Church in Chicago, at the age of seven. He graduated 4 years later to Scout Troop 286 sponsored by the St. Paul Catholic Church.

Less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. Martin has held a number of leadership positions, including patrol leader, senior patrol leader, and junior assistant scoutmaster. His eagle project was planning and supervising renovation of the church courtyard.

Martin recently graduated from Kelly High School in Chicago. He was a member of the computer club and was secretary of the senior committee. In addition, Martin served as a peer tutor assisting other students. Martin intends to further his education and enter the medical field.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring Martin Calderon for attaining the highest honor in Scouting—the rank of eagle. I wish him the best in all his endeavors.

GERMAN HERITAGE AND CULTURAL FESTIVAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, September 12, 1992, the Garden State Arts Center in Holmdel, NJ, was the site of the annual German Heritage and Cultural Festival. The event attracted thousands of people from throughout New Jersey and the New York metropolitan area for a celebration of centuries of cultural achievement, and a tribute to the accomplishments and contributions of people of German descent on both sides of the Atlantic. It was a great pleasure for me to be among those in attendance at this celebration of pride.

German-Americans account for one of the major ethnic groups in the United States. People of German descent make their home in every region of our country, and everywhere they have settled they have enhanced our society through their dedication to hard work and family. The central New Jersey area has a large and vibrant German-American community, and the annual German Festival at the Arts Center has developed into a major occasion for members of this community to rediscover their roots and traditions, to make new acquaintances and renew old friendships. It is also an occasion for people from other ethnic groups to learn about the achievements of the German people. German culture, both in the serious realms of music, literature and the arts, as well as in the lively folk customs, food and drink, provide a tremendous source of inspiration and enjoyment.

The past few years have witnessed both excitement and tumult in Germany. The fall of the Berlin Wall and German reunification has been one of the major events of our time. Millions of Americans looked on with joy and admiration as the wall, a symbol of Communist oppression and foreign dominance, finally crumbled under the force of a people's desire for freedom and self-determination. While we welcome the removal of the iron curtain across the heart of Germany, we must keep in our hearts the memory of those brave people who lost their lives trying to escape to a better life in the West. Future generations in Germany, America, and throughout the world must never forget their example of sacrifice in the search for freedom.

Since the end of the Second World War, relations between Germany and the United States have been of tremendous importance to both countries and both peoples. I hope that, after the fun and excitement of Saturday's German Festival, we will renew our respect for the fine traditions of the German people as we look forward to a future German-American relationship based on shared values of peace, freedom, human rights, and democracy.

TRIBUTE TO NATIONAL HISPANIC HERITAGE MONTH

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. TRAXLER. Mr. Speaker, September 18 marks the beginning of National Hispanic Month, and I would like to take this moment to pay tribute to the rich cultural heritage of the Hispanic population. Many Hispanic-Americans live in the Eighth Congressional District and the State of Michigan. Our lives have been enriched by the contributions of Hispanic-Americans who have shared their culture with all citizens of Michigan and our country.

Since America's discovery, Hispanic Americans have played an important role in the development of the United States. From the earliest colonial time to the present, Hispanics have participated in our defense of liberty and freedom. They are part of our country's political, social, cultural, economic, religious, and education fabric. Hispanic Heritage Month is a special time to display the achievements of music, dance, art, food, and dress. It is a wonderful opportunity for Michigan residents to appreciate the talents of these artists.

As we look toward our future, I do not want to forget our ties to the past and our historic roots. America has always been a melting pot and we are a rich Nation for that reason. I salute National Hispanic Heritage Month, and I invite all Michiganders to take part in this important recognition of Hispanic-Americans.

TRIBUTE TO GAIL DUNCAN-CAMPAGNE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HERTEL. Mr. Speaker, I rise today to pay tribute to an outstanding community and business leader, Gail Duncan-Campagne, who has been named as the 1992 March of Dimes Alexander Macomb Citizen of the Year. Ms. Campagne has demonstrated continued involvement in community, civic, and political affairs.

When Gail graduated with her bachelor's degree in child development from Central Michigan University, she probably never envisioned herself becoming the president of Jerome-Duncan Ford. Originally, she went to work at the dealership on a temporary basis, until a position opened up in her field of social work. She then continued to earn her master's degree from Oakland University. When it became clear that the automobile business was her career of choice, Gail pursued her degree at the National Auto Dealers Association Dealer Candidate Academy and graduated in 1983.

While committed to her career and the success of Jerome-Duncan Ford, Gail still found time to become active and participate in many community organizations. She is the past president and board of director member of the Sterling Heights Chamber of Commerce, member of the Utica Business and Professional Women's Club, advisory board member of the Girl Scouts of Macomb County, and a lifetime and charter member of the Greater Utica Optimist Club. Most recently, she has been named to the board of directors of St. Joseph's Mercy Hospital and cochair of the 1992 Utica 175th anniversary celebration.

In addition to her full work load and civic commitments, Gail is a devoted wife and mother. She and her husband, Paul, are the proud parents of Kristen and Whitney, and care for their Old English Sheepdog, Michelob.

Mr. Speaker, it gives me great pleasure to join together with her friends and family in honoring Gail Duncan-Campagne as she is recognized by the March of Dimes as the 1992 Alexander Macomb Citizen of the Year.

MR. DENKTASH, GIVE PEACE A CHANCE ON CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. BROOMFIELD. Mr. Speaker, the current bloodshed in former Yugoslavia has drawn the attention of the world from another tragedy that has been going on for 18 years; the cruel division and occupation of Cyprus.

In 1974, Turkey invaded Cyprus and conducted its own form of ethnic cleansing by forcing the displacement of 160,000 Greek Cypriots from their homes in the north and denying them access to their ancestral villages. Since then, 30,000 Turkish Cypriot soldiers have occupied northern Cyprus in clear violation of international law.

With the support of the U.S. and several European countries, U.N. Secretary General Boutros Boutros-Ghali recently ended a series of meetings designed to bring the two sides to the dispute together to reach an understanding to end the dispute and to show them a map of the U.N. plan for a future Cyprus.

As I have said on many occasions, Rauf Denktash, the leader of the Turkish-Cypriot community, is not serious about peace on that troubled island. As in the past, he dragged his feet at the high-level meetings, claimed that the Secretary General was against him, and even threatened to boycott future talks.

Continued meetings are scheduled to begin in late October in New York and I hope that Mr. Denktash will attend. Should he continue to be unreasonable about the need for compromise, maximum pressure should be brought on him. Ankara, one key to peace on Cyprus, should again urge Denktash to be serious and fully committed to finding a solution to this long-standing problem.

I recommend the following New York Times article to my colleagues in the Congress who share my interest in finding a way to solve the Cyprus dilemma.

[From the New York Times, Sept. 5, 1992]

"ETHNIC CLEANSING," CYPRIOT STYLE

Alas, a month of direct talks at the United Nations between Greek and Turkish Cypriot leaders has gotten nowhere. An achievable "set of ideas" for uniting this dismembered island had been put forward by Secretary General Boutros Boutros-Ghali. But Rauf Denktash, speaking for Cyprus's Turkish enclave, shredded all proposals for power-sharing and justice for refugees.

So Cyprus remains a cruelly divided economic slum. Such is the dirty legacy of "ethnic cleansing," which occurred in Cyprus long before Bosnia.

After independence in 1960, Cyprus's Greek and Turkish communities proved unable to live under a common roof. Reciprocal folly led in 1974 to Turkey's armed intervention and a brutal population exchange that displaced 160,000 Greek Cypriots and 45,000 Turkish Cypriots. Since then, an unrecognized Turkish Cypriot ministate has been kept alive by Turkish subsidies and soldiers, while United Nations blue helmets patrol a buffer zone.

Eager to end a costly peacekeeping operation, Mr. Boutros-Ghali came up with a suggested map giving the Turkish side 28.2 percent of the island; it currently occupies 38 percent. The plan was accepted by George Vassiliou, leader of the Greek Cypriots, who speaks for about 80 percent of the island's inhabitants. But it was rejected by Mr. Denktash, who speaks for only 19 percent.

In Cyprus, forcible partition has entrenched communal grievances. And as elsewhere, each side anxiously leans on a foreign big brother. Greece, preoccupied with Balkan turbulence, now presses for compromise on Cyprus. Turkey hinted to President Bush that it was prepared to do the same. Mr. Denktash, it appears, didn't get the message from Ankara.

The Cyprus talks will resume in October. A solution would enable Greek and Turkish Cypriots to enjoy political equality in a bizonal federation, thereby making the island a model rather than a warning. But that can only happen if Mr. Boutros-Ghali and the Security Council finally turn widespread disgust with this interminable dispute to their diplomatic advantage.

ACDA'S ORIGINAL MANDATE MORE IMPORTANT THAN EVER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. FASCELL. Mr. Speaker, as an original cosponsor of the legislation establishing the U.S. Arms Control and Disarmament Agency in 1961, I have maintained a strong interest in the agency's development and contribution to national security and arms control efforts worldwide. I requested an historical overview of the agency with particular emphasis on the intended role for the ACDA Director. Amy F. Woolf, specialist in national defense in the Foreign Affairs and National Defense Division of the Congressional Research Service fulfilled this request. Her memorandum makes an important contribution to the discussion of the agency's changing role in the post-cold war arms control environment.

This memorandum cites the following problems the establishment of ACDA was meant to resolve: lack of continuity in U.S. arms control and disarmament policy; the lack of coordination in arms control and disarmament policy development; and the lack of coordinated or balanced research on related issues.

President John Kennedy envisioned an agency that would have the necessary expertise and resources for research, development, and policy planning in the area of arms control and disarmament. One year after its creation in 1961, ACDA had already begun to demonstrate its ability to fulfill these expectations; ACDA's focus on verification of Soviet compliance with disarmament agreements proved a valuable contribution to the national security of this country.

As the world community replaces the cold war mindset of mutual assured destruction with a more sane and humane concept that emphasizes disarmament, it is imperative that we actively support the U.S. Arms Control and Disarmament Agency in its continuing efforts to implement its mission and meet the challenges of its charter. ACDA was created as a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament. In the emerging world order, nonproliferation and disarmament concerns will be primary. ACDA has the mandate and the opportunity to play a leading role in this endeavor.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, August 14, 1992.

To: Hon. Dante Fascell. Attention: Dave Barton

From: Amy F. Woolf, Specialist in National Defense, Foreign Affairs and National Defense Division.

Subject: The Intended Role of the Director of ACDA.

This memorandum responds to your request for information about the role intended for the Director of the Arms Control and Disarmament Agency (ACDA) when ACDA was established in 1961. The memorandum draws on the debate in the House Foreign Affairs Committee and Senate Foreign

Relations Committee hearings on the Disarmament Act for World Peace and Security, which became the Arms Control and Disarmament Act of 1961 (U.S. Congress, Senate, Committee on Foreign Relations. Disarmament Agency. Hearings, August 1961; U.S. Congress House. Committee on Foreign Affairs. To Establish a United States Arms Control Agency. Hearings, August–September 1961). Additional documents, including the committee reports, were found in Documents on Disarmament, 1961 (United States Arms Control and Disarmament Agency, 1961). The memorandum also draws on Politics of Arms Control, by Duncan L. Clarke (Collier Macmillan Publishers, 1979).

As you requested, I have quoted numerous statements made by individuals during the 1961 debate on ACDA. If you have questions about the information in this memorandum, please call. My telephone number at CRS is 707-2379.

BACKGROUND

The United States Arms Control and Disarmament Agency (ACDA) was established by the Arms Control and Disarmament Act of 1961. The creation of a new agency was intended to remedy a number of perceived problems in the development and implementation of U.S. arms control and disarmament policy:

Lack of continuity: During the 1950s, the Eisenhower administration relied on ad hoc committees to review U.S. arms control policy and to develop U.S. positions for international negotiations and disarmament matters. This arrangement led to a lack of institutional memory in the policy formulation process. The United States also demonstrated a lack of continuity at international negotiations; in the 16 years between 1945 and 1961, U.S. negotiating teams were led by 16 different individuals. During this time, the Soviet Union was represented by one of five or six individuals at all international negotiations (Clarke, *Politics of Arms Control*, p. 17).

Lack of coordination: With the exception of a brief two year period in the mid-1950s, the United States did not have a single individual or agency responsible for the development of U.S. arms control and disarmament policy. From 1955–1957, Harold Stassen headed the Office of the Special Assistant to the President for Disarmament Policy. He reportedly enjoyed access to the President and played a key role in the development of U.S. positions for ongoing negotiations. However, Secretary of State Dulles opposed the independent office and felt that its responsibilities belonged in the State Department. It was moved there in 1957 and downgraded, losing both staff and status. It then lacked the access and technical expertise needed to contribute to the formulation of disarmament policy. Therefore, development of arms control and disarmament policy remained an interagency process, with a role for the Department of State, the Department of Defense, the Atomic Energy Commission, and other agencies. But these agencies were often unable to reach agreement and develop a single U.S. position. The fact that U.S. negotiators sometimes did not have a single U.S. position complicated U.S. participation in international negotiations. The negotiator also often lacked background information needed to explain those U.S. positions that did exist (Clarke, p. 16).

Lack of coordinated or balanced research: Throughout the 1950s, the Department of Defense and the Atomic Energy Commission were the only agencies with the technical expertise and personnel to conduct research on arms control and disarmament issues. Yet many believed these agencies were naturally disposed *against* arms control; their primary missions were the development and procurement of weapons, not the elimination of weapons. Therefore, some concluded that U.S. disarmament research was incomplete—DOD and AEC did not explore many possible measures or approaches—and lacked balance.

Many Members of Congress recognized these problems and sought a solution. Senator Humphrey, in particular, championed the cause in the Foreign Relations Committee Subcommittee on Disarmament. During his committee's hearings in 1961, he noted:

"We ought to make it quite clear that the purpose of a disarmament agency is to assure that we do not have a disarmament negotiator off on one tangent, the Defense Department off on another tangent, and, in between, the Secretary of State. There must be coordinated policies. The only way we are going to get that is to have someone of stature, responsibility, and experience who can help bring together under the general guidance of the President and the Secretary of State the relationship of defense to disarmament to total foreign policy, which to me means national security." (Senate Committee of Foreign Relations. Disarmament Agency, p. 22)

As a member of the Senate Foreign Relations Committee, Senator John Kennedy had criticized the Eisenhower Administration's approach to arms control. He favored a new research institute that would be responsible for "research, development, and policy planning." (Clark, pp. 14–15.) After his election, President Kennedy appointed John McCloy as his disarmament advisor and asked him to make recommendations on U.S. organization for disarmament (Clarke, p. 18). McCloy's efforts produced the legislation that eventually became the Arms Control and Disarmament Act of 1961.

The Kennedy Administration and congressional proponents hoped that the creation of a new agency would solve the problems identified above. With its own staff of experienced individuals, the new agency might offer continuity and institutional memory in the formulation of arms control and disarmament policy and in the development of U.S. negotiating positions. They also envisioned an organization that housed the technical expertise and resources needed to conduct its own research and to coordinate other agencies' research into arms control and disarmament matters. They hoped this would help integrate arms control considerations into the development of national security policy and help balance the views of the Department of Defense and the Atomic Energy Commission. And, with its in-house ability to conduct research, the new agency was intended to "backstop" ongoing negotiations by providing U.S. negotiators with documents needed to support U.S. positions and analyses needed to address (or refute) an adversary's positions.

THE INTENDED ROLE OF ACDA AND THE DIRECTOR

In a letter to President Kennedy that was submitted to the Senate along with the Administration's proposed legislation, John McCloy outlined the Administration's views on ACDA's role and its place in the Executive Branch. He stated that the purpose of the bill was to establish an agency at an authoritative level in the government with exceptionally broad competence, functions and resources. He went on to say:

"An agency of such far-reaching scope should be able to bring its point of view and recommendations promptly to the highest level of government. This agency should have the primary responsibility within the Government for disarmament matters, but there must be close cooperation and coordination with the other affected agencies, particularly the Department of State, since a disarmament program must take into account the national security; foreign policy; the relationships of this country to intentional peace-keeping agencies, including the United Nations; and our domestic economic and other policies." (Senate Committee of Foreign Relations. Disarmament Agency, p. 10.)

This quote highlights one of the primary tensions that developed in the formation of ACDA. The Kennedy Administration wanted to establish an organization that had the status and the prestige needed to bring an authoritative voice *for* arms control and disarmament into the national security debate and it wanted the agency to have the authority to direct and coordinate the efforts of other government agencies. To do this, the agency needed to be seen as an arm of the President. At the same time, however, the Administration did not want the agency to usurp the authority of other government agencies. In particular, it did not want the new agency to interfere with the State Department's role in developing foreign policy and negotiating with other nations. (Memories of the rivalry between Harold Stassen and Secretary of State Dulles contributed to concerns about the new agency's relationship with the State Department.) As a result, the Kennedy Administration proposed the creation of a quasi-independent agency that would be attached to the Department of State. Its independent status would place it at the highest levels of government, while its connection to the State Department would ease concerns about coordination on foreign policy and international negotiations.

The Kennedy Administration also wanted the Director of the new agency to be seen as an independent and authoritative actor in the bureaucratic process. The legislation developed by the Kennedy Administration stated that the Director of the new agency would serve as the principal adviser to the President on disarmament matters. The Director was to have direct access to the President, although he would inform the Secretary of State when he planned to go to the President. The legislation also stated that, under the direction of the President and the Secretary of State, the Director would have primary responsibility within the government for disarmament matters. In general, the Director would carry out activities related to research under the direction of the President and activities related to negotiations (such as meetings with foreign officials) under the direction of the Secretary of State.

This arrangement—with the Director serving the President in some cases, the Secretary of State in others, and both at times—was an effort to ensure that the Director would have access to and authority from the President without undermining the role of the Secretary of State in foreign policy and negotiations. John McCloy explained this arrangement in his testimony before the House Foreign Affairs Committee:

"In this first place, we have made this Director subject to the Secretary of State and to the President * * * We felt, however, that it was desirable in those areas where he is directly related to the Secretary of State and his functions, that we ought to expressly affirm his subordination to the Secretary of State. But the Secretary of State does not entirely cover this field, because there are other agencies involved: the Defense Agency, the Department of Defense, the Department of the Treasury, maybe Commerce, in considering the economic aspects of disarmament. There we have made him subject to the President." (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 7.)

Although coordination with the State Department was of primary concern, the Administration recognized that the new agency and its Director would have to cooperate with other government agencies, as well. The legislation prepared by the Administration stated that the Director would develop procedures needed to ensure cooperation, coordination, and continuing exchange of information about disarmament policies and plans among the affected government agencies. This was designed to ensure that other agencies had a voice in the formulation of arms control and disarmament policy. But it did not diminish the Director's role as the primary advisor to the President on disarmament matters. It also did not indicate how issues were to be resolved if the agencies could not reach a consensus during their consultations.

Several of the agency's proponents emphasized the coordinating role that the new agency and its Director could play in the formulation of disarmament policy. In his letter to the President, John McCloy stated:

"In addition to providing a focal point for the integration of the Government's overall efforts in disarmament, establishment of the U.S. Disarmament Agency—will make possible the necessary augmentation and coordination of the various programs of research and development already being conducted by other agencies of the Government. When it appears that projects now assigned to other agencies would be more effectively performed if made the responsibility of the new agency, they would be transferred at the direction of the President." (Senate Committee of Foreign Relations. Disarmament Agency, p. 10.)

Secretary of State Rusk also commented on the new agency's role in the coordination of policy formulation. He expressed the hope that the new agency would alleviate bureaucratic rivalries among the order agencies involved in disarmament policy. When testifying before the House Foreign Affairs Committee, he stated:

"We want to get this subject out of any possible framework of interdepartmental or bureaucratic rivalries of the sort that could plague the subject. What is needed to get complete cooperation with the different agencies who have their own very important critical missions to perform, whether it is the Atomic Energy Commission or the Defense Department, is to get a national policy that these agencies are to come together and work hard at this problem of disarmament in the national interest. I think the way this is set up avoids at least some of the instinctive natural bureaucratic rivalries which have plagued this subject in years past." (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 57.)

He elaborated further before the Senate Foreign Relations Committee:

"I think it is important that we have an agency which is clearly the instrument of the President, with the full backing of the Congress on a nationwide and governmentwide basis. We must avoid any possibility that disarmament would be looked upon as an effort, say, by the Department of State to put the Department of Defense out of business or that there be rivalry in any departmental or bureaucratic sense between the Department of State and the Atomic Energy Commission. (Senate Committee of Foreign Relations. Disarmament Agency, p. 19.)

In his testimony before the Senate Foreign Relations Committee, Henry Cabot Lodge, a former U.S. ambassador to the United Nations, indicated that he hoped the Director's role would involve more than just the coordination of research. He stated that he believed the purpose of the new agency was to "have a Director who will evolve a U.S. position on disarmament." He went on to say:

The Director's job would be to try to reconcile the viewpoints of the State Department, the Pentagon, and the Atomic Energy Commission, and so we would have a U.S. position which was solidly based on the vital interests of those three departments. Then, if he were unable to bring about such a reconciliation, and there would be cases when he would be unable, he would have clear track to the President so that the President could make the decision. (Senate Committee of Foreign Relations. Disarmament Agency, p. 124.)

CONGRESSIONAL CONCERNS AND DISSENTING VIEWS

Neither the Senate Foreign Relations Committee nor the House Foreign Affairs Committee heard from witnesses who spoke against the formation of a new Disarmament Agency. Some attributed this overwhelming support to the skill of John McCloy, who circulated the proposed legislation and was able to gain the approval of all the relevant government agencies (Clarke, p. 19). At the same time, though, some of the witnesses and several Members of Congress did express concerns about the timing of the legislation. These concerns reflected the era and events in 1961. Faced with the Berlin crisis and the possible collapse of the nuclear testing moratorium, many were highly suspicious of the Soviet Union and questioned whether the United States has chosen the right time to establish a "Disarmament Agency."

Some of the concerns expressed by Members of Congress and witnesses at the hearings derived from the fact that the Director of the new agency was to have direct access to the President and authority over programs in a number of government agencies. Some feared this might provide the Director with too much authority and influence. Former Secretary of Defense Robert Lovett voiced these concerns in his testimony before the Senate Foreign Relations Committee. When expressing his reservations about the provisions in the legislation that allowed the Director to use other agencies' research facilities he noted:

We are very fortunate in having currently individuals of competence and self-restraint who will use power wisely. But I think that a bill of this sort in the hands of an ambitious Director or an empire builder could be the source of real embarrassment to the President and the executive branch . . . (Senate Committee of Foreign Relations. Disarmament Agency, p. 85)

For some, concerns about giving the Director of the new agency too much authority were compounded by fears that the new agency would be staff by strident supporters of disarmament who had little concern for national security or the military. Secretary Lovett also gave voice to these concerns:

This would be almost an ideal place for subversives to attempt to infiltrate. . . . It seems clear to me that this is going to be a Mecca for a wide variety of screwballs. It will be a natural magnet for those rather uninspiring groups that have slogans, "Better Red than Dead," "Surrender and Survive," or the give-up groups. I do not think this is a vain worry; I think it is quite real. This will attract a considerable group of people whose purposes are not those of the sincere and experienced individual who has a profound belief in this agency's purpose and who is a loyal government servant. It would be a great pity to have this agency launched and shortly become known as a sort of bureau of beatniks. (Senate Committee of Foreign Relations. Disarmament Agency, p. 87).

In response to these concerns, the Senate added and the House accepted more stringent security clearance procedures to the legislation.

CONCERNS ABOUT THE RELATIONSHIP WITH THE SECRETARY OF STATE

Some Members felt that an independent Director would undercut the position of the Secretary of State and they questioned the relationship between the new agency and the State Department. They found it difficult to understand why the new agency could not be completely within the State Department—as was the Disarmament Administration that President Eisenhower had formed in 1960—if disarmament policy was so closely associated with foreign policy and international negotiations. In testimony before the Senate Foreign Relations Committee, Secretary of State Rusk outlined his views on why the new agency should not be a part of the State Department.

The State Department is not organized to conduct a large-scale program of scientific research. It is clearly not organized to run a large-scale operating organization of the type which would have to be established in the event it becomes necessary to administer a control system under a disarmament agreement. For these reasons, I am convinced that the proposed disarmament organization should not be simply another bureau in the Department of State. (Senate Committee of Foreign Relations. Disarmament Agency, p. 15.)

Several witnesses also explained that the Secretary of State had no authority over the activities of the Department of Defense or the Atomic Energy Commission and the Director of the new agency would lack this authority if he were subordinate to the Secretary of State. He had to take authority directly from the President to coordinate the efforts of numerous agencies outside the State Department. According to Secretary of State Rusk:

Disarmament activities involve to a great extent some of the primary functions of agencies of the government other than the Department of State. The formulation and coordination of a disarmament policy must take into account the views of officials such as the Secretary of Defense, the Chairman of the Atomic Energy Commission, who have direct access to the President. Since the President must be the final arbiter in this type of coordination, the Director can perform his coordination function effectively only if he has a similar right of access. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 40.)

This explanation appeared to satisfy many Members. Nonetheless, some still questioned whether the new agency would downgrade the role and status of the Secretary of State if the agency's Director could go directly to the President on matters that were of concern to the Secretary of State. Senator Symington was particularly concerned, yet when he asked John McCloy if he thought the new organization would diminish the authority of the Secretary of State, Mr. McCloy responded, "No, I really do not." (Senate Committee of Foreign Relations. Disarmament Agency, p. 51.)

Senator Fulbright also addressed these concerns in an exchange with Ambassador Lodge. He noted:

There has been considerable concern expressed by members of the committee about this clearly established right to go to the President, as you say. It is the question of reconciling the role of the Director of this agency with that of the Secretary of State . . . We are troubled by it, I know. We do not wish to downgrade or in any way affect the position of the Secretary of State. Yet at the same time, you make it very clear that the Director must have the right of direct access to the President.

In his response, Ambassador Lodge stated:

I do not think there is any basic reason why there should be any trouble at all between the Director and the Secretary of State. No matter how the committee decides to draft this bill, the Director is always under the Secretary of State in the broad sense, but he must be able to come up to the President. (Senate Committee of Foreign Relations. Disarmament Agency, pp. 119–120.)

Nontheless, in response to these concerns, the Senate reported out a version of the bill that placed the new agency completely within the State Department. The Director was to be the Undersecretary of State for Disarmament, serving as the principal advisor the President *and* the Secretary of State on disarmament matters (Documents on Disarmament 1961, p. 363). The Senate also amended the legislation so that the Secretary of State, as well as the President, would provide supervision and direction to the Director in areas where the Administration bill had called for Presidential direction. The House had not moved the agency into the State Department, and during conference, the Senate agreed to restore the agency's quasi-independent status. However, the House agreed to adopt several of the Senate's amendments that gave the Secretary of State, as well as the President, authority over the Director's activities.

CONCERNS ABOUT COORDINATION WITH OTHER AGENCIES

Several Members of Congress and some of the witnesses also expressed concerns about the relationship between the new agency, on the one hand, and the Department of Defense and the Atomic Energy Commission on the other. Their concerns were generated by the fact that the Director of the new agency was designated as the principal advisor to the President on disarmament matters and that the Director was to have direct access to the President. This led many to wonder whether other agencies, who might disagree with the views expressed by the Director of the new agency, would have the opportunity to present their views to the President.

Administration witnesses defended the Director's access to the President, stating that it was necessary if the Director was to fulfill his role in coordinating and formulating disarmament policy. As John McCloy noted, the legislation did contain provisions for the corporation and coordination among the new agency and the existing agencies involved in disarmament issues:

Section 37 provides for the establishment of procedures subject to the approval of the President for coordination, cooperation, and a continuing exchange of information between the various agencies interested in disarmament activities. The bill would permit the use of the existing organs of consultation, the Committee of Principals, and the National Security Council. It would also permit the President to utilize other procedures which he might designate. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 4.)

Ambassador Lodge noted that the Director would need access to the President in those instances when the coordination process did not produce a consensus:

We may as well face the fact that the man who occupies this post will have to step on a great many toes. There will always be sincere differences of view in the various agencies of government on matters which are far reaching and which involve the most vital interests of the country. After the Director has exhausted the procedure of trying to compose the differences between the departments himself—which eventually he will in many instances—he must go up to the President, and I believe the bill makes this possible. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 60.)

At the same time though, the Administration's bill did not specify which agencies were to be included in the consultations and it did not specify that the Director had to report to the President through the National Security Council or other "existing organs of consultation." As a result, some questioned whether the Director would have the discretion to ignore the views of some agencies and to bypass them when reporting to the President. In particular, while representatives from the Department of Defense and the Atomic Energy Commission testified in favor of the new agency, they expressed concerns about whether their views on disarmament issues would make it to the President. For example, in his testimony before the House Foreign Affairs Committee, Roswell L. Gilpatric, the Deputy Secretary of Defense supported the new agency:

Some in our government must be striving to find ways to negotiate and to achieve reductions in arms and, if possible, full disarmament . . . There should be an arm of government to exhaust the possibilities of such measures and to explore their implications with respect to our military capabilities, our economy, and our collective defense alliances. The establishment and operations of such an agency under the direction of the President and the Secretary of State should in no way impair the responsibilities of the Secretary of Defense.

But he continued by stating:

This assumption behind it [DOD support] is that the Secretary of Defense, the Department of Defense will continue to coordinate as it has on all measures in this area so that the views of the military may be reflected in national decisions taken to the highest level. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 70.)

Some sought assurances that positions on disarmament issues would be presented to the President in the National Security Council, where they would be able to express views that might differ from those of the Director of the new agency. For example, General Lyman L. Lemnitzer, Chairman of the Joint Chiefs of Staff, stated:

We did question the procedures which would be used in transmitting the recommendations of the agency to the President, and wanted to assure ourselves that the Joint Chiefs of Staff would have an opportunity to study those recommendations and express opinions on them. . . . More specifically, we questioned whether the recommendations of the agency would reach the President through the National Security Council, where the Defense Department and the Joint Chiefs of Staff have an opportunity to express their views with regard to national security matters. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 80.)

In response to a question from Representative Fascell about whether the military objected to having the policy recommendations on disarmament come up through the Secretary of State to the President, General Lemnitzer responded:

There is no objection, provided the policy recommendation came through the National Security Council, as it would today." (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 86)

Members of both the House Foreign Affairs Committee and the Senate Foreign Relations Committee pressed the witnesses on this issue of coordination between the new agency and the Department of Defense. Senator Symington asked Deputy Secretary of Defense Gilpatric, "Do you feel this bill makes it possible for the Department of Defense, with respect to negotiations on disarmament, to express its position properly?" Deputy Secretary Gilpatric responded:

We believe, Senator, that under this agency, as is the case now, the President will solicit our advice, and that the position that the Director of this new agency, this new advisor takes, will be coordinated with the Defense Department as has been true in the past. It is, of course, of vital concern in many respects that any policy, any position, which this Government takes on arms control be carefully considered in relation with the obligations and responsibilities of the Defense Department.

We believe that there are in the bill as before the committee, provisions that are designed to insure that there is cooperation and coordination. How the President seeks our advice, whether he uses the National Security Council or whether he operates, as often times the President does, directly with the heads of the agencies involved, is a matter of course, for the President to decide. But I certainly am satisfied that the views of the Defense Department on its primary functions will be recognized here in the operation of this new agency. (Senate Committee of Foreign Relations. Disarmament Agency, p. 73)

However, Deputy Secretary Gilpatric did suggest that the committee add provisions to the legislation that would make specific reference to the agencies that the Director of the new agency was to consult in the coordination process.

Representative Fascell asked a similar question of former Secretary of Defense Thomas Gates:

Do you see any reason why the National Security Council would be circumvented if the present Disarmament Agency is set up according to the bill?

Secretary Gates responded, "The President will use the National Security Council as he wishes. This is one way of coordinating policy matters in the executive department."

Representative Fascell continued:

We are talking about the military, specifically whether the Joint Chiefs of Staff or the Department of Defense are going to be circumvented in any decision dealing with either arms reduction or arms control.

Mr. Gates stated:

I can't imagine they would be. The fields are so interrelated. Even the testing devices and other things, the research is so interrelated that I can't imagine on a matter of important national policy of this character, vitally affecting our security, that the Secretary of Defense wouldn't play a major role in any negotiations within the executive department, and automatically, therefore, the Joint Chiefs of Staff would be involved. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 95)

Nonetheless, concerns about the coordination process and the possibility that the Director might ignore the advice of others and take his opinions directly to the President resulted in some changes in the legislation. In particular, the House and the Senate agreed that the President, not the Director of the new agency, would establish the procedures for coordination and cooperation among the agencies. The President would also establish procedures to resolve differences of opinion between the Director and other agencies. The final legislation also listed the agencies that were to be included in the coordination process. (Documents on Disarmament, 1961. p. 488.) These changes were designed to ensure that the Director of the new agency had to listen to others and that the President would hear from others if they disagreed with the Director.

SUMMARY

The new agency established by the Arms Control and Disarmament Act of 1961 bore a strong resemblance to the agency designed by John McCloy and President Kennedy. It was not wholly a part of the State Department, but its Director was subordinate to the Secretary of State on issues relating to foreign policy and negotiations. The Director was designated as the principal advisor to the President (and the Secretary of State, at the Senate's insistence) on disarmament matters. He was given access to the President and he derived some of his authority directly from the President so that he could coordinate research and opinions from agencies throughout the government. Nonetheless, ACDA has not operated as its proponents had advertised or its detractors had feared. It has been rare for the Director to be an independent voice for arms control—he has often held views similar to those of the Defense Department or the State Department—or for him to have much say over the direction of other agencies' research on disarmament issues.

The difference between the intended role and the actual role of the Director and the agency reflects, in part, the fact that ACDA is not independent. It has never had the resources or facilities needed to conduct significant levels of independent research. Instead, it has often participated in or supported research sponsored by the Defense Department. And, although the legislation states that the Director has primary responsibility for disarmament matters, he has secondary authority over the two key elements of arms control. The Secretary of State has primary responsibility for the negotiation side of arms control and the Secretary of Defense has primary responsibility for the weapons side of arms control. Consequently, the Director's influence has been limited, and he has allied himself with one of the primary agencies.

In addition, it is unlikely that a President would appoint someone to serve as his "principal advisor" on any subject if that appointee held views that were vastly different from those held by the President. Hence, it should not be a surprise that during the Reagan Administration, when the President and most of his closest advisors held generally negative views about the value of arms control, that the Director of ACDA would hold similar views. In this circumstance, the Director of ACDA could be expected to support the Defense Department in interagency debates. Although many of the original supporters of the new agency hoped the Director's views and the agency's research would provide a contrast to the views and research in the Defense Department, the initial legislation does not predict or compel such an outcome. Moreover, to the extent that the hearings reveal concerns about the relationship between ACDA and the Department of Defense, Congress, at the time, appeared more concerned that the Director would ignore, rather than echo, the views of the Department of Defense. They sought assurances of more, rather than less, coordination between the two.

Finally, the Director's access to the President does not ensure that he will influence the President. Senator Albert Gore, Sr. noted this fact during the hearings in 1961:

The bill designates the Director as the principal adviser to the President on disarmament. I should think that the President would choose his own principal adviser, whatever the bill might say. It is all right to designate a man as principal adviser, but he may not turn out to be the principal adviser . . . We could give him a direct line to the White House, but there is no way that Congress can pass a bill requiring the President to be on the other end of the line. (Senate Committee on Foreign Relations. Disarmament Agency, p. 132.)

CHRONICLES OF THE "NAMELESS GRANDMOTHER"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. JACOBS. Mr. Speaker, everybody knows that William Raspberry is one of the best columnists on Earth.

In this one, he has outdone himself. It is earthshaking.

CHRONICLES OF THE "NAMELESS GRANDMOTHER"

(By William Raspberry)

OKOLONA, MS.—After all these reenactments, the pageant still gets to me: Young Simon, perhaps 12 years old, on a forced march from Virginia to Kentucky, watching in helpless horror as his mother, several months pregnant, stumbles again and falls.

The boy turns to help her but is ordered back in line—ordered to leave the dearest person in the world to him to die like a dog on the trail.

It's the last time Simon—my great grandfather—ever sees his mother. He never even knew her name. And so it is that at each of our family reunions, the younger members of the clan reenact that forced march, that agonizing separation, and make their report to Nameless Grandmother.

They depict Simon's being sold "down the river" to Mississippi by his Kentucky owner, show him on the slave auction block in Columbus. (Next to the day he last saw his mother, he later told my grandfather, it was the low point in his life: being displayed and poked and probed and sold like a thing.)

There are other, less gloomy elements of the report to Nameless Grandmother: Jubilee—the emancipation Simon's mother hardly dared dream of; Simon's persistently upright and ethical behavior; his struggles to meet the demands of his new status as a free citizens. (Family lore has it that he harvested nuts and berries to supplement his meager earnings in order to purchase the 40-acre parcel that was to become the nucleus of the family farm near Smithville.)

But the heart of the children's report is family: Simon's marriage to Great-Grandma Martha Ann, their children and their grandchildren—my mother and her seven siblings—in all, seven generations of descendants of Nameless Grandmother.

Interestingly enough, there's no mention of secular accomplishment in the entire skit. The recitals are of special people and their special traits (Aunt Dora's intellect, Aunt Fannie's wit, Uncle Ernest's musicality), not of degrees or status or income.

The whole affair is about (as we say these days) "family values." It is about family writ large—the main river stretching back to Nameless Grandmother and embracing generations yet unborn—but also about the smaller tributaries: the marriages and births that constantly renew the stream, the parental sacrifices, the inherited standards of permissible behavior.

The celebration seems remarkable at a time when families are under such stress, when two-parent households seem almost aberrant. Particularly among black Americans, with nearly two-thirds of all births out of wedlock, the loss of family is making it more difficult to raise healthy and hopeful children or to pass along tribal values.

But how remarkable, really, is my family's devotion to family? I've been thumbing through a book called "From Plantation to Ghetto" (August Meier and Elliott Rudwick) and I'm struck by these passages:

"Much in the slave regime promoted marital and familial instability. Slave marriages were not recognized by law; slave sales were a frequent disrupter of family life; the miscegeneration that resulted from the white males' sexual exploitation of female slaves, while at times involving stable and affectionate concubinage, also discouraged slave married life* * *.

"Slaves nonetheless managed to create and sustain a stable family life, with two-parent male-headed households evidently the norm." And this:

"The eagerness with which slaves hastened to legalize their marriages after the Civil War and sought to reunite with long-separated families, reveals the importance of this institution to them."

The thing we celebrate in the story of the Nameless Grandmother may be unusual in its detail but is—or was—quite ordinary in its content. Strong and enduring marriages, devotion to families that cared enough about children to make serious demands on them, were the norm. What is truly remarkable is how unremarkable "family values" used to be.

Economic pressures, we say today, are tearing families apart; joblessness, exacerbated by pride-destroying racism, keeps them from forming in the first place.

I think of Great-Grandpa Simon and the thousands of people like him for whom our "economic pressures" would have constituted undreamt of opportunity, and for whom the racism we experience would have seemed an eyelash from freedom, and I wonder: What precious thing have we lost? How can we at least begin to get it back?

A CURE OF ALL SEASONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. MICHEL. Mr. Speaker, the Jacksonville, IL, community has seen many outstanding professional and civic leaders in its past, but one who stands out is Dr. E.C. Bone. Dr. Bone has had a distinguished medical practice for over 40 years. Along with his medical practice, his civic involvement has contributed to what might be called the health of the community.

Dr. Bone is a native of Prairie City, IL. He attended Illinois College in Jacksonville in the midst of the Depression, and was interested in becoming an industrial chemist. After college he taught chemistry and physics at Petersburg High School. In 1936, he returned to Illinois College as admissions director.

He has always wanted to go to medical school but lacked a class in embryology. Willys DeRyke, the head of the biology department at Illinois College, persuaded him to enroll in his 7 a.m. embryology class and urged Bone to attend University of Illinois Medical School. With his family, Bone moved to Oak Park to attend medical school. In 1947, Dr. Bone started private practice and retired from clinical practice in 1989.

His association with boards and committees involves virtually every school, church, medical, and charitable cause in the community, as well as association with State and national groups. In 1980, he was the first recipient of the Man of the Year Award given in Jacksonville. In 1990, he was a member of the inaugural class of the Jacksonville Area Hall of Fame.

Dr. Bone still works 3 days a week with the Division of Disability Services within the Department of Rehabilitation Services and stays active in a number of community projects.

At this time I would like to insert into the RECORD an article by Buford Green of the Jacksonville Area Showcase of August 12, 1992, "A Real Shot in the Arm" to further detail Dr. Bone's success and achievements.

A REAL SHOT IN THE ARM—DR. BONE HAS LEFT HIS MARK ALL OVER THE COMMUNITY

(By Buford Green)

In a community long known for its many outstanding civic leaders, the light cast by Dr. E.C. Bone for the past six decades is overshadowed by very few in Jacksonville.

There are few civic causes for which Bone has not played a guiding role, even at the state and national level. He has a distinguished medical practice for over 40 years, is a lover of the arts and has left his mark all over his adopted hometown.

To get an idea of the life he has tried to lead, one has only to take a look at some of his guiding philosophy.

"I have always leaned heavily on the thought that service is the rent you pay for your place here on earth," says Bone. "Another I lean on is—strangers are just friends you haven't met yet. Basically, my philosophy centers around the enjoyment of the people around me and the appreciation of the many things they do for me and my family and friends."

The story of Bone's association with Jacksonville began when the native of Prairie City, IL., visited his aunt, Mrs. W.E. Hall, after she moved to town.

"I came here as a youngster about every summer to visit Aunt Mary," says Bone. "When the time come to go to college, I had the opportunity to live with her, and walked or drove my Model T Ford to school.

"The years at Illinois College were very pleasant. It was in the midst of the Depression and I came from a farm home. Corn was 12 cents a bushel when I started college, and I had been showing hogs at small fairs. My dad traded a calf for a Model T for me to drive, about a 1923 or 1924 model that had been sitting in a garage."

Bone remembers that he had no intention to go back to farming following college.

"I was really interested in becoming an industrial chemist and had a double major in biology and chemistry. My guiding light at IC was Willys DeRyke, the head of the biology department. I also had my teaching requirements and when a job became available, I taught chemistry and physics at Petersburg High School, for a year and a half."

He returned to IC as admissions director in 1938. "Dr. DeRyke would, no matter to whom I was talking, stop by and say, 'Bone, are you still sitting in this office?' I told him I couldn't go to medical school because I didn't have embryology, and he said for me to register for it and he would have the class at 7 a.m."

With DeRyke's urging, Bone enrolled in the University of Illinois Medical School.

"Without his encouragement, I would never have gone," says Bone. "I was married then and son David was two years old. It meant selling most all our possessions and getting some money together and moving to Oak Park where I had three, 12-month school years. I knew all along that I wanted to go to medical school, but I didn't think I had enough money."

On his change to the medical profession, Bone says, "It was a great move. I have enjoyed every minute of it. I enjoyed teaching, but I enjoyed this more. Both involve people and I am basically a people person.

"Dr. Ellsworth Black encouraged me to move back to Jacksonville and took a major interest in seeing that I came back here. Mrs. Ruth Cully was my first office assistant. She had previously been Dr. Black's assistant. He used me as an assistant on all of his surgery and referred most of his house calls to me, so I soon became busy."

The years "really flew by" during his medical practice, Bone says.

"It didn't seem like that long, of course. The medical practice was very enjoyable and I enjoyed the patients. We had a very congenial atmosphere to practice as far as relationships with other physicians in general here. I found the medical community very cooperative."

He started private practice in 1947 and retired from clinical practice in 1989. He also served two stints in the U.S. Navy.

Bone's civic involvement is legendary. His associations with boards and committees involves virtually every school, church, medical and charitable cause in the community, as well as associations with state and national groups. He was the first recipient of the Man of the Year Award given in Jacksonville, in 1980, and in 1990 was a member of the inaugural class of the Jacksonville Area Hall of Fame.

"I think I really wanted to do it," Bone says of his many community projects. "I just enjoyed the associations with such groups as the school board and the local colleges."

Bone says his three sons have always been a very big part of his life. They are Judge J. David Bone of Jacksonville, Stephen K., a co-owner of the Waterfront Hilton in Huntington Beach, Calif., and a real estate developer; and Timothy R., director of risk management for the Nemours Corp. in Jacksonville, Fla. and Wilmington, Del. "They raised me very well," says Bone.

His first wife, Eileen, died in 1979. His wife Louise has two daughters, Jennifer Norris Peterson and Kathryn Norris. "Kathryn was 9 when we were married, and she has been very much a daughter," he says.

Bone, who still works three days a week with the Division of Disability Services within the Department of Rehabilitation Services and keeps active in a number of causes, calls Jacksonville "a great community that has continued to improve through the years."

In addition to his sons, Bone lists among those having a major impact on his life as his mother and Aunt Mary, Eileen and Louise, and Dr. Harvey Scott, with whom he practiced for 35 years in the Bone-Scott Clinic. "He was the perfect medical associate," says Bone.

"It has much culture to offer and share with its citizenry, and the culture is accessible. The school system is especially good, and the community is known for its churches and the role they play in the lives of their members. Just living in a college town adds so many different flavors to one's life that I can't easily think of another place I would rather be than Jacksonville."

Bone says he plans to stay active as long as he is physically able and prefers to be remembered as, "One who was available to his patients and his friends to offer the best assistance, medical or otherwise, that was within my capability to give.

"I have been extremely blessed during my life, blessed with opportunities, with friends and most of all by a fine family."

"ETHNIC CLEANSING" CYPRIOT STYLE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. FEIGHAN. Mr. Speaker, progress toward a solution in the long-simmering Cyprus dispute has once again been brought to a halt by the leader of the Turkish-Cypriot community, Rauf Denktash.

A framework for the settlement, or set of ideas, has been endorsed by the U.N. Security Council and presented by Secretary General Boutros Boutros-Ghali to the two parties. Greek-Cypriot President George Vassiliou accepted the document. Denktash said, "No."

The rejection is only the latest episode in Denktash's long-running effort to maintain absolute control of the illegal and unrecognized mini-state on the northern third of Cyprus. While Turkish-Cypriots account for 19 percent of the population, the Turkish sector covers one-third of the island. Turkey keeps a 35,000-man strong occupation force to maintain the division of Cyprus. The map included in the draft agreement offers the Turkish-Cypriots 28.2 percent of the island—a generous compromise by any reasonable standard. Still, Denktash continues to choose a stalemate rather than solving this long-simmering conflict.

The talks have recessed until the end of October. The United States and the leadership in Ankara have until then to convince Denktash to come back to the table, ready to end the Cyprus stalemate and bring this 18-year tragedy to a close.

The attached editorial from the New York Times, September 5, 1992, pints out that such a U.N.-brokered solution could turn Cyprus into a model rather than a warning for other places troubled by ethnic strife. I commend it to my colleagues.

A copy of the article follows:

[From the New York Times, Sept. 5, 1992]

“ETHNIC CLEANSING,” CYPRIOT STYLE

Alas, a month of direct talks at the United Nations between Greek and Turkish Cypriot leaders has gotten nowhere. An achievable “set of ideas” for uniting this dismembered island had been put forward by Secretary General Boutros Boutros-Ghali. But Rauf Denktash, speaking for Cyprus's Turkish enclave, shredded all proposals for power-sharing and justice for refugees.

So Cyprus remains a cruelly divided economic slum. Such is the dirty legacy of “ethnic cleansing,” which occurred in Cyprus long before Bosnia.

After independence in 1960, Cyprus's Greek and Turkish communities proved unable to live under a common roof. Reciprocal folly led in 1974 to Turkey's armed intervention and a brutal population exchange that displaced 160,000 Greek Cypriots and 45,000 Turkish Cypriots. Since then, an unrecognized Turkish Cypriot ministate has been kept alive by Turkish subsidies and soldiers, while United Nations blue helmets patrol a buffer zone.

Eager to end a costly peacekeeping operation, Mr. Boutros-Ghali came up with a suggested map giving the Turkish side 28.2 percent of the island; it currently occupies 38 percent. The plan was accepted by George Vassillou, leader of the Greek Cypriots, who speaks for about 80 percent of the island's inhabitants. But it was rejected by Mr. Denktash, who speaks for only 10 percent.

In Cyprus, forcible partition has entrenched communal grievances. And as elsewhere, each side anxiously leans on a foreign big brother. Greece, preoccupied with Balkan turbulence, now presses for compromise on Cyprus. Turkey hinted to President Bush that it was prepared to do the same. Mr. Denktash, it appears, didn't get the message from Ankara.

The Cyprus talks will resume in October. A solution would enable Greek and Turkish Cypriots to enjoy political equality in a bizonal federation, thereby making the island a model rather than a warning. But that can only happen if Mr. Boutros-Ghali and the Security Council finally turn widespread disgust with this interminable dispute to their diplomatic advantage.

TRIBUTE TO THE MEMORY OF ROBERT MEDLICOTT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today in sorrow after hearing of the death of Robert G. Medlicott, Sr., a firefighter for the Berwyn, IL, fire department. Mr. Medlicott lost his life in the line of duty on July 29, 1992.

We often recognize those Americans who make sacrifices for the good of those around them. I am struck by Robert Medlicott's ultimate sacrifice to save other lives. Robert Medlicott is a true American hero.

Robert Medlicott is survived by his wife Roberta and his five children Bob, Kim, Carl, Brian, and Lisa. I urge my colleagues to join me in honoring the memory of this fine individual. We can only hope that as the Medlicott family mourns their loss, they are reassured by the bravery and commitment which Robert Medlicott demonstrated. He truly is a model for each of us.

TRIBUTE TO ST. CLAIR PARRIS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, on Sunday, September 13, a tribute was paid to Mr. St. Clair Parris of Aberdeen, NJ, a man who has been a community leader and a dedicated public servant for more than three decades. It was a great honor for me to take part in Sunday afternoon's toasting of St. Clair Parris at the Garden Manor in Aberdeen.

Mr. Parris has been a resident of Aberdeen Township since 1953, and he has been active in community affairs for most of that time. He served two terms on the township council and has 25 years of service on the planning board. He is a former special constable on the township police department, has served on the township industrial relations committee and is a former trustee of the Bayshore Recreation and Economic Development organizations. His leadership skills have also come into play as a community organizer with the Concerned Citizens of Aberdeen.

In addition to these activities, St. Clair Parris is a past member of the New Jersey Black Issues Convention. Mr. Parris has dedicated a great deal of his time and energies to the Knights of Columbus. A member of Council 3402 of the Knights of Columbus in Keyport, NJ, he is a former grand knight, a past faithful navigator and a one-time State district deputy of the fourth degree.

A graduate of Bayshore Community College in Lincroft, NJ, where he concentrated on paralegal studies, Mr. Parris is a retired business agent of the National Maritime Union.

St. Clair Parris married the former Edna Mack in 1953. They are the proud parents of three daughters, Barbara, Michele and Lisa, and a son, Michael.

The Parris family is obviously very proud of Mr. Parris, whose public service career is second to none. I was happy to join with the members of the Committee for St. Clair Parris and all of his many friends and supporters in Monmouth County to honor a fine man who has given us a shining example of hard work and dedication to making his community a better place for all of its citizens.

CELEBRATING POOLESVILLE'S 125TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mrs. MORELLA. Mr. Speaker, I rise with pleasure to note the 125th anniversary of the incorporation of the municipality of Poolesville in Montgomery County, MD.

In honor of this occasion, I want to bring to the attention of my colleagues a brief history of a town that is steeped in tradition.

When John Poole became the first storekeeper in Poolesville in 1793, it is doubtful that he envisioned the establishment of a town there. He simply planned to operate his small store from his residence, a small one-room-and-kitchen log house—which still stands today—offering his services as merchant to travelers and farmers.

The agricultural development in the area increased the settlement in Poolesville and the town became a crossroads and trading center for local farmers. Town residents supplied services as well as goods. Blacksmiths, wheelwrights, shoemakers, tailors, carpenters, barbers, coopers, taverns, and a hotel could be found in Poolesville in the early 1800's. An essential factor in Poolesville's development was its proximity to various Potomac River ferries and the Chesapeake and Ohio Canal which started partial operation on December 1, 1833.

Poolesville, whose population had reached about 200 by 1861, was the second largest town in Montgomery County and was of major importance during the Civil War due to its strategic location between the Nation's Capitol in Washington, DC and nearby Virginia. By October, 1861, some 15,000 Union troops were stationed in this town. Most Poolesville area residents were pro-Southern and proof of this occurred in August, 1862, when 40 men from the Poolesville area, led by Capt. George Chiswell, joined a Confederate cavalry company under the command of Col. E.V. White—also known as the Commanches. Thirty-two of these men, whose descendants still reside in the Poolesville area, are buried in the nearby Monocacy Cemetery in Beallsville, MD, where their names are inscribed on a stone tablet. There were no Civil War battles fought in Poolesville, but after the nearby Union disaster at Ball's Bluff on October 21, 1861, and the death of President Lincoln's friend, Col. Edward Baker, his body was brought back to the Frederick Poole house, which is still standing in Poolesville. In September 1862, General Lee and the Confederate forces crossed the Potomac at nearby White's Ferry on their way to the Battle of Antietam. Also, in December 1862, White's battalion surrounded the Poolesville Presbyterian Church and caputred Federal troops as they left services on a Sunday, only to release their prisoners later that day before recrossing the river back into Virginia. Confederate forces raided the town several times during the war, but quickly retreated because a Federal signal corps located on Sugarloaf Mountain could report their presence to much larger Federal forces in the area. In the spring of 1865, as the war neared its conclusion, the last troops were withdrawn and Poolesville citizens began a valiant effort to recover from the wounds of war and to rebuild their lives.

Poolesville was never able to return to the agricultural prosperity of pre-Civil War days. One reason was the decline beginning in the 1870's of the C&O Canal, which was being overshadowed by the B&O Railroad. Poolesville became an incorporated municipality in 1867, but even this did not spark new growth. Perhaps that is Poolesville's most valuable asset, its smallness, slow growth, and rural character which it has been lucky enough to largely maintain to the present.

With the arrival of the 20th century, Poolesville built its first bank in 1908—Poolesville Town Hall is now located in this bank building—and the year before, 1907, Poolesville opened its first public school, a two story wooden building with four rooms. Mrs. Mary Page Chiswell, who today lives just across the street from the current Poolesville Jr.-Sr. High School, attended school in this building, attended college, then returned to teach in Poolesville for 40 years. Poolesville Jr.-Sr. High School still is very much the educational and social center of town activities, just as it was in 1907. Many students who attended Poolesville Jr.-Sr. High School today have parents and grandparents who graduated from the same school.

During the 1920's, Poolesville was still a self-sufficient town with a hotel, boarding houses, blacksmith, livery stable, millinery shop, stores of all kinds, and even a silent movie theater. There were community dances nearly every Saturday night. However, with the increased acquisition of automobiles starting in the 1920's, it became easier to go to bigger towns—Frederick and Rockville—for shopping and entertainment.

Today Poolesville still maintains its small, rural character with a population of 3,796. Historic preservation is a matter of importance to all town residents and an integral part of the planning process. The future design and layout of Poolesville's Town Center provides the town with a link to its historic past and, because of its scale and commercial activity, creates the image of Small Town America.

FAMILY MEMBERS OF POW'S/MIA'S DESERVE MUCH BETTER

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Ms. WATERS. Mr. Speaker, I recently had the privilege of meeting with members of the American Defense Institute. We discussed many matters of vital importance to ex-prisoners of war which I would like to share with the House today.

Ex-POW's are a unique breed of veterans. Like all veterans, they have served their country honorably. But beyond that, they have endured much more. The emotional ordeal of the families, the debt which the Nation owes to those who have put their lives on the line for their countries, and the human dignity of each and every single soldier, sailor, or airman ought to have a considerable bearing on our national policies.

At the end of the Vietnam war, there were 2,583 Americans who were listed as prisoners, missing or killed in action without their bodies recovered. Since that time, only 310 have been accounted for. On the record, the Bush administration professes to give POW/MIA concerns the highest national priority. Off the record this priority seems to vanish and is replaced by other considerations including increased opportunities for trade and investment and the tendency to reduce workloads by filing cases marked "closed" instead of working to find people.

Documents recently released under an executive order by President Bush show Government bureaucrats failed the follow through on many leads because officials were overworked and tried to clear the cases, rather than pursue an investigation. In many instances, officials have refused to answer questions straightforwardly, instead they have engaged in a series of stonewalling maneuvers to avoid dealing with unpleasant truths surrounding the POW/MIA issue.

It's no wonder that family members and friends have become distraught and angry over the Government's handling of POW's/MIA's.

Mr. Speaker, family members of POW's/MIA's deserve much better than this. This is a matter that should have been resolved long ago. We must put all our cards on the table so that the American citizens can see for themselves what our Government knows, when it knew it and what it did with the information it had.

I am encouraged by the recent work of the Select Committee on POW/MIA Affairs. They have undertaken the task of assessing the level of commitment and cooperation that exists between the United States, the Vietnamese, and the Lao. I am hopeful that their efforts to investigate any evidence that live prisoners were held against their will after 1973 will result in some type of constructive action to resolve this issue.

Some 1.3 million papers dealing with the POW/MIA issue are to be released by the Pentagon over the next several months. It is expected that these papers will clear up some cases but raise additional questions in others. More to the point, these papers will likely reveal a shoddy approach within our Government in dealing with this issue.

This Nation owes all of our veterans, and in particular our POW's/MIA's a debt that we will never be able to fully repay. I stand here today on behalf of the American Defense Institute and all former prisoners of war and urge this Congress and the President to call for a special prosecutor to ensure the Defense Department's compliance with the disclosure law passed by Congress last November. The establishment of a centralized repository to collect information on America's POW/MIA's is an important contribution to helping satisfy families' need for more complete answers about their missing loved ones.

We must go beyond rhetoric and develop policies that truly make the accounting of the missing 2,273 servicemen the highest national priority.

Former POW's perhaps more than any other Americans, deserve to live their lives with dignity. We must do what we can to reward ex-POWs for what they have earned—our respect, our gratitude and real solutions to the problems they face.

WELCOMING THE CROATIAN AMERICAN ASSOCIATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. OWENS. Mr. Speaker, today I would like to welcome the Croatian American Association and its supporters to Washington, DC, for Croatian Days on the Hill. This gathering of Croatian-Americans in our Nation's Capital today is extremely timely, given the increasing need for refugee housing and disaster relief in Croatia and Bosnia-Hercegovina, and the distressing news today from Sarajevo. In one of the worst days since the beginning of the war in this besieged city, over 20 people were killed and at least 60 wounded when Serbian forces bombarded the city's defenseless population with artillery hidden from international observers.

This Serbian offensive, together with infantry and artillery attacks by Serbian nationalists in other Bosnian cities, represents a disturbing pattern of intensified Serbian assaults on the eve of scheduled peace talks. Just after announcing that all Serbian weapons had been placed under U.N. military surveillance, Serbian forces unleased a 2-hour barrage of artillery and mortar shells on Sarajevo breaking the first relative calm in weeks. How many times must Serbian generals break a cease fire, before the United States and the United Nations take action to help innocent Croatian and Bosnian victims?

As the world sits helplessly by, Serbian soldiers continue to fire, to shell, and to kill. Even U.N. monitors are not spared. These Serbian attacks on Bosnian cities coincide with tank reinforcements from the government of Serbia. I urge the United States to take action to stop the violence and inhumanity in the Balkans.

Six months ago I introduced legislation to impose sanctions on Serbia and to create a no-fly zone over Bosnia and Croatia. In addition, my bill called for the immediate provision of humanitarian assistance. Sanctions have finally been imposed, but an air cap would prevent Serbian warplanes from shadowing U.N. relief planes and from using aircraft to support Serbian ground forces and bomb civilian targets. Humanitarian relief is also necessary to help alleviate the suffering of these Croatian and Muslim victims—for the most part, innocent children and defenseless civilians.

Today I urge my colleagues and the administration to act decisively—to provide humantarian aid to Croatia and Bosnia, and to curtail Serbian air power by barring military flights over the Bosnian Republic.

As the Croatian-American Association convenes in Washington, I am happy to announce that the Senate has accepted my proposal to provide $25 million in humanitarian assistance to Croatia as part of the Foreign Aid Appropriation Act of 1993. I hope that this act will move expeditiously through Congress, and that this assistance will be supplemented by other moves to end the violence and tragedy in the Balkans and to provide relief to the victims of Serbian aggression.

A TRIBUTE TO THE SAGINAW BUSINESS AND PROFESSIONAL WOMEN'S CLUB

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. TRAXLER. Mr. Speaker, I rise to pay tribute to an outstanding organization in my district, the Business and Professional Women's Club of Saginaw, MI. I would also like to honor them as they celebrate their 75th anniversary of service and dedication to women of their community.

I would like to share with my colleagues some information about the Saginaw BPW. Throughout its history, the BPW has provided an opportunity for professional and personal growth to thousands of women. It continues to stand as an organization of high standards and learning, offering women the chance to develop leadership skills and other qualities to enhance their careers. BPW members can meet other working women from a variety of occupations, attend seminars and workshops, receive information about educational scholarships, personal loans, health insurance, and financial management.

As women gather to share and learn from one another's experiences, through the direction of the Business and Professional Women's Club, they continue to offer greater service to their jobs and to their community, as well as doing the best for themselves.

For young members, the BPW provides an opportunity to learn from older members, to offer their own new and innovative ideas, and to shape their goals as career women. For midlife members, the BPW is a source of continued growth, an opportunity to teach, and a place to evaluate where they have been and where they would like to go. And finally, for the mature members, the BPW offers a chance to share their experience and wisdom, to use their leadership skills in helping to maintain the organization, and to continue valuable friendships.

The Saginaw Business and Professional Women's Club has been exemplary in its service to the women of the Saginaw area throughout the years and deserves to be recognized for its past, as well as its present contribution. I join with my colleagues in honoring all of the BPW members for 75 years of excellence, and in wishing them continued success.

H.R. 4551

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. GRADISON. Mr. Speaker, I rise today to bring to Members' attention to the budgetary implications of this bill.

This bill would provide additional funding for compensation to eligible Japanese-Americans who were interned during World War II.

The Office of Management and Budget [OMB] believes this program is a capped entitlement and the Government's obligation is limited to the $1.25 billion specified in law. As a result, increasing the authorization cap would expand the scope of the original entitlement program and create costs scored on the PAYGO scorecard.

At present, the PAYGO scorecard has a surplus of $325 million in 1993. This bill will spend much of the surplus if enacted. According to OMB, this bill will cost $250 million in outlays in 1993.

If enacted alone, this bill would not cause a sequester. However, several bills that have already passed the House also have laid claims to this surplus. All of them cannot be enacted without causing a sequester. Thus, this bill is yet another that will compete to spend any available surplus on the PAYGO scorecard. Listed below are some of the other House-passed bills—totaling $3,376 million—competing to spend this surplus and which could cause a sequester.

Deficit Impact of Selected House-Passed Bills

[Dollars in millions according to OMB]

Comprehensive National Energy Policy Act (H.R. 776)	$1,431
Revenue Act of 1992 (H.R. 11)	1,745
Cash Management Improvement Act Amendments (H.R. 5377)	75
Family Preservation Act (H.R. 3603)	125
Total	3,376

Note.—The total equals the combined effects of 1992 and 1993 legislation.

A TRIBUTE TO CARMEN AND LOU WARSCHAW

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. BERMAN. Mr. Speaker, it is a special privilege for us to salute our close friends, Carmen and Lou Warschaw, who over the past four decades have compiled an extraordinary record of service to their community. Separately, Carmen and Lou have served—with enthusiasm and energy—on what seems like every major cultural, political, and social committee in the city of Los Angeles. Together, they are the model of devotion to their community.

A few examples illustrate the point: Carmen has been chair of the National Commission of Community Relations Fair Employment Practices Commission, chair of the Cedars Sinai Medical Center board of directors, a member of the Los Angeles Music Center board of overseers, and for many years, our distinguished National Committeewoman on the Democratic National Committee. Lou has served as president of the Board of Airport Commissioners of Los Angeles; president and vice president of the Los Angeles Board of Building and Safety; and was a member of the Commission on California State Government Organization and Economy.

Through the many years we have been privileged to know Carmen and Lou, they have tirelessly dedicated their time, energy, and active involvement to innumerable worthy causes. They are individuals of the strongest principles and convictions. Their willingness to stand up for what they believe is right has made them extremely effective and strong advocates and has earned our respect and admiration.

It would be hard to find two more generous people. We and so many others have learned firsthand both how kind and supportive the Warschaws can be. It's hard not to think that Los Angeles would be better off today if more people embodied the spirit of Carmen and Lou.

We have been very fortunate to count Carmen and Lou as close friends for many years. We are honored and privileged to pay tribute to their devotion to the community and their compassion.

BROADCAST COMMISSION ENDORSES RADIO FREE ASIA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mrs. BENTLEY. Mr. Speaker, following a 6-month review, the Commission on Broadcasting to the People's Republic of China yesterday issued its long-awaited report. Having first introduced the original Radio Free Asia legislation, I am pleased that the Commission endorsed—by a margin of 6 to 4—the creation of a Radio Free Asia service, tied to the B.I.B.

Naturally, those commissioners opposing Radio Free Asia advanced a series of tired and wornout arguments. First, they said that a Radio Free Asia service would strengthen the hand of hardliners, and give the regime in Beijing an excuse to crack down on dissidents. Come on. They don't need an excuse to throw people in jail—they just manufacture a charge. The suggestion was also made that information-starved Asians should not be given an opportunity to listen to a Radio Free Asia broadcast, presumably because they already have the VOA. A condescending remark if there ever was one.

Mr. Speaker, two separate commissions have issued parallel decisions favoring a Radio Free Asia. Now its time for this House to get serious about setting the wheels in motion. In closing, I hope that my colleagues will take the time to review a timely article written by Commissioner Ben Wattenberg, which appears in the current issue of the Reader's Digest.

[From Reader's Digest, September 1992]

TIME FOR RADIO FREE ASIA

(By Ben Wattenberg)

Americans have this odd belief: they think they can change the world. Sometimes the newest Americans believe this more strongly than the rest of us.

I saw moving evidence of this attitude last May, as Asian-Americans came before a

Presidential-Congressional commission of which I am a member. They told stories of brutality, repression and regimentation from China, Vietnam, North Korea, Cambodia, Burma, Tibet and Laos.

Those witnesses, many of them recent immigrants, were testifying to lend their weight to an exciting concept the commission is investigating, one that can serve American ideals and interests. It is called Radio Free Asia and would be directed to that area of the world, where 1.3 billion people—almost 25 percent of humanity—are still crushed under the heel of totalitarian governments.

Much of what they told us was not new—it was the horrific commonplace of evil. What was new in their testimony was the emphasis they put on a remedy to the situation: information.

Information, we have learned by now, may be what communists fear most. It was at the root of the downfall of the Soviet empire. It keeps hope alive among subjugated people. And it is something the United States, uniquely, can provide at low cost and little risk.

Zhou He, a former reporter for the New China News Agency and now an assistant professor at San Jose State University in California, described his Chinese homeland as "a country where the Party and the government control almost everything—the timing of birth, food rationing, personal mobility, individual careers and ideological tendencies."

Chinese journalists, Professor He reported, have been "purged, dismissed and jailed" since the slaughter of democrats in Tiananmen Square in 1989. "The content of the Chinese press is extremely propaganda-oriented."

The situation is as bad elsewhere in communist Asia. In North Korea, radios were manufactured with no dials, permanently tuned to an official station. In Laos, newspapers, radio and TV are instruments of the government, and letters from abroad may be read by the secret police.

In the United States, a coalition is forming that believes that Radio Free Asia is the answer to such repression. Liberals and conservatives alike, from Sen. Joseph Biden (D., Del.) to Sen. Jesse Helms (R., N.C.), are backing the concept, and Asian-American groups are learning how to lobby. Alas, the U.S. Department of State doesn't agree—yet.

The United States has, in the course of the Cold War, engaged in two kinds of international broadcasting. One might be called national broadcasting, typified by the BBC World Service from Britain. In the United States, that function is carried on admirably by the Voice of America, which broadcasts in 47 languages, reaching nearly 120 million listeners weekly, including at least 16 million in China.

The VOA's programming includes news and commentary from America, government editorials, English-language instruction, global news and, as a lesser priority, some local news about the countries receiving the broadcasts. But it is precisely the area of local news that presents the greatest challenge. Repressive governments regard honest domestic reporting as nothing short of treason. And local news is what interests people most.

In the early 1950s, the United States figured out a way to purvey "internal news" to Eastern Europe and the Soviet Union. This involved intensive journalism, using accounts by travelers, refugees and the underground press, monitoring broadcasts, studying publications and working with scholars. These new services, Radio Free Europe (RFE) and Radio Liberty (RL), offered programming that was far more localized than the VOA's. Surrogate broadcasting—also known as home-service broadcasting—tried to reflect the full range of information that would be available if the receiving country were free.

Over time, RFE and RL broadcast in 11 time zones and 23 languages—including Russian, Polish, Lithuanian, Tajiki and Uzbek. Because most of their broadcast journalists were émigrés, the two radio services came to act not only as news broadcasters but as op-ed page, historian, theater, church and repository of national culture.

The communists hated RFE and RL and spent huge sums trying to jam their signals. But for tens of millions of devoted listeners, they became "our radio," a beacon in the darkness.

When the Polish trade union Solidarity was forced underground in 1981, Polish communists tried to enforce a news blackout to prevent Solidarity members from hearing their leaders. But the Polish service of RFE got through, and at the peak of the crisis, 70 percent of all Poles were tuning in. Asked if Radio Free Europe had played a role in bringing down the communist regime, President Lech Walesa replied, "Would there be Earth without the sun?"

Czech President Václav Havel remembered "the time when Radio Free Europe was, for me, the main source of information about the situation at home and abroad." The foreign minister of Estonia went so far as to nominate RFE and RL for the Nobel Peace Prize.

Their work is not done. The newly democratic nations of Eastern Europe and the former U.S.S.R. have asked that Radio Free Europe and Radio Liberty be continued, to provide a model of free journalism. But the services will likely be phased out by the turn of the century as—and if—democratization proceeds apace.

Why haven't we already had such a force for freedom in Asia? Chinese, like people everywhere, seek freedom. They want to know their own culture and history. They want to know what's going on in their own country.

There is a great irony about information in China today. American entertainment—movies, music, television—is sometimes available. Through the VOA, other foreign radio services and satellite dishes that bring in CNN, the Chinese people can find out a great deal about what's going on in the world—but not much about what is going on in China. The Communist Party is in official control of radio, TV, film and print. And traditional foreign broadcasting can't make up the difference. Until recently, there were two good reasons. First, policy makers felt it was in America's best interest not to do anything that might push the Chinese back toward the Soviets. Second, starting in the late 1970s, there was evidence that personal liberties, though still limited, were beginning to flower in China.

Now there is no Soviet Union. And the brutal crushing of the Chinese democratic movement on June 4, 1989, in Tiananmen Square brought the advance of human rights in China to a jolting halt.

As the distinguished Chinese-American author Bette Bao Lord told the Presidential-Congressional commission examining the idea of Radio Free Asia, there are certain transcendent human truths: They only devote about one hour a day to first-run original China reporting.

So, by mid-1991, some members of Congress had begun moving the idea of a Radio Free Asia onto the front burner. But the State Department has been opposed from the start. A leading State Department official testified that home-service radio to China would only "provoke" the Chinese leaders.

Such pragmatism not only runs against American idealism but is simply not pragmatic. The Chinese leadership is a gerontocracy, led by men in their 80s who are on the way out. One day China will be free, and the leaders will be the people who hoisted their own Statue of Liberty—the "Goddess of Democracy"—aloft in Tiananmen Square. Won't we be better off having been clearly on liberty's side? Will we be able to look them in the eye if we're not?

Another objection to creating Radio Free Asia is that it would divert funds from the VOA. The State Department argues that getting more information into China is necessary, but the VOA is the institution to do it—and could, with a greater appropriation.

That claim was investigated by a Task Force on U.S. Government International Broadcasting appointed by the President last year. After thorough research, the task force, by nearly a two-to-one majority, recommended that the United States expand VOA-type broadcasting, but also establish low-cost home service broadcasting to China and the other nations of Asia.

The task force noted that home service radio can carry a harder edge and more information than is plausible in national-service broadcasting like the VOA's. Hard-hitting investigative journalism and commentary are difficult for a broadcast service that is run, even from a distance, by diplomats who typically seek accommodation. Like RFE and RL, a Radio Free Asia would be run by a blue-ribbon board of Americans, largely untethered by the diplomatic establishment and staffed mostly by emigres from the listening countries.

New legislation to advance home service Asian broadcasting has been introduced in Congress, most notably by Senators Biden and John Seymour (R., Ill.) and Representatives John Porter (R., Ill.) and Helen Bentley (R., Md.). The Presidential candidates should be scrutinized on this litmus issue regarding America's commitment to the expansion of liberty, our best guarantee for peace and prosperity.

In Chinese, the word for America means "beautiful country." Ultimately the issue is not only about China or Asia. It is about America, and whether such a triumphant, beautiful nation has the vision to stick to its ideals and promote them.

When we take a stand for something great, we end up greater, wealthier and more secure than if we make excuses for doing nothing.

MIRACLE IN SRI LANKA

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. WILSON. Mr. Speaker, occasionally I see something in the Washington Post worth bringing to the attention of my colleagues. An op-ed piece this morning is one of those times. Written by a special representative of the Government of Sri Lanka, this piece takes exception to recent remarks made during the Presidential campaigns which basically used

Sri Lanka as a metaphor for economic decline and failure.

Not many Members of this House have been to Sri Lanka, but I have had that pleasure and hope to visit there again. I have been active on South Asian issues for more than the past decade and have paid attention to the country of Sri Lanka during that time. It is a small country, but nonetheless deserves better than off-hand stereotypes from the campaign trail.

I am very pleased to see that Mr. Milinda Moragoda has written an articulate and intelligent op-ed piece pressing his country's case before the American public. As we look to the former Soviet Union and other areas, we cannot forget countries such as Sri Lanka which have major developmental needs—such as for basic infrastructure and food aid—but which are taking the steps necessary to open their markets to increased American investment. Sri Lanka has embarked on an ambitious economic development plan which deserves America's support and encouragement.

I commend this article to my colleagues' attention.

[From the Washington Post, Sept., 15, 1992]

MIRACLE IN SRI LANKA

(By Milinda Moragoda)

The name Sri Lanka has recently become synonymous in the lexicon of the 1992 campaign with economic decline, as both Bill Clinton and George Bush have made disparaging references to us. When our name was Ceylon we were never so treated. We wonder if we too have become a victim of the sound bite.

When my country first changed its name from Ceylon to Sri Lanka, all was peaceful, and so many world leaders went along for awhile not even knowing who we were. We started a Western-style economic revolution, but it merited only the inside pages of business newspapers. A few years ago, however, one of our "states" tried to secede from the "union," and in the ensuing civil strife, all hell broke loose. Then we got noticed.

As violence, terrorism and economic tragedy befell my country, the American public finally became aware that there was a country called Sri Lanka, and it was in trouble. All but ignored was its 2,500 years of recorded history, a population as ethnically diverse as New York City's and a strong modern record of democracy and devotion to free enterprise.

Thus it comes as no surprise that the staffs of Messrs. Clinton and Bush would use Sri Lanka as an example of an economic shambles. But it's still a shame they did so. For if the candidates could visit us today, they might find we deserve to be the subjects of a new and very different sound bite. The fact is that Sri Lanka is on the way back to resuming its place as the next Asian economic miracle.

Since 1931 every citizen of my country has enjoyed the right to vote, and all of our governments have been popularly elected. We have a literacy rate of nearly 90 percent—higher than a number of countries in the Western world—and our overall quality-of-life rating has won the praise of international development organizations.

Long before Eastern Europe and the Soviet Union realized the error of their systems, we threw off the yoke of central economic planning and dedicated ourselves to a free market. That popular decision by our electorate 15 years ago led to a difficult period of sacrifice and belt-tightening. We could not have imagined then that one day this noble effort by our people to emulate the success of the Western democracies would be misused in an American presidential campaign as an example of a poorly performing economy.

Nine years ago our miracle was brought up short. Civil strife broke out in my country when one of our minority ethnic groups sought autonomy. Violence and terrorism were widespread for a time. Sri Lanka was not well prepared for civil war. For decades our economy had concentrated its "peace dividend" on economic development. Our military infrastructure was not able to cope with the terrorism. Thus, we sought the help of our neighbor India to quell the violence. But the violence grew worse, and the Indian peace-keeping force itself became another subject of controversy.

As Sri Lanka began to be noticed in the foreign press for its violence and perceived instability, foreign investors and tourists started avoiding the country. Tourism, a major source of foreign exchange, fell by 75 percent. Growth rates slipped dramatically to the 1.6-2.2 percent range. Prices spiraled. It was inevitable that voices would be heard condemning our flirtation with the free market.

TAKING EXCEPTION

But in their wisdom, the people of Sri Lanka once again rejected central economic planning, and rejected central economic planning, and returned to power the United National Party under President Ranasinghe Premadasa. The new president acted quickly to stabilize the nation's security and resolve the conflicts through consultation and consensus. He succeeded in obtaining withdrawal of the Indian peace-keepers.

However, his efforts at conciliation with rebel groups were not rewarded. Only after the government took determined measures to achieve internal security did the armed strife begin to abate. Today, life is back to normal almost everywhere in Sri Lanka, with hostilities being confined to two small areas in the north and east.

So to Messrs. Clinton and Bush we say: "All is forgiven. Welcome to Sri Lanka—the next economic miracle."

ACCOMPLICE TO MURDER

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. BLILEY. Mr. Speaker, the violence in the Nation's Capital makes headline news across this country and around the globe as well as in the District itself. The District of Columbia belongs to all Americans and we have a stake in ending the violence here.

The recent death of Pamela Basu has brought a new trend to light—the senseless violence involved in carjackings. That tragic event has again focused the Nation's attention on the District. The District itself is a victim as middle-class families have fled the violence. The resources intended for education, health services, and the humanities to improve the quality of life here are being diverted to police, the courts, and the correctional facilities at record levels. But still the violence continues, in part because the judicial system cannot keep pace. Today, I am inserting into the RECORD the recent Richmond Times-Dispatch editorial which captures the outrage so many of us feel about the violence in the Nation's Capital.

[From the Richmond Times-Dispatch,
September 14, 1992]

ACCOMPLICE TO MURDER

Pamela Basu, a 34-year-old research chemist, began last Tuesday just like millions of other suburban working mothers: She packed her 22-month-old child into a car seat and headed to pre-school and to work. She didn't count on crossing paths with Rodney Eugene Solomon and Bernard Eric Miller only a few blocks from her home in Savage, a Baltimore/Washington suburb generally regarded as affluent and therefore safe.

Mrs. Basu was sitting at a stoplight, perhaps pondering her daughter's first day of pre-school, when Solomon and Miller shoved her out of her car and sped away. Mrs. Basu, tangled in a seatbelt, was dragged along. The carjackers stopped and threw the baby out like so much trash—thank Providence she was not injured. Off they went again, still dragging Mrs. Basu. She died of massive injuries.

This sort of crime shakes us all. People move to the suburbs in search of—among other things—safety. And aside from the slim possibility of a traffic accident, most of us feel safe inside our cars.

Yet grim deeds are common near America's big cities, especially near Washington. There have been at least 245 carjackings in the Washington area this year, five—now six—including murders. Only a few months ago, Patricia Lexi of Virginia was shot and killed on a D.C. expressway as she and her husband returned home from an evening with friends. The murderer, who recently had made a quick trip through the D.C. court system, said he just felt like killing someone. Now this.

Pamela Basu might not have died were it not for D.C.'s criminal-coddling laws. Solomon has a long criminal record; he was out on bail over the U.S. attorney's protests. Washington Mayor Sharon Pratt Kelly has done little to change D.C.'s laws. The police force gets short-changed in its budget while America's worst city bureaucracy stumbles on, doing little efficiently but issuing parking tickets.

Richmond Congressman Tom Bliley has urged the District to stiffen its laws or else see Congress override home rule. He immediately should bring appropriate legislation before the House, including a death penalty. If a few casual killers were to meet Old Sparky, then perhaps some of their kind would think twice about murder.

Fortunately, the Basu case will be tried in Maryland, where the death penalty may apply. Surely Mrs. Basu's killers deserve death.

TRIBUTE TO STEVE YOKICH

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HERTEL. Mr. Speaker, on September 23, 1992 in Sterling Heights, MI, the March of Dimes will be honoring Steve Yokich as the 1992 Alexander Macomb Citizen of the Year. Steve Yokich is a good friend of mine who was born into a family with strong UAW roots.

He is currently serving his fourth term as a UAW vice president and is assigned to the union's largest department, General Motors.

Steve is noted for his concern for the health and safety of his members. He pioneered the Employee Assistance Program which assists employees that are experiencing problems such as drug and alcohol abuse, domestic, and financial problems. He is also recognized for the leadership role he has played in promoting the developing child care programs.

In addition to his union responsibilities, Steve Yokich is a highly respected and dedicated community leader in Michigan. He is a member of the NAACP, the Coalition of Labor Union Women, and the AFL-CIO's National Organizing Committee. Furthermore, he serves on numerous boards and committees such as the Economic Alliance of Michigan, Michigan Blue Cross-Blue Shield, the Michigan Cancer Foundation, the Father Clement Kern Foundation, and the U.S. Department of Labor's Bureau of Apprenticeship and Training.

Besides his commitment to the union and the community, Steve Yokich is also involved in civic and political affairs. Active in Democratic politics, he is a member of the Michigan Democratic Party State Central Committee. He has participated and coordinated many Democratic campaigns and was an official delegate to three Democratic National Conventions. His leadership role as the chair of the UAW's Community Action Program in Michigan is instrumental in setting the legislative and political agenda for the 500,000 active and retired UAW membership from this State.

Steve Yokich and his wife, Tekla, reside in St. Clair Shores, MI. They are the parents of Stephen and Tracey, and have one grandson, Michael Stephen. When he has any free time, Steve likes to golf, sail, and fish.

Mr. Speaker, these biographical facts cannot begin to convey the many contributions of Steve Yokich to his union, the working men and women he represents, and the people of Michigan through his involvement in political, economic, and social activities. His contributions have been numerous. It is my pleasure to join his many friends and family in congratulating Steve Yokich as he is honored by the March of Dimes as the 1992 Alexander Macomb Citizen of the Year.

TRIBUTE TO GEN. FRANK CARDILE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. SAXTON. Mr. Speaker, on August 28, Brig. Gen. Frank Cardile retired as commander of the 438th Airlift Wing at McGuire Air Force Base.

General Cardile was the latest in a long line of commanders who have made McGuire one of the finest military installations in the Nation.

Under General Cardile's leadership, the 438th has transported personnel, equipment, and supplies all over the globe, including humanitarian transports to the Soviet Union and, most recently, Somalia.

General Cardile gave a very poignant speech at the ceremony marking his retirement and the assumption of command by Brig. Gen. George A. Gray III.

General Cardile talked about the importance of an effective airlift command as security needs change. He further talked about the vital need for topnotch bases such as McGuire Air Force Base to carry out this airlift mission.

Following are excerpts of the general's remarks:

> When I entered the Air Force, and three years later when Barbara joined me on this journey, the potential for nuclear war was real, the Berlin Wall was solid and the Cold War was raging. But, there could be only one winner, and I am proud that I served as an airlifter on that winning team. It has been a proud time to be part of a great victory for our country and for the free world. The Soviet Union no longer exists and democracy is flourishing.
>
> Airlift has been key to these victories, and the men and women of the 438th Wing have been an important part of the winning team * * *
>
> And, as we look ahead it is clear that America's security will become more dependent on airlift as we bring many of our overseas units home.
>
> Our Air Force vision of global power and global reach is almost totally reliant on airlift. Except for our shrinking strategic bomber force our attack aircraft require airlift to provide the necessary logistic support and supplies needed to conduct combat operations, and of course, our ground forces need airlift to quickly deploy to locations around the globe.
>
> Without airlift, there is no global reach and there is little global power.

COMMENDING SOCIETY CORP. OF CLEVELAND, OH, FOR ITS RECEIPT OF THE EXEMPLARY VOLUNTARY EFFORT AWARD FROM THE U.S. DEPARTMENT OF LABOR

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Ms. OAKAR. Mr. Speaker, I wish to acknowledge and salute Society Corp. of Cleveland, OH, for receiving the 1992 Exemplary Voluntary Effort [EVE] Award from the U.S. Department of Labor. The EVE Award recognizes and honors Society for the outstanding success it has achieved in actively recruiting and hiring minorities, women, persons with disabilities, disabled veterans, and Vietnam veterans. In selecting Society to receive this prestigious award, the Department of Labor noted that Society's recruitment and hiring programs had paved the way for advancement by women and minorities into the upper levels of corporate management.

I, too, applaud Society for its extraordinary accomplishment in enabling otherwise disadvantaged persons to realize their full potential as productive human beings and permit them to perform competitively at the professional, managerial, and executive levels. At a time when qualified women still bump their heads against the glass ceiling in corporate America, and when minorities are without the hope of even modest improvement in their employment prospects because the good job offers aren't forthcoming, Society should challenge and inspire all of us for the enlightened leadership it has shown on this very important social, economic, and human issue.

Therefore, I am delighted to congratulate Society for receiving the Labor Department's 1992 EVE Award, and would urge other employers to follow Society's example.

PRIORITY REFORMS FOR A NEW HOUSE RESOLUTION

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. EMERSON. Mr. Speaker, today, I am pleased to join my good friend and colleague from New York, Mr. SOLOMON, in introducing a package of amendments to the House rules which are designed to make the legislative process in this institution more orderly, deliberative, and accountable. I commend Mr. SOLOMON for taking this initial step to open discussion on this topic.

This institution is one of the greatest that has ever existed in the annals of history. Our tripartite system of government is built on the ideals of freedom, stability, and majority rule tempered by protection of minority views. The legislative branch of Government—this great institution—is an integral part of our democracy, and its potential for greatness is unequaled anywhere on the globe.

Yet, something has happened to this great institution over the years. It is evident anywhere we turn: the American people are frustrated with the Congress; the administration is frustrated with the Congress; even Members of Congress are frustrated with the Congress. We, the Congress, have the opportunity and the obligation to do something about it. Although the Hamilton-Gradison Joint Committee on the Organization of the Congress will not officially convene until November 15, now is the time to begin to think about what's wrong with this process and what can be done to change it.

These proposed rule changes are a good starting point for discussion. This package recognizes that the scheduling of business is not very conductive to actually conducting business; scheduling changes need to be made. This package recognizes that many Members are spread too thin; the number of committee assignments should be reduced to allow Members to gain expertise in a given area. This package realizes that our budgetary process is structured so that it will sometimes reward a short-term focus to the detriment of long-range planning. The process should be restructured.

There are elements of this package with which I do not necessarily agree, but about which I think there should be full deliberation. The package proposes to abolish all Select Committees of the House. Some years ago, I would have agreed with this goal. In fact, I led the fight against the creation of the Select Committee on Hunger in 1984. Since that time, however, I have had the opportunity to serve on the Hunger Committee, and my experience has changed my mind, at least as to that committee in the current overall structure of committees. The Hunger Committee plays a valid role in addressing the problems of hunger, both at home and abroad, problems that otherwise would not have been dealt with. Hunger is a very real problem, and the select committee provides a necessary forum and is a focal point for investigating and addressing the problem in a way that legislative committees are not prepared to deal with.

I have cosponsored this package in the firm belief that these issues are ripe for discussion. Mr. SOLOMON has taken a good first step and has made several constructive suggestions. I urge each and every Member to begin to think seriously about the procedures of the House and to examine the proposals Mr. SOLOMON has introduced today. This great institution can change for the better, and we have the power, the opportunity, and the obligation to effect such change.

TRIBUTE TO COL. JOHN J. DONNELLY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to a distinguished Missourian who has dedicated a great portion of his life to service in uniform. The man of whom I speak is Col. John J. Donnelly, who was commissioned as a second lieutenant in the Air Force upon his graduation from officer training school at Lackland Air Force Base, TX, in January 1965. From the time he earned his navigator wings in 1967, Colonel Donnelly successfully completed assignments at many bases throughout the world earning his status as a master navigator with over 3,500 flying hours as well as such distinguished military honors as the Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal, and the Air Medal with five oak leaf clusters. Colonel Donnelly has spent the past 2 years as the commander of Detachment 509, 351st Missile Wing, Whiteman Air Force Base, MO. He was responsible for planning for the deployment of the first B-2 bomber wing in Air Combat Command.

Col. John J. Donnelly epitomizes the citizen soldier who has made our military strong throughout our history. He retired September 1, 1992, after 27 years of faithful and dedicated service to the Air Force and the United States of America. I know other Members will join me in commending Colonel Donnelly for his many years of devotion to duty and service to our country.

SAN FRANCISCO STATE UNIVERSITY: PROMOTING RACIAL AND ETHNIC DIVERSITY IN HIGHER EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LANTOS. Mr. Speaker, a recent article in the San Francisco Chronicle carried an encouraging story about how one of our major urban institutions of postsecondary education, San Francisco State University [SFSU], is serving as a leader in promoting racial and ethnic diversity in and outside the classroom.

In its praise of the university as a leader in dealing with the fundamental issues of diversity, the Accrediting Commission for Senior Colleges and Universities pointed to such indicators as SFSU's extensive recruitment of minority professors, higher graduation rates of minority students, and courses with a multicultural orientation.

A 17-member visiting team, drawn from across the Nation, spent 4 days on the SFSU campus in April, meeting with faculty, staff, students, and administrators. In its report the Commission credited SFSU with being in the vanguard with respect to some of the newest and most difficult issues facing higher education today.

In acknowledging that SFSU is "on the leading edge of institutions dealing fundamentally with issues of diversity," the Commission report found it particularly noteworthy that SFSU does not exhibit the interethnic tension and conflict so prevalent on so many other college campuses.

Dr. Robert A. Corrigan, the president of San Francisco State, attributed these successes to work begun many years ago in the tumultuous days of the 1960's, with the establishment of the educational opportunities programs and the School of Ethnic Studies.

The Commission found that:

> Faculty members display a depth and breadth of commitment to cultural diversity in the curriculum and among faculty members;
>
> The School of Ethnic Studies is the leader in the Nation in the development of scholarship in the areas of race and ethnicity;
>
> Minority students graduated at a higher rate than most other colleges in the State;
>
> Minority faculty members are being recruited in significant numbers. In the fall of 1990, for example, 41 percent of the tenure-track professors who were hired were members of an ethnic minority group; and
>
> Ethnic studies professors have worked successfully with colleagues from other disciplines to develop joint courses, thereby avoiding turf battles over multiculturalism.

Another source, the educational journal, Black Issues in Higher Education, carried a report on which colleges and universities are doing the best job of graduating people of color at the baccalaureate, graduate, and professional degree level. SFSU again received recognition by being ranked fifth nationally on the list of the top 100 degree producers, all disciplines, all minority groups.

Mr. Speaker, the ability of San Francisco State University to confront the issues of ethnic diversity and multiculturalism head on and to take a proactive role in resolving related problems is a sign of academic strength which should be recognized and applauded.

PROPOSED RELIEF FOR OVEROBLIGATED DOD ACCOUNTS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. IRELAND. Mr. Speaker, the Senate version of the fiscal year 1993 defense authorization bill, S. 3114, contains a provision—section 1003—that is inconsistent with the maintenance of integrity and discipline in accounting and finance at the Department of Defense [DOD].

Section 1003, if adopted by the House in conference, would authorize DOD to use current appropriations to meet obligations properly chargeable to expired accounts that have not yet been closed under the M account legislation adopted by Congress in 1990—31 United States Code 1552(a).

Section 1003 would authorize DOD to pay old debts with new money—a violation of one of the most basic principles of appropriations—31 United States Code 1502(a). Under section 1502(a), appropriations are available only for payment of expenses properly incurred during their period of availability or to make payments on contracts made within that period of availability.

Mr. speaker, why would DOD need an exemption from this most basic statute? Why would DOD want to use current appropriations to pay obligations properly chargeable to expired accounts that remain open?

Surely, if sufficient money remained in those accounts, DOD would use it. What is the problem?

The answer to these questions is very simple. There can be only one reason why DOD is proposing section 1003. Those accounts are empty. The money is gone. In technical terms, those accounts are overobligated. In all probability, these overobligations constitute violations of the Antideficiency Act.

It's the same old story. DOD has bills to pay, and no money to pay them. This is what happened.

Congress originally provided all the money DOD requested to meet those obligations. DOD then signed the requisite contracts. Unfortunately, the cost of those contracts exceeds the total amounts appropriated to cover them.

DOD is failing to live within the broad monetary limitations mandated by Congress in annual authorization and appropriations bills.

Mr. Speaker, How does DOD find itself in this predicament today?

Prior to the enactment of the M account reform legislation, DOD used the infamous merged surplus account to secretly cover overobligated accounts—well beyond the purview of Congress. Well, as a result of the M account legislation, the merged surplus was closed in December 1990. It's now history. The honey pot is gone. And the integrity and fiscal year identity of all expired accounts must be protected.

So, under the new rules, DOD has no choice but to come before Congress to justify its actions and to seek monetary relief—exactly as we intended. In requesting the authority incorporated in section 1003, DOD has done exactly that. But there is one glaring deficiency with the recommended approach, section 1003 would bestow blanket authority to pay off overobligated accounts.

I refer to section 1003 as blanket authority because it would authorize DOD to pay off all overobligations—before Congress receives all the facts bearing on each overobligation—as required by law.

Under section 1003, Congress would provide this blanket authority with no information whatsoever. Which accounts are overobligated? To what extent are they overobligated? How much money is involved? Who is responsible? We don't know the answers to any of these important questions. No information has been forthcoming. It would be irresponsible to act without that information.

Congress should not grant the requested authority until the answers to these questions are in hand as prescribed in law. There is a whole body of law establishing procedures for handling violations of the Antideficiency Act. They must be followed. This is a very serious matter indeed.

First, knowing and willful violations of the Antideficiency Act are class E felonies in the opinion of the Comptroller General.

Second, according to the Comptroller General, an overobligation of a prior years appropriations is a reportable violation of the Antideficiency Act—31 United States Code 1341. Such overobligations must be reported immediately to the President and Congress along with all relevant facts and a statement of actions taken as specified in 31 United States Code 1351.

The Comptroller General also asserts that the failure to disclose known violations of the Antideficiency Act is also a felony. So, if DOD is requesting the authority embodied in section 1003 because of known violations of the Antideficiency Act, which have not been duly reported to the President and Congress, DOD and anyone else involved could be placing themselves in a precarious legal situation.

Once the required information is submitted and Congress is in a position to make an informed decision, Congress has two options: First, provide a deficiency appropriation; or second, authorize the use of current appropriations.

If DOD needs the authority requested in section 1003 to meet legitimate obligations, Congress must and will provide the money needed to meet those obligations. That's a certainty. But before that authority is granted, DOD must comply with the reporting requirements contained in 31 United States Code 3151. DOD must provide all relevant facts and a statement of actions taken. That is the law of the land.

Providing blanket authority before any of the facts are known is a mistake. DOD will be off the hook. Section 1003 would encourage DOD to ignore the Antideficiency Act.

The Senate Armed Services Committee, in adopting section 1003, assures us that the measure does not in any way affect the requirement for expeditious reports to Congress and the President, under existing law, concerning violations of the Antideficiency Act. I maintain that is like putting the cart before the horse. Reportable violations of the Antideficiency Act have obviously occurred, but Congress has no report. Congress has no information about them. Since when does Congress authorize appropriations without some justification?

Congress has a responsibility to provide monetary relief but only after DOD has complied with the law.

SEPARATE VIEWS IN SUPPORT OF H.R. 5096

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. CAMPBELL of California. Mr. Speaker, here is the fundamental question at issue in this legislation. If we allow the BOC's into information services, exchange markets, and equipment manufacturing, an incentive is created for them to deal with their competitors in each of those fields in a less than fair manner. Second, the cost of the BOC's involvement in these activities might be passed along, to some extent, to the consumers who pay for the monopoly service that each BOC provides local telephone service. Placing some costs of a competitive business into a regulated monopoly base creates an anticompetitive advantage in favor of the company that has a leg in each activity. The result will be an extension of the legally created monopoly into the formerly competitive, but technologically linked fields.

These are the two great risks of permitting the BOC's to enter any field other than the monopoly, and regulated market of local telephone service.

During the course of the hearings, conduct by some of the BOC's involving discriminatory access since the decree came to light. That this took place during a time of the highest scrutiny, when the BOC's should have realized their behavior would be used as evidence in legislation or decree modifications, is good testimony of the difficulty of adequate supervision against such behavior, and the strength of the temptation toward it.

However, let us assume that even more extensive regulation could prevent the recurrence of such behavior. The joint cost issue remains as a serious anticompetitive problem, to which the hearings and submissions provided no ready answer.

Against these risks is the potential for benefit that each BOC might bring. Many of the views expressed as dissenting to this report emphasize the consumer good that the BOC's promise if they were allowed to compete. Against that argument is posed the presence of many other companies, including AT&T, who promise equally significant value to consumers in these fields, but without the attendant anticompetitive risks.

I asked at this hearings, and have combed the record, for evidence of any unique element of competition the BOC's would bring that could not be offered by, say, AT&T, in the field of equipment manufacturing, exchange services, and information services. The best suggestion any could put forward was a synergy offered by a BOC that could work closely with its local service customers in providing them enhanced services. However, this advantage appears to be easily achievable by any non-BOC capable of doing consumer research.

To the degree there are other synergies of a more technical kind, the antitrust problem of accounting for joint costs becomes worse. That is to say, if a company that provides the local telephone loop is more efficient for that reason, at manufacturing the local switch—then there must be issues of joint costs. To which base should research into the connection between local switch and local loop be allocated: The regulated monopoly base of the local loop or the market-constrained base of the switch? To the extent any of that joint cost is attributed to the local loop, a competitive advantage accrues to the BOC as against any other provider of the local switch. From that competitive advantage, eventual market power will emerge—shared in an oligopolized market by the several BOC's in the best case, or enjoyed as a monopoly by the one most successful BOC in the worst case.

One might respond, that is true, but the benefit is worth the risk. That might be the case. It is equivalent to the putative efficiencies defense in merger law: Yes, this merger confers market power, but it will lower costs sufficiently to offset the consumer harm from exercise of that power.

Frankly, I was expecting the BOC's to make this argument. I was prepared to give it a great deal of consideration. However, the BOC's did not do so. Hence, without any evidence of cost-lowering synergies, I find that the argued for advantages of allowing the BOC's into exchange services, information services, and equipment manufacturing are no different in kind or degree than could be offered by AT&T, or any of the many companies already competing in those three fields. It might be said that you can never have too much competition, but here there is a risk with the kind of competitor we would allow in—a risk not overcome by any special contribution others couldn't replicate.

Resolving these fundamental questions in this way led to my support for H.R. 5096. However, my support was prevented, at first, by the subcommittee's creation of a series of per se offenses. I believe antitrust law should apply to this area, and that courts have now developed the sophistication to deal with antitrust through rule of reason, rather than per se analysis in most, if not all, cases. And in any event, the categories for proposed per se treatment in the subcommittee draft would receive rule of reason consideration under existing law if they occurred in any other context. Hence, I voted against the draft at subcommittee. In full committee, however, I was gratified that my amendment imposing a rule of reason standard, borrowed from the appropriate antitrust statutes applicable to all other fields, was accepted in place of the per se prohibitions on discrimination, joint venturing, or merging.

The distinguished ranking members of the committee and subcommittee, in their dissenting remarks, note that H.R. 5096 imposes a tougher standard than has been adopted by the courts in essential facilities cases. That is true. But it is also appropriate. The normal essential facility presents only the problem of discriminatory access. The unique factor here is that the agency controlling the essential facility also has the means of passing along joint costs to a regulated rate base. That is not part of the usual essential facilities case, and it requires a tougher standard. The standard adopted in this legislation is the same one presently applied by the Federal district court administering the AT&T decree on petitions for waivers from the line of business restrictions.

I part company with these distinguished colleagues of mine on this committee with great reluctance, given the high esteem in which they are held by all, and their learning in this field.

Moreover, in supporting this legislation, I am pleased to find myself in the company not only of the other members of this committee, but also of our country's most esteemed antitrust scholars, including William Baxter of Stanford, Phillip Areeda of Harvard, Robert Bork, formerly of Yale and Chicago, and Lawrence Sullivan of California.

CATERPILLAR, INC.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. MICHEL. Mr. Speaker, the Nation's current economic status has shown us that there is a major realignment underway in our manufacturing sector. Business, labor, government, and community leaders are searching for answers in their quest to create jobs, harness new technology, and enhance competition for American goods.

Nowhere is this metamorphosis more evident than at Caterpillar, Inc., in my hometown of Peoria, IL. A recent editorial and article in the Chicago Tribune have shown in a comprehensive, understandable way just what these changes are all about. I would like to include them here for my colleagues' benefit.

The editorial and article follow:

[From the Chicago Tribune, Sept. 7, 1992]

A LABOR DAY ALERT FROM PEORIA

The American worker has reached a crucial juncture on this first Monday of September—as important as any in the 98-year history of the national holiday called Labor Day.

It's true that labor (big "L" or small) has not had much to celebrate for quite a while. A stubborn unemployment rate hovers at 7.6 percent, meaning 10 million men and women are looking for work and can't find it. Among those with jobs, average incomes—corrected for inflation—have grown hardly at all since the mid-'70s. Organized labor remains in broad retreat, with one of eight workers carrying a union card compared to one of three 40 years ago.

Some might cheer that last trend. Unions haven't exactly been in the vanguard of the push for competitiveness. And yet, it's hard to imagine a healthy America without a healthy blue-collar middle class—the folks whose purchasing power has fueled much of the rest of our economy.

The blue-collar blues are examined this week in a series of stories that began in Sunday's Tribune. Each installment revolves around a single event—this year's bitter standoff in Peoria between the United Auto Workers and Caterpillar Inc.

In one respect, it was just another labor dispute, albeit between one of America's largest unions and Illinois' biggest manufacturer. But a closer look by reporters Steve Franklin, Peter Kendall and Colin McMahon shows a Peoria that reflects changes sweeping across the American workplace. More so than their brethren in white or pink collars, the ranks of factory workers are being decimated by automation, foreign competition and a labor market gone global.

Peoria's story is not about the current economic downturn or another U.S. manufacturer on the rocks. Caterpillar is the world leader in earth-moving equipment, having bested Japan's Komatsu Inc., and other competitors here and abroad.

Trouble is, the company succeeded only after slashing its blue-collar work force to the bone. To get competitive, Caterpillar has halved its payroll of hourly workers over the past 12 years. That's worldwide. In the Peoria area, the company whacked its union payroll by two-thirds. Some jobs were automated, others "out-sourced" to non-union shops in the Midwest. New factories were opened in the non-union South, in Mexico, in Belgium and Brazil.

Now thousands of Peorians, most with high school educations or less who had been making the UAW scale of $17 an hour, find themselves scrambling for minimum-wage fast-food jobs or commission sales work. The post-strike survivors at Cat are a beaten lot, having returned to work on the company's terms rather than be replaced.

What's happening in Peoria forces us to ask troubling questions about America's economic future. Two come quickly to mind: How will blue-collar workers add enough value in a globalizing economy to justify their middle-class way of life? And what happens to the rest of us if they do not?

The answer to the first question includes retraining, better education and a management-labor paradigm based on cooperation instead of confrontation. The answer to the second is too grim to contemplate.

[From the Chicago Tribune, Sept. 6, 1992]

AT CATERPILLAR, A CLASSIC CONFLICT—BIG LABOR VS. BIG BUSINESS, AND ONLY THE STRONG SURVIVE

Behind the wheel of his new Dodge pickup, Chuck Lovingood approached a crossroads outside the Caterpillar transmission factory in East Peoria.

He had driven to that gate thousands of times in his 29 years as a Caterpillar worker, but this time was different. On this cool, clear April morning, everything he held dear was on the line.

Chuck Lovingood had to decide which way to turn. Go straight through the gate—and past a picket line—to his $18-an-hour factory job, and he would become an anti-union "scab." Turn left and he would join the chanting crowd that had gathered outside the gate to discourage people from crossing.

Even as his wheels rolled into the intersection, he did not know which way he would go.

It was April 6, 1992, and Chuck Lovingood had been placed on the spot by Caterpillar Inc.'s hardball threat to supplant its striking United Auto Workers with permanent replacements. Caterpillar, the pride of Peoria and one of America's few manufacturers successful at holding off Japanese competition, had become the first major U.S. manufacturer in modern times to threaten the use of replacement workers.

Lovingood had no way of knowing that morning that Caterpillar and the UAW would step back from the brink. Or that the two sides, under federal mediation, would later suspend their standoff and let workers go back to work without a contract. (No contract talks have been held since June 2.)

All Lovingood knew that morning was that his world was in jeopardy. Although he describes himself as "just a hillbilly" with coon-hunting dogs out back and a Mason jar half-filled with moonshine in the cupboard, Chuck Lovingood, factory worker and union man, had gained admission to the American middle class. He liked it there.

Go straight, or turn left. Either way, Chuck Lovingood's world would never be the same.

Lovingood's dilemma is worth revisiting this Labor Day weekend. And not just because his union is in crisis; or because his company is the largest manufacturing employer in Illinois; or because his hometown, Peoria, is so typical of America's industrial heartland.

This year's standoff in Peoria portends something much larger. It is the end of an era, the end of what may be the proudest creation of the American labor movement in the 20th Century: a large blue-collar middle class.

Its disappearance raises profound questions about the future of all working Americans, whether their collars are blue, white or pink.

If Americans can no longer find high-paying factory jobs after graduating from high school, what is to become of the many businesses that grew up to serve them? If only a highly educated few are able to achieve a comfortable standard of living, who will buy all the splitlevels, bass boats, minivans and magazine subscriptions whose consumption has fueled the most powerful economy in the world?

And what will happen when most American workers, not just the blue-collar ones, decide that their children have little hope of being better off than their parents?

The trouble in Peoria is not a snapshot of the current economic recession, nor of another U.S. manufacturer in trouble. It is a portrait of long-term, structural change for one of its most successful corporations, one of its most powerful unions and one of its most typical of cities.

Steeled and brawny as the million-dollar yellow bulldozers for which it is famous, Caterpillar Inc. is proving that a U.S. manufacturer still can dominate a world market—though to do so has pared its union-scale workforce to the bone. While other companies were preaching worker cooperation, Caterpillar was willing to go to war with its workers.

The United Auto Workers, like America's other fast-shrinking industrial unions, finds itself lacking vision about how to cope with the crisis. It had assumed a traditional strike still would be a force potent enough to wring concessions out of Caterpillar.

Caught somewhere in the middle is Peoria. It is a quintessentially American town, a sober river city whose bluffs have long been recognized as a good place to get a clear view of this nations' working-class culture.

And everywhere are the people—people coping with profound, often incomprehensible, change. They are reeling from the uncertainty of a working world in flux.

Some of the most profound changes are taking place right on Caterpillar's factory floor.

Cat's factories resemble, roaring, crowded cities, where machines are lined up like skyscrapers across acres of floor and the sky, far overhead, is a firmament of rafters, cables and snaking ductwork.

There is a constant rush of ventilated air, loud as river rapids, that forms a background to the metallic sound of iron cutters and grinders, the hiss of welding torches and the bleating of warning horns.

On warm days, huge fans are aimed at work stations. On hot days, the factories, fans and all, become ovens of noise and sweat.

Light appears thin and diffused. There are no shadows in a Caterpillar plant.

Always there seems to be the sound of a hammer hitting metal, distant and rhythmic. It comes from nowhere. Nobody in sight is hammering.

In fact, at times, there seem to be few people around at all.

Laser-guided forklifts, driverless, cruise the floor, taking their directions from bar codes posted like tiny road signs. Ferrying parts from one robot to another, they beep incessantly, like alarm clocks at the dawn of a new manufacturing age.

The workers here appear almost languorous, able to keep up with their end of the job without rushing. It is the machines that are in a hurry.

Workers are often not tied to assembly lines, but move around in "cells"—areas where a worker does a number of operations before sending a part or product on its way.

In one area, a gray-haired man moves around a living-room-sized cell with all the haste of an Old World cobbler. He crisscrosses the space, attaching parts to a transmission that sits like a yellow tree stump in the middle of his cell.

Occasionally he glances through his spectacles at a computer screen to see what part he needs next. This is how a transmission is assembled in 1992.

There are 48 similar stalls, all in rows, in the 850,00-square-foot factory. Nothing about this mustachioed, gray-haired man and his job appear futuristic, except perhaps his title: Use Point Manager.

Across the street from the main gate of the transmission factory there is a more familiar world: rows of tiny framehouses, many too small to be called bungalows.

These are the Richland Bottoms (usually called just "The Bottoms"), an East Peoria neighborhood built for Caterpillar workers after World War II. The neighborhood has faded. Union workers, for the most part, have stretched their standard of living and their horizons, relocating to split-levels in towns beyond the shadows of Caterpillar factories.

Now, The Bottoms has residents with low-paying service jobs—store clerks and janitors—who would gladly trade their lot in life for a Caterpillar job.

Across the Illinois River, the City of Peoria, population 113,500, backs up onto the river bluffs and rolls westward across the central Illinois plain. At its center is a smattering of skyscrapers; at its outskirts, suburban-like sprawl.

Peoria is America, residents like to say time and again. It's fair in the summer and fireworks on the 4th of July. It's a good day's work, a great place to raise a family.

What many residents don't like to admit is that Peoria is also the other America. It has gangs and drugs, troubled schools, entrenched racism, a crumbling infrastructure and, most troubling of all, a disappearing manufacturing base.

Peoria has known the fears of Ypsilanti, Mich., where General Motors Co. will shut its Willow Run plant next summer wiping out work for 4,014 employees.

It has known the fear of Southern California, where tens of thousands of defense industry workers at firms like McDonnell Douglas and Lockheed nervously eye the headlines—and the want ads—as America stands down from its Cold War alert.

And it has known the fear of the once-comfortable ring of Route 128, the so-called "high-tech highway" around Boston, where thousands of jobs have disappeared from failing or shrinking companies with names like Wang Laboratories and Digital Equipment.

But Peoria remains a Caterpillar town. The company hands out almost $850 million in paychecks each year to 18,000 workers in the area. It gives another $2 million or so to schools and museums, and in 1992, it paid $6.2 million in property taxes in the Peoria area.

Less obviously, the company seems to provide a certain workaday sensibility, a sense that life is governed by immutable relationships between employer and employee.

Caterpillar's headquarters is in a squat, seven-story, sand-colored building overlooking the Illinois River. The company could have built a tower topped with a yellow beacon if it had wanted, but chose the less obtrusive design to avoid lording it over the city.

It wasn't until the late 1980s, in fact, that Caterpillar felt comfortable enough to put its famous name—the one co-founder Benjamin Holt applied to his tractors because they appeared to "crawl" on treads, not roll on wheels—on the top of the building.

For the most part, Caterpillar executives are no more flashy than the place they work.

Caterpillar's top 25 executives, its soul and backbone, are all white males, most of them born and bred Midwesterners.

A "Caterpillar wife," as one woman who married a company man observed, is a woman who says only what she is supposed to say, at least until her husband retires.

"We learn around here that the less you say, the less trouble you can cause," said Terry Thorstenson. Having learned that lesson, he was put in charge of the company's public relations.

Caterpillar's earthmoving machinery is legendary for its durability and quality. After the failed invasion of the Bay of Pigs, Cuban leader Fidel Castro asked for Caterpillar tractors as part of the exchange for prisoners.

But Caterpillar has not stayed on top of its industry by relying on a legend.

In 1990, Donald Fites reached the top of a 34-year climb through the Caterpillar bureaucracy. On the very day he was made chairman and CEO, he announced a sweeping plan to reorganize the plodding company into more than a dozen divisions, or business units, each of which would be expected to show a profit.

That move to increase accountability followed a $2 billion retooling of the company's factories. The world was changing, and Caterpillar was determined to change with it.

A year later, Fites turned his attention to the last element of his company that he believed was still a thing of the past: its labor contract with the United Auto Workers.

"I think the UAW leadership still thinks it's 1950," Fites said recently. "Times have changed, and they haven't changed with the times."

In trying to "modernize" the relationship between Caterpillar and the UAW, Fites and his company would permanently change it with the threat of replacement workers.

A decade earlier, Caterpillar Chairman Lee Morgan had watched with surprise as President Ronald Reagan fired the striking members of the Professional Air Traffic Controllers Organization and replaced them with new workers.

What surprised Morgan, an optimistic man who filled his life with Caterpillar, was not that the president had actually fired striking workers, but that he could do it at all. Morgan, running a company with a long history of troubled labor relations, had not even known it was an option.

But times had indeed changed. At Caterpillar. In the UAW. For America.

Caterpillar tractors have been built in Peoria since 1909, but the company's rancorous marriage with the United Auto Workers dates only to 1948, when the UAW organized its workers out from under the United Farm Equipment and Metal Workers.

John Stevig, an early UAW supporter who hired on at Caterpillar in 1945 and retired 40 years later, recalled that before the UAW, hundreds were laid off and waiting for work. No one had health insurance. There were no sick days, no holidays, no overtime pay. Conditions were hard, like the work.

If the line shut down and work vanished, so did your paycheck. If you took too long in the bathroom, you might find somebody from the street at your machine the next day.

The UAW fought those conditions and eventually won, frequently relying on a strike for leverage. Of the last 14 central bargaining agreements between Caterpillar and the union, only five have been signed without the union first walking out.

Workers came to measure their lives in two- or three-year cycles between strikes. Something as mundane as a savings account, for example, has a different meaning for Cat workers.

"Most people, maybe they save for a boat," said 52-year-old Art Borowiec. "You know what we do at Caterpillar? We save for a contract to expire, in case there is a strike."

On the shoulders of workers like Stevig and Borowiec the United Auto Workers became the pride of the nation's powerful blue-collar industrial unions.

The UAW pioneered cost-of-living raises and health benefits, improving work and wages for union and non-union workers alike, and spoke up bravely on civil rights and other social issues.

In 1979 the UAW hit a peak of 1.4 million members. But then the industrial world began to change. The Big Three automakers' loss of market share to foreign competitors was accelerating. Farm-equipment makers were staggered by the double whammy of low-priced imports and chronic agricultural recession. Inside the surviving plants the workforce was systematically being whittled down by automation, corporate shrinkage and outsourcing (the practice of sending work to smaller, oftentimes non-union shops).

By the mid-1980s the UAW found itself scrambling to save members' jobs, and losing on almost every front. From 1979 to 1991, the U.S. car industry lost 20 percent of its domestic market share and cut 30 percent of its workforce—141,400 jobs. By 1992, UAW membership had fallen by 40 percent from that 1979 high. Once the nation's second largest union, the UAW fell to fourth, behind the union that represents janitors.

Things weren't much better in other unions. By 1991 union membership in America had fallen to 11 percent of the private workforce, down from 35 percent in 1953.

Much of this was attributed to the general decline in industry. Since 1979, 2.8 million factory positions have disappeared, according to the U.S. Labor Department. Nearly one out of five workers in 1990 held low-wage jobs—defined as the income required to keep a family of four above the poverty line—compared with one in eight at the start of the 1980s.

Wherever there are smokestacks, good jobs have been lost.

The once powerful steel industry, which turned towns like Pittsburgh, Youngstown and Gary into world steel capitals, had 650,000 workers in 1953. By 1992, the industry employed 178,000.

As president of the 500,000-member United Mine Workers union, John L. Lewis had kinglike power in the late 1940s. Today, UMW membership has shrunk to less than one-fourth that number. The entire mining industry has shrunk from about 1 million workers in 1942 to just over 600,000 in 1992.

In the milltowns of New England and the South, there were as many as 1.3 million textile workers in the early 1950s. By 1992, their ranks had fallen by 50 percent.

But manufacturing is alive and well at Caterpillar.

While America's carmakers were losing out to imports, Caterpillar successfully held its share while aggressively moving into heavy equipment markets all over the world.

And yet, Caterpillar shed more workers on a percentage basis than its stricken corporate cousins in the automobile industry.

From 1979 to 1992, Caterpillar halved its employment of hourly workers from 60,845 to 29,479.

The auto industry shed workers as it lost market share. Caterpillar shed workers and kept its share. One loss was a sign of failure; the other a means of success.

The manufacturing world had changed during the 1980s. The burgeoning global economy and the steady march of automation had thinned the ranks of Caterpillar's blue-collar workforce. Thousands of workers would no longer be part of the company's story of success.

Through the 1980s, Caterpillar accomplished something few other U.S. manufacturers have. Virtually flat on its back during the world recession in the early 1980s, Caterpillar came back to turn away a fiercely aggressive surge by Japanese and other foreign competitors into the U.S. and world markets.

Caterpillar, as it often says, seeks to be "globally competitive from a U.S. manufacturing base." In other words, the company wants to make machinery in America and sell it around the world—no small task in a time of faltering American manufacturing.

The company was ranked ninth among U.S. exporters in 1991. Last year, 59 percent of Caterpillar's sales were outside the U.S. Only Boeing Co. has a larger percentage of foreign sales among major U.S. manufacturers.

But like many other companies, Caterpillar has kept costs down by relying on foreign plants, non-union suppliers and its own non-union suppliers and its own non-union factories. These are trends that have cut deeply into the number of jobs open to Americans, and into the wages workers are paid for the jobs that are left.

Caterpillar workers do not make every part that goes into a piece of Caterpillar machinery. Some parts, Cat buys—a practice manufacturers call "outsourcing."

To Caterpillar, outsourcing is synonymous with money saved. To the UAW and most other unions, out-sourcing means jobs lost.

Gary Stroup, who runs Caterpillar's transmission business unit, was faced not long ago with a typical oursourcing decision.

In the Caterpillar transmission plant Stroup manages, robot arms feed smooth-sided, donut-shaped pieces of metal called gear blanks into a machine that grinds teeth into the edges.

Caterpiller goes through thousands of these gear blanks in a month, installing the finished gears inside transmissions. The company used to make raw gear blanks in the Peoria area, then in its plant in York, Pa.

In 1990, when the company consolidated its transmission manufacturing into Building KK in East Peoria, it had to decide if it would continue to make the gear blanks or buy them from another company.

Stroup did a "buy/make analysis" and found he could save money by purchasing the gear blanks from a nearby steel processing company, Hagerty Bros. Co.

Hagerty Bros. could make the gear blanks more cheaply than Caterpillar, in part, because their labor costs were lower. A Caterpillar worker making the gear blanks would earn at least $16.72 an hour. Hagerty Bros. pays its machine operators about half that, according to company president Randy Fellerhoff.

Hagerty Bros. has worked hard to keep its labor costs low, protecting millions of dollars in business with Caterpillar. In fact, it carried out a threat that more and more companies have been making in the last 10 years: In 1990, Hagerty hired replacement workers to fill the jobs of roughly 45 members of Teamsters Local 627 who were striking over wages.

It was a swift and stunning blow to the workers, a harbinger, though on a small scale, of what Caterpillar would threaten two years later.

When the gear-blank job was sent outside Caterpillar's walls, only five or six jobs were affected, Stroup said. But it was the kind of decision made regularly at Caterpillar. The cumulative effect has been dramatic.

The decision to outsource is an academic one for Stroup, despite the fact that he grew up just outside the chain-link fence of the factory he now manages. As a boy, he would often sit just outside the fence, and his father, taking his evening break from the line would sit just inside so the two could have dinner together.

"You just cannot continue to be globally competitive in this world if you are going to be operating like you were in the 1970s," Stroup said. "You have to be cost-effective."

Of course, a job sent outside Caterpillar's walls does not necessarily disappear from the Peoria area. It does, however, usually produce a far smaller paycheck trickling through the city's economy.

Jane Haley was thankful to get a job that had been outsourced from Caterpillar. From 1986 to 1988, it was the only job she could find.

For $5 an hour, she took parts shipped from Caterpillar, wrapped them in waxy paper, put them into Caterpillar boxes and sent them on their way back to Caterpillar or to Cat dealers.

She was working for Wildwood Industries, a Bloomington, Ill., company that belongs to a parts-packing industry that sprang up in the 1980s to give manufacturers relief from the rising costs of union labor.

The fact that she was doing a job that once would have earned a UAW wage at Caterpillar had special irony for Haley. She had been laid off from Caterpillar in 1983 after working there for 10 years.

In 1988, she was recalled to a high-paying Caterpillar job, only to be laid off again in 1991.

Today at age 45, she is trying to live off a $4.30-an-hour job preparing coupon books for grocery stores. In what has become a constant reminder of the good old days of Caterpillar's past, her monthly house payments are being made by her mother, who retired after 31 years at Caterpillar and collects about $1,600 monthly in pension and Social Security. That's about four times more than Jane makes each month at her part-time job.

Jane Haley is a kind of pivot between three generations in the Peoria economy. Her mother had it good at Caterpillar; Jane witnessed it falling apart; and her daughter, Cindy, holds no hope of working there. At 24, the daughter is "between jobs." Her last permanent position was at a gas station. Over the summer, she began working temporarily beside her mother, making coupon books for $4.30 an hour.

Some outsourced work does disappear from the Peoria economy. Some even disappear from the U.S. economy.

In 1991, the company decided a British and a Japanese company would make a new line of small engines for its earthmoving machines, even though its own engine plants are operating at 60 to 70 percent capacity.

The engines will arrive in U.S. ports already painted Cat yellow and bearing the Caterpillar name.

At maturity, the deal probably will amount to more than 20,000 engines a year. Had Caterpillar decided to make the engines, it could have meant 300 to 400 jobs in the Peoria area, or in a Cat plant elsewhere in the United States.

But even if Cat did make the engines, the jobs probably would not have gone to UAW members. Caterpillar executives say such work would not be located in a union plant because of the wage and work-rule demands.

"I would go so far as to say you couldn't, as a responsible business person," said Richard Thompson, in charge of the company's engine division. "That would be a ridiculous strategy."

Caterpillar has also moved some of its work from UAW factories to new, non-union factories in the South, companies that CEO Fites calls "union-free plants."

Randy Ary lost his job to one of these in the summer of 1991.

First hired in 1974, Ary was laid off during the downsizing of 1982. He pieced together jobs—at Mr. Donut, Porkies restaurant, Moyers Electronics, even in his own back yard as a "shade-tree mechanic"— until 1989.

Then, with the arrival of a registered letter, he was back at Caterpillar, where his father had worked where his grandfather had worked, where his grandmother had worked during World War II.

In 1991, however, Randy Ary was laid off again. He now spends afternoons pedaling aimlessly around East Peoria on a child's Sting-Ray bicycle. He plays "Mr. Mom" to his two sons and tries to have a hot cup of coffee ready for his wife when she gets home from work at a moving company warehouse.

Randy Ary lost his Caterpillar job the way many workers have: the company moved the machine he worked. In Ary's case, a machine that made rubber O-rings was moved from a plant in Peoria area to a new, non-union Caterpillar plant in Booneville, Mo.

Randy Ary was paid $16 an hour. At Booneville, starting wages are $5.84 an hour, according to the Missouri Division of Employment Security. There was no shortage of people to take the lower-paying jobs. When the company opened the plant earlier this year, the state referred 700 people to the company, which hired 50.

The company blames such moves on the intractability of the union.

"We went to the union and told them . . . we have got to find a way to significantly reduce the cost on this group of components or we are going to lose the business," said Jerry Brust, a company labor specialist. "The UAW was not amenable to making changes in that, so those components and those jobs moved to Booneville."

The expansion of Caterpillar's operations in the southern United States, where the tradition of unionism is weak or nonexistent, has for years made Peorians anxious. They have long asked whether the company has designs on leaving town altogether. But while Peoria boosters were watching the front door, many operations were quietly slipping out the back.

"The way you move, is when you develop new products, you don't put them (in Peoria)," said one retired Caterpillar executive. "Every 10 years, you have a new product line. . . . Don't put it there, and the place will eventually die."

"If the UAW continues to live in their dream world," responded Gil Nolde, a retired Caterpillar spokesman, "that could happen."

In the last decade, Caterpillar closed six union plants, eliminating 7,200 jobs, in Iowa, Oregon, Ohio, Wisconsin and California. In the same period, it opened four non-union plants employing 1,700 in Mississippi, Indiana, North Carolina and Missouri.

Some jobs have moved even farther south.

Sanchez Gonzales is a Caterpillar welder, piecing together the massive bulldozer blades that make up the business and of the yellow bulldozers assembled in Illinois.

At the end of every six-day work-week, Caterpillar pays him about $88 in salary. After government-mandated bonuses, his pay for a 48-hour week is just over $150.

Gonzales lives in Monterey, Mexico, and works there for a fully-owned Caterpillar subsidiary called CONEK. The bulldozer blades he makes are shipped north, to Illinois, where they are bolted onto the front of Caterpillar machines. Until the late 1980s, the blades were made in Illinois, as well.

He is part of a trend that has sent tens of thousands of U.S. manufacturing jobs to Mexico.

Gonzales, who lives in a cramped, government-subsidized home with his wife and two daughters, believes Caterpillar pays its Mexican workers to little. He keeps the opinion to himself, however, because he fears the company and knows his union, which is independent from the company but has never had a strike, is docile. (He asked that his name not be used. Sanchez Gonzales is a pseudonym.)

In fact Caterpillar has not shown a great interest in chasing cheap labor, either in Mexico or elsewhere. The company has poured $1.9 billion into the modernization of its U.S. plants, with half of that going to its Illinois factories.

Caterpillar now has 15 foreign plants, which it opened primarily to gain access to markets closed by protectionist laws and tariffs, not to capitalize on cheaper labor. Indeed, the company usually increases U.S. exports to any country where it opens a plant.

While Caterpillar cut its foreign workforce as it cut its domestic one, the U.S. workers were hardest hit. The percentage of Caterpillar's foreign workforce increased during the 1980s, going from 20 percent to 30 percent of the company's hourly payroll.

By comparison to some other U.S. manufacturers, Caterpillar does appear to be keeping true to its mission of remaining "globally competitive from a U.S. base." How large that base remains, and how much the workers there are paid, is what worries some.

Most of those who survived a decade of cuts at Caterpillar are now just a few years away from retirement. With an average of 22 years at the company, they form a middle-age, middle-class generation of factory workers with an average annual income of more than $42,000.

Those assemblers and machinists, electricians and inspectors had the most to lose in this year's contract showdown between Caterpillar and the UAW. Each has a varying mixture of allegiance to the company and to the union. Almost to a man and woman, each endured a wrenching struggle in deciding which side to take.

The struggle, played out in the recesses of their consciences and on the streets of Peoria, affected different workers in different ways.

For Jimmy Toothman, an assembler at Caterpillar's showcase tractor plant in East Peoria, it meant the humiliation of getting public aid.

During the long strike, the Toothmans quickly depleted their savings and fell behind on their mortgage and other bills. Desperate, they turned to the government for help.

Toothman had grown up in a union family, a union neighborhood, a union town. He fought in Vietnam, like many Caterpillar men his age, then came back and settled down in the working-class Creve Coeur neighborhood of his youth. Today, he lives next door to the house where his dad, a union Caterpillar man, had raised him.

"It was embarrassing for me, going up to the checkout and putting down a bunch of food and . . . pieces of paper and not paying for it," recalled Toothman. "I've never really been a big supporter of welfare."

For Dick Owens, a quiet machine operator who talks only when there's a need, it meant feeling the sting of violence for taking a public stand.

When the strike began, Dick and Nancy Owens had about $100 in the bank and five kids under the roof of their gray clapboard bungalow in Pekin, an industrial town on the Illinois River south of Peoria.

But Owens was able to land a job on a survey crew, the same job he had turned to years before, when he, like thousands of other Caterpillar workers, was laid off during the mid-1980's. He was doing OK, making ends meet. But the shape of the fight between labor and industry had deeply disturbed him.

He spoke up, and would pay a price for it.

For Jan Firmand, who cuts transmission gears, going on strike meant re-entering the world of minimum-wage jobs and confronting the prospect of being trapped there permanently.

During the layoffs of the 1980s, she had waited on tables to provide for her family.

During this strike, she took a $4.50-an-hour job in the kitchen of the nursing home where her 88-year-old father lives. She could have returned to waitressing and made a little more money but wouldn't have been able to visit her father.

He, too, worked at Caterpillar. Twenty years on the factory floor. He had nearly burst with pride when his daughter hired on with the company in 1974, two years after he had retired. Years of layoffs, however, have stripped away any sense of security that once went with a Caterpillar job.

For Ron Logue, a member of the union bargaining committee, taking on Caterpillar meant bearing the responsibility for thousands of workers as the union and the company moved to the brink.

Initially, he and other officials of UAW Local 974 dismissed the rumors that Caterpillar would hire replacement workers.

"Cat has always been good at bluffing, at playing hard-core," said Logue, a union committeeman who has worked there for 22 years. "But then . . . all of us slowly realized that the company was serious, that they were going to put us out on the street."

For Logue, though, the issue was deeper than his job. He carries a deep and abiding belief not only in the United Auto Workers but in the principles of unionism. Unions, and the high wages they demand, are vital to the American economy. If the unions falter, he reasons, the economy will collapse. And if unions disappear, so too will workers' voices in Springfield and Washington.

For Jim Mangan, it meant testing the depths of his loyalty to the union where once he had been a chief steward.

Mangan has stood up for co-workers in disputes with the company. He credits the UAW for helping him attain his high standard of living.

But Mangan was feeling the financial effects of being out of work more than five months, even though he had "prepared as well as a person can" for the strike. He still had one of his five children at home, a son who came as a surprise to the family 12 years ago. The prospect of having to find another job at age 51 chilled him.

On one pivotal Saturday afternoon, Mangan gathered quietly with several co-workers to hash out what would be one of the most difficult and important decisions of their lives: Would they cross the picket line to keep their jobs?

And what of Chuck Lovingood, the man struggling to decide that same question even as he drove his red Dodge pickup to the factory gate?

A lanky man whose soupbone shoulders stick out through his T-shirts, Lovingood had put in 29 years at Caterpillar and was less than a year from retiring. His dreams drew him back south, toward Mississippi, where he might find a place to open a saddle shop with this wife.

His factory job had been good to him—$18.09 an hour for inspecting and sorting parts coming into the factory.

Growing up in Tennessee he had lived in a house with cracks in the walls so big, he has said, you could throw a dog through them. Now he lives in a nice little gray house near the Illinois River. He has the new truck. He recently bought his son a Trans Am.

As he drove toward the crossroads in front of the sprawling factory, a thousand thoughts coursed through his mind. Turn left, risk losing a job, endanger his dreams. Go straight, abandon his union.

Chuck Lovingood made his decision in the last possible instant, his truck wheels veering left. He stuck with his union.

"I could no more have made my truck go into the parking lot than I could make it fly across the yard," he would later say.

For Chuck Lovingood, and for thousands of others, life in Peoria would never be the same. No matter what the outcome of the contract talks, which remain unresolved this Labor Day weekend, the era of the well-paid factory worker, in Peoria and across America, appears to be fading into history.

"When I hired on at Caterpillar, it was like a family," said Lovingood. "Everybody said, 'If you can get on at Caterpillar, you are set for life.' "

He chewed on his pipe, set on the side of his mouth where he has the teeth to clench it.

"Anymore, it isn't that way."

MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. DINGELL. Mr. Speaker, I am delighted to introduce legislation today which will form an integral part of the Federal effort to prevent and fight breast cancer. The Mammography Quality Standards Act of 1992 will assure that every facility performing mammography meets certain quality standards.

With 10 percent of American women suffering from breast cancer, it is imperative that we do everything possible to prevent and properly treat this disease. Mammography is among the most potent weapons in the arsenal that can be used to fight breast cancer. As the New England Journal of Medicine reported on July 30, 1992, one can conservatively estimate that screening for breast cancer reduces mortality by 25 percent.

Regrettably, evidence supplied to the Committee on Energy and Commerce, and the Committee on Labor and Human Resources in the Senate suggests that literally thousands of mammography facilities are operating without adequate quality assurance and control. Even existing standards governing those facilities which deal with the Medicare Program are inadequate. The result is that individuals seeking mammography screening and diagnosis cannot be secure in the knowledge that the results of these vital examinations are accurate and reliable. And, as the committees have learned, many women are needlessly suffering.

This bill seeks to remedy that situation by requiring that within 2 years all facilities performing mammography be certified by the Secretary of Health and Human Services and meet quality standards. The bill provides for participation in the regulation of these facilities by both private accrediting bodies and State agencies, and provides tough enforcement authority in the case of noncomplying facilities.

Great praise and thanks are due to Representatives SCHROEDER and LLOYD and to Senator BROCK ADAMS, whose own bills, H.R. 3462 and S. 1777, provided much of the basis for this effort and to Subcommittee Chairman WAXMAN who contributed to completing this effort in an expeditious fashion.

A summary of the specific provisions of the bill follows:

SUMMARY OF THE MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992

Certification: After July 1, 1994, a facility must have a certificate to operate mammography equipment, interpret mammograms, and process mammography films. The certificates are issued by the Secretary of Health and Human Services. The certificates are valid for a period of three years and are renewable. The bill allows for 6 month provisional certificates for new facilities and for facilities adding procedures and examinations.

In order to receive a certificate, a facility must meet quality standards in the areas of equipment, personnel and quality assurance, submit proof of accreditation by a body approved by the Secretary and submit proof that an onsite survey was performed by a qualified medical physicist.

Accreditation: The Secretary establishes standards for accrediting bodies including the review of clinical images. The Secretary may approve any non-profit organization or state agency that meets the established standards.

All facilities must be accredited by a body approved by the Secretary. To ensure a facility's compliance, accrediting bodies are required to make onsite visits annually for a percentage of the facilities they accredit. In addition, the Secretary will randomly inspect a percentage of facilities to assess the performance of the accreditation body.

Quality Standards: The Secretary shall establish standards for facilities to ensure the safety and accuracy of mammography. Facilities will be required to establish quality assurance and quality control programs to ensure reliability, clarity and accurate interpretation of mammograms. The bill requires that facilities use only radiological equipment designed specifically for mammography. The bill requires that facilities use qualified radiological technologists to perform mammography and qualified physicians to interpret the results of a mammogram. The legislation requires that facilities be annually surveyed by a qualified medical physicist.

Inspection: The Secretary or State agencies, acting on behalf of the Secretary, will conduct onsite annual inspections of every certified facility. The Secretary will establish qualification standards for inspectors. The inspection will include an evaluation of the beam quality, average glandular dose, and phantom image quality of the mammography system.

The Secretary shall randomly inspect a percentage of the facilities to assess the performance of the state agencies acting on his behalf.

Sanctions: If the Secretary determines that a facility does not comply with the certification requirements, the Secretary may impose sanctions, including directed plans of correction, the costs for onsite monitoring, and civil money penalties.

Suspension, Revocation, Limitation of Certification: The Secretary may suspend, revoke, or limit a certificate, if after reasonable notice and opportunity for a hearing, the facility has misrepresented information, performed activities outside the scope of its certificate, did not permit the state agency to inspect its facility, or failed to comply with intermediate sanctions.

Injunctions: If the Secretary determines that a facility constitutes an imminent and serious risk to human health or is operating without a certificate, the Secretary may bring suit in federal district court to enjoin the continuation of that activity.

Judicial Review: The owner or operator of a facility may file an appeal in the U.S. Court of Appeals for judicial review of the imposition of an intermediate sanction or suspension, revocation, or limitation of a certification.

Fees: The States may collect fees to cover the costs of inspecting facilities.

Information: No later than July 1, 1996, and annually thereafter, the Secretary will compile and make available to physicians and the general public information for evaluating facilities, including a list of facilities that have been convicted under federal or state fraud and abuse, false billing or kickback laws; have been subject to intermediate sanctions, had their certificates revoked, suspend or limited, have been enjoined, or have had criminal sanctions imposed.

State of Local Laws: This Act does not affect the power of any State of enact and enforce laws relating to mammography quality that do not conflict with the quality standards established under this Act.

National Advisory Committee: The Secretary will establish the National Mammography Quality Assurance Advisory Committee composed of health professionals with expertise in mammography. The Advisory Committee must include at least five individuals from national breast cancer and consumer health organizations with expertise in mammography. The Advisory Committee will advise the Secretary on quality standards and regulations for mammography facilities, standards for accreditation bodies and regulations for sanctions. The Advisory Committee will also make recommendations for the establishment of a consumer complaint mechanism and report on new developments in breast imaging that should be considered in the oversight of mammography facilities.

Consultations: The Secretary will consult with appropriate federal agencies when developing standards, regulations, evaluations, and procedures for compliance and oversight.

Breast Cancer Screening Surveillance Research Grants: The Secretary will award grants to establish surveillance systems to assess the functioning and effectiveness of breast cancer screening programs.

Authorizations: For fiscal years 1993 through 1997, $1.2 million is authorized for breast cancer screening surveillance research grants. To issue and renew certificates, to cover general costs of the program, and to evaluate quality assurance and control programs and accrediting bodies, $2.5 million is authorized for fiscal year 1993 and $12 million for fiscal year 1994, and such sums as are necessary for fiscal years 1995 through 1997.

TRIBUTE TO LEON S. AVAKIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, the Shore Area YMCA of Monmouth County, NJ, will honor Mr. Leon S. Avakian of Wall Township as its Man of the Year when it holds its annual dinner dance on Friday, September 18, 1992, at the Sheraton East in Eatontown, NJ. It will be a great privilege and honor for me to join in this well-deserved tribute for a fine community leader and a good friend.

Leon Avakian, both personally and through his company, Leon S. Avakian, Inc., located in Neptune, NJ, has been a long-time supporter of the Shore Area Y, and has a wide involvement in a variety of charitable, community, and civic organizations for more than three decades. He has served the YMCA as a board member for some 30 years, has been past president and a member of the Kiwanis Club of Asbury Park, NJ, for the past 32 years, and has served on the advisory board of the Salvation Army in Asbury Park for over 20 years. He recently received the 1992 Carousel Award from the Asbury Park Chamber of Commerce as Business Man of the Year.

Leon Avakian is a licensed professional engineer and land surveyor. A native of Boonton, NJ, and a graduate of Lehigh University, he has been the chief executive officer of his engineering firm since 1960. His firm currently serves as consulting engineer to many Monmouth County municipalities, as well as State and Federal agencies. He also advises municipalities and State agencies on beach corrosion construction, an emerging technology of the utmost importance to us on the Jersey shore and an area where Mr. Avakian has been a major leader. He has also served as president of many professional associations, including the New Jersey Society of Professional Engineers and the Society of Municipal Engineers, and has recently been named Municipal Engineer of the Year for New Jersey.

When he's not busy with his many professional and community organizations, Leon finds time for his musical passion. In 1954, Leon started the local chapter of the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America and in 1974 he became its international president, representing more than 35,000 barbershop quartets in the United States and Canada. He has also been honored by the State of Georgia, being named honorary Lieutenant Colonel by then-Governor Jimmy Carter. It is a pleasure to join with Leon's wife, Ruth, and his many friends, colleagues, and admirers in paying tribute to the Man of the Year, Mr. Leon S. Avakian.

CELEBRATION OF THE SECOND ANNUAL SACRAMENTO FESTIVAL OF CULTURES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the celebration of the second annual Sacramento Festival of Cultures. On Sunday, September 20, 1992, the Multi-Cultural Park Foundation and the downtown district will host numerous community organizations as they gather together at the Plaza Park in downtown Sacramento.

This year's theme, "To Celebrate Unity Through the Discovery of our Diversity", aptly reflects the growing respect for cultural multiplicity in Sacramento. Whether here for many generations or newly arrived—we celebrate and share the richness that our diversity has to offer. The Festival of Cultures promises to be an enriching and enlightening experience for all Sacramentans. There will be arts and crafts, children's activities, multiethnic entertainment, and exotic foods from around the world to proudly represent Sacramento's growing ethnic communities.

Mr. Speaker, the Sacramento community is in far better position for ethnic understanding thanks to the commitment of Mary Jane Skopos, Bruce Kirschenmann, Shelley Davis, Nancy Cummins, and numerous other individuals and organizations. I ask that my colleagues join me in saluting the Festival of Cultures celebration.

IN TRIBUTE TO HON. TED WEISS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. CONYERS. Mr. Speaker, as chairman of the Committee on Government Operations, I felt great sadness to learn that Congressman Ted Weiss who chaired the Human Resources and Intergovernmental Relations Subcommittee, had passed away.

On behalf of the Members and staff of the Committee on Government Operations, I today express our profound regrets over the loss of Ted Weiss.

What was most extraordinary about Ted was his work-ethic. In Congress, Ted was a titan; indefatigable and single-minded in pursuit of a better world at home and abroad, and a Government that was more responsive to the people.

Ted was not an idealog but an idealist. As the head of the Americans for Democratic Action, Ted was a powerful national voice of dissent during the excesses of the 1980's, correctly warning that those excesses would impoverish our economy and our spirit. As chairman of the Human Resources and Intergovernmental Relations Subcommittee, Ted was one of the leading voices in America on public safety, protecting us from poisonous foods, making sure our medical devices actually worked, and insuring that our drugs would not harm us but nurse us back to health. There was no more ardent and forceful crusader in the war against AIDS than he.

We are all saddened that ill health has taken him from us prematurely but his work and contributions will continue to nurture the health and safety of many many people throughout this country.

FESTIVAL OF GRAPES

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HOUGHTON. Mr. Speaker, this week marks the 25th celebration of the Festival of Grapes in Chautauqua County, part of my district in New York. The purpose of the celebration is to honor the grape farmers of the county and promote the grape industry. And rightfully so, as they've produced some of the finest wines and wine byproducts in our country since the 1800's.

I feel that we just don't do enough to support the wine industry. It's healthy, thriving, and contributing to the economic growth of our Nation. I'd like to encourage my colleagues to help this sector by voting for the repeal of the occupational tax, cosponsoring Wine Appreciation Week and supporting the funding of the marketing promotion program which helps to promote our wines internationally.

I commend everyone involved in the Festival of Grapes for their enthusiasm and energy which helps keep this tradition alive.

INTRODUCTION OF LEGISLATION REGARDING THE MAURICE RIVER

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 17 miles of the Maurice River and its tributaries in the State or New Jersey as components of the National Wild and Scenic River System.

Designation for this river began in 1987 when I sponsored legislation authorizing the National Park Service to study the eligibility of the Maurice River and its tributaries for inclusion into the National Wild and Scenic Rivers System.

I am very excited that the recently released draft study report finds that all segments, some 42 miles, of the Maurice River and its tributaries—the Menantico Creek, Manumuskin River and Muskee Creek, are eligible for inclusion into the national system.

The Wild and Scenic Rivers Program is not intended to bring dramatic changes to the rivers or the areas surrounding them. It is designed to assure the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select fee-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic Rivers System.

I am very proud that the Maurice River is eligible for this designation. Indeed, the Maurice River and its tributaries are an integral part of South Jersey's watershed providing the area with high quality water resources which are of ecological, cultural, historical, economical, and recreational significance.

The Maurice River and its tributaries drain the southwest portion of the Pinelands National Reserve, which is an international biosphere reserve under the United Nations Man and the Biosphere program, and delivers high quality water to Delaware Bay.

Thus the Maurice River watershed provides an important biological link between its unique drainage area and the bay. This link is critical to the survival of important aquatic communities characteristic of the Pinelands. Indeed, the high quality of water and the numerous threatened or endangered animals and plants qualify the area of special protection.

This biological link is also critically important to regional oyster, crab, and fin-fish industries. These traditional industries presently have considerable social and economic importance in the region, as they have had for at least five generations.

Furthermore, the area functions as critical migration-related habitat for shorebirds, songbirds, waterfowl, raptors, rails, and fish. The interrelated factors of water quality and land use, coupled with the area's estuarine nature and geographic location along the Atlantic flyway, have a direct relationship to the health and viability of these animal populations.

There are also many places of cultural and historic importance within the study area. The Fralinger Farm on the Maurice River is the site of a prehistoric American Indian settlement eligible for designation as a National Historic

Landmark. It had been occupied for over 3,000 years and is one of 10 such sites within the study area. There are also several places of interest to the National Register of Historic Places, including several villages and towns. In fact, the Maurice River area is highlighted in folklife literature for traditional hunting, trapping, shipping, shipbuilding, fishing, oyster harvesting, and salt hay farming.

The Maurice River and its tributaries are of regional, national, hemispherical, and international significance. And there is a great need to provide protection for this watershed at this time. The area is under great pressure from proposed industrial developments, which, individually or together over time, could result in major and irreversible changes to natural processes and cultural patterns now existing along the Maurice River and its tributaries.

The Wild and Scenic Rivers System provides a framework for making decisions about the future of a river and a way to develop a sensible conservation strategy for the river and its resources. Therefore, this designation is and will become increasingly important as developmental pressure from industries rises.

This bill, however, not only seeks to maintain and conserve these important river resources, but simultaneously protects the property rights of landowners. Indeed, the legislation recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation, or tourism.

This legislation designates 2.0 miles of the Lower Manumuskin as recreational and 12.3 miles of the Upper Manumuskin and 2.7 miles of the Muskee Creek as scenic. Since the remaining 25.4 miles are still under negotiation at the local level, the legislation is designed to include these segments at a later date if the municipalities so choose.

The management plan for the river will almost exclusively be the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

The local communities have shown their commitment to the preservation of this very special resource. Now, the onus is on Congress to enact this legislation so that the river will be managed in such a way as to maintain the river at its present level of environmental quality.

I commend the Department of Interior for recognizing the unique qualities of the Maurice River and its tributaries and the efforts of the National Park Service for conducting the study that determined the eligibility of the river for inclusion in the National Wild and Scenic Rivers System.

One of my highest priorities during this Congress is seeing this bill enacted into law and I urge my colleagues' support. Indeed, support for this bill is an opportunity to preserve one of the truly unique watersheds of the east coast.

THE 10TH ANNUAL CANDLELIGHT SERVICES FOR AMERICAN PRISONERS OF WAR AND MISSING IN ACTION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, on Friday, September 18, 1992, the Middletown Township, NJ, Post No. 2179 of the Veterans of Foreign Wars and Ladies Auxiliary will hold its 10th annual candlelight services for American Prisoners of War and Missing in Action. This solemn occasion forces us to remember an ongoing tragedy for thousands of American families, and for countless other veterans whose friends and fellow soldiers remain unaccounted for in foreign lands.

As a cosponsor of a wide range of legislation concerning the fate of POW's and MIA's, I believe it is a matter of the highest importance that Federal departments and agencies disclose information concerning U.S. personnel classified as POW's or MIA's from World War II, the Korean conflict, and the Vietnam conflict. The Government still lists some 2,300 servicemen as missing in Southeast Asia. Suggestions have been made that information about U.S. prisoners who are still alive has been ignored or down played. A spate of news reports last year provided suggestions that some of those men are indeed still alive and being held against their will.

These reports must be investigated thoroughly. Of course, some may prove false—cruel hoaxes, playing on the hopes of desperate families. The atmosphere of uncertainty that exists will continue to fuel rampant reports of live prisoners of war. Until such time as the families of servicemen, and all the American people, receive the information to which they are entitled, the question of the fate of missing U.S. servicemen will be a source of national anguish.

With the fall of the Soviet Union, recent indications have come from no less a source than Russian President Boris Yeltsin that American soldiers have been held in the former U.S.S.R. for decades. In the new spirit of cooperation that now exists with our former cold war enemy, we now have an opportunity, unimaginable just a few years ago, to vigorously pursue investigations into these reports. As Russia and the other economically struggling lands of the former Soviet Union seek help from the West, I believe we should condition all American aid and assistance on a full accounting of the fate of these Americans whom President Yeltsin himself has admitted have been held in his country for decades.

Any further delay in releasing POW's, on the part of any country, is criminal and unconscionable. Remains of servicemen who have died in combat or captivity should be turned over to this country immediately so that their families may be able to finally arrange proper burial services and at last put an end to their uncertainty. Those POW–MIA's still living through the hell of imprisonment should, in the name of decency and humanity, be returned home. Our State Department must make it abundantly clear that the establishment of diplomatic relations with Vietnam be conditional on a full accounting of the fate and whereabouts of all missing United States servicemen. As we seek to chart a new diplomatic course in the post-cold war era, we cannot and must not forget about those Americans who fought and sacrificed in the cause of freedom.

I would like to take this opportunity to salute Frank and Mary Weber, cochairpeople of Friday evening's event, as well as post commander Neil Cassidy and president Mary Cannon. These dedicated and patriotic citizens, as well as the membership of the VFW and Ladies Auxiliary, are living proof of the strength and resolve of our Nation.

TRIBUTE TO AMERICAN LEGION POST NO. 735

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the officers of the Argo-Summit Post of the American Legion. The post and auxiliary officers were installed in a ceremony on September 5, 1992.

American Legion Post No. 735 has been dedicated in its service to the community for many years. An American Legion Post plays a significant role in every community. By bringing recognition to veterans and remembering past conflicts, American citizens learn to respect the history that allows us to live in freedom.

I ask my colleagues to join me as I salute American Legion Post 735 as they install their new officers. We are greatly indebted to them for their contribution to our community and the Nation.

Below is a list of each of the officers and chairmen of the past and auxiliary. I hope my colleagues will join me in saluting the Argo-Summit American Legion Post and wishing them the best in the years to come.

AMERICAN LEGION POST NO. 735

POST OFFICERS 1992–1993

Commander, Harry Whalen.
Senior Vice-Commander, Byron Ellis.
Junior Vice-Commander, Arthur Brunke.
Adjutant, Andrew Kubaitis.
Finance Officer, John Kara.
Chaplain, Elmer Shearier.
Sergeant-at-Arms, Ralph Wollenberg.
Service Officers, Frank Zabielski.
Medical Officer, Frank Zabielski.
Historian, Peter Ciaverella.
Judge Advocate, Harry Bumber.
Master of Ceremonies: Andrew Kubaitis, Past Command Argo-Summit Post No. 735.
Installing Officer: Donald Forsberg, Past Commander 4th District, Past Commander Darius-Girenas Post No. 271.
Installing Sergeant-at-Arms: John Kwak, Junior Vice Commander 4th District, Past Commander Darius-Girenas Post No. 271.
Installing Chaplain: Elmer Shearier, Past Commander Argo-Summit Post No. 735.

AUXILIARY OFFICERS 1992–1993

President, Celia Whalen.
First Vice President, Pauline Kubaitis.
Second Vice President, Fern Bumber.
Treasurer, Catherine Horrigan.

Secretary, Hazel Schmidt.
Historian, Pennie Rogalin.
Chaplain, Helen Sala.
Sergeant-at-Arms, Barbara Lannon.
Asst. Sergeant-at-Arms, Helen Slomiany.
Color Bearer, Mona Garcia.
Color Bearer, Maryanne Horbach.
Installing Officer: Rasa Forsberg, Past President 4th District, Past Commander Darius-Girenas Post No. 271.
Installing Sergeant-at-Arms: Julie Baubkos, Darius-Girenas Post No. 271.
Installing Chaplain: Ann Sikorski, Past President 4th District, Past Commander Darius-Girenas Post No. 271.

PESHTIGO HISTORICAL DAYS: A CELEBRATION OF EXTRAORDINARY COMMUNITY SPIRIT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. ROTH. Mr. Speaker, I rise today to honor one of the finest communities in northeast Wisconsin—Peshtigo, WI. The citizens of Peshtigo have always demonstrated the best of the American spirit. Today, Peshtigo provides a timely example of strength for many of the communities ravaged by our Nation's recent natural disasters.

On October 8, 1871, the greatest forest fire in American history destroyed the town of Peshtigo. Every building in the community was lost. As the fire raged, tearing apart their homes and lives, the residents of Peshtigo fled to the safe harbor of the Peshtigo River. The wall of fire claimed over 1,200 lives and consumed 1 million acres of land.

On that same night in 1871 another famous fire ravaged the city of Chicago. However, even the great destruction caused by the Chicago fire did not match the death toll and destruction visited upon northeast Wisconsin during the same dreadful hours.

The survivors of the Peshtigo fire had the courage to rebuild. It is my hope the ghost of this spirit to rebuild will inspire the citizens living in the disaster-stricken areas of south Florida, Louisiana, Hawaii, and Wautoma, WI.

Mr. Speaker, each year during Peshtigo Historical Days the citizens of Peshtigo remember those that perished during the fire and celebrate the continuing spirit that allowed them to rise from the ashes. This year, the nonprofit Peshtigo Economic Development Partnership, Inc. [PEDPI] has prepared a magnificent celebration for the weekend of September 26 and 27.

This year's celebration is especially significant because Peshtigo High School is celebrating its 100th anniversary. For 100 years, Peshtigo High School has brought out the best in the outstanding young men and women of Peshtigo.

Congratulations to Peshtigo High School for its century of service to the community, and may today's United States find the courage and strength the community of Peshtigo found to rebuild their lives and homes after the devastating fire of 1871.

A TRIBUTE TO NATIONAL CONTENDERS: THE SOUTH BEND SOUTHEAST LITTLE LEAGUE, INDIANA STATE CHAMPS

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. ROEMER. Mr. Speaker, I come to the floor today to share the pride of Indiana in our State champion Little League team, the Southeast Little League of South Bend. This team not only became the first South Bend team to capture the Indiana State championship, but they went on to represent our State in the central regional competition in Indianapolis.

Mr. Speaker, these young Hoosiers represent the pride and honor of our State. They truly carry on a long tradition of hard work, team spirit and strong leadership that have been a hallmark of our State since its founding.

The dedication of this team, their coach and their manager, along with the support of family, friends and the community, have proven that success comes from diligence, dedication and drive. This is an honor richly deserved, not only for the outstanding effort, but for a remarkable exhibition of sportsmanship.

I would like the CONGRESSIONAL RECORD to showcase the names of this fine team: Ryan Cosner, Jeff Steele, Ted Dobosiewicz, Nathan VanLaere, Tony Mathews, Joshua Howell, Tyler Back, Caleb Wilson, Ben Dance, Aaron Kaser, Andy Buda, David St. Clair, Garrett Ginter and James Palen. Manager Stan Mathews and Coach Phil St. Clair have a lot to be proud of from this team. I salute their great efforts, and the support of the families and fans.

Mr. Speaker, with all the problems facing the world today, our neighborhoods and sense of community are worth much more than ever. This team has given all of us a wonderful opportunity to share in the pride of our community, and indeed our entire State. It is an honor and a pleasure to have them in my district, and I want to share their accomplishments with our Nation. Their success is a result of planning, commitment, and yes, struggle. They have earned a special dignity, and it is one that they share with all of us. We could all learn a lesson from the Southeast Little League.

A TRIBUTE TO EDNA J. WHITFIELD: AN OUTSTANDING EDUCATOR RETIRES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. CLAY. Mr. Speaker, Mrs. Edna J. Whitfield retired on June 30, 1992, from the St. Louis public schools after nearly 30 years of service. On September 26, 1992, she is being honored by her colleagues who will pay tribute to her outstanding professional career. Mrs. Whitfield has served the district in a variety of important roles and has been a guiding force in the State and national educational communities.

Upon completion of undergraduate school at Harris Teachers College, Mrs. Whitfield was employed as an elementary school teacher in the city schools. Following graduate school and after earning administrator certification she became the assistant director of the Curriculum Materials Center and an instructor at Harris Teachers College. Mrs. Whitfield served as a curriculum consultant, a staff development facilitator, a performance standards supervisor and, since 1983, a supervisor of social studies.

Through nearly three decades Mrs. Whitfield has provided excellent leadership in a variety of assignments with the St. Louis public schools. She screened, reviewed, evaluated and catalogued instructional materials. She wrote and revised curriculum. She provided inservice seminars for teachers. Mrs. Whitfield developed the program model for a preschool academy pilot program, supervised the preschool program through its replication as a title (now chapter) one program, assisted a Federal program committee with the development of reading objectives-global definitions for primary one through grade eight, and supervised curriculum advisory committees.

Mrs. Whitfield was instrumental in the development of kindergarten assessment; wrote the original draft of the program model for the Action Learning and Career Education Center; and headed the Kindergarten Summer Roundup Committee which developed the new kindergarten program model, selected instructional materials, and guided the prekindergarten screening program. She served on the Advisory Committee for Education for Adult Living and the steering committee for Parent-Infant Interaction Program with foundation sponsorship.

Continuing to exhibit outstanding leadership qualities, Mrs. Whitfield coordinated planning for the Association for Supervision and Curriculum Development national convention in St. Louis; served a 4-year term as an officer with the Missouri Association for Supervision and Curriculum Development; was elected to three terms on the executive board of the Greater St. Louis Association for Supervision and Curriculum Development, including a term as president; and held positions of leadership with the National Council for Social Studies, the Missouri Council for Social Studies, the task force on Standards for Advanced Certification, the International Association for Childhood Education, the St. Louis Council of the International Reading Association, and the Delta Kappa Gamma Educational Sorority.

Many other professional organizations have benefited from Edna Whitfield's commitment to professional development. Among them, the National Academy for School Executives seminar on early childhood education in Las Vegas; the National Curriculum Study Institute in Tampa, FL; the U.S. Office of Education conference on early childhood education; the Phi Delta Kappa conferences at the University of Indiana on exceptional urban elementary schools; the Follett social studies colloquium at Northwestern University; and, the Early and Ancient African Civilizations Institute at St. Louis University.

Working closely with the Missouri Department of Elementary and Secondary Education, Mrs. Whitfield, served from 1985 to 1992 as a member of the development committee for the State Core Curriculum Competencies Project. She was active in the Basic Cognitively Oriented Curriculum Institute on the campus of the University of Missouri at Kansas City. She wrote the proposal for and monitored the Cognitively Oriented Curriculum Pilot Project at 15 schools. Mrs. Whitfield was active in a State retreat to develop Project Construct for early childhood education. She identified schools to pilot the project and monitored those pilot programs. She reviewed and evaluated Project Construction assessment materials for the Missouri Center for Educational Assessment. She co-chaired a Maryville University and St. Louis public schools committee which developed, piloted and implemented the District's plan for early childhood education magnet school centers. After work at Chicago's Midwest Montessori Teacher Training Center, she guided the development and implementation of the city's Euclid Montessori Magnet School.

Mrs. Whitfield has garnered many special awards during her career. Recently she received the Salute to Excellence Award from the St. Louis American for exemplary service in early childhood development and the "Apple For the Teacher" award from the Alpha Zeta Chapter of Iota Phi Lambda Sorority. Mrs. Whitfield received the Missouri Association for Supervision and Curriculum Development Award in recognition of making a significant difference in supervision and curriculum development in the schools.

Mrs. Whitfield and her husband, John, have traveled throughout the United States, including Hawaii. Their travels have taken them to Bermuda and to the Caribbean islands for five separate visits. The Whitfields have traveled extensively in Europe, including London, Paris, Lucerne, Venice, Florence and Rome. Most recently they traveled through Spain and Portugal and enjoy a fascinating visit to Morocco.

Mrs. Whitfield is a superior educator and education administrator who has given fully and creatively to guide our most precious resource: Our children and youth. I am extremely pleased to call attention to a truly remarkable educator who contributed greatly to a more humane and richer society through quality education.

I invite my colleagues in the U.S. Congress to join with me in wishing Mrs. Edna J. Whitfield Godspeed and much success in a retirement filed with tranquility, challenge, and personal fulfillment.

CONGRATULATING ROSA E. LUJAN ON HER SELECTION AS 1992 TEXAS STATE TEACHER OF THE YEAR

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in recognition of a very special woman who today was honored in our Capitol as 1992 Texas State Teacher of the Year. Rosa E. Lujan is an American success story.

Mrs. Lujan was born to non-English speaking parents on a cotton farm on the outskirts of El Paso. Her early days in public school were filled with intriguing yet incomprehensible sound for a young Mexican-American. She worked hard to learn the language and read the words in her books. She passed along her self-taught knowledge to all 10 of her younger brothers and sisters. When her parents applied for citizenship she guided them in learning the English language.

Education has always been her priority, and being a teacher her lifelong goal. Mrs. Lujan practiced what so many of us like to preach. She worked hard at an education knowing success would be her passport to a better life. She fought against the common view that young Hispanic women in the late 1960's did not go on to college. Mrs. Lujan, with the love and support of her parents, received her bachelor's degree in 1972 and completed her master's degree in 1977. All 10 of the brothers and sisters she tutored would later get their college degrees as well.

But she did not receive this honor of being recognized as teacher of the year solely because of her heroic life story. She is being recognized today not because she succeeded against all odds, nor because she pulled herself up by her bootstraps and became a role model for many young Hispanic students who would follow her example. Mrs. Lujan is being honored today because she is an excellent teacher.

For more than 17 years she has worked as a bilingual educator in the Ysleta Independent School District in El Paso, the last 2 years at the fifth- and sixth-grade level in Ysleta Elementary School. She has helped pioneer cooperative learning efforts and bilingual education that have earned her district progressive status in these areas.

Teachers from across our great State of Texas and the Nation have traveled to our border city to observe firsthand how cooperative learning impacts the academic, linguistic, and social development of her students.

The recognition of being chosen the outstanding teacher this year from thousands of excellent teachers in Texas, is indeed impressive. Yet, Mrs. Lujan takes very little personal credit for her success, choosing instead to give credit to the sharing, mentoring, and encouragement given her by others. And she says she is but a mere reflection of the people who have touched her life. Let us hope that each of the children whose lives Mrs. Lujan touches, grow to be a reflection of the love, understanding, and perseverance for which she stands as a shining example to all El Pasoans, Texans, and Americans.

METRIFICATION NONSENSE

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. RHODES. Mr. Speaker, today I am introducing legislation which will prevent the Federal Highway Administration from demanding new highway signs to be in solely metric measurements. Under the Metric Conversion Act of 1975, the U.S. Government stated a general policy of conversion to metric measurements whenever practicable. This was an attempt to make U.S. goods more marketable overseas and to the extent that exports rise, it makes sense. However, the Federal Highway Administration has interpreted this metric policy to mean that highway signs should be converted into metric measurements. The connection between U.S. highway signs and international competitiveness seems dubious. That is exactly why I am introducing legislation to prevent U.S. highway signs from being converted to metric only.

In general, it makes sense for U.S. manufacturers and contractors to convert to metric measurements in order to be more competitive in international markets. But exactly how metric highway signs between Yuma and Phoenix, AZ or anywhere else in the United States will aid America in overseas markets eludes me, especially when the Federal costs of sign conversion could be in tens-of-millions of dollars.

My bill amends the Metric Conversion Act of 1975 to require that the Federal Highway Administration may not use Federal funds for signs that are solely in metric measurements. They may not require metric signs on new highway projects and they may certainly not require existing highway signs to be converted to metric only measurements. Converting existing signs is an inexcusable waste of Federal dollars at a time in America's history when so many pressing issues confront us. When we continue to wrestle with the health care and education needs of all Americans, when our economy remains in desperate straits, we cannot afford to waste money on such nonsense.

TRIBUTE TO THE INTERNATIONAL ORDER OF THE ALHAMBRA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the International Order of the Alhambra of the Illinois Council of Caravans. They will be celebrating their 25th anniversary on September 19, 1992.

Throughout the past 25 years, the Order of the Alhambra has worked to assist mentally handicapped and developmentally disabled individuals in our community. The Alhambra Endowment Fund provides grants for scholarship assistance and facilities to educate and treat mentally handicapped persons.

As the members of the International Order of the Alhambra celebrate this special occasion, I urge my colleagues to join me in congratulating them for their efforts to help those who cannot help themselves. I hope their good work continues for years to come.

NATIONAL RADON ACTION WEEK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. TOWNS. Mr. Speaker, I rise today to introduce a House joint resolution designating the week October 18–24 as "National Radon Action Week."

Radon is a radioactive gas which can cause lung cancer. According to EPA estimates, it is the second leading cause of lung cancer in the United States. Children are especially susceptible to the effects of radon. Therefore, it is appropriate that concern focus on radon in the home and radon in schools. Radon has been found in many of our schools.

One of the most powerful tools is information. Among the many educational activities during "National Radon Action Week" is a focus on testing for radon. We need to know where it is, and where it is not. By testing, we move from the world of statistical extrapolation into the realm of certain knowledge. We will know the scope of the problem, and the distribution of the threat.

As the resolution points out, if excessive levels of radon are found, then there are successful and economical ways to treat the problem. But before people treat, they need to test. Before they will test, they need to know. Therefore, one of the roles Congress can play most successfully is to promote public education and testing by designating "National Radon Action Week."

I urge my colleagues to consider supporting this resolution.

TRIBUTE TO HON. WILBER G. SMITH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mrs. KENNELLY. Mr. Speaker, our Nation, its foundation, and its strength lies within its people. I stand before you today to pay my respects to the passing of one of Connecticut's most deserving public servants and a champion of social justice, the Honorable Wilber G. Smith.

Senator Smith was truly a man of his time and community. He was my friend and advisor in matters of fairness and public service. He was in fact the conscience of many.

Wilber was a brilliant man who utilized his God-given talents to foster and bring about social change to benefit his community, State, and country. He was the epitome of the community leader whose countless contributions to advanced causes make a difference in people's lives.

Those of us who knew him knew Wilber was not one to hide his convictions and beliefs. He would proudly proclaim them, whether on the floor of the Connecticut State Senate or at Hal's Aquarius Restaurant & Lounge. A man of brutal honesty, Wilber had the gift and intellectual fortitude to cut through any malaise and get to the crux of an issue or cause. It was an asset which I admired and respected about him.

Wilber educated and challenged us to broaden our horizons and reach new vistas. But more importantly, he showed us how to remain strong in resolve when fighting for something we truly believe in.

His life was an exodus. It attracted, compelled, and motivated many. But his memory and legacy will live on and provide us with the vision and fortitude to work positively toward the future.

INTRODUCTION OF LEGISLATION REGARDING HIGHWAY SIGNS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. STUMP. Mr. Speaker, today I am introducing legislation to prohibit the use of Federal funds for constructing or modifying highway signs in metric system measurements.

There is widespread public opposition to a heavyhanded Government attempt to impose the use of metric measurement on our highways. Because of the fierce resistance, a voluntary plan to change U.S. road signs to metric was scrapped in 1976.

Think of it—in addition to highway signs, road maps would have to be redone, automobile manufacturers would have to change odometers and speedometers, manuals would have to be rewritten, machinery modified, and workers retrained.

Not only would the American people be made to suffer with the inconvenience brought about by changing to a system currently unknown to many of them, but they would be forced to pick up the enormous price tag.

Converting highway signs to metric would be one of the most costly conversion efforts. In 1974, an AASHTO ad hoc metrication task force documented a rough estimate of the nationwide cost of metrication to highway agencies at $200 million. At today's prices, costs would be several times that. In a time when we are fighting to eliminate undue spending, changing our highway signs to metric is clearly a senseless expense we can do without.

Let me make it clear that I do not oppose the voluntary use of the metric system. Those who wish to use metric measure or stand to benefit from it, can and should use it.

What I do strongly oppose is the Government's unwarranted and costly imposition of metric on our highways. The American people do not want it and stand to gain nothing from it.

TRIBUTE TO W. "VAL" SCHMIDT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to W. "Val" Schmidt, an outstanding citizen and leader from my congressional district.

I am pleased to announce to my colleagues that Val Schmidt has been elected president of the Public Accountants Society of Ohio. On September 19, she will begin serving in this important position, and I can predict confidently that she will serve effectively and with distinction.

Val Schmidt is a remarkable American success story. A German immigrant, Val Schmidt has seized on the opportunities America brings and has bravely overcome the challenges it poses. She came to the United States in 1961, became an American citizen in 1966, and has enjoyed a solid, successful career as a public accountant for many years.

Val Schmidt has also earned enormous respect for her civic achievements. Whether it is her work with the Public Accountants Society, or her previous service as president of the Ohio Federation of Business and Professional Women, Val Schmidt has never missed a chance to demonstrate what a commitment to excellence and service is all about.

Once again, I congratulate her on being elected president of the Public Accountants Society of Ohio, and I wish her the best of luck.

HOUSE OF REPRESENTATIVES—*Wednesday, September 16, 1992*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 16, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Our Father and our God, on this day, as we pause to remember and give thanks for the life of a colleague and friend, we are all given a perspective of the history that You are writing and over which, You are Lord. We can all reflect again on the very thin thread to which we all cling for life in this world.

O God, we are grateful for the work that is ours to do, for the opportunities that are ours to serve, for the challenges that are ours to meet, and for the health that is ours to enjoy.

Let our gratitude, in addition to being spoken, be shown this day in the routine tasks that we gladly accept, in the interruptions of schedule to help a neighbor, in the difficult choices that are ours to make, and in the joy of friendship and love of family.

Bless, O God, we pray, our work and our ways, that our work may further Your will for peace and justice and that our ways may offer blessing and hope to others. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be given today by the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5620. An act making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5620) "An act making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2) entitled "An act to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. HATCH, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. JEFFORDS, Mr. THURMOND, and Mr. COATS, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2967) "An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes," with an amendment.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 337. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag.

The message also announced, that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, appoints Dr. Stanley Z. Koplik of Kansas, to the Advisory Committee on Student Financial Assistance, for a term beginning October 1, 1992.

The message also announced, that pursuant to Public Law 98-399, the Chair, on behalf of the President pro tempore, appoints Mr. HOLLINGS, and Mr. KENNEDY, to the Martin Luther King, Jr., Federal Holiday Commission.

PRESIDENT'S LATEST ECONOMIC PLAN FALLS SHORT, CUTS TAXES FOR THE RICH

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, working Americans have every reason to be skeptical of the plan for economic recovery that the President has offered the Nation. That is because it does not address their problems.

The administration's plan offers a tax cut to the richest segment of our society paid for by raising Medicare costs for seniors, increasing student loan repayments, and ending benefits for 1 million disabled vets.

This is an economic recovery plan that hurts the very segment of our society that needs help the most: working, middle-class families.

Since the Bush administration took office, the typical American family has become $1,600 poorer; poverty has hit the highest level in 30 years; 1.3 million manufacturing jobs have been lost; and escalating health care costs are bankrupting businesses. And instead of the 30 million jobs promised in 8 years there are fewer private sector workers on the job than 4 years ago.

And now, he proposes an economic plan that once again lets the rich profit from the middle class. These policies are at best, Mr. Speaker, misguided.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

To restore the faith of our people in our national leadership we need a plan that they can have confidence will help them. The only plan the American people can accept is one that helps middle-class Americans as well as the rich. One that will result in the jobs for working Americans not just tax breaks for the wealthy.

DEFICIT GROWS LARGER, NO PLAN FORTHCOMING TO BALANCE THE BUDGET

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, recently the Treasury Department reported that the balance on the Federal Government's credit card has passed the $4 trillion mark.

It has been 3 months since the Democrats in Congress killed the balanced budget amendment, claiming that all we need to do is show courage to balance the budget and promising to bring forward another statutory fix for the deficit crisis.

Well, the House still has not considered any plan to balance the budget. Where is the plan? Where is the courage? While Congress is twiddling its collective thumbs, the debt continues to grow, and grow, and grow.

The big spenders in Congress must be hoping the deficit will go away if they just ignore it long enough. We must address the deficit immediately, otherwise this Congress may go down as the biggest deficit spending, credit card charging Congress in history.

WAR CRIMES TRIAL SOUGHT FOR SADDAM HUSSEIN

(Mr. WELDON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, Saddam Hussein should be tried for war crimes. We have heard that call from this body many times over the past year and a half, but each time we have been told the documentation is not there to support a war crimes tribunal.

That documentation is now available. We now know that all our POW's from the allied nations were mistreated, and we have the proof that has been assembled by the Department of Defense and by our State Department. We know that civilians were mistreated inhumanely and against the War Crimes Act. That has been documented by human rights groups across the country and by our State Department.

The infamous incubator story that many said was not true has now been fully documented by the State of Kuwait. We have a fully authored and documented, detailed report, and just last night we had the I-Max presentation of "The Fires of Kuwait," the most extensive report on the environmental damage caused by Saddam Hussein.

The evidence is in. We are now ready to move. I urge my colleagues to join me in asking the United Nations to convene a war crimes tribunal and to try Saddam Hussein, if necessary, in absentia for his crimes against humanity.

MIDDLE CLASS PAYING BIG PRICE FOR FAILURES OF GEORGE BUSH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in the last 2 years the Rust Belt lost another 2 million jobs. The No. 1 issue in this Presidential campaign is jobs.

Let us look, Mr. Speaker, at the record. George Bush promised 30 million jobs. George Bush promised an industrial base. George Bush promised an educational base. George Bush promised a trade base. The truth is, Mr. Speaker, that George Bush never got to first base. After 3½ years he is still in the batter's box. Check the record. George Bush has struck out on every single promise he made, and we are paying for it.

Mr. Speaker, I think it is time to stop this trickledown business. The only trickledown I have seen at the White House is a few accidents that Millie unfortunately made.

□ 1410

FLEXIBILITY, NOT MANDATES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today the Democrats will be sending their parental-medical leave bill to the White House, where the President will veto it. The Democrats will try to use this issue on the campaign trail, saying President Bush is antifamily. The Democrats will claim that President Bush doesn't care whether your family member is sick, or whether your wife just had a baby. These statements couldn't be further from the truth.

The President, has consistently supported family leave policies based on flexibility, not mandates. The mandates in the Democrats plan are nothing more than hidden taxes on employers and employees that will result in a loss of jobs and a further blow to the economy. The President's plan contains tax credits for employers to encourage flexible parental leave policies without stifling the economy.

Yes; the American people want family medical leave, but they do not want the Government to mandate the structure. The American people would rather see flexibility and choice, as found in the President's plan.

Mr. Speaker, The American people will not be fooled by the Democrats rhetoric. We do not want mandates, we want choice.

NEITHER GEORGE BUSH NOR TRICKLEDOWN ECONOMICS ARE WORKING FOR AMERICA

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, President Bush came to Oregon Monday to tell us that he cares about the economy and he cares about jobs, and for once I believe the President. I believe jobs have recently become President Bush's top priority. Both the preservation of his job and Vice President QUAYLE's job are receiving his full attention.

Unfortunately, that doesn't leave much time for 125,000 jobless Oregonians. For 4 years we've been asking for leadership to help us resolve the timber crisis in the Northwest. The President, however, decided it would be politically expedient to use this crisis to spread fear and divide us—to simplistically pit jobs against the environment.

But in Oregon, we don't fall for President Bush's scare tactics—we're scared by his economic tactics.

Four years ago President Bush promised 30 million new jobs in 8 years. At the rate he's going, we'll be there in roughly 100 years.

A group in Springfield, OR, recently held a car wash and raised money to reduce the Nation's $4 trillion debt. They did more for our economy in 1 day than the President has done in 4 years.

Unemployment is up, the dollar is weak, incomes are low, and our trade and budget deficits are huge. Trickledown economics isn't working for America, and neither is George Bush.

FAMILY LEAVE INCENTIVE BILL VERSUS MANDATED LEAVE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, my Democrat colleagues would like the debate on family and medical leave to center on allowing parents to take time off for a child. As anyone who knows anything about this issue is aware, no one opposes such an arrangement between employer and employee. What is opposed is the mandating of such an agreement and the costs employers and employees will ultimately have to pay.

As usual the Democrats are trying to engage in costless giving. It has never worked before and will not work here. The inevitable result will be that flexibility in benefits will disappear, the cost of business will increase, and there will be fewer businesses and fewer jobs. The Democrats have still not learned to accept the responsibility that governing entails.

In contrast to the Democrats' careless approach, President Bush offers a responsible one whereby businesses with fewer than 500 employees would receive a tax credit to offset the costs of parental leave or other employee benefits. This approach has many advantages over the Democrats' authoritarian attempt.

The Bush plan would maintain the flexibility necessary in today's everchanging workplace. It would benefit precisely the small employers which the Democrats' plan excludes, the very same small employers who will have the greatest difficulty in meeting the costs of a mandated leave plan.

So, if you support a family leave plan which leaves businesses in business and employees employed, then you will support the Bush family leave incentive bill.

THE 99 DAYS SINCE DEFEAT OF BALANCED BUDGET AMENDMENT: STILL NO DEMOCRAT PARTY SOLUTION TO DEFICIT

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, 99 days since the Democrats defeated the balanced budget amendment and still no relief in sight for the American people. Another summer of the Democrats continuing their tax and spend ways against the will of the taxpayer.

Mr. Speaker, the American people are not pleased with this Congress and its massive budget deficits. The average citizen understands that if you consistently spend more than you take home, you will go bankrupt. It seems simple enough.

But no, fiscal restraint is impossible for the big spenders who control this Congress. These Democrats consistently turn their backs on the taxpayer to run into the awaiting embrace of special interests. They take otherwise positive measures and fill them full of so much pork that President Bush must veto them. They ignore the deficits and the national debt as if they will one day magically disappear.

Year after year the Democrat leadership of this House has squandered our national savings on their pet projects. Mr. Speaker, the time has come for us to pass a balanced budget amendment. We need a constitutional harness to reign in these big spenders.

SUPPORT THE F-15 SALE

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in support of the proposed sale of F-15's to Saudi Arabia.

It is easy, Mr. Speaker, to acknowledge the obvious—the controversy surrounding this proposed sale. All of us are committed to the security of Israel, and to continuing a strong United States-Israeli security relationship. But I believe that a United States sale would be more in the interest of Israel's security than would the sale of Tornadoes from England because of our Nation's responsible policy governing arms transfers.

We have seen the difference between U.S. foreign arms sales and those of our allies. When the United States sells sophisticated military items, we strip them of such sensitive systems as state-of-the-art avionics and long-range radars, and we require countries to sign agreements prohibiting them from selling the technology to third parties. In contrast, some nations are more concerned with profit than with assuring sales are conducted in a responsible manner and with appropriate safeguards. Such dangerous practices lead to technology transfers to unfriendly nations and destabilize regions of the globe.

This sale means jobs—thousands of aerospace jobs—across our country and in my home State. The sale of F-15's will sustain about 1,200 primary manufacturing jobs as well as another 800 jobs in smaller firms and machine shops in Connecticut that supply parts and rely on orders from larger aerospace firms. As we reduce defense spending to reflect remarkable changes in the world community, limited, responsible arms sales, such as the F-15 sale to Saudi Arabia, coupled with a comprehensive defense conversion program, will give our Nation's defense contractors the time they need to downsize and diversify into commercial markets, and, thereby preserve both jobs and our industrial base.

TRIBUTE TO MILLICENT FENWICK

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, early this morning my constituent and my dear friend Millicent Fenwick passed away at her home in Bernardsville, NJ.

Millicent was a role model for me and for many other men and women who entered political life in the 1970's. She was the embodiment of good government and human decency.

When I arrived in the House of Representatives last year I was astonished at what a mark she had made and how everyone who had served with her had a Millicent Fenwick story that they recalled with great warmth, even though she had only served for 8 years and had already been gone for 8 years.

My favorite story about Millicent came from the debate in the New Jersey Legislature on the equal rights amendment. A male assemblyman rose and said:

> I don't like this amendment. I always thought of women as kissable, cuddly, and smelling good.

To that Millicent rose and replied:

> That is the way I feel about men, too. I only hope for your sake that you haven't been disappointed as often as I have.

That was the humor, the dignity, and the good sense that Millicent gave us. We will miss her and we will remember her.

REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, and pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99-498, the Chair announces the Speaker's reappointment on the part of the House of the following member to the advisory committee on student financial assistance: Mr. Stephen C. Biklen of Pittsford, NY.

□ 1420

COMMUNICATION FROM THE MAJORITY LEADER

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the majority leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 203(b)(1)(C) of Public Law 102-166, I hereby appoint the following individual to serve as a member of the Glass Ceiling Commission: Judith B. Wierciak of Illinois.

Sincerely,

RICHARD A. GEPHARDT,
Majority Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after the votes on S. 1699 and H.R. 5534 postponed from Tuesday, September 15, 1992.

NATIONAL AND COMMUNITY SERVICE TECHNICAL AMENDMENT ACT OF 1992

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3175) to improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990.

The Clerk read as follows:

S. 3175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Technical Amendment Act of 1992".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by striking paragraph (29) and inserting the following new paragraph:

"(29) The term 'summer program' means a full-time or part-time youth corps program authorized under this title that is limited to a period beginning after April 30 and ending before October 1."; and

(2) by striking "stipends" in paragraph (30) and inserting "living allowances".

SEC. 4. AUTHORITY OF COMMISSION.

Paragraphs (1) and (2) of section 112(b), and sections 113(10), 115(c)(2), 116(b), 164(2), 179(d), and 190(c)(8) (42 U.S.C. 12522(b) (1) and (2), 12523(10), 12525(c)(2), 12526(b), 12615(2), 12639(d), and 12651(c)(8)) are amended by striking "Secretary" each place it appears and inserting "Commission".

SEC. 5. GENERAL AUTHORITY.

Section 121 (42 U.S.C. 12541) is amended to read as follows:

"SEC. 121. GENERAL AUTHORITY.

"The Commission may make grants under section 102 to States or local applicants and may transfer funds to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time, part-time, year-round, or summer, youth corps programs".

SEC. 6. AGE.

Section 130(a)(1) (42 U.S.C. 12550(a)(1)) is amended by striking "15" and inserting "14".

SEC. 7. PEACE CORPS.

(a) ELIGIBILITY AND SELECTION PROCEDURES.—Section 161(a)(2) (42 U.S.C. 12612(a)(2)) is amended by striking "at least 3 years".

(b) EDUCATIONAL BENEFITS.—Section 163(c)(2) (42 U.S.C. 12614(c)(2)) is amended by striking "serve 3 years" and inserting "satisfactorily complete the service of the individual".

SEC. 8. ASSISTANCE FOR HEAD START.

Section 166 (42 U.S.C. 12622) is amended by inserting ", and to projects of the type described in section 211(a) of the Domestic Volunteer Service Act operating under memoranda of agreement with the ACTION Agency," after "Domestic Volunteer Service Act)".

SEC. 9. EVALUATION.

Section 179 (42 U.S.C. 12639) is amended—

(1) in subsection (a)(2) by striking "subsection (h)" and inserting "subsection (j)";

(2) in subsection (f) by inserting "or post-service benefit" after "voucher"; and

(3) in subsection (h)—

(A) in paragraph (1) by striking "subsection (g)" and inserting "this section"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—The Commission shall maintain the confidentiality of information acquired under this subsection regarding individual participants.

"(B) DISCLOSURE.—

"(i) CONSENT.—The content of any information described in subparagraph (A) may be disclosed with the prior written consent of the individual participant with respect to whom the information is maintained.

"(ii) AGGREGATE INFORMATION.—The Commission may disclose information about the aggregate characteristics of such participants.

SEC. 10. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

Section 190 (42 U.S.C. 12651) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting "Director of the Office of National Drug Control Policy," after "Agriculture,"; and

(B) by redesignating paragraphs (5) through (8) as paragraphs (3) through (6), respectively;

(2) in subsection (d) by adding at the end the following new paragraph:

"(3) The Board may—

"(A) appoint the Director without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service; and

"(B) fix the compensation of the Director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of compensation shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.";

(3) in subsection (e)—

(A) by striking "TECHNICAL EMPLOYEES.—The Director" and inserting "EMPLOYEES.—

"(1) IN GENERAL.—The Director";

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph)—

(i) by striking "10 technical" and inserting "eight";

(ii) by striking "Committee" and inserting "Commission"; and

(iii) by inserting before the period the following: ", except that the rate of compensation for two of the eight employees shall not exceed the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, and the rate of compensation for the remaining six of the eight employees shall not exceed the maximum annual rate of basic pay payable for GS–15s under the General Schedule under section 5332 of title 5, United States Code"; and

(C) by adding at the end the following new paragraphs:

"(2) ADDITIONAL STAFF.—The Director may, at the discretion of the Board, appoint and compensate such staff as the Director determines to be necessary to carry out the duties of the Commission.

"(3) CONSULTANTS.—Subject to the rules prescribed by the Commission, the Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(4) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(5) DONATIONS.—

"(A) SERVICES.—

"(i) VOLUNTEERS.—Notwithstanding any other provision of Federal law, the Commission may accept the voluntary services of individuals, and provide to such individuals the travel expenses described in subsection (b)(6).

"(ii) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except as follows:

"(I) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee.

"(II) CIVIL EMPLOYEE.—For the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(B) PROPERTY.—The Commission may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

"(C) RULES.—The Commission shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise (pursuant to subparagraph (B)) would reflect unfavorably upon the ability of the Commission or any employee of the Commission to carry out the responsibilities or official duties of the Commission in a fair and objective manner, or would compromise the integrity of the programs of the Commission or any official involved in such programs.

"(D) DISPOSITION.—Upon completion of the use by the Commission of any affected property, such completion shall be reported to the General Services Administration and such property shall be disposed in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(6) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Commission under this Act."; and

(4) by adding at the end the following new subsections:

"(i) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(j) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from an officer, department, agency, establishment, or instrumentality of the Federal Government such information and statistics as the Commission may require to carry out the duties of the Commission under this Act. On the request of the Director of the Commission, each such officer, department, agency, establishment, or instrumentality may furnish, to the extent permitted by law, such information and statistics directly to the Commission.

"(k) SOURCES OF SUPPLIES AND SERVICES.—The Commission may use General Services Administration sources of supplies and services.".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 501(a)(1) (42 U.S.C. 12681(a)(1)) is amended to read as follows:

"(1) TITLE I.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out subtitles B, C, D, E, and F of title I, $102,000,000 for fiscal year 1993.

"(B) SUBTITLE G.—There are authorized to be appropriated to carry out subtitle G of title I, $3,000,000 for fiscal year 1993.".

(b) EARMARKS.—Section 501(a)(2) (42 U.S.C. 12681(a)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "paragraph (1)" and inserting "paragraph (1)(A)";

(2) by striking subparagraph (A);

(3) by striking "and" at the end of subparagraph (C);

(4) by striking the period at the end of subparagraph (D) and inserting a semicolon;

(5) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(6) by adding at the end the following new subparagraph:

"(D) any remaining funds may be expended for any activity authorized in title I.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous matter on S. 3175, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the National and Community Service Technical Amendments Act of 1992. This act, which passed the Senate unanimously, has the support of the administration and has been cleared with Mr. GOODLING and the minority. The purpose of the act is to make minor technical and administrative changes in the National and Community Service Act of 1990. These modifications will help the Commission, the independent agency created to administer the act, to more effectively involve Americans in service to their community and their country.

These amendments will enable the Commission to better evaluate the programs it funds, improve its effectiveness, and ensure that the best programs are funded. The bill also allows the Commission to accept the services of volunteers and to receive donations of services and property, to provide specific authority to hire experts and consultants, and to provide specific authority to accept detailees from Federal agencies. It makes part-time, year around youth and Conservation Corps programs eligible for funding and extends the months available for funding for summer Youth Corps from May to September. Finally, the bill authorizes more money for administrative expenses without raising overall spending for the Commission.

Mr. Speaker, this Congress had made a commitment to support and promote voluntary community service to enable young people, and others, to contribute to improving this country. As a result, both the communities in which these activities take place and the people doing the service are much improved. Enactment of this legislation will allow the Commission to continue its good work. I urge the membership to suspend the rules and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

I would like to say that I rise in support of S. 3175, the National and Community Services Technical Amendments Act of 1992, which has bipartisan support in the Senate and is also strongly supported by the administration, their Commission on National Community Service.

The staffs have worked together, the administration is for it, and I would say that it has bipartisan support.

Mr. Speaker, I yield such time as he may consume to the senior member of our committee, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in strong support of the legislation. It was put together on a bipartisan basis with the blessing of the administration.

Mr. Speaker, I rise in support of S. 3175, the National and Community Service Technical Amendments Act of 1992, which had bipartisan support in the Senate and which is also strongly supported by the administration's Commission on National and Community Service.

At the end of the 101st Congress, the National and Community Service Act was enacted and it established the Commission on National Service to provide national leadership regarding the responsibility of all citizens to serve their country and their communities. S. 3175 largely contains amendments to the provisions establishing the Commission which allow the Commission more flexibility in terms of staffing and use of volunteers and donations.

The bill also contains provisions increasing the authorization for administrative funds from $2 to $3 million, authorizing the funding of full and part-time Youth Corps summer programs, and allowing the Commission to disclose information about the aggregate characteristics of participants in programs under the act.

Although our experience with the National and Community Service Act is not a long one, already there have been many excellent service projects that have received funding from Commission grants. My own home State of Pennsylvania has, for many years, operated an extensive network of Conservation Corps projects, service learning programs, and community service activities. Many of these efforts have been bolstered by National and Community Service Act grants.

For example, Pennsylvania has been chosen as a Serve-America Leader State and plans to establish a self-sustaining system of service through public-private partnerships between schools and community organizations. My home State has also received funding to implement a leadership development model that is something of a community service officer corps. York County, in my district, has a very active Summer Youth Service Corps that takes primary responsibility for maintaining 3,600 acres of York County parks. York City Schools also operate an extensive community service program, as do Dickinson, Gettysburg, and several other colleges in my district.

I know that my district has benefited greatly from the work performed by participants in service projects operated at both the State and local levels with Federal support. Similarly, those participants have had the benefit of many unique opportunities, access to on-the-job training, and the chance for career exploration through their involvement in community service.

Mr. Speaker, the bill before us today will allow the Commission on National Service the administrative flexibility to support the very worthwhile service programs that are flourishing in schools and communities across the Nation. I urge your support.

Mr. BALLENGER. Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the Senate bill, S. 3175.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EEOC EDUCATION, TECHNICAL ASSISTANCE, AND TRAINING REVOLVING FUND ACT OF 1992

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5925) to amend title VII of the Civil Rights Act of 1964 to establish a revolving fund for use by the Equal Employment Opportunity Commission to provide education, technical assistance, and training relating to the laws administered by the Commission.

The Clerk read as follows:

H.R. 5925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992".

SEC. 2. REVOLVING FUND.

Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end of the following:

"(k)(1) There is hereby established in the Treasury of the United States a revolving fund to be known as the 'EEOC Education, Technical Assistance, and Training Revolving Fund' (hereinafter in this subsection referred to as the 'Fund') and to pay the cost (including administrative and person all expenses) of providing education, technical assistance, and training relating to laws administered by the Commission. Monies in the Fund shall be available without fiscal year limitation to the Commission for such purposes.

"(2)(A) The Commission shall charge fees in accordance with the provisions of this paragraph to offset the costs of education, technical assistance, and training provided with monies in the Fund. Such fees for any education, technical assistance, or training

"(i) shall be imposed on a uniform basis on persons and entities receiving such education, assistance, or training,

"(ii) shall not exceed the cost of providing such education, assistance, and training, and

"(iii) with respect to each person or entity receiving such education, assistance, or training, shall bear a reasonable relationship to the cost of providing such education, assistance, or training to such person or entity.

"(B) Fees received under subparagraph (A) shall be deposited in the Fund by the Commission.

"(C) The Commission shall include in each report made under subsection (e) information with respect to the operation of the Fund, including—

"(i) the identity of each person or entity to which the Commission provided education, technical assistance, or training with monies in the Fund, in the fiscal year for which such report is prepared,

"(ii) the cost to the Commission to provide such education, technical assistance, or training to such person or entity, and

"(iii) the amount of any fee received by the Commission from such person or entity for such education, technical assistance, or training.

"(3) The Secretary of the Treasury shall invest the portion of the Fund not required to satisfy current expenditures from the Fund, as determined by the Commission, in obligations of the United States or obligations guaranteed as to principal by the United States. Investment proceeds shall be deposited in the Fund.

"(4) There is hereby transferred to the Fund $1,000,000 from the Salaries and Expenses appropriation of the Commission.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous matter, on the bill, H.R. 5925.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the EEOC Education, Technical Assistance and Training Revolving Fund Act of 1992. This act has broad bipartisan support of the chairman and ranking minority member of the Committee on Education and Labor, on which I serve, the chairman and ranking minority member of the Subcommittee on Employment Opportunities which has jurisdiction over the EEOC, the chairman of the Appropriations Subcommittee on Commerce, Justice, State and Judiciary, as well as the administration.

The purpose of the bill is to establish a revolving fund within the EEOC to be supported by payments received from recipients of technical assistance and training. The Americans With Disabilities Act and the Civil Rights Act of 1991 specifically require the EEOC to carry out such training and technical assistance activities.

By authorizing the EEOC to charge a fee for technical assistance and training programs, this bill will enable the EEOC to provide better and more programs without having to rely on competing funding claims for the Commission.

Mr. Speaker, effective technical assistance and training programs are an important tool in the EEOC's arsenal of weapons to ensure employers comply with the requirements of the Civil Rights Act of 1991, the Americans With Disabilities Act and other important Federal civil rights statutes. To guarantee that effective technical assistance programs under the fund are provided equitably, the bill specifically requires that fees for such programs are imposed on a uniform basis, do not exceed the total cost of providing such programs, and bear a reasonable relationship to the cost of providing assistance to the particular person receiving such assistance.

The bill also requires the EEOC to report to Congress concerning the nature of the technical assistance and training programs provided under the revolving fund, and the entity receiving such assistance, the cost to the EEOC of providing the assistance, as well as the fees it received.

Mr. Speaker, this Congress established and repeatedly reaffirmed the national commitment to eliminate discrimination in the workplace on the basis of race, gender, religion, national origin, age, and disability. Enactment of this legislation will allow the EEOC to fulfill its statutory mandate to provide training and technical assistance programs. I urge Members to suspend the rules and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5925, the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992. This legislation was developed on a bipartisan basis through the cooperative efforts of the Education and Labor Committee, the Ways and Means Committee, the Appropriations Committee, and the administration.

The impetus behind H.R. 5925 originated with the Equal Employment Opportunity Commission [EEOC] and was fueled by that agency's concern that current fiscal constraints would not allow the EEOC to provide the technical assistance and training necessary to inform employers and employees of their rights and responsibilities under laws within the EEOC's jurisdiction. The need for such technical assistance is particularly heightened at this time because of the new equal employment requirements imposed by the Americans With Disabilities Act [ADA] and the Civil Rights Act of 1991. As most Members have, I too have had conversations with many employers in my district who have questions about how to make both their workplace and their employment policies accessible to the disabled. Similarly, many employers have concerns about how the Civil Rights Act impacts their current personnel practices.

H.R. 5925 provides the EEOC with the avenue to provide the type of in-depth technical assistance and training that is simply not feasible under current public information mandates. It would authorize the EEOC to make a one-time transfer of $1 million from its salaries and expenses account to establish a revolving fund to pay the initial costs of providing the education, technical assistance, and training. Both employee and employer groups receiving the informational materials and services provided by the fund would be charged a fee based on the actual cost, thus enabling the fund to become self-supporting.

H.R. 5925 will allow the EEOC to step into the informational void that exists, particularly with regard to the ADA, and to provide employers and employees with credible, reliable answers about their rights and duties under the myriad employment opportunity laws that impact today's workplace. I believe that most employers want to treat their work force fairly and want to comply fully with the EEO laws to which they are subject. Often, however, employers need some direction in how to get there. H.R. 5925 gives the EEOC the resources and authority to provide the roadmap.

☐ 1430

Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD an exchange of letters between the chairmen, the gentleman from Michigan [Mr. FORD], and the gentleman from Illinois [Mr. ROSTENKOWSKI] relating to the fees involved in this legislation.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, September 14, 1992.
Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN ROSTENKOWSKI: I write in reference to H.R. 5925, the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992.

Specifically, the bill requires that fees could be charged only for specified services, that such fees would be charged on a uniform basis for persons receiving such services, that the fees would not exceed the costs of providing such services, and that with respect to each person receiving such services, the fees would hear a reasonable relationship to the cost of providing such services.

It is my understanding and intent that the program would be operated so that any service for which a fee is charged to all persons using such service, and such charges would be in reasonable relation to the services received. In addition, it is my understanding and intent that no significant amounts are intended to be accumulated in the program's revolving fund on a year-by-year basis because the fees charged, in the aggregate, would not exceed the costs of providing services.

Thank you for working with the Committee on Education and Labor on this matter. I will be happy to include this and your September 14, 1992 letter in the CONGRESSIONAL RECORD during the floor proceedings on the bill.

With kind regards,
Sincerely,
WILLIAM D. FORD,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 14, 1992.
Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write in reference to H.R. 5925, the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992.

I want to thank you for the cooperative effort between the staff of the Committee on Education and Labor and this Committee's staff in crafting the fees included as part of the Act so as not to affect the jurisdiction of the Committee on Ways and Means concerning revenue measures. Specifically, the bill requires that fees could be charged only for specified services, that such fees would be charged on a uniform basis for persons receiving such services, that the fees would not exceed the costs of providing such services, and with respect to each person receiving such services, the fees would bear a reasonable relationship to the cost of providing such services.

As a result of this language, I would appreciate a letter from you expressing your understanding that the program would be operated so that any service for which a fee is charged would be charged to all persons using such service and such charges would be in reasonable relation to the services received. Further, because the fees charged, in the aggregate, would not exceed the costs of providing services, I would also appreciate knowing your understanding that no significant amounts are intended to be accumulated in the program's revolving fund on a year-by-year basis.

Thank you again for working with the Committee on Ways and Means on this matter. I ask that you include this letter, and your response, in the CONGRESSIONAL RECORD during the floor proceedings on this bill.

With warm regards I am,
Sincerely yours,
DAN ROSTENKOWSKI,
Chairman.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the bill, H.R. 5925.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONSIDERATION ON THURSDAY, SEPTEMBER 17, 1992, OR ANY DAY THEREAFTER CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that it be in order on Thursday, September 17, 1992, or any day thereafter, notwithstanding section 302(f) of the Budget Act, to consider a conference report and amendments reported from conference in disagreement on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

NATIONAL COMPETITIVENESS ACT OF 1992

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed four hours. In lieu of the committee amendment in the nature of a substitute now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minite rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 5231, it shall be in order to take from the Speaker's table the bill S. 1330 and to consider the Senate bill in the House. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 5231 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1330 and to request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 563 is a rule that provides for the consideration of H.R. 5231, the National Competitiveness Act. The resolution calls for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Science, Space, and Technology Committee. The rule further provides that the bill will be considered for amendment for no more than 4 hours.

The rule makes in order the amendment in the nature of a substitute printed in the report to accompany the rule as an original bill for the purpose of amendment and specifies that the bill be considered by title, with each title considered as read.

The resolution waives all points of order against the substitute for failure to comply with clause 7 of rule XVI, which prohibits the offering of nongermane amendments. In addition, the resolution waives clause 5(a) of rule XXI, which prohibits appropriations in legislative bills.

The rule also provides for one motion to recommit with or without instructions.

Finally, if the House passes H.R. 5231, the resolution makes it in order to consider a Senate companion bill, S. 1330, in the House. The resolution also makes in order a motion to strike all after the enacting clause of S. 1330 and insert the text of H.R. 5231 as passed by the House. If the motion is agreed to then it shall be in order to move to insist on the House amendment and request a conference thereon.

Mr. Speaker, H.R. 5231 addresses some of the most pressing, structural problems that inhibit U.S. industry from competing effectively at home and abroad. The bill designates the Department of Commerce as the lead agency in the establishment of a national competitiveness strategy. The bill would establish a nationwide network of manufacturing outreach centers to provide technology extension services to American manufacturers. Once the network is in place, businesses will have access to a storehouse of information.

The bill also authorizes funding to develop new manufacturing technologies that would benefit American industry and workers and expands the Advanced Technology Program of the Department of Commerce. This program provides peer reviewed, matching grants for development of advanced technologies.

Finally, H.R. 5231 establishes program to promote adoption overseas of standards favorable to U.S. exporters and creates a competitiveness research, data collection and evaluation program. Overall the provisions in this bill will help to make our manufacturing sector more competitive in today's global environment.

Mr. Speaker, House Resolution 563 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is always interesting to serve on the Rules Committee. At times, we get to see some good things done for this House and for this Nation. At other times, we see things done that are bad—sometimes even terrible.

Today we have before us a rule that contains some bad and a little good, I guess. Certainly, it is an open rule that honors the minority's right under the standing rules of this House to offer a motion to recommit with instructions, and that's all to the good, and the way it should be.

This very same rule, however, places an arbitrary time limit on consideration of amendments to the bill, so it is not quite as open a rule as Members might suppose.

It also makes in order—and I think everybody ought to listen to this—it also makes in order as the text of the bill to be considered a nongermane substitute. Rules of the House require us to deal with germane amendments. This substitute was offered at the last moment by the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology, and it has not been considered in its entirety by his committee or even reported out of that committee. So here we go again.

Here, Mr. Speaker, we get to the point where this rule becomes not just bad, it becomes terrible. In a strictly arbitrary fashion, the majority on the Rules Committee voted to refuse to make in order for debate the proposed amendment by the gentleman from Pennsylvania [Mr. WALKER] sitting over here next to me, the ranking member of the Committee on Science, Space, and Technology, one of the most respected Members of this House dealing with those subjects.

Why was his amendment thrown out? On the grounds that it is nongermane and has not been considered by the appropriate committee of jurisdiction, that's why. That is also hypocrisy.

Let me repeat this point. We are being asked to approve a rule that makes in order a nongermane substitute amendment as the text of the bill. At the same time, this same rule refuses equal treatment for a proposed amendment by the gentleman from Pennsylvania [Mr. WALKER].

□ 1440

Why? Evidently because the sponsor, the gentleman from Pennsylvania [Mr. WALKER], is a Republican who wants to offer major portions of President Bush's economic reform package that the Democrats continue to hold hostage, to keep this country in recession, to deliberately keep Americans unemployed until after the Presidential election; that is disgusting. That is gridlock, disgusting gridlock.

Mr. Speaker, I will seek to defeat the previous question concerning the rule when that motion is made. I will do so in order to bring before this body my amendment to the rule that makes in order for consideration by this House the Walker amendment. Break the gridlock; debate the issue. That is what the American people want.

Mr. Speaker, before I yield time to those of my colleagues who wish to speak on this rule, let me take a moment to comment on something said in the Rules Committee hearing last Thursday. Mr. Speaker, I was momentarily called out of the hearing the other day, and while I was absent, my good friend from South Carolina, Mr. BUTLER DERRICK, whom I have a great deal of respect for, and who is managing the bill for the majority, spent some time deriding, I repeat, deriding a portion of the proposed Walker substitute, the Taxpayer Public Debt Reduction Act. He called it a gimmick. I want to point out to my friend, Mr. DERRICK, that in an advisory opinion on this particular proposal requested by the gentleman from Pennsylvania [Mr. WALKER], the Congressional Budget Office told him this: "If taxpayers persisted in choosing the maximum checkoffs, then spending cuts would total over $200 billion in 1997 and, together with interest savings, would result in," guess what?—"a balanced budget."

My gosh. That is what the American people want so desperately.

Mr. Speaker, I want to respond further to this talk about gimmickry. First of all, this rule itself is a gimmick. It is not fair to this House or to our Nation to prevent the opportunity for Members to consider the Walker amendment on the floor of this House.

Second, let me be more specific about where the so-called gimmickry lies when it comes to dealing with the public debt and our growing budget deficit, which is turning this country into a debtor Nation. No matter what we Republicans propose—a line-item veto, a balanced budget amendment to the Constitution, a voluntary tax public debt checkoff, some kind of a restraint on the inflationary growth of entitlement spending—no matter what we propose, the Democrats deride it as gimmickry.

What do you think out there, America? Do you think all this is gimmickry? I will tell you what many Members of the Democrat Party think is not a gimmick, and that is taxes. When you boil away all the rhetoric deriding other ways to deal with the deficit, that is all you find from the Democrat Party.

But let me tell you, Mr. Speaker, that taxes are the biggest gimmick of them all, because more taxes only mean more spending by this unresponsible Congress. Tax and spend, tax and spend, that is the heartbeat of many in the majority party. We only have to look at the many attempts by the majority leadership in this House to break down the firewalls in the 1990 budget agreement to get their hands on more spending money. We can tell where their heart lies.

Now let us see if this bill that the rule would bring before us can give us further insight into whether a Democrat-controlled Congress plans even greater spending in the coming years. Listen. The Congressional Budget Office has estimated that, if enacted, this bill before us right now, this bill alone would result in new, additional spending of at least $1.6 billion—$1.6 billion of money we do not have.

Here is the real gimmickry, Mr. Speaker, and it does not take long to realize it: With a Democrat President in the White House, this Democrat-controlled Congress would be even more out of control with taxes and spending going through the roof.

Now I will leave it up to the gentleman from Pennsylvania [Mr. WALKER] to explain his proposed amendment, including the Taxpayer Public Debt Reduction Act it contains, and how that amendment would help to get our economy back on track. But let me say this about the package. First of all, over 2 years ago the Commerce Department's Technology Administration, the very agency this bill purports to strengthen, warned us that the U.S. lead in research into various leading technologies would not reap the appropriate economic reward without bold reforms. Such as what? Product liability reform, which is so badly needed, that's what.

Let me cite a quotation from a recent article on that issue which illustrates why this is so:

> American business people are running scared—and their fear of liability colors all kinds of business decisions. The outcome? Reluctance to innovate and to invest, when our economic future demands risk and creativity.

That was from the Washington Post last month.

The Walker substitute addresses not just product liability but professional liability as well. Frankly, the cost of frivolous lawsuits, while they may be enriching certain ambulance-chasing trial lawyers, is diminishing our national wealth and undermining our competitiveness.

Mr. Speaker, the Walker substitute is not a gimmick. It addresses long-term problems that are sapping our economic strength.

Finally, I have to remind my colleagues on the other side of the aisle that simply throwing money at our problems will not make them go away. In fact, it will only make them worse if we enlarge the deficit, which this bill does.

Let me tell my colleagues what a major CEO was recently quoted as saying. You ought to listen to this out there, because America thinks this way.

> Our biggest structural problem is a shortage of savings. And we have a shortage of savings available for investment because the national budget deficit absorbs 80 percent to 90 percent of the savings pool.

That is from the Washington Post on May 14, 1992.

My colleagues, calling new spending an investment does not make it so. If you doubt that gimmicks are being foisted upon this Nation by the majority party, let me quote from the ultimate liberal, George McGovern himself. Here is what he said:

> I have a hunch that (Clinton and Gore) are much more liberal underneath, and will prove it when they're elected.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. SOLOMON] has consumed 10 minutes.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

The previous speaker has listed such a litany of grievances against the majority that it is hard to know exactly where to start. But let me first say that as he well knows, the Director of the CBO is hired by both parties on a nonpartisan basis, so for him to suggest that the Congressional Budget Office is some organ of the Democratic Party is wrong.

Mr. SOLOMON. Will the gentleman yield on that?

Mr. DERRICK. Let me finish. You have your time.

And further, we are led to believe that the CBO has certified this whatever-you-call-it, the 10-percent solution I guess, is going to balance the budget. In a letter from the Director of the CBO dated September 10, to the gentleman from Michigan [Mr. WOLPE], he said, "Our calculations of the income tax checkoff proposal were purely illustrative. We have absolutely no basis to judge how many taxpayers would choose the checkoff and for how many years." So that again is not exactly the case that the CBO has certified that it would balance the budget. They say otherwise in a letter from the Director.

This is a political season, and I guess we are all supposed to get up on the floor and use it as pulpit to promote the various Presidential candidates. But I will say this: Someone asked me the other day, "Do you think our President would bring about a conflict, or go to war, or something like that just to try to win the election?" And I said, "Absolutely not. Absolutely not." I believe George Bush, even though I may disagree with him on some of his policies, is an honorable man.

□ 1450

That is why I am particularly offended when the prior speaker suggests the Democratic majority has some insidious motive in trying to keep people unemployed so they can win an election. That is absolutely absurd. That is crediting people of good will with other than good will. That is crediting people with a lack of patriotism for their country, and I think the gentleman owes this body, the American people, and the Democratic Party an apology.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to my good friend, the gentleman from South Carolina [Mr. DERRICK], that when I spoke, I spoke from my heart. I really believe in what I said.

The reason I do is the gentleman from Pennsylvania [Mr. WALKER], whom I am going to recognize in just 1 minute, has the President's economic recovery program in his amendment. You know, we can bring this on the floor.

There are so many parts of it that you agree with. I know you do, because you and I have discussed it. Many Members on the majority side agree with it. Things like the investment tax credit are so badly needed by the big IBM's and the big GE's, and by little middle-class Americans as well. The $5,000 home buyer tax exemption—people need that so desperately today to get this economy going.

So if Members disagree with parts of the amendment offered by the gentleman from Pennsylvania [Mr. WALKER], we can defeat the previous question and allow a new rule to come back here. We can have everybody debate this bill, and if Members do not like parts of the Walker package, we can strike them out. At least, let us give the American people some confidence that we are addressing the needs of the country.

God knows, when we watch "Good Morning, America," or Dan Rather, or Tom Brokaw, and every single day they present negative analyses, they destroy the confidence of the American people to go out and buy and rebuild this economy; it is a shame.

Why do we not do something right on this floor? We can do it right now.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. WALKER], and I hope that this Congress will adopt his amendment. It is terribly important for jobs, jobs, jobs.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in opposition to the rule but in favor of the defeat of the previous question as the gentleman from New York will offer.

I used to come to the floor and say over and over again that I thought the Committee on Rules was malicious in what they were doing on some of these rules. You know, I have come to the conclusion they are not really malicious. They are just pathetic.

This rule is really an example of the pathetic nature of the process in the House of Representatives. Let me describe why.

We actually have an opportunity in this bill to address the issue of U.S. competitiveness. We had an amendment in the committee. It was offered in the subcommittee. It was offered in full committee. And that addressed the issues as we heard them expressed in the hearings, and the people who came before those hearings said that there were a lot of real issues affecting the American economy that needed to be addressed if we were going to address competitiveness.

We would like to bring that amendment to the floor. It was offered in the committee. We would like to offer it here.

It requires some waivers. It requires some germaneness waivers in order to bring that amendment to the floor. Now, the fact is that the Democratic Party also has a position on this, and they also want to bring a substitute to the floor. Their particular amendment also requires waivers in order to come to the floor. The Committee on Rules decided to grant the waivers to the Democratic Party to offer their measure, but decided not to grant the waivers to the Republican Party so that their measure could be offered.

In other words, it is pathetic. The Democrats are out here with a substitute that basically reflects language which is in a campaign document put out by the Clinton-Gore campaign. In fact, the chairman of the Committee on Science, Space, and Technology had said in testimony that Governor Clinton has blessed this thing with his approval.

Well, the substitute even contains a portion of S. 2987, which is a bill by Senator GORE. The companion bill to that was introduced in the House, and we have not had hearings in the Committee on Science, Space, and Technology yet. Now it is going to show up in this substitute with germaneness waived.

When the gentleman from South Carolina talks about promoting various candidacies out here, the candidacy being promoted is the Democrats who have decided to bring the Clinton-Gore campaign document to the floor but have decided not to allow the Republicans an equal opportunity to bring the President's economic program to the floor as a part of the competitiveness issue.

While the Committee on Rules is basically advancing the agenda of the Clinton campaign, they have, in their infinite wisdom, decided that it is inappropriate for the House to discuss issues supported by the President such as allowing the American people to have a direct say in reducing the public debt, making real reforms in antitrust and in product liability laws, and instituting changes in our Tax Code which would do more to spur competitiveness than any government spending program.

My amendment, if I were allowed to offer it, is the text of H.R. 5229, competitiveness legislation that was introduced by 17 members of the Republican side of the Committee on Science, Space, and Technology as well as 29 other Members. It was fully considered in the Committee on Science, Space, and Technology, but then it was stopped on a party-line vote.

I emphasize that my amendment here would not be a substitute for 5231, which is coming to the floor, but it is in addition to the bill that would make it more comprehensive, and more importantly, acceptance of my amendment would ensure that the President would sign the bill.

It would pay for the new spending that is in the Democratic proposals through the Taxpayer Public Debt Reduction Act. The amendment includes the President's proposal for allowing the American people a direct say in reducing our more than $3 trillion in public debt. That is what really poses the greatest threat to our Nation's economic security and technological well-being, that $3 trillion in debt.

The provision I am talking about would allow taxpayers to designate that up to 10 percent of their tax liability could be placed into a trust fund to be used only for one purpose, and that is to buy down the public debt. In order to prevent corresponding increases in the deficit, a dollar-for-dollar decrease in Federal spending would also be authorized by the people. In short, the issues raised in the Republican bill go to the heart of our competitiveness problem.

Let me say to the gentleman from South Carolina that I have also seen the letter that he referred to that was written to the gentleman from Michigan [Mr. WOLPE]. What the Committee on the Budget generally says in that letter is that, indeed, it did show exactly what I have been saying that it showed. They said it was for illustrative purposes. Virtually everything that the Committee on the Budget does is for illustrative purposes, because it depends on what the information is you give the CBO as to what information you get back.

So he is absolutely correct. But they did not deny in any way that the material that was given to me in the report does exactly what it says it does, and that is, if the plan worked optimally that it would balance the budget in 5 years.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I quote from the letter. It says

> We have absolutely no basis—we have absolutely no basis to judge how many taxpayers would choose the checkoff and for how many years.

Mr. WALKER. Precisely. And I will say to the gentleman that is true of all the budget proposals that the gentleman's party brings to the floor. What they do is they say if this were to work perfectly, what would the implications be? And that is exactly what we said. The gentleman is absolutely correct.

I will say to the gentleman that we have polling data indicating that about 70 percent of the American people like the idea, and about a similar number would utilize the tax credit, so it would not get $50 billion, but it might get $40 billion.

The gentleman does not even want to take a chance that we would have 40 billion dollars' worth of spending and debt reduction.

I would say that many of the American people would like to have that, but, you know, it would take maybe 6 years to balance the budget instead of 5 years to balance the budget. My guess is that the American people at the present time would settle for a budget that was balanced within 6 years and not 5. It might take us 15 years to buy down two-thirds of the permanent national debt rather than 12 years, as the study and other studies showed.

☐ 1500

But the fact is we could get there.

So what I am saying is we were not given a fair shot here, and the only way we are going to have an opportunity to have our shot at the process is by defeating the previous question.

I would urge the House to do so.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to balance the budget; most Americans want to balance the budget. But we have listened to all of these crackpot schemes throughout the 1980's, many of which have come from across the way, many of which have come from 1600 Pennsylvania Avenue.

In the beginning of the 1980's we were led to believe we could spend ourselves to the point of balancing the budget and doing away with the deficit.

Well, the great guru of those programs, David Stockman, who served with us here in the House for a period of time before he was appointed director of OMB, in his writings later said that they all knew it was a joke and they were just trying to pull the wool over the eyes of the American people.

We could come up with all these schemes, and all these schemes amount to is a bunch of politicians looking for a way not to have to make the hard decisions. The hard reality is the only way we can balance the budget is just like every American balances his budget: We must either spend less or take in more, or both.

Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I thank the gentleman from South Carolina for yielding this time to me.

Mr. Speaker, I do not want to protract these proceedings, but as chairman of the subcommittee which handled this legislation on the Committee on Science, Space, and Technology, and which takes a great deal of pride in it, I thought it was time for me to say something in response to our colleague from Pennsylvania, Mr. WALKER.

The gentleman would have the colleagues—and I would ask those that are not on the floor, those who are watching from their offices, to please listen to what I am going to say. Mr. WALKER and others on the other side would have the House believe that the amendment which our committee sought in the Committee on Rules and the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] are similar amendments or about the same sort of thing, as it were.

Mr. Speaker, our amendment was a technical amendment in order to accommodate agreements which were made with other committees so that we could bring this legislation before this body for a vote before we quit.

On the other hand, Mr. WALKER's amendment, about which so much has been said with so much heat, would bring about a reduction in revenues of between $100 billion and $150 billion annually.

I wonder how the gentleman from Pennsylvania or any other can with a straight face say to this body that in a piece of legislation that came from the Committee on Science, Space, and Technology, that resulted from about 1½ years of hearings and over 100 witnesses, how it is expected to get the blessings of Mr. ROSTENKOWSKI; the gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary; the gentleman from Michigan, [Mr. DINGELL], chairman of the Committee on Energy and Commerce, get the acquiescence of those gentlemen without any hearings, without any input into the process, to graft onto this legislation the following changes in the Tax Code: A permanent R&D tax credit, sliding-scale exclusion and indexing of capital gains, corporate deduction for dividends, investment tax credit of 10 to 20 percent for manufacturing equipment, exclusion of $2,500 for dividends and interest, capital gains relief for new businesses, charitable contributions for employee services, more generous treatment of losses, ordinary loss treatment for certain corporate stock. And in addition to that, significant tort reform.

What do you think about that, Mr. BROOKS? Product liability changes; what does the Committee on the Judiciary think about that? And significant changes in antitrust law.

And to come in here with a straight face and with all the chest-pounding and say, oh, what a terrible thing it is that the Democrats won't allow that to be grafted, grafted onto a bill that came from a committee that has no jurisdiction in these areas.

So I wonder if the gentleman, Mr. WALKER, and his colleagues have been to the Committee on Ways and Means with these suggestions, have been to the Committee on the Judiciary with these suggestions, have been to the Committee on Energy and Commerce with these suggestions.

That is the way to go.

Mr. Speaker, we have got a good bill. Why try to graft onto it measures that they know have no business here?

I think it is unfortunate, it is unseemly, it is inappropriate, and I do not like it.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to take exception to what my good friend, the gentleman from North Carolina said. I like him, I respect him. But, you know, he says we cannot bring the Walker proposal to the floor because it might offend Mr. BROOKS and Mr. ROSTENKOWSKI, the chairmen of the Committee on the Judiciary and the Committee on Ways and Means. Mr. Speaker, they are both Democrats.

Elect a Republican Congress, and we will get that product liability reform bill out on this floor so fast even the lawyers will not know what happened.

The other gentleman over there, my good friend, the gentleman from South Carolina [Mr. DERRICK] spoke of crackpot schemes mentioned by Mr. SOLOMON and Mr. WALKER; crackpot schemes? Listen to him. The line-item veto, he is a sponsor of it. Do not talk about your own legislation that way. A balanced budget amendment to the Constitution. You know, these are not crackpot schemes. This is what people want.

We Republicans came within eight votes of passing a line-item veto on this floor, with some Democrat help. Are they crackpots over there who voted with us? We had 280 votes for a balanced budget amendment. I think there were 115 Democrats who voted with us. Are they crackpots? Mr. Speaker, things are really out of kilter around here.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, we are suffering from an economic stagnation that comes, in large part, from too many taxes, enormous costs of tax compliance, too much uncontrolled Government spending. You know, tax-funded Government jobs now outnumber wealth-producing private sector jobs in manufacturing? There is too much senseless regulation and litigation that lack a positive impact on our lives and our work, but do cost us dearly in jobs.

The cost and availability of long-term investment capital in this country, patient capital, is so much higher than our major competitors. Product liability judgments have already brought the American general aviation industry to its knees. Others, such as the machine tool industry, have been severely damaged. Massive taxes, some estimate as high as $300 billion to $500 billion, resulting from excessive litigation.

We need to address the reform of this tort system, with its accompanying high costs and depressing effect on work and on innovation. So we have an opportunity today to pass comprehensive legislation to improve our competitiveness, provide jobs for Americans, create new jobs, and to boost those industries that are creating jobs; but the Committee on Rules would not allow us to consider the broad, far-reaching legislation that we need.

Addressing the gentleman from North Carolina, the fragmentation of committee responsibility in the House for this encompassing competitiveness issue continues to plague us. The rule we consider today does not focus on the larger issues. It fails to recognize that we need to change direction because the current business and economic climate slows innovation and depresses wealth creation by American manufacturers and American business.

That is the problem, not more Government spending or more Government programs. I think there are some very good programs in the majority bill, and I think that redirection of resources toward production and manufacturing is good. But unless you get to the heart of the matter—and that is where the jobs are produced—the effects are going to be relatively limited.

The package that the Committee on rules rejected, H.R. 5229, the Fundamental Competitiveness Act, contains proposals to address generic issues, to set a more favorable climate for U.S. competitiveness and the success of American workers, particularly in manufacturing.

□ 1510

We could have voted on proposals to cut back on the deficit, provide incentives to increase capital for investment, for research, for development. We could have created an economic climate that fosters the possibility of hundreds of thousands of new jobs, boost our overall ability to compete.

We need the private sector incentives provided by our legislation, because that is where the jobs get created, incentives to invest in startup companies, changes in the capital gains tax to induce people to devote more resources to longer term investments to create new jobs, tax credits to encourage investment in productivity-enhancing equipment and machinery.

We know how many Democrats are in support of these measures. It is a shame. It is criminal almost, the committee structure, the way this House is set up does not allow a real creative competitiveness job-producing package to come to the floor of the House.

We had an exemption from income taxes of first $2,500 from interest or dividends which would boost personal savings and make capital more available to our industries.

We established guidelines to limit some of this litigation madness in America and also to reform professional's liability, not just doctors, but engineers, architects, brokers, nurses, and people from all walks of life.

The National Competitiveness Act as promoted by the Democrats does contain some good features. I support manufacturing technology extension and advanced manufacturing and collaboration among high-tech firms and work force training.

I commend the shift again to funding priorities by the Federal Government, but Government funding with the use of taxpayer resources is not the answer. It is not even the majority of the answer. It is important, it is good, but it is not going to change things that much.

Mr. Speaker, I urge my colleagues to oppose this limiting rule.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I did not mean in any way to imply a few minutes ago that there are not some good ideas that come from across the way. I was just referring to most of them.

I supported the balanced budget amendment. It was offered by a Democrat, the gentleman from Texas [Mr. STENHOLM].

I support the line-item veto, which of course is offered primarily by Republicans and by the gentleman from New York [Mr. SOLOMON], and I commend the gentleman for doing it. But the point I was trying to make was that I do not blame one party a whole lot more than the other. Maybe a little more of the blame lies on the other side of the aisle, but there is quite enough over here as well.

Throughout the 1980's we were presented with all these various gimmicks to balance the budget, to bring about some sort of fiscal responsibility in this country.

It started with Gramm-Latta back in 1981, which I voted for. If I had to do it over again, I would not vote for it. It was a vote I should not have cast. But I cast it and I now wish I had not because I see what it has done.

The American people are not interested in these gimmicks anymore. The American people out there know how to balance a budget. There is no great secret to it. There is no great mystery to it. One does not have to have a crystal ball to know how to balance a budget. One balances a budget in one of two ways, and it will always be that way regardless of what gimmicks or what laws we pass up here, regardless of what we try to hide behind up here: one either takes in more or spends less, or a combination of both.

Mr. SOLOMON. Mr. Speaker, will my good friend yield at this point just briefly?

Mr. DERRICK. I will yield to the gentleman from New York for just a moment.

Mr. SOLOMON. Mr. Speaker, two points. First, I want to commend the gentleman, because the gentleman is holding this Friday the first of two hearings on the line-item veto. He is one of the major sponsors, and we really deeply appreciate that.

Second, part of what the gentleman just said is absolutely right. You know, you can judge a Member of Congress on how much he contributes to that deficit by the votes he makes on the 13 appropriation bills.

I talked to the National Taxpayers' Union the other day about getting all these good government foundations together, footing the bill, and to size up the vote of every Member of Congress on those 13 appropriation bills since the budget accountability was put in effect in 1974. That would tell us who is responsible for the deficit.

The gentleman does make some sense and I commend him for it.

Mr. DERRICK. Let me say this, Mr. Speaker, if I may reclaim my time.

I think it goes deeper than that, just how one votes on appropriation bills.

I think the first measure of whether one is serious about balancing the budget is what one does back home. I am not going to tell you that I could hang my hat on every vote that I have cast, but I will tell you this, and I make the gentleman this challenge. Since I have been in the U.S. Congress since 1975, I have fought $2½ billion worth of projects coming to my district, because I thought they were wasteful even though they were coming to my district.

Many people back home signed my political epitaph because I did that.

I won on one of the projects and I lost on the other. I lost on a $700 million project, and on the other I won.

There is a large blob of cement out in a field in my district that saved the American people, in my opinion, almost $2 billion.

So I will tell the gentleman and make the challenge that it is not only what one does up here and how he votes. One can always switch his votes around. It is what one does back home.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank my colleague, the gentleman from South Carolina, for yielding me this time.

Mr. Speaker, I rise in strong support of the rule.

I understand the gentleman from Pennsylvania is concerned that the rule should not be approved because he is not permitted to offer an amendment that would allow taxpayers to designate 10 percent of their tax liability to reduce the national debt.

Mr. Speaker, I think the Rules Committee is absolutely right. I cannot understand how that type of amendment would be germane to the legislation that is before us.

Let me talk for a moment, if I might, about the merits of that particular suggestion. It is a suggestion that has recently been endorsed by the administration and represents a flip-flop by the administration. It seems to me the administration is now looking at the political polls, rather than looking at the merits of the particular suggestion.

Let me just inform the Members of the House that 4 months ago, on May 21, 1992, Terrill Hyde from the Treasury Department in testimony before the Ways and Means Committee, commenting on this proposal, suggested:

> We have consistently opposed proposals that would have added voluntary check-offs to the tax return, regardless of how meritorious the beneficiary. For example, we have opposed check-offs for such worthwhile causes as a fund for the reduction of the public debt.

The Treasury Department recognizes the lack of merit of this particular proposal and goes on to comment why, because it creates complexity, confusion, and administrative burdens.

Mr. Speaker, I wonder how the gentleman would feel about additional check-offs where people do not like a particular war that we are fighting or for some environmental decision that we are making, who do not like where we may want to place a penal facility, or allow the taxpayers to have a voluntary check-off on their taxes for those purposes if they do not like the way we spend their money.

This proposal would compromise representative government and should not be considered by this House.

Reducing the debt should be the top priority of this Congress. We need to come up and have the courage to deal with specific proposals to reduce the national debt. We do not need another gimmick, and that is exactly what that proposal would be.

Chairman PANETTA had the courage to come forward with specific proposals. That is what we need.

Mr. Speaker, I urge the House to approve the rule suggested by the Rules Committee so that we can get on with the business of this Congress and take up the National Competitiveness Act.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker I rise in strong opposition to this rule, because it fails to allow this body to consider one set of proposals that would truly restore competitiveness in this country.

Mr. Speaker, I rise in strong opposition to this rule. The rule fails to allow this body to consider the one set of proposals that would truly restore the competitiveness of American businesses.

The notion that this body would consider a bill titled the "National Competitiveness Act" without discussing capital gains taxes, without discussing R&D taxes, without discussing legal reform, without discussing product liability reform, and without discussing savings and investment incentives is absurd. This rule has been deliberately written so that when my colleague from Pennsylvania offers his amendment that includes these proposals, it will be ruled out of order.

While I have argued vigorously for reform in all the areas I have already mentioned, there is another, overregulation of our economy, which may very well be the greatest barrier of all to our Nation's competitiveness. Overregulation in this country has reached epidemic proportions.

The direct and indirect costs of unnecessary and burdensome regulations are sucking the vitality out of our businesses, forcing wasteful reallocation of resources, reducing productivity and stifling innovation. The direct cost of regulations is estimated to add up to a staggering $400 to $500 billion annually. Yet, if we consider the indirect cost of regulations it could be anywhere from $800 billion to $1.6 trillion per year. While such a great level of our Nation's resources are being diverted toward so many ill-conceived regulations, our country is receiving very little in return.

We are faced with a huge Federal bureaucracy of overzealous regulators controlled by liberal special interests, ignoring cost/benefit analysis and concerned with validating their own existence.

It is through this process that regulators classify children's teeth as toxic waste, force banks to make drive-through teller machines accessible to blind drivers, require hard hats to be disinfected before each use, and dictate that employers must keep on hand at all times material safety data sheets that tell employees that submerging their head in water could lead to drowning.

Just this one section of the Walker amendment would go a long way toward alleviating the regulatory burden on this country—a direction that is absolutely critical to America's economic growth and competitiveness. It would bring rationality into the regulation writing and review process so that businesses and consumers in this country can actually expect the benefits from a regulation to be greater than its cost and that the regulation actually addresses real need.

The rule before us fails to acknowledge the true importance of this proposal or of any other proposal included in the Walker amendment.

I urge my colleagues to vote no on this rule and to allow for a real debate on solving the problems of competitiveness in this country.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the legislation now under consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL], the chairman of the Pork Buster Task Force.

□ 1520

Mr. FAWELL. Mr. Speaker, not many of our constituents, of course, realize how the Committee on Rules can so stifle debate. A good example is this rule. Here we are, dealing with a subject of immense importance to America: economic competitiveness and how best to create jobs and wealth. The Democrats have one version that will be debated and voted upon. The Republicans have one; no way will the Committee on Rules allow that to be debated. So, Mr. Speaker, the people of America cannot hear what we have to say.

I have been here long enough to know that this is what the minority continually has to put up with, but I think it is especially unfortunate at this time during a presidential election period because we have two economic competitiveness bills which are of different philosophies which try to jumpstart the economy.

The gentleman from Pennsylvania [Mr. WALKER] talks about the fact that people create jobs and people create wealth, not the Congress. I think the Democrat Party believes that actually Congress creates jobs and Congress creates wealth.

Mr. Speaker, I would like to focus just for a short time on one of the most innovative aspects of the proposal of the gentleman from Pennsylvania [Mr. WALKER]. I know it is called gimmickry and all kinds of things by those folks over there, but the measure proposes that individual taxpayers are empowered to buy down the annual deficits, and, by gosh, if we cannot do something like that, because everything else this body has done has failed, I do not know what we can do.

By checking off a box on their tax returns citizens would be able to contribute up to 10 percent of their annual Federal income tax liability to a public debt reduction fund and, to ensure the taxpayers' contributions to the fund will not be offset by higher outlays, which is what this Congress would do; we would just spend that much more, the buydown would be matched by equivalent across-the-board spending cuts of all Federal programs with the exception of Social Security.

Now politics will prevail though, and even though Congress has not balanced a budget for 23 years in a row, for 31 out of the last 32 years—I guess Eisenhower and Truman were the last ones who thought it was at all important, and even though the debt is $4 trillion, and we have $300 billion just to pay interest on the national debt, we will add a half trillion dollars new in 1992 and a half trillion dollars in 1993, and still the Democrats, who refuse to stop their profligate overspending have a thousand reasons why we cannot give power to people to force Congress to systematically start reducing the deficit.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I do not know if the gentleman from Pennsylvania [Mr. WALKER] is here. I wish he were.

Mr. Speaker, this is a gimmick, another in a long string of gimmicks on deficits and fiscal policy. The fact is that fiscal policy in this country has been reckless, dangerous, and irresponsible.

Some say it is all the fault of Congress. Well, it is not all the fault of Congress. There is plenty of blame to go around here in the congressional body. The responsibility, it seems to me, of Congress was that we follow the President's lead. This President and the one before him has asked for the largest deficits in the history of this country. And, unfortunately, this Congress did not say, "No." We said, "All right."

Mr. Speaker, I would like to ask my friend from Pennsylvania [Mr. WALKER] or my friend from New York [Mr. SOLOMON] a question if they are willing to answer. The question is:

"Could you tell me what the President has requested for a budget deficit for this coming fiscal year?"

Now I am talking, not about what Congress is doing; I am talking about what the White House has sent to Congress in its request for deficits for the next fiscal year. Could either the gentleman from New York or the gentleman from Pennsylvania tell me that?

Mr. Speaker, the reason I ask the question is the gentleman from New York [Mr. SOLOMON] a while ago said that Congress is out of control, and of course the gentleman from Pennsylvania says that all the time. So I would just ask these gentlemen if they can tell us what the President has requested for a budget deficit next year.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Pennsylvania.

Mr WALKER. Mr. Speaker, I think it is somewhere around $270 billion.

Mr. DORGAN of North Dakota. Mr. Speaker, is the gentleman from Pennsylvania kidding?

Mr. WALKER. No.

Mr. DORGAN of North Dakota. The gentleman has not even read the budget document?

Mr. WALKER. Well, I have read the document. I said I think it is somewhere in the vicinity $270 billion is what the request is.

And I will say that also the President has requested a number of other things to try to reduce the deficit numbers, and this Congress has consistently opposed them. They will not pass the balanced budget amendment, they will not pass line-item veto, they will not do anything to bring down the numbers——

Mr. DORGAN of North Dakota. Reclaiming my time, Mr. Speaker, I want to tell the gentleman the answer, and it surprises me that the gentleman on every single issue is on the floor beating up on Congress about deficits and he does not know what the President proposed.

The President in his budget for next year proposed that we have a deficit of $350 billion, but it is higher than that because he, in my judgment, as some in Congress do, used the Social Security surplus to reduce it.

Mr. WALKER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair hears a demand that the words be taken down.

The Clerk will report the words.

□ 1525

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair recognizes the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I ask unanimous consent to withdraw the use of the word, "dishonest."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman is now saying that that was an incorrect term?

Mr. DORGAN of North Dakota. Mr. Speaker, if the gentleman will yield, it was, in the context in which I used it.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The SPEAKER pro tempore. The Chair understands that the gentleman from Pennsylvania [Mr. WALKER] therefore withdraws his request that words be taken down.

The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

Mr. DERRICK. Mr. Speaker, I yield 2 additional minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, let me point out that what I have said on the floor on previous occasions and what I would allege today once again is that the process, no matter where it originated, whether it was in the White House or in this Congress, in my judgment we have a process that is terribly flawed because it uses Social Security revenue to reduce the budget deficit. That is what has happened in the President's budget.

The budget deficit that he proposed in January proposed about a $350 billion budget deficit.

Mr. WALKER. Mr. Speaker, will the gentleman yield.

Mr. DORGAN of North Dakota. It actually is about a $420 billion budget deficit, reduced by some $70 billion of Social Security surplus. And when he does that, then he says, "The budget deficit I propose for the next year is about $350 billion."

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I have a copy of the budget here, and I go now to part 1, page 8. I think I was fairly close. This says, 1993, $274.9 billion. It seems to me that is pretty close to the right figure.

Mr. DORGAN of North Dakota. Mr. Speaker, I reclaim my time. I say to the gentleman from Pennsylvania [Mr. WALKER] that if he would hold that up, not only for all the folks in this Chamber but for the people in the country that might be listening, he will find out he is holding up the budget for the wrong year. The budget the gentleman is holding up says 1992 on it. The budget the President sent to us in February of this year is the 1993 budget, and that was the question I put to the gentleman.

Mr. WALKER. Mr. Speaker, I have the budget deficit for 1993. In 1993 it is for $274.9 billion. The gentleman does not know what he is talking about.

Mr. DORGAN of North Dakota. Mr. Speaker, reclaiming my time, I did not yield time to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. DORGAN] has the time.

Mr. DORGAN of North Dakota. Mr. Speaker, the point I was asking the gentleman from Pennsylvania, and he apparently misunderstood was that in February of this year, when the President sent us the budget asking for budget deficits for the coming year, what did he ask for in the next year? The gentleman went and got last year's budget. In 1993, I say to the gentleman from Pennsylvania [Mr. WALKER], the President asks for a budget deficit of $350 billion.

Mr. Speaker, I would ask the gentleman from New York [Mr. SOLOMON] this: Does the gentleman think that the President is out of control when he proposes a budget of $420 billion and then uses the Social Security surplus next year to reduce it to $350 billion?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would be glad to answer the gentleman. You give us a Republican House and Senate, and we will balance that budget in 5 years.

Mr. DORGAN of North Dakota. Mr. Speaker, I would point out that the gentleman did not answer the question. Let me state the reason why I asked the question.

The SPEAKER pro tempore. The time of the gentleman from North Dakota [Mr. DORGAN] has again expired.

Mr. DERRICK. Mr. Speaker, I yield 2 additional minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. The only reason I am going through this is not to ask you, or your side, chapter and verse on the numbers or on the deficit the President has proposed to this Congress. It is only to say to you, when you point to the Democrats and say, "They are the big spenders," the fact is that this President's budget cannot be avoided. It requests the largest deficit in history, for $1 billion a day every day for the next 5 years. If we said yes and agreed to everything this President asks, we would have a $6 trillion debt in this country by 1998.

My point is that this checkoff on the income tax system is the gimmick of all gimmicks. It will either do one of two things. It will increase the Federal deficit at a time when we are choking on a $4 trillion debt and a proposed $350 billion deficit, or the gentleman is saying, "Let's cut Medicare, let's cut Medicaid, and let's continue to cut on and on and on."

I would like to see precisely what you are going to cut. If you are not going to increase the deficit, you are going to do one of two things. So I would just like to hear chapter and verse of what it is going to be. That is the only reason I came here and asked these questions about the deficit.

I for one am just a little tired of hearing you point at this side and say that these are only our deficits. These deficits come from the White House. Our failure in my judgment is to follow the lead of a President's fiscal policy that is dangerous to this country's future.

The SPEAKER pro tempore. The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was not pointing at that side of the aisle as a whole. I was pointing to part of that side, the liberal side. There are about 37 good conservative Democrats over there.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, let me say to my colleagues that often in a debate on the rule Members who are opposing the rule oppose the rule because they oppose the underlying legislation. I support the competitiveness legislation, and I will speak on its behalf at the appropriate moment. But I want to very strongly express my dissatisfaction and my opposition to the rule.

When will the majority ever wake up? It would make a lot more sense for this body to spend an hour of debate on the substance of some of the substantive disagreements between our caucuses on how to best move this Nation's economy forward than an hour of debate on a rule which prohibits us from offering a constructive amendment.

The amendment the gentleman from Pennsylvania [Mr. WALKER] sought to introduce was not an amendment to strike the bill. It was not an amendment to take out any provision of that bill. It was a provision to add to it, and it was an amendment which you have called crackpot schemes.

Since when is trying to get hold of the terrible problem of product liability in business a crackpot scheme? In my State of Michigan the tool and die and the machine tool industry are critical components of our industrial economy. They make the tools. They are the infrastructure of the infrastructure. In the last year for which we have data the machine tool industry spent four times more on product liability costs than it spent on research and development. No wonder we are in trouble in this country.

What does the gentleman's amendment seek to do? It reforms product liability and at the same time gives an incentive on a permanent basis for more research and development in this industry. Is that a crackpot scheme?

The same Members who have sent us "Dear Colleague" letters on behalf of the National Coalition for Advanced Manufacturing and National Association of Manufacturers that support the bill before us also support the provisions in the amendment of the gentleman from Pennsylvania.

When will we learn? When will we learn that it makes more sense to debate the substance in free and open debate instead of cutting it off and dividing us needlessly in these procedural guffaws.

Mr. Speaker, I opposed the rule in an elementary quest for fairness and also free and open debate and accountability to these members of the American public which we represent and who have a right to know where we stand on these issues.

Mr. SOLOMON. Mr. Speaker, we only have one last speaker to close on our side. If the gentleman has no other speakers other than the one to close, in that case I yield the balance of our time, 2 minutes, to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, we have heard a number of things in the course of the afternoon from the Democrats, most of them wrong.

This has been called a gimmick. It buys down the national debt. It is not simply a checkoff. It actually buys down debt and cuts spending in order to make it happen.

The gentleman from South Carolina told us the American people know how to balance the budget. They sure do, and they would like to see it done. All this does is suggest that maybe that ought to be made a part of the process. And the Democrats, of course, cannot allow that to happen because that takes away their power base.

The gentleman from North Carolina [Mr. VALENTINE] told us there were no hearings on this bill. In fact, there were hearings in our committee. I wish you could have been there. He said that there are revenue losses in this bill. That is what they are really worried about, because what they really like is taxation, and they are really worried about the fact that they are going to lose all those tax revenues.

The fact is that we balance off those tax revenues with spending cuts, and it is not just with spending cuts through a gimmick. It has real teeth in it. As a matter of fact, people who have looked at this idea of debt buy-down say that it is not just teeth, it is fangs.

That is what they are worried about, that we end up having real spending cuts. And we were told that tort reform is something that has not been acted on. In fact, the tort reform in our substitute, or in our amendment, has been reported out of the Committee on the Judiciary but has not been brought to the House floor because the trial lawyers, I guess, are just too powerful.

We have an opportunity by voting down the previous question to get an amendment on the floor that would make some permanent debt reduction. If that is the No. 1 issue we ought to be addressing here, like the gentleman from Maryland told us, then we ought to be doing something. We have not had debt reduction on the floor yet this year. We ought to get it out here. With this we would have an opportunity to do that.

We have antitrust reform in this amendment, we have product liability reform, and we have Tax Code changes that would improve the investment climate in this country. That is what voting down the previous question will give us an opportunity to consider.

Here is the interesting thing: If we do not like certain provisions in the amendment, we have a chance to knock them out. If there is something in there we do not like, we can offer amendments to the amendment and knock them out, but we do not even want to debate these issues on the floor. I think it is time to debate them. It is clear what all the Democrats believe is good for the country in taxation, regulation, and litigation. Every proposal they bring before the House is for more taxation, regulation, and litigation. That is true with this bill also. We ought to have a chance to change it.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for the balance of his time.

Mr. DERRICK. Mr. Speaker, quite frankly, were I a citizen of this country sitting out there watching this, it would turn my stomach. I would wonder, what in the world are those guys thinking about up there?

I remember most of the schemes we had during the 1980's and even back into the 1970's. When I came here in 1975, the Budget Act had just been passed after a tremendous amount of debate, and one of the great advertisements of the Budget Act was that it was going to help balance the Federal budget. At that time, as I recall, the average deficit was $50 billion to $60 billion.

Then I remember that we came along and Gramm-Latta was going to balance the Federal budget. We elected a President in 1980 who was going to balance the Federal budget by 1983. We elected another one in 1988 who was going to balance the budget in a certain time.

We have seen any number of constitutional amendments and statutory proposals that were going to balance the budget. We have seen the line-item veto. We have seen all of these things. Of course, not all of them have been passed.

The list goes on so long that I really cannot recall them all.

□ 1540

But all of these things are gimmicks. They are gimmicks conjured up by politicians trying to protect themselves from being blamed by their constituents for not doing what they and their constituents know they should have done. As far as I am concerned, this is just another one of those gimmicks.

I go back to what I said earlier this afternoon. To balance a budget, one must either take in more money or spend less, or a combination thereof. The gentleman from Michigan [Mr. HENRY], when he was speaking here, said he thought we should deal with more substantive matters, and I could not agree with him more.

I would say that 90 percent of this debate has not been substantive. It has been trying to see who had a gimmick and who did not have a gimmick. But until we are willing as a Nation to make hard choices, we are never going to balance the budget.

I spoke to a Rotary Club about 2 weeks ago in Easley, SC. It is not a large community. There was a very distinguished group of people there.

A young banker I have known for a long time said. "Congressman, tell me: who is really at fault, the Democrats or the Republicans, for this horrible deficit we have?"

I will tell you what I told him. I said, "They are both at fault."

There is enough blame to go around. Over the last 12 years we have only had one time that this Congress has passed out a budget that had a larger deficit or a larger expenditure than that which was sent to us from the White House. Now, that is a fact. These are Presidents who for 12 years have told us that they were fighting to balance the budget. But the Congress is at fault, too, both Democrats and Republicans, because we have joined in with these Presidents and passed these budgets.

So let us quit fooling around. We know that no matter who is elected President the next time, if we are going to bring fiscal sanity to this country, there is going to have to be cuts and there is going to have to be additional income. It is not going to be done in one great swoop, but over a period of time, and I pray that this Congress and whoever the next President is will have what it takes to do that.

Mr. PEASE. Mr. Speaker, I rise in support of the rule. I would like to address a provision in the gentleman from Pennsylvania's amendment that I find especially laughable. While I don't know whether to characterize the President's position on this issue as a flip or a flop, I do know that the administration has consistently and correctly opposed proposals that would add voluntary checkoffs to the tax return. As recently as this past May, an administration official stated the President's position as follows:

> If this principle were accepted—that taxpayers may designate the uses for which their tax dollars are spent—our entire budgetary process would be undermined.

The official further noted the President's position that:

> No taxpayer * * * should have a direct say over the way the Government spends their tax dollars, as opposed to the influence they exert through the normal political processes and the ballot box.

Furthermore, on substance, the 10-percent checkoff is simply a bad idea. While the currently unnamed and therefore politically painless spending cuts that would go along with the checkoff would affect all citizens, only people paying income taxes would be voting. By this yardstick, the well-to-do would have many votes, while low- and middle-income Americans would have significantly less clout. I find this idea to be profoundly undemocratic, one that offers the haves the opportunity to once more take away from the have-nots.

We all know that cynical populist appeals such as this 10-percent checkoff are too tantalizing for the President and his supporters to pass up at this stage of his election campaign. How could he pass up yet another chance to give the impression that he is doing something about our Nation's budgetary problems without being required to make the tough decisions that every responsible legislator in this body, Republican or Democrat, knows must be made. I urge my colleagues to support the rule.

Mr. LENT. Mr. Speaker, I rise in opposition to the rule for consideration of H.R. 5231 as it does not make in order the Walker amendment—an amendment which contains much-needed product liability reform.

The current tort system, with its excessive transaction costs and delays, often fails to provide adequate compensation to persons injured by products. Plaintiffs are receiving less than half of total legal expenditures. The only group that benefits from these excessive transaction costs is that of the trial lawyers.

Additionally, uniform product liability laws would enhance the ability of our manufacturers to compete with foreign companies. American manufacturers face product liability costs that are 20 to 50 times higher than those of their foreign competitors.

I urge my colleagues to defeat this rule so that we may consider the Walker amendment which views competitiveness as more than just Government money for research, and ensure that funds go to research and not to lawyers and legal fees.

Mr. FISH. Mr. Speaker, I regret that the substitute amendment proposed by the gentleman from Pennsylvania [Mr. WALKER] was not made in order by the Rules Committee. Among other things, title III of the Walker substitute proposed to extend important antitrust protections to production joint ventures—the same protections which we have already provided to research and development joint ventures since 1984.

I strongly believe that production joint venture legislation would enhance America's competitive strength in a very fundamental way. It would provide important incentives for cooperation by American businesses that otherwise are competitors in the marketplace. Such legislation would encourage joint production operations on the part of America's high-technology companies as well as our more traditional basic industries. Such legislation would permit entrepreneurial enterprises to remain independent. It would allow companies of all sizes to jointly produce and then compete, which alone they might not be able to do.

The National Cooperative Research Act of 1984—Public Law 98–462—provided that research and development joint ventures cannot be considered per se, or automatic, violations of the antitrust laws but must be examined under the more flexible rule of reason test. In order to find an antitrust violation under this standard, the courts must find that the procompetitive benefits of the venture are outweighed by its possible anticompetitive effects. The NCRA also limits antitrust liability to actual (single) damages, plus attorneys fees and interest, rather than the treble damages otherwise provided under section 4 of the Clayton Act. In order to qualify for these two benefits R&D joint venture members are required to file written notification with the Department of Justice and the Federal Trade Commission, naming the participants in the venture and outlining in general terms the nature and objectives of the project.

A bill which I first introduced in the 101st Congress, H.R. 2264, proposed to take an important step beyond existing law. It extended the protections now afforded R&D joint ventures to joint production activities which have been noticed to the antitrust enforcement agencies. Thus, they, too, will be judged under the rule of reason and would be at risk only for the imposition of single damages. My bill did not provide antitrust immunity; neither does the NCRA. It simply enlarged the extent of legal certainty and business confidence by requiring application of the rule of reason standard and providing a new limitation on the amount of antitrust damages that can be awarded. My bill was used as the model for legislation (H.R. 4611) which eventually was approved by the House Judiciary Committee. Unfortunately, restrictive language was added which somewhat limited the overall benefits of the bill. Although H.R. 4611 passed the House on June 5, 1990, it was not acted upon by the other body.

In the 102d Congress, I again introduced my bill as H.R. 27. On June 19, 1991, over 1 year ago, the House Judiciary Committee ordered reported legislation (H.R. 1604) patterned after my bill. Once again, the committee included language limiting foreign participation in such protected ventures to 30 percent beneficial ownership and requiring all manufacturing operations to be on U.S. soil.

The Senate, meanwhile, has passed a bill, S. 479. The Senate bill contains language whereby the production joint venture must provide substantial benefits to the U.S. economy. In addition, the joint venture must locate its principal manufacturing facilities within the United States or its territories, or locate them in a country whose antitrust laws provide national treatment to U.S. entities that are parties to the venture. National treatment means treatment must be no less favorable to U.S. participants than to its own domestic participants.

Despite the refusal of the Rules Committee to allow the Walker substitute as an amendment to the National Competitiveness Act, I remain hopeful that a compromise can be worked out with the Senate on production joint venture legislation before the 102d Congress adjourns. Its enactment would be a major achievement for this Congress. In my view, it will be good for American business, good for the American working man, good for our balance of payments, and good for our economic recovery.

Mr. GILCHREST. Mr. Speaker, I rise in opposition to the proposed rule. Important parts of the Brown substitute, made in order by the rule, were not considered by the committee during its extensive review of this legislation, and the Brown substitute contains material that is not germane. On the other hand, an amendment offered by Mr. WALKER, which is also not germane and subject to points of order, was not protected by the rule. Where is the fairness in the rule? At least Mr. WALKER'S amendment, in the form of H.R. 5229, has been available for Members to review since May.

Mr. Speaker, the merits of the Walker amendment deserve to be debated on the House floor.

The Brown substitute seeks to establish new Federal Government spending programs to aid competitiveness without removing current Federal roadblocks to economic growth. To consider such a proposal without allowing similar discussion of the Walker proposal is like discussing planting new seeds in a known tree-killing environment. Let's debate provisions that will help trees grow, not just throw more seeds into the ground.

There is strong consensus among economists that the major problem facing our economy is lack of investment. By making permanent the tax credit for R&D, providing investment tax credits, indexing corporate assets, and providing incentive for long-term individual investment in corporations, the Walker amendment would encourage the sort of investment necessary to regain and retain our competitiveness.

I urge my colleagues to defeat the rule. Let's debate the merits of both the Brown and Walker proposals. Do we provide the means and incentives necessary to encourage private sector investment, or do we want the Federal Government picking winners and losers? Do we do away with existing tax and legal barriers or do we spend more taxpayer money on an untested Federal program? Let's defeat the rule and debate these questions addressing the real issues.

Let's have fairness in the rule for the sake of economic growth and competitiveness; don't adopt a rule for the sake of partisan wrangling. Let the House work its will on both measures.

Mr. Speaker, if we vote for this rule, we can all go back to our districts and tell our constituents we were going to to protect your job, but it wasn't germane. We could have voted for economic growth, but it might have offended certain committee chairmen. We had the chance to enhance U.S. competitiveness but it wasn't within the scope of the Science Committee. The American people don't care about germaneness, or committee chairmen, or committee rules. They care about jobs. Let's vote down this rule.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 163, not voting 28, as follows:

[Roll No. 393]

YEAS—241

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Schroeder
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—163

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—28

Anthony
Atkins
AuCoin
Barnard
Boxer
Chandler
Conyers
Dellums
Dornan (CA)
Engel
Fascell
Ford (TN)
Hayes (LA)
Huckaby
Ireland
Lantos
Levine (CA)
Mavroules
Morrison
Nagle
Scheuer
Sikorski
Solarz
Towns
Traxler
Washington
Waters
Weber

☐ 1605

The Clerk announced the following pair: On this vote:

Mr. AuCoin for, with Mr. Dornan of California against.

Mr. GUNDERSON, Mr. HALL of Texas, and Mrs. JOHNSON of Connecticut changed their vote from "yea" to "nay."

Messrs. HOAGLAND, EVANS, MILLER of California, and ENGLISH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 160, not voting 31, as follows:

[Roll No. 394]

AYES—241

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Schroeder
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waxman
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—160

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

Alexander
Atkins
AuCoin
Barnard
Boxer
Chandler
Conyers
Dellums
Dingell
Dornan (CA)
Engel
Fascell
Ford (TN)
Hall (OH)
Hayes (LA)
Huckaby
Ireland
Levine (CA)
Martin
Mavroules
Morrison
Scheuer
Sikorski
Solarz
Swift
Towns
Traxler
Washington
Waters
Weber
Williams

☐ 1623

The Clerk announced the following pair:

On this vote:

Mr. Sikorski and Mr. Dornan of California against.

Mr. EWING and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 563 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5231.

☐ 1624

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. LANCASTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. VALENTINE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5231, the National Competitiveness Act of 1992. I want to thank the chairman of the Committee on Science, Space, and Technology, GEORGE BROWN, for his leadership and support for this legislation.

H.R. 5231 is one of the most important pieces of legislation that the Congress will consider this year. It grew out of my conviction, and that of my colleagues, that no issue facing our Nation today is more urgent than the ability of our companies to compete, to create more and better jobs for American workers, and to build an economy that will maintain both an excellent standard of living for our citizens and a strong national defense into the next century.

That urgency has been heightened in recent weeks with continued reports about the dire state of our economy. We are in the midst of the longest, most severe economic downturn since the 1930's. The Department of Commerce reports that the average American worker is putting in more time on the job for less money. Sadly, the most severe wage reductions have been in entry-level jobs for young high school graduates, a group comprising two-thirds to three-fourths of all young workers.

Our Nation's economic slump has proved unresponsive to traditional solutions. The Government keeps turning the knobs on a 1950's television hoping to focus the picture, while the rest of the world is watching high-definition television.

We in Congress need to catch up with industry by implementing policies that support competition in the global marketplace. H.R. 5231 does this. By proposing that government, industry, and academe form partnerships to develop and transfer technology and skills needed to enhance long-term productivity, H.R. 5231 is offering innovative solutions to our Nation's economic problems.

The crucial factors in competitiveness are commercialization of new technologies and the efficient production of high-quality goods. For small- and medium-sized companies, financial capital for the development of technologies is often inaccessible. Access to information on the application of new technologies and processes is often too time-consuming for companies that are worried about meeting this week's payroll.

This bill contains provisions for creating an electronic network to bring to the small- and medium-sized manufacturers information about efficient production practices, export information, standardization and quality information, and much more, to allow them to increase productivity.

The bill provides loans, grants, and equity financing for the development of technologies considered critical to the growth of our economy. By increasing grants funding for the Advanced Technology Program, and by creating a loan program and equity guarantees for the development and commercialization of advanced technology, this bill offers Congress the opportunity to show it can work to support rather than hinder our industries.

The bill recognizes the role of government to support rather than duplicate the work of industry by expanding a program to promote U.S. product standards overseas. In addition, we authorize continued funding to the National Institute of Standards and Technology in its support of businesses large and small, high- and low-technology.

Mr. Chairman, in preparing to develop this legislation, during 1991 and 1992, the Subcommittee on Technology and Competitiveness held over 25 hearings and collected testimony from over 100 expert witnesses on topics related to competitiveness. Recommendations were drawn from numerous reports on competitiveness by distinguished groups such as the Office of Technology Assessment, the Council on Competitiveness, the National Academy of Sciences, and the Competitiveness Policy Council.

A copy of a summary of H.R. 5231 was sent to over 200 experts in the fields of science, technology, manufacturing, finance, education, standards, and trade for review and comment.

I strongly believe that H.R. 5231 has tapped a growing consensus for action to enhance our Nation's competitiveness. That consensus is reflected in the list of groups supporting H.R. 5231 which I will add to the RECORD. This list is impressive in its diversity—business groups, educational institutions, labor unions, State governments and outreach offices, and eminent scientists, engineers, and economists.

This bill not only deserves broad support. It is a step down the path of economic revitalization that requires our attention and demands our support. I look forward to bipartisan support for H.R. 5231.

□ 1630

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to H.R. 5231. The Science, Space, and Technology Committee has spent the past year in an ongoing debate over what policies can most effectively spur high-technology research experimentation and manufacturing in the country. This debate has been one of the most protracted we have experienced in the committee, and unlike many disputes within the committee we have not been able to resolve our differences prior to coming to the floor. I must say that, in my view, this has been a bill that has been handled in a very partisan way and we end up on the floor because of our partisan differences that arose almost from the outset during consideration of the bill.

The Democrats believe that the Science Committee should stick to its relatively narrow jurisdiction and not presume to pass judgment on issues beyond its formal scope. The Republicans, by and large, believe that it is a mistake to limit ourselves. We believe that this legislation presents us with the opportunity to talk here today on the House floor about some of the broader issues which would have a very real impact on the ability of the U.S. companies to compete in today's global economy.

Unfortunately, H.R. 5231 does succeed in doing what this House does best: spending taxpayer money, in this case nearly $2.2 billion. But it does not really do anything really permanent to help this Nation's competitiveness problem. What is really needed is a comprehensive approach that addresses the fundamental issues of competitiveness.

When we hear, for example, that the gross domestic product was 5.8-percent lower over the past 18 years, that it could have been due to the cost of regulation, and that, as a result, 600,000 jobs were short, it is clear that spending a couple of billion dollars of the taxpayers is not the solution to the problem.

When we read in the Wall Street Journal that George McGovern, a former Presidential nominee of the Democratic Party, says, and I quote, "I also wish that during the years I was in public office I had this firsthand experience about the difficulties business people face every day." He shares with the readers a startling revelation, and I quote, "We intuitively know that to create job opportunities, we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities."

After 4 years of trying to make a go of a small business, Mr. McGovern has come to the conclusion that often the rules and the regulations that Congress heaps on business ignore "the reality of the marketplace." It would be nice if this House were to be able to come to the same conclusion in a somewhat shorter period of time than it took Mr. McGovern.

The ability of the U.S. companies to develop, produce, and market new products is second to none when they are on an equal footing with the competition. However, this footing is currently uneven, due in large part to competitive disadvantages imposed by this Congress. The Federal Government should do its part to spur economic growth by freeing the private sector from the tax, regulatory, and other legal burdens imposed on it. The Democrats seem to believe that every problem can be solved with litigation, regulation, and taxation. They believe that if you want to solve a problem, what you do is you send in the lawyers, the regulators, and the tax collectors, and somehow the problem goes away. Instead it is just the opposite; when you send in the lawyers, tax collectors, and regulators, it in fact ceases to make our country competitive.

Let us take a hard look at those provisions of law and regulation which are anticompetitive in nature. Let us take the steps to create a healthy business climate and reduce the Federal budget deficit, freeing capital for private use and reduce its cost. Targeting large sums of taxpayer money to aid specific industries will only further erode our competitiveness by increasing our national debt and removing the inherent efficiency of the marketplace at a time when our main economic competitors spend fewer Government resources to aid specific sectors of their economies. For example, private industry is the source of 50 percent of all the funds spent on U.S. R&D, 50 percent of it. That means that Government pays 50 percent of it. In Japan, 70 percent of its national R&D is done by private industry, and in West Germany 63 percent of it is done by private industry. This is the opposite of the direction that this bill is going.

Let us be more like Japan and Germany, let us get out of the way of business and allow business to really begin to do R&D. But that is not what we are doing here. We want more government, bigger government, more regulation, more litigation, more taxation.

I urge my colleagues to oppose this bill in its present form, and insist that competitive legislation be comprehensive.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Chairman, first, I would like to commend Chairman BROWN and Chairman VALENTINE for their persistence and their success in bringing this vital legislation to the House floor.

I rise today in strong support of H.R. 5231, the National Competitiveness Act of 1992.

Mr. Chairman, there was a time not long ago when the United States was the unquestioned industrial leader of the world. Anyone who has been paying attention over the last decade knows that we have now fallen dangerously behind. Our industries are furiously trying to catch up with their overseas competitors, our trade deficit remains unacceptably high, and last winter our President went to Japan, hat in hand, seeking to peddle auto parts to the Japanese.

Mr. Chairman, we can no longer stand idly by while our industrial strength continues to erode, while layoffs continue, while more and more American families remain unable to make ends meet because our economy is not producing enough well-paying jobs.

We can no longer ignore a fact which our competitors learned long ago—technological advancement is the key to our long-term economic success.

In my State of New Hampshire during the 1980's, much of our economic growth was technology driven; in America, during the 1990's, our growth must come from technological advancement. We must help entrepreneurs, for example, like New Hampshire scientist, Jack Ludman, who is using hologram technology to triple the efficiency of solar photoelectric panels.

Mr. Chairman, we continue to be the only industrialized country in the world without a coherent strategy for technology advancement, and we continue to be beaten by our competitors. We must change that, and we must do it now.

The National Competitiveness Act will move us beyond government-industry confrontation toward government-industry cooperation.

The National Competitiveness Act will provide the forward-looking investment needed to provide our country with a strong technological base.

The National Competitiveness Act will move our economy toward sustained growth and the creation of high-wage, high-quality jobs.

Mr. Chairman, I urge my colleagues to join me in supporting the National Competitiveness Act of 1992.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. I thank the gentleman very much.

Mr. Chairman, today the House is considering the National Competitiveness Act of 1992, H.R. 5231. Unfortunately, I find myself in disagreement with my subcommittee chairman, the gentleman from North Carolina [Mr. VALENTINE], one of a very few times.

The legislation is directed toward enhancing manufacturing technology development and transfer. I support this goal. However, I do not believe that giving $2.2 billion to the Department of Commerce will accomplish this goal.

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In fact, the citizens in the 12th Congressional District of Florida are asking for less Government bureaucracy, less Government spending, and no more taxes—no more taxes.

I hear you, citizens of the 12th District of Florida.

I think that in these times of increasing deficit and decreasing funds, we need to determine our funding priorities. To spend more dollars than we have available ultimately means more taxes.

Is this legislation of a high enough priority to increase the national deficit by $2.2 billion? I think not.

Are the funding levels in H.R. 5231 as low as possible, or is there a built-in cushion that taxpayers are being asked to fund? You bet, there is a built-in cushion.

Will this new program create new jobs in the private sector, or will the jobs be in the Federal bureaucracy? I surely want them to be in the private sector.

In answering these questions, I have reached the conclusion that this legislation before us can be improved and it should be improved. In fact, the administration has promised a veto if certain sections of this bill before us are not changed.

I think the American taxpayers demand that we cut out every dollar, that we strip all excess bureaucracy from programs, and that we make sure that the legislation will improve competitiveness throughout the United States. Until the legislation meets these standards, I cannot support it.

As I have said in the past, U.S. competitiveness is not a partisan issue. We should work together to develop legislation that will be supported by both sides of the aisle, by the administration, and by the American people.

There is opportunity for us to work together and work out this legislation in a bipartisan manner. I believe the American people should have that. The American people deserve no less, and if we are going to meet the cutting edge that we need to throughout the world, we have got to work together on this legislation.

Mr. VALENTINE. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I rise in strong support of H.R. 5231 today, and commend the chairman of our full committee, the gentleman from California [Mr. BROWN], and the chairman of our subcommittee, the gentleman from North Carolina [Mr. VALENTINE] for their efforts in bringing this bill to the attention of the House.

Mr. Chairman, we are at a crossroads of American history. Once every generation this country reaches out to meet new challenges that are appropriate to that moment in time. At the end of World War II, at a time when we were heavily in debt, we responded to the challenge of that time in a program announced by President Harry Truman, a Marshall plan for Europe to rebuild the crumbling economy of the European countries, and although we were heavily in debt we expended 2 percent of our gross national product to rebuild their infrastructure, to educate and train their people and to harness their inventive genius to the marketplace, and the Marshall plan for Europe worked.

Now people all over America are saying it is time that we do the same thing for our own country, that we need a comprehensive strategy to rebuild our crumbling infrastructure, not only of roads and highways, but of fiber optic networks, of high performance computer capabilities, and the technological infrastructure required to improve our productivity in todays competitive marketplace; not only that, but we also need to redirect our resources toward an investment in the future, an investment in the education and training of the minds of our young people and of people who are without work and who desperately need jobs. The only thing we have been effectively exporting for the past 12 years is American jobs.

It is time that we not only accomplish these two basic foundation building blocks, but it is time to also harness America's inventive genius to the marketplace. H.R. 5231 is aimed at that objective.

Yes, we have been doing research and development in America. We invented the VCR. We did the research for high definition television. We developed biotechnology. We invented computers and silicon chips, and those products are now manufactured abroad and imported back home because we lacked a comprehensive strategy in this country to put our inventive genius to work in the marketplace.

Mr. Chairman, it is time that we adopt this national competitiveness bill in order to address that single element—one building block—of a comprehensive program.

I am not alone in calling for this kind of approach. Just a few weeks ago a person of great intelligence said:

> We need a range of job training and placement services for young people, factory workers, white-collar employees and defense-industry workers. We need to support civilian research and development and leading-edge sectors, and a research extension network to make our discoveries available to entrepreneurial businesses.

Mr. Chairman, I am quoting former Secretary of State James A. Baker III, on the occasion of his retirement as Secretary of State to become an active participant in the Presidential reelection campaign of President Bush. If it is good enough for James Baker, it ought to be good enough for the Republicans assembled here in this House today.

Mr. Chairman, I urge my colleagues to support H.R. 5231 which will be a foundation block for future American economic greatness.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, the bill before us provides a new kind of resource allocation by the Federal Government emphasizing manufacturing. So I wish to commend the chairman of the full committee, the gentleman from California [Mr. BROWN] for his long-standing commitment to the health and well-being of America's manufacturing sector. He and I have been partners for over a decade in trying to push the Federal R&D and the economy to focus more on those issues directly related to the companies that create new jobs in the marketplace and to the workers who need the best tools and technologies to keep their jobs healthy.

This is science and technology attempted to be applied to the marketplace.

I also commend the ranking member of the committee, the gentleman from Pennsylvania [Mr. WALKER], and the chairman and ranking member of the Subcommittee on Technology and Competitiveness, the gentleman from North Carolina [Mr. VALENTINE] and the gentleman from Florida [Mr. LEWIS] for their roles in the process.

As we consider this important legislation, we are a nation at peace, with the cold war finally being over, yet enthusiasm over this great victory is fading as the economy sputters.

The American people are upset about a stagnant economy. They are asking us for action.

Now, I am a firm supporter of those basic fundamental reforms which we heard about in the Walker bill in the previous debate over the rule. I wish we could put them through today, but the way this place is set up, obviously that is not going to happen.

This bill goes a long way to take Federal R&D resources and orient them more toward production, manufacturing, "Made in America," the creation of wealth through those areas which are so important to a modern industrial society.

In spite of the current economic situation, we are making a comeback, some kind of renaissance, a rebirth in our manufacturing sector, and all the gloomy news that we hear, the fact is the American workers have come a long way over the last several years in producing higher quality goods and "Made in the USA" exported goods are increasingly finding their way around the world.

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So, Mr. Chairman, today we can use some of these Government programs to help stimulate the renaissance by redirecting Federal priorities toward protecting the health of "Made in America."

My basic feeling is we cannot address the more generic competitiveness and economic growth problems facing this country, particularly in manufacturing, without the reforms of the 5229 Walker package, but this is what we can do. This is what is available to us today, and the private sector, while needing relief from taxation, regulation, and litigation, can also benefit from technology extension, manufacturing outreach, advanced technology programs, and the like which are contained in this bill.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise today in strong support of H.R. 5231, the National Competitiveness Act. This legislation is vital to our continued economic strength, and vital to our national security. The people that I listen to in my district know that we have won the cold war, but they want to know why we are losing the peace. People from all walks of life want to know why we have the best research facilities in the world, why every day Americans invent new useful techniques and products, and yet time and again American consumers end up buying those products from Japanese, or German, Mexican, or South Korean companies.

Manufacturing has been the heart of our economy, both in Massachusetts and the country. During the past 5 years we have seen a dramatic drop in manufacturing jobs in western and central Massachusetts. Over 2,400 jobs in Berkshire County, over 1,600 jobs in Franklin/Hampshire, and 6,550 jobs in Hampden County alone.

We have the resources and the know-how to ensure that our economy—and our standard of living—are the best in the world. But it is becoming painfully obvious to every American that we, unlike our international competitors, lack a national strategy to support and promote high-wage jobs. This bill represents that strategy, and it represents our best chance for strengthening our economy into the 21st century.

This country must learn to do better in helping manufacturers, especially small ones, get the assistance they need across the entire range of production—from the best manufacturing technology, to equipment upgrades and financing, to energy efficiency and waste reduction, to worker training and improved management techniques.

I filed the Small Business Manufacturing Extension Act of 1992 to address that problem, and I was pleased to work with Chairman VALENTINE on addressing that need with this bill, through the manufacturing outreach centers. This legislation is real action which we can make to revive the American economy, and ensure that high-wage jobs stay in this country.

The Department of Commerce has said that the provisions of the manufacturing technology extension act, are premature. Mr. Chairman, I am outraged by that statement. In Massachusetts we have lost over 100,000 manufacturing jobs since the mid-1980's. It may be all right with the President's constituency to send those jobs overseas and south of the border, but my constituents want to work, need to work, and they need jobs now.

We all need to focus on the matter before us—helping American businesses to provide jobs for American workers and their families. The American people have been unequivocal this year that we must end our partisan bickering, and find real solutions to our all too real problems.

This legislation represents an opportunity for both parties, all of us, to work together for a strategy to ensure that in the future we will still have high-paying manufacturing jobs in this country. I urge my colleagues to support H.R. 5231.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN of North Carolina. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding this time to me.

Mr. Chairman, I rise in some opposition to this legislation, not so much because of what it does, but because of what it does not do.

I had hoped to be able to support a legislative package which strongly advanced U.S. competitiveness. If we could find a way around here to legislate on the 99 percent of the things we agree on instead of arguing about the 5 percent of the things we disagree on, I think we might get there. But, fortunately, the rule approved did not make the Walker amendment in order which included a number of very constructive approaches. So, all we can consider is a bill which totally ignores, for one thing, the legal system's drain on our economy.

Mr. Chairman, the biggest growth industry in the United States is regulation in litigation. According to a Cambridge Law Journal study, the United States has nearly three times as many lawyers per capita as Germany and more than 28 times as many as Japan. A flood of litigation is draining resources from our economy which is already short on investment capital. A Clemson University study concluded that each additional lawyer costs the United States $2.6 million in forgone GNP, and, because of the glut of lawsuits and regulations, it is tying up U.S. capital resources and dramatically reducing return on the investment of those resources thereby diminishing economic growth and reducing job creation.

Mr. Chairman, litigation is costing the U.S. consumers billions each year. The average individual pays $350 as his or her total auto insurance premiums for liability costs. With more than 120 million cars on the road, Americans are paying over $40 billion in liability costs for private cars alone.

Medical malpractice insurance and defensive medicine are major contributors to our escalating health care costs, and they affect our competitiveness dramatically. Four out of every five obstetricians have been sued, forcing doctors, even those with good records, to pay as much as $100,000 a year in medical malpractice insurance. For medicine as a whole, the direct dollar cost of lawsuits is at least $10 billion a year, not including defensive medicine costs which dwarf the amount of the premiums, which some estimate to be as high as 15 to 20 percent of total medical care costs in this country.

As we look for ways to energize our economy, create jobs, and cut skyrocketing health care costs, product liability reform would go a long way to addressing those needs. We cannot improve our Nation's competitiveness without considering factors such as this.

Mr. Chairman, I urge my colleagues to defeat this measure so that we can bring a bill to the floor that addresses the broader and real issues of American competitiveness.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Chairman, sustained growth with high-wage, high-quality jobs is the reason for consideration of H.R. 5231 today. The development of technology and its rapid application is the key to competitiveness, and without competitiveness, our manufacturing industries face a troubled future.

It remains a dangerous world. Guns and missiles have been replaced with issues of economic strength. This bill sees the new world order for what it has become. It will let our businesses develop not just new technologies but the strategies necessary to maintain U.S. superiority in the core technology, as well as the associated products taken to market.

Of particular interest to me are provisions of the measure dealing with critical technologies patterned from legislation, H.R. 4947, which I introduced last year.

Under this proposal, a Council on Critical Technologies is established to develop a plan ensuring U.S. leadership in technologies considered essential for economic and national security. This is built around a program to provide equity capital, long-term loans, and technical and management assistance to Americans developing or producing critical technologies.

This kind of approach has contributed significantly to the strong competitive position of Japan, Germany, and many other of our industrialized trading partners. We are in an economic war and its past time that the United States made such investments into our future.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Chairman, I thank the gentleman from North Carolina [Mr. VALENTINE] for yielding this time to me, and I want to thank the chairman and the entire committee for bringing this bill forward. I think it is very important and something that we certainly should pass, and I wanted to remind the chairman that a few years ago myself, my colleague from Alabama [Mr. HARRIS], the gentleman from Pennsylvania [Mr. WALKER], and others worked on a metal casting research measure that really does the same thing in a specific area, and that is it identified metal casting as an important industry in not just my State, but across the Nation, and we have created metal casting centers, one at the University of Alabama, which is going to apply technology to what historically has been a fairly low technology industry operation to maintain the jobs we have, some 20,000 jobs in my own area, but over 100,000 jobs across the country. And it was not only this effort, but with the help of the chairman and others we have got at the University of Alabama in Birmingham a high technology incubator, Southern Research Institutes, SRT, activities which are developing new high technology jobs in our community. Jefferson State in my community has a technical effort going on. Shelton State in Tuscaloosa is doing the same thing.

Mr. Chairman, with this measure I am convinced we can tap more so the know-how that is American know-how and make it produce jobs tomorrow for our factories and work places for a better life in America, and I applaud the gentleman for bringing this bill forward, and I strongly support it.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

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Mr. HENRY. Mr. Chairman, over the past few weeks and months we have seen a number of impassioned pleas for the survival of such scientific research items as the space station and the superconducting super collider which will require tens of billions of dollars in new spending over the next several years. Such calls have come equally from the Republican and Democratic sides of the aisle. Over the years this body, Republicans and Democrats alike, and those of us on the Science Committee, in particular, have emphatically sought to ensure that our Nation retains its preeminent position as the world leader of cutting edge research and development. Why, then, shouldn't we now work in an equally bipartisan manner to protect the manufacturing and production jobs that result from such R&D? Mr. Chairman, I have a problem with those who say we should spend billions of dollars to be the leader in research but don't feel we can afford to ensure that this country maintains its manufacturing base so that our own breakthrough products and technologies stemming from the research do not end up being manufactured overseas. We cannot afford to lose the manufacturing base that has made this country so great.

Mr. Chairman, I read this quote by Robert M. Burger, the chief scientist and vice president for Semiconductor Research Corp.:

> While the U.S. debates the appropriateness of a more activist technology policy, our major economic competitors are investing heavily in their economic future. The U.S. devotes 0.2 percent of its Federal R&D budget to industry technology, while Japan devotes 4.8 percent and Germany 14.5 percent. The administration proposes to invest $17.8 million in fiscal year 1993 to support seven manufacturing technology centers, while Japan expenditures for a similar program (Kohsetsushi centers), totalled nearly $500 million for 169 centers in 1988.

We often talk of critical technologies when discussing research proposals. In my view, however, we have neglected to make manufacturing, and the manufacturing process itself, a critical technology. H.R. 5231 begins to do so. As I have stated previously in this Chamber, a national strategy for maintaining and strengthening the U.S. industrial base is essential for our Nation's future economic well-being. The global economy poses challenges that are as important to meet today as were the military challenges of our past. We can only maintain our preeminence as an industrialized nation if the Federal Government and the private sector come together as never before to keep our manufacturing base competitive in the international marketplace. The long overdue bill now before us seeks to facilitate such a partnership.

Mr. Chairman, I quote from former Secretary of State Baker's farewell address to employees at the Department of State, a speech entitled by Reuters, "We need a safe and strong America at home to be safe and strong abroad." In his farewell remarks the Secretary of State, Mr. Baker says:

> We need a range of job training and placement services for young people, factory workers, white-collar employees and defense-industry workers. We need to support civilian R&D and leading-edge sectors, and a research extension network to make our discoveries available to entrepreneurial business.

Mr. Chairman, H.R. 5231 builds on the Advanced Technology Program and the Manufacturing Technology Centers Program by establishing a nationwide network of manufacturing outreach services for U.S. industry—and to small- and medium-sized manufacturing companies in particular. It will provide assistance to innovative industry-led partnerships and consortiums that are designed to provide basic advanced manufacturing training and technology transfer services to its members. It will also expand the NSF Engineering Research Centers Program to provide research on manufacturing processes and engineering training to our traditional manufacturing sector.

H.R. 5231 incorporates a number of my very own initiatives, Mr. Chairman, including:

First, provisions taken from H.R. 4914, the Strategic Manufacturing Alliance Act. Unlike current technology outreach that tries to transfer new breakthroughs to industry in an extension or vendor type fashion, this language—incorporated as a demonstration project under the Manufacturing Technology Centers title of H.R. 5231—requires industry participation up front by making it set its own research, application, and worker training agendas. As such, this language will ensure private sector participation. In my view, this is what has been lacking in our current technology extension programs. Like most of us, manufacturers are leery when someone comes through their door trying to sell them something, let alone when it's the government coming to their door and saying "We're here to help, and here's what you should do." Manufacturers know what their most pressing needs are. On a demonstration level, H.R. 5231 will foster a support structure that will allow them to have those needs addressed.

Second, provisions taken from H.R. 5392, the Electronic Commerce Act. The vast majority of small- and medium-sized manufacturing firms are unable to communicate electronic business and product data. Such data includes everything from design and standards specifications to invoice information. The inability to communicate product data results in both wasted time and mistakes in product design and orders. The language in this measure would help speed the deployment of electronic commerce technologies and standards throughout the manufacturing sector—eliminating the aforementioned problems, reducing costs, and improving competitiveness.

Third, language, put in at my request, to allow universities to use ERC moneys for facility improvements. The economic recession has made it extremely difficult for our colleges and universities to raise facility and construction moneys from the private sector. In fact, several officials have come to me and indicated that they can get noncash donations from the private sector for equipment, instrumentation, human resources, and so forth. But given the recession, cash for construction and facility improvement is virtually impossible to come by. So long as a university receives an equivalent amount of equipment and other resources that a Federal grant would have been used for, I believe they should be given the flexibility of directing their grant dollars into facility improvements. Although this language only applies to a small portion of grant money, Engineering Research Centers Program, I wanted to set a precedent for future research legislation that goes through the House.

Fourth, a provision to require at least one new Engineering Research Center authorized under H.R. 5231 to focus on the research and training needs of traditional manufacturers.

Last, I want to draw attention to an amendment to H.R. 5231 that I will be offering on the floor. For technical reasons, I was unable to offer it during the committee markup. I will go into greater detail at the appropriate time Mr. Chairman, but to quickly summarize, my amendment would rename the Department of Commerce as the Department of Manufacturing and Commerce. I hope my colleagues will support it. And, once again, I urge them to support final passage of this vital legislation.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise today in support of H.R. 5231 and congratulate the sponsors for their long and diligent work.

This bill establishes a science and technology policy to help facilitate the development of new technologies, strengthen our Nation's economic competitiveness, and provide for sustained economic growth and jobs.

The critical element of this legislation is that it forges a new cooperation between business, government, and academia. This new partnership will play a vital role in our ability to compete and win in the global economy of the 21st century.

As cochairman of the biotechnology caucus, I have seen first hand the potentials that biotechnology offers not only to the quality of our life but to our future economic growth and competitiveness. However, we will never realize this economic growth if we allow biotechnology to go the way of the semiconductor industry.

Never again can we allow the United States to take a leadership position in research and development, only to lose the competitive edge to another country. That was the case with Japan in the semiconductor market, as they were able to master the commercialization of that technology before us.

We need to end this trend of invented in America and made in Japan or elsewhere. The only way to achieve that is to have a game plan where government works with industry to create the most conducive environment for entrepreneurs and companies to develop and market new technologies.

Today is a chance for both of our parties to take a step forward in developing a shared vision on a strategic plan for rebuilding our manufacturing base. The cost for this policy over the next 5 years will be similar to just this year's authorization for the space station. And that comes down to one-tenth of 1 percent of this year's budget.

As I conclude, I can only say that everywhere I go this year, people say the same thing. We need to get this economy going and you people in Washington have got to quit playing partisan politics all the time. These folks are feeling the pain of this recession and are even more pessimistic about the future.

I urge my colleagues to respond to the concerns of the American people and pass on a bipartisan basis this technology policy to ensure American technological preeminence and provide for sustained economic growth and jobs.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I join my colleague from Pennsylvania in opposition to H.R. 5231. Let me acknowledge from the outset that this bill is an honest effort by our well-intentioned colleagues to deal with a serious problem facing out Nation. As a member of the Science Committee, I have witnessed first hand the hard work put forth by Chairman BROWN, the gentleman from North Carolina [Mr. VALENTINE], and all Democrats on the committee. I compliment their earnest effort at producing a bill to help increase the competitiveness of American industry. Unfortunately, this bill falls far short of that mark.

The primary problem with H.R. 5231, Mr. Chairman, is that it emphasizes form over substance. Each time I review H.R. 5231, I am reminded of what Gertrude Stein once said of Los Angeles: "There is no there there." Quite simply, H.R. 5231 fails to propose any specific solution to our competitiveness problem. This bill creates several new Government bureaucracies, but does not specify what they should do or how they will serve to enhance our competitiveness. For example, H.R. 5231 creates the Commerce Technology Advisory Board to advise the Secretary of Commerce "regarding the development and implementation of policies that the Advisory Board considers essential to industrial productivity and technology growth," but this bill gives no clue as to what those policies should be.

My second objection to this bill is that it proceeds from the faulty assumption that our competitiveness problem is due to a lack of access to information critical industries. The very first page of this bill states that its primary goal is to improve competitiveness "by improving access to the information and expertise required to compete throughout the world." Where is the evidence, Mr. Chairman, that our manufacturers lack access to unspecified information? U.S. scientists and researchers have long been at the cutting edge of technological advances that spur new industries and improve current ones. The problem is not that manufacturers have difficulty accessing advanced technology; rather, the most important problem is lack of incentive to industrial innovation. The high cost of capital and labor, combined with excessive regulation and high taxes have all conspired to make the risks of starting new high-tech businesses difficult. This bill does nothing to address such problems.

My third objection to H.R. 5231 is that it gives taxpayer dollars to Government rather than returning them to the private sector where they could more directly impact the industries this bill purports to help. This bill creates and funds at least five new Government bureaucracies. It would be much more effective to return tax dollars to industry and R&D directly, rather than through more costly new bureaucracies. Moreover, the new bureaucracies created in this bill would duplicate some functions of government agencies already in existence. The new manufacturing outreach centers will duplicate the manufacturing technology centers currently sponsored by the National Institute of Standards and Technology. The new business grant programs envisioned in this legislation are quite similar to those administered already by the Small Business Administration and the Small Business Investment Company.

Despite my feelings about these provisions of H.R. 5231, I do not wish to suggest that there is no constructive role for Government to play in promoting manufacturing technology. On the contrary, I believe that the Department of Commerce is one of our most beneficial administrative agencies because it promotes economic activity and the creation of wealth, which benefit our entire Nation by raising our standard of living. I have heard firsthand testimony that the NIST's manufacturing technology centers have indeed helped many small businesses boost their productivity with new techniques. The Argonne National Laboratory in my district is active in a comprehensive technology transfer program, funded in part by the Federal Government, which is making great strides to help U.S. industry convert scientific discoveries in U.S. labs into new and improved manufacturing processes. I support these useful Government activities as a model for future legislative efforts. However, I believe that the new bureaucracies created under H.R. 5231 deviate substantially from this model and could not achieve their impressive results.

In short, Mr. Chairman, the Democrat bill fails to implement new approaches to improve industrial competitiveness. It simply pours a glass of water on one small leaf of a huge tree whose very roots are parched and dying. By contrast, the amendment proposed by the ranking member of the Science Committee, Mr. WALKER of Pennsylvania, embodies new, ambitious, and wide-ranging proposals to cure the root causes of our competitiveness problem. Whereas H.R. 5231 lacks even one specific suggestion, Mr. WALKER's bill proposes five bold initiatives to attack industrial competitiveness at the heart of the problem and to increase investment, innovation, and profitability. Mr. WALKER's amendment contains real provisions which private entrepreneurs consistently tell us are necessary to improve our slow economy. In June 1992, I held a meeting of business executives in my district to discuss issues of competitiveness and industrial policy. This group unanimously endorsed the idea that our No. 1 priority to spur the economy must be the reduction of the national debt, freeing capital for much needed investment. Second, the numerous high-tech companies in my district consistently emphasize the need for a strong investment tax credit.

The Walker amendment contains both these provisions, and much more, to shock new life into our economy. It would make permanent the R&D tax credit, cut taxes on long term capital gains, grant tax relief to start up business, index corporate assets, provide an investment tax credit for manufacturing equipment, encourage individual savings, and curtail frivolous lawsuits by reforming product and professional liability laws. The Republican amendment, in short, would fundamentally reform the macroeconomic factors that currently prevent industry from taking the risks and making the investments that lead to economic growth.

Mr. WALKER's most innovative idea is to empower individual taxpayers to buydown the burgeoning Federal budget deficit. By checking off a box on their tax returns, citizens would be able to contribute up to 10 percent of their annual Federal income tax liability to a public debt reduction fund. And to ensure that taxpayer contributions to the fund will not be offset by higher congressional outlays, the buydown would be matched by equivalent across-the-board spending cuts of all Federal programs with the exception of Social Security, interest on the national debt, and the FDIC insurance fund.

Because I favor substance over form, industry over Government bureaucracy, and private incentive over Federal spending, I support Mr. WALKER's amendment over H.R. 5231 and hope all my colleagues will join us.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Chairman, I rise today as an original cosponsor and a strong supporter of this bill.

Mr. Chairman, I had the privilege some years ago of serving this country as a trade negotiator and negotiating trade agreements with other countries around the world. I was able to see first hand the changed nature of the world marketplace. I understand perhaps more than some the competition that we are facing around the world, and I understand what businesses are telling us when they tell us that the world has changed.

Mr. Chairman, protectionism is not the answer. We cannot hide from these changes. We cannot pretend that the world is still as it used to be.

Competing is the answer. What we are debating today is how best we should compete.

In testifying before our committee on this bill, Mr. Boskin, the chairman of the President's Council of Economic Advisers, identified what he called the three pillars that are essential to improving productivity. First, generating and disseminating new technologies; second, increasing and improving capital; and, third, improving the skills and knowledge of the labor force.

Mr. Chairman, this bill does not do everything, but it does do much, and it does begin to address these essentials of improving our productivity.

□ 1710

Mr. Chairman, Adam Smith is dead. Ask the Japanese, ask the Germans, those governments and others who are actively intervening on behalf of their businesses. And we are trying to compete with that kind of intervention.

Business needs the affirmative support of Government. Certainly, of course, the private sector and private enterprise must take the lead, but business needs to know that Government is on the side of business, and Government must help create the conditions that are conducive to economic growth.

Yes, some of this must be done with tax policy; others must be done in other ways. But this bill begins to do much of what is needed, Mr. Chairman.

Mr. Chairman, one example, just one, the manufacturing outreach centers, these are not alien devices. This is not something new. These are merely the manufacturing equivalent of the Agricultural Extension Service that has served this Nation so long and so well.

I urge a "yes" vote on this bill.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, we have before us for consideration the Democrat-fashioned competitiveness bill H.R. 5231. This bill would sanction over $4 billion of new Government spending over the next 3 or so years. That's a great way to make America more competitive, when the biggest hurdle we have got is a $400 billion annual increase in the Federal debt. Of course, they claim it will be paid for by cuts in Defense, something now not permitted by the budget agreement.

The Republican alternative to H.R. 5231, H.R. 5229, was cosponsored on introduction by 16 of the 20 Republican members of the full Science Committee. This bill is not now before the House for consideration alongside the Democrat bill—not even as an amendment, much less as a stand-alone bill. The rule for this bill, as always, does not allow any such consideration.

The approaches these two bills take to foster competitiveness and technology development in this country are diametrically opposite. The Democrat bill uses a teaspoon to dish out Federal funds, when we should be giving our high-tech companies the ability to buy themselves a shovel to dig their own way out of the competitiveness morass. And what is the nature of this morass? Our companies are burdened with regulation, they are overtaxed. Our overseas competitors have no capital gains tax; attracting long-term investment is no problem.

Throwing extra money at the problem—the same old tired answer to any problem Democrats seek to solve—will not cut it. The Republican answer, instead, is to actually address the problem of competitiveness head on by offering tax incentives to business and by encouraging investment.

The aerospace industry in California and elsewhere is going through the trauma of the dramatic transition out of a cold war economy. Incredible opportunities are emerging. Our aerospace industry and other high-tech companies helped us deter a hot war and win the cold war. They represent a precious asset. Let us give them the chance to compete and make a profit with new ideas and novel approaches of redirecting technologies developed for defense toward peaceful and profitable purposes.

Investment, free from bureaucratic strings and Federal overseers, is the answer. That means tax credits and incentives, not just another Federal dole.

And until Congress is given the opportunity to consider an alternative proposal, this Democrat bill should be opposed.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, today we take steps to rebuild America's economy. It is so important that we recognize the difference between an expenditure and investment. We are investing in the future of our country. We are increasing the tax base. We are increasing our Nation's wealth and our opportunities.

I think this is one of the most important bills that we will consider this year because it does increase our investment in manufacturing and forges a new partnership between Government and business. And we can, through advances in our manufacturing base, reverse declines in our national productivity and improve standards of living.

This is a proinvestment bill that will move our economy toward sustained growth and the creation of high wage, high quality jobs. This is a good bill because technological advances spur economic growth.

As chair of a subcommittee of the Committee on Science, Space, and Technology, I am proud that our hard work will make a difference in improving our Nation's economy.

I urge my colleagues to support this legislation.

Mr. WALKER. Mr. Chairman, I reserve the balance of my time.

Mr. VALENTINE. Mr. Chairman, I yield 4 minutes and 30 seconds to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong support of the National Competitiveness Act of 1992, and I congratulate both Chairman BROWN and the Technology and Competitiveness Subcommittee chairman, Mr. VALENTINE, for their hard work on this important legislation.

Mr. Chairman, 12 years of failed economic policies have taken their toll. The region I represent, Silicon Valley, is the world's high technology capitol and the heart of the U.S. electronics industry. Yet this area—the front lines of our country's competitive battles—lost nearly 7,000 jobs in the last 2 years.

Even worse, in the last year alone, my home State of California lost over 400,000 jobs, the largest percentage of job loss since 1945.

The fact is that the United States has been losing its competitive edge in many areas of high technology innovation. Foreign competition has pushed U.S. companies out of many markets, and is continuing to do so.

It is time to put the Government on the side of American businesses. For the United States to move forward decisively into the 21st century, we need to begin to set goals and priorities for the future, especially as the world changes its focus from military confrontation to economic competition.

This bill, the National Competitiveness Act, is intended to address this competitive challenge, and begin moving our Nation forward. While the bill contains a variety of provisions designed to strengthen our Government's support for high-technology industries, I would like to focus on one of the most important aspects of the bill—its strong support for small businesses.

Mr. Chairman, one of our Nation's unique strengths is our entrepreneurial spirit. Small companies are our laboratories for the new technologies our Nation will need in the future.

Unfortunately, small companies, particularly high technology companies, face a growing capital shortage.

This is especially distressing, since it has been estimated that not only do small businesses create 80 percent of the new jobs in this country, but they are also six times more likely than large companies to create new products.

The National Competitiveness Act of 1992 will provide two mechanisms to help address this critical issue and help small high-technology ventures grow and compete.

First of all, this National Competitiveness Act includes a bill I introduced, H.R. 4436, to create a technology loan program.

Recognizing that small companies are our laboratories for the future, my legislation will provide patient, low-cost capital to help U.S. companies move ideas from the lab to the marketplace. This program will help maximize the use of scarce Government resources in an innovative program to help our brightest American entrepreneurs turn their ideas into products and companies and jobs.

H.R. 5231 also includes an additional initiative to help provide much-needed capital to small and medium-sized companies: the Critical Technologies Development Program.

This program will work in partnership with banks, venture capital firms, universities, and other organizations to provide equity capital, loans, and management assistance to small companies.

The bill also supports a national network of advanced manufacturing technology centers and technology extension services that will help our small high technology companies turn their ideas into commercial products to compete in world markets.

Mr. Chairman, dozens of companies and industry groups have expressed support for the National Competitiveness Act of 1992 and the technology loan program. These companies recognize that, in today's world, economic stress requires investment in research and development, investment in education and infrastructure, and investment in the strategic technologies that are the keys to the future.

The National Competitiveness Act of 1992 will go far toward accomplishing this goal. I strongly urge my colleagues to support its passage.

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Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Brown substitute. Frankly, I am very disappointed we do not have time to debate the merits of the Walker substitute. Companies suffer because of lack of capital due to the Federal deficit and overlitigation and overregulation. The Walker substitute has substantial improvements for business to obtain much-needed capital and would have destroyed Government barriers to economic productivity and growth.

I do believe that there are some strong points in the substitute of the gentleman from California [Mr. BROWN], particularly expanding the number of manufacturing centers to target the needs of small and medium companies. The administration and the Department of Commerce have already been moving in this direction, and the Brown substitute seeks to expand this.

I also support the concept of providing government support for helping critical technologies, similar to current Federal support for the business consortium Sematech. Just as Sematech is working to help U.S. computer chip manufacturers be competitive, so too should the Government examine and support other critical technologies to protect our national economic security, our Government must be ready to support private industry technology development, just as our international competitors do, and that includes authorizing Federal support for critical technologies. Investments in industrial research and development will lead to greater economic productivity and high-wage, high-quality jobs for Americans.

Mr. Speaker, there are two philosophies at work here. One is the philosophy, and part of it is good, that the Government should command or control the direction of the country's technologies and the economy. The Government has a supportive role here.

The other philosophy is that we unleash the creative technologies in the private sector by creating an environment conducive to economic productivity. The only way we can do that is for the Walker substitute to be adopted, investment tax credits, capital gains tax cuts, and things of this nature, so this country operates as a team and not just as a single provider.

Mr. VALENTINE. Mr. Chairman, may I inquire as to how much time we have remaining?

The CHAIRMAN. The gentleman from North Carolina [Mr. VALENTINE] has 4 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 6 minutes remaining.

Mr. VALENTINE. Mr. Chairman, I thought it was 4½. We have experienced a one-half minute slippage.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from North Dakota [Mr. DORGAN], with apologies.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for his generosity in yielding time to me.

Mr. Chairman, I know a while ago we had some volleying on the floor about who was responsible for the deficit. The fact is it is not a very relevant discussion. I am only interested in the future and what we do about a very serious problem.

I wanted to tell my colleagues about a statement by the chief economist of the Deutschbank some while ago, testifying before a congressional committee. He testified that in his judgment, by 1997 Japan will be the world's largest manufacturing economy. He testified that just after the year 2000, by his estimate, Japan will be the world's largest economic power.

Clearly we have serious economic problems. At the head of the list is the Federal deficit, but it is not just that exclusively. We do need policy change in this country. There is no doubt about that. First we have to deal with the deficit and we have to do it honestly, and we have to do it soon.

Second, we have to deal with our trade problems and pry open foreign markets so we can resurrect some domestic economic health and sell the goods we produce overseas.

Third, we need a national commitment to product quality. We will sell again around the world at record paces when we produce the best goods at the best price. We need a commitment to produce quality.

Fourth, we need the finest education system in the world. We cannot compete unless we have the best education system producing the best scientists and the best engineers to build the best products. Those are the kinds of changes we need.

Everybody in this Chamber understands that this country is in trouble. The question before us is what do we do to fix it.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, as an avid supporter of the product liability reforms contained in the Walker amendment, I believe that we have missed a historic opportunity to encourage research, enhance product development, and, most importantly, create new jobs for Americans. Unfortunately, exploding litigation and excess legal costs are holding U.S. citizens captive to the perils of a legal system run amok.

The current product liability system discourages innovation and has resulted in a substantial decrease in new product research. A 1988 conference board survey of 2,000 CEO's found that nearly half of all manufacturers, large and small, had decided to discontinue existing product lines, and 39 percent had decided not to introduce new product lines as a result of potential liability.

Not only are good products kept off the market because manufacturers are afraid to take the legal risks, but we are losing jobs here in the United States at a time when we desperately need them. For each product not developed or sold, there are untold numbers of jobs eliminated as a result.

In addition, product liability costs are driving otherwise stable companies into bankruptcy. In my home State of Illinois, an agricultural products manufacturer had a jury verdict of $10 million in punitive damages rendered against it. A new judge let the verdict stand despite finding "nothing in the record to support a $10 million verdict." The decision drove the company into bankruptcy and this manufacturer is now in the hands of a foreign company.

Without major product liability reforms, companies will never be truly free to engage in the development activities which are the intent of this bill. Let us just say, quite frankly, that the problem with jobs, with manufacturing, with technological development in this country, the answer is not more bureaucracy, it is taking off the onerous impediments we have on manufacturing today, the onerous impediments of legal liability, the onerous impediments of bureaucracy looking in and stopping businesses from doing the things that they have to do. We can fix a lot of things in this country by pure common sense, not by creating a huge bureaucracy that will stifle American industry even more.

Mr. VALENTINE. Mr. Chairman, I yield the balance of our time, I believe 2½ minutes, to the distinguished gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology.

Mr. BROWN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the National Competitiveness Act represents an effort by the

Committee on Science, Space, and Technology to develop sound legislation to make industry, American industry, more competitive in the global economy.

I want to commend the chairman, the gentleman from North Carolina [Mr. VALENTINE], for his efforts in bringing this important bill forward. Rather than trying to elaborate on what this bill does, let me take a very brief time to try and lower the partisan passions on this bill.

I think on both sides we recognize, as the remarks of the gentleman from North Dakota [Mr. DORGAN] indicated, that this is not a solution to all of the economic problems of this country. The gentleman from Pennsylvania [Mr. WALKER] has indicated that very strongly. I happen to agree with him. Both of us have introduced more comprehensive bills that address the broader problems.

□ 1730

The gentleman from Pennsylvania [Mr. WALKER] has sought, admirably, possibly, to attach the program to this bill. I, having lost the idealism of my youth, no longer try to solve all of the problems of the world on one bill. And I think that this is at the root of the problem here. The gentleman from Pennsylvania [Mr. WALKER] wants to bite off a much larger part of the solution than is possible under the conditions under which we debate bills in the House.

This is really quite a modest proposal built upon the Stevenson-Wydler Act, which is more than a decade old. It incorporates and expands some of the programs of the advanced technology provisions of the 1988 trade bill, which was signed into law by President Reagan. It includes provisions which are now in effect or being used by the Small Business Administration, such as small business loans and the SBIC, which finances venture capital operations for small business.

This bill merely concentrates these kinds of programs into the area of advanced technology, particularly manufacturing technology, which is where our economy is the weakest at the present time. We attempt to set up an extension service to improve small- and moderate-sized manufacturing companies.

The Japanese have 200 of these centers, and just very recently they have invested, thrown money at, if you like, to the tune of $80 billion in trying to stimulate greater productivity in their economy. We are not trying to do that. We have a modest $2.2 billion over 4 years in this bill authorized, and this is a drop in the bucket compared to either the Japanese or what 100 economists told us just a few months ago we ought to do, which was to invest $50 billion in productivity-raising investments in this country.

This is a modest bill, it is a good bill. It is built upon the structure we have been using, and in my opinion, this will be a signal to private industry, which really broadly supports it, that government is serious and wanting to cooperate with them to get us out of the mess that we are in.

Mr. Chairman, H.R. 5231, the National Competitiveness Act of 1992 represents an effort by the Committee on Science, Space, and Technology to develop sound legislation to make American industry more competitive in the global economy. I want to commend the chairman of the Technology and Competitiveness Subcommittee [Mr. VALENTINE] for his efforts in bringing this important bill forward.

Mr. Chairman, the Nation's economic competitiveness has declined over the last decade. This reality has been confirmed in study after study on competitiveness done in the last several years. U.S. economic performance has been disappointing. Productivity growth has slowed. Real wages and living standards have declined. Infrastructure has deteriorated. Investment in research and development and in new plants and equipment has fallen to half the rate of our foreign competitors. Jobs continue to be lost. In the month of August alone, the U.S. economy lost 167,000 permanent jobs. Unless we reverse these trends, our economic growth will continue to stagnate and Americans will be robbed of the opportunity to improve their living standards.

The solution to our competitiveness problems will not be simple, quick, or easy. They will not be solved by a single response, but will require a broad approach in many areas. That is why I introduced comprehensive competitiveness legislation, H.R. 5230, the American Technology and Competitiveness Act. That bill included proposals dealing with matters affecting competitiveness that I feel are important but that are outside of our committee's jurisdiction. H.R. 5230 was referred to five House committees and I hope those committees will seriously consider the proposals contained in that legislation.

The bill before the House today, H.R. 5231, contains those provisions of H.R. 5230 that are solely within the Science Committee's jurisdiction. It nevertheless addresses a vital aspect of the competitiveness problem—investment in new technologies and in the infrastructure to bring those technologies to American industry. Economic studies show that about one-third of a nation's economic growth is the result of advances in technology. H.R. 5231 contains provisions that will accelerate the development and adoption of new technologies in this country.

This legislation is based on sound economic fundamentals. Earlier this year, a coalition of 100 of the most prominent economists in this country, including 5 Nobel Laureates, recommended to the President a $50 billion public investment program as the most effective way to restore America's long-term economic growth. This proposal was based on the simple but valid assumption that the return from that investment in terms of new products, jobs, and wealth that would be created would significantly exceed its cost, especially with the recent sharp decline in interest rates. Unfortunately, the administration seems to have rejected the recommendation of our best economists. The Japanese Government, however, recognized the soundness of this proposal and several weeks ago announced an $80 billion public investment program in Japan. Within 5 days of that announcement, the Japanese stock market increased a staggering 25 percent. This investor reaction is undeniable confirmation of the positive effects that investment has on a nation's economic prospects.

H.R. 5231 will move the Nation toward greater investment—investment that will produce sustainable economic growth and create new products, businesses, and jobs.

Mr. Chairman, since H.R. 5231 was reported out of our committee, we have worked closely with the Committee on Energy and Commerce and the Committee on Ways and Means to resolve a number of jurisdictional and substantive concerns raised by those committees. We have also attempted to work with the Senate and the administration to resolve other concerns with this bill. As a result, we have developed an amendment in the nature of a substitute that the rule makes in order as original text for purposes of amendment. This substitute modifies the bill as reported to accommodate specific concerns raised by these other interested parties.

I will include in the RECORD a section by section description of the bill text currently under consideration. I would like to comment briefly on the most significant provisions in this legislation.

Title II contains a number of provisions intended to help U.S. manufacturers become world-class competitors. This title would designate the Department of Commerce as the lead civilian agency to work with industry to develop and deploy the best manufacturing technologies. It provides for a national manufacturing outreach network that would electronically link existing local, State, and Federal manufacturing outreach and technology extension centers, and would provide financial and technical assistance to those centers. The purpose of these centers would be to act as an analog to the agricultural extension service for manufacturers, so that they can more easily obtain information about the best available manufacturing technologies and practices and obtain other information critical for improving global competitiveness.

For example, in my own district, the University of California at Riverside is preparing a statewide manufacturing extension program that will provide a wide range of technical and management services to small- and medium-sized manufacturers to help improve their productivity and competitiveness. This Manufacturing Extension Program will link the extensive research facilities and technology expertise of the University of California with individuals and businesses throughout the State. Programs like the one at the University of California at Riverside are essential to restoring and maintaining economic growth, and enhancing the quality, productivity, and competitiveness of small- and medium-sized manufacturing companies. The bill would encourage and support these types of programs, not only in my State, but in all States.

Title III of the bill deals with critical technologies that are considered important for economic growth and contains a number of provisions to encourage and support the development and adoption of these technologies.

Title III would expand the Advanced Technology Program [ATP] of the Department of Commerce which provides grants to U.S. companies and joint ventures to conduct precommercial research and development on new civilian technologies. This program is currently authorized at $100 million for fiscal year 1993. The bill would authorize $1.5 billion for fiscal years 1994 through 1997 for the program. Although at this funding level, the ATP program would not approach the size of similar research grant programs at the Defense Department and NSE, it would begin to make a meaningful impact on the rate of new civilian technologies developed and used in this country.

Title III would also establish two new programs in the Technology Administration of the Commerce Department to provide American high-technology companies with long-term, patient capital they need to finance development and utilization of new technologies.

Title III(C) would establish the Technology Development Loan Program in the Department of Commerce to make direct loans to businesses that are eligible for assistance under the Advanced Technology Program.

Title III(D) would establish the Critical Technologies Development Program to provide long-term loans and equity capital to technology companies that need this financing and can not get it from other sources. Under this program, the Commerce Department would select, license, and partially finance private technology investment firms, such as venture capital firms. These investment companies, in turn, would provide long-term loans and equity capital to domestic businesses to finance development of new technologies. Funds that are borrowed under this program by licensees would have to be repaid with interest within 10 years.

The administration has objected to the loan and investment programs established under title III (C) and (D) of this bill on the grounds that the Department of Commerce lacks the expertise to carry out the programs and that they duplicate the Small Business Investment Company [SBIC] program in the Small Business Administration. I do not believe these are valid concerns. The bill permits the Secretary of Commerce to delegate administrative functions of the programs to another agency with the expertise to carry them out if the Commerce Department is unable to acquire the necessary expertise.

The loan and equity financing programs in title III of the bill would not duplicate the SBIC program. They would complement and supplement that program since they are designed to meet the unique financing and technical needs of technology companies. The SBA has rarely funded technology-based companies in the past 30 years and we have little reason to believe they will do so now. Other Federal agencies in the technology development business are beginning to recognize the advantages and advocate the use of venture capital firms to make investments in the private sector that meet public policy objectives. The Department of Energy [DOE], for instance, has proposed establishing a program very similar to the Critical Technologies Development Program to encourage and support development of energy technologies.

Mr.Chairman, there are other important provisions in this legislation that I wish to mention. H.R. 5231 authorizes appropriations and provides policy guidance for the programs of the Technology Administration and the National Institute of Standards and Technology in the Department of Commerce. The bill would also establish programs to promote adoption overseas of standards favorable to U.S. exporters, to expand the Malcolm Baldrige Award Program, and to conduct competitiveness research and assessments.

The total amount of appropriations authorized in this bill for existing and new programs is $2.2 billion for fiscal years 1994 through 1997. There are Members on the other side of the aisle who may object to this bill simply because it contains new budget authority. To those Members I would say that the funding authorized in this bill for investment is modest when compared to the $80 billion investment program Japan just announced, the $50 billion investment program recommended by our own economists, and the $10 billion the Federal Government will provide to help rebuild south Florida and Hawaii in the aftermath of the recent hurricanes that devastated those areas.

I would also point out that the bill authorizes appropriations for a 4-year period beginning in fiscal 1994. In its fiscal year 1994 budget deliberations, the Congress will consider reprogramming defense spending to deficit reduction and domestic programs. The programs established in this bill represent our committee's best judgment on how available Federal resources can best be applied within the Science Committee's jurisdiction to contribute significantly to improving the Nation's competitiveness and economic growth. Our committee believes investment must be a priority and that it can be done without raising overall Federal spending levels.

I urge my colleagues to support this important and responsible legislation.

SECTION-BY-SECTION ANALYSIS OF H.R. 5231

TITLE I—GENERAL PROVISIONS

Sec. 101: Short Title: "National Competitiveness Act of 1992"; table of contents.

Sec. 102: Findings.

Sec. 103: Purposes.

Sec. 104: Goals—The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) utilize the State and local capabilities in industrial extension to improve the efficiency, quality, and strength of national programs to improve the competitiveness of United States products; and

(4) expand the availability of low-cost patient capital to United States companies developing critical or other advanced technologies.

Sec. 105: Definitions.

TITLE II—MANUFACTURING

Sec. 201: Short Title: "Manufacturing Technology and Extension Act of 1992".

Sec. 202: Findings Purpose, and Statement of Policy.—Includes a declaration that it is the policy of the United States that Federal agencies shall work with industry and labor to ensure that within 10 years of enactment of this Act the United States be second to no other nation in advanced manufacturing technology.

Sec. 203: Role of the Department of Commerce.—Designates the Department of Commerce, and particularly the Technology Administration, as the lead civilian Federal agency responsible for promoting the development of advanced manufacturing technology, consistent with the policies and purposes set forth in section 202.

Sec. 204: Commerce Technology Advisory Board.—Establishes a Commerce Technology Advisory Board to provide input from the private sector, the academic community, and state and local governments in carrying out the programs of this Act and in other technology matters.

Sec. 205: Role of the Technology Administration in Manufacturing.—Contains the following five sections:

"Sec. 301: Advanced Manufacturing Systems and Networking Projects.—Directs the Secretary to establish an industry-led, multi-year program, administered through the Advanced Technology Program, to develop advanced manufacturing technologies, including communications systems that facilitate interaction between manufacturers and their suppliers and customers. This section also includes a provision that antitrust law is not to be affected by this section.

"Sec. 302: Deployment of Advanced and Modern Manufacturing Technologies and Practices.—Sets out the general framework for Technology Administration assistance to manufacturers. Directs the Secretary, using the State Technology Extension Program, the National Manufacturing Outreach Network established under section 303, and the Manufacturing Technology Centers, to work with state and local governments, academia, worker organizations, and others to encourage the use of modern and advanced manufacturing technologies. This section also establishes a National Quality Laboratory within the National Institute of Standards and Technology to assist private sector quality efforts.

"Sec. 303: Nationwide Manufacturing Outreach Network.—This section establishes a "Network" to organizationally and electronically link organizations throughout the United States that are engaged in manufacturing or technology extension and outreach activities to help U.S. manufacturers accelerate their use of modern manufacturing practices. Directs the Technology Administration to develop an interactive communications system that provides information to manufacturers on standards, quality, and technology developments. Requires the submission by the Secretary within one year after enactment of this title of a five-year plan for implementing and expanding the Network in a geographically balanced manner, including a merit-based process for selection of additional Manufacturing Outreach Centers. Requires an evaluation of the need for a National Conference of States on Technology Extension.

"Sec. 304: Role of the Secretary and other Executive Agencies.—Requires that the Secretary consult with other appropriate agencies and other groups regarding manufacturing programs.

"Sec. 305: American Workforce Quality Partnerships.—This section establishes a grants program for partnerships created between one or more manufacturing or technology-based firms and one or more institutions of higher education. In order to qualify, industry must be committed to adopting a competitiveness-oriented strategy such as total quality management. Colleges also may train other non-partnership affiliated citizens and an enhanced technical education infrastructure and capability. Workers get training in new work organization strategy, total quality techniques, technician or technical skills. Grants are made on a competitive basis with a matching funds provision. Funds can be used for the purchase or lease of training equipment but not for the purchase of equipment for commercial purposes. The Department of Commerce will administer the program in consultation with the Departments of Labor and Education.

Sec. 206: Miscellaneous and Conforming Amendments.

Sec. 207: Manufacturing Technology Centers.—Enhances the MTC program by (1) extending the eligibility for financial support of existing centers; (2) expanding the range of services a center may offer; (3) authorizing establishment of Local Manufacturing Offices, and expanding the general authorities for the State Technology Extension Program.

Sec. 208: National Science Foundation Manufacturing Activities.—Directs the National Science Foundation to expand the number of Engineering Research Centers including establishing at least one Engineering Research Center (ERC) with a research and education focus on advanced manufacturing in critical technology fields. Provides general authority to establish graduate traineeships in manufacturing education, to establish a program helping two-year colleges temporarily to employ manufacturing managers from industry, and to develop innovative curricula related to total quality management.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Miscellaneous

Sec. 301: Findings.

Sec. 302: Study of Semiconductor Lithography Technologies.—Requires the Under Secretary to submit to Congress within nine months after enactment of this Act a report on advanced lithography technologies for the production of semiconductor devices.

Subtitle B—Advanced Technology Program

Sec. 321: Development of Program Plan.—Directs the Secretary within six months to prepare and submit to Congress a management plan for the Advanced Technology Program regarding how the Department will (1) coordinate and cooperate with other complementary Federal R&D programs, especially with the Defense Advanced Research Projects Agency (DARPA); (2) encourage greater industry participation in the program; (3) includes as many critical technologies as appropriate; (4) handle increases in the number and scope of ATP awards; and (5) support large-scale, industry-led consortia.

Sec. 322: Technical Amendment.

Subtitle C—Technology Development Loans

Sec. 331: Technology Development Loans.—Authorizes the Secretary to make loans to businesses eligible for assistance under the Advanced Technology Program as needed for sound financing of research, development, and utilization of advanced technologies and products. Authorizes the Department of Commerce to implement this program through the Critical Technologies Development Program, Subtitle E.

Subtitle D—Critical Technologies Development

Part I—General Provisions

Sec. 341: Short Title: "Critical Technologies Development Act of 1992."

Sec. 342: Definitions.

Sec. 343: Establishment of Program.—Assigns responsibility for carrying out this Subtitle to the Under Secretary of Commerce for Technology. Authorizes the Under Secretary to delegate administrative functions of the program established by this Subtitle to another Federal agency with a similar program.

Sec. 344: Advisory Committee.—Requires the Under Secretary to establish an independent advisory committee to provide advice on matters related to program policy, planning, and operation.

Part II—Program structure and operation

Sec. 351: Organization and Licensing.—Establishes criteria for licensing of private companies (e.g., technology investment firms, which may be owned, in whole or in part, by universities, corporations, public and private pension funds, state and local government agencies, joint ventures, financial institutions, or individuals) to serve as intermediaries in allocating financial assistance provided under this Act to business concerns that are engaged principally in development and exploitation of critical technologies or are participating in the Small Business Innovative Research (SBIR) program or the Advanced Technology Program (i.e., qualified business concerns); establishes licensing procedures and eligibility requirements for licenses.

Sec. 352: Capital Requirements.—Establishes minimum private equity capital requirements of $10 million for a regular licensee and $5 million for a licensee in which a university or consortium of universities provide at least 25 percent of its private equity capital.

Sec. 353: Financing.—Authorizes the Under Secretary to purchase or guarantee nonparticipating preferred securities issued by licensees that meet certain conditions; establishes a borrowing rate for licensees at the Federal borrowing rate plus a premium (not to exceed 2 percent); limits the borrowing of a licensee from the Federal government to 200 percent of its private capital up to a maximum of $100 million; requires proceeds of borrowing to be invested in qualified business concerns, of which at least 50 percent must be for early-stage financing activities, or to be used to redeem outstanding preferred securities; authorizes the Under Secretary to make dividend payments on behalf of a licensee; requires redemption of preferred securities and payment of dividends in arrearages within 10 years of issuance.

Sec. 354: Issuance and Guarantee of Trust Certificates.—Authorizes the Secretary to issue trust certificates, representing pools of preferred securities issued by licensees, to the public to fund the program established by this Act; authorizes the Under Secretary to guarantee 100 percent of principal and interest on trust certificates.

Sec. 355: Capital for Qualified Business Concerns.—Establishes conditions under which licensees may provide equity capital and make loans to qualified business concerns.

Sec. 356: Limitation on amount of Assistance.—Restricts amount of investment that a licensee may make in a single qualified business concern to nor more than 20 percent of the licensee's private equity capital.

Sec. 357: Operation and Regulation.—Allows licensees to make equity investments and provide loans on a participating basis with other investors and lenders; authorizes the Secretary of Commerce and the Federal Reserve to provide advisory services to licensees; authorizes the Under Secretary to prescribe regulations to govern the operations of licensees; establishes that the U.S. is not liable for a licensees' actions.

Sec. 358: Technical Assistance for Licensees and Qualified Business Concerns.—Directs the Secretary of Commerce to provide consulting services and technical assistance on a waivable fee basis to licensees and businesses receiving financing from licensees to enhance their opportunity for success and to reduce their technical and business risk.

Sec. 359: Annual audit and Report.—Requires the Under Secretary to conduct detailed and timely audits and to report annually to Congress on program performance.

Part III—Enforcement

Sections 361 through 368 provide enforcement powers to the Secretary of Commerce, and recourse to licensees, that are similar to those provided under the Small Business Investment Act of 1958, as amended.

Sec. 361: Investigations and Examinations.

Sec. 362: Revocation and Suspension of Licenses; Cease and Desist Orders.

Sec. 363: Injunctions and Other Orders.

Sec. 364: Conflicts of Interest.

Sec. 365: Removal or Suspension of Directors and Officers.

Sec. 366: Unlawful Acts.

Sec. 367: Penalties and Forfeitures.

Sec. 368: Jurisdiction and Service of Process.

Sec. 369: Antitrust Savings Clause.

TITLE IV—MISCELLANEOUS

Sec. 401: International Standardization.—Makes findings about the importance of international standards. Authorizes the Department of Commerce National Institute for Standards and Technology to expand international standards promotion activities. Requires the Secretary of Commerce to report to the Congress on the appropriate Department of Commerce role in global standards issues discussed and described in the Office of Technology Assessment report on that topic.

Sec. 402: Malcolm Baldrige Award Amendments.—Amends the Stevenson-Wydler Act to permit more than two Malcolm Baldrige National Quality awards to be given in one category, adds a Baldrige award category for "educational institutions," and requires a report to Congress on the criteria for quality awards in educational categories.

Sec. 403: Cooperative Research and Development Agreements.—Amends the Stevenson-Wydler Act to permit real property to be included in Federal government contribution under Cooperative Research and Development agreements.

Sec. 404: Clearinghouse on State and Local Initiatives.—Amends the Stevenson-Wydler Act to provide for the Clearinghouse on State and Local Initiatives to be part of the National Institute of Standards and Technology.

Sec. 405: Competitiveness Assessments and Evaluations.—Amends the Stevenson-Wydler Act to provide for evaluation of Federal technology programs in order to improve their contribution to U.S. competitiveness.

Sec. 406: Use of Domestic Products.—Prohibits fraudulent use of "Made in America" labels and requires that procurement under this Act be made in accordance with the "Buy America Act."

Sec. 407: Severability.—Provides that if any portion of this Act shall be found to be invalid, that the remaining legislation will not be affected.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501: Technology Administration.—Authorizes $11 million for the Office of the

Under Secretary of Commerce for Technology Administration for FY 1994, including $3 million for the Office of the Under Secretary; $5 million for Technology Policy; and $2 million for the Japanese Technical Literature Program; and $1 million for competitiveness research, data collection, and evaluation. Asks the National Technical Information Service to examine the possibility of modernizing its operations in conjunction with its current efforts to enter a new lease.

Sec. 502: National Institute of Standards and Technology.—Authorizes appropriations for the intramural scientific and technical research and services activities of the Institute in the amount of $272.5 million for FY 1994 by line items, and sets authorization floors for certain activities of the total funds. In addition, $25 million is authorized for renovation and upgrading of NIST facilities. (This funding level is in keeping with the Bush Administration's commitment to double NIST core funding over a five year period.) This section also authorizes appropriations for extramural industrial technology services of $35 million for the Regional Centers for the Transfer of Manufacturing Technology for FY 1994; $2.5 million for the State Technology Extension Program for FY 1994; and $1.5 billion for the Advanced Technology Program for FY 1994 through 97.

Sec. 503: Additional Activities of the Technology Administration.—Authorizes appropriations for various activities of the Technology Administration including $120,000,000 for FY 1994 and FY 1995 for the National Manufacturing Outreach Network; $20,000,000 for FY 1994 for the Technology Development Loan Program; and $100,000,000 for FY 1994 and FY 1995 for the Critical Technologies Development Program.

Sec. 504: National Science Foundation.—Authorizes appropriations in the amount of $20,000,000 for FY 1994 for programs of the National Science Foundation created under this Act.

Sec. 505: Availability of Appropriations.—Provides that appropriations made under the authority of this Title shall remain available as specified in appropriations acts.

TITLE VI—FASTENER QUALITY ACT AMENDMENTS

This title contains technical and clarifying amendments to the Fastener Quality Act. They greatly simplify the means by which a manufacturer can demonstrate the chemical characteristics of a lot for purposes of the Act.

Mr. WALKER. Mr. Chairman, I yield myself my remaining 3½ minutes.

Mr. Chairman, this has been a useful debate I think, and I thank the chairman of the committee for his useful remarks. I think that it has focused on the differences of the two approaches to this legislation, and in fact the titles of the bill in many ways focus on the two different approaches.

The bill that the majority brings to the floor today is the National Competitiveness Act. If Members have listened to their speakers, what they want to do is nationalize the competitiveness problem. They have Government solutions that seek to have Government get more involved with business. Nationalization is the way that they think that you can improve this country's competitive position in the world.

We, on the other hand, have introduced the Fundamental Competitiveness Act. We think there are fundamental problems that lie at the base of our economic life that are driving our competitiveness out of the world market. We believe that unless we fix those fundamental problems that we are going to have additional problems in competing in a global economy.

The gentleman from North Dakota said we have questions we have to address of a microeconomic nature. That is absolutely correct. And that is what we attempted to do with the bill that we sought to bring to the floor today. We sought to address some of these big economic issues so that in fact American business can become competitive. We are even willing to acknowledge that there is some role for Government within that context, and we are only offering our bill as an amendment to their bill.

But the fact is that they do not want to deal with those fundamental problems and so, therefore, have prevented us from coming to the floor with what we think are the real fixes.

The gentleman from California, and I respect him for it, said we are trying to fix all of the problems in one big bill. What I regard as the situation here is that we never seem to fix any problems in any bill. We cannot seem to get anything out on the product liability issue. In fact, that got out of the committee and has been struck, evidently because the trial lawyers will not approve it coming to the floor, so somewhere along the line we have to face up to really addressing issues. We had hoped to do it here today.

However, I am strongly opposed to H.R. 5231 in its current form, and as a matter of fact the Secretary of Commerce, the Council on Economic Advisers, the President's Science Advisor and the Small Business Administrator all recommend a veto of this bill should it pass.

This legislation seeks to improve competitiveness by providing nearly $2.2 billion in additional spending, and that means added debt, and added deficit. I cannot support that approach. If we are going to increase the deficit, or perhaps increase taxes in order to pay for this bill, that would actually have the impact of harming our competitiveness rather than enhancing it. If we are really serious about doing something about competitiveness, let us work together to produce a bill that the President can sign and should sign. That would be the right kind of bipartisan approach. To simply come out with a bill that the President is almost sure to veto does not, it seems to me, produce a bipartisan solution. We can in fact produce a bipartisan solution by adopting the Republican amendment and bringing this bill forward in that form. That way we would have a bill that the President can sign. That is the course of action we ought to take, a real bipartisan solution that would have real consequences for America's competitiveness.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 5231 and want to commend Chairman BROWN and Chairman VALENTINE for their hard work on this legislation.

What we have before us today is a major step toward establishing an industrial policy in this country. The National Competitiveness Act enhances the Federal Government's commitment to promote technology and new product development in the private sector.

The international marketplace is the future for the American economy. During this persistent recession, our export markets have provided the only source of growth for local economy. We cannot hope to compete in the future with our foreign competitors if we fail to utilize all of our resources at home. The National Competitiveness Act will improve the competitiveness of small- and medium-sized manufacturers by improving access to the information and expertise they need to compete throughout the world. The bill creates a public-private partnership between our Government and domestic industries.

For California, this bill lays the groundwork to increase technology commercialization in the defense industry similar to the economic conversion proposals contained in the fiscal year 1993 Defense authorization bill. It will direct Federal resources to high-tech industries that are now being impacted by defense budget reductions. As a result, we can try to maintain California's high-technology job base.

Specifically, H.R. 5231 creates a grants program under the Department of Commerce to promote advanced technology development and utilization. Additionally, the bill creates technology outreach centers to assist industry in using advanced manufacturing processes and technologies. Finally, the legislation improves existing programs in the National Institute of Standards and Technology, the Technology Administration, and the National Science Foundation.

Mr. Chairman, this is a good bill. Clearly, there are other initiatives that should also be adopted by this body to promote business interest in the United States. But, today, we can start the process of developing a good industrial policy by passing H.R. 5231. I urge my colleagues to support this measure.

Mr. DICKS. Mr. Chairman, as a cosponsor of H.R. 5231, I am pleased to rise in support of this critical legislation. I want to take this opportunity to commend the gentleman from California [Mr. BROWN] for his leadership in bringing this measure before the House today.

All of us agree that the battleground for future international competitions is increasingly focused on economic vitality as opposed to military might. But to date, the debate has focused excessively on protectionism versus free trade rules and has missed the real issue that will decide our future economic success. The central issue will be whether this Nation can maintain its historic leadership in not just developing new technologies, but in producing and marketing those technologies in a competitive world market.

Succeeding in this challenge will require the active cooperation of Government, business and labor. It does not require that Government make decisions about who should win and who should lose in market decisions. But it does require that the Federal Government do more than it has to date, and that it coordinate its efforts far more effectively.

H.R. 5231 meets this test admirably. First it will better coordinate our efforts to develop and market advanced technologies by giving the Department of Commerce the clear responsibility as the lead agency to help U.S. industry develop and adopt new technologies and processes. It requires development of an advanced technology program so that we can have a blueprint of what we want to accomplish and a rational way to weigh alternatives and priorities, compared to the piecemeal, duplicative and ad hoc approach that exists today.

The bill will establish a network of manufacturing outreach centers to provide technology extension services to American manufacturers, patterned after the very successful agriculture extension services. It will encourage additional consortia between Government and industry in critical technology areas along the lines of the successful Sematech Program. It provides additional available resources to the National Institute of Standards of Technology, and a peer reviewed matching grant program for development of advanced technologies.

The additional authorizations provided in this bill are modest, $2.2 billion, but they have the potential to produce many times that figure in economic activity and high paying, challenging jobs for Americans not just today, but for our children in the future.

This legislation is not the entire solution to our competitiveness requirements, however. I am also a cosponsor of H.R. 5230, also introduced by Chairman BROWN, that includes additional provisions focusing on science and technical education and tax and investment incentives that are under the jurisdiction of other committees of the House. These elements are just as critical to a successful technology policy and I urge the involved committees to act on these related provisions as soon as possible so that a truly comprehensive approach to the issue can be achieved.

Mr. Chairman, it is not every day you can find a bill that is supported by labor and management and is truly bipartisan. In fact, all too often the pressures of international economic competition have tended to polarize Americans rather than unite them. This is a case where we can reverse that trend and march together down a path that will improve our economic performance, and ultimately benefit our neighbors as well with the fruits of economic development. I urge overwhelming approval of this legislation.

Mr. HOYER. Mr. Chairman, today I rise in strong support of H.R. 5231, the National Competitiveness Act of 1992. For too long, we have allowed the free market to exercise its will, and send some of our country's best jobs and industries to overseas competitors. Now is the time for Congress and the executive branch to join in a partnership with our country's manufacturers and universities to provide future jobs and opportunity for the American people.

We need only look to our strongest economic competitors to see that Government assistance and investment helps business. We must foster good working relationships between Government, business, and academia if we are to meet the challenges of global economic competition, and the goal of increasing our standard of living.

H.R. 5231 seeks to set American manufacturing on a solid base to compete with our overseas competitors who already rely on Government funded outreach programs, research and development, and infrastructure improvements. H.R. 5231 recognizes that if our economy and standard of living are to improve, cooperative efforts between industry and the public sector must be promoted.

Consequently, the National Competitiveness Act will charge Government with helping industry identify those technologies which are most important for the future of our economy. It will require Government to work with industry to address ideas such as: removing impediments to technological development; improving manufacturing infrastructure; easing access to capital; improving training and education of workers; and promoting international standards favorable to American goods.

Between 1972 and 1987, my home State of Maryland lost approximately 40,000 manufacturing jobs which have had a significant impact on our economy. Manufacturing jobs provide the pay which helps create and sustain a higher standard of living for our workers and their families, and in turn, our country as well.

Today we can act for a stronger American economy and for a more secure future for American workers. Support H.R. 5231.

Ms. HORN. Mr. Speaker, we all are aware of the economic situation in this country. In every town and city, people have lost their jobs or are worried about losing their jobs. We have watched our manufacturing and high tech industries move overseas, taking good-paying jobs with them. My own district in St. Louis has suffered the loss of thousands of jobs, particularly in the defense industry, as have many communities across the country. Now is the time to take action to revitalize our industrial sector.

Last year, I introduced legislation to facilitate the transfer of defense technologies to the civilian sector. Although many of these provisions are now public law, more needs to be done. However necessary these Department of Defense programs are, they are not sufficient to move our country forward in manufacturing, communications, industrial processes, materials and other critical high technology sectors. To ensure our competitiveness in the global marketplace, we need a comprehensive effort to improve the efficiency and productivity of all our commercial enterprises. This requires the Department of Commerce, through its technology administration and advanced technology program [ATP], to take the lead in helping our industrial sector compete worldwide.

Such steps have been used by our competitors to outcompete us in the marketplace. For example, products invented here but manufactured in Japan have helped fuel that Nation's emergence as an economic power. We need to revitalize our manufacturing as well.

This legislation is the result of work by Chairmen BROWN and VALENTINE over the past year. Through many subcommittee hearings, including one in my district, testimony from those on the front lines—in America's manufacturing and high tech industries—was received and reviewed. They told us what they need in order to compete. In addition, we heard views from economists, trade associations, Government officials and academics. This legislation represents a consensus. It helps by providing capital in the form of loans and equity, expanding the excellent advanced technology program at the National Institutes of Standards and Technology and establishing a nationwide network of manufacturing outreach centers to make technologies available to small and medium-sized businesses throughout the country. It will also expand worker training programs and promote international standards essential to our ability to competitively sell our products worldwide.

In short, this legislation provides the support necessary to allow business, Government and workers to form a partnership to move our economy into the 21st century and be a major player in the global marketplace. Such steps are necessary to ensure the survival and vitality of critical sectors of our economy and to provide quality jobs and the high standard of living they make possible.

Mr. WALKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 102-861 is considered as an original bill for the purpose of amendment, and each title is considered as read.

Pursuant to the rule, the bill shall be considered under the 5-minute rule for a period not to exceed 4 hours.

The Clerk will designate title I.

The text of title I is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Competitiveness Act of 1992".

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Goals.
Sec. 105. Definitions.

TITLE II—MANUFACTURING

Sec. 201. Short title.
Sec. 202. Findings, purpose, and statement of policy.
Sec. 203. Role of the Department of Commerce.
Sec. 204. Commerce Technology Advisory Board.
Sec. 205. Role of the Technology Administration in manufacturing.
Sec. 206. Miscellaneous and conforming amendments.
Sec. 207. Manufacturing Technology Centers.
Sec. 208. National Science Foundation manufacturing activities.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Miscellaneous

Sec. 301. Findings.
Sec. 302. Study of semiconductor lithography technologies.

Subtitle B—Advanced Technology Program

Sec. 321. Development of program plan.

Sec. 322. Technical amendments.

Subtitle C—Technology Development Loans

Sec. 331. Technology development loans.

Subtitle D—Critical Technologies Development

PART I—GENERAL PROVISIONS

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. Establishment of program.
Sec. 344. Advisory Committee.

PART II—PROGRAM STRUCTURE AND OPERATION

Sec. 351. Organization and licensing.
Sec. 352. Capital requirements.
Sec. 353. Financing.
Sec. 354. Issuance and guarantee of trust certificates.
Sec. 355. Capital for qualified business concerns.
Sec. 356. Limitation on amount of assistance.
Sec. 357. Operation and regulation.
Sec. 358. Technical assistance for licensees and qualified business concerns.
Sec. 359. Annual audit and report.

PART III—ENFORCEMENT

Sec. 361. Investigations and examinations.
Sec. 362. Revocation and suspension of licenses; cease and desist orders.
Sec. 363. Injunctions and other orders.
Sec. 364. Conflicts of interest.
Sec. 365. Removal or suspension of directors and officers.
Sec. 366. Unlawful acts.
Sec. 367. Penalties and forfeitures.
Sec. 368. Jurisdiction and service of process.
Sec. 369. Antitrust savings clause.

TITLE IV—MISCELLANEOUS

Sec. 401. International standardization.
Sec. 402. Malcolm Baldrige Award amendments.
Sec. 403. Cooperative research and development agreements.
Sec. 404. Clearinghouse on State and Local Initiatives.
Sec. 405. Competitiveness assessments and evaluations.
Sec. 406. Use of domestic products.
Sec. 407. Severability.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Technology Administration.
Sec. 502. National Institute of Standards and Technology.
Sec. 503. Additional activities of the Technology Administration.
Sec. 504. National Science Foundation.
Sec. 505. Availability of appropriations.

TITLE VI—FASTENER QUALITY ACT AMENDMENTS

Sec. 601. References.
Sec. 602. Technical amendments.
Sec. 603. Clarifying amendments.

SEC. 102. FINDINGS.

The Congress finds that—

(1) the unprecedented competitive challenge the United States has faced during the past decade from foreign-based companies offering high-quality, low-priced products has contributed to a drop in real wages and standard of living;

(2) as international competition has intensified in advanced technology research, development, and applications, the passive nature of United States civilian technology policy has hindered the ability of American companies to compete in certain high technology fields;

(3) there is general agreement on which fields of technology are critical for economic competitiveness in the next century, but the United States Government lacks a comprehensive strategy for ensuring that the appropriate research, development, and applications activities and other reforms occur so these technologies are readily available to United States manufacturers for incorporation into products made in the United States;

(4) strategic technology planning, the support of critical technology research, development, and application, and advancement of manufacturing technology development and deployment are appropriate Government roles;

(5) the cost of and difficulty in obtaining venture capital are significant deterrents to the expansion of small high technology companies; and

(6) standardization of weights and measures, including development and promotion of product and quality standards, has a significant role to play in competitiveness.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) develop a nationwide network of sources of technological advice for manufacturers, particularly small and medium-sized firms, and to provide high quality, current information to that network;

(2) encourage the development and rapid application of advanced manufacturing processes;

(3) expand the scope and resources of the Advanced Technology Program of the National Institute of Standards and Technology;

(4) stimulate and supplement the flow of capital to business concerns engaged principally in development or utilization of critical and other advanced technologies;

(5) establish mechanisms to ensure synergistic linkages between Federal, State, and local initiatives aimed at enhancing the competitiveness of United States products; and

(6) enhance the core programs of the National Institute of Standards and Technology.

SEC. 104. GOALS.

The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) utilize the State and local capabilities in industrial extension to improve the efficiency, quality, and strength of national programs to improve the competitiveness of United States products; and

(4) expand the availability of low-cost patient capital to United States companies developing or utilizing critical or other advanced technologies.

SEC. 105. DEFINITIONS.

For purposes of this Act—

(1) the term "Director" means the Director of the Institute;

(2) the term "Institute" means the National Institute of Standards and Technology;

(3) the term "Secretary" means the Secretary of Commerce; and

(4) the term "Under Secretary" means the Under Secretary of Commerce for Technology.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 1, after the enacting clause insert the following titles and renumber the subsequent titles accordingly:

TITLE I—PUBLIC DEBT REDUCTION

SEC. 101. DESIGNATION OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.-

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

"PART IX—DESIGNATION FOR REDUCTION OF PUBLIC DEBT.

"Sec. 6097. Designation.

"SEC. 6097. DESIGNATION.

"(a) IN GENERAL.—Every individual with adjusted income tax liability for any taxable year may designate that a portion of such liability (not to exceed 10 percent thereof) shall be used to reduce the public debt.

"(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of tax imposed by chapter 1 for the taxable year. The designation shall be made on the first page of the return or on the page bearing the taxpayer's signature.

"(c) ADJUSTED INCOME TAX LIABILITY.—For purposes of this section, the term 'adjusted income tax liability' means income tax liability (as defined in section 6096(b)) reduced by any amount designated under section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund)."

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end the following new item:

"Part IX. Designation for reduction of public debt."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 102. PUBLIC DEBT REDUCTION TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (Relating to trust fund code) is amended by adding at the end the following section:

"SEC. 9511. PUBLIC DEBT REDUCTION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Public Debt Reduction Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Public Debt Reduction Trust Fund amounts equivalent to the amounts designated under section 6097 (relating to designation for public debt reduction).

"(c) EXPENDITURES.—Amounts in the Public Debt Reduction Trust Fund shall be available only for purposes of paying at maturity, or to redeem or buy before maturity, any obligation of the Federal Government included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from such Trust Fund shall be canceled and retired and may not be reissued."

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Public Debt Reduction Trust Fund."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 103. TAXPAYER-GENERATED SEQUESTRATION OF FEDERAL SPENDING TO REDUCE THE PUBLIC DEBT.

(a) Sequestration to Reduce the Public Debt.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 253 the following new section:

"SEC. 253A. SEQUESTRATION TO REDUCE THE PUBLIC DEBT.

"(a) Sequestration.—Notwithstanding sections 255 and 256, within 15 days after Congress adjourns to end a session (other than the One Hundred Second Congress), and on the same day as sequestration (if any) under sections 251, 252, and 253, but after any sequestration required by those sections, there shall be a sequestration equivalent to the estimated aggregate amount designated under section 6097 of the Internal Revenue Code of 1986 for the last taxable year ending before the beginning of that session of Congress.

"(b) Applicability.—

"(1) In general.—Except as provided by paragraph (2), each account of the United States shall be reduced by a dollar amount calculated by multiplying the level of budgetary resources in that account at that time by the uniform percentage necessary to carry out subsection (a). All obligational authority so reduced shall be done in a manner that makes such reductions permanent.

"(2) Exempt accounts.—No order issued under this part may—

"(A) reduce benefits payable the old-age, survivors, and disability insurance program established under title II of the Social Security Act;

"(B) reduce payments for net interest (all of major functional category 900); or

"(C) make any reduction in the following accounts:

"Federal Deposit Insurance Corporation, Bank Insurance Fund;

"Federal Deposit Insurance Corporation, FSLIC Resolution Fund;

"Federal Deposit Insurance Corporation, Savings Association Insurance Fund;

"National Credit Union Administration, credit union share insurance fund; or

"Resolution Trust Corporation.".

(b) Reports.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (d)(1), by inserting ", and sequestration to reduce the public debt,";

(2) in subsection (d), by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Sequestration to reduce the public debt reports.—The preview reports shall set forth for the budget year estimates for each of the following:

"(A) The aggregate amount designated under section 6097 of the Internal Revenue Code of 1986 for the last taxable year ending before the budget year.

"(B) The amount of reductions required under section 253A and the deficit remaining after those reductions have been made.

"(C) The sequestration percentage necessary to achieve the required reduction in accounts under section 253A(b)."; and

(3) in subsection (g), by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) Sequestration to reduce the public debt reports.—The final reports shall contain all of the information contained in the preview reports required under subsection (d)(5).".

(c) Effective Date.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the expiration date set forth in that section shall not apply to the amendments made by this Act. The amendments made by this Act shall cease to have any effect after the first fiscal year during which there is no public debt.

TITLE II—CAPITAL FORMATION

SEC. 201. FINDINGS.

The Congress finds that—

(1) competitiveness studies consistently show that the United States business sector needs to have access to greater amounts of capital at low cost;

(2) capital formation is a goal that should be fostered by the United States Government;

(3) our main economic competitors encourage capital formation by low rates of taxation on capital gains and savings and investment; and

(4) lowering tax rates in the United States on capital gains and savings and investment will make our country more competitive internationally.

SEC. 202. RESEARCH CREDIT IMPROVEMENT.

(a) Alternative Credit Calculation Based on Aggregate Research Expenses.—

(1) In general.—Subsection (a) of section 41 of the Internal Revenue Code of 1986 (relating to general rule) is amended to read as follows:

"(a) General Rule.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 1 of the following amounts (as elected by the taxpayer for the taxable year):

"(1) 25 percent of increased research expenses.—The sum of—

"(A) 25 percent of the excess (if any) of—

"(i) the qualified research expenses, over

"(ii) the base amount, and

"(B) 25 percent of the basic research payments, determined under subsection (e)(1)(A).

"(2) 5 percent of aggregate research expenses.—The sum of—

"(A) 5 percent of the qualified research expenses, determined by substituting '100 percent' for '65 percent' in subsection (b)(3)(A), and

"(B) 5 percent of the basic research payments, determined under subsection (e)(2)."

(2) Conforming amendments.—

(A) Paragraph (1) of section 41(e) of such Code (relating to basic research credit) is amended—

(i) by striking "subsection (a)(2)" and inserting "subsection (a)(1)(B)", and

(ii) by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)".

(B) Subparagraph (C) of section 41(e)(7) of such Code (relating to definitions and special rules) is amended—

(i) by striking "INCREMENTAL" in the subparagraph caption and inserting "OTHER",

(ii) by striking "subsection (a)(1)" and inserting "paragraph (1)(A) or (2)(A) of subsection (a)",

(iii) by striking "subsection (a)(2)" and inserting "paragraph (1)(B) or (2)(B) of such subsection",

(iv) by striking "subsection (a)(1)(A)" and inserting "paragraph (1)(A)(i) or (2)(A) of such subsection", and

(v) by striking "subsection (a)(1)(B)" and inserting "paragraph (1)(A)(ii) of such subsection".

(C) Subparagraph (A) of section 280C(c)(2) of such Code (relating to disallowance of deduction for expenses for which research credit taken) is amended by striking "section 41(a)(1)" and inserting "paragraph (1)(A) or (2)(A) of section 41(a)".

(3) Effective Date.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(b) Permanent Extension of Credit.—

(1) In general.—Section 41 of such Code is amended by striking subsection (h) (relating to termination).

(2) Conforming amendment.—Paragraph (1) of section 28(b) of such Code (relating to qualified clinical testing expenses) is amended by striking subparagraph (D).

SEC. 203. VARIABLE CAPITAL GAINS.

(a) In General.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1202. VARIABLE CAPITAL GAINS DEDUCTION.

"(a) Deduction Allowed.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(1) 100 percent of the qualified 10-year net capital gain,

"(2) 90 percent of the qualified 9-year net capital gain,

"(3) 80 percent of the qualified 8-year net capital gain,

"(4) 70 percent of the qualified 7-year net capital gain,

"(5) 60 percent of the qualified 6-year net capital gain,

"(6) 50 percent of the qualified 5-year net capital gain,

"(7) 40 percent of the qualified 4-year net capital gain,

"(8) 30 percent of the qualified 3-year net capital gain,

"(9) 20 percent of the qualified 2-year net capital gain, plus

"(10) 10 percent of the qualified 1-year net capital gain.

"(b) Qualified Net Capital Gain.—For purposes of subsection (a)—

"(1) Qualified 10-year net capital gain.—The term 'qualified 10-year net capital gain' means the amount of net long-term capital gain which would be computed for the taxable year if only capital assets held by the taxpayer for at least 10 years at the time of the sale or exchange were taken into account. Such term shall not exceed the amount of the net capital gain for such taxable year.

"(2) Qualified 9-year net capital gain.—The term 'qualified 9-year net capital gain' means the amount of net long-term capital gain which would be computed for the taxable year if only capital assets held by the taxpayer for at least 9 years but less than 10 years at the time of the sale or exchange were taken into account. Such term shall not exceed the amount of the net capital gain for such taxable year reduced by the amount of the qualified 10-year net capital gain.

"(3) Other definitions.—The amount of the qualified 8-year net capital gain, 7-year net capital gain, 6-year net capital gain, 5-year net capital gain, 4-year net capital gain, 3-year net capital gain, qualified 2-year net capital gain, and qualified 1-year net capital gain shall be determined under the principles of paragraphs (1) and (2).

"(c) Estate and Trusts.—In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

(b) Treatment of Collectibles.—

(1) In general.—Section 1222 of such Code is amended by inserting after paragraph (11) the following new paragraph:

"(12) Special rule for collectibles.—

"(A) In general.—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(B) Treatment of certain sales of interest in partnership, etc.—For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(C) Collectible.—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof)."

(2) Charitable deduction not affected.—

(A) Paragraph (1) of section 170(e) of such Code is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

(B) Clause (iv) of section 170(b)(1)(C) of such Code is amended by inserting before the period at the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

(c) Conforming Amendments.—

(1) Section 1 of such Code is amended by striking subsection (h).

(2) Subsection (a) of section 62 of such Code is amended by inserting after paragraph (13) the following new paragraph:

"(14) Long-term capital gains.—In the case of a taxpayer other than a corporation, the deduction allowed by section 1202."

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 204. CAPITAL GAINS EXCLUSION FOR START-UP BUSINESS STOCK.

(a) Taxpayers Other Than Corporations.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR CAPITAL GAINS ON CERTAIN BUSINESS STOCK HELD FOR MORE THAN 2 YEARS.

"(a) General Rule.—If for any taxable year a taxpayer other than a corporation has a qualified business net capital gain, there shall be allowed as a deduction from gross income an amount equal to 50 percent of the qualified business net capital gain.

"(b) Qualified Business Net Capital Gain.—For purposes of this section—

"(1) In general.—The term 'qualified business net capital gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from qualified business stock with a holding period of at least 2 years at the time of the disposition.

"(2) Qualified business stock.—

"(A) In general.—The term 'qualified business stock' means stock which—

"(i) is first acquired (whether directly or through an underwriter) from the issuer by the taxpayer, and

"(ii) is not issued in redemption of (or otherwise exchanged for) stock.

"(B) Exception for personal service corporations.—The term 'qualified business stock' does not include stock issued by a personal service corporation (within the meaning of section 269A(b)(1)).

"(c) Estates and Trusts.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

(b) Corporations.—Section 1201 of such Code (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) Deduction for Gain on Qualified Business Stock.—

"(1) In general.—If for any taxable year a corporation has a qualified business net capital gain, there shall be allowed as a deduction from gross income an amount equal to 50 percent of the qualified business net capital gain.

"(2) Qualified business net capital gain.—For purposes of this subsection, the term 'qualified business net capital gain' has the meaning given such term in section 1203(b)."

(c) Conforming Amendments.—

(1) Subsection (a) of section 1201 of such Code is amended by inserting after "net capital gain" each place it appears the following: "(other than qualified business net capital gain (within the meaning of section 1203(b))".

(2) Subsection (a) of section 62 of such Code is amended by adding at the end the following new paragraph:

"(15) Qualified business stock capital gains.—The deduction allowed by section 1203."

(3)(A) The heading for section 1201 of such Code is amended to read as follows:

"SEC. 1201. ALTERNATIVE TAX FOR CORPORATIONS; DEDUCTION FOR GAIN ON QUALIFIED BUSINESS STOCK."

(B) The item relating to section 1201 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended to read as follows:

"Sec. 1201. Alternative tax for corporations; deduction for gain on qualified business stock."

(4) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1203. Deduction for capital gains on certain business stock held for more than 2 years."

(d) Effective Date.—The amendments made by this section shall apply to stock issued after the date of the enactment of this Act.

SEC. 205. INDEXING OF CERTAIN CAPITAL ASSETS.

(a) In General.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) General Rule.—

"(1) Indexed basis substituted for adjusted basis.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) Exception for depreciation, etc.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) Indexed Asset.—

"(1) In general.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein), which is a capital asset or property used in the trade or business (as defined in section 1231(b)).

"(2) Certain property excluded.—For purposes of this section, the term 'indexed asset' does not include stock in a foreign corporation.

"(c) Indexed Basis.—For purposes of this section—

"(1) Indexed basis.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) Applicable inflation ratio.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the gross national product deflator the calendar quarter in which the disposition takes place, by

"(B) the gross national product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending December 31, 1991).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) Gross national product deflator.—The gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

"(d) Special Rules.—For purposes of this section—

"(1) Treatment as separate asset.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) Assets which are not indexed assets throughout holding period.—

"(A) In general.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) Certain short sales.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is to secure or increase an adjustment under subsection (a), the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITION OF STOCK.—For purposes of this section, the term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 312 of such Code is amended by adding at the end the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets, see section 1022(a)(1)."

(2) The table of sections for part II of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act.

SEC. 206. CORPORATE DEBT-EQUITY EQUALIZATION.

(a) IN GENERAL.—Section 243 of the Internal Revenue Code of 1986 (relating to dividends received by corporations) is amended to read as follows:

"SEC. 243. DIVIDENDS PAID BY DOMESTIC CORPORATIONS.

"(a) GENERAL RULE.—In the case of a domestic corporation which is subject to taxation under this chapter, there shall be allowed as a deduction for the taxable year an amount equal to the dividends paid by such corporation during the taxable year.

"(b) DIVIDENDS.—For purposes of this section, the term 'dividend' means any dividend (as defined in section 316) to which section 301 applies.

"(c) CERTAIN CORPORATIONS NOT ELIGIBLE.—No deduction shall be allowed under this section with respect to dividends paid by any corporation which is—

"(1) an S corporation (as defined in section 1361(a)(1)),

"(2) a regulated investment company (as defined in section 851(a)),

"(3) a real estate investment trust (as defined in section 856(a)), or

"(4) a personal holding company (as defined in section 542).

"(d) SPECIAL RULES FOR CERTAIN DISTRIBUTIONS OF MUTUAL SAVINGS BANKS, ETC.—For purposes of this section, any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend."

(b) REPEAL OF CERTAIN DEDUCTIONS FOR DIVIDENDS RECEIVED.—Sections 244 (relating to dividends received on certain preferred stock) and 247 (relating to dividends paid on certain preferred stock of public utilities) of such Code are hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (5) of section 172(d) of such Code is amended to read as follows:

"(5) COMPUTATION OF DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS.—The deduction allowed by section 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) (relating to limitation on aggregate amount of deductions)."

(2) The table of sections for part VIII of subchapter B of chapter 1 of such Code is amended by striking the items relating to sections 243, 244, and 247 and inserting after the item relating to section 241 the following:

"Sec. 243. Dividends paid by domestic corporations."

(3) Paragraph (1) of section 245(a) of such Code (relating generally to dividends received from 10-percent owned foreign corporations) is amended by striking "the percent (specified in section 243 for the taxable year)" and inserting "85 percent (100 percent in the case of a small business investment company operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.))".

(4)(A) Subsection (a) of section 246 of such Code (relating to disallowance of deduction for dividends from certain corporations) is amended—

(i) in paragraph (1), by striking "sections 243, 244, and 245" and inserting "section 245", and

(ii) by striking paragraph (2).

(B) Subsection (b) of section 246 of such Code (relating to limitation on aggregate amount of deductions) is amended to read as follows:

"(b) LIMITATION ON AGGREGATE AMOUNT OF DEDUCTION.—

"(1) IN GENERAL.—Except as provided by paragraph (2), the aggregate amount of the deductions allowed by subsections (a) and (b) of section 245 shall not exceed 80 percent of the taxable income computed without regard to—

"(A) the deductions allowed by section 172,

"(B) any adjustment under section 1059, and

"(C) any capital loss carryback to the taxable year under section 1212(a)(1).

"(2) EFFECT OF NET OPERATING LOSS.—Paragraph (1) shall not apply for any taxable year for which there is a net operating loss (as determined under section 172)."

(C) Paragraph (1) of section 246(c) of such Code (relating to exclusion of certain dividends) is amended by striking "243, 244, or".

(D) Section 246 of such Code (relating to rules applying to deductions for dividends received) is amended by striking subsections (d) and (e).

(5)(A) Subsection (a) of section 246A of such Code (relating to general rule) is amended—

(i) in the matter preceding paragraph (1), by striking "243, 244, or", and

(ii) in paragraph (1), by striking "(80 percent in the case of any dividend from a 20-percent owned corporation as defined in section 243(c)(2)".

(B) Subsection (b) of section 246A of such Code (relating to inapplicability to dividends for which 100 percent dividends received deduction allowable) is amended to read as follows:

"(b) SECTION NOT TO APPLY TO DIVIDENDS FOR WHICH 100 PERCENT DIVIDENDS RECEIVED DEDUCTION ALLOWABLE.—Subsection (a) shall not apply to dividends received by a small business investment company operating under the Small Business Investment Act of 1958."

(C) Subsection (e) of section 246A of such Code (relating to reduction in dividends received deduction not to exceed allowable interest) is amended by striking "243, 244, or".

(6) Section 596 of such Code (relating to limitation on dividends received deduction) is amended by striking "sections 243, 244, and 245" and inserting "section 245".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 207. CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF EMPLOYEE SERVICES TO EDUCATIONAL ORGANIZATIONS.

(a) In General.—Section 170 of the Internal Revenue Code of 1986 (relating to deduction for charitable contributions) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Corporate Contributions of Employee Services to Educational Organizations.—

"(1) In general.—There shall be allowed as a deduction under this section any charitable contribution by a corporation of employee volunteer services to an educational organization (within the meaning of subsection (b)(1)(A)(ii)).

"(2) Valuation.—The value of a contribution under paragraph (1) shall be 50 percent of the amount paid or incurred by the corporation for salary, wages, and benefits for the employee for the time during which the employee provides employee volunteer services.

"(3) Employee volunteer services.—For purposes of this subsection, the term 'employee volunteer services' means teaching, tutoring, or other assistance provided without charge or reimbursement by an employee during the regular working hours of the employer.

"(4) Coordination with deduction for business expenses.—A deduction allowed under this subsection for any expense shall be in addition to any deduction allowed for the same expense under section 162."

(b) Effective Date.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 208. INVESTMENT CREDIT FOR NEW MANUFACTURING AND OTHER PRODUCTION EQUIPMENT.

(a) Allowance of Credit.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(4) the manufacturing and other productive equipment credit."

(b) Amount of Credit.—Section 48 of such Code is amended by adding at the end thereof the following new subsection:

"(c) Manufacturing and Other Productive Equipment Credit.—

"(1) In general.—For purposes of section 46, the manufacturing and other productive equipment credit for any taxable year is the applicable percentage of the basis of each qualified manufacturing and productive equipment property placed in service during such taxable year.

"(2) Qualified manufacturing and productive equipment property.—For purposes of this subsection—

"(A) In general.—The term 'qualified manufacturing and productive equipment property' means any property—

"(i) which is used as an integral part of the manufacture or production of tangible personal property,

"(ii) which is tangible property to which section 168 applies,

"(iii) which is section 1245 property (as defined in section 1245(a)(3)), and

"(iv)(I) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(II) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

"(B) Treatment of certain software.—In the case of any computer software which is used to control or monitor a manufacturing or production process and with respect to which depreciation (or amortization in lieu of depreciation) is allowable—

"(i) such software shall be treated as qualified manufacturing and productive equipment property, and

"(ii) paragraph (3)(C) shall not apply.

"(3) Applicable percentage.—For purposes of this subsection—

"(A) In general.—In the case of qualified manufacturing and productive equipment property, the applicable percentage is the sum of—

"(i) 10 percent, plus

"(ii) 1/10th of the efficiency improvement percentage (if any) determined with respect to such property.

In no event shall the applicable percentage exceed 20 percent.

"(B) Efficiency improvement percentage.—For purposes of subparagraph (A), the term 'efficiency improvement percentage' means, with respect to any property, the percentage efficiency increase established by the taxpayer as resulting from the use of such property. For purposes of the preceding sentence, percentage efficiency increase shall be determined on the basis of the relationship of the amount of goods manufactured or produced to the cost of manufacture or production.

"(C) Special rule for 3-year property.—In the case of any qualified manufacturing and productive equipment property which is 3-year property (within the meaning of section 168(e)), the applicable percentage shall be 60 percent of the amount otherwise determined under this paragraph.

"(4) Coordination with other credits.—This subsection shall not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

"(5) Certain progress expenditure rules made applicable.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection."

(c) Technical Amendments.—

(1) Clause (ii) of section 49(a)(1)(C) of such Code is amended by inserting "or qualified manufacturing and productive equipment property" after "energy property".

(2) Subparagraph (E) of section 50(a)(2) of such Code is amended by inserting "or 48(c)(5)" before the period at the end thereof.

(3) Paragraph (5) of section 50(a) of such Code is amended by adding at the end thereof the following new subparagraph:

"(D) Special rules for certain property.—In the case of any qualified manufacturing and productive equipment property which is 3-year property (within the meaning of section 168(e))—

"(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

"(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

"(iii) clauses (iv) and (v) of such table shall not apply."

(4)(A) The section heading for section 48 of such Code is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 45 and inserting the following:

"Sec. 45. Other credits."

(d) Effective Date.—The amendments made by this section shall apply to—

(1) property acquired by the taxpayer after the date of the enactment of this Act, and

(2) property the construction, reconstruction, or erection of which is completed by the taxpayer after the date of the enactment of this Act, but to the extent of the basis thereof attributable to construction, reconstruction, or erection after such date.

SEC. 209. INCREASE IN LIMITATION BASED ON AMOUNT OF TAX.

(a) In General.—Subparagraph (B) of section 38(c)(1) of the Internal Revenue Code of 1986 is amended by striking "$25,000" and inserting "$50,000".

(b) Conforming Amendments.—Paragraph (2) of section 38(c) of such Code is amended—

(1) by striking "$25,000" each place it appears and inserting "$50,000", and

(2) by inserting "$12,500" in subparagraph (A) and inserting "$25,000".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 210. SPECIAL TREATMENT FOR LOSSES ON INVESTMENT IN MANUFACTURING FACILITIES.

(a) In General.—Subsection (a) of section 1244 of the Internal Revenue Code of 1986 is amended to read as follows:

"(a) General Rule.—In the case of an individual, any loss on—

"(1) section 1244 stock issued to such individual or to a partnership, or

"(2) qualified manufacturing stock,

which would (but for this section) be treated as a loss from the sale or exchange of a capital asset shall, to the extent provided in this section, be treated as an ordinary loss."

(b) Qualified Manufacturing Stock.—Subsection (c) of section 1244 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) Qualified manufacturing stock.—For purposes of this section, the term 'qualified manufacturing stock' means stock in any domestic corporation if, as of the time such stock was acquired by the taxpayer, substantially all of the activities of such corporation involved the manufacture of tangible personal property in the United States. For purposes of this paragraph, the term 'manufacture' shall not include importation. Rules similar to the rules of paragraphs (1) and (2) of subsection (d) shall apply to qualified manufacturing stock.".

(c) Clerical Amendments.—

(1) The section heading for section 1244 of such Code is amended by inserting before the period at the end thereof the following: **"OR STOCK IN MANUFACTURING COMPANIES"**.

(2) The table of sections for part IV of subchapter P of chapter 1 of such Code is amended by inserting before the period at the end of the item relating to section 1244 the following: "or stock in manufacturing companies".

(d) Effective Date.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 211. EXEMPTION OF CERTAIN INTEREST AND DIVIDEND INCOME FROM TAX.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

"SEC. 116. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS.

"(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include the sum of the amounts received during the taxable year by an individual as—

"(1) dividends from domestic corporations, or

"(2) interest.

"(b) LIMITATIONS.—

"(1) MAXIMUM AMOUNT.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed $2,500 ($5,000 in the case of a joint return under section 6013).

"(2) CERTAIN DIVIDENDS EXCLUDED.—Subsection (a)(1) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations).

"(c) SPECIAL RULES.—For purposes of this section—

"(1) DISTRIBUTIONS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—Subsection (a) shall apply with respect to distributions by—

"(A) regulated investment companies to the extent provided in section 854(c), and

"(B) real estate investment trusts to the extent provided in section 857(c).

"(2) DISTRIBUTIONS BY A TRUST.—For purposes of subsection (a), the amount of dividends and interest properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends and interest were received by the estate or trust.

"(3) CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—In the case of a nonresident alien individual, subsection (a) shall apply only—

"(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends and interest which are effectively connected with the conduct of a trade or business within the United States, or

"(B) in determining the tax imposed for the taxable year pursuant to section 877(b)."

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Partial exclusion of dividends and interest received by individuals."

(2) The first sentence of paragraph (2) of section 265(a) of such Code is amended by inserting before the period at the end thereof the following: ", or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116".

(3) Subsection (c) of section 584 of such Code is amended by adding at the end thereof the following new sentence:

"The proportionate share of each participant in the amount of dividends or interest received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant."

(4) Subsection (a) of section 643(a) of such Code is amended by inserting after paragraph (6) the following new paragraph:

"(7) DIVIDENDS OR INTEREST.—There shall be included the amount of any dividends or interest excluded from gross income pursuant to section 116."

(5) Section 854 of such Code is amended by adding at the end thereof the following new subsection:

"(c) TREATMENT UNDER SECTION 116.—

"(1) IN GENERAL.—For purposes of section 116, in the case of any dividend (other than a dividend described in subsection (a)) received from a regulated investment company which meets the requirements of section 852 for the taxable year in which it paid the dividend—

"(A) the entire amount of such dividend shall be treated as a dividend if the aggregate dividends and interest received by such company during the taxable year equal or exceed 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, a portion of such dividend shall be treated as a dividend (and a portion of such dividend shall be treated as interest) based on the portion of the company's gross income which consists of aggregate dividends or aggregate interest, as the case may be.

For purposes of the preceding sentence, gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year as does not exceed aggregate interest received for the taxable year.

"(2) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a regulated investment company which may be taken into account as a dividend for purposes of the exclusion under section 116 shall not exceed the amount so designated by the company in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'gross income' does not include gain from the sale or other disposition of stock or securities.

"(B) The term 'aggregate dividends received' includes only dividends received from domestic corporations other than dividends described in section 116(b)(2). In determining the amount of any dividend for purposes of this subparagraph, the rules provided in section 116(c)(1) (relating to certain distributions) shall apply."

(6) Subsection (c) of section 857 of such Code is amended to read as follows:

"(c) LIMITATIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

"(1) IN GENERAL.—For purposes of section 116 (relating to an exclusion for dividends and interest received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

"(2) TREATMENT AS INTEREST.—In the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid the dividend—

"(A) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, the portion of such dividend which bears the same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

"(3) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of paragraph (2)—

"(A) gross income does not include the net capital gain,

"(B) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

"(C) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

"(4) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of the exclusion under section 116 shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after the date of the enactment of this Act.

SEC. 212. ORDINARY-LOSS TREATMENT FOR LOSSES ON INVESTMENTS IN START-UP COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 1244(c)(1) of the Internal Revenue Code of 1986 (defining section 1244 stock) is amended by inserting before the comma at the end the following: "or was a qualified startup company".

(b) QUALIFIED STARTUP COMPANY.—Subsection (c) of section 1244 of such Code is amended by adding at the end the following new paragraph:

"(4) QUALIFIED STARTUP COMPANY.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualified startup company' means any domestic corporation if—

"(i) as of the time of the issuance of the stock involved, substantially all of the activities of the corporation involved the manufacture of tangible personal property in the United States,

"(ii) as of the time of the issuance of the stock involved, no substantial part of the business activities of the corporation involved a business acquired from another person, and

"(iii) the corporation had not been in existence for more than 1 taxable year as of the time of the issuance of the stock involved.

"(B) IMPORTATION EXCLUDED.—For purposes of subparagraph (A), the term 'manufacture' does not include importation."

(c) CONFORMING AMENDMENT.—The last sentence of section 1244(d)(2) of such Code is amended by striking "paragraphs (1)(C) and (3)(A)" and inserting "paragraphs (1)(C), (3)(A), and (4)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock issued after the date of the enactment of this Act.

TITLE III—ANTITRUST

SEC. 301. FINDINGS.

The Congress finds that—

(1) the globalization of the economy makes antitrust law much less relevant today, and even counterproductive, than when it was developed;

(2) rapid technological change makes the creation of monopolies unlikely as the pace of product and process innovation accelerates;

(3) cooperative efforts in today's world are predominantly pro-competitive rather than anticompetitive; and

(4) changing the United States antitrust laws to mirror the realities of the way in which other countries enforce anticompetitive statutes would make United States industries more competitive internationally.

SEC. 302. MERGER ANALYSIS.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended—

(1) in the first paragraph by striking "the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly" and inserting in lieu thereof "there is a significant probability that such acquisition will substantially increase the ability to exercise market power";

(2) in the second paragraph—

(A) by striking "the effect of" and inserting in lieu thereof "there is a significant probability that"; and

(B) by striking "may be substantially to lessen competition, or to tend to create a monopoly" and inserting in lieu thereof "will substantially increase the ability to exercise market power";

(3) in the third paragraph—

(A) by striking "the substantial lessening of competition" in the first sentence and inserting in lieu thereof "a substantial increase in the ability to exercise market power"; and

(B) by striking "lessen competition" in the second sentence and inserting in lieu thereof "increase the ability to exercise market power"; and

(4) by inserting after the third paragraph the following new paragraph:

"For purposes of this section, the ability to exercise market power is defined as the ability of one or more firms profitably to maintain prices above competitive levels for a significant period of time. In determining whether there is a significant probability that any acquisition will substantially increase the ability to exercise market power, the court shall duly consider all economic factors relevant to the effect of the acquisition in the affected markets, including (i) the number and size distribution of firms and the effect of the acquisition thereon; (ii) ease or difficulty of entry by foreign or domestic firms; (iii) the ability of smaller firms in the market to increase production in response to an attempt to exercise market power; (iv) the nature of the product and terms of sale; (v) conduct of firms in the market; (vi) efficiencies deriving from the acquisition; and (vii) any other evidence indicating whether the acquisition will or will not substantially increase the ability, unilaterally or collectively, to exercise market power.".

SEC. 303. COOPERATIVE PRODUCTION.

The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended—

(1) in section 1, by striking "National Cooperative Research Act of 1984" and inserting in lieu thereof "National Cooperative Research, Development, and Production Act";

(2) by striking "joint research and development venture" each place it appears and inserting in lieu thereof "joint research, development, or production venture";

(3) in section 2(a)(6)—

(A) by striking "or" in subparagraph (D);

(B) by striking subparagraph (E) and inserting in lieu thereof the following:

"(E) the production of any product, process, or service, or

"(F) any combination of the purposes specified in subparagraphs (A), (B), (C), (D), and (E),"; and

(C) by inserting "development, or production," after "the conducting of research,";

(4) in section 2(b)(1), by striking "conduct the research and development that is" and inserting in lieu thereof "carry out";

(5) by striking sections 2(b)(2) and 2(b)(3) and inserting in lieu thereof the following:

"(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the marketing by such venture or by any person who is a party to such venture of any product, process, or service developed through or produced by such venture, other than—

"(A) the marketing by such venture of any product, process, or service to any person who is a party to such venture; or

"(B) the marketing of proprietary information, such as patents, rights in mask works protected under title 17 of the United States Code, know-how, and trade secrets; and

"(3) entering into any agreement or engaging in any other conduct—

"(A) to restrict or require the sale, licensing, or sharing by any person who is a party to such venture of inventions, developments, products, processes, or services not developed through or produced by such venture; or

"(B) to restrict or require participation by such a party in other unilateral or joint research, development, or production activities,

that is not reasonably required to prevent misappropriation of proprietary information contributed by any person who is a party to such venture or of the results of such venture.";

(6) in section 3, by striking "research and development markets" and inserting in lieu thereof "research, development, product, process, or service markets";

(7) in the heading to section 6, by striking "Joint Research and Development Venture" and inserting in lieu thereof "Joint Research, Development, or Production Venture"; and

(8) in section 6(a) by inserting "(or, with respect to a venture involving the production of any product, process, or service, not later than 90 days after the effective date of the Fundamental Competitiveness Act of 1992)" after "enactment of this Act".

TITLE IV—BUSINESS LIABILITY

Subtitle A—Findings

SEC. 401. FINDINGS.

The Congress finds that—

(1) the increasing amount of litigation in our society causes the wasteful use of time, money, and energy which could be better allocated to research, development, production, economic growth, and competitiveness;

(2) the multitude of professional and product liability suits has undermined the incentive and ability of businesses to bring new products to the market and has led professionals to be overly cautious in providing services to the community;

(3) the excessive number of law suits and the plethora of legal standards in the areas of professional and product liability for each State has led to exorbitant compliance costs for manufacturers and service providers;

(4) encouraging alternative dispute mechanisms to resolve both professional and product liability suits would reduce inordinate litigation cost and free capital for more productive enterprises; and

(5) providing uniform legal standards for both professional and product liability would eliminate costly litigation, promote professional and product innovation, reduce regulatory compliance costs, and make the United States more competitive internationally.

Subtitle B—Professionals' Liability Reform

SEC. 411. SHORT TITLE.

This subtitle may be cited as "Professionals' Liability Reform Act of 1992".

SEC. 412. PURPOSE.

The purpose of this subtitle is to establish uniform standards of liability for professionals who provide professional service—

(1) to promote greater uniformity and predictability with respect to liability arising out of such services;

(2) to facilitate the provision of such services through interstate commerce;

(3) to foster innovation by reducing the uncertainty of risk to professionals who provide professional services; and

(4) to encourage the States to support alternative methods for resolving professional liability disputes in order to reduce the costs of such disputes to professionals and their clients.

SEC. 413. SCOPE AND PREEMPTION.

(a) In General.—(1) This subtitle governs any professional liability action brought in any Federal or State court against a professional.

(2) This subtitle shall preempt and supersede any State law to the extent that such law is inconsistent with this subtitle. This subtitle shall not preempt or supersede any State law that provides to professionals limitations of liability or defenses which are additional to limitations or defenses contained in this subtitle.

(b) Harm Required.—A claimant is not entitled to recover damages in a professional liability action except for damages which constitute harm as defined in section 416(4).

(c) Construction of Provisions.—Nothing in this subtitle shall be construed—

(1) to waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) to waive or affect any defense of sovereign immunity asserted by the United States;

(3) to affect the applicability of the Foreign Services Immunities Act of 1976 (28 U.S.C. 1602 et seq.);

(4) to preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) to affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(d) Alternative Procedures, Standards, and Systems.—Nothing in this subtitle shall prohibit States from developing or implementing alternative procedures, standards, or systems, which are not inconsistent with this subtitle, for—

(1) expediting the adjudication of professional liability claims,

(2) resolving professional liability disputes, and

(3) compensating harm caused by professional services.

(e) Limitation of Actions.—No professional liability action shall be maintained unless commenced within 3 years after the claimant discovered, or in the exercise of reasonable diligence should have discovered, that such claimant had suffered harm from professional services.

SEC. 414. DESCRIPTION OF PROFESSIONAL LIABILITY STANDARDS.

(a) Liability in General.—A professional shall not be liable for damages in any professional liability action unless the claimant establishes in addition to any other necessary elements of proof required by law—

(1) except as provided in subsection (b), that such professional negligently rendered professional services and such negligence was the proximate cause of harm to the claimant; or

(2) in the case of a claim for economic injury, that such professional negligently rendered professional services to or for the direct and intended benefit of the claimant, and such services were the proximate cause of the harm to the claimant.

(b) Existence of Certain Scientific, Medical, Legal, or Technical Information.—A professional shall not be liable in a professional liability action for harm caused by professional services rendered by such professional unless the claimant establishes that, at the time such services were rendered, knowledge of the circumstances that caused the harm and a practical means to eliminate such circumstances were reasonably available in light of scientific, medical, legal, or technical information existing at the time the professional services were rendered.

(c) Additional Limitations on Liability.—(1) A professional shall not be liable in a professional liability action in which—

(A) the professional's services were rendered to an agency of the Federal Government or of any State;

(B) the Federal Government or the State established or approved reasonably precise contract specifications material to the claim made against the professional; and

(C) the services rendered by the professional conformed to such specifications in all respects material to the claim.

(2) A determination by an agency of the Federal Government or the State that the services rendered by the professional are in compliance with contract specifications shall serve as conclusive evidence of such conformity.

(d) Periodic Payments.—(1) In any professional liability action in which the award of future damages exceed $100,000, no person may be required to pay for future loss in a single payment, but such person shall be permitted to make such payments periodically based on a projection of when damages are likely to occur.

(2) The court may require such person to purchase an annuity making such periodic payments, if the court finds a reasonable basis for concluding that the person may not make the periodic payments.

(3) The judgment of the court awarding such periodic payments may not be reopened at any time to contest, amend, or modify the schedule or amount of the payments in the absence of fraud.

(4) This subsection shall not be construed to preclude a settlement providing for a single payment.

(f) Collateral Source Benefits.—(1) Any award of damages to a claimant in a professional liability action shall be reduced by any other past or future payment or benefit covered by this subsection which the person has received or for which the person is eligible on account of the harm for which damages are awarded.

(2) As used in this subsection, the term "payment or benefit covered by this subsection" means—

(A) any payment or benefit by or paid, in whole or in part, by any agency or instrumentality of the United States, a State, or local government; and

(B) any payment or benefit by a worker's compensation system, a health insurance program, or income replacement program.

(3) This subsection shall not preempt or supersede any State law which provides that damage awards may be reduced by payments or benefits other than those covered by this section.

(4) This subsection shall not apply to any payments or benefits received before judgment if the application of this subsection would reduce the amount of income that would otherwise be considered under section 402(a)(17) of the Social Security Act.

(5) The amount by which an award of damages to an individual for an injury shall be reduced under paragraph (1) shall be an amount equal to the difference between—

(A) the total amount of the payments (other than such award) which have been made or which will be made to such individual to compensate such individual for such injury, minus

(B) the amount paid by such individual (or by the spouse or parent of such individual) to secure the payments described in subparagraphs (A) and (B) of paragraph (2).

(g) Limitation on Attorneys' Fees.—(1) Except as provided in paragraph (2), in any professional liability action in which claimant receives settlement proceeds or an award of damages, the amount of payments to such individual's attorney shall not exceed—

(A) 33⅓ percent of the first $250,000 recovered,

(B) 25 percent of the next $250,000 recovered, and

(C) 20 percent of any amount recovered in excess of $500,000.

(2) In any civil action to which paragraph (1) applies, the court may, after receiving a petition from the attorney representing the individual who receives settlement proceeds or an award of damages, permit such attorney to be paid an amount of fees in excess of the amount specified by such paragraph if the court determines that the petition has adduced evidence justifying such additional fees.

(h) Liability of Codefendants.—(1) Except as provided in paragraph (2), in a professional liability action, the trier of fact shall determine, with respect to each person responsible for the harm, the percentage of that person's responsibility for the harm for which the action was brought. If damages are awarded to the claimant in such action, a professional shall be liable, if otherwise liable to the claimant for damages, only for the percentage of the damages which equals the percentage of that professional's responsibility for the harm for which the action was brought.

(2) Paragraph (1) shall not apply with respect to persons engaged in concerted action which proximately caused the harm complained of by the claimant. For purposes of this subsection, the term "concerted action" means the participation in joint conduct by 2 or more persons who consciously and deliberately agreed to jointly participate in such conduct with actual knowledge of the wrongfulness of the conduct.

(i) Punitive Damages.—(1) Punitive damages may, if otherwise permitted by applicable law, be awarded to any claimant who establishes, by clear and convincing evidence, that the harm suffered was the result of conduct—

(A) manifesting a professional's malicious and reckless disregard of those persons who might be harmed as a result of the performance of professional service; and

(B) constituting an extreme departure from accepted standard of conduct.

(2) A failure to exercise reasonable care in choosing among alternative types of services, designs, formulations, instructions, or warnings does not, in and of itself, constitute the conduct described in paragraph (1).

(3) Punitive damages may not be awarded in the absence of a compensatory award.

(4) Punitive damages may not be awarded for the negligent provision of professional services.

(5) In determining whether punitive damages are to be awarded, the trier of fact shall consider—

(A) the likelihood at the relevant time that serious harm would arise from the professional's conduct described in paragraph (1),

(B) the degree of the professional's awareness of that likelihood,

(C) the duration of the conduct and any concealment of it by the professional,

(D) the attitude and action of the professional upon discovery of the conduct and whether the conduct has been terminated, and

(E) whether the harm suffered by the claimant was also the result of the claimant's—

(i) disregard for personal safety;

(ii) failure to provide the professional with all material information or other matters relevant to the rendering of professional services; or

(iii) disregard for the consequences of any action taken by the claimant in reliance on professional services.

(6) At the request of the professional, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(7) If the trier of fact determines that a professional has engaged in conduct described under paragraph (1), the court may award punitive damages. In determining the amount of such damages, the court shall consider—

(A) the factors described in paragraph (4),

(B) the profitability to the professional of the conduct for which punitive damages are to be awarded,

(C) the total effect of other punishment imposed or likely to be imposed upon the professional as a result of the conduct, including punitive damage awards to persons similarly situated to the claimant and the severity of civil or criminal penalties to which the professional has been or may be subjected.

(8)(A) A claimant's actual recovery of punitive damages awarded under paragraph (5) may not exceed 3 times the amount of compensatory damages awarded to such claimant.

(B) Any punitive damages awarded by the court in excess of the amount referred to in subparagraph (A) shall be paid—

(i) to the State in which the case is litigated, if the case is litigated in State court; or

(ii) to the Federal Government, if the case is litigated in Federal court.

(C) Notwithstanding subparagraph (B), the court may award attorneys' fees from such damages to the claimant's attorney as compensation for work attributable to obtaining an award of such damages.

(j) Counsel's Liability for Frivolous Suits.—If the court finds in any professional liability action that such action was commenced—

(1) without a good faith belief by the attorney representing the claimant that there

was a reasonable basis in law and in fact for recovery of the relief requested, or

(2) by such attorney merely for purposes of achieving a monetary settlement where there was no reasonable prospect for an award of damages,

the attorney shall be liable for costs, fees, and expenses, including attorney fees, reasonably incurred by the defendant.

SEC. 415. FORMATION OF RISK MANAGEMENT PROGRAMS.

(a) IN GENERAL.—Each State should encourage professional organizations, whose membership includes professionals who practice within the State, to put into effect risk management programs including peer review of professional office policies and practices, organization, and quality of performance.

(b) RECORDS INADMISSIBLE AS EVIDENCE.—Records of the implementation of and conclusions reached by such risk management programs, including peer review of professional office policies and practices, organization, and quality of performance, shall not be admissible in evidence against any professional who is the subject of such records.

SEC. 416. DEFINITIONS.

For purposes of this subtitle—

(1) the term "professional" means—

(A) any person engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

(B) any person, who (i) has completed the courses of specialized intellectual instruction and study describe in clause (iv) of subparagraph (A), and (ii) is performing related work under the supervision of a professional to qualify himself or herself to become a professional as defined in subparagraph (A);

(2) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof;

(3) the term "claimant" means any person—

(A) who has suffered harm from the provision of professional services and who brings a professional liability action, or

(B) who brings such an action on behalf of any person who has suffered harm from the provision of professional services or who brings such an action because a person suffered harm from such services;

(4) the term "harm" means—

(A) illness, bodily injury, or the death of the claimant,

(B) mental anguish of, or emotional harm to, the claimant caused by the claimant's illness or bodily injury,

(C) physical damage to property, or

(D) economic injury; and

(5) the term "professional liability action" means a civil action brought against a professional for personal injury, property damage, or harm suffered by the claimant because of the provision of professional services.

Subtitle C—Product Liability Fairness

PART I—GENERAL PROVISIONS

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Product Liability Fairness Act".

SEC. 422. DEFINITIONS.

As used in this subtitle, the term—

(1) "claimant" means any person who brings a civil action pursuant to this subtitle, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than—

(A) loss or damage caused to a product itself; and

(B) commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 423. PREEMPTION.

(a) This subtitle governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this subtitle.

(b) This subtitle supersedes any State law regarding recovery for harm caused by a product only to the extent that this subtitle establishes a rule of law applicable to any such recovery. Any issue arising under this subtitle that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this subtitle act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, the term "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This subtitle shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

SEC. 424. JURISDICTION OF FEDERAL COURTS.

The district courts of the United States shall not have jurisdiction over any civil action pursuant to this subtitle , based on section 1331 or 1337 of title 28, United States Code.

SEC. 425. EFFECTIVE DATE.

(a) This subtitle shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this subtitle commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this subtitle.

(b) If any provision of this subtitle would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this subtitle within one year after the effective date of this subtitle.

PART II—OUT OF COURT PROCEDURES

SEC. 431. EXPEDITED PRODUCT LIABILITY SETTLEMENTS.

(a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this part.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

SEC. 432. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) In lieu of or in addition to making an offer of settlement under section 431 of this part, a claimant or defendant may, within the time permitted for the making of such an offer under section 431 of this part, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

PART III—COURT PROCEDURES

SEC. 441. CIVIL ACTIONS.

A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this subtitle.

SEC. 442. UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY.

(a) Notwithstanding the provisions of section 441 of this part, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant;

(B) the product seller failed to exercise reasonable care with respect to the product; and

(C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product;

(B) the product failed to conform to the warranty; and

(C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this part based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this part except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) Notwithstanding subsection (b), a product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 443. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this part to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations. The provisions of this paragraph shall not apply (i) in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pare-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

SEC. 444. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) Any civil action subject to this part shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this part shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this subtitle to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

SEC. 445. UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS.

(a) In any civil action subject to this part in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, any damages awarded shall be reduced by the sum of the amount paid as workers' compensation benefits for such harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this part shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) A claimant in a civil action subject to this part who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action. A copy of such written notice shall be filed with the court and served upon all parties to the action. A claimant's failure to comply with the requirements of this subsection shall suspend the deadlines for filing responsive pleadings and commencing discovery in the civil action, until the claimant complies with the requirements of this subsection.

(c) In any civil action subject to this part in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law.

(d)(1) Except as provided in paragraph (2) of this subsection, unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a civil action for harm caused by a product may be brought pursuant to this subtitle.

(2) Paragraph (1) of this subsection shall not apply if the employer or the workers' compensation insurer of the employer establishes, and the trier of fact determines, that the claimant's harm was not in any way caused by the fault of the claimant's employer or coemployees. In order to establish this fact an employer or the workers' compensation insurer of the employer may intervene in a civil action filed by an employee at any time after the filing of a complaint. In the event that the civil action is resolved prior to obtaining a verdict by the trier of fact, any resolution of the action by settlement or other means shall afford the employer or the workers' compensation insurer of the employer an opportunity to participate and to assert a right of subrogation, contribution, or implied indemnity if the claimant's harm was not in any way caused by the fault of the claimant's employer or coemployees.

(e)(1) Except as provided in subsection (f), in any civil action subject to this part in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this subtitle shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured. Any action other than such a workers' compensation claim shall be prohibited, except that nothing in this subtitle shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(f) Subsection (e) shall not apply and applicable State law shall control if the employer or the workers' compensation insurer of the employer, in a civil action subject to this part, asserts or attempts to assert, because of subsection (d), a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller.

SEC. 446. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES.

(a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consotium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited, medical expeneses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

SEC. 447. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) In any civil action subject to this subtitle in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this subtitle in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE V—LONG-TERM INVESTMENT

SEC. 501. SHORT TITLE.

This title may be cited as the "Long-Term Investment Promotion Act of 1992".

SEC. 502. FINDINGS.

The Congress finds that—

(1) there is an urgent need to extend the time horizons of industry in the United States and there is too much pressure to maximize short-term profits and shareholder value, often at the expense of long-term competitive viability;

(2) a fundamental cause of United States industry's preoccupation with short-term performance is the Securities and Exchange Commission's requirement for publicly-held corporations to report their financial status on a quarterly basis;

(3) a large and growing share of the capital of United States firms is owned by mutual funds and pension funds, and the managers of these funds are under constant pressure to maximize the current value of their portfolios since this is the principal criteria by which their performance is judged;

(4) because portfolio managers and stockholders evaluate a company's performance on the basis of quarterly financial reports, managers tend to emphasize short-term profits even when it raises possible conflicts with longer term investment;

(5) short-term business horizons can lead to underinvestment in technology development, human resources, total quality, and capital assets;

(6) a preoccupation with short-term business horizons worked before when America dominated the world economy but such an anti-investment and antimodernization approach seems ill-suited to a world characterized by rapid technological change, global competition based on quality and a constant need for bringing innovation into the marketplace;

(7) achievement of continuously improved technology and quality requires long-term investment in research, development, commercialization, and acquisition of new capital equipment; and

(8) in contrast to the short-term preoccupation in the United States, in Japan and Germany firms report their financial results on an annual rather than quarterly basis and this factor contributes to significantly longer time horizons, in some instances spanning many decades, for business decisions.

SEC. 503. ELIMINATION OF QUARTERLY REPORTS.

Section 13(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)(2)) is amended by striking ", and such quarterly reports (and such copies thereof),".

TITLE VI—COMPETITIVENESS RISK ASSESSMENT

SEC. 601. FINDINGS.

The Congress finds that—

(1) administrative action is too frequently propelled by a concern with politically visible results, at the expense of less apparent impacts;

(2) traditional regulatory cost-benefit analysis frequently fails to examine the effect of restrictive regulations on overall human welfare in terms of reduced health and safety, reduced consumer choice, substitution effects, and impeded technological advancement;

(3) in promulgating regulations, agencies often fail to examine the risk that their suppositions are erroneous, or to compare the risks of acting on faulty suppositions with the risks of inaction; and

(4) in analyzing new and existing regulations, there is a need for agencies to move beyond traditional cost-benefit analysis to risk-risk analysis which examines the factors described in paragraph (2).

SEC. 602. COMPETITIVENESS RISK ASSESSMENT.

No agency shall propose or promulgate a regulation without first analyzing its effects on the health and safety of consumers and workers, both directly and indirectly, including effects due to wage and job losses, price increases, product restrictions, technological delays, and substitution effects. In any such analysis, health and safety effects shall be expressed both in monetary terms and in terms of lives lost and injuries occurred. Such analysis shall also examine related distributional effects, describing any economic and social groups who will be disproportionately affected.

TITLE VII—DEPARTMENT OF MANUFACTURING AND COMMERCE

SEC. 701. SHORT TITLE.

This title may be cited as the "Department of Manufacturing and Commerce Act of 1992".

SEC. 702. FINDINGS.

The Congress finds that—

(1) a national strategy for maintaining and strengthening the United States industrial base is essential for our Nation's future economic well being;

(2) manufacturing is the force that creates jobs, drives economic growth and innovation in the United States, determines our standard of living, and ensures national security;

(3) faced with growing competition in the world marketplace, the United States preeminence in manufacturing is being threatened;

(4) the deployment of advanced manufacturing technologies is critical to United States competitiveness;

(5) technical training and education will be increasingly important for the manufacturing workforce of the future;

(6) manufacturers have not been given adequate opportunities to make use of Federal research, development, and educational resources;

(7) the consolidation of the Federal agencies and offices that directly support our manufacturing base should be examined so that our industrial sector might better utilize the resources of the Federal Government; and

(8) renaming the Department of Commerce will help redirect our policies and priorities towards manufacturing and foster the type of partnership between Government and industry that is necessary to keep United States manufacturers competitive in today's world marketplace.

SEC. 703. DEPARTMENT OF MANUFACTURING AND COMMERCE.

The Department of Commerce is hereby renamed as the Department of Manufacturing and Commerce, and all references in Federal law or regulation to the Department of Commerce or the Secretary of Commerce shall be deemed to be references to the Department of Manufacturing and Commerce or the Secretary of Manufacturing and Commerce, as appropriate.

SEC. 704. MANUFACTURING ADVISORY COMMISSION.

(a) ESTABLISHMENT.—The President shall establish a Manufacturing Advisory Commission (in this title referred to as the "Commission") to examine Federal agencies, programs, and offices responsible for manufacturing-related research and development, technology transfer, education, and trade for the purpose of preparing the report required under subsection (b).

(b) REPORT ON CONSOLIDATION.—Within 1 year after the date of enactment of this Act, the Commission shall prepare and submit to the Congress a report on the feasibility of consolidating the Federal agencies, programs, and offices described in subsection (a) into a single Office of Manufacturing within the Department of Manufacturing and Commerce.

(c) MEMBERSHIP.—The President shall appoint to the Commission a representative selection of members from the various industrial sectors and appropriate Government agencies.

TITLE VIII—AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

SEC. 801. AMENDMENT TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 12(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)) is amended by striking "may permit" and inserting in lieu thereof "shall permit, under authority of this or any other appropriate Act,".

SEC. 802. COPYRIGHT FOR SOFTWARE.

(a) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by adding at the end the following new subsection:

"(h) COPYRIGHT OF COMPUTER SOFTWARE.—Each Federal agency may secure copyright on behalf of the United States as author or proprietor in any computer software prepared in whole or in part by employees of the United States Government in the course of work under a cooperative research and development agreement entered into under the authority of subsection (a)(1) of this section, or under any other equivalent authority, notwithstanding the limitations contained in section 105 of title 17, United States Code; and may grant or agree to grant in advance to a collaborating party, licenses or assignments for such copyrights, or options thereto, retaining a nonexclusive, nontransferable, irrevocable, paid-up license to reproduce, adapt, translate, distribute, and publicly perform or display the computer software throughout the world by or on behalf of the Government and such other rights as the Federal agency deems appropriate.".

(b) Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraph:

"(14) 'Computer software' means a computer program, as defined in section 101 of title 17, United States Code, and any associated documentation, supporting materials, or user instructions.".

SEC. 803. ROYALTY PAYMENTS TO AUTHORS.

SEC. 3. (a) Section 14(a) (1)(A), (2), and (3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a) (1)(A), (2), and (3)) is amended—

(1) by inserting "or computer software" after "inventions" each place it appears;

(2) by inserting "or computer software" after "invention" each place it appears;

(3) by inserting "or author" after "inventor" each place it appears;

(4) by inserting "or co-author" after "coinventor" each place it appears;

(5) by inserting "or authors" after "inventors" each place it appears;

(6) by inserting "or co-authors" after "coinventors" each place it appears; and

(7) by inserting "or author's" after "inventor's" each place it appears.

(b) Section 14(a)(1)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)) is amended—

(1) by inserting "or computer software" after "income from any invention";

(2) by inserting "or computer software was developed" after "the invention occurred";

(3) by inserting "or computer software" after "licensing of inventions" in clause (i);

(4) by inserting "or computer software which was developed" after "with respect to inventions" in clause (i); and

(5) by inserting "or computer software" after "organizations for invention" in clause (i).

(c) Section 14(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended by inserting "or author" after "including inventor".

SEC. 804. TECHNICAL AND CONFORMING AMENDMENTS.

Section 12(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)), is amended by inserting "or computer software" after "inventions" each place it appears.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VALENTINE. Mr. Chairman, I reserve a point of order against the amendment.

Mr. WALKER. Mr. Chairman, this is the amendment that the Rules Committee refused to grant a waiver for, but which is in order to be offered, and therefore I have offered it. And I would hope that the committee, instead of going ahead with the point of order, would allow this to be debated on the floor. Obviously at this point no other committee is objecting to it. That is what I heard the principal objection to it was, that some other committees would have objection to this. I do not see any other committee raising objections, and so, therefore, it seems to me that our committee ought to proceed ahead. Here is a chance to address real competitiveness issues.

As we proceeded with this bill in our committee, we heard numerous witnesses come forward before the committee telling us what was wrong with competitiveness in this country. Competitiveness, as they said, was based upon the fact that there is not debt reduction in this country, that too much of our savings is being eaten up by the national debt. We were told that product liability and a number of the liability concerns that the country faces are indeed at the root of our competitiveness problems, that liability costs we pay make us uncompetitive in world markets. We were told, for instance, that tax treatment plays a major role here, that the lack of security about the investment tax credit does not give businesses the willingness to invest in the future, and that the R&D tax credit has not been made permanent, the research and development tax credit and so, therefore, they are not willing to proceed with research because they are not certain the tax credit will be there. There were all kinds of fundamental problems.

We, in fact, address all of these fundamental problems in the material which is in this amendment. And I would hope that the House may be prepared to do this.

For example, one of the things that we did is a fairly revolutionary idea. It was discussed earlier today as we discussed the rule, but it has not been discussed very completely, and I want to go into it in a little bit more detail during my remarks.

☐ 1740

That is the idea of debt buydown.

One of the things that ought to be done is Congress ought to be put in a position of doing something about both debt and deficit in the country.

One of the provisions in this amendment suggests that what we could do is allow the American people to become involved in the process. The American people, on their tax form, would be allowed to designate up to 10 percent of their tax liability, in other words, the money they are already paying in taxes, to go into a trust fund that would be used for one goal, or one purpose, and that is to buy down the permanent national debt. That money, in turn, would have to be reduced in spending.

It could be done in two ways. Either Congress could designate where the spending cuts should take place, or it would be cut in across-the-board sequester of all Federal programs with the exception of debt service and Social Security. Social Security is not included in it. That would have forced real spending cuts to take place.

What you get in the debt buydown is you get the debt being reduced and the deficit being reduced at the same time.

The Congressional Budget Office has taken a look at this, and what we asked them to do is to say what would happen if this worked optimally. Suppose everybody did this, what would be the outcome of it? If everybody participated, the fact is the debt and deficit would both go down. Debt would go down over 12 years by about two-thirds. Deficits would go down in a way to balance the budget in a 5-year period. That is what we have been saying we want to do, and this simply involves the American people in that process.

Now, I heard it talked about today out here that this is some kind of a gimmick. Well, if it is, it is a gimmick with real teeth. In fact, I would say it is a gimmick with fangs, because it has a real enforcement mechanism in it. The real enforcement mechanism is the American people would be involved. Congress would actually have to stand up against the American people and say, "No, we are not going to cut the spending you have designated," should this be put in place.

It seems to me that that is worth doing. The American people then, if they did not like the kinds of cuts that took place in a given year, the next year do not have to designate anything for debt reduction. It is voluntary on their part. It is not mandatory, and so if they did not like the number of cuts that took place as a result of their debt reduction the year before, they simply would not designate in the next year. But meantime the Congress would have an obligation to cut at least as much as the American people were willing to have us cut.

It seems to me that helps us in two ways: No. 1, it gives us the moral authority to act, and when all the various special-interest groups come to us with pleadings and say to us, "Oh, you cannot cut my program," we can say, "The American people have instructed us, and if we do not make prioritized cuts, we are going to have across-the-board cuts, and your programs will get cut anyway." It gives us an opportunity to have a real say in the process and a say in the way that assures the debt and deficit really do come down.

Beyond that, it also assures us that the Congress has some idea of what the American people really want.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, beyond that, you also have the ability of the Congress then to discern what the American people really want in spending cuts. When we begin to get letters in our office saying, "You have not cut enough," what we can say is, "Were you a part in reducing the national debt? Did you participate in buying down debt so we could, in fact, get spending cuts?" We then have the ability to tell the American people that, "Unless you get involved, this is not going to happen."

That has been the problem. There has been a disconnect here. You have the American people saying on one hand, "I want the deficit cut, but I do not want my programs cut." Now, we would have the opportunity to have the American people lined up in saying, "Yes; I prioritize cutting debt, and I understand that in prioritization we are also going to have to reduce spending, and I am willing to take those spending cuts," and Congress, at that point, can use as a part of its courage in doing the job saying, "OK, American people, we are giving you the spending cuts, they can, in fact, refuse in the future to have those spending cuts simply by refusing to designate the amount of money for debt buydown. It is, in fact, an approach that will work. It is, in fact, an approach with real enforcement mechanisms.

I understand that there are many liberals in this body who do not like this idea, because that is what they are worried about. Here all of a sudden is a way of really reducing spending. They have refused to do anything about the balanced budget amendment. They have refused to do anything about line-item veto. Every time we come up with some plan to really put teeth in the process of doing something about spending, they are always against it. They are always against it. They are against this, too, despite the fact that it is the American people's initiative that they would have to oppose.

I am disappointed by that, but I think that more and more we are understanding that the American people favor this idea.

As you vote against this amendment or strike it down on the point of order, understand that you are striking down an amendment that has the support of 70 percent of the American people, and just about that same number would participate in debt buydown if, in fact, you did it. That is a figure that has been derived now from national polling.

I hope the amendment will go forward and we could have a real debate over this kind of an issue that would really enhance competitiveness.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina [Mr. VALENTINE] insist on his point of order?

Mr. VALENTINE. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman wish to be heard on his point of order?

Mr. VALENTINE. I do wish to be heard, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized on his point of order.

Mr. VALENTINE. Mr. Chairman, the gentleman who just left the well is a very valuable and intelligent Member of this House, and one wonders whether or not he has the blessings of the ranking member on the Committee on Ways and Means and the Committee on the Judiciary and the Committee on Energy and Commerce in his attempt to invade the jurisdiction of those committees.

Mr. Chairman, the amendment offered by the gentleman from Pennsylvania violates a number of provisions of the rules of the House, and he knows that, and particularly, the amendment contains numerous tax provisions.

Under clause 5(b) of rule XXI, it is not in order to offer an amendment carrying a tax measure during the consideration of a bill reported by a committee not having that jurisdiction. The Committee on Science, Space, and Technology, and I might say parenthetically there are some on the committee who wish we did have the jurisdiction and we would like to address some of these problems, but the gentleman knows that we do not.

We reported the bill, H.R. 5231, and we do not have the jurisdiction over tax and tariff matters.

We submit, Mr. Chairman, that the point of order should be sustained. There are others who would like to be heard on this.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. WALKER. I do wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized.

Mr. WALKER. Mr. Chairman, throughout the process, what we have heard from the other side is the fact that they cannot take up this particular amendment because other committees would be involved. No other committee came to the floor tonight to say anything against bringing up this amendment. Only our committee did.

This is an example of the partisanship that has been shown throughout. Our committee went to the Committee on Rules and said to the Committee on Rules that, "We want waivers for our amendment." "Our amendment also is not germane, but give us waivers for it." And they got their waivers. But, no, they would not support waivers for our amendment, because they said other committees would be involved. No other committee came to the floor tonight to suggest that this amendment cannot come up. Only our committee did.

Mr. Chairman, our committee is raising the point of order. Our committee says that we do not have jurisdiction and so, therefore, we cannot take this up. The fact is we could have taken it up right now if no one from our committee would have stood up to make this point of order. The amendment would have gone forward, and we would have had a debate on this issue, because no other committee is out here raising an objection.

The CHAIRMAN. The gentleman will limit his remarks to the point of order.

Mr. VALENTINE. Mr. Chairman, let me say I do not want to see the gentleman blow a gasket.

We have conferred with the gentleman from Illinois [Mr. ROSTENKOWSKI] and he has authorized us to raise a point of order.

Mr. WALKER. Mr. Chairman, did I yield to the gentleman?

The CHAIRMAN. The gentlemen will each address the Chair on their own time. The gentleman from Pennsylvania is recognized to address the point of order and will confine his remarks to the question on the point of order.

Mr. WALKER. Mr. Chairman, my remarks were a preface, and the point of order is, as I understand the gentleman's presentation, his point of order is that this gets into the jurisdiction of other committees. My point in addressing the point of order is that no other committee is raising an objection, so, therefore, the point of order should not be sustained.

The CHAIRMAN. Are there any other Members desiring to be heard on the point of order?

Mr. WOLPE. Mr. Chairman, I rise to express my deep concern about the proposal that has been offered here by the gentleman from Pennsylvania.

I do not know what the Chair's holding will be on the point of order. I do think there is some explanation or some response that is required to the remarks of the gentleman from Pennsylvania offered in explanation of his amendment.

In my view, the amendment that has been offered by the gentleman represents the kind of irresponsible fiscal policy that has resulted in an explosion of the national debt in the last 12 years.

The CHAIRMAN. The Chair will again remind Members that they should address their remarks to the point of order, not the substance of the amendment.

Mr. WOLPE. Well, let me inquire of the Chair: Will there be an opportunity to respond to the remarks made by the gentleman from Pennsylvania that were not directed at the issue of the point of order initially?

The CHAIRMAN. Each Member should confine his remarks to the question before the committee, which is the point of order lodged by the gentleman from North Carolina.

Mr. WOLPE. Mr. Chairman, at this point I will simply yield back my time.

□ 1750

The CHAIRMAN. Does the gentleman from California [Mr. PACKARD] wish to be recognized on the point of order?

Mr. PACKARD. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Does the gentleman wish to address the question of the point of order raised by the gentleman from North Carolina?

Mr. PACKARD. That is what I will attempt to do.

The CHAIRMAN. The gentleman may proceed.

Mr. PACKARD. Mr. Chairman, we appeared as members of the committee, we appeared before the Committee on Rules seeking exactly what was sought for the committee amendment that has already been addressed; that was to waive the points of order on the very same basis that they sought a waiver of the points of order. And all we are asking for is, in a sense, fairness to present an opportunity for the issues to be debated more fairly and more completely that this amendment be treated just as the amendments were treated by the committee and thus waive the points of order. And I cannot believe that would not be in the cause of fairness and fair treatment that one substitute amendment by the majority side be treated exactly as a substitute amendment by the minority side as it refers to the points of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Mr. WALKER. Mr. Chairman, I wish to be heard additionally on the point of order.

The CHAIRMAN. The gentleman may proceed on the point of order.

Mr. WALKER. I thank the gentleman because my staff tells me I did not clarify my point in my tirade against what I regard as a very partisan action here. But the point here is that our committee does in fact have jurisdiction in the competitiveness area. Under the rules of the House, we have been granted the competitiveness issues as a part of our jurisdiction. Every item within this particular amendment addresses competitiveness.

So therefore the argument of the gentleman that somehow this is not germane to our jurisdiction or that it involves jurisdiction of other committees ignores the general point that we have control over competitiveness issues, and so therefore the Chair should rule in favor of my amendment which deals with matters within the jurisdiction of our committee.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from North Carolina [Mr. VALENTINE] has made a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] on the specific ground it proposes to include a tax measure in a bill reported by a committee—the Committee on Science, Space, and Technology—not having jurisdiction to report tax measures, in violation of clause 5(b) of rule XXI.

The amendment does contain several provisions effecting changes in the Federal income tax by direct amendments to the Internal Revenue Code of 1986. It is, therefore, a tax measure within the meaning of clause 5(b) of rule XXI.

Accordingly, the point of order is sustained.

Mr. WOLPE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my deep concern about the proposal by the gentleman from Pennsylvania [Mr. WALKER]. This proposal itself is so flawed that it does not merit serious comment. However, it represents the kind of irresponsible fiscal policy that has resulted in an explosion of the national debt in the last 12 years. This massive debt undermines America's competitive position in the international marketplace and poses the biggest threat to economic growth and the creation of jobs as we enter the 21st century.

Mr. WALKER's proposal has two major elements: Title I is the income tax checkoff proposed by President Bush in his acceptance speech at the Republican National Convention. This proposal would allow taxpayers to earmark up to 10 percent of their personal income tax to reduction of the national debt. Title II of the Walker proposal contains a series of new tax breaks.

President Bush once labeled the Reagan economic program's promise of tax cuts for the rich, steeply increasing defense spending and a balanced budget voodoo economics. Former Senator Howard Baker said it was a riverboat gamble. They were both right. We gambled on voodoo economics and lost. The national debt has more than tripled in the last 12 years. The United States has gone from being the world's largest creditor nation to the largest debtor nation. And this has been at a great cost. Millions of high-paying manufacturing jobs have been lost. In the last 4 years, the U.S. economy has suffered the lowest rate of growth since the Great Depression.

The gentleman from Pennsylvania claims that his proposal is the prescription to revive our economy. But, in reality, it is more of the same failed policies that created this economic mess in the first place.

For example, in title II of his proposal, Mr. WALKER is proposing new tax breaks relating to capital gains, the corporate deduction for dividends, and an exclusion from personal income for dividends and interest. These new tax breaks are irresponsible for at last two reasons. First, the Congressional Research Service has estimated that they will cost at least $100 billion a year. Second, those who are already wealthy would be the primary beneficiaries of these new trickle-down tax cuts.

Title I of the Walker proposal is the same as the income tax checkoff proposal included in President Bush's acceptance speech. It would allow taxpayers to earmark up to 10 percent of their personal income tax to reduction of the national debt. The resulting loss of current-year revenues would be offset by across-the-board cuts in all programs except Social Security, deposit insurance, and interest on the debt. Mr. WALKER claims that this proposal would result in a balanced budget in 5 years.

But to balance the budget by 1997, every single taxpayer would have to participate in the checkoff for the next 5 years. According to the Congressional Budget Office, achieving a balanced budget in 1997 with the checkoff would require a 20-percent across-the-board cut in all Federal programs except for Social Security, deposit insurance, and interest on the debt.

Both Mr. Bush and Mr. WALKER have endorsed this approach to deficit reduction. I assume from their strong support that they would encourage all taxpayers to use the checkoff. I am therefore forced to conclude that Mr. Bush and Mr. WALKER support 20 percent cuts in Medicare, the war on drugs, education and training, Head Start, veterans benefits, the space station, the Pentagon budget, the super collider, environmental protection, and all other nonexempt programs.

If deep across-the-board spending cuts in almost all Federal programs—without regard to merit—is the Bush-Walker answer to soaring Federal deficits, I suggest that they level with the American people and state that directly, rather than hiding behind this checkoff gimmick.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

Mr. WOLPE. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. DELAY. Mr. Chairman, reserving the right to object, the problem is I wanted 5 minutes and the Committee is about to rise. If the gentleman continues, the Committee is to rise at 6, and I will be cut off.

Mr. VALENTINE. Mr. Chairman, if the gentleman will yield we have other things that some Members are concerned about. I would respectfully ask the gentleman if he would withdraw his request for additional time so I could make a motion.

We are going to get into the next 5 minutes, so then how do we deny the gentleman's request on the other side? And here we go.

However, it is up to the Chair.

The CHAIRMAN. Is there objection to the request for additional time?

Mr. DELAY. Reserving the right to object, Mr. Chairman, the only problem here is this gentleman has taken 5 minutes. I wanted 5 minutes to respond to what the gentleman said and put my views forth. If I allow him to go another 2 minutes, is the gentleman going to—is the Committee going to rise?

Mr. WOLPE. Mr. Chairman, will the gentleman yield under his reservation?

Mr. DELAY. I will be glad to yield to the gentleman from Michigan.

Mr. WOLPE. I would ask—just a moment ago the gentleman from Pennsylvania [Mr. WALKER] took not only 5 minutes but 7 minutes in order to advance his case.

□ 1800

It is I who was responding to the statement that was made. I thought I was simply asking for equal time. I would like just to finish this statement.

Mr. DELAY. Further reserving the right to object, Mr. Chairman, the gentleman was introducing his amendment. The gentleman from Michigan [Mr. WOLPE] was responding to an amendment that has already been ruled out of order. I do not want to cut off the gentleman, but I do not want to cut myself off, either.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] is recognized for 2 additional minutes.

Mr. WOLPE. I will not use the whole time, Mr. Chairman, that has been allocated to me. I thank the gentleman from withdrawing his reservation of objection.

In closing, I would note that Mr. WALKER claims that his proposal is revenue neutral because the spending cuts in title I will offset the tax cuts in title II. This is a very revealing statement. First, it once again demonstrates Republican priorities by proposing deep cuts in health care, education, environmental protection—and a host of other programs—to finance a new series of tax breaks for the rich. Second, the math just doesn't add up. Mr. WALKER tries to count every dollar in spending cuts twice. There is no way that the deep spending cuts in title I are going to both offset revenues devoted to reduce the national debt and offset his new tax breaks for the rich, as Mr. WALKER claims. This is voodoo economics revisited. As a result, this fiscally irresponsible proposal could easily add $100 billion to the deficit.

Sensitive to this charge, Mr. WALKER went so far as to state in the Science Committee that, and I quote: "The CBO has certified that our bill is revenue neutral, that it is balanced because of the nature of the spending cuts that are included in our Title I." End of quote.

However, I wrote to CBO to ask them if they had, in fact, certified that this proposal is revenue neutral. In response, CBO indicated that they had not made such a certification. In fact, CBO had never analyzed the impact of the tax cut provisions and stated that they could not estimate the impact of the checkoff because they had no way to determine how many taxpayers would use it. Therefore, Mr. WALKER's claim that this proposal has been certified by CBO as deficit neutral is without foundation.

Mr. Chairman, this is one of the most fiscally irresponsible proposals that I've seen come down the pike since 1981. There is no doubt in my mind that this proposal would only add billions of dollars to the $2 trillion in debt that has accumulated in the last 12 years by giving a whole host of new tax breaks to the wealthy. I encourage my colleagues to take a close look at this half-baked proposal. It is an excellent example of the irresponsible trickle-down policies that have created our current economic crisis.

Mr. VALENTINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BENNETT) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the

Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3596, CONSUMER REPORTING REFORM ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-867) on the resolution (H. Res. 569) providing for the consideration of the bill (H.R. 3596) to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5754, WATER RESOURCES DEVELOPMENT ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-868) on the resolution (H. Res. 570) providing for the consideration of the bill (H.R. 5754) to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 12, CABLE TELEVISION CONSUMER PROTECTION ACT OF 1992, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-869) on the resolution (H. Res. 571) providing for consideration of the Senate bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3030

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 3030.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed on Tuesday, September 15, 1992, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1699, as amended, by the yeas and nays; and

H.R. 5534, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

GOVERNMENT SECURITIES REFORM ACT OF 1992

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1699, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the Senate bill, S. 1699, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 124, nays 279, not voting 29, as follows:

[Roll No. 395]

YEAS—124

Abercrombie
Andrews (NJ)
Andrews (TX)
Anthony
Ballenger
Bennett
Berman
Bilirakis
Bliley
Bonior
Borski
Boucher
Brewster
Brooks
Bruce
Bryant
Callahan
Cardin
Carr
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Cooper
Coyne
Cramer
Darden
DeLauro
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dwyer
Early
Eckart
Edwards (TX)
Espy
Fields
Ford (MI)
Ford (TN)
Gejdenson
Gephardt
Gibbons
Glickman
Gradison
Guarini
Hall (TX)
Hamilton
Harris
Hastert
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Jacobs
Jenkins
Jontz
Kennelly
Kildee
Kopetski
Kostmayer
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowey (NY)
Manton
Markey
Matsui
McCloskey
McGrath
McMillen (MD)
McNulty
Miller (OH)
Mollohan
Moody
Moorhead
Morella
Murphy
Oberstar
Obey
Oxley
Pallone
Panetta
Perkins
Pickle
Rahall
Reed
Rinaldo
Ritter
Roe
Rostenkowski
Rowland
Russo
Sarpalius
Schaefer
Schroeder
Schulze
Sharp
Shays
Skaggs
Slattery
Smith (OR)
Stenholm
Studds
Swett
Swift
Synar
Tanner
Tauzin
Torricelli
Vander Jagt
Visclosky
Volkmer
Waxman
Wise
Wolpe
Wyden

NAYS—279

Ackerman
Allard
Allen
Anderson
Andrews (ME)
Annunzio
Applegate
Archer
Armey
Bacchus
Baker
Barrett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Blackwell
Boehlert
Boehner
Broomfield
Browder
Brown
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Carper
Chapman
Clay
Clinger
Coble
Combest
Condit
Costello
Coughlin
Cox (CA)
Cox (IL)
Crane
Cunningham
Dannemeyer
Davis
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Dooley
Doolittle
Dreier
Duncan
Durbin
Dymally
Edwards (CA)
Emerson
English
Erdreich
Evans
Ewing
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Grandy
Green
Gunderson
Hall (OH)
Hammerschmidt
Hancock
Hansen
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Holloway
Hopkins
Horn
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy
Kleczka
Klug
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (FL)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lowery (CA)
Luken
Machtley
Marlenee
Martinez
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McHugh
McMillan (NC)
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moran
Morrison
Mrazek
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Olin
Olver
Orton
Owens (NY)
Packard
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schiff
Schumer
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Stump
Sundquist
Tallon
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant

Unsoeld
Upton
Valentine
Vento
Vucanovich
Walker
Walsh
Washington
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Alexander
Aspin
Atkins
AuCoin
Barnard
Boxer
Chandler
Conyers
de la Garza
Dornan (CA)
Edwards (OK)
Engel
Fascell
Hayes (LA)
Huckaby
Lent
Martin
Mavroules
Murtha
Ortiz
Owens (UT)
Scheuer
Serrano
Sikorski
Solarz
Towns
Traxler
Waters
Weber

☐ 1827

Messrs. RAVENEL, NATCHER, KANJORSKI, BLACKWELL, DICKINSON, FAZIO, and GILMAN changed their vote from "yea" to "nay."

Messrs. COLEMAN of Missouri, ANTHONY, and DORGAN of North Dakota changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BENNETT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

COOPERATIVE AGREEMENT WITH WILLIAM O. DOUGLAS OUTDOOR CLASSROOM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5534, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5534, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 154, not voting 35, as follows:

[Roll No. 396]

YEAS—243

Abercrombie
Ackerman
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Bacchus
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brooks
Broomfield
Browder
Bruce
Bryant
Bustamante
Campbell (CO)
Carper
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Costello
Coyne
Cramer
Cunningham
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Erdreich
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gaydos
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goss
Green
Guarini
Gunderson
Hall (OH)
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Houghton
Hoyer
Hubbard
Hughes
Hunter
Ireland
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Petri
Pickett
Poshard
Price
Rahall
Rangel
Ravenel
Reed
Richardson
Roe
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Saxton
Schiff
Schroeder
Schumer
Sharp
Shays
Skaggs
Skeen
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Unsoeld
Vento
Visclosky
Vucanovich
Walsh
Washington
Waxman
Wheat
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—154

Allard
Allen
Andrews (ME)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Boehner
Brewster
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carr
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Cox (CA)
Cox (IL)
Crane
Dannemeyer
DeLay
Dickinson
Dreier
Duncan
Emerson
English
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallo
Gekas
Geren
Gingrich
Goodling
Gordon
Gradison
Grandy
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Holloway
Hopkins
Horn
Horton
Hutto
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Laughlin
Lightfoot
Lipinski
Livingston
Lloyd
Luken
Marlenee
Martin
McCandless
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Nichols
Nussle
Orton
Oxley
Packard
Parker
Pastor
Patterson
Paxon
Peterson (MN)
Pickle
Porter
Pursell
Quillen
Ramstad
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Roukema
Sangmeister
Santorum
Sarpalius
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skelton
Slattery
Smith (OR)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thornton
Upton
Valentine
Vander Jagt
Volkmer
Walker
Weldon
Williams
Wolf
Wylie
Zimmer

NOT VOTING—35

Alexander
Aspin
Atkins
AuCoin
Barnard
Bentley
Boxer
Brown
Cardin
Chandler
Conyers
Coughlin
de la Garza
Dornan (CA)
Edwards (OK)
Engel
Fascell
Hayes (LA)
Huckaby
Lehman (CA)
Lent
Mavroules
Murtha
Ortiz
Owens (UT)
Scheuer
Serrano
Sikorski
Solarz
Towns
Traxler
Waters
Weber
Whitten
Zeliff

☐ 1837

Mr. LUKEN and Mr. SLATTERY changed their vote from "yea" to "nay."

Mr. SHAYS and Mr. GILCHREST changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REPORT OF ACTIVITIES OF U.S. GOVERNMENT IN UNITED NATIONS DURING CALENDAR YEAR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1991, the third year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

GEORGE BUSH.

THE WHITE HOUSE, *September 16, 1992.*

REPORT ON ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

To the Congress of the United States:

It is with great pleasure that I transmit this report on the Nation's achievements in aeronautics and space during 1991, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Not only do aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as reflected in this report, but the results of their ongoing research and development affect the Nation as a whole.

Nineteen hundred and ninety-one was a significant year for U.S. aeronautics and space efforts. It included eight space shuttle missions and six successful launches by the Department of Defense. The shuttle missions included the first such mission to focus on astrophysics and the first dedicated to life sciences research. Other shuttle missions included launch of one satellite to study the unexplored polar regions of the Sun and another to collect astronomical data from gamma ray sources. Still another shuttle mission launched a satellite to study global atmospheric change affecting our own plant. In related areas, the Department of Commerce and other Federal agencies have pursued studies of such problems as ozone depletion and the greenhouse effect. Also here on Earth, many satellites launched in 1991 and earlier provided vital support for the successful prosecution of Operations Desert Shield and Desert Storm to force Iraq to withdraw from Kuwait. And in the aeronautical arena, efforts have ranged from the further development of the National Aero-Space Plane to broad-ranging research and development that will reduce aircraft noise and promote the increased safety of flight.

Thus, 1991 was a successful year for the U.S. aeronautics and space programs. Efforts in both areas have promoted significant advances in the Nation's scientific and technical knowledge that promise to improve the quality of life on Earth by increasing scientific understanding, expanding the economy, improving the environment, and defending freedom.

GEORGE BUSH.

THE WHITE HOUSE, *September 16, 1992.*

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

□ 1840

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I am taking this time to receive information on the schedule from the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to take this opportunity to announce the plan and schedule for tomorrow and Friday, and then to talk for just a moment about the pieces that we are going to try to cover.

Tomorrow we hope to be able to come in at 8:30 a.m.

Mr. GINGRICH. Mr. Speaker, the distinguished majority leader might like to repeat that time for the Members.

Mr. GEPHARDT. If the gentleman will continue to yield, in a moment I will ask for unanimous consent that the House meet tomorrow morning at 8:30 a.m. to consider the cable conference: 1 hour for the rule, 1 hour for the conference report.

We will then be asking for permission to leave at noon so that Members can depart for the funeral of the gentleman from North Carolina, Mr. Jones. We will then be asking for leave to come back into session at about 5 o'clock tomorrow afternoon to take up the energy and water appropriations conference report. That should take no more than 2 or 3 hours.

On Friday we will be asking to come in at 10 a.m. to take up the urgent supplemental for the hurricane damage and other problems around the country and to try to complete that at the earliest moment we can on Friday.

To look ahead, Members expect there will not be votes on Monday. There will be activity on the floor, but not votes on Monday. Then there will be votes through the rest of the week next week. I am looking forward to announcing that schedule tomorrow, and obviously looking forward to our hope for adjournment on or before October 4, 1992.

Mr. GINGRICH. Mr. Speaker, sharing the majority leader's optimism and spirit of trying to get done by October 4, which both our colleagues and the country would probably be grateful for, let me ask two technical questions and then one legislative question.

I would ask the distinguished majority leader, technically, is it his judgment that Members should expect a vote on the Journal, or is that likely to be delayed until later in the day so we can go straight into the debate on the rule?

Mr. GEPHARDT. If the gentleman will continue to yield, we would prefer to avoid a vote on the Journal in the morning and put it later in the day. We would prefer not to have 1-minute addresses tomorrow morning, so that we are sure to get the cable bill done by the time we have to leave.

Mr. GINGRICH. I think on our side of the aisle, because of the unusual circumstance in trying to leave in time for the funeral, we would all try to cooperate over here.

Second, does the gentleman have any sense of what time we might try to adjourn by on Friday in terms of recorded votes?

Mr. GEPHARDT. If the gentleman will yield further, I would think we could be done by 2 o'clock, no later than 3 o'clock, but even earlier than 2 o'clock if there are not a lot of votes on this urgent supplemental.

Mr. GINGRICH. As the gentleman knows, both on the scheduling problems and on the appropriations bill and getting them scored in a way which is fair and effective, we have been trying to work in a very bipartisan way.

I would ask the gentleman, could he say offhand, from what he currently knows, will the supplemental in the form it comes to the floor be a signable bill which would not have amendments in which it might be subject to a veto?

Mr. GEPHARDT. If the gentleman will continue to yield, we are working right now as we speak to work out all the problems so the bill can be signed.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman. I look forward to working with him until October 4.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 8:30 a.m. tomorrow.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses tomorrow, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5739, EXPORT-IMPORT BANK CHARTER RENEWAL ACT OF 1992

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5739) to reauthorize the Export-Import Bank of the United States, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WYLIE. Reserving the right to object, Mr. Speaker, and I do not intend to object, I yield to the gentleman from Texas [Mr. GONZALEZ] to explain what we are doing here.

Mr. GONZALEZ. Mr. Speaker, the fact is that the Senate has acted on the bill that the House sent over, H.R. 5739, and we are simply requesting that conferees be named at this time.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and Senate amendment, and modifications committed to conference: Ms. OAKAR, Messrs. NEAL of North Carolina, LAFALCE, TORRES, KLECZKA, WYLIE, LEACH and BEREUTER.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 106, 108, and 206 of the House bill, and title II and section 109(a)(7) of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, GEJDENSON, LEVINE of California, FEIGHAN, JOHNSTON of Florida, BROOMFIELD, ROTH, and MILLER of Washington.

As additional conferees from the Committee on Foreign Affairs, for consideration of section 301 of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, GEJDENSON, and BROOMFIELD.

As additional conferees from the Committee on Rules, for consideration of section 301 of the Senate amendment, and modifications committed to conference: Messrs. MOAKLEY, DERRICK, and DREIER of California.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

NATIONAL POW/MIA RECOGNITION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 337) designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of our colleague, the gentleman from New York [Mr. SOLARZ], who is the prime sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 337 designating September 18, 1992, as "National POW/MIA Recognition Day." I would like to commend my distinguished colleague, the gentleman from New York [Mr. SOLARZ], for his tireless efforts to honor those who were held as prisoners of war and resolve the fate of American servicemen missing in action.

For the past year, the POW/MIA issue has again returned to the front pages of our newspapers. Beginning with the dramatic release last summer of a photograph depicting three missing Americans, the growing attention to the issue by the media has set forth a firestorm of publicity throughout the Nation, reawakening the interest of the people.

As we honor our Nation's prisoners of war and missing in action, let us bear in mind that there is a great deal of evidence that the governments of Vietnam, Laos, and Cambodia hold information which could resolve the status of many Americans who are still unaccounted for. Despite the difficulties involved, we are deeply committed to resolving the POW/MIA issue. This issue is a humanitarian matter of such great importance that it is pursued without linkage to other issues separating the Government of the United States and the governments of Indochina.

By supporting Senate Joint Resolution 337, the House will be taking an important step to honor Americans who have served in the Armed Forces, particularly those who never returned home.

Mr. Speaker, as we honor our prisoners of war and missing in action for their supreme sacrifice, let us do all that we can to support our Government's efforts to reunite all Americans with their families and loved ones.

Accordingly, I urge my colleagues to support this resolution.

□ 1850

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The clerk read the Senate joint resolution, as follows:

S.J. RES. 337

Whereas the United States has fought in many wars, most recently in unprecedented unity with Allied forces in the Persian Gulf;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute and continuing hardships;

Whereas, in Public Law 101–355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 18, 1992, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1993 (Memorial Day), September 18, 1992 (National POW/MIA Recognition Day), and November 11, 1992 (Veteran's Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 18, 1992; as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service Commission.

(c) POW/MIA Flag.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of the Public Law 101-355.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 467) designating October 24, 1992, through November 1, 1992, as "National Red Ribbon Week for a Drug-Free America," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to commend the gentlewoman from Missouri [Ms. HORN] for her leadership in bringing this measure to the floor.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Joint Resolution 467, designating October 24 through November 1, 1992, as "National Red Ribbon Week for a Drug-Free America," and I want to commend the gentlewoman from Missouri [Ms. HORN] for her leadership in bringing this measure to the floor of the House for consideration.

House Joint Resolution 467 commends the hard work and dedication of concerned parents, youth, law enforcement officers, educators, business leaders, religious leaders, private sector organizations, and government leaders for their efforts to help achieve a drug-free America, and it encourages anti-drug activities to take place during National Red Ribbon Week. The resolution also encourages all Americans to wear or display red ribbons to symbolize their commitment to a healthy, drug-free lifestyle and to develop an attitude of intolerance to the use of drugs.

I can assure my colleagues that this resolution, which I am pleased to have cosponsored, represents an additional effort to raise the public's consciousness as to the dangers of drug abuse and to develop an attitude of intolerance to the use of illicit drugs.

If our Nation is to win the war against drug abuse, then attitudes regarding the use of illicit drugs must be changed and the public must reject these deadly drugs. House Joint Resolution 467 is an important step in that direction. Accordingly, Mr. Speaker, I urge my colleagues to support this resolution.

Mr. RIDGE. Mr. Speaker, I thank the gentleman for his statement.

Mr. Speaker, I withdraw my reservation of objection.

Ms. HORN. Mr. Speaker, I rise today to bring your attention to a problem of foremost concern to American parents today—the health and safety of their children. At younger and younger ages, kids are being introduced to drugs in schools and neighborhoods across the country. We all know the pervasiveness of the drug problem in this country. We have all observed its growth; we have all witnessed the havoc it has wrought on America's youth and on American society. We need only pick up the morning papers and turn on the evening news casts to be reminded that this problem is still with us.

As a mother of six and grandmother of ten, I have certainly known the fears and worries of other parents and will relive those worries as my grandchildren begin attending school and playing our neighborhoods. Parents cannot escape the anxiety that their child may fall in with the wrong crowd at school or be caught up with the wrong kids after school. They want some assurance, however small, that their child will successfully navigate the gauntlet of drugs and violence that is so much a part of the world our children face.

That is why I am proud to sponsor, for the second year in a row, H.J. Res 467, the National Red Ribbon Week for a Drug-Free America. This program is a national awareness and educational group, which was started by the National Federation of Parents and the National Red Ribbon Campaign, based in St. Louis County. The Red Ribbon Campaign is an organization dedicated to a drug-free America. Last year alone the program positively affected 104 million people. This organization is uniquely qualified to provide the direction needed to arrest our Nation's drug problems. This resolution will help them in their efforts.

The Red Ribbon campaign is chaired by President and Mrs. Bush. I would like to take this opportunity to thank them, the 221 Members of this body who cosponsored this resolution and Senator MURKOWSKI for once again introducing this resolution in the Senate.

If we are to cure our Nation of the ills of drugs, then we must work to educate our children about its evils. The Red Ribbon Campaign provides this much needed education to our children, and I am proud to be associated with their worthy cause.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 467

Whereas substance abuse has reached epidemic proportions and is of major concern to all Americans;

Whereas substance abuse is a major public health threat and is one of the major causes of preventable disease, disability, and death in the United States today;

Whereas illegal drug use is not limited to persons of a particular age, gender, or socioeconomic status;

Whereas the drug problem appears to be insurmountable, but the United States has begun to lay the foundation to combat the use of illegal drugs;

Whereas the United States must continue the important strides made to combat substance abuse;

Whereas it has been demonstrated through public opinion polls that the American people consider drug abuse one of the most serious domestic problems facing the United States and have begun to take steps against it;

Whereas the National Federal of Parents for Drug Free Youth has declared October 24, 1992, through November 1, 1992, as "National Red Ribbon Week", has organized the National Red Ribbon Campaign to coordinate the week's activities, has established the theme, "Neighbors—Drug Free and Proud" for the week, and has called for a comprehensive public awareness, prevention, and education program involving thousands of parent and community groups across the country;

Whereas the National Red Ribbon Campaign is headed by President and Mrs. George Bush and national honorary chairmen;

Whereas any use of an illegal drug is unacceptable and the illegal use of a drug cannot be tolerated; and

Whereas substance abuse destroys lives, spawns crime, undermines our economy, and threatens our security as a Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) October 24, 1992, through November 1, 1992, is designated as "National Red Ribbon Week for a Drug-Free America";

(1) the President is authorized and directed to issue a proclamation calling on the people of the United States—

(A) to observe the week by holding conferences, meetings and other activities to support community education, and with other appropriate activities, events and educational campaigns; and

(B) both during the week and thereafter, to wear and display red ribbons to present and symbolize commitment to a healthy, drug-free life style, and to develop an attitude of intolerance concerning the use of drugs; and

(3) Congress recognizes and commends the hard work and dedication of concerned parents, youth, law enforcement officials, educators, business leaders, religious leaders, private sector organizations, and Government leaders in combating substance abuse.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRAILLE LITERACY WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 353) designating January 4, 1993, through January 10, 1993, as "Braille Literacy Week", and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, we certainly have no objection to this worthy effort. I simply reserve the right to object to acknowledge the work of our colleague from North Carolina [Mr. BALLENGER] who is the chief sponsor of this joint resolution.

Mr. BALLENGER. Mr. Speaker, as the sponsor of Braille Literacy Week, I am delighted to say a few words about this important issue.

Braille is the most effective reading and writing medium available to people who are blind. In these times of ever-increasing public and media focus on our national education system, it is essential that blind children who can benefit from braille instruction have access to highly qualified teachers regardless of type of school in which the child is educated. Only by using braille can blind individuals read and write for themselves. The designation of this week, January 3–10, 1993 will highlight the importance of braille to blind people, but it will also stand as a memorial to Louis Braille born on January 4, 1809.

I would also like to commend five hard working, intelligent, and highly motivated interns who worked solidly for almost 1 year to gather the 218 cosponsors needed to bring this resolution to the House floor. We would not have been successful without this help and I appreciate the contribution made by each intern. I wholeheartedly thank Marty White, Alison Bonner, Sara Kathryn Stowe, Chad Wagner, and Abbey Lyerly for their efforts on behalf of Braille Literacy Week.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 353

Whereas Braille, the system of dots used by the blind to read and write, is a truly elegant and effective medium of literacy;

Whereas blind and visually impaired individuals must be afforded the opportunity to achieve literacy so that they can compete in employment, succeed in education, and live independent, fruitful lives;

Whereas recording devices, reading machines such as the optacon, and computer-screen access programs have enabled blind individuals to gain access to a wide variety of printed material but cannot replace a medium such as Braille which allows a blind individual to read and write independently;

Whereas the teaching of Braille has been woefully neglected over the past several decades; and

Whereas many States have acted or are acting to ensure that blind and visually impaired school age students are taught Braille if it is judged the appropriate medium to provide such students with the opportunity to achieve literacy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION AND PRESIDENTIAL PROCLAMATION.

That January 4, 1992, through January 10, 1992, is designated as "Braille Literacy Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to celebrate the contributions of the inventor of Braille, Louis Braille, who was born on January 4, 1809, and to heighten public awareness of both the importance of Braille literacy among children and adults who are blind and the great need for the production of the wide variety of commonly available print documents in Braille.

SEC. 2. STATE AND LOCAL PROCLAMATIONS.

The Governor of each State, the chief executive of the District of Columbia and each territory of the United States, and the chief executive of each political subdivision of each State or territory is urged to issue a proclamation (or other appropriate official statement) calling upon the people of such State, the District of Columbia, or such territory or political subdivision to observe January 4, 1992, through January 10, 1992, in the manner described in section 1.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER:

Page 2, line 5, strike "January 4, 1992, through January 10, 1992," and insert "the week beginning January 3, 1993,".

Page 3, lines 8 through 9, strike "January 4, 1992, through January 10, 1992," and insert "the week beginning January 3, 1993.".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so to read: "Joint Resolution designating the week beginning January 3, 1993, as 'Braille Literacy Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

RELIGIOUS FREEDOM WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 325) to designate the weeks of September 22 through 28, 1991 and September 20 through 26, 1992 each as "Religious Freedom Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Maryland [Mrs. BENTLEY], the chief sponsor of this joint resolution.

Mrs. BENTLEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding, and I think he has done an outstanding job with these resolutions. I particularly want to thank the gentleman from Ohio [Mr. SAWYER] and the Committee on Post Office and Civil Service for discharging this resolution at this time, and particularly I wish to express my appreciation that we were able to amend it on the floor.

Today, we are seeing the world regress into old ethnic feuds, many fueled by religious animosity. Anti-Semitism is rearing its ugly face in Germany, in France, in some of the newly founded republics in eastern Europe. In the Middle East, Arabs and Jews continue to fight. In some of the former Soviet republics, in former Yugoslavia, religious hatreds are fueling unrest.

But there is also hope. There is a peace conference concerning Yugoslavia. President Bush has been instrumental in getting the Israelis and Arabs to the peace table to work out their differences.

In the first year that I sponsored this resolution, I was asked several times about my religious involvement. Why I would be so interested in having this observance acknowledged by the Congress of the United States? And I had to think about that answer why it was so particularly important that we reaffirm our believe in freedom of religion.

I credit a great deal of my interest in looking backward into our history—as I have been doing over this last few years—with the celebration and the observance of the bicentennial of the Constitution. Like all Americans, I learned all about the Constitution and the Bill of Rights in school. And like many Americans, it was awhile ago. And like most Americans, before I came to Congress, I had no call upon the Constitution in my day-to-day life—though every freedom that I enjoyed, that is true with every American every day—every day, rested on its frame.

Of an inquiring mind—remember I was trained as a reporter—when we began to look forward to the bicentennial, I began to refresh my memory as to the details and the fact. And the most astonishing thing—even though I knew it, but it still astounds me—is that the Bill of Rights was added to the Constitution several years later. And only because the States in the ratification process were unhappy, that individual freedoms were not clearly defined in the Constitution they had to vote on.

And the first amendment guaranteed the freedom of religion. A year before the Bill of Rights was introduced, the new President of the United States, George Washington, had sent a letter to Touro Synagogue, in Newport, RI, asserting "to bigotry no sanction, to persecution no assistance."

These words, "the promise of Touro," must have moved that congregation to exclaim among themselves, "The President says," "Mr. Washington is promising * * *." There would have been a stirring as though a freshening wind of freedom was blowing across the new Nation—bringing hope, not only to Touro Synagogue, but to all Americans that there would be no tyranny of a state religion.

It is difficult for us as Americans today to realize how much President Washington's statement must have meant at that time. Few of our history books after the period of Puritan landings in Massachusetts feature the impact that religious persecutions in Europe had to do with the flood of immigration to this country before 1800, and yet many of our colonies were founded by settlers who came to the New World seeking religious freedom.

Rhode Island was founded by Roger Williams, a separatist from the harsh Puritan regime in Massachusetts. His settlement attracted not only the Touro Congregation, who had followed the route of the Puritans through Holland to America, but Baptists, Quakers, and Catholics were also attracted by Williams' promise of freedom of worship. William Penn, the Quaker, founded Pennsylvania and attracted many religious separatists.

Our own State of Maryland was founded by Catholics, but by the late 1700's Catholics were not allowed to hold public worship services. The cornerstone of St. Ignatius Catholic Church in Bel Air in my district was laid in 1791 at the time the First Congress voted for the Bill of Rights. The church was completed in 1792 after the States had ratified the 10 amendments.

The new Americans, among them our own Marylanders, had suffered persecutions or were the children of those who had, and I identify with them. My own religion, eastern Orthodox, is a minority religion in this country. My ancestors in Serbia suffered persecution at the hands of the Ottomans for hundreds of tragic years, and I grew up hearing these stories from my immigrant parents.

Mr. Speaker, yes, we should reaffirm this belief. We cannot be reminded too often of the promise of Touro, "To bigotry no sanction, to persecution no assistance." It must not be a promise of 200 years; it must be a promise for all time, and not just for the United States, but for the whole world.

Mr. Speaker, again, I wish to express my appreciation to the chairman of the Census Subcommittee from Ohio and the gentleman from Pennsylvania and his committee for discharging this resolution.

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Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to my friend and colleague, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, and take this moment only to thank the gentlewoman from Maryland [Mrs. BENTLEY] for her effort in bringing this important resolution to us, for her thoughtful comments before us today, and for her effort in bringing them to us personally. That is important, and I thank her for them.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I, too, would like to thank the gentlewoman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 325

Whereas the principle of religious liberty was an essential part of the founding of our Nation, and must be safeguarded with eternal vigilance by all men and women of good will;

Whereas religious liberty has been endangered throughout history by bigotry and indifference;

Whereas the First Amendment to the Constitution of the United States guarantees the inalienable rights of individuals to worship freely or not be religious, as they choose, without interference from governmental or other agencies;

Whereas the Constitution of the United States ensures religious freedom to all of the people of the United States;

Whereas, at Touro Synagogue in 1790, President George Washington issued his famous letter declaring "to bigotry no sanction, to persecution no assistance";

Whereas the Touro Synagogue letter advocating the doctrine of mutual respect and understanding was issued more than a year before the adoption of the Bill of Rights;

Whereas the letter of President Washington to the Touro Synagogue has become a national symbol of the commitment of the United States to religious freedom;

Whereas, throughout our Nation's history, religion has contributed to the welfare of believers and of society generally, and has been a force for maintaining high standards for morality, ethics and justice;

Whereas religion is most free when it is observed voluntarily at private initiative, uncontaminated by Government interference and unconstrained by majority preference; and

Whereas religious liberty can be protected only through the efforts of all persons of good will in a united commitment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the weeks of September 22 through 28, 1991, and September 20 through 26, 1992, are each hereby declared to be "Religious Freedom Week"; and

(2) the President is authorized and requested to issue a proclamation calling on the people of the United States, including members of all faiths or none, to join together in support of religious tolerance and religious liberty for all, and to observe these weeks with appropriate activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER:

Page 3, lines 4 through 5, strike "weeks of September 22 through 28, 1991, and September 20 through 26, 1992, are each" and insert "week beginning September 20, 1992, is".

Page 3, line 13, strike "these weeks" and insert "the week".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint Resolution designating the week beginning September 20, 1992, as 'Religious Freedom Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

COUNTRY MUSIC MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 520) to designate the month of October 1992 as "Country Music Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I certainly do not object. I just want to recognize the effort of our colleague, the gentleman from Tennessee [Mr. CLEMENT], the chief sponsor of this resolution.

Mr. CLEMENT. Mr. Speaker, I am proud to rise in support of the resolution designating October 1992 as country music month.

I would, in particular, like to thank Subcommittee Chairman TOM SAWYER, and ranking Republican, TOM RIDGE, for bringing this resolution to the floor today. And I thank the majority of my colleagues who joined in cosponsoring the resolution.

As the Representative of "Music City, U.S.A.," I can attest to the importance of country music to the lives of our fellow citizens. Music, as you know, plays an invaluable role. Not only does it celebrate the wide range of human emotions, but it also reflects the changing values of our Nation and her people through its lyrics and musical style itself.

Country music is a blend of several musical styles and, in itself, is unique to America. As the joint resolution says, country music derives its roots from the folk songs of our country's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues.

Country music has accompanied the growth of our Nation and reflects the ethnic and cultural diversity of our people. Its current popularity is due, no doubt, to the fact that country music embodies a spirit of America and the deep and genuine feelings each of us experiences throughout our lives. Country music commemorates working life and strikes a responsive chord deep within the hearts and souls of its fans.

Country music remains rooted in the individual concerns of the common people. As my friend Johnny Cash once wrote "Country music is the one voice that the working man has to express himself to the world." Thus, it is perhaps clear why country music is so popular in these difficult economic times.

Mr. Speaker, October 1992, marks the 28th anniversary celebration of country music. I am honored to be the sponsor of H.J. Res. 520 and, again, I thank my colleagues for their support and Representatives SAWYER and RIDGE for bringing it to the floor.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 520

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history; accompanying the growth of the United States and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies the spirit of America and the deep and genuine feelings individuals experience throughout their lives;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of its fans; and

Whereas the month of October 1992 marks the twenty-eighth annual observance of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1992 be designated as "Country Music Month" and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FAMILY LEAVE TAX CREDIT ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-389)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Family Leave Tax Credit Act of 1992". This flexible family leave plan will enable 80 percent of the workplaces in the country—the small and mid-sized businesses that often cannot provide family leave—to provide family leave for their employees without costing jobs or stifling economic growth. The proposal will cover 15 million more workers, and 20 times as many workplaces, than the proposals in S. 5.

This legislation will provide a refundable tax credit for up to 20 percent of total compensation, for up to $100 a week—to a maximum of $1,200—for businesses that provide their employees with 12 weeks of family leave. An employee would be eligible to take leave under the following circumstances: the birth of a child, the placement of a child with the employee for adoption or foster care, care for a child, parent, or spouse with a serious health condition, or a serious health condition that prevents the employee from performing his or her job.

This is not federally mandated leave. It instead gives employers positive incentives to adopt responsible family leave policies and gives them the flexibility to target the specific needs of their employees. To qualify for the credit, businesses must adopt nondiscriminatory policies that provide protections for employees' jobs, benefits, and health insurance.

On May 5, 1992, the Administration transmitted the "Health Benefits for Self Employed Individuals Act of 1992" to the Congress. This proposal was also intended to help improve benefits for small businesses, without deterring economic growth, by expanding the deductibility of health insurance from 25 percent of costs to 100 percent of costs. Packaged with the Family Leave Tax Credit, we are providing a strong impetus for small businesses to develop quality benefits programs.

The Department of the Treasury has estimated the cost of the Family Leave Tax Credit at approximately $500 million for FY 1993 and $2.7 billion over 5 years. The combined cost of the Family Leave Tax Credit and the "Health Benefits for the Self Employed" is $740 million in 1993 and $7.7 billion over 5 years. These costs must be offset under the Budget Enforcement Act of 1990. In my 1993 Budget, I identified $68.4 billion of specific mandatory spending reductions. Any of those offsets would be acceptable to the Administration. Additionally, when the self employed tax credit was transmitted to the Congress, over $9.3 billion of these offsets were specifically suggested to pay for the proposal—substantially more than was required. Those same $9.3 billion in offsets are sufficient to pay for the costs of both the self employed deduction and the Family Leave Tax Credit under the Budget Enforcement Act of 1990.

I urge the Congress to take prompt action to generate constructive family leave policies that are consistent with economic growth by quickly passing this legislation.

GEORGE BUSH.

THE WHITE HOUSE, *September 16, 1992.*

INTRODUCTION OF BILL PROVIDING A COMPREHENSIVE MANAGED COMPETITION APPROACH TO HEALTH CARE REFORM

(Mr. COOPER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, I would like all of our colleagues in the House who are interested in health care reform—and I know we all are—to be aware of the fact that the gentleman from Texas [Mr. ANDREWS], the gentleman from Texas [Mr. STENHOLM], and myself have introduced this morning H.R. 5936, which is a comprehensive managed competition approach to health care reform.

What is managed competition? Well, surprise, surprise, both President Bush and Governor Clinton are for managed competition as a way to reform our national health system. Both have endorsed it, and yet no bill until today has been introduced in either the House or the Senate embodying these principles.

I encourage all my colleagues to get in touch with our offices so they can get copies of the bill and look it over. This is a very powerful way to cut health care costs and to expand access. It has already been endorsed by the New York Times, by Fortune magazine, by think-tanks, and scholars in such think-tanks as the Brookings Institute, the American Enterprise Institute, and the Progressive Policy Institute.

Mr. Speaker, I encourage all my colleagues to take a very close look at this proposal, H.R. 5936.

I am introducing today, with my colleagues MIKE ANDREWS and CHARLIE STENHOLM and other original cosponsors, the first real managed competition health care reform proposal in Congress. Both Governor Clinton and President Bush have said repeatedly that managed competition is key to reforming our Nation's health care system, but so far no bill has been offered in Congress to create a complete managed competition system.

The bill, H.R. 5936, restructures America's health care markets so that quality health care will become more affordable and available to all Americans. We think it is the most powerful tool so far developed for cutting health costs and expanding access to health care. We think it is also a sign that the national debate on health care reform has almost matured to the point where congressional action is appropriate.

The bill is in stark contrast to the three other leading reform proposals, all of which rely on more intrusive government regulation: Canadian single-payor, pay-or-play, and price controls.

Managed competition may not be as well-known as other proposals, but it is the hottest new idea for health reform. The New York Times, Fortune, scholars at the Brookings Institution, the Progressive Policy Institute, the American Enterprise Institute, and health policy leaders like California Insurance Commissioner John Garamendi have endorsed variations on this basic approach.

Politically, managed competition may be described either as the Democrats giving markets one last chance, or as a Republican plan—only with brains, teeth, heart, guts, and wallet. It should provide both political parties with the common ground necessary for solving America's health care crisis.

This bill is a pure version of managed competition in the sense that it avoids global budgets or employer mandates. The authors believe that pure managed competition will work best, but that it is theoretically possible to add other features. Extreme care must be taken, however, not to damage the cost-cutting engine as additions are made.

WHAT IS MANAGED COMPETITION IN HEALTH CARE?

The bill gives all Americans the same clout to buy health care that only employees of the Fortune 500 now enjoy. Doctors, nurses, hospitals, and insurance companies will join in new, more efficient, and quality-driven networks so that waste is eliminated from the provider community. We are seeking the quality and efficiency of the Mayo Clinic for every provider group.

The bill goes far beyond today's examples of managed care, for example, HMO's, to a system of managed competition among super-HMO's, while preserving maximum consumer choice and individual responsibility.

Managed competition attacks the root problems of our health care crisis:

Cruel, wasteful, and confusing insurance practices;

The third-party payment system;

Fee-for-service reimbursement;

Experience rating and preexisting condition denial by insurance companies;

Waste and inequity in our tax expenditure system for health insurance purchase;

Overuse of expensive medical technology and emergency rooms;

Confusion about who are the best quality medical providers;

Defensive medicine;

Uncompensated care;

Lack of preventive medicine;

Lack of individual responsibility and purchasing power; and

Penalties against small business and the self-employed.

Managed competition turns today's negative health market practices into a positive competition, almost a price war, to see which health providers can offer the best quality care at the cheapest price.

The savings from managed competition, plus a relatively small amount of new revenues, are channeled into expanding access to health care for the poor, and both urban and rural underserved areas. Whereas today Medicaid serves less than half of those under poverty, our bill will serve everyone up to 200 percent of poverty.

This is the single most dramatic expansion of health care to the poor since the Great Society, but using a 1990's mechanism, a mechanism that relies more on markets than on the Government for help.

The bill is one of the least expensive methods of reforming our national health system. The new programs in the bill are fully paid for, and will not add one penny to the deficit. By limiting and redistributing the current tax deduction for health insurance purchase, by redirecting the current Medicaid Program including the disproportionate share payments, and by lifting the Medicare earnings cap above $130,200, all the programs in the bill may be fully funded. No other taxes are necessary to meet the bill's revenue requirements.

ACKNOWLEDGMENTS

The bill was developed over the last year by the Conservative Democratic Forum Task Force on Health Reform, led by me and Representatives MIKE ANDREWS and CHARLIE STENHOLM. The Mainstream Democratic Forum, led by Representative DAVE MCCURDY and Representative DAN GLICKMAN, also helped formulate the proposals, as did the bill's other original cosponsors: Representatives CARPER, CLEMENT, JOHN COX, DOOLEY, HUBBARD, LIPINSKI, TOM MCMILLEN, MONTGOMERY, L.F. PAYNE, PETE PETERSON, RAY, and SWETT.

Both groups' work draws heavily from the pioneering efforts of Drs. Alain Enthoven, Paul Ellwood, and Lynn Etheridge of the Jackson Hole Group, and the "Patients First" report of American Healthcare Systems, a not-for-profit hospital chain. Two of my former staffers, Atul Gawande and Anand Raman, deserve great credit for synthesizing the legislation from these sources. Current staffers of my own and the other prime sponsors also deserve great credit for their hard work and capableness: Caroline Chambers, Dave Kendall, Becca Tice, and Colleen Kepner. Finally, the legislative counsel, Ed Grossman, has been of vital assistance in turning our concepts into legislative language.

The idea for the legislation was introduced at a CDF press conference on April 8, 1992.

Two different ways to describe the plan are as follows:

The Managed Competition Act of 1992

(Proposal of the Conservative Democratic Forum's Task Force on Health Care Reform)

HIGHLIGHTS

In order to allow consumers to shop wisely for health plans, the bill uses strong tax incentives to encourage providers and insurance companies to form health partnerships which will be publicly accountable for costs and quality. Large regional purchasing cooperatives will give individuals and small businesses the benefits of greater buying power. A national board will establish a uniform set of effective health benefits. In order to have tax-favored status, health plans will be required to offer those standard benefits, comply with insurance reforms and disclose information on medical outcomes, cost-effectiveness and consumer satisfaction.

Tax fairness: Employers will be allowed to deduct basic health plan costs, but not the excess costs of policies which cover more than the basic benefits. Basic policies must require co-payments to make consumers cost-conscious, and must be provided through publicly accountable health plans. All individuals, including the self-employed, will be given a tax benefit for 100% of basic health plan costs.

Access to coverage: Individuals and small businesses will be able to afford health coverage by joining Health Plan Purchasing Cooperatives, which will offer group rates with lower administrative costs. Individuals will choose from a menu of health plans, and their employers will choose the dollar amount, if any, they wish to contribute.

Health plan reform: Health plans will not be allowed to exclude coverage of preexisting conditions and will not be allowed to use "experience rating" to charge higher rates for individuals who have a history of higher medical expenses.

Access for low-income individuals: A new federal program will pay health plan premiums for all people below 100% of the poverty level. Individuals and families between 100% and 200% of the poverty level will receive a federal subsidy for the purchase of a health plan. The federal program will also make most copayments for those below 200% of poverty. States will no longer have to finance Medicaid, and will gradually assume responsibility for long-term (e.g. nursing home) care for the poor.

Preventive health will be key to the success of the new health partnerships. In addition, the bill significantly increases funding for early intervention, immunization and screening programs.

Malpractice reform will reduce the costs of expensive litigation and the cost of defensive medicine.

Paperwork reduction: Health plans will develop standards for claims forms and electronic transmission of data in accordance with federal goals.

Basic access: To assist rural and other undeserved areas, funding for Community and Migrant Health Centers and National Health Service Corps will be substantially increased.

The Employee's View of Managed Competition

1. Once a year, your boss gives you a menu of basic health plans.

Each plan provides for the full range of clinically-effective treatments found to improve your health, plus preventive medicine.

Each plan has to accept you, if you want to join.

Each plan charges the lowest possible group rates, even if you work for a small business, or have a history of illness.

Each plan is easy to compare with the others that are competing for your business, based on price, quality, and consumer satisfaction.

There is no separate insurance to worry about; it is part of your health plan.

You can deduct 100% of the cost of the lowest-priced plan on the menu; your boss is not required to pay for your health care.

If you want more expensive coverage than the low-cost plan in your area, or non-basic medical services, you or your boss must pay for the difference yourself.

2. Your health plan will stress preventive medicine and safety.

They know they are responsible for you all year long.

They will make more money if they can keep you healthy.

3. If you get sick or injured, you will call a family doctor who works for the plan you chose so that he or she can diagnose your problem.

The doctor is paid for the quality of his work, not how many tests he runs on you.

The doctor wants to keep you happy because he values your business.

If you need a specialist, out-patient care, or hospitalization, you are referred to the provider who can do the best job.

All your bills are paid, except for the same deductible and copayment that everyone else in America pays.

There is minimum paperwork to fill out.

Doctors are carefully screened and monitored so that you always get top-quality care.

4. If you don't like the care you are receiving from the plan you chose, you can see other doctors even before the next "open season."

Your own plan will probably provide outside options for dissatisfied patients.

You can buy any health care you choose with your own money.

5. You have no fear of losing health coverage or having your rates raised if you switch jobs, get sick, get older, work in a dangerous job, use your insurance, etc.

TRIBUTE TO LENA LANDEGGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. CALLAHAN] is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Speaker, earlier this summer, south Alabama, and indeed America, lost a pioneer in the trust sense of the word.

A lady who exemplified the very essence of what the American Dream is all about.

She was a Russian immigrant, Lena Landegger, born in the city of Moscow, who along with her parents, fled during the Revolution when the First World War began. At the time, they sought refuge in Vienna.

Years later, when World War II erupted, she and her new husband, Karl, fled Austria to the shores of America in search of peace, freedom, and the opportunities that only our dream, the American Dream, provides.

Mrs. Landegger was truly a lady of great stature and broad vision. It was under her direction that Monroe County, one of the seven counties I have the pleasure of representing here in Washington, became acquainted with her impeccable record as a successful businesswoman and a leading philanthropist whose charity knew no bounds.

Today, Alabama River Pulp, Alabama River Woodlands, and Alabama Newsprint make up part of the larger Parson's & Whittemore holdings, which stand as one of the largest in the pulp and paper world. Mrs. Landegger, along with the help of her two sons, George and Carl, helped make this dream a reality, and in so doing, have provided a dream come true to hundreds of south Alabamians who now work for one of our finest corporate citizens.

Mr. Speaker, I had the distinct privilege of knowing Mrs. Landegger, and I can honestly say her's was a life that was exemplary in every facet. She was truly remarkable, so much so that in preparing these remarks, I was moved to share with you and my colleagues a tribute to Mrs. Landegger from a man who knew her better than almost anyone else, her son George.

George Landegger's homage to his mother, given as a eulogy on July 29, 1992, is a fitting salute to a lady who has touched the lives of so many through her works, her deeds, and her life. Mr. Speaker, I am including the following memorial in the CONGRESSIONAL RECORD as a permanent and lasting tribute to the memory of a truly great lady, Mrs. Lena Landegger, and following the eulogy, a copy of a 1987 resolution, in which Georgetown University conferred upon Mrs. Landegger the honorary doctor of humane letters, be included in the RECORD as well.

A EULOGY FOR LENA LANDEGGER

On behalf of our family I wish to express our appreciation to Msgr. Charles Stubbs for returning to participate in this service to the parish that he so ably led for 15 years, to Father Lucian Beltzner for taking the time from his parish to return to Ridgefield to be with us on this special day, to Georgetown University for allowing Father Thomas Stahl, S.J., member of their board of directors and editor of America magazine, and Father Robert Rokusek, head of campus ministry, and of course, to Father John Ridyard who has been with our family through thick and thin for over 40 years.

I stand before you today in this house of God where we as a family have had happy occasions such as baptisms, first communions and marriages, and sad occasions such as the funeral services for our daughters Marianna Sophia and Helena Victoria.

Today we have come to bury my mother and the mother of my brother, Carl, your grandmother and great-grandmother, Lena, and your friend. She was also my very close friend, probably my best friend, and my very close business colleague.

Her insights into human nature were unparalleled, and in ten minutes she could analyze a man's character accurately and see things that might only develop after many weeks or months of intense business relationships.

The picture that you have in the Mass card at your pews is very symbolic. It shows mother with her youngest grandchild but, in fact, it could have been and probably was with all of us in the family at one time or another, literally and/or figuratively—for a picture of mother, without holding, helping or caring for someone, would somehow be incomplete.

She was truly a giving person, perhaps the epitome of the Bible's admonition that it is better to give than to receive. She was constantly helping others, in fact, when I once termed her "a solution in search of a problem," she took umbrage at this but later admitted that there was some truth in it.

She deeply touched the lives of her immediate relatives, and moreover, those of many people in this church, in this country, and around the world. Even in the last decade of her life, as Judge Biggs just advised us in his moving eulogy, she became some wonderful kind of mother figure to an entire county in Alabama where she will be mourned at a Mass being conducted simultaneously with this one, as well as at a separate ceremony scheduled for September 29th. Georgetown University plans a memorial Mass and commemoration for her in October. We are simply the privileged ones to have her with us and to have been able to gaze onto her face last night.

She was a true matriarch and the last of an era, and to review her life is like reading a history book. She outlived both the birth and death of communism, experienced the First World War and its inflationary aftermath, the rise of Nazism, which led to her husband's imprisonment for not being politically correct, an interim period working in a paper mill in the British Isles, followed by a penniless immigration with her two sons Carl and George to the new world. How fitting of this great Nation of opportunity that both her sons should serve in its military forces as officers, as part of the 45 year effort to contain communism, while meanwhile her husband, benefiting from the American free enterprise system, created part of the wealth with which this Nation financed the ultimate downfall of the Soviet menace. Notwithstanding her background, she was the first to say that we should honor and help Gorbachev, and she was constantly concerned about America not giving enough assistance to the Russian people.

She was born in imperial Russia and was on vacation in Austria as the First World War started and thereafter was unable to return. She attended a small parish school in a hill town about one hundred miles from Vienna going to and from school barefoot when the weather permitted. And at the age of 18 she met a man for whom she had the utmost affection and respect, and for whom she dedicated the rest of her life in furtherance of his personal goals, and for their family. They married for the first time in 1928, and then again in 1975. This is a love that I am sure carries on in a far better place today, that knew no bounds, that was not troubled with economic disasters or absences or girlfriends or wives or anything—it was a total dedication for one man's benefit, for one family's benefit—and it was truly the stuff that novels are made of. They were penniless during the Depression and again, when they came to this country. In fact they planned to hire themselves out as live-in housekeepers.

Through enormously hard work, brilliance and dedication, my father built up an important enterprise which has continued to grow under my brother's leadership and mine, always under the watchful eye of our mother, to become the largest of its kind in the pulp and paper world.

She was also, while having a primary interest in family affairs, not unmindful of the needs of others. It was at her instigation that scholarships were granted for Hungarians, Czechs and Russians to attend the Taft School here in Connecticut. She also was the prime mover in the establishment of the Karl F. Landegger program in international business diplomacy at Georgetown University named after her father where 600 students now attend courses to better prepare themselves for the international business and diplomatic scene. For this work, and because of her example to young people, she was awarded an honorary doctorate at Georgetown University five years ago, and I take the liberty to read excerpts from that citation, which has been included in your programs, as I believe it captures the spirit of this marvelous woman.

"In honoring Lena Landegger, Georgetown University honors a woman who is as gracious in failure as in success, in adversity as in good fortune.

"Lena Landegger is a woman who has lived a life full of joy and grief, of participation in great successes and being subject to great reverses. Through it all, her inner strength and outer peace have enabled her to achieve the primary goal around which her whole life has been built. In this day and age, when women are struggling to reconcile conflicting goals of family life with motherhood and career demands, Lena Landegger stands out as a shining example of a woman who chose to lead from the background, and through her love and inspiration achieved success through and with her husband and children."

This marvelous woman, larger than life, is one that I simply do not wish to live without, although rationally I know that to lose one's father at 39 and one's mother at 55, or in the case of my brother 61, is in fact, good fortune. She is at ease now with her no longer crippled legs around the back of a fast horse just as she told us they would be.

The altar is draped in white for her as a sign of celebration. For we celebrate this extraordinary woman's life—a most productive and giving life and the fact that she is once again with her beloved husband and friend Karl, next to whom her human remains will be buried later this day.

While alive, she had a most meaningful effect on the lives of all who came into contact with her. The ultimate meaning of her life will now be tested as we seek to persevere in pursuing her principles of loving each other, working hard, and caring for others—without her guiding presence.

Accordingly, today is a day to celebrate a life well lived by a woman who was loved by many, and to rededicate ourselves to live our lives, perhaps not as well as she lived hers, but as well as we can, hoping to gain her approval when we meet again.

For many years she was also a member of the Gellert family, and just as she has done in Alabama and in our family, she provided a sort of loving glue that brought everyone closer together, and it is, therefore, most gratifying and understandable to see so many Gellerts and Petscheks here among us today, mourning her loss, while happy in the knowledge that she will soon be seeing Egon again.

The church teaches us that caring for the sick is a corporal work of mercy, and in that regard mother was the recipient of great and sensitive care, and in particular I would like to express my thanks and I safely feel that of this entire congregation to Vladimira Stoessler and Joanne James, for making mother's last period comfortable and dignified, retaining all the independence that she could possibly handle, and I'd like to ask them both to stand up so that we can thank them publicly.

My brother and I were both blessed in having had two most remarkable parents, both outstanding role models of determination and decency, and having had them with us longer than many other sons and daughters. And so perhaps in a way its a bit selfish to be so sad, for mother had done all that she could do, in her mission which concentrated on making this family strong, sensitive and serious.

She trained us as players, watched us as we worked our way onto the stage, critiqued our performances, and now she has sent both her show and our show on the road.

Let us resolve to be more like her, to ask what we can give in a situation, rather than what we can take, to seek accommodation with others rather than confrontation, and to follow our father's advice, spoken during his last speech to the family, namely, that "One may temporize but never compromise with oneself." I now quote from that October 30, 1975 speech which is also enclosed in your program.

"One of the slogans which you have heard me very often say, is that you can temporize, but never compromise—you cannot compromise with yourself above all. You can compromise with other people—sure, but never with yourself—you can temporize, and many times you have to temporize. I hope that I am able to a certain extent to show you the philosophy which made me what I am, which guided our family through several hundred years of ups and downs, and in this world we will have ups and downs. We are presently materially at the peak of success. I don't know what will happen, there will be a war, there will be inflation, there will be a revolution, there will be expropriation, we will be down again—I have not the slightest doubt. But if you preserve the inner strength, and the will to work, and the conviction that you are better, and if you never give up, you will succeed—that's what I want to say."

Armed with that clear advice from both mother and father, grandmother and grandfather, trained by them, and above all guided by their example, my hope is that all three (for there are no longer four) generations of Landeggers present here, look upon this day, not only as the end of an era of greatness with mother, but as the beginning of the more concentrated application of her principles in each of our lives. My father once told me, "When I die don't be sad. I will have gone on hopefully to a far better place, and you should go out dancing." He was perhaps speaking figuratively, but I translate it as meaning that after giving our grief its appropriate expression at the loss of mother, we should joyously reflect on all that we have gained from our association with her.

Her fondest wish would be that disputes or indifference between or among some members of our family disappear, and that both Carl and I, and our families are united in order to progress together as human beings, not in an exclusionary sense vis-a-vis the outside world, but in an inclusive sense so we can make a bigger difference in improving the quality of life, in our homes, in our communities, and in the larger order. Mother was happiest when she saw things being given to others like a playground here in Ridgefield, or computer-assisted kindergarten education and a teen center in Monroe County, Alabama.

We too should be happiest when we have worked hard enough, to not only care for our families, but also share with others. Practically every one of her friends I met in Austria after the war had been the recipient of care packages that she sent from the United States. And some of the ladies mentioned to me that besides the life giving food, the fact that she dropped a lipstick in each one, was something they would never forget.

Her sense of humor was well known and was with her to the end. I spoke with her twice on Friday. In the morning she called me to inquire about the results of some blood pressure tests I had had. And when I told her that the doctors had not yet finished enough tests to make a definitive diagnosis, she said she thought she knew what it was. Her diagnosis was that I had entered menopause.

In the evening I spoke with her rather late from Northern New Hampshire. She said she was tired and looking forward to seeing me early this week. I saw her yesterday evening, and will see her every day for the rest of my life.

LENA LANDEGGER

The president and directors of Georgetown College: To all who shall view these presents: Greetings and peace in the Lord:

In honoring Lena Landegger, Georgetown University honors a woman who is as gracious in failure as in success, in adversity as in good fortune.

Lena Berger was born in Moscow in 1908 to a wealthy Austrian father and a mother from the Russian nobility; she lived in Russia until the age of six. The family was on a summer visit to Austria when World War I began, and never returned to Revolutionary Russia. They remained in Vienna ultimately impoverished as a result of the rampant inflation of the early 1920's.

At the age of 17, Lena met and later married Karl F. Landegger, a young bank clerk who through hard work and good luck became a successful and highly respected figure in the Austrian pulp and paper industry. Lena was again among the financially fortunate, and in addition she was happy to be the heart of a family that had grown to four with the birth of two sons. World War II and their flight from Austria to America then brought another complete change in fortune. The Landegger couple suffered such reverses that they seriously considered hiring themselves out as cook and butler.

Lena's internal strength and the confidence she brought to her husband and her family contributed in large measure to the success achieved in the United States. Karl often said that he did not make any major decision without consulting his wife.

Upon the death of her husband, Lena was suddenly actively thrown into the family business at a time of crisis. With her wise counsel, she led her two sons to rebuild the enterprise. It is typical of her approach to life that she has also continued secretly to help her twelve grandchildren in innumerable ways unknown to their parents.

Mrs. Landegger's good works, however, have not been limited to her family. Through a charitable foundation of which she is president, she has concentrated on educational activities because her view, mirroring that of her husband, is that education is the best preparation for the changes that will occur in one's life. Funds have been made available for everything from support of education in New York's Harlem, to education for retarded children in Asian villages. Closer to home was the establishment of the Karl F. Landegger Program in International Business Diplomacy at Georgetown's School of Foreign Service. This program has attempted to provide students with the kinds of insights that the Landeggers gained through experience of war and peace, poverty and prosperity, and personal dealing in trade and diplomacy.

Lena Landegger is a woman who has lived the type of life about which novels are written. It is a life full of joy and grief, of participation in great successes and being subject to great reverses. Through it all her inner strength and outer peace have enabled her to achieve the primary goal around which her whole life has been built. In this day and age, when women are struggling to reconcile conflicting goals of family life with motherhood and career demands, Lena Landegger stands out as a shining example of a woman who chose to lead from the background, and through her love and inspiration achieved success through and with her husband and children.

With respect, gratitude, and admiration Georgetown University proudly names as a daughter of Georgetown forever, Lena Landegger, Doctor of Humane Letters, honoris causa

In testimony whereof they have issued these their formal letters patent, under their hand and the Great Seal of the University of Georgetown in the District of Columbia, this twenty-second day of October, nineteen hundred and eighty-seven.

VIRGINIA M. KELLER,
Secretary.
RICHARD B. SCHWARTZ,
Dean.
TIMOTHY S. HEALY, S.J.,
President.
PETER P. MULLEN,
Chairman.

☐ 1910

TRIBUTE TO DEPARTING MEMBERS OF THE MICHIGAN DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 60 minutes.

Mr. DINGELL. Mr. Speaker, we're here tonight to pay tribute to many of my friends and colleagues of the Michigan delegation who will not be returning to the 103d Congress. I have reserved 1 hour for this purpose and my good colleague and soon to be senior minority member of the Michigan delegation, PAUL HENRY, has reserved the following hour for the same purpose.

I would like to proceed by making some general and specific remarks regarding my Michigan colleagues and then yield time to my good friend and colleague, Mr. HENRY, for his opening remarks. Following Mr. HENRY's general remarks, I will yield time to my colleagues on both sides of the aisle, for the remainder of the hour. If the second hour is required, Mr. HENRY will manage his hour in the same manner.

Mr. Speaker, the Michigan delegation has been a cohesive and solid congressional delegation that has pulled its resources together when the chips are down. The delegation currently has four full committee chairmen, five subcommittee chairmen, two ranking minority committee members, and members of both Democratic and Republican leadership. All told, our delegation has over 200 years of combined legislative and investigative experience and spans most committees of the House.

And why does Michigan have one of the most effective delegations in the House? Simply put, hard work, dedication, cooperation, and commitment to Michigan. That was the good news. The bad news is that soon, some of our most effective and cooperative members of our delegation. Some because of choice, some because of redistricting, and some because of the unfortunate results of the legislative process.

I've enjoyed working with all of my soon to depart colleagues—BOB DAVIS, DENNIS HERTEL, BILL BROOMFIELD, BOB TRAXLER, CARL PURSELL, HOWARD WOLPE, and GUY VANDER JAGT. Each of these fine Members has played an important role in the Michigan delegation and all will be missed.

To expedite matters tonight, I would like to make a few specific comments about some of my colleagues in my side of the aisle. My good friends on the other side of the aisle, BILL BROOMFIELD, BOB DAVIS, CARL PURSELL, and GUY VANDER JAGT have made tremendous contributions to our delegation—and have contributed to its clout, but in the interest of time and out of fairness to others who may wish to speak and I will then yield my time to Mr. HENRY to make specific comments about Members on his side of the aisle.

BOB TRAXLER, or just TRAXLER, as I like to call him, has been an able leader for the thumb area and all of Michigan for 18 years in Congress. In the past 4 years, he has been chairman of the House Appropriations Subcommittee on VA, HUD, and independent agencies. In that role, he has distinguished himself in times of incredibly tight Federal budgets. He is one Member who can make the hard choices and establish priorities among a wide and diverse range of competing interests and programs. His work for veterans has led to his being awarded the most prestigious awards from all major veterans organizations. In the past years, BOB has been able to pull off a few major feats as chairman of the Appropriations Subcommittee. The new VA hospital in Detroit, the addition to the VA hospital in Ann Arbor, the beginning of the multimillion dollar cleanup of the Rouge River, just to name a few.

BOB'S strong commitment to agriculture in Michigan and around the Nation has been reflected in his years of service on the Agriculture Appropriations Subcommittee. He has earned the deep gratitude of Michigan State University, for example, through his leadership in bringing the food technology center to East Lansing, as well as millions of dollars in research funds to all our State universities.

Our State and the entire Great Lakes region, will miss BOB TRAXLER very much. TRAXLER, you've made us all proud, and we will all miss you greatly.

HOWARD WOLPE was first elected to the House in 1978 and has represented the Third District of Michigan for seven terms. He was only the second Democrat ever elected in that district and the first ever to be reelected. And he did that six times. His record of achievement on the environment, U.S. policy toward Africa, and regional economic policy led the "Almanac of American Politics" to describe him as a legislative powerhouse.

HOWARD'S skill at lawmaking is most apparent in his most recent role as chairman of the Investigations and Oversight Subcommittee for the Science, Space, and Technology Committee. In his chairmanship, HOWARD has gone after misguided and mismanaged programs and policies at NASA, and National Science Foundation and the Department of Energy.

HOWARD has also worked hard to curb the proliferation of nuclear arms, improve competitiveness in international markets, and improve American infrastructure, education and job retraining programs.

More important, HOWARD has worked hard as an advocate for the residents of the Third District, never forgetting where he came from. As the Kalamazoo Gazette stated in a recent editorial, "Wolpe's 14 years of service have been typified by exemplary service." Despite leaving Congress, HOWARD has told me he will return home at the end of the year and continue to work in public service. Truly a man Michigan and this body can be proud of.

DENNIS HERTEL's career in public service spans 20 years. He began in 1972 as a staff assistant to the Detroit City Council. Over the following 2 years he managed local campaigns for both CARL and SANDER LEVIN, until his election to the legislature in 1974. As a capable and respected lawmaker, he was soon elected to the House in 1980.

As a member of our delegation, DENNIS made Michigan jobs and workers a priority. Foremost on the list of his accomplishments has been his work in protecting jobs. His continued success in preventing the closing of the tank automotive tank command in Warren has saved thousands of jobs in metro Detroit. He has also worked with us to stop unfair trade advantages given to Japan, and to slow the hemorrhage of American jobs to Mexico.

DENNIS has also watched out for middle-income taxpayers while demanding more integrity from those in Government. He recognizes the importance of a healthy environment, and as chairman of the Subcommittee on Oceanography, Great Lakes and the Continental Shelf, he has been successful in directing millions of dollars in Michigan in order to protect our most vital natural resource.

I know that DENNIS' greatest pleasure during his career has been serving the public. I am sure that no matter what he does next, it will somehow benefit the people of Michigan.

Mr. Speaker, I yield to my dear friend, the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I appreciate my colleague sharing his time with me.

I would also like to identify with his very kind, generous, but also appropriate remarks on behalf of the Members of our delegation, who for one reason or another will no longer be joining us as colleagues in this institution.

I am going to focus particularly on my Republican colleagues, just as my colleague, the gentleman from Michigan [Mr. DINGELL] focused in particular on his Democratic colleagues.

We will miss them all, for as a delegation we have tried to work together to the extent we possibly could in representing the interests of our State, as well as our Nation.

BILL BROOMFIELD is the dean of my party in the House of Representatives. Of the 10,000 or so people who have had the precious honor of serving in this institution in the 206 years of this Nation's history, he will be among the top 30 in the number of years in which he has had the distinct honor of serving as a Representative to the U.S. Congress. His record of service cannot be duplicated. This body and the Government as a whole will reap the benefits of his contributions for years to come.

After 8 years in the Michigan Legislature, Mr. BROOMFIELD was first elected to the House in 1956. Many of our colleagues, I suspect, were yet to be born when BILL waged that first successful House campaign. When he served in the Michigan Legislature, he was the youngest Republican in history to be given the distinguished leadership position of Assistant Speaker pro tem.

Congressman BROOMFIELD has served on the Foreign Affairs Committee since 1961, and is its current ranking member. He has met with and counseled Presidents from Eisenhower to Bush, as well as nearly every post-World-War II leader. In many ways he has written the book on the rare role of foreign policy expert and leader here in the House of Representatives.

Presidents from both parties have appointed him to numerous commissions and delegations charged with setting policies for secure peace in nearly every region of the globe. BILL BROOMFIELD was an Ambassador to the U.N. General Assembly that saw the issuance of U.N. Resolution 242, after the 1967 Arab-Israeli War.

He was involved in the strategic arms limitation talks and the Geneva arms control talks. He has worked to find an end to the conflict over Cyprus. He served on the Kissinger Commission on Central America. He is also a member of the congressional human rights caucus.

Mr. Speaker, Congressman BROOMFIELD has also worked tirelessly on numerous domestic issues, and as a member of the Small Business Committee, he has fought for what he knows is the foundation of growth in the American economy.

Let me share with my colleagues some of the recent comments from a rather distinguished group of Americans on the congressional career of WILLIAM BROOMFIELD:

From President Nixon:

> Bill Broomfield is one of those unique members of the House who was an expert in both [domestic and foreign affairs]. I could always count on him not only for support, but for wise and courageous counsel when hard decisions had to be made to open up our relations with China and to bring the war in Viet Nam to a close.

From President Ford:

> I have the finest recollections of our long and wonderful relationship in the House of Representatives. Over the years our political views on both domestic and foreign policy were virtually identical. During my Presidency, again, you and I shared similar political economic and foreign policy views. Your steadfast and wise support was important as we faced the tragedies of Watergate and Vietnam.

From former President Jimmy Carter:

> Your record number of terms is testimony to the impact you have made on the lives of all whom you have served so well over the years. I will always be grateful for your support and wise counsel when I was President, and I deeply appreciate the continued friendship we have shared over the years.

From former President Ronald Reagan:

> It was an honor to have you "on my team." Through your dedication, you have established a distinct record of community service that has so intimately been dedicated to your fellow man.

Finally, from President Bush:

> It won't be the same without your leadership in the House, without your decency and honor.

Mr. Speaker, I need not attempt to add to the praises of BILL BROOMFIELD. I will only say that he has been the kind of public servant I want to be, and many of us want to be, and I know my colleagues on both sides of the aisle share that sentiment.

Mr. Speaker, Representative GUY VANDER JAGT has represented the Ninth District of Michigan for some 26 years. For over a quarter-century, Representative GUY VANDER JAGT has been a pillar of service to his west Michigan constituents. Their interests have come first throughout GUY's legislative career.

I have known him, not simply as a colleague here on the floor, but as a dear friend who represents the legislative district adjacent to my own, so I know the seriousness with which he has served his constituents at home, as well as the seriousness with which he has attended his legislative duties here in the Capitol.

As a senior member of the Committee on Ways and Means, he has had a leading hand in key tax, trade, and welfare reform legislation. He has protected the working people of Michigan's Ninth District from unfair tax proposals and numerous unnecessary regulations.

For example, he introduced and successfully saw adopted legislation to provide relief from unfair retroactive tax assessments on Michigan's 39 private workers' compensation funds. This affected more than 7,000 companies and tens of thousands of Michigan workers, who benefited through that legislation.

Mr. VANDER JAGT, in conjunction with former Representative and President Gerald Ford was among the original sponsors of the ESOP legislation, employees stock ownership plans, legislation which has proved of benefit to literally millions of American workers over the years.

GUY VANDER JAGT has also fought on behalf of the recreational and commercial users of the great waterways in his district, including Lake Michigan. At the same time, he has been a leader in the preservation of water resources, as well as such beautiful land areas as the Sleeping Bear Dunes.

Mr. Speaker, my Republican colleagues in particular owe GUY VANDER JAGT a great debt of gratitude for all he has done for building our party. GUY became chairman of the Republican Congressional Campaign Committee in 1975, and over the years he has worked tirelessly to build one of the finest political organizations in the Nation, and many of us would not be here today were it not for his tremendous assistance.

We will miss GUY VANDER JAGT as a colleague in the Halls of Congress. We look forward, though, to many more years of continued friendship and good counsel.

Mr. Speaker, BOB DAVIS has represented the 11th District of Michigan for 14 years.

On issue after issue, the Great Lakes State has had no better friend in Congress than Representative ROBERT DAVIS.

BOB DAVIS came to Congress in 1979, after 12 years in both the Michigan House and Senate. He has fought to boost northern Michigan's industry and has brought much needed focus on our Nation's treasured Great Lakes.

BOB DAVIS carved his niche as ranking member of the Merchant Marine and Fisheries Committee. Before BOB DAVIS, this committee dealt almost solely with ocean issues. But now we have a Great Lakes Subcommittee and our beautiful inland seas get the congressional attention they deserve, thanks to the work of BOB DAVIS and another retiring colleague, DENNIS HERTEL, whose accomplishments Mr. DINGELL has already discussed.

BOB has also distinguished himself as a member of the Armed Services Committee. Over the years he has been a consistent fighter for the bases in his district, as being part of the critical infrastructure of the economy within his district.

In the northernmost reaches of Michigan's Upper Peninsula lies copper country, a resource-rich land that boomed with prosperity at the turn-of-the-century. BOB DAVIS has worked hard over the past 6 years to establish a national historical park in this region. It will certainly be tough to get the bill passed without BOB's leadership. But he has laid the groundwork, and when the Keweenaw National Historical Park is created, it will be to the credit and the foundation and hard work begun by Congressman ROBERT DAVIS.

The vast geography of Michigan's 11th district is unique. More shoreline than any other district in the continental United States; 22,561 square miles of land; 28 counties; a border with Canada; two time zones—these statistics pose a challenge to any public servant. But, Mr. Speaker, if you stop in the small towns in the tip of Michigan's mitten, or drive through the Upper Peninsula along Highway 28 or U.S. 2, chances are the folks you meet can tell you the last time they had a chat with BOB.

Northern Michigan residents have known for years that they can turn to BOB DAVIS for help with their problems. Constituent service is the BOB DAVIS trademark, and I can tell you that, while the legacy of the tens of thousands of people he has helped will last, his presence in the U.S. House will also be sorely missed.

Finally, Mr. Speaker, CARL PURSELL, having served 16 years as a Representative of Michigan's Second Congressional District.

In Representative CARL PURSELL we see a colleague who embodies what we all know are the qualities of excellent service—the qualities we all hold as goals for ourselves. CARL has always stood up for what he knows is right, both here on the floor and within our party.

I remember in the previous Congress in his efforts to deal with some of the budget problems facing us collectively as Members when he went to his own Appropriations Committee and asked that any special line item or project that was put in to service in particular his congressional district would be withdrawn as his contribution to trying to set an example to all of us in efforts to try to control Government spending and get our deficit under control.

□ 1930

Elected to the House in 1976, CARL PURSELL came to Washington after serving on the Wayne County Board of Commissioners and in the Michigan Senate. He built his solid reputation as a member of the Appropriations Committee, where he is known for his ability to bridge the partisan aisle with sound fiscal ideas.

As the ranking member on the Labor, Health and Human Services, Education and Related Agencies Subcommittee, CARL PURSELL has played a key role in funding health care, biomedical research, education, job training and labor programs. In other words, he has been a leader on cutting edge issues vital to our Nation's future. He has also worked tirelessly for the great institution of higher learning, the University of Michigan.

He has also served faithfully as a successful coach of the Republicans' baseball team for the annual Republican-Democrat baseball game.

CARL has been outspoken in his support of a balanced Federal budget. I know he is disappointed to be leaving at a time when so little ground has been gained, particularly in this body, in working toward that goal. It is my hope, and I know it is CARL's, too, that those who will make up the core of a very new Congress in January will take to heart the work of CARL PURSELL, and truly work to tackle the greatest threat to our Nation's well-being.

Mr. Speaker, as we review the accomplishments, the records, and service of these individuals, I think it inspires us all to renew our own dedication given the pattern they have set for us.

Mr. DINGELL. Mr. Speaker, I want to thank my dear friend, the gentleman from Michigan [Mr. HENRY], for those very fine remarks about our departing colleagues, and I yield at this time to my dear friend, the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I thank the dean for yielding to me, and I will be brief. I know that many want to speak. I just want to say a word to endorse basically what our dean and chairman of the committee has said, that our delegation is, I think, somewhat unique except for, maybe, delegations made up by only one or two people who happen to be good friends.

Mr. Speaker, I look around the House, I talk to a lot of people, and I think we all know that some delegations have some intense and bitter rivalries. In some delegations, their Members do not speak to one another. Some delegations cannot work together very effectively for whatever reason. Happily that has not been the story in Michigan.

We all know that before an election we have a bit of an open season, but we have always had tradition in our delegation that have made us able to come together after an election and work on a bipartisan basis for all of the people of our State and our country, and that makes working in the Congress with people like those in the Michigan delegation, those desiring to return and those not returning, actually fun. It is a rewarding experience dealing with people whom we actually enjoy spending time with, and, particularly in this time when we have the media and various candidates for various offices trashing the Congress of the United States, I think it is actually kind of nice to use our delegation as an example of how it can be different.

I would have to say, Mr. Speaker, that in Michigan, on 90 percent of the days and 90 percent of the issues, we find common ground and consensus, and we work together for the good of the State and the country, and we do not get uptight about who is the sponsor of a piece of legislation. If it is good for our State, we all sponsor it, and we do not have an excessive pride of authorship where we will not sign a letter because someone else of the other party authored it. We work together, and that is a side of the Congress of the United States I wish that more people in Michigan and around the country could see.

Now to the Members from Michigan who will not be coming back next year, or at least let me put it this way, that we now know will not be coming back next year, to BILL BROOMFIELD:

BILL has been a great partner with me on many common causes in Oakland County. We have shared a county together, a large and wonderful county with good people. BILL represented most of that county at one time or another. I dare say there is not an area of that county geographically that was not represented at one time by BILL BROOMFIELD, and when reapportionment 10 years ago brought me into Oakland County for the first time, and I inherited a great deal of area from BILL, as I campaigned in that area in 1982, I knew that, if I got elected, I was going to have some mighty big shoes to fill because the people of Oakland County, in or out of BILL's district, have a great deal of affection for him.

I might say that prior to 1983 I had not had a great number of opportunities to work closely with BILL. But in the 10 years that have passed we have worked together a great deal, and I found each and every opportunity to work with BILL a professionally and personally rewarding experience, and I want to wish BILL and Jane the best in retirement. I know that whatever administration is in office in the next year, they would do well to borrow from BILL's expertise in the area, particularly, of foreign affairs.

And to my good friend HOWARD WOLPE on the other end of my district, in the city of Lansing where we have shared a city in the last 10 years, and before that we shared a common boundary along Ingham and Eaton County in the Lansing metropolitan area, it has similarly been quite rewarding to link arms and do together with him what cannot be done separately. Hopefully we have carried out our responsibility, HOWARD, well to the city of Lansing. They were quite concerned when the city was split, and I think we gave them the advantage of having two Members of Congress, and it has been a lot of fun working with HOWARD, and I dare say to HOWARD and his new bride, Judy, "I wish you a great deal of success in your new service in Michigan."

To BOB DAVIS and DENNIS HERTEL, both of whom had committee assignments that were the same, both on the Committee on Armed Services and both on the Committee on Merchant Marine and Fisheries—our State is not militarily intensive, but we do have some industries, and we have some problems, and in terms of our industries getting fair treatment at the Department of Defense, and anytime those industries were in my area and I needed to get some help on behalf of my constituents and the people who work in those industries, I went to BOB and to DENNIS, and they were always most responsive.

And then, of course, I happen to serve on the Transportation and Appropriations Committee, and the Maritime and the Coast Guard is something that I had to deal with as a day-to-day matter, and DENNIS and BOB were always quite helpful on the authorization committee, and of course our State is actually not thought of so much as a maritime State, but it really is, as the sea coast that we call the Great Lakes, and BOB DAVIS and DENNIS HERTEL have been great leaders in making sure that the Great Lakes sea coast was not neglected in the priorities of the Coast Guard. They are under tremendous budget constraints, and it is often easy for them to think about shortchanging the people of the Great Lakes, but DENNIS HERTEL and BOB DAVIS made sure that did not happen.

And GUY VANDER JAGT. In one sense it is hard to say that GUY VANDER JAGT, from the standpoint of this Member, will be missed.

□ 1940

GUY has, of course, been the chairman of the Republican National Campaign Committee, and as an elected officer of the Republican Conference it has been his responsibility to put the election cross hairs on a number of us on the Democratic side of the aisle. In one sense I am actually glad to see his great skill as a campaigner and as an opponent and as an adversary and as a leader of the Republican Campaign Committee, which has targeted me on a number of occasions, I am actually glad to see him retire from that post, although I am sad to see him go from the Congress.

But I have to say that GUY is one of those individuals who, despite a role that requires him to work as an adversary and despite disagreements occasionally on a partisan matter, GUY is a tremendous individual who graced this body with an oratorical style, a personable manner, that made it fun to even work with someone who was on the other side of you from time to time.

I have to say, and I hope when he reads this he will understand what I say, even though people listening in might not understand, I have enjoyed, and I hope he has, and he took it very well, but I for years needled him about a personal health hazard that he has had. I wish him well in retirement, but most of all I wish that he would quit smoking. If I have any opportunity to needle him some more, I am going to do it. It has been fun knowing GUY VANDER JAGT.

Lastly, to my good friends and colleagues on the Committee on Appropriations, BOB TRAXLER and CARL PURSELL, Michigan has had a unique opportunity to serve the country by having three members on the Committee on Appropriations. I am the junior of the three.

CARL PURSELL and BOB TRAXLER taught me so much about the appropriations process, they taught me so much about the appropriations jurisdiction, and they taught me how to serve the State of Michigan better, and I am in their debt.

Probably most of all I will miss not having BOB TRAXLER and CARL PURSELL to serve with on the Committee on Appropriations, two tremendous individuals.

To all of those who are presently known to be leaving, I want to wish everyone well in their retirement and hope that they come around a lot to give us the benefit of the experience that they have generated here over the years.

I thank the dean for yielding to me.

Mr. DINGELL. I thank my good friend from Michigan, Mr. CARR.

I yield with great pleasure to my good friend and colleague on the Committee on Energy and Commerce, the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. I thank the gentleman for yielding.

Mr. Speaker, we have been heralded by other State delegations and certainly the media as one of the most powerful delegations in the country, Michigan. One of the reasons why is that despite being from different parties, sometimes voting red light-green light on the board above us, it is pretty clear that we operate shoulder to shoulder on behalf of our State and on behalf of our citizens.

When I first ran for Congress, and really every time thereafter, I have used a phrase that I think Mencken used once. He said there are too many Republicans in the Congress—and I must say privately as a Republican I wish we had more, but that is not part of the quote—but there are too many Republicans and too many Democrats in the Congress, and there are not enough U.S. Congressmen and women.

This delegation fits the description of being U.S. Congressmen and women, working shoulder to shoulder.

Every one of these departing Members has brought something very special, both to my work in the Congress, in this body, and to my constituents in southwestern Michigan, but more importantly to our State and to our country.

We all spend a great deal of time together, almost every week, whether it is at airports, here on the floor, or our delegation meetings. I am going to just run a couple of special stories on each of the men that are retiring.

BILL BROOMFIELD, who is here with us tonight, a leader respected by former Presidents of both parties, ranking member on the Committee on Foreign Affairs for a long time. He is a friend who actually has served my entire lifetime.

BILL, there might be a letter maybe that you sent to my folks if I had lived in your district, as I found from my Congressman at that time, Claire Hoffman, who you knew, who has helped me be a player in this body. A Member who has participated in well over 90 percent of the votes, 95 percent of the votes. A Member who has been a player in every foreign affairs issue. A Member who is down in the middle of this well on virtually every vote that we have. A friend of mine, that as I look at what I have done and where I want to go, Michigan with its unique circumstance of being so close geographically to Canada, helped me really become a player on that United States-Canadian Interparliamentary Group. BILL, forever I will hold you very dear to my heart for the hard work and sacrifice that you and your family have done as your work has been unblemished in this great institution. I give you great respect.

BOB DAVIS, ranking member of the Committee on Merchant Marine and Fisheries, who has helped our State in every way with military and Coast Guard matters. Again, as I look at my district along western Michigan, the oil spill legislation where we were able to get a Great Lakes oilspill team, BOB DAVIS had a terrific role as we worked together on that issue.

DENNIS HERTEL, a friend that has served with me on the tourism caucus, so vital to our State, and has been a great voice to save jobs in our State in the defense industry.

BOB TRAXLER, one of the strongest voices in the Congress, who has chaired the HUD Independent Agency Subcommittee on Appropriations and has helped all of our cities try to get their fair share in the recession that has wracked our State and the loss of jobs that we have had. Again, a good player on both sides of the aisle, a person we can call a friend, certainly on our Republican side.

GUY VANDER JAGT, whose oratorical skills will rarely ever again be matched, served western Michigan so well as a key member of the Committee on Ways and Means.

GUY and I share a number of common boundaries throughout a couple of different counties in western Michigan, Highland, and Spring Lake, God's country.

GUY took me under his wing as I watched him hold audiences spellbound in his visits back home talking to so many different constituents as we worked together on so many projects of economic importance to our part of the State.

HOWARD WOLPE. Again, sharing Kalamazoo County and a number of other areas throughout our district, HOWARD and I have had a great respect and real love for each other. HOWARD has had tremendous constituent service that he has offered to our part of the State, where I have tried to model his operation and matched it as best I could. I have tried to hold that as a standard.

There is no harder working individual on either side of the aisle than HOWARD WOLPE or his wonderful staff who have worked tireless hours on behalf of our part of the State.

Even though HOWARD and I sometimes again have voted red light-green light, we have always been there together on so many issues that have impacted our part of the State. Whether it be trade, whether it be the environment, whether it be trying to better our economy, HOWARD has had terrific, just terrific, respect and we will miss you greatly in this body as a voice of reason. There is no doubt that your time has been well spent here. Your constituents have loved you for the hard work that you have brought to this body.

Finally, CARL PURSELL. Coach, as we call him. He is not on the floor this evening. I think he is probably figuring out the Republican lineup for our annual charity baseball game next week. I hope that somehow he figures to pencil me into the lineup.

But CARL has been a tremendous leader in this body from the very day he came. Again, we have shared a common boundary in our districts.

I watched him come home every single weekend, as so many of these departing Members did, throughout his career. CARL is the heart and soul of this body. He cared deeply about the deficit. I can remember when I worked at the White House at the Office of Management and Budget. CARL PURSELL helped put together as the leader of the 92 Group working with the gypsy moths and the boll weevils, put together a budget alternative which to this day was called one of the greatest budget alternatives that was offered in the eighties in this institution, and it was very unfortunate that it failed by only a handful of votes.

□ 1950

But had it passed, I am convinced that the deficit would not be in the triple figures that it is today, over $330 billion, but way less than $100 billion had we been able to get that baby passed.

In fact, Ken Duberstein, who was chief of staff for Ronald Reagan and well-respected on both sides of the aisle, told me just the other day that no Member of this House commanded more respect when he came down to meet with the President than CARL PURSELL because he was a straight shooter, not a rubber stamp. He called them as he saw them, and that is terrific respect, certainly from everyone in his district as well as those downtown in the White House.

I guess I would have to say through thick and thin, all of these Republicans and Democrats that are retiring, when it came to our Nation and when it came to our State and their districts, changed their party credentials at the door and voted and worked on behalf of our country. They are all decent, honest, hard-working men that served this body so well, and we will miss every single one of them.

Mr. DINGELL. Mr. Speaker, I thank my good friend for his very gracious remarks.

I now yield to my distinguished friend, the majority whip of the House, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my dean for yielding to me and associate myself with the remarks that have already been uttered by my colleagues.

I came to the House of Representatives 16 years ago, but I have known most of the people that we are honoring this evening much longer than that. That is because when I first was elected to the Michigan Legislature in 1972, I could look around the chamber and see BOB TRAXLER, HOWARD WOLPE, and then 2 years later DENNIS HERTEL and, of course, exiting the chamber and going across the rotunda of the capitol, you could find CARL PURSELL and BOB DAVIS.

So I have had a chance to work with and against some of our honorees for 20 years. That is, of course, a very long time. We have worked on the issues that have most concerned our districts—jobs, the environment, health care, education—making our State a better place for our constituents and the people that we represent, a better place to live.

In the legislative battles over those issues, it has been a great source of pride that Michigan legislators have taken a leadership role and have taken a leadership role often. I have had the privilege of working with three legislators most closely. We have become colleagues, but I think even more importantly, we have become friends.

BOB TRAXLER. His special concerns, as has been reiterated this evening, have ranged from wiping out zebra mussels to providing money for our veterans. And of course, we all, in our delegation, have relied upon BOB for his expertise on agricultural issues.

I remember when I was first elected and was a city boy and was given the town of Yale, which was in the thumb, southern thumb, heart of the sugarbeet and dairy industry. I remember going to a townhall meeting the night before. I went to my first townhall meeting in Yale, Michigan, and I went up to BOB TRAXLER and I said, "You know, I don't know lot about agriculture. Can you give me some hints on what I should say, how I should act?"

He said to me, "DAVID, just be natural, be yourself and just be just and say what is fair."

So I went up to Yale, MI, and I sent out a notice to the constituents of that area to come and listen to me and have a townhall meeting. And I would listen to them and learn a little bit about agriculture.

And we had about 20 people came to a real small schoolroom, and they all were in their bib overalls. It was planting season, and they took the time off to come and see who this new guy was that was going to represent them. And I stood up in front of them, and I introduced myself and I told them who I was. And I said, "There is coffee in the back of the room, help yourself. There are donuts, help yourself, and we will have a nice little chat together."

And I gave a spiel of about 10 minutes, and I opened it up to questions and comments. And this one fellow, I remember, was sitting in the chamber, sitting in the front row. And he had his arms crossed looking at me, wondering who this guy was. And I had called on him for his question or comment.

And he said to me, "Congressman?" I said, "Yes." He said, "You don't know much about this area, do you?" I said, "Well, no, frankly, I have just come up here to represent it."

And he said to me, "This is dairy country. You have got powdered cream back by the coffeemaker there. We don't serve powdered cream up here." He said, "BOB TRAXLER serves cream. We don't serve powdered cream up here."

This is a true story. I went back 2 years later, actually, the following year, same school, sent out a notice for a townhall meeting.

I told TRAXLER, I said, "Listen, I really screwed up." He said, "Make sure you have got cream or milk for the coffee."

I went back to the townhall, this townhall meeting, same 20 people, did 10 minutes of what was going on in the Congress. The same fellow was sitting in the front row, arms folded, looking at me.

This time I made sure we had milk and cream in the back for the coffee. And I said, "Are there any questions or comments?"

The fellow raises his hand and says, "Congressman, you were here a year ago, weren't you?" I said, "Yes, sir."

He said, "At that time I told you that we needed milk and cream for our coffee. We didn't like that powdered stuff." I said, "Yes, sir." I said, "There is milk and cream back there."

And he held up this little packet of saccharin. He said, "Congressman, this is sugarbeet territory. BOB TRAXLER doesn't serve saccharin. He serves sugarbeets."

Well, I went back to BOB, and I said, "BOB, I'm having a hard time up here in Yale, MI."

This third year I brought his aide with me, and we got it right, but he has been a wonderful source of inspiration to me.

When he won in 1974, it was a sign that Democrats could win in a Republican district. It was, of course, as many of us remember, one of the historic congressional wins of this century. It was the first defeat after Watergate for the Nixon administration. It was a sign of his ability to be persuasive on issues and his warm personality that his voters not only returned him year after year but that district has become more and more Democratic.

And of course, BOB TRAXLER is our nominee for a trusteeship at the Michigan State University, and I suspect that he will have many years of service for the people and the students of the State of Michigan.

DENNIS HERTEL has been a friend of mine for many years. We both grew up on the east side of Detroit. He went to Demby High School. I went to Notre Dame, which is a few blocks away. We both played football on winning football teams that made it to the championship level.

He grew up on the east in Polish, Italian, and Belgian neighborhoods.

Of course DENNIS HERTEL comes from a family where politics is a business. DENNIS has made his family very proud. I am proud to have had a chance to work with him in the 18 years since he was first elected to the Michigan House.

When he first ran for Congress, I was happy to go door to door for him with some of my supporters, and we would even in the evenings, I remember, up on Lansing, share a coffee or a beer in the evening and talk about the day's work.

Nobody has worked harder on the issues of jobs or changing defense needs than DENNIS HERTEL. We will miss him for his great work on the Great Lakes as well.

HOWARD WOLPE. Well, HOWARD has had a spectacular career as a city councilman in Kalamazoo, as a State legislator and, of course, having served in this great body. We came to Lansing together 20 years ago, a motley group of us called the kiddie caucus. And I would like to think we had a good impact on the State and for the State and the people of Michigan.

The bottle bill, which PAUL HENRY has picked up and has worked so very hard on at the national level, HOWARD worked on very hard. Generic drug legislation, regulatory reform at the State level, he has led us all on the issues of dealing with special interest lobbying and hazardous waste, and he has also been such an incredibly hard worker. And I think, as FRED has indicated, a very principled person who knew the subtleties of every issue, whether it was apartheid or a UDAG grant for his community.

□ 2000

He is, I think, one of the more impassioned fighters in this institution on every issue in which justice is at stake, or where championing the oppressed is the issue. This place will be a lot different without him, but I have confidence that he will be serving the people of the State of Michigan in other capacities for years to come. We will miss you, HOWARD, very, very much.

Let me say something about my colleagues on the other side of the aisle. We have had our differences. There is one thing we agree on, and that is the need to make Michigan a better place to live. Therefore, we have worked together on many issues where we could set our differences aside and fight for what is right for the people of the State of Michigan. I have appreciated your many courtesies during those battles, and I will miss serving with you.

BILL BROOMFIELD, who has been here so many years, to him and his lovely wife Jane, I wish them all the best. We were not together on very many national issues, there is no question about that, but he has always treated me with courtesy and respect, and I would like to think that I have reciprocated. He has given a lot to our State and to our delegation, and we will miss him. I will miss him at the Ukrainian Cultural Center, where we have run into each other in the district so often.

Of course, to CARL PURSELL, I will miss CARL in many ways. Working with him in Lansing was a special treat. I will miss him on the baseball and the basketball court, the baseball field, where we have done battle athletically as well as legislatively, and he has had a distinguished career. We wish him all the best.

BOB DAVIS. I have worked with BOB on voting issues, water issues, defense issues. He has been a great Representative for the people of the Upper Peninsula and that upper part of the Lower Peninsula. We wish him all the best.

Of course, GUY VANDER JAGT. I might reiterate the comments of my friend from the Lansing area, BOB CARR. He has targeted me, as he has HOWARD and BOB on many occasions, but he has done so with class and with grace, and we wish him and Carol all the best in their future endeavors.

Once, back in the days when Red Rolfe was managing the Detroit Tigers, he hired the old veteran Yankee Charlie Keller to join the Tigers. A reporter asked him why did he do this. He said, "I didn't hire Charlie Keller because we are friends, or because I wanted to do him a favor. I hired him because I wanted to give the ball club a touch of class."

Whichever class you came in with, 1974, 1976, 1980, or in BILL BROOMFIELD's case, 1956, you have lent this wonderful institution a touch of class. I will miss serving with you, all of you, and I will never forget how much you have taught me.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Michigan.

Mr. Speaker, I yield to my good friend from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, tonight, I want to take a moment to express my appreciation to our seven colleagues from Michigan who will not be returning to the House of Representatives next year. Over 135 years of combined service, accomplishments and legislative experience can be found in their records.

Among these seven servants of Michigan are three committee chairmen, three ranking members, and the chair of a congressional campaign committee. Every one of them has served our State in the Michigan Legislature.

The most valuable asset to a newly elected Member of Congress is an experienced and respected friend willing to show you the ropes. CARL PURSELL helped me through those first days and weeks in Congress, and even though I knew my way around halls, his advice helped me avoid some of the pitfalls that all new Members face.

With CARL's retirement, Michigan and the GOP will be losing more than just an influential Member of Congress, we are also losing one of the best coaches the Republicans have had since the bipartisan congressional baseball game began.

CARL's six-game record of four wins and only two losses shows that while winning battles on the floor of the House is sometimes a field of dreams, we are to be taken seriously at America's other favorite pastime of baseball.

Another colleague who helped make my first days a bit easier was DENNIS HERTEL. I remember soon after I was elected, DENNIS called and invited me to his office. We talked at length about Michigan and life in Congress.

DENNIS helped protect the Great Lakes as the chairman of the Merchant Marine Subcommittee and played a key role in saving thousands of defense jobs at the Warren tank plant.

GUY VANDER JAGT will be especially missed on our side of the aisle. His eloquence could rally people to the cause, and his political acumen proved valuable in his role as chairman of the National Republican Congressional Committee.

And since this is a bipartisan event, I won't talk at length about his accomplishments as chairman of the NRCC. Except to say that many Republicans owe their congressional careers to GUY's hard work.

I also want to give special mention to BOB TRAXLER, the chairman of the VA/HUD Appropriations Subcommittee in the neighboring Eighth District. We share Saginaw and Midland Counties.

Our neighboring districts share many of the same concerns about agriculture, small business and education. Students from both districts attend many of the same schools. Veterans and housing advocates will miss his hard work and support of their causes, and I will miss his company on flights back to the Tri-City Airport in Saginaw.

I also want to give special recognition to the Michigan's most senior retiring member, the ranking member of the House Foreign Affairs Committee, BILL BROOMFIELD. BILL was elected to office in 1956 and has served with great distinction over the past 36 years. He has served as a Member of Congress during the administrations of eight Presidents.

As the ranking member of the House Foreign Affairs Committee, he helped craft the policies that today have resulted in the fall of the Berlin Wall, the collapse of communism in Russia, and the spread of democracy throughout the world. His steady and firm voice in Congress helped get these policies enacted. And I know he has more to contribute, hopefully as a U.S. Ambassador.

Also in the area of foreign affairs, HOWARD WOLPE helped bring attention to plight of hunger facing Africa. Today, we are gripped by horrible sights of famine from the Horn of Africa. HOWARD's keen foresight saw this problem emerging long before it reached the headlines. His retirement will mean the loss of a strong and compassionate voice on behalf of the cause of ending hunger in Africa and the world.

Closer to home, another retiring Republican, BOB DAVIS, has worked hard to represent the Upper Peninsula and bring greater awareness of issues facing the Great Lakes region. His tenure is the result of his excellent record of constituent service and protection of the Great Lakes. His efforts to the repeal of the boat user fee is a feat of perseverance.

Mr. Speaker, Michigan has been fortunate to have these fine representatives serving in Congress. I wish all of you the best in the future. I know they will carry their dedication, energy, and talent to new challenges with the same distinction and dedication they brought to the business of serving the public in the U.S. Congress.

Mr. DINGELL. Mr. Speaker, I yield to the gentlewoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to pay tribute to the retiring members of the Michigan delegation. It is with great sadness that we will lose such fine gentlemen.

After arriving to Congress on January 3, 1991, the Michigan delegation warmly welcomed me to Capitol Hill, but Representatives HOWARD WOLPE, ROBERT TRAXLER, and DENNIS HERTEL were particularly helpful. They were supportive and assisted me in every way possible.

Representative WOLPE opened his doors to me. He and his staff helped me turn my empty office into a productive and efficient congressional office. They assisted me in many other ways.

Their kindness and support did not surprise me, because I had worked with both Representative WOLPE and Representative HERTEL before at the Michigan State legislature.

Mr. Speaker, the Michigan delegation is similar to a family. We are all from different backgrounds, but we are joined by friendship and camaraderie. This working relationship and unity will make the departure of members of the Michigan delegation that much more difficult.

Although, the time I spent working with the departing Representatives was limited, I was still able to observe impeccable talent, brilliance, and strength.

Michigan residents will surely miss the representation of these special gentlemen, but their contributions to make Michigan one of the greatest States in the Nation will never be forgotten.

In the 14 years Congressman WOLPE has served in Congress, his purpose—to represent the interests of his constituents—was never lost. Representative WOLPE worked diligently to improve the way of life for all of his constituents.

Representative DENNIS HERTEL worked to bring resources to areas in Michigan, which might have been ignored otherwise.

Representative BOB TRAXLER counseled me on appropriations matters.

Mr. Speaker, it was a great pleasure to have had the opportunity to serve in the U.S. Congress with such honorary gentlemen. We will miss their counsel and dedication, but I know that their service to the citizens of Michigan will continue in some capacity.

Departing members of the Michigan delegation, you have been a credit to the State of Michigan. The many fine tributes which were paid to you are an inspiring manifestation of the high esteem in which you are held. I want to supplement them by adding a personal expression of deep regard for you. Your unfailing courtesy, the high fidelity with which you performed the most difficult tasks, and your great sacrifices on behalf of Congress more than justify all the nice things which have been said about you.

Mr. Speaker, the retirement of dedicated and hard-working Members of Congress is unfortunate for they can never be replaced, but it was a tremendous pleasure to have had the opportunity to work with everyone of them. God bless every one of you and may you continue to enjoy life at its best.

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Mr. DINGELL. Mr. Speaker, I am delighted to yield to my good friend from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding, and I thank him and Mr. HENRY for asking for this special order this evening to recognize these outstanding Americans.

The State of Michigan is losing 136 years of legislative expertise in the House of Representatives, and that is not counting the time that these gentlemen have given to public service in State legislatures or as locally elected officials.

BILL BROOMFIELD is the ranking member of our Foreign Affairs Committee, the committee on which I serve. We are going to miss BILL BROOMFIELD, and I, quite frankly, envy BILL BROOMFIELD's career, because when he came to the Congress communism stood before the world like a colossus. Today there is no such thing as a Communist power. I am not saying that BILL BROOMFIELD singlehandedly destroyed communism, but I am saying that it is people like BILL BROOMFIELD who day in and day out stood strong, and stood fast for the principles in which we believe, and he won out in the end. And for that, BILL BROOMFIELD, we say thank you. And I also want to say thank you personally for treating me fairly and giving me such good advice and counsel over the years. For that again I say thank you.

BOB TRAXLER is a real gentleman, a man of integrity, and a man of good judgment. And when BOB TRAXLER gives you his word, by golly, you can bank on it. We needed an outpatient clinic in Wisconsin, and thanks to BOB TRAXLER we got our outpatient clinic. And when the chips were down in the conference committee, BOB TRAXLER said we are going to make sure the job gets done, and by golly he got it done. He is a person of great legal abilities, and I know that he is going to do well in whatever endeavor he follows. And I know the University of Michigan is going to be lucky to have him as a trustee. I know that sometimes the Appropriation Committee assignment can be a thankless job, because there are many Members looking for favors. But BOB TRAXLER is a legislator, and a friend, and he has really made a difference not only for Michigan but for the State of Wisconsin, and again for that we say thank you.

CARL PURSELL. Many have talked here this evening about his exploits as a baseball player and a coach. But I want to say that CARL PURSELL has done a lot for Wisconsin, because he has done a lot for the Great Lakes, and for that we thank him. Losing CARL PURSELL is going to be like the Milwaukee Brewers losing Paul Molitor.

As for some of the other Members, I would say that GUY VANDER JAGT is a person that has done so much for me here on the floor and back in the State of Wisconsin. GUY VANDER JAGT in the historic 1980 Republican Convention gave the keynote address. I think probably it was the most memorable keynote address we have ever had before our convention, and it is not going to be forgotten for a long long time. And he is the single person who has done so much for the people coming to Congress.

To HOWARD WOLPE and BOB DAVIS, who have received so many accolades this evening, I would say that HOWARD WOLPE is a Member who came in the 1978 class along with BOB DAVIS, and we are going to miss HOWARD WOLPE. He is a fellow who has done a lot in the Foreign Affairs Committee, and we would say in Wisconsin that he has stuck to his guns, he has stuck to his principles in which he believed and the people who believed in him, and for that we salute you.

To BOB DAVIS, the first time I heard of BOB DAVIS was in Florence, WI, which is adjacent to Michigan. And I heard about this dynamic young politician in the State of Michigan, and by golly, everything they said about him was true. In 1978, he came along, he licked all of the opposition, and he did a marvelous job, and he always has done a great deal for me in helping me in Wisconsin with our shipbuilders and the problems we have had in the Great Lakes and so on. He has always been there to help, and he has not always been dynamic, but he is a person that always gets the job done.

DENNIS HERTEL is a neighbor of mine, and we have always had an excellent relationship with him. Everything that has been said about him here this evening I would just like to second, because he is a person that is also going to be missed, and a person that we are going to see on the scene I am sure for many years to come.

To all of them I say congratulations, and the best of luck to the people who served in the Michigan delegation. Not only have they enriched Michigan, but also they have done a lot for our State of Wisconsin, and I appreciate that.

Mrs. MORELLA. Mr. Speaker, and fellow Members, it is with great pride and sadness that I pay tribute to seven colleagues from the great State of Michigan who are leaving Congress at the end of this session. I am fortunate to have had the opportunity to have worked with and known seven of the finest Representatives to have been elected to Congress throughout its history. I regret that the American people will no longer have the benefit of their inspired leadership.

I will miss BILL BROOMFIELD, who had his second home in my district during his tenure in Washington. As ranking Republican on the Foreign Affairs Committee and one of the most senior Republicans in the House, he has been a source of wise counsel, particularly in the area of arms control. He has always been a gentleman: honorable and reasonable—and a friend.

GUY VANDER JAGT, the second ranking Republican on the Ways and Means Committee, has not only led the National Republican Campaign Committee, but also has been a leader on numerous environmental and health issues. He is an innovator—and one of the great orators in the history of this body.

CARL PURSELL, ranking Republican on the House Appropriations Labor—Health and Human Services—Education Subcommittee, will be missed for his relentless efforts to balance the budget and his fine work on national energy and health issues. CARL'S absence will also be felt at the annual titanic congressional baseball game, where he has been a hard-hitting first baseman. More recently, he has been the GOP coach.

BOB DAVIS, ranking Republican on the Merchant Marine and Fisheries Committee, has worked on behalf of the Great Lakes region to find solutions for its problems. I have worked with him on his effort to repeal the recreational boat user fee and will miss his diligent concern for his constituents.

BOB TRAXLER, chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, has been one of the cardinals of the House. His skillful leadership on the 1990 budget summit package and his interest in serving constituents has endeared him to his colleagues and earned him their respect.

HOWARD WOLPE, chairman of the Science Subcommittee on Investigations and Oversight, has been a congressional leader on African issues and left a legacy of his interest in exterminating South Africa's apartheid system and providing United States aid for Africa. I have served with HOWARD on the House South Africa Task Force and have valued his knowledge and commitment toward a democratic South Africa. I have worked with him on his efforts to reduce waste, and I will miss his able legislative abilities.

DENNIS HERTEL, chairman of the Great Lakes and Outer Continental Shelf Subcommittee, has advocated the prohibition of ocean dumping of medical waste and been a firm advocate of streamlining the military procurement process. As a fellow member on the Aging Health and Long-Term Care Subcommittee, we have worked together to find solutions to the Nation's complex health care problems, and I will miss his earnest intelligence.

I offer my best wishes to all of these fine statesmen as they embark upon new paths. While the State of Michigan and the U.S. Congress will be diminished by their loss, I know that they will add luster to other new and challenging endeavors.

Mr. FORD of Michigan. Mr. Speaker, I want to thank JOHN DINGELL and PAUL HENRY for setting aside time today to recognize members of the Michigan delegation who are retiring at the end of the 102d Congress.

Michigan can boast of one of the finest delegations in the House. Despite our often pronounced ideological differences, our delegation has proven time and time again that we can come together on issues of importance to the State. I only hope the new batch of Michigan members can help us continue this tradition of cooperation.

I would like to spend a few moments recognizing the retiring members of the delegation. I will proceed in order of seniority.

BILL BROOMFIELD

BILL BROOMFIELD has proudly served his district for 35 years. I joined him in the delegation in 1964. Our friendship has grown over the years. I consider him a personal friend.

BILL serves on the Foreign Affairs Committee and Small Business Committee. He became the ranking Republican on the Foreign Affairs Committee in 1975. Our colleague, Chairman DANTE FASCELL, has come forward time and time again to recognize BILL as a ranking member who is interested in getting legislation passed rather than proving the differences between the Democratic and Republican parties. As a chairman myself, I can appreciate this type of cooperation.

GUY VANDER JAGT

GUY came to the House in 1966, 2 years after I did. We have worked together on issues of importance to Michigan throughout our overlapping tenures here in Washington.

As a Member of the House, he has served on the Ways and Means Committee and the Joint Committee on Taxation with distinction.

While GUY dedicated much of his time and energy as chairman of the NRCC to defeating Democrats like me, I never held his work against him. I always understood his labor at the campaign committee to be normal in this partisan system we are a part of.

BOB TRAXLER

Michigan suffers with the loss of BOB TRAXLER. BOB joined the House in 1974. He worked his way up the Appropriations Committee ladder. He ascended to the chairmanship of the Subcommittee on HUD, VA, and Independent Agencies at the start of the 101st Congress.

From this position, BOB has done more than any Member in recent time to bring grant and special project money to Michigan. In particular, BOB has worked to improve Michigan's veterans facilities and clean up Michigan's lakes and rivers. Both JOHN DINGELL and I are deeply indebted to BOB for his championing of the Rouge River demonstration project. This project means much to our communities that border this river which has been the dumping ground for industry for so many years. This project also means a lot to the entire Great Lakes region, for the Rouge has been recognized as one of the primary sources of pollution to the Great Lakes.

BOB also helped JOHN and me realize our long-sought-after goal of a new medical care facility for the veterans of southeast Michigan. In 1990, ground was broken in Detroit for a new $250 million state-of-the-art medical center. This new center will be augmented by a long-term care facility at the Allen Park VA center.

Beyond his work on appropriations, BOB has been a great defender of Michigan farmers. On a personal level, I always turned to BOB when it came to agricultural questions before the House. I appreciated his wisdom on this front.

CARL PURSELL

CARL and I have shared neighboring districts throughout his 16-year career in the House. I have enjoyed working with him.

CARL serves on the Appropriations Committee. He became the ranking member on the Subcommittee on Labor, Health and Human Services, Education and Related Agencies upon the death of Silvio Conte in February 1991. Throughout his tenure on that subcommittee, I could always count on CARL to provide adequate funding on the programs in education and labor that I helped authorize. Like me, CARL knows how important education is for our future. Our kids must have decent schools and teachers to compete in the coming decades. CARL has worked hard to see that we meet our education responsibilities.

HOWARD WOLPE

HOWARD joined us in the House in 1978. He currently serves on the Foreign Affairs Committee and the Science, Space, and Technology Committee. After a decade of chairing the Foreign Affairs Subcommittee on Africa, he took over the chairmanship of the Science Subcommittee on Investigations at the start of the 102d Congress.

HOWARD has pursued a variety of interests during his tenure in the House. As chairman of the Africa Subcommittee, he led the congressional push for sanctions against South Africa and its unjust system of apartheid. He ultimately helped pass sanctions legislation over a Reagan veto. The sanctions played a large part in bringing about the reforms now taking place in South Africa.

HOWARD has also worked hard on issues that affect the people of Michigan. As chairman of the Northeast Midwest Coalition, he took the time and effort to make sure that regional concerns of Great Lakes States, like Michigan, received the attention they needed from members of other regions. His coordination as chairman brought members of the coalition on board in his efforts.

This year, as chairman of the Science Subcommittee on Oversight, he has worked hard to see to it that we don't throw our precious dollars on projects of dubious value. While the jury is still out on whether we will continue to fund the superconducting super collider, HOWARD did much to see that we halt the construction of this huge budget buster. I appreciate his efforts in this regard.

BOB DAVIS

BOB also came to the House in 1978. Throughout his career, he has been an important voice for Michigan on his two committees, Armed Services and Merchant Marine and Fisheries. As ranking member on Merchant Marine, BOB has been a consistently strong advocate for the Great Lakes. In this regard, he can count passage of the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 as one of his achievements. This legislation hopefully will eliminate dangerous nonindigenous species, like the zebra mussel and the river ruffe, which threaten the delicate ecological balance of the Great Lakes.

Beyond his committee work, I could always count on BOB on labor legislation put forward by my Education and Labor Committee. I particularly appreciated his support for my plant closing bill which finally became law in 1988 after a 14-year struggle.

DENNIS HERTEL

DENNIS was first elected to the House in 1980. Like BOB DAVIS, he sits on both the Armed Services and Merchant Marine and Fisheries Committees. He serves as the chairman of the Subcommittee on Oceanography and Great Lakes and Outer Continental Shelf.

As a member of Armed Services, DENNIS has been dogged in his efforts to eliminate unnecessary nuclear weapons systems, like the MX missile. After years of work, DENNIS' crusade against the MX was vindicated when the House voted in the 1991 defense authorization bill to halt further funding for the MX rail-based system.

As chairman of the subcommittee with jurisdiction over the Great Lakes, DENNIS has made his biggest impact in defending the lakes. Many of our colleagues outside the region tend to believe the lakes are merely a regional concern. DENNIS has fought to convince them that the Great Lakes are both a national treasure and a national responsibility. He has worked to see that the lakes' unique environmental needs are addressed. He has also left his mark economically in promoting both the Great Lakes shipping and fishing industries.

In closing, I give my best to all seven Members who will hang up their cleats with the close of the 102d Congress. I wish them a fulfilling career or a relaxing retirement outside the House. I do not think we have heard the last from these men.

Mr. DERRICK. Mr. Speaker, when the 103d Congress convenes next year it will be without the services of Congressman BOB TRAXLER of Michigan. The new Congress will miss BOB TRAXLER'S public service, and more importantly, it will lack BOB'S commitment to making our government work for the people.

Now completing his 10th term, BOB has always put the interests of his country and its people first. As an Appropriations Subcommittee chairman, BOB successfully directed funding to the Nation's programs for veterans, housing, space exploration, environmental protection, and scientific research. These programs have moved forward under Bob's leadership.

BOB'S service to Michigan and to the country represent positive government at its best. His tenure in the Congress has been marked by coming up with workable solutions to many of the problems facing our country. People like BOB—with their service and dedication—are what keep alive the faith so many of us have in the Government. Our Government works because the people make it work. BOB has underscored the idea that Government-backed services do make a difference in our everyday lives.

As a colleague, I will miss BOB'S leadership as the chairman of the VA, HUD and Independent Agencies Subcommittee. As a good friend, I wish BOB the best in his new life after the 102d Congress.

Mr. CONYERS. Mr. Speaker, it is with a mixture of appreciation and regret that I address you this evening to bid farewell to seven distinguished members of the Michigan delegation, including Congressman BOB TRAXLER and HOWARD WOLPE. I will speak mostly with appreciation, for I have only one regret: that the people of Michigan and the U.S. Congress will not only lose the keen legislative insight and experience of these fine men, but will also no longer benefit from their genuine commitment to and interest in doing what is right.

I have worked with BOB for a good many years and have always known him to work hard on behalf of his district, invoking discussion on critical areas such as increased access for Americans to health care and the protection of the environment. And while you might think that it is politically correct for every politician to espouse these issues, I assure you I have watched him work tirelessly on them throughout his career.

BOB served on the Appropriations Committee and on two of its subcommittees: VA, HUD, and Independent Agencies and Rural Development, Agriculture, and Related Agencies. His position on both of these subcommittees allowed him to give much to his district, State, and region. He took advantage of his chairmanship on the VA, HUD, and Independent Agencies Subcommittee to bring badly needed Federal health care funds for the veterans of his district, helping, at one point, to establish a new VA medical center. He also brought the EPA to Michigan to study acid rain's effect on the whole region, specifically the Great Lakes, by funding their efforts to establish research sites in our State.

With his vice chairmanship of the Rural Development, Agriculture, and Related Agencies, BOB has been able to help Michigan's agricultural sector thrive. He has brought several projects to the area to study new methods of and enhance our State's production.

While seeing to the needs of constituents, he never once shirked his greater responsibility to the Nation. As a chairman of an Appropriations Subcommittee, he championed the cause of responsible Government spending, and together with my other esteemed, retiring colleague, HOWARD WOLPE, formed a formidable coalition against wasteful pork-barrel programs.

My good friend and colleague, retiring Congressman HOWARD WOLPE, became the guru of high technology and advanced manufacturing during his tenure on the Committee on Science, Space, and Technology. As chairman of the Subcommittee on Investigations and Oversight, he worked to curb waste in Government-sponsored research and development and successfully eliminated many of these programs. His dedication ensured that expenditure would be dictated by necessity rather than senseless political opportunity.

HOWARD has been one of the leading environmental advocates in Congress. From his membership on the Subcommittees on Environment and Energy to his chairmanship of the Democratic Caucus Task Force on the Environment and Energy, HOWARD has always focused on environmental protection and research and development of alternate sources of energy. He holds a 96 percent lifetime voting record with the League of Conservation Voters. Recently he was named "Legislator of the Year" by the Michigan Audubon Society.

HOWARD has also served for many years with distinction on the Foreign Affairs Committee. There he took a great interest in Africa and rose to chair the Subcommittee on Africa—a position he held for 10 years. Since he was one of the leading congressional opponents of apartheid. I had the honor of working with him on many issues relating to Africa.

It has been an honor and privilege to know and work with all retiring Members. I am sure that this Congress will join me and the American people in expressing our gratitude for their dedication to excellence. Our institution will be poorer for the departure of these two fine men. They will be sorely missed.

Mr. SENSENBRENNER. Mr. Speaker, when the 103d Congress convenes in January 1993, many anticipate more than 100 new faces among the ranks. The Michigan constituency unfortunately will lose 7 of its current 18 member delegation after this Congress. Messrs. HERTEL, WOLPE, DAVIS, PURSELL, TRAXLER, VANDER JAGT, and BROOMFIELD are leaving the House for various reasons.

Michigan is consistently recognized each year as one of the most influential delegations in the House of Representatives. Through experience and leadership, these retiring Members on both sides of the aisle have made their legislative mark both for their State and the entire Nation. These Members have demonstrated both tenacity for their respective interests and causes, as well as a spirit of cooperation within the legislative process.

I have had the privilege of working with all these Members and join my colleagues in wishing them well in their future endeavors. They have served their constituents well and brought honor and respect to this institution with their outstanding performance. I thank these Members for their friendship and wish them all the best.

Mr. KILDEE. Mr. Speaker, I rise today before the House of Representatives to pay a much deserved tribute to those Members from the Michigan congressional delegation who will be departing at the end of this session. I stand here in the hope that BILL BROOMFIELD, GUY VANDER JAGT, CARL PURSELL, BOB DAVIS, BOB TRAXLER, HOWARD WOLPE, and DENNIS HERTEL will all realize the gratitude I feel for having had the opportunity to call each one of them friend. Their qualities of diligence, care, sacrifice and dedication not only provide a testament to these legislators' personal fiber, but have also enabled them to leave an indelible impression upon the country they have so faithfully served.

As we all know, some of this country's most bold and innovative policies were crafted by the hands of those whom we now rise to honor. Indeed, each of their careers was marked by unyielding dedication to the welfare of this country's citizens. Years ago, when I first contemplated a career in public service, I had the benefit of several great role models who, to me, symbolized this body's highest ideals. It is because of those whom we now rise to honor, that others will benefit from that same inspiration. Their contributions and the manner in which they were accomplished will surely become the trademark of their generation.

I know I do not stand alone in wanting to express appreciation for having had the opportunity to serve alongside these individuals. My years on Capitol Hill have been significantly enriched and forever molded by their presence. Those who have had occasion to team up with these distinguished legislators are well aware of their extraordinary expertise and foresight.

Mr. Speaker, I am joined by countless others, both in this body and throughout the Nation, who realize that these individuals will be sorely missed. Yet, we are confident that each one will undertake their future endeavors with the same signature enthusiasm and vigor that characterized their work here in Congress. We will always cherish our memories of these great legislators as we recall the many ways in which they have enriched our lives. Today I rise to wish them well and bid them a fond farewell.

Mr. HORTON. Mr. Speaker, I join with my colleagues in paying tribute to the members of the Michigan congressional delegation who will not be returning for the 103d Congress.

I consider it an honor and a privilege to call BILL BROOMFIELD, the dean of this great delegation, a close friend. We have served together in this body for three decades, and have seen a lot of changes. But one thing that has remained steadfast through the years is BILL'S commitment to accomplishing real goals instead of mere partisan victories. He shares the somewhat dubious distinction with our leader BOB MICHEL for the longest continuous tenure as a member of a minority party. Yet, as the ranking minority member of the Foreign Affairs Committee, he has shown his ability and willingness to cooperate with both sides to work out compromises and allow this legislative body to function as it was intended.

I have greatly enjoyed my friendship with BILL BROOMFIELD over the years, and will remember fondly our times sitting together during many historical addresses during joint sessions of Congress. His presence will be greatly missed on both sides of the aisle. He has been a truly outstanding public servant, and is to be commended for his many years of hard work in Congress. I know I am expressing the sentiments of many people when I say his retirement is going to be a great loss, not only for his constituents, but also for this Nation.

GUY VANDER JAGT will surely be missed, not only by Members of Congress, but by GOP political hopefuls that have looked to him for leadership and guidance through the years. He has served his constituents and the Nation well for the 26 years he has held office, rising to a ranking member position on a subcommittee of the powerful Committee on Ways and Means.

And as chairman of the National Republican Congressional Committee since 1975, he has aided many Republican House Members through his superior fundraising abilities and skills as a great orator. I am sure I speak for many people when I say how much we appreciate the time he has taken to share his experience and leadership with new Members on our side, taking them under his wing and giving them guidance. He has served this body with distinction, representing this institution the way it is supposed to be.

HOWARD WOLPE is also a close, personal friend who has done a wonderful job as cochairman of the Northeast-Midwest Coalition, of which I am proud to be a cofounder. He has done magnificent work on behalf of this country, rising through the ranks on the Foreign Affairs Committee to the chairman position on the Subcommittee on Africa. He has served not for the publicity, but because he cares about his obligation to further the best interests of our country.

He has worked with the members of the Northeast-Midwest Coalition to try and solve the problems of our region and make sure decisions fairly address the needs of our region. He has represented the people of Michigan's Third District with distinction, and his constituents will be hard pressed to find a representative that works as hard, or cares as much, as HOWARD WOLPE does.

BOB TRAXLER, CARL PURSELL, BOB DAVIS, and DENNIS HERTEL are all shining examples of the fine men that I have had the privilege of working with in my many years serving the people of this country. I have had the great honor of working closely with these men, and know that the House of Representatives will surely suffer a loss without the leadership these men have so graciously provided. They have served their constituents well, which has been evidenced at the polls time and time again.

As one who will also not be returning for the 103d Congress, I share some of the same bittersweet memories as this session slowly comes to a close. We have dedicated a large part of our lives to serving the people of our districts and this Nation. We have seen this country through prosperous times, as well as times of war. And I can say with heartfelt respect that the years you have dedicated and the work you have done is greatly appreciated by all. I wish you and your family good luck and good health in the years ahead, and would like to extend my commendations to you all for a job well done in the Congress of the United States.

Mr. HUGHES. Mr. Speaker, I rise today to join with my fellow colleagues in honoring more than a decade of service to this House by my friend, Representative DENNIS HERTEL of Michigan.

DENNIS is a fine legislator with a solid record of accomplishment. As chairman of the Merchant Marine and Fisheries Subcommittee on Oceanography, DENNIS has worked earnestly to provide for environmentally sound usage of our coastal waters. We had the opportunity to work together on my legislation to create standardized beach testing methods as well as on plans for the development of the National Undersea Research Program. The leadership DENNIS provided was invaluable and I enjoyed working with him on these and many other key issues.

I also have had the pleasure of serving with DENNIS on the Select Committee on Aging. His work to ensure that the health care needs of the aged are addressed is of vital importance to the growing senior population.

Throughout his tenure in the House, DENNIS has served the people of the 14th District of Michigan well. I am pleased to join with his constituents, as with our colleagues in the House, in expressing my sadness that DENNIS has completed his time in the Congress. Yet, I am happy that he will be able to spend more time with his family and move on to new and exciting challenges.

Mr. REGULA. Mr. Speaker, the departure of the Michigan Members including BOB TRAX-

LER, HOWARD WOLPE, DENNIS HERTEL, BILL BROOMFIELD, GUY VANDER JAGT, CARL PURSELL, and BOB DAVIS will leave a big gap in the leadership and quality of this institution. Major committees will feel the loss of individuals who have contributed mightily to the success of deliberations and the legislative successes resulting therefrom.

The focus of the departing Michigan Members has been very eclectic and, therefore, brought success in disparate areas that have individually and collectively benefited the people of America.

To BOB, HOWARD, DENNIS, BILL, GUY, CARL, and BOB, this body will miss your wise counsel and dedicated patriotism to the betterment of America.

I wish you all well in meeting your new challenges.

Mr. SCHULZE. Mr. Speaker, it is a daunting task to speak about a man who's been called the best speaker in the House of Representatives. But GUY VANDER JAGT is much more than a colleague to me, he is also a dear friend. So, I will step up to this challenge and hope that I can pay him the tribute he plainly deserves.

From the beginning, GUY has been devoted to public service. His training began at age 17 when he served as a minister during his senior year in high school.

From that experience he gained a deeper commitment to his core principles, values, and ethics. He also learned how to put the fear of God into his listeners. That ability has been largely responsible for his success in Congress.

That training certainly didn't hurt him when he took a leadership role in the historic task of overhauling the Tax Code in 1985. That work has resulted in greatly needed tax relief for low- and middle-income families and more equity in our business tax collection.

It is impossible to tell the number of lives that have been improved because of GUY'S work in the House.

For example, GUY introduced a bill to expand Federal research for the treatment and prevention of diabetes. The resulting legislation was the National Diabetes Act of 1974. How many people will live longer, better lives because of his efforts? We can only imagine.

And he's certainly been good for the people he represents in Michigan.

GUY successfully introduced a bill that addressed a special Medicare reimbursement problem for 15 Michigan hospitals.

He also achieved the adoption of legislation that provided relief from unfair retroactive tax assessments on Michigan's 39 private workers' compensation funds. That legislation affected more than 7,000 companies and tens of thousands of workers.

GUY has been great for our party too. When GUY took over as chairman of the National Republican Congressional Committee, it was in debt after the 1974 elections.

But GUY threw his endless energy into rebuilding the organization. He traveled thousands of miles, and made nearly 2,000 appearances in all 50 States on weekends and on what might have been vacation time.

Many of our GOP Members of Congress are here because of the work GUY did on their behalf. But that's GUY. He's always where he's needed most. I know that from personal experience.

As you recall, my dear wife Nancy passed away over 2 years ago. GUY was there for me. He shared his extraordinary ability to reach the soul when he spoke at Nancy's service.

GUY is always there when you need him most—and for that, I remain eternally grateful.

Don't confuse GUY'S departure from Washington with something like retirement. I know him too well. This might mark an end to this particular stage of public office, but it won't be an end to his public service. It's too much a part of him.

I'm here to pay tribute to an exemplary career. But let me make it clear that this is in no way an end to our regard, respect or admiration for his diligent pursuit of excellence.

GUY, please take away with you our appreciation and our deep affection. Our best wishes are with you, Carol and Ginny.

Mr. FASCELL. Mr. Speaker, I rise to salute members of the Michigan congressional delegation who will not be returing to Capitol Hill for the 103d Congress. I have served will all these colleagues through the years and I have the utmost respect for the dedication and statesmanship which they have brought to the deliberations of the Congress. Their service to Michigan and to the U.S. House of Representatives will be long remembered. I thank them and their country thanks them.

First of all, I speak of two members of the Committee on Foreign Affairs who have served with me both before and during my current tenure as chairman of the committee. I speak, of course, of WILLIAM S. BROOMFIELD and HOWARD WOLPE.

First, my dear friend the very able and affable BILL BROOMFIELD, the ranking member on the Republican side of our committee; I've always considered BILL my cochairman and I think I can say in all honesty that BILL and I have served side by side, working for what we both believed was in the best interest of the Congress and our country.

BILL and I have worked together on the Foreign Affairs Committee for over 30 years.

Have BILL and I ever disagreed? You bet we have. Have we ever failed to respect each other and each other's position? Not on your life.

I will remember our relationship as one where we have always been impartial in our deliberations on foreign policy initiatives and programs. I think particularly of matters that concerned arms control and non-proliferation. Together, I feel we led the way in this area. And together, I feel, we have done much to reduce the threat of nuclear war and regional conflict.

No one in the Congress has better served the interests of his country in the total arena of foreign affairs then BILL BROOMFIELD. He has served with integrity. He has served with grace. And he has always served with a smile and an abiding good humor. Our Nation is in his debt. Once again, let me say that I wish BILL and his lovely wife. Jane, the very best as they now begin to direct their lives along different paths. Good luck and Godspeed.

To my Foreign colleague, HOWARD WOLPE, I direct a similar measure of goodwill and best wishes as he takes his leave of Congress.

HOWARD'S long service to our committee has moved him to one of the top positions on the majority side of the room. From there, he has always offered a deliberate and perceptive voice to matters that came before us. His solid background as a teacher, author and university professor has stood us in good stead as we worked our way through the proposed legislation of the moment. My best wishes for a long and happy life go with HOWARD as he prepare to take on the challenges of a new career direction. It has been a very real pleasure to serve with him and I will always treasure our association.

I also wish to pay tribute to two other special friends and congressional colleagues, DENNIS HERTEL and BOB TRAXLER, with whom I value the long service together that we have shared.

DENNIS' six terms in the House will stand as a monument to personal integrity and serve as a guideline to what it means to combine the interests of one's constituency with the good of the Nation as a whole.

We have spent much production time together on matters related to the North Atlantic Assembly. I will treasure the association.

He has done a tremendous job fighting for the cause of marine protection and preservation—a cause also dear to my own heart. This is highlighted by our strong support for the National Marine Sanctuary Program. His interest in the resources of the Great Lakes was allied with my own interest in the resources of the Florida Keys. I believe both of our constituencies were well served.

I would certainly be remiss if I did not take a moment to mention the hard work and long hours associated with his years on the Armed Services Committee. The task forces and special panels to which he was assigned are evidence of the respect he earned by his dedication to such matters as the War Powers Act.

My best wishes to DENNIS. He has my admiration and will always have my friendship as he redirects his life and career to other fields of endeavor back in Michigan.

Finally, I would like to salute BOB TRAXLER. As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, he has literally helped every community in the Nation. The range of people who depend on the programs he has presided over is great and the decisions he has made over the years have benefited our Nation.

BOB approached his work with honesty and integrity and had always been interested in doing what was best for the country. He was not afraid to put tough choices before the House and argue them with eloquence during debate. I have tremendous respect for BOB and there is no doubt in my mind that he is one of the most esteemed Members of the House of Representatives.

Because I do not know where to start, nor where to finish, I will not try to list everything BOB has done for my constituents. However, on behalf of south Florida, I would thank him for all he has done to help our community throughout his distinguished career in the House. BOB can be very proud of his accomplishments and I offer him my best wishes as he returns home to the great state of Michigan.

Mr. HUTTO. Mr. Speaker, on the Armed Services Committee we are losing nine outstanding Members at the end of the 102d

Congress. One of these is DENNIS HERTEL of Michigan. DENNIS and I not only serve together on the Armed Services Committee but we likewise are both on the Merchant Marine and Fisheries Committee. It has been good to know DENNIS as we have dealt with many issues on both of these committees during the years.

DENNIS is a Member who takes seriously the job of representing his people back in Michigan and also the governing of our Nation. We do not always agree on certain issues and I can remember several years ago when he battled gallantly against strategic homesporting which I supported. We were able to fight hard but still remained friends with respect for each other. DENNIS HERTEL will be missed in this body. I wish for him and his fine family much happiness and God's riches blessing in his future endeavors.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of this special order.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBUTE TO THE DEPARTING MEMBERS OF THE MICHIGAN DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HENRY] is recognized for 60 minutes.

Mr. HENRY. Mr. Speaker, continuing in out tribute to our departing members of the Michigan delegation, I yield to my colleague from Michigan, Mr. SANDER LEVIN.

Mr. LEVIN of Michigan. I thank very much my good colleague from Grand Rapids for yielding.

The efforts of our seven colleagues have been lauded on this floor in terms of their work legislatively, so I thought I might just say a few words on a personal basis. I have had a chance to know all of the Members who are retiring and leaving for some time.

Let me start, if I might, with BILL BROOMFIELD. I was a county Chair in the early 1960's in Oakland County. One of my jobs was to try to defeat BILL BROOMFIELD. I failed.

BILL, you may not even remember your opposition. I believe it may have been Lee Smith the first year I was county Chair, I am not sure. He is now deceased, a good friend. And also you ran against Gus Scholle, and I remember the Democrats did not come close. You became an institution in Oakland County.

□ 2020

After I came here, I had the opportunity, having been unable to defeat you, to work with you, and we have attended many, many events together, yourself and Jane and my wife and myself in various communities.

It has been a pleasure working with you, and your friendship will be missed.

GUY VANDER JAGT and I go back almost that far. I first met GUY in 1964. We both had been elected, if my memory is correct, to the State senate. It was the first time Democrats had control of the senate within any kind of memory. In fact, the story was the last time Democrats had won control of both houses was in the 1930's, and one person who ran who had thought he was simply a name on the ballot when he was elected to the State legislature went to Washington. It had been that long ago.

Anyway, GUY and I came to know each other rather well. It was pretty clear that he was looking after even grander things. He was in the minority that first term in 1965 and 1966, and began to see if there was an opportunity in Washington. That occurred, and he seized the opportunity, and as we all know, has served here for a long time. I have had the privilege of serving with GUY on the Committee on Ways and Means. He is not on the floor now, but he knows that our offices worked together on a number of problems.

We did not always vote the same way. Sometimes we did, and often collaborated looking after the best interests of the State.

I do not remember when CARL PURSELL and I first met, but it also was many, many years ago. I lost touch with CARL after he came to the Congress until I was elected, and when we first saw each other again on the basketball court. He was a lefty, as I remember, as I am.

You know, we often forget the personal aspects of this place. I wish we knew each other better. I was today at an event, a rather sad one, and one of our former colleagues, it turned out, had grandchildren. I did not even know that. I wish we knew each other better and even more personally.

But CARL and I came to know each other on the court, but also on the floor here, and we worked together on a number of matters including unemployment compensation.

BOB DAVIS, I do remember when I first met him. It was in Lansing. We were very young then; we were. I can remember his efforts on the floor. I remember, as well, the rather strenuous basketball games we had late at night after working 8–10 hours in the Capitol, these games at the YMCA. We came to know each other too, I think, appreciate each other's friendship.

Talking about friendship, BOB TRAXLER and I were roommates in Lansing when we were there, the nights we could not go home. I was the single non-BAY, Saginaw Valley person in that team that rented a room at a hotel, I think, where we stayed on Tuesday nights and Thursday nights.

BOB and I became buddies, and my wife and BOB grew to like each other very much.

BOB was the majority floor leader, as I remember it, in the house when I was the minority leader in the State senate, and we worked together very closely. I also saw BOB as a friend up in Mackinac Island. All of us were mortified when he was injured, and one of the blessings of this last session was his recovery.

So he is going to be able to enjoy a retirement like some of the others that we are discussing tonight. BOB had threatened retirement a number of times. We did not take it seriously, but this time he fooled us.

HOWARD and I have known each other since the 1970's, the rather early 1970's. When I was running for Governor, HOWARD and I worked together and campaigned together and became good friends. He opened his place and his efforts to mine, and our friendship has continued. HOWARD became victimized by our loss of two seats, and we are going to miss HOWARD, as we are going to miss the others.

Michigan is going to lose some clout, there is no doubt about it. Michigan will find out that we were much better off with 18 seats and with the delegation whose ranks are now going to very much decline, and HOWARD, who is here tonight, knows how much his friendship has meant to both Vicki and to me.

DENNIS was a coordinator in one of my gubernatorial races, and the Hertels and the Levins became very close. DENNIS and I were thrown against each other potentially by redistricting, and I think it was to the relief of both of us that we did not have to run against each other.

I mentioned DENNIS last because his friendship and what redistricting almost brought about exemplified the kind of closeness that has developed within this delegation.

So I wanted to mainly talk about friendship. We, in this institution, sometimes forget these close relationships, and I think often the public does not realize that though we can fight like tigers on the floor here, stand up for the principles we believe in, two things: first, there often are points of agreement. We collaborate as well as contest. We work together as well as sometimes against each other.

The second point which I am afraid the public does not have a chance to glimpse, because you do not see it very much on C-SPAN, and maybe we will put our arms around each other or we will chat on the floor, but the public does not have a chance to see the relations develop that cut across geographical lines and that cut across party lines.

So it is a pleasure for me to come here tonight and to say to BILL and to GUY and to CARL and to BOB and to BOB TRAXLER, to HOWARD and DENNIS, I have enjoyed the relationship over 20 to 30 years in each and every case. I have enjoyed the opportunity to work together.

Come back and see us. This institution will miss each and every one of you.

Mr. HENRY. Mr. Speaker, I thank the gentleman for his very fine remarks.

Mr. Speaker, we have one final word of tribute, and then I will give an opportunity to our retiring Members to respond briefly if they would like to do so.

I yield to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise this evening in tribute to the fine members of the Michigan delegation who will not return for the 103d Congress.

When we look at the list of these Members, Mr. Speaker, we are struck by their many years of service—almost 140 in all. Yet as impressive as that number is, it fails to convey the full sense of their experience and expertise; of their knowledge, their wisdom, their hard work for Michigan and this country.

The people of Michigan will soon feel a sense of loss. They should know that they won't be alone: this institution will feel that loss just as acutely.

I am particularly saddened to think that when we return to Washington next January, Chairman BOB TRAXLER will not be here with us. Simply put, he is an outstanding Member of Congress. I consider myself fortunate to serve in this House with him; I consider myself honored to serve on the subcommittee he chairs.

As every Member knows, the Appropriations Subcommittee on VA, HUD, and Independent Agencies is charged with funding an array of vital—yet diverse—programs. Meeting the needs of the people served by these programs is difficult in the best of times; it's a challenge even when the economy is moving full steam ahead. And that's a track our economy hasn't been riding for quite some time.

Chairman TRAXLER has firmly, yet fairly, guided our subcommittee during times of stringent spending limits. He possesses a deep understanding of the programs under his jurisdiction. He also possesses a sincere appreciation for the good these programs do. Because of those two qualities, under the leadership of Chairman TRAXLER our subcommittee has met this Nation's most dire needs while maintaining budget discipline.

I, like many Members of this House, have benefited greatly from the chairman's guidance and leadership. And we have the good fortune of being able to express our thanks to him in person, But, Mr. Speaker, there are millions who owe Chairman TRAXLER a debt of gratitude. They live all across this Nation of ours, in cities and towns thousands of miles away from Washington. Each of us can find them in our district—the men, women, and children who depend on veterans benefits, who find shelter through our housing programs, who value environmental protection, and who recognize the importance of technological investment.

I know for a fact that many of these people can be found in my district. Few, if any, of them will ever have the opportunity to thank the chairman in person. So, Mr. Speaker, on behalf of the people of the First District of West Virginia, I would like to say "Thank you" to Chairman TRAXLER. And to let him know that his work here will be remembered and appreciated by the people of West Virginia for years and years to come.

In closing, I would like to extend my best wishes to Chairman TRAXLER and his colleagues from Michigan who will soon leave this House. I value our service together.

□ 2030

Mr. HENRY. I thank the gentleman for his comments.

Mr. Speaker, first of all I want to acknowledge my appreciation to the gentleman from Michigan, Chairman JOHN DINGELL, our distinguished colleague, for his leadership in organizing the colloquies tonight and for taking out this special order.

Second, I want to pay my respects to each of the Members who have participated in this special order in which we have tried to render a small degree of tribute to Members whom we genuinely, on both sides of the aisle, hold in high regard.

Above all, I want to again say I express my appreciation to those who are honored.

Accordingly, Mr. Speaker, several of those Members have asked for a moment to share with us tonight. I yield to the gentleman from the 18th District of Michigan—we will go in the order of seniority—Congressman BILL BROOMFIELD, our colleague.

Mr. BROOMFIELD. Mr. Speaker, I would like to thank my fellow Michiganites who came down here to the floor today to say goodbye to the retiring Members from our great State.

The other day I got a very gracious letter from the dean of our delegation, JOHN DINGELL, sharing some of his thoughts about our work together over the years.

The letter set me to thinking that there's a lot less partisanship in this great institution than meets the eye. Newspaper, radio, and television accounts of what we do here tend to focus on what divides us rather than what unites us.

I understand the needs of journalism for a good story. Good stories involve conflict, and Congress often provides the press with some of the best copy around.

But reporters often overlook the many things that unite Republicans and Democrats. And several issues that bring our delegation together immediately come to mind: the well-being of the State of Michigan, the prosperity of Michigan's automotive industry, the health and welfare of Michigan's poor, the condition of Michigan's environment, to name a few.

I can think of very few issues affecting Michiganites that haven't brought forth a spirit of great cooperation among the entire Michigan delegation.

I'd like to think that's been a source of strength for the delegation, as much a source of our power as the clout wielded by some of its senior Members.

And I don't underestimate the latter. We have the majority whip, several powerful committee chairmen, and the possibility of a new member of the College of Cardinals. This delegation has been a powerhouse, a team of superstars and solid performers.

The people of Michigan have been well-served by my colleagues on this delegation, and I am sure that those of my friends who are retiring with me in January will be missed by many of the constituents they have helped over the years.

Many of the Members from Michigan I have served with over the years have not only been esteemed colleagues but good friends as well. I will miss you all.

You have honored us tonight. I want to thank the gentleman from Michigan [Mr. DINGELL], the gentlemen from Michigan [Mr. HENRY], and the rest of the delegation who have spoken. It will be a night we will long remember. Thank you all very much.

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Michigan, my colleague and neighbor, Congressman WOLPE.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, I had not intended to speak this evening, but I did want to express briefly how appreciative I am of the honor that you have paid to me and to those of my delegation on both sides of the aisle who are departing this institution. How very meaningful the words that have been expressed, in fact, have been this evening.

These past 14 years serving in this institution, in the Congress, have been the most remarkable experience of my lifetime. There is no dimension of that experience that has been more meaningful to me than my interaction with the Michigan congressional delegation, all of my colleagues on both sides of the aisle.

BILL BROOMFIELD very nicely expressed what we hold in common; the commonality of our interests that oftentimes does not meet the public view. But even, equally important, it seems to me has been even at the times that we have had our differences, those differences have been expressed with civility and with respect.

Mr. Speaker, we have worked together, we have debated together, we have formed friendships together, and we have learned, I think, together.

I shall always treasure these past years and I shall miss this institution greatly.

I think one of the common feelings shared by us all is enormous respect for this institution and for this democratic process of ours.

My deepest hope is that somehow we will be able to reclaim that sense of respect for the institution and for the process throughout this country of ours in the months and years ahead.

I want to thank the dean of our delegation, Mr. DINGELL, and Mr. HENRY, both of whom will be not only enormously significant colleagues but very important friends, for their taking this special order this evening and for undertaking this evening of tributes to the departing Members.

I shall miss all of you. I know that our friendships and our relationships will continue beyond our service. I thank you all so much.

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Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I am pleased to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I want to commend my dear friend, the gentleman from Michigan [Mr. HENRY], for having allowed me to participate with him in this matter. We are losing valued and dear friends, extraordinarily competent, decent, and dedicated Members of this body.

Their presence here will be missed. We are indeed proud to have served with them. Our affection, our good wishes, our friendship, our hopes for them will travel with them and our prayers that they will have long and successful careers in whatever undertakings they choose after they depart these places, will, of course, follow them. They have been great colleagues. They have been worthy Members of this institution and I am sure, like my good friend, the gentleman from Michigan [Mr. HENRY], not only proud to have had the opportunity to allow this body to say a few good words about some great Members of this body, but I am also proud that I have been able to participate and to have served with them. They have been great Members of this Congress. They have served their State and their Nation well.

May God bless them, and I thank the gentleman for yielding to me.

Mr. HENRY. Mr. Speaker, when each of these seven individuals was first elected and walked through the portals of this Chamber for the first time, their constituents watched with great interest as they were aspiring young politicians. As they leave, those who have continued to watch will understand that they earned the title when they walk through those portals at the end of this session, they will leave as having achieved more and having been statesmen serving our State and this Nation.

Mr. Speaker, I have no further requests for time.

ECONOMIC WOES IN JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, Japan is now experiencing some hard financial times as American and other foreign firms delist themselves from the Nikkei Exchange's foreign section. The American stock market crashed in 1987 and everyone wrung their hands saying something was drastically wrong with America. Now it is Japan's turn to go through the throes of a reduced stock market and other financial problems.

General Motors is included in the companies delisting from the exchange because of the inability to raise money on the Tokyo Exchange. Kmart and the British conglomerate Lonrho have delisted and five more international companies including Philips, the News Group of Australia, the EPL Utility Group, and Avon are planning on leaving.

This exodus of firms raises doubts about the Tokyo Exchange and its place in the world markets. Now that the shoe is on the other foot, we should realize that Japan is not a super country, but simply one which is suffering some economic woes. Although Japan's pocketbook is deep, it does have its limits; delisting from the exchange proves that.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. CALLAHAN, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on October 6, 7, 8, 9, and 10.

Mr. HASTERT, for 60 minutes, on September 23.

Mr. EWING, for 60 minutes, on September 23.

Mrs. BENTLEY, for 60 minutes each day, on October 4 and 5.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. EVANS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. DREIER of California.

Mr. DUNCAN.

Mr. COUGHLIN.

Mrs. BENTLEY.

Mr. MILLER of Ohio in three instances.

Mr. GEKAS in two instances.

Mr. MICHEL.

Mr. GALLO.

Mr. ZIMMER.

Mrs. MORELLA.

Mr. PORTER.

Mr. HUNTER.

Mr. SKEEN.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. CARDIN.

Mr. SCHEUER.

Mr. ASPIN.

Mr. KENNEDY.

Mr. DOWNEY.

Mr. ROE in two instances.

Mr. HAMILTON in five instances.

Mr. BONIOR.

Mrs. KENNELLY.

Ms. OAKAR.

Mr. KILDEE in two instances.

Mr. DEFAZIO.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 5. An act to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 17, 1992, at 8:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4259. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 92-42), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4260. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Venezuela (Transmittal No. DTC–33–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4261. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Taiwan (Transmittal No. DTC–25–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4262. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license to Finland (Transmittal No. DTC–31–92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4263. A letter from the Acting Assistant Secretary for Legislation Affairs, Department of State, transmitting notification of a proposed issuance of export license to the Republic of Korea and Switzerland (Transmittal No. DTC–24–92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4264. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Taiwan (Transmittal No. DTC–29–92), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on Foreign Affairs.

4265. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 3033, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

4266. A letter from the Secretary of Commerce, transmitting notice of designation for the Monterey Bay National Marine Sanctuary, together with final regulations implementing the designation; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 569. Resolution providing for the consideration of the bill (H.R. 3596) to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes (Rept. No. 102–867). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 570. Resolution providing for the consideration of the bill (H.R. 5754) to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes (Rept. 102–868). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 571. Resolution waiving all points of order against the conference report on the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rate, and for other purposes, and against consideration of such conference report (Rept. 102–869). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 512. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of Rumania (Rept. 102–870). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 918. The committee on Merchant Marine and Fisheries discharged from further consideration of H.R. 918. H.R. 918 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. Waxman, Mr. Lent, Mr. Boucher, Mr. Bryant, Mr. Harris, Mr. Scheuer, Mr. Studds, and Mr. Wyden):

H.R. 5952. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize prescription drug application, establishment, and product fees, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH:

H.R. 5954. A bill to amend the Rural Electrification Act of 1936 to clarify the status of the Rural Telephone Bank and its accounting policies, and for other purposes; to the Committee on Agriculture.

By Mr. COLEMAN of Missouri:

H.R. 5955. A bill to amend the Higher Education Act of 1965 to clarify that the Secretary of Education may rely on the certification of a guaranty agency that student loans used to calculate an institution of higher education's cohort default rate were properly serviced, that an institution is not entitled to review the servicing records on each such loan as part of its appeal on the loss of eligibility to participate in programs under title IV of such act, and for other purposes; to the Committee on Education and Labor.

By Mr. DOWNEY:

H.R. 5956. A bill to amend the Older Americans Act of 1965 to establish the National Resource Center for Grandparents; to the Committee on Education and Labor.

By Mr. EVANS (for himself, Mr. Hamilton, Ms. Norton, Mr. Coleman of Texas, Mr. Towns, Mr. Owens of New York, Mr. Riggs, Mr. Beilenson, Mrs. Schroeder, Mr. AuCoin, Mrs. Kennelly, Mr. Moakley, Mr. Dellums, Mr. Hochbrueckner, Mr. Abercrombie, Mr. Murphy, Mr. Stark, Mr. Mrazek, Mr. Hayes of Illinois, and Mr. Andrews of Maine):

H.R. 5957. A bill to impose a 1-year moratorium on the sale, transfer, or export of antipersonnel landmines abroad, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts:

H.R. 5958. A bill to amend title 29, United States Code, to prohibit the reduction of mandatory retirement age retirements for certain public employees; to the Committee on Education and Labor.

By Mr. KENNEDY:

H.R. 5959. A bill to establish the Office of National Environmental Technologies, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Banking, Finance and Urban Affairs, and the Judiciary.

By Ms. MOLINARI (for herself and Mr. Kyl):

H.R. 5960. A bill to prevent and punish sexual violence and domestic violence, to assist and protect the victims of such violence, to assist State and local efforts, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. SCHEUER:

H.R. 5961. A bill to establish certain uniform rights, duties, and enforcement procedures relating to franchise agreements; to the Committee on Energy and Commerce.

By Mr. YOUNG of Florida (for himself, Mr. Gilman, Mr. Saxton, Mr. Fazio, and Mr. James):

H.J. Res. 551. Joint resolution designating October 4, 1992, through October 10, 1992, as "National Bone Marrow Donor Awareness Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 5953. A bill for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best; to the Committee on the Judiciary.

H. Res. 568. Resolution referring the bill (H.R. 5953) for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best, to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 875: Mr. Hayes of Illinois.
H.R. 1167: Mr. Frost, Mr. Ray, Mr. Anthony, and Mr. Fish.
H.R. 1541: Mr. Stark.
H.R. 1791: Mr. Shays.
H.R. 2086: Mr. Blaz, Mr. Lantos, Mr. Rangel, and Mr. Schiff.
H.R. 2413: Mr. Atkins.
H.R. 2618: Mr. Rose.
H.R. 2815: Mr. Taylor of North Carolina.
H.R. 2872: Mr. Sawyer.
H.R. 3018: Mr. Mfume.
H.R. 3020: Mr. Marlenee.
H.R. 3122: Mr. Zeliff.
H.R. 3126: Mr. Neal of Massachusetts.
H.R. 3204: Mr. Lantos.
H.R. 3393: Mr. Pastor.
H.R. 3517: Ms. Horn, Mrs. Unsoeld, Mr. Evans, and Mr. Torres.
H.R. 3545: Mr. Porter.
H.R. 3710: Mr. Manton.
H.R. 4130: Mr. Fields.
H.R. 4175: Mr. Hayes of Illinois.
H.R. 4243: Mrs. Kennelly.
H.R. 4275: Mr. Richardson.
H.R. 4338: Mr. Gillmor and Mr. Grandy.
H.R. 4468: Mr. Rose.

H.R. 4498: Mr. MORAN.

H.R. 4822: Mr. PAYNE of Virginia, Mrs. KENNELLY, Mr. FORD of Tennessee, Mr. McDERMOTT, Mr. MINETA, and Mr. YATES.

H.R. 4989: Mr. TOWNS.

H.R. 5052: Mr. MINETA.

H.R. 5057: Mr. McCURDY.

H.R. 5153: Mr. PACKARD.

H.R. 5176: Mr. RITTER.

H.R. 5229: Mr. HERGER, Mr. RAMSTAD, and Mr. LENT.

H.R. 5282: Mr. RAMSTAD.

H.R. 5289: Mr. GILMAN, Mr. MATSUI, Mr. TORRES, Mr. PICKLE, Mr. ATKINS, Mr. MOLLOHAN, Mr. PAYNE of Virginia, Mr. KOPETSKI, Mrs. KENNELLY, Mr. ESPY, Mr. LEVINE of California, Mr. FORD of Tennessee, Mr. ASPIN, Mrs. MINK, Mr. FLAKE, Mrs. COLLINS of Michigan, Mr. YATES, Mr. HOYER, Mr. BROWN, Mr. HORTON, Mr. SYNAR, Mr. STOKES, Mr. DYMALLY, Mr. NOWAK, Mr. CARR, Ms. DeLAURO, and Mr. HYDE.

H.R. 5304: Mr. REED.

H.R. 5360: Mr. MINETA and Mr. SWIFT.

H.R. 5375: Mr. BARTON of Texas, Mr. DORGAN of North Dakota, Mr. HEFLEY, and Mr. LANCASTER.

H.R. 5433: Mr. BARTON of Texas, Mr. HEFLEY, Mr. RAMSTAD, Mr. OBERSTAR, and Mr. WELDON.

H.R. 5437: Mr. HANCOCK.

H.R. 5539: Mr. ROBERTS, Mr. ALLARD, Mr. BARTON of Texas, Mr. SARPALIUS, Mr. EDWARDS of Oklahoma, Mr. MORRISON, Mr. SCHAEFER, Mr. SUNDQUIST, Mr. FEIGHAN, Mr. MYERS of Indiana, Mr. PICKETT, Mr. ENGLISH, Mr. PENNY, Mr. GRANDY, Mr. WELDON, Mr. ARMEY, Mr. SLATTERY, Mr. CLINGER, and Mr. GEREN of Texas.

H.R. 5545: Mr. SOLOMON.

H.R. 5551: Mr. HANCOCK.

H.R. 5624: Mr. STUDDS.

H.R. 5664: Mr. CLINGER and Mr. SHAYS.

H.R. 5682: Mr. LAGOMARSINO.

H.R. 5703: Mr. KLUG and Mr. INHOFE.

H.R. 5743: Mr. LANCASTER.

H.R. 5777: Mrs. UNSOELD.

H.R. 5783: Mr. GUARINI, Mr. KILDEE, Mr. HORTON, Mr. LANCASTER, Mr. EVANS, Ms. HORN, and Mr. McNULTY.

H.R. 5794: Mrs. UNSOELD.

H.R. 5832: Mrs. SCHROEDER and Mrs. UNSOELD.

H.R. 5850: Mr. LEWIS of Florida, Mr. FROST, Mr. GEREN of Texas, Mr. KOLBE, and Mr. KLUG.

H.R. 5872: Mr. GORDON.

H.R. 5909: Mrs. UNSOELD.

H.J. Res. 325: Ms. LONG, Ms. DeLAURO, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. BROOMFIELD, and Mr. GOODLING.

H.J. Res. 325: Mr. GILCHREST.

H.J. Res. 353: Mr. VANDER JAGT.

H.J. Res. 469. Mrs. KENNELLY, Mr. SMITH of Texas, Mr. BRYANT, Mr. OLVER, Mr. McNULTY, Mr. HALL of Texas, Mr. JONES of Georgia, Mr. NATCHER, Mr. DELLUMS, Mr. McGRATH, Mr. ANDERSON, Mr. MILLER of California, Mr. HOLLOWAY, Mr. McEWEN, Mr. CAMP, Mr. RIGGS, Mr. STOKES, Mr. OBEY, Mr. BROOMFIELD, Mr. PACKARD, Mr. ROBERTS, Mr. TORRICELLI, and Mr. BURTON of Indiana.

H.J. Res. 476: Mr. FORD of Michigan, Mr. MAZZOLI, Mr. MOORHEAD, Mr. COOPER, Mr. EARLY, Mr. MINETA, and Mr. FRANKS of Connecticut.

H.J. Res. 478: Mr. FORD of Michigan, Mr. CLEMENT, Mr. PAYNE of Virginia, and Mr. BEREUTER.

H.J. Res. 487: Mr. GILLMOR, Mr. PICKETT, Mr. NATCHER, Mr. McGRATH, Mr. NEAL of North Carolina, Mrs. MORELLA, Ms. SNOWE, Mr. FORD of Michigan, Mr. MAZZOLI, Mr. HALL of Ohio, Mr. MORAN, Mr. DIXON, Mr. TRAFICANT, Mr. SKELTON, Mr. FRANK of Massachusetts, Ms. LONG, Mr. PRICE, Mr. MINETA, Mr. NOWAK, and Mr. WYDEN.

H.J. Res. 498: Mr. KLUG, Mr. PAYNE of Virginia, and Mr. PETRI.

H.J. Res. 520: Ms. NORTON and Mr. WALSH.

H.J. Res. 532: Mr. CHANDLER, Mr. FISH, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mr. GAYDOS, Mr. BACCHUS, Mr. TAUZIN, Mr. SLATTERY, Ms. MOLINARI, Mr. PICKETT, Mr. GILLMOR, Mrs. BENTLEY, Mr. NEAL of North Carolina, Mr. BRYANT, Mrs. COLLINS of Illinois, Mr. CARPER, Mr. MFUME, Mr. GREEN of New York, Mr. LANCASTER, Mr. HYDE, Mr. McCLOSKEY, Mr. TALLON, Mr. PAYNE of New Jersey, Mr. HARRIS, Mr. MARTIN, Mr. McMILLEN of Maryland, Mr. WELDON, Mr. LEACH, Mr. LEWIS of California, Mr. VISCLOSKY, Ms. SNOWE, Mr. GINGRICH, Mr. GUNDERSON, Mr. SHAYS, Mr. MILLER of Ohio, Mr. DYMALLY, Mr. WYDEN, Mr. FALEOMAVAEGA, Mr. GILCHREST, Mr. RIGGS, Mr. McCOLLUM, Mrs. BYRON, Mr. WHITTEN, Mr. MILLER of California, Mrs. MORELLA, Mr. DURBIN, Mrs. COLLINS of Michigan, Mr. SANGMEISTER, Mr. VENTO, Mr. MINETA, and Mr. SOLOMON.

H.J. Res. 540: Mr. BUNNING and Mr. WALSH.

H. Con. Res. 233: Mr. BACCHUS, Mr. LEWIS of California, Mr. FIELDS, Mr. HATCHER, Mr. CRAMER, Mr. McCLOSKEY, Mr. YOUNG of Florida, Mr. ROGERS, Mr. TAYLOR of North Carolina, and Mr. McEWEN.

H. Con. Res. 313: Mr. BILIRAKIS.

H. Con. Res. 344: Mr. MOAKLEY.

H. Res. 515: Mr. BEREUTER and Mr. OWENS of Utah.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of September 15, 1992]

H.J. Res. 520: Mr. GOSS.

[Submitted September 16, 1992]

H.R. 3030: Mr. QUILLEN.

SENATE—*Wednesday, September 16, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer will be offered by the Reverend Monsignor Russell L. Dillard, St. Augustine Catholic Church, 1419 V Street, NW., Washington, DC.

PRAYER

The Reverend Monsignor Russell L. Dillard, St. Augustine Catholic Church, Washington, DC, offered the following prayer:

Let us pray:

Good and gracious God, we gather here in this great Chamber of the Senate of these United States of America and we give You thanks. We thank You for the many blessings which You have bestowed upon us: blessings which show us Your continued presence and Your boundless love. We thank You, also, for the gifts which You give to all of Your children so unselfishly. You have created us in such a way that each one of us reflects Your image. You have enlivened that image with Your spirit of goodness that You call each of us to share with all of our sisters and brothers regardless of race, color, or creed. And You have strengthened us when it seemed like we, the bearers of that image, were unable to sustain ourselves.

In a very special way we thank You for the gifts that make us Americans the blessed people that we are—the gifts of life, liberty, and the pursuit of happiness. And though we often go through difficult times we know that these gifts will continue to be the foundations upon which this country will stand—stand as a vivid illustration of what the principles of democracy and the strength of the human spirit can accomplish.

Lest we forget the human spirit, we thank You, God, and we ask You to bless these women and men who have been chosen to lead this country at a time when so many shy away from the responsibilities of true leadership. Give them the courage to stand up for the principles of human rights and democratic freedoms. And grant them the wisdom to use their gifts for the good of all of Your children. May they realize that You have given them a special task and a special gift, a gift from which we will all draw benefit—the gift of leading America to reach her potential, of letting America be America. May they cherish this gift and respond to this task so that they may pass on a better America to those who will come after them.

This we ask in Your most holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator DURENBERGER.

TRIBUTE TO REV. MSGR. RUSSELL L. DILLARD

Mr. DURENBERGER. Mr. President, one of the joys and privileges of being in the Senate of the United States is being able to experience the richness of all the communities from around the Nation that are represented here. Today in the person of Msgr. Russell L. Dillard we get to experience the community in which the Capitol sits.

Monsignor Dillard is currently in his second year as pastor of St. Augustine Catholic Church on V Street in northwest Washington, in the Columbia Heights neighborhood. He is marked in the parish records as being the first African-American pastor. Prior to St. Augustine's, Monsignor served for 3 years at St. Martin of Tours Church where again he was the first African-American pastor and, this time, the first African-American priest at St. Martin's.

Monsignor Dillard is a native Washingtonian. He attended D.C. public schools until his conversion to Catholicism at the age of 12. Afterward, he attended St. Anthony Grade School and High School through 10th grade and completed his studies at Cathedral Latin School.

He received his seminary training from a variety of institutions including St. Charles College, St. Mary's Poca State, St. Mary's Seminary and University, and the Theological College of Catholic University. Upon completion of his studies he was ordained in 1978 as a Roman Catholic priest in the Archdiocese of Washington.

Monsignor Dillard currently is the vice-chair of Catholic Charities for the Archdiocese of Washington, DC, and in January of 1993 he will be chairman of the board of Catholic Charities. He is an advocate of the poor, the homeless, children, AIDS victims, and education in the District of Columbia.

I have been privileged to worship in his church on many occasions, and I have enjoyed not only the spirit of the community, but the community which reflects the pastor of Monsignor Dillard.

Present in our galleries today, for example, are the director of the school, St. Augustine, a number of students, one of whom was born in St. Paul, MN, I discovered, and a young man who, many years ago when I first came to the Senate was peddling the old Washington Star by my office in the Russell Building.

I got to know Keith Brigman very well at that time. I have marveled at his progress through life, his excitement about going to college, now his staff position with our colleague, THAD COCHRAN.

I saw him in church one day at St. Augustine, and I found out how small a world this really is.

People who know the pastor of St. Augustine Catholic Church, Monsignor Dillard, say he is a man of great leadership and justice. It is our pleasure to have such a spirited and determined leader as Msgr. Russell Dillard as our guest today. May his prayer encourage us all, as the scripture says, "to do justly, to love mercy, and walk humbly with our God." (Micah 6:8)

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, I yield the floor.

Mr. SEYMOUR addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California [Mr. SEYMOUR], to speak for up to 5 minutes.

COMMEMORATING NATIONAL HISPANIC HERITAGE MONTH

Mr. SEYMOUR. Mr. President, as a cochairman of the U.S. Senate Republican Task Force on Hispanic Affairs, I am pleased to rise today to commemorate National Hispanic Heritage Month.

The year 1992 represents the 14th year the Senate has officially commemorated the important contributions of the Hispanic community and it also represents the fourth year the President has set aside September 15 through October 15 as National Hispanic Heritage Month.

The Hispanic community is more than merely a segment of our population; the Hispanic community is an integral component of the strength and spirit that forms the backbone of our Nation.

For many Californians, their heritage stretches across vast oceans and distant continents. For many of California's Hispanic community members, their heritage is linked to the history of California, itself, and America's Southwest. Their ancestors were the explorers long before the lure of gold drew fortune seekers to the Wild West.

The Hispanic community has a proud tradition of reminding us that the American dream is alive and well—not through lofty rhetoric, but through hard work and a resolute belief in God and strength of the family.

This strong religious component of the Hispanic community can be linked to the Spanish missionaries who helped settle the West. These missionaries possessed the spirit of community and taught a number of native Indians and settlers to read and write and how to farm the land. Additionally, the missions they built served as the religious social and cultural centers of not only the Hispanic community, but of all California's people. Indeed, we honor one of those great missionaries, Father Junipero Serra, with one of California's two statues found right here in the U.S. Capitol alongside many of this Nation's Founding Fathers.

However, before I proceed, Mr. President, I must point out that even though we are honoring the Hispanic community today as a single entity, we must be sensitive to the fact that within this community there are many different cultures and societies—each with its own unique heritage and each adding its own special values and beliefs to our society.

Today Hispanics represent the fastest growing ethnic group in the United States, currently totalling 8 percent of the U.S. population. Experts estimate by the year 2000 that number will reach 15 percent, or over 30 million individuals.

We often speak of the American dream, but we need to look no further than the stories of triumph that abound within the Hispanic community—from Latino families surviving the mean streets of inner cities to Hispanic owned companies conquering world markets.

In my State of California, I see these success stories and many more everyday. I would like to share with my colleagues the many positive contributions this esteemed community has made to California, but frankly I only have time to point to the highlights.

Mr. President, rather than merely reciting a list of impressive statistics, I would like to focus on the contributions made by Americans of Hispanic heritage that have served in weaving the fiber of our Nation.

This year there has been much talk of family values and the importance they play in the development of our society. Nowhere are those principles that build strong family ties more revered than in the Hispanic household.

The Hispanic family draws from a well of strength that spills over into the creation of strong communities—that source of power is the love and support that comes from close knit families.

Along these same lines, I would like to note the tremendous emphasis the Hispanic community places on education as the key to unlocking one's potential.

Who would not be heartened by the glorious stories of inner city children, with the guidance of such courageous teachers as Jaime Escalante, conquering the odds and developing what will certainly be the minds of tomorrow's leaders.

The education of our children is the single most important aspect of a competitive America in the future and the Hispanic community is to be commended for recognizing this fact.

Mr. President, I have worked closely with members of the Hispanic community since I have been in Washington to bring their concerns and invaluable insights to the attention of our national leaders.

And I am pleased to recognize the advisory members of the U.S. Senate Republican Task Force on Hispanic Affairs who are in Washington this week to discuss the very concerns and issues that most directly impact the Hispanic community.

Last April, these same leaders—every one of them a volunteer—were in Washington to ensure that the voice of the Hispanic community was being heard in our Nation's Capital.

Thanks to their hard work, these concerns have been translated into important legislation such as the multilingual ballots bill which will open the door to the Federal process to many in ethnic communities who were previously locked out. Full participation in the fundamental right to vote should come with citizenship, not mastery of the English language.

In closing, Mr. President, I would like to address my remarks to the Hispanic community in California—Amigos, si trabajamos en juntos, podemos realizar todos nuestro suenos.

Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

NATIONAL HISPANIC HERITAGE MONTH

Mr. SIMPSON. Mr. President, that was a most impressive statement by our friend from California, Senator SEYMOUR. He has a fine linkage with the Hispanic community in his State. That is very obvious. He knows Hispanic-American history, and can also speak Spanish. I think that is so important, and wish I were as adept.

I also want to offer my strong support for the National Hispanic Heritage Month, which began yesterday and will continue until October 15. I want to commend my friend, Senator ORRIN HATCH, for his tireless work in this area in establishing this liaison with the Hispanic community on behalf of our party. He has been splendid in that endeavor, and very consistent and vigorous.

This month we will honor the great Hispanic heritage and the contributions that Hispanic-Americans have made to our country. We honor their rich history. They were the first European settlers in what is today the United States. The influence they had on my State, and the West, and the great cowboy culture is extraordinary. I note that the cowboys did not keep the Spanish descriptions of the tack and the equipment that were used on the horse. The distortion of some of the marvelous Spanish descriptions of the accoutrements of the cowboy were rather serious. For instance, Macate was called McCarthy. That was what the cowboys called that particular part of the tack.

The heritage of the western frontier is the heritage of Hispanic-Americans. They helped build the cities. They contributed to our agriculture and mining sectors and, in general, made vast contributions to our national heritage.

In my home county, Park County, WY, there are still many Hispanic-Americans who are vital members of our business and social activities.

Whether in the field of business, the arts, sports, politics, science, armed services, literature, Hispanic-Americans continue to contribute immeasurably. They, in my view, consistently have demonstrated certain values to which Senator SEYMOUR referred, which are so important to the very fiber of our country: Patriotism, hard work, dedication to the family.

Today, there are 23 million American citizens of Hispanic descent. Thousands of people from my State of Wyoming are of Hispanic descent. It is the largest minority community in Wyoming. It is my great honor to represent them in this body.

In all sincerity, the illegal immigration bill was a very difficult issue to manage. One of the key parts of that legislation was the legalization of many hundreds of thousands of people—we did not know how many—who would no longer be living in a fearful subculture of society. That bill extended legalization to almost 3 million people, many of them of Hispanic origin. That was a great personal thrill of mine, although I took a lot of flak on that one throughout the process.

The first Wyomingite to give his life for his country in Cambodia, during the Vietnam conflict, was an Hispanic-American infantry sergeant—Ernest Balland, whose brother works on my staff. In the Persian Gulf war, one Wyoming citizen died for his country. His name was Sgt. Manuel Davila of Gillette, also an Hispanic-American.

We are very proud of the contributions that Hispanic-Americans have made and continue to make to America's success and to Wyoming's success. I look forward to this month's celebration of the history, culture, and the traditions of the Hispanic heritage.

As new Hispanic-Americans continue to become involved heavily in our country, it is important that they maintain their proud cultural heritage as they embrace this country's public heritage and while they continue their pursuit of the American dream.

Thank you, Mr. President.

IN CELEBRATION OF HISPANIC HERITAGE MONTH

Mr. HATCH. Mr. President, it is with great pleasure that I bring to the attention of my colleagues the significance and joy of Hispanic Heritage Month. Since 1968, we have formally recognized and celebrated the tremendous contributions of Hispanic-Americans to the history, strength, security, and development of our great Nation. This year, as we once again embark on this month-long celebration, we remain keenly aware of the quincentennial anniversary of the discovery of the North American continent by Spanish explorers, a discovery which gave rise to the birth of a new people and a new world. It is right to honor five centuries of contributions by Hispanics to the development not only of our great Nation, but of the Western Hemisphere and the world.

As I look back on the history of my own State I see the many great contributions Hispanics have made to its development and progress. It was Father Escalante who first chartered the territory of what is now Utah and made way for the major trade routes that followed. It was through the determination, sweat, and dedication of Mexican-Americans and other Hispanics, working alongside non-Hispanics that our railroads, great steel plants, and mining industries were established, making our State competitive in national and global markets. And our State is home to many great Hispanic Americans, past and present including my good friend, Jimmy Gurule, former Assistant Attorney General for the U.S. Department of Justice, the highest appointed Hispanic in the history of the Justice Department to my knowledge and now teaching at Notre Dame University. I am so proud of him and what he accomplished with his life and his family as well.

My experience has shown me that Hispanics are a strong and proud people, loyal, patriotic, courageous, and dedicated to their families, their country, and their communities. Hispanics have a strong work ethic and tremendous faith in the American dream. They have made great contributions to the advancement of all people in every area, to music, the arts, science, engineering, mathematics, and government. I am thrilled to see so many wonderful Hispanic role models help light the way for Hispanic youth to attain the American dream. Jaime Escalante, the Garfield High School mathematics teacher who helped an unprecedented number of Hispanic students prepare for and pass the advanced placement tests in calculus, helped us all to see what faith and encouragement can do for the soul. Such great recording artists as Los Lobos, Freddy Fender, and Gloria Estefan have brought the joyous Latin rhythms into our homes and our hearts. Great screen artists like Luis Valdez, Jimmy Smits, a friend of mine, Edward James Olmos, and Rita Moreno have entertained while they inspired us. Pedro Morales, Gigi Fernandez, and Trent Dimas, 1992 Olympic Gold Medalists, are but three of the great athletes who have shared with us the pride and success born of great sacrifice and a hunger for perfection. We are proud of their accomplishments. We share in their jobs, their pride, and their glory.

But for all their contributions to the strength of our Nation, many Hispanics have not yet fully shared in the dream. The national dropout rate for Hispanics exceeds 37 percent, the highest for any ethnic group, and their educational attainment levels are among the lowest for any ethnic group. Hispanic children are most likely to be among the America's poor, even though Hispanic males have the highest labor participation rates. Hispanics are most likely to lack health insurance and access to regular health care, yet suffer disproportionately from certain diseases. These conditions are intolerable. As the youngest and fastest growing minority community in the Nation, Hispanics must share equally in the benefits and opportunities of this great Nation, so that our country might grow stronger and compete in global markets.

For this reason, in 1987, Senator JOHN CHAFEE and I established the U.S. Senate Republican Conference Task Force on Hispanic Affairs. I, along with 15 of my Republican colleagues, am committed to ensuring that the needs and concerns of the Hispanic community are represented at appropriate policy-making levels of the U.S. Congress and Government. The task force provides a forum for Hispanic leaders to raise awareness and support on the national level for key issues facing the Hispanic community in the areas of education, economic development, employment, and health, and is aided by a bipartisan, volunteer advisory committee. The advisory committee, comprised of approximately 60 leaders drawn from Hispanic subgroups, the private sector, and the executive branch, works to forge partnerships between private and public enterprises to meet the needs of, and to highlight the success and talent of the Hispanic community.

The task force, now in its fifth year, has worked to ensure that the needs of the Hispanic community are met. Together, we joined a number of Hispanic organizations to encourage the extension of the charter for the White House initiative established by the President's Executive order on excellence in Hispanic education. We have worked to ensure that the needs of the Hispanic community were included in the reauthorization of the Higher Education Act. We have joined forces with the Surgeon General in her efforts to launch a national Hispanic health campaign, we have amended the Job Training Partnership Act to expand its definition of eligible populations to include more Hispanics. We are laying the groundwork a year in advance for meaningful input into the reauthorization of the Elementary and Secondary Education Act which Congress will address next year. We have made great strides and we continue to progress. But I long for the day when a task force on Hispanic affairs no longer exists because there is no longer a need; because Hispanics will have succeeded in full measure in joining the ranks of the public officials, the managers, the CEO's and presidents of corporations, the teachers, doctors, lawyers, the U.S. Senators, Congressmen, and Presidents of the United States. As we gather this month to celebrate Hispanic Heritage Month, let us celebrate the accomplishments of Jaime Escalante, Rita Moreno, Trent Dimas, Gloria Estefan, Jimmy Gurule, and the many other

Hispanic-Americans, past and present, who continue to light our way. Let us also reaffirm our commitment to ensuring that equality of opportunity is enjoyed by all Americans.

Mr. President, I feel particularly proud to be able to work in this area and help Hispanic people. They are wonderful people. They are family oriented people. They love our country. They work within our country. They are doing the things that really are helping our country to be even greater, and they have helped it from the beginning but unfortunately have not received the full measure of credit that they deserve. I am really happy to be able to make note of this particular time and this particular program, and I think all of us are very, very grateful for those who participated and for this bipartisan advisory committee that helped us so much to understand Hispanic needs, affairs, goals, and desires much more.

Mr. President, this is going to be a great month and I commend and compliment all Hispanic people wherever they are throughout our country, and I am really proud of all of those who currently live in my home State of Utah as well.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Arizona [Mr. McCAIN], to speak for up to 5 minutes.

NATIONAL HISPANIC HERITAGE MONTH

Mr. McCAIN. Mr. President, National Hispanic Heritage Month celebrates the magnificent culture of Hispanic-Americans and the tremendous contributions they have made to enrich the multicultural tradition of our Nation. There are over 20 million Hispanic-Americans in the United States today. They represent countries all over Latin America, the Caribbean, and Europe.

Like immigrants from other countries around the world, they came to the United States seeking the inalienable rights she guarantees her citizens under the Constitution, rights which in some countries are enjoyed only by a privileged few. In return, they have enriched the entire Nation by sharing with us the customs, traditions, and values which make up the Hispanic heritage.

Freedom and independence are precious to all Hispanic-Americans, and are not taken for granted. This day, September 16, commemorates the anniversary of Mexico's independence, establishing it as an autonomous country with a people galvanized by the desire for self-determination and pride in their country. Mexican-Americans in the United States, and especially in my State of Arizona, recognize Mexican Independence Day as an occasion to reflect on the uniqueness of their heritage and the importance of passing on this heritage to their children and grandchildren.

It is extremely important for us to understand and appreciate the Hispanic culture and its impact on a variety of areas which touch all Americans. Hispanic-Americans have made important contributions in the fields of business, public service, sports and entertainment, and in many other areas which have established them as politically, socially, and economically valuable members of society. Their efforts have resulted in a strong, committed work force, especially in entrepreneurial ventures. These ventures have created new jobs resulting in benefits for the entire community and the Nation.

Despite the great obstacles they have overcome, Hispanic-Americans have excelled in these areas and remain committed to maintaining the standard of excellence they have set out for themselves. Hispanic-Americans have stood by their commitment to serve this country as active citizens. This gives us in Congress even more reason to ensure that their efforts are not in vain.

Congress must ensure, for example, that Hispanic-Americans are never, under any circumstance, penalized for using their native language in the furtherance of their participation in our democracy. Misguided attempts such as these only serve to foster discrimination, and to isolate a vital and growing segment of the population which plays such an important role in our society.

We should also continue to support Hispanic-Americans in the work force by ensuring that the doors to new jobs are not closed to them by virtue of their ethnic origin. Employers must remain confident that they can continue to hire Hispanic-Americans without apprehension. Hispanics have consistently demonstrated their eagerness and commitment to exercise their right to work, and we must ensure that employers feel free to offer them jobs which are otherwise available to every other segment of the population. This benefits both employers and job seekers. There are no losers here; everyone wins with the continued integration of Hispanics in the work force.

The Hispanic community should have the assurance that their efforts to participate in our political system and to become working citizens is not thwarted in any way.

The Hispanic community deserves every accolade bestowed upon them during the celebration of National Hispanic Heritage Month. The heritage the Hispanic community has shared with us is truly a gift, and I know that every Arizonan, and every American is grateful and proud to participate in this celebration.

Finally, Mr. President, I did not mention in my prepared remarks the sacrifice that Hispanic citizens have made in defense of this country's freedom, and other nations throughout the world. A visit to the Vietnam War Memorial will show you there is a significant number of names of Hispanic heritage that have made the ultimate sacrifice in defense of freedom.

I am proud of the service and sacrifice of the Hispanic community of my State and this entire Nation.

I yield the floor.

IN RECOGNITION OF HISPANIC HERITAGE MONTH

Mr. CHAFEE. Mr. President, I am pleased to join my colleagues in calling attention to the celebration of National Hispanic Heritage Month, which began yesterday.

Hispanic-Americans make up the fastest growing segment of our Nation's population. Today, 1 out of every 12 persons in the United States is Hispanic. In my home State of Rhode Island, the Hispanic population has increased by 132 percent since 1980—over 45,000 Rhode Islanders are of Hispanic descent.

The Hispanic community has a rich and vibrant heritage, and is an integral part of our Nation's changing social and cultural makeup. It is most appropriate that we take the time to consider the important contributions that individuals of Hispanic heritage have made to our Nation.

Several events have been planned in Rhode Island to recognize the many contributions of Hispanic-Americans to our Nation. A Spanish heritage video presentation, a Puerto Rican heritage parade, and a festival at Roger Williams Park are just a few of the many activities that will take place over the next month and will improve awareness about the dynamic and vital Hispanic community.

But if our goal is to improve awareness, we must not forget that the Hispanic community faces many problems, including high dropout rates, limited access to health care, and unemployment. In the last two Congresses, I have had the opportunity to serve on the Senate Republican Task Force on Hispanic Affairs, chaired by Senator HATCH. The task force has been guided by an advisory committee, whose members have helped to bring the needs of the Hispanic community to our attention and to develop effective legislative proposals that address these needs.

And we have made some progress. For example, the higher education bill approved earlier this year includes several provisions to increase Hispanic enrollment at colleges and universities. Later this week, the task force will hold its final meeting of the 102d Congress and will release its activity support.

Hispanic-Americans share the mutual aspiration to earn and enjoy the promise and benefits that our country has to offer. I am proud to serve on the Task Force on Hispanic Affairs, and I encourage my colleagues to participate in and experience the wonderful events planned across the country to commemorate National Hispanic Heritage Month.

Thank you, Mr. President.

IN CELEBRATION OF NATIONAL HISPANIC HERITAGE MONTH

Mr. MACK. Mr. President, as our Nation celebrates National Hispanic Heritage Month, from September 15 to October 15, 1992, I would like to recognize the tremendous individual and cultural contributions Hispanic-Americans have made to both Florida and our Nation.

Hispanic-Americans are devoting their talents to making the United States a better place in which to live. Among my constituents in Florida, there are many outstanding Hispanic-Americans who are leaders in the true sense of the word. They have made their presence felt in the arts, education, science, medicine, law, business, sports, labor, and public service. Through their tremendous accomplishments, these fine individuals have enlightened and enriched our Nation.

These individuals reflect the dreams, hopes, and aspirations of many in the Hispanic community. But most of all, they constitute strong role models who lead and inspire minds of all ages. Many adhered to a Hispanic tradition: a rigorous work ethic complemented by a strong religious conviction. By fulfilling their deep desire to succeed, these individuals have proven that the American dream is still alive and well.

A fundamental faith in religion and self is an underlying tenet of Hispanic culture. Similarly are the importance of education, empowerment, individual initiative, and basic values such as the family and one's relationship to the community. By adhering to these rich principles and by committing themselves to justice, opportunity, and progress, Hispanic-Americans are an integral part of our Nation.

The dynamic role Hispanics have played in the history of the United States can not be overstated. They have been a force in our Nation's history from its earliest days, with the ancestors of many Hispanic-Americans shaping our country's landscape even before it emerged as a nation. Today, America's Hispanic community contributes to the wonderful diversity of our Nation, infusing it with a wealth of history, culture, and tradition. We in Florida and in the United States are fortunate to have the benefit of experiencing the contributions of this proud and vibrant community.

As our Nation celebrates National Hispanic Heritage Month, Americans will reflect upon the many contributions Hispanics have made to our Nation and the many influences Hispanic culture has had on our lives. As celebrations are held, Americans will be provided with a unique opportunity to become acquainted with the vibrant Hispanic spirit which affects all Americans. With this in mind, I encourage Americans to experience the events commemorating National Hispanic Heritage Month.

NATIONAL HISPANIC HERITAGE MONTH

Mr. SPECTER. Mr. President, from September 15 through October 15, 1992, our Nation will be celebrating National Hispanic Heritage Month. It is at this time when we endeavor to take note of the enormous contributions made to our country by those among us who are of Hispanic heritage.

What sets our Nation apart and makes it in many respects unique is that we are a Nation of immigrants, of people whose forbearers came from foreign shores and who now are a part of the patchwork quilt of ethnic and racial groups that make up America. It is this very diversity that makes America a great Nation. And a very important part of this quilt is the Hispanic-American culture.

When one speaks of this culture, one is at the same time discussing a variety of cultures and one culture. That is the paradox of the Hispanic experience in America. Hispanic-Americans may trace their ancestry to Spain, Mexico, Central, or South America but they share a rich common Hispanic background and culture.

In tracing the very beginnings of the Western World, we see the accomplishments of intrepid Spanish navigators and explorers who were the first to colonize our shores. Communities sprang up around Spanish missions and today we have the great cities of Los Angeles, San Diego, San Francisco, San Antonio, and Santa Fe.

Over the intervening years, Hispanic-Americans have made wonderful contributions to communities across the country and in virtually every field of endeavor. Hispanic-Americans have proven to be hard workers and more and more are reaping the rewards of this hard work as they enter the mainstream of American life in politics, economics, and the professions. All they have needed is freedom and opportunity to succeed, as have so many other ethnic groups that have turned to America for these blessings.

It is our job as fellow Americans to ensure that all Americans are accorded equal opportunity in all fields. This is the birthright of all Americans and we must make certain that it is protected.

During this National Heritage Month, I call on all Americans to take special note of the contributions of Hispanic-Americans and to congratulate them on their magnificent culture.

CONGRESSMAN WALTER B. JONES

Mr. SANFORD. Mr. President, I am deeply saddened by the death of my friend, colleague, and fellow North Carolinian, Congressman Walter Jones, but I find comfort in knowing that his life was a full and meaningful one.

A lifetime resident of North Carolina, Walter Jones brought a positive influence to our State and our Nation. Walter was born in Fayetteville and put far more back into North Carolina than he could have ever taken. He served the public as mayor of Farmville, representative in both houses of the North Carolina General Assembly, and Member of the U.S. Congress.

I had the distinct pleasure of serving with Walter Jones in the U.S. Congress and beyond that worked with him personally on several important issues and projects. His wisdom, integrity, and tenacity were his strengths.

For more than 25 years in Congress Walter Jones put North Carolina first. He embodied good Tarheel common sense, something that has benefited this institution many times. North Carolinians and rural and coastal Americans in all walks of life, have lost a dedicated friend and champion.

A TRIBUTE TO MILLICENT FENWICK

Mr. DECONCINI. Mr. President, I was saddened by the news of the passing of an outstanding Member of Congress and ardent human rights advocate, Millicent Fenwick. She devoted much of her life to public service. She was elected to the U.S. House of Representatives in 1974 where she served with distinction through the 97th Congress. In 1983, she was appointed U.S. Ambassador to the U.N. Food and Agriculture Organization, a post she held until 1987.

A champion for human rights at home and abroad, Mrs. Fenwick was instrumental in pressing for the establishment of the Commission on Security and Cooperation in Europe to monitor and encourage compliance with the provisions of the Helsinki Final Act. As Cochairman of the Commission, I can attest to the importance and impact of her work particularly during the difficult years immediately following the signing of the Final Act.

Mrs. Fenwick played a very active role in advancing the aims of the Helsinki process and was outspoken in her defense of individuals denied their human rights and fundamental freedoms. Her tireless efforts and bold determination helped shape human rights policy. As an official member of the U.S. delegation to the Belgrade CSCE followup meeting she forcefully raised individuals cases to document human rights abuses. She encouraged individuals form monitoring groups to report on nonimplementation of CSCE commitments. She remained confident that, despite its shortcoming, the Helsinki process could serve the interests of ordinary citizens in the participating States.

Addressing the House of Representatives after the Final Act was signed, Mrs. Fenwick expressed the hope "that these international accords will be more than just another empty piece of paper." With a genuine sense of purpose and true passion she was determined to ensure that the words of the Final Act were matched by concrete deeds.

On behalf of the Members of the Helsinki Commission, I express my heartfelt sense of loss at the passing of this dedicated champion of human rights.

Thank you, Mr. President.

CHANGES IN THE INTERNATIONAL AIR TRANSPORTATION REGULATIONS

Mr. DIXON. Mr. President, recently British Airways and US Air have announced an agreement to integrate the two air carriers. As the U.S. Department of Transportation and the Justice Department review the agreement, I hope they will consider the agreement's long-term effect on U.S. airline competitiveness in global markets.

I believe the proposal would be detrimental to United States carriers unless a corresponding liberalization of the United States–United Kingdom Air Services Agreement occurs.

Mr. President, I ask unanimous consent that a statement by Lawrence M. Nagin of United Airlines be placed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Financial Times World Aerospace and Air Transport Conference, London, Sept. 2, 1992]

SEIZING THE MOMENT: THE PROSPECT FOR DRAMATIC CHANGES IN THE INTERNATIONAL AIR TRANSPORTATION REGULATORY ENVIRONMENT

(By Lawrence M. Nagin, Executive Vice President, Corporate Affairs and General Counsel, United Air Lines, Inc.)

I want to thank the Financial Times for inviting me to participate in this discussion on behalf of United Airlines. It is a particular pleasure to appear on a panel with Sir Colin Marshall of British Airways and Mr. Taija Kameyama of ANA. We at United, have the highest respect for them and for the fine airlines which they so ably represent.

We have each been asked to present our views on the future of the world's airline industry, and on the implications of change both on the industry and on the environment in which it operates. The topic is a particularly timely one. British Airways' decision to seek a major share of the fourth largest U.S. air carrier clearly has the potential to reshape the international air transport environment in a dramatic and positive way. It will require, however, fundamental changes in law and policy both here and in the U.S. That broad reshaping, therefore, will occur if—but only if—the U.K. Government is prepared to pursue aggressively the opportunity to move toward a liberal regime.

Let me begin, however, by describing the general direction that our industry is taking and the reasons why.

As to where our industry is headed, I think the actions of the three carriers here largely speak for themselves. Carriers of our size and aspirations must increasingly offer our products to a global rather than a regional or domestic market. There is no turning back from this course of action.

British Airways can trace its lineage back to the international service of British Overseas Airways Corporation and its predecessors. Its focus on that global market certainly remains as intense as ever.

By contrast, the origins of both United and ANA were in domestic markets. We only much more recently embarked on major international expansion programs.

From virtually no transborder operations a decade ago, United's scheduled routes will soon reach every continent. This international network has grown to the point that we anticipate that over 35 percent of our total 1992 capacity will be operated on our international routes, up from less than 30 percent last year. And 1993 will see even further growth in the international side of our business.

In the 1992 Guiness Peat Aviation Lecture delivered last March, at the Royal Aeronautical Society here in London, United's Chairman and Chief Executive Officer, Stephen M. Wolf, described the economic forces that are moving both United and this industry from regional to global competition. Quite simply, the greatest potential for growth is in expansion into new markets. For United and many others that means international routes. For any of us to forsake international expansion would mean that we would fall quickly and perhaps permanently behind our major competitors.

The environment in which the industry finds itself today is the result of the U.S. Congress passing a law in 1978 which deregulated the largest single air transportation market in the world—the United States. That event unleashed the forces of competition on a group of air carriers that had been closely regulated for over 40 years. The result, over time, was an industry that became more efficient and more competitive than any in the world. The refinement of the domestic hub and spoke network system, which was only possible under deregulation, produced efficiencies that exceeded everyone's expectations. The enormous economies of scale possible through hub operations drive competitors to organize themselves to optimize these efficiencies. Any carrier which does not so organize places itself at serious risk.

Those efficiencies, of course, do not recognize national borders. The domestic experience rapidly turned international as U.S. carriers added foreign spokes to their principal domestic hubs. As this was happening, carriers around the world were recognizing—some earlier than others—that they could no longer expect to conduct business in the manner in which they had become accustomed. They realized that to continue to succeed meant adapting to new competitive realities.

Some carriers, primarily those in the U.S. domestic market, set out to adapt immediately. For others, including some U.S. international stalwarts, either the recognition came too late or they simply lacked the ability or were denied the regulatory freedom to change. For carriers in these latter categories the result has been the same; the companies have failed or have fallen so far behind their competitors that their chances for long-term survival must be viewed, by even the most optimistic of observers, as slim.

The problem that the successful carriers now face is how to move forward, how to extend the benefits of deregulation to new markets, many of which are still governed by archaic government barriers to competitive operations. It is a serious problem, and one which major carriers must deal with continually.

International air transportation is, as I just described, increasingly driven by hub and spoke economics. Despite this, it continues to be regulated largely on the basis of concepts that originated in the era of simple point-to-point operations. This is the result of a choice made in the wake of World War II; a choice between a multilateral, open skies approach to international aviation proposed by the U.S. and a much more closed bilateral approach advocated by Britain and others. A key element of the latter, of course, was that commercial opportunities were determined largely by the "citizenship" of the carrier.

That crucial choice, made almost a half century ago, has shaped the development of international aviation. In many respects it has performed well, but the costs and inefficiencies that are inherent in it are becoming increasingly unbearable for communities, consumers and carriers alike.

To produce the public benefits that our industry is capable of generating, the international regulatory systems must be brought into conformity with the new economics of air transportation. That is the task now before our governments. They must develop a structure:

That encourages competition;

That eliminates the economic distortions that have been caused by regulations;

That treats carriers of each country fairly;

And that is oriented toward maximizing of consumer benefits.

In short, to achieve the broad range of benefits that a global system of hub and spoke aviation services can—and should—produce, governments must move toward the very sort of regime that they rejected in 1946—open skies.

We at United do not doubt that governments will ultimately shoulder that task. The historic version of aviation regulation is becoming both intellectually and practically untenable here in Europe just as it became untenable in the U.S. There is no question that as this is occurring the foundation for tight regulation of airlines is crumbling in Europe just as surely as it did in the U.S.

The issue that we face is the pace at which the policy evolution will occur, and whether the regulatory changes will occur in such a way as not—unintentionally or intentionally—to interpose new artificial distortions to the free interplay of market forces. Perhaps the single greatest danger in this respect is that some carriers and their governments will attempt to steal a march on their competitors by taking full advantage of deregulation abroad but at the same time try to maintain a protected preserve for their own carriers at home as long as possible. Inevitably, that approach will accomplish little more than inducing the adoption of new reciprocal restrictions. It would be a step backward. In the long term, it would benefit no one—not the governments and their economies, not the travelling and shipping public and the communities in which they live and work, and not even the air carriers that are the supposed beneficiaries of the protection.

It is against this backdrop that British Airways' decision to purchase access to the entire U.S. market—foreign and domestic—should be viewed. The British carrier is acquiring a controlling position in USAir, which in turn has already absorbed two other U.S. carriers—Piedmont and PSA. More importantly, the transaction would allow British Airways—and only British Airways—to realize the benefits of hub efficiencies at both ends of the transatlantic route. No other carrier could compete with a carrier while it enjoyed that structural advantage.

On this proposal I want to make two initial points. First, United and most others in the U.S. who have analyzed the agreement believe that it is clearly inconsistent with current U.S. law. Second, allowing a British carrier enormous competitive advantages in the U.S. while precluding U.S. carriers from comparable opportunities in the U.K. is inconsistent with the basic tenets of a "bilateral" agreement.

But, I am not here to debate the legality of the agreement or to discuss the governing air services agreement. I note these points only so you will understand why United, and many others, who by the way are some of the most fierce competitors in this industry, are absolutely convinced that approval of the transaction will require (i) a fundamental change in U.S. law and (ii) a liberalization of U.K. and European laws and policies. The reaction of the U.S. and U.K. governments to the British Airways' proposal will, therefore, affect profoundly the pace and scope of international deregulation. From United's perspective and from the perspective of most U.S. carriers, both passenger and all-cargo, British Airways' decision to invest, and the circumstances surrounding that investment, make it potentially one of the rare "defining moments" in aviation history.

The transaction holds the prospect of making enormous inroads in the protectionist thinking that still pervades much of the international aviation regime. Indeed, it could well be the lever with which to open Europe and the U.S.—fully two-thirds of the world's total air transport market—to a free competitive environment. On the other hand, it could reinforce old barriers to trade and perhaps trigger new ones as one side or another seeks to preserve a competitive advantage for its flag carriers by use of government regulation.

British Airways has identified quite clearly where its long-range commercial interests lie. It has now taken bold steps to secure one of the global bases it needs to pursue those interests to the fullest.

United's views of the world aviation market and what is needed to compete effectively in it, are not fundamentally different from those of British Airways. We have no criticism of their efforts to capitalize on current circumstances to strengthen the carrier's strategic position in that market. It is acting in its own best commercial interest; United would do the same. As I said, however, for British Airways to accomplish what it seeks will require fundamental changes in law and policy both in America and Europe.

If the carrier of one nation seeks an opportunity to make a quantum leap forward on a global competitive scale, United has no interest in seeing that opportunity foreclosed. Rather, our interest is in being allowed the opportunity to make a comparable leap of our own. That is what we seek; that is all we seek.

I also want to make it very clear, however, that United is not prepared to be placed in a position in which markets both within and to and from our homeland are open to our foreign competitors, while corresponding opportunities abroad for us remain curtailed. That view is widely shared within the U.S. air carrier industry. We do not believe that our government would allow us to be placed in such an unfair position, vis-a-vis a major competition.

United's issue is, therefore, with the respective governments. They cannot focus myopically on one transaction and its commercial implications for one or two carriers. Rather, governments must take a broader, more objective view of the proposal in terms of what is in the public interest.

British Airways has clearly identified a pathway to expanding its global competitiveness. It is now the governments' responsibility to see that the path is open to U.S. and U.K. companies alike, should they choose to follow it. If our governments can accomplish this, the international air transportation industry will be poised to generate a range of public benefits on a scale never before seen. If, on the other hand, the governments fail in this task, or handle it poorly, they will engraft serious economic distortions onto what should be the free play of market forces. Those distortions, in turn, will inevitably deprive the public of otherwise achievable benefits. The greater the distortions, the more the public will suffer.

For many years we have heard our trading partners argue that they would not or could not liberalize their own aviation regimes while their carriers were unable to gain broad access to the U.S. domestic market. The U.S. has now been presented with a plan that would effectively provide foreign carriers with that access. As of yet, however, we have heard nothing as to what the U.K. intends to do in return to liberalize the European end of the marketplace to a comparable degree. Quite frankly that silence leaves us with questions as to—whether the U.K. Government is interested in securing a truly liberalized aviation environment—whether the U.K. sees this as no more than an opportunity to maintain the mantle of government protection over its own carriers, at the expense of the U.S. air carrier industry—or whether the U.K. has simply misjudged the U.S. position.

The information we have received about the European Community's deliberations on the third phase of aviation liberalization certainly give us no comfort. It appears from draft provisions of the third phase resolutions that the Community may be prepared merely to substitute Community membership for traditional "nationhood" status when it comes to reducing or eliminating restrictions on air carrier ownership and control. While Community members would be free to undertake investments such as the one British Airways has proposed, in both Community and third country carriers, a U.S. carrier attempting a similar transaction with a Community carrier would find the latter to have lost its Community Citizenship and with it the air transportation rights of the European carrier of which control was acquired. In short, the U.S. access available to British Airways or other Community carriers as a result of the type of initiative British Airways has taken is unavailable to a comparable U.S. airline in Europe, and will remain so, absent creative government action. Asking the U.S. to accept British Airways' control of USAir in these circumstances is asking the U.S. to subject itself voluntarily to a situation often referred to as a "Catch-22."

We believe a number of other U.S. carriers are prepared to pursue opportunities to gain expanded access to U.K. and European markets just as British Airways is seeking broad access in North America. We are prepared to urge our government to move forward hand-in-hand with the Government of the U.K. and with the European Community to maintain the momentum to formulate fundamental changes in laws and policies that will facilitate broader, freer competition across the board—an environment that will allow service to Birmingham, England or Birmingham, Alabama to be determined by what the market will justify and not by some governmental vision of what is best for British Airways or United.

As I noted at the outset of this speech, British Airways has identified a bold means for increasing its competitiveness and market presence on a world-wide basis. If it is to pursue that approach, however, the Government of the U.K. must now take similar innovative and aggressive steps to establish the environment that will allow British Airways to do so. We await their decision, and we at United are prepared to join in any reasonable effort to free the U.S.-U.K. and U.S.-Europe markets as far from intrusive regulation as possible.

If there was ever a time to seize the moment—it is now.

SPEECH MADE BY JOHN WALSH

Mr. THURMOND. Mr. President, there is a war being waged on the streets of America—a war of crime. This war has claimed the lives of many innocent people, from a mother who tried to save her child from carjackers, to a Senate aide who was mercilessly ambushed and killed while walking down the street to get a cup of coffee. It is a war that affects everyone from the residents of Clifton Terrace to the residents of the White House. As in any war, though, there are individuals who distinguish themselves for their acts of courage and bravery, and today I rise to pay tribute to one such man—my friend John Walsh.

John Walsh is best known as the host of the popular television show, "America's Most Wanted," a weekly program which assists law enforcement agencies in tracking down and capturing desperate and dangerous fugitives. In the 4 years America's most wanted has been on the airwaves, it has profiled 500 cases and directly assisted in the capture of 220 wanted criminals. What many people do not know is what motivated John Walsh to dedicate his life to hunting fugitives.

In 1981, John's son Adam was abducted from a south Florida shopping mall and brutally murdered. John was so incensed by this vicious act, that he founded the Adam Walsh Foundation and became a dedicated advocate for missing children and victims' rights. John's commitment to these causes and his success in bringing criminals to justice has led to a busy schedule of speaking engagements addressing many different groups concerned with crime. Recently, John addressed the Fraternal Order of Police during the National Police Week Memorial held here in the District of Columbia. I was present for this speech and thought he did an excellent job of outlining the problems and frustrations the American people have regarding crime and the justice system in our Nation today. I would like to request that a copy of John's speech be included in the RECORD following my remarks.

Mr. President, John Walsh is a unique man; someone who has known great tragedy, but channeled his grief and anger into projects that benefit our Nation in tangible ways. Thanks to his work, he is helping to ensure that our Nation is a safer place. We all owe John Walsh a debt of gratitude.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF JOHN WALSH TO THE FRATERNAL ORDER OF POLICE, NATIONAL POLICE WEEK MEMORIAL, WASHINGTON, DC, MAY 15, 1992

Thank you very much Dewey. I'm honored to be here today, and I'm honored to be asked by Dewey, the FOP, and the COPS organization to be a small part of National Police Week. Before I start I wanted to acknowledge a good friend of mine who came today, an outstanding victims rights advocate, a great supporter of law enforcement in the United States Congress, United States Senator Strom Thurmond—a great friend of law enforcement.

You're my partners. As the President said last week we had our 200th capture on America's Most Wanted. It's been a great partnership. It's been a great experience for me to work with law enforcement and see what support the American public has for law enforcement. Those 200 criminals would have never have been caught if it wasn't for the viewers who support our show—the 3,000 calls we get every week.

And this week we had our two hundred and first capture. A man by the name of Kenneth McDuff. Several years ago he tortured three teenagers to death. He was sentenced to the electric chair and was on death row in Texas. He was strapped into the electric chair twice but walked back to his cell. The state of Texas paroled Kenneth McDuff. He's now suspected in the murder of four women. I asked the same questions every other American does: has the criminal justice system broken down completely? I don't know. I don't know why the state of Texas let Kenneth McDuff and 68 other convicted murderers out on parole.

It's tougher than ever to be a cop. These days if you pull someone over you don't know whether you're going to get a drivers license or a 357 magnum. Everybody in America has seen the Rodney King video. But I know for a fact that 99 percent of police in this country don't condone or behave that way. There are bad cops, yes, there are bad priests, and believe it or not there are even bad people that work in the media. But I say to those colleague's of mine in the media don't paint all law enforcement with the same broad brush.

What is not shown are the thousands of cops; thousands of cops who are in wheel chairs; hundreds of cops that are on life support systems. Sadly our show was the only prime time network television program that aired the dedication to the police memorial. With over 12,500 names on it. I feel the same way most Americans do, I think, you can't right an injustice, of what happened to Rodney King by committing another injustice. Again, the elderly the poor the children in South Central Los Angeles will suffer because of the lawlessness of a few.

True social protest does not result in 53 homicides and a billion dollars worth of damage. We need good police more than ever before in the history of this country. Crime and violence has become the American way of life. Our cities are literally at war. Violent crime is up 5 percent this year. Thirty-five million Americans were the victim of a violent crime last year in this country. One in 8 women were the victims of a rape. There were 23 thousand homicides in the United States last year. Seventeen cities set homicide records.

Washington, DC the city we're in today, that we should be so proud of—that should be the model to the rest of the world—is the homicide capital of this nation. This insanity must stop. And what about the criminal you arrest—the criminal you arrest repeatedly time and time again—he's protected by federal law. He's protected in every state by state law. But what about the victims. Only 12 states have victims rights legislation.

Maryland, just over the border, has no victims rights compensation what-so-ever. The average sentence for first degree premeditated murder in the United States is 7 to 9 years. The states of Texas and Florida, tough crime states usually on the top of the crime list, are revolving door states. The average criminal in Florida serves only 18 percent of his sentence. Eighteen days of every year that he's sentenced.

And now the United States supreme court has just overturned the Son-of-Sam-Law. The Son-of-Sam-Law prohibited criminals from benefitting from their crimes. Now a criminal can plan to be the biggest serial murderer of all time, the biggest child molester. What will he get? A hundred and 50 thousand dollars for the TV rights: they get 50 thousand dollars for the book rights, and he'll probably get out in seven to nine years. He'll come out of prison a rich man.

Our law makers are sending a message to criminals that we're too overwhelmed to punish them and that crime does pay. I spent a week in Folsom prison. It's supposed to be the toughest prison in California. The end of the line: that's what the prisoners call it. Well the warden had to leave every day. He couldn't participate in our special program because he was involved in 600 law suits. A 37 time convicted rapist was suing the state of California, he had 4 lawyers at 250 dollars an hour paid by the victims and the taxpayers of California, because he wanted screens put up in the showers so that the female guards could not observe him taking a shower.

The warden said to me, "John 15 years ago this prison used to be self-sufficient. We butchered our own cattle, we grew our own vegetables," he says, "now I cannot make half the prisoners work. They stay up all night to disrupt the other prisoners," and he said, "this prison is full of drugs." I said how can that be? He said, "we have conjugal visits in California. The female correctional officers are not allowed to inspect the female visitors guests. They smuggle cocaine and heroine into the prison. Prisoners sell it to each other and actually overdose in their own cells."

And he said, "Look in this wing here John, every prisoner has a colored television," and he said, "that guy right there killed five children." He said, "your son's never going to watch cartoons again. That's all he does all day long."

The message must be sent to every law maker, particularly on the state level, we've had enough! Things must change, they must change. The criminals have taken over.

To the survivors that are here today; especially the families that are right here up front—the families of the new names on the memorial; I've walked in your shoes. I've lost a loved one. You've made the ultimate sacrifice, the ultimate sacrifice. I could never make any sense out of Adam's brutal murder. But I wanted to make sure he didn't die in vain. To the kids in this audience I say be proud, be proud of your loved one. I know for sure they didn't die in vain.

I didn't ever dream that I would become a manhunter. It's not my profession by choice. I was drafted into the war because of the murder of my little boy. But you, all the people here today, you chose to make law enforcement your profession. You chose to try to make a difference. So like the vast majority of law abiding citizens in this country, of every race and creed, I appreciate what you do, they appreciate what you do and we salute you. What would we do without you?

Be safe and may God watch over you.

RETIREMENT OF PATRICK NILAN, LEGISLATIVE DIRECTOR OF THE AMERICAN POSTAL WORKERS' UNION

Mr. STEVENS. Mr. President, on November 8, the National Legislative Director of the American Postal Workers' Union, Patrick J. Nilan, will retire. After serving as the APWU legislative director for 28 years, Patrick chose not to run for reelection. If the high esteem in which he is held by the members of the American Postal Workers' Union in my State is any indication, he would have had no trouble securing another 2-year term.

We are all going to miss Patrick. He has been an honest and forceful advocate for postal employees during his 28 years here in Washington, and for 6 years prior to that, representing the clerk crafts in the six Midwestern States of Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and Missouri. He has been a significant player in every piece of postal legislation since he came to Washington in 1964. In addition to his responsibilities as legislative director, he established and managed the American Postal Workers' Unions' first congressional political action fund. He also has served as editor of the American Postal

Workers' Union News Service Association for the monthly APWU newsletter for his entire 28 years here in Washington. Patrick has a long and glowing service to his union, its members, and to the entire postal community. We will miss the service of the most senior AFL-CIO legislative employee and political director.

Despite his retirement, I know we will see him in the Halls of Congress often.

We wish him and his lovely wife, Sally, the very best in retirement and look forward to his annual Christmas newsletter.

EULOGY TO MICHAEL A. CARROLL

Mr. LUGAR. Mr. President, on Friday, September 11, the people of Indianapolis suffered a great loss when six citizens died in a tragic plane collision. Four of these men, Frank McKinney Jr., Bob Welch, John Weliever, and Michael A. Carroll, were prominent civic leaders.

Yesterday, I attended the funeral of my friend, Mike Carroll. To honor him, I summit my eulogy for the RECORD:

When Mike Carroll earned his Masters Degree in Urban Planning at the University of Illinois in 1968, he joined a team in Indianapolis that had a vision of humane government and aesthetic beauty for our city. He was a star from the beginning, first as Director of our fledgling Model Cities program and then at the right hand of a gifted architect, David Meeker. Mike Carroll began to fill in the human and physical structural details of the dream. He was equally conversant with neighborhood activists Ben Bell and Snookie Hendricks on the street corners of North College and the internationally famous planners who came to the Indianapolis Conference on Cities.

During his tenure as Director of Metropolitan Development, Indianapolis was in the forefront of the Planned Variations of Model Cities, undisputed leader in focusing all federal government activity in the city on our local priorities and on maximum participation of neighborhood citizens in the regeneration of our central city.

He served as Deputy Mayor of Indianapolis during my final two years as Mayor as successor to John Walls, and with Mike DeFabis, two more stars in the Indianapolis firmament. In December of 1976, I asked Bill Hudnut for permission to name his Deputy Mayor, Mike, as my first U.S. Senate State of Indiana Director. He established comprehensive state networks of service and communication. When Dan Quayle and I established the only joint U.S. Senate partnership in constituent service, Mike made the concept work by serving both of us as a leader who easily banished petty rivalry and misunderstanding. I urged him not to run for Congress in 1982, surely the worst possible year for a Republican candidate to face a popular incumbent. But Mike was determined to wage a principled, issues oriented campaign including marathon running around the district lines and other wholesome if unconventional activities.

He lost that race but his dreams for Indianapolis moved on as he joined another star of the original team, Jim Morris, at Lilly Endowment. These two gifted men, present at the beginning, and now backed by the remarkable resources of a world class foundation, proceeded magnificently to build the human and physical strength of Indianapolis.

Mike received deserved recognition from planners and public administration leaders as a living legend of achievement. His election in 1984 as a Fellow of the National Academy of Public Administration by competitive national ballot elevated him to the 200 member living hall of fame coveted by everyone who has ever served in any public office, college faculty, or foundation staff in America.

But most importantly, Mike loved Linda Faris Carroll, and with wisdom and thoughtfulness, they were the proud living parents of Kerry Ann, Paula Ann, and Michael Anthony Carroll, Jr. Mike was devoted to his religious beliefs and to his church.

And from his vast accumulation of friendships and experiences came a serenity and an equilibrium which was confidence building for all persons he encountered.

His honesty, sincerity, integrity were so impressive that his friends waited for an unkind word, a slighting aside, even a small compromise of his awesomely high standards. He was competitive even to the extreme of fracturing ribs while wrestling a high school student in the mid 1980's or while continuing a no-holds barred basketball scrimmage after an injured eye was covered with a patch. He was determined to fight for those who faced discrimination and unfair treatment, and he demanded of all his teammates that they measure up to that standard.

He was delightful to be with during for his children's track meets or a Colt's game at the Hoosier Dome because he laughed, and he comforted, and he advised gracefully and kindly.

God is not mocked. He knows the innermost thoughts and desires of all of us and how well we have translated idealism into action. This memorial service for Mike Carroll reminds us how well a life can be lived during these years that he was our friend and dreamed, worked, and played with us and how certain it must be that he will have eternal life.

We did not want to say good bye to our friend now. Even after a quarter of a century, it seemed as if the exciting chapters were still being written. He was so often the inspiration for our efforts. But in our tears, we now must evaluate how much he meant to us, how much we loved him and will miss him, and how much we counted upon the nobleness of his life and service. May God's blessings be upon you, Mike, until we meet again.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1993

CLOTURE MOTION

MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will now report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to proceed to H.R. 5677, an act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1993, and for other purposes:

Robert C. Byrd, Daniel K. Akaka, Harry Reid, Dennis DeConcini, Carl Levin, Tom Harkin, Herb Kohl, Paul Wellstone, Joe Biden, B.A. Mikulski, Brock Adams, Paul Simon, Joseph Lieberman, Richard Bryan, Tom Daschle, George Mitchell.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 5677, the Labor-HHS appropriations bill, shall be brought to a close?

The yeas and nays are required

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Vermont [Mr. JEFFORDS], are necessarily absent.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 56, nays 38, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—56

Adams
Akaka
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wirth
Wofford

NAYS—38

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Kasten
Lott
Lugar
Mack
McCain

McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Symms
Thurmond
Wallop
Warner

NOT VOTING—5

Biden
D'Amato
Gore
Jeffords
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk processed to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HUBERT H. HUMPHREY HISTORICAL HIGHWAY

Mr. PRESSLER. Recently, I took part in a wonderful occasion in my home State of South Dakota—the dedication of the Hubert H. Humphrey Historical Highway. We had as a speaker former Senator Muriel Humphrey Brown. We also had Skip Humphrey, the son of the late Hubert Humphrey. He is now the attorney general of Minnesota. In dedicating this highway in his honor, we added to Hubert Humphrey's triple H by creating quintuple H, the Hubert H. Humphrey Historical Highway, which will run near Doland, SD, his hometown.

At the dedication luncheon, I was pleased to be able to talk of my friendship with Francis Humphrey Howard, Senator Humphrey's sister, which drew applause from the Doland table. I also was pleased to be able to see Joe Mendel of Doland, SD, who was an acquaintance of Hubert Humphrey, an outstanding South Dakota athlete, as well as several of Hubert Humphrey's fellow high school football team members. Additionally, our State highway commissioner, Mr. Long, attended. Harvey Wollman, former South Dakota Governor, affectionately recalled a time, 40 years ago, when Doland High School invited Humphrey to its homecoming festivities.

THE LONG ROAD HOME

Mr. President, today I honor one of the great political figures of this century—Hubert H. Humphrey. This South Dakota native brought honesty and integrity to Congress and to the office of Vice President. His dedication to legislation involving civil rights, Medicare, Job Corps, Peace Corps, and many other valuable programs illustrates Hubert Humphrey's total commitment and devotion to the American people.

The State of South Dakota, as an accolade to Humphrey's hard work and legislative accomplishments, recently named a stretch of South Dakota Highway 37 the Hubert H. Humphrey Historical Highway. This dedication is South Dakota's way of saying thank you to one of the State's most renowned native sons. Humphrey's contributions and lifetime concern for South Dakota and the Midwest made this highway designation an appropriate tribute.

Mr. President, I ask unanimous consent that the resolution recently adopted by the South Dakota Hubert Humphrey Highway Committee dedicating the stretch of South Dakota Highway 37 and an article from the Pierre Capital Journal be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HUBERT H. HUMPHREY HIGHWAY COMMITTEE,
HURON, SD

Whereas, the Humphrey and Sannes families were pioneer families in South Dakota; and

Whereas, Hubert H. Humphrey grew up in South Dakota; and

Whereas, Hubert H. Humphrey lived in Eastern South Dakota; and

Whereas, Hubert H. Humphrey was a businessman in South Dakota; and

Whereas, Hubert H. Humphrey was a boy scout volunteer in South Dakota; and

Whereas, Hubert H. Humphrey served with great distinguishment as a United States Senator and as president pro temp; and

Whereas, Hubert H. Humphrey proposed, developed, and/or introduced legislation for Medicare, Peace Corps, Food for Peace, Job Corps & Civil Rights; and

Whereas, Hubert H. Humphrey was an outstanding Vice President of the United States and South Dakota's only native to become Vice President; and

Whereas, Hubert H. Humphrey remained committed throughout his life to rural, agricultural, and Midwest concerns; and

Whereas, the people, the communities and the spirit of South Dakota influenced Hubert H. Humphrey's dedication to the improvement of Humankind; and

Whereas, South Dakota Highway 37 ties together eastern South Dakota from North Dakota to Nebraska, and

Whereas, the designation of South Dakota Highway 37 as the Hubert H. Humphrey Highway would encourage tourists to use Highway 37; and

Whereas, the increased use of Highway 37 by tourists will benefit our communities: Now, therefore, be it

Resolved, That South Dakota Highway 37 be designated as the Hubert H. Humphrey Highway as a fitting tribute to Hubert H. Humphrey and the State that so greatly influenced his life, work, and dreams.

[From the Pierre Capitol Journal, Sept. 8, 1992]

HIGHWAY NAMED FOR HUMPHREY

HURON, SD.—Designating part of a highway as the Hubert Humphrey Historical Highway is fitting for a man who traveled the world, his son, Skip Humphrey III, said at the ribbon cutting.

The ceremony in Huron Saturday marked the official designation of 100 miles of Highway 37 through Huron as the Humphrey Highway.

Humphrey, a South Dakota native, went on to become a U.S. senator and vice president from Minnesota. He died in 1978.

Skip Humphrey said the highway tribute holds many meanings.

"It is highways that are an important link to commerce, and it is highways that make communities work together so they are not squeezed out," he said.

"It is highways that lead to new opportunities—they brought my dad to Minneapolis where he served as mayor and to Washington, the same road that brought him home to the family he loves and to visit with his many friends and hunt pheasants," Humphrey said.

"This is how he stayed committed to all of us," he said. "This is how he recharged himself."

Humphrey's widow, Muriel, also attended.

Born in Wallace in 1911, Humphrey graduated from Doland High School and worked in his father's drugstore in Doland and Huron. At Huron, he met and married Huron native Muriel Bock.

Former South Dakota Gov. Harvey Wollman remembers that 40 years ago next month he was part of the homecoming royalty at Doland High School.

"We invited Hubert Humphrey to come to our school and partake in our festivities," Wollman said. "It was my first exposure to a celebrity and I kind of enjoyed it."

Wollman, who also taught and coached debate at Doland, said the former vice president "set a level of excellence at the school that we were all challenged to maintain."

Gov. George Mickelson said he appreciated the local effort by residents of Doland and Huron to "give us in state government a nudge" on the issue.

"The naming of the highway is a lasting legacy to Hubert Humphrey," he said.

TIME FOR A SOLUTION IN CYPRUS

Mr. PRESSLER. Mr. President, I am dismayed that the latest round of U.N.-sponsored talks between Greek and Turkish Cypriot leaders has ended in a stalemate. Once again, Turkish Cypriot leader Rauf Denktash has proven to be inflexible on the issues of territory and resettlement of refugees in Cyprus.

The small island of Cyprus, which gained independence from Great Britain in 1960, has been partitioned since it was invaded by Turkey in 1974. The 700,000 Cypriots, 76 percent of whom are of Greek ethnic origin and 19 percent of whom are of Turkish ethnic origin, are forced to live in a divided country. U.N. peacekeeping troops maintain a buffer zone between the two sides of the island. Today, some 25,000 to 30,000 Turkish troops prop up the illegal Denktash regime known as the "Turkish Republic of Northern Cyprus." This republic is recognized only by Turkey and comprises more than one-third of the northern portion of the island.

In this Congress, as in the last, I have introduced legislation to prohibit any military or economic assistance to

Turkey until certain conditions involving the Cyprus situation are met. Mr. President, this legislation, S. 2019, is a severe response to a serious situation. The Turkish Government must do more to exert pressure on Mr. Denktash. If Turkey fails to live up to its responsibilities in this regard, American taxpayers should not be asked to provide that country with assistance. I ask each of my colleagues to review the provisions of S. 2019, which I introduced November 22, 1991, and join as a cosponsor of the legislation.

In the meantime, I hope the talks on Cyprus, scheduled to resume on October 26, can produce results. I applaud the U.N. Security Council for passing Security Council Resolution 774 on August 26, 1992, urging the parties "to pursue uninterrupted negotiations" until agreement is reached on a framework for a settlement on the basis of the "set of ideas" for "a fair solution" put forth by U.N. Secretary General Boutros Ghali in April of this year.

I also commend Greek Cypriot President George Vassiliou for accepting the plan offered by the U.N. Secretary General during the latest round of talks. Under this plan, Turkish Cypriots would be given 28.2 percent of the island. The Turkish minority currently occupies roughly 38 percent of Cyprus.

I urge Rauf Denktash to return to the talks in October willing to engage in true negotiation. I further urge Turkey to use all of its influence to ensure that he does. Should these efforts sponsored by the international community fail, I believe Congress must seriously consider taking the steps outlined in S. 2019.

I hope such action can be avoided. However, resolution of the almost two decades old situation in Cyprus is squarely in the hands of Mr. Denktash and the Turkish Government. They must be held accountable for the success or failure of attempts to gain a solution in Cyprus. Mr. President, I ask unanimous consent that an editorial from the September 5, 1992, New York Times be included at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 5, 1992]

ETHNIC CLEANSING: CYPRIOT STYLE

Alas, a month of direct talks at the United Nations between Greek and Turkish Cypriot leaders has gotten nowhere. An achievable "set of ideas" for uniting this dismembered island had been put forward by Secretary General Boutros Boutros-Ghali. But Rauf Denktash, speaking for Cyprus' Turkish enclave, shredded all proposals for power-sharing and justice for refugees.

So Cyprus remains a cruelly divided economic slum. Such is the dirty legacy of "ethnic cleansing," which occurred in Cyprus long before Bosnia.

After independence in 1960, Cyprus' Greek and Turkish communities proved unable to live under a common roof. Reciprocal folly led in 1974 to Turkey's armed intervention and a brutal population exchange that displaced 160,000 Greek Cypriots and 45,000 Turkish Cypriots. Since then, an unrecognized Turkish Cypriot ministate has been kept alive by Turkish subsidies and soldiers, while United Nations blue helmets patrol a buffer zone.

Eager to end a costly peacekeeping operation, Mr. Boutros-Ghali came up with a suggested map giving the Turkish side 28.2 percent of the island; it currently occupies 38 percent. The plan was accepted by George Vassiliou, leader of the Greek Cypriots, who speaks for about 80 percent of the island's inhabitants. But it was rejected by Mr. Denktash, who speaks for only 19 percent.

In Cyprus, forcible partition has entrenched communal grievances. And as elsewhere, each side anxiously leans on a foreign big brother. Greece, preoccupied with Balkan turbulence, now presses for compromise on Cyprus. Turkey hinted to President Bush that it was prepared to do the same. Mr. Denktash, it appears, didn't get the message from Ankara.

The Cyprus talks will resume in October. A solution would enable Greek and Turkish Cypriots to enjoy political equality in a bizonal federation, thereby making the island a model rather than a warning. But that can only happen if Mr. Boutros-Ghali and the Security Council finally turn widespread disgust with this interminable dispute to their diplomatic advantage.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I withdraw the motion to proceed to H.R. 5677, and I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 662, H.R. 5677, the Labor-HHS Education appropriations bill, and that section 515 of the committee amendment which appears on page 86, lines 14 through 21, be deemed stricken from the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President.

Mr. MITCHELL. Mr. President, I withdraw my request, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate at 11:02 a.m. recessed subject to the call of the Chair.

The Senate reassembled at 11:33 a.m., when called to order by the Presiding Officer [Mr. ROBB].

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Ohio be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACIAL VIOLENCE IN GERMANY

Mr. METZENBAUM. Mr. President, I rise out of a sense of frustration. A sense of despair. A sense of concern and of outrage at what is going on in Germany.

Mr. President, the hatred that stems from racial, religious, or ethnic differences is a special type of hatred. It is one thing to dislike a neighbor for economic reasons or for political reasons. Perhaps there is jealousy or competition. But to hate another by reason of his or her race, religion, or ethnic background, is a different matter, indeed. It is the most pernicious expression that one person can convey to another.

Sadly, the end of the cold war has unleashed many such hatreds. One need look no farther than the remains of Yugoslavia to see what suffering racial violence brings. Many former Soviet Republics are also confronting ethnic and religious strife, as is South Africa. Last spring, unfortunately, we had our own exposure to these problems in Los Angeles and in other cities around our country.

No Nation, no province, no country, no city is immune.

I join in condemning that kind of violence wherever it may occur in the world. I will do all I can to support those who seek solutions at home and abroad.

But I do not rise today merely to join the chorus of protest. I rise because some new terminology has been added to the lexicon of racial hatred, new ways to describe the search for racial purity, new characterizations of the struggles to keep outsiders out, and to keep insiders insulated. The new terms are "skinhead violence" and "antiforeigner violence", and they describe the pitched battles taking place today in Germany.

Mr. President, the United States of America certainly cannot approach this issue with clean hands. We have had our own problems and continue to have them even as we meet today. We must also remember that there are many Germans who have spoken out against the interminable violence plaguing their country.

But I believe that Americans have a responsibility to speak out and that the onus is on Germans to listen when racial and religious intolerance rears its ugly head.

Mr. President, let there be no mistake, the people and the Government of Germany as a whole, the new, reunified

Germany, carry a special burden with respect to the issue of racial and religious intolerance. They bear a special responsibility to protect the rights of all individuals within their borders. There will always be a special scrutiny of German actions as a result of German history.

Germany has carried this burden over the past 45 years, and we all had come to believe that there was a new Germany. Indeed, Germany has been generous both toward new refugees and toward victims of past German intolerance. But the past several weeks of violence have offered a disturbing new vision of Germany's future. The vision is reminiscent of Germany's dark past. This vision conjures up images that the world ceased to associate with modern Germany and with modern Germans. I fear that this vision will become reality once again in Germany.

Mr. President, the mere fact that young Germans have rioted against foreigners is not what has sparked my concern. Neither is the fact that witnesses to the violence stood by and applauded what prompted me to take the floor of the Senate today. Nor is the fact that surveys of German citizens indicate broad agreement with the xenophobic motives of the skinheads what gives me cause for outrage.

Mr. President, my shock and fear for the future does not stem solely from the response of the German people to the recent violence. I take the floor today because of what German officials have done, or failed to do, in response to this crisis. Example: The Federal German Government has made tepid declarations of condemnation, many just verbatim recitations of past comments on intolerance. Example: Local German authorities have likewise been muted. Their response to rioters was not to stand firm, to face down intolerance in the streets. Their response was to hustle the foreign-born residents out of town. And finally, the response of German legislators has been to drop their longstanding opposition to measures that would close German borders to outsiders. In effect, the Bundestag seems to think that the removal of foreigners will remove the problem of intolerance in Germany.

If this is the case, then Germany is in for a surprise. Fifty years ago, Germans learned what happens when senseless racial hatred is allowed to go unchecked. I wonder if that lesson has been lost on the new generation of Germans.

Mr. President, no one questions the material cost of reunification of the German people. No one questions the cost of Germany's very liberal refugee and asylum laws. But economic suffering is not an excuse for scapegoating people who do not fit in. It is not an excuse in the United States, and it is particularly not an excuse in Germany.

It has become apparent that the German people will not take a strong, proud, and courageous stand for what is right, and their failure to do so is what is wrong. This is a situation that I regret. The German people are aware of their history, and they too should be regretful.

But where the conscience of the people fails, the fortitude of national leaders should step in, particularly in a democracy.

Mr. President, where is the German leadership amidst the virtual race war in its country? Who among the German leaders will be the first to condemn this intolerance without reservation? Who among them will have the vision for Germany's future and recognize what kind of message this violence sends to the rest of the world, and to their own people.

Germany, which produced the most unbelievable example of intolerance in the world's history, now is faced with a new challenge. It is not with respect to religion alone, but with respect to intolerance on the basis of race, with respect to intolerance on the basis of color.

Mr. President, I am waiting for official condemnation, unequivocal and crystal clear, of the racial violence and of those Germans who sit by and watch passively. I am waiting for condemnation of those Germans who stand and applaud the action of these hateful young people, the so-called skinheads.

I am waiting for a leader, whomever he or she may be, to break the mold of tepid objections, to stand up and take a risk for Germany's future.

Mr. President, I am waiting for a courageous German response to the racial hatred, to the religious hatred. And I believe that the world is waiting.

Germany is a beacon in many areas. It truly is a land of greatness. But it is also a land with a history, a land with a burden.

Mr. President, for the sake of all those non-Germans fearing for life and limb, and indeed for the sake of Germany's future, I hope that our wait will not be much longer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CABLE TELEVISION'S LAST-DITCH EFFORT

Mr. METZENBAUM. Mr. President, I rise to warn both my colleagues and the consumers of this country about a cable monopoly disinformation campaign of unprecedented proportions.

The cable industry's trade group, the National Cable Television Association, has proven to be almost as effective as the National Rifle Association at distorting the truth and alarming the public. The only difference is that cable's monopoly power enables the industry to saturate its program channels with its false propaganda and, with its huge profits, to be able to buy TV ads on the noncable stations.

The cable monopolies are even inserting fliers into the monthly bills paid by their customers. These ads and fliers distort the truth about S. 12, the Cable Television Subscriber Protection Act.

The cable monopolies claim that S. 12 will lead to steep, new rate increases.

Forgetting about the merits of the bill, and I am not an authority on the bill, can anyone honestly believe that the cable industry is running ads because they are worried that cable consumers, cable users may have to pay higher rates, an industry that has been raising their rates at an intolerable pace ever since we mistakenly deregulated the cable industry rates.

Now this wonderful friend of the people comes along and says vote against this bill because it may result in higher rates. And they are the ones who would be getting the higher rates. So it is sort of a contradiction in terms, and you cannot quite understand what they are trying to say except it sounds pretty phony to me.

As a matter of fact, what I do know about S. 12 is that it will rein in cable's monopoly power and help stabilize rates.

Right now, the cable industry is overcharging consumers by as much as $6 billion per year, and it keeps increasing regularly. That figure comes from the Consumer Federation of America. An economist for the Department of Justice found that up to 50 percent of cable's revenues represent unfair monopoly profits. The cable industry has been fleecing consumers ever since deregulation took effect 5 years ago. We should not have done it. And we deregulated because the municipalities asked us to. It was one of the major mistakes we made. Now we ought to at least try to put something back as far as protecting the American consumer is concerned. Cable prices have been hiked at a clip which triples the rate of inflation. But now, on the eve of enactment of a bill which curbs its monopoly power, the cable industry tries to cast itself as the guardian of low prices and the defender of consumers.

That is absurd.

What do the real defenders of consumers have to say about cable's propaganda campaign? The Consumer Federation of America states that "the information conveyed in these (ads and fliers) is factually inaccurate and involves a blatant attempt to mislead the public." Andrew Schwartzman of the media access project states that the disinformation campaign "Simply establishes further what we already know: cable is a national monopoly with both the ability and a demonstrated history of abusing (its power). Any tactic to benefit their cause is okay with them, and the public be damned." Tom Shales, the TV columnist for the Washington Post, states that the ad offensive is simply "a big fat lie."

While the scope of cable's distortion campaign is staggering, it comes as no surprise. The cable monopolies have a history of distorting the truth, misleading the public, and abusing their power. If you are still not sure whether the cable industry's propaganda campaign is misleading and distorted, just look at the record:

First, in 1984, cable pushed a deregulation bill through Congress by telling lawmakers that competition was just around the corner. Eight years later, as almost any cable subscriber knows, there is still no competition in cable.

Second, time and again over the last 5 years, the cable industry has come before Congress and argued with a straight face that it is subject to stiff competition. But 99 percent of the consumers in this country have no opportunity to choose among competing cable systems.

Third, the moment that cable reform legislation began to move here in Congress, cable operators across the country took steps designed to, in the words of the Wall Street Journal, "Dodge the rules aimed at curbing price increases for basic cable."

Fourth, when officials of the General Accounting Office posed as potential cable subscribers, a sizable chunk of the cable companies which it contacted refused to acknowledge the existence of a low-priced tier of basic service, even when asked about it.

Fifth, last year, the Nation's largest cable company, TCI, tried to trick its customers into paying for a new TCI-owned program channel which they did not even order.

There are countless other examples of misleading and deceptive conduct by the cable industry. Earlier this year, when the Senate considered S. 12, cable lobbyists publicly urged Senators to support an industry-sponsored substitute, at the very same time that cable's chief lobbyist was saying privately that he would attempt to kill the substitute if it passed.

Even if, in this face of this record, you are still not sure whether cable is telling the truth, look at the disinformation campaign itself. First, one print media ad sponsored by the cable industry implies that the New York Times opposes S. 12; the Times actually supports the legislation.

Second, the central thrust of the campaign is that regulation will raise rates. But in 1984, the cable industry argued for deregulation by saying that regulation kept rates artificially low.

Third, the cable industry has tried to substantiate its charge that rates will go up by citing an analysis by the Department of Commerce. But the Washington Post has reported that the Commerce Department conducted no independent analysis, but instead based its finding solely on data submitted by the National Cable Television Association.

So the next time you see a flier or hear an ad sponsored by the cable industry on S. 12, consider the source. In the 5 years since deregulation took effect, the cable industry has taken full advantage of its monopoly power by overcharging consumers and stifling competition. Now, the industry suddenly dresses itself up as a defender of consumers and a promoter of fair competition. Consumers should beware of this wolf in sheep's clothing. And so should Members of Congress. The vehemence and the scope of cable's disinformation campaign represents the last, desperate act of a monopoly struggling to maintain its unbridled authority over consumers.

I urge my colleagues to look beyond this charade and provide consumers with a measure of protection against the cable monopolies.

I do not believe S. 12 goes as far as it should. I do not believe it provides all of the protection that it should. But it is a major step in the right direction and certainly the cable industry's advice is not the one that should be trusted when they urge us to vote against S. 12.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FIRST WOMAN SENATOR FROM NORTH DAKOTA—JOCELYN BURDICK

Mr. MITCHELL. Mr. President, and Members of the Senate, this is a historic occasion. It is an honor to welcome to the U.S. Senate the first woman Senator from the State of North Dakota, the widow of our friend and late colleague, Senator JOCELYN BIRCH BURDICK.

Governor Sinner's decision to appoint Senator BURDICK to complete her late husband's term for the remainder of this session was a wise one. Mrs. BURDICK has been deeply involved in the public life of North Dakota for many years. She has been an active worker in her Fargo community and an active help to her husband during his 32 years in the Senate.

Mrs. BURDICK brings to the Senate the same sense of commitment and caring for the people of North Dakota which distinguished her husband's career. She brings, as well, a heritage of western American women fighting for the rights of all women through her great grandmother, Matilda Jocelyn Gage, a leading suffragette in the 1870's, an appropriate legacy in what is being called the year of the woman politically.

The women of North Dakota will be represented well by Mrs. BURDICK as she works in the remaining legislative period of the 102d Congress, and every citizen of North Dakota, male or female, young or old, will know that their interests and the interests of their State are in hands that could not be more committed or more concerned for North Dakota.

It is a great privilege to welcome our new colleague, Senator JOCELYN BIRCH BURDICK. I know that all of my colleagues in the Senate share the hope that in serving the people of North Dakota and the United States, the grief and sorrow of this difficult time will be a little less for knowing that the legacy of Quentin Burdick is in her strong and caring hands.

I look forward to working with Mrs. BURDICK in the weeks ahead. I know I speak for every one of my colleagues when I say that we stand ready to offer help and assistance, should it ever be needed, in any form, at any time.

We are pleased and honored to welcome Senator JOCELYN BIRCH BURDICK.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader is recognized.

WELCOMING JOCELYN BURDICK TO THE SENATE

Mr. DOLE. Mr. President, on behalf of all those on the Republican side of the aisle, it is my pleasure to welcome JOCELYN BURDICK to the Senate. In my opinion, the Governor of North Dakota could not have made a better selection to fill the seat held for so long by our late colleague, Quentin Burdick. No one knows Quentin Burdick's philosophies and priorities better, and no one knows North Dakota better than the woman who has been at his side for the past many, many years.

I note that Mrs. BURDICK is the 1,800th person in American history to serve as a U.S. Senator. I am willing to bet that not many of those Senators came here with more knowledge of this institution and those who serve here than JOCELYN BURDICK. All of us look forward to working with her in the days ahead, and are willing to give her advice, whether she wants it or not, and we will be looking for a vote on this side of the aisle from time to time.

So, with that, we welcome our newest Member of this body.

REMEMBERING SENATOR QUENTIN BURDICK

Mr. SHELBY. Mr. President, last week the U.S. Senate lost one of its most hard working, committed, and courageous Members. Quentin Burdick was the very definition of the dedicated public servant—devoting 34 years of his life to representing the good people of North Dakota. But who could expect anything less from the son of Usher Burdick, himself a 20-year veteran of the U.S. House of Representatives.

Senator Burdick's road to elective office was long and filled with its share of obstacles. After a string of six defeats, the tide began to turn and in 1958, Quentin Burdick became the first Democrat to be elected to the U.S. House of Representatives from North Dakota. Quentin's success can be credited to his foresight in helping to steer North Dakota's Non-Partisan League [NPL], a progressive populist group, away from the State's Republican Party and toward the Democratic Party.

Senator Burdick was an advocate, not only for his State, which benefited from his tireless efforts to achieve funding for water projects like the Sheyenne diversion flood control project and the Rafferty-Alameda dams, and the Garrison diversion project, but also for America's farmers. Senator Burdick will also be remembered for his skill in heading up the Environment and Public Works Committee. It was Senator Burdick who was able to get major highway and clean water legislation passed—overriding Presidential vetos.

Senator Burdick's career is marked by outstanding accomplishments. But he did so much more than legislate during his tenure in office. Quentin Burdick cared about the people he represented in North Dakota. I am told that Quentin Burdick wished to be remembered as a man of the people. There can be no more fitting tribute to this man who devoted his life to helping others.

My memories of Quentin are of the personal conversations—on the floor of the Senate, in the Aging Committee where we served together, or as we passed in the halls of this building. Quentin was a kind man, with a gentle soul and an open heart. He had a long lasting impact on this institution, not only through his understanding of the intricacies of legislative procedure, but also by his very commitment to service.

Quentin taught us all the value of experience. In 1988, when he was running for a sixth Senate term he told the voters of his State that he was not yet ready to retire—that there was more work to do and he was the man to do it—how right he was.

Now, appropriately enough, JOCELYN BURDICK, will take her husband's place until a special election is held. I want to welcome Mrs. BURDICK to the Senate. She comes to this Chamber under the saddest of conditions, and yet, I know that she will continue the fine work begun by her husband. I wish to extend my deepest sympathies to JOCELYN and to the Burdick children and grandchildren. Those of us who served with Quentin Burdick will never forget him, nor will the countless people he has helped during his many years in Congress. He was an outstanding legislator, a skillful statesman, a good man—take comfort in the profound impact Quentin Burdick's life had on so many other lives.

WELCOMING JOCELYN BURDICK TO THE SENATE

Mr. DURENBERGER. Mr. President, I rise today to welcome JOCELYN BURDICK to the U.S. Senate. I am confident that the good work began by her husband will be concluded in this Congress.

JOCELYN BURDICK represents more than just a convenient familial link to the work initiated by her husband. Her decision to take Quentin's place for the remaining months of this Congress gives us a rare opportunity to recognize the vital contributions of those whose lives intertwine with the Members of Congress.

No one in Minnesota doubted the competence of Muriel Humphrey in 1978 when she filled the remaining term of her husband. She was considered a strong contender during the special election to fill Hubert Humphrey's seat in 1978, but, to my relief, she chose not to be a candidate.

JOCELYN BURDICK has been, in no small way, a vital part of this body during the 32 years that her husband served the people of North Dakota. She began her service to the Senate in 1960, the year she married Quentin Burdick, and she offered her strength and support throughout the past three decades.

There has been a Burdick on Capitol Hill since 1934. We have in JOCELYN and in her late husband an embodiment of the pioneer spirit that is still alive in the Plains and Badlands of the Dakotas. Quentin was the son of pioneers; JOCELYN is the granddaughter of pioneer feminist Matilda Joslyn Gage, who would be proud to know that her namesake is the first woman to represent North Dakota in the U.S. Senate.

Mr. President, JOCELYN BURDICK joins this body on her own merits. Along with our sympathy at the loss of her husband, we give her our love, our aid, and our respect.

Senator BURDICK, it is an honor to welcome you to this Chamber.

CREDENTIALS—APPOINTMENT

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of appointment of the Senator-designate, JOCELYN BURDICK, of the State of North Dakota.

Without objection, it will be placed on file, and the certificate of appointment will be deemed to have been read.

The certificate of appointment is as follows:

STATE OF NORTH DAKOTA,
Bismarck, ND.

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of North Dakota, I, George A. Sinner, the governor of said State, do hereby appoint Jocelyn Burdick, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Quentin N. Burdick, is filled by election as provided by law.

Witness: His excellency our Governor George A. Sinner and our seal hereto affixed at 9:41 a.m., this 12th day of September, in the year of our Lord 1992.

By the governor:

GEORGE A. SINNER,
Governor.

The PRESIDENT pro tempore. The Senator designate will now present herself at the desk, and the Chair will administer the oath of office, as required by the Constitution and prescribed by law.

The Senator, escorted by Mr. CONRAD and Mr. DORGAN, advanced to the desk of the Vice President; the oath prescribed by law was administered to her by the President pro tempore; and she subscribed to the oath in the official oath book.

[Applause, Senators rising.]

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, the Senate, at 12:10 p.m., recessed until 1:26 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer [Mr. AKAKA].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I withdraw the motion to proceed to H.R. 5677.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 662, H.R. 5677, the Labor-HHS-Education appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, [$76,952,000] *$76,227,000*, together with not to exceed [$55,078,000] *$57,785,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, [$4,060,578,000] *$3,985,091,000*, plus reimbursements, to be available for obligation for the period July 1, 1993, through June 30, 1994, of which $62,370,000 shall be for carrying out section 401, [$76,868,000] *$81,000,000* shall be for carrying out section 402, $9,029,000 shall be for carrying out section 441, [$1,485,000] *$1,900,000* shall be for the National Commission for Employment Policy, *$5,400,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act*, and $3,861,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 252(b) of the Act; *and, in addition, $187,700,000 is appropriated for part B of title II of the Job Training Partnership Act, in addition to amounts otherwise provided herein for part B of title II, to be available for obligation for the period October 1, 1993 through June 30, 1994;* and, in addition, [$60,288,000] *$50,000,000* is appropriated for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, as authorized by the Job Training Partnership Act, in addition to amounts otherwise provided herein for the Job Corps, to be available for obligation for the period July 1, 1993 through June 30, 1996; and, in addition, $50,000,000 is appropriated for Clean Air Employment Transition Assistance under part B of title III of the Job Training Partnership Act, to be available for obligation for the period July 1, 1993 through June 30, 1994; and, in addition, [$12,870,000] *$12,638,000* is appropriated for activities authorized by title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act: *Provided*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For expenses necessary for the acquisition, construction, rehabilitation and equipping of facilities at [two] *four* new Job Corps centers, [including all necessary expenses incident thereto, $30,000,000] *$10,000,000*, as authorized by the Job Training Partnership Act, to be available for obligation for the period July 1, 1993 through June 30, 1998.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, [$305,159,000] *$308,241,000*.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, [$86,071,000] *$86,940,000*.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95–250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, $211,250,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided*, That amounts received or recovered pursuant to section 208(e) of Public Law 95–250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–491–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235 and 243–244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a) (5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986, and section 221(a) of the Immigration Act of 1990, [$23,638,000] *$23,856,000* together with not to exceed [$3,191,418,000] *$3,166,215,000* (including not to exceed $2,080,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $500,000 which may be obligated in contracts with non-State entities for occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1993, except that funds used for automation acquisitions shall be available for obligation [and expenditure] by States through September 30, 1994; and of which [$21,620,000] *$21,838,000* together with not to exceed [$791,772,000] *$799,770,000* of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1993, through June 30, 1994, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which [$338,908,000] *$302,331,000* shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1993 is projected by the Department of Labor to exceed 3.54 million, an additional $30,000,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code and section 104(d) of Public Law 102–164, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1994, $665,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1993, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Standards, [$26,220,000] *$28,920,000*.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, [$63,756,000] *$64,051,000*.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1993, for such Corporation: *Provided*, That not to exceed [$34,857,000] *$33,857,000* shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, [$232,332,000] *$238,882,000*, together with $999,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $290,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used for a demonstration project under section 8104 of title 5, United States Code, in which the Secretary may reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements from Federal Government agencies unobligated on September 30, 1992, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1993: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., Chapter 81, or under Subchapter 33, U.S.C., 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $944,027,000, of which $888,251,000, shall be available until September 30, 1994, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $29,726,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $25,698,000 for transfer to Departmental Management, Salaries and Expenses, and $352,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, [$287,100,000] *$294,690,000*, including not to exceed $68,927,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [$191,930,000] *$193,044,000*, of which $5,634,000 shall be for the State Grants Program, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, [$276,210,000] *$278,714,000*, together with not to exceed $49,301,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of five sedans, and including up to [$4,238,000] *$4,653,000* for the President's Committee on Employment of People With Disabilities, [$143,291,000] *$146,383,000*, together with not to exceed $329,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

Funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed [$187,308,000] *$182,742,000* may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001–10 and 2021–26.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, **[**$46,827,000**]** *$48,734,000*, together with not to exceed **[**$4,313,000**]** *$4,564,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

SEC. 102. None of the funds appropriated under this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on workers' health or safety.

SEC. 103. Notwithstanding any other provision of this Act no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation Center of the Job Corps.

SEC. 104. None of the funds appropriated in this Act shall be used by the Job Corps program to pay the expenses of legal counsel or representation in any criminal case or proceeding for a Job Corps participant, unless certified to and approved by the Secretary of Labor that a public defender is not available.

SEC. 105. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

This title may be cited as the "Department of Labor Appropriations Act, 1993".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

For carrying out titles III, VII, VIII, X, XII, XIX, XXVI, and XXVII of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101–527, Public Law 100–579, and the Native Hawaiian Health Care Act of 1988, **[**$2,416,508,000**]** *$2,585,761,000*, of which **[**$414,000**]** *$418,000* shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That user fees authorized by 31 U.S.C. 9701 may be credited to appropriations under this heading, notwithstanding 31 U.S.C. 3302: *Provided further*, That of the funds made available under this heading,. **[**$990,000**]** *$1,000,000* shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the Health Care Quality Improvement Databank, and shall remain available until expended to carry out that Act.*

MEDICAL FACILITIES GUARANTEE AND LOAN FUND FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $10,900,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed **[**$290,000,000**]** *$400,000,000*. In addition, for administrative expenses to carry out the guaranteed loan program, **[**$2,970,000**]** *$3,000,000*.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Claims Court related to the administration of vaccines before October 1, 1988, $80,000,000, to remain available until expended.

Centers for Disease Control

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles III, VII, XI, XV, XVII, XIX, and XXVII of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, **[**$1,619,167,000**]** *$1,658,612,000*, of which **[**$6,930,000**]** *$17,000,000* shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further*, That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That amounts received by the National Center for Health Statistics from reimbursable and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further*, That in addition to amounts provided herein, up to $29,106,000 shall be available from amounts available under section 2711 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That employees of the Public Health Service, both civilian and Commissioned Officer, detailed to States or municipalities as assignees under authority of section 214 of the Public Health Service Act in the instance where in excess of 50 percent of salaries and benefits of the assignee is paid directly or indirectly by the State or municipality, and employees of the National Center for Health Statistics, who are assisting other Federal organizations on data collection and analysis and whose salaries are fully reimbursed by the organizations requesting the services, shall be treated as non-Federal employees for reporting purposes only.

For tuberculosis grants under section 317 of the Public Health Service Act, an additional $40,000,000: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

National Institutes of Health

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, **[**$1,998,616,000**]** *$2,010,439,000*.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,228,455,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $163,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $688,633,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse, and alcoholism, $180,169,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $410,502,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $574,803,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, [$605,100,000] *$607,100,000.*

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, [$990,055,000] *$989,055,000.*

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, [$842,229,000] *$833,029,000.*

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $534,094,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $279,102,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311, and title IV of the Public Health Service Act with respect to environmental health sciences, $255,115,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, [$402,218,000] *$405,218,000.*

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $214,619,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, [$153,466,000] *$157,301,000.*

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, [$314,351,000] *$315,551,000: Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, [$47,363,000] *$49,000,000.*

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $107,217,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, [$20,133,000] *$19,609,000.*

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $105,024,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, [$191,917,000] *$188,400,000*: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to emergency activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further, That $5,000,000 of this amount shall be available for extramural facilities construction grants if awarded competitively.*

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, [$70,090,000] *$59,222,000*, to remain available until expended.

[ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

[ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH]

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

For carrying out the Public Health Service Act with respect to [mental health, drug abuse, alcohol abuse, and alcoholism, and] *substance abuse and mental health services*, section 612 of Public Law 100–77, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, [$3,099,902,000] *$2,049,609,000*, of which [$3,940,000] *$970,000* for renovation of government owned or leased intramural research facilities shall remain available until expended[: *Provided*, That none of the funds appropriated under this heading may be used to implement the provisions of section 706(e) of the ADAMHA Reorganization Act, Public Law 102–321]: *Provided, That up to $8,000,000 of funds made available to carry out section 1935(b) of the Public Health Service Act may be used to implement the provisions of section 571 of the Public Health Service Act.*

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, [$63,171,000] *$56,251,000*, and, in addition, amounts received by the Public Health Service from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

[CAPITAL IMPROVEMENT FUND

[(TRANSFER OF FUNDS)]

[For construction of, acquisition of equipment for, and repairs and improvements of, facilities of or used by the Public Health Service, such sums as may be derived by transferring one percentum of the amount appropriated in this Act from each account in the Public Health Service for which payments are not mandated by law: *Provided*, That these funds shall remain available until expended.]

AGENCY FOR HEALTH CARE POLICY RESEARCH

HEALTH CARE POLICY RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, [$99,668,000] *$70,572,000* together with not to exceed $4,831,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 1142 of the Social Security Act and not to exceed $1,002,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; and, in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed [$13,310,000] *$53,316,000.*

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act and section 4360 of Public Law 101–508, [$67,311,234,000] *$65,505,650,000*, to remain available until expended.

For making, after May 31, 1993, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1993 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1994, $24,600,000,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, [$43,963,192,000] *$45,962,862,000.*

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, section 4360 of Public Law 101–508, and section 4005(e) of Public Law 100-203, not to exceed [$1,985,497,000] *$2,166,652,000* to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation: *Provided further*, That funds in the Federal Supplementary Medical Insurance catastrophic coverage reserve fund are transferred to the Federal Hospital Insurance Trust Fund: *Provided further*, That none of the funds available under this heading shall be used to issue, mail, or otherwise transmit payments under title XVIII of the Social Security Act, other than Periodic Interim Payments, in less than fourteen days after the receipt of an electronic claim, or in less than twenty-seven days after receipt of a paper claim: *Provided further, That interest on unpaid claims shall begin to accrue on the thirtieth day after receipt of a claim.*

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, $13,800,000 together with any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1993, no commitments for direct loans or loan guarantees shall be made.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $35,242,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including for fiscal year 1993 and thereafter the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and when travel of more than 75 miles is required, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $601,313,000, to remain available until expended: *Provided*, That monthly benefit payments for fiscal year 1993 and thereafter shall be paid consistent with section 215(g) of the Social Security Act.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1994, $196,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, [$15,994,773,000] *$15,983,164,000*, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1994, $7,150,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than [$4,652,150,000] *$4,669,839,000* may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That for fiscal year 1993 and thereafter, travel expense payments under section 1631(h) of such Act for travel to hearings may be made only when travel of more than seventy-five miles is required: *Provided further, That $10,000,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects and their impact on the work force, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.*

For necessary expenses, not more than an additional $500,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), [$11,441,950,000] *$11,695,072,000*, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1994, $4,000,000,000 to remain available until expended.

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, [$891,000,000] *$1,356,905,000, of which $687,720,000 shall become available for making payments on September 30, 1993.*

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,449,000,000, to be available for obligation for the period October 1, 1993 through June 30, 1994, of which $143,095,000 shall be available for reimbursing States for costs incurred during the period October 1, 1992 through September 30, 1993.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $600,000,000: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), [$321,750,000] *$405,114,000: Provided, That of the funds made available under this heading $116,616,000 shall not become available for obligation until September 30, 1993.*

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

Section 204(a)(1)(C) of the Immigration Reform and Control Act of 1986 is amended by inserting after "1993": "and 1994 combined", and by adding before the period: ": *Provided*, That [$561,245,619] *$149,900,619* of these funds shall be available in fiscal year 1993".

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act and the Stewart B. McKinney Homeless Assistance Act, [$394,710,000] *$450,642,000*, of which [$25,415,000] *$35,115,000* shall be for carrying out section 681(a) of the Community Services Block Grant Act, [$2,005,000] *$3,977,000 shall be for carrying out section 408 of Public Law 99-425, and of which* [$3,465,000] *$7,000,000* shall be for carrying out section 681A of said Act with respect to the community food and nutrition program.

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981, [$841,500,000] *$975,000,000*, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For monthly payments to States for carrying out the Social Services Block Grant Act, $2,800,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the State Dependent Care Development Grants Act, the Head Start Act, the Child Development Associate Scholarship Assistance Act of 1985, the

Child Abuse Prevention and Treatment Act, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Comprehensive Child Development Act, the Abandoned Infants Assistance Act of 1988, sections 933 and 934(d) of Public Law 101–501, subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act, section 10404 of Public Law 101–239 (volunteer senior aides demonstration) and part B of title IV and section 1110 of the Social Security Act, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, section 204 of the Immigration Reform and Control Act of 1986, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100–77, and section 126 and titles IV and V of Public Law 100–485, **[$3,602,262,000]** *$3,695,384,000: Provided, That notwithstanding any other provision of law, the Secretary of Health and Human Services shall not take any action, including the imposition of any penalty or collection of any funds, with respect to any alleged violation of the requirements of title IV of the Social Security Act at issue in Mercado v. Department of Income Maintenance, decided May 12, 1992, by the Connecticut Supreme Court, Docket #14388.*

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For carrying out part E of title IV of the Social Security Act, **[$2,988,668,000]** *$2,924,014,000.*

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, **[$838,228,000]** *$844,316,000.*

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, **[$91,159,000]** *$92,093,000*, together with **[$30,252,000]** *$30,305,000*, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, **[$61,901,000]** *$61,496,000*, together with not to exceed **[$37,027,000]** *$46,988,000*, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,635,000, together with not to exceed $3,917,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, **[$8,415,000]** *$8,263,000*: *Provided*, That not less than $3,350,000 shall be obligated to continue research on poverty *at the Institute for Research on Poverty.*

GENERAL PROVISIONS

SEC. 201. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director", may be used to provide forward funding or multiyear funding of research project grants except in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 202. Appropriations in this or any other Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed 2,800 commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376.

SEC. 203. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; *or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: Provided, That the Secretary of Health and Human Services shall promulgate regulations governing this section.*

SEC. 204. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 205. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 206. Hereafter amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts which finance the activities of the Public Health Service.

SEC. 207. None of the funds made available by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health or the **[**Alcohol, Drug Abuse, and Mental Health Administration**]** *Substance Abuse and Mental Health Services Administration.*

SEC. 208. Funds provided in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts may be used for one-year contracts which are to be performed in two fiscal years, so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 209. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 210. For the purpose of insuring proper management of federally supported computer systems and data bases, funds appropriated by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts are available for the purchase of dedicated telephone service between the private residences of employees assigned to computer centers funded under this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, and the computer centers to which such employees are assigned.

SEC. 211. None of the funds appropriated by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 212. None of the funds appropriated in this title for the National Institutes of Health and the [Alcohol, Drug Abuse, and Mental Health Administration] *Substance Abuse and Mental Health Services Administration* shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 213. No funds appropriated under this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds on any project that entails the capture or procurement of chimpanzees obtained from the wild. For purposes of this section, the term "recipient of Federal funds" includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

SEC. 214. For any program funded in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, the Secretary of Health and Human Services is authorized, when providing services or conducting activities for a State with respect to such program for which the Secretary is entitled to reimbursement by the State, to obtain such reimbursement as an offset against Federal payments to which the State would otherwise be entitled under such program from funds appropriated for the same or any subsequent fiscal year. Such offsets shall be credited to the appropriation account which bore the expense of providing the service or conducting the activity, and shall remain available until expended.

SEC. 215. Hereafter, States, as defined for purposes of title XIX of the Social Security Act, and political subdivisions, as defined in section 218(b)(2) of the Act, which accept funds or data from the Department of Health and Human Services shall transmit, without charge and in such form and with such frequency as required by the Secretary—

(1) in order to carry out section 205(r) of the Social Security Act, data on the deaths occurring within the State, and

(2) data on each individual within the State awarded workers' compensation, including name, social security number and award amount.

Such information may be made available to Federal benefit-paying agencies, or to such agencies of States or political subdivisions, subject to such privacy safeguards as are determined necessary or appropriate to protect the information from inappropriate use or disclosure and subject to such provisions for payment as deemed necessary to reimburse the Secretary for reasonable costs incurred in providing such information.

SEC. 216. Not to exceed $489,000,000 may be obligated in fiscal year 1993 for contracts with Utilization and Quality Control Peer Review Organizations pursuant to part B of Title XI of the Social Security Act.

[SEC. 217. None of the funds appropriated under this Act may be used to implement the provisions of section571(h) of the Public Health Service Act.]

SEC. 217. Notwithstanding any other provision of this Act, funds appropriated under this Act for salaries and expenses of the Department of Health and Human Services, excluding the Office of Inspector General, are hereby reduced by $125,000,000: Provided, That the aggregate annual full-time equivalent employment level for agencies funded under this Act is limited to the actual level provided in fiscal year 1992, except in those cases where Congress has specifically added full-time equivalents over this fiscal year 1992 level: Provided further, That those employees who are providing services to other organizations and whose salaries are reimbursed by the organizations requesting the services, shall not be counted for these purposes: Provided further, That the fiscal year 1994 budget justification material shall specify amounts budgeted for administrative costs within object classes 11 through 32 by appropriation account and by organizational entity, with comparisons to fiscal year 1993 comparable amounts.

SEC. 218. The Secretary of Health and Human Services may accept an irrevocable donation of HIVAC-le, an investigational acquired immune deficiency syndrome vaccine. Upon execution of agreement for the donation, notwithstanding any other provisions of law, the donor, its officers, directors, employees and agents shall be fully immune from any and all claims or suits in any jurisdiction, seeking damages of any kind resulting from use or exposure to the vaccine after the date of the agreement. The United States shall defend the donor, its officers, directors, employees, and agents against any and all such claims or suits in any domestic or foreign jurisdiction, seeking damages of any kind; and shall hold harmless and indemnify in full the donor, officers, directors, employees, and agents from any and all damages or expenses of any kind whatsoever.

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and by section 418A of the Higher Education Act, [$6,759,924,000] *$6,770,943,000*, of which [$6,729,655,000] *$6,740,368,000* shall become available on July 1, 1993 and shall remain available through September 30, 1994: *Provided*, That [$5,469,750,000] *$5,518,000,000* shall be available for basic grants under section 1005 excluding subsection (a)(3), [$702,900,000] *$660,000,000* shall be available for concentration grants under section 1006, [$39,653,000] *$40,054,000* shall be available for capital expenses under section 1017, [$89,100,000] *$90,000,000* shall be available for the Even Start program under part B, [$305,215,000] *$308,298,000* shall be available for migrant education activities under subpart 1 of part D, [$35,693,000] *$36,054,000* shall be available for delinquent and neglected education activities under subpart 3 of part D, [$61,202,000] *$61,820,000* shall be for State administration under section 1404, $26,142,000 shall be for program improvement activities under section 1405, [$14,850,000] *$15,000,000* shall be for evaluation and technical assistance under sections 1437 and 1463, and [$4,950,000] *$5,000,000* shall be for rural technical assistance under section 1459: *Provided further*, That no State shall receive less than $340,000 from the amounts made available under this appropriation for concentration grants under section 1006: *Provided further*, That no State shall receive less than $375,000 from the amounts made available under this appropriation for State administration grants under section 1404: *Provided further*, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools as authorized by Public Laws 81–815 and 81–874, as amended, [$763,981,000] *$751,756,000*, of which $500,000,000 is designated for defense purposes related to the impact of significant troop relocations to the United States: *Provided*, That [$566,767,000] *$570,540,000* shall be for payments under section 3(a), [$123,380,000] *$124,626,000* shall be for payments under section 3(b), [$29,700,000] *$30,000,000*, to remain available until expended, shall be for payments under section 3(d)(2)(B), [$16,424,000] *$16,590,000* shall be for payments under section 2, and [$27,710,000] *$10,000,000*, to remain available until expended, shall be for construction and renovation of school facilities, including [$11,870,000] *$4,000,000* for awards under section 10, [$9,900,000] *$3,000,000* for awards under sections 14(a) and 14(b), and [$5,940,000] *$3,000,000* for awards under sections 5 and 14(c):[*Provided further*, That of the amount appropriated to carry out section 3(a) of Public Law 81–874, $10,000,000 shall be available for payments to any local educational agency: (1) that, by October 30, 1992, submits to the Secretary written information, certified by the State educational agency, demonstrating that, for the school year 1990–1991, it had a local tax effort for current expenditures and an average current expenditure per pupil, both of which exceeded the State average; and (2) for which at least 30 percent of the number of children to whom the local educational agency provided a free public education in the school year 1991–1992 were children counted under section 3(a)(2) of such Act, each of whom had a parent who was on active duty in the uniformed services, provided that the payment to each local educational agency that qualifies for such a payment shall bear the same relation to $10,000,000 as the difference between such agency's entitlement under section 3(a) of Public Law 81–874 for fiscal year 1991 and its payment under such section bears to the total of such differences for all such agencies:] *Provided further*, That all payments under section 3 shall be based on the number of children who, during the prior fiscal year, were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, except that (1) any local educational agency that did not exist in the prior fiscal year and that would be eligible under this proviso for payments under section 3 for the current fiscal year had it been an operating local educational agency in the prior fiscal year, shall be paid on the basis of the number of children who, during the current fiscal year, are in average daily attendance at the schools of such agency and for whom such agency provides free public education; and (2) any local educational agency with an increase of 5 percent or more from the prior fiscal year to the current fiscal year in the number of children described in section 3(a) *or 3(b)* of the Act, as a direct result of activities of the United States, and that submits a written request to the Secretary, shall be paid on the basis of the number of children who, during the current fiscal year, are in average daily attendance at the schools of such agency and for whom such agency provides free public education: *Provided further*, That notwithstanding the provisions of section 3(d)(3)(A), aggregate current expenditure and average daily attendance data for the third preceding fiscal year shall be used to compute local contribution rates: *Provided further*, That notwithstanding the provisions of section 3(d)(2)(B), 3(d)(3)(B)(ii), and 3(h)(2), eligibility and entitlement determinations for those sections shall be computed on the basis of data from the fiscal year preceding each fiscal year described in those respective sections for fiscal year 1991.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I and titles II, III, IV, V, without regard to sections 5112(a) and 5112(c)(2)(A), and VI of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; title V of the Higher Education Act; title IV of Public Law 100-297; and the Follow Through Act; [$1,557,855,000] *$1,553,611,000*, of which [$1,237,463,000] *$1,235,963,000* shall become available on July 1, 1993, and remain available through September 30, 1994: *Provided*, That of the amount appropriated, [$20,691,000] *$24,320,000* shall be for national programs under part B of chapter 2 of title I, [$24,750,000] *$25,000,000* shall be for emergency grants under section 5136, [$245,520,000] *$248,000,000* shall be for State grants for mathematics and science education under part A of title II of the Elementary and Secondary Education Act of 1965, and $500,000 shall be for an evaluation study of the magnet schools assistance program.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act, [$231,308,000] *$224,191,000* of which $35,996,000 shall be for training activities under part C of title VII.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act and title I, chapter 1, part D, subpart 2 of the Elementary and Secondary Education Act of 1965, [$2,920,103,000] *$3,045,773,000*, of which [$2,052,567,000] *$2,086,000,000* for section 611, [$316,800,000] *$340,000,000* for section 619, [$178,794,000] *$235,000,000* for section 685 and $127,413,000 for title I, chapter 1, part D, subpart 2 shall become available for obligation on July 1, 1993, and shall remain available through September 30, 1994: *Provided, That any State agency eligible to receive funds under such subpart shall, at a State's discretion, be deemed to be a local educational agency for the purposes of part B of the Individuals With Disabilities Education Act: Provided further, That no State shall receive more per child under such subpart than it received for fiscal year 1992: Provided further, That any funds for such subpart that are not allocated because of the preceding proviso shall be available for carrying out section 611 of the Individuals with Disabilities Education Act.*

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, Public Law 100-407, and the Helen Keller National Center Act, as amended, [$2,125,385,000] *$2,199,107,000*, of which $20,103,000 shall be for special demonstration programs under section 311 (a), (b), and (c).

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), [$6,286,000] *$6,349,000*, of which $200,000 is available for a national comprehensive listing system only to the extent that the Printing House matches these funds with an equal amount from non-Federal sources.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles II and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$39,045,000] *$41,041,000*, of which $339,000 shall be for the endowment program as authorized under section 408 and shall be available until expended *and $354,000 shall be for construction and shall be available until expended.*

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$75,774,000] *$78,215,000*, of which $990,000 shall be for the endowment program as authorized under section 407 and shall be available until expended, and $2,475,000 shall be for construction and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the Stewart B. McKinney Homeless Assistance Act, [$1,509,016,000] *$1,492,836,000* of which $2,970,000 for the national assessment of vocational education and $2,970,000 for tribally controlled postsecondary vocational institutions shall become available on October 1, 1992, and the remainder shall become available on July 1, 1993, and shall remain available through September 30, 1994: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $430,000 of the amount available for Tech-Prep shall be for evaluation of the program and [$37,125,000] *$31,840,000* shall be for national programs under title IV, including [$11,385,000] *$10,000,000* for research, of which $5,940,000 shall be for the National Center for Research on Vocational Education; [$15,840,000] *$16,840,000* for demonstrations, notwithstanding section 411(b), *including $3,500,000 for community education employment centers*; and [$9,900,000] *$5,000,000* for data systems: *Provided further*, That of the amounts made available under the Adult Education Act, [$990,000 shall be available only for demonstration programs under section 372(d),] $3,960,000 shall be for national programs under section 383, $4,950,000 shall be for the National Institute for Literacy under section 384, $7,920,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991, and $4,950,000 shall be for prison literacy activities as authorized under section 601 of the National Literacy Act of 1991, as amended by Public Law 102-103.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, [2,] *3*, and [3] *4* of part A, and parts C and E of title IV of the Higher Education Act, as amended, [$8,101,170,000] *$7,427,928,000, which shall remain available through September 30, 1994, and of which $242,058,000 shall be available only for unfinanced costs in the 1992–93 and prior award year Pell grant programs*: *Provided*, That the maximum Pell grant for which a student shall be eligible during award year 1993–1994 shall be [$2,300] *$2,300: Provided further, That notwithstanding section 479A of the Higher Education Act of 1965, as amended, student financial aid administrators shall be authorized, on the basis of adequate documentation, to make necessary adjustments to the cost of attendance and the expected student or parent contribution (or both) and to use supplementary information about the financial status or personal circumstances of eligible applicants only for purposes of selecting recipients and determining the amount of awards under subpart 3 of part A, and parts B, C, D, and E of title IV of the Act: Provided further*, That notwithstanding section [411F(1)] *480(a)(1)* of the Higher Education Act of 1965, as amended, the term ["annual adjusted family] "*total* income" shall, under special circumstances prescribed by the Secretary, mean the sum received in the first calendar year of the award year from the sources described in that section: *Provided further, That notwithstanding section 411(b)(2)(B) of the Higher Education Act of 1965, no Pell grant for award year 1993–1994 shall be awarded to any student who is attending an institution of higher education on a less than half-time basis*: *Provided further*, That notwithstanding section 484(f) of the Higher Education Act of 1965, the Secretary may, without limitation, require an institution of higher education to verify the accuracy of data used to determine student eligibility for assistance under title IV of that Act for award year 1993–1994: *Provided further*, That the Secretary may implement as expeditiously as possible those provisions of the Higher Education Amendments of 1992 which are intended to reduce cost or enhance integrity so that any resulting savings may be applied to the accumulated shortfall in Pell grant funding for fiscal year 1992.

GUARANTEED STUDENT LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, including administrative costs other than Federal administrative costs, as authorized by title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for Federal administrative expenses to carry out the guaranteed student loans program, authorized by title IV, part B, of the Higher Education Act, as amended, [$64,350,000] *$63,000,000, of which $1,000,000 shall be for a Commission on the Cost of Higher Education.*

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, V, VI, VII, VIII, IX, X, XI[-B,] and XII of the Higher Education Act of 1965, as amended, the Mutual Educational and Cultural Exchange Act of 1961, the Excellence in Mathematics, Science and Engineering Education Act of 1990, including activities under title VI part *parts A and* C, and title XIII, part H, subpart 1 of the Education Amendments of 1980, [$831,408,000] *$851,245,000* of which $7,425,000 for endowment activities under section [332] *331* of part C of title III and [$18,652,000] *$18,840,000* for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended, *and $400,000 shall be available for section 1204(c)* [and $9,504,000 shall be available for the Ronald E. McNair Post-Baccalaureate Achievement program: *Provided*, That $9,546,000 provided herein for carrying out subpart 6 of part A of title IV shall be available notwithstanding sections 419G(b) and 419I(a) of the Higher Education Act of 1965 (20 U.S.C. 1070d–37(b) and 1070d–39(a))]: *Provided* [*further*], That $1,435,000 of the amount provided herein for subpart [4] *2* of part A of title IV of the Higher Education Act shall be for an evaluation of [Special Programs for the Disadvantaged] *Federal TRIO programs: Provided further, That $5,000,000 of the amount provided herein for section 1001 of part A of title X of the Higher Education Act shall be for a co-curricular, postsecondary demonstration program to enable students of all academic majors to develop leadership skills for use in both the public and private sector: Provided further,* *That $5,000,000 of the amount provided herein for section 1001 of part A of title X of the Higher Education Act shall be for demonstration grants to postsecondary institutions to establish programs to train students for careers in early childhood development and violence counseling.*

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), [$195,278,000] *$189,135,000*, of which $3,378,000, to remain available until expended, shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98–480)[, and $6,435,000, to remain available until expended, shall be for emergency construction needs and shall only become available if such funds are fully matched by the University].

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year. [For the fiscal year 1993, no new commitments for loans may be made from the fund established pursuant to title VII, section 733 of the Higher Education Act, as amended (20 U.S.C. 1132d-2).]

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For the costs of direct loans, as authorized by title VII, part [F,] *C*, of the Higher Education Act, as amended, $2,997,000: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and that these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $29,700,000: *Provided further*, That obligated balances of these appropriations will remain available until expended, notwithstanding the provisions of 31 U.S.C. 1552(a), as amended by Public Law 101–510. In addition, for administrative expenses to carry out the direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part [F,] *C*, of the Higher Education Act, as amended, $733,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part [F] *C* of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out the activities authorized by section 405 and section 406 of the General Education Provisions Act, as amended; section 1562, section 1566, section 2012, section 2016, and parts B, E, and F of title IV of the Elementary and Secondary Education Act of 1965, as amended; part B of title III of Public Law 100–297; title IX of the Education for Economic Security Act; *and* section 6041 of Public Law 100–418[; and title II of Public Law 102–62, $275,013,000,] *$276,669,000* of which [$25,047,000] *$27,700,000* shall be for research centers; [$34,699,000] *$36,451,000* shall be for regional laboratories including [$9,900,000] *$10,400,000* for rural initiatives; $7,103,000 shall be for the Educational Resources Information Center; $966,000 shall be for field-initiated studies; [$62,964,000] *$38,707,000* shall be for education statistics; [$29,601,000] *$29,900,000* shall be for national assessment activities; [$23,562,000] *$33,000,000* shall be for activities under the Fund for Innovation in Education, including [$3,762,000] *$5,000,000* for civic education activities under section 4609; $5,440,000 shall be for Grants for Schools and Teachers under subpart 1 and $3,717,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100–297; [$14,553,000] *$15,000,000* shall be for national diffusion activities under section 1562; $886,000 shall be for Blue Ribbon Schools under section 1566; [$15,840,000] *$16,250,000* shall be for national programs under section 2012, including [$3,465,000] *$3,750,000* for the National Clearinghouse for Science and Mathematics under section 2012(d); [$11,880,000] *$14,000,000* shall be for regional consortia under section 2016; [$9,635,000] *$9,732,000* shall be for Javits gifted and talented students education; [$18,228,000] *$25,400,000* shall be for star schools; $4,191,000 shall be for educational partnerships; *and* $1,751,000 shall be for territorial teacher training; and [$2,475,000] *$4,000,000* shall be for the National Writing Project.

In addition to these amounts, [$4,831,000] *$4,880,000* shall be available for teaching standards activities as authorized by the Higher Education Amendments of 1992.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, V, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and title II of the Higher Education Act, [$145,774,000,] *$147,247,000* of which [$16,551,000] *$16,718,000* shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and [$4,950,000] *$5,000,000* shall be for section 222 and [$322,000] *$2,825,000* shall be for section 223 of the Higher Education Act, *of which $2,500,000 shall be for demonstration of online and dial-in access to a statewide, multitype library bibliographic database through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality.*

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $305,799,000[: *Provided*, That the Secretary may use funds appropriated to carry out any Department of Education program under which awards are made on a competitive basis to reimburse this account for the expenses of non-Federal experts to review applications and proposals for such awards].

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $56,857,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, [$28,652,000] *$31,700,000*.

GENERAL PROVISIONS

SEC. 301. Funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet University shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits.

SEC. 302. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 303. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 304. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 305. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 306. Funds currently available in Public Law 101–517 for a National Council on Educational Goals, or any similar entity, shall be available, if authorized in law, through fiscal year 1993 for operation of the currently existing National Education Goals Panel: Provided, That the restrictions in Public Law 101–517 concerning its composition, the procedures used in appointment of its members, and the voting procedures it follows in carrying out its functions shall not apply.

This title may be cited as the "Department of Education Appropriations Act, 1993".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, **[**$201,502,000**]** *$204,875,000*: *Provided*, That $34,947,000 shall be available for title I, section 102, and $990,000 shall be available for title I, part C.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1995, **[**$272,250,000**]** *$310,000,000*: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), $30,195,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $5,772,000.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

For expenses necessary for the National Commission on Acquired Immune Deficiency Syndrome as authorized by subtitle D of title II of Public Law 100-607, **[**$1,732,000**]** *$2,542,000*.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended by Public Law 102-95), **[**$590,000**]** *$982,000*.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For liquidating obligations incurred by the White House Conference on Library and Information Services, $400,000.

[NATIONAL COMMISSION ON RESPONSIBILITIES FOR FINANCING POSTSECONDARY EDUCATION

[For necessary expenses of the National Commission on Responsibilities for Financing Postsecondary Education, as authorized by section 1321 of the Higher Education Amendments of 1986 (Public Law 99-498), $208,000, to remain available until April 30, 1993.]

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

For necessary expenses of the National Commission to Prevent Infant Mortality, established by section 203 of the National Commission to Prevent Infant Mortality Act of 1986, Public Law 99-660, $450,000, which shall remain available until expended.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, **[**$1,553,000**]** *$1,768,000*.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $171,176,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,870,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,169,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $4,451,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $4,418,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $294,030,000, which shall include amounts becoming available in fiscal year 1993 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $294,030,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $100,000, to remain available through September 30, 1993, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $75,240,000, to be derived from the railroad retirement accounts: *Provided*, That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231–231u).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,325,000 shall be apportioned for fiscal year 1993 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $3,720,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than **[**$5,544,000**]** *$6,900,000*, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Armed Forces Retirement Home Trust Fund, **[**$40,938,000**]** *$42,457,000*: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Armed Forces Retirement Home Trust Fund,

[$4,178,000] *$6,000,000*, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, [$10,890,000] *$11,000,000*.

UNITED STATES NAVAL HOME

OPERATION AND MAINTENANCE

For operation and maintenance of the United States Naval Home, to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, [$9,954,000] *$10,862,000*.

CAPITAL PROGRAM

For construction and renovation of the physical plant to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, [$472,000] *$477,000*, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be expended by an executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376.

SEC. 504. Appropriations contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 505. Appropriations contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

[SEC. 511. None of the funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

[SEC. 512. The funds made available under any heading in this Act under object classification 21 for travel expenses shall not exceed 96 percent of the amount requested for such purpose in the budget of the United States Government submitted by the President for fiscal year 1993.

[SEC. 513. None of the funds appropriated under this Act may be expended by the Occupational Safety and Health Administration to implement or administer the regulations affecting mandatory seat belt use, mandatory motorcycle helmet use, and mandatory employer driver safety awareness programs, to be codified or proposed to be codified at parts 1910, 1915, 1917, 1918, 1926, and 1928 of title 29 of the Code of Federal Regulations.]

SEC. 514. No funds shall be available under this Act to enforce or otherwise implement the regulations of the Secretary of Health and Human Services published at 42 C.F.R. 59.8 or to promulgate any other regulation having the same substance.

SEC. 515. No funds appropriated in this Act may be used to revise the regulations or the reporting forms in effect prior to April 13, 1992 based on section 201 of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. Sec. 431) to require labor organizations to report expenditures by functional categories or according to an accrual basis of accounting, nor may such funds be used to enforce, implement or administer any such revision.

SEC. 516. Notwithstanding any other provision of law, no funds shall be expended hereafter by the Secretary of Labor to implement or administer the regulations published at 57 Federal Register 19204–13 (May 4, 1992) to be codified at 5.2(j) of title 29 of the Code of Federal Regulations or to implement or administer any other regulation that would have the same or similar effect.

SEC. 517. Notwithstanding any other provision of this Act, funds appropriated under this Act for salaries and expenses of the Department of Labor are hereby reduced by $15,000,000; salaries and expenses of the Department of Education are hereby reduced by $5,000,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $100,360,000: Provided, That as vacancies occur in full-time permanent positions of these Departments, no more than 50 percent shall be filled, except in those cases where the Congress has specifically added full-time equivalents over the actual fiscal year 1992 usage levels.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993".

Mr. MITCHELL. Mr. President, I am pleased that we are now able to proceed to the bill. It is my hope that we can complete action on this bill today. In order to do so, Senators who have amendments should be prepared to come to the floor immediately to offer them, and I strongly encourage them to work with the managers in establishing time limits for debate and voting on those amendments.

I thank my colleagues and I thank the managers for their patience and look forward to prompt disposition of this measure.

Mr. DOLE. Mr. President, let me underscore what the majority leader stated. If Members want to complete action on this bill today at a reasonable hour they have to be ready and prepared to offer the amendments, because the managers cannot proceed unless someone is here to propose an amendment.

I also underscore what the majority leader said about the time agreements. Some of my colleagues prefer not to be here on Saturday. They had plans for a long time, and it is my hope we could avoid that Saturday session if Members will cooperate now that this bill is on the floor.

We tried to bring it up at 11 o'clock so we lost about 2½ hours. So we have to make up that time.

So, if Members will give the managers short time agreements and be here when an amendment can be offered, it will certainly expedite the process.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN], the manager of the bill.

MODIFICATION OF COMMITTEE AMENDMENT

Mr. HARKIN. Mr. President, the floor situation now is that we are on H.R. 5677, the Labor, Health and Human Services, and Education appropriations bill.

Mr. President, I have consulted with members of the Appropriations Committee. A majority of the committee has authorized me to modify the committee amendment that begins on page 85, line 13, by deleting section 515. On behalf of the committee, I so modify the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, the distinguished chairman has accurately stated the results of the poll. I just wanted to note my personal vote to the contrary.

Mr. HARKIN. Mr. President, I want to support Senator SPECTER in that. I, too, would be opposed to that but, quite frankly, the situation is such, Mr. President, that we cannot get to the bill. This is a very important bill that has all the provisions for Health and Human Services, for Education, for Labor, the National Institutes of Health, everything from Head Start to provisions for Medicare is in this bill. There were objections that were lodged.

We had a vote earlier today on the cloture motion. We did not have votes to invoke cloture. Because of that, we have to delete section 515.

Obviously, I am very supportive of section 515 and what we are attempting to do, but we are just going to have to address that issue later on sometime.

The PRESIDING OFFICER. The amendment is so modified.

Modification of committee amendment: page 85, line 13, delete section 515.

Mr. HARKIN. Mr. President, the appropriations bill now before the Senate has gone through a long process which began with the submission of the President's budget on January 29, 1992. Since that time, the subcommittee held 15 separate hearings including hearing testimony from approximately 150 public witnesses. Four of the hearings were field hearings which were held in Newark, Los Angeles, Detroit, and Atlanta. These field hearings were held to examine the plight of children and the consequences of continuing a policy of disinvestment in the many children's programs funded by this bill.

Mr. President, the bill before the Members totals $240.9 billion; of that total $61.67 billion is for nondefense discretionary budget authority under the direct control of the subcommittee. The remaining $179.2 billion is for mandatory programs funded by the subcommittee. Discretionary nondefense spending available to the subcommittee under our 602(b) allocation grows only 2 percent, or $1.2 billion, over the amount provided last year. Mandatory spending increases 13 percent, or $20.6 billion, over the amount supplied last year.

The recommendations before the Members totals the full 602(b) allocation for both budget authority and outlays.

The Members should know, therefore, that any amendment to this bill will need to have an appropriate offset of both budget authority and outlays in order to avoid a Budget Committee point of order.

Mr. President, President Bush has stated that he will veto any bill that is over his request regardless of whether it meets the spending limitation of the Budget Act of 1990. By OMB scoring, we are $370 million over the President's request; by CBO scoring, we are $84 million over the President's request. I need to restate, however, that we have fully met the requirements of law and the recommendations are within the 602(b) allocation pursuant to the Budget Act of 1990.

While we have tried to accommodate the 1,100-plus separate requests from the Members of the Senate, many of these requests are only partially accommodated. The bill, to the best of our ability, reflects the priorities of all the Members of the Senate and the authorizing committee's responsibility for authorizing the many programs funded by the bill. We have not, however, been able to fund any new programs and recently authorized programs that have never been funded before.

The allocation provided to the subcommittee has presented us with some difficult choices. As Senators will recall, the administration request included $3.8 billion of program cuts and terminations, most of which have been restored by the recommendation before the Members. The administration has also requested $4.8 billion of increases. We have tried to meet as many of those increases as possible.

The recommendation also includes a freeze on personnel, which prevents the total number of personnel from exceeding the number that existed last year. Additionally we would permit only one of every two vacancies that occurred throughout fiscal year 1993 to be filled. These two measures save $325 million and make possible the funding of many important programs.

Mr. President, as the Members know, amendments have been offered to other appropriation bills that would provide an absolute freeze to every administrative and executive direction line in the budget. This amendment, if offered to the Labor-HHS bill, would save only $179 million, $146 million less than is saved in this bill, already for personnel measures.

The bill and report, as reported to the Senate, have been available to all the Members since last Friday afternoon, when they were first placed on each Member's desk in the Senate. Mr. President, there are many important features of this bill that I could discuss but, I will take the time to mention only a few.

The President requested a $600 million increase for Head Start and we have fully funded that increase.

The gender specific cancers have been increased by $107.3 million or 49 percent. Cervical, ovarian and prostate cancers are increased by one-third and breast cancer is funded at $220 million which is the full professional judgment level for breast cancer.

The Low-Income Home Energy Assistance Program is funded at $1,356,905,000, which is $291.9 million more than requested and $465.9 million more than the House bill.

For student financial assistance we provide $7,427,928,000. This is a $530,698,000 or a 7.7-percent increase over last year. For Pell grants we have included $5,956,928,000. While this is substantially more than last year, we recommended using the increase to keep all the eligible students in the program. Like the House however, we have been forced to reduce the maximum award by $100, to $2,300.

For NIH we have provided a $296.4 million increase over last year. Unfortunately because of budget constraints this is $211.8 million less than the President's request.

Mr. President, there are many other highlights, but I will not take the time of the Senate to discuss them. We are trying to get through this bill in a hurry.

I now yield to Senator SPECTER for any comments he may wish to make.

I would say, Mr. President, that we are deeply indebted to Senator SPECTER and to his staff for his excellent advice and his assistance throughout this long process. Senator SPECTER'S counsel is reflected throughout this bill and this report. I am most grateful for all of his help and assistance in bringing this bill to the floor.

Following Senator SPECTER'S comments, I will make the routine motion regarding adoption of committee amendments.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, at the outset, I commend my distinguished colleague, Senator HARKIN, chairman of the subcommittee, for his outstanding work and the outstanding work of his staff. I also thank him for his very kind words about my contribution and my staff's contribution.

This is a very important bill. The allocations within the budget constraints are extremely limited and, when you have a field as critical and as important as Labor, Health and Human Services and Education, it is extremely difficult, within the limits set by the full committee, for us to have the kind of allocations which we would like.

We have struggled with the amounts which have been involved here, and we have had some improvements. For example, on low-income home energy assistance, we were able to get an additional allocation of some $277 million, so that the final figure is $1,356,905,000.

Having said that, it has to be acknowledged that this is lower than last year's figure. It is my hope, Mr. President, that we will have an opportunity to have more money for LIHEAP on a transfer before this appropriation bill is finished.

With respect to a very important research on medical matters, we have had some increases, struggling against caps, so not as much as we would like.

I think it appropriate to note that, on breast cancer, the figure has been increased to a total of $220 million, which is an increase of $87.3 million and some 63 percent over 1992. It is the professional judgment of the cancer research community that that is the full amount which can be utilized this year.

Here, again, it was not as much as I would have liked. I thought the proper figure was $300 million, and we will have an amendment yet later today to try to increase that figure.

The education funding has been increased materially in the course of the past 3 years. But, frankly, more is needed. It is an anomalous year, an anomalous year, Mr. President, when you have the Higher Education Act passed, which increases authorization for Pell grants from $2,400 to $3,700, and then the appropriation is reduced on the House side to $2,300.

I note that without any comment or criticism as to what is done on the House side, but it reflects a limit of funding which is available.

On August 12 I announced my intention to offer an amendment to transfer funds from the Department of Defense budget to break the firewall to give more funding for Pell grants because I think that education is a critical capital investment and just has to be increased. I know my distinguished colleague from Iowa, the chairman, has an amendment which he intends to offer as well to try to put more money into these very vital programs for labor, health, human services and education.

We labor under very severe constraints, including time constraints. It is regrettable we could not start this bill until about 1:35 this afternoon and the chairman and I, with our amendments, have agreed we are going to have time limits which we are going to set the model on, in trying to move ahead to get this bill concluded. We Senators can be more concise if the need arises and I believe, when we are struggling here to complete a schedule of conclusion by October 2, that it is incumbent upon all of us, and the managers should set the example. Senator HARKIN and I are prepared to do just that.

Mr. President, I join the distinguished Senator from Iowa, the chairman of the subcommittee, in supporting the Labor-HHS and Education bill that is before us today. From the start, this year has been an extremely difficult and challenging one for us, because our allocation was insufficient to adequately meet the health, education, and employment training of this country. I want to take this opportunity to thank the distinguished Senator from Iowa for putting together this very comprehensive bill.

In a very real sense, this bill has a double importance: It is an agenda of our national purpose and priorities. It is also the most powerful tool we possess to implement a national program to combat disease, educate our children, and protect our vulnerable elderly citizens.

The bill before us today totals more than $240.8 billion, including $61.6 billion in discretionary spending, and provides funding for retraining this Nation's work force, educating our children, and providing health and welfare services.

BIOMEDICAL RESEARCH

Recognizing the importance of strong and sustained biomedical research, the bill before us contains $10.4 billion for the National Institutes of Health, an increase of over $300 million above the fiscal year 1992 appropriation. Funds contained in this bill provide tremendous opportunities for unlocking medical mysteries which will lead to new treatment and cures.

BREAST CANCER

Currently, one in nine women in the United States will develop breast cancer in her lifetime. Breast cancer is now the most frequent cancer in women, and is the leading cause of death among women under age 65. In 1991, an estimated 175,000 American women developed breast cancer and 44,500 will die from the disease. This bill contains $220 million for breast cancer research, an increase of 63 percent over the fiscal year 1992 appropriation and the amount recommended by the cancer research community.

While I requested that $300 million be spent in this area, it was difficult in such a tight budget year to raise the level of research for breast cancer without adversely affecting research in other important areas of cancer research. Also included in this bill is $73 million for breast and cervical cancer screening, to ensure early detection of this disease.

HEALTHY START

Low birthweight is the leading but most preventable cause of infant mortality. Infants who have been exposed to drugs, alcohol, or tobacco in utero are more likely to be born prematurely and of low birthweight. These children are at increased risk of dying in their first year of life or suffering from long-term disabilities. I became interested in this problem after visiting hospitals in Pittsburgh and Philadelphia and seeing 1-pound babies, whose chances for survival were severely jeopardized. The investment of $83.6 million for the Healthy Start Program is a step in the right direction. This demonstration program, targeted in both urban and rural areas, is intended to reduce the infant mortality rate by 50 percent over 5 years in these 15 targeted areas of the country.

ALZHEIMER'S RESEARCH

Last year, this country spent over $90 billion to care for Alzheimer's patients. This devastating disease robs its victims of their minds while depriving families of the well-being and security they deserve. I have been working to focus more attention and more money for research into the causes and cures of Alzheimer's. To address this problem, the bill contains $298 million for research into finding the cause and cure for Alzheimer's disease. The bill also includes $5 million for a State grant program to help families caring for Alzheimer's patients at home.

AIDS

This bill contains $2.1 billion for research, education, prevention, and services to battle the scourge of AIDS, including $186.3 million for emergency aid to the 24 cities hardest hit by this disease. This represents an integral part of the overall Federal commitment which totals an estimated $5 billion.

Funding for pediatric AIDS demonstrations has also been increased to $23 million. These funds help coordinate services for women, infants, and children who are infected with HIV or at risk of developing the disease. Mr. President, I want to alert my colleagues to the fact that pediatric AIDS is now the ninth leading cause of death among children 1 to 4 years old. Because of their unique vulnerabilities, infants suffering from AIDS require specially tailored approaches for treatment, prevention, and care. For this reason, this bill contains increased funds for new and expanded clinical trials and new approaches for helping the most vulnerable victims of this terrible disease.

EDUCATION

This Nation's investment in education programs is an investment in its future. Unfortunately, because of very severe budget constraints, this bill does not contain all of the funds I would like to have seen spent on achieving the education goals set by the President. However, it is a start. The bill provides $31.5 billion for education programs. This amount includes $1.5 billion for vocational and adult education programs, and $7.4 billion for aid to students to pursue a higher education. The bill also includes $5 million for a demonstration program to help young Americans develop leadership skills in both the public and private sector.

JOB TRAINING

In this Nation, Mr. President, we know all too well that high unemployment means a waste of valuable human resources, inevitably depresses consumer spending, and weakens our economy. The bill before us today includes $4.2 billion for job training programs. This $75 million increase over the fiscal year 1992 level will help improve job skills and readjustment services for disadvantaged youth and adults.

DRUG PROGRAMS

Drug abuse in this country continues to plague every segment of our population. The $3.1 billion recommended by the committee will go a long way to help battle this problem by targeting funding increases for research into finding the cause of drug addiction, education programs to prevent drug abuse, and treatment for those who have already become dependent. This $72 million increase will bring this Nation closer to the goals of a drug-free generation and a drug-free society.

LIHEAP

A program that is of utmost importance to the Commonwealth of Pennsylvania is the Low-Income Home Energy Assistance Program [LIHEAP]. Funding for this program supports grants to States to deliver critical assistance to low-income households to help meet the growing costs of heating and cooling their homes. This bill contains $1.4 billion, an increase of $291.1 million above the administration's proposal of $1.065 billion. Cuts of this magnitude cannot be absorbed by the States.

More importantly, these cuts cannot be absorbed by the households that have come to depend on this assistance. The average program participant in Philadelphia, for example, expends nearly 40 percent of their income on utility services. Over half of the LIHEAP recipients in the Commonwealth of Pennsylvania have incomes of less than $7,000.

MENTAL HEALTH

Mr. President, this bill provides $971.2 million for programs supporting research and treatments for the mentally ill. In this country, 30 million adults and 8.1 million children suffer from mental disorders; one in five Americans will experience a form of mental illness at some point in their lifetime. The funds provided will continue important research to identify genes linked to schizophrenia and manic depression, as well as discover effective new drug treatments, and new opportunities for early detection and management to combat mental disorders.

Finally, the bill includes $25 million for programs to prevent the incidence of family violence and provide immediate shelter for its victims. This amount is $5 million over the fiscal year 1992 level and will help to increase the services provided to battered women and their children. The importance of increasing this service was brought to my attention during my visits to numerous women's shelters in my home State.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation in a very tough budget year.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. Mr. President, I know there are Members who have stated their intent to object to a motion to adopt all the committee amendments en bloc, so therefore I ask unanimous consent that the first five committee amendments be set aside for the consideration of two amendments, and that no call for the regular order serve to displace these amendments until they are disposed of and, further, that language on page 85, lines 9 through 13 be deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The language on page 86, lines 9 through 13, was deleted.

Mr. HARKIN. Mr. President, the language that was deleted on page 86, lines 9 through 13, was an agreement that was made on both sides. This is the so-called gag rule that we had put in the bill. Members on both sides supported that to limit the administration's attempt to try to impose this so-called gag rule on our family planning clinics. However, we had a vote on that on Monday, and because that bill was voted on separately, there was an agreement reached to delete this from the bill. That is why that was deleted at the time.

I yield to my colleague.

Mr. SPECTER. Mr. President, I thank the chairman for yielding.

I note my personal objection to that. The chairman has accurately stated the full committee's decision. He and I have been fighting to try to overturn the so-called gag rule, and I just wanted to note my personal objection.

AMENDMENT NO. 2999 TO THE COMMITTEE AMENDMENT ON PAGE 2, LINE 24

(Purpose: To increase the amounts made available for Head Start, Healthy Start, Job Corps, disease control, maternal and child health, child care, community health centers, infant mortality, child welfare services, biomedical research, low-income home energy assistance, Pell grants, chapter I basic grants, special education, vocational education, Impact Aid, Libraries, and other programs, offset from defense)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. WIRTH, Mr. KENNEDY, Mr. LAUTENBERG, Mr. WOFFORD, Mr. WELLSTONE, Mr. ADAMS, Mr. KOHL, Mr. SIMON, Mr. BRADLEY, Mr. HATFIELD, and Mr. SPECTER, proposes an amendment numbered 2999.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 1, strike all after the word "Committee" and insert the following: "as authorized by the Job Training Partnership Act: for additional amounts as follows:

(a) In addition to amounts appropriated in this Act, there are appropriated to the Department of Labor for "Training and Employment Services" for the Job Corps, $100,000,000.

(b) In addition to amounts appropriated in this Act, there are appropriated to the Health Resources and Services Administration for "Health Resources and Services", $350,000,000 of which $75,000,000 shall be for the Community Health Centers; $15,000,000 shall be for Migrant Health Centers; $10,000,000 shall be for Homeless programs operated by the Community and Migrant Health Centers; $100,000,000 shall be for the Maternal and Child Health Block; $50,000,000 shall be for Healthy Start and $100,000,000 shall be for the Ryan White Act.

(c) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control, for "Disease Control, Research, and Training," $510,000,000, of which $100,000,000 shall be for immunization; $200,000,000 shall be for tuberculosis; $75,000,000 shall be for the Preventive Health Services Block Grant; $25,000,000 shall be for school health; $25,000,000 shall be for fetal alcohol; $25,000,000 shall be for antismoking programs; and $60,000,000 shall be for injury control and violence prevention.

(d) In addition to amounts appropriated in this Act, there are appropriated to the National Institutes of Health for "National Cancer Institute", $170,000,000; "National Heart, Lung and Blood Institute", $100,000,000' "National Institute of Diabetes, Digestive and Kidney Disease", $30,000,000; "National Institute of Mental Health", $50,000,000; "National Institute of Neurological Disorders and Stroke", $50,000,000; "National Institute of Allergy and Infectious Disease", $10,000,000; "National Institute of Child Health and Human Development", $40,000,000' and "National Institute on Aging", $50,000,000; and "Office of the Director", $200,000,000.

(e) In addition to the amounts appropriated in this Act, there are appropriated to the "Substance Abuse and Mental Health Services Administration", $25,000,000 for Children's Mental Health.

(f) In addition to amounts appropriated in this Act, there are appropriated to the Administration on Children and Families for "Low-Income Home Energy Assistance", $200,000,000, for "Community Services Block Grant", $50,000,000; for "Grants to States for Child Care", $75,000,000; for "Children and Families Services Programs", $740,000,000, of which $600,000,000 shall be for Head Start; $100,000,000 shall be for child welfare services; $20,000,000 shall be for Child Abuse programs; and $20,000,000 shall be for family violence programs: *Provided*, That of the amounts available under this Act for carrying out the Head Start Act, $600,000,000 shall not be subject to sections 640(a)(2)(c), 637(5)B and 640(a)(3)(A) of that Act.

(g) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Impact Aid", $50,000,000 which shall be available for section 3(a) and section 3(b) equally.

(h) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Special Education", $100,000,000 of which $50,000,000 for grants to States, $25,000,000 for preschool programs and $25,000,000 for grants for infants and families.

(i) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Rehabilitation Services and Disability Research", $50,000,000, which shall be available for grants to States.

(j) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $500,000,000, which shall remain available through September 30, 1994: *Provided*, That, notwithstanding any other provision of this Act, during the 1993–1994 program year, $2,425 shall be the maximum Pell grant that a student may receive.

(k) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Higher Education", $100,000,000 of which $50,000,000 for shall be Federal TRIO programs and $50,000,000 shall be for aid for institutional development.

(l) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Libraries", $50,000,000, which shall be available for public library services.

(m) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Compensatory Education for the Disadvantaged", $400,000,000.

(n) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Vocational and Adult Education", $100,000,000.

(o) Of the funds appropriated or otherwise made available to the Department of Defense in any appropriations Act making funds available to the Department of Defense in fiscal years before fiscal year 1993, $3,867,630,000 of the remaining balances are rescinded: *Provided*, That no funds appropriated or otherwise made available for military family housing, National Guard and reserve equipment, military construction for any National Guard or Reserve unit, in any appropriations Act shall be rescinded.

(p) Notwithstanding section 601(a)(2) of the Congressional Budget Act of 1974 as amended, the fiscal year 1993 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $4,100,000 in budget authority and $1,701,757,000 in outlays; the fiscal 1994 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $2,023,310,000 in outlays; the fiscal 1995 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $360,933,000 in outlays; and the defense spending limits, as adjusted under section 251 of said Act, are decreased by budget authority and outlay reductions resulting from paragraph (o).

Mr. HARKIN. Mr. President, this amendment is what Senator SPECTER referred to as the first of two amendments we will be offering on the transfer. This is an amendment that will transfer money from unobligated accounts within the Defense Department to a variety of programs which I will outline here in just a second for Senators and then, on the disposal of that I intend to have a rollcall vote, a record vote on that. At the end of that, the dispensation of that amendment, we will then go to Senator SPECTER's amendment of which I am very supportive. I hope I am listed as a cosponsor of his amendment also.

But to try to set the tone for the rest of the day, I have consulted with Senator SPECTER and I think we should start limiting some of the times on some of these amendments. I know there are a number of Senators who wish to speak on these transfer amendments, either Senator SPECTER's or mine, and I am hopeful they might come to the floor now. In a discussion with Senator SPECTER, I ask there be a 1-hour time agreement on this first amendment; equally divided in the usual manner.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I do not object. I would simply say that I commend my colleague.

There may be some who wish to speak in opposition to the amendment who would have some concerns as to the time limit. We intend to be flexible about it. Senator HARKIN and I have discussed it but we do want to set that target and try to adhere to it. But since some of those who may be speaking in opposition may have some concern, I just wanted to put that reservation in.

Mr. HARKIN. I might just follow along on that, and I hope again on the part of Senator SPECTER, we will wait reasonable amounts of time for people to get here. But I remember last year when we had the bill up we sat here sometimes for as long as a half-hour to an hour with no one on the floor, waiting for people to come. It would be my intention, again with the concurrence of my distinguished ranking member, that after our opening comments on this if absolutely no one shows up to speak, it is my intention to yield back the time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have just been handed a note that Armed Services does not want a time agreement. May we then have the Senators who have an objection come to the floor so we may establish a time limit of some sort? Or at least have a discussion about that? I think we can be flexible on how much time is used in argument, but I do hope we do not have to wait here for Senators to come to the floor because I am prepared to see to it that Senators receive appropriate recognition on what time they require but not in absentia.

The PRESIDING OFFICER. It is the Chair's understanding there is an objection?

Mr. SPECTER. I suggest we withhold, subject to the chairman's agreement, the final propounding of the unanimous consent for a time agreement. We can go ahead with the argument and wait a few moments for someone to come who will have something to say about it on the other side.

Mr. HARKIN. Again, Mr. President, I would point out on our side I had no objections to a time limit. I know Senator SPECTER wanted to have a time limit. I just note for the record neither the ranking member nor the chairman of this committee, on the floor, objected to any kind of a time limit. We agreed to have an hour time limit on both of our amendments, equally divided. The objection has come from without this committee and not from either one of the two Senators standing on the floor.

Mr. SPECTER. Mr. President, I concur in what the chairman has said but I would just add we ought to give other Senators a chance to come to the floor, providing they do so promptly to express themselves on the matter.

The PRESIDING OFFICER. In the understanding of the chair, the manager withdraws?

Mr. HARKIN. I withdraw the request.

The PRESIDING OFFICER. Without objection it is withdrawn.

Mr. HARKIN. Mr. President, this amendment is offered on behalf of Senators WIRTH, KENNEDY, LAUTENBERG, WOFFORD, WELLSTONE, ADAMS, KOHL, SIMON, BRADLEY, HATFIELD, and SPECTER.

This transfer amendment is what I called the strategic children's initiative amendment. It adds $4.1 billion in budget authority to the bill for a number of programs that are underfunded by the regular bill. Over 70 percent of the program serve children directly. The increases included in this amendment would have been in the body of the regular bill had our 602(b) allocation been higher. This is offset by reducing Defense Department outlays by $1.7 billion during fiscal year 1993 by rescinding prior year unobligated balances.

Back in Iowa we have a saying, you cannot talk about irrigation without talking about water. In this election year you cannot talk about America's future without talking about our children. We have heard a lot of people in this body get up in the last few months and talk about the next generation. This amendment gives Members of this body a chance to put their money where their mouths are and invest in our children. This amendment does not require us to spend one dime more. It will not add a nickel to the deficit. It just asks that we spend our money differently on the health, education, and well-being of our children.

Five months ago, America was rocked by the riots in Los Angeles. I the aftermath of those riots I took this subcommittee out and we held hearings in cities all over the country to determine the results of 12 long years of disinvestment in our children. You would be outraged to hear what I found. In Atlanta, 48 percent of the children under 5 live in poverty.

In Los Angeles, one in five children drop out of school. In Detroit, 70 percent of the children are not fully immunized. In Newark, 1 out of every 10 children born are low-weight birth babies.

Mr. President, if we made a city of all of the children living in poverty in this country, it would be the largest city in America. Think about that. If we made a city of all of the children living in poverty in this country, it would be larger than Los Angeles or New York or Chicago. It would be the largest city in America.

In my own State of Iowa, 154 children each week are the victims of child abuse. Those are just a few of the grim statistics. In city after city, one fact is clear, we have been far too patient when it comes to the suffering of children. We, in this body, may disagree over who is to blame, but we should be able to agree on who suffers the most from the problems of urban America, and that is our children. Their suffering and neglect have become America's burden both morally and economically. We can document the cost of poverty borne by our children: more hunger, more low-weight birth babies, more infant deaths, more childhood disabilities, low-learning levels. But too often we forget that we all pay the long-term costs: more crime, more violence, higher dropout rates, more unemployment, higher welfare costs, higher health costs, and lower economic productivity.

Mr. President, in every city I visited I heard from the mayors of those cities and, in each case, the message I heard was the same: Until we invest in our children the way we invested in the cold war, we will not win the economic battles of the future. Our future battles will not be on the battlefield but in the marketplace. The children of today will be the workers of tomorrow called on to fight those battles. It is up to us to make sure they are ready.

Just think about this for a minute. Over the past 40 years, we invested over $12 trillion to win the cold war—$12 trillion. It did not only win us the cold war, it left us with the biggest, strongest military in the history of the planet. Nobody else even holds a candle to us.

Nineteen months ago, we defeated the world's fourth largest army in less than 50 days using 15 percent of our forces and we hardly even broke a sweat, to quote a now famous text.

Let us be honest for a minute. If you took Iraq, Iran, Cuba, Libya, North Korea, and throw in China, our military budget is still four times bigger than all six of them combined. Our military walks taller, shoots straighter, and fights better than any military on the face of the Earth. We have the No. 1 Navy, the No. 1 Army, No. 1 Air Force, and No. 1 Marines in the world. Shifting six-tenths of 1 percent of defense outlays is not going to change that, and that is what this amendment does. It shifts six-tenths of 1 percent of outlays. But by the Department of Defense's own estimates, at the beginning of fiscal 1993, we will still have $45 billion in unobligated defense funds, and if this transfer amendment were adopted we would have slightly over $40 billion in unobligated defense funds.

That is where this transfer amendment gets its money. This is money that is not spent and it is not committed. These funds do not affect either manpower or readiness. Since there have been no contracts let and no people hired to perform this work, there will be no job losses and no cancellation charges. Under this amendment, no funds would be taken from the unobligated balances of either family housing or the National Guard or the Reserve accounts. This amendment simply asks that we transfer six-tenths of 1 percent of defense outlays to meet some needed programs we have.

We may have the No. 1 defense in the world, but, Mr. President, as this chart shows, in infant mortality, we are 19th. In childhood deaths under the age of 5, we are 19th. Low-weight births, we are 29th. Even in polio immunizations, we are No. 17. And yet, Mr. President, in gross national product, we are No. 1. That kind of raises the question, if we are so rich, how come we are so poor?

Mr. President, do you think we would have won the cold war if we had accepted these kinds of standards in the military? Would we have won the cold war if one in every five soldiers leaving boot camp could not shoot a gun? Would we have won the cold war if one in five pilots leaving flight training did not know how to land a jet? Of course not, they would have gone down and taken the rest of the military and our country with them. We never would have won the cold war if we accepted these standards for the military. And, Mr. President, we will not win the economic wars of tomorrow if we accept these standards for our children today.

We have a unique opportunity right now to do something about it and it is simply a question of priorities because we know what works. Let me state quite frankly, not every Government program works. We have had some colossal failures, but this time we have a track record. We know statistically that a dollar invested in prenatal care saves up to $3.13 in later health care costs. A dollar invested in immunizations saves $10 in treatment costs. Yet 50 percent of our children under the age of 2 are not fully immunized in this country. A dollar invested in Head Start saves between $2.50 and $6 in special education, welfare, and crime costs. Yet two-thirds of the eligible children in America are not being served by Head Start today and that is even after the President's increase.

Let me ask this question: Would we deny to two-thirds of our pilots the training that could mean the difference between life and death? Absolutely not. To many children, Head Start means a difference between life and death, the difference between staying in school or dropping out and joining a gang.

Mr. President, money is not the answer to every problem, and I do not mean to throw any money at these problems. But quite frankly, we are throwing money at the problems now. We are throwing money at the costs of crime, school dropouts, health care costs because kids are not immunized, and it is costing us more money.

We know, for example, that to take care of a low-weight birth baby right now it costs as much as $1,000 to $2,000 a day, up to maybe $100,000 to get them back to health. But for $1,000, we can reach out with maternal and child health care and ensure that baby is born healthy. This is what our taxpayers have to know and understand. Right now, we are spending their tax dollars. We are spending their tax dollars foolishly, wasting. And yet what I am trying to do is to take this money and to focus it on those programs that have proven that they work—they get to kids early in life so that we save money later on. That is exactly what this amendment does.

We are not throwing money at it. We are trying to stop throwing money so wildly away as we are doing right now. Investments in children and these programs—Head Start, immunization, preventive health care—simply have not keep pace over the last 11 years.

Again, I refer to the chart, Mr. President. As this chart shows, over the last 11 years, domestic discretionary spending has dropped $395 billion while defense spending has increased $624 billion and entitlements have gone up $776 billion. What has happened is these programs that reach out for early childhood intervention like Head Start, Healthy Start, immunization programs, maternal and child health care, child care have been cut quite a bit.

This amendment does not really make a dent in these amounts on the other side of the ledger, but for millions of American kids it can mean the difference between life and death. Again with this amendment, we are not spending one dime more—not one dime. It will not increase the deficit one iota. It just says we are going to spend the money in a different manner to invest in a number of programs that my colleagues have called critical priority programs in America.

Before I finish my statement, before we get to a vote, I will list for the RECORD all of those programs that are included in this amendment, and I am sure other Senators may have questions about those.

Mr. President, I believe this is a point in time where the Senate can make a statement, and not just a statement about how good we feel about doing something—sort of a hortatory comment or a sense-of-the-Senate resolution that we had to fund these. I bet, Mr. President, if I had a sense-of-the-Senate resolution that we had to put money in these programs in the amount I am suggesting with these transfer amounts, it would probably pass 100 to nothing.

I think it is time to quit talking about these things. It is time to quit promising we are going to invest in our children. It is time to do something about it. That is what this amendment does. Six-tenths of 1 percent, that is all out of defense outlays—six-tenths of 1 percent. But for so many of these kids, it is the difference between life and death.

If you have a young person who has missed their third and fourth year in Head Start, you cannot go back and give it to them again. It is gone. Those kids' lives have been stunted from then on. There is no way to go back and fix them up.

So I think it is important the Senate be heard on this issue, where we want our priorities and how we are going to address some of these problems that confront us as a country by investing in our children.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I support the pending amendment. I do not intend to speak long, and I join my colleague, the chairman, in urging that Senators who wish to speak either in favor or in opposition to the amendment come to the floor so that we may pursue this matter and perhaps the chairman will wish to reinstate his request for a time agreement.

I had a note handed to me which I recall simply said "Armed Services Committee," did not identify a Senator, so we have withheld pressing the unanimous-consent request. But that may be renewed, so that any Senator who has an objection to a time agreement ought to come to the floor, or any Senator who wishes to speak should come to the floor.

Senator HARKIN tells me he will cut his remarks a lot shorter, and I shall be brief on my comments, Mr. President.

As I look over the transfer amendment and see the itemization of Head Start and Healthy Start and the education funding and LIHEAP, eat or heat, AIDS, and women's health, it is apparent to this Senator that on an allocation of priorities these are funds which ought to be allocated.

In taking a look at unobligated defense funds, Mr. President, at the present time I am advised by the Congressional Budget Office there are unobligated defense funds in excess of $29 billion. This reflects an executive judgment not to spend that money. Head Start is enormously important to start the educational process. We have had an increase in funding this year but not nearly enough. My colleague, Senator HARKIN, talked about Healthy Start. We have been unable to fund Healthy Start to the full amount the administration had requested. We are $31.4 million below the budget request of the President.

Senator HARKIN referred to low-weight babies. When I first saw a low birthweight baby, I was astounded to see a child who weighed 16 ounces, about as big as my hand. And there are thousands of babies 16, 18, 20, 24 ounces born each year. It is a human tragedy. Those children sustain injuries and medical problems which stay with them their entire lives, and their lives are materially shortened as a result. The total cost is up to $150,000 a child before they can leave the hospital. And by the Healthy Start Program, having prenatal care and postnatal care, there are billions of dollars in savings possible. So when we contrast the allocation which is present in this amendment with the unobligated funds in the Defense budget, there is really no choice.

On Friday of last week, I visited a family in Scranton, PA, where the low-income energy assistance was going to be cut materially. I was talking to a man who was on disability and a woman who had part-time work and their home had been weatherized and they had storm windows, but they were going to be faced with the alternatives, grim, repeated but not repeated enough, on eat or heat.

I see that Senator WELLSTONE has come to the floor and another Senator is prepared to speak, so I am going to cut my remarks short at this time, Mr. President, with the concluding statement that when you see these human needs contrasted with unobligated funds in the Department of Defense, I submit the choice is clear, and that is to support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Minnesota.

Mr. WELLSTONE. I rise as a cosponsor of this amendment. I commend the Senator from Iowa. I urge my colleagues in the strongest possible way to support this amendment.

Break down the walls established by the 1990 budget agreement and invest in our future. That is not just a slogan, Mr. President. This amendment would provide $3.9 billion in budget authority, $1.5 billion in new outlays for a range of critically underfunded domestic programs.

Mr. President, 70 percent of this funding will go to children's programs. This amendment will not increase the deficit by a nickel. I repeat that. This amendment will not increase the deficit by a nickel. It will simply restructure current spending in a way that responds to a reshaped world, and it shifts money that has not yet been obligated from defense accounts to a series of carefully targeted programs to support children in our country.

The choice, Mr. President, is simple: fund the strategic defense initiative or fund the children's defense initiative. Fund the B-2 bomber or fund mental health programs for children. Fund a new missile program or fund job training programs. Pour money into the cold war past or invest in America's future and vitality.

Mr. President, I have to be very clear on the floor of the Senate, and I wish to say this to Chairman HARKIN. I think people in politics have been playing a very dangerous game. It is a game of symbolic politics. It seems to me that politicians, Democrats and Republicans and others alike, love to go where the children are; they love the photo opportunities standing next to a child; they love to say they are for children; they love to talk about education; they love to express their concern and support for the children of America; they love to do everything except when it comes to digging into their pockets and making but the smallest commitment to some programs, Head Start, health care programs, childhood immunization, and all the rest that will support the children in this country.

I think it is outrageous that we are not willing to back up our rhetoric with the smallest transfer of resources, the smallest transfer of resources from the Pentagon budget—less than 2 percent, 1 point whatever percent—to children's programs.

Now, we have been down this road before, Mr. President. We garnered, what was it, I ask the Senator from Iowa, 28 votes the first time? And then the second time it was 40. This time I think it is time to go over, to go over with 50 votes and win on this amendment.

By the way, the people in this country are way ahead of us. In poll after poll, if that is what people do is sniff polls—and we should not do that. But just in case they do, people say they want to see a reordering of priorities. They say that we are spending too much on the Pentagon, and they say we ought to transfer some resources to programs that would be good for this Nation, to programs that will work, to programs that are an investment in our future.

And I do not know of any programs that are more important than children's programs. That is exactly what this amendment, introduced by the Senator from Iowa [Mr. HARKIN] does: Investments in our children, in mental health, in vital community services, in infant mortality programs, in AIDS research, and all of the rest.

Mr. President, this is the last chance, I think, in this session, for those of us—whether we are Democrats or Republicans—to reassess our misguided priorities. I hope my colleagues will leap at it. This is a chance for us to deal with the decline and the neglect and the abandonment of young people in our Nation.

Senator Harkin has recited some of these statistics, but maybe they ought to be emphasized one more time.

We are the world's strongest military power. I am glad for that. We have a strong defense, and that is important.

But we are 19th in the world in infant mortality. We are 19th in the world in childhood deaths under age 5. We are 29th in the world in low-birth-weight babies. And, as Senator HARKIN said, I think it is one out of five children who live in poverty. But, on the present course, it will soon be one out of every four. And, I believe—correct me if I am wrong—it is one out of every two children of color that are growing up poor in the United States of America today. The list goes on and on.

To tell you the truth, I am absolutely convinced that we will not do well as a nation until we redefine national security, and understand that the real national security of our country will be when we invest in the health and the skills and the intellect and the character of our young people.

As a matter of fact, Mr. President, let us look at it another way. If we do not invest in our children, and if we do not invest in our young people, then we pay the price later. We pay the interest later: Higher rates of dropout, higher rates of illiteracy, high rates of chemical abuse, high rates of crime, and all of the rest.

To me, Mr. President, the choice is so simple. Over the last 10 years, domestic discretionary spending for critical programs dropped almost $400 billion. I know Senator HARKIN already has made reference to this. But I want to repeat it again: Domestic discretionary spending for critical programs dropped almost $400 billion.

Defense spending, in the same 10 years, increased over $620 billion; and entitlements have increased $776 billion.

The 1991 share of the gross domestic product in our Nation devoted to children's programs was 20 percent below what it was in the late 1970's. The percentage of our GNP in 1991 devoted to children's programs was 20 percent less than it was in the late 1970's.

I am absolutely convinced that when historians write about this past decade—and so far, the first 2 years of the nineties—they are going to say that the ultimate indictment was not the retreat on the environment. That has been bad enough. They are going to say that the ultimate indictment was not the S&L bailout and some of the schemes and some of the corruption that has taken place in politics. That is bad enough. They are going to argue and they are going to write that the ultimate indictment in our Nation was the way in which we abandoned children and young people, and devalued the work of adults that work with those young people.

Mr. President, let me be clear about this very modest effort. I want everybody listening to this debate to understand that Senator HARKIN'S amendment, the amendment which I am proud to be a cosponsor of, transfers one-half of 1 percent of the defense spending to these programs—one-half of 1 percent of the Pentagon budget.

I have to tell you something, Mr. President. If the Minnesota State Fair is a giant focus group, then what people say at that State fair should matter to me as a United States Senator from my State. And it should matter to my colleagues, because I think all of my colleagues in here have to be concerned about what people are thinking and what they are feeling, and what they are hoping for and what they are fearful of.

Over and over again, people were saying: Please restructure your priorities. Why do you continue to spend $290 billion, or whatever, on a Pentagon budget? Cannot we begin to at least cut that budget somewhat and keep a strong defense, and begin to invest in our own communities?

Over and over again, people are saying that.

So, Mr. President, since we have been hearing in this Presidential campaign about gridlock, I want to present my own definition of gridlock. Gridlock in the Congress is when we cannot even make any kinds of changes. Gridlock is, in the Congress, when we cannot devote one-half of 1 percent of about a $290 billion Pentagon budget to a different world, mainly the children's programs, with the evidence being irrefutable and irreducible that those programs make a difference, that they help children in this Nation.

We are stuck in the mud if we cannot vote for this amendment. We are really not reflecting what people are saying to us. So I think that, in part, the vote that we are going to take on this amendment has to do with representation.

There are a lot of powerful contractors who do not want to see any cuts at all in the Pentagon budget. There are a whole lot of people with a whole lot of power, who lobby here every day, who do not want to see any cuts at all; or for some reason are opposed to this amendment, which makes such a tiny transfer of resources.

Mr. President, I think that, as a matter of fact, if we are going to represent people in this Nation, we should be more than willing to vote for this amendment because the vast majority of people in this country are crying out for some reordering of priorities.

They know if we invest in prenatal care, we will be better off as a nation. They know if we invest in child immunization, we will be better off as a nation. They know if we invest in Head Start, or mental health for children, we will be better off as a nation. They know if we invest in education, we will be better off as a nation.

The people in this country know that we have to get serious about our own communities, that we have to start investing in our own people, that we have to start thinking about our own future. And, clearly, a test case of that is whether or not we are going to be willing—whether or not we are going to be willing—to invest some resources, a tiny, tiny fraction of the Defense Department's resources, to the real defense in our own Nation.

Mr. President, I made the mistake of losing my notes. I was not using them, anyway. So I will not have the exact figures. I may need the help of the chairman. But I would like to talk about two programs that I think really bring this debate into sharp focus. I want to talk about the LIHEAP Program. Senator HARKIN has been a real advocate for at least trying to hold the fort, and trying to make sure that we have enough funding for low-income energy assistance.

Mr. President, I heard the Senator from Pennsylvania talk about that program as I entered into the Chamber. I just simply want to add to what I believe he was saying.

I am already getting calls from Minnesota. We are now into September, and soon it will be October. And soon, in Minnesota, we will head into the winter months. I have to tell you, coming from a cold-weather State where there are many low-income families, that when we are talking about low-income energy assistance, we are talking about an average income of probably about $7,500 or less per year. That is not a lot of money.

People are scared to death that there will not be enough money. And when people say that they do not know what they are going to do, or when I stand on the floor of the Senate and I say that it is going to be a choice between eating or heating—or heating or eating—that is not rhetorical flourish; that is the honest-to-God truth. That is the honest-to-God truth.

We have an amendment here which would add several million dollars to this program, a program which, of course, does not represent a total economic transformation of America.

It is not a program that we are claiming will bring about economic recovery, but for God's sake, it is a program that, for many people, is the difference between whether they are going to survive or not.

Another example, and just one other, is in education. I was a teacher for 20-some years before I came here to the Senate, and I am going to focus now on the higher education part.

There are some real good programs here that deal with children and health care for children. How can a child do well in school if that child does not receive adequate health care coverage? How can a child do well in school? How can a child with an abscessed tooth go to school and do well? Or, for that matter, how can some children who really need a head start really do well if they cannot take part in the Head Start Program? Or for that matter, how can children do well when they are suffering and have a variety of several major mental health problems and there is no care for them?

But, at the other end, let me talk about higher education. It goes two ways. I am going to talk about the Pell grant program, because this amendment tries to transfer additional resources from the Pell grant program. I absolutely hate some of the tradeoffs we are faced with. I may come out with an amendment today that deals with one of them. It goes as follows: I am supposed to represent people in the State of Minnesota. I am supposed to do my best as a Senator to do well for people. So I hold hearings in the State. I am on the Education Subcommittee. I hold those hearings in good faith. I really do. I do not hold those hearings so there is TV coverage, a big deal, and people never hear from you again.

All of us try to make a connection between what people tell us back in the State they care about and what they need and what we do. So we work extremely hard to make sure that in authorization, Pell grant funding will cover part-time students. Why? Because a lot of the students today in higher education—the Presiding Officer was president of Duke University. I am starting to believe now that the nontraditional students are the traditional students. So many students are not 18; they do not live in the dorm. They are older and going back to school. They are single parents. They have children. So, quite often, they can only go part time.

Right now, because of the painful choices that this Appropriations Committee has had to make without some additional resources, also, those students are not eligible in the appropriations bill, as I understand it, for part-time Pell grants because there are not enough for the full-time students. Listen, on equity grounds, this does not make sense. These are working class kids who are trying to go back to school, or these are parents, and we do not even have any resources available by way of Pell grant assistance for those young people.

I say to Senators in this Chamber that when you vote on this amendment, please remember that this transfer amendment may provide us with an opportunity to provide some resources so that those young people or not so young people will be able to take advantage of it. Do we really need more for SDI or B-2? Can we not transfer a tiny percentage from the Pentagon budget to make sure that single parents or mothers who are working can have some Pell grant assistance? Or do we want to say we are going to pass a Pell grant authorization appropriation that does not provide any funding for those students, the nontraditional students, that are going back to school? These are the kinds of choices that we are faced with.

My conclusion: I just urge my colleagues to please not think about this amendment in too strategic terms. I know there are some here who are going to argue, well, we do not want to vote to transfer less than 2 percent—what is the overall percentage?

Mr. HARKIN. 1.6.

Mr. WELLSTONE. 1.6 percent from the Pentagon budget to these other critical areas.

Mr. HARKIN. If the Senator will yield on that, again, I am sure the Senator knows this, but for the enlightenment of other Senators, we are talking about transferring 1.6 percent of the total DOD budget, that is true. However, the account that we are transferring the money from is what is called unobligated accounts. This is money that we have authorized, the Armed Services Committees of the House and Senate, and the Appropriations Committee has appropriated the money. The money has already been appropriated. Yet, no contracts have been let at all on this money. It is just sitting there. So nobody is going to get put out of work. We will not have cancellation fees. This is just an unobligated account.

Right now, there is about $45 billion of taxpayer money that we have appropriated for different programs. Some of these programs go clear back to 1987. In other words, before the fall of the Berlin Wall, the collapse of the Soviet Union, and the end of the cold war, we authorized and appropriated money for certain military expenditures, which, in the wisdom of the Congress, were needed to confront the world as it was then. The world today is not as it was then. Yet, we still have $45 billion in unobligated accounts. That is where we are seeking to get $4.1 billion.

Mr. WELLSTONE. It is from unobligated accounts, 4.6 percent, money that has been spent—

Mr. HARKIN. It is only 1.6 percent of the total of the DOD budget. It is not coming out of manpower and training. It is not coming out of contracts that are let now. This is an unobligated fund. No contract has been let, no money has been paid out, there will not be cancellation fees, and nobody will lose a job.

Mr. WELLSTONE. I just want to say to the Senator from Iowa that I really think—there are other Senators on the floor, so I will kind of conclude my remarks on this note—I really think that the Senator, with this amendment, has struck a responsive chord with people in our country, because I think what people are really saying all over the Nation is there is no reason why we cannot begin to transfer some tiny percentage, and in addition from unobligated funds, to some really pressing important needs.

If I can say this to the Senator from Iowa: I really think people believe that one of the things we have to start doing in the Senate is we have to move beyond the rhetoric, and we have to back our rhetoric with some substance. If we are going to say that we want to make a commitment to our children, we are going to have to implement some transfer of funds to programs that will support children.

There are some Senators who are arguing that this is a matter of internal strategy, that we have to be careful about bringing down the wall in the budget agreement at this late date in the session, because the President might veto this bill, or because it might cause other kinds of complications. But I think this is the kind of internal jockeying that people are very tired of. When people come up to me in Minnesota—and I imagine every Senator has the same experience; I am sure the Senator from Illinois has this experience—they will say: Why did you not support this amendment that called for such a tiny transfer funding for such important programs that would support children in this Nation?

And then you begin to say, well, we could not do it because it was late in the session and was a matter of internal strategy and all of the rest of it, and the President might have vetoed it.

The people will say: Why did you go to the Senate? Some may not disagree at all. But, why did you go to the Senate if you did not go to speak for what you believe and vote for what you believe in? I think this is our last chance this session to deal with some misguided priorities. It is an extremely important amendment. We have come very close. We keep increasing our vote, and I urge my colleagues to support this transfer.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, soon I will rise in opposition to the amendment. But beforehand, I wonder if the managers will direct their attention to a unanimous-consent request by which 1½ hours equally divided will be allocated to this amendment. I think I can speak for those on this side and, indeed, I see the distinguished chairman of the Armed Services Committee and, indeed, the chairman of the Subcommittee on Defense Appropriations will be here momentarily. It is my understanding that both of those Senators are agreeable to 1½ hours equally divided. I ask my colleague, the author of the amendment, if that would meet his requirements?

Mr. HARKIN. Mr. President, I respond by saying that when this debate first started I had sought 1 hour equally divided on this amendment. I am trying to cut the time down so we can get to a vote on this and move the bill through more rapidly. So I was hoping we would have even less than 90 minutes, but 1 hour equally divided.

I am a little bit at a loss right now, because my ranking member is not here. I do not know that he would agree with this right now or not. If I could have assurance——

Mr. WARNER. Mr. President, I am not able to speak for the distinguished Senator from Pennsylvania. But let us alert Senators that we are working at an outer limit of 1½ hours. It may well be as the debate proceeds that could be reduced. I think we should wait until we hear from the distinguished ranking Member and perhaps others.

Mr. HARKIN. If the Senator will yield I now have assurances that it is fine with Senator SPECTER for 90 minutes.

Mr. WARNER. I propound the time not to exceed an hour and a half and it be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, if the Senator will yield for the unanimous-consent request.

Mr. WARNER. Yes. Does the Senator wish to rephrase it?

Mr. HARKIN. There has to be something in the phrasing of it.

Mr. WARNER. Let me restate it as I would like to state it, and then the Senator may bring such changes as he wishes.

Mr. President, I ask unanimous consent that there be a period not to exceed 90 minutes equally divided, controlled, between Senator HARKIN and the Republican leader or his designee, and that no point of order be deemed waived by the entering of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, reserving the right to object, as I understand what the Senator's unanimous-consent agreement basically said is there will be a time agreement but a point of order if the Senator chose to make a point of order would still be in order under this agreement if we entered into it.

Mr. WARNER. I amend that saying any Senator, make that, not necessarily the Senator from Virginia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, for the moment I would control the time on this side until such time as others may wish to be recognized, and we will sort that out.

I would simply say that all Senators should be aware, and I think they are now, that this is an effort to break the firewall, a euphemism we used here for some several years now, to protect the various accounts which were carefully considered as to the total amounts at an earlier time by this body and indeed the Congress as a whole as something that should be preserved for the future.

Therefore, for that reason and that reason alone. I object to the amendment and, further, will join with others presumably when a point of order is raised.

Essentially we are endeavoring under this amendment to reprioritize defense spending in just a matter of an hour and half, which is always, in my judgment, a very bad way to deal with the defense budget. Hopefully within the next 1½ hours we will be able to advise the Senate with a greater degree of precision exactly what accounts are affected by this amendment.

As drawn the amendment goes to the unobligated and unexpended portions of the Defense budget. I know of one account, the V-22, the aircraft which is of great concern for the distinguished ranking member from Pennsylvania and indeed many other Members of the Senate that followed that aircraft program for some time, that account would be impacted.

As to other accounts, I would ask my colleague who propounds this amendment, the personnel accounts, are they to be affected?

Right now under the President and the Secretary of Defense and most significantly the Chairman of the Joint Chiefs, the program of a graduated reduction over a period of 5 years, the maximum number of people are being released from the uniformed side and to a certain extent the civilian side, that can flow into a job market which is already suffering from an excessive unemployment number. Would the Senator wish to reply?

Mr. HARKIN. I respond to the Senator saying the personnel accounts are not involved in this amendment.

Mr. WARNER. Can you point to the language that protects the personnel accounts? I cannot find it at first glance.

Mr. HARKIN. If the Senator will give me a moment.

Mr. WARNER. The accounts could be protected. Given the interesting political document as drawn it says: "That no funds appropriated or otherwise made available for military family housing, National Guard and Reserve equipment"—of course that is well know around here as a political issue—"military construction for any National Guard or Reserve unit"—again a highly political account—"in any appropriations Act shall be rescinded."

That is the protection I find. I do not see any specific protection for personnel. Indeed that is the most difficult part of the defense budget that is now being managed. I say further to my colleagues, we have tried this type of amendment each year and fortunately the Senate has been able to see through these efforts, no matter how laudatory some of the recipients of this proposed cut may be, but we have seen through it and decided it is an unwise course of action to take.

I am confident that a majority of the Senate will reach that conclusion today on this amendment. But there is obligation on myself and others to begin to translate this amendment into precisely what accounts are cut; what programs that are important to various Senators and their States will be directly hit by this, how many jobs, how many jobs will be affected. I am talking about men and women in uniform. I am talking about defense plant workers, I am talking about civilians in the Department of Defense. How many jobs will be affected by this cut?

Mr. President, once those answers are before the Senate I am confident that a substantial number, a majority of our Senators, will see the wisdom of opposing, with all due respect, this amendment.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. WARNER. I yield.

Mr. HARKIN. I respond to the question raised regarding military personnel. The amendment itself does not. In the last page of the amendment it says:

> *Provided*, That no funds appropriated or otherwise made available for military family housing, National Guard and reserve equipment, military construction for any National Guard or Reserve unit, in any appropriations Act shall be rescinded.

Those are exemptions. The Senator correctly points out personnel is not exempted. In the amendment itself, where the money comes from, it comes from the obligated account of the Department of Defense. And I have here before me a chart which I can enter into the RECORD, which is the obligations and unobligated balances for the Department of Defense. And in the unobligated account of the Department of Defense under personnel, there is zero dollars, because moneys are all spent out in the year in which they are appropriated. So there can be no money taken from personnel, because there are no unobligated balances for military personnel.

Mr. WARNER. For the moment I accept the representation of my distinguished friend and colleague, but we will verify that as the debate progresses.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I rise in support of the Harkin amendment. I want to, first of all, commend Senator NUNN, Senator WARNER, and the members of the Armed Services Committee for reducing the amount that is being spent on the military side. But frankly it is nowhere near the kind of reductions that we ought to have.

Bill Colby, former head of the CIA under Richard Nixon and Gerald Ford, has said we could, over a period of 5 years, reduce the military by 50 percent and still have by far the most powerful Armed Force in the world. That is really what we ought to be talking about.

If I could make a criticism of my colleague from Iowa, it is that we are going at 1.6-percent reduction and not more. And I would add, I think it is going to pinch a little bit but we are transferring into needs that are overwhelming. As we go through this appropriation process, just as in the budget process, we indicate what our priorities ought to be. I would point out that it is not unprecedented for the Senate to take this stand. The night that we adopted this budget agreement the Senate unanimously, with most of the Members of the Senate here—it was done by voice vote but unlike right now when not many Members are present—that night unanimously adopted an amendment of mine which knocked out the 60-percent wall.

Then it got into conference and I still remember when the chairman of the Budget Committee, our colleague, Senator SASSER, came to me and said the White House says if the Simon amendment stays the President would veto the bill.

So we have already, as a body, voted to get rid of that 60-percent wall. So it is in line with the precedent that we have had.

Now what are the priorities? Well, one is the field of education. Economists do not agree on very much, but every economist—and I have been reading a lot of their works lately—every economist says we have to invest more in the field of education.

Head Start, $600 million. Do we spend money on Head Start, or do we spend money, like this year, where we are spending roughly $160 billion to defend Western Europe from an attack by the Soviet Union, only there is not any Soviet Union anymore?

Education, generally, this is in addition to Head Start, $1.350 billion, and that includes $500 million for students going to college under Pell grants, students who need it the most; chapter 1 for young people, who need it the most, $400 million; the TRIO Program, again for disadvantaged young people, a great program, $50 million; special education, 94–142—I helped to create that when I was in the House. This is funding for those who are disabled. We are, in theory, supposed to be in the 40-percent funding level. We are at a 9-percent funding level in this area.

Rehabilitation, $50 million. This, again, pays off; everyone knows it. Vocational education, $100 million; impact aid, $50 million; libraries, $50 million; developing institutions, $50 million.

What are our priorities? Exotic weapons systems that are meaningless in our world today, or do we invest in our people?

The Job Corps, $100 million. Eighty-four percent of the at-risk youth who go into the Job Corps succeed in finding permanent jobs; a tremendously successful program. Ask the homebuilders—totally aside from the human salvage there—ask the home builders about the need for this.

And then finally, biomedical research, $500 million.

I remember hearing our colleagues from Iowa State on the floor—and I can still hear the words—that we have in the last 7 years spent as much on military research as we have spent on medical research since the beginning of the century.

And so instead of spending $500 million on star wars, or who-knows-what exotic, ridiculous weapons that we would buy, Senator HARKIN says in this amendment, $170 million for cancer research; $100 million for Alzheimer's research; $100 million for cardiovascular research; $50 million for mental illness.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SIMON. I ask for 1 more minute from my colleague from Iowa.

Mr. HARKIN. I yield 2 more minutes to the Senator.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SIMON. I thank my colleague from Iowa.

Diabetes research, $30 million; children's research, $40 million; TB research, $10 million.

What are our priorities? There is no question in my mind, if you were to take a poll of the people of the United States right now on whether we should spend money on education and research like this or continue this huge unnecessary expenditure on the military side, the American people would tell us to vote for the Harkin amendment. I hope we do it.

I served in the Army overseas. I am very proud to have served in the Army. I want a strong defense. But I do not want to spend money ridiculously and call it defense. I am going to vote for the Harkin amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 12 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair, and I thank my good friend, Senator HARKIN, for permitting me to participate in this debate.

I strongly support his amendment to transfer funds from defense to programs that benefit our Nation's children. I commend him for this important initiative.

I also want to thank him publicly for following up on a commitment that he made to me when he brought the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education to New Jersey for a field hearing on children. That was quite a revealing bit of testimony that we heard.

During that hearing last May, we sat together in Newark, one of the poorest cities in our country, and heard from a parade of experts, community activists, and others about the needs of our children for better schooling, and health care. We heard about families who needed better job training and more reliable, affordable day care to take care of their children. And we heard about how programs to achieve these goals have been consistently underfunded over the last decade, and how they desperately need funds to accomplish the purposes for which they were established.

We heard of the successes that did come when these funds were available for education and training. We sat fascinated listening to a young woman, who was part of a Head Start Program, who is today a radiologist, as she talked about the opportunity she had and the work that she has done. It was a thrill. So when we look at that, today's amendment is a natural outgrowth of that hearing, and of the commitment Senator HARKIN made to address these inequities at the earliest possible time.

Mr. President, this amendment would transfer approximately $1.5 billion in outlays from the Department of Defense, an amount representing only half of 1 percent of defense outlays projected for fiscal year 1993. It would direct the bulk of those funds to a strategic children's initiative for programs to improve the well-being and future of our Nation's children.

These programs include Head Start, education, immunizations, maternal and child health, Child Care block grant, Community Health Centers, child abuse, and Job Corps. There is a variety of very beneficial and essential programs for our children. They also include low income home energy assistance, biomedical research, AIDS Care, and a women's health initiative targeted to reaching a cure for breast, ovarian, and cervical cancer.

Mr. President, for too long, we have spent too much money on defense while the needs of the most vulnerable members of society—our children—got short shrift. Over the last 11 years, domestic discretionary spending, which funds programs most important to children, has dropped $395 billion. Over the same time period, defense spending has increased $624 billion, approximately $1 trillion in shifts in priorities.

And the 5-year plan included in the President's budget continues those misplaced priorities. Under that plan, domestic discretionary spending would be reduced by another $260 billion while defense spending would increase $109 billion.

These trends have had a devastating impact on programs that benefit our children. The 1992 share of gross domestic product devoted to children's programs was 20 percent below its level in the late 1970's, while the needs of American children have constantly increased. Today, one out of every five children in America lives in poverty. While the United States ranks first in the world in gross national product, we are 19th in infant mortality, 29th in low-birthweight babies, and 17th in polio immunizations at age 1.

Mr. President, these figures are the result of the misguided priorities and spending patterns of the past—priorities which our Nation can no longer afford. The cold war has been won. The war for the future of our children and the future of our country is still being fought. The real challenge we face today is here at home.

For decades, the greatest threat to our security was the former Soviet Union. To respond to that threat, we built the greatest military force in the history of mankind, and presided over the biggest defense buildup in history.

But we live in a new world. The Soviet Union is gone and we have won the cold war. We can no longer afford to spend billions of dollars subsidizing the security of our European allies, and billions of dollars for a range of weapons programs that serve no useful purpose.

Mr. President, the American people have been asked to tighten their belts in these tough economic times. There is no reason why the Pentagon cannot do the same and still provide us with the national security we need.

We can save billions by eliminating spending for exotic weapons systems like the B-2, by scaling back SDI and limiting nuclear testing, and by eliminating excess purchases for spare parts and supplies at the Pentagon. But all we are asking the Senate to do today is save one-half of 1 percent of the defense budget. That seems eminently reasonable to me.

What is at stake here today is the future of our most precious resource—our Nation's children. As Chilean poet Gabriella Mistral has written:

> Many things we need can wait, the child cannot. Now is the time his bones are being formed, his blood is being made, his mind is being developed. To him we cannot say tomorrow, his name is today.

Mr. President, the needs of our children and young people are pressing and cannot wait. Our years of neglect are coming home to roost, as children who have gotten by with too little for too long are coming of age, ill-equipped to take their places as productive, law-abiding members of our society. Just look at the statistics.

Homicide is the second leading cause of death for Americans 15- to 24-year-olds. One out of every ten American women age 15 to 19 becomes pregnant each year. The United States has the highest rate of teen alcohol and drug abuse of any industrialized nation; 347,000 high school students drop out of school and 450,000 run away from home each year. Almost 5,000 15- to 24-year-olds commit suicide every year.

Furthermore, the FBI stated in a recent report, and I quote:

> The Nation is experiencing an unrivalled period of juvenile violent crime that began in the 1980's. Children between the ages of 10 and 18 are now arrested for murder at almost three and a half times the rate in 1965. The juvenile arrest rate for other violent crimes increased by 27 percent between 1980 and 1990. The FBI found these trends are evident in all races, social classes, and lifestyles.

A front-page story in Sunday's New York Times recounted how prison is failing to serve as a deterrent to crime for many inner-city youngsters. Instead, it has turned into a badge of honor, a rite of passage that increases one's swagger on the streets to which those serving time in prison must eventually return.

The harsh reality is that too many young people today grow up in broken families, surrounded by violence, drugs, and crime. They attend second-rate schools that do not prepare them to function in our economy, and they have little hope for the future. They lack responsible, caring, mature adults to provide constructive role models and to steer them in the right direction.

We are now reaping the bitter harvest of the last 12 years of neglect. Tragically, the Reagan and Bush administrations have put the needs of our kids on the backburner while they attended to the needs of the defense establishment, the savings and loan industry, and provided tax cuts for the wealthy.

We cannot continue to ignore these problems or continue to write off the millions of young Americans who grow up without hope. They are the ones who must lead Nation into the next century. They are the future of America.

I believe we can reverse this trend. But only if every American realizes that our future as a democratic society and our economic prosperity is inextricably linked to keeping the American dream within reach for all Americans. That self-help only goes so far. That children can only pull themselves up by the bootstraps if they can first afford some basics like preschool and health care.

Critics say that spending more on social programs is not cost effective. But the evidence shows otherwise. Investing in our Nation's youth pays long term dividends for our Nation's future.

For example, for every $1 we spend on Head Start, we save $4 down the road in other social services like public assistance, special education, and crime costs. While the cost of providing full prenatal care to a woman can cost $400 at a community health center, a very low birthweight baby's stay in a neonatal intensive care unit can cost up to $150,000.

Funding Senator HARKIN's strategic children's initiative will mean that more pregnant mothers will receive prenatal care and more children will be born healthy. It will mean that more disadvantaged children will enter kindergarten better prepared for school, and for a productive future. It will mean that kids will get the immunizations and medical care they need to succeed. And it will mean fewer children will have to face the specter of child abuse.

The question is, can we spare one-half of 1 percent of the defense budget to see that these goals are achieved? I bet we can. I hope the Senate will bet we can. We have to do it.

I urge my colleagues to approve this amendment and reverse a decade of shameful neglect of our children.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I just wondered if the distinguished manager of the bill and I might indicate the number of Senators desiring to speak to accommodate them? The senior Senator from West Virginia indicates he desires time; the senior Senator from Hawaii on our side—so, at some point perhaps if we can just rotate, if that is agreeable to my colleague?

Mr. HARKIN. That will be fine with me. I was more than willing to let the other side speak now.

Mr. WARNER. I see the senior Senator from Massachusetts has risen.

Mr. HARKIN. The Senator from Massachusetts wanted to speak for 8 minutes and he was on his feet. Perhaps after this, we can rotate back and forth?

I yield the Senator from Massachusetts 8 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 8 minutes.

Mr. KENNEDY. Mr. President, first of all I want to express appreciation to the Senator from Iowa for fashioning and shaping this amendment, and urge our colleagues to support it.

Just a few moments ago a number of us attended a press conference, bipartisan press conference to urge the President to sign the Family Medical Leave Program. It was bipartisan because the basic issue was an issue of fairness, compassion, and basically family values. And it was bipartisan because of the efforts of Senator DODD and Senator BOND to try and deal with the legitimate kinds of interests of the business community.

During the course of the exchange in that press conference, the fact came up that we, in the United States, are a country that has seen greater dissolution of the family and less protection for our children than any other industrial society in the world. We have less programs to support children and children's needs. That happens to be a fact. And we spend less in terms of our GNP, in terms of support for those programs. That also is a fact.

We find, now, the infant mortality and the number of children who have medical problems and needs, has been rising over the period of the most recent time.

Resources and money is not necessarily the answer for every one of our national needs. But it is a pretty clear indication of where our national priorities are. I think the proposal that has been fashioned by the Senator from Iowa and the focus it has given in the areas of children, commends it to all the Members here. I am very hopeful it will be achieved.

I support the Harkin amendment to transfer additional funds to the vital labor, health, and education programs supported in this bill.

The children's programs supported by this amendment include Head Start, education, immunizations, maternal and child health, AIDS care, Community Health Centers, and Job Corps. It will also add funds for low-income home energy assistance and a women's health initiative, targeted to reaching a cure for breast cancer and ovarian and cervical cancer. In addition, it will provide funds for the Childhood Mental Health Program recently authorized in the ADAMHA bill.

The funds proposed to be transferred constitute a very small fraction—only one-half of 1 percent—of defense outlays projected for fiscal year 1993. No one doubts the need for a strong national defense. But this relatively small cut in defense expenditures will not impair our strength or in any way undermine our international resolve.

We can absorb these modest defense cuts, because our military spending is still based on the large appropriations increases in the cold war years. Over the last 11 years, defense spending increased by $624 billion, while domestic discretionary spending has dropped $395 billion.

The cold war is over, and we need to do a better job of reordering our priorities.

The fact is, our strength as a nation today faces a greater threat from within than from a foreign enemy. The consequences of that neglect threatens our well-being as ominously as any missile.

Today, one out of every five children lives in poverty—an increase of 25 percent since 1979. While the United States ranks 1st in the world in gross national product, we rank 19th in infant mortality—behind Hong Kong, Singapore, and Spain.

Black children born in Boston have less chance of living to their first birthday than a child born in Panama. The percentage of low birthweight babies is higher in the United States than in Saudi Arabia or Iran. These things should not be.

A report issued last year suggests that one out of eight American children goes to bed hungry. Every night, as many as half a million children in this country are homeless.

Today, 12 million American children have no health insurance. If their parents stay home from work to care for them during illness, they risk losing their jobs.

Education, too, has been severely neglected. The education we give our children today determines the strength of our society tomorrow. Today, one out of every four American teenagers fails to finish high school.

Among 17-year-olds still in school, only half can competently use decimals, fractions, and percentages. Fewer than half can understand and explain the kind of material found in general encyclopedias or basic high school texts.

In an international study of 13-year-olds, U.S. students ranked last in math proficiency. In fact, we lag behind more major industrialized countries in countless measures of educational commitment and achievement. Even Libya and Cuba have better student-teacher ratios than we do. These things should not be.

If we do not improve these statistics, they may easily become the epitaph of our society. But we can change them, and we will.

That is the purpose of the pending amendment. It proposes a significant initiative to enhance programs for children that have suffered heavily in the past decade of neglect. The children's share of the gross domestic product was 20 percent lower in 1991 than in 1979, and the needs have grown in that time.

The practical impact of the new funds is clear. The amendment proposes an additional $600 million for Head Start, allowing 160,000 more children to be served. Head Start is a proven, cost-effective way to prepare children for school, and for life.

An additional $100 million for health will allow us to immunize 1.3 million children with the universal hepatitis B vaccine. Immunizations are the first line of defense against a host of deadly illnesses, and are especially important now that tuberculosis has reemerged as a serious health threat.

The amendment would add $75 million for child care block grants to States, bringing the total amount to $1.05 billion and providing services to an additional 32,000 children.

The increase for community, migrant and homeless health centers would provide primary health care to an estimated 475,000 indigent Americans.

I am also pleased that the amendment includes money for the childhood mental health initiative. According to a report prepared by the Office of Technology Assessment, 12 percent of the children in the United States—nearly eight million—have a diagnosable mental disorder. Currently, these most vulnerable children receive assistance that is fragmented at best, and nonexistent at worst.

In the area of education, the needs are especially great. The amendment gives more support for Pell grants and the Chapter 1 Program. An additional half million children will benefit.

Increases are also proposed for other important programs, such as the Job Corps, Ryan White AIDS Care, and low-income home energy assistance.

Finally, the amendment will provide vitally needed support for biomedical research. An increase of $500 million will fund an additional 2,500 research grants through eight of the NIH Institutes for high priority research needs; $200 million will be targeted to the Office of Research on Women's Health at NIH.

The issue posed by this amendment is whether the Senate is prepared to make an investment in the Nation's future by investing more in our children. I believe we must. We have made a start in reordering our priorities. But it is inadequate to the extremely serious challenges we face. This amendment cannot do the job alone. But it is a downpayment on a better and brighter future. And I urge my colleagues to support it.

Mr. President, I have just learned that Secretary of Labor Lynn Martin is traveling around the State of Arkansas today on a political trip for the Bush-Quayle campaign to criticize Governor Clinton.

Come back to Washington, Lynn Martin.

Today, the Labor Department appropriations bill—the most important bill of the year affecting your Department, is on the floor of the U.S. Senate. Labor issues are paramount. This legislation—to which we are considering this amendment—has a number of measures relating to your Department.

Over $4 billion for jobs and other programs administered by the Department of Labor are at stake, and the Secretary of Labor is AWOL.

The fate of this appropriations bill will affect every function within the jurisdiction of the Department of Labor—job training, summer youth employment, the unemployment insurance system, worker safety and health, assistance to workers affected by reduction in the military budget. Yet Secretary Martin is apparently not sufficiently concerned about these matters to be at her post for this debate.

That is the story of the Bush years on the economy—all talk and no performance, while the economy struggles to escape from the grip of their failed, antiworker policy of trickle-down economics.

The workers of America would be better served if the Secretary of Labor, who is supposed to be their chief advocate in the administration, were tending to her Cabinet duties here in Washington rather than touring the country making excuses for the President's failure on jobs.

There are now fewer private sector jobs in the economy than there were when George Bush took office. This is the worst economic record of any President, Republican or Democrat, since World War II. There is a silver lining to Secretary Martin's visit. It is that the people of Arkansas know better. Arkansas has the best job creation record of any State in the country. I hope Secretary Martin will learn something there.

Mr. President, I yield back what time remains to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield such time that the distinguished Senator from Hawaii may require.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank my friend from Virginia. I find myself torn between two fundamental desires: A desire to join my friends and colleagues in fulfilling the American dream, the American dream of our children, to provide them with the very best in education and health programs; and, on the other hand, I desire to carry out my responsibilities as chairman of the Senate Appropriations Subcommittee on Defense.

There are a few things that must be clarified before we debate this matter any further. We have heard much about unobligated defense balances. Mr. President, these are not excess funds. These are not funds that are surplus. For example, when the Congress of the United States decides to build an aircraft carrier, it appropriates $4 billion. That $4 billion is not to be spent within a year. It takes about 6 years to spend that $4 billion. But in order to carry out the defense program in a fiscally responsible manner, the full amount is appropriated. And so, although the books will show that on the first year $100 million may have been obligated, the rest are being set aside to be spent at a later date.

So now, if we should decide to terminate all unobligated funds, we may find ourselves with half a ship. On the other hand, we may find ourselves terminating hundreds of programs in midstream. What does that mean? It will mean that we will have to cancel the contract because we are unable to fulfill the provisions of that contract, and when we do, we will have to negotiate a settlement with the contractor because in every defense contract, there is a termination clause. So we may find ourselves paying for closeup costs for aircraft and not receiving any aircraft at all.

Mr. President, your Appropriations Subcommittee on Defense has done its best to carry out its responsibilities in a prudent manner. We are now in the 5-year plan, a plan that began in 1991 and will be completed in 1996. In 1991, in the active component of the military, there were 2.1 million men and women in uniform. In 1996, that number will go down to 1.6 million. In 1991, in the Guard and Reserves component, there were 1.2 million men and women in uniform. By 1996, less than a million will exist.

The civilian component, Federal workers, in 1991, it was 1.2 million. It will be down to 900,000 by 1996.

Two years ago, your subcommittee appropriated $284 billion. This present fiscal year is $270 billion and for the next fiscal year it is $250 billion and by 1996 it will be down to $200 billion. We have terminated over 130 procurement programs because this was the mandate of the Congress. For example, in 1985 we were spending about $100 billion to purchase weapons systems, ammunition. Today we are spending less than $50 billion. In the last 2 years, we have closed over 200 defense installations overseas, and over 150 defense installations in the continental United States. These are cold numbers, Mr. President. But they also represent people.

For example, we estimate that as a result of these decisions that we have made and we will continue to make, the unemployment numbers in the United States by the end of calendar year 1993, under this program, will exceed 2 million additional names on the roster. Sadly, of that number, almost 350,000 will be men and women residing in the State of California.

Keep in mind that the B-2 program, the most notorious in a sense that it is widely known and discussed, began with a contract for 132 aircraft. As a result of decisions made in this body, we will reduce this to 20. The company that signed the contract to build these aircraft had to provide moneys up front, their money. They had to build their own factory and plant, come forth with new equipment, do research and development; in other words, over a billion dollars had been already invested before the first plane went down the ramp. Naturally, this contractor had a termination clause. And so the aircraft that was scheduled to cost about $250 million a copy will be costing the taxpayers, as a result of this drawdown, over $2 billion apiece. That is what termination means.

At the same time, when bases are closed, a lot of things happen. A few days ago, Hurricane Andrew devastated Homestead Air Force Base. We will try our best to revive that air base. If the decision of the Congress is to do away with this air base, then all the thousands of people living around the air base who lost their residences or their businesses have no reason to restore them. The major source of income was Homestead.

And it is the same thing with the B-2 plant, for example. A city has been developed around the B-2 plant.

When that plant is closed—and it will be closed in a few years—what is going to happen to the real estate around the plant? Who is going to pay the mortgages? Where is the tax base? And so what we have tried to do is to prudently and humanely bring about this drawdown.

We are suffering from a recession at this point. I hate to say this, but if the Harkin amendment is carried out, it will further exacerbate the economic problems of our Nation. It will cut down our tax base. It will cause misery to those who are anticipating salaries and wages and, when these programs have been terminated, there are no jobs.

Mr. President, one of the lesser known items of the defense budget is an item called unemployment compensation. Yes, the defense budget has a provision for unemployment compensation. This fiscal year, we will be paying out, just for defense, men and women in uniform, over $450 million in unemployment compensation. But imagine those 2 million that will result from a cutdown in the civilian work force, reserve work force, and procurement drawdown. Who will pay their unemployment compensation?

I am just wondering what the final tab will be on unemployment compensation throughout this land, what the final tab will be on food stamps and, yes, crime because there is a correlation between crime and unemployment.

Mr. President, this is not an easy decision for Members of this Senate to make. I hope all of us will give this matter serious consideration.

Mr. President, the time will come—I know it is difficult to wait even for a day or a week or a month. But if we are able to carry out this program that we have adopted to draw down the military, we will have peace dividends, as we have proclaimed, to ourselves over the years. But at this moment, it is not that easy.

One final word. I spoke of our Active Forces being reduced by over 500,000. These numbers represent men and women who volunteered to place themselves in harm's way, if such be necessary. They are volunteers. They were not forced to put on the uniform. And now we are telling these men and women, who decided to make the military their career, that we do not need them anymore. They understand that.

But place yourselves in the position of a man who has served 19 years—1 more year for retirement. Well, this Congress was not going to do that to the men and women in uniform, so we established an early retirement program. And in establishing this early retirement program, we provided them a choice: Annuity or lump sum. We assumed that most would take the annuity route, or so-called retirement plan.

However, because of our economic conditions, the overwhelming majority opted for the lump-sum payment. And so now we find ourselves spending nearly as much money for personnel with the drawdown than we did before the drawdown, because we are paying in advance by lump sum.

These are some of the problems we have in managing the Defense Department.

Mr. President, I hope and pray that the Senate of the United States will go along with the appropriators in carrying out this prudent, reasonable, and humane method of drawing down our military. It will be done. We have taken our first 2 years. We have carried out our promises, and we intend to continue.

Mr. President, I am against the Harkin amendment.

Mr. WARNER. Mr. President, will the distinguished Senator from Hawaii take a question or two?

Mr. INOUYE. I will be very happy to.

Mr. WARNER. Mr. President, I have had the privilege of working with the distinguished Senator on defense issues now for many years, and his area of expertise, drawing on a lifetime of association with the men and women of the military, is really almost without parallel.

First, a question on a program initiated this year—indeed, the distinguished chairman of the Armed Services Committee, the Senator from Georgia, was the principal architect in the authorization committee—defense conversion. It is an effort by which Congress is laying a foundation for this rapid transition of our defense industry into jobs related directly to the private sector and nondefense products.

Under the authorization bill, $1.2 billion has been authorized. The vote in this Senate was 91 to 2 in favor of that initiative.

Am I not correct that the distinguished chairman of the Subcommittee on appropriations today, together with the distinguished ranking member and the members of their committee, adopted a figure even larger than that in the authorization bill? Is not that figure $2 billion?

And, therefore, my comment to the Senate is, if the Senate would mistakenly go along with this amendment, in my judgment, it is a head-on collision with those other initiatives taken thus far by the authorization committee, and today by the subcommittee of the Appropriations Committee

Will the Senator address that issue.

Mr. INOUYE. The Senator is correct.

Mr. WARNER. And it is really counterproductive, Mr. President. It almost cancels one action taken by the Senate by this subsequent action, were it to be adopted.

Mr. INOUYE. It not only cancels out the initiative, it also places those men and women in jeopardy. And we would have to provide them not only with conversion programs but with food stamps and unemployment compensation.

Mr. WARNER. My second question to the Senator, Mr. President. He touched on people. People are a major factor of defense planning, be they in uniform, employees of the Department of Defense, or those in industry. We are endeavoring under the defense conversion legislation to ease the transition of those people.

But do they not also have families and young children, and would not those young children of the many defense workers who would be thrown out of work by virtue of this amendment be adversely affected? It is almost apocryphal to name this the strategic children's initiative, given there is a category that would immediately be affected adversely.

Am I not correct in that assumption?

Mr. INOUYE. The Senator is tragically correct.

Mr. WARNER. Mr. President, I note the presence on the floor of the distinguished chairman of the Appropriations Committee. I have the view that he would like to have time. Mr. President, I yield such time to the distinguished Senator from West Virginia as he may require.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I understood there was going to be a going back and forth. If the distinguished Senator from Iowa has someone he would like to have speak at this point, I would be happy to wait.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from West Virginia may require.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia for his courtesy.

I say to my friend from Iowa, the distinguished chairman of the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, that I must reluctantly oppose his amendment to cut defense spending to pay for $4.1 billion in increases in the Labor-HHS appropriations bill.

I think that most Members have probably been made aware of the statement of the administration policy. I know I have. I would like to read from that statement. This is an excerpt therefrom.

> The administration is aware that an amendment may be offered on the Senate floor that would shift $4.1 billion in defense funds to domestic programs contained in the bill. Such a provision would violate the firewalls established in the Budget Enforcement Act of 1990, the BEA. If Congress were to abandon the mutually agreed upon discipline of the BEA, it could trouble financial markets and cause interest rates to rise, thereby slowing economic growth and threatening job creation. If the President were presented a bill that violates the firewalls, his senior advisers would recommend a veto.

So, Mr. President, there we have it in no uncertain terms. The adoption of this amendment will only delay the enactment of this bill, a bill which will put much-needed fiscal year 1993 moneys into programs to address the very problems that the distinguished Senator from Iowa and other Senators who are supporting his amendment seek to remedy in his amendment.

Earlier this year, prior to the adoption of the fiscal year 1993 budget resolution, I cosponsored a bill which would have amended the Budget Enforcement Act to take down the defense walls so that we would have an opportunity to reduce defense spending and increase domestic discretionary spending in order to address critical human and physical infrastructure needs of this Nation.

So we had at it. We had our chance. I did the best I could. But we failed. That measure was defeated. But that was a measure that was done at a time when the action would have been most appropriate. That was before the budget resolution was adopted. The measure was defeated. Therefore, the budget resolution continued to separate defense from domestic discretionary spending as required by the Budget Enforcement Act.

As chairman of the full Committee on Appropriations, I have done my best under very difficult circumstances again and again to provide increases for the Labor-HHS Subcommittee. I have done this every year for 4 years, each of the 4 years that I have been chairman of the Appropriations Committee, and I am most sympathetic to the problems encountered by the Senator from Iowa in trying to adequately fund the needed programs. However, for the record, let me state that since I have been chairman of the full Appropriations Committee, overall discretionary funding for the Labor-HHS Subcommittee has increased by $20.582 billion in budget authority, going from $41.058 billion in fiscal year 1989 to $61.640 billion in fiscal year 1993. That is slightly over a 50-percent increase.

I have also worked to give the Labor-HHS Subcommittee, in fiscal year 1993, this year, another $500 million in budget authority and $410 million in outlays by funding impact aid in function 050. The net effect of this additional allocation, after funding urban aid, was to increase outlays for the Labor-HHS Subcommittee by over $200 million. That is making our very limited allocations go a long way, as that is stretching what we have in order to try to meet the particular needs that are addressed by the Labor-HHS Subcommittee.

Taking into account the appropriations in the bill before us today, since fiscal year 1989, funding for education has increased by 37.3 percent, going from $16.980 billion to $23.317 billion. NIH biomedical research funding has increased by 45.2 percent, going from $7.144 billion to $10.374 billion. Funding for community health centers has increased by 24.8 percent, going from $435.4 million to $543.5 million. Funding for Head Start has increased by 126.9 percent, going from $1.235 billion to $2.801 billion. And funding for immunizations has increased by 142.6 percent, going from $141.9 million to $344.3 million.

These are all worthy programs, they are all good programs, and they could appropriately use more money. They are important programs. I support every one of them.

In order to pay for the $4.1 billion in additional increases in the Harkin amendment, a cut would be made in unobligated defense balances. The cold war is over, and our spending should begin to reflect that fact. But this should be done in an orderly fashion by the authorizing and appropriations committees. We should not be cutting willy-nilly. No one knows for sure what impact these cuts will have upon our national security.

I should also point out that other appropriations subcommittees have experienced the same extremely tight budgetary constraints that have been faced by the Labor-HHS Subcommittee in meeting increased infrastructure needs. Such programs as veterans' health care, nutrition programs, housing programs, water and sewer facilities, Indian health, law enforcement, and many other domestic discretionary programs are also—also—in need of additional funding above and beyond what the subcommittees have been able to provide. But all other bills funding domestic discretionary programs have passed the Senate with the exception of the legislative appropriations bill, and no attempt was made by other chairmen to increase spending for programs in their bills by taking down the defense wall.

In the interest of fairness, if we are going to take down the wall, the moneys that are derived from such actions should be used to help alleviate some of the serious problems in all of the subcommittees, not just one, all of the other subcommittees which also fund critical domestic needs. Under the Budget Enforcement Act, this is the third and last year of separation between defense and domestic and international spending.

Next year, the walls, like the walls of Jericho, will come tumbling down. The fiscal 1994 budget resolution and allocations to the Appropriations Committee will reflect that fact. There will be no domestic versus defense versus international spending, and amendments of this nature will not be needed.

So I say to my colleague, Senator HARKIN, he has done a good job, but this transfer amendment is not the answer. We are only fooling ourselves if we think that this amendment will solve any of our problems.

While we debate and spin our wheels here on the Senate floor, the President is sharpening his veto pencil. I fought this fight over and over again, as majority leader, as minority leader, again as majority leader; and as chairman of the Appropriations Committee, I will continue to fight for more domestic discretionary funding.

I was at the summit. I fought for infrastructure funding there. And funding for the programs that are outlined in the amendment that is before the Senate are infrastructure programs. They constitute the human side of infrastructure. I made that fight in the heat of the day at the summit in 1990. I was a participant there. So I do not come as a Johnny-come-lately to this battle. I was there when we went over the top. I was there when we used the bayonets, when we went up to the mouths of the cannon and down the barrel.

I made that fight. There are other Senators here who were there. They know that I made that fight. Dizzy Dean said, "It is all right to brag if you have done it." I am not bragging, but I have "done it." I was there and I made that fight. What I am saying is that we have tried. And I am on the side of the Senator from Iowa; I am on his side when it comes to the national priorities that he seeks to address here today, and other Senators have likewise supported him in their speeches today. What they are doing—and I compliment them in this respect—is, they are trying to emphasize what ought to be our national priorities.

I would hope that the Presidential debates would focus on the national priorities. Mr. Clinton's draft status 25 years ago might be an interesting mini-subject or side show; but it has nothing to do with who will have jobs in January of next year, or the middle of next year, or what the status of the economy will be next year; what the status of the economy is going to be 2 years from now, 5 years from now, 10 years from now, or what the job situation will be; what the deficit situation will be, what the trade deficit will be. Mr. Clinton's draft status has nothing to do with that. From that standpoint, from the standpoint of the future, I could not be less interested in Mr. Clinton's draft status.

I suggest that the Presidential contenders on the hustings look forward, rather than backward. We are told in Luke that "No man, having put his hand to the plough, and looking back, is fit for the Kingdom of God."

So I hope that we will quit looking backward, stop talking about Mr. Clinton's draft status a quarter of a century ago. I could not care less. I hope the people of this country focus on the future. What is each of these contenders going to do about jobs for our people? What are we going to do to enhance the economic status of our young people? What are we going to do to enhance their opportunities to get a good education, to go to college?

Let us focus on the future, the national priorities. That is what we ought to be talking about in the Presidential campaign, and that is what these Senators are talking about on this amendment—national priorities. I am a supporter of these programs.

But, Mr. President, we are also told not to do a vain thing. That is exactly what we are doing here today. Even if the House were to agree to this amendment, even if the House were to agree to take down the wall, the President is going to veto this bill, and we cannot override his veto. We do not gain a thing by sending the bill downtown to have him veto it, send it back up here, and we capitulate. We capitulate. Yes, we knuckle under.

The ancient Romans, when they defeated the barbarians in a battle, would make them walk under a yoke—strip them of their clothes and their arms, humiliate them, and make them walk under the yoke. A few times, the Romans were defeated themselves and had to walk under the yoke.

But there is no point in our attempting to contest the President on this. He would veto this bill and make Congress walk under the yoke. Why should we not live up to the agreement for 3 more months? It is a vain thing to attempt to break it. We tried it. We had our chance. I voted to break it, but I voted to break it and spread it across all of the subcommittees, not just one. And I voted to break down the wall at the appropriate time, before we had passed the budget resolution. So it comes at the wrong time, and I hope that Senators will not support this amendment.

I understand that the distinguished Senator from Georgia [Mr. NUNN], will make a point of order against the amendment, and to waive the Budget Act will require 60 votes. I will vote not to waive the Budget Act and will support the point of order, if it is made. If it is not made, I will make it myself.

I will continue to fight for more domestic discretionary funding. I will continue to work to pare back defense spending. I was practically the last Senator out of Vietnam. I was here and offered an amendment on one occasion when I was majority whip. My own leader, Mr. Mansfield, was against my amendment, but I offered an amendment in support of the President who, at that time, was Mr. Nixon. In other words, the amendment said that the President of the United States has the responsibility to do whatever is within his power to protect our young men who are sent abroad and to bring them home safely.

The President of the United States at that time was bombing the Vietcong enclaves in Cambodia. So some of my colleagues on this side of the aisle did not like that. Well, I supported it, because I felt that was one way of saving American boys' lives.

So I have been strong on defense over these years. But as I said a moment ago, in essence, times have changed. We face a different world today. We have an agreement, and we are kidding ourselves. This is an exercise in futility, notwithstanding the noble purposes of the Senator from Iowa and what he is trying to do. He is right in everything he says about the programs, about the need for more money. But there is no point, Mr. President, in butting our heads against the wall.

Mr. WARNER. Mr. President, could I interrupt?

Mr. BYRD. In the year 9 A.D., the Battle of Teutoberg Forest took place, and Arminius, the German leader, defeated, devastated and destroyed three Roman legions under the leadership of Quintilius Varus.

Augustus, the first emperor, ruled from 27 B.C. to 14 A.D. His name was Gaius Octavius and later took the name of Gaius Julius Caesar Octavianus when adopted by Julius Caesar, his uncle. He was given the title "Augustus" by the Roman Senate—a title meaning "sacred," "exalted." When Augustus heard that the three legions of Varus had been destroyed in the marshes and forests of Germany, for months after that he would butt his head against the wall and exclaim, "Give me back my legions, Quintilius Varus, give me back my legions!"

Mr. President, we are butting our heads against the wall here. That is what we are doing. If, as I say, the House were to agree to this amendment, the President is going to use that veto pencil and then we will have butted our heads against the wall. We will then trim this amendment from the bill and send the bill back to him. We do not have the votes to override.

So I urge Senators to reject this amendment.

Mr. WARNER. Mr. President, may I inquire of the Chair the remaining time controlled by the Senator from Virginia.

The PRESIDING OFFICER. The time allocated has expired.

Mr. WARNER. Mr. President, at the appropriate time I will seek further time in recognition of the fact that the Senator from Wyoming desires to address the Senate as well as the Senator from Georgia.

I yield to the Senator from West Virginia.

Mr. BYRD. Before the Senator yields, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I will continue to fight for more discretionary funding and pare back defense spending. However, I cannot support an amendment that of a certainty means a veto of this bill and delay in fiscal year 1993 funding for important human needs.

Mr. President, we need to pass this bill. We need to go to the conference, adopt a conference report, get the bill on the President's desk, have the President sign it so that the moneys already in the bill can be distributed to meet these very important needs which the distinguished chairman of the subcommittee supports.

I urge the Senate to support the point of order when it is made.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, first I thank the distinguished chairman of the Appropriations Committee, my friend and colleague from West Virginia, for a very informed presentation which is directly to the point.

Mr. President, I would like to make two unanimous-consent requests.

First, on behalf of the Senator from Iowa [Mr. GRASSLEY] to submit a statement and ask that it be included in the RECORD prior to the vote on the Harkin amendment as if stated in full.

And, second, I ask unanimous consent that the Senator from Virginia may be allocated another 8 minutes under his control on this amendment: 4 minutes for the junior Senator from Wyoming, and 4 minutes for the senior Senator from Georgia [Mr. NUNN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. May I inquire how much time we have remaining.

The PRESIDING OFFICER. All time allocated to the Senator from Virginia has expired. The Senator from Iowa has 21 minutes and 25 seconds remaining.

Mr. HARKIN. Might I inquire whether we had an hour-and-half time agreement, 90-minute time agreement? Is the Senator from Virginia asking for unanimous consent to extend that time limit?

Mr. WARNER. Mr. President, the Senator is correct. I am asking for 8 additional minutes under the control of the Senator from Virginia, specifically 4 minutes for the Senator from Wyoming and 4 minutes for the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Chair recognizes the distinguished junior Senator from Wyoming.

Mr. SIMPSON. Mr. President, I appreciate that, and I appreciate the courtesy of the Senator from Iowa.

I know it is time running, and I had come to the Chamber, and I appreciate his courtesy.

I think we should indeed pay heed to what our senior colleague from West Virginia tells us. And always it is done with such tremendous sweep of history through the centuries of human life as he describes these various issues that confront us every day.

And he did fight the fight. I watched the fight go on out at Andrews air base. All of us did, and thank the heavens that we were not involved in the selectees who were out there doing the work.

But I have been listening to the debate. And it is indeed difficult to speak in opposition to the idea of earmarking money for investing in our children. And I think all of us want to invest in our children.

Certainly one place that we might start is to adopt a different attitude toward the national debt, which they are destined to pay off. While we do our work here and talk about a $400 billion deficit, we seldom talk about the $4 trillion debt, $4,154,000,000,000 as of March 1993, which we set very definitely for that date so it would be long past the Presidential election. Both of us on both sides of the aisle did that.

So if you really are concerned about the future that awaits America's children, and you are really deeply concerned we might start right there, because that is where it is. So we just continue to add, because we never say no. No one says no. You say no and you are retired from public life.

You hear a lot of concerns expressed about the Federal deficit, lots of theories of what caused it. Was it Reagan tax cuts? Was it runaway defense spending? We hear all of those and certainly it is often implied if we can only get defense spending under control the Federal deficit will be too. That is just not true.

And then how are we going to describe to the people in the military who committed themselves in a volunteer branch of service that we cannot meet the contract, and we cannot, but then you do not tell them that they are out on the street in addition to that and a further cut from what two able people, the Secretary of Defense and our Chairman of the Joint Chiefs of Staff, have told us.

So we are back to where we always are. We talk about the peace dividend. Defense spending has been the bane of the Federal budget, and it gave us peace in the world. And then when the peace dividend comes all will be well and everything is right and heaven is in alignment with the stars.

That is not true. We know that.

This is not about how much to spend on defense. I have heard it said here today that it is time to spend less on defense, but the 1990 budget agreement obligates not one nickel of expenses on defense or anything else. It sets spending caps. And no amending of the Budget Act is necessary to reduce defense spending.

So, Mr. President, I could tell you that the Congress dispenses plenty of money on the domestic front. If you really want to save some bucks we could do something with health care this session, that is only 800 billion bucks a year, and we are not doing anything.

But the last comments I heard in the House a few weeks ago where we did not want to deal with the Republican plan on health care, because they thought it might pass. That is what is going on in America today. We are all bright people. We know what we are up to. The issue of the campaign may not be about the draft. But it is about telling the truth. And that is probably going to be pursued. And the pursuit of truth means a great deal to the senior Senator from West Virginia. I have heard him speak on it many times.

So, as we kind of put this all in political context of here we are, let us talk about it, if you are talking about or if we are talking about investing in our children, somebody talk to us please how we are spending their inheritance. I do not think we will hear that debate take place between now and November 3 in any forum.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, I would prefer to defer to my colleague and use whatever time I have been allocated in approximately 10 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 21 minutes and 25 seconds remaining.

Mr. HARKIN. Mr. President, I yield whatever time I may consume.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, it is hard to know where to start, after listening to the speeches in opposition to the amendment.

But, first of all, I ask unanimous consent to have printed in the RECORD a list of 111 different organizations representing education and health and human services that support this transfer amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST

AAUAP
AFL-CIO
AIDS Action Council
Alliance for Aging Research
American Academy of Pediatrics
American Association of Retired Persons
American Association of School Administrators
American Association of State Colleges and Universities
American Association of University Professors
American Cancer Society
American Council on Education
American Federation of Clinical Research
American Federation of Teachers
American Gas Association
American Heart Association
American Library Association
American Public Health Association
American Public Welfare Association
American Vocational Association
Association of American Medical Colleges
Association of American Universities
Association of Maternal & Child Health Programs
Association of State and Territorial Health Officers
Bread for the World
Breast Cancer Coalition
Child Abuse Coalition
Child Welfare League of America
Children's Defense Fund
Citizen's Labor Energy Coalition
Coalition of Health Funding
Coalition on Human Needs
Committee for Education Funding
Community Action Foundation
CONEG
Consortia for Citizens with Disabilities
Council for Exceptional Children
Council of Chief State School Officers
Council of Great City Schools
Families, USA
FASEB
Food Research Action Council
Head Start Association
Hebrew Congregations
Home Builders Institute
Kids Count
Kyros Associates
League of Cities
Lutheran Social Services
March of Dimes
Markey & Associates
Michigan Consolidated Gas
NAAAA
NAFEO
NAMI
National Association of Area Agencies on Aging
National Association of College Admission Counselors
National Association for the Education of Young Children
National Association of Community Health Centers
National Association of Counties
National Association of Elementary School Principals
National Association of Federally Impacted Schools
National Association of Independent Colleges and Universities
National Association of Land Grant Colleges
National Association of Secondary School Principals
National Association of Social Workers
National Association of Student Financial Aid Administrators
National Consumer Law Center
National Council of Educational Opportunity Associations
National Council of Senior Citizens
National Council on Aging
National Education Association
National Governors Association
National Head Start Association
National Mental Health Association
National School Boards Association
New York State Education Department
Service Employees International Union, AFL-CIO
Sheridan Group
United Negro College Fund
U.S. Conference of Mayors

ADDENDUM

American Association of Classified School Employees
American Association of Community Colleges
American Association of School Administrators
American Association of State Colleges and Universities
American Association of University Professors
American Educational Research Association
American Federation of Teachers
American Library Association
American Vocational Association
Association of American Publishers, Inc.
Association of Community College Trustees
California State Department of Education
California State University
Career College Association
The College Board
Cooperative Education Association Inc.
Council for Educational Development and Research
Council of Graduate Schools
National Association for Equal Opportunity In Higher Education
National Association of College Admission Counselors
National Association of Independent Colleges and Universities
National Association of State Universities and Land-Grant Colleges
National Council of Educational Opportunity Associations
National Education Association
National School Boards Association
National Vocational Agricultural Teachers' Association, Inc.

New York State Education Department
Rochester City School District
United States Student Association
Washington Superintendent of Public Instruction

AMERICAN ASSOCIATION OF
STATE COLLEGES AND UNIVERSITIES,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the American Association of State Colleges and Universities' (AASCU) 375 member institutions I am writing to urge you to vote in favor of two amendments, one sponsored by Senator Harkin and the other by Senator Specter, to the FY 1993 Labor, HHS and Education Appropriations bill (HR 5677), that would transfer funds from defense programs to severely underfunded health and education programs.

Both amendments would provide critically needed funding for the Pell Grant program. *H.R. 5677, as reported out of Committee, reduces the Pell Grant maximum award from $2,400 to $2,300.* This funding level is a stark contrast to the $3,700 maximum award for the 93-94 academic year included in the Higher Education Act Reauthorization that recently passed the Senate with only one dissenting vote and was signed by the President.

The number of students eligible to receive a Pell Grant has increased dramatically as a result of the recession. The Pell Grant program is suppose to assist students and families during such difficult economic times. We must not renege on our promise in the Higher Education Act to assist our nation's citizenry in continuing their education in order to attain the necessary skills to compete in today's changing workforce.

Again, I urge you to vote in favor of both the Harkin and Specter amendments. Your affirmative vote is needed for both amendments in order to avoid a split that would prevent the passage of both bills.

Sincerely,
EDWARD M. ELMENDORF,
Vice President,
Government Affairs and Policy Analysis.

NATIONAL ASSOCIATION OF STATE
UNIVERSITIES AND LAND-GRANT
COLLEGES,
Washington, DC, September 14, 1992.

DEAR SENATOR: We write in behalf of the membership of the National Association of State Universities and Land-Grant Colleges to urge your support for the amendment to be offered by Senator Harkin to the FY 1993 Labor-HHS-Education Appropriations bill that would transfer $3.85B from unobligated defense procurement funds to health, education, and human service programs in the Departments of Education and HHS.

The amendment contains sixteen program categories central to the future well-being of this country. It would provide supplementary support to such programs as Head Start at the very beginning of the education spectrum and support for disadvantaged students to attend colleges and participate in vocational training programs. The education funds clearly are focused on those families in this country in greatest need of assistance to obtain education and training that will move them into the mainstream of this country, particularly Pell Grants, TRIO and Part B, developing institutions.

The additional funds for health are directed at programs that have been seriously underfunded despite their significance in creating better health circumstances for the country. They include biomedical research funds and urgently needed funds at CDC for prevention of diseases.

In the best sense of the term, these funds are an investment in the citizenry and will provide far greater returns to the nation than their original investments.

We believe that the transfer is consistent with the national policy of conversion from military to civilian spending and that in no way would undermine the security statute of our nation. Again, we ask you to support the Harkin Amendment when it is brought to the floor of the Senate.

Cordially,
C. PETER MAGRATH,
President.

AMERICAN FEDERATION
OF TEACHERS, AFL-CIO,
Washington, DC, September 14, 1992.

All SENATORS,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The Senate will shortly consider H.R. 5677, the F.Y. 1993 Labor, Health and Human Services, Education and Related Agencies Appropriation Bill. Senator Harkin will offer an amendment to transfer approximately $4 billion in defense savings to investments in education, health and other services—principally for children.

The number of children living in poverty, and without adequate education, health care, and other necessities, has grown alarmingly in recent years. The failure to invest in services for children is a false economy and undercuts the welfare of society as a whole. Without passage of the Harkin amendment, or of complimentary measures, the objectives of programs such as Chapter One, Head Start, Child Care, and a variety of programs serving children's health and well being will be seriously eroded.

In February of this year, the American Federation of Teachers issued a set of Proposals for Children in Crisis. The Harkin amendment addresses many of the needs identified in the AFT proposals. Accordingly, the American Federation of Teachers urges you to support the Harkin amendment.

Sincerely,
GREGORY A. HUMPHREY,
Executive Assistant to the
President and Secretary-Treasurer.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: The National Education Association urges you to vote for an amendment to the Fiscal Year 1993 Labor-Health and Human Services-Education Appropriations bill to be offered by Senator Harkin. The amendment would transfer $4.1 billion in budget authority to essential domestic programs, including education.

NEA believes that providing adequate education, health, and related programs that foster the well-being of children and youth is the most vital investment our nation can make in its future strength. Without additional resources in FY93, essential programs within the Department of Education, including Chapter 1, Pell Grants, and Individuals with Disabilities Education, may not be able to maintain the level of services provided last year.

Given the national emphasis on achieving ambitious educational goals by the year 2000, the federal government must assure full educational opportunity to all students eligible and in need of assistance. Acceptance of the Harkin amendment will make a significant improvement in the long-term security of the U.S.

NEA intends to use votes associated with this amendment in the final Legislative Report Card for the 102nd Congress.

Sincerely,
DEBRA DELEE,
Director of Government Relations.

NATIONAL ASSOCIATION OF
SECONDARY SCHOOL PRINCIPALS,
Reston, VA, September 14, 1992.

Vote Yes to the Harkin Amendment.

DEAR SENATOR. The National Association of Secondary School Principals (NASSP), the association of 43,000 middle level and high school administrators, urges you to vote for Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. Passage of this amendment is crucial to millions of students who are currently denied access to adequate education and health services due to a lack of federal and state resources.

The Harkin amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education, health, and social programs to serve the immediate needs of millions of students who are currently denied access to preschool, Chapter 1 services, and student financial aid due to inadequate federal and state resources.

A total of $1.35 billion would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocation Education ($100 million), Pell Grants ($500 million), Developing Institutions ($50 million), and Libraries ($50 million).

America's domestic needs will not be met by rhetoric. The end of the Cold War has provided Congress with a unique opportunity to begin to restructure our national priorities and to invest in the education and health needs of our nation's youth and their families. NASSP urges you to seize this opportunity to demonstrate your commitment to our nation's future.

Please vote for the Harkin transfer amendment and for any other amendment that would provide additional resources for the education and well being of our students.

Very sincerely,
TIMOTHY J. DYER,
Executive Director.

NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES,
Washington, DC, September 14, 1992.

DEAR SENATOR: I am writing on behalf of the National Association of Independent Colleges and Universities, representing more than 800 of the nation's nonprofit colleges and universities, to urge your support for the amendment by Senator Harkin to transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to fund a Strategic Children's Initiative.

Funding for domestic discretionary spending has dropped over $395 billion in the past eleven years. Programs directed at needy students wanting to attend higher educational institutions have been particularly hard hit by these reductions. The increasing difference between promise and reality is shown by the gaps of what is promised in authorizing legislation and what is actually funded. It is in our spending practices, not our promises, that we show our true policy priorities. This is disturbing at best, and cynical at worst. Today's students deserve to have at least the same chance for educational success as did their parents, and yet we are failing to meet the promise of educational opportunity.

We must not allow the social and economic divisions of this country to worsen, but must instead continue the proud tradition of this nation to invest in economic equality through investment in education. You can help to make that true with your support of the Harkin transfer amendment.

Sincerely,

RICHARD F. ROSSER,
President.

ASSOCIATION OF
AMERICAN UNIVERSITIES,
Washington, DC, September 14, 1992.

DEAR SENATOR: I write on behalf of the 58 member research universities of the Association of American Universities (AAU) to request your support for an amendment that will be offered to the FY '93 Labor/HHS/Education Appropriations bill by Senator Tom Harkin (D-IA).

The amendment will transfer $4.1 billion in budget authority and $1.5 billion in outlays from unobligated funds in the Defense Department to a variety of education and health programs including biomedical research programs at the National Institutes of Health and graduate education fellowships at the Department of Education. Unless the Harkin amendment is approved, there is a strong likelihood that these and other needed programs will face substantial cuts.

I urge you to vote in favor of this amendment, which will provide a needed investment in the education and health needs of all Americans.

Sincerely,

ROBERT M. ROSENZWEIG.

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the Council of Chief State School Officers, I am writing to urge you to vote for Senator Harkin's amendment to the Labor, HHS, and Education Appropriations bill for FY 93.

The Harkin Amendment would transfer $4.1 billion in budget authority from defense programs to vital and underfunded human resource programs for FY 93. This transfer targets a $1.3 billion increase to education including $400 million for Chapter 1, $150 million for special education programs, $100 million for vocational education, $500 million for Pell Grants, and $600 million for Head Start.

Passage of the Harkin Amendment is essential to offset what is so far the worst year for education funding in nearly a decade. At a time when a "peace dividend" is urgently needed to direct substantial new resources to unmet education and other social service needs, no new investment have been made. The Harkin Amendment is the 102nd Congress' last opportunity to reorder its priorities and provide support for education programs in FY 93.

It is time to invest in the future of our children and our nation. Again, we urge you to vote for the Harkin amendment when it is considered on the Senate floor this week.

Sincerely,

CARNIE HAYES,
Director, Federal/State Relations.

STATE EDUCATION DEPARTMENT/THE
UNIVERSITY OF THE STATE OF NEW
YORK,
Albany, NY, September 14, 1992.

MEMORANDUM

To: U.S. Senators.

From: Thomas Sobol, New York State Commissioner of Education.

On behalf of the New York State Board of Regents, the policymaking body for all levels of education in the State, I write to urge strong support for the transfer amendment to be offered by Senator Harkin to the FY 1993 Labor, HHS, Education appropriation bill to be considered by the Senate this week. The Regents believe the amendment will provide critical education and related programs with the resources to help expand services to eligible children and adults.

To address the need for an increased investment in education, we supported congressional attempts to transfer from defense programs to domestic priorities earlier this year. With the end of the Cold War and a relaxed need for defense spending, the Regents believe it is appropriate for Congress to address critical domestic needs, including education. The Senate Labor, HHS, and Education appropriation bill significantly underfunds education programs for fiscal year 1993.

The Harkin amendment would provide $3.85 billion for education and health programs, including $400 million for compensatory services for disadvantaged children, $150 million for children with special needs, $50 million for libraries, $500 million for student aid and $100 million for vocational education. The amendment also provides $600 million for Head Start and funding for other children's programs.

By allowing a transfer of capital from undesignated defense funds into crucial education programs, the Senate can put our national resources where they can best make a difference. The Regents believe a funding increase for education programs will be an investment that will help enable our country to surmount its economic and social problems in the future. We believe Senator Harkin's amendment will allow proven education programs the needed resources to ensure our nation's progress. The New York State Regents urge your support of this important amendment.

COMMITTEE FOR EDUCATION FUNDING,
Washington, DC, September 14, 1992.

DEAR SENATOR: The Committee for Education Funding, a coalition of all major education associations, urges you to vote for Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. Passage of this amendment is imperative if we are to address the immediate needs of millions of students that are currently denied access to preschool, Chapter 1 services, and student financial aid due to a lack of adequate federal and state resources.

The amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education, health, and social service programs. A total of $1.35 billion in budget authority would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocational Education ($100 million), Pell Grants ($500 million), TRIO ($50 million), Developing Institutions ($50 million), and Libraries ($50 million).

Congress has had a unique opportunity this year to begin to reorder our nation's priorities, to reflect the end of the Cold War, and to invest in the education and health needs of our children and their families. But as the 102nd Congress comes to a close, our children's needs have taken a back seat to the status quo. We urge you to seize this opportunity now and vote to make a real investment in our nation's future. We urge you to vote for the Harkin transfer amendment and for any other amendment that would provide additional resources for the education of our students.

The future of this nation depends on an educated and healthy work force. America's domestic needs cannot be met by rhetoric alone. Public investments rely on the commitment of resources and political will. We urge you to reinforce your commitment to the education, health and well being of all Americans by voting for the Harkin amendment.

Sincerely,

CEF EXECUTIVE COMMITTEE.

AMERICAN ASSOCIATION OF
SCHOOL ADMINISTRATORS,
Arlington, VA, September 14, 1992.

DEAR SENATOR: The American Association of School Administrators, representing more than 18,000 local superintendents and school executives, urges you to support the Harkin Transfer Amendment to H.R. 5677, the Fiscal Year 1993 Appropriation for the Departments of Labor, Health & Human Services, and Education.

No country can ignore its young people as long as we have and expect to thrive in the world of nations.

More and more of our children lack fundamental health care—from pre-natal to early immunization, lack compensatory education, and lack sufficient services to help overcome social, physical and mental disabilities.

The Harkin Transfer Amendment would not only help our country make a sound investment in the growing numbers of young people who see no future for themselves, but it would also provide some of the job training we desperately need for adults to convert our economy from one that is oriented toward the military to one that is more oriented toward domestic consumption.

Take a right step for America. Support the Harkin Transfer Amendment.

Sincerely,

NICHOLAS J. PENNING,
Director of Legislation.

COALITION FOR HEALTH FUNDING,
COMMITTEE FOR EDUCATION FUNDING, COALITION ON HUMAN NEEDS,
September 11, 1992.

DEAR SENATOR: As the presidents of coalitions that, together, represent over 200 national health, education and human service organizations we urge you to support Senator Harkin's amendment to transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to programs addressing the health, education, and human service needs of the nation's children, youth and families. The amendment will be offered to the FY '93 Labor-HHS-Education Appropriations bill.

We have joined together in this effort to win support for Senator Harkin's amendment because, over the past decade, federal support for health, education and human service programs has not matched the growing needs of our nation. Inadequate support for health research, treatment and prevention has contributed to the resurgence and spread of disease. Inadequate support for education has hurt our nation's ability to complete economically in an increasingly competitive world. Inadequate support for human service programs hurt our most disadvantaged citizens and contributes to the rising number of families in poverty.

The Harkin transfer amendment would provide $4.1 billion in additional resources to many of the agencies and programs that address these important human needs. These additional resources would help us wage and win the battle against disease and poverty, and help us adequately prepare the next generation to ensure our future.

Please support the Harkin transfer amendment and help improve the health and well-being of all Americans.

Sincerely,

KATHERINE McCARTER,
President, Coalition for Health Funding.
ARNOLD L. MITCHEM,
President, Committee for Education Funding.
JENNIFER TUCKER,
Chairwoman, Coalition on Human Needs.

CALIFORNIA STATE DEPARTMENT OF EDUCATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the State of California Department of Education, I urge you to vote in favor of Senator Harkin's Transfer amendment which will be offered to the FY 1993 Labor, HHS, Education Appropriations bill.

This amendment proposes to transfer $4.1 billion dollars in unobligated defense procurement funds to programs which address the significantly underfunded health, education, and human service needs of our nation's children, youth and families. A total of $1.35 billion would be allocated to Chapter 1, Special Education, Impact Aid, Vocational Education and Pell Grants. These additional funds would begin to address the immediate needs of the millions of students who currently are denied access to these essential programs due to lack of adequate state and federal resources.

Again, I strongly urge you to vote for Senator Harkin's proposed transfer amendment. The Harkin amendment is an investment that we can afford to make.

Sincerely,

PATRICIA G. McGINNIS,
Federal Liaison Officer.

CALIFORNIA STATE UNIVERSITY,
Washington, DC, September 14, 1992.

DEAR SENATOR: The California State University urges you to vote for an amendment Senator Tom Harkin will offer when the Labor, HHS, Education Appropriations bill is brought to the Senate floor. This amendment would transfer $4.1 billion in budget authority and approximately 1.5 billion in outlays from unobligated funds in the defense procurement account to vital and significantly underfunded education, health, and children's programs.

It is ironic that at the same time government and business leaders are recognizing the severe long-term consequences of America's education deficit, we are not providing our disadvantaged and underrepresented citizens with the resources to obtain a college education. The Harkin Amendment provides $500 million for Pell Grants which would make a college education a reality for many citizens who otherwise lack the financial resources. With respect to the California State University, approximately 60,000 or 16 percent of its students receive Pell Grants.

Congress has a unique opportunity to begin to reorder our nation's priorities, to reflect the end of the Cold War, and to invest in the education and health needs of our children and the competitiveness of our workforce. We urge you to view this amendment as an opportunity to vote to make a real investment in our nation's future.

If America is to succeed in an increasingly competitive world, we must expand our efforts to provide our children with a better education and our workers with more advanced skills. Given the critical need to invest more in America's human capital, I urge you to support the Harkin Amendment.

Sincerely,

BETH B. BUEHLMANN,
Director.

COOPERATIVE EDUCATION ASSOCIATION, INC.,
Beltsville, MD, September 13, 1992.

DEAR SENATOR: The Cooperative Education Association joins other member organizations of the Committee for Education Funding in urging you to vote for Senator Harkin's amendment to the FY 1993 Labor, HHS, Education Appropriations bill. The amendment addresses some of the vital and immediate needs of students denied student financial aid, Chapter I, and preschool services due insufficient federal and state resources. It would transfer $4.1 billion in budget authority from the Department of Defense to, not only, education, but also health and social service programs.

One of the backbones to our economy recovering over the long term must be a better educated work force. The status quo in budget outlays towards education will not achieve this. Congress has a unique opportunity this year to back up rhetoric about our children's unmet education needs with a re-prioritized commitment of resources and political will. Voting for this amendment is one step in that direction. We urge you to take that step!

Sincerely,

GERALD McGAUGHRAN,
Co-chair, Legislative Affairs Committee.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,
Washington, DC, September 14, 1992.

DEAR SENATOR: I write on behalf of the American Association of University Professors to urge you to support and vote for Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. The Amendment provides funds necessary to permit access of qualified students to currently authorized education programs.

The Harking amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to underfunded education, health, and social service programs. A total of $1.35 billion would be allocated to Pell Grants ($500 million), Developing Institution ($100 million), Libraries ($50 million), Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), and Vocational Education ($100 million).

The American Association of University Professors strongly supported the Sasser Amendment to permit the transfer of funds from the Department of Defense to underfunded domestic discretionary programs. Failure to approve the Sasser Amendment has led to the current situation in which proposed FY 1993 funding is inadequate to rapidly growing needs in education, health, and social service programs. Additional funds are required to meet those needs under currently authorized programs.

Congressional consideration of this appropriations bill takes place in an environment of severe economic recession. Budgetary economies, resulting from the fiscal crises of state and local governments, are damaging schools, colleges, and universities just at a time when improved and expanded education is widely recognized as the essential key to the future productivity and competitiveness of Americans. The higher education programs most deeply affected are those involving students who are also eligible for assistance under Federal student assistance programs.

We ask you to support and vote for the Harkin Amendment and any other amendments that would provide additional resources to education programs. We believe that approval of these funds would reflect your desire to make a real investment in education and the future of our society.

Sincerely,

ALFRED D. SUMBERG,
Associate General Secretary.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: The American Library Association, an association of over 55,000 librarians, library school students, trustees, educators and other friends of libraries, urges your support of HR 5677, the FY93 Labor, HHS, Education Appropriations bill and Senator Harkin's transfer amendment that will be offered to HR 5677.

The effects of a continuing recession are visible across the country, and we know you have been monitoring the situation in your community. The effects on the library systems across the nation have been severe, resulting in some libraries cutting personnel, hours of service and even closing their doors, at a time when library usage across the country is increasing dramatically. The educational infrastructure which serves our citizens from the very young to the very old is at risk.

Senator Harkin proposes to transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense, one-half of one percent of DOD's FY93 outlays, to add necessary dollars to Head Start, education and libraries, immunizations, Maternal and Child Health, Child Care Block Grant, Community Health Centers, child abuse and the Job Corps. It would also add funds for Low-Income Home Energy Assistance Program (LIHEAP), biomedical research, AIDS care, and various women's health initiatives.

We ask you to seize the opportunity to make a real difference in programs and in the lives of children, and vote for the Harkin amendment and for any other amendment that would provide additional resources for education.

Sincerely,

EILEEN D. COOKE,
Director, Washington Office, American Library Association.

AMERICAN ASSOCIATION OF CLASSIFIED SCHOOL EMPLOYEES,
Alexandria, VA, September 14, 1992.

DEAR SENATOR: The American Association of Classified School Employees (AACSE) strongly urges passage of Senator Harkin's amendment to the Labor, HHS, Education Appropriation bill, which is expected to be considered as early as tomorrow. The Harkin amendment would transfer $4.1 billion in budget authority from Defense programs to critically underfunded social programs benefiting children, social services, and women's health.

The Harkin Amendment would shift $1.35 billion from Defense expenditures to education programs. Investing in the children of America is vital to creating economic growth and competitive workers for the future of the country, as well as offsetting the increased educational needs of those families suffering financial hardship because of the recession.

On behalf of all our members, we hope that you can take this small step towards strengthening the ability of future American workers to compete by giving educators the tools necessary to help today's children. Please support the Harkin amendment to the Labor, HHS, Education Appropriation bill.

Sincerely,

TERRY D. DROUGHT,
President.
ARNOLD M. SCHNEIDER,
Executive Director.

NATIONAL COUNCIL OF EDUCATIONAL
OPPORTUNITY ASSOCIATIONS,
Washington, DC, September 14, 1992.

DEAR SENATOR: I am writing on behalf of the National Council of Educational Opportunity Associations (NCEOA) to urge you to vote for Senator Harkin's transfer amendment that would be offered to the Labor, HHS, Education Appropriations bill. The amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education, health and social service programs. The amendment provides an additional $50 million for TRIO programs, sufficient funding to serve an additional 83,000 students. Specifically, Congress, the Administration, and the public see TRIO as a proven approach to ensure increased college enrollment and graduation rates for low-income and working class students.

The majority of the TRIO funds made available by this amendment would be utilized to fund supportive services to low-income students at additional campuses. Absent these services, many low-income students do not have a realistic opportunity to succeed in college. Many campuses, faced with severe cut-backs in state funds, are unable to provide these services without federal support.

We deeply appreciate your past support of education and of the TRIO programs. We in the TRIO community urge you to reinforce that commitment to our nation's students by voting for the Harkin amendment.

Sincerely,

DR. ARNOLD MITCHEM,
Executive Director.

ROCHESTER CITY SCHOOL DISTRICT,
Rochester, NY, September 14, 1992.

DEAR SENATOR: The Committee for Education Funding, a coalition of all major education associations, urges you to vote for Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. Passage of this amendment is imperative if we are to address the immediate needs of millions of students that are currently denied access to preschool, Chapter 1 services, and student financial aid due to a lack of adequate federal and state resources.

The amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education, health and social service programs. A total of $1.35 billion in budget authority would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocational Education ($100 million), Pell Grants ($500 million), Developing Institutions ($50 million), Libraries ($50 million) and Trio ($50 million).

Congress has had a unique opportunity this year to begin to reorder our nation's priorities, to reflect the end of the Cold War, and to invest in the education and health needs of our children and their families. But as the 102nd Congress comes to a close, our children's needs have taken a back seat to the status quo. We urge you to seize this opportunity now and vote to make a real investment in our nation's future. We urge you to vote for the Harkin transfer amendment and for any other amendment that would provide additional resources for the education of our students.

The future of this nation depends on an educated and healthy work force. America's domestic needs cannot be met by rhetoric alone. Public investments rely on the commitment of resources and political will. We urge you to reinforce your commitment to the health and well being of all Americans by voting for the Harkin amendment.

Sincerely,

PAUL G. STROLLO,
Supervising Director, Division of School Administration and Support Services.

NATIONAL ASSOCIATION OF
ELEMENTARY SCHOOL PRINCIPALS,
Alexandria, VA, September 14, 1992.

DEAR SENATOR: The National Association of Elementary School Principals urges you to support the amendment to be offered by Senator Harkin to the FY 1993 Labor/HHS/Education Appropriations bill. This well-conceived amendment will help strengthen education and health services for thousands of America's children, youth and families.

Stipulated in the amendment are funds to assist Chapter One ($400 million), Disabilities Education ($150 million), and several other very worthy education and health programs, including Head Start ($600 million).

We believe that the message Congress wants to send to the American people this year is one that demonstrates its commitment to improving the well-being of our nation. This amendment gives Congress that opportunity.

Your support for the Harkin amendment will be greatly appreciated by the elementary and middle school principals of America.

Sincerely yours,

EDWARD P. KELLER,
Deputy Executive Director.

COUNCIL OF GRADUATE SCHOOLS,
Washington, DC, September 14, 1992.

DEAR SENATOR: The Senate will have the opportunity this week to begin to reorder the nation's priorities. Senator Harkin will offer a floor amendment to the FY 1993 Labor, HHS and Education Appropriations Bill. This amendment would transfer $4.1 billion in budget authority and $1.4 billion in outlays from the Department of Defense to significantly underfunded programs within Labor, HHS and Education appropriations.

The Council of Graduate Schools urges support for the Harkin transfer amendment. As a part of the Committee for Education Funding, CGS supports this effort to begin to reorder priorities that will support the health and education of our nation's youth. These programs are authorized, available and substantially underfunded.

Beginning this week, that situation can be reversed. Please give serious attention to the debate over Labor, HHS and Education appropriations this week and support the efforts of Senator Harkin and his co-sponsors to fund underfunded programs that support children and families.

Sincerely,

THOMAS J. LINNEY,
Vice President and Director of Government and Association Relations.

AMERICAN EDUCATIONAL
RESEARCH ASSOCIATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: The American Educational Research Association, representing nearly 20,000 educational research professionals, urges you to vote for Senator Harkin's amendment to the FY93 Labor, HHS and Education Appropriation's bill.

As you well realize, this year has been particularly difficult in budget terms. Hardest hit are social programs, especially with regard to funding programs to serve our nation's students. This amendment would transfer much needed funds—$4.1 billion in budget authority and $1.5 in outlays—from unobligated Department of Defense procurements to underfunded programs investing in human capital.

The end of the cold war has provided a unique opportunity to reassess our priorities. AERA hopes that you will agree that this is the right time to put our nation's children and families first in providing additional funding for investments serving our own education, health and social needs.

Sincerely,

WILLIAM J. RUSSELL,
Executive Officer.

COLLEGE BOARD,
Washington, DC, September 14, 1992.

DEAR SENATOR: As a member of the Committee for Education Funding, a coalition of major education associations, the College Board urges you to vote for an amendment to the FY1993 Labor, HHS, Education Appropriations that will be offered by Senator Tom Harkin. This amendment would transfer funds from defense to domestic purposes, and help ensure that vital education, health and social service programs are preserved in very tight fiscal times.

Specifically, the amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to crucial and significantly underfunded domestic programs. The funds to be transferred to education would include $400 million for Chapter 1, $150 million for Special Education, $50 million for Impact Aid, $100 million for Vocational Education, and $500 million for Pell Grants.

The College Board, like other education and human services organizations, sees a unique opportunity in the ending of the Cold War to reorder our Nation's priorities and invest more in education and other human needs. The Board is especially concerned that programs in the recently reauthorized Higher Education Act (HEA) and pending education reform and improvement legislation receive as much funding as possible. As of now, many new and important programs under the HEA will not be funded this year at all due to a shortage of funds, and some existing programs may even receive cuts, not increases. The Harkin amendment would help ease this crunch and provide needed additional funds for these programs.

We therefore urge you to seize the opportunity presented by the Harkin transfer amendment, and vote for it as well as for any other amendments that would provide additional resources for educating our students.

Sincerely,

LAWRENCE GLADIEUX,
Executive Director.

NATIONAL SCHOOL
BOARDS ASSOCIATION,
Alexandria, VA, September 14, 1992.
Re Vote for Harkin Transfer Amendment
Member,
U.S. Senate, Washington, DC.

DEAR SENATOR: The National School Boards Association, on behalf of the 97,000 local school board members across the country, urges you to make an increased investment in federal education programs the top priority for FY93 appropriations. In particular, we urge you to vote in favor of the Harkin Transfer amendment which will provide a $4.1 billion boost for education and children's programs that are vitally needed in communities nationwide.

The children and youth of our public schools cannot hope to meet the challenges of the 21st Century with the minimal increases provided in the Senate bill, H.R. 5677 for federal investment in education. This level of investment means many of our most needy students will be going without critical educational services. It certainly does not keep pace with the growth in enrollment and costs of special education programs, the increased number of poor children eligible for Chapter 1 and bilingual programs, the needs of our disadvantaged special populations for vocational education, and the basic educational costs of federally-connected students.

Let's make the rhetoric of world class education standards a reality in our schools. Please stand up and be counted for education. Vote for the Harkin Transfer Amendment.

Thank you for your past support for public education.

Very truly yours,
E. HAROLD FISHER,
President.
THOMAS A. SHANNON,
Executive Director.

COUNCIL OF THE
GREAT CITY SCHOOLS,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the Council of the Great City Schools, a coalition of the nation's largest inner-city public school systems, I am writing to urge you to vote for Senator Harkin's amendment to the FY 1993 Labor, HHS, Education Appropriations bill. Passage of this amendment is imperative if we are to address the immediate needs of millions of urban students that are currently denied access to preschool, Chapter 1 services, and student financial aid due to a lack of adequate federal and state resources.

The amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education, health, and social service programs. A total of $1.35 billion would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocational Education ($100 million), Pell Grants ($500 million), Developing Institutions ($50 million), and Libraries ($50 million).

Increased funding for education programs would further enhance educational achievement among inner-city youth. Presently, school districts are facing drastic cuts in their school budgets, especially from local and state allocations. Resources are needed now to enhance youth opportunities and to provide the tools necessary to advance the educational achievement of inner-city students in all academic subjects.

Again, the Council urges you to respond to this request by voting for the Harkin Transfer Amendment when it is voted on the floor this week.

Sincerely,
MICHAEL CASSERLY,
Interim Executive Director.

NATIONAL ASSOCIATION OF
FEDERALLY IMPACTED SCHOOLS,
Washington, DC, September 14, 1992.

DEAR SENATOR: The National Association of Federally Impacted Schools joins with the Committee for Education Funding, a coalition representing over 100 education associations, is urging you to look favorably at the Harkin amendment, which will be offered to the FY'93 Labor, HHS, and Education Bill. The passage of this amendment is of utmost importance to, among others, two million federally connected students.

Public education must remain accessible to every child, yet there is fundamental crisis between the imperative need for education and the lack of resources to fund it.

It is the responsibility of NAFIS to insure adequate funding of those school districts educating high percentages of federally connected children. Due to base closures and military redeployments a large number of these children are being relocated, and the result is increasingly congested schools with insufficient budgets.

The future well being of this nation depends on the well being and skill of young Americans. Education is imperative in order to explore and develop personal professional confidence. Education must be sincerely supported by all responsible authorities. Promoting good education is a responsibility towards our children and towards our nation.

The passage of this amendment will not only help the current need for funding, but is also an investment to the betterment of our society. Knowledge and learning can only perpetuate a technologically growing society, and your vote is a vehicle towards a well educated tomorrow.

Sincerely,
JOHN B. FORKENBROCK,
Executive Director.

NATIONAL VOCATIONAL AGRICULTURAL TEACHERS' ASSOCIATION, INC.,
Alexandria, VA, September 14, 1992.

DEAR SENATOR: The National Vocational Agricultural Teachers' Association, on behalf of 14,000 agricultural educators, 30,000 alumni, and 511,000 students, urges you to vote for Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. Passage of this amendment is imperative if we are to address the new technology education needs of thousands of agriscience and agribusiness students in secondary and post secondary institutions. Applied learning and experiential training are useless if provided by outmoded equipment. It is also handicapping to provide learning situations which offer no linkage with ongoing training such as would be provided by increased tech prep programs of study.

I feel fairly certain you are aware the agribusiness industry accounts for nearly one-fifth of the U.S. gross national product, and employs close to one-fourth of the U.S. labor force. With unprecedented changes taking place in the agribusiness industry both at home and abroad, U.S. educators, public officials, and business leaders face a critical mission: to work together to produce more and better-trained managers and leaders.

Already we face a serious shortfall in the number of agricultural graduates trained in agribusiness and allied fields. This situation is due in part to the major readjustments that hit agriculture business and science education in the early 1980s. However, new sources of agribusiness students have to be cultivated starting in elementary school and continuing through higher education. And we must improve the way we prepare them for management and leadership.

The NVATA is an affiliation of persons engaged in educating others in and about the science and business of agriculture. We are committed to the mission of providing a total dynamic educational system, while aspiring to excellence as we recruit, prepare, and support individuals in agricultural careers. The amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education programs. A total of $1.35 billion in budget authority would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocational Education ($100 million), Pell Grants ($500 million), Developing Institutions ($50 million), and Libraries ($50 million). Ultimately, the success of this strategy will depend on the active support of education providers, government policymakers (such as yourself), and agribusiness leaders.

People like you are one of the things that make this a rewarding profession. If there's anything else you think we can do to serve the agriculture enterprise better, I hope you will let me know personally, first.

Remember, things don't just happen. Committed people make them happen.

Your commitment is making the difference!!!

Sincerely,
BOB GRAHAM,
Executive Director.

CAREER COLLEGE ASSOCIATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the Career College Association (CCA), and the Committee for Education Funding, I am writing to request you vote in favor of a transfer amendment to be offered by Senator Harkin for the FY 1993 Labor, HHS, Education Appropriations bill. The amendment will transfer $4.1 billion in budget authority and $1.5 billion in outlays from defense to the FY 1993 Appropriations bill for education, health and children's programs. $1.35 billion would be allocated directly to education programs.

CCA educates and trains over 1.5 million students each year in over 120 different careers. Most of our students are nontraditional students who need to be trained or retrained in specialized areas. Like many students who are pursuing a postsecondary education, out students rely on Federal student aid programs. A lack of adequate financial assistance through loans and grants will minimize out students' ability to obtain the training which they need and deserve. Passage of the Harkin amendment would help address the needs of students like ours, and millions of students who are denied access to Head Start and Chapter 1 services in elementary and secondary schools.

I recognize that Congress has had to made difficult decisions in allocating the fiscal year 1993 appropriations, but again Congress has the opportunity to re-invest in this nation's education programs. During the floor debate on the Senate FY 1993 Labor, HHS, Education Appropriations bill, I hope you will seize this opportunity by voting in favor of the Harkin amendment. Out nation's children, students, and workers are relying on your support.

Sincerely,

STEPHEN J. BLAIR,
President,
Career College Association.

NATIONAL ASSOCIATION OF
COLLEGE ADMISSION COUNSELORS,
Alexandria, VA, September 14, 1992.

DEAR SENATOR: Last March the U.S. Senate had the chance to "bring down the walls" between various accounts in the budget but failed to do so. At that time, many educators, including over 5,000 NACAC members who are counselors working in secondary schools, colleges, and universities, predicted that vital programs would be slashed to stay within the arbitrary budget caps established at the height of the cold war. Now, we are at the point in the appropriations cycle when that prediction may become reality.

Senator Harkin will offer an amendment this week to the Labor, HHS, Education Appropriations bill that will transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to programs on the domestic side of the budget. We ask you to vote for this amendment that will provide funds for Chapter 1, Pell Grants, Vocational Education, and others.

At a time when more and more students are eligible for Pell Grants because of the poor state of the economy, the appropriated amounts for these fundamental grants to students will actually decrease to $2300 or lower if funds for these grants are not found elsewhere in the budget. Out members do not understand how the Congress can spend two years refining grant programs through the reauthorization of the Higher Education Act, and then ignore the new amounts for grants set by the legislation. Students need the assistance and the nation needs well educated citizens. Without an infusion of funds, we will get neither and the country will suffer as a result.

Please vote for the Harkin Amendment and for any other amendments that may be offered to provide financial aid to our qualified needy students.

Sincerely,

DANIEL J. SARACINO,
President.
FRANK BURTNETT, Ed. D.,
Executive Director.

AMERICAN ASSOCIATION OF
COMMUNITY AND JUNIOR COLLEGES,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of more than 1,200 members of the American Association of Community Colleges (AACC), I urge you to vote for the Harkin transfer amendment when it is offered to the FY 1993 Labor, Health and Human Services, and Education appropriations bill. As you know, the amendment would transfer $4.1 billion of unobligated DOD budget authority to a number of education, health, and other domestic programs. AACC institutions and the more than 6 million students that attend them are particularly supportive of the amendment's increased funding for Pell Grants, Title III, TRIO, and vocational education.

This amendment could not be more timely. The Cold War has ended, and the federal budget should begin to reflect this fundamental shift. For more than a decade, essential domestic needs have been neglected as the federal government emphasized defense preparedness. The Budget Enforcement Act (BEA) reflects these priorities; one consequence of that law is that the FY 1993 Labor-HHS-Education appropriations bill reported last week cuts the maximum Pell Grant by $100. This action comes on the heels of the sweeping reauthorization of the Higher Education Act (HEA). The Senate Labor-HHS-Education appropriations legislation also cuts Title III (institutional assistance) and Perkins loans, and fails to provide funds for any of the new programs created in the revised HEA. The Harkin amendment would address some of these deficiencies, without adding one nickel to the federal budget deficit. In particular, it would allow a small increase in the maximum Pell Grant, which would provide welcome support to our students.

We also urge you to support any other floor amendments that would add funds for education programs. In particular, we ask you to vote for any efforts to increase Pell Grant funding. The maximum Pell Grant has lost 22 percent to inflation since 1980. Students have been left with the choice of either borrowing to finance their college education, or not pursuing one at all.

Again, we urge you to support the Harkin amendment as a means of improving the well being of our citizens and helping to move the country into the 21st century. Thank you for your consideration of our views.

Sincerely,

DAVID PIERCE.

AMERICAN VOCATIONAL ASSOCIATION,
Alexandria, VA, September 14, 1992.

DEAR SENATOR: The American Vocational Association (AVA) urges you to vote in favor of Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. This amendment must be passed if the nation his to begin addressing the long-neglected needs of millions of students.

The Harkin amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital education, health, and social services programs. Of this total amount, $100 million would be allocated to vocational-technical education. These funds are needed to help educate and train an additional 50,000 students nationwide for an increasingly technological society. Greater investment in vocational-technical education results in better jobs for American students and increased tax revenue to the state and federal government.

The AVA considers this vote to be one of the most important education votes in this session of Congress. Of paramount concern to Congress must be the weakening position of the American workforce in the international economy. An increased investment in vocational-technical education is essential if we are to create the workforce of the future that will not only allow America to compete, but will make our nation the leader in a global economy.

Congress has the unique opportunity to set new priorities for our country. By allowing the transfer of funds from defense spending to fulfill domestic needs, the nation will tangibly begin to realize the rewards of peace. The American Vocational Association urges you to seize this opportunity now and vote for the Harkin amendment. Please vote to make an investment in the health and education of our nation's youth.

Sincerely,

CHARLES H. BUZZELL,
Executive Director.

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the nation's colleges and universities and their 17 million students, the American Council on Education urgently solicits your vote in favor of two essential amendments to the FY 1993 Labor-HHS-Education Appropriations bill (HR 5677). These amendments—one to be offered by Senator Tom Harkin and the other by Senator Arlen Specter—revive the effort to refocus budget priorities this year by shifting funds from the Department of Defense to more pressing domestic needs in education and health.

Each amendment seeks to increase the appropriation for the Pell Grant program, which is severely underfunded in HR 5677. The Pell Grant maximum award was first set at $2400 in FY 91 and was not increased in FY 92. Both the House and Senate versions of HR 5677 move the award backward to its FY 89 level of $2300, taking away $100 from every student poor enough to qualify for maximum assistance. This marked retreat from the program's mandate to foster equal educational opportunity stands in stark contrast to the celebrated passage of the Higher Education Act reauthorization little more than a month ago.

The recession has caused explosive growth in the Pell Grant program, punctuated by soaring costs that cannot be accommodated within the current budget caps. This growth in the numbers of eligible Pell recipients encompasses students pursuing a baccalaureate education with drastically reduced parental or personal resources, and dislocated workers seeking to acquire or upgrade their jobs skills through short-term technical training. Growth from the ranks of the unemployed is fueled by the Labor Department's requirement that all prospective participants in Job Training Partnership Act programs must first determine their Pell Grant eligibility status.

We urge you to honor the implied promise of the Higher Education Act reauthorization and to alleviate the strain that a sluggish economy imposes on the Pell Grant program by supporting the Harkin and Specter amendments. Your affirmative vote is needed for both amendments to minimize the risk of a split vote that would prevent the passage of either.

Sincerely,

ROBERT H. ATWELL,
President.

NATIONAL ASSOCIATION OF STUDENT
FINANCIAL AID ADMINISTRATORS,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the more than 3,100 institutional members of the National Association of Student Financial Aid Administrators (NASFAA), I am writing to encourage you to vote in favor of the Harkin transfer amendment to the Fiscal Year 1993 (FY-93) Labor, Health and Human Services and Education appropriations bill, and for all other transfer amendments that would increase funding for title IV student aid and other education programs. In addition, NASFAA strongly urges you to support all floor attempts to eliminate the authorizing language in the Senate bill that would eliminate student aid officer discretion, require 100 percent verification of student aid applications, and eliminate less-than-half-time students from eligibility.

In total, the Harkin amendment would transfer $4.1 billion in budget authority and approximately $1.5 billion in outlays from unobligated defense funds to an array of children's, education, and health programs, including Head Start and the Pell Grant Program. This transfer represents only one-half of one percent of the defense outlays projected for FY-93, but it would greatly benefit education programs at a time when the national demand and need for education are great.

As you know, Congress passed, and President Bush signed, the Higher Education Amendments of 1992 in July. This legislation authorizes an increase in the Pell Grant maximum award to $3,700. Not only would the House-passed bill and the Senate bill not meet this need-based authorization, but they would decrease the maximum award to $2,300 from the current $2,400 for the neediest students. This reduction, coupled with decreases in the other title IV student aid programs, would jeopardize the educational careers of millions of students. Passage of the Harkin amendment is necessary in order to maintain the current maximum award in the Pell Grant Program.

The proposed reductions in the House and Senate bills come at a time when more and more Americans are returning to the classroom to better prepare themselves for employment during this recession. Not only are more students enrolling in postsecondary education programs, but a higher percentage of those students are now eligible for student aid because of higher unemployment and lower wages. Our students need substantial increases in federal aid during these tough times, and in the future, if they are to become productive, contributing members of society and if the United States is to maintain its competitiveness in an increasingly global economy.

Again, we urge you to support the Harkin Amendment, and other transfer amendments to education programs, and to support efforts to strike the above mentioned legislative language that would lessen the effectiveness of the student aid programs.

Sincerely,

DALLAS MARTIN,
President.

ASSOCIATION OF AMERICAN
PUBLISHERS, INC.,
Washington, DC, September 14, 1992.

DEAR SENATOR: On behalf of the 235 members of the Association of American Publishers, the principle trade organization representing book publishing in the United States, we urge you to vote for Senator Harkin's transfer amendment to the FY 1993 Labor, HHS, Education Appropriations bill. Enacting this amendment is vital if we are to confront and act on the educational crisis facing our children, and students due to a lack of adequate federal and state resources.

This amendment would transfer $4.1 billion in budget authority and approximately $1.5 billion in outlays from the Department of Defense and will direct the bulk of those funds to essential and significantly underfunded education, health, and social service programs. A total of $1.35 billion in budget authority would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocational Education ($100 million), Pell Grants ($500 million), Developing Institutions ($50 million), and Libraries ($50 million).

The AAP has significant interest in the needs of millions of students that are currently being denied access to preschool, Chapter 1 services, and student financial aid due to a continued lack of funding via the federal and the state level. Congress has the ability to push education to the forefront and reexamine our nations priorities and realize that we need to plan for the future, and start investing in our future, which are our children. We urge you to vote for the Harkin transfer amendment and for any other amendment that would provide additional resources for the education of our students.

Reinforce and remember your commitment to education and the healthy needs of our children and their families. Do not let the needs of our children continue to be placed on the back burner and forgotten. Our future depends on the present decisions of our Congress. We urge you to vote for the Harkin amendment and be the voice of our children and their future.

Sincerely,

DIANE RENNERT,
AAP Congressional Liaison.

SUPERINTENDENT OF
PUBLIC INSTRUCTION,
Olympia, WA, September 14, 1992.

DEAR SENATOR: On behalf of Washington state's public schools, I urge you to vote for the transfer amendment to the FY 1993 Labor, HHS, Education Appropriations to be offered by Senator Harkin this week.

The Harkin amendment will transfer unobligated defense spending to important education, health, and social service programs. Included in the amendment are several programs that have long benefited the school children of Washington state—Chapter 1, Compensatory Education for the Disadvantaged; Special Education, Impact Aid, Vocational Education, Pell Grants and Libraries.

For too many years, these programs, have been regrettably underfunded, despite overwhelming evidence of their success at serving specific populations. The Harkin amendment is a modest, needed commitment to these imperative domestic investments.

Thank you for your consideration.

Sincerely,

JUDITH A. BILLINGS.

UNITED STATES STUDENT ASSOCIATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: The United States Student Association, the country's largest and oldest student organization, representing over 3.5 million postsecondary students, urges you to vote for Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. Passage of this amendment is crucial if we are to address the immediate needs of millions of students currently denied access to student financial aid due to a lack of adequate federal and state resources.

The full Senate Appropriations Committee recently voted on the 1993 appropriations bill. Though USSA and students all over the country truly appreciate the Senate Appropriation Committee's recommended increases to student financial aid funding, it is imperative that the maximum Pell Grant, which goes to the neediest students, be funded above $2,300, which is the Appropriation Committee's recommendation. The maximum Pell Grant was $2,400 in FY 1992—this significant source of funding should not be cut.

Therefore the Harkin amendment, which would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education, health and social service programs, is so important to the Pell Grant program. A total of $1.35 billion in budget authority would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocational Education ($100 million), Pell Grants ($500 million), Developing Institutions ($50 million), and Libraries ($50 million).

Congress has had a unique opportunity this year to begin to reorder our nation's priorities, to reflect the end of the Cold War, and to invest in students of this nation. If the United States is to maintain, its competitiveness in an increasing global economy, it must invest in education. However, as the 102nd Congress comes to a close, our student's needs have taken a back seat to the status quo. We urge you to seize this opportunity now and vote to make a real investment in our nation's future. We urge you to vote for the Harkin transfer amendment and for any other amendment that would provide additional resources for the education of our students.

The future of this nation depends on an educated and healthy work force. America's domestic needs cannot be met by rhetoric alone. Public investments rely on the commitment of resources and political will. We urge you to give ALL students a chance—please vote for the Harkin Amendment.

Sincerely,

STACEY LEYTON,
President, USSA.
PRONITA GUPTA,
Legislative Director, USSA.

COUNCIL FOR EDUCATIONAL
DEVELOPMENT AND RESEARCH,
Washington, DC, September 14, 1992.

DEAR SENATOR: The Council for Educational Development and Research, the trade association for the regional educational laboratories and several of the university-based research centers, urges you to vote for Senator Harkin's amendment that will be offered to the FY 1993 Labor, HHS, Education Appropriations bill. Passage of this amendment is imperative if we are to address the immediate needs of millions of students that are currently denied access to preschool, Chapter 1 services, and student financial aid due to a lack of adequate federal and state resources.

The amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to vital and significantly underfunded education, health, and social service programs. A total of $1.35 billion in budget authority would be allocated to Chapter 1 ($400 million), Special Education ($150 million), Impact Aid ($50 million), Vocational Education ($100 million), Pell Grants ($500 million), Developing Institutions ($50 million), and Libraries ($50 million).

Congress has had a unique opportunity this year to begin to reorder our nation's priorities, to reflect the end of the Cold War, and to invest in the education and health needs of our children and their families. But as the 102nd Congress comes to a close, our children's needs have taken a back seat to the status quo. We urge you to seize this opportunity now and vote to make a real investment in our nation's future. We urge you to vote for the Harkin transfer amendment and for any other amendment that would provide additional resources for the education of our students.

The future of this nation depends on an educated and healthy work force. Public investments rely on the commitment of resources and political will. We urge you to reinforce your commitment to the health and well being of all Americans by voting for the Harkin amendment.

Sincerely,

DENA G. STONER,
Executive Director.

ASSOCIATION OF COMMUNITY
COLLEGE TRUSTEES,
Washington, DC, September 14, 1992.

DEAR SENATOR: The Association of Community College Trustees urges your support for an amendment that Senator Tom Harkin will offer to the FY 1993 Labor, HHS, Education Appropriations bill. The amendment would transfer $4.1 billion in budget authority and $1.5 billion in outlays from the Department of Defense to seriously underfunded education, health and social service programs.

Included in the Harkin amendment is the assumption of an additional $500 million allocation for the Pell Grant program and an additional $100 million allocation for vocational education. These two federal programs provide a vital base of assistance to community college students seeking job training and higher education opportunities.

Passage of this proposed transfer amendment would allow Congress to make a much needed and timely investment in education and skills training opportunities for Americans. We ask for your support in this effort and your vote for the Harkin amendment, and any other amendment increasing education funding, when the Senate considers the FY 1993 Labor, HHS, Education Appropriations bill this week. Thank you.

Sincerely,

MELANIE JACKSON,
Director of Federal Relations.

NATIONAL ASSOCIATION FOR EQUAL
OPPORTUNITY IN HIGHER EDUCATION,
Washington, DC, September 14, 1992.

DEAR SENATOR: The National Association for Equal Opportunity in Higher Education (NAFEO), which represents 117 historically and predominantly Black colleges and universities, would like you to vote in favor of the Harkin Amendment that will be offered to the FY 1993 Labor, HHS, Education appropriations bill.

The Harkin Amendment would transfer $4.1 billion in budget authority from the Department of Defense to vital education, health, and social programs. In addition, we would like you to support the Specter Amendment and other amendments that would provide additional funding to education, health, and other domestic programs.

The increases proposed by the Harkin and Specter Amendments would make a difference in the quality of life on our campuses and in the communities they serve. The 300,000 students, mostly low-income, attending NAFEO institutions would greatly benefit from the proposed increases in the Pell Grant Program and in the TRIO Programs, both of which serve the educational needs of disadvantaged populations. Moreover, the $50 million proposed in the Harkin Amendment for Developing Institutions (Title IIIB) is critically needed for improvement of facilities, faculties, and undergraduate and graduate programs at the 117 NAFEO institutions which graduate almost 40% of the Blacks who receive baccalaureate degrees annually.

Your support of the Harkin Amendment, the Specter Amendment, and other amendments providing increases for vital domestic programs would reinforce your commitment to improving the health, educational opportunities and quality, and competitiveness of this Nation.

Thank you for your support of Black colleges and universities in general and education in particular.

Cordially,

SAMUEL L. MYERS,
President.

COALITION ON HUMAN NEEDS,
Washington, DC, September 14, 1992.

DEAR SENATOR: The Coalition on Human Needs and the undersigned organizations urge you to support an amendment sponsored by Senator Tom Harkin which would transfer funds from unobligated balances in the defense budget to a series of important domestic programs. Senator Harkin expects to offer this amendment when the FY 1993 Labor, HHS, and Education Appropriations bill (H.R. 5677) is considered later this month on the Senate floor.

Passage of the Harkin amendment is especially important this year, due to the constraints imposed by the Budget Enforcement Act. Many critically important domestic programs will be seriously underfunded in the FY 1993 Labor, HHS and Education Appropriations bill. Programs serving low-income Americans and our country's most disadvantaged citizens will be particularly hard hit. Under the current budget rules, even unobligated defense funds cannot be transferred to other areas of the federal budget. The Harkin amendment would overturn this outdated and arbitrary restriction in order to transfer these funds to programs meeting critical domestic needs.

The Harkin amendment would expand funding for programs that would particularly benefit children. Among other initiatives, it would increase funds available for childhood immunizations, child welfare services and programs such as Head Start. With one in four children under the age of six living in poverty, it is urgent that additional services and assistance be provided to low-income children and their families.

The Coalition on Human Needs is an alliance of over 100 national organizations supporting federal policies that address the needs of low-income and other disadvantaged Americans. Our membership includes religious, civil rights, labor, health, education, disability, women's and social services organizations.

We urge you to vote for the Harkin amendment when it is considered by the Senate later this month. Thank you.

Sincerely,

American Association of Homes for the Aging.

American Association of University Affiliated Programs for Persons with Developmental Disabilities.

National Committee for Economic Conversion and Disarmament.

National Community AIDS Partnership.

National Congress for Community Economic Development.

National Council for Catholic Women.

National Council of Churches.

National Jobs Corps Coalition.

National Jobs with Peace Campaign.

National Mental Health Association.

National Minority AIDS Council.

The National Network of Runaway and Youth Services.

National Parents and Teachers Association.

National Rural Housing Coalition.

National Urban League.

National Women's Law Center.

Nuclear Information and Resource Service.

Older Women's League.

OMB Watch.

Parent Action.

Partnership for the Homeless.

Physicians for Social Responsibility.

Professionals' Coalition for Nuclear Arms Control.

SANE/FREEZE: Campaign for Global Security.

Service Employees International Union.

Trust for Community Development.

20/20 Vision National Project.

Union of American Hebrew Congregations.

U.S. Conference of Local Health Officers.

U.S. Peace Council.

Women's International League for Peace and Freedom.

Women Strike for Peace.

Women's Legal Defense Fund.

Mr. HARKIN. Mr. President, I will give a brief rundown of some of the letters: The American Association of State Colleges and Universities; the National Association of State Universities and Land-Grant Colleges; the American Federation of Teachers.

These are all the different groups that support this amendment:

The National Education Association; the National Association of Secondary School Principals; the National Association of Independent Colleges and Universities; the Association of American Universities; the Council of Chief State School Officers; the State Education Department of the University of the State of New York, the Committee for Education Funding; the American Association of School Administrators; the Coalition for Health Funding; Committee for Education Funding; Coalition of Human Needs; and the California State Department of Education.

Mr. President, that is just a minor list of the 111 different organizations that support this transfer amendment. And you can see by just a minor listing of those that these are indeed the groups interested in the future of America.

Let me, Mr. President, address one of the points made by the distinguished chairman of the Appropriations Subcommittee for Defense, for whom I have the highest regard and someone who has been most helpful and instrumental in trying to see that we had sufficient moneys to meet our human needs. But I must respond to a couple of his comments.

First of all, Mr. President, I do not believe this amendment will in any way make the recession worse. This money right now is sort of sitting in the bank, if you will, not being used for anything. What this amendment will do is take it out and use it. It will actually employ people.

For the life of me, this Senator cannot understand why it is we can take taxpayers money for military spending and it creates jobs, but if we take that same money and use it for Head Start and maternal and child health care and child care block grants and Pell grants and education and low-income heating energy assistance programs, that does not create jobs.

Of course, it creates jobs. It creates a lot of jobs—people teaching kids, Head Start teachers, people immunizing our children, Job Corps, teachers in schools, LIHEAP, people insulating homes, people bringing fuel to homes for people to use in the wintertime, Ryan White biomedical research, all of these things employ people. Of course, they do.

There will be a lot more people employed here because the money that is being transferred is only in an unobligated account. It is not being used right now for anything anyway. So instead of making the recession worse, this amendment will actually employ people and make the recession better.

Second, Mr. President, some of the unobligated money represents weapons that have failed or do not work. The distinguished chairman talked about a ship, if you build a ship, it is not all obligated in the first year. The fact is when you make contracts, those are obligations. It may be a long-term contract, but that money is obligated.

For example, right now, let us say, if a contractor had a weapon that did not work, the military might say, let us wait a minute. We are not going to obligate any more money. We are not going to spend any more money. We are not going to issue any more contracts until that contractor irons out the problems in that missile or that weapon.

That is the kind of money we are going after. It has not been obligated and there are no contracts let.

Again, I point out some of these unobligated funds go back to 1987. Some of the reasons for them, I daresay, have long since passed because of the change in the world structure and the world scene.

Finally, let me just say that no one will be thrown out of work because of this amendment in the military because it does not go after personnel at all. That is exempted. It only goes, as I say, to these unobligated accounts.

What it means is perhaps some people will not be employed in the future making a military weapon or doing something like that. The money, however, will employ people in community health centers, children's mental health, education, Job Corps, Healthy Start, Head Start, maternal and child health care. People will be employed there.

So again it is really a question of where you want the people working for your tax dollars.

I might also respond to the distinguished Senator from Virginia. In a colloquy with the Senator from Hawaii, he talked about the $1.2 billion authorized for fiscal year 1993 defense conversion, and there was some talk that perhaps this amendment might take some money out of that conversion. But my amendment does not touch one nickel of fiscal year 1993 moneys.

So the money that is in there for defense conversion cannot be touched by my amendment. My amendment does not go after any fiscal year 1993 money. It only goes after prior-year money. So I wanted to make that point clear also.

Finally, Mr. President, this is a question about what we will do for the future.

The distinguished chairman of the Appropriations Committee gave a most eloquent speech, as he always does. And I must say, Mr. President, that he has fought hard for these priorities. He fought hard for these priorities, as he said, in the budget summit that created these firewalls, and I compliment him for that. It was through his efforts and intervention this year that we got more 602(b) allocations than we had initially.

But I might even add, even with the helpful intervention of the chairman of the Appropriations Committee, we are still only about 2 percent over last year for what we have.

So no one can take away from the chairman of this committee, Senator BYRD, his longstanding commitment to these human needs programs. We just have a slight disagreement on this amendment right now.

I do not believe in doing a vain thing either. No one is trying to butt their heads against the wall. But sometimes fights are important. Sometimes issues are so important and the time is so crucial and so critical that one must make an attempt at changing priorities, even though perhaps the outcome is foreordained.

They tell me that we will not win this. I do not know. I never know until the votes are counted. But I believe this is an important fight and it is an important issue. It is critical right now. Because of the recession, people are hurting out there.

As I said in my remarks earlier—and I will say again—you take a young child who has missed his third or fourth year in Head Start, you cannot go back and give it to him again. That is gone forever. A child who is not immunized and comes down with measles and has illnesses the rest of his or her life because of that, you cannot go back and undo it.

A baby that is born low birth weight, and whose IQ is stunted because of that—and we know scientifically it is—you cannot go back and undo it. That individual human being will be stunted for the rest of his or her life. And everyday it is happening in America. It is time to stop it. It is time to reorder our priorities. Not next year.

I will be back again next year—you bet I will. But the fight is worth fighting now. The effort is worth making now. It is not a vain fight, but is a fight for what I believe is right and what I believe we must do in this country to turn it around and get it moving in the right direction.

People say we had a budget agreement, you cannot bust the budget agreement. We have busted that budget agreement. The debt forgiveness for Egypt, $7 billion—forget about the firewalls. That is off budget. The gulf war, off budget. Aid to Bangladesh, off budget. S&L bailout, off budget. Where were the firewalls then? So, it seems to this Senator we can tear down the firewalls when the President wants it but we cannot tear down the firewalls when Congress wants it.

I know the President would threaten to veto this bill if this passes. I do not believe that we have to knuckle under every time a President—and I do not care whether it is a Democratic or Republican President—threatens a veto. We have our constituents to represent. We have our consciences to represent. And we ought to do what we think is right and just and fair and good for this country. If the President wants to veto it, let it be on his head and on his shoulders and it will come back down here and we will have a vote to override or not override. That is the legislative process.

Are we so busy with our lives, are we so wrapped up in the election this year, are we so consumed by other things in our lives that we cannot let the legislative process work? Pass it. If he vetoes it, fine; let it come back here. We will have a vote to override. If we do not override we will take it back out, send it down again. That is the legislative process we ought to be following. Not a process saying if the President says he is going to veto it there is nothing we can do about it.

I have never bought that. In my 18 years here I never bought it and I still do not buy it and I do not care who the President is, even if it is a President of my own party. If it is something I feel is right and just and good for my country, we will fight for it here and do everything we can to send it down to the President, and then let him work his will.

That is the beautiful thing about our Government. The Constitution set it up that way. The three separate branches are equal, not one over the other. The President is not over the Congress. He is equal to the Congress. And if this is what we decide is right to do, we ought to do it. If he wants to veto it he has every right to do so, but not to threaten us not to take the actions we want to take because he says he is going to veto it and therefore our feet are stuck in ice. We cannot act because of that veto? Nonsense.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes remaining.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? Under the previous order, the Senator from Georgia is recognized for up to 4 minutes.

Mr. NUNN. Mr. President, I rise in opposition to the Harkin amendment. Some people have the mistaken impression that unobligated balances really amounts to money just simply lying around waiting for someone to come along and pluck it. But that is not the case. This money has been appropriated by the Congress for a specific purpose. It has not been obligated, but that does not mean it will not be obligated. It does not mean that it is not needed.

Some programs have large unobligated balances specifically because those of us in the Congress have put fences around the money and said the money cannot be spent until certain requirements are met. For instance, the C–17 has fences around money. The B–2 has fences around money. And that money cannot be spent until such time as the technical requirements of the fences are met.

This amendment is the equivalent of a line-item veto of the defense budget to the tune of $4 billion. The Senator from Iowa said this would not affect the defense conversion legislation, which has been overwhelmingly supported here to help people, military people, industrial people, communities, adjust to the drawdown on the defense budget.

It is technically true this would not affect 1993 money, but I do not know where anyone believes we are going to get the money to make up for these cuts except in 1993. So in my view it will have an effect on the 1993 budget. No one can predict what the Secretary of Defense may decide to cut and the President may decide to cut. Because this amendment gives them carte blanch authority to do what everybody in this body who has voted against the line-item veto does not want them to be able to do, and that is to pick and choose among programs.

The only circumvention that is in the amendment that I have before me that we are about to vote on, or at least vote on the procedure related thereto, is the provision that "no funds appropriated or otherwise made available for military housing, National Guard and Reserve equipment, military construction for either National Guard or Reserve units shall be rescinded."

Anything else is fair game. I would be amazed, for instance, if the Senators from Pennsylvania and the Senators from Texas voted for this amendment because this amendment would give the Secretary of Defense the right to cut the V–22 Program completely out. That has been a program that the Congress has felt strongly about for several years and Secretary Cheney is opposed to. Pass this one and, if the Secretary of Defense—if I did not want the V–22 Program, that is what I would do. I would cut it right out of this budget because of this amendment.

If the Secretary has to reduce programs by $4 billion, you are going to see a lot of programs cut. There is almost $1 billion, for instance, that is unobligated on the V–22 Program. If he wants to kill the program then this is his chance to do so. It would let the Secretary do that.

There are $4.5 billion in unobligated balances for military construction programs. The Secretary of Defense under this amendment can pick and choose any military construction project he wants to cut that has an unobligated balance. It can be in the States of the Senator from Iowa, Georgia, Virginia—anywhere he wants to choose.

He can do the same thing with the W–17 Program. He can do the same thing with the DDG–51 Program. He can do the same thing with the M–1 tank upgrade program. He can do the same thing with the *Seawolf* Submarine Program, which was just passed over the objections of the administration by this Senate. So I will be interested to see what the Senator from Connecticut may have to say about this, including the Senator in the chair who I know has worked so hard on the *Seawolf* Submarine Program.

The same thing would apply to the F–18 Program, the F–16 Program, the MLRS Program, the F–14 Program, the B–1 Program, the Landing Craft Air Cushion Program, and the AHIP Program.

Those who are interested in any of those programs who believe they have the absolute backing of the Secretary of Defense, then go right ahead. But if you do not have that confidence, you better not give this authority to the administration. This is unprecedented, in terms of the authority given to the administration. It not only cuts the defense budget, it is a line-item veto—it is tantamount to a line-item veto in terms of the overall defense budget and what the President can do.

Mr. President, at the appropriate time, when all time has expired, I intend to make a motion because there is no doubt that the pending amendment would breach the Labor-HHS Subcommittee's allocation on domestic discretionary spending. The amendment would breach the caps by $3.6 billion in budget authority and $1.6 billion in outlays. The amendment thus violates section 601(b)(1) of the Congressional Budget Act of 1974.

As Senators know, it takes the affirmative votes of 60 Senators to waive section 601(b), so after all time has been consumed it will be my intention to raise a point of order relating to section 601(b)(1) but I will withhold that until all time has expired.

I thank the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes remaining.

Mr. HARKIN. Mr. President, I do not mean to belabor this any longer. I am just going to talk a couple of minutes and yield back my time so the Senator can make his motion, raise his point of order.

In just responding to the distinguished Senator from Georgia, again the Senator did correctly state that. As he said, it does not mean that this money will not be obligated.

That is true; it may be obligated in the future. And I guess that is what we are trying to do, to nip it in the bud and say: Do not obligate it because we are going to transfer a little bit of money out for these purposes.

Again, Mr. President, let me just reiterate, for Senators' information: What this amendment does is it transfers $1.7 billion from the unobligated balance of the Department of Defense for a number of items, but basically children's items. It will go to help kids in this country to learn.

The distinguished chairman of the Armed Services Committee said that the Secretary of Defense, of course, could cut any program he wanted to out of these unobligated expenses. He mentioned the V–22 and the C–17. But I point out that President Bush now supports the V–22. He made a campaign pledge. They are not about to cut any money out of the V–22 after the President has just said that he supports the program.

Second, if the Secretary of Defense was to take from these unobligated accounts moneys that the Armed Services Committee or the Appropriations Committee felt was wrong, then next year we would come back and just reappropriate the money. So at most, it would be a 1-year delay, and that would only be out of unobligated accounts.

If, for example, the Secretary of Defense wanted to take money out of C–17, if there is some unobligated money in that account—and I do not know if there is—that would be just for this year. And next year, we can come back and reappropriate the money if, in the wisdom of the Armed Services Committee and Appropriations Committee, this is what we wanted to invest in in terms of our defense posture.

Again, while the Secretary might this year take some moneys out of unobligated accounts that we do not like, certainly we can come back next year and correct that.

This is not the first time that we have gone after unobligated accounts and balances. In fact, on August 1, 1989, both Senator KERRY and I had an amendment on the floor that dealt with transferring money from star wars to fight the war on drugs, because it had been underfunded.

However, the Senator from Georgia offered an amendment to fully fund the $1.7 million drug war by taking money from the unobligated funds of all discretionary funds of the Federal Government, both military and domestic. That amendment by the Senator from Georgia passed 90 to 9, and I voted with him on that.

So this is not the first time that we have gone after unobligated accounts. Even the Senator from Georgia offered that amendment a couple of years ago—about 3 years ago, I guess now—to transfer money from unobigated accounts to fight the war on drugs. So it is not the first time that we have attempted to do this.

Last, Mr. President, these domestic needs are critical. I have called this the strategic children's initiative. It is time to give up on the strategic defense initiative and time to invest in the Strategic Children's Initiative.

We saw in the newspaper this morning how the GAO had come to the conclusion that the tests on the SDI were not as successful as DOD had said. In fact, they were failures. There is a lot of onobligated money left in star wars, almost a billion dollars of unobligated money. That is where we can get some of this money: From the strategic defense initiative to the strategic children's initiative.

Mr. President, the Bible tells us we reap what we sow. If we sow contempt and disrespect for our children, surely we will reap contempt and disrespect for our society when they grow up as adults. How can we ask our children to love this country as adult if we do not love them as children? That is what this amendment is attempting to do.

Mr. GLENN. Mr. President, I regret that I cannot vote for the $4.1 billion shift in funding advocated by the Senator from Iowa. The programs that would receive additional funding under the proposed amendment are all worthy of support. In fact, I have written to the chairman of the Labor-HHS-Education Appropriations Subcommittee stressing the importance of many of these programs.

But the battle to provide for additional domestic spending has already been fought. Unfortunately, those of us who advocated tearing down the budget firewalls to provide for more domestic spending this year did not prevail on March 26, 1992, when the Senate failed to invoke cloture on budget category reform legislation (S. 2399). I was a cosponsor of this legislation and a cosponsor to end debate on the measure so that it could be approved and enacted into law.

Passage of this legislation would have allowed for a thoughtful debate on how to restructure Federal spending to alleviate unexpected hardships to defense workers while providing for much needed domestic investments. But now, without any discussion or hearings, is not the time to offer board language that will effectively allow the Secretary of Defense to cut programs at will without any congressional input. This could result in cuts to the tank plant in Lima, OH. Or it could result in cuts at Wright-Patterson Air Force Base outside of Dayton, OH. The Secretary of Defense could simply cut at will and Congress would have nothing to say about it.

When someone starts cutting Federal funding and jobs in Ohio, I want to have a say in it. While I fully support increased funding for the domestic programs in question here, I will not pay for it by giving the Secretary of Defense complete and unaccountable authority. The approach here violates the Budget Act. And it violates common sense.

I will continue to work for reductions in our Defense budget. So far this year, I have pursued nearly $4 billion in cuts to SDI and the B-2. And I will continue to work for adequate funding for important domestic programs. But this is simply the wrong way to go about it.

Mr. LEVIN. Mr. President, I am one who supports spending more on health, education and jobs for the programs specified in the Harkin amendment, and I support taking money from the Defense budget to pay for these increases, even if it means knocking down the budget walls established by the 1990 budget agreement. We have spent too much on the military budget, and this amendment seeks to establish a better balance and a better priority.

But, I will vote against this amendment because it ignores that there is another priority debate, as well. That is a debate among priorities within the Defense budget itself. It is a debate that we have engaged in day after day on the Senate floor over the past decade as the Reagan and Bush administrations have sought to devote more money for unnecessary and redundant nuclear weapons programs and have sought to slight conventional forces. The legislative battles over star wars and the MX missile were not only debates on how much money to spend on Defense budget. They were also debates on how much money to spend on those weapons programs and how much money not to spend on other elements important to our national defense, such as a variety of conventional military systems.

This amendment funds important domestic programs out of unobligated balances in accounts within the Defense budget, and leaves it to the discretion of the Secretary of Defense to pick and choose among those balances on where to find the $4 billion for transfer to domestic programs. In other words, it largely abdicates our responsibility as a legislative body in the debate over priorities within the Defense budget. It has been argued that the Defense Department has almost $30 billion in unobligated balances to choose from. That is exactly my concern. Irrespective of most of the defense priorities that may have been set by Congress, this amendment allows the Department of Defense to pick and choose among programs. Only those who would feel comfortable with enacting the President's defense proposals as they are submitted in the beginning of each year should feel comfortable with giving him the grant of authority in the Harkin amendment.

As much as I support the domestic programs for which this amendment would increase funding, I cannot support providing that funding in a way that could so easily disregard the priorities within the Defense budget that have been established by the Congress and allowing the President such broad authority to unilaterally unfund programs Congress has funded.

Mr. BRADLEY. Mr. President, I rise as a cosponsor of the amendment to shift funding from low priority defense activities to high priority domestic priorities. The question my colleague Senator HARKIN is asking today is, can we take advantage of the changes in the world to make a better life for American families? Can we make our budget reflect our real priorities as a nation—healthier families and better educated kids? I believe we can.

Can there be any doubt about what our national priorities should be now that our longstanding military rival no longer exists as a nation? Improve life chances. Invest for the future. Reduce the burden on American families. That means Head Start, childhood immunizations, Pell grants for college, and a search for answers to cancer and Alzheimer's. The unobligated funds from the defense budget authorized as far back as fiscal year 1988 obviously have nothing to do with our priorities.

This amendment is right on the mark because it funds the best program, the programs that make a real difference in education and health, by taking money from just the right place. It is a modest cut from defense outlays—barely six-tenths of 1 percent—to make a big difference for people.

Money the Defense Department hasn't even been able to spend could bring 1.8 million preschool children fully up to date on their vaccinations. It could deliver the miracle of Head Start to 360,000 children. It would help us find a cure for or prevent Alzheimer's, cancer, and fetal alcohol syndrome. It could provide enough money to increase the maximum Pell grant to approach the promise we made just weeks ago in the Higher Education Act reauthorization making a college education a little more affordable. And it could provide $400 million in new chapter I basic grants for school districts that need the most help.

To be able to do all this for so little and yet to say no because of misguided budget rules that locked us into last year's shortsighted priorities is, at the very least, irrational. Senator SIMON and I introduced a bill to change those budget rules last year, so that we could respond to change and take advantage of a reduced military threat. Even then, we needed stronger schools and clinics more than excess defense spending.

We have fought this fight many times since that first amendment in March 1991. Each time, a few more of our colleagues have come around, to put our real needs as a nation ahead of the constraints of arbitrary rules. Each time, the needs have grown deeper, while the Cold war has drifted further into memory. And yet to this day, almost 2 years after the budget agreement that bound us defenseless against the economic storm of unrelenting recession, we still have not been able to reexamine our priorities.

This amendment reflects the consensus of this body, the American people, and, I think, even the President. The question is whether we are willing to act on our beliefs about our priorities or bind ourselves in outdated rules. Yesterday, for example, my office got a call from Lincoln Technical Institute, a first-rate institution in my State where President Bush visited a few weeks ago to announce a job training program. Their message: we need the Harkin amendment. Without this amendment, without reexamining priorities, there will not only be no new job training, there will not be enough Head Start for kids, medical research for the sick, home heating assistance for the elderly and the poor, or education for the next generation of workers. Anyone who thinks we should do more to give American families a reason for optimism should see the need for this amendment.

Mr. SIMPSON. Mr. President, I rise in opposition to the pending amendment.

Mr. President, it is indeed difficult to speak in opposition to the idea of earmarking money for investing in our children. I think that all of us want to invest in our children. Certainly, one place to start is to adopt a different attitude toward the national debt—which they are destined to pay off. I too am concerned about the future that awaits America's children—deeply concerned—and I do want to say a few words about the threat that they face in the form of our spiraling national debt.

Mr. President, we hear a lot of concerns expressed in this Chamber about the Federal deficit. We hear a lot of theories as to what has caused it—whether it was the Reagan tax cuts or runaway defense spending—we hear all of those. Certainly it is often implied that if we would only get defense spending under control, the Federal deficit will be, too.

Why do I bring that up? Not to imply that Head Start—or any other discretionary program, for that matter—is driving our national deficit. That is not what I am talking about here. I think that most Senators realize that runaway mandatory spending is the real root of the problem.

What I am talking about is this popular idea that defense spending has been the bane of the Federal budget, and that when the peace dividend comes—then all will be well. The point has been made here that the moneys in this amendment are unobligated defense funds—that spending them on these items will not affect defense in any way.

I would say that unobligated defense funds is a pretty good definition of the type of spending that makes up the peace dividend. If we spend them—then, very simply, we will not have a peace dividend. That, I say to my colleagues, is what this debate is about. It is about whether the peace dividend will be spent by this Congress, instead of actually being used to reduce the deficit.

Please hear that—this is not about how much to spend on defense. I have heard it said here today that it is time to spend less on defense—but the 1990 budget agreement obligates not one nickel of expenses on defense or anything else—it sets spending caps. No amending of the budget act is necessary to reduce defense spending.

The will of the American people has been cited at length today—that they want us to reorient our national priorities. That is certainly true—and I would point out that nothing in the 1990 budget act prevents defense expenses from being cut. What I am not hearing from the American public—perhaps my colleagues are hearing differently—is that they want us to continue to spend as much money as we are currently doing. That is the debate here—whether the peace dividend should be a dividend for the deficit, and for the taxpayer, or whether the public wants us to take all that money and to blow it.

I think that if you were to ask the American people, after they tell you that they want more money spent on our children, "Do you think that there is already enough money out there being spent on other domestic projects that could be used for this purpose, or do you think we need to go and get some more?" I think if you phrase the question that way, they will tell you that Congress dispenses plenty of money on the domestic front as it is. It should therefore be very clear that this debate is not about "investing in our children," but rather, about spending their inheritance. I urge my colleagues to vote against this amendment, and I yield the floor.

Mr. GRASSLEY. Mr. President, I share my Iowa colleague's deep concerns about the welfare and education of our children.

I also agree that major defense reductions can and should be made.

That's why I voted earlier this year to cut an additional $60 billion out of the President's defense budget over the next 5 years. That's why I voted to terminate production of the *Seawolf* submarine. That's why I voted to reduce SDI funding by $1 billion, and that's why I support halting production of the B-2 bomber.

Proponents of the Harkin amendment argue that having achieved defense savings in the fiscal year 1993 budget makes it easier to address a variety of domestic concerns, but I caution against simply transferring these funds and continuing to amass outrageous Federal deficits.

To call this a transfer from defense is surely a misnomer. The reality of this amendment and any of the so-called transfer amendments we'll consider on this bill is that they seek to advance certain domestic priorities by utilizing funds made available by defense cuts which we've already approved.

Now, that's a key point, so let me restate it.

We've already approved a budget resolution which reduced defense spending below the cap level, so this amendment is taking money out of those defense savings, and it is not cutting defense any further.

What this means, of course, is that this is not a choice between bombs and babies.

This is not a choice between warfare and welfare, and this is not a choice between weapons system research and medical research.

By our votes earlier this year on the budget resolution, we have already determined the maximum amount we will spend on national defense, and this amendment does not affect that funding level by 1 cent.

Instead, this amendment funds these programs—worthy as they may be—through 100 percent new deficit spending.

Mr. President, I reject the notion that new deficit spending must be our first resort, and I contend that we haven't looked hard enough at spending cuts which could be made in other areas to fund these increases.

We shouldn't permit a smaller defense budget to be an excuse not to reprioritize our domestic agenda.

We must look for and eliminate wasteful and unnecessary spending in all parts of the budget, or we risk bankrupting the Nation our children will one day inherit.

Each dollar of debt we force upon future generations is $1—plus interest, of course—which will not be available to them to meet their needs. To fail to correct this inequity is irresponsible and undeniably selfish.

Let me be clear: I certainly realize that pressing needs do exist today, and it is entirely appropriate to suggest funding increases to meet certain priority items. But I also contend that we have options available to us short of gutting the 1990 budget agreement and increasing the deficit.

Earlier this year I offered an amendment which advocated one such option.

My amendment called on Congress to shift $416 million from the merchant marine's cargo preference and operating differential subsidies to programs such as Head Start, special education, immunizations, WIC, child care block grants, and the like.

And if my memory serves me correctly, Mr. President, my colleague from Iowa opposed me in that effort, an effort which would not have required the breaking of the budget agreement, and would not have increased the deficit.

Mr. President, I have been and will continue to be supportive of worthy programs such as those proposed in the Harkin amendment, but we cannot overlook the fact that substantial increases have already been made in many of these programs.

Like the President's budget proposal for fiscal year 1993, the bill before us suggests spending $2.8 billion in the Head Start Program.

That's a $600 million increase over the current year—the largest single year increase in the history of the program. On a percentage basis, that represents a 27-percent increase.

For immunizations, the Senate bill calls for the expenditure of $344 million in the upcoming year, a $47 million increase over the current year.

This 16 percent increase will provide nearly 6 million polio vaccinations, 3.7 million measle-mumps-rubella vaccinations, and 2.4 million hepatitis B vaccinations, just to name a few.

The bill before us also contains increases in spending on the Job Corps Program, maternal and child health block grant, Ryan White title I and title II, and the list goes on and on.

I am committed to these programs, but I am also committed to seeing that the American taxpayer gets some deficit reduction out of the peace dividend—an investment which will serve our children and grandchildren, not a burden which will restrict them.

Under the existing budget law, fiscal year 1993 is the last year we will operate under the discipline of the budget firewalls.

As evidenced by the many attempts made this year to raid the defense savings and to spend the funds elsewhere, we can surely look forward to a real spending free-for-all once the firewalls are gone and these savings are left unprotected.

Confronted with that reality, achieving some measure of deficit reduction this year is absolutely essential.

This is not a transfer amendment—this is a new deficit spending amendment, and I will oppose any amendment which merely breaks down the firewalls and perpetuates our addition for deficit spending.

I urge the defeat of the Harkin amendment.

Mr. ADAMS. Mr. President, I am proud to be a cosponsor of this amendment to transfer defense funds to domestic programs.

The firewalls between defense, domestic, and international programs in the 1990 Budget Enforcement Act have made it increasingly difficult to provide adequate funding for vital domestic programs. Yet, the problems continue to grow. This amendment says we are serious about attending to our domestic needs. We cannot afford to allow millions of Americans to continue to go without adequate basic health care, education, and other human services.

I would like to give a few examples of how this amendment will help the American people:

Head Start. The amendment would direct an additional $600 million to Head Start, adding to the $600 million increase the Appropriations Committee already approved. This program is extremely cost effective and, in the long run, will only improve the lives of the children it serves.

Biomedical research. The amendment would add much needed funding to biomedical research that may lead to cures for diseases that continue to take a devastating toll on Americans of all ages. Additional funds would be provided for research in cancer, Alzheimer's disease, mental illness, diabetes, and cardiovascular disease.

Breast cancer. The amendment would direct an additional $200 million to breast cancer research. The total increase in breast cancer research funding would be $300 million. We need to find a cure for this disease. We have heard testimony on the devastation that breast cancer brings to the lives of women. Research is the key to finding a cure. Breast cancer strikes one in every nine women. If we fail to provide this additional research funding, that statistic will continue to grow.

AIDS. The worsening AIDS epidemic, particularly in our Nation's cities, demands greater funding. Until a cure is found, treatment and prevention programs will help those most at risk. The Labor Committee heard moving testimony earlier this year on the Ryan White CARE Act. I am very pleased the amendment would add $100 million to this act: $50 million for title I city programs and a matching amount for title II State programs. In my own State, Seattle is now classified as a title I city under the Ryan White CARE Act.

Pell grants. The amendment would add $500 million to this important grant program that assures the neediest students can attend college. For our Nation's students and for our country's competitiveness, a college degree is more important than ever.

These are only a few of the programs that would receive funding increases under this amendment. Our priorities need to shift to the domestic needs of this Nation. This amendment reflects our commitment to finding ways to address these new priorities. I strongly support the amendment and urge my colleagues to do so as well.

Mr. HARKIN. I yield back whatever time I may have remaining.

The PRESIDING OFFICER. All time on the amendment is yielded back.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I raise the point of order that the pending amendment violates section 601(b)(1) of the Congressional Budget Act of 1974.

Mr. HARKIN. Mr. President, I move to waive the Budget Act for consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—36

Adams
Akaka
Bingaman
Bond
Boren
Bradley
Bryan
Burdick, Jocelyn
Conrad
Cranston
D'Amato
Daschle
DeConcini
Ford
Harkin
Hatfield
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Metzenbaum
Mikulski
Mitchell
Packwood
Pell
Reid
Riegle
Sanford
Sarbanes
Simon
Specter
Wellstone
Wofford

NAYS—62

Baucus
Bentsen
Biden
Breaux
Brown
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Pressler
Pryor
Robb
Rockefeller
Roth
Rudman
Sasser
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—2

Gore
Wirth

The PRESIDING OFFICER. On this vote, the yeas are 36 and the nays are 62. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

The adoption and enactment into law of the pending Harkin amendment would cause the appropriate suballocations of the domestic discretionary spending for the Subcommittee on Labor, Health and Human Services, Education and related agencies to be exceeded by $3.6 billion in budget authority, and $1.6 billion in outlays for fiscal year 1993, in violation of section 601(b)(1) of the Congressional Budget Act of 1974.

The point of order is sustained, and the amendment falls.

SENATE COMMITTEE ON THE BUDGET

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5677, the Labor, Health and Human Services, Education, and related agencies appropriations bill as passed by the full Appropriations Committee and has found that the bill is under its 602(b) budget authority allocation by $500 million and under its 602(b) outlay allocation by $145 million. The bill scoring reflects an agreement by the appropriators to change the committee allocations and to earmark domestic discretionary moneys for the urban aid provisions pending in H.R. 5620, the fiscal year 1992 supplemental appropriations bill.

I compliment the distinguished manager of the bill, Senator HARKIN, and the distinguished ranking member of the Labor, Health and Human Services, and Education Subcommittee, Senator SPECTER on all of their hard work given the very tight budget constraints on their subcommittee.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Labor, Health and Human Services, Education, and related agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5677

LABOR-HHS SUBCOMMITTEE SPENDING TOTALS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Domestic discretionary [1]	61,159	61,626
Senate 602(b) allocation	61,659	61,771
Difference	-500	-145
Defense discretionary	500	410
Senate 602(b) allocation	500	410
Difference	0	0
International	11	11
Senate 602(b) allocation	11	11
Difference	0	0
Mandatory total	170,664	169,915
Senate 602(b) allocation	170,664	169,915
Difference	0	-0
Bill total	232,334	231,962
Senate 602(b) allocation	232,834	232,107
Difference	-500	-145
Domestic discretionary above (+) or below (−):		
President's request	-478	-34
House—passed bill	9	-498
Senate—reported bill		
Defense discretionary above (+) or below (−):		
President's request	500	410
House—passed bill	0	0
Senate—reported bill		
International above (+) or below (−):		
President's request	-0	-0
House—passed bill	0	0
Senate—reported bill		

[1] Excludes $500,000,000 in budget authority and $145,000,000 in outlays contained in H.R. 5620.

PRIVILEGE OF THE FLOOR

Mr. SPECTER. Mr. President, on behalf of Senator THURMOND, who has other business, I ask unanimous consent that Mr. Richard Smith, a legislative fellow on Senator THURMOND's staff, be granted floor privileges for the duration of H.R. 5677.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3000 TO COMMITTEE AMENDMENT ON PAGE 2, LINE 24

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. HATFIELD, and Mr. HARKIN, proposes an amendment numbered 3000.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 1, strike "Job Training Partnership Act," and insert the following:

Job Training Partnership Act (29 U.S.C. 1754), and in addition to the amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $2,423,000,000 to remain available through September 30, 1994: *Provided*, That notwithstanding any other provision of this Act, during award year 1993–94, $2,800 shall be the maximum Pell grant that a student may receive: *Provided further*, That notwithstanding any other provision of this Act, during award year 1993–94 Pell grants shall be awarded to any student who is attending an institution of higher education on a less than half-time basis: *Provided further*, That of the funds appropriated in the fiscal year 1992 Department of Defense Appropriations's Act, (P.L. 102–172), $2,920,000,000 is hereby rescinded from title III, procurement: *Provided further*, That said funds shall be rescinded on a pro rata basis from all unobligated funds for programs, projects and activities provided for under said title: *Provided further*, That no funds shall be rescinded from amounts made available for National Guard and reserve equipment. *Provided further*, That—

(a) the fiscal year 1993 discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 are amended for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget and Impoundment Act of 1974, as follows:

(1) the discretionary spending limits for the domestic category shall be increased by $2,920,000,000 in budget authority and $484,720,000 in outlays; and

(2) the defense spending limits shall be reduced by $2,920,000,000 in budget authority and $484,720,000 in outlays.

(b) Notwithstanding any other provision of law, the Office of Management and Budget and the Congressional Budget Office shall recalculate all adjustments to fiscal year 1993 discretionary spending limits required under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 based on the amendments required in subsection (a) and shall report the revised limits to the Congress in the report to Congress for this Act that is required under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 and such revised limits shall be valid as if made pursuant to section 251(b) of the Act.

(c) subsection (a) and (b) of this provision shall be effective upon the date of enactment of this Act.

Mr. SPECTER. Mr. President, I am prepared to accept a 1-hour time agreement, equally divided, and perhaps we can conclude the argument on the amendment even in a lesser period of time.

Mr. BYRD. Mr. President, if the Senator will yield, before the Senator asks for a time agreement, would he explain what the amendment does?

Mr. SPECTER. I would be pleased to do that. This amendment is one which I spoke about last August 12, and which I had commented on very briefly in both the subcommittee and full committee appropriation markups. The essence of it is to rescind $2.9 billion from the procurement accounts within the Department of Defense—that is about 10 percent of the fiscal year 1992 unobligated funds—and make a transfer to the education account, so that the level of the Pell grants awards may be increased to $2,800 in fiscal year 1983.

Mr. BYRD. Mr. President, what the Senator is doing here is offering an amendment to break the wall, just as the previous amendment sought to do, an amendment against which a point of order was made and which point of order was sustained by the Chair.

The Senator is going for a lesser amount, and I hope the Senators who are here and just voted will understand that the Senate has just rejected a motion to waive the Budget Act, and the Chair has ruled that it was out of order. It is a 60-vote waiver. I hope that Senators will do likewise on the current amendment.

I thank the distinguished Senator for yielding, and for the same reason as I stated earlier, I oppose the amendment, hoping that the point of order which will undoubtedly be made will be sustained, and I hope some of the Senators who voted for a waiver on the previous amendment will vote against the waiver this time. This is the second run at this. I thank the distinguished Senator for his patience and for yielding.

Mr. DOMENICI. Will the Senator yield in a moment?

Mr. SPECTER. I will in a moment, but I wanted to respond to the distinguished chairman of the Appropriations Committee.

Just as he asked the Senators who voted against the Harkin amendment, I make the request that some of those who voted against the amendment by the distinguished Senators from Iowa vote in support of this amendment. This amendment is a substantially lesser amount, and because it targets Pell grants and does so in a context that this body voted on the Higher Education Act, and agreed to raise the authorization for the maximum grant from $3,100 to $3,700 in fiscal year 1993.

At the same time, we have congratulated ourselves and patted ourselves on the back for having raised the allocation for higher education, we have so little funding in this appropriations bill that both the House and Senate bills have reduced the Pell grant cap from the $2,400 recommended in fiscal year 1992 to $2,300 this year. It seems to me highly unusual that the Congress is accepting accolades and patting itself on the back for raising the maximum grant in the authorization bill and then at the same time lowering the cap in the appropriations bill.

So I think this amendment is very different from what Senator HARKIN has suggested; and contrary to the argument of my distinguished colleague from West Virginia, there are very good reasons indeed why those who would not join Senator HARKIN would join in support of this amendment which I have offered on behalf of myself, Senator HATFIELD, and Senator HARKIN.

If I may do so without losing my right to the floor, I will be glad to yield to my distinguished colleague from New Mexico.

Mr. DOMENICI. I thank my friend. Mr. President, I do not want to make an argument. I wholeheartedly agree with the distinguished chairman of the Appropriations Committee. I would like to talk with the Senator from Pennsylvania about the time on this amendment. He was going to suggest, when Senator BYRD asked that we discuss what was in the amendment, a 1-hour time agreement, equally divided.

I wonder, in thinking about a time agreement, whether we could not frame the time agreement to include both time on the amendment and time on the point of order. There is no reason to have 1 hour on the amendment, and then make a point of order, and then move to waive that, which is subject to unlimited debate, and we will have another debate there. It would seem to me if we are going to take an hour——

Mr. SPECTER. I would be glad to do that.

Mr. DOMENICI. Might I say to Senator BYRD and Senator NUNN, do you not think an hour equally divided to include any debate on a point of order would be all right?

Mr. BYRD. Mr. President, the time on the point of order is included anyway. The Chair will not make the point of order before somebody moves to waive. So there will not be any debate on the point of order.

I assume the Senator from Pennsylvania will move to waive the Budget Act. So there will not be any debate on that, after the Senate has voted down a waiver, if it does, and I hope it does. An hour is more than sufficient.

As far as I am concerned, I will not argue it again, unless, as I said before, we want to do what Augustus did and butt our head against the wall and say, "Varus, bring me back my legions." Arminius, the German, destroyed the three Roman legions in the year 9 A.D., and executed Varus. Afterward, Augustus would say, "Bring me back my legions," and butt his head against the wall. That is what we will be doing if we adopt this amendment—butting our heads against the wall.

The President will veto this bill if this amendment is adopted, and we are just butting our heads against the wall, even if the House were to agree with it. We need to get on with this legislation; we need to pass it and let the moneys that are in the bill be administered to the programs and let that money go forward, so that it will be doing some good. I support every program that the Senator from Iowa and the Senator from Pennsylvania are talking about here. It is not an argument about the programs. They are good. But this is the wrong time, the wrong place, and this amendment would produce the wrong result.

I hope that the Senate will vote down the motion to waive the Budget Act.

Mr. SPECTER. Now, Mr. President, if I may proceed, since I do have the floor and had sought an opportunity to advance the basic considerations in support of this amendment, and those who may speak in opposition will have adequate time to do so.

Mr. BYRD. Does the Senator want 1 hour?

Mr. SPECTER. I will be glad to formalize the unanimous-consent request that the debate on this amendment be limited to 1 hour, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I think the distinguished chairman of the Appropriations Committee has a good analogy when he talks about the legions. I think the analogy is we have too many legions right now compared to education and that we have a Department of Defense bill which has very substantial, unobligated funds and an argument has been made that, notwithstanding the existence of unobligated funds, much of those moneys are needed for other purposes.

But it is undeniable that with the utilization of some 10 percent of those unobligated funds we are not going to be impeding any existing obligation or any existing program of the Department of Defense, and that we are in a very targeted way different from the amendment by the distinguished Senator from Iowa who had quite a number of programs, very important programs. We are targeting in a very specific way Pell grants.

And while this Senator is well aware of the need to get on with this legislation, this kind of an amendment may profitably occupy the Senate so that the people of this country can see who has voted for an authorization to increase the authority for Pell grants and who has voted against an appropriation. And earlier today we waited for in excess of 1 hour and 15 minutes to have some clarification and a rollcall vote which should have been accomplished in 15 minutes.

I sought a time agreement on the amendment by Senator HARKIN earlier today for 1 hour when Senator HARKIN and I were the only Senators on the floor. So I do not think there is any necessity for this Senator to apologize for seeking 1 hour of the Senate's time. We have plenty of time to consider a matter of this importance.

Mr. President, I think it is a matter of tremendous importance—and I say that having convened sessions all over Pennsylvania of students who are looking for help on their college education, and those students are not able to get that help. The Pell grant awards which are in existence are totally insufficient and even if we raised the Pell grant to $3,700, which this amendment will not do, it will raise it only to $2,800, we are neglecting a very vital part of our society. The defense of the United States would be better ensured by seeing to it that young men and young women, or for that matter, older men and older women, who want to go to college for higher education have an opportunity to do so. The defense of America in the next century would be best served by paying a little more attention to the education needs of America now.

This is especially true, Mr. President, in the context of the Senate having passed the higher education bill. When that was done, and the House passed it, the newspapers were full of accolades which Senators took when coming to the floor and saying what great thing had been done for education in America.

It is a little hard for Americans to understand the authorization process and the appropriations process. But in a nutshell the rules of this body require that, first, there be an authorization before there can be an appropriation. But those rules are breached often when there are appropriations as we all know without an authorization, and some have said that the whole authorizing process is duplication and we ought to move away from it and perhaps we should. But when we have passed an authorization bill for higher education, expanding the maximum Pell grant to $3,700, it just seems absurd to this Senator that we then lower the maximum grant in the appropriations bill to $2,300.

That is the reason that I took a look at the accounts on other lines and found that by taking $2.9 billion from procurement accounts in the Department of Defense there would not be any adverse impact on the Department of Defense, that there would not be any addition to the deficit, and that there would be a very, very important advance for higher education in America.

Mr. President, in 1979 Pell grants covered 51 percent of the average cost of attendance at a 4-year public institution in contrast to 1989 when the maximum grant covered only 34 percent of the cost—a decrease of one-third. I do not have more up-to-date statistics but the conclusion is obvious that it has been reduced even further. Over the past 10 years, the cost of a college education has risen 135 percent compared to only a 65 percent increase in family income.

Within that generalization, Mr. President, I daresay that the increase is less when it comes to families in lower income categories spending their students to college.

Mr. President, the cost at a public institution, a 4-year institution, in 1979 was $3,409 as compared to $6,671 in 1989. In Pennsylvania, for the 1991-92 school year, 135,301 students received $189 million in Pell grant funds, funds which are designed to go to the neediest students, and that amount should be very, very materially higher.

I believe that as we take a look at what has happened in the world and as we have seen the disintegration of the Soviet Union and we have seen the reduction in needs for defense, and when we take a look at the kinds of allocations which are present for this subcommittee which is short of funding on low income home energy assistance, low in funding on medical research, low in funding in so many lines, and to pick out the one line which this Senator considers to be indisputable, Pell grants I consider to be indisputable. This is not based on my conclusion but based on the conclusion of the Senate and the House and the Congress and the President on the higher education bill. If we are going to talk about $3,700 in authorization, how can we talk about reducing the maximum grant in the appropriations bill from $2,400 to $2,300? I suggest that this increase to $2,800 is modest, minimal—this is different from Senator HARKIN's amendment—and I urge my colleagues to support the amendment.

Mr. President, I ask how much time I have remaining?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I was absent from the floor for a moment. Is it fair, Mr. President, to assume that the half hour in opposition is controlled by the Senator from New Mexico, or who controls it?

The PRESIDING OFFICER. If the majority manager is not opposed, then the minority leader will designate the Senator.

Mr. HARKIN. I am not opposed to this amendment so the minority leader would have to designate.

Mr. DOMENICI. I do not have the minority leader here but I assume he designated the Senator from New Mexico.

We have 30 minutes on our side, I say to the Senate, to those we might argue. I hope we do not use the entire 30 minutes on our side. Most of the arguments have been made. I did not argue heretofore so perhaps I will make a few remarks.

Mr. President, we have a number of subcommittees of the U.S. Senate and the U.S. House of Representatives that handle the domestic appropriations of this country, not just one, not this one. There are 10 others that have within them programs that many Senators would think are very, very important with reference to their thoughts on what we ought to be doing if we have more money to spend.

Mr. President, as much as has been said about the 5-year budget agreement that was entered between this President and this Congress—forgetting the tax side of it and talking about the fiscal side of it—for once there is rather generous and genuine concurrence that we have found a way to control, in a reasonable manner, the discretionary spending and to do so in a rational way through this 5-year agreement.

There is not any question that we have found a way to say to the Senate and House if you pass domestic appropriations that exceed the agreed-upon amount, the executive branch is going to cut everything in that category across the board for the amount that you exceeded. A rather interesting approach, probably something that may be further adopted by us in years to come. It makes budgeting quite enforceable and it permits a rational discussion of how much you want to spend within each of the domestic areas of Government: The Interior Subcommittee, with many of its activities, Energy and Water, with some of the civilian nuclear, the defense nuclear, the Corps of Engineers, and so on.

The chairman of the Appropriations Committee has tried in a general way earlier in the year to tear the defense wall down—and he lost rather significantly—and quite appropriately, took the message as a real message from the Senate. And it said: you have exactly what you agreed for your domestic total and divide it up in a rational sense that makes policy sense to you and the executive branch and bring the bills here.

Now we are coming near the end of the domestic agenda and one bill that has received a rather significant increase—in fact, I can say without even getting the numbers before me—a substantially bigger increase than the Interior appropriation bill got. In fact, I think it is close to, if not less than, a freeze, the Interior bill. We can look at others. They did not get very big increases. This one, without any add on, got a rather substantial increase.

But now we say, when we have done all of that, essentially made our deal among ourselves—because we turned down breaking the wall down as a Senate, so that the appropriators could allocate among various policy decisions for various parts of the domestic agenda of America. Now we come here and say, well, there are some areas in this measure that are really the kinds of things we ought to want to do. But do not bother to go back and see where you might reduce domestic spending to pay for this. Do not argue about the allocations in the domestic agenda and say take some away from Interior and put it here when we did that allocation.

Now we come and say, here is a new list of good things. The bill is full of good things. Every appropriations bill is full of good things. Now we find here are some really good things. Let us now break the 5-year agreement or, in a sense, let us tear down one of the very significant ingredients in it. Let us do it piecemeal so that we can selectively come to the floor with a measure that has the most political pizzazz and say let us add it on.

As a matter of fact, no accusations intended, nor do I make one, but you could actually underfund some programs in this particular appropriation and overfund some others. Then with the underfunded ones, come and tear the wall down because you would like very much to add to those and have your cake and eat it too.

There are a lot of reasons that we should not do it. They have been more than adequately stated heretofore. I do not choose, because others do it better than I and have done it, to make the argument about not doing this this late in the defense cycle, not looking at so-called unobligated balances, because they are, in fact, needed, although they are called back.

I do not make that argument. Senator NUNN has made it. I am sure he has made it eloquently. And Senator WARNER addressed it, as those who are knowledgeable; as Senator STEVENS must have, as a defense appropriator.

I merely indicate this is not the time, not the right place, no matter what the program. We have funded these programs that more money is sought for to a rather healthy extent. This entire bill is funded rather significantly. And I believe it is by far in the best interests of the U.S. Congress that we live up to our agreement.

Last, but not least, if we were to tear this wall down and appropriate this defense money, it is an exercise in futility. There is no question that it will never become law. The President has told us unequivocally on the regular appropriation process that if it exceeds what he asked for he is going to veto it. I am not here advocating that, suggesting he is right or wrong.

To come and ask that we intentionally go well beyond what he asked for in this bill and expect him to sign it, when we are indeed denying the wall that we established so that we would have some degree of reasonableness throughout the first 3 years of this agreement, seems to me to be almost wasting the time that is so valuable around here. It is not going to work in the long run.

Now, having said that, let me conclude by saying that at no time in this discussion do I in any way want to imply that the distinguished Senator from Pennsylvania, in his quest to do something for education, is seeking to do something that is wrong. Not at all. He chooses to do this and he thinks it is the right thing to do. I choose to join with others in saying we ought not be doing business this way. And, clearly, if you want to fund the Pell grants more within this bill, you ought to reduce spending somewhere else within this bill.

Having said that, at the appropriate time, if it falls to the Senator from New Mexico, I will make the point of order.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

(Mr. FOWLER assumed the chair.)

Mr. BYRD. Mr. President, those of us who are on the Appropriations Committee—this includes the distinguished Senator from Pennsylvania [Mr. SPECTER] and the distinguished Senator from Iowa [Mr. HARKIN]—know what baseline means.

If this amendment were adopted or if the previous amendment had been adopted, then the next year, the Senators on this subcommittee that has jurisdiction over this amendment, would be saying, "Look, we spent *x* number of dollars last year,"—which will be increased by this amendment—"therefore, our baseline is at this point."

So if we approve this amendment, we increase the baseline so that it would not only give this Subcommittee on Labor-HHS more money now, but it diminishes all the other subcommittees next year, because this same subcommittee, if we do this and raise the baseline, will be coming in here next year, and saying, "Look at our baseline. You gave us more money than that last year. Our baseline is up now. We need more money now for these same programs."

Next year the moneys are still going to be tight. We have deficits running into the $400 billion mark and a national debt of $4 trillion.

These are good programs. Nobody doubts that; nobody questions that. I support these programs. But, at the same time, we only have so much money to go around and we have other subcommittees that have needs too, human needs.

This is an exercise in futility. It is not going anywhere. The House has to adopt it also, and it will not do it. And even if it does, the President is going to veto it.

I could read again what I read earlier today, the language that came up from the administration which indicates that there will be a recommended veto if such amendments are agreed to. We cannot override that veto. So the President is going to prevail in the final analysis.

And that just lengthens the time and delays the day for the moneys that are in this bill for these good programs to do their good work.

So why do we not get on with the point of order and motion to waive and vote it down, even though we like the programs, and come back next year when the walls will be down and take a new look. Meanwhile, let us get on with these programs that are being provided in this bill?

I congratulate the Senator from Pennsylvania and I congratulate the Senator from Iowa. They are talking about items that ought to be of the highest priority. But there is no point in our doing this. This is not going anywhere.

I thank the Senator for yielding.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman of the Appropriations Committee.

Let me make the second-to-the-last point he made in a different way. He talked about baselines. Let me talk about programs.

Any Senator who has looked at an appropriations bill on the domestic side, which came out of the subcommittee—out of the committee, to the clerk, to the floor, and on which we voted—any of them, be it Interior, Energy, Water, or Justice, are thinking: We worked very hard, and there are many things we would like in that bill but we just could not afford them this year. But, boy, we want a chance to sell them to the Appropriations Committee and to the Senate, because we need more money for the Bureau of Reclamations; we need more money for the Smithsonian Institution.

What will happen if we were to adopt this is we will have prejudiced the chance next year, when this allocation occurs, for that subcommittee to get additional money so the Smithsonian could get an increase, because we will have taken the number of billions here and put it into—my friend said baseline; I will say into the expectation—the serious, high-probability expectation of this bill. Because it has been in there once, the next year, if you do not leave it in, you are cutting it.

So I would say it is going to affect baselines and cause other subcommittees, which deal with other programs of this country, to have less opportunity to get increased funding. That will happen, just as sure as we are here.

We are not going to get a chance to look at the totality of it before we add money from defense, which we may or may not do once the walls are down. They will be down—as the Senator said—in a year.

So I thank the Senator for his discussion, and I am pleased to join with my colleague on the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief reply at this juncture, I do not believe this is an exercise in futility. I believe that this body spends too little time on candid debate on the priorities of America. And I believe the logic is overwhelming to take a modest amount—10 percent—of the unobligated Department of Defense funds for Pell grants.

When the distinguished Senator from New Mexico says that other Senators have programs that are very important, let them offer amendments. Let them bring those programs to the floor, and let us see if they are more important than the programs which are currently being funded.

When the distinguished Senator from New Mexico says that we made a deal among ourselves, that is not so. This Senator is not a party to any deal. When the subcommittee allocations were considered this year, when the subcommittee allocations were considered last year, when the subcommittee allocations were considered the year before, as the distinguished chairman of the Appropriations Committee knows, this Senator raised an objection.

And I even made a motion, which may have been an exercise in futility in the Appropriations Committee. But I had three votes, which is not too bad when Senator BYRD, the chairman, is on the other side.

I made that statement because I believe there needs to be more analysis and consideration of these specific priorities—where we are going to spend the money.

The distinguished chairman of the Appropriations Committee very kindly said to this Senator that this Senator could have his way just as soon as I became chairman of the Appropriations Committee. It might not be too long from now; who can tell? Who can tell what will happen in the U.S. Senate?

But I think it is important for individual Senators to express themselves. And when it is argued by the distinguished Senator from New Mexico that we are doing it piecemeal, what is wrong with that? How do you handle this budget, except to pick out Pell grants, higher education, any item where the argument is made that it is more important.

When the distinguished Senator from New Mexico says it may be more politically popular to advance this kind of amendment, what is wrong with that? When you talk about what is more politically popular, you are talking about what the people in America want. We are not oblivious, nor should we be, to what the people in this country want. We are a representative democracy. We are supposed to be here to carry out the will of the people of the United States. And if you want to call that being politically popular, is that some opprobrium; is that some nasty comment? To do what the people want, I think, is exactly why we were sent here.

This is a very, very, very targeted amendment. The distinguished chairman of this subcommittee and I discussed his amendment at length in advance, and he has a great many important proposals there. But I think when you vote—if anybody does vote, and some may vote against this amendment—and you vote against Pell grants and college education specifically, I think there is a marker there.

Mr. President, I inquire as to how much time I have remaining.

The PRESIDING OFFICER. The Senator from Pennsylvania has 18 minutes remaining.

Mr. SPECTER. I thank the Chair, and I yield the floor.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. DOMENICI. If the chairman of the Budget Committee wishes to speak, I yield up to 5 minutes to Senator SASSER.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. SASSER. Mr. President, I thank my distinguished friend from New Mexico for yielding.

Mr. President, at another time I would be strongly supportive of the amendment offered by my friend. We have debated this issue over a period of months, the whole question of walls. Frankly, I am opposed to the very concept of walls. I think the idea that we would put walls into the appropriations process whereby we wall off defense spending, wall off domestic discretionary spending, and wall off spending for international enterprises defeats the democratic process because it is, really, the responsibility of the elected representatives of the people by majority vote to make these discussions.

We had this fight earlier this year, and I made that argument as strongly as I could. I was the leader, or one of the leaders—along with the distinguished chairman of the Appropriations Committee and others—in trying to break down the walls between military spending and domestic spending. The Senator from Pennsylvania joined us in that, as did the distinguished Senator from Iowa. But, unfortunately, we lost it. And we lost it after a long and, I thought, thorough and exhaustive debate.

It was a close vote, and I will say to my colleagues that I was keenly disappointed by the result.

But we come now to the 11th hour of this Congress. It is the business of this Senate now to try to get these appropriations bills passed. And at this late hour we are trying to make a determination if it is worth piercing the wall to fund Pell grants.

Frankly, in the abstract, I would say yes. But when you look at it in its totality, is a Pell grant any more worthy than an increase in a program for infant nutrition? Is a Pell grant any more worthy than increasing the funding for cancer research? Is a Pell grant any more worthy an enterprise than child immunization, or a whole host of programs? I do not see how we, at this late hour, can make the decision as to whether or not we ought to pierce these walls simply for this one program.

Let us say we answered in the affirmative, and we are going to pierce the wall and fund Pell grants. We know what is going to happen when this bill gets to the President. He has made no bones about that. There is going to be a veto. And we do not have the two-thirds necessary to override the veto.

If we did not have a majority of the Senate at the beginning of this year to tear down the walls between military spending and domestic spending, certainly we are not going to have the two-thirds to override a Presidential veto that is invoked against this bill because we did tear down the walls.

So what we are really engaged in, it appears to me, is an exercise in futility. I do not fault my distinguished friend from Pennsylvania for bringing this amendment. As I say, on another day at another time and other circumstances, I would support it because, quite frankly, I think I would agree with his reasoning that increased funding for Pell grants for college education for needy and worthy young people certainly means more to the future of this country than maintaining the present level of military spending.

But there comes a time when you simply must lay a controversy to rest. I think we have reached that stage in this Senate in this session of the Congress. So, for that reason, I must reluctantly oppose the amendment offered by my friend from Pennsylvania just as I opposed the amendment a moment ago offered by the distinguished chairman of the subcommittee, the Senator from Iowa. It simply comes too late, and we are not in a posture where we can make a fair evaluation, and we certainly are not in a posture where we can override the President's veto that shall come just as surely as night follows day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes remaining. The Senator from Pennsylvania has 18 minutes remaining.

Who yields time?

Mr. SPECTER. Mr. President, I yield to the distinguished chairman of the subcommittee such time as he may use.

Mr. HARKIN. Mr. President, I thank Senator SPECTER for yielding to me at this time.

Mr. President, this is a different amendment than what I had proposed earlier. The transfer amendment I had offered earlier was a broad-based one, it covered a lot of different programs. This transfer amendment I liken to a rifle shot at a program that needs the funding, deserves it, and for which we have had to constrict some funding.

The Congress authorized Pell grants for the level of $3,700 per student. We said that is what it ought to be; that a poor student ought to get up to a maximum of $3,700 with a Pell grant. Last year, we got to the high level of $2,400. This year, because of the restrictions, because we did not have enough money, because of these firewalls, we had to go from $2,400 a student down to $2,300. We are going in the wrong direction just so that we can keep all the students in the program. We made that judgment call. We tried to keep the students in the program but cut their payments by $100 a year. That has a terrible effect on colleges, private colleges as well as public colleges, but also a disastrous effect on some of the poorest of our kids going to college. That is why I am supporting Senator SPECTER'S amendment.

In 1979, Pell grants covered 51 percent of the average cost of attendance at a 4-year college. Ten years later it covered only 34 percent of the costs, and now we are reducing that even further from $2,400 down to $2,300. Yet we all know what has happened to the cost of college education and how it has gone up. Pell grants were designed for the neediest of students. These students need this help. It is a modest amendment. This amendment would rescind only $2.9 billion from the procurement accounts and appropriate these funds to the Department of Education just for these Pell grants.

So, again, this would raise the maximum award from the $2,300 up to $2,800, still a far cry from the authorized level of $3,700. I believe this amendment is an amendment that we should support.

There may be those who voted against the other transfer amendment, the one I offered because maybe it was too high, maybe it was too much money, perhaps there were programs that money was designed for that they did not care about. I do not know. There may have been a lot of reasons. I do not think anyone can disagree with this amendment, to put the money in the Pell grants where it ought to go for the neediest of students.

I compliment my distinguished ranking member from Pennsylvania. I thank him for his support throughout this whole process in bringing this bill to the floor. He has been most helpful and constructive in putting this bill together. I know he feels very strongly about Pell grants and about these neediest students who need this money to go to school. When we have the point of order raised, I know there will be a motion to waive the Budget Act. I hope that all of those who supported my transfer amendment will see fit to support this. Those who did not support my transfer amendment, for whatever reason, might at least support this more modest effort to transfer some of the moneys from the Defense Department to the education of our poorest students.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, when all time is yielded back or has expired, I do plan to make a motion, and I ask perhaps for 1 minute of time from whomever is controlling time on the opposite side.

Mr. SPECTER. I will be glad to yield 1 minute of time to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I will not repeat the arguments I already made on the other amendment, but I will say again this really amounts to a line-item veto, and the President can select any part of the defense program he would like to select and he can just cut it right out on the unobligated balances.

For those who might be interested, in the F-15, there is $667 million in unobligated balances; the C-17, $1.202 billion in unobligated balances; the F-14 is one of the programs that has a large unobligated balance; the V-22, which I believe the Senator from Pennsylvania has been very supportive of, has $790 million in unobligated balances. The President can take all the money out of the V-22 if he would like to under this amendment. He can take it all. That is what they want to kill anyway. The Congress has decided they want to fund the V-22. I know there are many people here who care about that.

So, Mr. President, when all time has expired, I will make a point of order that the pending amendment violates section 601(b)(1) of the Congressional Budget Act of 1974, and I want to thank the Senator from West Virginia for his stalwart stance on this amendment, which I know goes to the heart of the overall budget agreement.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER Mr. President, the future promise of any nation and its long-term security is dependent on the opportunities and capabilities of its youth. If the United States is to maintain its role as a leader among nations and a defender of democratic principles, we must recognize that the education of our youth means more to national defense than the ability to buy a few more airplanes.

Over the past several months, I have been meeting with students at colleges and universities across Pennsylvania. The young people I met with represented a broad cross section of the student population and demonstrated a keen insight into the issues that this body grappled with a few weeks ago, when it debated the Higher Education Act reauthorization. They recognize that any contribution they may make to defending our country's global position must be based on a strong educational foundation.

Generally speaking, the students' concerns center around the rising cost of education—a concern that is borne out by the fact that over the past 10 years, the costs of a college education have risen 135 percent, compared to only a 65-percent increase in family income. Education has gotten so expensive that students are genuinely worried about how they are going to cope with the enormous debt they are incurring—a debt that may leave them questioning if the benefits of a higher education justify the sacrifices.

The Pell Grant Program is the largest need based Federal postscondary student grant program administered by the Department of Education and is considered the cornerstone of Federal student aid. These grants assist undergraduate students from low-income families who would not otherwise be financially able to attend a postsecondary institution. Pell grants have actually declined in value over the past 10 years. In 1979 Pell grants covered 51 percent of the average costs of attendance at 4-year public institutions, in contrast to 1989 when the maximum grant covered only 34 percent of costs.

When the Higher Education Act was debated by this body, there were grave concerns about the declining purchasing power of grants and consequent growing student reliance on loans. For these reasons, the conference agreement raised the maximum Pell grant award to $3,700 for fiscal year 1993, with that amount increasing $200 per year to a maximum of $4,500 in fiscal year 1997.

The amendment which I am offering today would transfer $2.9 billion in fiscal year 1992 Department of Defense procurement funds to the Department of Education for Pell grants. These funds, together with the amount that will be appropriated in the Labor, Health and Human Services, and Education appropriations bill, will provide a maximum grant award of $2,800 and serve approximately 4.5 million students. These steps will help make a college education more affordable for low-income students. This amendment would also allow students who attend classes on a less than half-time basis to receive Pell grants.

This amendment would not have been necessary if the 602(b) allocation for the Labor-HHS-Education Subcommittee had been sufficient to take care of the important programs contained in that bill. Programs which serve the poor, retrain our work force, and provide research into the causes and cures of disease, are competing with programs that educate this Nation's children.

In past years, even though the authorizing legislation provided for higher maximum Pell grants, the Labor-HHS Subcommittee was forced to cap the maximum grants at $2,400 due to lack of funds. Again, this year, the subcommittee faced the same situation, and in fact, the House and Senate appropriations bills both cap the maximum grant at $2,300.

In order to have a smooth transition to the civilian economy during the downsizing of the U.S. military, the administration has proposed several job training and education programs to retrain armed services personnel. But more needs to be done. The Pell grant amendment would help with the education of those personnel who wish to build on their military training by seeking their undergraduate degrees, as well as provide educational opportunities for the most disadvantaged sector of the civilian population.

In short, Mr. President, this amendment will help to restore one of the most basic tenets of this Nation's education policy: that any qualified individual should have the opportunity to pursue a higher education. I think we owe the students of this Nation no less than that.

I urge my colleagues to join with me in supporting this amendment.

Mr. President, by way of a brief reply to the arguments of the Senator from Georgia, the text of this amendment requires that there be a pro-rata reduction so that it would not be possible for the President to take all of the money on one item or have a line-item veto. It is my understanding—and I have some hesitancy in disagreeing with the distinguished chairman of the Armed Services Committee—but it is my understanding that the funds for the V-22 are in research and development as opposed to procurement.

Mr. President, I am prepared to make a motion to waive the Budget Act for consideration of this amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back his remaining time?

Mr. SPECTER. If the time is yielded back by the opponents of the amendment, I am prepared to do that, Mr. President.

The PRESIDING OFFICER. All time is yielded back.

Mr. NUNN. Mr. President, I raise a point of order that the pending amendment violates section 601(b)(1) of the Congressional Budget Act of 1974.

Mr. SPECTER. Mr. President, I move to waive the Budget Act in consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the meeting. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 30, nays 67, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—30

Adams
Akaka
Bond
Boren
Bradley
Burdick, Jocelyn
Conrad
Cranston
D'Amato
Daschle
Harkin
Hatfield
Hollings
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Mikulski
Mitchell
Packwood
Pell
Pressler
Reid
Sanford
Sarbanes
Simon
Specter
Wellstone
Wofford

NAYS—67

Baucus
Bentsen
Biden
Bingaman
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kohl
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Pryor
Riegle
Robb
Rockefeller
Roth
Rudman
Sasser
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—3

Glenn
Gore
Wirth

The PRESIDING OFFICER. On this vote, the yeas are 30, and the nays are 67.

Three-fifths of the Senators, duly sworn, not having voted in the affirmative, the motion is rejected.

The adoption and enactment into law of the pending Specter amendment would cause the appropriate suballocations of domestic discretionary spending for the Subcommittee on Labor, Health, and Human Services, Education, and Related Agencies to be exceeded by $1.9 billion in budget authority and $340 million in outlays for fiscal year 1993, in violation of section 601(B)(1) of the Congressional Budget Act of 1974.

The point of order is therefore sustained, and the amendment falls.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will soon send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair advises the Senator that the pending question is the first committee amendment.

Mr. LAUTENBERG. Mr. President, does the action have to follow that we accept the committee amendment before we consider other amendments? Or can we ask unanimous consent that that committee amendment be put aside for a moment?

The PRESIDING OFFICER. Unanimous consent would be required at this time to consider the amendment of the Senator from New Jersey.

Mr. HARKIN. Mr. President, as I understand the situation, I had asked unanimous consent earlier to set aside five committee amendments, and then we proceeded to the two amendments, the one I offered and the amendment Senator SPECTER offered. We are now back, if I am not mistaken, to the first committee amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en block, with the exception of the following: On page 39, line 23; on page 40, line 4; on page 42, line 14; on page 87, lines 4 through 15; and that the bill, as thus amended, be considered as original text for the purpose of further amendments, provided that no point of order be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I am advised that there is a Member on this side who does object.

Mr. HELMS. Mr. President, reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, after consultation with Members on the minority side, I now ask unanimous consent that the committee amendments be agreed to en bloc, with the exception of the following: On page 39; line 23; page 40, line 4; page 42, line 14; page 87, lines 4 through 15; page 23, line 12 through 22; page 46, line 2 through line 10; page 52, line 9 through line 23; page 58, lines 17 through 26; page 73, line 14; page 2, line 24 through page 3, line 1; and that the bill as thus amended be considered as original text for purpose of further amendments, provided that no point of order be waived by reason of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc, except the following: On page 39; line 23; page 40, line 4; page 42, line 14; page 87, lines 4 through 15; page 23, line 12 through line 22; page 46, line 2 through line 10; page 52, line 9 through line 23; page 58, lines 17 through 26; page 73, line 14; page 2, line 24 through page 3, line 1.

AMENDMENT NO. 3001 TO THE FIRST EXCEPTED COMMITTEE AMENDMENT ON PAGE 2, LINE 4

(Purpose: To protect children from exposure to environmental tobacco smoke in the provision of children's services)

Mr. LAUTENBERG. Mr. President, I have an amendment at the desk and that amendment is to amend the first committee amendment and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislation clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3001.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION OF FEDERAL FUNDS OR FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds or financial assistance may be provided to, or used by, any person with respect to the provision of children's services by such person, unless such person establishes and makes a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—A nonsmoking policy meets the requirements of this subsection if such policy prohibits smoking in each portion of an indoor facility used in connection with the provision of children's services, and, where appropriate, such policy requires that signs reading "no smoking" be posted in each such facility to communicate the policy. Such policy may allow smoking in those portions of the facility—

(1) in which such services are not normally provided directly to children; and

(2) that are ventilated separately from those portions of the facility in which such services are normally provided directly to children.

(c) WAIVER.—A person described in subsection (a) may publicly petition in writing the Federal agency from which the person receives Federal funds or financial assistance for a waiver of the requirements of subsection (b). A waiver may be granted, after an opportunity for public hearing or comment if practicable, only if the person provides written assurances satisfactory to the Federal agency that—

(1)(A) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy described in subsection (b) (such as the person shares space in an indoor facility with another person and cannot obtain an agreement with the other person to abide by the nonsmoking policy described in subsection (b)); and

(B) the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(2) the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy that will protect children from exposure to environmental tobacco smoke to the same degree as the policy described in subsection (b).

(d) TECHNICAL ASSISTANCE.—The Secretary of Health and Human Services (or a designee of the Secretary) shall provide technical assistance to Federal agencies and other persons who request such assistance, including—

(1) information on smoking cessation programs for employees; and

(2) information to assist such agencies and persons in complying with this Act.

(e) DEFINITIONS.—As used in this section:

(1) CHILDREN.—The term "children" means individuals who have not attained the age of 5.

(2) CHILDREN'S SERVICES.—The term "children's services" means—

(A) direct health services routinely provided to children; or

(B) any other direct services routinely provided primarily to children.

(f) EFFECTIVE DATE.—This section shall become effective on October 1, 1992, or the date of enactment of this section, whichever is later.

Mr. LAUTENBERG. Mr. President, I stand to offer an amendment to protect the health of our Nation's children. This amendment will do for our youngest children what the airline smoking ban did for flight attendants and air passengers, and that is to protect them from deadly secondhand smoke which the Environmental Protection Agency [EPA] has confirmed to be a class A carcinogen.

We all know that smoking is deadly. We all know that smoking is the single most preventable cause of premature death in our country. The death toll is estimated to reach 450,000 per year. I have worked on many efforts to discourage tobacco use, especially among our children. The distinguished floor manager, Senator HARKIN, has also been a leader in this area. We continue to work on efforts to discourage smoking, like the amendment the Senator from Iowa intends to offer to the tax bill, which reduces the tax deduction for cigarette advertising. I am proud to be a cosponsor of that amendment.

Mr. President, smoking also kills those who breathe secondhand smoke. That is why I have proposed this amendment. My amendment is called PRO-KIDS, which stands for "Preventing our kids from inhaling deadly smoke." It is based on S. 3169, which I introduced in August of this year. This bill has four cosponsors, including Senators CHAFEE, GARN, BRADLEY, and LUGAR.

PRO-KIDS will protect children from secondhand smoke while they are participating in federally funded children's programs such as Head Start, WIC, health care and day care programs. This amendment will require participants in federally funded programs to establish a nonsmoking policy if they provide health services to children under the age of 5 or provide other social services primarily to children under the age of 5.

Mr. President, this amendment is designed to prevent our children from being exposed to a carcinogen, environmental tobacco smoke or secondhand smoke. In a recent draft report, the Environmental Protection Agency concluded that secondhand smoke was indeed a group A carcinogen, a group that includes toxins such as asbestos, benzene, and arsenic.

The evidence is clear that secondhand smoke is taking an enormous toll on the health of Americans, particularly our children. According to the EPA, an estimated 2,500 to 3,300 lung cancer deaths per year among nonsmokers result from exposure to secondhand smoke. Secondhand smoke causes more than 200,000 lower respiratory tract infections in young children annually, including bronchitis and pneumonia, resulting in 7,500 to 15,000 hospitalizations.

Furthermore, secondhand smoke exacerbates asthmatic symptoms in children and is associated with 8,000 to 26,000 new asthma cases in children. In a separate study, the American Heart Association concluded that exposure to secondhand smoke increases the risk of lung cancer, heart disease, and emphysema and that approximately 50 percent of all children are exposed to secondhand smoke. And we in the Federal Government ought not to contribute to that exposure.

Mr. President, the EPA report to which I referred has passed several scientific reviews and is due to finally be released by the EPA at the end of this year. But this is not the first word that we have heard on the dangers of secondhand smoke. The American Heart Association also released a report this past summer which reached the same conclusion. The report states that since 1964, thousands of studies have been conducted which show that secondary smoke increases the risk of lung cancer, heart disease, and emphysema.

I ask unanimous consent to have this study printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. One of these studies was released by the Surgeon General in 1986. This report concluded that involuntary smoking is the cause of disease, including lung cancer, in healthy nonsmokers, and it was postulated that 3,000 to 4,000 nonsmokers exposed to environmental tobacco smoke die of lung cancer each year.

Mr. President, I could talk for several hours about the conclusions of these many studies. But I think all Senators are aware of these medical conclusions developed in these many studies.

Mr. President, now is the time to take action and stop talking about studies. We know that secondhand smoke kills and we need to rid the air we breathe from this carcinogen. As a first step, we should protect our children.

The Department of Health and Human Services has already recognized this health hazard. In 1987, Secretary Bowen issued a memorandum requiring all Department of Health and Human Services' buildings to be smoke-free. Secretary Bowen stated that in his May 5, 1987 memo:

> We are keenly aware that smoking is injurious and know, that passive or secondary smoke is harmful. Our Surgeon General's latest report on smoking leaves no room for doubt on this issue. Therefore, I want to insure a smoke-free environment in all HHS building space.

I ask unanimous consent that this memo be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. LAUTENBERG. Mr. President, why has the Federal Government not gone further to ban smoking in other Federal buildings? The answer to this question is simple: the tobacco lobby has crushed such efforts.

In 1991, Secretary Sullivan drafted an Executive Order that would ban smoking in Federal buildings to protect Federal workers from secondhand smoke. This draft was sent over the OMB for final approval, but that was as far as it got. That is when the tobacco lobby intervened.

Usually the tobacco lobby works behind the scenes to kill health initiatives like this one, but this time they talked publicly about it. They bragged about it. I would like to read a quote printed in an article in the October 14, 1991, edition of the Legal Times.

In this article, Walker Merryman, vice president of the Tobacco Institute, commented about the proposed Executive order to ban smoking in Federal buildings.

> * * * I understood months ago that it was dead as a doornail. * * * All we did was make some phone calls to make absolutely certain the Cabinet officers and agencies that had received the (draft executive order) knew our position before the deadline.

Mr. President, I repeat, "All we had to do was make some phone calls * * *." All the tobacco lobby had to do to kill a health policy recommended by the Secretary of Health and Human Services, a well-respected doctor and public health official "was make some phone calls."

That is how powerful it appears that they view their position, and also the conclusions that we could draw confirms this.

Well, it is clear that the President will never take action on this health issue because he is in the grips of the tobacco lobby.

Despite the President's lack of leadership, the Congress needs to move forward to protect our children who participate in Federal social service and health care programs.

This legislation is not overreaching or burdensome. This legislation would simply require nonsmoking policies that would limit indoor smoking in facilities associated with federally funded programs to those areas which are not normally used to serve children and which are ventilated separately from these areas.

I think I ought to explain that. In the areas that would have smoking permitted, it would be in an area that does not get used to serve these children and has a ventilation system separate so that the smoke is emitted into the outdoor air.

Evidence accumulated by the EPA and other entities shows that separate ventilation is necessary to prevent secondhand smoke from recirculating through the ventilation system right into the rooms used by the children.

In cases where unusual extenuating circumstances prevent total compliance, programs could apply for a partial waiver from this provision if they protect children from exposure to secondhand smoke to the extent possible.

Mr. President, the Federal Government has a series of requirements that grantees must comply with in order to receive Federal funds. We hear about those all the time. In order to receive Federal funding, grantees must certify to the Federal Government that they are complying with a myriad of Federal health, safety and nondiscrimination laws like the Drug-Free Workplace Act, the Americans With Disabilities Act, the Safe Drinking Water Act, the Fair Labor Standards Act, and title VII of the Civil Rigths Act of 1964.

Mr. President, I ask unanimous consent that a two-page summary of Federal requirements for Federal grantees be printed in the RECORD at the conclusion of my remarks. These come for the Federal Grants Management Handbook.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. LAUTENBERG. I would also note that this legislation will not establish a smoking police force or stop funding to an entity if a person defiantly smokes in front of children. It simply requires that the recipient adopt such a nonsmoking policy and make a good faith effort to enforce it.

My amendment will not create any new burden on Federal grantees. All the amendment requires is that a grantee draft, submit, post and enforce a no-smoking policy or separately ventilate smoking areas. I have been told that local affiliates of the American Cancer Society and other organizations will donate no-smoking signs to entities that adopt no-smoking policies.

Now some of the critics of my amendment may argue that this is a State issue and the Federal Government should not be involved in this issue. I would argue that the Federal Government has the right to require grantees, who receive Federal money, to protect the children they serve from a class A carcinogen.

Furthermore, only 10 States, Minnesota, New Hampshire, Utah, Arkansas, Florida, Missouri, Alaska, Massachusetts, Michigan, and South Carolina have banned smoking in day care facilities. This means that there are millions of children who could potentially be breathing in deadly secondhand smoke, just in day care programs.

There are approximately 450,000 children in the Head Start Program who are not protected by Federal law from deadly secondhand smoke. Their health may depend on what the local ordinance is and where they live. There are a million other children who participate in Federal programs who may not have any protection against inhaling secondhand smoke. The least that we can do is to protect those in federally funded programs right now.

Mr. President, we should follow the lead of the Department of Health and Human Services, which has already banned smoking in all of its buildings. The Department took this action because our top health officials understand only too clearly the danger of environmental tobacco smoke. We have banned smoking on all domestic airplane flights.

And if there is ever a doubt about how the public feels about that, just talk to anybody who has either flown or is disembarking from an airplane. I have people coming up to me constantly and saying, "Senator, I am so grateful to you for having banished smoking from the cabins of airplanes in domestic flights. I want you to do me another favor. I want you to help me get that into place in international flights. We did not know how terrible it was until we have been able to fly smoke free all across this country, with rare exception, and then we have to get in a flight going to Europe, Asia, or South America and find out we are subjected to some other person's smoking. And it does not matter how far away from them I sit. "I should not have to expose my health," they say to me, "or my family's health to somebody else's smoking. If he wants to kill himself or she wants to kill herself, that is up to them, but they have no right to take my family with them."

Children are the most vulnerable members of our society. They rightfully, I hope, depend upon us to protect them and safeguard their health. Is it not time to give our children, especially those who depend on the Federal Government for valuable services like health care and preschool training, the same protection we already accord to some Federal workers and airplane travelers?

As a Department of Health and Human Services report notes, "25 years ago, smoking in the workplace and public places was considered a virtual birthright."

Pretty much everybody did it, even I. Regretfully, I learned, through experience with one of my own children who said, "Daddy, why are you smoking?" I said, "Because I enjoy it." She said, "But you know what we learned in school? We learned in school that, if you smoke, you get a black box in your throat." She said, "Daddy, I love you, and I don't want you to have a black box in your throat." It took one lecture from my 6-year-old for me to stop smoking. I was not smart enough to do it myself, but my child made me realize the foolishness of what I was doing.

"Today, acceptance of smoking in public places has largely disappeared, replaced by an increasing recognition of the right to breathe air free from the harmful effects of tobacco smoke." We have come a long way, baby. But we still have a way to go. We should prohibit smoking in federally funded institutions which serve children under the age of 5 immediately, so that our children can breath healthy air.

The ultimate characterization of what it means to permit smoking in a child care center is someone leaning over a crib or a playpen with a cigarette dangling out of his or her mouth, blowing smoke at the kid. It happens. It used to happen a lot more in America. You would see it as a common habit. But, thank goodness, people recognized the foolishness of it, and we ought to make sure it is stopped as far as possible.

This amendment has been endorsed by the American Heart Association, the American Lung Association, the American Cancer Society, the Association for Respiratory Care, the Association of Maternal and Child Health Programs, the Asthma and Allergy Foundation of America, and the National Coalition for Cancer Research. That is a formidable group.

Originally it was my intention to ask for a rollcall vote on this amendment. Because I think Senators ought to go on record on whether or not they care about children's health, or whether or not they see tobacco earnings or tobacco industry as having a dominant position over the children in our society. But when they learned of my intention, the tobacco lobby went to work. They did everything in their power to stop me from getting a vote on this amendment. I regret to tell you that they succeeded. They included threatening to bring down the Labor-HHS bill in the few remaining days when there is so much pressure to conclude the business at hand, important business, and to be able to leave here as we planned.

So the pressure developed with adjournment facing us. They put their own financial interest above the health interests of our youngest children. And they did it in such a way that they have jeopardized all of the important programs contained in the Labor-HHS bill. They decided that their interests were more important than all of our Nation's discretionary health, education, and job training programs. They were willing to sink that ship because they wanted to continue to allow smoking in front of children.

I have decided the children who I am trying to protect from secondhand smoke would not be well served by holding up the Labor-HHS bill. There are too many important programs in it. I have made a decision to accept a voice vote because I strongly support what is already in the fiscal year 1993 Labor-HHS appropriations bill. This bill contains increased funding for some of our most pressing domestic needs.

I have also been assured by my friend and colleague, Senator HARKIN, the distinguished floor manager of this bill, that he is going to work hard to hold this amendment in conference. That is going to be the next test. And I hope that other members of the committee who understand the importance of this amendment will be just as determined not to let this amendment fall by the wayside. We have too much at stake. We have a responsibility that will be measured largely by the way we view our obligations to our Nation's children.

Senator Chafee is a prime cosponsor of this amendment with me. He, like I and the other cosponsors, seek approval of this amendment.

EXHIBIT 1

AMERICAN HEART ASSOCIATION,
AMERICAN LUNG ASSOCIATION,
AMERICAN CANCER SOCIETY,
Washington, DC, June 15, 1992.
COALITION ON SMOKING OR HEALTH

DEAR MEMBER OF CONGRESS: The American Cancer Society, the American Heart Association, and the American Lung Association, united as the Coalition on Smoking OR Health, wish to share with you some recently released information about environmental tobacco smoke (ETS), also known as passive smoking, and public attitudes towards ETS.

On June 10, the American Heart Association released a scientific position paper called "Environmental Tobacco Smoke and Cardiovascular Disease: A Position Paper from the Cardiopulmonary and Critical Care Council of the AHA." In summary, the paper states that "* * * environmental tobacco smoke increases the risk of heart disease * * * The risk of death due to heart disease is increased by about 30 percent among those exposed to environmental tobacco smoke at home and could be much higher in those exposed at the workplace, where higher levels of environmental tobacco smoke may be present."

On the same day, the American Lung Association released the results of a Gallup survey it had commissioned. According to the survey, a growing percentage of Americans believe that environmental tobacco smoke is harmful and prefer smoke-free public places.

For your information, and for your use in developing public policies, we are enclosing copies of the AHA position paper and the ALA "Survey of the Public's Attitudes Toward Smoking." We are also including a Coalition statement on "Public Policy Initiatives to Curb Exposure to Environmental Tobacco Smoke."

Please feel free to call us if you have any questions about this material or other tobacco-related issues.

Sincerely,

Alan C. Davis, Chair, Coalition on Smoking OR Health, Vice President for Public Issues, American Cancer Society; Scott D. Ballin, Legislative Counsel and Vice President for Public Affairs, American Heart Association; Fran Du Melle, Deputy Managing Director, American Lung Association.

STATEMENT BY FRAN DU MELLE, DEPUTY MANAGING DIRECTOR, AMERICAN LUNG ASSOCIATION AT THE COALITION ON SMOKING OR HEALTH NEWS CONFERENCE, WASHINGTON, DC, JUNE 10, 1992

PUBLIC POLICY INITIATIVES TO CURB EXPOSURE TO ENVIRONMENT TOBACCO SMOKE

Today's announcement that environmental tobacco smoke is a major risk for heart disease should end any remaining controversy regarding the health risks of exposure. This news is the final nail in the tobacco coffin. Within the next week, the Environmental Protection Agency will release the final review draft of its risk assessment, "Health Effects of Passive Smoking: Assessment of Lung Cancer in Adults and Respiratory Disorders in Children", nearly two years after the initial review draft was issued for comment. The EPA expects to announce adoption of the final risk assessment by the end of this year.

Although contested by a few—mostly representatives of the tobacco industry—the draft risk assessment conclusions stand, environmental tobacco smoke is causally associated with lung cancer in adults. Under EPA guidelines for conducting carcinogen risk assessments adopted in 1986, the draft assessment concludes that environmental tobacco smoke is a Group A, or known human carcinogen, based on the total weight of evidence available today. The draft report concludes that the data are biologically plausible and that there is a consistent response in all studies. The evidence available is broad based, containing data from a variety of study designs conducted in 8 countries.

Children are especially vulnerable to environmental tobacco smoke because their lungs are still growing. The EPA draft report concludes that exposure of young children to environmental tobacco smoke, particularly during infancy, is associated with increased prevalence of acute lower respiratory tract infections and exacerbations of symptoms in children with asthma. Exposure to environmental tobacco smoke in early childhood is also associated with reduced lung function and slower pulmonary growth and development.

Given these findings, what is prudent public health policy? Because the damage from exposure is dose-response related—the greater the exposure, the greater the risk—it is critical to limit exposure. The Coalition on Smoking or Health will continue to pursue policy initiatives that limit smoking in places where people spend a lot of time. For adults, this is the worksite. For children, outside the home, this means day care centers, nursery and pre-schools, and schools.

The federal government has taken little initiative to protect federal workers from exposure. Action to date is inconsistent, with each federal agency responsible for its own policy. For example, the Department of Health and Human Services under the leadership of Secretary Louis Sullivan has taken an aggressive approach prohibiting smoking in all of its buildings. Other agencies such as the Department of Labor, have not taken this action.

In the absence of strong federal action, states are adopting protections for worksites within their jurisdiction. 34 states have laws restricting smoking in public worksites. However, only 15 states have extended such protection to workers in private worksites. To ensure a consistent and equitable approach to providing public health protection, the Coalition on Smoking or Health is requesting that Labor Secretary Lynn Martin expedite rulemaking by the Occupational Safety and Health Administration to prohibit smoking in all worksites, both for the public and private sector. At the same time, the Coalition will continue to pursue action at the state level.

When it comes to protecting our children, policy, where it exists, is inconsistent. For the most part, little action has been taken to provide significant protections from exposure to environmental tobacco smoke for our children. Although 39 states and the District of Columbia restrict smoking on school property through state legislated action, only Kansas, Minnesota, New Hampshire, New Jersey, and Washington ban tobacco use by both students and faculty in school buildings at all times. For children with the tiniest lungs there are no significant protections. Only Alaska and Michigan prohibit smoking in day care facilities. 8 states have passed some restrictions.

The Coalition on Smoking or Health will again turn to states for action to protect our youngest children. Model legislation is being developed to target day care facilities. We are also developing guidelines for licensing boards which require a prohibition on smoking in all areas of day care facilities for licensing purposes.

We face an uphill battle to enact and enforce public policy initiatives to restrict smoking. One need look only as far as the Veterans Administration where Secretary Edward Derwinski is fighting to keep VA acute care hospitals smoke free. Given a choice, as shown by our American Lung Association poll, Americans don't want to breathe someone else's tobacco smoke. The well-financed tobacco industry will eventually lose the battle if they continue to fight restrictions on smoking in public places. For example, voters in 5 California communities recently approved tougher restrictions on smoking in public places and the worksite despite a $3 million tobacco industry funded campaign to stop these initiatives.

The time has come to really clear the air in public places to protect the health of every one of us. Thank you.

SURVEY OF THE PUBLIC'S ATTITUDES TOWARD SMOKING

(Conducted for the American Lung Association; Prepared by the Gallup Organization, Inc., March 1992)

SURVEY QUESTIONS

The Question: Which statement best describes your opinion regarding smoking in each of the following places? a. Restaurants; b. Workplaces; c. Trains/buses; d. Hotels/motels.

The Answers: a. No restrictions; b. Special areas; c. No smoking allowed; d. Don't know.

The Responses: Compared to previous years, an increasing proportion prefer a total ban rather than restrictions on smoking in restaurants.

SMOKING IN RESTAURANTS

[In percent]

	No restrictions	Smoking areas set aside	No smoking at all	Don't know	Total	NI[1]
Total:						
1992	4	62	33	1	100	1,067
1989	8	66	23	3	100	1,029
1987	8	74	17	1	100	2,059
1983	10	69	19	2	100	1,509

[1] Number of interviews.

The findings for smoking in the workplace are similar. Since 1987 an increasing proportion prefer no smoking at all.

SMOKING IN THE WORKPLACE

[In percent]

	No restrictions	Smoking areas set aside	No smoking at all	Don't know	Total	NI[1]
Total:						
1992	5	64	30	1	100	1,067
1989	10	65	21	4	100	1,029
1987	11	70	17	2	100	2,059
1983	15	64	17	4	100	1,509

[1] Number of interviews.

Compared to 1989, when the question was first asked, an increased proportion prefer to see no smoking on trains or buses.

SMOKING ON TRAINS OR BUSES

[In percent]

	No restrictions	Smoking areas set aside	No smoking at all	Don't know	Total	NI[1]
Total 1992	5	37	56	2	100	1,067
Total 1989	11	41	44	4	100	1,029

[1] Number of interviews.

With respect to smoking in hotels and motels, an increasing proportion prefer that smoking areas be set aside, or no smoking at all, compared to 1989's findings.

SMOKING IN THE HOTELS AND MOTELS

[In percent]

	No restrictions	Smoking areas set aside	No smoking at all	Don't know	Total	NI[1]
Total:						
1992	12	69	17	2	100	1,067
1989	19	63	12	6	100	1,029
1987	20	67	10	3	100	2,059
1983	30	54	12	4	100	1,509

[1] Number of interviews.

The Question: As you may or may not know, passive or secondhand smoke is the smoke a nonsmoker inhales whenever he or she is around someone who is smoking. Please tell me the extent to which you agree or disagree with each of the following: Passive smoking or secondhand smoke is harmful to—a. Infants and young children; b. Pregnant women; c. Older healthy adults.

The Responses:

INFANTS AND YOUNG CHILDREN

[In percent]

	Total	Sex		Cigarette smoker		
		Male	Female	Current smoker	Former smoker	Non-smoker
Strongly agree	64	58	68	42	69	75
Agree	31	35	28	47	26	23
Disagree	3	3	3	6	1	1
Strongly disagree		1		1	1	0
Don't know	2	3	1	4	3	1
Total	100	100	100	100	100	100
Number of interviews	1,067	538	529	322	260	485

PREGNANT WOMEN

[In percent]

	Total	Sex		Cigarette smoker		
		Male	Female	Current smoker	Former smoker	Non-smoker
Strongly agree	62	58	66	40	65	74
Agree	31	33	30	46	29	24
Disagree	4	5	3	9	2	1
Strongly disagree	1	1		1	1	
Don't know	2	3	1	4	3	
Total	100	100	100	100	100	100
Number of interviews	1,067	538	529	322	260	485

OLDER HEALTHY ADULTS

[In percent]

	Total	Sex		Cigarette smoker		
		Male	Female	Current smoker	Former smoker	Non-smoker
Strongly agree	54	50	57	33	58	65
Agree	37	38	36	46	36	32
Disagree	6	8	5	16	3	2
Strongly disagree	1	1	1	2	1	0
Don't know	2	3	1	3	2	1
Total	100	100	100	100	100	100
Number of interviews	1,067	538	529	322	260	485

	Passive or Second-hand Smoke is Harmful to—							
1992 change	Infants and younger children			Pregnant Women			Other healthy adults	
	1989	1992	Change	1989	1992	Change	1989	
Extent of agreement:								
Strongly agree −1	65	64	1	63	62	−1	55	54
Agree +6	24	31	+7	25	31	+6	31	37
Disagree −1	4	3	−1	4	4	0	7	6
Strongly disagree −3	4	(1)	−4	4	1	−3	4	1
Don't know −1	3	2		4	2	−2	3	2
Total	100	100		100	100		100	100
Number of interviews (1,067	1,029	1,067		1,029	1,067		1,029	

[1] Less than one-half of 1 percent.

[AHA Medical/Scientific Statement]

ENVIRONMENTAL TOBACCO SMOKE AND CARDIOVASCULAR DISEASE—A POSITION PAPER FROM THE COUNCIL ON CARDIOPULMONARY AND CRITICAL CARE, AMERICAN HEART ASSOCIATION

(By Aubrey E. Taylor, PhD, Chairman; Douglas C. Johnson, MD, and Homayoun Kazemi, MD, Members)

Cigarette smoking was identified by the Surgeon General in 1982 and 1983 as the most important modifiable risk factor for cancer and chronic heart disease in the United States.[1,2] Recent studies have implicated exposure to environmental tobacco smoke as a significant risk factor for the development of lung cancer and heart disease. Because more information on environmental tobacco smoke is now available, its health effects are reviewed in this report, with a major emphasis on the relation of environmental tobacco smoke to cardiovascular disease.

Cigarette smoking has a significant effect on the health of Americans, and is a major cause of cardiovascular disease.[3] Cardiovascular disease attributable to voluntary cigarette smoking accounts for about as many deaths each year as chronic obstructive pulmonary disease and lung cancer deaths combined. In 1988 approximately 430,000 deaths in adults aged 35 and older were attributed to the intentional inhalation of tobacco smoke. This number included 201,000 deaths due to cardiovascular disease, 112,000 due to lung cancers, 83,000 due to chronic lung disease (including pneumonia, influenza, bronchitis, emphysema, chronic airway obstruction, and other respiratory diseases), and 31,000 due to other cancers.[4] It has also been estimated that an additional 3,800 lung cancer deaths[4] and 37,000 cardiovascular deaths occurred in nonsmokers who had been exposed to environmental tobacco

[References at end of article.]

smoke.[5] An additional 2,500 perinatal deaths were estimated to have occurred because of maternal smoking, and about 1,300 deaths resulted from burns related to smoking.[4]

Although the existing epidemiological studies on cancer deaths associated with environmental tobacco smoke may be subject to questions about sample size, exposure, experimental design, and differing lifestyles of populations, sufficient information has been published to implicate environmental tobacco smoke as a defined health hazard. The 1986 Surgeon General's report concluded that involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers, and it was postulated that approximately 3,000–4,000 nonsmokers exposed to environmental tobacco smoke die of lung cancer each year.[6] The report also concluded that children whose parents smoke have an increased frequency of respiratory infections, increased symptoms of respiratory problems, and slightly smaller rates of increase in lung function as the lung matures compared with children of nonsmoking parents. At the time of the report, environmental tobacco smoke could not be definitely linked to cardiovascular disease. However, since 1986 several studies have been published documenting a link between environmental tobacco smoke, cancer,[7] and heart disease.[5,8] The Environmental Protection Agency has also done an extensive study of the effects of environmental tobacco smoke on lung cancer.

ENVIRONMENTAL TOBACCO SMOKE

Burning cigarettes emit two types of smoke: mainstream smoke, which is the smoke directly inhaled into the smoker's lungs, and sidestream smoke, which is the smoke emitted into the air from the burning cigarette between puffs. Environmental tobacco smoke is about 85% sidestream and 15% exhaled mainstream smoke. More than 4,000 chemicals, including at least 40 carcinogens, are contained in environmental tobacco smoke.[9] Many toxic constituents are found in higher concentrations in sidestream than in mainstream smoke.[5] For example, in sidestream smoke there is about five times as much carbon monoxide (which decreases the ability of hemoglobin to carry oxygen to the tissues), three times as much benzopyrene (a tumor- and plaque-producing compound), and 50 times as much ammonia (an eye and respiratory irritant) as is inhaled directly from a cigarette. The difference is because the cigarette burns at a higher temperature during inhalation, leading to more complete combustion, and filters also screen some of these toxic compounds.

Those in close proximity to someone smoking a cigarette are exposed to smoke not only while the cigarette is lit but continue to inhale smoke that has mixed with air long after the cigarette is extinguished. Environmental tobacco smoke can persist in indoor environments for many hours after cessation of smoking, the time depending on ventilation and the mixing of room air with uncontaminated air.[10] To conserve energy, building ventilation rates are sometimes decreased, causing levels of smoke to increase in workplace environments, and in many homes ventilation of smoke to the outside is minimal.

RISK TO NONSMOKERS FROM ENVIRONMENTAL TOBACCO SMOKE

The relative risk of developing lung cancer has been estimated to be 1.3 for nonsmokers exposed to environmental tobacco smoke at home compared with nonsmokers with no exposure to environmental tobacco smoke.[7,10,12] Active smoking has a relative risk factor for cancer of about 10.[1] Average workplace exposures to environmental tobacco smoke are estimated to increase lung cancer risk twofold because environmental tobacco smoke exposures are generally higher at the workplace than at home.[12] Despite the difficulty of interpreting epidemiological studies of exposure levels in the home and workplace, several recent studies demonstrate a definite link between cardiovascular deaths in nonsmokers exposed to environmental tobacco smoke. Glantz and Parmley[5] reviewed 10 of these studies, showing that men and women nonsmokers exposed to environmental tobacco smoke at home had an overall cardiovascular relative risk factor of 1.3. This compares to a relative risk factor of 1.7 for smokers compared with nonsmokers.[2] Kawachi et al[13] predicted an even higher relative risk factor for workplace exposures of nonsmokers to environmental tobacco smoke.

Repace and Lowrey[6] evaluated eight studies in which the number of lung cancer deaths of nonsmokers exposed to environmental tobacco smoke averaged 5,000±2,400 (mean±standard deviation) per year. Assuming that the ratio of lung cancer to heart disease deaths is the same with environmental tobacco smoke exposure as for voluntary smoking, approximately 10,000 deaths of nonsmokers exposed to environmental tobacco smoke would be expected to occur per year. However, this simple estimate does not include many aspects of environmental tobacco smoke exposure, such as the amount of environmental tobacco smoke exposure in the workplace and home, the number of persons exposed to environmental tobacco smoke, and the type and amount of smoke exposure. In fact, studies to evaluate these factors indicate that environmental tobacco smoke causes a higher risk of heart disease than predicted by this simple estimate.

Recently, Steenland[8] performed extensive analyses of the available literature on the cardiovascular effects of environmental tobacco smoke and predicted that ischemic heart disease could cause as many as 15,000-19,000 deaths yearly of nonsmokers due solely to environmental tobacco smoke from their spouses. Steenland also predicted an overall number of deaths due to environmental tobacco smoke-related cardiovascular disease of 35,000-40,000 yearly, a number similar to the number of deaths estimated by Glantz and Parmle[5] and Wells.[14] Because the risk of cornorary artery disease increases markedly with the number of risk factors,[13, 15] nonsmokers with hypertension or hypercholesterolemia and exposed to environmental tobacco smoke are likely to be at even greater risk of developing cardiovascular disease. It is well known that the risk of coronary heart disease caused by voluntary smoking decreases by about half after 1 year of smoking cessation and after several years approaches that of people who have never smoked.[16] Similar health benefits should occur in previously environmental tobacco smoke-exposed nonsmoking individuals when environmental tobacco smoke is removed from the environment in which they work and live.[8]

EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE

Although the proportion of smokers in the United States is decreasing, 32% of men and 27% of women aged 20 and older smoke cigarettes.[17] These smokers will expose a vast number of nonsmokers to environmental tobacco smoke, and it has been estimated that approximately 50 million nonsmoking adults over age 35 are regularly exposed to environmental tobacco smoke.[17] Additionally, we estimate that 50% of all children live in families with one or more smokers. In a survey conducted in 1979-1980, 63% of nonsmokers reported being exposed to environmental tobacco smoke for more than 1 hour per week, 35% were exposed to environmental tobacco smoke for more than 10 hours per week, and 16% were exposed to environmental tobacco smoke for at least 40 hours per week.[18] It is likely that exposure of nonsmokers to environmental tobacco smoke has decreased in recent years because of the increased public awareness of the hazards of environmental tobacco smoke, increased restrictions on smoking areas, and better ventilation of the workplace. The public has now begun to understand the detrimental health effects of environmental tobacco smoke exposure, but this increased awareness has not eliminated exposure to environmental tobacco smoke of spouses and children living in a smoker's home or that occurring in some workplaces and public buildings.

CARDIOVASCULAR EFFECTS OF ENVIRONMENTAL TOBACCO SMOKE

Environmental tobacco smoke produces acute effects on cardiovascular function in human studies. In subjects with stable angina, environmental tobacco smoke increases resting heart rate, blood pressure, and blood carboxyhemoglobin, and reduces the duration of exercise that induces angina.[19, 20] Environmental tobacco smoke also produces adverse effects on the exercise performance of healthy people.[21] Several studies have found increases in the incidence of nonfatal heart disease, including angina and myocardial infarction, among nonsmokers exposed to environmental tobacco smoke.[12, 23]

A few small sample cases show direct involvement between environmental tobacco smoke and peripheral vascular disease. For example, Bocanegra and Espinoza[24] reported Raynaud's phenomenon in two successive wives of a chain-smoker. The symptoms of both nonsmokers, as would be expected, subsided after they were no longer exposed to environmental tobacco smoke. Cigarette smoking is a major, preventable risk factor that promotes atherosclerotic peripheral vascular disease,[12] and it is likely that environmental tobacco smoke also increases the risk for peripheral vascular disease, although the latter hypothesis remains to be studied.

MECHANISMS OF INDUCING CARDIOVASCULAR DISEASE

Nicotine, the drug in tobacco that causes addiction, produces acute increases in heart rate and blood pressure.[25] Cigarette smoking has been shown to increase platelet aggregation and cause endothelial cell damage.[26-28] Polycyclic aromatic hydrocarbons present in smoke (for example, benzo[a]pyrene) are capable of inducing and accelerating the development of athero-sclerosis.[29, 30] Exposure to environmental tobacco smoke will also increase carbon monoxide levels in red blood cells. Studies indicate that increased carbon monoxide levels in humans result in a more rapid onset of angina[31] and increased arrhythmias[32] in exercising nonsmokers. A recent study indicates that environmental tobacco smoke sensitizes circulating neutrophils in humans and may cause their subsequent activation and oxidant-mediated tissue damage, leading to carcinogenesis and atherosclerosis.[33] It is likely that these and more yet-to-be-identified mechanisms are involved in increasing the risk of heart disease in persons exposed to environmental tobacco smoke.

POTENTIAL FOR PREVENTION

Although regulation of tobacco products is specifically prohibited under the Federal Hazardous Substances Act, many actions have been taken to protect the health of nonsmokers. For example, cigarette smoking has been banned from air flights in the 48 contiguous states; and as of March 1991, laws restrict smoking in public places in 46 states, in public-section workplaces in 38 states, and in private-sector workplaces in 17 states.[34] Many hospitals, health care facilities, and private and public workplaces are smoke-free. The benefit of restricting smoking in buildings and workplaces is obvious, but the effect of a greater awareness of the importance of reducing environmental tobacco smoke in the home has not been evaluated.

The final conclusion of the 1986 Surgeon General's Report was that separating the smokers and nonsmokers within the same air space may reduce but does not eliminate the exposure of nonsmokers to environmental tobacco smoke. Attempts to control tobacco smoke by increasing room ventilation can be futile, and the only sure way to protect nonsmokers from environmental tobacco smoke is to eliminate smoking from areas that they share with nonsmokers. Environmental tobacco smoke must now be considered an environmental toxin from which the public and workers should be protected. Thus, it is the responsibility of the employer to protect workers, and of public building managers, to protect the public from environmental tobacco smoke exposure. It is the responsibility of parents to ensure that their children are not exposed to environmental tobacco smoke in the home, and the responsibility of everyone to eliminate this health hazard from the environment.[35]

SUMMARY

Although the number of cardiovascular deaths associated with environmental tobacco smoke cannot be predicted with absolute certainty, the available evidence indicates that environmental tobacco smoke increases the risk of heart disease. The effects of environmental tobacco smoke on cardiovascular function, platelet function, neutrophil function, and plaque formation are the probable mechanisms lending to heart disease. The risk of death due to heart disease is increased by about 30% among those exposed to environmental tobacco smoke at home and could be much higher in those exposed at the workplace, where higher levels of environmental tobacco smoke may be present. Even though considerable uncertainty is a part of any analysis on the health affects of environmental tobacco smoke because of the difficulty of conducting long-term studies and selecting sample populations, an estimated 35,000–40,000 cardiovascular disease-related deaths and 3,000–5,000 lung cancer deaths due to environmental tobacco smoke exposure have been predicted to occur each year.

The AHA's Council on Cardiopulmonary and Critical Care has concluded that environmental tobacco smoke is a major preventable cause of cardiovascular disease and death. The council strongly supports efforts to eliminate all exposure of nonsmokers to environmental tobacco smoke. This requires that environmental tobacco smoke be treated as an environmental toxin, and ways to protect workers and the public from this health hazard should be developed. According to a 1989 Gallup survey commissioned by the American Lung Association, 86% of nonsmokers think that environmental tobacco smoke is harmful and 77% believe that smokers should abstain in the presence of nonsmokers. However, programs aimed at further educating the public about the cardiovascular effects on nonsmokers of exposure to environmental tobacco smoke must be strengthened and remain a major component of the AHA mission. A smoke-free environment in the home, public buildings, and workplace should be the goal of society.

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"Environmental Tobacco Smoke and Cardiovascular Disease" was appoved by the American Heart Association Steering Committee on May 15, 1992.

Requests for reprints should be sent to the Office of Scientific Affairs, American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231-4596.

EXHIBIT 2

SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, May 5, 1987.

Memorandum to: Heads of Operating Divisions; Heads of Staff Divisions; Regional Directors.

Subject: Smoke-Free Environment in HHS Building Space.

Employees of the Department of Health and Human Services deserve to work in the healthiest environment possible. We are keenly aware that smoking is injurious and know, too, that passive or secondary smoke is harmful. Our Surgeon General's latest report on smoking leaves absolutely no room for doubt on this issue. Therefore, I want to insure a smoke-free environment in all HHS building space.

To this end, I am directing the Assistant Secretary for Management and Budget to issue new policy guidelines establishing a smoke-free environment in HHS building space and I am directing the Assistant Secretary for Personnel Administration to issue personnel-related guidance on this issue, including guidance to bolster smoking cessations programs in HHS to assist employees who wish to quit smoking. The Assistant Secretary for Personnel Administration will also consult with national employee representatives on these policies and guidance.

I hereby direct the Heads of Operating Divisions and Regional Directors to move to establish a smoke-free environment in all building space where they have space management responsibility consistent with local labor-management agreements. The Assistant Secretary for Health and other Public Health Service officials will continue to provide technical assistance in this endeavor.

I deem these actions necessary to provide our employees with an enriched, healthier work environment.

OTIS R. BOWEN, M.D.,
Secretary.

EXHIBIT 3

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Mr. CHAFEE. Mr. President, I rise in strong support of the amendment offered by Senator LAUTENBERG, and cosponsored by Senators BRADLEY, GARN, LUGAR, and myself. This amendment has a simple purpose: It is designed to protect children, while they are participating in federally funded programs such as Head Start, WIC, health care, and day care programs, from the debilitating and potentially fatal effects of secondhand smoke.

It would accomplish this in a straightforward manner: Any federally funded program which is involved in providing direct services such as day care, medical care, or counseling to children under the age of 5 must adopt a no-smoking policy in the facility where such services are provided.

The policy need not apply to portions of the facility which are not normally occupied by the children, so long as such portions have a separate ventilation system.

The amendment also provides for a waiver. A program can petition the Federal agency or its regional office, explaining in writing the extenuating circumstances which make it difficult or impossible to comply. In such a situation, the program must assure that it will adopt an alternative policy that will protect children from secondhand smoke "to the maximum extent possible."

Now why are we making such a fuss about this? Why are we saying to these programs that you cannot continue to receive Federal funding unless you have taken significant steps to protect children from secondhand smoke?

The answer is that recent reports from both the Environmental Protection Agency and the American Heart Association have provided unequivocal evidence that environmental tobacco smoke is harmful to our health. These reports label secondhand smoke "a known carcinogen," which poses an unacceptably high risk of respiratory and heart disease.

The EPA draft report, which adds to similar warnings already sounded by the National Research Council and the Surgeon General, zeros in specifically on the effects of cigarette smoke on children. It concludes that secondhand smoke not only aggravates up to 1 million existing cases of childhood asthma each year but causes 8,000 to 26,000 new cases. The EPA report also links secondhand smoke to pneumonia, bronchitis, and reduced lung function and labels it a known cause of middle-ear infections, a leading source of childhood surgery.

A recent statement by the American Lung Association notes that children are especially vulnerable to the effects of tobacco smoke because their lungs are still growing. The statement goes on to criticize the Federal Government for having no consistent policy to protect children from exposure to secondhand smoke.

The amendment we are offering today is an attempt to correct this problem. If adopted, it will assure that young children, at least during the time they are participating in federally funded programs, will be safe from secondhand smoke.

Anyone who still argues that secondhand smoke does not pose a serious health risk simply does not want to be confused by the facts. This is a modest but laudable step toward providing protections for the group identified as being most susceptible to the ill effects of secondhand tobacco smoke: our young children. I urge all my colleagues to join me in supporting this amendment.

Mr. HELMS. Mr President, I oppose the amendment offered by the able Senator from New Jersey because the issue here is not whether Congress should prohibit persons from smoking around young children. The issue is whether Congress will mandate a nonsmoking policy in thousands of buildings and perhaps in thousands of homes, where services for children are provided.

I urge my colleagues to review carefully the language of this amendment. Smoking will be prohibited in any facility which receives Federal funds that provides services to children under 5 years of age. Smoking would be allowed in the facility only in areas not normally used to provide services to the children and—and this is a very important and—and in areas which are ventilated separately from the children's area.

Mr. President, this separate ventilation requirement would prohibit smoking throughout an establishment if children's services were provided in some of the establishment. Now I am not an architect or expert on building ventilation, but I assure my colleagues that most commercial and residential facilities are served by a central ventilation system.

Therefore, if a company receives a small-business loan from the Small Business Administration [SBA] and the loan is used to help finance day care services for its employees on the premises, the company must prohibit smoking everywhere—unless the area where day care services are provided is separately ventilated.

Further complicating this separate ventilation issue is home child care. An individual providing day care services at home for parents who receive payments for child care from AFDC would be prohibited from smoking anywhere in their home—unless the child care area has separate ventilation.

In addition, Mr. President, I am concerned about the precedent being set by basing legislation on a draft study from the Environmental Protection Agency. The science involved in past studies released from the EPA has certainly been suspect, and I have no doubt this draft study on environmental tobacco smoke [ETS] needs to be reviewed before we start writing legislation based on its findings. Rushing headlong into the imposition by the Federal Government of smoking bans in countless facilities is unwarranted.

Mr. President, I again recommend my colleagues to take a close look at this amendment. It truly is much more than just voting to say people shouldn't smoke around young children. There is no justification for the wide-ranging control over smoking this amendment will have, and I urge my colleagues to oppose the pending amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3001) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 3002 TO THE COMMITTEE AMENDMENT ON PAGE 23, LINE 12

(Purpose: To prevent the use of tax dollars to support efforts by charitable organizations to compel the Boy Scouts of America to accept, as members or leaders, homosexuals, or other individuals who reject the Boy Scout's oath of allegiance to God and country)

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senate has not disposed of the first committee amendment. Is the Senator's amendment an amendment to the first committee amendment or the second?

Mr. HELMS. My amendment, as I understand it, is to the second committee amendment.

The PRESIDING OFFICER. If the Senator would withhold, the question is still on the first committee amendment.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to offer my amendment to the second committee amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3002.

At the appropriate place, insert the following:

"Notwithstanding any other provisions of law, the Office of Personnel Management is prohibited from including in the Combined Federal Campaign (the Federal Government's annual employee fundraiser for charities), and from contracting with, any organization which uses charitable contributions to compel, or attempt to compel, the Boy Scouts of America, Inc., or any other youth group, to accept as members or permit as leaders:

(1) homosexuals, or

(2) individuals who reject the group's oath of allegiance to God and country."

Mr. HELMS. Mr. President, the question before the Senate in the pending amendment is, it seems to me, very simple. Should the American taxpayers be required to provide tax funds to support efforts to require the Boy Scouts of America to accept, as members and leaders, homosexuals and other individuals who reject the Boy Scout oath of allegiance to God and country? That is the question posed by the pending amendment.

Specifically, the pending amendment would prohibit the Office of Personnel Management [OPM] from contracting with or including, as part of the Combined Federal Campaign, any organization that uses its charitable contributions to force the Boy Scouts of America, or any other voluntary youth association, to accept homosexuals or atheists as members or leaders.

Perhaps a word of explanation is in order about what the Combined Federal Campaign [CFC] is. It is the sole authorized fundraising drive conducted among Federal employees. Beginning in 1957, the Combined Federal Campaign has grown to the point that it is now the largest combined charity drive in the world. It is managed and overseen by the Office of Personnel Management [OPM]—which must approve every nonprofit organization on the CFC's national list of approved charities. If an organization is not on the CFC's approved list, it cannot receive federally sponsored donations.

Mr. President, the United Way of America estimates that the taxpayers' subsidy to defray the cost of administering the CFC Program for Federal employees is approximately $55 million to $60 million a year.

I am here tonight, Mr. President, to suggest that the American taxpayers have no interest, and the Federal Government has no business, supporting or assisting in the slightest degree any organization that uses its tax deductible donations in efforts to blackmail the Boy Scouts of America into accepting homosexuals and/or atheists within their ranks, or to force the Boy Scouts of America to drop their members' pledge to God and country.

That is what the pending amendment is all about.

Maybe it is because I am getting on in years, but I think it is a sad day for this Nation when Congress even has to consider this issue. Who would have thought, even 5 years ago, that charities aided by the taxpayers would embark upon a campaign against the Boy Scouts of America just because the Scouts have refused to lower their moral and religious standards to accommodate those bent on tearing down every last vestige of order and tradition in this country? That is why I am on my feet in the U.S. Senate at 6:35 on this evening.

On February 20 of this year, it was reported in the news media all over the country, including the Washington Post, that several radical homosexual groups, such as Queer Nation, had launched a national boycott of the United Way demanding that it withdraw funds from the Boy Scouts of America because the Scouts prohibit homosexuals from becoming Scouts or troop leaders.

The next day, the Washington Times reported that the local United Way of the bay area in San Francisco had delivered an ultimatum to the Boy Scouts of America that the national office of the Boy Scouts would have to either: First, drop their prohibition on homosexuals and atheists; or, second, grant troops in the San Francisco area an exemption from those requirements. Otherwise, that United Way chapter would withdraw the almost $1 million in funding it gives each year to the San Francisco area Scout councils.

In the face of this threat, praise the Lord, the Scouts' regional director, Buford Hill—and I am so proud of him—responded, and I quote him:

> Our values are not for sale no matter what the price is.

Mr. Hill then made another statement that the vast majority of Americans cheered to the extent they heard about it from the liberal news media. Mr. Hill said:

> It is unthinkable to me that in a time when worries about drugs, crime, education, youth, and gangs are at an all-time high, some would instead direct their efforts at attacking an organization that has been a bulwark for values in the family.

Of course, he was talking, and correctly so, about the Boy Scouts of America. I expect that most Senators, Members of this body, were Boy Scouts or Cub Scouts some years ago.

In any case, Mr. President, Mr. Hill was exactly right. Unfortunately, his organization, like the Catholic Church, has become just the latest bastion of ethical behavior in this country to come under attack from the rabidly militant and irrational homosexual lobby and those who wish to take God out of each and every public function in this Nation. It pains me to say that, but that is how the situation exists right now.

And this Senator, at least, is not going to sit idly by and watch these radical militants attempt to destroy what the Boy Scouts have meant and stood for in this country for 80 years without trying to do something about it. I reject what is going on, and I suspect the vast majority of the American people, likewise, reject it.

As Blake Lewis, who is the Boy Scouts' national spokesman, put it:

> The Boy Scouts' policy has always been the same: We support traditional family values, we don't believe homosexuals provide a role model consistent with those family values. The Boy Scout Oath and the Boy Scout Law are not for sale.

God bless him, Mr. President.

I am so proud of Mr. Lewis for telling the truth and standing tall against the cacophony of left-wingers in this country who are constantly engaged in assaults on traditional family values. They sneer. They do not even like the mere mention of family values.

Mr. President, Mr. Lewis is a credit not only to the Boy Scouts, and Scouting in general, but he is a credit to the entire Nation. With leaders like this, it is small wonder that, according to the U.S. News & World Report, almost half of all American boys between ages of 7 and 10 join the Cub Scouts and 20 percent of those boys go on to join the Boy Scouts when they are 11 to 18 years of age.

The Scouts, founded in 1910, currently have about 4,300,000 members, and 1,200,000 adult volunteers nationwide.

Mr. President, as for unfounded charges of discrimination that have been lodged against the Boy Scouts, the Boy Scout officials say that they will continue, as they have for 80 years, to admit any boy who agrees to abide by the Scout Oath and the Scout Law.

The Scout Law, by the way, states that a Scout—and get this because it is what makes all these kooks around the country just tremble—the Scout Law states that a Scout is Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent.

A lot of folks do not like that because such standards conflict with their immoral lifestyles.

The Scout Oath, says in turn: "On my honor as a Scout, I will do my best to do my duty to God and my country, and to obey the Scout Law," which I have just read. The oath goes on to say, "To help other people at all times, to keep myself physically strong, mentally awake, and morally straight."

Mr. President, I remember raising my hand every Friday night about 60 years ago and repeating that oath. And we meant it. We dared not to violate the Scout Law or the Scout Oath.

So, Mr. President, the leadership of the Boy Scouts of America has taken the legitimate and understandable position that the homosexual lifestyle is absolutely inconsistent with the standards and the purposes of the Boy Scout organization. Good for them. The leadership of the Boy Scouts want their young boys to continue to pledge their allegiance to God and country. And they are correct that tax dollars should not be used to help force the Boy Scouts of America to do otherwise.

Mr. President, the so-called homosexual lifestyle is so focused on instant gratification that the average homosexual male has between 20 and 106 different sex partners in a given year, I am informed. I think Senators ought to ponder whether that kind of reckless behavior comports with the Boy Scouts' Oath to stay morally straight, or the Boy Scouts' Law that a Scout stay physically clean?

They should also ponder whether the taxpayers' dollars should be used to help force the Boy Scouts of America to change the Scout Oath and the Scout Law, which have both stood for almost a century?

Mr. President, the efforts to force the Boy Scouts to accept homosexuals, and other individuals who reject the Boy Scout Oath pledging allegiance to God and country have come from many quarters and directions. In addition to San Francisco's United Way funding cutoff—which is an abomination in my judgment—the Chicago chapter of United Way has put the Boy Scouts on probation, but as yet has not cut off funding. The Berkeley and San Francisco school districts have kicked all Scout troop meetings off school property. The Wells Fargo Bank, the Bank of America, and Levi Strauss & Co. together cut off almost $100,000 in funding to the Boy Scouts in the San Francisco area.

I say a pox on all three of their houses. I would not have a Levi Strauss garment in my household. And I would not put a farthing in the Wells Fargo Bank or the Bank of America.

I should point out, however, that because of a customer backlash that caused account withdrawals, which some estimate as high as $150 million, the Bank of America retreated and has now resumed funding the Scouts. But who made that decision in the first place, Mr. President? I applaud the people who took their money out of the bank. But despite the fact that many people have mailed their old jeans back to Levi Strauss' headquarters in San Francisco, and taken their money out of the Wells Fargo Bank, both of these companies continue their boycott of the Boy Scouts.

However, the Scouts have won a couple of victories and I think we ought to put them on the record tonight.

First, the Los Angeles and Orange County United Way chapters in California both voted down proposals to stop funding the Scouts. Horray for them. And second, the courts in California have upheld the right of the Scouts to usher out a pair of atheist twins and a homosexual troop leader. Horray for the court, Mr. President. The courts accepted the Scouts' argument that as a private organization they have the constitutional right to set their own standards, guidelines, and admission criteria. And my comment is, you bet your life they have that right.

Mr. President, I am very fond of a columnist named Bill Murchison who pointed out the other day—let me quote him. He said:

> What is strange and frightening is that critics of the Boy Scouts should try to ram their ideals down somebody else's throat. The Scouts aren't seeking to transform their critics, but nevertheless their critics want to remake the Scouts through lawsuits and funding cutoffs.

Mr. Murchison has done a good job of putting his finger on who the real bigots are in this matter.

So the pending amendment, Mr. President, is obviously not going to put an end to all of these attacks on the Boy Scouts, attacks directed at them because of their strict adherence to traditional values and belief in God. But the amendment will eliminate at least one avenue for using taxpayers' money to aid and abet the attacks on the Boy Scouts—specifically by excluding from the Combined Federal Campaign any organization which uses charitable contributions to attempt to force the Scouts to accept homosexuals or atheists who reject the Scouts pledge of allegiance to God and country.

Just for the record, Mr. President, there are more than 2,100 chapters of the United Way in the country, but the only chapters that would presently be affected by this amendment are the ones in San Francisco and Chicago that have cut off their funding, or have threatened to cut off their funding, because the Boy Scouts of America will not change its policy regarding homosexuals and atheists.

Mr. President, what makes the involvement of local United Way chapters in efforts to intimidate the Boy Scouts particularly insidious is that in the vast majority of cases, the Combined Federal Campaign's 530 local chapters in turn contract with the local United Way chapters not only to staff and run the CFC's charity drive in the area, but—get this—to do the actual distribution of donations from local Federal employees among the approved charities. Of course, before distributing those donations, the local United Way is also allowed to deduct a sizable amount from the Federal employees' donations as a fee for administering the CFC program.

And that is precisely what is happening in the San Francisco area because the local Combined Federal Campaign chapter does indeed contract with the local United Way of the Bay Area to staff and run the Federal Government's charity drive among its employees in the city.

So, Mr. President, if the pending amendment is adopted, the San Francisco United Way chapter could not continue to benefit from the Combined Federal Campaign in any way, from donations or from contractual fees, while it continues trying to intimidate the Boy Scouts.

This amendment asks Senators to choose between the Boy Scouts of America, on the one hand, or those who want to force the Boy Scouts to change their 80-year-old refusal to accept homosexuals and atheists.

I urge Senators to support the Boy Scouts and, Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is there a sufficient second?

There is not a sufficient second.

Mr. HELMS. In that case, Mr. President, I suggest the absence of a quorum, and we will get 11 Senators over here.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KENNEDY. I object.

The PRESIDING OFFICER (Mr. KERREY). Objection is heard.

Mr. HELMS. Objection is heard.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate is in a quorum call.

The clerk will continue with the call of the roll.

The legislative clerk continued the call of the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, at the heart of this dispute is the issue of whether a private organization can adopt a policy of not making charitable contributions to organizations which have policies which discriminate against particular segments of society. In this case, the San Francisco United Way, like several other organizations, has a policy against making charitable contributions to groups that discriminate on the basis of sexual orientation. That decision reflects the policy judgment of this organization and the local community which supports the United Way.

Because the Senator from North Carolina disagrees with that decision made by a private charitable group, he wants to bar them from participation in the Federal Combined Campaign. That is an outrageous interference with a private non-profit group's right to decide to whom it will contribute its money.

It is similar to the kind of amendment proposed in past years that would take away tax-exempt status from health facilities which provide abortions. It is an attempt to reach into the activities of private organizations which the Senator from North Carolina disagrees with.

Where do we stop? Shall we strip away rights of private groups whenever they adopt positions which conflict with the rightwing agenda? This amendment is cloaked as protecting the right of the Boy Scouts to adopt their own policies. In fact, it is aimed at punishing organizations that choose not to contribute funds to groups that discriminate against individuals on the basis of religion or sexual orientation.

The U.S. Senate has no business adopting this kind of amendment. I oppose it.

LIHEAP

Mr. COHEN. Mr. President, I wanted to express to the chairman of the Labor/HHS Subcommittee, Senator HARKIN, and my friend from Pennsylvania, Senator SPECTER, for the hard work they put into this bill, especially with regard to the Low Income Home Energy Assistance Program [LIHEAP].

As both Senators know from my correspondence and discussions with them, the LIHEAP Program is absolutely essential to many of my constituents who simply cannot make ends meet during the cold winter months. In the past several years, the number of eligible LIHEAP recipients has grown and the demand for fuel assistance far exceeds available funds.

Last year was a particularly difficult year in Maine, with a long winter, State budget reductions, and the delayed availability of Federal funds. The State was eventually able to secure a loan to carry the program in the early months of 1992, but not after needy individuals and families had to wait too long for benefits.

Given the difficult task before the Senate subcommittee, especially as a result of cuts in this program proposed by both the administration and the House of Representatives, I think an admirable job has been done with regard to next year's funding.

However, I am concerned about the amount of delayed obligations that is proposed in the bill. I fully understand the difficult funding decisions that led to this recommendation, but I must alert the committee to adverse impact delayed funding in general and this level in particular has on the ability of the State of Maine to keep benefits flowing to fuel assistance clients without Federal funds. In addition, the delayed availability of funds makes it extremely difficult for Maine's oil dealers to afford to participate in the program. Given the amount of fuel they must buy, funding must be available at the time the fuel is purchased. Unlike large utility companies, small fuel oil companies cannot extend credit to fuel assistance beneficiaries for 6 or 8 months.

I hope that the committee will try its best to provide more forward funding so that the fuel oil situation in Maine and other affected States operates smoothly this winter. If this is not possible, then it is time that we examine how the LIHEAP funds are distributed at the start of the fiscal year so that my State and others will not experience a difficult winter.

In addition, it is essential that the funding level provided in the bill before us—and the provisions regarding forward funding and reimbursement to States—be maintained in conference. Any reduction beyond the proposed Senate levels will wreak havoc on the ability of community action agencies to serve their clients and on the ability of our neediest citizens to pay for the heat they need in order to remain healthy.

Mr. President, earlier this year the Senate Special Committee on Aging, on which I serve as ranking member, held a hearing on the impact of proposed funding cuts in the fuel assistance program on the elderly. The evidence gathered through testimony presented at the hearing indicates that many elderly living on fixed incomes do indeed have to make choices between spending their money on food, medicine or heat. It is unacceptable that people are put in this situation, and I sincerely hope we do not make the situation worse by cutting more funds.

I noticed with great interest the introduction to the Health and Human Services section of the committee report on this bill. It reflects the subcommittee's great concern about the plight of our Nation's poor children and the need for greater investment in the programs that serve them.

I hope that the committee will include LIHEAP in the list of programs that deserve continued Federal investment, and to support this idea I would ask unanimous consent that an article from the September 9, 1992, issue of the New York Times be printed in the RECORD.

This article highlighted a report by Boston City Hospital on a study it conducted of malnourished children. The study showed that during the colder months of the year, the number of malnourished children in the hospital's emergency wards increased by 30 percent. The increase could not be attributed to chronic illness or disease. Rather, the problem stemmed from the inability of poor families to pay for heat. Twenty percent of those interviewed had to turn off the heat at least one day during the winter in order to buy food or some other necessity.

I hope the committee will read this article and keep its import in mind during the discussions it will have with the other body on funding levels for this program for the next fiscal year. No further cuts in the fuel assistance program can be tolerated without serious impact on our health and social services programs.

The ability to adequately heat the home is a vital health issue for both children and the elderly, who are susceptible to hypothermia. Adequate funding for LIHEAP, which the Committee has valiantly attempted to provide in the face of a very restrictive budget allocation, is essential to providing many needy people the means to stay warm.

I will continue to work to see that acceptable funding levels are approved, and I appreciate the efforts of the committee to move in that direction.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 9, 1992]

STUDY OF POOR CHILDREN SHOWS A PAINFUL CHOICE: HEAT OVER FOOD

BOSTON, September 8.—Boston City Hospital today released the findings of a three-year study showing that the number of emergency room visits by underweight children increased by 30 percent after the coldest months of the year.

Calling the results "amazing," Dr. Deborah Frank, the pediatrician and director of the hospital's Failure to Thrive Clinic, said the seasonal increase in underweight children with medical emergencies appeared to be the result of a "heat-or-eat" dilemma, in which poor families are going without adequate nutrition in winter months in order to pay their heating bills. She said the increase could not be attributed to chronic illness or disease.

"Parents well know that children freeze before they starve and in winter some families have to divert their already inadequate food budget to buy fuel to keep the children warm," said Dr. Frank, who led the study.

The ability to fight infection and disease is impaired if a child is malnourished, Dr. Frank said, adding that this might explain the increase in emergency room visits in the winter.

CALL FOR GOVERNMENT HELP

The hospital's report was made public at a news conference sponsored by the Citizens Energy Corporation, a nonprofit entity that tries to help the poor. Among the advocates for the poor who attended was Mayor Raymond L. Flynn.

They urged members of Congress to retain full financing for the Government's $1.5 billion low-income home energy assistance program, which helped an estimated 6.6 million poor families with their heating bills in 1992.

The House of Representatives has voted to slash the program's budget to $891 million for the fiscal year 1993. A Senate subcommittee is expected to vote on that chamber's financing level for the program this week.

For the Boston City Hospital study, Dr. Frank said she initially set out to learn how many children from the age of 2 months to 6 years who weighed in the 5th percentile or less for their age group were being brought to the emergency room at the public hospital. She and other researchers were surprised to detect a recurring among about 11,000 underweight children who visited the emergency room from July 1989 to July 1992.

In the three months after December 1989, the coldest month of the 1989–1990 winter season in Boston with an average temperature just above 20 degrees, the number of underweight children who visited the hospital's emergency room increased by 30 percent over the number seen during the other months of the year, said Dr. Frank. A nearly identical increase was observed in the coldest period of the next years, she said.

In follow-up interviews with 269 parents, nearly 20 percent reported going without heat for at least one day during the previous winter and 29 percent said they had been threatened with having their heat cut off.

Although the study does not prove that problems with heat contributed to medical emergencies, the results are "highly suggestive" that this is the cause, Dr. Frank said. "When we say, 'You have to buy more milk for Johnny,' they say, 'But I've got to pay the bills.'"

SEEKING A BROADER STUDY

"I think it raises questions that need to be looked at more broadly" in other hospitals and in other parts of the country, she added.

Although heating-bill assistance is available from some local charities, like the Salvation Army's Good Neighbor Fund in Massachusetts, these private organizations would not be able to replace the proposed fuel assistance cuts in the Federal program, say advocates for the poor. "The dollars that we are talking about are so huge, that the private efforts would be dwarfed," said Michael Kennedy, chairman of the Citizens Energy Corporation.

Elliott Jacobson of the Massachusetts Energy Directors Association said at the news conference that if Congress cuts Federal fuel assistance by the amount recommended by the House, the maximum energy grant in the state would drop to $300 a year from about $500. That would cover the cost of one tank of oil or six weeks of electricity, he said, and recipients could be "out of assistance by January."

STAFFORD LOAN CANCELLATION REGULATIONS

Mr. BUMPERS. Mr. President, I want to comment briefly on an issue raised in the report of the Appropriations Committee on this legislation about implementation of the Stafford Loan Cancellation Program authorized in the Higher Education Amendments of 1992. Senate Report 92–102–397.

On page 239 of the Senate Report the Committee includes the following directive to the Secretary:

> When the Secretary of Education issues regulations to implement the Higher Education Amendments of 1992, he shall issue regulations defining the terms and qualifications for cancellation of Stafford loans of student borrowers who perform public and community service under section 422 of such amendments.

This directive comes in the section of the report explaining the $63 million appropriation for "Federal Administrative Expenses."

Let me explain what this directive means and why it is needed.

The new Stafford Loan Cancellation Program provides for partial cancellation of the Stafford loans of student borrowers who perform certain low-paid, fulltime community and public service. But, the new program only applies to students who are "new borrowers" who have not taken out any student loans prior to October 1, 1992 and only to loans taken out after that date.

As a practical matter this means that no students will qualify for loan cancellation under this program in fiscal 1993 and as a result I have not requested any funds to be appropriated for this program in fiscal 1993 and none have been appropriated in this bill.

I am concerned that the Department of Education will cite the absence of appropriations for this new program in fiscal 1993 as an excuse to delay issuance of regulations to implement the program. This is why the directive is included in the committee report. It ensures that the Secretary will issue the regulations to implement this new program no later than he issues regulations implementing the rest of the 1992 amendments. This means that when funds are appropriated to fund it, there will be no delay or uncertainty about how it will work.

The regulations should focus on who qualifies for the program, what kind of service is required, how the student borrower can apply for cancellation and all the other issues that student borrowers may raise about the program. In addition, the Secretary must explain how the Department would allocate such funds as are appropriated to fund the program among the applicants. Would appropriated funds be distributed on a first-come-first-served basis?

I have already spoken at length during the debate on the 1992 amendments about many of the detailed issues that will arise with regard to this new program. It is clear that all of the correspondence I have had with the Department about the terms of the current deferment for community service is fully applicable to this new loan cancellation program.

I look forward to working with the Secretary to implement this exciting and important new program.

FUNDING FOR REFUGEE RESETTLEMENT

Mr. KENNEDY. Mr. President, earlier this year, those of us who care deeply about our Nation's refugee program, received with great concern the President's proposal to reduce by 40 percent—from $410 million down to $227 million—the Federal funds appropriated for refugee resettlement.

This funding level would have caused irreparable harm to our efforts to resettle Jewish refugees from the former Soviet Union, Vietnamese political prisoners, refugees from Saddam Hussein's oppression, and so many others for whom resettlement is their last option.

The bill before us, however, would appropriate $405 million, approximately what was appropriated for the program for 1992. And I want to commend the chairman and ranking member of the subcommittee for their sensitivity and leadership in this area.

Mr. President, the Federal Office of Refugee Resettlement has proposed in the coming year to make greater use of voluntary agencies in resettling refugees. This proposal is intended to bring down costs, bring in more charitable resources to help refugees and, at the same time, try to do a better job of assisting refugees toward self-sufficiency.

The Judiciary Committee has favorably reported legislation, S. 1941, which would reauthorize the resettlement program and permit changes to the program, while, at the same time, requiring that any changes that the administration might pursue meet criteria laid out in the committee bill. These criteria include, for example, that any change must provide adequate medical care, must reasonably be expected to increase self-sufficiency for refugees, and, importantly, must take into account the legitimate roles of State and local governments in refugee resettlement.

In its report on this appropriations bill, the Appropriations Committee properly has made reference to our pending reauthorization bill, and to the need for the Department of Health and Human Services to pay careful attention to the criteria which the Judiciary Committee has established.

Constructive change is necessary in many parts of the resettlement program, and I believe that the Department of Health and Human Service is headed in the right direction in reaching out more to the voluntary agencies. There are still major issues which must be resolved. But I believe that the Judiciary Committee has taken the proper approach to this. Instead of preventing change, as some suggested, we chose instead to regulate and guide any proposal for change which might emerge.

Mr. President, I want again to thank the chairman and ranking member of the subcommittee for their leadership in responding to the needs of the resettlement program at a time of great budget constraints.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only remaining amendments in order to the Labor-HHS appropriations bill, H.R. 5677, other than the excepted committee amendment; that they may be first-degree or second-degree amendments; that the listed amendments be subject to relevant second-degree amendments where appropriate; that no motions to recommit be in order; that with respect to the McCain line-item veto amendment contained in the list, there be a 1-hour time limitation for debate prior to a point of order being raised, equally divided in the usual form; that if the McCain amendment is neither ruled out of order nor tabled, then this agreement is vitiated.

The amendments are as follows: An amendment by Senators KASSEBAUM and PELL regarding student aid; an amendment by Senator SEYMOUR regarding striking SLIAG; an amendment by Senator DOMENICI regarding mental health; an amendment by Senator DOMENICI regarding homeless; an amendment by Senator HATCH regarding health; an amendment by Senator NICKLES regarding aging programs; an amendment by Senator NICKLES regarding education; an amendment by Senator HELMS regarding Boy Scouts; an amendment by Senator HELMS regarding education; an amendment by Senator HELMS regarding AIDS; an amendment by Senator HELMS regarding PBS; an amendment by Senator HELMS regarding OSHA; an amendment by Senator HELMS regarding needles; an amendment by Senator LUGAR regarding a CDC study; an amendment by Senator COCHRAN regarding literacy projects; an amendment by Senator DOLE regarding glass ceiling; an amendment by Senator DOLE regarding Social Security death certificates; an amendment by Senator MCCAIN regarding line-item veto; an amendment by Senator D'AMATO regarding transfer/breast cancer; an amendment by Senator SPECTER regarding drug treatment; an amendment by Senator LOTT regarding CPB; an amendment by Senator WALLOP regarding Davis-Bacon; an amendment by Senator RUDMAN regarding impact aid; an amendment by Senator DECONCINI regarding national youth sports; an amendment by Senator CRANSTON regarding redistributing SLIAG funds; an amendment by Senator PRYOR regarding creating line item for consultants; an amendment by Senator PRYOR regarding Treasury Department Office of Licensing; an amendment by Senator HOLLINGS regarding community health centers; an amendment by Senator HEFLIN regarding wellness clinic construction; an amendment by Senator BUMPERS regarding candidacy status financial aid; an amendment by Senator SIMON regarding impact aid assistance in Illinois school districts; an amendment by Senator WELLSTONE regarding education assistance; an amendment by Senator REID regarding second degree section 517—reverse requirement pay prisoners minimum wages; an amendment by Senator BENTSEN regarding National Commission of Private Pension; an amendment by Senator HARKIN regarding LIHEAP; an amendment by Senator HARKIN regarding alternative medicine; an amendment by Senator HARKIN regarding the Mercado case in Connecticut; an amendment by Senator LEVIN regarding up to $1 million for cyclotron for cancer treatment; an amendment by Senator BINGAMAN regarding education; another amendment by Senator BINGAMAN regarding education; an amendment by Senator KENNEDY regarding bioethics; an amendment by Senators BENTSEN and CRANSTON regarding SLIAG; an amendment by Senator SHELBY regarding child support; an amendment by Senator GLENN regarding glass ceiling; an amendment by Senator BENTSEN regarding Social Security death certificates; an amendment by Senator HATCH regarding health.

Mr. President, this is another Hatch amendment regarding health. I previously read one on the list.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Mr. President, reserving the right to object, and I do not believe I shall object. May I ask a question of the majority leader whether all of these amendments that he just mentioned are free of the taint of being legislation on an appropriations bill? I assume the answer is no, but there are some of those amendments that are legislation on an appropriations bill; is that correct?

Mr. MITCHELL. Mr. President, I do not know the answer because I do not know the details of these amendments, but I believe it highly likely that the answer is that not all are free of the taint of legislation on appropriations.

Mr. EXON. I would not be offering amendments because my amendment is tainted. But if other people are going to, will the Senator please add an amendment by Senator EXON on the undercharge bill on freight rates?

Mr. MITCHELL. On the under——

Mr. EXON. Undercharge bill on freight rates.

Mr. MITCHELL. Mr. President, I ask that the agreement be modified to add an amendment by Senator EXON regarding the undercharge on freight rates.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. MITCHELL. Mr. President, I ask that there be an Adams amendment on the same subject, and an amendment by Senator DANFORTH on the same subject of undercharge on freight rates, and an amendment by Senator KENNEDY on needles.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is so modified.

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that another amendment by Senator PELL regarding higher education be added to the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending Helms amendment be set aside and that Senator DOMENICI be recognized to offer an amendment regarding one of his two amendments, and I understand he is to offer the one regarding mental health.

Mr. DOMENICI. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Reserving the right to object, and I shall not object, it is my understanding that Senator HELMS' amendment will then recur after the disposition of that amendment?

Mr. MITCHELL. That is my understanding. I inquire of the Chair to make certain.

The PRESIDING OFFICER. Will the Senator restate the question.

Mr. DOLE. In other words, the pending amendment, Senator HELMS' amendment, after the disposition of the Domenici amendment on mental health, would recur?

The PRESIDING OFFICER. The Senator is correct.

Mr. HEFLIN. Mr. President, I inquire, might I offer my amendment immediately following Senator DOMENICI's amendment? it has been agreed to and accepted and it would not take except a minute or two.

Mr. MITCHELL. Might I suggest that we permit Senator HEFLIN to proceed, which is acceptable, and then Senator DOMENICI be recognized to offer his amendment?

Mr. DOMENICI. All of which will occur tonight?

Mr. MITCHELL. It will take 1 minute.

Mr. DOMENICI. Of course. I have no objection.

Mr. DOLE. And further consent that the Helms amendment be set aside for the amendment by Senator HEFLIN and the amendment by Senator DOMENICI. Then it recurs.

Mr. HEFLIN. I believe further, according to my information from Senator HARKIN's staff, that we would have to set aside also the committee amendments since page numbers and things else on my amendment were written. I would like to ask unanimous consent that that take place.

The PRESIDING OFFICER. There is a pending unanimous-consent request by the majority leader. Is there objection to that unanimous-consent request?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

It is the Chair's understanding of the unanimous-consent request that the Helms amendment will be laid aside for the consideration of the amendment from the Senator from Alabama, the Senator from New Mexico, and then that the Helms amendment would be back in order.

Is there objection to that unanimous-consent request?

Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I also ask unanimous consent that the committee amendment be set aside in order that I offer my amendment since it was prepared by Senator HARKIN's staff with page numbers and line numbers in order to not cause my confusion as to where it goes. So I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized.

AMENDMENT NO. 3003

(Purpose: To provide for the funding of a wellness facility at Wallace State Community College in Hanceville, AL)

Mr. HEFLIN. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. HEFLIN] proposes an amendment number 3003.

Mr. HEFLIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 24, insert before the period the following: ": *Provided further*, That of the funds made available under this heading, $1,000,000 shall be available until expended for the establishment of a wellness facility at Wallace State Community College in Hanceville, Alabama to provide certain services related to geriatric health care for rural areas".

Mr. HEFLIN. Mr. President, this is an amendment that I have cleared with both sides.

My amendment would provide for a one-time appropriation in the amount of $1 million to construct a wellness center at the George Wallace Community College in Hanceville, AL.

Senator HARKIN, the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and I, have been discussing this facility for quite some time.

When completed, the center will train nurses and other health care workers. It will also provide services such as therapy, medication, and routine health examinations. These services are much needed in the center of the northern half of Alabama where the college is located. This facility at Wallace State Community College would provide an alternative resource for individuals who are being committed to nursing homes. Also, the services would be provided by health care workers who would visit the elderly. The wellness programs would incorporate both health promotion and disease prevention strategies.

Wallace State Community College recognizes and accepts its responsibilities to provide the population of its service area with the education needed to lead fuller and more productive lives. Through the construction of this facility, there are many benefits which would directly relate to the growth and development of this area. It would provide a means of better health care for workers and an overall improvement in the quality of life for the citizens of this area.

This requested $1 million would match the $250,000 already secured from State and local funding sources.

This facility will provide the type of services that have proven to be an alternative for individuals who normally have no other choice but to be admitted to nursing homes.

I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

Mr. SPECTER. Mr. President, I have just seen this amendment for the first time, and it may well be that the facility as represented by the distinguished Senator from Alabama is worthwhile, and I shall not raise an objection tonight. But earmarks are very heavily frowned upon at least at the time of conference. I just wanted to make that statement.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3003) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEFLIN. Mr. President, I would like to discuss with the distinguished chairman of the Labor, HHS, and Education Appropriations Subcommittee the amendment that has just passed the Senate concerning funding for a wellness facility at Wallace State Community College in Hanceville, AL.

Wallace State is devoting considerable attention and resources to geriatric health care for rural areas of Alabama and truly needs this wellness facility. One specific program includes training of nurses and other health workers for house calls to provide therapy, medication, and routine examination. This has proven to be an alternative for individuals who normally have no other choice but to be admitted to nursing homes.

The recognition of the need for facilities such as this and others have been made with funding under provisions in various titles of the Public Health Service Act. I cite the following authorities that were used for funding under title II. Department of Health and Human Services Appropriations Act, 1989: funds were provided for the National Institutes of Health to establish a Matsunaga-Conte Prostate Cancer Center under section 301 and title IV of the Public Health Service Act; funds were made available for an infant mortality initiative funded through the community health centers and migrant health centers and renovating the Gillis W. Long Hansen's Disease Center under titles III, VII, VIII, X, XVI, and XXII of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1110 of the Social Security Act, and IV of the Health Care Quality Improvement Act of 1986, as amended; funds for the Frederick Cancer Center under section 301, title IV.

I believe title III, section 301 of the Public Health Service Act is also an authority for this project, and it has been used on a number of occasions in connection with appropriations. I feel that the authorities I have cited are appropriate for funding the request of Wallace State. The Congressional Research Service confirms that the authority of said section 301 of title III is broad and generic enough to be used as a basis for providing funds for the Wellness Center at Wallace State. In addition to title III, titles VII and VIII are also appropriate authorities for funding programs such as the one at Wallace State.

In view of these considerations, I hope that Senator HARKIN would agree to assist Wallace State in seeing that this wellness center is a reality. In the event that the House of Representatives objects to this amendment because of a policy of not earmarking projects, then it is my hope that this legislative history will be considered by all agencies and departments, and particularly the Department of Health and Human Services, as being a most meritorious project and desire of the Senate that funds appropriated to such agencies or departments be used in connection therewith. If there is any reason why construction money cannot be made available, it is my hope that moneys will be made available for equipping the project in the event that other moneys might be obtained in connection with its construction.

Mr. HARKIN. I have not reviewed the authorities that Senator HEFLIN has cited; and, therefore, I must refrain from commenting on them or their applicability. However, I am assured by Senator HEFLIN that the wellness facility at Wallace State Community College at Hanceville, AL, is a most meritorious project and needed for that section of Alabama, as well as a pilot program in connection with rural health efforts to train nurses and provide other health care workers for house calls to provide therapy, medication, and other examinations.

If for any reason there is a problem concerning construction money, then it is my hope that construction money can be found from other sources and that departments and agencies of the Government, provide equipment money in the same amount in order that this facility become a reality.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am going to send an amendment to the desk regarding a small increase in the funding for the National Institute of Mental Health. But I want to state now to the floor managers, if they would like, I do not desire to speak this evening. I would just like to send the amendment to the desk and then agree that we could debate this when the Senate opens up in the morning, 10 minutes on a side, to be followed by a vote. That is fine with the Senator from New Mexico if they so desire.

(Mr. AKAKA assumed the chair.)

Mr. HARKIN. Mr. President, would the Senator please repeat that?

Mr. DOMENICI. I am going to send the unprinted amendment to the desk that will ask the Senate to add $21.3 million in budget authority to the National Institutes of Mental Health. I have an offset so that it is obviously not subject to a point of order. I would like to do that and not waste the Senate's time tonight, it is late, but agree with the managers that we could resolve this with 10 minutes on each side tomorrow which would be satisfactory with me, whenever the Senate is ready in the morning.

Mr. HARKIN. No objection.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate returns to consideration of this measure at 9 a.m. tomorrow morning, there be 20 minutes of debate equally divided and controlled in the usual form on the pending Domenici amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, is the Senator's amendment a second-degree to the committee amendment?

Mr. DOMENICI. My amendment is just an amendment to the text of the bill. But I assume it is in order because we are going to make it in order. It is not, but I assume we are going to make it in order even though those are still pending.

Mr. MITCHELL. If it is not a second-degree amendment, then I would amend my request and ask unanimous consent to prohibit any second-degree amendments to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. That way we know that the vote will be on or in relation to the amendment of the Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished majority leader.

Mr. President, I am going to send the amendment to the desk in a moment. For the benefit of those who want to go over the amendment this evening, as some do here and prior to the Senate opening, and know what it is about, I have a very brief statement I will put in the RECORD tonight for purposes of observation over the evening. I will take my 10 minutes in the morning to give my version of it orally to the Senate.

AMENDMENT NO. 3004

(Purpose: To provide additional funding for the Heath Care for the Homeless Program)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3004.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 4, strike "$2,585,761,000" and insert in lieu thereof "$2,597,652,000".

Mr. DOMENICI. Mr. President, the pending appropriations bill includes funding for the National Institute of Mental Health within the National Institutes of Health. This action begins the implementation of the recently enacted restructuring of the Alcohol, Drug Abuse and Mental Health Administration, or ADAMHA.

I am grateful to the distinguished chairman and ranking member for reflecting this new organization in the bill. I hope the House Appropriations subcommittee will accept this new structure when this bill goes to conference.

Mr. President, with the great assistance of the able chairman and ranking member of the subcommittee, the Senate has lead the movement to restore funding for mental health research to a level approaching parity with other research institutes. This effort has taken years, but was essential that we waged this fight.

At a hearing yesterday before the Senate Labor and Human Resources Committee, the Office of Technology Assessment [OTA] released a new study entitled "The Biology of Mental Disorders: New Developments in Neuroscience."

Generally, this study shows how far we have advanced our research and understanding of severe mental illnesses.

As a portion of this study, the OTA examined the NIMH research budget and found that while the rate of growth has been relatively high over the past 6 years, our Nation's investment in research on mental disorders is considerably less than for other diseases.

OTA found that in 1985, for every $100 of costs imposed by mental disorders, only 30 cents was spent on research.

In comparison, for every $100 of costs imposed by heart disease, 73 cents was spent on research, and for every $100 of costs imposed by cancer, $1.63 was spent on research.

Mr. President, this makes my case more clearly than ever. Severe mental illnesses have for too long been set aside as a priority for biomedical research dollars.

We have made significant progress in trying to overcome the funding problems of the past. let us not abandon that significant effort now when the focus for NIMH is more clearly on research than ever before. Let us keep up the momentum into understanding the mysteries of the brain and the dysfunction that can cause severe mental illness as is our charge during the Presidentially declared decade of the brain.

I ask my colleagues to join me in adopting a funding level for the National Institute of Mental Health that will allow our researchers to continue implementing the strategic research plans that will unlock the mysteries of serious mental illnesses, such as schizophrenia, manic depressive illness, and other disorders, as well as work toward treatments that will allow the victims of these devastating illnesses to return to productivity.

I urge my colleagues to adopt my amendment to increase funding for the National Institute of Mental Health by $21.3 million in budget authority and $8.5 million in outlays to achieve the level of the President's budget request of $596.1 million for fiscal year 1993.

With this funding level, NIMH will be able to:

Sustain its award of research grants at approximately the current level 356, but fully 108 above the proposed bill;

Maintain a grant award rate of 24 percent, which is still below the average grant award rate of NIH;

Advance to the next phase of the National Plan for research on child and adolescent mental disorders, which the distinguished subcommittee chairman included as part of his amendment;

Maintain progress toward full implementation of the Decade of the Brain, the Schizophrenia National Research Plan, and related research efforts; and

Begin implementation of a most promising national plan of research to improve care for severe mental disorders.

Mr. President, my colleagues know that mental illness has been a cause with me for many years. We have had some major breakthroughs through research, and only through research.

Now is not the time to retreat in the attack on mental illness.

I urge the adoption of my amendment. I regret that the subcommittee chairman would not accept my original amendment to simply provide the funds and accommodate them within the subcommittee's section 602(b) allocation for domestic discretionary spending. According to budget committee scoring of the bill as reported, there is room within the subcommittee's allocation to do so.

While this amendment may seem modest, these funds are the key to significant and continuing progress against serious mental illness.

Mr. President, I do not want any misunderstanding. I stand before the Senate praising the chairman of the subcommittee, Senator HARKIN, the ranking member, Senator SPECTER, because while we have worked together, and I have worked hard to increase the funding level for NIMH, without their help, we could not have achieved what we have achieved in the last 5 or 6 years. We are not at parity yet with other major research programs on major illnesses, but we have made dynamite strides in terms of getting this up to an appropriate level. I just want the President's level when we are finished here. That is what my amendment would do. But they have been very helpful. It is with regret that I offer this amendment but I do believe we must do this before this bill leaves the floor.

THE SCHEDULE

Mr. MITCHELL. Mr. President, a number of Senators have inquired as to the schedule for the remainder of the week in light of the developments that have just occurred.

First, there will be no change in the schedule which I announced earlier; that we will complete action on this bill, then proceed to the defense authorization bill, and remain in session on this week until the Defense authorization bill is completed.

It had been my hope that we could complete action on this bill by tonight, go to the Defense authorization bill tomorrow morning, and try to finish it by Friday evening.

I stated publicly on the floor on more than one occasion that if we had to go over until Saturday, Senators were then on notice that we would do so. But I also stated my hope that it would not be necessary.

The fact that we have not been able to complete action on this bill this evening, and that we now have a lengthy list of amendments to be disposed of—although I am confident that these very diligent managers will be able to work through them as promptly as humanly possible—means that we are not likely to start on the Defense authorization bill until sometime during the day tomorrow. I hope it is sooner rather than later. But that remains to be seen.

In any event, however, once we start on the Defense authorization bill, we are going to stay in session this week until we complete it which means that the likelihood of a Saturday session has increased significantly as a result of the action with respect to this bill.

So I repeat so Senators can be on notice. We will stay in session until we finish the Defense authorization bill. I had hopes we could do that by Friday evening, thereby making it not necessary to be in on Saturday. That now appears less likely in view of the length of time that will be consumed on this bill. But in any event, once we finish the Defense authorization bill, we will recess for the weekend, whenever that is.

I hope I have made myself clear in that regard, and all Senators are on notice and can adjust their schedules accordingly.

Mr. President, I thank my colleagues for their cooperation. I thank the managers for their diligence.

There will not be any further rollcall votes this evening. I understand that the managers are going to contest the Domenici amendment, and that therefore there will be a vote on or in relation to the Domenici amendment at 9:20 a.m. tomorrow. Then I hope we can proceed promptly to the remainder of this list of amendments.

I thank the Chair.

MODIFICATION OF LIST OF AMENDMENTS

Mr. President, I modify the list of amendments previously stated by adding an amendment by Senator BOREN regarding education, an amendment by Senator KENNEDY regarding education, an amendment by Senator KENNEDY regarding AIDS, an amendment by Senator KENNEDY regarding PBS, an amendment by Senator KENNEDY regarding OSHA.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That at 9:00 a.m. on Thursday, September 17, 1992, the Senate resume consideration of H.R. 5677, the Labor-H.H.S. Appropriations Bill, and that there be 20 minutes debate on the pending Domenici amendment, No. 3004, to be equally divided and controlled in the usual form, with no second degree amendments in order thereto.

Ordered further, That the following list of amendments be the only remaining amendments in order to the bill, other than the excepted committee amendments; that they be either first or second degree amendments; and that the listed amendments be subject to relevant second degree amendments, where appropriate:

Adams: Undercharge of freight rates.

Bentsen: National Commission on Private Pension Plans.

Bentsen: Social Security death certificates.

Bentsen/Cranston: SLIAG.

Bingaman: Education related.

Bingaman: Education related.

Boren: Education.

Bumpers: Language permitting schools in "candidacy status" to be eligible for financial aid.

Cochran: Literacy projects.

Cranston: Language to redistribute unspent SLIAG funds.

D'Amato: Transfer/breast cancer.

Danforth: Undercharge on freight rates.

DeConcini: National Youth Sports.

Dole: Glass ceiling.

Dole: Social Security death certificates.

Domenici: Homeless.

Domenici: Mental health.

Exon: Undercharge on freight rates.

Glenn: Glass ceiling.

Harkin: LIHEAP.

Harkin: Alternative medicine.

Harkin: Mercado case in Connecticut.

Hatch: Health.
Hatch: Health.
Helms: Boy Scouts.
Helms: Education.
Helms: AIDS.
Helms: PBS.
Helms: OSHA.
Helms: Needles.
Hollings: Community Health Centers.
Kassebaum/Pell: Student Aid.
Kennedy: Bio-ethics.
Kennedy: Needles.
Kennedy: Education.
Kennedy: AIDS.
Kennedy: PBS.
Kennedy: OSHA.
Levin: $1 million on cyclotron for cancer treatment.
Lott: C.P.B.
Lugar: CDC study.
McCain: Line-item veto.
Nickles: Aging programs.
Nickles: Education.
Pell: Higher education.
Pryor: Language to create a line-item for consultants in every agency.
Pryor: Language to create an office of licensing for consultants in the Treasury Department.
Reid: Second degree to Sec. 517; language to reverse the requirement to pay prisoners minimum wages.
Rudman: Impact aid.
Seymour: Strike SLIAG.
Shelby: Child support.
Simon: Impact aid to assist Illinois school districts.
Specter: Drug Treatment.
Wallop: Davis-Bacon.
Wellstone: Education assistance.

Ordered further, That no motions to recommit be in order.

Ordered further, That with respect to the McCain line-item veto amendment, contained in this list, there be a one hour time limitation, equally divided and controlled in the usual form, prior to a point of order being raised.

Ordered further, That is the McCain amendment is neither ruled out of order, nor tabled, then this agreement is vitiated.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

NATIONAL HISPANIC HERITAGE MONTH

Mr. WARNER. Mr. President, I rise today to bring to the attention of my colleagues that we are presently celebrating Hispanic Heritage Month. This month is designated by the Congress as a national observance to promote awareness and appreciation for the many contributions of Hispanic-Americans to our country.

Mr. President, Hispanic-Americans are the fastest growing minority group in the United States. Between 1980 and 1990, the Hispanic population of the United States increased five times faster than the total population. Many experts predict that Hispanics will be the Nation's largest minority group by the year 2000. The Hispanic culture has contributed to our American society over the years by influencing our food, music, dress, and art.

The Hispanic community is a great resource and a powerful part of our national fabric. Yet on the whole, Hispanics are greatly misunderstood and suffer from severe socioeconomic problems in our Nation. Hispanic leaders in our Nation continue to express frustration over the lack of attention to the problems confronting Hispanics by the media and elected officials. In this election year, redistricting and voter registration are major issues all over the country.

Mr. President, the Hispanic-American population in the Commonwealth of Virginia continues to grow rapidly, especially here in the northern Virginia area. We must continue in our efforts to address the many problems which threaten to prevent Hispanic-Americans in our generation from participating fully in every aspect of American life. We must strive to make sure that all barriers are knocked down for Hispanic-Americans in such areas as education, jobs, housing, and the political arena.

MINNESOTA RESPONDS TO HURRICANE ANDREW

Mr. DURENBERGER. Mr. President, I rise today to join my colleagues in expressing my deepest sympathy for the victims of Hurricane Andrew. By all accounts, the devastation left in the wake of Andrew is nearly beyond comprehension. Those who have visited the area say the pictures coming back from the news accounts don't come close to capturing the extent of the damage.

If there has been anything positive to come out of this tragedy, it is that Andrew's terrible destruction has been matched by the determination of the American people to help their neighbors. Volunteers have flooded into the areas most cutoff from the rest of the world, bringing food, clothing, and comfort.

One such group set out on Sunday, August 30, from New Hope, MN, on a 4,000-mile journey to the worst part of the devastation. Led by Twin City Catering owner Jim Dolan, the group brought truckloads of food and clothing.

"We really weren't prepared for what we saw," Mr. Dolan told me after the trip. The group arrived a full week after the disaster, and many of the people who needed help the most still would not leave their homes, because they felt they had no place else to go.

One good thing about being in the food catering business, it's not difficult to bring the food to the people. Abandoning their original plan to set up picnic-style and let the people come to them, the caravan went into the ruined neighborhoods and announced with loud speakers that they had food and supplies.

"The streets were deserted," Dolan told me. "We'd hit the horn and the kids came out of the houses." Other organizations seeking to get supplies to the victims gave Dolan's group cartons of milk, disposable diapers, and other goods. In all, they brought 35,000 meals to the people of Homestead. "It will take years to recover," Dolan said, describing block after block, mile after mile of broken glass, houses with roofs torn off, trees down. A Minneapolis reporter along to cover the story described the scene:

> There's no electrical power, no water, and no trees. Armed soldiers are everywhere. A formation of old civilian propeller planes had sprayed for insects overhead, giving the air the smoky feel of a battlefield.

Those who made the trip to Homestead with Mr. Dolan included family members Ann, Mike and Bill Dolan, Brian Smith, Carol Jadinak, and Sally Roberge.

Mr. President, these Minnesotans and the many others who sacrificed their time and effort, will share with the victims of Hurricane Andrew the knowledge that bad times bring out the best in Americans.

THE DEATH OF GENERAL WILLIAM E. DEPUY

Mr. WARNER. Mr. President, on Wednesday night, September 9, one of the most brilliant Army generals of our time passed away. He filled every day of a life of 72 years.

Gen. William E. (Bill) DePuy, who retired after 36 years of active Army service in June 1977, was the first commanding general of the U.S. Army Training and Doctrine Command at Fort Monroe, VA. He was widely recognized throughout the Army as the general whose vision led the Army out of the darkness of the post-Vietnam era to a restored, high level of professionalism. Desert Storm, an exemplary chapter in U.S. military history, was characterized by the level of professional planning and execution envisioned by General DePuy.

Following the U.S. Army's unprecedented role in the Persian Gulf war, many asked these questions: "How did this Army, which faced such an uphill challenge following the war in Vietnam, change itself so markedly? How did this same Army rise to such heights of professionalism? How does any such institution change itself so dramatically? Who were the leaders responsible?"

Mr. President, there are hundreds, even thousands, of dedicated, hardworking officers, noncommissioned officers, and soldiers whose daily efforts for years contributed to making the Army what it is today; by all accounts, the best we have ever had.

But the foundation for this Army, the vision, the ideas, and the leadership which were the impetus for this marked improvement, were from Gen. Bill DePuy. Those he gathered around him became his disciples and he became the mentor who nurtured and advanced that vision and those ideas which contributed so substantially to today's highly respected, modern and professional Army. Today's Army truly bears his legacy.

General DePuy was at ease among the leaders of the highest councils of our Government, discussing the most complex security issues confronting our Nation. And he was at his best personally explaining and demonstrating to a group of young soldiers how to lead and employ a 10-man rifle squad.

From the doctrine of our military services at the highest echelons to the most basic small unit tactics, his knowledge and expertise were without equal. And with regard to the doctrine, the tactics, and the way in which our Army is now trained, he truly "wrote the book."

General DePuy was born in Jamestown, ND, on October 1, 1919. He grew up in South Dakota, joined the National Guard and was promoted to corporal. He graduated from South Dakota State University, where he was commissioned in the ROTC program. He entered the Army as a lieutenant in the early days of World War II, landed in Normandy with the 90th Infantry Division, took command of an infantry battalion and fought across the battlefields of Europe to the end of the war.

General DePuy commanded the 1st Infantry Division in the Vietnam war in 1966–67; he served as the Assistant Vice Chief of Staff for the Army; and he organized and assumed command of the Army's Training and Doctrine Command at Fort Monroe, VA. It was at TRADOC where General DePuy instituted the many changes in the Army's philosophy of training, doctrine and tactics which led to the dramatically improved combat effectiveness of today's Army.

General DePuy received many United States and foreign awards and decorations, including two Distinguished Service Crosses, three Silver Stars, two Purple Hearts, five Army Distinguished Service Medals, the Air Force Distinguished Service Medal, the Order of Commander in the French Legion of Honor and the Knight's Cross of the German Order of Merit. This is the best proof of his being a soldier's soldier.

I know that, when General DePuy retired in 1977 to the family home, Highfield Farm, near Delaplane, VA, many leaders of our Nation—both civilian and military—continued to rely on his wisdom and counsel. He provided the Chairman of the Joint Chiefs of Staff, General Colin Powell, his perspectives on the war in the Persian Gulf several months after the war ended. I ask unanimous consent that a copy of his letter to General Powell be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, because of General DePuy's remarkable intelligence and experience I, too, sought his counsel frequently. He was always responsive, forthright, and provided unique perspectives which I always found to be extremely valuable.

I would like to extend my sincere sympathies to General DePuy's family: his wife, Marjory, who is a native of Salem, VA; his son, Bill; his daughters, Joslin and Daphne; and his three grandchildren.

Services for General DePuy were held this morning at the Memorial Chapel at Fort Myer, VA. Burial will be a private ceremony at the family cemetery in Albemarle County, VA.

Eulogies at this morning's services were presented by Gen. Paul Gorman (retired) and Gen. Maxwell Thurman (retired), both of whom served with General DePuy in the 1st Infantry Division in Vietnam and at TRADOC; and Lt. Gen. Orwin Talbott (retired), who served with General DePuy in the 90th Division in World War II and was his deputy commander at TRADOC.

I ask unanimous consent that these eulogies be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WARNER. The heartfelt sentiments expressed by these outstanding military leaders and colleagues of General DePuy indicate clearly that our Nation has lost a great military leader, a great intellect, and a true national hero.

In closing, Mr. President, I would like to add that I initially became aware of the significant contributions General DePuy made to our Nation and our Army through Col. Les Brownlee, who served on active duty under General DePuy and has worked for me in my personal office and on the Armed Services Committee staff since his retirement from the Army in 1984.

EXHIBIT 1

DELAPLANE, VA,
26 September 1991.

GEN. COLIN L. POWELL,
Chairman of the Joint Chiefs of Staff, The Joint Staff, Washington, DC.

DEAR COLIN: I have thought a great deal about DESERT STORM, what it means to the country, and what it must mean to you. You have an unprecedented opportunity: the American public has never been more fully informed on military affairs, nor more receptive to sound military proposals, and the Congress has finally witnessed the operational jointness it has long advocated.

I have assumed that among your many duties and responsibilities, you accord high priority to readying the U.S. armed forces for the inevitable challenges of the kinds of wars or near wars that will occur at the turn of the century. Presumptuous as it may be, I would like to offer you some advice on how the joint establishment might improve its effectiveness in meeting those challenges. The five propositions set forth below constitute a central set of concepts for guiding joint doctrine, the key to training for heightened performance against any enemy, and elements of a distinctive American style of joint warfare.

First, as a nation we must resolve once and for all the question of air wars and ground wars. The very way that we talked about military operations in Southwest Asia during DESERT SHIELD/STORM reinforced the misperception that the President, the Congress, or the American people could choose between conducting one or the other. There was no such choice. The fact is, to the contrary, that military operations such as the President directed, to forestall an aggressor's extending control over land and people, and ultimately, to destroy his army, must involve AirLand Warfare, that is, the employment of air forces and ground forces in concert, drawing upon the whole panoply of U.S. forces, from all of the armed services. The time has come for the joint establishment to embrace without reservation the doctrinal principles for cooperation among aviation and ground formations that the Air Force and the Army have adopted in recent years, and that have long underwritten Marine Corps doctrine.

I suspect that you're fed up to the gills with all that, but you're the only person who could write a book on the issues without referring to notes, and I have a strong feeling that you may be the only really senior military chap with the authority, the instincts, and the perceptiveness to lead all of us to proper understanding.

Second, as a vital corollary of the first proposition, it is one function of air forces—the aviation of all services—to gain and to maintain freedom of operational maneuver for ground forces. I fully recognize that there are other important jobs for aviation, but their decisive contribution to Desert Storm was to ensure the swift, deadly, and unprecedentedly efficient advance overland by the combined allied forces. I suspect that in future wars their decisive contribution will be the same. In the joint scheme of things, I would not be surprised should you find it wise simply to announce arbitrarily that the function of providing the freedom of operational maneuver on land is the primary mission of aviation elements of joint forces within a theater of operations.

Third, consistent with the thrust of the first two propositions, it should be the function of U.S. maritime forces to gain and to maintain access to critical theaters or subtheaters of operation. I am well aware that the regional CINCs employ supplementary means—such as international exercises, combined base development schemes, prepositioning of equipment and supplies, and the like—but for the foreseeable future, access from the sea will be essential to deploying and supporting joint forces for combat. As the aviation within joint forces will provide for freedom of operational maneuver, so maritime elements of joint forces will provide for freedom of strategic maneuver.

Fourth, all historically important armed forces have developed their own distinctive operational style. For example, historians agree that the Roman style of warfare fitted well the objectives of the Senate and the People of Rome, and of the Roman emperors. The Romans' habit of encamping at the end of each day's operations, and then of connecting their camps with high speed roads, enhanced freedom of both operational and strategic maneuver. There was nothing casual about the Roman military style. The Roman commanders all understood it, and so did their adversaries. And the Romans almost always won.

There is emerging a distinctive American style of war, a style that is essentially joint, drawing on the unique capabilities of each service via centralized planning and decentralized execution. This jointness, plus an amalgam of surprise, discriminate use of overwhelming force, high operating tempo, and exploitation of advanced technology, has led to a whole new order of military effectiveness. This is the "revolution in military affairs" that certainly figured in the Soviet decision to end the cold War. You might find it useful to ask your staff to lay out for you all the elements of this distinctive American style, and to consider using that analysis as a point of departure for the future development of joint doctrine.

Fifth, doctrine is pointless unless it leads to consensus within the armed forces. You know better than most that the surest way to lend substance to joint doctrine is through tough, realistic joint training. I believe that you should lead the way to put a joint overlay on the ongoing separate-service training activities in the Southwestern United States, to set up a continuously-operating, surrogate "theater of war"—much as General Marshall did there during World War II, and for the same purposes of developing joint proficiency—wherein forces of all four services can train the way they will fight: under a joint command, exploiting jointly collected and analyzed intelligence, and drawing upon each other's strengths to enhance their tactics and techniques.

Colin, I am not writing a book or otherwise considering publication. My interests in all of this is only to see if I can help. Nor am I asking for your endorsement of the foregoing ideas. You can either use them, or discard them. I suppose that you have a stable of bright young men and women to whom you might turn to vet all of this, and if so, and they think there might be some value in these ideas, I would be very happy to elaborate, to talk to them about the conceptual underpinnings. But I know you are very busy, and there may be no time for you to pursue these matters. If so, I will understand completely.

My best wishes to you, and to your colleagues of the JCS, in all your undertakings.

WILLIAM E. DEPUY,
General, U.S. Army (Retired).

EXHIBIT 2

MEMORIAL BIOGRAPHY, GEN. WILLIAM E. DEPUY, SEPTEMBER 16, 1992

(By General Maxwell Thurman, USA (Ret.))

Our friend, Bill DePuy, was a soldier—an infantry soldier. He was a leader and trainer of combat soldiers—an infantryman's leader.

Bill was a wiry son of the northern wind swept prairie, born and raised in North Dakota. He moved with his family to South Dakota where he joined the National Guard, became a squad leader, graduated from South Dakota State and accepted his ROTC Commission in the Infantry. He had applied to be a Marine—thank God for the Army there was no room for him in the Marine Corps, because he was destined to lead Army soldiers in combat.

Bill DePuy joined the 20th Infantry Regiment in 1941 at Fort Leonard Wood. As a platoon leader, he walked 500 miles to the Louisiana Maneuvers and back—Bill said he learned to "soldier" in that six months.

In 1942 he joined the 90th Division, the first of four divisions in which he would serve. He would train with, deploy with, and fight with this division for the next 3 years.

Bill landed on UTAH Beach at noon on the 8th of June 1944, D+2. He was the S-3 of the 1st Bn, 357th Infantry. He fought through the hedgerows of Normandy, through the Falaise Gap and on the Moselle River as both the battalion and regimental operations officer on the 4th of December 1944.

After 6 months in combat Bill DePuy was given command of an infantry battalion, the 1st Battalion of the 357th Infantry. In the next 6 months he would lead his Battalion in heavy combat across the Moselle, thru the Siegfried Line and on to Czechoslovakia at war's end—earning the Distinguished Service Cross, 3 Silver Stars, and 2 Purple Hearts. You see, he was a leader of Infantry soldiers in combat! A Battalion commander, age 25.

Bill came home from Europe in 1945 and went to Fort Leavenworth and then he came to Washington for the first of 5 assignments. He was integrated into the regular Army—he could have returned to his father's bank, but he loved the military. He then studied Russian language because he thought it would be important in the years ahead. He was posted to Hungary as an attache, the first of several appointments in the intelligence arena. His Hungarian tour over, he joined the Central Intelligence Agency working in China operations. He met Marjory Walker of Salem, Virginia and they were married in June 1951.

Bill Jr. was born in July 1952 and Joslin arrived in July 1953 on the eve of the family's departure for Germany. It was the 3rd of 4 periods of service in Europe. After a year on the V Corps Staff in Frankfurt where Daphine was born in 1954, Bill and Marjory became the command team of the 2d Battalion, 8th Infantry in the 4th Division. Bill was back with the troops, leading and training soldiers for combat in the Cold War.

The DePuy's returned to Washington for his 3rd assignment. Bill was in the Chief of Staff's Office—writing "Learned Papers" for 3 years, he said.

The family returned to Europe, this time to England to attend the Imperial Defense College. From there, on the Schweinfurt—Marine Division country—where Bill once again commanded his beloved infantry troops—the Dog Faced Soldiers of the 1st Battle Group, 30th Infantry in the 3rd Division. He trained them in battle drills. He was the combat leader responsible for the Meininigen Gap.

And then back to Washington in 1962 for 2 years on the Army Staff. He served in the special operations business when that field was emerging as an important element of our Army.

May 1964—combat called in Vietnam. Bill went to the sounds of the guns and for 2 years he was the Operations Chief for MAC-V. And then the call came—Bill DePuy to command the 1st Division—the Big Red One! Again, combat leader of infantry men. It was right that this great combat leader and that great combat division should rendezvous at a critical junction in U.S. combat history. The two were made for each other—War Zone C, War Zone D, Ap Tao O, Minh Than, GOLDEN GATE, ATTLEBORO, Soui Da, Song Be, HELPER, the Rung Sat—the legend of the Big Red One led by Bill DePuy—combat infantryman, combat leader.

Bill returned to Washington—now his 5th tour blending his skills in combat operation, intelligence and special operation. He served on the Joint Staff as the Special Assistant for Counterinsurgency. He then moved back to the Army Staff and became the first assistant to the Vice Chief of Staff.

In this role, he became the counselor to Secretaries of the Army as well as the assistant to the Chief of Staff. He promoted the Big 5 weapon systems—the Apache, Abrams, Bradley, Patriot and Blackhawk that we saw perform so magnificently in Operation DESERT STORM.

He led the change to streamline the continental Army which brought about the formation of TRADOC and FORSCOM.

Bill and Marjory moved to Fort Monroe as Bill took command of TRADOC in July 1973. This too was right for the Army. Combat tested, battle leader at the helm of the Army's training and doctrinal institutions. An opportunity to change an Army—and change it he did.

Bill and Marjory made their final move to Highfield in 1977. Bill's work was not yet done. He toiled with his mind and his pen to enlighten us on future combat doctrine and thoughtful analysis of the wars he'd fought.

All the while he was the tough, wiry Virginia farmer—a stroll from the Highfield House to the foot hills of the Blue Ridge with Jefferson, Suzie, then Molly, barking at his heels, inquisitively discovering the scents and beauty of the fields. Cerebration and celebration.

Bill loved his family, his friends, his grandchildren—but most of all he loved soldiers.

You see, he was a combat leader of soldiers.

MEMORIAL REMARKS, GEN. W.E. DEPUY, SEPTEMBER 16, 1992

(By Lt. Gen. (Ret.) Orwin C. Talbott)

Second Lieutenant William E. DePuy—yes, he was once a second lieutenant—was transferred in April 1942 from the 20th Infantry at Fort Leonard Wood, Missouri, to the very recently-formed 90th Infantry Division at Camp Barkeley, Abilene, Texas. He was assigned to the 357th Infantry Regiment while I was in another regiment of the 90th.

By the time the division arrived in England before the Normandy invasion, Bill was a Captain, and shortly thereafter became the regimental S-3.

The 90th stumbled badly, had many difficulties at first. Senior commanders were relieved, mostly with sufficient cause, this including one of Bill's regimental commanders. Another of his COs was killed. Bill has described the first six weeks of the division's time in Normandy, saying, ". . . the 90th lost 100 percent of its soldiers and 150 percent of its officers. In the rifle companies that translates to losses of between 200 and 400 percent. Those losses compare with the worst of World War I." Colonel George Bittman Barth, an artilleryman, succeeded to command of the 357th during those difficult days. He knew no one in the regiment and Bill, as S-3, became his very strong right hand. The two of them became a very effective team and insured the 357th was "born again" as a competent, thoroughly credible combat unit, one which in time became comparable with the very best in the whole theater.

About the first of December 1944, shortly before the Battle of the Bulge, Bill was named the CO of the 1st Battalion of the 357th, a position he held for the rest of the war. In the cold miserable fighting in the snows of the Ardennes, Bill very quickly established that he was an unusually gifted combat commander, one with the gift of imagination and the nerve to carry his ideas through, all the way through.

During that period he more than once in the middle of the night, lined up one of his companies, or his whole battalion, in single file and sneaked them through the German lines. In doing this, they always stayed within range of supporting artillery and the units just could not be dislodged from their newly-gained territory.

There is a recent book out on the 90th Division, "War From the Ground Up." In the book there are several references to Bill's bravery and to his very special competence as a combat commander. His regiment's direct support artillery commander, for example, wrote during the war, "Last night DePuy sent a patrol across the river with the mission of getting information about German preparations on the other side. Not more than a couple of hours later, the patrol returned to report they couldn't cross because they were being machine-gunned. DePuy about blew his top. He loaded them in a jeep and took them back to the river. He discovered the machine-gun fire they had heard was not directed at them but down the river. He ordered the patrol, "By God! Get across NOW!" Not, surprisingly, they did. The patrol went as far as the main road, along the river, without being challenged and found the German trenches full of water and no mines or barbed wire."

In another place in the book Bill is described as, "small, tough, wiry physique. Courageous, brainy, and innovative on the battlefield. Became a master . . . of the night infiltration attack . . . DePuy always looked for ways to do the job with minimum loss of life. . . . He was one of the Army's most advanced, innovative thinkers."

It was because of this exemplary leadership and demonstrated competence that, shortly after V–E Day, while the division was beginning to prepare itself for the Japanese invasion, Lieutenant Colonel DePuy was made the division G–3 at the ripe old age of 25!

Bill's other great combat command was as commanding general of the First Infantry Division, the Big Red One, in Vietnam. He assembled—his words were, "The division was a magnet for . . ."—A group of leaders and staff officers of unusual, even spectacular capability, some seven of whom became 4-star officers and 30 more became general officers. Several of these distinguished officers are present today.

Bill found the division tended to be too plodding, too prone to do the expected, rather than the unexpected. Using the aviation assets of MACV, he quickly taught the division, and its individual brigades, to be flexible, to move around, to mass quickly and surprise the enemy with overwhelming firepower, most especially at times when the enemy was trying to ambush American units. In the oral history of his Vietnam experience he gives great weight to this aspect of his command. Division members with some pride called their outfit the 1st Infantry Division, Heavy (Airmobile)! In 1967 I met an Air Force major, just returned to the States, who had been a "sidewinder," with the division, that is, he had been attached by the Air Force to the division and flew light planes close to the ground while directing Air Force strikes in support of the 1st. Even as an Air Force officer he was immensely proud of being from the 1st Infantry Division, Heavy (Airmobile) and he wore the 1st Division patch on his Air Force uniform to prove it. I don't know how long the Air Force let him continue doing that.

I had the very great privilege of also commanding the 1st Division in Vietnam. There was nothing I was prouder of then and nothing I am prouder of now than the division's great military professionalism while I was with it. Gen. George Forsythe, CG of the 1st Cav Division, told me that he had fought his division beside every division in the theater, Marines included. He went on to volunteer, that "without a doubt," I repeat "without a doubt the most professional division in Vietnam was the 1st Division." Now that is quite a statement from the commander of another proud division. Where, where did this professionalism come from, why was it so great in the 1st?

Well, Gen. John Hay, who succeeded Bill as the division CG, speaking on the 20th anniversary of his command, told a large group of 1st Division veterans, the answer. He stated the professionalism of the division he inherited was superb, that it was specifically due to General DePuy. And It continued through General Hay's successor, General Keith Ware, and was certainly there when I assumed command on Keith's death, and, hopefully, was still there when I left the division. I think all of Bill's successors would agree this professionalism which was inherited from Bill, and for which he deserved the fullest credit, was unsurpassed. It set the standards of performance in every activity, from close combat to combat support to combat service support to administration.

But as justly proud as he was of his command record, nothing, nothing was closer to Bill's heart than the 1st Division's scholarship program. It had an interesting origin. Sgt. Nunez had been a member of the division's long range reconaissance patrol, and had been killed. His widow wrote the CG—to Bill—saying how proud Sgt. Nunez had been to be in the 1st Division and she hoped his two sons would grow up to be as fine men as their father. Bill was so moved that he had the letter published in the division newspaper along with a comment the division ought to do something for the sons. The very next day an envelope appeared on Bill's bunk with several hundreds of dollars in it. From that grew the idea of scholarships for the Nunez sons, then it became a scholarship for the eldest son of every battlefield fatality. Now it includes all children of soldiers of the division who die in its service, not only from Vietnam and from Desert Storm but to include any current training accidents, and scholarships are also available for soldiers currently in the division and their families.

There are also scholarships for children and grandchildren of veterans, etc. Today, over $1,000,000 has been given out in some 549 scholarships. General DePuy served as head of the society of the First Division's Scholarship Program from the day it started until his hospitalization. He gave a great amount of time to this program which was so very close to his heart. And he carefully insured it was organized to continue without a misstep on his passing from the scene. This program brought great satisfaction to a truly great American, William E. DePuy.

I want especially to thank you, Mrs. DePuy—Marge—and Bill, Joslin and Daphne—for the opportunity and very real privilege of participating in this memorial service for my very great friend of half a century. He was not only a true friend of mine but was unquestionably the finest professional soldier with whom I served in my 35 years in uniform. Bill, I salute you.

I will now be followed by General Paul Gorman, who was both a commander of the 1st Battalion, 26th Infantry, under Bill and, by Bill's own testimony, a superb G–3 of the 1st Division.

GEN. WILLIAM E. DEPUY, SEPTEMBER 16, 1992

(By Gen. P.F. Gorman, USA (Ret.))

A husband, a father is dead.

Our hearts go out to the family of General DePuy. We, his friends and professional colleagues, share their bereavement in the limited ways that outsiders can.

A distinguished officer of the United States Army has passed away. Here the Army, in its ancient ways, expresses mourning.

Mourn we all should, for a man whose brilliant mind and fervent spirit touched each of us has passed from our midst.

It is also fitting, however, that we here, all of us, rejoice in his full life of unmatched accomplishment, now inscribed in the annals of the Army, and recorded in the history of this Republic.

My friends, we have come together to commemorate General William Eugene DePuy, who uniquely embodied the American warrior ethos during the past seven decades: tumultuous, conflict-torn years, encompassing a procession of great events that have profoundly affected the attitudes and aspirations of every citizen of this country. General DePuy was one professional soldier who, in his time, made a difference in his chosen life's work. He was, all his life, a force for the improvement of the Army, both in war and in peace. He transformed the institution that he served so well.

DePuy had a fire within him, a consuming passion to foster progress in any responsibility that accrued to him. Mission by mission, from the plodding marches of the Louisiana Maneuvers to the triumphant drive across Central Europe during World War II, from the menial tasks of a subaltern in a mobilizing Army in 1941 to his apotheosis as commander of the First Infantry Division in Vietnam, from his origins in mid-America to the highest councils of leadership in this land, he brought to his duty cogency, competence, and deep caring. And he succeeded! Whenever and wherever he put his mind and heart to a task, he did what he set out to do!

Some of his achievements loom above the others, but do not allow my recounting to obscure the centrality of the intensity that he brought to all matters, great or small, within his purview. He was a committed man. With all his considerable intellectual energies, his physical stamina, and his emotions as well, he pursued betterment. I have often thought that his way with any problem mirrored the tactics of celerity, suppression, and indirect approach that he learned during World War II. If his attack promised to stiffen bureaucratic resistance, he suppressed objections and moved to flank, or he quietly penetrated the opposition to seize moral high ground beyond. He aimed in all matters at what he sought in battle: progress at least cost.

Fortunately for the United States, and for its Army, General DePuy eventually rose to the top of his profession, and was able thence to influence broadly its future.

Here was no scholastic, no principle-bound intellectual. DePuy was a pragmatist, generalizing broadly and advantageously from what he himself had experienced, observed, or sensed, or from what he understood of reliable reports. To convince him, one had to show him how the matter at issue worked in combat, or a reasonable approximation of combat. He believed that what counted in battle was not what the Army's schools taught, or what weapons were in issue, but how American soldiers, sergeants, and officers behaved under stress.

In this respect, I compare him to General George C. Marshall, for like Marshall, DePuy distrusted officers who yearned for, or worse, depended upon, sets of academically propounded rules, formulaic solutions for the vagaries of combat circumstance. Both taught officers to expect the unanticipated, and schooled them to cope with surprise as a normal concomitant of conflict. Both prized innovators and innovations. Both understood that the Army's principal responsibility, and its main occupation in peace or in war, was to train for future battle, in a place and at a time no man could foresee. Both exhibited a personal commitment to ways and means of fashioning American youth into combat-competent infantry soldiers.

In the months before he fell ill, I spent hours with General DePuy, talking about the past and its portent as he perceived it. Once I asked him if, looking back, he would have done anything different. He replied that he would have spent more time teaching, especially in the years since retiring from the Army. I was astonished: this from a general whom I had often watched lecturing from down in a foxhole to a gathered ring of company leaders on how and why properly to dig; or gesticulating before the map to show his division staff how to think about the campaign they were about to prosecute, and to motivate them to reach for decisive result; or using deft graphics on butcher-paper charts to lead colonels and generals to understand how to modernize the Army. I told him that I thought he had done his share of teaching on active duty, but he would not be dissuaded.

General DePuy was, as far as I know, the first commander of an Army major command to make extensive use of television for training, and I believe that when he retired in 1977, he had taught more subordinates through that medium than any other general before him. He was the same sort of teacher as General Marshall, whom one National Guardsman praised by saying that "he makes us understand."

Teacher General DePuy was, and teacher he remained until the end of his life.

After he retired to his Virginia farm, Highfield, he spent long hours writing for publication, sitting at the kitchen table, scrawling his prose across yellow lined pads. His themes ranged from apologia for minor tactics and grand strategy in Vietnam, to expositions on sound doctrine for future wars. Usually he wrote for ARMY magazine, because therein, he said, young officers would be more likely to read what he wrote, picking up that widely distributed periodical when they had time, perhaps as staff duty officer, or relaxing at night after duty.

It is entirely characteristic of the man that one of his last compositions was a letter to General Colin Powell, Chairman of the Joint Chiefs of Staff, offering suggestions for joint doctrine and training. The Chairman, then working on the draft of JCS Pub 1, *Joint Warfare of the US Armed Forces*, found his ideas thoughtful and timely.

Of the many commanders I have observed in combat in two wars, General DePuy is the only one I would unhesitatingly describe as an authentic tactical genius. He possessed that tactical acumen the Germans celebrate, an instinctive, uncanny sensing for the location and intent of the enemy, and for the ebb and flow of a battle. Moreover, his grasp of combat kinetics extended to guiding subordinates charged with combat support and combat service support: he would make a broad gesture on the map, saying, for instance, "we will need, within 36 hours, a capability to operate here, for at least a week." Those subordinates planned and executed well aware, however, that the general would unerringly detect the slightest inconsistency or delay in any of the numerous organizational networks that undergird a division in combat. He himself personally disciplined his divisional voice command communications in Vietnam, and set new standards for austere transmissions amid stress. He visited his troops often, and spoke with individuals or groups in a patient, inspirational, tutorial fashion. The soldiers under his command knew that their general fought hard, fought smart, and fought to win.

General DePuy was slight of frame, but impressive of intellect. Original of thought, with an unconventional bias, he was inquisitive, perceptive, and pungently humorous. He was in all respects admirably equipped for the prominent role he was called upon to play in American intelligence and Special Operations during the Cold War. I have known no other general officer so quick as he to absorb complex information, to form judgment, and to deliver crisp, cogent decision in matters small or great.

In 1973, as Assistant Vice Chief of Staff of the Army, his purview included the major restructuring of the Army of that year. He assigned two of his staff officers to spend a month studying the problem of how to configure the Army in the aftermath of Viet Nam. Then, based on their staff study, within one week he decided what to do, persuaded the Chief of Staff to accept his solution, and obtained the approval of both the Secretary of the Army and the Secretary of Defense—possibly a standing Pentagon record for lightning-like staff action. Out of that organizational stroke emerged the United States Army Training and Doctrine Command, a conceptual breakthrough that modernized the Army. TRADOC was peculiarly his creation, for he was the general staff principal at its birth, and its first commander: more than any other individual, he established its tone, and set the azimuth upon which it marches to this day.

He picked that name: Training and Doctrine Command.

"Command" it surely was, for to the degree that any general can shape and guide a Major Command of the Army, DePuy commanded. We, all of us who served in TRADOC, from the junior drill sergeant at Fort Jackson through the commander of the Combined Arms Center at Leavenworth, felt daily his drive and enthusiasm, his restless pursuit of perfection. He simply ignored any among us who were unprepared to advance with him, but for each of us he deemed able and willing, he devised a particular formula to elicit our energetic pursuit of his goals. He communicated to us a deep faith in the American fighting man. His experience had been that any soldier who understood what was expected of him would unfailingly do his job, even amid the most terrifying and confused of battle circumstances. He taught us to insure that soldiers knew what to do, how and when. Working for him was always a challenge, for we were all hard pressed to keep up with his ever-active mind, but I can attest that I enjoyed under his command more freedom of action, and more assured support, than under any other commander for whom I ever served, in peace or at war. General DePuy was a resolute, concerned, bold, adaptive and innovative leader, and like all great leaders, he brought out the best in all of us.

"Doctrine" was one of the main purposes of TRADOC, and command at Fort Monroe empowered General DePuy to pursue the preoccupation of his lifetime: those ideas that, lodged between the ears of soldiers of all ranks, led to concerted action under fire. TRADOC, as he conceived it, was to serve not just the forces in the continental United States, as had its predecessors, but was to serve all the units of the entire Army—wherever they might be located, whatever their mission—by developing the concepts and the materiel they needed for combat, and by training soldiers and leaders to fill their ranks. With General Robert J. Dixon of the Tactical Air Command, he opened a new era of Army-Air Force collaboration on how to fight on the modern battlefield, and together they sponsored a new genre of doctrinal publications addressing joint warfare. DePuy perceived "doctrine" as an operational term, that consensus that enabled tactical, operational, and strategic coherence within the force afield, and underwrote requirements for new equipment. He sought to shape both, to modernize the Army mind as well as Army materiel. He enjoined TRADOC to ready the Army to win the first battle of the next war, and to develop equipment and training techniques so that it could do so fighting outnumbered against a well-armed enemy. Victory in that first battle, he held, would stem from superior doctrine as well as superior weapon systems. For him, the rudimentary combat element, the rifle squad, was above all else an idea shared by its members, no matter what their numbers, no matter what their equipment. For him a foxhole was an embodiment of crafty ways to foil a foe's attack, and to accomplish a squad's mission with minimum loss. He knew that no weapon system, however endowed by advanced technology, could function effectively without combat-proficient operators, maintainers, and replenishers, and he understood that a maladroit tactician could compromise the best of these. He perceived battalions as instruments for controlling ground with surveillance, fire, and movement. He described brigades, divisions and corps as systems of systems, requiring of a commander, above all else, synchronization. Thus, he bade TRADOC: develop, write and teach.

So began the evolution of contemporary doctrine. General DePuy put the doctrinal pot to boil. In fact, in telling us in TRADOC how we should work on producing doctrine, he used the metaphor of the pot-a-feu on the stove in a French farm house, the ever-ready stew to which various partakers of the family's meals were expected to contribute vegetables now, a piece of meat then. He was certain that TRADOC's doctrinal recipe would not be right with our first efforts. Convinced of likely imperfection, he directed that the 1976 version of Field Manual 100–5 be published in loose-leaf, ring-bound notebook, the easier to change the manual once better ideas were presented. That adaptable edition of FM 100–5 soon gave way to fresh-written successors, but the antecedents of contemporary doctrine—that of the Army, and now joint doctrine as well—can be traced to DePuy's black-pot on the TRADOC stove top.

"Training" was TRADOC's other principal objective. I doubt if the Army has had, in this century, a general officer who devoted more time and effort to small-unit tactics. TRADOC itself came to reflect General DePuy's determination to improve the ability of our Army to succeed in close combat. He ruled that his subordinates would evaluate TRADOC's schools and training centers by the performance of soldier-graduates in the force, especially by their demonstrated combat-related skill and knowledge.

One year ago, at his farm, talking about training and its importance to the future of the Army, he told me that it was easy enough to find a general who understood how to draw the arrows across his operation map to the discomfiture of an enemy, but that there were only a few senior officers who understood what truly happened at the point of those arrows, and even fewer who knew how to train soldiers to advance the point. General DePuy considered all military training a simulation of war, and at TRADOC he vigorously pursued more evocative, more instructive simulations of close combat. He inaugurated the Army Training Evaluation Program, and the training technique known as Tactical Engagement Simulation. He launched the progenitors of the equipment and facilities now associated with these—the Multiple Integrated Laser Engagement System or MILES, and the National Training Center. The present-day Joint Readiness Training Center, the Combat Maneuver Training Center, the Battle Command Training Program, and the Army's latest forms of simulation, such as SIMNET and the Close Combat Tactical Trainer, are all lineal descendants of his prototypes. Again, his instincts proved to be both reliable and fortuitous.

Late on a February afternoon in 1991, amid a blowing sand storm in Iraq, 2d Squadron, 2d Armored Cavalry Regiment, was moving in the van of the covering force of VII Corps with the mission of finding Iraqi Guard units. Find them the Squadron did, a brigade equipped with late-model Soviet-made tanks and other armored fighting vehicles, dug in around the Iraqi Guard's own armor training center. In five hours of combat, heavily outnumbered, the American cavalrymen demolished that brigade. This year General Larry Welch, former Chief of Staff of the US Air Force, and General Carl Vuono, former Chief of Staff of the Army, had an opportunity to examine that battle in detail with troops commanders, platoon leaders, and platoon sergeants who had fought the action. General Welch noted that none present had previous combat experience, and observing that the performance of the American Army in the first battle of previous wars had been mediocre at best, he asked them how they explained the squadron's smashing success. Here is the recorded reply of one troop commander:

> Sir, this was not our first battle. This was our tenth battle! We fought three wars at the National Training Center, Fort Irwin, California; we fought four wars at the Combat Maneuver Training Center, Hohenfels, Germany; and a lot of other simulations like SIMNET, the Unit Conduct of Fire Trainer, and the Battle Command Training Program. Yes sir, we had been "shot at" before. Many times. This war was just like our training.

General DePuy would have asked for no better response.

In our talks, he told me that he sensed that the Army was making progress. He attributed much of the gain to the Army's decision to employ centralized selection from the most highly qualified officers for battalion and brigade command positions. However, he also credited doctrine and training—the contribution of TRADOC—for raising the Army's readiness for battle from about the 20% level to at least the 60% level; moreover, he believed that the Army had learned how to add to that percentage. He was quite optimistic that, despite the structural pruning, the budgetary uncertainties, and the strategic amorphism now confronting the Army's leaders, the force would become more proficient, more effective, year by year.

Three decades ago, in a letter to the editor of West Point's alumni magazine, William E. DePuy posed a poignant question about Army leadership, and about life and death. He had visited his regimental commander from the Battle of France, George Bittman Barth, on the occasion of that old soldier's retirement. He penned for West Pointers a description of Colonel Barth's taking command after the regiment had been badly mauled during its first battle amid the hedgerows of Normandy. It was an infantry unit, he wrote, composed of "plain, ordinary, bewildered Americans."

> Hounded by misfortune, utterly devoid of leadership, this regiment had lost its soul. . . . By the strange chemistry of leadership (Col. Barth's) inner strength, supreme confidence, and bull dog determination flowed into the hearts and minds of that regiment and rekindled the flame that burned so low . . . his was the magic that turned bad into good, which lifted the crushing weight of failure from thousands of battered spirits and inspired to devoted sacrifice a motley of common men . . .
>
> As I walked down the steps of Wainwright Hall into the gathering December night I couldn't help but think that the old breed is moving on, and I couldn't help but wonder where will we find the men to fill their shoes?

William E. DePuy, by his life and work, answered his own question. The answer is that our Army found in him a breed of leader ready to meet the strains of the Army's severe contraction in the aftermath of Vietnam, prepared to provide a sense of direction and of purpose to Americans bewildered by the meandering of politics, and battered by the ostracism of the American public. The Army found in General DePuy a breed of leader who could inspire the entire institution to pull itself up by the bootstraps. The Army found in him a breed of man prepared to fill the shoes of his predecessors. Indeed, the Army found him capable of teaching leaders of future generations to take his place, when their turn came.

General DePuy, rest in peace. There will never be another soldier exactly like you, but you have armed your Army for the future. Your impress is on the Army of today and the Army of tomorrow. When rifles bark again, and cannons roar once more, American soldiers will fight advantaged by your crystalline mind. Rest in peace.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,032,795,928,739.08, as of the close of business on Monday, September 14, 1992.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it costs the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $15,700.43—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

MEASURES INDEFINITELY POSTPONED—S. 1504 AND S. 1571

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Nos. 326 and 333 be indefinitely postponed

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL LIBERTIES ACT AUTHORIZATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 668, H.R. 4551, the Civil Liberties Act amendments of 1992, that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table, and that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4551) was deemed read three times, and passed.

MEASURE INDEFINITELY POSTPONED—S. 2553

Mr. MITCHELL. Mr. President, I ask unanimous consent that calendar No. 658, S. 2553, the Senate companion be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2532.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the House insist upon its amendments to the bill (S. 2532) entitled "An Act entitled the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act'", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–114, 118, 126, 134, 136(d) and 146), and the House amendment (except title IV), and modifications committed to conference: Mr. Fascell, Mr. Hamilton, Mr. Solarz, Mr. Berman, Mrs. Johnston of Florida, Mr. Engel, Mr. Broomfield, Mr. Gilman, Mr. Leach, and Mr. Bereuter.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d) and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference: Mr. Fascell, Mr. Hamilton, and Mr. Broomfield.

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–149, 157, 403, and 405 of the Senate bill, and section 702 of the House amendment, and modifications committed to conference: Mr. de la Garza, Mr. Rose, Mr. Penny, Mr. Glickman, Mr. Coleman of Missouri, and Mr. Roberts.

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference: Mr. Aspin, Mr. McCurdy, and Mr. Dickinson.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d) and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference: Ms. Oakar, Mr. Neal of North Carolina, Mr. LaFalce, Mr. Torres, Mr. Kleczka, Mr. Kennedy, Mr. Wylie, Mr. Leach, Mr. Bereuter, and Mr. McCandless.

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference: Mr. Dingell, Mr. Sharp, Mr. Cooper, Mr. Bruce, Mr. Harris, Mr. Scheuer, Mr. Lent, Mr. Moorhead, Mr. Dannemeyer, and Mr. Oxley.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference: Mr. Dingell, Mr. Sharp, and Mr. Lent.

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference: Mr. Brooks, Mr. Mazzoli, and Mr. Fish.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference: Mr. Roe, Mr. Oberstar, and Mr. Hammerschmidt.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference: Mr. Brown of California, Mr. Boucher, and Mr. Walker.

Mr. MITCHELL. Mr. President, I move that the Senate disagree to the House amendments, agree to the request of the House for the conference on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed. From the Committee on Foreign Relations: Mr. Pell, Mr. Biden, Mr. Sarbanes, Mr. Cranston, Mr. Lugar, Mrs. Kassebaum, and Mr. Pressler.

From the Committee on Agriculture, Nutrition and Forestry for matters solely within their jurisdiction: Mr. Leahy, Mr. Kerrey, and Mr. Lugar.

From the Banking Committee for matters solely within their jurisdiction and for matters within the shared jurisdiction of that committee and the Foreign Relations Committee: Mr. Riegle, Mr. Sarbanes, and Mr. Garn conferees on the part of the Senate.

REPORT ON THE NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT—PM 273

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

It is with great pleasure that I transmit this report on the Nation's achievements in aeronautics and space during 1991, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Not only do aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as reflected in this report, but the results of their ongoing research and development affect the Nation as a whole.

Nineteen hundred and ninety-one was a significant year for U.S. aeronautics and space efforts. It included eight space shuttle missions and six successful launches by the Department of Defense. The shuttle missions included the first such mission to focus on astrophysics and the first dedicated to life sciences research. Other shuttle missions included launch of one satellite to study the unexplored polar regions of the Sun and another to collect astronomical data from gamma ray sources. Still another shuttle mission launched a satellite to study global atmospheric change affecting our own planet. In related areas, the Department of Commerce and other Federal agencies have pursued studies of such problems as ozone depletion and the greenhouse effect. Also here on Earth, many satellites launched in 1991 and earlier provided vital support for the successful prosecution of Operations Desert Shield and Desert Storm to force Iraq to withdraw from Kuwait. And in the aeronautical arena, efforts have ranged from the further development of the National Aero-Space Plane to broad-ranging research and development that will reduce aircraft noise and promote the increased safety of flight.

Thus, 1991 was a successful year for the U.S. aeronautics and space programs. Efforts in both areas have promoted significant advances in the Nation's scientific and technical knowledge that promise to improve the quality of life on Earth by increasing scientific understanding, expanding the economy, improving the environment, and defending freedom.

George Bush.

The White House, *September 16, 1992.*

REPORT ON ACTIVITIES OF THE UNITED STATES GOVERNMENT IN THE UNITED NATIONS AND ITS AFFILIATED AGENCIES—MESSAGE FROM THE PRESIDENT—PM 274

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1991, the third year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

George Bush.

The White House, *September 16, 1992.*

FAMILY LEAVE TAX CREDIT ACT—MESSAGE FROM THE PRESIDENT—PM 275

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Family Leave Tax Credit Act of 1992". This flexible family leave plan will enable 80 percent of the workplaces in the country—the small and mid-sized businesses that often cannot provide family leave—to provide family leave for their employees without costing jobs or stifling economic growth. The proposal will cover 15 million more workers, and 20 times as many workplaces, than the proposals in S. 5.

This legislation will provide a refundable tax credit for up to 20 percent of total compensation, for up to $100 a week—to a maximum of $1,200—for businesses that provide their employees with 12 weeks of family leave. An employee would be eligible to take leave under the following circumstances: the birth of a child, the placement of a child with the employee for adoption or foster care, care for a child, parent, or spouse with a serious health condition, or a serious health condition that prevents the employee from performing his or her job.

This is not federally mandated leave. It instead gives employers positive incentives to adopt responsible family leave policies and gives them the flexibility to target the specific needs of their employees. To qualify for the credit, businesses must adopt nondiscriminatory policies that provide protections for employees' jobs, benefits, and health insurance.

On May 5, 1992, the Administration transmitted the "Health Benefits for Self Employed Individuals Act of 1992" to the Congress. This proposal was also intended to help improve benefits for small businesses, without deterring economic growth, by expanding the deductibility of health insurance from 25 percent of costs to 100 percent of costs. Packaged with the Family Leave Tax Credit, we are providing a strong impetus for small businesses to develop quality benefits programs.

The Department of the Treasury has estimated the cost of the Family Leave Tax Credit at approximately $500 million for FY 1993 and $2.7 billion over 5 years. The combined cost of the Family Leave Tax Credit and the "Health Benefits for the Self Employed" is $740 million in 1993 and $7.7 billion over 5 years. These costs must be offset under the Budget Enforcement Act of 1990. In my 1993 Budget, I identified $68.4 billion of specific mandatory spending reductions. Any of those offsets would be acceptable to the Administration. Additionally, when the self employed tax credit was transmitted to the Congress, over $9.3 billion of these offsets were specifically suggested to pay for the proposal—substantially more than was required. Those same $9.3 billion in offsets are sufficient to pay for the costs of both the self employed deduction and the Family Leave Tax Credit under the Budget Enforcement Act of 1990.

I urge the Congress to take prompt action to generate constructive family leave policies that are consistent with economic growth by quickly passing this legislation.

GEORGE BUSH.

THE WHITE HOUSE, *September 16, 1992.*

MESSAGES FROM THE HOUSE

At 12:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the amendments of the House to the bill (S. 680) to amend the International Travel Act of 1961 to assist in the growth of International travel and tourism into the United States, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 567. Resolution relative to the death of the Honorable Walter B. Jones, a Representative from the State of North Carolina.

At 2:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3591. An act to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such Act;

H.R. 4069. An act for the relief of Sylvia N. Mayer; and

H.R. 5265. An act for the relief of Terrill W. Ramsey.

At 6:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 3175) to improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990, without amendment.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1187. An act to amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands, and for other purposes; and

S. 1583. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3724. An act to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes.

The message also announced that pursuant to section 203(b)(1)(C) of Public Law 102-166, the majority leader appoints Judith B. Weirciak of Illinois, from private life, to serve as a member of the Glass Ceiling Commission on the part of the House.

The message further announced that pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99-498, the Speaker reappoints Mr. Stephen C. Biklen of Pittsford, NY, from private life, to the Advisory Committee on Student Financial Assistance on the part of the House.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 5. An act to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3724. An act to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 4069. An act for the relief of Sylvia N. Mayer; to the Committee on Armed Services.

H.R. 5265. An act for the relief of Terrill W. Ramsey; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 16, 1992, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 323. An act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes; and

S.J. Res. 303. Joint resolution to designate October 1992 as "National Breast Cancer Awareness Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3882. A communication from the President of the United States, transmitting, pursuant to law, a report on the status of efforts to obtain Iraq's compliance with resolutions adopted by the United Nations Security Council; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. 362. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama (Rept. No. 102-402).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2610. A bill to amend the antitrust laws to provide a cause of action for persons injured in United States commerce by unfair foreign competition (Rept. No. 102-403).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1624. A bill to amend the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and for other purposes (Rept. No. 102-404).

By Mr. CRANSTON, from the Committee on Veterans Affairs, with amendments:

S. 3108. A bill to amend title 38, United States Code, with respect to housing loans for veterans (Rept. No. 102-405).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 3096. A bill to establish a grant program under the Administrator of the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by children under the age of 16 (Rept. No. 102-406).

By Mr. NUNN, from the Committee on Armed Services, with amendments:

S. 2991. An original bill to authorize appropriations for fiscal year 1993 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to amend the National Security Act of 1947 to provide a framework for the improved management and execution of United States intelligence activities, and for other purposes (Rept. No. 102-407).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 3131. A bill to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

The following persons to be members of the National Institute Board for the National Institute for Literacy for a term of 3 years:

Helen B. Crouch, of New York;
Sharon Darling, of Kentucky;
Benita C. Somerfield, of New York; and
Susan Ann Vogel, of Illinois.

The following persons to be members of the Board of Directors of the Commission on National and Community Service for a term of 3 years:

William J. Byron, of the District of Columbia;
Thomas Ehrlich, of Indiana;
George W. Romney, of Michigan;
Johnnie M. Smith, of South Carolina; and
Glen W. White, of Kansas.

William Bailey, of Connecticut, to be a member of the National Council on the Arts for a term expiring September 3, 1996;

Thomas E. Harvey, of the District of Columbia, to be a member of the Board of Directors of the U.S. Institute of Peace for the remainder of the term expiring January 19, 1993; and

Shirley W. Ryan, of Illinois, to be a member of the National Council on Disability for a term expiring September 17, 1994.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. COHEN, Mr. REID, and Mr. KOHL):

S. 3236. A bill to amend the Older Americans Act of 1965 to establish the National Resource Center for Grandparents; to the Committee on Labor and Human Resources.

By Mr. INOUYE (by request):

S. 3237. A bill to amend the Indian Self-Determination and Education Assistance Act; to the Select Committee on Indian Affairs.

By Mr. SIMON:

S. 3238. A bill to prevent potential abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON:

S. Res. 341. A resolution calling for the termination of the arms embargo imposed on Bosnia-Hercegovina and Croatia; to the Committee on Foreign Relations.

By Mr. LIEBERMAN:

S. Con. Res. 136. A concurrent resolution expressing the sense of the Congress in support of Taiwan's membership in the United Nations and other international organizations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself, Mr. COHEN, Mr. REID, and Mr. KOHL):

S. 3236. A bill to amend the Older Americans Act of 1965 to establish the National Resource Center for Grandparents; to the Committee on Labor and Human Resources.

NATIONAL GRANDPARENT RESOURCE CENTER ACT

• Mr. PRYOR. Mr. President, today I am joined by Senators COHEN, REID, and KOHL in introducing the National Grandparent Resource Center Act of 1992. Congressman TOM DOWNEY is introducing the House companion. The National Grandparent Resource Center Act of 1992 would establish, under the Older Americans Act, a national center of information and referral to grandparents who need assistance in raising their grandchildren, obtaining visitation rights or any number of other areas of need. I am introducing this legislation to begin to address the great need for information and support that the changing role of grandparents has created. I first became aware of this need this past July, at an Aging Committee hearing that examined at the growing phenomenon of grandparents who are raising their grandchildren. The members of the committee were privileged to hear powerful testimony that was both horrifying and poignant, appalling and uplifting. I would like to share some of what I learned that day.

It is difficult to know exactly how many American children are being raised—either solely or partly—by their grandparents, but estimates range anywhere from 3.2 million to upward of 4 million. This is an increase of about 40 percent in the past 10 years. The reasons for this dramatic increase are varied, but usually the natural parents are unwilling or unable to care for their children because of drug and/or alcohol abuse, divorce, teenage pregnancy, abandonment, physical or sexual abuse, death, imprisonment, or even murder.

Although you most often find grandparents raising their grandchildren in the inner cities, this trend cuts across all social, economic, ethnic, and racial lines. It is happening everywhere. In fact, many of us probably know someone who has had to take on the responsibility of caring for their grandchildren full time. In July, I heard firsthand how this affects the grandparents—and the grandchildren—on an everyday basis.

Mrs. Joan McMillin of Bellflower, CA, shared some of the most powerful testimony I have ever heard at a Senate hearing. Her statement began with the story of her two small grandchildren witnessing the murder of their mother—Mrs. McMillin's daughter—by their father. With that began her and her husband's 3½-year struggle to gain permanent custody of their grandchildren.

She described how she and her husband were battered by the system—the complex structure of courts and child and family welfare agencies. They constantly had to battle the belief that they were too old to raise the children. The stress and strain caused her husband to have three strokes, forcing him to lose his business, their livelihood and their health insurance. Mrs. McMillin said that she and her husband used to be a typical middle-aged middle-class couple—her husband enjoying an occasional game of golf, and that she believed in "shop til you drop." Now, by the end of the month, they often do not have enough food in the house.

The hardships that these grandparents are willing to endure to care for these children are truly awe inspiring. They not only have the enormous strain on their finances and their health, but many have to contend with feelings of shame and failure, wondering where they may have gone wrong with their own children. Their marriages are under tremendous pressure, as are friendships and relationships with other family members. Some of them have aging relatives to care for as well. And all too often, the grandchildren themselves are emotionally troubled. Many of these children have seen things that we cannot even imagine.

Yet, these grandparents would have it no other way. Mrs. Mary Shaheen of Yarmouth, ME, who was accompanied by her 11-year-old grandson Nathaniel, whom she is raising, said, "I certainly would not have considered any other option. * * * I sign his report card * * * with the same pride and love as any parent who has brought their child into the world.''

As I listened to the testimony, I wondered at these truly heroic efforts of so many seemingly ordinary people. How do they do it? Many grandparents point to the assistance they receive from various grandparents' support groups. Mrs. McMillin said that their local group, Grandparents as Parents, is what keeps her and her husband going. Others say they are just doing what they have to, and they try not to think too much about it.

So why does our system make it so difficult for grandparents to step in to raise these children? Why is it easier to place children in foster care than with a grandparent? Shouldn't we be doing things to encourage grandparents? Throughout history, they have played a vital role in family life. Some grandparents in Hope, AR, helped to raise a Presidential candidate. Mr. President, the legislation that we are introducing today is just one small step to begin to help these everyday heroes.

In the end, it is the children we need to protect. They are the ones who are most affected by the system, especially when it doesn't work. I cannot say it any better than 11-year-old Nate Shaheen: ''I just have one thing to say. I think all grandchildren that live with their grandmas love it.''

I urge my colleagues to join us in support of the National Grandparent Resource Center Act of 1992.•

• Mr. COHEN. Mr. President, I am pleased to join Senator PRYOR today in introducing the Grandparents National Resource Center Act of 1992. This legislation recognizes the increased role of grandparents in today's society.

Millions of grandparents nationwide are starting over as parents. These seniors are trying to put their families back together, often in the face of huge bureaucratic, financial, and emotional obstacles.

The incidence of grandparents being thrust into parenthood a second time around is a clear indication of many of the societal ills this country is facing. Drug and alcohol addiction, sexual and physical abuse, murder, crime, divorce, teenage pregnancy, and AIDS, have reached epidemic proportion. They are crippling the American family and are forcing our grandparents back into parenthood to raise their children's children.

The elderly are among the hidden victims of these societal problems that are placing unforeseen responsibilities and burdens on the shoulders of our Nation's seniors.

At a recent Special Committee on Aging hearing Senator PRYOR and I heard compelling, often tragic stories of the problems these seniors face. For example, grandparents must cope with the needs of drug-exposed infants, or children who bear the scars of physical or emotional abuse. In addition, at the same time that many grandparents are facing painful feelings of guilt about what went wrong with their own children, they must battle a complicated and expensive legal system, and fight to be recognized as the primary caregivers of their grandchildren.

The legislation that Senator PRYOR and I are introducing today will establish a National Grandparent Resource Center to serve as a central source of information and assistance to older individuals who are raising their grandchildren. The center will provide a valuable reference for grandparents on legal, financial, and emotional support systems available to assist them in meeting the often unforeseen difficulties in raising their grandchildren. A toll-free number will be provided to increase access to the center.

While this legislation is not a panacea for all of the problems facing this special group of grandparents, it is a step in the right direction. I will soon introduce a package of legislation that will address the bureaucratic barriers confronting grandparents raising their grandchildren in order to ease their struggle as they attempt to keep their families together.•

• Mr. KOHL. Mr. President, I am pleased to rise as a cosponsor of the National Grandparent Resource Center Act.

The measure goes a long way in attempting to address the needs and concerns of grandparents who are raising or attempting to obtain access of their grandchildren. The Center would provide a toll-free number, information, and referrals by staff and volunteers for grandparents who need help. Senator PRYOR should be commended for his efforts to educate grandparents and to bring greater visibility to the issue of grandparents raising their grandchildren.

The resource center is timely considering that more grandparents are raising their grandchildren because of the death, substance abuse, or other problems of the children's parents. Despite this increase, these grandparents have few rights regarding custody and visitation. And many of them don't know about State and Federal laws that govern their rights. The center would help to alleviate this problem.

Ethel Dunn, who heads Wisconsin-based Grandparents United for Children's Rights, testified at a July Aging Committee hearing on grandparents raising their grandchildren. Ms. Dunn's group seeks to help grandparents gain visitation privileges and custody, and provide support for these second-time parents. She contributed greatly to the committee's understanding of a distributing trend that must not be ignored.

Again, I applaud Senator PRYOR's measure and urge my colleagues to fully support the grandparents' resource center.•

By Mr. INOUYE (by request):

S. 3237. A bill to amend the Indian Self-Determination and Education Assistance Act; to the Select Committee on Indian Affairs.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS ACT OF 1992

• Mr. INOUYE. Mr. President, I rise to introduce a bill at the request of the tribal governments that have been involved in the negotiation of regulations to implement the 1988 amendments to the Indian Self-Determination Act.

I do so, because unfortunately, 4 years after the enactment of amendments to the act, implementing regulations for the 1988 amendments have not been finalized.

The bill that I propose for introduction today would close the gap on the 4-year waiting period that tribal governments have been forced to confront in administering Federal programs under the Indian Self-Determination Act.•

By Mr. SIMON:

S. 3238. A bill to prevent potential abuses of electronic monitoring in the workplace, and for other purposes; to the Committee on Labor and Human Resources.

PRIVACY FOR CONSUMERS AND WORKERS ACT

• Mr. SIMON. Mr. President, today I am reintroducing the Privacy for Consumers and Workers Act. This revised bill is the result of recommendations made to the Senate Subcommittee on Employment and Productivity.

As technology advances, the Government has attempted to enact policy that protects the delicate balance between the demands for technological change and the need to protect an individual's right to privacy. As a nation, we have supported laws that protect us from our neighbors and our Government spying and invading our privacy, everywhere but in the workplace. The United States stands alone with South Africa in failing to protect a worker's rights in this regard.

It is a sad irony that while the FBI is required by law to obtain a court order to wiretap a conversation, even in cases of national security, employers are permitted to spy at will on their employees and the public.

According to a 1987 United States Office of Technology Assessment report, a conservative estimate of 6 million employers were monitored at that time. This figure, however, does not include professional, technical, and managerial workers, which would add an additional 1 to 2 million monitored employees. Moreover, as the workplace becomes more computerized and service oriented, the number of those electronically monitored will increase.

Current monitoring practices operate as a form of de facto discrimination. Women are disproportionately employed in the types of jobs that are subject to monitoring, such as clerical workers, telephone operators, and customer service representatives.

Mr. President, I would like to share with you and my colleagues some examples of why this legislation is needed. Recently I was informed that a female nurse from Chicago, IL, called the American Civil Liberties Union [ACLU] with a complaint that she had discovered a hidden video camera in the nurse's changing room. She did not want to tell the ACLU who she was or provide any additional information because she was afraid she would lose her job. I would like to tell her that my office is always open to her if she should need assistance. We cannot allow these abuses to continue.

In a similar a case a few years ago, female nurses at Holy Cross Hospital in Silver Spring, MD, discovered that a hidden video camera was broadcasting their locker room to an open in- house cable TV channel. Just 2 days ago, female nurses in a Richmond, VA, hospital discovered a hidden video camera in their locker room.

In another case, a company secretly bugged its employees for a 13-year period. The company bugged phone calls made in the company's cafeteria, bugged the service center, and bugged employee's meetings held in the company's conference room. Similar horror stories were told at a hearing before the Senate subcommittee on September 24, 1991.

My legislation does not say that electronic monitoring should not be used. What it does say is that electronic monitoring should not be abused. Employees should not be forced to give up their freedom, dignity, or sacrifice their health when they go to work.

Mr. President, the legislation I am introducing today would prohibit the monitoring of locker rooms, bathrooms, or dressing rooms unless there is a reasonable suspicion of illegal activity. It would require employers to provide employees with prior written notice of: the forms of electronic monitoring the employees will be subjected to and the frequency of the monitoring; how to interpret the records or printouts of statistics on the monitoring and how production standards are based on those statistics; what kind of personal data on the employee will be kept, and what the personal data will be used for.

In addition, for periodic or random monitoring the legislation creates a three-tier notification system. If an employee has been employed for less than 60 days, then an employer may engage in unannounced periodic or random monitoring. If an employee has been employed for a period between 60 days and 5 years, then an employer may engage in periodic or random monitoring with some advance notice. This second tier would allow employers to monitor on a periodic or random basis for up to 2 hours in any week and notice would have to be given within 24 to 72 hours prior to monitoring. If an employee has been employed for 5 years or longer, then an employer would not be allowed to periodically or randomly monitor an employee.

The legislation would allow for unannounced monitoring if the employer has a reasonable suspicion that an employee may be engaging in criminal activity. The act also will not apply to electronic monitoring conducted by employers in connection with the investigation of workers compensation claims.

Both the private and the public sector would be covered by my legislation, including employees of the House of Representatives and the Senate.

In many ways, monitoring acts as an electronic whip that drives the fast pace of today's workplace in the growing service industry. Monitored employees, whether in telephone conversations with the public or in producing work with computers, must carry out repetitive duties that require rigorous attention to detail, executed under the stress of constant supervision and the demand for faster output. Unrestrained surveillance of workers has turned many modern offices into electronic sweatshops.

The stress that these employees experience should not be overlooked. Workplace stress costs this country an estimated $50 billion per year. This is a cost we cannot afford.

In addition, the consumer shouldn't be forced to give up freedoms when calling a company or when being called by an organization. Countless consumers are not aware that the calls they think are private, are secretly listened to by an intruder. Consumers are deprived of the right to make fundamental choices about what sensitive information they are willing to divulge. For example, a caller could be discussing an insurance claim for a sensitive medical condition, such as a case of AIDS. While the AIDS victim is on the line, the claims specialist's supervisor may be secretly monitoring the call.

Mr. President, the legislation I am introducing today is a step in the right direction toward ensuring the privacy rights of employees and consumers. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text and summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy for Consumers and Workers Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) ELECTRONIC MONITORING.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the term "electronic monitoring" means the collection, storage, analysis, or reporting of information concerning an employee's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology which is conducted by any method other than direct observation by another person, including the following methods: Transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature which are transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

(B) TELEPHONE CALL ACCOUNTING.—For purposes of subparagraph (A), the term "telephone call accounting" means the practice of recording the telephone numbers called by a specific telephone or group of telephones, including—

(i) the telephone number from which a call is being made,

(ii) the telephone number which is being called,

(iii) the time when the telephone call was connected,

(iv) the time when the telephone call was completed, and

(v) identification of the operator, if any, who assisted in placing the telephone call,

for the purpose of individual employee evaluations or the setting of production quotas or work performance expectations.

(C) EXCLUSION.—The term "electronic monitoring" does not include—

(i) wiretapping, or

(ii) the electronic transfer of—

(I) payroll data,

(II) insurance and other benefit data,

(III) employee job application data, or

(IV) other personnel-related data which an employer may collect under section 5(a),

for administrative purposes only.

(2) EMPLOYEE.—The term "employee" means any current or former employee of an employer and any leased employee.

(3) EMPLOYER.—The term "employer" means any person who—

(A) is engaged in commerce, and

(B) who employs employees,

and includes any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, the Federal Government, any State (or political subdivision thereof), and any agent of the employer.

(4) PERSONAL DATA.—The term "personal data" means any information concerning an employee which, because of name, identifying number, mark, or description, can be readily associated with a particular individual, and such term includes information contained in printouts, forms, or written analyses or evaluations.

(5) PROSPECTIVE EMPLOYEE.—The term "prospective employee" means an individual who has applied for a position of employment with an employer.

(6) TELEPHONE SERVICE OBSERVATION.—The term "telephone service observation" means the practice of listening to or recording telephone calls being made by, or received by, an employee in order to monitor the quality of service provided by the employee.

(7) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 3. GENERAL REQUIREMENTS.

(a) ENGAGING IN ELECTRONIC MONITORING.—An employer may engage in electronic monitoring of the employer's employees if—

(1) the employer provides the notices required by section 4,

(2) if section 5 applies, the employer complies with the requirements of such section,

(3) the employer complies with subsections (a) and (c) of section 9, and

(4) the employer does not violate section 10.

(b) REVIEW AND USE.—An employer may review data obtained by electronic monitoring of the employer's employees if the employer meets the requirements of section 6 and may use such data if the employer meets the requirements of section 8.

SEC. 4. GENERAL NOTICE REQUIREMENTS.

(a) IN GENERAL.—

(1) SECRETARY'S NOTICE.—The Secretary shall prepare, have printed, and distribute to employers a notice which will inform employees—

(A) that an employer engages in or may engage in electronic monitoring of employees and specifies the circumstances (including the monitoring and exception described in section 5) under which an employee is or is not entitled to additional notice under this section, and

(B) of the rights and protections provided to employees by this Act.

Each employer who engages in electronic monitoring shall post and maintain such notice in conspicuous places on its premises where notices to employees are customarily posted.

(2) EMPLOYER'S SPECIFIC NOTICE.—Each employer shall provide to each employee who will be electronically monitored with prior written notice describing the following regarding the electronic monitoring of such employees:

(A) The forms of electronic monitoring to be used.

(B) The personal data to be collected.

(C) The hours and days per week that electronic monitoring will occur.

(D) The use to be made of personal data collected.

(E) Interpretation of printouts of statistics or other records of information collected through electronic monitoring if the interpretation affects the employees.

(F) Existing production standards and work performance expectations.

(G) Methods for determining production standards and work performance expectations based on electronic monitoring statistics if the methods affect the employees.

The notice required by this paragraph shall also include a description of the monitoring and the exception which is authorized under section 5(c)(1) to be undertaken without providing such notice.

(3) EMPLOYER'S NOTICE TO PROSPECTIVE EMPLOYEES.—

(A) IN GENERAL.—Each employer shall notify a prospective employee at the first personal interview of existing forms of electronic monitoring conducted by the employer which may affect the prospective employee if such employee is hired by the employer.

(B) SPECIFIC NOTICE.—Each employer, upon request by a prospective employee or when the employer offers employment to a prospective employee, shall provide the prospective employee with the written notice described in paragraph (2).

(4) CUSTOMER NOTICE.—If an employer engages in telephone service observation, the employer shall prominently place in each of its written advertisements and in each of its customer bills a statement that the employer is engaging in such observation.

(5) PUBLIC NOTICE.—If an employer engages in electronic monitoring of members of the public who are not customers of the employer, the employer shall notify such individuals of such monitoring. Such notice may take the form that is reasonably calculated to reach members of the public who may be affected.

SEC. 5. PERIODIC OR RANDOM ELECTRONIC MONITORING.

(a) GENERAL RULE.—No employer may engage in electronic monitoring of any of the employer's employees on a periodic or random basis except as authorized by subsection (b)

(b) AUTHORITY.—

(1) NEW EMPLOYEES.—An employer may engage in random and periodic monitoring of an employee if the cumulative total period of such employee's employment is not more than 60 days.

(2) OTHER EMPLOYEES.—An employer may not engage in random and periodic monitoring of an employee with a cumulative employment period of at least 5 years.

(3) WORK GROUPS.—An employer may engage in electronic monitoring of a work group of employees on a periodic or random basis for not more than 2 hours in any week. Except as provided in subsection (b), the section 4(a)(2) notice to each employee within such work group for such monitoring shall be provided at least 24 hours but not more than 72 hours before engaging in such monitoring. For purposes of this subsection, the term "work group" means a group of employees employed in a single facility and engaged in substantially similar work at a common time and in physical proximity to each other.

(c) EXCEPTION TO NOTICE REQUIREMENT.—

(1) SPECIAL MONITORING.—Subject to paragraph (2), if an employer has a reasonable suspicion that any employee is engaged in conduct which—

(A) violates criminal or civil law, and

(B) adversely affects the employer's interests or the interests of such employer's employees,

the employer may engage, on the employer's worksite, in electronic monitoring of such employee or of an area in which the actions described in subparagraphs (A) and (B) occur without providing the notice required by section 4(a)(2) and without regard to subsection (a), (c) or (d) of section 9.

(2) STATEMENT.—Before engaging in the electronic monitoring described in paragraph (1), an employer shall execute a statement setting forth—

(A) with particularity the conduct which is being monitored and the basis for the monitoring, and

(B) an identification of the specific economic loss or injury to the business of the employer resulting from such conduct or the injury to the interests of such employer's employees.

The employer shall sign the statement and retain it for 3 years from the date the monitoring began or until judgment is rendered in an action brought under section 11(c) by an employee affected by such monitoring, whichever is later.

SEC. 6. REVIEW OF CONTINUOUS ELECTRONIC MONITORING.

(a) REVIEW DURING MONITORING.—

(1) IN GENERAL.—Except as provided in paragraph (2), no employer may review data, obtained by continuous electronic monitoring of the employer's employees, on a periodic or random basis.

(2) EXCEPTION.—The review of electronic data obtained from the use of an electronic card system and the review of data which is continuously monitored by an employer and which appears simultaneously on multiple television screens or sequentially on a single screen are not subject to paragraph (1).

(b) REVIEW AFTER MONITORING.—An employer may review data obtained by continuous electronic monitoring of the employer's employees after the monitoring was completed only if review was limited to specific data which the employer has reason to believe contains information relevant to an employee's work.

SEC. 7. EMPLOYEE REVIEW OF RECORDS.

(a) IN GENERAL.—Except as provided in subsection (b), each employer shall provide an employee (or the employee's authorized agent) with an opportunity to review all personal data obtained by electronic monitoring of the employee.

(b) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an employer is not required to provide an employee an opportunity to review data which are obtained by electronic monitoring described in section 5(c)(1).

(2) REVIEW PERMITTED.—If—

(A) the investigation by an employer with respect to which electronic monitoring described in section 5(c)(1) was conducted on an employee has been completed, or

(B) disciplinary action has been taken by an employer against the employee who was the subject of such electronic monitoring,

whichever occurs first, such employer shall promptly provide such employee with an opportunity to review the personal data obtained from such electronic monitoring.

SEC. 8. USE OF DATA COLLECTED BY ELECTRONIC MONITORING.

(a) EMPLOYER ACTIONS.—An employer shall not take any action against an employee on the basis of personal data obtained by electronic monitoring of such employee unless the employer has complied with the requirements of this Act with respect to the monitoring of such employee.

(b) DATA SHALL NOT BE USED AS SOLE BASIS FOR EVALUATION OR PRODUCTION QUOTAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an employer shall not use quantitative data on an employee which is obtained by electronic monitoring and which records the amount of work performed by such employee within a specific time as the sole basis for—

(A) individual employee performance evaluation, or

(B) setting production quotas or work performance expectations.

(2) EXCEPTION.—If an employee is not working at a facility of an employer and transmits the employee's work to the employer electronically, such employer may use the quantitative data described in paragraph (1) for the purposes described in subparagraphs (A) and (B) of paragraph (1) if such data is the only basis available to such employer for such purposes.

(c) FIRST AMENDMENT RIGHTS.—

(1) IN GENERAL.—An employer shall not intentionally use or disseminate personal data obtained by electronic monitoring of an employee when the employee is exercising First Amendment rights.

(2) EXCEPTION.—Electronic monitoring by an employer whose purpose and principal effect is to collect data about the work of an employee of the employer is not prohibited by paragraph (1) because it collects some incidental data concerning the exercise of an employee's First Amendment rights.

SEC. 9. PRIVACY PROTECTIONS.

(a) COLLECTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), no employer may intentionally collect personal data about an employee through electronic monitoring if the data are not confined to the employee's work.

(2) EXCEPTION.—Electronic monitoring by an employer whose purpose and principal effect is to collect data about the work of an employee or to collect data on subjects who are not employees of the employer is not prohibited by paragraph (1) because it collects data which is not confined to such employee's work.

(b) DISCLOSURE LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an employer shall not disclose personal data obtained by electronic monitoring to any person or business entity except to (or with the prior written consent of) the individual employee to whom the data pertain, unless the disclosure would be—

(A) to officers and employees of the employer who have a legitimate need for the information in the performance of their duties;

(B) to a law enforcement agency in connection with an investigation or prosecution; or

(C) pursuant to the order of a court of competent jurisdiction.

(2) EXCEPTION.—An employer may disclose to the public personal data obtained by electronic monitoring of an employee if the data contain evidence of illegal conduct by a public official or have a direct and substantial effect on public health or safety.

(c) PRIVATE AREAS.—No employer may engage in electronic monitoring in—

(1) bathrooms,

(2) locker rooms, or

(3) dressing rooms,

except that if the employer has a reasonable suspicion that an employee is engaged in conduct which violates criminal law and which adversely affects the employer's interests or the interests of such employer's employees, the employer may engage in electronic monitoring of such employee in a place described in paragraph (1), (2), or (3) if the employer executes, in accordance with section 5(c)(2), the statement required by such section.

SEC. 10. PROHIBITIONS.

No employer may—

(1) violate any requirement of this Act,

(2) engage in video monitoring with a video camera which is not visible to the subject of the monitoring, except in the case of monitoring described in section 5(c)(1), 12(a), or 12(b),

(3) interfere with, or deny the exercise or the attempted exercise by, an employee of any right provided by section 8(c), or

(4) discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation or terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(A) instituted any proceeding relating to a violation of this Act,

(B) has testified or is about to testify in any such proceedings, or

(C) disclosed information which the employee reasonably believes evidences a violation of this Act.

SEC. 11. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000 for each such violation.

(2) CONSIDERATIONS.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) ASSESSMENT AND COLLECTION.—Any civil penalty under this subsection shall be assessed by the Secretary and shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) ACTIONS BY THE SECRETARY.—The Secretary may bring an action under this section to restrain violations of this Act. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this Act. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act, including such legal or equitable relief incident thereto as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

(c) PRIVATE CIVIL ACTIONS.—

(1) IN GENERAL.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) JURISDICTION.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any person for or on behalf of an employee or prospective employee.

(3) LIMITATION.—No such action may be commenced more than 3 years after the date—

(A) the employee knew of, or

(B) the employee could reasonably be expected to know of,

the alleged violation.

(4) COSTS.—The court shall allow the prevailing party (other than the United States) reasonable costs, including attorney's fees.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

SEC. 12. APPLICATION.

(a) LAW ENFORCEMENT.—This Act shall not apply to electronic monitoring administered by law enforcement agencies as may otherwise be permitted in criminal investigations.

(b) WORKSITE.—This Act shall not apply to electronic monitoring conducted by employers in connection with the investigation of a workers compensation claim involving at least $25,000.

(c) REQUIRED MONITORING.—This Act (other than sections 4(a)(1)(A), 4(a)(2) (A), (B) and (D), 7, 8(c), 9(a)(1), 9(b), 9(c), and 10) shall not apply to electronic monitoring—

(1) conducted by an employer pursuant to Federal law (including regulations) governing public safety or security for public transportation,

(2) conducted by or for—

(A) the intelligence community, as defined in Executive Order 12333 (or successor order), or

(B) intelligence community contractors with respect to contracts that bear upon national security information, as defined by Executive Order 12356 (or successor order),

(3) conducted by an employer or a person associated with an employer registered under section 6, 15, 15A, 15B, 15C, or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.), section 8(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-1(a)), or sections 202(a)(11) and 203(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11) and 80b-3(a)), conducted by an employer or a person associated with an employer registered or exempt from such registration under sections 4d, 4e, 4k, or 4m of the Commodity Exchange Act (7 U.S.C. 6d, 6e, 6k, or 6m), conducted by a self-regulatory organization or its affiliated clearinghouse designated, registered, or exempt from registration under section 6 or 17 of such Act (7 U.S.C. 8, 21), or conducted by an employer who provides an electronic trading system or other facilities for one or more self-regulatory organizations designated, registered, or exempt from registration under section 6 or 17 of such Act (7 U.S.C. 8, 21), as long as such monitoring is confined to management or professional employees with significant financial responsibility which involved the use of independent judgment,

(4) conducted by an employer that is a financial institution, as defined in section 20 of title 18, United States Code or subparagraph (A), (B), (C), (D), or (F) of section 5312(a)(2) of title 31, United States Code, as long as such monitoring is confined to management or professional employees with significant financial responsibility which involved the use of independent judgment, or

(5) conducted only to the extent necessary to ensure an employee provides the notices required by the Truth in Lending Act and the regulation under such Act designated Regulation Z, the Equal Credit Opportunity Act and the regulation under such Act designated Regulation B, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, the rule of the Federal Trade Commission on credit practices, the regulations and consent orders of the Federal Trade Commission on unfair acts and practices, the Telephone Consumer Protection Act of 1991 and regulations under such Act, and all corresponding State laws and regulations.

(c) THIRD PARTY.—

(1) MONITORING FOR ANOTHER PERSON.—A person who engages in electronic monitoring may not perform electronic monitoring for another person unless the requirements of this Act are complied with.

(2) USE OF DATA.—A person who contracts with or otherwise obtains the services of a third party to electronically monitor the employees of such person may not use the data obtained from such monitoring unless the requirements of this Act are complied with.

SEC. 13. REGULATIONS.

The Secretary shall, within 6 months after the date of the enactment of this Act, issue regulations to carry out this Act.

SEC. 14. PREEMPTION.

This Act shall not be construed to restrict, limit, or eliminate a requirement of a State or political subdivision of a State or of a collective bargaining agreement relating to electronic monitoring which is more stringent than any requirement of this Act.

SEC. 15. COVERAGE OF EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND SENATE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "employee" means any current, prospective, or former employee of an employing authority or any leased employee;

(2) the term "employing authority"—

(A) has the meaning given it in the Fair Employment Practices Resolution, except that with respect to a position on the minority staff of a committee, such term means the ranking minority member of such committee; and

(B) includes Senate employees as defined in section 301(c)(1) of the Civil Rights Act of 1991; and

(3) the term "Fair Employment Practices Resolution" means—

(A) House Resolution 558 of the One Hundredth Congress, as adopted October 4, 1988, and incorporated into Rule LI of the Rules of the House of Representatives of the One Hundred Second Congress; or

(B) any other provision that continues in effect the provisions of such resolution.

(b) APPLICATION.—With the exception of section 11, this Act (including the substantive requirements of implementing regulations issued under section 13) shall apply to employees and to employing authorities.

(c) ADMINISTRATION.—

(1) HOUSE OF REPRESENTATIVES.—The remedies and procedures of the Fair Employment Practices Resolution shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(A). The Office of Fair Employment Practices may, in addition to those remedies available under the Fair Employment Practices Resolution, assess such an employing authority a civil penalty of not more than $10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(2) SENATE.—The remedies and procedures utilized by the Office of Senate Fair Employment Practices shall apply with respect to a violation of this Act as it is made applicable by subsection (b) to employees of the employing authorities described in subsection (a)(2)(B). The Office of Senate Fair Employment Practices may, in addition to those remedies otherwise available, assess such an employing authority a civil penalty of not more than $10,000 for each violation. In determining the amount, the Office shall take into account the previous record of the employing authority involved in terms of compliance with this section and the gravity of the violation. Any such penalty collected shall be paid into the Treasury of the United States.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to a pending action or complaint under this Act.

(e) NOTICE.—Each employing authority shall post and keep posted in conspicuous places on its premises a notice that shall be—

(1) with respect to the employing authorities described in subsection (a)(2)(A), prepared by the Office of Fair Employment Practices; and

(2) with respect to the employing authorities described in subsection (a)(2)(B), prepared by the Office of Senate Fair Employment Practices;

setting forth such information as each such Office considers to be appropriate to carry out this section. Such notice, at a minimum, shall provide the same information as that required under section 4(a)(1).

(f) RULEMAKING.—Subsection (c) is enacted as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, with full recognition of the right of the House of Representatives and the Senate to change its rules in the same manner, and to the same extent, as in any other rule of the House of Representatives and the Senate.

(g) ENFORCEMENT.—Notwithstanding any other provision of this Act, no officer or employee of the executive branch of the Federal Government shall have authority to administer, interpret, or enforce this section.

SEC. 16. EFFECTIVE DATE.

This Act shall take effect on 6 months after the date of the enactment of this Act, except that an employer who is engaged in electronic monitoring on the expiration of such 6 months shall have 60 days after such expiration to provide each affected employee with the notice required by this Act.

S. 516, THE PRIVACY FOR CONSUMERS AND WORKERS ACT

S. 516 requires employers to provide employees with prior written notice of: the forms of electronic monitoring the employees will be subjected to and the frequency of the monitoring; how to interpret the records or printouts of statistics on the monitoring and how production standards are based on those statistics; what kind of personal data on the employee will be kept, and what the personal data will be used for.

Employers shall provide prospective employees with the notice described above for monitoring activities that may directly affect the prospective employees if hired. Such notice shall be provided at any personal interview or meeting with the prospective employee, or upon the request of the prospective employee.

Employers shall notify employees while the monitoring is taking place on a three tier system. If the employee has been employed for less than 60 days, then an employer may engage in unannounced random or periodic monitoring. If an employee has been employed for a period between 60 days and 5 years, then an employer may engage in random or periodic monitoring with some advance notice to a work group of employees. This "second" tier would allow employers to monitor on a random or periodic basis for up to two years in any week and notice would be given within 24 to 72 hours prior to monitoring. If any employee has been employed for 5 years or longer, then an employer would not be allowed to randomly or periodically monitor an employee.

In the case of telephone monitoring, written notice in advertisements or customer bills would be given to the third party or customer being monitored.

Employers will have 60 days after enactment to provide written notice to existing employees.

PERFORMANCE EVALUATIONS AND DISCIPLINARY ACTION

Employees are entitled to review all personal data collected about themselves unless the data was collected pursuant to a suspicion of illegal conduct. The employee may review the data after the investigation or disciplinary action has been taken.

The employer may not use monitoring data as the exclusive basis for disciplinary action, unless the employer has complied with the requirements of the Act.

PRODUCTION QUOTAS

An employer may not use quantitative data obtained by electronic monitoring as the sole basis for individual employee performance evaluations or setting production quotas unless the employee is not working at a facility of the employer and this data is the only basis available to the employer.

PRIVACY PROTECTIONS

An employer may not intentionally use or disseminate personal data of employees gathered through electronic monitoring who are exercising rights guaranteed by the First Amendment.

Employers can disclose personal data obtained through electronic monitoring to persons or businesses with written consent from the affected employee. No consent is needed in disclosure to other employees who have a legitimate job related need for the information, law enforcement agencies, pursuant to a court order, or where the data contains evidence of illegal conduct by a public official or affects public safety.

Employers may not monitor bathrooms, locker rooms, or dressing rooms, unless there is reasonable suspicion that an employee is engaged in illegal conduct.

ENFORCEMENT

The Secretary of Labor shall have six months to issue rules and regulations regarding the enforcement of this act.

An employer who violates any provision of the Act may be assessed a civil penalty of not more than $10,000 for each violation. The Secretary shall take into account the previous record of the employer and the gravity of the violation. Civil penalties shall be assessed and collected in the same manner as under Section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1953).

United States District Courts shall have jurisdiction to issue injunctions requiring compliance with the Act upon application of the Secretary, and to require suitable legal and equitable relief.

Employees may bring private civil actions against employers for violations of the Act in Federal or State court within 3 years of the time when the employee knew or could reasonably be expected to know the violation occurred. The prevailing party in such cases shall be entitled to reasonable costs and attorneys fees.

Right under this Act may be waived only as part of a written settlement of an action under the Act.

APPLICATION

The Act does not apply to electronic monitoring administered by law enforcement agencies, conducted by an employer pursuant to Federal law governing public safety or security for public transportation, conducted by the intelligence community of government telecommunications systems, conducted by an employer or a person associated with such employer registered under the Securities Exchange Act of 1934, the Investment Company Act of 1940, the Investment Advisors Act of 1940, or the Commodity Exchange Act, or conducted only to the extent necessary to ensure the provision of required notices under the Truth in Lending Act, the Equal Credit Opportunity Act, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, and the Telephone Consumer Protection Act.

The Act does not apply to electronic monitoring conducted by employers in connection with the investigation of workers compensation claims involving at least $25,000.

Persons who engage in monitoring for another person must comply with the notice requirements of the Act, and employers who contract with third parties for monitoring may not use the data obtained unless the requirements of this Act are complied with.

PREEMPTION

The Act shall not limit any state or local requirement, or the requirement of a collective bargaining agreement, which is more stringent than the Act.

HOUSE AND SENATE EMPLOYEES

House and Senate employees are covered under this Act.

EFFECTIVE DATE

The Act shall take effect 6 months after it is enacted.

SECTION-BY-SECTION ANALYSIS OF THE PRIVACY FOR CONSUMERS AND WORKERS ACT

SECTION 1—SHORT TITLE

Designates this Act as the Privacy for Consumers and Workers Act.

SECTION 2—DEFINITIONS

Defines certain terms for purposes of the Act. Such terms include:

Electronic monitoring—the collection, storage, analysis, or reporting of information concerning an employee's activities by means of a computer, electronic observation and supervision, telephone service observation, telephone call accounting, or other form of visual, auditory, or computer-based technology that is conducted by any method other than direct observation by another person. Electronic monitoring does not include wiretapping or the electronic transfer of data concerning payrolls, insurance and other related benefits, employee job applications, or other personnel-related data for administrative purposes only.

Employee—any current or former employee of an employer or leased employee.

Employer—any person who is engaged in commerce and who employs employees, including any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, Federal or State government and any agent of the employer.

Personal data—any information concerning an employee which can be readily associated with a particular individual.

Work group—a group of employees in a single facility doing substantially similar work at a common time in physical proximity to each other.

SECTION 3—GENERAL REQUIREMENTS

An employer may engage in electronic monitoring if it complies with the requirements found in sections 4, 5, 9 (a) and (c), and 10 of the Act. An employer may review data obtained by electronic monitoring if it meets the requirements of sections 6 and 8 of this Act.

SECTION 4—GENERAL NOTICE REQUIREMENTS

Requires the Secretary of Labor to prepare and distribute to employers a notice that will inform employees that an employer engages in or may engage in electronic monitoring, of the circumstances under which an employee is entitled to additional notice, and of the rights provided to employees by this Act.

Requires each employer who engages in electronic monitoring to post this notice in conspicuous locations on its premises.

Requires employers who engage in electronic monitoring to provide each employee who will be monitored with prior written notice describing the forms of monitoring to be used, the personal data to be collected, the hours and days per week that monitoring will occur, the use to be made of the personal data collected, the interpretation of the information collected if the interpretation affects the employee, existing production standards and work performance expectations, methods for determining production standards and work performance expectations based on electronic monitoring if the methods affect the employee. Employers must provide this notice to prospective employees upon request or when an offer of employment is made. Employers must notify prospective employees of existing forms of electronic monitoring that may affect them if hired at the first personal interview.

Requires employers who engage in telephone service observation to disclose this prominently in each of its written advertisements and customer bills.

If an employer engages in electronic monitoring of members of the public who are not customers of the employer, the employer must notify those individuals in a manner that is reasonably calculated to reach those affected.

SECTION 5—PERIODIC OR RANDOM MONITORING

Allows employers to engage in electronic monitoring of a work group of employees on a periodic or random basis for up to two hours in any week. Each employee must be notified of the time the monitoring will occur at least 24 hours before the monitoring begins, but not more than 72 hours in advance. Employees who have been employed less than 60 days may be randomly monitored without notice or limitation. Employers may not engage in periodic monitoring of an employee who has been employed for a period of at least 5 years.

An employer may engage in electronic monitoring without notice when the employer has a reasonable suspicion that an employee is engaged in conduct that violates criminal or civil law, and that adversely affects the interest of the employer or other employee. Before doing so, the employer shall execute a statement containing the conduct that is being monitored and the basis for the monitoring, and an identification of the specific economic loss or injury to the business. This statement shall be signed and retained for three years from the date the monitoring began or until judgment is rendered in an action brought under section 11(c) by an employee affected by such monitoring, whichever is later.

SECTION 6—REVIEW OF CONTINUOUS ELECTRONIC MONITORING

An employer may not review data obtained by continuous electronic monitoring on a periodic or random basis. An employer may review electronic data obtained from the use of an electronic card system and the review of data that is continuously monitored by an employer and that appears simultaneously on multiple television screens or sequentially on a single screen. In addition, an employer may review such data if the review is limited to specific data that the employer has reason to believe contains information relevant to an employee's work.

SECTION 7—EMPLOYEE REVIEW OF RECORDS

Employees are entitled to review all personal data about themselves obtained by electronic monitoring unless the monitoring was conducted pursuant to a suspicion of illegal conduct by the employee. An employee may review such data only after the investigation has been completed or disciplinary action has been taken against the employee.

SECTION 8—USE OF DATA COLLECTED BY ELECTRONIC MONITORING

An employer shall not take any action against an employee on the basis of personal data obtained through electronic monitoring unless the employer has complied with the requirements of this Act regarding such monitoring.

An employer shall not use quantitative data obtained by electronic monitoring as the sole basis for individual employee performance evaluations or setting production quotas unless the employee is not working at a facility of the employer and this data is the only basis available to the employer.

An employer shall not intentionally use or disseminate personal data of employees gathered by electronic monitoring who are exercising First Amendment rights. Electronic monitoring whose principal effect and purpose is to collect data about an employee's work and that incidentally collects data concerning the exercise of an employee's First Amendment rights is not prohibited.

SECTION 9—PRIVACY PROTECTIONS

No employer may use personal employee data through electronic monitoring unless the data are confined to the employee's work. Monitoring whose purpose and principal effect is to collect work data or data on non-employees is not prohibited because it collects some non-work-related data.

Employers are permitted to disclose personal data obtained by electronic monitoring to any person or business entity with the written consent of the employee. In addition, employers are permitted to disclose personal data without prior consent from the employee to officers and employees of the employer who have a legitimate job related need for the information, to law enforcement agencies, pursuant to court order, or where the data contains evidence of illegal conduct by a public official or affects public safety.

Employers may not electronically monitor bathrooms, locker rooms, or dressing rooms unless there is reasonable suspicion that an employee is engaged in illegal conduct that adversely affects the employer or other employees.

SECTION 10—PROHIBITIONS

Employers may not violate any requirements of this Act.

Employers may not use visual or aural notices indicating monitoring is occurring unless monitoring is actually taking place.

Employers may not use video cameras that are not visible to those being monitored unless there is suspicion of illegal employee conduct or such monitoring is legally required.

Employers may not electronically monitor employees who have been working for the employer for five years or more unless there is a suspicion of illegal employee conduct.

Employers may not interfere with any employee's exercise of rights under this Act or discriminate in any manner against an employee for initiating or testifying in a proceeding under this Act of disclosing information the employee reasonably believes evidences a violation of this Act.

SECTION 11—ENFORCEMENT PROVISIONS

An employer who violates any provision of the Act may be assessed a civil penalty of not more than $10,000 for each violation. The Secretary shall take into account the previous record of the employer and the gravity of the violation. Civil penalties shall be assessed and collected in the same manner as under Section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1953).

United States District Courts shall have jurisdiction to issue injunctions requiring compliance with the Act upon application of the Secretary, and to require suitable legal and equitable relief.

Employees may bring private civil actions against employers for violations of the Act in Federal or State court within 3 years of the time when the employee knew or could reasonably be expected to know the violation occurred. The prevailing party in such cases shall be entitled to reasonable costs and attorneys fees.

Right under this Act may be waived only as part of a written settlement of an action under the Act.

SECTION 12—APPLICATION

The Act does not apply to electronic monitoring administered by law enforcement agencies, conducted by an employer pursuant to Federal law governing public safety or security for public transportation, conducted by the intelligence community of government telecommunication systems, conducted by an employer or a person associated with such employer registered under the Securities Exchange Act of 1934, the Investment Company Act of 1940, the Investment Advisors Act of 1940, or the Commodity Exchange Act, or conducted only to the extent necessary to ensure the provision of require notices under the Truth in Lending Act, the Equal Credit Opportunity Act, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, and the Telephone Consumer Protection Act.

The Act does not apply to electronic monitoring conducted by employers in connection with the investigation of workers compensation claims involving at least $25,000.

Persons who engage in monitoring for another person must comply with the notice requirements of the Act, and employers who contract with third parties for monitoring may not use the data obtained unless the requirements of this Act are complied with.

SECTION 13—REGULATIONS

The Secretary shall issue regulations to carry out this Act within 6 months after the date it is enacted.

SECTION 14—PREEMPTION

The Act shall not limit any state or local requirement, or the requirement of a collective bargaining agreement, which is more stringent than the Act.

SECTION 15—COVERAGE OF HOUSE AND SENATE EMPLOYEES

House and Senate employees are covered under this Act.

SECTION 16—EFFECTIVE DATE

The Act shall take effect 6 months after it is enacted, except that an employer who is engaged in electronic monitoring at the expiration of 6 months shall have an additional 60 days to provide its employees with notices of monitoring.●

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 1139

At the request of Mr. NUNN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1139, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 1379

At the request of Mr. EXON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1379, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 1734

At the request of Mr. HATCH, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1734, a bill to repeal provisions of law regarding employer sanctions and unfair immigration-related employment practices, to strengthen enforcement of laws regarding illegal entry into the United States, and for other purposes.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Georgia [Mr. FOWLER], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1861

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1861, a bill to require the Secretary of the Treasury to perform a study of the structures, operations, practices, and regulation of Japan's capital and securities markets, and their implications for the United States.

S. 2214

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2214, a bill to authorize the Administrator of the Environmental Protection Agency to make grants to the States of New York and Connecticut for the purpose of demonstrating methods of improving water quality in Long Island Sound.

S. 2540

At the request of Mr. COATS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2540, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses and other qualified expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes.

S. 2553

At the request of Mr. INOUYE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. MOYNIHAN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2553, a bill to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under the Act, and for other purposes.

S. 2652

At the request of Mr. BIDEN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2652, a bill to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes.

S. 2792

At the request of Mr. FOWLER, his name was added as a cosponsor of S. 2792, a bill to amend and authorize appropriations for the continued implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

S. 2831

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2831, a bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes.

S. 2873

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2873, a bill to amend the Internal Revenue Code of 1986 to establish medical care savings benefits.

S. 2895

At the request of Mr. ADAMS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2895, a bill to provide a program for rural development for communities and businesses in the Pacific Northwest and northern California, to provide retraining assistance for workers in the Pacific Northwest and northern California who have been dislocated from the timber harvesting, log hauling and transportation, saw mill, and wood products industries, to provide cost share and forest management assistance to private landowners in the Pacific Northwest and northern California in order to ensure the long-term supply of Pacific yew for medicinal purposes, to preserve Federal watersheds and late-successional and old-growth forests in the Pacific Northwest and northern California, to provide oversight of national forest ecosystem management throughout the United States, to provide for research on national forest ecosystem management, and for other purposes.

S. 2914

At the request of Mr. DURENBERGER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2914, a bill to direct the Secretary of Health and Human Services to make separate payment for interpretations of electrocardiograms.

S. 2973

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2973, a bill to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide such care and services, and for other purposes.

S. 3008

At the request of Mr. ADAMS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 3008, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

S. 3048

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 3048, a bill to suspend temporarily the duties on Pentotreotide.

S. 3204

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3204, a bill to require the use, in Federal formula grant programs, of adjusted census data, and for other purposes.

S. 3205

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3205, a bill to require that, in the administration of any benefits program established by or under Federal law which requires the use of data obtained in the most recent decennial census, the 1990 adjusted census data be considered the official data for such census.

S. 3206

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3206, a bill to provide for the utilization of the latest available census data in certain laws related to airport improvements.

S. 3207

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3207, a bill to provide for the utilization of the most current census data in certain laws related to the environment and public works.

S. 3208

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3208, a bill to provide for the utilization of the latest available census data in certain laws related to Energy and Natural Resources.

S. 3209

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3209, a bill to provide interim current census data on below poverty, urban, rural, and farm populations.

S. 3210

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3210, a bill to utilize the most current Federal census data in the distribution of Federal funds for agriculture, nutrition, and forestry.

S. 3211

At the request of Mr. MACK, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3211, a bill to provide for the utilization of the latest available census data in certain laws related to urban mass transportation.

SENATE JOINT RESOLUTION 311

At the request of Mr. SEYMOUR, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 311, a joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week," and for other purposes.

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 333

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 333, a joint resolution designating the week beginning February 7, 1993, as "Lincoln Legacy Week."

SENATE JOINT RESOLUTION 337

At the request of Mr. KERRY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 337, a joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag.

SENATE CONCURRENT RESOLUTION 110

At the request of Mr. SYMMS, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Vermont [Mr. LEAHY], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Concurrent Resolution 110, a concurrent resolution to authorize the construction of a monument on the United States Capitol Grounds to honor Thomas Paine.

SENATE CONCURRENT RESOLUTION 136—RELATIVE TO TAIWAN'S MEMBERSHIP IN THE UNITED NATIONS

Mr. LIEBERMAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 136

Whereas the governments in both Beijing (China) and Taipei (Taiwan) claim that they represent all of China, including Taiwan;

Whereas Taiwan was a Japanese colony during the period between 1895 and 1945;

Whereas at the end of World War II, the United States military temporarily allowed the Chinese Nationalist President, Chiang Kai-shek, to rule Taiwan;

Whereas the period of civil war which took place on mainland China between 1945 and 1949 ended when the Chinese Nationalist (Kuomintang) Government was overthrown by the Communistic regime (People's Republic of China) that remains in control today;

Whereas subsequent to this overthrow, the Communists forced the Nationalists off the mainland, and they fled to Taiwan;

Whereas ever since 1949, Taiwan has been a politically and economically independent entity completely separated from the People's Republic of China;

Whereas until 1971, appointees of the Chinese Nationalist Government, based in Taipei, represented Taiwan and mainland China in the United Nations; however, during that year, the Government of the People's Republic of China, based in Beijing, assumed the role of representing both mainland China and Taiwan;

Whereas on December 15, 1978, the United States and the People's Republic of China released a joint communique that announced a switch in United States diplomatic recognition from Taipei to Beijing;

Whereas that joint communique also stated that the "United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan";

Whereas on December 15, 1978, in a unilateral statement released concurrently with that joint communique, the United States stated that it "continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves";

Whereas on April 10, 1979, President Carter signed into law the Taiwan Relations Act (Public Law 96-8) which created a domestic legal authority for the conduct of unofficial relations with Taiwan;

Whereas since January 1, 1979, the United States, in accord with the Taiwan Relations Act, has continued the sale of selected defensive military equipment and defense technology to Taiwan;

Whereas Taiwan, with a population of 20,000,000, has in the past 40 years become an independent political entity and an important partner in world trade and the international economy (Taiwan has the world's largest foreign currency reserve, is the 5th largest trading partner of the United States, and is the 13th largest trading nation in the world);

Whereas in spite of its economic achievement and significant role in the world economy and in world affairs, the government of

Taiwan does not have representation in the United Nations and other international organizations;

Whereas the people of Taiwan have, through their elected legislators, expressed a strong desire to join the United Nations and other international organizations; and

Whereas Taiwan's membership in the United Nations and other international organizations would further enhance the peace, security, and stability in the Pacific and is in the best interest of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the 20,000,000 people of Taiwan deserve to be represented in the United Nations and other international organizations by appointees representing Taiwan's government.

• Mr. LIEBERMAN. Mr. President, I would like to submit a concurrent resolution concerning Taiwan. The concurrent resolution, which has already been introduced in the House by Congressman DENNIS HERTEL, states that it is the sense of Congress that the 20 million people of Taiwan deserve to be represented in the United Nations and other international organizations.

Such a move would confirm what has become a reality over the past 40 years. During that time, Taiwan has become one of the leading economic models in Asia. It has the world's largest foreign currency reserve, is the 5th largest trading partner of the United States, and is the 13th largest trading nation in the world.

Taiwan has also undertaken a different political route than China. While Taiwan is still far from being a perfect democracy, it has made significant progress in developing democratic representative institutions, including a free press. In contrast, China still has thousands of political prisoners.

By granting U.N. membership, we will be sending a clear message that Taiwan is a full-fledged member of the world community, whose independence cannot be jeopardized by mainland China. China still sometimes makes threatening statements about the use of force against Taiwan. U.N. membership would convey to China that Taiwan's status is not an internal matter, but a vital international issue.

Mr. President, Taiwan is a separate and independent nation. It is time that we recognize this by seeking full-fledged membership for this country in the United Nations.•

SENATE RESOLUTION 341—RELATIVE TO TERMINATION OF THE ARMS EMBARGO IMPOSED ON BOSNIA-HERCEGOVINA AND CROATIA

Mr. GORTON submitted the following resolution; which was referred to the committee on Finance:

S. RES. 341

Whereas Serb-backed forces continue to commit horrible atrocities against the non-Serb civilian population of Bosnia-Hercegovina;

Whereas attempts to bring about a permanent cessation of hostilities precipitated by Serbia and Serbia-backed forces in Bosnia-Hercegovina through negotiations have repeatedly failed;

Whereas the United Nations arms embargo on all the states of the former Yugoslavia has given the Serbs and Serb-backed forces an advantage over Bosnia's ill-equipped Slavic Muslim and Croat communities, and left those communities without the means to defend themselves; and

Whereas on-going discussions within the United Nations and the European Community do not include proposals to defend Bosnia's non-Serb population from Serb aggression: Now, therefore, be it

Resolved, that it is the sense of the Senate that the President should immediately call for an emergency meeting of the United Nations Security Council for the purpose of terminating, with regard to Bosnia-Hercegovina and Croatia, the arms embargo imposed on all states in the former Yugoslavia pursuant to United Nations Security Council Resolution 713.

SEC. 2. The Secretary of the Senate shall transmit a copy of the resolutions to the President.

• Mr. GORTON. Mr. President, since efforts to end the Bosnian tragedy began in earnest 3 weeks ago in London, Western countries have decided upon basically two measures: to ensure the arrival of humanitarian aid, and to begin open-ended negotiations for imposing a diplomatic resolution on the fighting parties. These steps are useful and may someday contribute to this conflict's end. But if we had hoped that these discussions would also prevent the ethnic cleansing of non-Serb Bosnians, we should now recognize that the talks will take a very long time, if indeed they are ever successful.

Of course, delivering humanitarian aid is a worthwhile effort if it doesn't endanger our troops. But the Bosnians have also correctly pointed out that they don't need food as much as protection. Humanitarian aid, they say, will simply fatten up Bosnians for their slaughter. The truth is easily recognized: Humanitarian aid hardly addresses Bosnia's core problem.

The other measure from London is an opened-ended commitment to negotiate a cease-fire, and eventually a solution to Bosnia's enormous settlement problems. So far in these talks, the Serb have promised a lot: To open land corridors, to put large artillery under observation, to quit aggression and to seek a lasting resolution.

But the situation in Bosnia remains largely unchanged. The Serbs won't open concentration camps unless the United Nations promises not to return prisoners to their homes. The fighting surrounding Sarajevo's airport still occasionally prevents humanitarian flights from landing; relief convoys arrive days late if they arrive at all; and the Serbs have ignored the most recent deadline for placing heavy artillery under U.N. observation by beginning their heaviest bombardment of Sarajevo in weeks.

The other part of these negotiations, intended to create a lasting settlement in Bosnia once a cease-fire has been established, is perhaps even more problematic. The administration has correctly stated its intention to refuse to let the Serbs keep the lands they've stolen. But to achieve that goal, the Serbs need a reason to relinquish a great deal of land—as much as a third of Bosnia and a great deal of Croatia. They know that the West will not send troops and that Serbia is capable of enduring the international pressure which has accompanied most of its quest for a greater Serbia. If these talks ever create a settlement agreement to all of Bosnia's parties—and I am dubious that that's even possible—it will only come after a long, long time.

So, when the talks in Geneva begin on Friday, there are two issues which we won't be properly addressing: how we will protect the Bosnians, and how will we offer them a settlement free from exile. Without offering answers to these questions, we haven't met the Bosnians' most important needs, and have allowed ethnic cleansing to stand.

I believe that the answer is to end the U.N. arms embargo on Bosnia and Croatia. This will let the Bosnians defend themselves and their homes, without asking them to place more faith on our hapless negotiations. It will also offer them the hope of a final settlement which will not include Serb oppression. In essence, this measure will do everything for the Bosnians which they have asked—and we have been unable to provide—without ever risking American lives.

It astounds me then that when the Bosnians ask us to do this, we tell them that lifting the embargo would likely escalate an already explosive conflict, and that instead they should await the success of our efforts. Our efforts, though, won't end ethnic cleansing. And what is the explosive conflict which we have attempted to isolate? Hasn't our embargo preserved an arms imbalance so great that it could only encourage the beneficiary, if it's so inclined, to continue to use its advantage.

The balance we chose to preserve, according to our officials in Bosnia, is 300 tanks, 200 armored personnel carriers and up to 800 artillery pieces for the Bosnian Serbs and two tanks and a handful of artillery pieces for the Bosnian Moslems. This doesn't even account for the patronage which the Bosnian Serbs can call upon from Serbia—a country which the CIA believes has an indigenous arms industry so great that it will never run out of arms because of the embargo. Right now, it's Europe's fifth largest army against a nearly defenseless people, and we are demanding that Bosnians weather it, and we are not offering much of an alternative. How long can it be before the Bosnians wholeheartedly embrace the Islamic countries, such as Iran, who are attempting to get arms into Bosnia?

Mr. President, I am introducing a resolution today which would ask the President to call an emergency meeting of the U.N. Security Council and to urge for a lifting of the arms embargo with regard to Bosnia and Croatia. If we are earnest about ending ethnic cleansing and about providing the Bosnians with a settlement that doesn't reward Serb aggression, it is the only recourse worth our consideration. If we chose to keep our misdirected policy, we should resign ourselves to the fact that we are letting the current situation in Bosnia stand for a long, long time.●

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

BINGAMAN (AND COCHRAN) AMENDMENT NOS. 2996 AND 2997

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. Cochran) submitted two amendments intended to be proposed by them to the bill (H.R. 5677) an act making appropriations for the Departments of Labor, Health and Human Services and Education, and related agencies for the fiscal year ending September 30, 1993 and for other purposes, as follows:

AMENDMENT NO. 2996

On page 72, line 16, strike ", if authorized in law,".

AMENDMENT NO. 2997

On page 77, between lines 14 and 15, insert the following:

TITLE VI—NATIONAL COMMISSION ON SCHOOL FINANCE TO MEET THE NATIONAL EDUCATION GOALS

SEC. 601. SHORT TITLE.

This title may be cited as the "National Commission on School Finance to Meet the National Education Goals Act".

SEC. 602. FINDINGS.

The Congress finds that—

(1) State governments have for a long time played the principal role in financing America's education system and historically such role has involved heavy reliance upon locally administered property taxes in conjunction with State prescribed per pupil spending minima, while the Federal Government has been a junior partner in such role, contributing approximately 7 or 8 percent of the amount spent on kindergarten through twelfth grade schooling;

(2) the State and local role described in paragraph (1) has traditionally been decentralized;

(3) the rapid evolution of an unusually competitive international economy is altering national education needs and the new strategic resource for nations has become the trained intellect of its citizens;

(4) the United States is attempting to respond to the challenge described in paragraph (3) by debating and implementing education reform alternatives and setting national education goals;

(5) education reforms may have little chance of sustained success and universal achievement of the national education goals may be jeopardized when such reforms are part of a disparate means by which our Nation finances its schools;

(6) the means by which United States schools are financed result in—

(A) spending inequality from school-to-school, district-to-district and State-to-State;

(B) neglected effectiveness such as finance systems paying little heed to outcomes, accountability, or performance, and seldom is an education attainment target posed regarding desired outcomes or performance incentives;

(C) organizational rigidity in which school finance systems are rooted in operational units such as small rural schools, as exemplified by school districts having consolidated in mammoth agencies with cumbersome bureaucratic structures sometimes distant geographically and organizationally from the schools such districts purport to direct; and

(D) confusion caused by school finance system accretion and as a consequence intolerable complexity;

(7) the entire context in which United States education now operates has been altered in the last 2 decades and expectations for education are higher, and on crucial dimensions, the capacity of schools to respond is lower; and

(8) in the absence of alternative school finance mechanisms with adequate and adequately structured resources, the hope of national education goals, national assessments, and a host of other reform alternatives are in jeopardy of foundering on good intentions and rhetoric.

SEC. 603. COMMISSION ESTABLISHED.

(a) ESTABLISHMENT OF THE COMMISSION.—There is established as an independent agency in the executive branch a commission to be known as the National Commission on School Finance To Meet the National Education Goals (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 12 members, of which—

(A) 2 shall be appointed by the President;

(B) 3 shall be appointed by the Speaker of the House of Representatives;

(C) 2 shall be appointed by the Minority Leader of the House of Representatives;

(D) 3 shall be appointed by the Majority Leader of the Senate; and

(E) 2 shall be appointed by the Minority Leader of the Senate.

(2) SPECIAL RULE.—The membership of the Commission shall provide the Commission with expertise and experience in the provision and financing of elementary and secondary education, including expertise in elementary and secondary school administration, teaching, State legislation, education economics research, and development of standards and assessments.

SEC. 604. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall study what has been learned from the research on innovations in practice that will help further understanding of what will be necessary and what the cost implications are for achieving the national education goals and shall investigate the extent to which—

(1) Federal laws demonstrate a consistent and coherent Federal policy regarding educational equity with respect to resources;

(2) Federal education laws and regulations promote the stated Federal education policy;

(3) there are alternatives to current school finance mechanisms; and

(4) schools and States have the capacity to respond financially to the reform demands implied in the national education goals and the consequent objectives.

(b) SPECIFIC REQUIREMENTS.—In carrying out its responsibilities under this section, the Commission shall synthesize and evaluate existing information in the following areas:

(1) NEED ANALYSIS:

(A) The cost-effectiveness of different ways of providing educational services.

(B) The role of educational technologies in improving cost effectiveness, program quality and equity.

(C) The efficiency with which schools are managed and the relationship of school management efficiency to increased student learning, especially the effects of variations in the proportion of staff who are directly involved in instruction versus administrative, specialist, or support staff.

(D) International comparisons of expenditure levels, and intergovernmental financial responsibilities for public elementary and secondary education.

(E) Different teaching compensation policies.

(F) Measures of the quality of elementary and secondary education services, and the relationships of such services to costs and outcomes.

(G) The impact of educational spending on student achievement, including the impact of background factors that are known to affect student achievement such as parental income and parental educational level.

(H) The willingness of localities and States to tax themselves to raise education revenues, including the effects of school finance equalization on taxpayer motivation.

(2) FINANCE:

(A) The primary barriers to equalization of school expenditures and the rationale for such barriers.

(B) Trends in State school finance legislation and judicial actions, and the effects of such trends, including the implications of the apparent inability of some States to permanently resolve school finance disputes.

(C) The effect of Federal education assistance programs and Federal, State, or local tax expenditures on equalization of school finance resources.

(D) The effect of school finance equalization on tax burdens.

(E) The effect of school finance equalization on the quality of education, especially education offered by local school districts with much higher than average and much lower than average expenditures per pupil before the equalization measures were implemented.

(F) The effect of population sparsity, density, and migration, on educational needs and costs.

(G) The effect of educational costs of Federal or State mandates that are not fully funded by the level of government that establishes the mandate.

(H) The effectiveness of financial incentive grants such as merit school programs or financial sanctions on schools and local educational agencies.

(3) DATA GATHERING:

(A) A detailed examination of the State programs supporting elementary and secondary education, whether public or private, including each program's purpose, eligibility criteria, restrictions on use by local educational agencies, funding mechanisms or formulas, types of tax or other revenue source, aggregate funding level, and distribution of grants among local educational agencies.

(B) An analysis of all revenue available to each local educational agency in the United States, including—

(i) the source of such revenue, such as a property tax, sales tax, personal income tax or lottery; and

(ii) which level of government (Federal State, intermediate or local) provides each such local educational agency with such revenue.

(C) An analysis of all revenue expended in the United States on elementary and secondary education including Federal, State, local and private sources.

(D) Any available information on differences in the costs of providing elementary and secondary education by State, and by local educational agencies within States;

(E) Differences in tax rates and, to the extent possible, property assessment policies and practices, among local educational agencies within each State.

(F) Information about—

(i) the nature and responsibilities of each local educational agency in the United States, including identification of grade levels served, and whether each such local educational agency actually operates schools; and

(ii) intermediate or special service local educational agencies, such as those agencies providing vocational education or education for the disabled in States.

(G) The extent to which educational technology introduced into the classroom may be cost-effective and what may be the federal role in bringing technology into the classroom.

(C) REPORTS AND RECOMMENDATIONS.—The Commission shall prepare and submit to the Congress an interim report within 18 months of the date of enactment of this Act and a final report within 2 years of such date. Such reports shall—

(1) summarize the appropriate findings of the Commission;

(2) provide to the Congress a comprehensive analysis on the extent to which a consensus exists regarding the appropriate roles of Federal, State and local government in supporting school and State finance reform;

(3) provide an analysis of the resources that will be needed at the school, district and State level to achieve the national education goals; and

(4) provide an analysis of the capacity of State school finance systems to provide the resources necessary to meet the national education goals.

SEC. 605. ADMINISTRATION OF THE COMMISSION.

(a) RATE OF PAY.—Members of the Commission who are not full-time officers or employees of the United States and who are not Members of Congress may, while serving on business of the Commission, be compensated at a rate not to exceed the rate specified at the time of such service for level IV of the Executive Schedule as authorized by section 5315 of title 5, United States Code, for each day, or any part of a day, they are engaged in actual performance of Commission duties, including travel time; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in government service employed intermittently.

(b) TEMPORARY EXEMPTION.—Subject to such rules as may be adopted by the Commission, the Chairperson without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

(1) appoint a Director or Executive Director who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule; and

(2) appoint and fix the compensation of such other personnel as the Chairperson considers necessary at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(c) AUTHORITY TO CONTRACT.—Subject to the Federal Property and Administrative Service Act of 1949, the Commission is authorized to enter into contracts or interagency agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(d) SOURCE OF ADMINISTRATIVE SUPPORT.—Financial and administrative support services (including those related to budget and accounting, financial reporting, payroll, and personnel) shall be provided to the Commission by the General Services Administration (or other appropriate organization) for which payment shall be made in advance or by reimbursement from funds of the Commission, in such amounts as may be agreed by the Chairperson of the Commission and the Administrator of General Services.

(e) AUTHORITY TO HIRE EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for level IV of the Executive Schedule. Experts and consultants may be employed without compensation if they agree to do so in advance.

(f) AUTHORITY FOR DETAIL OF EMPLOYEES.—Upon request of the Commission, the head of any Federal department or agency is authorized to detail on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section.

SEC. 606. TERMINATION.

The Commission shall terminate 3 years after the first meeting of its members.

SEC. 607. CONSTRUCTION.

It is the intent of the Congress for the provisions of this title to be effective after September 30, 1993.

SEC. 608. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "national education goals" means the national education goals established pursuant to the education summit held in Charlottesville, Virginia in 1989;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(5) the term "State" has the same meaning given to such term by section 1471(22) of the Elementary and Secondary Education Act of 1965.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000 for fiscal year 1993, and such sums as may be necessary.

LOTT AMENDMENT NO. 2998

(Ordered to lie on the Table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 5677, supra, as follows:

On page 73, line 14 strike "$310,000,000" and insert in lieu thereof, "$275,000,000".

HARKIN (AND OTHERS) AMENDMENT NO. 2999

Mr. HARKIN, (for himself, Mr. WIRTH, Mr. KENNEDY, Mr. LAUTENBERG, Mr. WOFFORD, Mr. WELLSTONE, Mr. ADAMS, Mr. KOHL, Mr. SIMON, Mr. BRADLEY, Mr. HATFIELD, and Mr. SPECTER)

On page 3, line 1, strike all after the word "Committee" and insert the following: "as authorized by the Job Training Partnership Act: for additional amounts as follows:

(a) In addition to amounts appropriated in this Act, there are appropriated to the Department of Labor for "Training and Employment Services" for the Job Corps, $100,000,000.

(b) In addition to amounts appropriated in this Act, there are appropriated to the Health Resources and Services Administration for "Health Resources and Services", $350,000,000 of which $75,000,000 shall be for the Community Health Centers; $15,000,000 shall be for Migrant Health Centers; $10,000,000 shall be for homeless programs operated by the Community and Migrant Health Centers; $100,000,000 shall be for the Maternal and Child Health Block; $50,000,000 shall be for Healthy Start and $100,000,000 shall be for the Ryan White Act.

(c) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control, for "Disease Control, Research, and Training", $510,000,000, of which $100,000,000 shall be for Immunization; $200,000,000 shall be for tuberculosis; $75,000,000 shall be for the Preventive Health Services Block Grant; $25,000,000 shall be for School Health; $25,000,000 shall be for fetal alcohol; $25,000,000 shall be for anit-smoking programs; and $60,000,000 shall be for injury control and violence prevention.

(d) In addition to amounts appropriated in this Act, there are appropriated to the National Institutes of Health for "National Cancer Institute", $170,000,000; "National Heart, Lung and Blood Institute", $100,000,000; "National Institute of Diabetes, Digestive and Kidney Disease", $30,000,000; "National Institute of Mental Health", $50,000,000; "National Institute of Neurological Disorders and Stroke", $50,000,000; "National Institute of Allergy and Infectious Disease", $10,000,000; "National Institute of Child Health and Human Development", $40,000,000; and "National Institute on Aging", $50,000,000; and "Office of the Director", $200,000,000.

(e) In addition to the amounts appropriated in this Act, there are appropriated to the "Substance Abuse and Mental Health Services Administration", $25,000,000 for Children's Mental Health.

(f) In addition to amounts appropriated in this Act, there are appropriated to the Administration on Children and Families for "Low Income Home Energy Assistance", $200,000,000, for "Community Services Block Grant", $50,000,000; for "Grants to States for Child Care", $75,000,000; for "Children and Families Services Programs", $740,000,000, of which $600,000,000 shall be for Head Start; $100,000,000 shall be for child welfare services; $20,000,000 shall be for Child Abuse programs; and $20,000,000 shall be for Family Violence programs: *Provided*, That of the amounts available under this Act for carrying out the Head Start Act, $600,000,000 shall not be subject to sections 640A(a)(2(c), 637(5)B and 640(a)(3)(A) of that Act.

(g) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Impact Aid", $50,000,000, which shall be available for section 3(a) and section 3(b) equally.

(h) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Special Education", $100,000,000 of which $50,000,000 for grants to States, $25,000,000 for preschool programs and $25,000,000 for grants for infants and families.

(i) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Rehabilitation Services and Disability Research", $50,000,000, which shall be available for grants to States.

(j) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $500,000,000, which shall remain available through September 30, 1994: *Provided*, That, notwithstanding any other provision of this Act, during the 1993-1994 program year, $2,425 shall be the maximum Pell grant that a student may receive.

(k) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Higher Education", $100,000,000 of which $50,000,000 for shall be Federal TRIO programs and $50,000,000 shall be for aid for institutional development.

(l) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Libraries", $50,000,000, which shall be available for public library services.

(m) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Compensatory Education for the Disadvantaged", $400,000,000.

(n) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Vocational and Adult Education", $100,000,000.

(o) Of the funds appropriated or otherwise made available to the Department of Defense in any appropriations Act making funds available to the Department of Defense in fiscal years before fiscal year 1993, $3,867,630,000 of the remaining balances are rescinded: *Provided*, That no funds appropriated or otherwise made available for military family housing, National Guard and reserve equipment, military construction for any National Guard or Reserve unit, in any appropriations Act shall be rescinded.

(p) Notwithstanding section 601(a)(2) of the Congressional Budget Act of 1974 as amended, the fiscal year 1993 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $4,100,000,000 in budget authority and $1,701,757,000 in outlays; the fiscal 1994 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $2,023,310,000 in outlays; the fiscal 1995 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $360,933,000 in outlays; and the defense spending limits, as adjusted under section 251 of said Act, are decreased by budget authority and outlay reductions resulting from paragraph (o)".

SPECTER (AND OTHERS) AMENDMENT NO. 3000

Mr. SPECTER (for himself, Mr. HATFIELD, and Mr. HARKIN) proposed an amendment to the reported amendment on page 2, line 24 of the bill H.R. 5677, supra, as follows:

On Page 3, line 1, strike "Job Training Partnership Act," and insert the following:

"Job Training Partnership Act (29 USC 1754), and in addition to the amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $2,423,000,000 to remain available through September 30, 1994: *Provided*, That notwithstanding any other provision of this Act, during award year 1993-94, $2,800 shall be the maximum Pell Grant that a student may receive: *Provided further*, That notwithstanding any other provision of this Act, during award year 1993-94 Pell grants shall be awarded to any student who is attending an institution of higher education on a less than half-time basis: *Provided further*, That of the funds appropriated in the fiscal year 1992 Department of Defense Appropriation's Act (P.L. 102-172), $2,920,000,000 is hereby rescinded from title III, procurement: *Provided further*, That said funds shall be rescinded on a pro rata basis from all unobligated funds for programs, projects and activities provided for under said title: *Provided further*, That no funds shall be rescinded from amounts made available for National Guard and reserve equipment. *Provided further*, That—

(a) the fiscal year 1993 discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 are amended for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget and Impoundment Act of 1974, as follows:

(1) the discretionary spending limits for the domestic category shall be increased by $2,920,000,000 in budget authority and $484,720,000 in outlays; and

(2) the defense spending limits shall be reduced by $2,920,000,000 in budget authority and $484,720,000 in outlays.

(b) Notwithstanding any other provision of law, the Office of Management and Budget and the Congressional Budget Office shall recalculate all adjustments to fiscal year 1993 discretionary spending limits required under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 based on the amendments required in subsection (a) and shall report the revised limits to the Congress in the report to Congress for this Act that is required under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 and such revised limits shall be valid as if made pursuant to section 251(b) of the Act.

(c) subsection (a) and (b) of this provision shall be effective upon the date of enactment of this Act.

LAUTENBERG AMENDMENT NO. 3001

Mr. LAUTENBERG proposed an amendment to the reported amendment on page 2, line 4, of the bill H.R. 5677, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION OF FEDERAL FUNDS OR FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds or financial assistance may be provided to, or used by, any person with respect to the provision of children's services by such person, unless such person establishes and makes a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—A nonsmoking policy meets the requirements of this subsection if such policy prohibits smoking in each portion of an indoor facility used in connection with the provision of children's services, and, where appropriate, such policy requires that signs reading "no smoking" be posted in each such facility to communicate the policy. Such policy may allow smoking in those portions of the facility—

(1) in which such services are not normally provided directly to children; and

(2) that are ventilated separately from those portions of the facility in which such services are normally provided directly to children.

(c) WAIVER.—A person described in subsection (a) may publicly petition in writing the Federal agency from which the person receives Federal funds or financial assistance for a waiver of the requirements of subsection (b). A waiver may be granted, after an opportunity for public hearing if practicable or comment only if the person provided written assurances satisfactory to the Federal agency that—

(1)(A) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy described in subsection (b) (such as the person shares space in an indoor facility with another person and cannot obtain an agreement with the other person to abide by the nonsmoking policy described in subsection (b)); and

(B) the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(2) the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy that will protect children from exposure to environmental tobacco smoke to the same degree as the policy described in subsection (b).

(d) TECHNICAL ASSISTANCE.—The Secretary of Health and Human Services (or a designee of the Secretary) shall provide technical assistance to Federal agencies and other persons who request such assistance, including—

(1) information on smoking cessation programs for employees; and

(2) information to assist such agencies and persons in complying with this Act.

(e) DEFINITIONS.—As used in this section:

(1) CHILDREN.—The term "children" means individuals who have not attained the age of 5.

(2) CHILDREN'S SERVICES.—The term "children's services" means—

(A) direct health services routinely provided to children; or

(B) any other direct services routinely provided primarily to children.

(f) EFFECTIVE DATE.—This section shall become effective on October 1, 1992, or the date of enactment of this section, whichever is later.

HELMS AMENDMENT NO. 3002

Mr. HELMS proposed an amendment to the reported amendment on page 23, line 12 of the bill H.R. 5677, supra, as follows:

At the appropriate place, insert the following:

"Notwithstanding any other provision of law, the Office of Personnel Management is prohibited from including in the Combined Federal Campaign (the Federal Government's annual employee fundraiser for charities), and from contracting with, any organization which uses charitable contributions to compel, or attempt to compel, the Boy Scouts of America, Inc., or any other youth group, to accept as members or permit as leaders:

(1) homosexuals, or

(2) individuals who reject the group's oath of allegiance to God and country.".

HEFLIN AMENDMENT NO. 3003

Mr. HEFLIN proposed an amendment to the bill H.R. 5677, supra, as follows:

On page 19, line 24, insert before the period the following: "; *Provided further*, That of the funds made available under this heading, $1,000,000 shall be available until expended for the establishment of a wellness facility at Wallace State Community College in Hanceville, Alabama to provide certain services related to geriatric health care for rural areas".

DOMENICI AMENDMENT NO. 3004

Mr. DOMENICI proposed an amendment to the bill H.R. 5677, supra, as follows:

On page 19, line 4, strike "$2,585,761,000" and insert in lieu thereof "$2,597,652,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 16, at 11:30 a.m. to receive a closed briefing on the proposed sale of F-15 aircraft to Saudi Arabia and Russian commitments regarding biological weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, September 16, for a markup on pending legislation before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES

Mr. MITCHELL. Mr. President, I ask that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 16, beginning at 10 a.m., to conduct a hearing on the implementation of the Intermodal Surface Transportation Efficiency Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on September 16, 1992 at 10 a.m. to hold a hearing to examine the environmental impact of the proposed North American Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE UNITED NATIONS

• Mr. BOREN. Mr. President, recently I had an opportunity to read a very thoughtful speech made by Thomas Westropp, the former chairman of the National Peace Foundation about the need for a standing multinational peace force at the United Nations. Mr. Westropp is among a growing number of people in our country urging serious consideration of this proposal. I recently expressed my own views as a guest columnist on the op-ed page of the New York Times. I ask that these two items, along with a subsequent New York Times editorial on this subject be printed in the RECORD at this point.

The material follows:

THE NEED FOR A NEW UNITED NATIONS MILITARY FORCE

(Remarks by Thomas C. Westropp, past chairman, National Peace Foundation)

"There will be wars and rumors of war," saith the scriptures. How we wish that were not the eternal human experience. And how surprised we are in 1992 that the end of the cold war, the reconciliation of the two nuclear superpowers, does not reflect more peaceable conditions throughout the world.

Every day the morning paper and the nightly news on television bring ethnic violence and bloody conflict over territory into our homes again. It is enough to make a weary people throw up their hands in despair or turn away from the harsh reality of perpetual conflict and focus only on their own small pleasures and concerns.

Our political and diplomatic and intellectual leaders seem just as perplexed about the new world disorder as you and I are. The European Community cannot decide how to bring the Serbs and Croatians and Bosnians to the peace table and neither can the United Nations. The indefatigable efforts of individual mediators such as Lord Carrington and Cyrus Vance, no longer produce even a glimmer of hope; they have made so many trips to Sarejevo and Belgrade and Zagreb that it begins to sound like a tired and meaningless travelogue.

And yet they and we must persist in thinking through how we can build systems to prevent the continuation and proliferation of senseless and largely futile wars—which might change national boundaries but will not improve the lives of nations.

My thoughts about what might be done by way of new systems and structures for peacebuilding and peacekeeping stem from an extraordinary experience I had as a citizen who has always been interested in public affairs, meaning the affairs of my home city of Cleveland and of the Great Lakes region and of our country and the world. That experience was to be a part of, and in fact to organize and shape, a grassroots effort to secure the establishment of a national peace academy which would be the equivalent of the military service academies. I had the idea, based on my own war-time experience in the Marines, that the United States ought to place equal value on the training of negotiators, mediators, and peacebuilders as it did and still does on training warriors, the soldiers and sailors and airmen whom we need to defend our country, and who are also ready to wage military action elsewhere in the world if the President says we must. Mine was not a brand-new idea; in fact at the Constitutional Convention, Benjamin Franklin, Benjamin Banneker, and Benjamin Rush all at one point or another during the proceedings recommended that there be a Department of Peace to go along with the Department of State and the Department of War. And periodically over the next 200 years, other persons have proposed that there be a peace academy, or some other agency of government devoted exclusively to peacekeeping and peacebuilding.

I undertook the effort in the middle 1970's, when America was struggling to overcome the residual problems—social, economic, psychological and symbolic—of the Vietnam War, which was a devastating national experience proving once again that war does not necessarily resolve conflicts between nations and ethnic groups or ideological communities. It seemed to me that we as a nation ought to prepare ourselves for the twenty-first century by training significant numbers of professional peacefinders and peacebuilders, skilled in the act of bringing differences and committed to the proposition that violent conflict is the least efficacious way of resolving differences.

It turned out that a score of other citizen activists in as many parts of the country had the same idea. So when I placed an ad in the Cleveland Plain Dealer urging the President and the Congress to create a national peace academy, people all over the country contacted me to say they had thought of and recommended and were working for the same objective. It took us a while to link up and create an organization, but we did, calling it the National Peace Academy Campaign. Over the ensuring decade, almost 50,000 of our fellow citizens subscribed to the concept and the action plan and sent contributions and wrote their Congressmen and together we raised an effective lobbying effort. The first success was in getting Congress to create a commission to examine the question, which they did in a way that involved both members of Congress and laypeople. Some campaign members were disappointed that the subsequent legislation did not follow the specific recommendation of that commission—the creation of a peace academy, with a campus, to train people directly with federal government dollars—but instead authorized a national institute which would make grants to scholars and analysts and develop public education programs on peacemaking and conflict resolution. Still, what had been part of our dream became reality when, in 1984, the Congress, under the skilled leadership of Senator Mark Hatfield of Oregon and with the support of the late Senator Spark Matsunaga of Hawaii, secured passage of legislation creating the United States Institute of Peace. In the intervening years, the Institute has gradually matured into a center for international conflict analysis that is increasingly utilized by policy makers in the executive and legislative branches of our government. And it is also, I am happy to report, indirectly helping to train peacemakers and peacebuilders for the next generation through grants to universities. In short, our sustained efforts resulted in a structure and system that elevates conflict avoidance and conflict resolution to an equal place on the national agenda with war planning and defense building.

It is, in my judgment, only through thoughtful and solid and generally accepted structures and systems that we can move peacemaking and peacekeeping to the very top of the national and international agendas. I don't doubt for a moment the philosophical validity of the slogan representing a deep conviction, of kindly and thoughtful individuals (and sometimes put on their bumperstickers): "peace begins with me." The individual—his or her thoughts, attitudes, acts and actions—is at the center of all human endeavor, even collective endeavor. But especially in our complex, inter-connected world, we actually have to relate to each other in systemic ways, through organizations and governments and international agencies and treaties and rules and covenants.

I strongly believe in people-to-people diplomacy, just as I strongly believe that citizens in neighborhoods and cities and regions and the nation should join together voluntarily to accomplish good and eliminate wrongs. But especially in these times, I think the only way to move beyond the ethnic, territorial and ideological conflicts that plague the world is to strengthen the international organization which, 47 years ago, we all thought would gradually bring peace to the world, the United Nations.

From the first, the United Nations has had the authority to send peacekeeping forces to help insure that cease-fires were honored when nations at war agreed to them. Major Indar Jit Rikhye, a retired Indian Army officer who has been involved in such U.N. operations and who has been President of the International Peace Academy, suggests that some of these efforts have been successful. He points to the U.N. peacekeeping operations in the Congo in the early 1960's, the Dominican Republic in the middle 1960's, and the dangerous situation when India and Pakistan threatened to go to war in 1965. But in a dozen other situations, including the noble but failing effort in Bosnia at this very moment, the U.N. peacekeeping force has been ineffective.

I think we have to draw a new lesson from the situation in the Balkans and from the Persian Gulf War. In the latter case, we thought the expulsion of Saddam Hussein's troops from Kuwait and their forced retreat back to Baghdad would hem in an aggressive tyrant and render him impotent. Similarly, we have seemed to think that imposing sanctions on Serbia, and sending relief convoys to Sarejevo would gradually result in a return to normalcy. But we were wrong in both cases. I draw the conclusion that, in addition to the tools we have recently relied upon to restore peace and human rights to whatever region of the world, we must once again consider the need for military force, if only as a last resort.

Thus I have another recommendation for a system and a structure: the creation of a military force—not just a peacekeeping force—of the United Nations, a small but well-trained and well-equipped U.N. command with naval, air, and land operating troops. Such a force, I believe, should be manned and funded on a pro-rata basis by all members of the United Nations and should be subject to the jurisdiction of the Security Council. I am not alone in proposing such an idea. General Rikhye, now an advisor to the United States Institute of Peace, has recently made such a recommendation. Other U.N. officials, some members of the U.S. Government and analysts from a variety of institutions have suggested similar undertakings.

It may seem a sad commentary to some that a person who has been active in the peacemaking field recommend armed might to enforce peace. But I am afraid that is what peacekeeping boils down to in the post-nuclear age.

There are some new features about a U.N. force that I envision. For one thing it would be a standing force, not an ad hoc army put together helter skelter to deal with the most recent international conflict. Second, it should be truly representative of membership of the United Nations, indeed of the entire international community. Third, it should be equipped with the best, most sophisticated technology of appropriate dimensions, even if lacking nuclear capacity. Fourth, the United Nations resolution which creates it, should specifically incorporate the agreement of all member nations that a military force is appropriate in intractable, devastating wars. Fifth and finally, although the force would be in place and ready to intervene on a moment's notice when conflict erupted or persisted, the U.N. Security Council would have to make the decision to send the force into action.

No doubt such assignments would come only after negotiations and cease-fires and economic sanctions have been attempted.

The tragic slaughter and displacement of thousands of Moslems in Bosnia, and ineffective measures now being taken by the U.N. to stop the violence, together show that force is in this instance the only way to prevent what is tantamount to another genocide, a situation so horrible that our consciences demand it be stopped.

Obviously, the deployment of military forces by the U.N. as by any nation, will also result in casualties. But if the Serb irregulars, or whoever the aggressors might be in vicious attacks on other groups and nationalities, know that they will not be permitted for long to get away with their aggressions, understand that the United Nations may do more than denounce and plead and attempt to mediate, but can back up its moral judgments and formal resolutions with military capacity, then perhaps less frequent and less violent aggression, less wanton slaughter, will occur. Such a United Nations military force as I envision might just prove the continuing validity of Winston Churchill's dictum regarding the need for maintaining a strong defense system, so "that peace might be the sturdy child of fear."

We all wish for a world of tolerance and understanding and mutual respect, of rational and calm and peaceable approaches to the conflicts that different religions and philosophies and episodes of history engender among and between us. We would glory in a system which, by democratic vote, could end whatever aggression and thwart whatever tyrant. But the new world seems to be one in which, once more, military force may sometimes be the indispensable element in restoring and maintaining peace and saving human lives.

[From the New York Times, Aug. 26, 1992]

THE WORLD NEEDS AN ARMY ON CALL

(By David Boren)

WASHINGTON.—Americans are not enthusiastic about having the United States stand alone as the policeman of the world. There is a feeling that we simply no longer have the resources, given the pressing need to rebuild our strength at home, to play that role any longer.

This does not mean, however, that Americans have been lulled by the dangerous siren song of the new isolationists. We understand more clearly than ever that our economic well-being and national security depend on developments and relationships outside our borders.

No American, for example, wants to allow Saddam Hussein to thwart United Nations weapons inspections and rebuild his military capability. No American can remain indifferent to the images of starvation and brutality in detention centers in Bosnia and Herzegovina; the hideous policy of "ethnic cleansing" is something many of us never expected would occur again in our lifetimes. It has filled our people with a sense of moral urgency and an overwhelming feeling that we must do something to stop it.

But while Americans want something done, they do not want to do it alone. For the United States to act, the burden must be shared. It is time to create a genuine multilateral mechanism that can deal not only with these crises but also those that inevitably lie ahead.

Instead of shrinking from the task, we should welcome the fact that we are the first generation, perhaps in centuries, to have the opportunity to act boldly in the absence of confrontation between great powers.

The opportunity for the United Nations is clear. In the aftermath of World War II, President Truman wanted to empower the new United Nations to create a new world order. Addressing the General Assembly at its opening session in October 1946, he said, "We shall press for the preparation of agreements in order that the Security Council may have at its disposal peace forces adequate to prevent acts of aggression."

That promise was never realized because of the cold war and the Soviet Union's use of its veto power on the Security Council.

But under Article 43 of the United Nations charter, the Secretary General still has the authority to ask member nations to designate military units that can be deployed in the event of a crisis "to maintain international peace and security." In June, Secretary General Boutros Boutros-Ghali asked member countries to make that authority a reality.

Richard Gardner, a professor of international law at Columbia University, proposes that 40 to 50 member nations contribute to a rapid-deployment force of 100,000 volunteers that could train under common leadership and with standardized equipment. Intelligence could also be shared to allow the United Nations to anticipate problems and take preemptive action.

It is time for us to create such a force, and the United States should take the lead in proposing it.

Of course, details would have to be worked out. The War Powers Act would have to be amended to insure that the United States does not surrender its right to final approval of committing American troops to life-threatening situations. Members of the United Nations that lack veto power in the Security Council could condition their commitment to a rapid-deployment force on the right to withdraw units for their own urgent national security interests.

Still, the existence of such a force, uniformly trained and ready to act, would go a long way toward making the "new world order" more than just a slogan. It would help discourage regional conflicts, violations of basic justice, the proliferation of weapons and international terrorism.

History tells us that periods without confrontations and military contests between great powers are rare. We must seize this moment. History will hold us accountable if we do not.

[From The New York Times, Sept. 1, 1992]

A FOREIGN LEGION FOR THE WORLD

The U.S. Cavalry has finally arrived in Somalia, bringing food and sympathy to a people beset by civil war and famine. Four big American transport planes packed with bags of rice and beans shuttle from an airlift base in Kenya, with 500 American soldiers ready to protect food deliveries in turbulent regions of Somalia.

President Bush deserves much credit for mounting this hazardous humanitarian mission. More than a million civilians are at risk, their haunting desperation evident in unfocused, staring eyes. But when will Mr. Bush gather the political courage to say what this specific Somalia operation demonstrates about a larger problem—that the world needs a permanent, multinational cavalry on call for just such emergencies?

Such a force is not a new idea; it was written into the U.N. Charter. President Truman made this promise to the first General Assembly in 1946: "We shall press for the preparation of agreements in order that the Security Council may have at its disposal peace forces adequate to prevent acts of aggression."

But this resolve was paralyzed by cold war rivalries. Article 43 of the Charter was all but forgotten until a few weeks ago when Secretary General Boutros Boutros-Ghali proposed such a standby army.

Mr. Truman's words were pertinently quoted by Senator David Boren, Democrat of Oklahoma, in an Op-Ed article last week calling on the U.S. to take the lead in forming a U.N. force. Senator Boren makes a persuasive argument, along these lines:

Americans rightly wonder if they have the resources to stand alone as a global cop, yet they have a moral and security interest in responding to starvation and brutality elsewhere. The very existence of a well-trained mobile force, consisting of volunteers from 40 or so countries, would be a sobering deterrent to petty aggressors or Somalia-style warlords.

Under common leadership and with standardized equipment, this rapid deployment force would be available on 48-hour call to be airlifted to a trouble spot. By sharing intelligence, the U.N. forces could anticipate regional crises, natural disasters or attempts at "ethnic cleansing."

Such a force would give meaning to President Bush's call for a "new world order." But he has yet to spell out just what he means. Not once in his Houston acceptance speech did he even mention the U.N., though he was pleased to take credit for the release of American hostages in Lebanon that U.N. mediation made possible. Evidently the very words "United Nations" are still demonized on the far fringes of the G.O.P.

Still, Mr. Bush did recall the give-'em-hell political courage of Harry Truman. Having acted humanely after the fact in Somalia, why can't the President act soundly before the next fact, to help establish the means for multilateral peacekeeping, and peacemaking? As Senator Boren says: "We must seize this moment. History will hold us accountable if we do not."•

TRIBUTE TO LARAMIE L. LEATHERMAN: SMALLTOWN VALUES PAY BIG DIVIDENDS

• Mr. McCONNELL. Mr. President, I rise today and ask my colleagues to join me in paying tribute to a great Louisvillian. Laramie (Larry) Leatherman has risen from a humble rural background to become chairman of the executive committee of one of Kentucky's most prestigious law firms, Greenebaum Doll & McDonald.

Born and raised on a farm in east-central Illinois, Mr. Leatherman is no stranger to hard work. At an early age he was driving a team of horses to cultivate a crop of corn, as well as raising cattle and butchering hogs. Despite enjoying his early life, he knew that he would eventually want to get off of the farm. Through the guidance of his parents he learned that the way out was through education. Mr. Leatherman excelled in the classroom, graduating high school at age 16 and the University of Kentucky College of Law by age 21.

Fresh from law school, Mr. Leatherman came to Washington, DC, to be a clerk for a U.S. Tax Court judge. He stayed in this position for almost 3 years and believes that the job gave him ideal training for his position as a tax attorney at Greenebaum Doll & McDonald. He has been with the Louisville firm for 33 years, the past 6 in his current capacity as chairman of the executive committee.

In addition to being an accomplished tax lawyer, Mr. Leatherman is praised by his friends and colleagues as one with a great deal of common sense. He is a master at explaining the complicated and making it understandable. He is able to quickly understand complex concepts and then effectively pass on his knowledge to others.

Outside the law, Mr. Leatherman is active in other activities as well. He is a trustee and vice president of the Gheens Foundation, Inc., vice president of Kentucky Educational Foundation, Inc., and vice chairman of Louisville Central Area. He gives freely of his time and expertise to these organizations, contributing greatly to their successes.

Mr. President, I ask my colleagues to join me in recognizing this fine Louisvillian who's life is an example of how hard work and dedication pay off with great reward. I also ask that an article from the August 3, 1992, Business First be included in the RECORD.

The article follows:

FOR LEATHERMAN, HARD WORK HAS ALWAYS BEEN THE LAW

(By Ron Cooper)

There's no "silver spoon" anywhere to be found in Larry Leatherman's background.

When Laramie L. Leatherman was growing up on an East-Central Illinois farm during the Great Depression, his chores included driving a team of horses to cultivate a crop of corn, raising cattle and butchering hogs.

"Times were tough," he says.

But it didn't take long for the 60-year-old Leatherman—chairman of the executive committee of the 107-attorney Greenebaum Doll & McDonald firm—to realize that eking out a living on a farm was not his cup of tea.

"By the time I was 14 or 15, I was looking to get off the farm," says Leatherman. "I knew there was a whole big world out there, and I wanted to explore it."

Leatherman wasted no time to work toward that goal.

He skipped two primary grades in a one-room schoolhouse near Martinsville, Ill., and ended up graduating from Martinsville Community High School at age 16 and from the University of Kentucky College of Law at age 21.

He later worked as a clerk for a U.S. Tax Court judge in Washington, D.C.—a nearly three-year stint that he describes as a good foundation for a post as a tax partner at the Greenebaum firm in Louisville.

He's been with the firm 33 years; his fellow partners elected him as their leader six years ago.

While he was anxious to move off the farm into a big-city law practice, Leatherman does not regret his upbringing one iota.

"My folks taught me integrity," he says.

The values instilled early on have served Leatherman well in professional life.

Fred Lotz, district counsel for the Internal Revenue Service in Louisville, has faced Leatherman in tax court and in settlement negotiations more times than he can count over the past 30 years.

"Larry is an outstanding (tax) practitioner and is a very honest person," Lotz says. "I have the greatest respect for him."

Says Leatherman: "All I have to sell is my reputation, and my goal is to be an effective advocate for clients."

Leatherman also credits his parents, the late Harry L. and Olga Leatherman, with molding his character by insisting on hard work on the farm and in his academic studies.

Aside from running a 110-acre farm, Harry Leatherman was a mathematics and physics teacher in high school. Olga Leatherman taught third grade before Larry Leatherman and his two sisters, Reta and LaRaye, were born.

The emphasis on getting a good education was strong in the Leatherman household.

From Harry Leatherman came suggestions for young Larry "to take fairly rigorous courses in high school," Leatherman recalls.

The youth followed father's advice, boning up on mathematics, trigonometry and Latin, among other courses.

Larry Leatherman says studies of difficult subjects at an impressionable age disciplined him for the highly demanding study of law that would come later.

Leatherman appears to enjoy reminiscing about the old days in Illinois, and his country roots seem to run deeply as he describes his boyhood in his typically folksy manner.

"For recreation around the farm, we used to hunt squirrel with a .22 rifle, and fished with a cane pole," he says.

His love of the outdoors has remained with him.

He and several buddies make yearly treks South of the border to shoot fowl. The past destination has been Mexico; this year, it will be Argentina.

John Barr, retired chairman of First Kentucky Corp., holding company of First National Bank of Louisville, is one of Leatherman's hunting buddies.

"Larry has a keen sense of humor, and enjoys life," Barr says. "And he has a helluva good time."

Besides hunting, Leatherman still enjoys fishing. And he's a voracious reader, concentrating on business-management books.

When Leatherman left home at 16 to take liberal-arts studies at Eastern Illinois State Teachers College (now Eastern Illinois State University) in 1948, he had already decided to become an attorney.

He says he saw in the legal profession promises of a challenging career "that would help to discipline my mind."

Pre-law courses of calculus, algebra, physics, mathematics and speech dominated his time at Eastern Illinois State. At the time, a bachelor's degree was not required for admittance at some law schools.

In 1949, as his two years of undergraduate studies were drawing to a close, Leatherman sent off for 50 law-school catalogs in his search for a place to roost.

Of the 50, he found two law schools that were within his tuition price range: The University of Kentucky, and the University of Arkansas at Fayetteville.

"I looked at the map, and Lexington was closer, so Lexington it was," he says.

After he was graduated from UK in 1953, he fulfilled a two-year military obligation with the U.S. Army in Germany.

There, he met an attorney also serving in the military who had decided on a tax-law career, and who encouraged Leatherman to do the same.

Leatherman took the bait, and enrolled in tax-law courses at Indiana University at Bloomington.

There, he was taught by law professor William Oliver, who, Leatherman says, played "a pivotal" role in his career by getting the student an interview with U.S. Tax Court Judge J. Gregory Bruce in Washington, D.C., in 1956.

Bruce hired Leatherman, who worked as the judge's clerk for 2½ years.

"Larry was intensely interested in a tax-law career, and I became convinced that he had great promise," says Oliver, who teaches part time at IU and is of counsel to the Bloomington law firm of Mallor, Grodner & Bohrer.

"Larry catches on to things fast, and forcefully represents his clients' interests," Oliver says.

Client Mark Kaminski, president of Commonwealth Aluminum Inc. of Louisville, agrees.

"He has a lot of common sense, and is highly intelligent and very knowledgeable about the law," Kaminski says. "He can take the complex and make it simple."

Client James Patterson, of Long John Silver's Seafood Shoppe and Rally's restaurant fame, adds: "Larry Leatherman is one of the most erudite, informed, brilliant men I've ever met. At all times, he's down to earth and has a great sense of humor."

By the time Leatherman started working for Judge Bruce, he had married the former Portia Hall of Martinsville, Ill. She worked in Washington as an International Business Machines Corp. secretary—a job that she quit when the Leathermans moved to Louisville in 1959.

The move was prompted by a job offer that Leatherman had received from the firm of Greenebaum Barnett Wood & Doll, which later became Greenebaum Doll & McDonald.

The offer came after Leatherman, using a law-firm directory, sent the firm a resume. His job search was centered in Kentucky, Indiana and Illinois, he says.

Initially, times were lean for the Leathermans.

"When we came to Louisville, my wife was pregnant with our first child and I took a pay cut from my job in Washington," he says. "I was making $6,500 a year, $100 less than what the Washington job paid. But the gamble paid off. I made $9,500 the second year."

The Leathermans, who live on a 6.5-acre spread in the city of Glenview in Jefferson County, have three children and one grandchild.

Their children are Jeffrey, 33, who works for Liberty National Bank & Trust Co. of Louisville; Todd, 30, an attorney in Versailles, Ky.; and Courtney, 28, a reporter for The Chronicle of Higher Education, a Washington, D.C., publication.

Besides his family, Larry Leatherman's life has two other important focal points: his work and his civic activities.

Running one of Louisville's largest five law firms, based on Business First rankings, is demanding. And, Leatherman, says, he relishes it and he rarely gets lonely at the top.

"Effective leadership in the firm needs consensus from every person in the firm," he says. "Everyone is part of the team. Seniority doesn't mean much here. Our firm is truly a meritocracy. We offer bright, able, energetic people a real path" to advancement.

He expects the firm to grow by 10 to 15 attorneys within the next five years. In the long run, however, "My goal is to do more with less, and that will make us much more competitive," he says.

Leatherman's civic activities are varied, with many having a focus on education.

He is a trustee and vice president of the Gheens Foundation Inc., vice president of Kentucky Educational Foundation Inc., and vice chairman of Louisville Central Area.

Joe Stopher, a Louisville attorney and Gheens Foundation president, credits Leatherman with hatching the idea that led to the formation of the Gheens Academy—a Louisville-based institute for teacher training.

"Larry is a good idea man, and is an extremely hard worker," Stopher says. "He's very generous with his time to the foundation."

Errol Frailey, president of Louisville Central Area, says Leatherman helped to raise $600,000 to pay for a downtown strategic plan, and has been a big supporter of the Downtown Management District—where businesses are assessed an annual fee for cleanup and security services.

"He has vision, commitment and tenacity, and has a strong sense of teamwork and cooperation," Frailey says.

Portia Leatherman says her husband's motivation for doing so much civic work represents "his pay back to the community."

As for work, she says, "he loves what he's doing. Work is his pleasure." Then she adds, laughing: "I can't imagine him retiring and following me around the grocery store or the tennis court."

True enough, agrees her husband.

He envisions remaining with the firm indefinitely as chairman of the executive committee, eventually grooming a successor to allow him more time for community service and his family.

"I've told my partners, 'The day you guys don't want me around here, I'm gone,'" he says, smiling. "But I really enjoy it here."•

SEVENTY-FIFTH ANNIVERSARY CELEBRATED

• Mr. D'AMATO. I rise today to pay tribute to a very important branch of law enforcement who are celebrating their 75th anniversary this year. I am speaking about Troop K.

1992 marks the 75th anniversary of the New York State Police. Troop K, one of the four original troops, is headquartered in Poughkeepsie, NY, and is comprised of four counties along the east side of the Hudson River. Troop K headquarters is located at Routes 44 and 82 near Millbrook in Dutchess County. Its patrol area covers 2,111 square miles and is inhabited by approximately 1,250,000 residents.

Of the many attractions to the area, probably the most famous is the home of President Franklin Delano Roosevelt in Hyde Park. During World War II, State police members of Troop K were the primary security for the President and world dignitaries who came to visit when he was in residence.

Vice President Nelson Rockefeller, a former New York State Governor, also maintained a residence within Troop K, at Pocantico Hills in Westchester County, and members were assigned to the security of his family and property.

Troop K will celebrate the anniversary with an open house on September 19. Featured will be a living display in which troopers, outfitted in period uniforms, will give historical overviews of the eras represented in the program. There will be displays of new and classic State police vehicles, a State police helicopter, scuba boat, emergency command vehicle, seatbelt convincer, bloodhound and canine units. Demonstrations will be presented by the State police mobile response team, Medivac unit, Scuba divers, and firearms instructors. Offices open to the public will include the narcotics unit, identification unit, traffic section, and polygraph area, as well as a collection of memorabilia and the Grey Rider Cinema.

Mr. President, I am proud of our troopers in New York State; they have a long tradition of protecting our citizenry. I congratulate them on 75 years of dedicated service and thank them for their service to New York State.•

TRIBUTE TO PADUCAH

• Mr. McCONNELL. Mr. President, I rise today to recognize Paducah, a historic river city in McCracken County.

Paducah is located along the Ohio River in far western Kentucky at the intersection of the Tennessee and Ohio rivers. It is a city rich with tradition, founded by the mythical Chickasaw Indian Chief Paduke, for which the town is named.

Though the river trade is in rapid decline, many still visit Paducah for its culture and entertainment. Paducah distinguishes itself by having its own symphony orchestra, an unusual accomplishment for a town of its size. There are also a number of museums, as well as a monthly foreign-film series. The Market House Theater leads a thriving theater scene, offering many well-known productions put on by volunteers of all ages. In addition, Paducah is home of the Museum of the American Quilter's Society. Its annual quilt show draws some 30,000 visitors from as far away as Europe and Asia. This show also coincides with the Dogwood Festival, at which time the city is covered in thousands of blooming dogwood trees.

Paducah was home to the famous correspondent and writer for the Saturday Evening Post, Irvin S. Cobb. Mr. Cobb helped Paducah achieve national recognition in his many speaking engagements across the United States. Another famous resident of Paducah was the former Vice President, Alben W. Barkley.

Though the population of Paducah has declined in recent years, many new homes and subdivisions are being built on the western edge of town near the expansive Kentucky Oaks Mall. Recently, the groundbreaking ceremony was held for the Information Age Park, a high-tech business park which will create thousands of new jobs in telecommunications. This will further broaden Paducah's economic base that is currently dependent on the Paducah Gaseous Diffusion Plant, which employs nearly 2,000 of the town's residents.

Although Paducah suffers from many of the social problems of larger cities, Paducah has sparked a renaissance. This includes spending millions of dollars on downtown improvements, upgrading the convention center, and implementing a program called Pride 2000. This monumental domestic improvement program enlists hundreds of volunteers from every neighborhood to improve the city's appearance and help maintain its upkeep. I would like to recognize their significant accomplishments and applaud their success in making their city one of the finest in the State.

Mr. President, I ask that an article from Louisville's Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

PADUCAH

(By Mark Schaver)

Perhaps every town is founded on a myth, a myth that grows with time and becomes one of many myths. Paducah is such a town.

The first and most enduring myth is the legend of Chief Paduke, who is honored with a statue as the Chickasaw Indian who deeded the town its name. But even the sculptor who carved it in the early 1900s publicly doubted Chief Paduke's existence, only to be shouted down by a chorus of outraged citizenry.

When a professor at Paducah Community College, John E. L. Robertson, wrote a history of the town for its 150th anniversary, he reintroduced evidence that Chief Paduke was most likely a fable, thinking it so obvious and unremarkable that he relegated the information to the preface.

Instead, he provoked more indignation, and to this day the historic markers and tourist brochures speak of Chief Paduke as if there is no question he had been flesh and blood.

Paducah has always had its mythmakers. One was the humorist Irvin S. Cobb, who was born in Paducah in 1876 and became famous as a World War I correspondent and writer for the Saturday Evening Post. Cobb published more than 30 books and lived for a time in California where he had a short-lived radio show called "Paducah Plantation" and appeared in forgotten Hollywood motion pictures as the caricature of a julep-swilling Southerner.

Cobb served as Paducah's goodwill ambassador in his many speaking engagements across the United States. In his most quoted line, he said, "It is better to be born a homeless orphan in Paducah than duly certified twins anywhere else on earth."

He is less remembered for this recollection from his autobiography, "Exit Laughing," which was written with the honesty that comes with approaching death;

"It had its baser aspects . . . the petty feuds, the small pretensions, the spleens and jealousies and all such bilious little spites as thrive like bad weeds in any spot where human beings herd together. And beyond doubt it was a sloven and leisurely town, one that was untidy and content to be untidy. . . ."

In the late 19th century, Paducah was known as a boisterous and dangerous river town. It is at the intersection of the Tennessee and Ohio rivers and near the Cumberland and the Mississippi, so it became a way station for wild assortment of roustabouts, brigands and adventurers. Liquor flowed and prostitution flourished.

The river trade has long since settled into dull middle age, but for some who live in the surrounding small towns of the Purchase and Pennyrile, Paducah still offers its share of pleasures, forbidden and otherwise. It's where they come to shop, watch a movie at the 12-screen theater, eat Mexican food in a sit-down restaurant or buy a Japanese car. But with its liquor stores, X-rated bookstores and strip shows, it's also a place that trafficks openly in the sins that are less visible back home.

Many visit Paducah because it is the region's cultural and entertainment center. It is the rare town of its size that can boast of having its own symphony orchestra. Country singing stars appear weekly at the Executive Inn; comedians make appearances at bars; and the new Mid-America X-Po Center has begun promoting professional boxing. There's an art museum, a history museum and a museum to honor Alben W. Barkley, a Paducah lawyer who became a Senate majority leader and vice president under Harry S. Truman. There's even a monthly foreign-film series.

Paducah has a thriving theater scene, with hundreds of volunteers of all ages participating in the many productions put on each year by the Market House Theater (although cuss words are censored lest part of the audience walk out). Two years ago the Brelco Theater opened to offer more daring plays than the Neil Simon and Gilbert-and-Sullivan fare offered by the more established theater, but it has yet to develop a large audience, averaging only 20 people a performance.

Paducah has dubbed itself "Quilt City USA" because it is the home of the Museum of the American Quilter's Society and its annual quilt show, which draws 30,000 visitors from as far away as Europe and Asia. The show coincides with the springtime Dogwood Festival, when many homes spotlight their flowers for the thousands of cars that drive by each evening.

What they see are many fine homes and prosperous neighborhoods. Although the population of Paducah has declined in the last decade, some areas are sprouting new homes and subdivisions, especially the western edge of the town, where the opening of the Kentucky Oaks Mall 10 years ago touched off the flight of businesses from downtown.

Yet just as one part of Paducah is growing, another part has been in a long decline. Many of the homes that once formed the core of Paducah have either fallen into neglect or been torn down, leaving behind empty, weed-strewn lots. Twenty percent of the population lives in subsidized housing, and in recent years there has been a sharp increase in crime, fueled by the crack cocaine trade.

Although Paducah suffers from many of the social ills that afflict bigger cities, it is too small to qualify for federal aid targeting those problems. "We're too rural to be urban and too urban to be rural," Mayor Gerry Montgomery said.

Like most other members of the City Commission, Montgomery lives in the prosperous western half of town. That irritates some in Paducah's poorer precincts, who complain they are left out of the city's politics. They have managed to get enough signatures on a petition that will allow a referendum in November on whether to choose city commissioners by district—a change that could give greater representation to the poor and minorities—rather than at-large, as under the current system.

Some African Americans, meanwhile, say that, although they have been represented on the City Commission for most of the last 25 years, they have been excluded from much social and economic life, have been woefully underrepresented in most community organizations and have gotten, at best, the worst jobs for the lowest pay.

Montgomery acknowledges the sentiment. "I think there are some who feel excluded from economic life, but I don't think it's any different from anywhere else," she said, noting the black representation on city boards and commissions.

"This is a community which is very hidebound," said Joe Freeland, a white lawyer who won a court case desegregating what is now Paducah Community College in the early 1950s.

People who were born elsewhere but have lived in Paducah for years are still referred to as "transplants," yet townspeople insist they are willing to embrace the new. They offer as proof the recent groundbreaking for the Information Age Park, a high-tech business park they hope will generate thousands of jobs in data-processing telecommunications.

If successful, the park will help Paducah broaden an economic base that depends heavily on the Paducah Gaseous Diffusion Plant, which employs about 1,800. The federally owned plant, which enriches uranium for nuclear power plants, was built in the early 1950s, thanks to the influence of Vice President Barkley.

Construction of what locals call the "Atomic Plant" was accompanied by numerous wildcat strikes, and the influx of 20,000 workers put such a strain on Paducah's housing that people began renting out their spare bedrooms. Some believe the turmoil brought on by sudden growth so rent the social and economic fabric that Paducah took years to recover.

Despite being the home of two of Kentucky's 10 largest banks and the region's medical center, the economy of Paducah has long been stagnant, and it offers few well-paid manufacturing jobs. Once in its history it saw itself as competing with Owensboro and Bowling Green, but those cities have grown past it. Some say one reason Paducah has fallen behind is because it lacks a four-year college.

Paducah is trying to spark a renaissance. It has, for example, a 3-year-old Main Street program to promote downtown and fill its vacant storefronts. The city is also spending millions on downtown improvements, including building a new parking lot, widening the flood wall so the Ohio River is more visible and upgrading the Julian Carroll Convention Center (named for the former governor from McCracken County). The city has also begun a program called Pride 2000 to enlist volunteers in every neighborhood to improve the town's appearance. Many have great hopes for the debut of riverboat gambling across the river at Metropolis, Ill., next year.

But it can be hoped that Paducah will always remain a quirky place. It is, after all, the only town in America that offers visitors numerous antique shops and candlelight riverboat cruises as well as "Speedy," the mummified corpse of Charles Atkins, a penniless man who drowned while fishing in 1928. Atkins earned his nickname for his talent working with tobacco, and he became famous nationwide more than a decade ago after an appearance on the TV show "That's Incredible!"

He can be found at the Hamock Funeral Home, where he is kept propped up against the wall in a storage room filled with coffins. Dust has once again begun to settle on the folds of his tuxedo, which still bears a souvenir pin from an appearance last year on the tabloid TV news show "A Current Affair."

"Speedy put Paducah on the map all over the world," said Velma Hamock, the widow of the man who embalmed him. "I've never seen a dead man make so many people happy."

Transportation: Air—Baridey Regional Airport (commuter flights to Nashville, Memphis and St. Louis). Railroads—Paducah & Louisville Railway; Burlington Northern Railroad. Bus—Greyhound; Brooks Bus Line; Reta's Charter; Paducah Area Transit System. Water—18 towing companies. Truck—26 lines serve Paducah.

Education: Paducah City Schools, 3,700 students; McCracken County Schools, 6,600; four church-supported schools, 498; Paducah Community College, 2,400; Western Kentucky State Vocational/Technical School, 800; Paducah Area Vocational School, 300; Franklin College, 80.

Topography: Low, rolling country, Paducah sits at the confluence of the Tennessee and Ohio rivers.

Population (1990): Paducah, 27,258; McCracken County, 52,605.

Per capita income: McCracken County (1990), $17,450, or $2,458 above the state average.

Jobs: (McCracken County, 1990): Manufacturing, 3,461; wholesale/retail, 10,488; services, 8,347; state/local government, 2,956; contract construction, 1,495; transportation/communications/utilities, 2,607; finance/insurance/real estate, 1,094.

Big employers: Martin Marietta Energy Systems (Paducah Gaseous Diffusion Plant), 1,800; Western Baptist Hospital, 1,641; Lourdes Hospital, 1,500.

Media: Newspapers—The Paducah Sun (daily); West Kentucky News (weekly), Television—WPSD-TV (NBC affiliate), Radio—WPAD-AM (oldies); WDDJ-FM (contemporary hits); WDXR-FM (country); WKYQ-FM (country); WKYK-AM (oldies); WREZ-FM (light adult contemporary). Comcast cable TV.

FAMOUS FACTS AND FIGURES

The land on which Paducah was founded in 1830 was part of 37,000 acres that the explorer William S. Clark had bought three years earlier for $5.

Paducah, Texas, is named after the Kentucky city. Two men from Kentucky, who helped found the Texas town, suggested the name.

Gen. Ulysses S. Grant occupied Paducah during the Civil War. In his memoirs, he wrote that on entering the town, "I never saw such consternation on the faces of the people. . . . They were expecting rebel troops that day."

John Thomas Scopes, who became famous when Clarence Darrow and William Jennings Bryan clashed at his 1925 trial for teaching evolution theory in a Tennessee school, was born and raised in Paducah. He is buried in Oak Grove Cemetery.

Sen. Alben Barkley of Paducah coined the phrase "New Deal" during his keynote address at the 1932 Democratic Convention, which nominated Franklin Delano Roosevelt for president. Paducah has an Alben Barkley Museum to honor "The Veep."

A flood wall was built after the Ohio River flooded 90 percent of Paducah in 1937, causing $22 million in damage and producing 22,000 refugees. A cow fled to a second story, and her owner milked her throughout the siege.

The Paducah City Hall, built in 1965, is a replica of the U.S. Embassy in India.

Paducah has more historical markers than any other Kentucky city.

The state welcome center on Interstate 24 is a restored mansion known as Whitchaven.●

RURAL HOMELESSNESS ASSISTANCE ACT

● Mr. BUMPERS. Mr. President, I rise today to speak about the Rural Homelessness Assistance Act that was included in the reauthorization of the National Affordable Housing Act. I introduced this bill back in February of this year, and am pleased that the committee incorporated it into the reauthorization.

Several recent studies provide clear evidence that rural homelessness is widespread and growing. The situation in Arkansas illustrates the seriousness of rural homelessness. In 1987 there were about 8,000 homeless people in Arkansas. In 1990, the number rose to roughly 14,000 with about half living in rural parts of the State.

A report by the Lower Mississippi Delta Development Commission states that "homeless programs are generally targeted toward urban areas. Little attention is given to the needs of rural areas because of the mistake perception that there are few homeless people in rural areas." The report recommends that Congress should enact legislation to ensure the coordination of agencies providing services to the homeless at the local and State levels through mandated, coordinated homeless assistance plans for rural areas.

Officials at the Department of Housing and Urban Development have expressed concerns that this program will contribute to the fragmentation of the McKinney Act. I would simply like to say that the recommendations made by the Delta Development Commission are sound, and I am pleased that the Senate has taken a small step toward helping those people who are in desperate need of assistance in rural parts of the country. I would like to add that existing McKinney programs simply do not meet the needs of rural homeless people. Too often, service providers in rural parts of the country don't have the resources to take on the monumental challenge of providing services and shelter for a homeless individual or family.

As the people of this country are confronted with more and more hardships, the issue of homelessness has seemed to fade from the spotlight. It is my hope that we can focus our attention once again on the poorest of our citizens.

Can anyone here imagine the trauma a family faces when they are forced to spend a night on the street or in a shelter? Has anyone here ever been so desperately poor that they can no longer provide shelter for their children? Does anyone here know the enormous humiliation that comes when a mother has to pack her children and her possessions and take them down to a shelter because she is too poor to pay the rent? Has anyone here ever sent a child to his first day of school without lunch money, without a bath, without a fixed address, without hope? Of course not.

And yet, here we stand. The fortunate. The privileged. The ones who make the laws and spend the money in ways that can have a profound effect on the lives of so many. Here we stand never having known the infinite spectrum of human suffering that comes with being too poor to have a roof, to have food, to have respect, to have hope.

Here we stand with the ability to put a roof over the head of a child, the ability to feed the hungry mouth of a frightened and tired mother, the ability to give dignity to the father who has too often seen his dream deferred, and the ability to give hope to people where all hope has been abandoned.

I will not forget those human beings living outside or in shelters. I will not forget those children who have no home to go to after school. I will not forget my fellow Americans who live each day without hope.

I want to thank Senators CRANSTON and RIEGLE, as well as the staff of the Housing Subcommittee, particularly Bruce Katz, Eileen Gallagher, and Cheryl Fox, for all their hard work and dedication.

It is my hope that we will someday end this tragedy. I believe that by working together, we can do just that.●

TRIBUTE TO LANCASTER

● Mr. McCONNELL. Mr. President, I rise today to recognize the town of Lancaster in Garrard County.

Lancaster is a small rural town located in the gently rolling farmland of central Kentucky, about 35 miles from Lexington. Its close proximity to a city, however, does not take away from its small-town atmosphere. The people of Lancaster thrive on it. This is seen in the dramatic rise in the number of antique stores and yard sales in the county.

Antique stores and yard sales are two enterprises which have prospered for residents in recent years. Garrard County has at least 18 antique shops, including the 20,000 square-foot Lancaster Antique Market, which brings in collectors from all over the country. These stores flourish because of Lancaster's fortunate location between the restored Shaker Village at Pleasant Hill and the antiques center of Berea. Lancaster also hosts a citywide yard sale each summer, which attracted 3,000 visitors in 1991.

Lancaster is home to many historic buildings. The courthouse dates back to 1868, and is one of 49 town sites on the National Register of Historic Places. Garrard County was home to the famous antiliquor crusader Carry Nation. Nation founded the Women's Christian Temperance Union, which vigorously campaigned against liquor up until prohibition.

Lancaster and the rest of Garrard County is different from the surrounding region because farms grow tobacco instead of raising horses. Tobacco accounts for half of all farm income, and Garrard County ranks among the top 15 counties in Kentucky in tobacco production. Along with tobacco, there is cattle. Lancaster's stockyards are the State's third largest, following Louisville and Lexington.

Lancaster is also the headquarters for one of Kentucky's largest charities, the Christian Appalachian Project. This nondenominational organization serves all of Appalachian Kentucky, with an income of $34 million in 1991. It is one of the town's largest employers. While Garrard County has only grown slightly in the last decade, major growth has come in school construction, with two new elementary schools opening this fall.

Mr. President, I pay tribute to Lancaster and recognize it as one of Kentucky's finest towns. Please enter the following article from Louisville's Courier-Journal in today's RECORD.

The article follows:

LANCASTER

(By Kirsten Haukebo)

Some rural Kentucky towns may seek the answer to their economic woes in garment factories or tourism. But Lancaster residents found gold in what they already have, such as grandpa's old Kentucky cherry cabinet or that Partridge family lunch box in the attic.

Antique stores and yard sales are two enterprises in which Lancaster has found success in recent years.

Garrard County has at least 18 antique shops, including the cavernous 20,000-square-foot Lancaster Antique Market, which has buyers regularly flying in from the West Coast. Owners Rose Holtzclaw and Ellen Tatem had to start their own bed-and-breakfast to accommodate visitors because Lancaster lacks a motel.

The town is in a prime spot to lure people who are interested in antiques. It lies between the restored Shaker village at Pleasant Hill and the crafts-and-antiques mecca of Berea. Travelers going from one to the other usually take Ky. 52, which passes through Lancaster's square.

When the antique market opened 11 years ago, there were a couple of other antique stores in town. But the market's popularity drew other people into the trade. Now, a number of farmers sell old glassware or country furniture from their homes to bring in extra income. Demand has outpaced the supply of local antiques; many items at the Lancaster Antique Market were brought in from Eastern states.

Yard sales are a more recent phenomenon. Tad Long, coordinator for the town's Main Street program, said a citywide yard sale last August drew 3,000 visitors. That was twice as many as came the first year, 1990.

"It's one of the most popular promotions we've ever had. The streets were blocked," Long said. Bargain-hunters from 13 states started gathering before dawn. This year, Long began getting calls as early as March from people planning their vacations around the Aug. 22 event. The Lancaster sale is timed to coincide with a series of yard sales along U.S. 27, the north-south corridor that runs west of Lancaster.

Lancaster takes care of its old buildings too. The courthouse dates to 1868, one of 49 town sites on the National Register of Historic Places, according to Pat Ballard, president of the Garrard County Historical Society.

One of the oddest buildings is the old county jail, a reminder of how awful conditions once were for inmates. The jail held prisoners until about 10 years ago, placing them in cramped four man cells with room only to lie in bed all day. The jail didn't even have a shower for the men.

"People say it closed because it didn't have telephones and television," said Eileen Reed, who gives tours of the jail. "But when they come in and look at it, they just shake their heads. They can't believe it's so bad,"

Since it closed, Garrard County has gone without a jail and sends prisoners to other counties. The jail is used now as a historical museum and meeting place.

One person featured in the museum is Garrard County native Carry Nation, the famous anti-liquor crusader. Nation was born in 1846 in a home that still stands near Herrington Lake. She lived there until she was 5.

Nation's hatred of liquor stemmed from her miserable first marriage to an alcoholic doctor named Charles Gloyd. He is said to have been drunk on their wedding day and rarely sober thereafter. Carry left him after 17 months, and he died a short time later. Historians say she mourned him for the rest of her days and blamed his early death on tobacco, liquor and the Masonic Lodge, where he often went to drink (Women were not allowed.)

It was during her second marriage in Medicine Lodge, Kan., that Nation began her campaign with the Women's Christian Temperance Union. During a one-night bottle-smashing rampage in 1899, she wrecked most of the bars in town. Nation died in 1911, nine years before Prohibition.

Another Garrard Countian also gained a place in the museum for wielding a hatchet. W.W. Austin was the last person to be hanged in the county, in 1882. He had been convicted of killing his aunt, Betsy Bland, with a hatchet when she refused to give him money. His noose and hood are on gruesome display in a cabinet.

Garrard County is on the southern end of the Bluegrass but has little in common with that genteel, prosperous region.

"We're kind of a county out of place," said Mike Carter, Garrard County extension agent. "We're more like some of the counties south of here, those on the Tennessee border."

For one thing, Carter notes, the county has little industry. Most farms grow tobacco instead of raising horses. And the county is mostly Republican, like many Southern Kentucky counties.

Tobacco accounts for half of all farm income. Even though Garrard is one of the smaller counties in the state, it ranks in the top 15 in tobacco production, Carter said.

So it's fitting that the county should have the reigning "world champion" tobacco cutter. Bobby Preston, a part-time farmer, won the title 10 years in a row in the contest held each summer in Garrard County. He retired after last year's contest because "at his age, he's beginning to feel the pressure of defending his title," Carter said. (Preston is in his late 30s.)

Besides tobacco, there's cattle. Lancaster's stockyards are the state's biggest outside of Louisville and Lexington.

Lancaster also is the headquarters for one of Kentucky's largest charities, Christian Appalachian Project which had $34 million in income in 1991.

The project was founded in 1964 by a Catholic priest who had been assigned by the church to Eastern Kentucky. The Rev. Ralph Belting was told to establish more churches in an area where Catholics have always been scarce but soon found the region's poor were taking most of his time.

The non-denominational organization now serves all of Appalachian Kentucky and helps similar groups in other Appalachian states. Most of its money comes from individual donations and state contracts. Family counseling, day care and a large Christmas wreath-making business are among the services provided by the project.

The organization employs about 100 people at a sprawling, modern office building in Lancaster, making it one of the town's biggest employers. But most of the charity's work is done farther east in the state, where the need is greater. "When people come here to visit, they sometimes ask us, 'Where are all the poor people?'" said Glen Taul, public relations manager. (They may not be visible, but they're there, he notes. Garrard County has 21 percent of its residents living in poverty, compared with 18 percent of Kentuckians.)

Garrard County has grown only slightly in the past decade. Most of the growth has been in the northern end, where many residents commute to jobs in Lexington, Richmond or Danville.

People also leave the county to shop. "Most of my ads come from out of town," says Marguerite Whittaker, publisher of The Central Record. She is also a reporter and a city council member.

Many residents are content to work and shop elsewhere and come home to an old-fashioned village atmosphere. It's a strong lure for some city folks.

Thomas Flanagan, a retired public health officer from Detroit, says he walked down Lancaster's streets about 10 years ago and noticed how many cars didn't have their doors locked. "I said, 'I'd like to live in a town like that.'"

Rose Holtzclaw, co-owner of Lancaster Antique Market, said some people believe Lancaster is waiting to be discovered. "My son in Florida says, 'Mama, you should just make this the cleanest little town—I mean really spotless—and make it the best education system, and you'll have people flocking.'"

Under the state education reform effort, school construction has gone ahead at an unprecedented pace, with two new elementary schools opening this fall. Also, the old Lancaster School is finally being torn down. It closed in 1964, when city and county systems merged. But a piece of the school is being re-created in a storefront on the square.

Claude Powell, a retired accountant and chairman of the school's alumni association for 27 years, said he wanted to save as much as he could. He managed to get 260 seats and a stage curtain from the auditorium.

In May, Powell bought a vacant storefront, dressed donated mannequins in Lancaster School cheerleading uniforms and prom dresses, put them in a display window and set about re-creating the old auditorium. He hopes to produce plays and musical performances in the building. He already has amassed a large collection of old school pictures and memorabilia.

Powell plans to call the alumni center "Pelphrey Hall," after a home economics teacher who taught at the Lancaster School for 33 years. Nell Pelphrey, who lives in the extended care unit at the county hospital, was known for her strictness, Powell said. Those lime green cheerleader uniforms in the window may look modest by today's standards, with their knee-length skirts and long sleeves, but Pelphrey knew that even long skirts could fly up if a girl wasn't careful. Because of her, the cheerleaders kept one hand on their sides to hold the skirts in place.

Pelphrey Hall won't be completed until later this year, but Powell has already begun providing entertainment. "He'll put a little ad in the paper. It'll say, 'Bring a chair and come,'" Whittaker said.

When the crowd has gathered on the square, Powell will put out a record player and put on some oldies. Where else but Lancaster could you draw a crowd for a good old-fashioned record-playing?

Transportation: Lancaster is served by U.S. 27 and Ky. 39 and 52. Rail—Main Line service is provided by CSX at Stanford, eight miles away, or Southern Railway at Danville, 12 miles. Air—nearest commercial service is Lexington's Bluegrass Airport, 34 miles north of Lancaster. Trucking: 25 companies serve the town.

Topography: Lancaster is in the south-central part of the Bluegrass and is surrounded by gently rolling farmland.

Population (1990): Lancaster, 3,421; Garrard County, 11,579.

Per capita income (1988); $11,809, or $1,021 below the state average.

Jobs in county (1988): Manufacturing 469; wholesale/retail trade, 429; services, 261; state/local government, 520; construction, 239.

Big employers: Big Yank (work clothing), 183 employees; Garrard County Memorial Hospital and Long Term Care Facility, 170; Allison Abrasives Inc., 100.

Education: Garrard County public schools, 1,988 students, Kentucky Tech.-Garrard County Center, 205 students.

Media: Newspapers—The Central Record and The Garrard County News (weeklies), Radio—WKYY-AM (country) and WRNZ-FM (oldies).

FAMOUS FACTS AND FIGURES

Garrard County was formed In 1796 from parts of Mercer, Madison and Lincoln Counties and was named after then-Gov. James Garrard, the state's second chief executive. Lancaster was named for Lancaster, Pa., the hometown of the man who laid out the plan for the county seat.

Kentucky's first Republican governor, William O. Bradley, was from Lancaster. He served from 1895 to 1899. Today Republicans still out number Democrats in Garrard County.

During the Civil War, Camp Dick Robinson near Lancaster was the first Union recruiting station south of the Ohio River. Robinson, a farmer, was a staunch Union supporter who allowed troops to use his land for recruitment and as a drill ground—in violation of Kentucky's neutrality. The camp was established in 1861. Robinson's home still stands at the intersection of Ky. 34 and U.S. 27.

Harriet Beecher Stowe, author of the 1852 anti-slavery novel "Uncle Tom's Cabin," spent time at two Garrard County sites—the Kennedy Plantation and the Spillman house—before writing the book. Stowe was a New Englander who moved to Cincinnati, and the trips were part of her research into the living conditions of slaves. The novel did much to incite opposition to slavery and was credited with helping to start the Civil War.●

S. 2831, THE WATER POLLUTION CONTROL AND ESTUARY RESTORATION FINANCING ACT AND S. 2214, THE LONG ISLAND SOUND RESTORATION ACT

● Mr. D'AMATO. Mr. President, I rise today to cosponsor two bills of vital importance to the restoration of the Long Island Sound. The Water Pollution Control and Estuary Restoration Financing Act, and the Long Island Sound Restoration Act which was introduced in the Senate by my friend and colleague from New York Senator MOYNIHAN.

There are many problems which contribute to the overall health of the sound, but what the Long Island Sound needs most is an investment in new wastewater treatment facilities—facilities that are up to code, facilities that can handle a heavy rainfall, and facilities that can remove nutrients from wastewater before it is released into the sound.

Our Nations estuaries are of incalculable value. Millions of Americans live on their shores and swim in their waters daily. In 1990, the EPA estimated that estuaries, such as Peconic Bay, the New York Harbor, and the Long Island sound support fisheries whose value to the Nation's economy is more than $19 billion annually. Globally, an estimated two-thirds of all fish caught are hatched in estuaries. But unfortunately, serious problems plague our Nation's estuaries.

The Water Pollution and Estuary Restoration Financing Act does two things of importance for the sound. It continues one of the most successful programs of environmental cleanup in our Nation's history, the State Revolving Loan Fund Program for sewage treatment infrastructive, and it sets aside an increasing percentage of that fund for our coastal areas. The construction and repair of these wastewater treatment facilities also means the creation of thousands of jobs.

The Long Island Sound Restoration Act is a straightforward approach to addressing the severe water quality problems now facing the sound. The bill authorizes the Administrator of the Environmental Protection Agency to make grants totaling $50 million in each of the next 5 fiscal years to the States of New York and Connecticut to carry out demonstration projects designed to address water quality problems in the sound.

Mr. President, I would like to thank my colleagues for their tremendous work in attempting to solve the pollution dilemma now facing the Long Island Sound and urge my other colleagues to support these two important bills.●

THE CHILD IMMUNIZATIONS ACT OF 1992

● Mr. DANFORTH. Mr. President, I am pleased to join Senator BOREN in introducing legislation that will make vaccines more available to low-income preschool children. There were 26,500 reported cases of measles in the United States in 1990. More than 60 children died of this disease. These are shameful numbers for a disease that can be prevented by a simple vaccination.

Currently, only a small number of Medicaid children are vaccinated by private physicians. The majority of these children are referred to overcrowded public clinics. Research done by the American Academy of Pediatrics indicates that referrals of children in need of immunizations to public health clinics has risen in recent years. The primary reason for this increase is that many physicians find that it is not financially feasible for them to immunize Medicaid patients. Physicians must use the vaccine they purchase from a pharmaceutical company to vaccinate a Medicaid child, only to have the State slowly reimburse them at only a fraction of the cost.

This legislation will remove this disincentive by making bulk priced vaccines available to physicians for the immunization of Medicaid patients. By replacing the vaccine rather than providing slow and inadequate monetary reimbursement, we will remove a huge barrier that has served as a disincentive to immunization of Medicaid children.

While I support this legislation, I recognize the concerns of State Medicaid offices. I plan to also pursue legislation that will make it possible for vaccine manufacturers to enter into voluntary, competitive vaccine replacement programs with State Medicaid agencies, thereby alleviating some of the costs to Medicaid.

Preventive care is of paramount importance to all children in our Nation. It is inexcusable to allow children to suffer and sometimes die from diseases that can be prevented by a vaccine. Of course, this legislation does not provide universal vaccines to all children, only to the neediest. It is essential that we use every opportunity to immunize our children. I wholeheartedly endorse this legislation.•

REAUTHORIZATION OF THE OLDER AMERICANS ACT

• Mr. COHEN. Mr. President, last night the Senate finally approved the Older Americans Act and sent the bill on to be signed by the President. I am extremely pleased that this bill was approved, because millions of needy elderly depend on it for their health and vital social services.

It was unfortunate that the controversy over the repeal of the Social Security earnings limitation had delayed the Senate's consideration of the OAA reauthorization legislation for so long. As a long-time supporter of modifying the earnings limitation, I am hopeful that the Senate will pass legislation increasing the limitation to allow more retirees to supplement their retirement incomes without jeopardizing their Social Security benefits. Unfortunately, due to budgetary constraints, we are unable to increase the earnings limitation without an acceptable means of paying for it.

I think the Senate acted correctly last night by separating the two issues and approving the Older Americans Act reauthorization bill in final form. This will enable essential services to reach the many elderly who depend on them in their daily lives.

Because of the Older Americans Act, there are millions of senior citizens who are supplied a daily meal, transported to the grocery store, provided legal advice, or given employment training—activities that help provide a decent way of life for the oldest members of our communities.

The OAA has established a network of support services to millions of elderly throughout the country through a network of 670 area agencies on aging. These agencies and their dedicated staff are truly a lifeline to many older Americans, and we must remember the day-to-day importance of these services in the lives of these seniors.

In Maine, especially in the more rural parts of the State, OAA programs provide desperately needed services to the elderly living alone, the homebound, those with no ability to get to the store or the doctor, and those with no resources to pay for decent meals or legal services.

Without the reauthorization of the OAA, the ability of the AAA's to serve their constituency was seriously threatened. Now that the Senate has acted favorably on the OAA, I hope that their vital work can move forward and our senior citizens can receive the services they need and deserve.•

RAISE A READER

• Mr. REID. Mr. President, I rise today to recognize a unique partnership that has been developed between the Henderson Public Library, the Henderson Rotary Club, and St. Rose Dominican Hospital. Working together, they have formulated the "Raise a Reader" project, an innovative program designed to encourage parents to begin reading to their children at an early age.

Recognizing that literacy is a national concern, Henderson Rotarians are working on becoming leaders in the development of a community reading program that addresses literacy at a very young age, while children are infants.

While meeting informally over dinner, Carroll Gardner, director of the Henderson Public Library; Jack Childs, Rotary vocational service director; and Marcia Hawkins, marketing director at St. Rose Dominican Hospital began talking about providing newborn babies with their first library card. Further discussion led to a plan that would provide infants, and their families, with a packet of materials that would include the baby's first book, information about special services offered by the library, an application for a library card, and a booklet on how to raise a reader.

The Henderson Public Library and the Henderson Rotary Club know that literacy is a great concern in this country, and that parents can foster a habit of reading and a love of learning if they share books with their children. All of us who read know that books can take us to faraway lands, to historic places, and to realms of discovery. This program will ensure that even more children will have access to the opportunities awaiting them in books.

I congratulate the Henderson Rotary Club, the Henderson Library, and St. Rose Dominican Hospital for this great program. I hope it will be a model program for communities across the country to follow.•

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow morning; that the Journal of the proceedings be deemed approved; that the time for the two leaders be reserved for their use later in the day, and that the Senate then return to consideration of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:11 p.m., recess until Thursday, September 17, 1992, at 9 a.m.

EXTENSIONS OF REMARKS

AS WORLD CHANGED SO DID CATERPILLAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. MICHEL. Mr. Speaker, the Chicago Tribune recently ran a series of articles that detailed the changes Caterpillar, Inc., has been undergoing this year. At this point, I'd like to insert the second article which presents the story of Caterpillar's success in competing internationally.

[From the Chicago Tribune, Sept. 7, 1992]

AS WORLD CHANGED, SO DID CATERPILLAR

The yellow machines rumbled over the ridge of Illinois dirt in a herd that evoked thoughts of things mammoth and extinct.

Like blue-collar Blue Angels, the drivers guided the machines in unison, every turn of their link-belt treads choreographed. They stopped as one and took car-sized bites from the earth.

This was the dance of the bulldozers, the ballet of the dump trucks. This was Power Parade '88, a celebration of iron, diesel and Caterpillar Inc., a pride of Peoria.

The crowd, families packed in an earthen amphitheater, oohed and aahed as the big machines went through their paces. And they were a bit sentimental, watching these machines, big as dinosaurs, push and haul dirt. After all, they had built these Caterpillar earthmovers.

In another sense, though, it is hard to tell which were more like dinosaurs—the awesome machines, or the factory workers watching them.

The cold numbers surely tell which is headed for extinction: Caterpillar's Peoria-area factory payroll has dwindled from 23,000 in 1979 to just 8,600 in 1992. The company is flourishing, but with a fraction of its former workforce.

Many in the grandstands were second-generation Caterpillar workers who had inherited lifestyles from their parents. They had secure, high-paying blue-collar jobs and, until recently, the expectation that life was a steady climb to better things.

But like others who survived the die-off among America's high-paid factory workers in the 1980s, these Caterpillar employees weren't likely to pass on to their sons and daughters all the things they had inherited from their parents.

For many, the realization didn't hit home until the fall of 1991. That's when they got caught in a bitter labor dispute between their employer and the United Auto Workers, the union that represents thousands of Caterpillar factory workers in Illinois.

Only then did it become apparent that they may be living through the end of an era, the end of their power and influence, the end of their way of life.

They were not victims of recession or a company in trouble, but of fundamental changes in the way things are manufactured and sold in an economy gone global. They were the last of the blue-collar middle class.

Caterpillar, though it recently has posted losses, is one of America's industrial success stories. Illinois' largest manufacturer, it has bested its competitors around the world in a day when "U.S. manufacturing" seems to be in danger of becoming a contradiction in terms.

But as Caterpillar rolls up success after success, its unionized workers have suffered defeat after defeat.

Led by a group of like-minded Midwesterners who have spent their working lives rising through the company's ranks, Caterpillar has a reputation for being as determined as its machinery. Ranked 45th on the Fortune 500 list of America's largest companies, it is a truly multinational corporation rooted, somewhat ironically, in quintessentially provincial Peoria.

The secret of Caterpillar's success has proven to be its ability to change. In the space of eight years, while global economic winds swept aside the hidebound and brittle, Caterpillar altered its production techniques, product lines and even its corporate structure.

By the end of 1990, only one aspect of the business remained essentially out of date, as far as the company was concerned; its relations with the United Auto Workers.

That year the company showed it would no longer pay homage to the union's sacred cows; steadily rising wage scales and contracts patterned after those with other U.S. equipment makers like Moline-based John Deere & Co. The mounting pressure of global competition also undercut efforts at management/labor cooperation, which had flowered in the late '80's.

Although the battle over the labor contract did not break into the public eye until last November, there had been tussles in private, in telephone conversations and over restaurant meals for more than a year.

Looking back, people could have seen it coming. They had only to look at where their company had been over the last decade, and who was steering it into the next.

At 5:58 a.m. on a recent Wednesday, Don Fites appeared impatient. He is, they say, in a hurry.

Women lit up the aerobics gym with blazing hues of Spandex and Lycra. Fites wore a black Caterpillar T-shirt with the collar torn off.

Staking his claim on his usual spot in the front row, he stood cross-armed in baggy Chicago Bears sweat pants with a small hole only the people behind him could see. He made $522,500 in 1991. At 58, he was twice the age of many of the women at the River City Athletic Club.

As the music started, his 6-foot-3-inch frame, shoulders slightly rounded, seemed to disagree, by about half a beat, with the timing of the song:

"Everybody wants to run, run, run,
"Everybody wants some fun."

Fites plowed on for 55 minutes.

Exercise is his drug, he says, blasting away the pressure of being the top man in the top company in a company town.

At the end of the session, Fites walked off the floor alone. He is, they say, in a hurry.

Don Fites, who could pass for Gene Hackman's younger, taller brother, is something of a jock.

In 1991, he joined dozens of other aging, mostly wealthy executives in donning Chicago Cubs uniforms and pretending for a week to be at spring training at one of Randy Hundley's fantasy baseball camps in Arizona.

In his youth, he was naturally drawn to basketball by his height and the traditions of rural Indiana. His size, his colleagues note admiringly, still gives him something of an advantage in business.

When he plays golf, he goes after his ball like an outfielder chasing a line drive. He has little time for small talk on the course and does not wait for another member of the foursome to walk down the fairway with him. Not even if the companion is Lee Morgan, a former Caterpillar chairman and something of a company legend.

"He is like an arrow," Morgan said. "He is headed off for wherever he thinks he ought to go to get his ball and hit the next shot. He is in a hurry, in a hurry to get there.

"I suspect," said Morgan, that "this organization knows pretty well what his priorities are at this point in time."

When Don Fites became chairman and CEO of Caterpillar in 1990, the company had just ridden out a tumultuous decade that killed off much of Cat's American competition.

The industry had been hammered by a worldwide recession. In 1982 the company lost $180 million, its first loss in 50 years. The marketplace had dried up in what seemed like an instant. According to company legend, there was one day in 1982 when not a single order came in.

But Morgan's competitive instincts were inspired. Although he dared not admit it, Morgan was feeling oddly energized by the challenge. He didn't want to appear like he was enjoying it—after all, 24,000 hourly workers were being laid off, almost 14,000 in Peoria alone—yet he thought of it as the most exhilarating experience anyone could ever have.

The company began buying parts from overseas and making a goodly portion of its "prime product"—Caterpillar bulldozers and the like—in foreign plants. Back in the U.S. six plants were shuttered, 32,000 jobs cut.

Yet through it all—the layoffs and the corporate bloodletting of the mid-'80s—blue-collar Peoria remained optimistic. Caterpillar, backbone of this city for more than 30 years, had been strong too long to let them down now.

"I think Caterpillar will always be here," Mark Weiterkamp told a Tribune reporter as he sat in a bar in 1982 after being laid off. He thought the layoffs would drive people away from Peoria, leaving nobody to fill Caterpillar jobs when it came time for recalling workers."The jobs will be here, but what about the young people? Will they be here?"

As it turned out, Weiterkamp had it backward. New jobs have not materialized at Caterpillar, even though there are plenty of young people eager to take them. Weiterkamp, a second-generation Caterpillar worker, himself was never rehired.

Ten years after being laid off, he now works for a Caterpillar supplier that produces electronic control boxes. "I'm not making what I was at Caterpillar 10 years ago," he said.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The cutbacks in the early 1980s ravaged Peoria's economy, sending unemployment soaring to nearly 20 percent and forcing the town to recognize how dependent it had become on the Caterpillar factories crowding the Illinois River.

But Caterpillar was only wounded by the recession in the early 1980s. Several of its U.S. competitors—International Harvester, Terex and Allis-Chalmers—got out of the earth-moving machinery business altogether.

By the recession's end, Caterpillar saw that its greatest threat came from Japan, especially a company called Komatsu Ltd. After seeing what Japan had done to the American auto industry, Caterpillar took notice.

Americans had first seen a Komatsu bulldozer in 1943, when U.S. soldiers found one abandoned on the Aleutian Islands. It was nearly an exact copy of a 20-year-old Caterpillar model.

After World War II, Komatsu, a company that traces its roots to a 19th Century mining firm, emerged as Japan's leading maker of earthmoving equipment.

The war had scattered Caterpillar's machines around the globe like dandelion seeds on the wind, and the company was taking advantage of new international markets. Caterpillar coveted the fast-rebuilding Japanese market, which had an appetite for 10,000 machines annually—but it was allowed to export only 50 machines there a year.

To skirt the quotas, Caterpillar formed a joint venture with Mitsubishi Heavy Industries in 1963, called Shin Caterpillar Mitsubishi.

With Caterpillar going after Komatsu on its own turf, alarm bells started ringing in Komatsu's Tokyo headquarters.

Moving quickly to improve quality, Komatsu blunted Caterpillar's initial surge into the Japanese market. Then it turned the tables.

It expanded its product line to meet Caterpillar's, at times stealing designs from the U.S. company. In 1964, Komatsu became one of the first Japanese companies to win the coveted Deming Prize for its improvements in quality.

"In the process of globalizing our company, I cannot deny to some extent and on some occasions, the company has modeled its equipment on Caterpillar's," said Satoru Anzaki, one of the top six executives at Komatsu.

By the early 1980s, Komatsu had beefed up its manufacturing capacity and was able to surge into worldwide markets. At headquarters, Komatsu's unofficial motto, translated, was "Catch up with Caterpillar and surpass it."

With his company foundering in the worldwide recession, Caterpillar chairman Morgan kept a wary eye on Komatsu. He began traveling more frequently to Tokyo and quickly became an aficionado of things Japanese.

After returning from one trip, he ordered all of Caterpillar's officers to go there. He didn't care when or for what reason. Just go.

During his trips, Morgan struck up a friendship with Ryoichi Kawai, then president of Komatsu. When in Tokyo, the Caterpillar chairman began having meals with Kawai. He began visiting the Komatsu headquarters, adorned at its peak with a bulldozer. Morgan even began to take tours of Komatsu plants, finding them frighteningly modern and efficient.

Everything Morgan saw led him to one conclusion: This was a force to be reckoned with.

Now the alarm bells were ringing in Peoria. This time it was Komatsu's turn to the invader.

At the time, Komatsu had a built-in advantage that had nothing to do with productivity or wage scales. The yen was severely undervalued against the dollar during the early 1980's, allowing Komatsu to undersell Caterpillar by as much as 40 percent.

From his office in Peoria, Morgan took it upon himself to try to narrow the gap between the two currencies. Although he started out as a "guy just out of the backwoods," he became something of a Washington insider, spending as much as 30 percent of his time trying to persuade the Reagan administration to do something.

At the outset, Morgan had been told he was tilting at windmills. But his work, an example of Caterpillar's willingness to take on any fight, is considered to be key to the 1985 agreement among the major industrial powers that helped balance the yen-dollar inequities of the early 1980s.

As the marketplace rebounded from the slump of the early '80s, Caterpillar saw that its lead—as Morgan had predicted—was being devoured by Komatsu. Drastic change was called for.

Caterpillar executives are an insular bunch, nearly all having spent their careers inside the company.

When assigned to one of Caterpillar's 15 factories or five marketing headquarters overseas, they pack their Peoria sensibility in their luggage. They seek out each other and form "Caterpillar villages."

"Worldly rubes" is how one Caterpillar executive described himself and his colleagues.

Outsiders are rarely brought into the company. When they are, they often don't stay.

The men who run Caterpillar learned what they know while at the company. The business they know is Caterpillar business; the economics they know are Caterpillar economics; the labor relations they know are Caterpillar labor relations.

Don Fites worked in a railroad switching yard before he came to Caterpillar when he was 20. Caterpillar Group President Jerry Flaherty worked in a furniture store.

And yet, these seemingly insular executives were quick to reinvent their company.

Komatsu and other Japanese companies were shaping the marketplace by introducing new, versatile machines. Caterpillar responded, doubling its product line to 300 models.

Realizing it had to cut costs and become more nimble, Caterpillar also began to modernize its plants.

The man called to lead Caterpillar's factories out of obsolescence in 1985 was a Frenchman, Pierre Guerindon. Predictably, the new vice president for manufacturing and planning was not universally welcomed.

Guerindon looked at the flow of parts through a Caterpillar factory and saw a tangle of spaghetti. In untangling it, he began to alienate the manufacturing fraternity at Caterpillar. Caterpillar had its way of doing things, and Guerindon was changing that.

"[Bringing in Guerindon was] the biggest mistake the company ever made," said one retired manufacturing executive, showing the depth of feeling about, though perhaps exaggerating, the Frenchman's impact. "It nearly broke the company."

Guerindon's vision was undeniably sweeping. His plans gutted factories, eliminating hundreds of hand-operated, labor-intensive machine tools in favor of automatic ones. He tore down walls. And he spent money.

His European manner further alienated the Peorians. When he spoke, he gesticulated with vigor, a lock of hair bouncing on his forehead. He would walk into a conference room, take off his coat and toss it onto the floor. He showed none of the Midwestern restraint and good manners of a Caterpillar man.

Gary Stroup, recently promoted to a Caterpillar vice president, recalled showing Guerindon plans to consolidate operations from two plants into one. Guerindon surveyed the plan for a short while, then tore it off the wall and ripped it to bits.

"You have another?" Guerindon asked Stroup.

"No," Stroup replied.

"We will discuss it when you have another," Guerindon said.

Caterpillar called the modernization program "Plant With A Future," or PWAF. To those who feared automation meant jobs for robots, not people, PWAF came to stand for "Peoria Without a Factory."

The project made some workers bristle. They complained that machines broke down, and that some were nothing more than fancy gadgets that made no real improvement. Industry analysts, on the other hand, saw it as the key to Caterpillar's survival.

The project's $1.2 billion cost (at least 10 percent over budget) proved to be a drag on earnings. PWAF fell years behind schedule. Wall Street pressured the company to pay more attention to its bottom line.

But Caterpillar was playing a different game. It was spending for long-term productivity, short-termers be damned. Hearing Komatsu's foot-steps, Caterpillar had embarked on a strategy similar to one that had made Japan Inc. strong.

Before PWAF, it took three weeks to assemble a wheel loader—a machine with a scoop on its front. Now it takes two to three days to put together some models in Cat's Aurora factory. And the time it takes to process an average part from start to finish—called "throughput" in manufacturing jargon—was cut from 25 days to 10 days.

Through just-in-time shipping techniques, inventory was cut in half.

But with every change, the need for workers was reduced. Between 1979 and 1992, the company's Peoria-area hourly work force had been cut by almost two-thirds, from 23,000 to 8,600.

On Feb. 18, 1991, Pierre Guerindon, on the verge of retirement, stood before a manufacturing association and gave what amounted to a farewell speech. He shared his vision of the future of manufacturing: "unattended assembly." For workers, it was a chilling vision indeed.

"We foresee the day when we could position certain parts * * * in such a way that a robot could retrieve the items and perform the operation without human intervention," Guerindon told the group. "That would obviously translate into major cost savings and potential for quality improvement."

In Guerindon's factory of the future, workers would no longer provide skill or craftsmanship, but an undesirable element: "human intervention."

In the late 1980s, Carol Carter and Chris Ford worked side by side, producing engine parts for Caterpillar bulldozers. But Caterpillar redesigned the engine, and, as part of the modernization program, installed new equipment that used fewer people to make parts for the new model.

The machines where Carter and Ford worked were eventually unbolted from the floor and shipped off to a private supplier that had "bought the line." That company would continue to do Ford and Carter's work, though at a decreased level, and sell the parts to Caterpillar.

Because of automation, there was no work for Carter and Ford on the new engine line, so they were "bumped" under union rules to other jobs in the factory. Eventually, there was no place they could be bumped to.

In May 1991, Ford and Carter were laid off.

Ford has since found a part-time job with a coupon-printing company, where she makes $4.30 an hour. Carter, father of four small children, has been limited to odd jobs.

Ford never imagined it would turn out this way when she first walked into a Caterpillar factory in the summer of 1974. She figured she has a job for life.

"I never would have believed it when I hired on," Ford said of her layoff. "You just don't feel that you have job security at Caterpillar anymore."

During the delicate, expensive business of modernizing his company's manufacturing operations, George Schaefer, who succeeded Morgan as CEO, wanted no trouble with the United Auto Workers.

Before Schaefer, strikes had been a Caterpillar fact of life. From 1948 to 1982, nine of the 12 bargaining sessions resulted in strikes. In 1982–83, workers walked out for 205 days. It was the longest and perhaps most bitter strike in the company's history, and afterward Morgan made overtures the union took as an apology.

That apology began what the union now considers a golden age, marked by higher wages, higher profits and compromise on both sides. The company and the union began an employee-participation program to bring workers into the decisionmaking loop. In 1986 and again in 1988, the company and the union agreed to contract terms without a walkout.

Any movement within the company to push the union too far in contract talks was snuffed out from above.

In 1988 Clyde Cotton, then a factory manager, was sitting in on one of the regular plant-manager meetings on labor relations.

Cotton, who retired in February, recalled taking a radical position in the meeting: He wanted to forge a new relationship between the union and the company. He believed the union had to give ground on how jobs were assigned. Profitability wasn't being served by the current arrangement, he argued.

The higher-ups, however, said they were more interested in a good relationship with the union. The company was enjoying terrifically profitable times, what with the nationwide building boom and expanding overseas markets. A record $616 million profit was posted in 1988. A total of $1.6 billion in profit was amassed from 1985 through 1989. Demand was up, inventories were low, and senior executives feared labor strife might threaten production.

Cotton, who had pulled himself up from a poor childhood, thought he knew his workers best. He believed that many were feeling alienated from their union and would be willing to give the company more.

He almost pressed his case too far. Shortly after the meeting, he said his boss told him that if the subject ever came up again, Cotton would be fired.

By the time that 1988 contract expired in September 1991, Cotton would be only a few months away from retirement. By then a new man would be in power at Caterpillar, a man willing to take a hard line, as Cotton had advocated.

Don Fites, the man in a hurry, did not want to lead the same kind of corporation those before him had led. He, and others within the company, felt it was too bureaucratic—too "functional," as the MBAs say.

A career Caterpillar executive familiar with the levers of control, Fites wasted no time. Even before he became chairman on July 1, 1990, he began sketching out a new company structure. Monolithic Caterpillar would become 17 smaller sections, including 13 "business units," which would be run almost as autonomous companies. Each would have a manager, who would be responsible for making his unit show a profit.

Fites wanted to change the culture overnight.

"Other companies said it would take two or three years just to get the accounting worked out," Fites said in an interview. "This was in June, and I said, 'I want it by this year'.

"'So, six months, I want profitloss statements and balance sheets by the end of the year, and I want the transfer pricing in place and everything understood.' When you challenge an organization like that, usually you get a very good response."

By the time Fites became CEO, both his company's factories and its organization chart had been remade. But there was still one antiquated element, from his point of view.

"I think the UAW leadership still thinks it's 1950," Fites would later say. "Times have changed, and they haven't changed with the times."

As circumstance would have it, the worldwide marketplace was again falling apart. Iraq had invaded Kuwait. Oil prices were on the rise and another recession was in the making. If a need for production tied Caterpillar's hands in dealing with the UAW in 1988, it would not tie Don Fites' in 1991.

Komatsu's drive into the U.S., meanwhile, had not turned into the dire threat that Caterpillar once had feared.

A joint venture created with Dresser Industries did not produce the results the company had hoped. By 1992, Komatsu-Dresser's plants would be operating at 65 percent capacity.

Komatsu executives in Japan realized it was time to stop discounting its products in a costly push for market share, the tactic that had allowed so may Japanese industries to get footholds in U.S. markets. It was, in essence, a concession that it would never live up to its motto of catching Caterpillar.

"Komatsu is not going to do business worldwide that doesn't make money," said Komatsu's Saturo Anzaki. "Komatsu has dropped the idea of competing on price."

Caterpillar had accomplished what few other manufacturers could claim. It had held off the Japanese.

According to Manfredi & Associates, a firm that analyzes the earth-moving equipment industry, Caterpillar lost some of its market share during the 1980s, but has since rebounded and made up much of the loss.

In 1979, Caterpillar had 36 percent of the world market, measured in dollars. By 1986, its share had dipped to 28 percent. But by 1991, Caterpillar had rebounded to 32 percent of the $31 billion industry.

Caterpillar does not reveal its market share, but claims it has erased all of the mid-'80s losses.

"Our market share is expanding on a worldwide basis," said Fites. "We are one of the few companies that have taken the Japanese head on and not only held our own, but have actually gained a little on a worldwide, market-share basis."

Yet Fites believed that to stay on top, more changes would be necessary. And those were changes that would soon rock Peoria.

Deep inside the factory that squats low on the banks of the Illinois River, Jan Firmand and Dick Owens turn doughnuts of steel into transmission gears.

In her cell, Jan Firmand takes a steel gear blank and mounts it in the chuck of the machine she calls a Motch. Behind thick glass, the machine shaves metal off one side of the steel doughnut as if it were chocolate. The air is filled with the smell of cutting oil.

Firmand then places the gear blank into the Cincinnati to drill the bolt holes. She then mounts it in one of the massive Gleasons and cuts gear teeth into the doughnut.

Like every other worker on the factory floor, Jan Firmand refers to her machines not by what they do, but by each manufacturer's nameplate screwed onto the front—Motch, Cincinnati, Gleason.

Guided by computers as they muscle parts around with robotics, these machines are very different from simple drills, lathes and grinders.

As the million-dollar tools cut and shape the metal parts on the other side of a glass shield, Jan Firmand looks in as if peering into the dryer at the laundermat. A computer screen, like a hospital's EKG monitor, tells her what is going on inside.

The daughter of a retired Caterpillar worker, Firmand has known Caterpillar to be a great provider.

In 1952, her father saw a Caterpillar help-wanted ad in their hometown newspaper in London, Ky. The family was barely making it, so he moved them north and took a Caterpillar job.

In 1974, two years after he retired, he called on a friend in personnel to help land his daughter a job. He was elated. She was, he thought, going to work for a company that would take care of her for life.

But things didn't go as well for Jan Firmand's generation. In May 1982 Firmand was laid off as the company slashed its work force during a worldwide recession. She took jobs waiting tables at a bar and then at a restaurant.

It was not until 1989, almost seven years later, that she was called back to Caterpillar. Six months after that, she was herded into a room with other workers and laid off again.

It seemed that Caterpillar, Peoria's provider, had turned stingy. "Every time I start making money, they kick the feet out from under me," she said.

In 1990, Caterpillar called her back once more. And times were good again. She was able to support herself and her 21-year-old son in a little house in Peoria. "It isn't much of a house," she said. "But I own it."

In the late summer of 1991, her union and her company were squabbling bitterly. The UAW contract at Caterpillar was to expire at the end of September, but the two sides were making no headway.

Both sides were pushing their version of the facts—about health care, about sending Caterpillar work to non-union shops, about cost-of-living raises. But it was all so contradictory that it had become baffling.

Relying on her fundamental belief that the UAW had her best interests in mind, she tended to believe the union over the company. Through cycles of layoffs and rehirings, the union seemed to be trying to protect her.

Nearby, Dick Owens was also making gears in the fall of 1991, and also keeping an eye on the gathering storm.

Owens rarely smiled and spoke only when he needed to. Firmand respected him, even liked him. He was the person she went to when she had problems with her machines.

Owens had different thoughts, though, about negotiations between the company and the union. Like Firmand, he had worked low-paying jobs when laid off from Caterpillar in the 1980s—stocking groceries, typing. He knew how good his job was.

Watching a union spokesman on television, Owens didn't like what he saw. He remembers thinking: "We didn't send them there to be cowboys."

There was no formal handshake when Caterpillar and the United Auto Workers officially opened talks last Sept. 28 in Moline.

Past bargaining sessions had always opened with an exchange of pleasantries. The talks often became bitter, loud and profane, but there was always that initial showing of good intent.

This time, they didn't bother. After all, this was hardly the beginning of bargaining. The two sides had been talking for almost a year, using faxes, telephone calls and private meetings in restaurants to posture and stake out positions.

By the fall of 1991 both sides knew that they were far, far apart.

The union had been pleasantly surprised, but perhaps also put on guard, when Don Fites asked to come to Detroit to meet the UAW leadership shortly after he became Caterpillar chairman in the summer of 1990.

Fites lunched with Bill Casstevens, secretary-treasurer of the UAW and the man with the final word on negotiations. Fites remembers it as a friendly lunch where no issues of import were discussed.

Casstevens remembers the meeting differently. He recalls returning to Solidarity House, UAW headquarters, and telling his longtime assistant Andy Anderson that trouble lay ahead because Fites was down on pattern bargaining.

Pattern bargaining is a long-standing union practice intended to prevent companies from driving down wages to beat the competition on price. In pattern bargaining, the union agrees on a contract with one company, then demands other companies sign a similar deal.

Caterpillar argued that the practice had grown obsolete because it only leveled the playing field among competitors in a closed, domestic market. Caterpillar claimed that its competition was not from U.S. companies like John Deere & Co. or J I Case, but from foreign companies, especially Japan's Komatsu.

Caterpillar President Jerry Flaherty had a particular take on the upcoming negotiations. He had been manager of Caterpillar's York, Pa., plant during the painful strike in 1982. He came to believe then that the rank and file, if given a chance, would often go the company's way long before the union leadership would. The problem was, how can a company give its workers the chance to let their opinions be known?

With Flaherty's backing, Caterpillar began appealing directly to the rank and file in a series of full-page newspaper advertisements and letters sent to workers' homes.

Union leadership was furious, accusing the company of violating the spirit, if not the letter, of laws that limit communications with employees on topics related to bargaining.

When the company's first newspaper ad ran in February 1991, Casstevens promptly retaliated by canceling high-level health care meetings between the company and the union.

Seeing that the two sides were careening further apart, he called Wayne Zimmerman, who heads the company's labor relations.

"Wayne, you are going down the wrong path, again," Casstevens recalled telling Zimmerman. "How in the heck can you forget a 205-day strike [in 1982]? I am pleading with you not to go down that road. It will make matters 10 times worse."

But Caterpillar just increased its PR campaign, and by the time formal talks approached, the union and the company couldn't even agree on where to meet.

The union wanted the talks held in St. Louis, not Peoria. They did not want Caterpillar's bargainers to feel they were in charge.

The company said it wanted talks held in Peoria, citing the cost savings and convenience. But Caterpillar had a strategic reason for wanting the talks close by.

Flaherty believed that Peoria talks would receive closer scrutiny by the membership. Again, the company was trying to make its case directly to the workers, believing it could win their hearts and minds.

In August 1991, still more than a month before talks were to begin, Caterpillar mailed a three-year contract offer to the UAW.

The offer would have guaranteed every current Caterpillar factory worker a job for six years. It offered 3- and 4-percent raises to high-skilled workers, but no raises for the lesser-skilled 22 percent of the workforce. It also offered each UAW member of $500 bonus for ratifying the contract.

Caterpillar wanted a separate agreement for its workers in parts warehouses, including a wage of $7 an hour for new hires. It also wanted a separate contract for its York manufacturing facility, which the company claimed was not productive.

But the UAW didn't want to know what Caterpillar wanted. It mailed the offer back, unopened.

The company responded by mailing a summary of its proposal to the rank and file. Again, the union was furious.

So there was no handshake in Moline last September at the beginning of talks.

Both sides saw a strike looming. Casstevens even put out the word that members should start saving money and paying bills.

Some workers began working more overtime. In effect, they were helping the company build inventory in anticipation of a strike.

At Caterpillar's transmission plant, plant manager Gary Stroup began planning for a walkout. He researched which parts could be made at non-UAW Caterpillar plants. And he began assembling a surrogate factory work force of retirees and salaried employees. Caterpillar was preparing to do what it had never done before: keep the factories running during a walkout.

Eventually, Stroup, the son of a UAW retiree, would assemble a contingency work force of more than 700 to make up for his 816 striking or locked-out hourly workers.

Casstevens was also developing a strike plan. He remembered that in 1982 the long strike so hurt the Peoria economy that the town turned against the union. The strikers also suffered, and their bitterness took a long time to heal.

To avoid a rerun, Casstevens began to consider a limited strike, one that would target just one or two of Caterpillar's factories. But he didn't reveal his strategy to union officials in Peoria, fearing it would quickly get back to Caterpillar.

For another month the talks stumbled along. The company was frustrated because Casstevens, the union's primary bargainer, did not attend. He was busy wrapping up talks with John Deere.

On Oct. 22, a week after Deere workers ratified a contract, the union offered its first major three-year proposal, patterned, of course, on the Deere contract.

It called for a 3 percent across-the-board pay increase the first year and 3 percent raises in lump-sum payments the next two years. It called for Caterpillar to remain neutral when the UAW sought to organize at its non-union plants.

And it called for Caterpillar to go much further with its job security proposal, by agreeing to keep a certain number of jobs at its plants. There would, moreover, be no separate terms for parts warehousemen or workers at the York plant.

In a not-so-subtle message that the union was, in fact, holding out for a deal like the Deere contract, portions of the proposal were typed on Deere stationery.

"Here's the whole elephant," the UAW's Anderson told Caterpillar negotiators, according to Flaherty. "You have to eat the whole elephant."

A week later, Casstevens, the only union official who had genuine authority to bargain, sat down with Caterpillar negotiators for the first time. Within minutes, he delivered an ultimatum: Caterpillar would accept the deal within five days, or the union would go on strike.

"No, this is not an elephant," Casstevens told the bargainers, according to Flaherty. "What we really have here is just a little deer. And you guys are going to take all of that deer. You are not going to strip one thing away from that deer."

As abrupt as the ultimatum was, it took nobody by surprise.

On Thursday, four days before the union's deadline, the company made a second offer. It reintroduced cost-of-living raises and exempted retirees from health-care premiums, a sore spot in the first proposal.

According to the union, the company demanded that both sides study the proposal as a whole, rather than break into separate subcommittees, as had been customary in previous negotiations.

"They said, 'If you don't like it, you can leave,'" said Jerry Baker, Local 974 bargaining committee chairman.

The union rejected the company's offer within five minutes.

On Sunday, Nov. 3, with the deadline just hours away, the company asked the union to submit to federal mediation. The union refused.

That night, Casstevens called Flaherty, company labor specialist Jerry Brust and Zimmerman into a meeting room. He asked them one more time if they would sign a pattern agreement.

They said no.

"I'm authorizing a partial strike in Building SS and Decatur," Casstevens told them, according to Zimmerman. And then he walked out to tell the media the same thing.

Jimmie Toothman, an assembler and second-generation Caterpillar worker, had received the mailings from the company. He read the first several letters, compared them to what the union had to say, and then just gave up. Who could tell what the truth was when the stories were so different?

Finally, Toothman decided to trust his gut and stick with what had served him so well for so long. He trusted his union.

Toothman figured the company and the UAW would eventually get down to it and work out a contract without a strike. Tractors had been sold, there was work to be done. A shutdown, he figured, served nobody.

What Toothman could not have known was that the company did not plan to shut down, no matter what the union chose to do. A strike, if it came to that, would be different this time.

AGRICULTURAL TRADE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 19, 1992 into the CONGRESSIONAL RECORD:

AGRICULTURAL TRADE

U.S. agricultural trade is important to farmers, farm-related industries and the overall economy. The U.S. currently exports one-third of its harvested acreage, generating jobs, income and economic development across the country. The U.S. Department of Agriculture (USDA) estimates that agricultural exports support about one million U.S. jobs.

USDA forecasts agricultural exports in fiscal 1992 to be the second highest ever, only $2.8 billion below the fiscal 1981 record of $43.8 billion. Our trade balance in agriculture is expected to be in surplus by $18 billion this year. The strength of U.S. exports has contributed to the recovery in the farm sector.

Exports of Indiana agricultural products totaled $1.6 billion in 1990, or 32% of its total farm sales. Crop farmers are even more closely tied to overseas markets, as their exports equal 50% of total farm crop sales. Indiana ranks eighth among U.S. states in the value of its exports.

CHANGING TRADE PATTERNS

U.S. farm exports have been marked by a change in key U.S. markets and the type of goods traded. In 1983 Japan replaced the European Community (EC) as the largest single customer for U.S. agricultural exports. In 1992 Japan will account for $8.1 billion (20%); the EC for $7 billion (17%); Latin America for $6.1 billion (15%); Canada for $4.7 billion (11%); and China and the former Soviet Union for $3.6 billion (9%). U.S. agricultural exports to developed countries exceed $21 billion, while those to developing countries equal to $16 billion.

High-value products now account for more than 50% of the overall value of U.S. exports. High-value products are defined as those products that have received additional processing beyond the farm gate or represent a higher priced segment of a group of products. Examples of these products would be fruits and vegetables, corn starch and soybean meal, and meat and poultry products. Favorable exchange rates, relatively strong growth in many developed countries, market promotion efforts and trade liberalization efforts have all helped boost exports of these products.

In contrast, the value of bulk product exports in grains, oilseeds, cotton and the like has declined—in large part because of the drop in world crop prices and the loss of market share in Western Europe. Before fiscal 1981, the EC had imported as much as 33 million tons of grain in a single year from the U.S. and other countries, but by the mid-1980's it had become a net exporter of grain. U.S. grain exports to EC countries declined by almost 40% in the last decade. Exports to the former Soviet Union, the Middle East and other overseas markets have not made up for the loss. In fact, the EC has now become a major competitor with the U.S. in these markets.

Trade in high-value products will continue to drive U.S. exports in developed and developing countries. Bulk product sales continue to account for most U.S. agricultural exports to developing countries, but increased high-value product exports are also enhancing the importance of these markets. The trend toward high-value products should help Indiana farmers and the Indiana economy because there are growing markets for products derived from corn and soybeans.

TRADE POLICY

There are several steps the U.S. government can take to continue to boost exports. First, trade liberalization will help U.S. farmers. Most countries protect their agriculture sector with subsidies, quotas and other trade barriers. The EC has its Common Agricultural Policy (CAP); Japan protects its rice growers; and the U.S. limits sugar, dairy and peanut imports. While reducing trade barriers would hurt some farmers, it would, on balance, help U.S. agriculture. USDA estimates that a GATT agreement would increase gross farm sales by $5–7 billion and cash farm income by $1–2 billion; a North American Free Trade Agreement would entail smaller gains.

Second, reforms in domestic farm programs can help make U.S. farm exports more competitive in global markets. The 1985 farm act marked a significant change in U.S. farm policy, aiming to make U.S. agriculture more responsive to market signals and less dependent on government management. The 1990 act continued this trend by giving farmers more flexibility in choosing which crop to plant. Lower loan rates for corn and other commodities have helped promote U.S. exports in recent years. The federal government also promotes agricultural exports, through the export enhancement, market promotion, export credit guarantee, and foreign food aid programs.

Third, economic growth in developing countries has the potential to add significantly to U.S. exports. Developed countries already consume as much food per capita as they want. In contrast, many developing countries have growing populations to feed. Growth in Asian and Latin American countries has led to increased food imports. For example, South Korean agricultural imports have jumped from $500 million to $5 billion in the last twenty years, Mexico's from $200 million to $3 billion. Market reforms, trade liberalization, debt relief and credit arrangements could further boost growth and food imports.

Fourth, improvements in our agricultural infrastructure will help our competitive position. The total infrastructure that makes up our agricultural system includes storage and transportation systems to get product to market, and research and extension services to improve farming methods. Abandonment of railroads and inadequate maintenance of rural roads and bridges have increased costs. We are spending relatively less on research and extension services. Our programs are still the best in the world, but our competitors are fast catching up.

Fifth, putting our fiscal house in order will help us compete overseas. Our enormous federal budget deficits and debt burden create an overall drag on our economy, including our farm sector. The deficits absorb an ever-larger share of domestic savings that would otherwise be available to finance private sector investment, and they drive up real interest rates.

CONCLUSION

U.S. farmers are among the most productive in the world. Trade liberalization will only enhance their strong position in global market. Agricultural exports are important not just to the agricultural community, but also to the American economy. Thus, every step must be taken to ensure continued American leadership.

HONORING THE 77TH INFANTRY DIVISION AND ARMY RESERVE COMMAND

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. SCHEUER. Mr. Speaker, it is my privilege to announce the 75th anniversary of the 77th Infantry Division of the U.S. Army and the 25th anniversary of the 77th Army Reserve Command. For three-quarters of a century, the 77th has served with distinction as a combat, support, and command unit, making a significant contribution to the defense of our country.

The 77th Infantry Division was organized in August 1917 in Yaphank, NY, responding to the call of World War I. It was self-dubbed the "Metropolitan Division," because most of the personnel came almost entirely from New York City. Truly a citizen's army, the 23,000 original soldiers included men from all walks of life from all five boroughs. Six months after activation, the New York unit found itself fighting in the trenches of Europe. Serving in four campaigns, the 77th attained its greatest fame for its role in the Meuse-Argonne offensive.

The 77th saw further action in World War II when it served in the Pacific theater. It complemented Marine Corps units in the liberation of Guam, fought hand-to-hand on the front lines of Okinawa, and liberated Ie Shima. After the Japanese surrender in August 1945, the 77th was assigned to the occupation of Hakodate, Hokkaido. During its five operations in three campaigns, the 77th spent 200 days in actual combat and lost more than 2,000 soldiers. They never fought a losing campaign.

During the postwar period from 1947 to 1965, the 77th became one of the six combat divisions of the Army Reserve. The unit assumed its present role as an Army Reserve Command [ARCOM] in 1967 as a part of the reorganization of the command structure of the Army Reserve. A year later, in 1968, six units of the 77th were called to active duty in response to the Pueblo Crisis. Five of these units were sent to Southeast Asia and served with distinction in Vietnam.

The 77th ARCOM faced its latest challenge in August 1990 when the Iraqi Army invaded Kuwait. Some 3,500 soldiers were mobilized to serve not only in the gulf, but in Germany and the United States to augment active units. In its multifaceted role as engineering, medical, logistical, military police, and intelligence unit, the 77th proved the worthiness of the Reserve Army system.

Mr. Speaker, I am proud to pay tribute to the 77th Infantry Division and ARCOM for their outstanding contribution to our Nation's military capability. For their commitment to our security, the 77th is being honored on September 26, 1992, on Liberty Island in New York Harbor. A gala celebration is being planned to commemorate its glorious history.

TRIBUTE TO DIXON L. CUFF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Dixon L. Cuff, of Sunbury, PA, on the occasion of his achieving the rank of Eagle Scout.

Dixon is a member of Boy Scout Troop 304, of St. Michael the Archangel Catholic Church in Sunbury, where he has been the recipient of several awards, including 22 Merit Badges, the Ad Altare Dei Award, and the Parvuli Dei Award.

For his Eagle Scout project, Dixon organized and completed the cleaning and refurbishing of steps on the Shikellamy Park Overlook walking trail. Dixon recruited 15 volunteers to help with the project, which freed up time for maintenance men to do other work in the park. There is little doubt that the community is proud and grateful of Dixon's hard work and dedication to public service.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Dixon Cuff on becoming an Eagle Scout, and in wishing him the best in all of his future endeavors.

TRIBUTE TO REV. FATHER DENNIS M. BOGDA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to Rev. Father Dennis Bogda who, in the spring, celebrated his 25th anniversary as an ordained priest.

Reverend Bogda was ordained April 23, 1967, by the Byzantine Arch Diocese of Pittsburgh and has since served his community with tireless commitment and energy. A town by the name of Monroeville, PA will attest to this, for it is home to the Church of the Resurrection Byzantine Catholic Church. Father Bogda founded this church and organized its parish. It is now a Monroeville landmark representing community worship and compassion.

Indeed, Father Bogda's knack for energizing projects is inspiring. His work with the Byzantine Youth Camp and the Golden Circle senior citizens demonstrates this energy. It also highlights his willingness to lift the spirits of others. I am not surprised he was named "Byzantine Man of the Year" in 1988. Nor am I surprised he was appointed editor of United Societies of the United States, publisher of the papers "Enlightenment" and "Provista".

Father Bogda now uses his considerable talents to the benefit of his current parish, St. Nicholas Byzantine Catholic Church. He is also serving as an administrator at Byzantine Catholic Central School while working toward his masters degree in community counseling.

Father Bogda, I applaud your efforts to improve your community. We can all learn from your selflessness.

PRESIDENT BUSH DESERVES THE SUPPORT OF MAINSTREAM REPUBLICANS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. DREIER of California. Mr. Speaker, the following article, entitled "GOP Moderates Must Be Brothers' Keepers," was written by our distinguished colleague from Iowa, Mr. LEACH. It appeared in the Opinion section of the Los Angeles Times on September 6, 1992. I believe he makes excellent arguments in favor of mainstream Republicans supporting President Bush. I have to agree with his assessment that a winning strategy for our party centers around promoting tolerance of diversity rather than forcing conformity through the socialization of American values. We would do well to follow his advice of focusing on models of personal behavior rather than moral exhortation.

GOP MODERATES MUST BE BROTHERS' KEEPERS

(By James A. Leach)

WASHINGTON.—Just as many Democrats felt uncomfortable four years ago sharing a tent with an outspoken trained minister, the Rev. Jesse Jackson, many Republicans this year feel uneasy sitting in a political pew with a prominent leader of non-mainline churches, Pat Robertson.

At issue is a widening philosophical and social chasm within the Republican Party. Historically, the party of conservatism has been buffeted by two, sometimes conflicting, philosophical principles: one stemming from Edmund Burke's emphasis on stability and gradual change, the other from John Locke's radical assertion of individual rights. Today, conservatives like Patrick J. Buchanan and Robertson, in speaking of an impending cultural—or religious—war, assert the need for the socialization of American values. Individuals-rights conservatives like Barry M. Goldwater and before him, Robert Taft, in advocating the primacy of the individual over state interests, tend to be pro-choice and adamant about maintaining the separation of church and state.

Sociologically, the Republican Party has expanded its tent in the past three presidential elections to embrace groups who, by and large, are less likely to be members of mainline churches. As these new supporters have grown in numbers, traditional Republicans have felt increasingly challenged in ways similar to their Democratic counterparts, who watched their party cede more and more influence to special-interest concerns. With members of the cultural right making it clear, through party politics, that they deserve more attention and power, the crucial question has become whether or not mainstream Republicans will stay in the tent or exit through the rear door.

As a pro-choice, pro-Israel, pro-public education, pro-arms control, non-isolationist Republican, I would argue that George Bush is far more tolerant than his party's platform, and that he deserves the support of mainstream Republicans. Furthermore, for believers in two-party coalition politics, warning bells should be going off: A desertion of the Republican ticket by moderates could be the catalyst for the development of splinter parties, for the rise of an American version of the fragmentized politics of multiparty Europe.

To avoid this outcome, mainstream Republicans must understand and respect what motivates the new culture conservatives and recognize that large tents imply the existence of healthy, unavoidably tensions. More important, it is crucial that Republican descendants of the Taft-Goldwater and the Dwight D. Eisenhower-William P. Scranton wings of the party get their philosophical houses in order and find principled common ground with the newcomers.

A good place to begin is to acknowledge that non-mainline churches and their pastors are playing an important and underrecognized role in addressing the quandaries faced by many families disoriented by changes in modern society. But such an acknowledgment need not imply that because they proclaim religious authority for their views, they should enjoy a monopoly on moral or family-value themes.

Religious values, to be sure, anchor individual morality. But in our constitutional democracy, individuals of faith have a responsibility to ensure that the line between faith and bigotry, between tolerance and coercion, is not crossed.

It is impossible not to be troubled, for example, when the religious right suggests that witchcraft is on the rise in the feminist movement and several Republican state platforms shelter this idea in party dogma. It is also difficult not to be concerned when an influential public figure like Buchanan, a man who, by profession, chooses his words carefully, frames his address to the Republican convention in the *jihad* code of a "religious war."

Our founding fathers established a nation "under God," one in which revolution against British authority was justified by "self-evident" individual rights and an appeal to a higher law of conscience preceding the civil laws of society. But America's first citizens labored carefully to construct, in Thomas Jefferson's terms, a wall between church and state.

In erecting this barrier, the crafters of the Bill of Rights turned a wary eye toward the American as well as European experience. They understood that it was religions authoritarianism in Europe that pushed many of the early settlers to our shores. They also knew that Puritans and others in the New World invoked a discipline of their own to enforce conformity, with witchcraft trials and stocks and pillories to coerce "non-believers."

"Who does not see," James Madison warned, "the same authority which can establish Christianity in exclusion of all other religions may establish, with the same care, any particular sect of Christians in exclusion of all other sects?"

The strength of the haven we have built for oppressed people the world over comes from a tolerance of diversity rather that a compulsory conformity.

Several days after the Republican National Convention, Buchanan told a convention of the Religious Right that the rioting in Los Angeles stemmed from "barbarians" educated in public schools, where God had been "long ago expelled." Americans may reasonably differ on whether state-crafted prayer should be authorized in public schools, but it is an insecure, if not manipulative, view of the Christian faith to imply that an agency of the state can block the presence of God. God is not excludable from any place. A U.S. Supreme Court cannot keep an omnipresent God out of our schools any more than Congress is needed to put him back in.

The best reflection of faith and inspiration for ethical conduct stems from models of personal behavior. Moral exhortation, while a function of all leadership, is more appropriately the principal province of churches and deacons than political parties and candidates.

ERIN RUTH BAUMGARDNER WINS SCRIPTWRITING CONTEST

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. DUNCAN. Mr. Speaker, I am very proud that one of my constituents, Erin Ruth Baumgardner, has been selected as Tennessee State winner of the Voice of Democracy broadcast scriptwriting contest.

Erin is from Riceville, TN, and is a student at McMinn County High School.

In 1990, she placed second in the Voice of Democracy contest, and this year, she won the contest and accomplished a lot more, because she states a goal that everyone in this country should strive for—get involved—care about what happens to your fellow human being.

Another point Erin emphasizes is that the problems faced in American society today are due to the decline in education and family values.

She is correct, and I quote in Erin's words:

> No matter what the problem, the solution is basically the same. And that is, people caring enough to get involved. Therefore, America's challenge is for the individual to become involved, to make a difference in a young person's life.

I am submitting Erin's essay for inclusion in the CONGRESSIONAL RECORD, and I encourage my colleagues and other readers of the RECORD to read her testimony.

MEETING AMERICA'S CHALLENGE

(By Erin R. Baumgardner, Tennessee winner, 1991-92 VFW Voice of Democracy Scholarship Program)

I don't know exactly when it happened, but slowly I have awakened from my idealistic childhood. I had always thought that America was perfect, that is until I became aware of an eye-opening force that had always been in my home, the nightly news. Through this media I discovered a whole other world. A world that is made up of drugs, crime, and death. A world that produces uneducated people trapped in a deadly cycle. However, I soon discovered that this world does not just exist in dark slums of large cities, but that it also exists in suburia America. Children and teenagers who come from "good" homes are also becoming a part of this deadly world. My eye-opening experience was and is depressing. My "perfect" America faces a desperate challenge. A challenge to stop the cycle and help kids become a part of a brighter future. So how is this America's Challenge to be met? America is not just the name of this land, America is also the people who live in this land. Therefore, we are America, and America's challenge is our challenge. How do you solve a problem or challenge affecting your life? You start with yourself. And that is exactly what each one of us needs to do. To meet America's Challenge, our challenge, we all need to do a little bit of soul-searching. In other words, what can you and I contribute? But before we can see what we are going to contribute, we must first examine what the needs are. What are the problems and how are others facing and defeating them?

The foundation is the most important thing in any structure and I believe that the foundation of this country is the family. The family should be a nurturing place where children learn good morals, where they learn how to treat each other. In the family, children should also learn the importance of education. Therefore, the family produces well educated and aware citizens. But unfortunately according to experts on the family like Dr. James Dobson we are experiencing a decline of the family. This is caused by the high rate of divorce or families who just aren't spending enough time together, communicating. If this decline is as they say then that means we are also experiencing a decline of good citizens. Therein lies our challenge: How to restore what is lost from parental influence. Fortunately, there are those who are willing to try to make a difference. Some are doing their part by becoming a big brother or big sister, giving a child a good role model that is lacking. Others, families themselves, are learning to communicate and understand each other better. Through these and other efforts, hopefully we as a country can reinstate the importance of the family. After all, a structure is only as good as its foundation.

Education in the U.S. has also declined. Education can be a person's ticket out of a bad environment, but unfortunately many times the importance of education is not instilled in children. This may be because of the children's parents. Sometimes it is peer pressure and sometimes it is the fault of society in general. In short, another challenge.

Many kids are impatient. They want a quick and easy way out. So they quit school to make fast money selling drugs or what not. And yet there are a few out there doing their part. People who are doing things like holding nightly basketball for kids, getting them off the streets, allowing basketball to occupy their time instead of drugs. Or teachers who after their busy day at school go and tutor students who live in economically depressed areas.

But the troubles of education don't just lie in students, they lie in the fact that teachers aren't being paid what they are worth. This is causing the nation's best and brightest to pass up the field of teaching and go into fields where they can earn more money. But a promising program has recently been started to answer that challenge. This program, called the teacher corp, modeled after the peace corp, takes top graduates from the nation's top schools and puts them into the field of teaching. These graduates have committed two years to go into some of the most economically depressed areas of the country to teach. They take a crash course in teaching over the summer. And in that same summer they also student teach in year round L.A. schools. After only one year the program is very successful with more and more graduates signing up for next year.

I'm sure that there are other possible challenges affecting America's youth that could be explored besides the basic family and educational problems. But I feel that no matter what the problem, the solution is basically the same. And that is people caring enough to get involved. Therefore, America's Challenge is for the individual to become involved to make a difference in a young person's life. Because if you're not making a positive contribution toward America's Youth by doing nothing you're making a negative contribution against them.

In the beginning I told you that America was no longer the perfect country I thought it was. And yet America in my opinion is still the Best country. We as Americans, must meet the challenge to "make the Best better."

STATUS REPORT TO OLDER AMERICANS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 26, 1992 into the CONGRESSIONAL RECORD:

STATUS REPORT TO OLDER AMERICANS

Profile of Older Americans: Older persons are an increasingly important part of our society. Those age 65 and over now comprise 12.5% of the U.S. population, up from 6.8% in 1940. Their number totals 31 million, of which about 696,000 live in Indiana. Older persons make up a larger share of the population in the Northeast (13.7%) and Midwest (12.9%) than in the South (12.4%) or West (10.9%). Almost 60% of this age group are women.

Older persons as a group have done well in recent years. The median family income of households headed by someone 65 or older is around $23,000, which, after adjusting for inflation, is two-thirds higher than it was in 1965. Nationwide, 3.5 million older persons continue to work, while about 93,000 who would like to are unable to find jobs. All but about one million older persons receive Social Security benefits, including almost 70,000 in the Ninth District. The poverty rate for those 65 and older is about 11%, compared with 13% for all Americans and 20% for children. Women are more likely to be poor than men. An increasing number of older persons—over 30%—are living alone. More than 4 million older Americans living in the community need assistance with everyday activities, such as meal preparation, housework, and personal care.

Congressional Action: Congress currently has under consideration several issues of importance to older persons:

Social Security: Both the House and the Senate have considered proposals to modify the Social Security earnings test, which sets a limit on the amount of money recipients may earn from work without having their benefits reduced. The measure passed by the House would nearly double the amount of exempt earnings over the next five years, to $20,000 in 1997. Last year, the Senate passed a bill to eliminate the earnings test, but the House has not considered it. The Senate has yet to consider a different proposal, which would raise the earnings limit to $11,000 in 1993 and increase it annually until it reaches $51,000 in 2001. The bill would pay for this increase by raising Social Security payroll taxes for high-income workers.

The House has also passed a bill which would increase Social Security benefits for widows who are age 80 or older who began receiving benefits before age 65. The Senate has not considered a similar measure. Neither house has acted on measures to grant additional benefits to the so-called "notch babies"—those individuals born from 1917 to 1921 who assert that they have been denied adequate Social Security benefits. However, Congress still has this under consideration.

The Social Security Administration (SSA) is currently part of the department of Health and Human Services. This year, the House approved a bill which would make the SSA an independent agency, run by a bipartisan, three-member Board of Directors to be nominated by the President and confirmed by the Senate. The Board would appoint an Executive Director to oversee day-to-day operations of the agency. Similar proposals have been introduced in the Senate.

Health Care: Prescription drug costs have risen much faster than inflation in recent years, and Medicare and some insurance plans provide little coverage of such costs. Several proposals are before Congress which would expand access to prescription drug benefits while limiting future cost increases.

One proposal would expand Medicare to cover prescription drug benefits. The cost of the increased coverage would be paid for through an increase in the monthly premium paid by older persons who receive Medicare. Other proposals would require drug companies to offer the lowest available price to government health care programs. However, past efforts in this area have been weakened by drug company increases in their lowest price. The use of generic drugs, which are much less expensive than brand-name drugs, also is being encouraged. Many employer-financed health insurance plans offer discounts for using generic drugs, and federal agencies are following their lead.

Another concern is the staggering cost of long-term care. Nursing homes cost roughly $30,000 annually, and professional care can cost more than $200 a day. Many American families pay for long-term care out of their own pocket, straining their incomes and draining life savings. Suggested solutions under consideration in Congress involve the private and public sector. Private-sector proposals include federal tax incentives for purchasing long-term care insurance or individual medical accounts which could be used to pay for long-term care and would be modeled on Individual Retirement Accounts (IRAs). One public-sector proposal would provide federally financed long-term care to all chronically disabled persons. Beneficiaries would not be responsible for any cost. The drawback of this proposal is its cost to the federal government: over $58 billion a year. One proposal which mixes the private and public sectors would expand Medicare to pay for nursing home and home care after a predetermined amount, or deductible, is paid by the beneficiary. Medicaid would pay the deductible for lower-income persons and others could buy private insurance to pay the cost.

Older Americans Act: Both houses of Congress have passed different versions of a measure to reauthorize supportive services provided through the Older Americans Act. The largest and best-known of these programs is the senior nutrition program, which funds low-cost meals in various senior centers, as well as home-delivered meals to individuals unable to travel to a meal site. About 3 million Americans received 238 million meals through this program in 1991. The Older Americans Act also supports the Green Thumb program, which matches low-income older workers with community service jobs. In 1992, Congress provided almost $1.4 billion for the Older Americans Act.

Conclusion: The federal government has made an unparalleled commitment to the country's older persons. One-third of all federal spending now goes for programs for older Americans—exceeding federal spending on anything else, including national defense. The results of this commitment have been impressive. The poverty rate for those 65 and older is sharply down, and Social Security is probably the most successful anti-poverty program in U.S. history. It is clear that protecting the well-being of older persons has become a major obligation of the national government. I do not think this will or should change.

A RINGING ENDORSEMENT FOR RADIO FREE CHINA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. PORTER. Mr. Speaker, Monday, the congressionally created Commission on Broadcasting to the People's Republic of China issued its final report. The report calls for the creation of a surrogate radio broadcasting service to China and other autocratic countries in Asia that live under state-sponsored repression and censorship.

As the sponsor of legislation to establish Radio Free China, I support the commission's strong endorsement of this initiative to target uncensored information about events taking place inside China to millions of Chinese citizens who share our principles but currently have access to only the propaganda and lies generated by the white-haired dictators in China.

I believe that it is time to try a new approach with China, one that promotes change from within by broadcasting messages of truth and hope directly to the Chinese people. Radio Free China is a cost-effective and forceful tool to encourage the progress of democracy and freedom in China. Mr. Speaker, those suffering under the suffocating rule of the world's largest Communist nation deserve the truth.

TRIBUTE TO VERA MAE MALLOY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a woman in my district who has been a driving force in the business community in the Mahoning Valley.

Mr. Speaker, Vera Mae Malloy has worked for years for the American Business Women's Association. In November 1983, President Reagan proclaimed September 22 as national American Business Women's Association Day. This year, all the chapters in the Youngstown, Warren, and Hubbard areas will be celebrating it together. At this event, they will honor Vera for her tremendous work with this organization. The mayor of Youngstown, Pat Ungaro, has already proclaimed September 22, 1992, to be Vera Mae Malloy Day in Youngstown.

Mr. Speaker, Vera has worked tirelessly for A.B.W.A. to help promote women in business and education. For well over 20 years, she has been making all travel and hotel arrangements for the members during regional and national conventions every spring and fall. Whether it be by bus or plane, members from Mahoning, Trumbull, and Shenango Valleys can depend on Vera to do all the work, while we enjoy ourselves. She has been an active member since 1963. She has sponsored 46 members, and is an honored member of the Inner Circle, the elite corps of members.

Mr. Speaker, I am honored to be able to stand today to recognize Vera Mae Malloy, truly one of my district's hardest working individuals. I wish her well in the future and may God bless her.

LEGISLATION TO IMPOSE A ONE-YEAR MORATORIUM ON THE SALE, TRANSFER OR EXPORT OF ANTI-PERSONNEL LANDMINES ABROAD

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. EVANS. Mr. Speaker, today I am introducing a companion bill to S. 3098, Senator PATRICK LEAHY's legislation to impose a 1-year moratorium on the sale, transfer, or export of antipersonnel landmines abroad.

The weapon of choice in many of the guerrilla conflicts during the cold war were landmines—cheap weapons that could be easily employed by forces in the field. While many of the combatants of these conflicts have stopped fighting, the terror of these wars has still not ended for the civilian populations. Day in and day out, they still face the horror of the thousands of landmines that have been planted and left behind in the fields, trails and forests of their countries.

Worldwide from Cambodia to Somalia, Nicaragua to Afghanistan, hundreds of thousands of innocent civilians, many of them children, have been killed or maimed by these indiscriminate weapons. In Afghanistan alone an estimated 400,000 civilians were injured and another 200,000 killed by mines. Not only have these weapons caused immense and random carnage, they are also a large obstacle in the recovery of these countries from the wars that have torn their homelands. Mines in the fields prevent farmers from planting and harvesting their lands and obstruct the free flow of commerce over mined roads and paths. It will likely take decades to find and disarm most of these weapons.

In 1981, the United States signed the U.N. Convention on Mines, an agreement prohibiting the indiscriminate use of antipersonnel mines. While the convention was a good first step, its provisions have been largely ignored by the users of these weapons. Since the convention, the use of mines has actually skyrocketed among the nations of the third world. As the armies of other nations have modernized their inventories of mines, they have transferred their older stocks to poorer countries. This has resulted in a glut of mines that are now being used with abandon in the countries of the undeveloped world.

If we are to avoid the lessons of Cambodia and Afghanistan, the United States must take the lead in restricting and eventually ending the use of these weapons. We can take the next step in ending this insanity by leading the way among the international community in calling for a moratorium on the trade of antipersonnel landmines.

The bill, in addition to the 1-year moratorium on sales, transfers and exports, would also make it United States policy to seek verifiable international agreements prohibiting the sale, transfer or export, further limits on the use, and an eventual ending of production, possession or deployment of antipersonnel landmines. It is a first step we can take to end the tragedies created by these weapons.

Any discussion of the bill would be incomplete without mentioning the pioneering role of the Vietnam Veterans of America Foundation [VVAF] in the drive to end the use of these weapons. For years, VVAF has dealt directly with the human suffering that has accompanied the proliferation and spread of antipersonnel mines. Through its Indochina project, VVAF has worked with the mine victims of the Cambodian Civil War in obtaining prosthetics and helping them overcome the obstacles that these traumatic injuries present in their struggle to maintain a decent life. I salute their hard work and that of my colleague, Senator PATRICK LEAHY. I look forward to our combined efforts to work toward a ban so that we may see the day when innocent men, women, and children are no longer bound to a wheelchair or fitted with an artificial limb because of these indiscriminate weapons.

I would also ask that the enclosed article "Thousands Maimed by Land Mines in Nomadic Somaliland" from the spring 1992 edition of Physicians for Human Rights Record be included in the CONGRESSIONAL RECORD. The suffering in Somalia that has been so graphically brought to the world's attention over the last few months has not just been caused by the recent drought. Landmines planted during the nation's civil war are maiming people and preventing the harvest of the few crops and livestock that are left. It is a tragic, but largely unknown chapter in the history of this devastated country.

I urge my colleague to sponsor this urgent and important legislation.

[From Physicians for Human Rights Record, Spring 1992]

THOUSANDS MAIMED BY LAND MINES IN NOMADIC SOMALILAND

As southern Somalia and its capital Mogadishu are rocked by civil war, the relative quiet of northwestern Somalia is too often shattered by the sound of exploding land mines. No one knows with any precision the number of mines or their exact location but estimates range between 200,000 and 1,500,000 mines. These have already caused close to 1,000 casualties. Now, hundreds of thousands of refugees are poised to return from nearby camps in Ethiopia, the majority to areas that are most heavily infiltrated by mines.

In March 1992, PHR's Dr. Jonathan Fine travelled extensively in northwestern Somalia with Dr. Chris Giannou, a Canadian surgeon and PHR consultant with more than 20 years experience treating war and land mine casualties. In northwest Somalia, now renamed Somaliland by the new government which took power in May 1991, they travelled from Hargeisa, the capital, to the coastal city of Berbera and to Boroma, near the Ethiopian border, visiting hospitals and interviewing victims of land mine explosions, the majority of whom are children.

The land mines are one legacy of the fierce civil war in the north which raged from 1988 until January 1991 and ended with the defeat of Siad Barre, Somalia's dictator. The mines come from many countries including the United States and the Soviet Union, both major arms suppliers to the government of Siad Barre.

Barre's forces had laid mines in Hargeisa on secondary roads and throughout grazing lands and fields for the cultivation of food crops in a wide arc surrounding the city.

The Somali National Movement (SNM), the victorious insurgency, had also laid significant amounts of mines in the westernmost region of the country. Equally ruinous, untold numbers of sheep, goats and camels have been killed by mines. These grazing animals are the basis of the economy of the country. Their nomadic tenders, often small children, increasingly fall victim to mines.

The PHR team found a devastating scene. Ninety percent of the homes in Hargeisa, where 200,000 have now returned, have been destroyed by bombing and shelling. There is no electricity, except for that provided by a few portable generators. Potable water is in short supply and the government is so enfeebled that it has been unable to control the rival militias, theoretically under its command.

Thousands of soldiers have no wages nor prospect of employment. Many roam the cities and countryside taking what they want at gunpoint. With the exception of the 80 bed hospital in Berbera run by the International Committee of the Red Cross (ICRC) and the Somaliland Red Crescent Society, hospital personnel, including physicians and nurses, receive no pay and generally leave work at mid-day. At night and on weekends, they return only for emergencies. Tuberculosis is uncontrolled, malaria is endemic and few drugs are available for the largely indigent population.

While precise figures are not available, Fine estimates that there may be close to 2,000 amputees in Somaliland with land mines causing an increased proportion of the injuries.

The majority of land mine victims and other amputees suffer infected wounds. Many will have to be reamputated, as often not enough bone has been removed to allow the subsequent placement of a prosthesis.

There is no physical therapy or organized program of rehabilitation available in the country other than at the well-equipped ICRC hospital. Handicap International, a French group, has opened a workshop in Hargeisa to begin to make crutches and artificial limbs. They can supply only a small fraction of those in need.

Under the direction of the United Nations, a painstaking mine removal program is underway. Some 200 Somalis have been trained in demining techniques. Through a precarious technique using hand-held metal probes, 21,000 mines have been removed to date. While the demining force is being increased to 400, much of the future work must be done by mechanical means at considerably increased cost. One proposal to bring heavy demining vehicles into Somalia has a price tag of $3,500,000. U.N. agencies, the European Community and the U.S. government are now considering this and other options but may not be willing to raise the necessary funds—both to support the refugees who are still displaced and to pay the cost for the removal of mines.

Dr. Fine said recently that besides the necessary funding for demining, other urgent needs include selection of an expert coordinator for the overall problem of land mines, international funding for the acute care and rehabilitation of mine victims as well as a mine awareness program to teach the children especially what mines look like and how to avoid them. All of this should, he adds, be in place before hundreds of thousands of additional refugees return from Ethiopia. In addition, Somaliland's basic infrastructure must be rebuilt and its militias largely demobilized to return some degree of normalcy to the region. But international will may be lacking to provide the necessary assistance. Fine has already reported his findings and recommendations to the U.S. Congress and State Department and PHR plans more intervention on the publicity of its report.

A TRIBUTE TO DR. RAY R. IRANI

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Ms. OAKAR. Mr. Speaker, this weekend Dr. Ray Irani will receive the Joseph Jacobs Distinguished Achievement Award from the American Task Force for Lebanon. Dr. Irani is the chairman and CEO of Occidental Petroleum Corp. and has made valuable contributions to the United States as a research scientist, a manager and a businessman.

Dr. Irani has lived the American dream. Born in Beirut, Lebanon, he came to the United States to study at the University of Southern California and earned a Ph.D. in physical chemistry. As the author of "Particle Size" and more than 50 papers, he made valuable contributions to the world of science. He also holds 50 United States and more than 100 foreign patents. His achievements have also been commended in awards from the American Institute of Chemists, Polytechnic University and the Chemical Marketing Research Association.

Dr. Irani has also been recognized as a leader in the business community. This year he received the CEO of the Year Bronze Award from Financial World magazine. His leadership in the business community is reflected by his role as a member of the board of directors for the National Associations of Manufacturers, the American Petroleum Institute, and the National Committee on United States-China Relations.

Community service continues to be an important part of his life. This year he received the Americanism Award from the Boy Scouts of America. He is also on the board of directors for the Jonsson Cancer Center Foundation-UCLA and a trustee of the University of Southern California, St. John's Hospital and Health Center Foundation, the Natural History Museum of Los Angeles, and the American University of Beirut.

I join the American Task Force for Lebanon in saluting Dr. Irani d recognizing his contribution to America.

PRESCRIPTION DRUG USER FEE ACT OF 1992

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. WAXMAN. Mr. Speaker, ever since I came to Congress, I have listened to the debate about whether the benefits to public health from our drug approval process justify the time that it takes to decide whether drugs are safe and effective. This issue has been studied by academics; it has been studied by commissions; it has been studied by the FDA; and it has been studied by congressional committees. Even the Council on Competitiveness has a proposal.

The FDA has made some progress in getting drugs to sick people sooner. It has adopted the Treatment IND, the Parallel Track, and the Compassionate IND to get drugs to patients before they have been approved. It has also made some progress in lowering the time it takes to review new drug applications. Yet last year the FDA took an average of 20 months to review new prescription drug applications.

In the meantime, it has become increasingly obvious that the only way to make real progress in cutting FDA approval times for prescription drugs is to get the FDA additional resources. It is also obvious that the chance of getting those funds through from the usual appropriations process is remote.

Out of this quandary came the idea of user fees for prescription drugs. For about 4 years, Mr. DINGELL and I have worked to formulate a proposal that could generate additional funds for the drug approval process, but which would insure that the funds go only to increase FDA resources, and not to pay off the Federal deficit. The bill being introduced today satisfies this requirement.

The bill would raise $327 million over a 5-year period. With these funds, the FDA would hire 600 new employees who would devote their time to the review of prescription drug applications. The agency projects that 5 years from now these additional resources will allow it to review new drug applications in just 12 months; applications for breakthrough drugs will be able to be done in just 6 months. These are not binding requirements, but they are goals that the agency has adopted.

The bill will sunset after 5 years. At that time, Congress will be able to review its success and to decide whether to extend the authorization for the fees.

This is a major piece of legislation that will produce significant benefits to the public. If it is enacted, it will get lifesaving drugs to people faster.

The bill reflects extensive discussions with the drug industry and the FDA. Members of the committee from both the majority and minority have worked hard to produce a product that works and has bipartisan support. This bill is also supported by the Pharmaceutical Manufacturers Association, the Industrial Biotechnology Association, and the administration. In fact, I know of no opposition to the bill from any organization, and I am hopeful that it can be enacted this year.

TRIBUTE TO GAIL R. SIEGEL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Gail R. Siegel, of Harrisburg, PA, who is the recipient of the Hanna G. Salomon Award from the National Council of Jewish Women.

Gail Siegel has a long and successful history of working for the betterment of the community. She was a cofounder and is currently the executive director of the Children's Play Room, which is a nonprofit agency dedicated to serving parents and their preschool children. The outstanding programs that are a part of the Children's Play Room are aimed at preventing child abuse and encouraging self-esteem in both parents and children.

Gail has long been active in the National Council of Jewish Women, joining the Harrisburg chapter back in 1959. She has exhibited outstanding leadership at NCJW, serving in many positions over the years. Gail's commitment to community service has been displayed by her work with the "Readers to the Blind" Program, the Aurora Club and the United Jewish Community Appeal Campaign. There is little doubt that many people throughout central Pennsylvania have benefitted from Gail's tireless devotion to many worthy causes.

Mr. Speaker, I ask all of my colleagues to join me in honoring Gail Siegel for her years of commitment and selflessness that have been inspiring to us all.

WILL THERE BE ENOUGH GOOD JOBS?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 2, 1992 into the CONGRESSIONAL RECORD:

WILL THERE BE ENOUGH GOOD JOBS?

The number one economic issue in America is jobs. Americans worry not just about keeping a job, but about keeping a good job—one that will support something close to their current standard of living. Many Americans fear that the U.S. economy will no longer create enough good jobs to go around.

TRENDS IN JOBS

On the positive side, huge numbers of workers entered the labor force during the 1970s and 1980s, and the American economy found jobs for almost all of them. America's success in creating jobs is especially impressive in contrast to places like Europe, where virtually no new jobs were created between 1973 and 1985. Although the current U.S. unemployment rate of 7.7% is too high, that figure should drop once the economy picks up.

On the negative side, many of the new jobs created have been of relatively poor quality. Of the 13.6 million jobs added between 1979 and 1989, 5 million paid less than $250 a week—roughly the poverty level for a family of four. That, combined with the disappearance of many middle-income jobs, meant that the average weekly wage for American workers actually fell in the 1980s.

The group of Americans hurt most by these trends were young, less-educated men. The percent of males age 18–24 working full-time but making below poverty wages increased from 18% to 40% during the 1980s. Workers with a college degree fared better, as employers increasingly hired highly-skilled workers. The result was a "hollowing out" of the income scale, leaving larger fractions of workers at the top and bottom and a smaller percentage in the middle.

CAUSES.

A major cause of this hollowing out is the decline in manufacturing jobs, which have traditionally been a source of high-wage employment for less-educated workers. Only 18.2 million Americans work in manufacturing today, compared to 20.3 million in 1980. Even more important, semi-skilled jobs in manufacturing have declined at a much faster rate than overall manufacturing employment.

The loss of manufacturing jobs is due, in part, to foreign competition. Some of the fault lies with unfair trade practices by our competitors, such as dumping their products at low cost in our markets or erecting trade barriers to restrict imports. But that is not the entire story, as foreign firms are often better at quickly turning technology into commercial products that are both high quality and affordable. Autos and machine tools are just two of the traditionally high-wage manufacturing industries that have been battered by strong foreign rivals. Even U.S. firms that held their own in the competition often did so by moving jobs offshore.

No less important a factor in the loss of manufacturing jobs is technological change: the substitution of machinery for workers, partly in response to competition from low-wage countries. In addition, many firms have used technology to "downskill" the remaining jobs—for example, replacing skilled machinists with unskilled machine operators and a white collar computer programmer rather than training the machinists to do the programming.

As consumers, Americans benefit from foreign competition and trade as well as from technological advance, and American workers with high skills can benefit from the increased demand for their expertise. But there is an unmistakable tradeoff. Lower-skilled American workers, whose jobs can be performed by factory workers in Mexico or China at a fraction of the cost, tend to lose. As they are laid off or their wages cut, they create a glut on the market, which in turn pulls down the wages of low-skilled American workers across a wide range of industries.

The same drive for higher productivity and competitiveness that reshaped American manufacturing in the 1980s is now confronting the service sector—a second cause of the decline of middle-class jobs. Services account for 78% of all jobs in the United States, and service industries ranging from banking and insurance to carpet cleaning have created all net new jobs in the last decade. But the growth in service jobs has slowed sharply in the last few years, and that trend is expected to continue throughout the decade.

As in manufacturing, the downsizing in services is hitting low-skilled workers the hardest. Many service firms are computerizing their backroom operations—the equivalent of automating a factory assembly line—thereby eliminating thousands of jobs. Less essential mid-level managers are also being shed in large numbers. These laid-off middle managers are now competing for jobs with recent college graduates. As a result, college grads are ending up with entry-level jobs that high school graduates with some technical training once took.

To be sure, these trends have been aggravated by the recession. During the recessionary years of the early 1990s, the U.S. lost over a million manufacturing jobs—more than were lost during all of the 1980s. And it is also the case that the U.S. made a serious policy mistake in the early 1980s when we began running huge budget deficits. That meant we had to borrow large sums from overseas—driving up the value of the dollar and making our goods more expensive overseas. But more fundamental factors are also at work, and it has become increasingly clear that in a global economy the American job machine can no longer provide well-paying jobs for less-skilled, less-educated workers.

JAPAN AND GERMANY

Our two major competitors are subject to the same global economic pressures, but their workers have not experienced a comparable loss of well-paying jobs. Several factors explain this. In both countries, the bottom two-thirds of the work force has increased its productivity faster than has occurred in the U.S., and that has justified rising wages. In Germany, strong unions have been able to negotiate relatively high minimum wages, resulting in greater wage gains for the unskilled. These high minimum wages have, in turn, motivated German firms to invest in their workers and raise their level of productivity. In addition, both Japan and Germany have been less open than the U.S. to manufactured imports from low-wage countries, and this has shielded their workers from strong downward wage pressure.

WHAT CAN BE DONE?

Next week's newsletter will look at what government and industry must do to make the transition to a high-skill, high-wage economy.

THE PRESCRIPTION DRUG USER FEE ACT OF 1992

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. DINGELL. Mr. Speaker, today I would like to introduce on behalf of myself, Congressman WAXMAN, chairman of the Subcommittee on Health and the Environment, and other members of the Committee on Energy and Commerce, the Prescription Drug User Fee Act of 1992.

Mr. Speaker, we all know that the American pharmaceutical industry is the world's finest. It successfully competes in a tough international marketplace and is deeply committed to the discovery and development of new medicines that meet genuine patient needs. Currently, there are thousands of rare diseases that have no known cure. U.S. drug and biotechnology companies spend billions of dollars annually in their quest for cures for these dreaded afflictions. These corporations are actively pursuing research for safe and effective treatments for diseases such as AIDS, cancer, arthritis, cystic fibrosis, Alzheimer's disease, and other debilitating conditions that cause untold human suffering and place enormous economic burdens on our families and on our country's health care system.

The success of these corporations depends upon the cooperation of the Food and Drug Administration [FDA], which must test and approve any drug or biotechnology breakthrough. Unfortunately, despite the best efforts of the FDA's new Commissioner, Dr. David Kessler, the agency does not have the resources to meet the anticipated flood of marketing applications for new drug and biotechnology products.

The increasing backlog of new drug approvals not only denies Americans possible access to life-saving products, but also seriously undermines the competitiveness of an important U.S. industry.

The legislation being considered today proposes to solve this serious problem through dedicated user fees paid by the pharmaceutical companies that sponsor the drugs evaluated by the FDA. User fees are not new as a source of funding. Indeed, they have been around since the first American toll road was built and have been the mainstay for funding the Federal highway system.

To be sure, the FDA must never deviate from its prime mission to safeguard the public's health and safety. Drug products should not come on-line without thorough and complete evaluation. But the industry does have a legitimate concern that as long as their applications are stuck on a shelf at the FDA awaiting approval, important, life-saving products will never enter the health care marketplace.

No industry wants to pay more than it has to in order to get its products to market. And, many industries have been reluctant to support a user fee for fear that these funds will be used to supplant appropriated dollars. The legislation guarantees that does not happen. All such "user fee" moneys will be dedicated to the sole purpose of new product approval, in effect, creating an "add on" to the normal Congressional appropriations.

The payment of a user fee should not and will not assure a drug's approval by the FDA. The FDA must fulfill its obligation to ensure the health, safety and integrity of each and every new drug coming on the market. But a 5-year, $300 million user fee fund will go a long way to ensure the drug industry that decades of research will be reviewed in a reasonable and timely manner.

Who wins by the passage of this bill? The American consumer and thousands of patients in dire need of treatment. The U.S. public, already impatient with the delay in getting life-saving drugs to the market, deserves some assurance that their access to life-saving drugs will not be impeded by understaffing at the FDA.

Mr. Speaker, the introduction of this bill is an unusual and historic occasion. Not often—if ever—in the history of the Federal Government's regulation of private industry has there been an instance where the regulated industry has sought the opportunity to pay fees to regulators. However, that is the case today.

Recognizing the need for improvements in the new drug approval process, the research-based pharmaceutical industry has taken the position that it would be willing to pay user fees to the Food and Drug Administration if those fees add to the existing FDA baseline appropriations, if they are fully dedicated to the approval of new drugs and biologics, if they are reasonable and if they are based on a long-term commitment by the Government to improving the drug and biologics process.

As a result of that willingness, Chairman WAXMAN and I, with the cooperation of Senators KENNEDY and HATCH, have encouraged the pharmaceutical industry and the Food and Drug Administration to work together to develop a workable user fee program. Our respective staffs have spent much time and effort, working with the Agency and the industry, to perfect the legislation we are introducing today.

Under this historic bill, the industry is willing to pay for much needed acceleration of the new drug and biologics approval process and the FDA is willing to commit to a number of specific and defined goals to accomplish that improvement. I congratulate both the industry and FDA for this achievement.

I want to emphasize my strong commitment to assuring that the revenues collected from the user fee program set up by this bill are to be additive to appropriated funds. They are to go to speeding up the drug approval process and are not to be diverted for other purposes or to deficit reduction.

Commissioner Kessler, with the approval of the Office of Management and Budget, has established the goals FDA will seek to meet with the additional resources to be provided as a result of this bill. Those goals are reasonable and appropriate and the Energy and Commerce Committee expects that their implementation will be fully supported by the Department of Health and Human Services and by the Office of Management and Budget.

The Subcommittee on Oversight and Investigations will carefully monitor the progress that is being made in speeding up the drug approval process and I am confident the committee will be prepared to take whatever action is appropriate to assure that the noble worthy purposes of this legislation are not frustrated.

Mr. Speaker, I ask that a section-by-section analysis of this bill, a September 14 letter from the Commissioner of the Food and Drug Administration, a September 14 letter from the Pharmaceutical Manufacturers Association, and a September 15 letter from the Industrial Biotechnology Association be printed in the RECORD at this point.

SECTION-BY-SECTION ANALYSIS OF THE PRESCRIPTION DRUG USER FEE ACT OF 1992

INTRODUCTION AND SUMMARY

The Prescription Drug User Fee Act of 1992 would impose fees on prescription drug manufacturers which would be used to increase the resources at the Food and Drug Administration for the review of prescription drug applications.

Under the bill, prescription drug manufacturers would pay three types of fees: a one-time application fee (for each application for approval of a prescription drug product); an annual product fee (imposed on prescription drug products after they have been approved); and an annual establishment fee (imposed on plants used to manufacturer prescription drugs).

The user fees would raise between $36 million and $84 million per year. This money would be used to increase the resources that the FDA devotes to reviewing prescription drug applications. At the August 10, 1992 hearing before the Subcommittee, the FDA indicated that this user fee legislation could cut drug approval times almost in half. The additional revenue will enable the FDA to hire 600 new employees and to establish as a goal the approval of breakthrough drugs in 6 months and all drugs within 12 months from the time a complete new drug application is submitted.

SECTION 1 (SHORT TITLE)

Section 1 provides that the short title is the "Prescription Drug User Fee Act of 1992."

SECTION 2 (FINDINGS)

Section 2 contains findings indicating that the user fees will improve the public health by speeding up the approval of prescription drugs.

SECTION 3 (FEES RELATING TO PRESCRIPTION DRUGS)

Section 3 adds sections 735 and 736 to the Federal Food, Drug, and Cosmetic Act.

Section 735 contains the definitions applicable to the Act.

Section 736 provides the authority to collect user fees for prescription drugs and specifies how the fees may be spent.

Under section 736(a)(1)(A) and section 736(b), after September 1, 1992, the Food and Drug Administration ("FDA") will assess a fee of between $100,000 and $233,000 for each prescription drug application that contains clinical data (data from studies of the effect of the drug on humans). The fee will be between $50,000 and $116,500 for all other prescription drug applications and for supplements to such applications that contain clinical data. Supplements are requests for a change in a prescription drug application submitted after the application has been approved by the FDA.

Sections 736(a)(2) and 736(b) set an annual fee of $60,000 and $138,000 for each facility that manufactures prescription drug products, and section 736(a)(3) sets an annual fee of between $6,000 and $14,000 for each prescription drug product.

Section 736(c) provides that the FDA may increase the user fees to reflect increases in the Consumer Price Index or in the pay to federal employees.

Section 736(d) provides for a reduction of or exemption from fees where such a reduction or exemption is necessary to protect public health, to prevent the fee from being a significant barrier to innovation, or because the fees paid by a manufacturer are greater than the costs of the drug approval process attributable to that manufacturer.

Section 736(e) provides that the failure to pay any of the fees shall render incomplete the applications for approval submitted by the manufacturer who failed to pay the fees.

Section 736(f) provides that the FDA may not assess fees after fiscal year 1993 unless appropriations for salaries and expenses of the FDA for the fiscal year (excluding user fees) are, or are reasonably expected to be, equal to or greater than the appropriations for 1992 (adjusted for inflation and to take into account changes in the overall federal budget).

Section 736(g) provides that the fees shall be available only to defray increases in the costs of the process for the approval of prescription drug applications over the costs of the process for the previous year (adjusted for inflation and to take into account changes in the overall federal budget). Section 736(g) also provides an authorization for the user fees for fiscal years 1993–1997.

Section 736(h) provides a mechanism for collecting unpaid fees.

SECTION 4 (ANNUAL REPORT)

Section 4 requires the FDA to provide Congress with an annual report relating how the agency used the fees and on the agency's progress in achieving the goals for expediting the process for the approval of prescription drugs.

SECTION 5 (SUNSET)

Section 5 provides that the section 3 shall sunset after October 1, 1997, and that section 4 shall sunset after submission of the annual report for fiscal year 1997.

SECTION 6 (DIVISION OF CHAPTER 7)

Section 6 contains conforming amendments that reorganize Chapter 7 of the Federal Food, Drug, and Cosmetic Act.

SECTION 7 (CONFORMING AMENDMENTS)

Section 7 contains conforming amendments.

FOOD AND DRUG ADMINISTRATION,
Rockville, MD, September 14, 1992.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

Hon. NORMAN LENT,
Ranking Minority Member, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER: As you are aware, the Food and Drug Administration (FDA) has been working with representatives of the pharmaceutical and biological prescription drug industries, and staff of your Committee, to design a "user fee" proposal. Under this proposal, the additional revenues generated from fees paid by these industries would be dedicated for use in expediting the prescription drug review and approval process, in accordance with performance goals that have been developed by FDA in consultation with the industries. The Dingell/Waxman draft bill dated September 12, 1992, the "Prescription Drug User Fee Act of 1992," reflects the fee mechanisms developed in these discussions. The performance goals are specified below. I believe they represent a realistic projection of what FDA can accomplish, with industry cooperation, and the additional resources that would be provided by the bill.

The goals of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) are summarized as follows:

FIVE-YEAR GOALS (TO BE IMPLEMENTED BY SEPTEMBER 30, 1997)

1. Review and act on complete Product License Applications (PLAs), Establishment License Applications (ELAs), and New Drug Applications (NDAs) for priority applications within 6 months after submission date. (Major amendments received within 3 months of the action due date will extend the review timeframes by 3 months.)

2. Review and act on complete PLAs, ELAs, and NDAs for standard applications within 12 months after submission date. (Major amendments received within 3 months of the action due date will extend the review timeframes by 3 months.)

3. Review and act on priority amendments to PLAs or ELAs, and supplements to NDAs, within 6 months after submission date.

4. Review and act on amendments to PLAs or ELAs, and supplements to NDAs that do not require review of clinical data (e.g., manufacturing supplements/amendments), within 6 months after submission date.

5. Review and act on standard amendments to PLAs or ELAs, and supplements to NDAs that require review of clinical data (efficacy supplements/amendments), within 12 months after submission date.

6. Review and act on complete applications resubmitted following receipt of a non-approval letter within 6 months after the resubmission date.

The term "act on" is understood to mean the issuance of an action letter after the filing of an application. The action letter, if it is not an approval, or approvable letter, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

INTERIM BACKLOG GOALS

1. Eliminate overdue backlog of NDAs within 24 months of initiation of user fee payments; that is, review and act on all NDAs on CDER's October 1, 1992, overdue list, within 24 months.

2. Eliminate overdue backlog of PLAs, ELAs, and amendments to PLAs within 24 months of initiation of user fee payments; that is, review and act on the backlog of all PLAs, ELAs, and PLA amendments in CBER on October 1, 1992, within 24 months.

3. Eliminate overdue backlogs of efficacy and manufacturing supplements to NDAs within 18 months of initiation of user fee payments; that is, review and act on all efficacy and manufacturing supplements to NDAs on CDER's October 1, 1992, overdue list, within 18 months.

INTERIM APPLICATION GOALS

FY 1994 55 percent of NDA and PLA/ELA submissions received during FY 1994 are reviewed within 12 months.

55 percent of efficacy supplements/amendments received during FY 1994 are reviewed within 12 months.

55 percent of manufacturing supplements/amendments received during FY 1994 are reviewed within 6 months.

55 percent of resubmitted applications received during FY 1994 are reviewed within 6 months.

FY 1995—Each of the 55 percent goals of FY 1994 is increased to 70 percent.

FY 1996—Each of the 55 percent goals of FY 1994 is increased to 80 percent.

FY 1997—90 percent of each of the 5-year goals is achieved.

FDA to provide annual performance reporting on achievement of goals starting November 30, 1994.

ADDITIONAL INTERIM GOALS

1. Fifty percent of FDA incremental review staff recruited and on-board by first quarter of FY 1995. Total staff increment on-board by end of FY 1997.

2. Establish an industry/FDA working group upon initiation of the user fee program to develop and oversee joint programs to improve review times.

3. Implement project management methodology for all NDA reviews within 12 months of initiation of user fee payments, and for all PLA/ELA reviews within 18 months.

4. Implement performance tracking and monthly monitoring of CBER performance

within 6 months of initial user fee payments. (CDER already has such a program.)

5. Adopt uniform CANDA standards during FY 1995.

6. Initiate a pilot CAPLAR program during FY 1993.

OMB has advised that there are no objections to the presentation of these views from the standpoint of the Administration's program.

We appreciate the support of you and your staffs, the assistance of other Members of the Committee, the Appropriations Committee, and the Ways and Means Committee in reporting a user fee proposal this session.

Sincerely yours,

DAVID A. KESSLER, M.D.,
Commissioner of Food and Drugs.

PHARMACEUTICAL
MANUFACTURERS ASSOCIATION,
Washington, DC, September 14, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Pharmaceutical Manufacturers Association and its member companies have been working closely with staffs of your Committee and Chairman Waxman's Subcommittee, as well as the Senate Committee on Labor and Human Resources and the Food and Drug Administration (FDA), on proposed legislation to enable the FDA to achieve mutually-agreed-upon goals for expediting the prescription drug review process, by providing additional resources to the FDA through user fees to be established by law.

The result to date of these efforts is represented by draft legislation intended to be introduced by you and Chairman Waxman. Having reviewed the current draft of this bill (date today with a time of 12:35 p.m.), I am pleased to inform you that PMA would support such legislation, and the specific FDA performance goals referenced in the draft bill and detailed in a letter dated today from FDA Commissioner Kessler to you and to Senator Kennedy as Chairman of the Labor and Human Resources Committee of the Senate.

We understand, of course, that as the legislation is considered in the House and Senate, there will be Committee reports drafted and possibly revisions to the legislation. Naturally, we reserve the right to review any such revisions, and the reports to accompany the bill, to be certain that the basic reports that we are endorsing can be carried out under the legislation as finally enacted, and that there are no amendments that would be inimical to the interests of the research-based industry or to the ability of the FDA to achieve its goals.

We look forward to continuing to work with you and your Committee as the legislation goes forward, and, most importantly, we wish to commit ourselves to close cooperation with you in the full review of the reports called for by Section 4 of the draft legislation with regard to progress in achieving the goals identified in Section 2(3) of the bill and of the collection and application of fees under the bill.

We appreciate very much your leadership in this effort and your understanding of the critical importance of the need to provide user fees to the FDA in a manner to assure that they be additive to the existing FDA baseline appropriations, that they be fully dedicated to the approval of new drugs and biologics, that they be reasonable, and that they be based on a long-term commitment by the Government to specific improvements in the new drug and biologics process.

Please call us if we can be of assistance at any time.

Sincerely yours,

ROBERT F. ALLNUTT.

INDUSTRIAL BIOTECHNOLOGY
ASSOCIATION,
Washington, DC, September 15, 1992.

Subject: FDA User Fee legislation.

Hon. JOHN D. DINGELL,
Chairman, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: The Industrial Biotechnology Association (IBA) is pleased to support your bill to amend the Federal Food, Drug, and Cosmetic Act to authorize prescription drug application, establishment, and product fees, as reported this morning by the Health and Environment Subcommittee.

We believe that current levels of FDA funding are woefully inadequate in light of the explosion in breakthrough biotechnology products. Approximately 18-20 biotechnology products are in late stage clinical trials. The clinical data for these products will be submitted to FDA's Center for Biologic Evaluation and Research (CBER) over the next year. As a result, during FY93, CBER is expected to have three times as many biotechnology products under active review as at any other time since the introduction of the first biotechnology product a decade ago.

The majority of these products will be for the treatment of seriously debilitating and life threatening diseases where there are no adequate existing therapies. Unfortunately, FDA's ability to provide timely approval of safe and effective new biopharmaceuticals is compromised by federal budget limitations.

In addition to depriving seriously ill patients early access to important new therapies, inadequate FDA funding impedes the ability of the biotechnology industry to be an important new source of economic vitality for our country. The U.S. is currently the world leader in the research, development, and manufacture of biotechnology products, and has created 70,000 new U.S. jobs in the past decade. Our industry is one of the "emerging technologies" identified by the President in his State of the Union speech.

We are especially pleased that your bill includes a provision that reduces by 50% the new product application fee for small companies that do not yet have FDA approval for their first products. As you know, biotechnology is an industry of small companies, with 97% of U.S. biotechnology companies having fewer than 300 employees and none of these companies having FDA-approved biopharmaceuticals.

While many of these companies will come to exceed the bill's 500-employee threshold before filing their first applications (and thus become ineligible for the reduced fee), some young companies hope that they will file their first new product applications while still small. The reduced fee schedule significantly reduces the burden on small companies with no product revenues.

"HATCHET JOB" ON THE CITADEL

HON. ARTHUR RAVENEL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. RAVENEL. Mr. Speaker, an article in the September 14, 1992, edition of Sports Illustrated presented a biased and unbalanced picture of The Citadel. While focusing on the military college's fourth-class system—freshman year—and race relations within the corps of cadets, the article accentuated the negative and ignored the positive.

Incidents which occurred a year ago were the emphasis of the article. These were the same incidents which led to an extensive study of the fourth-class system and underscored the importance of the college's race relations committee. Progressive changes that resulted from both of these efforts were not addressed in the article.

Likewise, the following academic accomplishments of The Citadel were not mentioned:

Exemplary retention rates.—Over the past 3 years, 74.6 percent of white students and 78.6 percent of black students have been retained from their freshman to sophomore year. From August to May of an academic year, The Citadel loses less than 17 percent of a freshman class. These figures rank among the best in the Nation.

Above-average graduation rates.—For cadets entering in the fall of 1983 and 1984, 71 percent were graduated by August 1990. This compares to a national average of 52 percent. During the same period of time, The Citadel graduated 66 percent of the black members of the corps of cadets compared to a national average of 28 percent.

Above-average graduation rates for student-athletes.—Of the student-athletes who entered in 1983 and 1984, 82 percent had graduated by August 1990. This compares to a national average of 64 percent. Black athletes graduated at a rate of 62 percent compared to the national average of 44 percent.

Data reported last year by the Chronicle of Higher Education reflected that 86 percent of the football recruits who entered in 1983 had graduated by August 1989. This was second only to Duke University in the category of colleges and universities which grant football scholarships.

While maintaining high academic standards, the athletic program has also experienced success. The baseball program enjoyed an appearance in the 1990 college World Series and a national ranking of sixth. Success of the football program is evident in victories over Division I-A football opponents—Navy, Army, South Carolina, and Arkansas—national rankings in the Division I-AA football poll, and participation in the Division I-AA football playoffs 2 of the last 4 years.

As with academic accomplishments, the athletic achievements of The Citadel were not provided to the readers of Sports Illustrated.

Additionally Mr. Speaker, I would like to introduce into the RECORD the following lead editorial of Charleston's Post and Courier dated September 12, 1992, and entitled "'Hatchet Job' on The Citadel." It pretty well describes the reaction of my community to the article in Sports Illustrated.

"HATCHET JOB" ON THE CITADEL

The Citadel is no stranger to adverse publicity. And, like it or not, the institution has brought some of the negative press on itself. But an article in the latest edition of Sports Illustrated has justifiably outraged officials at the military college. In the trade, it's what's known as a "hatchet job."

Basically, the article, by Rick Reilly, rehashes the traumatic fall of 1991 when four freshmen athletes left amid allegations of hazing. But it also reports rumor and one-sided accounts as though they are absolute fact. Further, it ignores changes that have been made at the school since last fall, not to mention a key finding of a race relations committee.

Citadel officials obviously were hoping for a good press when they were contacted by Sports Illustrated about doing an article on the athletic program. Good, or bad, at least it should have been fair. Instead, it is a vicious attack.

Lt. Col. Ben. W. Legare, public relations director, tells us that not even the corrections he gave one of the magazine's fact-checkers, who contacted him several times before publication, were made. For example, the article concludes by saying The Citadel has finished its investigation of a recent racial incident and asked the S.C. Law Enforcement Division to take over. Col. Legare says SLED has been asked to assist, but the probe of who hung a string noose above a black cadet's bunk won't be over "until we find out who did it."

The article, complete with lurid illustrations, begins with a chilling, dramatic account of a cadet being forced to hang by his fingers from a closet shelf and warned not to drop, only to later discover that an officer's saber had been placed between his legs. The cadet identified in the article left the school last fall after 21 days on campus, but was not one of the four freshmen athletes who departed.

School officials, including The Citadel's president, Lt. Gen. Claudius E. Watts III, say they didn't know of the alleged incident until they read Sports Illustrated. That raises an obvious question. Why would any journalist write an article that, in effect, alleges the school is a house of horrors without asking the man in charge about some of the specifics? Gen. Watts recalls talking with the writer about the fourth class system generally, but says there was no mention of the cadet and the saber. Citadel officials say the cadet's file contains no complaint of hazing.

Gen. Watts also says he read in the magazine for the first time allegations that one of the freshmen athletes who left the school was the victim of a so-called "blanket party." The general says he personally talked to the cadet in question on several occasions and he never mentioned even the possibility that he had been nearly drowned, as the article suggests.

Actually, the magazine doesn't say the cadet says it happened. It says the cadet has had a memory block. The article claims "sources say" it happened. And then it gives this account as though the sources were eyewitnesses:

"They dunked Davis's head in the water five, 10, 15, 20 times. They stopped when he passed out.

That's the kind of writing that says something actually happened, not that it allegedly happened. Who could provide that kind of detail? Only someone who was there, or got a report from someone who was there. Is the writer protecting someone who participated in the crime, or someone who won't finger those who did? Or, is he simply repeating the figment of someone's imagination as though it were fact?

It's not only the content of the article that puts it in the "hatchet job" category. It's what has been left out. There is no mention that after last year's incidents a citizens committee, headed by community leader Hugh C. Lane, was appointed to examine the fourth class system. Most of the committee's recommendations have since been implemented. For example, freshmen are no longer deprived of food in the dining hall as described in the article and "hell night" for first-year cadets is a thing of the past.

Neither is there any mention that the Citadel Race Relations Advisory Committee investigated and found groundless a television report that a campus club known as the Churchill Society had a white supremacist taint. The 17-member committee of faculty, staff and cadets has nine black members. The chairman of the committee is Col. Calvin G. Lyons, who isn't a Citadel graduate and describes himself as "a Yankee from Ohio," He is angry that the positive changes on the campus in the past year were ignored in the article.

In fact, the author made virtually no concession to the possibility that there might be another side to this story. Why, for example, was the cadet who supposedly had "liquor on his breath" and "hell in his eyes" not interviewed? Or, if he refused to talk, why weren't the readers so informed? That cadet has been vocal in other publications.

The fact is that any quotes from the defenders of the institution are few and far between. Our sports department has reported that football coach Charlie Taaffe said his long interview with the writer was reduced to a shrug.

There's more wrong with the article than its lack of fairness. The writing, quite simply, is mean-spirited. For example, the weekly cadet performance on the parade ground is described as the best and cheapest show in town, but nothing more than that—a "show."

The writer then went on to critique the uniforms as being "the sort you might get at a good Army surplus store, vague grays and indefinite stripes and tags. The Citadel uniform is the equivalent of a World War II bomber jacket ordered through a catalog."

That's what's called a cheap shot. So is much of the article.

JACK KEMP'S INSPIRATIONAL SPEECH

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. ZIMMER. Mr. Speaker, at the Republican National Convention in Houston, HUD Secretary Jack Kemp delivered a speech that reminded Americans how our Nation achieved greatness in the past and affirmed that we can attain even more greatness in the future. His words celebrated the success of the democratic ideals that are the foundation of the Republican Party. I invite my colleagues to review Jack Kemp's inspirational speech.

REMARKS BY SECRETARY OF HOUSING AND URBAN DEVELOPMENT JACK KEMP

Thank you very much. (Applause.) Thank you. Thank you, Roger Staubach. (Applause.) Thank you Roger Staubach. It's an honor to be introduced by a fellow quarterback and an NFL Hall of Famer, and hopefully soon we can call you Governor Staubach or Senator Staubach from the great state of Texas. (Applause.)

Fellow Republicans, fellow Americans, tonight America stands at the doorway of breathtaking opportunity, on the eve of a new century and a new millennium. As Ronald Reagan reminded us last night, history is on the side of freedom. It's on the side of those liberal democratic ideals which gave birth to our nation and inspired the most revolutionary words the world has ever heard. Listen: "We hold these truths to be self-evident, that all men are created equal, endowed by our Creator with inalienable rights, among which are life and liberty and the pursuit of happiness." (Cheers.)

Tonight, these ideas of liberal democracy and individual freedom and entrepreneurial capital are on the march and winning throughout the whole world. Just think: One year ago, reactionary forces in Moscow tried to roll back this democratic revolution, and they failed. Since then, Boris Yeltsin has become Russia's first democratically elected president in over a thousand years. (Cheers/applause.) The statues of Marx and Lenin were toppled by the people in Red Square. The hammer and sickle came down from atop the Kremlin, providentially on Christmas Day of last year. (Applause.)

Today, Mikhail Gorbachev is a syndicated columnist for the New York Times. And believe it or not, we find the mayors of St. Petersburg and Moscow to the right of the mayors of New York City and Boston. (Cheers/applause.) Several months ago, I have lunch with the former mayor of Moscow. I asked him how he got elected.

He said, "Mr. Kemp, I told all the people in state-owned housing that they should have the right to own their own home. I told them they should have the right to sell them for a profit and leave their property to their children." Then the mayor of Moscow said, "I pledged to make downtown Moscow a free enterprise zone." I said, "Mr. Mayor, where did you get these radical ideas? He said, "Mr. Kemp, I got them from the 1980 Republican platform of Ronald Reagan and George Bush." (Cheers/applause.)

Ladies and gentlemen, communism didn't fall. It was pushed. It was our ideas that did the pushing, and our Republican presidents, Ronald Reagan and George Bush, that helped change the world. Now we must change America. (Cheers/applause.) Our goals for this nation must be nothing less than to double the size of our economy and bring prosperity and jobs, ownership and equality of opportunity to all Americans, especially those living in our nation's pockets of poverty. Think of what that growth would mean—more jobs, a higher living standard for the people, extraordinary opportunities for all Americans, and the resources to meet our most ambitious goals, public and private. But make no mistake: If we're to change America, we must change the United States Congress. (Cheers/applause.)

We must give President Bush—ladies and gentlemen—(chants of "Clean House.") You bet. Clean it up. We need a Republican Congress. We need to give President Bush and Vice President Quayle a Republican Congress to help get America moving again and finally wage a winning war against poverty and despair. (Cheers/applause.)

My friends, the purpose of a great party is not to defeat its opponents. The purpose of a great party is to provide superior leadership and (greater?) cause. It's not to denounce the past. It's to inspire our nation to a better future. This great cause is the same today as it was when our party was founded. Listen to the words of our founder, Abraham Lincoln. He said, "The progress by which the poor, honest, industrious and resolute man raises himself is that he may work on his own account and hire someone else. This," he said, "is the great principle for which this government was really formed."

You see, Lincoln believed that in this country, capitalism must grow from the bottom up, not the top down. It must begin on Main Street and extend to Wall Street, not the other way around. (Cheers/applause.) This has a special meaning to me. As a young boy growing up in Los Angeles, this was my experience. You see, my father was a truck driver. He earned enough to buy the truck, and eventually he and his brother built a small business that put six children through college. This is the kind of capitalism we envision for America—the freedom not just to drive a truck, but the chance to own the truck, and one day to own a trucking company, own a home and see your children go to college. This is America. This is the dream. And this is the cause our party must champion in 1992. (Cheers/applause.)

My friends, we don't believe in an America that pursues equality by try to make rich people poor, but an equality that allows poor people, indeed all people, to become rich; not just rich in creature comforts, but rich in terms of opportunity to achieve your God-given potential. The party of Lincoln does not believe people are a drain on resources. We believe people are our resources. (Cheers.) We don't believe that children are just mouths to feed. They're hearts and minds and souls for our future, and they deserve our protection after their birth, as they do before their birth. (Cheers/applause.)

We don't believe that compassion should be measured by the size of the safety net. Compassion in America must be measured by the number of rungs on the ladder of opportunity upon which all people can climb. This is what distinguishes our party from the Democrats. The Democrats' new covenant is not new. It's not change. It doesn't put people first. It puts the government first. It doesn't empower people. It empowers bureaucracy. It doesn't encourage investment and growth. It just spends and spends and spends.

Mario Cuomo gave away the Democrats' game plan. (Scattered booing.) Now, wait a minute. He gave away the Democrats' game plan just before their convention when he told us that Governor Clinton has the courage to raise our taxes. The Democrats call that courage. I call it crazy. (Cheers/applause.) In this economy, can you imagine anything more depressing and more destructive than raising income tax rates and imposing a surtax on the American people? The Democrats' plan won't soak the rich. It'll just soak the poor, the middle class, and it'll drown our economy.

We all know what the problem is in America. The economy is starved for capital. When capital is taxed heavily, as it is now, it becomes scarce, available only to the privileged few. The spirit of enterprise and the engine of growth and new jobs is being smothered. George Bush and our party understood this back in 1988 when we ran on a pledge to cut the capital gains tax, index to stop taxing gains that are due only to inflation, and eliminate the capital gain tax in our inner-city pockets of poverty.

In 1989, President Bush asked the Congress to carry out his mandate, and the Democratic Congress said no. In 1990 and '91, as the economy moved into recession, he asked repeatedly for action. Congress said no. This year, in the President's State of the Union address, once again he pleaded with Congress, and again Congress said no. Then, just last week, in a strict party-line vote, the United States Senate said no again. And tragically, even after the problems of Los Angeles, when we begged and asked the Democratic leadership to pass enterprise zone legislation that our party has championed for 12 years, Congress adjourned. Ladies and gentlemen, isn't it time we said no to the Democratic Congress? (Cheers/applause.)

What nerve they have, these Democrats. The unemployment lines lengthened to 11 million, and they stonewalled the President's pleas for action, and then they blamed the President, blamed our party for the economic decline. What nerve they have to now step forward and offer more taxation, more government, more welfare dependency. And then they proclaim—get this—a new Democratic covenant. Well, let me tell you, as President Bush's HUD Secretary, I've traveled throughout this country. I've found capital and credit are virtually non-existent in our nation's inner cities, and I've seen the results, and they're devastating.

For 50 years, the Democrat Party has dictated most of the policies that govern our cities—higher taxes, redistribution of wealth and a welfare system that penalizes people for working, discourages marriage, punishes the family and literally, believe it or not, prohibits poor people to save. Ladies and gentlemen, it's not the values of the poor that are flawed; it's the values of the welfare system that are bankrupt. (Cheers/applause.)

These policies have robbed our cities of vibrance, shattered the link between effort and reward. And now the Democrats want to impose the same failed policies on the rest of America. What nerve. Our party offers a better way. Last year I had the opportunity to tour the home of a wonderful black woman named Evelyn Lindsay. After years in public housing and on welfare, thanks to this administration's public/private partnerships, she finally became a homeowner. After the tour was over, one skeptical reporter asked her, "Evelyn Lindsay, how can you guarantee that this house will look as good 10 years from today as it does this day?" Evelyn Lindsay looked that reporter in the eye and said to him, "It'll look better, because for the first time in my life, I own something of value that I can pass on to my children." (Cheers/applause.) Well, ladies and gentlemen, she spoke not only for her family, but for all families.

Tonight, let us speak for her and for all those Americans who aspire to ownership and entrepreneurship, to jobs and upward mobility, to safety and security, and to the right to send their children to the school of their choice, be it public or private. (Cheers/applause.)

President Bush was speaking for her when he told the public housing residents at Cochran Gardens in St. Louis that someday they, too, could own their own homes. He was speaking for them when he told a cheering crowd that the capital gains tax is not a tax on the rich; it's a tax on the American dream. He pledged if the system is not helping to build a better life, then we must change the system. And we will, and we must. (Cheers/applause.)

I loved hearing Ronald Reagan last night. (Cheers.) I really did. I loved hearing President Reagan remind us last night that it's not enough to be equal in the eyes of God. We want an America in which we are equal in the eyes of each other. Our party offers a more powerful vision of America, an America committed to prosperity and equality of opportunity, to jobs for all our people. We must be the party that unleashes the talents of every single American boy and girl and every child of God. That's why I'm so proud of our President's platform. It puts our party on the side of lower tax rates on working families, lower tax rates on the formation of capital, lower tax rates on the first-time homebuyer, and lower tax rates on poor Americans who want their shot at the American dream. We must give it to them. (Cheers/applause.)

My fellow Americans, the liberal Democrats just don't get it. They don't understand that you can't create more employees without first creating more employers; that you can't have capitalism without capital. And we can't expect people to defend property rights when they're denied access to property. But when people have a stake in the system, they'll not only defend their own property; they'll help their neighbor defend his property as well. (Cheers.)

You see, this is the message of Los Angeles. This is the message of every other pocket of poverty in America. We must be the party that gives all people a stake in the system and a stake in each other. That's what the re-election of George Bush means to America. We have the ideas. We're on the side of history. And we must bring alive the promise of the Declaration of Independence to all people everywhere.

Ladies and gentlemen, this is a great cause. We've got a great team. And let me say, as an old football player who played in this very stadium, we've got a great quarterback in George Bush. (Cheers/applause.) And Mr. President—(inaudible chants)—and Mr. President, give 'em hell Thursday night. (Cheers/applause.)

AN AMERICAN ORIGINAL

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. GALLO. Mr. Speaker, early this morning, we lost an American original.

The Honorable Millicent Fenwick, who served in this House with distinction from 1975 to 1982, passed from our midst today after a full and productive life.

She leaves us with a great many fond memories and with a record of service that challenges each and every one of us to remember where we come from when we seek the responsibilities associated with public service.

I recall many occasions when she sought me out to ask my views on the issues of the day, and shared her insights freely with those of us who served in local and State government during her tenure in Congress.

She understood that all government is local, and the true test of any government program is its ability to reach directly to the people.

Her work day often began before sunrise and continued well into the evening.

In our national political life, Millicent Fenwick was the epitome of the citizen legislator—an individual who served in public life with grace and distinction.

She defined the words style and class in Congress. And, she was never afraid to speak her mind or to act on the strength of her convictions.

She set an example for us all as a dedicated and honest public servant. Those of us who have come after her have learned from her and have tried to live up to her high standards of service.

Mr. Speaker, I ask my colleagues to remember the life of a unique individual who made her mark in this House, and on each and every one of us.

Millicent Fenwick's counsel and her friendship will be greatly missed, but her example will continue to set the standard for us all to follow.

IN HONOR OF THE WEST PARK KIWANIS CLUB 65TH ANNIVERSARY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Ms. OAKAR. Mr. Speaker, I stand today to honor the 65th anniversary of a vital organization in my community, the West Park Kiwanis Club. The West Park Kiwanis Club was organized in 1927 under the sponsorship of the Downtown Kiwanis Club, the second club chartered in Kiwanis International. In 1950, the West Park Kiwanis Club had grown in membership so well that it organized and sponsored the Fairview Park Kiwanis Club. Over more than 60 years, West Park Kiwanis has been an important factor in the development of the West Park community. The members have been very instrumental in sponsoring, funding, promoting, and completing numerous projects within the West Park area. I would like to mention a few today:

First, construction of the New York Central underpass at West 143d Street and Lorain Avenue, thereby eliminating a dangerous railroad crossing.

Second, secured better street lighting from West 98th Street to the Rocky River Bridge on Lorain Avenue.

Third, organized the first committee to spark the movement to build the new Fairview Park Hospital. Club members contributed to and canvassed the entire West Park area to build up the necessary funds to get the building started.

Fourth, instrumental in having the Cleveland Board of Education approve and build John Marshall High School on West 140th Street.

Fifth, constructed, equipped, and maintained two cabins located in Metropolitan Park. Until vandals burned both cabins to the ground, thousands of children used these structures for summer camping experiences.

Sixth, instrumental in working with the Cleveland School Board and the Cleveland Traffic Department in the development and installation of the flashing traffic lights in front of all the schools.

Seventh, originally sponsored, and instrumental in obtaining the construction of, the important West Park YMCA.

Eighth, West Park Kiwanis is the sponsor of Key Clubs at John Marshall High School and St. Joseph High School, and a Builders Club at Luther Memorial School. This is important in teaching the junior and senior students about leadership and responsibility in their community.

Ninth, over the years, money and equipment have been presented to the Cleveland Christian Childrens Home, Childrens Aid Society, Berea Childrens Home, Camp Cheerful, Parma Childrens Home, Holy Family Home, Jones Home, John Marshall High School, Wilbur Wright Junior High School, Newton D. Baker Junior High School, Puritas Little League Baseball, OLA Special School, Young Challenge, West Park Friends of the Retarded, KAMCO, the Fairview Hospital School of Nursing Scholarship program, Safety Town, West Park Meals on Wheels, and children of Special Olympics.

Tenth, West Park Kiwanis Club was the pioneer in furnishing funds and equipment for the first school for retarded children. The late Belle Greve organized this outstanding project. Even today, West Park Kiwanis' main focus is to help the physically and mentally handicapped children in the area.

The list could literally go on and on. There is virtually no facet of our community that has not been touched by the good work of the West Park Kiwanis Club.

I would like to recognize the dedicated people who help lead the West Park Kiwanis in our area today: Les Ackerman, president; Rev. Lloyd Gross, first vice president; Marge Butera, second vice president; John Knox, immediate past present; Gary Copen, treasurer; Clyde V. Payton, secretary; Ray Ebert, editor emeritus; and Dan Bell, editor.

When the West Park Kiwanis was founded in 1927, the charter president was Henry Reitz, then the mayor of West Park. Since then, a number of prominent citizens have served in the club: Anthony Celebrezze, former mayor of the city of Cleveland and former Secretary of Health, Education, and Welfare; James Stanton, former Member of Congress and former president of Cleveland City Council; Councilman George Blaha, ward 33; Councilman George Usher, Lakewood City Council; Councilman Allen Koson, ward 33.

I would be remiss, Mr. Speaker, if I did not mention the past presidents of West Park Kiwanis, all of whom are known for their commitment to the community. Since 1927, the following people have been president: Horace Gwilym, Joseph Schumacher, Ray Herzberger, J.W. Irwin, William Landphair, Herbert Wolzien, Dr. F.B. Jaquays, Joseph Kundtz, Paul Nyland, Rev. J.H.L. Trout, Jager Richards, William Meifert, Clarence Braun, Ben Brashwitz, Dr. C.J. Caldwell, Dr. Joseph Johnson, Charles Angove, Russell Schneider, John Deardorff, Dr. Guelzow, Foster Narrows, Paul Herrmann, Dr. Roenigk, Ted Myers, Chris Jallos, Russell Jones, J.L. Roberts, Richard Rummel, William Smith, Jack Meeks, Walter Christopher, Raymond Barnett, Sidney Smith, George DeCrane, Robert Doll, George Usher, Frank Herzog, Warren Koenig, William Simpson, James Cornell, John C. Braman, William Chambers, Allen Bussman, Ray Meister, Howard Schreibman, Howard Marusa, Rev. Carroll Keegstra, Donald Long, Elbert Dolar, George Blaha, Brian McCall, Thomas Hackett, Donald Tecco, Glenn Preslan, Russ Dunlavey, Rev. John Uhle, Ellie Mapson, Dr. Ralph Fintz, Robert Rennette, Steve Zaman, Dr. Fred Domingo, Fred Garlitz, and Dr. Walter Lewin.

I am proud to honor the fine citizens and community leaders who make the West Park Kiwanis Club such a positive force in our locality. The West Park Kiwanis Club stands ready, as a group of dedicated men and women, to give of their time and talents to make the West Park community a better place for all its citizens. I congratulate the members of the West Park Kiwanis Club for their outstanding record of service on this, their 65th anniversary.

A SALUTE TO THE 1992 GENERAL EDUCATION DEGREE RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. STOKES. Mr. Speaker, the importance of a high school education cannot be overemphasized. Unfortunately, there are many Americans who never complete high school. Today, I rise to pay tribute to the General Education Degree [GED] recipients of the Cleveland Heights/University Heights city school district and to the tutors, volunteers, staff and families, who so graciously gave their time and support to these individuals.

Recently, 70 students from my congressional district received their General Education Degree and were honored for this achievement by the Adult Basic Education program and at a reception at the Cleveland Heights Education Center. On this occasion, many of these students spoke of their plans to attend college, begin military careers, and enter the work force. Each spoke of how they are doing something with their lives that would not have been possible without a diploma.

Mr. Speaker, I would like to commend these students for their efforts and achievements.

GENERAL EDUCATION DEGREE GRADUATES

Yaakov Adler, Lynn Berlocker, Bernard Binkofsky, Mildred Borich, Robert Brastoff, Rossie Brown, Richard Burgess, Michael Byers, Jason Calloway, Natalie Carriero, Kevin Cleveland, Doug Cohen, Michelle Crenshaw, Juanita Crim, Susan Crismore, Linda Davis, Shonda Davis, Anissa Dean, Matthew Engle, Malia Fach, Shelley Ferrara, Winsome Fowler, Vernelle Franks.

Lydia Gerathy, David Greenberg, Deborah Grimes, Tonya Hamilton, Hattie Harris, Janice Hill, Ann Hudson, Gail Irish, Dmitry Isaliev, Bonnie Jackson, Gretel Jex, Bethany Johnston, Webber King, Theresa Knight, Rae Lasker, Patrick Lavelle, Sandra Leavitt, Darlene Lemmons, Christopher Lewis, Lori Lewis, Nancy Linnert, Mark Lopresto, Marion Lorenzo.

Muminah Mani, David Manson, Gema Martinex, Wayne Mathews, Christopher McCree, Donna Puleo-McKinney, Ruby Miller, Bernadette Motley, Aiesha Muhammed, Comfort Nwideeduh, Kathleen Platt, Eugene Rice, Jacob Saar, Bobbie Satterley, Martha Scarver, Pat Semenak, Rich Sidoti, Sue Sunley, Rebecca Szabados, Patrick Taylor, Shirley Thompson, Willie Vickers, Ebrahiem Williams, and Erma Wingfield.

JUDITH H. STANLEY—1992 VERDANT AWARD WINNER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, September 19, 1992, the Monmouth Conservation Foundation of Monmouth County, NJ, will celebrate its 15th anniversary with a "Hot Country Night." Foundation members will also take their hats off to their founder and president, Mrs. Judith H. Stanley of Middletown. Mrs. Stanley will be presented with the 1992 Verdant Award for her untiring work, inspired leadership, and major contributions toward saving open space to benefit Monmouth County, its citizens, and future generations.

The Verdant Award is granted yearly by the foundation to an individual, public or private organization, company, corporation, or municipality making a major contribution in the pursuit or preserving the last remaining open spaces in Monmouth County. I can think of no one more deserving of this prestigious award than Judith Stanley. Mrs. Stanley has served as president of the foundation since its beginning in 1977. Under her leadership the foundation proudly points to over 2,000 acres of open spaces saved in Monmouth County. As a private, nonprofit land conservation group, the foundation must raise the necessary funds to operate the organization and to acquire lands through a revolving land fund. Mrs. Stanley has been the major fundraiser over the course of the foundation's history.

Judith Stanley is a philanthropist and public servant well known throughout Monmouth County and the entire State of New Jersey. A lifelong resident of Monmouth County, she is a graduate of Smith College, and she worked as a teacher and newspaper reporter before devoting her full time to community service. The list of her affiliations is, indeed, a long one. She has served as a trustee of MCOSS, New Jersey's largest home health care agency, since 1964; as president from 1976 to 1984, and as chairman since 1984. She served as chairman of the New Jersey Highway Authority from 1983 to 1988, and she founded the Garden State Arts Center Foundation, which contributes to senior citizens, disabled people, and children in need from throughout the State. She has served in a wide range of other governmental and community service organizations.

Mrs. Stanley resides in Middletown, and is the mother of four daughters. Although she is active in the opposite political party, I consider her a friend and an ally. Judith Stanley and I have worked together on many of the same causes, most prominently the effort to keep our beautiful Monmouth County clean and green. On the occasion of this well-deserved tribute, I am proud to add my voice to the many other concerned citizens of Monmouth County paying tribute to a lady whose unceasing efforts have led to the betterment of our community.

WHAT CAN BE DONE TO ENSURE MORE GOOD JOBS?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 9, 1992, into the CONGRESSIONAL RECORD:

WHAT CAN BE DONE TO ENSURE MORE GOOD JOBS?

For much of this century the U.S. Economy provided well-paying jobs for less-skilled workers. Particularly in the 1950s and 1960s, the gap between blue- and white-collar wages was relatively narrow. But in recent years international trade and technology have seriously hurt America's blue-collar middle class, and the gap in income between high school and college graduates has widened dramatically.

Although many U.S. firms have tried to compete by keeping wages low and not investing in their workers, most experts believe that is a losing strategy in an increasingly global economy. For an advanced country such as ours, the only sustainable advantage is a talented and adaptive workforce capable of using the latest technologies and reaching ever-higher levels of productivity. Top priority must be given to improving the skills of our workers.

Certainly several other steps are needed too. For starters, Congress and the president must address some basic problems in the overall economy. We need to reduce the enormous federal budget deficit and raise the level of national savings. Those actions will bring down long-term interest rates and in turn encourage firms to invest in plant and equipment. In addition, we need to attack the problem of skyrocketing health costs, which is a major deterrent to job creation. We should ensure that foreign markets are open to our products, tighten up on illegal immigration of unskilled workers, keep down burdensome taxes on business, and cut back unnecessary regulates and federal mandates. Policymakers can also help our industries by making the R&D tax credit permanent, shifting more federal dollars from defense research to civilian, and expanding "manufacturing extension" programs, which help small- to mid-size firms adopt the latest technology.

But there is a growing realization that the skills of American workers are becoming our key competitive weapon in making the transition to an economy with more good jobs, better able to compete globally. What can industry and government do to improve the skills of our workers?

K–12 SCHOOLS

American corporations have been quick to blame the K-12 education system for their workers' lack of preparation, and solving skills.

The difficulty is not so much that our schools and students have declined, but that much of the rest of the world has surpassed us—particularly with respect to the performance of the bottom half of the population. American public schools, even in their heyday, tended to neglect less-talented students. By contrast, the strength of the K-12 education system in many Asian and European countries is its ability to pull up the bottom half.

WORKPLACE ORGANIZATION

Central as education is, corporate management is equally important in determining how good a given group of workers will be. American workers, when called upon, have generally measured up. But too often their employers have not given them the responsibility or specialized training necessary to be highly productive.

The importance of management is illustrated by the General Motors-Toyota joint venture in Fremont, California. Toyota agreed to manage a GM plant that had been closed in large part because of absenteeism and low productivity. Toyota hired back most of the plant's former workers, but introduced major changes in the way they were used. Within two years, productivity and quality rose almost to the levels achieved by Toyota in its Japanese plants.

New forms of work organization, often pioneered abroad, push responsibility and authority downward in the corporate hierarchy, from line managers and staff engineers to shopfloor workers. The goal is to get workers to think continually about how their job can be done better; to be more flexible, so they can take on more than one job; and to care about the quality of the work they do.

INVESTMENT IN TRAINING

High-performance workplaces require highly-trained workers. Yet American firms generally invest less in worker training than firms abroad, and what they do invest is more heavily concentrated on professional and managerial workers. Autoworkers in Japan get more than three times as much training each year as workers in U.S. plants managed by GM, Ford, or Chrysler.

If industry underinvests in training, so does the U.S. government. For every $1 in federal funds spent on the post-secondary education of a non-college bound student, $55 is spent subsidizing one going to college. The governments of Britain and France spend more than twice as much as the U.S. on post-secondary training of non-college bound individuals; Germany spends more than three times as much.

American firms are reluctant to provide worker training largely because they fear that employees will leave for better jobs and the firm will lost its investment in training. Japanese companies, with their system of lifetime employment, don't face the same problem.

One possible solution is for government to require firms to spend a specified amount on worker training. For example, France mandates that firms spend one percent of sales on employee training or else put that amount into a government fund to finance public training programs. Alternatively, the federal government might grant tax credits to firms that invest in training. A more ambitious proposal would set up a training account for every American, funded through payroll tax deductions. Individuals could draw on this fund to pay for university training or to reimburse their employer for on-the-job training. And as for training not funded or required by government, the construction industry illustrates one solution that might be applied elsewhere. Because no single employer would be willing to train workers who are so mobile, construction unions negotiate agreements that require all area firms that employ workers in a particular trade to pay for multi-year training.

CONCLUSION

The prime responsibility for workplace organization and training rests with the private sector. But industry on its own typically invests less in workplace skills than is desirable from the standpoint of overall society. Thus government has a role in bringing about a higher level of investment. There are many ways to accomplish this. But executives and politicians alike first need to acknowledge that America's ability to compete in the 21st century will depend, above all, on the talents of its workers.

TOWN OF GLASTONBURY, CONNECTICUT CELEBRATES 300TH ANNIVERSARY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mrs. KENNELLY. Mr. Speaker, I rise today to mark the start of a year-long 300th anniversary celebration for the town of Glastonbury, CT.

The tercentennial celebration is being orchestrated by three vitally important entities: the town of Glastonbury's Tercentenary Committee; the Glastonbury Historical Society; and the First Church of Christ Congregational. A plethora of activities will mark this commemorative year. Picnics, concerts, candlelight historical house tours, apple harvest festivals, canoe races, and a birthday pageant are but a few highlights already planned for this commemorative year.

Located about 10 miles from Hartford on the east bank of the Connecticut River, Glastonbury was first settled in 1650 by farmers from the town of Wethersfield who ferried across the river to till the pastoral and fertile soil with crops of corn, fruits, and other crops. In 1693, Glastonbury declared its independence and incorporated as a separate municipality. The town flourished as an agriculture center and added numerous saw and grist mills to assist their commerce. As the shipping trade escalated in New England, Glastonbury saw a thriving shipbuilding business develop. There were a multitude of Glastonbury-built schooners, brigs, and sloops frequenting the West Indian trade routes. Glastonbury's population grew from 2,700 in 1800 to 4,200 in 1900. Later as small manufacturing firms sprung up in town to diversify the employment base, Glastonbury also became a bedroom community for individuals who worked in Connecticut's capital city of Hartford.

As all of the 29,000 inhabitants of Glastonbury know, Glastonbury is a special place. Its sense of community is embodied in the numerous civic, governmental, and social service organizations that are an integral ingredient to the fabric of this most historical town. People in Glastonbury care about each other; they care about providing education to young people; and they care about the environmental health of their agricultural and open space resources. Glastonbury is a suburban town on the move; but very cognizant of their earliest beginnings and uniqueness among Connecticut's other 168 towns.

Mr. Speaker, I ask my colleagues to join me and the citizens of Glastonbury in heralding the start of the Glastonbury tercentennial.

TRIBUTE TO THE AMERICAN SOCIETY OF HOSPITAL PHARMACISTS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mrs. MORELLA. Mr. Speaker, I am delighted to call to the attention of my colleagues the 50th anniversary of the American Society of Hospital Pharmacists, located in Bethesda, MD in my congressional district.

For the past century, the society has represented institutional pharmacists meeting the challenge of patient care wherever they serve—from big teaching hospitals and rural health facilities to health maintenance organizations and other managed care settings; from ambulatory care clinics and home health care programs to nursing homes and other long-term care facilities.

As a professional organization representing more than 25,000 health care practitioners in the clinical setting, ASHP's chief goal is to help its members meet rapidly changing patient needs in today's complex pharmacy practice environment. The society carries out these responsibilities using several techniques.

One is by setting standards for the use of practicing pharmacists. These standards, reviewed and revised as needed to reflect a dynamic profession, exert an enormous influence on the quality of pharmacy care provided both in this country and abroad.

Another technique is to respond quickly to health care emergencies as they arise. Last year, ASHP encouraged pharmacists in the institutional setting to share influenza vaccine with one another's facilities when it became apparent that some sections of the country were encountering critical shortages.

Yet another technique for improving the delivery of pharmacy care is through the continuing education of pharmacists. ASHP's week-long midyear clinical meeting is the largest pharmacy educational meeting in the world.

Finally, ASHP members have available to them an array of publications, products, and services to enhance their expertise in meeting the needs of their patients. Among these are the American Journal of Hospital Pharmacy and International Pharmaceutical Abstracts, the only pharmacy journal providing abstracts of pharmacy research from around the world.

Mr. Speaker, the American Society of Hospital Pharmacists and its members have been leaders in the use of pharmaceuticals over the last 50 years. I am pleased to recognize them for their service and wish them well for the future.

HEARTS THAT BEAT AS ONE?

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. DUNCAN. Mr. Speaker, the bias of the national news media in this year's Presidential election has become so obvious it simply can no longer be denied.

Walter Goodman, the television columnist for the New York Times, said the media coverage of the Republican National Convention was like an organized attack. Joe Trippi, a liberal Democratic political consultant, even agreed recently on National Public Radio that press coverage had been strongly biased in favor of Governor Clinton.

In regard to this, I would like to call to the attention of my colleagues and other readers of the RECORD an article written by Paul Greenberg, editorial page editor of the Arkansas Democrat Gazette in Little Rock and a nationally syndicated columnist, which was printed in the September 16, 1992, edition of the Washington Times.

HEARTS THAT BEAT AS ONE?

Dear Diary: Appeared on a panel discussion last week. Good company. Same old topic: The press, currently going under alias of The Media, as in Medusa. Last seen everywhere.

The inevitable question: Is the press biased?

The answer: Is a bluebird blue?

Next week's topic: Is the world round?

That the press is biased has become part of conventional wisdom, which is the usual fate of the obvious. The one thing that escapes the eagle eye of the press is the obvious. We have a genius for the unconventional, the obscure, the irrelevant and, above all, and below all the trivial. (That may help explain the quality of this presidential campaign.) After all, why tell the public what it can plainly see? We inky wretches of the press have elevated ourselves to the gnostics of American politics.

One need not specify in which way the bias runs. That's so obvious it's understood: In favor of liberals, now known as moderates, however immoderate their views, and against conservatives, often known as ultraconservatives, anti-choice voters, the radical right, and Them.

As in most philosophical disagreements, victory goes to whoever seizes the high ground: the language. The title of Moderate is the Little Round Top of this engagement, and the press occupied it for Bill Clinton at the outset of the campaign. (See "The Anointed/Bill Clinton, Nominee-elect," by Sidney Blumenthal, The New Republic, Feb. 3, 1992.)

Sure the press has its share of right-wing zanies, too. (Watch this space.) And yes, the usual critics on the left argue that the press is biased, but against them. The more honest and observant of them will not say news coverage favors the right, but rather the center or center-left, or wherever Bill Clinton is at the moment. No one dares call him left-wing or liberal except Republicans.

Stipulation: This charge of bias applies to the media in general, as an institution, as a culture, as—forgive me—a Lifestyle. Not to every single member, including William F. Buckley and Rush Limbaugh. There are numerous exceptions to the domination of the Left (on talk radio, for example, and out in the country) but the bicoastal culture sets the style.

The news angles and politically correct language filter down from Washington and New York. The party line doesn't need to be enforced, just pronounced in the right places, and the Young Upwardly Mobile news types in the business fall into line. Fashion and peer pressure are a lot more powerful in this country than anything so brutish as censorship.

Note the different receptions accorded the media at the national conventions. The Democrats tolerated, even welcomed, the media. The Republicans stood up and jeered at the TV boxes high above the Astrodome. (One of the more popular buttons at the Republican confab read: "It's All My Fault—I'm With the Media.") People don't have to be told who their friends are, or who wishes then ill. They can sense the obvious.

This is more than a political dispute; it's a cultural divide. Being Republican or Democratic is only part of it. This Kulturkampf separates puritan from cavalier, Hollywood from Main Street, and the adversary culture from the straight-and-narrow. Advocates of the New Covenant confront those who still cleave to the Old. Believers in regulation fight the apostles of deregulation. It's condoms vs. abstinence. National Industrial Policy vs. the free market. The press vs. Capital-D Decency, Hillary vs. Marilyn, Barbara, and maybe Tipper, Al and Bill.

The culture gap hasn't been this clear since the Lost Generation took on the Holy Rollers in the '20s, and H.L. Mencken was covering William Jennings Bryan's last stand at the Scopes trial—about as objectively as National Public Radio covered Nicaragua. Only Mencken had the honor not to pretend to objectivity.

If any documentary evidence of bias is needed, there is the news and editorial coverage in the New York Times, The Washington Post, and New Republic. One the eve of the Republican Convention, the Times ran a lead story on the front page quoting entirely unidentified sources saying George Bush was planning to bomb Baghdad the night of his acceptance speech. A typical news judgment from American journalism's cultural elite. Conservatives are again taking refuge in Little Magazines, like National Review.

The press is on an "anti-Bush kick" and "stories have set an unrelenting positive tone about Clinton that contrasts sharply with the skeptical, adversarial stance toward Bush." No, that bulletin does not come from Accuracy in Media or any of the Right's other media watchdogs, but from Mickey Kaus of the New Republic, who describes himself as a "liberal activist."

Consider how differently the media treated Gennifer Flowers and Anita Hill. Both made unsubstantiated charges against different men; one becomes a joke and the other a heroine. (If either had more circumstantial evidence to offer, surely it was Miss Flowers, with her tapes and state job.) It wasn't just the class factor of the checkbook journalism that made the difference in how the establishment treated each accuser. It was the media's own predilections.

Finally, suppose George Bush had permitted the execution of a self-lobotomized black man convicted of murder? Is there any doubt that the best known name at this point in the campaign would be Rickey Ray Rector? George Bush would have been denounced from coast to coast (though perhaps not in between) as a killer, racist, and bloody opportunist who used capital punishment to prove he wasn't soft on crime. The resulting uproar would have been made the brouhaha over the Willie Horton commercial four years ago look as unjustified as it was.

Instead, Bill Clinton presided over the execution, and Rickey Ray Rector is not only a dead man but a forgotten one.

The prosecution rests.

THE MANAGED COMPETITION ACT OF 1992—TOUGH MEDICINE FOR THE HEALTH CARE SYSTEM

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. ANDREWS of Texas. Mr. Speaker, I am proud to join with Congressmen JIM COOPER and CHARLIE STENHOLM and 14 of our colleagues in introducing the Managed Competition Act of 1992.

Managed competition has become an attractive solution in the health care debate because it attacks the reasons for the soaring cost of health care. Unlike other Democratic proposals, the Managed Competition Act puts people, not the Government, in the driver's seat of the health care system. Price controls—the basis for many other proposals—didn't work in the 1970's. They won't work today.

Competition has a bad reputation in health care because it has not held down costs. Insurance companies today compete by avoiding covering unhealthy people. Providers compete by providing the most expensive care available. Because the person receiving the health care is not the person paying for it, no one demands value for what we are spending.

Physicians report to me that patients with minor ailments often demand an MRI—one of the most expensive ways to take a picture of the body. When someone else pays most of the bill, what is the incentive for the physician and patient to say no if there's a remote chance it could show something? Under managed competition, the health plan would have the incentive to determine how many MRI's make sense to keep people healthy. Physicians could show patients statistics to prove that MRI's seldom help solve minor ailments.

It is no wonder that health care costs are out of control. A third-party payment system—whether it is insurance companies or the Government—will never ensure value for our health care dollars.

As much as one-third of medical care has no benefit to the patient. Managed competition challenges physicians to use only those treatments that produce positive outcomes for patients. Consumers should not have to pay for the mistakes made by physicians and hospitals.

The Managed Competition Act challenges the worn out idea that the Government can do a better job of running the health care market than real competition. The political leaders and bureaucrats in Washington, DC, will never have the clout to make the tough choices stick. We have to use market forces to weed out inefficient providers and insurance companies.

The public does not have the information to evaluate physicians and hospitals. In fact, the only quality information we have is the death rates in hospitals. And few people even known it's available.

The Managed Competition Act asks the public to make up their minds about price and quality every time they select a health plan. For each health plan, people will have one price and one report on quality. The August issue of Consumer Reports makes a good attempt to rate health plans in this manner.

The information in the new reports would include cure rates for common diseases like ear infections, the years of life added to patients with major diseases like cancer, and evaluations of prevention efforts. Collecting such data will take time. Initially, the reports will be based on current measurements of quality, like board certification of physicians.

The health plan proposed by President George Bush asks individuals to make decisions about the cost and quality of health care every time they get sick. But this system will not lead to real competition since cost is the last concern of someone who is sick. Would most parents be willing to compromise the quality of care for a sick child to save a few dollars?

Small businesses benefit directly from the Managed Competition Act. Right now, small businesses pay up to 40 percent of the health premiums to insurance company overhead. The bill would set up purchasing groups for each region of a State. Small businesses will have all the same buying power as large companies.

Low-wage workers and the unemployed would receive substantial financial assistance to pay for health care. The Government would pay about 60 percent of the cost of a health plan for a family of four with an income of $20,000.

The Managed Competition Act could turn the American health care system into the envy of the world. It is an American solution born of American principles of individual responsibility, competition, and compassion.

AFRICAN-AMERICAN CULTURAL AND HERITAGE FESTIVAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, September 19, 1992, the Garden State Arts Center in Holmdel, NJ, will be the site of the fifth annual African-American Cultural and Heritage Festival. This festival has quickly grown into a major event, attracting thousands of people from throughout the State of New Jersey for a day of friendship, fun and, most of all, pride.

While there are several festivals celebrating African history and culture in various locations around the State of New Jersey during the course of the year, this event is the only one with a statewide orientation. Visitors can avail themselves of an impressive exhibit of artwork and crafts in the brilliant styles and traditions of Africa. In addition to this tribute to the cultural heritage, festival organizers work hard every year to present a program of young, up-and-coming talent in music, dance, and other fields of entertainment. Festival attendees can only enjoy a wide selection of foods and novelty items supplied by vendors from throughout the State.

In New Jersey, and in the United States as a whole, Americans of African descent have made enormous contributions to our society in every field of endeavor. The African-American community is a community whose presence in America goes back for centuries. Yet, sadly and to our great shame, the struggle for respect and full acceptance for African-Americans is not over. All Americans, black and white, must face up to the fact that the ugly specter of racism still haunts our Nation. I hope that Saturday's festival will help provide a renewed sense of pride and strength for members of the African-American community, particularly young people. I also hope that the festival will serve to teach some Caucasian-Americans about the profound beauty of the African heritage.

I would like to pay tribute to some of those hardworking individuals whose efforts have made Saturday's festival possible, including the festival chairman, Mr. Ron Mathis, the chairman of the board, Mr. Julian Robinson, a New Jersey highway authority commissioner, and founder Clinton Crocker. Proceeds from the African-American Festival, with other ethnic festivals at the Arts Center, will go to the cultural fund, helping senior citizens, disabled people, and children throughout New Jersey.

COAL IN INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 16, 1992, into the CONGRESSIONAL RECORD:

COAL IN INDIANA

Coal is an energy source which is important to the United States and Indiana. It is a relatively small, but vital industry in Indiana. In an era of enhanced environmental awareness, coal faces several complex challenges.

FACTS ABOUT INDIANA COAL

Although coal production constitutes less than 1% ($860 million) of Indiana's annual economy, it contributes a strong economic base in several primarily agricultural counties by providing employment to 4,200 workers. Coal furnishes 99% of Indiana's electricity and most of Indiana's coal is consumed in-state by electric generating utilities.

Indiana's coal reserves cover an area approximately 6,500 square miles located in the southwestern portion of the state. Coal is mined in 19 counties. In recent years the annual production in Indiana has ranged between 30 and 35 million tons. Indiana currently ranks as the 9th largest coal-producing state and ranks 10th in identified coal reserves with 33 billion tons. There are approximately 45 active coal mining operations in the state, which range from small mines of less than 100 acres to larger mines of approximately 10,000 acres. Most of the coal in Indiana is currently being recovered by surface mining. However, within the next few decades most of the reserves will be primarily recoverable by underground mining methods. Indiana coal is high-volatile bituminous with a relatively high sulfur content. High sulfur coal is associated with environmental problems like acid rain.

The newly redrawn 9th Congressional District now has three counties, Dubois, Perry and Spencer, in which coal is mined. The total coal produced from these three counties in 1990 was approximately 1.1 million tons. Currently Dubois has five operations actively producing coal, Perry has one, and Spencer has eight. During the past ten years, a total of $2.5 million of state-federal funds has been spent to remedy environmental problems associated with mining and to reclaim mining areas in the three counties. Recently the state announced that Spencer county will receive an additional $180,000 in federal funds to reclaim 75 acres.

COAL AND THE U.S. ECONOMY

Coal plays an important role in helping America's economy grow, while making the U.S. less vulnerable to imported petroleum. Coal mining contributes $21 billion annually to the U.S. economy and provides employment for approximately 130,000 miners and a total of 1.1 million workers throughout the industry. American coal is shipped to 50 countries and generates more than $4 billion annually on the positive side of the nation's trade balance. The chief advantage of coal is that it is a major source of energy for which America has enormous reserves. In terms of oil equivalency, the coal reserves of the United States are greater than world oil or natural gas reserves.

ENVIRONMENTAL CHALLENGES

The primary disadvantage of coal is the potentially damaging effect its recovery and use can have on the environment. As a result there are several complex challenges facing the industry and its continued growth. First, coal-fired power plants contribute to the acid rain problem. Acid rain results when sulfur oxides from coal combustion mix with chemicals in the atmosphere to produce rainfall with increased acidity. Acid rain can cause damage to monuments and buildings, sensitive plants and wildlife, rivers and streams, and possibly human health. Second, many scientists believe that carbon dioxide produced by burning coal and other fossil fuels contributes to the greenhouse effect by trapping the sun's heat in the atmosphere and eventually causing major changes in the world's climate. Third, the coal industry faces the requirement to restore the land to a condition matching its original use before coal was mined. Fourth, coal mining activities frequently come into contact with water resources. For example, the very act of coal extractions modifies the ground water system around a mine. Lessening potentially harmful environmental impacts has long been a concern.

Because of these concerns, Congress has established several programs to control the environmental problems associated with the coal. The Clean Air Act provides strict requirements for preventing and controlling major air pollutants. The Clean Water Act sets guidelines for coal mine water discharges and requires coal operators regularly to sample and analyze the water from the mines. The Surface Mining Control and Reclamation Act establishes strict requirements to ensure that surface-mined land be returned at least to its premining condition. Although industry compliance with these laws is costly, the result has been clear benefits for America—cleaner air, improved water quality, and enhanced protection of land resources.

Congress also has established the Clean Coal Program, which provides federal funding, matched by private industry, to research and develop clean coal technology. As a result of this program, 35 projects, including three in Indiana, have been undertaken to demonstrate these non-traditional power generating and pollution control concepts. Broad coal technology research is also being undertaken by several universities, including Purdue University's Coal Research Center.

INDUSTRY OUTLOOK

Several other challenges face the U.S. coal industry. The current, relatively low cost of oil is an obstacle to the increased use of coal, and has dampened interest in capital investment for producing synthetic fuels from coal. Other countries are boosting coal production and penetrating traditional U.S. markets abroad. Many foreign countries subsidize their domestic production, which hurts the competitiveness of American coal exports.

The coal portion of the energy bills recently approved by the House of Representatives and the Senate, are likely to become law, underscores the importance of coal use. Both bills extend the Clean Coal Program.

Worker retraining is another area affecting the coal industry. Advances in mining mechanization have cost almost 100,000 miners their jobs since 1980, including 900 in Indiana. Several bills have been introduced, but not acted upon, in Congress to expand employee retraining and employment opportunities to individuals in high unemployment areas. Efforts such as these would not only provide opportunities for displaced workers, but also would be a long-term investment in our communities and national prosperity.

Coal will continue to play an important role in providing for U.S. energy needs. The success of expanded coal use will depend heavily on the success of clean coal technology. Indiana has a major stake in the success of this technology.

MILLICENT FENWICK: A MARVELOUS LADY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. ROE. Mr. Speaker, I was deeply saddened this morning to learn of the death of my former colleague and dear friend, Millicent Fenwick. She was a marvelous lady and true leader who served New Jersey in the House of Representatives for 8 years with personal flair and great distinction.

Millicent Fenwick's entire career demonstrated her independence, common sense, and integrity. She will be sorely missed by everyone.

She was known as the pipe-smoking grandmother, but she was much more than that. She was a lady of intelligence and courage who refused to bow or defer to any established powers in this body.

It was a huge benefit for the Nation and for New Jersey that Millicent Fenwick, after a successful career as a writer and editor with Vogue magazine, decided to follow her family tradition of public service.

She was elected to Congress in 1974, at the age of 64, and represented the people of New Jersey's Fifth District for 8 years before retiring. Before that, she had served in the State Assembly for 3 years.

On her retirement in 1987, she was the U.S. Ambassador to the U.N. Food and Agriculture

Organization, a post that was suited to her overriding passion to help less fortunate people throughout the world.

She was also extremely proud of her instrumental role in establishing the Helsinki Commission to monitor compliance with the 1975 Helsinki Treaty on human rights.

Her other posts indicated her broad and varied interests. She was New Jersey's first director of the Division of Consumer Affairs. For 14 years, she was vice chair of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights, and she was a lifetime member of the National Association for the Advancement of Colored People.

Millicent Fenwick was truly distinctive in this body, as she devoted much of her time to engaging in floor debate, with her regular battles for tax fairness for married couples, her advocacy for the environment, and against special interests.

She served in Congress for four terms but she added much to our Nation. Her contributions were many, both on a substantive level and a personal level. Millicent Fenwick will be missed, but what she gave to her State and the Nation will be remembered for a long time to come.

A TRIBUTE TO MAJ. GEN. WILLIAM R. BERKMAN

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. OBERSTAR. Mr. Speaker, I stand today to pay tribute to a fellow native of Chisholm, MN, who has recently completed a commendable career with the U.S. Army Reserve.

Maj. Gen. William R. Berkman retired last month following 42 years of service to his country. A graduate of the ROTC program at the University of California at Berkeley, General Berkman was commissioned a second lieutenant in June 1950. With the outbreak of the Korean war, General Berkman was called to active duty, and served as quartermaster supply officer at Fort Worden, WA. In 1953, he was transferred to Korea to act as an adviser to the Republic of Korea Army.

General Berkman returned to reserve status in 1954, and rose to the position of brigadier general and commander of the 351st Civil Affairs Command at Mountain View, CA in 1975.

In 1979, and for the next 7 years, General Berkman was again on active duty as chief of the Army Reserve. This was a critical time for the reserve forces of the United States, for it was in this period that the total force policy was developed. This is the plan that integrated the peacetime active National Guard and reserve forces as never before, providing reserve components with the same equipment and training as their active-duty counterparts. This doctrine enabled our National Guardsmen and reservists to be poised and ready to work and fight alongside active-duty forces during such operations as the Persian Gulf war.

General Berkman completed his long and distinguished career in the post of military executive of the Reserve Forces Policy Board in the Office of the Secretary of Defense. In this capacity, General Berkman continued to help determine the shape, size, and mission of the reserve components.

General Berkman's military accomplishments are mirrored by his successes in civilian life. He received his A.B. from the University of California at Berkeley in 1950, and his law degree from Berkeley's Boalt Hall School of Law in 1957. He followed that with a successful law practice in San Francisco. He is a member of the State Bar of California, the Bar of the District of Columbia Court of Appeals, the Federal Bar Association and the American Bar Association. He is a past president of the Civil Affairs Association, and a member of numerous professional and military associations.

During his military career, General Berkman was awarded the Defense Distinguished Service Medal, Army Distinguished Service Medal with oak-leaf cluster, Defense Superior Service Medal, three Legion of Merit Awards from the Army, Navy, and Coast Guard, Meritorious Service Medal, Army Commendation Medal, and numerous other commendations.

Mr. Speaker, at this time I would like to ask my colleagues to join me in recognizing a dedicated soldier and a successful professional, a man who manifests the best that is within us, Maj. Gen. William R. Berkman.

TRIBUTE TO RICHARD H. AUSTIN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. BONIOR. Mr. Speaker, on the evening of September 17, Secretary of State Richard H. Austin will be honored with a special testimonial dinner by the Roseville Democratic Committee. I am very pleased to pay tribute to a remarkable individual and friend who has generously contributed his time and energy to our State and local communities.

Assuming an active role in our community is a responsibility we all share, but few of us fulfill. Dick has unfailingly devoted himself to active participation in public service as well as civic and health organizations. For the past 22 years he has served as Michigan's secretary of state and was recently elected to an unprecedented sixth term. Throughout his tenure, Secretary Austin has been highly praised for his leadership role in helping pass legislation to improve motor vehicle safety. He has also worked to ensure convenient and efficient service at all secretary of state offices throughout Michigan.

By any measure, the legacy of his achievements is formidable.

Mr. Speaker, through his commitment and hard work as a public servant, Richard Austin has touched countless lives.

On this special occasion, I ask that my colleagues join me in saluting the many accomplishments of a friend and extend to him and his lovely wife our best wishes.

CONGRESSMAN KILDEE HONORS EDWARD THORNE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to a great educator and former colleague, Edward Thorne who is retiring after 36 years of exemplary service to the Flint community schools. In recognition of Ed's extraordinary career, his colleagues have organized a retirement dinner to be held in the Ontario Room of the University of Michigan, in my hometown of Flint, on Thursday, September 17 at 5:30 p.m.

Raised in Fairmont, WV, Edward Thorne is a graduate of Fairmont High School and earned a bachelors degree from Fairmont State College. He served in the Air Force during the Korean war as a control tower operator. Ed continued to pursue his education after moving to Michigan, earning a masters degree from Eastern Michigan University and attending graduate school at the University of Michigan, Michigan State University, and Oakland University.

Ed joined the Flint schools in 1956 as a physical education teacher at Civic Park School, where he also served as community school director. In 1960, Ed moved from Civic Park to Homedale School, serving 3 years as community school director until 1963, when he was granted a leave of absence to work as a consultant in community development and assistant professor at Northern Michigan University.

Ed Thorne returned to the Flint schools in 1964 and was appointed community school director for Zimmerman Junior High School. In 1966, Ed joined the Flint schools administration, becoming one of three regional consultants for community school directors. In 1968, he was named regional coordinator for directors and was later promoted to administrative assistant to the director of secondary education.

Ed Thorne's first love has always been teaching and interacting with students. in 1973 he left his assignment at the administration building to become deputy principal of the Flint Schools of Choice. Ed served as deputy for 3 years and has been the principal of the Schools of Choice for the past 16 years.

A community person both during and after work hours, Ed has been involved in a wide variety of activities and organizations including: the Flint United Negro College Fund Committee, Big Sisters Board of Directors, Flint Area School Employees Credit Union Board of Directors and the Multicultural Education Steering Committee. He served as chairperson of the Flint community school directors, the Flint Olympian Games, and coordinated the campaigns to pass the mileages for Flint Schools.

Ed and his wife Joan, have been married for 38 years. They have three daughters, Barbara, Karolyn, and Janet.

Mr. Speaker, it is indeed an honor for me to rise before you today to pay tribute to a man that has given so much of himself for the past 40 years, Edward Thorne. When democracy was threatened in Korea, he answered the call of his Nation, serving nearly 4 years in the Air Force. Upon his discharge from the service, he answered the call of our Nation's young people, devoting his entire career to their education and development. Although Edward Thorne is retiring from the Flint schools. I know that he will remain a force for positive change in our community. I ask you, Mr. Speaker, and my fellow members of the 102d Congress to join me in honoring this great American.

DEDICATION OF THE JOSEPH R. BOLGER MIDDLE SCHOOL: A FITTING TRIBUTE TO A GREAT EDUCATOR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. PALLONE. Mr. Speaker, Saturday, September 19, will mark the occasion of the dedication of the Joseph R. Bolger Middle School in Keansburg, NJ. The school is being named in honor of Mr. Bolger, a fine man devoted to his community and the education of its young people, who recently passed away.

Mr. Speaker, I can think of no more fitting honor to the memory of Joseph Bolger, and I would like to take this opportunity to pay tribute to him before the Members of this House. During his distinguished career, Mr. Bolger taught in the Monmouth County, NJ, communities of Red Bank, Highlands, Long Branch and Keansburg. After years as a teacher, coach and athletic director, he became principal at Highlands Elementary School in 1960. In 1967, he moved on to the Keansburg School System, where he became the first superintendent of schools, a post he held until his retirement in 1981. He was the type of principal who knew most of his students by name and took a personal interest in their progress.

Mr. Bolger also found time to serve as a borough councilman in his hometown of Highlands, NJ, and he was also president of the Henry Hudson Regional Board of Education. In his spare time, he was active as a referee for high school and professional football teams. A native of New York, Mr. Bolger was an Army veteran of World War II and a member of the Veterans of Foreign Wars, Highlands. He received his bachelor's and master's degrees from Seton Hall University and his doctorate from East Coast University in Florida. He was a communicant of Our Lady of Perpetual Help Roman Catholic Church, in Highlands, and was a member of the church's Holy Name Society.

Mr. Bolger leaves behind his wife, Jean Rich Bolger, three sons and two daughters. While he will be missed throughout the community, the Joseph R. Bolger Middle School will stand to remind us of a man whose life and career were dedicated to the highest ideals that any educator, any community leader, and any man can aspire to.

SPRINGFIELD GROUP WASHING AWAY NATIONAL DEBT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. DEFAZIO. Mr. Speaker, I rise to recognize a group of Oregonians whose actions speak louder than any words resounding in this Chamber. These people realize the danger of our nearly $4 trillion debt, and they've done what they could about it—they held a car wash.

They raised $100 to offset the debt but more importantly, they raised local consciousness to what is arguably the single biggest problem we face as a Nation. Dedicated people took a day out of their weekend to make us realize this debt will not disappear without a lot of hard work, smart policy, and cooperation—rare commodities in Washington, DC.

These enlightened car washers belong to an organization called Just One Years Salary [JOYS], signifying the amount each American would have to pay to erase the Federal debt. My constituents recognize the magnitude of the problem and are working to solve it. Surely Congress and the President can do no less.

THE U.S. BORDER PATROL—OUR FIRST LINE OF DEFENSE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. HUNTER. Mr. Speaker, the U.S. Border Patrol is America's first line of defense against the illegal traffic of narcotics and aliens. And, as representative to the entire California-Mexico border. I know first hand of the effectiveness, even heroism, shown by the Patrol in executing their very difficult job. The National Border Patrol Council, Local 1613 will convene its annual dinner and award banquet on Friday, September 18, 1992, to give the brave men and women of the Border Patrol the recognition they very much deserve.

Nearly 45 percent of all illegal entrants apprehended in the United States enter across 17 miles of land border in the San Diego sector. Among those apprehended are smugglers of aliens and narcotics, and criminal aliens. Under the leadership of Gus de la Vina, the San Diego, sector border patrol has made more than 482,050 apprehensions this year. Despite this flood of activity, and often acting with a shortage of resources and manpower, the Border Patrol has performed its job with an extremely high level of professionalism.

I want to give the members of the House a sense of the extraordinary level of commitment exhibited by the U.S. Border Patrol. I quote an example cited by the San Diego Sector Employee of the Month Awards:

> JANUARY 5, 1991.—While (a San Diego Border Patrol Agent) was performing patrol duties in the north county, two fellow agents requested back-up for a suspected smuggling load they were in pursuit of on northbound I-5. The driver of the smuggling load was driving in an evasive manner. When he realized he could not "shake" his pursuers, he slowed his vehicle to around 15 mph and bailed out, leaving the van in gear. The van continued down the freeway, out of control. The agent's partners was able to position the Service vehicle beside the van and the agent was able to jump from the Service vehicle into the smuggler's van. At this time the agent was able to stop the van, saving 15 Mexican nationals in the back of the van from almost certain injury or death.

In a practical way, I have supported the efforts of San Diego Sector Border Patrol Chief Gus de la Vina with the improvement of the border road and the reinforcement of the border fence. Prior to 1990, the primary and secondary border roads used by the Patrol's enforcement efforts were nearly impassable because of disrepair. The state of the border fence, was still more shocking. Its broken down chain-link fencing was more effective as a boundary marker, than as any significant deterrent to drug smugglers.

Upgrading roads used by the Border Patrol to pursue drug smugglers has increased the Patrol's control over the border area. California National Guardsmen have completed work on 10 miles of primary roads and 180 miles of secondary roads. Four miles of primary road await upgrade. The U.S. Army Reserve's engineers began work on the fence in December 1990. Nine miles of fence have been completed to date, with 5 miles remaining.

The border road improvements and fence reinforcement, coupled with the untiring efforts of the Border Patrol, have achieved remarkable success. In all of 1991, 684 pounds of cocaine were seized. In the first half of 1992 alone, 6,947 pounds of cocaine have been seized. Last year 13,674 pounds of marijuana were seized, in 1992 to date, 37,435 pounds have been seized. This does not include the July 27, 1992 seizure of 2,053 pounds—more than 1 ton—of marijuana in the San Diego Sector.

The project underway to light this sector of the border will further shore up the U.S. Border Patrol's enforcement efforts. The lighting plan calls for raising 150 poles of up to 60 feet in height from 1 mile east of the Pacific Ocean to San Ysidro Mountains. Lighting the border is step three, after road and fence improvements, in taking control of our borders.

Let me conclude with a story recently covered by the San Diego Union-Tribune which offers another glimpse of the day-to-day heroics of the Border Patrol:

> Border Patrol Agent Michael Gregg said a citizen reported seeing a black pickup truck drive across the international border through a hole in the fence south of Boulevard in the Tierra del Sol area.
>
> Gregg said two Camp-o-based agents tried stopping the truck along I-8, but it sped away at speeds of up to 70 mph. Eventually the truck exited at Live Oak Springs Road, going south onto Old Highway 80. The driver intended to return to the border, Gregg said.
>
> As the truck was travelling toward the border fence along Tierra del Sol Road, Gregg said the passenger began heaving large rocks out the window. One rock shattered the windshield of a Border Patrol car, but neither agent inside was hurt.
>
> Just before reaching the border fence along a dirt road, the truck ran onto a large rut, becoming stuck. Both men ran from the truck, escaping into Mexico.

Inside the pickup truck, agents found 220 individually wrapped packages of Marijuana—2,053 pounds in all—worth about $2 million, Gregg said.

I hope that the Members of the House will share the conclusion I have reached with regard to the Border Patrol: The key to ending the traffic of aliens and drugs is to provide the Patrol with the resources to stop the invasion at the border. I commend the leadership of Guy de la Vina and all the brave men and women who serve with him in the San Diego Border Sector.

AMERICA'S DEFENSE REQUIREMENTS

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. SKEEN. Mr. Speaker, in all the debate regarding America's defense requirements, little mention is made of one of the most important factors in America's defense readiness, the morale of our fighting people. Certainly we should do all we can to recognize those that have given of themselves to ensure the security and well-being of our country.

Over the past 24 years, the United States Air Force has enjoyed the faithful and dedicated service of one of my constituents, Master Sgt. Michael D. Miller. Sergeant Miller entered the Air Force in October 1968. Overseas, he has served with the 474th Tactical Fighter Wing at Thakhli Royal Thai Air Force Base, Thailand; the 3d Tactical Fighter Wing, Kunsan AB, Republic of South Korea; and the 8th Tactical Fighter Wing, Kunsan AB, Republic of South Korea. Here in the United States, he has served with the 430th Tactical Fighter Squadron, Nellis AFB, Nevada; 474th Field Maintenance Squadron, Nellis AFB, Nevada; 9th Field Maintenance Squadron, Beale AFB, California; 3367th Student Squadron, Chanute AFB, Illinois; 490th Strategic Missile Squadron, Malmstrom AFB, Montana; and the 49th Fighter Wing, Holloman AFB, New Mexico.

Master Sergeant Miller's assignments have been demanding and his performance has been truly exemplary. His devotion has won him numerous awards including the Meritorious Service Medal, the Air Force Commendation Medal with two oak leaf clusters, the Air Force Good Conduct Medal with seven oak leaf clusters, the National Defense Service Medal, and the Republic of Vietnam Gallantry Cross with device.

I join Master Sergeant Miller's many friends and colleagues in saluting him for his dedicated and distinguished support to our Nation's defense. His contributions exemplify the mission of the U.S. Air Force and will be sorely missed. Thank you, Master Sergeant Miller, for serving your country so well.

THE FEDERAL FAIR FRANCHISING PRACTICES ACT OF 1992

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. SCHEUER. Mr. Speaker, throughout my tenure in the U.S. Congress, I have witnessed many ideas come to the forefront for deliberation and analysis that reasonable people could have rational differences about. The Federal Fair Franchising Practices Act of 1992 raises important and crucial issues that confront the millions of Americans who have franchises whether they can be the Coca-Cola truck drivers, the McDonald's restaurant owners or the chain stores that populate Main Streets throughout our Nation. This legislation addresses management-labor issues for the 1990's and the fight for survival of the small business men and women of our country. I introduce this legislation in order to share my thoughts with you and bring these crucial issues to the forefront. We will be strengthened both economically and as a nation by reviewing the important issues raised in this legislation.

WE HAVE MORE AT STAKE IN IRAQ THAN WE DO IN BOSNIA-HERCEGOVINA

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. ASPIN. Mr. Speaker, the suffering and human tragedy in Bosnia-Hercegovina has led many Americans, including many who opposed the use of force against Iraq, to call for military intervention in Bosnia-Hercegovina.

Initially, the Bush administration acted as if it believed the unfolding crisis in Yugoslavia did not directly affect United States vital interests and suggested that Yugoslavia was a European problem. Eventually, however, pictures of Bosnian Moslems starving in camps and stories of ethnic cleansing forced the crisis on to the international and the American agenda.

Therefore, at the same time the United States, the United Kingdom, and France were building support within the United Nations for a no-fly zone over southern Iraq, the Security Council was passing a resolution authorizing the use of force to ensure the delivery of humanitarian relief to Bosnia-Hercegovina.

This coincidence of timing, however, does not mean that the two crises share equal priority. All Americans are repulsed by the tragedy in Bosnia. When considering the use of United States military power, however, Americans must understand that we have much more at stake in the Persian Gulf than in the former Yugoslavia.

Indeed, the crises in Iraq and the former Yugoslavia have many similarities. Ethnic conflict and civil war have plagued both countries. The international community can now document the depopulation of villages, mass executions, and other brutal violations of human rights in both countries. Bosnian Moslems and Iraqi Kurds and Shia all fear annihilation at the hands of Government forces. In both countries, only international intervention may prevent another genocide.

Our concerns in Iraq, however, extend well beyond these kinds of humanitarian issues. We went to war in the Persian Gulf, because Iraq's invasion of Kuwait directly challenged vital United States interests, namely, access to oil, stopping nuclear proliferation, and thwarting aggression. Unfortunately, the job isn't finished and our vital interests are still at risk. We may have won the war, but we have not yet won the peace.

Moreover, how we deal with Iraq has implications far beyond that country. We are establishing the foundation of the post-cold-war era. How we deal with Iraq says a lot about how we will deal with the new nuclear dangers as well as authority of the United Nations in the coming decades.

IRAQ: FACING THE NUCLEAR THREAT

Nuclear weapons in the hands of a terrorist state is one of the principle threats facing the United States in the post-cold-war era.

Iraq remains a terrorist state, and its nuclear threat has not been eliminated. Since the gulf war ceasefire, we have learned that Iraq's nuclear weapons program far exceeded any of our pre-gulf-war estimates. We have learned that despite 6 weeks of extensive air attacks, large portions of Iraq's programs to produce weapons of mass destruction remained intact. A year of U.N. inspections has found and destroyed many of these weapons. However, significant portions of these dangerous programs remain elusive.

CIA Director Robert Gates has stated that, if sanctions are lifted and the U.N. inspections halted, Saddam Hussein could rebuild his capabilities in a few, rather than many, years and again menace the region with his unconventional weapons. Our regional security concerns, therefore, demand that we eliminate Iraq's weapons of mass destruction and prevent their reconstruction.

The problem, however, goes well beyond Iraq. Every potential proliferator is watching. Nukes in the hands of thugs like Saddam Hussein won't give rogue leaders the wherewithal to win a fight against the United States, but they could be used as instruments of terror against American forces and allies. Moreover, only mass destruction weapons, particularly nuclear ones, can offset huge U.S. advantages in conventional power.

We must demonstrate to those who want weapons of mass destruction that the acquisition of these weapons is not worth the effort. If the international community is united in opposition, the job will be easier. If we cannot succeed in Iraq—where our international leverage is enormous—then the prospects for stopping proliferation elsewhere are grim.

THE AUTHORITY OF THE UNITED NATIONS: HOPES FOR THE FUTURE

When the United Nations was caught in the grips of the superpower rivalry, it had little role to play in the major crises of the cold war. In the post-cold-war era, that can be very different.

From the invasion of Kuwait until the cessation of hostilities, the role played by the United Nations heralded a new era of international cooperation and multilateralism. The

United Nations seemed poised to seize the opportunities afforded by the end of the cold war, and lead the world rather than follow it.

But it is now an open question whether the United Nations has the staying power to deal with the challenges of the new era. The answer to that question will be of immense interest to would-be Saddam's of whatever stripe around the world, not to mention a few Serbs who might be watching.

Judging by the latest standoff over the Agricultural Ministry, the United Nations seemed willing to compromise, rather than assert, its rights in Iraq [see Iraq Statement No. 1, July 28, 1992]. While U.N. inspectors have gained access to Iraq's Agricultural Ministry, an overall erosion of the United Nation's authority is the price we all had to pay.

The way in which the no-fly zone was established further undercut the collective U.N. response to Iraqi noncompliance. By foregoing another Security Council resolution in support of the zone, the United States and its coalition partners must now rely on a much narrower coalition to support the operation.

The steady erosion of U.N. authority in Iraq concerns me. The United Nations, and the coalition partners in general, cannot just declare victory in Iraq and move on.

The problems with Iraq are not solved and the job isn't done. We have been waging this battle with the Iraqis for more than 18 months. The credibility of the United Nations is on the line. The resolutions against the Serbians are still in their earliest stages. What lessons will the Serbians take from the Iraqi experience? Do they simply need to outwait the United Nations, or will they learn that waiting is futile because the United Nations means business.

How we deal with both Iraq and Bosnia is not simply a test of the United Nations. It is a test of U.S. leadership, which is necessary to make the United Nations effective. George Bush doesn't talk much about the new world order anymore, but the future of collective security in the post-cold-war era is what's at stake.

The fact that we have more at stake in Iraq does not mean, of course, that we should not consider using military power in Bosnia-Hercegovina. I believe we should be willing to use air power to ensure delivery of humanitarian aid to Bosnia-Hercegovina. I also believe that we should be willing to use our air power to blunt an Iraqi ground attack against the Shia in Iraq. I believe that is a consistent position.

Some experts and colleagues reject the additional use of U.S. military power in both places. That also is a consistent position.

What is not consistent, however, is to argue that the use of United States military power is appropriate in Bosnia-Hercegovina, but not in Iraq. Saddam Hussein's invasion of Kuwait threatened the vital national security interests of the United States. We may decide to use force in response to the tragic conflict in Bosnia-Hercegovina, but we should not delude ourselves. We have more at stake in Iraq than we do in the former Yugoslavia.

NATIONAL GRANDPARENT RESOURCE CENTER

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I am today introducing legislation to create a National Resource Center for Grandparents. This bill, which would amend the Older Americans Act of 1965, would be called the National Grandparent Resource Center Act of 1992. This center would serve as a central source of information and assistance to the millions of grandparents who are raising their grandchildren, or who are working to develop or maintain lasting relationships with their grandchildren. I am pleased to announce that an identical version of this bill is being introduced in the Senate today, by our distinguished colleagues, Senator DAVID PRYOR, Senator WILLIAM S. COHEN, Senator HERB KOHL, and Senator HARRY REID.

Mr. Speaker, you may ask—why do we need a resource center for grandparents? After all, people have gotten along forever without one. What could be more natural than being a grandparent? Sadly, times have changed. In the past decade, our society has seen a dramatic increase in the number of grandparents who are raising their grandchildren, because the parents of those children cannot or will not.

For whatever the reason, be it drug or alcohol dependency, death, divorce, incarceration, or other reasons that are prevalent in today's world, grandparents are readily stepping in to fill the voids that exist for their grandchildren.

However, times have drastically changed from when these grandparents raised their own children, and outside help is often needed to deal with the everyday challenges they are encountering along the way. The National Grandparent Resource Center would provide that extra assistance. Often, grandparents who are raising their grandchildren just need to know there are other individuals who are experiencing similar frustrations. Sometimes grandparents need help in handling a specific problem or situation in their own community that affects their grandchild. The National Grandparent Resource Center, which would be established by grant or contract, would provide a toll-free telephone number to increase access to the information and assistance available from the center. This assistance would be provided by professionals and volunteers, some of whom would be grandparents themselves, and would consist of referral, financial, or legal information regarding the raising of and their relationship with their grandchildren.

In addition, the staff of the center would collect and make available information regarding the many programs, projects, and activities of public and private entities relating to matters involving grandparent/grandchild relationships, including information on State laws regarding visitation and Federal assistance available to grandparents.

Because the whole issue of relatives or grandparents as caregivers is rapidly gaining momentum, it is important that we recognize that this phenomenon is occurring all over the country. Grandparents are taking on huge responsibilities long after their caregiving responsibilities as parents have ended, and we as a society owe them a debt of gratitude for their love and concern.

Some grandparents have already established support and referral groups within their own communities in order to help fellow grandparents. I would like to take this opportunity to commend these grandparent supports groups whose memberships have swelled over the years. The least that we can do is to provide these exceptional individuals with some extra support by creating this National Resource Center, to be administered by the Administration on Aging. It is a small step, but it is one in the right direction.

The Subcommittee on Human Services has had a long history of involvement with the rights of grandparents. Over the last 12 years, several hearings have been held by the subcommittee which have dramatically illustrated that grandparents are becoming more actively involved in their grandchildren's lives. However, it is very important to note that the best interest of the child is the foremost priority in any given situation. This bill does not seek to drive a wedge between existing families, but rather to strengthen those that are in danger of becoming unhinged. Its purpose is to provide basic useful information to grandparents who request it.

I urge my colleagues to join me in cosponsoring this legislation which will provide grandparents with basic survival tools as they strive to guide and provide for their grandchildren's best interests.

SPECIAL TRIBUTE TO THE CANDLELIGHTERS CHILDHOOD CANCER FOUNDATION DURING THE MONTH OF SEPTEMBER, NATIONAL CHILDHOOD CANCER MONTH

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. ROE. Mr. Speaker, it is with distinct pride that I rise today to pay tribute to a foundation that is truly one of a kind in the world, the Candlelighters Childhood Cancer Foundation [CCCF]. This organization is an international network for support groups of parents of children with cancer. CCCF has served as an information clearinghouse, an educational arm, a peer support enabler, and an advocate of the parent/professional groups across the country exhibiting an enduring kindness and vitality unique to this organization.

The month of September 1992, has been declared by Congress and by Presidential Proclamation as "National Childhood Cancer Month." I cannot think of a more fitting time to recognize this network and its over 33,000 members of 400 parent groups and contacts in the United States and Canada.

Mr. Speaker, now well past its 20th year of service, Candlelighters has seen many changes and advances in the area of childhood cancer. Survival has become a reality as the number of successes has increased, there is better communication between the parents and the medical professionals, improved educational resources, increased funding into research, and a recognition of the emotional needs of various family members who are affected by this dreaded disease.

Through publications, activities, and advocacy this organization has been able to reflect upon the many advances and the improved state of childhood cancer. Yet, locked in this reflection they not only see the faces of the hundreds of thousands who have been helped by Candlelighters over the years but the many, many more millions who will need and be helped by their services in the future.

Membership in Candlelighters is open to anyone interested in the management and cure of childhood cancer, and in the needs of the families who face this experience. Medical and social services professionals and educators have jointed parents and other relatives as members. Believing "it is better to light one candle than to curse the darkness." Candlelighters share these main goals: To link parent, family-to-family, and group-to-group; to provide an emotional support system for each other; to ease frustration by sharing feelings and experiences; to lessen the social isolation of their families; to exchange information on research, treatment, medical, and community resources; to provide guidance in coping with childhood cancer's effect on the child, on parents, and siblings, on the family; to identify patient and family needs so that medical and social service systems respond adequately; and to seek consistent and sufficient research funding.

Mr. Speaker, organizations such as this have established the highest standards for helping families deal with this disease and service as shining examples of what can be accomplished. Candlelighters Childhood Cancer Foundation [CCCF] is not an organization that dwells on the dreadful experience of learning your child or family member has cancer. CCCF embodies a commitment to good advice, information, support, advocacy, and excellent professionals to provide these services.

This truly outstanding organization has been a faithful servant to these families for over 20 years. It has grown and flourished and continues as a vital part of our Nation's community. Mr. Speaker, I am sure you and all my colleagues join me in saluting Elisabeth J. Spoerl, president of the CCCF board of directors, and a dear personal friend of mine Julie Sullivan, former executive director, and present secretary of CCCF, as well as the staff and benefactors of the organization for its distinguished record.

THE OFFICE OF NATIONAL ENVIRONMENTAL TECHNOLOGIES ACT OF 1992

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. KENNEDY. Mr. Speaker, I rise to introduce the Office of National Environmental Technologies Act of 1992. The mission of this new office will be to spawn "green technologies" that will allow us to live in harmony with our Earth and our fellow nations.

This new office will be located within the U.S. Environmental Protection Agency. It will coordinate efforts among all Federal agencies for environmental R&D. It will first identify environmental problems that are not receiving adequate product-oriented research. Then it will administer grants and loans to private industry, universities, and nonprofit research centers to develop environmentally safe and energy efficient technologies that can solve the problems. Lastly it will provide technical assistance to convert these technologies into off-the-shelf products and equipment.

The Office of National Environmental Technologies will be created at no additional cost to the taxpayer. Instead, funds will be shifted from defense research, where fewer resources are needed. Over 3 years, it will fund a half billion dollars' worth of investments.

The potential of this legislation is vast. It will enable us to fund ambitious advances in solar power, energy conservation, and waste recycling. It will help us to build super-fuel efficient cars, and to clean up our polluted harbors.

Just as vast are the potential economic advantages if the United States can become the world's "green giant" in the 21st century. In the next 10 years, the world market in environmental technologies is expected to reach $300 billion. As the world's resources grow scarcer, the expectations of its people will become bigger. Those people will demand goods and services that use a minimum of resources. We can create a lot of well-paying jobs by meeting that demand.

It will not be easy. We will have to compete for a leading share of the green market. Japan is already spending $4 billion to develop its environmental technologies. And Germany now spends 23 percent of its total R&D budget on environmental problems. But if we cannot compete on the field of green technologies—where the stakes are so high—then we cannot compete anywhere. We have the ability and the resources. What we need is the political will to focus them.

We need leadership—public, private, and academic—to set a national agenda for environmental R&D and move this country toward meeting it. I believe that this measure will move us a giant step closer to achieving that goal.

TRIBUTE TO THE U.S. COAST GUARD

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. COUGHLIN. Mr. Speaker, I rise today to pay tribute to the Nation's foremost maritime, humanitarian, and safety organization, the U.S. Coast Guard. The Coast Guard, though the smallest branch of our armed services, is tasked with a variety of maritime activities. The Coast Guard possesses the ability to readily shift emphasis on these activities based on the changing needs of the country.

The four major missions of the Coast Guard are maritime law enforcement, maritime safety, environmental protection, and national security. In addition to being the Nation's primary lifesaving organization, the Coast Guard enforces laws and international agreements of the United States, insures the safety and security of U.S. ports and waterways, protects the marine environment from pollutants, maintains short and long range aids to navigation, performs icebreaking operations in polar regions, promotes recreational boating safety, and conducts defensive operations in time of war.

First known as the Revenue Cutter Service, the Coast Guard was founded over 200 years ago under the Department of Treasury. At that time, Congress authorized the construction of the first ten cutters. In 1915, the Revenue Cutter Service merged with the Life Saving Service and was renamed Coast Guard. Since then, the Coast Guard has merged with the Light House Service and the Bureau of Navigation and Steamboat Inspection. In 1967, the Coast Guard was transferred to the Department of Transportation. The Coast Guard has assisted the Navy in World Wars I and II, the Korean war, the Vietnam war, and Desert Storm.

With only about 38,000 active duty members, 12,000 reservists, and 34,000 volunteers, the Coast Guard provides the vital maritime services the country needs. On an average day, the Coast Guard saves 16 lives, assists 361 people, saves $2,500,000 in property, responds to 23 oil and chemical spills, seizes 421 pounds of marijuana and 165 pounds of cocaine, and maintains 150 aids to navigation.

An essential combatant in the Nation's war on drugs, the Coast Guard conducts maritime and air interdiction operations in conjunction with other law enforcement agencies. The Coast Guard utilizes radar in surveying the southern United States border, the Bahamas, Puerto Rico, and the U.S. Virgin Islands. In cases where Coast Guard intelligence suspects trafficking aircraft, interceptor planes are deployed to make visual contact with the smugglers and to instruct the aircraft to land. In cooperation with foreign allies, attempts are then made to apprehend the traffickers upon landing. Random sea patrols are also conducted in these areas to monitor suspicious activity and to confirm trafficking patterns. In 1990 alone, the Coast Guard seized 16,683 pounds of cocaine and 29,079 pounds of marijuana.

In addition, the Coast Guard has played a vital role in carrying out the Administration's policy toward Haiti. The interdiction of Haitian migrants voyaging to the United States in overcrowded and unseaworthy craft has unquestionably saved the loss of thousands of lives.

A major cost of Haitian migrant interdiction operations [HMIO], however, is the toll that it takes on Coast Guard personnel. HMIO has required greater time away from home ports, frequent and unexpected scheduling changes, and around the clock operations. Also, the psychological impact on personnel can be emotionally devastating. The fact that there have been over 320 interdictions without loss of life, carried out day and night in all types of weather, is indeed a tribute to the Coast Guard.

From its inception in 1790 to the present, the Coast Guard has played a vital role in insuring our Nation's welfare and security. The Coast Guard remains committed in every way to upholding its motto: "Semper Paratus"—Always Ready. I would like to take this opportunity to recognize the professional men and women of the U.S. Coast Guard and to commend the Nation's primary multimission seagoing organization for over 200 years of dedicated service.

A TRIBUTE TO SCOTT SWENSON AND PATRICK ULRICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. ANDERSON. Mr. Speaker, I rise today in order to pay tribute to two outstanding young men from southern California for achieving Eagle Scout status in the Boy Scouts of America. Scott Swenson and Patrick Ulrich of Palos Verdes, CA, are to be congratulated for reaching a Boy Scouts' plateau held by only 3 percent of their peers. I have been a life-long admirer of the Boy Scout program and feel that high praise is due to Scott, Patrick, their parents and families as well as their Scout mentors for this accomplishment.

Scott Swenson is 16 years old and a junior at Palos Verdes Peninsula High School. His Eagle project involved extensive efforts on behalf of his church, Ascension Lutheran. Scott's work helped to eliminate a safety hazard at the church property. A member of the Order of the Arrow by vote of his fellow Scouts, this young man also has an eye on the future. He plans to be a physician specializing in sports medicine. He is a credit to his family and his troop.

Patrick Ulrich has been an active Scout since August 1987. His rise through the ranks of Scouting has involved him in a variety of community, nature, educational, and family activities. Patrick's Eagle project consisted of extensive community based work in repairing and upgrading the stable area and water supply for a local riding stable. Even now, confirmed as an Eagle Scout, Pat is busily at work trying to earn a Bronze Palm symbolizing five extra merit badges.

Mr. Speaker, much that is negative is said about the young people of this great Nation. I do not listen to such negativity because I have faith in the young people of our country. Scott Swenson and Patrick Ulrich embody much that is good in American youth. They give us all hope for the future. I commend them for all their achievements.

My wife Lee joins me in saluting Scott Swenson and Patrick Ulrich and their proud title of Eagle Scout.

OUR DRACONIAN TAX CODE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mrs. BENTLEY. Mr. Speaker, it has come to my attention that many Americans, especially senior citizens, are vulnerable to errors made by IRS employees assisting individuals in filing their tax return.

For example, in 1977, an elderly constituent of mine was assisted by the IRS in filing her tax return.

Despite her age and her retirement pension of less than $7,000, she apparently was not informed that she could qualify for an elderly tax credit. And until 1988, the IRS failed to send her the proper Schedule R form required to claim the elderly tax credit.

Although the inadequate instructions in Forms 1040 and 1040A were corrected in 1990, she could claim only $1,000 of the nearly $4,000 owed to her, because of the statute of limitations.

This is not an isolated occurrence, but rather endemic of our incomprehensive Tax Code. The 1986 Tax Simplification Act made it more difficult for Americans to file their returns.

We need meaningful tax reform. One should not have to be an accountant or a tax lawyer to file a tax return. If IRS employees cannot decipher our Tax Code, how can we expect our elderly citizens to do so?

TRIBUTE TO THE BALTIMORE COUNTY AUXILIARY POLICE UNIT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. CARDIN. Mr. Speaker, today I rise to pay a very special tribute to the Baltimore County Auxiliary Police Unit. This year the Auxiliary Police Unit is celebrating its 50th aniversary of service to the community. It is with admiration and gratitude that I pay them a special thanks for a job well done.

The Auxiliary Police Unit was started in 1942 by the Civil Defense Authority during World War II. Since then, the Auxiliary Police Unit has grown and developed, and today it now has a very important role in maintaining public safety and order in Baltimore County. The Baltimore County Police Department is well recognized as an extremely competent, professional police force. The Auxiliary Police Unit has played an important role in making that happen.

The example of commitment and service set by the Auxiliary Police Unit should be a source of pride and satisfaction to its members. Last year, the Baltimore County Auxiliary Police contributed over 40,000 hours of volunteer service making Baltimore County a safer, more pleasant place to live.

We in government service recognize the debt we owe all volunteer organizations. Their support and dedication make our job easier. The Auxiliary Unit has set a high standard of excellence and achievement for all auxiliary police units nationwide. Mr. Speaker, I hope that you and my colleagues will join me and the citizens of Baltimore County in paying tribute to this very special volunteer organization.

A TRIBUTE TO THE DARLINGTON AMERICAN LITTLE LEAGUERS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize a group of young men from Pawtucket for their success in the recent Little League Eastern Regional Tournament. Despite losing the first game, the Darlington Americans won the next contest against a physically intimidating team from Delaware 1–0, shutting out a Delaware squad that had scored 39 runs in its three previous games.

After defeating Delaware, the Darlington Americans faced a tough squad from Pennsylvania. The Rhode Islanders got on the scoreboard early with a single by leadoff batter, Mike DelPape. DelPage scored later on a wide pitch by Pennsylvania pitcher Ricky Suminski.

Pennsylvania came back in the top of the third. Chad Williams touched Darlington's Chris Ferland for a base hit up the middle. He would score two plays later on a throwing error after an infield out. The team for Pennsylvania would take the lead in the top of the fifth on a home run from Cory Sullivan. That lead would hold despite chances for the Rhode Island team in the third and fourth innings.

I recognize the efforts of the Darlington Americans Little League baseball team during their recent run during the Little League Eastern Regional Tournament. Despite losing the first game and falling into the loser's bracket, the term persevered and made it to the final four of the tournament. Congratulations to the Darlington Americans and I wish you all the best in all of your future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 17, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 18

9:30 a.m.

Governmental Affairs

To hold hearings on the nominations of Shirley Chilton-O'dell, of California, and Stephen Norris, of Virginia, each to be a Member of the Federal Retirement Thrift Investment Board.

SD–342

10:00 a.m.

Environment and Public Works

To hold hearings on S. 2132, to direct the Administrator of the Environmental Protection Agency to establish advisory boards and conduct research with respect to assessing and reducing environmental risks.

SD–406

Foreign Relations

To hold hearings on the United Nations Framework Convention on Climate Change (Treaty Doc. 102–38).

SD–419

Judiciary

To hold hearings on S. 2969, to protect the free exercise of religion.

SD–G50

Select on Indian Affairs

Business meeting, to mark up S. 2975, to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, H.R. 5686, to make specified land description changes with respect to the Reservation of the Confederated Tribes of the Grand Rhode Community of Oregon, S. 3157, to provide for a National Native American Veterans' Memorial, and proposed legislation on education trust funds for Phoenix Indian School.

SR–485

SEPTEMBER 21

9:30 a.m.

Select on POW/MIA Affairs

To hold hearings to review the Paris Peace Accord negotiations and aftermath.

SH–216

SEPTEMBER 22

9:00 a.m.

Finance

To resume hearings on issues relating to the North American Free Trade Agreement.

SD–215

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations by the American Legion.

334 Cannon Building

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review allegations of bias within the Social Security Disability Program.

SD–342

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings to examine issues relating to genetic patenting.

SD–226

Select on POW/MIA Affairs

To continue hearings to review the Paris Peace Accord negotiations and aftermath.

SH–216

10:00 a.m.

Select on Indian Affairs

To hold joint hearings with the House Interior Committee on S. 2977, to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands.

SR–485

11:00 a.m.

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 2256, to revise the Lanham Act to mandate that each public exhibition of a materially altered motion picture bear a label conspicuously disclosing the nature of the alteration, and any objections thereto raised by its artistic author.

SD–226

SEPTEMBER 23

9:00 a.m.

Finance

To continue hearings on issues relating to the North American Free Trade Agreement.

SD–215

SEPTEMBER 24

9:30 a.m.

Select on POW/MIA Affairs

To resume hearings to review the Paris Peace Accord negotiations and aftermath.

SH–216

SEPTEMBER 25

10:00 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 2977, to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands, H.R. 2144, to extend Federal recognition to certain California Indian groups, S. 3155, to establish the National Indian Policy Research Institute, and proposed legislation revising the Indian Self-Determination Act.

SR–485

SEPTEMBER 29

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the implementation of the Alternative Agriculture Research and Commercialization (AARC) Act of 1990 (P.L. 101–81), focusing on the current activities of the AARC Board and future activities with regard to establishment of regional AARC centers and the development of patent and licensing agreements.

SR–332

10:00 a.m.

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on international piracy of intellectual property.

SD–226